10 L k

A COLLECTION Of all the STATUTES Now in Uſe.

With *Notes* in the Margin, and *References* to the Book-Caſes, and Books of Entries and Regiſters, where they be Treated of.

TOGETHER,
With an ABRIDGMENT of the Reſidue which are Expired, Repealed, Altered, and Worn out of Uſe, or do concern Private Perſons, Places, or Things, and not the whole Common-Wealth.

BY
FERDINANDO PULTON of *Lincolnes Inne*, Eſquire.

WITH
A CONTINUATION of the *Statutes* made in the Reign of the late King CHARLES the Firſt of Bleſſed Memory: And of His MAJESTY that now is, CHARLES the Second, by the Grace of GOD, of *England*, &c. King, To the laſt Adjournment of Parliament, *April* the 11th, 1670.

AS ALSO,
A Neceſſary TABLE or KALENDAR to the whole Work, Expreſing in Titles the Principal Matter therein contained, for the Eaſe and Advantage of the READER.

By THOMAS MANBY, of *Lincolns-Inne*, Eſquire.

London, Printed by
The Aſſigns of *John Bill* and *Chriſtopher Barker*, Printers to the Kings moſt Excellent Majeſty, & *John Streater*, *James Fleſher*, and *Henry Twyford*, Aſsigns of *Richard Atkyns*, and *Edward Atkyns*, Eſquires, Anno Dom. M. DC. LXX.

Cum Gratia & Privilegio Regiæ Majeſtatis.

K England — Laws + Statutes — II. 1225-1670.

HONI SOIT Q MAL Y PENSE
DIEV ET MON DROIT

MVSEVM
BRITAN
NICVM

TO THE READER.

Foraſmuch as divers Learned Men have complained, That the *Statutes* at large of this Flouriſhing Realm of England under ſo gracious a King, were worn out of Print; That the laſt Impreſſions thereof had many defects and imperfections both in their Tranſlation and Print; That thoſe ſundry *Acts*, which are expired, repealed, altered, and worn out of uſe, and the General *Pardons*, *Subſidies*, and *Fifteenths*, with others concerning private *Perſons*, *Places* and *Things*, and not the whole Common-wealth, do make the Volume ſo profuſe, as many men (which otherwiſe deſire to know the Lawes in force and uſe) are diſcouraged to have the ſame, but rather do read and truſt unto *Abridgements*, *Collections*, and *Abſtracts* of *Statutes*, which wanting their *Preambles*, and ſome other parts, do oftentimes breed errors in the Readers, and perils in Legal and Judicial proceedings. And alſo, becauſe very many diſcreet men have oftentimes wiſhed and deſired, That the Statutes, which be now in life, force, and general uſe, might be ſelected and ſet forth in one Book by themſelves from the reſidue: to the end that they might with more facility confirm their knowledge, and be better inſtructed therein.

The cauſes of undertaking the work.

Therefore, being alwayes willing and ready to further ſuch good motions of importance to my power, as well for the common benefit of all men, as to ſatisfie the requeſt of ſome of my friends; partly by mine own Labour, and partly by the help and aſſiſtance of a Man, that in his life-time had moſt diligently employed himſelf in this method; I have undertaken to Compoſe this Work accordingly, adorned and bordered with many *References* to the Common-Law; and repreſenting a connection of both, by entendment, as the Reader may eaſily diſcern in peruſing the ſame.

Now inſtead of a *Preface* or *Argument* of the Book it ſelf, the Contents whereof toucheth our Life, Liberty, Lands and Goods, to be ſaved or loſt; the Scope and Intent of theſe ſeven Points following, are eſpecially to be obſerved.

Seven Properties remarkable.

Firſt, with as great means, care and induſtry, as poſſibly I could uſe, ſo many of the Old Statutes heretofore printed in the Engliſh Tongue, made and publiſhed in the Reigns of the firſt *Ten Kings*, (accounting from 9 of *H* 3. unto 1 of *R*. 3. *incluſive*) as be chiefly in uſe and practice, and which are the Foundation of Proceedings both Legal and Judicial; have been by me truly and ſincerely examined by the Original Records thereof remaining in the *Tower* of London; and the reſidue with the *Regiſter of Writs*, being the moſt ancient Book of the Law, the old and new *Natura Brevium*, the Books of *Entries*, the Books of *Years* and *Termes* of the Law, the beſt approved Printed and Written Books, and by all ſuch other Circumſtances, as might beſt give probability of truth unto the Learned.

By reaſon whereof, the aforeſaid defects, imperfections, and emblemiſhments being reformed in this Edition; as it is a *Collection*, of the moſt uſual Laws, gathered from out of the *Grand Codex* of all the Statutes; ſo it may ſerve as a Correction to the former Impreſſions.

Secondly, To the intent that the Reader may eaſily find the matter which he ſeeketh for; *Marginal Notes* to be ſet upon every material part of every of the ſaid Statutes.

Thirdly, At the end of every Act, or upon the Margent of every Statute or ſpecial Branch thereof; *Referments* be made upon every of the ſaid Statutes of ſuch other Statutes, as do explain or confirm, alter or change, repeal or revive, augment or diminiſh, or by any means relate unto the ſame.

To the READER.

Fourthly, To the end that it may readily be found, what *Writ* is to be uſed upon any Statute, *Quotations* are cited of ſuch *Statutes*, as do give any life or eſſence unto any Original or Judicial Writ, mentioned in the *Regiſter*, or in the Old or New *Natura Brevium*.

Fifthly, That a *Preſident* of any Caſe upon the Statutes might be had, as occaſion may ſerve, and that it may appear which of our Legal proceedings do receive their life from the Statutes, *Annotations* be impoſed upon thoſe Statutes, which are the ground and foundation of any Count, *Declaration*, *Barre*, *Replication*, or other Legal or Judicial proceedings, collected out of the Books of *Entries* of Sir *Edward Coke* Knight, late Chief *Juſtice* of the Pleas before his Majeſty to be holden, and of Juſtice *Raſtall*.

Sixthly, That Students may the ſooner apprehend the ſenſe and meaning of every Statute, as they have been from Age to Age Expounded and Reſolved by the Learned Judges and Reverend Sages of the Law; Book authorities are expreſſed of all ſuch Caſes as have been in queſtion, and adjudged in any of the Kings Courts of Record at Weſtminſter, upon any part or point of any Statute.

And ſeventhly, Leſt the Reader ſhould be ignorant of thoſe Eſtabliſhments, which do concern private *Perſons*, *Places* or *Things*, and not the whole Common-wealth; or unmindful of the Acts which have been in effect, and are now to be read *Chronically*, as matters done and paſſed, but not as Laws now to be obſerved: The effect and meaning of all ſuch private Statutes, together with thoſe Ordinances of this Realm which were in force, but ſince have been repealed, altered, expired, or worn out of uſe, are here epitomized and abridged; Noted and marked at their end with ſeveral *Characters*, thus, PR. REP. EXP. ALT. OB.

The Title.

For which Cauſes, this Book thus compacted, is ſtyled, A Collection of ſundry Statutes frequent in uſe, with Notes in the Margent, and References to the Book Caſes, and Books of Entries, and Regiſters, where they be treated of more at large, containing alſo an *Abridgement* of the reſidue of the Statutes of this Realm; whereunto be added other material Statutes, which before this time have not been printed in *Engliſh*, *viz. Ordinatio pro ſtatu Hiberniæ*, made at *Nottingham anno decimo ſeptimo Edwardi primi*, and *anno Domini*, 1288. *Ordinatio Forreſtæ*, made at *Weſtminſter*, *anno triceſſimo quarto Edwardi primi*, and *anno Domini*, 1306. *Statutum de Aſportatis Religioſorum*, made at *Weſtminſter anno triceſimo quinto Edwardi primi*, and *anno Domini*, 1307. *Statutum, ne Rectores proſternant Arbores in Cœmiterio*, made *anno triceſimo quinto Edwardi primi*. *Statutum de terris Templariorum*, made *anno decimo ſeptimo Edwardi primi*, and *anno Domini*, 1323. *An Act*, declaring *what Suits ſhall be diſcuſſed before the Conſtable and Marſhal of England*, made *anno octavo Richardi ſecundi*, *Cap.* 5. And a *Preamble* to an Act made *anno primo Richardi tertii*, *Cap.* 6. perpetuallizing the Statute made *decimo ſeptimo Edwardi quarti* concerning the Court of Piepowders.

Additions.

Kalender.

And where time and leiſure will not permit the full reading of any Statute, An exact *Kalender* or Table is annexed to this Work, declaring in *Alphabetical* Titles, the effect of the moſt material Branches of thoſe Acts in force, and relating to the *Collection* precedent, wherein they be at large ſet down and expreſſed.

Digeſt.

After which Kalender, enſueth a *Digeſt* of the ſeveral *Seſſions* of *Parliament* holden from the beginning of *Magna Charta*, until this preſent time, according to the order of thoſe Statutes which are printed in Engliſh, and mentioned in this Book. And alſo a *Catalogue* of certain Ordinances, which, amongſt other old Statutes in *Magna Charta*, are extant in the *Latine* and *French* Language, but not as yet Tranſlated and Printed in Engliſh, as in their fit places more fully may appear.

Summarily, to ſpeak ſomewhat concerning the Statutes themſelves; You may underſtand, that the Kings *Records*, our Printed *Books* and *Manuſcripts*, do make mention of two hundred fifty and four *Seſſions* of *Parliament*, holden ſithence King *William* the *Conquerour*, beginning with the Statutes of *Magna Charta*, made *Anno nono* of King *Henry* the third, and ending *anno ſeptimo Regis Jacobi*; Of which, from *anno primo Henrici ſeptimi*, until *anno ſeptimo Jacobi*, there have been 56. Seſſions of Parliament; the Statutes wherein made, were all publiſhed in the Engliſh Tongue. And beginning again with *anno nono Henrici tertii*, and ending with *Anno primo Richardi tertii*, all the other Seſſions of Parliament were publiſhed in the *Latine* or *French* Tongues: whereof the Records, our printed Books and Manuſcripts, do make mention.

Note, That ſince Mr. *Pulton* firſt publiſhed this Work, there have been four other Seſſions of Parliament, *viz.* 18 & 21 *Jacobi*, & 1 & 3 *Caroli*, as appears hereafter in the Catalogue of the publiſhed Statutes.

To conclude, Conſidering that our Laws do far ſurpaſſe the *Conſtitutions*, not onely of the Roman Emperours, but alſo of all other Nations, and that the knowledge of the Laws, Cuſtoms, and Statutes of this Realm, is a mean to direct every Subject, the better how to govern himſelf without offending of the Law, and the better to keep, ſave, and defend his heritage and poſſeſſions in tranquility; and teacheth all people how to eſchue the many perillous miſchiefs and detriments which may happen by occaſion of the Breaches, Penalties, and Forfeitures incurred for not obſerving the Law: and further, becauſe every perſon ought to take notice of the Statutes of this Realm; I do exhort every one to read and meditate this work. Which as it hath been painfully laboured by me, ſo I wiſh it may be diligently ſtudied by you, to the high pleaſure of Almighty God, the profit and quiet of the Common-wealth, and the increaſe of the glory of our moſt dread Soveraign Lord the King, whom God preſerve long to Reign proſperouſly over us.

Exhortation.

To the READER.

Thus, briefly, have you the Summe of this Work, my Labours, and Good-will, deſiring that it may be favourably accepted by you, and my ſelf eſteemed *Amicus Curiæ & Republicæ.* Now, if peradventure amongſt ſuch a multitude of *Notes* and *Caſes* of moment, you find in ſome points a miſtaking or error, then I beſeech you of courteſie lovingly to pardon and amend the ſame, and to conſider, that he was a man that did, *Cujus proprium eſt errare:* but ever did endeavour to avoid the imputation of *Belluino more in Errore preſeverare.* Peroration

VALE.

Ex Ædibus Lincolnienſ.

M. DC. XVIII.

The CONTENTS.

READER,

THis Edition containeth the Addition of all the Statutes ſince the beginning of King *Charles* the Firſt, of bleſſed Memory; The principal matters of the ſaid Statutes are inſerted in the Table in their proper places, except the Acts paſt the 11th. of *April*, 1670. the which could not be rank'd with the reſt, in regard the Volume was almoſt finiſhed before the paſſing of the ſaid Acts; But foraſmuch as the Margent of the ſaid laſt Edition is ſo fully noted for the Eaſe of the Reader: Here is only a Table of the Contents of the ſaid Acts preſented, as followeth,

1 Seditious Conventicles prevented and ſuppreſſed, *fol.* 1501.
2 An Act for Repairing the Haven and Peers of *Great Yarmouth*, *f.* 1503.
3 An Impoſition upon all Wines and Vinegar imported between the 24th. of *June*, 1670. and the 24th. of *June*, 1678. granted to his Majeſty, *f.* 1505.
4 An Act for the ſetling the Impoſition of Brandy, *f.* 1508.
5 The benefit of Clergy taken away from ſuch as ſteal Cloth from the Rack, and from ſuch as ſhall ſteal or imbezil his Majeſties Ammunition and Stores, *f.* 1509.
6 An Act for advancing the Sale of Fee-farm Rents, and other Rents, *ibid.*
7 An Act to enable the Kings Majeſty to make Leaſes, Grants and Copies of Offices, Lands, Tenements, and Hereditaments, parcel of his Highneſſe Dutchy of *Cornwall*, or annexed to the ſame, *f.* 1512.
8 The Meaſures of Corn and Salt aſcertained, *f.* 1513.
9 An Act authoriſing certain Commiſſioners of the Realm of *England* to Treat with Commiſſioners of *Scotland*, for the Weal of both Kingdoms, *f.* 1515.
10 Part of the Eſtate of Sir *John Prittiman* to be ſold for ſatisfaction of a Debt by him due to the Kings Majeſty, *ibid.*
11 An Additional Act for the Rebuilding of the City of *London*, uniting of Pariſhes, and rebuilding of the Cathedral and Parochial Churches within the ſaid City, *f.* 1517.
12 An Additional Act for the better Repairing of High-wayes and Bridges, *f.* 1533.
13 An Act for Improvement of Tillage, and the Breed of Cattel, *f.* 1536.

The

The Great Charter

Made in the ninth year of King HENRY the Third, and confirmed by King EDWARD the Firſt, in the eight and twentieth year of his Reign.

EDWARD by the grace of God, King of England, Lord of Ireland, and Duke of Guyan; To all Archbiſhops, Biſhops, &c. We have ſeen the Great Charter of the Lord HENRY, *ſometimes King of England our Father, of the Liberties of England, in theſe words.*

HENRY by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Guyan, and Earl of Anjou; To all Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Sheriffs, Provoſts, Officers, and to all Bailiffs, and other our faithful Subjects, which ſhall ſee this preſent Charter, greeting. Know ye that We, unto the honour of Almighty God, and for the ſalvation of the Souls of our Progenitors and Succeſſors Kings of England, to the advancement of holy Church, and amendment of our Realm, of our meer and free Will have given and granted to all Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and to all Free-men of this our Realm, theſe Liberties following, to be kept in our Kingdom of England for ever.

CAP. I.

A Confirmation of Liberties.

Co. Inſt. 81. 2. part. Co. Inſt. 2. Par. 1.

Firſt, We have granted to God, and by this our preſent Charter have confirmed for Us and our heirs for ever, That the Church of England ſhall be free, and ſhall have all her whole rights and liberties inviolable. We have granted alſo, and given to all the Freemen of our Realm, for Us and our heirs for ever, theſe Liberties under-written, to have and to hold to them and their heirs, of Us and our heirs for ever.

A confirmation of liberties.

CAP. II.

The relief of the Kings tenant of full age.

Rel. fo. 171. 21. H. 4. fo. 72. Coke li. 7. fo. 32. lib. 9. fo. 124. 40 Edw. 3. f. 9. Co. Inſt. 76. a. par. 1. 83. b. 106. a. 83. b. 106. a. Co. Inſt. 2 par. 5.

If any of our Earls, or Barons, or any other, which hold of Us in chief by Knights ſervice, dye, and at the time of his death his heir be of full age, and oweth to Us relief, he ſhall have his inheritance by the old relief, that is to ſay, the heir or heirs of an Earl for a whole Earldom, by one hundred pound: the heir or heirs of a Baron, for an whole Barony, by one hundred marks: the heir or heirs of a Knight, for one whole Knights fee, one hundred ſhillings at the moſt. And he that hath leſs ſhall give leſs, according to the old cuſtom of the fees. V.N.B. fo.94.a.

Reliefs.

Fitz N. B. f. 254. b. 263. h.

Alt. ſt. 12. Car. 2. cap. 24.

CAP. III.

The Wardſhip of an heir within age. The heir a Knight.

Fitz. Gard. 236. 142. 156. 35 Ed. 4. fo. 10. Plow. fo. 267. Cok. li. 6. fo. 73. li. 8. fo. 173. Co. Inſt. 2 par. 10.

But if the heir of any ſuch be within age, his Lord ſhall not have the Ward of him, nor of his land, before that he hath taken of him homage. And after that ſuch an heir hath been in Ward, (when he is come to full age) that is to ſay, to the age of four and twenty years, he ſhall have his inheritance without relief, and without fine: ſo that if ſuch an heir being within age be made Knight, yet nevertheleſs his land ſhall remain in the keeping of his Lord unto the term aforeſaid. Fitz.N.B.fo.269. Alt. 12 Car.2.cap.24.

The heir in Ward,

An heir made within age a Knight.

CAP. IV.

No Waſte ſhall be made by a Guardian in Wards lands.

Fitz. Waſt. 15. 24. 138. Co. Inſt. 54. a. Dyer fo. 25. Fitz. Waſt. 146. 12 H. 4. fo. 4. Co. Inſt. 2 par. 12.

The keeper of the land of ſuch an heir being within age, ſhall not take of the lands of the heir, but reaſonable iſſues, reaſonable cuſtoms, and reaſonable ſervices, and that without deſtruction and waſte of his men, and his goods. And if we commit the cuſtody of any ſuch land to the Sheriff, or to any other, which is anſwerable unto us for the iſſues of the ſame land, and he make deſtruction or waſte of thoſe things that he hath in cuſtody, We will take of him amends and recompence therefore, and the land ſhall be committed to two lawful and diſcreet men of that fee, which ſhall anſwer unto us for the iſſues of the ſame land, or unto him whom we will aſſign. And if we give or ſel to any man the cuſtody of any ſuch land, and he therein do make deſtruction or waſte, he ſhall loſe the ſame cuſtody. And it ſhall be aſſigned by two lawful and diſcreet men of that fee, which alſo in like manner ſhall be anſwerable to us, as afore is ſaid. Stat.6.Ed.1.3. St.28.Ed.1.18. St.14.Ed.3.13. St.36.Ed.3.13.

A Guardian ſhall make no waſte in the Wards lands.

Raſt. pla. 693.

Forfeiture of Wardſhip.

CAP. V.

Guardians ſhall maintain the inheritance of their Wards: And of Biſhopricks, &c.

No waſte ſhall be committed in Wards lands.

Cuſtody of Biſhopricks.

The Keeper ſo long as he hath the cuſtody of the land of ſuch an heir, ſhall keep up the Houſes, Parks, Warrens, Ponds, Mills, and other things pertaining to the ſame land, with the iſſues of the ſaid land: and he ſhall deliver to the heir when he cometh to his full age, all his land ſtored with Ploughs and all other things, at the leaſt as he received it. All theſe things ſhall be obſerved in the cuſtodies of Archbiſhopricks, Biſhopricks, Abbeys, Priories, Churches, and Dignities vacant, which appertain to Us: Except this, that ſuch cuſtody ſhall not be ſold. Stat. 3. Ed. 1. 21. St. 6. Ed. 3. 13. V. N. B. 37.

10 H. 7. f. 30. Co. Inſt. 2. par. 14.

CAP. VI.

Heirs ſhall be married without diſparagement.

Diſparagement.

Heirs ſhall be married without diſparagement. Stat. 20. H. 3. 6.

Co. Inſt. 1. par. 80. Co. Inſt. 2. par. 13.

CAP. VII.

A widow ſhall have her marriage, inheritance, and quarentine. The Kings widow, &c.

Widows.

A Widow after the death of her huſband, incontinent and without any difficulty, ſhall have her marriage and her inheritance, and ſhall give nothing for her dower, her marriage, or her inheritance, which her huſband and ſhe held the day of the death of her huſband. And ſhe ſhall tarry in the chief houſe of her huſband by forty days after the death of her huſband, within which days her dower ſhall be aſſigned her (if it were not aſſigned her before) or that the houſe be a caſtel. And if ſhe depart from the caſtel, then a competent houſe ſhall be forthwith provided for her, in the which ſhe may honeſtly dwell, until her dower be to her aſſigned, as it is aforeſaid. And ſhe ſhall have in the mean time her reaſonable eſtovers of the common. And for her dower ſhall be aſſigned unto her the third part of all the lands of her huſband which were his during coverture, except ſhe were endowed of leſs at the Church-door. No widow ſhall be diſtrained to marry her ſelf: nevertheleſs ſhe ſhall find ſurety, that ſhe ſhall not marry without our licence and aſſent (if ſhe hold of Us) nor without the aſſent of the Lord, if ſhe hold of another. Stat. 20. H. 3. 1.

Regiſt. fol. 176. Fit. N. B. 161. E.

A Widmans Dower. V. N. B. fo. 7. Stat. 27. Ed. 2. 4.

A widow the Kings tenant.

Dyer fo. 76. Bro. Dower. 10. 1.

Co. Inſt. 32. b. 2 par. 16.

19 H. 6. f. 14. Fitz. Dower. 194. 196.

CAP. VIII.

How Sureties ſhall be charged to the King.

Sureties to the King for others debts.

We or our Bailiffs, ſhall not ſeiſe any land or rent for any debt, as long as the preſent goods and chattels of the debtor do ſuffice to pay the debt, and the debtor himſelf be ready to ſatisfie therefore. Neither ſhall the pledges of the debtor be diſtrained, as long as the principal debtor is ſufficient for the payment of the debt. And if the principal debtor fail in payment of the debt, having nothing wherewith to pay, or will not pay where he is able, the pledges ſhall anſwer for the debt. And if they will, they ſhall have the lands and rents of the debtor, until they be ſatisfied of that which they before payed for him, except that the debtor can ſhew himſelf to be acquitted againſt the ſaid ſureties.

Regiſt. fo. 158. Fitz. N. B. fo. 137. C.

21 Ed. 4. f. 18. Plow. f. 440. 50 Aſſ. pl. 5. Co. Inſt. 2. 18.

CAP. IX.

The Liberties of LONDON, and other Cities and Towns, confirmed.

Liberties of Cities. Cro. Car. 251.

The City of London ſhall have all the old Liberties and Cuſtoms, which it hath been uſed to have. Moreover we will and grant, that all other Cities, Boroughs, Towns, and the Barons of the five Ports, and all other Ports, ſhall have all their Liberties and free Cuſtoms.

45 Ed. 3. f. 26. 5 H. 7. f. 10. 19. 11 H. 7. f. 22. 28 Aſſ. pl. 24. Dyer f. 373. Coke l. 5. f. 63. l. 8. f. 125. Co. Inſt. 2. par. 20. Cok. li. 8. f. 65. li. 9. f. 33. Coke l. 10. fo. 108.

CAP. X.

None ſhall diſtrain for more ſervice then is due.

Knights fee.

No man ſhall be diſtrained to do more ſervice for a Knights fee nor for any free-hold, than therefore is due. Regiſt. f. 4. V. N. B. f. 15. Fitz. N. B. f. 10. D. Co. Inſt. 2 par. 21.

Fitz. Avowrie 96. 157. 200. Plow. fo 243. 14 H. 7. f. 24. Fitz. Brief. 661. 881, 882.

CAP. XI.

Common Pleas ſhall not follow the Kings Court.

Common-pleas.

Common Pleas ſhall not follow our Court, but ſhall be holden in ſome place certain. Regiſt. fo. 187. V. N. B. fo. 137. St. 28. Ed. 1. 4. Co. Inſt. 4. par. 99.

Fitz. Prerog. 28. Bro. Commiſſ. 75. Co. Inſt. 71. 2. Plow. f. 244. Co. Inſt. 2 par. 21. Co. li. 12. f. 59.

CAP. XII.

Where and before whom Aſſiſes ſhall be taken. Adjournment for difficulty.

Aſſiſes of novel diſſeiſin, and Mortdanceſtor.

Aſſiſes of novel diſſeiſin, aud of Mortdanceſtor ſhall not be taken but in the Shires, and after this manner: If we be out of this Realm, our chief Juſticers ſhall ſend our Juſticers through every County once in the year, which with the Knights of the Shires, ſhall take the ſaid Aſſiſes in thoſe Counties: and thoſe things that at the coming of our foreſaid Juſticers being ſent to take thoſe Aſſiſes in the Counties, cannot be determined, ſhall be ended by them in ſome other place in their Circuit. And thoſe things which for difficulty of ſome Articles cannot be determined by them, ſhal be referred to our Juſticers of the Bench, and there ſhall be ended. Regiſt. fo. 197. Stat. 13. Ed. 1. 30.

Coke l. 8 f. 57. Fitz. Aſſiſe 21. Fitz. Mortdanc. 2. 21. 53. 24 Ed. 3. f. 23.

8 Aſſiſe pl. 15. 2 H. 4. f. 9. 20. 14 Aſſ. pl. 16. Co. Inſt. 2 dar. 24.

CAP: XIII:

Aſſiſes of Darreine Preſentment:

Adjournment for difficulty.

Aſſiſes of Darreine Preſentment ſhall be alway taken before our Juſticers of the Bench, and there ſhall be determined. Regiſt: fo: 30: Stat: 13: Ed: 1: 30:

Co. Inſt. 2. par. 30.

CAP.

CAP. XIV.

How men of all ſorts ſhall be amerced, and by whom.

Fitz.Aċ.ſur. caſt.34. Br. Amercement 2.25. 33.37.53.65. 10 H.6.fo.7. 7 H.6.fo.13. 19 Ed.4.fo.9. 21 Ed.fo.77. 28 Aſſ.pl.26. Coke 18.f.38. 39. Co.Inſt.2. Par.27.

A Free-man ſhall not be amerced for a ſmall fault, but after the manner of the fault. And for a great fault after the greatneſs thereof, ſaving to him his contenement. And a Merchant likewiſe ſaving to him his merchandiſe. And any others villain then ours ſhall be likewiſe amerced ſaving his wainage, if he fall into our mercy. And none of the ſaid amerciaments ſhall be aſſeſſed, but by the oath of honeſt and lawful men of the vicinage. Earls and Barons ſhall not be amerced but by their Peers, and after the manner of their offence. No man of the Church ſhall be amerced after the quantity of his Spiritual Benefice, but after his Lay-tenement, and after the quantity of his offence.

Amerciament. Stat.3.Ed.1.6. Regiſt.fo.86. 184.187. V.N.B.fo.47. Fitz.N.B.f.75.a.

CAP. XV.

Making of Bridges and Banks.

Co.Inſt.2. par.29.

NO Town nor Free-man ſhall be diſtrained to make Bridges nor Banks, but ſuch as of old time, and of right have been accuſtomed to make them in the time of King Henry our Grandfather.

Bridges, Banks.

CAP. XVI.

Defending of Banks.

Co.Inſt.2. par.30.

NO Banks ſhall be defended from henceforth, but ſuch as were in defence in the time of King Henry our Grandfather, by the ſame places and the ſame bounds, as they were wont to be in his time.

Banks.

CAP. XVII.

Holding Pleas of the Crown.

Co.Inſt.2. par.30.

NO Sheriff, Conſtable, Eſcheator, Coroner, nor any other our Bailiffs ſhall hold Pleas of our Crown.

Pleas of the Crown.

CAP. XVIII.

The Kings debtor dying, the King ſhall be firſt paid.

Fitz detinue 52.56.58.60. Bro. Ration. 2.5.6. Co.Inſt.2 par. 31.

IF any that holdeth of Us lay-fee, do dye, and our Sheriff or Bailiff do ſhew our Letters Patents of our ſummons for debt, which the dead man did owe to Us: It ſhall be lawful to our Sheriff or Bailiff to attach and inroll all the goods and chattels of the dead, being found in the ſaid fee, to the value of the ſame debt, by the ſight and teſtimony of lawful men. So that nothing thereof ſhall be taken away, until We be cleerly paid off the debt. And the reſidue ſhall remain to the Executors to perform the teſtament of the dead. And if nothing be owing unto Us, all the chattels ſhall go to the uſe of the dead (ſaving to his wife and children their reaſonable parts.) St.33.H.8.39.

Recovery of the Kings debt after the debtors death. Regiſt.fo.142. Fitz.N.B.f.122. Raſt.pl.f.541. Coke pl.f.564.

CAP. XIX.

Purveyance for a Caſtel.

Co.Inſt.2.par. 32.

NO Conſtable nor his Bailiff ſhall take Corn or other Chattels of any man, if the man be not of the Town where the Caſtel is, but he ſhall forthwith pay for the ſame, unleſs that the will of the ſeller was to reſpit the payment. And if he be of the ſame Town, the price ſhall be paid unto him within forty days. Stat.3. Ed.1.7.

Purveyance for a Caſtel.

CAP. XX.

Doing of Caſtel-ward.

NO Conſtable ſhall diſtrain any Knight for to give money for keeping of his Caſtel, if he himſelf will do it in his proper perſon, or cauſe it to be done by another ſufficient man, if he may not do it himſelf for a reaſonable cauſe. And if we do lead or ſend him in an Army, he ſhall be free from Caſtel-ward for the time that he ſhall be with us in fee in our hoſt, for the which he hath done ſervice in our wars. Co.Inſt.70.a. Co.Inſt.2.par.34. St.12.Car.2.c.24.

Caſtel-ward.

CAP. XXI.

Taking of Horſes, Carts, and Wood.

Co.Inſt.2.par. 34.

NO Sheriff nor Bailiff of ours, or any other, ſhall take the Horſes or Carts of any man to make carriage, except he pay the old price limited, that is to ſay, for carriage with two horſe 10.d. a day: for three horſe xiiii.d. a day. No demeſne Cart of any ſpiritual perſon or Knight, or any Lord ſhall be taken by our Bailiffs: nor we nor our Bailiffs, nor any other, ſhall take any mans wood for our Caſtles or other our neceſſaries to be done, but by the licenſe of him whoſe the wood is. Stat.14.Ed.3.19. St.25.Ed.3.6.

Takers of Horſe and Carts.

Demeſne Carts. Taking of Wood.

CAP. XXII.

How long Felons lands ſhould be holden by the King.

St.17.E.2.16. Co.Inſt.2.par. 36.

WE will not hold the lands of them that be convict of Felony but one year and one day, and then thoſe lands ſhall be delivered to the Lords of the Fee. V.N.B.fo.99.

Lands of Felons.

CAP. XXIII.

In what place Wears ſhall be put down.

Co.li.10 f.138. Raſt.f.35.

ALl Wears from henceforth ſhall be utterly put down by Thames and Medway, and through all England, but onely by the Sea-coaſts. Stat.12.E.4.7. Co.Inſt.2.par.38.

Wears.

CAP. XXIV.

In what caſe a Præcipe in capite is not grantable.

38 Ed.3 f.13.B 6 Ed 3.f.15.

THe Writ that is called Præcipe in capite, ſhall be from henceforth granted to no perſon of any Freehold, whereby any Freeman may loſe his Court. V.N.B.fol.12. Fitz.N.B. fol.5.fo.39.h. Co.Inſt.2.par.39.

Precipe in capite.

CAP. XXV.

There ſhall be but one Meaſure through the Realm.

Meaſure.

One meaſure of Wine ſhall be through our Realm, and one meaſure of Ale, and one meaſure of Corn, that is to ſay, the Quarter of London; and one breadth of died Cloth, Ruſſets, and Haberjects, that is to ſay, two yards within the liſts. And it ſhall be of weights as it is of meaſures. Stat.14.Ed.3.12. St.27.Ed.3.10. St.8.H.6.5. 11 H.7.4.1. St.17.Car.1.cap.19.

Co.Inſt.2.par. 40.

CAP. XXVI.

Inquiſition of Life and member.

Inquiſition.

Nothing from henceforth ſhall be given for a Writ of Inquiſition, nor taken of him that prayeth Inquiſition of Life or of member, but it ſhall be granted freely, and not denied. Stat.3.Ed.1.11.St.13.Ed.1.29.Regiſt.fo.133,134.

Co.Inſt.2.par. 42.

CAP. XXVII.

Tenure of the King in Socage, and of another by Knights ſervice. Petit Serjeanty.

Socage. Burgage.

If any do hold of Us by Fee-ferm or by Socage, or Burgage, and he holdeth lands of another by Knights ſervice, We will not have the cuſtody of his heir nor of his land, which is holden of the fee of another, by reaſon of that Fee-ferm, Socage, or Burgage. Neither will We have the cuſtody of ſuch Fee-ferm, or Socage, or Burgage, except Knights ſervice be due unto Us out of the ſame Fee-ferm. We will not have the cuſtody of the heir, or of any land, by occaſion of any petit Serjeanty that any man holdeth of Us by ſervice to pay a Knife, an Arrow, or the like.

Petit Serjeanty.

Bro.Tenures 69.Fitz.Gard. 143.Co.Inſt.2. par.42.

CAP. XXVIII.

Wager of Law ſhall not be without Witneſs.

Wager of law.

No Bayliff from henceforth ſhall put any man to his open Law, nor to an oath, upon his own bare ſaying, without faithful witneſſes brought in for the ſame. Co.Inſt.2.par.44.

Fitz.Ley.78. Bro.Ley.87. Co.Inſt.208.2.

CAP. XXIX.

None ſhall be condemned without Trial. Juſtice ſhall not be ſold or deferred.

None ſhall be condemned without tryal. Regiſt.fo.186. Coke pla.fo. 456.

No Freeman ſhall be taken or impriſoned, or be diſſeiſed of his freehold, or liberties, or free cuſtoms, or be outlawed, or exiled, or any otherwiſe deſtroyed, nor we will not paſs upon him, nor condemn him, but by lawful judgment of his Peers, or by the law of the land. We will ſell to no man, We will not deny or defer to any man either Juſtice or Right. Stat.2.Ed.3.8. St.5.Ed.3.9. St.14.Ed.3.14.28.Ed.3.3. St.11.R.2.10. 17.Car.1.cap.10.

10 Ed.4.fo.6. Dyer fo.104. Coke li.5.fo.64. lib.10.fo.74. lib.11.fo.99. Co.Inſt.2. par.45.3.par. 136.

CAP. XXX.

Merchants Strangers coming into this Realm ſhall be well uſed.

Merchants ſtrangers ſhall be well uſed.

All Merchants (if they were not openly prohibited before) ſhall have their ſafe and ſure conduct to depart out of England, to come into England, to tarry in and go through England, as well by land as by water, to buy and ſell without any manner of evil tolls by the old and rightful cuſtoms, except in time of war. And if they be of a land making war againſt Us, and be found in our Realm at the beginning of the wars, they ſhall be attached without harm of body or goods, until it be known unto Us, or our chief Juſtice, how our Merchants be intreated there in the land making war againſt Us. And if our Merchants be well intreated there, theirs ſhall be likewiſe with Us. Stat.9.Ed.3.1. 14 Ed.3.2.2. Seſſ.25. Ed.3.2. 2 R.2.1. 11 R.2.7.

Co.Inſt.2.par. 57.3.par.50.

CAP. XXXI.

Tenure of a Barony coming into the Kings hands by Eſchete.

Tenure of a Barony coming to the Kings hands by Eſchete.

If any man hold of any Eſchete, as of the Honor of Walinford, Notingham, Bolein, or of any other Eſchetes which be in our hands, and are Baronies, and dye, his heir ſhall give none other relief, nor do none other ſervice to Us, then he ſhould to the Baron, if it were in the Barons hand. And We in the ſame wiſe ſhall hold it as the Baron held it, neither ſhall We have by occaſion of any Barony or Eſchete, any Eſchete or keeping of any of our men, unleſs he that held the Barony, or Eſchete, otherwiſe held of Us in chief. Regiſt.fo.184. Stat.1.Ed.3.13. Stat.1.Ed.6.4.Co.Inſt.2.par.

Bro.Livery 58.

Bro.Tenures 57.61.65.94. 99. 5 Ed.4.fo. 127. 26 H.8. fo.9. 28 H.8. fo.11. Co.Inſt. 2.par.64.

CAP. XXXII.

Lands ſhall not be aliened to the prejudice of the Lords Service.

Service.

No Freeman from henceforth ſhall give or ſell any more of his land, but ſo that of the reſidue of the lands the Lord of the fee may have the ſervices due to him which belongeth to the fee. St.11.Ed.1. Quia emptores terrarum.

Co.Inſt.43. 2.par.65.

CAP. XXXIII.

Patrons of Abbies ſhall have the cuſtody of them in the time of vacation.

Patrons of Abbyes. Fitz. N.B.fo. 104.d. Stat.25 Ed.3.1.

All Patrons of Abbies which have the Kings Charters of England of Advowſon, or have old tenure or poſſeſſion in the ſame, ſhall have the cuſtody of them when they fall void, as it hath been accuſtomed, and as it is afore declared. Co.Inſt.2.par.68.

Plow.fo.85. Bro.Parli. 72.Bro. Appell.5.17. 60.68.104. 112.131. 20 Ed.4.fo.7.

CAP. XXXIV.

In what onely caſe a Woman ſhall have an appeal of death.

Appeal.

No man ſhall be taken or impriſoned upon the appeal of a woman, for the death of any other than of her Husband. Raſt.pla.fo.43. Co.Inſt.2.par.68.

CAP.

CAP. XXXV.

At what time ſhall be kept a County Court, Sheriffs turn, and a Leet.

…er fo. 151. H. 7. fo. 2. H. 7. fo.14. …tz. Leet. 11. H. 7. fo. 4. …o.Inſt.2.par. … par. 53.69. …o. El. … 125.

At what time a County Court, Sheriffs turn and Leet ſhall be holden.

NO Country from henceforth ſhall be holden, but from month to month; and where greater time hath been uſed, there ſhall be greater: nor any Sheriff or his Bayliff ſhall keep his Turn in the hundred, but twice in the year. And no where but in due place and accuſtomed; that is to ſay, once after Eaſter, and again after the feaſt of S. Michael. And the view of Frankpledge ſhall be likewiſe at the feaſt of S. Michael without occaſion. So that every man may have his liberties, which he had or uſed to have in the time of King Henry our Grandfather, or which he hath purchaſed ſince. The view of Frankpledge ſhall be ſo done that our peace may be kept. And that the tything be wholly kept as it hath been accuſtomed. And that the Sheriff ſeek no occaſions, and that he be content with ſo much as the Sheriff was wont to have for his view making in the time of King Henry our Grandfather. Regiſt. fo. 175. 187. Fitz. N.B. fo. 161. St. 31 Ed. 3. 15.

CAP. XXXVI.

No Land ſhall be given in Mortmain.

…tz. Mortm. 3. Bro. …ortm. 35. … Inſt.2.b. par. 74. …tz. Aſſiſe.

Land ſhall not be given in Mortmain. Stat. 7 Ed. 1. Stat. 15 R 2.5. Stat. 13 Ed.1.32. F.N.B. fo. 160.

IT ſhall not be lawful from henceforth to any to give his lands to any religious houſe, and to take the ſame land again to hold of the ſame houſe. Nor ſhall it be lawful to any houſe of religion to take the Lands of any, and to leaſe the ſame to him of whom he received it: if any from henceforth give his lands to any religious houſe, and thereupon be convict, the gift ſhall be utterly void, and the land ſhall accrue to the Lord of the fee.

CAP. XXXVII.

A Subſidy in reſpect of this Charter, and the Charter of the Foreſt, granted to the King.

…o. Inſt. 2. …ar. 76.

Eſcuage. All perſons liberties reſerved.

ESCuage from henceforth ſhall be taken, like as it was wont to be in the time of King Henry our Grandfather. Reſerving to all Archbiſhops, Biſhops, Abbots, Priors, Templers, Hoſpitallers, Earls, Barons, and all perſons as well ſpiritual as temporal, all their free liberties and free cuſtoms, which they have had in time paſſed. And all theſe cuſtoms and liberties aforeſaid, which we have granted to be holden within this our Realm, as much as appertaineth to Us and our heirs, we ſhall obſerve. And all men of this our Realm, as well ſpiritual as temporal (as much as in them is) ſhall obſerve the ſame againſt all perſons in like wiſe. And for this our gift and grant of theſe Liberties, and of other contained in our Charter of Liberties of our Foreſt, the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Knights, Freeholders, and other our ſubjects, have given unto Us the fifteenth part of all their moveables. And we have granted unto them on the other part, that neither We nor our heirs ſhall procure or do any thing, whereby the liberties in this Charter contained, ſhall be infringed or broken. And if any thing be procured by any perſon, contrary to the premiſſes, it ſhall be had of no force, nor effect. Theſe being witneſſes: Lord B. Archbiſhop of Canterbury, E. Biſhop of London, I. Biſhop of Bathe, P. of Wincheſter, H. of Lincoln, R. of Saliſbury, W. of Rocheſter, W. of Worceſter, I. of Ely, H. of Hereford, R. of Chicheſter, W. of Exeter, Biſhops: the Abbot of S. Edmonds, the Abbot of S. Albons, the Abbot of Bello, the Abbot of S. Auguſtins in Canterbury, the Abbot of Eveſham, the Abbot of Weſtminſter, the Abbot of Bourgh S. Peter, the Abbot of Reding, the Abbot of Abindon, the Abbot of Malmesbury, the Abbot of Winchcomb, the Abbot of Hyde, the Abbot of Certeſey, the Abbot of Sherburn, the Abbot of Cerue, the Abbot of Abbotebir, the Abbot of Middleton, the Abbot of Seleby, the Abbot of Cirenceſtre, H. de Burgh Juſtice, H. Earl of Cheſter and Lincoln, W. Earl of Saliſbury, W. Earl Warren, G. de Clare Earl of Glouceſter and Hereford, W. de Ferrars Earl of Derby, W. de Mandeville Earl of Eſſex, H. de Bygot Earl of Norfolk, W. Earl of Albemarle, H. Earl of Hereford, I. Conſtable of Cheſter, R. de Ros, R. Fitzwalter, R. de Vyponte, W. de Bruer, R. de Muntefichet, P. Fitzherbert, W. de Aubenie, I. Greſly, F. de Breus, I. de Movenne, I. Fitzallen, H. de Mortimer, W. de Beauchamp, W. de St. John, P. de Mauly, Brian de Liſle, Thomas de Multon, R. de Argenteyn, G. de Nevill, W. Manduit, I. de Balun, and others.

A confirmation of the foreſaid Liberties made by King Edw. 1.

We ratifying and approving theſe gifts and grants aforeſaid, Confirm and make ſtrong all the ſame for Us, and our Heirs perpetually; And by the tenor of theſe preſents do renew the ſame, willing and granting for Us and our Heirs, that this Charter, and all and ſingular his Articles for ever ſhall be ſtedfaſtly, firmly and inviolably obſerved. And if any Article in the ſame Charter contained, yet hitherto peradventure hath not been kept, We will and by Authority Royal command from henceforth firmly they be obſerved. In witneſs whereof We have cauſed theſe our Letters Patents to be made. T. Edward our Son at Weſtminſter, the twenty eighth day of March, in the twenty eighth year of our Reign.

Charta Foreſtæ made at *Weſtminſter*, 10. *Febr. Anno* 9. *H.* 3. and *Anno Dom.* 1224. and confirmed *An.*28. *Edw.*1. and *An. Dom.* 1299.

EDWARD by the Grace of God, King of England, Lord of Ireland, and Duke of Guyan, To all to whom theſe preſents ſhall come, ſendeth greeting. We have ſeen the Charter of the Lord HENRY our Father, ſometime King of England, concerning the Foreſt, in theſe words:

HENRY by the Grace of God King of England, Lord of Ireland, Duke of Normandy and of Guyan &c. as in the beginning of the great Charter.

CAP. I.

Certain Grounds ſhall be diſafforeſted.

Which Woods are to be diſafforeſted.

FIrſt, We will that all Foreſts, which King Henry our Grandfather afforeſted, ſhall be viewed by good and lawful men. And if he have made Foreſt of any other Wood more than of his own demeſne, whereby the owner of the Wood hath hurt, forthwith it ſhall be diſafforeſted. And if he have made Foreſt of his own wood, then it ſhall remain Foreſt. Saving the common of herbage, and of other things in the ſame Foreſt to them which before were accuſtomed to have the ſame. Vid. Co. Inſt. 4. par. Juriſdiction of Foreſts Courts, per totum.

Co. Inſt. 4. par. 300.

CAP. II.

Who are bound to the Summons of the Foreſt.

Strangers.

MEn that dwell out of the Foreſt from henceforth ſhall not come before the Juſticers of our Foreſt by common Summons, unleſs they be impleaded there, or be ſureties for ſome others that were attached for the Foreſt. Co. Inſt. 2. par. 310.

CAP. III.

Certain Woods made Foreſt ſhall be diſafforeſted.

Woods.

ALL Woods which have been made Foreſt by King Richard our Uncle, or by King John our Father, until our firſt Coronation, ſhall be forthwith diſafforeſted, unleſs it be our demeſne Wood.

CAP. IV.

No Purpreſture, Waſte, or Aſſert ſhall be made in Foreſts.

Purpreſtures, Waſtes, and Aſſerts made in Foreſts.

ALL Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Knights, and other our Freeholders which have their Woods in Foreſts, ſhall have their Woods as they had them, at the firſt Coronation of King Henry our Grandfather, ſo that they ſhall be quit for ever of all Purpreſtures, Waſtes, and Aſſerts, made in thoſe Woods after that time until the beginning of the ſecond year of our Coronation: and thoſe that from henceforth do make Purpreſture without our licence, or Waſte, or Aſſert in the ſame, ſhall anſwer unto us for the ſame Waſtes, Purpreſtures and Aſſerts. Co. Inſt. 4. par. 307.

CAP. V.

When Rangers ſhall make their range in the Foreſt.

Rangers.

OUR Rangers ſhall go through the Foreſt to make range, as it hath been accuſtomed at the time of the firſt Coronation of King Henry our Grandfather, and not otherwiſe.

CAP. VI.

Lawing of Dogs in Foreſts.

Lawing of Dogs.

THe enquiry or view for Lawing of Dogs within our Foreſt ſhall be made from henceforth, when the range is made, that is to ſay, from three year to three year, and then it ſhall be done by the view and teſtimony of lawful men, and not otherwiſe. And he whoſe Dog is not lawed and ſo found, ſhall pay for his amercement three ſhillings. And from henceforth no Ore ſhall be taken for lawing of Dogs. And ſuch lawing ſhall be done by the aſſiſe commonly uſed, that is to ſay, that three claws of the forefoot ſhall be cut off by the ſkin. But from henceforth ſuch lawing of Dogs ſhall not be, but in places where it hath been accuſtomed from the time of the firſt Coronation of the foreſaid King Henry our Grandfather. Co. Inſt. 4. par. 289. and 308.

CAP. VII.

In what only caſes gathering ſhall be in Foreſts.

No extortion ſhall be made by Foreſters.

NO Foreſter or Bedil from henceforth ſhall make Scotal, or gather Garbe, or Oats, or any Corn, Lamb, or Pig, nor ſhall make any gathering, but by the ſight and upon the oath of the twelve Rangers, when they ſhall make their range. So many Foreſters ſhall be aſſigned to the keeping of the Foreſt, as reaſonably ſhall ſeem ſufficient for the keeping of the ſame. St. 25 Ed. 3. 7.

Co. Inſt. 4. par. 292.

CAP. VIII.

When Swanimotes ſhall be kept, and who ſhall repair to them.

How many Swanimotes ſhall be holden, and where.

NO Swanimote from henceforth ſhall be kept within this our realm but thrice in the year, viz. in the beginning of fifteen days afore Michaelmas, when that our Geſt-takers or Walkers of our woods come together to take ageſtment in our demeſne woods; and about the feaſt of S. Martin in the winter, when that our Geſt-takers ſhall receive our pawnage. And to theſe two Swanimotes ſhall come together our Foreſters, Verders, Geſt-takers, and none other by diſtreſs. And the third Swanimote ſhall be kept in the beginning of fifteen days before the feaſt of S. John Baptiſt, when that our Geſt-takers do meet to hunt our Deer. And at this Swanimote ſhall meet our Foreſters, Verders, and none other by diſtreſs. Moreover, every fourty days through the year, our Foreſters and Verders ſhall meet to ſee the attachments of the Foreſt, as well for greenhue, as for hunting, by the preſentment of the ſame Foreſters, and before them attached. And the ſaid Swanimotes ſhall not be kept but within the Counties in which they have uſed to be kept. Co. Inſt. 4. par. 289, and 313. 316.

CAP. IX.

Who may take Ageſtment and Pawnage in Foreſts.

Ageſtment. Pawnage.

EVery Freeman may ageſt his own wood within our Foreſt at his pleaſure, and ſhall take his pawnage. Alſo we do grant, that every Freeman may drive his Swine freely without impediment through our demeſne Woods, for to ageſt them in their own woods or elſe where they will. And if the Swine of any freeman lie one night within our foreſt, there ſhall be no occaſion taken thereof, whereby he may loſe any thing of his own.

CAP. X.

The puniſhment for killing the Kings Deer

The puniſhment for killing of the Kings Deer.

NO man from henceforth ſhall loſe either life or member for killing of our Deer: but if any man be taken, and convict for taking of our Veniſon, he ſhall make a grievous fine, if he have any thing whereof: And if he have nothing to loſe, he ſhall be impriſoned a year and a day. And after the year and day expired (if he can find ſufficient ſureties) he ſhall be delivered. And if not, he ſhall abjure the Realm of England. St. 1 Ed. 3. 8 Seſſ. 1. St. 1 H. 7. 7. Regiſt. fo. 80. Co. Inſt. 4. par. 313.

CAP. XI.

A Noble-man may kill a Deer in the Foreſt.

Co. Inſt. 4. Par. 309.

Noble-men may hunt in the Kings Foreſt.

WHatſoever Archbiſhop, Biſhop, Earl, or Baron, coming to Us at our commandment, paſſing by our Foreſt, it ſhall be lawful for him to take and kill one or two of our Deer, by view of our Foreſter, if he be preſent, or elſe he ſhall cauſe one to blow an horn for him, that he ſeem not to ſteal our Deer. And likewiſe they ſhall do returning from us, as it is aforeſaid.

CAP. XII.

How a Freeman man may uſe his land in the Foreſt.

Approvements in a Foreſt.

EVery Freeman from henceforth without danger ſhall make in his own Wood, or in his land, or in his water, which he hath within our Foreſt, Mills, Springs, Pools, Marſhpits, Dikes, or Earable ground, without incloſing that Earable ground, ſo that it be not to the annoyance of any of his neighbours.

CAP. XIII.

How a Freeman man may uſe his land in the Foreſt.

Hawks. Herons. Hony.

EVery Freeman ſhall have within his own Woods, ayries of Hawks, Sparrow-hawks Faulcons, Eagles, and Herons; and ſhall have alſo the Hony that is found within his woods.

CAP. XIV.

Who may take Chimmage or Toll in a Foreſt, for what cauſe, and how much.

Co. Inſt 4. par. 306.

What Chimmage is, and who may take it.

Toll.

NO Foreſter from henceforth, which is not Foreſter in fee, paying to us ferm for his Bailiwick, ſhall take any Chimmage or Toll within his Bailiwick. But a Foreſter in fee paying us ferm for his Bailiwick, ſhall take Chimmage, that is to ſay, for carriage by cart the half year two pence, and for another half year two pence, for an horſe that beareth loads, every half year an half peny, and by another half year half a peny. And but of thoſe onely that come as Merchants through his Bailiwick by licence to buy Buſhes, Timber, Bark, Cole, and to ſell it again at their pleaſure. But for none other carriage by cart Chimmage ſhall be taken. Nor Chimmage ſhall not be taken but in ſuch places only where it hath been uſed to be. Thoſe which bear upon their backs Bruſhment, Bark, or Cole to ſell, though it be their living, ſhall pay no Chimmage to our Foreſters, except they take it within our demeſne Woods.

CAP. XV.

A Pardon of Out-laws of Treſpaſs within the Foreſt.

Treſpaſs.

ALl that be out-lawed for the Foreſt only, ſince the time of King Henry our Grandfather, until our firſt Coronation, ſhall come to our peace without let, and ſhall find to us ſureties, that from henceforth they ſhall not treſpaſs unto us within our Foreſt.

CAP. XVI.

How Pleas of the Foreſt ſhall be holden.

How the pleas of the Foreſt ſhall be holden. Stat. 1 Ed. 3. 8. Stat. 7 R. 2. 3.

NO Conſtable, Caſtellain, or Bailiff, ſhall hold Plea of Foreſt, neither for green-hugh nor hunting, but every Foreſter in fee ſhall make attachments for pleas of Foreſt, as well for green-hugh as hunting, and ſhall preſent them to the Verders of the Provinces. And when they be enrolled and incloſed under the Seals of the Verders, they ſhall be preſented to our chief Juſticers of our Foreſt, when they ſhall come into thoſe parts to hold the Pleas of the Foreſt, and before them they ſhall be determined. And theſe liberties of the Foreſt we have granted to all men, Saving to Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Knights, and to other perſons, as well ſpiritual, as temporal, Templers, Hoſpitallers, their liberties and free cuſtoms, as well within the Foreſt as without, and in Warrens, and other places, which they have had. All theſe Liberties and Cuſtoms, We, &c. as it followeth in the end of the great Charter, and We do confirm and ratifie theſe gifts, &c. as in the end of the great Charter ſpecifieth, &c. Co. Inſt. 4. par. 289, and 291, 315.

Statutum Hiberniæ, made at *Weſtminſter 9. Febr. An.* 14 *H.* 3. & *An. Dom.* 1229.

How Lands holden by Knights ſervice deſcending to Copercenets within age ſhall be divided.

Co. Inſt. 4. Par. 349.

If land deſcend to ſeveral Coperceners, they all ſhall hold of the chief Lord of the fee, and not one of another.

HENRY by the Grace of God King of England, Lord of Ireland, Duke of Guyan and Normandy, Earl of Anjou, To his truſty and well-beloved Gerard Son of Maurice Juſticer of Ireland, Greeting. Whereas certain Knights of the parties of Ireland, lately coming to us, have informed us, that when any Land doth deſcend unto ſiſters within our Dominion of Ireland, our Juſtices Errant in thoſe parties are in doubt whether the younger ſiſters ought to hold of the eldeſt ſiſter, and do homage unto her for their portions, or of the chief Lord, and

Stat. 17 Ed. 2. 5. Fitz. N. B. fo. 162. B. Regiſt. fo. 318. Regiſt. fo. 177. Einicia pars for the eldeſt ſiſter.

do homage unto him. And foraſmuch as the ſaid Knights have requeſted to be certified, how it hath been uſed heretofore within our Realm of England in like caſe: at their inſtance we do you to wit, that ſuch a Law and cuſtom is in England in this caſe, that if any holding of us in chief, happen to die, having daughters to his heirs, our anceſtors and we, after the death of the Father, have always had and received homage of all ſuch daughters, and every of them in this caſe do hold of us in chief. And if they happened to be within age, we have alway had the Ward and marriage of every of them. And if he be tenant unto another Lord, and not to us (the ſiſters being within age) the Lord ſhall have the Ward and Marriage of them all, and the eldeſt only ſhall do homage for her ſelf and all her ſiſters. And when the other ſiſters come to full age, they ſhall do their ſervice to the Lords of the Fee by the hands of the eldeſt ſiſter: yet ſhall not the eldeſt by this occaſion exact of her younger ſiſters, homage, ward, or any other ſubjection, for they be all ſiſters, and in manner as one heir to one inheritance. If the eldeſt ſhould have homage of the other ſiſters, and demand wardſhip, then the inheritance ſhould be divided, ſo that the eldeſt ſiſter ſhould be ſeignioreſs and tenant of inheritance (ſimul & ſemel) that is to ſay, heir of her own part, and ſeignioreſs to her ſiſters, which could not ſtand well together in this caſe, for the eldeſt can demand no more than her ſiſters, but the chief meaſe by reaſon of her ancienty. Moreover, if the elder ſiſter ſhould take homage of the younger, ſhe ſhould be as a ſeignioreſs to them all, and ſhould have the Ward of them and their heirs; which ſhould be none other but to caſt the Lamb to the Wolf to be devoured. And therefore we command you that you cauſe the foreſaid Cuſtoms that be uſed within our Realm of England in this caſe, to be proclaimed throughout our Dominion of Ireland, and to be ſtraitly kept and obſerved. In teſtimony whereof, &c. I witneſs my ſelf at Weſtminſter, the ix. day of February, the xiiii. year of our Reign.

The chief meaſe.

Statutes made at Merton, *in Craſtino Sancti Vincentii* (*ſc.* 23. *Januarii*) *Anno* 20 H. 3. and *Anno Dom.* 1235.

IT was provided in the Court of our Lord the King, holden at Merton on Wedneſday, the morrow after the Feaſt of Saint Vincent, the twentieth year of the Reign of King HENRY the Son of King JOHN, before WILLIAM Archbiſhop of Canterbury, and other his Biſhops and Suffragans, and before the greater part of the Earls and Barons of England, there being Aſſembled for the Coronation of the ſaid King, and Hellionor the Queen, about which they were all called: where it was treated for the Common Wealth of the Realm upon the Articles under-written. Thus it was provided and granted as well of the foreſaid Archbiſhops, Biſhops, Earls and Barons, as of the King himſelf and others.

CAP. I.

A Woman ſhall recover Damages in a Writ of Dower.

A woman ſhall recover damages in a Writ of Dower. Regiſt. vid. fo 4. 44. V. N. B. fo. 7. Raſt. pla. fo. 227. Co. Inſt. 32. b.

FIrſt of Widows which after the death of their Husbands are deforced of their dowers, and cannot have their Dowers or Quarentine without plea: whoſoever deforce them of their dowers or quarentine of the Lands whereof their Husbands died ſeiſed, and that the ſame widows after ſhall recover by plea; they that be convict of ſuch wrongful deforcement ſhall yield damages to the ſame widows, that is to ſay, the value of the whole dower to them belonging from the time of the death of their Husbands unto the day that the ſaid widows by judgment of our Court have recovered ſeiſon of their dower, &c. and the deforcers nevertheleſs ſhall be amerced at the Kings pleaſure. *Stat.* 9 H 3. 7. Regiſt. fo. 175. Co. Inſt. 2 par. 79. 80.

Dyer. fo. 184. Coke. li. 4. fo. 30. 14 H. 8. fo. 25. 38 Ed. 3 fo. 13. 11 H. 4. fo. 30. Fitz. dower. 24. 46. 59. 73. Fitz. Damage. 11. 83. 119.

CAP. II.

Widows may bequeath the Crop of their Lands.

Widows may bequeath their crops.

ALſo from henceforth all widows may bequeath the crop of their ground, as well of their Dowers as of other their lands and tenements, Saving to the Lords of the Fee, all ſuch ſervices as be due for their dowers and other tenements. Co. Inſt. 2. par. 80.

Kel. fol. 125. Fitz. Bar. 149. 294.

CAP. III.

Enquiry and puniſhment of Rediſſeiſin.

Enquiry and puniſhment of Rediſſeiſin. St. 52 H. 3. 8. St. 13 Ed. 1. 26.

ALſo if any be diſſeiſed of their free-hold, and before the Juſtices in Eyre, have recovered ſeiſin by aſſiſe of novel diſſeiſin, or by confeſſion of them which did the diſſeiſin, and the diſſeiſie hath had ſeiſin delivered by the Sheriff, if the ſame diſſeiſors after the circuit of the Juſtices, or in the mean time have diſſeiſed the ſame Plaintiff of the ſame free-hold, and thereof be convict, they ſhall be forthwith taken and committed, and kept in the Kings priſon, until the King hath diſcharged them by fine, or by ſome other mean. And this is the form how ſuch convict perſons ſhall be puniſhed: When the plaintiffs come into the Court of our Lord the King, they ſhall have the Kings Writ directed to the Sheriff, in which muſt be contained the plaint of diſſeiſin framed upon the diſſeiſin. And then it ſhall be commanded to the Sheriff, that he, taking with him the keepers of the Pleas of the Kings Crown, and other lawful Knights, in his proper perſon, ſhall go unto the land or paſture, whereof the plaint hath been made. And that he make before them by the firſt Jurors and other neighbours and lawful men, diligent inquiſition thereof. And if they find him diſſeiſed again (as before is ſaid) then let him do according to the proviſion afore-mentioned. But if it be found otherwiſe, the plaintiff ſhall be amerced, and the other ſhall go quit: Neither ſhall the Sheriff execute any ſuch plaint without ſpecial commandment of the King. In the ſame manner ſhall be done to them that have recovered their ſeiſin by aſſiſe of Mortdaunceſtor, And ſo ſhall it be of all lands and tenements recovered in the Kings Court by enqueſts, if they be diſſeiſed after by the firſt deforceors, againſt whom they have recovered any wiſe by enqueſt. Regiſt. fo. 206. Fitz. N. B. fol. 188. B. 190. A V. N. B. fol 108.

18 H. 8. fo. 1. 9 H. 4. fo. 6. 11 H. 4. fo. 6. 40. Aſſ. pla. 23. 23. Aſſ. pla. 7. 7 H. 7. fo. 4. 8 H. 5. fo. 1. Fitz. Rediſſeiſin 6. 8, 9. Co. Inſt. 154. 2. b. 2. par. 82.

Aſſiſe of Mort. Poſt. diſſeiſin. Raſt. pla. fo. 548.

CAP. IV.

In what caſes Lords may approve againſt their Tenants.

Co.Inſt.2. par. 84.

In what caſes Lords may approve againſt their tenants.

ALſo becauſe many great men of England (which have infeoffed Knights and their Freeholders of ſmall tenements in their great Mannors) have complained that they cannot make their profit of the reſidue of their Mannors, as of waſts, woods, and paſtures, whereas the ſame feoffees have ſufficient paſture as much as belongeth to their tenements: It is provided and granted, that whenſoever ſuch Feoffees do bring an aſſiſe of novel diſſeiſin for their common of Paſture, and it is knowledged before the Juſticers that they have as much paſture as ſufficeth to their tenements, and that they have free egreſs and regreſs from their tenement unto the Paſture; then let them be contented therewith, and they on whom it was complained, ſhall go quit of as much as they have made their profit of their Lands, Waſts, Woods and Paſtures. And if they alledge that they have not ſufficient paſture, or ſufficient ingreſs and egreſs according to their hold, then let the truth be inquired by Aſſiſe. And if it be found by the aſſiſe, that the ſame deforceors have diſturbed them of their ingreſs and egreſs, or that they had not ſufficient paſture (as before is ſaid) then ſhall they recover their ſeiſin by view of the Inqueſt: ſo that by their diſcretion and oath the plaintiffs ſhall have ſufficient paſture and ſufficient ingreſs and egreſs in form aforeſaid. And the diſſeiſors ſhall be amerced, and ſhall yield damages as they were wont before this proviſion. And if it be certified by the aſſiſe, that the Plaintiffs have ſufficient paſture with ingreſs and egreſs, as before is ſaid, let the other make their profit of the reſidue, and go quit of that aſſiſe. Stat. 13 Ed. 1. 46. Stat. 3 Ed. 6. 3. Regiſt. fol. 155. V. N. B. fol. 68.

8 Ed.3. fo.39. 7 Ed.3.fo.67. Co.li.2. fo.23. Fitz. Aſſ.80. 178.179. Fitz. Common.9.15.22, 25,26,27. Fitz. Admeaſurement 8.11 Fitz.Garrant. de Chart.31.

F.N.B. fo.125.

CAP. V.

Uſury ſhall not run againſt any within age.

Co.Inſt.246. b. 2 par.88.

Uſury ſhall not run againſt an infant.

LIkewiſe it is provided and granted by the King, that from henceforth Uſuries ſhall not run againſt any being within age, from the time of the death of his Anceſtor (whoſe heir he is) unto his lawful age. So nevertheleſs that the payment of the principal debt, with the Uſury that was before the death of his anceſtor (whoſe heir he is) ſhall not remain. REP. 37 H. 8. 9.

CAP. VI.

The penalties for raviſhment of a Ward, forfeiture of Marriage, or diſparagement of a Ward.

Raſt.pla. fo.356. Regiſt.Jud. f.58.

OF Heirs that be led away and with-holden or married by their parents, or by other with force againſt our Peace, thus it is provided, That whatſoever lay-man be convict thereof that he hath ſo with-holden any child, led away or married, he ſhall yield to the loſer the value of the marriage. And for the offence, his body ſhall be taken and impriſoned, until he hath recompenced the loſer, if the child be married: and further until he hath ſatisfied the King for the treſpaſs. And this muſt be done, of an heir being within the age of fourteen years. And touching an heir being fourteen years old, or above unto his full age, if he marry without licence of his Lord to defraud him of the marriage, and his Lord offer him reaſonable and convenient marriage (without diſparagement) then his Lord ſhall hold his land beyond the term of his age, that is to ſay, of one and twenty years, ſo long that he may receive the double value of the marriage after the eſtimation of lawful men, or after as it hath been offered him before without fraud or colluſion, and after as it may be proved in the Kings Court. And as touching Lords, which marry thoſe that they have in ward to villains or other, as Burgeſſes, where they be diſparaged, if any ſuch an heir be within the age of fourteen years, and of ſuch age that he cannot conſent to marriage: then if his friends complain of the ſame Lord, the Lord ſhall loſe the wardſhip, unto the age of the heir; and all the profit that thereof ſhall be taken, ſhall be converted to the uſe of the heir being within age, after the diſpoſition and proviſion of his friends, for the ſhame done to him: But if he be fourteen years and above, ſo that he may conſent, and do conſent to ſuch marriage, no pain ſhall follow. Stat. 3 E.1.22. Stat.13 Ed.1.35. Regiſt. fo. 161, &c. V.N.B. fo. 89, &c.

Co.Inſt.76.2. Co.li.4.fo.82. li.6. fo.74. li.9. 72.

The penalty for taking away or marrying anothers Ward.

Dyer fo.255, 260. Fitz.Act.ſur. leſt. 14,15,16, 17,18,23,27, 29,30,31,32, 33.36. Bro. forf. de marriage, 9, 12, 13. Bro.Gard.109. 40 Ed.3. f. 6. Co.Inſt.80.2. 81 b. 2 par. 89.

The forfeiture of a Ward marrying within age.

Stat. 9 H. 3.6. Diſparagement of a Ward.

CAP. VII.

In what caſe the Ward ſhall pay to his Lord the value of his marriage.

Kel. fo. 133. Dyer fo. 25. 260.306. Fitz.Brief. 937. 43 Ed.3. fo. 26. 31.Aſſ. pl. 26. Fitz. Gard.68.128. 131. 138.153. 156. Co.li.6.fo.70. 73.lib.5.fo. 126.

The value of a marriage of an Heir or Ward. Raſt.pl.f.386. Co.pl.f.396.

IF an heir (of what age ſoever he be) will not marry at the requeſt of his Lord, he ſhall not be compelled thereunto; but when he cometh to full age, he ſhall give to his Lord, and pay him as much as any would have given him for the marriage before the receit of his land, and that whether he will marry himſelf or not: for the marriage of him that is within age, of meer right pertaineth to the Lord of the Fee. V.N.B. fol. 89. Regiſt. fo.161. Fitz. N.B. fo. 141. Co.Inſt. 2. par.92. Cro.El.469.

CAP. VIII.

Several limitations of preſcription in ſeveral Writs.

Co.Inſt.114. b. 115. b. 2. par.94.

Several limitations of preſcription in ſeveral Writs.

TOuching conveyance of diſcent in a Writ of Right from any anceſtor from the time of King Henry the elder, the year and day: It is provided, that from henceforth there be no mention made of ſo long time, but from the time of King Henry our Grandfather. And this act ſhall take effect at Pentecoſt, the one and twentieth year of our Reign, and not afore. And the Writs before purchaſed ſhall proceed. Writs of Mortdanceſtour, of Nativis, and Entre, ſhall not paſs the laſt return of King John from Ireland into England. And this Act ſhall take effect as before is declared: Writs of novel diſſeiſin ſhall not paſs the firſt voyage of our Soveraign Lord the King, that now is, into Gaſcoigne. And this proviſion ſhall take his effect from the time aforeſaid, and all writs purchaſed before ſhall proceed. Stat. 3 Ed. 1. 38. Stat. 32 H. 8. 2. 2. 1. Jac. 16.

CAP. IX.

He is a Baſtard that is born before the Marriage of his Parents.

He is a baſtard which is born before the marriage of his parents.

TO the Kings writ of Baſtardy, Whether one being born before Matrimony may inherit in like manner as he that is born after Matrimony; all the Biſhops anſwered, that they would not, nor could not anſwer to it: becauſe it was directly againſt the common order of the Church. And all the Biſhops inſtanted the Lords, that they would conſent, that all ſuch as were born afore Matrimony, ſhould be legitimate, as well as they that be born within Matrimony, as to the ſucceſſion of inheritance, forſomuch as the Church accepteth ſuch for legitimate. And all the Earls and Barons with one voice anſwered, that they would not change the Laws of the Realm which hitherto have been uſed & approved. Co.Inſt.2.par.96.

11 Aſſ.pl.20. 35 Aſſ.pl.13. Fitz.Baſtardy 21,22,25,27,28,30,33. 39 Aſſ.pl.10. 1 H.6.fo.3. 11 H.4.f.84. 39 Ed.3.f.24. 44 Ed.3.f.12.

CAP. X.

Atturneys allowed to make ſuit to ſeveral Courts.

Atturneys to do ſuit.

IT is provided and granted that every Freeman, which oweth ſuit to the County, Trything, Hundred, and Wapentake, or to the Court of his Lord, may freely make his Atturney to do thoſe ſuits for him. Regiſt.fol.172. Fitz.N.B.fol.156,&c. V.N.B.fol.19. Co.Inſt.2.par.99.

Fitz.Atturny 106.

CAP. XI.

Lords ſhall not impriſon offenders at their own wills for treſpaſſes in their Parks and Ponds.

Private revenge.

COncerning treſpaſſes in Parks and Ponds, it is not yet diſcuſſed: for the Lords demanded the proper impriſonment of ſuch as they ſhould take in their Parks and Ponds, which the King denied. Wherefore it was deferred. Co.Inſt.2.par.100.

The Statute *de Anno Biſſextili*, made at *Weſtminſter*, Anno 21 H.3. and *Anno Dom.* 1236.

The day of the Leap-year, and the day before, ſhall be holden for one day.

THe King unto his Juſtices of the Bench, greeting. Know ye, That where within our Realm of England, it was doubted of the year and day that were wont to be aſſigned unto ſick perſons being impleaded, when and from what day of the year going before unto another day of the year following, the year and day in a Leap-year ought to be taken and reckoned how long it was:

The day of the Leap-year.

We therefore willing that a conformity be obſerved in this behalf every where within our Realm, and to avoid all danger from ſuch as be in plea, have provided, and by the counſel of our faithful ſubjects, have ordained, That to take away from henceforth all doubt and ambiguity that might ariſe hereupon, the day increaſing in the Leap-year ſhall be accounted for one year, ſo that becauſe of that day none ſhall be prejudiced that is impleaded, but it ſhall be taken and reckoned of the ſame moneth wherein it groweth, and that day, and the day next going before, ſhall be accounted for one day. And therefore we do command you, that from henceforth you do cauſe this to be publiſhed afore you, and be obſerved. Witneſs my ſelf at Weſtminſter, &c.

The Statute intituled, *Aſſiſa Panis & Cervitiæ*, made *Anno* 51 H. 3. and *Anno Dom.* 1266.

The prices of Bread and Ale, ſhall be according to the prices of Corn.

The weight of bread according to the price of corn.

THe King to all to whom theſe preſents ſhall come, greeting. We have ſeen certain Ordinances of the Aſſiſe of Bread and Ale, and of the making of Money and Meaſures, made in the times of our Progenitors, ſometimes Kings of England, in theſe words: When a quarter of Wheat is ſold for xii.d. then waſtel bread of a farthing ſhall weigh vi.l. and xvi.s. But bread Cocket of a farthing of the ſame corn and bultel, ſhall weigh more then Waſtel by ii.s. and Cocket bread made of corn of lower price, ſhall weigh more then Waſtel by v.s. Bread made into a Simnel, ſhall weigh ii.s. leſs then Waſtel. Bread made of the whole wheat ſhall weigh a Cocket and an half, ſo that a Cocket ſhall weigh more then a waſtel by v.s. Bread of Treet ſhall weigh ii. waſtels. And bread of common wheat ſhall weigh two great Cockets. When a quarter of wheat is ſold for xviii.d. then waſtel bread of a farthing white and well baked, ſhall weigh iiii.li.x.s.viii.d. when for ii.s. iii.li.viii.s.

When for ii.s.vi.d.	liiii.s.iiii.d.ob.q.	When for vii.s.vi.d.	xviii.s.i.d.ob.
When for iii.s.	xlviii.s.	When for viii.s.	xvii.s.
When for iii.s.vi.d	xlii.s.	When for viii.s.vi.d.	xvi.s.
When for iiii.s.	xxxvi.s.	When for ix.s.	xv.s.q.
When for iv.s.vi.d	xxx.s.	When for ix.s.vi.d.	xiiii.s.iiii.d.ob.q.
When for v.s.	xxviii.s.ii.d.ob.	When for x.s.	xiii.s.vii.d.q.
When for v.s.vi.d.	xxiiii.s.viii.d.q.	When for x.s.vi.d.	xii.s.xi.d.q.
When for vi.s.	xxii.s.viii.d.	When for xi.s.	xii.s.iiii.d.q.
When for vi.s.vi.d	xix.s.xi.d.	When for xi.s.vi.d.	xi.s.x.d.
When for vii.s.	xix.s.i.d.	When for xii.s.	xi.s.iiii.d.

Bakers.

And it is to be known, that when a Baker in every quarter of Wheat (as it is proved by the Kings Bakers) may gain iiii.d. and the bran, and two loaves for advantage, for three ſervants i.d.ob. for two lads ob. in ſalt, ob. for kneading, ob. for candle, q. for wood, ii.d. for his bultel, ob. When a quarter of Wheat is ſold for iii.s. or iii.s.iiii.d. and a quarter of

Barley

Brewers.

Barley for xx.d. or ii.s. and a quarter of Oats for xvi.d. then Brewers in Cities ought and may well afford to ſell two gallons of Beer or Ale for a peny, and out of Cities to ſell three or four gallons for a peny. And when in a Town three gallons is ſold for a peny, out of a Town they ought and may ſell four. And this Aſſiſe ought to be holden throughout all England. The Aſſiſe of bread (as it is contained in a writing of the Marſhalſey of our Lord the King delivered unto them) may be holden according to the price of wheat, that is to ſay, as well waſtel, as other bread of the better, ſecond or third ſort, ſhall be weighed as is aforeſaid by the middle price of wheat; and the aſſiſe or weight of bread ſhall not be changed but by ſix pence increaſing or decreaſing in the ſale of a quarter.

By the conſent of the whole Realm of England, the Meaſure of our Lord the King was made, That is to ſay, that an Engliſh peny called a ſterling, round and without any clipping ſhall weigh xxxii. wheat corns in the mids of the ear, and xx.d. do make an ounce, and xii. ounces one pound, and eight pound to make a gallon of wine, and eight gallons of wine do make a London-buſhel, which is the eighth part of a quarter. Foraſmuch as in our Parliament holden at Weſtminſter in the firſt year of our Reign, we have granted that all good Statutes and Ordinances made in the times of our Progenitors aforeſaid, and not revoked, ſhall be ſtill held, we have cauſed, at the requeſt of the Bakers of our Town of Coventry, that the Ordinances aforeſaid by tenor of theſe preſents, ſhall be exemplified. In witneſs whereof, &c. Witneſs the King at Weſtminſter the xxii. day of March. St.11.H.7.4.

The content of the Buſhel, being yͤ eighth part of a quarter.

The Statute made *Anno* 51 *H.* 3. and *Anno Dom.* 1266.

concerning general days in Bank in Real Actions.

Days in bank.

If a Writ come in the utas of S. Michael, a day ſhall be given thereupon unto the utas of S.Hillarii; and if it come in the quinzime of S. Michael, day ſhall be given unto the quinzime of S.Hillarii. If it come in the three weeks after S. Michael, the day ſhall be craſtino Purificationis. If within a moneth after Michaelmas, in the utas of the Purification. If in craſtino Animarum, then in the quinzime of Eaſter. If in craſtino Martini, then in the three weeks after Eaſter. If in the utas of S. Martin, then in Eaſter moneth. If in the quinzime of S. Martin, then within five weeks after Eaſter; and alſo there is day ſpecially given in craſtino Aſcenſionis, and it countervaileth as much as within five weeks after Eaſter. If in the utas of S. Hillary, in the utas Trinitatis. If in quindena Hillarii, then in quindena Trinitatis, and ſometime in craſtino of S. John Baptiſt. If in craſtino Purificationis, then in craſtino and utas of S. John Baptiſt. If in the utas of the Purification, then in quindena of S. John Baptiſt. If in quindena Paſche, then in the utas of S. Michael. If within three weeks after Eaſter, then in quindena of S. Michael. If within Eaſter moneth, then within three weeks of the feaſt of S. Michael. If within five weeks after Eaſter, or in craſtino Aſcenſionis, then within a moneth after the feaſt of S. Michael. If in the utas of the Trinity, then in craſtino Animarum. If in quindena Trinitatis, or in craſtino of S. John Baptiſt, then in craſtino Martini. If in utas of S. John Baptiſt, then in the utas of S. Martin. If in quindena of S. John Baptiſt, then day ſhall be given unto quindena Martini. And ſo every Term ſhall anſwer to other. 15 Ed.4. fol.13.

ALT. Stat.32. H.8.21.

The Statute made *Anno* 51 *H.* 3. and *Anno Dom.* 1266.

concerning general days in a Writ of Dower.

Days in a writ of Dower.

If the Writ do come in octabis Michaelis, day ſhall be given until craſtino Animarum. If it come in quindena Michaelis, day ſhall be given until craſtino Martini. If within three weeks after the feaſt of S. Michael, then in octabis Martini. If in menſe Michaelis, then in quindena Martini. If in craſtino Animarum, then in octabis Hillarii. If in craſtino Martini, then in quindena Hillarii. If in octabis Martini, then in craſtino Purificationis. If in quindena Martini, then in octabis Purificationis. If in octabis Hillarii, then in quindena Paſche. If in quindena Hillarii, then in tribus ſeptimanis Paſche. If in craſtino Purificationis, then in menſe Paſche. If in octabis Purificationis, then in craſtino Aſcenſionis. If in quindena Paſche, then in octabis Trinitatis. If in tribus ſeptimanis Paſche, then in quindena Trinitatis. If in menſe Paſche, then in craſtino Johannis Baptiſte. If in quinque ſeptimanis Paſche, then in octabis Johannis. If in craſtino Aſcenſionis, then in quindena Johannis. If in octabis Trinitatis, then in octabis Michaelis. If in quindena Trinitatis, then in quindena Michaelis. If in craſtino Johannis Baptiſte, then in tribus ſeptimanis Michaelis. If in octabis Johannis Baptiſte, then in menſe Michaelis. If in quindena Johannis Baptiſte, then in craſtino Animarum. 15 Ed. 4. fo.13.

The Statute *De diſtrictione Scaccarii,* made *anno* 51 *H.* 3. & *anno Dom.* 1266.

What diſtreſs ſhall be taken for the Kings debts, and how it ſhall be uſed.

Bro. diſtr.72. 9 Ed.4.fol.2. 5 H 7. fol.9. 21 Ed.4.f.53.

Foraſmuch as the Communalty of the Realm hath ſuſtained great damage by wrongful taking of diſtreſſes, which have been made by Sheriffs, and by other the Kings Bailiffs, for the Kings debt, or for any other cauſe: It is therefore provided and ordained, that when a Sheriff, or any other man doth take the beaſts of other, they to whom the beaſts do belong, may give them their feeding without diſturbance, (ſo long as they be impounded) without giving any thing for their keeping. And that the beaſts, nor no other diſtreſs taken for the Kings debt, nor for any other cauſe, be given ne ſold within xv days after the taking. And if any bring the tally of a payment made in the Eſchequer, the diſtreſs ſhall ceaſe. And if he bring the tally of any Sheriff or Bailiff, of payment made to them of the thing demanded, and will find pledges that he will appear in the Eſchequer, upon the next account to do as right

The owner may feed his cattel impounded.

No ſale of diſtreſs within fifteen days.

No diſtreſs ſhal be taken of plough-cattel or ſheep.
St. 28 Ed. 1. 12.
Regiſt. fol. 97.
Raſt. pla. fo. 226.
A diſtreſs ſhall be reaſonable.
St. 52 H. 3. 4.

Bro. diſtreſs fol. 31.
Bro. diſtr. 63.
Bro. Bill Lat. 123.
4 H. 7. fol. 8.
Dyer fol. 312.
Fitz. Brief 662
29 E. 3. fol. 16.
Fitz. Act. ſur le ſtat. 35.
29 E. 3. fol. 24.
41 E. 3. fol. 26.

right ſhall require, then the diſtreſs ſhall ceaſe. And the Sheriff or Bailiff ſhall cauſe him to be attached that ought to have acquitted him, that he appear upon the ſame account to do as right ſhall require; and there ſhall have the names of the pledges. Yet it is provided, that no man of Religion, nor other, ſhall be diſtrained by his beaſts that gain his land, nor by his ſheep, for the Kings debt, nor the debt of any other man, nor for any other cauſe, by the Kings or other Bailiffs, but until they can find another diſtreſs, or chattels ſufficient whereof they may levy the debt, or that is ſufficient for the demand, (except impounding of beaſts that a man findeth in his ground, damage feſant, after the uſe and cuſtom of the Realm.) And that ſuch diſtreſſes be reaſonable, after the value of the debt or demand, and by the eſtimation of neighbours, and not by ſtrangers, and not outragious. Howbeit the King willeth and commandeth, that Sheriffs or their Bailiffs that have received the Kings debt of the Summons of the Eſchequer, and have not acquitted the debtors thereof, at the next accompt ſhall be puniſhed after the Statutes made thereupon: and the King willeth that all debts of Summons of the Eſchequer that the Sheriff or Bailiff have confeſſed receipt, ſhall be allowed him forthwith: ſo that whether he received all the debt or part, it ſhall never come more in demand nor ſummons, after the Sheriff hath confeſſed the receipt.

A Sheriff which receiveth the Kings debt, ſhall acquit the debtor.
St. 3 Ed. 1. 17.

Stat. Rutland, 10 E. 1.

Statutum de Scaccario, made *Anno* 51 *H.* 3. and *Anno Dom.* 1266.

When the Kings Fermors, Sheriffs and Bayliffs ſhall make their accompts and payments; Who ſhall be Eſcheators in ſeveral Shires.

When the Kings Bayliffs and Officers ſhall accompt.

The King commandeth, that all manner of Bayliffs, Sheriffs and other Officers, as well the Juſtices of Cheſter, and other Bayliffs of theſe Counties, as other that be receivers of Wards, of Eſcheats, and other Bayliwicks, ſhall be anſwerable in the Eſchequer, and there ſhall make account to the Treaſurer, and Barons of the ſame place. And that all Sheriffs, Fermors, Bayliffs of Franchiſes, and all other, ſhall come to the profer in the Eſchequer, the Munday after the feaſt of S. Michael, and the Munday after the utas of Eaſter, for to pay their Ferms, Rents, and Iſſues belonging to the King, and ſhall bring at the foreſaid terms, the foreſaid Ferms, Rents & Iſſues due wholly into the Eſchequer, as before is mentioned. And if they make default, their bodies ſhall remain without departing from thence, until they have paid or made agreement; and he that will not come at the terms aforeſaid, ſhall be amerced after the cuſtom of the Eſchequer; and the Sheriffs and Bayliffs at the ſame terms ſhall bring and pay ſuch money as they have received of the Summons of the Eſchequer, and other the Kings debts, and ſhall be prepared and ready to make full account of the things aforeſaid.

Bayliffs of Franchiſes accompt.

And that all Bayliffs of Franchiſes, which ought to levy the Kings debts, and be anſwerable to the Sheriffs thereof, ſhall come and accompt ſufficiently according to the extreats of the Summons of the Eſchequer: and ſuch as do not, their bodies ſhall remain in ward of the Sheriffs: and for default in them, the Sheriff ſhall cauſe the debts to be levied by their own Bayliffs, where they have power, as they have uſed to do in time paſſed. And if the Bayliffs do not come in at the day that the Sheriff ſhall give them knowledge, the Sheriff ſhall enter into the ſame Franchiſes, and levy the debts with his own hand.

The Juſtices and Bayliffs of Cheſters accompt.

Concerning Juſtices of Cheſter, and Bayliffs thereof, the King willeth, that they or one of them ſhall come at the profer of S. Michael every year when they ought to give account unto the King; and at the profer of the utas of Eaſter they ſhall come likewiſe, and bring in that which they owe to the King for that term; and the Juſtices of Cheſter ſhall have day to accompt from year to year in quindena Paſche. And the Bayliffs thereof the Munday of Eaſter utas. And that all Sheriffs of England, except the Sheriffs of Weſtmerland, Lancaſter, Worceſter, Rutland and Cornwal, ſhall from henceforth keep all ſuch Wards & Eſchetes, that are not in other fees, as belong to the King, which be within their Shires; and of the iſſues thereof they ſhall be anſwerable in the Exchequer at the terms aforeſaid. And at their Turns that they make in their Shires, they ſhall find office of other things which the Kings Eſcheators have not uſed to find of that which belongeth unto the King once or twice in the year, to as little grievance of the people as they can. And the Sheriffs ſhall ſeize the Eſchetes that fall to remain unto the King in Fee, and ſhall certifie the King of them without delay.

Sheriffs ſhall keep the Kings Wards and Eſchetes.
St. 32 H. 8 46.

Eſchetes.

Three Surveyors.
Wards and Eſchetes let to Ferm.

And the King ſhall aſſign three able perſons that ſhall go throughout the Realm, to ſurvey and find the Wards and Eſcheats aforeſaid, from year to year, when they ſhall think requiſite. And the Sheriffs by their Counſel ſhall approve and let to ferm, or otherwiſe, ſuch Wards and Eſchetes as they ſhall think moſt for the Kings advantage.

Sheriffs Eſcheators in other Shires.

Touching the five Shires before named, the King wills, That the Sheriff of Cumberland ſhall execute the Office of Eſcheator in the Shires of Weſtmerland and Lancaſter. And the Sheriff of Nottingham in Rutland. And the Sheriff of Glouceſter in Worceſter. And the Sheriff of Devonſhire in Cornwal: and ſhall ſafely keep the King his Wards and Eſchetes in the ſame Shires, and ſhall be anſwerable in the Eſchequer for the Iſſues of them as well as for their own Shires. And the three able perſons aforeſaid ſhall ſurvey and extend ſuch Wards and Eſchetes as well there as in other places, and thoſe ſhall be approved by their Counſel. And when the Sheriffs do accompt for their Counties, they ſhall accompt for ſuch Wards and Eſchetes. And in like manner ſhall the Juſtices of Cheſter do, and their Bayliffs alſo every one for his Bayliwick. And the ſaid three able perſons ſhall keep the Kings demeans, and ſhall approve them as they ſhall think beſt for the Kings advantage, and ſhall be anſwerable for the Iſſues: And they ſhall have power to let forth ſmall Manors and Demeans to folk of the ſame places, or to other according to their diſcretion, and ſhall let them to ferm from year to year, as they ſhall think moſt to the Kings profit. And the

Fermors ſhall be chargeable for their Ferms unto the principal approvers, and they unto the Eſchequer the Munday next after the Aſcention, from year to year.

Collectors of the Cuſtom of Wooll.

And the principal Collectors of the Cuſtom of Wools, at the two terms before mentioned, ſhall pay all ſuch money as they have received of the ſaid Cuſtom, and ſhall make accompt from year to year clearly of all parcels received in any of the Ports or other places of the Realm, ſo that they ſhall anſwer for every ſhip where it was charged, and how much it carried, and whoſe the Wools were, and for every other charge in the Ship, whereof Cuſtom is due, and for the whole receipt.

The accompt of the Keeper of the Kings Wardrobe.

The Kings debt ſhall firſt be heard.

And the Warden of the Kings Wardrobe ſhall make accompt yearly in the Eſchequer in the Feaſt of S. Margaret; and the Treaſurer and Barons ſhall be charged by Oath, that they ſhall not attend to hear the pleas or matters of other men, while they have to do with the Kings buſines, if it be not a matter that concerneth the Kings own debt. And when a Sheriff or Bailiff hath begun his accompt, none other ſhall be received to accompt, until he that was firſt appointed hath clearly accompted, and his money received. And that the Conſtable, Marſhal, Chamberlain, and other that are of Fee in the Eſchequer, from henceforth ſhall preſent unto the King ſuch as they have put in their places to do their Offices, which muſt be of good fame, and ſufficient, for whoſe acts themſelves will anſwer.

Deputy Officers in the Eſchequer.

And the King commandeth the Treaſurer, and Barons of the Eſchequer, upon their Allegiance, and by the Oath that they have made to him, that they ſhall not aſſign any in their rooms, but ſuch as this Act meaneth of, and that the Eſchequer be not charged with moe perſons then is neceſſary. And that none of them that be ſworn to the King, ſhall put in his room any other Clerk or Lay-perſon, except he be ſworn, without ſpecial Licenſe of the Treaſurer; and if any be, he ſhall be forthwith removed from his Office, and none other ſhall be received in his ſtead without the Kings licenſe. And if any that is received without the Treaſurers licenſe do treſpaſs after, puniſhment ſhall be done as well to the aſſignor, as to him that is aſſigned, according to the treſpaſs. And if both be unſufficient, the Superiour ſhall be puniſhed, whether he be Officer of Fee, or other. And the Treaſurer ſhall put no other in his room, until he hath commandment from the King. And if he that keepeth the room of another by licenſe of the Treaſurer, doth any thing that he ought not to do, he ſhall be puniſhed according to the treſpaſs, if he have whereof; and if he have not, he that put him in Office ſhall be charged for his treſpaſs: and if he that put him in Office be not ſufficient, his Superiour ſhall be charged, whether he be of Fee, or otherwiſe.

Officers in the Woolſtaple ſhall be preſented.

The Kings Officers that ought to accompt.

And they of the Woolſtaple ſhall make Oath, that if any of them may perceive that another doth commit any default, offence, or other thing diſhoneſt in the Office of the Woolſtaple, or that he hath done before, that they ſhall certifie it to the Treaſurer, or to the Barons, or to ſome of them; or to the King himſelf, if need require. And that about the Feaſt of S. Margaret, before that the Eſchequer be cloſed, they ſhall cauſe a ſearch to be made, whether any Sheriff, or Bayliff, that ought to have accounted the ſame year, have not, & thereupon a remembrance in a roll ſhall be made by it ſelf. And if it be a Sheriff, his accompt ſhall be firſt heard after Michaelmaſs, before that any other be received to accompt: And if he be a Bayliff, he ſhall be ſummoned or diſtrained to come at a certain day for to accompt: ſo that no accompt ſhall be ſuffered to ſleep. And foraſmuch as Sheriffs, Conſtables, and other, obtain many times outragious allowances, by pretence of the Kings works, and other things done and provided by his commandment: It is provided, that all Surveyors of the Kings works ſhall be choſen by the oath of twelve men, and of ſuch as will and may attend beſt to that office, and that they be ſufficient to anſwer the King, if need be, and ſhall ſwear that they bear lawful witneſs. And if the Treaſurer or Barons of the Eſchequer have any ſuſpicion of falſe allowances of charges, or other things, the truth muſt be inquired; and he that is attainted, ſhall anſwer to the King for as much as the allowance amounteth unto, and ſhall be impriſoned one year and forty days, and ſhall be puniſhed at the Kings pleaſure. And the Surveyors ſhall be puniſhed for their conſent. And likewiſe he, that upon the accompt did conceal and keep ſecret ſuch things, whereof he ought to have charged himſelf, ſhall be puniſhed in likewiſe as he that admitted ſuch falſe allowances.

Surveyors of the Kings works.

Eſtreats of fines and amerciaments ſhall be delivered in the Eſchequer.

And that all the Juſticers, Commiſſioners, and other ſhall from henceforth deliver into the Eſchequer at the Feaſt of S. Michael, from year to year, the extreats of fines and amerciaments made and taxed before them, and of all things whereof the extreates are wont to be delivered there. And they of the Eſchequer ſhall make extreats of the ſummons through all Shires, ſaving that the extreates in Eyre of all pleas ſhall be delivered immediately after the Eyre made.

A Statute of the *Pillory* and *Tumbrel*, and of the Aſſize of *Bread* and *Ale*, made *Anno* 51 H. 3. and *Anno Dom.* 1266.

The puniſhment of a Baker or Brewer offending.

IF a Baker or a Brewer be convict, becauſe he hath not obſerved the Aſſiſe of Bread and Ale, the firſt, ſecond, and third time he ſhall be amerced according to his offence, if it be not overgrievous; but if the offence be grievous and often, and will not be corrected, then he ſhall ſuffer puniſhment of the body, that is to wit, a Baker to the Pillory, and a Brewer to the Tumbrel, or ſome other correction. Firſt, ſix lawful men ſhall be ſworn truly to gather all meaſures of the Town, that is to wit, buſhels, half and quarter buſhels, gallons, pottles, and quarts, as well of Taverns as of other places. Meaſures and weights, that is to wit, pounds, half pounds, and other little weights, wherewith bread of the Town or of the Court is weighed, that is to ſay, one loaf of every ſort of bread. And upon every meaſure, buſhel, weight, and alſo upon every loaf, the name of the owner diſtinctly written. And likewiſe they ſhall gather the meaſures of mills. After which thing done, twelve lawful men ſhall ſwear to make true anſwer to all ſuch things as ſhall be demanded of them in the Kings behalf upon articles here following; and ſuch things as be ſecret, they ſhall ut-

A Jury ſworn.

ter ſecretly, and anſwer privately. And the Bailiff ſhall be commanded to bring in all the Bakers & Brewers with their meaſures, and all things under-written. Firſt, they ſhall inquire the price of wheat; that is to wit, how a quarter of the beſt wheat was ſold the laſt Market-day, and how the ſecond wheat, and how the third: and how a quarter of barley and oats. After, how the Bakers bread in the Court doth agree, that is to wit, waſtel and other bread after wheat of the beſt, or of the ſecond, or of the third price. Alſo upon how much increaſe or decreaſe in the price of wheat a Baker ought to change the aſſiſe and weight of his bread. Alſo how much the waſtel of a farthing ought to weigh, and all other manner of bread after the price of a quarter of wheat that they preſent. Alſo for default in the weight of the bread a Baker ought to be amerced, or to be judged unto the Pillory, according to the law and cuſtom of the Court. Alſo if any Steward or Bailiff for any bribe doth releaſe puniſhment of the Pillory and Tumbrel, being already judged, or to be judged of right.

Of what things the Jury ſhall inquire.

Releaſing of puniſhment deſerved.

Alſo if they have in the Town a Pillory of convenient ſtrength, as appertaineth to the liberty of their market, which they may uſe (if need be) without bodily peril either of man or woman. After, they ſhall inquire of the aſſiſe and price of wine, after the departure of the Juſtices in Eyre, or of them that were laſt in Office of the market of the Town, that is to ſay, of the Vinteners names, and how they ſell a gallon of Wine. And if any corrupted wine be in the Town, or ſuch as is not wholſom for mans body. Alſo of the aſſiſe of Ale in the Court of the Town how it is, and whether it be obſerved; and if not, how much Brewers have ſold contrary to the aſſiſe; and they ſhall preſent their names diſtinctly and openly, and that they be amerced for every default, or to be judged to yͤ tumbrel, if they ſell contrary to yͤ aſſiſe.

A Pillory. The Aſſiſe and price of Wine.

The Aſſiſe of Ale.

Alſo if there be any that ſell by one meaſure, and buy by another. Alſo if any do uſe falſe ells, weights or meaſures. And if any Butcher do ſell contagious fleſh, or that died of the murren. Alſo they ſhall enquire of Cooks that ſeethe fleſh or fiſh with bread or water, or any otherwiſe, that is not wholſom for mans body, or after that they have kept it ſo long that it loſeth his natural wholſomneſs, and then ſeethe it again and ſell it; or if any do buy fleſh of Jews, and then ſell it to Chriſtians. And alſo foreſtallers, that buy any thing afore the due and accuſtomed hour, againſt the good ſtate and weal of the Town and market, or that paſs out of the Town to meet ſuch things as come to the market, being out of the Town, to the intent they may ſell the ſame in the Town more dear unto regrators, that utter it more dear than they would that brought it, in caſe they had come to the Town or market. When a quarter of Barley is ſold for two ſhillings, then four quarts of Ale ſhall be ſold for a peny: when for two ſhillings ſix pence, then ſeven quarts of Ale ſhall be ſold for two pence: when for three ſhillings, then three quarts for one peny: when for three ſhillings ſix pence, then five quarts for two pence: when it is ſold for four ſhillings, then two quarts at one peny. And ſo from henceforth the prices ſhall increaſe and decreaſe after the rate of ſix pence.

Falſe weights or meaſures. Butchers. Cooks.

Foreſtallers.

Ale ſhall be ſold according to the price of Barley.

Statutes made at *Marleborough* alias *Marlebridge*, 18. *Novemb. An.* 52. *Hen.* 3. and *Anno Dom.* 1267.

IN the year of Grace, One thouſand two hundred ſixty ſeven, the two and fiftieth year of the Reign of King HENRY, Son of King JOHN, in the utas of Saint Martine, the ſaid King our Lord providing for the better eſtate of this Realm of England, and for the more ſpeedy miniſtration of Juſtice, as belongeth to the Office of a King, the more diſcreet men of the Realm being called together, as well of the higher as of the lower eſtate: It was provided, agreed, and ordained, that whereas the Realm of England of late had been diſquieted with manifold troubles and diſſentions; for reformation whereof Statutes and Laws be right neceſſary, whereby the peace and tranquility of the people muſt be obſerved: wherein the King intending to deviſe convenient remedy, hath made theſe Acts, Ordinances and Statutes under-written, which he willeth to be obſerved for ever, firmly and inviolably of all his Subjects, as well high as low.

CAP. I.

The penalty for taking a diſtreſs wrongfully.

WHereas at the time of a commotion late ſtirred up within this Realm, & alſo ſithence, many great men, and divers other refuſing to be juſtified by the King & his Court, like as they ought and were wont in the time of the Kings noble progenitors, & alſo in his time, but took great revenges and diſtreſſes of their neighbours, and of other, until they had amends and fines at their own pleaſure. And further, ſome of them would not be juſtified by the Kings Officers, nor would ſuffer them to make delivery of ſuch diſtreſſes as they had taken of their own authority: It is provided, agreed and granted, That all perſons as well of high as of low eſtate, ſhall receive Juſtice in yͤ Kings Court. And none from henceforth ſhall take any ſuch revenge or diſtreſs of his own authority without award of our Court, though he have damage or injury, whereby he would have amends of his neighbour either higher or lower. And upon the foreſaid article it is provided and granted, that if any from henceforth take ſuch revenges of his own authority, without award of the Kings Court, (as before is ſaid) and be convict thereof, he ſhall be puniſhed by fine, and that according to the treſpaſs. And likewiſe if one neighbour take a diſtreſs of another without award of the Kings Court, whereby he hath damage, he ſhall be puniſhed in the ſame wiſe, and that after the quantity of the treſpaſs. And nevertheleſs ſufficient and full amends ſhall be made to them that have ſuſtained loſs by ſuch diſtreſſes. Co. Inſt. 2. par. 162.

The puniſhment for an unlawful diſtreſs.

11 H.4.f.2. 47 Ed.3.f.7 18 Ed.3.f.40 41 Ed.3.f. 26. 17 Ed. 3.f.9.

CAP. II.

None but Suitors ſhall be diſtrained to come to a Court.

MOreover, none (of what eſtate ſoever he be) ſhall diſtrain any to come to his Court, which is not of his Fee, or upon whom he hath no Juriſdiction, by reaſon of Hundred, or Bayliwick, nor ſhall take Diſtreſſes out of the Fee or place, where he hath no Bayliwick or

None ſhall be diſtrained to come to a Court but Suitors.

41 Ed.3.f.26 47 Ed.3.f.7. Fitz. Barr. 281. Co.Inſt. 2 par.164.

or Juriſdiction. And he that offendeth againſt this Statute, ſhall be puniſhed in like manner, and that according to the quantity and quality of the Treſpaſs. Stat. 3. Ed. 1. 16. Regiſt. fo. 97.

CAP. III.

A Lord ſhall not pay a Fine for diſtraining his Tenant.

Fitz. Reſcous 20.

Bro. Treſpas. 16. 384. Fitz. Dam. 10. Fitz. Heroit. 5 5 H. 7. fo. 9. 9 H. 7. fo. 14. 10 H. 7. fo. 2. 10 Ed. 4. fo. 7. 9 H. 6. fo. 20. Fitz. Treſpas. 196.

If any, of what eſtate ſoever he be, will not ſuffer ſuch Diſtreſſes as he hath taken, to be delivered by the Kings Officers, after the Law and Cuſtom of the Realm, or will not ſuffer Summons, Attachments, or Executions of Judgments given in ẏ Kings Court, to be done according to the Law and Cuſtom of the Realm, as is aforeſaid, he ſhall be puniſhed in manner aforeſaid, as one that will not obey the Law, and that according to the quantity of the Offence. And if any, of what eſtate ſoever he be, diſtrain his Tenant for Services and Cuſtoms being due unto him, or for any other thing, for the which the Lord of the Fee hath cauſe to diſtrain, and after it is found that the ſame Services are not due, the Lord ſhall not therefore be puniſhed by Fine, as in the caſes aforeſaid, if he do ſuffer the Diſtreſſes to be delivered according to the Law and Cuſtom of the Realm, but ſhall be amerced as hitherto hath been uſed, and the Tenant ſhall recover his Damages againſt him. Co. Inſt. 2. par. 105.

St. 3 Ed. 1. 17. The puniſhment for unlawful diſtreſs

The Lord diſtraining his Tenant, ſhall not pay a fine. Fitz. N. B. fo. 102. c. V. N. B. fo. 48.

CAP. IV.

A Diſtreſs ſhall not be driven out of the County. And it ſhall be reaſonable.

Fitz. Bar. 180. 275. Fitz. Diſtreſs. 1. 2. 16. Fitz. Avowry. 192. 30 Aſſ. pl. 38. 29 Ed. 3. fo. 23 Kel. fo. 50. 41 Ed. 3. fo. 26 29 Ed. 3. fo. 24 42 Ed. 3. fo. 26

None from henceforth ſhall cauſe any Diſtreſs that he hath taken, to be driven out of the County where it was taken. And if one neighbour do ſo to another of his own authority, and without Judgment, he ſhall make Fine (as above is ſaid) as for a thing done againſt the Peace. Nevertheleſs, if the Lord preſume ſo to do againſt his Tenant, he ſhall be grievouſly puniſhed by amerciament. Moreover, Diſtreſſes ſhall be reaſonable, and not too great. And he that taketh great and unreaſonable Diſtreſſes, ſhall be grievouſly amerced for the exceſs of ſuch Diſtreſſes. Regiſt. fo. 97. Co. Inſt. 2. par. 106.

A diſtreſs ſhall not be driven out of the County, St. 3. Ed. 1. 16. St. 1. & 2. Ph. & M. 12. Diſtreſſes ſhall be reaſonable. St. 51. H. 3. St. 28. Ed. 1. 12.

CAP. V.

A confirmation of the great Charter, and the Charter of the Foreſt.

15 Ed. 4. fo. 13.

The great Charter ſhall be obſerved in all his Articles, as well in ſuch as pertain to the King, as to other: And that ſhall be enquired afore the Juſticers in Eyre in their Circuits, and afore ẏ Sheriffs in their Counties, when need ſhall be. And Writs ſhall be freely granted againſt them that do offend, before the King, or the Juſtices of the Bench, or before Juſtices in Eyre, when they come into thoſe parts. Likewiſe the Charter of the Foreſt ſhall be obſerved in all his Articles, and the Offendors when they be convict, ſhall be grievouſly puniſhed by our Soveraign Lord the King in form above mentioned. Co. Inſt. 2. par. 108.

A confirmation of the great Charter, and the Charter of the Foreſt.

CAP. VI.

A fraudulent Conveyance to defeat a Lord of his Wardſhip, ſhall be void.

Fitz. Gard. 11. 79. 102. 155. Cok. li. 6. fo. 76. Dyer. fo. 9. 27 H. 8. fo. 7. 33 H. 6. fo. 14. Fitz. Gard. 33 Fitz. Colluſion 12. 14. 29. 36. 47. Co. Inſt. 2 par. 109.

As touching them that uſe to infeoff their eldeſt Sons and Heirs, being within age of their heritage, for to defraud the Lords of the Fee of their Wardſhips: It is provided, accorded, and agreed, that by occaſion of any ſuch feoffment, no chief Lord ſhall leeſe his Ward. Moreover, touching them that fain falſe feoffments of their lands, which they will leaſe for term of years, for to defraud the chief Lords of their wards, wherein it is contained, that they are ſatiſfied of the whole ſervice due unto them, until a certain term: ſo that ſuch feoffees are bound at the ſaid term to pay a certain ſum to the value of the ſame lands, or far above, ſo that after ſuch term the land ſhall return unto them, or to their heirs, becauſe no man will be content to hold it upon the price: It is provided and agreed, That by ſuch fraud, no chief Lord ſhall leeſe his Ward. Nevertheleſs, it ſhall not be lawful to them to diſſeiſe ſuch Feoffees, without judgment, but they ſhall have a Writ, for to have ſuch a Ward reſtored unto them; and by the Witneſſes contained in the Deed of Feoffment, with other free and lawful men of the Countrey, and by the value of the Land, and by the quantity of the ſum payable after the term, it ſhall be tryed, whether ſuch Feoffments were made bona fide, or by colluſion, to defraud the chief Lords of the Fee of their Wards. And if the chief Lords in ſuch caſes recover their Wards by judgment, the Feoffees ſhall nevertheleſs have their Action, to recover ſuch Term or Fee (which they had therein) when the heirs come to their lawful age.

Feoffments to defraud Lords of their Wardſhips. St. 34. H. 8. 5.

Cok. li. 11. fo. 77. Fitz. Gard. 119. Fitz. Brief 779 39 H. 6. fo. 30.

Ejectione cuſtodiæ. Co. pla. fo. 183.

9 H. 7. fo. 5. 29 Aſſ. pl. 25.

And if any chief Lords do maliciouſly implead ſuch Feoffees, faining this caſe, namely, where the Feoffments were made lawful, and in good faith, then the Feoffees ſhall have their Damages awarded, and their coſts, which they have ſuſtained by occaſion of the foreſaid Plea, and the Plaintiffs ſhall be grievouſly puniſhed by amerciament. Regiſt. fo. 161. Fitz. N. B. fo. 139. &c. V. N. B. fo. 96. Raſt. pla. fo. 386. Stat. 4. H. 7. 17.

A Lord impleading a Feoffee wrongfully.

CAP. VII.

Proceſs in a Communi Cuſtodia, Ward by reaſon of Ward.

Fitz. Gard. 15. 92. Fitz. Return de Viſcount 41. Fitz. Proclam. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 15. 19. Fitz. Damage 5. Fitz. Judgement 181. 251. Fit. Gard. 108. Co. Inſt. 2. par. 113.

In a Plea of Communi Cuſtodia, if the Deforceors come not at the great Diſtreſs, then the ſaid Writ ſhall be renewed twice, or thrice, at ſuch terms as it may be done within the half year following, ſo that every time the Writ ſhall be read in the open County (if the Deforceor be not found before) and there openly be proclaimed, that he may come at the day limited: ſo that if he abſent himſelf then, and come not to anſwer within the ſaid half year, nor the Sheriff cannot get his body, to have it before our Juſtices, to anſwer according to the Law and Cuſtom of the Realm, then as a Rebel, and ſuch one as will not be juſtified, he ſhall leeſe the Seiſin of his Ward; Saving to him his action at another time, if he have any right to the ſame.

The Proces in Communi cuſtodia. Fit. N. B. fo. 143. 1. V. N. B. fo. 88. St. 13. Ed. 1. 35.

But in ſuch caſes, where the Wardſhips belong to the Gardians of Wards, being within age, Ward by reaſon of Ward. Fitz. N.B. fo. 139. 252. 261.

Dyer. fo. 171. Fitz. Gard. 14. 70. 81. 105.

age, and where the Gardians demand a Wardſhip which belongeth to the Heir, or as appertaining to their Inheritance, ſuch Heirs within age ſhall not leeſe their inheritance by the negligence or rebellion of their Gardians, as in the caſe afore rehearſed, but let the common Law run in like manner as it hath been accuſtomed to do.

CAP. VIII.

The puniſhment of thoſe which commit Rediſſeiſin.

Raſt. pla. fo. 548. The puniſhment for Rediſſeiſin. V.N.B. fo. 108. Fitz. N.B. fo. 188. 189.

Dyer. fo. 60. 18 H. 8. 10. 1. Co. Inſt. 2 par. 114.

They which be taken and impriſoned for Rediſſeiſin, ſhall not be delivered without ſpecial commandment of our Lord the King, and ſhall make fine with our Lord the King for their treſpaſs. And if it be found, that the Sheriff delivereth any contrary to this Ordinance, he ſhall be grievouſly amerced therefore. And nevertheleſs, they which are ſo delivered by the Sheriff without the Kings commandment, ſhall be grievouſly puniſhed for their treſpaſs. Stat. 20. H. 3. 3. Stat. 13. Ed. 1. 26. Regiſt. fo. 206.

CAP. IX.

Who ſhall do ſuit of Court, Suit of Court by Coparceners. Contra formam feoffamenti.

Fitz. Action ſur le ſtat. 24. 25. Co Inſt. 2 par. 115.

Who ſhall do Suit of Court. V.N.B. fo. 79. 104.

10 Ed. 4. f. 2. Fitz. Avowry. 243.

Suit of Court by Coparceners. Regiſt. fo. 174. Fit. N.B. f. 159. a St. Hiberniæ.

Bro. Entre-fa. Cok. l. 6. f. 1.

Regiſt. fol. 176. A Lord diſtraining his Tenant for Suit not due. Regiſt. fo. 81. 170 Contra formam feoffamenti. Fit N.B. fo. 193. V.N.B. fo. 104. b

Fitz. Avowry 9. 15. 42. 48. 51. 50. 66. 68. 89. 99.

For doing Suits unto Courts of great Lords, or of meaner perſons, from henceforth this order ſhall be obſerved, that none yͭ is infeoffed by deed, from henceforth ſhall be diſtrained to do ſuch Suit to the Court of his Lord, without he be ſpecially bound thereto by the form of his deed: Theſe onely except, whoſe Anceſtors or they themſelves have uſed to do ſuch Suit before the firſt voyage of the ſaid King Henry into Britain, ſithence which, nine and thirty years and an half are paſſed, unto the time that theſe Statutes were Enacted. Likewiſe from henceforth none that is infeoffed without Deed, from the time of the Conqueſt, or any other ancient Feoffment, ſhall be diſtrained to do ſuch Suits, unleſs that he or his Anceſtors uſed to do it before the ſaid voyage. And they that are infeoffed by Deed to do a certain ſervice, as, for ſervice of ſo many ſhillings by year, to be acquitted of all ſervice, from henceforth ſhall not be bounden to ſuch Suits, or other like, contrary unto the form of their feoffment. And if any inheritance (whereof but one Suit is due) deſcend unto many Heirs, as unto Parceners, whoſo hath the eldeſt part of the inheritance, ſhall do that one Suit for himſelf and his Fellows, and the other Coheirs ſhall be Contributaries, according to their Portion, for doing ſuch Suit. And if many Feoffees be ſeiſed of an Inheritance (whereof but one Suit is due) the Lord of the Fee ſhall have but that one Suit, and ſhall not exact of the ſaid Inheritance but that one Suit, as hath been uſed to be done before. And if thoſe Feoffees have no Warrant, or mean, which ought to acquit them, then all the Feoffees, according to their portion, ſhall be contributaries for doing the Suit for them. And if it chance, that the Lords of the Fee do diſtrain their Tenants for ſuch Suits, contrary to this Act, then at the complaint of the Tenants, the Lords ſhall be attached, to appear in the Kings Court at a ſhort day, to make anſwer thereto, and ſhall have but one Eſſoin therein (if they be within the Realm:) And immediately the beaſts, or other diſtreſſes taken by this occaſion, ſhall be delivered to the Plaintiff, and ſo ſhall remain, until the Plea betwixt them be determined. And if the Lords of the Courts, which took diſtreſſes, come not at the day that they were attached, or do not keep the day given to them by Eſſoin, then the Sheriffs ſhall be commanded to cauſe them to come at another day; at which day if they come not, then he ſhall be commanded to diſtrain them by all their Goods and Chattels, that they have in the Shire, ſo that the Sheriff ſhall anſwer to the King of the Iſſues of the ſaid Inheritance. And that he have their bodies before our Juſtices at a certain day limited. So that if they come not at that day, the party Plaintiff ſhall go without day, and his Beaſts or other diſtreſſes taken by that colour, ſhall remain delivered, until the ſame Lords have recovered the ſame Suit by Award of the Kings Court; and in the mean time ſuch diſtreſſes ſhall ceaſe, ſaving to the Lords of the Court their Right to recover thoſe Suits in form of Law, when they will ſue therefore. And when the Lords of the Courts come in to anſwer the Plaintiffs of ſuch Treſpaſſes, and be convict thereupon, then by award of the Kings Court, the Plaintiffs ſhall recover againſt them the Damages that they have ſuſtained by occaſion of the ſaid Diſtreſs.

Tenants withholding from their Lords their due ſuits.

Fitz. Avowry 86. 92. 99.

Likewiſe, if the Tenants after this Act withdraw from their Lords ſuch Suits as they were wont to do, and which they did before the time of the ſaid Voyage, and hitherto uſed to do, then by like ſpeedineſs of Juſtice, as be to limiting of days, and awarding of Diſtreſſes, the Lords of the Court ſhall obtain Juſtice to recover their Suits, with their damages, in like manner as the Tenants ſhould recover theirs: And this recovering of damages muſt be underſtood of withdrawing from themſelves, and not of withdrawing from their Anceſtors: Nevertheleſs, the Lords of the Courts ſhall not recover Seiſin of ſuch Suits againſt their Tenants by default, as they were wont to do. And touching Suits withdrawn before the time aforementioned, let the Common Law run as it was wont before-time.

CAP. X.

Certain perſons exempt from apparance at Sheriffs Turns.

Certain perſons exempt from apparance at the Sheriffs Turn. Hundred courts. Stat. 9. H. 3. 3. 35

For the Turns of Sheriffs, it is provided, That Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, nor any Religious men or women, ſhall not need to come thither, except their apparance be eſpecially required thereat for ſome other cauſe; but the Turn ſhall be kept as it hath been uſed in the times of the Kings noble Progenitors. And they that have Hundreds of their own to be kept, ſhall not be bound to appear at any ſuch Turns, but in the Bayliwicks where they be dwelling. And the Turns ſhall be kept after the form of the great Charter, and as they were uſed in the times of King Richard and King John. Regiſt. fol. 174. 175. Fitz. N.B. fo. 159. d. 160. a. Co. Inſt. 2. par. 120.

CAP.

CAP. XI.

No Fines ſhall be taken for Beaupleader.

Fitz. Attachment 8. Bro. Attachment 13.

Beaupl[illegible] The Latine [illegible] Præſtationes. [illegible]

IT is provided alſo, That from henceforth, neither in the Circuit of Juſticers, nor in Counties, Hundreds, and Court Barons, any Fines ſhall be taken of any man for fair Pleading, nor ſo that any occaſion ſhall be.

And it is to be known, that by this Act Fines certain or Lones aſſeſſed ſince the time that our Lord the King firſt paſſed into Britain, are not taken away. Stat. 3 Ed. 1. 8. St. 1 Ed. 3. 8. Regiſt. fo. 179. Fitz. N.B. fo. 270. a. Co. Inſt. 2. par. 122.

CAP. XII.

Days given in Dower, Aſſiſe of Darraine preſentment, and Quare Impedit.

Plea of Dower, Darraine preſentment, Quare Impedit. V.N.B. fo 30. Stat. 32 H.8. 21.

Proces in Quare Impedit. V.N.B. fo. 26. Fitz. N.B. fo. 380. Raſt. pla. fo. 477.

Fitz. Jour. 18. 19. 32. 21 H. 6. fo. 4. 33 H. 6. fo. 1. Fitz. Brief. 21. Eveſque. P. 3. 14. 21, 22. 37.

IN a Plea of Dower, that is called (Unde nihil habet) from henceforth four days ſhall be given in the year at the leaſt, and moe, if it may conveniently be, ſo that they ſhall have five or ſix days at the leaſt in the year. In Aſſiſes of Darraine preſentment, and in a Plea of Quare Impedit, of Churches vacant, days ſhall be given from fifteen to fifteen, or from three weeks to three weeks, as the place ſhall hap to be neer or far: and in a Plea of Quare Impedit, if the Diſturber come not at the firſt day that he is ſummoned, nor caſt no Eſſoin, then he ſhall be attached at another day; at which day if he come not, nor caſt no Eſſoin, he ſhall be diſtrained by the great Diſtreſs above given: And if he come not then, by his default a Writ ſhall go to the Biſhop of the ſame place, that the claim of the Diſturber for that time, ſhall not be prejudicial to the Plaintiff: Saving to the Diſturber his right at another time, when he will ſue therefore. The ſame Law, as to the making of attachments, ſhall from henceforth be obſerved in all Writs where attachments lie, as in making Diſtreſſes, ſo that the ſecond attachment ſhall be made by better pledges, and afterwards the laſt Diſtreſs. Stat. 32 H.8. 21. Co. Inſt. 2. par. 123.

Attachments.

CAP. XIII.

After Iſſue joyned there ſhall be but one Eſſoin or one Default.

Dyer fo. 223. 324. Fitz. Eſſoin 21. 33. 34. 38. 100. 130. 159. Co. Inſt 2. par. 126.

After Iſſue joyned there ſhall be but one Eſſoin or one Default.

AND it is to be known, that after that a man hath put himſelf upon any Enqueſt, the which hath or muſt paſs in ſuch manner of Writs, he ſhall have but one Eſſoin, or one Default: ſo that if he come not at the day given to him by the Eſſoin, or make Default the ſecond day, then the Enqueſt ſhall be taken by his Default, and according to the ſame Enqueſt they ſhall proceed to Judgment. And if ſuch Enqueſt be taken in the County, before the Sheriff or Coroners, it ſhall be returned unto the Kings Juſtices at a certain day; and if the party Defendant come not at that day, then upon his default, another day ſhall be aſſigned to him after the diſcretion of the Juſtices. And it ſhall be commanded to the Sheriff, that he cauſe him to come to hear the Judgment, if he will, according to the Enqueſt; at which day if he come not, upon his default they ſhall proceed to Judgment. In like manner it ſhall be done, if he come not at the day given unto him by his Eſſoin. Raſt. pla. fo. 297, &c.

CAP. XIV.

They which have Charters of Exemption, muſt in ſome caſes be ſworn.

39 Ed. 3. fo. 15. 34 H. 6. fo. 25. 18 H. 8. fo. 5. 12 Ed. 4. fo. 45. 47. 2 R. 3. fo. 4. Fitz. Exemption 4[illegible].

They which have Charters of Exemption, muſt in ſome caſes be ſworn.

CONcerning Charters of Exemption and Liberties, that the Purchaſer ſhall not be impanelled in Aſſiſes, Juries, and Enqueſts: It is provided, that if their Oaths be ſo requiſite, that without them, Juſtice cannot be miniſtred, as in great Aſſiſes, Perambulations, and in Deeds or Writings of Covenants (where they be named for Witneſſes) or in Attaints, and in other caſes like, they ſhall be compelled to ſwear. Saving to them at another time their foreſaid Liberty and Exemption. Co. Inſt. par. 127.

CAP. XV.

In what places Diſtreſſes ſhall not be taken.

Co. lib. 8. fo. 60. 7 H. 7. fo. 1. 22 Ed. 4. fo. 49. Fitz. Bar. 281. Fitz. Treſpaſs 188. Fitz. Brief. 511. 842. Fitz. Avowry 87. 221, 232. Co. Inſt. 2. par. 133.

Diſtreſſes. Raſt. pla. fo. 226. Regiſt. fo. 98. 183. Stat. 9 Ed. 2. 9. Fitz. N. B. fo. 90. 173.

IT ſhall be lawful for no man from henceforth, for any manner of cauſe, to take Diſtreſſes out of this Fee, nor in the Kings high-way, nor in the common ſtreet, but only to the King or his Officers, having ſpecial authority to do the ſame. Co. Inſt. 2. par. 131. Cro. El. pa. 710.

CAP. XVI.

The Heirs remedy, if his Lord do keep him forth. The Kings Primer Seiſin.

A remedy for the Heir, if his chief Lord do keep or put him out of poſſeſſion V.N.B. fo. 93. 116. Fitz. N.B. fo. 196. f.

IF any Heir after the death of his Anceſtor be within age, and his Lord have the Ward of his Lands and Tenements, if the Lord will not render unto the Heir his Land (when he cometh to his full age) without Plea, the Heir ſhall recover his Land by Aſſiſe of Mortdaunceſtor, with the damages that he hath ſuſtained by ſuch withholding, ſince the time that he was of full age. And if an Heir at the time of his Anceſtors death be of full age, and he his heir apparent, and known for heir, and be found in the Inheritance, the chief Lord ſhall not put him out, nor take nor remove any thing there, but ſhall take only ſimple ſeiſin therefore for the recognition of his Seignory, that he may be known for Lord. And if the chief Lord do put ſuch an Heir out of the poſſeſſion maliciouſly, whereby he is driven to purchaſe a Writ of Mortdaunceſtor, or of Couſenage, then he ſhall recover his damages, as in aſſiſe of Novel diſſeiſin.

Dyer fo. 213.

5 Ed. 4. fo. 3.

Touching Heirs, which hold of our Lord the King in chief, this order ſhall be obſerved, that our Lord the King ſhall have the firſt ſeiſin of their Lands, like as he was wont to have before-time. Neither ſhall the heir, nor any other, intrude into the ſame Inheritance, before he hath received it out of the Kings hands, as the ſame inheritance was wont to be taken out of his hands and his Anceſtors in times paſt. And this muſt be underſtood of Lands and Fees, the which were accuſtomed to be in the Kings hands, by reaſon of Knights ſervice, of Serjeanty, or right of Patronage. Stat. 17 Ed. 2. 3.

Primer ſeiſin.

CAP. XVII.

The Authority and Dury of Gardians in Socage.

The authority and dury of Gardians in Socage. Fitz.N.B.118.a. 139.h.Coke pla. fo.47. Co.Inſt. 2. par. 135.

IT is provided, That if Land holden in Socage be in the cuſtody of the friends of the Heir, becauſe the Heir is within age, the Gardians ſhall make no waſte, nor ſale, nor any deſtruction of the ſame Inheritance, but ſafely ſhall keep it to the uſe of the ſaid Heir; ſo that when he cometh to his lawful age, they ſhall anſwer to him for the Iſſues of the ſaid Inheritance by a lawful accompt, ſaving to the ſame Gardians their reaſonable coſts. Neither ſhall the ſaid Gardians give or ſell the marriage of ſuch an heir, but to the advantage of the foreſaid Heir. But the next friends which had the ward (for all that time that writs of Impleading did not lie) ſhall have Wardſhip unto the advantage of the Heir, as is ſaid before, without waſt, ſale, or deſtruction making. Raſt. pla. fo. 21.618. V.N.B. fo. 58.

Fitz. Waſt. 19.106,107. Dyer fo.137. Fitz. Auncient demeſn 31. Fitz. preſent. 10. Fitz. Brief. 847. Fitz. Garde 166. 159. Plow. fo.293. Fitz. Accompt. 2. 3.35.59.60. 77.107.126. Co.Inſt. 89.a.

CAP. XVIII.

Who only may amerce for default of Common ſummons.

Authority to amerce.

NO Eſcheator, Commiſſioner, or Juſticer, ſpecially aſſigned to take Aſſiſes, or to hear and determine matters, from henceforth ſhall have power to amerce for default of Common ſummons, but the chief Juſtices, or the Juſtices in Eyre in their Circuits. Co. Inſt. 2. par. 136.

CAP. XIX.

In which Courts none ſhall need to ſwear, to warrant their Eſſoines.

Raſt.pla.fo.297. Eſſoin.

TOuching Eſſoines, it is provided, that in Counties, Hundreds, or in Court Barons, or in other Courts, none ſhall need to ſwear to warrant his Eſſoin. Co. Inſt. 2. par. 137.

Fitz. Eſſoin 119.

CAP. XX.

None but the King ſhall hold Plea of falſe Judgment.

Falſe judgement. Stat. 1 Ed.3.6.

NOne from henceforth (except our Lord the King) ſhall hold in his Court any Plea of falſe Judgment, given in the Court of his Tenants: For ſuch Plea ſpecially belongeth to the Crown and Dignity of our Lord the King. Regiſt. fol. 15. V.N.B. fo. 16. Fitz. N.B. fo. 17. Raſt. pa. fo. 342. Coke pla. fo. 305.

Fitz. Faux. judgment. 7. 8.10.14.26. Co. Inſt. 2. par.138.

CAP. XXI.

Who may take Replevins of Diſtreſſes.

Who may make Replevin of Beaſts diſtrained. Stat.3 Ed.1.17. Fitz.N.B.fo.68. V.N.B.fo.44.

IT is provided alſo, that if the Beaſts of any Man be taken, and wrongfully withholden, the Sheriff, after complaint made to him thereof, may deliver them, without let or gainſaying of him that took the Beaſts, if they were taken out of Liberties. And if the Beaſts were taken within any Liberties, and the Bailiffs of the Liberty will not deliver them, then the Sheriff, for default of thoſe Bailiffs, ſhall cauſe them to be delivered. Regiſt. fo. 82, &c. Co. Inſt. 2. par. 139.

Dyer fo.245. Bro. Riens 2.3. Bro. Parliament 108. Fitz. Return de Viſcount 17. Co. Inſt. 145. b.

CAP. XXII.

None ſhall compel his Free-holder to anſwer for his free-hold.

Anſwer for freehold, or ſwearing.

NOne from henceforth may diſtrain his Free-holders to anſwer for their Free-holds, nor for any things touching their Free-hold, without the Kings Writ. Nor ſhall cauſe his Free-holders to ſwear againſt their wills: for no man may do that without the Kings commandment. Stat. 15 R. 2. 12. Stat. 16 R. 2. 2. Regiſt. fo. 171.

Co. Inſt. 2. par. 142.

CAP. XXIII.

A remedy againſt Accomptants. Fermors ſhall make no Waſte.

Remedy againſt Accomptants. Raſt. pla.14.Stat. 13 Ed. 1.11. V.N.B.fo.58. Fitz.N.B.f.117.h. Fermors ſhall make no waſte.

IT is provided alſo, That if Bailiffs, which ought to make accompt to their Lords, do withdraw themſelves, and have no Lands nor Tenements whereby they may be diſtrained; Then they ſhall be attached by their bodies, ſo that the Sheriff, in whoſe Baliwick they be found, ſhall cauſe them to come to make their accompt. Co. Inſt.2.143.

Alſo Fermors during their terms, ſhall not make waſte, ſale, nor exile of Houſe, Woods, and men, nor of any thing belonging to the Tenements that they have to ferm, without ſpecial licenſe had by writing of Covenant, making mention, that they may do it: which thing if they do, and thereof be convict, they ſhall yeeld full damage, and ſhall be puniſhed by amerciament grievouſly. Stat. 6 Ed. 1. 5. Regiſt. fo. 72.136. Fitz.N.B. fo.58.h.Raſt.pla.fo.689. Co. Inſt. 2. par. 144.

Fitz. Brief 791. 806. Fitz. Proces 203. Fitz. Exigent 12. Coke li. 5. fo. 12. Dyer fo. 281. Fitz. Waſt. 2.22. 30.32.37.42. 43.46.47.48. 53.68.69.76. 78.82.88. Coke li.4. fo. 63. lib. 11. fo. 81. Fitz. Waſt.11.39. 53.66.72.73. 101.103.129.

CAP. XXIV.

For what cauſes Townſhips ought not to be amerced.

Amerciament of Towns in Eyre.

Enqueſts of the death of Man.

THe Juſticers in Eyre from henceforth ſhall not amerce Townſhips in their Circuits, becauſe all being twelve years old, came not afore the Sheriffs and Coroners, to make inquiry of Robberies, burnings of Houſes, or other things pertaining to the Crown; ſo that there come ſufficient out of thoſe Towns, by whom ſuch Enqueſts may be made full, except Enqueſts for the death of man, whereat all being twelve years of age, ought to appear, unleſs they have reaſonable cauſe of abſence.

Co. Inſt. 2. par. 147.

CAP. XXV.

What kind of Man-ſlaughter ſhall be adjudged Murder.

What is murder.

MUrder from henceforth ſhall not be judged before our Juſtices, where it is found miſfortune only, but it ſhall take place in ſuch as are ſlain by Felony, and not otherwiſe, Cok. pla. fo. 354. Co. Inſt. 2. par. 148.

Plow. fo 97. 473. Dyer fo.128.

CAP.

CAP. XXVI.

What day ſhall be given to him that is vouched to warranty.

Co. Inſt. 2. par. 142.

What day ſhall be given to him that is vouched to warranty.

IT is provided, that none, being vouched to warranty before our Juſtices in Eyre, in Plea of Land or Tenement, ſhall be amerced from henceforth, becauſe he was not preſent when he was vouched to warranty, except the firſt day of the coming of the Juſtices. But if the party vouched be within the Shire, then the Sheriff ſhall be commanded to cauſe him to come within the third and fourth day, according to the diſtance of the place, as it was wont to be done in the Circuit of the Juſtices. And if he dwell without the Shire, then he ſhall have reaſonable ſummons of fifteen days at the leaſt, after the diſcretion of the Juſtices, and the Common Law. Raſt. pla. fo. 687, &c.

CAP. XXVII.

A Clerk bailed upon a capital Offence, refuſeth to anſwer.

Bro. Coron. 111. Co. Inſt. 2. par. 150.

A Clerk bayled doth appear, but not anſwer.

IF a Clerk, for any Crime or Offence touching the Crown, be arreſted, and after, by the Kings commandment, let to bail, or replevied, ſo that they to whom he was let to bail, have him before our Juſtices: The ſureties from henceforth, nor they to whom he was let to bail, ſhall not be amerced (if they have his body before our Juſtices) although he will not anſwer before them, by reaſon of a Clerks priviledge, nor cannot by reaſon of his Ordinary. Stat. 28 H. 8. 1. Stat. 32 H. 8. 3.

CAP. XXVIII.

Remedies for ſucceſſors of Prelates for wrongs done to their Predeceſſors, or, &c.

Fitz. Treſpaſs 205. 211. 237. 242. Fitz. Brief 176. 296. 359. 623. 828. 2 H. 4. 4. Co. Inſt. 2. par. 151.

A remedy for Prelates for wrongs done in the time of their Predeceſſors, or during the vacation.

IT is provided, that if any wrongs or treſpaſſes be done by Abbots, or other Prelates of the Church, and they have ſued their right for ſuch wrongs, and be prevented with death before judgment given therein: their ſucceſſors ſhall have actions to demand the goods of their Church out of the hands of ſuch treſpaſſers. Moreover, the ſucceſſors ſhall have like action for ſuch things as were lately withdrawn by ſuch violence from their houſe and Church, before the death of their predeceſſors, though their ſaid predeceſſors did not purſue their right during their lives. And if any intrude into the Lands or Tenements of ſuch religious perſons in the time of vacation, of which lands their predeceſſors died ſeiſed as in the right of their Church, the ſucceſſors ſhall have a Writ to recover their ſeiſin. And damages ſhall be awarded them, as in Aſſiſe of Novel diſſeiſin is wont to be. Regiſt. fo. 72. 125. Fitz. N.B. fo. 112. V.N.B. fo. 136. Raſt. pla. fo. 381.

CAP. XXIX.

In what caſe a Writ of Entrie ſur diſſeiſin in the Poſt doth lie.

Fitz. cui in vita 23. Fitz. Entre. 9. 11. 49. 56. 65. Fitz. Brief 284. 438. 409. 693. 812. Co. Inſt. 238. b. 239. 2. 2 par. 153.

A Writ of Entry in the Poſt.

IT is provided alſo, that if thoſe alienations (whereupon a Writ of Entry was wont to be granted) hap to be made in ſo many degrees, that by reaſon thereof, the ſame Writ cannot be made in the form before times uſed, the Plaintiffs ſhall have a Writ to recover their ſeiſin, without making mention of the degrees, into whoſe hands ſoever the ſame thing ſhall happen to come by ſuch alienations, and that by an original writ to be provided therefore by the Councel of our Lord the King. Regiſt. fo. 228. V.N.B. fo. 130. Fitz. N.B. fo. 191. D. K. 192. 201. 203. Raſt. pla. fo. 283.

Anno 51 Henrici 3. A Statute intituled Dictum de Kenelworth, viz. An award, agreement, or Compoſition made at Kenelworth, between the King, his Noblemen, and Commons. EXP.

Anno 12 H. 3. Sententia lata ſuper Chartas, viz. A Sentence of Curſe given by the Biſhops againſt the breakers of the great Charter, and the Charter of the Foreſt. EXP.

The Statute of *Weſtminſter*, the firſt, made at *Weſtminſter* 25. *die Aprilis*, *Anno* 3 *Edw*. 1. and *Anno Dom*. 1275.

THeſe be the Acts of King Edward, Son to King Henry, made at Weſtminſter at his firſt Parliament general after his Coronation, on the Munday of Eaſter utas, the 3d year of his Reign, by his Councel, and by the aſſent of Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and all the Communalty of the Realm being thither ſummoned, becauſe our Lord the King had great zeal and deſire to redreſs the ſtate of the Realm in ſuch things as required amendment, for the common profit of holy Church and of the Realm. And becauſe the ſtate of holy Church had been evil kept, and the Prelates and Religious perſons of the land grieved many ways, and the people otherwiſe intreated then they ought to be, and the peace leſs kept, and the Laws leſs uſed, and the offenders leſs puniſhed than they ought to be, by reaſon whereof, the people of the land feared the leſs to offend: the King hath ordained and eſtabliſhed theſe Acts under-written, which he intendeth to be neceſſary and profitable unto the whole Realm.

CAP. I.

The Peace of the Church and the Realm ſhall be maintained.
Religious houſes ſhall not be over-charged.

Co. Inſt. 2. par. 155.

The Peace of the Church and the Realm ſhall be kept.

FIrſt, the King willeth and commandeth, that the Peace of holy Church, and of the Land be well kept, and maintained in all points, and that common right be done to all, as well to poor as rich, without reſpect of perſons. And becauſe that Abbeys and houſes of Religion of the land have been over-charged, and ſore grieved, by the reſort of the great men and other, ſo that their goods have not been ſufficient for themſelves, whereby they have been greatly hindred and impoveriſhed, that they cannot maintain themſelves nor ſuch charity as they

Religious houſes ſhall not be overcharged.

No purveyance ſhall be made of a Prelate without the owners conſent
St. 14 Ed. 3. 1.
St. 18 Ed. 3. 4.
St. 1 R. 2. 3.
Regiſt. fo. 98.

The puniſhment of the offendors.

A Prelate ſhall receive no lodgers.
Raſt. pla. fo. 373

A Sheriffs entertainment.

they have been accuſtomed to do: It is provided, that none ſhall come to eat or lodge in any houſe of religion of any others foundation then of his own, at the coſts of the houſe, unleſs he be required by the Governour of the houſe before his coming thither. And that none, at his own coſts, ſhall enter and come to lie there againſt the will of them that be of the houſe. And by this ſtatute the King intendeth not, that the grace of hoſpitality ſhould be withdrawn from ſuch as need, nor that the founders of ſuch Monaſteries ſhould over-charge, or grieve them by their often coming. It is provided alſo, that none high nor low, by colour of kindred, affinity or alliance, or by any other occaſion, ſhall courſe in any Park, nor fiſh in any Pond, nor come to eat, or lodge in the houſe or mannor of a Prelate, or any other religious perſon, againſt the will or leave of the Lord or his Bayliff, neither at the coſt of the Lord, nor at his own. And if he come in, or enter with the good-will, or againſt the will of the Lord or his Bayliff, he ſhall cauſe no door, lock, nor window, nor nothing that is ſhut to be opened or broken by himſelf nor any other, nor no manner of victual nor other thing ſhall take by colour of buying nor otherwiſe; and that none ſhall threſh Corn, nor take Corn, nor any manner of victual, nor other goods of a Prelate, man of religion, nor any other Clerk, or lay-perſon by colour of buying or otherwiſe, againſt the will and licenſe of him to whom the thing belongeth, or of the Keeper, be it within Market-town or without. And that none ſhall take Horſes, Oxen, Ploughs, Carts, Ships, nor Barges, to make carriage, without the aſſent of him to whom ſuch things belong. And if he do it by the aſſent of the party, then incontinent he ſhall pay according to the covenant made between them. And they that offend againſt theſe Acts, and thereof be attainted, ſhall be committed to the Kings Priſon, and after ſhall make fine, and be puniſhed according to the quantity and manner of the treſpaſs: and after, as the King in his Court ſhall think convenient. And it is to be known, that if they, to whom ſuch treſpaſs was done, will ſue for damages, they ſhall be thereto received, and the ſame ſhall be awarded and reſtored to the double. And they that have done the treſpaſs, ſhall be likewiſe puniſhed in the manner aboveſaid. And if none will ſue, the King ſhall have the ſuit, as for a thing committed againſt his commandment, and againſt his Peace. And the King ſhall make enquiry from year to year, what perſons do ſuch treſpaſſes, after as he ſhall think neceſſary and convenient. And they that be indicted by ſuch Inqueſts, ſhall be attached and diſtrained by that great diſtreſs, to come at a certain day containing the ſpace of a month into the Kings Court, or where it ſhall pleaſe the King. And if they come not at that day, they ſhall be diſtrained again of new by the ſame diſtreſs, for to come at another day, containing the ſpace of ſix weeks at the leaſt; and if they come not then, they ſhall be judged as attainted, and ſhall yeeld double damages (at the Kings ſuit) to ſuch as have taken hurt or damage, and ſhall make grievous fine after the manner of the treſpaſs. And the King forbiddeth and commandeth, that none from henceforth do hurt, damage, or grievance to any religious man or perſon of the Church, or any other, becauſe they have denied meat or lodging unto them, or becauſe that any complaineth in the Kings Court that he hath been grieved in any of the things above mentioned. And if any do, and hereof be attainted, he ſhall incurre the pain aforeſaid. And it is further provided, that the points aforeſaid ſhall as well bind our Counſellors, Juſticers of Foreſts, and other our Juſtices, as any other perſons, and that the foreſaid points be maintained, obſerved, and kept. Likewiſe the King forbiddeth upon grievous forfeitures, that no Prelate, Abbot, man of religion, or Bayliff of any of them, or of other, receive any man contrary to the form aforeſaid. And that none ſhall ſend to the Houſe or Mannor of a man of religion, or of any other perſon, his Men, Horſe, or Dogs, to ſojourn, nor none ſhall them receive; and he that doth (ſeeing the King hath commanded the contrary) ſhall be grievouſly puniſhed: yet it is further provided, that the Sheriff from henceforth ſhall not lodge with any perſon, with any more than five or ſix Horſes. And that they ſhall not grieve religious men, nor other, by often coming and lodging, neither at their houſes, nor their mannors. Stat. 9 Ed. 2. 11.

CAP. II.

A Clerk convict of felony delivered to the Ordinary, ſhall not depart without purgation.

A Clerk convict of felony ſhall not be delivered without purgation.
St. 18 Eliz. 6.

It is provided alſo, that when a Clerk is taken for guilty of felony, and is demanded by the Ordinary, he ſhall be delivered to him according to the priviledge of holy Church, on ſuch peril as belongeth to it after the cuſtom aforetimes uſed. And the King admoniſheth the Prelates, and enjoyneth them upon the faith that they owe to him, and for the common profit and peace of the Realm, that they which be indicted of ſuch offences by ſolemn inqueſt of lawful men in the Kings Court, in no manner ſhall be delivered without due purgation, ſo that the King ſhall not need to provide any other remedy therein. 23 H. 8. 11. Co. Inſt. 2. par. 164.

CAP. III.

No Penalty for an eſcape before it be adjudged.

Nothing ſhall be taken for eſcape before it be judged.

It is provided alſo, that nothing be demanded nor taken from henceforth, nor levied by the Sheriff, nor by any other, for the eſcape of a theef or a felon, until it be judged for an eſcape by the Juſtices in Eyre. And he that otherwiſe doth, ſhall reſtore to him, or them that have payed it, as much as he or they have taken or received, and as much alſo unto the King. Regiſt. fo. 183.

21 Aſſ. pla. 12.
27 Aſſ. pl. 1. 3.
27. 21 Ed. 3.
fo. 54.
Co. Inſt. 2. par.
165.

CAP. IV.

What ſhall be adjudged Wreck of the Sea, and what not.

Which ſhall be ſaid wreck of the Sea, and how it ſhall be uſed.

Concerning Wrecks of the Sea, it is agreed, that where a Man, a Dog, or a Cat eſcape quick out of the Ship, that ſuch Ship, nor Barge, nor any thing within them, ſhall be adjudged wreck, but the goods ſhall be ſaved and kept by view of the Sheriff, Coroner, or the Kings Bayliff, and delivered into the hands of ſuch as are of the Town, where the goods were

Coke li. 5. fo.
106. 5 Ed. 3.
fo. 3. 35 H. 6.
fo. 27. Bro.
Wreck 1.
Co. Inſt. 2. par.
166.

were found, ſo that if any ſue for thoſe goods, and after prove that they were his, or periſhed in his keeping within a year and a day, they ſhall be reſtored to him without delay; and if not, they ſhall remain to the King, and be ſeiſed by the Sheriffs, Coroners, and Bailiffs, and ſhall be delivered to them of the Town, which ſhall anſwer before the Juſtices of the wreck belonging to the King. And where wreck belongeth to another then to the King, he ſhall have it in like manner. And he that otherwiſe doth, and thereof be attainted, ſhall be awarded to priſon, and make fine at the Kings will, and ſhall yield damages alſo. And if a Bailiff do it, and it ſhall be diſallowed by the Lord, and the Lord will not pretend any title thereunto, the Bailiff ſhall anſwer (if he have whereof) and if he have not whereof, the Lord ſhall deliver the Bailiffs body to the King. St. 17 Edw. 2. 11.

Raſt. pla. f. 611.

CAP. V.

There ſhall be no diſturbance of free Elections.

Cok. l. 8. fo. 38, 59. Bro. amerciament 6. 9. 11. 13. 20. 25. 27. 28. 31. 32. 35. 34. 39. 43. 44.

Elections ſhall be free.

And becauſe Elections ought to be free, the King commandeth upon great forfeiture, that no man by force of arms, nor by malice or menacing ſhall diſturb any to make free Election. Stat. 9 Edw. 2. Co. Inſt. 2 par. 168.

CAP. VI.

Amerciaments ſhall be reaſonable, and according to the offence.

Co. Inſt. 2 par. 169.

Amerciaments ſhall be reaſonable.

And that no City, Borough, nor Town, nor any man be amerced without reaſonable cauſe, and according to the quantity of his Treſpaſs, that is to ſay, every Free-man, ſaving his Free-hold, a Merchant ſaving his Merchandiſe, a Villain ſaving his Waynage, and that by his or their Peers. Stat. 9 H. 3. 14. V. N. B. fo. 47. Regiſt. fo. 187.

CAP. VII.

In what manner, and of whom Purveyance ſhall be made for a Caſtel.

Fitz. Attach 8. Bro. Attach. 13. Co. Inſt. 2 par., 170.

Purveyance for a Caſtel.

Of Priſes taken by Conſtables, or Caſtellaines, upon ſuch folk as be not of the Town where the Caſtel is, it is provided, that no Conſtable nor Caſtellain from henceforth exact any Priſe or like thing, of any other, then of ſuch as be of their Town or Caſtel: And that it be paid, or elſe agreement to be made within fourty days, if it be not an ancient Priſe due to the King, or to the Caſtel, or to the Lord of the Caſtel. St. 9 H. 3. 19.

CAP. VIII.

Nothing ſhall be taken for Beaupleader.

Fair pleading. St. 52 H. 11. St. 1 Ed. 3. 8. Fit. N. B. 270. Regiſt. fo. 179.

And that nothing be taken for fair Pleading, as hath been prohibited heretofore in the time of King Henry, father to our Lord the King that now is. Co. Inſt. 2 par. 171.

CAP. IX.

All men ſhall be ready to purſue Felons.

Co. Inſt. 2 par. 171.

Every perſon ſhall be ready to arreſt felons. 4 Ed. 1. Officium coronat.

And foraſmuch as the peace of this Realm hath been evil obſerved heretofore for lack of quick and freſh ſuit making after felons in due manner, and namely becauſe of franchiſes, where felons are received: it is provided, that all generally be ready and apparelled at the commandment and ſummons of Sheriffs, and at the cry of the Countrey, to ſue and arreſt felons (when any need is) as well within franchiſe as without; and they that will not ſo do, and thereof be attainted, ſhall make a grievous fine to the King. And if default be found in the Lord of the franchiſe, the King ſhall take the ſame franchiſe to himſelf. And if default be in the Bayliff, he ſhall have one years impriſonment, and after ſhall make a grievous fine. And if he have not whereof, he ſhall have impriſonment of two years. And if the Sheriff, Coroner, or any other Bailiff within ſuch franchiſe, or without, for reward, or for prayer, or for fear, or for any manner of affinity, conceal, conſent, or procure to conceal the felonies done in their liberties, or otherwiſe will not attach nor arreſt ſuch felons there (as they may) or otherwiſe will not do their office for favour born to ſuch miſdoers, and be attainted thereof, they ſhall have one years impriſonment, and after make a grievous fine at the Kings pleaſure, if they have wherewith. And if they have not whereof, they ſhall have impriſonment of three years. Stat. 13 E. 1. 1. 2 Seſſ. 28 E. 3. 11. 7 R. 2. 6. 27 El. 13. 39 El. 25.

CAP. X.

What ſort of men ſhall be Coroners. Sheriffs ſhall have Counter-rolls with them.

What ſorts of perſons ſhall be Coroners. Fitz N.B. fo. 163. St. 28 Ed. 3. 6.

And foraſmuch as mean perſons and undiſcreet, now of late are commonly choſen to the office of Coroners, where it is requiſite that perſons honeſt, lawful and wiſe ſhould occupy ſuch Offices: It is provided, that through all ſhires ſufficient men ſhall be choſen to be Coroners, of the moſt wiſe and diſcreet Knights, which know, will, and may beſt attend upon ſuch Offices, and which lawfully ſhall attach and preſent Pleas of the Crown. And that Sheriffs ſhall have Counter-rolls with the Coroners, as well of Appeals, as of Enqueſts, of Attachments, or of other things which to that Office belong. And that no Coroner demand nor take any thing of any man to do his Office, upon pain of great forfeiture to the King. Stat. 4 E. 1. Officium Coronat. Stat. 3 H. 7. 1. Co. Inſt. 2. par. 174.

7 Aſſ. pl. 5. H. 6. fo. 15.

Aſſ. pl. 14.

Sheriffs ſhall have counter-rolls with Coroners.

Coroners ſhall take nothing. St. 1 H. 8. 7.

CAP. XI.

Replevin by the Writ of Odio & Atia. Who ſhall be triers of Murder.

5 H. 7. fo. 5. Cok. li. 9. fo. 56.

Odio & Atia. What ſort of perſons ſhall be Jurors to try thoſe that be indicted of murder.

And foraſmuch as many being indicted of Murder, and culpable of the ſame, by favourable Inqueſts taken by the Sheriff, and by the Kings Writ of Odio & Atia, be replevied unto the coming of the Juſtices in Eyre: It is provided, that from henceforth ſuch Inqueſts ſhall be taken by lawful men choſen out by oath (of whom two at the leaſt ſhall be Knights) which by no affinity with the priſoners, nor otherwiſe are to be ſuſpected. Stat. 9 H. 3. 26. St. 6. Ed. 1. 9. Regiſt. fo. 133. Co. Inſt. 2. par. 177.

CAP. XII.

The puniſhment of Felons refuſing lawful trial.

The puniſhment of felons refuſing lawful trial.

It is provided alſo, that notorious felons, and which openly be of evil name, and will not put themſelves in Enqueſts of Felonies, that men ſhall charge them with before the Juſtices at the Kings ſuit, ſhall have ſtrong and hard impriſonment, as they which refuſe to ſtand to the common Law of the Land. But this is not to be underſtood of ſuch priſoners as be taken of light ſuſpition. Co. Inſt. 2 par. 177.

Dyer. fo. 205. 241. Kel. fo. 70. 8 H. 4. fo. 2. 4 Ed. 4. f. 11. 14 Ed. 4. f. 7. 21 Ed. 3. f. 18. 40 Aſſ. pl. 40. Fitz. Coron. 253. 283. 359.

CAP. XIII.

The puniſhment of him that doth raviſh a woman.

The puniſhment of him which raviſheth a woman.

And the King prohibiteth that none do raviſh, nor take away by force any maiden within age (neither by her own conſent, nor without) nor any wife, or maiden of full age, nor any other woman againſt her will. And if any do, at his ſuit that will ſue within fourty days, the King ſhall do common right; and if none commence his ſuit within fourty days, the King ſhall ſue. And ſuch as be found culpable, ſhall have two years impriſonment, and after ſhall fine at the Kings pleaſure. And if they have not whereof, they ſhall be puniſhed by longer impriſonment according as the treſpaſs requireth. St. 13 E. 1. 34. St. 6 R. 2. 6. Regiſt. fo. 97. Raſt. pla. fo. 542.

22 E. 4. f. 22. Cok. Inſt. 123. b. 2 par. 1180.

CAP. XIV.

Appeal againſt the principal and acceſſary.

How an appeal againſt the principal and acceſſary ſhall be purſued.

And foraſmuch as it hath been uſed in ſome Counties to outlaw perſons being appealed of commandment, force, aid, or receipt within the ſame time that he which is appealed for the deed, is outlawed: It is provided and commanded by the King, that none be outlawed upon appeal of commandment, force, aid, or receipt, until he that is appealed of the deed be attainted: ſo that one like law be uſed therein through the Realm. Nevertheleſs he that will ſo appeal, ſhall not by reaſon of this intermit or leave off to commence his appeal at the next County againſt them, no more then againſt their principals, which be appealed of the deed, but their Exigent ſhall remain, until ſuch as be appealed of the deed be attainted by outlawry or otherwiſe. Raſt. pla. fo. 42. 47. 48. Co. Inſt. 2 par. 182.

Cok. l. 9. f. 119. Plow. f. 97. 2 R. 3 f. 21. 9 H. 7. f. 19. 20 Ed. 4. f. 7. 50 Ed. 3. f. 19. 44 Aſſ. pl. 16. 7 H. 4. f. 36.

Fitz. Coron. 10. 12. 33.

CAP. XV.

Which priſoners be mainpernable, and which not. The penalty for unlawful bailment.

And foraſmuch as Sheriffs, and other, which have taken and kept in priſon perſons detected of felony, and incontinent have let out by replevin, ſuch as were not replevisable, and have kept in priſon ſuch as were replevisable, becauſe they would gain of the one party, and grieve the other: And foraſmuch as before this time it was not determined, which perſons were replevisable, and which not, but onely thoſe that were taken for the death of man, or by commandment of the King, or of his Juſtices, or for the Foreſt: It is provided, and by the King commanded, that ſuch priſoners as before were outlawed, and they which have abjured the Realm, provors and ſuch as be taken with the manner, and thoſe which have broken the kings priſon, theeves openly defamed and known, and ſuch as be appealed by provors, ſo long as the provors be living (if they be not of good name) and ſuch as be taken for houſe-burning feloniouſly done, or for falſe money, or for counterfeiting the Kings Seal, or perſons excommunicate, taken at the requeſt of the Biſhop, or for manifeſt offences, or for treaſon touching the King himſelf, ſhall be in no wiſe replevisable by the common Writ, nor without writ. But ſuch as be indicted of Larceny by Enqueſts taken before Sheriffs or Bailiffs by their Office, or of light ſuſpition, or for pety Larceny, that amounteth not above the value of xii. pence, if they were not guilty of ſome other Larceny afore-time, or guilty of receipt of felons, or of commandment or force, or of aid in felony done, or guilty of ſome other treſpaſs, for which one ought not to loſe life nor member, and a man appealed by a provor after the death of the provor (if he be no common theef nor defamed) ſhall from henceforth be let out by ſufficient ſurety, whereof the Sheriff will be anſwerable, and that without giving ought of their goods. And if the Sheriff or any other, let any go at large by ſurety that is not replevisable, if he be Sheriff or Conſtable, or any other Bailiff of fee, which hath keeping of priſons, and thereof be attainted, he ſhall loſe his fee and Office for ever. And if the under-Sheriff, Conſtable, or Bailiff of ſuch as have fee for keeping of priſons, do it contrary to the will of his Lord, or any other Bailiff being not of fee, they ſhall have three years impriſonment, and make fine at the Kings pleaſure. And if any with-hold priſoners replevisable, after that they have offered ſufficient ſurety, he ſhall pay a grievous amerciament to the King. And if he take any reward for the deliverance of ſuch, he ſhall pay double to the priſoner, and alſo ſhall be in the great mercy of the King. St. 27 E. 1. 3. St. 3 H. 7. 3. 1 & 2 P. & M. 13. Co. Inſt. 2 par. 184.

What ſort of offendors be not mainpernable.

Bro. Mainpriſe. 11. 56. 78.

Dyer. f. 170. Fitz. Mainpriſe 1. 40. Bro. Mainpriſe 54. 57. 59. 60. 75. 78. 1. Cok. l. 11. f. 29. Fitz. Mainpriſe 39. Bro. Main. 6. 9. 11. 19. 22. 30. 48 50. 51. 53. 58. 63. 64. 71. 78. 91. 94. 97.

What ſort of offendors be mainpernable.

The penalty for unlawful mainpriſe. V. N. B. fo. 40.

The penalty for detaining a priſoner that is mainpernable. V. N. B. fo. 41. Regiſt. fo. 83. 268.

CAP. XVI.

None ſhall diſtrain out of his fee, nor drive the diſtreſs out of the County.

A diſtreſs ſhall not be driven out of the County. Diſtraining of his fee.

In right thereof that ſome perſons take and cauſe to be taken the beaſts of other, chaſing them out of the Shire where the beaſts were taken: It is provided alſo, that none from henceforth do ſo: and if any do, he ſhall make a grievous fine, as is contained in the Statute of Marlebridge, made in the time of King Henry, father to the King that now is. And likewiſe it ſhall be done to them which take beaſts wrongfully, and diſtrain out of their fee; and ſhall be more grievouſly puniſhed, if the manner of the treſpaſs do ſo require. St. 52. H. 3. 15. St. 1 & 2 P. & M. 12. Fitz. N. B. fo. 89. B. 90. A. Regiſt. fo. 97. 183.

30 Aſſ. pl. 30. 1 H. 6. f. 3. Kel. f. 50. Fitz. Avowry. 192. Co. Inſt. 2 par. 192.

7 H. 7. f. 2.

CAP.

CAP. XVII.

The remedy if a diſtreſs be impounded in a Caſtle or Fortreſs.

IT is provided alſo, That if any from henceforth take the beaſts of other, and cauſe them to be driven into a Caſtle or Fortreſs, and there within the cloſe of ſuch Caſtle or Fortreſs, do with-hold them againſt gage and pledges, whereupon the beaſts be ſolemnly demanded by the Sheriff, or by ſome other Bailiff of the Kings at the ſuit of the plaintiff, the Sheriff or Bailiff taking with him the power of the Shire or Bailiwick, do aſſay to make Replevin of the beaſts from him that took them, or from his Lord, or from other being ſervants of the Lord (whatſoever they be) that are found in the place, whereunto the beaſts were chaſed: if any deforce him of the deliverance of the beaſts, or that no man be found for the Lord or for him that took them, for to anſwer and make the deliverance, after ſuch time as the Lord or taker ſhall be admoniſhed to make deliverance by the Sheriff or Bailiff, if he be in the country, or near, or there whereas he may be conveniently warned by the taker, or by any other of his to make deliverance, if he were out of the countrey when the taking was, and did not cauſe the beaſts to be delivered incontinent, that the King for the treſpaſs and deſpite ſhall cauſe the ſaid Caſtle or Fortreſs to be beaten down without recovery: And all the damages that the plaintiff hath ſuſtained in his beaſts, or in his gainure, or any otherwiſe (after the firſt demand made by the Sheriff or Bailiff of the beaſts) ſhall be reſtored to him double by the Lord, or by him that took the beaſts, if he have whereof: and if he have not whereof, he ſhall have it of the Lord, at what time or in what manner the deliverance be made after that the Sheriff or Bailiff ſhall come to make deliverance. And it is to wit, that where the Sheriff ought to return the Kings writ to the Bailiff of the Lord of the Caſtle, or Fortreſs, or to any other to whom the return belongeth, if the Bailiff of the Franchiſe will not make deliverance after that the Sheriff hath made his return unto him, then ſhall the Sheriff do his Office without further delay, and upon the foreſaid pains. And in like manner deliverance ſhall be made by Attachment of the plaintiff made without Writ, and upon the ſame pain. And this is to be intended in all places where the Kings Writ lieth. And if that be done in the Marches of Wales, or in any other place where the Kings Writs be not currant, the King which is Sovereign Lord over all, ſhall do right there unto ſuch as will complain.

Inſt. par. 198.

Riot. 2. 3.

The remedy if a diſtreſs be detained in a Caſtle or Fort.

St. 52 H. 3. 3.
St. 13 Ed. 1. 39.
V. N. B. f. 43. 44.
Regiſt. f. 85.

A Non omittas to the Sheriff, if the Bailiff do not execute the Writ.
St. 52 H. 3. 21.
Regiſt. f. 81.
Fitz. N. B. f. 68. F.

Marches of Wales.

CAP. XVIII.

Who ſhall aſſeſs the common Fines of the County.

FOraſmuch as the common fine and amerciament of the whole County in Eyre of the Juſtices for falſe judgments, or for other treſpaſs, is unjuſtly aſſeſſed by Sheriffs and Barretors in the Shires, ſo that the ſum is many times increaſed, and the parcels otherwiſe aſſeſſed then they ought to be, to the damage of the people, which be many times paid to the Sheriffs and Barretors that cannot acquit them: It is provided, and the King will, that from henceforth ſuch ſums ſhall be aſſeſſed before the Juſtices in Eyre, afore their departure, by the oath of Knights, and other honeſt men, upon all ſuch as ought to pay; and the Juſtices ſhall cauſe the parcels to be put in their eſtreates, which ſhall be delivered up unto the Eſchequer, and not the whole ſum.

Cok. l. 8. f. 37.
Co. Inſt. par. 196.
Cok. l. 8. f. 39.

By whom the common fine ſhall be aſſeſſed.

CAP. XIX.

A Sheriff having received the Kings debt, ſhall diſcharge the debtor.

IN right of the Sheriffs or other which anſwer by their own hands unto the Eſchequer, and which have received the Kings Fathers debts, or the Kings own debts before this time, and have not acquitted the debtors in the Eſchequer: It is provided, that the King ſhall ſend good and lawful men through every Shire, to hear all ſuch as will complain thereof, and to determine the matters there, that all ſuch as can prove that they have paid, ſhall be thereof acquitted for ever (whether the Sheriffs or other be living or dead) in a certain form that ſhall be delivered them. And ſuch as have not ſo done (if they be living) ſhall be grievouſly puniſhed. And if they be dead, their heirs ſhall anſwer, and be charged with the debt. And the King hath commanded, that Sheriffs and other aforeſaid, ſhall from henceforth lawfully acquit the debtors at the next accompt after they have received ſuch debts, and then the debt ſhall be allowed in the Eſchequer, ſo that it ſhall no more come in the ſummons. And if the Sheriff otherwiſe do, and thereof be attainted, he ſhall pay to the plaintiff thrice as much as he hath received, and ſhall make fine at the Kings pleaſure. And let every Sheriff take heed that he have ſuch a Receiver, for whom he will anſwer: for the King will be recompenced of all the Sheriffs and their heirs. And if any other that is anſwerable to the Eſchequer by his own hands ſo do, he ſhall render thrice ſo much to the plaintiff, and make fine in like manner. And that the Sheriffs ſhall make tallies to all ſuch as have paid their debt to the King, and that the ſummons of the Eſchequer be ſhewed to all debtors that demand a ſight thereof, without denying to any, and that without taking any reward, and without giving any thing: and he that doth contrary, the King ſhall puniſh him grievouſly.

Cok. Inſt. par. 197.

Sheriffs.

Debt.

A Sheriff having received the Kings debt, ſhall diſcharge the debtor.
St. 51 H. 3.
St. Weſt. 4.

Proceſs for levying of the Kings debt, ſhall be ſhewed to the debtor.
St. 42 Ed. 3. 9.
St. 7 H. 4. 3.

CAP. XX.

Offences committed in Parks and Ponds. Robbing of tame beaſts in a Park.

IT is provided alſo for treſpaſſers in Parks and Ponds, that if any be thereof attainted at the ſuit of the party, great and large amends ſhall be * awarded according to the treſpaſs, and ſhall have three years impriſonment, and after ſhall make fine at the Kings pleaſure (if he have whereof) and then ſhall find good ſurety, that after he ſhall not commit like treſpaſs. And if he have not whereof to make fine, after three years impriſonment, he ſhall find like ſurety: and if he cannot find like ſurety, he ſhall abjure the Realm. And if any being guilty thereof

Cok. Inſt. 2 par. 198.
Kel. f. 30. 202.
Dyer. f. 238.
30 Ed. 3. f. 11.
47 Ed. 3. f. 10.
[illegible]
[illegible]
[illegible]
18 H. 6. f. 21.
21 H. 7. f. 21.
13 H. 7 f. 10. 12.
Fit. Barre. 83.
2 E. 4. 4. b.
14 E. 4. 14.

*Co. Inſt. 2 par. 200.

The puniſhment for offences committed in Parks and Ponds.
Regiſt. f. 80. 111.
Fitz. N. B. f. 67. d.
V. N. B. f. 41.
Raſt. pl. f. 651 &c.

thereof be fugitive, and have no land nor tenement ſufficient (whereby he may be juſtified) ſo ſoon as the King ſhall find it by Enqueſt, he ſhall be proclaimed from County to County; and if he come not, he ſhall be out-lawed. It is provided alſo and agreed, that if none do ſue within a year and a day for the treſpaſs done, the King ſhall have the ſuit. And ſuch as be found guilty thereof by lawful Enqueſt, ſhall be puniſhed in like manner in all points as above is ſaid. And if any ſuch treſpaſſer be attainted, that he hath taken tame beaſts, or other thing in his Parks by manner of robbery, in coming, tarrying, or returning, let the Common Law be executed upon him, as upon him that is attainted of open theft and robbery, as well at the ſuit of the King as of the party. Stat. 9 H. 3. 10. St. 1 Ed. 3. 8. 1 Seſſ. St. 1 H. 7. 7.

CAP. XXI.

No waſte ſhall be made in Wards Lands: nor in Biſhops during the vacation.

Waſte ſhall not be done in Wards or Biſhops Lands. Regiſt. f. 72. Fit. N.B. f. 59. b. V. N. B. f. 87.

IN right of Lands of Heirs being within age, which be in Ward of their Lords: It is provided, that the Guardians ſhall keep and ſuſtain the Land, without making deſtruction of any thing. And that of ſuch manner of Wards ſhall be done in all points as is contained in the great Charter of Liberties made in the time of King Henry, Father to the King that now is; and that it be ſo uſed from henceforth. And in the ſame manner ſhall Archbiſhopricks, Biſhopricks, Abbacies, Churches, and all Spiritual Dignities be kept in time of vacation. St. 9 H. 3. 4. St. 6 Ed. 1. 5. St. 13 Ed. 1. 14. St. 28 Ed. 1. 18. St. 36 Ed. 3. 13. Co. Inſt. 2 par. 201.

Bro. Waſt. 31. 37. 49. 68. 107. 135. Co. Inſt. 54. 1.

Bro. Waſte 51.

CAP. XXII.

The penalty of an Heir marrying without conſent of his Guardian. A woman Ward.

Co. Inſt. 2 par. 202. Cro. el. 463.

OF Heirs married within age, without the conſent of their Guardians, afore that they be paſt the age of fourteen years, it ſhall be done according as it is contained in the Statute of Merton. And of them that ſhall be married without the conſent of their Guardians, after they be paſt the age of xiiii. years, the Guardian ſhall have the double value of their marriage, after the tenour of the ſame Act. Moreover, ſuch as have with-drawn their marriage, ſhall pay the full value thereof unto their Guardian for the treſpaſs, and nevertheleſs the King ſhall have like amends according to the ſame Act, of him that hath ſo withdrawn. And of Heirs females, after they have accompliſhed the age of fourteen years, and the Lord (to whom the marriage belongeth) will not marry them, but for covetiſe of the Land will keep them unmarried: It is provided, that the Lord ſhall not have nor keep by reaſon of marriage, the Lands of ſuch Heirs females more then two years after the term of the ſaid xiiii. years. And if the Lord within the ſaid two years do not marry them, then ſhall they have an action to recover their inheritance, quite without giving any thing for their Wardſhip, or their Marriage. And if they of malice, or by evil counſel will not be married by their chief Lords (where they ſhall not be diſparaged) then their Lords may hold their Land and Inheritance, until they have accompliſhed the age of an Heir male, that is to wit, of one and twenty years, and further until they have taken the value of the Marriage. St. 13 Ed. 1. 35. Regiſt. fo. 161.

Merton cap. 6.

The penalty of a Ward marrying without conſent of his Guardian. Regiſt. jud. f. 88. Fit. N.B. f. 141. V. N. B. f. 89. Raſt. pl. 2. f. 356. Cok. pl. f. 262.

When an Heir female ſhall be out of Ward. V. N. B. f. 116.

The penalty of a Ward refuſing a marriage tendred.

Fitz. Gard. 59. 71. Bro. Gard 86. Cok. 1. 6. f. 71.

CAP. XXIII.

None ſhall be diſtrained for a debt that he oweth not.

A ſtranger ſhall not be diſtrained for debt.

IT is provided alſo, that in no City, Borough, Town, Market, or Fair, there be no foreign perſon (which is of this Realm) diſtrained for any debt, wherefore he is not debtor or pledge. And whoſoever doth it, ſhall be grievouſly puniſhed, and without delay the diſtreſs ſhall be delivered unto him by the Bailiff of the place, or by the Kings Bailiffs, if need be.

Co. Inſt. 2 par. 204.

CAP. XXIV.

The remedy if an Officer of the King do diſſeiſe any.

No Officer of the Kings ſhall diſſeiſe any.

IT is provided alſo, that no Eſcheator, Sheriff, nor other Bailiff of the King, by colour of his Office without ſpecial warrant or commandment, or authority certain pertaining to his Office, diſſeiſe any man of his free-hold, nor of any thing belonging to his free-hold. And if any do, it ſhall be at the election of the diſſeiſee, whether that the King by Office ſhall cauſe it to be amended at his complaint, or that he will ſue at the Common Law by a Writ of Novel diſſeiſin; and he that is attainted thereof, ſhall pay double damages to the Plaintiff, and ſhall be grievouſly amerced unto the King. St. 1 R. 29. V. N. B. fo. 106. Co. Inſt. 2 par. 206.

Fit. Aſſiſ. 373. Fit. Diſſeiſin. 10. 7 H. 4. f. 46.

CAP. XXV.

None ſhall commit Champerty, to have part of the thing in queſtion.

None ſhall commit Champerty. Regiſt. f. 182. Regiſt. jud. f. 57.

NO Officer of the King by themſelves, nor by other ſhall maintain pleas, ſuits, or matters hanging in the Kings Courts for Lands, Tenements, or other things, for to have part or profit thereof by covenant made between them; and he that doth, ſhall be puniſhed at the Kings pleaſure. St. 13 Ed. 1. 49. St. 28 Ed. 1. 11. Stat. 33 Ed. 1. of Champerty. V. N. B. fo. 180. Fitz. N. B. fo. 172. Raſt. pla. fo. 119. Co. Inſt. 2 par. 207.

9 H. 7. f. 18. 15 H. 7. f. 2. 3 H. 6. f. 52. 31 H. 6. f. 14.

CAP. 26.

None of the Kings Officers ſhall commit extortion.

No Officer ſhall commit Extortion. Raſt. pl. f. 317.

AND that no Sheriff nor other the Kings Officer, take any reward to do his Office, but ſhall be paid of that which they take of the King: and he that ſo doth, ſhall yield twice as much, and ſhall be puniſhed at the Kings pleaſure. St. 23 H. 6. 10.

Co. Inſt. 308. b. 2 par. 209.

CAP.

CAP. XXVII.

Clerks or Officers ſhall not commit Extortion.

ro Decei.18

AND that no Clerk of any Juſticer, Eſcheator, or Enquiror, ſhall take any thing for delivering Chapiters, but only Clerks of Juſtices in their Circuits, and that two ſhillings and no more. Of every Wapentake, Hundred or Town that anſwereth by twelve, or by ſix, according as it hath been uſed of old time. And he that doth contrary, ſhall pay thrice ſo much as he hath taken, and ſhall loſe the ſervice of his Maſter for one year. Co. Inſt. 2. par. 210.

Clerks ſhall not commit extortion.

CAP. XXVIII.

Clerks ſhall not commit maintenance.

ro.Decei.18
Co.Inſt.2 par. 210.

AND that none of the Kings Clerks, nor of any Juſticer, from henceforth ſhall receive the preſentment of any Church, for the which any plea or debate is in the Kings Court, without ſpecial licence of the King; and that the King forbiddeth, upon pain to loſe the Church and his Service. And that no Clerk of any Juſticer or Sheriff, take part in any quarrels, or matters depending in the Kings Court, nor ſhall work any fraud whereby common right may be delayed or diſturbed; and if any ſo do, he ſhall be puniſhed by the pain aforeſaid, or more grievouſly, if the treſpaſs do ſo require. Raſt. pla: fol. 119. 427, &c.

There ſhall be no maintenance of any matter depending in the Kings Court.
St.28.Ed.1.11.
St.1.Ed.3.14.
4 Ed.3.11.
St.20.Ed.3.4.
1 R.2.4.
Regiſt.f.182.189
Fitz-N.B.f.172.
V.N B.f.180.

CAP. XXIX.

The penalty of a Serjeant or Pleader committing deceit.

Co.Inſt.2 par. 213.
20. Jacob.
Serjeant Richardſons caſe.

IT is provided alſo, that if any Serjeant, Pleader, or other, do any manner of deceit or colluſion in the Kings Court, or conſent unto it, in deceit of the Court, or to beguile the Court, or the party, and thereof be attainted, he ſhall be impriſoned for a year and a day, and from thenceforth ſhall not be heard to plead in that Court for any man. And if he be no pleader, he ſhall be impriſoned in like manner by the ſpace of an year and a day at the leaſt. And if the treſpaſs require greater puniſhment, it ſhall be at the Kings pleaſure.

The penalty of a Pleader committing deceit in Court.
St.8.R.2.4.
St.10 H.6.4.
18 H.6.9.
Raſt.pla.f.2.
11 E.4.3.b.
16 E.4.5.

CAP. XXX.

Extortion by Juſtices Officers.

AND foraſmuch as many complain themſelves of Officers, Cryers of fee, and the Marſhals of Juſtices in Eyre, taking money wrongfully of ſuch as recover ſeiſin of Land, or of them that obtain their ſuits, and of fines levied, and of Jurors, Towns, Priſoners, and of others attached upon pleas of the Crown, otherwiſe than they ought to do in divers manners. And foraſmuch as there is a greater number of them then there ought to be, whereby the people are ſore grieved; the King commandeth that ſuch things be no more done from henceforth. And if any Officer of fee do it, his Office ſhall be taken into the Kings hands. And if any of the Juſtices Marſhals do it, they ſhall be grievouſly puniſhed at the Kings pleaſure, and as well the one as the other ſhall pay unto the complainants the treble value of that they have received in ſuch manner.

11 E.4.3.b.
16 E.4.5.b.
Extortion by Juſtices Officers.
Co.Inſt.4.par. 101.

CAP. XXXI.

The penalty for taking exceſſive toll in a City, &c. Murage granted to Cities.

Ed.3.f.20.
Ed.3.f.29.
Ed.3.f.24.
Inſt.2.

TOuching them that take outragious Toll, contrary to the common cuſtom of the Realm in Market-Towns: It is provided, that if any do ſo in the Kings Town, which is let in Fee-ferm, the King ſhall ſeiſe into his own hand the franchiſe of the Market: And if it be anothers Town, and the ſame be done by the Lords of the Town, the King ſhall do in like manner: and if it be done by a Bailiff, or any mean Officer without the commandment of his Lord, he ſhall reſtore to the plaintiff as much more for the outragious taking, as he had of him if he had carried away his Toll, and ſhall have fourty days impriſonment. Touching Citizens and Burgeſſes to whom the King or his father hath granted Murage to encloſe their Towns, which take ſuch Murage otherwiſe then it was granted unto them, and thereof be attainted: It is provided, that they ſhall loſe their grant for ever, and ſhall be grievouſly amerced unto the King. St. Magn. Chart. cap. 30. W. 2 cap. 25.

The penalty for taking of Toll.
F.N.B.f.94.F.

Murage.

CAP. XXXII.

The penalty of Purveyors not paying for what they take. The Kings Carriages.

OF ſuch as take victual or other things to the Kings uſe upon credence, or to the Gariſon of a Caſtel, or otherwiſe, and when they have received their payment in the Eſchequer, or in the Wardrobe, or other-where, they withhold it from their Creditors, to their great damage, and ſlaunder of the King: It is provided, for ſuch as have Lands or Tenements, that incontinent it ſhall be levied of their Lands, or of their Goods, and paid unto their Creditors, with the damages they have ſuſtained, and ſhall make fine for the treſpaſs; and if they have no Lands nor Goods, they ſhall be impriſoned at the Kings will. And of ſuch as take part of the Kings Debts, or other rewards of the Kings Creditors, for to make payment of the ſame debts: It is provided, that they ſhall pay the double thereof, and be grievouſly puniſhed at the Kings pleaſure. And of ſuch as take horſe or carts for the Kings Carriage more then need, and take rewards to let ſuch horſe or Carts go: It is provided, that if any of the Court ſo do, he ſhall be grievouſly puniſhed by the Marſhals: and if it be done out of the Court, or by one that is not of the Court, and be thereof attainted, he ſhall pay treble damages, and ſhall remain in the Kings priſon fourty days. Co. Inſt. 2 par. 223.

The penalty of Purveyors not paying for what they take.
28 Ed.1 2.

Taking of Horſes and Carts for the King.
St.20.R.2.5.
St.28.H.6.2.

CAP. XXXIII.

No maintainers of Quarrels ſhall be ſuffered.

No maintainers of quarrels ſhall be ſuffered. Barettors.

IT is provided, that no Sheriff ſhall ſuffer any Barettors or maintainers of Quarrels in their Shires, neither Stewards of great Lords, nor other (unleſs he be Atturney for his Lord) to make ſuit, nor to give judgments in the Counties, nor to pronounce the judgments, if he be not ſpecially required and prayed of all the ſuitors, and Atturnies of the ſuitors which ſhall be at the Court. And if any do, the King ſhall puniſh grievouſly both the Sheriff and him that ſo doth.

Coke l.8.f.36,

CAP. XXXIV.

None ſhall report ſlanderous News whereby diſcord may ariſe.

Reporting of ſlanderous Tales.

FOraſmuch as there have been oftentimes found in the Country deviſors of tales, whereby diſcord, or occaſion of diſcord hath many times ariſen between the King and his people, or great men of this Realm: For the damage that hath and may thereof enſue, it is commanded, that from henceforth none be ſo hardy to tell or publiſh any falſe news or tales, whereby diſcord, or occaſion of diſcord, or ſlander may grow between the King and his people, or the great men of the Realm. And he that doth ſo, ſhall be taken and kept in priſon, until he hath brought him into the Court, which was firſt authour of the tale. St. R. 2. 5. St. 12. R. 2. 11. 1 and 2. P. and M. 3. 1. El. 6.

Dyer f.155. 30 Aſſ.pl.19. Co.Inſt.2 par. 225.

CAP. XXXV.

The penalty for Arreſting within a Liberty thoſe that hold not thereof.

Arreſting a ſtranger within a Liberty.

OF great men and their Bailiffs, and other, (the Kings Officers onely excepted, unto whom ſpecial authority is given,) which at the complaint of ſome, or by their own authority, attach other paſſing through their Juriſdiction with their Goods, compelling them to anſwer afore them upon Contracts, Covenants, and Treſpaſſes done out of their Power and their Juriſdiction, where indeed they hold nothing of them, nor within the franchiſe (where their power is) in prejudice of the King and his Crown, and to the damage of the people: It is provided, that none from henceforth ſo do. And if any do, he ſhall pay to him that by this occaſion ſhall be attached his damages double, and ſhall be grievouſly amerced to the King. Regiſt. fo. 98.

Co.Inſt.2.226

CAP. XXXVI.

Aid to make the Son Knight, or to marry the Daughter.

What is reaſonable aid.

FOraſmuch as before this time reaſonable aid to make ones Son Knight, or to marry his Daughter, was never put in certain, nor how much ſhould be taken, or at what time, whereby ſome levied unreaſonable aid, and more then often ſeemed neceſſary, whereby the people were ſore grieved: It is provided, that from henceforth of a whole Knights fee there ſhall be given but twenty ſhillings. And of twenty pound Land holden in Socage, twenty ſhillings; and of more, more, and of leſs, leſs, after the rate. And that none ſhall levy ſuch aid to make his Son Knight, until his Son be fifteen years of age, nor to marry his Daughter until ſhe be of the age of ſeven years. And of that there ſhall be made mention in the Kings Writ formed on the ſame, when any will demand it: And if it happen that the Father, after he hath levied ſuch aid of his Tenants, die before he hath married his Daughter, the Executors of the Father ſhall be bound to the Daughter, for ſo much as the Father received for the aid. And if the Fathers goods be not ſufficient, his heir ſhall be charged therewith unto the Daughter. St. 25. Ed. 3. 11. 5. Seſſ. Regiſt. fo. 87. Fitz. N. B. fo. 82. B. 122. G. Co. Inſt. 2 par. 231.

The father levying the aid dieth.

Fitz. Ancien demeſne 11. Fitz. Avowry 267. Bro. reaſonable Aide 1. Coke l.11.f.68 Co.Inſt.262. B.

CAP. XXXVII.

The penalty of a man attainted of Diſſeiſin with robbery in the Kings time.

The penalty of a diſſeiſor with robbery or force.

IT is provided alſo and agreed, that if any man be attainted of Diſſeiſin done in the time of the King that now is, with robbery of any manner of goods or moveables, and be found againſt him by Recogniſance of Aſſiſe of novel Diſſeiſin, the Judgment ſhall be ſuch that the Plaintiff ſhall recover his ſeiſon, and his damages as well of the goods and moveables aforeſaid, as for the Free-hold, and the diſſeiſor ſhall make fine, which whether he be preſent or not (ſo it be preſented) ſhall firſt be awarded to priſon. And in like manner it ſhall be done of diſſeiſin, with force and arms, although there be no robbery. V. N. B. fo. 106. Co. Inſt. 2 par. 235.

Fitz. Damages 10. 14 H. 7. f. 25. 5 H. 7. f. 5.

CAP. XXXVIII.

An Attaint ſhall be granted in plea of Land touching Free-hold.

Attaint in plea of Land. V N.B f.48.111. Fitz N.B.f.105. Regiſt.f.122. Raſt pla. f.84.

FOraſmuch as certain people of this Realm doubt very little to make a falſe Oath (which they ought not to do (whereby much people are diſherited and loſe their right: It is provided, that the King of his Office ſhall from henceforth grant Attaints upon Enqueſts in Plea of Land, or of Free-hold, or of any thing touching Free-hold, when it ſhall ſeem to him neceſſary. St. 1. Ed. 3. 6. 5. Ed. 3. 6, and 7. 28 Ed. 3. 8. 34 Ed. 3. 7.

Co.Inſt.2 par. 237. 44 Ed.3. f.1

CAP. XXXIX.

Several limitations of Preſcription in ſeveral Writs.

Limitation of preſcription in certain caſes.

ANd foraſmuch as it is long time paſſed ſince the Writs under-named were limited: It is provided, that in conveying a diſcent in a Writ of Right, none ſhall preſume to declare of the ſeiſin of his Anceſtor, further or beyond the time of King Richard Uncle to King Henry, Father to the King that now is, and that a Writ of novel diſſeiſin, of Partition, which is called Nuper obiit, have their limitation ſince the firſt Voyage of King Henry Father to the King that

Co.Inſt.2 par. 237. Co.Inſt.114. 115.

that now is, into Gaſcoin. And that Writs of Mortdauncester, of Couſinage, of Aiel, of Entry, and of Nativis, have their limitation from the Coronation of the ſame King Henry, and not before. Nevertheleſs all Writs purchaſed now by themſelves, or to be purchaſed between this and the Feaſt of S. John for one year compleat, ſhall be pleaded from as long time as heretofore they have been uſed to be pleaded. St. 20 H. 3. 8. 32 H. 8. 2. 21 Jac. 16.

CAP. XL.

Voucher to Warranty, and Counter-pleading of Voucher.

Foraſmuch as many people are delayed of their right by falſe vouching to warranty: It is provided, that in Writs of Poſſeſſion, firſt, in Writ of Mortdauncester, of Couſinage, of Aiel, Nuper obiit, of Intruſion, and other like Writs, whereby lands or tenements are demanded, which ought to deſcend, revert, remain, or Eſcheat by the death of any Anceſtor, or otherwiſe, if the Tenant vouch to Warranty, & the demandant counter-pleadeth him, and will averr by Aſſiſe, or by the Countrey, or otherwiſe, as the Court will award, ỹ the Tenant or his Anceſtor (whoſe heir he is) was the firſt that entred after the death of him, of whoſe ſeiſon he demandeth: The averment of ỹ demandant ſhall be received, if the Tenant will abide thereupon, and if not, he ſhall be further compelled to another anſwer, if he have not his warrantor preſent, that will warrant him freely, and incontinent enter into the warranty. Saving unto the demandant his exceptions againſt him, if he will vouch further, as he had before againſt the firſt Tenant. From henceforth in all manner of Writs of Entry, which make mention of degrees, none ſhall vouch out of the line, or in other Writs of Entry, where no mention is made of degrees, which Writ ſhall not be maintained, but in caſes where the other Writs of degrees cannot lie nor hold place. And in a Writ of Right it is provided, that if the Tenant vouch to warranty, and the demandant will Counter-plead him, and be ready to averr by the Countrey, that he that is vouched to Warranty, nor his Anceſtors, had never ſeiſin of the land or Tenement demanded, nor Fee or Service by the hands of his Tenant, or his Anceſtors, ſince the time of him on whoſe ſeiſin the demandant declareth, until the time that the Writ was purchaſed, and the plea moved, whereby he might have infeoffed the Tenant or his Anceſtors, Then let the averment of the demandant be received, if the Tenant will abide thereupon; if not, the Tenant ſhall be further compelled unto another anſwer, if he be not preſent that will warrant him freely, and incontinent enter in anſwer, ſaving unto the demandant his exceptions againſt him, as he had afore againſt the firſt Tenant. And the ſaid exception ſhall have place in a Writ of Mortdauncestor, and in the other Writs before named, as well as in Writs that concern right. And if percaſe the Tenant have a deed, that compriſeth warranty of another man, which is bound in none of theſe caſes before mentioned to the warranty of an elder degree, his recovery by a Writ of warranty of Charters out of the Kings Chancery ſhall be ſaved to him at what time ſoever he will purchaſe it, howbeit the Plea ſhall not be delayed therefore. St. 20. Ed. 1. de vouchers. Raſt. pla. f. 352. 614, &c.

Voucher to warranty and counterpleading of voucher. Raſt. pla. f. 354. 647, &c. Coke pla. f. 317.

Where in writs of Entry no vouchee out of the line ſhall be.

Counterpleading to a voucher in writ of right.

Warrantia Charte. Raſt. pla. f. 371.

CAP. XLI.

The Champions Oath in a Writ of Right.

Touching the Oaths of Champions, it is thus provided, becauſe it ſeldom happened, but that the Champion of the demandant is forſworn, in that he ſweareth, that he or his father ſaw the ſeiſin of his Lord, or his Anceſtor, and that his father commanded him to deraign that right: that from henceforth the Champion of the demandant ſhall not be compelled to ſwear: Nevertheleſs his Oath ſhall be kept in all other points. Co. Inſt. 2 par. 246.

A Champions Oath in a writ of right.

CAP. XLII.

Certain Actions wherein after appearance the Tenant ſhall not be eſſoined.

Foraſmuch as in a Writ of Aſſiſe, Attaints, and Juris utrum, the Jurors been often troubled by reaſon of the Eſſoins of Tenants: It is provided, that after the Tenant hath once appeared in the Court, he ſhall be no more eſſoined, but ſhall make his Attuney to ſue for him, if he will; and if not, the Aſſiſe, or Jury ſhall be taken through his default. Raſt. pla. f. 297, &c. Regiſt. f. 32. Co. Inſt. 2 par. 248.

In what caſes after appearance the Tenant ſhall not be eſſoined. St. 13 Ed. 1. 28.

CAP. XLIII.

There ſhall be no more Fourcher by Eſſoin.

Foraſmuch as demandants be oftentimes delayed of their right by reaſon that many parceners be Tenants, of which none may be compelled to anſwer without the other, or that there be many jointly infeoffed (where none knoweth his ſeveral) and ſuch Tenants oftentimes fourch by eſſoin, ſo that every of them hath a ſeveral eſſoin: It is provided, that from henceforth ſuch Tenants ſhall not have eſſoin but at one day, no more then one ſole Tenant ſhould have, ſo that from henceforth they ſhall no more fourch, but only ſhall have one eſſoin. St. 6. Ed. 1. 10. Raſt. pl. f. 297. 315. Co. Inſt. 2 par. 250.

There ſhall be no fourcher by eſſoin.

CAP. XLIV.

In what caſe Eſſoin ultra Mare ſhall not be allowed.

Co. Inſt. 2 par. 251.

Foraſmuch as divers perſons cauſe themſelves falſly to be eſſoined (for being over the Sea) where indeed they were within the Realm that day of the ſummons: It is provided, from henceforth, that this eſſoin be not always allowed, if the demandant will challenge it, and will be ready to averr, that he was in England the day of ſummons, and three weeks after, but ſhall be adjourned in this form: that if the demandant be ready at a certain day by averment of the Countrey, or otherwiſe, as the Court ſhall award, to prove that the Tenant was within the four ſeas the day that he was ſummoned, and three weeks after, ſo that he

In what caſe an Eſſoin ultra Mare will not lie.

8 Ed. 4. f. 29.

might be reaſonably warned by the ſummons, the eſſoin ſhall be turned into a default. And that is to be underſtanden only before Juſtices. Raſt. pla. f. 297, &c.

CHAP. XLV.

In what caſes the great diſtreſs ſhall be awarded. Where the Juſtices eſtreats ſhall be delivered.

Where the great diſtreſs ſhall be awarded for the avoiding of delay.

To what places the Juſtices ſhall deliver eſtreats.

Co.Inſt.2 par. 254.

CONcerning delaies in all manner of writs and attachments, it is thus provided, That if the tenant or defendant after the firſt attachments returned make default, that incontinent the great diſtreſs ſhall be awarded. And if the Sheriff do not make ſufficient return by a certain day, he ſhall be grievouſly amerced; and if he return yͭ he hath done execution in due manner, and the iſſues delivered to the ſureties, then the Sheriff ſhall be commanded, that he return iſſues at another day before the Juſtices. And if the party being attached come in at his day to ſave his defaults, he ſhall have the iſſues; and if he come not, the King ſhall have them, and the Kings Juſtices ſhall cauſe them to be delivered in the Wardrobe. And the Juſtices of the Bench at Weſtminſter, ſhall deliver them in the Eſchequer, and the Juſtices in Eyre, unto the Sheriff of that Shire (where they plead) as well of that Shire as of foreign Shires, and they ſhall be charged therewith in Summons by the Rolls of the Juſtices.

CAP. XLVI.

One plea ſhall be decided by the Juſtices of the Kings Bench, before another commenced.

One plea ſhall be decided before another commenced.

IT is provided alſo, and commanded by the King, that the Juſtices of the Kings Bench at Weſtminſter from henceforth ſhall decide all pleas determinable at one day, before any matter be arraigned, or plea commenced the day following, ſaving that their Eſſoins ſhall be entred, judged, and allowed: yet by reaſon hereof, let none preſume to abſent himſelf at the day to him limited. Co. Inſt. 2 par. 255.

CAP. XLVII.

In what caſe the Nonage of the Heir of Diſſeiſor or Diſſeiſee ſhall not prejudice.

A Writ of Entry ſur diſſeiſon againſt the diſſeiſors heir. Regiſt. f. 229. Fitz. N.B. f. 191.

Nonage of the heir of the diſſeiſor or diſſeiſee ſhall not prejudice in Aſſiſe. V.N.B. f. 126. 129. Regiſt. f. 230.

Attaint for the heir of the diſſeiſee.

Dyer. f. 137. Coke l. 6. f. 4. 17 Ed. 3. f. 16. 12 Ed. 4. f. 17. 8 Ed. 3. f. 71. 21 Ed. 3. f. 23. 27 H. 6. l. 1. Fitz. Age 71. Bro. partition 22.

IT is provided alſo, That if any from henceforth purchaſe a Writ of Novel diſſeiſin, and he againſt whom the Writ was brought as principal diſſeiſor, dieth before the Aſſiſe be paſſed, then the plaintiff ſhall have his Writ of Entre upon diſſeiſon againſt the heir or heirs of the diſſeiſor, or diſſeiſors, (of what age ſoever they be.) In the ſame-wiſe the heir or heirs of the diſſeiſee ſhall have their Writs of Entre againſt the diſſeiſors, or their heirs, of what age ſoever they be, if peradventure the diſſeiſee die before that he hath purchaſed his Writ: So that for the Nonages of the heirs of the one party nor of the other, the Writ ſhall not be abated, nor the plea delayed, but as much as a man can without offending the Law, it muſt be haſted to make freſh ſuit after the diſſeiſin. And in like manner this ſhall be obſerved in all points for the right of Prelates, men of Religion, and other, to whom Lands and Tenements can in no wiſe deſcend after others death, whether they be diſſeiſees or diſſeiſors. And if the parties in pleading come to an enqueſt, and it paſſeth againſt the heir within age, and namely, againſt the heir of the diſſeiſee, that in ſuch caſe he ſhall have an attaint of the Kings ſpecial grace, without giving any thing. Co. Inſt. 257.

CAP. XLVIII.

The remedy where a Gardian maketh a feoffment of his Wards Lands, Suit by Prochein Amy.

The remedy where a Gardian maketh a feoffment of his Wards Land. V.N.B. f. 106.

Suit by Prochein amy. St. 13 Ed. 1. 15. Raſt. pla. f. 366. 367.

Fitz. Aſſiſe 395. Bro. Aſſ. pla. 12.

2 Ed. 3. f. 16. 8 Aſſ. pla. 22. 27 H. 8. f. 11. 40 Ed. 3. f. 16

IF a Gardian or chief Lord infeoff any man of Land that is the inheritance of a child within age, and in his ward, to the diſheritance of the heir: It is provided, that the heir ſhall forthwith have his recovery by Aſſiſe of Novel diſſeiſin againſt his Gardian, and againſt the Tenant. And the ſeiſin ſhall be delivered by the Juſtices (if it be recovered) to the next friend of the heir (to whom the inheritance cannot deſcend) for to improve to the uſe of the heir, and to anſwer for his iſſues unto the heir, when he ſhall come unto his full age, and the Gardian during his life ſhall loſe the cuſtody of the thing recovered, and all the inheritance that he holdeth by reaſon of the heir. And if another Gardian then the chief Lord do it, he ſhall loſe the Wardſhip of all together, and be grievouſly puniſhed by the King. And if the Infant be carried away or diſturbed by the Gardian, or by the Feoffee, or by other, by reaſon whereof he cannot ſue this Aſſiſe, then may one of his next friends (that will) ſue for him, which ſhall be thereto admitted. Co. Inſt. 2 par. 259.

CAP. XLIX.

The Tenants plea in a Writ of Dower. At what times Aſſiſes ſhall be taken.

The plea in dower Unde nihil habet.

Co. Inſt. 2 par. 261. Fitz. Bro. 476. 813. Regiſt. f. 170. 171. Fitz. Vouch. 196. Fitz. Dower. 75. 76. 87. 89. 114. Kel. f. 118.

IN a Writ of Dower called (Unde nihil habet) the Writ ſhall not abate by the exception of the Tenant, becauſe ſhe hath received her dower of another man before her Writ purchaſed, unleſs he can ſhew that ſhe hath received part of her Dower of himſelf, and in the ſame Town before the Writ purchaſed.

CAP. L.

AND foraſmuch as the King hath ordained theſe things unto the honour of God and holy Church, and for the Common-wealth, and for the remedy of ſuch as be grieved, he would not that at any other time it ſhould turn in prejudice of himſelf, or of his Crown, but that ſuch right as appertains to him ſhould be ſaved in all points.

CAP. LI.

Aſſiſes and Darrain preſentments at what time taken.

Aſſiſes and Darrain preſentments at what time taken.

Co. Inſt. 2 par. 264. Coke l. 11. f. 70

AND foraſmuch as it is great charity to do right unto all men at all times (when need ſhall be) by the aſſent of all the Prelates it was provided, that Aſſiſes of Novel diſſeiſin, Mortdaunceſtor, and Darrain preſentment, ſhould be taken in Advent, Septuageſima, and Lent: even as well as enqueſts may be taken, and that at the ſpecial requeſt of the King, made unto the Biſhops.

¶ A

¶ A Statute intituled, *Extenta Manerii*, made Anno 4. Ed. 1. and Anno Dom. 1276. Expreſſing a Survey of the Buildings, Lands, Commons, Parks, Woods, Tenants, &c.

The Buildings.

First, It is to be inquired of the Caſtels, and alſo of other Buildings, compaſſed about with ditches, what the walls, Buildings, Timber, Stone, Lead, and other manner of covering is worth, and how they may be prized according to the very value of the ſame walls and building. And for how much the buildings without the ditch may be prized, and what they be worth, with the Gardens, Curtilages, Dove-houſes, and all other Iſſues of the Court by the year.

The Demeſns.

It is to be inquired alſo, how many fields are of the Demeſns, and how many acres of Land are in every field, and what every acre is worth by the year, and how many acres of meadow are of the Demeſns, and how many be in a field, and how much every acre by it ſelf is worth by the year to be let. Alſo how many acres of Paſture there be, and for what beaſts or cattel the ſame Paſture is moſt neceſſary, and how many it will find, and of what manner, and what the paſture of every beaſt is worth to be let by the year.

The Foraign Paſture.

Alſo it is to be inquired of Foraign Paſture, that is common, how many and what beaſts and Cattel the Lord may have in the ſame, and how much the Paſture of every beaſt is worth by the year to be let.

The Parks and Demeſn Woods.

Alſo it is to be inquired of Parks, and demean Woods, which the Lord may aſſert and improve at his pleaſure, and how many acres they contain, and how much the veſture of an acre is worth, and how much the land is worth after the wood is felled, and how many acres it containeth, and how much every acre is worth by the year.

Foraign Woods.

Alſo it is to be inquired of Foraign Woods, where other men have common, and how much the Lord may improve to himſelf of the ſame Woods, and how many acres, and for how much the veſture of every acre may be valued at, and how much the ground is worth yearly after that the Wood is felled, and how many acres it containeth, and what every acre is worth by the year. And it is to be inquired, whether the Lord may give or ſell any thing of the reſidue of the foreſaid Woods, and what ſuch gifts and ſales are worth by the year.

Pawnage. Herbage.

Alſo it is to be inquired of Pawnage, Herbage of the Town, Hony, and all other profits of Forreſts, Woods, Rivers, Mors, Mariſhes, Heaths, Turbary, and Waſte, and how much it is worth by the year.

Mills, Fiſhings. Freeholders.

Alſo of Mills, Fiſhings ſeveral and common, what they be worth by the year.

Alſo it is to be inquired of Freeholders, the which dwell without as well as within, that is to ſay, how many Freeholders there be, and what Mannor, Lands and Tenements, and what Fees they hold, and by what Services, whether it be by Socage, or Knights ſervice, or otherwiſe, and what they are worth, and pay yearly of Rent of Aſſiſe, and who hold by Charter, and who not, and who by old Tenure, and who by new Feoffment. Alſo it is to inquired of the ſaid free Tenants, which do follow the Court of the County, and which not, and what, and how much falleth to the Lord after the death of ſuch free Tenants.

Cok. l. 4. 21.

Cuſtomary Tenants.

It is to be inquired alſo of cuſtomary Tenants, that is to wit, how many there be, and how much land every of them holdeth, what works and cuſtoms he doth, and what the works and cuſtoms of every Tenant be worth yearly, and how much Rent of Aſſiſe he paid yearly beſides the works and cuſtoms, and which of them may be taxed at the will of the Lord, and which not.

Cottages and Curtelages.

It is alſo to be inquired of Cottages, that is to ſay, what Cottages, and Curtelages they hold, and by what ſervice, and how much they do pay by the year for all their Cottages and Curtelages.

Perquiſites of Courts.

It is alſo to be inquired of Pleas and Perquiſites of the Counties of the Courts of the Foreſts, with lawing of dogs, and how much they be worth by the year in all Iſſues.

Patronages.

It is alſo to be inquired of Churches, that belong to the Lords gift, how many there be, and what, and where, and how much every Church is worth by the year after the true eſtimation of the ſame.

Liberties, Cuſtoms, and Services.

It is alſo to be inquired, what be the value of Herriots, Fairs, Markets, Eſcheats, Cuſtoms, Services, and Foraign Works and Cuſtoms, and what the Pleas and Perquiſites of Courts, Fines, and Reliefs, and all other Caſualties, are worth by the year, that may fall in any of theſe things.

A Statute De Officio Coronatoris, *made* Anno 4 Edw. 1. *and* Anno Domini 1276.

Of what things a Coroner ſhall inquire.

Of what things a Coroner ſhall inquire.

A Coroner of our Lord the King ought to inquire of theſe things, if he be certified by the Kings Bailiffs, or other honeſt men of the Country. Firſt, he ſhall go to the places where any be ſlain, or ſuddenly dead, or wounded, or where houſes are broken, or where treaſure is ſaid to be found, and ſhall forthwith command four of the next Towns, or five, or ſix, to appear before him in ſuch a place; and when they are come thither, the Coroner upon the oath of them ſhall inquire in this manner; that is to wit, If they know where the perſon was ſlain, whether it were in any houſe, field, bed, tavern, or company, & who were there. Likewiſe it is to be inquired who were culpable, either of the act, or of the force, and who were preſent,

Murder.

Inquiry of the offendors.
A man found ſlain.
The murderer found culpable.

either men or women, and of what age ſoever they be (if they can ſpeak or have any diſcretion.) And how many ſoever be found culpable by inquiſition in any of the manners aforeſaid, they ſhall be taken and delivered to the Sheriff, and ſhall be committed to the Gaol: and ſuch as be founden, and be not culpable, ſhall be attached until the coming of the Juſtices, and their names ſhall be written in Rolls. If it fortune any ſuch man be ſlain, which is found in the fields, or in the woods, firſt it is to be inquired whether he were ſlain in the ſame place or not. And if he were brought and laid there, they ſhall do ſo much as they can, to follow their ſteps that brought the body thither, whether he were brought upon a horſe, or in a cart. It ſhall be inquired alſo, if the dead perſon were known, or elſe a ſtranger, and where he lay the night before. And if any be found culpable of the murder, the Coroner ſhall immediately go unto his houſe, and ſhall enquire what goods he hath, and what corn he hath in his graunge: and if he be a free-man, they ſhall enquire how much land he hath, and what it is worth yearly, and further what corn he hath upon the ground. And when they have thus enquired upon every thing, they ſhall cauſe all the land, corn, and goods to be valued, in like manner as if they ſhould be ſold incontinently, and thereupon they ſhall be delivered to the whole Townſhip, which ſhall be anſwerable before the Juſtices for all. And likewiſe of his freehold how much it is worth yearly over and above the ſervice due to the Lords of the fee; and the land ſhall remain in the Kings hands, until the Lords of the fee have made fine for it. And immediately upon theſe things being inquired, the bodies of ſuch perſons being dead or ſlain ſhall be buried.

Perſons drowned, or ſuddenly dead.
Treaſure found.
Appeal of Rape.
Appeal of wounds or maim. Raſt. pla. f. 45.
Principals and acceſſary.
Deodands.
Wreck of the Sea.
Suſpected perſons.
Hue and Cry.

Bro. Coron. 175. Fitz. Coron. 241. 265. 436. 446.

In like manner it is to be inquired of them that be drowned, or ſuddenly dead, and after ſuch bodies are to be ſeen, whether they were ſo drowned or ſlain, or ſtrangled by the ſign of a cord tyed ſtrait about their necks, or about any of their members, or upon any other hurt found upon their bodies, whereupon they ſhall proceed in the form above-ſaid: and if they were not ſlain, then ought the Coroner to attach the finders, and all other in the company. A Coroner alſo ought to enquire of treaſure that is found, who were the finders, and likewiſe who is ſuſpected thereof: and that may be well perceived where one liveth riotouſly, haunting taverns, and hath done ſo of long time; hereupon he may be attached for this ſuſpition by four, or ſix, or mo pledges, if he may be found. Further, if any be appealed of Rape, he muſt be attached, if the appeal be freſh, and they muſt ſee apparent ſign of truth by effuſion of bloud, or an open cry made; and ſuch ſhall be attached by four or ſix pledges, if they may be found. If the appeal were without cry, or without any manifeſt ſign or token, two pledges ſhall be ſufficient: upon appeal of wounds and ſuch like, ſpecially if the wounds be mortal, the parties appealed ſhall be taken immediately, and kept until it be known perfectly, whether he that is hurt ſhall recover or not. And if he die, the defendant ſhall be kept: and if he recover health, they ſhall be attached by four or ſix pledges, after as the wound is great or ſmall. If it be for a maim, he ſhall find no leſs then four pledges; if it be for a ſmall wound, two pledges ſhall ſuffice. Alſo all wounds ought to be viewed, the length, breadth, and deepneſs, and with what weapons, and in what part of the body the wound or hurt is, and how many be culpable, and how many wounds there be, and who gave the wound; all which things muſt be inrolled in the Roll of the Coroners. Moreover, if any be appealed of any act done, as principal, they that be appealed of the force ſhall be attached alſo, and ſurely kept in ward, until the principals be attainted or delivered. Concerning horſes, boats, carts, &c. whereby any are ſlain, that properly are called Deodands, they ſhall be valued and delivered unto the Towns, as before is ſaid. Concerning Wreck of the Sea, whereſoever it be found, if any lay hands on it, he ſhall be attached by ſufficient pledges, and the price of the Wreck ſhall be valued and delivered to the Towns. If any be ſuſpected of the death of any man being in danger of life, he ſhall be taken and impriſoned, as before is ſaid. In like manner Huy ſhall be levied for all murders, burglaries, and for men ſlain, or in peril to be ſlain, as otherwhere is uſed in England, and all ſhall follow the Huy and ſteps, as near as can be. And he that doth not, and is convict thereupon, ſhall be attached to be afore the Juſtices of the Gaol, &c. St. 3 H. 7. 1.

The Statute of Bigamie, made 4. Octobris, *Anno* 4. *Ed*. 1. and *Anno Dom*. 1276.

IN the preſence of certain Reverend Fathers, Biſhops of England, and others of the Kings Council, the Conſtitutions under-written were recited, and after heard and publiſhed before the King and his Council: for as much as all the Kings Council, as well Juſtices as other, did agree that they ſhould be put in writing for a perpetual memory, and that they ſhould be ſtedfaſtly obſerved.

CAP. I.

In what caſes aid ſhall be granted of the King, in what not.

The firſt Article.

In what caſe aid is granted of the King, in what not.

Dyer. f. 256. 257. 27 H. 8. f. 28. 2 H 7. f. 11. 5 H. 7. f. 16. 9 H. 7. f. 15. 15 H. 7. f. 10. 7 Ed 3. f. 7. Fitz. proced. 5. 6. Fitz. Traverſ. 41.

CONcerning Pleas where the Tenant excepteth, that he cannot anſwer without the King: It is agreed by the Juſtices, and other learned men of our Lord the Kings Council of the Realm, which heretofore have had the uſe and practiſe of Judgments, that where a Feoffment was made by the King with a deed thereupon, that if another perſon by a like Feoffment and like deed be bounden to Warranty, the Juſtices could not heretofore have proceeded any further, neither yet do proceed without the Kings commandment had therefore, neither can it be thought that they may proceed. Co. Inſt. 2 par. 268.

CAP. II.

In what caſe aid is granted of the King, in what not.

Co. Inſt. 2 par. 270.

AND it ſeemeth alſo, that they could not proceed in certain caſes, as where the King hath confirmed or ratified any mans deed to the uſe of another, or hath granted any thing as much as in him is, or where a deed is ſhewed, and clauſe contained therein, whereby he ought to warrantiſe: and in like caſes they ſhall not ſurceaſe by occaſion of a Confirmation, Grant, or Surrender, or other like, but after advertiſement made thereof to the King, they ſhall proceed without delay. Raſt. pla. fol. 27.

Warranty.

CAP. III.

In Dower the Kings Grantee of a Ward ſhall not have aid.

Aſſ. pl. 5. tz. Aide de oy 11. 12 17. 0. 34. 57. &c.

COncerning the endowment of women, where the Guardians of their husbands inheritance have Wardſhip by the gift or grant of the King, or where ſuch Guardians be tenants of the thing in demand, or if the heirs of ſuch lands be vouched to warranty, if they ſay that they cannot anſwer without the King, they ſhall not ſurceaſe upon the matter therefore, but ſhall proceed therein according to right. Co. Inſt. 2 par. 271.

In Dower the Kings Grantee of a Ward ſhall not have aid.

CAP. IV.

Purpreſtures or uſurpations upon the Kings land, ſhall be reſeiſed.

k. 1. 9. f. 16. H. 7. f. 1. tz. Dower. 9.

COncerning Purpreſtures, or any manner of Uſurpations made upon the King within Franchiſes, or elſewhere, it was agreed and determined in the time of King Henry, that where ſuch Uſurpers were living, the King ſhould reſeiſe of new the land ſo uſurped out of the hands of the uſurpers; the which thing alſo ſhall be from henceforth obſerved in the Realm: And if any do complain upon ſuch reſeiſers, he ſhall be heard like as right requireth. St. 17 Ed. 2. 13. Co. Inſt. 2 par. 272.

Purpreſtures and Uſurpations.

CAP. V.

Bigamus ſhall not be allowed his Clergy.

COncerning men twice married, called Bigami, whom the Biſhop of Rome by a Conſtitution made at the Council of Lions, hath excluded from all Clerks priviledge, whereupon certain Prelates (when ſuch perſons have been attainted for felony) have prayed for to have them delivered as Clerks, which were made Bigami before the ſame conſtitution: It is agreed and declared before the King and his Council, that the ſame conſtitution ſhall be underſtanded in this wiſe, that whether they were Bigami before the ſame conſtitution or after, they ſhall not from henceforth be delivered to the Prelates, but Juſtice ſhall be executed upon them as upon other lay-people. Raſt. pla. fol. 106. Stat. 1 Jac. 11. Co. Inſt. 2 par. 273.

Bigamus ſhall not be allowed his Clergy. ALT. St. 1 Ed. 6. 12.

CAP. VI.

By what words in a Feoffment, a Feoffor ſhall be bound to warranty.

Dyer f. 15. 221. 6 H. 7. f. 2. 40 Ed. 3. f. 27. 11 H. 4. f. 41. Cok. l. 1. f. 1. l. 2. f. 58. l. 4. f. 81. l. 8. f. 17. l. 8. f. 51.

IN Deeds alſo where is contained Dedi & conceſſi tale tenementum without homage, or without a clauſe that containeth warranty, and to be holden of the givers and their heirs by a certain ſervice: It is agreed, that the givers and their heirs ſhall be bounden to warranty. And where is contained Dedi & conceſſi, &c. to be holden of the chief Lords of the Fee, or of other, and not of feoffors, or of their heirs, reſerving no ſervice without homage, or without the foreſaid clauſe, their heirs ſhall not be bounden to warranty, notwithſtanding the Feoffor during his own life, by force of his own gift, ſhall be bound to warrant. All theſe Conſtitutions aforeſaid were made at Weſtminſter, in the Parliament next after the Feaſt of S. Michael, the fourth year of the reign of King Edward, Son of King Henry. And from that time forth they ſhall take effect. Co. Inſt. 2 par. 274.

In what caſes the Feoffor ſhall be bound to warranty, in what not. Fitz. N. B. f. 134. E.

Statutes made at Glouceſter, 4. Octobris, Anno 6 Edw. 1. and Anno Dom. 1278.

FOr the great miſchiefs, damages and diſheriſons, that the people of the Realm of England have heretofore ſuffered through default of the Law, that failed in divers caſes within the ſame Realm: Our Soveraign Lord the King, for the amendment of the Land, for the relief of his people, and to eſchew ſuch miſchiefs, damages, and diſheriſons, hath provided and eſtabliſhed theſe Acts under-written: willing and commanding, that from henceforth they be firmly obſerved within this Realm.

CAP. I.

Several Actions wherein Damages ſhall be recovered.

Bro. Parl. 28. Fit. damage 14. 43. 66. 68. 82. 85. 101. 102. 104. 108. 110. 121. 123. 127. 129.

Co. Inſt. 359. 360. 2.

Cok. l. 10. f. 116 Dyer f. 317. Bro. Coſtes 1. 11 12. 14. 15. 18 26. 29. 32. Fitz. damage 6. 19. 97.

WHereas heretofore damages were not awarded in Aſſiſes of novel diſſeiſin, but onely againſt the diſſeiſors: It is provided, that if the diſſeiſors do alien the lands, and have not whereof there may be damages levied, that they to whoſe hand ſuch Tenements ſhall come ſhall be charged with the damages, ſo that every one ſhall anſwer for his time. It is provided alſo, that the diſſeiſee ſhall recover damages in a Writ of Entrie, upon novel diſſeiſin againſt him that is found Tenant after the diſſeiſor. It is provided alſo, that where before this time damages were not awarded in a plea of Mortdaunceſtor, (but in caſe where the land was recovered againſt the chief Lord) that from henceforth damages ſhall be awarded in all caſes, where a man recovereth by aſſiſe of Mortdaunceſtor, as before is ſaid in aſſiſe of novel diſſeiſin. And likewiſe damages ſhall be recovered in Writs of Couſinage, Aiel, and Beſaiel.

The alienee of a diſſeiſor ſhall be charged with damages. Regiſt. f. 196. 214. V. N. B. f. 118. 130.

Damages in Mortdaunceſtor, Entre. Regiſt. f. 231.

Damages in Couſinage, Aiel, Beſaiel.

Where damages ſhall be recovered, their coſts alſo. V.N.B.f.118.

And whereas before-time damages were not taxed, but to the value of the iſſues of the land: It is provided, that the demandant may recover againſt the Tenant the coſts of his Writ purchaſed, together with the damages above-ſaid. And this Act ſhall hold place in all caſes where the party is to recover damages. And every perſon from henceforth ſhall be compelled to render damages, where the land is recovered againſt him, upon his own intruſion, or his act. Co. Inſt. 2 par. 283.

CAP. II.

In what caſe Nonage of the Plaintiff ſhall not ſtay an Enqueſt.

Where the nonage of an Infant ſhall not ſtay an Enqueſt.

If a Child within age be holden from his heritage after the death of his Father, Coſen, Grandfather, or Great-grandfather, whereby he is driven to his Writ, and his adverſary cometh into the Court, and for his anſwer alledgeth a Feoffment, or pleadeth ſome other thing, whereby the Juſtices award an Enqueſt, there whereas the Enqueſt was deferred unto the full age of the infant, now the Enqueſt ſhall paſs as well as if he were of full age.

8 Aſſ. pl. 12. Cok. l. 6 f. 3. Dyer f. 104. 137. Co. Inſt. 2 par. 290.

CAP. III.

An Alienation of Land by the Tenant by the courteſie with warranty ſhall be void.

A man alieneth with warranty land which he holdeth by courteſie. St. 32 H. 8. 28. Regiſt. fol. 236.

It is eſtabliſhed alſo, that if a man alien a tenement, that he holdeth by the law of England, his ſon ſhall not be barred by the deed of his father (from whom no heritage to him deſcended) to demand and recover by Writ of Mortdaunceſtor, of the ſeiſin of his mother, although the deed of his father doth mention, that he and his heirs be bound to warranty. And if any heritage deſcend to him of his fathers ſide, then he ſhall be barred for the value of the heritage, that is to him deſcended. And if in time after any heritage deſcend to him by the ſame father, then ſhall the Tenant recover againſt him of the ſeiſin of his mother by a judicial Writ, that ſhall iſſue out of the Rolls of the Juſtices, before whom the plea was pleaded, to reſummon his warranty, as before hath been done in caſes, where the warrantor cometh into the Court, ſaying, That nothing deſcended from him, by whoſe deed he is vouched. And in like manner the iſſue of the ſon ſhall recover by Writ of Couſinage, aiel and beſaiel. Likewiſe in like manner the heir of the wife ſhall not be barred of his action after the death of his father and mother, by the deed of his father, if he demand by action the inheritance of his mother, by a Writ of Entre, which his father did alien in the time of his mother, whereof no fine is levied in the Kings Court. V. N. B. fol. 133. 136. Fitz. N.B. fo. 196. E. 208. b. Co. Inſt. 2 par. 292.

Sur cui in vita.

Bro. Formdon 73. 28 Aſſ. pl. 28. 35 H. 6. f. 63. Cok. l. 5. f. 80. l. 852. Fitz. garranty 30. 43. 83. 86. 87. 95. Co. Inſt. 365. 366. 381. 2. 382. 2. 383. 2. b. Dyer f. 142. Fit. garranty 5. 38 Ed. 3. f. 32. Cok. l. 9. f. 16. Fitz. cui in vita 7. 8.

CAP. IV.

In what caſe a Ceſſavit is maintainable againſt a Tenant in Fee-farm.

Ceſſavit per biennium.

Alſo if a man let his land to ferm, or to find eſtovers, in meat or in cloth, amounting to the fourth part of the very value of the land, and he which holdeth the land ſo charged letteth it lie freſh, ſo that the party can find no diſtreſs there by the ſpace of two or three years to compel the farmor to render, or to do as is contained in the Writing or Leaſe: It is eſtabliſhed, that the two years being paſſed, the Leaſſor ſhall have an action to demand the land in demean by a Writ which he ſhall have out of the Chancery. And if he againſt whom the land is demanded come before judgment, and pay the arrearages, and the damages, and find ſurety (ſuch as the Court ſhall think ſufficient) to pay from thenceforth as is contained in the writing of his Leaſe, he ſhall keep the land. And if he tarry until it be recovered by judgment, he ſhall be barred for ever. St. 13 Ed. 1. 21. 41. Regiſt. fo. 237. Fitz. N. B. fo. 210. a. V. N. B. fo. 2. 78. 140. Co. Inſt. 2 par. 295.

The Tenant payeth the arrerages, and findeth ſurety. Raſt. pl. fo. 11.

27 H. 8. f. 28.

Fit. Reſceit. 96. 105. Fit. ſurety 3. 4. 23. 25. 27. Fit. S. facias 154. Kel. f. 75. 132. Fit. ceſſavit. 9. 10. 12. 19. 20. 23. 25. 27. 29. 32. 38. 39. 49. 52. 53. 56.

CAP. V.

Several Tenants againſt whom an Action of Waſte is maintainable.

Againſt whom an action of waſte is maintainable. Raſt. pl. fo. 689. &c.

It is provided alſo, That a man from henceforth ſhall have a Writ of Waſte in the Chancery againſt him that holdeth by law of England, or otherwiſe for term of life, or for the term of years, or a woman in dower. And he which ſhall be attainted of Waſte, ſhall leeſe the thing that he hath waſted, and moreover ſhall recompence thrice ſo much as the waſte ſhall be taxed at. And for waſte made in the time of Wardſhip, it ſhall be done as is contained in the great Charter. And where it is contained in the great Charter, that he which did waſte, during the cuſtody, ſhall leeſe the Wardſhip: It is agreed, that he ſhall recompence the heir his damages for the waſte, if ſo be that the Wardſhip loſt do not amount to the value of the damages before the age of the heir of the ſame Wardſhip. Regiſt. fo. 72. Regiſt. ind. fo. 23. Fitz. N. B. fo. 59. V. N. B. fo. 88. Co. Inſt. 2 par. 299.

Stat. 9 H. 3. 4.

Dyer f. 25. 214. Cok. l. 5. f. 75. 76. l. 6. f. 37. Fitz. waſt. 62. 117. 146. Pro. Parl. 17. Fitz. judgment. 85. 134. 255. Fitz. dammage. 7. 22. 42. 52. 92. 114. 113. Co. Inſt. 53. b. 54. b. 200. b. 247. b. 355. b.

CAP. VI.

Where divers heirs ſhall have one aſſiſe of Mortdaunceſtor.

Mortdaunceſtor.

It is provided alſo, That if a man die, having many heirs, of whom one his ſon or daughter, brother or ſiſter, nephew or niece, and the other be a further degree, all the heirs ſhall recover from henceforth by a Writ of Mortdaunceſtor. V. N. B. fo. 116. 119. Co. Inſt. 2 par. 307.

27 Ed. 3. f. 89. 29 Aſſ. pl. 11. Fit. Joinder. in Act. 11. 31. 34. 35. 36. Co. Inſt. 164. 2.

CAP. VII.

A Writ of Entrie in Caſu proviſo, upon a Womans alienation of Dower.

Dower.

Ingreſſus in caſu proviſo.

Alſo if a woman ſell or give in Fee or for term of life, the Land that ſhe holdeth in Dower, It is ordained, that the heir, or other to whom the land ought to revert after the death of ſuch woman, ſhall have preſent recovery to demand the land by a Writ of Entrie made thereof in the Chancery. St. 11 H. 7. 20. Regiſt. fo. 235. Fitz. N. B. fo. 215. V. N. B. fo. 137.

Fit. Entre. 7. 8. Bro. Ingreſſu. 3. Co. Inſt 2 par. 309

CAP. VIII.

No ſuit for Goods in the Kings Courts under forty ſhillings. Atturnies may be made where an Appeal lieth not. The Defendant being eſſoined, ſhall bring in his Warrant.

Fitz. Brief 550. 19 H. 6. f.18. 14 H.8. f.15. Co.Inſt. 2 par.310.

No ſuit in the Kings Courts under the value of xl. s. Cro.El.96.

IT is provided alſo, that Sheriffs ſhall plead pleas of treſpaſs in their counties, as they have been accuſtomed to be pleaded. And that none from henceforth ſhall have writs of treſpaſs before Juſtices, unleſs he ſwear by his faith, that the goods taken away were worth forty ſhillings at the leaſt. And if he complain of beating, he ſhall anſwer by his faith, that this plaint is true. Touching wounds and maims, a man ſhall have his Writ as before hath been uſed. And it is agreed, that the defendants in ſuch pleas may make their atturnies, where appeal lieth not, ſo that if they be attainted being abſent, then the Sheriff ſhall be commanded to take them, and ſhall have like pain as they ſhould have had, if they had been preſent at the judgment given. And if the plaintiffs, from henceforth in ſuch treſpaſſes cauſe themſelves to be Eſſoined after the firſt appearance, day ſhall be given them unto the coming of the Juſtices in Eyre, and the defendants in the mean time ſhall be in peace. In ſuch pleas & other, whereas attachments and diſtreſſes do lie, if the defendant Eſſoin himſelf of the Kings ſervice, and do not bring his warrant at the day given him by the Eſſoin, he ſhall recompence the plaintiff damages for his journey twenty ſhillings, or more, after the diſcretion of the Juſtices, and ſhall be grievouſly amerced unto the King. V.N.B.fo. 48.161. Fitz.N.B.fo.17 H.Raſt.pla.fo.297. St. 43 El.6. St. 21 Jac. 16.

Bro.Attorn. 64.74.78.82. 88.

Atturnies in ſuits where appeal lieth not. V.N.B.f.26.&c.

Fitz. Eſſoin 16.17.30.41. 79.116.180. 198.

The penalty if the defendant, being eſſoined, doth not bring in his warrant.

CAP. IX.

One perſon killing another in his own defence, or by misfortune. An appeal of Murder.

Co.Inſt.2 par. 314. Kel.f.53. 108. 4 H.7. f. 2.

Killing in his own defence, or by misfortune. Stat. 2 Ed.3.2.

THe King commandeth that no Writ ſhall be granted out of the Chancery for the Death of a man, to enquire whether a man did kill another by misfortune, or in his own defence, or in other manner without felony. But he ſhall be put in priſon until the coming of the Juſtices in Eyre, or Juſtices aſſigned to the Gaol-delivery, and ſhall put himſelf upon the Country before them for Good and Evil: in caſe it be found by the Country, that he did it in his defence, or by misfortune, then by the report of the Juſtices to the King, the King ſhall take him to his grace, if it pleaſe him. It is provided alſo, that no appeal ſhall be abated ſo ſoon as they have been heretofore; but if the appealor declare the deed, the year, the day, the hour, time of the King, and the Town where the deed was done, and with what weapon he was ſlain, the appeal ſhall ſtand in effect, and ſhall not be abated for default of freſh ſuit, if the party ſhall ſue within the year and the day after the deed done. Raſt. pla. 46. 56. Regiſt. fo. 134. 300. St. 14 E. 3. 15. 1 Seſſ.

The form of an appeal of murder.

CAP. X.

The Husband and Wife being impleaded, ſhall not fourch by Eſſoin.

Fitz.Eſſoin 5, 62. 279. Fitz.forcher 7.12. Bro.forcher 20.

Stat.3.E.1. 42. Raſt. pla.f.316. Parceners ſhal not fourch by eſſoin.

WHereas it is contained in the Statute of the K. that now is, that two Parceners, or two that hold in common, may not fourch by Eſſoin, after that they have once appeared in the Court: It is provided, that the ſame be obſerved and kept, where a man and his wife be impleaded in the Kings Court. Co. Inſt. 2. par. 320.

CAP. XI.

A feigned recovery againſt him in the reverſion, to make the Termor loſe his term.

A feined ſuit againſt him in the reverſions to make the tenant to loſe his term. Stat.21 H.8.15.

IT is provided alſo that if any man leaſe his tenement in the City of London for term of years, and he to whom the free-hold belongeth cauſeth himſelf to be impleaded by colluſion, and maketh default after default, or cometh into the Court, and giveth it up, for to make the termor loſe his term, and the demandant hath his ſuit, ſo that the termor may recover by Writ of Covenant: The Maior and the Bailiffs may inquire by a good inqueſt, in the preſence of the termor and the demandant, whether the demandant moved his plea upon good right that he had, or by colluſion, or by fraud, to make the termor loſe his term. And if it be found by the inqueſt, that the demandant moved his plea upon good right that he had, the judgment ſhall be given forthwith. And if it be found by Inqueſt that he impleaded him by fraud, to put the termor from his term, then ſhall the termor enjoy his term, and the execution of judgment for the Demandant ſhall be ſuſpended until the term be expired. And in like manner it ſhall be of equity before the Juſtices in ſuch caſe, if the termor do challenge it before the judgment. Regiſt.fo.179. Fitz.N.B.fo.198. e. Raſt.pla.fo.81. Coke pla.fo.173.

Co. Inſt.46. a. 2 par. 321.

CAP. XII.

One impleaded in London voucheth foregin warranty.

Co. Inſt. 2 par.324.

One impleaded in London, voucheth a foreign to warranty. Raſt.pla.f. 240. 354. 615. Coke pla. f.176. V.N.B. f.4.

IT is provided alſo, That if a man impleaded for a tenement in the ſame City, doth vouch a foraign to warranty, that he ſhall come into the Chancery, and have a writ to ſummon his warrantor at a certain day before the Juſtices of the Bench, and another writ to the Maior and Bailiffs of London, that they ſhall ſurceaſe in the matter that is before them by writ, until the Plea of the Warranty be determined before the Juſtices of the Bench. And when the plea at the Bench ſhall be determined, then ſhall he that is vouched, be commanded to go into the City, to anſwer unto the chief plea. And a Writ ſhall be awarded at the ſuit of the demandant by the Juſtices unto the Maior and Bailiffs, that they ſhall proceed in the plea. And if the demandant recover againſt the tenant, the tenant ſhall come before the Juſtices of the Bench, which ſhall direct a Writ to the Maior and Bailiffs, That if the Tenant have loſt his land, they ſhall cauſe the Land to be extended, and valued, and ſhall return the Extent at a certain day into the Bench, and after it ſhall be commanded to the Sheriff of the Shire (where the warrantee was ſummoned) that he ſhall cauſe him to have as much of the Land of the warrantor in value. Regiſt.fo.2. Fitz.N.B.fo.6. St. 9 E.1. poſt. Pag.43.

18 H.8.f.1. 42 Ed.3.f.2. 8 Ed.8.f.10. Kel. f. 109. Fitz. Reſceit 106.

CAP. XIII.

No waſte ſhall be made hanging a ſuit for the Land.

Raſt. pla. 317. **No Eſtrepement ſhall be made depending a ſuit.**

14 H.8.f.7.10. 18 H.8.f.5. Dyer f.324. Coke l.5.f. 115. Fitz.Eſtrepement 4.5.6. 7.10.12.13.14. 15.

It is provided alſo, that after ſuch time as a Plea ſhall be moved in the City of London by Writ, the Tenant ſhall have no power to make any Waſte or Eſtrepement of the Land in demand (hanging the Plea) and if he do, the Maior and Bayliffs ſhall cauſe it to be kept at the ſuit of the demandant. And the ſame Ordinance and Statute ſhall be obſerved in other Cities, Boroughs, and every where throughout the Realm. Fitz.N.B.fo.60,&c. V.N.B. fo. 39. Regiſt. fo. 76. Regiſt. inde. fo. 13. 17. 21. 33. 58. 66. 69. Co.Inſt. 2. par. 327.

CAP. XIV.

A Citizen of London ſhall recover in an Aſſiſe Damages with the Land.

Damages ſhall be recovered with the freehold in London

Co.Inſt. 2 par. 329.

The King of his ſpecial Grace granteth unto the Citizens of London, that whereas beforetimes they that were diſſeiſed of free-hold in the ſame City, could not recover their damages before the coming of the Juſtices to the Tower, that from henceforth the diſſeiſees ſhall have damages by recognizance of the ſame Aſſiſe, whereby they recovered their Lands. And the diſſeiſors ſhall be amerced before two Barons of the Exchequer which ſhall reſort once a year into the City to do it. And it ſhall be commanded unto the Barons and to the Treaſurer of the Exchequer, that they ſhall cauſe it every year to be levied by two of them at their riſing after Candlemas. And the amerciaments by ſummons of the Exchequer ſhall be levied to the Kings uſe, and be delivered at the Exchequer.

An Expoſition of the ſaid Statute of Glouceſter, made alſo *Anno 6 Edwardi.* 1.

Stat.Glouceſt. cap. 1.

After, by the King and his Juſtices, certain Expoſitions were made upon ſome of the Articles above mentioned, that is to wit, To the firſt Article, for Entries by diſſeiſin, Damages ſhall run from the time of the ſtatute publiſhed. In the ſame wiſe, in Writs of Entre upon diſſeiſin, and in all writs of Mordaunceſter, Coſinage, Aiel or Beſaile, of intruſion by ones own act by any manner of Writ, Damages ſhall run after the Writ purchaſed againſt them that held by Statute, albeit their anceſtors died ſeiſed thereof. 2. Touching an Inqueſt to be made of ſuch as be within age, the Statute ſhall run without limitation of time. 3. Touching alienation of Lands holden by the Law of England, the Statute ſhall run for ſuch Lands being aliened after the time of the Statute publiſhed. In like manner the ſtatute ſhall extend and run upon the Lands of a wife aliened by her husband (whereas no fine was levied thereof in Court.) 4. Touching lands being let in fee-ferm, to pay therefore yearly the fourth part of the very value thereof, the Statute ſhall run as well unto Lands that were leaſed before the making of the ſtatute, as after, in caſe that the tenant have withholden above the ſpace of two yares after the ſtatute publiſhed ſo much as he ſhould have paid to his leaſſor yearly according to the form of the covenant. 5. And as to the puniſhment of waſte in all caſes, (except it be of Dowers and Wards) it ſhall be underſtanded of waſtes done ſithence the Statute publiſhed. And of the forfeiture of treble in caſes of waſte of Dowers, and Wardſhips, it ſhall be underſtanded of waſtes committed after the Statute publiſhed. 6. And as concerning them which do aliene their Dowers, it is to be underſtanded after the publiſhing of the Statute. 7. Given at Glouceſter the Sunday next after the Feaſt of Saint Peter ad Vincula, the ſixth year of the Reign of King Edward the firſt.

A Statute 30. *die Octobris Anno* 7 Ed. 1. and *Anno Domini* 1279.

To all Parliaments and Treatiſes every man ſhall come without Force and Arms.

The King to the Juſtices of his Bench ſendeth greeting. Whereas of late before certain perſons deputed to treat upon ſundry debates had between us and certain great men of our Realm, amongſt other things it was accorded, that in our next Parliament after, proviſion ſhall be made by us and the common aſſent of the Prelates, Earls, and Barons, that in all Parliaments, Treaties, and other Aſſemblies, which ſhould be made in the Realm of England for ever, that every man ſhall come without all Force and Armour well and peaceably, to the honour of us, and the peace of us and our Realm. And now in our next Parliament at Weſtminſter after the ſaid treaties, the Prelates, Earls, Barons, and the Commonalty of our Realm, there aſſembled to take advice of this buſineſs, have ſaid, that to us it belongeth, and our part is, through our Royal Seigniory, ſtraitly to defend Force of Armour, and all other Force againſt our peace, at all times when it ſhall pleaſe us, and to puniſh them which ſhall do contrary, according to our Laws and Uſages of our Realm. And hereunto they are bound to aid Us as their Soveraign Lord at all ſeaſons when need ſhall be. We command you, that ye cauſe theſe things to be read afore you in the ſaid Bench, and there to be enrolled. Given at Weſtminſter the thirtieth day of October. St. 2 Ed. 3. 3. St. 7 R. 2. 13. St. 20 R. 2. 1.

Every man ſhall come to the Parliament peaceably.

A Statute

A Statute of Mortmain, made 14. *Novembris*, *Anno* 7 *Edw.* 1. and *Anno Domini*, 1279.

Who ſhall take the forfeiture of Lands given in Mortmain.

St. 9 H. 3. 36.

Where of late it was provided, that religious men ſhould not enter into the fees of any without licence and will of the chief Lords of whom ſuch fees be holden immediately; And notwithſtanding ſuch religious men have entred as well into their own fees, as in the fees of other men, appropriating and buying them, and ſometime receiving them of the gift of others, whereby the ſervices that are due of ſuch fees, and which at the beginning were provided for defence of the Realm, are wrongfully withdrawn, and the chief Lords do leeſe their Eſcheates of the ſame: We therefore to the profit of our Realm intending to provide convenient remedy, by the advice of our Prelates, Earls, Barons, and other our ſubjects, being of our Councel, have provided, made and ordained, That no perſon, religious or other, whatſoever he be, that will buy or ſell any Lands or Tenements, or under the colour of gift or leaſe, or that will receive by reaſon of any other title, whatſoever it be, Lands or Tenements, or by any other Craft or Engine will preſume to appropre to himſelf, under pain of forfeiture of the ſame, whereby ſuch Lands or tenements may any wiſe come into Mortmain. We have provided alſo, that if any perſon, religious or other, do preſume either by Craft or Engine to offend againſt this Statute, it ſhall be lawful to us and other chief Lords of the Fee immediate to enter the Land ſo aliened, within a year from the time of the alienation, and to hold it in fee, and as inheritance. And if the chief Lord immediate be negligent, and will not enter into ſuch fee within the year, then it ſhall be lawful to the next chief Lord immediate of the ſame fee, to enter in the ſame Land within half a year next following, and to hold it as before is ſaid; and ſo every Lord immediate may enter into ſuch Land, if the next Lord be negligent in entring into the ſame fee, as is aforeſaid. And if all the chief Lords of ſuch Fees being of full age, within the four Seas, and out of priſon, be negligent or ſlack in this behalf, we immediately after the year accompliſhed from the time that ſuch purchaſes, gifts, or appropriations hap to be made, ſhall take ſuch lands and tenements into our hand, and ſhall infeoff other therein by certain ſervices to be done to us for the defence of our Realm, ſaving to the chief Lords of the ſame Fees, their Wards and Eſcheates, and other ſervices thereunto due and accuſtomed. And therefore we command you, that ye cauſe the foreſaid Statute to be read before you, and from henceforth to be kept firmly and obſerved. Witneſs my ſelf at Weſtminſter the xiiii. day of November, the ſeventh year of our Reign. St. 13 Ed. 1. 32. St. 18 Ed. 3. 3. St. 15 R. 2. 5. Fitz. N. B. fo. 221, &c. V.N.B. fo. 160. Regiſt. fo. 247, &c. Raſt. pla. fo. 23. 120.

Coke Inſt. b. 8 H. 4. o. 15. 21. 1 Ed. 9 fo. 6. 21. o Ed. 3. fo. 8. 47 Ed. 3. o. 11. 21 Ed. fo. 5. 27. re. Mortmain 15, 16, 8, 20, 21, 27, 1, 38, 39, 41, 43. o Ed. 3. fo. 2. Fitz. Mort- 3. 5 Ed. 4. fo. 13. 43 Aſſ. pl. 19. 21 Ed. 3. fo. 27. 8 Ed. 3. fo. 18. Fitz. Formedon 57. Fitz. Q. Impedit 141. 163. Bro. Mortmain 17. 22. 26. 37. Kel. fo. 103. 111. Fitz. Ent. cong. 28. 41 Aſſ. pl. 19.

No land ſhall be aliened in Mortmain upon pain of the forfeiture thereof.

Who ſhall take the benefit of the forfeiture.

A Statute made 2 *Maii*, *Anno* 9 *Ed.* 1. and *Anno Dom.* 1281. A Correction of the twelfth Chapter of the Statute of *Glouceſter*, touching calling Forreigns to Warranty in *London*.

It is provided alſo, That if none being impleaded in the City of London, do vouch a Forreign to warranty, the Maior and the Bayliffs ſhall adjourn the parties before the Juſtices of the Bench at a certain day, and ſhall ſend their record thither. And the Juſtices ſhall cauſe the warrantor to be ſummoned before them, and ſhall try the Warranty. And the Maior and the Bayliffs in the mean time ſhall ſurceaſe in the matter that dependeth afore them by a Writ, until ſuch time as the warranty be determined before the Juſtices of the Bench. And when the matter ſhall be determined, commandment ſhall be given to the Vouchee, to depart into the City and to anſwer to the firſt Plea. And the demandant at his Suit, ſhall have a Writ from the Juſtices of the Bench, unto the Maior and Bayliffs, that they ſhall proceed in the Plea. And if the Demandant recover, the Tenant ſhall come to the Juſtices of the Bench, and have a Writ to the Maior and Bayliffs, that in caſe the Tenant have loſt his land, they ſhall cauſe it to be extended, and return the ſame Extent unto the Bench at a certain day. And after, it ſhall be commanded to the Sheriff of the Shire, where the Warranty was ſummoned, that he ſhall cauſe the Tenant to have of the lands of the Warrantor to like value. And if it fortune that the Tenant make default at the day that is aſſigned him in the Bench, then ſhall there go forth a Writ from the Juſtices of the Bench to the Maior and Bayliffs, to ſeiſe the land demanded, into the Kings hands by a Petie Cape, and to ſummon the Tenant, that he be at the Huſtings at a certain day, whereat the Juſtices ſhall be adviſed to give judgment upon the ſame default, if he cannot ſave it; and in caſe he can ſave it, then the Juſtices ſhall be certified thereof by their Record, and by the ſame Record they ſhall plead the warranty. Raſt. pla. fo. 240. 354, &c. Coke pla. fo. 176.

The manner of proceeding, when foreigns be avouched to warranty in London.

Stat. 6 E. 1. ca.

It is to be remembred, that this Article, in form afore mentioned, was ſigned under the Great Seal of King Edward, Son of King Henry, in the ninth year of his reign, and ſent unto the Juſtices of the Bench after the manner of a Writ Patent, with a certain Writ cloſed, dated by the Kings hand at Weſtminſter, the ſecond day of May, the year afore mentioned, that they ſhould do and execute all and every thing contained in the Article aforeſaid, albeit that the ſame do not accord with the Statute of Glouceſter in all things.

A new

A new Stat. of the *Exchequer*, called the Statute of *Rutland*, made 24. *Maii*, *Anno* 10 *Edw.* 1. and *Anno Dom.* 1282. Touching the recovery of the Kings Debts.

The Bodies of Shires.

Annual Rolls.

The King to his Treaſurer and Barons of the Exchequer, greeting. To the intent that proviſion may be had for the indemnity of us and our people, in certain things touching us and our people aforeſaid, in our ſaid Court of Exchequer; We will and provide, That from henceforth the bodies of Shires ſhall not be written in ſeveral Rolls, but ſhall be written in a certain annual Roll by themſelves, and ſhall be read every year upon the Accompts of Sheriffs, that is to wit, of ſeveral Counties, that it may be known, if ought may accrue unto us by any mean. The remanents of the ferms of the ſame Shires ſhall be written by latter dates in the Annual Rolls, and the Sheriffs ſhall be charged therewith: In which Remanents, the Liberties and Alms aſſigned ſhall be allowed, and other allowances (if Sheriffs have had any) of the Iſſues of their Baliwicks by our Writs. And becauſe of the ſuggeſtion of our Bayliffs, our Writs are made of divers allowances, unto our grievous damage; We will and provide, That of ſuch manner allowances ſo to be made, from henceforth view ſhall be made in our Exchequer, and the ſame view being faithfully made, the ſame Treaſurer and Barons ſhall certifie our Chancellor of the due allowances ſo to be made, and that Writs of allowances ſhall be made according to the ſame Certificate. Moreover, there ſhall be written in the ſame Annual Rolls the ferms of the Sheriffs, the profits of Counties, the ferms of Sergeanties and Aſſerts, the ferms of Cities, Boroughs, Towns, and other Ferms, whereof there is anſwer made yearly in the Exchequer. And in them alſo ſhall be written all Debts determined, all groſs debts, whereof there is hope that ſomewhat ſhall be paid, and all other debts that ſeem to be clear. But when it is come unto accampt to the title of new Duties, nothing ſhall be written in the Annual Roll, but thoſe debts, whereof there is hope of payment, and whereof the Sheriff is anſwerable, and debts found in the Originals.

A Roll of deſperate Debts.

Of deed ferms, and debts deſperate, whereof there is no hope, one Roll ſhall be made, and ſhall be intituled Comitatus, and read every year upon the accompt of Sheriffs; and the debts whereof the Sheriffs are anſwerable, ſhall be written in the Annual Roll, and there ſhall be acquitted.

Tallies for Debts.

Moreover, we will and provide, That it ſhall be proclaimed in every county, That all they that have Tallies of the Exchequer, for the Debts of themſelves, or their Anceſtors, hitherto paid uſually there, and not yet allowed, which yet do come in the Summons of the Exchequer, they do deliver to the Sheriffs ſuch Tallies, to be allowed at the Exchequer upon their Accompts. And the Sheriffs ſhall make to them (of whom they ſhall ſo receive Tallies) their writings, witneſſing the receit of thoſe Tallies, and occaſion of the Debts.

Two Knights.

Two faithful Knights, deputed thereunto, ſhall be preſent at the receit of the Tallies aforeſaid, between whom and the ſaid Sheriffs, Indentures ſhall be made of ſuch Receits, with the Seals of them both interchangeably.

The foreſaid Knights deputed thereunto, ſhall ſend the parts of their Indentures, at the term appointed, unto the Exchequer, in form aforeſaid, to the end, that by the view and witneſs of them, the ſaid Tallies ſo received by the Sheriffs, may be ſhewed, and allowed upon their accounts.

Having Tallies and not delivering them.

Moreover, it ſhall be proclaimed, That except thoſe that have ſuch Tallies, do deliver them to the Sheriffs, and knights, as afore is ſaid, that then they ſhall be diſtrained for the whole Debt, and that the foreſaid Tallies ſhall be reputed for unpaid.

Moreover, the debts which yet are to come in the ſummons of the Exchequer, whereof the debtors do proffer Tallies againſt divers Sheriffs, ſhall be defalked and acquitted.

Commiſſions to enquire of the Kings Debts.

Moreover we provide, that certain perſons aſſigned thereunto on our behalf ſhall be ſent into every Shire, which ſhall have full power to enquire of ſuch manner of debts, and alſo to call afore them ſolemnly, as well the Sheriffs, as their heirs and aſſigns, and the Tenants of their lands, in caſe they be dead that have received the debts, and alſo if need be to proceed to the taking of ſuch manner Inqueſts, whether the parties (againſt whom the foreſaid Tallies were ſhewed) do come or not. So that the Sheriff do return a reaſonable ſummons made to them therefore, and ſo the truth being inquired and diſcuſſed in preſence of the parties (if they will be there) the inquiſitors ſhall make rolls of them that ſhall be convict afore them, ſo that the foreſaid debts being confeſſed and inrolled, the Tallies of the ſame ſhall be forthwith broken. And the Sheriffs ſhall have in their cuſtody the tranſcripts of the ſame Rolls, under the Seals of the Inquiſitor, and ſhall ſurceaſe in making Diſtreſſes for the debts contained in the ſame, until they ſhall have otherwiſe im commandment from us therefore. And the foreſaid Inquiſitors ſhall ſend unto the Exchequer the foreſaid Rolls, under their Seals, that it may be examined there, by a ſearch to be made therefore, what debts be paid in the whole, and what are paid in part, and what debts there be, whereof the debtors be not acquitted, according as ſhall be convenient to be done.

Tallies of Dividends.

Moreover, we will and provide, that the Chamberlains from henceforth ſhall not make to the Sheriffs or any of their Bayliffs, Tallies of dividendis, unleſs they firſt receive of them writings containing the particular ſums of the Actions of debts, and the names of them that paid them, unto the which particulars he may part the names of ſuch manner dividendis; which being ſo received under their Seals, it ſhall not be lawful to number them into other particulars.

Moreover, we provide, that all debts, whereunto the Sheriffs make return, that the debtors have nothing in their Bailiwicks, ne had not at ſuch time as they were charged with the ſame debts, or that the debtors be not found, that the ſame debts ſhall be eſtreated in Rolls, and the ſame Rolls to be delivered unto faithful and circumſpect men, which ſhall make inquiry thereof after ſuch form as ſhall be provided by the Treaſurer and Barons.

The Sheriff returneth that the Debtor is not found, or hath nothing.

But for ſo much as certain Pleas were heretofore holden in the Exchequer, which did not concern us, nor our Miniſters of the Exchequer, whereby as well our Pleas, as the Cauſes of our people are unduly prorogued, and letted: We will and ordain, That no Plea ſhall be holden or pleaded in the Exchequer aforeſaid, unleſs it do ſpecially concern us and our Miniſters aforeſaid. And therefore we command, that ye cauſe the premiſes to be diſtinctly and openly read afore you, and to inroll it, cauſing the ſame to be ſtraitly obſerved in our Court of Exchequer aforeſaid. In witneſs of which, &c. Geven at Rutland the four and twentieth day of the moneth of May, in the tenth year of our Reign.

No ſuit ſhall be proſecuted in the Exchequer, unleſs it concern the King, or his Officers there. Regiſt. f. 187.

The Statute of *Acton-Burnel*, made *Anno* 13 *Edward* 1. and *Anno* 1285.

Ordaining the Statute-Merchant for recovery of Debts.

Foraſmuch as Merchants, which heretofore have lent their goods to divers perſons, be greatly impoveriſhed, becauſe there is no ſpeedy Law provided for them, to have recovery of their debts at the day of payment aſſigned; And by reaſon hereof, many Merchants have withdrawn to come into this Realm with their Merchandiſes, to the damage as well of the Merchants, as of the whole Realm: The King by himſelf and by his Council, hath Ordained and eſtabliſhed, That the Merchant which will be ſure of his debt, ſhall cauſe his Debtor to come before the Mayor of London, or of York, or Briſtow, or before the Mayor and a Clerk (which the King ſhall appoint for the ſame) for to knowledge the debt & the day of payment, and the Recogniſance ſhall be entred into a Roll with the hand of the ſaid Clerk which ſhall be known. Moreover, the ſaid Clerk ſhall make with his own hand a Bill Obligatory, whereunto the Seal of the Debtor ſhall be put, with the Kings Seal, that ſhall be provided for the ſame purpoſe: the which Seal ſhall remain in the keeping of the Mayor and Clerk aforeſaid. And if the Debtor doth not pay at the day to him limited, the Creditor may come before the ſaid Mayor & Clerk with his Bill Obligatory: and if it be found by the Roll and by the Bill, that the Debt was knowledged, and that yͤ day of payment is expired, yͤ Mayor ſhall incontinent cauſe the moveables of the Debtor to be ſold, as far as the Debt doth amount, by the praiſing of honeſt men, as Chattels Burgages deviſable, unto the whole ſum of the Debt, and the money without delay ſhall be paid to the Creditor. And if the Mayor can find no buyer, he ſhall cauſe the moveables to be delivered to the Creditor at a reaſonable price, as much as doth amount to the ſum of the debt, in allowance of his Debt. And the Kings Seal ſhall be put unto the ſale and deliverance of the Burgages deviſable, for a perpetual witneſs. And if the Debtor have no moveables within the Juriſdiction of the Mayor, whereupon the Debt may be levied, but hath ſome otherwhere within the Realm, then ſhall the Mayor ſend the Recogniſance, made before him and the Clerk aforeſaid, unto the Chancellor, under the Kings Seal. And the Chancellor ſhall direct a Writ unto the Sheriff, in whoſe Bailiwick the moveables of the Debtor be, and the Sheriff ſhall cauſe him to agree with his Creditor, in ſuch form as the Mayor ſhould have done in caſe that the moveables of the Debtor had been within his power. And let them that ſhall praiſe the moveable goods to be delivered unto the Creditor, take good heed, that they do ſet a reaſonable price upon them: for if they do ſet an over-high price for favour born to the debtor, and to the damage of the Creditor, then ſhall the thing ſo praiſed be delivered unto themſelves at ſuch price as they have limited, and they ſhall be forthwith anſwerable to the Creditor for his debt. And if the Debtor will ſay, that his moveable goods were delivered or ſold for leſs then they were worth, yet ſhall he have no remedy thereby. For when the Mayor or the Sheriff hath ſold the moveable goods lawfully to him that offered moſt, he may account it his own folly, that he did not ſell his own moveable goods himſelf before the day of his ſuit (when he might and would not) and have levied the money with his own hands. And if the debtor have no moveables, whereupon the debt may be levied, then ſhall his body be taken, where it may be found, and kept in priſon, until that he have made agreement, or his friends for him. And if he have not wherewith he may ſuſtain himſelf in priſon, the Creditor ſhall find him bread and water, to the end that he die not in priſon for default of ſuſtenance; the which coſts the debtor ſhall recompence him with his debt, before that he be let out of priſon. And if the Creditor be a Merchant-ſtranger, he ſhall remain at the coſts of the Debtor for ſo long time as he tarrieth about the ſuit of his debt, and until the moveable goods of the Debtor be ſold or delivered unto him. And if the Creditor do not take the Debtor alone for the ſurety of his payment, by reaſon whereof, Pledges or Mainpernors be founden, then thoſe Pledges or Mainpernors ſhall come before the Mayor and Clerk abovesaid, and ſhall bind themſelves by Writings and Recogniſances, as afore is ſaid of the Debtor. And in like manner, if the debt be not paid at the day limited, ſuch execution ſhall be awarded againſt the Pledges or Mainpernors, as before is ſaid of the Debtor.

Co. Inſt. 289.b
Cro. El. 233.
355.481.

Acknowledging of a Statute-Merchant. Regiſt. f. 146. Fitz. N.B. f. 130. &c.

The Seal of the Statute.

The penalty if the debt be not paid.

A certificate of the Statute into the Chancery. Fitz. N.B. f. 130.

The goods extended, delivered to the praiſors.

a. Execut.
o. 11. 12. 14

The debtor impriſoned. Regiſt. f. 98.

The debtors dyet. Fitz. N.B. f. 128. 10. 133. c.

The Creditor a ſtranger.

The Creditors pledges.

Provided nevertheleſs, that ſo long as the Debt may be fully taken and levied of the goods moveable of the Debtor, the Mainpernors or pledges ſhall be without damage: Notwithſtanding, for default of moveable goods of the Debtor, the Creditor ſhall have execution of his Recogniſance upon the Mainpernors or pledges, in ſuch manner and form as before is limited, againſt the principal Debtor. St. 13 Ed. 1 Raſt. pla. f. 97. 342.

E The

The Statute of *Weſtminſter* 2. made *Anno* 13 *Ed.* 1. and *Anno Dom.* 1285.

WHere of late our Lord the King, in the Quinzime of St. John Baptiſt, the ſixth year of his Reign, calling together the Prelates, Earls, Barons, and his Council at Glouceſter, and conſidering that divers of this Realm were diſherited, by reaſon that in many caſes, where remedy ſhould have been had, there was none provided by him nor his predeceſſors, ordained certain Statutes right neceſſary and profitable for his Realm, whereby the people of England and Ireland, being ſubject unto his power, have obtained more ſpeedy juſtice in their oppreſſions, then they had before, and certain caſes (wherein the Law failed) did remain undetermined, and ſome remained to be Enacted, that were for the reformation of the oppreſſions of the people: Our Lord the King in his Parliament, after the feaſt of Eaſter, holden the thirteenth year of his Reign at Weſtminſter, cauſed many oppreſſions of the people, and defaults of the Laws, for the accompliſhment of the ſaid Statutes of Glouceſter, to be rehearſed, and thereupon did provide certain Acts, as ſhall appear here following.

CAP. I.

In gifts in tail, the Donors Will ſhall be obſerved. The form of a Formedon.

Several ſorts of gifts of Lands in tail. Fitz. N.B.f.211. l.

Co. Inſt. 2 pt. 331. Coke lib. 7. f. 33. Fitz. Tail 11.12.13.14. 16.17.18.21. 22.23. Co. Inſt. 1 f. 19.2.24.2.113 b.224.2. 468.2.

FIrſt concerning Lands that many times are given upon condition, that is to wit, where any giveth his land to any man and his wife, and to the heirs begotten of the bodies of the ſame man and his wife, with ſuch condition expreſſed, that if the ſame man and his wife die without heirs of their bodies between them begotten, the Land ſo given ſhall revert to the giver or his heir. In caſe alſo where one giveth lands in free marriage, which gift hath a condition annexed, though it be not expreſſed in the deed of gift, which is this: That if the husband and wife die without heir of their bodies begotten, the land ſo given ſhall revert to the giver or his heir. In caſe alſo where one giveth land to another, and the heirs of his body iſſuing: it ſeemed very hard, and yet ſeemeth to the givers and their heirs, that their Will being expreſſed in the gift, was not heretofore, nor yet is obſerved. In all the caſes aforeſaid, after iſſue begotten and born between them (to whom the lands were given under ſuch condition) heretofore ſuch Feoffees had power to alien the land ſo given, and to diſherit their iſſue of the land, contrary to the minds of the givers, and contrary to the form expreſſed in the gift. And further, when the iſſue of ſuch Feoffee is failing, the Land ſo given, ought to return to the giver, or his heir, by form of the Gift expreſſed in the Deed, though the iſſue (if any were) had died: yet by the Deed and Feoffment of them (to whom Land was ſo given upon condition) the Donors have heretofore been barred of their reverſion, which was directly repugnant to the form of the gift.

Fitz. Waranty. 35.

Fitz. Formedon 61.65. Fitz. Tail 9. 10.

Fitz. Tail 15. 17.

Coke Ly. f. 19.

In Gifts in tail, the Donors Will ſhall be obſerved. V N.B.f.100. 144. Raſt.pla. f.360. &c.

Fitz. Garra. 16.46. 57.59. Fitz. Tail 11. Fitz. Bar. 15. Pla. f. 223. 227. Coke l. 3. f. 85. Fitz. Formedon 1.2.7.33.35.51. 54.59.62.64. Fitz. Dower 87. Coke l. 3. f. 81. 5 f. 14. l. 7. f. 32. 33. l. 8. f. 75. 86. 166. l. 9. f. 105. l. 11. f. 72. Co. Inſt. 1 f. 335.

Wherefore our Lord the King perceiving how neceſſary and expedient it ſhould be, to provide remedy in the aforeſaid caſes, hath ordained, That the will of the giver, according to the form in the Deed of Gift manifeſtly expreſſed, ſhall be from henceforth obſerved: So that they to whom the Land was given under ſuch condition, ſhall have no power to alien the Land ſo given, but that it ſhall remain unto the iſſue of them to whom it was given after their death, or ſhall revert unto the giver, or his heirs, if iſſue fail, (whereas there is no iſſue at all) or if any iſſue be, and fail by death, or heir of the body of ſuch iſſue failing. Neither ſhall the ſecond husband of any ſuch woman, from henceforth, have any thing in the Land ſo given upon condition, after the death of his wife, by the Law of England, nor the iſſue of the ſecond husband and wife ſhall ſucceed in the inheritance, but immediately after the death of the husband and wife, (to whom the land was ſo given) it ſhall come to their iſſue, or return unto the giver, or his heir, as before is ſaid.

And for as much as in a new Caſe new Remedy muſt be provided, this manner of Writ ſhall be granted to the party that will purchaſe it.

Formedon in diſcender. Regiſt. f. 238. Raſt. pla. f. 360. &c. Coke pla. 317. 338. 341.

Dyer f. 126. 297. Fitz. Fines 116. Fitz. Formedon 5.6.9.18. 14.22.30. 41. 44.46.47. 49.

Præcipe A. quod juſte, &c. reddat E. manerium de F. cum ſuis pertinentiis, quod C. dedit tali viro, & tali mulieri, & heredibus de ipſis viro, & muliere exeuntibus.

Or thus.

Quod C. dedit tali viro, in liberum maritagium, cum tali muliere, & quod poſt mortem prædictorum viri & mulieris, prædicto B. filio eorundem viri & mulieris deſcendere debeat per formam donationis prædictæ, ut dicit, &c. vel quod C. dedit tali & heredibus de corpore ſuo exeuntibus, & quod poſt mortem illius talis prædicto B. filio prædicti talis deſcendere debeat per formam, &c.

Regiſt. f. 242.

A fine ſhall not bar the heir in tail. Alt. St. 32. H. 8. 36.

Coke l. 9. f. 19.

8 H. 4. f. 8. Fitz. Continual claim 9.

The Writ whereby the giver ſhall recover (when iſſue faileth) is common enough in the Chancery. And it is to wit, That this Statute ſhall hold place touching alienation of Land contrary to the form of the gift hereafter to be made, and ſhall not extend to gifts made before. And if a fine be levied hereafter upon ſuch Lands, it ſhall be void in the Law: Neither ſhall the heirs, or ſuch as the reverſion belongeth unto, though they be of full age, within England, and out of priſon, need to make their claim.

CAP. II.

A Record are to remove a Plaint. Pledges to proſecute a Suit. Second deliverance.

The miſchiefs which Lords diſtraining their Tenants did ſuffer. V.N.B.f.162.

Co. Inſt. 2 pt. 337.

FOraſmuch as Lords of Fees diſtraining their Tenants for ſervices and cuſtoms due unto them, are many times grieved, becauſe their Tenants do replevy the diſtreſs by Writ or without Writ. And when that Lords at the complaint of their Tenants, do come by Attachment into the County, or unto another Court, having power to hold Pleas of Withernam, and do avow the taking good and lawful, by reaſon that the Tenants diſavow to hold ought, nor do claim to hold any thing of him (which took the diſtreſs, and avowed it) he that diſtrained is amerced, and the Tenants go quit, to whom puniſhment cannot be aſſigned for ſuch diſavowing by Record of the County, or of other Courts having no Record.

H.7.f.2.

It is provided and ordained from henceforth, That where ſuch Lords cannot obtain Juſtice in Counties, and ſuch manner of Courts againſt their Tenants, as ſoon as they ſhall be attached at the ſuit of their Tenants, a Writ ſhall be granted to them to remove the Plea before the Juſtices, afore whom, and none otherwhere, Juſtice may be miniſtred unto ſuch Lords. And the cauſe ſhall be put in the Writ, becauſe ſuch a man diſtrained in his Fee for Services and Cuſtoms to him due. Neither is this Act prejudicial to the Law commonly uſed, which did not permit that any Plea ſhould be moved before Juſtices at the ſuit of the defendant: For though it appear at the firſt ſhew that the Tenant is plaintiff, and the Lord defendant, nevertheleſs having reſpect to that, that the Lord hath diſtrained and ſueth for Services and Cuſtoms being behind, he appeareth indeed to be rather actor or plaintiff then defendant. And to the intent the Juſtices may know upon what freſh ſeiſin the Lords may avow the diſtreſs reaſonably upon their Tenants: From henceforth it is agreed and Enacted, That a reaſonable diſtreſs may be avowed upon the ſeiſin, of any anceſtor or predeceſſor ſince the time that a Writ of novel diſſeiſin hath run. And becauſe it chanceth ſometimes that the Tenant after that he hath replevied his beaſts, doth ſell or alien them, whereby return cannot be made unto the Lord that diſtrained, if it be adjudged:

A Recordare to remove a plaint out of the County. Regiſt.f.83. V.N.B.f.41. Fitz.N.B.f.70.

St.32.H.8.2.

yer f.188. H.6.f.15. Ed.3.f.72. H.6.f.42. z.Return s avers 35. o.Car.594.

It is provided, That Sheriffs or Bailiffs from henceforth ſhall not only receive of the plaintiffs pledges for the purſuing of the ſuit, before they make deliverance of the diſtreſs, but alſo for the return of the beaſts, if return be awarded. And if any take pledges otherwiſe, he ſhall anſwer for the price of the beaſts, and the Lord that diſtraineth, ſhall have his recovery by Writ that he ſhall reſtore unto him ſo many beaſts or cattel: And if the Bailiff be not able to reſtore, his Superiour ſhall reſtore. And foraſmuch as it happeneth ſometime, that after the return of the beaſts is awarded unto the diſtrainor, and the party ſo diſtrained, after that the beaſts be returned, doth replevy them again, and when he ſeeth the diſtrainor appearing in the Court ready to anſwer him, doth make default, whereby return of the beaſts ought to be awarded again unto the diſtrainor, and ſo the beaſts be replevied twice or thrice, and infinitely, and the judgments given in the Kings Court take no effect in this caſe, whereupon no remedy hath been yet provided: In this caſe ſuch proceſs ſhall be awarded, that ſo ſoon as return of the beaſts ſhall be awarded to the diſtrainor, the Sheriff ſhall be commanded by a judicial Writ, to make return of the beaſts unto the diſtrainor; in which Writ it ſhall be expreſſed that the Sheriff ſhall not deliver them without Writ, making mention of the judgment given by the Juſtices, which cannot be without a Writ, iſſuing out of the Rolls of the ſaid Juſtices, before whom the matter was moved. Therefore when he cometh unto the Juſtices, and deſireth replevin of the beaſts, he ſhall have a judicial Writ that the Sheriff taking ſurety for the ſuit, and alſo of the beaſts or cattel to be returned, or the price of them (if return be awarded) ſhall deliver unto him the beaſts or cattel before returned, and the diſtrainor ſhall be attached, to come at a certain day before the Juſtices, afore whom the Plea was moved in preſence of the parties. And if he that replevied make default again, or for another cauſe return of the diſtreſs be awarded, being now twice replevied, the diſtreſs ſhall remain irrepleviable. But if a diſtreſs be taken of new, and for a new cauſe, the proceſs abovesaid ſhall be obſerved in the ſame new diſtreſs.

Pledges to proſecute the ſuit, and to make return. Raſt.pla. f.520. Regiſt.jud. f.4.

yer f.41. 59. el.f.92. 6 H.8.f.6. H.7.f.28. H.7.f.4. H.6.f.9.

A Writ of ſecond deliverance. Raſt.pla.f.522. 627. Fitz.N.B.f.72.

H.7.f.6. yer f.280. z. Return s avers 6. .18.19.24. 5.30. 33.34.

A diſtreſs irrepleviſable. Regiſt ind. f.27. 62, 69.85.

CAP. III.

A Cui in vita for the wiſe. Where a wife, or he in reverſion ſhall be received.

In caſe when a man doth loſe by default the Land which was the right of his wife, it was very hard, that the wife after the death of her husband had none other recovery but by a Writ of Right: Wherefore our Lord the King hath ordained that a woman after the death of her husband ſhall recover by a Writ of Entre, (whereto ſhe could not diſagree during his life) which ſhall be pleaded in form under-written. If the Tenant do except againſt the demand of the wife, that he entred by judgment; and if it be found that his Entre was by default, whereto the Tenant of neceſſity muſt make anſwer, if it be demanded of him, then he ſhall be compelled to make further anſwer, and to ſhew his right according to the form of the Writ that he purchaſed before againſt the husband and the wife. And if he can verifie that he hath or had right in the land demanded, the woman ſhall gain nothing by her Writ; which thing if he cannot ſhew, the woman ſhall recover the land in demand: This being obſerved, That if the husband abſent himſelf, and will not defend his wives right, or againſt his wives conſent will render the land, if the wife do come before judgment, ready to anſwer the demandant, and to defend her right, the wife ſhall be admitted. Likewiſe if Tenant in dower, Tenant by the Law of the Land, or otherwiſe for term of life, or by gift, whereas the reverſion is reſerved, do make default, or will give up: the heirs and they to whom the reverſion belongeth, ſhall be admitted to their anſwer if they come before judgment. And if upon ſuch default or ſurrender, judgment hap to be given: then the heirs, or they unto whom the reverſion belongeth, after the death of ſuch Tenants, ſhall have their recovery by a Writ of Entre, in which like Proceſs ſhall be obſerved, as is aforeſaid in caſe where the husband loſeth his wives land by default. And ſo in the caſes aforeſaid two actions to concur, one between the Demandant and Tenant, and another between the Tenant, ſhewing his right, and the Demandant. Raſt. pla. f. 29. 138. 240. 266. 348. 530. 623. St. 32 H. 8. 28.

o.Inſt.2 par. 41. oke 1.6.f.8. 8.f.72. 6 H.8.f.2. itz. Cui in ta 7.8.10.11. 4.16. 17.19. o.21.26.28. o.32.34. o.Inſt.280. 352.b.353.a. 55.a.356.a. yer f.298. 5.341. itz. Reſceit 3.5.6.9. 11. .19.27.30. 139. oke l.11.f.39 oke li.10. 44. Aſſ pl.27. Ed. 3.f.22. Ed.3.f.15. Ed.3 f.61. Ed.3.f.32. itz. Brief. 94. o.Car.43.

A Cui in vita for the wife, where her deceaſed husband loſt by default. Regiſt. f.232. V.N.B.f.132. Raſt.pl.f.135, &c. Fitz.N.B.f.199. &c.

Where the wife ſhall be received upon the husbands default. Regiſt.f.13.14. 231. Regiſt.ind.f.46. Raſt.pl.f.530.

The receit of him in the reverſion. Regiſt.f.226. Raſt.pl.f.530. St. 20 Ed. 1. Ingreſſus ad communem legem. Regiſt.f.133. V.N.B.f.136.

CAP. IV.

Where the wife ſhall be endowable of Lands recovered againſt her husband. Where the heir may avoid a Dower recovered. A remedy for particular Tenants loſing by default.

12 H.4.f.21. Fitz. Faux.de recon.27.31.

In caſe where the husband being impleaded for land, giveth up ẏ land demanded unto his adverſary by covin: after the death of the husband, the Juſtices ſhall award the wife her dower,

The wife ſhall be endowable though ẏ land be recovered againſt her husband by covin or by default.

Co.Inſt.2.par. 347. 14 H.4.f.32. 50 Ed.3.f.7.

dower, if it be demanded by Writ. But in caſe where the husband loſeth the land in demand by default, if the wife after the death of her husband, demandeth her dower, it hath been proved that ſome Juſtices have awarded unto the woman her dower notwithſtanding the default which her husband made, other Juſtices being of the contrary opinion, and judging otherwiſe: To the intent that from henceforth ſuch ambiguity ſhall be taken away, it is thus ordained in certain, That in both caſes the woman demanding her dower, ſhall be heard. And if it be alledged againſt her, that her husband loſt the land, whereof the dower is demanded by judgment, whereby ſhe ought not to have dower, and then it be enquired by what judgment, and it be found that it was by default, whereunto the Tenant muſt anſwer: then it behoveth the Tenant to anſwer further, and to ſhew that he had right, and hath in the foreſaid land according to the form of the Writ, that the Tenant before purchaſed againſt the husband: And if he can ſhew that the husband of ſuch wife had no right in the lands, nor any other but he that holdeth them, the Tenant ſhall go quit, and the wife ſhall recover nothing of her dower; which thing if he cannot ſhew, the wife ſhall recover her dower. And ſo in theſe caſes, and in certain other following, That is to ſay, when the wife being endowed loſeth her dower by default, and Tenants in free marriage, by the Law of England, or for term of life, or in fee-tail, divers actions do concur for ſuch Tenants, when they muſt demand their land loſt by default: And when it is come to that point, that the Tenants muſt be compelled to ſhew their right, they cannot make anſwer without them, to whom the reverſion of right belongeth: therefore it is granted unto them to vouch to warranty, as if they were Tenants, if they have a warranty: And when the warrantor hath warranted, the plea ſhall paſs between him that is ſeiſed and the warrantor, according to the tenor of the Writ that the Tenant purchaſed before, and by which he recovered by default: and ſo from many Actions at length they ſhall reſort to one Judgment, which is this, That the demandants ſhall recover their demand, or the Tenants ſhall go quit. And if the action of ſuch a Tenant, which is compelled to ſhew his right, be moved by a Writ of right, though that the great Aſſiſe or Battail cannot be joyned by the words accuſtomed, yet it ſhal be joyned by words convenient: for when the Tenant, in that he ſheweth his right, which belongeth to him by the Writ that he before purchaſed, in ſtead of a demandant, the warrantor may well defend the right of the Tenant, which is accounted in place of the demandant, as before is ſaid, and offer to defend the ſeiſin of his anceſtors by the body of his freeman, or put himſelf in the great Aſſiſe, and pray recogniſance to be made, whether he hath more right to the land in demand, or elſe the party before named: or otherwiſe the great Aſſiſe may be joyned thus: Talis defendit jus, &c. and ſo the warrantor may defend the right, and knowledge the ſeiſin of his anceſtor, and put himſelf in the great Aſſiſe, &c. and pray recogniſance to be made, whether he hath more right in the foreſaid lands, as in that whereof he infeoffed ſuch a man, or that ſuch a one releaſed and quite claimed, &c. or elſe the foreſaid party, &c. And where ſometime it chanceth that a woman not having right to demand dower, the heir being within age, doth purchaſe a Writ of Dower againſt a Gardian, and the Gardian endoweth the woman by favour, or maketh default, or by colluſion defendeth the plea ſo faintly, whereby the woman is awarded her dower in prejudice of the heir: It is provided that the heir, when he cometh to full age, ſhall have an action to demand the ſeiſin of his anceſtor againſt ſuch a woman, like as he ſhould have againſt any other deforceor. Yet ſo, that the woman ſhall have her exception ſaved againſt the demandant, to ſhew that ſhe had right to her dower; which if ſhe can ſhew, ſhe ſhall go quit and retain her dower, and the heir ſhall be grievouſly amerced, according to the diſcretion of Juſtices: And if not, the heir ſhall recover his demand, &c. In like manner the woman ſhall be aided, if the heir or any other do implead her for her dower, or if ſhe loſe her dower by default, in which caſe the default ſhall not be ſo prejudicial to her, but that ſhe ſhall recover her dower, if ſhe have right thereto, and ſhe ſhall have this Writ:

A remedy for tenants for life, &c. which do loſe their land by default.

Fitz.dower 80. 140.173.

Fitz.voucher 46.59.159. 169.186.261. 275.276.209. Fit.Counter. de voucher 61.88.86. 101,102. 105 122. Fitz.Counter. de garrant.17. 18. Coke li.11.f.62.

The particular tenants may vouch him in the reverſion.

The heir avoideth a woman of her dower recovered againſt his gardian.

A womans dower recovered againſt her by default.

Præcipe A. quod juſte, &c. reddat B. que fuit uxor F. tantam terram cum pertinentiis in C. quam clamat eſſe rationabilem dotem ſuam, vel de rationabili dote ſua, & quod prædictus A. ei deforceat, &c. And to this Writ the Tenant ſhall have his exception, to ſhew that ſhe had no right to be endowed; which if he can verifie, he ſhall go quit; if not, the woman ſhall recover the land whereof ſhe was endowed before. And whereas before-time if a man had loſt his land by default, he had none other recovery than by a Writ of Right, which was not maintainable by any that could not claim of meer right as Tenants for term of life, in free marriage, or in tail, in which eſtates a reverſion is reſerved: It is Provided, That from henceforth their default ſhall not be ſo prejudicial, but that they may recover their Eſtate by another Writ, than by a Writ of Right, if they have right. For land in free marriage loſt by default, ſuch a Writ ſhall be made:

Quod ei deforc. Fitz. N.B. f.8.d. V.N.B.f.154. Raſt.pl.f.491.

Coke l.6.f.8. Co.Inſt.131.b. 354.b.355.a. 356.a.

Præcipe A. quod juſte, &c. reddat B. manerium de D. cum pertinentiis, quod clamat eſſe jus & maritagium ſuum, et quod A. ei injuſte deforceat.

Likewiſe of Land for term of life loſt by default, this Writ ſhall be made:

Præcipe A. quod juſte & ſine dilatione, &c. reddat B. manerium de D. cum pertinentiis quod clamat tenere ad terminium vitæ ſuæ, & quod prædictus A. ei deforceat. Likewiſe

Quod clamat tenere ſibi, & hæredibus de corpore ſuo legitime procreatis, & quod prædictus A. ei deforceat. Fitz. N. B. f. 155.b. Regiſt.f.171.b.230. Raſt.pla.f.491.

Quod ei deforceat for tenant in frankmarriage.

For tenant for life or in tail.

Fitz. Quod ei deforceat. 1.2. 3.4.5.6.8.9. 10.11.12.13.17 Cro.Car.445.

CAP. V.

Remedies to redreſs Uſurpations of Advowſons of Churches, &c.

Whereas of Advowſons of Churches there be but three original Writs, that is to ſay, one Writ of Right, and two of Poſſeſſion, which be Darrain preſentment, and Quare Impedit: and hitherto it hath been uſed in the Realm, that when any having no right to preſent, had preſented to any Church whoſe Clerk was admitted; he that was very Patron could not recover his Advowſon, but only by a Writ of Right, which ſhould be tryed by battail,

Three original Writs of Advowſons.

V.N.B.f.25. Raſt.pla.f. 101. 144.496.

Co.Inſt.2.par. 313.

tail, or by great Aſſiſe, whereby heirs within age, by fraud or elſe by negligence of their Wardiens, and heirs both of great and mean eſtate, by negligence, or fraud of Tenants by the courteſie, women Tenants in Dower, or otherwiſe, for term of life, or for years, or in Fee-tail, were many times diſherited of their Advowſons, or at leaſt (which was the better for them) were driven to their Writ of Right, in which caſe hitherto they were utterly diſinherited: It is provided, that ſuch Preſentments ſhall not be ſo prejudicial to the right heirs, or to them unto whom ſuch Advowſons ought to revert after the death of any perſons: For as often as any, having no right, doth preſent, during the time that ſuch heirs are in Ward, or during the Eſtates of Tenants in Dower, by the courteſie, or otherwiſe for term of life, or of years, or in tail, at the next avoidance, when the heir is come to full age, or when after the death of the Tenants before named, the Advowſon ſhall revert unto the heir being of full age, he ſhall have ſuch action by Writ of Advowſon poſſeſſorie, as the laſt anceſtor of ſuch an heir ſhould have had at the laſt avoidance happening in his time, being of full age before his death, or before the demiſe was made for term of life, or in fee-tail, as before is ſaid. The ſame ſhall be obſerved in Preſentment made unto Churches, being of the inheritance of wives what time they ſhall be under the power of their husbands, which muſt be aided by this eſtatute by the remedy aforeſaid. Alſo Religious men, as Biſhops, Archdeacons, Parſons of Churches, and other ſpiritual men, ſhall be aided by this eſtatute, in caſe any having no right to preſent, do preſent unto Churches belonging to Prelacies, Spiritual Dignities, Parſonages, or to Houſes of Religion, what time ſuch Houſes, Prelacies, Spiritual dignities, or Parſonages be vacant.

Cok. l. 11. f. 32. Kel. f. 1. Fitz. Q. impedit 44. 67. 87. 92. 96. 99. 105. 127. 142. 167. Cok. l. 11. f. 78.

Uſurpation of Churches during particular eſtates ſhall not prejudice them in the reverſion. Fit. N. B. fo. 31. F

Preſentations to Churches of women during their coverture.

Churches of religious perſons.

Neither ſhall this act be ſo largely underſtanden, that ſuch perſons, for whoſe remedy this Statute was ordained, ſhall have the recovery aforeſaid, ſurmiſing that Guardians of heirs, Tenants in tail, by the courteſie, Tenants in Dower, for term of life or for years, or husbands, which faintly have defended pleas moved by them or againſt them: becauſe the Judgments given in the Kings Courts ſhall not be annulled by this Statute, the Judgment ſhall ſtand in his force, until it be reverſed in the Court of the King as erroneous, if errour be found, or by aſſiſe of Darrain preſentment, or by Enqueſt by a Writ of Quare Impedit, if it be paſſed, or be annulled by attaint or certification, which ſhall be freely granted. And from henceforth one form of pleading ſhall be obſerved among Juſtices in Writs of Darrain preſentment, and Quare impedit, in this reſpect, if the defendant alledgeth plenarty of the Church of his own preſentation, the plea ſhall not fail by reaſon of the plenarty: ſo that the Writ be purchaſed within ſix months, though he cannot recover his Preſentation within the ſix months. And ſometimes where an agreement is made between many claiming one advowſon, and inrolled before the Juſtices in the Roll, or by Fine, in this form, That one ſhall preſent the firſt time, and at the next avoidance another, and the third time another; and ſo of many, in caſe there be many. And when one hath preſented, and had his preſentation, which he ought to have according to the form of their agreement and fine, and at the next avoidance he to whom the ſecond preſentation belongeth, is diſturbed by any that was party to the ſaid fine, or by ſome other in his ſtead: It is provided, That from henceforth they that be ſo diſturbed, ſhall have no need to ſue a Quare impedit, but ſhall reſort to the Roll or Fine. And if the ſaid concord or agreement be found in the Roll or Fine, then the Sheriff ſhall be commanded, that he give knowledge unto the diſturber, that he be ready at ſome ſhort day containing the ſpace of fifteen days, or three weeks (as the place happeneth to be near or far) for to ſhew if he can alledge any thing, wherefore the party that is diſturbed, ought not to preſent. And if he come not, or peradventure doth come, and can alledge nothing to bar the party of his preſentation, by reaſon of any deed made or written ſince the Fine was made or inrolled, he ſhall recover his preſentation with his damages. And where it chanceth that after the death of the anceſtor of him that preſented his Clerk unto a Church, the ſame advowſon is aſſigned in dower to any woman, or to tenant by the courteſie, which do preſent, and after the death of ſuch tenants, the very heir is diſturbed to preſent when the Church is void: It is provided, That from henceforth it ſhall be in the election of the party diſturbed, whether he ſhall ſue a Writ of Quare impedit, or of Darrain preſentment; the ſame ſhall be obſerved in advowſons demiſed for term of life, or years, or in fee tail.

39 Ed. 3. f. 13.

Cro. El. 207. Cok. l. 6. f. 61. Fitz. Q. impedit. 19. 48. 73. 96. 116. 159. Fitz. Encumbent 1. 2. 4. Bro. plenartie. 1. 2. 7. 11. 12. 14. 15. 16. Bro. preſentat. 46. 58. Co. Inſt 344. b Cok. l. 5. f. 102. 13 Ed. 4. f. 3. Dyer f. 29. Fitz. Q. impedit. 7. 49. 62. 106. Fitz. Darrain. preſent. 13.

Fitz. Darrain. preſent. 13.

Judgments given ſhall not be reverſed but by Writ of Error or Attaint. St. 4 H. 4. 3.

The defendant pleadeth plenarty of his own preſentation. Cro. Jac. 166.

Preſentations to a Church by compoſition

Cok. pla. fo. 468. 479.

The remedy for a diſturbance after a particular eſtate ended.

And from henceforth in Writs of Quare impedit, and Darrain preſentment, damages ſhall be awarded, that is to wit, if the time of ſix months paſs by the diſturbance of any, ſo that the Biſhop do confer to the Church, and the very Patron loſeth his preſentation for that time, damages ſhall be awarded for two years value of the Church. And if the ſix months be not paſſed, but the preſentment be deraigned within the ſaid time, then damages ſhall be awarded to the half years value of the Church: And if the diſturber have not whereof he may recompence damages, in caſe where the Biſhop conferreth by lapſe of time, he ſhall be puniſhed by two years impriſonment. And if the advowſon be deraigned within the half year, yet the diſturber ſhall be puniſhed by the impriſonment of half a year.

Fit. Dam. 4. 9. 17. 29. 38. 93. 106. Fitz. Q. imped. 34. 45. Dyer fo. 135. 238. 241 Kel. 57. Fitz. Enqueſt. 43. Cok. l. 6. f. 48. l. 9. f. 26.

Damages in Q. impedit, and Darrain preſent. Regiſt. jud. f. 50. V. N. B. f. 25. 26. In caſe of the King. Cro. 31. El. pa. 162.

And from henceforth Writs ſhall be granted for Chappels, Prebends, Vicarages, Hoſpitals, Abbeys, Priories, and other Houſes which be of the Advowſons of other men, that have not been uſed to be granted before. And when the Parſon of any Church is diſturbed to demand Tythes in the next Pariſh by a Writ of Indicavit, the Patron of the Parſon ſo diſturbed, ſhall have a Writ to demand the advowſon of the Tythes, being in demand: and when it is deraigned, then ſhall the plea paſs in the Court Chriſtian, as far forth as it is deraigned in the Kings Court.

When an advowſon deſcendeth unto Parceners, though one preſent twice, and uſurpeth upon his coheir, yet he that was negligent, ſhall not be clearly barred, but another time ſhall have his turn to preſent when it falleth. Raſt. pla. fo. 101. 144. 196. Stat. 2 & 3 Ed. 6. 13.

24 Ed. 3. f. 26. Fitz. Q. imp. 4. 16. 18. 27. 30 38. 70. 82. 129. 140. 157. 183. 31 H. 6. f. 13. 28 Ed. 3. f. 13. 8 Ed. 3. f. 49. Bro. Droit. 8. Cok. l. 7. f. 25. 27. 35 H. 6. f. 60. 38 H. 6. f. 9 22 Ed. 4. f. 8. 5 H. 7. f. 10. 45 Ed. 3. f. 42. Fitz. Q. imp. 1. 3. 7. 8. 20. 30. 40. 51. 58. 59. 64. 65. 66. 104. 148. 196.

Q. Impedit of Prebends, Vicarages, Hoſpitals, &c. V. N. B. f. 32.

Diſturbance by Indicavit. Regiſt. fo. 35. Fitz. N. B. f. 30. E. 45. B.

Uſurpation by one Coparcener upon another.

CAP. VI.

The penalty if a Tenant impleaded voucheth, and the Vouchee denieth his warranty.

Co. Inſt. 2 par. 366.

When any demandeth land againſt another, and the party that is impleaded, voucheth to warranty, and the warrantor denieth his warranty, and the plea hangeth long between the tenant and the warrantor: and at length, when it is tried, that the vouchee is bound to warranty, by the law and cuſtom of the Realm hitherto uſed, there was none other puniſhment aſſigned for the vouchee, that denieth his warranty, but onely that he ſhould warrantiſe, and ſhould be amerced, becauſe he did not warrant before, which was prejudicial unto the demandant, becauſe he ſuffered oftentimes great delays by colluſion between the tenant and the warrantor. Wherefore our Lord the King hath ordained, that like as the tenant ſhould leeſe the land being in demand, in caſe where he vouched, and the vouchee could diſcharge himſelf of the warranty, in the ſame wiſe ſhall the warrantor leeſe, in caſe where he denieth his warranty, and it be tried againſt him that he is bounden to warranty. And if an inqueſt be depending between the tenant and the warrantor, and the demandant will require a writ to cauſe the Jury to come, it ſhall be granted him. Raſt. pla. fo. 352. 687. &c.

45 Ed. 3. f. 18. 6 H. 4. f. 6.

The penalty where the Vouchee denieth his warranty.

A Venire facias at the demandants requeſt.

CAP. VII.

Admeaſurement of dower for the Guardian and the Heir. And the Proceſs therein.

Fitz. N. B. f. 148. V. N. B. fo. 9. 10.

Fitz. Admeaſur. 3. 4. 5. 9. 10. 13. 17.

A Writ of Admeaſurement of dower ſhall be from henceforth granted to a Guardian: Neither ſhall the heir when he cometh to full age, be barred by the ſuit of ſuch a Guardian, that ſueth againſt the tenant in dower fainedly, and by colluſion, but that he may admeaſure the dower after, as it ought to be admeaſured by the law of England. And as well in this writ, as in a writ of Admeaſurement of paſture, more ſpeedy Proceſs ſhall be awarded, then hath been uſed hitherto: ſo that when it is come unto the great diſtreſs, days ſhall be given, within which two Counties may be holden, at the which, open proclamation ſhall be made, that the defendant ſhall come in at the day contained in the writ, to anſwer to the plaintiff; at which day if he come in, the plea ſhall paſs between them. And if he do not come, and the proclamation be teſtified by the Sheriff in manner aboveſaid, upon his default, they ſhall make admeaſurement. V. N. B. fo. 72. Regiſt. fo. 171. 297. Regiſt. ind. fo. 36. 42. 64. Co. Inſt. 2 par. 367.

Proceſs in a Writ of Admeaſurement of dower or paſture. Raſt. pl. fo. 22.

7 Ed. 4. f. 28. 18 Ed. 3. f. 33.

Fit. Procl. 12.

CAP. VIII.

In what caſe a Secunda ſuperoneratione paſturæ ſhall be awarded.

Raſt. pla. fo. 22 Cok. pla. fo. 48

Co. Inſt. 2 par. 369.

Whereas by a plea moved upon a writ of Admeaſurement of paſture, the paſture was ſometime admeaſured before the Juſtices, ſometime before the Sheriff in the County; and it chanced many times, after ſuch admeaſurement made, the paſture to be overcharged again by him that firſt did it, with moe beaſts then he ought to keep, whereupon no remedy hath been yet provided: It is ordained, that upon the ſecond over-charge, the plaintiff ſhall have remedy in this manner: If the admeaſurement were before the Juſtices, the plaintiff ſhall have a writ judicial, that the Sheriff in preſence of the parties being ſummoned (if they will come) ſhall inquire upon the ſecond over-charge: which if it be found, it ſhall be returned before the Juſtices, under the ſeals of the Sheriff, and the ſeals of the Jurors: And the Juſtices ſhall award the plaintiff damages, and ſhall put in the eſtreats the value of the beaſts, which were put into the paſture after ſuch admeaſurement more then he ought, and ſhall deliver the eſtreats unto the Barons of the Eſchequer, whereof they ſhall anſwer unto the King. If ſuch admeaſurement were made in the County, then at the requeſt of the plaintiff, a Writ ſhall go out of the Chancery, that the Sheriff ſhall inquire of ſuch over-charge, and of the beaſts put in the paſture above the due number, or for the value of them, and he ſhall anſwer to the King at the Eſchequer. And leſt the Sheriff might defraud the King in this caſe, it is agreed, That all ſuch Writs De ſecunda ſuperoneratione, that paſs out of the Chancery, ſhall be inrolled, and at the years end the tranſcripts ſhall be ſent into the Eſchequer, under the Chancellors ſeal, that the Treaſurer and Barons of the Eſchequer may ſee, how the Sheriff doth anſwer of the iſſues of ſuch Writs. In the ſame wiſe, Writs of Rediſſeiſin ſhall be inrolled and ſent into the Eſchequer at the years end. Regiſt. fo. 157. Regiſt. ind. fo. 36. 38.

Secunda ſuperon. paſturæ. V. N. B. fo. 72. Admeaſurement before Juſtices. Admeaſurement in the County. Fit. N. B. f. 125. b.

Rediſſeiſin. V. N. B. fo. 55.

CAP. IX.

In what caſe the Writ of Meſne is to be purſued.

Co. Inſt. 2 par. 370.

When chief Lords diſtrain in their fee for cuſtoms and ſervices to them due, and there is a mean which ought to acquit the tenant, ſithence it lieth not in the mouth of the tenant, after that he hath replevied the diſtreſs, to deny the demand of the chief Lord, which avoweth in the Kings Court, that the diſtreſs is lawfully taken upon his tenant, which is upon the Mean, and many have been heretofore ſore grieved by ſuch diſtreſſes, in ſo much as the Mean (notwithſtanding that he hath whereby he may be diſtrained) doth make long delays before he will come into the Court to anſwer for his Tenant unto the Writ of Mean, and further the caſe was moſt hard when the Mean had nothing: In caſe alſo when the tenant was ready to do his ſervices and cuſtoms unto his Lord, and the chief Lord would refuſe to take ſuch ſervices and cuſtoms by the hands of any other then of his next tenant, and ſo ſuch tenants in demean loſt ſomewhiles the profits of their lands for a time, and ſomewhiles for their whole time, and hitherto no remedy hath been provided in this caſe: A remedy is provided and ordained hereafter in this form, That ſo ſoon as ſuch tenant in demean (having a Mean between him and the chief Lord) is diſtrained, incontinent the tenant ſhall purchaſe his Writ of Mean. And if the Mean having land in the ſame County, abſent himſelf until the great diſtreſs awarded, the plaintiff ſhall have ſuch day given him in his Writ of Great diſtreſs, afore the coming whereof two Counties may be holden, and the

A Writ of Meſne, and the Proceſs therein. Regiſt. fo. 160. V. N. B. fo. 80. 95.

Fitz. Meſne 2. 3. 7. 11. 12. 15. 16. 17. 19. 20. 21. 24. 56. 58.

Sheriff ſhall be commanded to diſtrain the Mean by the great diſtreſs, like as it is contained in the Writ, and nevertheleſs the Sheriff in two full Counties ſhall cauſe to be proclaimed ſolemnly, that the mean do come at a day contained in the Writ, to anſwer his tenant; at which day if he come, the plea ſhall paſs between them after the common uſage; and if he do not come, then ſuch Meſne ſhall loſe the ſervices of his tenant, and from henceforth the tenant ſhall not anſwer him in any thing, but the ſame Mean being excluded, he ſhall anſwer unto the chief Lord for ſuch ſervices and cuſtoms, as before he ought to have done to the ſame Mean. Neither ſhall the chief Lord have power to diſtrain, ſo long as the foreſaid tenant doth offer him the ſervices and cuſtoms due. And if the chief Lord exact more then the Mean ought to do, the tenant in ſuch caſe ſhall have ſuch exceptions as the Mean ſhould. And if the Mean have nothing within the Kings Dominion, the tenant ſhall nevertheleſs purchaſe his Writ of Mean, to the Sheriff of the ſame Shire wherein he is diſtrained. And if the Sheriff return, that he hath nothing whereby he may be ſummoned, then ſhall the tenant ſue his Writ of Attachment. And if the Sheriff return, that he hath nothing to be attached by, he ſhall nevertheleſs ſue his Writ of Great diſtreſs, and Proclamation ſhall be made in form above ſaid. And if the Mean have no land in the Shire, where the diſtreſs is taken, but hath land in ſome other Shire, then a Writ Original ſhall iſſue to ſummon the Mean, unto the Sheriff of the ſame Shire (where the diſtreſs is taken) and when it is returned by the Sheriff, that he hath nothing in his Shire, a Writ Judicial ſhall iſſue to ſummon the Mean unto the Sheriff of the ſame Shire, in which it ſhall be teſtified that he hath land, and ſuit ſhall be made in the ſame Shire until they have paſſed unto the great diſtreſs and Proclamation, as above is ſaid, of the Mean having land in the ſame Shire in which the diſtreſs is taken. And nevertheleſs ſuit ſhall be made in the ſame Shire, where he hath nothing, as above is ſaid of the Mean that hath nothing, until the Proceſs come to the great diſtreſs and Proclamation; and ſo after Proclamation made in both Counties, the Mean ſhall be forejudged of his fee and ſervice. And where it happeneth ſometimes, that the tenant in demean is infeoffed to hold by leſs ſervice then the Mean ought to do unto the chief Lord, when after ſuch Proclamation the tenant hath atturned to the chief Lord, and the Mean being excluded, the tenant muſt of neceſſity anſwer unto the chief Lord, for all ſuch ſervices and cuſtoms as the Mean was wont to do to him. And after that the Mean is come into the Court, and hath confeſſed that he ought to acquit his tenant, or be compelled by judgment to acquit, if after ſuch confeſſion or judgment it is complained, that the Mean doth not acquit his tenant, then ſhall iſſue a Writ Judicial, that the Sheriff ſhall diſtrain the Mean to acquit the tenant, and to be at a certain day before the Juſticers, for to ſhew why he hath not acquitted him before; and when they have proceeded unto the great diſtreſs, the plaintiff ſhall be heard. And if the plaintiff can prove that he hath not acquitted him, he ſhall yield damages, and by award of the Court the tenant ſhall go quit from the Mean, and ſhall atturn unto the chief Lord. And if he come not at the firſt diſtreſs, a Writ ſhall go forth to diſtrain him again, and proclamation ſhall be made, and as ſoon as it is returned, they ſhall proceed in judgment, as afore is ſaid. And it is to be underſtanden, that by this Statute tenants are not excluded, but they ſhall have a warranty of the Means and their heirs, if they be impleaded of their lands, as they have had before, nor the tenants ſhall be excluded, but that they may ſue againſt their Means, as they uſed heretofore, if they ſee that their Proceſs may be more available by the old cuſtom, then by this Statute. And it is to wit, that by this Statute no remedy is provided to any Means, but onely in caſe where there is but one onely Mean between the Lord that diſtraineth, and the tenant, and in caſe where that Mean is full of age, and in caſe where the tenant may atturn unto the chief Lord without prejudice of any other then of the Mean, which is ſpoken for women, tenants in dower, and tenants by the courteſie, or otherwiſe for term of life, or in fee-tail, unto whom for certain cauſes remedy is not yet provided, but (God willing) there ſhall be at another time. Fitz. N. B. fo. 135. 136. V. N. B. fo. 79. Raſt. pla. fo. 433. &c.

Fitz. proclamat. 20. 21. Co. Inſt. 100. 2. Fitz. Meſne 3. 18. 47. 57. 66. 67. 70.

The mean forejudged of his fee and ſervices.

The Tenant holding by leſs ſervice then the Mean doth.

Fitz. Meſne 1. 53. Dyer fo. 104. Kel. fo. 81. Fitz. Avowry 146. 168.

Fitz. Meſne 28. 29.

Fitz Proces 153. Fitz. Meſne 20. 24. 38. 59. 68. 70.

Damages in a Writ of Meſne.

The Tenants warranty of the Meſne.

Fit. Meſne 68.

Fitz. Meſne 25. 35. 79.

For which Means onely this Statute is ordained.

CAP. X.

At what time Writs ſhall be delivered for ſuits depending before Juſtices in Eyre.
Any perſon may make a general Atturney.

Whereas in the circuit of Juſtices, it was proclaimed, that all ſuch as would deliver Writs ſhould deliver them within a certain time, after which no Writ ſhould be received: many truſting upon the ſame, and tarrying until the ſaid time, and no Writ ſerved upon them, departed by licenſe of the ſaid Juſtices; after whoſe departure their adverſaries perceiving their abſence, delivered their Writs in wax, which ſometime by fraud, and ſometimes for rewards be received of the Sheriff, and they that thought to have departed quiet, loſe their lands. For the remedy of ſuch fraud, from henceforth yͤ King hath ordained, that the Juſtices in their circuits ſhall appoint a time of fifteen days, or a month, or a time more or leſs (after as the County ſhall happen to be more or leſs) within which time it ſhall be openly proclaimed, that all ſuch as will deliver their Writs, ſhall deliver them before the ſame time. And when the time cometh, the Sheriff ſhall certifie yͤ Juſtice in Eyre, how many Writs he hath, and what, and that no Writ be received after the ſame time: and if it be received, the proceſs iſſuing thereupon ſhall be of none effect, but only that a Writ abated, any time during the circuit may be amended. Alſo Writs of dower of men that died within the ſummons of the circuit, aſſiſes of Darrain preſentment, Quare impedit, of Churches vacant, within the foreſaid ſummons, ſhall be received at any time before the departure of the Juſtices. Alſo Writs of Novel diſſeiſin at what time ſoever the diſſeiſin was done, ſhall be received in the circuit of Juſtices. Our Lord the King of his ſpecial grace granteth, that ſuch as have land in divers Shires, where the Juſtices make their circuit, and that have land in Shires where the Juſtices have no circuit, yͭ fear to be impleaded, ⁊ are impleaded of other lands

Co. Inſt. 2 part. 376.

Delivering of Writs for ſuits depending before Juſtices in Eyre.

Any perſon may make a general Atturney.

lands in Shires where they have no circuit, as before the Juſtices at Weſtminſter, or in the Kings Bench, or before Juſtices aſſigned to take Aſſiſes, or in any County before Sheriffs, or in any Court Baron, may make a general Atturney to ſue for them in all pleas in the circuit of Juſtices moved or to be moved for them, or againſt them, during the circuit. Which Atturney or Atturneys ſhall have full power in all pleas moved during the circuit, until the plea be determined, or that his Maſter remove him: yet ſhall they not be excuſed thereby, but they ſhall be put in Juries and Aſſiſes before the ſame Juſtices.

CAP. XI.

The Maſters remedy againſt their Servants, and other Accomptants.

CONcerning Servants, Bailiffs, Chamberlains, and all manner of Receivers, which are bound to yield accompt: It is agreed and ordained, that when the maſters of ſuch ſervants do aſſign Auditors to take their accompt, and they be found in arrearages upon the accompt, all things allowed which ought to be allowed, their bodies ſhall be arreſted, & by the teſtimony of the Auditors of the ſame accompt, ſhall be ſent or delivered unto the next Gaol of the Kings in thoſe parts, & ſhall be received of the Sheriff or Gaoler, and impriſoned in iron under ſafe cuſtody, and ſhall remain in the ſame priſon at their own coſt, until they have ſatisfied their maſter fully of the arrearages. Nevertheleſs if any perſon being ſo committed to priſon, do complain that the Auditors of his accompt have grieved him unjuſtly, charging him with receipts that he hath not received, or not allowing him expences, or reaſonable diſburſements, and can find friends that will undertake to bring him before the Barons of the Eſchequer, he ſhall be delivered unto them. And the Sheriff (in whoſe priſon he is kept) ſhall give knowledge unto his maſter, that he appear before the Barons of the Eſchequer at a certain day, with the Rolls and Tallies by which he made his accompt, and in the preſence of the Barons or the Auditors, that they ſhall aſſign him, the accompt ſhall be rehearſed, and juſtice ſhall be done to the parties, ſo that if he be found in arrearages, he ſhall be committed to the Fleet, as above is ſaid. And if he flee, and will not give accompt willingly, as is contained elſewhere in other Statutes, he ſhall be diſtrained to come before the Juſtices to make his accompt, if he have whereof to be diſtrained; and when he cometh to the Court, Auditors ſhall be aſſigned to take his accompt, before whom if he be found in arearages, and cannot pay the arrearages forthwith, he ſhall be committed to the Gaol to be kept in manner aforeſaid. And if he flee, and it be returned to the Sheriff that he cannot be found, Exigents ſhall go againſt him from County to County, until he be outlawed, and ſuch priſoner ſhall not be replevisable. And let the Sheriff or keeper of ſuch Gaol take heed, if it be within a Franchiſe or without, that he do not ſuffer him to go out of priſon by the common Writ called Replegiare, or by other means without aſſent of his maſter. And if he do, and thereof be convict, he ſhall be anſwerable to his maſter of the damages done to him by ſuch his ſervant, according as it may be found by the Country, and ſhall have his recovery by Writ of Debt. And if the Keeper of the Gaol have not wherewith he may be juſtified, or not able to pay, his ſuperiour that committed the cuſtody of the Gaol unto him, ſhall be anſwerable by the ſame Writ. V.N.B. fo. 57. Fitz. N.B. fo. 116. &c. Regiſt. fo. 135. &c. Raſt. pla. fo. 14. &c.

In what caſes Auditors may commit accomptants to priſon.
Regiſt. fo. 137.
Fitz. N.B.f. 116.
Raſt.pl.f.14.&c.

Ex parte talio.
Fitz. N.B.f. 116.
V. N. B. f. 60.

The Accomptants relief.

St. 52 H. 3. 23.

An Exigent againſt an Accomptant.
Fit.N.B. f.118.a.

Eſcape of an Accomptant.
St. 1 R. 2. 12.
St. 7 H. 4. 4.
Fit.N.B.f.130.b.

Cok. Inſt. 80. 2. 295. 2. 2 par. 378.

29 Ed. 3. f. 35. Fit. Accompt. 96 109. Fitz. Avowry 220. Cok. L. 10. f. 103. Cok. l. 3. f. 44.

27 H. 6. f. 8. Cok. l. 8. f. 119. Fitz. Accom. 23. 26. 33. 47. 74. 106.

Fitz. procez. 233. 29 Ed. 3. f. 5.

22 Ed. 3. f. 17.
17 Ed. 3. f. 59.

Dyer f. 61. 279. Fitz. Bar. 253. Fitz. Dett. 172. Fitz. iſſu. 190. Bro. Dett. 103. Bro. Parl. 80. 42 Aſſ. pl. 11.

CAP. XII.

The Appellant being acquitted, the Appellor and Abettors ſhall be puniſhed. There ſhall be no Eſſoin for the Appellor.

FOraſmuch as many through malice intending to grieve other, do procure falſe appeals to be made of Homicides and other felonies by Appellors, having nothing to ſatisfie the King for their falſe appeal, nor to the parties appealed for their damages: it is ordained, that when any being appealed of felony ſurmiſed upon him, doth acquit himſelf in the Kings Court in due manner, either at the ſuit of the Appellor, or of our Lord the King; the Juſtices before whom the appeal ſhall be heard and determined, ſhall puniſh the appellor by a years impriſonment, and the appellors ſhall nevertheleſs reſtore to the parties appealed their damages, according to the diſcretion of the Juſtices, having reſpect to the impriſonment or arreſtment that the party appealed hath ſuſtained by reaſon of ſuch appeals, and to the infamy that they have incurred by the impriſonment or otherwiſe, and ſhall nevertheleſs make a grievous fine unto the King. And if peradventure ſuch appellor be not able to recompence the damages, it ſhall be inquired by whoſe abetment or malice the appeal was commenced, if the party appealed deſire it. And if it be found by the ſame inqueſt, that any man is abettor through malice, at the ſuit of the party appealed, he ſhall be diſtrained by a judicial Writ to come before the Juſtices. And if he be lawfully convict of ſuch malicious abetment, he ſhall be puniſhed by impriſonment and reſtitution of damages, as before is ſaid of the appellor. And from henceforth in appeal of the death of man, there ſhall no Eſſoin lie for the appellor, in whatſoever Court the appeal ſhall hap to be determined. Regiſt. fo. 134. Fitz. N.B. fo. 114. f. Co. Inſt. 2 par. 383.

The puniſhment of an Appellor for a falſe appeal.
Co. l. 12. 126.

St. 1 Ed. 3. 7.
Raſt. pla. f. 56.
Inquiry of Abettors.
St. 1 R. 2. 13.
V. N. B. f. 56.
Co. l. 12. 125.
Cro. El. 223. 71.

No Eſſoin for the appellor.
Raſt. pl. f. 297.

22 Aſſ. pl. 77. 27 Aſſ. pl. 25. 41 Aſſ. pl. 24. Fitz. damage 77. Fitz. Coron. 12. 77. 98. 386. Cok. l. 11. f. 77. Co. Inſt. 289. 2.

14 H. 7. f. 2. 25 H. 8. f. 3. Dyer fo. 120. 131. 8 H. 5. f. 6. 8 Ed. 4. f. 3. Cok. l. 9. f. 73. Fitz. Act. ſur le ſtat. 28.

CAP. XIII.

The order of the Indictments taken in the Sheriffs Turn.

FOraſmuch as Sheriffs feigning many times certain perſons to be indicted before them, in their Turns, of felonies and other treſpaſſes, do take men that are not culpable nor lawfully indicted, and impriſon them, and do exact money from them, whereas they were not lawfully indicted by twelve Jurors: It is ordained, That Sheriffs in their Turns, and in other places where they have power to enquire of treſpaſſors by the Kings precept, or by office, ſhall cauſe their inqueſts of ſuch malefactors to be taken by lawful men, and by twelve at the leaſt, which ſhall put their ſeals to ſuch inquiſitions: and thoſe that ſhall be found culpable by ſuch inqueſts, they ſhall take and impriſon as they have uſed aforetimes to do. And

The order of Indictments taken in Sheriffs Turns.
Regiſt. fo. 478.

Co. Inſt. 2 par. 387.

if they do impriſon other then ſuch as have been indicted by inqueſt, the parties impriſoned ſhall have their Action by a Writ of impriſonment againſt the Sheriffs, as they ſhould have againſt any other perſon that ſhould impriſon them without Warrant. And as it hath been ſaid of Sheriffs, ſo ſhall it be obſerved of every Bailiff of Franchiſe. St. 1 Ed. 3. 17. St. 1 E. 4. 2.

CAP. XIV.

The Proceſs in an Action of Waſte. A Writ to enquire of Waſte.

Fitz. Waſt. 129. 130. 131. 134. 135. 136. 137.

Dyer f. 204. Bro. Proceſs 37. Fitz. Waſt. 46. 51. 61. 62.

Whereas for waſte done in the inheritance of any perſon, by Gardians, Tenants in Dower, Tenants by the courteſie of England, or otherwiſe for term of life, or years, a Writ of Prohibition of waſte hath been uſed to be granted, by which Writs many were deceived, thinking that ſuch as had done the waſte, ſhould not need to anſwer but only for waſte done after the prohibition to them directed: Our Lord the King, to remove from henceforth this errour, hath ordained, that of all manner of waſte done to the damage of any perſon, there ſhall from henceforth be no Writ of Prohibition awarded, but a Writ of ſummons, ſo that he of whom complaint is, ſhall anſwer for waſte done at any time. And if he come not after the ſummons, he ſhall be attached, and after the attachment he ſhall be diſtrained: & if he come not after the diſtreſs, the Sheriff ſhall be commanded that in proper perſon he ſhall take with him twelve, &c. and ſhall go to the place waſted, and ſhall enquire of the waſte done, and ſhall return an inqueſt, and after the inqueſt returned, they ſhall paſs unto judgment, like as it is contained in the Statute of Glouceſter, Cap. 5. St. 6 Ed. 1. 5. St. 20 E. 1. of Waſt. V.N.B. fo. 35. Regiſt. ind. fo. 23. 25. 26. Raſt. pl. fo. 697.

Co. Inſt. 2 par. 389.

The Proceſs in an action of Waſte. Regiſt. f. 72. &c. A Writ to enquire of Waſt.

CAP. XV.

An Enfant eloined may ſue by Prochein Amy.

27 H. 8. f. 11. Dyer f. 104. 28 Aſſ. pla. 22. 40 Ed. 3. f. 16. 2 Ed. 3. f. 16. Bro. Gardein 13. 22. 24. 25. 26. 27.

In every caſe whereas ſuch as be within age may ſue, it is ordained, that if ſuch within age be eloined, ſo that they cannot ſue perſonally, their next friends ſhall be admitted to ſue for them. St. 3 Ed. 1. 47. Regiſt. fo. 78. V.N.B. fo. 37. Raſt. pla. fo. 370. Co. Inſt. 2 par. 390.

Enfants ſuit.

CAP. XVI.

Priority of feoffment giveth title of Wardſhip.

44 Ed. 3. f. 15. Dyer f. 4. Bro. Gard. 114. 115. 116. Fitz. Prerogat. 23. 24. Fitz. Gard. 2. 3. 16. 19. 27. 36. 46. 53. 81. 86. 115. 134. 139.

In caſe where inheritance deſcendeth to one within age of the fathers ſide, that held of one Lord, and the mothers ſide that held of another Lord, there hath been hitherto doubt, for the marriage of ſuch an heir, to which of the two Lords it ſhould belong: It is agreed, that the ſame Lord ſhall from henceforth have the marriage of whom the childs anceſtor was firſt infeoffed, not having reſpect to the ſex, nor to the quantity of the land, but only to the more ancient feoffment by Knights ſervice. V.N.B. fo. 92. 97. Co. Inſt. 2 par. 391.

Priority of feoffment giveth title of wardſhip. Raſt. pla. f. 363. Fitz. N.B. f. 142. f.

CAP. XVII.

In what caſe of Eſſoin De malo lecti doth lie, and where not.

Fitz. Eſſoin 176. 186. 187. 188. 189. 190. 192. 193. 194. 196. 197. Co. Inſt. 2 par. 393. Fitz. Eſſoin. 27.

In the Circuit of the Juſtices an Eſſoin De malo lecti ſhall not be from henceforth allowed for Lands in the ſame Shire, unleſs he that cauſed himſelf to be eſſoined be ſick indeed: for if the demandant except, that the tenant is not ſick, nor in ſuch plight but that he may come before the Juſtices, his exception ſhall be admitted. And if it can be ſo proved by Enqueſt, the Eſſoin ſhall be turned to a default. And from henceforth ſuch Eſſoin ſhall not lie in a Writ of Right between two claiming by one conſent. Raſt. pla. fo. 317. &c.

In what caſe an Eſſoin De malo lecti doth lie. Regiſt. f. 8. V.N.B. f. 13.

CAP. XVIII.

He that recovereth debt may ſue execution by Fieri facias, or Elegit.

Dyer f. 306. 373. Coke l. 3. f. 12. l. 4. f. 65. 74. l. 5. f. 87. 88. 90. 91. Fitz. Aſſ. 220. 232. Fitz. Extent. 13. Fitz. Proces 52. Fitz. Execut. 35. 37. 41. 46. 66. 85. &c. Co. Inſt. 289. b.

When debt is recovered or knowledged in the Kings Court, or damages awarded, it ſhall be from henceforth in the Election of him that ſueth for ſuch debt or damages, to have a Writ that the Sheriff Fieri faciat of the lands and goods, or that the Sheriff ſhall deliver to him all the cattels of the debtor, ſaving only his oxen and beaſts of his Plough, and the one half of his land, until the debt be levied upon a reaſonable price or extent. And if he be put out of that tenement, he ſhall recover by a Writ of Novel deſſeiſin, and after by a Writ of Rediſſeiſin if need be. Raſt. pl. fo. 72. 162. 245. 327. 470. Regiſt. fo. 299. Regiſt. ind. fo. 2. 5. 6. 25. 26. Co. Inſt. 2 par. 394. Cro. Car. 44.

The execution of a debt recovered. V.N.B. f. 165. 166. Aſſiſe maintainable by tenant by Elegit. V.N.B. f. 105. Fitz. N.B. f. 189. a.

CAP. XIX.

The Ordinary chargeable to pay debts as Executors.

Dyer f. 232. 247. Coke l. 5. f. 83. Fitz. Brief 822. Fitz. Execut. 77.

Whereas after the death of a perſon dying inteſtate, which is bounden to ſome other for debt, the goods come to the Ordinary to be diſpoſed: The Ordinary from henceforth ſhall be bound to anſwer the debts, as far forth as the goods of the dead will extend, in ſuch ſort as the Executors of the ſame party ſhould have been bounden, if he had made a Teſtament. Co. Inſt. 2 par. 397.

The Ordinary ſhall pay debts as executors ſhall. Regiſt. f. 141. Fitz. N.B. f. 120. d. V.N.B. f. 61.

CAP. XX.

The Tenants anſwer in a Writ of Couſinage, Aiel, and Beſaiel.

Bro. Couſinage 7. 8. 1 Ed. 3. f. 55. Co. Inſt. 2 par. 399.

Whereas that Juſtices in a plea of Mortdaunceſtor have uſed to admit the anſwer of the tenant, that the plaintiff is not next heir of the ſame anceſtor, by whoſe death he demandeth the land, and is ready to enquire the ſame by Aſſiſe: It is agreed, that in Writs of Couſinage, Aiel, and Beſaiel, which be of the ſame nature, his anſwer ſhall be admitted and inquired; and according to the ſame inquiſition, they ſhall proceed to judgment.

The tenants plea in a writ of Aiel, Beſaiel or Couſinage.

CAP. XXI.

A Ceſſavit by the chief Lord againſt his freehold tenant.

St. 9 Ed.1.4. A Ceſſavit by the Lord againſt his tenant.

Co.Inſt.2 par. 400.

Fitz. Brief 240.269.477. 6 H.7.f.7. Fitz. Ceſſavit 1.2.3.4.7.8. 17.21.22.30. 32.33.34.35. 45.46.50.51. 54.

Whereas in a Statute made at Glouceſter it is contained, that if any leaſe his land to another to pay the value of the fourth part of the Land, or more, the leſſor or his heir after the payment hath ceaſed by two years, ſhall have an Action to demand the land ſo leaſed in demean. In like manner it is agreed, that if any withold from his Lord his due and accuſtomed ſervice by two years, the Lord ſhall have an Action to demand the land in demean by ſuch a Writ. Præcipe A quod juſte,&c. reddat B tale tenementum quod A. de eo tenuit per tale ſervitium, & quod ad prædictum B reverti debet eo quod prædictus A. in faciendo prædictum ſervitium, per biennium ceſſavit ut dicitur.

A Ceſſavit maintainable by the heir of the demandant againſt the heir or aſſignee of the tenant.

Coke l.8.f. 118. Fitz. Ceſſavit 42. Co.Inſt. 154.

And not only in this caſe, but alſo in the caſe whereof mention is made in the ſaid Statute of Glouceſter, Writs of Entre ſhall be made for the heir of the demandant againſt the heir of the tenant, and againſt them to whom ſuch land ſhall be aliened. Regiſt. fo.237. Fitz N.B.f.208. V.N.B.f.78.138.139. Raſt.pla.110.

CAP. XXII.

Waſte maintainable by one Tenant in common againſt another.

Waſte committed by one tenant in common. C.Inſt.2 par.403. Fitz. N.B.f.59.d. V.N.B.f.38.

21 Ed.3.f.29 27 H.8.f.13. Fitz. Waſt. 25.96. Coke l.11.f. 49. Co. Inſt.200.

Whereas two or moe do hold Wood, Turf-land, or Fiſhing, or other ſuch thing in common, wherein none knoweth his ſeveral, and ſome of them do waſte againſt the minds of the other, an Action may lie by a Writ of waſte. And when it is come unto judgment, the defendant ſhall chooſe either to take his part in a place certain, by the Sheriff, and by the view, oath, and aſſignment of his neighbours ſworn and tried for the ſame intent, or elſe he ſhall grant to take nothing from henceforth in the ſame wood, Turf-land, and ſuch other, but as his partners will take. And if he do chooſe to take his part in a place certain, the part waſted ſhall be aſſigned for his part, as it was before he committed the waſte. And there is ſuch a writ in this caſe, that is to ſay:

Cum. A. & B. teneant Boſcum pro indiviſo, B. fecit vaſtum, &c. Regiſt. fo. 76.

CAP. XXIII.

Executors may have a Writ of Accompt.

Executors may have an Action of accompt.

Co Inſt.2 par. 404. Fitz.Executors 97.

Executors from henceforth ſhall have a writ of accompt, and the ſame action and proceſs in the ſame writ as the Teſtator might have had if he had lived. St. 4 Ed.3.7. St.25 Ed.3.5 V.N.B.fo.58. Fitz.N.B.fo.117.e.119.a.

CAP. XXIV.

A Writ of Nuſance of a houſe, &c. levied, and aliened to another. A Quod permittat and Juris Utrum for a Parſon of a Church. In like caſes like Writs be grantable.

Raſt. pla.f.405. A writ of Nuſance. V.N.B.f.110. Raſt.pla.f.441. Fitz.N.B.184. St. 6 R.2.3.

Co.Inſt.2 par. 404.

Co l.5.f.101. l.9.f.55.

In caſes whereas a writ is granted out of the Chancery for the act of another, the plaintiffs from henceforth ſhall not depart from the Kings court without remedy, becauſe the land is transferred from one to another. And in the Regiſter of the Chancery there is no ſpecial writ found in this caſe, as of a houſe, a wall, a market, but the writ is granted againſt him that levied the nuſance. And if the houſe, wall, or ſuch like be aliened to another, the writ ſhall not be denied: but from henceforth, where in one caſe a writ is granted, in like caſe when like remedy falleth, the writ ſhall be made as hath been uſed before:

Queſtus eſt nobis A. quod D. injuſte, &c. levavit domum, murum, mercatum; & alia quæ ſunt ad nocumentum, &c.

And if ſuch things levied be aliened from one to another, the writ ſhall be thus:

Queſtus eſt nobis A. quod B. & C. levaverunt, &c.

Quod permittat Raſt.pla.f.538. V.N.B.f.68. Regiſt.f.32.

27 H.8.f.12. Fitz.Common 24. Fitz. Brief 874.

Juris utrum V.N.B.f.29. Raſt.pla.f.419. Co.pla.f.399. St. 14 Ed. 3.17. In conſimili caſu V.N.B. f.93. Fitz.N.B.f.198.a 206.f.217.d. Raſt.pla.f.123.

Fitz. Juris utrum 2.3.5. 7.9.12.16.17.

Fitz.Entry 2. 7.8.10.61.64. 67.68.69.74. Co.Inſt. 54.b.

In like manner as a Parſon of a Church may recover common of paſture by writ of Novel deſſeiſin, likewiſe from henceforth his ſucceſſor ſhall have a Quod permittat, againſt the diſſeiſor or his heir, though a like writ were never granted out of the Chancery before. And in like manner as a writ is granted to try whether land be the free alms of ſuch a Church, or the lay-fee of ſuch a man, even ſo from henceforth a writ ſhall be made to try whether it be the free alms of this Church, or of another Church; in caſe where the free alms of one Church is transferred to the poſſeſſion of another Church. And whenſoever from henceforth it ſhall fortune in the Chancery, that in one caſe a writ is found, and in like caſe falling under like law, and requiring like remedy is found none, the Clerks of the Chancery ſhall agree in making the writ, or the plaintiffs may adjourn it until the next Parliament, and let the caſes be written in which they cannot agree, and let them refer themſelves until the next Parliament, by conſent of men learned in the law, a writ ſhall be made, leſt it might happen after that the Court ſhould long time fail to miniſter juſtice unto complainants.

CAP. XXV.

Of what things an Aſſiſe ſhall lie. Certificate of Aſſiſe. Attachment in an Aſſiſe.

Of what things an Aſſiſe of Novel diſſeiſin will lie. Regiſt.f. 196. &c. Fitz.N.B.f.177. &c. V.N.B.f.38.68. 105.179.&c. Raſt.pla.f.58. &c. Co.pla.f.60.

Co.Inſt.2 par. 408. Coke l.8.f.45. Fitz. Aſſ.138. Fitz. Common 26. Fitz. Avowry 142.

Foraſmuch as there is no writ in the Chancery, whereby plaintiffs can have ſo ſpeedy remedy, as by a writ of Novel diſſeiſin, our Lord the King willing that Juſtice may be ſpeedily miniſtred, and that delays in pleas may be taken away or abridged, granteth, that a writ of Novel diſſeiſin ſhall hold place in moe caſes then it hath done heretofore, and granteth that for eſtovers of wood, profit to be taken in woods by gathering of nuts, acorns and other fruits, for a corody, for delivery of corn and other victuals and neceſſaries to be received yearly (in a place certain) toll, tronage, paſſage, pontage, pawnage, and ſuch like, to be taken in places certain, keeping of Parks, woods, foreſts, chaſes, warrens, gates, and other Bailiwicks, and offices in fee, from henceforth an Aſſiſe of Novel deſſeiſin ſhall lie.

And in all the caſes afore rehearſed, according to the cuſtomed manner, the Writ ſhall be De libero tenemento. And as beforetimes it hath lien and holden place in common of paſture, ſo ſhall it from henceforth hold place in common of Turf-land, Fiſhing, and ſuch like commons, which any man hath appendant to freehold, or without freehold by ſpecial deed, at the leaſt for term of life. In caſe alſo when any holding for term of years, or in ward, alieneth the ſame in fee, and by ſuch alienation the freehold is transferred to the Feoffee, the remedy ſhall be by a writ of novel diſſeiſin, and as well the Feoffors as the Feoffee ſhall be had for diſſeiſors, ſo that during the life of any of them the ſaid writ ſhall hold place. And if by the death of the parties remedy happen to fail by that writ, then remedy ſhall be obtained by a Writ of Entre. And albeit that above mention is made of ſome caſes wherein a Writ of novel diſſeiſin held no place before, let no man think therefore that this writ lieth not now where it hath lien before. And though ſome have doubted whether a remedy be had by this Writ in caſe where one feedeth in the ſeveral of another, let it be had for certain, that a good and a ſure remedy is given in that caſe by the ſaid writ. And let them which be named diſſeiſors beware from henceforth that they alledge not falſe Exceptions, whereby the taking of the Aſſiſe may be deferred, ſaying that another time an Aſſiſe of the ſame land paſſed between the ſame parties, or ſaying and falſely, that a writ of more high nature hangeth between the ſame parties for the ſame land, and upon theſe and like matters do vouch Rolls or Records to warranty, to the end that by the ſame vouching they may take away the veſture, and receive the iſſues and other profits, to the great damage of the plaintiff. And where before none other pain was limited againſt him that falſly had alledged ſuch untrue Exceptions, but only that after ſuch falſe ſurmiſes diſproved, the Aſſiſe ſhould paſs: Our Lord the King, to whom ſuch falſe Exceptions be odious, hath ordained, that if any being named diſſeiſor do perſonally alledge the Exception at the day to him given (if he fail of the warranty that he hath vouched) he ſhall be adjudged for a diſſeiſor without taking of the Aſſiſe, and ſhall reſtore the damages before inquired of, or to be inquired after to the double, and ſhall nevertheleſs have a years impriſonment for his deceit. And if that Exception be alledged by a Bailiff, the taking of the Aſſiſe ſhall not be delayed therefore, nor the judgment upon the reſtitution of the lands and damages. Yet nevertheleſs, that if the Maſter of ſuch a Bailiff that was abſent, come after before the ſame Juſtices that took the Aſſiſe, and offer to prove by Record or Rolls, that another time an Aſſiſe paſſed between the ſame parties of the ſame land, or that the plaintiff at another time did withdraw his ſuit in a like Writ, or that a plea hangeth by a writ of more high nature: a Writ of Venire facias ſhall be granted unto him to cauſe the ſame Record to be brought; and when he hath the ſame, and the Juſtices do perceive that the Record ſo ſhewed by him would have been ſo available before the judgment, that the plaintiff by force of the ſame ſhould have been barred of his Action; the Juſtices ſhall preſently cauſe the party to be warned that firſt recovered, that he appear at a certain day, at the which the defendant ſhall have again his ſeiſin and damages (if he before paid any by the firſt judgment given) which ſhall be reſtored him to the double, as before is ſaid, and alſo he that firſt recovered ſhall be puniſhed by impriſonment according to the diſcretion of the Juſtices. In the ſame manner, if the defendant againſt whom the Aſſiſe paſſed in his abſence, ſhew any deeds or releaſes, upon the making whereof, the Jury were not examined, nor could be examined, becauſe there was no mention made of them in pleading, and by probability might be ignorant of the making of thoſe writings, The Juſtices upon the ſight of thoſe writings ſhall cauſe the party to be warned that recovered, that he appear at a certain day, and ſhall cauſe the Jurors of the ſame Aſſiſe to come. And if he ſhall verifie thoſe writings to be true by the verdict of the Jurors, or by inrolment, he that purchaſed the Aſſiſe contrary to his own deed ſhall be puniſhed by the pain aforeſaid. And the Sheriff from henceforth ſhall not take an Ox of the diſſeiſee, but of the diſſeiſor only; and if there be many diſſeiſors named in one writ, yet ſhall he be contented with one Ox: nor ſhall receive any Ox but of v. s. price, or the value.

Fitz.Aſſ.61. 94.111.134. 167.228.310. 316.330.439. 452. Fitz.Aſſ.395. Fitz. Brief 790. Bro.Elegit. 20. Bro.diſſeiſin. 86, 105.

Aſſiſes of common. Regiſt.f.197. V.N.B.f.68. Fitz. N. B. f. 124, a. Raſt.pla.f.67.

Leaſee for years or Gardian alieneth in fee. Regiſt.f.228. 231. V.N.B.f.124.

27 Aſſ.pl.30. 11 H.4.f.84.

Aſſiſe where one doth feed in anothers ſeveral. Fitz.N.B.f. 178. h. Raſt.pla.f.67.

11 H.4.f.49. 44 Ed.3.f.28. 30 Ed.3.f.12. 22 Ed.3.f.4. Dyer f.188. Fitz.Record 32. Bro.Covertur. 35.

The penalty for failing of an exception pleaded. Raſt.pla.f.65.

Pleading of an exception by Bailiff.

2 H.5.f.5 Fitz.Aſſ.5. 123. Fitz.Certificat.2.3.4.7. 8.10.

In what caſe a Certificate of Aſſiſe doth lie. Fitz.N.B.f.181. &c. V.N.B.f.113. &c. Raſt.pla.f.110. Regiſt.f.200. Regiſt.ind.f.22.

27 Ed.3.f.28. 26 Aſſ.pl.1. 43 Aſſ.pl.5.

12 H.4.f.9. 7 H.4.f.29. Fitz.Aſſ.412.

CAP. XXVI.

Who may bring a Writ of Rediſſeiſin, and the puniſhment of the offendor therein.

IN Writs of Rediſſeiſin from henceforth double damages ſhall be awarded, and the Rediſſeiſors ſhall be repleviſable hereafter by the common Writ. And like as in the Statute of Merton the ſame Writ was provided for ſuch as were diſſeiſed after they had recovered by Aſſiſe of novel diſſeiſin, of Mortdaunceſtor, or other Jurates, even ſo from henceforth the ſame writ ſhall further hold place for them that ſhall recover by default, reddition, or otherwiſe without Recognition of Aſſiſes or Jurates. Fitz.N.B.fo.118, &c. V.N.B.fo.108. Regiſt.fo.205

Co.Inſt.2 par. 416. 15 H.7.f.8. Co.Inſt.164.

Who may bring a writ of Rediſſeiſin or Poſt.diſſeiſin. St.20 H.3.3. St.52 H.3.8. Raſt.pl.f.548.

CAP. XXVII.

Eſſoin after Enqueſt, but none after day given Prece partium.

AFter any hath put himſelf to an Enqueſt, an Eſſoin ſhall be allowed him at the next day: but all the other days following the taking of the Enqueſt ſhall not be delayed by the Eſſoin, whether he were eſſoined before or no. Neither ſhall any Eſſoin be allowed after day given prece partium, in caſe where the parties conſent to come without Eſſoin. Raſt.pl.fo.297.

Co.Inſt.2 par. 417. Fitz.Eſſoin 15. [illegible] Dyer f.[illegible] 324. [illegible]

Eſſoin after Enqueſt.

CAP. XXVIII.

In certain actions after appearance there ſhall be no Eſſoin.

WHereas by the Statute of Weſtminſter the firſt, it was provided that after the tenants have once appeared in the Court, no eſſoin ſhould be allowed them in writs of aſſiſes: In like manner it ſhall be from henceforth obſerved againſt the demandants. Raſt. pl. fo. 298. 316.

Fitz.Eſſoin 65.66.68.69. 78.149. Co.Inſt.2 par. 418.

St. 3 Ed. 1.41. Eſſoin,

CAP.

CAP. XXIX.

To whom only the Writ of Treſpaſs of Oyer and Terminer ſhall be granted. In what caſe the Writ of Odio & Atia is grantable.

To whom commiſſions to hear and determine ſhall be granted.

A Writ of Odio & Atia. Regiſt. f.133.

Co.Inſt.2 par. 418. 4 par. 182.

A Writ of Treſpaſs (Ad audiendum & terminandum) from henceforth ſhall not be granted before any Juſtices, except Juſtices of either Bench, and Juſtices in Eyre, unleſs it be for an heinous treſpaſs, where it is neceſſary to provide ſpeedy remedy, and our Lord the King of his ſpecial grace hath thought it good to be granted: And from henceforth a Writ to hear and determine appeals before Juſtices aſſigned, ſhall not be granted but in a ſpecial caſe, and for a cauſe certain, when the King commandeth; but leſt the parties appealed or indicted be kept long in priſon, they ſhall have a writ of Odio & Atia, like as it is declared in Magna Charta, and other Statutes. St.9 H.3.26.Regiſt.fo.123.V.N.B.fo.53.

CAP. XXX.

The authority of Juſtices of Niſi prius, Adjournment of Suits. Certain Writs that be determinable in their proper Counties. A Jury may give their verdict at large. None but which were ſummoned ſhall be put in Aſſiſes or Juries.

Who ſhall be Juſtices of Niſi prius. St. 27 Ed.1.4. St. 12 Ed.2.4. Regiſt.f.186. V.N.B.f.165. Fitz.N.B.f.240.b.

Co.Inſt.2 par. 422.

From henceforth two Juſtices ſworn ſhall be aſſigned, before whom and none other, aſſiſes of Novel diſſeiſin, Mortdaunceſtor and Attaints ſhall be taken, and they ſhall aſſociate unto them one or two of the diſcreeteſt Knights of the Shire into which they ſhall come, and ſhall take the foreſaid Aſſiſes and attaints but thrice in the year at the moſt, that is to ſay: Firſt, between the quinzime of St. John Baptiſt, and the gule of Auguſt; and the ſecond time, between the feaſt of the Exaltation of the holy Croſs, and the utas of S. Michael; and the third time between the Feaſt of the Epiphany, and the feaſt of the purification of the bleſſed Mary. And in every Shire at every taking of Aſſiſes before their departure, they ſhall appoint the day of their return, ſo that every one of the Shire may know of their coming, and ſhall adjourn the Aſſiſes from term to term, if the taking of them be deferred at any day by vouching to warranty, by eſſoin or by default of Jurors. And if they ſee that it be profitable for any cauſe that Aſſiſes of Mortdaunceſtor, being reſpited by eſſoin, or voucher, ought to be adjourned into the Bench: it ſhall be lawful for them to do it, and then they ſhall ſend the Record with the original Writ before the Juſtices of the Bench. And when the matter is come to the taking of the aſſiſe, the Juſtices of the Bench ſhall remit the matter to the former Juſtices before whom the Aſſiſe ſhall be taken. But from henceforth the Juſtices of the Bench in ſuch aſſiſes, ſhall give four days at the leaſt in the year, before the ſaid Juſtices aſſigned, for to ſpare expence and labour. Inquiſition of Treſpaſs ſhall be determined before the Juſtices of both Benches, except the Treſpaſs be ſo heinous that it ſhall require great examination. Inquiſitions alſo of other Pleas pleaded in either of the Benches, ſhall be determined before them, wherein ſmall examination is required, as when the entry or ſeſſin of any is denied, or in caſe when one article is to be inquired. But inquiſitions of many and great articles, the which require great examination, ſhall be taken before Juſtices of the Bench, except that both parties deſire that the Inquiſition may be taken afore ſome of the aſſociates, when they do come into thoſe parts; ſo that from henceforth it ſhall not be done but by two Juſtices, or one with ſome Knight of the Shire, upon whom the parties can agree. And ſuch Inquiſitions ſhall not be determined by any Juſtices of the Bench, unleſs a day and a place certain be appointed in the Shire in preſence of the parties, and the day and place ſhall be mentioned in a Writ judicial by theſe words: Præcipimus tibi, quod venire facias coram Juſticiariis noſtris apud Weſtmonaſterium in octabis Sancti Michaelis, niſi talis & talis, tali die & loco ad partes illas venerint, duodecim, &c.

Adjournment of Suits.

Bro.Niſi prius 37.

Inquiſitions of Treſpaſs.

The Writ of Niſi prius. Regiſt.ind.f.7. Fitz.N.B.f.240.e Raſt.pla.f.437.

And when ſuch Inqueſts be taken, they ſhall be returned into the Bench, and there ſhall judgment be given, and there they ſhall be inrolled. And if any Inquiſitions be taken otherwiſe then after this form, they ſhall be of no effect, except that an aſſiſe of Darrein Preſentment, and Inquiſitions of Quare Impedit, ſhall be determined in their own Shires, before one Juſtice of the Bench, and one Knight, at a day and place certain in the Bench aſſigned, whether the defendant conſent or not, and there the judgment ſhall be given immediately. All Juſtices of the Benches from henceforth ſhall have in their Circuits Clerks, to inroll all Pleas pleaded before them, like as they have uſed to have in time paſſed. And alſo it is ordained, that the Juſtices aſſigned to take aſſiſes, ſhall not compell the Jurors to ſay preciſely, whether it is by diſſeiſin or not, ſo that they do ſhew the truth of the deed, and require aid of the Juſtices. But if they of their own head will ſay, that it is diſſeiſin, their verdict ſhall be admitted at their own peril. And from henceforth the Juſtices ſhall not put in aſſiſes or Juries any other, then thoſe that were ſummoned to the ſame at the firſt. St. 14 E.3.6.

Aſſiſes of Darrain preſentment & Quare impedit ſhall be ended in their proper Counties. St.9 H.3.12.13.

Clerks of Aſſiſe.

A Jury may give their verdict at large. Raſt.pl.f.69. 233.

None ſhall be put in Juries but ſuch as were ſummoned.

Dyer f.135. 162. 260.

Dyer f.175.

Plow.f.92. Dyer f.173. Co.l.9.f.11.

CAP. XXXI.

An exception to a Plea ſhall be ſealed by the Juſtices.

A Bill of exception ſealed by a Juſtice. Fitz.N.B.f.21.N. Co.Inſt. 2 par. 426.

Co.l.9.f.13. 11 H.4.f.52. 63. Fi.Q.non admiſit 3. Bro. Replead. &c 1.

When one that is impleaded before any of the Juſtices, doth alleadge an exception, praying that the Juſtices will allow it, which if they will not allow, if he that alleadged the exception do write the ſame exception, and require that the Juſtices will put to their ſeals for a witneſs, the Juſtices ſhall ſo do; and if one will not, another of the company ſhall. And if the King upon complaint made of the Juſtices, cauſe the Record to come before him, and the ſame exception be not found in the Roll, and the plaintiff ſhew the exception written with the Seal of a Juſtice put to, the Juſtice ſhall be commanded that he appear at a certain day either to confeſs or deny his Seal: And if the Juſtice cannot deny his Seal, they ſhall proceed to judgment according to the ſame exception, as it ought to be allowed or diſallowed. Regiſt.fo.182.V.N.B.fo.54.Raſt.pla.fo.96.275.323.

CAP.

CAP. XXXII.

Mortmain by recovery of Land by default.

Co.Inſt.2.par. 448.

Stat.an. 7 Ed.1.

Mortmain by recovery of land by default. Regiſt.f.253. Regiſt.jud.f.8. 16.22.32.46.69. 71.

Fitz.Co.f.2. 4.5.6.7.9.10. 11. 22.24. 25. 26.27.38. 40. 42.46. Kel.f.134. 10 H.7.f.3.

When Religious men and other Eccleſiaſtical perſons do implead any, and the party impleaded maketh default, whereby he ought to leeſe the Land, foraſmuch as the Juſtices have thought hitherto, that if the party impleaded make default by colluſion, that where the demandant by occaſion of the Statute could not obtain ſeiſin of the Land by title of gift, or other alienation, he ſhall now by reaſon of the default, and ſo the Statute is defrauded: It is ordained by our Lord the King, and granted that in this caſe, after the default made, it ſhall be inquired by the Countrey, whether the demandant had right in the thing demanded or no; and if it be found that the demandant had right in his demand, the judgment ſhall paſs with him, and he ſhall recover ſeiſin; and if he hath no right, the Land ſhall accrew to the next Lord of the fee, if he demand it within a year from the time of the Inqueſt taken. And if he do not demand it within the year, it ſhall accrew to the next Lord above, if he do demand it within half a year after the ſame year. And ſo every Lord after the next Lord ſhall have the ſpace of half a year to demand it ſucceſſively, until it come to the King, to whom at length through default of other Lords the Land ſhall accrew. And to challenge the Jurors of the Inqueſt every of the chief Lords of the Fees ſhall be admitted, and likewiſe for the King they that will ſhall challenge. And after the judgment given, the Land ſhall remain clear in the Kings hands, until it be dereyned by the demandant or ſome other chief Lord, and the Sheriff ſhall be charged to anſwer therefore at the Exchequer. V.N.B.f. 160. 176. St. 9 H. 3. 36. 1 Seſſ.

20 H.6. f.38. 5 Ed.3.f.29.

Every chief Lord may challenge the Jurors. Raſt.pla. f. 114. 265.455.821.

CAP. XXXIII.

Lands where Croſſes be ſet ſhall be forfeited as Lands aliened in Mortmain.

Co.Inſt.2 par. 431.

Lands forfeited by erecting of Croſſes.

Foraſmuch as many Tenants ſet up Croſſes, or cauſe to be ſet up in their Lands, in prejudice of their Lords, that Tenants ſhould defend themſelves againſt the chief Lords of the fee, by the priviledges of Templers and Hoſpitelers: It is ordained, That ſuch Lands ſhall be forfeit to the chief Lords, or to the King, in the ſame manner as is provided for Lands aliened in Mortmain. O B.

CAP. XXXIV.

It is Felony to commit Rape. A married woman elopeth with an advouterer. The penalty for carrying a Nun from her houſe.

9 Ed.4. f.26. Bro.Coron. 203. 48 Ed.4 f.23. 22 Ed.4. f.22. Fitz. Tre.244.241. Dyer.f.100. 256. Fitz. Dower 41. 72.94.119.153 4 Ed.4.f.1 Fitz. Aſur. leſtr.12 37. 47 Ed.3. f.19.

It is felony to raviſh a woman. St.3.Ed.1.13. St. 6.R.2.6. Coke pla.f.358. Regiſt.f.97. Raſt.pla.f.542.

It is provided, That if a man from henceforth do raviſh a woman married, maid, or other, where ſhe did not conſent, neither before nor after, he ſhall have judgment of life and of member. And likewiſe where a man raviſheth a woman married, Lady, Damoſel, or other with force, although ſhe conſent after, he ſhall have ſuch judgment as before is ſaid, if he be attainted at the Kings ſuit, and there the King ſhall have the ſuit. And of women carried away with the goods of their husbands, the King ſhall have the ſuit for the goods ſo taken away. And if a wife willingly leave her husband and go away, and continue with her advouterer, ſhe ſhall be barred for ever of action to demand her dower, that ſhe ought to have of her husbands lands, if ſhe be convict thereupon, except that her husband willingly and without coertion of the Church, reconcile her, and ſuffer her to dwell with him: in which caſe ſhe ſhall be reſtored to her action. He that carrieth a Nun from her houſe, although ſhe conſent, ſhall be puniſhed by three years impriſonment, and ſhall make convenient ſatisfaction to the houſe from whence ſhe was taken, and nevertheleſs ſhall make fine at the Kings will. Co. Inſt. 2 par.

If a wife do elope with an advouterer, ſhe ſhall forfeit her dower. V.N.B.f.135. Raſt.pla.f. 227. Taking away of a Nun.

CAP. XXXV.

In what caſes do lie a Writ of Raviſhment of Ward, Communi Cuſtodia, Ejectione, &c.

Fitz.Gard.18. 25.29.30. 31. 32.118.121. Fitz. Judgm. 102. 116. 123. 150.157.172. 204. Bro.Raviſhment 33. Co.Inſt.136.b

The puniſhment of him that taketh away a ward. Co.Inſt. 2 par. 433.

Concerning children males, or females (whoſe marriage belongeth to another) taken and carried away, if the raviſhor have no right in the marriage, though after he reſtore the child unmarried, or elſe pay for the marriage, he ſhall nevertheleſs be puniſhed for his offence by two years impriſonment; and if he do not reſtore, or do marry the child after the years of conſent, and be not able to ſatisfie for the marriage, he ſhall abjure the Realm, or have perpetual impriſonment, and thereupon the plaintiff ſhall have ſuch a Writ:

A Writ of raviſhment of a Ward. Regiſt.f.163. Fit.N.B.f.139.I. 141. F. V.N.B.f.90. Raſt.pla.f.390. Coke pla.f. 506.

Si A. fecerit te ſecurum de clamore ſuo, &c. tunc pone per vadium, &c. B. quod ſit coram juſticiariis, &c. oſtenſurus, quare talem hæredem infra ætatem exiſtentem, cujus maritagium ad ipſum pertinet, tali loco inventum rapuit & abduxit contra voluntatem ipſius A. & contra pacem noſtram, &c

And if the heir be in the ſame County, then this clauſe muſt be thereto added:

Coke l.9.f.72. 74. Fitz.Brief 823.

Et diligenter inquiras, ubi ille hæres ſit in balliva tua: Et ipſum (ubicunque fuerit inventus) capias, et ſalvo et ſecure cuſtodias, ita quod eum habeas coram præfatis juſticiariis noſtris ad præfatum terminum, ad reddendum cui prædictorum A. vel B. reddi debeat.

And ſuit ſhall be made againſt the party on whom complaint is made, until he come in by diſtreſs, if he have whereby he may be diſtrained, or elſe for his contumacy, in caſe he be not juſtifiable, he ſhall be outlawed. And if percaſe the heir be married or carried into another County, then a Writ ſhall be directed to the Sheriff of the ſame Shire in this form:

Proceſs againſt an offender. V.N.B.f.88. 95.

Dyer fol. 289.

A Writ if the heir be carried into another County.

Queſtus eſt nobis A. quod B. nuper talem hæredem infra ætatem & in cuſtodia ſua exiſtentem tali loco in Comitatu tali rapuit, & de Comitatu tali ad talem locum in Com. tuo abduxit, contra voluntatem ipſius A. & contra pacem noſtram, &c. Et ideo tibi præcipimus, quod prædictum hæredem (ubicunque in balliva tua invenire poteris) capias & ſalvo & ſecure eum cuſtodias, ita quod eum habeas coram Juſticiariis noſtris, &c. tali die, quam idem A. habet verſus prædictum B. ad reddendum cui de jure reddi debeat.

And if the heir do die afore he can be found, or before he can be reſtored to the plaintiff, the

If the heir die before the ſuit ended. V.N.B f.90.

If the defendant die.

St.20 H. 3.6. St.3 Ed.1.22.

Reſummons in Communi Cuſtodia. St.52 H.3.7. V.N.B.f.95.

Ejectione cuſtodia.

Fitz. Brief 776.

24 Ed.3.f.68. 11 H. 4.f.54.

Fitz. Executors 52.

Fitz.Gard. 110. 24 Ed.3.f.23.

Fitz.Proceſs 33.

24 Ed.3.f.2.

Fitz.Gard.89. Dyer f.359.

the plea ſhall paſs between them nevertheleſs, until it be tried unto whom he ought to have been reſtored, if he had been living. Neither ſhall the raviſher of ſuch a one be excuſed or eaſed of the puniſhment aforeſaid, by the death of the heir, whom he did withhold by wrong during his life. And if the plaintiff die before the plea determined, if the right belong to him by reaſon of his proper fee, the plea ſhall be reſummoned at the ſuit of the heir of the plaintiff, and the plea ſhall paſs in due order. But if the right belonged to him by another title, as by a title of gift, ſale, or other ſuch like, then the plea ſhall be reſummoned at the ſuit of the executors of the plaintiff, and the plea ſhall paſs as before is ſaid. In the ſame manner if the defendant die before the plea be tried, or the heir be reſtored, the plea ſhall paſs by reſummons between the plaintiff, his heirs or executors, and the executors of the defendant or his heirs, : if the executors be not ſufficient to ſatiſfie for the value of the marriage, after as it is contained in other Statutes, but not as to the pain of impriſonment: for none ought to be puniſhed for the offence of another. In the ſame manner when a plea hangeth between parties for the ward of land, and of an heir, or of both, by the common Writ that beginneth, Præcipe tali, &c. quod reddat, &c. Reſummons ſhall be made between the heirs and executors of the plaintiff. And likewiſe the heirs and the executors of the defendant, if death prevent any of the parties before the plea determined. And when they have paſſed to the great diſtreſs, a day ſhall be given, within which three County Courts may be holden at the leaſt: in every of which open Proclamation ſhall be made, that the deforceor ſhall come unto the Bench at the day contained in the Writ, to anſwer the plaintiff; at which day if he come not, and the Proclamation be ſo returned once, twice or thrice, the judgment ſhall paſs for the plaintiff, ſaving the right of the defendant, if after he will claim it. In the ſame manner it ſhall be done in a Writ of Treſpaſs, when any complaineth himſelf to be ejected from ſuch Wardſhips. V.N.B. f.88.93. Fitz.N.B. f.139, &c. Regiſt. f.161, &c. Raſt. pla. f. 390, &c.

CAP. XXXVI.

A diſtreſs taken upon a ſuit commenced by others.

The penalty for procurement of ſuits.

Raſt.pl.f.124. Fit.N.B. f.8.M. Co.Inſt.2 par. 443.

18 Ed.4.f.4. 22 Ed.3.f.15. Fitz.Avowry 78. Fitz.Brief 173.174.

Foraſmuch as Lords of Courts, and other that kept Courts, and Stewards, intending to grieve their inferiours, where they have no lawful mean ſo to do, procure other to move matters againſt them, and to put in ſurety and other pledges, or to purchaſe Writs, and at the ſuit of ſuch plaintiffs compel them to follow the County, Hundred, Wapentake and other like Courts, until they have made fine with them at their will: It is ordained, that it ſhall not be ſo uſed hereafter. And if any be attached upon ſuch falſe complaints, he ſhall replevie his diſtreſs ſo taken, and ſhall cauſe the matter to be brought afore the Juſtices, before whom if the Sheriff, Bailiff or other Lord (after that the party diſtrained hath framed his plaint) will advow the diſtreſs lawful by reaſon of ſuch complaints made unto them, and it be replied that ſuch plaints were moved maliciouſly againſt the party by the ſolicitation or procurement of the Sheriff, or other Bailiffs, or Lords, the ſame replication ſhall be admitted; and if they be convict hereupon, they ſhall make fine to the King, and nevertheleſs reſtore treble damages to the parties grieved.

CAP. XXXVII.

No diſtreſs ſhall be taken but by Bailiffs known and ſworn.

No diſtreſs ſhall be taken but by Bailiffs known and ſworn.

Co.Inſt.2 par. 445.

Co.l.3.12.

Foraſmuch alſo as Bailiffs to whoſe office it belongeth to take diſtreſſes, intending to grieve their inferiors, that they may exact money of them, do ſend ſtrangers to take diſtreſſes, to the intent that they might grieve their inferiors, by reaſon that the parties ſo diſtrained, not knowing ſuch perſons, will not ſuffer the diſtreſſes to be taken: It is provided, that no diſtreſs ſhall be taken, but by Bailiff ſworn and known. And if they which do diſtrain do otherwiſe, and thereof be convict, (if the parties grieved will purchaſe a Writ of treſpaſs) they ſhall reſtore damages to the parties grieved, and beſides ſhall be grievouſly puniſhed towards the King.

CAP. XXXVIII.

How many ſhall be returned in Juries and petit Aſſiſes, and of what age they ſhall be.

Regiſt.f.175. Co.Inſt.2 par. 446. F.N.B.166.

What ſort of perſons ſhall be returned in Juries or petit Aſſiſes, and of what age they ſhall be. St.28 Ed.1.9.

What ſort of perſons ſhall be returned in great Aſſiſes.

10 H.4.f.8.

Bro.Jurors 24 Co.Inſt.158.

Kel.f.97.

48 Ed.3.f.30.

Foraſmuch alſo as Sheriffs, Hundreders, and Bailiffs of Liberties, have uſed to grieve thoſe which be in ſubjection unto them, putting in Aſſiſes and Juries, men diſeaſed and decrepit, and having continual, or ſodain diſeaſe, and men alſo that dwelled not in the Countrey at the time of the ſummons, and ſummon alſo an unreaſonable multitude of Jurors, for to extort money from ſome of them, for letting them go in peace, and ſo the Aſſiſes and Juries paſs many times by poor men, and the rich men abide at home, by reaſon of their bribes: It is ordained, That from henceforth in one Aſſiſe no mo ſhall be ſummoned then four and twenty: And old men about threeſcore and ten years, being continually ſick, or being diſeaſed at the time of the ſummons, or not dwelling in that Countrey, ſhall not be put in Juries of petit Aſſiſes. Nor any ſhall be put in Aſſiſes or Juries, though they ought to be taken in their own Shire, that may diſpend leſs land then twenty ſhillings yearly. And if ſuch Aſſiſes and Juries be taken out of the Shire, none ſhall paſs in them but ſuch as may diſpend fourty ſhillings yearly at the leaſt, except ſuch as be witneſſes in Deeds, or other writings, whoſe preſence is neceſſary, ſo that they be able to travel. Neither ſhall this Statute extend to great Aſſiſes, in which it behoveth many times Knights to paſs, not reſident in the Countrey, for the ſcarcity of Knights, ſo that they have land in the Shire: And if the Sheriff, or his Underſheriffs, or Bailiffs of Liberties, offend in any point of this Statute, and thereupon be convict, damages ſhall be awarded to the parties grieved, and they ſhall nevertheleſs be amerced to the King. And Juſtices aſſigned to take Aſſiſes when they come into the Shire, ſhall have power to hear the plaints of all complainants, as to the Articles contained in this Statute, and to miniſter Juſtice in form aforeſaid. Regiſt. f. 178. &c. Fitz. Nat. Bre. f. 165. A. St. 21 E. 1. De iis qui ponend. &c.

CAP. XXXIX.

The manner to deliver Writs to the Sheriff to be executed. The Sheriff returneth a Liberty where none is. Returning of Iſſues. Reſiſtance of execution of Proceſs.

FOraſmuch as Juſtices, to whoſe Office it belongeth to miniſter Juſtice to all that ſue before them, are many times diſturbed in due execution of their Office, for that Sheriffs do not return Writs original and judicial, and alſo for that they make falſe returns unto the Kings Writs: Our Lord the King hath provided and ordained, That ſuch as do fear the malice of Sheriffs, ſhall deliver their Writs original and judicial in the open County, or in the County where the collection of the Kings money is; and may take of the Sheriff or Underſheriff being preſent, a Bill, wherein the names of the demandants and tenants mentioned in the Writ ſhall be contained; and at the requeſt of him that delivered the Writ, the ſeal of the Sheriff or Underſheriff ſhall be put to the Bill for a teſtimony, and mention ſhall be made of the day of the deliverance of the Writ. And if the Sheriff or Underſheriff will not put his ſeal to the Bill, the witneſs of Knights and other credible perſons being in preſence ſhall be taken, that put their ſeals to ſuch Bill. And if the Sheriff will not return Writs delivered unto him, and complaint thereof be made to the Juſtices, a Writ judicial ſhall go unto the Juſtices aſſigned to take Aſſiſes, that they ſhall inquire by ſuch as were preſent at the deliverance of the Writ to the Sheriff, if they knew of the deliverance, and an inqueſt ſhall be returned. And if it be found by the inqueſt, that the Writ was delivered to him, damages ſhall be awarded to the plaintiff or demandant: having reſpect to the quality and quantity of the Action, and to the peril that might have come to him by reaſon of the delay that he ſuſtained: and by this mean there ſhall be remedy when the Sheriff returneth that he came too late, whereby he could not execute the Kings commandment. Oftentimes alſo pleas be delayed by reaſon that the Sheriff returneth that he hath commanded the Bailiffs of ſome Liberty which did nothing therein, and nameth Liberties that never had the return of Writs; whereupon our Lord the King hath ordained, That the Treaſurer and Barons of the Exchequer ſhall deliver to the Juſtices in a roll all the Liberties in all Shires that have return of Writs. And if the Sheriff anſwer that he hath made return to a Bailiff of another Liberty, then is contained in the ſaid roll, the Sheriff ſhall be forthwith puniſhed as a diſheritor of our Lord the King and his Crown. And if peradventure he return that he hath delivered the Writ to a Bailiff of ſome Liberty, that indeed hath return, the Sheriff ſhall be commanded, that he will not ſpare for the foreſaid Liberty, but ſhall execute the Kings precept: and that he do the Bailiffs to wit, to whom he returned the Writ, that they be ready at a day contained in the Writ, to anſwer why they did not execute the Kings precept. And if they come at the day, and acquit themſelves, that no return was made to them, the Sheriff ſhall be forthwith condemned to the Lord of the ſame Liberty, and likewiſe to the party grieved by the delay, for to render damage. And if the Bailiffs come not in at the day, or do come, and do not acquit themſelves in manner aforeſaid in every judicial Writ, ſo long as the plea hangeth, the Sheriff ſhall be commanded that he ſhall not ſpare the Liberty, &c. Many times alſo Sheriffs make falſe returns as touching theſe articles, Quod de exitibus, &c. returning ſometime, and lying, that there be no iſſues, ſometime that there are ſmall iſſues, when they may return great, and ſometime do make mention of no iſſues: wherefore it is ordained and agreed, That if the plaintiff demand hearing of the Sheriffs return, it ſhall be granted him: And if he offer to aver that the Sheriff might have returned greater iſſues unto the King, he ſhall have a Writ judicial unto the Juſtices aſſigned to take Aſſiſes, that they ſhall inquire in preſence of the Sheriff (if he will be there) of what and how great iſſues the Sheriff might have made return from the day of the Writ purchaſed unto the day contained in the Writ. And when the Inqueſt is returned, if he have not afore anſwered for the whole, he ſhall be charged with overplus by extreats of the Juſtices delivered at the Eſchequer, and nevertheleſs ſhall be grievouſly amerced for the concealment. And let the Sheriff know, that rents, corn in the grange, and all moveables (except horſe, harneſs, and huſholdſtuff) be contained within the name of Iſſues. And the King hath commanded, That Sheriffs ſhall be puniſhed by the Juſtices once or twice (if need be) for ſuch falſe returns. And if they offend the third time, none ſhall have to do therewith but the King. They make alſo many times falſe anſwers, returning that they could not execute the Kings precept, for the reſiſtance of ſome great men: wherefore let the Sheriffs beware from henceforth; for ſuch manner of anſwers redound much to the diſhonour of the King. And aſſoon as the Bailiffs do teſtifie that they found ſuch reſiſtance, forthwith all things ſet apart (taking with him the power of the Shire) he ſhall go in proper perſon to do execution: and if he find his Under-Bailiffs falſe, he ſhall puniſh them by impriſonment, ſo that other by their example may be reformed. And if he do find them true, he ſhall puniſh the reſiſters by impriſonment, from whence they ſhall not be delivered without the Kings ſpecial commandment. And if percaſe the Sheriff when he cometh do find reſiſtance, he ſhall certifie to the Court the names of the reſiſters, aidors, conſentors, commanders, and favourers, and by a Writ judicial they ſhall be attached by their bodies to appear at the Kings Court: and if they be convict of ſuch reſiſtance, they ſhall be puniſhed at the Kings pleaſure: neither ſhall any Officer of the Kings meddle in aſſigning the puniſhment, for our Lord the King hath reſerved it ſpecially to himſelf, becauſe that reſiſters have been reputed diſturbers of his peace, and of his Realm. Stat. 28 Ed. 1. 16.

Co Inſt. 2 par 400.

How Writs ſhall be delivered to Sheriffs to be executed. St. 2 Ed. 3. 5. Regiſt. f. 86. Raſt. pl. f. 582. 626.

29 Aſſ. pla. 58.

Stat. 52 H. 3. 3. Stat. 3 Ed. 1. 17. V.N.B. f. 33.

The Sheriff returneth a Liberty where none is.

11 Ed. 4. f. 4. 2 H. 4. f. 40.

Non omittas propter aliquam libertatem. V.N.B. f. 43. Fitz. N.B. f. 68. F. 74. A. Regiſt. f. 82. Raſt. pla. f. 439.

The Sheriffs default in returning of iſſues. V.N.B. f. 43. Raſt. pla. f. 383.

27 H. 8. f. 3. 10 H. 7. f. 11. 20 H. 6. f. 26. Fitz. Averment 16. 26. 43. 45. 47. 48. 49.

What ſhall be accounted iſſues.

The Sheriff returneth that there was diſturbance of execution of proceſs. Stat. 52 H. 3. 3. Stat. 3 Ed. 1. 17. Regiſt. f. 83.

9 H. 7. f. 1. Fitz. Execut. 147.

CAP. XL.

A womans ſuit ſhall not be deferred by the minority of the heirs.

A womans ſuit ſhall not be delayed by the minority of the heir which ought to warrant the Land. V.N.B.f.28. Raſt.pla: f:139:

6 Ed. 3. f.46. Coke l.6.f.5. Fitz. Age 47. 76.126.138. 139. Fitz. Voucher 180 183.226. 305.

WHere any doth alien the right of his wiſe, it is agreed, that from henceforth the ſuit of the woman or her heir after the death of her huſband, ſhall not be delayed by the nonage of the heir, that ought to warrantiſe, but let the Purchaſer tarry, which ought not to have been ignorant that he bought the right of another, until the age of his warrantour, to have his warranty. Co. Inſt. 2 par. 455.

CAP. XLI.

A Contra formam Collationis: And a Ceſſavit to recover Lands given in Alms.

OUr Lord the King hath ordained, That if Abbots, Priors, Keepers of Hoſpitals, and other Religious houſes, founded by him or by his Progenitors, do from henceforth alien the Lands given to their houſes, by him or by his Progenitors: the Land ſhall be taken into the Kings hands and holden at his will, and the purchaſer ſhall loſe his recovery as well of the Lands as of the money that he paid. And if the houſe were founded by an Earl, Baron, or other perſons, for the Lands ſo aliened, he from whom, or from whoſe anceſtors the Land ſo aliened was given, ſhall have a Writ to recover the ſame Land in demeſne, which is this:

Cont. form. Collat. Regiſt.f.238. V.N.B.f.141. Fitz. N.B.f.211. Raſt.pla.f.127.

10 H.6.f.5. Dyer f.109. Pro. Parl. 7. Fitz. Cont. form. Collationis 1.2.3.4. 5.6.7.

Præcipe tali Abbati, quod juſte, &c. reddat C. F. tale tenementum, quod eidem domui collatum fuit in liberam eleemoſynam per prædictum G. vel anteceſſores ſuos, et quod ad prædictum G. reverti debet, per alienationem, quam prædictus Abbas fecit de prædicto tenemento, contra formam collationis prædictæ, ut dicit.

Ceſſavit de Cant. Regiſt.f.238. V.N.B.f.141. Fitz. N.B.f.209. Raſt.pla. f.110. St.6 Ed. 1.4.

Fitz. Brief 291 Fitz. Ceſſavit. 15. 18. 24. 44.

In like manner for land given for the maintenance of a Chantery, or of light in a Church or Chappel, or other Alms to be maintained, if the Land given be aliened. But if the Land ſo given for a Chantery, light, ſuſtenance of poor people, or other alms to be maintained or done be not aliened, but ſuch alms is withdrawn by the ſpace of two years, an Action ſhall lie for the donour or his heir to demand the Land ſo given in demean, as it is ordained in the Statute of Glouceſter, for Lands leaſed to do, or to render the fourth part of the value of the Land or more. Coke l. 11. f. 63.

CAP. XLII.

The ſeveral Fees of Marſhals, Chamberlains, Porters of Juſtices in Eyre, &c.

The ſeveral fees of Marſhals, Chamberlains, &c. which have the office in fee.

Co. Inſt. 2 par. 461.

COncerning the Kings Marſhals of Fee, Chamberlains, Porters, in the Circuit of Juſtices and Sergeants, bearing verge before Juſtices at Weſtminſter, which have the ſame Office in Fee, and that ask more by reaſon of their Fee, then they have uſed to ask, whereupon many do complain on them, that have known and ſeen the order of the Court of long time. Our Lord the King hath cauſed to be enquired by an Inqueſt what the ſaid Officers of Fee have uſed to have in times paſſed, and hath ordained and commanded, That a Marſhal of Fee, which of new asketh a palfray of Earls, Barons, and other holding by a part of a Barony when they have done homage, and nevertheleſs, another palfray when they are made Knights, and of ſome that ought not to give any, ask a palfray: It is in like manner ordained, That the ſaid Marſhal of every Earl and Baron holding by an entire Barony, ſhall be contented with one palfray, or with the price of it, ſuch as he hath uſed to have of old: ſo that if he took a palfray, or the price of one, at the doing of his homage, in form aforeſaid, he ſhall take nothing when he is made Knight: and if he take nothing at the doing of his homage, when he is made Knight he ſhall take. Of Abbots and Priors, holding an whole Barony, when they do homage or fealty for their Baronies, he ſhall take one palfray, or the price, as afore is ſaid, and this ſhall alſo be obſerved amongſt Archbiſhops and Biſhops, of ſuch as hold but part of a Barony, whether they be religious or ſecular, he ſhall take according to the portion of the part of the Barony that they hold. Of Religious men that hold in free Alms and not by a Barony, nor part of a Barony, the Marſhal from henceforth ſhall demand nothing. And our Lord the King hath granted, That by this Statute a Marſhal of Fee ſhall not be barred hereafter to demand more, if he can ſhew that he hath right unto more. The Kings Chamberlains from henceforth ſhall have of Archbiſhops, Biſhops, Abbots and Priors, and other perſons Spiritual, of Earls and Barons holding an entire Barony, a reaſonable Fine, when they do their homage, or fealty. And if they hold by a part of a Barony, they ſhall take a reaſonable fine, according to the portion to them belonging. Other Abbots, Priors, and other perſons Spiritual and Temporal that hold no entire Barony, nor part of a Barony, ſhall not be diſtrained to make Fine, as it is ſaid by them that hold by a Barony, or part of a Barony: but the Chamberlain ſhall be contented with his upper garment, or with the price thereof; which is done in favour of perſons Religious more then of lay perſons, for it is more convenient that Religious men ſhould Fine for their upper garment, then to be ſtripped.

Religious men.

The Kings Chamberlains.

CAP. XLIII.

Hoſpitalers and Templers ſhall draw no man into Suit, &c.

Co. Inſt. 2 par. 464.

Hoſpitalers and Templers ſhall draw none into ſuit before the conſervators of their priviledges.

BE it prohibited from henceforth to Hoſpitalers and Templers, That hereafter they bring no man in plea before the keepers of their priviledges for any matter, the knowledge whereof belongeth to the Kings Court; which if they do, firſt they ſhall yield damages to the party grieved, and be grievouſly puniſhed unto the King. The King alſo prohibiteth to the keepers of ſuch priviledges, that from henceforth they grant no citations at the inſtance of Hoſpitalers, Templers, or other perſons priviledged, before it be expreſſed upon what matter the citation ought to be made. And if the keepers do ſee that a citation is required upon any matter, the knowledge whereof belongeth to the Kings Court, the keepers ſhall neither make nor knowledge the citation. And if the keepers do otherwiſe, they ſhall yield damages to the party grieved, & nevertheleſs ſhall be grievouſly puniſhed by the King. And foraſmuch as ſuch perſons priviledged, depute Keepers, Subpriors, Chantors, Sextons, which be religious men, & which have nothing to ſatisfie the parties grieved, nor the King, which be more bold to offend the Kings dignity then their ſuperiours, to whom puniſhment may be aſſigned by their temporalities: Let the Prelates of ſuch obedients therefore beware from henceforth, that they do not ſuffer their obedients to uſurp any juriſdiction in prejudice of the King and his Crown: And if they do, their ſuperiours ſhall be charged for their fact, as much as if they had been convict upon their proper Act.

CAP. XLIV.

The fees of Porters bearing Verges before Juſtices: And of Chirographers, Clerks, &c.

Co. Inſt. 2 par. 467.

The fees of Porters carrying Verges before the Juſtices.

Concerning Porters, bearing Verge before Juſtices of the Bench in the Circuit: It is provided that of every Aſſiſe and Jury that they keep, they ſhall take x d. onely, and for the Bills nothing. Of ſuch as recover their demands by default, confeſſion, or otherwiſe by judgment without Aſſiſe and Jury, they ſhall take nothing. Of ſuch as go without day by default of the demandant or plaintiff, they ſhall take nothing. And if any recover his demand againſt many by one Writ, and by Recogniſance of Aſſiſe or Jury, they ſhall be content with iiii d. And likewiſe of thoſe which be named in one Writ by Recogniſance of Aſſiſe or Jury, they ſhall be content with iiii d. Of ſuch as do homage in the Bench, they ſhall be content with their upper garment. Of great Aſſiſes, Attaints, Juries, and Battel waged, they ſhall take xii d. onely. Of ſuch as be called before Juſtices to ſue or to defend their pleas, they ſhall take nothing for their coming in or forth. At the pleas of the Crown for every dozen xii d. onely ſhall be taken. Of every priſoner delivered iiii d. ſhall be taken. Of every one whoſe peace is proclaimed xii d. onely ſhall be taken. Of the finders of men ſlain, and others of a Town attached, iiii d. Of Tithing-men nothing ſhall be taken. Of Chirographers for making of a Chirography, it is ordained, that they ſhall be contented with iiii s. Of Clerks writing Writs original and judicial, it is ordained that for one Writ they ſhall take but i d. And the King chargeth all his Juſtices upon their faith and oath that they owe him, that if ſuch manner of Officers offend in any article againſt this Statute, and complaint come to them thereof, they ſhall execute on them reaſonable puniſhment: and if they offend the ſecond time, they ſhall award greater puniſhment, that they may be duely corrected: and if they offend the third time, and be thereupon convicted, if they be Officers of the fee, they ſhall leeſe their fee; and if they be other, they ſhall avoid the Kings Court, and ſhall not be received again without the ſpecial grace and licenſe of the King himſelf. St. W. 1. cap. 26. 27. 29. & St. 2 H. 4. cap. 8.

Clerks writing Original Writs.

CAP. XLV.

The Proceſs of Execution of things recorded within the year, or after.

Co. Inſt 131. 2. 2 par. 469. 21 Ed. 4. f. 13. 37 H. 6. f. 32. 21 Ed. 3. f. 22. 21 Ed. 3. f. 16. 24 Ed 3. f. 19. Fitz Eſſoin. 46. 74. Bro. debt. 10. Bro. Parl. 29. Fitz. Scire facias 1. 2. 3. 8. 12. &c. Fitz. Execution. 18. 35. 57. 96. 100. Fitz. Execution. 79. 89. 151. Fitz. S. fac. 15. 153. Co. Inſt. 291. Cro. El. 164.

There ſhall be no delays in thoſe things that be recorded.

Becauſe that of ſuch things as be recorded before the Chancellor and the Juſtices of the King that have record, and be inrolled in their Rolls, proceſs of plea ought not to be made by ſummons, attachments, eſſoin, view of land, and other ſolemnities of the Court, as have been uſed to be done of bargains and covenants made out of the Court: from henceforth it is to be obſerved, that thoſe things which are found inrolled before them that have record, or contained in fines, whether they be Contracts, Covenants, Obligations, Services or Cuſtoms, acknowledged, or other things whatſoever inrolled, wherein the Kings Court without offence of the Law and Cuſtome, may execute their authority, from henceforth they ſhall have ſuch vigour, that hereafter it ſhall not need to plead for them. But when the plaintiff cometh to the Kings Court, if the recogniſance or fine be freſh, that is to ſay, levied within the year of the Writ, he ſhall forthwith have a Writ of Execution of the ſame recogniſance made. And if the recogniſance were made, or the fine levied of a further time paſſed, the Sheriff ſhall be commanded, that he give knowledge to the party of whom it is complained, that he be afore the Juſtices at a certain day, to ſhew if he have any thing to ſay why ſuch matters inrolled or contained in the fine ought not to have execution. And if he do not come at the day, or peradventure do come and can ſay nothing why execution ought not to be done, the Sheriff ſhall be commanded to cauſe the thing inrolled or contained in the fine to be executed. In like manner an Ordinary ſhall be commanded in his caſe, obſerving nevertheleſs as before is ſaid of a Mean, which by recogniſance or judgment is bound to acquit.

Execution of things recorded.

A Scire facias after the year. Regiſt. fo. 298. Regiſt. jud. f. 12. V. N. B. f. 164. Fitz. N. B. f. 265. Raſt. pla. f. 585. Ordinary. A Mean. 13 Ed. 1. 9.

CAP. XLVI.

Lords may approve againſt their Neighbours. Uſurpation of Common during the eſtate of particular Tenants.

Co. Inſt. 2 par. 473. St. 20 H. 3. 4.

Lords may approve againſt their neighbours, leaving them ſufficient Common.

8 Ed. 3. f. 39. Cok. l. 4. f. 38. 13 H. 7. f. 13. 18 Ed. 3. f. 43. 18 aſſ. pl. 4. Dyer f. 47. 216. 339. Cro. Car. 281. 440. 580.

Whereas in a Statute made at Merton, it was granted that Lords of Waſtes, Woods, and Paſtures, might approve the ſaid waſtes, woods, and paſtures, notwithſtanding the contradiction of their tenants, ſo that the tenants had ſufficient paſture to their tenements with free egreſs and regreſs to the ſame. And foraſmuch as no mention was made between neighbours and neighbours, many Lords of waſtes, woods, and paſtures have been hindred heretofore by the contradiction of neighbours having ſufficient paſture. And becauſe forrain tenants have no more right to Common in the waſtes, woods, or paſtures of any Lord then the Lords own tenants: It is ordained, That the Statute of Merton, provided between the Lord and his tenants, from henceforth, ſhall hold place between Lords of waſtes, woods, and paſtures, and their neighbours, ſaving ſufficient paſture to their tenants and neighbours, ſo that the Lords of ſuch waſtes, woods, and paſtures may make approvement of the reſidue: and this ſhall be obſerved for ſuch as claim paſture as appurtenant

For what cauſe one may approve. A ditch or hedge of ground approved caſt down. V. N. B. f. 68. Fitz. N.B. f. 125. 179. St. 3 & 4 Ed. 6. 3. Uſurpation of Common during the eſtate of particular tenants. V.N.B. f. 68. 71. Raſt. pla. f. 493.

32 Aſſ. pl. 5. 7 H. 4. f. 38. Fitz. Common. 22.

to their tenement. But if any do claim common by ſpecial feoffment or grant for a certain number of beaſts, or otherwiſe which he ought to have of common right, whereas covenant barreth the Law, he ſhall have ſuch a recovery as he ought to have had by form of the Grant made unto him. By occaſion of a Windmill, Sheepcote, Deyry, inlarging of a Court neceſſary, or Courtilage, from henceforth no man ſhall be grieved by aſſiſe of Novel diſſeiſin, for Common of Paſture. And where ſometime it chanceth, that one having right to approve, doth then levy a dyke or an hedge, and ſome by night, or at another ſeaſon, when they ſuppoſe not to be eſpied, do overthrow the hedge or dike, and it cannot be known by verdict of the Aſſiſe or Jury, who did overthrow the hedge or dike, and men of the Towns near, will not indite ſuch as be guilty of the fact: the Towns near adjoyning ſhall be diſtrained to levy the hedge or dike at their own coſt, and to yield damages. And where one having no right to common, uſurpeth common what time an heir is within age, or a woman is covert, or whilſt the paſture is in the hands of tenants in dower, by the courteſie or otherwiſe for term of life, or years, or in fee tail, and having long time uſed the paſture, many hold opinion, that ſuch paſtures ought to be ſaid to belong to the freehold, and that the poſſeſſor ought to have action by a Writ of Novel diſſeiſin, if he be deforced of ſuch paſture: but from henceforth this muſt be holden, that ſuch as have entred within the time that an Aſſiſe of Mortdaunceſtor hath lien, if they have no common before, ſhall have no recovery by a Writ of Novel diſſeiſin, if they be deforced.

CAP. XLVII.

A penalty for taking of Salmons at certain times of the year.

The penalty of killing of Salmon in unſeaſonable time.

Co. Inſt. 2 par. 477.

IT is provided that the waters of Humber, Owſe, Trent, Dove, Arre, Derewent, Wherfe, Niddiore, Swale, Teſe, Tine, Eden, and all other waters, (wherein Salmons be taken) ſhall be in defence for taking Salmons from the Nativity of our Lady unto St. Martins day. And that likewiſe young Salmons ſhall not be taken nor deſtroyed by Nets, nor by other ingines at Milpools, from the mids of April unto the Nativity of St. John Baptiſt. And in places whereas freſh waters be, there ſhall be aſſigned Overſeers of this Statute, which being ſworn, ſhall oftentimes ſee and inquire of the offendors: and for the firſt treſpaſs they ſhall be puniſhed by burning of their Nets and Ingines; and for the ſecond time, they ſhall have impriſonment for a quarter of a year: and for the third treſpaſs, they ſhall be impriſoned a whole year: and as their treſpaſs increaſeth, ſo ſhall the puniſhment. St. 13 R. 2. 19. St. 17 R. 2. 9. St. 25 H. 8. 7.

CAP. XLVIII.

In what caſes the view of Land is grantable, in what not.

In what caſes view of land is grantable, in what not. Co. Inſt. 2 par. 479.

Fitz. View. 50. 51. 57. 129. 118. Fitz. Viewer, 1. 2. 5. 24. 41. 49. 69. 102. 108. 119. 10 H. 7. f. 8. Dyer f. 61. 114. 210. 323. Fitz. View. 17. 54. 73. 85. 87. 92. 103. 104. 112. 118. 146. 166. 167. Fitz. View. 110. 177. 178.

FOr view of Land it is ordained and provided, That from henceforth view ſhall not be granted but in caſe when view of Land is neceſſary. As if one loſe Land by default, and he that loſeth, moveth a Writ to demand the ſame Land. And in caſe when one by an exception delatory abateth a Writ after the view of the Land, as by Nontenure, or miſnaming the Town, or ſuch like, if he purchaſe another Writ, in this caſe, and in the caſe before mentioned, from henceforth the view ſhall not be granted, if he had view in the firſt Writs. In a Writ of Dower, where the Dower in demand is of Land that the husband aliened to the tenant of his anceſtors, where the tenant ought not to be ignorant what Land the husband did aliene to him or his anceſtor, though the husband died not ſeiſed, yet from henceforth view ſhall not be granted to the tenant. In a Writ of Entre alſo, that is abated becauſe the demandant miſnamed the Entre, if the demandant purchaſe another Writ of Entre, if the tenant had view in the firſt Writ, he ſhall not have it in the ſecond. In all Writs alſo where Lands be demanded by reaſon of a Leaſe made by the demandant or his anceſtor, unto the tenant, and not to his anceſtor, as that which he leaſed to him, being within age, not whole of mind, being in priſon, and ſuch like, view ſhall not be granted hereafter: but if the demiſe were made to his anceſtor, the view ſhall lie as it hath done before. Raſt. pla. fo. 231. 352. 613. 686. Fitz. N. B. fo. 9. N. 123. C. 128. B. K. 178. D. 184. A. 129. D.

Fitz. View. 30. 60. 155. 168. 172. 179.

CAP. XLIX.

The penalty for buying the title of Land depending in ſuit. A remedy for Suits where the Law faileth.

The penalty of buying of land depending in Suit. St. 3 Ed. 1. 25. St. 28 Ed. 1. 11. V.N.B. f. 180. Fitz. N.B. f. 172. i Regiſt. f. 182. 183 Raſt. pla. f. 129. 393. 450. Cap. 49.

Fitz. Champerty 1. 5. 6. 8. 11. 14. 15.

THe Chancellor, Treaſurer, Juſtices, nor any of the Kings Council, no Clerk of the Chancery, nor of the Eſchequer, nor of any Juſtice or other Officer, nor any of the Kings houſe, Clerk ne Lay, ſhall not receive any Church, nor advowſon of a Church, Land, nor Tenement in fee, by gift, nor by purchaſe, nor to farm, nor by Champerty, nor otherwiſe, ſo long as the thing is in plea before us, or before any our Officers, nor ſhall take no reward thereof. And he that doth contrary to this Act, either himſelf, or by another, or make any bargain, ſhall be puniſhed at the Kings pleaſure, as well he that purchaſeth as he that doth ſell.

CAP. L.

No man ſhall depart from the Kings Court without remedy.

No man ſhall depart from the Kings Court without remedy.

ALl the ſaid Statutes ſhall take effect at the feaſt of St. Michael next coming, ſo that by occaſion of any offence done on this ſide the ſaid feaſt, contrary to any of theſe Statutes, no puniſhment (mention whereof is made within theſe Statutes) ſhall be executed upon the offendors. Moreover concerning the Statutes provided where the Law faileth, and for remedies, leſt ſuitors coming to the Kings Court ſhould depart from thence without remedy, they ſhall have Writs provided in their caſes, but they ſhall not be pleaded until the feaſt of St. Michael aforeſaid. Co. Inſt. 2 par. 484.

The Statute of Wincheſter made at Weſtminſter 8 *die Octobr.*
Anno 13 *Edw.* 1. *& An. Dom.* 1285.

CAP. I.

Freſh ſuit ſhall be made after Felons and Robbers from Town to Town, &c.

St. 28 E. 1. cap. 11. 31 E. 1. poſt pl. 90.

St. 28 E. 1. cap. 17. St. 7 R. 2. 6.

Cok. l. 7. f. 6. Dyer f. 370.

FOraſmuch as from day to day Robberies, Murders, burning of houſes; and theft, be more often uſed then they have been heretofore, and Felons cannot be attainted by the Oath of Jurors, which had rather ſuffer ſtrangers to be robbed, and ſo paſs without pain, then to indite the offendors, of whom great part be people of the ſame Countrey, or at the leaſt, if the offendors be of another Countrey, the receivers be of places near. And they do the ſame, becauſe an Oath is not given unto Jurors of the ſame Countrey, where ſuch Felonies were done, and to the reſtitution of damages hitherto no pain hath been limited for their concealment and laches. Our Lord the King for to abate the power of Felons, hath eſtabliſhed a pain in this caſe, ſo that from henceforth for fear of the pain more then for fear of any Oath, they ſhall not ſpare any, nor conceal any Felonies. And doth command that Cries ſhall be ſolemnly made in all Counties, Hundreds, Markets, Fairs, and all other places where great reſort of people is, ſo that none ſhall excuſe himſelf by ignorance, that from henceforth every Countrey be ſo well kept, that immediately upon ſuch robberies and felonies committed, freſh ſuit ſhall be made from Town to Town, and from Countrey to Countrey. Coke pl. fo. 348. Raſt. pl. fo. 406. St. 27 El. 13.

Freſh ſuit ſhall be made after Felons.

CAP. II.

Inquiry of Felons and Robbers, and the Countrey ſhall anſwer if they be not taken.

Bro. Debt. 103

Cro. El. 270.

Cok. l. 7. f. 6.

LIkewiſe when need requires, Inqueſts ſhall be made in Towns by him that is Lord of the Town, and after in the Hundred, and in the Franchiſe, and in the County, and ſometime in two, three, or four Counties: In caſe when felonies ſhall be committed in the Marches of Shires, ſo that the offendors may be attainted. And if the Country will not anſwer for the bodies of ſuch manner of offendors, the pain ſhall be ſuch, that every Country, that is to wit, the people dwelling in the Country, ſhall be anſwerable for the robberies done, & alſo the damages: ſo that the whole Hundred, where the robbery ſhall be done, with the franchiſes being within the Precinct of the ſame Hundred, ſhall be anſwerable for the robberies done. And if the robbery be done in the diviſion of two Hundreds, both the Hundreds and the Franchiſes within them ſhall be anſwerable. And after that the felony or robbery is done, the Country ſhall have no longer ſpace then fourty days, within which it ſhall behove them to agree for the robbery or offence, or elſe that they will anſwer for the bodies of the offendors. Cro. Jac. 106. 187. 350. 496. Cro. Car. 37.

The Countrey ſhall anſwer for Robbers and Felons if they be not apprehended. St. 27 El. 13. Raſt. pla. fo. 406. St. 39 El. 25. Cro. El. 142. 270. 753.

A robbery done in the diviſion of Shires.

The Countrey ſhall have but fourty days. St. 28 Ed. 3. 11.

CAP. III.

This Act ſhall be reſpited until Eaſter next.

ANd foraſmuch as the King will not that his people ſhould be ſuddenly impoveriſhed by reaſon of this penalty, that ſeemeth very hard to many, the King granteth that they ſhall not incur immediately, but it ſhall be reſpited until Eaſter next following, within which time the King may ſee how the Countrey will order themſelves, and whether ſuch felonies and robberies do ceaſe. After which term let them all be aſſured, that the foreſaid penalty ſhall run generally, that is to ſay, every Countrey, that is to wit, the people in the Countrey ſhall be anſwerable for felonies and robberies done among them.

When this Statute ſhall be put in execution.

CAP. IV.

At what times the Gates of great Towns ſhall be ſhut. And when the Night-watch ſhall begin and end.

Cok. l. 7. f. 7.

Cro. El. 204.

5 H. 7. f. 5.

ANd for the more ſurety of the Country, the King hath commanded that in great Towns being walled, the Gates ſhall be cloſed from the Sun-ſetting until the Sun-riſing, and that no man do lodge in Suburbs, nor in any place out of the Town, from nine of the clock until day, without his Hoſt will anſwer for him: and the Bailiffs of Towns every week, or at the leaſt every fifteenth day, ſhall make inquiry of all perſons being lodged in the Suburbs, or in forraign places of the Towns. And if they do find any that have lodged or received any ſtrangers or ſuſpicious perſon, againſt the peace, the Bailiffs ſhall do right therein. And the King commandeth, that from henceforth all Towns be kept as it hath been uſed in times paſſed, that is to wit, from the day of Aſcention unto the day of St. Michael, in every City ſix men ſhall keep at every gate, in every Borough twelve men, every Town ſix or four, according to the number of inhabitants of the Town, and ſhall watch the Town continually all night from the Sun-ſetting unto the Sun-riſing. And if any ſtranger do paſs by them, he ſhall be arreſted until morning. And if no ſuſpicion be found, he ſhall go quit; and if they find cauſe of ſuſpition, they ſhall forthwith deliver him to the Sheriff, and the Sheriff may receive him without damage, and ſhall keep him ſafely, until he be acquitted in due manner. And if they will not obey the arreſt, they ſhall levy hue and cry upon them; and ſuch as keep the Town, ſhall follow with hue and cry with all the Town, and the Towns near, and ſo hue and cry ſhall be made from Town to Town, until that they be taken and delivered to the Sheriff, as before is ſaid: and for the arreſtments of ſuch ſtrangers, none ſhall be puniſhed.

At what time great Towns ſhall be opened and ſhut.

At what time the night-watch ſhall begin and end. St. 5 Ed. 3. 14.

How they ſhall be uſed who diſobey arreſt.

CAP.

CAP. V.

The breadth of High-ways leading from one Market-town to another.

High-ways in Market-towns ſhall be inlarged.

A Park near unto the high-way.

AND further it is commanded, That high-ways leading from one Market-town to another, ſhall be enlarged, whereas Buſhes, Woods, or Dykes be, ſo that there be neither Dyke, Tree, nor Buſh, whereby a man may lurk to do hurt, within two hundred foot of the one ſide, and two hundred foot of the other ſide of the way: ſo that this Statute ſhall not extend unto Aſhes nor unto great Trees, for which it ſhall be clearly out of this. And if by default of the Lord that will not avoid the Dike, Underwood, or Buſhes in the manner aforeſaid, any robberies be done therein, the Lord ſhall be anſwerable for the felony; and if murder be done, the Lord ſhall make a fine at the Kings pleaſure. And if the Lord be not able to fell the underwoods, the Countrey ſhall aid him therein. And the King willeth, that in his Demean Lands and Woods within his Foreſt and without, the way ſhall be enlarged, (as before is ſaid.) And if percaſe a Park be taken from the high-way, it is requiſite that the Lord ſhall ſet his Park the ſpace of two hundred foot from the high-ways, as before is ſaid, or that he make ſuch a Wall, Dike, or Hedge, that offendors may not paſs ne return to do evil. St. 2 & 3 P. & M. 8. St. 5 El. 13. St. 18 El. 10. St. 29 El. 5.

CAP. VI.

Hue and Cry ſhall be followed. Fairs or Markets ſhall not be kept in Church-yards.

Hue and Cry ſhall be followed. 2 E. 3. 6.

Fairs and Markets ſhall not be kept in Church-yards

AND from henceforth let Sheriffs take good heed, and Bailiffs within their Franchiſes, and without, be they higher or lower, that have any Bailiwick or Foreſtry in fee, or otherwiſe, that they ſhall follow the Cry with the Country, and after as they are bounden to keep horſes and armour ſo to do. And if there be any that do not, the defaults ſhall be preſented by the Conſtables to the Juſtices aſſigned, and after by them to the King, and the King will provide remedy, as afore is ſaid. And the King commandeth and forbiddeth, that from henceforth neither Fairs nor Markets be kept in Church-yards, for the honour of the Church. Given at Weſtminſter the eighth day of October, the thirteenth year of the reign of the King.

The Statute of Merchants made at Weſtminſter

13 *Ed.* 1. & *Anno Dom.* 1258.

CAP. I.

The form of knowledging a Statute Merchant. The Creditors remedy if his debt be not paid. The Kings Seals ſhall be ſent to Keepers of Fairs. Taking of a Recogniſance.

FOraſmuch as Merchants, which heretofore have lent their goods to divers perſons, be fallen in poverty, becauſe there is no ſpeedy remedy provided, whereby they may ſhortly recover their debt at the day of payment: and for this cauſe many Merchants do refrain to come into the Realm with their merchandiſe, to the damage of Merchants, and of all the Realm: The King and his Council at his Parliament holden at Acton-Burnel, after the Feaſt of St. Michael, the eleventh year of his reign, hath ordained theſe eſtabliſhments thereupon for the remedy of ſuch Merchants: which ordinances and eſtabliſhments, the King commandeth that they ſhall be firmly kept and obſerved throughout his Realm, whereby Merchants may have remedy, and leſs trouble and buſineſs to recover their debts, then they have had heretofore. But foraſmuch as Merchants after complained unto the King, that Sheriffs miſinterpreted his Statutes, and ſometimes by malice and falſe interpretation delayed the execution of the Statute, to the great damage of Merchants: The King at his Parliament holden at Weſtminſter after Eaſter, the thirteenth year of his Reign, cauſed the ſaid Statute made at Acton-Burnel, to be rehearſed. And for the declaration of certain articles in the Statute aforeſaid, hath ordained and eſtabliſhed, That a Merchant who will be ſure of his debt, ſhall cauſe his debtor to come before the Mayor of London, or before ſome chief Warden of a City, or of another good Town, where the King ſhall appoint, and before the Maſter or chief Warden, or other ſufficient men choſen and ſworn thereto, when the Mayor or chief Warden cannot attend, and before one of the Clerks that the King ſhall thereto aſſign, when both cannot attend, he ſhall knowledge the debt, and the day of payment: And the Recogniſance ſhall be inrolled by one of the Clerks hands being known; and the Roll ſhall be double, whereof one part ſhall remain with the Mayor, or chief Warden, and the other with the Clerks that thereto ſhall be firſt named: And further, one of the ſaid Clerks with his own hand ſhall write an Obligation, to which writing the Seal of the debtor ſhall be put with the Kings Seal, provided for the ſame intent: which Seal ſhall be of two pieces, whereof the greater piece ſhall remain in the cuſtody of the Mayor, or the chief Warden, and the other piece in the keeping of the fore-ſaid Clerk. And if the debtor do not pay at the day limited unto him, then ſhall the Merchant come to the Mayor and Clerk with his Obligation: And if it be found by the Roll or Writing, that the debt was knowledged, and the day of payment expired, the Mayor, or chief Warden, ſhall cauſe the body of the debtor to be taken (if he be Lay) whenſoever he happeneth to come in their power, and ſhall commit him to the priſon of the Town, if there be any, and he ſhall remain there at his own coſts, until he hath agreed for the debt. And it is commanded, that the Keeper of the Town-priſon ſhall retain him upon the delivery of the Mayor or Warden. And if the Keeper will not receive him, he ſhall be anſwerable for the debt, if he have whereof; and if he have not whereof, he that committeth the priſoner to his keeping ſhall anſwer. And if the debtor cannot be found in the power of

St. Acton-Burnel, An. 11 Ed. I.

Co. Inſt. 289. b. 290. 2.

Dyer f. 35.

The form of acknowledging of a Statute-Merchant.

Sealing of a Statute

Fitz. Execu. 131. Cro. El. 319.

The Creditors remedy if the debt be not paid.

R. 3. f. 8.

Certificate of the Statute into the Chancery.

of the Mayor, or chief Warden, then ſhall the Mayor, or chief Warden ſend into the Chancery under the Kings Seal, the recogniſance of the debt: and the Chancellor ſhall direct a Writ unto the Sheriff, in whoſe Shire the debtor ſhall be found, for to take his body (if he be Lay) and ſafely to keep him in priſon until he hath agreed for the debt. And within a quarter of a year after that he is taken, his chattels and lands ſhall be delivered him, ſo that by his own he may levy and pay the debt. And it ſhall be lawful unto him, during the ſame quarter, to ſell his lands and tenements for the diſcharge of his debts, and his ſale ſhall be good and effectual. And if he do not agree within the quarter, next after the quarter expired all the lands and goods of the debtor ſhall be delivered unto the Merchant by a reaſonable extent, to hold them until ſuch time as the debt is wholly levied. And nevertheleſs the body ſhall remain in priſon, as before is ſaid. And the Merchant ſhall find him bread and water, and the Merchant ſhall have ſuch ſeiſon in the lands and tenements delivered unto him or his aſſignee, that he may maintain a writ of Novel diſſeiſin, if he be put out, and rediſſeiſin alſo, as of freehold, to hold to him and his aſſignes until the debt be paid. And as ſoon as the debt is levied, the body of the debtor ſhall be delivered with his lands. And in ſuch writs as the Chancellor doth award, mention ſhall be made, that the Sheriff ſhall certifie the Juſtices of the one Bench or of the other, how he hath performed the Kings commandment at a certain day, at which day the Merchant ſhall ſue before the Juſtices, if agreement be not made: and if the Sheriffs do not return the writ, or do return that the writ came too late, or that he hath directed it to the Bailiffs of ſome Franchiſe, the Juſtices ſhall do as it is contained in the latter Statute of Weſtminſter. And if in caſe the Sheriff return, that the debtor cannot be found, or that he is Clerk, the Merchant ſhall have writs to all the Sheriffs, where he ſhall have land, and that they ſhall deliver unto him all the goods and lands of the debtor by a reaſonable extent, to hold unto him and his aſſignes in the form aforeſaid: and at the leaſt he ſhall have a writ to what Sheriff he will, to take his body (if he be Lay) and to retain it in manner aforeſaid. And let the keeper of the priſon take heed, that he muſt anſwer for the body, or for the debt. And after that the debtors lands be delivered to the Merchant, the debtor may lawfully ſell his land, ſo that the Merchant have no damage of the approvements: and the Merchants ſhall always be allowed for their damages, and all coſts, labours, ſuits, delaies, and expences reaſonable. And if the debtor find ſureties, which do acknowledge themſelves to be principal debtors after the day paſſed, the ſureties ſhall be ordered in all things as is ſaid of the principal debtor, as to the arreſt of body, delivery of lands, and other things. And when the lands of the debtors be delivered unto the Merchant, he ſhall have ſeiſin of all the lands that were in the hand of the debtor, the day of the recogniſance made, in whoſe hands ſoever that they come after, either by feoffment, or otherwiſe. And after the debt paid, the debtors lands, and the iſſues of lands of debtors by feoffment ſhall return again, as well to the feoffee, as the other lands unto the debtors. And if the debtor or his ſureties die, that Merchant ſhall have no authority to take the body of his heir, but he ſhall have his lands as before is ſaid, if he be of age, or when he ſhall be of full age, until he hath levied of the lands the amountment and value of the debt. And a Seal ſhall be provided, that ſhall ſerve for Fairs, and the ſame ſhall be ſent unto every Fair under the Kings Seal by a Clerk ſworn, or by the keeper of the Fair. And of the comminalty of the Merchants of the City of London, two Merchants ſhall be choſen, that ſhall ſwear, and the Seal ſhall be opened before them, and the one piece ſhall be delivered unto the foreſaid Merchants, and the other ſhall remain with the Clerk. And before them or one of the Merchants (if both cannot attend) the Recogniſances ſhall be taken, as before is ſaid; and before that any recogniſance be inrolled, the pain of the Statute ſhall be openly read before the debtor, ſo that after he cannot ſay that any did put another penalty then that whereto he bound himſelf: And to maintain the coſts of the ſaid Clerk, the King ſhall take of every pound a peny, in every Town where the Seal is, except Fairs, where he ſhall take one peny half peny, of the pound. This ordinance and act the King willeth to be obſerved from henceforth throughout his Realm of England and Ireland, amongſt the which people they that will, may make ſuch Recogniſances (except Jews, to whom this ordinance ſhall not extend:) And by this Statute a writ of debt ſhall not be abated; and the Chancellor, Juſtices of either Bench, and Juſtices errants, ſhall not be eſtopped to take recogniſance of debts before them knowledged and made, but the execution of recogniſances made before them, ſhall not be done in the form aforeſaid, but by the law and manner before uſed, and otherwiſe provided in other Statutes.

Fitz. Ex. cut. 79. 37 H. 6. f. 6.

Within what time the debtor may ſell his Land. Regiſt. f. 146. Regiſt. Jud. f. 5. Fitz. N. B. f. 130.

17 Ed. 3. f. 43. 47 Ed. 3. f. 11. Fitz. Execut. 49. 89. 118. 154. Co. l. 4. f. 67. Dyer f. 206. Co. l. 4. f. 67. Fitz. Aſſ. 9. 69. 82. 130. 216. 262. 331. 402. Fitz. Receit 112. Fitz. Ancient demeſne 24.

What eſtate the Merchant ſhall have in the debtors Lands.

Fitz. Execut. 84.

St. 13 Ed. 1. 26.

Fitz. Execut. 97. 22 Aſſ. pl. 45. 7 H. 4 f. 10. Dyer f. 206. Co. l. 7. f. 39. Co. l. 4 f. 67. Fitz. Aſſiſe 402.

How the debtors ſureties ſhall be uſed.

What Lands ſhall be extended.

The heirs lands, but not his body, ſhall be extended.

A Seal for Fairs.

The Statute ſhall be read to the debtor.

Bro. Recog. 16. 17. 18. 21.

The Kings duty upon a ſtatute acknowledged.

Taking of Recogniſances.

REX vic. ſalutem. Quia coram tali majore vel cuſtode talis ville, vel coram cuſtode ſigilli noſtri de mercatoribus in nundinis in tali loco, & tali clerico noſtro A. recognovit debere B. tantum quod ſolviſſe debuit tali die & tali anno, quod idem A. nondum ſolvit ut dicit. Tibi præcipimus, quod corpus predicti A. ſi laicus ſit, capias, & in priſona noſtra ſalvo cuſtodiri facias, quouſque de prædict. debito ſatisfecerit. Et qualiter hoc præceptum noſtrum fueris executus, ſcire facias Juſticiariis noſtris apud Weſtmonaſterium per literas tuas ſigillatas, & habeas ibi hoc breve. Teſte, &c. St. 27 Ed. 39. St. H. 8. 6. Raſt. pla. fo. 97. 742. &c.

The Statute of *Circumſpecte agatis*, made 13 E. 1. & *An. Dom.* 1285.

CAP. I.

Certain caſes wherein the Kings prohibition doth not lie.

The King to his Judges ſendeth Greetings. Uſe your ſelves circumſpectly in all matters concerning the Biſhop of Norwich and his Clergy, not puniſhing them if they hold plea

Co. Inſt. 2 par. 487.

Caſes wherein the Kings prohibition doth not lie.

in Court Chriſtian of ſuch things as be meer ſpiritual, that is to wit, of penance enjoyned by Prelates for deadly ſin, as Fornication, Avowtery, and ſuch like, for the which ſometimes corporal penance, and ſometime pecuniary is enjoyned, ſpecially if a freeman be convict of ſuch things. Alſo if the Prelates do puniſh for leaving the Church-yard uncloſed, or for that the Church is uncovered, or not conveniently decked, in which caſes none other penance can be enjoyned but pecuniary.

Co.l.7.f.44.

Co.l.5.f.67.

Tithes and offerings.

Item, if a Parſon demand of his Pariſhioners, oblations or tithes due and accuſtomed, or if any parſon do ſue againſt another parſon for tithes greater or ſmaller, ſo that the fourth part of the value of the benefice be not demanded.

8 Ed.4.34. 2 H.5.f.10. Fitz. Prohibition 18.20.27.

Mortuaries.

Item, if a parſon demand Mortuaries, in places where a Mortuary hath been uſed to be given.

Penſion. Defamation.

Item, if a Prelate of a Church, or a Patron demand of a Parſon a penſion due to him, all ſuch demands are to be made in a Spiritual Court. And for laying violent hands on a Clerk, and cauſe of defamation, it hath been granted already that it ſhall be tried in a Spiritual Court, when money is not demanded, but a thing done for puniſhment of ſin, and likewiſe for breaking an oath. In all caſes afore rehearſed the Spiritual Judge ſhall have power to take knowledge, notwithſtanding the Kings prohibition. St. 9 Ed. 2. 1. &c. Regiſt. fo. 36. 45. 50. 51. 57. &c. V. N. B. fo. 30. Fitz. N. B. fo. 39. &c. Raſt. pla. fo. 483.

Breach of an oath.

Co.l.4.f.20. Kel.f.39. 22 Ed.4.f.20. 12 H.7.f.22. Bro. Prohibition 18 21. Bro. A. fur. caſe 115. 22 Aſſ. pla. 70. 38 H.6.f.29. 11 H.4.f.88.

The Statute of Weſtminſter the third, *viz.* of *Quia emptores terrarum*, made *Anno* 18 Ed. 1. & *Anno Dom.* 1290.

CAP. I.

The Feoffee ſhall hold his land of the chief Lord, and not of the Feoffor.

Co Inſt. 98 b. 143. 2 par. 500.

Foraſmuch as purchaſers of Lands and tenements of the Fees of great men and other Lords, have many times heretofore entred into their Fees, to the prejudice of the Lords, to whom the Freeholders of ſuch great men have ſold their land and tenements to be holden in fee of their Feoffors, and not of the chief Lords of the fees, whereby the ſame chief Lords have many times loſt their Eſcheats, Marriages, and Wardſhips of Lands and Tenements belonging to their fees: which thing ſeemed very hard and extream unto thoſe Lords, and other great men, and moreover in this caſe manifeſt diſheritance: Our Lord the King in his Parliament at Weſtminſter after Eaſter the eighteenth year of his reign, that is to wit, in the quinzime of S. John Baptiſt, at the inſtance of the great men of the Realm, granted, provided, and ordained, that from henceforth it ſhall be lawful to every Freeman to ſell at his own pleaſure, his Lands and Tenements, or part of them, ſo that the Feoffee ſhall hold the ſame land or tenements of the chief Lord of the ſame Fee, by ſuch ſervice and cuſtoms as his Feoffor held before.

The feoffee ſhall hold his Land of the chief Lord, and not of the Feoffor.

27 H.8.f.26. Dyer f.4.3. 3 Aſſ.pl.8. Fitz. Avowry. 108.185. 255.

CAP. II.

If part of the Land be ſold, the Services ſhall be apportioned.

If part of the Land be ſold, the Services ſhall be apportioned.

And if he ſell any part of ſuch Lands or Tenements to any, the Feoffee ſhall immediately hold it of the chief Lord, and ſhall be forthwith charged with the Services, for ſo much as pertaineth or ought to pertain to the ſaid chief Lord for the ſame parcel, according to the quantity of the Land or tenement ſo ſold. And ſo in this caſe the ſame part of the ſervice ſhall remain to the Lord, to be taken by the hands of the Feoffee, for the which he ought to be attendant and anſwerable to the ſame chief Lord according to the quantity of the Land or Tenement ſold for the parcel of the Services ſo due. Fitz. N. B. fo. 235. Co. Inſt. 2 par. 503.

1 Ed.f.12: Dyer f.299. Fitz. Avowry. 101.108.218. Fitz. Hariot. 1 Bro. Tenures 2.65. Co.l.6.f.1.8. f.105. 27 H.8.f.26. 5 H.7.f.5. 40 Ed.3.f.40. 34 Aſſ.pla.15. Co.Inſt.43.b.

CAP. III.

No Feoffement ſhall be made to aſſure land in Mortmain.

No feoffment ſhall be made to aſſure land in Mortmain. St. 7 Ed. 1. The Statute extendeth to Fee-ſimple-land only.

And it is to be underſtanden, That by the ſaid ſales or purchaſes of lands or tenements, or any parcels of them, ſuch lands or tenements ſhall in no wiſe come into Mortmain, either in part or in whole, neither by policy ne craft, contrary to the form of the Statute made thereupon of late. And it is to wit, that this Statute extendeth but only to lands holden in Fee-Simple. And that it extendeth to the time coming, and it ſhall begin to take effect at the Feaſt of Saint Andrew the Apoſtle next coming. Given the eighteenth year of the reign of King Edward ſon to King Henry. Fitz. N. B. fo. 222. St. 9 H. 3. 32.

Co.Inſt.2 par. 504.

The Statute of *Quo warranto*, made *Anno* 18 *Edwardi* 1. and *Anno Domini* 1290.

How they ſhall hold their Liberties, which claim them by Preſcription, or grant. A Quo warranto ſhall be pleaded and determined before Juſtices in Eyre.

Co. Inſt. 2 par. 594.

Foraſmuch as Writs of Quo warranto, and alſo Judgments given upon Pleas of the ſame, were greatly delayed, becauſe the Juſtices in giving Judgment were not certified of the Kings pleaſure therein: Our Lord the King at his Parliament holden at Weſtminſter,

Fitz. Brief 886. Kel. f.137. &c. Co.l.9.f.23.

Bro.Quo warranto 1.2.3.4.6.8.11. Bro.Preſcription 10.14.18.32.33.34.52.54.64.65.73.83.98.107.108. Bro.Franchiſe 5.10.14.22.26.37.

They which have liberties by preſcription, ſhall enjoy them. Fitz.N.B.f.116.

ſter, after the Feaſt of Eaſter, the eighteenth year of his reign, of his ſpecial grace, & for the affection that he beareth unto his Prelates, Earls and Barons, and other of his Realm, hath granted, that all under his allegiance, whatſoever they be, as well ſpiritual as other, which can verifie by good Enqueſt of the Countrey, or otherwiſe; that they and their anceſtors or predeceſſors, have uſed any manner of Liberties, whereof they were impleaded by the ſaid Writs before the time of King Richard our Couſin, or in all his time, and have continued hitherto (ſo that they have not miſuſed ſuch Liberties) that the parties ſhall be adjourned further unto a certain day reaſonable before the ſame Juſtices, within the which they may go to our Lord the King, with the Record of the Juſtices, ſigned with their Seal, and alſo return. And our Lord the King by his Letters Patents ſhall confirm their eſtate. And they that cannot prove the ſeiſin of their Anceſtors or Predeceſſors in ſuch manner as is before declared, ſhall be ordered and judged after the Law and Cuſtom of the Realm; and ſuch as have the Kings Charter, ſhall be judged according to their Charters.

Fitz.Conuſance 16.19.21.26.28.31.36.39.46.51.54.57.60.61.62.63.64.81.87.91.

Liberties by the Kings grant. When pleas of Quo warranto ſhall be determined.

Moreover, the King of his ſpecial grace hath granted, that all judgments that are to be given in Pleas of Quo warranto, by his Juſtices at Weſtminſter, after the foreſaid Eaſter, for our Lord the King himſelf; if the parties grieved will come again before the King, he of his grace ſhall give them ſuch remedy, as before is mentioned. Alſo our ſaid Lord the King hath granted for ſparing of the coſts and expences of the people of his Realm, that Pleas of Quo warranto, from henceforth ſhall be pleaded and determined in the Circuit of the Juſtices, and that all Pleas now depending ſhall be adjourned into their own Shires, until the coming of the Juſtices into thoſe parts. V.N.B.fo.160. Raſt.pla.fo.540.

3 H.7.f.15.

Another new Statute of *Quo warranto* made the ſame year to that effect.

Co.l.9.f.23.&c.

Liberties by preſcription or the Kings grant.

Concerning the Writ that is called Quo warranto, our Lord the King at the Feaſt of Pentecoſt, in the eighteenth year of his reign, hath eſtabliſhed, that all thoſe which claim to have quiet poſſeſſion of any Franchiſe, before the time of King Richard, without interruption, and can ſhew the ſame by a lawful Enqueſt, ſhall well enjoy their poſſeſſion. And in caſe that ſuch poſſeſſion be demanded for cauſe reaſonable, our Lord the King ſhall confirm it by title. And thoſe that have old Charters of Franchiſe, ſhall have the ſame Charters adjudged according to the tenour and form of them; and thoſe that have loſt their Liberties ſith Eaſter laſt paſſed by the foreſaid Writ, according to the courſe of pleading in the ſame Writ heretofore uſed, ſhall have reſtitution of their Franchiſe loſt, and from henceforth they ſhall have according to the nature of this preſent conſtitution. V.N.B.260. Raſt.pla.fo.540.

The Statute of Fines, made *Anno* 18 of Edw. the firſt, and *Anno Dom.* 1290.

The manner of levying of Fines: what things be requiſite to make them good, and who are bound by them.

Co.Inſt. 2 par. 510.

When the Writ Original is delivered in preſence of the parties before Juſtices, a Pleader ſhall ſay this: Sir Juſtice Conge de accorder. And the Juſtice ſhall ſay to him, What ſaith Sir R. and ſhall name one of the parties. Then when they be agreed of the ſum of money, that muſt be given to the King, then the Juſtice ſhall ſay, Cry the peace. And after the Pleader ſhall ſay: In ſo much as peace is licenſed, thus unto you W.S. & A. his wife, that here be, do acknowledge the Mannor of B. with the appurtenances, contained in the Writ, to be the right of our Lord the King: which he hath of their gift. To have and to hold to him and his heirs, of the ſaid W. & A. and the heirs of A. as in Demeans, Rents, Seigniories, Courts, Pleas, Purchaſes, Wards, Marriages, Reliefs, Eſcheats, Mills, Advowſons of Churches, and all other Fhanchiſes and free cuſtoms to the ſaid Mannor belonging, paying yearly to R. and his heirs as chief Lords of the Fee, the ſervices and cuſtoms due for all ſervices. And it is to be noted, that the order of the Law will not ſuffer a final accord to be levied in the Kings Court without a Writ original, and that muſt be at the leaſt before four Juſtices in the Bench, or in Eyre, and not otherwiſe, and in preſence of the parties named in the Writ, which muſt be of full age, of good memory, and out of priſon. And if a woman covert be one of the parties, then they muſt be firſt examined by four of the ſaid Juſtices. And if ſhe doth not aſſent thereunto, the fine ſhall not be levied. And the cauſe wherefore ſuch ſolemnity ought to be done in a fine, is, becauſe a fine is ſo high a bar, of ſo great force, and of ſo ſtrong nature in himſelf, that it concludeth not only ſuch as be parties, and privies thereto and their heirs, but all other people of the world, being of full age, out of priſon, of good memory, and within the four Seas, the day of the fine levied, if they make not their claim of their action within a year and a day by the Countrey. St. 15 E.2. of Carliſle.

Coke l.5.f.37.

The order of levying of a fine. Regiſt.f.165. Fitz.N.B.f.146. I.&c. Raſt.pla.f.340. The form of a fine.

8 H.7.f.10.

What things be requiſite to make a fine good. St.27 Ed.1.1.

Co.l.4.f.125. l.8.f.103. 4 Ed.3.f.46. Fitz.Continual claim.13.

What perſons ſhall be concluded by a fine. St.1 R.3.7. St.4 H.7.24.

The Statute of Vouchers, made *Anno* 20 of Edw.1. and *Anno Dom.* 1292.

In a Plea of Land the Tenant voucheth, and the Demandant counterpleadeth.

Whereas the Tenant impleaded in a Plea of land heretofore had vouched to warranty, and thereupon the demandant would averre, that neither he that is vouched, nor any of his Anceſtors (ſince the time that the Anceſtor of the Demandant was ſeiſed) was in poſſeſſion of the ſaid lands, neither in Demean, nor in Service; if the party vouched were preſent, and would warrantiſe the land freely unto the Tenant, ſuch averment of the Demandant hath not been uſed to be admitted, unleſs the party vouched had been abſent,

Voucher.

and

St.3Ed.1.39.

and that by reaſon of a certain Statute of the Kings lately made amongſt other Statutes of Weſtminſter the firſt.

In plea of land the tenant voucheth one preſent, and the demandant counterpleadeth the voucher.

Wherefore our Lord the King, conſidering the fraud, deceit, and malice, and alſo his own damage and diſheriſon of his Crown, that in the ſaid caſe hath many times happened in this Court, and daily doth, whereas ſome holding of the King in chief by a whole Barony, in a Plea hanging before the Juſtices of the Bench, upon their demand do vouch particularly baſe perſons unknown and ſtrangers (which they will bring forth) and of whom neither they nor their Anceſtors had ever any thing in the lands that they warranted, nor in any other lands or tenement within this Realm, neither in Demeaſn nor in Service, as hath been teſtified by divers of the Kings faithful Subjects; ſo that by ſuch covine, fraud and malice, the ſame Tenants holding by an entire Barony, do defraud the King of the amerciament that they ſhould incur, if the Demandant ſhould recover againſt them:

And likewiſe when ſuch baſe perſons have warranted, that is to wit, every one for his portion that he ought to warrant, he may defend himſelf by the body of his ſervant procured and hired by them that hold Baronies, and ſo upon one Writ and one Demand, there were two or three wagers of battail, the which was a hard and perilous example for poor men in time coming that ſhall be demandants againſt great and rich men, which will defend themſelves by the malice aforeſaid: And the demandant cannot have his averment againſt ſuch Warrantors, when they be vouched in form aforeſaid, becauſe they be preſent, and will warrantiſe freely: By his Common Council hath ordained, and from henceforth, that is to ſay, from the Feaſt of Saint Hillary, the twentieth year of his reign, he hath commanded to be obſerved, that when the Tenant doth vouch any to warranty, and the Demandant will averre in form before rehearſed, his averment ſhall be admitted, whether the party vouched be abſent, or preſent, without any reſpect had unto his abſence or preſence. Raſt. pla. fo.354.687.&c.

Averment.

Fitz. voucher.

A Statute of Waſte, made *Anno* 20 Ed. 1. & *Anno Dom.* 1292.

Tenant for life committeth Waſte, he in the Reverſion brought an Action of Waſte, and dieth before Judgment, his heir brought an Action for the ſame Waſte.

William Butler, which is within age, and in Ward of our Lord the King, hath ſhewed unto his Highneſs, that where Gawin Butler his brother (whoſe heir he is) had impleaded one Walter de Hapeton, by the Kings Writ, for waſte and deſtruction made by him the ſaid Walter, in certain his lands and tenements which the ſame Walter held for term of his life, of the inheritance of the foreſaid Gawin in Wimme and Thirke: And the foreſaid Gawin before he had obtained judgment, died. After whoſe death the foreſaid William by like Writ impleaded the foreſaid Walter, for the waſte and deſtruction made by him of long time. The ſame Walter before Gilbert Thornton, and his companions aſſigned to hear the Kings Pleas, came in and ſaid that he ought not to anſwer to the ſame William for the waſte and deſtruction made in the time of another, before the right of the ſaid inheritance deſcended unto him, and thereupon demanded judgment. And for as much as certain Juſtices did not agree in giving of the ſaid judgment, becauſe it ſeemeth to ſome that it ſhould not be agreeable to the Law, that any perſon ſhould obtain advantage and recompence by the foreſaid Writ, which is a Writ of treſpaſs done to a perſon certain, but only the ſame perſon to whom and in whoſe time the treſpaſs was done. Other Juſtices with the more part of the Kings Council, were in the contrary opinion, alleadging by divers reaſons that the ſaid William ought to be heard and anſwered unto, and all other whatſoever they be, in like caſes or in like treſpaſſes. And becauſe like matters have remained not amended, and treſpaſſes unpuniſhed which was convenient:

Tenant for life committeth waſte, and he in the reverſion hangeth an action of waſte, and dieth before judgment, and his heir bringeth an action of the ſame waſte, and recovereth. St.13 Ed.1.14.

Wherefore our Lord the King in his full Parliament holden the day after the Feaſt of the Purification, in the twentieth year of his reign, by a general Council hath ordained, and from henceforth hath commanded to be ſtraightly obſerved, that every heir (in whoſe ward ſoever he be, and as well within age as of full age) ſhall have his recovery by a Writ of Waſte in the foreſaid caſe, and alſo in other where the ſame Writ ought to hold place: and it ſhall hold place as well for waſte and deſtruction made in lands and tenements of his own inheritance, and as well in the times of his anceſtors, as at any other time that the Fee and inheritance deſcended unto him, and ſhall be anſwered unto therefore. And that he ſhall recover the tenements waſted, and damages, as it is ordained in the ſecond Statute of Weſtminſter, of damages to be recovered in a Writ of Waſte, if the tenant be convict of Waſte. And it is commanded by the King himſelf unto the ſame Gilbert Thornton and his companions, that they do proceed in the foreſaid matter, and in other like from henceforth, and judgment ſhall be given according as the matter is found. And likewiſe it is commanded unto the Juſtices, that they ſhall cauſe all the foreſaid things to be ſtraightly obſerved before them from henceforth. Regiſt.fo.73.

The Statute *De defenſione Juris*, made *Anno* 20 Ed. 1. and *Anno Dom.* 1292.

Where a ſtranger coming in by a Collateral title not party to the ſuit, ſhall be received.

Where one by the Kings Writ doth demand any tenements againſt tenant by the courteſie, in tail, in dower, or for term of life, or of years, and the demandant ſueth ſo far that the lands be in manner recovered, whereupon another not party to the ſuit cometh in before judgment given, and ſaith that he hath Fee and right in thoſe lands, and prayeth

the

St. 13 Ed. 1. 4.

the Court, that in as much as he is come before judgment, ready to defend his tenement, and to make anſwer unto the demandant, that he may be admitted thereunto by force of a Statute made by the King that now is, amongſt other the laſt Statutes made at Weſtminſter; by which Statute as well ſuch as had no right as they which had right, oftentimes in the caſe before mentioned, falſly, and in deceit of the Court, did come in and pray to be received to make anſwer, that by their admiſſion they might prolong the demandant from the judgment and ſeiſin of the Land, and to cauſe their demandants to plead of new; and ſo the demandants are greatly deferred in the caſe aforeſaid, to recover their right in the Kings Court, by reaſon of ſuch malice, as well by miſtaking of the ſaid Statute, as for any other cauſe juſt and reaſonable, and this is uſed and found often before our Juſtices: Wherefore our Lord the King, for to withſtand all ſuch malice in the foreſaid caſe, and intending to provide a remedy therein, in his full Parliament, and by his common Councel hath ordained, and from henceforth commandeth ſtraitly to be obſerved: That is to wit, from the Monday next after the Feaſt of the Purification of the Virgin, the twentieth year of his Reign, that when any before judgment in the foreſaid caſe cometh in by a collateral title, and deſireth to be received; before his receit he ſhall find ſufficient ſurety, (as the Court will award) to ſatisfie the demandant of the value of the lands ſo to be recovered from the day that he is received to make anſwer, until the time that final judgment be given upon the petition of the demandant. And if the demandant recover his demand, the defendor ſhall be grievouſly amerced, if he have whereof; and if he have not, he ſhall be impriſoned at the Kings pleaſure. And if he can prove his right to be as good as he affirmed at ſuch time as he was received, he ſhall go quit. Raſt. pla. f. 530.

Dyer f. 104. Kel. f. 110. 150. Fitz. Resceit. 76. 80. 99. 189. Fitz. Surety 2. 3. 6. 7. 9. 10. 11. 14. 16. 17. 20. 26.

Where a ſtranger cometh in by a collateral title to be received, he ſhall find ſureties. St. 13. R. 2. 17.

Stat. de hiis qui ponendi ſunt in Aſſiſis, made 21 Edw. 1. and *Anno Dom.* 1293.

What Freehold-Lands Jurors muſt have, which ſhall paſs in Trial within the ſame County, or without.

Foraſmuch as our Lord the King by continual and grievous complaint of his inferior people, doth perceive that divers perſons being of leaſt ability of his Realm, are many times intolerably troubled by Sheriffs and their Bailiffs, Bailiffs of Liberties which impanel them to the Recogniſances of Aſſiſes, Juries, Inqueſts, and Attaints tryable out of the Shires where they be dwelling: And to ſpare the rich people, and ſuch as be more able, by whom the truth of the matter might be better known, whereby greater expences and trouble doth daily manifeſtly enſue, to the impoveriſhment and utter diſheriting of many: Our ſaid Lord the King, providing for the indemnity of his people, and deſiring to ſet convenient remedy in the premiſſes for the publick weal of his Realm, in his Parliament holden in the term of Saint Michael, the one and twentieth year of his Reign, hath ordained in this behalf: That no Sheriff, Under-ſheriff, or their Bailiffs, Stewards, or Bailiffs of Liberties, ſhall from henceforth put in any Recogniſance aboveſaid, that ſhall paſs out of their proper Counties, or Bailiwicks, any except he have Lands and Tenements to the yearly value of a C. s. at the leaſt. And the King intendeth not by this Statute to reſtrain the laſt Statute of Weſtminſter, wherein mention is made of Recogniſors to be put in Juries and Aſſiſes, but of ſuch only as ought to paſs in Aſſiſes, Juries, and Recogniſances triable out of their proper Counties: ſo that within the County before Juſtices of our Lord the King, or other Miniſters aſſigned to the taking of any ſuch Inqueſts, Juries, or other Recogniſances, none ſhall be impanelled, except he have Lands or Tenements to the yearly value of xl. s. And likewiſe ſaving that before Juſtices Errant that hold Common Pleas in their Circuit, and alſo in Cities, Boroughs, and other Market-Towns, where Recogniſances, Aſſiſes, and Juries, or Inqueſts, do paſs upon any matter touching the ſaid Cities, Boroughs, and other Towns, it ſhall be done like as hath been accuſtomed in times paſſed. T. R. at the Tower of London xiii. day of December, in the xxii. year of his Reign. St. 27 Ed. 6. St. 28 Ed. 1. 9. Regiſt. f. 186. 178. Fitz. N. B. f. 165. 166.

Kel. f. 97.

What freehold land thoſe Jurors muſt have which paſs in tryals. St. 13 Ed. 1. 38. St. 34 Ed. 3. 4. St. 42 Ed. 3. 11. St. 35 H. 8. 6. St. 2 Ed. 6. 32. Juries in Cities or Boroughs.

Rex, &c. Quia ad communem utilitatem populi noſtri & regni de communi conſilio ejuſdem regni ſtatuerimus ne aliquis ponatur in juratis, aſſiſis, ſeu recognitionibus aliquibus extra comitatum ſuum proprium faciendis, niſi habeat terras aut tenementa ad valentiam centum ſolidorum per annum ad minus, nec infra comitatum ſuum niſi habeat terras aut tenementa ad valentiam xl. s. per annum ad minus, prout in ſtatuto illo quod tibi mittimus ſub ſigillo noſtro, et quod in omnibus et ſingulis articulis ſuis de cætero obſervari volumus & firmiter teneri plenius continetur: tibi præcipimus & firmiter injungimus quod ſtatutum illud in pleno comitatu tuo, & in civitatibus, burgis & villis mercatoriis, & aliis locis publicis & ſolemnibus in balliva tua ubi neceſſe fuerit, & expedire videris, legi & publice proclamari, & illud in omnibus & ſingulis ſuis articulis (quantum in te eſt) obſervari facias et firmiter teneri. Et hoc ſicut grave damnum tuum vitare volueris, nullo modo omittas. Teſte, &c.

A Writ to the Sheriff to proclaim his ſtatute.

Stat. De malefactoribus in parcis, made *Anno* 21. *Edw.* 1. and *Anno Domini* 1293.

In what caſes the killing of Offenders in Foreſts, Chaſes, or Warrens is puniſhable, in what not.

To the intent that treſpaſſors in Foreſts, Chaſes, Parks and Warrens, may more hardly fear hereafter to enter and treſpaſs in the ſame then they have heretofore, Our Lord the King at his Parliament after Eaſter the xxi. year of his Reign, at the inſtance

Coke pla. f. 243.

In what caſes the killing of ſome perſons in Foreſts, Chaſes, or Parks is lawful, in what not.

of the Nobles of his Realm, hath granted and commanded to be from henceforth firmly obſerved, that if any Foreſter, Parker, or Warrenor, ſhall find any Treſpaſſors wandring within his Liberty intending to do damage therein, and that will not yield themſelves to the Foreſters, Warrenors, or Parkers, after huy and cry made to ſtand unto the peace, but do continue their malice, and diſobeying the Kings peace, do flee, or defend themſelves with force and arms: although ſuch Foreſters, Parkers, and Warrenors, or any other coming in their company, and aiding ſuch Foreſters, Parkers, and Warrenors in the Kings peace, do kill any offender or offenders being ſo found, either in arreſting or taking them, or any of them, they ſhall not be troubled upon the ſame before the King and his Juſtices, or before any other the Kings Bailiffs, or any other within any Franchiſe or without. Nor ſhall leeſe for ſo doing either life or limb, or ſuffer any other puniſhment, but ſhall enjoy the Kings peace as they did before.

Dyer f. 189. Coke l. 8. f. 138.

Notwithſtanding, let all ſuch Foreſters, Parkers, Warrenors, and all other beware, that by reaſon of any malice, diſcord, debate, or other evil will had beforetime, they do not maliciouſly pretend againſt any perſon paſſing through their Liberties, that they come thither for to treſpaſs or miſdoe, when of truth they did nothing, nor were not found as treſpaſſers, and ſo kill them: for if they do, and be convict thereupon, the death of ſuch perſons ſhall be inquired, and execution ſhall be done in like manner, as is done for other of the Kings ſubjects ſtanding in his peace, and like as it ought to be done of right, and according to the Law and Cuſtom of our Realm.

The Statute of the Writ of Conſultation, made *Anno* 24 of *Ed.* the firſt, and *Anno Dom.* 1296.

In what caſe a Conſultation is grantable.

Prohibition. In what caſes a conſultation is to be granted. St. 50. Ed. 3. 4.

12 H. 7. f. 10. 2 H. 4. [illegible] Fitz. Conſult. 1. 2. 4. 5.

Whereas Eccleſiaſtical Judges have often ſurceaſed to proceed in cauſes moved before them, by force of the Kings Writ of Prohibition, in caſes whereas remedy could not be given to Complainants in the Kings Court, by any Writ out of the Chancery, becauſe that ſuch plaintiffs were deferred of their right and remedy in both Courts, as well temporal as ſpiritual, to their great damage, like as the King hath been advertiſed by the grievous complaint of his Subjects: Our Lord the King willeth and commandeth, That where Eccleſiaſtical Judges do ſurceaſe in the aforeſaid caſes, by the Kings prohibition directed unto them, That the Chancellor, or the chief Juſtice of our Lord the King for the time being, upon ſight of the Libel of the ſame matter, at the inſtance of the plaintiff (if they can ſee that the caſe cannot be redreſſed by any Writ out of the Chancery, but that the Spiritual Court ought to determine the matter) ſhall write to the Eccleſiaſtical Judges, before whom the cauſe was firſt moved, that they proceed therein, notwithſtanding the Kings prohibition directed to them before. Regiſt. f. 44. Fitz. N. B. f. 50. c. 53. h. V. N. B. f. 32. Raſt. pla. f. 483.

Statutes made at *London* the Tenth day of *October*, *Anno* 25 Ed. 1. and *Anno Dom.* 1297.

CAP. I.

A Confirmation of the great Charter, and the Charter of the Foreſt.

A confirmation of the great Charter, and the Charter of the Foreſt.

Edward by the grace of God, King of England, Lord of Ireland, and Duke of Guian, to all thoſe that theſe preſent Letters ſhall hear or ſee, greeting. Know ye that we to the honour of God, and of holy Church, and to the profit of our Realm, have granted for us and our heirs, That the Charter of Liberties, and the Charter of the Foreſt, which were made by common aſſent of all the Realm, in the time of King Henry our father, ſhall be kept in every point without breach. And we will that the ſame Charters ſhall be ſent under our Seal, as well to our Juſtices of the Foreſt, as to others, and to all Sheriffs of Shires, and to all our other Officers, and to all our Cities throughout the Realm, together with our Writs, in the which it ſhall be contained, That they cauſe the foreſaid Charters to be publiſhed, and to declare to the people, that we have confirmed them in all points, and that our Juſtices, Sheriffs, Mayors, and other Miniſters, which under us have the Laws of our Land to guide, ſhall allow the ſame Charters pleaded before them in judgment in all their points, that is to wit, the great Charter as the Common law, and the Charter of the Foreſt, for the wealth of our Realm. Co. Inſt. 2 par. 527.

The great Charter, the common Law.

CAP. II.

Judgments given againſt the ſaid Charters, ſhall be void.

Judgments given againſt the great Charter, ſhall be void.

Co. Inſt. 2 par. 526.

And we will that if any judgment be given from henceforth contrary to the points of the Charters aforeſaid by the Juſtices, or by any other our Miniſters that hold Plea before them againſt the points of the Charters, it ſhall be undone, and holden for nought. Stat. 42 E. 3. ca. 1.

CAP. III.

The ſaid Charters ſhall be read in Cathedral Churches twice in the year.

The Charters ſent to Cathedral Churches.

And we will that the ſame Charters ſhall be ſent under our Seal, to Cathedral Churches throughout our Realm, there to remain, and ſhall be read before the people two times by the year. Co. Inſt. 2 par. 527.

CAP.

CAP. IV.

Excommuication ſhall be pronounced againſt the breakers of the ſaid Charters.

Co.Inſt.2.par. 527.

AND that all Archbiſhops & Biſhops, ſhall pronounce the ſentence of Excommunication againſt all thoſe that by word, deed, or counſel, do contrary to the foreſaid Charters, or that in any point break or undo them. And that the ſaid curſes be twice a year denounced and publiſhed by the Prelates aforeſaid. And if the ſame Prelates or any of them, be remiſs in the denunciation of the ſaid ſentences, the Archbiſhops of Canterbury and York for the time being, ſhall compel and diſtrain them to the execution of their duties in form aforeſaid.

The Biſhops excommunication againſt the breakers of the Charters.

CAP. V.

Aids, Tasks, and Prices granted to the King, ſhall not be taken for a Cuſtom.

Co.Inſt.2 par. 527.

AND for ſo much as divers people of our Realm are in fear, that the aids and tasks which they have given to us before-time towards our wars, and other buſineſs, of their own grant and good will (howſoever they were made) might turn to a bondage to them and their heirs, becauſe they might be at another time found in the Rolls, and likewiſe for the prices taken throughout the Realm by our Miniſters: We have granted for us and our heirs, that we ſhall not draw ſuch aids, tasks, nor prices into a cuſtom, for any thing that hath been done heretofore, be it by Roll, or any other preſident that may be founden.

Aids and tasks granted to the King, ſhall not be taken for a cuſtom.

CAP. VI.

The King or his heirs will take no aids or prices but by the conſent of the Realm, and for the common profit thereof.

Co.Inſt.2 par. 529.

MOreover we have granted for us and our heirs, as well to Archbiſhops, Biſhops, Abbots, Priors, and other folk of holy Church, as alſo to Earls, Barons, and to all the communalty of the land, that for no buſineſs from henceforth we ſhall take ſuch manner of aids, tasks, nor prices, but by the common aſſent of the Realm, and for the common profit thereof, Saving the ancient aids and prices due and accuſtomed. 34 E.1.ca.1.

The King will take no aids, &c. but by the common conſent of the Realm, and for the profit thereof.

CAP. VII.

A Releaſe of Toll taken by the King for Wooll. And a grant that he will not take the like without common conſent and good will.

AND for ſo much as the more part of the communalty of the Realm find themſelves ſore grieved with the maletent of wolls, that is to wit, a toll of forty ſhillings for every ſack of wooll; and have made petition to us to releaſe the ſame: We at their requeſt have clearly releaſed it, and have granted for us and our heirs that we ſhall not take ſuch things without their common aſſent and good will. Saving to us and our heirs the cuſtom of wolls, skins, and Leather, granted before by the communalty aforeſaid. In witneſs of which things we have cauſed theſe our Letters to be made Patents. Witneſs Edward our ſon at London, the tenth day of October, the five and twentieth year of our Reign. Co. Inſt. 2 par. 76.

A releaſe of toll of wooll.

Anno 25 Ed. 1. A ſentence of Excommunication pronounced by the Clergy againſt the breakers of the Articles aforeſaid. Specified in the Statutes at large.

Stat. de Finibus levatis, made *Anno 27 Ed.* 1. and *Anno* 1299.

No exception to a Fine that the demandant was ſeiſed. Fines ſhall be openly read.

Co.Inſt.2 par. 521.

FOraſmuch as Fines levied in our Court, ought, and do make an end of all matters, and therefore are called Fines principally, where after waging of battail or the great Aſſiſe in their caſes ever they hold the laſt and final place. And now by a certain time paſſed, as well in the time of King Henry of famous memory our grandfather, as in our time, the parties of ſuch Fines and their heirs contrary to the Laws of our Realm, of ancient time uſed, were admitted to adnul and defeat ſuch Fine, alledging that before the Fine levied, and at the levying thereof, and ſince, the demandants or plaintiffs or their anceſtors were alway ſeiſed of the lands contained in the fine, or of ſome parcel thereof: and ſo fines lawfully levied, were many times unjuſtly defeated and adnulled by Jurors of the Countrey falſly and maliciouſly procured: We therefore intending to provide a remedy in the premiſſes, in our Parliament at Weſtminſter, have ordained that ſuch exceptions, anſwers, or inquiſitions of the Countrey ſhall from henceforth in no wiſe be admitted contrary to ſuch recogniſances or fines. And further we will that this ſtatute ſhall as well extend unto fines heretofore levied, as to them that ſhall be levied hereafter. And let the Juſtices ſee that ſuch notes and fines as hereafter ſhall be levied in our Court be read openly and ſolemnly, and that in the mean time all pleas ſhall ceaſe. And this muſt be at two certain days in the week, according to the diſcretion of the Juſtices. St. 18 E. 1. of fines. St. 1 R. 3. 7. St. 4 H. 7. 24. St. 31 Eliz. 2.

Co.l.3.f.88.
4 H.7.f.7.
14 Ed.3.f.53.
Fitz Replic. 62.63.66
12 Ed.4.f.15.
42 Ed.3.f.19.
4 Ed.3.f.46.
8 H.4. f.7.

No exception to a Fine that the demandant was always ſeiſed. Raſt.pl.f.349, &c.

Fines ſhall be openly read, and then all pleas ſhall ceaſe.

CAP. II.

A Sheriff ſhall levie no more iſſues then he hath Warrant for. His Tallies.

Inſt.2 par.

WE have alſo ordained by the adviſe of our Councel, That from henceforth Sheriffs ſhall not be charged of any iſſues to be levied, nor ſhall levie any before they paſs out of the Exchequer, there to be delivered by the extreats of the Juſtices. And that in the extreats of Juſtices, every head ſhall be charged for iſſues forfeited, like as of amerciaments. And if peradventure any Sheriff will anſwer for the iſſues of any Recogniſor, pledge, or Mainpernor by him undertaken and returned into our Court, which at the time of the return is not able to pay ſuch iſſues or amerciaments, the Sheriff ſhall be charged, & ſhall anſwer therefore in our Exchequer. And let the Sheriffs beware under pain of great forfeiture, that

A Sheriff ſhall execute his warrant in levying of iſſues, and no more.

What tallies a Sheriff ſhall make. The Sheriffs return of mainpernors, Jurors, &c.

that from henceforth they do make Tallies of all ſuch money as they or their Officers have received by our commandment. And that they do not return any where, the names of any mainpernors, jurors, or any other, except ſuch mainpernors, jurors or others, according to the tenour of our Writs being directed to the Sheriffs for the ſame cauſe, be lawfully and manifeſtly impanelled thereupon. And they ſhall not return the names of any freemen as pledges, without that they will plainly conſent and agree to the ſame. And hereupon we have Enacted, That at one time certain every year, one Baron, and one Clerk of our ſaid Eſchequer ſhall be ſent through every Shire of England, to inroll the names of all ſuch as have paid that years debts exacted on them by green wax. And the ſame Baron and Clerk ſhall view all ſuch Tallies and inroll them, and ſhall hear and determine complaints made againſt Sheriffs and their Clerks, and Bailiffs that have done contrary to the premiſes, and the offenders ſhall be grievouſly puniſhed.

A Baron and Clerk of the Eſchequer ſent into every County.

CAP. III.

Juſtices of Aſſiſe ſhall be of Gaol-delivery: Who ſhall puniſh Officers bailing ſuch as are not bailable.

St. 3 Ed. 1. 15.

FOraſmuch as Sheriffs and others heretofore, have let out by replevin common felons and openly defamed, being taken and impriſoned for murder and felony, and ſuch as be not repleviſable, contrary to the form of our Statute of perſons repleviſable and not repleviſable, lately made, whereby ſuch tranſgreſſors not repleviſable be let out: and to deliver them deceitfully before the coming of the Juſtices errant, or other aſſigned for their deliverance, they procure by themſelves and by their friends Jurors of the Country, and ſome they threat, whereby as well for fear of the Sheriff, and other that let them at large by plevin, as for fear of the thieves being ſo delivered before the Juſtices aſſigned for Gaol-deliveries, ſuch felonies and murders are concealed, and ſo being concealed, remain ſtill unpuniſhed: We for the utility of our Realm, and for the more aſſured conſervation of our peace, having provided and ordained, That Juſtices aſſigned to take Aſſiſes in every County where they do take Aſſiſes, as they be appointed, incontinent after the Aſſiſes taken in the Shires, ſhall remain both together if they be lay. And if one of them be a Clerk, then one of the moſt diſcreet Knights of the Shire being aſſociate to him that is a lay-man, by our Writ ſhall deliver the Gaols of the Shires, as well within Liberties as without, of all manner of priſoners, after the form of the Gaol-deliveries of thoſe Shires, beforetimes uſed. And the ſame Juſtices ſhall inquire then, if Sheriffs or any other have let out by replevin Priſoners not repleviable, or have offended in any thing contrary to the form of the foreſaid ſtatute lately made at Weſtminſter; and whom they ſhall find guilty they ſhall chaſten and puniſh in all things according to the form of the Statute aforeſaid. St. 28 E. 1. For perſons appealed.

Juſtices of Aſſiſe ſhall be alſo Juſtices of Gaol-delivery.

Puniſhment of Sheriffs for their offences. St. 1 & 2 P. & M. 13 Fit. N.B. f. 251. L.

CAP. IV.

Niſi prius ſhall be granted before one of the Juſtices of the Court where the ſuit is commenced.

St. 21 Ed. 1.

ALſo where we have provided, That none ſhall be impanelled any where out of the Shire where he is dwelling, in Recogniſances, Enqueſts, and Juries, that have leſs then an hundred ſhillings of Land or Rent, whereby they that have more Lands, by too often appearing as well in our Eſchequer, as before our Juſtices of either Bench, are much impoveriſhed. We therefore conſidering the intolerable damage of our people, not only for the diſcharge of ſuch Jurors, but alſo for the more ſpeedy miniſtration of Juſtice to all parties ſuing in our Court, have provided and ordained, That Enqueſts and Recogniſances determinable before Juſtices of either Bench, from henceforth ſhall be taken in time of vacation before any of the Juſtices before whom the plea is brought, being aſſociate with one Knight of the ſame Shire where ſuch Enqueſts ſhall paſs, unleſs it be an Enqueſt that requireth great examination. And ſo from henceforth in taking ſuch Enqueſts, the Juſtices ſhall do as to them ſhall ſeem moſt expedient for the common utility of our Realm, notwithſtanding the Statute lately made at Weſtminſter, upon the taking of ſuch Enqueſts, containing, That if any Enqueſts be taken contrary to the form of the ſaid Statute, they ſhould be of none effect. 13 Ed. 1. 30.

A Niſi prius ſhall be granted before one of the Juſtices of the Court where the ſuit is commenced. St. 12 Ed. 2. 3. Fitz N.B. f. 240. e Raſt. pla. f. 438. St. 14 Ed. 3. 16.

Ordinatio de libertatibus perquirendis, made *Anno* 27 *Edw.* 1. and *Anno Domini* 1299.

In what caſes the Writ of Ad quod damnum is to be ſued. A Commiſſion may be granted to receive Atturneys for ſuch as be impleaded.

In what caſes the Writ of Ad quod damnum is to be ſued.

Bro. ad quod damnum 1.

IT is to be known, That the King ordained at Weſtminſter the firſt day of April, the ſeven and twentieth year of his Reign, That ſuch as would purchaſe a new Park, and men of Religion that would amortiſe Lands or Tenements, ſhould have Writs out of the Chancery to enquire upon the points accuſtomed in all things: and that Enqueſts of Lands or Tenements that be worth yearly more then xx. s. that is to wit, by extent, be returned into the Eſchequer, and there to make fine for the amortiſements, or for the Park having, if the Enqueſt do paſs for him that purchaſed them, and after it ſhall be certified unto the Chancellor or his Deputy, that he take a reaſonable fine therefore, and after make delivery.

Purchaſe of lands holden in chief.

In like manner they ſhall do, that will purchaſe Lands or Tenements holden of the King in chief.

Purchaſing of Protections. Making general Atturneys.

Alſo, people dwelling beyond the Sea, that have Lands, Tenements, or Rents in England, if they will purchaſe Letters of Protection, or will make general Atturneys, they ſhall be ſent unto the Eſchequer, and there ſhall make their Fines, and from thence ſhall be ſent unto the Chancellor or his Deputy, for that which he ought to do therein.

In like manner they ſhall do, that will purchaſe any Fair, Market, Warren, or any other Liberty. Alſo ſuch as will purchaſe attermining of their debts, ſhall be ſent into the Exchequer.

Purchaſing of Liberties.

Alſo, ſuch as be not able to travel, and people that dwell in far countries from the Chancery, which plead or be impleaded, ſhall have a Writ out of the Chancery, to ſome ſufficient man, that ſhall receive their Atturneys, when need is.

Atturney. V. N. B. fo. 10. Raſt. pla. fo. 96.

And for a remembrance of theſe things, there is an Indenture made, divided into three parts, whereof one part remaineth in the Chancery, another in the Exchequer, and the third in the Wardrobe. Regiſt. fo. 247. &c. Fitz. N. B. fo. 221. &c. Raſt. pla. fo. 25. 32.

The Statute of Wards and Relief, made *Anno* 28 *Ed.* 1. and *Anno Dom.* 1300.

Who ſhall be in Ward, and pay Relief, and who not. How many Writs there be to recover Wards.

IT is to wit, that where any relief is given, there Wardſhip is incident, and contrariwiſe. And ſuch as hold by Serjeanty, to go with the King in his Hoſt, there Ward and Relief are incident. And ſuch as hold by Petty Serjeanty, as to bear Shield or Spear in the Kings Hoſt, or to bear or to carry, there is neither Ward, Marriage, or Relief. Alſo a free Sokeman ſhall not give Ward, nor Relief, but he ſhall double his Rent after the death of his Anceſtor, according as he hath uſed to pay to his Lord, and ſhall not be unmeaſurably grieved. Now ſomewhat is to be ſaid of the nature of having Wards. There be two manner of Writs to have Wards; one is, where lands be holden in Knights ſervice; the other is, where lands be holden in Socage. The Ward of land that is holden in Knights ſervice, belongeth to the chief Lord, and the marriage, which ought to be without diſparagement, as the great Charter limiteth, until he cometh to the age of one and twenty years. The Ward of an heir that holdeth in Socage, if the land or inheritance deſcend of his mothers ſide, then it belongeth to the next friend of the fathers ſide, and contrariwiſe. And a Writ to recover Ward, may be brought in three manners: One is, when a man demandeth Ward of the land and of the heir, and that is in caſe, when a man holdeth land of another by Knights ſervice, and the tenant dieth, then may the chief Lord (if he be deforced) demand the Ward of his land and heir, and ſhall have both Ward and Marriage. Another manner is, when a man is infeoffed of a Verge of land by one man, and by another of a Carve land, the ſecond Lord may not bring a Writ of Ward to recover either the land or the heir, for the Ward belongeth to him, of whom he was firſt infeoffed. The third manner is, where a man hath land in his hands by reaſon of a Ward, and hath not the heir, then he may bring a Writ to demand the heir, and not the land. St. 52 H. 3. 7. St. 13. Ed. 1. 35. Regiſt. fo. 161. V.N.B. fo. 92. 93. Fitz. N. B. fo. 139. Raſt. pla. fo. 390. &c.

Fit. Gard. 165.

Fit. Bar. 184. Fit. Gard. 145. Fit. Avowry 89. 99.

Fit. Gard. 8. 10. 22 131. 153. 154.

Fit Gard. 137. Fit. Bar. 257. Plo. fo. 293.

Fit. Gard. 2. 16. 27. 36.

Fit. Gard. 6.

Tenure by Knights ſervice.

Tenure by Petite Serjeanty.

A Sokeman. Alt. 12 Car. 2. c. 24.

Who ſhall be Gardian in Chivalry. St. 17 Ed. 2. 1. 2. St. 9 H. 3. 6.

Who ſhall be Guardian in Socage.

A Writ de Communi cuſtodia. V. N. B. fo. 88.

Priority of Feoffment. St. 13 Ed. 1. 16. V. N. B. f. 142.

Raviſhment of Ward. Fit. N. B. f. 140. f. Raſt. pla. fo. 385.

A Statute for perſons appealed, made *Anno* 28 *Edw.* 1. and *Anno Domini* 1300.

What Proceſs ſhall be awarded againſt thoſe that be appealed by Approvors.

WHereas certain Juſtices of late were aſſigned to take Aſſiſes in all Shires of the Realm, and alſo to deliver the Gaols of the ſame Shires at every of their comings after the taking of ſuch Aſſiſes, as more plainly is contained in a Statute made by the King thereupon: Our Lord the King, at his Parliament holden at Weſtminſter, the eight and twentieth year of his reign, for more ſure obſervation of his peace, and Felonies to be more quickly puniſhed, and priſoners to be ſooner delivered, hath granted, ordained, and provided, That whoſoever be appealed by Provors, being in priſons, which the ſame Juſtices do deliver (and whereſoever in our Realm that ſuch Appealees be dwelling) that immediately it ſhall be commanded to the Sheriff, in whoſe Bailiwick the parties ſo appealed be commorant, or may be found, by the Kings Writ, under the teſtimony of the ſame Juſtices, that he do take ſuch perſons appealed, and cauſe them to be brought unto the Gaols where the Appealors be kept that appealed them, and they ſhall anſwer there before the ſame Juſtices. And if they that be appealed, will put themſelves upon the Countrey, it ſhall be commanded in like manner by a Judicial Writ, from the ſame Juſtices to a Sheriff, in whoſe liberty the Felonies were done, of which they were appealed, that he ſhall cauſe an Enqueſt of the Countrey to come before the ſame Juſtices, unto the ſame place where the Appealors be kept, at a certain day. And the Sheriffs and other (in whoſe keeping ſuch Appealors be detained) ſhall receive, without contradiction, thoſe that be appealed by ſuch Provors, when the parties appealed be taken in the form aboveſaid, and brought unto the ſame Appellors. Raſt. pla. fo. 42.

St. 27 Ed. 1. 3.

2 H. 7. f. 3. 10 H. 6. f. 97. Fit. Coron. 231. 322. 387. 440. 441 443. 456. 460.

Proceſs awarded to apprehend them which be appealed by Approvors.

Articuli ſuper Chartas, made at Weſtminſter, *Anno* 28 *Ed.* 1. and *Anno Domini* 1300.

FOraſmuch as the Articles of the Great Charter of Liberties, and of the Charter of the Foreſt, the which, King Henry, father of the King that now is, granted to his people, for the Weal of his Realm, have not been heretofore obſerved ne kept, becauſe there was no puniſhment executed upon them which offended againſt the points of the Charters before mentioned: Our Lord the King hath again granted, renewed, and confirmed them, at the requeſt of his Prelates, Earls and Barons aſſembled in his Parliament holden at Weſtminſter, the eight and twentieth year of his Reign, and hath ordained, enacted, and eſtabliſhed certain Articles againſt all them that offend contrary to the points of the ſaid Charters, or any part of them, or that in any wiſe tranſgreſs them; in the form that enſueth.

CAP. I.

A Confirmation of the great Charter, and the Charter of the Foreſt.

A confirmation of the great Charter, and the Charter of the Foreſt.

Co. Inſt. 2 par. 537.

That is to ſay, That from henceforth the Great Charter of the Liberties of England granted to all the Comminalty of the Realm, and the Charter of the Foreſt, in like manner granted, ſhall be obſerved, kept, and maintained in every point, in as ample wiſe as the King hath granted, renewed, and confirmed them by his Charter. And that the Charters be delivered to every Sheriff of England, under the Kings Seal, to be read four times in the year before the people in the full County, that is to wit, the next County day after the Feaſt of St. Michael, and the next County day after Chriſtmas, and at the next County after Eaſter, and at the next County after the Feaſt of St. John. And for theſe two Charters to be firmly obſerved in every point and article (where before no remedy was at the Common Law) there ſhall be choſen in every Shire-Court by the comminalty of the ſame Shire, three ſubſtantial men, Knights, or other lawful, wiſe, and well-diſpoſed perſons, which ſhall be Juſtices ſworn and aſſigned by the Kings Letters Patents under the great Seal, to hear and determine (without any other Writ, but onely their Commiſſion) ſuch plaints as ſhall be made upon all thoſe that commit or offend againſt any point contained in the foreſaid Charters, in the Shires where they be aſſigned, as well within Franchiſes as without; And as well for the Kings Officers out of their places, as for other; and to hear the plaints from day to day without any delay, and to determine them, without allowing the delays which be allowed by the Common Law. And the ſame Knights ſhall have power to puniſh all ſuch as ſhall be attainted of any treſpaſs done, contrary to any point of the ſaid Charters (where no remedy was before by the common Law) as before is ſaid, by impriſonment, or by ranſome, or by amerciament, according to the treſpaſs. Nevertheleſs, the King, nor none of thoſe that made this Ordinance, intend, that by vertue hereof any of the foreſaid Knights ſhall hold any plea, by the power which ſhall be given them in ſuch caſe, where there hath been remedy provided in times paſſed, after the courſe of the common Law by Writ, nor alſo that any prejudice ſhould be done to the common Law, nor to the Charters aforeſaid in any point. And the King willeth, that if all three be not preſent, or cannot at all times attend to do their office in form aforeſaid, that two of them ſhall do it. And it is ordained, that the Kings Sheriffs and Bailiffs ſhall be attendant to do the commandments of the foreſaid Juſtices, as far forth as appertaineth unto their Offices. And beſides theſe things granted upon the articles of the Charters aforeſaid, the King of his ſpecial grace, for redreſs of the grievances that his people hath ſuſtained by reaſon of his Wars, and for the amendment of their eſtate, and to the intent that they may be the more ready to do him ſervice, and the more willing to aſſiſt and aid him in time of need, hath granted certain articles, the which he ſuppoſeth ſhall not onely be obſerved of his liege people, but alſo ſhall be as much profitable, or more, then the Articles heretofore granted.

Commiſſioners to enquire of offences done contrary to the Charters.

Other Officers ſhall be attendant upon the Commiſſioners.

CAP. II.

None ſhall take Prices, but the Kings Purveyors, and their Deputies.

Co. Inſt. 2 par. 541.

SEcondarily, Foraſmuch as there is a great grievance in this Realm, and damage without meaſure, for that the King and the Miniſters of his houſe, as well of Aliens as Denizens, do make great prices where they paſs through the Realm, and take the goods as well of Clerks as of Lay-people, without paying therefore any thing, or elſe much leſs then the value:

No Purveyors ſhall take any prices but the Kings, and they onely for his Houſe.
St. 4 Ed. 3. 4.
St. 5 Ed. 3. 2.
St. 10. Ed. 3. 1. 5 Seſſ.
St. 25 Ed. 3. 1.
Purveyors ſhall have their Warrant and ſhew it.
St. 36 Ed. 3. 2.
Purveyors ſhall take no more then is needful.
St. 12 Car. 2. cap. 24.
All purveyance taken away.

It is ordained, That from henceforth none do take any ſuch prices within the Realm, but onely the Kings Takers, and the Purveyors for his Houſe; and that the Kings Takers and Purveyors of his Houſe ſhall take nothing, but onely for his Houſe. And touching ſuch things as they ſhall take in the Country, of meat and drink, and ſuch other mean things, neceſſary for the Houſe, they ſhall pay or make agreement with them of whom the things ſhall be taken.

And that all the Kings Takers, Purveyors, or Catours from henceforth ſhall have their Warrant with them, under the Kings Great or Petty Seal, declaring their authority, and the things whereof they have power to make price, or purveyance: the which Warrant they ſhall ſhew unto them whoſe goods they take, before that they take any thing.

And that thoſe Takers, Purveyors, or Catours for the King, ſhall take no more then is needful and meet to be uſed for the King, his Houſhold, and his Children.

And that they ſhall not take any thing for them that be in wages, nor for any other.

And that they ſhall make full anſwer in the Kings Houſe, or in the Wardrobe, for all things taken by them, without making their larges any other where, or Liveries of ſuch things, as they have taken for the King.

And if any Taker for the Kings Houſe, by reaſon of his Warrant, make any price or Livery, otherwiſe then before is mentioned, upon complaint made to the Steward and to the Treaſurer of the Kings Houſe, the truth ſhall be enquired. And if he be attainted thereof, he ſhall forthwith make agreement with the party, and ſhall be put out of the Kings ſervice for ever, and ſhall remain in priſon at the Kings pleaſure.

Taking without Warrant felony.

And if any make price without Warrant, and carry it away againſt the Will of the

Owner, he ſhall immediately be arreſted by the Town where the price was made, and ſhall be committed to the next Gaol; and if he be attainted thereupon, it ſhall be done to him as unto a Felon, if the quantity of the goods do ſo require.

And concerning Prices made in Fairs, and good Towns, and in Ports, for the Kings great Wardrobe, the Takers ſhall have their common Warrant under the Great Seal.

Purveyances made for the Kings Wardrobe.

And for the things that they ſhall take, it ſhall be teſtified under the Seal of the Keeper of the Wardrobe, and of thoſe things that they have taken, the number of the things, the quantity and the value, ſhall be ſpecified in a Divident, made between the Takers and the Keepers of Fairs, Mayors or chief Bailiffs of Towns and Ports, by the view of Merchants, whoſe goods ſhall be ſo taken; and they ſhall not be ſuffered to take any more then is contained in their Divident; and the ſaid Divident ſhall be taken into the Wardrobe, under the Seal of the Warden, Mayor, or chief Bailiff aforeſaid, and there ſhall remain until the accompt of the Keeper of the Kings Wardrobe. And if it be found, that any hath taken otherwiſe then he ought to do, upon his accompt he ſhall be puniſhed by the Keeper of the Kings Wardrobe after his deſert: and if any make ſuch Prices without warrant, and be attainted thereupon, he ſhall incur the ſame pain, as they which take Prices for the Kings Houſe without warrant, as before is ſaid.

Rep. St. 12. Car. 2. cap.

Nevertheleſs the King and his Councel do not intend, by reaſon of this Eſtatute, to diminiſh the Kings Right, for the ancient Prices due and accuſtomed, as of Wines, and other Goods, but that his Right ſhall be ſaved unto him whole, in all points.

The Kings Prerogative reſerved.

CAP. III.

Of what things onely the Marſhal of the Kings Houſe ſhall hold Pleas: Which Coroners ſhall enquire of the death of a man ſlain within the Verge.

Co. Inſt. 2 par. 547. 4 H. 6. f. 8. 11 H. 6. f. 13. Bro. Action ſur le ſtatute 38. 44. Cok. l. 6. f. 12. 20 l. 10. f. 71. 5 Ed. 4. f. 129.

Concerning the authority of Stewards and Marſhals, and of ſuch pleas as they may hold, and in what manner, it is ordained, that from henceforth they ſhall not hold plea of free-hold, neither of debt, nor of covenant, nor of any contract made between the Kings people, but onely of treſpaſs done within the Houſe, and of other treſpaſſes done within the Verge, and of contracts and covenants that one of the Kings Houſe ſhall have made with another of the ſame Houſe, and in the ſame Houſe, and none otherwhere. And they ſhall plead no plea of treſpaſs, other then that which ſhall be attached by them before the King depart from the Verge where the treſpaſs ſhall be committed; and ſhall plead them ſpeedily from day to day, ſo that they may be pleaded and determined before that the King depart out of the limits of the ſame Verge where the treſpaſs was done. And if ſo be that they cannot be determined within the limits of the ſame Verge, then ſhall the ſame pleas ceaſe before the Steward, and the plaintiffs ſhall have recourſe to the common Law. And from henceforth the Steward ſhall not take conuſance of debts nor of other things, but of people of the ſame Houſe, nor ſhall hold none other plea by obligation made at the diſtreſs of the Steward and of the Marſhals. And if the Steward or Marſhals do any thing contrary to this Ordinance, it ſhall be holden as void. And foraſmuch as heretofore many felonies committed within the Verge have been unpuniſhed, becauſe the Coroners of the Country have not been authoriſed to enquire of ſuch manner of felonies done within the Verge, but the Coroner of the Kings Houſe, which never continueth in one place, by reaſon whereof, there can be no trial made in due manner, nor the felons put in Exigent, nor out-lawed, nor any thing preſented in the circuit, the which hath been to the great damage of the King, and nothing to the good preſervation of his peace: It is ordained, that from henceforth in caſes of the death of men, whereof the Coroners office is to make view and enqueſt, it ſhall be commanded to the Coroner of the Country, that he with the Coroner of the Kings Houſe ſhall do as belongeth to his Office, and enrol it. And that thing that cannot be determined before the Steward, where the felons cannot be attached, or for other like cauſe, ſhall be remitted to the common Law. So that exigents, outlawries, and preſentments ſhall be made thereupon in Eyre by the Coroner of the countrey, as well as of other felonies done out of the Verge: nevertheleſs they ſhall not omit by reaſon hereof to make attachments freſhly upon the felonies done. St. 18 Ed. 3. 7.

Of what things onely the Marſhal of the Kings houſe ſhall hold plea. St. 13 R. 2. 2. St. 15 H. 6. 1. Regiſt. f. 185. 191. Fit. N.B. f. 241. b. Raſt. pla. f. 278. 432. St. 10 Ed. 3. 2.

Cok. l. 4. f. 46.

Which Coroners ſhall inquire of the death of a man ſlain within the Verge. St. 33 H. 8. 12.

CAP. IV.

Common pleas ſhall not be holden in the Exchequer.

Dyer f. 250.

Moreover, no common pleas ſhall be from henceforth holden in the Exchequer, contrary to the form of the great Charter. St. 9 H. 3. 11. Regiſt. fo. 187. Co. Inſt. 2 par. 551.

Common Plea.

CAP. V.

The Chancellor and the Juſtices of the Kings Bench ſhall follow the King.

Co. Inſt. 2 par. 551.

And on the other party, the King will, that the Chancellor and the Juſtices of his Bench ſhall follow him, ſo that he may have at all times near unto him, ſome Sages of the Law, which be able duly to order all ſuch matters as ſhall come unto the Court at all times, when need ſhall require.

Attendants upon the King.

CAP. VI.

No Writ concerning the Common Law ſhall be awarded under any petit Seal.

Co. Inſt. 2 par. 554.

There ſhall no Writ from henceforth, that toucheth the common Law, go forth under any of the petty Seals. Plow. fo. 20. Dyer fo. 50. 161. 132. Cok. l. 2. fo. 17. l. 5. fo. 53.

Writs ſealed.

CAP.

CAP. VII.

The Authority of the Conſtable of the Caſtle of Dover, touching holding Plea and Diſtreſſes.

Conſtable of Dover. Five ports.

The Conſtable of the Caſtle of Dover ſhall not from henceforth hold any Plea of a forrain County within the Caſtle-gate, except it touch the keeping of the Caſtle: Nor ſhall the ſaid Conſtable diſtrain the inhabitants of the Cynque Ports, to plead any other where, nor otherwiſe, then they ought after the form of their Charter obtained of the King, for their old Franchiſes, confirmed by the great Charter. Regiſt. fo. 185. Co. Inſt. 2 par. 556.

CAP. VIII.

The Inhabitants of every County ſhall make choice of their Sheriffs being not of Fee.

St. 9 E. 2. St. 14 E. 3. 7.

The King hath granted unto his people, that they ſhall have election of their Sheriff in every Shire (where the Shrivalty is not of fee) if they liſt. Cap. 13. Co. Inſt. 2 par. 559.

CAP. IX.

What ſort of people ſhall be returned upon every Jury.

St. 13 Ed. 1. 38. What ſorts of perſons ſhall be returned in Juries. St. 34 Ed. 3. 4. St. 42 Ed. 3. 11.

The King willeth and commandeth, that no Sheriff nor Bailiff ſhall impanel in Inqueſts nor in Juries over-many perſons, nor others, nor otherwiſe then it is ordained by Statute; and that they ſhall put in thoſe Inqueſts and Juries ſuch as be next neighbours, moſt ſufficient, and leaſt ſuſpitious. And he that otherwiſe doth, and is attainted thereupon, ſhall pay unto the plaintiff his damages double, and ſhall be grievouſly amerced unto the King. Regiſt. fo. 178. 179. 180. Fit. N. B. fo. 165. Co. Inſt. 558. 1.

CAP. X.

The Remedy againſt Conſpirators, falſe Informers, and Embracers of Juries.

A remedy againſt Conſpirators and procurers of Juries, &c.

In right of Conſpirators, falſe informers, and evil procurers of Dozens, Aſſiſes, Inqueſts, and Juries, the King hath provided remedy for the plaintiffs by a Writ out of the Chancery. And notwithſtanding he willeth that his Juſtices of the one Bench and of the other, and Juſtices aſſigned to take Aſſiſes, when they come into the countrey to do their office, ſhall upon every plaint made unto them award Inqueſts thereupon without Writ, and ſhall do right unto the plaintiffs without delay. Regiſt. fo. 188. V. N. B. 56. Fitz. N. B. fo. 116. N. Raſt. pla. fo. 123. &c. Co. Inſt. 2 par. 560. Kel. fo. 82.

CAP. XI.

Nothing ſhall be taken to maintain any matter in ſuit.

St. 3. Ed. 1. 25. St. 13 Ed. 1. 49. Nothing ſhall be taken to maintain any matter in ſuit. St. 1 Ed. 3. 14. St. 1 R. 2. 4. St. 32 H. 8. 9.

And further, becauſe the King hath heretofore ordained by Statute, that none of his miniſters ſhall take no plea for maintenance, by which Statute other Officers were not bounden before this time, The King will, that no Officer nor any other (for to have part of the thing in plea) ſhall not take upon him the buſineſs that is in ſuit. Nor none upon any ſuch covenant ſhall give up his right to another; and if any do, and be attainted thereof, the taker ſhall forfeit unto the King ſo much of his lands and goods as doth amount to the value of the part that he hath purchaſed for ſuch maintenance. And to obtain this, whoſoever will ſhall be received to ſue for the King before the Juſtices before whom the plea hangeth, and the judgment ſhall be given by them. But it may not be underſtood hereby, that any perſon ſhall be prohibit to have counſel of pleaders, or of learned men in the Law for his fee, or of his parents and next friends. Regiſt. fo. 183. V. N. B. fo. 180. Fitz. N. B. fo. 172. Raſt. pla. fo. 119. 427. &c.

Co. Inſt. 2 par. 563. 13 H. 4 f. 19. Fitz. Champerty 3. 4. 6. 12. 14. 15. 21 Ed. 3. f. 52. 35 Ed. 3. f. 33. Bro. Champerty 11.

CAP. XII.

What diſtreſs ſhall be taken for the Kings debt, and how it ſhall be uſed.

What diſtreſs ſhall be taken for the Kings debt, and how it ſhall be uſed. St. 51 H. 3. St. 52 H. 3. 4.

From henceforth the King will, that ſuch diſtreſſes as are to be taken for his debts ſhall not be made upon beaſts of the plough, ſo long as a man may find any other, upon the ſame pain that is elſewhere ordained by Statute, &c. And he will not that over-great diſtreſſes ſhall be taken for his debts, nor driven too far; and if the debtor can find able and convenient ſurety until a day before the day limited to the Sheriff, within which a man may purchaſe remedy to agree for the demand, the diſtreſs ſhall be releaſed in the mean; and he that otherwiſe doth, ſhall be grievouſly puniſhed. Regiſt. fo. 97. 185. Fitz. N. B. fo. 174. B. Raſt. pla. fo. 226.

Dyer f. 312. 4 H. 7 f. 8. 29 Ed. 3. f. 16. Fitz. Brief. 662. B. Faux. latin. 123. Fitz. Action ſur le ſtat. 35. Co. Inſt. 2 par. 565.

CAP. XIII.

What ſort of perſons the Commons of Shires ſhall chuſe for their Sheriffs.

Election of Sheriffs, ca. 8. Co. Inſt. 2 par. 566.

And foraſmuch as the King hath granted the election of Sheriffs to the commons of the Shire, the King will that they ſhall chuſe ſuch Sheriffs, that ſhall not charge them, and that they ſhall not put any Officer in authority for rewards or bribes. And ſuch as ſhall not lodge too oft in one place, nor with poor perſons, or men of Religion. St. 9 E. 2. The Statute of Sheriffs.

CAP. XIV.

Bailiwicks and Hundreds ſhall not be letten too dear to charge the people with contribution.

Bailiwicks, &c.

From henceforth that the Bailiwicks and Hundreds of the King, nor of other great Lords of the land, be not let to ferm at over-great ſums, whereby the people is overcharged by making contribution to ſuch ferms. Co. Inſt. 2 par. 566.

CAP. XV.

In ſummons and attachments in plea of Land the Writ ſhall contain fifteen days.

Fitz. Jour. 16. 17. 35. 36. 27 H. 6. f. 2. Bro. Attach. 3. 4. 6. 7. 8. 9. 10. 13. 15. 16. 17.

In ſummons and attachments in plea of Land, the ſummons and attachments from henceforth ſhall contain the term of fifteen days full at the leaſt according to the common Law, if it be not in attachment of Aſſiſes taken in the Kings preſence, or of pleas before Juſtices in Eyre during the Eyre. Regiſt.fo.196.Fitz.N.B.fo.109.A.177.D.Co.Inſt.2.par.567.

Summons and attachments in plea of Land.

CAP. XVI.

What ſhall be done with them that make falſe return of Writs.

Co.Inſt.2 par. 568.

That ſhall be done with them that make falſe returns (whereby right is deferred) as it is ordained in the ſecond Statute of Weſtminſter, with like pain. St. 13 Ed.1.39.

Falſe return of Writs.

CAP. XVII.

The Statute of Wincheſter ſhall be read four times in the year, and put in execution.

Co.Inſt.2 par. 569.

And foraſmuch as there be more malefactors in the Realm then had wont to be, and that Robberies, burnings, and man-ſlaughters are committed out of meaſure, and the peace little obſerved; by reaſon that the Statute which the King not long paſt cauſed to be made at Wincheſter is not obſerved: The King will that the ſame Statute be ſent again into every Country to be read & publiſhed four times in the year, and kept in every point, as ſtraitly as the two great Charters, upon the pains therein limited. And for the obſerving and maintenance of this Statute, the Knights that be aſſigned in the Shires for to redreſs things done againſt the ſaid great Charters ſhall be charged, and ſhall have their warrant therefore. St. 38 E.1.cap.1.

Execution of the ſtatute of Wincheſter, Ca. 1. &c. 2

Commiſſioners for that purpoſe.

CAP. XVIII.

Eſcheators ſhall commit no waſte in Wards Lands.

Co. Inſt 2 par. 571.

Dyer f.168.

For redreſs of waſtes and deſtruction done by Eſcheators, or Sub-eſcheators in the Lands of Wards, as of Houſes, Woods, Parks, Warrens, and of all other things that fall into the Kings hands: The King will that he which hath ſuſtained damage, ſhall have a Writ of Waſte out of the Chancery againſt the Eſcheator for his act, or the Sub-eſcheator for his act (if he have thereof to anſwer) and if he have not, his maſter ſhall anſwer by like pain concerning the damages, as is ordained by the Statute for them that do waſte in Wardſhips. Regiſt.fo.72.V.N.B.fo.36.Fitz.N.B.fo.59.Raſt.pla.fo.693.

Eſcheators ſhall commit no waſte in wards lands. St. 6 Ed.1.5. St. 14 Ed.3.13. St. 36 Ed.3.13.

CAP. XIX.

In what caſe the owner ſhall have his Lands delivered out of the Kings hands with the iſſues.

Co.Inſt.2 par. 572.

From henceforth, where the Eſcheator or the Sheriff ſhall ſeiſe other mens Lands into the Kings hands (where there is no cauſe of ſeiſer) and after when it is found no cauſe, the profits taken in the meantime have been ſtill retained and not reſtored, when the King hath removed his hand: The King will that if hereafter any lands be ſo ſeiſed, and after it be removed out of his hands by reaſon that he hath no cauſe to ſeiſe nor to hold it, the iſſues ſhall be fully reſtored to him to whom the land ought to remain, and which hath ſuſtained the damage. Regiſt.fo.314.Fitz.N.B.fo.256.261,&c.Raſt.pla.fo.604.

In what caſe the owner ſhall have his lands out of the K. hands with the Iſſues thereof. St. 29 Ed. 1.

CAP. XX.

Veſſels of Gold ſhall be aſſaied, touched and marked. The Kings Prerogative ſhall be ſaved.

Co.Inſt.2 par. 574.

It is ordained that no Goldſmith of England, nor none otherwhere within the Kings dominion, ſhall from henceforth make or cauſe to be made any manner of Veſſel, Jewel, or any other thing of Gold or Silver, except it be of good and true allay, that is to ſay, Gold of a certain Touch, and Silver of the Sterling allay or of better, at the pleaſure of him to whom the work belongeth; and that none work worſe Silver than Money. And that no manner of veſſel of Silver depart out of the hands of the Workers, until it be aſſaied by the Wardens of the Craft, and further that it be marked with the Leopards head. And that they work no worſe Gold than of the Touch of Paris. And that the Wardens of the Craft ſhall go from ſhop to ſhop among the Goldſmiths to aſſay if their Gold be of y ſame Touch that is ſpoken of before. And if they find any other then of the Touch aforeſaid, the Gold ſhall be forfeit to the King. And that none ſhall make Rings, Croſſes, nor Locks. And that none ſhall ſet any Stone in Gold, except it be Natural. And that Gravers or Cutters of Stones and of Seals, ſhall give to each their weight of Silver and Gold (as neer as they can) upon their Fidelity. And the Jewels of baſe Gold which they have in their hands, they ſhall utter as faſt as they can. And from henceforth, if they buy any of the ſame Work, they ſhall buy it to work upon and not to ſell again. And that all the good Towns of England where any Goldſmiths be dwelling, ſhall be ordered according to this Eſtatute as they of London be. And that one ſhall come from every good Town for all the reſidue that be dwelling in the ſame, unto London, for to be aſcertained of their Touch: And if any Goldſmith be attainted hereafter, becauſe that he hath done otherwiſe then before is ordained, he ſhall be puniſhed by impriſonment, and by ranſom at the Kings pleaſure. And notwithſtanding all theſe things before mentioned, or any point of them, both the King and his Councel, and all they that were preſent at the making of this ordinance, will and intend that the right and prerogative of his Crown ſhall be ſaved to him in all things. St. 37 Ed.3.7.St.2 H.6.14.St. 17 Ed.4.1.St. 4 H.7.2.St.18 Eliz.15.

Veſſels of gold and ſilver ſhall be eſſaied and touched.

Veſſels marked with the Leopards head.

None ſhall make Rings, Croſſes, nor Locks. Rep. 21 Jac. 28. What ſtones may be ſet in Gold.

The prerogative of the Crown ſhall be ſaved.

Stat. de Eſcheatoribus, made at Lincoln *Octabis Hillarii, Anno* 29 Ed. 1. and *Anno Domini* 1301.

In what caſe an Amoveas manum ſhall be granted, and in what a Reſeiſer.

In what caſe an Amoveas manum cum exitibus ſhall be granted. St. 28 Ed. 1. 19.

24 Ed. 3. f. 28. Kel. f. 173. Fitz. Livery 11. 15. Dyer f. 168. 213. 249. 298.

AT the Parliament of our Lord the King, at Lincoln in the utas of St. Hillary, the xxix. year of his reign, by his Councel it was agreed, and alſo commanded by the King himſelf, that from thence it ſhould be obſerved and done according to the advice of the reverend Father W. Langton, the Biſhop of Coventree and Litchfield, and Treaſurer to the King, John Langton, then being Chancellor, and other of the Councel there preſent before the King: that where Inqueſts taken by his Eſcheators by any of the kings Writs purchaſed out of the Chancery being returned, and it be found by ſuch Inqueſt, that nothing is holden of the King whereby the King ought to have the cuſtody of ſuch Lands and Tenements by reaſon of the Inqueſts taken by his Eſcheators, that immediately and without any delay the Eſcheators ſhall be commanded by the Kings Writ had out of the Chancery, to put from their hands all the Lands and Tenements ſo taken into the Kings poſſeſſion: And if they have taken any profits of ſuch Lands and Tenements ſo taken into the K. hands by them, from the time that ſuch Lands and Tenements fell into the Kings hands, they ſhall make full reſtitution to him or them, for whom it was found by Inqueſts taken by the ſame Eſcheators, that ſuch Lands ought to remain: ſaving alway to the King (in caſe that after ſuch time as his Eſcheators have diſcharged their hands by force of the Kings Writ, as before is ſaid) if any thing happen to be found in the Chancery or the Eſchequer, or in any other of the Kings Courts whereby the cuſtody of ſuch lands, whereof the Eſcheators have diſcharged their hands, in form aforeſaid, ſhould belong unto the King, that immediately he in whoſe poſſeſſion ſuch Lands happen to be, ſhall be ſummoned by a Writ out of the Chancery to be before the King at a certain day whereſoever, &c. to ſhew if he can ſay any thing, wherefore the King ought not to have the cuſtody of ſuch lands, according to the form of the evidences or remembrancers found for the King. And if he come in and ſhew why the cuſtody of ſuch lands do not belong or ought not to belong unto the King, but that it ought to remain to himſelf, he ſhall go quit, and retain the cuſtody. But if the party warned doth not come, or if that he come and can ſhew nothing to put the King from the cuſtody, the lands and tenements ſhall be forthwith reſeiſed into the Kings hands, to be kept in the name of wardſhip until the lawful age of ſuch heirs, as before is ſaid. And as it is ſaid before, if it be found by Inqueſts taken by the Eſcheators and returned, that the cuſtody of the ſame lands and tenements contained in the Inqueſt, and ſeiſed into the Kings hands, ought not remain unto the King, then the Eſcheator ſhall be commanded forthwith to diſcharge his hands thereof, and to reſtore the Iſſues wholly. In like manner if it be found afterward by evidences and remembrances in the Chancery, Eſchequer, or otherwhere, as before is ſaid, that our Lord the King ought to have the Wardſhip thereof, the King ſhall be anſwered for the whole iſſues and profits, by the hands of ſuch as held the ſame Lands and Tenements, from the time they were firſt taken into the Kings hands by his Eſcheators by the Writs aboveſaid. And this order ſhall be held from henceforth in the Chancery, notwithſtanding a certain Ordinance lately made by our Lord the King, concerning Lands and Tenements taken into his hands by his Officers, and not to be delivered but by the King himſelf, and as it is contained in a certain dividenda, or Indenture made between the King himſelf and his Chancellor, whereof one part remaineth in the cuſtody of the Chancellor. Regiſt. fo. 314. Fitz. N. B. fo. 256. b. c. Raſt. pla. fo. 548. A.

A reſeiſer of the land into the Kings hand.

Co. l. 8. f. 169. 5 H. 5. f. 2. 28 H. 6. f. 5. 9 Ed. 4. 51. 21 Aſſ. pl. 15. Fitz. Traverſe 21. Bro. Reſeiſer. 32. 36. 37. 38. Fitz Livery 3. 32. 34.

A new Statute of *Quo warranto,* made at Glouceſter, *Anno* 30 Ed. 1. and *Anno Domini* 1301.

Claiming and uſing of Liberties, and cauſes to ſeiſe them into the Kings hands. Complaint of Officers.

THe year of our Lord M. CC. LXX. VIII. the ſixth year of the reign of King Edward, at Glouceſter, in the moneth of Auguſt, the King himſelf providing for the Wealth of his Realm, and the more full miniſtration of Juſtice, as to the Office of a King belongeth (the more diſcreet men of the Realm, as well of high as of low degree, being called thither:) It is provided and ordained, That whereas the Realm of England in divers caſes, as well upon liberties as otherwiſe, wherein the Law failed, to avoid the grievous damages and innumerable diſheriſons that the default of Law did bring in, had need of divers helps of new Laws and certain new proviſions, Theſe Proviſions, Statutes and Ordinances under-written, ſhall from henceforth be ſtraitly and inviolably obſerved of all the Inhabitants of his Realm. And whereas Prelates, Earls, Barons, and other of our Realm, that claim to have divers liberties, which to examine and judge, the King hath prefixed a day to ſuch Prelates, Earls, Barons, and other: It is provided and likewiſe agreed, that the ſaid Prelates, Earls, Barons, and other, ſhall uſe ſuch manner of liberties, after the form of the Writ here following:

A writ to the Sheriff to permit all men to enjoy thoſe liberties which they had before

Rex vic. ſalutem. Cum nuper in Parliamento noſtro apud Weſtmonaſterium, per nos et conſilium noſtrum proviſum ſit et proclamatum, quod Prelati, Comites, Barones, et alii de regno noſtro, qui diverſas libertates per chartas progenitorum noſtrorum regum Angliæ habere clamant, ad quas examinandas, et judicandas diem prefixerimus in eodem Parliamento, libertatibus illis taliter uterentur, quod nihil ſibi per uſurpationem ſeu occupationem accreſceret, nec aliquid ſuper nos occuparent. Tibi precipimus quod omnes illos de Comitat. tuo libertatibus ſuis quibus hucuſque rationabiliter uſi ſunt, uti & gaudere permittas in forma predicta, uſque ad proximum adventum noſtrum per Comitatum predictum, vel uſq; ad proximum adventum juſticiariorum itinerantium ad omnia placita in Comitatu, vel donec aliud inde preceperimus: Salvo ſemper jure noſtro cum inde loqui voluerimus. Teſte, &c.

In like manner and in the ſame form Writs ſhall be directed to Sheriffs and other Bailiffs for every demandant, and the form ſhall be changed after the diverſity of the liberty which any man claimeth to have, in this wiſe:

A Proclamation that they which claim liberties ſhall ſhew to the Juſtices how they hold them

Rex vic. ſalutem. Precipimus tibi quod per totam ballivam tuam, videlicet tam in civitatibus quam in burgis & aliis villis mercatoriis & alibi publice proclamari facias quod omnes illi qui aliquas libertates per chartas progenitorum noſtrorum regum Angliæ vel alio modo habere clamant ſint coram juſticiariis noſtris ad primam aſſiſam cum in partes illas venerint ad oſtendendum quomodo hujuſmodi libertates habere clamant, & quo warranto, & tu ipſe ſis ibidem perſonaliter una cum ballivis & miniſtris, ad certificandum ipſos juſticiarios ſuper his & aliis negotiis illud tangentibus.

This clauſe of liberties that beginneth in this wiſe, Precipimus tibi quod publice proclamari facias, &c. is put in the writ of common ſummons of the Juſtices in Eyre, and ſhall have a premonition by the ſpace of fourty days, as the common ſummons hath; So that if any party that claimeth to have a liberty, be before the king, it ſhall not be in default before any Juſtices in their circuits: for the King of his ſpecial grace hath granted, that he will ſave that party harmleſs as concerning that ordinance. And if the ſame party be impleaded upon ſuch manner of liberties before one or two of the foreſaid Juſtices, the ſame Juſtices before whom the party is impleaded, ſhall ſave him harmleſs before the other Juſtices: And ſo ſhall the King alſo before him, when it ſhall appear by the Juſtices that ſo it was in plea before them, as is aforeſaid. And if the foreſaid party be afore the King, ſo that he cannot be the ſame day afore the ſaid Juſtices in their circuits, the King ſhall ſave that party harmleſs before the foreſaid Juſtices in their circuits for the day, whereas he was before the King. And if he do not come in at the ſame day, then thoſe liberties ſhall be taken into the Kings hands in name of diſtreſs, by the Sheriff of the place, ſo that they ſhall not uſe them until they come to anſwer before the Juſtices. And when they do come in by diſtreſs, their liberties ſhall be replevised (if they demand them) in the which replevins they ſhall anſwer immediately after the form of the Writ aforeſaid: And if percaſe they will challenge and ſay that they are not bounden to anſwer thereunto without an original Writ, then if it may appear by any mean, that they have uſurped or occupied any liberties upon the King or his predeceſſors, of their own head or preſumption, they ſhall be commanded to anſwer incontinent without writ. And moreover, they ſhall have ſuch judgment as the Court of our Lord the King will award. And if they will ſay further, that their anceſtors died ſeiſed thereof, they ſhall be heard: And the truth ſhall be inquired incontinent, and according to that, Judgment ſhall be given. And if it appear, that their anceſtors died ſeiſed thereof, then the King ſhall award an original out of the Chancery in this form: Rex vic. ſalutem. Sum. per bonos ſummon. talem, quod ſit coram nobis apud talem locum in proximo adventu noſtro in Com. predict. vel coram juſticiariis noſtris ad proximam aſſiſam, cum in partes illas venerint, oſtenſurus quo warranto tenet viſum francipledg. in manerio ſuo de N. Vel ſic: quo warranto tenet hundredum de S. in Com. predict. vel quo warranto clamet habere tholonium pro ſe & heredibus ſuis per totum regnum noſtrum. Et habeas ibi hoc breve. Teſte, &c. And if they come in at the ſame day, they ſhall anſwer, and replication and rejoynder ſhall be made; and if they do not come nor be eſſoined before the King, and the King do tarry longer in the ſame ſhire, the Sheriff ſhall be commanded to cauſe them to appear the fourth day, at which day if they come not, and the King be in the ſame Shire, ſuch order ſhall be taken as in the circuit of Juſtices. And if the King depart from the ſame Shire, they ſhall be adjourned unto ſhort days, and ſhall have reaſonable delays according to the diſcretion of the Juſtices, as it is uſed in perſonal actions. Alſo the Juſtices in Eyre in their circuits ſhall do according to the foreſaid ordinance, and according as ſuch manner of pleas ought to to be ordered in the circuit. Concerning complaints made and to be made of the Kings Bailiffs, and of other, it ſhall be done according to the ordinance made before thereupon, and according to the inqueſts taken thereupon heretofore, and the clauſe ſubſcribed ſhall be put in a Writ of common ſummons in the circuit of the Juſtices aſſigned to common pleas directed to the Sheriff, &c. and that ſhall be ſuch. Rex vic. ſalutem. Precipimus tibi, quod publice proclamari facias, quod omnes conquerentes ſeu conqueri volentes, tam de miniſtris & aliis ballivis noſtris, quibuſcunque, quam de miniſtris & ballivis aliorum quorumcunque & aliis, veniant coram juſticiariis noſtris ad primam aſſiſam, ad quaſcunque querimonias ſuas ibidem oſtendendas, & competentes emendas inde recipiendas ſecundum legem et conſuetudinem regni noſtri, et juxta ordinationem per nos inde factum, et juxta tenorem ſtatutorum noſtrorum, et juxta articulos iiſdem juſticiariis noſtris inde traditos, prout predicti juſticiarii tibi ſcire faciant ex parte noſtra. Teſte meipſo, &c. decimo die Decembris, Anno regni noſtri triceſimo.

15 Ed.4.f.7.

Liberties ſeiſed into the Kings hands in the name of diſtreſs.

A Quo warranto for a leet or other liberty.

A Proclamation that all who will complain of the Kings officers ſhall ſhew their griefs to the Juſtices.

An Ordinance for Meaſures, *Anno* 31 Ed. 1. & *Anno Dom.* 1302.

By conſent of the whole Realm of England the Kings Meaſure was made, ſo that an Engliſh penny, which is called the Sterling, round without clipping ſhall weigh xxxii. grains of wheat well dryed, and gathered out of the middle of the ear; and xx. pence make an ounce, and xii. ounces make a pound, and viii. pounds make a gallon of wine, and viii. gallons of wine make a buſhel of London, which is the eighth part of a quarter. St. 12 H. 7. 5.

The Standard meaſure of a Sterling, ounce, pound, gallon, buſhel and quarter.

Stat. de Protectionibus, made at Weſtminſter, 18. *die Novembris, Anno* 33 *Ed.* 1. and *Anno Domini* 1304.

A cauſe to repeal a Protection of the Kings ſervice.

A cauſe to repeal a protection of the Kings ſervice.

28 H 6 f 3. 21 Ed.4.f.20. 47 Ed.3.f.6. 24 Ed.3 f.35.

EDward by the grace of God, &c. To all his true and faithful ſubjects, greeting. Foraſmuch as many do purchaſe the protection of our Lord the King, affirming that they were out of the Realm in the Kings ſervice: It is provided, that if their adverſary will challenge the protection, and immediately when it is ſhewed in the court, will averre that they were within the four Seas, & out of the Kings ſervice in a place certain, ſo that they might have well come, their challenge ſhall be entred, and the matter ſhall remain without day according to the nature of the protection. And when it ſhall be reſummoned, and he cometh into the Court, he ſhall demand judgment and hearing of the proceſs, and offer to aver his challenge if his adverſary will attend. And if the Country do paſs againſt him that caſt the protection, it ſhall return to a default if he be tenant; and if he be demandant, he ſhall leeſe his Writ, and ſhall be amerced unto the King. Given at Weſtminſter the xviii. day of November, the xxxiii. year of King Edward Son of King Henry. Stat. 1 R. 2. 8. St. 13 R. 2. 16. Regiſt. fo. 24. 280. V.N.B.fo. 21. Fitz. N.B. fo. 28. Raſt. pla. fo. 492.

A definition of Conſpirators, made *Anno* 33 *Ed.* 1. and *Anno Dom.* 1304.

Who be Conſpirators: And who be Champertors.

Who be Conſpirators. V.N.B.f.56. Fitz.N.B.f.117. H. Raſt.pla.f.122.

20 H.7.f.11. Fitz.Barre 4. Kel.f.81. Fitz.Conſp. 2.4.9.10.13. 14.15.16.19. 21.22.25.

Conſpirators be they that do confeder or bind themſelves by oath, covenant, or other alliance, that every of them ſhall aid and bear the other falſly and maliciouſly to indite, or cauſe to indite, or falſly to move or maintain pleas, and alſo ſuch as cauſe children within age, to appeal men of felony, whereby they are impriſoned and ſore grieved; and ſuch as retain men in the Country with liveries or fees for to maintain their malicious enterpriſes: and this extendeth as well to the takers as to the givers. And Stewards & Bailiffs of great Lords which by their Seigniory, office or power undertake to bear or maintain quarrels, pleas or debates that concern other parties then ſuch as touch the Eſtate of their Lords or themſelves. This ordinance and final definition of Conſpirators was made and accorded by the King and his Councel in his Parliament the xxxiii. year of his reign. And it was further ordained that Juſtices aſſigned to the hearing and determining of felonies and treſpaſſes, ſhould have the tranſcript hereof. Champertors be they that move pleas and ſuits, or cauſe to be moved either by their own procurement or by others, and ſue them at their proper coſts, for to have part of the land in variance, or part of the gains.

Coke 1.8.f.37

Who be Champertors.

The Statute of Champerty made 18. *Septembris, Anno* 33 *Ed.* 1. and *Anno Domini* 1305.

The puniſhment of ſuch as commit Champerty.

Stat. 3 Ed.1.25. Stat.13 Ed.1.49. Stat.28 Ed.1.11. Stat. 1 R. 2.4. Raſt.pla.f.119. 393.450. The puniſhment of thoſe that commit Champerty. Regiſt.f.183. V.N.B.f 180. Fitz.N.B.f.172.

20 H.6.f.33. 9 H.7.f.18. 15 H.7.f.2. 3 H.6.f.35. 31 H.6.f.8.

WHere it is contained in our Statute, that none of our Court ſhall take any plea to Champerty, by craft nor by engine: And that no Pleaders, Apprentiſes, Attournies, Stewards of great men, Bailiffs, nor any other of the Realm ſhall take for maintenance, or the like bargain, any manner of ſuit or plea againſt other, whereby all the Realm is much grieved, and both rich and poor troubled in divers manners: It is provided by a common accord, that all ſuch as from henceforth ſhall be attainted of ſuch enterpriſes, ſuits or bargains, and ſuch as conſent thereunto, ſhall have impriſonment of three years, and ſhall make fine at the Kings pleaſure. Given at Berwike upon Tweede, the twentieth year of the reign of King Edward. Our Lord the King at the information of Gilbert Rowberry, Clerk of the councel, hath commanded that whoſoever will complain himſelf of conſpirators, inventors and maintainors of falſe quarrels, and partakers thereof, and brokers of debates, that Gilbert Thornton ſhall cauſe them to be attached by his Writ, that they be before our Soveraign Lord the King, to anſwer unto the plaintiffs by this Writ following:

Writ of conſpiracie.

Rex vic. ſalutem. Præcipimus tibi, quod ſi A. de G. fecerit te ſecurum de clamore ſuo proſequendo, tunc pone per vadium & ſalvos plegios G. de C. quod ſit coram nobis in octabis Sancti Johannis Baptiſte, ubicunque tunc fuerimus in Anglia, ad reſpondendum prædicto A. de placito conſpirationis & tranſgreſſionis ſecundum ordinationem noſtram nuper inde proviſam, ſicut idem A. rationabiliter monſtrare poterit quod ei inde reſpondere debeat. Et habeas ibi nomina plegiorum & hoc breve. Teſte, &c.

An Ordinance for Enqueſts made 18. *September Anno* 33 *Ed.* 1. *and Anno Domini* 1305.

He that challengeth a Jury or Juror for the King ſhall ſhew his cauſe.

He that challengeth a Jury or a Juror for the K. ſhall ſhew the cauſe. Raſt.pla.f.115.

44 Ed.3.f.38. Fitz. Chall. 47.63.65. 107. Bro.Chall.22. 150.

OF Inqueſts to be taken before any of the Juſtices, and wherein our Lord the King is party howſoever it be: It is agreed and ordained by the King and all his Councel, That from henceforth, notwithſtanding it be alledged by them that ſue for the King, that the Jurors of thoſe Inqueſts, or ſome of them be not indifferent for the King, yet ſuch Inqueſts ſhall remain untaken for that cauſe; but if they that ſue for the King, will challenge any of thoſe Jurors, they ſhall aſſign of their challenge a cauſe certain, and the truth of the ſame challenge ſhall be inquired of according to the cuſtom of the Court; and let it be recovered to the takers of the ſame Inquiſitions, as it ſhall be found if the challenges be true or not, after the Juſtices diſcretion.

This Ordinance precedent, and the Ordinance following of the Foreſt, were made in the Parliament at Weſtminſter, the Sunday next before the Feaſt of S. Matthew the Apoſtle, the three and thirtieth year of the Reign of King Edward ſon of King Henry.

Ordinatio Foreſtæ, made 33 *Edw.* 1. and *Anno Dom.* 1305.

They whoſe Woods are diſaforeſted ſhall not have common or other eaſement in the Foreſt.

Whereas certain people that be put out of the Foreſt for the purliew, and by the great men have made requeſt to our Lord the King at this Parliament that they might be acquitted of their charge, and of things that the Foreſters demand of them, as they were wont to be: Our Lord the King anſwered, Firſt, That where he had granted purliew, that he was pleaſed that it ſhould ſtand, in like manner as it was granted, albeit that the thing was ſued and demanded in an evil point. Nevertheleſs he willeth and intendeth, That all his demean lands whereſoever they be, that have been of the Crown, being returned by way of Eſcheat or otherwiſe, ſhall have eſtate of Free-chaſe and Free-warren, and in ſuch manner ſhall be ſaved and kept to his uſe for all manner of eſcheats, and for all manner of things that pleaſeth him. And in right of them that have lands and tenements diſaforeſted for the ſaid purliew, and ſuch as demand to have common within the bounds of Foreſts, the intent and will of our L. the King is, that from henceforth (where purliew is) they may claim to be quit of charge of the Foreſts. And whereas the Kings beaſts cannot have their haunt and repair upon the Foreſt ground, as they had ſo long as they were within the Foreſts, that ſuch folk ſhall not have common, nor other eaſement within the bounds of the woods, nor of the lands, the which remain in Foreſt: but if any of them that be diſaforeſted by the purliew, would rather be within the Foreſt as they were before, then to be out of the Foreſt as they be now: It pleaſeth the King very well, that they ſhall be received thereunto, ſo that they may remain in their ancient eſtate, and ſhall have common and other eaſement as well as they had before. Whereupon our Lord the King willeth and commandeth, That his Juſtices of the Foreſt on this ſide Trent and beyond Trent, in like manner ſhall keep and hold, and cauſe to be kept and holden ſtraitly the foreſaid points within their liberties in the form above mentioned.

They whoſe Woods are diſforeſted ſhall not have common within the Foreſt. They which will return their Woods into the Foreſt, ſhall have common as they had before.

An Ordinance for meaſuring of Land, made *Anno* 33 Ed. 1. and *Anno Domini* 1306.

When an acre of land containeth x. Perches in length, then it ſhall be in breadth xvi. Perches: when it containeth xi. Perches in length, then it ſhall be in breadth xiv. di. and three quarter of one foot: When it is xii. then xiii. v. foot, & di. When it is xiii. then xii. v. foot, and almoſt an inch: When xiv. then xi. xii. foot & almoſt an inch: When xv. then x. and di. ii. foot & iii. quarter of a foot: When xvi. then x. When xvii. then ix. vi. foot iii. q. of a foot, and almoſt half an inch: When xviii. then viii. xiv. foot & viii. inches: When xix. then viii. vi. foot & xi. inches & di. When xx. then viii. perches: When xxi. then vii. perches x. foot, ii. inches and iii. quarter of an inch: When xxii. then vii. iv. foot and an half: When xxiii. then vi. iii. quarter, ii. foot & xi. inches and di. When xxiv. then vi. and di. ii. foot & vi. inches: When xxv. then vi. vi. foot and almoſt ii. inches: When xxvi. then vi. ii. foot and almoſt di. When xxvii. then v. iii. quarter v. inches and di. When xxviii. then v. xi. foot x. inches and di. When xxix. then v. viii. foot v. inches & di. When xxx. then v. v. foot & di. When xxxi. then v. ii. foot and viii. inches. When xxxii. then v. When xxxiii. then iv. xiv. foot and four inches: When xxxiv. then iv. and di. iii. foot and iv. inches: When xxxv. then iv. and di. i. foot iii. inches and di. When xxxvi. then iv. vii. foot and iv. inches: When xxxvii. then iv. v. foot and iii. inches: When xxxviii. then iv. iii. foot, and almoſt di. When xxxix. then iv. i. foot, & almoſt ix. inches: When xl. then iv. When xli. then iii. iii. quarter, i. foot and x. inches: When xlii. then iii. iii. quarter and vii. inches: When xliii. then iii. and di. iii. foot, an inch and di. When xliv. then iii. and di. ii. foot and iii. inches: When xlv. then iii. and di. di. a foot and three inches.

The Statute *de Conjunctim Feoffatis*, made 27 *Maii*, *Anno* 34 *Ed.* 1. and *Anno Domini* 1306.

Joyntenancy pleaded in abatement of a Writ, &c.

Fitz. Brief. 757. 24 Ed. 3. f. 51.

St. 13 Ed. 1. c. 25.

The King unto all, to whom theſe, &c. Greeting. It is no new thing that among divers eſtabliſhments of Laws, which we have ordained in our own time upon the great and heinous miſchiefs that happen in Writs of novel diſſeiſin, chiefly above other, we have deviſed more ſpeedy remedy in thoſe Writs, then was before. And forаſmuch as it chanceth many times in Aſſiſes of novel diſſeiſin, That the Tenant doth except againſt the Plaintiff, that he holdeth the Tenements in demand joyntly with his wife, not named in the Writ, and ſometime with a ſtranger not named in the Writ, and ſheweth forth a deed teſtifying the ſame, and demandeth Judgment of the Writ: It is agreed and ordained, That if the Plaintiff will offer to aver by Aſſiſe, that the day of his Writ purchaſed, he that alledged the exception was ſole Tenant, ſo that neither his wife, nor any other had any thing in the ſaid Lands, then the Juſtices, before whom the Aſſiſe is Arraigned, ſhall

What ſhall be done when the Tenant in Aſſiſe doth plead Jointenancy.

27 Aſſ. pl. 70. Kel. f. 110. 25 Aſſ. pla. 14. 23 Aſſ. pla. 13. 17 Aſſ. pla. 20. 21 Aſſ. pla. 21. Kel. f. 110. Fitz. proces 22. 49. 158.

retain the ſame Deed ſafely in their keeping (until the Aſſiſe be tryed between them thereupon) as that which is in a ſort denied.

A Scire facias awarded to the Jointenant. Regiſt. jud. f. 47. 56. 59.

And they ſhall let the party abſent to underſtand by their Writ under their teſtimony, and alſo to the Jointenant that is preſent, of whom the Deed maketh mention, that he be preſent at a certain day with the other Tenant, to anſwer unto the party Plaintiff as well upon the exception alledged, as of the Lands demanded and put in view, if it ſeem expedient for him: at which day if both that are named Tenants do come in, and do juſtifie the ſame feoffment, they ſhall anſwer and maintain the exception alledged by one of them, and further ſhall anſwer unto the Aſſiſe as though the original Writ had been purchaſed againſt both of them joyntly. And if it be proved by Aſſiſe, that the exception was alledged maliciouſly to delay the Plaintiff of his right, ſo that they held not the ſame Land joyntly the day of the Writ purchaſed, then albeit the ſame Aſſiſe do paſs for the Tenants, and againſt the Plaintiff, yet they that alledge the exception ſhall be puniſhed by one years impriſonment, whence they ſhall not be delivered without a grievous Fine.

Jointenancy in Aſſiſes ſhall not be pleaded by Bailiffs.

31 Aſſ. pl. 11. 16 Aſſ. pl. 8. Fitz. Peine 5.

And let the Juſtices be well adviſed, that from henceforth they do not allow an exception alledged by the Bailiffs of any ſuch Tenants: and if he that alledgeth the exception abſent himſelf at his day, and the other that is named Jointenant do appear, although he that doth appear doth diſavow the ſame Deed, and ſay that he hath nothing in the foreſaid Tenements; nevertheleſs yͤ Aſſiſe ſhall paſs againſt yͤ Tenant that is abſent by his default.

19 Aſſ. pl. 8. 21 Aſſ. pl. 28. 22 Aſſ. pl. 1.

And if it be found by Aſſiſe, that they were not joyntly Enfeoffed the day of the Writ purchaſed, and likewiſe that the Tenant againſt whom the Writ was purchaſed, or another named in the Writ did diſſeiſe the plaintiff, then having regard to the exception that was falſly and maliciouſly alledged to the hurt of the party, and to the diſſeiſin that they made, yͤ party plaintiff ſhall recover his ſeiſin and double damages, and they that alledge the falſe exception ſhall have the puniſhment aforeſaid. But if neither of the Tenants do come at the day, then upon their default the Aſſiſe ſhall paſs againſt them. And if it be found thereby that the ſame exception was lawfully and truly alledged, and that they which alledged it were joyntly ſeiſed before the plaintiff purchaſed his Writ againſt them, the Aſſiſe ſhall paſs no further, but the Writ ſhall be abated. The ſame ſhall be obſerved, if both or one onely do appear, if it be found by Aſſiſe, that the exception aforeſaid was truly alledged, as before is ſaid.

Jointenancy pleaded in Mortdaunceſtor and Juris utrum. Jointenancy pleaded in other real actions.

In the ſame order it is eſtabliſhed and agreed, that in Aſſiſes of Mortdaunceſtor, and Juris utrum, at the firſt day that the parties appear in Court, if the Tenant alledge the foreſaid exception againſt the demandant, ſhewing a deed thereupon, and the demandant will offer to aver by the Aſſiſe or Jury, that at the day of his Writ purchaſed, he that alledged the exception was ſole Tenant, from thence the ſame proceſs and manner of proceeding ſhall be uſed in Aſſiſes of Mortdaunceſtor, and Writs of Juris utrum, as before is ordained in Aſſiſes of novel diſſeiſin, and like puniſhment ſhall be inflicted upon the offendors, and thoſe that be convict.

Fit. Brief 762.

In other Writs whereby Tenements are demanded, ſuch proceſs ſhall be made, that if at the firſt day that the parties appear in Court, the Tenant doth alledge the foreſaid exception of a joynt Feoffment, and the demandant will offer to aver by the Countrey, that the day of the Writ purchaſed, he that alledged the exception was ſole Tenant, then the ſame proceſs and manner of proceeding ſhall be obſerved betwixt the parties until a Jury have paſſed between them thereupon. And if it be found by the Jury, that the ſame exception was truly alledged, then the Writ of the demandant ſhall abate: And if it be founden by the Jury, that the ſame exception was falſly alledged, and to the hindrance of the party, then the demandant ſhall recover his ſeiſin of the Tenements in demand, and the Tenant ſhall be puniſhed by the pain above limited in Aſſiſes of novel diſſeiſin, as to the impriſonment, and as to the damages according to the diſcretion of the Juſtices. And we will and grant, that this Statute ſhall take his effect the morrow after the Feaſt of S. Peter ad vincula next coming.

31 H. 6. f. 13.

Foraſmuch alſo as Pleas in Court Spiritual heretofore had many times unmeet delays, for that our Writ that is called Indicavit, was many times brought before the Judges of ſuch matters when they were begun: and thereupon our chief Juſtices could not proceed lawfully, nor in due manner to award a Writ of Conſultation upon ſuch manner of proceſs:

When the Writ of Indicavit is to be granted. St. 13 Ed. 1. 5. Regiſt. f. 35. V.N.B. f. 32. Fitz. N.B. f. 30. a. 43. c.

It is agreed that ſuch a Writ of Indicavit, ſhall not be granted from henceforth to any before the matter hanging in the Spiritual Court between the parties be recorded, and that our Chancellor ſhall be certified thereof by the ſight and inſpection of the libel. In witneſs of which thing we have cauſed theſe our Letters to be Patent. I my ſelf being witneſs at Weſtminſter. Given the ſeven and twentieth day of the moneth of May, the four and thirtieth year of our Reign. Raſt. pla. f. 62. 66. 80. 225. 384.

Articles of Inquiſition upon the Statute of *Wincheſter*, *viz.* An Inquiry how the particular Branches of that Statute be performed, and by whom broken.

An inquiry ſhall be made of the particular branches of the Statute of Wincheſter.

THe manner of inquiring upon the Statute of Wincheſter when it is obſerved, and when not, and of ſuch as have obſerved the ſaid Statute, and of ſuch as have not ſuffered the contents thereof to be obſerved, Of Felonies and Robberies committed after Eaſter the thirteenth year of the Reign of King Edward, and in what manner ſuch Felonies were done, where and by whom done, and the Suits by Inqueſts, according to the tenor of the Statutes made thereupon after. And if the Sheriffs have anſwered for the bodies of ſuch offendors or not. Alſo if the gates of the Cities or great Towns were ſhut from the time of the Sun going down until the Sun riſing. And if any ſtrangers or their Chattels were lodged in the Suburbs, or in the out-parts of the City, except it were in the day, for whom their hoſts would not anſwer. And alſo how Bailiffs and other Officers of Towns have made inquiry thereof. And if Watches have been kept in ſuch ſort as is contained in the ſaid Statute or not, and how the Watchmen have kept their Watch. And if the Kings high-ways from one Market-town to another be enlarged as well in our Lord the Kings own Woods as elſewhere according to the Statute, and if they be not enlarged, to enquire what ways, and where they be, and who ought to have enlarged them, and of ſuch as do hinder ſuch enlargements, as well in Parks as in other Woods. Alſo if all between the age of xv and xvi, be ſworn to keep the peace. Alſo if they have weapons in their houſes according to the quantity of their Lands and Goods, for maintenance of the peace according to the Statute. And alſo if Conſtables do make view of Armour in due manner, and of other things belonging to their office, or not. Alſo if Sheriffs, Hundreders, Bailiffs of Liberties, and Foreſters, have come at Huy and Cry levied, and if they have made purſuit for keeping the Kings peace according to the Statute, or not.

A Statute of Amortiſing Lands, made *tempore Ed.* 1. That Lands ſhall not be aliened in Mortmain where there be Meſnes, without their conſent.

Touching the Kings Grant to be made upon Inqueſts returned into the Chancery for Lands to be aliened into Mortmain, the King commandeth that nothing ſhall be done where there be any Lords Mean, except the religious perſons can ſhew to our Lord the King their aſſent under their Patents ſealed with their ſeals. And that nothing ſhall paſs, in caſe where the donor reſerveth nothing to himſelf. And likewiſe where Inquiſitions be made and returned without Warrant, that is to wit, the Writ original returned with the Inqueſt, and likewiſe unleſs the Writ original maketh mention of every thing according to the new ordinance deviſed by the King. Regiſt. f. 247. V. N. B. f. 160. Fitz. N. B. f. 222. Raſt. pla. f. 25. 32.

43 Aſſ. pla. 19. 6 Ed. 3. f. 23.

Lands ſhall not be given into Mortmain without conſent of the Meſne. St. 9 H. 3. 36. Stat. 7. Ed. 1. St. 13 Ed. 1. 32.

A Statute made in the time of King *Edw.* 1. whereby the King granted Liberties, &c.

CAP. I.

The King or his Heirs ſhall have no Tallage or Aid without conſent of Parliament.

No Tallage or aid ſhall be taken or levied by us or our Heirs in our Realm, without the good-will and aſſent of Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other freemen of the Land. St. 25 E. 1. 6.

The King ſhall have no aid without aſſent of Parliament.

CAP. II.

Nothing ſhall be purveyed to the Kings uſe without the owners conſent.

No Officer of ours, or of our heirs, ſhall take Corn, Leather, Cattel, or any other goods of any manner perſon, without the good will and aſſent of the party to whom the goods belonged.

No purveyance without the owners conſent.

CAP. III.

Nothing ſhall be taken of Sacks of Wooll by colour of Maletent.

Nothing from henceforth ſhall be taken of Sacks of Wooll by colour or occaſion of Maletent.

Maletent.

CAP. IV.

All Laws, Liberties, and cuſtoms Confirmed.

We will and grant for us and our Heirs, That all Clerks and lay-men of our land, ſhall have their Laws, Liberties, and free Cuſtoms as largely and wholly, as they have uſed to have the ſame at any time when they had them beſt. And if any Statutes have been made by us or our anceſtors, or any cuſtoms brought in contrary to them, or any manner of article contained in this preſent Charter: we will and grant that ſuch manner of Statutes and Cuſtoms ſhall be void and fruſtrate for evermore.

All Laws, Liberties and Cuſtoms confirmed.

CAP. V.

Pardon granted to certain offenders.

Moreover, we have pardoned Humfrey Bohun Earl of Hereford and Eſſex, Conſtable of England, Roger Earl of Norfolk and Suffolk, Marſhal of England, and other Earls, Barons, Knights, Eſquires, and namely John de Ferrariis, with all other being of their fellowſhip, confederacy and bond, and alſo of other that hold xx. pound land in our Realm, whether they hold of us in chief, or of other, that were appointed at a day certain to paſs over with us into Flanders, the rancor and evil will born againſt us, and all other offences that they have done againſt us, unto the making of this preſent Charter.

Pardon.

CAP. VI.

The Curſe of the Church ſhall be pronounced againſt the breakers of this Charter.

And for the more aſſurance of this thing, we will and grant that all Archbiſhops and Biſhops for ever, ſhall read this preſent Charter in their Cathedral Churches twice in the year, and upon the reading thereof in every of their Pariſh Churches ſhall openly denounce accurſed all thoſe that willingly do procure to be done any thing contrary to the tenour, force and effect of this preſent Charter in any point and Article. In witneſs of which thing we have ſet our Seal to this preſent Charter, together with the ſeals of the Archbiſhops, Biſhops, &c. which voluntarily have ſworn that as much as in them is, they ſhall obſerve the tenour of this preſent Charter in all clauſes and articles, and ſhall extend their faithful aid to the keeping thereof, &c.

Ordinatio pro ſtatu Hiberniæ, made *Anno* 17 *Edw.* 1. and *Anno Domini* 1288.

EDward by the grace of God King of England, Lord of Ireland, Duke of Aquitain, To all thoſe who ſhall ſee or hear theſe Letters, doth ſend ſalutation: Know you that for the amendment of the Government of our Realm of Ireland, and for the peace and tranquility of our people of the ſame Land, at Nottingham the Octaves of Saint Martine, in the ſeventeenth year of our Reign, by the aſſent of our Council there being, the points hereafter mentioned be made and agreed upon, to the intent that they may be firmly obſerved in the ſame Realm.

CAP. I.

The Kings Officers in Ireland ſhall purchaſe no Land there without the Kings Licence.

The Kings Officers in Ireland ſhall purchaſe no land there.

FIrſt, That the Juſtices of Ireland nor any other Officer of ours of the ſame Realm, ſo long as they are in our ſervice there, ſhall purchaſe any Land or Tenement within the liſt or bound of their Bailiwicks without our ſpecial licence: And if any do the contrary, that which he ſhall purchaſe ſhall accrue and be forfeit to us and our heirs: Saving to the chief Lord of the Fee, the ſervices due and accuſtomed for the Lands and Tenements ſo accruing and forfeit to us.

CAP. II.

In what caſe only Purveyance may be made in Ireland.

In what caſe only purveyance may be made in Ireland.

ALſo, That neither our Juſtice of Ireland, nor any other of our Officers there, by colour of their Offices ſhall take victuals or any other things of any perſon againſt his will, but in time of neceſſity for the common profit of the Realm: and that then he ſhall do it by the advice and aſſent of the greateſt part of our Council in thoſe parts, and by a Writ awarded out of our Chancery of Ireland: and in ſuch caſe as we or our heirs do command by a Writ awarded out of our Chancery of England, or by other Warrants.

CAP. III.

Tranſporting of Merchandiſes out of Ireland.

Tranſporting of Merchandiſe.

MOreover, That none of our Juſtices, nor any of our other Miniſters, by colour of their office, ſhall arreſt Ships, nor other goods of ſtrangers, or of our own people: but that all Merchants and others may carry their corn and other victuals and Merchandiſes forth of our Realm of Ireland unto our Realm of England, and unto our Land of Wales (ſaving in the caſe aforeſaid) paying the cuſtoms due and uſed, ſo that they make good ſecurity that they ſhall not go unto, nor commerce with our enemies of Scotland, nor other of our enemies, if any ſhall be: And if any Juſtice or other Officer do the contrary in the things aforeſaid, and be thereof attainted, he ſhall ſatisfie the Plaintiff double damages, and alſo ſhall be grievouſly puniſhed by us.

CAP. IV.

The fees of a Bill of Grace in Ireland.

A Bill of grace.

HEreafter there ſhall be taken and paid for the Seal of our Juſtice of Ireland, for every Bill of Grace, iv. d. and for the writing of every Bill ii. d. and no more.

CAP. V.

The Marſhals Fee in Ireland.

The Marſhals Fee.

ANd there ſhall be taken of him which is committed to priſon by Authority of our Court, when he ſhall be delivered, iv. d. for the Marſhals fee, and no more: And if any do offend the Ordinances aforeſaid, and thereof be attainted at our ſuit, or the ſuit of the party, he ſhall make ſatisfaction to the party, and be grievouſly puniſhed by us.

CAP. VI.

In what caſes the Juſtice of Ireland may grant pardon of Felony, &c. and where not.

Pardons. Protections.

EXP.

ANd that no pardon from henceforth ſhall be granted by our Juſtice of Ireland of the ſuit of our peace for the death of a man, nor for other Felony, nor for flying for the ſame, to them which ſhall be accuſed or indicted of ſuch Felonies, nor ſhall be ſealed with our ſeal there, without the ſpecial commandment of us our ſelves under ſome of our ſeals of England. Saving that our ſaid Juſtice of Ireland, and our Chancellor of Ireland, with the advice of our Councel of Ireland, may grant pardon of Felonies committed before the date hereof, as they ſhall perceive it may ſtand with our honour and profit, and peace and tranquility of our people there, and with the commandment which they have received from us: So always that there be no pardon or protection granted of thoſe Felonies which ſhall be hereafter committed, without the ſpecial commandment of us our ſelves, as is aforeſaid.

CAP. VII.

By what Seal Writs in Ireland ſhall be ſealed.

Sealing of Writs.

ANd that none of our Officers ſhall receive an original Writ pleadable at the Common Law, but ſuch as be ſealed by the great Seal of Ireland; nor any proceſs ſhall be made by any other Writ, ſaving that by our Seal of our Eſchequer of Ireland, of things touching that Court it ſhall be done as by reaſon it ought to be, and according as it hath been heretofore accuſtomed.

CAP. VIII.

Adjournment of Aſſiſes in Ireland.

ITem, That our Juſtice of the ſame Realm ſhall not by his Writs, or Letters, delay or adjourn any aſſiſe of Novel diſſeiſin before him, but in the County where he ſhall be preſent, and during that time as he ſhall remain in the ſame County. In witneſs whereof we have cauſed theſe our Letters Patents to be made. Dated at Nottingham the four and twentieth day of November, the xvii. year of our Reign.

Aſſiſe of Novel diſſeiſin.

Ordinatio Foreſtæ, made *Anno* 34 *Ed.* 1. and *Anno Dom.* 1306.

CAP. I.

How offences done in the Foreſt ſhall be preſented.

FIrſt, We have ordained for our ſelves and our Heirs, that all treſpaſſes hereafter to be done in our Foreſts of Green-hugh, and of Hunting: the Foreſters within whoſe Bailiwicks ſuch treſpaſſes ſhall happen to be committed, ſhall preſent the ſame at the next Swanimote, before the Foreſters, Verdors, Regardors, Agiſtors, & other miniſters of the ſame Foreſt; and upon ſuch preſentations there before the Foreſters, Verdors, & all other miniſters aforeſaid, by the oath as well of Knights as of other lawful and honeſt men of the neareſt parts where the treſpaſs ſo preſented ſhall be done, not ſuſpected, the truth of the matter ſhall be lawfully enquired of; and the truth ſo enquired of, the ſame preſentations by the common accord and aſſent of all the miniſters aforeſaid, ſhall be ſolemnly confirmed and ſealed with their Seals. And if an Indictment be in any other manner, it ſhall be adjudged void.

Preſentment of offences done in the Foreſts. V. N. B. fo. 41.

CAP. II.

An Officer dying or being abſent, another ſhall be put in his place.

ANd if it happen any of the ſaid Foreſters, Regarders, or other Miniſters of the ſame Foreſts do die, or by ſickneſs or other means to be hindred, whereby he cannot be preſent at the ſame Swanimote, preſently the Juſtice of the ſame Foreſt, or his Lieutenant, ſhall put another in his place: ſo that the indictment may be made by all in form aforeſaid. And that the Officers which are to be placed, ſhall be put in as heretofore it hath been uſed to be: Except the Verderors, who ſhall be ordained by Election and by our Writ.

An Officer dying or being abſent.

CAP. III.

No Foreſter ſhall be put in any Aſſiſes or Juries.

ANd we will that none of the foreſaid Miniſters ſhall hereafter be put in any Aſſiſes, Juries, or Enqueſts to be taken without the Foreſt. Regiſt. fo. 183. Fitz. N. B.

No Foreſter ſhall be put in a Jury.

CAP. IV.

The puniſhment of Officers ſurcharging the Foreſt.

ANd if there be any ſurcharge found of the Foreſters, or by ſuch other as take upon them to be Officers of the Foreſt, ſuch ſurchargers ſhall be removed and impriſoned according to the diſcretion of the Juſtice of the Foreſt, or his Lieutenant: And they by whom they were placed ſhall be alſo puniſhed at our pleaſure. And at every Swanimote inquiſition ſhall be made of Surchargers, of Foreſters, and other miniſters of the Foreſt, and of their oppreſſions done to our people; and reformation and puniſhment ſhall be done, as it is ordained before.

Surcharge of the Foreſt by Officers.

CAP. V.

Grounds diſaforeſted.

AS touching them that commit treſpaſſes of green-hugh or hunting, at ſuch time as the Foreſt was diſaforeſted: we will that thoſe offences ſhall be pardoned, ſaving ſuch treſpaſſes which were committed in that part which doth remain Foreſt: yet ſo, as that the hedges and ditches made in the mean time ſhall be wholly caſt down, removed, and avoided: ſaving our Arrentations, which we will have remain according to the aſſiſe of the Foreſt. The wood which is felled and cut down ſhall be removed, and the wood which is ſtanding ſhall remain in the Foreſt. And if any ſuch wood yet ſtanding be ſold, it ſhall remain in the Foreſt, and the ſeller ſhall ſatisfie the buyer according to the quantity of the wood ſtanding in the Foreſt, and ſo ſold in the mean time as he received of him.

Grounds diſaforeſted.

CAP. VI.

Commons in the Foreſt.

WE will alſo that our Juſtice of the Foreſt, or his Lieutenant, in the preſence of our Treaſurer, and by his aſſent, ſhall have authority to take fines and amerciaments of thoſe which be indicted for treſpaſſes committed in our Foreſts, and not tarry for the Eyre of the Juſtice. And moreover we will, that they which had common of paſture in the Foreſt before the perambulation was made, and which were hereafter returned into the Foreſt, and that were reſtrained of common by the ſaid perambulation, ſhall have their common of paſture hereafter in the Foreſt, as freely and largely as they were wont to have before the perambulation made. Saving our Arrentations in form aforeſaid. In witneſs whereof, &c. at Weſtminſter, 28 die Maii, Anno 34 Edwardi primi, Regiſt. fo. 80.

Aſſeſſing fines for treſpaſſes in the Foreſt.

Stat. de Aſportatis Religioſorum, made *Anno* 35 *Ed.* 1. & *An. Dom.* 1307.

CAP. I.

The cauſes of Erection of Abbies. Impoſitions ſet by Priors Aliens.

Co. Inſt. 2 par. 580.

The cauſe of foundation of Religious Houſes.

Impoſitions ſet by certain Religious Houſes upon their inhabiturs.

Of late it came to the knowledge of our Lord the King, by the grievous complaint of the Honourable perſons, Lords, and other Noble-men of his Realm, that whereas Monaſteries, Priories, and other Religious houſes were founded to the honour and glory of God, and the advancement of the holy Church, by the King and his Progenitors, and by the ſaid Noble-men and their Anceſtors, and a very great portion of Lands and Tenements have been given by them to the ſaid Monaſteries, Priories and houſes, and the Religious men ſerving God in them, To the intent that Clerks and Lay-men might be admitted in ſuch Monaſteries, Priories, and Religious houſes, according to their ſufficient ability, and that ſick and feeble men might be maintained, hoſpitality, alms-giving, and other charitable deeds might be done, and that in them prayers might be ſaid for the ſouls of the ſaid founders and their heirs: The Abbots, Priors, and Governours of the ſaid houſes, and certain Aliens their ſuperiours, as the Abbots and Priors of Ciſtercienſes, and Promonſtratenſes, and of the order of St. Auguſtine, and St. Benedict, and many more of other Religion and Order, have at their own pleaſures, ſet divers unwonted, heavy, and importable tallages, payments, and impoſitions upon every of the ſaid Monaſteries, and Houſes in ſubjection unto them in England, Ireland, Scotland, and Wales, without the privity of our Lord the King and his Nobility, contrary to the Laws and Cuſtoms of the ſaid Realm. And thereby the number of Religious perſons, and other ſervants in the ſaid Houſes and Religious places being oppreſſed by ſuch tallages, payments, and impoſitions, the ſervice of God is diminiſhed, alms be not given to the poor, the ſick and feeble, the healths of the living, and the ſouls of the dead be miſerably defrauded, hoſpitality, alms-giving, and other godly deeds do ceaſe. And ſo that which in times paſt was charitably given to godly uſes, and to the increaſe of the ſervice of God, is now converted to an evil end. By permiſſion whereof there groweth great ſcandal to the people, and infinite loſſes and diſheritances are like to enſue to the Founders of the ſaid Houſes, and their heirs, unleſs ſpeedy and ſufficient remedy be provided to redreſs ſo many and grievous detriments.

Cok. l. 11. f. 73.

Wherefore our foreſaid Lord the King, conſidering that it would be very prejudicial to him and his people, if he ſhould any longer ſuffer ſo great loſſes and injuries to be winked at, and therefore being willing to maintain and defend the Monaſteries, Priories, and other Religious Houſes erected in his Kingdom, and in all lands ſubject to his Dominion, and from henceforth to provide ſufficient remedy to reform ſuch oppreſſions as he is bound: By the counſel of his Earls, Barons, great men, and other Nobles of his Kingdom in his Parliament holden at Weſtminſter, in the five and thirtieth year of his Reign, hath ordained and enacted,

CAP. II.

Religious perſons ſhall ſend nothing to their ſuperiours beyond the Sea.

Religious perſons ſhall ſend nothing to their ſuperiours beyond Sea.

That no Abbot, Prior, Maſter, Warden, or any other Religious perſon, of whatſoever condition, ſtate, or Religion he be, being under the Kings power or juriſdiction, ſhall by himſelf, or by Merchants, or others, ſecretly or openly, by any device or means, carry or ſend, or by any means cauſe to be ſent any tax impoſed by the Abbots, Priors, Maſters, or Wardens of Religious houſes their Superiours, or aſſeſſed amongſt themſelves, out of his Kingdom and his Dominion, under the name of a Rent, Tallage, or any kind of impoſition, or otherwiſe by the way of exchange, mutual ſale, or other contract howſoever it may be termed. Neither ſhall depart into any other Countrey for viſitation, or upon any other colour, by that means to carry the goods of their Monaſteries and Houſes out of the Kingdom and Dominion aforeſaid. And if any will preſume to offend this preſent Statute, he ſhall be grievouſly puniſhed according to the quality of his offence, and according to his contempt of the Kings prohibition.

CAP. III.

No impoſitions ſhall be taxed by Priors aliens.

Impoſitions taxed by Aliens.

Moreover, our foreſaid Lord the King doth inhibit all and ſingular Abbots, Priors, Maſters and Governours of Religious Houſes and places, being Aliens, to whoſe authority, ſubjection, and obedience, the Houſes of the ſame Orders in his Kingdom and Dominion be ſubject, that they do not at any time hereafter impoſe, or by any means aſſeſs any tallages, payments, charges, or other burdens whatſoever, upon the Monaſteries, Priories, or other Religious Houſes in ſubjection unto them (as is aforeſaid) and that upon pain of all that they have, or may forfeit.

CAP. IV.

By whom the common Seal of an Abbey ſhall be kept, and how uſed.

The common Seals of Abbeys.

Cok. l. 8. f. 118. Fitz. Abbe. 14. 38 H. 6. f. 27.

And further, our Lord the King hath ordained and eſtabliſhed, That the Abbots of the Orders of Ciſtercienſes and Promonſtratenſes, and other Religious Orders, whoſe Seal hath heretofore been uſed to remain onely in the cuſtody of the Abbot, and not of the Covent, ſhall hereafter have a common Seal, and that ſhall remain in the cuſtody of the Prior of the Monaſtery or Houſe, and four of the moſt worthy and diſcreet men of the Covent of the ſame Houſe, to be laid up in ſafe keeping under the private Seal of the Abbot of the ſame Houſe: So that the Abbot or Prior which doth govern the Houſe, ſhall be able of himſelf to eſtabliſh nothing, though heretofore it hath been otherwiſe uſed. And if it fortune hereafter, that writings of Obligations, Donations, Purchaſes, Sales, Alienations, or of any other Contracts be ſealed with any other Seal then ſuch a common Seal, kept as is aforeſaid, they ſhall be adjudged void, and of no force in Law. But it is not the meaning of our Lord the King to exclude the Abbots, Priors, and the other Religious Aliens by the Ordinances and Statutes aforeſaid, from executing their office of Viſitation in his Kingdom and Dominion. But they may viſit at their pleaſures, by themſelves or others, the Monaſteries and other places in his Kingdom and Dominion in ſubjection unto them, according to the duty of their office, in thoſe things onely that belong to regular obſervation, and the diſcipline of their Order.

Abbots aliens may viſit their inferiours in England.

Provided, that they which ſhall execute this office of viſitation, ſhall carry, or cauſe to be carried out of his Kingdom and Dominion, none of the goods or things of ſuch Monaſteries, Priories, and Houſes, ſaving onely their reaſonable and competent charges.

AND though the publication and open notice of the Ordinances and Statutes aforeſaid was ſtayed in ſuſpence for certain cauſes ſithence the laſt Parliament until this preſent Parliament, holden at Carliſle in the Octaves of St. Hillary, in the five and thirtieth year of the reign of the ſame King Edward, to the intent they might proceed with greater deliberation and advice: Our Lord the King, after full conference and debate had with his Earls, Barons, Nobles, and other great men of his Kingdom touching the premiſſes, by their whole conſent and agreement hath ordained and enacted, That the Ordinances and Statutes aforeſaid, under the manner, form, and conditions aforeſaid, from the firſt day of May next enſuing, ſhall be inviolably obſerved for ever, and the offendors of them ſhall be puniſhed as is aforeſaid. St. 4 Ed. 3. 6. St. 5 Ed. 3. 3. St. 25 Ed. 3. St. 5.

Stat. ne Rector poſternat arbores in Cœmiterio, made Anno 35 Ed. 1. and Anno Dom. 1307.

In what caſes, and by whom Trees may be felled in Church-yards.

In what caſes Trees may be felled in Church-yards.

BEcauſe we do underſtand, that controverſies do oft-times grow between Parſons of Churches and their Pariſhioners, touching Trees growing in the Church-yard, both of them pretending that they do belong unto themſelves: We have thought it good rather to decide this controverſie by writing then by ſtatute, Foraſmuch as a Church-yard, that is dedicated, is the ſoil of a Church, and whatſoever is planted belongeth to the ſoil, it muſt needs follow, that thoſe Trees which be growing in the Church-yard, are to be reckoned amongſt the goods of the Church, the which Lay-men have no authority to diſpoſe; But as the holy Scripture doth teſtifie, the charge of them is committed onely to Prieſts to be diſpoſed of.

And yet ſeeing thoſe Trees be often planted to defend the force of the wind from hurting of the Church: We do prohibit the parſons of the Church, that they do not preſume to fell them down unadviſedly, but when the Chancel of the Church doth want neceſſary reparations. Neither ſhall they be converted to any other uſe, except the body of the Church doth need like repair: In which caſe the Parſons of their charity ſhall do well to relieve the Pariſhioners with beſtowing upon them the ſame Trees: which we will not command to be done, but we will commend it when it is done.

Coke lib. 12. fol. 49.

Anno primo *Edwardi Secundi.*

A Statute for Knights, made *Anno* 1 *Regis Edwardi* 2. and *Anno Domini* 1307.

Cauſes to excuſe a man from undertaking of Knighthood.

Co. Inſt. 2 par. 593.

7 H. 6 f. 15. Fitz. Averment. 37.

Cauſes to excuſe a man for undertaking of Knighthood.

OUr Lord the King hath granted, That all ſuch as ought to be Knights, and be not, and have been diſtrained to take upon them the Order of a Knight, within the Feaſt of the Nativity of our Lord, ſhall have reſpite to take the foreſaid Arms of a Knight, until the utas of Saint Hillary, without occaſion; and after that, they ſhall be diſtrained, except they make ſome other mean. Alſo he hath granted, that if any will complain in the Chancery, becauſe he was diſtrained, &c. and hath not twenty pound yearly in fee, or for term of life, and will prove that by the Countrey, then it ſhall be written unto the more diſcreet and ſage Knights of the Shire to take the ſaid Inquiſition; and if it be tried ſo by the ſame Inqueſt, he ſhall have remedy, and the diſtreſs ſhall ceaſe.

Alſo if any be impleaded for all his land, or for part of the ſame, ſo that the reſidue be not ſufficient to the value of twenty pound, and can prove the ſame, then the diſtreſs ſhall ceaſe, until the ſame plea be determined. Alſo if any of them be bounden in certain debts ſtalled in the Eſchequer at a certain ſum to be received yearly, out of his lands, ſo that the reſidue of his lands doth not amount to the yearly value of twenty pounds beſides the ſaid ſum, the diſtreſs ſhall ceaſe, until the foreſaid debt be clearly paid. And none ſhall be diſtrained to take upon him the order of a Knight before that he come unto the age of one and twenty years.

None ſhall be forced to be Knight before he be xxi years of age. St. 17 Car. 1. cap. 20.

A Sokeman.

And none by reaſon of any land that he holdeth in Mannors, which now are ancient Demean of the Crown, as Sokeman, and which lands muſt alſo give tallage when the Kings

Demeans are tallied, ſhall be diſtrained to take upon him the Order of a Knight. Alſo of them that hold their lands in Socage, of other Mannors then of the Mannors of the Crown, doing no foreign ſervice, the Rolls of the Chancery ſhall be ſearched for the times of the Kings Predeceſſors, and it ſhall be done as it hath been uſed to be done.

Clerks within holy Orders. Burgage land.

In like manner ſhall be done of Clerks being within holy Orders, holding Lay-fee, which ſhould be Knights if they were lay. Alſo none ſhall be diſtrained for his Burgage lands, although they do amount to the value of twenty pounds yearly or more.

Great age, incurable diſeaſe, charges of children, or of ſuits.

Alſo they that ought to be Knights, and be not, which have holden their lands in their hands but a ſmall time, and likewiſe ſuch as ſhould be Knights that do pretend great age, or default of their members, or any other incurable diſeaſe, or charge of their children, or of ſuits, or do alledge ſuch neceſſary excuſes, they ſhall reſort unto Robert Tiptoft, and Anthony de Bark, and ſhall make fine before them, to whom it is enjoyned, that according to their diſcretion they ſhall admit the reaſonable fines of all ſuch perſons.

Stat. De frangentibus priſonam, made *Anno* 1 *Ed.* 2. & *Anno Dom.* 1307.

In what caſes it is felony to break priſon, in what not.

In what caſe it is felony to break priſon.

CONcerning priſoners which break priſon, our Lord the King willeth and commandeth, that none from henceforth that breaketh priſon, ſhall have judgment of life or member for breaking of priſon onely, except the cauſe for which he was taken and impriſoned, did require ſuch judgment, if he had been convict thereupon according to the Law and Cuſtom of the Realm, albeit in times paſt it hath been uſed otherwiſe. Raſt. pla. fo. 247. 340. Co. Inſt. 2 par. 589.

1 H. 7. f. 6. 4 Ed. 3. f. 17. 25 Ed. 3. f. 42. 1 H. 6. f. 6. 9 Ed. 4. f. 26. Kel. fo. 87. Dyer fo. 99. Fitz. Coron. 134. Bro. Coron. 79.

Articuli Cleri, made at Lincoln, *Anno* 9 *Ed.* 2. and *Anno Dom.* 1315.

THe King to all whom, &c. ſendeth greeting. Underſtand ye, That whereas of late in times of our Progenitors ſometimes Kings of England, in divers their Parliaments, and likewiſe after that we had undertaken the governance of the Realm, in our Parliaments, many articles containing divers grievances (committed againſt the Church of England, the Prelates and Clergy) were propounded by the Prelates and Clerks of our Realm, and further great inſtance was made that convenient remedy might be provided therein. And of late in our Parliament holden at Lincoln the ninth year of our Reign, we cauſed the Articles underwritten, with certain anſwers made to ſome of them heretofore to be rehearſed before our Council, and made certain anſwers to be corrected; and to the reſidue of the Articles under-written, anſwers were made by us and our Council: of which ſaid Articles, with the anſwers of the ſame, the tenors here enſue.

CAP. I.

No prohibition ſhall be granted where Tythes be demanded, but where money for them.

No prohibition ſhall be granted but where money for them.

FIrſt, whereas lay-men do purchaſe prohibitions generally, upon Tythes, Obventions, Oblations, Mortuaries, redemption of Penance, violent laying hand on Clerks or Converts, and in caſes of defamation, in which caſes, ſpiritual penance ought to be enjoyned: The King doth anſwer to this Article, That in Tythes, Oblations, Obventions, Mortuaries, (when they are propounded under theſe names) the Kings prohibition ſhall hold no place, although for the long with-holding of the ſame, the money may be eſteemed at a ſum certain. But if a Clerk or a Religious man do ſell his Tythes being gathered in his barn, or otherwiſe, to any man for money, if the money be demanded before a Spiritual Judge, the Kings prohibition ſhall lie; for by the ſale, the ſpiritual goods are made temporal, and the tythes turned into chattels. Regiſt. fo. 34. 36. V. N. B. fo. 30. 32. Fitz. N. B. fo. 40. &c. 50. & Raſt. pla. fol. 484. &c. Co. Inſt. 2 par. 619.

2 H. 5. f. 10. 8 Ed. 4. 13. Fitz. prohibit. 18. 20. 27. Cro. El. 753.

CAP. II.

Debate upon the right of Tythes exceeding the fourth part. Enjoyning penance corporal, or pecuniary.

Debate of the right of tythes coming to the fourth part. Regiſt. f. 45. 50. V. N. B. fo. 32. Fit. N. B. f. 30. 42. Enjoyning penance corporal or pecuniary. Regiſt. fo. 35. Fitz. N. B. fo. 53. Cok. pla. fo. 465.

ALſo if debate do ariſe upon the right of Tythes, having his original from the right of the Patronage, and the quantity of the ſame Tythes do come unto the fourth part of the goods of the Church; the Kings prohibition ſhall hold place, if the cauſe come before a Judge Spiritual. Alſo if a Prelate enjoyn a penance pecuniary to a man for his offence, and it be demanded, the Kings prohibition ſhall hold place. But if Prelates enjoyn a penance corporal, and they which be ſo puniſhed will redeem upon their own accord, ſuch penances by money, if money be demanded before a Judge ſpiritual, the Kings prohibition ſhall hold no place.

31 H. 6. f. 13. 28 H. 6. f. 20. 12 Ed. 4. f. 13. Co. Inſt. 2 par. [illegible]

CAP. III.

Laying violent hands upon a Clerk. Excommunication for penance corporal.

Laying violent hands upon a Clerk. Regiſt. f. 51. 52. 57. Fitz. N. B. f. 52. f. 53. A. Raſt. pla. fo. 483.

MOreover, if any lay violent hands on a Clerk, the amends for the peace broken ſhall be before the King, and for the excommunication before a Prelate, that penance corporal may be enjoyned; which if the offendor will redeem of his own good will, by giving money to the Prelate, or to the party grieved, it ſhall be required before the Prelate, and the Kings prohibition ſhall not lie. Co. Inſt. 2 par. 620.

CAP.

CAP. IV.

Prelates may correct for defamation.

Co.l.4.f.20. Bro. A. ſur caſe 15. Co.Inſt.2 par. 620.

In defamations alſo Prelates ſhall correct in manner aboveſaid, the Kings prohibition notwithſtanding, firſt injoyning a penance corporal; which if the offendor will redeem, the Prelate may freely receive the money, though the Kings prohibition be ſhewed. Regiſt.fo. 45.49. Fitz.N.B.fo.52.M.53.A.Raſt.pla.fo.487.&c.

Defamation.

CAP. V.

No prohibition where tythe is demanded of a new Mill.

Co.Inſt.2 par. 621.

Alſo if any do erect in his ground a Mill of new, and after the Parſon of the ſame place demandeth tythe for the ſame, the Kings prohibition doth iſſue in this form: Quia de tali molendino hactenus decimæ non fuerunt ſolutæ prohibemus, &c. Et ſententiam excommunicationis, ſi quam hac occaſione promulgaveritis, revocetis omnino. The anſwer. In ſuch caſe the Kings prohibition was never granted by the Kings aſſent, nor never ſhall, which hath decreed that it ſhall not hereafter lie in ſuch caſes.

No prohibition where tythe is granted for a new Mill.

CAP. VI.

Where a ſuit for one offence may be proſecuted both in Court Spiritual and Temporal.

Co.Inſt.2 par. 622.

Alſo if any cauſe or matter, the knowledge whereof belongeth to a Court Spiritual, and ſhall be definitively determined before a Spiritual Judge, and doth paſs into a judgement, and ſhall not be ſuſpended by an Appeal; and after if upon the ſame thing a queſtion is moved before a Temporal Judge between the ſame parties, and it be proved by witneſs or inſtruments: Such an exception is not to be admitted in a Temporal Court. The anſwer. When any one caſe is debated before Judges Spiritual or Temporal, as above appeareth, (upon the caſe of laying violent hands on a Clerk) it is thought that notwithſtanding the Spiritual Judgment, the Kings Court ſhall diſcuſs the ſame matter as the party ſhall think expedient for himſelf.

Where a ſuit may be commenced both in a ſpiritual and temporal Court.

Co.l.4.f.16. 20.

CAP. VII.

In what only caſe the Kings Letters ſhall be ſent to diſcharge an Excommunicate.

5 Ed.3 f.8. Co.l 8.f.68. 9 H.7.f.21. 10 H.7.f.9. 3 H.4.f.3. 14 H.4.f.14.

Alſo the Kings Letter directed unto Ordinaries, that have wrapped thoſe that be in ſubjection unto them in the ſentence of Excommunication, that they ſhould aſſoil them by a certain day, or elſe that they do appear, and ſhew wherefore they have excommunicated them. The anſwer. The King decreeth, that hereafter no ſuch Letters ſhall be ſuffered to go forth, but in caſe where it is found that the Kings liberty is prejudiced by the Excommunication. St.5 El.23.Regiſt.fo.65.V.N.B.fo.33.35.Fitz.N.B.fo.62.&c.Co.Inſt.2 par.622.

The Kings Letter ſent to diſcharge one excommunicate.

CAP. VIII.

Clerks in the Kings ſervice ſhall be diſcharged of their Reſidence: but ſhall be corrected by the Ordinary.

Co.Inſt.2 par. 623.

Alſo Barons of the Kings Eſchequer claiming by their priviledge, that they ought to make anſwer to no Complainant out of the ſame place, extend the ſame priviledge unto Clerks abiding there, called to Orders, or unto reſidence, and inhibit Ordinaries that by no means, or for any cauſe, (ſo long as they be in the Eſchequer, or in the Kings ſervice) they ſhall not call them to judgment. The anſwer. It pleaſeth our Lord the King, that ſuch Clerks as attend in his ſervice, if they offend, ſhall be correct by their Ordinaries, like as other: but ſo long as they are occupied about the Eſchequer, they ſhall not be bound to keep reſidence in their Churches. This is added of new by the Kings Council. The King and his Anceſtors ſince time out of mind have uſed that Clerks which are employed in his ſervice, during ſuch time as they are in ſervice, ſhall not be compelled to keep reſidence at their Benefices. And ſuch things as be thought neceſſary for the King and the Commonwealth, ought not to be ſaid to be prejudicial to the liberty of the Church.

Priviledge of the Eſchequer.

Clerks in the Kings ſervice ſhall be correct by their Ordinaries.

Clerks in the Kings ſervice not bound to reſidence. Regiſt.f.58.

CAP. IX.

Diſtreſſes ſhall not be taken in the high-ways, nor in the ancient Fees of the Church.

Co.Inſt.2 par. 627.

Alſo the Kings Officers, as Sheriffs and other, do enter into the Fees of the Church to take diſtreſſes, and ſometime they take the Parſons beaſts in the Kings high-way, where they have nothing but the land belonging to the Church. The anſwer. The Kings pleaſure is, that from henceforth ſuch diſtreſſes ſhall neither be taken in the Kings high-way, nor in the Fees wherewith Churches in times paſt have been indowed, nevertheleſs he willeth diſtreſſes to be taken in poſſeſſions of the Church newly purchaſed by Eccleſiaſtical perſons. Regiſt.fo.98.183.Fitz.N.B.fo.173.174.a.

Diſtreſſes ſhall not be taken in the high-way, nor in the ancient fees of the Church. Sta.52 H.3.15.

CAP. X.

They that abjure the Realm, ſhall be in peace, ſo long as they be in the Church, or high-way.

Co.Inſt.2 par. 628.

Alſo where ſome flying unto the Church abjure the Realm according to the cuſtom of the Realm, and lay-men or their enemies do purſue them, and pluck them from the Kings high-way, and they are hanged or headed; and whilſt they be in the Church, are kept in the Church-yard with armed men; and ſometime in the Church ſo ſtraitly, that they cannot depart from the hallowed ground to empty their belly, and cannot be ſuffered to have neceſſaries brought unto them for their living. The anſwer. They that abjure the Realm, ſo long as they be in the common way, ſhall be in the Kings peace, nor ought to be diſturbed of any man; and when they be in the Church, their keepers ought not to abide in the Church-yard, except neceſſity or peril of eſcape do require ſo. And ſo long as they be in the Church, they ſhall not be compelled to flee away, but they ſhall have neceſſaries for their living, and may go forth to empty their belly. And the Kings pleaſure is, that thieves or appellors (whenſoever

Bro.eſcape 46.

They that abjure the Realm, ſhall be in peace in the Church, or in the high-way. Rep.1 Jac.25.& 21 Jac.28.

(whenſoever they will) may confeſs their offences unto Prieſts: but let the Confeſſors beware that they do not erroniouſly inform ſuch appellors. Raſt.pla.fo.1.532.

CAP. XI.

Religious houſes ſhall not be charged by compulſion, with corodies, penſions, reſort, or taking of their horſes or carts.

ALſo it is deſired, that our Lord the King, and the great men of the Realm, do not charge religious houſes and ſpiritual perſons for Corodies, Penſions, or ſojourning in religious houſes, and other places of the Church, or with taking up horſe or carts, whereby ſuch houſes are impoveriſhed, and Gods ſervice diminiſhed, and by reaſon of ſuch charges, Prieſts and other Miniſters of the Church deputed unto Divine Service, are oftentimes compelled to depart from the places aforeſaid. The anſwer. The Kings pleaſure is, that upon the contents in their petition from henceforth they ſhall not be unduly charged. And if the contrary be done by great men or other, they ſhall have remedy after the form of the Statutes made in the time of King Edward father to the King that now is. And like remedy ſhall be done for corodies and penſions exacted by compulſion, whereof no mention is made in the ſaid Statutes. Raſt.pla.373.

Co.Inſt.2 par. 629.

Religious houſes ſhall not be charged with penſions, reſort, or purveyors. St.3 Ed.1.1.

CAP. XII.

A Clerk excommunicate may be taken out of the Pariſh where he dwelleth.

ALſo if any of the Kings tenure be called before their Ordinaries out of the pariſh where they continue; If they be excommunicate for their manifeſt contumacie, and after forty days a writ goeth out to take them, and they pretend their priviledge that they onght not to be cited out of the town and pariſh where their dwelling is, And ſo the Kings writ that went out for to take them is denyed. The anſwer. It was never yet denyed, nor ſhall be hereafter.

A Clerk excommunicate may be taken out of the pariſh where he dwelleth.

Co.Inſt.2 par. 630.

CAP. XIII.

The examination of a Parſon preſented to a Benefice, belongeth to a ſpiritual Judge.

ALſo it is deſired, that ſpiritual perſons, whom our Lord the K. doth preſent unto Benefices of the Church (if the Biſhop will not admit them either for lack of learning, or for other cauſe reaſonable) may not be under the examination of lay-perſons in the caſes aforeſaid, as it is now attempted contrary to the Decrees canonical, but that they may ſue unto a Spiritual Judge for remedy as right ſhall require. The anſwer. Of the ability of a parſon preſented unto a Benefice of the Church, the examination belongeth to a ſpiritual Judge, and ſo it hath been uſed heretofore, and ſhall be hereafter. Regiſt.fo.53.Fitz.N.B.f.35. 1.Raſt.pla.fo.497.&c.

The examination of a Clerk belongeth to a ſpiritual Judge.

Co.Inſt.2 par. 631.

Co.l.5.f.57. Dyer f.273.

CAP. XIV.

There ſhall be free election of dignities of the Church.

ALſo if any dignity be vacant, where election is to be made, it is moved that the electors may freely make their election without fear of any power temporal, and that all prayers and oppreſſions ſhall in this behalf ceaſe. The anſwer. They ſhall be made free according to the form of Statutes and ordinances.

Co.Inſt.2 par. 632.

Free election. St.3.Ed.1.5.

CAP. XV.

A Clerk fleeing into the Church for felony, ſhall not be compelled to abjure.

MOreover, though a Clerk ought not to be judged before a temporal Judge, nor any thing may be done againſt him that concerneth life or member; nevertheleſs temporal Judges cauſe that Clerks fleeing unto the Church, and peradventure confeſſing their offences, do abjure the Realm, and for the ſame cauſe admit their abjurations, although hereupon they cannot be their Judges: and ſo power is wrongfully given to lay-perſons to put to death ſuch Clerks, if ſuch perſons chance to be found within the Realm after that abjuration; the Prelates and Clergy deſire ſuch remedy to be provided herein, that the immunity or priviledge of the Church, and ſpiritual perſons may be ſaved and unbroken. The anſwer. A Clerk fleeing to the Church for felony to obtain the priviledge of the Church, if he affirm himſelf to be a Clerk, he ſhall not be compelled to abjure the Realm; but yeelding himſelf to the Law of the Realm, ſhall enjoy the priviledge of the Church, according to the laudable cuſtom of the Realm heretofore uſed. St.1 Jac.25.St.21 Jac.28.

A Clerk fleeing to the Church for felony, ſhall not be compelled to abjure.

Co.Inſt.2 par. 633.

Co.l.11.f.29.

CAP. XVI.

The priviledge of the Church being demanded by the Ordinary, ſhall not be denied to a Clerk that hath confeſſed Felony.

ALſo notwithſtanding that a confeſſion made before him that is not lawful Judge thereof, is not ſufficient whereon Proceſs may be awarded or ſentence given; yet ſome Temporal Judges (though they have been inſtantly deſired thereto) do not deliver to their Ordinaries according to the premiſſes, ſuch Clerks as confeſs before them their heinous offences, as theft, robbery, and murder, but admit their accuſation, which commonly they call an appeal, albeit to this reſpect they be not of their Court, nor can be judged or condemned before them upon their own confeſſion, without breaking of the Churches priviledge. The anſwer. The priviledge of the Church being demanded in due form by the Ordinary, ſhall not be denied unto the appealour as to a Clerk: We deſiring to provide for the ſtate of holy Church of England, and for the tranquillity and quiet of the Prelates and Clergy aforeſaid, as far forth as we may lawfully do to the honour of God, & emendation of the Church, Prelates & Clergy of the ſame: Ratifying, confirming, & approving all and every of the articles aforeſaid, with all and every of the anſwers made and contained in the ſame, do grant and command them to be kept firmly, and obſerved for ever, willing and

Co.Inſt. 2 par. 637.

The priviledge of the Church being demanded by the Ordinary, ſhall not be denied to a Clerk that hath confeſſed felony.

granting for us and our heirs, that the foreſaid Prelates and Clergy and their ſucceſſors ſhall uſe, excecute and practiſe for ever the juriſdicton of the Church in the premiſſes, after the tenour of the anſwers aforeſaid, without quarrel, inquieting, or vexation of our heirs, or any of our officers whatſoever they be. T. R. at York, the 24 day of November in the x. year of the reign of King Edward, the ſon of King Edward.

The Statute of Sheriffs made at Lincoln, *Anno* 9 Ed. 2. and *Anno Dom.* 1315.

Sheriffs ſhall be aſſigned by the Chancellor, &c. A Sheriff muſt have ſufficient in the ſame County, and not be Bailiff, &c. to any. Bailiffs of hundreds ſhall have ſufficient in the ſame ſhire.

Cro. Car. 13.

Foraſmuch as our Lord King Edward, ſon to King Edward, at his Parliament holden at Lincoln in quindena Hillarii, in the ninth year of his reign, by the information of his Prelates, Earls, Barons, and other great men of the Realm, being ſummoned to the ſame Parliament, and alſo by grievous complaint of the people, did perceive great damage to be done to him, and great oppreſſions and diſheritances to his people, by reaſon unſufficient Sheriffs, and hundreders have been before this time, and yet be in this Realm: Our Lord the King, intending to eſchue ſuch evil oppreſſions and diſheritances, by the aſſent of the Prelates, Earls, Barons, and other great eſtates aforeſaid, hath ordained and eſtabliſhed in the ſaid Parliament, that the Sheriffs from henceforth ſhall be aſſigned by the Chancellor, Treaſurer, Barons of the Eſchequer, and by the Juſtices. And in the abſence of the Chancellor, by the Treaſurer, Barons, and Juſtices. And that none ſhall be Sheriff, except he have ſufficient Land within the ſame ſhire where he ſhall be Sheriff, to anſwer the King and his people: And that none that is ſteward, or Bailiff to a great Lord, ſhall be made Sheriff except he be out of ſervice, ſo that he may attend to execute the office of a Sheriff for the King and his people. And in like manner it is agreed and eſtabliſhed, that hundreds, whether they belong to the King or to other, ſhall be kept by convenient and able perſons, that have ſufficient lands within the ſame hundred or ſhire where the hundred is: And that the Chancellor, Treaſurer, Barons, and Juſtices ſhall do and aſſign in manner aforeſaid without having other regard. And if any Sheriffs or hundreders be unſufficient at this time, they ſhall be removed, and other more convenient put in their rooms. And that ſuch hundreds be leaſed and bailed to ſuch perſons for a reaſonable rent, ſo that they need not to uſe extortion upon the people by reaſon of too outragious ferm. And that no Sheriff nor hundreder ſhall leaſe his office to any other in ferm, or otherwiſe. And that the execution of writs that come to the Sheriffs, ſhall be done by the hundreders ſworn and known in the full County, and not by other, if it be not the open default, or notorious diſturbance of the hundreders: and then execution ſhall be done by other perſons meet and ſworn, ſo that the people may know to whom to ſue ſuch executions: ſaving always the returns of writs to them that have them, or ought to have them. 14 Car. 2. ca. 21.

Who ſhall aſſign Sheriffs. St. 28 Ed. 1. 8. 13. St. 14 Ed. 3. 7. Raſt. pla. f. 202.

Who ſhall be Sheriffs, & of what eſtate they ſhall be. Stat. 4 Ed. 3. 9. Stat. 5 Ed. 3. 4. Stat. 14 Ed. 3. 7.

Who ſhall have the keeping of hundreds. Regiſt. f. 178. Fitz. N. B. f. 164.

By whom execution of writs ſhall be done. St. 13 Ed. 1. 39.

The Statute of Gavelet made at London, *Anno* 10 Ed. 2. and *Anno Domini* 1316.

The Lords of rents in London may recover them by a Writ of Gavelet, and in default thereof, the lands in demeſne.

It is provided by our Lord the K. and his Juſtices, and alſo granted unto the Citizens of London, that Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and other that have rents in London, & for ſome tenements the rents are behind, & cannot recover thoſe rents, that it ſhall be lawful for them to diſtrain their tenants for their arerages, ſo long as any thing is found in the fee whereby they may be diſtrained; and if they have nothing in the fee whereby they may be diſtrained, then the tenant ſhall be impleaded by a writ of Gavelet of cuſtoms and ſervices, which may be well done by the freemen of their City preſented in their Huſtings, for the keeping of their ſuit, to gather their rents: ſo that if the tenants do acknowledge their ſervices, they ſhall preſently and without delay ſatisfie their Lords of their arerages. And if they deny them their ſervices, the demandants ſhall immediately name two witneſſes, whoſe names ſhall be inrolled, and ſhall have day to bring them forth at the next Huſtings; at which day, if they bring forth witneſſes, and it is ſhewed by them in the full court of their own ſight and hearing, that the ſame plaintiffs have any time received the rents, which they demand of the tenements, then the tenants ſhall leeſe their fees by award of the Court, and the plaintiffs ſhall recover their tenements in demean. If they will not acknowledge the ſervices unto their Lords as before is ſaid, and likewiſe the arerages, then the arerages by judgment of the Court ſhall be doubled, and they ſhall give to the Sheriff for the wrongful withholding (if they be worth ſo much) C. s. without any difficulty. And if they do not come in after due ſummons in the Huſtings, then the ſame fees ſhal be delivered unto the plaintiffs in the full Huſtings, to be holden in their own hands for one year and a day; within which time if the tenants do come unto them, and do offer to ſatisfie them of the arerages double, and to the Sheriff for his amerciament, as before is ſaid, then they ſhall have their tenements again. But if after one year and a day accompliſhed, ſuch tenements ſhall remain unto the Lords of thoſe fees by judgment of the Court in their demean for ever. And then ſuch lands ſhall be called forſchoke, becauſe ſuch tenements ſhall remain for ever in demean to the Lords of the fees for default of the ſervice. The ſame Ordinance ſhall be kept and obſerved if the tenants do knowledge the arerages, and be not able to make ſatisfaction therefore, as it is ſaid before.

Lords of rents in London may recover them by a writ of Gavelet, and in default thereof, the lands in demeſne.

Forſchoke.

The Statute of York, made the twentieth of October,
Anno 12 Ed. 2. & *Anno Dom.* 1318.

FOraſmuch as divers people of the Realm of England and Ireland, have heretofore many times ſuffered great miſchiefs, damage, and diſheriſons, by reaſon that in ſome caſes where the law failed, no remedy was ordained, and alſo foraſmuch as ſome points of the Statutes heretofore made, had need of expoſition: our Lord King Edward, ſon to King Edward, deſiring that full right be done to his people, at his Parliament holden at York the third week after the feaſt of S. Michael, the 12 year of his reign, by the aſſent of the Prelates, Earls, Barons, and the Commonalty of his Realm there aſſembled, hath made theſe Acts and Statutes here following, the which he willeth to be ſtraitly obſerved in his ſaid Realm and Land.

CAP. I.
Tenants in Aſſiſe of Novel diſſeiſin may make Atturnies.

Tenants in Aſſiſe may make Atturnies. Regiſt. f.198. Raſt.pla.f.58. Fitz.N.B.f.25. **Pleading by Bailiffs.**

FIrſt, for divers miſchiefs that have been becauſe tenants in aſſiſe of Novel diſſeiſin might not make atturnies heretofore. It is agreed that the tenants in aſſiſe of Novel diſſeiſin from henceforth may make atturnies: yet the King intendeth not hereby that the tenants and defendants in aſſiſes of Novel diſſeiſin ſhould not plead by Bailiffs, if they will, as they have uſed to do heretofore.

Bro.Aſſ.413. 40 Ed.3.f.7. Bro. Aſſ.41. 86.108.122. 130.158.174. 226.322.349. 383.426.

CAP. II.
Proceſs againſt the witneſſes to prove a Deed denied.

Proceſs againſt witneſſes to prove a deed denied. Regiſt.jud.f.6. 7.55.58. Fitz.N.B.f.106.h Raſt.pla.f.78. 253.342.

ALſo it is agreed, that when a deed, releaſe, acquittance, or other writing is denied in the Kings Court wherein witneſſes be named, proceſs ſhall be awarded to cauſe ſuch witneſſes to appear, as before hath been uſed, ſo ẏ if none of them come at the great diſtreſs returned, or if it be returned, that they have nothing, or that they cannot be found, yet the taking of the inqueſt ſhall not be deferred by the abſence of ſuch witneſſes. And if the witneſſes do come in at the great diſtreſs, and the inqueſt for ſome cauſe remaineth untaken, the witneſſes that come in ſhall have like day given them as is aſſigned for the taking of the inqueſt; at which day, if the witneſſes do not appear, the iſſues that were firſt returned upon them ſhall be forfeit: and the taking of the inqueſt ſhall not be deferred becauſe of their abſence. And for abſence of witneſſes dwelling within franchiſes where the Kings writ original doth not lie, the taking of an inqueſt ſhall not be omitted.

5 H.7.f.8. 22 Aſſ.pl.15. 11 Aſſ.pl.19. 2 H.4.f.22. Fitz.Vendit. 30. Fitz.Proceſs 15.17.24.29. 126.141.151. 181.182.184.

CAP. III.
Inqueſts and Juries touching plea of land ſhall be taken by Niſi prius.

Stat. 13 Ed.1. 30. Stat. 27 Ed.1.4.

AND where it is contained in a ſtatute made at Weſtminſter the ſecond day of April in the xxvii. year of the reign of the Kings father that now is, that inqueſts and recogniſances taken before Juſtices of the one bench and of the other, ſhould be taken before any Juſtice of the places, accompanied with ſome Knight of the Shire where ſuch inqueſts hap to be taken, if they have not need of great examination. And ẏ in ſuch inqueſts the Juſtices ſhall do as they think moſt expedient for the wealth of the Realm, the which ſtatute needeth to be better declared: It is agreed, that inqueſts and juries, that be and ſhall be taken in pleas of land, that require not great examination, ſhall be taken in the Countrey before a Juſtice of the place where the plea is, accompanied with a ſubſtantial man of the country, Knight or other, ſo that a certain day be given in the Bench, and a certain day and place in the countrey in the preſence of the parties, if the Demandant requeſt it. And alſo the inqueſts and juries in pleas of land that require great examination, ſhall be taken in the countrey (in the manner aboveſaid) before two Juſtices of the Bench.

Dyer f.183.

Enqueſts and Juries touching plea of land ſhall be taken by Niſi prius. Stat. 14 Ed.3.16. Regiſt.jud.f.7. 28. V.N.B.f.175. Fitz.N.B.f.204. e. Raſt.pla.f.437.

CAP. IV.
Juſtices of Niſi prius ſhall record Nonſuits, defaults, &c.

Juſtices of Niſi prius ſhall record Nonſuits and defaults whereupon judgment ſhall be given. Fitz.N.B.f.240.e

AND the Juſtices or Juſtice, ſhall have power to record nonſuits and defaults in the countrey at the days and places aſſigned as afore is ſaid. And that which they ſhall have done in the things above mentioned, ſhall be reported in the Bench at a day certain, there to be inrolled, and thereupon judgment ſhall be given. And the King intendeth not, that the ſaid inqueſts and juries ſhould not be taken in the Bench if they come, nor that this Statute ſhould extend unto great aſſiſes. And alſo one Juſtice of the one place and of the other being aſſociate with a diſcreet man of the Countrey, Knight, or other, at the requeſt of the plaintiff, ſhall take inqueſts upon pleas pleaded and to be pleaded, that be moved by attachment and diſtreſs, and ſhall have power to record Nonſuit as above is ſaid, & to take inqueſts upon defaults there made. And as to the inqueſts to be taken upon writs of Quare impedit, it ſhall be done as is contained in the ſtatute of Weſtminſter the ſecond; and the Juſtices ſhall have power to record Nonſuits, and defaults in the country, and to give judgment thereupon, as they do in the Bench, and there to report that which they have done, and there to be inrolled. And if it happen that the Juſtice or Juſtices that ſhall be aſſigned to take ſuch inqueſts in the Countrey, do not come, or if they come into the Countrey at the day aſſigned, yet the parties and perſons of ſuch inqueſts ſhall keep their day in the Bench.

St. 14 Ed.3.16. St.13 Ed.1.30.

CAP. V.
An Indenture ſhall be made between the Sheriff, and Bailiff of liberty, of every return.

An Indenture ſhall be made between the Sheriff and Bailiff of franchiſe of every return.

AND becauſe it is many times complained in the Kings Court upon returns, that Bailiffs of franchiſes (having full power to return the Kings writs) have delivered to Sheriffs, that have been after changed, and otherwiſe returned in to the Kings Court, to the great

Cro. El. 310. 509. 767. 703. Cro. Car. 189.

great damage of ſome of the parties, and the delay of right: It is agreed, That of Returns which hereafter ſhall be delivered to the Sheriffs by Bailiffs of ſuch Franchiſes, an Indenture ſhall be made between the Bailiff of the Franchiſe by his proper name, and the Sheriff by his proper name. And if any Sheriff change the return ſo delivered to him by Indenture, and be thereof convict at the ſuit of the Lord of the Franchiſe, of whom he received the Return, if the Lord have had any damage, or if his Franchiſe be imblemiſhed, and at the ſuit of the party that hath ſuſtained loſs through that occaſion, he ſhall be puniſhed by the King for his falſe return, and ſhall yield unto the Lord and to the party double damages. Alſo it is agreed, that from henceforth Sheriffs, and other Bailiffs that receive the Kings Writs returnable in his Court, ſhall put their own names with the returns, ſo that the Court may know of whom they took ſuch returns, if need be. And if any Sheriff, or other Bailiff leave out his name in his returns, he ſhall be grievouſly amerced to the Kings uſe.

Sheriffs and Bailiffs ſhall ſet their names to the returns.

CAP. VI.

No Officer of a City or Borough ſhall ſell Wine or Victuals during his Office.

Bro Return de Brief 81. Bro. Scire fac. 233.

Alſo to the common profit of the people, it is agreed, that no Officer in City or in Borough, that by reaſon of his Office ought to keep Aſſiſes of Wines and Victual, ſo long as he is attendant to that Office, ſhall not Merchandiſe for Wines nor Victuals, neither in groſs, nor by retail. And if any do, and be thereof convict, the Merchandiſe whereof he is convict, ſhall be forfeit to the King, and the third part thereof ſhall be delivered to the party that ſued the offender, as the Kings gift: and in ſuch caſe he that will ſue for a thing ſo forfeited, ſhall be received, and the Chancellor, Treaſurer, Barons of the Exchequer, Juſtices of either Bench, the Juſtices aſſigned to take Aſſiſes, ſhall admit ſuch Plaints by Writs, and without Writs, and ſhall determine them, and ſhall perform all things contained in theſe Articles, in form aboveſaid; and nevertheleſs, the King may aſſign his Juſtices to execute this thing in Cities and Boroughs, when and where it pleaſeth him. Regiſt. f. 182. N. B. f. 172. Raſt. pla. f. 686.

No Officer of City or Borough ſhal any victus ſell during his office. St. 6 R. 2. 9. St. 5 H. 8. 8.

The Statute of Eſſoins made *Anno* 12 *Ed.* 2. and *Anno Dom.* 1318.

Several caſes wherein Eſſoins do not lie.

In what caſes an Eſſoin doth lie, and in what not.

Fitz. Eſſoin 3. 99. 135.

Coke l. 9. f. 15. Fitz. Eſſoin 11. 40. 42. 153.

Fit. Eſſoin 5. 7. 35. Cro. Car. 341.

Here is declared how many ways Eſſoins may be challenged, and in what caſes Eſſoins do lie, and in what not: that is to ſay, an Eſſoin lieth not where the Land is taken into the Kings hands. Eſſoin lieth not where the party is diſtrained by his Lands. Eſſoin lieth not where any Judgment is given thereupon, if the Jurors do come. Eſſoin lieth not where the party was ſeen in the Court. Eſſoin of ultra mare lieth not where another time the party hath been Eſſoigned de Malo veniendi. It lieth not where the party hath Eſſoined himſelf another day. It lieth not where the Sheriff was commanded to make the party to appear. Eſſoin de Servitio regis lieth not where the party is a woman, unleſs becauſe ſhe be nurſe, a midwife, or commanded by writ ad ventrem inſpiciendum. It lieth not in a Writ of Dower, becauſe it ſeemeth to be but a deceit and a delay of right. It lieth not for that the Plaintiff hath not found pledges to proſecute the ſuit. It lieth not where the Atturney was eſſoined. It lieth not where the party hath an Atturney in his ſuit. It lieth not where ẏ Eſſoinor confeſſeth that he is not in our L. the Kings ſervice. It lieth not where the ſummons is not returned, or the party not attached, for that the Sheriff hath returned non eſt inventus. It lieth not where the party another time was eſſoined de Servitio regis, that is to wit, ſuch a day, and now he hath not put in his Warrant. It lieth not where he was reſummoned in aſſiſe of Mortdaunceſtor, or darrain preſentment. It lieth not, becauſe ſuch a one is not named in the Writ. It lieth not where the Sheriff hath a precept to diſtrain the party to come by his lands and goods. It lieth not where ſuch a Biſhop was commanded to cauſe the party to appear. It lieth not for that the term is paſſed. And it is to be noted that an Eſſoin de ſervitio domini regis, is allowed after the grand cape, pety cape, and after diſtreſſes taken upon the lands and goods. St. 3 Ed. 1. 41. 43. St. 6 Ed. 1. 10. St. 13 Ed. 1. 12. 17. 27. St. 52 H. 3. 13. Regiſt. f. 8. Fitz. N.B. f. 17 H. 99. 1 Raſt. pla. f. 317, &c.

Fitz. Eſſoin 15 25. 30. 31. 52. 57. Fitz. E. 9. 114.

Fitz. Eſſ. 1. 138.

Fitz. Eſſ. 2. 61. 85.

Fitz. Eſſ. 120.

The Statute of *Carleil*, made *Anno* 15 *Ed.* 2. & *Anno Dom.* 1322.

The Conuſor of a Fine ſhall come perſonally before the Juſtices. Where a Commiſſion ſhall be awarded to take a Fine. Who may admit Atturneys.

St. 18 Ed. 1.

The King unto the Juſtices of his bench greeting. Whereas of late we have ordained that all ſuch fines as are to be levied in our Court, be lawfully levied, which we will in no wiſe to be infringed, or to be adnulled of their whole power: we have ſent unto you our mind in writing firmly to be obſerved: that is to wit, that as well the parties demandant or plaintiff, as the tenants or defendants that will yield or acknowledge their right of lands or tenements unto other in pleas of Warrantia Chartæ, covenant, and other whereupon fines are to be levied afore you, before ſuch fines do paſs, the parties ſhall appear perſonally, ſo that their age, idiocy, or any other default (if any be) may be judged and diſcerned by you. Provided notwithſtanding, That if any perſon be by age or impotence decrepit, or by caſualty ſo oppreſſed and withholden, that by no mean he is able to come before you in our Court, then in ſuch caſe we will that two or one of you by aſſent of the reſidue of the bench, ſhall go unto the party ſo diſeaſed, and ſhall receive his cogniſance upon that plea, and form of plea that he hath in our Court, whereupon the ſame fine ought to be levied. And if there go but one, he ſhall take with him an Abbot, a Prior,

The Conuſor of a fine ſhall come perſonally before the Juſtice, that his defects may be diſcerned. Raſt. pl. f. 349, &c.

A Commiſſion to take a fine. Fitz. N.B. f. 136. g

Bro. Fines levie 120.

Who may allow Atturneys in every Court. Regiſt.f.9.2e.26. Raſt.pla.f.96. The Lord Chancellor & chief Juſtices may admit Atturneys.

or a Knight, a man of good fame and credit, and ſhall certifie you thereof by the record, ſo that all things incident to the ſame fine being examined by him or them, the ſame fines, according to our former ordinance may be lawfully levied: and we will not that any of our Barons of the Exchequer or our Juſtices, ſhall admit any Atturneys, but onely in pleas that paſs afore them in the Benches and in places where they be aſſigned by us. And the ſame power of admitting Atturneys, we prohibit and deny to the Clerks and ſervants of the ſaid Barons and Juſtices. And do ordain that if any Atturneys be admitted hereafter by any of the perſons aforeſaid, their admiſſion ſhall be of none effect. Reſerved alway to the Chancellor for the time being, his authority in admitting Atturneys, according to whoſe diſcretion they ſhall be admitted, and to our chief Juſtices, as heretofore hath been obſerved in the admiſſion of Atturneys. We will alſo that this our ordinance ſhall take effect and begin at the utas of the Trinity next enſuing. Given at our Parliament at Carleil, the xv. year of our Reign.

Prerogativa Regis, made *Anno* 17 *Ed*. 2. & *Anno Dom*. 1324.

CAP. I.

The Kings prerogative in the Wardſhip of his Tenants heir which holdeth in chief.

The King ſhal have the wardſhip of the heir of his tenant that holdeth in chief. Fitz.N.B.2.f.257. b

OUr Lord the King ſhall have the Ward of all the Lands of ſuch as hold of him in chief by Knights ſervice, whereof the Tenants were ſeiſed in their demean as of fee at the day of their death (of whomſoever they hold elſe by like ſervice, ſo that they held of ancient time any Land of the Crown) until the heir come to his lawful age, except the Fees of the Archbiſhop of Canterbury, the Biſhop of Durham between Tine and Tees, fees of Earls and Barons in the Marches, where the Kings Writs do not lie, and whereof the ſaid Archbiſhops, Biſhops, Earls and Barons, ought to have ſuch wards, though they held of the King in ſome other place. St.28 Ed. 1. 1. Seſſ. V.N.B. f. 97. Fitz N.B.f.258. Stamf. prerog.f. 1.

12 E.4 .f.18. Coke l.6.f.22. l.8.f.165. Dyer f.44.58. 123.174. 181. 268.298. Fit.Gar.7.46. 47 49.50.57. 113.122. 148. Fitz. Prerog. 25.26. Fitz.Liv.29. Bro.Liv.78. Bro.Expoſ.30

CAP. II.

His prerogative in the marriage of his Tenants heir.

The King ſhal have the marriage of the heir of his tenant. St.28.Ed.1.

ALſo the King ſhall have the marriage of an heir being within age and in his Ward, whether the land of ſuch heirs have appertained to the Crown of ancient continuance, or that it came by reaſon of eſcheat being in the Kings hands, or that he had the marriage by reaſon of the Ward of the Lords of ſuch heirs, without any reſpect to the priority of feoffment, albeit they held of others.

7 H.6.f.11. Coke l.9.f.123 Dyer f.267. 298.

CAP. III.

His prerogative in the primer ſeiſin of his Tenants Lands.

Primer ſeiſin of the heirs lands.

ALſo the King ſhall have primer ſeiſin after the death of ſuch as held of him in chief of all lands and Tenements whereof they were ſeiſed in their demeſne as of fee, of what age that their heirs be, taking the iſſues of the ſame lands and tenements, until inquiſition be made (as the manner is) and until he hath taken homage of ſuch heir. St. 52 H. 3. 16.

26 H.8.f.2.9. 27 Ed.3.f.89. Dyer f.213. 229.237. 312. 308.370. Coke l.8. f.165.172. l.9.f.131. l.10.f.83.

CAP. IV.

His prerogative in the aſſignment of dower to his Tenants widow, and that they ſhall not marry without his aſſent.

The King ſhal aſſign dower to the widows of the tenants Regiſt.f.170.227 Fitz. N.B.f.263. Raſt.pl.f.229. &c. The Kings widows ſhall not marry without his conſent. V.N.B.f.7. The Kings widows oath. St.9.H.3.7. Rgiſt.f.174. 235.298. Raſt.pl.f.227.&c

ALſo he ſhall aſſign to widows after the death of their husbands, that held of him in chief, the dower that to them belongeth, &c. though the heir be of full age (if the widows will) & ſuch widows before aſſignment of their dower, ſhall ſwear that they ſhall not marry themſelves without the Kings licence, whether the heirs be of full age or not. And if they marry without licence, then the King ſhall take into his hands by way of diſtreſs all ſuch lands and tenements as they hold of him in dower, until he be ſatisfied at his own will, ſo that he ſhall take nothing of the iſſues, &c. for by ſuch diſtreſſes, they and their husbands muſt fine at his will. And his will in the time of King Henry, father of King Edward, was eſteemed one years value of her dower, unleſs they had the greater favour. Women that hold of the King in chief any inheritance, whatſoever age they be, ſhall ſwear likewiſe that they ſhall not marry themſelves without the Kings licence. And if they do, their lands and tenements ſhall be taken in like manner into the Kings hands until they have ſatisfied at the Kings will. St. 32 H. 8. 46.

Co.l.9.f.16. Fitz.Liv.31. Fitz. Prerog. 27.15 Ed.4. f. 13 35 H.6. f.52. Dyer f.123.

CAP. V.

His prerogative in the marriage of his women tenants.

Coparceners that hold in chief. St. 14 H. 3. Hiber.

ANd if one inheritance that is holden of the King in chief, deſcend to many partners, then all the heirs ſhall do homage to the King; and the ſame inheritance ſo holden of the King, ſhall be divided among thoſe heirs, ſo that every of them after, ſhall hold their part of the King. Reg. f. 3. 18. Fitz. N. B. f. 263.

2 Ed.3.f.20.

CAP. VI.

His prerogative in dividing of Coparceners lands, holden of him.

A woman marries within age during her anceſtors life. The Kings tenant in chief ſhall not alien without licence. St.1 Ed.3. 22.Fit.N.B.f.175 Raſt.pl.f.457. 485.

IF a woman (before the death of her Anceſtor that held of the King in chief) be married before ſhe be marriageable, then the King ſhall have the ward of the body of the ſame woman until ſhe be of age able to conſent; and then ſhe may chuſe, whether ſhe will have him, to whom ſhe was firſt married, or him that the King will offer her. None that holdeth of the King in chief by Knights ſervice, may alien the more part of his lands, ſo that the reſidue thereof be not ſufficient to do his ſervice, except he have the Kings licence: but this may not be underſtood of members and parcels of ſuch lands.

Fitz.Gar.147. Fitz. Aſſ.129. Fitz.Trav.32 Coke l.6.f.22. Kel.f.52.53. Bro.Alienat. 8.12.17.19.22. 23.24. 25.29. 31.32.33.36. 37.

CAP.

CAP. VII.

His prerogative that they which hold of him by Serjeanty, ſhall pay a fine at the alienation of them.

Of Serjeanties aliened without the Kings licence, the King hath uſed to rate ſuch Serjeanties at a reaſonable extent thereof to be made. Kel. f. 52. 53. St. 1 Ed. 3. 12.

Serjeanties aliened.

CAP. VIII.

His prerogative that lapſe of ſix moneths ſhall not prejudice his preſentation.

Coke l.7.f.28. Dyer f.36. Bro.Pat.l.6.

Of Churches being vacant, the advowſons whereof belong to the King, and other preſent to the ſame, whereupon debate ariſeth between the King and other: if the King by award of the Court do recover his preſentation, though it be after the lapſe of ſix moneths from the time of the avoidance, no time ſhall prejudice him, ſo that he preſent within the ſpace of ſix moneths.

No time ſhall prejudice the Kings preſentation to a Church.

CAP. IX.

His prerogative in the cuſtody of Lands of Idiots.

Bro. Idiot. 4.5.7.50 Aſſ. pla.2. 2 H.7.f.3. Coke l.4. f. 126. l.8.f.170. 1 H.7.f.24. Dyer f.25.302 Fitz. Gard. 5. Fitz.Liv.30. Fitz. Trav.11. 38.Br.Vill.17.

The King ſhall have the cuſtody of the lands of natural fools, taking the profits of them without waſte or deſtruction, and ſhall find to them their neceſſaries, of whoſe fee ſoever the lands be holden. And after the death of ſuch Idiots he ſhall render it to the right heirs, ſo that ſuch Idiots ſhall not alien, nor their heirs ſhall be diſinherited. Regiſt.f.266. Fitz. N. B. f. 202. 232.

The King ſhall have the cuſtody of Idiots lands.

CAP. X.

His prerogative in the preſervation of the Lands of Lunaticks.

Coke l.4.f.127 39 H.6.f.42. 12 Ed.4.f.8. 25 Aſſ.pl.4. 35 Aſſ.pl.10. Dyer f.25.

Alſo the King ſhall provide, when any (that before-time hath had his wit and memory) happen to fail of his wit, as there are many per lucida intervalla, that their lands and tenements ſhall be ſafely kept without waſte and deſtruction, and that they and their houſhold ſhall live and be maintained competently with the profits of the ſame, and the reſidue beſides their ſuſtentation ſhall be kept to their uſe, to be delivered unto them when they come to right mind. So that ſuch lands and tenements ſhall in no wiſe be aliened. And the King ſhall take nothing to his own uſe: and if the party die in ſuch eſtate, then the reſidue ſhall be diſtributed for his ſoul by the advice of the Ordinary. Regiſt. fo. 266. St. 32 H. 8. 46.

The King ſhall have the direction of Lunaticks lands.

CAP. XI.

His prerogative in having the wreck of the Sea, Whales and Sturgeons.

Coke l. 5. f. 106.108. 1 H.7. f. 23. 11 H.4.f.16. 9 H.7. f. 20. 35 H.6 f 27.

Alſo the King ſhall have Wreck of the Sea throughout the Realm, Whales and great Sturgeons taken in the Sea or elſewhere within the Realm, except in certain places privileged by the King. St. 3 Ed. 1.4. Raſt. pla. f. 611.

The King ſhall have the wreck of the Sea.

CAP. XII.

His prerogative in enjoying the lands of Normans.

47 Ed.3.f.21.

Alſo the King ſhall have eſcheats of the lands of Normans, to whoſe fee ſoever they belong, ſaving the ſervice appertaining to the chief Lords of the ſame fee. And this alſo is to be underſtood where any inheritance deſcendeth to any that is born in the parts beyond the Sea, whoſe anceſtors were from the time of King John, under the allegeance of the Kings of France, and not of the Kings of England, as late it happened by the Barony of Monmouth, after the death of John de Monmouth, whoſe heirs were of Britain and other places. King Henry by the foreſaid occaſion, recovered many eſcheats of Normans lands out of the fees of other men, and gave them to be holden of the chief Lords of the fee by ſervices due and accuſtomed thereunto.

The King ſhall have the Eſcheat of Normans lands.

CAP. XIII.

His prerogative in enjoying the lands of the heir of his tenant intruding.

Coke l.8. f. 172. 1 H. 7. f. 5. 4 H. 7. f. 1. 38 Ed. 3.f.30. Kel. 4.71. Fitz.Liv.25. 26.28. Bro.Chart.43. 48.52.71. Bro.Fealt.6.9.

When any (that holdeth of the King in chief) dieth, and his heir entreth into the land that his anceſtor held of the King the day that he died, before that he hath done homage to the King, and received ſeiſin of the King, he ſhall gain no freehold thereby; and if he die ſeiſed during that time, his wife ſhall not be endowed of the ſame land, as it came late in ure by Maud daughter to the Earl of Hereford, wife to Maunſel the Marſhal, which after the death of William Earl Marſhal of England his brother, took his ſeiſin of the Caſtle and Mannor of Scrogoil, and died in the ſame Caſtle, before he had entred by the King, and before he had done homage to him. Whereupon it was agreed that his wife ſhould not be endowed, becauſe that her husband had not entred by the King, but rather by intruſion: howbeit this Statute doth not mean of Socage and other ſmall tenures. V. N. B. f. 7. 8. Fitz. N. B. f. 149.

The penalty if the heir intrude into his anceſtors lands St. 9 H. 3. 3. St. 52 H. 3. 16. St. 4 Ed. 1. 4.

CAP. XIV.

His prerogative in having the Eſcheat of Biſhops freehold-tenants attainted of felony during the vacation.

Alſo the King ſhall have Eſcheats of lands of the freeholders of Archbiſhops and Biſhops, when ſuch tenants be attainted for felony in time of vacation, whiles their Temporalties were in the Kings hands, to give at his pleaſure, ſaving to ſuch Prelates the ſervice that thereto is due and accuſtomed.

Eſcheats of Biſhops freeholders.

CAP. XV.

His prerogative that Knights fees, advowſons, and Dowers do not paſs from him without ſpecial words.

Coke l.10.f.63 Dyer f. 350. 2 R. 3.f.4. 41 Ed.3.f.5. 43 Ed.3.32. Fit.Preſent.9.

When our Lord the King giveth or granteth land, or a Manor with the appurtenances, without he make expreſs mention in his deed or writing, of Knights fees, Advowſons

The King giveth Lands with the appurtenances.

of Churches, and Dowers when they fall belonging to ſuch Manor or Land, then at this day the King reſerveth to himſelf ſuch fees, Advowſons, and Dowers, albeit that amongſt other perſons it hath been obſerved otherwiſe.

Fitz. Q. impedit. 31.40. Fit. Gard.44. Fit. Liver.7.9. 43 Aſſ. pl. 10.15. Bro.Pat.34.

CAP. XVI.

His prerogative in having the lands of Felons attainted.

The King ſhal have felons goods, and the year, day, and waſte of their Lands. Fit. N.B.f.144.k St.9 H.3. 12. Regiſt. f.165. V.N.B.f.99. Cuſtom of Glouceſter and Kent. V.N.B.f.5.

Alſo the King ſhall have the goods of all felons attainted, and fugitives, whereſoever they be found. And if they have freehold, then it ſhall be forthwith taken into the Kings hands, And the King ſhall have all profits of the ſame by one year and one day, and the land ſhall be waſted and deſtroyed in the Houſes, Woods and Gardens, and in all manner of things belonging to the ſame land, excepting men of certain places priviledged by the King therefore. And after our Lord the King hath had the year, day, and waſte, then the land ſhall be reſtored to the chief Lord of the ſame fee, unleſs that he fine before with the King for the year, the day, and the waſte. Nevertheleſs it is uſed in the County of Glouceſter by cuſtom, That after one year and oneday, the lands and tenements of felons ſhall revert and be reſtored to the next heir, to whom it ought to have deſcended if the felony had not been done. And in Kent in Gavelkind: The father to the bough, the ſon to the plough. There all heirs males ſhall divide their inheritance, and likewiſe women; but women ſhall not make partition with men. And a woman after the death of her husband ſhall be endowed of the moity. And if ſhe commit fornication in her widowhood, or take an husband after, ſhe ſhall loſe her dower.

Stamf. prerog. 20, b.

The manner of doing Homage and Fealty, made *Anno* 17 *Ed.* 2. & *Anno* 1324.

How a Freeman ſhall do his Homage, how his Fealty. And a Villains Fealty.

When a Freeman ſhall do Homage to his Lord of whom he holdeth in chief, he ſhall hold his hands together between the hands of his Lord, and ſhall ſay thus: I become your man from this day forth for life, for member, and for worldly honour, and ſhall owe you my faith for the lands that I hold of you, ſaving the faith that I owe unto our Lord the King, and to mine other Lords.

7 Ed.3.f.2. Fit.Grant. 9. 80. 83. Fitz. Conu.81

When a Freeman ſhall do fealty to his Lord, he ſhall hold his right hand upon a book, and ſhall ſay thus: Hear you my Lord R. that I P. ſhall be to you both faithful and true, and ſhall owe my fidelity unto you for the land that I hold of you, and lawfully ſhall do ſuch cuſtoms and ſervices as my duty is to you at the terms aſſigned. So help me God and all his Saints.

Fit. Avow.109

When a Villain ſhall do fealty unto his Lord, he ſhall hold his right hand over the book, and ſhall ſay thus: Hear you my Lord A. that I B. from this day forth unto you ſhall be true and faithful, and ſhall owe you fealty for the land that I hold of you in villenage, and ſhall be juſtified by you in body and goods. So help me God and all his Saints.

The Statute for view of *Frankpledge*, made the eighteenth year of King *Edward* the ſecond.

Of what things Stewards in their Leets ſhall enquire.

Fit.Leet.6.11. Fitz. Avowry 80.171. Dyer f.111. 12 H.7. f.15. Coke l.6.f.78. Bro. Leet. 39. 10 H.6.f.7. 45 Ed.3.f.9. 41 Ed 3.f.26.

Firſt, you ſhall ſay unto us by the Oath that you have made, If all the Jurors that owe ſuit to this Court be come, and which not.

2 And if all the chief pledges or their dozeins be come, as they ought to come, & which not.

3 And if all the dozeins be in the Aſſiſe of our Lord the King, and which not, and who received them.

4 And if there be any of the Kings villains fugitive dwelling otherwhere then in ẏ Kings demeans, and of ſuch as be within the Kings demeans, and have not abiden a year & a day.

5 And if there be any of the Lords Villains in Frankpledge otherwhere then in this Court.

6 Of cuſtoms and ſervices due to this Court withdrawn, how, and by whom, and in what Bailiffs times.

7 Of Purpreſtures made in the Land, Woods, and waters to annoyance. 4 H.6.f.10. 4 Ed.3.f.10.

8 Of Walls, Houſes, Dikes, and Hedges ſet up or beaten down to annoyance.

9 Of bounds withdrawn and taken away.

10 Of ways and paths opened or ſtopped.

11 Of waters turned or ſtopped, or brought from their right courſe. 4 H.3.f.20. 29 Ed.3.f.18.

12 Of breakers of houſes and of their receivers.

13 Of common thieves and of their receivers. 22 Ed.4.22.

14 Of pety Larons, as of geeſe, hens, or ſheafs.

15 Of thieves that ſteal clothes, or of thieves that do pilfer clothes through windows and walls.

16 Of ſuch as go in meſſage for thieves.

17 Of cries levied and not purſued.

18 Of bloudſhed and of frays made. Dyer f.233.

19 Of eſcapes of thieves or felons.

20 Of perſons outlawed returned, not having the Kings Warrant. 6 H.7.f.4. 11 H.7.f.22.

21 Of women raviſhed not preſented before the Coroners.

22 Of clippers and forgers of money. Bro. Leet 41. Bro.Coron. 175. Fitz. Avowry 185.

23 Of treaſure found.

24 Of the Aſſiſe of bread and ale broken.

25 Of falſe meaſures, as of Buſhels, Gallons, Yards, and Ells.

26 Of falſe ballances and weights.
27 Of ſuch as have double meaſure, and buy by the great, and ſell by the leſs.
28 Of ſuch as continually haunt Taverns, and no man knoweth whereon they do live.
29 Of ſuch as ſleep by day and watch by night, and fare well, and have nothing.
30 Of cloth-ſellers and curriers of leather dwelling out of Merchant towns.
31 Of ſuch as flie unto Church or Church-yard; and after depart without doing that which belongeth thereunto.
32 Of perſons impriſoned, and after let go without mainpriſe.
33 Of ſuch as take Doves in winter by dorfalls or engines.

Cok. l. 5. f. 140.

And of all theſe things you ſhall do us to wit, by the oath that you have taken. Raſt. pla. fo. 390. 425. Cok. l. 8. f. 38. 41. 3 H. 7. f. 4. 21 H. 7. f. 40. 41. Aſſ. pl. 30. 38 H. 6. f. 7. 45 Edw. 3. f. 8. Fitz. Avowry 105. 112. 155. 161. 194. 211. 212. Fitz. Barre, 271. Bro. Leet. 35. 36. 37. 38. 39.

The Statute of Priſes made Anno 28 Ed. 1. Is here omitted, for that is word for word contained in the ſecond Chapter of Articuli ſuper Chartas.

Certain Statutes made during the Reigns of King *Henry* the Third, King *Edward* the Firſt, or King *Edward* the Second: but uncertain when, or in which of their times.

Articles againſt the Kings Prohibitions.

In what caſes the Kings Prohibition will lie, and in what not.

In which caſes the King prohibition will lie, and in which not.

UNder what form ſhall Lay-men purchaſe Prohibitions generally upon Tythes, Oblations, Obventions, redeeming of Penance, Mortuaries, violent hands laying on a Clerk or Lay-brother, and in cauſes of defamation, in which caſes, ſpiritual penance muſt be enjoyned. The King anſwered to theſe Articles, That in Tythes, Oblations, Obventions, and Mortuaries when they be pleaded as before is ſaid, the Kings prohibition doth not lie.

And if a Clerk or a perſon Religious, do ſell his Corn being in his Barn, or other where to any man for mony, if the price thereof be demanded before a Spiritual Judge, the Kings prohibition doth lie, for by the ſale the Spiritual are become Temporal, and ſo Tythes paſs into Chattels.

And if debate hang in a Spiritual Court for the right of Tythes, having his original from the right of the Patronage, and the quantity of the ſame Tythes do paſs the fourth part of the value of the Benefice, a prohibition ſhall lie.

Alſo if a Prelate enjoyn penance pecuniary to any man for his ſin, if the money be demanded before Prelates, a prohibition ſhall lie.

Alſo if any lay violent hands on a Clerk or Lay-brother, for the peace broken, amends ſhall be made before the King, and for the excommunication before a Biſhop or Prelate.

And if a corporal penance be enjoyned, which the offender will redeem by giving money to the Prelate, or to the party grieved, a prohibition ſhall not lie.

In cauſes of defamation, Prelates may freely correct, the Kings prohibition notwithſtanding, firſt enjoyning a corporal penance, which if the party will redeem, the Prelate may lawfully receive the money, though the prohibition be ſhewed. St. 9 E. 2. 1. &c.

An Ordinance for Bakers, Brewers, and other Victuallers, and for Ells, Buſhels, and foreſtallers.

CAP. I.

Upon what onely cauſe Aſſiſe of Bread ſhall be taken.

The Aſſiſe of Bread.

THe Aſſiſe of Bread ſhall be kept according as it is contained in the writing of the Marſhalſey of our Lord the King delivered unto them after the ſale of Wheat, that is to wit, the better, the worſe, and the worſt. And as well Waſtel-bread as other of what ſort ſoever they be, ſhall be weighed according as it is ſaid of the ſale of the meaner Wheat: Neither ſhall the aſſiſe or weight of Wheat be changed, more then ſix-pence increaſing or decreaſing as it is in the ſale of the quarter.

CAP. II.

For what offence a Baker ſhall be amerced, and for what ſet on the Pillory.

A Bakers puniſhment.

A Baker if his bread be founden a farthing weight lacking in two ſhillings ſix-pence or under, ſhall be amerced; and if it paſs the ſame number, he ſhall ſuffer puniſhment of the Pillory, which ſhall not be remitted to the offender either for gold or ſilver. And every Baker ſhall have a mark of his own for his bread.

A Bakers mark.

CAP. III.

Every Pillory ſhall be of convenient ſtrength.

A Pillory.

EVery Pillory or Stretch-neck muſt be made of convenient ſtrength, ſo that execution may be done upon offenders without peril of their bodies. Regiſt. orig. 109.

CAP. IV.

How Toll at a Mill ſhall be taken.

The Toll of a Mill.

The Toll of a Mill ſhall be taken according to the cuſtom of the land, and according to the ſtrength of the water-courſe, either to the twentieth or four and twentieth corn. And the meaſure whereby the toll muſt be taken, ſhall be agreeable to the Kings meaſure, and toll ſhall be taken by the raſe, and not by the heap or cantel. And in caſe that the Fermors find the Millers their neceſſaries, they ſhall take nothing beſides their due toll; and if they do otherwiſe, they ſhall be grievouſly puniſhed.

CAP. V.

St. 7 Ed. 6. 9.

THe aſſiſe of wine ſhall be kept, that is, a ſextertium at twelve pence. And if the Taverners exceed the ſame aſſiſes, their doors ſhall be ſhut up. REP. 21 Jac. 28. St. 4 Ed. 3. 12.

CAP. VI.

The aſſiſe of Ale ſhall be according to the price of Corn.

The price of Ale.
St. 23 H. 8. 4.

The puniſhment of Brewers offending.

The aſſiſe of Ale ſhall be aſſeſſed, proclaimed, and kept according to the price of the Corn whereof the Malt is made. And the Brewer ſhall not increaſe more in a galon, but according to the rate of ſix-pence riſing in a quarter of Malt. And if he break the aſſiſe, the firſt, ſecond, and third time, he ſhall be amerced, but the fourth time he ſhall ſuffer judgment of the Pillory without redemption.

CAP. VII.

The puniſhment of a Butcher ſelling unwholeſom fleſh.

The puniſhment of a Butcher ſelling unwholeſome meat.
Pillory.

A Butcher that ſelleth ſwines fleſh mezled, or fleſh dead of the murrain, or that buyeth fleſh of Jews, and ſelleth the ſame unto Chriſtians, after he ſhall be convict thereof, for the firſt time he ſhall be grievouſly amerced, the ſecond time he ſhall ſuffer judgment of the Pillory, and the third time he ſhall be impriſoned and make fine, and the fourth time he ſhall forſwear the town. And in this manner ſhall it be done of all that offend in like caſe.

CAP. VIII.

Buſhels, Gallons, and Ells ſhall be ſigned with the Kings Seal, and he that buyeth or ſelleth with other ſhall be amerced.

The ſealing of Buſhels, Gallons, and Ells.

Buying or ſelling by unſealed meaſures.

The ſtandard of Buſhels, Gallons, and Ells, ſhall be ſealed with an iron ſeal of our Lord the King, and ſafe kept under the pain of an hundred pound. And no meaſure ſhall be in any Town, unleſs it do agree with the Kings meaſure, and marked with the Seal of the Shire-town. If any do ſell or buy by meaſures unſealed, and not examined by the Mayor or Bailiffs, he ſhall be grievouſly amerced. And all the meaſures of every Town, both great and ſmall, ſhall be viewed and examined twice in the year. If any be convict for a double meaſure, that is to wit, a greater for to buy with, and a ſmall to ſell with, he ſhall be impriſoned for his falſhood, and ſhall be grievouſly puniſhed. St. 7 H. 7. 4. St. 11 H. 7. 4. St. 12 H. 7. 5.

CAP. IX.

The Buſhel, Standard, and Ells ſhall be kept by Mayors, Bailiffs, &c. No grain ſhall be ſold by the heap or cantel, but Oats, Malt, and Meal.

Who ſhall have the keeping of meaſures.

The Standard, Buſhel, and Els ſhall be in the cuſtody of the Mayor & Bailiffs, and of ſix lawful perſons of the ſame town being ſworn, before whom all meaſures ſhall be ſealed. No manner of grain ſhall be ſold by the heap or cantel, except it be Oats, Malt, and Meal.

CAP. X.

No Foreſtaller ſhall be ſuffered to dwell in any Town.

Who is a Foreſtaller, and his puniſhment.
St 5 Ed. 141.

St. 5 El. 5.

BUt eſpecially be it commanded on the behalf of our Lord the King, that no foreſtaller be ſuffered to dwell in any Town which is an open oppreſſour of poor people, and of all the Comminalty, and an enemy of the whole Shire and Countrey, which for greedineſs of his private gain, doth prevent others in buying grain, fiſh, herring, or any other thing to be ſold coming by land or water, oppreſſing the poor, & deceiving the rich, which carrieth away ſuch things, intending to ſell them more dear. The which come to Merchants ſtrangers that bring Merchandiſe, offering them to buy, and informing them that their goods might be dearer ſold then they intended to ſell, and an whole Town or a Countrey is deceived by ſuch craft and ſubtilty. He that is convict thereof, the firſt time ſhall be amerced, and ſhall loſe the thing ſo bought, and that according to the cuſtome and ordinance of the Town: he that is convict the ſecond time ſhall have judgment of the Pillory: and the third time he ſhall be impriſoned, and make fine: and the fourth time he ſhall abjure the Town. And this judgment ſhall be given upon all manner of Foreſtallers, and likewiſe upon them that have given them counſel, help, or favour.

Statutum de terris Templariorum made *Anno* 17 *Edw.* 2. and *Anno Dom.* 1323.

Cok. l. 11. f. 21.

FOr that the military Order of Templers ceaſing and being diſſolved, the lands and tenements, in demeaſns, fees, and ſervices of the Brethren of the ſame Order which they held in their Fraternity in the Realm of England in the time of the ſame ceaſing and diſſolution of the foreſaid Order, which were holden of our Lord the King, and divers other Lords in this Kingdom, were ſeiſed into the hands of our Sovereign Lord the King, and of divers other Lords of the fees of them, who challenged the ſame lands for the conſideration aforeſaid, that the ſame lands ought to revert to them as their Eſcheats. Whereupon after in a Parliament of the moſt noble Prince King Edward Son of King Edward, ſummoned and aſſembled at Weſtminſter, three weeks after the day of the Purification of the bleſſed Virgin Mary, in the ſeventeenth year of the reign of the ſame King, great conference was had before the King himſelf, in the preſence of the Prelates, Earls, Barons, Nobles, and great men of the Realm, and others there preſent, whether the foreſaid Lords of the fees, or others which hold thoſe lands that were the foreſaid Templers, as is aforeſaid, might retain them by the Law of the Realm, and with ſafe conſcience. Whereupon the greater part of the Kings Council, as well the Juſtices as other lay-perſons being aſſembled together: The ſaid Juſtices affirmed preciſely, that our Lord the King, and other Lords of the fees aforeſaid, might well and lawfully by the Laws of the Realm retain the foreſaid lands as their Eſcheats, in regard of the ceaſing and diſſolution of the Order aforeſaid.

Whether the Order of Templers being diſſolved, the Lords of the Fees might enjoy their lands.

But becauſe the lands and tenements aforeſaid were given to the Brethren of the ſaid Order for the defence of Chriſtians, and the holy Land, againſt Pagans and Sarazens, and other enemies of Chriſt and Chriſtians, & the univerſal holy Church: It ſeemed good to our Lord the King, the Noblemen, and others aſſembled in the ſame Parliament, for the health of their ſouls, and diſcharge of their conſciences, That whereas the ſaid Military Order of Templers were originally inſtituted for the defence of Chriſtians and the univerſal holy Church, ſubverſion of the enemies of Chriſt and Chriſtians, and canonized to the augmentation of the honour of God, and liberal alms-giving, That the foreſaid lands and tenements in demeaſns, Lordſhips, Services, Liberties, Cuſtoms, and all other things pertaining thereunto, and by any thing depending thereupon, according to the wills of the givers, ſhall be aſſigned and delivered to other men of moſt holy Religion, to the intent the fruits, obventions, and profits of the ſame lands, tenements, and other things, may be converted and charitably diſpoſed to godly uſes. And thereupon in the ſame Parliament it is agreed, ordained, and eſtabliſhed for Law to continue for ever, That neither our Lord the King, nor any other Lords of the fees aforeſaid, or any other perſon, hath title or right to retain the foreſaid lands and tenements, with the appurtenances or any part thereof, in regard of Eſcheat, or by any other means, or hereafter to challenge the ſame lands in reſpect of the ceaſing or diſſolution of the foreſaid Military Order of Templers, whereof the Brethren of the ſame Order were ſeiſed in their Demeſns as of fee at the time of the ceaſing and diſſolution aforeſaid: Notwithſtanding that the foreſaid lands and tenements after the ſaid ceaſing and diſſolution, came to the hands of divers perſons by diſcent of inheritance, gift, or purchaſe, or by any other means: And notwithſtanding any Law or Cuſtome of the Realm of England, whereby this Law, Ordinance and Statute touching the aſſignment and conveyance of the foreſaid lands and tenements might be hindred, impugned, or counter-pleaded.

The chief Lords ſhall not have Templers lands by Eſcheat.

Seeing the Order of the Brethren of the Hoſpital of St. John of Hieruſalem was likewiſe ordained, inſtituted, and canoniſed for the defence of Chriſtians and the holy Church; It is agreed and enacted in the ſaid Parliament by our foreſaid Lord the King, the Prelates, Earls, Barons, and other great men of the Realm there being, That inſomuch as the foreſaid Order of the Templers is ceaſed and diſſolved, and the foreſaid Order of the Hoſpital is provided, inſtituted, and canoniſed, for the defence of Chriſtians, as is aforeſaid, That all ye Lands, Tenements, Lordſhips, Fees, Churches, Advowſons of Churches, and liberties, with all things to them belonging, which were the ſaid Templers at the time of their ceaſing and diſſolution, ſhall be aſſigned and delivered to the foreſaid Order of the Hoſpital, and to the Prior and Brethren of the ſame Hoſpital, to remain to them and their ſucceſſours for ever. Wherefore our ſaid Lord the King, by the mutual aſſent of the Earls, Barons, and Noble-men aforeſaid, of his Regal Authority in the ſame Parliament, hath aſſigned to determine and deliver all the foreſaid Lands, Tenements, Lordſhips, Fees, Churches, Advowſons, and Liberties, with their appurtenances, to the foreſaid Order of the Hoſpital, and to the ſaid Prior and Brethren of the ſaid Order, To have and hold to the ſame Prior and his Brethren and Succeſſours for ever of our Lord the King, and other Lords of the fees aforeſaid, by the ſame ſervices, by which the Brethren of the Military Order of Templers held the ſame, at the time of their ceaſing and diſſolution: As in relieving of the poor, in hoſpitalities, in celebrating divine Service, defence of the holy Land, and in all other offices and ſervices before-time due, by whatſoever names they be called. So always, that the godly and worthy will of the foreſaid givers be obſerved, performed, and always religiouſly executed, as is aforeſaid. Saving to every perſon his action, if he had any, the time of the ceaſing and diſſolution aforeſaid, againſt the ſame Templers in the foreſaid Lands and Tenements, Rents, Services, Cuſtoms, Penſions, Corodies, Liberties, celebrating of Maſſes, Alms, & other things whatſoever, and liberty to proſecute his right againſt the ſaid Prior and Brethren of the Hoſpital aforeſaid and their Brethren, and their Succeſſours, according to the Law and cuſtom of the Realm, as he might have had againſt the foreſaid Templers, if the Order aforeſaid had not been diſſolved: And if it fortune that the ſaid Prior and Brethren of the Hoſpital aforeſaid, or their Succeſſours, ſhall be put out of the foreſaid lands and tenements, or of any parcel thereof, after they ſhall be ſeiſed of the ſame, they ſhall have power to recover their own according to the Law of the Realm.

All the Templers lands given to the Prior of the Hoſpital of St. John of Hieruſalem.
Cok. l. 11. f. 21.

And to the intent that the aſſignment before ſpecified may be publiſhed and made known to all men to whom it behoveth: It is ordained and agreed in the ſame Parliament, that it ſhall be openly proclaimed in every County of this Kingdom, that all and every perſon holding the lands and tenements aforeſaid, and all others to whom it doth appertain, ſhall be at Weſtminſter one moneth after Eaſter-day next, if they will, to hear the concord, proviſion, and aſſignment aforeſaid, in form aforeſaid.

Anno primo Edwardi *tertii.*

Statutes made at Weſtminſter the ſeventh of *March*, in the firſt year of the Reign of the Noble King *Edward* the Third. The year of our Lord, 1327.

A confirmation of the baniſhment of Hugh Spencer the father, and Hugh Spencer the ſon. Exp.

CAP. I.

None ſhall be impeached which took part with the King againſt his father. Exp.

CAP. II.

The Repeal of the Exile made void.

CAP. III.

The Executors of thoſe that were wrongfully ſlain ſhall have action to recover their Teſtators goods. All aſſurances made to the Rebels by dureſs ſhall be void. Exp.

CAP. IV.

Trial of an averment in a Writ of falſe Judgment.

Trial of an averment in a Writ of falſe Judgment. Raſt. pla. fo. 342. &c. Cok. pl. f. 305. St. 52 H. 3. 20.

Dyer f. 262. 268. 34 H. 6. f. 42. Fitz. Droit. f. 42. Fitz. Faux judgment. 8. 13. 14. 19.

ITem, it is accorded, ordained, and eſtabliſhed in amendment of the Law, that when a record cometh into the Kings Court by Writ of falſe Judgment, in caſe where the party alledgeth that the Record is otherwiſe then the Court doth record the ſame: the averment ſhall be received of the good Countrey, and of them which were preſent in the Court when the Record was made, if they do come with others of the Countrey by the Sheriffs return. And if they come not, the inqueſt ſhall be taken by good Countrey. Regiſt. fo. 15. V. N. B. fo. 17. Fitz. N. B. fo. 20.

CAP. V.

An averment may be made againſt falſe Returns of Bailiffs of Liberties.

Averment againſt returns of Bailiffs of Franchiſes. St. 15 Ed. 1. 39.

5 H. 27. f. 27. Cro. Jac. 138.

ITem, It is provided and eſtabliſhed, that from henceforth againſt the falſe Returns of Bailiffs of Franchiſes, which have full return of Writs, a man ſhall have averment, and recover as well againſt them as againſt the Kings Sheriff: as well of too little iſſues returned as in other caſes, ſo that it falleth not in prejudice of the Lords, nor in the blemiſh of their Franchiſe. And that the eſtate of holy Church be always ſaved. And that all the puniſhment fall onely upon the Bailiffs by puniſhment of their bodies, if they have not whereof to anſwer. V. N. B. fo. 53.

CAP. VI

An attaint will lie as well upon the Principal, as upon the Damage.

Attaint as well upon the Principal as the Damage. St. 3 Ed. 1. 37. St. 5 Ed. 3. 7. St. 28 Ed. 3. 8. St. 24 Ed. 3. 7. St. 9 R. 2. 3.

12 Ed. 4. f. 5. 40 Ed. 3. f. 32. 44 Ed. 3. f. 5. 8 Aſſ. pla. 30. 3 H. 6 f. 29. Fitz Attaint. 70. 74.

ITem, It is provided, that for the great miſchiefs, damage, and deſtruction that hath happened to divers perſons, as well of holy Church, as of other, by the falſe oaths of Jurors in Writs of Treſpaſs: from henceforth a Writ of Attaint ſhall be granted as well upon the principal as upon the damages in a Writ of Treſpaſs. And that the Chancellor which ſhall be for the time, ſhall have power to grant ſuch Writs of Attaints, without ſpeaking therefore to the King. And in ſuch, and all other caſes of Attaints, the Juſtices ſhall not let to take the Attaints for the damages not paid. Regiſt. fo. 122. V. N. B. fo. 48. Fitz. N. B. fo. 105. k.

CAP. VII.

Inquiry ſhall be made of Gaolers which by dureſs compel priſoners to appeal.

Inquiry of Gaolers which ſhall procure priſoners to become approvers.

ITem, To eſchue the damage and deſtruction that often doth happen by Sheriffs, Gaolers, and Keepers of priſons, within Franchiſe and without, which have pained their priſoners, and by ſuch evil means compel and procure them to become appealers, and to appeal harmleſs and guiltleſs people, to the intent to have ranſome of ſuch appealed perſons, for fear of impriſonment, or other cauſe: the Juſtices of the one Bench and of the other, and Juſtices of Aſſiſe and Gaol-delivery, ſhall by force of this Statute, enquire of ſuch compulſion, puniſhments, and procurements, and hear the complaints of all them that will complain in ſuch caſes by bill, and ſhall hear and determine ſuch plaints, as well at the ſuit of the party, as the Kings ſuit. St. 13 Ed. 1. 12. St. 14 Ed. 3. 10. Raſt. pla. fo. 56.

CAP. VIII.

How he ſhall be uſed that is taken for any offence in the Foreſt. Bailment of him.

How he ſhal be uſed which is taken in the Foreſt for any offence of Vert or Veniſon. St. 3 Ed. 1. 20. St. 9 H. 3. 10. & 16.

ITem, Whereas divers people be diſinherited, ranſomed, and undone, by the chief Keepers of the Foreſts on this ſide Trent and beyond, and by other miniſters, againſt the form of the great Charter of the Foreſt, and againſt the Declaration made by King Edward, ſon of King Henry, in form following: that is to ſay, We will and grant for us and our heirs, that for any treſpſas done in our Foreſt of Vert and Veniſon, that the Foreſters in whoſe Bailiwick ſuch treſpaſs ſhall be committed, ſhall preſent the ſame treſpaſſes at the next Swanimote before the Foreſters, Verders, Regarders, Agiſters, and other Miniſters of the ſame Foreſt: And upon ſuch preſentment made before the ſaid Foreſters, Verders, Regarders, and Agiſters, and other Miniſters aforeſaid, as well by the oaths of Knights, as by other diſcreet and lawful men, and not ſuſpitious of the parties adjoyning or near, where ſuch offences ſhall be ſo preſented, and where the truth may beſt and moſt fully be enquired, and the truth perfectly known, then ſuch preſentments by the common aſſent and conſent of all the ſaid Miniſters ſhall be ſolemnly written, and with their ſeals enſealed. And if any

indictment

endictment be in any other manner made, the ſame ſhall be void. And therefore becauſe the chief Wardens of the Foreſts have not obſerved the ſame form hitherto, it is agreed and ordained, that from henceforth no man ſhall be taken nor impriſoned for Vert or Veniſon, unleſs he be taken with the manner, or elſe indicted after the form before ſpecified. And then the chief Warden of the Foreſt ſhall let him to mainpriſe, till the Eyre of the Foreſt, without any thing taken for his deliverance. And if the ſaid Warden will not ſo do, he ſhall have a Writ out of the Chancery, which hath been in old time ordained for ſuch perſons endicted, to be at mainpriſe till the Eyre. And if ſuch Warden after he hath received the Writ, do not incontinently deliver ſuch perſons indicted to mainpriſe, without taking any thing: then the Plaintiff ſhall have a Writ out of the Chancery to the Sheriff, to attach the ſaid Warden to be before the King at a certain day to anſwer, wherefore he hath not replevied him that is ſo taken. And the Sheriff (the Verders being called to him) ſhall deliver him that is ſo taken, by good mainpriſe, in the preſence of the Verders, and ſhall deliver the names of the Mainpernors to the ſame Verders, to anſwer in the Eyre before the Juſtices. And if the chief Warden be thereof attainted, the Plaintiffs ſhall have their treble damages awarded them, and the ſaid Warden ſhall be committed to priſon, and ranſomed at the Kings will. And from henceforth it ſhall be written to them as to the chief Wardens of the Foreſt, becauſe they may not be Juſtices, nor have any record but in the Eyre. Dated at Weſtminſter, the ſeventh day of March, in the firſt year of the reign of the ſaid King Edward that now is.

A remedy for the priſoner if the Warden of the Foreſt will not bail him. St.7 R.2.4. Regiſt.f.89. V.N.B.f.41. Fitz.N.B.f.67.c.

Other Statutes made at Weſtm. the ſame *Anno* 1 Ed. 3. and *Anno Dom.* 1327.

TO the honour of God and of holy Church, and to the redreſs of the oppreſſions of the people; King Edward the third, at his Parliament holden at Weſtminſter, after the Purification of our Lady, in the firſt year of his reign, at the requeſt of the Commonalty of his Realm, by their petition made before him and his Council in the Parliament, by aſſent of the Prelates, Earls, Barons, and other great men aſſembled at the ſaid Parliament, hath granted for him and his heirs for ever theſe Articles under-written.

CAP. I.

A Confirmation of the great Charter and Charter of the Foreſt. Perambulations of Foreſts.

FIrſt, that the great Charter of the Liberties, and the Charter of the Foreſt be obſerved and kept in every Article. And that the perambulations of the Foreſt in time of King Edward grandfather to the King that now is, be from henceforth holden in the like form, as it was then riden and bounded. And thereupon a Charter to be made to every Shire where it was riden and bounded. And in ſuch places where it was not bounded, the King will that it ſhall be bounded by good men and lawful, and that a Charter be thereupon made, as afore is ſaid.

Confirmation of Charters. Perambulation of Foreſts, Charters thereof.

CAP II.

How every perſon may uſe his Woods within the Foreſt. Seiſing of Biſhops Temporalties.

ITem, every man that hath any wood within the Foreſt, may take houſebot and heybot in his ſaid wood, without being attached for the ſame by any Miniſters of the Foreſt, ſo that he do the ſame by the view of the Foreſters. And becauſe before this time in the time of King Edward father to the King that now is, The King by evil Councellors cauſed to be ſeiſed into his hands the Temporalties of divers Biſhops, with all their goods and cattels therein found, without any cauſe, and the ſame held in his hands by a long ſeaſon, and continually thereof took the profits, to the great damage of the ſame Biſhops, waſtes and deſtructions of all their chattels, mannors, parks and woods: the King will and granteth that from henceforth it ſhall not be done.

Uſing of woods within the Foreſt.

The temporalties of Biſhops St.14 Ed.3.19. St.25 Ed.3.6.

CAP. III.

King Edward the ſecond's pardon confirmed to the Jews and all others. EXP.

CAP. IV.

The Kings debts ſhall be ſtalled according to the debtors eſtate. EXP.

CAP. V.

None ſhall be compelled to go to war out of the Shire where he dwelleth: But, &c.

ITem, the King will that no man from henceforth ſhall be charged to arm himſelf, otherwiſe then he was wont in the time of his Progenitors Kings of England. And that no man be compelled to go out of his Shire, but where neceſſity requireth, and ſuddain coming of ſtrange enemies into the Realm. And then it ſhall be done as hath been uſed in times paſt for the defence of the Realm. St.18 Ed.3.7.St.15 Ed.3.8.St.4 H.4.13.

In what only caſe one ſhall be compelled to go to war out of the Shire where he dwelleth.

CAP. VI.

How aid granted to the King ſhall be taxed.

ITem, becauſe the Commons have felt great grief whereas they granted any aid to the King of their goods, and certain were aſſigned to tax their goods, and the taxers have levied the ſame tax, and yielded their accompt for the ſame at the Eſchequer, & there paid the money; Juſtices have been aſſigned after to inquire of their doings, which Juſtices have taken ranſomes and fines of the taxers and other, by colour of their Commiſſions, to the great oppreſſion and impoveriſhing of them: the King will, that from henceforth they ſhall be taxed after the old manner, and not otherwiſe. St.9 H.4.7.

How aid granted to the King ſhall be taxed.

CAP. VII.

Who ſhall pay the wages to Conductors of Souldiers.

The King ſhal give wages to the conveyers of Souldiers.

ITem, Whereas commiſſions have been awarded to certain people of Shires, to prepare men of arms, and convey them to the King into Scotland or Gaſcoin, or elſewhere at the charge of the Shires: The King hath not before this time given any wages to the ſaid preparers and conveyors, nor ſouldiers, whom they have brought, whereby the Commons of the Counties have been at great charge and much impoveriſhed: The King will that it ſhall be done ſo no more. St.18 Ed.3.7.2.Seſſ.St.4 H.4.13.

CAP. VIII.

Nothing ſhall be taken for Beaupleader.

St.52 H.3.11. St.3.Ed.1.8. Regiſt.f.179. Fitz.N B. f.270.

ITem, whereas ſome of the Realm have grievouſly complained, that they be grieved by Sheriffs, naming themſelves the Kings approvers, which take money by extortion for Beaupleader: The King will that the Statute of Marlbridge ſhall be obſerved and kept in this point.

CAP. IX.

A confirmation of the liberties of Cities and Boroughs.

ITem, the King will that Cities, Boroughs, and franchiſed towns, ſhall enjoy their Franchiſes, Cuſtoms and Uſages as they ought and were wont to do. St.19 H.3.9.

CAP. X.

There ſhall be no more grants of Corodies at the Kings requeſt by Biſhops, Abbots, &c.

There ſhall be no Grant of Corodies at the Kings requeſt.

ITem, whereas Archbiſhops, Biſhops, Abbots, Priors, Abbaſſes, and Prioreſſes have been before this time ſore grieved by the Kings requeſts and his Progenitors, which have deſired them by great threats for their Clerks and other ſervants, for great Penſions, Prebends, Churches and Corodies, ſo that they might nothing give nor do to ſuch as had done them ſervice, nor to their friends, to their great charge and damage: The King granteth that from henceforth he will no more ſuch things deſire, but where he ought. Regiſt.fo.264.

CAP. XI.

No ſuit ſhall be made in the Spiritual Court againſt Indictors.

A prohibition againſt them who in the ſpiritual Court do ſue their indictors.

ITem, the Commons do grievouſly complain, that when divers perſons as well Clerks as lay people, have been indicted before Sheriffs in their Turns, and after by inqueſts procured be delivered before the Juſtices; after their deliverance they do ſue in the ſpiritual Court againſt ſuch Indictors, ſurmiſing againſt them that they defamed them, to the great damage of the Indictors, wherefore many people of the Shire be in fear to indict ſuch Offendors: The King will, that in ſuch caſe every man that feeleth himſelf grieved thereby, ſhall have prohibition formed in the Chancery upon his caſe. Regiſt. fo. 39. 42. Raſt. pla. fo. 487.

CAP. XII.

No forfeiture, but a fine ſhall be made for alienation of lands holden of the King.

The King ſhall have a fine for lands holden of him in chief alie ned without licence.

ITem, whereas divers people of the Realm, complain themſelves to be grieved becauſe that lands and tenements, which be holden of the King in chief, and aliened without licence, have been ſeiſed heretofore into the Kings hands, and holden as forfeit: The King ſhall not hold them as forfeit in ſuch caſe, but will and grant from henceforth of ſuch lands and tenements ſo aliened, there ſhall be reaſonable fine taken in the Chancery by due proceſs. St.17 Ed.2.6.Fitz.N.B.fo.195.Raſt.pl.fo.455.485.

Co.Inſt.1 par. 43.b. Co.l.2.f.81. Fitz.Q.imp. 54. Bro.Alienat. 34.

CAP. XIII.

Purchaſing of Lands holden of the King as of ſome honour.

Lands holden of the King as of ſome honour

ITem, whereas divers have complained that they be grieved by reaſon of purchaſing of lands and tenements, which have been holden of the Kings progenitors that now is, as of honors, and the ſame lands and tenements have been taken into the Kings hands, as though they had been holden in chief of the King, as of his Crown: The King will, that from henceforth no man be grieved by any ſuch purchaſe. St.9 H.3.31.St.1 Ed.6.4.Reg.fo.184. Fitz.N.B.fo.175.a.

26 H.8.f.9. 5 Ed.4.f.127. 28 H.6.f.11. Bro.Alien 34. Bro. Tenures 57.61.65.94. 99.100.

CAP. XIV.

None ſhall commit maintenance.

None ſhall commit maintenance. Raſt.pl.f.119. 427.&c.

ITem, becauſe the King deſireth that common right be adminiſtred to all perſons, as well poor as rich, he commandeth, and defendeth, that none of his Counſellors, nor of his houſe, nor none other of his Miniſters, nor no great man of the Realm by himſelf, nor by other, by ſending of Letters, nor otherwiſe, nor none other in this land great nor ſmall, ſhall take upon them to maintain quarrels nor parts in the Country, to the let and diſturbance of the common Law. St.28 Ed.1.11.St.4.Ed.3.11.St.20 Ed.3.4.St.1 R.2.4. Regiſt.fo.183.184. V.N.B.fo.180.Fitz.N.B.fo.172.

Fitz. Barre 15.

CAP. XV.

None ſhall be bound by writing to come armed to the King, for that every Subject is at his commandment. EXP.

CAP.

CAP. XVI.

Who ſhall be aſſigned Juſtices and keepers of the peace.

ITem, for the better keeping and maintenance of the peace: The King will that in every County good men and lawful, which be no maintainers of evil, or barretors in the Country ſhall be aſſigned to keep the peace. St. 4 Ed.3.2.St.18 Ed.3.2.2.Seſſ.St. 34 Ed.3.1. 18 H.11.Fitz. N.B.fo.80.c.

Juſtices of P.

CAP. XVII.

Indictments in the Sheriffs turn ſhall be by Roll indented.

ITem, the King commandeth that the Sheriffs and Bayliffs of Franchiſes, and all other, that do take indictments in their turns, or elſewhere, where indictments ought to be made, ſhall take ſuch indictment by roll indented, whereof the one part ſhall remain with the indictors, and the other part with him that taketh the inqueſt. So that the indictments ſhall not be embezilled as they have been in times paſt, and ſo that one of the inqueſt may ſhew the one part of the Indenture to the Juſtices, when they come to make deliverance. St. 13 Ed.1.13.

Indictments in Sheriffs turns ſhall be by roll indented.

Statutes made at Northampton *tribus ſeptimanis Paſchæ*, *Anno* 2 Ed. 3. and *Anno Domini* 1328.

OUr Lord King Edward the third after the Conqueſt, at his Parliament holden at Northampton at the three weeks of Eaſter, in the ſecond year of his reign, deſiring that the peace of his Land, and his Laws and Statutes ordained and uſed before this time may be kept and maintained in all points, to the honour of God and of holy Church, and to the common profit of the people, by aſſent of the Prelates, Earls, Barons, and other great men, and all the Commonalty ſummoned to the ſame Parliament, hath ordained and eſtabliſhed in the ſaid Parliament theſe things underwritten, in form following.

CAP. I.

A confirmation of the great Charter, and the Charter of the Foreſt.

FIrſt, that the great Charter, and the Charter of the Foreſt, be obſerved in all points.

Charter.

CAP. II.

In what caſes only pardon of Felony ſhall be granted. Who ſhall be Juſtices of Aſſiſe, &c.

ITem, whereas offendors have been greatly encouraged, becauſe the Charters of pardon have been ſo eaſily granted in caſes of man-ſlaughters, robberies, felonies and other treſpaſſes againſt the Peace: It is ordained and enacted, that ſuch Charters ſhall not be granted, but only where the King may do it by his oath, that is to ſay, where a man ſlayeth another in his own defence, or by misfortune. And alſo they have been encouraged, becauſe yͤ the Juſtices of Gaol-delivery, and of Oyer and Terminer, have been procured by great men, againſt the form of the Statute made in the xxvii. year of the reign of King Edward, Grandfather to our Lord the King that now is, wherein is contained, that Juſtices aſſigned to take Aſſiſes, if they be lay-men, ſhall make deliverance; and if the one be a Clerk and the other a lay-man, that the lay-Judge with another of the Country aſſociate to him, ſhall deliver the Gaols: wherefore it is enacted, That ſuch Juſtices ſhall not be made againſt the form of the ſaid Statute; and that the aſſiſes, attaints and certifications be taken before the Juſtices commonly aſſigned, which ſhould be good men and lawful, having knowledge of the Law, and none other, after the form of another Statute made in the time of the ſaid King Edward the firſt. And that the Oyers and Terminers ſhall not be granted, but before Juſtices of the one Bench or the other, or the Juſtices errants, and that for great hurt or horrible treſpaſſes, and of the Kings ſpecial grace, after the form of the ſtatute thereof ordained in the time of the ſaid grandfather, and none otherwiſe. Fitz. N. B. fo. 109. h.110.b.

In what caſes only the Kings pardon ſhall be granted.
St.6 Ed.1.9.
St.10 Ed.3.2.
St.14 Ed.3.15.
Regiſt.f.309.
St.27 Ed.1.4.
Who ſhall be Juſt. of Aſſiſe, and goal-delivery.
St.12 Ed.2.3.4.
St.13 Ed.1.30.

To whom Oyers and Terminers ſhall be granted, and for what cauſe.
Regiſt.f.124. 206.
St.13 Ed.1.29.

CAP. III.

No man ſhall come before the Juſtices, or go, or ride armed.

Co.Inſt.3 par. 160.
4 par.14.
Cro.El.294.
3 H.7.f.1.

ITem, it is enacted that no man great nor ſmall, of what condition ſoever he be, except the Kings ſervants in his preſence, and his miniſters in executing the Kings precepts, or of their office, and ſuch as be in their company aſſiſting them, and alſo upon a cry made for arms to keep the peace, and the ſame in ſuch places where ſuch acts happen, be ſo hardy to come before the Kings Juſtices, or other of the Kings miniſters doing their office with force and arms, nor bring no force in affray of peace, nor to go nor ride armed by night nor by day, in Fairs, Markets, nor in the preſence of the Juſtices or other miniſters, nor in no part elſewhere, upon pain to forfeit their armour to the King, and their bodies to priſon at the Kings pleaſure. And that the Kings Juſtices in their preſence, Sheriffs, and other miniſters in their Bailiwicks, Lords of franchiſes and their Bailiffs in the ſame, and Mayors and Bailiffs of Cities and Boroughs, within the ſame Cities and Boroughs, and Borough-holders, Conſtables and Wardens of the peace within their Wards, ſhall have power to execute this Act. And that the Juſtices aſſigned at their coming down into the Country, ſhall have power to enquire how ſuch officers and Lords have exerciſed their offices in this caſe, and to puniſh them whom they find that have not done that which pertained to their office. St. 7 E.1.1.Seſſ.St. 7 R.2.13.St. 20 R.2.1.Fitz.N.B.fo.249.

No man ſhall come before the Juſtices, or go or ride armed.

CAP. IV.

A Confirmation of the Statute of Lincoln, concerning the ſufficiency of Sheriffs, &c.

A confirmation of the Stat. of Lincoln, containing the ſufficiency of Sheriffs.

ITem, becauſe the peace cannot be well kept without good miniſters, as Sheriffs, Bailiffs, & Hundredors, which ought to do execution as well of the Kings writs as of other things touching our Lord the King and his people: It is ordained and eſtabliſhed that the ſtatute made in the time of King Edward, father to the King that now is, at Lincoln, containing that Sheriffs, Hundredors, and Bailiffs ſhall be of ſuch people as have lands in the ſame Shires or Bailiwicks, ſhall be obſerved in all points after the form thereof. And that Sheriffs and Bailiffs of fee, ſhall cauſe their Counties and Bailiwicks to be kept by ſuch as have lands therein. St.9 Ed:2.Lincoln. Fitz.N.B.fo.164.

CAP. V.

The manner how Writs ſhall be delivered to the Sheriff to be executed.

St. 13 Ed.1.39. The manner how writs ſhall be delivered to the Sheriff to be executed.

29 Aſſ.pl.

ITem, where it was ordained by the Statute of Weſtminſter the ſecond, that they which will deliver their writs to the Sheriff, ſhall deliver them in the full County, or in the rere County, and that the Sheriff, or Under-ſheriff ſhall thereupon make a Bill: it is accorded and eſtabliſhed, that at what time or place in the County, a man doth deliver any Writ to the Sheriff or to the under-ſheriff, that they ſhall receive the ſame Writs, and make a Bill, after the form contained in the ſame ſtatute, without taking any thing therefore. And if they refuſe to make a Bill, others that be preſent ſhall ſet to their ſeals; and if the ſheriff or under-ſheriff do not return the ſaid writs, they ſhall be puniſhed after the form contained in the ſame Statute. And alſo the Juſtices of Aſſiſes ſhall have power to enquire thereof at every mans complaint, and to award damages, as having reſpect to the delay, and to the loſs and peril that might happen.

CAP. VI.

Juſtices ſhall have authority to puniſh breakers of the peace.

St. 13 Ed 1.5. Juſtices ſhall have authority to puniſh reſiſters of the peace.

ITem, as to the keeping of the peace in time to come, it is ordained and enacted, that the ſtatutes made in time paſt, with the ſtatute of Wincheſter, ſhall be obſerved and kept in every point. And where it is contained in the end of the ſaid ſtatute of Wincheſter, that the Juſtices aſſigned ſhall have power to enquire of defaults, and to report to the King in his Parliament, and the King to remedy it, which no man hath yet ſeen: the ſame Juſtices ſhall have power to puniſh the diſobeyers and reſiſters.

CAP VII.

Commiſſions ſhall be granted to certain perſons to hear and determine offences before committed, and to puniſh offenders. EXP.

CAP. VIII.

No commandment under the Kings Seal ſhall diſturb or delay Juſtice.

There ſhall be no hinderance or delay of Juſtice. Regiſt.f.186. Fitz. N.B.240.d. Cro. El.417.

ITem, it is accorded and eſtabliſhed, that it ſhall not be commanded by the great Seal nor the little Seal, to diſturb or delay common right: and though ſuch commandments do come, the Juſtices ſhall not therefore leave to do right in any point. St.9 H.3.29.St.5 Ed.3.9. St.14 Ed.3.14.St.11 R.2.10.

CAP. IX.

All Staples ſhall ceaſe, and all Merchants may come in and go out with their Merchandiſes.

Merchants may come and go out of England.

ITem, it is enacted, that the Staples beyond the Sea and on this ſide, ordained by Kings in times paſt, and the pains thereupon provided, ſhall ceaſe: And that all Merchant-ſtrangers and privy may go and come with their Merchandiſes into England, after the tenor of the great Charter, and that Writs thereupon ſhall be ſent to all Sheriffs of England, and to Maiors and Bailiffs of good towns where need ſhall require. St. 9 H.3.30.St. 9 Ed.3.1.1 Seſſ. St. 25 Ed.3.2. 2 R.2.1. 11 R.2.7.

CAP. X.

The Kings Pardon of fines forfeited. EXP.

CAP. XI.

The Common bench ſhall not be removed without warning by Adjournment.

Adjournment of ſuits in the common place. Fitz.N.B. f.243 k. Raſt.pla.f.22.

7 H.6.f.9. 12 H.3.f.9. Dyer f.225. Bro.Adjour. 25.26.27.

ITem, whereas by removing of the Common Bench, the pleas have oftentime abiden without day, to the great hurt, peril and diſheriſon of divers: It is enacted, that from henceforth the Juſtices, before that the Common Bench be removed, ſhall be warned by a time, ſo that they may adjourn the Parties, by ſuch time that they ſhall not loſe their Proceſs.

CAP. XII.

Hundreds and Wapentakes ſhall be annexed to Counties, and not let to ferm.

Hundreds and Wapentakes ſhall be annexed to Counties, and not to let ferm.

Fitz.Penſion 1.

ITem, whereas all the Counties in England were in old time aſſeſſed to a certain ferm, & then were all the Hundreds and Wapentakes in the Sheriffs hands, rated to this ferm. And after were Approvers ſent into divers Counties, which did increaſe the ferms of ſome Hundreds and Wapentakes: And after, the Kings at divers times have granted to many men, part of the ſame Hundreds and Wapentakes for the old ferms only. And now of late the Sheriffs be wholly charged of the increaſe, which amounteth to a great ſum, to the great hurt of the people, and diſheriſon of the Sheriffs and their heirs. It is ordained, that the Hundreds and Wapentakes ſet to ferm by the King that now is, be it for term of life or otherwiſe, which were ſometimes annexed to the ferms of the Counties where ẏ Sheriffs be charged, ſhall be adjoyned again to the Counties. And that the Sheriffs and their heirs have allowance for the time that is paſt. And that from henceforth ſuch Hundreds and Wapentakes ſhall not be given nor ſevered from the Counties.

CAP. XIII.

Proceſs of Treſpaſs committed in the time of King Edward the ſecond. EXP.

CAP. XIV.

The Meaſure and Aſſiſe of Clothes of Ray and of colour. Rep. 5 Ed. 6. 6. 43 Eliz. 10. 4 Jac. 2.

CAP. XV.

No perſon ſhall keep a Fair longer then he ought to do.

ITem, It is eſtabliſhed, That it ſhall be commanded to all the Sheriffs of England, and elſewhere, where need ſhall require, to cry and publiſh within Liberties and without, that all the Lords which have Fairs, be it for yielding certain ferm for the ſame to the King or otherwiſe, ſhall hold the ſame, for the time that they ought to hold it, and no longer: that is to ſay, ſuch as have them by the Kings Charter granted them, for the time limited by the ſaid Charters. And alſo they that have them without Charter, for the time that they ought to hold them of right. And that every Lord at the beginning of his Fair ſhall there do, cry and publiſh how long the Fair ſhall endure, to the intent that Merchants ſhall not be at the ſame Fairs over the time ſo publiſhed, upon pain to be grievouſly puniſhed towards the King. Nor the ſaid Lords ſhall not hold them over the due time, upon pain to ſeiſe the Fairs into the Kings hands, there to remain till they have made a Fine to the King for the offence, after it be duly found, that the Lords held the ſame Fairs longer then they ought, or that the Merchants have continued above the time ſo cried and publiſhed. St. 5 Ed. 3. 5.

No man ſhall keep a Fair longer then he ought to do. Raſt.pla.f.327.

CAP. XVI.

Niſi prius may be granted as well at the Tenants ſuit, as at the Demandants.

ITem, Whereas in a Statute made at York, in the time of the Father of our Lord the King that now is, it is contained that Inqueſts and Juries, which be and ſhall be hereafter taken, requiring no great examination, ſhall be taken before one Juſtice of the place where the plea is, adjoyning to him one diſcreet man of the Countrey, Knight or other, ſo that a certain day be given in the Bench, and a certain day and place in the Countrey, in the preſence of the parties, if the demandant pray the ſame. And alſo the Inqueſts and Juries in plea of Land which require great examination, ſhall be taken in the Countrey in the ſaid form, before two Juſtices of the Bench: It is accorded and Enacted, That all ſuch Inqueſts which are, or in time to come ſhall be taken in plea of Land, ſhall be taken as well at the requeſt of the Tenant as the demandant. All other Proceſs according to the ſaid Statute in ſuch caſe ſaved and kept. Regiſt. Jud. f. 7. V.N.B. f. 175. Raſt. pla. f. 437.

33 H.6.f.14. 26 H.7.f.14. 19 H.6.f.47. Bro. Niſi prius 39.

Niſi prius may be granted as well at the tenants ſuit as at the demandants. St. 14 Ed. 3. 16.

CAP. XVII.

A Writ of Deceit ſhall be maintainable in caſe of garniſhment in plea of Land.

ITem, It is Enacted, That a Writ of Deceit ſhall be maintainable, and hold place as well in the caſe of garniſhment, touching plea of Land, where ſuch garniſhment is given, as in caſe of ſummons in plea of Land. Dated at Northampton. Regiſt. f. 112. Regiſt. jud. f. 6. 9. 10. 18. V.N.B. f. 51. Fitz. N. B. f. 97. C. Raſt. pla. f. 220, &c.

Writs of deceit where maintainable.

Statutes made at *Weſtminſter*, 27 *Novembris*, *Anno* 4.
Ed. 3. & *Anno Domini* 1339.

AT the Parliament ſummoned at Weſtminſter, the Munday next after the Feaſt of St. Katherine, in the fourth year of the Reign of King Edward the third after the Conqueſt: Theſe things underwritten, at the requeſt of the Commons be eſtabliſhed and Enacted by our Lord the King, his Prelates, Earls and Barons, and other of the ſame Parliament; which things our Lord the King will to be publiſhed and ſurely obſerved in all his Counties of England.

CAP. I.

A Confirmation of all Statutes not repealed.

FIrſt it is accorded, That the great Charter, and the Charter of the Foreſt, and all other Statutes made as well in the time of the Kings Progenitors, as in the Kings time that now is, be kept and maintained in all points.

Charters.

CAP. II.

The authority of Juſtices of Aſſiſe, Gaol-delivery, and of the Peace.

Co.Inſt.4.par. 168.

ITem, It is ordained, That good and diſcreet perſons, other then of the places, if they may be found ſufficient, ſhall be aſſigned in all the Shires of England to take Aſſiſes, Juries, and Certifications, and to deliver the Gaols. And that the ſaid Juſtices ſhall take the Aſſiſes, Juries, and Certifications, and deliver the Gaols at the leaſt three times a year, and more often if need be. Alſo there ſhall be aſſigned good and lawful men in every County to keep the peace And at the time of the Aſſignments, mention ſhall be made that ſuch as ſhall be indicted or taken by the ſaid keepers of the peace, ſhall not be let to mainpriſe by the Sheriffs, nor by none other Miniſters, if they be not mainpernable by the Law. Nor that ſuch as ſhall be indicted, ſhall not be delivered but at the common Law. And the Juſtices aſſigned to deliver the Gaols, ſhall have power to deliver the ſame Gaols of thoſe that ſhall be indicted before the keepers of the peace. And that the ſaid keepers ſhall ſend their indictments before the Juſtices, and they ſhall have power to enquire of Sheriffs, Gaolers,

The authority of Juſtices of Aſſiſe, and gaol-delivery. St. 33 Ed. 1. 40. St. 20 Ed. 3. 6. Fitz. N.B. f.251. Juſtices of peace ſhall be aſſigned, and their authority. [illegible] St. 1 Ed. 3. 16. St. 18 Ed. 3. [illegible] St. 34 Ed. 3. 1. St. 13 R. 2. 7.

and other, in whoſe Ward ſuch indicted perſons ſhall be, if they make deliverance, or let to mainpriſe any ſo indicted, which be not mainpernable, and to puniſh the ſaid Sheriffs, Gaolers, and others, if they do any thing againſt this Act.

CAP. III.

Purveyors for the King, Queen, and their children, and what they may do.

ITem, whereas the people hath been greatly grieved becauſe that corn, Hay, Litter, Beſtail, and other manner of victual and goods of the people, hath been taken in times paſt, as well by the takers and purveyors for the Kings houſe, as by others, for which no payment was made: and becauſe alſo the takers and purveyors for the Kings houſe, the Queens houſe, and their children, have taken corn at a leſs value then it was worth, and alſo have taken one and twenty quarters of corn for twenty quarters, becauſe they meaſured every buſhel by heap, and alſo the takers and purveyors of Hay and Litter for the ſaid houſes, have in times paſt made burdens of hay and litter at their own wills, aſſeſſing every burden at a halfpeny, where it was worth more then ii. d. or iii. d. and alſo aſſeſſed the loads of hay and litter at a leſs price then they were worth: It is agreed that no perſon great nor ſmall, of what eſtate or condition ſoever he be, (the takers & purveyors for the Kings houſe, the Queens and their children onely except) ſhall take the corn, litter, or hay, nor beſtail, victuals, nor none other goods or chattels from any man, nor make carriage againſt the will of them to whom ſuch goods and carriage ſhall be. And that the ſaid takers and purveyors for the ſaid houſes, ſhall take them by meaſure according as it is uſed throughout the Realm. And that all corn, hay, litter, beſtail, and other victuals and things, whatſoever they be that ſhall be taken for the ſaid houſes, ſhall be from henceforth priſed at the very value by the Conſtables and other good men of the Towns where ſuch taking ſhall be. But the Priſers ſhall not be conſtrained by threats or dureſs to ſet any price other then their Oaths will. And that of all things which ſhall be taken for the ſaid houſes of the King, of the Queen, and of their children, payment be made before the King depart out of the Verge. St. 25 Ed. 3. 1. St. 36 Ed. 3. 2. Alt. 12 Car. 2. ca. 24. & 13 Car. 2. ca. 8. 14 Car. 2. ca. 20.

For whom onely purveyance ſhall be made.
Purveyors ſhall take by the uſual meaſure.
St. 1 H. 5. 10. 22 H. 6. 1.
Goods taken ſhall be praiſed at the very value.
St. 5 Ed. 3. 2.
When payment ſhall be made for things taken.

CAP. IV.

A Confirmation of the Statute of 28 Ed. 1. 2. touching Purveyors.

A reherſal and confirmation of the Statute 28 Ed. 1. 2. touching Purveyors.

ITem, It is Enacted, That the Articles contained in a Statute made in the time of King Edward, Grandfather to our Lord the King that now is, in the xxviii. year of his Reign, touching ſuch takings, be kept and maintained in all points. The form of which Article enſueth in theſe words: Firſt of all, becauſe one great grief is in this Realm, whereof riſeth infinite harms, that is to ſay: The King and his Miniſters of his retinue, as well Aliens as Denizens, do make their priſes throughout the Realm, and take the goods both of Clerks and lay-people, without paying therefore, or elſe leſs then the true value: It is Ordained, That from henceforth none ſhall take any priſe throughout the Realm, but onely the Kings takers and purveyors for his houſe, and they ſhall nothing take but onely for the ſame houſe. And of the priſes which they make in the Countrey for meat or drink, or other neceſſaries for the Kings houſe, they ſhall pay in hand, or elſe agree with them from whom ſuch things ſhall be taken. And that all the Kings takers, purveyors and buyers, from henceforth have their Warrant with them, under the great Seal or ſmall Seal, containing their power, and the things whereof they ſhall make their price and purveyance; which Warrant they ſhall ſhew to them of whom they make their prices, before they take any thing. And that thoſe takers, purveyors and buyers, ſhall take no more then ſhall be needful for the King and his houſe and his children. And that they take nothing for ſuch as be at wages, nor none other; and that they ſhall anſwer in the Kings houſe, and in the Wardrobe fully of all their prices, and in no other place to make their larges or delivery of things taken for the King. And if any taker of the Kings houſe by Warrant, hath made any price or livery, otherwiſe then is aforeſaid, the truth ſhall be enquired by complaint made to the Steward or Treaſurer of the Kings houſe; and if any be thereof attainted, amends ſhall be incontinently made to the party plaintiff, and he to be baniſhed the Kings ſervice for ever, and to remain in priſon at the Kings pleaſure. And if any make price without Warrant, and carry it away againſt his will from whom the goods be taken, he ſhall be arreſted incontinently by the Townſhip where the price was made, and brought to the next Gaol. And if he be thereof attainted, it ſhall be done of him as of a thief, if the quantity of the goods require. St. 5 Ed. 3. 2.

Who only ſhal take priſes, and for whom.
The Kings Purveyors ſhal have their Warrant with them, and ſhew it.
Purveyors ſhall take no more then is needful.
Making Purveyance without Warrant, Felony.
Rep. 12 Car. 2. cap.

CAP. V.

The Kings pardon of certain Fines, and alſo of ſome money granted to him. Exp.

CAP. VI.

The Statute made at Carliel Anno 35 Ed. 1. touching Religious perſons, confirmed.

St. 25 Ed. 1. Religious perſons.

ITem, It is accorded, That the Statute late made and affirmed at Carliel, that Religious perſons ſhould make no carriage beyond the Sea, ſhall be maintained, kept and obſerved in all points.

CAP. VII.

Executors ſhall have an action of Treſpaſs for a wrong done to their Teſtator.

Raſt. pl. f. 640.
St. 13 Ed. 1. 23.
Executors ſhal have an action of treſpaſs for the goods of the Teſtator.

Bro. Reſt. 50.
7 H 4. f. 18.
11 H 4. 3.
Fitz. Barr 217.
Fitz. Execut. 52. 106.
Fitz. Senance 3. 28.
Cro. El. 377. 384.

ITem, Whereas in times paſt Executors have not had Actions for a Treſpaſs done to their Teſtators, as of the Goods and Chattels of the ſame Teſtators carried away in their life, and ſo ſuch Treſpaſſes have hitherto remained unpuniſhed: It is Enacted, That the Executors in ſuch caſes ſhall have an Action againſt the Treſpaſſors, and recover their damages, Cr.Bl.377. 384.

damages, in like manner as they, whoſe Executors they be, ſhould have had if they were in life. Regiſt. f. 98. V.N.B.f.58.Fitz. Nat. Bre. f. 117. & 119. St. 25 Ed. 3.5.

CAP. VIII.

At all paſſages men pay no more for their Fare then they had wont to do. Rep. 22 Jac. 28.

CAP. IX.

Sheriffs, Bayliffs of Hundreds and Eſcheators ſhall have ſufficient in the County.

Item, It is accorded that no Sheriff, Bayliff of Hundred, Wapentake, nor of Franchiſe, nor under-Eſcheators, ſhall be from henceforth, except he have lands ſufficient in the place where they be Miniſters, whereof to anſwer the King and his people, in caſe that any man complain againſt them, as it was ordained another time at the Parliament holden at Lincoln, in the time of the Kings Father that now is, that is to ſay, in the ninth year of his Reign. Regiſt. f. 178. Fitz. Nat. Bre. 164. b.

Officers ſhall have ſufficient. St.9 Ed.2 St.5 Ed.3.4. 14 Car. 2.ca.21.

CAP. X.

Sheriffs and Gaolers ſhall receive offenders without any thing taking.

Item, Whereas in times paſt, Sheriffs and Gaolers of Gaols would not receive thieves, perſons appealed, indicted, or found with the manner, taken and attached by the Conſtables, and Townſhips, without asking great Fines and ranſoms of them for their receit, whereby the ſaid Conſtables and Townſhips have been unwilling to take Thieves and Felons, because of ſuch extream charges, and the Thieves and the Felons the more encouraged to offend: It is Enacted, That the Sheriffs and Gaolers ſhall receive and ſafely keep in priſon from henceforth ſuch Thieves and Felons, by the delivery of the Conſtables and Townſhips, without taking any thing for the receit. And the Juſtices aſſigned to deliver the Gaol, ſhall have power to hear their complaints that will complain upon the Sheriffs and Gaolers in ſuch caſe, and moreover to puniſh the Sheriffs and Gaolers if they be found guilty.

11 Ed.4.f.4.

Sheriffs and Gaolers ſhall receive felons without taking any thing therefore.

CAP. XI.

Juſtices of Aſſiſes, &c. ſhall enquire of Maintainors, Conſpirators and Champertors.

Item, Where in times paſt divers people of the Realm, as well great men as other, have made alliances, confederacies and conſpiracies, to maintain parties, pleas and quarrels, whereby divers have been wrongfully diſinherited, and ſome ranſomed and deſtroyed, and ſome for fear to be maimed and beaten, durſt not ſue for their right, nor complain, nor the Jurors of Inqueſts give their verdicts, to the great hurt of the people, and ſlander of the Law, and common right: It is accorded, That the Juſtices of the one Bench, and of the other, and the Juſtices of Aſſiſes whenſoever they come to hold their Seſſions, or to take Inqueſts upon Niſi prius, ſhall enquire, hear and determine, as well at the Kings ſuit, as at the ſuit of the party, of ſuch Maintainors, Bearors, and Conſpirators, and alſo of them that commit Champerty, and of all other things contained in the foreſaid Article, as well as Juſtices in Eyre ſhould do if they were in the ſame County. And that which cannot be determined before the Juſtices of the one Bench or the other, upon the Niſi prius for ſhortneſs of time, ſhall be adjourned into the place whereof they be Juſtices, and there be determined as right and reaſon ſhall require. Regiſt. f. 182. 183. V. N. B. f. 180. Fitz. N. B. f. 172. Raſt. pla. f. 119. 427, &c.

Juſtices of the one Bench and the other, Juſtices of Aſſiſes and Niſi prius ſhall enquire and determine maintenance, &c. St. 28 Ed.1.11. 1 Ed. 3. 14. 20 Ed. 3.4. 1 R. 2.4.

Adjournment of ſuits. Regiſt. f.186. Fit.N.B.f.115.H

CAP. XII.

Wines ſhall be aſſayed and ſold at reaſonable prices.

Item, Becauſe there be more Taverns in the Realm then were wont to be, ſelling as well corrupt Wines as wholſom, and have ſold the Gallon at ſuch price as they themſelves would, becauſe there was no puniſhment ordained for them, as hath been for them that have ſold bread and ale, to the great hurt of the people: It is accorded that a cry ſhall be made, that none be ſo hardy to ſell Wines but at a reaſonable price, regarding the price that is at the Ports from whence the Wines came, and the expences, as in carriage of the ſame from the ſaid Ports to the places where they be ſold. And that aſſay ſhall be made of ſuch Wines two times every year, once at Eaſter, and another time at Michaelmas, and more often if need be, by the Lords of the Towns and their Bailiffs, and alſo by the Mayor and Bailiffs of the ſame Towns. And all the Wines that ſhall be found corrupt, ſhall be poured out, and the veſſels broken. And the Chancellour and Treaſurer, Juſtices of the one Bench and the other, and Juſtices of Aſſiſe, ſhall have power to enquire upon the Mayors, Bailiffs and Miniſters of Towns, if they do not according to this Statute. And beſides that, to puniſh as reaſon ſhall require.

Wines ſhall be ſold at reaſonable prices. St.28 H 8.14.

Corrupt Wines ſhall be poured out, and the veſſels broken.

CAP. XIII.

A Confirmation of the Statute of 2 Ed. 3. 2. touching granting of Pardons.

Item, Becauſe divers Charters of Pardon have been granted of Felonies, Robberies and Man-ſlaughters, againſt the form of the Statute lately made at Northampton, containing that no man ſhould have ſuch Charters out of the Parliament, whereby ſuch miſ-doers have been the more bold to offend: It is Enacted, That from henceforth the ſame Statute ſhall be kept and maintained in all points. St. 2 Ed. 3. 2.

Charters of Pardon.

CAP. XIV.

A Parliament ſhall be holden once every year.

Item, It is accorded, That a Parliament ſhall be holden every year once, and more often if need be. St. 36 Ed. 3.10. St. 17 Car. 1. ca. 1. 16 Car. 2. ca. 1.

Parliament.

CAP. XV.

Sheriffs ſhall let their Hundreds and Wapentakes for the old ferm.

Hundreds. Wapentakes.

ITem, Becauſe Sheriffs have before this time let Hundreds and Wapentakes in their Bailiwicks to ſo high ferm, that the Bailiffs cannot levy the ſaid ferm, without doing extortion and dureſs to the people: It is ordained, That the Sheriffs ſhall from henceforth let their Hundreds and Wapentakes for the old ferm and not above. And that the Juſtices aſſigned ſhall have power to enquire of the ſaid Sheriff, and puniſh them that ſhall be found offending this Statute. Stat. 14 Ed. 3. 9.

Statutes made at *Weſtminſter*, *Craſtino Michaelis Anno* 5 *Edw*. 3. and *Anno Domini* 1331.

AT the Parliament holden at Weſtminſter, the morrow after St. Michael, in the Fifth year of the Reign of King Edward the Third after the Conqueſt: Our Lord the King, by the aſſent of the Prelates, Earls, Barons, and other great men of the Realm there aſſembled, to the honour of God and of holy Church, and at the requeſt of his people, hath granted and eſtabliſhed theſe things under-written, which he will to be kept and maintained for ever.

CAP. I.

The great Charter and the Charter of the Foreſt confirmed.

Charters.

FIrſt, It is accorded and eſtabliſhed, That the great Charter, and the Charter of the Foreſt ſhall be kept and firmly maintained.

CAP. II.

Things purveyed for the Kings houſe ſhall be praiſed, and Tallies made thereof. Of what people Inqueſts in the Marſhals Court ſhall be taken. Redreſſing of errour there.

St. 4 Ed. 3. 3.

St. 28 Ed. 1. 2.

Things purveyed for the Kings houſe ſhall be praiſed.
St. 36 Ed. 3. 1.
St. 25 Ed. 3. 1.
Tallies ſhall be made between the purveyor and the ſeller.
St. 2. & 3. P. & M. 6.
St. 25 Ed. 3. 1.

Inqueſts taken in the Marſhals Court.
St. 23 Ed. 1. 3.

Coke l.10.f. 69.

Errour in the Marſhals Court.
Stat. 10 Ed. 3. 3.
Rep. 12. Car. 2. Cap.

ITem, Where in the Statutes made at Weſtminſter, at the Parliament there ſummoned after the Feaſt of Saint Katherine, in the Fourth year of the Reign of the King that now is, amongſt other things there Enacted, it is contained, upon the grievances which the Purveyors for the Kings houſe, the Queens, and of their children, did to the people in outragious meaſures of corn, and voluntary taking of hay, litter, and other things provided by the ſaid Purveyors, that the takers and Purveyors of corn for the ſaid houſes, ſhould take them by meaſure ſtricken according as hath been uſed through the Realm: And that all the corn, hay, litter, beſtail, and all other victuals and things to be taken for the ſame houſes, ſhould be praiſed at the true value by the Conſtables and other good people of Towns where ſuch priſes be, and that the priſors be not enforced by threats and dureſs, to aſſeſs any other price then their Oath will. And in the ſame Statute is one Article rehearſed, which was made in the time of King Edward, grandfather to the King that now is, where certain pains be limited againſt thoſe that late made Purveyance for the ſaid houſes; which pains not regarded, the ſaid Purveyors have not let to make outragious and unlawful priſes againſt the tenor of the ſaid Statutes. To the honour and profit of our ſaid Lord the King, and for the peace and quietneſs of his people, and to refrain and puniſh the enormities of thoſe that have committed ſuch outrages, to the Kings, the Queens, and their childrens great ſlander: It is accorded and Enacted, That the taking and purveyance for the ſaid houſes ſhall be made by the Conſtables, and four diſcreet men of the Towns where ſhall be ſuch priſes and purveyances, thereto ſworn, and without menace, as in the ſaid Statutes is contained. And that alſo betwixt the Purveyors and them, whoſe goods ſhall be taken in the preſence of the Conſtables and Praiſors, tallies ſhall be made and ſealed with the Purveyors ſeals, of the things ſo taken; By which tallies ſatiſfaction ſhall be made to them from whom ſuch goods be taken. And if any taker or purveyor for the ſaid houſes, do take in any other manner, he ſhall be incontinently arreſted by the Town where ſuch taking was made, and brought to the next Gaol. And if he be thereof attainted, it ſhall be done of him as of a thief, if the quantity of the goods the ſame require. And from henceforth it ſhall be contained in the Commiſſions of ſuch takers and purveyors, be they under the ſmall ſeal or the great, the form and the pain contained in this Statute. And that in every caſe where ſuch Inqueſts be to be taken before the Steward and the Marſhal of the Kings houſe, that Inqueſts be made by men of the Countrey thereabout, and not by men of the Kings houſe, except it be of contracts, covenants or treſpaſſes made by men of the Kings houſe of the one part and of the other, and that in the ſame houſe, according to another Statute thereof made in the time of the ſaid Edw. the Grandfather. And in caſe where any will complain of errour made in the time of the ſaid King before the ſaid Steward and Marſhal, the Plaintiff ſhall have a Writ to remove the record and the proceſs before the King in his place, and there the errour ſhall be redreſſed. And likewiſe ſhall it be done in every other caſe where any man will complain him of errour done before the ſame Steward and Marſhal of the Kings houſe. Regiſt. f. 17. Raſt. pla. f. 297.

CAP. III.

A Confirmation of the Statute of Carliel, made 35 Ed. 1. touching Religious houſes.

Religious men.

ITem, It is agreed that the Statute made at Carliel, in the time of King Edward, the Kings Grandfather that now is, wherein is contained, That Religious men ſhall make no carriage out of the Realm, ſhall be holden, kept and maintained in all points. St. 35 Ed. 1. St. 4 Ed. 3. 6.

CAP. IV.

None ſhall be Sheriff, Eſcheator, or Bailiff of Franchiſe, unleſs he hath ſufficient in the County.

Item, It is accorded and enacted, that no Sheriff, Under-eſcheator, Bailiff of Franchiſes, Wapentakes, Hundreds, nor Tithings, ſhall from henceforth be, except he have land ſufficient in the ſame County whereof to anſwer the King and his people, if any will complain. St. 4 Ed. 3. 9. Reg. fo. 177. 14 Car. 2. c. 21.

Sheriff, Under-Sheriffs.

CAP. V.

The penalty if any do ſell ware at a Fair after it is ended.

Item, Where it is contained in the Statute made at Northampton, in the ii. year of the reign of the King that now is, that the Lords which have Fairs by Charters or otherwiſe, ſhall hold them during the time that they ought to do, and no longer, upon pain to ſeiſe ſuch Fairs into the Kings hands: And that every Lord at the beginning of his Fair do cry and proclaim therein how long the Fair ſhall endure. And in the ſame Statute is no certain puniſhment ordained againſt the Merchants if they ſell after the time: It is accorded, that the ſaid Merchants after the ſaid time, ſhall cloſe their booths and ſtalls without putting any manner of ware or merchandiſe to ſell there. And if it be found that any Merchant from henceforth ſell any ware or merchandiſe at the ſaid Fairs, after the ſaid time, ſuch Merchant ſhall forfeit to our Lord the King the double value of that which is ſold. And every man that will ſue for our Lord the King ſhall be received, and alſo have the fourth part of that which ſhall be loſt at his ſuit. St. 2 Ed. 3. 15.

2 E. 3. 15.

The penalty if any do ſell ware in a Fair after the ſame is ended.

CAP. VI.

Niſi prius ſhall be granted in Attaint, but no Eſſoin or Protection. Days given.

Item, Becauſe the Jurors have the leſs doubted to be perjured, by reaſon of the long delays that have been in attaints, before the Juſtices of the one Bench and of the other, and before other Juſtices: It is enacted, that no Eſſoin of the Kings ſervice or protection, ſhall be from henceforth allowed in ſuch Juſtices, no more then in Aſſiſes of Novel diſſeiſin. And that five days by the year be given before the Juſtices of the Common Bench in the ſaid Juries at the leaſt. And that a Niſi prius be as well given in ſuch Writs as in other. Reg. f. 122. Fitz. N. B. f. 105. N. 109. E.

Niſi prius ſhall be granted in attaint, but no Eſſoin or Protection. Raſt. pla. fo. 402.

CAP. VII.

Attaint ſhall be granted in treſpaſs, if the damage paſs xl s.

Item, Whereas it is contained in a Statute late made at Weſtminſter, in the firſt year of the Reign of our Lord the King that now is, after his Coronation, that attaints ſhould be granted in Writs of Treſpaſs: It is accorded and eſtabliſhed, that Writs of attaint ſhall be from henceforth granted as well in pleas of Treſpaſs moved without Writ, as by Writ before Juſtices of Record, if the damages judged do paſs xl s. And this Statute ſhall hold place as well of enqueſts taken in times paſt, as to be taken in time to come. Reg. f. 122. V. N. B. f. 48. 112.

28 Ed. 3. f. 2.

St. 1 Ed. 3. 6. Attaint in treſpaſs where the damages paſs xl s. St. 28 Ed. 3. 8. Fit. N. B. f. 105. I. Raſt. pl. f. 84.

CAP. VIII.

The Marſhals of the Kings Bench ſhall not bail Felons.

Item, Becauſe that perſons indicted of felonies, robberies, and theft, in times paſt have removed the ſame indictment before the King, and there yielded themſelves, and by the Marſhals of the Kings Bench have been incontinently let to bail, and after have done many evil deeds, and lien in await to ſlea and evil entreat their Enditors: And alſo perſons appealed of felony, after the Exigent awarded, have yielded themſelves before the King, and have been let to bail by the ſaid Marſhals: It is accorded and eſtabliſhed, That ſuch Enditees and Appellees ſhall be ſafely and ſurely kept in priſon, as belongeth to them according to the charge which the ſaid Marſhals ſhall have of the Juſtices. And if any Marſhal do otherwiſe, at the complaint of every man that will complain, the Juſtices ſhall do him right during Terms. And in the end of the Terms, upon their riſing, the ſaid Marſhals ſhall chooſe before the ſaid Juſtices, before they depart the places, in what Town they will keep ſuch priſoners at their peril. And in the ſame Town they ſhall allow to them houſes to keep ſuch priſoners at their own coſts and charges; and there they ſhall keep them in priſon, and ſhall not ſuffer them to go wandring abroad, neither by bail nor without bail. And if any ſuch priſoner be found wandring out of priſon by bail or without bail, and that be found at the Kings ſuit, or at the ſuit of the party, the Marſhals which ſhall be found thereof guilty, ſhall have half a years impriſonment, and be ranſomed at the Kings will. And the Juſtices ſhall thereof make enquiry when they ſee time. And as to the Marſhals, it ſhall be done within the Verge that which reaſon will. And in caſe that the Marſhals ſuffer by their aſſent ſuch priſoners to eſcape, they ſhall be at the Law, as before this time they have been. And the King intendeth not by this Statute to loſe the eſcape, where he ought to have the ſame.

The Marſhals of the Kings Bench ſhall not bail any committed to their charge. Fit. N. B. f. 251. I.

The penalty of the Marſhal which ſuffereth a priſoner to eſcape.

CAP. IX.

None ſhall be attached or forejudged contrary to the great Charter, or the Law.

Item, It is enacted, That no man from henceforth ſhall be attached by any accuſation, nor fore-judged of life or limb, nor his lands, tenements, goods nor chattels ſeiſed into the Kings hands, againſt the form of the great Charter, and the Law of the land. 17 Car. 1. cap. 10.

None ſhall be condemned but by the Law. St. 9 H. 3. 29. 2 Ed. 3. 8. 14 E. 3. 14. 28 Ed. 3. 3.

CAP. X.

The puniſhment of a Juror that is Ambidexter, and taketh money.

The penalty of Jurors taking reward. St. 34 Ed. 3. 8. St. 38 Ed. 3. 12. Raſt. pla. fo. 145.

ITem, it is accorded, that if any Juror, in Aſſiſes, Juries, or Enqueſts, take of the one party or of the other, and be thereof duly attainted, that hereafter he ſhall not be put in any Aſſiſes, Juries, or Enqueſts, and nevertheleſs he ſhall be commanded to priſon, and further ranſomed at the Kings will. And the Juſtices before whom ſuch Aſſiſes, Juries, and Enqueſts ſhall paſs, ſhall have power to enquire and determine according to this Statute. Regiſt. fo. 188. V. N. B. fo. 120. Fitz. N. B. fo. 171.

8 Ed. 3. f. 30. 41 Ed. 3. f. 19. 44 Ed. 3. f. 36. Fitz. Decies tan. 12.

CAP. XI.

Proceſs againſt thoſe that be appealed, indicted, or outlawed in one County, and remain in another.

Proceſs againſt thoſe that being indicted or appealed in one County, do remain in another.

ITem, Where in times paſt ſome perſons appealed or indicted of divers felonies in one County, or outlawed in the ſame County, have been dwelling, or received in another County, whereby ſuch felonious perſons indicted, and outlawed, have been encouraged in their miſchief, becauſe they may not be attached in another County: It is enacted, That the Juſtices aſſigned to hear and determine ſuch felonies, ſhall direct their Writs to all the Counties of England where need ſhall be, to take ſuch perſons indicted.

CAP. XII.

What is requiſite to be done to have their Pardons allowed which be outlawed.

Pardon of him that is outlawed upon a judgment. Fitz. N. B. f. 247. c.

Outlawry upon an original before appearance.

ITem, It is eſtabliſhed and ordained, That in caſe where the plaintiff ſhall recover damages, and he againſt whom the damages be recovered, be outlawed at the Kings ſuit: That no Charter of Pardon ſhall be granted of his outlawry, except the Chancellor be certified that the plaintiff is ſatisfied of his damages. And in caſe that a man be outlawed by proceſs before his appearance, no ſuch Charter ſhall be granted, except the Chancellor be certified that ſuch perſon outlawed hath yielded himſelf to priſon before the Juſtices of the place, from whence the Writ of Exigent iſſued: that is to ſay, if from the Kings Bench, then he ſhall yield him in the ſame place: & if from the common Bench, then he ſhall yield himſelf there. And if from the Juſtices of Oyer and Terminer, whiles the ſame Juſtices do ſit, he ſhall yield him before them. And if they be riſen, then he ſhall yield him in the Kings Bench before the Juſtices, and the record with the proceſs ſhall be removed before them by Writ. And if the ſaid Juſtices before whom they ſhall ſo yield them, ſhall cauſe the party plaintiff to be warned to appear before them at a certain day; at which day if the warning be duly witneſſed, and the plaintiff appear upon his warning, then they ſhall plead upon the firſt original Writ, as though no outlawry had been pronounced: and if the plaintiff come not, he that is outlawed ſhall be delivered by vertue of his Charter: and it is to be underſtood, that all ſuch Charters be of the grace of the King, as before they have been. Regiſt. fo. 288. 308. Regiſt. jud. fo. 5. 11. 28. 41.

A Scire facias awarded againſt the Plaintiff.

9 H. 6. f. 13. 4 Ed. 4. f. 16. Fit. Chart. 27. 28. Fit. Scire fac. 150. Fitz. Utlagat.

7 H. 7. f. 12. 20 18 Ed. 3. f. 7. Bro. Respond. 33. Fitz. Reſponder. 24. 39. 85. Dyer fo. 171. 172. 22 Ed. 4. 37.

30 Aſſ. pl. 20. 42 Aſſ. pl. 16. 13 Ed. 4. f. 5. 21 H. 6. f. 1. 40 Ed. 3. f. 2.

CAP. XIII.

What is requiſite where any perſon will avoid an Outlawry by impriſonment.

Avoiding an outlawry by impriſonment.

ITem, becauſe divers people being duly outlawed, have avoided the outlawries pronounced againſt them, by reaſon of impriſonments, untruly teſtified by Sheriffs and others which have no record: It is enacted, that if any from henceforth will defeat any outlawry pronounced upon him by ſuch teſtimony, that he ſhall yield himſelf to the priſon, and then the Juſtices of the Kings Bench ſhall cauſe the party at whoſe ſuit the outlawry was pronounced, to be warned to be before them at a certain day; at which day if the party will verifie that the teſtimony is untrue, his averment ſhall be received. And in like manner the Kings Serjeant, or his Atturney, or other that will ſue for the King, ſhall be received to have the ſame averment againſt ſuch teſtimony, in caſe where ſuch outlawry is pronounced at the Kings ſuit. Raſt. pla. fo. 280.

Fitz. Error 23. Fitz. Utlag. 47. 48.

CAP. XIV.

Night-walkers and ſuſpected perſons ſhall be ſafely kept.

St. Winch. 13 Ed. 1. 4.

ITem, Whereas in the Statute made at Wincheſter, in the time of King Edward grandfather to the King that now is, it is contained, That if any ſtranger paſs by the Countrey in the night, of whom any have ſuſpition, he ſhall preſently be arreſted and delivered to the Sheriff, and remain in Ward till he be duly delivered. And becauſe there hath been divers man-ſlaughters, felonies, and robberies done in times paſt, by people that be called Roberdeſmen, Waſtors, and Draw-latches: It is accorded, that if any may have any evil ſuſpition of ſuch, be it by day or by night, they ſhall be incontinently arreſted by the Conſtables of the Towns. And if they be arreſted within Franchiſes, they ſhall be delivered to the Bailiffs of the Franchiſe; and if in guildable, they ſhall be delivered to the Sheriffs, and kept in priſon till the coming down of the Juſtices aſſigned to deliver the Gaol; and in the mean time the Sheriffs or Bailiffs of the Franchiſes, ſhall enquire of ſuch arreſts, and at the coming of the Juſtices return their Enqueſts before them, with that which they have found, and the cauſe of the takings with the bodies, and the Juſtices ſhall proceed to the deliverance of ſuch perſons arreſted according to the Law. And in caſe that the Sheriffs or Bailiffs of the Franchiſes have not enquired of ſuch arreſts, they ſhall be amerced, and nevertheleſs the Juſtices ſhall make enquiry, and further proceed to the deliverance, as before is ſaid.

Suſpected perſons ſhall be arreſted and kept until they be delivered by the Juſtices.

Statutes made at York *Craſtino Aſcenſionis*, *Anno* 9 *Ed.* 3. and *Anno Domini* 1335.

Whereas before this time in many Parliaments, and now at this preſent Parliament ſummoned at York, on the morrow after the Aſcenſion, in the ninth year of the reign of King Edward the Third after the Conqueſt, it was ſhewed to our ſaid Lord the King, by the Knights of the Shires, Citizens of the Cities, and Burgeſſes of the Boroughs, which come for the Commons of the ſaid Shires, Cities, and Boroughs, that in divers Cities, Boroughs, and other places of his Realm, great dureſs and grievous damage have been done to him and his people, by ſome people of Cities, Boroughs, Ports of the Sea, and other places of the ſaid Realm, which in long time paſt have not ſuffered, nor yet will ſuffer Merchant-Strangers, nor other which do carry and bring in by Sea or Land, Wines, Avoir de pois, and other livings and victuals, with divers other things to be ſold, neceſſary and profitable for the King, his Prelates, Earls, Barons, and other Noble-men, and the Commons of this Realm, to ſell or deliver ſuch Wines, Livings, Victuals, nor other things to any other then to themſelves, of the Cities, Boroughs, Ports of the Sea, or other places where ſuch Wines, Livings, Victuals, and other things to be ſold, ſhall be brought or carried. By reaſon whereof, ſuch ſtuff aforeſaid is ſold to the King and to his people, in the hands of the ſaid Citizens, Burgeſſes, and other people, Denizens, more dear then they ſhould be, if ſuch Merchant-Strangers, and others which bring ſuch things into the Realm, might freely ſell them to whom they would, to the great damage of our Lord the King, and of his Prelates, Earls, Barons, and other Nobles of this Realm, and grievous oppreſſion of his Commons: whereupon the ſaid Knights, Citizens, and Burgeſſes, for them and the Commons, deſired our ſaid Lord the King, in his ſaid Parliament, by their Petition, that for the profit and commodity of his Prelates, Earls, Barons, and other Nobles of this Realm, it may pleaſe him without further delay, upon the ſaid grievances and outrage, to provide remedy.

CAP. I.

Merchant-Strangers may buy and ſell within this Realm without diſturbance.

Merchant-Strangers.

Merchant-Strangers may buy and ſell within the Realm without diſturbance. 9 H. 3. 30.

What puniſhment ſhall be inflicted upon them that diſturb Merchants to ſell their commodities.

Our Lord the King, deſiring the profit of his people, by the aſſent of his Prelates, Earls, Barons, and other Nobles of this Realm, ſummoned at his Parliament, and by the advice of his Council being there, upon the ſaid things diſcloſed to him, and found true, to the great hurt of the ſaid Prelates, Earls, and Barons, and other Nobles of his Realm, and oppreſſion of his Commons, hath ordained and eſtabliſhed, That all Merchant-Strangers and Denizens, and all other and every of them, of what eſtate or condition ſoever they be, that will buy or ſell Corn, Wines, Avoir de pois, Fleſh, Fiſh, and all other Livings and Victuals, Wools, Cloths, Wares, Merchandiſes, and all other things vendible, from whence ſoever they come by Foreigners or Denizens, at what place ſoever it be, City, Borough, Town, Port of the Sea, Fair, Market, or elſe-where within the Realm, within Franchiſe or without, may freely without interruption ſell them to what perſons it ſhall pleaſe them, as well to Foreigners as Denizens. Except always the enemies of our Lord the King, and of his Realm. And if haply any diſturbance be done to any Merchant-Stranger or Denizen, or any other for the ſale of ſuch things in any City, Borough, Town, Port of the Sea, or other place which hath Franchiſe, and the Mayors and Bailiffs, or other which hath the rule of ſuch Franchiſe, being required by the ſaid Merchants, or other, thereof to provide remedy, and do not, and be thereof attainted, the Franchiſe ſhall be ſeiſed into the Kings hands. And nevertheleſs he and the other which hath done this diſturbance againſt this Statute, ſhall be bound to yield and reſtore to the ſaid Merchant his double damages which he hath thereby ſuſtained. And if ſuch diſturbance or interruption be done to ſuch Merchants, or to other in ſuch Towns or places where no Franchiſe is: And the Lord if he be preſent, or his Bailiff, Conſtable, or other Ruler of the ſaid Towns and places, in the abſence of the Lords, being therein required to do right, and do not, and thereof be attainted, they ſhall yield to the party plaintiff his double damages, as afore is ſaid. And the diſturbers in the one caſe and in the other, as well within Franchiſes as without, if they be attainted, ſhall have one years impriſonment, and nevertheleſs be ranſomed at the Kings will. Alſo it is ordained and eſtabliſhed, that no Alien or Denizen upon the ſame pain ſhall be troubled, but that he may freely buy ſuch things aforeſaid, in the ſaid places, and carry them where it pleaſeth him, to his own uſe, or to the profit of the King, or of the great men, or the Commons of the Realm. Saving that ſuch Merchants Aliens ſhall carry no Wine out of the ſame Realm, as is contained in their Charter. And it is enacted and eſtabliſhed, that the things aforeſaid ſhall be obſerved, performed, and kept in every City, Borough, Town, Port of the Sea, and other places within the Realm, notwithſtanding Charters of Franchiſe granted to them to the contrary, nor uſage, nor cuſtom, nor judgment given upon their Charters, Uſages, or Cuſtoms that they can alledge. Which Charters, Uſages, and Cuſtoms (if any be) our Lord the King and the Prelates, Earls, Barons, Great men, and the Commons aforeſaid hold them of no force, as things granted, uſed, or accuſtomed, to the damage of the King, and his Prelates, Earls, Barons, and Great men of his Realm, and to the oppreſſion of the Commons. Saving alway to the King and to the other, the cuſtoms due of the ſaid Merchandiſes. It is alſo ordained and provided, That the Chancellor, Treaſurer, and the Juſtices aſſigned to hold the Kings Pleas, in places where they come, ſhall enquire of ſuch diſturbances and grievances, and the ſame ſhall puniſh, according as is before ordained. And nevertheleſs

Aliens ſhall carry no Wine out of the Realm.

Who may enquire of, and puniſh the offences aforeſaid.

leſs the King ſhall aſſign by Commiſſion of his Great Seal certain perſons, where & when it ſhall pleaſe him, to enquire of ſuch diſturbances & grievances, & the ſame to puniſh as afore is ſaid. St. 25 Ed. 3. 2. The Statute of Clothes. St. 2 R. 2. 1. firſt Seſſ. St. 11 R. 2. 7. St. 16 R. 2. 1.

CAP. II.

No man ſhall loſe land becauſe of Non plevin.

No man ſhall loſe his land becauſe of Non plevin.

Item, At the requeſt of the Commons aforeſaid made to our Lord the King at the ſaid Parliament: our Lord the King for the eaſe of his people, by the aſſent of the Prelates, Earls, Barons, and other great men, and the Commons aforeſaid, hath put out Non plevin of land, which hath been accuſtomed in the time of his Progenitors and his own time, & the pain alſo that was wont to enſue, in caſe ẏ land was not replevied in due time: Alſo it is enacted that none ſhall loſe his land from henceforth becauſe of Non plevin. And that this Statute hold place as well in pleas yet hanging wherein no judgment is given, as in time to come.

CAP. III.

In a Writ of debt againſt divers Executors, they ſhall not fourch by Eſſoin.

In a Writ of debt brought againſt divers Executors, they ſhall not fourch by Eſſoin. Raſt. pla. f. 311.

Item, At the requeſt of the ſaid Commons made to our Lord the King in his ſaid Parliament: It is ordained and eſtabliſhed by our Lord the King, by the aſſent of the Prelates, Earls, Barons, and other great men, and the Commons aforeſaid, that in Writ of debt brought againſt divers Executors, the ſame Executors, nor any of them ſhall have but one Eſſoin before appearance, that is to ſay, at the ſummons or attachment, nor after appearance they ſhall have but one Eſſoin, as the Teſtator ſhould have had, ſo that all the Executors do preſent the perſon of the Teſtator as one perſon: It is alſo enacted, that though the Sheriff do anſwer at the ſummons, that ſome of them have nothing whereby he may be ſummoned, yet there ſhall an attachment be awarded upon him. And if the Sheriff anſwer, that he had nothing whereby he may be attached, the great diſtreſs ſhall be awarded, ſo that at the great diſtreſs returned upon them, he or they that do firſt appear in the Court ſhall anſwer to the plaintiff. And although ſome of them have appeared in the Court, and make default at the day that the great diſtreſs is returned upon the other: yet nevertheleſs he or they ſhall be put to anſwer, that firſt appeared at the great diſtreſs returned. And in caſe the judgment paſs for the plaintiff, he ſhall have his judgment and execution againſt them that have pleaded, according to the Law heretofore uſed, and againſt all other named in the Writ, of the goods of the Teſtator, as well as if they had all pleaded. And it is to be underſtood, that if in any ſuch caſe, he will ſue according to the Law that hath been uſed heretofore, he may freely do it notwithſtanding this Statute.

Bro. Parl. 24.

Bro. Parl. 24. Fit. Reſpond. 5. 6. 15. 22. 44. 45. 47. 53. 57. 60. 67. 69. 70. 71. 72. 73. 74. 76. 95. 98. 99. 3 H. 6. f. 14. 7 H. 4. f. 10. 1. 3. 4. 10.

In an action of debt brought againſt divers Executors, he which firſt appeareth ſhall anſwer.

CAP. IV.

Trial of a Deed dated where the Kings Writ runneth not.

Trial of a deed denied dated where the Kings Writ runneth not.

And becauſe in times paſt many have been oftentimes delayed of their action, as well in Aſſiſes and other pleas of land, as in contracts, covenants, and treſpaſſes, by reaſon that the Tenants or Defendants have pleaded in bar a releaſe, quit claim, or other ſpecial deed, made within a Franchiſe within the bounds of the Realm, where the Kings Writ runneth not: It is enacted and eſtabliſhed, That when ſuch deeds be ſhewed forth in bar of an Action, bearing date in a place within the ſame Franchiſe, although there be witneſſes of the ſame Franchiſe, named in the ſame Deed, if the ſame Deed be denied, Proceſs ſhall be awarded into the ſame County, where the plea ſhall be moved, and to have the inqueſt of the Countrey, and the witneſſes to appear: and if the witneſſes come not at the great diſtreſs returned, then for the abſence of the ſaid witneſſes, the Juſtices ſhall not let to proceed to the taking of the Enqueſt, as well as if ſuch Deed did bear date in the ſame Shire where the plea was moved, and the witneſſes were of the ſame County.

19 H. 6. f. 12. 21 Ed. 4. f. 9.

CAP. V.

Which Juſtices ſhall ſend their Records and Proceſs determined into the Exchequer.

The Juſtices ſhall ſend their Records into the Exchequer. St. 11 H. 4. 3.

Item, At the requeſt of the Commons, our Lord the King by the ſaid aſſent hath ordained & eſtabliſhed, that Juſtices of Aſſiſes, Gaol-delivery, and of Oyer and Terminer, ſhall ſend all their Records and Proceſſes, determined and put in execution, to the Exchequer at Michaelmas, every year once, to be delivered there; and the Treaſurer and Chamberlains, which for the time ſhall be, having ẏ ſight of the Commiſſions of ſuch Juſtices, ſhall receive the ſame Records & Proceſſes of the ſaid Juſtices under their Seals, and keep them in the Treaſury, as the manner is. So that the Juſtices always do firſt take out the eſtreats of the ſaid Records & Proceſſes againſt them, to ſend to the Exchequer as they were wont before.

14 H. 7. f. 15 15 H. 7. 5.

The Statute of Money made at York *Craſtino Aſcenſionis*, *Anno* 9 *Ed*. 3. and *Anno Dom*. 1335.

Edward by the Grace of God, King of England, &c. To the Sheriff of N. greeting. Becauſe we have perceived that divers people beyond the Sea do endeavour themſelves to counterfeit our Sterling money of England, and to ſend into England their weak money in deceit of us, and damage and oppreſſion of our people, if remedy be not provided: We willing to prevent and let all ſuch deceits, damages, and oppreſſions, and that our good money be increaſed in our Realm, and other Countries within our power, to the profit of us and our ſubjects, by the aſſent of the Prelates, Earls, Barons, and other great men of our Realm, at our Parliament holden at York, the morrow of the Aſcenſion laſt paſt there aſſembled, have ordained and eſtabliſhed theſe things enſuing in the manner under-written.

CAP. I.

None ſhall convey Gold or Silver forth of the Realm without the Kings Licence.

None ſhall carry any gold or ſilver out of the Realm without the Kings licence.

Firſt, it is provided that from henceforth no religious man, nor other, ſhall carry any Sterling out of the Realm of England, nor Silver in Plate, nor Veſſel of Gold, nor Silver, upon pain of forfeiture of the Mony, Plate, or Veſſel that he ſhall ſo carry, without our eſpecial licence. St. 38 Ed.3.2. St. 5 R.2.2.St.2 H.4.5.19 H.7.5.

CAP. II.

No falſe Money or counterfeit Sterling ſhall be brought into the Realm.

No falſe money ſhall be brought into this realm.

Item, that no falſe Money or counterfeit Sterling be brought into the Realm, nor elſewhere within our power, upon forfeiture of ſuch Money. So always that all people of what Realm or Dominion they be, may ſafely bring to the Exchanges, and to no place elſe, Bullion-Silver in Plate, Veſſel of Silver, and all manner of money of Silver, of what value ſoever it be (ſaving falſe Money and Sterling counterfeit) and there receive good and convenient exchange. St.1.& 2 P.& M.11.St.14.El.3. 14 Car.2.ca.31.

CAP. III.

No Sterling farthing or half-peny ſhall be molten to make Veſſel.

Small money ſhall not be molten to make veſſel.

Item, that no Sterling half-peny nor farthing be molten, for to make Veſſel, or any other thing by Goldſmiths, nor other, upon forfeiture of the Money ſo molten; and that the Goldſmith, or other, which hath ſo molten ſuch money, ſhall be committed to priſon, there to remain till he hath yielded unto us the one half of that that he hath ſo molten, notwithſtanding any Charter or Franchiſe granted or uſed to the contrary. St. 27 R. 2. 1. St. 17 Ed.4. 1. St. 19 H. 7. 5.

CAP. IV.

Black Money ſhall not be currant in this Realm. O B.

CAP. V.

The Reward of thoſe that will ſue againſt the offenders of this Statute. 4 part. O B.

CAP. VI.

There ſhall be no defrauding of this Statute.

CAP. VII.

Exchanges ſhall be where it ſhall pleaſe the King and his Council.

CAP. VIII.

Pilgrims ſhall paſs at Dover only. Rep. 21 Jac. 28. St. 4 E. 4. 10.

CAP. IX.

Search ſhall be made for money caried out, and falſe money brought in.

CAP. X.

The Searchers ſhall have the fourth part of the forfeiture.

CAP. XI.

Hoſtlers ſhall be ſworn to ſearch their gueſts.

Statutes made at Weſtminſter, *Anno* 10 *Edwardi* 3. and *Anno Domini* 1336.

Becauſe our Lord the King Edward the third after the Conqueſt (which Soveraignly deſireth the maintenance of the peace and ſafeguard of his people) hath perceived at the complaint of the Prelates, Earls, Barons, and alſo at the ſhewing of the Knights of the Shires, and his Commons by their petition put in his Parliament holden at Weſtminſter the Munday next after Lent, in the tenth year of his reign, divers oppreſſions and grievances done to his ſaid people; and namely, by Murderers, Robbers, Theeves, Raviſhers of women, and other felons: Coveting to obvent the malice of ſuch felons, and to ſee a conveniable remedy, hath ordained and eſtabliſhed by the aſſent of the ſaid Prelates, Earls, Barons, and other Nobles of this Realm, and at the requeſt of the ſaid Knights and Commons, for the quietneſs and peace of his people, that the Articles underneath written be kept and maintained in all points.

CAP. I.

A confirmation of former Statutes.

Former Statutes confirmed.

Firſt it is accorded and eſtabliſhed that the great Charter, and the Charter of the Foreſt, and alſo the ſtatutes made in the time of the Kings Progenitors, and alſo in his own time, be kept, holden, and firmly maintained, as well by great men, as by the ſmall, and the rich man as the poor.

CAP. II.

Pardon ſhall not be granted contrary to the Statute of 2 Ed. 3. 2.

Pardons ſhall not be granted againſt the Stat. of 2 Ed. 3.2.

Item, Whereas Murderers, Robbers, and other felons be greatly encouraged to offend by reaſon that Charters of pardon of Manſlaughter, robbery, felonies, and other treſpaſſes againſt the Peace, have been ſo lightly granted before this time: It is accorded and eſtabliſhed by our Lord the King, by the aſſent of his Prelates, Earls, Barons, and at the requeſt of the ſaid Knights and Commons, that no ſuch Charters from henceforth ſhall be granted by our Lord the King, againſt the form of a ſtatute late made at Northampton, the ſecond year of his Reign. St 14 Ed. 3. 15.

5

CAP. III.

He that hath a Pardon of Felony ſhall find ſureties for his good abearing.

He that hath a Pardon of felony ſhall find ſureties of his good abearing.

AND as to Charters granted in times paſt: It is accorded and eſtabliſhed by our Lord the King, by the ſame aſſent, and at the requeſt aforeſaid, that all ſuch which have Charters, ſhall come before the Sheriffs and Coroners of the Counties where the felonies be done, between this and the Feaſt of the Nativity of S. John Baptiſt next coming, and every of them ſhall find before the ſaid Sheriffs and Coroners of the Counties where the felonies be done, ſix good and ſufficient Mainpernors, for whom the ſaid Sheriffs and Coroners will anſwer, that they from henceforth ſhall bear themſelves well and lawfully. And the Mainpriſes ſhall be ſealed with their Seals, and returned into the Chancery at the fifteenth of the ſaid feaſt of S. John. And they that will aid themſelves by ſuch Charters, and have not found mainpriſe, as above is ſaid, or after the mainpriſe found, bear themſelves otherwiſe againſt the peace then they ought, their Charters ſhall be holden for none. And in caſe that our Lord the King grant any ſuch Charters in time to come, that within three months after the making of the ſame, they that ſhall have the ſaid Charters, ſhall come and find before the Sheriffs and Coroners of the Counties where the felonies be done, ſuch like mainpriſe, and alſo as before is ſaid of their good abearing. And the ſaid mainpriſes ſhall be ſealed and returned into the Chancery within three Weeks after the end of the ſaid three Months. And if they that ſhall have ſuch Charters will in time to come aid themſelves thereby, and have not found ſuch mainpriſes, or after ſuch mainpriſe found, do bear them otherwiſe againſt the Peace then they ought, their Charters ſhall be holden for none, as is aforeſaid. Raſt.pl.fo.417.Co.pl.f.396.

1 H.7.c

Statutes of Purveyors made at Weſtminſter *Anno* 10. Ed. 3. and *Anno Domini* 1336.

THeſe be the Articles accorded in the Parliament of our Lord King Edward the third after the Conqueſt, holden at Weſtminſter the Munday next after the half of Lent, in the tenth year of his reign, by our ſaid Lord the King, with the aſſent of the Prelates, Earls, Barons, and alſo at the requeſt of the Knights of the Shires, and the Commons by their petitions put in the ſaid Parliament.

CAP. I.

Things purveyed for the Kings houſe ſhall be praiſed, and Tallies made thereof.

St.5 Ed.3.2.
St.4 Ed.3.3.

Corn ſhall be taken by meaſure ſtriked.

Things taken for the Kings houſe ſhall be praiſed at the very value. St.28 Ed.1.2.

Purveyances ſhall be made by conſtables and four ſworn men of the town.

Tallies between purveyors and the owners.

Felony committed by a purveyor.

FIrſt, it is accorded that to repreſs the malice of the Purveyors of the Kings, Queens, and their childrens houſes, and other injuries by them done to the ſaid people, by their outragious takings for the ſame houſes, and otherwiſe then is contained in an article of a Statute made at Weſtminſter, in the fifth year of the Kings reign that now is, in form that enſueth: It ſhall be from henceforth publiſhed, holden and kept in all parts, as in the ſecond Chapter of the ſaid ſtatute is more fully contained, and alſo as in the ſtatute made at Weſtminſter, at the Parliament ſummoned there after the feaſt of S. Katherin, in the fourth year of the Kings reign that now is, amongſt other things there accorded and eſtabliſhed, it is contained: viz. That upon grievances which the purveyors of the Kings, Queens, and their childrens houſes did to the people, in outragious meaſure of Corn, and alſo in wilful taking of Hay, litter, &c. provided by the ſame purveyors, It be eſtabliſhed, that the ſaid purveyors and takers of corn for the ſaid houſe of King, and Queen, ſhall take the ſame by meaſure ſtriked, according as is uſed throughout the Realm. And that all the corn, hay, litter and beſtail, and all other vitail and things whatſoever they be, to be taken for the ſame houſes, ſhall be praiſed at the true value by the Conſtables and other good people of the towns, where ſuch takings ſhall be made, without that by menace or dureſs the praiſors ſhall be driven to ſet other price then their oath will. And whereas in the ſame ſtatute an article was rehearſed, which was made in the time of King Edward of good memory, grandfather to the King that now is, where certain pains be contained againſt thoſe, which do unduly make purveyance for ſuch houſes, for which pains the purveyors of the ſaid houſes have not let to make outragious and undue taking, againſt the tenor of the ſaid ſtatnte: To the honour and profit of our ſaid Lord the King, and for the quietneſs and tranquillity of his people, and to refrain, and alſo to puniſh the miſdemeanor of them that have made ſuch outrages, in ſlander of the King, the Queen his companion, and their children: It is accorded and eſtabliſhed, that the takings and purveyances ſhall be made for the ſaid houſes, by appreiſment made by the Conſtables, & four diſcreet men of the towns, where ſuch takings and purveyances ſhall be made, ſworn, and without menace, as in the ſaid ſtatute is contained. And that betwixt the purveyors, and thoſe whoſe goods ſhall be taken in the preſence of the Conſtables, and preiſors, tallies ſhall be made, ſealed with the ſeals of the takers of the things ſo taken, by which tallies contentation ſhall be made to them of whom the thing ſhall be ſo taken. And if any purveyor or taker for the ſaid houſes do otherwiſe, he ſhall be incontinently arreſted by the town, where the taking ſhall be made, and brought to the next gaol; and if he be thereof attainted, be it done there to him as to a thief, if the quantity of the goods the ſame require. And from henceforth be it contained in the Commiſſions of ſuch takers and purveyors, be they under the great ſeal or the ſmall, the form and the pain contained in this ſtatute. St.25 Ed.3.1.St.36 Ed.32.St.2.& 3.P.& M.6.

CAP.

CAP. II.

Of what people Enqueſts in the Marſhals Court of the Kings houſe ſhall be taken.

Co.l.10.f.69. Item, in every caſe where Inqueſts be to be taken before the Steward or Marſhal of the Kings houſe, the ſame inqueſts ſhall be taken by the people of the Country thereabout, and not by the people of the Kings houſe, except it be of the contracts, covenants or treſpaſſes made by the people of the ſame houſe, of the one part and of the other, according to another ſtatute thereof made, in the time of the ſame King the grandfather. St.28 Ed.1.3. St.5 E.3.2.

Of what people enqueſt ſhall be taken in the Marſhals court.

CAP. III.

Error in the Marſhals Court, ſhall be reverſed in the Kings Bench.

Item, in caſe where a man will complain of errors, made before the ſaid Steward and Marſhal, the plaintiff ſhall have a Writ, to make the Record and the proceſs to come before the King in his place, and there the error ſhall be redreſſed, and ſo it ſhall be done in every caſe, where a man will complain of error made before the ſaid Steward and Marſhal of the Kings houſe. St.5 Ed.3.2. Regiſt.fo.17. Raſt.pla.fo.297.

Error in the Marſhals court ſhall be reverſed in the Kings Bench.

CAP. IV.

The Sheriff ſhall make purveyance for the Kings horſes.

Item, it is accorded, that for the great grievances that the keepers of the Kings great horſes have done to his people, as our L. the K. hath perceived by the ſhewing of the ſaid Commons, that purveyances from henceforth to be made for the ſaid horſes, as long as they do ſojourn in any parties, ſhall be made by the Sheriffs of the Counties, where the ſaid horſes ought to ſojourn, and not by other. And that the Commiſſions made afore this time to ſuch keepers, ſhall be from henceforth of none effect, and utterly repealed. And that the purveyances to be made by the ſaid Sheriffs in this caſe, ſhall be delivered to the ſaid keepers by Indentures. St.14 Ed.3.19.

Purveyance for the Kings great Horſes ſhall be made by the Sheriffs.

CAP. V.

Certain perſons ſhall be appointed to hear the offences of the Keepers of the Kings horſes.

Item, it is accorded, that certain people ſhall be aſſigned to hear and determine all the offences done by the ſaid keepers, as well at the ſuit of the King, as of the party. But this is holden for no ſtatute, as appeareth by the roll.

Statutes made at Weſtminſter 27. of September, *Anno* 11 Ed. 3. and *Anno Domini* 1337.

CAP. I.

It ſhall be felony to carry any wooll out of the Realm, until it be otherwiſe ordained. Rep.

CAP. II.

None ſhall wear any cloth, but ſuch as is made in England. Rep. in part by the Stat. of 24 H. 8. 13. and 1 Jac. 25. by general words.

CAP. III.

No Clothes made beyond the Sea, ſhall be brought into the Kings Dominions.

Item, it is accorded and eſtabliſhed, that no Merchant forrein nor denizen, nor none other, after the ſaid feaſt of S. Michael, ſhall bring or cauſe to be brought privily nor apertly, by himſelf nor by other into the ſaid lands of England, Ireland, Wales and Scotland, within the Kings power, any clothes made in any other places then in the ſame, upon the forfeiture of the ſaid clothes, and further to be puniſhed at the Kings will.

No clothes made beyond the Sea ſhall be brought into the Kings dominions. St. 4 Ed.4.1.

CAP. IV.

Who only may wear Furres. Rep. 24 H. 8. 13. 1 Jac. 25.

CAP. V.

Cloth-workers may come into the Kings Dominions, and have ſufficient liberties.

Item, it is accorded, that all the Cloth-workers of ſtrange lands, of whatſoever Country they be, which will come into England, Ireland, Wales and Scotland, within the Kings power, ſhall come ſafely and ſurely, and ſhall be in the Kings protection and ſafe conduct, to dwell in the ſame lands chuſing where they will. And to the intent the ſaid Cloth-workers ſhall have the greater will to come and dwell here, Our Soveraign Lord the King will grant them Franchiſes as many and ſuch as may ſuffice them.

Cloth-workers of ſtrange lands, ſhall have the Kings protection.

Statutes made at Weſtminſter, *Anno* 14 Ed. 3. and *Anno* 1. of his reign of France, and *Anno Dom.* 1340.

To the honour of God, and of holy Church, by the aſſent of the Prelates, Earls, Barons, and other aſſembled at the Parliament holden at Weſtminſter the Wedneſday next after Mid-lent, in the 14. year of the reign of our Lord King Edward the third of England, and the firſt year of his reign of France, the King for the peace and quietneſs of his people, as well great as ſmall, doth grant and eſtabliſh the things under-written, which he will to be holden and kept in all points perpetually to endure.

CAP. I.

A Confirmation of Liberties.

Franchiſes.

FIrſt, that holy Church have her liberties in quietneſs, without interruption or diſturbance, and that the great Charter, and the Charter of the Foreſt be holden in all points. And that the City of London and all other Cities and Boroughs of the Realm of England, have all their franchiſes and cuſtoms, which they have reaſonably had and uſed in time paſt.

CAP. II.

The King in reſpect of his wars in Scotland, France and Gaſcoin, and the great coſts and aids of his people, doth pardon them ſeveral offences. And alſo of aid to make his ſon Knight, and to marry his daughter, all his time. Exp.

CAP. III.

The Kings pardon to his people of divers debts, accompts, arerages, &c. due until the tenth year of his reign. Exp.

CAP. IV.

Preſentment of Engleſchire ſhall be clearly extirpate.

Preſentment of Engleſchire ſhall be clearly extirpate.

ITem, becauſe many miſchiefs have happened in divers Counties of England, which had no knowledge of preſentment of Engleſchire, whereby the Commons of the counties were often amerced before the Juſtices in Eyre, to the great miſchief of the people: It is aſſented, that from henceforth no Juſtice errant, ſhall put in any article, oppoſition, preſentment of Engleſchire, againſt the Commons of the Counties, nor againſt any of them, but that Engleſchire, and preſentment of the ſame, be wholly out and void for ever. So that no perſon by this cauſe be from henceforth impeached. Co.7.17.

CAP. V.

Delays of Judgment in other Courts ſhall be redreſſed in Parliament.

Co.Inſt.2 par. 67.
Delaies of judgments in other Courts ſhall be redreſſed in Parliament.

Co.Inſt.71 b.
2 H.7.19.
22 Ed.3.f.3.

ITem, becauſe divers miſchiefs have happened, for that in divers places, as well in the Chancery, as in the Kings Bench, the common Bench, and in the Eſchequer before the Juſtices aſſigned, and other Juſtices to hear and determine deputed, the judgments have been delayed, ſometime by difficulty, and ſometime by divers opinions of the Judges, and ſometime for ſome other cauſe: It is aſſented, eſtabliſhed, and accorded, that from henceforth at every Parliament ſhall be choſen a Prelate, two Earls, and two Barons, which ſhall have commiſſion and power of the King to hear by petition delivered to them, the complaints of all thoſe that will complain them of ſuch delays or grievances done to them; and they ſhall have power to cauſe to come before them at Weſtminſter, or elſe where the places of any of them ſhall be, the tenor of records, and proceſſes of ſuch judgments ſo delayed, and to cauſe the ſame Juſtices to come before them, which ſhall be then preſent to hear their cauſe and reaſons of ſuch delays. Which cauſe and reaſon ſo heard, by good advice of themſelves, the Chancellor, Treaſurer, the Juſtices of the one Bench and of the other, and other of the Kings Councel, as many, and ſuch as they ſhall think convenient, ſhall proceed to take a good accord, and make a good judgment. And according to the ſame accord ſo taken, the tenor of the ſaid record, together with the judgment which ſhall be accorded, ſhall be remanded before the Juſtices, before whom the plea did depend. And that they haſtily go to give judgment according to the ſame record. And in caſe it ſeemeth to them, that the difficulty be ſo great, that it may not well be determined, without aſſent of the Parliament, that the ſaid tenor or tenors ſhall be brought by the ſaid Prelate, Earls and Barons unto the next Parliament, and there ſhall be a final accord taken what judgment ought to be given in this caſe. And according to this accord, it ſhall be commanded to the Judges, before whom the plea did depend, that they ſhall proceed to to give judgment without delay. And to begin to do remedy upon this ordinance: It is aſſented, that a commiſſion and a power ſhall be granted to the Archbiſhop of Canterbury, the Earls of Arundel and Huntington, the Lord of Wake, and the Lord Ralfe Baſſet, to endure till the next Parliament. And though the miniſters have made an oath before this time, yet nevertheleſs to remember them of the ſame oath: It is aſſented, that as well the Chancellor, Treaſurer, Keeper of the Privie ſeal, the Juſtices of the one Bench, and of the other, the Chancellor, Barons of the Eſchequer, as the Juſtices aſſigned, and all they that do meddle in the ſaid places under them, by the advice of the ſame Archbiſhop, Earls and Barons, ſhall make an oath well and lawfully to ſerve the King and his people. And by the advice of the ſaid Prelate, Earls and Barons, be it ordained to increaſe the number of the miniſters when need ſhall be, and then to diminiſh in the ſame manner. And ſo from time to time when officers ſhall be newly put in the ſaid offices, they ſhall be ſworn in the ſame manner. Stat. 27 El. 8. Regiſt. fo. 17. Raſt. pla. fo. 302.

The Officers oath to ſerve the King and his people.

CAP. VI.

A Record which is defective by miſpriſion of a Clerk, ſhall be amended.

A proceſs which is defective by miſpriſon of a Clerk, ſhall amended.

11 H.6.f.3.
Dyer f. 342.
Co.l.5.f.45.
18.f.157.
Bro.amende.
9 10.18.20.
24.27.31.113.

ITem, it is aſſented, that by the miſpriſion of a Clerk in any place whereſoever it be, no proceſs ſhall be adnulled, or diſcontinued, by miſtaking in writing one ſyllable or one letter too much or too little: but aſſoon as the thing is perceived by challenge of the party or in other manner, it ſhall be haſtily amended in due form, without giving advantage to the party that challengeth the ſame becauſe of ſuch miſpriſion. Stat. 9 H. 5. 4. Stat. 4 H. 6. 3. 8H. 6. 12. 15.

CAP. VII.

How long a Sheriff ſhall tarry in his office.

ITem, becauſe that ſome Sheriffs have their Bailiwicks for term of years of the K. grant, and ſome do ſo much truſt to tarry in their office by procurement, that they be encouraged to do many oppreſſions to the people, and evil ſervice to the King and his people: It is aſſented and eſtabliſhed, that no Sheriff ſhall tarry in his Bailiwick over one year, and then another convenient ſhall be ordained in his place that hath land ſufficient in his Bailiwick by the Chancellor, Treaſurer, and chief Baron of the Eſchequer, taking to them the chief Juſtices of the one Bench and of the other, if they be preſent. And that ſhall be done yearly in the morrow of All-ſouls, at the Eſchequer. St. 28 E. 1. 8. St. 28 Ed. 3. 7. St. 42 Ed. 3. 9. St. 23 E. 6. 8.

No Sheriff ſhall tarry in his office above one year. Raſt. pla. f. 202.

CAP. VIII.

How many Eſcheators may be in the Realm, and how long they ſhall continue in office.

ITem, whereas ſometime there were no more but two Eſcheators in England, that is to ſay, one Eſcheator on this ſide Trent, and another beyond, whereby the King and the people were worſe ſerved then in the time when there were divers Eſcheators, and of leſs eſtate: It is aſſented and accorded, that from henceforth there ſhall be as many Eſcheators aſſigned as were in the time when the King that now is, did take the governance of this Realm upon him. And that the ſame Eſcheators be choſen by the Chancellor, Treaſurer and chief Baron of the Eſchequer, taking to them the chief Juſtices of the one Bench, and the other, if they be preſent, in manner as is aforeſaid of Sheriffs. And that no Eſcheator tarry in his office above a year. And that no Coroner be choſen, unleſs he have land in fee ſufficent in the ſame County, whereof he may anſwer to all manner of people. Regiſt. f. 177.

How many Eſcheators ſhall be.

St. 1 H. 8. ca. 8. A Coroner ſhall have ſufficient land.

CAP. IX.

Sheriffs ſhall keep Hundreds in their own hands, or let them upon the old rent.

There ſhall be but one Bailiff Errant in one County.

ITem, whereas many miſchiefs be hapned through the Realm, for that the Sheriffs have let the Hundreds and wapentakes to an higher ferm then they yield to the King, and the fermors do let the ſame to other at more higher and greater ſums, in ſuch manner that by the high letting and enhanſing of the ferms, and by the great number of Bailiffs errants, outriders, and other whom the Sheriffs, Bailiffs and Hundreders do put in, the people be in divers manners charged and grieved: It is aſſented and accorded, that from henceforth all the Wapentakes and Hundreds which be ſevered from the counties, ſhall be rejoyned to the ſame counties, as before this time hath been eſtabliſhed by another ſtatute. And that the Sheriffs hold the ſame in their own hands, and put in ſuch Bailiffs and Hundreders, having lands within the Biliwicks and Hundreds, for whom they will anſwer. And if they will let any Hundreds, Bailiwicks or wapentakes to ferm, they ſhall let the ſame at the ancient ferm without any thing encreaſing. And that the King and his people be ſerved by ſuch Bailiffs and Hundreders and their Under-bailiffs, in avoiding for ever the outriders, and other which in divers Counties before-time have notoriouſly grieved the people. And that no Bailiff errant be put in the Counties, where Bailiffs errants have been in times paſt, in the time of the Kings grandfather that now is. And that there be no more but one Bailiff errant in one county. And in the ſame manner it is aſſented, that all other, of what eſtate or condition they be, which have Bailiwicks or Hundreds in fee, if they the ſame will hold in their own hands, then they ſhall put in ſuch Bailiffs for whom they will anſwer. And if they will let the ſame in ferm to other, then they ſhall let the ſame at the ancient ferm, without any thing encreaſing, as afore is ſaid. And the Juſtices of the one Bench and the other, the Barons of the Eſchequer, and the Juſtices aſſigned ſhall have power to enquire of all thoſe that offend againſt this ordinance, at all times that they come into the country, and to execute ſuch puniſhment, as to them ſhall ſeem convenient to be done according to the law and reaſon. And if the Sheriffs or their fermors be found in default in any point againſt this ordinance, and thereof be attained, the Hundreds and Wapentakes where ſuch default ſhall be found, ſhall be taken into the Kings hands, and let to other by the ſame Juſtices, and to commit them to priſon, there to remain till they have made fine and ranſome to the King according to the quantity of the treſpaſs. And nevertheleſs they ſhall anſwer to the King of the whole ferm. And that the Lords which hold Hundreds or Wapentakes in fees, ſhall ſet ſuch Bailiffs which be ſufficient to anſwer the King and his people. And if their Bailiffs do againſt this ordinance, they ſhall be called to anſwer. And if they be attainted, they ſhall have ſuch puniſhment as the law of the land requireth in ſuch a caſe, and they ſhall be put out of their Bailiwicks for ever, and other ſufficient put in their places by the ſame Lords. St. 4 Ed. 3. 15. St. 4 H. 4. 5. St. 23 H. 6. 10.

Co. Inſt. 2 par. 267.

Hundreds and Wapentakes let to ferm. St. 4 Ed. 3. 15. Regiſt. f. 178.

There ſhall be but one Bailiff errant in one County.

Who ſhal have authority to puniſh the offendors.

The puniſhment of the offendors.

CAP. X.

Sheriffs ſhall have the keeping of Gaols. A priſoner by dureſs becommeth an approver.

Co. l. 4. f. 34.

ITem, in the right of the Gaols, which were wont to be in ward of the Sheriffs and annexed to their Bailiwicks: It is aſſented and accorded, that they ſhall be rejoyned to the Sheriffs, and the Sheriffs ſhall have the cuſtody of the ſame gaols, as before this time they were wont to have; and they ſhall put in ſuch keepers, for whom they will anſwer. And if it happen that the keeper of the priſon, or under-keeper, by too great dureſs of impriſonment, and by pain make any priſoner that he hath in his ward, to become an appellor againſt his will, and thereof be attainted, he ſhall have judgment of life and of member. And that the Kings Juſtices before whom ſuch caſes ſhall happen, ſhall enquire the truth thereof;

Sheriffs ſhall have the cuſtody of gaols. St. 19 H. 7. 10.

It ſhall be felony for a gaoler to cauſe a priſoner to become an approber. St. 1 Ed. 3. 7.

And if they find by inqueſt thereupon taken, that any keeper or under-keeper hath done the ſame, he ſhall be thereof arraigned: and if he be found guilty, he ſhall have judgment of life and member, as afore is ſaid.

CAP. XI.

A Clerk of the Statutes ſhall have ſufficient, and be reſident upon his Office.

A Clerk of the Statutes ſhall attend upon his Office. St. 3 Ed. 1.

ITem, It is aſſented and eſtabliſhed, That every Clerk which ſhall be deputed to receive recognizances in Cities and Boroughs, according to the Statute-merchant, ſhall abide in proper perſon to do his Office, according as is contained in the Statute of Acton-Burnel. And that he have Lands ſufficient in the ſame County whereof he may anſwer to all perſons if he offend. And if any other be in the ſame Office, he ſhall be removed, and another convenient ſet in his place.

CAP. XII.

Buſhels and weights ſhall be made, and ſent into every County.

St. 9 H. 3. 25. 1. Seſſ.

St. 27 Ed. 3. 101.

Buſhels and weights ſhall be made and ſent into every Shire.

ITem, Where it is contained in the great Charter, That one meaſure and one weight be throughout England; and alſo it is contained in a Statute made in the time of King Edward, grandfather to the King that now is, That none ſhall ſell by the Buſhel, if it be not marked with the Kings Seal, and that it be according to the Kings Standard: And alſo it is contained, That he which ſhall be attainted for having double meaſure, that is to ſay, one greater to buy, and another leſs to ſell, ſhall be impriſoned as falſe, and grievouſly puniſhed; which things have not been holden nor uſed after the ſaid eſtabliſhment, to the great grief of the people: It is aſſented and accorded, That from henceforth one meaſure and one weight ſhall be throughout the Realm of England. And that the Treaſurer cauſe to be made certain Standards of Buſhels, Galons, of weights of Auncel and ſend the ſame into every County, where ſuch Standards be not ſent before this time. And thereupon ſhall be aſſigned two good and ſufficient perſons in every County, and more according as the County in greatneſs requireth, to ſurvey as well within franchiſe as without, that the meaſures and the weights be according to the ſtandard, and that they have power to enquire, hear, and determine, and to puniſh all thoſe that ſhall be found thereof guilty. And that the Sheriffs at their commandments receive and detain them in priſon till they have made fine to the King. And every perſon that will complain of ſuch as do offend in buying or ſelling, ſhall be heard as well for the King, as for himſelf.

The Clerk of the Market.

And that the ſaid aſſignees ſhall deliver their eſtreats every year in the morrow of S. Michael at the Eſchequer, and take for their expences the fourth part of that which they may levie, and anſwer to the King the three parts. And of that which may not be levied before their profer, the fourth part ſhall be allowed to them at the Eſchequer, and the three parts levied to the Kings uſe. And it is not the Kings mind, but that the Clerk of the Market ſhall do his office where he will, according as he was wont to do in times paſt. Nor the Lords of Franchiſes ſhall not be ouſted of their Franchiſes by the occaſion of this Ordinance. 11 H. 7. 4.

CAP. XIII.

Eſcheators ſhall make no waſte in the Lands of the Kings Wards. A Ward ſhall have an action of waſte againſt his Gardian.

St. 9 H. 3. 4. 5.

Eſcheators ſhall make no waſte in the Lands of the Kings Wards. St. 6 Ed. 1. 5. 28 Ed. 1. 18. St. 36 Ed. 3. 13.

ITem, Whereas in the great Charter it is contained, That after the death of the anceſtors, which hold of the King in chief, and whoſe heirs be within age, that the King ſhall keep the Lands without waſte and deſtruction, and reſtore them wholly to the heirs when they come to their full age. And againſt God and right, and the ſaid eſtabliſhments, the Eſcheators, and other to whom the Lands of ſuch heirs have been committed, have done waſte and deſtruction, to the great miſchief, as well of the heirs of Earls, Barons, and other great men, as of other which hold of the King in chief, and nevertheleſs the ſaid Eſcheators have had no conſcience to do ſuch deſtructions, and ſcarcely have anſwered the King: Wherefore it is aſſented and eſtabliſhed, That from henceforth after the death of every perſon which holdeth of the King in chief, that the Eſcheators ſhall cauſe to be ſeiſed into the Kings hands the Lands as appertain, without doing waſte in houſes, woods, parks, ponds, or other extortions, which may fall to the damage of the heir. And haſtily after the Diem clauſit extremum delivered to him, to make return of the ſame by a good and true extent in the Chancery: after which return if it be found that the heir is within age, and if the next friends of the ſame heir, to whom the inheritance cannot deſcend, ſhall come and offer them to take the ſaid lands, yielding the value to the King, till the age of the heir, ſo far forth as other ſhall yield, without defraud, by accord betwixt the Chancellor and the Treaſurer, they ſhall have Commiſſion to keep the ſaid Lands by good and ſufficient ſurety till the age of the ſaid heirs, and to anſwer the King of the ſame. And it is not the Kings intent, that by this Statute he be foreclosed to have an action of waſte againſt ſuch Gardians and Fermors, as he and his anceſtors have had before this time. And that the heirs, when they ſhall come to their full age, ſhall have their action of waſte againſt ſuch Gardians and Fermors. Regiſt. f. 72. Fitz. N. B. f. 59.

The next of kin to the Kings Ward may take in ferm his land. St. 32 H. 8. 46. V. N. B. f. 37.

The heir may have an action of waſte. Raſt. pl. f. 693.

Fitz. waſt. 62. 75. 80. 97. 98. 117. 124. 136. 137. 139. 142.

CAP. XIV.

There ſhall be but four Writs of Search for the King. Nothing ſhall hinder the execution of Juſtice.

ITem, Whereas before this time in caſe that a man hath demanded by petition in the Parliament certain Lands and Tenements which be in the Kings hands, and to the ſame petitions hath been anſwered in the ſame Parliament, Chancery, or the Kings Bench, that the King will, that a Writ be ſued to the Treaſurer and Chamberlains of the Eſchequer to ſearch Charters, Miniments and other remembrances, which may him avail, whereby he may be adviſed to make anſwer; to which Writs commonly the Treaſurer and Chamberlains have anſwered, that they have ſearched, but did not ſearch, and would not anſwer that they have fully ſearched and nothing found, nor that they can no more find, but that which they have ſent, whereby according to the Law afore this time uſed, a man hath not had cauſe to put them which be for the K. to anſwer, and in ſuch manner the demandants have been greatly delayed to their miſchief: wherefore it is aſſented, that after that the four Writs be returned, whether the miniment or remembrance be found for the King, or not, that then in the Parliament, Chancery, or in the Kings Bench, or in the common Bench, they which ſhall ſue for the King, ſhall be put to anſwer, and to defend the Lands and Tenements ſo demanded againſt the King, to the beſt that they can or may, according to the Law, ſo always that every of the four Writs be delivered to the Treaſurer, and to the Chamberlains fourty days before the day of the return. And that by commandment of the great Seal or privie Seal, no point of this Statute ſhall be put in delay, nor that the Juſtices of whatſoever place it be, ſhall let to do the common Law by commandment which ſhall come to them under the great Seal or privie Seal. St. 9 H.3.29.

9 Ed.4.51.
Kel.f.178.
Dyer f.110.
138 322.
Fitz.Petition 8.

He that prayeth aid of the King, ſhall have but four Writs of ſearch.
Raſt.pl.f. 462.
The great or privie ſeal ſhal not hinder the execution of juſtice.
St. 2 Ed. 3 8.
5 Ed. 3. 9.
Regiſt.f.186.
Fitz.N.B.f.240.d

CAP. XV.

No pardon for Felony, but where the King may do it ſaving his Oath.

ITem, Becauſe by divers Statutes made before this time in divers Parliaments, it was aſſented, That no Charter of Pardon of the death of a man ſhould be granted by the King, but in caſe where he may do it keeping the Oath of his Crown, which Statutes have not been holden, but Charters have been granted without number to divers felons and man-ſlayers, to the evil example, and fear of good people and lawful, whereby thieves, felons and offenders be comforted to do their robberies and manſlaughter, and the ſame do from day to day, and the more be encouraged to do the ſame, becauſe of hope eaſily to have their Charters of Pardon: It is aſſented, eſtabliſhed and accorded, That no Charter of pardon of the death of a man, nor of other felony, ſhall be from henceforth granted to any man, but in caſe where the King may the ſame do ſaving the Oath of his Crown, as it is contained in the Statutes made before this time. And if any Charter be from henceforth granted againſt the ſaid Statutes, the ſame ſhall be holden for none.

Coke l.6.f.13.

St. 6 Ed. 1. 9.
St. 2 Ed.3.2.
No pardon of felony ſhall be granted but where the King may do it ſaving his oath.
St. 10 Ed.3.271.
Seſſ.

CAP. XVI.

Before what perſon Niſi prius may be granted.

ITem, Whereas before this time it was eſtabliſhed, That the Inqueſts and Juries, which be to be taken as well of the Kings Bench as of the common Bench, ſhould be taken before one or two Juſtices of the ſame place, as it is contained in the ſaid eſtabliſhment, and now it is notoriouſly ſeen and known, that divers Inqueſts and Juries have been taken and yet be in divers Counties of England, where no Juſtice did come, to the great miſchief of the parties that do ſue, and alſo of the good people of the Countrey which be impanelled: wherefore it is aſſented and ſtabliſhed, that whoſo demandeth the Niſi prius in the Kings Bench, as well at the ſuit of the defendant, as of the plaintiff (as before this time hath been done by the form of the Statute) the Niſi prius ſhall be granted before any Juſtice of the place where the Plea dependeth, if any of the ſame place may well go into thoſe parts. And if not, then the Niſi prius ſhall be granted before any Juſtice of the common Bench, at a certain day, which may be accorded, and to deliver or ſend the tenour of the Record to him under the ſeal of the chief Juſtices of the place, at which day he ſhall take the Inqueſt, and return the verdict under his ſeal with the Writ, the tenor, and the panel, which ſhall be received in the Kings Bench, and there enrolled, and thereupon judgment given according to the verdict of the ſame Inqueſt. And the ſaid Juſtice of the common Bench ſhall have power to record defaults and nonſuits, as far forth as if the Niſi prius had been granted before any Juſtice of the Kings Bench. After which defaults ſo recorded and returned in the Kings Bench, the Juſtices ſhall go to give judgment upon the ſame Record. And in the ſame maner be it done of all the pleas which be or ſhall be in the common Bench, whereof the Inqueſts and Juries be or ſhall be taken in the Countrey by Niſi prius. And if none of the Juſtices of the ſame place go, the Niſi prius ſhall be granted before any Juſtice of the Kings Bench, to do as afore is ſaid of the Juſtices of the common Bench. And the tenor of the Record ſhall be ſent to the ſame Juſtice, ỷ he may have like power as afore is ſaid of the Juſt. of the common Bench which be aſſigned to take Inqueſts and Juries of the Kings Bench. And if it happen that none of the Juſtices of the one Bench nor the other may come into the Country, where Inqueſts or Juries be to be taken, then the Niſi prius ſhall be granted before the chief Baron of the Exchequer, if he be a man of the Law, and he ſhall have ſuch power as the Juſtices of the one Bench and the other have by this Statute. And in caſe that none of the Juſtices of the one Bench, nor the other, nor the chief Baron of the Exchequer, being a man of the Law, do not come into the Countrey where the Inqueſts and Juries be or ſhall be taken by the Niſi prius: then the Niſi prius ſhall be granted before the Juſtices aſſigned to take Aſſiſes in thoſe parts. So always that one of the ſaid Juſtices aſſigned be Juſtice of the one Bench or the other, or the Kings Sergeant ſworn. And the ſame Juſtices ſhall have ſuch power as afore is ſaid of the Juſtices of the one Bench and of the other. And if the one party demand the tenor of the Record to have with him, to deliver to the Juſtices, before whom the Niſi prius is granted: for to eſchue that no fraud or damage be done to the other party, nor to the people of the Inqueſts; another tenor of the ſame record ſhall be delivered to the other party, if he the ſame require. And whereas it hath been another time eſtabliſhed, that the Juſtices before whom the Niſi prius hath been granted in pleas of Aſſiſes, of Darrain preſentment, and Quare impedit, ſhould have power to give the judgments in the Coun-

St. 13 Ed. 1.30.
St. 12 Ed. 2. 3.

33 H. 6.f.14.
16 H. 7.f.14.
19 H. 6.f.47.

Niſi prius grantable at the defendant or plaintiffs ſuit.
St. 2 Ed.3.16.
V.N.B.f.175.

Dyer f. 163.
Bro.Niſi prius 37.

Niſi prius may be granted before a Juſtice of another Court then where the ſuit dependeth.
St. 7 R.1.4.

St. 12 Ed.2.3.
Juſtices of Aſſiſe may give judgment upon Aſſiſe, Quare impedit, & Darrain preſentment.

trey upon the verdicts of Aſſiſe, and of Inqueſts, and upon nonſuits and defaults: It is aſſented, That the Juſtices of the one Bench and of the other, the chief Baron of the Eſchequer, and the Juſtices aſſigned, before whom the Niſi prius is granted by this Statute, ſhall have power to give judgments in the Countrey, and return the ſame according as it is contained in the Statute of York thereupon made.

CAP. XVII.

A Juris utrum maintainable for a Parſon or Vicar.

A Juris utrum maintainable for a Parſon or Vicar, &c. St. 13 Ed. 1.24. Coke pl. f. 399.

19 H. 8. f. 7. 12 H. 4. f. 20. 8 Ed. 3. f. 5. 40 Ed. 3. f. 28. Fitz. Juris utrum 1.4. Fitz Brief 785. Bro. Dean & Chapt. &c. 2.

ITem, It is aſſented and ſtabliſhed, That Parſons, Vicars, Wardens of Chappels, and Provoſts, Wardens and Prieſts of perpetual Chaunteries, ſhall have their Writs of Juris utrum of Lands and Tenements, Rents and Poſſeſſions annexed, or given perpetually in alms to Vicarages, Chappels, or Chaunteries, and recover by other Writs in their caſe as far forth as Parſons of Churches or Prebends. Reg. f. 32. V. N. B. f. 29. Fitz. N. B. f. 48. Raſt. pl. f. 419.

CAP. XVIII.

If the Tenant will vouch to Warranty a dead man, the demandant may aver that he is dead.

If the tenant vouch to warranty a dead man, the demandant may aver it.

Fitz. Count. de vouch. 61. 65. 73. 40 Ed. 3. f. 36. 39 Ed. 3. f. 32. 5 Ed. 3. f. 35. 7 Ed. 3. f. 27. 18 Ed. 3. f. 48. Fitz. Averment 30. 33. 36. 38. 39.

ITem, Becauſe the demandants in plea of Land have been often delayed, for that the Tenants have vouched to Warranty a dead man, againſt which voucher the demandants before this time might not be received to aver that the vouchee is dead, to their great delay and miſchief: It is accorded and eſtabliſhed, That from henceforth, if the Tenant vouch to warranty a dead man, and the demandants will aver that the vouchee is dead, or that there is none ſuch, their averment ſhall be received without delay. Raſt. pl. f. 354. 687.

CAP. XIX.

How purveyors for the Kings houſe and Wars ſhall make their purveyance.

The Kings Purveyors ſhall take nothing without the owners conſent. 9 H. 3. 21.

ITem, It is aſſented that the purveyances which ſhall be made for the Kings houſe and the Queens, where they do abide and paſs through the Country, ſhall be made by warrant and power given to them which ſhall make the purveyances: In which ſhall be expreſly contained, that they ſhall take nor buy any thing, unleſs it be by agreement made betwixt the buyer and the ſeller, and by the conſent of the ſellers. And if any will any thing take by colour of his commiſſion againſt this ordinance, none ſhall be bound to obey him, no more then if he had no commiſſion. And of that which ſhall be ſo bought and purveyed, payment ſhall be made to the ſeller before that the King paſs out of the verge.

Purveyance for the Wars.

And of great purveyances to be made, as of fleſh, fiſh, and other victuals for the Kings wars, and for to victual the Caſtles and Towns in Scotland and England, and other places, certain Merchants or other good people ſhall be deputed by the Treaſurer, to make the ſaid purveyances, without Commiſſions, and without the Kings or other power, ſo that the people nor any of them be put to ſell any thing without their will and conſent. And that no Commiſſion be made to the keepers of the Kings horſes, but be it only commanded to the Sheriff, that he make purveyance by him and by his, of the iſſues of his Bailiwick. And the number of the horſes for which he ſhall make ſuch purveyance, ſhall be contained in the ſaid commandment. And that no purveyance be made over this number, ſaving that the chief keeper have an hackney, and that he take good heed that the Country be not charged of more then ſhall keep the horſes, but for every horſe a ſervant, without bringing women, pages, or dogs with them. And if more be found abiding in the charge of the Country, they ſhall be brought to priſon, there to remain till the King hath ſent his will.

Purveyance for the Kings horſes. St. 10 Ed. 3. 4.

Purveyance for the Kings dogs.

And in the ſame manner be it commanded to the Sheriffs, that they make purveyance for the Kings dogs of the iſſues of their Bailiwick where they dwell. And that ſuch purveyances be made by none other but by the Sheriffs. And be it contained in his commandment the number of the dogs for which he ſhall make purveyance, over which number no purveyance ſhall be made, ſo that they live of their certain, without charging the Country. And if any find him grieved againſt this ordinance, he ſhall have recovery againſt the Sheriff of ſuch grievances done to him.

CAP. XX.

A Subſidie granted to the King of the ninth Fleece, the ninth Lamb, the ninth Sheaf, by the Lords and Commons of the Realm, in regard of the Pardons, Grants and Releaſes that he hath made to them, in reſpect of his wars, his good will to keep in his Realm, and obtain his Rights. EXP.

CAP. XXI.

A Subſidie granted to the King (in reſpect of his Wars) of Wool, Woolfels, Leather, and other Merchandiſe that paſs the Sea from Eaſter next until the Feaſt of Pentecoſt twelvemoneth following; for the which the King granteth that after the ſaid Feaſt of Pentecoſt, he nor his heirs will take more then the old cuſtom. EXP.

Other Statutes made *Anno* 14 *Ed.* 3. & *Anno Dom.* 1340.

The Kings grant that the foreſaid Subſidie of the ninth Lamb, &c. ſhall be no example, nor prejudicial to his Subjects. All ſhall be ſpent in his Wars.

EDward by the grace of God, &c. to all them, &c. greeting. Know ye that whereas the Prelates, Earls, Barons, & Commons of our Realm of England, in our preſent Parliament, holden at Weſtminſter, the Wedneſday next after the Sunday of middle Lent, the xiv. year of our Reign of England, and the firſt of France, have granted to us of their good gree and good will in aid of the ſpeed of our great buſineſs, which we have to do, as well on this ſide the Sea as beyond, the ix. ſheaf, the ix. fleece, and the ix. lamb, to be taken by two years next coming, after the making of the ſame, and the Citizens and the Burgeſſes of Boroughs the very ix. part of all their goods, and the foreign Merchants and other, which have not of gain nor of ſtore of ſheep, the xv. of their goods lawfully to the value: We willing to provide for the indempnity of the ſaid Prelates, Earls, Barons, and other of the Communalty, and alſo of Citizens, Burgeſſes, and Merchants aforeſaid, will and grant for us and our heirs, to the ſame Prelates, Earls, Barons and Commons, Citizens, Burgeſſes and Merchants, that the ſame grant, which is ſo chargeable, ſhall not another time be had in example, nor fall to their prejudice in time to come, nor that they be from henceforth charged nor grieved to make any aid, or to ſuſtain charge, if it be not by the common aſſent of the Prelates, Earls, Barons, and other great men, and Commons of our ſaid Realm of England, and that in the Parliament: And that all the profits riſing of the ſaid aid, and of Wards and Marriages, Cuſtoms and Eſcheats, and other profits riſing of the ſaid Realm of England, ſhall be put and ſpent upon the maintenance and the ſafeguard of our ſaid Realm of England, and of our Wars in Scotland, France, and Gaſcoin, and in no places elſewhere during the ſaid Wars.

A former grant of a Subſidy to the King ſhall be no example in time to come.

How the Subſidy granted to the King ſhall be ſpent.

CAP. II.

All Merchants being no enemies, ſhall come in the Realm and depart quietly.

St. 9 H. 3. 30.

ITem, Where it is contained in the great Charter, that all Merchants ſhall have ſafe and ſure conduct, to go out of the Realm of England, and to come and abide, and go through the Realm of England, as well by water as by land, and to buy and ſell, paying their rights and cuſtoms, but in the time of War: We at the requeſt of the Prelates, Earls, Barons, and Commons, will and grant for us and for our heirs and ſucceſſors, That all Merchants, Denizens, and Foreiners (except thoſe which be of our enmity) may without let, ſafely come into the ſaid Realm of England, with their goods and merchandizes, and ſafely tarry, and ſafely return, paying the Cuſtoms, Subſidies, and other profits reaſonably thereof due. So always that Franchiſes and free Cuſtoms, reaſonably granted by us and our Anceſtors, to the City of London and other Cities, Boroughs, and good Towns of our Realm of England, be to them ſaved. St. 9 H. 3. 9.

Merchants may come into the Realm and return in ſafety.

Franchiſes granted to cities and boroughs reſerved.

A Statute for the Clergy, made at Weſtminſter the 16 of April, *Anno* 14 *Ed.* 3. *Anno* 1340.

St. 9 H. 3. 1.

EDward by the grace of God, &c. greeting, &c. Know ye, that whereas in the firſt Article of the great Charter it is contained, that the Church of England be free, and have all her Rights entirely, and Franchiſes not blemiſhed: and alſo in all the whole eſtabliſhments made as well in times of our Progenitors, as in our own time, the ſame Article often ratified and confirmed. Nevertheleſs in our Parliament holden at Weſtminſter, the Wedneſday next after the Sunday of middle Lent, it is ſhewed unto us by the Reverend Father in God, John Archbiſhop of Canterbury, Primate of England, and the other Prelates of the Clergy of our Realm, how ſome oppreſſions and grievances be done in divers manners by ſome of our ſervants to people of holy Church, againſt the Franchiſe of the great Charter, and the eſtabliſhments aforeſaid, which oppreſſions they ſhew in petition, praying upon the ſame remedy: Wherefore we, their petition ſeen and regarded, and thereupon deliberation had with the Peers of our Realm, and other of our Council, and of the Realm ſummoned to our ſaid Parliament, and having regard to the great Charter, and to our Statutes aforeſaid, and at the requeſt of the ſaid Prelates and Clergy, which have much aided us, and daily do, by the aſſent and accord of the ſaid Peers, and of all other ſummoned and being in our ſaid Parliament, have granted and do grant for us and our heirs and ſucceſſours to the ſaid Prelates and Clergy, the things under-written perpetually to endure.

CAP. I.

Spiritual perſons goods ſhall not be taken by Purveyances without the owners conſent.

FIrſt, That none by us, nor by other Commiſſion of the Great Seal, nor of the Small, nor without Commiſſion, ſhall take any Corn, Hay, Beaſts, Carriage, nor other goods of Archbiſhops, Biſhops, Abbots, Priors, Abbeſſes, Prioreſſes, Parſons, Vicars, or of other people of holy Church, within their houſes, mannors, granges, nor other places within the fees of holy Church nor without, againſt the agreement and will of the owners of the ſame goods. And we do defend, that from henceforth no ſuch Commiſſions under the Great Seal, nor the Small, ſhall in any wiſe go forth to make any ſuch prices. For we do take the ſaid Prelates and Clergy, their poſſeſſions, goods, and cattels, into ſpecial protection and defence of us and our heirs. Alſo we grant for us and our heirs, that we ſhall not from henceforth charge any of the ſaid Prelates or Clergy, nor their houſes, to receive gueſts, nor ſojourners of Scotland, nor of other Countries, nor our horſes, nor dogs, Fawcons, nor other hawks of ours, nor others againſt their gree and will. Saving always to us the ſervices which be due to us of right from them which owe to us the ſame ſervices, to ſuſtain and receive dogs, horſes, or hawks. St. 9 Ed. 1. 1. St. 18 Ed. 3. 4. St. 1 R. 2. 3. Regiſt. fo. 289.

No ſpiritual perſons goods ſhall be purveyed for the King without the owners conſent.

CAP. II.

Preſentment to Churches made by the King in anothers right.

The King ſhall not preſent in anothers right but within three years after the avoidance. Rep. 25 Ed. 3. 2.

Item, Becauſe of the Temporalties being in our hands, or in the hands of our Anceſtors, by reaſon of Archbiſhopricks, Biſhopricks, or other Prelacies void, and alſo becauſe of other lands, tenements, fees, and advowſons being in our hands, and in the hands of our Anceſtors, by nonage of heirs, it hath been uſed before this time, the exception of plenarty ſhould hold no place againſt us, nor againſt any of our Anceſtors, no more in caſe where ſuch preſentments ſhould be devolute to us in anothers right, then if they had been in our own right, or in the right of our Crown, whereby many Parſons and Prebendaries were put out of their Churches, Prebends, and Benefices, which they had long time holden, to their great miſchief and impoveriſhment: We will and grant for us and for our heirs, to avoid ſuch miſchiefs, that from henceforth we nor our heirs ſhall not make collation or preſentment to any Church, Prebend, Chappel, or other Benefice, by the occaſion of ſuch avoidances of Prelacies, or of the lands of Infants within age, or of others come or to come into our hands, or in the hands of our heirs, if we or our heirs do not make our collations or preſentments within three years after that ſuch Benefices do ſo indeed become void. And that of ſuch Churches and other Benefices, of which Clerks be in poſſeſſion, and have had poſſeſſion by a year before the making of this Statute, we nor our heirs ſhall have none action nor reaſon to preſent to ſuch Benefices ſo full. And we will not that any man be holden to anſwer to any Writ of Quare impedit taken in our name in ſuch caſe, if the collation or preſentment be not made within three years after the voidance, as afore is ſaid. And of ſuch voidance taken in the time of our Anceſtors, no collation nor preſentment ſhall be from henceforth made by us nor by our heirs, but to take any ſuch action of ſuch voidances we will be wholly and quietly forecloſed.

11 H. 4. f. 8. Fitz. Q. imp. 53. 111.

CAP. III.

No Biſhops temporalties ſhall be ſeiſed without good cauſe.

Temporalties of Biſhops ſhall not be ſeiſed without good cauſe. St. 1 Ed. 3. 2. 2. Seſſ.

Item, We will and grant for us and for our heirs, that from henceforth we nor our heirs ſhall not take, nor cauſe to be taken into our hands the temporalties of Archbiſhops, Biſhops, Abbots, Priors, or other people of the holy Church, of what eſtate or condition they be, without a true and juſt cauſe, according to the Law of the Land, and judgment thereupon given. St. 25 Ed. 3. 6. Regiſt. fo. 32.

CAP. IV.

How the temporalties of Biſhops ſhall be uſed in time of vacation.

How the temporalties of Biſhops ſhall be uſed in the time of vacation. Fitz. N. B. f. 59. B.

Item, Becauſe that in the petition of the ſaid Prelates and Clergy it is contained, that Eſcheators and other keepers, in the time of vacation of Archbiſhopricks, Biſhopricks, & other Prelacies, have done great waſte and deſtruction in the ſame in time paſt: We will and grant for us and for our heirs, that at all times from henceforth, when ſuch voidances ſhall happen, that our Eſcheators and the Eſcheators of our heirs, which for the time ſhall be, ſhall enter and cauſe to be well kept the ſaid voidances, without doing waſte or deſtruction in the Mannors, Warrens, Parks, Ponds, or Woods. And that they ſell no underwood, nor hunt in the Parks or Warrens, nor fiſh in Ponds, nor free fiſhings, nor ſhall rack nor take fines of the tenants free nor bond: but ſhall keep and ſave as much as pertaineth to the ſaid voidances, without doing harm, or any manner of oppreſſion. And if the Dean and Chapter of Churches Cathedral, Priors, Subpriors, Prioreſſes, Subprioreſſes, and Covents of Prelacies, Abbies, or Priories, whoſe voidance pertaineth to us and our heirs, will render to us and our heirs the value of the ſaid voidance, as other will reaſonably yield, then the Chancellor and Treaſurer ſhall have power to let the Dean and Chapter, Prior or Subprior, Prioreſs or Subprioreſs, and Covent, the ſaid voidances by good and ſufficient ſurety, ſo that they ſhall have the ſame before all other, yielding to us the value of them, according as ſhall be found by remembrances of the Eſchequer, or by enqueſt to be taken upon the ſame if need be, without making fine. And in caſe they will not accord to yield to the value, nor find ſuch ſurety, then the Chancellor and Treaſurer ſhall cauſe to be ordained the good preſervation of ſuch voidances, by Eſcheators or other ſufficient keepers, to anſwer the King of that to him pertaineth reaſonably, without doing waſte or deſtruction, or other thing which may turn in diſheriſon of the Churches whereof ſuch voidances ſhall happen.

The Dean and Chapter may take them in farm if they will.

CAP. V.

Who ſhall demiſe Biſhops Temporalties during the time of vacation.

Who ſhall let to farm the temporalties of Biſhops to the Kings uſe.

Item, Wholly to ſhew the affection and good will which we have, that that pertaineth to God and the holy Church be ſafely kept without waſte or deſtruction, or impeachment to be made thereof by us or our miniſters, We will, and by theſe preſent Letters do grant full power to our ſaid Chancellor and Treaſurer, which taking to them other of our Council, ſuch as to them ſhall ſeem beſt to be taken, by good information of remembrances of the Eſchequer, and other informations as to them ſhall ſeem beſt, ſhall let the vacations of Archbiſhopricks, Biſhopricks, Abbacies, Priories, and other Houſes, whoſe voidances pertaineth to us, to the Dean and Chapter, Prior or Subprior, Prioreſs or Subprioreſs, and Covent, to yield a certain of every voidance by the year, quarter, or moneth, during the vacations, according as to them ſhall ſeem beſt, without making any fine. So that no Eſcheator nor other Miniſter in the time of vacations ſhall have cauſe to enter, or meddle to do any thing which ſhall be in prejudice of the Churches, whereof ſuch voidances ſhall happen. Saving to us and to our heirs the Knights fees, advowſons of Churches, Eſcheats, Wards, Marriages, Relieves and Services of the ſaid Fees. In witneſs whereof, we have made theſe our Letters patents, dated at Weſtminſter the xvi. of April, the xiiii. year of our reign of England, and the firſt of France.

Anno 14 *Ed.* 3. and *Anno Domini* 1340. By a Statute it was ordained, That the Realm of England and the People thereof ſhall not be ſubject to the King or Kingdom of France.

EDward by the grace of God King of England and France, & Lord of Ireland, to all thoſe which theſe Letters ſhall hear or ſee, Greeting. Know ye, that whereas ſome people do think, that by reaſon that the Realm of France is devolved to us as right Heir of the ſame, and foraſmuch as we be King of France, our Realm of England ſhould be put in ſubjection of the King, and of the Realm of France in time to come: we having regard to the eſtate of our Realm of England, and namely, that it never was nor ought to be in ſubjection nor in obeiſante of the Kings of France, which for the time have been, nor of the Realm of France; And willing to provide for the ſurety and defence of the Realm of England, and of our liege people of the ſame, will and grant and ſtabliſh for us and for our heirs and ſucceſſors, by aſſent of Prelates, Earls, Barons, and Commons of our Realm of England, in this our preſent Parliament ſummoned at Weſtminſter, the Wedneſday next after the Sunday in Middle-Lent, the xiv. year of our ſaid reign of our Realm of England, and the firſt of France, that by the cauſe or colour of that that we be King of France, & that the ſaid Realm to us pertaineth, as afore is ſaid, or that we cauſe us to be named King of France in our Style, or that we have changed our Seal or our Arms, nor for ẏ commandments which we have made, or from henceforth ſhall make as King of France, our ſaid Realm of England, nor the people of the ſame, of what eſtate or condition they be, ſhall not in any time to come be put in ſubjection nor in obeiſance of us nor of our heirs nor ſucceſſors as Kings of France, as afore is ſaid, nor be ſubject nor obedient, but ſhall be free and quit of all manner of ſubjection and obeiſance aforeſaid, as they were wont to be in the time of our Progenitors Kings of England for ever. In witneſs of which things, &c. Dated at Weſtminſter, &c. the xiiii. year of our reign of England, and the firſt of France.

The Realm of England and the people thereof ſhall not be ſubject or obedient to the King or Kingdom of France.

Statutes made at Weſtminſter *Anno* 15 *Ed.* 3. and *Anno Domini* 1341.

OUr Lord King Edward the Third after the Conqueſt, at his Parliament holden at Weſtminſter at the xv. of Eaſter, deſiring that the peace of the Land, and the Laws and Statutes before this time ordained, be maintained and kept in all points, to the honour of God and of holy Church, and the common profit of his people, by aſſent of the Prelates, Earls, Barons, and other great men, and of all the Commonalty of the Realm of England ſummoned to the ſaid Parliament: hath ordained and ſtabliſhed in the ſame Parliament the Articles under-written, which he will and grant for him and his heirs, that they be firmly kept and holden for ever.

CAP. I.

A confirmation of the great Charter and former Statutes. Rep. 15 Ed. 3.

CAP. II.

The Peers of the Realm and great Officers for great offences ſhall be tried in Parliament. Rep. 15 Ed. 3.

CAP. III.

Thoſe that attempt ſuits againſt the Laws and Statutes of the Realm ſhall anſwer it in Parliament. Rep. 15 Ed. 3.

CAP. IV.

At every Parliament the King may take ſeveral great Offices into his hands, and retain them four or five days: except the Offices of Juſtices of both Benches, Juſtices aſſigned, and Barons of the Exchequer. Rep. 15 Ed. 3.

CAP. V.

Puniſhments of Uſury by the King or the Ordinaries. Rep. 15 Ed. 3.

CAP. VI.

Miniſters of the Church ſhall not anſwer before the Kings Juſtices for things done touching the juriſdiction of the Church. Rep. 15 Ed. 3.

By another Statute made alſo *Anno* 15 *Ed.*3. the laſt mentioned Statute of *Anno* 15 *Ed.*3. was repealed, becauſe it was made without the Kings conſent.

EDward by the grace of God, &c. to the Sheriff of Lincoln, Greeting. Whereas at our Parliament ſummoned at Weſtminſter in the xv. of Eaſter laſt paſt, certain Articles expreſly contrary to the Laws and Cuſtoms of our Realm of England, and to our Prerogatives and Rights Royal were pretended to be granted by us by the manner of a Statute; we conſidering how that by the bond of our Oath we be tied to the obſervance and defence of ſuch Laws, Cuſtoms, Rights, and Prerogatives, and providently willing to revoke ſuch things to their own ſtate, which be ſo improvidently done; upon conference and treatiſe thereupon had with the Earls, Barons, and other wiſe men of our ſaid Realm; and becauſe we never conſented to the making of the Statute, but as then it behoved us, we diſſimuled in the premiſſes by proteſtations of revocation of the ſaid Statute, if indeed it ſhould proceed, to eſchew the dangers which by the denying of the ſame we feared to come, foraſmuch

A repeal of the former Statutes made. Anno 15 Ed. 3.

much as the ſaid Parliament otherwiſe had been without diſpatching any thing in diſcord diſſolved, and ſo our earneſt buſineſs had likely been ruinated, which God prohibit. And the ſaid pretended Statute we promiſed then to be ſealed. It ſeemed to the ſaid Earls, Barons, and other wiſe men, that ſithence the Statute did not of our free will proceed, the ſame be void, and ought not to have the name nor ſtrength of a Statute: And therefore by their counſel and aſſent we have decreed the ſaid Statute to be void, and the ſame in as much as it proceeded of deed, we have agreed to be adnulled; willing nevertheleſs that the Articles contained in the ſaid pretended Statute, which by other of our Statutes, or of our Progenitors Kings of England, have been approved, ſhall according to the form of the ſaid Statute in every point as convenient is, be obſerved. And the ſame we do onely to the conſervation and reintegration of the rights of our Crown, as we be bound, and not that we ſhould in any wiſe grieve or oppreſs our Subjects, whom we deſire to rule by lenity and gentleneſs. And therefore we do command thee, that all theſe things thou cauſe to be openly proclaimed in ſuch places within thy Bailiwick, where thou ſhalt ſee expedient. Witneſs my ſelf at Weſtminſter, the firſt day of October, the fifteenth year of our Reign.

A third Statute made *Anno* 15 *Ed*. 3. expreſſing certain Conditions or Covenants whereupon the Subſidy granted *Anno* 14. was given him.

THe conditions which the great men and the Commons demanded, for the grant that they made to the King for the ninth lamb, fleece, and ſheaf of the ſecond year. Cap. 1. 2. 3. 4. 5. 6. Exp.

Statutes made Anno 18 Ed. 3. Anno 1344. *declaring in what caſes and for what offences Exigents ſhall be awarded.*

An exigent awarded againſt the Kings Receivers of Wooll or Money, which detain the ſame: and againſt thoſe that tranſport Wooll being not cocketed or without cuſtom, and againſt Conſpirators and Confederators of quarrels: and againſt them that commit Routs in affray of the people, which bring in falſe money in deceit of the people, if they cannot be found or brought in by attachment or diſtreſs, and not againſt any other.

Another Statute made Anno 18 Ed. 3. *and* Anno Domini 1344.

Two Quinzimes granted to the King by the Commonalty, and two Diſmes by Cities and Boroughs, to be paid in two years, towards his wars in France and Scotland. Exp.

CAP. I.

Commiſſions of new inquiries ſhall ceaſe, ſaving indictments of Felonies, and treſpaſſes of Woolls carried out without Subſidies, Cuſtoms, &c. Exp.

CAP. II.

Juſtices of Peace ſhall be appointed, and their authority.

Juſtices of Peace ſhall be appointed, and their authority.

ITem, That two or three of the beſt of reputation in the Counties, ſhall be aſſigned keepers of the peace by the Kings Commiſſion. And at what time need ſhall be, the ſame with other wiſe and learned in the Law, ſhall be aſſigned by the Kings Commiſſions to hear and determine felonies and treſpaſſes done againſt the Peace in the ſame Counties. And to inflict puniſhment reaſonably according to the law and reaſon, and the manner of the deed. St. 1 Ed. 3. 16. 4 Ed. 3. 2. 34 Ed. 3. 1. 18 H. 6. 11.

CAP. III.

All perſons may buy Woolls. The Sea ſhall be open.

Every man may buy Wooll. The Sea ſhall be open.

ITem, That the Ordinances made before this time, upon taking of ſorts of woolls in every County, be wholly annulled and defeated: And that every man, as well ſtranger as privy, from henceforth may buy woolls, according as they may agree with the ſeller, as they were wont to do before the ſaid Ordinances: And that the Sea be open to all manner of Merchants to paſs with their Merchandiſe where ſhall pleaſe them. St. 5 & 6 E. 6. 7.

CAP. IV.

Commiſſions to aſſay weights and meaſures ſhall be repealed, and none ſuch ſhall be granted. Exp.

CAP. V.

No exigent ſhall be granted in treſpaſs, but where it is againſt the Peace.

No exigent in treſpaſs, but where it is againſt the peace.

ITem, That no exigent ſhall from henceforth go out, in caſe where a man is indicted of treſpaſs, unleſs it be againſt the peace, or of things which be contained in the declaration made in this caſe at the laſt Parliament holden at Weſtminſter. St. 18. Ed. 3.

CAP. VI.

Money ſhall be made, and exchanges ordained where the King ſhall pleaſe. Exp.

CAP. VII.

When the Kings wages to Souldiers ſhall begin and end.

St. 5 Ed. 3. 2. St. 10 Ed. 3. 1. 2.

ITem, That the Statutes for the purveyances to be made for the Houſes of the King, the Queen, and their Children, wherein it is contained, that they ſhall not buy nor take any thing unleſs it be by agreement of the ſellers, and by promiſe made betwixt the buyers and the ſellers. And that the Statutes made of the Steward and Marſhal of the Kings houſe, and what pleas they ſhall hold and determine before them in the Marſhalſey, ſhall be holden and kept in all their points. Which Statutes our Lord the King hath cauſed to be tranſcribed, and ſent to the Steward and Marſhal of his Houſe, and to the Treaſurer of the Wardrobe, and Writs with them, to keep and maintain the ſame in all points. And that men of Arms, Hoblers, and Archers, choſen to go in the Kings ſervice out of England, ſhall be at the Kings wages, from the day that they depart out of the Counties where they were choſen, till their return.

When the Kings wages to ſouldiers ſhall begin & end. St. 1 Ed. 3. 7. 4 H. 4. 13.

A Statute of the Clergy, made *Anno* 18 *Ed.*3. and *Anno Domini* 1344.

EDWARD by the grace of God, &c. Greeting. Know ye, that at our Parliament holden at Weſtminſter the Munday next after the utas of the holy Trinity, the year of our reign of England the eighteenth, and of France the fifth, amongſt other things ſhewed, aſſented and accorded in the ſaid Parliament, there were ſhewed, aſſented and accorded theſe things under-written.

CAP. I.

A Triennial Diſme granted to the King by the Clergy towards the maintenance of his War in France. Exp.

CAP. II.

Bigamy ſhall be tryed by the Ordinary, and not by Inqueſt.

Bigamy ſhall be tryed by the Ordinary, and not by a Jury. St. 1 Ed. 6. 12.

ITem, if any Clerk be arraigned before our Juſtices, at our ſuit, or at the ſuit of the party, and the Clerk holdeth him to his Clergy, alleadging that he ought not before them thereupon anſwer; and if any man for us, or for the ſame party, will ſuggeſt, that he hath married two wives, or one widow, that upon the ſame the Juſtices ſhall not have the cogniſance or power to try the Bigamy by Inqueſt, or in other manner: but it ſhall be ſent to the ſpiritual Court, as hath been done in times paſt, in caſe of baſtardy; and till the certificate be made by the Ordinary, the party in whom the Bigamy is alleadged, by the words aforeſaid, or in other manner, ſhall abide in priſon if he be not mainpernable.

CAP. III.

Prelates impeached for purchaſing Lands in Mortmain.

Prelates impeached for purchaſing land in Mortmain, do ſhew the Kings licence.

ITem, if Prelates, Clerks beneficed, or religious people which have purchaſed Lands, and the ſame have put to Mortmain, be impeached upon the ſame before our Juſtices, and they ſhew our Charter of licence, and proceſs thereupon made by an Inqueſt of Ad quod damnum, or of our grace, or by fine, they ſhall be freely let in peace, without being further impeached for the ſame purchaſe. And in caſe they cannot ſufficiently ſhew, that they have entred by due proceſs after licence to them granted in general or in ſpecial, that they ſhall be well received to make a convenient fine for the ſame, and that the enquiry of this Article ſhall wholly ceaſe, according to the accord compriſed in this Parliament. St. 7 E. 1. Stat. of Mortmain.

CAP. IV.

In Commiſſions to be made for purveyance, the fees of the Church ſhall be excepted.

In commiſſions for purveyance the fees of the Church ſhall be excepted.

ITem, that the Statutes touching the purveyances of us and of our ſon, made in times paſt by us and our Progenitors, for people of holy Church, be holden in all points. And that in the Commiſſions to be made upon ſuch purveyances, the fees of holy Church ſhall be excepted in every place where they be found. St. 3 E. 1. 1. 14 Ed. 3. 1. 1 R. 2. 3.

CAP. V.

No prohibition ſhall be awarded but where the King hath Cogniſance.

Prohibition.

ITem, that no prohibition ſhall be awarded out of the Chancery, but in caſe where we have the Cogniſance, and of right ought to have. St. 9 Ed. 2. 1. &c. Raſt. pla. f. 444. &c. 27 H. 8. f. 14. 12 H. 7. f. 22. Co. l. 4. f. 123. l. 5. f. 73. l. 6. f. 23.

CAP. VI.

Temporal Juſtices ſhall not inquire of Proceſs awarded by Spiritual Judges.

There ſhall be no more Commiſſions granted to Juſtices to enquire of Spiritual Judges.

ITem, whereas Commiſſions be newly made to divers Juſtices, that they ſhall make inquiries upon Judges of holy Church, whether they made juſt proceſs or exceſſive in cauſes teſtamentory and other, which notoriouſly pertaineth to the Cogniſance of holy Church, the ſaid Juſtices have inquired and cauſed to be indicted Judges of holy Church, in blemiſhing of the Franchiſe of holy Church: that ſuch Commiſſions be repealed, and from henceforth defended. Saving the Article in Eyre, ſuch as ought to be.

CAP. VII.

No Scire facias ſhall be awarded againſt a Clerk for Tythes.

Co. Inſt. 2 par. 639.

No Scire facias ſhall be awarded to warn a Clerk to anſwer for his tythes.

ITem, whereas writs of Scire facias have been granted to warn Prelates, religious and other Clerks to anſwer diſmes in our Chancery, and to ſhew if they have any thing, or can any thing ſay, wherefore ſuch diſmes ought not to be reſtored to the ſaid Demandnants, and to anſwer as well to us as to the party to ſuch diſmes: that ſuch writs from henceforth be not granted, and that the proceſs hanging upon ſuch writs be adnulled and repealed, and that the parties be diſmiſſed from the Secular Judges of ſuch manner of pleas. Saving to us our right ſuch as we and our anceſtors have had, and were wont to have of reaſon. In witneſs whereof, at the requeſt of the ſaid Prelates, to theſe preſent Letters we have ſet our ſeal. Dated at London, the eighth day of July, the year of our reign of England the eighteenth, and of France the fifth. Fitz. N. B. f. 30. c.

The Oath of the Juſtices, being made *Anno* 18 Ed. 3. *Anno Dom.* 1344.

That ye ſhall ſerve the King in his office.
To warn the King of any damage To do Juſtice.
To take no reward of any having a ſuit.
To give no counſel where the King is a party.
St. 2 Ed.3.3.
St. 20 E.3.1.
To maintain no ſuit.
Not to deny right for letters.
To procure the Kings profit.
The penalty of an offendor.

YE ſhall ſwear that well and lawfully ye ſhall ſerve our Lord the King and his people in the office of Juſtice, and that lawfully ye ſhall counſel the King in his buſineſs, and that ye ſhall not counſel nor aſſent to any thing which may turn him in damage or diſheriſon by any manner, way or colour. And that ye ſhall not know the damage or diſheriſon of him, whereof ye ſhall not cauſe him to be warned by your ſelf, or by other; and that ye ſhall do equal law, and execution of right to all his ſubjects, rich and poor, without having regard to any perſon. And that ye take not by your ſelf or by other, privily nor apertly, gift nor reward of gold nor ſilver, nor of any other thing, which may turn to your profit, unleſs it be meat or drink, and that of ſmall value, of any man that ſhall have any plea or proceſs hanging before you, as long as the ſame proceſs ſhall ſo be hanging, nor after for the ſame cauſe. And that ye take no fee, as long as ye ſhall be Juſtice, nor robes of any man great or ſmall, but of the King himſelf. And that ye give none advice nor counſel to no man great nor ſmall, in no caſe where the King is party. And in caſe that any of what eſtate or condition they be, come before you in your Seſſions with force and arms, or otherwiſe againſt the peace, or againſt the form of the Statute thereof made, to diſturb execution of the common Law, or to menace the people, that they may not purſue the Law, that ye ſhall cauſe their bodies to be arreſted and put in priſon. And in caſe they be ſuch, that ye cannot arreſt them, that ye certifie the King of their names, and of their miſpriſion haſtily, ſo that he may thereof ordain a convenable remedy. And that ye by your ſelf nor by other, privily nor apertly, maintain any plea or quarrel hanging in the Kings Court, or elſewhere in the Country. And that ye deny to no man common right, by the Kings Letters, nor none other mans, nor for none other cauſe; and in caſe any Letters come to you, contrary to the Law, that ye do nothing by ſuch Letters, but certifie the King thereof, and proceed to execute the Law, notwithſtanding the ſame Letters. And that ye ſhall do and procure the profit of the King and of his Crown, with all things where ye may reaſonably do the ſame. And in caſe ye be from henceforth found in default in any of the points aforeſaid, ye ſhall be at the Kings will of body, lands and goods, thereof to be done as ſhall pleaſe him, as God you help and all Saints.

The Oaths of the Clerks of the Chancery, and of the Clerks of Courſe, made *Anno* 18 *Ed.* 3. and *Anno Domini* 1344.

Oath. Clerks of the Chancery.
Clerks of Courſe.

YE ſhall ſwear that well and lawfully ye ſhall ſerve our Lord the King, and his people, in the Office of Clerk of the Chancery, to which ye be attitled: And ye ſhall not aſſent nor procure the Kings diſheriſon, nor perpetual damage to your power: Nor ye ſhall do nor procure to be done, any fraud to any mans wrong, nor thing that toucheth the keeping of the Seal; and ye ſhall lawfully give counſel in the things that toucheth the King, when ye ſhall be thereto required; and the counſel which you know touching him, ye ſhall conceal. And if you know the Kings diſheriſon, or perpetual damage or fraud to be done upon the things which touch the keeping of the Seal, ye ſhall put your lawful power to repreſs and amend it: And if ye cannot do it, then ye ſhall certifie the Chancellour, or other, which may do the ſame to be amended to your intent. And for the Clerks of courſe ſhall be added. And ye ſhall not bring, nor to your knowledge ſuffer to be brought any writs which ye make out of the Court not ſealed, thereof to do execution: nor ſhall record any Attorney by writs nor without writs without eſpecial licence, if ye have not lawfully examined the party, and the Attorney in proper perſon, or at the leaſt, him that ſhall make Attorney in proper perſon; nor ye ſhall deliver any writ which ſhal be of commandment to the Examinors, nor to the Seal, before that the ſame writ be ſent to you by the commander, which thereof hath power, unleſs it be to the Chancellor, or to one of the Maſters, which commandeth you to make the writs. And all the writs that ye ſhall make, ye ſhall deliver to the Examinors by your own hand, or by one companion which is ſworn to the King, if ye your ſelf be out of the Court, becauſe of ſickneſs, or other cauſe neceſſary, ſo that ye cannot do it. And no writ written of another mans hand ſhall be delivered to the Examinors, under your name, as yours, nor no name ſhall ye put under your writs, but your own, as God you help and all Saints.

Statutes made at Weſtminſter 7 *Maii*, *Anno* 20 *Edw.* 3.

EDWARD by the grace of God, &c. to the Sheriff of Stafford, Greeting. Becauſe that by divers complaints made to us, we have perceived that the Law of the Land, which we by our Oath are bound to maintain, is the leſs well kept, and the execution of the ſame diſturbed many times by maintenance and procurement, as well in the Court as in the Country: We greatly moved of conſcience in this matter, and for this cauſe deſiring as much for the pleaſure of God, and eaſe and quietneſs of our Subjects, as to ſave our conſcience, and for to ſave and keep our ſaid Oath, by the aſſent of the great men, and other wiſe men of our Council: We have ordained theſe things following.

CAP.

CAP. I.

The Juſtices of both Benches, Aſſiſe, &c. ſhall do right to all men, take no ſee but of the King, nor give counſel where the King is party.

Co.Inſt.3 par. 146.

First, we have commanded all our Juſtices, that they ſhall from henceforth do equal Law and execution of right to all our ſubjects rich and poor, without having regard to any perſon, and without omitting to do right for any letters or commandment, which may come to them from us, or from any other, or by any other cauſe. And if that any Letters, Writs or Commandments come to the Juſtices, or to other deputed to do Law and right, according to the uſage of the Realm, in diſturbance of the Law, or of the execution of the ſame, or of right to the parties, the Juſtices and other aforeſaid ſhall proceed and hold their Courts and proceſſes where the pleas and matters be depending before them, as if no ſuch Letters, Writs or Commandments were come to them: and they ſhall certifie us and our Council of ſuch Commandments which be contrary to the Law, as afore is ſaid. And to the intent that our Juſtices ſhould do even right to all people in manner aforeſaid, without more favour ſhewing to one then to another, we have ordained and cauſed our ſaid Juſtices to be ſworn, that they ſhall not from henceforth, as long as they ſhall be in Office of Juſtice, take fee nor robe of any man, but of our ſelf, and that they ſhall take no gift nor reward by themſelves, nor by other, privily nor apertly, of any man that hath to do before them by any way, except meat and drink, and that of ſmall value; and that they ſhall give no counſel to great men or ſmall, in caſe where we be party, or which do or may touch us in any point, upon pain to be at our will, body, lands and goods, to do thereof as ſhall pleaſe us, in caſe they do contrary. And for this cauſe we have increaſed the fees of the ſame our Juſtices, in ſuch manner as it ought reaſonably to ſuffice them. Stat. 2 Ed. 3. 8. St. 11 R. 2. 10. Regiſt. fo. 186.

The Juſtices ſhall do right to all perſons without regard of Letters.

Juſtices to certifie all Illegal Commandments.

Juſtices ſhall take no fee of any but of the King.

Juſtices ſhall give no counſel where the King is party.

Their Fees increaſed for that cauſe.

CAP. II.

Barons of the Eſchequer ſhall do right to all men without delay.

In the ſame manner we have ordained in the right of the Barons of the Eſchequer, and we have expreſly charged them in our preſence, that they ſhall do right and reaſon to all our ſubjects great and ſmall. And that they ſhall deliver the people reaſonably and without delay of the buſineſs which they have to do before them, without undue tarrying, as hath been done in times paſt. Co. Inſt. 4 par. 115.

Barons of Eſchequer.

CAP. III.

Juſtices of Gaol-delivery, &c. and their aſſociates, ſhall take an Oath.

Item, We have ordained, that all they which ſhall be Juſtices aſſigned by Commiſſion, to hear and determine, and ſuch as ſhall be aſſociated to them, and alſo Juſtices of Aſſiſes to be taken in the Country, and of Gaol-delivery, and ſuch as ſhall be aſſigned and aſſociated to them, ſhall make firſt an Oath in certain points, according as to them ſhall be enjoyned by our Council, in our Chancery, before that any Commiſſion be to them delivered.

Juſtices aſſigned.

CAP. IV.

None ſhall maintain any quarrels but their own.

8 H.7.f.18.
15 H.7.f.2.
3 H.6.f.53.
31 H.6.f.8.

Item, we have commanded and utterly defended, That none of our houſe, nor of them that be about us, nor other, which be towards our dear beloved Companion the Queen, or our Son Prince of Wales, or towards our Courts, nor Prelates, Earls, Barons, nor other great nor ſmall of the land, of what eſtate or condition they be, ſhall not take in hand quarrels other then their own, nor the ſame maintain by them nor by other, privily nor apertly, for gift, promiſe, amity, favour, doubt nor fear, nor for none other cauſe, in diſturbance of Law, & hindrance of right, upon the pains aforeſaid; but that every man may be free to ſue for, & defend his right in our Courts and elſewhere, according to the Law. And we have ſtraightly commanded our ſaid Son, and divers Earls, and other great men, being before us, that they on their behalf ſhall do to keep this Ordinance without default, and that they ſuffer none which be towards them to attempt againſt this Ordinance by any way. Raſt.pl.fo.119.427.&c.

None ſhall maintain any quarrels but their own.
Stat.28 E.1.11.
Stat.1 E.3.14.
Stat.1 E.2,4.
Regiſt.f.182, 183,189.
V.N.B.f.180.
Fitz.N.B.f.172.

CAP. V.

Lords and great men ſhall put thoſe out of their ſervices which be maintainors of Quarrels. Exp.

CAP. VI.

Juſtices of Aſſiſe ſhall enquire of, and puniſh the miſdemeanor of Officers, and other Offendors.

Item, We will and have ordained, that the Juſtices aſſigned to take Aſſiſes, ſhall have commiſſions ſufficient to enquire in their Seſſions of Sheriffs, Eſcheators, Bailiffs of Franchiſes, and their under-miniſters, and alſo of maintainors, common imbraceors, and Jurors in the County, and of the gifts, rewards, and other profits, which the ſaid miniſters do take of the people to execute their office, and that which pertaineth to their office, and for making the array of pannels, putting in the ſame ſuſpect Jurors, and of evil fame, and of that maintainors, imbraceors, and Jurors do take gifts and rewards of the parties, whereby loſſes and damages do very grievouſly come daily to the people, in ſubverſion of the Law, and diſturbance of common right: And to puniſh all them which thereof ſhall be found guilty, according as Law and reaſon requireth, as well at our ſuit as at the parties. And thereupon we have charged our Chancellor and Treaſurer to hear the complaints of all them which will complain, and to ordain that ſpeedy remedy be thereof made. Wherefore we do command, that thou do cauſe the ſaid points and Ordinances aforeſaid, openly to be publiſhed & ſhewed at ſuch places within thy Bailiwick, as thou ſhalt think good; to the end that they

Juſtices of aſſiſe ſhall enquire of the demeanor of Sheriffs, eſcheators, bailiffs, and other officers, and puniſh the offendor.

they which feel them grieved in the form aforeſaid, may pruſue for remedy according to the ſaid Ordinance, and that our people may perceive our intent and will in this behalf, and the deſire that we have, that even right may be done to all our ſubjects, as well poor as rich, and that the offendors be reſtrained and puniſhed. Dated at Weſtminſter the ſeventh day of March, the year of our reign of England the twentieth, and of France the ſeventh. St. 4 Ed. 3.2.& 11.St.34 E.3.4.Regiſt.fo.186.

The Statute of Labourers, made *Anno* 23 Ed. 3 and *Anno Dom.* 1349.

EDWARD by the grace of God, &c. To the reverend Father in Chriſt, William by the ſame grace Archbiſhop of Canterbury, Primate of all England, Greeting. Becauſe a great part of the people, and eſpecially of Workmen and Servants late died of the Peſtilence, many ſeing the neceſſity of Maſters, and great ſcarcity of Servants, will not ſerve unleſs they may receive exceſſive wages, and ſome rather willing to beg in idleneſs, then by labour to get their living: We conſidering the grievous diſcommodity which of the lack, eſpecially of Plough-men and ſuch Labourers, may hereafter come, have upon deliberation and treaty with the Prelates and the Nobles, and learned men aſſiſting Us, of their mutual counſel ordained,

CAP. I.

Every perſon able in body under the age of lx. years, not having to live on, being required, ſhall be bound to ſerve him that doth require him, or elſe committed to the Gaol, until he find ſurety to ſerve. Rep. 5 Eliz. 4.

CAP. II.

If a workman or ſervant depart from ſervice before the time agreed upon, he ſhall be impriſoned. Rep. 5 Eliz. 4.

CAP. III.

The old wages and no more ſhall be given to ſervants. Rep. 5 Eliz. 4.

CAP. IV.

If the Lord of a Town or Mannor do offend againſt this Statute in any point, he ſhall forfeit the treble value. Rep. 5 Eliz. 4.

CAP. V.

If any Artificer or Workman take more wages then were want to be paid, he ſhall be committed to the Gaol. Rep. 5 Eliz. 4.

CAP. VI.

Victuals ſhall be ſold at reaſonable prices.

Victuals ſhall be ſold at reaſonable price, and Victuallers ſhall be content with a moderate gain.

Mayors and Bailiffs of Cities and Boroughs ſhall inquire of offendors, and puniſh them.

ITem, that Butchers, Fiſhmongers, Regrators, Hoſtlers, Brewers, Bakers, Pulters, and all other Sellers of all manner victual, ſhall be bound to ſell the ſame victual for a reaſonable price, having reſpect to the price that ſuch victual be ſold at in the places adjoyning. So that the ſame Sellers have moderate gains, and not exceſſive, reaſonably to be required according to the diſtance of the place from whence the ſaid victuals be carried. And if any ſell ſuch victuals in any other manner, and thereof he convict in the manner and form aforeſaid, he ſhall pay the double of the ſame that he ſo received, to the party damnified, or in default of him, to any other that will purſue in this behalf. And the Mayors and Bailiffs of Cities, Boroughs, Merchant-towns and others, and of the Ports of the Sea, and other places, ſhall have power, to enquire of all and ſingular which ſhall in any thing offend the ſame, and to levy the ſaid pain to the uſe of them at whoſe ſuit ſuch offendors ſhall be convict. And in caſe that the ſame Mayors and Bailiffs be negligent in doing execution of the premiſes, and thereof be convict before our Juſtices, by us to be aſſigned, then the ſame Mayors and Bailiffs ſhall be compelled by the ſame Juſtices to pay the treble of the thing ſo ſold to the party damnified, or to any other in default of him that will purſue. And nevertheleſs towards us they ſhall be grievouſly puniſhed. St. 15 R. 2. 8. St. 12 Ed. 4. 8. St. 25 H. 8. 2.

CAP. VII.

No perſon ſhall give any thing to a begger that is able to labour. Rep. 1 Ed. 6. 3. 21 Jac. 28.

CAP. VIII.

He that doth take more wages then is accuſtomably given, ſhall pay the ſurpluſage to the Town where he dwelleth, towards a payment to the King of a tenth and fifteen granted to him. Exp. Regiſt. fo. 189.

A Statute of Labourers, made *Anno* 25 Ed. 3. and *Anno Dom.* 1350.

WHereas late againſt the malice of ſervants, which were idle, and not willing to ſerve after the peſtilence, without taking exceſſive wages, It was ordained by our Lord the King, and by aſſent of the Prelates, Earls, Barons, and other of his Council, that ſuch manner of ſervants, as well men as women, ſhould be bound to ſerve, receiving ſalary and wages accuſtomed in the places where they ought to ſerve, in the xx. year of the reign of the King that now is, or v. or vi. years before; and that the ſame ſervants refuſing to ſerve in ſuch manner ſhould be puniſhed by impriſonment of their bodies, as in the ſaid Statute is more plainly contained: whereupon commiſſions were made to divers people in every County to enquire and puniſh all them which offend againſt the ſame. And now for as much as it is given the King to underſtand in this preſent Parliament, by the Petition of the Commonalty, that the ſaid ſervants, having no regard to the ſaid Ordinance, but to their eaſe and ſingular covetiſe, do withdraw themſelves to ſerve great men and other, unleſs they have livery and wages to the double or treble of that they were wont to take, the ſaid xx. year and before, to the great damage of the great men, and impoveriſhing of all the ſaid Commonalty, whereof the ſaid Commonalty prayeth remedy: Wherefore in the ſame Parliament, by the aſſent of the ſaid Prelates, Earls, Barons, and other great men of the ſame Commonalty there aſſembled, to reſtrain the malice of the ſaid ſervants, be ordained and eſtabliſhed the things under-written.

CAP. I.

The year and days wages of ſervants and labourers in husbandry. Rep. 5 El. 4.

CAP. II.

How much ſhall be given for threſhing all ſorts of Corn by the Quarter. None ſhall depart from the Town in ſummer where he dwelt in winter. Rep. 5 El. 4. Regiſt. f. 189.

CAP. III.

The ſeveral wages of ſeveral ſorts of Artificers and Labourers. Rep. 5. El. 4.

CAP. IV.

Shooes and Boots ſhall be ſold as they were the twentieth year of King Edward the third. Rep. 5 El. 8. & 1 Jac. 22.

CAP. V.

Artificers ſworn to uſe their Crafts as they did in the twentieth year of King Edward the third. OB.

CAP. VI.

The ſeveral puniſhments of ſeveral perſons offending againſt the true meaning of this Statute. Rep. 5 El. 4.

CAP. VII.

Sheriffs, Conſtables, Bailiffs, Gaolers, nor other Officers, ſhall exact any thing of the ſame ſervants. The forfeitures of ſervants ſhall be imployed to the aid of Diſmes and Quinzimes granted to the King by the Commons. OB.

CAP. VIII.

The Juſtices ſhall hold their Seſſions four times in the year, and at all times that ſhall be needful. ALT. 2 H. 5. 4. Servants which fleet from one County to another, ſhall be committed to priſon. Rep. 5 Eliz. 4.

A Statute made *Anno* 25 *Ed*. 3. and *Anno Domini* 1350. of thoſe that be born beyond Sea.

In what place Baſtardy pleaded againſt him that is born out of the Realm ſhall be tryed.

OUr Lord the King at his Parliament holden at Weſtminſter, at the utas of the Purification of our Lady, the year of his Reign of England the five and twentieth, and of France the twelfth, conſidering the great miſchiefs and damages which have happened to the people of his Realm of England, as well becauſe that the Statutes ordained before this time have not been holden and kept as they ought to be, as becauſe of the mortal peſtilence that late reigned: and willing to provide for the quietneſs and common profit of his ſaid people convenient remedy therefore, by the aſſent of the Prelates, Earls, Barons, and other great men, and all the Commons of his ſaid Realm, ſummoned to the Parliament, hath ordained and eſtabliſhed the things under-written, videlicet, Becauſe that ſome people be in doubt, if the children born in the parts beyond the Sea, out of the ligeance of England, ſhould be able to demand any inheritance within the ſame ligeance or not, whereof a Petition was put in the Parliament late holden at Weſtminſter, the ſeventeenth year of the Reign of our Lord the King that now is, and was not at the ſame time wholly aſſented: Our Lord the King, willing that all doubts and ambiguities ſhould be put away, and the Law in this caſe declared and put in a certainty, hath charged the ſaid Prelates, Earls, Barons, and other wiſe men of his Councel, aſſembled in this Parliament, to deliberate upon this point: all which of one aſſent have ſaid, That the Law of the Crown of England is, and always hath been ſuch, that the children of the King of England, in whatſoever parts they be born, in England or elſewhere, be able and ought to bear the inheritance after the death of their anceſtors: which Law our ſaid Lord the King, the ſaid Prelates, Earls, Barons, and other great men, and all the Commons aſſembled in this Parliament, do approve and affirm for ever. And in the right of other children born out of the ligeance of England, in the time of our Lord the King, they be of one mind accorded, that Henry ſon of John de Beaumond, Elizabeth daughter of Guy de Bryan, and Gyles ſon of Ralph Dawbeny, and other which the King will name, which were born beyond the Sea, out of the ligeance of England, ſhall be from henceforth able to have and enjoy their inheritance after the death of their anceſtors, in all parts, within the ligeance of England, as well as thoſe that ſhould be born within the ſame ligeance. And that all children inheritors, which from henceforth ſhall be born without the ligeance of the King, whoſe fathers and mothers at the time of their birth be and ſhall be at the faith and ligeance of the King of England, ſhall have and enjoy the ſame benefits and advantages, to have and bear the inheritance within the ſame ligeance, as the other inheritors aforeſaid in time to come: ſo always that the mothers of ſuch children do paſs the Sea by the licence and wills of their husbands. And if it be alledged againſt any ſuch born beyond the Sea, that he is a baſtard, in caſe where the Biſhop ought to have coniſance of baſtardy, it ſhall be commanded to the Biſhop of the place, where the demand is, to certifie the Kings Court, where the plea thereof hangeth, as of old times hath been uſed in the caſe of baſtardy, alledged againſt them which were born in England. St 42 Ed. 3. 10.

The Kings children be inheritable in England, whereſoever they be born.

The children of others born beyond the ſea. St. 42 E. 3. 10.

1 R. 3. f. 4. Dyer f. 224. Co. Inſt. 8.

Trial of baſtardy pleaded againſt him which is born out of England. Raſt. pl. f. 104.

A Statute for the Clergy, made *Anno* 25 *Ed.* 3. and *Anno Domini* 1350.

OUr Lord the King, ſeeing and examining by good deliberation, the Petitions and Articles delivered to him in his Parliament holden at Weſtminſter in the Feaſt of St. Hillary, the year of his Reign of England the five and twentieth, and of France the twelfth, by the honourable Father in God, Simon Archbiſhop of Canterbury, and other Biſhops of his Province, upon and for certain grievances which they alledged to be done to holy Church, and to the Clergy, againſt the priviledges of holy Church; and then they prayed, that a conveniable remedy might be thereof ordained, to the reverence of God and of holy Church: by the aſſent of his Parliament, for him and his heirs, willeth and granteth the points under-written.

CAP. I.

All Priviledges granted to the Clergy confirmed. The King nor his heirs ſhall preſent to a Benefice of anothers right of any time of his Progenitors.

The King nor his heirs ſhall not preſent to a benefice of anothers right of any time of his progenitors.

FIrſt, That all the priviledges and franchiſes granted heretofore to the ſaid Clergy be confirmed and holden in all points. And as touching preſentments to be made by our Lord the King, or any of his heirs, to a benefice of holy Church, in anothers right by old title: our ſaid Lord the King, to the honour of God and holy Church, willeth and granteth, of the aſſent of the ſaid Parliament, That from henceforth he nor any of his heirs ſhall not take title to preſent to any Benefice in any others right of any time of his Progenitors. Nor that any Prelate of his Realm be bound to receive any ſuch preſentment to be made, nor to do thereof any execution; nor that any Juſtice of the one place, or the other, may not nor ought not to hold plea, or give judgment upon any ſuch preſentment to be made: But that the ſaid King and his heirs be for ever hereafter clearly barred of all ſuch preſentments. Saving always to him and his heirs all ſuch preſentments in anothers right, fallen or to fall of all his time, and of the time to come. Vide Paſc. 8 Car. in Scac. int. Dom. Regem & Pruſt.

11 H. 4.f.8.

CAP. II.

A repeal of the Statute of Anno 14 of Ed. 3. 2. touching the Kings preſentment to a Church of anothers right.

A repeal of the St. 14 Ed. 3. 2 touching the Kings preſentment to a Church in anothers right.

AND becauſe in the Parliament holden at Weſtminſter, the fourteenth year of the Reign of our Lord the King that now is, amongſt other things then granted to the Prelates of holy Church, it was ordained that the King ſhould not take title to preſent to any benefice in anothers right, but of the voidances which ſhall happen of ſuch benefices within three years next before his preſentment, which thing ſeemeth very prejudicial to the King and his heirs: It is accorded in this preſent Parliament, that the ſaid Ordinances as to this point, ſhall be holden for none. But nevertheleſs, that all the other Articles contained in the ſaid Ordinance and grant then made to holy Church, ſhall ſtand in their force.

CAP. III.

When the King preſenteth to a Benefice in anothers right, his title ſhall be examined.

When the King maketh collation to preſent to a Church in anothers right, his title ſhall be examined.

44 Ed. 3. f. 11. 46 Ed. 3. f. 19. Fitz. Incumb. 3. 4. 5. 10. 11. 14

ITem, Whereas before this time our Lord the King hath taken title to preſent to benefices at the ſuggeſtion of many Clerks, where the title hath not been true, & by ſuch preſentments and judgments thereupon given, the Clerks have been received by the Ordinaries of the places, againſt God and good faith, and in depreſſion of them which had good and true title to the ſaid benefices: now the King will and granteth, that at what time he ſhall make collation or preſentment from henceforth to any benefice in anothers right, that the title whereupon he groundeth himſelf ſhall be well examined, that it be true. And at what time before judgment the title be found by good information untrue or unjuſt, the collation or preſentment thereof made, ſhall be repealed. And the Patron or the poſſeſſor which ſhall ſhew and prove the falſe title, ſhall have thereupon writs out of the Chancery as many as to him ſhall be needful. St. 13 R. 2. 1. St. 4 H. 5. 22.

CAP. IV.

All Clerks convicted of Felony or Treaſon, ſhall be delivered to their Ordinaries.

A Clerk which ſhall be convict of any treaſon or felonies not touching the King, ſhall be delivered to the Ordinary. St. 1 El. 7.

Bro. Clerg. 25.

ITem, Whereas the ſaid Prelates have grievouſly complained, praying thereof remedy, for that ſecular Clerks, as well Chaplains as other Monks, and other people of Religion, have been drawn and hanged by award of the ſecular Juſtices, in prejudice of the Franchiſes of holy Church, and in oppreſſion of the juriſdiction thereof: It is accorded and granted by the ſaid King in his Parliament, That all manner of Clerks, as well ſecular as religious, which ſhall be from henceforth convict before the ſecular Juſtices aforeſaid, for any treaſons or felonies touching other perſons then the King himſelf, or his royal Majeſty, ſhall from henceforth freely have and enjoy the priviledge of holy Church, and ſhall be without any impeachment or delay, delivered to the Ordinaries demanding them. And for this grant the ſaid Archbiſhop promiſeth to our Lord the King, that upon the puniſhment and ſafe keeping of ſuch Clerks offenders, which ſo ſhall be delivered to the Ordinaries, he ſhall thereof make a convenient Ordinance, whereby they ſhall be ſafely kept and duely puniſhed, ſo that no Clerk ſhall take courage to offend for default of correction.

CAP. V.

A Clerk ſhall be arraigned of all his offences at once.

A Clerk ſhall be arraigned of all his offences at once. St. 8 El. 4. St. 18 El. 7.

Dyer f. 274. Bro. Clerg. 24. 30.

ITem, Although that Clerks arraigned of felony before ſecular Juſtices, which challenged their Clergy, and were demanded by the Ordinary of the place, have been often before this time remanded to the Gaol by the ſaid Juſtices, ſurmiſing to them, that other things be to be ſaid againſt them; neverthelesſ becauſe the common Law is, That a Clerk, in ſuch caſe ought not to be remanded to the Gaol, but ought to be preſently arraigned of all, or otherwiſe delivered to the Ordinary: it is accorded, that this point be kept by all manner of Juſtices and Judges ſecular throughout our Realm.

CAP. VI.

A Biſhops Temporalties ſhall not be ſeiſed for a contempt.

9 Ed. 4. f. 28. Bro. Ordin. 10.

Item, Becauſe the Temporalties of Archbiſhops and Biſhops have been oftentimes taken into the Kings hands for contempts done to him upon Writs of Quare non admiſit, and likewiſe for divers other cauſes, whereof the ſaid Prelates have prayed the King that no ſuch taking ſhall from henceforth be made, ſith they be Peers of the land: the King will and granteth in the ſame Parliament, that all the Juſtices which from henceforth ſhall give judgment againſt any Prelate of the land in ſuch caſe or the like, that they in ſuch caſe may freely receive, and from henceforth ſhall receive for the contempt ſo judged, a reaſonable fine of the party ſo condemned, according to the quantity of the treſpaſs, and after the quality of the contempt, incontinently at the time of the judgment, if the party offer the ſame, or otherwiſe after the judgment, at what time the party will offer himſelf. And if it need, the Chancellour and the Treaſurer ſhall be called to the receit of the ſaid fines. Regiſt. f. 32.

A Biſhops temporalties ſhall not be ſeiſed for a contempt. St. 1 Ed. 3. 2. St. 14 Ed. 3. 3. 2 Seſſ. The Stat. for the Clergy.

CAP. VII.

The Ordinary may counterplead the Kings title for a benefice fallen by lapſe.

Item, Becauſe that many preſentments to divers benefices of holy Church, as well of the patronage of lay-people, as of people of holy Church, which were void by ſix moneths, whereof the collation of ſuch benefices by lapſe of time was devolute, and of right pertaining to the Ordinaries of the places, were recovered by the King by judgments thereof given of the aſſent of the ſaid patrons, in deceit of the ſaid collations ſo made reaſonably by the ſaid Ordinaries; in which pleas the Ordinaries nor their Clerks to whom they did give ſuch benefices, were not received to ſhew nor defend their right in this behalf, nor to counterplead the Kings right ſo claimed, which is not reaſonable: wherefore the King, by the aſſent of the ſaid Parliament, will and granteth for him and his heirs, that when Archbiſhops, Biſhops, or other Ordinaries have given a benefice of right devolute to him by lapſe of time, and after the King preſenteth and taketh the ſuit againſt the patron, which percaſe will ſuffer that the King ſhall recover without action tryed in deceit of the Ordinary, or the poſſeſſor of the ſaid benefices, That in ſuch caſe, and all other caſes like, where the Kings right is not tryed, the Archbiſhop or Biſhop, Ordinary or Poſſeſſor, ſhall be received to counterplead the title taken for the King, and to have his anſwer, and to ſhew and defend his right upon the matter, although that he claim nothing in the Patronage in the caſe aforeſaid.

Dyer f. 1. Fitz. Q. Impedit. 194. 196. Fitz. Liv. 34. Fitz. Encumbent 4. 6. 7. 10. 11. 14.

An Ordinary may counterplead the Kings title for a Benefice fallen to him by lapſe.

CAP. VIII.

Cogniſance of avoidance of Benefices appertaineth to the Eccleſiaſtical Judge.

Item, Whereas the ſaid Prelates have ſhewed and prayed remedy, for that the ſecular Juſtices do accroch to them cogniſance of avoidance of Benefices of right, which cogniſance and the diſcuſſing thereof pertaineth to the Judges of holy Church, and not to the Lay-Judge: The King will and granteth, That the ſaid Juſtices ſhall from henceforth receive ſuch challenges made or to be made by any Prelate of holy Church in this behalf, and moreover thereof ſhall do right and reaſon.

Cogniſance of avoidance of benefices belongs to the Eccleſiaſtical Judge.

CAP. IX.

Indictments of Ordinaries for extortion ſhall be put in certainty.

Item, Becauſe that the Kings Juſtices do take Indictments of Ordinaries of their Miniſters of extortions and oppreſſions, and impeach them without putting in certain, wherein or whereof, or in what manner they have done extortion: The King will, that his Juſtices ſhall not from henceforth impeach the Ordinaries, nor their Miniſters, becauſe of ſuch Indictments of general extortions or oppreſſions, unleſs they ſay and put in certain in what thing, and of what, and in what manner the ſaid Ordinaries or their Miniſters have done extortions or oppreſſions. Raſt. pl. f. 318.

Indictments of Ordinaries or their Miniſters of extortion, muſt be put in certainty.

A Statute of Clothes, made *Anno* 25 Ed. 3. and *Anno Dom.* 1350.

CAP. I.

The Aulneger ſhall be ſworn to do his duty: the penalty if he offend.

Item, It is accorded and aſſented in the ſame Parliament, That all manner of Clothes vendible which ſhall be ſold for whole Clothes in England, in whoſe hands of the Merchants of the Realm of England, or other of the ſame Realm they be found, ſhall be meaſured by the Kings Aulneger and his deputies, in all Cities, Boroughs, and other Towns within Franchiſes and without, as well in the City of London as elſewhere. And that all the Clothes which ſhall be found of leſs meaſure by a yard then of the Aſſiſe contained in the Statute of Northampton, by which it is Ordained, That the length of every Cloth of ray, ſhall be meaſured by a line of ſeven yards, four times meaſured by the liſt, and the breadth of every Cloth of ray, ſix quarters of the meaſure by the yard; and of coloured Clothes the length ſhall be meaſured by the back by a line of ſix yards and a half, four times meaſured, and the breadth ſix quarters and a half meaſured by the yard, without defoiling the Clothes, ſhall be forfeited and arreſted to the King. And that the Aulneger deliver the ſame to the Kings Wardrobe by Indenture, notwithſtanding any Franchiſe, Uſage,

All Clothes vendible ſhall be meaſured by the Kings Aulneger or his deputy.

The length and breadth of Cloth of ray, and coloured Cloth. St. 2 Ed. 3. 14. St. 5. Ed. 6. 6. St. 8 El. 12. St. 43 El. 10. St. 4 Jac. 2.

The Aulneger ſhall be ſworn to do his offic e well.

A buyer may meaſure the cloth before he hath paid for it.

The forfeiture of defective cloth, and to what uſe it ſhall be imployed.

or priviledge made to the Cities, Boroughs, or to any perſon of the Realm of England to the contrary. And the Kings Aulneger ſhall be ſworn to do his office well and lawfully. And in caſe he thereof be found in default, and thereof be attainted before the Keepers of the Fairs, and Mayors and Bailiffs of the places where the cloth ſhall be bought, or before any other Judge whom our Lord the King ſhall thereto aſſign, he ſhall have priſon of one year, and ranſomed at the Kings will, and put out of his office for ever. And the Aulneger ſhall anſwer as well for his Deputies as for himſelf. And alſo it is accorded and ſtabliſhed, That every buyer of ſuch cloth, or other will ſue, that the ſaid Aulneger hath done any fraud or deceit in his office, and the falſity be notoriouſly proved, at his ſuit ſhall have the one half of that which ſhall be ſo forfeited, or the price of the Kings gift, and the King the other half. And that every buyer of ſuch Cloth, after that he hath agreed of the price with the ſeller, may freely meaſure the Cloth at his will, to aſſay if it be of the aſſiſe or not, before that he hath paid his money, although the Aulnegers ſeal be put to the ſame. And if the buyer find any default after the buying, and ſhew the ſame default to the Mayors and Bailiffs of the place, or to the keepers of the Fair or Market; and if default be found notoriouſly before them, the Cloth ſhall be forfeit to the King, and ſeiſed into the Kings hands by the ſaid Mayors and Bailiffs, or keepers of the Fairs and Markets, and ſhall remain in their cuſtody, and the ſaid Mayors and Bailiffs, or Keepers, ſhall certifie the Chancellor of the ſame forfeiture at the ſuit of the buyer, or of other which will ſue, without any thing taking of him. And the Chancellor in this Certificate ſhall ſend a Writ to the ſaid Mayor and Bailiffs, or Keepers, to deliver him which ſo hath ſued, the one half of the forfeiture, and to ſave the other half to the Kings uſe. And if the Mayor, Bailiffs or Keepers refuſe to do execution of this accord in the manner aforeſaid, they ſhall be puniſhed by fine and ranſom when they ſhall be thereof attainted, as well at the Kings ſuit as the parties. And that this Article begin to hold place the firſt day of September next coming, ſo that the Merchants and other which have Clothes to ſell, may freely deliver them of the Clothes that they have in their hands in the ſame time.

CAP. II.

Merchant-ſtrangers may buy and ſell without diſturbance.

St. 9 E. 3. 1. Merchant-ſtrangers may buy and ſell within this Realm without diſturbance. St. 9 H. 3. 30.

No officer ſhal meddle with the ſale of a ſtrangers goods.

ITem, Whereas it is contained in a Statute made at York, the ninth year of the Reign of our Lord the King that now is, That all Merchants, Aliens and Denizens, and all other and every of them, of what eſtate or condition they were, which would buy or ſell Wine, Corn, Avoir de pois, Fleſh, Fiſh, and all other livings and victual, Clothes, Chaffer, Wools, Merchandiſes, or any other things vendible, from what party they come, by Foreiners or by Denizens, to what place ſoever it be, Borough, Town, Port of the Sea, Fair, Market, or other place within this Realm, within Franchiſes or without, may freely and without diſturbance ſell the ſame to whom pleaſe them, as well to Foreigners as to Denizens, except the Kings enemies: It is accorded by our Lord the King, the Prelates, Earls, Barons, and other great men, and the Commons in this preſent Parliament, That the ſaid Statute in all points and Articles contained in the ſame, be holden, kept and maintained. And if that any Statute, Charter, Letters Patents, Proclamation or Commandment, uſage, allowance or judgment be made to the contrary, the ſame ſhall be openly repealed, void, and holden for none. And moreover that every Merchant or other, of what condition he be, as well Alien as Denizen, that bring Wines, Fleſh, Fiſh, or other Victuals, Clothes, Woolfels, Avoir de pois, or any other manner of Merchandiſes or Chaffer to the City of London, or other Cities, Boroughs, and good Towns of England, or Port of the Sea, may freely and without challenge or impeachment of any, ſell in groſs or at retail, or by parcels at his will, to all manner of people that will buy the ſame, notwithſtanding any Franchiſes, grants or cuſtom uſed, or any other thing done to the contrary: ſithence that ſuch Uſages and Franchiſes be to the common prejudice of the King and his people. And that no Mayor, Bailiff, Catchpole, Miniſter, nor other, ſhall meddle with the ſale of any manner of Victual vendible, brought to Cities, Boroughs, or other Towns, nor Fair nor Market, but only he to whom the Victuals be; and Proclamation be thereof made of new in all Counties of England, and in the City of London, and in all other Cities, Boroughs, good Towns, Ports of the Sea, and other places within the Realm of England, where need ſhall be, and that the King thereupon cauſe to be aſſigned his Juſtices at all times that ſhall pleaſe him; and if need be, to enquire of all thoſe that ſhall offend againſt this Ordinance, or do any thing againſt the ſame, and to puniſh them according to the pain contained in the ſame Statute made the ſaid ninth year. And that every perſon that will ſue againſt any ſuch, ſhall have a Writ in the Chancery to attach him by his body, as a diſturber of the common profit, to cauſe him to come, thereof to make anſwer in the Kings Court. St. 2 R. 2. 1. St. 11 R. 2. 7. St. 16 R. 2. 1.

CAP. III.

The penalty of him that doth foreſtall Wares, Merchandiſe or Victual.

The penalties of foreſtallers of wares, merchandiſes or victuals. St. 2 R. 2. 2.

ITem, It is accorded and eſtabliſhed, That Foreſtallers of Wines, and all other Victuals, Wares and Merchandiſes that come to the good Towns of England by Land or by Water, in damage of our Lord the King and of his people, if they be thereof attainted at the ſuit of the King, or of the party, before Mayor, Bailiff or Juſtices thereto aſſigned, or elſewhere in the Kings Court; and if they be attainted at the Kings ſuit by indictment, or in other manner, the things foreſtalled ſhall be forfeited to the King, if the buyer thereof hath made gree to the ſeller. And if he have not made gree of all, but by earneſt, the buyer ſhall incur the forfeiture of as much as the foreſtalled goods forfeited do amount to, after the value as he bought them, if he have whereof; and if he have not whereof, then he ſhall have two years impriſonment and more at the Kings will, without being let to mainpriſe, or delivered in other manner. And if he be attainted at the ſuit of the party, the party ſhall have the one half of ſuch things foreſtalled and forfeit, or the price of the Kings gift, and the King the other half. St. 5 Ed. 6. 14.

CAP. IV.

New Wears ſhall be pulled down, and not repaired.

New wears ſhall be pulled down, and not repaired.

Cok. l. 10. f. 138

ITem, Whereas the common paſſage of Boats and Ships in the great Rivers of England be oftentimes annoyed by the inhanſing of Gorces, Mills, Wears, Stanks, Stakes, and Kiddles, in great damage of the people: It is accorded and ſtabliſhed, that all ſuch Gorces, Mills, Wears, Stanks, Stakes, and Kiddles, which be levied and ſet up in the time of King Edward the Kings grandfather, and after, whereby the Kings Ships and Boats be diſturbed, that they cannot paſs in ſuch River as they were wont, ſhall be out and utterly pulled down, without being renewed. And thereupon Writs ſhall be ſent to the Sheriffs of the places where need ſhall be, to ſurvey and enquire, and to do thereof execution. And alſo the Juſtices ſhall be thereupon aſſigned at all times that ſhall be needful. St. 45 Ed. 3. 2. 1 H. 4. 12. 12 E. 4. 7.

A Statute of Purveyors, made *Anno* 25 *Ed.* 3. and *Anno Dom.* 1350.

AT the Parliament ſummoned at Weſtminſter, in the Feaſt of St. Hillary, the year of the reign of our Lord King Edward the Third after the Conqueſt of England the five and twentieth, and of France the twelfth; our ſaid Lord the King by the aſſent of the Prelates, Earls, Barons, and of all the Comminalty of his Realm of England, ſummoned to the Parliament, to the honour of God, and holy Church, and in amendment of his ſaid Realm, hath ordained and eſtabliſhed the things underwritten.

CAP. I.

By what meaſure the Kings Purveyors ſhall take Corn. Things purveyed ſhall be praiſed, and Tallies made thereof.

FIrſt, Foraſmuch as great and outragious damage and grievance hath been done to the people by the takers or purveyors of victuals, for the houſes of our Lord the King, the Queen, and their Children: It is accorded and aſſented in the ſaid Parliament, That the takers of corn for the ſaid houſes, ſhall take the ſame by meaſure ſtriked according as is uſed throughout the land. And that ſuch corn, hey, litter, beſtail, and all other victuals and things, which ſhall be taken for the ſaid houſes, ſhall be praiſed at the very value, by the Conſtable and other good people of the Towns where ſuch taking ſhall be made, without that the praiſers by menace or dureſs ſhall be driven to ſet any other price then their oath will, and as commonly runneth in the next Markets. And that betwixt the Purveyors and them whoſe goods ſhall be taken in the preſence of the Conſtables and Praiſers, Tallies be made incontinently, without that that the people whoſe goods ſhall be taken, ſhall be drawn or travelled elſewhere, and the ſame Tallies ſealed with the ſeals of Takers of the things ſo taken, by which Tallies gree ſhall be made to them whoſe goods ſhall be ſo taken. And if any Purveyor or Taker for the ſaid Houſes, do in any other manner, he ſhall be preſently arreſted by the Town where the taking ſhall be made, and brought to the next Gaol: and if he be thereof attainted, it ſhall be done to him as of a thief, if the quantity of the goods the ſame require, according as in a Statute made in the time of our Lord the King that now is, the fifth year of his reign, and in another made in the time of the Kings Grandfather upon ſuch taking, is contained at the full. And that from henceforth in the Commiſſions of ſuch Takers and Purveyors, the intent and pain limited in this Statute ſhall be contained. And that no Commiſſion be made, but onely under the Kings great Seal, or privy Seal. Nor no man be bound to obey any ſuch Commiſſions, in other manner then is aforeſaid. And that the ſame Statute take place in all points againſt every Taker and Purveyor of every manner of victual in every part of the Realm, of what condition ſoever he be.

Corn ſhall be taken by meaſure ſtriken. 23 H. 6. 1.

Things taken for the Kings houſe ſhall be praiſed at the very value.

Tallies ſhall be made between the Purveyors and the owner of the goods taken. St. 2 & 3 P. & M.

St. 5 Ed. 3. 2. 28 Ed. 1. 2.

The Purveyors Commiſſions ſhall be under the Great or Privy Seal.

CAP. II.

A declaration which offences ſhall be adjudged Treaſon.

Co. Inſt. 3. p. 5. 1. Cok. l. 8. f. 28. Dyer fo. 93. 205 298. 1 Ed. 3. f. 24. Bro. Treaſon 1. 2. 3. 7. 9. 11. 13. 16. 19. 24. 27 32.

Cok. pl. 360. 22 Aſſ. pla. 49. Dyer fo. 288. 296. Cok. l. 3. f. 2. 10. l. 4. f. 57. l. 7. f. 33. l. 11. f. 34.

1 R. 3. f. 4. Dyer fo. 128. 332.

ITem, Whereas divers opinions have been before this time in what caſe Treaſon ſhall be ſaid, and in what not: The King at the requeſt of the Lords and of the Commons, hath made a declaration in the manner as hereafter followeth: That is to ſay, When a man doth compaſs or imagine the death of our Lord the King, or of our Lady his Queen, or of their eldeſt Son and Heir: or if a man do violate the Kings company, or the Kings eldeſt Daughter unmarried, or the Wife of the Kings eldeſt Son and Heir: or if a man do levie war againſt our Lord the King in his Realm, or be adherent to the Kings enemies in his Realm, giving to them aid and comfort in the Realm or elſewhere, and thereof be * probably attainted of open deed by the people of their condition. And if a man counterfeit the Kings Great or Privy Seal, or his Money: and if a man bring falſe money into this Realm, counterfeit to the money of England, as the money called Luſhburgh, or other like to the ſaid money of England, knowing the money to be falſe, to merchandiſe or make paiment, in deceit of our ſaid Lord the King, and of his people: and if a man ſlea the Chancellor, Treaſurer, or the Kings Juſtices of the one Bench or the other, Juſtices in Eyre, or Juſtices of Aſſiſes, and all other Juſtices aſſigned to hear and determine, being in their places doing their offices. And it is to be underſtood, that in the caſes above rehearſed

A declaration what offences are to be judged Treaſons high and petit. St. 1 H. 4. 10.

* Provably, Co. lib. 17. 15.

The King ſhall have the forfeiture of all the offenders lands in high treaſon.

Petit treaſon.

New queſtions of treaſons ſhall firſt be decided in Parliament.

rehearſed that ought to be judged Treaſon, which extends to our Lord the King and his Royal Majeſty. And of ſuch treaſon the forfeiture of the Eſcheats pertaineth to our Lord, as well of the Lands and Tenements holden of other, as of himſelf. And moreover, there is another manner of Treaſon, that is to ſay, when a ſervant ſlayeth his maſter, or a wife her husband, or when a man ſecular or religious ſlayeth his Prelate, to whom he oweth faith and obedience. And of ſuch treaſon, the Eſcheats ought to pertain to every Lord of his own fee. And becauſe that many other like caſes of Treaſon may happen in time to come, which a man cannot think nor declare at this preſent time, it is accorded, That if any other caſe, ſuppoſed Treaſon, which is not above ſpecified, doth happen before any Juſtices, the Juſtices ſhall tarry without any going to judgment of the Treaſon, till the cauſe be ſhewed and declared before the King, and his Parliament, whether it ought to be judged Treaſon or other Felony. And if percaſe any man of this Realm ride armed * covertly or ſecretly with men of arms againſt any other, to ſlay him, or rob him, or take him, or retain him till he hath made fine or ranſom for to have his deliverance, it is not the mind of the King nor his Council, that in ſuch caſe it ſhall be judged Treaſon, but ſhall be judged Felony or Treſpaſs, according to the Laws of the Land of old time uſed, and according as the caſe requireth. And if in ſuch caſe or other like, before this time any Juſtices have judged Treaſon, and for this cauſe the Lands and Tenements have comen into the Kings hands as forfeit, the chief Lords of the fee ſhall have the Eſcheats of the Tenements holden of them, whether that the ſame Tenements be in the Kings hands, or in others, by gift, or in other manner. Saving always to our Lord the King the year, and the waſte, and the forfeitures of chattels, which pertain to him in the caſes above named. And that the Writs of Scire facias be granted in ſuch caſe againſt the land-tenants without other original, and without allowing any protection in the ſaid ſuit. And that of the lands which be in the Kings hands, Writs be granted to the Sheriffs of the Counties where the lands be, to deliver them out of the Kings hands without delay. St. 1 Ed. 6. 12. 1 M. Seſſ. 1. 13 Car. 2. ca. 1.

Fitz. Coron. 7. 110. 383. Bro. Treaſon 6. 8. 12 15. 30. Co. l. 12. 16. Cro. Car. 117. 332.

* Diſcovertment ou ſecretment. Rot. Parl. n. 17.

CAP. III.

No Indictor ſhall be put upon the enqueſt of the party indicted.

Indictors.

Item, It is accorded, That no Indictor ſhall be put in Enqueſts upon deliverance of the Indictees of felonies or treſpaſs, if he be challenged for that ſame cauſe by him which is ſo indicted.

12 Aſſ. pla. 36. Bro. Challenge. 42. 101. 120. 142. 166.

CAP. IV.

None ſhall be condemned upon ſuggeſtion without lawful preſentment.

St. 9 H. 3. 29. None ſhall be condemned by ſuggeſtion without lawful preſentment.

Item, Whereas it is contained in the great Charter of the Franchiſes of England, that none ſhall be impriſoned nor put out of his freehold, nor of his franchiſes nor free cuſtom, unleſs it be by the Law of the Land: It is accorded, aſſented, and ſtabliſhed, that from henceforth none ſhall be taken by petition or ſuggeſtion made to our Lord the King, or to his Council, unleſs it be by indictment or preſentment of his good and lawful people of the ſame neighbourhood, where ſuch deeds be done in due manner, or by proceſs made by Writ original at the common Law. Nor that none be out of his franchiſes, nor of his freeholds, unleſs he be duly brought in anſwer, and forejudged of the ſame by the courſe of the Law. And if any thing be done againſt the ſame, it ſhall be redreſſed and holden for none. St. 5 Ed. 3. 9. St. 28 Ed. 3. 3. St. 42 Ed. 3. 3. 17 Car. 1. ca. 10.

CAP. V.

Executors of Executors ſhall have the benefit and charge of the firſt Teſtator.

Executors of Executors ſhall anſwer and be anſwered. St. 13 Ed. 1. 23.

Item, It is accorded and ſtabliſhed, that Executors of Executors ſhall have actions of debts, accompts, and of goods carried away of the firſt Teſtators, and execution of Statutes-Merchants and Recogniſances made in Court of Record to the firſt Teſtator, in the ſame manner as the firſt Teſtator ſhould have had, if he were in life, as well of actions of the time paſt, as of the time to come, in all caſes, where judgment is not yet given betwixt ſuch Executors: but that the judgments given to the contrary to this article in times paſt ſhall ſtand in their force. And that the ſame Executors of Executors ſhall anſwer to other of as much as they have recovered of the goods of the firſt Teſtators, as the firſt Executors ſhould do, if they were in full life. Reg. f. 147. V. N. B. fo. 58. Raſt. pla. fo. 323.

Plow. f. 286. Fitz. Covenant 24. Fitz. Executors. 92. 103. 110. 120.

Fitz. Executors. 10. 29. 70. 95. 120.

CAP. VI.

A Purveyor ſhall not take Timber in or about any perſons houſe.

No timber ſhall be taken about a mans houſe.

Item, It is accorded and ſtabliſhed, That no taker of wood nor of timber to the Kings uſe for work, nor for to make other thing, ſhall cut or fell down the trees of any man growing about or within his houſe. And if any do to the contrary, he ſhall make gree to the party of his treble damage, and ſhall be one year in priſon, and be forejudged of his office. St. 9 H. 3. 21. St. 14 Ed. 3. 19.

CAP. VII.

Keepers of a Forreſt or Chaſe ſhall gather nothing without the owners good will.

A Forreſter ſhall gather nothing but that which is due.

Moreover, It is accorded and ſtabliſhed, That no Forreſter, nor Keeper of Forreſt or Chaſe, nor any other Miniſter, ſhall make or gather ſuſtenance nor other gathering of victuals, nor other thing, by colour of their office, againſt any mans will, within their Bailiwick nor without, but that which is due of old right. Charta de Forreſta 7.

CAP.

CAP. VIII.

None ſhall be bound to find men of Arms, but by tenure or grant by Parliament.

Item, It is accorded and aſſented, That no man ſhall be conſtrained to find men of Arms, Hoblers, nor Arches, other then thoſe which hold by ſuch ſervices, if it be not by common aſſent and grant made in Parliament. St. 1 Ed. 3. 5. St. 4 H. 4. 13.

Finding of men of arms.

CAP. IX.

Auncel weight ſhall be put out, and weighing ſhall be by equal balance.

Item, Whereas great damage and deceit is done to the people, for that divers Merchants uſe to buy and weigh woolls and other merchandiſes, by a weight, which is called Auncel: It is accorded and eſtabliſhed, that this weight called Auncel, betwixt buyers and ſellers, ſhall be wholly put out. And that every perſon do ſell and buy by the balance, ſo that the balance be even, and the woolls and other merchandiſes evenly weighed by right weight, ſo that the ſack of wooll weigh no more but xxvi. ſtones, and every ſtone to weigh xiiii l. And that the beam of the balance do not bow more to the one part then to the other. And that the weight be according to the ſtandard of the Eſchequer. And if any buyer do the contrary, he ſhall be grievouſly puniſhed, as well at the ſuit of the party, as at ſuit of our Lord the King. St. 11 H. 7. 4. St. 8. H. 6. 5.

Auncel weight ſhall be put out. St. 34 Ed. 3. 5.

Buying and ſelling ſhall be by equal meaſure. St. 27 Ed. 3. 10.

CAP. X.

Every meaſure ſhall be according to the Kings Standard, and ſhall be ſtriked without heap. Saving the Rents of Lords.

Item, Whereas it is contained in the great Charter, that one meaſure ſhall be throughout England, which Charter hath not been well kept and holden in this point in times paſt: It is accorded and aſſented, that all the meaſures, that is to ſay, Buſhels, half-buſhels, peck, gallon, pottle, and quart, throughout England, within franchiſes and without, ſhall be according to the Kings Standard. And the quarter ſhall contain viii. buſhels by the ſtandard, and no more. And every meaſure of corn ſhall be ſtriken without heap, ſaving the rents and ferms of Lords, which ſhall be meaſured by ſuch meaſures as they were wont in times paſt. And the purveyors of the King, of the Queen, and all other, ſhall make their purveyances by the ſame meaſure ſtriked in the ſame manner, and at all times that ſhall be needful. And our Lord the King ſhall aſſign certain Juſtices in every County to enquire, hear, and determine, upon the points aforeſaid, and upon the ſame to do puniſhment according to the treſpaſs, as well at the parties ſuit, as at the Kings. So always, that all manner of franchiſes be ſaved to the Lords in all points, without blemiſh to be made in any manner. St. 34 Ed. 3. 6.

St. 9 H. 3. 25. Every meaſure ſhall be according to the Kings ſtandard.

Juſtices ſhall enquire of, and puniſh the offendors.

CAP. XI.

Aid to make the Kings Son Knight, or to marry his Daughter.

Item, It is aſſented, that reaſonable aid to make the Kings eldeſt Son Knight, and marry his eldeſt daughter, ſhall be demanded and levied after the form of the Statute thereof made, and not in other manner, that is to ſay, of every Knights fee holden of the King without Mean, twenty ſhillings and no more, and of every xx l. of land holden of the King without Mean in Socage xx. ſhillings and no more. Regiſt. fo. 87. Fitz. N. B. fo. 82. f.

Fitz. Barre 18.

What ſhall be paid to the King for reaſonable aid. St. 6 E. 1. 35.

CAP. XII.

No perſon ſhall take profit by exchange of gold or ſilver.

Item, It is accorded, that it ſhall be lawful for every man to exchange gold for ſilver, or ſilver for gold, or for gold and ſilver, ſo * that no man hold the ſame as exchanged, nor take no profit for making ſuch exchange, upon pain of forfeiture of the money ſo exchanged, except the Kings Exchangers, which take profit of ſuch exchange, according to the ordinance afore made. St. 5 Ed. 6. 19. 3 H. 7. 6.

Exchanging of money.

* The French is, iſſint que nul home reigne comen eſchange.

CAP. XIII.

The money of gold or ſilver now currant, ſhall not be impaired.

Item, It is accorded, that the money of gold and ſilver, which now runneth, ſhall not be impaired, in weight, nor in allay; but aſſoon as a good way may be found, the ſame be put in the ancient ſtate, as in the ſterling. Co. Inſt. 2 par. 577.

Money ſhall not be impaired in weight or allay.

CAP. XIV.

What proceſs ſhall be awarded againſt him that is indited of felony.

Item, It is accorded, that after any man be indicted of felony before the Juſtices in their Seſſions, to hear and determine, it ſhall be commanded to the Sheriff, to attach his body by Writ or by Precept, which is called a Capias; and if the Sheriff return in the ſame Writ or Precept that the body is not found, another Writ or Precept of Capias ſhall be incontinently made, returnable at three weeks after, and in the ſame Writ or Precept, it ſhall be compriſed, that the Sheriff ſhall cauſe to be ſeiſed his chattels, and ſafely to keep them till the day of the Writ or Precept returned. And if the Sheriff return, that the body is not found, and the Enditee cometh not, the exigent ſhall be awarded, and the chattels ſhall be forfeit, as the Law of the Crown ordaineth. But if he come and yield himſelf, or be taken by the Sheriff, or by other Miniſter, before the return of the ſecond Capias, then the goods and chattels ſhall be ſaved. Raſt. pla. fo. 109. 417.

Fitz. proceſs 192.

What proceſs ſhall be awarded againſt him that is indicted of felony.

CAP. XV.

The penalty of a Purveyor taking more ſheep then be needful.

The penalty of a Purveyor that taketh more ſheep for the Kings houſe before ſhear-time then be needful.

ITem, Foraſmuch as the takers and buyers of the Kings prices, do take ſheep from people betwixt Eaſter and the feaſt of Saint John Baptiſt, with their woolls, and cauſe the ſame to be praiſed at a ſmall price, and after ſend them to their own houſes, and cauſe them to be ſhorn to their own profit, in deceit of the King, and great oppreſſion of the people: It is accorded, That no ſuch taker, purveyor, nor buyer, ſhall take any ſheep before the time of the ſhearing, but as many as may reaſonably ſuffice till the time of ſhearing. And after that time they ſhall take as many ſheep ſhorn, and not other, that may reaſonably ſuffice them for the time to come. And if any taker, purveyor, or buyer of the Realm, do againſt the ſame, and be thereof attainted at the ſuit of the King, or of the party, it ſhall be done to him as a thief or a robber. And the pain ſhall be contained in every Commiſſion of ſuch Purveyors.

CAP. XVI.

The exception of Nontenure of parcel ſhall not abate the whole Writ.

Nontenure.

ITem, It is accorded, that by the exception of Nontenure of parcel, no Writ ſhall be abated, but for quantity of the Nontenure which is alledged. Regiſt. fo. 228. Raſt. pla. fo. 440.

36 H. 6. f. 15. Bro. Nontenure 33. 49. 50.

CAP. XVII.

Proceſs of Exigent ſhall be awarded in Debt, Detinue, and Replevin.

Proceſs in debt and detinue.

ITem, It is accorded, that ſuch proceſs ſhall be made in a Writ of Debt and detinue of chattels, and taking of beaſts by Writ of Capias, and by proceſs of Exigend by the Sheriffs return, as is uſed in a Writ of accompt. Regiſt. fo. 81. &c. V. N. B. fo. 63. 65. Fitz. N. B. fo. 69. 139. A. Raſt. pla. fo. 149.

22 H. 6. f. 42. 30 Ed. 3. f. 9. 7 Ed. 4. f. 9. Fitz. proceſs 72. 115. 121. 216.

CAP. XVIII.

Villenage may be pleaded, and a Villein ſeiſed, though a Libertate probanda be depending.

Villenage may be pleaded, and a Villein ſeiſed, though a Libertate probanda do depend.

ITem, It is ordained and aſſented, that notwithſtanding adjournment made in Eyre, by Writ of Libertate probanda, purchaſed in favour of Villeins to delay their Lords of their actions of ſuch Villeins, the ſame Lords ſhall be received to alledge the exception of Villenage againſt their Villeins in all Writs, whether that the ſaid Writs of Libertate probanda were purchaſed by deceit or in other manner. And that the Lords may ſeiſe the bodies of their Villeins, as well as they might, before that the Writs of Libertate probanda were ordained or purchaſed. Regiſt. fo. 87. V. N. B. fo. 46. Fitz. N. B. fo. 77. C. Raſt. pla. 374. 401.

26 Ed. 3. f. 78. 11 H. 4. f. 49. 25 Ed. 3. f. 49. Fitz. Villenage 39. 47.

CAP. XIX.

By the Kings protection the parties ſuit ſhall not be hindered, but his execution.

By the Kings protection the parties ſuit ſhall not be hindred, but his execution.

ITem, Foraſmuch as our Lord the King hath made before this time protection to divers people, which were bounden to him in ſome manner of Debt, that they ſhould not be impleaded of the Debts which they owed to other, till they had made gree to our Lord the King, of that which to him was due by them, by reaſon of his Prerogative; and ſo during ſuch protections, no man hath uſed, nor durſt implead ſuch debtors: It is accorded and aſſented, that notwithſtanding ſuch protections, the parties which have actions againſt their debtors, ſhall be anſwered in the Kings Court by their debtors. And if judgment be thereupon given for the plaintiff or demandant, the execution of the ſame judgment ſhall be put in ſuſpence till gree be made to the King of his debt. And if the Creditors will undertake for the Kings debt, they ſhall be thereunto received, and ſhall have execution againſt the debtors of the debt due and adjudged to them, and alſo ſhall recover againſt them as much as they ſhall pay to the King for them. Fitz. N. B. fo. 28. B.

Cro. Jac. 477.

Co. Inſt. 131. b.

29 Ed. 3. f. 13.

The creditors undertaking for the Kings debt,

CAP. XX.

Plate of gold and ſilver ſhall be received into the Kings Mint by weight, and not by number; and ſo ſhall the money be returned.

Moneyors.

ITem, It is accorded and aſſented, that the Moneyors, and other Wardens and Miniſters of the Money, ſhall receive plate of gold and ſilver by the weight. And in the ſame manner ſhall deliver the Money when it ſhall be made, by weight, and not by number, without any tarrying.

CAP. XXI.

The Kings Butler ſhall purvey no more Wine then ſhall be appointed.

The Kings Butler ſhall take no more Wines then ſhall be appointed him.

ITem, Whereas before this time the Kings Butlers and their Deputies were wont to take, and daily do take much more Wine, by colour of their Office, to the Kings uſe, then they ſhall need, whereof the worſt they deliver to the Kings uſe, and the beſt in great number they retain to themſelves, to ſell and make thereof their profit: and ſometime they releaſe to Merchants that which they have taken of them, for fines and gifts, which they take of the ſame Merchants by extortion, to the great damage and impoveriſhment of the ſaid Merchants: It is accorded, That the Steward of the Kings houſe, and Treaſurer of the Wardrobe, ſhall ſend to all the Ports of England, where Wines be to be taken to the Kings uſe, the certain number which the Butler ſhall take in every Port, ſo that nothing be taken over this number. And that the Mayor and Bailiffs of the ſaid Ports certifie the ſaid Steward and Treaſurer of the number of all the Tuns ſo taken by the Butler or his Lieutenant, under the Seal of the ſaid Mayor and Bailiffs, by Indentures made betwixt them and the takers of the ſaid Wines. And in caſe that it be found, that the Butler or his

Lieutenant take more, or take reward of any, or delay any by colour of his Office, as by arreſt, he ſhall make gree to the party of the double, and ſhall be put out of his office, and have impriſonment, and be ranſomed at the Kings will. And the King ſhall aſſign his Juſtices, when ſhall pleaſe him, to enquire upon theſe things. And the Butler ſhall anſwer as well for his deputies, as for himſelf, where they be not ſufficient. Stat. 43 Ed.3.3.

CAP. XXII.

He that purchaſeth a Proviſion in Rome for an Abbey, ſhall be out of the Kings protection, and any man may do with him as with the Kings enemy. St. 7 R.2.12. Regiſt. f. 181. V. N. B. f. 153. AL. Stat. 5 El. 1.

CAP: XXIII.

The debt of a Lombard unpaid, ſhall be ſatisfied by his company. O B.

The Statute of Proviſors of Benefices, made *Anno* 25 *Ed.* 3. and *Anno Domini* 1350.

The King and other Lords ſhall preſent unto Benefices of their own, or their anceſtors foundation, and not the Biſhop of Rome.

St.Carlile anno 35 Ed. 1.

Whereas late in the Parliament of good memory of Edward King of England, grandfather to our Lord the King that now is, the xxv. year of his reign, holden at Carlile, the petition heard, put before the ſaid grandfather and his Council in his ſaid Parliament by the Communalty of the ſaid Realm, containing, That whereas the holy Church of England was founded in the eſtate of Prelacy within the Realm of England by the ſaid grandfather and his progenitors, and the Earls, Barons, and other Nobles of his ſaid Realm and their anceſtors, to inform them and the people of the Law of God, and to make hoſpitalities, alms, and other works of charity in the places where the Churches were founded, for the ſouls of the founders, their heirs, and all Chriſtians; and certain poſſeſſions as well in fees, lands, rents, as in advowſons, which do extend to a great value, were aſſigned by the ſaid founders to the Prelates and other people of the holy Church of the ſaid Realm, to ſuſtain the ſame charge, And eſpecially of the poſſeſſions which were aſſigned to Archbiſhops, Biſhops, Abbots, Priors, religious and all other people of holy Church, by the Kings of the ſaid Realm, Earls, Barons, and other great men of his Realm: the ſame Kings, Earls, Barons, and other Nobles, as Lords and Advowees, have had and ought to have the cuſtody of ſuch voidances, and the preſentments and the collations of the Benefices being of ſuch Prelacies.

The cauſes why the Kings and Noblemen of the Realm did give lands to Biſhops and other Prelates.

The Pope beſtowed ſpiritual livings upon Aliens not dwelling in England.

The inconveniences which did enſue the Popes proviſions of benefices to Aliens in England.

And the ſaid Kings in times paſt were wont to have the greateſt part of their Council, for the ſafeguard of the Realm when they had need, of ſuch Prelates and Clerks, ſo advanced: The Biſhop of Rome, accroching to him the Seigniorities of ſuch poſſeſſions and Benefices, doth give and grant the ſame Benefices to Aliens, which did never dwell in England, and to Cardinals, wich might not dwell here, and to other as well Aliens as Denizens, as if he had been Patron, or Advowee of the ſaid dignities and Benefices, as he was not of right by the Law of England; whereby if they ſhould be ſuffered, there ſhould ſcarcely be any Benefice within a ſhort time in the ſaid Realm, but that it ſhould be in the hands of Aliens and Denizens by vertue of ſuch proviſions, againſt the good will and diſpoſition of the Founders of the ſame Benefices. And ſo the elections of Archbiſhops, Biſhops, and other religious ſhould fail, and the alms, hoſpitalities, and other works of charity, which ſhould be done in the the ſaid places, ſhould be withdrawn, the ſaid grandfather, and other lay-patrons, in the time of ſuch voidances, ſhould loſe their preſentment, the ſaid Council ſhould periſh, and goods without number ſhould be carried out of the Realm, in adnullation of the eſtate of the holy Church of England, and diſheriſon of the ſaid grandfather, and the Earls, Barons, and other Nobles of the ſaid Realm, and in offence and deſtruction of the laws and rights of his Realm, and to the great damage of his people, and in ſubverſion of all the eſtate of his ſaid Realm, and againſt the good diſpoſition and will of the firſt Founders: By the aſſent of Earls, Barons, and other Nobles, and of all the ſaid Communalty, at their inſtances & requeſts, the damage & grievances afore conſidered, in the ſaid full Parliament it was ordained, provided, eſtabliſhed, agreed, adjudged, and conſidered, that the ſaid oppreſſions, grievances, and damages in the ſame Realm from henceforth ſhould not be ſuffered in any manner. And now it is ſhewed to our Lord the King in this preſent Parliament holden at Weſtminſter, at the utas of the Purification of our Lady, the five and twentieth year of his reign of England, and of France the twelfth, by the grievous complaints of all the Commons of his Realm, that the grievances and miſchiefs aforeſaid do daily abound, to the greater damage and deſtruction of all his Realm of England, more then ever were before: viz. that now of late the Biſhop of Rome by procurement of Clerks and otherwiſe, hath reſerved, and doth daily reſerve to his collation generally and eſpecially, as well Archbiſhopricks, Biſhopricks, Abbyes, and Priories, as all other dignities, & other Benefices of England, which be of the advowry of people of holy Church, and give the ſame as well to Aliens as to Denizens, and taketh of all ſuch Benefices the firſt fruits, and many other profits, and a great part of the treaſure of the ſaid Realm is carried away and diſpended out of the Realm, by the purchaſers of ſuch Benefices and graces aforeſaid: and alſo by ſuch privy reſervations many Clerks advanced in this Realm by their true Patrons, which have peaceably holden their advancements by long time, be ſuddainly put out: whereupon the ſaid Commons have prayed our ſaid Lord the King, that ſith the right of the Crown of England, and the Law of the ſaid Realm is ſuch, that upon the miſchiefs

The Pope giveth the benefices of the Church, & reſerveth the firſt fruits to himſelf.

and damages which happen to his Realm, he ought and is bound by his oath, with the accord of his people in his Parliament thereof to make remedy and law, and in removing the miſchiefs and damages which thereof enſue, that it may pleaſe him thereupon to ordain remedy.

The cauſe and reaſons of making the ſtatute.

Elections of the dignities of the Church ſhall be free as they were founded.

Patrons and founders of the Church and their heirs ſhall have the collation or preſentation to them being void.

St. 9 H.3.33.

Where the Pope maketh proviſion to a dignity of the Church, the King ſhall preſent. Fitz N.B.f.37. c.169.f.

Our Lord the King ſeeing the miſchiefs and damage before mentioned, and having regard to the ſaid Statute, made in the time of his ſaid grandfather, and to the cauſes contained in the ſame; which Statute holdeth always his force, and was never defeated, repealed, nor adnulled in any point, and by ſo much he is bounden by his oath to cauſe the ſame to be kept as the law of his Realm, though that by ſufferance and negligence it hath been ſithence attempted to the contrary; alſo having regard to the grievous complaints made to him by his people in divers his Parliaments holden heretofore, willing to ordain remedy for the great damages and miſchiefs which have happened and daily do happen to the Church of England by the ſaid cauſe: By the aſſent of all the great men and the Communalty of the ſaid Realm, to the honor of God and profit of the ſaid Church of England, and of all his Realm, hath ordered and ſtabliſhed, that the free elections of Archbiſhops, Biſhops, and all other dignities and benefices elective in England, ſhall hold from henceforth in the manner as they were granted by the Kings progenitors, and the anceſtors of other Lords founders of the ſaid dignities and other benefices. And that all Prelates and other people of holy Church, which have advouſons of any benefices of the Kings gift, or of any of his progenitors, or of other Lords and donors to do divine ſervices and other charges thereof ordained, ſhall have their collations and preſentments freely to the ſame, in the manner as they were enfeoffed by their donors. And in caſe that reſervation, collation, or proviſion, be made by the court of Rome of any Archbiſhoprick, Biſhoprick, dignity, or other benefice, in diſturbance of the free elections, collations, or preſentations afore named, which at the ſame time of the voidance, that ſuch reſervations, collations, and proviſions ought to take effect, our Lord the King and his heirs ſhall have and enjoy for the ſame time the collations to the Archbiſhopricks and other dignities elective, which be of his advowry, ſuch as his progenitors had before that free election was granted, ſince that the election was firſt granted by the Kings progenitors upon a certain form and condition, as to demand licence of the King to chuſe, and after the election to have his royal aſſent, and not in other manner. Which conditions not kept, the thing ought by reaſon to reſort to his firſt nature.

11 H.4.f.37. 59.76.

44 Ed.3.f.36.

The penalties of thoſe which by proviſions from Rome, do diſturb ſuch preſentments or elections as others ought to make. 26 H.8.15.

And if any ſuch reſervation, proviſion, or collation be made of any houſe of Religion of the Kings advowry, in diſturbance of free election, our Soveraign Lord the King, and his heirs, ſhall have for that time the collation to give this dignity to a convenient perſon. And in caſe that collation, reſervation or proviſion be made by the court of Rome of any Church, prebend or other benefices, which be of the advowry of people of holy Church, whereof the King is advowee paramont immediate, that at the ſame time of the voidance, at which time the collation, reſervation, or proviſion ought to take effect as afore is ſaid, the King and his heirs thereof ſhall have the preſentment or collation for the time. And ſo from time to time, whenſoever ſuch people of holy Church ſhall be diſturbed of their preſentments, or collations, by ſuch reſervations, collations, or proviſions, as afore is ſaid: ſaving to them the right of their advowſons and their preſentments, when no collation or proviſion of the court of Rome is thereof made, where that the ſaid people of holy Church ſhall or will to the ſame benifices preſent or make collation. And that their Preſentees may enjoy the effect of their collations or preſentments. And in the ſame manner every other Lord, of what condition that he be, ſhall have the collations or preſentments to the houſes of religion, which be of his advowry, and other benefices of holy Church, which be pertaining to the ſame houſes. And if ſuch advowees do not preſent to ſuch benefices within the half year after ſuch voidances, nor the Biſhop of the place do not give the ſame by lapſe of time within a month after half a year: that then the King ſhall have thereof the preſentments and collations, as he hath of other of his own advowry. And in caſe that the Preſentees of the King, or the preſentees of other Patrons of holy Church, or of their advowees, or they to whom the King or ſuch Patrons or advowees aforeſaid have given benefices, pertaining to their preſentments or collations, be diſturbed by ſuch proviſors, ſo that they may not have poſſeſſion of ſuch benefices, by vertue of the preſentments or collations to them made, or that they which be in poſſeſſion of ſuch benefices, be impeached upon their ſaid poſſeſſions, by ſuch proviſors; then the ſaid proviſors, their procurators, executors, and notaries, ſhall be attached by their body, and brought in to anſwer. And if they be convict, they ſhall abide in priſon without being let to mainpriſe or bail, or otherwiſe delivered, till that they have made fine and ranſome to the King at his will, and gree to the party that ſhall feel himſelf grieved. And nevertheleſs before that they be delivered, they ſhall make full renunciation, and find ſufficient ſurety, that they ſhall not attempt ſuch things in time to come, nor ſue any Proceſs by them, nor by other againſt any man in the Court of Rome, nor in any part elſe where, for any ſuch impriſonments, or renunciations, nor any other thing depending of them.

Fitz.premunire 9.12.

And in caſe that ſuch Proviſors, procurators, executors, or notaries be not found, that the Exigent ſhall run againſt them by due proceſs, and that Writs ſhall go forth to take their bodies in what parts they be found, as well at the Kings ſuit, as at the ſuit of the party, and that in the mean time the King ſhall have the profits of ſuch benefices ſo occupied by ſuch proviſors, except Abbeys, Priories, and other Houſes, which have Colledges or Covents. And in ſuch houſes the colledges and covents ſhall have the profits. Saving always to our Lord the King, and to all other Lords, their old right. And this Statute ſhall have place, as well of reſervations, collations, and proviſions made and granted in times paſt againſt all them which have not yet obtained corporal poſſeſſion of the Benefices granted to them by the ſame reſervations, collations, and proviſions, as againſt all other in time to come. And this Statute ought to hold place, and to begin at the ſaid Utas. St. 13 R.2.1. V.N.B.f.153. Raſt.pl.f.427.465.

The Statute of the levying of the Fifteenth, made *Anno* 25 *Ed.* 3. and *Anno Domini* 1350.

The King granteth to the Commons in aid of a Diſme and Fifteen by them before granted to him, all the iſſues, fines, forfeitures, and amerciaments levied of Labourers, Artificers, Regrators, Victuallers, and ſervants. Exp. St. 23 Ed.3.8. 36 Ed.3.14.

A Statute of Proviſors, made *Anno* 27 *Ed*. 3. and *Anno Dom.* 1353.

OUr Lord the King, by the aſſent and prayer of the great men, and the Commons of his Realm of England, at his great Council holden at Weſtminſter, the Munday next after the Feaſt of Saint Matthew the Apoſtle, the ſeven and twentieth year of his reign of England, and of France the fourteenth, in amendment of his ſaid Realm, and maintenance of the Laws and Uſages, hath ordained and ſtabliſhed theſe things under-written.

CAP. I.

Premunire for ſuing in a fortein Realm, or impeaching of Judgment given.

Co.Inſt.2 par. 119. 4 par.86.

14 H.4.f.14. 2 R.3.f.17. 5 Ed.4.f.6. 9 Ed.4.f 3. 30 Ed.3.f.11. Fitz.premunire. 5.6.10.

43 Ed.3.f.6. 39 Ed.3.f.7. 42 Ed.3.f.7.

Bro.Atturney. 48.53.104. Co.l.11.f.34. 44 Ed.3.f.7. 36.

FIrſt, becauſe it is ſhewed to our Lord the King, by the grievous and clamorous complaints of the great men and Commons aforeſaid, how that divers of the people be, and have been drawn out of the Realm to anſwer of things, whereof the Cogniſance pertaineth to the Kings Court: and alſo that the judgments given in the ſame Court be impeached in another Court, in prejudice and diſheriſon of our Lord the King, & of his Crown, and of all the people of his ſaid Realm, and to the undoing and deſtruction of the common Law of the ſame Realm at all times uſed. Where upon good deliberation had with the great men and other of his ſaid Council, it is aſſented and accorded by our Lord the King, and the great men and Commons aforeſaid, that all the people of the Kings ligeance, of what condition that they be, which ſhall draw any out of the Realm in plea, whereof the coniſance pertaineth to the Kings Court, or of things whereof judgments be given in the Kings Court: or which do ſue in any other Court to defeat or impeach the judgments given in the Kings Court, ſhall have day, containing the ſpace of two months, by warning to be made to them in the place where the poſſeſſions be, which be in debate, or otherwiſe, where they have lands, or other poſſeſſions, by the Sheriffs, or other the Kings Miniſters, to appear before the King and his Council, or in his Chancery, or before the Kings Juſtices in his places of the one Bench or the other, or before other the Kings Juſtices, which to the ſame ſhall be deputed, to anſwer in their proper perſons to the King of the contempt done in this behalf. And if they come not at the ſaid day in their proper perſon to be at the Law, they, their Procurators, Atturnies, Executors, Notaries, and Maintainors, ſhall from that day forth be put out of the Kings protection, and their lands, goods, and chattels forfeit to the King, and their bodies whereſoever they may be found, ſhall be taken and impriſoned, and ranſomed at the Kings will. And upon the ſame a writ ſhall be made to take them by their bodies, and to ſeiſe their lands, goods, and poſſeſſions, into the Kings hands. And if it be returned, that they be not found, they ſhall be put in exigent and outlawed.

The penalty for ſuing in a forrain Realm for any thing whereof the Kings Court is to take conuſence, or to impeach a judgment given in the Kings Court.

Provided always, that at what time they come before they be outlawed, and will yield them to the Kings priſon, to be juſtified by the Law, and to receive that which the Court ſhall award in this behalf, that they ſhall be thereto received. The forfeiture of the lands, goods and chattels abiding in their force, if they do not yield them within the ſaid two months, as afore is ſaid. Reg. f. 59. 180. Reg. jud. 82. V. N. B. f. 153. Raſt. pl. f. 24. 221. 427. 446. 465.

Apparence of the offendor after two months will ſave his outlawry, but not his lands or goods.

CAP. II.

In a pardon of Felony the ſuggeſtions and ſuggeſtor's name ſhall be compriſed.

ITem, becauſe our Lord the King hath often granted charters of pardon of felonies, upon feined and untrue ſuggeſtions of divers people, whereof much evil hath chanced in times paſt: and for to eſchue ſuch evil, it is accorded and aſſented by our ſaid Lord the King, and all the ſaid Council, that from henceforth in every Charter of Pardon of felony, which ſhall be granted at any mans ſuggeſtion, the ſaid ſuggeſtion, and the name of him that maketh the ſuggeſtion, ſhall be compriſed in the ſame Charter. And if after the ſame ſuggeſtion be found untrue, the Charter ſhall be diſallowed and holden for none. And the Juſtices before whom ſuch Charters ſhall be alledged, ſhall enquire of the ſame ſuggeſtion, and that as well of Charters granted before this time, as of Charters which ſhall be granted in time to come. And if they find them untrue, then they ſhall diſallow the Charters ſo alledged, and ſhall moreover do as the Law demandeth.

In every pardon of felony, the ſuggeſtion and the ſuggeſtors name ſhall be compriſed.

A pardon granted upon a falſe ſuggeſtion, ſhall be diſallowed. Raſt.pl.f.459.

CAP. III.

Commiſſions ſhall be granted to enquire of offenders contrary to the Statute of 23 Ed. 3. 6. Exp.

CAP. IV.

The Aulnegers fees for every Cloth ſold. Clothes ſhall be ſealed before they be put to ſale. A Subſidy granted to the King of every Cloth ſold.

The length and breadth of coloured cloth, and Cloth of ray.

The Kings releaſe of the forfeiture of clothes.

The Aulnegers fee for every cloth and half cloth ſold.

A Subſidy granted to the King of every cloth.

Cloth put to ſale before they be ſealed ſhall be forfeit.

ITem, whereas the great men and Commons have ſhewed to our Lord the King, how divers Merchants as well Foreiners as Denizens, have withdrawn them, and yet do withdraw them to come with Clothes into England, to the great damage of the King and of all his people, becauſe that the Kings Aulneger ſurmiſeth to Merchant-ſtrangers, that their Clothes be not of Aſſiſe, that is to ſay, the coloured Cloth of the length of ſix and twenty yards meaſured by the creſt, and of the breadth of ſix quarters and an half: And the Cloth of ray, of the length of eight and twenty yards meaſured by the liſt, and of the breadth of ſix quarters; and whereas the ſame have been arreſted as forfeit to our Lord the King, they have prayed our ſaid Lord the King, that it may pleaſe him to releaſe & put out ſuch forfeitures in eaſe of his people, for a convenient recompence to be made to him, of the other party: our Lord the King, upon ſuch condition hearing their ſupplication, hath releaſed and excluded him of all the ſaid forfeitures, and he willeth and granteth for him and for his heirs, that there ſhall be no Clothes forfeit, although they be not of the ſame Aſſiſe, but the Kings Aulneger ſhall meaſure the Cloth and mark the ſame, by which mark a man may know how much the Cloth containeth. And of as much as the Cloth, which is bought for Cloth of Aſſiſe, ſhall be found leſs then the Aſſiſe, allowance or abatement ſhall be made to the buyer in the paiment, which he ſhall make for the ſame Cloth, after the quantity of the price for which the Cloth was bought. And the Aulneger ſhall take for every Cloth ſo meaſured, which is of Aſſiſe, that is to ſay, of the ſeller an half-peny, and of half a Cloth a farthing for his office, and no more, nor they ſhall take nothing of the Clothes which be leſs then of the half Cloth. And that he nothing meddle of the Aulnage of any Cloth, but only of Clothes which are to be ſold. And for ſo much as the ſaid Lords and Commons have granted to the King a Subſidy of every Cloth, which is to be ſold, to take of the ſeller over the cuſtoms thereof due, that is to ſay, of every Cloth of the ſaid Aſſiſe, wherein there is no grain, iiii. d. and of every half ſuch Cloth ii. d. and of every Cloth of Aſſiſe of Scarlet vi. d. and of every half ſuch Cloth iii. d. and of every Cloth half grain of Aſſiſe v. d. and of every half ſuch Cloth ii. d. ob. And that every Cloth paſſing the half Cloth of Aſſiſe by iii. yards and more, which is no Cloth whole of Aſſiſe, and alſo of every Cloth paſſing the whole Cloth by three yards and more, ſhall be taken after the rate of the Subſidy which is to be paid for the whole Cloth of the ſame ſort. So always that of no Cloth, which containeth not half a Cloth, nor of Clothes which a man maketh for his own uſe to clothe him and his meiny, nor of Cloth ſealed with the Seal of the Collectour of the ſaid Subſidy, of which the ſame Subſidy was once paid by the ſeller, to whoſe hands that ſuch Clothes ſhall come after to ſell, or in any manner, nothing of the ſaid Subſidy ſhall be paid and demanded. And that ſuch manner of Clothes which be put to ſale before that they be ſealed with the ſaid Seal ſhall be forfeit to the King, and taken into his hands by the ſaid Collectour or Aulneger, or by the deputy of one of them, or elſe by the Bailiffs of the Town where ſuch vendible Clothes not ſealed ſhall be found. St. 5 Ed. 6. 6.

CAP. V.

It ſhall be fellony to foreſtal or ingroſs Gaſcoin Wine.

It ſhall be felony foreſtalling or ingroſſing of Gaſcoin wines

ITem, it is aſſented and accorded that defence and Proclamation ſhall be made, that no Engliſh Merchants ſhall engroſs nor foreſtal Wines in Gaſcoin, nor take them by way of buying of any Gaſcoin, nor of other, for to pay in England, for any greater ſum then Wines be commonly ſold in Gaſcoin, becauſe of the preſt, in peril of the Sea, or by any other colour, upon pain of life and member, and of forfeiture of the Wines and of all their other goods and chattels to the King, and forfeiture of all their lands and tenements to the chief Lords. And the chief Lords ſhall have a Writ of Eſcheat in ſuch caſe. Rep. For the Felony and for the forſeiture of lands, by 37 Ed. 3. 16.

CAP. VI.

Merchants may bring their Wines to what Ports they will.

Merchants may bring their wines to what ports they will.

ITem, that all Merchants Gaſcoines, and other Strangers, may ſafely bring their Wines into England, to what port that ſhall pleaſe them, and make thereof their profits. So always that the Kings Butler may make Purveyance of Wines of Aliens when need ſhall be, making paiment for the ſame Wines within forty days, in the manner as hath been uſed in old time. O B. St. 43 Ed. 3. 3.

CAP. VII.

When and where Gaſcoin Wines may be bought.

It ſhall be felony for any Engliſh merchant to lie in Gaſcoign to buy wines but in vintage-time.

ITem, that no Engliſh Merchant, nor any of his ſervants, nor other for them, ſhall go into Gaſcoin, there to abide, nor ſhall have any other there dwelling, to make bargain or buying of Wines by any colour, before the time of the Vintage, that is to ſay, before that common paſſage be made to ſeek Wines there. And that none buy nor bargain by himſelf nor by other, any Wines but only in the ports of Burdeux and Bayon, upon the pains and forfeitures next aforeſaid. And if any be there found doing againſt the ſame, he ſhall be taken and arreſted by the Steward of Gaſcoin, or the Conſtable of Burdeux, and his body ſent into England to the Tower of London. And that the ſame Steward or Conſtable certifie the King in his Chancery of the names of ſuch arreſted, and of their maſters and fellows alſo, with all the deed. O B. Rep. 37 Ed. 3. 16. for the felony, and for the forfeiture of Lands.

CAP. VIII.

Red and white Wine ſhall be gaged: and the puniſhment of him that hindreth it.

Red and white Wine ſhall be gaged, and the puniſhment of him that doth hinder it.

ITem, It is accorded and eſtabliſhed, That all Wines red and white, which ſhall come into the ſaid Realm, and into the Land of Wales and Ireland, to ſell, ſhall be well and lawfully gaged by the Kings Gagers, or their Deputies. And if any do ſet diſturbance or debate, and will not ſuffer the ſame to be gaged, he ſhall forfeit the ſaid Wines, and ſhall be puniſhed by impriſonment, and ranſomed at the Kings will. And if default be found in the Gager, that he or his Deputy be not ready to do his Office, when he ſhall be required, or that he do fraud or deceit, in doing his Office, to the damage of the buyer or of the ſeller: he ſhall pay to the party grieved his treble damages, and loſe his Office, and be puniſhed by impriſonment, and ranſomed at the Kings will. And in caſe that leſs be found in the Tun or Pipe, then ought to be of right, after the aſſiſe of the Tun, the value of as much as ſhall lack of ſuch Tun or Pipe, ſhall be allowed and deducted in the paiment. St. 4 R. 2. 1. St. 18 H. 6. 17. St. 23 H. 6. 16. St. 1 R. 3. 13. St. 28 H. 8. 14.

A Statute of the Staple made *Anno* 27 *Ed*. 3. and *Anno Dom*. 1353:

EDward by the Grace of God, &c. to our Sheriffs, Mayors, Bailiffs, Miniſters, and other our faithful people, to whom theſe preſent letters ſhall come, greeting. Whereas good deliberation had with the Prelates, Dukes, Earls, Barons, and great men of the Counties, that is to ſay, of every County one for all the County, and of the Commons of Cities and Boroughs of our Realm of England, ſummoned to our great Council holden at Weſtminſter the Munday next after the Feaſt of S. Matthew the Apoſtle, the ſeven and twentieth year of our Reign of England, and of France the fourteenth, for the damage which hath notoriouſly come as well to us and to the great men, as to our people of our Realm of England, and of our Lands of Wales and Ireland, becauſe that the Staple of Wools, Leather, and Woolfels, of our ſaid Realm and Lands, have been holden out of our ſaid Realm and Lands, and alſo for the great profits which ſhould come to the ſaid Realm and Lands if the Staple were holden within the ſame and not elſewhere: to the honour of God, and in relief of our Realm and Lands aforeſaid, and for to eſchue the perils that may happen of the contrary in time to come, by the Counſel, and common aſſent of the ſaid Prelates, Dukes, Earls and Barons, Knights and Commons aforeſaid, we have ordained and ſtabliſhed the things under-written.

CAP. I.

Where the Staple for England, Wales and Ireland ſhall be kept: Whither Merchandiſes of the Staple ſhall be carried, and what Cuſtom ſhall be paid for them.

Co Inſt. 3. par. 95.

At which Towns the Staple of wool, leather, fells, and lead for England, Wales and Ireland ſhall be holden. St. 43 Ed. 3. 1. 14 R. 2. 1.

FIrſt, That the Staple of Wools, Leather, Woolfels, and Lead, growing or coming forth within our ſaid Realm and Lands, ſhall be perpetually holden at the places under-written, that is to ſay, for England at Newcaſtle upon Tine, York, Lincoln, Norwich, Weſtminſter, Canterbury, Ciceſter, Wincheſter, Exeter, and Briſtow. For Wales at Kaermerdyn, and for Ireland at Devylin, Waterford, Cork and Droghda, and not elſewhere. And that all the ſaid Wools, as well old as new, Woolfels, Leather and Lead, which ſhall be carried out of the ſaid Realm and Lands, ſhall be firſt brought to the ſaid Staples, and there the ſaid Wool and Lead betwixt Merchant and Merchant, or Merchant and others, ſhall be lawfully weighed by the Standard. And that every ſack and ſarpler of the ſame Wools ſo weighed, be ſealed under the ſeal of yͤ Mayor of the Staple. And that all the Wools ſo weighed and ſealed at the Staple of York, Lincoln, Norwich, Weſtminſter, Canterbury and Wincheſter: and alſo Leather, Woolfels, and Lead which ſhall come there, (the cuſtoms of the Staple thereof paid) ſhall be witneſſed by bill, ſealed with the ſeal of the Mayor of the Staple, and brought to the Ports under-written, that is to ſay, from York to Hull, from Lincoln to Saint Botolf, from Norwich to great Yarmouth, from Weſtminſter to London, from Canterbury to Sandwich, and from Wincheſter to Southampton. And there the ſaid Wools and Lead ſhall be another time weighed by our Cuſtomers aſſigned in the ſame Ports. And all the Wools and Lead brought to the ſaid Ports of Newcaſtle, Chicheſter, Exeter, Briſtow, Kaermardyn, Devylin, Waterford, Cork and Droghda, where the other Staples be holden, ſhall be but once weighed by the Standard betwixt Merchant and Merchant, or Merchants and other, in preſence of our Cuſtomers. And an Indenture ſhall be made betwixt the Mayor of the Staple being in the Port of the Sea, and our Cuſtomers there, of all the Wools and Lead ſo weighed, and alſo of all the Leather and Woolfels, which ſhall come to the ſaid Staples to paſs there, and the ſame Wools and Lead, and alſo the Leather and Woolfels cuſtomed and cocketed, and the cuſtoms thereof duely paid to our ſaid Cuſtomers in all the ſaid Ports, that is to ſay, of Denizens for the time that they have paſſed, half a mark of a ſack of Wool, half a mark of three hundred Woolfels, a mark of a Laſt of Leather; and of Aliens ten ſhillings of a ſack of Wool, ten ſhillings of a three hundred Woolfels, and twenty ſhillings of a Laſt of Leather, and three pence of every ſow of Lead: Then the ſaid Merchandiſes ſhall be carried by Merchants-ſtrangers, which have bought the ſame, and not by Engliſhmen, Welſhmen, nor Iriſhmen, to the parts beyond the Sea out of the ſaid Realm, and Lands, to what parts it ſhall pleaſe the ſaid Merchants-ſtrangers. And that the ſaid Mayor and Cuſtomers ſhall delay no man willingly for gain, nor for ſuch cauſe, nor in other manner ſhall any thing take of any perſon to do that which pertaineth to their office, upon pain of impriſonment, and to pay to the party the double of that which they have ſo taken, and alſo of that which the party ſhall be indamaged becauſe of

Merchandiſe of the Staple carried from Staple-towns to Port-towns

An Indenture ſhall be made between the Mayor of the Staple and the cuſtomer, of all the wool and lead weighed.

The ſeveral cuſtoms of Merchandiſes of the Staple to be paid by Denizens and Aliens. Merchants Aliens, and not the Kings ſubjects, ſhall tranſport beyond the ſea Wool, &c.

Every Merchant-ſtranger ſhall be ſworn to hold no Staple beyond the ſea.

ſuch taking or delay, and moreover be ranſomed at our will, but ſhall hold them content of that which they did take in certain to do their office. And that the Mayor of the Staple and Cuſtomers take an Oath of all the Merchants which ſo ſhall paſs with Wools, Leather, Woolfels and Lead, that they ſhall hold no Staple beyond the ſea, of the ſame Merchandiſes.

CAP. II.

Merchants-ſtrangers may come into, and depart forth of the Realm with their goods, and none of them ſhall be taken by the Kings Purveyors.

A ſafe conduct granted to Merchants-ſtrangers to come & dwell in this Realm, and to return when they will, and none of their goods ſhall be taken by the Kings purveyors without their conſent.

ITem, To repleniſh the ſaid Realm and Lands with money, and plate, gold and ſilver, and Merchandiſes of other Lands, and to give courage to Merchant-ſtrangers, to come with their Wares and Merchandiſes into the Realm and Lands aforeſaid, We have ordained and eſtabliſhed, That all Merchants-ſtrangers, which be not of our enmity, of what Land or Nation that they be, may ſafely and ſurely under our protection and ſafe conduct come and dwell in our ſaid Realm and Lands where they will, and from thence return with their Ships, Wares, and all manner of Merchandiſes, and freely ſell their Merchandiſes at the Staple and elſewhere within the ſame Realm and Lands, to any that will buy them, paying the cuſtoms thereof due. And more to aſſure the Merchants-ſtrangers and others bringing Goods and Merchandiſes within the ſaid Realm and Land, we will and grant for us and for our heirs and ſubjects, That nothing ſhall be taken over the Cuſtoms aforeſaid, nor taken of them to our uſe by colour of ſale, nor in other manner againſt their will, nor by the Miniſters of us or of our heirs: nor by the Miniſters of any of the Prelates, Dukes, Earls, Barons, Lords nor Ladies, nor of any other great nor ſmall. And if any Miniſter, or other by colour of his office, or in other manner take any thing of them againſt their agreement, he ſhall be incontinently arreſted by the Mayors and Bayliffs of the place, if it be out of the Staple, or by the Mayor or Miniſters of the Staple, if it be within the Staple. And ſpeedy and ready proceſs ſhall be againſt him from day to day, and from hour to hour, according to the Law of the Staple, and not at the common Law, as well out of the Staple as within, at every mans complaint that ſo ſhall be grieved. And if he be thereof attainted, he ſhall pay to the Merchant the double of that which he hath taken, and as much to us. And that no Commiſſion be made to take ſuch prices of the ſaid Merchants; and if any Commiſſion be made, it ſhall be holden for none.

CAP. III.

All perſons may buy Wools, Fells, &c. ſo that they bring them to the Staple. It ſhall be felony for an Engliſh, Welſh, or Iriſh Merchant to Tranſport Wool, &c.

All Merchants may buy merchandiſes of the Staple, ſo that they bring them to the Staple. It ſhall be Felony for an Engliſh, Welſh, or Iriſhman to tranſport Wool, Fells, Leather, or Lead. St. 36 Ed. 3. 11. 37 Ed. 3. 16. 38 Ed. 3. 6. 43 Ed. 3. 1. 14 R. 2. 5. No Engliſh, &c. man ſhall tranſport wool, &c. in a ſtrangers name, nor keep a ſervant beyond the ſea to ſurvey the ſale of wool, &c. There ſhall be no exchange of wares for Merchandiſes of the ſtaple, but payment in ſilver, &c. Every man may carry his own wool, &c. to the Staple to ſel. Warranty of packing of wool. St. 28 Ed. 3. 13.

ITem, We will and grant, That all Merchants, as well Aliens as Denizens, may buy Wools, Leather, Woolfels, and Lead, through our Realm and Lands, without covin or colluſion to abate the price of the ſaid Merchandiſes. So always that they bring the ſame to the Staples. And that no Merchant, Engliſh, Welſh nor Iriſh, ſhall carry any manner of Wools, Leather, Woolfels or Lead out of the ſaid Realm and Lands, upon the pain of life and member, and of forfeiture of the ſaid Merchandiſes, and of all their other goods and chattels to us, and of forfeiture of all their Lands and Tenements to the chief Lords. And the chief Lords ſhall have a Writ of Eſcheat in the caſe. And that no ſtrange Merchants by covin betwixt them and Engliſh, Iriſh or Welſh Merchants, ſhall carry out of the Realm and Lands aforeſaid, the ſaid Wares and Merchandiſes to the profit of Engliſh, Iriſh or Welſh Merchants, in part or in all. Nor that any Merchant, Engliſh, Iriſh or Welſh, nor other, make covin or colluſion with Merchants-ſtrangers, to carry their Wools, Leather, Woolfels or Lead, to the parts beyond the ſea, out of the Realm and Lands aforeſaid, under the name of Merchant-ſtrangers, nor ſhall ſend nor hold their ſervants, or other their Atturneys in the parts beyond the ſea, out of our ſaid Realm and Lands, to ſell, or to ſurvey the ſale of their ſaid Wools, Leather, Woolfels and Lead there, or to receive the money coming of the ſale of the ſaid Wools, Leather, Woolfels and Lead. Nor that any Engliſhman, Iriſhman, or Welſhman, by himſelf nor by other, take payment of gold nor of ſilver, nor of other thing in recompence or commutation, or in the name of payment in the parts beyond the Sea out of the Realm and Lands aforeſaid, of Merchandiſes ſold in England, Ireland or Wales, touching the Staple, but all ſuch payment ſhall be made in gold or in ſilver, or Merchandiſe in England, Ireland or Wales, where the Contract was made, upon the forfeitures and pains next aforeſaid. Nor that the Merchant-ſtrangers nor Denizens, make betwixt them privily nor apertly any company or confederacy in fraud or deceit of this ordinance, nor that any maintain the ſame for gain, nor in other manner to do any ſuch fraud or deceit upon the ſame pains and forfeitures. And always it is to be underſtood, that every Engliſhman, Iriſhman, or Welſhman, may freely bring their own Wools, Leather, Woolfels and Lead, to the Staple to ſell there, without being compelled to ſell them in the Countrey. And that every Merchant that ſhall ſell his Wools at the Staple, be bound to warrant the packing of the ſame Wools. See the Stat. of 38 Ed. 3. 6. this Stat. part repealed for the puniſhment.

CAP. IV.

None going unto or returning from the Staple, ſhall be diſturbed by Purveyors.

None going or coming from the Staple ſhall be diſturbed by the K. purveyors.

ITem, Foraſmuch as no Staple may be profitable for us and for our ſaid Realm and Lands, unleſs it be free: we will and grant for us and for our heirs, for the maintenance of the ſaid Staple, that all manner of people may come with their carriage and goods to the Staple, and from the ſame return freely, without being diſturbed by prices of us or of any other. Saving to us and to our heirs all manner of prices Royal, of all manner of carriages and victuals through all our ſaid Realm and Lands of old times due and uſed of right, as have been made by us and by our anceſtors in times paſt. And every Carrier returning from the Staple, ſhall have a bill under the ſeal of the Mayor of the Staple, whereby it may be known, that he ſerveth the Staple, containing the journeys which he needeth for his return to the houſe; which bill ſhall be freely granted to him. And the ſame Mayor ſhall be ſworn that he ſhall make no ſuch bill for any other then which ſerveth the Staple. And if any ſuch Carrier, Carts, Ships, Beaſts, or other thing, which ſerveth for carriage of that which pertaineth to the Staple, be taken, and be within the vierge out of the Staple, Huy and Cry ſhall be levied upon the Takers, and the Takers ſhall be preſently apprehended by the people of the Town where the price was made, or by people of another Town, if they be lacking, and brought before the Steward and Marſhal of our houſe: And there ready puniſhment ſhall be made of them, according as the deed requireth. And if any ſuch price be made out of the vierge, Huy and Cry ſhall be levied, and the Takers ſhall be taken and arreſted by the Town, where ſuch prices ſhall be made, or by other Towns near, if they be lacking, and brought to the next Gaol, and there to be done of them as of Felons, if the deed the ſame require. And in caſe that the people of ſuch Towns be negligent, and will not purſue and arreſt ſuch Takers, as before is ſaid, the four Towns next ſhall anſwer of the damages that may be found before them whom we ſhall thereto aſſign, that the plaintiffs have incurred by their default, if they cannot reaſonably excuſe themſelves thereof. And if ſuch prices be made in a place where the Staple is, the Takers ſhall be arreſted by the Mayors and Miniſters of the Staple, and right done to the plaintiffs by the ſaid Mayors and Miniſters. So always, that if ſuch price be made at the Staple, and the Staple be within the vierge, and the Takers arreſted be of our houſe, then right ſhall be done of them by the Mayor and Miniſters of the Staple. And the Steward and Marſhal of our houſe, or the Stewards Lieutenant ſhall be thereto called, if they will be there, to ſee that right be done of the ſaid Takers according to the Law of the Staple. And in caſe they come not, the Mayor and Miniſters of the Staple ſhall proceed in the proceſs, and do Juſtice according to the Law of the Staple, notwithſtanding the not coming of the Steward or Marſhal, or Lieutenant aforeſaid.

What penalty ſhall be inflicted, and by whom, upon thoſe that take the goods of the Staple.

CAP. V.

None of the Kings Juſtices ſhall take cogniſance of things belonging to the Staple.

Item, In caſe that our Bench or common Bench, or Juſtices in Eyre, or Juſtices of Aſſiſe, or the places of the Marſhalſey, or any other Juſtices come to the places where the ſaid Staples be, the ſaid Juſtices nor Stewards, nor Marſhals, nor of other the ſaid place, ſhall have any cogniſance there, of that thing which pertaineth to the cogniſance of the Mayor and miniſters of the Staple.

None of the K. Juſt. ſhall take cogniſance of thoſe things that do belong to the Staple.

CAP. VI.

None of the Kings Officers ſhall meddle where the Staples be.

Item, We will and defend, That no marſhal nor other miniſter of our houſe, or of others, ſhall make liberty, nor meddle in the places where the Staples be holden and kept; nor with the houſes where the ſaid merchants or their people, or wools, or other merchandiſes of the Staple be lodged, nor enter into the ſame to execute their office there, nor take any thing thereof to ſpare any, upon pain to make gree to the party at whoſe ſuit he ſhall be attainted, of the quatreble of that which the plaintiff ſhall be endamaged, and further ſhall be grievouſly puniſhed by us.

None of the Kings officers ſhall meddle in the places where the Staples be holden.

CAP. VII.

Licences granted to carry Merchandiſes forth of the Realm ſhall be void.

Item, We will and grant, That no licence or priviledge to make paſſage by Engliſhmen, Iriſhmen, or Welſhmen, of Wools, Leather, Woolfels or Lead, out of the ſame Realm and Lands, ſhall be granted by us or our heirs againſt this ordinance. And if any be granted to the contrary, they ſhall be holden for none. And they ſhall give no Warranty, nor excuſe to them, which ſhall cauſe to be paſſed the ſaid merchandiſes, that they ſhall not incur the pains and forfeitures contained in the ſaid Article.

If any Licence ſhall be granted to tranſport, &c. contrary to this Statute, it ſhall be void.

CAP. VIII.

The Juriſdiction of the Mayor and Conſtables of the Staple. All people of the Staple ſhall be ruled by the Law-Merchant, and not by the common Law.

Item, We have ordained and eſtabliſhed, That the Mayors and Conſtables of the Staple ſhall have juriſdiction and cogniſance within the Towns where the Staples ſhall be, of people, and of all manner of things touching the Staple. And that all merchants coming to the Staple, their ſervants and meiny in the Staple, ſhall be ruled by the Law-merchant, of all things touching the Staple, and not by the common Law of the Land, nor by the uſage of Cities, Boroughs, or other Towns; and that they ſhall not implead nor be impleaded before the Juſtices of the ſaid places in plea of debt, covenant, and treſpaſs touching the Staple, but ſhall implead all perſons, of whom they will complain, as well ſuch as be not of the Staple, as thoſe that be of the Staple, which ſhall be there found: And in the ſame manner they ſhall be impleaded onely before the Mayor and Juſtices of the Staple, which ſhall be thereto deputed of all manner of Pleas and of Actions, whereof the cogniſance pertaineth to the Miniſters of the Staple. So always that all manner of contracts and covenants made betwixt merchant and merchant, or other, where-

The juriſdiction of the Mayor and Conſtables of the Staple, and of what things, and between what perſons they may hold plea.

St. 36 Ed. 3. 7.

of the one party is a Merchant or Miniſter of the Staple, whether the contract or covenant made be within the Staple or without, and alſo of treſpaſſes done within the Staple to Merchants or to Miniſters of the Staple by other, or by any of them to other: the party plaintiff ſhall chuſe whether he will ſue his action or quarrel before the Juſtices of the Staple by the Law of the Staple, or in other place of the common Law: And he ſhall be thereto received. So always that in the pleas touching any of our houſe, the Steward or his Lieutenant, and the Marſhals of our houſe ſhall be with the Mayor of the Staple, to ſee that right be done to the parties as before is ſaid, if they will be there. But pleas of Land and of Freehold ſhall be at the common Law. And if Merchants or their people being in the Staple, becauſe of the ſame do commit Felony or be ſlain, robbed or maimed by any perſons, the Mayor of the Staple and other meet perſons ſhall be aſſigned Juſtices, to hear and determine the ſaid felonies and maims within the Staple without delay, according to the common Law. And if any ſuch felon or treſpaſſer be taken or detained within any franchiſe to whomſoever the ſame be, becauſe of ſuch felony or maim done within the Staple, it ſhall be preſently commanded by writ, to cauſe the ſaid felon, or him that did the maim, to come before the ſaid Juſtices, to do right of him in form aforeſaid. And if they that have ſuch priſoners in Ward, will not deliver them, they ſhall incur the pain of an C. l. to us. And nevertheleſs they ſhall deliver the body in the form aforeſaid. And in caſe that any indictment be made out of the Staple of felonies or treſpaſſes done by people of the Staple, or by other to them within the Staple, the ſame indictment ſhall be ſent before the ſaid Mayor, and them which ſhall be aſſigned Juſtices with him, to do right in this party. And if the plea or debate be made before the Mayor of the Staple, betwixt the Merchants or Miniſters of the ſame, and thereupon to try thereof the truth an enqueſt or proof is to be taken: we will that if the one party and the other be a ſtranger, it ſhall be tryed by ſtrangers: And if the one party and the other be Denizens, it ſhall be tryed by Denizens: And if the one party be Denizen, and the other an Alien, the one half of the Inqueſt or of the proof ſhall be of Denizens, and the other half of Aliens.

Pleas of land. Felony or maim done within the Staple. St. 30 Ed. 3. 7.

Where the trial of a ſuit in queſtion ſhall be by Denizens, & where by Medietatem linguæ. St. 28 Ed. 3. 13. 8 H. 6. 29. Raſt. pl. f. 30. 248.

Dyer f. 28. 144. 304. 357. 3 Ed. 4. 11. 27 H. 6. f. 4. Fitz. Triall 30. 32 71. 21 H. 7. f. 32. Cro. 275. 293.

CAP. IX.

The effect of a Recogniſance knowledged in the Staple for recovery of a debt.

The effect of a recogniſance for every recovery of debts knowledged before the Mayor & Conſtables of the Staple. In what manner execution ſhall be made of the Statute-Staple. Raſt. pl. f. 97. 594. Execution awarded out of the Chancery, if the debtor have not ſufficient in the Staple. Regiſt. f. 151. 289. Fitz. N.B. f. 131. St. 13 Ed. 1. What eſtate the creditor ſhall have in the debtors land extended. V.N.B. f. 151. Fitz. N.B. f. 178. C. 267.

ITem, To the intent that the contracts made within the ſame Staple ſhall be the better holden, and the payments readily made: we have ordained and eſtabliſhed, That every Mayor of the ſaid Staples ſhall have power to take recogniſances of debts, which a man will make before him, in the preſence of the Conſtables of the Staple, or one of them. And that in every of the ſaid Staples be a ſeal ordained, remaining in the cuſtody of the Mayor of the Staple, under the ſeals of the Conſtables, and that all obligations which ſhall be made upon ſuch recogniſances, be ſealed with the ſaid ſeal, paying for every obligation of an C. l. and within of every li. a ob. and of every obligation above a C. li. a q. And that the Mayor of the Staple by vertue of the ſame letters ſo ſealed, may take and hold in priſon the bodies of the debtors after the term incurred, if they be found within the Staple, till they have made gree to the creditor of the debt and damages. And alſo arreſt the goods of the ſaid debtors found within the ſaid Staple, and deliver the ſaid goods to the ſaid creditors, by true eſtimation, or to ſell them at the beſt that a man may, and deliver the money to the creditors until the ſum due. And in caſe that the debtors be not found within the Staple, nor their goods to the value of the debt, the ſame ſhall be certified in the Chancery under the ſaid ſeal, by which certification a writ ſhall be ſent to take the bodies of the ſaid debtors, without letting them to mainpriſe, and to ſeiſe their lands and tenements, goods and chattels. And the writ ſhall be returned in the Chancery, with the certificate of the value of the ſaid lands and tenements, goods and chattels. And thereupon due execution ſhall be made from day to day, in manner as it is contained in the Statute-merchant: ſo that he to whom the debt is due, ſhall have eſtate of freehold in the lands and tenements, which ſhall be delivered to him by vertue of the ſame proceſs, and recovery by writ of Novel diſſeiſin, in caſe if he be outed. And the debtor have no advantage of the quarter of a year which is contained in the ſaid Statute-merchant. And in caſe that no creditor will have letters of the ſaid ſeal, but will ſtand to the faith of the debtor, if after the term incurred he demand the debt, the debtor ſhall be believed upon that faith. St. 15 R. 2. 9. St. 23 H. 8. 6.

15 H. 7. 15.

9 H. 6. f. 19.

37 H. 6. f. 6. Dyer f. 205.

43 Aſſ. pl. 18.

CAP. X.

There ſhall be but one Weight, Meaſure and Yard through the Realm.

There ſhall be one weight, one meaſure, and one yard through all the Land. The penalty of him which doth not weigh by equal balance.

ITem, Becauſe we have perceived, that ſome Merchants do buy Avoir de pois, Wools and other merchandiſes by one weight, and ſell by another, and make alſo deceitful draughts upon the weight, and alſo uſe falſe meaſures and yards, in great deceit of us and all the Commons, and of lawful Merchants: We will and eſtabliſh, that one weight, one meaſure, and one yard, be through all the Land, as well out of the Staple as within. And that wools, and all manner Avoir de pois, be weighed by the balance, ſo that the tongue of the balance be even, without bowing to the one ſide or the other, or without putting hand or foot, or other touch making of the ſame. And that he which doth againſt the ſame, to the damage of the ſeller, ſhall forfeit to us the value of the merchandiſe ſo weighed and meaſured. And the party that will complain him, ſhall have the quatreble of that which he ſhall be indamaged. And the treſpaſſer ſhall have one years impriſonment, and be ranſomed at the Kings will. And thereupon Juſtices ſhall be aſſigned to enquire of ſuch treſpaſſes at all times that ſhall be needful, and to do right as well at our ſuit as at the ſuit of other that thereof will complain. St. 9 H. 3. 25. 14 Ed. 3. 12. 9 H. 5. 8. 8 H. 6. 5. 11 H. 7. 4. St. 17 Car. 1. ca. 19.

CAP. XI.

The penalty for foreſtalling of Merchandiſe before they come to the Staple.

ITem, We have ordained and ſtabliſhed, that all Merchants, aliens and denizens, & other that do bring Wines and other wares or merchandiſes whatſoever they be to the Staples, Cities, Boroughs, and good Towns, or to Ports of the Sea within our ſaid Realm and lands, may ſafely and without challenge and impeachment of any, ſell them in groſs or at retail, or by parcels at their will to all manner of people that will buy the ſame. And that no Merchant, privy nor ſtranger, nor other of what condition that he be, go by land nor by water toward ſuch wines, wares, or merchandiſes, coming into our ſaid Realm and Lands, in the Sea, nor elſewhere, to foreſtall or buy them, or in other manner to give earneſt upon them before that they come to the Staple, or to the Port where they ſhall be diſcharged, nor enter into the Ships for ſuch cauſe till the merchandiſes be ſet to land to be ſold, upon the pains and forfeitures contained in the ſame third Article aforeſaid.

It ſhall be felony to foreſtal, buy, or give earneſt for any merchandiſes before they come to the Staple or Port, or to go into the ſhip for that cauſe. St. 28 Ed.3.13.

CAP. XII.

The penalty of ſelling Wooll, &c. to a Scottiſh man to be carried into Scotland.

ITem, That no Merchant, privy nor ſtranger, nor other, ſhall carry out of our Realm of England, Wools, Leather, or Woolfells to Barwick upon Tweed, nor elſewhere, nor into Scotland, nor that any man, Merchant nor other, of what condition that he be, ſell his Woolls, Woolfells, or Leather to any man of Scotland, nor to any other to carry into Scotland, upon the pains and forfeitures contained in the ſaid third Article.

Felony to carry any Wooll, &c. into Scotland, or to ſell them to a Scottiſh-man.

CAP. XIII.

A remedy where a Merchants goods be robbed or periſhed on the Sea.

ITem, We will and grant, that if any Merchant, privy or ſtranger, be robbed of his goods upon the Sea, and the goods ſo robbed come into any parts within our Realm & Lands, and he will ſue for to recover the ſaid goods, he ſhall be received to prove the ſaid goods to be his own by his marks, or by his Cart or Cocket, or by good and lawful Merchants, privy or ſtrangers. And by ſuch proofs the ſame goods ſhall be delivered to the Merchants, without making other ſuit at the common Law. And in caſe that any Ships going out of the ſaid Realm and Lands, or coming to the ſame, by tempeſt or other misfortune, break upon the Sea-banks, and the goods come to the land, which may not be ſaid wreck, they ſhall be preſently without fraud or evil deviſe delivered to the Merchants to whom the goods be, or to their ſervants, by ſuch proof as before is ſaid, paying to them that have ſaved and kept the ſame, convenient for their travel; that is to ſay, by the diſcretion of the Sheriffs and Bailiffs, or other our Miniſters in places guildable, where other Lords have no Franchiſe, and by the advice and aſſent of four or ſix of the beſt or moſt ſufficient diſcreet men of the country. And if that be within the Franchiſe of other Lords, then it ſhall be done by the Stewards and Bailiff, or Wardens of the ſame Franchiſes, and by the advice of four or ſix diſcreet men of the Country, as afore is ſaid, without any delay.

How Merchants robbed on the Sea, whoſe goods be brought into this Realm, ſhall be relieved.

Ships periſhed on the Sea.

CAP. XIV.

Merchants may bring in gold or ſilver to the Kings Exchanges, and carry out as much.

ITem, We have ordained, that all Merchants, privy and ſtrangers, may ſafely carry and bring within our ſaid Realm and Lands, plate of ſilver, and billets of gold, and all other manner of gold, and all money of gold & ſilver to our Bullion, or to our Exchanges, which we ſhall cauſe to be ordained at our ſaid Staples, and elſewhere, taking there money of our coin of gold and ſilver conveniable to the value. And if any will take good money of gold and ſilver of other coin then of ours in payment, he ſhall take the ſame without impeachment, ſo that none be thereunto compelled if he will not take it of his good will.

Provided always, that no money have common courſe within our ſaid Realm and Lands, but the money of gold and ſilver of our coin. And that none carry out of our ſaid Realm and Lands the old Sterling, nor other money but our new money of gold and ſilver, except the Merchants-ſtrangers that bring to our ſaid Realm and Lands any manner of money, and there will employ this money within our Realm and Lands: whom we will that they may re-carry into their Country all this money, or as much as ſhall remain thereof not imployed, without impeachment. So always that good and lawful ſearch be thereof made in the Ports and other places where any arrival is. And that all the money that every Merchant-ſtranger ſhall bring within our ſaid Realm and Lands, ſhall be put in writing by the Searchers, to the intent that no Merchant ſhall carry more beyond the Sea then he brought into the ſame Realm and Lands.

Merchants may bring in gold or ſilver in money or bullion to the Kings Exchanges, and carry forth as much new money, but not old Sterling.

Provided always, that no Miniſter nor other by colour of ſuch ſearch, ſhall make impeachment or diſturbance to any Merchant-ſtranger to grieve him unduly. And that all the falſe money that may be found by ſearch, or in other manner eſpied within the ſame our Realm and Lands, in deceit of our good money, ſhall be forfeited to us, according to the Ordinances another time thereof made.

All falſe money ſhall be forfeited to the King.

CAP. XV.

Indentures ſhall be made between Carriers of Wool by the water, and the Bailiffs of Towns where they load them: which Carriers ſhall be ſworn and bound to carry them to the Staple.

ITem, We will and eſtabliſh, that they that have Wolls, Leather, Fells, and Lead in the Country betwixt the places where the Staples be and the Sea, and the ſame will cauſe to be carried to the Staples by freſh waters, or by arms of the Sea, ſhall make Indenture betwixt them and the Bailiffs of the Towns where they put them in Ship, teſtifying how

Indentures ſhall be made between Carriers of Wool, &c. to the ſtaple by freſh water or arms of the Sea, and the Bailiffs of Towns where they ſhip them.

much Wools, Leather, Fells, and Lead is ſo put in Ship. And the Bailiffs of the places ſhall take an oath and ſufficient ſurety, of which they will anſwer, of them and the Mariners, that they ſhall go with the ſame Wools, Leather, Fells, and Lead to the Staple, and no part elſewhere, and there ſhall diſcharge before they do enter the Sea. And that the Bailiffs ſend preſently the one part of the Indenture containing the ſurety and the quantity of the Wools, Leather, Woolfels and Lead, to the Mayor of the Staple, at their coſts that owe the goods, by ſome man for whom they will anſwer. And if any Mayor, Bailiff, or other Miniſter of the places where ſuch merchandiſes ſhall be charged, ſuffer the ſaid merchandiſes to paſs in other manner, as well the Mayors and Bailiffs and Miniſters aforeſaid, as the Merchants which the ſame ſhall charge, ſhall incur the pains and forfeitures contained in the ſaid third Article.

CAP. XVI.

Houſes ſhall be let for reaſonable rents in Staple-towns impoſed by the Mayor, &c.

Reaſonable rents ſhall be impoſed upon houſes provided for the ſtaple by the Mayor, &c.

ITem, That in every Town where the Staple ſhall be holden, ſhall be ordained certain rews and places, where the wools and other merchandiſes ſhall be put; and becauſe that the Lords or Guardians of the houſes and places (ſeeing the neceſſity of Merchants) do ſet percaſe their houſes at too high ferm: We have ordained, That the houſes which be to be leaſed in ſuch manner, ſhall be ſet at a reaſonable ferm, according to the Ordinance of the Mayor and Conſtables of the Staple, and of four diſcreet men of the beſt of the Town where the Staple is, which ſhall be ſworn in the preſence of the ſaid Mayor and Conſtable, to make a lawful Tax; ſo that for default of houſes, the Staple ſhall not be impeached. And that no man that bringeth his Wools or other merchandiſes there, be diſturbed to lodge the ſame Wools or other merchandiſes in the houſes which they have ſo hired.

CAP. XVII.

A Merchant-ſtranger ſhall not be impeached for anothers debt but upon good cauſe. Merchants of enemies Countries ſhall ſell their goods in convenient time, and depart.

Co. Inſt. 2 par. 205.
One Merchants goods ſhall not be ſeiſed for anothers debt, but upon cauſe.
Law of marq.
Merchants of enemies countries ſhall have convenient time by Proclamation to ſell their goods, and to depart.

ITem, That no Merchant-ſtranger be impeached for anothers treſpaſs, or for anothers debt, whereof he is not debtor, pledge, nor mainpernour: provided always, that if our liege people, merchants or other, be indamaged by any Lords of ſtrange lands or their ſubjects, and the ſaid Lords (duly required) fail of right to our ſaid ſubjects, we ſhall have the Law of Marque, and of taking them again, as hath been uſed in times paſt, without fraud or deceit. And in caſe that debate do riſe (which God defend) betwixt us and any Lords of ſtrange lands, we will not that the people and merchants of the ſaid lands be ſuddenly ſubdued in our ſaid Realm and lands becauſe of ſuch debate, but that they be warned, and Proclamation thereof publiſhed, that they ſhall void the ſaid Realm and Lands with their goods freely, within fourty days after the warning and proclamation ſo made. And that in the mean time they be not impeached nor let of their paſſage, or of making their profit of the ſame merchandiſes if they will ſell them. And in caſe that for default of wind, or of ſhip, or for ſickneſs, or for other evident cauſe, they cannot avoid our ſaid Realm and Lands within ſo ſhort a time, then they ſhall have other fourty days, or more if need be, within which they may paſs conveniently, with ſelling their merchandiſe, as afore is ſaid.

CAP. XVIII.

Merchants of Ireland or Wales may bring their merchandiſes to the Staples of England.

Merchants of Ireland and Wales which cannot ſell their Wooll, &c. there, may bring the ſame to any of the Staples of England.

ITem, Becauſe we do well perceive, that Merchants-ſtrangers do not come ſo commonly into Ireland nor into Wales for to merchandiſe as they do into England, we will of our ſpecial grace, that it ſhall be lawful to the people of Ireland and Wales, which cannot utter their Wools, Leather, Woolfels, and Lead in Ireland and in Wales, to all Merchants-ſtrangers to come with their ſaid Merchandiſes, after that they be cuſtomed and cocketed in Ireland and in Wales, to any of our Staples in England, which them ſhall pleaſe, bringing their cockets, witneſſing their merchandiſes, which they ſhall diſcharge at the Staples in England: ſo that they when they ſhall come to the Staples in England, or they that bought their ſaid merchandiſes of them, ſhall not pay another time cuſtome nor ſubſidy for the ſaid merchandiſes ſo cuſtomed in our ſaid lands of Ireland and Wales. And our Treaſurer, and the Barons of our Eſchequer of England, ſhall be certified two times by the year at the leaſt; that is to ſay, at Eaſter and Michaelmas, how much Wools, Leather, Woolfels, and Lead ſhall paſs out of the ſaid land of Ireland, and of the cuſtom thereof paid. And in caſe that the Merchants or other people of Ireland or of Wales, after that they be in the Sea with their ſaid merchandiſes, do paſs to any place other then to the Staples in England, they ſhall incur the pains and forfeitures in the ſaid third Article.

It ſhall be felony for any Welſh or Iriſhman to carry their Wooll, &c. to any other place ſaving to the Staple.

CAP. XIX.

None ſhall loſe his goods by his ſervants offence. Speedy Juſtice ſhall be done from day to day, and from hour to hour.

No Merchant ſhall loſe his goods for the offence of his ſervant.

Speedy juſtice ſhall be done to Merchants from day to day, and from hour to hour.

ITem, That no Merchant nor other, of what condition that he be, ſhall loſe or forfeit his goods nor merchandiſe for the treſpaſs and forfeiture of his ſervant, unleſs he do it by the commandment or procurement of his maſter, or that he hath offended in the office in which his maſter hath ſet him, or in other manner, that the maſter be holden to anſwer for the deed of his ſervant by the Law-Merchant, as elſewhere is uſed. And becauſe that Merchants may not often long tarry in one place for levying of their merchandiſe, we will and grant, that ſpeedy right be to them done from day to day, and from hour to hour, according to the Laws uſed in ſuch Staples before this time holden elſewhere at all times, when they will them complain of any, or that any will complain of them, ſo that the Merchants be not by malice delayed for default of ſpeedy remedy.

CAP. XX.

Merchants-ſtrangers taken in the Kings protection. And fot their wrongs ſhall recover double damages.

Merchants-ſtrangers ſhall have preſent remedy for any grievances done to them.

ITem, Becauſe we have taken all the Merchants-ſtrangers in our ſaid Realm and lands, into our ſpecial protection, and moreover granted to do to them ſpeedy remedy of their grievances, if any be to them done: We have ordained and eſtabliſhed, that if any outrage or grievance be done to them in the Countrey out of the Staple, the Juſtices of the place where ſuch outrages ſhall be done, ſhall do ſpeedy Juſtice to them after the Law-Merchant from day to day, and from hour to hour, without ſparing any man, or to drive them to ſue at the Common Law. And if any be convict, that he hath grieved the Merchants ſo taken in our protection, he ſhall be puniſhed by us for the contempt done to us, in as much as ſhall be judged to the Merchants for their damages. And to the ſaid Merchants-ſtrangers their double damages ſhall be judged.

CAP. XXI.

A Mayor and two Conſtables ſhall be choſen yearly in every Staple-town. And their authority.

There ſhall be a Mayor and two Conſtables in every Staple-town, and what by their office they may do.

ITem, Becauſe the Staples cannot long continue, nor the Ordinances thereof made and to be made be kept, if good Executors and Juſtices be not eſtabliſhed to make thereof good and ready execution: We have ordained & eſtabliſhed, that in every Town where the Staple is ordained, a Mayor good, lawful, and ſufficient, ſhall be made and ſtabliſhed, having knowledge of the Law-Merchant, to govern the Staple, & to do right to every man after the Laws aforeſaid, without favour, ſparing, or grief doing to any. And in every place where the Staple is, ſhall be two conveniable Conſtables now at his beginning placed by us, to do that pertaineth to their office as in other Staples is accuſtomed; and when they ſhall be dead, or changed, then other ſhall be choſen by the Communalty of the Merchants of the ſaid places. And that no Mayor hold the office over one year, unleſs he be newly choſen by the Communalty of the Merchants, as well of ſtrangers as of denizens. And that the ſaid Mayor or Conſtables have power to keep the peace, and to arreſt offendors in the Staples for debt, treſpaſs, or other contract, and them to put in priſon, and puniſh after the Law of the Staple. And a priſon ſhall be ordained for the ſafe keeping of them that ſo ſhall be impriſoned. And the Mayors, Sheriffs, and Bailiffs of the Towns where the Staple is, or adjoyning to the Staple, ſhall be attending to the Mayor and Miniſters of the Staple, to do execution of their commandments, upon pain of grievous forfeiture: and one Lord or other of the moſt ſufficiency in the Country where the Staple is, ſhall be aſſigned to be aidant to the Mayor & Miniſters of the Staple, to juſtifie diſobedient perſons, which by the ſaid Mayor & Miniſters cannot be juſtified, and to maintain and counſel them when need ſhall be to the good governance of the Staple, and to redreſs at every mans complaint that which ſhall be miſtaken by the ſaid Mayor or Miniſters, or other, and to do right to the complainants in this behalf.

And if any Merchant will complain of the Mayor or of the Conſtables, that they have failed of right, or ſhewed favour againſt reaſon to either of the parties, it ſhall be ſpeedily redreſſed by the Chancellor and our Council without delay. Regiſt. fo. 18.

And that the ſame Mayor and Conſtables do not, nor ordain any thing contrary to theſe Ordinances, nor make interpretation nor exception to them, otherwiſe then the words do purport; but if there be any thing that is doubted, it ſhall be ſhewed to our Council, and there declared by good advice.

CAP. XXII.

Correctors ſhall be appointed in the Staple-towns to make and record bafgains.

Correctors ſhall be appointed to make and record bargains between buyers and ſellers.

ITem, We have ordained, that in every place where the Staple ſhall be holden, there ſhall be a certain number of Correctors, as well of ſtrangers as of privies, good people, ſufficient, and having knowledge of ſuch myſtery, lawfully to make and record the bargains betwixt the buyers and the ſellers, as hath been uſed in other Staples holden in other places, and that they find ſufficient mainpernors before the Mayor and Conſtables of the Staple, lawfully to do that pertaineth to their office: and if they be found in default, they ſhall pay to him that is indamaged as much as his loſs ſhall amount to. So that they meddle them not with any manner of merchandiſe for the time that they ſhall abide in the office. And that no man be conſtrained to have a Corrector unleſs he will of his own good will, nor to pay any thing to any Corrector unleſs he meddle of his bargain at his requeſt.

CAP. XXIII.

The Officers of the Staple, and Merchants repairing to it, ſhall be ſworn to maintain the Staple, and the Laws and Cuſtoms of it.

Officers of the Staple and Merchants coming thither, ſhall be ſworn to be ordered and to maintain the laws of the Staple.

ITem, That a certain number of porters, packers, winders, workers, and other labourers of wools, and all other merchandiſes, be ſufficiently ordained for the place where the Staple is; and they and the Correctors, and all manner of Officers of the Staple, beſides the Conſtables, ſhall be ſworn before the Mayor of the Staple, that they lawfully ſhall execute their Office, without fraud or deceit. Alſo all Merchants aliens and denizens, coming to the ſaid Staples becauſe of merchandiſe, ſhall be ſworn before the ſaid Mayor and Conſtables, that they ſhall be juſtified by the ſame Mayor and Conſtables, according to the law and uſage of the Staple, and ſhall maintain as much as in them is the Staple, and the laws and uſages of the ſame, without fraud or deceit. And the Mayor and Conſtables ſhall be ſworn in the Chancery to do lawfully that which pertaineth to them. St. 14 R. 2. 3.

CAP. XXIV.

Two Merchants-aliens ſhall be choſen to be aſſociate in judgment to the Mayor and Conſtables. And ſix Mediators of queſtions between buyers and ſellers ſhall be choſen.

Two Merchants-aliens ſhall be choſen to be aſſociate in judgment to the Mayor and Conſtables of the Staple.

Matters in queſtion in the Staple ſhall be decided by the Chancellor and the Kings Council.

There ſhall be ſix Mediators of the queſtion choſen.

Item, We will and ordain, that the Merchants-ſtrangers ſhall chuſe two Merchants-ſtrangers, whereof the one towards the South, and the other towards the North, ſhall be aſſigned to ſit with the Mayor and Conſtables of the Staples, where ſome of thoſe perſons choſen ſhall come, to hear the plaints touching Merchants-aliens that ſhall be moved before the ſaid Mayor and Conſtables at all times that any of the ſaid perſons choſen will be there, and to ſee that plain right be done to the ſaid Merchants-aliens, ſo that the ſaid Mayor and Conſtables ſhall not ceaſe to proceed in their proceſs, in caſe that thoſe perſons choſen come not thither. And in caſe that debate riſe betwixt them, upon the diſcuſſing of any plea or quarrel: the tenour of the ſame plea or quarrel ſhall be ſent before the Chancellour, and and other of our Council, to be determined there without delay. And alſo ſix perſons ſhall be choſen, that is to ſay, four aliens, whereof two ſhall be of Almaigne, and two of Lombardy, and two of England, which ſhall be diſcreet men, and worthy of faith, and ſhall ſwear, that they ſhall well and lawfully execute their office, that is to ſay, that when and at what time any queſtion or debate ſhall riſe or come amongſt Merchants of any unreaſonable Wooll, or undue packing according to the covenants made betwixt the ſellers and the buyers, that the ſaid perſons, or four of them, may before the Mayor of the Staple and the Officers, by their Oath ſay and amend as reaſon will, and thereupon credence ſhall be given to them without any contradiction.

CAP. XXV.

It ſhall be felony to make any conſpiracy which may return to the diſturbance of the Staple.

It ſhall be felony to make any confederacy or conſpiracy which may turn to the diſturbance or the defeating of the Staple.

Item, We have ordained and eſtabliſhed, that no Merchant or other ſhall make confederacy, conſpiracy, covin, imagination, or murmur, or evil device in any point, that may turn to the impeachment, diſturbance, defeating, or decay of the ſaid Staples, or of any thing that to them pertaineth or may pertain: and if any do, and thereof be attainted before the Mayor and Miniſters of the Staple, or other whom we ſhall thereto aſſign, he ſhall incur the pains and forfeitures contained in the ſaid third Article.

CAP. XXVI.

Credit ſhall be given to letters, or the Merchants oaths, of the value of their goods.

Credit ſhall be given to Letters brought by Merchants-aliens, or to their oaths, of the value of their goods.

Item, Whereas it is contained in the Charter of our Grandfather, granted to the Merchants-ſtrangers, and by us confirmed, that of merchandiſes which they ſhall bring into our ſaid Realm and land, and whereof three-pence of the pound ought to be paid by the ſaid Merchants-ſtrangers, according to the ſame grant, faith and credence ſhall be given to them upon the value of the ſaid merchandiſes by letters, which they may ſhew of the ſame goods of their Lords and companions. And if they have no letters, they ſhall be believed by their oath in this behalf. And now of late it is done us and our Council to underſtand by the complaint of the ſaid Merchants, that albeit they have letters teſtifying the value of their merchandiſes, the Sheriffs, Mayors, Bailiffs, and Miniſters of many places do conſtrain them to ſwear for the ſaid merchandiſes, againſt the form of their ſaid Charter, and nevertheleſs after the oath made, unſeal their Barrels, Fardels, and Bales, for which they have taken their oath, and the ſame let lie four or ſix days ſo unſealed before they will ſee the ſame, and ſo they take away from the ſaid Merchants the ſale of their goods, to their great damage: We not willing that the Merchants-ſtrangers that come with their merchandiſes into our ſaid Realm and lands, for the common profit of the ſame, ſhall be in ſuch manner grieved, will, grant, and eſtabliſh, that the ſaid Charter be holden, and that the Barrels, Fardels, and Bales, and the other goods of the ſaid Merchants, for which they have ſhewed their letters that be not ſuſpitious, or taken the oath as it is contained in the ſame Charter, preſently after the oath taken, or ſuch letters ſhewed, their goods ſhall be delivered to them without delay, thereof to make their profit, without any thing taking of them over the cuſtom of three-pence of the pound, ſo that the Sheriffs, Mayors, Bailiffs, or other Miniſters, ſhall meddle no more of the ſame goods, upon pain of impriſonment, and to pay to the party grieved by this cauſe his quatreble damages, and as much to us; and upon the ſame, right ſhall be done in our Chancery at every mans complaint.

CAP. XXVII.

The forfeiture of thoſe which before this Statute have tranſported their Woolls, &c.

The forfeiture of thoſe which before this Statute did tranſport Wool, &c.

Item, We have ordained and eſtabliſhed, that all thoſe that ſhall be convict that they have carried Wools, Leather, and Woolfels to the parts beyond the Sea, againſt the defence and proclamation thereof made before the making of this Ordinance, ſhall be judged to priſon, and incur the forfeiture of the ſame Woolls, Leather, and Woolfels ſo paſſed, and of all their other goods and chattels, and moreover be ranſomed at our will.

CAP. XXVIII.

The Liberties of the Staple confirmed, notwithſtanding the Franchiſes of others: But in Fairs, Markets, Hundreds, Leets, &c.

The Liberties of the Staple confirmed notwithſtanding Franchiſes granted to corporate Cities or Towns.

Item, We will, grant, and ordain, that all the ſaid things be firmly kept and holden in all points, notwithſtanding franchiſe, cuſtom, priviledge, exemption, judgments, or other grants made to Cities, Boroughs, Towns, Commonalties, people of the five Ports, and other Ports, or any other ſingular perſons whatſoever. And in caſe that any thing be to be amended, added, changed, or withdrawn of any of the ſaid points in time to come for a true cauſe, we will, that the ſame be done by deliberation and advice of the great men and other of our Council in the Parliament. Saving in other things to the Prelates, Dukes, Earls, Barons, and other Lords, their Fairs, Markets, Hundreds, Wapentakes, Leets, Juriſdictions, Courts, Franchiſes, and priviledges, and all other things to them pertaining in the places where the Staples be, and ſhall be, and elſewhere, as far forth as they had them before that the Staples were ordained.

Other mens liberties being in the ſtaple ſaved.

The Ordinance of the ſeveral fees of the Mayors and Conſtables of the Staple, in every City and Town where the Staple is ordained to be kept, and by what means the ſame ſhall be levied.

Statutes made at Weſtminſter, *Anno* 28 *Ed*. 3. and *Anno Dom*. 1354.

OUr Lord the King, at his Parliament holden at Weſtminſter, the Munday next after the Feaſt of Saint Mark the Evangeliſt, the year of his reign of England the eight and twentieth, and of France the fifteenth, to the honour of God and of holy Church, and for the common profit of him and his people, by the aſſent of the Prelates, the Prince, Dukes, Earls, Barons, and the Commons of his Realm there aſſembled, hath ordained and eſtabliſhed the points under-written.

CAP. I.

A Confirmation of all Statutes before made and uſed.

FIrſt, That the great Chatter and the Charter of the Foreſt, and all other Statutes this time made and uſed, be kept and maintained in all points.

A confirmation of former Stat.

CAP. II.

Lords of the Marches of Wales ſhall be attendant to the Crown of England, and not to the Principality of Wales.

ITem, it is accorded and eſtabliſhed, that all the Lords of the Marches of Wales, ſhall be perpetually attending and annexed to the Crown of England, as they and their anceſtors have been all times paſt, and not to the Principality of Wales, in whoſe hands ſoever the ſame Principality be, or hereafter ſhall come.

Lords of the Marches ſhall be attendant on the Crown of England, and not to the Principality of Wales.

CAP. III.

No perſon ſhall be condemned without his anſwer.

ITem, that no man, of what eſtate or condition that he be, ſhall be put out of land or tenement, nor taken, nor impriſoned, nor diſinherited, nor put to death, without being brought in anſwer by due proceſs of the Law. Stat. 9 H. 3. 29. St. 5 Ed. 3. 9. 25 Ed. 3. 4. 17 Car. 1. ca. 10.

No man ſhall be condemned without his anſwer.

CAP. IV.

How the King ſhall be anſwered the meſne rates of lands coming to him by his tenants death.

ITem, becauſe that Eſcheators and other the Kings miniſters, which have made Livery by the Kings commandment from his Chancery, of the lands and tenements that were taken into the Kings hands by the death of the tenants which held of him, and the heirs, and other to whom the ſaid lands and tenements ought to deſcend, revert or remain, have been charged in the Eſchequer of the ferms and the rents whereof the terms of payments were to come after ſuch livery made, for the rate and portion of the time that the ſame lands and tenements were in the Kings hands: it is accorded and eſtabliſhed, that of Mannors, Cities, Boroughs, Towns, Hundreds, Franchiſes, and all other lands and tenements, whereof profit doth ariſe from time to time through the year, as of Mills, Herbage, Toll, pleas and profits of Courts, and all ſuch iſſues and profits, every Eſcheator and other miniſter, which hath ſeiſed ſuch lands and tenements to the Kings uſe, ſhall be bound to anſwer to the King for the rate and portion of the time, according to the old courſe of the Eſchequer. And that of ancient ferms and rents, which be to be paid at certain terms, as rent-ſeck and rent-ſervice, whereof no profit riſeth till the day of payment, ſuch ferms and rents ſhall be paid to them which have livery out of the kings hand, at the terms of payments of the ſaid ferms and rents, which followeth after ſuch livery made, as well of the time paſt, as of the time to come.

How the King ſhall be ſatiſfied of the mean rates of thoſe lands which come to his hands by the death of his tenants.

CAP. V.

No Iron ſhall be carried forth of the Realm.

ITem, it is accorded and eſtabliſhed, that Iron made in England, and Iron brought into England and there ſold, ſhall not be carried out of the ſaid Realm of England, upon pain of forfeiture the double to the King: and the Juſtices aſſigned ſhall have power to enquire of Labourers. And the other Juſtices whom the King will thereto aſſign, ſhall have power to enquire of them that ſell the Iron at too dear a price, and to puniſh them after the quantity of the treſpaſs.

The penalty for tranſporting of Iron.

CAP. VI.

Who ſhall be Coroners, and by whom and where they ſhall be choſen.

ITem, it is ordained and accorded, that all Coroners of the Counties ſhall be choſen in the full Counties, by the Commons of the ſame Counties, of the moſt meet and moſt lawful people that ſhall be found in the ſaid Counties, to execute the ſaid office: ſaved always to the King and other Lords which ought to make ſuch Coroners, their Seigniories and Franchiſes. Reg. f. 177. Fitz. N. B. f. 163.

Who ſhall be Coroners, and where they ſhall be choſen. St. 3 Ed. 1. 10. Raſt pl. f. 133.

CAP. VII.

No Sheriff ſhall continue in his Office above one year.

No Sheriff ſhall continue in his office above one year.

2 H.7.f.

ITem, it is ordained and eſtabliſhed, that the Sheriffs of the Counties ſhall be removed every year out of their Offices, ſo that no Sheriff that hath been in his Office by a year, ſhall abide in the ſame Office the year next following. And that no Commiſſion be made to him thereof, or renewed for the ſame year following. St. 14 Ed.3.7. 42 Ed.3.9. 23 H.6.8. Raſt.pl.f.202.

CAP. VIII.

An Attaint ſhall be granted as well upon a Bill as upon a Writ of Treſpaſs.

An Attaint ſhall be granted as well upon a bill as upon a writ of treſpaſs Raſt.pl.f.84,&c.

40 Ed.3.

ITem, it is accorded that the Writ of Attaint ſhall be granted from henceforth as well upon a Bill of Treſpaſs as upon a Writ of Treſpaſs, of Enqueſts which be to be taken in time to come, without having regard to the quantity of damages. St. 3 Ed.1.37. 1 Ed.3.6. 5 Ed.3.6.7. 34 Ed.3.7. Reg.f.122. V.N.B.f.48.112. Fitz.N.B.105.

CAP. IX.

No writ ſhall be directed to a Sheriff to charge an Enqueſt to indict any.

No writ ſhall be directed to the Sheriff to charge a Jury to indict any. Cro.El.371.

ITem, becauſe that the people of the Realm have ſuffered many evils and miſchiefs, for that Sheriffs of divers Counties, by vertue of commiſſions and general writs granted to them at their own ſuit, for their ſingular profit to gain of the people, have made and taken divers enqueſts to cauſe to endict the people at their will, and have taken fine and ranſom of them to their own uſe, and have delivered them, whereas ſuch perſons endicted were not brought before the Kings Juſtices to have their deliverance: It is accorded and eſtabliſhed, for to eſchew all ſuch evils and miſchiefs, that all ſuch commiſſions and writs before this time made, ſhall be utterly repealed, and that from henceforth no ſuch commiſſions nor writs ſhall be granted. Fitz.N.B.f.92.c.144.i.250.

CAP. X.

The penalty of the Mayor, Sheriff, &c. of London, if they do not redreſs Errours and Miſpriſion there. And in what Counties the trial thereof ſhall be.

The penalty of the Mayor, Sheriffs &c. of London which do not redreſs errours and miſpriſions there.

Co.Inſt.4 pa. 248.

ITem, becauſe that the errours, defaults and miſpriſions which be notoriouſly uſed in the City of London for default of good governance of the Mayor, of the Sheriffs and the Aldermen, cannot be enquired nor found by people of the ſame City: It is ordained and eſtabliſhed, that the ſaid Mayor, Sheriffs and Aldermen which have the governance of the ſame City, ſhall cauſe to be redreſſed and corrected the defaults, errours and miſpriſions above named, and the ſame duly puniſh from time to time upon a certain pain: that is to ſay, at the firſt default a thouſand marks to the King, and at the ſecond default two thouſand marks, and at the third default that the Franchiſe and liberty of the City be taken into the Kings hand. And be it begun to enquire upon them at Saint Michael next coming, ſo that if they do not cauſe to be made due redreſs as afore is ſaid, it ſhall be enquired of their defaults by enqueſts of people of foraign Counties; that is to ſay, of Kent, Eſſex, Suſſex, Hertford, Buckingham and Berk, as well at the Kings ſuit as others that will complain.

The trial of the defaults of the Mayor,&c. of London touching government, ſhall be by enqueſt of foreign Counties.

The Conſtable or Lieutenant of the Tower ſhall receive and execute the Kings Writs.

What proceſs ſhall be awarded in this ſuit.

And if the Mayors, Sheriffs and Aldermen be by ſuch enqueſts thereto aſſigned, indicted, they ſhall be cauſed to come by due proceſs before the Kings Juſtices, which ſhall be to the ſame aſſigned out of the ſaid City, before whom they ſhall have their anſwer as well to the King as to the party. And if they put them in enqueſts, the ſame enqueſts ſhall be taken by foraign people, as afore is ſaid. And if they be attainted, the ſaid pain ſhall incur and be levied of the ſaid Mayors, Sheriffs and Aldermen, for default of their governance. And nevertheleſs the plaintiffs ſhall recover the treble damages againſt the ſaid Mayor, Sheriffs and Aldermen. And becauſe that the Sheriffs of London be parties to this buſineſs, the Conſtable of the Tower, or his Lieutenant, ſhall ſerve in the place of the Sheriffs, to receive the writs, as well Originals of the Chancery as Judicials, under the Seal of the Juſtices, to do thereof execution in the ſaid City. And proceſs ſhall be made by attachment and Diſtreſs, and by Exigent, if need be: ſo that at the Kings ſuit the Exigent ſhall be awarded after the firſt Capias returned, and at the third Capias returned, at the ſuit of the party. And if the Mayor, Sheriffs and Aldermen have lands or tenements out of the City, proceſs ſhall be made againſt them by attachments and diſtreſſes in the ſame Counties where the lands or tenements be. And that every of the ſaid Mayors, Sheriffs and Aldermen which do appear before the ſaid Juſtices, ſhall anſwer particularly for himſelf, as well at the peril of other which be abſent, as of himſelf. And this Ordinance ſhall be holden firm and ſtable, notwithſtanding any manner Franchiſe, Priviledges or Cuſtoms. And this Ordinance ſhall extend to all Cities and Boroughs of the Realm where ſuch defaults or miſpriſions be uſed, and not duely corrected nor redreſſed. Saving that the enqueſts ſhall be taken by foreign people of the ſame County where ſuch Cities or Boroughs be. And that the pain of thoſe of the ſaid Boroughs and Towns, which ſhall be thereof attainted, ſhall be judged by the diſcretion of the Juſtices, which ſhall be thereto aſſigned. St. 1 H.4.15. St. 31 Ed.3.10. St. 17 R.2.ca.12.

This ordinance provided for London, ſhall extend to all Cities and Boroughs.

CAP. XI.

Freſh ſuit and Huy and Cry ſhall be made after Robbers from Country to Country.

ITem, becauſe that great clamour and grievous complaints be made as well by Aliens as by Denizens, that Merchants and other paſſing through the Realm of England with their merchandiſes and other goods, be ſlain & robbed, and namely now more then they were wont, whereof remedy hath not been made to the complainants: Our Lord the King, conſidering the profit which may come to the ſaid Realm by coming and abiding of the ſaid Merchants Aliens in the ſame Realm, and the damage and miſchief which to them and other is done daily by ſuch manſlaughters and robberies, and willing to provide for the ſurety and indempnity of Merchants and other aforeſaid, hath ordained and ſtabliſhed, by the aſſent of all his Parliament, to the intent that Merchants aliens ſhall have the greater will and courage to come into the ſaid Realm of England, and that remedy from henceforth be ſpeedily made to ſuch Merchants and other robbed, according to the form contained in the Statute late made at Wincheſter; that is to ſay, That ſolemn Cry be made in all Counties, Hundreds, Markets, Fairs, and all other places where ſolemn aſſembly of the people ſhall be, ſo that none by ignorance ſhall excuſe him, that every Country from henceforth be ſo kept, that immediately after felonies and robberies done, freſh ſuit be made from Town to Town, and from Country to Country, and Enqueſts, if need be, ſhall be alſo taken in the Towns by him which is Soveraign of the Town, and after in Hundreds, Franchiſes, and in the County, and ſometime in two, three or four Counties, in caſe when felonies ſhall be done in the Marches of the Counties, ſo that the offendors may be attainted. And if the Country do not anſwer of ſuch offendors, the pain ſhall be ſuch, that every Country, that is to ſay, the people dwelling in the Country, ſhall anſwer of the robberies done, and of the damages, ſo that all the Hundred where the robbery ſhall be done, or the Franchiſes which be within the precinct of the ſame Hundred, ſhall anſwer of the robbery done. And if the robbery be done in the diviſion of two Hundreds, both Hundreds ſhall anſwer together with the Franchiſes. And longer term ſhall not the Country have after the robbery or felony done then fourty days, within which them behoveth to make gree of the robbery, or of the offence, or that they anſwer of the bodies of the offendors. St. 27 El. 13. Stat. 18 Ed. 2.

St. 13 Ed. 1. 1. 2. Huy and Cry ſhall be levied, and freſh ſuit ſhall be made after robbers from town to town, and from country to country.

The penalty of the country, if robbers offending therein be not taken within xl. days.

CAP. XII.

Within what time purveiances made for the Kings houſe ſhall be paid for.

ITem, for that the mean people of the Realm, and divers others have complained of the grievances done to them, becauſe the Purveyors of our Lord the King, the Queen, and of the Prince, and other, have taken of them their goods, livings and victuals and thereof have delivered them tallies, aſſigning to them a day and place to receive their payment at forraign places and far off, where they diſpended the value of the thing ſo taken of them, or the double, before that they have received their payment, and oftentimes have failed of all: The King willing to provide a remedy againſt ſuch grievances, hath ordained and eſtabliſhed, for the quietneſs and eaſe of his people, that of all purveiances, which be or ſhall be made to his uſe, or to any others uſe, within the ſum of twenty ſhillings, payment ſhall be thereof made incontinently upon the purveiance made, without delivering any tally for any day or place elſewhere to be thereof aſſigned. And that of other purveiances made to the ſum of twenty ſhillings and above, payment ſhall be made within a quarter of a year then next following after ſuch purveiances made, at certain days and places, according as it may be moſt for eaſe and leſs travel of the people.

Purveiances made to the Kings uſe under xx. s. ſhall be preſently paid for, and all above within a quarter of a year. St. 2 H. 4. 14. St. 20 H. 6. 8.

CAP. XIII.

The warranty of packing of Wool ſhall be put out. An Enqueſt ſhall be de medietate linguæ, where an Alien is party.

ITem, it is accorded and eſtabliſhed, that all the Ordinances made in the great Council holden at Weſtminſter, the Munday next after the feaſt of S. Matthew the Apoſtle laſt paſt, together with certain Declarations and Additions made in this preſent Parliament, be firmly kept and holden for a Statute to endure for ever, which Declarations and Additions do follow in this manner: Whereas it is contained in the ſaid Ordinances, that every Merchant that ſelleth his wools at the Staple, ſhall be bound to warrant the packing of the ſame wools: and if a plea of debate be moved before the Mayor of the Staple, betwixt the Merchants or Miniſters of the ſame, and thereupon to try the truth thereof an enqueſt or proof ſhall be taken, then if both parties be Aliens, it ſhall be tryed by Aliens; and if both parties be Denizens, it ſhall be tryed by Denizens; but if the one party be Denizen, and the other Alien, half of the enqueſt or of the proof ſhall be of Denizens, and the other half of Aliens. And alſo that no Merchant privy nor ſtranger, nor other of what condition that he be, ſhall go by land nor by water to meet ſuch ſhips charged with wines, wares, or other merchandiſes coming into the Realm of England, nor other lands of the Kings, in the Sea or elſewhere, for to foreſtal, buy, or in other manner giving them earneſt before that they come to the Staple or to the Port where they ſhall be diſcharged, nor enter the ſhips for ſuch cauſe till the merchandiſes be ſet to land for to ſell: It is accorded and eſtabliſhed, that the warranty of packing of wools, for divers miſchiefs which the Commons have thereof perceived, ſhall wholly be out. And that no man be holden to make ſuch warranty unleſs it be by covenant made by deed enſealed. Alſo that no man, other then a Merchant-Denizen or Alien, that knoweth the laws and uſages of the Staple, uſed before that the ſaid Ordinances of the Staple were made, ſhall be charged by the ſame laws and uſages till they be declared in Parliament.

The warranty of packing of wools ſhall be wholly put out St. 27 Ed. 3. 3. St. 27 Ed. 3. 8. St. 8 H. 6. 29.

Dyer f. 144. 357. 3 Ed 4. f. 11. 27 H. 6. f. 4. Fitz Trial 30 32. 71. Bro Denizen 4. 12. 21 H. 7. f. 32.

And that in all manner of Enqueſts & proofs, which be to be taken or made amongſt Aliens and Denizens, be they Merchants or other, as well before the Mayor of the Staple as before any other Juſtices or Miniſters, although the King be party, the one half of the Enqueſt or proof ſhall be Denizens, and the other half of Aliens, if ſo many Aliens and Forraigners be in the town or place where ſuch Enqueſt or proof is to be taken, that be not parties, nor with the parties in contracts, pleas, or other quarrels, whereof ſuch Enqueſts or proofs ought

An Enqueſt ſhall be de medietate linguæ, where an alien is party to any tryal. Raſt. pl. f. 30. 248. St. 27 E. 3. 8.

to be taken: and if there be not ſo many Aliens, then ſhall there be put in ſuch Enqueſts or proofs, as many Aliens as ſhall be found in the ſame towns or places which be not thereto parties, nor with the parties, as afore is ſaid, and the remnant of Denizens, which be good men, and not ſuſpitious to the one party nor to the other.

None ſhall foreſtal merchandiſes coming towards this Realm. St. 27 Ed.3.3.

And that no manner of Ship which is fraught towards England or elſewhere, be compelled to come to any Port of England, nor here to abide againſt the will of the Maſters and Mariners of the ſame, or of the Merchants whoſe the goods be. And if ſuch Ships come of their own good will, or be driven by tempeſts or other misfortune or miſchief to any Port in England, and the Maſters, Mariners or Merchants of the ſame Ships will ſell or deliver part of their merchandiſes with their good will, it ſhall be lawful for every man to buy ſuch merchandiſes freely without impeachment in the Port where ſuch Ships ſhall come, albeit the ſaid merchandiſes be not put to land to ſell: ſo always that no Merchant nor other ſhall go by land nor by water to meet ſuch Ships charged with merchandiſes, to foreſtal the ſame merchandiſes, or to give them earneſt by way of foreſtalling, upon the pains contained in the third Article of the ſaid Ordinances, ſo that the Maſters, Mariners and Merchants, after that they have ſold that which pleaſeth them of their ſaid goods, and paid thereof the cuſtom, may freely depart and go with their Ships and all the remnant of their goods whither it ſhall pleaſe them, without cuſtom thereof to be paid. And that none, of what condition that he be, by art or engine, ſhall diſturb any Ship charged with merchandiſes to come to any Port of England, but to the Port where the Maſters, Mariners and Merchants will firſt of their free will arrive; nor after they have arrived, ſhall meddle with the ſale of the ſame merchandiſes, nor diſturb the Merchants nor their ſervants, that they may not themſelves by their own hands, according as to them beſt ſhall ſeem for their profit, ſell and deliver their merchandiſes at what time and to whom it ſhall them beſt pleaſe. And if any ſet diſturbance, he ſhall incur a grievous forfeiture to the King according to the quantity of the treſpaſs.

No foraigners ſhips ſhall be compelled to arrive in England, or to tarry there. St. 20 R.2.4.

CAP. XIV.

Upon which days Wool may be ſhewed in the Staple, and in which not. OB.

CAP. XV.

The bounds of every Staple, and how far they ſhall extend. OB.

Statutes made at Weſtminſter *Anno* 31 *Ed.* 3. and *Anno Dom.* 1357.

TO the honour of God and holy Church, it is accorded by our Lord the King, the Prelates, Earls, Barons, and all the Commonaly of the ſaid Realm of England, in the Parliament holden at Weſtminſter, the Munday next after the week of Eaſter, the year of the reign of our Lord King Edward of England the one and thirtieth, and of France the ſeventeenth.

CAP. I.

A Confirmation of the great Charter and the Charter of the Foreſt.

FIrſt, that the great Charter and the Charter of the Foreſt be firmly kept, holden, uſed and executed in all points.

CAP. II.

No Wool ſhall be bought by fraud to abate the price thereof. Weights ſhall be ſent to all Shires.

No wools ſhall be bought by fraud to abate the price thereof.

Balances and weights ſhall be ſent to all the Sheriffs of England, and every perſon may make theirs by them.

ITem, whereas at the grievous complaint of the Commons of the Realm of England, it was ſhewed, that the Merchants which buy Wool in Fairs and Markets, and other places, by covin and conſent betwixt them, do abate the price of Wools, and uſe other weight then is ordained by the Statute before this time, in annoyance of the people: It is accorded and eſtabliſhed, that Proclamation be made through the Realm, that no Merchant do ſuch covin, upon a grievous forfeiture. And if any do againſt the ſame after the Proclamation, the King ſhall aſſign his Juſtices to enquire at the ſuit of the party of all that do ſuch covin, and to hear and determine for the King and for the party. And that certain balances and weights of ſack, half ſack, and quarter, pound, half pound and quarter, according to the Standard of the Eſchequer, be ſent to all Sheriffs of England betwixt this and the Nativity of St. John next coming, ſo that they (ſuch balances and weights received) ſhall make open Proclamation through all their Counties, that every man that will have ſuch balances and weights, ſhall come to the Sheriff before Michaelmas, to make their balances and weights according to the ſaid Standard at their coſt, without any thing giving to the Sheriff for to have aſſay or example of the ſaid balances and weights, and that from henceforth none ſhall ſell nor buy by other weight. And if any do againſt the ſame, he ſhall be puniſhed by fine at the Kings will. St. 11 H.7.4.

CAP. III.

A man charged with detaining of felons goods, layeth the fault in another.

A man charged with detaining of felons goods layeth the fault in another.

38 Ed.
41 Ed.
37 H.6.
Dyer f.
Coke l.
l.6.f.18.
l.9. f.38.
Co.Inſt.
133.b.
Cro.El.
Cro.Car.
106.

ITem, if any man or town be charged in the Eſchequer by eſtreats of the Juſtices of the chattels of fugitives and felons, and will alledge in diſcharge of him another which is chargeable, he ſhall be heard, and right done to the other.

CAP. IV.

Redreſſing of extortion in Biſhops officers in proving of Wills.

By what means extortion in Biſhops officers for proving of teſtaments ſhall be redreſſed.

ITem, whereas the miniſters of Biſhops and other Ordinaries of holy Church, take of the people grievous and outragious fines for the Probate of Teſtaments, & for the making of acquittances thereof, the King hath charged the Archbiſhop of Canterbury and the other

Biſhops, that they cauſe the ſame to be amended; and if they do not, it is accorded, That the King ſhall cauſe to be inquired by his Juſtices, of ſuch oppreſſions and extortions, to hear them and determine them, as well at the Kings ſuit as at the ſuit of the party, as in old time hath been uſed. St. 3 H. 5. 8. St. 21 H. 8. 5.

CAP. V.

The contents of a Tun of Wine, and the gaging thereof.

Item, Whereas it is ordained by a Statute, that the Tuns of Wine ought to contain a certain number of galons, according to the old gage, and now they be diminiſhed for default of the gagers office evil uſed, to the great damage of the people: It is accorded and eſtabliſhed, That the ſaid Statute ſhall be holden and kept in all points, And moreover if any ſell a Tun or Pipe of Wine not gaged, that the ſaid ſeller ſhall forfeit the ſame Wine, or the value to the King. St. 18 H. 6. 17. St. 1 R. 3. 13. St. 28 H. 8. 14.

St. 27 Ed. 3. 8. He that ſelleth his wine ungaged ſhall forfeit it.

CAP. VI.

The Lords of Franchiſes ſhall have the fines of labourers and ſervants, &c. forfeited. EXP.

CAP. VII.

Juſtices ſhall enquire of the offenders of the Laws of the Staple. OB.

CAP. VIII.

What refuſe ſhall be made of Wool. All Wools, &c. ſhall be brought to the Staple.

Item, It is accorded and aſſented, for the common profit and eaſe of the people, that every Merchant and other, as well Alien as Denizen, may bring to the parts beyond the Sea, which be of the Kings amity, Wools, Leather and Woolfels from the fifth day of May next coming to the feaſt of St. Michael next enſuing, paying for every ſack fifty ſhillings, and for C C C. Woolfels fifty ſhillings, and for the Laſt of Leather C. ſhillings, for the cuſtom and ſubſidy of the ſame. And that no Merchant nor other that buyeth Wools, ſhall make other refuſe of Wools then was wont to be made in times paſt: that is to ſay, of cote, gare, and villain fleeces; and that every ſack contain xxvi. ſtones: and every ſtone xiv. pound, according to the weight of the Standard of the Eſchequer, and no more nor leſs. And that all the Wools, Fels and Leather bought in the Countrey, ſhall be brought to the Staples, and there ſhall abide at the leaſt fifteen days. And thoſe that may not there be ſold or delivered within the fifteen days, ſhall be brought to the Ports ordained for the Staple, to paſs from thence to the parts aforeſaid, paying the cuſtoms and ſubſidies aforeſaid. And that no Wools vendible ſhall be lodged, ſhewed or ſold within three miles of the Staples, but in the ſame Staple, ſaving that every Lord and other man ſaving a Merchant, may freely lodge, ſhew and ſell his Wools which be of his own growing, in his own houſe and elſewhere, as ſhall pleaſe him.

What refuſe may be made of wool. St. 13 R. 2. 9. The content of a ſack and ſtone of wool.

Wools brought to the Staple, ſhall remain there xv. days.

CAP. IX.

The Kings Council upon cauſe may defer the tranſporting of Wool.

Item, It is accorded and aſſented, That the Chancellor and Treaſurer which for the time ſhall be, by the advice of other of the Kings Council, ſhall have power to defer the term of paſſage of Wools when they ſee that need is.

Who may defer the paſſage of Wool.

CAP. X.

Who may govern or reform the defaults of Victuallers in London.

Item, Becauſe that the Fiſhers, Butchers, Poulters, and other ſellers of victuals in the City of London, by colour of ſome Charters, and by evil interpretation of ſome Statutes made in advantage of the people, that every man may freely ſell his victuals without diſturbance; and that no Mayor, Sheriffs or other Miniſter ought to meddle of the ſale: It is accorded and aſſented, That every man that bringeth victuals, whatſoever they be, to the City, by land or by water, may freely ſell the ſame to whom it ſhall pleaſe him, without being interrupted or impeached by Fiſher, Butcher, Poulter, or any other. And that the Mayor and Aldermen of the ſaid City, may rule and redreſs the defaults of Fiſhers, Butchers and Poulters, as they do of thoſe that ſell bread, ale or wine, notwithſtanding Charters of Franchiſe, and Statutes, Cuſtoms, or other priviledges made or uſed to the contrary. And that the ſaid Mayor and Aldermen do the ſame, and put it in execution, upon the pain late ordained touching the City of London, ſo that the puniſhment of ſuch be not made in reſpect of any ſingular profit. St. 6 R. 2. 11. St. 7 R. 2. 11.

The Mayor and Aldermen of London may reform the defaults of Victuallers there. St. 28 Ed. 3. 10.

CAP. XI.

To whom the Ordinary may commit the adminiſtration of the goods of him that dieth inteſtate. The benefit and charge of an Adminiſtator.

38 Ed. 3. f. 26. 41 Ed. 3. f. 2. 37 H. 6. f. 15. Dyer f. 256. Coke l. 5. f. 9. l. 6. f. 18. l. 9. f. 38. Co. Inſt. 1 par. 133. b. Cro. El. 409. Cro. Car. 63. 106.

Item, It is accorded and aſſented, That in caſe where a man dieth inteſtate, the Ordinaries ſhall depute the next and moſt lawful friends of the dead perſon inteſtate to adminiſter his goods; which Deputies ſhall have an action to demand and recover as executors the debts due to the ſaid perſon inteſtate in the Kings Court, for to adminiſter and diſpend for the ſoul of the dead, and ſhall anſwer alſo in the Kings Court to other to whom the ſaid dead perſon was holden and bound, in the ſame manner as Executors ſhall anſwer. And they ſhall be accomptable to the Ordinaries, as Executors be in the caſe of Teſtament, as well of the time paſt as the time to come. Regiſt. f. 141. V. N. B. f. 61. Fitz. N. B. f. 120. d. Raſt. pl. f. 320.

To whom the Ordinary may commit the adminiſtration of the goods of him that dieth inteſtate. St. 21 H. 8. 5. The benefit and charge of an Adminiſtrator.

CAP. XII.

The Lord Chancellor and Lord Treaſurer ſhall examine erroneous judgments given in the Eſchequer.

Co. Inſt. 4. par. 105. The L. Chancellor & Treaſurer ſhall examine erroneous Judgments given in the Eſchequer. St. 31 El. 1. St. 16 Car. 2. ca. 2.

6 H. 7. f. 15. 8 H. 7. f. 13. Coke l. 1. f. 15.

ITem, It is accorded and eſtabliſhed, That in all caſes touching the King or other perſons where a man complaineth of errour made in proceſs in the Eſchequer, the Chancellor and Treaſurer ſhall cauſe to come before them in any chamber of Counſel nigh the Eſchequer, the record of the proceſs out of the Eſchequer, taking to them the Juſtices and other ſage perſons, ſuch as to them ſeemeth to be taken. And ſhall alſo cauſe to be called before them the Barons of the Eſchequer, to hear their informations, and the cauſes of their judgments, and thereupon ſhall duly examine the buſineſs; and if any errour be found, they ſhall correct and amend the Rolls, and after ſend them into the Eſchequer for to make thereof execution as pertaineth. V. N. B. f. 55. St. 31 El. ca. 1.

CAP. XIII.

The Kings pardon to the Commons of the eſcape of Felons and their goods not eſtreated. And a Fifteen granted to him in regard of the ſame. EXP.

CAP. XIV.

How eſcapes of Felons, Cattels of Felons and Fugitives ſhall be levied.

How eſcapes of felons ſhall be levied.

ITem, It is accorded, That the eſcape of Thieves and Felons, and the chattels of Felons and Fugitives, and alſo eſcape of Clerks convict out of their Ordinaries priſon, from henceforth to be judged before any of the Kings Juſtices, ſhall be levied from time to time, as they ſhall fall, as well of the time paſt as of time to come.

CAP. XV.

At what time a Sheriff ſhall hold his Turn.

St. 9 H. 3. 35.

ITem, Whereas in the great Charter it is contained, That no Sheriff nor his Bailiff ſhall make his Turn by Hundreds but two times in the year, in a place due and accuſtomed: that is to ſay, once after Eaſter, and another time after Michaelmas. And now divers of the Commons have grievouſly complained them, that ſome Sheriffs make their Turns oftentimes in Lent, when men ought to intend devotion, and other works of charity for remedy of their ſouls; and ſometime after the gule of Auguſt, when every man almoſt is occupied about the cutting and carrying of his corn, whereby the people perceiveth them much grieved and diſquieted: Our Lord the King, deſiring the quietneſs of his people, hath ordained and ſtabliſhed, That every Sheriff from henceforth ſhall make his Turn yearly one time within the moneth after Eaſter, and another time within the moneth after Saint Michael; and if they hold them in other manner, that then they ſhall loſe their turn for the time. Fitz. N. B. f. 158.

6 H. 7. f. 2. 30 H. 6. f. 7.

At what time only the Sheriff ſhall keep his Turn.

The Statute of Herrings, made *Anno* 31 *Ed.* 3. and *Anno Dom.* 1357.

FOraſmuch as the Commons of the Realm of England, at the Parliament holden at Weſtminſter the Munday next after the week of Eaſter, the year of the Reign of our Lord the King, Edward the third of England xxxi. and of France xviii. have complained them to our Lord the King, becauſe that the people of great Yarmouth do encounter the Fiſhers bringing Herring to the ſaid Town in the time of the Fair, and do buy and foreſtall the Herring before they do come to the Town. And alſo the Hoſtelers of the ſame Town that lodge the Fiſhers coming thither with their Herring, will not ſuffer the ſaid Fiſhers to ſell their Herring, nor meddle with the ſale thereof, but ſell them at their own will, as dear as they will, and give to the Fiſhers that pleaſeth them, whereby the Fiſhers do withdraw themſelves to come thither. And ſo is the Herring ſet at much greater price then ever it was, to the great damage of our Lord the King, of the Lords, and of all the people: Wherefore our Lord the King, ſeeing the miſchiefs in this behalf, by the aſſent of the great men and all the Commons, hath ordained and ſtabliſhed remedy upon the ſaid miſchiefs, in the form as followeth.

CAP. I.

Herrings ſhall not be bought or ſold on the Sea. At what time they ſhall be ſold.

No Herring ſhall be ſold on the Sea.

FIrſt, That no Herring be bought or ſold in the Sea, till the Fiſhers be come into the Haven with their Herring, and that the Cable of the Ship be drawn to the Land. St. 5 El. 5.

CAP. II.

The order and time of bringing and ſelling of Herring at Yarmouth-Fair. How many Herrings ſhall be accompted a C. and how many a M. Who ſhall govern the Fair.

The order and time of bringing and ſelling of herrings at the Fair of great Yarmouth. St. 35 Ed. 3. 1.

The price of a Laſt of Herring.

There ſhall be no foreſtalling of herring. St. 5 El. 5.

ITem, That the Fiſhers be free to ſell their Herring to all that come to the Fair of great Yarmouth, without any diſturbance of their Hoſtelers, or any other. And when the Fiſhers will ſell their merchandiſes in the Port, they ſhall have their Hoſtelers with them, if they there will be, and in their preſence, and the preſence of other Merchants openly ſhall ſell their Merchandiſes. And that every man claim his part for the taking, after the rate of the ſame Merchandiſes ſo ſold. And the ſaid ſale ſhall be made from the Sun-riſing till the Sun going down, and not before nor after, upon forfeiture of the ſame Merchandiſes. And that the ſaid Fiſhers be free to buy their victuals, and that which they need, where ſhall pleaſe them. And that no Hoſtelers nor other, buy any for to hang in their houſes by covin, nor in other manner, at a higher price the Laſt then forty ſhillings, but leſs in as much as he may, according as he may agree with the ſeller. And that no Hoſtelers nor any of their ſervants, nor any other whatſoever he be, coming to the ſaid Fair, ſhall go by Land nor by Sea to foreſtall Herring privily nor openly, but the Herring ſhall come freely unſold unto the Haven. Nor that any Pyker make buying of freſh Herring in the Haven of Yarmouth betwixt the Feaſts of Saint Michael and Saint Martin, upon pain of impriſonment at the Kings will, and to forfeit all the Herring ſo bought. And that no veſſel called Pyker of London, nor of none other place, ſhall enter into the ſaid Haven to abate the Fair in damage of the people, upon the pain of forfeiture of their veſſel, and all their chattels found within. And that all the Hoſtelers be ſworn before the Wardens of the ſaid Fair, and enjoyned upon a great forfeiture to the King, to receive their gueſts well and conveniently, and to aid and eaſe them reaſonably, taking of every Laſt that ſhall be ſold to other Merchants then to the ſaid Hoſtelers, xl d. And that of Herring ſold to the ſame Hoſtelers to take in their houſes, the ſame Hoſtelers ſhall take nothing, and that becauſe of the profits which they ſhall have of victuals ſold to their ſaid gueſts, and of the advantage that they have more then other of carriage of Herring ſo by them bought, and hanging in their houſes. And that the Hoſtelers becauſe of this Ordinance do not refuſe their gueſts, but receive them and intreat them in good and friendly manner, as they have done before-time. And that they for the advantage of xl. d. the Laſt, take upon them for the payment of all the Herring that ſhall be ſold by their aſſent to any perſons. And the hundred of Herring ſhall be accompted by ſix-ſcore, and the Laſt by ten thouſand. And that the Merchants of Yarmouth, of London, or elſewhere, ſell the thouſand of Herring to the people after the rate of the price of the Laſt. And that the people of Yarmouth ſell the Laſt of red Herring bought for xl. s. freſh within xl. days, for half a mark of gain, and not above. And that the people of London at ſuch Fair ſhall bring the Laſt from Yarmouth to London for one mark of gain, and not above. And alſo two Laſts of ſhotten Herring freſh ſhall be ſold for the price aſſeſſed of the buying of a Laſt of full Herring: and ſo of more and leſs after the ſame rate; and of ſhotten Herring red, the two Laſts ſhall be ſold dearer of a mark then the Laſt of Herring full red, and that becauſe the carriage of a Laſt of ſhotten Herring draweth to as much as the Laſt of full Herring; and ſo of more and leſs, according to the ſame rate. And that the ſhips called the Pykers, ſhall freely buy freſh Herring, and all other merchandiſes of Fiſhes in Kyrkly, and elſewhere upon the coaſts of the Sea, without impeachment or diſturbance of the Hoſtelers of Yarmouth, or of any other. So always that no more Herring be diſcharged in the Road of Kyrkly out of the Fiſhers Ships, but as much as may reaſonably ſuffice to the charge of the Pykers that thither ſhall come for the ſame cauſe. And that the Fiſhers be compelled to bring all the remnant of their Herring to the ſaid Fair to ſell there. So that none ſell Herring in any place about the Haven of Yarmouth by ſeven miles, except in three Towns of Yarmouth; that is to ſay, Eſton, Weſton, and Southon, unleſs it be Herring of their own fiſhing. And our Lord the King doth will, That the Barons of the five Ports ſhall cauſe to be kept and governed the ſaid Fair according to the compoſition late made between them and the people of the Town of Yarmouth confirmed by the Kings grandfather. And that the ſame Barons and Bailiffs of great Yarmouth cauſe to be kept theſe preſent Ordinances in all points, and to be cryed in every Sunday between S. Michael and S. Martin, upon pain to loſe their Franchiſe, and to be puniſhed at the Kings will. And that the people of Yarmouth ſuffer the ſaid Barons of the five Ports to govern and rule the ſaid Fair after the purport of the ſaid compoſition, and due execution to be made of this Ordinance, upon the pain laſt aforeſaid: And theſe Ordinances in the right of buying and ſelling of Herring, ſhall be holden in all the Towns of England, where Herring is taken and ſearched, upon the pains aforeſaid.

A Pyker of of London ſhall not enter into Yarmouth-haven to abate the Fair.

To what Hoſtelers ſhall be ſworn.

Herrings ſold to Hoſtelers to their own

The hundred of Herring ſix-ſcore, and the Laſt ten thouſand.

The prices of Herring, and the gains thereby.

The Barons of the five Ports muſt govern the Fair of great Yarmouth.

Theſe ordinances for buying and ſelling of Herring ſhall be holden in all Towns where Herring is taken and ſold.

CAP. III.

What great Officers ſhall take order for ſelling and buying of Fiſh.

Item, It is accorded by our Lord the King, the great men, and all the Commons in this preſent Parliament, That the Chancellor and Treaſurer taking to them Juſtices and other the Kings Council, ſuch as to them ſhall ſeem, ſhall have power to ordain remedy touching the buing and ſelling of Stockfiſh of Saint Botulf, and Salmon of Berwick, and of Wines, and Fiſh of Buſtrute, and elſewhere; to the intent that the King and the people may the better be ſerved, and have better market then they have had before this time, and that the Ordinances by them made in this party be firmly holden.

The Chancellor and Treaſurer may take order for the buying and ſelling of certain fiſh and wine.

Another Statute for Fiſh, made *Anno* 31 *Ed.* 3.

CAP. I.

Doggers and Land-Ships of Blackney-Haven ſhall diſcharge their Fiſh there.

Firſt, It is Ordained, That all the Ships called Doggers and Land-Ships, pertaining to the Haven of Blackney, and coaſts thereunto adjoyning, that is to ſay, the Suytor, the Wyneton, Clay, Salthouſe, Shiringham, and Crowmer, ſhall deliver or diſcharge their Fiſh within the Haven of Blackney only, betwixt Benord and Hogfleet, and in none other place, upon pain of impriſonment at the Kings will, and forfeiture of the ſame Fiſh. And no Fiſh be delivered nor carried out of the Ship to any houſe nor elſewhere, before that the Owner of the Ship, wherein the ſaid Fiſh is charged, and the Merchant that ſhall buy the fiſh, be agreed of the price of the ſame by clear day.

Doggers and Land-ſhips of the Haven of Blackney ſhall diſcharge their fiſh within the ſame haven.

CAP. II.

The price of Doggerfiſh ſhall be aſſeſſed at the beginning of the Fair. Who may buy Nets and hooks in Norfolk.

Loychfiſh tryed but in three parts, Lob, Ling, and Cod.

Who ſhal have the Orgeys.

The price of Dogger-fiſh ſhall be aſſeſſed at the beginning of Blackney fair. Fiſh ſhall not be kept ſecret to be ſold by retail. Who may buy nets and hooks in Norfolk to fiſh with.

ITem, That no Fiſher, nor owner of any Ship, nor any other, ſet hand upon any fiſh within the ſhip, for to try, chuſe, or impair the fiſh, but only the buyer or his Atturney, upon the ſaid pain. And that no fiſh called Loychfiſh, be choſen or tried but only in three parts, that is to ſay, Lob, Ling and Cod. And that every of the ſame three ſorts of Lob, Ling and Cod, be good and covenable, as in old time hath been uſed. And in caſe that no Orgeys, that is to ſay, fiſh greater then Lob, be found in a ſhip called a Lode-ſhip, in the hundred of Lob, Ling, and Cod, the Maſter and Mariners ſhall have of every hundred of Lob, Ling and Cod, (the hundred accompted to ſix-ſcore) twenty Orgeys, if there be ſo many; and if there be leſs, the Maſters and Mariners ſhall have all the Orgeys. And if there be more, the overplus above the ſcores to every hundred, ſhall be put to the fiſh bought in amendment of the price of the ſame to the profit of the buyer. And alſo by the advice of the Merchants and buyers, of the owners coming to the Fair of Blackney, and of the owners of the ſhips, a price ſhall be ſet at the beginning, and aſſeſſed upon the Dogger-fiſh, and Loychfiſh, before that any ſale be made; which price ſhall be holden during the Fair. And that the ſaid fiſh be ſold at ſuch a price openly, and not by covin privily. And that no owner of ſhips, Mariners, nor other, lodge nor cauſe to be lodged in their houſes privily nor openly fiſh in the mud, nor fiſh ſearched, for to ſell again another time at retail, but all ſuch fiſh ſhall be ſold reaſonably within the ſaid bounds at the Fair and price aforeſaid, upon the ſame pain. And that no man buy nets, hooks, nor other inſtruments pertaining to fiſhing in the County of Norfolk, but Owners, Maſters, and Mariners of ſhips, that uſe the myſtery of fiſhing, and which have to do with ſuch things, upon pain of impriſonment, and to be ranſomed at the Kings will, and to forfeit the things ſo bought. And that no owner of a ſhip, Marinet nor other, make impeachment, nor be reſiſtant in any point againſt this preſent Ordinance. Nor that no Mariner nor Fiſher, becauſe of this Ordtnance, leave or refuſe to go in fiſhing, as beforetimes they were wont to do, nor diſturb any covenant made between a Merchant and Owner of a ſhip, upon pain of impriſonment, and to be ranſomed at the Kings will. And that upon the ſame a Writ be ſent to the Sheriff of Norfolk, that at every mans complaint, that will ſue for the King, or for himſelf againſt thoſe that in any point offend againſt this Ordinance, he ſhall cauſe the ſame reſiſtors and treſpaſſors to be attached, and them detain in priſon till the King and his Council have ordained of them that right requireth, after the quantity of their treſpaſs.

The puniſhment of the offenders of this ſtatute.

Statutes made at *Weſtminſter*, *Anno* 34 *Ed. tertii*, & *Anno Dom.* 1360.

THeſe be the things which our Lord the King, the Prelates, Lords, and the Commons have ordained in this preſent Parliament holden at Weſtminſter the Sunday next before the Feaſt of the Converſion of S. Paul, to be holden and publiſhed openly through the Realm.

CAP. I.

What ſort of perſons ſhall be Juſtices of Peace. And what authority they ſhall have.

Who ſhall be Juſtices of peace, & what authority they ſhall have.

St. 1 Ed. 3. 16.
2 Ed. 3. 6.
18 Ed. 3. 2.
13 R. 2. 7.
2 H. 5. 4.

Cro. El 148. 689.
Coke l. 8. f. 36.
Kel. f. 41.

FIrſt, That in every County of England ſhall be aſſigned for the keeping of the peace, one Lord, and with him three or four of the moſt worthy in the County, with ſome learned in the Law: and they ſhall have power to reſtrain the offenders, riotors, and all other Barators, and to purſue, arreſt, take and chaſtiſe them according to their treſpaſs of offence. And to cauſe them to be impriſoned and duly puniſhed according to the Law and Cuſtoms of the Realm, and according to that which to them ſhall ſeem beſt to do by their diſcretions and good adviſement, and alſo to inform them, and to enquire of all thoſe that have been pillors, and robbers in the parts beyond the ſea, and be now come again, and go wandring, and will not labour as they were wont in times paſt, and to take and arreſt all thoſe, that they may find by indictment, or by ſuſpicion, and to put them in priſon, and to take of all them that be not of good fame, where they ſhall be found, ſufficient ſurety and mainpriſe of their good behaviour towards the King and his people, and the other duly to puniſh, to the intent that the people be not by ſuch riotors or rebels troubled nor endamaged, nor the peace blemiſhed, nor Merchants nor other paſſing by the high-ways of the Realm diſturbed, nor put in the peril which may happen of ſuch offenders. And alſo to hear and determine at the Kings ſuit all manner of felonies and treſpaſſes done in the ſame County according to the Laws and Cuſtoms aforeſaid. And that Writs of Oyer and determiner be granted according to the Statutes thereof made, and that the Juſtices which ſhall be thereto aſſigned, be named by the Court, and not by the party. And the King will that all general inquiries before this time granted within any ſeigniories for the miſchiefs and oppreſſions which have been done to the people, by ſuch inquiries, ſhall ceaſe utterly, and be repealed. And that Fines which are to be made before Juſtices for a treſpaſs done by any perſon, be reaſonable and juſt, having regard to the quantity of the treſpaſs, and the cauſes for which they be made.

Juſtices of peace may hear and determine felonies and treſpaſſes.

Commiſſions of general inquiries ſhall ceaſe.

Fines for treſpaſſes ſhall be reaſonable.

CAP. II.

There ſhall be no purveyance made but for the King, the Queen, and the Kings eldeſt ſon.

ITem, It is accorded, That taking ſhall not be from henceforth made by other then the purveyors of the King, of the Queen, and of the Prince their eldeſt ſon; and that if any other mans purveyors make ſuch takings, it ſhall be done to them as of people which do without warrant, and their deed judged as a thing done againſt the Peace & the Law of the Land. And ſuch as do make themſelves purveyors in ſuch manner ſhall be duly puniſhed.

Where ſhall be no purveyance made but for the King, the Queen, and the Kings eldeſt Son, &c. St. 36 Ed. 3. 2.

CAP. III.

When things purveyed for the Queen and Prince ſhall be paid for.

ITem, Of purveyances made to the uſe of the Queen, and of the Prince, of Poultry and of other ſmall things, payment ſhall be made in hand upon the taking, and of other great purveyances, within the moneth or ſix weeks, in the Countries where they ſhall be taken. And that the number of ſuch purveyors be abridged in as much as conveniently may, for the aid and quietneſs of the common people.

When Purveyances made for the Queen and Prince ſhall be paid for.

CAP. IV.

What ſort of people ſhall be returned upon every Jury.

ITem, Becauſe that Sheriffs and other Miniſters often do array their panels in manner of Inqueſts of people procured, and moſt far off from the Counties, which have no knowledge of the deed whereof the Inqueſt ſhall be taken; it is accorded, that ſuch panels ſhall be made of the next people, which ſhall not be ſuſpect nor procured. And that the Sheriffs, Coroners, and other Miniſters, which do againſt the ſame, ſhall be puniſhed before the Juſtices that take the ſaid Inqueſt, according to the quantity of their treſpaſs, as well againſt the King as againſt the party, for the quantity of the damage which he hath ſuffered in ſuch manner. St. 21 E. 1. St. 28 E. 1. 9. 20 Ed. 3. 6. 43 Ed. 3. 11. Regiſt. fo. 178. Regiſt. pla. fo. 117.

What ſort of people the Sheriff ſhall return upon every Jury.

CAP. V.

Auncel weight ſhall be put out. Buying and ſelling ſhall be by equal balance.

ITem, It is accorded, that they which ſhall be aſſigned to keep the peace, ſhall have power to enquire of meaſures and alſo of weights, according to the Statute thereof made the five and twentieth year of the reign of our Lord the King, wherein is contained the form that followeth. Whereas very great damage and deceit is done to the people, by ſo much that divers Merchants uſe to buy and weigh wools and other merchandiſes by a weight that is called Auncel: It is accorded and eſtabliſhed, that this weight called Auncel, betwixt the buyer and the ſeller ſhall be wholly put out. And that every buying and ſelling ſhall be by the balance, ſo that the balances be even, and the wools and other merchandiſes evenly weighed by the right weight. And that the ſack of wool weigh no more but ſix and twenty ſtones, and every ſtone ſhall weigh fourteen pound, and that the beam of the balance ſhall not bow neither to the one part nor to the other. And that the weight be according to the ſtandard of the Eſchequer. And if any buyer do againſt the ſame, he ſhall be grievouſly puniſhed, as well at the ſuit of the party, as at the Kings ſuit.

St. 38 Ed. 3. 9. Juſtices of Peace ſhall enquire of weights and meaſures. St. 9 H. 5. 8.

Auncel weight ſhall be put out. St. 27 Ed. 3. 10. Buying and ſelling ſhall be by equal balance.

CAP. VI.

All meaſures ſhall be according to the Kings Standard, and every meaſure ſhall be ſtriked except the rents and ferms of Lords. Juſtices of Peace ſhall enquire and puniſh the offendors of this ſort. The Articles thereof ſhall be kept upon the pains contained in the Statute made the 28 Ed. 3. 10. Rep. 21 Jac. 28. St. 11 H. 7. 4.

CAP. VII.

An attaint will lie as well in plea real as perſonal.

40 Ed. 3. f. 31. Bro. Attaint. 101.

ITem, It is accorded againſt the falſhood of Jurors, that every man againſt whom they paſs, may have an attaint as well in plea real as perſonal. And that the attaint be granted to the poor (which will affie that they have nothing whereof to make fine, ſaving their countenance) without fine, and to all other by eaſie fine. St. 3 Ed. 1. 37. 1 Ed. 3. 6. 5 Ed. 3. 6. & 7. 28 Ed. 3. 8.

An attaint doth lie as well in plea real as in plea perſonal. Regiſt. fol. 122. V. N. B. f. 48. 112. Fitz. N. B. f. 105. Raſt. pl. f. 84. &c.

CAP. VIII.

The penalty of a Juror taking reward to give his verdict.

31 H. 6. f. 8. Fitz. damag. 76. Fitz. decies tantum 1. 2. 3. 4. 5. 6. 9. 11.

ITem, That in every plea, whereof the Inqueſt or Aſſiſe doth paſs, if any of the parties will ſue againſt any of the Jurors, that they have taken of his adverſary or of him, for to give their verdict, he ſhall be heard, and ſhall have his plaint by Bill preſently before the Juſtices, before whom they did ſwear, and that the Juror be put to anſwer without any delay; and if they plead to the Country, the Inqueſt ſhall be taken preſently. And if any man or other then the party will ſue for the King againſt the Juror, it ſhall be heard and determined as afore is ſaid: And if the Juror be attainted at the ſuit of other then the party, and maketh fine, the party that ſueth ſhall have half the fine. And that the parties to the plea ſhall recover their damages by the aſſeſſment of the Inqueſt. And that the Juror ſo attainted have impriſonment for one year, which impriſonment the King granteth, that it ſhall not be pardoned for any fine. And if the party will ſue by Writ before other Juſtices, he ſhall have the ſuit in the form aforeſaid. St. 5 Ed. 3. 10. 38 Ed. 3. 12. Regiſt. fol. 188. V. N. B. fo. 120. Fitz. N. B. fol. 171.

The puniſhment of a Juror taking reward to give his verdict. Raſt. pl. f. 145.

CAP. IX.

The Statutes of 23 Ed. 3. 1. and 25 Ed. 3. 1. touching Labourers, confirmed. Lords of Towns may take and impriſon them fifteen days if they will not juſtifie themſelves. The wages of Carpenters and Maſons, and in what manner they ſhall ſerve. Rep. 5 Eliz. 4.

CAP. X.

Labourers, &c. departing from their ſervice into another County, ſhall be burned in the forehead with the letter F. Rep. 5. Eliz. 4.

CAP. XI.

If a labourer or ſervant do flee to a City or Borough, the chief Officer upon requeſt ſhall deliver him. Rep. 5. Eliz. 4.

CAP. XII.

There ſhall be no forfeiture of Lands for treaſon of dead perſons not attainted.

There ſhall be no forfeit of lands for treaſon of dead perſons not attainted in their lives.

Co. Inſt. 3 par. 11.

Item, Whereas the Commons have complained them of Eſcheators, which by colour of their Office, have ſeized divers Lands and Tenements as forfeit to the King for Treaſon ſurmiſed in dead perſons, which were never attainted of Treaſon in their lives, the King thereof hath good regard: but becauſe he and his progenitors have been ſeiſed of the forfeitures of wars of all times, the King will not exclude himſelf of ſuch right, whereof he found his Crown ſeiſed, and will continue his right of ſuch forfeitures fallen in his time and in the time of his Father, in the manner as hath been uſed: Nevertheleſs, of his ſpecial grace, he will and granteth, that of ſuch forfeitures fallen in the time of his Grandfather and all his Progenitors before, as ſoon as an Inqueſt ſhall be thereof returned in the Chancery by the Eſcheators or other, which have power to enquire, that the Tenant ſhall not be put out of his poſſeſſion, but ſhall be warned by *Scire facias*, to be at a certain day to anſwer to his *Scire facias*, if he will. And if any ſuch forfeiture be now, or ſhall be ſeiſed of the ſame time, that the Kings hand ſhall be out thereof: ſo always that in all other caſes of forfeiture for Treaſon of dead perſons not attainted or judged in their lives, their Heirs nor their Land-tenants ſhall not be impeached nor challenged, nor of any other forfeiture, except the forfeitures in old time judged after the death of the perſons by preſentment in Eyre, or in the Kings Bench, as of felons of themſelves and other.

7 H. 6. 32. 19.

Forfeiture of dead perſons by preſentment in Eyre, or in the Kings Bench.

Fitz. petition 2.

CAP. XIII.

By what ſort of people, and in what place and manner, an Eſcheator ſhall take his Enqueſt.

By what ſort of people, in which place, and in what manner an Eſcheator ſhall take his enqueſt.

Dyer f. 169. 170.

Item, It is accorded, that every Eſcheator ſhall take his Enqueſts of the Office of good people and lawful, which be ſufficiently inherited and of good fame, and of the ſame County where the enquiry ſhall be; and that the Enqueſts ſo taken be indented betwixt the Eſcheators and the Jurors. And if it be otherwiſe done, that ſuch Enqueſts be holden for void. And the King will that ſuch Enqueſts be taken in the good Towns openly, and not privily. St. 36 Ed. 3. 13. 23 H. 6. 17. 1 H. 8. 8. 3 H. 8. 2.

CAP. XIV.

In what Court Traverſes of Offices found before Eſcheators ſhall be tried.

Traverſes of offices found before Eſcheators, ſhall be tried in the Kings Bench.

4 Ed. 4. 32. Kel. fo. 178. Cok. l. 4. 156. Cro. El. 512.

Item, It is accorded, that where Lands or Tenements be ſeiſed into the Kings hand by office of the Eſcheator, containing that the Kings Tenant made thereof alienation without the Kings licence, or that the Kings Tenant by Knights ſervice died ſeiſed of the Lands and Tenements aforeſaid in his demeſn as of fee, and his heir within age, and after the cauſe certified into the Chancery, and he whoſe lands be ſeiſed come into the Chancery, and will traverſe the Office, which was firſt taken by the Kings commandment, and that the ſaid lands be not ſeiſable: he ſhall be thereto received, and the Proceſs ſhall be ſent into the Kings Bench to try according to the Law, and further to do right. St. 36 Ed. 3. 13. 2 Ed. 6. 8. Raſt. pla. fol. 315.

C

CAP. XV.

A Confirmation of thoſe Alienations which the Tenants of King Henry the Third, &c. did make.

Thoſe alienations which the tenants of K. H. 3. and other Kings before him did make, confirmed.

Co. Inſt. 43.

Item, It is accorded, that the alienations of Lands and Tenements made by people, which did hold of King Henry, great grandfather to the King that now is, or of other Kings before him, to hold of themſelves, that the alienations ſhall ſtand in their force, ſaving always to our Lord the King his Prerogative of the time of his Grandfather, his Father, and of his own time. Fitz. N. B. fol. 143. b. 235. c.

CAP. XVI.

Nonclaim of Fines ſhall hereafter be no bar.

Nonclaim of fines ſhall be no bar hereafter.

Item, It is accorded, that the plea of Non-claim of Fines, which from henceforth be to be levied, ſhall not be taken nor holden for any bar in time to come. Coke Inſt. 262. a.

CAP. XVII.

Merchandiſes may be carried into, and brought out of Ireland.

Merchandiſes may be carried into, and brought out of Ireland.

Item, It is accorded, that all the Merchants, as well Aliens as Denizens, may come into Ireland with their merchandiſes, and from thence freely to return with their merchandiſes and victuals, without fine or ranſom to be taken of them, ſaving always to the King his ancient Cuſtoms and other Duties.

CAP. XVIII.

They which have Lands in Ireland, may carry their goods thither, and bring them again.

They which have lands in Ireland, may carry their goods thither, and bring them again.

Item, That the people of England, as well Religious as other, which have their heritage and poſſeſſions in Ireland, may bring their Corn, Beaſts, and Victuals to the ſaid Land of Ireland, and from thence to recarry their goods and merchandiſes into England, freely without impeachment, paying their cuſtoms and their devoires to the King.

CAP. XIX.

No Cuſtom or Subſidy ſhall be paid for Canvas to pack Wool in.

Item, Becauſe that Merchants, aliens and denizens, by an evil cuſtom riſen of late, have been conſtrained to pay Cuſtom and Subſidy for their Canvas, with which their Wools be packed: It is accorded, that ſuch Canvas with their corners, ſhall from henceforth be allowed to them without paying Cuſtom or Subſidy for the ſame.

No cuſtom or ſubſidy ſhall be paid for Canvas to pack Wooll in.

CAP. XX.

No Corn ſhall be tranſported but to Calice and Gaſcoin. Rep. 21 Jac. 28.

CAP. XXI.

A Confirmation of a Liberty granted by a former Proclamation to Denizens to tranſport Wool over the Sea, until St. Michael next. Exp.

CAP. XXII.

How he ſhall uſe another mans Hawk that taketh it up.

Item, It is accorded in this preſent Parliament, that every perſon which findeth a Fawlcon, Tarcelet, Laner, or Laneret, or other Hawk that is loſt of their Lord, that preſently he bring the ſame to the Sheriff of the County, and that the Sheriff make proclamation in all the good Towns, in the County, that he hath ſuch a Hawk in his cuſtody. And if the Lord which loſt the ſame, or any of his people come to challenge it, and proveth reaſonably that the ſame is his Lords, let him pay for the coſts and have the Hawk. And if none come within four moneths to challenge it, that then the Sheriff have the Hawk, making gree to him that did take him, if he be a ſimple man; and if he be a Gentleman and of eſtate to have the Hawk, that then the Sheriff redeliver to him the Hawk, taking of him reaſonable coſts for the time that he had him in his cuſtody. And if any man take ſuch Hawk, and the ſame conceal from the Lord, whoſe it was, or from his Fawlkoners: Or whoſoever taketh him from the Lord, and thereof be attainted, ſhall have impriſonment of two years, and yield to the Lord the price of the Hawk ſo concealed and carried away, if he have whereof; and if not, he ſhall the longer abide in priſon. St. 37 Ed. 3. 19.

In what ſort one mans Hawk taken up by another ſhall be uſed.

An Ordinance of Herring, made *Anno* 35 *Ed.* 3. and *Anno Domini* 1360.

All perſons may buy Herring in the Fair of Yarmouth openly, and not privily. No man ſhall enter into a bargain of Herring until the firſt Chapman have done with it.

Though that late at the procurement of ſome, doing Us and our Counſel to underſtand, that becauſe that the Hoſts of our Town of great Yarmouth, which lodge the Fiſhers coming there with their Herring, in the time of the Fair, will not ſuffer the ſaid Fiſhers to ſell their Herrings, nor to meddle with the ſale of the ſame, but ſell them at their own will as dear as they will, and give the Fiſhers that pleaſeth them, ſo that the Fiſhers do withdraw themſelves to come there, and the Herring was ſet at a greater dearth then it was before: Amongſt other things it was ordained by Us and our Counſel, that the ſaid Fiſhers of Herring ſhould be free to ſell their Herring to all people that will come to the ſaid Fair at Yarmouth without any diſturbance of their Hoſt or any other. And when the ſaid Fiſhers would ſell their merchandiſes in the Port, they ſhould have their Hoſts with them, if they would be there, and in their preſence, and in the preſence of other Merchants openly ſhould ſell their merchandiſes to whom they pleaſed. And if other Merchants preſent would have part of the ſaid merchandiſes, every of them ſhould have for his part upon the taking, after the rate of the ſame merchandiſes ſo ſold. And the ſaid ſale ſhall be made from the Sun-riſing till the Sun going down, and not before nor after. And that no Hoſtellers nor other, buy Herring to hang in his houſe by covin nor in other manner at an higher price the Laſt then fourty ſhillings: Nevertheleſs becauſe it is ſhewed to us, and to our Council by petition in this preſent Parliament, that the ſale of Herring is much decayed, and the people greatly indamaged by the points aforeſaid, that is to ſay, that many Merchants coming to the Fair, as well labourers and ſervants, as other, do bargain for Herring, and every of them by malice and envy encreaſe upon other, and if one profer xl s. another will profer x s. more, and the third lx s. and ſo every one ſurmounteth other in the bargain, and ſuch profers extend to more then the price of the Herring upon which the Fiſhers profered it to ſell at the beginning: and when every man claimeth his part of the Herring for the price accorded, he ſhall have his part, and the Herring ſhall be ſo divided amongſt them, that the Fiſher is ſo much grieved and delayed in the gathering of his money, that he ſhould demand of ſo many perſons, that he leeſeth his Mart and the advantage of his Fiſhing. And alſo herein, that no freſh Herring is put to ſale, but from the Sun-riſing till the Sun going down, and not before nor after, which is to the great loſs of Fiſhers, and appairing of the Herring, and damage of the people that ſhall buy the ſame; for the Fiſhing is more by night then by day, and often it chanceth, that the Fiſhers be ſo long and ſo charged, that they come to the Town after Sun going down, or little before, ſo that they cannot ſell their Herring in the time for the ſale limited, ſo that they muſt abide all the night and the day after upon the ſale of their Herring, and loſe many marts and profits of their Fiſhing: We perceiving the miſchiefs and grievances aforeſaid, by the advice and aſſent of our Parliament, will and grant that it ſhall be lawful to every man, of what condition that he be, Merchant or other, to buy Herring openly, and not privily, at ſuch price

A rehearſal of the Statute of An. 31 Ed. 3. 2. and of the inconveniences thereof.

All perſons may buy Herring in Fair-time at great Yarmouth, and not privily.

No man ſhall enter into a bargain of Herring until the firſt Chapman hath done with it. A Fiſher may ſell his Herring at any time when he cometh with it.

as may be agreed betwixt him and the ſeller of the ſame Herring. And that no man enter in bargain upon the buying of the ſame, till he that firſt cometh to bargain ſhall have an end of his bargain greeable to the ſeller; and that none increaſe upon other during the firſt bargain, upon pain of forfeiture to us the double of his profer, but every man ſhall have the Herring ſo bought, according to the bargain thereof made. And that every Fiſher may deliver and ſell his Herring and Fiſh at every Mart, when he cometh to the ſaid Town of great Yarmouth, without any diſturbance or impeachment: Notwithſtanding any Ordinance made to the contrary before this time. In witneſs whereof We have cauſed theſe our Letters Patents to be made. Given at Weſtminſter the twentieth day of February, in the five and thirtieth year of our Reign of England.

Statutes made at Weſtminſter, *Anno* 36 *Edw.* 3. and *Anno Domini* 1362.

TO the honour and pleaſure of God, and amendment of the outragious grievances and oppreſſions done to the people, and in relief of their eſtate, King Edward at his Parliament holden at Weſtminſter in the fifteenth of St. Michael, the ſix and thirtieth year of his reign, at the requeſt of his Commons by their Petitions delivered to him in the ſaid Parliament, by aſſent of the Prelates, Dukes, Earls, Barons, and other great men in the ſaid Parliament aſſembled, hath granted for him and his heirs for ever the Articles under-written.

CAP. I.

A Confirmation of all former Statutes.

A confirmation of former Statutes.

FIrſt, That the great Charter, and the Charter of the Foreſt, and the other Statutes made in his time and in the time of his Progenitors, be well and ſurely holden and kept in all points.

CAP. II.

No purveyance but for the King and Queen. The name of Purveyor changed into Buyer. Ready payment ſhall be made for things purveyed, and they ſhall be appraiſed.

No purveyance ſhall be made but for the King and the Queen. St. 34 Ed. 3. 2.

The heinous name of Purveyors ſhall be changed, and named Buyers.

By whom and in what manner appraiſement ſhall be made of things purveyed for the Kings houſe.

No purveyance ſhall be by menace.

No purveyance but where there is plenty.

The purveyors ſhall be men ſufficient of eſtate.

Commiſſions of purveyors ſhall be renewed every half year.

None ſhall need to obey purveyors without ready payment.

Corn purveyed ſhall be ſtriked, and not heaped in meaſuring.

Preſent payment ſhall be made for carriage.

Felony to take otherwiſe then is compriſed in the Commiſſion.

ITem, For the grievous complaint which hath been made of Purveyors of victuals of the houſes of the King, the Queen, their eldeſt Son, and of other Lords and Ladies of the Realm, the King of his own will, without motion of the great men or Commons, hath granted and ordained in eaſe of his people, that from henceforth no man of the ſaid Realm ſhall have any taking but onely himſelf and the Queen his Companion. And moreover of the aſſent aforeſaid it is ordained and eſtabliſhed, that upon ſuch purveyances from henceforth to be made for the houſes of the King and the Queen, ready payment ſhall be made in hand, that is to ſay, the price for which ſuch victuals be ſold commonly in the Markets about. And that the heinous name of Purveyor be changed, and named Buyer. And if the Buyer cannot well agree with the ſeller of that which he ſhall need, then the takings which ſhall be made for the ſaid two houſes, ſhall be made by the view, teſtimony, and appraiſement of the Lords, or their Bailiffs, Conſtables, and four good men of every Town, and that by Indenture to be made betwixt the buyers and the ſaid Lords or Bailiffs, Conſtables, and four men, containing the quantity of their takings, and of the price, and of what perſons. And that the takings be made in convenient and eaſie manner, without dureſs, compulſion, menace, or other villany. And that the takings and buyings be made in ſuch caſes where greateſt plenty is, and that in a meet time. And that no more be taken then ſhall be needful in the ſeaſon for the ſaid two houſes. And that the number of the buyers be diminiſhed in as much as well may. And that ſuch be buyers which be ſufficient to anſwer to the King and his people, and that none of them have deputy, and that the Commiſſions be ſealed with the great ſeal, and every half year redelivered into the Chancery, and other newly made: And that in the ſaid Commiſſions be compriſed all the matter and manner of their takings and buyings. And that the ſaid Commiſſions be made upon the end of the ſaid Parliament, and then all the other Commiſſions of Purveyors heretofore made, be wholly repealed. And that no man be bound to obey to the buyers of other Lords againſt their agreement and will, nor to the buyers of the ſaid houſes, unleſs they make ready payment in hand, as before is ſaid: and that no man be put in contempt becauſe of diſobedience made in this behalf: And that the takings of all manner of Corn and Malt for the ſaid two houſes, be meaſured by meaſure according to the Standard, ſtriked, and not by heap: and for the carriages of the ſame Corn and Malt, and for all manner of takings and buyings to be made for the ſaid two houſes, ready payment be made in hand in the ſame manner as for the takings and buyings aforeſaid. And that there be no more carriage taken then needeth, and ſhall be neceſſary in this behalf: and if any buyer after the new Commiſſions made, make any takings or buying, or taking of carriage in other manner then is compriſed in their ſaid Commiſſions, he ſhall have puniſhment of life and member, as in other Statutes is ordained of Purveyors. St. 28 Ed. 1. 2. 4 Ed. 3. 3. 5 Ed. 3. 2. 10 Ed. 3. 1. 25 Ed. 3. 1. 23 H. 6. 1. 2.

CAP. III.

The penalty of a Purveyor which ſhall receive a reward to ſpare or charge one.

The penalty of a purveyor which ſhall take a reward to ſpare one and charge another.

ITem, That no buyer of Victuals, nor takers of carriages, take nor receive of any a gift or any other thing for ſparing to be made, nor ſhall not charge nor grieve any man by occaſion of ſuch takings, buyings and carriages, for hatred, evil will, or procuring: if he do, and be thereof attainted at the ſuit of the party, he ſhall yield to the party his treble damage, and ſhall have impriſonment of two years, and alſo be ranſomed at the Kings will, and after forſwear the Court. And if the party will not ſue, he that will ſue for the King ſhall have the third peny of that which ſhall be recovered for his labour, and nevertheleſs the buyer and taker ſhall have the pain as before is ſaid in the ſame article; and that every buyer upon his accompt ſhall declare and divide ſeverally all the takings and buyings of every County, Town, Village, and perſon.

CAP. IV.

Commiſſions ſhall be awarded to enquire of Purveyors behaviour.

ITem, to reſtrain the malice and falſhood of buyers of victuals and takers of carriages, commiſſions ſhall be made to two good men and lawful, of every county, and the third ſhall be of the Kings houſe, named in the ſaid commiſſions, ſo that if any of the three come not, the two ſhall proceed to enquire of the behaviour and acts of the ſaid buyers and takers, And how much the ſame buyers have taken and bought, and how much carriage the ſaid takers have taken ſeverally of every Town or ſingular perſons, And to hear and determine the contempts, outrages, and treſpaſſes done in this behalf, as well at the Kings ſuit, as at the ſuit of every man that will complain of them. And for information to be made to the ſaid Juſtices of the things aforeſaid, the Steward, Treaſurer, and Controller of every of the ſaid two houſes, ſhall aſſemble and call before them all the Clerks and other Officers whatſoever they be, of every office of the ſaid two houſes, and ſhall ſee the receipts of the parcels provided in the Country and diſpended in the ſame two houſes. And at every quarter or half year, they ſhall certifie in the Chancery the parcels taken in every Town, and of every perſon, and the Chancellor ſhall ſend this certificate to the Juſtices which ſhall be ſo aſſigned. And if it be found in the Country by evidence of their indictors, or in other manner, that they have taken more then they have delivered into the ſaid two houſes, and that they have not paid for that which they have taken, at the ſuit of the party, or at the Kings ſuit, he ſhall have pain of life and member, as afore is ſaid. And that this ordinance extend and hold place as well againſt the Purveyors for the great horſes of the ſaid two houſes, as againſt the buyers and takers before named.

Commiſſions awarded to inquire what purveyors have taken, and what they have delivered Co. Inſt. 4 par. 166.

Purveyors for great Horſes.

CAP. V.

None ſhall keep any more Horſes for the King then be aſſigned unto him.

ITem, that no man of the ſaid two houſes, hold more of the ſaid horſes in the livery, where theſe houſes ſhall be, then is ordained by a Statute of the Kings houſe. And if any do otherwiſe, it ſhall be done to him for the horſes found over the number limited to him by the ſaid Statute, as the Statute will. And that no man of the ſaid two houſes, of what eſtate or condition that he be, have Purveyor or foregoer, to make any Purveiance or taking for any man of the ſaid two houſes, but that they or their people buy that which they need, of them that will ſell the ſame of their good will, and pay readily in hand, according as they may agree with the ſellers: and if they do otherwiſe, ſuch puniſhment ſhall be made upon them, as afore is ſaid of the buyers. And that hunters, fawkners, Serjeant at arms, and all other which be at wages or pertaining to the ſaid two houſes, ſhall have the ſame penance if they offend againſt the ſame.

None ſhall keep more horſes of the Kings than be committed to him.

The Kings hunters, fawkners, and Serjeant at Arms.

CAP. VI.

No Subjects Chator ſhall buy any thing againſt the owners conſent.

ITem, that no Lord of England, nor none other of the ſaid Realm, of what eſtate or condition that he be, except the King and the Queen his wife, ſhall make any taking by him, or any of his ſervants, of any manner of Victuals, but ſhall buy the ſame that they need, of ſuch as will ſell the ſame of their good will, and for the ſame ſhall make ready payment in hand, according as they may agree with the ſeller. And if the people of Lords, or of other, do in other manner, and thereof be attainted, ſuch puniſhment of life and of member ſhall be done of them, as is ordained of the buyers. 2. St. 7 R. 28. 23 H. 6. 14.

It is felony for any Subjects Chator to buy any thing but by the conſent of the owner.

CAP. VII.

Of what things the Maior and Conſtables of the Staple ſhall take cogniſance.

ITem, though it be ordained by the ſtatute of the Staple, that the Maiors and Conſtables of the ſaid Staples ſhall have juriſdiction and cogniſance within the Towns, where the Staples be, of the people and of all manner of things touching the Staple, and of felonies, mayhems, and treſpaſs done within the Staple: It is accorded and aſſented, that the ſaid Maiors and Conſtables ſhall have cogniſance only of debts, covenants, and contracts and all other pleas, touching Merchandiſe and ſurety of Merchandiſe betwixt Merchants which be for Merchants known; and proceſs of felonies, and all other pleas, as well within the Staple as without, ſhall be at the common Law, as they were before the ſtatute of the Staple, notwithſtanding the ſaid ſtatute. Saving always, that the Merchants Aliens (be they plaintiffs or the defendants) may ſue their plaints and quarrels, as well of treſpaſs as of other what they will will, before the Maior of the Staple, by the law of the Staple, or elſewhere at the common law, as is conteined in the ſaid Staple. And that the King and all other Lords, within their Seigniories, have and enjoy their franchiſes, juriſdictions, and priviledges, as they had before the ſame ſtatute made, ſo always that the Maior of the Staple have power to take Recogniſances of debts of every perſon, be he Merchant or other, in the ſame manner as is contained in the ſame ſtatute of the Staple.

St. 7 Ed. 3. 8.
Of what things only Maiors & Conſtables of the Staple ſhall take cogniſance.

Merchants aliens may proſecute their ſuits before the Maior of the Staple or at the Common Law.
St. 27 Ed. 3. 9.
St. 23 H. 8. 6.

CAP.

CAP. VIII.

A penalty impoſed by the Biſhop upon Prieſts taking more wages then is aſſigned. And no man ſhall give to a Pariſh-prieſt for his wages above three pound ſix ſhillings and eight pence, or elſe his bord and ſix and twenty ſhillings and eight pence. Aſt. 2 H. 5. 2. & Rep. 21 Jac. 28.

CAP. IX.

Whoſoever findeth himſelf grieved with any Statute, ſhall have his remedy in the Chancery.

Whoſoever findeth himſelf grieved with theſe or any other ſtatutes, upon complaint ſhall have remedy in the Chancery.

ITem, if any man that feeleth himſelf grieved contrary to any of the articles above written, or others contained in divers Statutes, will come into the Chancery, or any for him, and thereof make his complaint, he ſhall preſently there have remedy by force of the ſaid Articles and Statutes, without elſewhere purſuing to have remedy. Co.2 par.55.& 553.

CAP. X.

A Parliament ſhall be holden once in the year.

A Parliament ſhall be holden once in the year.

ITem, for maintenance of the ſaid Articles and Statutes, and redreſs of divers miſchiefs and grievances which daily happen, a Parliament ſhall be holden every year, as another time was ordained by another Statute. St.4 Ed.3.14. Co.Inſt.4 par.9.16 Car.2 ca.1.

St.16 Car. cap.1.

CAP. XI.

The three years Subſidy granted by the Commons to the King, ſhall be no example in time to come Exp. All Merchants may tranſport Wools. St. 27 Ed. 3. 3.

CAP. XII.

At what time the four Seſſions of Juſtices of Peace ſhall be holden.

At what times the four Seſſions of Juſtices of peace ſhall be holden.

ITem, that in the Commiſſions of Juſtices of the Peace, and of labourers, expreſs mention be made, that the ſame Juſtices make their Seſſions four times by the year, that is to ſay, one Seſſions within the utas of the Epiphany, the ſecond within the ſecond week of Lent, the third betwixt the feaſts of Pentecoſt and of S. John Baptiſt, the fourth within eight days of S, Michael. St. 12 R.2.10. 2 H.5.4.

CAP. XIII.

An Eſcheator ſhall have no fee, nor commit waſte in Wards Lands. Thoſe Lands which be ſeiſed upon an inqueſt taken before an Eſcheator ſhall be letten to Ferm.

An eſcheator ſhall have no fee of the lands of the Kings Wards, nor commit any waſte therein. St.9 H.3.4.28 Ed.1.18. 14 Ed.3.13. Regiſt f.77. V.N.B.f.57. Fitz.N.B.f.59.B.

ITem, for grievous complaint that the King hath heard by his people of his Eſcheators, and of their evil behaviour: he will and hath ordained of the aſſent aforeſaid, that Lands ſeiſed into his hands becauſe of Ward, ſhall be ſafely kept without waſte or deſtruction. And that the Eſcheator have no fee of Wood, Fiſh, nor of Veniſon, nor other thing, but ſhall anſwer to the King of the iſſues and profits yearly coming of the ſaid lands, without doing waſte or deſtruction; and if he do otherwiſe, and thereof be attainted, he ſhall be ranſomed at the Kings will, and yield to the heir treble damages at his own ſuit, as well within age, as of full age: and his friends as long as he is within age ſhall have the ſuit for him, anſwering to the ſaid heir of that which ſhall be ſo recovered. Alſo of other lands ſeiſed into the Kings hands by enqueſt of office taken before the Eſcheators, this ordinance and penance ſhall hold place againſt the Eſcheators. And if there be any man that will make claim or challenge to the lands ſo ſeiſed, that the Eſcheator ſend the Enqueſt into the Chancery within the month after the lands ſo ſeiſed, and that a Writ be delivered to him to certifie the cauſe of his ſeiſin into the Chancery, and there he ſhall be heard without delay to travers the office, or otherwiſe to ſhew his right, and from thence ſent before the King to make a final diſcuſſion without attending other commandments. And in caſe that any come before the Chancellor and ſhew his right, by which ſhewing by good evidences of his ancient right and good title, the Chanclor by his good diſcretion and advice of his Counſel (if it ſeem expedient to him to have Council) ſhall let and demiſe the lands ſo in debate to the tenant, yielding thereof to the King the value, if it pertain to the King, in the manner as he and the other Chancellors before him have done in times paſt of their good diſcretion, ſo that he find ſurety, that he ſhall do no waſte nor deſtruction, till it be judged. And that the ſaid Eſcheators take ſuch inqueſts in the good Towns and of good people, and that openly, and by Indentures to be made between the ſaid Eſcheators and them of the inqueſts, as another time was ordained by a Statute. And if any Eſcheator do to the contrary of this ſaid ordinance, he ſhall have two years impriſonment, and moreover he ſhall be ranſomed at the Kings will. St. 23 H.6.17.

Co.l.4.f.57. Cro.El.523.

13 Ed.4.8. Co.l.4.f.59.

3 H.7.f.2.4. 4 H.6.f.12.

Dyer f.169. 15 Ed.4.f.11.

Land ſeiſed into the Kings hands by an Eſcheator, ſhall be let to ferm to him which rendreth a traverſe to the office. St.34 Ed.3.14. 8 H.6.16.

By what ſort of people, in which place, and in what manner an Eſcheator ſhall take his enqueſts. St. 34 Ed.3.13. 1 H.8.8.

CAP. XIV.

The Fines and amerciaments of Labourers, Artificers, and ſervants, ſhall be to the uſe of the Commons, and diſtributed amongſt them during three years. Exp.

CAP. XV.

Pleas ſhall be pleaded in the Engliſh tongue, and inrolled in Latine.

Reaſons why the Laws ſhould be pleaded and known in the Engliſh tongue.

ITem, becauſe it is often ſhewed to the King, by the Prelates, Dukes, Earls, Barons, and all the Communalty, of the great miſchiefs which have happened to divers of the Realm, becauſe the Laws, Cuſtoms, and Statutes of this Realm be not commonly holden and kept in the ſame Realm, for that they be pleaded, ſhewed and judged in the French tongue, which is much unknown in the ſaid Realm, ſo that the people which do implead or be impleaded in the Kings Court, & in the Courts of other, have no knowledge nor underſtanding of that which is ſaid for them or againſt them by their Serjeants and other Pleadors: And that reaſonably the ſaid Laws and Cuſtoms the rather ſhall be perceived and known, and better underſtood in the tongue uſed in the ſaid Realm, and by ſo much every man of the ſaid Realm may the better govern himſelf without offending of the Law, and the better keep, ſave, and defend his heritage and poſſeſſions: and in divers regions and countries, where the King, the Nobles, and other of the ſaid Realm have been, good governance and full right is done to every perſon, becauſe that their Laws and Cuſtoms be learned and uſed in the tongue of the Country: The King, deſiring the good governance and tranquillity of his people, and to put out and eſchew the harms and miſchiefs which do or may happen in this behalf, by the occaſions aforeſaid, hath ordained, and ſtabliſhed, by the aſſent aforeſaid, that all Pleas which ſhall be pleaded in any Courts whatſoever, before any of his Juſtices whatſoever, or in his other places, or before any of his other Miniſters whatſoever, or in the Courts and places of any other Lords whatſoever within the Realm, ſhall be pleaded, ſhewed, defended, anſwered, debated and judged in the Engliſh tongue, and that they be entred and inrolled in Latine. And that the Laws and Cuſtoms of the ſame Realm, Terms, and Proceſſes be holden and kept, as they be and have been before this time; and that by the ancient terms and forms of Pleaders, no man be prejudiced, ſo that the matter of the action be fully ſhewed in the declaration and in the Writ. And it is accorded by the aſſent aforeſaid, that this ordinance and Statute of Pleading, begin and hold place at the fifteenth of S Hillary next coming.

Cro.El.85.
46 Ed.3.f.21.
Dyer f.299.
Co.l.8.f.163.
l.10.f.132.
Co.Inſt.304.

Pleas ſhall be pleaded in the Engliſh tongue & not in the French. And they ſhall be inrolled in Latine. 17 Car.1. ca.10.
Old terms and forms ſhall be obſerved in pleading.

EDward by the grace of God, &c. to all that, &c. greeting. Know ye that we have received the Petition delivered to us by the Commons of our Realm in this Parliament in the form as followeth.

Anno 36 Ed.3. Certain things whereof the Commons do not deſire to have the Kings pardon, for that they tend to the diſheritance of the Crown. And the things whereof they do deſire to be diſcharged and pardoned, and the Kings pardon of the ſame. Exp.

Statutes made at Weſtminſter *Anno* 37 *Ed.* 3. and *Anno Domini* 1363.

KIng Edward at his Parliament holden at Weſtminſter the Friday in the utas of S. Michael, the ſeven and thirtieth year of his Reign, at the requeſt of the Commons, and by the aſſent of the Prelates, Dukes, Earls, Barons, and other great men there aſſembled, hath ordained the things underwritten in the form as followeth.

CAP. I.

A confirmation of former Statutes.

FIrſt, that the great Charter and the Charter of the Foreſt, and the Statutes and Ordinances made in times paſt, and ſpecially the Statutes made at the laſt Parliament, be holden and kept, and duly executed according to the form and effects of them.

The great Charter and other Statutes ſhall be obſerved.

CAP. II.

An Idemptitate nominis ſhall be granted upon the wrongful ſeiſure of anothers perſon, Lands or goods.

ITem, for the great miſchiefs which have often happened, and daily do come, becauſe that Eſcheators, Sheriffs, and other the Kings Miniſters do ſeiſe the lands, goods and chattels of many, ſurmiſing that they be outlawed, where they be not outlawed, becauſe that they bear ſuch names as thoſe which be outlawed, for default of good declaration of the ſurname: It is ordained, that if any complain him in ſuch caſe, he ſhall have a Writ of Idemptitate nominis, in the manner as hath been uſed in times paſt. And if any mans lands, goods, or chattels, be ſeiſed in ſuch caſe by Eſcheator, Sheriff, or other Miniſter of the Kings, he ſhall find ſurety before the Miniſter, which hath the warrant to ſeiſe, to anſwer to the King of the value of ſuch lands, goods, and chattels, in caſe that he cannot diſcharge him, without taking any thing of the party. And if ſuch Miniſter do not the ſame, and thereof be attainted, the party ſhall have the ſuit againſt ſuch Miniſter, and recover his double damages, and nevertheleſs he ſhall be grievouſly puniſhed to the King.

5 Ed 4.f.51.
Dyer f.5.
Fitz Idemptitate nominis 1,2,3.7.

An Idemptitate nominis ſhall be granted upon the ſeiſure of another mans lands or goods. St. 9 H.6.4. Reg. f.194. &c. V.N B. f.162. Fitz.N B. f.267. Raſt.pl.f. 407.

CAP. III.

The ſeveral prices of a Capon, Hen, Pullet, and Gooſe. Rep. 21 Jac. 21. 28.

CAP. IV.

A Clerk of the Remembrance of the Eſchequer ſhall be aſſigned.

ITem, becauſe that many people acquitted by judgment in the Eſchequer in our place, be grieved and endamaged in other offices and places of the ſaid Eſchequer, of the ſame things whereof they be ſo acquit, to the great miſchief of the people: It is ordained that the Clerk of the Remembrance be titled to ſit againſt the Clerk of the Pipe to ſee the diſcharges made in the Pipe, and to imbreviate the ſame in the Remembrance, to cauſe to ceaſe all manner of Proceſs thereupon made. And alſo that the ſummons of the Pipe be withdrawn according as the parties by proceſs be diſcharged. And in whomſoever any default be willingly found, the Treaſurer by the Kings commandment ſhall duly puniſh the ſame. Stat. 1 R.2.5.

A Clerk of the Remembrance, and Clerk of the Pipe, ſhall be aſſigned to ſit together.

CAP. V.

Merchants ſhall not ingroſs Merchandiſes to enhance the prices of them, nor uſe but one ſort of Merchandiſes. Rep. 38 Ed. 3. 2.

CAP. VI.

Handicraftſmen ſhall uſe but one myſtery, but handy workmen may work as they did. Rep. 5 Eliz. 4.

Co.l.11.f.54.
Co.Inſt.4 par 31.

CAP.

CAP. VII.

Goldſmiths work ſhall be of good Sterling, and marked with his own mark. None ſhall make white Veſſel and alſo guild.

Goldſmiths ſhall make their work of Sterling. Stat. 4 H.7.2. 18 El.15. Every Goldſmith ſhall have a mark, and ſet to his work. St.2 H.6.14. 18 El.25. No Goldſmith ſhall make white veſſel & alſo guild. Rep. 1 Jac. 28.

ITem, it is accorded that Goldſmiths as well in London, as elſewhere, within the Realm, ſhall make all manner of veſſel and other work of Silver well and lawfully of the allay of good Sterling. And every Maſter Goldſmith ſhall have a mark by himſelf, and the ſame mark ſhall be known by them which ſhall be aſſigned by the King to ſurvey their work and allay. And that the ſaid Goldſmiths ſet not their mark upon their works, till the ſaid Surveyors have made their eſſay, as ſhall be ordained by the King and his Council; and after the eſſay made, the Surveyors ſhall ſet the Kings mark, and after the Goldſmith his mark, for which he will anſwer. And that no Goldſmith take for Veſſel white and full for the weight of a pound, that is to ſay, of the price of two Marks of Paris weight, but eighteen pence, as they do at Paris. And that no Goldſmith making white Veſſel ſhall meddle with guilding, nor they that do guild, ſhall meddle to make white Veſſel. And they which ſhall be ſo aſſigned, in every Town, ſhall make their ſearches as oftentimes as ſhall be ordained. And for that which ſhall be in the Goldſmiths default, they ſhall incur the pain of forfeiture to the King the value of the Metal which ſhall be found in default. St. 28 E.1.20.

CAP. VIII.

The diet and apparel of Servants. Rep 24 H.8.13. & 1 Jac.25.

CAP. IX.

The apparel of Handicraftſmen, and yeomen, and of their wives and children. Rep. 24 H.8.13. & 1 Jac.25.

CAP. X.

What apparel Gentlemen under the eſtate of Knights, and what Eſquires of C C. Mark land, &c. may wear, and what their wives and children. Rep. 24 H. 8. 13. & 1 Jac. 25.

CAP. XI.

The apparel of Merchants, Citizens, Burgeſſes, and Handicraftſmen. Rep. 24 H. 8.13. & 1 Jac.25.

CAP. XII.

The apparel of Knights which have Lands within the yearly value of C C. Marks, and of Knights and Ladies which have CCCC. Mark land. Rep. 24 H.8.13. & 1 Jac.25.

CAP XIII.

The apparel of ſeveral ſorts of Clerks. Rep. 24 H.8.13. & 1 Jac.25.

CAP. XIV.

The apparel of Ploughmen, and other of mean eſtate, and the forfeitures the offendors ſhall be of all the apparel that he doth wear contray to this ordinance. Rep. 24 H.8.13. & 13. & 1 Jac. 25.

CAP. XV.

Clothiers ſhall make Clothes ſufficient of the foreſaid prices, ſo that this Statute for default of ſuch Clothes be in no wiſe infringed. O B.

CAP. XVI.

A repeal of the puniſhment of Lands, and of life and member inflicted by the Stat. of 27 Ed.3.5.& 7. the firſt Seſſ. Enquiry ſhall be made yearly in Gaſcoin in the Kings Dominious of Couchers of England which lie there to buy Wines. O B.

CAP. XVII.

In what caſe a Writ ſhall not be abated by exception of cognisance of villenage.

Where a Writ ſhall not abate by exception of acknowledgement of villeny.

ITem, It is ordained and eſtabliſhed, that no Writ be abated by execution of acknowledgement of Villenage, if the demandant or plaintiff will averre that he which alledged the exception was free the day of the Writ purchaſed. Raſt.pl.f.401.686.

43 Aſſ.pl.2. Fitz. Brief 322.764. Fitz. Villenage 27. Bro. Villenag. 18.28.

CAP. XVIII.

The order of purſuing a Suggeſtion made to the King.

St.9 H.3.29.

ITem, though it be contained in the great Charter, that no man be taken nor impriſoned, nor put out of his freehold, without proceſs of the Law; nevertheleſs divers people make falſe ſuggeſtion to the King himſelf, as well for malice as otherwiſe, whereof the King is often grieved, and divers of the Realm put in damage, againſt the form of the ſame Charter: Wherefore it is ordained, that all they which make ſuggeſtions ſhall be ſent with the ſame ſuggeſtions, before the Chancellor, Treaſurer, and his grand Council, and that they there find ſurety to purſue their ſuggeſtions, and incur the ſame pain that the other ſhould have had if he were attainted, in caſe that his ſuggeſtion be found evil. And that then proceſs of the Law be made againſt them without being taken and impriſoned againſt the form of the ſaid Charter and other Statutes. St. 25 Ed.3.4.42 Ed.3.3.

The order of purſuing of a Suggeſtion made to the King. St.38 Ed 3.9.

CAP. XIX.

How each perſon ſhall uſe a Hawk of anothers that he taketh up.

St.34 Ed.3.22.

How each perſon ſhall uſe a Hawk of another mans that he taketh up.

ITem, whereas it was another time ordained, that every perſon that findeth any Fawkon, Tercelet, Laner, or Laneret, or any other Hawk that is loſt of his Lords, that preſently he ſhall bring him to the Sheriff of that County, and that the Sheriff make Proclamation in all the good Towns of the County, that he hath ſuch Hawk in keeping, and if the Lord which hath loſt him, or any of his come to challenge him, and prove reaſonably that it is his Lords, let him pay for his coſts, and have the Hawk; if none come within four months for to challenge him, then the Sheriff ſhall have the Hawk, making gree to him that did take him, if he be a ſimple man, and if he be a Gentleman, and of eſtate to have the Hawk, the Sheriff ſhall redeliver to him the Hawk, taking of him reaſonable coſts for the the time that he had him in his keeping: and if any hath taken ſuch Hawk, and the ſame conceal from the Lord, to whom the Hawk is, or from his Fawlkners, or if any take him away from the Lord, and thereof be attainted, he ſhall have two years impriſonment, and yield to the Lord the price of the Hawk ſo concealed or taken away, if he had whereof, and if not, he ſhall the longer abide in priſon: Notwithſtanding this Ordinance, the offenders doubt but little to offend in this behalf: Wherefore it is ordained, and by Statute eſtabliſhed in this preſent Parliament, that if any ſteal any Hawk, and the ſame carry away, not doing the Ordinance aforeſaid; it ſhall be done of him as of a thief that ſtealeth a horſe or other thing. Co. Inſt. 3. par. 97.

The concealing or imbeſeling of a Hawk is felony.

Statutes made at *Weſtminſter*, *Anno* 38 *Ed. tertii*, and *Anno Dom.* 1363.

OUr Lord King EDWARD at his Parliament holden at Weſtminſter in the utas of Saint Hillary, the eight and thirtieth year of his Reign, of the aſſent of his Prelates, Dukes, Earls, Barons, and Commous of his Realm there aſſembled, hath made and ordained the things under-written.

CAP. I.

Former Statutes ſhall be kept and executed.

FIrſt, That the great Charter, and the Charter of the Foreſt, and the other Statutes made as well in his time as in the time of his progenitors, be holden and kept, and duly executed in all points.

Former Statutes ſhall be kept and executed.

CAP. II.

Any Merchant may uſe more merchandiſes then one, notwithſtanding the Statute of 37 Ed. 3. 5. Who only may tranſport gold or ſilver.

ITem, To that which was ordained at the laſt Parliament, of Living, and of Apparel, and that no Engliſh Merchant ſhould uſe but one merchandiſe, it is ordained, That all people ſhall be as free as they were at all times before the ſaid ordinance, and namely as they were in the time of the Kings grandfather, and his other good progenitors. And that all Merchants, as well aliens as denizens, may ſell and buy all manner of Merchandiſes, and freely carry them out of the Realm, paying the cuſtoms and ſubſidies thereof due, except that the Engliſh Merchants ſhall not paſs out of the Realm with Wools, or Woolfels. And that none carry out of the Realm gold nor ſilver in plate nor in money, ſaving the victualers of fiſh that fiſh for Herring, and other fiſh, and they that bring fiſh within the Realm in ſmall veſſels, which meddle not with other Merchandiſes, and that according to the arbitrement of the Chancellor.

Any Merchant may uſe more merchandiſe then one, notwithſtanding the Stat. of 37 Ed. 3. 5. St. 27 Ed. 3. 3. 36 Ed. 3. 11. St. 9 Ed. 3. 1. St. 5 R. 2. 2. St. 2 H. 4. 5. Who only may carry gold or ſilver out of the Realm.

CAP. III.

Fines ſhall be levied in the preſence of the pledges.

ITem, It is accorded, that all the fines to be taken before any Juſtices, ſhall be in the preſence of the pledges, and that the pledges know the ſum of their fine before their departing.

Fines ſhall be taken in the preſence of the pledges.

CAP. IV.

Penal Bonds in the third perſon ſhall be void.

2 H. 4. f. 10. 40 Ed. 3. f. 1. 8 Ed. 4. f. 5. 22 Ed. 4. f. 22. Coke Inſt. 816, 130.

ITem, Whereas divers people be bound in another Court out of the Realm by Inſtruments and in another manner: It is accorded, That all penal Bonds in the third perſon be void and holden for none.

Penal bonds in the third perſon, void.

CAP. V.

Any man may wage his Law againſt a Londoners papers.

ITem, Whereas many people be grieved and attached by their body in the City of London, at the ſuit of the people of the ſame City, ſurmiſing to them, that they be debtors, and that they prove by their papers, whereas they have no deed nor tail: It is aſſented, That every man be received to his Law by people ſufficient of his condition againſt ſuch papers, and the Creanſour ſhall take ſurety by another way if he will, without putting the party to plead to the Inqueſt; if he will not of his own gree.

Any man may wage his law againſt a Londoners papers. St. 7 Jac. 12.

CAP. VI.

A repeal of the felony impoſed by the Statute of 27 Ed. 3. 3. for tranſporting of Wool, &c. by Engliſhmen; but the forfeiture of lands and goods ſhall ſtand. OB.

CAP. VII.

A Confirmation of the Statute of the Staple, made Anno 27 Ed. 3.

ITem, It is aſſented, That the Staple ſhall be in England, and that the Statute of the Staple made the ſaid ſeven and twentieth year, with the declarations, additions, and modifications thereof made, be holden and kept, notwithſtanding any grant, licence, or other Statute or Ordinance made afterward.

The Statute of the Staple made An. 27 Ed. 3. confirmed.

CAP. VIII.

A Ship ſhall not be loſt for a ſmall thing therein not Cuſtomed.

ITem, Whereas the Ships of divers people of the Realm be arreſted and holden forfeit, becauſe of a little thing put in their Ship not cuſtomed, whereof the owners of the ſame Ships be ignorant: It is accorded and aſſented, That no owner ſhall loſe his Ship from the fifteenth day of February next coming forth, for ſuch a ſmall thing put within the Ship not cuſtomed, without his Knowledge.

A Ship ſhall not be loſt for a ſmall thing therein not cuſtomed.

CAP. IX.

The puniſhment of him which proveth not his ſuggeſtion made to the King.

The puniſhment of him which proveth not his ſuggeſtion made to the King. 37 Ed. 3. 18.

ITem, As to the Article made at the laſt Parliament, of thoſe that make grievous complaints to the King himſelf: It is aſſented, that if he that maketh the complaint, cannot prove his intent againſt the defendant by the proceſs limited in the ſame Article, he ſhall be commanded to priſon, there to abide till he hath made gree to the party of his damages, and of the ſlander that he hath ſuffered by ſuch occaſion, and after ſhall make fine and ranſom to the King. And the point contained in the ſame Article, that the plaintiff ſhall incur the ſame pain, which the other ſhould have if he were attainted, ſhall be out, in caſe that his ſuggeſtion be found untrue.

CAP. X.

A Confirmation of the Statutes made for Wines.

The ſtatutes of Wines confirmed.

ITem, As to the Merchants of Wines, and of thoſe that paſs the Sea to fetch Wines in Gaſcoin, for the diverſity of opinions of divers: It is aſſented, That the Statutes and Ordinances thereupon made, ſhall ſtand in their force.

CAP. XI.

Merchants Denizens may fetch Wines, and Aliens may bring them.

All Merchants Denizens that be not artificers, may go into Gaſcoin to fetch wines, & aliens may bring wines into this Realm.

ITem, The King will of his grace and ſufferance, that all Merchants Denizens that be not artificers, ſhall paſs into Gaſcoin to fetch Wines there, to the end and intent that by this general licence, greater plenty may come, and greater Market may be of Wines within the Realm. And that the Gaſcoins and other Aliens may come into the Realm with the Wines, and freely ſell them without any diſturbance or impeachment. Always ſaved to the King, that it may be lawful to him, whenſoever it is adviſed to him or his Council, to ordain of this Article in the manner as beſt ſhall ſeem to him for the profit of him and his Commons.

CAP. XII.

The puniſhment of a Juror taking reward to give his verdict, and of Embraceors.

St. 34 Ed. 3. 8. A Juror taking reward to give his verdict, ſhall pay ten times ſo much as he hath taken.

The puniſhment of Embraceors. None ſhall inquire of office of this Stat. but at the ſuit of the party.

ITem, As to the Article of Jurors, in the four and thirtieth year, it is aſſented and joyned to the ſame, That if any Jurors in Aſſiſes ſworn, and other Inqueſts to be taken between the King and party, or party and party, do any thing take by them or other, of the party plaintiff or defendant, to give their verdict, and thereof be attainted by Proceſs contained in the ſame Article, be it at the ſuit of the party that will ſue for himſelf, or for the King, or any other perſon, every of the ſaid Jurors ſhall pay ten times as much as he hath taken. And he that will ſue, ſhall have the one half, and the King the other half. And that all the Embraceors that bring or procure ſuch Inqueſts in the Countrey to take gain or profit, ſhall be puniſhed in the ſame manner and form as the Jurors. And if the Juror or Embraceor ſo attainted, have not whereof to make gree in the manner aforeſaid, he ſhall have the impriſonment of one year: And the intent of the King, of great men, and of the Commons is, That no Juſtice nor other Miniſter ſhall inquire of office, upon any of the points of this Article, but only at the ſuit of the party, or of other, as is aforeſaid. St. 5 Ed. 3. 10. Regiſt. f. 188. V. N. B. f. 120. Fitz. N. B. f. 171. Raſt. pla. f. 145.

31 H. 6. f. 2. 37 H. 6. f. 31. Fitz. decies tantum. 1. 2. 3. 4. 5. 6. 9. 11. 39 Aſſ. pla. 19.

Other Statutes made *Anno* 38 *Ed.* 3. and *Anno Dom.* 1363.

The ſeveral enormities of Citations and impetrations of benefices obtained from Rome.

TO nouriſh love, and peace, and concord between holy Church and the Realm, and to appeaſe and cauſe to ceaſe the great hurt, perils, and importable loſſes and grievances, that have been done and happened in times paſt, and that ſhall happen hereafter if the thing from henceforth be ſuffered to paſs, becauſe of perſonal Citations, and other that be paſt before this time, and commonly doth paſs from day to day out of the Court of Rome by fained and falſe ſuggeſtions and propoſitions againſt all manner of perſons of the Realm, upon cauſes, whoſe coniſance and final diſcuſſing pertaineth to our Lord the King, and his Royal Court, and alſo of Impetrations and Proviſions made in the ſaid Court of Rome, of Benefices and Offices of the Church, pertaining to the gift, preſentation, donation, and diſpoſition of our ſaid Lord the King, and other lay-perſons of his Realm, and of Churches, Chappels, and other Benefices appropried to Cathedral Churches, Abbeys, Priories, Chantries, Hoſpitals, and other poor houſes, and of other Dignities, Offices and Benefices occupied in times paſt, and preſented by divers and notable perſons of the ſaid Realm: For the which cauſes and the dependants thereof, the good ancient Laws, Cuſtoms, and Franchiſes of the ſaid Realm have been and be greatly impeached, blemiſhed, and confounded, the Crown of our Lord the King abated, and his perſon very hardly and falſly defamed, the treaſure and riches of his Realm carried away, the inhabitants and ſubjects of the Realm impoveriſhed and troubled, the Benefices of the Church waſted and deſtroyed, Divine Services, Hoſpitalities, Almeſdeeds, and other works of Charity withdrawn and ſet apart, the great men, Commons, and ſubjects of the Realm in body and goods dammified.

CAP. I.

They which receive Citations from Rome againſt any of this Realm for cauſes, the cogniſance whereof pertaineth to the King and his Court: or for impetration of Benefices of the Kings or other mens gifts, ſhall incur the penalty ordained for Proviſors, made Anno 25 Ed. 3.

Cap. 2. They which being ſuſpected of any of the ſaid offences that cannot be attached by their perſons, if within two moneths after warning they do not appear before the Kings Juſtices to anſwer, ſhall incur the penalty of the Statute of 27 Ed. 3. 1.

Cap. 3. He which doth commit any of the offences aforeſaid, ſhall be put out of the Kings protection, and puniſhed according to the Stat. of Anno 27 Ed. 3. 1.

Cap. 4. He that upon malice doth falſly purſue any upon this Statute, ſhall be puniſhed at the Kings pleaſure, and make amends to the party grieved. The King and all the Parliament-houſe agreed to appeach the offenders, and to reſiſt them. ALT. 13 Eliz. 2. viz. theſe offences made high Treaſon.

Statutes made at Weſtminſter *Anno* 42 *Ed.* 3. and *Anno Dom.* 1368.

CAP. I.

A Confirmation of the great Charter, and the Charter of the Forreſt: And, a repeal of thoſe Statutes that be made to the contrary.

A confirmation of the great Charter, and the Charter of the Forreſt, and repeal of thoſe ſtatutes that have been made to the contrary.

AT the Parliament of our Lord the King, holden at Weſtminſter the firſt day of May the two and fortieth year of his Reign: It is aſſented and accorded, That the great Charter, and the Charter of the Forreſt be holden and kept in all points; and if any Statute be made to the contrary, that ſhall be holden for none. St. 25. 3. 1. Ca. 2.

CAP. II.

A Writ of allowance of a Pardon granted Anno 36 Ed. 3. EXP.

CAP. III.

None ſhall be put to anſwer an accuſation made to the King without preſentment.

None ſhall be put to anſwer to an accuſation made to the King without preſentment, or ſome matter of Record.

ITem, At the requeſt of the Commons by their Petitions put forth in this Parliament, to eſchew the miſchiefs and damage done to divers of his Commons by falſe accuſers, which oftentimes have made their accuſations more for revenge, and ſingular benefit, then for the profit of the King, or of his people: which accuſed perſons, ſome have been taken, and ſometime cauſed to come before the Kings Council by Writ, and otherwiſe upon grievous pain againſt the Law: It is aſſented and accorded, for the good governance of the Commons, that no man be put to anſwer without preſentment before Juſtices, or matter of Record, or by due proceſs, and Writ original, according to the old Law of the Land. And if any thing from henceforth be done to the contrary, it ſhall be void in the Law, and holden for errour. St. 25 Ed. 3. 4. 37 Ed. 3. 18. 17 Car. 1. ca. 10.

CAP. IV.

To what ſort of people Commiſſions in inquiry ſhall be granted.

To what ſort of people commiſſions of inquiry ſhall be granted.

ITem, Becauſe that Commiſſions have been made and granted in divers Counties, at the procurement of certain perſons, to inquire of certain Articles, which Commiſſioners have made their inquiries in ſecret places, and by people not ſufficient, and of their covin more to their private profit, then for the Kings advantage, or of his people: It is aſſented and accorded, That from henceforth in all inquiries within the Realm, Commiſſions ſhall be made to ſome of the Juſtices of the one Bench or of the other, or Juſtices of Aſſiſe, or Juſtices of the Peace, with others of the moſt worthy of the Countrey, as well for the Kings profit as the Commons, ſaving in the office of the Eſcheatorſhip, or thing that toucheth the ſame office.

CAP. V.

Of what ſufficiency in Land every Eſcheator muſt be. And he ſhall execute his Office in his own proper perſon

St. 14 Ed. 3. 8. Of what ſufficiency in land every Eſcheator muſt be.

ITem, Whereas it is contained in the Statutes ordained for the common profit, of Eſcheators, that none ſhould be Eſcheator, unleſs he have ſufficient Land, whereof he may anſwer to the King and to his people: It is aſſented, That no Eſcheator ſhall be made, unleſs he have xx. li. of Land at the leaſt, or more in fee. And that they do their office in proper perſon. And if any other be, he ſhall be put out. St. 12 Ed. 4. 9. 1 H. 8. 8.

CAP. VI.

The Stat. of 25 Ed. 3. 1. concerning Labourers and Artificers ſhall be executed. Rep. 5. Eliz. 4.

CAP. VII.

Londoners and none other ſhall ſell victuals by retail. EXP.

CAP. VIII.

Engliſh Merchants ſhall not paſs into Gaſcoin to fetch Wines. ALT. 43 Ed. 3. 2. nor ſhall buy any Wines, until they be landed. Rep. 5 El. 5.

CAP. IX.

Eſtreats ſhall be ſhewed to the party indicted, and that which is paid ſhall be totted. And that no Sheriff, &c. ſhall continue in Office above a year.

Co. Inſt. 4. pag. 107.

ITem, Whereas the green wax is ſent to Sheriffs, to levie the Kings debts: the Sheriffs Miniſters do levie the ſame by Rolls, and other remembrances, and do not ſhew the ſame Eſtreats under the ſeal of the Eſchequer, ſo that which is once levied, cometh another time in demand, becauſe that they do not charge them fully of that which is levied, in deceit of the King, and impoveriſhment of his people: It is ordained and aſſented, That a man ſhall ſee the ſame Eſtreats ſealed, and that the ſame, which is paid, be totted, and the ſame Eſtreats ſent to the Sheriffs upon the receit. And if any Sheriff or Miniſter do to the contrary, he ſhall be charged to anſwer to the party, which thereof will complain,

Eſtreats ſhall be ſhewed to the parties indebted, and totted. St. 3 Ed. 1. 19. 7 H. 4. 3.

Sheriffs ſhall account by Eſtreats totted, and none other. St. 14 Ed. 3. 7. 38 Ed. 3. 7. St. 23 H. 6. 8. Raſt. pl. f. 202.

his treble damages, and make fine to the King, and that he have his ſuit as well before Juſtices of the peace, as before other Juſtices, and that the Sheriffs be bound to accompt by the ſame Eſtreats ſo totted, and by none other: and the ſame Eſtreats ſhall not be doubled by the Sheriffs, but the copy of the Eſtreats, wherein they touch the Franchiſes of Lords, ſhall be delivered to the Bailiffs of the Franchiſes, under the ſeal of the Sheriff, and that the ſame Bailiffs yield their accompt in the Eſchequer by the ſame copies ſo delivered. And alſo that no Sheriff, Underſheriff, nor Sheriffs Clerk abide in his office above one year, as it is ordained by the ſame Statute. St. 6 H. 8. 18.

CAP. X.

Children born beyond the Sea in the Kings Dominions, ſhall be inheritable in England.

Infants born in Calis ſhall be inheritable in England.

ITem, Upon the Petition put in the Parliament by the Commons, deſiring that Infants born beyond the Sea, within the Seigniories of Calice, and elſewhere, within the Lands and Seigniories that pertain to our Lord the King beyond the Sea, be as able and inheritable of their heritage in England, as other infants born within the Realm of England: It is accorded, That the common Law, and the Statute upon the ſame point another time made, be holden. St. 25 Ed. 3.

CAP. XI.

Copies of Panels ſhall be delivered to the parties ſix days before the Seſſions.

ITem, Foraſmuch as divers miſchiefs have happened, becauſe that the Panels of Inqueſts which have been taken before Juſtices by Writ of Scire facias, and other Writs, have not been returned before the Seſſions of the Juſtices at the Niſi prius and otherwiſe, ſo that the parties could not have knowledge of the names of the perſons, which ſhould paſs in the Inqueſt, whereby divers of the people have been diſherited and oppreſſed: It is ordained, That no Juqueſt, but Aſſiſes and deliverances of Gaols, be taken by Writ of Niſi prius, nor in other manner, at the ſuit of the great or ſmall, before that the names of all them that paſs in the Inqueſts, be returned in the Court. And that the Sheriffs array the Panels in Aſſiſes four days at the leaſt before the Seſſions of the Juſtices, upon pain of twenty pound, ſo that the parties may have the view of the Panels, if they the ſame demand. And as to the return or anſwer of the Bailiffs of Franchiſes, they ſhall make their anſwer to the Sheriffs ſix days before their Seſſions, upon the ſame pain. And in all manner of Panels arrayed by the Sheriffs or Bailiffs within Franchiſe, ſhall be put the moſt ſubſtantial people and worthy of credit, and not ſuſpect, which have beſt knowledge of the truth, and be neareſt. Regiſt. f. 178. Raſt. pl. f. 117.

Copies of Panels ſhall be delivered to the parties before the Juſtices Seſſions. St. 6 H. 6. 2.

What ſort of perſons ſhall be returned upon inqueſts. St. 28 Ed. 1. 9. 20 Ed. 3. 6. 34 Ed. 3. 4.

Statutes made *Anno* 43 *Ed.* 3. and *Anno Domini* 1369.

The damage which might enſue by keeping the Staple at Calis.

EDward, by the grace of God, &c. To the Sheriff of Stafford, greeting, &c. Whereas of late it was ordained for the profit of the Realm, and eaſe of Merchants of England, That the Staple of Wools, Woolfels, and Leather ſhould be holden at Calice, and there it hath been ſithence the firſt day of March, the ſeven and thirtieth year of our Lord the King that now is: and now becauſe the peace another time taken between the Realms of England and France is by the Frenchmen broken, and great peril might come to the goods of the Realm there being, and coming by the Sea to the ſame Staple out of England, if the ſame Staple were continued: And thereupon the Prelates, great men, and Commons ſeeing the miſchiefs and perils which may happen to the goods and merchandiſes in this behalf, pray the King in this preſent Parliament holden at Weſtminſter, at the Utas of the holy Trinity, the three and fourtieth year of his Reign, thereupon to ordain remedy.

CAP. I.

Whereas the Staple of Wools, &c. hath been holden at Calice ſithence the firſt day of March, Anno 37 Ed. 3. Now the Staple of Calice ſhall be wholly put out, and the Staple holden in theſe places following: viz. At Newcaſtle, Kingſton upon Hull, Saint Butolph, Yarmouth, Quinsbrough, Weſtminſter, Chicheſter, Wincheſter, Exeter, and Briſtow. And the Staples of Ireland and Wales ſhall be kept at the places where they were firſt ordained. OB. Stat. 27 Ed. 3. 1.

CAP. II.

Engliſh, Iriſh, and Welſhmen, being not Artificers, may fetch Wine in Gaſcoin, ſo that they find ſureties to buy a hundred tun of their own goods, and to bring the ſame into England, Ireland or Wales, notwithſtanding the Stat. of 42 Ed. 3. 8.

CAP. III.

The Kings Butler, or his Lieutenant ſhall take no more Wines then is commanded.

Co. Inſt. 4. par. 30.

ITem, Foraſmuch as the great men and Commons of the Realm before this time, and now in this preſent Parliament have grievouſly complained, for that the Kings Butler and his Lieutenants in divers places and Ports of the Realm, have ingroſſed, and taken by colour of their office for the houſe and expenſes of the King, and by ſuch colour have arreſted the Wines which Merchants brought into the ſaid Realm, and holden them ſo long in arreſt, That the great men and Commons, and other of the Realm cannot thereof make their Purveyance, nor Merchants their Profit, and oftentimes by ſuch colour have ingroſſed and taken of them ſo many Tuns of Wine above that was needful for the King, that they have commonly ſold the ſame, and thereof made their ſingular profit, and as much as other Merchants and Vintners in the Realm, to the great damage of the ſaid Merchants and other: whereupon the King deſiring to ordain remedy, of the aſſent of the great men and Commons in this preſent Parliament hath ordained, that the Butler nor any of his Lieutenants ſhal not buy, ingroſs, nor take by colour of their office,

The Kings Butler ſhall take no more wine then he is commanded, and he ſhall take that within ten days.

nor in other manner to their proper uſe nor of others, more wines for the houſe and expence of the King then they have in commandment, upon pain of impriſonment of their bodies, and to be ranſomed at the Kings will; and as much as they ſhall take by force of the ſaid Warrant, ſhall be taken within ten days, and (that done) the Merchants of the ſaid Wines may, and it ſhall be lawful to them of the remnant of the ſaid Wines another time to make their profit, notwithſtanding any arreſt made upon ſuch Wines by the Butler or any of his Lieutenants aforeſaid. St. 25 Ed. 3. 21.

CAP. IV.

The Kings general Pardon to all men of Vert and Veniſon, ſaving to the Officers of his Forreſt, &c.

Statutes made at Weſtminſter *Anno* 45 *Ed.* 3. and *Anno Dom.* 1371.

CAP. I.

A Confirmation of the great Charter, and the Charter of the Forreſt in all points.

A confirmation of the great Charter, and the Charter of the Forreſt.

AT the Parliament ſummoned at Weſtminſter, the Munday in the firſt week of Lent, the five and fortieth year of the reign of King Edward the Third: It is ordained, That the great Charter, and the Charter of the Forreſt be holden and kept in all points.

CAP. II.

The penalty of him that ſetteth up, or enhaunſeth Wears.

A confirmation of the Statute of 25 Ed. 3. 4. concerning the pulling down of Wears.

ITem, Whereas in the Statute made at Weſtminſter, in the five and twentieth year, amongſt other things it was ordained, that becauſe the common paſſage of ſhips and boats in the great Rivers of England, were often diſturbed by the levying of Wears, Mills, Stanks, Stakes, and Kiddles, which were levied and ſet up in the time of the Kings Grandfather, in great damage of the people: It was accorded and eſtabliſhed, that all the Wears, Mills, Stanks, Stakes, and Kiddles, which were levied and ſet up in the time aforeſaid, and after in ſuch Rivers, whereby the ſhips and boats were diſturbed, that they might not paſs as they were wont, ſhould be cut, and wholly pulled down without repairing; and thereupon Writs ſhould be made and ſent to the Sheriffs of places where ſhould be needful, to ſurvey, enquire, and to make thereof Execution, and alſo that the Juſtices be thereupon aſſigned at all times when need ſhall require. And now at the grievous complaint of the great men and the Commons made in this preſent Parliament, complaining by their petition, that the Statute is not duly executed nor kept, according to the effect of the ſame: It is accorded and eſtabliſhed, that the ſaid Statute in this point be holden and kept, according to the effect of the ſame: Joyning thereto, that if any ſuch annoyance be done, it ſhall be pulled down by due proceſs contained in the ſaid Statute. And he that ſhall repair the ſame annoyance, and thereof be duly attainted, ſhall incur the pain of an hundred marks to the King, to be levied by Eſtreats of the Eſchequer. And the like Law ſhall hold of annoiance made by enhaunſing of ſuch Wears, Mills, Stanks, Stakes, and Kiddles, as by the new levying. St. 1 H. 4. 12.

The penalty of him that ſetteth up again Wears, or doth enhaunſe them.

CAP. III.

A prohibition ſhall be granted where a ſuit ſhall be commenced in a Spiritual Court for *Sylva cædua*.

Co. l. 11. f. 48. 50 Ed. 3. f. 10. 11 H. 4. f. 8. 9 H. 6. f. 56. Plow. f. 470. Bro. diſmes 14. Fitz. Attach. ſur. prohibition 1. Cro. El. 1. 477. 736.

A prohibition ſhall be granted where a ſuit is commenced in the Spiritual Court for Sylva cædua. Co. Inſt. 2 par. 642. Cro. Jac. 100. 133

ITem, At the complaint of the ſaid great men and Commons, ſhewing by their petition, that whereas they ſell their great Wood of the age of twenty years, or of greater age, to Merchants to their own profit, or in aid of the King in his wars, Parſons and Vicars of holy Church do implead and draw the ſaid Merchants in the Spiritual Court for the Tythes of the ſaid Wood in the name of this word called *Sylva cædua*, whereby they cannot ſell their Woods to the very value, to the great damage of them and of the Realm: It is ordained and eſtabliſhed, that a prohibition in this caſe ſhall be granted, and upon the ſame an attachment, as it hath been uſed before this time. Regiſt. fo. 44. Fitz. N. B. fo. 54. b. Raſt. pla. fo. 489.

CAP. IV.

No impoſition ſhall be ſet upon merchandiſes of the Staple without aſſent of Parliament.

No new impoſition ſhall be put upon Woolls without aſſent in Parliament.

ITem, It is accorded and eſtabliſhed, that no impoſition or charge ſhall be put upon Wolls, Woolfells, and Leather, other then the Cuſtom and Subſidy granted to the King, in no ſort, without the aſſent of the Parliament; and if any be, it ſhall be repealed and holden for none. St. 11 R. 2. 9.

Statutes made at Weſtminſter, *Anno* 47 *Ed.* 3. and *Anno Dom.* 1373.

CAP. I.

The length and breadth of cloth of ray and cloth of colour. Rep. 5 Ed. *6*. *6*. 43 El. 10. 4 Jac. 2.

CAP. II.

The value of a Scottiſh Groat ſhall be Three-pence. O B.

Statutes made at Weſtminſter *Anno* 50 *Ed.* 3. and *Anno Domini* 1376.

BY the aſſent of the P[illegible]lates, Dukes, Earls, Barons, and other aſſembled at the Parliament holden at Weſtminſter, at the fifteenth of St. Hillary, the year of the Reign of our Lord the King that now is of England the fiftieth, and of France the ſeven and thirtieth, the ſame our Lord the King much deſiring that the peace of his Land be well kept, and his faithful ſubjects in quietneſs and tranquillity maintained, hath therefore made and eſtabliſhed certain Ordinances, and alſo granted certain

Graces and Pardons to his Commons of England in the form as hereafter followeth: which Ordinances, Pardons, and Graces he will, for the honour of God and of holy Church, and quietneſs of the ſame his people, they be firmly kept and holden in all points.

CAP. I.

A Confirmation of the Liberties of the Church.

First, It is ordained and eſtabliſhed, that holy Church have all her Liberties and Franchiſes in quietneſs, without impeachment or other diſturbance.

CAP. II.

A Confirmation of the great Charter, and the Charter of the Forreſt.

Item, That the Great Charter, and the Charter of the Forreſt, be firmly holden and kept in all points.

CAP. III.

This being the year of the Kings Jubile, he doth grant pardon to his people of alienations without licenſe, intruſions, fines, amerciaments, iſſues, forfeitures, reliefs, eſcuages, debts, accounts, the ſuit of his peace, Except &c.

CAP. IV.

No prohibition ſhall be allowed after conſultation duely granted.

No prohibition ſhall be allowed after a conſultation duly granted.

Cro. Car. 204.

Item, It is ordained and ſtabliſhed of the ſaid aſſent, that whereas a conſultation is once duly granted upon a prohibition made to the Judge of holy Church, that the ſame Judge may proceed in the cauſe by vertue of the ſame conſultation, notwithſtanding any other prohibition thereupon to him delivered. Provided always, that the matter in the libel of the ſaid cauſe be not ingroſſed, enlarged, or otherwiſe changed. St. 14 Ed. 1. Regiſt. fo. 45. V.N.B. fo. 33. Fitz. N. B. f. 45. A.

CAP. V.

None ſhall arreſt Prieſts or Clerks doing Divine Service.

None ſhall arreſt Parſons or Clerks doing Divine Service. St. 1 R. 2. 15.

Item, Becauſe that complaint is made to our Lord the King by the Clergy of his ſaid Realm of England, that as well divers Prieſts bearing the ſweet body of our Lord Jeſus Chriſt to ſick people, and their Clerks with them, as otherwiſe divers other perſons of holy Church, whiles they attend to Divine Services in Churches, Church-yards, and other places dedicate to God, be ſundry times taken and arreſted by Authority Royal, and commandment of other Temporal Lords, in offence of God and of the liberties of holy Church, and alſo in diſturbance of Divine Services aforeſaid: The ſame our Lord the King, who would be ſore diſpleaſed if any did in ſuch manner, will and granted, and defendeth upon grievous forfeiture, that none do the ſame from henceforth; ſo that colluſion or feigned cauſe be not found in any of the ſaid perſons of holy Church in this behalf. Co. lib. 12. 100. Stat.

CAP. VI.

Fraudulent aſſurances of lands or goods to deceive Creditors, ſhall be void.

Fraudulent aſſurances of lands or goods to deceive Creditors ſhall be void. Raſt. pl. fo. 197.

1 H. 7. 20. 22 Aſſ. pl. 71. Dyer fo. 160. 295. Fitz. Execution 98. 108.

Item, Becauſe that divers people inherit of divers tenements, borrowing divers goods in money or in merchandiſe of divers people of the Realm, do give their tenements and chattels to their friends, by colluſion thereof to have the profits at their will, and after to flee to the Franchiſe of Weſtminſter, of S. Martin le graund of London, or other ſuch priviledged places, and there do live a great time with an high countenance of another mans goods, and profits of the ſaid tenements and chattels, till the ſaid Creditors ſhall be bound to take a ſmall parcel of their debt, and releaſe the remnant: It is ordained and aſſented, that if it be found that ſuch gifts be ſo made by colluſion, that the ſaid Creditors ſhall have execution of the ſaid tenements and cattels as if no ſuch gift had been made. St. 2 R. 2. 3. 3 H. 7. 4. 13 El. 5.

CAP. VII.

Woollen clothes ſhall not be tranſported before they be fulled.

Woollen cloth ſhall not be tranſported before it be fulled.

Item, It is ordained and defended by our Lord the King, that no Woollen clothes ſhall be carried into any part out of our Realm of England before they be fulled: nor that any ſubſidy be thereof demanded nor paid, before that they be fulled. St. 7 Ed. 4. 3. 3 H. 7. 11.

CAP. VIII.

Certain Clothes whereof no Subſidie or Aulnage ſhall be paid.

Cloth called Friſe ware. St. 47 Ed. 3. 1.

Item, It is ordained and eſtabliſhed, that no Subſidy nor Aulnage ſhall be paid, levied, nor demanded of Clothes called Friſe ware, which be made in Ireland or otherwiſe in England of Iriſh wool, brought within the Realm of England, becauſe that thoſe clothes do not contain the length and breadth ordained by the Statute, and for ſo much they ought not to be compriſed in the Statutes late made of ray clothes and coloured clothes. St. 2 Ed. 3. 14. 25 Ed. 3. 1.

Thus endeth the Statutes made in the time of the Noble King EDWARD the Third.

Anno primo RICHARDI Secundi.

Statutes made at *Weſtminſter* the firſt year of the Reign of King RICHARD the Second after the Conqueſt of *England*, in the year of our Lord God, 1377.

RICHARD by the Grace of God King of England and of France, and Lord of Ireland, to the Sheriff of Northampton, Greeting. Know thou, That to the honour of God and reverence of holy Church, for to nouriſh Peace, Unity, and Concord in all the parts within our Realm of England, (which we do much deſire) by the whole aſſent of the Prelates, Dukes, Earls, and Barons of this our Realm, at the inſtance and eſpecial requeſt of the Commons of our Realm aſſembled at our Parliament holden at Weſtminſter, the fifteenth day of S. Hillary, in the firſt year of our Reign, we have ordained and ſtabliſhed certain Statutes in amendment and relief of this our ſaid Realm, in manner and form following.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed.

FIrſt, It is accorded and ſtabliſhed, that holy Church ſhall have and enjoy all her rights, liberties, and franchiſes wholly and without blemiſh. And that the great Charter, which at the requeſt of the ſaid Commons was read in the ſaid Parliament, and alſo the Charter of the Foreſt, and all other good Statutes and proviſions made in the time of the Progenitors of our Lord the King that now is, and not repealed, ſhall be obſerved and firmly kept in all points.

A confirmation of the liberties of the Church. The great Charter read in Parliament

CAP. II.

The Peace ſhall be kept, and juſtice ſhall be done to all perſons.

ITem, Our ſaid Lord the King, greatly deſiring the tranquillity and quietneſs of his people, willeth and ſtraitly commandeth, that the peace within this Realm of England be ſurely obſerved and kept, ſo that all his lawful ſubjects may from henceforth ſafely and peaceably go, come, and dwell according to the Law and uſage of the Realm. And that juſtice and right be indifferently miniſtred to every perſon.

Peace ſhall be maintained, and juſtice ſhall be done.

CAP. III.

Prelates ſhall have their action of treſpaſs againſt Purveyors offending.

ITem, That the Statutes late made in the time of the Noble King Edward, Grandfather to our Lord the King that now is, for Purveyors and Buyers, ſhall be firmly obſerved and kept in all points; adding thereunto, becauſe that Prelates and Clerks may not thereof commence their ſuits againſt any by way of crime, (as the ſaid Statutes required) all Prelates and Clerks ſhall from henceforth have their actions againſt all ſuch Purveyors and Buyers, by actions of treſpaſs, and recover their treble damages. Regiſt. fo. 281.

Prelates ſhall have their actions of treſpaſs againſt purveyors offending, and recover treble damages. St. 3 Ed. 1. 1. 14 Ed. 3. 1. St. 18. Ed. 3. 4

CAP. IV.

The ſeveral penalties of ſeveral perſons that do maintain quarrels.

Kel. fo. 50. Fitz maintenance 4. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 28. St. 28 Ed. 1. 11. 1 Ed. 3. 14. 4 Ed. 3. 11. 20 Ed. 3. 4. Raſt. pla. fo. 419. 427. &c. Cro. El. 594.

ITem, It is ordained and ſtabliſhed, and the King our Lord ſtraitly commandeth, that none of his Counſellors, Officers, or Servants, nor any other perſon within the Realm of England, of whatſoever eſtate or condition they be, ſhall from henceforth take nor ſuſtain any quarrel by maintenance in the Countrey, nor elſewhere, upon a grievous pain; that is to ſay, the ſaid Counſellors and the Kings great Officers, upon a pain which ſhall be ordained by the King himſelf, by the advice of the Lords of his Realm: and other leſs officers and ſervants of the King, as well in the Eſchequer and all his other Courts and places, as of his own meiny, upon pain to loſe their offices and ſervices, and to be impriſoned, and then to be ranſomed at the Kings will every of them according to their degree, eſtate, and deſert. And all other perſons through the Realm, upon pain of impriſonment, and to be ranſomed as other aforeſaid. Regiſt. fo. 182. &c. V. N. B. fo. 180. Fitz. N. B. fo. 172.

The ſeveral penalties of ſeveral perſons which do maintain quarrels.

CAP. V.

The puniſhment of a Clerk of the Exchequer making proceſs for a debt paid.

Co. Inſt. 4 par. 199.

ITem, It is ordained, That all Statutes and Ordinances made before this time of Officers of the Exchequer, be holden and firmly kept in all points. And moreover it is ordained and ſtabliſhed, that at what time any debts be once paid, and the tallies thereof made, rejoyned and allowed in the ſaid Exchequer, that this debt ſhall never come in demand: and if it ſo happen, that after ſuch allowance made there, any Clark of the Exchequer make any Writ or Proceſs to levy the ſame debt of new, and that duly proved, the ſame Clerk ſhall loſe his Office, and have impriſonment till he hath made gree to the party by ſo much as he is endamaged, if any will ſue, by the diſcretion of the Treaſurer and the Barons of the Exchequer. St. 51 H. 3. St. 10 Ed. 1. St. 37 Ed. 3. 4.

The puniſhment of a Clerk of the Exchequer making proceſs for a debt that is paid.

CAP. VI.

Commiſſions ſhall be awarded to enquire of the miſbehaviour of Villains and Land-tenants in vilenage to their Lords, and to puniſh the offendors, their counſellers, procurers, maintainers and abettors by impriſonment. OB. V. N. B. fo. 11. 46.

CAP.

CAP. VII.

There ſhall be no giving of Liveries for maintenance.

Statutes ordained againſt maintenance.
3 Ed. 1. 28.
13 Ed. 1. 49.
28 Ed. 1. 11.
33 Ed. 1.

The puniſhment of them which give Liveries for maintenance. The Juſtices of Aſſiſe ſhall enquire of, and puniſh this offence.

ITem, Becauſe that divers people of ſmall revenue of land, rent, or other poſſeſſions, do make great retinue of people, as well of Eſquires as of other, in many parts of the Realm, giving to them Hats and other Liveries, of one ſute by year, taking of them the value of the ſame Livery, or percaſe the double value, by ſuch covenant and aſſurance, that every of them ſhall maintain other in all quarrels, be they reaſonable or unreaſonable, to the great miſchief and oppreſſion of the people: It is ordained and aſſented, that the Statutes and Ordinances made in ſuch caſe before this time, be kept and duly executed. And moreover the King doth ſtraitly defend, that from henceforth no ſuch Livery be given to any man for maintenance of quarrels, nor other confederacies, upon pain of impriſonment and grievous forfeiture to the King. And the Juſtices of Aſſiſes ſhall diligently enquire of all them that gather them together in fraternities by ſuch Livery to do maintenance; and they which thereof ſhall be found guilty, ſhall be duly puniſhed, every man after the quantity of his deſert. St. 20 R. 2. 1.

5 H. 7. f. 17.
2 Ed. 4. f. 22.
11 H. 4. f. 65.

CAP. VIII.

In what caſe a protection cum clauſula volumus is not allowable.

In what caſe a protection cum clauſula volumus is not allowable.
St. 13 R. 2. 16.

ITem, It is aſſented, that from henceforth no protection with the clauſe of Volumus be allowed before any Judge for victuals, taken or bought upon the voyage or ſervice whereof the protection maketh mention, nor alſo in pleas of treſpaſs, or of other contract made or perpetrate after the date of the ſame protection. Reg. fo. 22. V.N.B. fo. 21. Fitz. N. B. fo. 28. Raſt. pl. fo. 492. St. 33 Ed. 1.

CAP. IX.

A feoffment of lands or gift of goods for maintenance ſhall be void. An Aſſiſe is maintainable againſt the Pernor of the profits of Lands.

Cok. l. 1. f. 113.

ITem, Becauſe it is complained to the King, that many people of the ſaid Realm as well great as ſmall, having right and true title as well to lands, tenements, and rents, as in other perſonal actions, be wrongfully delayed of their right and actions, by means that the occupiers or defendants to be maintained and ſuſtained in their wrong, do commonly make gifts and feoffments of their lands and tenements which be in debate, and of their other goods and chattels to Lords and other great men of the Realm, againſt whom the ſaid Purſuants for great menace that is made to them, cannot nor dare not make their purſuits: and alſo on the other part, complaint is made to the King, that oftentimes many people do diſſeiſe other of their tenements, and anon after the diſſeiſin done, they make divers alienations and feoffments, ſometime to Lords and great men of the Realm to have maintenance, and ſometime to many perſons of whoſe names the diſſeiſees can have no knowledge, to the intent to defer and delay by ſuch frauds the ſaid diſſeiſees, and the other demandants and their heirs of their recovery, to the great hinderance and oppreſſion of the people: It is ordained and ſtabliſhed, that from henceforth no gift or feoffment of lands, tenements, or goods be made by ſuch fraud or maintenance. And if any be in ſuch wiſe made, they ſhall be holden for none, and for no value. And the ſaid diſſeiſees ſhall from henceforth have their recovery againſt the firſt diſſeiſors, as well of the lands and tenements, as of their double damages, without having regard to ſuch alienations, ſo that the diſſeiſees commence their ſuits within the year next after the diſſeiſin done. And it is ordained and ſtabliſhed, that the ſame Statute ſhall hold place in every other action in plea of land where ſuch feoffments be made by fraud or colluſion, to have their recovery againſt the firſt Feoffor. And it is to wit, that this Statute ought to be underſtood where ſuch Feoffors thereof take the profits. St. 4. H. 4. 7. 4 H. 7. 24. Raſt. pla. fo. 80. 258. 341. &c.

A feoffment of lands, or gift of goods for maintenance, ſhall be void.
St. 3 Ed. 1. 24.
St. 8 H. 6. 9.
Raſt. pla. fo. 68.
A diſſeiſee may maintain an aſſiſe againſt the pernor of the profits.
St. 11 H. 6. 3.
1 H. 7. 1.

Bro. Feoffments 1. 19.
Fitz. counterpl. de voach. 3.
Fitz. Return de viſcount 5.
Co. Inſt. 369.
1 H. 5. f. 4.
12 H. 4. f. 21.
9 H. 6. f. 14.
22 H. 6. f. 16.
39 H. 6. f. 44.
1 Ed. 4. f. 2.
4 Ed. 4. f. 17.
21 H. 6. f. 59
14 H. 7. f. 17.

CAP. X.

A confirmation of the Pardon granted by King Edward the Third, in the fiftieth year of his Reign. Exp.

CAP. XI.

None that hath been Sheriff, ſhall be ſo again within three years.

St. 14 Ed. 3. 7.
42 Ed. 3. 9.
23 H. 6. 8.
Raſt. pla. fo. 242.
None that hath been Sheriff ſhall be again in three years.

ITem, It is ordained, that none that hath been Sheriff of any County by an whole year, ſhall be within three years next enſuing choſen again, or put in the ſame Office of Sheriff, if there be other ſufficient in the ſaid County of poſſeſſions and goods to anſwer to the King and his people.

CAP. XII.

A priſoner by judgment ſhall not be let at large. Confeſſion of a debt to the King to delay anothers execution.

ITem, Whereas divers people, at the ſuit of the party commanded to the priſon of yͤ Fleet, by judgments given in Courts of our Lord the King, be oftentimes ſuffered to go at large by the Warden of the priſon, ſometime by mainpriſe or by bail, and ſometimes without any mainpriſe with a baſton of the Fleet, and to go from thence into the Country about their merchandiſes, and other their buſineſs, and be there long out of priſon nights and days, without their aſſent at whoſe ſuit they be judged, and without their gree thereof made: Whereby a man cannot come to his right and recovery againſt ſuch priſoners, to the great miſchief and undoing of many people: It is ordained and aſſented, that from henceforth no Warden of the Fleet ſhall ſuffer any priſoner there being by judgment at the ſuit of the party, to go out of priſon by mainpriſe, bail, nor by baſton, without making

Plow. f. 35.
Dyer f. 59. 66. 162. 207. 306. 322. 241. 247. 271. 278. 275.
Kel fo. 2.
Cok. l. 3. f. 22. 52. 71.
lib. 4. fol. 95.
lib. 5. fol. 89.
lib. 8. fol. 142.
Fit. Dette 25. 67. 110. 132. 162.
Fitz. Executor. 74. 100.
Co. Inſt. 2 par. 187.
Dyer f. 193. 296. 307.

gree to the ſaid parties of that whereof they were judged, unleſs it be by writ or other commandment of the King, upon pain to loſe his office, and the keeping of the ſaid priſon. And moreover, if any ſuch Warden from henceforth be attainted by due proceſs, that he hath ſuffered or let ſuch priſoner to go at large againſt this Ordinance, then the plaintiffs ſhall have their recovery againſt the ſame Warden; by writ of debt. And alſo it is ordained, that if any at the ſuit of the party judged to another priſon for debt, treſpaſs, or other quarrel, will confeſs himſelf voluntarily, and by a fained cauſe, debtor to the King; and by that means to be judged to the ſaid priſon of the Fleet, there to have greater liberty of priſon then elſewhere, and ſo ts delay the party of his recovery, the ſame recogniſance ſhall be there received; and if he be not debtor to the King of record, his body ſhall incontinently be remanded to the priſon where he was before, there to remain till he hath made gree to the ſaid party, and the ſame gree made, he ſhall be immediately ſent again to the Fleet, there to abide, till he hath made gree to the King of his recogniſance aforeſaid. Stat. 7 H.4.4.

The penalty of the Warden of the Fleet if he ſuffer a priſoner being there by judgement to go at large. St.13 Ed.1.11. Regiſt.f.28. Fitz.N.B.f.93. c.121.a. Raſt.pl.f.8.168. &c.

The penalty of him who confeſſeth a debt due to the King to delay anothers execution.

CAP. XIII.

Eccleſiaſtical Judges ſhall not be vexed for ſuits for Tithes in a ſpiritual Court.

Co.Inſt.2 par. 489.

ITem, The Prelates and Clergy of this Realm do greatly complain them for that the people of holy Church, purſuing in the ſpiritual Court for their tithes, and their other things, which of right ought and of old times were wont to pertain to the ſame ſpiritual Court, and that the Judges of holy Church, having cogniſance in ſuch cauſes, and other perſons thereof medling according to the Law, be maliciouſly and unduly for this cauſe indicted, impriſoned, and by ſecular power horribly oppreſſed, and alſo enforced with violence by oaths and grievous obligations, and many other means unduly compelled to deſiſt and ceaſe utterly of the things aforeſaid, againſt the liberties and franchiſes of holy Church: Wherefore it is aſſented, that all ſuch obligations made or to be made by dureſs or violence, ſhall be of no value. And as to thoſe that by malice do procure ſuch indictments, and to be the ſame enditors, after the ſame inditees be ſo acquit, ſuch procurers ſhall have and incur the ſame pain that is contained in the Statute of Weſtminſter the ſecond, of thoſe which procure falſe appeals to be made. And the Juſtices of Aſſiſes or other Juſtices before whom ſuch inditees ſhall be acquit, ſhall have power to enquire of ſuch procurers and enditors, and duly to puniſh them according to their deſert.

Eccleſiaſtical Judges nor other ſhall be indicted or impriſoned for ſuits in any Spiritual Court for tithes, &c.

St.13 Ed.1.22. The penalty of thoſe which do procure ſuch Indictments.

CAP. XIV.

In an action of goods taken away, the defendant maketh title for tithes due to the Church.

ITem, It is accorded, that at what time that any perſon of the holy Church be drawn in plea in the ſecular Court for his own Tithes taken by the name of goods taken away, and he which is ſo drawn in plea, maketh an exception, or alledgeth that the ſubſtance and ſuit of the buſineſs is only upon Tithes due of right and of poſſeſſion to his Church, or to another his Benefice: that in ſuch caſe the general averment ſhall not be taken without ſhewing ſpecially how the ſame was his lay-chattel.

In an action of goods carried away, the def. maketh his title for Tithes due to his Church.

CAP. XV.

The penalty for arreſting of Prieſts, doing Divine Service.

ITem, Becauſe that Prelates do complain themſelves, that as well beneficed people of holy Church, as other, be arreſted, and drawn out as well of Cathedral Churches as of other Churches and their Church-yards, and ſometime whiles they be intended to Divine ſervices, and alſo in other places, although they be bearing the body of our Lord Jeſus Chriſt to ſick perſons, and ſo arreſted and drawn out, be bound and brought to priſon againſt the liberty of holy Church: It is ordained, that if any Miniſter of the King or other, do arreſt any perſon of holy Church by ſuch manner, and thereof be duly convict, he ſhall have impriſonment, and then be ranſomed at the Kings will, and make gree to the parties ſo arreſted. Provided always that the ſaid people of holy Church, ſhall not hold them within the Churchces or Sanctuaries by fraud or colluſion in any manner. And therefore we command, that thou cauſe all the ſaid Statutes to be cryed and publiſhed, and firmly kept through thy bailiwick, according to the form and tenour thereof; and that do not omit in any wiſe. Given under the witneſs of our great Seal the firſt day of February in the firſt year of our Reign.

The penalty for arreſting a Prieſt doing divine ſervice. St.50 Ed.3.5. St.1 Mari.3.

Statutes made at Glouceſter *Anno* 2 *Ric*.2. and *Anno Dom*. 1378.

OUr Lord the King at his Parliament holden at Glouceſter, the Wedenſday next after the Feaſt of S. Luke, the ſecond year of his Reign, amongſt other things there aſſented and accorded, hath made certain Statutes and ordinances, as well for the common profit of the Realm, as for the maintenance of the peace of his ſaid Realm, in the form following.

CAP. I.

All Merchants may buy and ſell within the Realm, without diſturbance.

FIrſt, Becauſe that before this time in time of the Noble King Ed. Grandfather to our Lord the King that now is, in his Parliaments holden at York and Weſtminſter, and alſo in this preſent Parliament, great complaint hath been made to our ſaid Lord, for that in many Cities, Boroughs, Ports of the Sea, and other places within the Realm of England, great damages and outragious grievances have been, and yet be done to the King, and to all his Realm, by the Citizens, Burgeſſes and other people of the Cities, Boroughs, and other Towns and places aforeſaid, which have not ſuffered, nor yet will ſuffer Merchants-ſtrangers, nor other that do bring, carry or convey by ſea or by land, wines avoir de pois, ſuſtenance, victuals, or other things vendible, profitable and neceſſary, as well for

St.9 Ed.3.1. St.25 Ed.3.14.

the King, the Prelates and Lords, as for all the communalty of his land, to ſell or deliver the ſaid wines, ſuſtenance, victuals, nor other things vendible to any other then to them of the ſame Cities, Boroughs, Ports of the ſea, and other places, to which ſuch wines, ſuſtenance, victuals or other things vendible were and be brought, carried and conveyed: and by ſo much thoſe things have been and yet be ſold and ſet to the King, to his Lords, and to all his people, by the hands of the Citizens, Burgeſſes, and other people Denizens, to a great and exceſſive dearth over that they ſhould have been, if the Merchants-ſtrangers and other which bring ſuch things into the Realm, might freely have ſold them to whom they would: nor alſo would not, nor yet will ſuffer the Merchants-ſtrangers, that do come or would come within the Realm, to buy Wools and other merchandiſes growing within the Realm, to go, travel, and merchandiſe, or abide freely as they were wont to do, to the great damage of the King, of the Prelates, of the Lords, and of all the Realm, and againſt the common profit, and againſt the Statutes and Ordinances thereof made in times paſt in the ſaid two Parliaments: our Lord the King conſidering clearly the coming of Merchants-ſtrangers within the Realm to be very profitable for many cauſes to all the Realm, by the aſſent of the Prelates, Dukes, Earls, Barons, and of the Commons of the Realm, hath ordained and ſtabliſhed, that all Merchants Aliens, of what Realms, Countries, or Seigniories that they come, which be of the amity of the King, and of his Realm, may from henceforth ſafely and ſurely come within the Realm of England, and in all Cities Boroughs, Ports of the Sea, Fairs, Markets, or other places within the Realm, within franchiſe and without, and abide with their goods and all merchandiſes, under the ſafeguard and protection of the King as long as ſhall pleaſe them, without diſturbance or denying of any perſon. And that as well thoſe Merchants Aliens and Denizens and every of them that will buy and ſell Corn, Fleſh, Fiſh, and all manner other victuals and ſuſtenance, and alſo all manner of ſpiceries, Fruits, Fur, and all manner of ſmall Wares, as ſilk, goldwyre, or ſilverwyre, coverchiefs, and other ſuch ſmall Ware, may from henceforth freely and without denying or any manner of diſturbance, as well in the City of London, as in all Cities, Boroughs, Ports of the Sea, Fayrs, Markets, and other places within the Realm, ſell and buy in groſs, and by parcels, to whom and of whom them pleaſe, denizens or foreign, except the Kings enemies, and except that all manner of wines, as well ſweet as other ſhall be ſold by the ſaid Strangers in groſs and by whole veſſels, as they be brought into the Realm, and not at retail by any in the ſaid Cities, Boroughs, and other Towns franchiſed, but only by the inhabitants and freemen in the ſame. And as to all other great Wares, as Cloth of gold and ſilver, ſilk, Sendal, Napery, Linnen-cloth, Canvas and other ſuch great Wares, and alſo all manner of other great Merchandiſes not above expreſſed, whatſoever they be, from henceforth as well Aliens as Denizens, as well in the City of London, as in other Cities, Boroughs, Ports of the Sea, Towns, Fairs, Markets, and elſewhere through the ſaid Realm, within franchiſe and without, may ſell the ſame in groſs to every perſon foreign or denizen that will buy the ſame freely and without denying (except to the Kings enemies and the Realms) as well by the bale, cloth, or by whole pieces at their pleaſure, and not at retail, upon pain of forfeiture of the ſame Merchandiſes, but only the Citizens and Burgeſſes in their own Cities and Boroughs and other good towns franchiſed, to whom (and to none other ſtrange Merchant of their franchiſe,) they may, and it ſhall be lawfnl to them without impeachment, to unfold, undo, and cut in their ſame their proper Cities, and Boroughs, the great Merchandiſes, and other great Wares aforeſaid, and as well the ſame as wines and other Merchandiſes whatſoever, there to ſell in groſs & by retail at their pleaſure, paying all the Cuſtoms & Subſidies due; notwithſtanding any Statutes, Ordinances, Charters, Judgments, Allowances, Cuſtoms, and Uſages made or ſuffered to the contrary: which Charters and Franchiſes, if any there be, they ſhall be utterly repealed and adnulled, as a thing made, uſed or granted againſt the common profit, or oppreſſion of the people. Saving always to Prelates and Lords of the Realm wholly their liberties and franchiſes, that they may make their purveyances and buyings of victuals, and of other their neceſſaries as they were wont to do in old time, and ſaving that the Ordinances made before this time of the ſtaple of Calis be holden in their force and vertue. And it is not the Kings mind, that Merchants-ſtrangers, or Denizens, that ſhall buy and ſell their Wools, woolfels, wares, Cloths, Yron, and other Merchandiſes, at Fairs and Markets in the Country, ſhould be reſtrained or diſturbed by this Statute, to ſell or buy freely in groſs or at retail, as they were wont to do heretofore. And if it ſo happen, that from henceforth diſturbance be made to any Merchant Alien, or Denizen, or other, upon the ſale of ſuch things, in City, Borough, Town, Port of the Sea, or other place that hath franchiſe, againſt the form of this Ordinance: and the Mayor, Bailiffs, or other that have the keeping of ſuch franchiſe, required by the ſaid Merchants or other in their name thereof to make remedy, do not the ſame, and thereof be attainted, the franchiſe ſhall be ſeiſed into the Kings hand. And neverthe leſs, they that have done ſuch diſturbance againſt this Statute, ſhall be bound to render and reſtore to the plaintiff his double damages that he hath ſuffered by this occaſion. And if ſuch diſturbance be made to ſuch Merchants, or to other in towns, and places where no franchiſe is, and the Lord if he be preſent, or his Bailiff, Conſtables or other Warden of the Towns, and places, in abſence of the Lords thereof, required to do right, and do not, and thereof be duly attainted, they ſhall yield to the plaintiff his double damages, as afore is ſaid, and the diſturbors in the one caſe and the other, as well within franchiſes as without, if they be attainted, ſhall have one years impriſonment, and be ranſomed at the Kings will. And it is ordained and eſtabliſhed, that the Chancellor, Treaſurer, and Juſtices aſſigned to hold pleas of the King in the places where they come, ſhall diligently inquire of ſuch diſturbances and grievances, and do puniſhment according as afore is ordained. And nevertheleſs the King ſhall aſſign by commiſſion certain

The inconveniences enſuing by reſtraining Merchants from ſelling of victuals where they will.

Merchants-ſtrangers may buy or ſell all things vendible within the Realm.

Aliens muſt ſell their Wines in groſs, and not by retail. Alt. 11 R.2.7;

What commodities Merchants Aliens or Denizens may ſell in groſs, and which by retail, and to whom.

The penaly of them which do diſturb Merchants to buy and ſell Wares at their pleaſures, and of chief officers not puniſhing theſe diſturbers.

certain people, where and when ſhall pleaſe him, to enquire of ſuch diſturbances and grievances, and to puniſh the offendors in this party, as before is ſaid. 9 H.3.30.

CAP. II.

A confirmation of the Statute made 25 E.3.3. againſt foreſtallers. Alt. 5 Ed. 6.14.

CAP. III.

Merchants of the Weſt may buy Merchandiſes, ſo that they find ſureties to carry them to the Weſt or to Calais. O B.

CAP. IV.

The penalty of Mariners retained to ſerve the King on the Sea which do depart without licence. ALT. 18 H.6.19. and 5 Eliz. 5.

CAP. V.

The penalty for telling of ſlandrous lies of the great men of the Realm.

Co.l.12.134.

Item, of deviſors of falſe news and of horrible and falſe lies, of Prelates, Dukes, Earls, Barons, and other Nobles and great men of the Realm, and alſo of the Chancellor, Treaſurer, Clerk of the privie Seal, Steward of the Kings houſe, Juſtices, of the one Bench or of the other, and of other great officers of the Realm, of things which by the ſaid Prelates, Lords, Nobles and officers aforeſaid, were never ſpoken, done, nor thought, in great ſlander of the ſaid Prelates, Lords and officers, whereby debates and diſcords might riſe betwixt the ſaid Lords or between the Lords and the Commons (which God forbid) and whereof great peril and miſchief might come to all the Realm, and quick ſubverſion and deſtruction of the ſaid Realm, if due remedy be not provided: It is ſtraightly defended upon grievous pain, for to eſchew the ſaid damages and perils, that from henceforth none be ſo hardy to deviſe, ſpeak, or to tell any falſe news, lies, or other ſuch falſe things, of Prelates, Lords, and of other aforeſaid, whereof diſcord or any ſlander might riſe within the ſame Realm: and he that doth the ſame ſhall incur and have the pain another time ordained thereof, by the Statute of Weſtminſter the firſt, which will, that he be taken and impriſoned till he have found him of whom the word was moved. St. 12 R.2.11.1. & 2 P. & M.3. 1 El.6.

Dyer.f.155.
Co.l.4.f.12.
Kel.f.26.
Cro. El.1.
Cro.ca.135.

The penalty for telling of ſlanderous news of the Peers or great officers of the Realm.
Raſt. pl.f.393.
Stat.3 Ed.1.33.

CAP. VI.

Urban was duly choſen Pope, and ſo ought to be accepted and obeyed. Exp.

CAP. VII.

Commiſſions ſhall be awarded to areſt riotors, and other perſons offenſive to the peace, and to impriſon them. Rep. 2 R.2.2.St. 17 R.2.8.

CAP. VIII.

The Statute of 23 Ed.2.3. and all other Statutes of labourers, &c. confirmed. Rep. 5 Eliz.4.

Other Statutes made at Weſtminſter *Anno 2 R.2. and Anno Dom.* 1379.

TO the honour of God and of holy Church, and for the common profit of the Realm of England, our Lord the King Richard, at his Parliament holden at Weſtminſter, in the fifteenth of Eaſter, the ſecond year of His reign, of the aſſent of the Prelates, Dukes, Earls, Barons, and other great men, and of the Commons of this Realm ſummoned to the ſaid Parliament, hath ordained and eſtabliſhed in the ſame Parliament, for the quietneſs of his ſaid people, the Statutes and Ordinances following, perpetually to endure in his ſaid Realm.

CAP. I.

A Confirmation of the Liberties of the Church.

Firſt, that holy Church have and enjoy her Franchiſes and Liberties in all points, in as ample manner, as ſhe them had in the time of his Noble Progenitors, Kings of England; and that the great Charter, and the Charter of the Foreſt, and the good Laws of the land be firmly holden and kept, and put in due execution.

A confirmation of the liberties of the Church, and the laws of the Realm.

CAP. II.

A repeal of the Statute of 2 R.2.7. touching riots.

CAP. III.

Fraudulent Deeds made by debtors to avoid their creditors, ſhall be void

Item, in caſe of debt, where the debtors make fained gifts and feoffements of their goods and lands to their friends, and other, and after withdraw themſelves, and flee into places of holy Church priviledged, and there hold them a long time, and take the profit of their ſaid lands and goods ſo given by fraud or colluſion, whereby their creditors have been long and yet be delayed of their debts and recovery, wrongfully and againſt good faith and reaſon: It is ordained and eſtabliſhed, that after that the ſaid creditors have thereof brought their writs of debt, and thereupon a Capias **awarded; and the Sheriff ſhall make his return that he hath not taken the ſaid perſons, becauſe of ſuch places priviledged, in which they be or ſhall be entred: then after ſuch return made, another Writ ſhall be granted and made to the Sheriff, in which Writ ſhall be compriſed, that proclamation be made openly at the gate of the place ſo priviledged, where ſuch perſons be entred, by five weeks continually, every week once, that the ſame perſon be at a certain day compriſed in the ſame Writ, before the Kings Juſtices, there to anſwer to the plaintiff of his demand; and upon this Writ, returned by the ſaid Sheriff, that Proclamation is made in the ſaid form, if the ſaid perſon called come not in proper perſon nor by attorney, judgment ſhall be given againſt them upon the**

11 H.4.f.40.
7 H.6.f.8.
Dyer f.295.
Fitz.Proclam. 8.

Fraudulent deeds made by debtors to avoid their creditors, ſhall be void.

the principal for their default. And out of the ſame judgment execution ſhall be made of their goods and lands, being out of the place privilledged, that is to ſay, as well of thoſe lands and goods ſo given by colluſion, as of any other out of the ſame Franchiſe, after that ſuch colluſion or fraud be duly found, in the ſame manner as that ought to have been, if no deviſe had been thereof made, notwithſtanding the ſame deviſe. But it is not the Kings mind that by vertue of this Statute any man be barred out of his ſuit againſt ſuch debtors by the common courſe of the Law before this preſent Statute uſed. St. 50 Ed. 3. 6. 3 H. 7. 4. 13 Eliz. 5. Raſt. pl. f. 196. 392.

Statutes made at *Weſtminſter Anno* 3 *Rich.* 2. and *Anno Dom.* 1379.

AT the Parliament holden at Weſtminſter, the Munday next after the Feaſt of Saint Hillary, the third year of King Richard the ſecond, of the aſſent of the Lords and other in the ſaid Parliament, our ſaid Lord hath cauſed to be made certain Statutes and Ordinances in the form following.

CAP. I.

A Confirmation of the Laws of the Church, and of the Laws and Statutes of the Realm.

A confirmation of the liberties of the Church, and of the Laws of the Realm.

FIrſt, It is ordained and eſtabliſhed, That holy Church have and wholly enjoy her Franchiſes and Liberties, by the manner as ſhe hath had and enjoyed them in the time of the Kings noble Progenitors, and that the good Laws and Cuſtoms of the Realm, and the Statutes made before this time, and not repealed, be holden and firmly kept and put in due execution.

CAP. II.

The penalty of the Aulneger that ſetteth his ſeal to faulty Clothes.

St. 2 Ed. 3. 14.
27 Ed. 3. 1.
47 Ed. 3. 1.

The penalty of the Aulneger that ſetteth his ſeal to Clothes tacked together faulty, or lacking Aſſiſe.

ITem, Becauſe that the Commons do greatly complain them to be grieved, in that, that whereas in the time of the Kings noble grandfather, it was ordained for the common profit of the Realm, That all the Woollen Clothes from henceforth to be made in England, which ſhould be ſet to ſale, ſhould contain a certain meaſure in length and breadth, upon a certain pain compriſed in the ſaid Statute; nevertheleſs divers people through the Realm, not having regard to the ſaid Statute, make now divers Woollen Clothes vendible, which do not contain the meaſure nor the Aſſiſe ordained by the ſame Statute, and which worſe is, cauſe ſubtilly to be tacked and ſet together with thred divers pieces of ſuch Clothes, and after by covin betwixt them and the Kings Aulnegers, to hide and colour the falſity, do procure the ſaid Aulneger to put the ſeal ordained upon the ſame Clothes, to the intent, and that the buyers might believe, that ſuch Clothes ſo ſealed be ſufficient Clothes, and whole, containing the ſame Aſſiſe; for otherwiſe they had not been ſealed, as they ſay, in great deceit of the people, and miſchief to the ſaid buyers, as well denizens as ſtrangers: It is accorded and aſſented, That the Statutes made of the ſaid Clothes before this time, and not repealed, be kept and duly put in execution. And moreover it is aſſented, That if any the ſaid Aulnegers or of the Collectors of the Subſidy of the ſaid Clothes, do from henceforth ſet his ſeal to any ſuch Cloth ſo ſowed in deceit, the ſame Cloth ſhall be forfeit to the King, in whoſe hands ſoever it be found, and alſo the Aulneger or Collector thereof found guilty, ſhall forfeit his Office. And if he have put the ſame ſeal to any other Cloth vendible, that is not of the ſaid Aſſiſe, the ſame Aulneger or Collector ſhall forfeit to the King the value of the ſame Cloth ſo ſealed in deceit of the people, together with his ſaid Office. And nevertheleſs, for the ſaid falſity he ſhall have one years impriſonment, and then be ranſomed at the Kings will. And this Statute ſhall begin to hold place at the Nativity of Saint John Baptiſt next coming, and not before. St. 11 H. 4. 6.

CAP. III.

None ſhall take any Benefice of an Alien, or convey money to him.

The cauſes why advowſons of Benefices were given to ſpiritual perſons.

The inconveniences which have enſued by giving of benefices to aliens.

ITem, Becauſe that our Lord the King hath perceived, as well by the complaints of his faithful liege-people, and by their clamour by divers petitions thereof delivered in divers Parliaments before this time, as otherwiſe by the perfect knowledge and experience of the deed, how the Churches Cathedral and Collegial, Abbeys and Priories, and other Benefices of his Realm, which were late founden, and richly endowed by his noble Progenitors, in which divers dignities, offices, perſonages, Chanonries, Prebends, and other Benefices were ſolemnly and devoutly ordained and eſtabliſhed, of the aſſent of the foreſaid Progenitors of the King and of other their noble Founders, which did give to the ſaid Paſtours of the ſame Churches, Abbeys, Priories, of other great places, the advowſons of the ſame Benefices, to the intent that the ſame Benefices ſhould be given to honeſt and meet perſons of the Realm, to ſerve and honour God diligently, and alſo to keep hoſpitality, and to inform and teach the people, and to do other worthy things pertaining to the cure of ſouls, after the eſtate and quality of the ſaid Benefices: and ſo was it done in all times paſt after the foundation of the ſame, till now of late, that by the informations, inſtigations, and procurements of ſome of the Kings liege-people, the ſame Benefices have been given againſt the will of the Founders to divers people of another Language, and of ſtrange Lands and Nations, and ſometimes to the utter enemies of the King and of his Realm, which never made reſidence in the ſame, nor cannot, may not, nor will not in ſuch wiſe bear and perform the charges of the ſame Benefices, as in hearing Confeſſions, Preaching, nor Teaching the people, keeping hoſpitality, nor accompliſhing the other things neceſſary to the governance of the ſame Benefices, but onely thereof have and take the emoluments and temporal profits, not having regard to the ſpiritual Cure, nor to other charges to the ſame Benefices pertaining or belonging, but manifeſtly ſuffer the noble buildings in old times there made, when the ſame Benefices were occupied by Engliſhmen, wholly to fall to decay, whereby the Divine ſervice is greatly miniſhed, the cure of ſouls neglected and left, the Clergy enfeebled, the Treaſure of the ſaid Realm carried to the hands of Aliens, and all the Eſtate of holy Church brought to leſs reverence then before it was wont to be: and though that in the time of the ſaid Grandfather certain Ordinances, Statutes and Compoſitions were made and affirmed, wholly to put out, or at the leaſt to reſtrain the ſaid miſchiefs in this behalf, nevertheleſs the ſaid Aliens not having regard to the ſame, do not refrain to take and receive ſuch Benefices within the ſaid Realm, but by the comfort, aid and great ſuccour which they have had of the Kings liege-people, that be their Fermors, Procurators and Atturneys in this behalf, and in every part of the ſaid Realm, do enforce themſelves from day to day more and more, to accept the greateſt Dignities and Benefices within the ſaid Realm, and by divers cautelous manners, much prejudicial to the ſame Realm if that were ſuffered, whereby the ſaid miſchiefs do daily increaſe, and much more will increaſe, if due remedy be not the ſooner provided.

Stat. 25 Ed. 3.

Our Lord the King, by the advice and common aſſent of all the Lords Temporal, being in this Parliament, hath ordained and eſtabliſhed, That none of the Kings liege-people, nor other perſon, of whatſoever eſtate or condition that he be, ſhall not take nor receive within the ſame Realm of England, Procuracy, Letters of Atturney, nor Ferm, nor other Adminiſtration by Indenture, nor in other manner whatſoever, of any perſon of the world, of any Benefice within the ſaid Realm, but onely of the Kings liege-people of the ſame Realm, without the ſpecial grace and expreſs licence of our Lord the King, by the advice of his Council. And if any before this time have accepted of any Aliens ſuch Procuracies, Ferms, or adminiſtration, that they ſhall utterly leave them within fourty days after publication of this Ordinance. And that none of the ſaid liege-people, nor other that may be found in the ſaid Realm, ſhall convey by vertue of ſuch Procuracy, Ferm, or adminiſtration, gold, ſilver, nor other Treaſure nor Commodity out of the ſaid Realm by Letter of Exchange, by Merchandiſe, nor in other manner to the profit of the ſaid Aliens, without like licence of the King by the advice of his ſaid Council. And if any do the contrary in any point contained in this Ordinance, he ſhall incur the pain and puniſhment contained in this Statute of Proviſors, made in the time of the Kings Grandfather, the ſeven and twentieth year of his Reign, by the ſame proceſs compriſed in the ſaid Statute, and by warning to be made to them in their Benefices, or other their Poſſeſſions within the Realm. And if they be out of the ſaid Realm, and not Beneficed, nor having Poſſeſſion within the ſame Realm where they may be warned, then a Writ ſhall be made in the Chancery grounded upon this Ordinance to the Sheriff of London, or to the Sheriff of the County in which they were or ſhall be born, at the Kings ſuit, returnable in the one Bench or the other, by which Writ it ſhall be commanded, That Proclamation be made openly, that they appear before the Juſtices in the Bench where the Writ is returnable at a certain day compriſed in the ſame Writ, containing the ſpace of half a year, to anſwer upon the matters compriſed in the ſaid Writ: and after this Writ returned, the Juſtices ſhall proceed againſt them, according to the form above ordained. And it is aſſented by the King in the ſame Parliament, by the aſſent aforeſaid, That no Biſhop nor other perſon of holy Church through the Realm, ſhall meddle by way of Sequeſtration, nor in any other manner with the fruits of ſuch Benefices given or to be given to the ſaid Aliens, to the profit of the ſame Aliens, upon the peril that belongeth. Dated, &c. Stat. 7 R. 2. 12. 1 H. 5. 7.

None ſhall take in ferm any Benefices of the Church of an Alien without the Kings Licence.

None ſhall convey money out of the Realm to an Alien for ſuch ferm.

St. an. 27 Ed. 3. de proviſoribus.

Proceſs awarded againſt offenders that be out of the Realm.

None ſhall meddle by ſequeſtration nor in other manner with a benifice given to an alien.

Statutes made at *Northampton*, *Anno* 4 *Rich.* 2. and *Anno Dom.* 1380.

CAP. I.

All veſſels of Wine, Honey, and Oyl brought into this Realm, ſhall be gauged.

St. 27 Ed. 3. 8.

RICHARD by the grace of God, &c. to the Sheriff of Nottingham, greeting. The Commons of our Realm of England have prayed us by their Petition delivered to us at our preſent Parliament holden at Northampton, containing how many Wines of divers manners oftentimes brought within the Land, which do often paſs without gauging, becauſe that the Statutes thereupon made in the time of our Grandfather, (whom God aſſoil) do not make expreſs mention of all manner Wines, and of other licours, to the great damage of the Lords and Commons of the ſame Realm, which be oftentimes deceived in their buying, becauſe they cannot without gauge, have rightful knowledge how much the ſame veſſel will contain, That it may pleaſe us, for the profit of us and our Realm more plainly to declare the ſame Statutes, in ſuch manner, that all manner of Wines, and other licours gaugeable brought within this Realm, may be compriſed in the ſame Statutes: We conſidering the ſaid Supplication to be profitable for us, the Lords and Commons of the ſame Realm, will and grant by the aſſent of the Prelates, and Lords aforeſaid, That the Statutes thereupon made (as is ſaid) be holden, kept, and put in due execution. And moreover we declare, and of the aſſent aforeſaid, will and grant, That as well all manner veſſels of ſweet Wines of the Rine, and of other Wines, as other veſſels of Vineger, Oyl, Honey, and all other licours gaugeable, which from henceforth ſhall come within this Realm of England, or within our Lands of Wales and Ireland, ſhall be well and lawfully gauged

All the veſſels of wine, vineger, honey, and oyl brought into the Realm ſhall be gauged.

by our Gaugers thereto aſſigned, or their deputies. And if any ſet debate and diſturbance, and will not ſuffer the Wines or other licours aforeſaid to be gauged, he ſhall incur the pein ordained by the ſaid other Statutes. And in the ſame manner the gaugers ſhall incur the pain compriſed in the ſame Statutes, if default be from henceforth found in them, or in their deputies in this behalf. Stat. 18 H. 6. 17. 1 R. 3. 13. 28 H. 8. 14.

CAP. II.

The Kings Pardon of Eſcapes, and Felons, and Clerks Convict. EXP.

Other Statutes made at *Weſtminſter*, *Anno 5 Rich.* 2. and *Anno Dom.* 1381.

RIchard by the grace, &c. To the Sheriff of Nottingham, greeting. Know thou, That to the reverence of God and of holy Church, and for to nouriſh peace, unity, and quietneſs of good accord, in all parts of our Realm of England, and eſpecially for the good governance of the ſame Realm (which we do chiefly deſire) of the aſſent of the Prelates, Lords and Commons aſſembled at our Parliament holden at Weſtminſter the morrow after All Souls laſt paſt, we have cauſed to be made certain ordinances and eſtabliſhments, as well for the amendment of the ſaid governance, as for the common profit of the Realm, in the form following.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes made and not repealed.

A confirmation of the Liberties of the Church, and of the Laws of the Realm.

FIrſt, It is aſſented and accorded, That holy Church have and enjoy all her Liberties and Franchiſes wholly. And that the great Charter and the Charter of the Foreſt, and all other good Statutes and Ordinances made before this time, and not repealed, and eſpecially the Statutes of Purveyors late made in the time of the noble King Edward our Grandfather, be holden, kept, and put in due execution after the form and effect of the ſame.

CAP. II.

None ſhall Tranſport Gold or Silver. None ſhall depart out of the Realm without Licence.

None ſhall tranſport gold or ſilver without the Kings licence. St. 9 Ed. 3. 1. 2 H. 4. 3. 2 H. 6. 6. 4 H. 4. 16. 19 H. 7. 5. In what caſes and for what cauſes gold or ſilver may be tranſported.

None ſhall depart without the Kings licence. EXP. Jac. 1. Fitz. N. B. f. 85. E. St. 12 R. 2. 8.

Dyer f. 128. 165. 176. 296.

The penalty of the Maſter or Mariner of the Ship, offending.

The penalty of Searchers or Wardens of Ports, offending.

ITem, For the great miſchief which the Realm ſuffereth, and long hath done, for that gold and ſilver, as well in money, veſſel, plate, and jewels, as otherwiſe by exchanges made in divers manners, is carried out of the Realm, ſo that in effect there is none thereof left; which thing if it ſhould longer be ſuffered, would ſhortly be the deſtruction of the ſame Realm (which God prohibit:) It is aſſented and accorded, and the King enjoyneth all manner of people, Merchants, Clerks, and other, as well ſtrangers as denizens, of what eſtate or condition they be, upon pain of as much as they may forfeit, That none of them upon the ſaid pain privily nor openly ſend nor carry, nor cauſe to be ſent or carried out of the ſaid Realm, any gold or ſilver in money, Bullion, Plate, or Veſſel, neither by exchanges to be made, nor in other manner, but the wages of Calis, and of other the Kings Forteſſes beyond the Sea, and eſpecially excepted the Prelates, Lords, and other of the ſame Realm, to whom ſometimes it behoveth neceſſarily to make payments beyond the Sea, that of the ſame payments onely they make Exchanges in England, by good and ſufficient Merchants to pay beyond the Sea: And firſt ſpecial leave and licence had of the King, as well for the Exchangeors as for the perſon which ought to make the payments, containing expreſly the ſum which ſhall be ſo exchanged. And it is aſſented, That the Merchants that ſhall make exchanges, ſhall be diligently examined and ſworn in their proper perſons, as often as they ſhall have the ſaid licence, That they ſhall not ſend beyond the Sea any manner of gold or ſilver under the colour of the ſame Exchange. And if after Proclamation of this Ordinance, any perſon be from henceforth duly attainted that he hath cauſed to be ſent or carried beyond the Sea, any gold or ſilver againſt this Reſtraint and Ordinance, he ſhall forfeit to the King the ſame ſum ſo carried or ſent. And the King our Lord of his Royal Majeſty defendeth the paſſage utterly of all manner of people, as well Clerks as other, in every Port and other Town and place upon the coaſt of the Sea, upon pain of forfeiture of all their goods, except only the Lords and other great men of the Realm, and true and notable Merchants, and the Kings Souldiers. And every perſon other then is before excepted, which after publication of this Ordinance made, ſhall paſs out of the ſaid Realm without the Kings ſpecial licence (which licence the King willeth and commandeth that it be not from henceforth made, but onely in one of the Ports underwritten, that is to ſay, London, Sandwich, Dover, Southampton, Plimouth, Dertmouth, Briſtow, Yarmouth, Saint Botolph, Kingſton upon Hull, Newcaſtle upon Tine, and the other Ports and paſſages towards Ireland, and the Iſles pertaining to the Realm of England) ſhall forfeit to the King as much as he hath in goods, as above is ſaid; and nevertheleſs the Maſter or Mariner of the Ship, or of other veſſel in which he ſhall carry over beyond the Sea any perſon but ſuch onely as be before excepted, without the ſaid licence, and thereof be convict duly, ſhall forfeit the ſaid veſſel to the King. And the King commandeth all Wardens and Searchers of the Ports and paſſages through England, That they ſhall from henceforth diligently uſe their Office, and make good and ſtrait ſearch. And if any Searchers or Wardens of the Ports and paſſages through the ſaid Realm, by negligence or in other manner do, or ſuffer wittingly to be done in any point the contrary of the ſaid two Articles touching the money of gold or ſilver, and the ſaid paſſages of people, and thereof be duly convict, he ſhall forfeit to the King his ſaid Office and all his goods, and his body ſhall be committed to priſon, there to abide a whole year without redemption. And thereupon whoſoever eſpieth and proveth duly that any thing be done againſt the intent of the ſaid two laſt Articles, whereby the ſaid forfeiture ought to fall upon any perſon, he ſhall have half of the ſame forfeiture for his labour at the Kings gift.

CAP. III.

None of the Kings Subjects ſhall carry forth nor bring any Merchandiſes but onely in Ships of the Kings allowance. Stat. 1 Eliz. 13. 5 Eliz. 5. 13 Eliz. 15. 6 R. 2. 8. 23 H. 8. 7. 32 H. 8. 14.

CAP. IV.

The ſeveral prices of ſeveral ſorts of Wine to be ſold in groſs or by retail, and the forfeiture of them which do ſell them dearer. And the chief Officer of a City or Borough may ſell them at the ſame prices, if the owner will not. Rep. 7 R. 2. 11. Stat. 6 R. 2. 7. 28 H. 8. 14.

CAP. V.

The Kings pardon to thoſe that repreſſed or took revenge of his Rebels. EXP.

CAP. VI.

Manumiſſions, Releaſes, and other Bands made in the laſt tumult by compulſion, ſhall be void. It ſhall be Treaſon to begin a Riot, Rout, or Rumor. Rep. 1 Ed. 6. 12.

CAP. VII.

The penalty where any doth enter into Lands where it is not lawful, or with force.

AND alſo the King defendeth, That none from henceforth make any Entry into any Lands and Tenements, but in caſe where Entry is given by the Law; and in ſuch caſe not with ſtrong hand, nor with multitude of people, but only in peaceable and eaſie manner. And if any man from henceforth do to the contrary, and thereof be duly convict, he ſhall be puniſhed by impriſonment of his body, and thereof ranſomed at the Kings will. Reg. f. 182. Fitz. N.B. f. 248. St. 5 Ric. 2. 2. 8 H. 6. 9. Raſt. pl. f. 62. 116. 141. 251. 354. 1 H. 7. 12. 22. 11 H. 7. f. 15. 27 H. 8. f. 26. 10 H. 7. f. 27. 20 H. 7. f. 2. Fitz. Entry 28. 30. 31. 32. 37. 42. 43. St. 23 H. 8. 14. 4 H. 4. 8. 31 Eliz. 11. 21 Jac. 15.

The penalty where any doth entre into lands but where his entry is given by the Law, and then with ſtrong hand.

CAP. VIII.

A remedy for them whoſe writings were deſtroyed in the late inſurrection.

ITem, Touching the Charters, Releaſes, Obligations, and other Deeds and Muniments, burnt, deſtroyed, or otherwiſe eloined in the ſame rumour, it is aſſented, That they which thereof feel them grieved, ſhall put their Petitions diſtinctly made upon their matters ſpecially before the King and his Council, betwixt this and the Nativity of Saint John Baptiſt next coming at the fartheſt, and there make ſufficient proof of the ſaid Muniments ſo loſt, and of the form and tenor of the ſame; and that done, ſuch remedy ſhall thereof be provided for them at every mans complaint, as beſt ſhall ſeem in the caſe, ſaving the Law. St. 6 R. 2. 4.

A remedy for them whoſe writings were burned in the late inſurrection.

CAP. IX.

Every perſon that is impeached in the Eſchequer, may plead in his own diſcharge.

ITem, Becauſe that grievous complaint hath oftentimes been made of the Officers of the Eſchequer, for that the Heirs, Executors, Occupiers of Goods, and Land-Tenants of divers perſons which have been impeached in the ſaid Eſchequer, of debts, accompts, and other demands, and which although they have offered them there to ſhew, or plead for their diſcharge of thoſe impeachments according to the Law, they have not been always thereunto received heretofore, without having expreſs commandment by Writ, or Letter of the great Seal or privy Seal, to the great diſquietneſs, miſchief and delay of the ſaid perſons impeached, and no advantage to the King: It is ordained and aſſented, That the Barons of the ſaid Eſchequer ſhall from henceforth have full power to hear every anſwer of every demand made in the ſame Eſchequer, ſo that every perſon that is impeached or impeachable of any cauſe by himſelf, or by any perſon, ſhall be from henceforth received in the ſame Eſchequer to plead, ſue, and have his reaſonable diſcharge in this behalf, without carrying or ſuing any Writ, or other commandment whatſoever. Co. Inſt. 4. par. 1 101

Every perſon that is impleaded in the Eſchequer, may plead in his own diſcharge.

CAP. X.

The Covenants of thoſe that ſhall ſerve the King in his Wars or Embaſſies, ſhall be put in writing, and ſent into the Eſchequer.

ITem, Becauſe that great miſchiefs have happened in times paſt to divers perſons, as well to Lords of the Realm, as other, which were retained or aſſigned to ſerve our Lord the King by Indentures or without Indentures, in his Wars and his Meſſages, or in other manner, and for the ſame cauſes receive certain ſums of money at the receit of the ſaid Eſchequer, or elſewhere by aſſignment, which ſums have been put upon them in the Rolls of the ſaid Eſchequer, as money received by way of lone, and for that cauſe the ſame ſums ſhould run in demand upon them at the Eſchequer as a clear debt, although the ſaid perſons ſo retained, their Heirs, Executors, Occupiers of their Goods, or Land-Tenants, after their death have demanded to be admitted to accompt of the ſums received, which hath not been granted to them, but they have been conſtrained to purſue their grant by the great or privy Seal directed to the Treaſurer and Barons there, whereby it was commanded to the Treaſurer and Barons to accompt with them in this behalf: which Warrants oftentimes have been denied, becauſe that the Kings Officers, newly made, percaſe had no knowledge of ſuch retaining made before their time; and ſometime have been granted, but not ſo fully as reaſon and the caſe required: and for as much as the ſame Warrant would that accompt ſhould not be received but only of the ſum ſo received by lone, whereas a greater ſum percaſe was due to them of reaſon, to the great miſchief and hindrance of the ſaid perſons: It is ordained and aſſented, That of all people, which from henceforth ſhall be retained or aſſigned to ſerve the King, their Covenants ſhall be put

The covenants of thoſe which ſhall be retained to ſerve the King in his Wars or Embaſſies ſhall be ſent into the Eſchequer.

in writing and ſent to the Eſchequer, there to remain of Record: ſo that at what time that any perſon ſo retained, his heirs or executors, occupiers of the goods, or Land-tenants come to accompt thereof at the Eſchequer, they ſhall be thereto received, and have due allowance in their accompt, according to the content of their covenant: if percaſe any repeal or countermand be made of ſuch retinue of any perſon after that his covenants be put in writing, and ſent to the ſaid Eſchequer, as is aforeſaid, the ſame repeal likewiſe ſhall be put in writing, and ſent to the ſaid Eſchequer, ſo that by the ſight of the ſame repeal, and of the covenants before there ſent, the Barons of the ſaid Eſchequer ſhall do right to the party according as the Law and reaſon demandeth. And if any thing be due unto them by the ſame accompt, that thereof by certificate of the ſame Eſchequer, the Treaſurer and the Chamberlains ſhall make payment or aſſignment to them without tarrying or ſuing other Warrant, or commandment of the great or privy Seal in this behalf.

CAP. XI.

The Accompts in the Eſchequer ſhall be more ſpeedily heard then they were wont.

The Accompts of the Eſchequer ſhall be more ſpeedily heard then before they were

Co. Inſt.4. par. 113.

ITem, It is ordained and aſſented, That the accompts in the Eſchequer ſhall be more ſhortly heard, made, and ingroſſed, then they were wont heretofore. Saving always, that the parcels of the ſame accompts be made as fully as they were wont in times paſt, and that by ordinance to be made by the Barons of the ſaid Eſchequer, there to endure of Record for ever.

CAP. XII.

Two Clerks ſhall be aſſigned to make parcels of Accompts in the Eſchequer.

Two Clerks ſhall be aſſigned to make parcels of Accompts in the Eſchequer.

ITem, It is ordained and aſſented, That two Clerks ſhall be aſſigned to make parcels of accompts in the ſame Eſchequer to them that will demand the ſame; and they ſhall be ſworn that they ſhall commit no falſhood in their office, and ſhall take for their labour of them to whom they ſerve reaſonably, according to the ordinance of the Barons of the ſaid Eſchequer.

CAP. XIII.

Accompts of Nihil ſhall be put out of the Eſchequer. An Accomptant diſcharged upon his Oath.

Accompts of Nihil ſhall be put out of the Eſchequer.

ITem, It is ordained and aſſented, That the accompts of Nihil in the Eſchequer, ſhall be wholly put out; or if any ſuch accompts ought there to remain, the accomptants preſently after their oath made in the ſaid Eſchequer ſhall be examined by the Barons there, if they ſhould or ought to anſwer the King of any thing in this behalf; And if it be found by their ſaid oath that they ought not, then by the ſame their oath they ſhall be diſcharged to yield other accompt before any Auditor. The Kings right always ſaved. Co. Inſt.4. par. 106.

CAP. XIV.

The Clerk of the Pipe, &c. ſworn for the entry of Writs of the great and privy Seal.

The Clerk of the Pipe and the two Remembrancers ſhall be ſworn for the entry of Writs of the great or privy Seal, &c.

ITem, It is accorded and aſſented, That the Clerk of the Pipe, and the Remembrancers of the Eſchequer ſhall be ſworn, that from Term to Term they ſhall ſee (whiles the ſaid Eſchequer ſhall be open) all the Writs of the great Seal, or of the privy Seal, which ſhall be ſent to the ſaid Eſchequer the ſame Term for the final diſcharge of any perſon of the Realm of any demand in the ſaid Eſchequer, and that every of them to whom it pertaineth, ſhall make due execution of the ſaid commandment. And alſo it is ordained and aſſented, That the ſaid two Remembrancers ſhall be ſworn of their part, that every Term from henceforth they ſhall make a ſcedule of all the perſons that ſhall be diſcharged in their Offices by Judgment, or in other manner in the ſame Term, of any demands in the ſame Eſchequer, containing the manner of the ſame diſcharges, and to deliver the ſame ſcedule to the ſaid Clerk of the Pipe the ſame Term, to the intent that the ſame Clerk of the Pipe ſhall thereof diſcharge the ſaid parties in the great Roll. Alſo the ſaid Clerk of the Pipe ſhall be ſworn, that he from Term to Term ſhall require the ſame ſcedules, and the ſame ſcedules by him ſo received, he ſhall diſcharge the ſaid parties in the manner aforeſaid. And in the ſame manner the ſaid Clerk of the Pipe for his part ſhall cauſe to be certified in writing to the ſaid Rembrancers of all ſuch diſcharges which ſhall be made in his Office, to the intent that a man diſcharged in one place be diſcharged in all other places of the ſaid Eſchequer.

CAP. XV.

Upon a Judgment of Livery, the Remembrancer ſhall cauſe the ſuit to ceaſe.

ITem, Though that many times heretofore divers perſons have had livery of their Lands and Tenements out of the Kings hands, by judgment given for them in the Kings Bench, or elſewhere, and of the ſame judgments after have procured to ſend the tenor of the Records and Proceſſes thereof made by Writ of Mittimus, into the ſaid Eſchequer, to the intent for to diſcharge them of the accompts demanded of them upon the ſame Tenements; nevertheleſs the Officers of the ſame Eſchequer would not in times paſt diſcharge the ſaid perſons thereof, before that the ſame Records and Proceſſes were word by word newly entred into the Eſchequer, and thereupon new proceſs made, and new judgments there another time given, to the great damage and delay of the parties, without profit to the King: It is ordained and aſſented, That from henceforth after that ſuch Record or the tenor of the ſame, ſhall come into the ſame Eſchequer by the Kings commandment (as it is ſaid) that the Remembrancer, in whoſe Office ſuch accompts ſhall be demanded, ſhall preſently cauſe the ſuit to ceaſe in that behalf, by words to be entred upon the indorſment of the Writ, touching the tenor of the Record of the ſaid Judgment, without new Judgment or making of proceſs further in this behalf.

How the Remembrancer ſhall uſe a Judgment of Livery coming out of any Court into the Eſchequer.

CAP. XVI.

The fees of the Clerks of the Eſchequer for making Commiſsions, or Records of Niſi prius.

The Clerks fee for making of a Commiſsion or Record of Niſi prius in the Eſchequer.

ITem, It is aſſented, and the King ſtraitly defendeth, that from henceforth nothing ſhall be given for making a Commiſsion in the ſaid Eſchequer for the fee of a Clerk which ſhall make the ſame, above two ſhillings onely, nor for the record of Niſi prius with the Writ, but two ſhillings onely, as afore this time was wont to be done and uſed.

Other Statutes made at Weſtminſter *Anno* 5 *R.* 2. and *Anno Domini* 1382.

FOr the common profit of the Realm of England, divers Ordinances and eſtabliſhments have been made by our Lord the King, the Prelates, Lords and Commons of the ſaid Realm, being in this preſent Parliament holden at Weſtminſter the Tueſday next after the Feaſt of St. John Portlatine, the fifth year of the Reiga of our Lord King Richard the ſecond, in the form following.

CAP. I.

Merchants-ſtrangers may come unto, continue, and depart forth of the Realm.

Merchants-ſtrangers may come into this Realm, continue here, and depart at their pleaſures.

FIrſt, It is accorded and aſſented in the Parliament, that all manner of Merchants-ſtrangers, of whatſoever Nation or Country they be, being of the amity of the King and of his Realm, ſhall be welcome, and freely may come within the Realm of England, and elſewhere within the Kings power, as well within Franchiſe as without, and there to be converſant, to merchandiſe and tarry as long as them liketh, as thoſe whom our ſaid Lord the King by the tenour hereof taketh into his protection and ſafeguard, with their goods, merchandiſes, and all manner familiars. And for ſo much the King willeth and commandeth, that they and every of them be well, friendly, and Merchant-like intreated, and demeaned in all parts within his ſaid Realm and Power, with their merchandiſes and all manner goods, and ſuffered to go and come, and into their proper Country peaceably to return without diſturbance or impeachment of any. St. 9 H. 3. 30. 9 Ed. 3. 1. 25 Ed. 3. 2.

CAP. II.

Woolfels and Leather may be carried into any Country by Aliens or Denizens, ſaving into France, until Michaelmas come twelvemonth. Certain money ſhall be abated to them that will pay their cuſtome beforehand. Exp.

CAP. III.

A Subſidy granted to the King, ſo that the money that cometh thereby may be wholly imployed upon the keeping of the Sea. Exp.

CAP. IV.

Every perſon to whom it belongeth ſhall upon ſummons come to the Parliament.

Co. Inſt. 4 par. 10. 43.

Every perſon to whom it doth belong, ſhall upon ſummons come to the Parliament.

ITem, The King doth will and command, and it is aſſented in the Parliament, by the Prelates, Lords and Commons, that all and ſingular perſons and Comminalties, which from henceforth ſhall have the ſummons of the Parliament, ſhall come from henceforth to the Parliament in the manner as they are bounden to do, and have been accuſtomed within the Realm of England of old times. And if any perſon of the ſame Realm, which from henceforth ſhall have the ſaid ſummons (be he Archbiſhop, Biſhop, Abbot, Prior, Duke, Earl, Baron, Banneret, Knight of the Shire, Citizen of City, Burgeſs of Borough, or other ſingular perſon or Comminalty) do abſent himſelf, and come not at the ſaid ſummons (except he may reaſonably and honeſtly excuſe him to our Lord the King) he ſhall be amerced, and otherwiſe puniſhed, according as of old times hath been uſed to be done within the ſaid Realm in the ſaid caſe. And if any Sheriff of the Realm be from henceforth negligent in making his returns of Writs of the Parliament; or that he leave out of the ſaid returns any Cities or Boroughs, which be bound and of old times were wont to come to the Parliament; he ſhall be amerced, or otherwiſe puniſhed in the manner as was accuſtomed to be done in the ſame caſe in times paſt.

The puniſhment of a Sheriff omitting his returns.

CAP. V.

Commiſsions againſt Preachers of Hereſies. Co. Inſt. 3 par. 40.

Commiſsions ſhall be directed to Sheriffs and others, to apprehend ſuch as be certified by the Prelates to be Preachers of Hereſie, their fautors, maintainers, and abettors, and to hold them in ſtrong priſon, until they will juſtifie themſelves according to the Law of holy Church. The ſeveral enormities enſuing by preaching of Hereſies. Rep. 1 Ed. 6. 12. and 1 El. 1. St. 25 H. 8. 14.

Statutes made at Weſtminſter, *Anno* 6 *R.* 2. and *Anno Domini* 1382.

TO the laud and honour of Almighty God and of our holy Mother the Church, and to the commodity and profit of the Realm of England, and of the Comminalty of the ſame: Our Lord Richard by the Grace of God, King of England, and of France, and Lord of Ireland, by the aſſent of the Prelates, Lords and Commons of the ſaid Realm of England, in his Parliament holden at Weſtminſter the Munday in the utas of St. Michael, the ſixth year of his Reign, hath cauſed to be made and ſtabliſhed certain Statutes, Ordinances, Remiſsions, and Pardons, in the form following.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed.

A confirmation of the liberties of the Church, and of all Statutes not repealed.

Firſt, It is ordained and accorded, that our holy mother the Church of England, have all her Liberties whole and unhurt, and the ſame fully enjoy and uſe. And that the great Charter and the Charter of the Forreſt, and the Statute of Purveyors for the Kings houſe, and for others, and all Statutes and Ordinances before this time made, and not yet repealed, be firmly obſerved, in all their Articles, and put in due execution according to the effect of the ſame.

CAP. II.

Writs of Debt, Accompt, &c. ſhall be commenced in the Counties where the Contracts were made.

Actions of debt &c. ſhall be commenced in the Counties where the contracts were made.

Item, To the intent that Writs of Debt and Accompt, and all other ſuch actions be from henceforth taken in their Counties, and directed to the Sheriffs of the Counties where the Contracts of the ſame actions did riſe: It is ordained and accorded, that if from henceforth in pleas upon the ſame Writs it ſhall be declared, that the Contract thereof was made in another County then is contained in the Original Writ, that then incontinently the ſame Writ ſhall be utterly abated. St. 4 H. 8. 4. Raſt. pla. fo. 178. 183.

21 Ed. 4. f. 74. Fit. Teſtam. 6. Bro. Viſne 1. Bro. Exam. 2. Fitz. Brief. 18. 23. 44. 274. 639. 691.

CAP. III.

In which Court Writs of Nuſance, called Vicounticls, ſhall be purſued.

In what courts writs of Nuſance, called Vicounticls, ſhall be purſued.
Regiſt. fo. 199.
V.N.B. fo. 110.
Fit.N.B. fo. 184.

Item, It is accorded and ordained, that all Writs of Nuſances, commonly called Vicounticls, ſhall be from henceforth made at the election of the Plaintiff in the nature of old times uſed, or elſe in the nature of Aſſiſes determinable before the Kings Juſtices of the one Bench or the other, or before the Juſtices of Aſſiſe to be taken in the County of the place aſſigned or to be aſſigned. St. 13 Ed. 1. 24.

CAP. IV.

Deeds inrolled that were deſtroyed in the late inſurrection, exemplified, ſhall be of force.

Deeds that were inrolled and late imbezled by Rebels in an inſurrection, being exemplified, ſhall be of the ſame force as the Deeds.

Item, It is accorded, that all the inrolments of Deeds, and other miniments in the Rolls of the Chancery, of either Bench and the Eſchequer of our Lord the King, before this time enrolled, and after by Traitors to the King and his Realm, in the inſurrection late made within the ſame Realm ſeditiouſly removed, torn, and rent, or otherwiſe imbezled, ſhall be in a due form exemplified under the Kings great Seal, without fee of the Seal thereof to be paid; and that the ſame exemplifications ſo had, ſhall be of the ſame effect and ſtrength in all things, as the ſame deeds and miniments ſhould have been, if they were had whole and unhurt. St. 5 R. 2. 8.

CAP. V.

Juſtices of Aſſiſe, &c. ſhall hold their Seſſions in principal Towns.

Juſtices of Aſſiſe and Gaol-delivery ſhall hold their Seſſions in the principal Towns.
St. 11 R. 2. 11.

Item, It is ordained and accorded, that the Juſtices aſſigned and to be aſſigned, to take Aſſiſe and deliver the Gaols, ſhall from henceforth hold their Seſſions in the principal and chief Towns of every of the Counties, where the Shire-Courts of the ſame Counties be holden, and hereafter ſhall be holden. St. 14. H. 6. 3.

CAP. VI.

The penalties of the man and woman, where a woman raviſhed doth conſent. In an appeal of Rape, the defendant ſhall not wage battel.

The penalties both of the man and the woman, where a woman raviſhed doth conſent.

Item, Againſt the offendors and raviſhers of Ladies, and the daughters of Noble-men, and other women in every part of the ſaid Realm, in theſe days offending more violently, and much more then they were wont: It is ordained and ſtabliſhed, that whereſoever, and whenſoever ſuch Ladies, daughters, and other women aforeſaid be raviſhed, and after ſuch rape do conſent to ſuch raviſhers, that as well the raviſhers, as they that be raviſhed, and every of them, be from thenceforth diſabled, and by the ſame deed be unable to have or challenge all inheritance, dower, or joynt-feoffment after the death of their husbands and anceſtors. And that incontinently in this caſe the next of the bloud of thoſe raviſhers, or of them that be raviſhed, to whom ſuch inheritance, dower, or joynt-feoffment ought to revert, remain, or fall after the death of the raviſher, or of her that is ſo raviſhed, ſhall have title immediately, that is to ſay, after the rape to enter upon the raviſher, or her that is raviſhed, and their aſſigns, and land-tenants, in the ſame inheritance, dower, or joynt-feoffment, and the ſame to hold in ſtate of inheritance. And that the husbands of ſuch women, if they have husbands, or if they have no husbands in life, that then the fathers, or other next of their bloud, have from henceforth the ſuit to purſue, and may ſue againſt the ſame offendors and raviſhers in this behalf, and to have them thereof convict of life, and of member, although the ſame woman after ſuch rape do conſent to the ſaid raviſhers. And further it is accorded, that the defendant in this caſe ſhall not be received to wage battel, but that the truth of the matter be thereof tried by inquiſition of the Country. Saving always to our Lord the King, and to other Lords of the ſaid Realm, all their Eſcheats of the ſaid raviſhers, if peradventure they be thereof convict. St. 3 Ed. 1. 13. 13 Ed. 1. 34.

5 Ed. 4. f. 6.

9 H. 7. f. 25. 5 Ed. 4. f. 58. Cok. l. 3. f. 61. Plow. f. 45.

Bro. Parl. 89. 1 H. 6. f. 1.

In an appeal of Rape the defendant ſhall not wage battel.

CAP. VII.

At what prices ſweet Wines may be ſold.

At what prices ſweet Wines may be ſold.
5 R. 2. 4.

Item, Though it were late ordained in the Parliament of the ſaid King, holden at Weſtminſter in the morrow of All Souls, the fifth year of his reign, that no ſweet Wines in his ſaid Realm ſhould be in any wiſe ſold at retail after the Feaſt of St. John Baptiſt laſt paſt, upon pain of forfeiture of the ſame: yet of the aſſent aforeſaid it is ordained and accorded, that the ſweet Wines may be ſold in every place within the ſaid Realm, at the price that Wines of Gaſcoin and Ryne ſhall happen to be ſold, and not above, upon pain of forfeiture of the ſame, notwithſtanding the ſaid firſt Ordinance. 28 H. 8. 14.

CAP. VIII.

Where no Engliſh ſhips are to be had, others may be uſed.

ITem, Though late in the ſame Parliament it was ordained, that none of the Kings Liege-people after the Feaſt of Eaſter next coming, ſhould in any wiſe ſhip any merchandiſes or goods to be carried out of the Realm of England, or to be brought within the ſame Realm, in any ſhips, upon pain of forfeiture of the ſaid goods and merchandiſes, or the value of the ſame, except in ſhips of the Kings liegeance: Yet of the aſſent aforeſaid, it is ordained and granted, that the ſaid Ordinance onely have place as long as ſhips of the ſaid liegeance in the parts where the ſaid Merchants ſhall happen to dwell, be found able and ſufficient: So that then they ſhall be bound to fraught the ſame Ships of the Kings liegeance with their merchandiſes under the pain aforeſaid, before all other ſhips. And otherwiſe it ſhall be lawful to the ſame Merchants to hire other ſhips convenient, and there to fraught them with their goods and merchandiſes, notwithſtanding the ſaid firſt Statute. St. 23 H. 8. 7. 32 H. 8. 14. 1 El. 13. 5 El. 5. 13 El. 15.

St. 5 R. 2. 3.

Where no Engliſh ſhips are to be had, men may bring in or carry forth their merchandiſes in ſtrangers ſhips. St. 4 H. 7. 10.

CAP. IX.

No Victualler ſhall execute a Judicial place in a City, or Town Corporate.

ITem, It is ordained and enacted, that neither in the City of London, nor in other Cities, Boroughs, Towns, or Ports of the Sea, through the Realm, any Victualler ſhall have, exerciſe, nor in no wiſe occupy any Judicial office, but in ſuch Town where none other perſon ſufficient may be found to have the ſame office. In which caſe yet the ſame Judge for the time that he ſhall continue in the ſaid office, ſhall utterly omit and abſtain himſelf and his from the exerciſe of Victualling, upon pain of forfeiture of his victuals ſo ſold. St. 12 Ed. 2. 6. 3 H. 8. 8.

No Victualler ſhall exerciſe a judicial place in any City or Town corporate.

CAP. X.

Aliens being in amity with the King and the Realm, may bring in victuals, and ſell them.

ITem, It is ordained and accorded, that all manner of Foreiners and Aliens being of the amity of the King, and of his Realm, and coming within the ſaid City of London, and other Cities, Boroughs, and Towns within the ſaid Realm, as well within Liberties as without, with fiſh and all manner of other Victuals, there tarrying and going again to their own Countries, ſhall from henceforth be under the ſafeguard and the ſpecial protection of our ſaid Lord the King. And there it ſhall be lawful to them and every of them, and by force of theſe preſents, they may from henceforth cut their fiſhes and victuals aforeſaid, without impeachment or denying of any man, in pieces, and in part, or in all, at retail, or in groſs, as to them beſt ſhall ſeem, to ſell and make their profit: Any Charters, Statutes, Ordinances, Priviledges, or Cuſtoms made or had to the contrary notwithſtanding.

Aliens being in amity with the King and the Realm, may bring in victuals and ſell them in groſs. St. 14 H. 6. 6.

CAP. XI.

Hoſts in Cities, Towns, and places upon the Sea-coaſts, ſhall not foreſtall fiſh, or other victuals. Fiſhmongers of London may not buy freſh fiſh to ſell again, except Eels, Luces, and Pikes. Rep. 7. R. 2. 11.

CAP. XII.

All chief Officers of Towns Corporate ſhall be ſworn to obſerve the foreſaid Ordinance touching Fiſhmongers. Rep. 7 R. 2. 11.

CAP. XIII.

The Kings pardon to his ſubjects after the late Inſurrection. Except, &c.

Other Statutes made at Weſtminſter *Anno* 6 *R.* 2. and *Anno Domini* 1383.

RICHARD by the Grace of God, &c. Know ye that in the Parliament laſt holden at Weſtminſter, We cauſed to be made certain Statutes, Ordinances, and Pardons to ſuch effect as followeth, rehearſing the beginning of the laſt Parliament, with the confirmation of the Liberties of the Church, of the great Charter, and the Charter of the Forreſt, and the Statute of Purveyors for the Kings houſe.

CAP. I.

A more large pardon granted by the King to the offendors in the late Inſurrection, with few Exceptions. Exp.

CAP. II.

Whoſoever will attempt any ſuit for any treſpaſs done him in the late Inſurrection, ſhall begin it before xv. of St. John. Exp.

CAP. III.

They which can bring witneſs that they came to the Inſurrection compelled, ſhall be acquitted of treſpaſſes. Exp.

Statutes made at Weſtminſter *Anno* 7 *R.* 2. and *Anno Domini* 1383.

RICHARD by the Grace of God, &c. To the Sheriff of York, greeting. Know thou, that at our Parliament holden at Weſtminſter the Munday next before the Feaſt of All Saints laſt paſt, to the honour of God, and of holy Church, and for the common profit of the Realm, of the aſſent of the Prelates, Lords and Commons being at the ſaid Parliament, We have cauſed to be made certain Statutes and Ordinances in the form following.

CAP. I.

A confirmation of the Liberties of the Church.

A confirmation of the liberties of the Church.

Firſt, It is aſſented and accorded, that holy Church have and enjoy all her Liberties and Franchiſes, as wholly as ſhe hath had and enjoyed them in the time of the Kings Noble Progenitors.

CAP. II.

A confirmation of all former Statutes in force.

A confirmation of all other Statutes in force.

Item, That the great Charter, and the Charter of the Forreſt, and all other good Statutes and Ordinances made before this time and not repealed, ſhall be holden and kept, and put in due execution according to the effect of the ſame.

CAP. III.

A Jury for a treſpaſs within the Forreſt, ſhall give their Verdict where they received their Charge.

A Jury for a treſpaſs within a Forreſt ſhall give their Verdict where they receive their charge.

Item, At the grievous complaint which is now made of the Officers of the Forreſt, it is aſſented and accorded, that no manner of Jury ſhall be from henceforth compelled by any Officer of the Forreſt, or other perſon whatſoever, to travel from place to place out of the places where their charge is given to them, againſt their gree, nor by malice, nor by menace, or other dureſs, conſtrained to give their verdict of a treſpaſs done in the Forreſt, otherwiſe then their conſcience will clearly inform them: but they ſhall give their verdicts upon their charge, in the places where their charge is given them, as above is ſaid. St. 9 H. 3. 16.

CAP. IV.

None ſhall be taken or impriſoned by the Officers of the Forreſt without indictment.

None ſhall be taken or impriſoned by the Officers of the Forreſt without indictment, or, &c. Regiſt. fo. 80.

Item, It is aſſented, That no man be taken nor impriſoned by any Officer of the Forreſt without due Indictment, or being taken with the manner, or treſpaſſing in the Forreſt; nor ſhall be conſtrained to make any obligation or ranſom to any Officer of the Forreſt, in any ſort, againſt their agreement, and the aſſiſe of the Forreſt. And if any do againſt this Ordinance in any point, and thereof be attainted, he ſhall pay to the party dammified their double damages, and fine and ranſome to the King for his offence. St. 9 H. 3. 16. 1 Ed. 3. 8. 45 Ed. 3. c. 7.

CAP. V.

Juſtices, &c. ſhall examine Vagabonds, bind them to their good abearing, or commit them to priſon. Rep. 39 Eliz. 4. & 21 Jac. 28.

CAP. VI.

The Statute of Wincheſter confirmed. And every Sheriff ſhall proclaim it.

*3 Ed. 1. The Statute of Wincheſter confirmed, and every Sheriff ſhall proclaim it four times in a year in every Hundred or Market.

Item, For the grievous miſchiefs and complaints that do daily happen of robberies, thefts, manſlaughters, burning of houſes, and ridings in routs and great companies in every part of the Realm: It is ordained and aſſented, that the Statute of Wincheſter (the tenour whereof is ſent by our Lord the King this year laſt paſt into every County of England to be proclaimed) be holden and kept in all points, and put in good and haſty execution, at the complaint and purſuit of every man that feeleth himſelf grieved againſt the tenour of the ſame. And to the intent that no man ſhall excuſe himſelf by ignorance of the ſame Statute, it is alſo aſſented, that every Sheriff of England ſhall be bound from henceforth in proper perſon to make proclamation of the ſame Statute four times in a year in every Hundred of his Bailiwick, and by his Bailiffs in every Market-town, as well within Liberties as without.

CAP. VII.

In what caſe a Niſi prius ſhall be granted at the ſuit of any of the Jurors.

In what caſe a Niſi prius may be granted at the requeſt of any of the Jurors, to avoid delay.

Item, Againſt the miſchief that happeneth to divers people of the Realm, which be impanelled and returned before the Juſtices and Barons of the Eſchequer, in which caſe, becauſe that the enqueſt is not purſued to the end by thoſe that be parties, but continued in delay from year to year, the Jurors do greatly loſe, and ſome much more then the value of their land is by year, to their great impoveriſhing and hinderance: It is accorded, that from henceforth in all manner of pleas where a Niſi prius is grantable of Office, after the great diſtreſs returned, and three times ſerved before the Juſtices againſt the Jurors, and thereupon the parties demanded, if none of the ſaid parties will purſue, or if the parties refuſe to have a Writ of Niſi prius in the caſe, then at the ſuit of any of the Jurors that be preſent, a Writ of Niſi prius ſhall be made and granted unto him, and that as well in the Eſchequer, as elſewhere, and thereupon the quarrel ſhall be ſet at an end without delay, according as the caſe requireth and the Law demandeth.

CAP.

CAP. VIII.

No Subjects Chator ſhall take any victual or carriage without the owners good will.

ITem, It is accorded and aſſented, that the ſtatutes of Purveyors made before this time, be firmly holden and kept, and put in good and due execution, joyning to the ſame, That if the ſervants of other Lords and Ladies, which be not compriſed in the ſaid ſtatutes, do from henceforth take in any part within the Realm, victuals or carriages to the uſe of their Lords and Ladies otherwiſe then they thereof may agree with the owners and ſellers of the ſame by payment thereof to be made readily in hand, that the ſame ſervants ſhall incur the pain compriſed in the ſaid ſtatutes of Purveyors, and nevertheleſs the party endamaged by ſuch ſervants, if he will, ſhall have the ſuit at the common Law. St. 23 H.6.14.

No ſubjects Chator ſhall take any victuals or carriage without the conſent of the owners, and preſent payment. St. 36 Ed.3.6.

A Confirmation of all Statutes made againſt all deceits in Clothes, Aulnegers, &c.

ITem, For the miſchief which daily happeneth upon the falſhood and deceit which is found in Clothes vendible, as well coloured, as Ray Clothes, againſt the aſſiſe thereof ordained before this time, It is ordained and aſſented, that all the ſtatutes thereof made in times paſt, with the ſtatutes made of Aulnegers and Collectors of the Subſidy of the ſaid Clothes, be holden, kept, and put in due and good execution. Joyning to the ſame, that he which from henceforth ſhall eſpie and prove default in any ſuch Cloth ſet to ſale, againſt the aſſiſe thereof ordained of the ſaid Clothes, and againſt the form of the ſaid ſtatutes, ſhall have the third part of every ſuch Cloth defective, for his labor, by the delivery of the Sheriffs, if they be preſent, or of the Lords of the Fairs and Markets, and other places where ſuch Clothes ſhall be found defective, or of their Stewards or Bailiffs, or of the Conſtables of the Towns and places aforeſaid, by Indenture betwixt them duly to be made, which Indentures ſhall be every year at the Feaſt of S. Michael delivered into the Eſchequer, by them which ſo ſhall make the ſaid delivery, to the intent there to charge the Aulnegers and Collectors aforeſaid, by whom ſuch defaults ought to have been ſearched, corrected and mended, and be not, but commonly maintained and concealed in all parts. For which third part that pertaineth to the King as his forfeiture by force of the ſtatutes made in times paſt, the Aulnegers and Collectors aforeſaid in every County and place, where ſuch Clothes defective ſhall be found, for the pain againſt the ſaid offences and concealment ſhall make gree of their own money to our Lord the King in his Eſchequer, of the value of the ſame third part. So that as well of the ſame third part as of the remnant of the ſaid Cloth, the King ſhall be wholly anſwered at his ſaid Eſchequer. St. 5. Ed. 6. 6.

A confirmation of all St. made againſt deceit in clothes to be ſold, & againſt Aulnegers and Collectors of the ſubſidy of clothes.

He that findeth defects in any clothes contrary to former St. ſhall have the third part for his labour.

Aulnegers and Collectors of ſubſidies, ſhall ſatisfie the King of that third part which the finder ſhall have.

CAP. X.

Where an Aſſiſe ſhall be taken of Rents iſſuing forth of lands in divers Counties.

ITem, It is ordained and aſſented, that an Aſſiſe of Novel diſſeiſin ſhall be from henceforth granted and made of rent behind due of tenements in divers Counties, to be holden in the confine of the Counties within which the tenements be. And thereupon the Aſſiſe ſhall be taken and tried by people of the ſaid Counties in the ſame manner as is done of a common of paſture being in one County, and appendant to tenements in another County. And that as well of diſſeiſins done in times paſt, as of diſſeiſins yet to be done, and that writs thereupon at the ſuit of the plaintiffs be made from henceforth in the Chancery without any manner of contradiction, in a due form. Regiſt. f. 196. &c. Fitz. N. B. f. 180. a. Raſt. pl. f. 249.

Fitz. Aſſiſe 26. Kel. f. 98. Co. Inſt. 154. 2.

Aſſiſe of rents iſſuing forth of lands in divers counties, ſhall be taken in Confinio comitatus.

CAP. XI.

A repeal of the Statutes 5 Rich. 2. 4. & 6 R. 2. 11. & 12. touching Victuallers of London.

ITem, Whereas in divers Parliaments holden at Weſtminſter, the fifth and ſixth year of our ſaid Lord the King, divers Ordinances and Statutes of Fiſhers of London, and other Victuallers were made, and alſo of Vintners, and of the ſale of Wines, and thereupon the ſame Ordinances and Statutes with the pains in them contained were publiſhed and proclaimed throughout the Realm, as in the ſaid ſtatutes and ordinances more plainly may appear: nevertheleſs for certain cauſes, at the requeſt of the commons of England thereupon ſpecially made, It is aſſented and agreed, that the ſame ordinances and ſtatutes of Fiſhers, Vintners, and Victuallers, made in the years aforeſaid, ſhall be wholly adnulled and repealed, and ſhall loſe their effect and ſtrength: nevertheleſs ſaving to the King all the forfeitures of wines for the time paſt that to him pertaineth by vertue of the ſame ordinances and ſtatutes. Provided always, that all the Vintners and Victuallers, as well Fiſhers as other coming with their victuals to the City of London, ſhall be from henceforth under the governance and rule of the Mayor and Aldermen of the ſaid City for the time being, as in time paſt it hath been uſed.

A repeal of the St. of 5 R. 2. 4. & 6 R. 2. 11. & 12. touching Fiſhers of London.

Fiſhers and Victuallers of London ſhall be under the rule of the Mayor and Aldermen. St. 31 Ed. 3. 10.

CAP. XII.

No Alien ſhall purchaſe any Benefice of the Church within this Realm, or occupie the ſame.

ITem, Whereas late in the Parliament holden at Weſtminſter, the third year of the reign of our ſaid Lord the King, at the requeſt of the Commons, and by the aſſent of the Lords Temporal, it was ordained and aſſented, and upon a grievous pain prohibited, that no ſubject of the King, nor other perſon, of what eſtate or condition he were, ſhould take, neither receive from thenceforth within the Realm of England, Procuracy, Letter of Atturney, ne ferm nor any other adminiſtration by Indenture, or in any other manner, of any perſon concerning any Benefice of holy Church within the Realm, but only of the Kings Subjects of the ſame Realm, without the eſpecial grace and expreſs licence of our ſaid Lord

the

A confirmation of the St. of 3 R.2.3. No Alien ſhall purchaſe any benefice of the Church, or occupy the ſame without the Kings licence. St. 25 Ed.3.22.

the King, upon a certain pain contained in the ſaid ſtatute: It is aſſented and agreed by the ſame Lords, that the ſame ſtatute ſhall keep his force and effect in all points. And moreover, it is aſſented, that if any alien have purchaſed, or from henceforth ſhall purchaſe any Benefice of holy Church, Dignity, or other thing, and in his proper perſon take poſſeſſion of the ſame, or occupy it himſelf within the Realm, whether it be to his own proper uſe, or to the uſe of another, without eſpecial licence of the King, he ſhall be compriſed within the ſame ſtatute, and moreover ſhall incur all pains and forfeitures in all points as is before ordained by another ſtatute made the five and twentieth year of the Noble King Edward the third, grandfather to our Lord the King that now is, againſt them that purchaſe proviſions of Abbeys or Priories. And to the intent that ſuch licences ſhall not be from henceforth made, the King willeth and commandeth to all his ſubjects and other, that they ſhall abſtain them from henceforth to pray him for any ſuch Licence to be given. And alſo the King himſelf will refrain to give any ſuch Licence during the wars, except to the Cardinal of Naples, or to ſome other ſpiritual Perſon to whom the King is beholden for a ſpecial cauſe.

The Cardinal of Naples except.

CAP. XIII.

No man ſhall ride in harneis within this Realm, nor with Launcegaies.

No man ſhall ride in harneis within the Realm, nor with Launcegays.

ITem, It is ordained and aſſented, and alſo the King doth prohibit, that from henceforth no man ſhall ride in harneis within the Realm, contrary to the form of the ſtatute of Northampton thereupon made, neither with Launcegay within the Realm, the which Launcegays be clearly put out within the ſaid Realm, as a thing prohibited by our Lord the King upon pain of forfeiture of the ſaid Launcegays, Armours, and other harneis, in whoſe hands or poſſeſſions they be found, that bear them within the Realm, contrary to the Statutes and Ordinances aforeſaid, without the Kings ſpecial licence. St 2 Ed.3.3. 20 R.2.1.

CAP. XIV.

They which ſhall depart the Realm with the Kings licence, may make general Atturnies.

They which ſhall depart the Realm by the Kings licence may make general Atturnies.

ITem, In Writs of Præmunire facias, it is aſſented and agreed, that they againſt whom ſuch Writs be ſued, and who at this time be out of the Realm, and be of good fame, and have made their general Atturnies before their departing, that the Chancellor of England for the time being, by the advice of the Juſtices may grant, that the ſame perſons may appear to anſwer, to do, and to receive that thing which the Law demandeth, by their general Atturnies aforeſaid, as well as in other cauſes and quarrels. And thoſe perſons which from henceforth ſhall paſs by the Kings licence, and be of good fame, that at their requeſt the Chancellor, by the advice of the Juſtices, may grant to them to make their general Atturnies in the Chancery, by the Kings Patent before their paſſage, to anſwer as well in the ſaid writs of Præmunire facias as in other Writs and Plaints, in which caſe expreſs mention ſhall be made at all times of the Writs and Plaints of Præmunire facias. And this Patent ſo made, the ſaid Atturnies from henceforth in abſence of their Maſter, may anſwer for them, and make other Atturnies under them before any Judge of the Realm, to do, and receive in the ſaid caſe as much as in any other caſe or matter, notwithſtanding any ſtatute made to the contrary heretofore. 39 Ed.3.c.7.

CAP. XV.

A Confirmation of certain Statutes made againſt Maintenance and Champerty.

A confirmation of the ſtatutes made againſt Maintenance and Champerty.

ITem, For the grievous complaint that is made of maintainers of quarrels and Champertors, it is ordained and aſſented, that the ſtatutes thereof made in the firſt and fourth year of King Edward, grandfather to our Lord the King that now is, and alſo in the firſt year of our Lord the King that now is, ſhall be holden and kept, and duly executed in all points. St. 1 Ed.3.14. 4 Ed.3.11. 1 R.2.4.

CAP. XVI.

No armour or victual ſhall be ſent into Scotland without the Kings licence, upon pain of forfeiture thereof. Rep. 4 Jac. 1. St. 15 R. 2. 7.

CAP. XVII.

The Mainpernors ſhall ſatisfie the plaintiff for his delay, where the defendant keepeth not his day. Exp. Fitz. Exigent 9.

Statutes made at *Weſtminſter Anno* 8 *Rich.* 2. and *Anno Dom.* 1384.

TO the honour of God, and at the requeſt of the Communalty of the Realm of England made to our Lord the King in his Parliament holden at Weſtminſter, in the morrow of S. Martin, the eighth year of his reign: the ſame our Lord the King of the aſſent of the Prelates, Great men and Commons aforeſaid, hath cauſed to be made in the ſame Parliament a certain Statute for the common profit of the ſaid Realm, and eſpecially for the good and juſt governance, and due execution of the common Law, in the form following.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed.

The liberties of the Church, and all Statutes not repealed confirmed.

FIrſt, It is ordained and enacted, that holy Church have all her Liberties. And that the great Charter, and the Charter of the Foreſt, the ſtatutes of Purveyors and Labourers, and all other ſtatutes and ordinances heretofore made and not repealed, ſhall be holden and obſerved, and put in due execution according to the form and effect of the ſame.

CAP. II.

No man of Law ſhall be Juſtice of Aſſiſe, or Gaol-delivery, in his own Country.

ITem, It is ordained and aſſented, That no man of Law ſhall be from henceforth Juſtice of Aſſiſes, or of the common deliverance of Gaols in his own Country. And that the chief Juſtice of the common Bench be aſſigned amongſt other to take ſuch Aſſiſes, and deliver Gaols; but as to the chief Juſtice of the Kings Bench, it ſhall be as for the moſt part of an hundred years laſt paſt was wont to be done. St. 13 H.4.2. 33 H.8.24.

No man of law ſhall be Juſtice of Aſſiſe, or,&c. in his own Country.

CAP. III.

None of the Juſtices or Barons ſhall take any fee or reward but of the King, nor ſhall give counſel where the King is party, or in any ſuit depending before them. Rep. 9 R.2.1.

CAP. IV.

The penalty if a Judge or Clerk make any falſe Entry, raze a Roll, or change a Verdict.

ITem, At the complaint of the ſaid Communalty made to our Lord the King in the Parliament, for that great diſheriſon in times paſt was done of the people, and may be done by the falſe entring of Pleas, razing of Rolles, and changing of Verdicts; It is accorded and aſſented, that if any Judge or Clerk be of ſuch default (ſo that by the ſame default there enſueth diſheriſon of any of the parties,) ſufficiently convict before the King and his Councel by the manner and form, which to the ſame our Lord the King and his Councel ſhall ſeem reaſonable, and within two years after ſuch default made, if the party grieved be of full age, and if he be within age, then within two years after that he ſhall come to his full age, he ſhall be puniſhed by fine and ranſom at the Kings will, and ſatisfie the party. And as to the reſtitution of the inheritance deſired by the ſaid Commons, the party grieved ſhall ſue by Writ or otherwiſe, according to the Law, if he ſee it expedient for him. St. 8 H.6.12.

The penalty if a Judge or Clerk make a falſe entry of a plea, raſe a roll, or change a verdict.

CAP. V.

What ſuit ſhall be diſcuſſed before the Conſtable and Marſhal of England.

AND becauſe divers Pleas concerning the Common Law, and which by the Common Law ought to be examined and diſcuſſed, are of late drawn before the Conſtable and Marſhal of England, to the great damage and diſquietneſs of the people: it is agreed and ordained, that all Pleas and ſuits touching the common Law, and which ought to be examined & diſcuſſed at the common Law, ſhall not hereafter be drawn or holden by any means before the foreſaid Conſtable and Marſhal, but that the Court of the ſame Conſtable and Marſhal ſhall have that which belongeth to the ſame Court, and that the common Law ſhall be executed and uſed, and have that which to it belongeth, and the ſame ſhall be executed and uſed, as it was accuſtomed to be uſed in the time of King Edward. 13 R.2.2.

What ſuit ſhall be diſcuſſed before the Conſtable and Marſhal of England.

Statutes made at Weſtminſter, *Anno* 9 *R.* 2. and *Anno Dom.* 1385.

OUr Lord the King at his Parliament holden at Weſtminſter the Munday next after the Feaſt of Saint Luke, the ninth year of his Reign, of the aſſent of the Prelates, Dukes, Marqueſſes, Earls, Barons, and Commons at the ſaid Parliament aſſembled, hath ordained and eſtabliſhed the things underwritten.

CAP. I.

A Confirmation of all Statutes not repealed, ſaving of the Statute of 8 R. 2. 3.

FIrſt, It is accorded and aſſented, that all the ſtatutes made by the Parliaments in the times of the Kings noble Progenitors, and in his own time, as well of Sheriffs, Under-ſheriffs, Eſcheators and Clerks of Sheriffs, as of Purveyors, and all other good Statutes and Ordinances not repealed by Parliament, ſhall be firmly holden and kept, and due execution thereof done, according to the effect of the ſame, (except the ſtatute of the Juſtices & Barons of the Exchequer made at the laſt Parliament, which becauſe it is very hard and needeth declaration, the King will that it be of no force till it be declared by Parliament.)

All former ſtatutes not repealed ſhall be put in execution. A repeal of the ſtatute of 8 R.2.3.

CAP. II.

Villains flying into places enfranchiſed, and ſuing their Lords, ſhall not bar thereby.

Co.Inſt.1 par. 124 b.125.a.

ITem, Whereas divers Villains, and Neiffs, as well of great Lords as of other people, as well Spiritual as Temporal, do fly within cities, towns & places enfranchiſed, as the City of London, and other like, & fain divers ſuits againſt their Lords, to the intent to make them free by the anſwer of their Lords: It is accorded and aſſented, that the Lords, nor other, ſhall not be forebarred of their villains, becauſe of their anſwer in ỹ Law. Raſt.pl.f.581.685.

Villains flying into places enfranchiſed, and ſuing their Lords.

CAP. III.

A Writ of Error or Attaint maintainable in the Reverſion.

4 Ed.3.f.33. Dyer f.1.90. 89.188. Fitz.Error 2. 53.58.72.73. Co.l.3.f.4. l.10.f.44.

ITem, It is accorded and aſſented, that if the tenant for term of life, tenant in dower, tenant by the courteſie of England, or tenant in tail after poſſibility of iſſue extinct, be impleaded and plead to an Enqueſt, and loſe by the oath of twelve, or by default, or in other manner, that he to whom the reverſion of the tenements ſo loſt doth appertain at the time of ſuch judgment given, his heirs or ſucceſſors ſhall have an action by Writ of Attaint, to attaint the ſame oath, if they will aſſign the ſame oath to be falſe, and alſo by Writ of Error, if error be found in the record of ſuch judgment, as well in the life of ſuch tenants, that do loſe, as after their death. And if ſuch judgment erroneous be reverſed, or ſuch falſe oath be found, that the tenant which did loſe by the firſt judgment, if he be in life, ſhall be reſtored to his poſſeſſion of the tenements ſo loſt, with the iſſues in the mean time, and the party purſuing

Regiſt.4.122. V.N.B.f.55.112. Fitz.N.B.f.108.a. He in the reverſion ſhall have an attaint or writ of Error upon a falſe verdict found, or an erroneous judgment given againſt the particular tenant.

to the arrearages of the rent, if any be due to the ſame tenements. And if ſuch tenants be dead at the time of the judgment given upon ſuch writs of Attaint, and of error, that reſtitution of the ſaid tenements be made to the party purſuing, with the iſſues after the death of the ſaid tenant, together with the arrearages of the rent, if any to him were due in the life of the ſaid tenant.

He in the reverſion alledgeth that the particular tenant was of covin with the demandant.

The particular tenants remedy to traverſe the covin.

Provided nevertheleſs, that although the tenant which ſo did loſe by the firſt judgment be in life, and the party purſuing will alledge that the ſame tenant was of covin, and of aſſent of the demandant, which recovered, that ſuch ought to be loſt, that reſtitution of the ſame tenements be made to the ſame party purſuing, with the iſſues and arrearages, as afore is ſaid, Saving to ſuch Tenant his action by Writ of Scire facias, out of the ſame judgment ſo reverſed or given, or Writ of Attaint, if he will traverſe the covin and aſſent aforeſaid, and otherwiſe not. And that this Statute hold place of judgments to be given in time to come. And alſo of two judgments late given in the Kings bench in two pleas of error, the one betwixt Edmund Frances and Idein his wife demandants, and Robert Weſtby, and other tenants of certain tenements in Oxenford, and in the ſuburbs of the ſame town: and the other betwixt the ſaid Edmund and Idein demandants, and Richard Cornwall, and Iſabel his wife, and other tenants of tenements in the ſame town, of which tenements the reverſion at the time of the ſaid two judgments given, did pertain to the Maſter and Scholars of the Colledge of the Univerſity Hall in Oxenford, as it is ſaid, ſo that the Maſter and Scholars may have and do their ſuit by Writ of Attaint or of errour of the ſame judgments, as to them beſt ſhall ſeem, according to the form of this Statute. 23 H.8.3.

CAP. IV.

Whether a Prior be datiff and removeable, or perpetual, the trial ſhall be by the Ordinary. Exp.

CAP. V.

The fees of Prieſts taken in the Marſhalſie of the Kings houſe.

The fees of Prieſts taken in the Marſhalſie of the Kings houſe.

ITem, For the reverence of God and of holy Church, it is accorded and eſtabliſhed, that Prieſts and other people of holy Church, taken in the Marſhalſie of the Kings houſe, ſhall pay ſuch fees as lay people pay, reaſonably and no more.

A Statute made *Anno* 10 *R.* 2. and *Anno Dom.* 1386.

KNow ye, that for the reverence of God, and to nouriſh peace, unity, and good accord in all parties within the Realm of England, and eſpecially for the common profit and eaſe of our people, and good governance of the ſame our Realm of England, which we chiefly deſire, of the aſſent of the Lords and Commons aſſembled in our Parliament holden at Weſtminſter, the firſt day of October laſt paſt, we have cauſed to be made a Statute, as well for the amendment of the ſaid governance, as for the common profit of the ſaid Realm, in the form following.

CAP. I.

The King granteth a Commiſſion to his Chancellor, Treaſurer and Keeper of his privy Seal, and to certain Biſhops and temporal Lords and others to be of his Councel for one year, to ſurvey and examine the eſtate of his houſe, Courts, and places of all his Realm, and all his Officers and Miniſters, and his Rents, Revenues, and profits, and all his Gifts, Grants, Alienations, and Confirmations, his Money and Bullion, his Priſoners and Towns taken in War, Benefices of Aliens, carrying money out of the Realm, his Cuſtoms and Subſidies of all merchandiſes, his Diſms and Quinzimes granted to him, the profits of his Hanaper, and all other his receits, the fees and wages of his Officers, Annuities and rewards, Gifts and Grants made by his Grandfather, Father, or him, to any perſon, his lands, his rents, &c. ſold to the prejudice of him and his Crown, of Bargains and Sales, of Tallies and Patents for ſingular profit, and all other offences inquirable prejudicial to him and his Crown, and to correct and amend the ſame defaults and offences. Exp. and Rep. 21 R.2.2.

Statutes made at Weſtminſter *Anno* 37 *R.* 2. and *Anno Domini* 1387.

OUr Lord the King heartily deſiring, that the peace of his land be well holden and kept, and his faithful Subjects nouriſhed and governed in quietneſs and tranquility in all parts within his Realm of England, to the honour of God, and for the cauſes aforeſaid, by the aſſent of the Lords and Commons of his Realm of England aſſembled at his Parliament holden at Weſtminſter the morrow of the purification of our Lady, the eleventh year of his reign, doth make and ſtabliſh certain Statutes, and alſo doth grant certain graces and pardons in the form underwritten.

CAP. 1, 2, 3, 4, 5, & 6.

Certain Peers of the Realm do appeal of high Treaſon, and of conſpiracy, five Traitors for aſſembling by force, and for conſpiring to deſtroy the King, the Realm, and the Lords, and Commiſſioners by him authorized: Whereupon the ſaid five Traitors be attainted of high treaſon by Parliament, and the King ſhall have the forfeiture of their lands and goods. And fraudulent conveyances of their goods to deceive the King, ſhall be void: and alſo a fraudulent Rent-charge granted by a Traitor. The eſtate of the Iſſue in tail of him in the reverſion, and of women for their inheritance and jointure ſaved; And alſo the eſtate of him is ſaved to whoſe uſe a Traitor is ſeiſed. Rep. 21 R.2.12. Revived 1 H.4.3.& 4.St.1 H.4.9.2 H.4.22.

CAP.

CAP. VII.

All Merchants Aliens and Denizens may buy and ſell within this Realm without interruption.

ITem, Whereas by a Statute made at York, the ninth year of K. Edward 3. grandfather of the King that now is, it is ordained and eſtabliſhed, That all Merchants aliens & denizens, and all other and every of them, of what eſtate and condition they be, which will buy or ſel corn, wine, avoir de pois, fleſh, fiſh, and all other victuals, wool, clothes, wares, merchandiſes, and all other things vendible, from whenceſoever they come, by foreigners or by denizens, to what place that it be, be it City, Borough, Town, Port of the Sea, Fair, Market, or other place within the ſame Realm, within Franchiſe or without, may freely & without diſturbance ſell the ſame to whom pleaſe them, as well to foreiners as denizens, except to the enemies of the King and of his Realm: And if percaſe diſturbance be done to any Merchant alien or denizen, or other, upon the ſale of ſuch things in City, Borough, Town, Port of the Sea, or other place which hath a Franchiſe, and the Mayor, Bailiffs, or other, that have the keeping of the ſaid Franchiſe be required by the ſaid Merchants or other, thereof to make remedy, and do not, and thereof be attainted, the Franchiſe ſhall be taken into the Kings hand: And nevertheleſs he and other which have done this diſturbance againſt this ſtatute, ſhall be bound to yield and reſtore to the ſaid Merchant his double damages, which he hath ſuſtained by this occaſion. And if ſuch diſturbance be done to ſuch Merchant, or to other, in Towns and places where no Franchiſe is, and the Lord if he be preſent, or his Bailiff, Conſtable, or other Warden of the ſaid Towns and places, in abſence of the Lords thereof, required to do right, do not, and thereof be attainted, they ſhall yield to the Plaintiff his double damages as afore is ſaid; and the diſturbers in the one caſe and the other, as well within Franchiſe as without, if they be attainted, ſhall have impriſonment of one year, and nevertheleſs be ranſomed at the Kings will. And that no alien nor denizen upon the ſame pains be diſturbed, but that he may freely buy the things above named in the places aforeſaid, and carry the ſame where pleaſeth him to his own uſe, or to the profit of the King, the great men and the people of the Realm, except that the Merchants aliens ſhall carry no Wines out of the Realm (as it is contained in their Charter) and that the ſaid things be holden, kept and performed in every City, Borough, Town, Port of the Sea, and other places within the ſaid Realm: notwithſtanding any Charters of Franchiſe to them granted to the contrary, nor uſage, cuſtom nor judgment given upon their Charters, uſages, nor cuſtoms which they can alledge: which Charters, uſages and cuſtoms (if any there were) the ſaid King, the Grandfather, the Prelates, Earls, Barons, and great men and commons aforeſaid do hold of no force, as things granted, uſed and accuſtomed to the damage of the King, the Prelates, Earls, Barons, and great men of this Realm, and oppreſſion of the Commons.

St 9 Ed.3.1. Merchants may buy and ſell wares, victuals, and all other commodities within the Realm, without diſturbance. 9 H. 3. 30.

What penalty ſhall be inflicted upon them which do diſturb merchants to ſell their commodities.

Merchants aliens ſhall carry no wine out of the Realm.

Saving always to the King, and to other, the cuſtoms due of the ſaid Merchandiſes. ~~And alſo that the Chancellor~~, Treaſurer, and Juſtices aſſigned to hold the pleas of the King in places where they come, ſhall inquire of ſuch diſturbances and grievances, and puniſh according as is before ordained. And nevertheleſs the King ſhall cauſe to be aſſigned by Commiſſion under the great Seal, certain people, where and when it ſhall pleaſe him, to inquire of ſuch diſturbances and grievances, and to execute puniſhment, as aforeſaid. And after by a Statute made at a Parliament holden at Weſtminſter the xxv. year of King Edward the third, it was ordained by the ſame Edward the grandfather, Prelates, Earls, Barons, and all other great men and Commons, that the ſaid Statute made the ſaid ix. year, in all points and articles contained in the ſame, ſhould be holden, kept, and maintained. And if any Charter, Letters Patents, Proclamation or commandment, uſage, allowance or judgment were made to the contrary, the ſame ſhould be utterly repealed, avoided and holden for none. And moreover that every Merchant or other, of what condition that he be, as well alien as denizen, which ſhall bring wines, fleſh, and fiſh, or victuals, clothes, fels, or avoir de pois, or any other wares or merchandiſes to the City of London, or to other Cities, Boroughs, or good Towns of England, or Port of the Sea, may freely and without challenge or impeachment of any, ſell them in groſs or at retail, or by parceſs, at his will, to all manner people that will buy the ſame, notwithſtanding any grant, franchiſe or cuſtom uſed, or any other manner thing done to the contrary, ſince that ſuch franchiſes and uſages be in common prejudice of the King, and of all his people. And that no Mayor, Bailiff, Catchpole, Miniſter or other ſhall meddle with the ſale of any manner of victuals vendible carried or brought to Cities, Boroughs, nor other Towns, nor Fair, nor Market, but only he to whom the victuals ſhall be. And alſo that Proclamation be thereof made of new in all the Counties of England, and in the City of London, and in all other Cities, Boroughs, and good Towns and Ports of the Sea, and elſewhere within the Realm of England, where it ſhall be needful. And that the ſaid King the grandfather ſhall thereupon cauſe to be aſſigned his Juſtices at all times that ſhall pleaſe him, and ſhall be neceſſary, to inquire of all them that ſhall ſell or any thing do to the contrary, and to puniſh them according to the pain contained in the ſame Statute, made the ſaid ninth year. And that every man that will ſue againſt any, ſhall have a writ out of the Chancery to attach him by his body, as a diſturber of the common profit, and to make him come to the anſwer thereof in the Kings Court, as by the ſame Statutes plainly doth appear: Our Lord the King ſeeing clearly that the ſaid Statutes if they were holden and fully executed, ſhould much extend to the profit and wealth of all the Realm, hath ordained and eſtabliſhed by the aſſent of the Prelates, Dukes, Earls, Barons, great men, Nobles and Commons in this preſent Parliament aſſembled, That the ſaid Statutes ſhall from henceforth be firmly holden, kept, maintained, and fully executed in all points and articles of the ſame, notwithſtanding any Ordinance, Statute, Charter, Letters Patents, Franchiſe, Proclamation, Commandment, Uſage, Allowance, or

A reſervation of Cuſtoms. Who may inquire of and puniſh the foreſaid offences.

Ann. 25 Ed.3.2.

Merchants may ſell their wares in groſs or by retail, or by parcels, notwithſtanding any grant or cuſtom to the contrary. 2 R. 2. 1.

The St.of 9 Ed. 3. 1. & 25 Ed. 3. 2. ſhall be executed in all points notwithſtanding any Charter, &c.

Judgment made or uſed to the contrary. And that if any Statute, Ordinance, Charter, Letters Patents, Franchiſe, Proclamation, Commandment, Uſage, Allowance or Judgment be made or uſed to the contrary, it ſhall be utterly repealed, avoided, and holden for none. St. 16 R. 2. 1. 1 H. 4. 17.

CAP. VIII.

Certain Annuities granted by the King, his Father and Grandfather, made void.

ITem, It is ordained and eſtabliſhed, That all the Annuities and other things given or granted by our Lord the King, or by his Father or Grandfather, to any manner of perſons with the clauſe, Quouſq; pro ſtatu ſuo aliter duxerimus ordinandum, ſhall be wholly void and of no force, if the ſame perſons have accepted afterward any other things of the King and of his ſaid Father or Grandfather.

CAP. IX.

No new Impoſition ſhall be put upon Merchandiſes.

ITem, That no Impoſition or charge be put upon Wools, Leather, or Woolfels, other then the Cuſtom and Subſidy granted to the King in this preſent Parliament; and if any be, the ſame ſhall be repealed and annulled, as it was another time ordained by Statute, ſaving always unto the King his ancient right. St. 45 E. 3. 4.

CAP. X.

The Kings Signet or privy Seal ſhall not be ſent in diſturbance of the Law.

No ſeal of the Kings ſhall be ſent to prejudice the common Law.

ITem, It is ordained and eſtabliſhed, That neither letters of the Signet, nor of the Kings privy Seal, ſhall be from henceforth ſent in damage or prejudice of the Realm, nor in diſturbance of the Law. St. 9 H. 3. 29. 2 Ed. 3. 8.

Co. 4 Iſt.

CAP. XI.

The keeping of Aſſiſes in good Towns, referred to the conſideration of Juſtices, &c.

St. 6 R. 2. 5. The keeping of Aſſiſes in good Towns referred to the conſideration of the Chancellor and Juſtices.

ITem, Whereas late in a Statute made at Weſtminſter in the ſixth year of the Kings Reign that now is, amongſt other things it was ordained and accorded, That the Juſtices aſſigned and to be aſſigned to take Aſſiſes, and deliver Gaols, ſhould hold their Seſſions in the chief and principal Towns of every County, that is to ſay, where the Shire-Courts of the ſame Counties be or hereafter ſhall be holden: our Lord the King conſidering how the ſaid Statute is in part prejudicial and grievous to the people of divers Counties of England, doth will and grant of the aſſent aforeſaid, at the requeſt of the ſaid Commons, that the Chancellor of England for the time being, ſhall have power thereof to make and provide remedy by advice of the Juſtices from time to time when need ſhall be, notwithſtanding the ſaid Statute.

Statutes made at *Canterbury*, *Anno* 12 *R.* 2. *&* *An. Dom.* 1388.

FOr the common profit and univerſal wealth of all the Realm of England, our Lord the King at his Parliament holden at Canterbury the morrow after the Nativity of our Lady, the twelfth year of his Reign, by the aſſent of the Lords and Commons there aſſembled, hath made certain Statutes and Ordinances in the form following.

CAP. I.

A confirmation of the Liberties of the Church, and of all former Statutes not repealed.

A confirmation of the Liberties of the Church, and of former Statutes.

FIrſt it is accorded and aſſented, That holy Church have all her liberties and franchiſes. And that the great Charter and the Charter of the Foreſt, and all other Statutes and Ordinances made in times paſt, and not repealed, ſhall be duly holden, and firmly kept.

CAP. II.

None ſhall obtain Offices by ſuit, or for reward, but upon deſert.

None ſhall obtain offices by ſuit, or for reward, but by deſert.

ITem, It is accorded that the Chancellor, Treaſurer, Keeper of the privy Seal, Steward of the Kings houſe, the Kings Chamberlain, Clerk of the Rolls, the Juſtices of the one Bench and of the other, Barons of the Eſchequer, and all other that ſhall be called to ordain, name, or make Juſtices of the Peace, Sheriffs, Eſcheators, Cuſtomers, Comptrollers, or any other Officer or Miniſter of the King, ſhall be firmly ſworn, that they ſhall not ordain, name or make Juſtices of Peace, Sheriff, Eſcheator, Cuſtomer, Comptroller nor other Officer nor Miniſter of the King for any gift or brocage, favour or affection; nor that none which purſueth by him, or by other, privily or openly to be in any manner Office, ſhall be put in the ſame Office, or in any other: but that they make all ſuch Officers and Miniſters of the beſt, and moſt lawful men, and ſufficient to their eſtimation and knowledge. St. 5 E. 6. cap. 16.

Co. Inſt. 2. part 234. a.

CAP. III.

No ſervant ſhall depart from one Hundred to another, without a teſtimonial under the Kings ſeal: A ſervant wandring without a teſtimonial ſhall be ſet in the Stocks. Rep. 5 El. 4. and 21 Jac. 28.

CAP. IV.

The ſeveral penalties for giving or taking more wages then is limited by Statute. Rep. 5 El. 4. and 21 Jac. 28. St. 4 H. 5. 4. St. 4 H. 8. 5.

CAP. V.

Whoſoever ſerveth in Husbandry until twelve years old, ſhall ſo continue. Rep. 5 El. 4. and 21. Jac. 28.

CAP. VI.

No ſervants in Husbandry or Labourer ſhall wear any Sword, Buckler, or Dagger. Unlawful games prohibited. Rep. 21 Jac. 28.

CAP. VII.

The puniſhment of Beggars able to ſerve, and a proviſion for impotent Beggars. Rep. 1 Ed. 6. 3. and 21 Jac. 28.

CAP. VIII.

They ſhall have teſtimonials that report themſelves to have been impriſoned beyond the Sea. Rep. 21 Jac. 28.

CAP. IX.

The Statute of Labourers ſhall be executed within Cities and Boroughs. Rep. 5 Eliz. 4. & 21 Jac. 28.

CAP. X.

How many Juſtices of Peace there ſhall be in every County: and how often they ſhall keep their Seſſions.

ITem, It is ordained and agreed, That in every Commiſſion of the Juſtices of Peace, there ſhall be aſſigned but ſix Juſtices, with the Juſtices of Aſſiſes, and that the ſaid ſix Juſtices ſhall keep their Seſſions in every quarter of the year at the leaſt, and by three days if need be, upon pain to be puniſhed according to the diſcretion of the Kings Council, at the ſuit of every man that will complain: and they ſhall inquire diligently among other things touching their Offices, if the ſaid Mayors, Bailiffs, Stewards, Conſtables and Gaolers have duely done execution of the ſaid Ordinances of ſervants and labourers, beggars and vagabonds, and ſhall puniſh them that be puniſhable by the ſaid pain of an hundred ſhillings, by the ſame pain; and they that be found in default, and which be not puniſhable by the ſame pain, ſhall be puniſhed by their diſcretion. And every of the ſaid Juſtices ſhall take for their wages four ſhillings the day for the time of their ſaid Seſſions, and their Clerk two ſhillings, of the fines and amerciaments riſing and coming of the ſame Seſſions, by the hands of the Sheriffs. And that the Lords of Franchiſes ſhall be contributory to the ſaid wages, after the rate of their part of fines and amerciaments aforeſaid. And that no Steward of any Lord be aſſigned in any of the ſaid Commiſſions. And that no aſſociation ſhall be made to the Juſtices of the Peace after their firſt Commiſſion. And it is not the intent of this Statute, that the Juſtices of the one Bench, or of the other, nor the Serjeants of the Law, in caſe that they ſhall be named in the ſaid Commiſſions, ſhall be bound by force of this Statute, to hold the ſaid Seſſions four times in the year as the other Commiſſioners, the which be continually dwelling in the Countrey, but that they ſhall do it when they may beſt attend it.

How many Juſtices of Peace ſhall be in every County, how often they ſhall keep their Seſſions, and what wages they ſhall have.
St. 36 Ed. 3. 12.

The wages of the Clerk of the Peace.
No Aſſociation of Juſtices of Peace.

The Judges and Serjeants of the Law ſhall attend but when they may.

CAP. XI.

The puniſhment of him that telleth lies of the Peers or great Officers of the Realm.

ITem, Whereas it is contained, as well in the Statute of Weſtminſter, the firſt, as in the Statute made at Glouceſter, the ſecond year of the Reign of our Lord the King that now is, that none be ſo hardy to invent, to ſay or to tell any falſe news, lies, or ſuch other falſe things, of the Prelates, Dukes, Earls, Barons, and other Nobles and great men of the Realm, and alſo of the Chancellor, Treaſurer, Clerk of the privy Seal, the Steward of the Kings houſe, the Juſtice of the one Bench or of the other, and other great Officers of the Realm, and he that doth ſo ſhall be taken and impriſoned, till he hath found him of whom the ſpeech ſhall be moved: It is accorded and agreed in this Parliament, That when any ſuch is taken and impriſoned, and cannot find him, by whom the ſpeech be moved, as before is ſaid, that he be puniſhed by the advice of the Council, notwithſtanding the ſaid Statutes.

Dyer f. 285. 155.
Coke l. 4. f. 12.
Kel. f. 26.

St. 3 Ed. 1. 33.
St. 2 R. 2. 5.

The puniſhment of him that telleth lies of the Prelates, or great officers of the Realm.

CAP. XII.

In what caſes Lords and Spiritual perſons ſhall be contributory to the expenſes of the Knights of the Parliament.

ITem, In the right of the levying of the expenſes of the Knights coming to the Parliaments for the Commons of the Counties, it is accorded and aſſented, That the ſaid levying be made as it hath been uſed before this time: joyning to the ſame, that if any Lord, or any other man ſpiritual or temporal, hath purchaſed any Lands or Tenements, or other Poſſeſſions that were wont to be contributory to ſuch expences, before the time of the ſaid purchaſe, that the ſaid Lands, Tenements and Poſſeſſions, and the Tenants of the ſame, be contributory to the ſaid expences, as the ſaid Lands, Tenements and Poſſeſſions were wont to do before the time of the ſame purchaſe. Regiſt. 191. Co. Inſt. 4. f. 46.

11 F. 4. 2.

Lords and ſpiritual perſons purchaſing lands contributory to the expences of the Knights of the Parliament.

CAP. XIII.

The puniſhment of them which cauſe corruption near a City or great Town to corrupt the air.

ITem, For that ſo much dung and filth of the garbage and intrails, as well of beaſts killed as of other corruptions, be caſt and put in ditches, rivers, and other waters, and alſo within many other places, within, about, and nigh unto divers Cities, Boroughs, and Towns of the Realm, and the Suburbs of them, that the air there is greatly corrupt and infect, and many maladies and other intolerable diſeaſes do daily happen, as well to the inhabitants and thoſe that are converſant in the ſaid Cities, Boroughs, Towns, and Suburbs, as to other repairing and travelling thither, to the great annoyance, damage, and peril of the inhabitants, dwellers, repairers, and travellers aforeſaid: It is accorded and aſſented, That Proclamation be made as well in the City of London, as in other Cities, Boroughs, and Towns through the Realm of England, where it ſhall be needful, as well within Franchiſes as without, that all they which do caſt and lay all ſuch annoyances,

The puniſhment of him which ſhall caſt corruption into any place near a city or town.

Chief Officers of Towns ſhall compel offendors to redreſs their annoyances.

ances, dung, garbages, intrails, and other ordurs in ditches, rivers, waters, and other places aforeſaid, ſhall cauſe them utterly to be removed, avoided and carried away betwixt this and the Feaſt of S. Michael next enſuing, after the end of this preſent Parliament, every one upon pain to loſe and to forfeit to our Lord the King xx. li. And that the Mayors and Bailiffs of every ſuch City, Borough or Town, and alſo the Bailiffs of Franchiſes ſhall compel the ſame to be done upon like pain: And if any feel himſelf grieved that it be not done in the manner aforeſaid, and will thereupon complain him to the Chancellor after the ſaid Feaſt of S. Michael, he ſhall have a Writ to make him of whom he will ſo complain to come into the Chancery, there to ſhew why the ſaid penalty ſhould not be levied of him. And moreover Proclamation ſhall be made, as well in the City of London, as in other Cities, Boroughs, and Towns as afore, that none of what condition ſoever he be, cauſe to be caſt or thrown from henceforth any ſuch annoyance, garbage, dung, intrails, nor any other ordure into the ditches, rivers, waters, and other places aforeſaid; and if any do, he ſhall be called by Writ before the Chancellor, at his ſuit that will complain; and if he be found guilty, he ſhall be puniſhed after the diſcretion of the Chancellor. Fit.N.B.f.176.b.185.d.

CAP. XIV.

A Confirmation of the St. of 47 Ed. 3. 1. touching the length and breadth of Clothes. Rep. 5 Ed. 6. 6. 43 El. 10. & 4 Iac. 2.

CAP. XV.

He that will go out of the Realm to provide a Benefice within the Realm, ſhall be out of the Kings protection, and the Benefice ſhall be void. OB. St. 13 R. 2. 2.

CAP. XVI.

The Staple ſhall be removed from Middleborough to Calice. Alt. 14 R. 2. 1. & OB.

Statutes made at *Weſtminſter*, *Anno* 13 *R.* 2. *&* *Anno Dom.* 1389.

IN the Parliament holden at Weſtminſter the Munday next after the Feaſt of St. Hillary, the thirteenth year of the Reign of King Richard the ſecond after the Conqueſt, our Lord the King, to the honour of God and holy Church, and for the common profit of his liege people of his Realm, of the aſſent of the Prelates and Lords temporal, and Commons being in the ſame Parliament, hath ordained and ſtabliſhed the things under-written.

CAP. I.

The Kings preſentee ſhall not be received to a Church full of an Incumbent, until he hath recovered it by Law.

The Statute of Ed.3.3. confirmed, touching the examination of the Kings title to a Benefice when he preſenteth in anothers right. When the King preſenteth to a Benefice full of an incumbent his preſentee ſhall not be received until he hath recovered by Law.

FIrſt, Whereas it is ordained by a Statute made the xxv. year of the Reign of King Edward the Grandfather of our Lord the King that now is, that at what time the King ſhall make collation or preſentment to any benefice in anothers right, that the title upon which he groundeth himſelf ſhall be well examined that it be true; and at what time before judgment given, the title be found by good information untrue and not juſt, the collation or preſentment thereupon made ſhall be repealed: and notwithſtanding the ſame Statute, ſome of the Kings preſentees by favour of the Ordinaries be inſtituted and inducted in benefices of holy Church without due proceſs, the parties not warned nor called, and ſometime taken by falſe Inqueſts favourably, and the incumbents in ſuch manner put out. It is ordained and aſſented, That the ſaid Statute be firmly holden and kept. And moreover our Lord the King, for the reverence of God and holy Church, doth will and grant, That if he preſent to any benefice that is full of any incumbent, that the preſentee of the King ſhall not be received by the Ordinary to the benefice, till the King hath recovered his preſentment by proceſs of the Law in his own Court: And if any preſentee of the King be otherwiſe received, and the incumbent put out without due proceſs, as afore is ſaid, the ſaid incumbent ſhall begin his ſuit within a year after the induction of the Kings preſentee at the leaſt. St. 4 H. 4. 22.

14 H.7.f.25. 2 H.4.f.17. 8 H.4.f.21.

CAP. II.

The authority of the Conſtable of England, and the remedy where it is abuſed.

The authority of the Conſtable of England, and wherein it conſiſteth.

ITem, Becauſe that the Commons do make a grievous complaint, that the Court of the Conſtable and ẏ Marſhal hath incroached to him, and daily doth incroach contracts, covenants, treſpaſſes, debts and detinues, and many other actions pleadable at the common law, in great prejudice of the King, and of his Courts, and to the great grievance and oppreſſion of the people: Our Lord the King willing to ordain a remedy againſt the prejudices and grievances aforeſaid, hath declared in this Parliament by the advice and aſſent of the Lords ſpiritual and temporal, the power and juriſdiction of the ſaid Conſtable, in the form that followeth. To the Conſtable it pertaineth to have cogniſance of contracts touching deeds of Arms and of War out of the Realm, and alſo of things that touch War within the Realm, which cannot be determined nor diſcuſſed by the common Law, with other uſages and cuſtoms to the ſame matters pertaining, which other Conſtables heretofore have duly and reaſonably uſed in their time. Joyning to the ſame, that every Plaintiff ſhall declare plainly his matter in his Petition, before that any man be ſent for to anſwer thereunto. And if any will complain that any plea be commenced before the Conſtable and Marſhal, that might be tryed by the common Law of the Land, the ſame Plaintiff ſhall have a privy Seal of the King without difficulty, directed to the ſaid Conſtable and Marſhal, to ſurceaſe in that plea, until it be diſcuſſed by the Kings Council, if that matter ought of right to pertain to that Court, or otherwiſe to be tryed by the common law of the Realm of England, and alſo that they ſurceaſe in the mean time. St. 28 E. 1. 3. 8 R. 2. 5. 33 H. 8. 12. Raſt. pl . 278.

The remedy where the Conſtable and Marſhal hold plea of any thing determinable by the common Law.

CAP.

CAP. III.

The limits of the Steward and Marſhals Court of the Kings houſe.

ITem, It is accorded and aſſented, that the Court of the Steward and Marſhal of the Kings houſe, nor alſo the juriſdiction thereof, ſhall not paſs the ſpace of twelve miles, to be counted from the lodging of our ſaid Lord the King. Fitz. N. B. fo. 241. b.

The limits of the Steward, and Marſhals Court.

CAP. IV.

The duty of a Clerk of the Market of the Kings houſe.

ITem, At the requeſt of the ſaid Commons, it is ordained and aſſented, that the Clerk of the Market of the Kings houſe ſhall do his office well and duly. And that all falſe meaſures and weights ſhall be burned after the form of the Statute: And that the ſaid Clerk take no common fine, but that every perſon which is found in default touching the ſame Office, be puniſhed according to his deſert, and that he ſhall not ride but with vi. horſes at the moſt, and that he ſhall not tarry in any town nor other place longer then the neceſſity of his buſineſs ſhall require: and if he do any thing contrary to this Statute, and be thereof duly convict, he ſhall pay to the King at the firſt time that he ſhall be convict an C s. and at the ſecond time x l. and at the third time xx l. Co. Inſt. 4. p. 274. St. 17 Car. 1. c. 4.

The duty of the Clerk of the Market of the Kings houſe.

CAP. V.

With what things the Admiral and his Deputy ſhall meddle.

Co. l. 12. 104. ITem, Foraſmuch as a great and common clamour and complaint hath been oftentimes made before this time, and yet is, for that the Admirals and their Deputies hold their Seſſions within divers places of this Realm, as well within Franchiſe as without, accroching to them greater authority then belongeth to their office, in prejudice of our Lord the King, and the Common Law of the Realm, and in diminiſhing of divers Franchiſes, and in deſtruction and impoveriſhing of the common people: It is accorded and aſſented, that the Admirals and their Deputies, ſhall not meddle from henceforth of any thing done within the Realm, but onely of a thing done upon the Sea, as it hath been uſed in the time of the Noble Prince King Edward, Grandfather of our Lord the King that now is. St. 15 R. 2. 3. 2 H. 4. 11. Raſt. pla. fo. 23.

19 H. 6. f. 7. Dyer fo. 159.

With what things onely the Admiral and his Deputy ſhall meddle. Co. Inſt. 4. p. 135.

CAP. VI.

How many Serjeants at Arms there ſhall be, and with what things they ſhall meddle.

ITem, At the grievous complaint made by the Commons to our Lord the King in this Parliament, of the exceſſive and ſuperfluous number of Serjeants at Arms, and of many great extortions and oppreſſions done by them to the people: The King therefore doth will that they ſhall all be diſcharged, and that of them and other there ſhall be taken of good and ſufficient perſons to the number of thirty, and no more from henceforth. And moreover the King prohibiteth them to meddle with any thing that toucheth not their Office. And that they do no extortion nor oppreſſion to the people, upon pain to loſe their Office, and to make a fine and ranſome at the Kings pleaſure, and full ſatisfaction to the party.

There ſhall be but xxx Serjeants at arms, who ſhall meddle with nothing but touching their offices.

CAP. VII.

What ſort of perſons ſhall be Juſtices of peace, and what their charge is to do.

ITem, Whereas it is contained in the laſt Statute made at Canterbury, that no Steward of any Lord ſhall be aſſigned in the Commiſſion of the Juſtice of Peace; nevertheleſs for certain cauſes ſhewed in this Parliament, It is accorded and aſſented, that Juſtices of Peace ſhall be made of new in all the Counties of England, of the moſt ſufficient Knights, Eſquires, and Gentlemen of the Law of the ſaid Counties, notwithſtanding the ſaid Statute. And that the ſaid Juſtices be ſworn duly and without favour, to keep and put in execution all the Statutes and Ordinances touching their Offices. St. 1 Ed. 3. 16. 4 Ed. 3. 2. 12 R. 2. 10. 2 H. 5. 4. 18 H. 6. 11.

What ſort of perſons ſhall be Juſtices of Peace, and what their charge is to do. 12 R. 2. 10.

CAP. VIII.

The rates of labourers wages ſhall be aſſeſſed and proclaimed by the Juſtices of Peace: And they ſhall aſſeſs the gains of Victuallers. Who ſhall make Horſebread, and the weight and price thereof.

ITem, It is ordained and aſſented, that the Statutes and Ordinances made in the laſt Parliament holden at Canterbury, as well of ſervants, labourers, artificers, and victuallers, as of all other things, ſaving the exception in the next article before touching Juſtices of Peace, and alſo all other Statutes and Ordinances made before this time and not repealed, ſhall be firmly kept and duly executed; but foraſmuch as a man cannot put the price of corn and other victuals in certain, it is accorded and aſſented, that the Juſtices of Peace in every County, in two of their Seſſions to be holden betwixt the Feaſt of Eaſter and S. Michael, ſhall make proclamation by their diſcretion according to the dearth of victuals, how much every Maſon, Carpenter, Tiler, and other Craftſmen, Workmen, and other Labourers by the day, as well in harveſt as in other times of the year, after their degree, ſhall take by the day with meat and drink, or without meat and drink, between the two Seſſions beforeſaid, notwithſtanding the Statutes thereof heretofore made: and that every man obey to ſuch Proclamations from time to time as a thing done by Statute. And in the right of victuallers it is accorded, that they ſhall have reaſonable gains, according to the diſcretion and limitation of the ſaid Juſtices and no more, upon pain to be grievouſly puniſhed according to the diſcretion of the ſaid Juſtices, where no pain is limited in certain before this time. And that Sheriffs, Stewards of Lords of Franchiſes, Mayors, and Bailiffs, and

St. 12 R. 2. 9.

The rate of artificers, labourers, and workmens wages, ſhall be aſſeſſed and proclaimed by the Juſtices. St. 5 Eliz. 4.

Cro. Jac. 609.

The gains of Victuallers ſhall be aſſeſſed by the Juſtices, and they ſhall be reaſonable. St. 13 Ed. 3. 6. St. 12 Ed. 4. 8.

Bodily puniſhment onely ſhall be inflicted upon victuallers, which it is deſerved. St. 1 H. 3. 51. 51 Ed. 1. St. 23 Ed. 3. 6. Who ſhall make Horſe-bread, and the weight and price of it. 21. Jac. 21. 28. 32 H. 8. 41.

all other that have aſſiſe of bread and ale to keep, and the correction of the ſame, ſhall take no amerciament or fine for any default touching the Aſſiſe, for the which a man or woman by the Law ought to have bodily puniſhment, according as it is another time ordained by Statute; but they ſhall judge them to the ſame bodily puniſhment as the offence requireth, and ſhall do due execution thereof. And that Mayors, Bailiffs, and Stewards of Franchiſe, and all other that have the order and ſurvey of victuals in Cities, Boroughs, Merchant-towns, and elſewhere, where victuals be ſold in the Realm, ſhall put the Statute made the xxii. year of the Reign of King Edward, Grandfather to the King that now is, which beginneth, (Becauſe a great part of the people touching the eſtate of Victuallers and Hoſtlers, and other ſellers of victuals) in due execution. And that no Hoſtler make Horſe-bread in his hoſtry nor without, but Bakers ſhall make it: and the Aſſiſe thereof ſhall be kept; and that the weight be reaſonable after the price of the Corn in the market, and that the ſame Hoſtlers ſhall ſell Hey and Oats after a reaſonable price, ſo that they take not for the Buſhel but one halfpeny over the common price in the market. This laſt clauſe is repealed. 21 Jac. 21. & 28.

CAP. IX.

There ſhall be but one weight and one meaſure through the Realm, ſaving in the County of Lancaſter. The weight of Wool, and the refuſe thereof.

There ſhall be but one weight and one meaſure.

The County of Lancaſter.

Wooll ſhall be ſold at xiv l. the ſtone. St. 21 Ed. 3. 8. Refuſe of Woolls. Wooll ſhall not be bought by good packing.

Wooll ſhall not be cocketted but in the owners name.

ITem, It is ordained and accorded, that one meaſure and one weight be through all the Realm of England, as in the great Charter, and other Statutes and Ordinances thereof made is more plainly contained. And every one that ſhall be convict that he hath or uſeth any other meaſure or weight ſhall have impriſonment of half a year, and make recompence to the party grieved to the double of his loſs, except it be in the County of Lancaſter, becauſe in that County it hath always been uſed to have greater meaſure then in any other part of the Realm. And that none buy or ſell Wool at more weight then at fourteen pound the ſtone, upon the pain to pay the double to him that feeleth him grieved, and to make fine and ranſome to the King after the quantity of the treſpaſs. And that no Denizen nor Foreigner make any other refuſe of Woolls but cot, gare, and villein. And that no Merchant nor other man buy his Woolls by theſe words, God packing, nor by like words, upon pain, that is to ſay, the Broker to have impriſonment of half a year, and the buyer to make a fine to the King after the quantity of the treſpaſs, and the party that feeleth him grieved ſhall have double damages of that which he hath ſuffered by the ſaid occaſion. And that none ſhall make Woolls to be cocketted but in the name of him to whom the Woolls be, upon pain of forfeiture of the ſame, as it hath been another time ordained by Statute. St. 11 H. 7. 4 H. 6. 5.

CAP. X.

The length and breadth of Cogware, and Kendal cloth.

Cogware and Kendal cloth may be made of ſuch length and breadth as they have been.

ITem, Although it be ordained by divers Statutes, that all manner of Clothes of ray and of colour ſhall be of a certain length and breadth comprized in the ſame Statutes, nevertheleſs for as much as it hath been a common cuſtom to make certain Clothes in divers Counties of England called Cogware and Kendal cloth, of the breadth of three quarters of a yard, whereof ſome be of the price of xl d. and ſome of v s. and ſold to Cogmen out of the Realm, and alſo to poor and mean people within the Realm, of the which Clothes a great part is made of the worſt Wooll within the Realm, that cannot well ſerve for any other Clothes: It is accorded and aſſented, that from henceforth it ſhall be lawful to every man to make ſuch manner of Clothes of the length and breadth as it hath been uſed before this time, notwithſtanding any Statute made to the contrary. Provided always, that the makers and workers of ſuch Clothes ſhall not make them of any better Wooll then they were wont to do. And alſo it is aſſented, that all ſuch Clothes as be arreſted by force or colour of the ſaid Statutes or any of them, ſhall be diſcharged and redelivered. St. 2 Ed. 3. 14. 25 Ed. 3. 1. 47 Ed. 3. 1. 12 R. 2. 14. 5 Ed. 6. 6. 43 El. 10. 4 Jac. 2.

CAP. XI.

The Clothes of certain Counties tacked and folded ſhall not be put to ſale before they be opened.

The inconveniences enſuing the carrying over of tacked and deceitful cloth.

ITem, Foraſmuch as divers plain Clothes that be wrought in the Counties of Somerſet, Dorſet, Briſtol, and Glouceſter, be tacked and folded together and ſet to ſale, of the which Clothes a great part be broken, broiſed, and not agreeing in the colour, neither be according in breadth, nor in no manner to the part of the ſame Clothes ſhewed outwards, but be falſely wrought with divers Woolls, to the great deceit, loſs, and damage of the people, in ſo much that the Merchants that buy the ſame Clothes, and carry them out of the Realm to ſell to ſtrangers be many times in danger to be ſlain, and ſometime impriſoned, and put to fine and ranſome by the ſame eſtrangers, and their ſaid Clothes burnt or forfeit becauſe of the great deceit and falſhood that is found in the ſame Clothes, when they be untacked and opened, to the great ſlander of the Realm of England: It is ordained and aſſented, that no plain Cloth tacked nor folded ſhall be ſet to ſale within the ſaid Counties, but that they be opened, upon pain to forfeit them, ſo that the buyers may ſee them, and know them, as it is uſed in the County of Eſſex; and that the Walkers, Weavers, and Fullers ſhall put their Seals to every Cloth that they ſhall work, upon a certain pain to be limited by the Juſtices of the peace; and that this Ordinance begin to hold place at the feaſt of St. John Baptiſt next following. Provided always, that after the Merchants have bought the ſame Clothes to carry and do carry them out of the Realm, they may tack them and fold them at their pleaſure, for the more eaſie carriage of them.

No plain cloth tacked or folded made in certain Counties ſhall be put to ſale before they be opened.

CAP. XII.

No Shoemaker ſhall be a Tanner, nor Tanner a Shoemaker. 4 H. 4. 35. Rep. 5 El. 8. & 1 Jac. 22.

CAP. XIII.

None ſhall hunt but they which have a ſufficient living.

Item, Foraſmuch as divers artificers, labourers, and ſervants, and grooms keep Grey-hounds and other dogs, and on the holy days when good Chriſtian people be at Church, hearing Divine Service, they go hunting in Parks, Warrens, and Conygries of Lords and others, to the very great deſtruction of the ſame, and ſometime under ſuch colour they make their aſſemblies, conferences, and conſpiracies for to riſe and diſobey their allegiance: It is ordained and aſſented, that no manner of artificer, labourer, nor other layman, which hath not lands or tenements to the value of xl s. by year, nor any Prieſt, nor other Clerk, if he be not advanced to the value of x l. by year, ſhall have or keep from henceforth any Grey-hound, Hound, nor other Dog to hunt: nor ſhall they uſe Ferrets, Heys, Nets, Harepipes, nor cords, nor other engines for to take or deſtroy Deer, Hares, nor Conies, nor other Gentlemens game, upon pain of one years impriſonment: and that the Juſtices of Peace have power to enquire, and ſhall enquire of the offendors in this behalf, and puniſh them by the pain aforeſaid. Se. 19 H. 7. 11. Raſt. pla. 405.

None ſhall hunt but they which have ſufficient living.

Juſtices of Peace ſhall enquire of, and puniſh the offendors.

CAP. XIV.

There ſhall be no Bonds of the double made in the Exchequer for the Kings debt.

Item, Foraſmuch as divers Recogniſances and other Bonds be now of late begun and made in the Exchequer of double, for the ſurety of debts and farms of our Lord the King, otherwiſe than it was wont to be done heretofore, to the great hinderance of many of the people: It is accorded and aſſented by our Lord the King, and all the Lords of the Parliament, at the requeſt of the Commons, that no ſuch Recogniſance nor other Bond of the double be made nor taken in the Exchequer from this time forth. And that all ſuch Recogniſances, and other Bonds which be made at this preſent, be utterly cancelled and annulled. Provided always, that the King have ſufficient ſurety of his duty in the manner accuſtomed.

There ſhall be no Bonds made of the double in the Exchequer.

CAP. XV.

The Kings Caſtles and Gaols ſhall be rejoyned to the bodies of Counties.

Item, It is ordained and aſſented, that the Kings Caſtles and Gaols which were wont to be joyned to the bodies of the Counties, and be now ſevered, ſhall be rejoyned to the ſame Counties.

Caſtles and Gaols ſhall be rejoyned to the bodies of Counties.

CAP. XVI.

In what caſe a Protection Quia profecturus, or Quia moraturus, is not allowable.

Item, Becauſe that many perſons be delayed as well in actions real as in actions perſonal by protection, with the clauſe of Volumus, for that many people, as well ſuch as be not able to be retained in war, as other by the teſtimonial of the Governours of the Marches, Captains of Gariſons, Admirals, and other do purchaſe divers protections with clauſe of Volumus, and with clauſe Quia profecturus, &c. after that a plea is commenced againſt them, rather to delay the ſame plea, than for the Kings ſervice, whereas plenty of other ſufficient that be not impleaded may be found to do the Kings ſervice in ſuch caſe, and often do remain in the Country without going to their ſaid ſervice, to the great damage of the demandants, and diſturbance of common right: It is therefore ordained and aſſented, that no protection with clauſe de profecturus, be allowed in any plea whereof the ſuit is commenced before the date of the protection, if it be not in a voyage that the King himſelf goeth, or other voyages Royal, or in the Kings meſſages for buſineſs of the Realm, but they that be impleaded ſhall make their Attornies to anſwer for them in ſuch pleas, or elſe they ſhall tarry themſelves if they will: howbeit, it is not the intent of the making of this Statute but that the protection with clauſe Quia moraturus be allowed in all caſes, as it hath been before this time. And if any tarry in the Country, without going to their ſervice for the which he is retained, over a convenient time after that he hath any protection, or return from the ſame ſervice, if the Chancellor be thereof duly informed, he ſhall repeal ſuch protection, as it hath been uſed before this time. V. N. B. fo. 21. Fitz. N. B. 28. St. 35 E. 1.

In what caſe a protection Quia profecturus is not allowable. St. 1 R. 2. 8.

Fitz. Protection 2 10.20. 24.34.46.48. 53. 56. 125. Co. Inſt. 1 par. 131. b.

The protection Quia moraturus.

Cauſes to repeal a protection.

CAP. XVII.

Where he in the reverſion may be received in a ſuit commenced againſt the particular tenant.

Item, Becauſe that when tenants for term of life, tenants in dower, or by the Law of England, or in tail after poſſibility of iſſue extinct, be impleaded, they be often of the covin of the demandants, that the tenements demanded againſt them ſhall be recovered, and they will not plead in deed, nor vouch to warranty them in the reverſion, but plead in chief ſuch anſwer, whereby they know well the tenements ſhall be loſt, in diſheriſon of them in the reverſion: It is accorded and aſſented, that if any ſuch tenant be impleaded, and he in the reverſion come into the Court, and prayeth to be received to defend his right at the day that the tenant pleadeth to the action, or before, he ſhall be received to defend his right at the day that the tenant pleadeth to the action, or before he ſhall be received to plead in chief to the action, without making any delay by voucher, aid, prayer, voyage, or any other delay whatſoever, ſo that after ſuch receit he ſhall have no manner of delay by protection, eſſoin of the Kings ſervice, common eſſoin, nor any other delay whatſoever, but that the buſineſs ſhall be haſted in as much as it may be by the Law: and that days of grace be given by the diſcretion of the Judges between the demandant and him that is received in ſuch caſe,

Fitz. Reſceit. 70. 71.73.83. 84. 85.94.98. 100, 103 187. 190. 191.

Where he in the reverſion may be received to defend his right in a ſuit commenced againſt the particular tenant.

without giving the common day in plea of land, if the demandant will not aſſent, to the intent that the demandants be not too much delayed, becauſe they muſt plead with two adverſaries, and in the right of pleas that be now depending in ſuch caſe, they in the reverſion ſhall be received in the manner aforeſaid, at the next day that the parties have in Court, although the ſame parties have pleaded in chief before this time.

He that prayeth to be received ſhall find ſurety of the iſſues of the lands in demand. St. 20 Ed. 1.

Provided always, that they in the reverſion which pray to be received, as before is ſaid, ſhall find ſurety of the iſſues of the tenements demanded for the time that the ſame demandants be delayed after the ſaid plea determined between the demandants and tenants, if the judgment paſs for the demandant againſt them in the reverſion aforeſaid, as well where the receit is counterpleaded, as where it is granted. Raſt. pla. fo. 530.

Fitz. Raſt. 76. 80. 94.

CAP. XVIII.

In which Courts an Attaint may be brought upon a falſe Verdict given in Lincoln.

Item, Becauſe that upon the grievous complaint of the reverend Father in God, the Biſhop of Lincoln, and the Dean and the Chapiter of the Church of our Lady in Lincoln, made by their petition to our Lord the King, and the Lords in this preſent Parliament: the Mayor and the Bailiffs of the City of Lincoln by the commandment of the King, and the aſſent of the Lords, were enjoyned and charged by Writ, to be before the King and his Council in the ſame Parliament at a certain day, with ſufficient inſtruction and information of all the matter compriſed in the ſame petition, with full power and authority under the common Seal of the ſaid City, to anſwer for them, and the Commonalty of the ſaid City, upon all things contained in the ſame petition, and further to do and receive that which ſhall be ordained by the King and his Council in that behalf, upon a certain pain limited in the ſame Writ; the tenour of which petition, containing the grievances done to the ſaid Biſhop and Chapiter by the people of the City of Lincoln, by colour of their Franchiſe, was ſent to the ſaid Mayor and Bailiffs cloſed within the ſaid Writ. And though the ſaid Mayor and Bailiffs at the day contained in the ſame Writ came before the King and his Council in the Parliament aforeſaid, yet they did not bring any ſufficient warrant from the Commonalty of the ſaid City, as they had in commandment by the ſaid Writ; and upon that our ſaid Lord the King, by the aſſent of the Prelates and other Lords in the ſame Parliament being, by default of the Mayor, Bailiffs, and Commons aforeſaid in that behalf, hath proceeded and examined the ſaid petition, and the grievances therein contained. And alſo becauſe that a common clamour hath been, that many of the Kings lieges often have ſuffered divers injuries in the ſaid City, becauſe in reſpect of freeholds within the ſame City, treſpaſſes, contracts, and other things riſing within the ſame City, triable by Aſſiſe, Jury, or Enqueſt, have been tried by people of the ſame City, which be ſo favourable one to another, that they doubt not to make falſe oaths, and that becauſe they be encouraged, for as much as they have not been before this time convict by foreigners, by colour of their Franchiſe: Our Lord the King, willing for the cauſes aforeſaid, to provide for the quietneſs of the ſaid Church, and full right to be done as well to the ſaid Biſhop, Dean and Chapiter, and their ſucceſſors, as to all other in time coming, hath ordained and ſtabliſhed in that behalf, that in Aſſiſes, Juries, and all other Enqueſts that ſhall be taken between party and party, before the Mayor and Bailiffs of the ſame City for the time being, if any of the parties feel himſelf grieved of a falſe oath made by ſuch Aſſiſe, Jury, or Enqueſt, the Attaint ſhall be granted to him, and the Record ſent by Writ into the Kings Bench, or into the Common place. And that the Sheriff empanel the Jury of ſuch Attaint, of Foreigners of the County, without ſending to the Franchiſe of the ſaid City, and that the Juſtices ſhall take the ſame Jury of the ſame Foreigners, notwithſtanding any Franchiſe granted to the ſame City, or other uſage to the contrary. St. 3 H. 5. 5. Regiſt. fo. 121.

The inconveniencies enſuing of partial trials of ſuits in Lincoln by the onely people of the ſame city.

Upon a falſe Verdict given before the Mayor and Bailiffs of Lincoln, an Attaint may be brought and tried by foreigns of the County of Lincoln.

14 H. 7. c. 17.

CAP. XIX.

A confirmation of the Statute of 13 Ed. 1. 47. touching the taking of Salmons.

Item, Whereas it is contained in the Statute of Weſtminſter the ſecond, that young Salmons ſhall not be taken nor deſtroyed by Nets, nor by other Engines, at Mill-dams, from the midſt of April till the Nativity of St. John Baptiſt, upon a certain pain limited in the ſame Statute: It is accorded and aſſented, that the ſaid Statute be firmly holden and kept, joyning to the ſame, That young Salmons ſhall not be taken during the ſaid time, at Mill-dams nor in other places, upon the ſame pain. And that no Fiſher, or Garthmen, nor any other, of what eſtate or condition that he be, ſhall from henceforth put in the waters of Thamiſe, Humber, Ouſe, Trent, nor any other waters of the Realm by the ſame time, nor in any other time of the year, any Nets called Stalkers, nor other Nets nor Engines whatſoever they be, by the which the frie or the breed of the Salmons, Lampreys, or any other fiſh, may in any wiſe be taken or deſtroyed, upon the pain aforeſaid. And alſo where it is contained in the ſame Statute, that all the waters, in which Salmons be taken within the Realm, ſhall be put in defence as to the taking of Salmons, from the day of the Nativity of our Lady until St. Martins day: It is ordained and aſſented, that the waters of Lonwyre, Merſee, Rybbyl, and all other waters in the County of Lancaſter, be put in defence, as to the taking of Salmons, from Michaelmas day to the Purification of our Lady, and in no other time of the year, becauſe that Salmons be not ſeaſonable in the ſaid waters in the time aforeſaid. And in the parties where ſuch Rivers be, there ſhall be aſſigned and ſworn good and ſufficient conſervators of this Statute, as it is ordained in the ſaid Statute of Weſtminſter, and that they ſhall puniſh the offendors after the pain contained in the ſame Statute, without any favour thereof to be ſhewed. St. 17 R. 2. 9.

A confirmation of the Statute of 13 Ed. 1. 47. touching the prohibiting of Salmons to be taken certain times of the year.

There ſhall be no devices practiſed whereby the frie of fiſh ſhall be deſtroyed.

What time of the year the Rivers in the County of Lancaſter ſhall be in defence.

Conſervators of this Statute, and their authority.

CAP. XX.

What ſort of perſons only may paſs forth of the Realm without the Kings licence, and at what Ports. Rep. 21 Jac. 28.

Other Statutes made at *Weſtminſter*, *Anno* 13 *Richardi ſecundi*, and *Anno Dom.* 1389.

CAP: I.

In a pardon of Murder, Treaſon, or Rape, the offence committed ſhall be ſpecified. The forfeiture of him at whoſe ſuit ſuch a Pardon is obtained.

Our Lord the King, at his Parliament holden at Weſtminſter the Munday next after the Feaſt of St. Hillary, the thirteenth year of his Reign, hearing the grievous complaint of his ſaid Commons in the ſame Parliament, of the outragious miſchiefs and damages which have happened to his ſaid Realm, for that treaſons, murders, and rapes of women be commonly done and committed, and the more becauſe Charters of pardon have been eaſily granted in ſuch caſes: the ſaid Commons requeſted our Lord the King, that ſuch Charters might not be granted: to whom the King anſwered, That he will ſave his Liberty and Regality, as his Progenitors have done heretofore: but to nouriſh the more quietneſs and peace within his Realm, by the aſſent of the great men and Nobles, being in the ſame Parliament, he hath granted, That no Charter of pardon from henceforth ſhall be allowed before any Juſtice for murder, or for the death of a man ſlain by await, aſſault, or malice prepenſed, treaſon, or rape of a woman, unleſs the ſame murder, death of the man ſlain by await, aſſault, or malice prepenſed, treaſon, or rape of a woman, be ſpecified in the ſame Charter. And if the Charter of the death of a man be alledged before any Juſtices, in which Charter it is not ſpecified, that he of whoſe death any ſuch is arraigned, was murdered or ſlain by await, aſſault, or malice prepenſed, the ſame Juſtices ſhall enquire by a good enqueſt, of the viſne where the dead was ſlain, if he were murdered or ſlain by await, aſſault, or malice prepenſed, the Charter ſhall be diſallowed, and further it ſhall be done as the Law commandeth. And if any be a ſuiter to the King for a Charter of pardon for murder, death of a man ſlain by await, aſſault, or malice prepenſed, treaſon, or rape of a woman, if the Chamberlain indorſe, or cauſe to be indorſed ſuch Bill, he ſhall ſet the name of him that maketh ſuit for ſuch Charter upon the ſame Bill, upon pain of one thouſand marks, and if the Under-chamberlain indorſe ſuch Bill, he ſhall do likewiſe, upon pain of five hundred marks; and that none other then the Chamberlain or Under-chamberlain endorſe nor cauſe to be endorſed any ſuch Bill, upon pain of one thouſand marks: and that ſuch Bill be ſent and directed to the Keeper of the Privy Seal. And that no warrant of the Privy Seal be made to have ſuch Charter, unleſs the Keeper of the Privy Seal have ſuch Bill endorſed or ſigned by the Chamberlain or Under-chamberlain, as afore is ſaid. And that no Charter of Pardon, of treaſon, nor of other felony, paſs the Chancery without warrant of the Privy Seal, but in caſe where the Chancellor may grant it of his Office, without ſpeaking thereof to the King. And if he, at whoſe ſuit any Charter of Pardon for murder, death of a man ſlain by await, aſſault, or malice prepenſed, treaſon, or rape of a woman, be granted, be an Archbiſhop or Duke, he ſhall pay to the King one thouſand pound; and if he be a Biſhop or Earl, he ſhall pay to the King one thouſand marks; and if he be an Abbot or Prior, Baron or Baronet, he ſhall pay five hundred marks; and if he be a Clerk, Batchelor, or other of leſs eſtate, of whatſoever condition that he be, he ſhall pay to the King two hundred marks, and have one years impriſonment.

In a pardon for murder, treaſon, rape, &c. the offence committed ſhall be ſpecified.

Bro. Charter 10. Plow. f. 401.

No pardon of Treaſon or Felony ſhall paſs without warrant of the privy ſeal. The forfeiture of him at whoſe ſuit ſuch a pardon is obtained. Rep. 16 R. 2. 6.

CAP. II.

A Confirmation of the Statute of Proviſors made Anno 25 Ed. 3. And the forfeiture of him that accepteth a Benefice contrary to that Statute.

Item, Whereas the noble King Edward, grandfather to our Lord the King that now is, at his Parliament holden at Weſtminſter at the utas of the Purification of our Lady, the five and twentieth year of his reign, cauſed to be rehearſed the ſtatute made at Carleil in the time of King Edward ſon of King Henry, touching the eſtate of the holy Church of England: The ſaid grandfather of the King that now is, by the aſſent of the great men of his Realm, being in the ſame Parliament, holden the ſaid five and twentieth year, to the honour of God and of holy Church, and of all his Realm, did ordain and eſtabliſh, that the free elections of Archbiſhopricks, Biſhopricks, and all other dignities and Benefices elective in England, ſhould hold from thenceforth in the manner as they were granted by his Progenitors and by the Anceſtors of other Lords Founders; and that all Prelates and other people of holy Church, which had Advowſons of any benefices of the gift of the King, or of his Progenitors, or of other Lords and Donors, ſhould freely have their collations and preſentments, and thereupon a certain puniſhment was ordained in the ſame ſtatute for them which accept any benefice or dignity, contrary to the ſaid ſtatute made at Weſtminſter the ſaid 25 year, as afore is ſaid, which ſtatute our Lord the King hath cauſed to be recited in this preſent Parliament at the requeſt of his Commons in the ſame Parliament: The tenor whereof is ſuch as hereafter followeth: Whereas late in the Parliament of good memory of Edward King of England, &c. rehearſing the whole ſtatute made the ſaid xxv. year, and then thus: Our Lord the King that now is, of the aſſent of the great men of the Realm, being in this preſent Parliament, hath ordained

and

For all Benefices which ſhall be void after the 29 of January, Anno 13 R. 2. the Stat. of 25 Ed. 3. of Proviſors ſhall be put in execution.
If any do accept of a Benefice contrary to the ſaid Stat. of 25 Ed. 3. he ſhall be baniſhed the Realm.
St. 12 R. 2. 1.
The puniſhment of the receivers, Procurators, &c. of offenders.

and eſtabliſhed, that for all Archbiſhopricks, Biſhopricks, and other dignities and Benefices elective, and all other Benefices of holy Church which ſhall begin to be void in deed, the xxix. day of January, the thirteenth year of the reign of our Lord King Richard that now is, or after, or which ſhall be void in time to come within the Realm of England, the ſaid ſtatute made the ſaid xxv. year, ſhall be firmly holden for ever, and put in due execution from time to time in all manner points. And if any do accept of a Benefice of holy Church contrary to this Statute, and that duly proved, and be beyond the Sea, he ſhall abide exiled and baniſhed out of the Realm for ever, his lands and tenements, goods and cattels ſhall be forfeit to the King; and if he be within the Realm, he ſhall be alſo exiled and baniſhed as afore is ſaid, and ſhall incur the ſame forfeiture, and take his way, ſo that he be out of the Realm within ſix weeks next after ſuch acceptation. And if any receive any ſuch perſon baniſhed, coming from beyond the Sea, or being within the Realm after the ſaid ſix weeks, knowing thereof, he ſhall be alſo exiled and baniſhed, and incur ſuch forfeitures as afore is ſaid. And that their Procurators, Notaries, Executors, and Summoners have the pain and forfeiture aforeſaid.

Beneficed perſons upon whom the Pope had before given dignities of the Church.
The penalty for ſuing to the Court of Rome to enfringe the purport of this Statute.

Provided nevertheleſs, that all they to whom the Pope of Rome, or his predeceſſors, have provided any Archbiſhoprick, Biſhoprick, or other dignity, or other benefices of holy Church, of the patronage of people of holy Church, in reſpect of any voidance before the ſaid 29. day of January, and thereof were in actual poſſeſſion before the ſame 29. day, ſhall have, and enjoy the ſaid Archbiſhopricks, Biſhopricks, dignities, and other benefices peaceably for their lives, notwithſtanding the ſtatutes and ordinances aforeſaid. And if the King ſend by Letter or in other manner to the Court of Rome, at the intreaty of any perſon, or if any other ſend or ſue to the ſame Court, whereby any thing is done contrary to this ſtatute, touching any Archbiſhoprick, Biſhoprick, dignity or other benefice of holy Church, within the ſaid Realm, if he that maketh ſuch motion or ſuit be a Prelate of holy Church, he ſhall pay to the King the value of his temporalties of one year; and if he be a temporal Lord, he ſhall pay to the King the value of his lands and poſſeſſions not moveable of one year. And if he be another perſon of a more mean eſtate, he ſhall pay to the King the value of the benefice for which ſuit is made, and ſhall be impriſoned one year. And it is the intent of this ſtatute, that of all dignities and benefices of holy Church, which were void indeed the ſaid xxix. day of Jannury, which be given, or to whom it is provided by the Pope of Rome before the ſame xxix. day, that they to whom ſuch gifts or proviſions be made, may freely of ſuch gifts and proviſions, ſue execution without offence of this ſtatute. Provided always that of no dignity or benefice, which was full the ſaid xxix. day of January, no man becauſe of any collation, gift, reſervation and proviſion, or other grace Papal, not executed before the ſaid xxix. day, ſhall not ſue thereof execution, upon the pains and forfeitures contained in this preſent Statute. Raſt.pl.fo.427.&c.465.

Benefices full of an Incumbency.
29. Die Jan. An. 13 R. 2.

CAP. III.

The penalty of him which bringeth a Summons or Excommunication againſt any perſon upon the Statute of Proviſors, and of a Prelate executing it.

The penalty of him which bringeth any ſummons, ſentence, or &c. againſt any perſon upon the ſtatute of Proviſors.
ALT. 1 El. 1.
The penalty of a Prelate executing the ſentence, &c.

ITem, It is ordained and eſtabliſhed, that if any man bring or ſend within the Realm, or the Kings power, any ſummons, ſentence or excommunication againſt any perſon, of what condition that he be, for the cauſe of making motion, aſſent, or execution of the ſaid ſtatute of proviſors, he ſhall be taken, arreſted, and put in priſon, and forfeit all his lands and tenements, goods and cattels for ever, and incur the pain of life and of member. And if any Prelate make execution of ſuch ſummons, ſentences, or excommunications, that his Temporalties be taken and abide in the Kings hands, till due redreſs and correction be thereof made. And if any perſon of leſs eſtate then a Prelate, of what condition that he be, make ſuch execution, he ſhall be taken, arreſted, and put in priſon, and have impriſonment, and make fine and ranſom by the diſcretion of the Kings Councel. Co. Inſt. 3. p. 100.

Statutes made at Weſtminſter, *Anno* 14 *R.* 2. and *Anno Dom.* 1390.

FOr the relief and increaſe of the common profit of the Realm of England, and of the Lands of Wales and Ireland, which have been in divers manners greatly hindred in times paſt; our Lord the King at his Parliament holden at Weſtminſter, the morrow of St. Martine, the fourteenth year of his Reign, hath ordained and eſtabliſhed, by the aſſent of his ſaid Parliament, the things underwritten.

CAP. I.

The Staple ſhall be removed from Calice into England. Every alien Merchant ſhall beſtow half the money received upon the commodities of this Realm.

The ſtaple ſhall be removed from Calice to thoſe Towns in England which were named.
An. 27 Ed. 3. 1.
Every Merchant alien ſhall beſtow the value of half his merchandiſes upon the commodities in this Realm.
ALT. 4 H. 4. 15.

FIrſt, That the Staple be removed from Calis into England, ſo that it be in England the Munday next after the Feaſt of the Epiphany at the furtheſt. And that it be holden in the places contained in the Statutes of the Staple, made in the ſeven and twentieth year of the Kings grandfather that now is, and in no other place. And that the ſame Statute be firmly and ſurely holden, and duly executed in all points, with the additions underwritten, notwithſtanding any declaration or Statute made ſince to the contrary, that is to ſay, That every perſon alien, of what degree or condition that he be, that bringeth any merchandiſe into England, ſhall find ſufficient ſureties before the cuſtomers, in the Port where the merchandiſe ſhall be brought, to buy other merchandiſe, to the value of half the ſaid merchandiſes ſo brought, at the leaſt, as Wolls, Leather, Woolfels, Lead, Tyn, Butter, Cheeſe, Clothes, or other commodities of the Land. St. 17 H. 6. 3. 17 Ed. 4. 1. 3 H. 7. 8.

Co. Inſt. 2 p. 741.

CAP.

CAP. II.

Upon exchanges by aliens, other commodities of this Realm ſhall be bought.

ITem, That for every Exchange that ſhall be made by Merchants to the Court of Rome, or elſewhere, that the ſaid Merchants be firmly and ſurely bound in the Chancery, to buy within three months after the ſaid Exchange made, merchandiſes of the Staple, as Wolls, Leather, Wolfels, Lead or Tyn, Butter or Cheeſe, Clothes, or other commodities of the land, to the value of the ſum ſo exchanged, upon pain of forfeiture of the ſame.

St. 9 H. 5. 9. 11 H. 4. 8. Upon exchange other commodities of the Realm ſhall be bought.

CAP. III.

Officers of the Staple ſhall be firſt ſworn to the King, and then to the Staple.

ITem, That in every Port and place where the Staple ſhall be, the Mayors, Conſtables, Brokers and all other officers and miniſters of the Staple ſhall be ſworn firſt to the King, and after to the Staple. St. 27 Ed. 3. 23.

Officers of the Staple ſhall be ſworn.

CAP. IV.

Of whom Denizens may buy wools, and where. But they ſhall not regrate them. Rep. 21 Jac. 28.

CAP. V.

No Denizen ſhall tranſport any merchandiſe of the Staple forth of the Realm.

ITem, That no Denizen carry Wools, Leather, Wolfels, nor Lead out of the Realm of England, to the parts beyond the Sea, upon pain of forfeiture of the ſame, but only Strangers. St. 27 Ed. 3. 3.

Denizens ſhall not tranſport wool, &c.

CAP. VI.

Engliſh Merchants ſhall freight only in Engliſh Ships.

ITem, That all Merchants of the Realm of England, ſhall freight in the ſaid Realm, the Ships of the ſaid Realm, and not ſtrange Ships: ſo that the owners of the ſaid Ships take reaſonable gains for the freight of the ſame. St. 5 R. 2. 3. 6 R. 2. 8. 4 H. 7. 10. 1 El. 13.

Freighting in Engliſh ſhips.

CAP. VII.

Tyn ſhall paſs forth of the Realm only at Dartmouth. Rep. 21 Jac. 28.

CAP. VIII.

No perſon ſhall be impeached for not gauging of Rheniſh wine.

ITem, That none of the Kings liege people be from henceforth diſtrained, impeached, moleſted, nor grieved in the Eſchequer, nor elſewhere, for not gauging of Wines of Rhine, nor for any forfeiture of the ſame for that cauſe, otherwiſe then hath been done of old times. St. 18 H. 6. 17. 1 R. 3. 13.

Gauging of Rheniſh wine.

CAP. IX.

Merchants ſtrangers reſorting into this Realm ſhall be well uſed.

ITem, The Merchants ſtrangers, repairing into the Realm of England, ſhall be well and courteouſly and rightfully uſed and governed in the ſaid Realm, to the intent that they ſhall have the greater courage to repair into the ſame. St. 9 Ed. 3. 1. 25 Ed. 3. 2. 11 R. 2. 7.

Merchants ſhall be well uſed.

CAP. X.

No Cuſtomer or Comptroller ſhall have any Ship of his own. And he ſhall have his office at the Kings pleaſure.

ITem, That no Cuſtomer nor Comptroller have any Ships of their own, nor meddle with the freight of Ships, and that to eſchew, as well the damage of our Lord the King of his cuſtoms, as the loſs of the Merchants reparing to the Port, as well aliens as denizens. And that no Cuſtomer, Controller, Searcher, Weigher, or Finder, have any ſuch office for term of life, but only as long as ſhall pleaſe the King, notwithſtanding any patent or grant made to any to the contrary. And if any ſuch Patent or grant, for term of life, be made to any, of any ſuch office in time paſt, the King will that it be utterly repealed and void, and of no force nor value. St. 17 R. 2. 5 1 H. 4. 13. 31 H. 6. 5.

No Cuſtomer or Controller ſhall have any Ship of his own. St. 20 H. 6. 5. No Cuſtomer ſhall have his office but at the Kings pleaſure.

CAP. XI.

In every County there ſhall be eight Juſtices of Peace: Their eſtreats and wages.

ITem, that in every County be aſſigned eight Juſtices of Peace, as is contained in the ſtatute of Canterbury, beſides the Lords aſſigned in this Parliament. And that the eſtreats of the ſaid Juſtices be doubled, and the one part delivered by the ſaid Juſtices to the Sheriff, to levy the money thereof riſing, and thereof to pay to the Juſtices their wages by the hand of the ſaid Sheriff by indenture betwixt them thereof to be made. And that the Sheriffs have allowance in their accompt in the Eſchequer by the ſame indenture. And that no Duke, Earl, Baron, nor Baronet, albeit they be aſſigned Juſtices of the Peace, and hold their Seſſions with the other eight Juſtices, ſhall take any wages for the ſaid office. And that the Juſtices put their names in the ſame eſtreats, together with the number of the days of their Seſſions, to the intent that the Sheriffs may know to whom to pay the wages, and to whom not: and the Barons of the Eſchequer, to whom to allow, and to whom not: and that the ſeals be made for the ſervants, and delivered to the keeping of ſome good man of the country after the purport of the ſaid Statute of Canterbury; which ſtatute with the modification of the ſame made at the laſt Parliament, and the ſtatute of weights and meaſures, and all other good ſtatutes and ordinances made heretofore and not repealed, ſhall be holden and kept, and put in due execution.

In every county there ſhall be eight Juſtices of the Peace. The Juſtices eſtreats ſhall be double. Which Juſtices ſhall be allowed no wages.

A Seal for ſervants. St. 13 R. 2. 7.

CAP. XII.

The value of Scotiſh money of ſeveral ſorts. O. B.

Statutes made at Weſtminſter *Anno* 15 *Ric.* 2. and *Anno Dom.* 139

IN the Parliament holden at Weſtminſter the morrow after All-Souls, the fifteenth year of the Reign of King Richard the Second after the Conqueſt: our ſaid Lord the King by the aſſent of the ſaid Parliament hath ordained and eſtabliſhed certain things in the form following.

CAP. I.

A Confirmation of all former good Statutes not repealed.

FIrſt, That all good Statutes and Ordinances made before this time, and not repealed, be firmly holden and kept.

CAP. II.

The duty of Juſtices of Peace when any forcible Entry is made into lands.

Former ſtatutes concerning forcible entries and riots confirmed.

The duty of Juſtices of Peace when any forcible entry is made into lands.

ITem, It is accorded and aſſented, that the Ordinances and Statutes made and not repealed of them that make entries with ſtrong hand into lands and tenements, or other poſſeſſions whatſoever, and them hold with force, and alſo of thoſe that make inſurrections, or great riſings riots, routs, or aſſemblies in diſturbance of the peace, or of the common Law, or in affray of the people ſhall be holden and kept, and fully executed: joined to the ſame, that at all times, that ſuch forcible entry ſhall be made, and complaint thereof cometh to the Juſtice of Peace, or to any of them, that the ſame Juſtices or Juſtice take ſufficient power of the County, and go to the place where ſuch force is made: and if they find any that hold ſuch place forcibly, after ſuch entry made, they ſhall be taken and put in the next Gaol, there to abide convict by the Record of the ſame Juſtices or Juſtice, until they have made fine and ranſom to the King. And that all the people of the County, as well the Sheriff as other, ſhall be attendant upon the ſame Juſtices to go and aſſiſt the ſame Juſtices to arreſt ſuch offendors, upon pain of impriſonment, and to make fine to the King. And in the ſame manner it ſhall be done of them that make ſuch forcible entries in Benefices or offices of holy Church. Raſt.pl.f.320.

Kel.f.41.

St. 5 R.2.7.
4 H.4.8.
8 H.6.9.
21 Jac.15.
Fitz.N.B.f.249.

CAP. III.

In what places the Admirals Juriſdiction doth lie.

In what places the Admirals juriſdiction doth lie, and of what things he hath cogniſance.

ITem, At the great and grievous complaint of all the Commons made to our Lord the King in this preſent Parliament, for that the Admirals and their deputies do incroach to them divers juriſdictions, franchiſes, and many other profits pertaining to our Lord the King, and to other Lords, Cities, and Boroughs, beſides thoſe they were wont or ought to have of right, to the great oppreſſion and impoveriſhment of all the Commons of the land, and hindrance and loſs of the Kings profits, and of many other Lords, Cities, and Boroughs through the Realm: It is declared, ordained, and eſtabliſhed, that of all manner of contracts, pleas, and quarrels, and of all other things done riſing within the bodies of Counties as well by land as by water, and alſo wreck of the Sea, the Admirals Court ſhall have no manner of Cognizance, power nor juriſdiction: but all ſuch manner of contracts, pleas, and quarrels, and all other things riſing within the bodies of Counties, as well by Land as by Water, as afore, and alſo Wreck of the Sea ſhall be tried, determined, diſcuſſed, and remedied by the Laws of the Land, and not before, nor by the Admiral, nor his Leivtenant in any wiſe. Nevertheleſs of the death of a man, and of a maihem done in great Ships, being and hovering in the main ſtream of great rivers, only beneath the Points of the ſame Rivers nigh to the Sea, and in none other places of the ſame Rivers, the Admiral ſhall have Cognizance, and alſo to arreſt ſhips in the great flotes for the great voyages of the King and of the Realm. Saving always to the King all manner of forfeitures and profits thereof coming: and he ſhall have alſo juriſdiction upon the ſaid flotes during the ſaid voyages only, ſaving always to the Lords, Cities, and Boroughs, their Liberties and Franchiſes. St. 13 R.2.5. 2 H.4.11. Raſt.pl.f.23.

Dyer f.159.
19 H.6 f.7.
Co.l.5.f.106.
Cro.Car.296.

Leighs caſe M. 7 Jac.

CAP. IV.

There ſhall be but eight Buſhels of Corn ſtriked to the quarter.

St. 4 Ed.3.3.
25 Ed.3.1.
36 Ed.3.2.

There ſhall be but eight buſhels of corn ſtriked to the quarter.

St. 1 H.5.10.

ITem, Whereas it is ordained by divers Statutes, that one meaſure of Corn, Wine, and Ale ſhould be throughout the Realm, and that eight buſhels ſtriked make the quarter of Corn; Nevertheleſs becauſe that no pain is thereupon ordained in the ſaid ſtatutes, divers people of divers Cities, Boroughs, Towns, and Markets, will not take, neither buy in the ſaid Cities, Boroughs, Towns, Markets, ne in none other place, but nine buſhels for the quarter: and if they cannot buy in that manner, they arreſt it as forfeit, to the great damages and oppreſſion of all the people, and manifeſtly againſt the Statutes aforeſaid: It is ordained and aſſented, that the ſaid Statutes ſhall be firmly kept and holden, as well in the City of London, as in every other place throughout the Realm, and that as well by water, as by land, notwithſtanding any uſage in times paſt to the contrary. And that none from henceforth do buy in the City of London, nor in other place, any manner Corn or Mault, but after eight buſhels the quarter according to the purport of the ſaid Statutes, upon pain of forfeiture of all the Corn or Mault ſo bought; ſaving to the King the ſaid forfeiture: except Franchiſes royal, to whom the King at this time of his ſpecial grace hath granted the ſame forfeiture; and that as well the Mayor and Sheriff of London, as the Mayors and Bailiffs of other Cities, Boroughs, Towns, and Markets (if they do not

not thereof full and due execution) ſhall incur like pain, as well at the ſuit of the King, as of the party, or of any other perſon that will ſue for the King. St. 11 H. 7. 4.

CAP. V.

Aſſurance of Lands to certain places, perſons, and uſes, ſhall be adjudged Mortmain.

St. de religioſis, Anno 7 Ed. 1.

ITem, Whereas it is contained in the Statute De religioſis, that no religious, nor other whatſoever he be, do buy or ſell, or under colour of gift, or term, or any other manner of title whatſoever, receive of any man, or in any manner by gift or engine, cauſe to be appropriated unto him any Lands or Tenements, upon pain of forfeiture of the ſame, whereby the ſaid Lands and Tenements in any manner might come to Mortmain. And if any Religious, or any other, do againſt the ſaid Statute by art or engine in any manner, that it be lawful to the King, and to other Lords upon the ſaid Lands and Tenements to enter, as in the ſaid Statute doth more fully appear. And now of late by ſubtile imagination, and by art, and engine, ſome religious perſons, Vicars and other ſpiritual perſons, have entred in divers Lands and Tenements, which be adjoyning to their Churches, and of the ſame by ſufferance and aſſent of the Tenants have made Churchyards, and by Bulls of the Biſhop of Rome, have dedicated and hallowed the ſame, and in them do make continually Parochial burying without licence of the King and of the chief Lords: therefore it is declared in this Parliament, That it is manifeſtly within the compaſs of the ſaid Statute. And moreover it is agreed and aſſented, that all they that be poſſeſſed by feoffment, or by other manner, to the uſe of religious people, or other ſpiritual perſons, of Lands and Tenements, Fees, Advowſons, or any manner other poſſeſſions whatſoever, to amortiſe them, and whereof the ſaid religious and ſpiritual perſons take the profits, that betwixt this and the Feaſt of St. Michael next coming, they ſhall cauſe them to be amortiſed by the licence of the King and of the Lords, or elſe that they ſhall ſell and alien them to ſome other uſe between this and the ſaid Feaſt, upon pain to be forfeited to the King, and to the Lords, according to the form of the ſaid Statute of religious, as Lands purchaſed by religious people. And that from henceforth no ſuch purchaſe be made, ſo that ſuch religious or other ſpiritual perſons take thereof the profits, as afore is ſaid, upon pain aforeſaid. And that the ſame Statute extend and be obſerved of all Lands, Tenements, Fees, Advowſons, and other poſſeſſions, purchaſed, or to be purchaſed to the uſe of Guilds or Fraternities. And moreover it is aſſented, becauſe Mayors, Bailiffs, and Commons of Cities, Boroughs, and other Towns which have a perpetual Communalty, and others, which have Offices perpetual, be as perpetual as people of religion, that from henceforth they ſhall not purchaſe to them and to their commons or Office, upon pain contained in the ſaid Statute De religioſis. And whereas others be poſſeſſed, or hereafter ſhall purchaſe to their uſe, and they thereof take the profits, it ſhall be done in like manner as is aforeſaid, of people of religion. St. 9 H. 3. 36. St. 7 Ed. 1. St. 13 Ed. 1. 32. 23 H. 8. 10. Regiſt. f. 247. Fitz. N. B. f. 223.

It is within the compaſs of the Statute of Mortmain to convert any land to a Church-yard.
Mortmain where ſome be ſeiſed of lands to the uſe of religious or ſpiritual perſons.

Mortmain to purchaſe lands to Guilds, Fraternities, Offices, Commonalties.
Mortmain in reſpect of taking of lands in uſe.

8 H. 4. f. 15. Coke l. 2. f. 113

CAP. VI.

In appropriation of Benefices there ſhall be proviſion made for the poor and the Vicar.

39 H. 6. f. 20. Plow. f. 495. 6 H. 7. f. 13. 10 H. 7. f. 19. 3 Ed. 3. f. 11. 38 H. 6. f. 19. Coke l. 11. f. 9. Cro. Jac. 516.

ITem, Becauſe divers damages and hinderances oftentimes have happened, and daily do happen to the Pariſhioners of divers places by the appropriation of Benefices, of the ſame places: It is agreed and aſſented, that in every licence from henceforth to be made in the Chancery, of the appropriation of any Pariſh-Church, it ſhall be expreſly contained and compriſed, that the Dioceſan of the place, upon the appropriation of ſuch Churches ſhall ordain, according to the value of ſuch Churches, a convenient ſum of money to be paid and diſtributed yearly of the fruits and profits of the ſame Churches by thoſe that will have the ſaid Churches in proper uſe, and by their ſucceſſors, to the poor Pariſhioners of the ſaid Churches, in aid of their living and ſuſtenance for ever, and alſo that the Vicar be well and ſufficiently endowed.

In all appropriations of Benefices there ſhall be ſome proviſion made for the poor, and the Vicar. St. 4 H. 4. 18.

CAP. VII.

Armour, Corn, or Victual may be carried to Berwick.

ITem, Whereas it is ordained by the Statute made the ſeventh year of our Lord the King, that from henceforth no perſon, alien or denizen, of what eſtate or condition that he be, ſhall take or carry, or cauſe to be taken or carried by land, or by ſea, out of the Realm of England, to any parts of Scotland, privily or openly, any manner of armour, corn, mault, or other victual, or any other refreſhing whatſoever, upon pain of forfeiture of the ſame victual, or armour, and other things aforeſaid, together with the ſhips, veſſels, carts or horſes that bear or carry them, or elſe the very value of them: whereupon our Lord the King, at the requeſt of the Commons, and by the advice and aſſent of the Lords, hath declared in this Parliament, the ſaid Statute in ſuch manner, that it was not his intent at the making the ſaid Statute, ne yet is, that they that have carried or taken, or from henceforth ſhall take or carry victuals or merchandiſes to the Town of Berwick upon Tweed, which is the Kings Town, and of his liegeance, ſhall incur the pain of the ſaid Statute, ne ſhall not be bound to pay cuſtoms and ſubſidies granted to our Lord the King, of merchandiſes that be or ſhall be carried out of the Realm.

Armor, corn, or victuals may be carried to Berwick, notwithſtanding the Statute of 7 R. 2. 16.

Provided alway, That they which carry any cloth, victuals, or other merchandiſes out of the ſaid Town of Berwick, to any places being in amity with the King, ſhall pay the ſubſidies, cuſtoms, and other duties thereof to our Lord the King; and if they do carry to any parts of the Kings enemies, they ſhall incur the pain of the ſaid Statute.

CAP. VIII.

A Repeal of the Statute of 14 R. 2. 7. touching the carrying of Tyn forth out of the Realm at Dartmouth only. Rep. 21 Jac. 28.

CAP. IX.

The Mayor of the Staple ſhall take Recogniſances for debts, according to the Statute of 27 Edward 3. 9.

The Mayor of the Staple ſhall take Recogniſances for debts according to Statute of 27 Ed. 3. 9.

ITem, Whereas it is contained in the Statute of the Staple, to the intent that the Contracts made within the Staple ſhould be the better performed, and the payments readily made, that every Mayor of the Staple ſhall have power to take Recogniſances of Debts, that any man will make before him in the preſence of the Conſtables of the Staple, or one of them. And that in every of the ſaid Staples be one ſeal ordained to remain in the cuſtody of the ſaid Mayor, under the ſeals of the ſaid Conſtables: it is agreed and aſſented, that the ſaid Statute be firmly kept and holden. And that no Mayor of the Staple take or receive any recogniſance of debt contrary to the form of the ſaid Statute, upon pain to pay to the King the moyety of the ſum recogniſed before him.

CAP. X.

None ſhall buy Guilford Clothes before they be fulled and performed as they ought to be. Rep. 5 Ed. 6. 6.

CAP. XI.

Girdlers may work their Girdles with white metal. Rep. 1 Jac. 25.

CAP. XII.

No man ſhall be compelled to anſwer for his freehold before the Counſel of any Lord.

No man ſhall be compelled to anſwer for his freehold before the counſel of any Lord.

ITem, At the grievous complaint of the Commons made in full Parliament, for that divers the Kings ſubjects be cauſed to come before the Counſel of divers Lords, and Ladies, to anſwer for their freehold, and ſo for divers other things, real and perſonal, that ought to be ordered by the Law of the land, againſt the eſtate and right of our Lord the King, and of his Crown, and in defeating of the common Law: It is agreed and aſſented, that from henceforth none of the Kings ſubjects be compelled, neither by any mean conſtrained to come, nor to appear before the counſel of any Lord or Lady, to anſwer for his freehold, nor for any thing touching his freehold, nor for any other thing real or perſonal, that belongeth to the Law of the land in any manner. And if any find himſelf grieved in time to come, contrary to this ordinance and agreement, he may complain to the Chancellor for the time being, and he ſhall give him remedy. St. 52 H. 3. 22. 16 R. 2. 2. Regiſt. f. 171.

Statutes made at *Weſtminſter*, *Anno* 16 *R.* 2. & *Anno Dom.* 1392.

OUr Lord the King Richard the ſecond after the Conqueſt, at his Parliament holden at Wincheſter in the utas of Saint Hillary, the ſixteenth year of his Reign, hath ordained and ſtabliſhed by the aſſent of his ſaid Parliament, certain things in the form following.

CAP. I.

No Merchant ſtranger ſhall buy or ſell with another Merchant ſtranger to ſell again.

St. 9 Ed. 3. 1.
Co. Inſt. 4. p. 265.
All Merchants aliens and denizens may freely buy and ſell within the Realm.

St. 25 Ed. 3. 2.

Merchants may ſell their Wares in groſs or by retail, or by parcels.

St. 1 R. 2. 7.

No Merchant ſtranger ſhall ſell any Merchandiſes by retail, tut victuals.
No wines ſhall be carried forth of the Realm.
Neither yet any manner of ſpicery.
Rep. 3 Car 4.

FIrſt, Whereas by the Statute made at York the ninth year of the Reign of King Edward Grandfather of our Lord the King that now is, it was ordained and ſtabliſhed, that all Merchants aliens and denizens, and all other, and every of them, of what eſtate or condition that they be, which will buy or ſell corn, wines, avoir de pois, fleſh, fiſh, and all other livings and victuals, clothes, wools, wares, merchandiſes, and all other things vendible, from whenceſoever they come, by foreins or by denizens, to what place that it be, be it in City, Borough, Town, Port of the Sea, Fair, Market, or other place within the ſame Realm, within Franchiſe and without, may freely and without diſturbance ſell the ſame to whom them pleaſe, as well to foreins as to denizens, except the enemies of the King and of his Realm: And after by another Statute made the five and twentieth year of the ſaid grandfather, it was ordained and accorded, that the ſaid Statute made the ninth year ſhould be holden, kept, and maintained in all points. And moreover, that every Merchant and other, of what condition that he be, as well alien as denizen, that bringeth wines, fleſh, fiſh, or other manner of victuals, clothes, fels, or avoir de pois, or other wares or merchandiſes, to the City of London or other Cities, Boroughs, and good Towns of England, or Ports of the Sea, may freely and without challenge or impeachment of any, ſell them in groſs or at retail, or by parcels at his pleaſure, to any people that will buy them, notwithſtanding any Franchiſe, Grant or Cuſtom uſed, or any other manner of thing made to the contrary, and that without diſturbance or impediment of any, upon certain parts contained in the aforeſaid Statutes. And after in the eleventh year of the Reign of our ſaid Lord the King, it was alſo ordained and ſtabliſhed by the Statute made in the ſame year, that thoſe two Statutes aforeſaid ſhould be holden, kept, maintained, and fully executed in all points and articles of the ſame, notwithſtanding any Statute, Ordinance, Charter, Letters Patents, Franchiſe, Proclamation, Commandment, Uſage, Allowance or Judgment made or uſed to the contrary, as in the ſaid Statute more fully is contained. Nevertheleſs for as much as it ſeemeth to our Lord the King, that the ſaid Statutes, if they ſhall be fully holden and executed, ſhall extend to the great hinderance and damage, as well of the City of London, as of other Cities, Boroughs, and Towns of the Realm: it is ordained and aſſented, that no Merchant ſtranger alien ſhall ſell, nor buy, nor merchandiſe within the Realm with another ſtrange Merchant alien, to ſell again, nor that no ſtrange Merchant alien ſhall ſell to retail within the ſame Realm, nor ſhall put to ſale any manner of wares or merchandiſes, except livings and victuals, and alſo that aliens ſhall ſell wines by whole veſſels, and ſpicery by whole veſſels and bales, and in no other manner. And that no manner of ſpicery, after that it be brought in the Realm, ſhall be carried out of the ſame Realm by alien or denizen, upon pain of forfeiture of the ſame. And moreover the King will that the ſaid Statutes in all articles and points ſhall be firmly holden and kept.

CAP. II.

The forfeiture of him that compelleth any perſon to anſwer for his Freehold.

Item, Whereas at the laſt Parliament it was accorded and aſſented, That none of the Kings liege people from thenceforth ſhould be bound, compelled, nor conſtrained by any means, to come nor to appear before any Lords or Ladies counſel, there to anſwer of his Freehold, nor of things which touch Freehold, nor of any other thing real nor perſonal, which belongeth to the law of the land in any wiſe, as by the Statute thereof made more fully appeareth: It is accorded and aſſented that the ſaid Statute ſhall be firmly holden and kept; and if any Lord or Lady, or other of the Kings liege people, do to the contrary, they ſhall incur the pain of xx. li. to the King. St. 52 H. 3. 22. Regiſt. f. 171.

A confirmation of the St. 15 of R. 2. 12. with a penalty to the offenders thereof.

CAP. III.

The Clerk of the Market ſhall carry with him all his weights and meaſures ſigned.

Item, It is ordained and aſſented, that all the weights & meaſures through the Realm ſhall be according to the Standard of the Eſchequer, after the purport of the Statutes thereof made. And the K. willeth, that the Clerk of the Market ſhall have all his meaſures and weights ready according to the ſtandard of the Eſchequer, and ſigns and marks of the ſign of the Eſchequer thereunto ordained; and the ſame weights and meaſures ſo ſigned and marked, to carry & bring with him at all times when he ſhall make the aſſay of weights and meaſures in any part within the Realm: and that he nor any other of the Kings liege people ſhal uſe any other meaſure nor weight, upon the pains contained in the Statutes thereof made before this time. St. 9 H. 3. 25. 14 Ed. 3. 12. 34 Ed. 3. 6. 11 H. 7. 4. Co. Inſt. 4. p. 273.

The Clerk of the Market ſhall carry with him all his weights and meaſures ſigned.

CAP. IV.

Who only may wear anothers Livery. Rep. 3 Car. 4.

CAP. V.

Præmunire for purchaſing of Bulls from Rome. The Crown of England ſubject to none.

Item, Whereas the Commons of the Realm in this preſent Parliament have ſhewed to our redoubted Lord the King, grievouſly complaining, that whereas the ſaid our Lord the King and all his liege people ought of right, and of old time were wont to ſue in the Kings Court, to recover their preſentments to Churches, Prebends, and other benefices of holy Church, to the which they had right to preſent, the Coniſance of plea of which preſentment belongeth only to the Kings Court of the old right of his Crown uſed and approved in the time of all his Progenitors Kings of England; And when Judgment ſhall be given in the ſame Court upon ſuch a plea and preſentment, the Archbiſhops, Biſhops, and other ſpiritual perſons which have inſtitution of ſuch Benefices within their juriſdiction, be bound, and have made execution of ſuch judgments by the Kings commandments of all the time aforeſaid, without interruption, (for another Ley perſon cannot make ſuch execution,) and alſo be bound of right to make execution of many other of the Kings commandments, of which right the Crown of England hath been peaceably ſeiſed, as well in the time of our ſaid Lord the King that now is, as in the time of all his Progenitors till this day. But now of late divers proceſſes be made by the Biſhop of Rome, and cenſures of Excommunication upon certain Biſhops of England, becauſe they have made execution of ſuch commandments, to the open diſheriſon of the ſaid Crown, and deſtruction of our ſaid Lord the King, his Law, and all his Realm, if remedy be not provided. And alſo it is ſaid, and a common clamour is made, that the ſaid Biſhop of Rome hath ordained and purpoſed to tranſlate ſome Prelates of the ſame Realm, ſome out of the Realm, and ſome from one Biſhoprick into another within the ſame Realm, without the Kings aſſent and knowledge, and without the aſſent of the Prelates, which ſo ſhall be tranſlated, which Prelates be much profitable and neceſſary to our ſaid Lord the King and to all his Realm: by which tranſlations (if they ſhould be ſuffered) the Statutes of the Realm ſhould be defeated and made void; and his ſaid liege ſages of his Council, without his aſſent, and againſt his will, carried away, and gotten out of his Realm, and the ſubſtance and treaſure of the Realm ſhall be carried away, and ſo the Realm deſtitute as well of Counſel as of ſubſtance, to the final ſtruction of the ſame Realm. And ſo the Crown of England, which hath been ſo free at all times, that it hath been in no earthly ſubjection, but immediately ſubject to God in all things touching the Regalty of the ſame Crown, and to none other, ſhould be ſubmitted to the Pope, and the Laws and Statutes of the Realm by him defeated and avoided at his will, in perpetual deſtruction of the Soveraignty of the King our Lord, his Crown, his Regalty, and of all his Realm, which God defend.

The remedy to recover preſentments to Benefices in the Kings Court, and the execution thereof is done by the Biſhop.

The Pope awarded proceſſes and ſentences of Excommunication againſt certain Biſhops for executing judgments given in the Kings Court.

The Popes tranſlation of Prelates out of the Realm, or from one Spiritual living to another.

St. 35 Ed. 1. St. 25 Ed. 3. de provis.

The freedom of the Crown of England, and that it is in ſubjection to no Realm.

And moreover the commons aforeſaid ſay, that the ſaid things ſo attempted be clearly againſt the Kings Crown and his Regalty, uſed and approved of the time of all his Progenitors: Wherefore they and all the liege commons of the ſame Realm will ſtand with our ſaid Lord the King, and his ſaid Crown, and his Regalty in the caſes aforeſaid, and in all other caſes attempted againſt him, his Crown, and his Regalty in all points, to live and to die. And moreover they pray the King, and him require by way of Juſtice, that he would examine all the Lords in the Parliament, as well ſpiritual as temporal ſeverally, and all the States of the Parliament, how they think of the caſes aforeſaid which be ſo openly againſt the Kings Crown, and in derogation of his Regalty, and how they will ſtand in the ſame caſes with our Lord the King, in upholding the rights of the ſaid Crown

The promiſe of the Commons to aſſiſt the King in defence of the liberties of the Crown.

and

The like promiſe of the Lords temporal.

The promiſe of the Lords ſpiritual touching the Commons petition.

The promiſe of the procurators of the Lords ſpiritual being abſent.

Premunire for purchaſing of bulls or other inſtruments from Rome or elſewhere.

Co. lib. 12. 41.

Stat. 25 Ed. 3.
25 Ed. 3. 22.
27 Ed. 3. 1.
7 R. 2. 12.

5 Ed. 4. f. 6.
9 Ed. 4. f. 3.

31 H. 5. f. 8.
35 H. 6. f. 30.

27 H. 6. f. 5.
Coke Lit. f. 63
Co. Inſt. par. 1. 130.

and Regalty. Whereupon the Lords temporal ſo demanded, have anſwered every one by himſelf, that the caſes aforeſaid be clearly in derogation of the Kings Crown, and of his Regalty, as it is well known, and hath been of a long time known, and that they will be with the ſame Crown and Regalty in theſe caſes ſpecially, and in all other caſes which ſhall be attempted againſt the ſame Crown and Regalty in all points with all their power. And moreover it was demanded of the Lords ſpiritual there being, and the procurators of others being abſent, their advice and will in all theſe caſes: which Lords, that is to ſay, the Archbiſhops, Biſhops, and other Prelates being in the ſaid Parliament ſeverally examined, making proteſtations, that it is not their mind to deny nor affirm that the Biſhop of Rome may not excommunicate Biſhops, nor that he may make tranſlation of Prelates after the Law of holy Church, anſwered and ſaid, That if any executions of proceſſes made in the Kings Court (as before) be made by any, and cenſures of excommunication to be made againſt any Biſhops of England, or any other of the Kings liege people, for that they have made execution of ſuch commandments. And that if any executions of ſuch tranſlations be made of any Prelates of the ſame Realm, which Prelates be very profitable and neceſſary to our ſaid Lord the King, and to his ſaid Realm, or that the ſage people of his Counſel, without his aſſent and againſt his will, be removed and carried out of the Realm, ſo that the ſubſtance and treaſure of the Realm may be conſumed, that the ſame is againſt the King and his Crown, as it is contained in the Petition before named. And likewiſe the ſame Procurators every one by himſelf examined upon the ſaid matters, have anſwered and ſaid in the name, and for their Lords, as the ſaid Biſhops have ſaid and anſwered, and that the ſaid Lords ſpiritual will and ought to be with the King in theſe caſes in lawfully maintaining of his Crown, and in all other caſes touching his Crown and Regalty, as they be bound by their liegeance. Whereupon our ſaid Lord the King, by the aſſent aforeſaid, and at the requeſt of his ſaid Commons, hath ordained and eſtabliſhed, that if any purchaſe or purſue, or cauſe to be purchaſed or purſued in the Court of Rome or elſewhere, any ſuch tranſlations, proceſſes, and ſentences of excommunications, bulls, inſtruments, or any other things whatſoever which touch the King, againſt him, his Crown, and his Regalty, or his Realm, as is aforeſaid, and they which bring within the Realm, or them receive, or make thereof notification, or any other execution whatſoever within the ſame Realm or without, that they, their notaries, procurators, maintainors, abettors, fautors, and counſellors, ſhall be put out of the Kings protection, and their lands and tenements, goods and chattels, forfeit to our Lord the King: and that they be attached by their bodies, if they may be found, and brought before the King and his Counſel, there to anſwer to the caſes aforeſaid, or that proceſs be made againſt them by Præmunire facias, in manner as it is ordained in other Statutes of proviſors: and other which do ſue in any other Court in derogation of the Regalty of our Lord the King. Regiſt. jud. f. 82. V.N.B. f. 153. Fitz. N. B. f. 169. Coke pla. f. 435. Raſt. pla. f. 24. 221. 427. 465.

CAP. VI.

A Repeal of part of the Statute of 13 R. 2. 1. touching his forfeiture that obtaineth a pardon.

Stat. 13 R. 2. 1.

In a pardon of murder, treaſon or rape, the offence ſhall be compriſed.

A confirmation of the firſt part of the St. of 13 R. 2. 1. and a repeal of the latter part thereof.

The forfeiture of him at whoſe ſuit the pardon aforeſaid is obtained.

Item, Whereas in an article of a ſtatute made in the Parliament holden at Weſtminſter, the Munday next after the Feaſt of St. Hillary, the thirteenth year of the King that now is, it was ordained and granted, that no Charter of pardon from thence ſhould be allowed before any Juſtices for murder, death of a man ſlain by await, aſſault, or malice prepenſed, treaſon or rape of woman, if it were not ſpecified in the ſame Charter: And if any Charter of the death of man were alledged before any Juſtices, in which Charter was not ſpecified, that he of whoſe death any ſuch was arraigned, was murthered or ſlain by await, aſſault, or malice prepenſed, the Juſtices ſhould inquire by a good inqueſt of the viſne where the dead perſon was ſlain, if he were murdered or ſlain by await, aſſault, or malice prepenſed: and if they ſhould find that he was murdered or ſlain by await, aſſault, or malice prepenſed, the Charter ſhould be diſallowed, and moreover done as the Law ſhould require. Which things our Lord the King doth will and grant, that they ſhall be firmly holden and kept. And moreover by the aſſent of the Lords in this preſent Parliament, and at the prayer of the commons he hath ordained and granted, that the reſidue of the ſaid Article ſhall be wholly out, repealed, and adnulled: that is to ſay, if any ſue to the King for a Charter of Pardon for murder, death of man ſlain by await, aſſault, or malice prepenſed, or rape of a woman, if the Chamberlain indorſe, or cauſe to be indorſed ſuch Bill, he ſhall put the name of him that maketh ſuit for ſuch a Charter upon the ſame Bill, upon pain of a thouſand marks; and if the under-chamberlain indorſe ſuch Bill, he ſhall do likewiſe, upon pain of five hundred marks. And that none other but the chamberlain or under-chamberlain ſhall indorſe, or cauſe to be indorſed any ſuch Bill, upon pain of a thouſand marks. And ẏ no warrant of the privy ſeal ſhall be made to have a charter, except the keeper of the privy ſeal have ſuch Bill indorſed or ſigned by the chamberlain or under-chamberlain as afore. And that no charter of pardon of Treaſon, or of other felony, ſhall paſs the Chancery without Warrant of the privy Seal, but in caſe where the Chancellor may grant it by his Office without ſpeaking thereof to the King. And that he at whoſe ſuit any charter of Pardon for murder, death of man ſlain by await, aſſault, or malice prepenſed, treaſon, or rape of a woman, ſhall be granted, if he were an Archbiſhop or a Duke, he ſhall pay to the King a M. li. if he were a Biſhop or an Earl, he ſhall pay to the King a M. marks; and if he were an Abbot, Prior, Baron, or Baronet, he ſhall pay to the King 500. marks; and if he were a Clerk, Batchelour, or other of leſs eſtate, of what condition that he be, he ſhall pay to the King two hundred marks, and ſhall have a years impriſonment: becauſe that the ſaid commons of the Realm ſithence have perceived great grievance of this Ordinance aforeſaid, for that many people for malice have indicted divers perſons of Murder, death of a man ſlain by await, aſſault, and malice prepenſed, and treaſon, where in truth there was no ſuch cauſe, to the intent that no man ſhould be bold to ſue to the King our Lord for ſuch Charter.

Statutes made at Weſtminſter, *Anno* 17 *R.* 2. and *Anno Domini* 1393.

THeſe be things ordained and eſtabliſhed by our Lord the King, at his Parliament holden at Weſtminſter, the fifteenth day of St. Hillary, the ſeventeenth year of his Reign, by the aſſent of the ſaid Parliament, which he doth will and command, that they ſhall be firmly holden and kept after the purport of the ſame.

CAP. I.

There ſhall be no melting of money to make any thing thereof. Forreign money ſhall not be currant.

FIrſt, Where it was ordained by the noble King Edward, grandfather to our Lord the King, the ninth year of his Reign, that no ſterling, half-peny, nor farthing, ſhall be molten for veſſel, nor other thing thereof to be made by the Goldſmith, nor other, upon pain of forfeiture of the money ſo molten, and impriſonment of the Founder, till he have yielded to the King the half of that which he hath ſo molten, notwithſtanding any Charter or Franchiſe granted or uſed to the contrary: It is accorded and aſſented, that the ſaid Ordinance ſhall be firmly holden and kept. And moreover it is ordained and aſſented, that no groat nor half groat ſhall be molten by any man to make veſſel, or other thing thereof, upon the ſame pain. And that no gold nor ſilver of Scotland, nor of other lands beyond the Sea, ſhall run in any manner of payment within the Realm of England, but ſhall be brought to the Bullion there to be molten in the Coin of England, upon pain of forfeiture of the ſame, and of impriſonment, fine, and ranſome of him which doth contrary. And that no man ſhall ſend any Engliſh money into Scotland to change the ſame in money, or for Scotiſh money, upon the pain next aforeſaid. 19 H. 7. 5. 14 Car. 2. cap. 31.

St. 9 Ed. 3. 3. No ſterling money ſhall be melted for veſſel.

The groat and half groat ſhall not be melted for veſſel. 17 Ed. 4. 1. No forreign coin ſhall be currant in England. There ſhall be no exchange of Engliſh money with Scotiſh money.

CAP. II.

Every perſon may make cloth of what length and breadth he will.

ITem, That every man of the Realm may make, and put to ſale and ſell Clothes, as well Kerſeys as other, of ſuch length and breadth as him pleaſe, paying the aulnage, ſubſidy, and other duties, that is to ſay, of every piece of Cloth after the rate, notwithſtanding any Statute, Ordinance, Proclamation, reſtraint, or defence made to the contrary. And that none ſhall ſell or put to ſale any clothes before that they be meaſured by the Kings Aulneger, and ſealed with the Seal to that ordained, upon the pains contained in the Statutes thereof made: and that no man ſhall put, mingle, cauſe nor make other deceit in the Clothes of Kerſeis, upon pain of forfeiture of the ſame. St. 47 Ed. 3. 1. 11 H. *6. 9.*

Every man may make cloth of what length and breadth he will. No cloth ſhall be ſold before it be meaſured and ſealed by the Aulneger. There ſhall be no deceit in cloth.

CAP. III.

What ſort of Worſteds may be carried forth of the Realm, and what not.

ITem, That the Merchants and workers of Clothes, called ſingle Worſteds, may carry Bolts of ſingle Worſted to what parts they will, (except to the Kings enemies) paying the cuſtoms and ſubſidies thereof due, without paying the duties of Caleis, notwithſtanding any ſtatute, ordinance, proclamation, inhibition, commandments or charters, liberties, uſages or privileges, granted or to be granted to the Burgeſſes of Caleis, or to the Merchants of the Staple of Caleis, or to any other made or to be made to the contrary. And that the obligations and ſureties taken before this time for the duties of Caleis, ſhall be reſtored and delivered. Provided always, that under the colour of the ſaid Bolts of ſingle Worſted, they ſhall carry no double Worſteds nor half double, nor Worſteds ray, nor motley, upon pain of forfeiture of the ſame.

What ſort of Worſteds may be carried forth of the Realm, and what not.

CAP. IV.

Mault ſold to London ſhall be cleanſed from the duſt.

ITem, That the Mault which ſhall be made in the County of Huntington, Cantabridge, Northampton, and Bedford, that ſhall be ſold and brought to the City of London, to victual the Kings Houſhold, and other Lords houſholds, and Gentlemens there dwelling and repairing, ane alſo for ſuſtenance of all the people of the ſaid City, ſhall be well and ſufficiently ſifted, cleanſed and purified before the ſale of the ſame, from duſt and all other filth, ſo that the buyers may have eight buſhels of clean Mault for the Quarter. And that the Mayors, Bailiffs, and Wardens of Towns and places where ſuch Mault ſhall be ſold, ſhall have power at every mans ſuit that will complain, to ſee and ſearch the ſaid Mault, and if default be found thereof, to make due redreſs. Stat. 2 Ed. *6.* 10.

Mault ſold to London ſhall be cleanſed from the duſt.

CAP. V.

A Searcher, Gauger, Aulneger, Cuſtomer, ſhall have no aſſured eſtate in his Office.

Dyer fo. 303.

ITem, It is ordained and eſtabliſhed, that no Searcher, Gaugeor of Wines, Aulneger, Finder, nor Weyer of Wools, or any other Merchandiſes, Collector of cuſtoms and ſubſidies whatſoever, or Comptroller, ſhall have eſtate in his office for term of life, or of years: but that the ſaid Offices ſhall remain in the Kings hands under the governance of the Treaſurer for the time being, with the aſſent of the Council, when need is. And if any Charters or Letters Patents be made to the contrary, they ſhall be clearly adnulled, void, and of none effect. St 14 R. 2. 10. 1 H. 4. 13. 4 H. 4. 24. 31 H. *6.* 5.

Officers removable at the Kings pleaſure.

CAP. VI.

Upon an untrue ſuggeſtion in the Chancery, damages may be awarded.

Upon an untrue ſuggeſtion made in the Chancery againſt any man, the Chancellor may award damages.

7 Ed. 4. Ca. 4.

ITem, Foraſmuch as people be compelled to come before the Kings Council, or in the Chancery, by Writs grounded upon untrue ſuggeſtions, that the Chancellor for the time being, preſently after that ſuch ſuggeſtions be duly found and proved untrue, ſhall have power to ordain and award damages according to his diſcretion, to him which is ſo troubled unduly, as afore is ſaid. St. 15 H. 6. 4. Co. Inſt. 4. p. 82.

CAP. VII.

All the Kings Subjects may carry Corn out of the Realm when they will. Rep. 21 Jac. 28.

CAP. VIII.

The Sheriffs and all other the Kings Officers ſhall ſuppreſs riotors, and impriſon them, and all other offending againſt the Peace. A L T. 13 H. 4. 7.

CAP. IX.

Juſtices of Peace ſhall be conſervators of the Statutes made touching Salmons.

St. 13 Ed. 1. 47.

St. 13 R. 2. 19.

Stalkers nor other Nets ſhall be uſed to deſtroy the fry or breed of fiſh.

ITem, Where it is contained in the Statute of Weſtminſter the ſecond, that young Salmons ſhall not be taken nor deſtroyed by Nets, or by other Engines of the Stanks of Mills, from the midſt of April till the Nativity of St. John the Baptiſt, upon a certain pain limited in the ſame Statute: And whereas by a Statute made the xiij. year of the King that now is, it was ordained, that the ſaid Statute of Weſtminſter the ſecond, ſhould be firmly holden and kept: Joyning to the ſame, that young Salmons ſhould not be taken at the Mills, Stanks, or elſewhere, upon the ſame pain. And that no Fiſher nor Garthman, nor none other, of what eſtate or condition that he were, ſhould not put from henceforth in the waters of Thamiſe, Humber, Ouſe, Trent, nor none other water of the Realm, by the ſame time, nor by none other time of the year, any Nets called Stalkers, nor other Nets or Engines whatſoever, whereby the frie or breed of Salmons, Lampreys, or of any other fiſh whatſoever may in any wiſe be taken or deſtroyed, upon the pain aforeſaid: And alſo it was rehearſed in the ſaid Statute, made the ſaid thirteenth year, that where it is contained in the ſame Statute of Weſtminſter, that all the waters in which Salmons be taken in the Realm, ſhall be put in defence as to the taking of Salmons from the day of the Nativity of our Lady, till St. Martins day: It was ordained and aſſented in the ſaid Statute made in the ſaid xiij. year, that the waters of Lone, Wire, Merſee, Ribbil, and all other waters in the County of Lancaſter, ſhould be put in defence as to the taking of Salmons, from the day of St. Michael till the day of the Purification of our Lady, and in none other time of the year, becauſe that Salmons be ſeaſonable in the ſaid waters by the time aforeſaid: And that in the parts where ſuch Rivers be, good and ſufficient Conſervators of the ſaid Statute, made the ſaid thirteenth year, ſhould be aſſigned and ſworn, as it was ordained in the Statute of Weſtminſter, and that they ſhould puniſh the offendors upon the pain contained in the ſame Statute of Weſtminſter, without ſhewing any favour thereof: which Statutes have not been hitherto duly executed for default of good Conſervators, as our ſaid Lord the King hath perceived by complaint to him made in this preſent Parliament: Wherefore it is accorded and aſſented, that the Juſtices of the Peace of all the Counties of England, ſhall be Conſervators of the ſaid Statutes in the Counties where they be Juſtices: And that they and every of them at all times when they may attend, ſhall ſurvey the offences and defaults attempted againſt the Statutes aforeſaid. And alſo ſhall ſurvey and ſearch all the Wears in ſuch Rivers, that they ſhall not be very ſtrait for the deſtruction of ſuch fry and brood, but of reaſonable wideneſs after the old aſſiſe uſed or accuſtomed: And that the ſame Juſtices, or any of them which ſhall find default or abuſe againſt the Statutes aforeſaid, ſhall make due puniſhment of them which be found in default after the content of the ſame Statute. And that the ſame Juſtices ſhall put good and ſufficient Under-conſervators of the ſame Statutes under them, which ſhall be ſworn to make like ſurveying, ſearch and puniſhment, without any favour thereof to be ſhewed. And moreover that the ſame Juſtices in their Seſſions, ſhall enquire as well by their office, as at the information of the Under-conſervators aforeſaid, of all treſpaſſes, miſpriſions, and defaults made, againſt any of the points aforeſaid, and ſhall cauſe them which be thereof endited to come before them, and if they be thereof convict, they ſhall have impriſonment, and make fine after the diſcretion of the ſame Juſtices. And if the ſame be at the information of any of the Under-conſervators aforeſaid, the ſame Under-conſervator ſhall have half of the ſame fine. And foraſmuch as it is granted to the Citizens of London by the Kings Progenitors, that they may remove and take away all the wears in the waters of Thamis and Medeway, and that they ſhall have the puniſhments thereof pertaining to the King: Our ſaid Lord the King, in this preſent Parliament, by the aſſent aforeſaid hath granted, that the Mayor or Warden of London for the time being, ſhall have the conſervation of the Statutes aforeſaid: And ſhall make thereof due execution, and like puniſhment as afore is ordained of the Juſtices of the Peace, in the ſaid waters of Thamis, from the bridge of Stanes to London, and from thence over the ſame water, and in the ſaid water of Medeway, as far as it is granted to the ſaid Citizens, as afore is ſaid.

The Juſtices of Peace ſhall be Conſervators of the Statute of 13 Ed. 1. 47. and 13 R. 2. 19.

Under-conſervators appointed by the Juſtices.

The Mayor of London ſhall have the conſervation of the Statute of Thamis.

CAP. X.

Two learned men in the Law ſhall be in Commiſſion of Gaol-delivery.

Two learned men in the Law ſhall be in the Commiſſion of Gaol-delivery.

ITem, Foraſmuch as thieves notoriouſly defamed, and other taken with the manner, by their long abiding in priſon, after that they be arreſted, be delivered by Charters and favourable enqueſts procured to the great hinderance of the people: It is accorded and aſſented, that in every Commiſſion of the Peace through the Realm, where need ſhall be, two men of Law of the ſame County where ſuch Commiſſion ſhall be made, ſhall be aſſigned to go and proceed to the deliverance of ſuch thieves and felons, as often as they ſhall think it expedient. St. 4 Ed. 3. 2. 13 R. 2. 7. 18 H. 6. 11.

CAP. XI.

That Aldermen of London ſhall not hereafter be elected yearly, but remain until they be put out for reaſonable cauſe. Pr. Co. Inſt. 4 p. 253.

CAP. XII.

An explanation of the Statute 28 E. 3. c. 10. That the Mayors, Aldermen, &c. of London, ſhall not incur the penalty of the ſaid Statute for erroneous Judgments given or to be given.

Statutes made at Weſtminſter, *Anno* 20 *Ric. ſecundi*, and *Anno Domini* 1396.

THe King at his Parliament holden at Weſtminſter, in the Feaſt of St. Vincent, the twentieth year of his Reign, by the aſſent of the Prelates, Lords, and Commons of his Realm of England, aſſembled in the ſame preſent Parliament, for the quietneſs and tranquillity of his people, hath made certain Statutes and Ordinances in the form which followeth.

CAP. I.

No man ſhall go or ride armed. Launcegays ſhall be put out.

FIrſt, Whereas in a ſtatute made the ſeventh year of the reign of the King that now is, it is ordained and aſſented, that no man ſhall ride Armed within the Realm, againſt the form of the ſtatute of Northampton thereupon made, nor with Launcegays within the ſame Realm. And that the ſaid Launcegays ſhall be utterly put out within the ſaid Realm, as a thing prohibited by the King, upon pain of forfeiture of the ſame Launcegays, Armors, or any other harneys in the hands and poſſeſſion of them that bear them from henceforth within the ſame Realm againſt the ſame ſtatutes and ordinances without the Kings ſpecial licence: Our Lord the King conſidering the great clamour made to him in this preſent Parliament, becauſe that the ſaid ſtatute is not holden, hath ordained and eſtabliſhed in the ſame Parliament, that the ſaid ſtatutes ſhall be fully holden and kept, and duly executed, and that the ſaid Launegays ſhall be clear put out upon the pain contained in the ſaid ſtatute of Northampton, and alſo to make fine and ranſom to the King. And moreover that no Lord, Knight, nor other, little nor great, ſhall go nor ride by night nor by day Armed, nor bear ſallet nor ſkull of Iron, nor of other Armour, upon the pain aforeſaid: ſave and except the Kings officers and miniſters in doing their office. And moreover the King will and hath ordained, that the ſtatute made the firſt year of his reign of Liveries of Hats, ſhall be holden and kept upon the pain contained in the ſame ſtatute, and upon pain to be impriſoned, and make fine and ranſom to the King.

St. 7 R. 2. 13. St. 2 Ed. 3. 3.

Launcegeys ſhall be clearly put out. No man ſhall go or ride armed. The Statute of 1 R. 2. 7. touching giving of Liveries confirmed.

CAP. II.

Who onely may wear anothers Livery. Rep. 3 Car. 4.

CAP. III.

No man ſhall ſit upon the Bench with the Juſtices of Aſſiſe.

ITem, The King doth will and forbid, that no Lord, nor other of the Country, little nor great, ſhall ſit upon the Bench, with the Juſtices to take Aſſiſes in their Seſſions in the Counties of England, upon great forfeiture to the King: and hath charged his ſaid Juſtices, that they ſhall not ſuffer the contrary to be done.

No man ſhall ſit upon the Bench with the Juſtices of Aſſiſe.

CAP. IV.

A confirmation of part of the Statute of 28 Ed. 3. 13. touching Merchants-ſtrangers.

ITem, Whereas it is contained in a ſtatute of the late King Edward, grandfather to the King that now is, the xxviii. year of his reign, that no manner of ſhip, which is freighted toward England, or elſewhere, ſhall be compelled to come to any Port of England, nor there to tarry againſt the agreement of the Maſters and Mariners of the ſame, or of the Merchants to whom the goods be: and if ſuch ſhips come of their own good will, or be driven by tempeſt, caſualty, or other misfortune, to any Port of England, and the Maſters or Marinners, or Merchants of the ſame ſhips, will ſell or deliver part of their Merchandiſes with their good will, it ſhall be lawful to every perſon to buy ſuch Merchandiſes freely without impeachment in the Port where ſuch Ships ſhall come, albeit the merchandiſes be not put to ſale to the Land. And that the Maſters, Mariners, and Merchants, after that they have ſo ſold ſo much as pleaſeth them of their ſaid goods, and the cuſtom thereof paid, may freely depart and go with their ſhips, and all the remnant of their goods, where it ſhall pleaſe them, without paying thereof cuſtom. Our ſaid Lord the King for the quietneſs and eaſe of his people, willeth that the ſaid ſtatute ſhall be holden and kept in all points and duly executed, notwithſtanding any Ordinance or uſage to the contrary.

A confirmation of that part of the Statute of 28 Ed. 3. 13. which giveth liberty to ſtrangers to come and go where they will.

CAP. V.

The penalty of him who taketh anothers Horſe, or Beaſt, for the Kings ſervice, without ſufficient warrant.

ITem, Foraſmuch as the Commons have made complaint, that many great miſchiefs, extortions, and oppreſſions be done by divers people of evil condition, which of their authority take and cauſe to be taken Royally, Horſes and other things, and beaſts out of their wains, carts, and houſes, ſaying and deviſing that they be to ride on haſty meſſages and buſineſs, where of truth they be in no wiſe privy of any buſineſs or meſſage, but onely in deceit and ſubtilty by ſuch colour and device do take horſes, and the ſaid horſes too haſtily do ride and evil entreat, having no manner of conſcience or compaſſion in this behalf, ſo that the ſaid horſes become all ſpoiled and foundred, paying no manner of thing nor peny for the ſame, nor giving them any manner of ſuſtenance: And alſo that ſome ſuch manner of people changing and altering their names, do take and ride ſuch horſes, and carry them far from thence to another place, ſo that they to whom they belong, can never after by any mean ſee, have again, nor know their ſaid horſes where they be, to the great miſchief, loſs, impoveriſhment, and hinderance of the Kings poor people, their husbandry, and of their living. Our Lord the King willing for the quietneſs and eaſe of his people, to provide remedy thereof, will and hath ordained, That none from henceforth ſhall take any ſuch horſe or beaſt in ſuch manner againſt the conſent of them to whom they be. And if any that do, and have no ſufficient warrant nor authority of the King, he ſhall be taken and impriſoned till he hath made due agreement to the party. St. 28 H. 6. 2.

The penalty of him who doth take any perſons horſe, or &c. to ſerve the King without warrant.

CAP. VI.

Licenſe granted to Beeknap, Holte, and Burghe, to return into England, notwithſtanding the Statute of 11 R. 2. 1. Exp.

Statutes made at Weſtminſter, *Anno* 21 *R.* 2. and *Anno Domini* 1397.

IT is to be underſtood, that our Lord the King, by the Grace of God, King of England and of France, and Lord of Ireland, at his Parliament ſummoned and begun at Weſtminſter the Munday next after the Feaſt of the Exaltation of the holy Croſs, and from thence adjourned to Shrewsbury until the fifteenth of Hillary then next enſuing, and there ended, to the honour of God and holy Church, and for the preſervation, ſalvation, and ſurety of his Realm, and good governance of his people, of the aſſent and accord of the Prelates, Dukes, Earls, Barons, and Commons of his Realm there aſſembled, hath made certain Statutes and Ordinances hereafter following.

Anno 21 R. 2. cap. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13.

A repeal of the Commiſſion granted by the King to certain Noblemen to enquire of and reform certain abuſes in the Realm, and of the Statute made Anno 10 R. 2. for that they were made by threats given to the King, and by conſtraint. No ſuch Commiſſion hereafter ſhall be granted. It ſhall be adjudged high Treaſon for any perſon to compaſs the death of the King, to depoſe him, or to make war againſt him within the Realm, or to render up his homage. The puniſhment of divers traiterous conſpiracies and practiſes intended againſt the King, and means provided to prevent the like in time to come. The reſolution of certain Judges and other learned men in the Law touching certain treaſons and other offences. Rep. 1 H. 4. 3.

Br. Treaſon 24.

CAP. XIV.

The Kings pardon of robberies, thefts, outrages, and riots committed in the time of the commotion. Exp. and Rep. 1 H. 4. 3.

CAP. XV.

The Kings pardon to all his ſubjects of alienations without licence, intruſions by the heirs after the death of their anceſtors, treaſons, felonies, outlawries, Except, &c. Exp. and Rep. 1 H. 4. 3. Rep. 2 H. 4. 13.

CAP. XVI.

Authority given by Parliament to certain Commiſſioners to examine and anſwer petitions exhibited to the King. Exp. and Rep. 1 H. 4. 3.

Co. Inſt. 4 par. 42.

CAP. XVII.

There ſhall be no licenſes granted to ſhip merchandiſes of the Staple to any other place but to Calice. Rep. 1 H. 4. 3. St. 18 H. 6. 3.

CAP. XVIII.

Stones ſhall be carried for laſtage towards the repair of the Beacons, the place called Paradiſe, and other decaied places in Calice. Rep. 1 H. 4. 3. St. 10 H. 6. 5.

CAP. XIX.

A rehearſal and confirmation of the Statutes of 25 Ed. 3. 4. and 45 Ed. 3. 2. touching the pulling down of Wears, Mills, Stakes, &c. Rep. 1 H. 4. 3.

CAP. XX.

Whoſoever ſhall purſue to repeal any of theſe Statutes, and that proved in Parliament, ſhall be adjudged a Traitor. Rep. 1 H. 4. 3.

Anno primo HENRICI Quarti.

Statutes made at Weſtminſter in the firſt year of the Reign of King *Henry* the Fourth, and in the year of our Lord 1399.

HENRY by the Grace of God, King of England and of France, and Lord of Ireland, To the Laud and Honour of God, and Reverence of Holy Church, for to nouriſh Unity, Peace, and Concord of all Parties within the Realm of England; and for the redreſs and recovery of the ſame Realm of England, which now of late hath been dangerouſly put to great ruine, miſchief, and deſolation: of the aſſent of the Prelates, Dukes, Earls, Barons, and at the inſtance and ſpecial requeſt of the Commons of the ſame Realm aſſembled, at his Parliament holden at Weſtminſter in the Feaſt of St. Faith the Virgin, the firſt year of his Reign, hath made, ordained, and eſtabliſhed certain Ordinances and Statutes, in form as hereafter followeth.

CAP.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed. Juſtice ſhall be done, and peace ſhall be kept.

First, That holy Church have, and enjoy all her Rights, Liberties, and Franchiſes, entirely and without imblemiſhing. And that the great Charter, and the Charter of the Foreſt, and other good Ordinances and Statutes made in the time of his Noble Progenitors, and not repealed, be firmly holden and kept in all points. And that the Peace within this Realm be holden and kept, ſo that all his lawful liege people and ſubjects may from henceforth ſafely and peaceably go, come and dwell, according to the lawful uſages of the ſame Realm. And that good Juſtice and even right be done to every perſon.

A confirmation of the Liberties of the Church, and of all ſtatutes not repealed, Peace ſhall be maintained and Juſtice ſhall be done to all.

CAP. II.

None ſhall be impeached that did aſſiſt K. H.4. or helped to purſue K. R.2. or his adherents. Exp.

CAP. III.

A Repeal of the whole Parliament holden Anno 21 R.2. and of the authority given thereby. Exp.

CAP. IV.

A Confirmation of the Parliament holden 11 R. 2.

Item, It is accorded, aſſented, and eſtabliſhed, that the Parliament holden at Weſtminſter, the eleventh year of the ſaid late King Richard, be firmly holden and kept according to the purport of the ſame, as a thing made for the great honour, and common profit of this Realm.

The Parliament holden, Anno 11 R.2. confirmed.

CAP. V.

A Reſtitution of thoſe, or their Heirs, which were attainted at the Parliament holden 21 R.2.

CAP. VI.

In a petition to the King, of Lands, Offices, &c. the value ſhall be contained.

Item, to the intent that our ſaid Lord the King in time to come, ſhall not be deceived in his grants or gifts Annual, or in Fee, or in any offices, by him to be given, made, or granted, he will by the aſſent of the Lords Spiritual and Temporal aforeſaid, and at the requeſt of the ſaid Commons, be counſelled by the wiſe men of his Councel in things touching the eſtate of him and of his Realm (ſaving always his liberty.) Alſo he hath ordained and ſtabliſhed by the aſſent aforeſaid, that all they which from henceforth do demand of the King, Lands, Tenements, Rents, Offices, Annuities, or any other profits, ſhall make expreſs mention in their Petitions, of the value of the thing ſo to be demanded, and alſo of that which they have had of the Kings gift, or of other his Progenitors, or predeceſſors before. And in caſe they make not ſuch mention in their ſaid Petitions, and that duly proved, the Kings Letters Patents thereof made ſhall not be available, nor of any force nor effect, but wholly revoked, repealed, and adnulled for ever, to the puniſhment of them which ſo have done deceit to the King, as they that be not worthy to enjoy the effect and benefit of the Letters Patents to them granted in this behalf. St. 2 H.4.2. St. 6 H.4.2.

Co.l. 3. f.33. 32 H. 6. f.22.

Co. Inſt. 1 part.133.2.

CAP. VII.

The penalty for unlawful giving or wearing of Liveries. Who may wear the Kings honourable Liveries, and in what places. To what perſons only Liveries may be given. Rep. 3 Car.4.

CAP. VIII.

Aſſiſe maintainable by the Diſſeiſee againſt the Kings Patentee of Lands.

Item, At the grievous complaint of the ſaid Commons, made in the ſaid Parliament, how many of the Kings liege people which have been ſeiſed and poſſeſſed of Lands and Tenements, by their right and title, until the laſt coming of our Lord the King into England, that upon ſuggeſtion made to him, the ſaid Lands and Tenements have been granted to divers perſons, & Letters Patents thereof made, ſo that by colour of ſuch grants & Letters patents, the Tenants & true owners of the ſaid Tenements in divers Counties be diſſeiſed and put out of the ſame, to their great damage and againſt the courſe of ye Common Law: Our Lord the King conſidering the miſchiefs aforeſaid, and willing thereupon to provide due remedy, by the advice and aſſent of the Lords and Commons aforeſaid, hath ordained & eſtabliſhed, that in caſe any Lands or Tenements be granted by the Kings Patent, without title found by enqueſt or otherwiſe, where the Kings entry is not given by law; They that be put out or diſſeiſed of their Freehold, ſhall have a ſpecial Aſſiſe of the Chancellors grant, without other ſuit to be made to the King in that behalf; and if the parties or perſons having the Kings Letters Patents, do pray in aid, a Writ of Procedendo ſhall be granted by the ſaid Chancellor, without making other ſuit to the King. And in caſe that they which be put out or diſſeiſed, do recover againſt the perſons having ſuch Patents, they which be ſo put out or diſſeiſed, ſhall recover their treble damages. And that this Ordinance and Statute hold place as well after the Kings arrival into England, as in time to come.

Aſſiſe maintainable by the diſſeiſee for thoſe lands which be granted by the Kings Patent without title firſt found for the King.

Fitz. Aſſiſe 364.467. Fitz. Traverſe 42. Fitz. Diſſeiſin 8.

CAP. IX.

A confirmation to the Purchaſers of Lands ſold, which were forfeited to the King.

Item, Whereas among other Statutes and Ordinances made in the eleventh year of the ſaid late King Richard, it was ordained and ſtabliſhed, that the great officers of the ſaid late King by adviſe of other Lords of the Councel, ſhould have power to ſell parcel of the forfeitures of them that were forejudged in the Parliament holden the ſaid eleventh year,

St. 11 R.2.6.

A confirmation to the purchaſers of certain Lands ſold unto them by commiſſioners according to the ſtatute of 11 R.2.

by their good diſcretion, and that the gifts and grants to be made upon ſuch ſales ſhould be firm and ſtable: Our ſaid Lord the King, by the advice and aſſent of his Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons, conſidering how divers ſales have been made by force of the Ordinance and Statute aforeſaid, hath ordained and eſtabliſhed, that the gifts and grants ſo made by vertue of the ſale aforeſaid only, ſhall ſtand in their force and vertue, notwithſtanding any gifts or grants made to the contrary; and that they which ſhall ſue for a confirmation of their purchaſe made in this behalf, ſhall thereto have a confirmation, paying the Fines and Fees thereof due.

CAP. X.

Nothing ſhall be accounted Treaſon, but what was made Treaſon in the time of King Ed. 3.

Nothing ſhall be adjudged treaſon but which was ſo ordained by the Statute of 25 Ed.3.2.

ITem, Whereas in the ſaid Parliament, holden the ſaid one and twentieth year of the ſaid late King Richard, divers pains of Treaſon were ordained by ſtatute, in as much that there was no man, which did know how he ought to behave himſelf, to do, ſpeak, or ſay, for doubt of ſuch pains: It is accorded and aſſented by the King, the Lords and Commons aforeſaid, that in no time to come any Treaſon be judged otherwiſe, then it was ordained by the ſtatute in the time of his noble Grandfather King Edward the third, whom God aſſoil. St. 1 Ed.6.11. 1 M.1.

CAP. XI.

How far Sheriffs ſhall be charged with the ancient Farms of the County.

Sheriffs ſhall not be charged with the ancient ferms of the counties where part of the profits be given to others.

ITem, Whereas the ſaid Commons by their petition have ſhewed in the ſame Parliament, how the Sheriffs of Counties within the Realm, be charged with the ancient Ferm of the ſame Counties, whereas a great parcel of the profits of the ſame is given ſeverally to Lords and other the Kings liege people, ſo that the ſame Sheriffs cannot pay their ferm without uſing extortion in the ſaid Counties, in great oppreſſion and hindrance as well of the ſaid Sheriff, as of the inhabitants of the ſaid Counties: Our Lord the King conſidering the miſchiefs aforeſaid, by the advice and aſſent of the Lords and Commons aforeſaid, hath ordained and eſtabliſhed, that from henceforth the Sheriffs of the County of Eſſex, and Hertford in ſpecial, and the Sheriffs of other Counties aforeſaid, for the time being, ſhall accompt in the Eſchequer, and have allowance by their oath of the iſſues of the ſaid Counties, as well after the date of their Patents made to them by the ſaid late King Richard, as for all times to come. And if any Sheriff from henceforth do any extortion to the people, and be thereof attainted, he ſhall be duly puniſhed for the ſame extortion at the Kings will.

Of Sheriffs puniſhment for extortion.

CAP. XII.

A confirmation of former Statutes touching pulling down of Wears.

St. 25 Ed. 3.4.

ITem, Whereas by Edward late King of England, Grandfather of our Lord the King that now is, the five and twentieth year of his reign, becauſe that the common paſſage of Ships and Boats in the great Rivers of England were oftentimes diſturbed, by the levying of Wears, Mills, Stanks, Stakes, and Kidels, in great damage of the people, it was accorded, that all ſuch Wears, Mills, Stanks, Stakes, & Kidels, which were levied and ſet up in the time of King Edward Son to King Henry, and after in ſuch Rivers, whereby the Ships and Boats be diſturbed, ſo that they cannot paſs as they were wont, ſhall be wholly pulled down, and not be levyed again. And that Writs be thereupon ſent to the Sheriffs of places where need ſhall be, to ſurvey and inquire, and to make thereof execution. And alſo that Juſtices be thereupon aſſigned at all times when need ſhall require. And after at the grievous complaint of the great men and the Commons, made in the Parliament of the ſaid King Edward the Grandfather, the five and fortieth year of his reign, complaining by their Petition, that the ſaid ſtatute was not duly executed nor kept, after the effect of the ſame; it was accorded and eſtabliſhed, that the ſaid ſtatute in this point be holden and kept after the effect of the ſame; Added to the ſame, that if any ſuch nuyſance be pulled down by due proceſs contained in the ſaid ſtatute, he that will cauſe the ſaid nuyſance to be repaired, and thereof be duly attainted, ſhall incur the pain of an hundred marks to the King, to be levyed by the eſtreats of the Eſchequer. And like law to be holden of a nuyſance made by the enhaunſing of ſuch Wears, Mills, Stanks, Stakes and Kidels, as by new levying, as in the ſame ſtatutes more fully doth appear. And now at the requeſt of the ſaid Commons, ſhewing by their petition, that the common paſſages of Ships and Boats in the great Rivers of England, and alſo Meadows and Paſtures, and Lands ſowed adjoining to the ſaid Rivers be greatly diſturbed, drowned, waſted, and deſtroyed by outragious enhaunſing and ſtraighting of Wears, Mills, Stanks, Stakes, and Kidels, in old time made & levyed before the time of the ſaid King Edward, ſon of King Henry, whereof great damage and loſs hath come to the people of the Realm, & daily will come if remedy be not thereof provided: It is accorded and eſtabliſhed by the aſſent aforeſaid, that the ſaid ſtatutes be in all their Articles holden, and firmly kept, and duly executed, with all the pains, & after the effect of the ſame. Joyned thereto, that Commiſſions be made in due form to ſufficient perſons to be Juſtices in every County of England, where need ſhall be, to ſurvey and keep the waters and great Rivers there, & to correct and amend the defaults, and to make due execution of the ſaid ſtatutes, after the effect of the ſame, as well by their ſurvey, advice, & diſcretion, as by enqueſts thereof to be taken as well within Franchiſe as without, ſo often and when need ſhall be, and to hear and determine the things aforeſaid. And moreover to ſurvey the Wears, Mills, Stanks, Stakes, & Kidels, in old times made and levyed before the ſaid time of King Edward ſon of King Henry. And them that they find too much enhanced or ſtraited, to correct, pull down, and amend in the manner and form aforeſaid: Saving always a reaſonable ſubſtance of Wears, Mills, Stanks, Stakes, & Kidels aforeſaid, ſo in old times made & levyed. And if any ſuch noiſance of Wears, Mills, Stanks, ſtakes,

St. 45 Ed.3.2.

The inconveniences enſuing by enhaunſing & ſtraighting of Wears, Mills, Stanks, &c.

A confirmation of the ſtatutes of 25 Ed. 3.4. and 45 Ed.3.2. touching the pulling down or abating of Wears, Mills, &c.

Co.l.12.81.7.

Commiſſions ſhall be awarded to certain Juſtices to ſurvey the Wears and to redreſs the offences.

ſtakes, and kidels of paſſages and ſtraigtings in old time made and levyed, be judged and awarded by the ſaid Juſtices to be pulled down and amended, he that hath the Freehold of the ſame ſhall make thereof execution at his own coſts within half a year after notice to him thereof to be made, upon pain of an hundred marks to be paid to the King by Eſtreats of the Eſchequer: and he that cauſeth them to be repaired or enhanced, or ſtraited againſt the ſaid judgment, and thereof be duly convict, ſhall incur the pain of an hundred Marks to be paid to the King by Eſtreats in the Eſchequer aforeſaid. And in caſe that any feeleth himſelf grieved by execution or other way in this behalf againſt right and reaſon, he may purſue and ſhall have right and remedy. St. 21 R.2.19. 12 E.4.7.

He that hath the Freehold of the Land ſhall perform the Juſtices award touching the ſame.

CAP. XIII.

Cuſtomers, Controllers, Searchers, &c. ſhall be removeable at the Kings pleaſure, and ſhall be reſident upon their Offices.

Dyer f.303.

ITem, Whereas in the Statute made at Weſtminſter, the ſeventeenth year of the ſaid late King Rcihard, it was amongſt other things ordained & ſtabliſhed, that no Searcher, Gauger of Wines, Aulneger, finder or weyer of Wools, or any other Merchandiſe, Collectors of Cuſtoms and Subſidies, nor Controllers, have eſtate in his office for term of life or years, but that the ſame office remain in the Kings hands under the governance of the Treaſurer for time being, with the aſſent of the Counſel when need ſhall be; And if any Charters or Letters Patents be made contrary, they ſhall be voided and of none effect: It is accorded & aſſented, that the ſaid ſtatute be firmly holden and kept, and put in due execution. Joined to the ſame, that Cuſtomers and Controllers in every Port of England ſhall be reſident upon their offices in proper perſons without making any Deputy or Lieutenant in their names.

Officers which ſhall have no eſtate but be removeable at the Kings pleaſure. St. 15 R.2.10. 7 R.2.5. 31 H.6.5. Cuſtomers and Controllers ſhall be reſident upon their offices. St. 4 H.4.20. 1 H.4.13. 13 H.4.5. 1 El.11.

CAP. XIV.

Where all ſorts of Appeals ſhall be tryed and determined.

ITem, For many great inconveniencies and miſchiefs that often have hapned by many appeals made within the Realm of England before this time: It is ordained and ſtabliſhed from henceforth, that all the appeals to be made of things done within the Realm, ſhall be tryed and determined by the good Laws of the Realm, made and uſed in the time of the Kings noble Progenitors: and that all the appeals to be made of things done out of the Realm, ſhall be tryed and determined before the Conſtable and Marſhal of England, for the time being: And moreover it is accorded and aſſented, that no appeals be from henceforth made, or in any wiſe purſued in Parliament in any time to come.

Where all ſorts of Appeals ſhall be tryed and determined. No Appeal ſhall be purſued in Parliament.

CAP. XV.

The puniſhment of the Mayor, &c. of London, for defaults committed there:

St. 28 Ed.3.10. Co.Inſt.4.p.248. The Maior of London ſhall redreſs errors, defaults, and miſpriſions, notoriouſly uſed in the ſame City.

ITem, Whereas by a Statute made in the time of King Edward, Grandfather of our Lord the King that now is, the ſeven and twentieth year of his Reign, it was ordained and ſtabliſhed, That becauſe the errours, defaults and miſpriſions, which were notoriouſly uſed in the City of London, for default of good governance of the Mayor, Sheriffs, and Aldermen, might not be inquired or found by people of the ſame City: That the ſaid Mayor, Sheriffs and Aldermen, which had the governance of the City, ſhould redreſs and correct the defaults, errours, and miſpriſions aforeſaid, and the ſame duly to puniſh, from time to time, upon a certain pain, that is to ſay, at the firſt default a thouſand marks to the King, and at the ſecond default two thouſand marks, and at the third default that the Franchiſe be taken into the Kings hand, and be it begun to inquire of them at the Feaſt of Saint Michael next enſuing: ſo that if they make not due redreſs, as before is ſaid, It ſhall be inquired of their defaults by inqueſts of foreign Counties, that is to ſay, Kent, Eſſex, Suſſex, Hertford, Buckingham and Berks, as well at the Kings ſuit as of others that will complain. And if the Mayor, Sheriffs and Aldermen, be by ſuch inqueſts indicted, they ſhall be cauſed to come by due proceſs before the Juſtices, which ſhall be thereto aſſigned out of the City, before whom they ſhall have their anſwer, as well at the ſuit of the King, as of the party; and if they put themſelves in inqueſts, the ſame inqueſts ſhall be taken of foreign people, as afore is ſaid; and if they be attainted, the ſaid pain ſo incurred ſhall be levied of the ſaid Mayor, Sheriffs and Aldermen, for default of their government. And nevertheleſs the Plaintiffs ſhall recover their treble damages againſt the ſaid Mayor, Sheriffs, and Aldermen. And becauſe that the Sheriffs of London be party to this buſineſs, the Conſtable of the Tower, or his Leiutenant, ſhall be officer in ſtead of the Sheriffs, to receive the Writs, as well originals of the Chancery as judicials, under the Seals of the Juſtices, to do thereof execution in the ſaid City, and proceſs ſhall be made by attachments, diſtreſs, & exigent if need be, ſo ẏ at the K. ſuit the exigent ſhall be awarded after the firſt Capias returned, and at the third Capias returned, at the ſuit of the party; and if the Mayor, Sheriffs, & Aldermen, have Lands & Tenements out of the ſaid City, proceſs ſhall be made againſt them by attachment and diſtreſſes in the ſame counties where the Lands and Tenements be, & that every of the ſaid Mayor, Sheriffs and Aldermen, which cometh before the ſaid Juſtices, ſhall anſwer alone for himſelf, as well at the peril of other which is abſent as of himſelf. And that this ordinance be holden firm and ſtable, notwithſtanding any manner of Franchiſes, Priviledges or Cuſtoms, And that this ordinance ſhall extend to other Cities & Boroughs of the Realm, where ſuch defaults or miſpriſions be uſed, & not duly corrected nor redreſſed, ſaving that the enqueſts be taken by forain people of the ſame county, where ſuch Cities & boroughs be. And that the penalty of them of ſuch Cities, Boroughs, and Towns, which ſhall be thereof attainted, be judged by the diſcretion of the Juſtices, which ſhall be thereto aſſigned: Our Lord the King conſidering the good & lawful behaviour of the Mayor, Sheriffs and Aldermen, and all the Communalty of the ſame City of London towards him, and therefore willing to eaſe and mitigate the penalty aforeſaid, by the aſſent of the Lords Spiri-

The Conſtable or Lieutenant of the Tower ſhall receive and execute the Kings Writs.

The penalties inflicted by the Statute of 28 Ed.3.10. upon the Maior of London ſhall be according to the diſcretion of the Juſtices.

Spiritual and Temporal, and of the Commons aforeſaid, hath ordained and eſtabliſhed, that the penalty aforeſaid, as well of the thouſand Marks, and of the two thouſand Marks, and of the ſeiſure of the Franchiſe, compriſed in the ſame ſtatute, ſhall not be limited in a certainty, but that the penalty in this caſe be by the advice and diſcretion of the Juſtices thereto aſſigned, as other Cities and Boroughs be within the Realm, and that the remnant of the ſame ſtatute, and the proceſs thereof ſtand in their force.

CAP. XVI.

Merchants of London ſhall be as free to pack their Clothes as other Merchants.

Merchants of London ſhall be as free to pack their Clothes as other Merchants.

ITem, It is accorded and aſſented, that the Merchants of London from henceforth ſhall be as free to pack their Clothes and quit of the ſame packing, as the other Merchants, or other ſtrangers within the ſame City, or within other Cities and Boroughs within the Realm be; and if any Letters Patents be made to the contrary, they ſhall be utterly repealed, annulled, and holden of no force nor vertue.

CAP. XVII.

Strangers may buy and ſell within the Realm Victuals in groſs, or by retail.

A confirmation of the ſtatute 11 R. 2. 7. authorizing Merchants Strangers to buy and ſell within the Realm.

ITem, Whereas in the ſtatute made at Weſtminſter, in the eleventh year of the ſaid late K. Richard, amongſt other things it is ordained and accorded, that every Forrainer and Alien, being of the Kings amity and of the Realm, and coming within the City of London and other Cities, Boroughs, & Towns within the ſaid Realm, as well within Franchiſe as without, with Fiſh and all manner of other victuals there dwelling and returning, ſhall be from henceforth under the ſafeguard and ſpecial protection of the King. And that it ſhall be lawful to them, & every of them, to cut their Fiſh and Victuals aforeſaid, by pieces, and the ſame to tail and retail in part or in all, or in groſs, as to them ſhall beſt ſeem to ſell, and thereof to make their profit without impeachment or contradiction of any, notwithſtanding any ſtatutes Charters, Ordinances, Priviledges, or Cuſtoms made or had to the contrary. Our Lord the King conſidering the ſame ſtatute to be very profitable many ways, if it were put in execution, by the aſſent of his Lords and Commons aforeſaid hath ordained and ſtabliſhed, that the ſaid ſtatute be firmly holden, kept, and duly executed after the form and effect thereof, notwithſtanding the Letters Patents late granted to the contrary to the Fiſhmongers of London, by the ſaid late King Richard, upon his laſt voyage toward Ireland. Stat. 6 R. 2. 10. 14 H. 6. 6. 3 Jac. 6.

CAP. XVIII.

Proceſs againſt one of the County of Cheſter which committeth an offence in another Shire.

What proceſs ſhall be awarded where one of the County of Cheſter doth commit felony in another County.

ITem, Upon the grievous clamour and complaint made to our Lord the King, in this preſent Parliament, of many Murders, man-ſlaughters, robberies, batteries, and other riots and offences, which before this time have been done by people of the County of Cheſter to divers of the Kings Liege people in divers parts and Counties of England: The ſame our Lord the King, by the advice and aſſent of his Lords Spiritual and Temporal, and of his Commons aforeſaid, hath ordained & ſtabliſhed, that if any perſon of the County of Cheſter reſident or dwelling within the ſame County, of what eſtate or conditin he be, do commit any murder or felony in any place out of the ſame County, proceſs ſhall be made againſt him by the Common Law, till the Exigent, in the County where ſuch murder or felony was done. And if he flee from thence into the County of Cheſter, and be outlawed and put in Exigent for ſuch murder or felony, the ſame Outlawry or Exigent ſhall be certified to the Officers and Miniſters of the ſame County of Cheſter, and the ſame Felon ſhall be taken by the ſame officers or miniſters, and his Lands and Tenements, Goods and Chattels, being within the ſame County of Cheſter, ſhall be ſeiſed as forfeit into the hands of the Prince, or of him that ſhall be Lord of the ſame County of Cheſter, for the time, and the King ſhall have the year, and day, and the waſte. And the other Lands and Tenements, Goods and Chattels of ſuch Felon, being out of the ſaid County of Cheſter, ſhall remain wholly to the King, and to other Lords having thereof Franchiſe, as forfeit. And if any perſon of the ſame County of Cheſter, reſident or dwelling in the ſame, make a battery, or other treſpaſs in any place out of the ſaid County of Cheſter, proceſs ſhall be made againſt him by the Common Law till the Exigent in the Counties where ſuch battery or treſpaſs is done. And if he flee from thence into the ſaid County of Cheſter, and be outlawed for ſuch battery or treſpaſs, the outlawry ſhall be certified to the Officers and Miniſters of the ſaid County of Cheſter. And the ſame perſon ſhall be taken by the ſame Officers or Miniſters. And his other goods and chattels being within the ſame County of Cheſter, ſhall be ſeiſed into the hands of the Prince, or of him which ſhall be Lord of the ſaid County of Cheſter for the time. And his other goods and chattels being out of the ſaid County of Cheſter, ſhall remain wholly to the King, and to other Lords aforeſaid, as forfeit in ſuch ſort as afore is ſaid. St. 9 H. 5. 2.

The proceſs where one of the County of Cheſter doth make a battery or other treſpaſs in another County.

CAP. XIX.

During three years, for no Cloth whereof the dozen exceedeth not thirteen ſhillings and four pence, any Subſidy ſhall be paid, or ſhall be ſealed. Exp. St. 9 H. 4. 2. 7 Jac. 16.

CAP. XX.

The Kings pardon of Treaſon, Felony, Outlawry, &c. to all them that will purſue their Charters before, &c. Except. Exp.

Stat.

Statutes made at Weſtminſter *Anno* 2 *Hen.* 4. and *Anno Dom.* 1400.

AT the Parliament holden at Weſtminſter, in the utas of S. Hillary, the ſecond year of the Reign of King Henry the fourth: The ſame our Lord the King by the aſſent of the Prelates, Dukes, Earls, and Barons, and at the ſpecial inſtance and requeſt of the Commons aſſembled at this preſent Parliament, hath cauſed to be ordained and ſtabliſhed certain Statutes and Ordinances in form following.

CAP. I.

A Confirmation of Liberties. Each perſon may purſue the Law, or defend it.

FIrſt, That holy Church have her rights and liberties: and that all the Lords Spiritual and Temporal, and all the cities, boroughs, and towns enfranchiſed, have and enjoy all their liberties and franchiſes, which they have lawfully uſed, and which they have of the grant of his noble progenitors and predeceſſors Kings of England. And that the great Charter and the Charter of the Foreſt, and all other good ordinances and ſtatutes made in his time, and in the time of his noble progenitors not repealed, be firmly holden and kept in all points: and that all his liege people and ſubjects may freely and peaceably in his ſure and quiet protection go and come to his courts to purſue the laws, or defend the ſame, without diſturbance or impediment of any. And that full juſtice and right be done as well to the poor as to the rich in his courts aforeſaid. St. 1 H. 4. 1. St. 7 H. 4. 1.

CAP. II.

An expoſition of part of the Statute of 1 H. 4. 6. touching the mentioning of other gifts, which a petitioner hath received of the King or his predeceſſors. EXP.

CAP. III.

If any do accept a Proviſion granted by the Pope to a religious perſon to be exempt from obedience, he ſhall be within the danger of the Statute of Proviſors. OB. St. 13 R. 2. 3. 13 El. 2.

CAP. IV.

The penalties for purchaſing of Bulls to be diſcharged of Tithes.

ITem, For as much as our Lord the King, upon grievous complaint to him made in this Parliament, hath perceived that the religious men of the order of Ciſteaux in the Realm of England, have purchaſed certain bulls, to be quit and diſcharged to pay the tithes of their lands, tenements and poſſeſſions, let to ferm or manured or occupied by other perſons then by themſelves, in great prejudice and derogation of the liberty of holy Church, and of many liege people of the Realm: Our Lord the King willing thereupon to ordain remedy, by the advice and aſſent of the Lords ſpiritual and temporal, and at the inſtance and requeſt of the ſaid commons, hath ordained and ſtabliſhed, that the religious perſons of the order of Ciſteaux ſhall ſtand in the eſtate that they were before the time of ſuch bulls purchaſed. And that as well they of the ſaid order, as all other religious and ſeculars, of what eſtate or condition they be, which do put the ſaid bulls in execution, or from henceforth do purchaſe other ſuch bulls of new, or by colour of the ſame bulls purchaſed or to be purchaſed, do take advantage, in any manner: That proceſs ſhall be made againſt them, and every of them by garniſhment of two moneths by Writ of Præmunire facias. And if they make default, or be attainted, then they ſhall incur the pains and forfeitures contained in the Statute of Proviſors, made the thirteenth year of the ſaid King Richard. St. 13 El. 2.

Dyer f.277.

Religious perſons purchaſing Bulls to be diſcharged of tithe, ſhall incur the danger of Præmunire.

St. 13 R. 2. 3.

CAP. V.

He that carrieth gold or ſilver out of the Realm, ſhall confeſs ſo much.

ITem, Whereas in the ſtatute made at Weſtminſter, in the fifth year of the ſaid King Richard, amongſt other things it is contained how it was aſſented, accorded and enjoyned, by the ſaid late King, to all manner of people, merchants, clerks, and other, as well ſtrangers and denizens of whatſoever eſtate or condition they ſhould be, upon pain of as much as they might forfeit, that none of them, upon the ſaid pain, privily nor openly ſhould ſend or carry, nor cauſe to be ſent nor carried out of the ſaid Realm of England, any gold or ſilver in money, bullion, plate, veſſel, nor by exchange to be made, except the wages of Calice, and other the Kings fortreſſes beyond the ſea, ſaving certain Prelates, Lords, and other compriſed in the ſame ſtatute, without ſpecial leave, and licence thereupon firſt had, as by the ſame ſtatute may more fully appear: our Lord the King for to prevent the ſubtilty of them that will do fraud or deceit to him in this behalf, hath ordained and ſtabliſhed, that if from henceforth any Searcher of the King may find gold or ſilver in coin, or in maſs in the keeping of any that is paſſing, or upon his paſſage in any ſhip or veſſel, to go out of any port, haven or creek of the Realm, without the Kings ſpecial licence, all that gold or ſilver ſhall be forfeit to the King, ſaving his reaſonable expenſes, which he ſhall be bound to confeſs and diſcover preſently, after that he is warned and charged ſo to do by the ſame ſearcher, or elſe all the ſaid mony ſo concealed, ſhall be forfeit to the King. Provided always, that the Merchants ſtrangers that do ſell their merchandiſe within the Realm of England, and the one half of the money of England received for the ſame merchandiſes, do imploy upon other merchandiſes of the Realm, may freely carry out from the ſame the other half of the ſaid money by the Kings licence, according to the ſtatute thereof made. 19 H. 7. 5.

St. 5 R. 2. 2.

Br. Surm. 30. Co. Inſt. 2. p. 74.

He that carrieth any gold or ſilver out of the Realm ſhall confeſs the ſame to the ſearcher. Merchants ſtrangers may carry half their money forth of the Realm. St. 4 H. 4. 15. 27 H. 6. 3. 17 Ed. 4. 1.

CAP. VI.

The money of Scotland and of other Countreys beyond the Sea, ſhall be voided out of England, or put to coin before Chriſtmas. EXP. REP. 21 Jac. 28. Stat. 11 H. 4. 5. 13 H. 4. 6. St. 3. H. 5. 2 H. 6. 6.

CAP. VII.

In what caſe the plaintiff ſhall not be nonſuit if the verdict paſs againſt him.

In what caſe if the verdict paſs againſt the plaintiff, he ſhall not be nonſuit.

Bro. nonſuit 6. Fitz. nonſuit 6. 12.13.15.24. Co. Inſt. par. 1. 139. b.

ITem, Whereas upon verdict found before any Juſtice in Aſſiſe of Novel diſſeiſin, Mortdaunceſtor, or any other action whatſoever, the parties before this time have been adjourned upon difficulty in law upon the matter ſo found: It is ordained and eſtabliſhed, that if the verdict paſs againſt the plaintiff, that the ſame plaintiff ſhall not be nonſuited.

CAP. VIII.

The fee of Chirographer of the Common Pleas for a fine levied.

The fee of the Chirographer of the common place upon a fine levied, and the penalty if he take more.

ITem, Upon the grievous complaint made to our Lord the King by the Commons in this preſent Parliament, how that the office of the Chirographer in the common bench of the King is let to ferm, to which office appertaineth for making and writing of every fine levied in the ſaid bench four ſhillings and no more, and notwithſtanding the ſame fee, the fermors of the ſame office will deliver no fine to any without giving to them other four ſhillings or more by extortion, to the great damage and impoveriſhment of all the Kings liege people: Our Lord the King willing in this behalf to provide remedy, by the advice and aſſent of the Lords ſpiritual and temporal, and at the ſupplication of the ſaid Commons, hath ordained and eſtabliſhed, That the Chirographer, nor his fermor, deputy, or lieutenant for the time being, ſhall from henceforth take any more then four ſhillings for any fine levied in the Court. And if the ſaid fermors, lieutenant, or deputy, take any more then four ſhillings for a fine, as before is ſaid, he ſhall loſe his office, and be forejudged the Court, and have one years impriſonment, and pay to the party grieved his treble damages. And the party grieved ſhall have his ſuit before the Juſtices of the ſaid bench.

CAP. IX.

Such as were Commiſſioners in the time of King R. 2. and ſpoiled thereof, or that delivered the ſame, ſhall be diſcharged by their oaths. Exp.

CAP. X.

The Fee of the Clerk of the Crown of the Kings Bench for Indictments.

The Clerk of the Crown of the Kings Bench ſhall take no more for indictments then hath been uſed.

Co. Inſt. 4. p. 74.

ITem, Becauſe that complaint is made to our ſaid Lord the King by the ſaid Commons, how the Clerk of the Crown of the Kings bench, whereas fourſcore or an hundred men be indicted of one felony, or of one treſpaſs, and all they plead to an iſſue as not guilty, the ſaid Clerk ought not to take for the Venire facias, nor for entring of the plea more then ii. s. the ſaid Clerk doth take for every ſuch name by extortion ii. s. in great oppreſſion of the people: Our ſaid Lord the King willing to preſerve his ſaid people from ſuch extortions and injuries, by the aſſent of the ſaid Lords ſpiritual and temporal, and at the ſuit of the ſaid Commons, hath ordained and eſtabliſhed, That the ſaid Clerk of the Crown ſhall take no more then hath been duly uſed of old times. And moreover, our ſaid Lord the King hath charged the Juſtices of the Kings Bench, that no extortion be done in this behalf in the Bench aforeſaid.

CAP. XI.

A remedy for him who is wrongfully purſued in the Court of Admiralty.

The St. of 13 R. 2. 5. confirmed, touching the Admirals juriſdiction.

A remedy for him who is wrongfully purſued in the Court of the Admiralty.

Co. l. 5. f. 106. Dyer f. 159. Co. l. 10. f. 118. 14 H. 6. f. 13. 19 H. 6. f. 7. Cro. Car. 296. 503.

ITem, Whereas in the Statute made at Weſtminſter, the xiii. year of the ſaid King Richard, amongſt other things it is contained, That the Admirals and their deputies ſhall not intermeddle from thenceforth of any thing done within the Realm, but only of a thing done upon the Sea, according as it hath been duly uſed in the time of the noble King Edward grandfather to the ſaid King Richard: Our ſaid Lord the King will and granteth that the ſaid Statute be firmly holden and kept, and put in due execution. And moreover the ſame our Lord the King, by the advice and aſſent of the Lords ſpiritual and temporal, and at the prayer of the ſaid Commons, hath ordained and ſtabliſhed, That as touching a pain to be ſet upon the Admiral or his lieutenant, that the Statute and the common Law be holden againſt them, and that he that feeleth himſelf grieved againſt the form of the ſaid Statute, ſhall have his action by Writ grounded upon the caſe againſt him that doth ſo purſue in the Admirals Court, and recover his double damages againſt the purſuant, and the ſame purſuant ſhall incur the pain of ten pound to the King for the purſuit ſo made, if he be attainted. Raſt. pla. f. 23.

CAP. XII.

Whole Welſhmen born reſtrained to purchaſe Land in certain places, to be Citizens, or Burgeſſes in Cities or Boroughs, to be Officers in any Cities, Towns or places; they ſhall find ſurety of their good behaviour, and ſhall bear no armour. ALT. 27 H. 8. 26. REP. 21 Jac. 28.

CAP. XIII.

The effect of the pardon granted by the St. of 21 R. 2. 15. rehearſed and confirmed, notwithſtanding the reſidue of the ſaid Parliament is repealed. EXP.

CAP. XIV.

Purveyance for the Kings houſe of xl. s. or under, ſhall be preſently paid for.

Purveyance for any thing of the value of xl. s. or under for the Kings houſe, ſhall be preſently paid for.

ITem, It is ordained and ſtabliſhed, That the Statutes of Purveyors, made before this time, holden, kept and put in due execution, joyned to the ſame, that from henceforth no purveyor nor buyer make any purveyance or buying for the Kings houſe of any thing to the value of xl. s. or under, unleſs he make ready payment in hand, upon pain to loſe his office, and to pay as much to the party grieved. St. 20 H. 6. 8.

CAP. XV.

The Catholick faith, and the holy Church, amongſt all the Kingdoms of the world hath been moſt devoutly obſerved in England, and endowed, which hath not been troubled with hereſie. And therefore none ſhall preach without the licence of the Dioceſan of the ſame place: None ſhall preach or write any book contrary to the Catholick faith, or the determination of the holy Church: None ſhall make any Conventicles of ſuch ſects and wicked doctrines, or ſhall favour ſuch Preacher. Every Ordinary may convent before him, and impriſon any perſon ſuſpected of hereſie: An obſtinate heretick ſhall be burned before the people. REP. 25 H. 8. 14. 1 Ed. 6. 12. 1 El. 1. 10 H. 7. f. 17. Fitz. N.B. f. 269. D. Raſt. pla. f. 319. Bro. hereſie 1.

Co.Inſt.2.p.657

Hereſie.

CAP. XVI.

If Welſhmen do not reſtore to Engliſhmen the injuries done by them within ſeven days, Engliſhmen may return the like meaſure to them. ALT. 20 H. 6. 3. & 27 H. 8. 26. Rep. 21 Jac. 28.

CAP. XVII.

If a Welſhman commit a felony in England, and thereof is attainted, and after flieth into Wales, upon Certificate of the Kings Juſtices, he ſhall be executed. ALT. 27 H. 8. 26. Rep. 21 Jac. 28.

CAP. XVIII.

Lords Marchers in Wales ſhall keep ſufficient guards in their Caſtles. ALT. 27 H. 8. 26. Rep. 21 Jac. 28.

CAP. XIX.

No Engliſhman ſhall be condemned at the ſuit of a Welſhman in Wales, but onely by Engliſh Juſtices, or Engliſh Burgeſſes. Exp.

CAP. XX.

No Welſhman ſhall purchaſe land in England, nor in the Engliſh towns in Wales. ALT. 27 H. 8. 26. Rep. 21 Jac. 28.

CAP. XXI.

No Lord ſhall give any Livery or ſign to any Knight, Eſquire, or Yeoman.

No Loꝛd ſhall give any livery oꝛ ſign to any Knight, Eſquire oꝛ Yeoman.

Item, Whereas in the laſt Parliament it was oꝛdained and ſtabliſhed, That no Loꝛd of what eſtate oꝛ condition he were, ſhould uſe noꝛ give any livery oꝛ ſign of company to any Knight, Eſquire, noꝛ Yeoman within the Realm afoꝛeſaid, ſaving always that our Loꝛd the King ſhould give onely his honourable Livery to the Loꝛds Tempoꝛal, whom pleaſed him. And ſaving alſo that the ſame our Loꝛd the King ſhould give only his honourable Livery to his menials Knights and Eſquires, and alſo to his Knights and Eſquires which be of his retinue, and take of him their annual fee foꝛ term of life: And moꝛeover it was accoꝛded and aſſented by the King, the Loꝛds and the Commons afoꝛeſaid, that the ſaid Knights and Eſquires ſhould in no wiſe uſe their ſaid Liveries in their Countrey oꝛ Counties where they ſhould be reſident and dwelling, noꝛ elſewhere within the Realm out of the Kings preſence: and if any Loꝛd did the contrary, and that duly pꝛoved, he ſhould make fine and ranſom at the Kings will: and if any Knight oꝛ Eſquire did the contrary, and thereof were duely attainted, he ſhould loſe his ſaid livery, and foꝛfeit his fee foꝛ ever: and that no Yeoman ſhould take oꝛ uſe any livery of the King, oꝛ of any other Loꝛd, upon pain of impꝛiſonment, and to make fine and ranſom at the Kings will: Pꝛovided always, that the Conſtable and Marſhal of England foꝛ the time being in their retinue of Knights and Eſquires, may wear the ſaid Livery of the King upon the boꝛders and marches of the Realm in the time of war.

The ſeveral foꝛfeitures of ſeveral offendoꝛs.

Pꝛovided alſo, that all thoſe that ſhall travel oꝛ paſs the ſea to the parts beyond the ſea, to acquire honour, may wear the ſame Livery in thoſe parts without being thereof in any wiſe grieved oꝛ appeached, as in the Statute thereof made moꝛe fully is contained: Our ſaid Loꝛd the King conſidering the ſame Statute to be very expedient and neceſſary, hath oꝛdained and ſtabliſhed, that the ſame Statute ſhall be firmly holden and kept: joyned thereto, that the Juſtices of the one Bench and of the other, and the Juſtices of Aſſiſes and of the Peace, have power and authoꝛity to enquire, hear, and determine in this caſe, by record in their preſence, oꝛ by inquiry to be made from time to time, and that the Dukes, Earls, Barons, and Banerets of the Realm, may uſe the ſaid Livery in their Countrey and elſewhere; And alſo that the ſaid Knights and Eſquires may uſe the ſaid Livery in going from the Kings houſe and returning to the ſame. Pꝛovided always, That the ſame Knights and Eſquires uſe not the ſame Livery in their Counties oꝛ Countrey where they be reſiant oꝛ dwelling, upon the pain contained in the ſaid Statute. Moꝛeover it is accoꝛded, that the Pꝛince may give his honourable Liveries oꝛ ſign to the ſaid Loꝛds, and to his menial Gentlemen. And that the ſaid Loꝛds may uſe the ſame as they uſe the Kings Livery, and that the menials of the Pꝛince may alſo uſe the ſame as the Kings menials, and in the manner, and upon the pains afoꝛeſaid. Sc. 8 Ed. 4. 2.

A confirmation of the St. 1 H. 4. 7. oꝛdained againſt unlawful giving oꝛ wearing of Liveries.

The Pꝛince may give his honourable Liveries.

CAP. XXII.

Suits may be proſecuted againſt certain perſons meant to be protracted by the Statute of 11 R. 2. 1. and 2 Exp.

CAP. XXIII.

The fees of the Marſhal of the Marſhalſey of the Kings houſe.

Co.Inſt.4.p.132.

The fees of the Marſhal of the Marſhalſey of the Kings houſe; and the penalty if he take moꝛe.

Item, Whereas the Marſhal of the Marſhalſey of the Court of our Loꝛd the Kings houſe, in the time of King Edward, Grandfather of our Loꝛd the King that now is, and befoꝛe, was wont to take the fees, which do hereafter follow, that is to ſay, of every perſon that cometh by Capias to the ſaid Court, four pence: and if he be let to mainpꝛiſe till his day, two pence moꝛe: and of every perſon which is impleaded of treſpaſs, and findeth two mainpernoꝛs to keep his day till the end of the plea, to take foꝛ that cauſe two pence of the defendant: and of every perſon committed to pꝛiſon by judgment of the Steward, in whatſoever manner the ſame be, four pence: of every perſon delivered of felony, and of every felon let to mainpriſe by the Court, four pence: which fees were wont to be taken and paid in full Court, as the King hath well perceived by the complaint of the ſaid Commons thereof made in the ſaid Parliament: The ſame our Lord the King, to avoid all ſuch wrongs and oppreſſions to be done to his people, againſt the good cuſtoms and uſages made and uſed in the time of his Progenitors, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſupplication of the ſaid Commons, hath ordained and ſtabliſhed, That if the ſaid Marſhal or his Officers under him, take other fees then above are declared, that the ſame Marſhal and every of his ſaid Officers, ſhall loſe their Offices, and pay treble damages to the party grieved, and that the party grieved have his ſuit before the Steward of the ſaid Court for the time being.

The fees of a ſervitor of Bills, and the penalty if he take more.

Alſo it is ordained and eſtabliſhed, That no Servitor of Bills that beareth a ſtaff of the ſame Court, ſhall take for every mile from the ſame Court to the ſame place where he ſhall do his ſervice, any more then i. d. and ſo for xii. miles xii. d. and for to ſerve a Venire facias xii. homines, &c. or a Diſtringas out of the ſame Court, the double. And if any of the ſaid Servitors of Bills do the contrary, he ſhall be puniſhed by impriſonment, and make a fine to the King after the diſcretion of the Steward of the ſame Court, and alſo be forejudged the Court; and the ſame Steward ſhall have power to make Proclamation at his coming to the ſaid Court in every Countrey, from time to time, of all the Articles aforeſaid, and thereof to execute puniſhment as afore is ſaid. St. 9 R. 2. 5. 2.Cro.El.212.

CAP. XXIV.

Proceſs againſt thoſe that were with the Duke of York. 23 R. 2. for their wages then received ſhall be diſcharged. Exp.

Statutes made at *Weſtminſter, Anno 4 Hen. 4. & Anno Dom.* 1402.

TO the honour of God and holy Church, and for the common wealth and profit of all the Realm of England, our Lord the King, by the aſſent of the Lords ſpiritual and temporal, and at the ſpecial inſtance and requeſt of the Commons aſſembled at the Parliament holden at Weſtminſter, the morrow after the Feaſt of St. Michael, the fourth year of his Reign, hath ordained and ſtabliſhed certain Statutes and Ordinances by the manner as followeth.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Corporations and perſons.

A confirmation of the liberties of the Church, and of all Corporations and perſons, and of all Statutes not repealed.

FIrſt, That holy Church have all her Liberties and Franchiſes. And that the Lords Spiritual and Temporal, and all the Cities, Boroughs and Towns franchiſed, have and enjoy all their Liberties and Franchiſes, which they have had of the grant of the Progenitors of our ſaid Lord the King, Kings of England, and of the Confirmation of the ſame our Lord the King. And that the great Charter, and the Charter of the Foreſt, and all the good Ordinances and Statutes, made in the time of our ſaid Lord the King, and in the time of his Progenitors, not repealed, be firmly holden and kept.

CAP. II.

The word Inſidiatores viarum, &c. ſhall not be put in any Indictments, &c.

A confirmation of the St. made 25 Ed. 3. de Clero.

ITem, Our ſaid Lord the King having in remembrance the faithful hearts, and the inward affection that the Clergy of England hath born to him, and alſo the great charges which the ſame Clergy hath had and ſuſtained for his honour and profit, after the time of his Coronation, and therefore willing to be a gracious Lord to them in their affairs, by the aſſent of the ſaid Lords, at the ſpecial ſuit and requeſt of the ſaid Commons, will and granteth, That the Statutes made the five and twentieth year of King Edward, Grandfather to our Lord the King that now is, touching the Clergy of England, be entirely holden and kept, and put in due execution.

The words Incidiatores viarum & depopulatores agrorum ſhall not be put in Indictments or appeals.

And moreover, the ſame our Lord the King, conſidering that the words and terms (that is to ſay) Inſidiatores viarum, & depopulatores agrorum, compriſed in the Petition delivered to him in this Parliament by the Clergy of England, have not been commonly uſed in indictments, arraignments, appeals, nor in other impeachments, in the time of his ſaid Grandfather, nor in the time of his other Progenitors, and willing therefore to avoid ſuch novelties, for the great quiet and ſurety of his people, by the aſſent of the Lords and Commons of the ſame Parliament will and granteth, and hath ordained and eſtabliſhed, That the ſaid words and terms ſhall not be from henceforth uſed, nor put in indictments, arraignments, appeals, or any other impeachments. For that by force of any ſuch word or term, any Clerk religious or ſecular, nor any other of the Kings liege people, ſhall be from henceforth arraigned, appealed, impeached or grieved before any ſecular Judge: but our Lord the King doth will, that the Juſtices may take and receive before them indictments, arraignments, and appeals of felonies, containing in them the effect of the ſaid words and terms, if any perſon of ſuch felonies ſhall hereafter be indicted, arraigned, or appealed: and if percaſe it chance in time to come, any Clerks religious or ſecular ſhall be indicted, arraigned, or appealed, and their indictments, arraignments, or appeals do comprehend the effect of the ſaid words, Inſidiatores viarum, and depopulatores agrorum, or other words purporting the like effect: yet nevertheleſs ſuch Clerks ſhall have and enjoy the priviledge of holy Church, and ſhall be delivered to the Ordinaries them demanding, or their Deputies, without any impeachment, or any delay. Cokel. 11. Cap.

Clerks ſhall be allowed their Clergy notwithſtanding an Indictment hath the words aforeſaid.

CAP.

CAP. III.

A Confirmation of the Liberties of the Church and Clergy. A Clerk convict for Treaſon, or being a common thief, ſhall not make his purgation.

The liberties of the Church and Clergy confirmed.

ITem, By the ſame aſſent our Lord the King doth will and grant, and hath ordained and ſtabliſhed, That all the Statutes, Ordinances, & Grants, made or granted by his noble progenitors or predeceſſors Kings of England to the Clergy of England, for the conſervation of their liberties and priviledges, and for the conſervation of the liberties and immunities of holy Church not revoked, be firmly holden, obſerved and kept, and put in due execution according to their form and effect. And thereupon the Archbiſhop of Canterbury for himſelf, and for all other Biſhops of his Province, hath promiſed to our ſaid Lord the King, That if from henceforth any Clerk ſecular or religious, that is convict of Treaſon that toucheth not the King himſelf, nor his Royal Majeſty, or that he be a common thief, and for ſuch notoriouſly holden and reputed, and for the ſame cauſe as Clerk convict ſhall be from henceforth delivered to any Ordinary: that the ſame Ordinary ſhall keep him ſafely and ſurely, and according to the effect of a Conſtitution Provincial to be made by the ſaid Archbiſhop and other Biſhops, according to the content, form, and effect of the Letters of Simon late Archbiſhop of Canterbury, bearing date the twelfth Kalends of March, the year of grace, one thouſand three hundred fifty one, ordaining and inſerting in the ſame conſtitution certain pains by them to be limited by their diſcretion. And that no ſuch Clerk convict of ſuch Treaſon, or that he be a common thief, as afore is ſaid, after he be delivered, ſhall make any purgation contrary to the purport of the ſaid Conſtitution: which Conſtitution ſhall be ſhewed to our ſaid Lord the King before this next Parliament, to the intent, that if it ſeemeth to his high diſcretion, that the ſaid Conſtitution ſhall not be a convenient remedy in this caſe, that then it may be treated and provided of other remedy in ſuch ſort as appertaineth. Stat. 23 H. 8. 1.

A Clerk convict for Treaſon, or being a common thief, ſhall not make his purgation.

CAP. IV.

The King will grant no Lands, or other commodities, but to ſuch as ſhall deſerve them. And if any make demand without deſert, he ſhall be puniſhed by the King and his Councel, and not obtain his ſuit. Exp.

CAP. V.

Every Sheriff ſhall in perſon continue in his Bailiwick, and ſhall not let it.

ITem, It is ordained and aſſented, That every Sheriff of England ſhall * abide in proper perſon within his Bailiwick, for the time that he ſhall be ſuch Officer: and that he ſhall not let the ſaid Bailiwick to ferm to any man, for the time that he occupieth ſuch Office, and that the ſaid Sheriff be ſworn, from time to time, to do the ſame in ſpecial, amongſt other Articles compriſed in the oath of the Sheriff. St. 23 H. 6. 10.

*The French is ſorra demurrant

Every Sheriff ſhall in perſon continue in his Bailiwick, and ſhall not let it to ferm.

CAP. VI.

There ſhall be a ſeal of Lead provided to ſeal Clothes wrought in London and the Suburbs. Rep. 5 Ed. 6. 6.

CAP. VII.

The diſſeiſee ſhall have an Aſſiſe againſt the diſſeiſor taking the profits.

ITem, Whereas in the Statute made the firſt year of King Richard, it was ordained, That where ſeveral perſons did diſſeiſe other of their freehold, and made feoffments to divers people as well to have maintenance, as alſo to make the diſſeiſies to be ignorant, againſt whom they ought to take their Writ: That the diſſeiſies in ſuch caſe, might take their Writ againſt them which thereof ſhall take the profit, ſo that the diſſeiſies commence their ſuit within the year next after the diſſeiſin: and that the ſame Ordinance ſhould hold place in every other action or plea, where ſuch feoffments be made by fraud or colluſion, to have their recovery againſt ſuch feoffors, if they thereof take the profits: our ſaid Lord the King thinking the ſaid Statute to be very miſchievous and prejudicial to his people, becauſe of the ſhortneſs of the time, by the aſſent of the ſaid Lords, and at the requeſt of the Commons aforeſaid, hath ordained and ſtabliſhed, that ſuch diſſeiſies ſhall have their action againſt the firſt diſſeiſor, during the life of the ſame diſſeiſor, ſo that ſuch diſſeiſor thereof take the profits at time of the ſuit commenced. And as to other Writs in plea of land, the demandant, ſhall commence his ſuit within the year, againſt him which is Tenant of the freehold, at the time of the action accrued to him, ſo that ſuch Tenant thereof take the profits, at the time of ſuch ſuit commenced, notwithſtanding the ſaid Statute. St. 11 H. 6. 3. St. 1 H. 7. 1: 4 H. 7. 24. Raſt. pl. f. 80. 110. 158. 341. &c.

9 H.6.f.14.
11 H.4.f.21.
Coke l.1.f.123

The diſſeiſee ſhall have an aſſiſe againſt the diſſeiſor, taking the profits during the diſſeiſors life.

CAP. VIII.

In what caſe a ſpecial Aſſiſe is maintainable againſt a diſſeiſor with force.

ITem, Becauſe daily the great perſons of the Realm do make forcible entries into other mens Lands, and put out the poſſeſſors of the ſame, claiming ſometime in their own right, where their entry is not lawful, and ſometime in anothers right, where they have nothing in reverſion, in right, nor in demean, nor there is any affinity or couſinage betwixt them and thoſe in whoſe right they have entred, and alſo take their goods and cattels in manner of robbery, ſo that oftentimes they be in ſuch manner put out, and of their goods and cattels ſpoiled, that they have nothing to purſue for their right, and ſo by ſuch forcible entries and maintenance the land-tenants and poſſeſſors be utterly diſherited and undone: Our Lord the King, willing to do equal right to all his liege people, as well the ſmall as the great, and that his Laws be duly executed, at the grievous complaint of the ſaid Commons, and by the advice and aſſent of all the Lords aforeſaid, for to puniſh and chaſtiſe ſuch Riots, and forcible entries ſo made, and hereafter to be made, againſt the Laws of

[illegible] H.6.f.20.
9 Aſſ.pla.7.
29 Aſſ.pl.49.
30 Aſſ.pl.50.
11 H.4.f.16.

In what caſes a ſpecial Aſſiſe is maintainable againſt a diſſeiſor with force.

of the Land, hath ordained and eſtabliſhed, That if any man great or ſmall, of what eſtate or condition that he be, make any ſuch forcible entry in his own right, or to his own uſe, or in anothers right, to anothers uſe, by way of maintenance, or take or carry away any goods after ſuch forcible entry from the poſſeſſor of the freehold; that if the party grieved, or other lawful man will make affiance in his name, that the entry was made in ſuch forcible manner: That the Chancellor of England for the time being, ſhall have power by his diſcretion to grant a ſpecial aſſiſe in this caſe to the party grieved, of whatſoever value the tenements be, without ſuing to the King. And if ſuch diſſeiſor be attainted of ſuch diſſeiſin made in ſuch forcible manner, he ſhall have one years impriſonment, and yield to the party grieved his double damages: And if he be convict by the ſame aſſiſe, that he hath taken or carried away any goods or cattels of ſuch diſſeiſees, the Juſtices of Aſſiſe ſhall have power to hear and determine as well for our Lord the King, as for the party, of the goods and cattels ſo carried away, and to award to the party grieved his damages: And that in every ſuch ſpecial Aſſiſe be named one of the Juſtices of the one Bench or of the other, or the chief Baron of the Eſchequer, if he be a man of the Law. And that hereafter no Writ of Superſedeas be granted to the contrary of ſuch ſpecial Aſſiſes. St. 5 R. 2. 7. 15 R. 2. 2. 8 H. 6. 9. 31 El. 11. 21 Jac. 15. Raſt. pla. f. 71. 351. &c.

The penalty for carrying away the diſſeiſees goods or cattels.

CAP. IX.

A remedy to diſcharge Commiſſioners diſtrained to return Commiſſions.

A remedy to diſcharge Commiſſioners diſtrained to return Commiſſions which never came to their hands.

ITem, Becauſe that many Commiſſions be made in the Chancery, directed to divers perſons of the Realm, ſometime to inquire and certifie, ſometime to inquire, hear and determine, and ſometime to ſeiſe lands and tenements, goods and cattels, which Commiſſions never came to the hands of the ſaid Commiſſioners, whereupon Writs iſſued out of the Eſchequer of our Lord the King, to diſtrain ſuch Commiſſioners, their executors, heirs and land-tenants; ſometime to yield the eſtreats of the fines, iſſues and amerciaments, which pertain to our Lord the King, becauſe of the ſaid Commiſſions; ſometime to certifie that which is found before them by Inqueſt; and ſometime to account of certain things contained in the ſaid Commiſſions, to the great damage and diſquietneſs of many of the Kings liege people: The ſame our Lord the King, for the eaſe and quietneſs of his people, willing in this caſe to provide remedy, by the aſſent aforeſaid, doth will and hath ordained and ſtabliſhed, That the Chancellor of England for the time being, ſhall uſe his power as he hath done before this time. In this caſe, and in other caſes, the ſame Chancellor ſhall have power by authority of Parliament, (calling to him ſuch Juſtices as ſhall pleaſe him, or the chief Baron of the Eſchequer if need be) to provide remedy from time to time, by their diſcretion. St. 7 H. 4. 11.

CAP. X.

The third part of the ſilver brought to the Bullion ſhall be coined in halfpence and farthings.

The third part of the ſilver which ſhal be brought to the Bullion, ſhall be coyned in halfpence and farthings. None ſhall melt halfpence or farthings.

ITem, For the great ſcarcity that is at this preſent within the Realm of England, of halfpence and farthings of ſilver: It is ordained and ſtabliſhed, That the third part of all the money of ſilver which ſhall be brought to the Bullion, ſhall be made in halfpence and farthings; and that of this third part, the one half be made in halfpence, and the other half in farthings, and the ſame to do and perform the coyner ſhall be ſworn in ſpecial. And that no goldſmith nor other perſon, whatſoever he be, cauſe to be molten any ſuch halfpence or farthings, upon pain to pay to the King the quatreble of that which ſo ſhall be molten, againſt the form of this Statute.

CAP. XI.

Commiſſions ſhall be awarded to Juſtices, &c. to inquire of Wears, Kidels, &c.

St. 25 Ed. 3. 4. 45 Ed. 3. 2. Commiſſions ſhall be awarded to Juſtices and others to inquire of Wears, &c. and to puniſh offendors. St. 1 H. 4. 12.

ITem, Becauſe that by Wears, Stakes, and Kidels, being in the River of Thames, and of other great Rivers through the Realm, the common paſſage of Ships and Boats is diſturbed, and much people periſhed, and alſo the young fry of Fiſh deſtroyed, and againſt reaſon waſted and given to ſwine to eat, contrary to the pleaſure of God, and to the great damage of the King and his people: The ſame our Lord the King intending to provide a due remedy for the ſame miſchiefs, by the advice and aſſent of the Lords aforeſaid, and at the requeſt of the ſaid Commons, doth will and grant, That the Statutes thereof made be holden and kept, and put in due execution: joyning to the ſame, That Commiſſions be awarded to certain Juſtices, and other in every County of the Realm where need ſhall be, to inquire of all that which is contained in the ſaid Statutes, and to puniſh the Offendors of the ſame Statutes, by Fine, according to their diſcretion: ſaved always and reſerved to the King our Lord, the Penalties compriſed in eſpecial in the ſaid Statutes, and that the Eſtreats of ſuch Fines be delivered by the ſaid Juſtices, to the Sheriff of every County by Indenture, and that the ſaid Sheriff pay of the Iſſues and Profits riſing of the ſaid Eſtreats, to every of the ſaid Juſtices, for every day that he ſhall travel to execute the ſaid Commiſſion, four ſhillings, and that the ſaid Sheriffs have thereof due allowance from time to time in the Eſchequer.

Every Juſtice ſhall have four ſhillings a day for every day that he doth travel.

CAP.

CAP. XII.

In appropriations of Benefices there ſhall be proviſion made for the poor and the Vicar.

ITem, It is ordained, That the Statute of appropriation of Churches, and of the endowment of Vicars in the ſame, made the Fifteenth year of King Richard the ſecond, be firmly holden and kept, and put in due execution: and if any Church be appropriated, by licence of the ſaid King Richard, or of our Lord the King that now is, ſithence the ſaid fifteenth year, againſt the form of the ſaid Statute, the ſame ſhall be duly reformed according to the effect of the ſame Statute betwixt this and the Feaſt of Eaſter next coming. And if ſuch reformation be not made within the time aforeſaid, that the appropriation and licence thereof be made void, and utterly repealed and adnulled for ever, except the Church of Hadenham, in the Dioceſs of Ely; which for to eſchew divers damages, diſcords, and debates, that have been before this time betwixt the Biſhop of Ely, and the Archdeacon of Ely, upon the exerciſe of their Juriſdiction (as it was openly declared by the ſame Biſhop, in preſence of the King, and of the Lords in Parliament) was of late appropried by the licence of the King our Lord, to the Archdeacon and his ſucceſſors, to do Divine Service, keep hoſpitality, and to ſupport other charges as pertaineth. Moreover it it is ordained and ſtabliſhed, That all the Vicarages, united, annexed or appropried, and the licences thereof had, after the firſt year of the ſaid King Richard, how well ſoever that they which have united, annexed or appropried ſuch Vicarages, be in poſſeſſion of the ſame Vicarages, or by the vertue of ſuch licences may in any wiſe be in poſſeſſion of the ſame in any time to come, they ſhall be alſo utterly void, revoked, repealed, adnulled and diſappropried for ever: And that from henceforth in every Church ſo appropried, or to be appropried be a ſecular perſon be ordained Vicar perpetual, canonically inſtitute and induct in the ſame, and covenably endowed by the diſcretion of the Ordinary to do Divine Service, and to inform the people, and to keep hoſpitality there, (except the Church of Hadenham aforeſaid.) And that no religious be in any wiſe made Vicar in any Church ſo appropried, or to be appropried by any means in time to come.

C10 Jac. 516.

Plow. f. 495.

3 H. 6. f. 23.

A confirmation of the Statute of 15 R. 2. 6. touching the appropriation of Churches.

The Church of Hadenham in the Dioceſs of Ely, appropried to the Archdeacon of Ely.

All appropriations of Vicarages made ſince the firſt year of R. 2. ſhall be void.

A Vicar endowed ſhall in a ſecular man and not a religious.

CAP. XIII.

A confirmation of the Statutes of Anno 1 Ed. 3. Anno 18 Ed. 3. and 25 Ed. 3. touching Service in War.

ITem, It is ordained and ſtabliſhed, That the Statute made the firſt year of King Edward, grandfather to our Lord the King that now is, containing that none ſhall be conſtrained to go out of their Counties, but only for cauſe of neceſſity of ſudden coming of ſtrange enemies into the Realm: and the Statute made the xviii. year of the ſaid Grandfather, that men of arms, hoblers and archers, choſen to go in the Kings ſervice out of England, ſhall be at the Kings wages from the day they do depart out of the Counties where they were choſen. And alſo the Statute made the xxv. year of the ſaid Grandfather, that no man be compelled to find men of arms, hoblers, nor archers, other then thoſe which do hold by ſuch ſervice, unleſs it be by common aſſent and grant made in the Parliament, ſhall be firmly holden and kept in all points: ſo that always by force or colour of the ſaid ſupplication, nor of any other Statute thereupon to be made, the Lords nor any other that have lands and poſſeſſions in the Countrey of Wales, or in the Marches thereof, ſhall in no wiſe be excuſed of their ſervice and devoirs, due of their ſaid lands and poſſeſſions, nor of any other devoirs or things, whereto they or any of them be bound to our Lord the King, though that the ſame Lords and other, have other lands and poſſeſſions within the Realm of England. Nor that the Lords or other of what eſtate or condition that they be, which hold by Eſcuage or other ſervice due to the King, any lands or poſſeſſions within the ſaid Realm, be in no wiſe excuſed to do their ſervices and devoirs, due of their ſaid lands or poſſeſſions: Nor that the Lords, Knights, Eſquires, nor other perſons, of what eſtate or condition they be, which hold and have of the grant, or confirmation of our Lord the King, lands, poſſeſſions, fees, annuities, penſions, or other yearly profits, be not excuſed to do their ſervice to our Lord the King in ſuch manner as they are bounden, becauſe of the lands, poſſeſſions, fees, annuities, penſions, or profits aforeſaid.

The Stat. of 1 Ed. 3. 5. 18 Ed. 3. 7. & 25 Ed. 3. 8. touching men charged to go into the Kings ſervice in war confirmed.

All men that hold of the King to do any ſervice in war ſhall do the ſame.

CAP. XIV.

A Labourer ſhall not be retained to work by the week. Exp. 5 El. 4.

CAP. XV.

Merchants ſhall beſtow their money received upon other Merchandiſes of this Realm.

ITem, It is ordained and eſtabliſhed, That all the Merchants, Strangers and Denizens, which bring Merchandiſes into this Realm of England, and the ſame do ſell within the Realm, and receive Engliſh money for the ſame, that they ſhall beſtow the ſame money upon other merchandiſes of England, for to carry the ſame out of the Realm of England, without carrying any gold or ſilver in Coin, Plate or Maſs, out of the ſaid Realm, upon pain of forfeiture of the ſame, ſaving always their reaſonable coſts. St. 5 H. 4. 9. 27 H. 6. 3. 17 Ed. 4. 1. 3 H. 7. 8.

Merchants ſhall beſtow their money received upon the Merchandiſe of this Realm.

CAP. XVI.

No perſon ſhall carry gold or ſilver out of the Realm without the Kings licence. Exp. St. 9 Ed. 3. 1. 5 R. 2. 2. 2 H. 6. 6.

CAP. XVII.

Infants are to be received into the order of Fryers without their parents or &c. conſent. Ob.

CAP.

CAP. XVIII.

The puniſhment of an Atturney found in default.

What ſort of men ſhall be Atturnies. Co.Inſt.4.p.76.

9 H.6.f.8. 20 H.6.f.19. 19 H.6.f.35. 3 H.6.f.15. 29.38.48.

ITem, For ſundry damages and miſchiefs that have inſued before this time, to divers perſons of the Realm, by a great number of Atturnies, ignorant and not learned in the Law as they were wont to be before this time: It is ordained and ſtabliſhed, That all the Atturnies ſhall be examined by the Juſtices, and by their diſcretions, their names put in the roll, and they that be good and vertuous, and of good fame ſhall be received and ſworn well and truly to ſerve in their Offices, and eſpecially that they make no ſuit in a foreign Countrey. And the other Atturnies ſhall be put out, by the diſcretion of the ſaid Juſtices, and that their Maſters, for whom they were Atturnies, be warned to take others in their places, ſo that in the mean time, no damage nor prejudice come to their ſaid Maſters. And if any of the ſaid Atturnies do die, or do ceaſe, the Juſtices for the time being, by their diſcretion ſhall make another in his place, which is a vertuous man and learned, and ſworn in the ſame manner as afore is ſaid. And if any ſuch Atturny be hereafter notoriouſly found in any default of Record, or otherwiſe, he ſhall forſwear the Court, and never after be received to make any ſuit in any Court of the King. And that this Ordinance be holden in the Eſchequer after the diſcretion of the Treaſurer, and of the Barons there.

The puniſhment of an Atturny greatly found in fault. Raſt.pl.f.296. 552.

20 H.6.f.39. Bro.Attur.33.

CAP. XIX.

No Officer of a Lord of a Franchiſe ſhall be Atturny in the ſame.

No Officer of a Lord of a Franchiſe ſhal be Atturny within the ſame.

ITem, It is ordained that no Steward, Bailiff nor Miniſter of Lords of Franchiſes, which have return of Writs, be Atturney in any plea within the Franchiſe or Bailiwick whereof he is or ſhall be Officer or Miniſter, in any time to come.

CAP. XX.

Cuſtomers, Controllers, &c. ſhall abide upon their Office, and make no Deputies: and every Cuſtomer ſhall be ſworn to anſwer the King all profits.

St.1 H.4.13. Cuſtomers & Controllers ſhall continue upon their offices and be ſworn thereunto. St.13 H.4.5. The lieutenant of the Kings Butler and Searcher ſhall continue upon their offices. Every Cuſtomer ſhall be ſworn upon the yielding of his account. St. 3 H.6.3. Merchandiſe ſhall be charged and diſcharged in ports, and not crykes.

ITem, It is ordained and eſtabliſhed, That the Statute made in the firſt year of our Lord the King that now is, that Cuſtomers and Controllers in every Port of England, ſhall abide upon their Offices in their proper perſons, without making any Deputy or Lieutenant in their names, be firmly holden and kept in all points: joyned to the ſame, that they ſhall be ſworn to do the ſame from time to time, upon pain of impriſonment, and to pay the King C. li. if they do contrary. Alſo it is accorded and aſſented, That the Lieutenant of the Kings chief Butler, and the Searcher ſhall be reſident in the ſame manner, and upon the ſame pain of C. li. to pay the one half to our Lord the King, and the other half to him that will ſue for the ſame againſt ſuch Cuſtomer, Controller, Lieutenant, or Searcher not reſident; and that every Cuſtomer from henceforth, upon the yielding of his account in the Eſchequer, be ſworn by his oath to anſwer lawfully to the ſame Lord the King, without fraud or deceit, of all manner profits and commodities for the payment of any aſſignment, be it by tail or in any other manner whatſoever. And that all manner Merchandiſes entring in the Realm of England, or going out of the ſame ſhall be charged and diſcharged in the great Ports of the Sea, and not in Crykes and ſmall arrivals, upon pain to forfeit all the Merchandiſes ſo charged or diſcharged to our Lord the King, except veſſels or merchandiſes arriving in ſuch little Crykes and arrivals by cohertion of Tempeſt of the Sea.

CAP. XXI.

Searchers ſhall not let any their Offices to ferm, nor occupy the ſame by deputy.

St. 11 H.6.14.1. El.11. Searchers ſhall not let their offices to ferm, nor occupy them by deputy. St. 13 H.4.5.

ITem, It is ordained and eſtabliſhed, That the Searchers in every Port of England ſhall be charged and ſworn, that they ſhall not let to ferm their Offices of ſearching, nor occupy the ſame by a Deputy. And that from henceforth they take of no Maſters of Ships for their Office of ſearching any ſilver or money for their welcome and farewell, nor any other thing for the ſame, as it hath been taken and received before this time, otherwiſe then ſhall be aſſured to them for their Office by our Lord the King; and that no ſearcher be Hoſt to any Merchant or Mariner. And in caſe that any ſearcher do contrary to this Statute, and that duly proved, the ſame ſearcher ſhall be put out of his Office for ever, and make fine and ranſom at the Kings will.

CAP. XXII.

The remedy where by the Kings preſentation any incumbent is put forth.

St. 25 Ed.3.3.

ITem, Whereas it is ordained by the Statute made the xxv. year of King Edward, Grandfather to our Lord the King, that if the King make collation or preſentment to any Benefice in anothers right, that the title whereupon he groundeth him, ſhould be well examined, that it be true; and at what time before judgment given, the title be found by good information untrue and unjuſt, the collation or preſentment thereof made, ſhall be repealed and adnulled. And moreover in a Statute made after in the time of King Richard, it was ordained and eſtabliſhed, That if the King preſent to any benefice that is full of an incumbent, that the Kings preſentee ſhall not be received by the Ordinary, till the King hath recovered his preſentment by proceſs of the Law in his own Court. And if any preſentee of the King be otherwiſe received, and the incumbent put out without due proceſs as afore is ſaid, the ſame incumbent ſhall commence his ſuit within a year after the induction of the preſentee: Our Lord the King conſidering the great miſchief of the incumbent in this behalf, hath ordained and ſtabliſhed by the aſſent aforeſaid, That if any ſuch incumbent be put out of his benefice without due proceſs in the manner aforeſaid, That the

St. 13 R.2.1. The remedy that an incumbent put forth of his benefice by the Kings preſentation in anothers right, hath to recover the ſame.

ſaid incumbent ſo put out without proceſs may be at large, and ſue for his remedy by the ſaid Statute, and begin his ſuit in this caſe at what time ſhall pleaſe him, within the year, or after at his will, and that as well for the time paſt as for the time to come, notwithſtanding the term ſo limited by the ſaid Statute.

CAP. XXIII.

Judgments given ſhall continue until they ſhall be reverſed by attaint or errour.

Judgments given in the Kings Court ſhall continue until they be reverſed by attaint or errour.

16 H. 6. f. 39. Dyer f. 315. 321. 376. Cro. Jac. 335. 343.

ITem, Whereas as well in plea real as in plea perſonal, after Judgment given in the Courts of our Lord the King, the parties be made to come upon grievous pain, ſometime before the King himſelf, ſometime before the Kings Counſel, and ſometimes to the Parliament, to anſwer thereof of new, to the great impoveriſhing of the parties aforeſaid, and in the ſubverſion of the common Law of the land: It is ordained and eſtabliſhed, That after Judgment given in the Courts of our Lord the King, the parties and their heirs ſhall be thereof in peace, until the Judgment be undone by attaint or by errour, if there be errours, as hath been uſed by the Laws in the times of the Kings Progenitors. Co. l. 12. 64. Dr. ſtud. ca. 18. Co. Inſt. 4. p. 86. Co. lib. 12. 64.

CAP. XXIV.

Aulnage of Clothes may be let to farm by improvement.

Dyer f. 303.

St. 17 R. 2. 5. The Aulnage may be ſet to farm or improved.

ITem, Whereas late in the time of King Richard the ſecond it was ordained by a Statute, That the Aulnage of Clothes through the Realm ſhould not be ſet to farm, to the great damage of the King yearly: It is ordained and accorded in the ſaid Parliament, That the ſaid Aulnage may be ſet to farm by improvement according to the diſcretion of the Treaſurer of England for the time being, and of the Barons of the Eſchequer, notwithſtanding the ſaid Statute made to the contrary. St. 31 H. 6. 5.

CAP. XXV.

An Hoſtler ſhall not make horſebread. How much he may take for Oats.

The penalty of an Hoſtler which offendeth contrary to the St. of 13 R. 2. 8. How much an Hoſtler may gain by a buſhel of Oats.

Cro. Jac. 609.

ITem, It is ordained and ſtabliſhed, That the Statute of Victuallers and Hoſtlers, and other ſellers of Victuals, made the xiii. year of the ſaid King Richard, be holden and kept and put in due execution; and if any Hoſtler do to the contrary, and that duly proved, the ſame Hoſtler ſhall from time to time incur the penalty of the treble value of the bread made by him in his houſe or elſewhere, contrary to the ſaid Statute: and alſo the ſame Hoſtler ſhall incur the quatreble value of that which he hath taken over an halfpeny of every buſhel of Oats above the common price in the Market, and that as well at the ſuit of the King as of the party. St. 32 H. 8. 41. So much of this Statute as concerns the execution of the Statute of 13 R. 2. is repealed, 21 Iac. 21. 28.

CAP. XXVI.

Engliſhmen ſhall not be convict by Welſhmen in Wales. Alt. 27 H. 8. 26. Rep. 21 Iac. 28.

CAP. XXVII.

There ſhall be no Waſters, Vagabonds, &c. in Wales. Alt. 27 H. 8. 26. St. 26 H. 8. 6.

CAP. XXVIII.

There ſhall be no Congregation in Wales. Alt. 27 H. 8. 26. Rep. 21 Jac. 21.

CAP. XXIX.

Welſhmen ſhall not be armed. Alt. 27 H. 8. 26. St. 26 R. 8. 6.

CAP. XXX.

No Victual or Armour ſhall be carried into Wales. Alt. 27 H. 8. 26. Rep. 21 Iac. 28.

CAP. XXXI.

A Welſhman ſhall not have any houſe of defence. Alt. 27 H. 8. 26. Rep. 21 Jac. 28.

CAP. XXXII.

No Welſhman ſhall be an Officer. Alt. 27 H. 8. 26. Rep. 21 Iac. 28.

CAP. XXXIII.

Caſtles and Walled Towns in Wales ſhall be kept by Engliſhmen. Alt. 27 H. 8. 26. Rep. 21 Iac. 28.

CAP. XXXIV.

No Engliſhman that marrieth a Welſhwoman ſhall be in any Office in Wales. Alt. 17 H. 8. 26. Rep. 21 Jac. 28.

CAP. XXXV.

Shoomakers and Cordwayners may tan Leather, notwithſtanding the Statute of 13 R. 2. 12. Exp. Rep. 5 El. 8. & 1 Iac. 22.

Statutes made at *Weſtminſter*, *Anno* 5 *Hen.* 4. & *Anno Dom.* 1403.

FOr to remedy and redreſs divers miſchiefs, damages, and grievances ſhewed to our Lord the King in his Parliament holden at Weſtminſter, the morrow after St. Hillary, the fifth year of his Reign: The ſame our Lord the King, by the advice and aſſent of his Lords ſpiritual and temporal, and at the requeſt of his Commons of his Realm of England, come to the ſame Parliament, hath ordained and ſtabliſhed divers Statutes and Ordinances in the form as followeth.

CAP. I.

Lands aſſigned to certain Traitors to the uſe of others, ſhall not be forfeit to the King. Exp. 7 H. 4. 5.

CAP. II.

The penalty of him which procureth pardon for an approver that committeth felony again.

ITem, Becauſe that divers common and notorious felons be indicted of divers felonies, murders and rapes, in divers Countries, and upon the ſame as well before the Kings Juſtices, as before the King himſelf arraigned of the ſame felonies, and for ſafegard of their

lives

The penalty of him which doth procure pardon for an approver that committeth felony again.

lives they become provers, to ſuch intent that in the mean time by procurage, grants and gifts to be made to divers perſons, to purſue and have their Charters, and then after their deliverance they become more notorious felons then they were before: It is ordained and ſtabliſhed, That if any perſon, of what eſtate or condition that he be, man or woman, pray or purſue, or cauſe to be prayed or purſued from henceforth for any ſuch felon ſo attainted by his own confeſſion, to have any Charter of pardon, that the name of him or her that purſueth ſuch Charter, be put in the ſame Charter, making mention, that the ſame Charter is granted at his or her inſtance. And if he to whom ſuch Charter is granted, after his deliverance becometh a felon again, that the ſame perſon which did ſo purſue for his Charter, ſhall incur the pain of C. li. to be levied to the Kings uſe.

CAP. III.

Watches ſhall be made upon the Coaſt as they were wont to be.

Watches ſhall be made upon the Sea-coaſt, as they had wont to be. 13 E. 1.

Cro.El.204.

ITem, It is ordained and ſtabliſhed, that the watch to be made upon the ſea-coaſt through the Realm, ſhall be made by the number of the people in the places, and in manner and form as they were wont to be made in times paſt, and that in the ſame caſe the Statute of Wincheſter be obſerved and kept; and that in the Commiſſions of the peace hereafter to be made, this Article be put in, That the Juſtices of Peace have power thereof to make inquiry in their Seſſions from time to time, and to puniſh them which be found in default after the tenor of the ſaid Statute.

CAP. IV.

It ſhall he felony to uſe the craft of multiplication of gold or ſilver.

Multiplication.

Dyer 88.

ITem, It is ordained and ſtabliſhed, That none from henceforth ſhall uſe to multiply gold or ſilver, nor uſe the craft of multiplication; and if any the ſame do, that he incur the pain of felony in this caſe.

CAP. V.

It ſhall be felony to cut out the tongues, or pull out the eyes of the Kings liege people.

Cutting of tongues. Putting out eyes. St.37 H.8.5.

Co. Inſt. 3. p. 62.

ITem, Becauſe that many offenders do daily beat, wound, impriſon, and maim divers of the Kings liege people, and after purpoſely cut their tongues, or put out their eyes: It is ordained and ſtabliſhed, That in ſuch caſe the offenders that ſo cutteth tongues, or puts out the eyes of any the Kings liege people, and that duly proved and found, that ſuch deed was done of malice prepenſed, ſhall be adjudged and held Felony. Rot. Parl. 5 H.4. N. 76.

CAP. VI.

The penalty for making an aſſault upon any ſervant of any Knight of the Parliament, &c.

The penalty of him which maketh aſſault upon the ſervant of any Knight, or Burgeſs of the Parliament. St. 11 H.6.11.

ITem, Becauſe that Richard Chedder Eſquire, which was come to this Parliament with Thomas Broke Knight, one of the Knights choſen to the ſame Parliament for the County of Somerſet, and menial ſervant with the ſaid Thomas, was horribly beaten, wounded, blemiſhed, and maimed, by one John Salage, otherwiſe called John Savage: It is ordained and ſtabliſhed, That ſeeing the ſame horrible deed was done within the time of the ſaid Parliament, that Proclamation be made, where the ſame horrible deed was done; that the ſaid John appear and yield him in the Kings Bench within a quarter of a year after the Proclamation made: and if he do not, the ſame John ſhall be attainted of the ſaid deed, and pay to the party grieved his double damages, to be taxed by the diſcretion of the Judges of the ſaid Bench for the time being, or by inqueſt if need be, and alſo he ſhall make fine and ranſom at the Kings will. Moreover it is accorded in the ſame Parliament, that likewiſe it be done in time to come in like caſe.

CAP. VII.

Merchants ſtrangers ſhall be uſed in this Realm, as denizens be in others.

Merchants ſtrangers ſhall be uſed in this Realm, as Merchants denizens be in other Realms.

ITem, It is ordained and ſtabliſhed, That all the Merchants ſtrangers, of what eſtate or condition that they be, coming, dwelling, or repairing within the Realm of England, ſhall be intreated or demeaned within the ſame Realm, in the manner, form and condition, as the Merchants denizens be or ſhall be intreated, or demeaned in the parts beyond the Sea, upon pain to forfeit to the King all the goods and chattels of ſuch merchants ſtrangers, and upon pain of impriſonment of the bodies of ſuch Merchants ſtrangers. St. 9 H.3.30. 9 Ed. 3.1. 25 Ed. 3.2. 2 R.2.1. 11 R.2.7. 4 H.5.5.

CAP. VIII.

In what caſes the Iudges may allow the defendant to wage his Law, or plead to an Inqueſt.

In what caſes the Judges may allow the defendant to wage his law, or to plead an Inqueſt.

3 H.6. f.48. Dyer f. 145. Coke l.6.f.53. l.10. f.103. Fitz. Examin. 8.9.10.13.18. 20 Fitz. Ley 9 10.16.17.

ITem, To eſchew divers miſchiefs, which have been and be from day to day, as well within the City of London, as within other Cities, and other places within the Realm of England, for that divers fained ſuits of debt have been taken as well by the people of the ſaid Cities as of other places againſt divers people, ſurmiſing to them by their ſaid ſuit, that they had made accompt before Auditors aſſigned of divers receipts, duties and contracts had betwixt them, and that they were found in arrearages upon the ſame accompt in divers great ſums, ſuggeſting by the ſame ſuits ſometime their Apprentices, and ſometime other of their ſervants to be the Auditors, where there was never receit nor duty betwixt ſuch parties, and where the ſaid Apprentices nor ſervants did any thing know of ſuch accompt, to the intent to cauſe them againſt whom ſuch Suits were taken, to put them in Inqueſt in the ſame Suits, and to put them from the waging of their Law, in ſuch caſe; By reaſon whereof, by ſuch favourable Inqueſts taken thereupon of the neighbors of thoſe which have proſecuted ſuch Suits, divers have been condemned in great ſums,

to

3 H.6.f.48. Dyer f.145. Coke l.6.f.53. l.10.f.103. Fitz.Examin. 8.9.10.13.18. 20.Fit.Ley.9. 10.16.17.

to the great impoveriſhing and undoing of them: It is ordained and ſtabliſhed, that the Juſtices in the Kings Courts, and other Judges, before whom ſuch ſuits and actions in all ſuch caſes, in Cities and Boroughs, ſhall be ſued and taken, ſhall have power to examine the Attuenies, and other whom pleaſe them, and thereupon to receive the defendants to their Law, or to try the ſame by inqueſt after the diſcretion of the Juſtices and Judges aforeſaid. Raſt. f. 149. &c.

CAP. IX.

Merchants Aliens ſhall imploy their money upon the commodities of this Realm.

ITem, For the better keeping of gold and ſilver within the Realm of England, and for the increaſe of the commodities of the ſaid Realm: It is ordained and eſtabliſhed, that the Statutes thereof made at the laſt Parliament, ſhall be continued and kept, and put in due execution: joyned to the ſame, That the Cuſtomers and Controllers of our Lord the King, in all the Ports of England, ſhall take ſufficient ſureties for all manner of merchandiſes brought by the merchants, aliens and ſtrangers, coming and repairing to the ſaid Ports, to the intent that the money taken for the ſaid merchandiſe ſhall be imployed upon the commodities of the Realm: Saving their reaſonable coſts, as in the ſame Statute more fully is contained. And moreover it is ordained and eſtabliſhed, that the ſaid merchants aliens and ſtrangers ſhall ſell their ſaid merchandiſes ſo brought within the ſaid Realm, within a quarter of a year next after their coming into the ſame, and alſo the money which ſhall be delivered by exchange in England, be imployed upon the commodities of the Realm, within the ſame Realm, upon pain of forfeiture of the ſame money; and that no merchant alien nor ſtranger ſell any manner of merchandiſe to any other merchant alien or ſtranger, upon pain of forfeiture of the ſame merchandiſe. And alſo it is ordained and eſtabliſhed, That in every City, Town, and Port of the Sea in England, where the ſaid merchants, aliens or ſtrangers, be or ſhall be repairing, ſufficient hoſts ſhall be aſſigned to the ſame merchants, by the Mayor, Sheriffs, or Bailiffs of the ſaid Cities, Towns and Ports of the Sea. And that the ſaid merchants aliens and ſtrangers ſhall dwell in no other place, but with their ſaid hoſts ſo to be aſſigned, and that the ſame hoſts ſo to be aſſigned, ſhall take for their travel in the manner as was accuſtomed in old time. St. 4 H. 5. 5. 4 E. 4. 6.

St. 4 H. 4. 15. Merchants ſtrangers ſhall put in ſureties to imploy their money upon the commodities of this Realm. St. 27 H. 6. 3. 17 Ed. 4. 1. 3 H 7. 8. Within what time merchants aliens ſhall ſell their merchandiſe. Rep. 6 H. 4. 4. One alien ſhall ſell no merchandiſe to another alien. St. 18 H. 6. 4. Hoſts ſhall be appointed to Merchants aliens.

CAP. X.

Juſtices of peace ſhall impriſon none but in the common Gaol.

Coke l.4.f.119 Cro.El.829.

ITem, Becauſe that divers Conſtables of Caſtles within the Realm of England be aſſigned to be Juſtices of Peace by Commiſſion of our Lord the King, and by colour of the ſaid Commiſſions they take people to whom they bear evil will, and impriſon them within the ſaid Caſtles, till they have made fine and ranſom with the ſaid Conſtables for their deliverance: It is ordained and eſtabliſhed, that none be impriſoned by any Juſtice of the Peace, but only in the common Gaol: Saving to the Lords and other (which have Gaols) their Franchiſe in this caſe.

Juſtices of Peace ſhall impriſon none but in the common gaol.

CAP. XI.

The Fermors of aliens ſhall pay their Tithes to the Parſon of the ſame Pariſhes.

ITem, It is ordained and eſtabliſhed, That the Fermors, and all manner of occupiers of the manors, lands, tenements, and other poſſeſſions of aliens, ſhall pay and be bound to pay, all manner of Dimes thereof due to Parſons and Vicars of holy Church, in whoſe Pariſhes the ſame manors, lands, tenements, and poſſeſſions be ſo aſſigned and due, as the law of holy Church requireth, notwithſtanding that the ſaid manors, lands, tenements, or other poſſeſſions be ſeiſed into the Kings hands, or notwithſtanding any prohibition made or to be made to the contrary. Regiſt. f. 179.

The Fermors of aliens ſhall pay tithes to the parſons and vicars of the ſame Pariſhes.

CAP. XII.

Execution may be awarded upon a Statute once ſhewed in Court.

ITem, It is ordained and eſtabliſhed, That when any Statute merchant is certified into the Chancery, and thereupon a Writ awarded to the Sheriff, and returned into the common place, and the Statute there once ſhewed, that howſoever the proceſs after the ſame ſhewing be diſcontinued, that at what time the party ſueth to have the proceſs recontinued, and to have execution of the Statute merchant aforeſaid: That the Juſtices of the Bench where the Statute was once ſhewed, may upon the ſame record make and award full execution of the Statute merchant aforeſaid, without having the ſight, or ſhewing thereof another time after, and that this Statute hold place of all Statutes merchant, not fully executed at this time.

37 H.6.f.6. Dyer f.180.

Execution may be awarded upon a Stat. once ſhewed in Court. Raſt. pla. f. 542

CAP. XIII.

What things may be gilded and laid on with ſilver or gold, and what not.

ITem, Whereas many fraudulent artificers, imagining to deceive the common people, do daily make locks, rings, beads, candleſticks, harneis for girdles, hilts, chalices, and ſword-pomels, powder-boxes, and covers for cups, of copper and of latin, and the ſame over-gilt and ſilver, like to gold or ſilver, and the ſame ſell and put in gage to many men, not having full knowledge thereof, for whole gold and whole ſilver, to the great deceit, loſs and hinderance of the common people, and the waſting of gold and ſilver: It is ordained and eſtabliſhed, That no artificer, nor other man whatſoever he be, from henceforth ſhall gilt nor ſilver any ſuch locks, rings, beads, candleſticks, harneis for girdles, chalices, hilts, nor pomels of ſwords, powder-boxes, nor covers for cups made

What things may be gilded and laid on with gold or ſilver, & what not. St. 8 H. 5. 3.

made of copper or latin, upon pain to forfeit to the King C. s. at every time that he ſhall be found guilty, and to make ſatisfaction to the party grieved for his damages: but that (Chalices always excepted) the ſaid artificers may work or cauſe to be wrought ornaments for the Church of copper and latin, and the ſame gilt or ſilver, ſo that always in the foot, or in ſome other part of every ſuch ornament ſo to be made, the copper and the latin ſhall be plain, to the intent that a man may ſee whereof the thing is made, for to eſchew the deceit aforeſaid.

CAP. XIV.

Inrolling of Writs in the Common place whereupon Fines be levied.

What writs & notes ſhall be inrolled in the common place whereupon fines be levied.

Co.lib.5. 39.1.

Item, Whereas many feet of fines of lands and tenements within the Realm of England remaining in the Kings treaſury, and the notes of ſuch fines remaining in the common Bench, have been before this time imbeſilled, and other feet and notes of fines falſly counterfeit and ſet in their places by deceit and falſhood of ſome, whereby many people of the Realm have been greatly endamaged before this time, and may be diſherited in the time to come: It is ordained and eſtabliſhed, That all the writs of Covenant, and all other writs whereupon fines ſhall be levied in time to come, with the writs of Dedimus poteſtatem, if any be, with all knowledges and notes of the ſame, before that they be drawn out of the common Bench by the Chirographer, ſhall be inrolled in a roll, to be of record for ever, to remain in the ſafe cuſtody of the chief Clerk of the common Bench, and of his ſucceſſors, for the old fee of xxii. pence accuſtomed to be paid to the chief Clerk, for the entring of the concord of every fine, without paying any more; to the intent that if the notes in the cuſtody of the Chirographer, or the fines be imbeſilled, a man may have recourſe to the ſaid Roll to have execution thereof, as he ſhould have if the fines were not imbeſilled; and that all the writs of Covenant, and all other writs, whereupon all fines have been levied in times paſt, ſhall be alſo of record. And moreover all the fines that were now late imbeſilled in the treaſury of our Lord the King by perſons unknown, if the notes and the ſame writs of Covenant of ſuch fines imbeſilled remaining in the cuſtody of the Chirographer may be found, that then to the party ſhewing part of the fines imbeſilled, ſuch notes and writs of Covenant ſhall remain of record as far forth as the ſame fines ſhould have been, if no imbeſilling thereof had been made.

CAP. XV.

The Kings pardon of the ſuit of his peace. Treaſons, Rebellious treſpaſſes, &c. Except, &c. Exp.

Statutes made at *Coventry, Anno 6 Hen. 4. & Anno Domini* 1404.

CAP. I.

The penalty of thoſe which pay to the Court of Rome more for the firſt fruits of any Biſhoprick, &c. then had wont to be paid, is to forfeit to the King as much as they may forfeit. OBS. St. 25 H. 8. 20.

CAP. II.

The Statute of 1 H. 4. 6. touching petitions to be made to the King for Lands, Offices, &c. ſhall not extend to the Queen or Prince. Exp.

CAP. III.

Commiſſions ſhall be ſent to enquire of the accompt of Sheriffs, Eſcheators, &c.

Commiſſions ſhall be ſent to inquire of the accompt of every Sheriff, Eſcheator, Accomptant. Co.Inſt.4.p.117

Item, Whereas divers of the Sheriffs, Eſcheators, Aulnagers, Cuſtomers, Comptrollers, and other the Kings officers, accomptable in many parts of the Realm, do fraud and deceive our ſaid Lord the King yearly in their unlawful and untrue accompts, concealing and receiving to their own uſe the greater part of that which rightfully ought to pertain to the King, to his great damage and loſs: Our ſaid Lord the King, by the advice and aſſent aforeſaid, hath ordained, that preſently after every final accompt, given and made by the officers and cuſtomers aforeſaid, before the Barons of the Eſchequer of our Lord the King, the tenor of the accompt of every of the ſaid officers from time to time ſhall be ſent into the Counties where the ſame accomptants be officers, together with Commiſſions directed to the moſt lawful and diſcreet perſons to inquire and certifie the profits which the ſaid accomptants have received within the ſaid Counties, in the name and to the uſe of our Lord the King, by them in the manner aforeſaid, upon their ſaid accompts, or deceitfully concealed and received to their proper uſe and profit. And in caſe that the ſaid accomptants be attainted of their ſaid frauds and deceits, they ſhall incur to our Lord the King the penalty of the treble of the ſame whereof they ſhall be ſo convict, and their bodies to priſon, until they have made fine and ranſom to our ſaid Lord the King, according to the diſcretion of his Judges.

CAP. IV.

Aliens ſhall not carry forth of the Realm merchandiſes brought in by Aliens.

A repeal of ſo much of ÿ St. of 5 H. 4. 9. as [illegible] Merchants aliens to ſell their merchandiſe within a quarter of a year.

Item, Whereas in the Parliament holden at Weſtminſter, amongſt other things it was ordained, That the Merchants aliens and ſtrangers ſhould ſell their merchandiſes within a quarter of a year next after the coming thereof into the Realm: Our Lord the King ſeeing the ſaid Ordinance hurtful and prejudicial, as well for himſelf and his Realm, as for the ſaid Merchants aliens and ſtrangers, by the advice and aſſent aforeſaid, hath ordained and ſtabliſhed, that the ſaid Ordinance be utterly void and adnulled for ever. And that the ſame Merchants aliens and ſtrangers be at their free diſpoſition to ſell their merchandiſes in the manner as they did before the making of the ſaid Ordinance. Saving always the Franchiſes and Liberties of the City of London. And further provided always,

always that the ſaid Merchants aliens and ſtrangers, ſhall not carry or cauſe to be carried out of the Realm any merchandiſes brought within the Realm by the Merchants and aliens ſtrangers aforeſaid.

Aliens ſhall not carry forth of the Realm merchandiſe brought in by aliens.

Statutes made at Weſtminſter, *Anno* 7 *H.* 4. and *Anno Domini* 1405.

OUr Lord the King, at his Parliament holden at Weſtminſter the firſt day of March, the ſeventh year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſame Parliament, hath ordained and eſtabliſhed divers Ordinances and Statutes in the form as followeth.

CAP. I.

A confirmation of the Liberties of the Church, and of all Cities and Perſons, &c. and of all Statutes not repealed. Peace ſhall be kept, &c.

FIrſt, That holy Church have all her liberties and franchiſes; and that all the Lords ſpiritual and temporal, and all the Cities, Boroughs, and Towns franchiſed, have and enjoy all their liberties and franchiſes which they have of the grant of the Kings Progenitors, and of the confirmation and grant of our Lord the King that now is. And that the great Charter, and the Charter of the Foreſt, and all the Ordinances and Statutes made in the time of our Lord the King, and in the time of his Progenitors, not repealed, be firmly holden and kept, and duly executed in all points. And that the peace within the Realm be holden and kept, ſo that all the Kings liege people and ſubjects may from henceforth ſafely and peaceably go, come, and abide, according to the laws and uſages of the ſame Realm, and that good juſtice and even right be done to every perſon: ſaving to the ſame our Lord the King his Regalty and Prerogative. St. 1 H. 4. 1.

A confirmation of the Liberties of the Church, and of all ſtatutes not repealed.

Peace ſhall be maintained, and Juſtice ſhall be done to all.

CAP. II.

The Realms of England and France intailed to the King and his four Sons by name.

ITem, At the requeſt and of the aſſent of the Lords and Commons in the ſaid Parliament, it is ordained and eſtabliſhed, that the inheritance of the Crown, and of the Realms of England and France, and of all the other Dominions of our Lord the King beyond the Sea, with all the appurtenances, ſhall be ſetled and remain in the Perſon of the ſame our Lord the King, and in the heirs of his body begotten: and eſpecially at the requeſt and of the aſſent aforeſaid, It is ordained and eſtabliſhed, pronounced, decreed, and declared, that the Lord the Prince Henry, eldeſt Son to our Lord the King, be heir apparent to the ſame our Lord the King, to ſucceed him in the ſaid Crown, Realms, and Dominions, to have them with all the appurtenances, after the deceaſe of the ſame our Lord the King, to him and his heirs of his body begotten. And if he die without heirs of his body begotten, then all the ſaid Crown, Realms, and Dominions, with all the appurtenances, ſhall remain to the Lord Thomas ſecond Son of our ſaid Lord the King, and to the heirs of his body begotten. And if he die without iſſue of his body, that then all the ſaid Crowns, Realms, and Dominions, with all the appurtenances, ſhall remain to the Lord John, the third Son of our ſaid Lord the King, and to the heirs of his body begotten. And if he die without heirs of his body begotten, that then all the foreſaid Crown, Realms, and Dominions, with all the appurtenances, ſhall remain to the Lord Humfrey, the fourth Son of our ſaid Lord the King, and the heirs of his body begotten.

The Inheritance of the Crown of England, and of all the Kings Dominions, intailed to him and his ſons by name.

CAP. III.

The Rolls of Eſtreats ſhall be made certain.

ITem, Whereas divers people of the Realm do loſe Iſſues, Fines, and Amerciaments in the Court of our Lord the King, at the ſuit of any party, and alſo Iſſues and Amerciaments in Inqueſts and Juries, wherein they be impannelled betwixt party and party in the ſaid Court, whereupon the Bailiffs of Sheriffs and their Receivers, and the Bailiffs of Franchiſes and their Receivers, which gather the green Wax, do levy the ſame Iſſues, Fines, and Amerciaments, by Eſtreats ſent to them and delivered out of the place where they were forfeit, by obſcure and ambiguous words, containing the ſum ſo loſt, not making mention by expreſs words of the cauſe of the loſs, nor the day of the Term, nor betwixt what parties, nor the nature of the Writ, in which the ſame Iſſues, Fines, and Amerciaments were loſt; ſo that the ſaid Officers do levy the ſum two or three times, and ſometime the double ſum contained in their Eſtreats, to the great grief and impoveriſhing of all the people: It is ordained and eſtabliſhed, that the Juſtices and Judges before whom ſuch Iſſues or Amerciaments be or ſhall be forfeit in time to come, ſhall charge the Clerks of the Eſtreats, in the places where ſuch Iſſues and Amerciaments be, or ſhall be forfeit, by their Oath to be made, that they make the Rolls of the Eſtreats of ſuch Iſſues and Amerciaments diſtinctly by expreſs word of the cauſe of the loſs, of the term of the year, and the nature of the Writ, and betwixt what parties ſuch Iſſues and Amerciaments be, or ſhall be loſt, as well in the Kings ſuit, as in the ſuit of the party: And that the Statute made in the time of King Edward the third, the two and fourtieth year of his Reign, for gathering of green Wax, be holden and kept in all points.

The Rolls of Eſtreats ſhall be made certain.

A confirmation of the ſtatute of 42 Ed. 3. 9. touching gathering of green wax.

CAP. IV.

No protection allowable for a Gaoler which letteth a Priſoner eſcape.

ITem, Becauſe that when divers perſons being debtors be condemned to their creditors by due proceſs of the Law, and committed to priſon, that is to ſay, to the Gaols of the

St. 1 R. 2. 12.

In an action of debt brought againſt a Gaoler which letteth a priſoner to eſcape, a protection will not lie.

Bro. Parl. 30.

Marſhalſie, Kings Bench, Fleet, and other Priſons, in divers Cities, Boroughs, and Towns within the Realm, the Wardens of the Gaols and Priſons aforeſaid, of their own authority, do let the ſaid debtors to go at large at their will; and whereas by a ſtatute it was ordained, that if any Gaoler do let ſuch priſoner to go by mainpriſe or in bail, that then the perſon to whom the priſoner is condemned, ſhall have his action and recovery againſt the ſaid Gaoler: The ſame Wardens do purchaſe to them the Kings protection, whereby the ſaid creditors by the ſame protection be delayed and deferred from their duty and rightful recovery, as well againſt the ſaid Wardens of the ſaid Gaols, as againſt the ſaid priſoners, to the great damage and prejudice of the common people, and derogation of the common Law: It is ordained and eſtabliſhed, that no protection be available, nor by any means allowed in ſuch caſe. V. N. B. fol. 22. Fitz. N. B. fol. 28. St. 13 Ed. 1. 11.

CAP. V.

The King ſhall not have the forfeiture of thoſe lands whereof certain Traitors were ſeiſed to the uſe of others. Exp.

CAP. VI.

The penalty of him which purchaſeth a Bull to be diſcharged of Tithes.

The penalty of purchaſing of Bulls from Rome to be diſcharged of Tithes. St. 13 R. 2. 2. & 3.

St. 13. Ed. 2. St. H. 4. 4.

ITem, It is ordained and eſtabliſhed, that no perſon religious nor ſecular, of what eſtate or condition that he be, by colour of any Bulls containing ſuch priviledges, to be diſcharged of Diſmes pertaining to Pariſh Churches, Prebends, Hoſpitals, or Vicarages, purchaſed before the firſt year of King Richard the ſecond after the Conqueſt, or ſithence not executed, ſhall put in execution any ſuch Bulls ſo purchaſed, or any ſuch Bulls to be purchaſed in time to come. And if any ſuch religious or ſecular perſon, of what eſtate or condition he be, from henceforth by colour of ſuch Bulls do trouble any perſon of holy Church, Prebendaries, Wardens of Hoſpitals, or Vicars, ſo that they cannot take or enjoy the Diſmes due or pertaining to them of their ſaid Benefices, that then ſuch diſturbers ſhall incur like proceſs and pain as is ordained by the ſtatute made againſt them of the Order of Ciſteaux, in the ſecond year of the Reign of our ſaid Lord the King that now is.

CAP. VII.

Arrow-heads ſhall be well boiled, braſed, and hardened.

Arrow-heads ſhall be well boiled, braſed, and hardened at the points.

ITem, Becauſe the Arrow-ſmiths do make many faulty heads for arrows and quarels, defective, not well, nor lawful, nor defenſible, to the great jeopardy and deceit of the people, and of the whole Realm: It is ordained and eſtabliſhed, that all the heads for arrows and quarels after this time to be made, ſhall be well boiled or braſed, and hardened at the points with ſteel: and if any of the ſaid Smiths do make the contrary, they ſhall forfeit all ſuch heads and quarels to the King, and ſhall be alſo impriſoned, and make a fine at the Kings will, and that every arrow-head and quarel be marked with the mark of him that made the ſame. And the Juſtices of Peace, in every County of England, and alſo the Mayor and Sheriffs, and Bailiffs of Cities and Boroughs within the ſame Cities and Boroughs, ſhall have power to enquire of all ſuch deceitful makers of heads and quarels, and to puniſh them as afore is ſaid.

Juſtices of Peace and chief Officers of Cities, &c. may enquire of and puniſh offendors.

CAP. VIII.

No proviſion, licenſe, or pardon ſhall be granted of a Benefice full of an Incumbent.

No proviſion ſhall be made by the Pope, nor licenſe or pardon by the King, touching a Benefice then full of an Incumbent.

ITem, To eſchew many diſſentions, diſcords, and debates, and divers other miſchiefs very like to riſe and grow becauſe of many proviſions made and to be made by the Pope, and alſo in reſpect of licences granted upon the ſame by the King our Sovereign Lord: It is ordained and eſtabliſhed, that no licenſe or pardon ſo granted before this time, nor to be granted in time to come, ſhall be available to any Benefice full of any Incumbent, at the day of the date of ſuch licence or pardon granted. St. 3 H. 5. 4.

CAP. IX.

All merchandiſes may be ſold in groſs, as well to all others, as to Citizens of London.

All merchandiſes may be ſold in groſs in London as well to all the Kings people as to the Citizens of London.

ITem, Whereas at the grievous complaint made by the Commons in the ſaid Parliament, it is ſhewed how that in old time it was uſed and accuſtomed, that as well the Cloth-makers and Drapers of whatſoever place of the Realm, repairing and having recourſe to the City of London, as other Merchants, with divers merchandiſes, as Wine, Iron, Oyl, and Wax, and other things pertaining to merchandiſe, exerciſing, repairing, and having recourſe to the ſaid City, have bought and ſold in groſs, as well with aliens as with denizens, of the clothes and other merchandiſes aforeſaid, at their will and pleaſure, paying in this behalf onely the cuſtoms and other devoires thereof reaſonably due, and never in all the ſaid time were diſturbed, or in any manner hindered to ſell or buy in groſs with Merchants, aliens or denizens, of ſuch clothes and merchandiſes, at their will and pleaſure, but onely to retail: And now of late as well the ſame Cloth-makers, as other the ſaid Merchants, by the Mayor, Sheriffs, Aldermen, Drapers, and Merchants of London, be daily diſturbed and let to ſell and buy in the manner aforeſaid, as well in groſs as in retail, and grievouſly and continually conſtrained to ſell their ſaid clothes and merchandiſes onely to the merchants and inhabitants of the ſaid City, to the ſingular profit and advantage of them of London, and alſo to the damage and loſs of the Lords Spiritual and Temporal, and the Commons of this Realm, as of the ſaid Cloth-makers and Merchants ſo grieved, and a plain enſample and occaſion to ſuch Cloth-makers and merchants ſo grieved, to withdraw themſelves from the ſaid City from henceforth, if remedy be not rather provided in this behalf: It is ordained and eſtabliſhed, that as well the Drapers and Cloth-ſellers, as other Merchants with their ſundry merchandiſes, as of Wine, Iron, Oyl, and Wax,

Cok. l. 8. f. 128.

and other things pertaining to merchandiſes, ſhall be free to ſell in groſs their Clothes, Iron, Oyl, and Wax, and other their merchandiſes, as well to all the Kings liege people, as to the Citizens of London, notwithſtanding any franchiſe or liberty granted to the contrary. Co. Inſt. 4. p. 249.

CAP. X.

The length and breadth of Cloth of ray and coloured. Rep. 5 Ed. 6. 6. 43 El. 10. 4 Jac. 2. 4 H. 4. 6. 11 H. 4. 7. 13 H. 4. 4.

CAP. XI.

Commiſſioners not receiving a Commiſſion ſhall be diſcharged upon their Oaths.

ITem, Whereas many of the Kings liege people be aſſigned by his Commiſſions to do and perform the content of the ſame, ſome to hear and determine, ſome to enquire and certifie, and otherwiſe, whereby the ſame Commiſſioners be grievouſly diſtrained by proceſs out of the Exchequer, by reaſon of the ſaid Commiſſions, and by that occaſion do loſe great iſſues, where the ſaid Commiſſioners did never know of ſuch Commiſſions, nor the ſame Commiſſion ever came to their hands, to the great damage and hinderance of many of the Kings ſubjects: It is ordained and eſtabliſhed, that the Barons of the Exchequer ſhall have power to receive the Oath of ſuch Commiſſioners of their excuſe and diſcharge of the receipt or occupation of the ſaid Commiſſions. And alſo that the ſame Barons of the Exchequer, and the Juſtices of the one Bench, and the other, ſhall have power by Writ of Dedimus poteſtatem, to receive ſuch Oaths in the Country, and that the ſame Juſtices ſhall thereof certifie the ſaid Barons in the Exchequer from time to time, and that upon the ſame, the ſaid Barons ſhall diſcharge the ſaid Commiſſioners, and in like wiſe it ſhall be done for the heirs, executors, or land tenants of the ſaid Commiſſioners. Provided always, that ſuch Oaths be not taken but in caſe of Commiſſions of Oyer and Determiner, and of enquiry and certifying onely. St. 4 H. 4. 9.

Commiſſioners not receiving the Commiſſions ſhall be diſcharged upon their oaths.

CAP. XII.

Thoſe Lands ſhall not be forfeited to the King, whereof Traitors were ſeiſed to the uſe of others. Exp.

CAP. XIII.

Impotent perſons that be outlawed may make atturnies.

ITem, Whereas many of the Kings liege people be outlawed, and many waived by erronious proceſs in Law, and be ſo impotent in their bodies by divers maladies and infirmities, that they cannot come in their proper perſons before the King in his Bench, there to make their ſuit to reverſe ſuch erronious proceſs: It is ordained and eſtabliſhed, that every Juſtice of the one Bench, and of the other, and alſo the chief Baron of the Exchequer, ſhall have power to examine the ſame perſons having ſuch malady and diſeaſes openly known, and thereupon may the ſame Juſtices and Baron, and every of them, by their diſcretion record their atturney in this caſe. Provided always, that in the Writ of Capias ad ſatiſfaciendum the common Law ſhall hold place.

Impotent perſons that be outlawed may make their atturnies.

Capias ad ſatiſfaciendum.

CAP. XIV.

The Statute of 1 H. 4. 7. and 1 R. 2. 7. touching the giving and taking of Liveries, confirmed. No Congregation or Company ſhall make any Livery of Cloth or Hats. Rep. 3 Car. 4.

CAP. XV.

The manner of the election of the Knights of Shires for a Parliament.

Co. Inſt. 4 p. 10. & 48.

ITem, Our Lord the King, at the grievous complaint of his Commons in this preſent Parliament, of the undue election of the Knights of Counties for the Parliament, which be ſometime made of affection of Sheriffs, and otherwiſe, againſt the form of the Writs directed to the Sheriff, to the great ſlander of the Counties, and hinderance of the buſineſs of the Commonalty in the ſaid County: Our Soveraign Lord the King, willing therein to provide remedy, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, hath ordained and eſtabliſhed, that from henceforth the elections of ſuch Knights ſhall be made in the form as followeth; (that is to ſay) at the next County to be holden after the delivery of the Writ of the Parliament, Proclamation ſhall be made in the full County of the day and the place of the Parliament, and that all they that be there preſent, as well ſuitors duly ſummoned for the ſame cauſe, as other, ſhall attend to the election of the Knights for the Parliament, and then in the full County they ſhall proceed to the election freely and indifferently, notwithſtanding any requeſt or commandment to the contrary. And after that they be choſen, the names of the perſons ſo choſen (be they preſent or abſent) ſhall be written in an Indenture under the Seals of all them that did chuſe them, and tacked to the ſame Writ of the Parliament, which Indenture ſo ſealed and tacked, ſhall be holden for the Sheriffs return of the ſaid Writ, touching the Knights of the Shires. And in the Writs of the Parliament to be made hereafter, this Clauſe ſhall be put: Et electionem tuam in pleno comitatu tuo factam, diſtincte & aperte ſub ſigillo tuo & ſigillis eorum qui electioni illi interfuerunt nobis in Cancellaria noſtra ad diem & locum in brevi contentum certifices indilate. St. 11 H. 4. 1. 6 H. 6. 4. 23 H. 6. 15.

The manner of the election of the Knights of the Shires for the Parliament.

A clauſe to be inſerted in every Writ of the Parliament.

CAP. XVI.

Annuities granted by the King or his Anceſtors of an elder date, ſhall be paid before them that were granted of a latter date. Exp.

CAP. XVII.

No man ſhall put his ſon or daughter to be an apprentice, unleſs he have twenty ſhillings in land or rent, but every perſon may put his ſon or daughter to School. Rep. 5 El. 4. St. 8 H. 6. 11. 12 H. 7. 1.

CAP. XVIII.

None ſhall be puniſhed for repreſſing of the late Riots. Exp.

Statutes made at Glouceſter, *Anno 9 Hen. 4.* and *Anno Domini* 1407.

BEcauſe that divers complaints have been made to our Lord the King by the Commons of this Realm, in the Parliament holden at Glouceſter, the twentieth day of October, in the ninth year of the Reign of our ſaid Lord King Henry the fourth after the Conqueſt: The ſame our Lord the King willing to remedy the ſaid complaints, by the advice and aſſent of the Lords Spiritual and Temporal, and at the inſtance and requeſt of the ſaid Commons, hath cauſed to be ordained and ſtabliſhed divers Statutes and Ordinances, in form as followeth.

CAP. I.

A confirmation of all Liberties, except thoſe granted to the Scholars of Oxford.

The Liberties of the Church, and the franchiſes of all Cities, Boroughs, and private perſons confirmed.

A Franchiſe granted to the Scholars of Oxford, excepted.

FIrſt, That holy Church have all her Liberties and Franchiſes, and that all the Lords Spiritual and Temporal, and other the Kings liege people, having Liberties and Franchiſes, and all Cities and Boroughs of the Realm have and enjoy all their Liberties and Franchiſes, which they have of the grants of the Progenitors of our Lord the King, and of his own Grant and Confirmation (Except the Franchiſe now late granted to the Scholars of the Univerſity of Oxenford.) And that the great Charter, and the Charter of the Forreſt, and all other good Statutes made before this time, and not repealed, ſtand in their force.

CAP. II.

Kendal Cloth ſhall not be ſealed, nor Aulnage paid for it.

Kendal Cloth ſhall not be ſealed, or aulnage paid for it.

ITem, It is ordained and eſtabliſhed, that no Cloth called Kendal, whereof the dozen paſſeth not ſix ſhillings and eight pence, ſhall be ſealed with any of the Kings Seals, nor aulnage great nor little be paid for the ſame. And that the Owners of ſuch Clothes may freely ſell the ſame Clothes not ſealed, without forfeiting any thing to the King for the ſame, notwithſtanding any Statute or Ordinance made to the contrary. St. 1 H. 4. 19. 7 Jac. 16.

CAP. III.

Felons in South-Wales ſhall be taken, or the Country ſhall ſatisfie for their offences. Alt. 27 H. 8. 26. Rep. 21 Jac. 28.

CAP. IV.

Diſclaimer in felony in Wales ſhall be utterly excluded and put out.

Diſclaiming in felony in Wales ſhall be utterly put out.

ITem, It is ordained and ſtabliſhed, that no thief nor felon in Wales, openly known, be ſuffered to diſclaim out of the Seigniory where the felony was done, and that ſuch manner of diſclaiming be utterly put out. And that as well the ſaid thieves openly known, as other thieves, be put to anſwer as privy to the indictments, or accuſements in the ſame Seigniories where the thieves be taken, without being delivered by diſclaiming, or by Letters of Marque in any manner. St. 27 H. 8. 26.

CAP. V.

Lords of ancient Demeſn or Mayors, &c. named Diſſeiſors in Aſſiſe, to take away their Franchiſe.

ITem, Whereas divers people do oftentimes ſue Aſſiſes of Novel diſſeiſin, or other Writs of plea of Land at the Common Law, of Lands, Tenements, and Rents being within Franchiſed Towns, and ancient Demeſn, againſt certain perſons, and cauſe to be named alſo in their ſaid Aſſiſes and Writs, the Mayor, and Bailiffs, and Comminalty of the Franchiſes, and the Lords and Bailiffs within antient Demeſn aforeſaid, whereas of truth they be not Diſſeiſors, nor Tenants of the ſaid Lands, Tenements, or Rents ſo being in plea, but named by colluſion and fraud, to bar and exclude the ſaid Mayors, Bailiffs, and Comminalty, and the ſaid Lords and Bailiffs of ancient Demeſn of their Franchiſes and Liberties, to have Coniſance of Juriſdiction of their Court before them: It is ordained and ſtabliſhed, that in ſuch Aſſiſes or Writs purchaſed or ſued from henceforth, or at this preſent depending betwixt any parties before any ſuch Juſtices at the Common Law, in which ſuit Mayor, Bailiffs, and Comminalty, or Lords or Bailiffs of ancient Demeſn be named, that the ſame Juſtices ſhall firſt inquire by the ſaid Aſſiſe in the Countrey, whether the ſaid Mayor, Bailiffs, and Comminalty, or Lords or Bailiffs of ancient Demeſn (if they require it before ſuch Juſtices) be Diſſeiſors or Tenants in that caſe, or be named by colluſion and fraud, as afore is ſaid. And if it be found that they be not Diſſeiſors nor Tenants of the ſaid Lands, Tenements, or Rents, but acquit before the ſame Juſtices, and found that they be named by colluſion and fraud, in the form aforeſaid, that in ſuch caſe the Juſtices ſhall cauſe the ſaid Writs of Aſſiſes, or other Writs purchaſed in the form aforeſaid, to be abated and adnulled, and that the ſaid plaintiff or plaintiffs ſhall be in grievous mercy of the King, notwithſtanding that other Tenants or Diſſeiſors be named or found in ſuch Aſſiſes or Writs.

Fitz. Aſſiſ. 369.

A remedy where Lords of ancient demeſn or Mayors be named diſſeiſors in Writs to take away their Franchiſe. Fitz.N.B.f.155.a. St. 8 H. 6. 26.

CAP. VI.

A repeal of the Statute of 7 H. 4. 10. touching the length and breadth of Cloth of Ray. St. 11 H. 4. 6. 13 H. 4. 4. 5 Ed. 6. 6. 43 El. 10. 4 Jac. 2.

CAP. VII.

Goods ſhall be chargeable for the payment of the Fifteen, where they were at the time when the ſame was granted.

ITem, It is ordained and eſtabliſhed, that all manner Forreigners having lands, tenements, goods and cattels, within any Towns at the day of grant of any Diſme or Quinzime, or of any other tax whatſoever, although they lead away their beaſts, or carry away their goods and cattels out of the ſame Town after the day of the ſaid grant, that the ſame forreigners and every of them ſhall be contributory with the inhabitants of ſuch Towns to ſuch Diſme, Fifteen, or tax whatſoever. And that the Collectors of the ſame Diſme, Quinzime, or tax, for the time being within ſuch Towns, ſhall have power by authority of their Office to tax and aſſeſs ſuch forreigners according to the quantity of their goods, cattels, and poſſeſſions being in the ſaid Towns, at the days of the grant of the ſaid Diſme, Quinzime, or tax, and for the ſums whereto they be aſſeſſed or taxed, to diſtrain in every place within the County, as well before that our ſaid Lord the King be anſwered of the whole ſums that attain to ſuch Towns, as after. Provided always, that no man nor woman be two times charged for any ſuch beaſts, goods, nor cattels, in any wiſe by occaſion thereof.

Goods ſhall be chargeable to the payment of the Fifteen where they were at the time the ſame was granted.
St. 1 Ed. 3. 6.
None ſhall be twice charged for his goods.

CAP. VIII.

Money ſhall not be carried out of the Realm to the Court of Rome. All Statutes made againſt Proviſors, and tranſlation of Archbiſhopricks and Biſhopricks confirmed: Elections of Spiritual Promotions ſhall be free, and not interrupted by the Pope or the King. Alt. 25 H. 8. 20. A Pardon granted by the King to all that have purchaſed proviſions, or tranſlation of Biſhopricks, &c. Exp.

Statutes made at Weſtminſter, *Anno* 11 *H*. 4. and *Anno Domini* 1409.

BY the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt, inſtance, and ſuit of the Commons, being in the Parliament holden at Weſtminſter, in the fifteenth of St. Hillary, the eleventh year of the Reign of King Henry the Fourth; The ſame our Lord the King hath ordained divers Statutes and Ordinances in the form as followeth.

CAP. I.

A Sheriff maketh an untrue return of the election of the Knights of the Parliament.

St. 7 H. 4. 15.

FIrſt, Whereas in the Parliament holden at Weſtminſter, the ſeventh year of the Reign of our ſaid Lord the King, there was ordained and eſtabliſhed by a Statute for the preſervation of the Liberties and Franchiſes of the election of the Knights of the Shire uſed through the Realm, a certain form and manner of the Election of ſuch Knights, as in the ſaid Statute more fully is contained: And foraſmuch as in the ſame Statute no penalty was ordained or limited in ſpecial upon the Sheriffs of the Counties, if they make any returns to the contrary of the ſame Statute: It is ordained and ſtabliſhed, that the Juſtices aſſigned to take Aſſiſes, ſhall have power to enquire in their Seſſions of Aſſiſes of ſuch returns made: and if it be found by enqueſt, and due examination before the ſame Juſtices, that any ſuch Sheriff hath made, or hereafter make any return contrary to the tenour of the ſaid Statute, that then the ſame Sheriff ſhall incur the penalty of one hundred pounds to be paid to our Lord the King: and moreover that the Knights of the Counties ſo unduly returned, ſhall loſe their wages of the Parliament of old time accuſtomed. St. 1 H. 5. 1. 6 H. 6. 4. 23 H. 6. 15. Raſt. pla. 446.

The penalty of the Sheriff which maketh an untrue return of the election of the Knights of the Parliament.
St. 8 H. 6. 7.

CAP. II.

No common Hoſtler ſhall be a Cuſtomer, Comptroller, or Searcher.

ITem, It is ordained and ſtabliſhed, That no man which holdeth a Common Hoſtry in any City or Borough of England, ſhall be Cuſtomer, Comptroller, Finder, nor Searcher of the ſaid Lord the King: and that to eſchew the damage and loſs, which thereof may happen by the favour that ſuch common Hoſtlers may, or will do to Merchants and other gueſts in their ſaid Offices. St. 20 H. 6. 5.

CAP. III.

Records ſhall not be amended or impaired after judgment inrolled.

ITem, It is ordained and ſtabliſhed, That the Juſtices aſſigned and to be aſſigned, to take Aſſiſes by Commiſſion of our Lord the King in the Counties of the Realm, from henceforth ſhall cauſe to be delivered fully in the Kings Treaſury, all the Records of Aſſiſes of Novel diſſeiſin, of Mortdanceſtor and of Certifications, with all the appurtenances and appendances before them determined every ſecond year, that the plea thereof be determined and judgment given without more delay; and that the Records and proceſs of Pleas, real and perſonal, and of Aſſiſes of Novel diſſeiſin, or Mortdanceſtor, and Certifications, and of other, whereof Judgment is given and enrolled, or things touching ſuch plea, ſhall in no wiſe be amended nor impaired by new entring of the Clerks, or by the Record or thing certified in witneſs or commandment of any Juſtice in no Term after that ſuch judgment in ſuch pleas is given and enrolled.

Fitz. Error. 91.

Juſtices of Aſſiſe ſhall deliver into the Treaſury the Records of Aſſiſe, &c. every ſecond year.
St. 9 Ed. 3. 5.
Records ſhall not be amended or impaired after judgment given and recorded.

CAP. IV.

He that playeth at unlawful games prohibited by the Statute of 12 R. 2. 6. ſhall be ſix days impriſoned. Rep. 33 H. 8. 9.

CAP. V.

Gally half-pence ſhall not be currant in payment in this Realm.

Gally half-pence ſhall not be currant paiment.

Item, Becauſe that Gally half-pence do commonly run in the Realm for payment, in derogation of the Kings Crown, and in great deceit of the common people: It is ordained and ſtabliſhed, that the ſaid Gally half-pence ſhall never be currant in payment, nor in other manner within the Realm of England upon pain of forfeiture thereof. And moreover that the Gally-half-pence, in whoſe hands ſoever they be found within the Realm, ſhall be forfeit to our Lord the King after two moneths next enſuing the Proclamation of this Statute. And alſo the ſame our Lord the King will, that all the Statutes and Ordinances made before this time by him or by his noble Progenitors not repealed, as well of money of Scotland, as of the money of other Realms and parts beyond the Sea, be holden, and kept, and put in due execution.

CAP. VI.

Clothes ſhall not be tacked and plated together before the Aulnager hath ſet his Seal to them.

St. 7 H. 4. 10.

Item, Whereas by the Statute made the ſeventh year of the Reign of our ſaid Lord the King that now is, it was ordained, That every whole coloured Cloth made within the Realm ſhould contain by aſſiſe the length of eight and twenty yards by the creſt; and every dozen of Cloth of the length of fourteen yards by the creſt; and the Rays meaſured by the liſt ſhould contain the ſame length, that is to ſay, the whole Cloth eight and twenty yards, and the dozen fourteen yards: And certain Aulnagers thereto aſſigned, through the Realm, ſhould take their charge in the Exchequer, well and lawfully without fraud to ſearch and ſurvey ſuch Clothes, and dozens, that every of them in his nature do contain the length and breadth as the Statute aforeſaid requireth: The ſame Aulnagers having power and authority by our ſaid Lord the King, duely to execute their Office, and with the Seal of their Office thereto aſſigned to ſeal all the ſaid Clothes and Dozens, holding their length and breadth, after the form of the ſaid Aſſiſe, ſo that the people having whereof they may be ſure, that by the warrant of the ſame ſealing, their Clothes and Dozens aforeſaid ſhall hold their length and breadth, after the form of the ſaid Statute: notwithſtanding which Statute, certain perſons, namely, in the Weſt parts, making ſuch manner Clothes, which do not hold their ſaid aſſiſe as well in Rays as in full Cloth, and in eſpecial where the whole coloured Cloth ought to contain the length of eight and twenty yards, it holdeth not but three and twenty yards; and where the Dozen of Cloth ought to hold fourteen yards, it holdeth but eleven yards; and to conceal the deceit of the meaſure, the ſaid people ſo making ſuch Clothes and Dozens, cauſe the ſame to be plaited and tacked together preſently after they be made: And when the Aulnagers ſee the Clothes ſo tacked together, they do ſeal them without making any more ſearch or ſurveying of the ſame Clothes, to the great deceit and hinderance, as well of the Lords as the Commons of the Realm. Our Lord the King conſidering the miſchiefs aforeſaid, and willing thereof to provide remedy, by the advice and aſſent of the ſaid Lords, and at the requeſt of the ſaid Commons, hath ordained and ſtabliſhed, that a new Seal having a ſign and a mark differing from the old Seal of the ſaid Office of Aulnager, ſhall be made and delivered to the ſaid Aulnagers, and after that the ſame Seal ſo newly to be made be delivered to the ſaid Aulnagers, Proclamation ſhall be made openly in the Weſt parts, and other places through the Realm, that no perſons making ſuch manner of Clothes and Dozens in the Weſt parts, nor elſewhere within the Realm of England, be ſo hardy to tack and plait together ſuch manner Clothes, before that the Aulnager have duely made his ſearch and ſurvey of the ſame Clothes, that they hold their length and breadth ordained in the ſaid Statute, upon pain of forfeiture of the ſame: And that the ſaid Aulnager after that, ſhall ſet the ſaid new Seal of his Office to ſuch manner of Clothes and Dozens; ſaving always that the Clothes and Dozens of Colour and of Ray, which be enſealed with the ſaid old Seal, before the Proclamation made, may have their courſe to be ſold without any impediment, impeachment, or reſtraint, upon them to be made by the ſaid Aulnagers, or any other Officers, betwixt the date of the ſaid Proclamation, and the Feaſt of St. Peter ad vincula next coming. And in caſe that any Aulnager in doing his ſaid Office do contrary to this Statute, and thereof be duly attainted, that he at the firſt time that he ſhall be ſo attainted, ſhall loſe x li. and at the ſecond time xx li. to be levied and paid to the uſe of our ſaid Lord the King, of all his lands and tenements, goods and cattels, in whoſe hands ſoever they be; And at the third time his body ſhall be arreſted, and all his goods and cattels at the Kings will. And moreover the ſame our Lord the King doth will, that every perſon which will ſue for the King, or for himſelf, ſhall have the ſuit to attaint ſuch Aulnagers, ſo doing againſt this Statute. And the ſame party purſuing ſhall have for his labour the fourth part of the penalty of ten or twenty pound aforeſaid, according as the caſe ſhall happen: ſaving to Lords and other their Franchiſes, if they have any in this caſe. St. 11 H. 6. 9.

No man ſhall tack and plait together clothes before the Aulnager hath ſet his Seal unto them.
St. 13 R. 2. 11.

The penalty of an Aulnager not performing his duty.

CAP. VII.

Merchants Strangers ſhall pay to the King the Cuſtoms and Subſidies granted to him by the Commons for Cloth cut in pieces, and for Clothes cut into garments proportionably, after the rate of a whole piece. Exp.

CAP. VIII.

The Lord Chancellor ſhall ſend the Eſtreats of Exchanges taken of Merchants, into the Exchequer every fifteen days. OB. St. 14 R. 2. 2. 9 H. 5. 9.

CAP. IX.

Jurors in Indictments ſhall be returned by the Sheriff, or, &c. without denomination of any.

Cok. l. 12. 98. Cro. Car. 194.

ITem, Becauſe that now of late Enqueſts were taken at Weſtminſter of perſons named to the Juſtices, without due return of the Sheriff, of which perſons ſome were outlawed before the ſaid Juſtices of Record, and ſome fled to Sanctuary for Treaſon, and ſome for felony, there to have refuge, by whom as well many offendors were indicted, as other lawful liege people of our Lord the King, not guilty, by conſpiracy, abatement, and falſe imagination of other perſons for their ſpecial advantage and ſingular lucre, againſt the courſe of the common Law uſed and accuſtomed before this time: Our ſaid Lord the King, for the greater eaſe and quietneſs of his people, will and granteth, that the ſame Indictment, ſo made, with all the dependance thereof, be revoked, annulled, void, and holden for none for ever. And that from henceforth no Indictment be made by any ſuch perſons, but by enqueſts of the Kings lawful liege people, in the manner as was uſed in the time of his noble Progenitors, returned by the Sheriffs or Bailiffs of Franchiſes, without any denomination to the Sheriffs, or Bailiffs of Franchiſes before made by any perſon of the names, which by him ſhould be empanelled, except it be by the Officers of the ſaid Sheriffs, or Bailiffs of Franchiſes, ſworn and known, to make the ſame, and other Officers to whom it pertaineth to make the ſame, according to the Law of England. And if any Indictment be made hereafter in any point to the contrary, that the ſame Indictment be alſo void, revoked, and for ever holden for none.

Jurors in Indictments ſhall be returned by the Sheriffs, or Bailiffs, without denomination of any. St. 11 H. 7. 24. 3 H. 8. 12.

Co. Inſt. 3 p. 32.

Statutes made at Weſtminſter, *Anno* 13 *H.* 4. and *Anno Domini* 1411.

THe Tueſday, being on the morrow of All-ſouls, the thirteenth year of the Reign of our Lord King Henry the Fourth: The ſame our Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons being in the ſaid Parliament holden at Weſtminſter, hath cauſed to be ordained and ſtabliſhed divers Statutes and Ordinances, in form as followeth.

CAP. I.

A confirmation of all Liberties, ſaving a Franchiſe granted to the Scholars of Oxford.

FIrſt, That holy Church have all her Liberties and Franchiſes, and all the Cities and Boroughs of the Realm have and enjoy all their Liberties and Franchiſes, which they have of the grant of our Lord the Kings Progenitors, or of his own grant or confirmation. Except the Franchiſe now late granted to the Scholars of the Univerſity of Oxenford. And that the great Charter, and the Charter of the Forreſt, and all other good Statutes made before this time, and not repealed, ſtand in their force.

The Liberties of the Church, and of all Cities and Boroughs confirmed. The liberties granted to the Scholars of Oxford, excepted. St. 9 H. 4. 1.

CAP. II.

A confirmation of Stat. of 8 R. 2. 2. touching Juſtices of Aſſiſe and Gaol-delivery, for ſo long as it ſhall pleaſe the King. Exp. St. 33 H. 8. 24.

CAP. III.

A confirmation of ſeveral Statutes of 1 H. 4. 7. 7 H. 4. 14. and 1 R. 1. 7. touching giving and taking of Liveries. Rep. 3 Car. 4.

CAP. IV.

A confirmation of the Statute of 7 H. 4. 10. and 11 H. 4. 6. &c. touching the length and breadth of Clothes of Ray, and coloured Clothes. Rep. 5 Ed. 6. 6. 43 El. 10. 4 Jac. 2. 9 H. 4. 6.

CAP. V.

All Cuſtomers, Comptrollers, &c. ſhall be reſident upon their Offices.

ITem, It is ordained and ſtabliſhed, that the Statutes made of Cuſtomers, Comptrollers, Lieutenants of the chief Butler, and of Searchers, the firſt and fourth years of our ſaid Lord the King that now is, be kept and holden. And moreover it is ordained and eſtabliſhed, that all manner of Cuſtomers, and Comptrollers, Gaugeors of Wine, and Searchers through the Realm, ſhall be continually reſident and abiding upon their Offices, and in ſpecial at the time of the charge and diſcharge of Ships and Veſſels entring in the Ports of England, and paſſing out of the ſame, ſo that no ſuch Officer, after the time above named, be abſent from his ſaid Office, by three weeks at the moſt, upon pain to loſe his ſaid Office, unleſs he be commanded and charged in ſpecial of Record to be in the Kings Courts, or otherwiſe in the Kings ſervice of Record, as afore is ſaid. St. 1 H. 4. 13. 4 H. 4. 20.

Cuſtomers, &c. ſhall be continually reſident upon their Offices.

CAP. VI.

No Gally half-pence or foreign money ſhall be currant within this Realm.

ITem, Whereas in the Statute made the eleventh year of our Lord the King that now is, it was ordained and eſtabliſhed, that Gally half-pence from henceforth ſhould not run in paiment, nor in other manner within the Realm of England, upon pain of forfeiture of the ſame, and moreover that the ſame Gally half-pence, in whoſe hands they might be found within the ſaid Realm, ſhould be forfeit to our ſaid Lord the King; and alſo that the Statutes and Ordinances made by our ſaid Lord the King, or his noble Progenitors, as well of the money of Scotland, as of other Realms and parts beyond the Sea, ſhould be holden and kept, and put in due execution: Our Lord the King, conſidering the great deceit, as well of the Gally half-pence, as of the money of other Realms beyond the Sea, will that the ſame Statutes be firmly holden and kept, and put in due execution in all points. St. 2 H. 4. 6. 11 H. 4. 5.

No foreign money ſhall be currant within this Realm.

CAP. VII.

The Juſtices of Peace and the Sheriffs ſhall arreſt thoſe which commit any Riot, &c. Inquire of them, and record their offences.

The Juſtices of Peace and the Sheriff ſhall arreſt thoſe which commit any riots, &c.

Bro. Riots 5.

14 H. 7. f. 7. 7 Ed. 4. 1. 18.

ITem, It is ordained and eſtabliſhed, That if any Riot, Aſſembly, or Rout of people againſt the Law, be made in parties of the Realm, that the Juſtices of Peace, three, or two of them at the leaſt, and the Sheriff or Under-ſheriff of the County where ſuch Riot, Aſſembly, or Rout ſhall be made hereafter, ſhall come with the power of the County (if need be) to arreſt them, and ſhall arreſt them, and the ſame Juſtices and Sheriff, or Under-ſheriff ſhall have power to record that which they ſhall find ſo done in their preſence againſt the Law. And that by the record of the ſame Juſtices and Sheriff, or Under-ſheriff, ſuch treſpaſſers and offenders ſhall be convict in the manner and form as is contained in the Statute of forcible entries. And if it happen that ſuch treſpaſſers and offenders be departed before the coming of the ſaid Juſtices and Sheriff, or Under-ſheriff, that the ſame Juſtices, three, or two of them, ſhall diligently inquire within a moneth, after ſuch Riot, Aſſembly, or Rout of people ſo made, and thereof ſhall hear and determine according to the Law of the Land.

St. 5 R. 2. 7. St. 15 R. 2. 2. Inquiry of the offendors.

Certificate of a riot and the puniſhment of offendors.

And if the truth cannot be found in the manner as is aforeſaid, then within a moneth then next following, the Juſtices, three or two of them, and the Sheriff or Under-ſheriff ſhall certifie before the King and his Council all the deed and circumſtances thereof: which Certificate ſhall be of like force, as the preſentment of twelve, upon which Certificate the ſaid treſpaſſers and offenders ſhall be put to anſwer, and they which ſhall be found guilty, ſhall be puniſhed according to the diſcretion of the King and his Council.

A Traverſe of a riot triable in the Kings Bench.

And if ſuch treſpaſſers and offenders do traverſe the matter ſo certified, the ſame Certificate and Traverſe ſhall be ſent into the Kings Bench, there to be tried and determined as the Law requireth. And if the ſame treſpaſſers do not appear before the King & his Council, or in the Kings Bench, at ÿ firſt Precept, then ſhall be another Precept directed to the Sheriff of the County, to take the ſaid treſpaſſers and offenders, if they may be found, & to bring them at a certain day before the King & his Council, or into the Kings Bench. And if they cannot be found, that the Sheriff, or Under-ſheriff ſhall make proclamation in his full County next enſuing the delivery of the ſecond Precept, that they ſhall appear before the King and his ſaid Council, or in the Kings Bench, or in the Chancery, in time of vacation, within three weeks next following. And in caſe the ſame offenders come not as afore is ſaid, and the Proclamation made and returned, they ſhall be convict and attainted of the Riot, Aſſembly, or Rout aforeſaid, notwithſtanding any article or ordinance made to the contrary.

Conviction of offendors, for default of appearance.

The penalty of the next Juſtices omitting their office.

Dyer 220.

And moreover, That the Juſtices of Peace dwelling nigheſt in every County, where ſuch Riot, Aſſembly, or Rout of people ſhall be made hereafter, together with the Sheriff or Under-ſheriff of the ſame County, and alſo the Juſtices of Aſſiſes for the time that they ſhall be there in their Seſſion, in caſe that any ſuch Riot, aſſembly, or Rout be made in their preſence, ſhall do execution of this Statute, every one upon pain of an hundred pound, to be paid to the King as often as they ſhall be found in default of the execution of the ſame Statute. St. 17 R. 2. 8. 2 H. 5. 8. 11 H. 7. 7. 19 H. 7. 13. Raſt. pla. fo. 383.

Thus endeth the Statutes of King Henry the Fourth.

Anno primo HENRICI Quinti.

Statutes made at Weſtminſter in the firſt year of the Reign of King *Henry* the Fifth, and in the year of our Lord 1413.

OUr Lord the King at his Parliament holden at Weſtminſter, in the third week of Eaſter, the firſt year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of this Realm, hath ordained and eſtabliſhed divers Statutes and Ordinances in the form following.

CAP. I.

What ſort of people ſhall be choſen, and who ſhall be chooſers of the Knights and Burgeſſes of the Parliament.

What perſons ſhall be choſen, and who ſhall be the chuſers of the Knights and Burgeſſes for the Parliament. Raſt. pla. fo. 446.

FIrſt, That the Statutes of the elections of the Knights of the Shires to come to the Parliament, be holden and kept in all points: adjoyning to the ſame, that the Knights of the Shires, which from henceforth ſhall be choſen in every Shire, be not choſen unleſs they be reſident within the Shire where they ſhall be choſen, the day of the date of the Writ of the ſummons of the Parliament. And that the Knights and Eſquires, and other which ſhall be chuſers of thoſe Knights of the Shires, be alſo reſident within the ſame Shires, in manner and form as is aforeſaid. And moreover, it is ordained and eſtabliſhed, that the Citizens and Burgeſſes of the Cities and Boroughs be choſen men, Citizens and Burgeſſes reſiant dwelling and free in the ſame Cities and Boroughs, and no other in any wiſe. St. 7 H. 4. 15. 8 H. 6. 7. 10 H. 6. 2. 23 H. 6. 15.

CAP. II.

A confirmation of former Statutes touching Wears, Mills, Kidels, &c.

St. 25 Ed. 3. 4. 45 Ed. 3. 2. 4 H. 4. 11.

ITem, Becauſe that great complaint hath been made to our ſaid Lord the King in this preſent Parliament, for that the ſtatutes made in the time of his noble Progenitors Kings of England, of the levying and ſtraiting of Wears, Mills, Stanks, Stakes, and Kidels, be not kept according to the form and effect of the ſame Statutes, to the great damage of the people of the Realm of England: Our ſaid Lord the King that now is, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons, will and grant that the ſaid Statutes and Ordinances be ſurely holden and kept, and put in due execution.

A confirmation of former Statutes made concerning the ſeying and ſtraitning of Wears, &c.

CAP. III.

The penalty that ſhall be inflicted upon him which doth forge or publiſh a falſe deed, ſhall be to ſatisfie the party grieved his damages, and to make fine and ranſome at the Kings will. Rep. 5 El. 14. Raſt. pla. fo. 353. Fitz. forger de faits. 1. 2. 3. &c.

CAP. IV.

Sheriffs Bailiffs ſhall not be in the ſame Office in three years after. Sheriffs Officers ſhall not be Atturnies.

ITem, Foraſmuch as the Kings liege people dare not purſue or complain of the extortions and of the oppreſſions to them done by the Officers of Sheriffs, that is to ſay, by Under-Sheriffs, Clerks of Sheriffs, Receivers and Bailiffs of Sheriffs, becauſe that the ſaid Under-ſheriffs, Clerks, Receivers, and Bailiffs, be continually, from year to year, abiding with the Sheriffs interchangeably out of one Office into another: Our Lord the King, by the advice and aſſent aforeſaid, and at the requeſt of the ſaid Commons, hath ordained and eſtabliſhed, that they which be Bailiffs of Sheriffs, by one year, ſhall be in no ſuch Office by three years next following, except Bailiffs of Sheriffs, which be inheritable in their Sheriffwicks. And that no Under-ſheriff, Sheriffs Clerk, Receiver, nor Sheriffs Bailiff, be Atturney in the Kings Courts, during the time that he is in Office with any ſuch Sheriff.

The Sheriffs Bailiffs ſhall not be in the ſame office three years after.

Sheriffs Officers ſhall not be Atturnies.

CAP. V.

In which Original Writs additions of the Defendants names ſhall be put.

4 Ed. 4. f. 10. Cok. l. 6. f. 67. Cro. El. 198. Cro. Jac. 610. Dyer f. 46. 79. 213. 224. Bro. Addition. 4. 5. 7. 8. 9. 10. 11. 14. 15. 19. Fitz. Brief 30. 36. 40. 47. 49. 51. 61. 67. 72. 75. 109. 122. 124. 125. 129. 151. 163. 169. 201. 236. 940.

ITem, It is ordained and eſtabliſhed, that in every original Writ of actions perſonals, appeals, and indictments, and in which the Exigent ſhall be awarded, in the names of the defendants in ſuch Writs original, appeals, and indictments, additions ſhall be made of their eſtate or degree, or myſtery, and of the towns, or hamlets, or places, and counties, of the which they were or be, or in which they be or were converſant. And if by proceſs upon the ſaid original Writs, Appeals, or Indictments, in the which the ſaid additions be omitted, any Utlagaries be pronounced, that they be void, fruſtrate, and holden for none. And that before the Utlagaries pronounced, the ſaid Writs and Indictments ſhall be abated by the exception of the party, where in the ſame the ſaid additions be omitted. Provided always, that though the ſaid Writs of additions perſonals be not according to the Records and Deeds, by the ſurpluſage of the additions aforeſaid, that for that cauſe they be not abated. And that the Clerks of the Chancery, under whoſe names ſuch Writs ſhall go forth written, ſhall not leave out, or make omiſſion of the ſaid additions as is aforeſaid, upon pain to be puniſhed, and to make a fine to the King by the diſcretion of the Chancellor. And this Ordinance ſhall begin to hold place at the ſuit of the party, from the feaſt of St. Michael next enſuing forward. Raſt. pla. fol. 107. 280. Stat. 8 H. 6. 12. 9 H. 6. 4. 5 El. 23.

In original Writs where-in Exigent ſhall be awarded, additions of the defendants names ſhall be put. Co. Inſt. 2 p. 595.

Surpluſage of additions ſhall not prejudice.

CAP. VI.

No Welſhman ſhall take revenge againſt thoſe Engliſhmen which did purſue their friends in the late Rebellion. Exp.

CAP. VII.

A confirmation of the Statute of 13 R. 2. reſtraining Aliens to accept any Benefices in England. OB.

CAP. VIII.

All Iriſh men and Iriſh Clerks beggars ſhall depart this Realm before the firſt day of November; except Graduates, Sergeants, and Apprentices at the Law, and inheritors in England, Religious perſons, and Merchants. Exp. Stat. 1 H. 6. 3. 2 H. 6. 8.

CAP. IX.

The Revenues of Calice ſhall be employed to the maintenance of it. OB.

CAP. X.

By what meaſures Purveyors and others ſhall take and buy corn.

ITem, Whereas in the time of the Kings noble Progenitors it was ordained, that one meaſure of corn ſhould be through all the Realm of England, that is to ſay, eight buſhels for the quarter, and that every buſhel ſhall contain eight gallons, by force of which Ordinances ſuch meaſure hath been uſed, with a buſhel of the ſaid quarter heaped: And notwithſtanding the ſaid good ordinances and uſages, the purveyors of corn as well for the houſe of the Father of our Lord the King, as for the houſe of our Lord the King which now is, have taken before this time for the ſaid houſes continually nine buſhels of Wheat, and of other corn, for the quarter, and that many times by meaſure not ſealed, and alſo not ſtricken, againſt the will of the ſellers of the ſame, and without due price ſet upon the ſame after the Law of the Land, and alſo cauſe the ſellers to carry the ſaid corn to what place that them pleaſeth, without paying for the carriage: and the Merchants and Citizens of London do uſe to take of every ſeller for the quarter of Wheat nine buſhels by the meaſure, uſed within the ſaid City called the Fate, with a buſhel ſet upon the ſaid Fate, and yet make the ſellers to pay a half-peny for the meaſuring of every quarter, and take for a quarter of Oats ten Buſhels, whereby the buyers of the corn in the Countrey will not buy nor take for the quarter of corn, but in the ſame manner, as the ſaid Purveyors, and they of the ſaid City uſe to take, to the great hinderance and perpetual undoing of the Commonalty aforeſaid:

London meaſure called the Fate.

It

By what meaſures Purveyors and others ſhall take and buy corn.

It is ordained and eſtabliſhed, that all the ſaid good Ordinances be firmly holden and kept, after the effect of the ſame. And that no Purveyor of our Lord the King, nor any other, ſhall uſe hereafter to buy nor to take any corn by other meaſure, but eight buſhels ſtriked for the quarter, and that none be otherwiſe bound to deliver for the quarter but eight buſhels, ſtriked as is aforeſaid, and alſo that the payment be made in hand for the carriage. And that if any Purveyor of our Lord the King, or any other perſon, buy or take any corn otherwiſe, or by other meaſure but eight buſhels ſtriked for the quarter, as in the ſaid Ordinances is contained, and thereof be attainted, he ſhall have one years impriſonment, and pay to the King a hundred ſhillings, and to the party that feeleth himſelf grieved another hundred ſhillings, and that as often as any of them be thereof attainted: and that the party which will ſue, have an action grounded upon the caſe, and that the Juſtices of the Peace have power to enquire and hold plea of all theſe things aforeſaid, and upon that make puniſhments as is aforeſaid, as well at the ſuit of the King, as of the party: and that from henceforth nothing be taken for the meaſuring of ſuch corn in any wiſe. St. 4 E. 3. 3. 25 Ed. 3. 1. 36 Ed. 3. 2. 11 H. 6. 8. 11 H. 7. 4.

Statutes made at Leiceſter, *Anno ſecundo Henrici quinti*, and *An. Dom.* 1414.

OUr Lord the King, at his Parliament holden at Leiceſter the laſt day of April, the ſecond year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of his Realm in the ſame Parliament aſſembled, hath ordained and eſtabliſhed divers Ordinances, Declarations, and Statutes made in the form as followeth

CAP. I.

Ordinaries ſhall enquire of, and reform the eſtates of Hoſpitals.

The cauſes of the erection of Hoſpitals.

FIrſt, Foraſmuch as many Hoſpitals within the Realm of England, founded as well by the noble Kings of this Realm, and Lords and Ladies both ſpiritual and temporal, as by divers other eſtates, to the honour of God and of his glorious Mother, in aid and merit of the ſouls of the ſaid Founders, to the which Hoſpitals the ſame founders have given a great part of their moveable goods for the buildings of the ſame, and a great part of their lands and tenements, therewith to ſuſtain impotent men and women, lazers, men out of their wits, and poor women with child, and to nouriſh, relieve, and refreſh other poor people in the ſame, be now for the moſt part decayed, and the goods and profits of the ſame by divers perſons as well ſpiritual as temporal withdrawn and ſpent in other uſe, whereby many men and women have died in great miſery for default of aid, living, and ſuccour, to the diſpleaſure of God, and peril of the ſouls of ſuch manner of diſpoſers: The King our Soveraign Lord, conſidering the meritorious and devout intents of the founders aforeſaid, and the unaccuſtomed government in the ſame, hath by the advice and aſſent aforeſaid, ordained and eſtabliſhed, That as to the Hoſpitals, which be of the patronage and foundation of the King, the Ordinaries by vertue of the Kings Commiſſions to them directed, ſhall inquire of the manner and foundation of the ſaid Hoſpitals, and of the governance and eſtate of the ſame, and of all other matters neceſſary and requiſite in this behalf, and the inquiſitions thereof taken ſhall certifie in the Kings Chancery. And as to other Hoſpitals, which be of another foundation and patronage then of the King, the Ordinaries ſhall inquire of the manner of the foundation, eſtate and governance of the ſame, and of all other matters and things neceſſary in this behalf: and upon that make thereof correction and reformation, according to the Laws of holy Church, as to them belongeth.

Ordinaries ſhall enquire of, and reform the foundation, eſtate, and government of Hoſpitals. St. 14 El. 5.

6 H. 7. f. 14. 8 Aſſ. pl. 29. 31.

CAP. II.

A Corpus cum cauſa, or Certiorari to remove him which is in execution at another mans ſuit.

ITem, Foraſmuch as many men have been condemned in the Courts of our Lord the King, and in the Courts of his Progenitors, as well within the City of London, as in other Cities and Boroughs within the Realm of England, and by the vertue of ſuch condemnations have been committed to the priſon of our Lord the King, there to remain until they have made agreement to the plaintiffs to whom they were condemned: After by their ſuggeſtion made in the Chancery of our Lord the King, they have had divers Writs called Certiorari, and Corpus cum cauſa, out of the Chancery of our ſaid Lord the King, directed to the Sheriff, or Keepers of the priſons, where ſuch perſons condemned be holden, to have their bodies with the cauſe of impriſonment of the condemned aforeſaid in the Chancery, at the days contained in the ſaid Writs: After which Writs, together with the body and the cauſe of the condemnation returned in the Chancery aforeſaid, the ſaid perſons ſo condemned have been delivered in the Chancery aforeſaid by bail or by mainpriſe, or enlarged without bail or mainpriſe againſt the aſſent and will of the ſaid plaintiffs, and without any agreement made to the ſaid plaintiffs of the ſums in the which they be condemned, againſt the law of the land: and ſo remain the ſaid plaintiffs without remedy, in hinderance of the ſtate of ſuch plaintiffs, and in defeating of the judgments given in the Courts aforeſaid: Our Lord the King, willing herein to provide remedy, by the advice and aſſent aforeſaid, and at the requeſt of the foreſaid Commons, hath ordained and ſtabliſhed, that if any ſuch Writ of Certiorari, or Corpus cum cauſa, be granted, or ſhall be granted at any time hereafter, and upon the ſaid Writ it it be returned, that the priſoner which is ſo holden in priſon, is condemned by judgment given againſt him, that preſently he ſhall be remanded where he ſhall remain continually in priſon, according to the law and cuſtom of the land, without being

If a Corpus cum cauſa, or Certiorari be granted to remove him that is in priſon upon an execution at another mans ſuit, he ſhall be ſent back to priſon.

4 H. 6. f. 8. 20 H. 6. f. 3. 38 H. 6. f. 12. 2 Ed. 4. f. 8. 24 Ed. 3. f. 37.

being let to go by bail or by mainpriſe, againſt the will of the ſaid plaintiffs, until agreement be made to them of the ſums ſo adjudged. Fitz. N. B. fo. 242.

CAP. III.

A Libel grantable in the Spiritual Court ſhall be preſently delivered.

Item, Foraſmuch as divers of the Kings liege people be daily cited to appear in the ſpiritual Court before ſpiritual Judges, there to anſwer to divers perſons, as well of things which touch freehold, debt, treſpaſs, covenants, and other things whereof the coniſance pertaineth to the Court of our Lord the King, as of Matrimony and Teſtament: and when ſuch perſons ſo cited appear and demand a libel of that which againſt them is ſurmiſed to be informed to give their anſwer thereunto, or otherwiſe to purchaſe a Writ of our Lord the King, of Prohibition, according to their caſe, which Libel to them is denied by the ſaid ſpiritual Judges, to the intent that ſuch perſons ſhould not be aided by any ſuch Writ againſt the Law, and to the great damage of ſuch perſons ſo impleaded: Our ſaid Lord the King, by the advice and aſſent of the Lords ſpiritual and temporal, and at the requeſt and inſtance of the ſaid Commons, hath ordained and eſtabliſhed, that at what time the Libel is grantable by the Law, that it may be granted and delivered to the party without any difficulty. Fitz. N. B. fo. 43. E. Raſt. pla. fo. 483.

4 Ed. 4. 37. b.
Cro. Jac. 37

A copy of a Libel grantable in the ſpiritual Court ſhall be preſently delivered upon the defendants appearance.

CAP. IV.

Which Juſtices of the Peace muſt be reſident in the ſame Shire: And at what times they muſt hold their Quarter Seſſions.

Item, Foraſmuch as the ſervants and labourers of the Shires of the Realm do flee from County to County, becauſe they would not be juſtified by the ordinances and ſtatutes by the Law for them made, to the great damage of Gentlemen and others, to whom they ſhould ſerve, becauſe that the ſaid ordinances and ſtatutes for them ordained, be not executed in every Shire: Our Lord the King, willing in this caſe to provide a remedy, by the advice and aſſent aforeſaid, and at the requeſt of the ſaid Commons, hath ordained and eſtabliſhed, that the ſtatute of labourers made at Canterbury, and all other good ſtatutes of labourers, made and not repealed, be firmly holden and kept, and put in due execution. And moreover, that the Juſtices of Peace have power to ſend their Writs for ſuch fugitive labourers to every Sheriff of the Realm of England, and to make ſuch proceſs as the ſtatute requireth, to bring them before them to anſwer to our Sovereign Lord the King, and to the parties, of the contempts and treſpaſſes made or done againſt the ordinances and ſtatutes aforeſaid, in like manner as the Juſtices have power to ſend to every Sheriff for the felons before them indicted. And alſo that all the ſtatutes and ordinances of labourers, ſervants, and artificers before this time made and not repealed, be exemplified under the great Seal, and ſent to every Sheriff of the Realm of England, thereof to make proclamation in full County, & after this proclamation ſo made, that every Sheriff ſhall cauſe the ſaid exemplification to him directed, to be delivered to the Juſtices of yͤ Peace in his County named of the Quorum, or to one of them, to remain with ſuch Juſtices which be, or ſhall be, for the better putting of the foreſaid ſtatutes & ordinances in due execution. And in Shires where divers Commiſſions of the Peace be made, there ſhall be ſo many exemplifications of the ſtatutes and ordinances aforeſaid made, as be Commiſſions of the Peace in the ſame Shires, and ſent to the Sheriff to make proclamation, and to deliver the ſame as is aforeſaid.

St. 12 R. 3. 2. &c.

Juſtices of Peace may ſend their Writs for fugitive ſervants or labourers to every Sheriff of England.
Rep. 5 El. 4.

And that the Juſtices of the Peace in every Shire named of the Quorum, be reſiant within the ſame Shire (except Lords named in the Commiſſion of the Peace: and alſo except Juſtices of the one Bench, and of the other, the chief Baron of the Exchequer, Serjeants at the Law, and the Kings Atturney, for the time that the ſaid Juſtices, chief Baron, Serjeants at the Law, and the Kings Atturney, be intending and occupied in the Kings Courts, or otherwiſe in ſome other place occupied in the Kings ſervice) and make their Seſſions four times by the year, that is to ſay, in the firſt week after the Feaſt of St. Michael, and in the firſt week after the Epiphany, and in the firſt week after the clauſe of Eaſter, and in the firſt week after the tranſlation of St. Thomas the Martyr, and more often, if need be. And that the ſame Juſtices hold their Seſſions throughout the Realm of England in the ſame weeks every year from henceforth. And alſo that the Juſtices of Peace from henceforth have power to examine as well all manner of labourers, ſervants, and their maſters, as artificers, by their oaths, of all things by them done contrary to their ſaid ordinances and ſtatutes, and upon that to puniſh them upon their confeſſion, after the effect of the ſtatutes and ordinances aforeſaid, as though they were convict by enqueſt. And that the Sheriff in every Shire of the Realm of England ſhall do well and duly his office in this behalf, upon pain to loſe and to forfeit to our Lord the King twenty pound.

Which Juſtices of Peace and Quorum muſt be reſiant in the ſame Shire, which not.

At what times Juſtices of Peace ſhall hold their Quarter Seſſions.
St. 36 Ed. 3. 12.
12 R. 2. 10.
14 H. 6. 4.

Juſtices of Peace may examine labourers, ſervants, and their maſters, and artificers by their oaths.

CAP. V.

Proceſs againſt felons dwelling in Tyndal or Examſhire in Northumberland.

Item, Foraſmuch as by the Commons of the County of Northumberland, grievous complaints have been made to our Sovereign Lord the King in this preſent Parliament, for that many murders, treaſons, manſlaughters, robberies, and divers other offences, to many of the faithful liege people of the ſame County, by people dwelling in the ſame County within the Franchiſe of Tyndal and Examſhire, where the Kings Writs runneth not, now of late have been perpetrated, otherwiſe then have been done or known before this time, to ſo many perils of the ſaid liege people of our Lord the King, that without due remedy in this behalf provided, they dare no longer there dwell, becauſe that ſuch offenders be ſo favoured by ſuch Franchiſe: Our ſaid Lord the King, by the advice and aſſent aforeſaid, and at the requeſt of the ſaid Commons, hath ordained and eſtabliſhed, That if any

perſon

Co. Inſt. 4 p. 278.

The penalty of offenders dwelling in Tyndal, or &c. which ſhall commit any robbery, &c. out of the ſame precincts.

perſon of the ſaid franchiſes of Tyndal and Examſhire, reſiant or dwelling in the ſame, of what eſtate or condition that he be, do any murders, treaſons, manſlaughters, or robberies, or conſent to do them out of the ſaid franchiſes of Tyndal and Examſhire, proceſs ſhall be made againſt him by the common Law, until he be outlawed. And that after ſuch outlawry pronounced and returned, the Juſtices before whom ſuch outlawry is returned, ſhall make thereof certificate to ſuch miniſter or miniſters of the ſaid franchiſes, as to them ſhall ſeem beſt in this behalf, according to their diſcretion. And ſuch felons ſhall be taken by ſuch miniſter or miniſters, and his lands and tenements, goods and chattels being within the ſame franchiſe ſeiſed into the hands of the Lords of the ſame franchiſes of Tyndal and Examſhire for the time being, as forfeit. And that the other lands and tenements, goods and chattels of ſuch felons, being out of the ſame franchiſes, ſhall wholly remain to the King, and to other Lords, having thereof franchiſe, as forfeit. Saving always to the King the forfeitures of ſuch murderers, traitors, man-ſlayers, robbers, and other offendors, and of other things which to him do belong, as of the right of his Crown. St. 9 H. 5. 7. St. 14 El. 13.

CAP. VI.

Breaking of Truce and Safe-conduct ſhall be high treaſon. In every Port there ſhall be A Conſervator of the Peace and Safe-conduct.

Co.Inſt.4 p.152.

Some have broken truces and ſafe conducts, and others have received and maintained them.

Breaking of truce and ſafe conducts ſhall be high treaſon.
Rep. 20 H.6.11. & 1 Ed. 6. 12. & 2 M. Seſſ. 1. St. 14. li. 6. 8.

A Conſervator of the truce ſhall be appointed in every Port of the Sea.

The authority of the Conſervator of the truce.

ITem, Foraſmuch as before this time divers people, compriſed within the Truces made as well by our Lord the King that now is, as by his noble Father, and alſo divers other people having ſafe conducts as well of our Lord the King that now is, as of his noble Father, have been ſome ſlain, robbed and ſpoiled, by the Kings liege people and ſubjects, as well upon main Sea, as within the Ports and Coaſts of the Sea of England, Ireland, and of Wales, whereby the ſaid truces and ſafe conducts have been broken and offended, to the great diſhonour and ſlander of the King, and againſt his dignity: And the ſaid man-ſlayers, robbers, ſpoilers, and offenders of the ſaid truces and the Kings ſafe conducts, as is afore declared, have been by divers of the Kings liege people and ſubjects within the coaſts of divers Counties, received, abetted, procured, concealed, hired, ſuſtained, and maintained: Our ſaid Lord the King, by the advice and aſſent aforeſaid, and at the requeſt of the ſaid Commons, hath ordained and declared, That ſuch man-ſlaughter, robbery, ſpoiling, breaking of truce and ſafe conducts, and voluntary receit, abetment, procurement, concealing, hiring, ſuſtaining, and maintaining of ſuch perſons, to be done in time to come by any of the Kings liege people and ſubjects within the Realm of England, Ireland, and Wales, or upon the main Sea, ſhall be adjudged and determined for high treaſon done againſt the Kings Crown and his Dignity. And in every Port of the Sea ſhall be made and aſſigned from henceforth by the King by his Letters Patents, one lawful man called a Conſervator of the Truce, and the Kings ſafe conducts, which ſhall have forty pound land by the year at the leaſt. And that the Conſervator have power and authority by the ſaid Letters Patents, and alſo by Commiſſion of the Admiral of England, to enquire of all ſuch treaſons and offences to be done againſt the truce and ſafe conducts upon the main Sea, out of the body of the Counties, and out of the franchiſes of the five Ports of the King, as the Admirals of the Kings of England before this time reaſonably, after the old Cuſtom and Law on the main Sea uſed, have done or uſed. And alſo that the like Conſervator have like and the ſame power, to puniſh all them which be or ſhall be indicted or accuſed before him as well at the Kings ſuit as at the parties, of any thing to be done againſt the truce and the Kings ſafe conducts upon the main Sea, out of the body of the Counties and Liberties of the Realm of England, and out of the franchiſe of the five Ports, by ſuch proceſs, examination, proofs, determination, judgment, and execution, as Admirals of the Kings of England before this time reaſonably, according to the old Cuſtom and Law upon the main Sea uſed, have done or uſed.

29li. d.a.

The determination of the death of a man excepted out of the Conſervators authority.

Proceſs to be awarded againſt thoſe that be indicted.

The additions of the parties indicted ſhall be inſerted.

Two men learned in the Law ſhall be aſſociate in the Conſervators Commiſſion.
The authority of the Conſervator and the two aſſociates.

Saving the determination of the death of a man in this behalf, and the execution of the ſame, ſhall be always reſerved to the ſaid Admiral, or to his general Lieutenant out of the ſaid franchiſes of the five Ports. And that the ſaid Conſervator ſhall have power and authority to enquire as well within liberties and franchiſes as without, by men inhabiting within the body of the County and Liberty where the ſaid Port is, of all ſuch treaſons and offences to be done againſt the truces, and againſt the Kings ſafe conducts, within the body of the County and Liberty where the ſaid Port is, and to make againſt thoſe perſons before him ſo indicted, ſuch proceſs as here followeth, that is to ſay, by Capias and Exigent, which ſhall as well go into the Counties, of which ſuch men ſo indicted be ſuppoſed to be, as into the Counties where ſuch indictments be taken; which Capias & Exigent aforeſaid, in both Counties, ſhall be returned at one day, and that the firſt Capias in both Counties have day of return by a moneth at the leaſt. And in caſe that the Capias and Exigent be awarded in this behalf, that the names and ſurnames of ſuch perſons ſo indicted, and the Town and the County and the Myſtery whereof they be, ſhall be ſpecified & declared in the indictments and proceſſes of the ſame. And that the ſaid Conſervator have full power to hear, at every mans ſuit, which will complain before himſelf, or his Lieutenant, of any offence done to the party againſt the ſaid truces and ſafe conducts. And that two men learned in the Law be named and aſſociate in every Commiſſion of our Lord the King, to be made to ſuch Conſervator, and that the ſaid Conſervator, and the ſaid men learned in the Law, in the Commiſſion to him aſſociate and aſſigned, ſhall have full power and authority to make deliverance, according to the Law and uſage of the land, of ſuch men ſo indicted before the ſaid Conſervator, of things to be done within the body of the County, or liberty where the ſaid Port is, againſt the ſaid truce and the Kings ſafe conducts, and to determine ſuch ſuits commenced at any mans ſuit, which will complain before the ſaid conſervator, of any offence to him done againſt the ſaid truce and ſafe conducts, & thereof to make due redreſs and remedy: And that the ſaid two men to the ſaid conſervator ſo aſſociate, be aſſiſting & attending to the ſaid conſervator to make the deliverances & determination in the manner and form aforeſaid, when they be by the ſaid Conſervator reaſonably required. And that the ſaid Conſervator and the ſaid two men of Law, be ſworn that they nor any of them ſhall take fee, gift, hire, wages, reward or brocage of any other then of the King in any wiſe in this behalf, in hinderance of due execution and puniſhment of ſuch traitors and offendors aforeſaid. And that the ſaid Conſervator ſhall be reſiant in the Port and places where he ſhall be Conſervator aſſigned as aforeſaid. And every Conſervator ſhall take yearly for the ſaid office fourty pound of the King at the leaſt; and that they be ſworn, that if any perſon of what eſtate or condition ſoever he be, procure, excite, or abet them or any of them, to do any thing contrary to this Ordinance & oath aforeſaid, that every of them ſhall make due relation to our Soveraign Lord the King or to the Chancellor of England for the time being, as ſpeedily as he well may, without concealment, in any point, upon pain of impriſonment, and to make fine and ranſom at the Kings pleaſure. And that the ſaid Conſervator have a ſeal of our Lord the King ordained for the ſaid office. And that the Maſter of the ſhip, barge, or balinger, or other veſſels in the ſaid Port, be ſworn, & the poſſeſſor alſo (if he be preſent) before the ſaid Conſervator, before that he paſs out of the ſaid Port, that he ſhall not attempt to do any thing againſt the ſaid truce and the Kings ſafe conducts. And alſo that the ſaid Conſervator ſhall cauſe to be inrolled of record before him, as well the names of ſuch owners and maſters, as the names of their ſhip, barge, balinger, or other veſſel, together with the number of the mariners in the ſame being. And if they take any thing of yͤ Kings enemies, or of any other, they ſhall cauſe to be brought ſuch things taken into the Port, and thereof make full information to the ſaid Conſervator, before that they thereof make diſcharge or ſale. If it be not that by force of wind, tempeſt, or of enemies, or ſome other reaſonable cauſe, ſuch ſhip, barge, balinger or other veſſel, muſt enter into another Port for the preſervation of the ſame veſſel, or other cauſe reaſonable. And that then they ſhall make full information to the ſaid Conſervator, or to the Conſervator of the Port in which the ſaid veſſels arrive or enter, of the prize and of the quantity of the thing, receiving a letter teſtimonial under the ſaid ſeal of the aforeſaid Conſervator, by the which the Conſervator of the ſaid Port, whereof the veſſel or veſſels ſhall go out, may have notice of the quantity and alſo of the value of the goods and cattels ſo taken. And if any poſſeſſor or maſter of any ſhip or other veſſel, go out of any Port of the Realm of England, or diſcharge his ſhip or veſſel againſt the form of this Ordinance, that ſuch ſhip or veſſel, together with the prize taken in the ſame duly made, ſhall be forfeit to the King, and the body of the poſſeſſor or maſter of ſuch ſhip or veſſel committed to priſon, there to remain until he hath made a fine and ranſom to the King.

The oath of the conſervator and aſſociates

The conſervator ſhall have a Seal.

The office of the maſter and poſſeſſor of a ſhip.

What ſhall be inrolled by the conſervator.

The conſervator ſhall be informed of all things taken from the Kings enemies by the mariners.

Provided always, that no poſſeſſors of ſhips going out of any port, ſhall make any fine nor ranſom, or have impriſonment of body, if the ſame poſſeſſors be not in the ſame ſhips at the time of the offence committed againſt this Ordinance. And the ſaid Admiral ſhall have the forfeitures in all caſes out of the ſame franchiſe of five Ports aforeſaid, as he hath had, and hath been accuſtomed of right to the office of the Admiral of England, before the making of this ordinance. And that all ſuch Conſervators to be made within the ſaid five Ports, have the ſame authority and power by the Kings Letters Patents, and Commiſſion of the Warden of the ſame Ports for the time being, to enquire of ſuch offences to be done upon the main ſea within the franchiſes of the five Ports out of the body of the Counties, and to puniſh all them which ſhall be before the ſaid Conſervator of the ſame offences indicted or accuſed by like proceſs, examination, proofs, determination, judgment and execution, as the ſaid Admirals reaſonably according to the old cuſtom and Law upon the Sea uſed, have done and uſed out of the ſaid franchiſe of the five Ports: Saving that the determination of the death of a man in this behalf, and the execution of the ſame, ſhall be within the ſame franchiſe of the five Ports reſerved to the ſaid Warden, or to his general lieutenant there. And that the ſame Warden ſhall have all the forfeitures there, in all ſuch caſes as he hath had, and have been accuſtomed of right to the office of the Warden of the five Ports aforeſaid before this time. And that the ſaid Conſervators and every of them, have power to make full execution of this Ordinance in the form aforeſaid. And this Ordinance ſhall hold place and force, for any thing to be done or attempted againſt this ſame Ordinance after the Proclamation of this Ordinance and Declaration made. Stat. 4 H. 5. 7. 14 H. 6. 8. 29 H. 6. 2.

What forfeitures the Admiral ſhall have.

The authority of the conſervators within the five Ports.

The Warden of the v. Ports ſhall have all the forfeitures there.

CAP. VII.

The intent of the Hereticks called Lollards, was to ſubvert the Chriſtian faith, the law of God, the Church and the Realm. All Officers of Government ſhall be ſworn to aſſiſt the Ordinaries in extirpating of Hereſies. An Heretick convict ſhall forfeit all his fee ſimple lands, goods, cattels: They which be indicted of Hereſie ſhall be delivered to the Ordinaries. Rep. 1 Ed. 6. 12. 1 El. 1. Stat. 5 R. 2. 5. 2 H. 4. 15. 25 H. 8. 14.

CAP. VIII.

Commiſſions ſhall be awarded to enquire of a Riot, and of the Juſtices default therein.

ITem, Whereas it is contained in the ſtatute made the xiii. year of the Noble K. Henry, father to our Lord the King that now is, amongſt other things, that if any Riot, Aſſembly, or Rout of people againſt the Law be made in any part of the Realm, then the Juſtices of the Peace, iii. or ii. of them at the leaſt, and the Sheriff or Under-ſheriff of the County where ſuch Riot, Aſſembly, or Rout ſhall be made hereafter, ſhould come with the power of the ſaid County, if need were, to arreſt them, & them ſhould arreſt, & the ſame Juſt. Sheriff or Under-

A rehearſal of the Stat. of 13 H 4.7. provided againſt thoſe that commit any Riot, Rout or unlawful Aſſembly.

Commiſſions ſhall be awarded to enquire of the Riot, & of the Juſtices and Sheriffs defaults. Co.Inſt.4.p. 184.

Upon the Commiſſion the Coroners ſhall return the enqueſt, and of what ſufficiency the Jurors ſhall be.

What iſſues the Coroners ſhall return upon the Jurors, and upon what penalty. Where the Sheriff's not the Coroners ſhall return the Jury. A writ directed out of the Chancery to enquire of Riots.

ſheriff ſhould have power to record that which they found ſo done in their preſence againſt the Law, and that by record of the ſame Juſtices, Sheriff or Under-ſheriff, ſuch treſpaſſers or offenders ſhould be convict in manner and form as is contained in the ſtatute of forcible entries. And if it happen that ſuch treſpaſſers or offenders were departed before the coming of the Juſtices, Sheriff or Under-ſheriff, that the ſame Juſtices, three or two of them ſhall diligently enquire within a moneth after ſuch Riot, Aſſembly or Rout of people ſo made, and the ſame hear and determine according to the Law of the Land. And if the truth could not be found in manner as afore is ſaid, within a moneth then next enſuing, the ſaid Juſtices three or two of them, and the Sheriff or Under-ſheriff ſhall certifie before the King and his Council all the deed and circumſtance of the ſame, which certificate ſhall be of like force as the preſentment of twelve men: upon which certificate the ſaid treſpaſſers and offenders ſhall be put to anſwer, and they which be found guilty, ſhould be puniſhed according to the diſcretion of the King and his Council. And moreover that the Juſtices of Peace dwelling neereſt in every County where ſuch Rout, Aſſembly, and Riot of people ſhould be made hereafter, together with the Sheriff or Under-ſheriff of the ſame Counties, and alſo the Juſtices of Aſſiſes for the time that they ſhall be in their Seſſions, in caſe that any ſuch Riot, Aſſembly or Rout be made in their preſence, ſhall make execution of this ſtatute every one of them upon pain of an C. li. to be paid to the King, as often as they ſhall be found in default of execution of the ſame ſtatute. And foraſmuch as many Riots, Routs and Aſſemblies, have been made in divers parts of the Realm, ſince the making and Proclamation of the ſame ſtatute, becauſe that the ſame ſtatute hath not been put in due execution, as our Soveraign Lord the King hath perceived by divers and grievous complaints to him made in this preſent Parliament: the ſame our Lord the King, willing hereof to provide a better remedy, by the advice and aſſent aforeſaid, and at the ſuit of the ſaid Commons, hath ordained and ſtabliſhed, that if default be found in the ſaid two Juſtices of the peace, or Juſtices of aſſiſes, and the Sheriff or Under-ſheriff of the County where ſuch Riot, Aſſembly, or Rout ſhall be made, touching the execution that they ought to make by vertue of the ſaid ſtatute, and whereof the ſaid ſtatute maketh mention, that then at the inſtance of the party grieved, the Kings commiſſion ſhall go out under his ſeal, to enquire as well of the truth of the caſe, and of the original matter for the party complainant, as of the default or defaults of the ſaid Juſtices, Sheriff or Under-ſheriff in this behalf ſuppoſed, to be directed to ſufficient and indifferent perſons at the nomination and by the direction of the Chancellor of the Realm of England. And that the ſaid commiſſioners preſently ſhall return into the Chancery the enqueſts and matters before them in this behalf taken and found. And moreover that the coroners of the ſame county for the time being, in which county ſuch Riot, Aſſembly or Rout ſhall be made, ſhall make the panel upon the ſaid commiſſion returnable for the time that the Sheriff ſo ſuppoſed in default ſhall continue in his office, which coroners ſhall return no perſons, but only ſuch which have lands, tenements, or rents to the value of x. l. by year at leaſt. And alſo that the ſame coroners ſhall return upon every of the ſaid perſons empanelled at the firſt day when iſſues be to be loſt, xx. s. at the leaſt, and at the ſecond day, xl. s. at the leaſt, and at the third day, C. s. at the leaſt, and at every day after, the double at the leaſt, which iſſues ſo returned in reſpect of non-appearance of ſuch perſons empanelled ſhall be adjudged as forfeit to the King, and leviable to his uſe. And if default be found in the ſaid Coroners touching the return of ſuch perſons to be empanelled, or touching the return of ſuch iſſues as afore is ſaid, that every of them ſhall forfeit to the Kings uſe, forty pound. And if it happen that the ſaid Sheriff ſo reputed in default, be diſcharged of his office at the time that ſuch Commiſſion ſhall be awarded out of the Chancery, that then the new Sheriff of the ſame County, his Succeſſor mediate or immediate for the time being, and not the Coroners of the ſame County, ſhall make the panel upon this Commiſſion, returnable in manner and form, as the ſaid Coroners ſhould do in time when the Sheriff ſo reputed in default, continued in his office. And that the ſame new Sheriff ſhall incur like pain of forty pound to the King, if any default in him be found touching the return of other perſons by him empanelled, which have not Lands, Tenements, or Rents to the value of ten pounds by year, or of returning ſuch iſſues which the ſaid Coroners be above charged to return, as the ſaid Coroners are to loſe to the King in this behalf. And that the Chancellor of England for the time being, as ſoon as he may have knowledge of ſuch Riot, Aſſembly or Rout, ſhall cauſe to be ſent the Kings Writ to the Juſtices of the Peace, and to the Sheriff or Under-ſheriff of the County where they be ſo made, that they ſhall put the ſtatute in execution, upon the pain contained in the ſame. And though that ſuch writ come not to the ſaid Juſtices, Sheriff or Under-ſheriff, they ſhall not be excuſed of the pain aforeſaid, if they make not execution of the ſaid ſtatute.

A Riot ſhall be repreſſed and enquired of at the Kings charges.

The puniſhment of Rioters.

Each able perſon ſhall be aſſiſtant to the Juſtices and Sheriff to repreſs Riots.

Provided always that the ſaid Juſtices and other officers aforeſaid, ſhall execute their offices aforeſaid at the Kings coſts, in going and continuing in doing their ſaid offices, by payment thereof to be made by the Sheriff of the ſame County for the time being, by indentures betwixt the Sheriff and the ſaid Juſtices and other officers aforeſaid to be made of the payment aforeſaid, whereof the ſaid Sheriff upon his account in the Exchequer, may have due allowance. And that ſuch Rioters attainted of great & heinous Riots, ſhall have one whole years impriſonment at the leaſt, without being let out of priſon by bail, mainpriſe, or in any other manner during the year aforeſaid. And that the Rioters attainted of petty Riots, ſhall have impriſonment as beſt ſhall ſeem to the King or to his Council. And that the fines of ſuch Rioters attainted, ſhall be by the ſaid Juſtices encreaſed and put to greater ſums then they were wont to be put in ſuch caſes before this time, in aid and ſupportation of the Juſtices and other officers aforeſaid in this behalf. And that the Kings liege people being ſufficient to travel in the County where ſuch Routs, Aſſemblies, or Riots be, ſhall be aſſiſtant to the Juſtices, Commiſſioners, Sheriff or Under-ſheriff of the ſame County, when they ſhall be reaſonably warned to ride with the ſaid Juſtices, Commiſſioners and Sheriff, or Underſheriff, in aid to reſiſt ſuch Riots, Routs and Aſſemblies, upon pain of impriſonment, and to make fine and ranſom to the King. And that the Bailiffs of franchiſes ſhall cauſe to be impanelled ſufficient perſons as before, upon pain to loſe to the King fourty pound, in caſe that ſuch ſufficient perſons may be found within the ſame franchiſes. And that like ordinances and pains ſhould hold place, and take effect in Cities, Boroughs, and other places and towns infranchiſed, which have Juſtices of the Peace within the cities, boroughs, towns, and other places aforeſaid. And that this ſtatute ſhall begin to hold place preſently after the Proclamation thereof made. St. 19 H.7.13.

Bailiffs of Franchiſes. Riots committed in Cities, Boroughs, and Towns corporate.

CAP. IX.

A remedy to puniſh him that doth commit felony and flie into an unknown place.

ITem, Foraſmuch as great and grievous complaints have been made to our Soveraign Lord the King, by the Commons in this preſent Parliament, of divers murders, manſlaughters, robberies, batteries, aſſemblies of people in great number, in manner of inſurrection, and of divers other rebellions and riots, and after ſuch offences the ſaid felons and offenders flee, and withdraw themſelves into divers woods and ſecret places and unknown, and elſewhere, to the intent and purpoſe to avoid the execution of the Common law, and that they might not be brought to anſwer: whereupon our ſoveraign Lord the King conſidering the aforeſaid complaint, by the advice and aſſent of the Lords ſpiritual and temporal in the ſame Parliament aſſembled, hath ordained and ſtabliſhed at the requeſt of the ſaid Commons, that if any perſon hereafter come into the Chancery, and make complaint duly that any ſuch felon or offendor as afore is ſaid, flee or withdraw himſelf into any ſuch place, or elſewhere, to the intent aforeſaid, upon ſuch complaint a bill ſhall be ſufficiently made for the King. And the Chancellor of England for the time being, after ſuch a bill to him delivered, if he may be duly informed, that ſuch a bill containeth truth, ſhall have power to make according to his diſcretion a writ of Capias at the Kings ſuit, directed to the Sheriff of the County or Counties where the ſaid murders, manſlaughters, robberies, batteries and other offences be ſuppoſed by the ſaid bill to be done and perpetrate, returnable in the ſaid Chancery at a certain day. And if the perſons in the ſaid writ contained, be taken by the ſaid Sheriff, or yield themſelves in the ſame Chancery, that then ſuch perſons ſhall be put in ward or to mainpriſe, according to the diſcretion of the Chancellor. And moreover be it commanded to enquire of ſuch offences, and upon that ſhall be done as the law requireth. And if the Sheriff return at the day of the Capias returnable, that the perſons in the ſame compriſed for any of theſe cauſes aforeſaid, cannot be by him taken, neither the ſame perſons do yield themſelves in the ſaid Chancery, that then the ſaid Chancellor ſhall cauſe to be made a writ of Proclamation, directed to the ſaid Sheriff, returnable in the Kings Bench at a certain day, that he ſhall make Proclamation in two Counties, that the perſons named in the ſaid writ ſhall come at the ſaid day in the Bench aforeſaid, there to anſwer to the matter compriſed in the ſaid bill, upon pain to be convict of the matter compriſed in the ſaid bill. And that in every ſuch writ of Proclamation ſhall be contained the ſubſtance of the matter compriſed within the ſaid bill: and if they come not at the day of ſuch Proclamation returned, then ſhall they be holden and adjudged for convict, and attainted as aforeſaid. And if they come at the Proclamation, it ſhall be of them enquired and done in manner as above is ſaid.

A remedy to puniſh him which doth commit any murder or robbery, and then doth flee into a ſecret place. The party accuſed is taken by the Sheriff or yieldeth himſelf.

The Sheriff returneth that the party cannot be taken.

Provided always that the ſuggeſtions of ſuch riots be teſtified to the Chancellor of England by letters ſealed under the ſeals of two Juſtices of Peace at the leaſt, and the Sheriff of the County, where ſuch riots ſhall be made, before that the writ of Capias be granted, in which writ of Capias the matter which is compriſed within the ſame bill ſhall be as well expreſſed, as in the writ of Proclamation thereof to be made. And if ſuch caſe happen in the County Palatine of Lancaſter, or elſe in any franchiſe where there is a Chancellor, and a ſeal, that then the Chancellor of England ſhall cauſe to be written or ſent by the Kings writ to the Chancellor of ſuch County or franchiſe, all the ſuggeſtion in the ſaid bill compriſed, commanding him to make ſuch execution as in the ſaid article is compriſed, ſo always that the Kings writ ſhall not run out of the Chancery of England in ſuch a County or franchiſe, otherwiſe then hath been uſed in time paſt. And that this Ordinance ſhall ſtand in his full force until the end of the next Parliament. St.8.6.14. made perpetual. O B.

The ſuggeſtions of ſuch riots ſhall be teſtified under ſeals of two Juſtices of Peace and the Sheriff. Riots committed in a County where there is a Chancellor and a Seal.

Other Statutes made at Weſtminſter, *Anno* 2 *H*.5. and *An. Dom.* 1414.

OUr Lord the King, at his Parliament, holden at Weſtminſter, the Munday next after the Utas of St. Martin, the ſecond year of his reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of his Realm then there aſſembled, hath ordained and eſtabliſhed divers Ordinances and Statutes in the manner and form as followeth.

CAP. I.

What ſorts of men ſhall be Juſtices of the Peace.

FIrſt, That the Juſtices of the Peace from henceforth to be made within the Counties of England, ſhall be made of moſt ſufficient perſons dwelling in the ſame Counties, by the advice of the Chancellor and of the Kings Counſel, without taking other perſons dwelling in forain counties to execute ſuch office, except the Lords and the Juſtices of Aſſiſes now named, & to be named by the King & his Counſel. And except all the Kings chief Stewards of

Juſtices of Peace. What ſort of perſons ſhall be Juſtices of Peace. St. 1 Ed.3.16. 34 Ed.3.1.

the Lands and Seigniories of the Dutchie of Lancaſter, in the North parts and in the South, for the time being. St. 13 R. 2. 7.

CAP. II.

The yearly wages of Chaplains, ſhall be four pound thirteen ſhillings four pence; and of Pariſh Prieſts ſix pound for their board, apparel, and other neceſſaries. Rep. 21 Jac. 28. St. 36 Ed. 3. 8.

CAP. III.

Of what eſtate thoſe Jurors muſt be which are to paſs touching the life of man, plea real, or forty marks damages.

Cro. El. 451.

ITem, The King conſidering the great miſchiefs and diſheriſons, which daily happen through all the Realm of England, as well in caſe of death of a man, as in caſe of freehold, and in other caſes, by them which paſs in enqueſts in the ſaid caſes, which be common Jurors and other that have but little to live upon, but by ſuch enqueſts, and which have nothing to loſe, becauſe of their falſe oaths, whereby they offend their conſcience the more largely: and willing thereof to have correction and amendment, hath ordained and eſtabliſhed by aſſent of the Lords and Commons aforeſaid, that no perſon ſhall be admitted to paſs in any enqueſt upon trial of the death of a man, nor in any enqueſt betwixt party and party in plea real, nor in plea perſonal, whereof the debt or the damage declared amounts to forty marks, if the ſame perſon have not lands or Tenements of the yearly value of forty ſhillings, above all charges of the ſame; ſo that it be callenged by the party, that any ſuch perſon ſo impanelled in the ſame caſes, hath not lands or tenements of the yearly value of fourty ſhillings above the charges as afore is ſaid. Stat. 28 Ed. 3. 13. 8 H. 6. 29. 16. 17 Car. 2 cap. 3.

Of what eſtate Jurors muſt be which are to paſs in an enqueſt touching the life of man, plea real, or forty marks damages. Raſt. pla. fo. 117.

2 H. 7. f. 13. 10 H. 7. f. 14. 9 H. 5. f. 5. 10 H. 6. f. 7. 8. 18. 7 H. 6. f. 44. Dyer f. 144. Co. Inſt. par. 1. 272. 2.

CAP. IV.

There ſhall be no gilding of ſilver ware, but of the allay of Engliſh ſterling.

There ſhall be no gilding of ſilver wares but of the allay of Engliſh ſterling. The pound troy of ſilver gilt ſhall be ſold for 46. s. 8. d. Rep. 21 Jac. 28.

ITem, For that the Goldſmiths of England of their covin and ordinances will not ſell the wares of their Myſtery gilt, but at the double price of the weight of the ſilver of the ſame, which ſeemeth to the King very outragious and too exceſſive a price: The King for the eaſe of his people willing to remedy the ſame, hath ordained and eſtabliſhed, that all the Goldſmiths of England ſhall gild no ſilver wares but of the allay of the Engliſh ſterling, and that they take for a pound of Troy gilt but fourty ſix ſhillings eight pence at the moſt, and of greater weight and leſs according to the quantity and rate of the ſame ſum, and that which ſhall be by them gilt from henceforth ſhall be of a reaſonable price and not exceſſive. And if any Goldſmith do contrary to this ſtatute, he ſhall forfeit to the King the value of the thing ſo ſold. St. 5 H. 4. 13.

CAP. V.

If a Welſhman that doth forcibly take and detain an Engliſhman until he be ranſomed, will not upon proceſs awarded againſt him by the Juſtices, appear and anſwer the ſame until he be outlawed, The Juſtices ſhall certifie the ſame under their ſeals to the Officers of the Seigniories where ſuch outlaw is, who ſhall apprehend and do execution of him according to the Law. Alt. 27 H. 8. 26.

CAP. VI.

Merchandiſes of the Staple, viz. Woolls, Fell, Leather, Lead, or Tin whole and molten, ſhall not be carried to any part beyond the Sea, without the Kings Licence, until they be firſt brought to the Staple, upon pain of forfeiture of them. O B. St. 2 R. 2. 3. 2 H. 6. 4. 14 E. 4. 3.

A Statute made at Weſtminſter *Anno* 3 *Hen.* 5. *and Anno Dom.* 1415.

AT the Parliament holden at Weſtminſter the Munday next after the Feaſt of All-Saints, the third year of the reign of King Henry the fifth, a Statute was made by the King our Lord, with the aſſent of all the Lords Spiritual and Temporal, and at the requeſt of the Commons of England there aſſembled, for the common profit and weal of the Realm.

CAP. I.

It ſhall be felony to bring and put in paiment any of the money forbidden, viz. Galley halfe-pence, Suskin, Dorkin, and all Scottiſh money of ſilver. O B.

Statutes made at Weſtminſter, *Anno* 3 *H.* 5. and *Anno Dom.* 1415.

OUr Lord the King, at his Parliament holden at Weſtminſter, the Munday the ſixth day of March, the third year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons aſſembled in the ſame Parliament, hath ordained and eſtabliſhed divers Statutes and Ordinances in the form as followeth.

CAP. I.

A Confirmation of the Liberties of the Church, and of all perſons, Cities, Boroughs.

The liberties of the Church and of all Cities, boroughs and perſons confirmed.

FIrſt, that holy Church have all her Liberties and Franchiſes, and that all the Lords Spiritual and Temporal, and other the Kings liege people, having Liberties and Franchiſes, and all the Cities, and Boroughs of the Realm have and enjoy all their Liberties and Franchiſes, which they have had of the grants of the Kings Progenitors, and of the Confirmation of the ſame our Lord the King, or his grant: Except always thoſe Franchiſes and Liberties which be repealed in this preſent Parliament, and thoſe that be repealed by the common Law.

CAP. II,

Certain Abbots,&c. may make their Atturnies in the Courts of Stanclife and Frendles, Wapentakes in the County of York. Exp. 5 H.5.9. 9 H.6.10.

CAP. III.

All Britains not made Denizens ſhall depart the Realm upon pain of death. Exp.

CAP. IV.

All proviſions, licences and pardons of a benefice full of an incumbent ſhall be void.

St. 7 H.4.8.

ITem, Whereas in the time of King Henry the fourth, father to our Soveraign Lord, whom God forgive, the ſeventh year of his reign, to eſchew many diſcords and debates, and divers other miſchiefs, which were likely to riſe and happen, becauſe of many proviſions then made or to be made by the Pope, and alſo of licences thereupon granted by the ſaid late King, amongſt other things it was ordained & ſtabliſhed, that no licence or pardon ſo granted before the ſame ordinance, nor after to be granted, ſhould be available to any benefice, full of an incumbent at the day of the date of ſuch licence, or pardon granted: Notwithſtanding ſeveral perſons, having proviſions of the Pope of divers benefices in England and elſewhere, and licences royal, to execute the ſaid proviſions, have by colour of the ſame proviſions, licences and acceptations of the ſaid benefices, ſubtilly excluded divers perſons of their benefices, in which they have been incumbents by a long ſeaſon, of the collations of the patrons ſpiritual, to them duly made to their intent, to the utter deſtruction and ſubverſion of the eſtates of the ſaid incumbents; the King willing to remove ſuch miſchiefs, hath ordained and eſtabliſhed, that all the incumbents of every benefice of holy Church, of the patronage, collation or preſentation of ſpiritual patrons, may peaceably and quietly enjoy, and ſhall enjoy their ſaid benefices, without being enquieted, moleſted, or any wiſe grieved by any colour of ſuch proviſions, licences and acceptations whatſoever. And that all the licences and pardons upon, and by ſuch proviſions made, in any manner, ſhall be void and of no value. And if any feel himſelf grieved, moleſted, or inquieted, in any wiſe from henceforth by any, by any colour of ſuch proviſions, licences, pardons or acceptations, that the ſame moleſtors, grievors, and inquietors, and every of them, ſhall ſuffer and incur the pain and puniſhments contained in the ſtatutes of proviſors, before this time made, and that by proceſs of Præmunire facias formed upon the caſe. And that the party which ſhall ſue by the ſame writ, ſhall recover his treble damages, if the defendants named in the ſame writ or any of them be convict in that behalf.

All proviſions made by the Pope, and licences or pardons granted by the King touching any benefices full of an incumbent ſhall be void.

CAP. V.

In which Courts an attaint may be brought upon a falſe verdiƈt given in the City of Lincoln, and by whom it ſhall be tryed.

St. 13 R.2.18.

ITem, Whereas by the ſtatute made in the Parliament holden at Weſtminſter, the thirteenth year of King Richard the ſecond, it was ordained and ſtabliſhed, that in Aſſiſes, Juries, and all other enqueſts, which from thenceforth ſhould be taken betwixt party and party, before the Mayor and Bailiffs of the City of Lincoln, which for the time ſhould be, if any of the parties then did complain him of falſe oaths, made by ſuch Aſſiſes, Juries or enqueſt, that the attaint ſhould be granted to him, and the record ſhould be ſent by writ into the Kings Bench, or into the common bench. And that the Sheriff ſhould array the panel of the Jury of ſuch attaint, of forainers, without ſending to the franchiſe of the ſaid city; And the Juſtices ſhould take the ſame Jury of the ſame forainers, notwithſtanding any franchiſe granted to the ſaid city, or any other uſage to the contrary. Neverthele ſs, foraſmuch as the Lord Henry late King of England, father to our Soveraign the King aforeſaid, the xxi. day of November, the xiii. year of his Reign, by his Letters Patents, amongſt others, granted to the Mayor and comminalty of the ſaid City, that the name of Bailiffs of the ſame City, ſhould be tranſlate into the name of Sheriffs; and that the ſame city, ſuburbs, and precinct of the ſame (except the caſtle of Lincoln, and the walls and ditches of the ſame) ſhould for ever be called the County of the City of Lincoln: divers people be and have been in doubt, whether a man that will complain of a falſe oath, made in the County of the ſaid City, after by force of the ſaid ſtatute ſhould have a writ of attaint, directed to the Sheriff of the County of Lincoln, to be arrayed by the people of the ſame county, or not, and alſo of other Articles and points of the ſaid ſtatute: The King willing to remove all manner ambiguities and doubts in this behalf, hath ordained, granted, and eſtabliſhed, that in Aſſiſes, Juries, and all other Enqueſts, which be and ſhall be taken, betwixt party and party, before the Mayor and Bailiffs, and before the Sheriff of the County of the City of Lincoln, which for the time is, and ſhall be, or any of them, if any of the ſaid parties do complain of a falſe oath made by ſuch Aſſiſes, Juries, and Enqueſts, a writ of Attaint ſhall be granted to him, directed to the Sheriff of the ſaid County of Lincoln, for the time being, and the ſame Record ſhall be ſent by Writ into the Kings Bench, or into the common Bench. And that the Sheriff of the County of Lincoln, which for the time ſhall be, ſhall array the panel of the Jury of ſuch Attaint, of people of the County of Lincoln. And that the Juſtices of the King and of his heirs, ſhall take the ſame Jury of people of the County of Lincoln, according to the intent and effect of the ſaid ſtatute, notwithſtanding the ſaid Letters Patents, or any thing therein contained, or any poſſeſſion or other thing by the force of the ſame Letters had or made, or any Franchiſe granted, or to be granted to the Citizens of the ſaid City, or to their ſucceſſors, or other uſage to the contrary, in that the ſaid City of Lincoln is ſo made incorporate.

The Mayor and Bailiffs of Lincoln tranſlated into the name of the Sheriffs of the County of the City of Lincoln.

Upon a falſe verdict given before the Mayor, &c. of the County of the City of Lincoln an attaint may be brought triable by forainers.

CAP. VI.

It ſhall be Treaſon to clip, waſh, and file Money.

Clipping, waſhing and filing of the money of this Realm ſhall be high treaſon.

ITem, Becauſe that before this time, great doubt and ambiguity hath been, whether that clipping, waſhing, and filing of the money of the land, ought to be judged treaſon or not, for as much as no mention thereof is made in the declaration of the Articles of treaſon, made in the Parliament holden the xxv. year of King Edward the third: The ſame our Lord the King willing to decide ſuch doubt, and to put the ſame in a certainty, hath declared in this preſent Parliament, that ſuch clipping, waſhing, and filing, ſhall be adjudged for Treaſon, and they which ſo do clip, waſh, and file the money of the land, ſhall be judged Traitors to the King, and to the Realm, and ſhall incur the pain of Treaſon. Rep. 1 Ed. 6. 12. & 1 M. & St. 5 El. 11.

CAP. VII.

Which Juſtices ſhall have authority to hear and determine the offences of falſifying of money.

Which Juſtices ſhall have authority to hear and determine the offences of falſifying of money.

ITem, Becauſe counterfeiting, clipping, waſhing, and other falſity of money of the land, is much more uſed, and daily doth more abound then it was wont, for that the puniſhment of the ſame pertaineth not to any Judges of the Realm, but to the Kings Juſtices before himſelf, or by ſpecial Commiſſioners thereto aſſigned, and it is very likely there will be deſtruction of the money, unleſs haſty execution and remedy be provided, as the King by the grievous complaint of the Commons hath perceived: Our ſaid Lord the King willing to remedy the ſame, hath ordained and eſtabliſhed, that the Kings Juſtices aſſigned to take Aſſiſes in all the counties of England, ſhall have power by the Kings Commiſſions, to hear and determine in their Seſſions, as well of the counterfeiting, and of the bringing of ſuch falſe money into the Realm, as of clipping, waſhing, and every other falſity of the ſaid money. And that the Juſtices of Peace through the Realm ſhall have power by the Kings commiſſions, to inquire of all ſuch matters, and thereupon to make proceſs by Capias only againſt thoſe, which before them ſhall be thereof indicted. St. 1 Ed. 6. 12. 1 M. 1. 5 El. 11.

CAP. VIII.

Ordinaries ſhall take no more for proving of Teſtaments with their inventories, then was taken in the time of King Ed. 3. Exp. St. 31 Ed. 3. 4. St. 21 H. 8. 9.

Statutes made at Weſtminſter, *Anno* 4 *H.* 5. and *Anno Dom.* 1416.

AT the Parliament holden at Weſtminſter, the nineteenth day of October, the fourth year of the reign of King Henry the fifth after the Conqueſt: The ſame our Lord the King, with the aſſent of the Prelates, Dukes, Earls, Barons, and at the ſpecial inſtance and requeſt of the Commons aſſembled in the ſame Parliament, hath cauſed to be ordained and ſtabliſhed certain Statutes and Ordinances, in the form as followeth.

CAP. I.

A confirmation of all former Statutes not repealed.

A confirmation of former Statutes not repealed.

FIrſt, That the great Charter, and the Charter of the Foreſt, and all other Statutes and ordinances made in his time, and in the time of his noble Progenitors Kings of England, and not repealed, ſhall be firmly holden and kept in all points.

CAP. II.

Sheriffs ſhall have allowance upon their accompts of things caſual.

Sheriffs ſhall have allowance upon their accompts of things caſual.

ITem, That all Sheriffs of England ſhall have allowance upon their accompts, by their oaths, of things caſual, as of eſtreats that be not in ferm, nor in demand; But all ſuch things that be or run in yearly ferms or yearly demands, they ſhall be charged to the King, as the Sheriffs have been charged in that caſe in times paſt. Co. Inſt. 4 p. 107.

CAP. III.

No man ſhall make any Patens of Aſpe upon pain of C. ſhillings. Rep. 1 Jac. 25. & 21 Jac. 28.

CAP. IV.

The penalty aſſigned by the Stat. of 12. R. 2. 4. for giving or taking of exceſſive wages, ſhall be impoſed upon the taker only. Exp.

CAP. V.

How Merchants ſtrangers ſhall be uſed, and Hoſts appointed for them.

A confirmation of the Stat. of 5 H. 4. 7. & 5 H. 4. 9. touching the uſing of Merchants ſtrangers.

ITem, Whereas in a ſtatute made in the time of King Henry the fourth after the Conqueſt, the fifth year of his reign, it was ordained and ſtabliſhed, that all the Merchants aliens, of what eſtate or condition they be, coming, abiding, or reſident within the Realm of England ſhould be entreated and demeaned within the ſame Realm in the ſame form, manner and condition, as the Merchants Denizens be or ſhall be entreated or demeaned in the parts beyond the Sea, and in no other manner, upon pain to forfeit to the King all the goods and cattels of the ſaid Merchants aliens. And alſo it was ordained and ſtabliſhed in the time of the ſaid late King Henry, amongſt other things, by the ſtatute, that in every City, Town, and Port of the Sea of England, where the ſaid Merchants aliens, or ſtrangers, be or ſhall be repairing, ſufficient hoſts ſhall be aſſigned to the ſame Merchants by the Mayor, Sheriff, or Bailiffs of the ſaid Cities, Towns, & Port of the Sea. And that the Merchants aliens, and ſtrangers, ſhall not remain in other places, but with the ſaid Hoſts ſo to be aſſigned. And that the ſame Hoſts ſo to be aſſigned, ſhall take for their labour in the ſame manner as was accuſtomed of old time: and for that our Lord the King hath perceived, that the ſame ſtatutes have not been put in due execution, he willeth and granteth, that the ſame ſtatutes ſhall be firmly holden and kept in all points, and put in due execution from henceforth according to the purport of the ſame.

CAP. VI.

If any Archbiſhop, Biſhop, &c. of Ireland, Rebel to the King, ſhall make collation of a Benefice to any Iriſhman, or bring any Iriſhman to the Parliament to diſcover the Councel of Engliſhmen to Rebels, his Temporalties ſhall be ſeiſed until he hath made fine to the King. O B.

CAP. VII.

In what caſes Letters of Marque may be granted.

Item, Becauſe our Soveraign Lord the King hath heard and conceived at the grievous complaint of the Commons of his Realm in this Parliament, for that in reſpect of a ſtatute made at his Parliament holden at Leiceſter, the laſt day of April, the ſecond year of his reign, in which ſtatute is contained, that the breaking of truce and ſafe conducts, and willing receit, abetment, procurement, councel, hiring, ſuſtaining and maintaining of breakers of truce, and of the ſafe conducts of the King our Lord to be made by his liege people from henceforth, within the Realm of England and Ireland, and the country of Wales, upon the main Sea, ſhall be judged and determined for high treaſon, done againſt the Crown, and the Kings dignity: By reaſon of which ſtatute, though the Kings ſubjects be ſo much grieved againſt the truce, that they dare not provide remedy by way of Act, for that the Kings enemies, as well in the parts beyond the Sea, as in the Realm of Scotland, have thereof taken great courage to grieve the Kings faithful liege people, in ſlaying ſome of them, and in taking ſome of them priſoners, and alſo taking their goods and cattels, againſt the tenour of the truce, as well upon the main Sea, as upon the Marches of Scotland, whereof the ſaid Commons have humbly beſeeched our ſaid Soveraign Lord the King to provide remedy: The King willing as well in this caſe as in other, to take order for the indemnity of his liege people and faithful ſubjects, hath declared in this preſent Parliament, that of all attempts made by his enemies upon any of his faithful liege people againſt the tenor of any truce, taken before this time, wherein is no expreſs mention made, that all marques and repriſals ſhall ceaſe, the ſame our Soveraign Lord the King will grant marque in due form to all them that feel themſelves in this caſe grieved. And our ſaid Lord the King will do the like to all his liege people that feel them grieved againſt the tenor of any truce, which betwixt him and any of his enemies ſhall be newly taken hereafter. And to the greater comfort of his faithful liege people, to the intent that they may the more readily, and without long delay, have remedy in this caſe: The ſame our Lord the King will, that if he or they that feel them grieved, againſt the tenor and form of ſuch truce within the Realm of England, out of the ſaid Marches of Scotland, or upon the Sea, or in the parts beyond the ſea, ſhall complain to the keeper of the privy Seal, which for the time ſhall be, who, after ſuch complaint heard and perceived, thereof ſhall make to the party complainant (if he the ſame require) letters of requeſt, under the privy Seal, in a due form; and if after ſuch requeſt made, the party required do not make within a convenient time due reſtitution or ſatisfaction to the party grieved, then the Chancellor of England for the time being, ſhall cauſe to be made to ſuch party grieved (if he that demand) Letters of Marque under the great Seal, in a due form. And as for remedy to be ordained for the Kings liege people and ſubjects, that feel them grieved in the Realm of Scotland, or in England at the Marches joyning to Scotland, againſt the form of ſuch truce, as afore is ſaid: our Lord the King ſhall give power by commiſſion to the Wardens, as well of the eaſt marches, as of the weſt marches, toward Scotland, and to every of them, to hear the complaints of all them his liege people and ſubjects which be or ſhall be grieved, and to cauſe thereupon to be made requeſt by Letters, to be delivered to him which hath done or ſhall do ſuch grievance, or to the Wardens of the Marches, or conſervator of the truce of the parties of Scotland, if he may well do it; or otherwiſe to make Proclamation in open places, upon the Marches, that he or they which have done ſuch grievances againſt the truce, ſhall make due reſtitution or ſatisfaction to the party grieved. And if they do it not within a convenient time, then at the inſtance of every of the Kings liege people and ſubjects which thereof feeleth, or ſhall feel himſelf grieved in ſuch caſe, letters of Marque be given in due form under the ſeals of the ſaid Wardens, or under his ſeal to whom the complaint ſhall be made in this caſe, without any difficulty.

St. 2 H. 5. 6. Letters of Marque ſhall be granted to any of the Kings ſubjects with whom Truce is broken upon the Sea.

The manner how to obtain letters of Marque.

Letters of Marque where truce is broken in Scotland or the Marches thereof. Rep. 4 Jac. 1.

CAP. VIII.

The Kings pardon of the ſuit of his Peace, and of Iſſues loſt to the ſum of xxvi. s. viii. d. and under, &c. Exp.

A Statute made at Weſtminſter *Anno 7 H. 5.* and *Anno Dom.* 1417.

All perſons until the next Parliament may make their Atturnies in Wapentakes, Hundreds, and Court Barons. Exp. St. 3 H. 5. 2.

A Statute made at Weſtminſter *Anno 7 Hen. 5. and Anno Dom.* 1419.

A remedy againſt thoſe that indict others of felony committed in a place where there is none ſuch. Proceſs againſt makers, &c. of falſe Deeds.

HENRY King of England, &c. To his Chancellor in the County Palatine of Lancaſter, greeting. Know ye that for as much as divers men of malice and envy, and for gain and revenge have often cauſed to be indicted and appealed divers of our true liege people, of treaſons or felonies, in the County of Lancaſter, pretending by thoſe appeals and indictments, that the ſaid treaſons or felonies were committed in a certain place, where of truth no ſuch place is had in the ſaid county where the ſaid appeal and indictment is made, to the great damage and peril of ſuch our liege people, conſidering that ſome ſo appealed and indicted, dare not appear before the Juſtices in their proper perſons, to anſwer thereof, for fear of beating, maiming, or killing of them, by the conſpirators or procurors of the ſame appeals and indictments, as by the Commons of the Realm of England, in our laſt Parliament holden at Weſtminſter, by their petition there exhibited, grievouſly complaining, was ſhewed: It is ordained in the ſame Parliament by the aſſent of the Prelates and great men of the ſame Realm, there being, at the requeſt of the ſaid Commons, for the common profit and quietneſs of the people of the ſame Realm, that every Juſtice, which hath power to hear and determine ſuch treaſons and felonies, within the ſaid County, by the oath of twelve men, (of whom every one ſhall have freehold in the ſame County, to the yearly value of an hundred ſhillings above all charges) before that the Exigent be awarded, without allegation of the party, as well in the parties abſence as his preſence, ſhall inquire of office, whether any ſuch place be in the county, where ſuch appeals or indictments be made or to be made, or not. And if it be found that there is no ſuch place within the ſame county, then ſuch appeals and indictments, and the proceſs thereupon made, or to be made, ſhall be void, and holden for none. And that in ſuch caſe the indictors aforeſaid be puniſhed by impriſonment, fine, and ranſom by the diſcretion of the ſaid Juſtices. And that this preſent ordinance and remedy extend as well to appeals and indictments not determined before this time, as to appeals and indictments to be taken hereafter. And if any Exigent from henceforth be awarded, before that ſuch inquiſition of office (as afore is ſaid) be taken, that the ſame Exigent and the awarding thereof be likewiſe void and holden for none.

A remedy againſt thoſe that do indict or appeal others of treaſon or felony committed in a place within the county of Lancaſter, whereas there is no ſuch place St. 9 H. 5. 1. 18 H. 6. 12.

Provided, that this preſent ordinance have ſtrength, and extend only until the next Parliament. And alſo know ye, that in the ſaid Parliament, of the aſſent and requeſt aforeſaid, it was ordained and ſtabliſhed, that in Writs to be purchaſed, againſt thoſe that forge or make untrue Charters, or miniments, and them proclaim or cauſe to be read, like proceſs ſhall be made by Capias and Exigent, as in Writs of treſpaſs. And therefore we command you, firmly enjoyning, that immediately after the ſight thereof, you cauſe this ſtatute and ordinance openly to be proclaimed in the places within the ſame county where ſhall be moſt expedient and neceſſary, as well within liberties as without: and that alſo you cauſe all and ſingular our Juſtices, having power to hear and determine felonies and treaſons within the ſaid county, fully to be inſtructed, and without delay to be certified of the ſaid ordinance and ſtatute by our Letters, containing the tenour of the ſame. Witneſs, &c. the xvi. day of December, the vii. year of our reign. And by petition in the Parliament holden at Weſtminſter, the ſecond day of December, the eighth year of the ſame King, a like Writ was made. Saving that the Teſte of the ſame Writ was, Witneſs Humfrey Duke of Glouceſter, Protector of England, at Weſtminſter the tenth day of January, the eighth year, &c.

The like proceſs ſhall be awarded againſt him that maketh and publiſheth falſe Deeds by Capias and Exigent, as in Writs of treſpaſs. Rep. 5 El. 14.

Statutes made at Weſtminſter, and *Anno octavo Hen. quinti,* *& Anno Domini* 1420.

AT the Parliament holden at Weſtminſter the ſecond day of December, the eighth year of the reign of King Henry the fifth: The ſame our Lord the King, by the aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons aſſembled in the ſame Parliament, hath cauſed to be ordained and ſtabliſhed certain Statutes and Ordinances in the form following.

CAP. I.

Co Inſt. 4 p. 7.

Parliament Writs being awarded in the name of the Kings Lieutenant, ſhall not be ſtayed by the Kings return into England. Exp.

CAP. II.

Certain gold or ſilver ſhall be brought to the Mint inſtead of Wooll or Tinne tranſported.

Certain gold and ſilver ſhall be brought to the Mint inſtead of Wooll or Tinne tranſported by Merchants ſtrangers.

ITem, It is ordained and ſtabliſhed, that every Merchant ſtranger buying Wolls in England to carry them to the Weſt parts, and elſewhere, not coming to the Staple, there to be ſold, ſhall bring to the Maſter of the Mint of the Tower of London of every ſack, one ounce of bullion of gold, and in the ſame manner of three pieces of Tinne, one ounce of bullion of gold, or the value in bullion of ſilver, upon pain of forfeiture of the ſame Wolls and Tinne, or the value of the ſame to the King. OB.

CAP. III.

What things only may be gilded, and what laid on with ſilver.

What things only may be gilded, and what laid on with ſilver.

ITem, That none from henceforth ſhall gild any ſheathes nor metal but ſilver, and the ornaments of holy Church. Nor ſhall ſilver no metal but Knights Spurs, and all the apparel that pertaineth to a Baron, and above that eſtate, upon pain of forfeiture to the King ten times as much as the thing ſo gilt is of value, and ſhall have alſo one years impriſonment. And the Juſtices of Peace ſhall have power to enquire thereof, and that to determine. And he that will ſue for the King in this behalf ſhall have the third part of the ſaid pecuniary pain.

Provided that this laſt ordinance ſhall begin to hold place at the Feaſt of Eaſter next coming. St. 5 H. 4. 13.

Statutes made at Weſtminſter, *Anno nono Henrici quinti*, *& Anno Domini* 1421.

AT the Parliament holden at Weſtminſter the ſecond day of May, the ninth year of the reign of King Henry the fifth after the Conqueſt: The ſame our Lord the King, by the aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons aſſembled in the ſame Parliament, hath cauſed to be ordained and ſtabliſhed certain Statutes and Ordinances in the form following.

CAP. I.

A Continuance of the Stat. of 7 H. 5. touching Indictments.

A confirmation of the Stat. of Anno 7 H.5. St. 18 H.6.12.

FIrſt, that the ſtatute made in the Parliament holden at Weſtminſter in the ſeventh year of the reign of our ſaid Lord the King touching appeals and indictments, ſtand in his force and hold place till the next Parliament to be holden after the Kings return from beyond the Sea into England.

CAP. II.

No perſon outlawed in the County of Lancaſter ſhall forfeit any lands or goods; but ſuch as he hath in the ſame County. Exp. Stat. 18 H. 6. 13. 20 H. 6. 2. 33 H. 6. 2.

CAP. III.

Protections granted to them that be in the Kings ſervice in Normandy or France; or which ſhall paſs with him into France. Exp. Stat. 4 H. 6. 2. 14 E. 4. 2.

CAP. IV.

The Juſtices may amend defaults in Records or Proceſs before judgment given.

Stat. 14 Ed.3.6

ITem, Whereas it was ordained and ſtabliſhed in the Statute made the fourteenth year of King Edward the third after the Conqueſt, that for miſpriſion of the Clerk in any place whereſoever it be, the proceſs of the plee ſhall not be avoided nor diſcontinued, by miſtaking in writing one letter or ſyllable too much, or too little, but aſſoon as the thing is perceived, by challenge of the party, or in other manner, it ſhould haſtily be amended in a due form, without giving advantage to the party that challengeth the ſame, becauſe of ſuch miſpriſion: The King our Sovereign Lord, conſidering the diverſity of opinions which have been upon the ſaid Statute, and to put the thing in more open knowledge, hath declared and ordained at this time by authority of this preſent Parliament, that the Juſtices before whom ſuch plee or record is made, or ſhall be depending, as well by adjournment, as by way of errour, or otherwiſe, ſhall have power and authority to amend ſuch record and proceſs, as afore is ſaid, according to the form of the ſame Statute, as well after judgment in any ſuch plee, record, or proceſs given, as before judgment given in any ſuch plee, record, or proceſs, as long as the ſame record and proceſs is before them, in the ſame manner as the Juſtices had power to amend ſuch record and proceſs, before judgment given by force of the ſaid Statute made in the time of the ſaid King Edward. And that this Ordinance endure till the Parliament that ſhall be firſt holden, after the return of our Sovereign Lord the King into England from beyond the Sea. Stat. 4 H. 6. 3. made perpetual. St. 8 H. 6. 12. 15.

Dyer f.342. Co.l.5.45.l.8. f.157.

The Juſtices before whom default ſhall be found in any Records or Proceſs may amend them before judgment.

CAP. V.

During four years the King may aſſign Sheriffs, &c. to continue in their offices above one year, notwithſtanding the Stat. of 14 Ed. 3. 7. Exp.

CAP. VI.

The Mint ſhall be at Calice. Exp.

CAP. VII.

The Statute provided 2 H. 5. 5. for offendors in Tindal and Examſhire ſhall be extended againſt the like offendors in Rydeſdale.

ITem, Whereas in the Parliament holden at Leiceſter, the laſt day of April, the ſecond year of the reign of our ſoveraign Lord the King that now is, at the grievous complaint made to him there by certain of his Commons, for that many murders, treaſons, manſlaughters, robberies, and other offences were committed by divers of the Kings liege people dwelling within the franchiſes of Tindale and Examſhire, by favour of the franchiſe, where the Kings Writ doth not run, to the great miſchief and peril of the ſaid liege people: It was ordained and ſtabiſhed, that if any perſon of the ſame franchiſes, reſident and abiding within the ſame, of what eſtate or condition that he be, commit any murders, treaſons, manſlaughters, robberies, or conſent to do the ſame out of the ſaid franchiſes, proceſs ſhould be made againſt him by the common law, till he were outlawed, and that after ſuch outlawry pronounced & return made thereof, the Juſtices before whom ſuch outlawry ſhall be returned, ſhould thereof make certificate to ſuch Miniſter & Miniſters of the ſaid franchiſes, as to them beſt ſhould ſeem in this behalf, according to their diſcretion. And ſuch felon ſhall be taken by ſuch miniſter or miniſters, & his land & tenements, goods and chattels being within the ſame franchiſes, ſeiſed into the hands of the Lords of the ſame franchiſes, for the time being, as forfeit. And that the other lands and tenements, goods and chattels of ſuch felons out of the ſame franchiſes ſhall wholly remain to the King & to other Lords having thereof Franchiſes, as forfeit. Saving always to the King the forfeitures of ſuch murderers, traitors, manſlayers, robbers, and all ſuch offenders, and of other things, which to him pertain as of the right of his Crown. And foraſmuch as like murders, treaſons, manſlaughters, robberies, conſents, and offences by divers perſons, thieves and felons called intakers and outparters dwelling within the franchiſe of Rideſdale, in which franchiſe the Kings Writ doth not run as it is ſaid, have been done now of late in divers places in the Counties of Northumberland, Cumberland, Weſtmerland, and elſewhere out of the ſame franchiſe of Rideſdale, by favour and ſuccour of the ſame franchiſe, whereof no redreſs towards them hath been had by the laws heretofore uſed, to the great miſchief, peril and damage of the people ſo grieved, as our ſoveraign Lord the King, by the grievous complaint to him made in this preſent Parliament, hath fully perceived: Our ſaid Soveraign Lord the King, willing to remedy the ſame, hath ordained and ſtabliſhed in the ſame Parliament, that ſuch proceſs, certificate, and execution ſhall be made hereafter againſt ſuch murderers, manſlayers, robbers, conſenters, and offenders, abiding or reſident within the ſaid franchiſe of Ridesdale, for their offences done out of the ſaid franchiſe of Ridesdale. And alſo ſuch manner of forfeitures ſhall run in all points, as well to our Soveraign Lord the King, as to all other perſons, as it was ordained for the ſaid offendors of Tindal and Examſhire, by the ſaid ſtatute made at Leiceſter, and according to the form and equity of the ſame ſtatute. Saving always to the King that which pertaineth to him in this behalf, as of the right of his Crown. St 11 H.7.9. 14 El.13.

Felons called Intakers and Outparters.

The Statute provided 2 H.5. for robbers, &c. in Tindale and Examſhire ſhall be extended againſt the like offendors in Rideſdale.

CAP. VIII.

Theſe Scholars of Oxford ſhall be baniſhed the Vniverſity which do diſſeiſe men of their lands, or hunt diſorderly in Forreſts, or take Clerks con vict of felony out of the Priſons of Ordinaries. Exp.

CAP. IX.

No Abbot or Prior ſhall be appointed by any Biſhop to be Collector of Diſmes or Subſidies out of the County where he dwelleth. Exp. & Ob.

CAP. X.

Keeles that carry Sea-coals at Newcaſtle ſhall be meaſured and marked.

ITem, Whereas of every Chaldron of Sea-coals, which be or ſhall be ſold to people not franchiſed in the Port of the Town of Newcaſtle upon Tine, ii. d. be due to the King, of cuſtom, and in the ſame Port be certain veſſels called Keels, by which ſuch coals be carried from the land to the ſhips in the ſaid Port: And every of the ſaid Keels ought to be of portage of twenty Chaldron, and according to the ſame portage the cuſtom is thereof taken to the Kings uſe: There be now certain people, that of late have made ſuch Keels of the portage of xxii. or xxiii. Chaldron, whereof the cuſtom hath been taken according to the portage of xx. Chaldron only, in deceit of our Lord the King, as he hath perceived by complaint in this Parliament: It is therefore ordained and ſtabliſhed againſt ſuch deceits, that all the Keels, which now be, and hereafter ſhall be in the ſaid Port, ſhall be meaſured by certain Commiſſioners thereto aſſigned by the King, and marked, of what portage they be, before that any carriage be made by the ſame, upon pain of forfeiture to the King all the veſſels called Keels, by which any ſuch coals ſhall be carried, before that they be marked in the manner aforeſaid.

Keels that carry Sea-cols at Newcaſtle from the land to the ſhips ſhall be meaſured by Commiſſioners.

CAP. XI.

No Engliſh gold ſhall be received in payment but by the Kings weight.

ITem, To avoid the deceits and perils which long have continued within the Realm by Waſhers, Clippers, and counterfeitors of the money of the Realm of England, to the great loſs and damage of all the people of the ſame Realm: The King by the advice and aſſent of all the Lords and Commons aſſembled in this Parliament, hath ordained and ſtabliſhed, that from Chriſtmas even next coming, none of the Kings liege people ſhall receive any money of Engliſh gold in payment, but by the Kings weight thereupon ordained. And becauſe a great part of the gold now currant in payment, is not of rightful weight, nor of good allay, the ſame ſhall be to the great loſs and coſts of the Kings ſubjects, unleſs it pleaſe him to relieve them in this caſe: Our ſoveraign Lord the King of his ſpecial grace hath remiſed and pardoned to all his liege people, which betwixt this and the ſaid feaſt of Chriſtmas, ſhall cauſe to be coyned of new at the Kings coinage within the Tower of London their money of gold, that is not of juſt weight nor of good allay, that is to ſay, all that to him pertaineth for this new coinage of ſuch gold, as afore. Saving always to the Maſter of the Mint, and to other officers of the ſame, that which to them reaſonably pertaineth.

No Engliſh gold ſhall be received in payment, but by the Kings weight.

CAP. XII.

Writs purchaſed by the Wardens of Rocheſter Bridge or againſt them ſhall be good, though ſome of them dye or be removed.

ITem, It is ordained, that all the Writs to be purchaſed by the Wardens of the new Bridge of Rocheſter and their ſucceſſors, or by other againſt them to be purchaſed, ſhall be maintained and continued by the law of England. And although that the ſaid Wardens or any of them be removed or expulſed from their ſaid office, or do dye, hanging the ſaid Writs, nevertheleſs the ſame Writs ſhall ſtand and be good and effectual in the law for ever. St. 18 El.17. 27 El.25.

Writs purchaſed by or againſt the Wardens of Rocheſter bridge ſhall be good though ſome of them dye, or, &c.

Other Statutes made at Weſtminſter, *Anno 9 H.5.* and *An. Dom.* 1421.

CAP. I.

A confirmation of all Statutes made touching money. Exp.

CAP. II.

All men may reſort to the Kings Exchanges, or to the Tower to have money new coined. Exp.

CAP. III.

At the Kings Exchanges good money ſhall be delivered to the parties, or elſe he that doth receive it, may refuſe it. Exp.

CAP. IV.

The Officers of the Exchanges ſhall bring to the Tower all the gold or ſilver which they buy or exchange. Exp.

CAP. V.

The Mint ſhall be at Calice. Exp.

CAP. VI.

The allay and weight of money. Exp.

CAP. VII.

The weight of gold ſhall be ſent to every City. Exp.

CAP. VIII.

Inquiry and puniſhment of falſifiers of weights. Exp. Stat. 34 Ed. 3. 5.

CAP. IX.

For every exchange to be made by Merchants to the Court of Rome or elſewhere, they ſhall be bound within nine moneths to buy the value thereof of the commodities of this Realm. Whereas by 14 R. 2. 2. they were to buy within three moneths. Exp. Stat. 11 H. 4. 8.

CAP. X.

Collectors of diſmes, &c. which be charged in Account for their Companions, ſhall have an action of debt againſt them. Exp.

Thus endeth the Statutes of King Henry the fifth.

Anno primo HENRICI Sexti.

Statutes made at Weſtminſter in the firſt year of the Reign of King *Henry* the Sixth, and in the year of our Lord, 1422.

AT the Parliament holden at Weſtminſter, the Munday next before the feaſt of S. Martin, the firſt year of the reign of our Soveraign Lord King Henry the ſixth: The ſame King by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of the Realm of England being aſſembled in this preſent Parliament, hath cauſed to be ordained and eſtabliſhed divers Ordinances and Statutes in the form following.

CAP. I.

The Kings Council may aſſign money to be coyned in as many places as they will.

First it is ordained and eſtabliſhed, for the profit of the King, and the eaſe of his people, that the Lords of the Kings Council for the time being, may aſſign by authority of the ſaid Parliament, maſters and workmen to make money of gold and ſilver, to hold the exchanges of money as well in the City of York, as in the town of Briſtol, and alſo in as many places as to the ſaid Lords ſhall ſeem neceſſary, according to their good advice and diſcretion, any Statute or Ordinance made to the contrary notwithſtanding.

The Kings Council may aſſign money to be coined, & exchanges to be holden in as many places as they will.

CAP. II.

All the Statutes of Purveyors ſhall be proclaimed in every County four times in the year.

ITem, That all the ſtatutes and ordinances made of Purveyors and buyers, and not repealed, be kept and executed in all points, and alſo proclaimed in all Counties through the Realm by the Kings commandment. And that every Sheriff of the Realm of England, after that he hath received the ſaid ſtatutes thereof to make Proclamation by ſuch commandment, ſhall cauſe them to be proclaimed every year four times through his bailiwick, upon pain to pay to the King at every time that he thereof fails, an hundred ſhillings. And that upon the ſame pain every of the ſaid Sheriffs ſhall deliver the ſaid commandment to his ſucceſſor immediately by Indenture to be made betwixt them, whereby he may make like proclamation for the time that he continueth in the ſaid office, for the eaſe and ſurety of the people. And that every ſuch ſucceſſor, after ſuch commandment by him received, ſhall make ſuch Proclamations four times in the year, and ſhall make ſuch deliverance of the ſaid commandment to his ſucceſſor, as above is ſaid, upon the pain aforeſaid. Stat. 20 H. 6. 8.

Every Sheriff ſhall proclaim the Statutes of Purveyors in his Bailiwick four times in the year.

CAP. III.

Which ſort of Iriſhmen only may come to dwell in England.

ITem, Foraſmuch as divers manſlaughters, murders, rapes, robberies, & other felonies, riots, conventicles, and divers other offences now late have been done in divers Counties of the Realm of England, by people born in the Country of Ireland, repairing to the Town of Oxenford,

All perſons born in Ireland ſhall depart out of the Realm, &c.

Iriſh perſons excepted which may remain in England.

St. 1 H. 5. 8. Iriſhmen ſhall be no Principals of any Hall, &c.

An Iriſhman ſhall bring a teſtimonial that he is of the Kings obedience.

Oxenford, and there reſiant and dwelling under the juriſdiction of the Univerſity of Oxenford, to the great fear of all manner of people in the realm of England dwelling thereabout, as by all the Commons of the ſame Realm aſſembled in the ſaid Parliament it was grievouſly complained: Our ſaid Lord the King by the aſſent aforeſaid, and at the requeſt of the ſame commons hath ordained & ſtabliſhed, that all people born in Ireland, ſhall depart out of the Realm within a moneth after Proclamation made of this ordinance, upon pain to loſe their goods, and to be impriſoned at the Kings will. Except Graduats in the Schools, and men having benefice of holy Church in England, and men of law in England, and thoſe which be inherit in England, and thoſe that have father and mother being Engliſh people, religious perſons profeſſed, Merchants, Burgeſſes, and other Inhabitants within Cities or Boroughs of good fame, which can find ſurety of their good bearing, and Iriſh women married to Engliſh men, and Iriſhmen married to Engliſh women, which be of good fame: and that all theſe Iriſh people, which have benefices or offices in the land of Ireland, ſhall abide there upon their benefices and offices, upon pain to loſe and forfeit the profits of their benefices and offices, for the defence of the land of Ireland aforeſaid, according to the ordinance made in the time of King Henry the fifth, the firſt year of his reign. And that the Graduats and Beneficed men ſhall find ſurety of their good bearing, and that they take not upon them the principality of any Hall or Hoſtel, but to remain amongſt the Engliſh Scholars under the principality of others. Moreover that theſe Scholars of Ireland, which be no Graduates, and be of the Kings obeiſance, ſhall find ſurety of their good bearing in the manner as the ſaid Graduats ſhould do, in ſuch ſort and form as is aforeſaid. And that all the Scholars of Ireland, being now in England, which will here dwell, every of them ſhall bring to the Chancellor of England for the time being, before the Feaſt of S. John Baptiſt next coming, letters under the ſeal of the Lieutenant or Juſtices of Ireland, teſtifying that they be of the Kings obeiſance. And of them that bring not ſuch letters betwixt this and the ſaid Feaſt of S. John Baptiſt, it ſhall be done as of Rebels to our Lord the King. And that from and after the ſaid Feaſt of S. John, no perſons born in Ireland ſhall enter the Realm of England to dwell in the ſaid Univerſity of Oxenford or of Cambridge, or elſewhere within the Realm of England, unleſs he bring to the ſaid Chancellor of England ſuch letters teſtimonials, upon pain to be puniſhed as a Rebel to our Lord the King. Stat. 2 H. 6. 8.

CAP. IV.

The Maſter of the Mint ſhall ſend to the Mint to be coined all the gold and ſilver that ſhall come to his hands by Exchange. Exp. St. 9 H. 5. 4. 2 H. 6. 12.

CAP. V.

A certain allowance made to thoſe which were retained to ſerve King H. 5. in his wars, out of the gains of the wars. Thoſe Jewels which King Hen. 5. did morgage ſhall be redeemed or forfeited, Saving the Jewels of the Crown. Exp.

Statutes made at Weſtminſter, *Anno ſecundo Henrici ſexti,* *& Anno Domni* 1423.

AT the Parliament holden at Weſtminſter the twentieth day of October, the ſecond year of the reign of King Henry the ſixth after the Conqueſt, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of England being in the ſame Parliament, certain Ordinances, Declarations, and Statutes were made and ſtabliſhed to the honour of God, and for the wealth of the King and of his Realm, in the form following.

CAP. I.

A confirmation of the Liberties of the Church, and of all perſons, Cities, &c.

The Liberties of the Church, and of all cities and boroughs confirmed.

FIrſt, that holy Church, and all the Lords ſpiritual and temporal, and all other the Kings people, having Liberties and Franchiſes, and alſo all the Cities and Boroughs, ſhall have and enjoy all their Liberties and Franchiſes well uſed and not repealed, nor by the Common Law repealable.

CAP. II.

A remedy for the Maſter, &c. of the Hoſpital of Saint Leonard in York, to recover a Thrave of Corn due to them, &c.

The Hoſpital of S. Leonard in York was endowed of a Thrave of corn of every plough earing within the Counties of York, Cumberland, Weſtmerland, and Lancaſter.

The remedy which the Maſters of S. Leonards Hoſpital ſhall have to recover their duties.

ITem, Whereas the Hoſpital of S. Leonard of York, which is of the foundation of the late Progenitors of our ſaid Lord the King, late Kings of England, and of his patronage, in the firſt foundation of the ſame, was endowed by the ſaid Progenitors of the King of a Thrave of Corn to be taken yearly of every Plough earing within the Counties of York, Cumberland, Weſtmerland, and Lancaſter, within the County of York, of which Thraves the Maſter and brethren of the ſaid Hoſpital, and their predeceſſors have been ſeiſed the time whereof runneth no memory, as parcel of the firſt foundation of the ſaid Hoſpital, and the ſame they have levied and gathered at the Feaſt of S. Martin in Winter every year, till now late that divers people of the ſaid Counties, within the province aforeſaid, have withholden the ſame Thraves, whereof the ſaid Maſter and brethren have no ſufficient nor convenable remedy at the common law, to the great damage of the ſaid Hoſpital, and open ſubtraction of the ſuſtenance of the ſaid Maſter and Brethren, if remedy be not for them provided, as complaint was thereof made in the ſaid Parliament: The King conſidering the premiſſes, of the aſſent and requeſt aforeſaid, hath ordained and ſtabliſhed, that the ſaid Maſter and Brethren, and their ſucceſſors for the time being, may levy, gather, and take the ſaid Thraves within the Province aforeſaid in the places where they ought of right, and were wont, after the cuſtom and uſage had in the ſame places heretofore. And alſo that the ſame Maſters and ſucceſſors for the time being, ſhall from time to time have actions by Writs or Plaints of debt or detinue at their pleaſure, againſt all them and every of them that detain the ſame Thraves, ſo of right due to the ſaid Hoſpital, or any part of them, to recover the ſaid Thraves, againſt them and every of them with their damages in this behalf.

A remedy for the proprietories which have compounded with the Maſter and brethren.

Provided always that the parties with whom the ſaid Maſter and brethren or their predeceſſors be accorded for ſuch Thraves by compoſitions made and ſealed betwixt them, ſhall of no more be charged then is compriſed within the ſame compoſitions, for the poſſeſſions that the ſaid parties had at the time of the making of the aforeſaid compoſitions.

CAP. III.

John Duke of Bedford being in the Kings ſervice in France, ſhall be received to defend his right by Attutney. Exp.

CAP. IV.

All Merchandiſes of the Staple paſſing out of England, Wales, and Ireland; ſhall be carried to Calice ſo long as the Staple is at Caſice. Exp.

CAP. V.

The penalty if any carry Wools or Fels not cuſtomed, out of the Realm to any place ſaving to Calice, ſhall be to forfeit them and to be impriſoned. Exp.

CAP. VI.

For what cauſes only gold or ſilver may be carried out of the Realm.

A confirmation of the St. of 9 H. 5. 5. That the Mint ſhall be at Calice. EXP.

No gold or ſilver ſhall be carried out of the Realm but for the cauſes herein excepted.

St. 9 Ed. 3. 1.
5 R. 2. 2.
2 H. 4. 5.
17 Ed. 4. 1.

ITem, Whereas by King Henry the fifth, father to our Lord the King that now is, it was ordained that a Mint of gold and ſilver ſhould be holden within the Town of Calice, whereby great ſubſtance of money of gold and ſilver, hath been brought within the Realm, which money by divers perſons hath been and is daily carried out of the ſame to Burdeaux, Flanders, and other places, againſt the Statute in old times made and provided in this behalf, as hath been grievouſly complained in this Parliament: It is ordained and aſſented, That the ſame Statute be holden and kept, and put in due execution. And moreover it is ordained and eſtabliſhed, That no gold nor ſilver ſhall be carried out of the Realm, contrary to the ſaid Statute, unleſs it be for payment of Wars, and the Kings ſouldiers beyond the ſea, upon pain of forfeiture of the value of the ſum of money ſo carried out of the Realm, to be levied of him that ſhall bring, carry, or ſend it out of the ſame Realm. And that he which eſpieth it, and thereof giveth knowledge to the Councel, or to the Treaſurer of England, ſhall have the fourth part of the forfeiture ſo due to the King. Except the ranſoms for fines of Engliſh priſoners, taken and to be taken beyond the ſea, and the money that the ſouldiers ſhall carry with them for their reaſonable coſts, and alſo for horſes, oxen, ſheep, and other things bought in Scotland, to be ſent and carried to the parties adjoyning; ſo that the money to be ſent for the fines of the ſaid priſoners, or to be carried by the ſaid ſouldiers to the parts beyond the ſea, be not done without the Kings ſpecial licence. And becauſe it is ſuppoſed, that the money of gold of the Realm, is carried out of the ſame by Merchants aliens: It is ordained and ſtabliſhed, That the Merchants aliens ſhall find ſurety in the Chancery, every Company for them of their Company, that none of them ſhall carry out of the Realm any gold or ſilver, or the value of the ſame. And if any of them do the contrary, and that duly proved, and he ſo doing be gone over the ſea, then the pledges of his Company ſhall pay to the King the ſaid forfeiture, whereof he that ſhall ſpy it, and thereof give notice to the Treaſurer, or to the Kings Councel, ſhall have the fourth part, as is aforeſaid.

Merchants aliens ſhall be bound to carry no gold out of the Realm.

CAP. VII.

The penalty of a Cordwainer uſing the myſtery of a Tanner. Rep. 5 El. 8. & 1 Jac. 22.

CAP. VIII.

Iriſhmen reſorting into the Realm, ſhall put in ſurety for their good abearing.

St. 1 H. 6. 3.

ITem, Whereas it is ordained in the laſt Parliament amongſt other things, that all people born in Ireland, ſhall depart out of the Realm within a moneth next after Proclamation made of the ſaid Ordinance, upon pain to loſe their goods, and to be impriſoned at the Kings will, except certain perſons in the ſame Ordinance excepted, and that the Graduats and Beneficed men ſhould find ſurety of their good abearing, and that they ſhould not take upon them the principality of any Hall or Hoſtel, but to remain amongſt other Engliſh Scholars under the principality of other, and alſo thoſe Scholars of Ireland that be not Graduats, and be of the Kings obeiſance, ſhall find ſurety of their good abearing in the manner as the ſaid Graduats ſhall do in the form aforeſaid. And that all the Scholars of Ireland being elſewhere in England, that will here abide, ſhall bring every of them by himſelf to the Chancellor of England for the time being, before the Feaſt of St. John Baptiſt laſt paſt, Letters under the ſeal of the Lieutenant or Juſtices of Ireland, witneſſing that they be of the Kings obeiſance. And that all of them that bring not thoſe Letters before the Feaſt of Saint John, it ſhall be done as of Rebels to the King. And from this Feaſt of St. John forward, no perſon born in Ireland, ſhall enter the Realm of England to abide in the Univerſity of Oxenford or Cambridge, or elſewhere within the Realm of England, unleſs he bring to the ſaid Chancellor ſuch Letters teſtimonial, upon pain to be puniſhed as Rebels to the King.

And foraſmuch as in the ſaid Ordinance no mention was made, before whom nor in what manner the ſurety of good abearing as before, ſhall be found: It is ordained and eſtabliſhed, That the Chancellors of the Univerſities of Oxenford and Cambridge for the time being, Who ſhall take ſureties of Iriſhmen that will reſort into the Realm, according to the St. of 1 H. 6. 3.

every of them within his juriſdiction, ſhall take the ſureties to be taken of Scholars within the ſame Univerſities, and certifie the ſame into the Kings Chancery. And that the Juſtices of Peace within the Counties, and Mayors and Bailiffs within Cities and Boroughs enfranchiſed, have power to take before them ſuch manner ſurety of good abearing, and to do execution upon them which ſhall abide, or do againſt the ſaid ordinance from henceforth.

CAP. IX.

The money called Blank ſhall be wholly put out.

The money called Blanks ſhall be wholly put out.

ITem, It is ordained, That Proclamation be made through all the Counties of England within Franchiſes and without, and within Cities, Towns, Boroughs, and elſewhere, that all the money called Blanks ſhall be wholly out and voided out of the Realm before the Feaſt of St. John Baptiſt next coming. And moreover that no man after the ſaid Feaſt pay or receive for payment in any manner, within the ſaid Realm, the ſaid money called Blanks, upon the pain contained and ordained by a Statute made the third year of King Henry, father to our Lord the King, againſt all that pay or receive for payment the money called Gally halfpence, Suskin, and Dotkins within the Realm.

St. an. 3 H. 5.

CAP. X.

What manner of inferiour Officers ſhall be appointed in the Kings Court.

What manner inferior officers ſhall be appointed in the Kings Courts by ſuperior officers

ITem, To the intent that better and more ſure government be had within the Courts of our Lord the King, for his profit, and eaſe of his people, which have to purſue, and to do in the ſame: It is ordained and ſtabliſhed, That all the Officers made by the Kings Letters Patents Royal within the ſaid Courts, which have power and authority by vertue of their Offices of old times accuſtomed, to appoint Clerks and Miniſters within the ſame Courts, ſhall be charged and ſworn to appoint ſuch Clerks and Miniſters, for whom they will anſwer at their peril, which be ſufficient, faithful, and attending to that which pertaineth to them in performance of the buſineſs, as well of the King as of his people. Co. Inſt. 4. p. 114.

CAP. XI.

The ſeveral Meaſures of veſſels of Wine, Eels, Herrings, and Salmons.

The meaſure of a Tun, &c. of Wine, and of a barrel of Eels, Herrings and Salmons.

ITem, Whereas in old time it was ordained and lawfully uſed, that Tuns, Pipes, Tertians, Hogſheads of Gaſcoin Wine, barrels of Herring and of Eels, and buts of Salmon coming by way of merchandiſe into this Land, out of ſtrange Countreys, and alſo made in the ſame Land, ſhould be of certain meaſure, that is to ſay, the Tun of Wine C C. lii. gallons, the Pipe C. xxvi. gallons, the Tertian lxxxiv. gallons, the Hogſhead lxiii. gallons, the barrel of Herring and Eels xxx. gallons fully packed, the but of Salmon, lxxxiv. gallons fully packed. Nevertheleſs by device and ſubtilty now late, ſuch veſſels have been of much leſs meaſure, to the great deceit and loſs of the King and of his people, whereof ſpecial remedy was prayed in the Parliament: It is ordained and ſtabliſhed, That no man after the end of twelve moneths from the Feaſt of Eaſter next coming, ſhall bring into the Realm of England, from what Countrey ſoever it be, nor make within the ſame Realm a Tun of wine, except it contain of the Engliſh meaſure C C. lii. gallons, the Pipe C. xxvi. gallons, and ſo after the rate, the Tertian and the Hogſhead of Gaſcoin wine, upon pain of forfeiture of the ſame wine; nor barrel of herring nor of Eels, unleſs they contain xxx. gallons fully packed, nor But of Salmon, unleſs it contain lxxxiv. gallons fully packed, nor kinderkins, tertians, and firkins of Herring, nor of Eels, nor of Salmon, but after the rate fully packed, after the Feaſt of the Nativity of St. John the Baptiſt next coming, upon pain of forfeiture of the ſaid Herring, Eels and Salmon, ſo brought or made contrary to this Ordinance, in what City, Borough and Town of the Realm, or in any part of England, that ſuch defaults be found to the Lord of the ſame Town. And that he which will ſue and prove the ſaid defaults, ſhall have the fourth part of the ſame forfeiture. And the Juſtices of Peace in all the Counties of England, and Mayors and Bailiffs, having power to inquire of the Peace, ſhall inquire, hear and determine all the ſame defaults. And that this Ordinance extend and have ſtrength, as well within the County of Cheſter, as elſewhere. St. 18 H. 6. 17. 1 R. 3. 13. 28 H. 8. 14.

CAP. XII.

The office and duty of the Kings Aſſayer, Controller, and Maſter of the Mint.

The Maſter of the Mint ſhall keep his Allay in making of white money.

ITem, To the intent that the more bullion may be brought to the Mint, and the greater plenty of white money be made currant within the Realm, for the eaſe and profit of the Comminalty of the ſame, it is ordained and ſtabliſhed, That the Maſter of the Mint ſhall keep his allay in the making of white money, according to the form of his indenture. And that the ſame Maſter receive of every perſon that ſhall bring any ſilver to the Mint, the ſame money at the true value as it is worth, according to the ſame allay, upon pain to pay to the party his double damages: And alſo to the intent that this Ordinance may the better and more juſtly be obſerved, it is ordained that the Kings Aſſayer, which is a perſon indifferent betwixt the Maſter of the Mint and the Merchant, and alſo the Controller of the Mint ſhall be preſent, when any ſuch bullion of ſilver is brought to the Mint, to the intent that the ſaid Aſſayer may rightfully ſet the value of the ſame according to the Law, in caſe of variance betwixt the Maſter and the Merchant, and the Controller to controll as well ſilver that is brought to the ſaid Mint, as carried out of the ſame, every two days faithfully and indifferently to do their duty, without taking any reward other then the fee which they ſhall take of the King, upon the pain to yield double damages as afore is ſaid. And that the Aſſayer and Controller be credible, ſubſtantial, and expert men, having perfect know-

The office and duty of the Kings Aſſayer of the Mint.

The office of the Controller of the Mint.

knowledge in the myſtery of Goldſmiths and of the Mint. And alſo that neither the Maſter of the Mint, nor the exchanger for the time being, ſell nor cauſe to be ſold, nor alien to any other uſe but to the coin, no manner of gold nor of ſilver wrought or unwrought, coined or not coined, or bullion which is brought to the Mint, or to the Exchange, but apply the ſame only to the money, according to the form of the ſaid Indenture, upon the pain contained in the ſame indenture. And that the ſame Maſter of the Mint cauſe to be ſtriken from time to time, half nobles, farthings of gold, groats, half-groats, pence, half-pence and farthings, for the eaſe of the people, according to the tenour of the Indenture made betwixt the King and him, upon the pain contained in the ſame, ſo that the common people may have recourſe to the Exchange for ſmall gold and white money, as they reaſonably ſhall need.

The Maſter of the Mint ſhall convert into coin all the gold and ſilver which he ſhall receive.

The Maſter of the Mint ſhall make ſmall money.

CAP. XIII.

The price of a pound of ſilver in Plate, Piece, or Maſs. Rep. 21 Jac. 28.

CAP. XIV.

The fineneſs of Harneſs of ſilver. And it ſhall be marked with the Leopards head.

ITem, That no Goldſmith nor worker of ſilver within the City of London, ſell any workmanſhip of ſilver, unleſs it be as fine as the ſterling, except the ſame need ſowder in the making, which ſhall be allowed according as the ſowder is neceſſary to be wrought in the ſame. And that no goldſmith nor jeweller, nor any other that worketh harneſs of ſilver ſhall ſet any of the ſame to ſell within the City, before that it be touched with the touch, and alſo with a mark or ſign of the workman of the ſame, upon pain of forfeiture of the double, as afore is ſaid. And that the mark and ſign of every goldſmith be known to the Wardens of the Craft. And if it may be found that the ſaid keeper of the touch, touch any ſuch harneſs with the Leopards head, except it be as fine in allay as the ſterling, that then the keeper of the touch for every thing ſo proved, not as good in allay as the ſaid ſterling, ſhall forfeit the double value to the King, and to the party as is above recited. And alſo it is likewiſe ordained in the City of York, Newcaſtle upon Tine, Lincoln, Norwich, Briſtow, Saliſbury, and Coventry, that every one ſhall have divers touches, according to the Ordinance of the Mayors, Bayliffs, or Governours of the ſame Towns. And that no Goldſmiths, nor other workers of ſilver, nor keepers of the ſaid touches within the ſame Towns, ſhall ſet to ſale or touch any ſilver in other manner then is ordained before, within the City of London, upon pain of the ſaid forfeiture; and moreover that no Goldſmith or other worker of ſilver within the Realm of England, where no touch is ordained, as afore is ſaid, ſhall work any ſilver, except it be as fine in allay as the ſterling, and that the Goldſmith or worker of the ſame ſilver, ſet upon the ſame his mark or ſign, before he ſet it to ſale. And if it be found that it is not as fine as the ſterling, that then the worker of the ſame ſhall forfeit the double value, in manner and form as before is recited, within the City of London. And the Juſtices of Peace, Mayors and Bayliffs, and all other having power as Juſtices of Peace, ſhall hear, inquire aud determine, by bill, plaint, or in other manner, all that do contrary to the ſaid Ordinances, and thereof to make due execution by their diſcretions. Provided always, That if the Maſter of the Mint that now is, or which for the time ſhall be, offend or have offended in his Office of the ſaid Mint, that then he be puniſhed and juſtified according to the form of the ſaid Indentures. St. 28 Ed. 1.20. 17 Ed.4.1. 18 Eliz. 15.

None ſhall ſel any work of ſilver unleſs it be as fine as the ſterling.

None ſhall ſet any work of ſilver until it be touched and marked with the Goldſmiths known mark.

The penalty of the keeper of the touch which toucheth any veſſel not ſufficient in allay.

Several Cities and Towns ſhall have ſeveral touches.

Juſtices of Peace, Mayors, &c. may inquire of, hear and determine the offences aforeſaid.

CAP. XV.

No man ſhall faſten Nets to any thing over Rivers.

ITem, It is ordained, That the ſtanding of nets and engines called trinks, and all other nets, which be and were wont to be faſtned and hanged continually day and night by a certain time in the year, to great poſts, boats and ancres, overthwart the River of Thames, and other Rivers of the Realm, which ſtanding is a cauſe of as great and more deſtruction of the brood and fry of fiſh, and diſturbance of the common paſſage of veſſels, as be the wears, kydels, or any other engines, be wholly defended for ever. And that every perſon that ſetteth or faſtneth them hereafter to ſuch poſts, boats, and ancres, or like thing, continually to ſtand as before is ſaid, and be duly thereof by the courſe of the Law convict, ſhall forfeit to the King C. s. at every time that he is ſo proved in default. Provided always, That it ſhall be lawful to the poſſeſſors of the ſaid trinks, if they be of aſſiſe, to fiſh with them in all ſeaſonable times, drawing and pulling them by hand, as other fiſhers do with other nets, and not faſning or tacking the ſaid nets to poſts, boats and ancres, continually to ſtand as afore is ſaid. Saving always to every of the Kings liege people their right, title, and inheritance in their fiſhings in the ſaid water.

The penalty of thoſe which do faſten trinks or other nets over any river.

In what ſort owners of trinks may fiſh with them.

Statutes made at *Weſtminster*, *Anno* 3 *H.* 6. *&* *An. Dom.* 1424.

OUr Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons aſſembled in this Parliament holden at Weſtminſter, the laſt day of April, the third year of his Reign, hath ordained and eſtabliſhed certain Ordinances and Statutes, to the honour of God, and for the weal of his Realm, in the form following:

CAP. I.

Maſons ſhall not confederate themſelves in Chapiters and aſſemblies.

FIrſt, Whereas by the yearly Congregations and Confederacies made by the Maſons in their general Chapiters and Aſſemblies, the good courſe and effect of the Statutes of Labourers be openly violated and broken in ſubverſion of the Law, and to the great

It ſhall be felony to cauſe Maſons to confederate themſelves in Chapiters and aſſemblies

damage of all the Commons; Our ſaid Lord the King willing in this caſe to provide remedy, by the advice and aſſent aforeſaid, and at the ſpecial requeſt of the ſaid Commons, hath ordained and eſtabliſhed, That ſuch Chapiters and Congregations ſhall not be hereafter holden. And if any ſuch be made, they that cauſe ſuch Chapiters and Congregations to be aſſembled and holden, if they thereof be convict, ſhall be judged for Felons. And that all the other Maſons that come to ſuch Chapiters and Congregations, be puniſhed by impriſonment of their bodies, and make fine and ranſom at the Kings will. Co.Inſt.3.p.399.

CAP. II.

Sheep ſhall not be tranſported beyond Sea without the Kings Licence.

Whoſoever ſhall tranſport ſheep to any parts beyond the Sea ſhall forfeit them. St.8 El.3.

ITem, Becauſe that divers perſons do from time to time carry out of the Realm great number of ſheep with Fleeces into Flanders and other Countreys beyond the Sea, and there they ſhear them, and ſell as well the ſame ſheep as the wools of the ſame to men of the ſame Countrey, ſo that by ſuch perſons the ſheep within the ſaid Countrey of Flanders, and other parts in ſhort time be likely to be much increaſed, to the great deceit, loſs and damage of our Lord the King, of his cuſtoms and ſubſidies of the ſaid wools, and alſo to the great hinderance of all the Realm, and diminution and abatement of the price of wools, as well at the Staple of Calice, as here in England, unleſs remedy be provided in this behalf: Our ſaid Lord the King, conſidering the premiſſes, by the advice and aſſent, and at the requeſt aforeſaid, hath ordained and granted by the authority of the ſaid Parliament, That no manner perſon, of what eſtate or condition that he be, hereafter be ſuffered to ſhip within the Realm of England any ſheep, fleeced or ſhorn, into the ſaid Countrey of Flanders, or to any other parts beyond the Sea, except it be to victual the Town of Calice and the Marches thereof. And that every man that may be eſpied, which under the colour of victualling of the ſame Town and Marches of Calice, paſſeth into any other places then to the ſame Town and Marches with any ſheep fleeced or ſhorn, (except he have the Kings Licence) ſhall forfeit to the King the ſame ſheep, or the value thereof, as often times as he ſhall be found in default.

CAP. III.

The penalty of a Cuſtomer, &c. concealing the Kings Cuſtom.

The penalty of a Cuſtomer, Collector or Controller concealing the Kings cuſtom.

ITem, It is ordained and eſtabliſhed, That if any Cuſtomer, Collector, or Controller of the Kings cuſtoms of Cockets of Clothes, of Subſidies, of Tunnage, or Poundage, in any Port or place of England, be duly attainted or convict at the Kings ſuit, of falſe concealing of the Kings cuſtom or ſubſidie, duly entred and paid by any Merchant, that then the ſaid Cuſtomer, Collector, or Controller, ſo duly attainted or convict by the Law, ſhall loſe and forfeit to the King the treble value of the Merchandiſes ſo duly cuſtomed, D. and make fine and ranſom. And he that will ſue, ſhall have the third part for his labour. St.4 H.4.20.

CAP. IV.

Licence may be granted to convey Butter and Cheeſe to any place.

The Lord Chancellor may grant licence to any to convey Butter and Cheeſe to any other place beſide the Staple.

ITem, Whereas by a Statute made in the time of the noble King Edward the third, it was ordained, That the Staple, and the Merchandiſes of the Staple ſhould be carried to Calice, amongſt which Merchandiſes it was ordained by the ſame Statute, That Butter and Cheeſe ſhould be Merchandiſes of the Staple, by which Ordinances, divers perſons of the Realm of England have had great damage, becauſe that the ſaid Butter and Cheeſe be ſo tender Merchandiſes, that they cannot tarry their Merchants, as our Lord the King hath perceived by the grievous complaint of his ſaid Commons: The ſame our Lord the King, willing to provide remedy in this behalf, by the advice and aſſent aforeſaid, hath ordained and eſtabliſhed, That he that will carry Butter and Cheeſe to any other parts then to the ſaid Staple, ſhall ſue to the Chancellor of England for the time being, to have Licence in this behalf. And that the ſame Chancellor have power to make to him ſuch Licences under the Kings great Seal, if it like him ſo to do by his diſcretion. St. 18 H.6.3. St.1. & 2.P.&M.5. 14 Car.2.c.26.

CAP. V.

Commiſſions may be awarded to certain perſons to reform the River of Ley running from Ware to Thamis. PR. St.9 H.6.9. 13 El.18.

Statutes made at *Leiceſter*, *Anno* 4 H.6. & *Anno Dom.* 1425.

THeſe be the Ordinances and Statutes made by our Soveraign Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons of his Realm, in his Parliament holden at Leiceſter, the eighteenth day of February, the fourth year of his Reign, being to the honour of God, and for the weal, profit and eaſe of his Realm.

CAP. I.

Every Sheriff ſhall return ſuch Writs as be directed to him at ſuch days as they be returnable, and ſhall warn thoſe Jurors which be impanelled. Exp.

CAP. II.

A rehearſal and confirmation of the Statute of Anno 9 H.5.3. touching protections granted to thoſe who were in Wars in Normandy or France. Exp.

CAP. III.

Juſtices in certain caſes may amend their Records according to former Statutes.

St. 9 R. 5. 4. St. 14 Ed. 3. 6.

ITem, Whereas at the Parliament holden at Weſtminſter, the ſecond day of May, the ninth year of the Reign of King Henry, father of our Lord the King that now is, it was rehearſed, how that at the Parliament holden at Weſtminſter the xiv. year of King Edward the third, it was ordained by the authority of the ſaid Parliament, That for miſpriſion of a Clerk in whatſoever place it be, no proceſs or plea ſhould be undone nor diſcontinued by overſight in writing a letter or ſyllable too much or too little: but as ſoon as the thing were perceived by challenge of the parties, or in other manner, it ſhould be haſtily amended in due form, without giving advantage to the party that challengeth the ſame, becauſe of ſuch miſpriſion: the ſaid late King Henry, conſidering the diverſities of opinions, which men had upon the ſaid Statute, and to put the thing in more open knowledge, did declare and ordain by the authority of the ſaid Parliament, holden the ſaid ninth year, That the Juſtices before whom ſuch plea or record is made, or ſhall be depending, as well by adjournment, as by way of errour, or otherwiſe, ſhall have power and authority to amend ſuch record and proceſs, as well after judgment given, as before, by force of the ſaid Statute made in the time of the ſaid King Edward, which Ordinance ſhould endure till the next Parliament, which ſhould be firſt holden after the return of the ſaid King Henry the father into England from beyond the ſea, and which now is determined by the death of the late King Henry the father: Our Soveraign Lord, by the advice and aſſent aforeſaid, hath ordained and ſtabliſhed, That the ſaid Statute, and the effect of the ſame, made the ſaid ix. year, ſhall hold ſtrength, force and effect, in every record and proceſs of the ſame, as well after judgment given upon a verdict paſſed, as upon a matter in Law pleaded, as a Statute available and effectual in Law to endure for ever. Provided always, That this Statute do not extend to records and proceſſes in the parts of Wales, nor to records and proceſſes whereby any perſon is or ſhall be outlawed at any mans ſuit.

Coke l. 5. f. 45. l. 8. f. 157. Dyer f. 260. 342.

A confirmation of the St. of 14 Ed. 3. 6. & 9 H. 5. 4. authoriſing Juſtices to amend records.

CAP. IV.

The Writs, Suits and Proceſſes now depending of certain that were late made Knights, ſhall not abate for that cauſe. Exp.

CAP. V.

Licence given to all the Kings Subjects to Tranſport Corn.

A confirmation of the St. of 17 R. 2. 7. giving licence to all the Kings ſubjects to carry corn forth of the Realm.

ITem, Whereas the noble King Richard the ii. after the conqueſt, at his Parliament holden at Weſtminſter, the xv. day of S. Hillary, the xvii. year of his reign, at the ſpecial requeſt of the Commons of the ſame Parliament, did grant licence to all his liege people of his Realm of England, to ſhip and carry Corn out of the ſame Realm, to what part them pleaſed, except to enemies, paying the ſubſidies and duties thereof, notwithſtanding any ordinance, proclamation, or reſtraint made before to the contrary: Nevertheleſs the ſame late King, willing that his Counſel might reſtrain the ſaid paſſage, when to them ſeemed needful for the profit of the Realm. Our Lord the King at the ſpecial requeſt of the Commons of this preſent Parliament, and by the advice and aſſent aforeſaid, will and granteth, that the ſaid Statute be holden and kept in all points, ſo that his Counſel may reſtrain the ſaid paſſage when they ſhall think it neceſſary for the profit of the Realm. St. 1 & 2 P. & M. 5. 1 Jac. 25: 21 Jac. 28. 3 Car. 4.

Statutes made at *Weſtminſter*, *Anno* 5 *H. 6.* & *An. Dom.* 1427.

OUr Lord the King, at his Parliament holden at Weſtminſter, the fifteenth of Saint Michael, the ſixth year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of his Realm in the ſaid Parliament aſſembled, hath cauſed to be made certain Statutes and Ordinances to the honour of God, and for the weal and eaſe of his people, in the manner and form as following.

CAP. I.

Within what time a Capias awarded againſt any perſon indicted in the Kings Bench, ſhall be returnable.

FIrſt, For that divers of the Kings faithful ſubjects, by falſe practiſe, covin and conſpiracy of certain evil perſons be indicted before our Lord the King, in his Bench, of divers Felonies and Treaſons, by ſuſpect Jurors, hired and procured to the ſame by confederacy and covin of the ſaid conſpirators; by force of which Indictments a Capias is awarded to the Sheriffs of the County, where the ſaid Bench is, returnable within two or four days, at which day, if the party ſo indicted come not, an Exigent is awarded, whereby the goods and cattels of ſuch perſons indicted be forfeit to our Lord the King, to the utter undoing of divers of the Kings faithful ſubjects, as the ſame our Lord the King hath conceived by the grievous complaint of the ſaid Commons, made to him in the ſaid Parliament: Our ſaid Lord the King, willing in this caſe to provide remedy, hath ordained by the advice and aſſent of the Lords, that before any Exigent be awarded againſt ſuch perſons indicted before the King in his ſaid Bench, Writs of Capias ſhall be directed, as well to the Sheriff or Sheriffs of the County wherein they be indicted, as to the Sheriff or Sheriffs of the County whereof they be named in the Indictments, the ſame Capias having the ſpace of ſix weeks at the leaſt, or longer time by the diſcretion of the ſaid Juſtices, if the caſe require it, before the return of the ſame; which Writs ſo returned, the Juſtices ſhall proceed in the manner as they have done before this time: and if the Exigent be award-

Upon an Indictment of any perſon in the Kings Bench a Capias ſhall be awarded againſt him returnable at the leaſt ſix weeks before any exigent ſhall be awarded.

awarded, or any outlawry pronounced hereafter againſt ſuch perſons indicted, before the return of the ſaid Writs, the ſame Exigent ſo awarded, with the outlawry thereof pronounced, ſhall be void and holden for none. And this Ordinance ſhall indure as long as ſhall pleaſe the King. St. 8 H. 6. 10.

CAP. II.

How long time the Copies of Pannels in Aſſiſe ſhall be delivered to the parties before the Seſſions of the Juſtices.

How long time the copies of Pannels in Aſſiſes ſhall be delivered to the parties before the Seſſions of Juſtices.

ITem, Becauſe that divers of the Kings liege people in times paſt have been diſherited, for that in ſpecial Aſſiſes the Tenants and Defendants could not have knowledge nor copy of the pannel of them that be impanelled to paſs in the ſaid Aſſiſes, to inform them of their right and titles before the day of the Seſſion that the Aſſiſes ſhould be demanded: Our Lord the King, willing thereof to provide remedy, hath ordained and eſtabliſhed, That the pannels of the Aſſiſes ſhall be arraied, and a copy indented of the ſame by the Sheriff delivered to the Plaintiffs, Tenants and Defendants, ſix days at the leaſt before the Seſſion of the Juſtices, if they the ſame demand. And as to the return or anſwer of the Bailiffs of Franchiſes, they ſhall make their returns or anſwers to the Sheriffs of ſuch ſpecial Aſſiſes, ſix days before the Seſſions in the manner aforeſaid. And that upon pain of fourty pound, to be paid by the ſaid Sheriffs or Bailiffs to our Lord the King, as often as they or any of them do or cauſe to be done contrary to this Ordinance or Statute. Stat. 42 Ed. 3. 11.

CAP. III.

The Juſtices of Peace and chief Officers in Cities, &c. ſhall make Proclamations what every Artificer and Workman ſhall take for Wages. And the penalty of a ſervant, artificer, or labourer that taketh more. Exp. 5 Eliz. St. 8 H. 6. 8.

CAP. IV.

The Sheriffs traverſe to an Inqueſt found touching returning Knights of the Parliament.

A rehearſal of the St. of 7. H. 4. 15. touching the form of the chuſing of the Knights for the Parliament.

By the Stat. of 11 H. 4. 1. Juſtices of Aſſiſe ſhall inquire of undue returns of Knights of the Parliament.

The Knights choſen for the Parliament, & Sheriffs of Counties may have their traverſe to an office found againſt them.

ITem, Where it is ordained and eſtabliſhed in the ſeventh year of King Henry the fourth, grandfather of our Lord the King that now is, that Knights of Shires for the Parliament, ſhould be choſen in the manner and form following, that is to ſay, at the next County to be holden after the delivery of the Writ of the Parliament, Proclamation ſhall be made in the full County, of the day and place of the Parliament, and that all they which be preſent there, as well ſutors duly ſummoned for this cauſe as other, ſhall attend to the election of their Knights for the Parliament. And then in full County they ſhall proceed to the election freely and indifferently, notwithſtanding any requeſt or commandment to the contrary. And that after they be choſen, whether ſuch perſons choſen be preſent or abſent, their names ſhall be written in Indentures, under the ſeals of all the chuſers, and annexed to the ſaid Writ of Parliament, which Indenture ſo ſealed and tacked, ſhall be holden for the return of the ſaid Writ, as to the Knights of the ſaid Shires. And alſo in the Writs of the Parliament hereafter to be made, this clauſe ſhall be put in the manner as followeth. Et electionem tuam in pleno Comitatu tuo factam, diſtincte & aperte ſub ſigillo tuo & ſigillis eorum qui electioni illi interfuerint, nobis in Cancellaria noſtra ad diem & locum in brevi contentos certifices indilate. And for that in the ſame Statute no pain was ordained, nor ſpecially ſet upon the Sheriffs of the County, if they make their return contrary to the ſaid Statute: It was ordained and eſtabliſhed the xi. year of the ſaid King Henry the fourth, That the Juſtices of Aſſiſes ſhould have power to enquire in their Seſſions of Aſſiſes of ſuch returns made; and if it be found by Inqueſt and due examination before the ſame Juſtices, that any ſuch Sheriff hath made, or hereafter ſhall make any return contrary to the tenor of the ſaid Statute, that the ſame Sheriff ſhould incur the pain of an hundred pound, to be paid to our ſaid Lord the King. And moreover, that the Knights ſo unduly returned, ſhall loſe their wages of the Parliament in old times accuſtomed, to the great miſchiefs of Sheriffs and Knights of the Shire, which be forbarred and put out of their anſwer, againſt ſuch inqueſts of office taken before the ſaid Judges, becauſe of the Statutes and Ordinances aforeſaid: Our Lord the King willing in this caſe to provide remedy, hath ordained and eſtabliſhed, That all the Knights of the Shires choſen for this preſent Parliament, and the Sheriffs of the ſame Counties againſt whom any inqueſts or offices of undue election be found before the Juſtices of Aſſiſes, ſhall have their anſwer and traverſe to ſuch Inqueſts of office taken. And alſo all the Knights from henceforth ſo to be choſen, and the Sheriffs that ſhall make ſuch elections, ſhall have their anſwer and traverſe to ſuch inqueſts and offices before any Juſtices of Aſſiſes hereafter to be taken, and the ſaid Knights and Sheriffs ſhall not be endamaged unto our ſaid Lord the King, or his ſucceſſors, for any ſuch Inqueſt taken or to be taken, until they be duly convict according to the form of the Law. St. 8 H. 6. 7.

CAP. V.

Several Commiſſions of Sewers ſhall be granted. The form of the Commiſſion.

Commiſſions of Sewers ſhall be granted during ten years.

ITem, Our Soveraign Lord the King, by the advice and aſſent aforeſaid, conſidering the great damage and loſſes which now late be happened by the great inundation of waters in divers parts of the Realm, and that much greater damage is very like to enſue, if remedy be not ſpeedily provided, hath ordained and granted, That during ten years next enſuing, ſeveral Commiſſions of Sewers ſhall be made to divers perſons by the Chancellor of England for the time being, to be ſent into all parts of the Realm, where ſhall be needful, according to the form that followeth.

HENRY, By the grace of God King of England, &c. To his well beloved and faithful A.B.C. & D. greeting. Know ye, That whereas the Walls, Ditches, Gutters, Sewers, Bridges, Caulceis, and Wears by the Coaſts of the Sea, and Marſh, within yͤ coaſts and Limits of Lindſey, in the County of Lincoln, by yͤ rage of the Sea, flowing & reflowing, and Trenches of freſh waters by divers places deſcending to the Sea, be ſo decayed and broken, that many ineſtimable damages for default of reparation of the ſame Walls, Ditches, Gutters, Bridges, Caulceis, and Wears, in times paſt have happened there, and yet it is to be feared that much more hurt within ſhort time will happen, unleſs that ſome ſpeedy remedy be provided therefore: We for as much as by reaſon of our Regal dignity, we be bounden to have regard to the ſafety of our Realm of England in all places, willing in this behalf to provide convenient and ſpeedy remedy, have aſſigned you, &c. of which, &c. we will to be one, our Juſtices to ſurvey the ſaid walls, ditches, gutters, ſewers, bridges, caulceis, wears and trenches, and to enquire by the oath as well of Knights, as other good and lawful men of the ſaid County, as well within Liberties as without, by whom the truth of the matter may be beſt known, by whoſe default ſuch damages have there happened, and who doth hold lands and tenements, or hath any common of paſture or fiſhing in thoſe parts, or elſe in any wiſe have, or may have the defence, profit, and ſafegard, as well in peril nigh, as from the ſame far off, by the ſaid walls, ditches, gutters, ſewers, bridges, caulceis, and wears, and alſo hurt or commodity by the ſame trenches, and there to diſtrain all them for the quantity of their lands and tenements, either by the number of acres, or by their plough-lands, for the rate of the portion of their tenure, or for the quantity of their common of paſture or fiſhing, together with the Bailiffs of Liberties, and other places of the Counties and places aforeſaid, to repair the ſaid walls, ditches, gutters, ſewers, bridges, caulceis, and wears, in the places neceſſary, and the ſame or other, as often and where ſhall be needful to make of new, and to cleanſe the ſaid trenches in places neceſſary, and if need be to ſtop them up. So that no tenants of lands or tenements, nor any having common of paſture or fiſhing, rich or poor, nor other of what condition, ſtate or dignity, which have or may have defence, commodity and ſafegard by the ſaid walls, ditches, gutters, ſewers, bridges, caulceis, or wears, or elſe any hurt by the ſaid trenches, (whether they be within liberties or without) ſhall in any wiſe be ſpared in this: and for agiſtments upon the Sea-banks for preſervation of the ſaid parts, according to yͤ number of yͤ acres or perches by you, &c. of whom, &c. we will to be one, newly to number, and as often and where ſhall need of new to make. And to depute certain diligent and true keepers for the ſaid preſervation, and to hear the account of the Collectors of the money, which ſhall be levied for this cauſe, and to be ſpent in the reparation and amendment of the ſaid walls, ditches, gutters, ſewers, bridges, caulceis, and wears, and ſtopping of the ſaid trenches. And to diſtrain by you, &c. of whom, &c. we will to be one, or by other whom ye ſhall thereto depute, for the arrearages of ſuch collection, as often as need ſhall be, and as ye ſhall think meet, and to make and ordain neceſſary and convenient ſtatutes and ordinances for the defence and ſafety of the ſaid ſea banks and marſhes, and the parts adjoyning, according to the laws and cuſtoms of Romney marſh, and to hear and determine according to the laws and cuſtoms of our Realm of England, and the cuſtom of Romney marſh, all, and ſingular the premiſes, aſwell at our ſuit, as the ſuit of any other that will complain before you in this behalf: And to take and put in the ſaid works and reparations, as many ditchers and other workmen and labourers for the ſaid workmanſhip and reparations, as may ſuffice for the great, ſpeedy and inſtant neceſſity, upon competent wages to them in this behalf to be paid. And therefore we command you, that at certain days and places which you, &c. of whom, &c. we will to be one, thereto ſhall appoint, ye ſhall ſurvey the ſaid walls, ditches, gutters, ſewers, bridges, caulſeis, wears and trenches, and all and ſingular the premiſes do and accompliſh, and hear and determine in form aforeſaid. So that for default of reparation of the ſaid walls, ditches, gutters, ſewers, bridges, caulceis and wears, and ſtopping of the ſaid trenches, no hurt nor peril ſhall in any wiſe happen. And that ye compel all them, whom ye ſhall find negligent or ſtubbornly denying to do reparation, or making of their portions, ſpeedily to reform and amend the ſame by diſtreſſes and amerciaments, and other ways and means which to you ſhall beſt ſeem for ſuch defaults: And that ye cauſe all things which by you ſhall be ordained in this behalf, as well within liberties as without, firmly to be obſerved, doing therein as to Juſtices pertaineth, according to the Law and cuſtom of our Realm of England: ſaving to us the amerciament and other things thereof to us pertaining. We have alſo commanded our Sheriff of the ſaid County, that at certain days and places which you, &c. of whom, &c. we will to be one, ſhall give him to know, he ſhall cauſe to come before you, &c. of whom, &c. we will to be one, ſo many and ſuch good and lawful men of his Bailiwick, as well within liberties as without, by whom the truth of the matter in the premiſes may beſt be known and enquired. In witneſs whereof, &c. witneſs, &c. St. 8 H. 6. 3. 23 H. 6. 9. 6. H. 8. 10.

Coke l. 10. f. 141. Coke l. 5. f. 100.

The form of the Commiſſion of Sewers. St. 23 H. 8. 5.

Commiſſioners ſhall enquire of the annoyances, and by whoſe default they happened. Inquiry who hath lands, common or fiſhing there, and who may have loſs by the annoyances, or benefit by the repair of them.

Diſtraining for reparations.

None ſhall be ſpared that may receive benefit or loſs.

Taking the accompt of the collectors.

Diſtraining for the arrearages of the Collection.

Making of Ordinances for the defence of the ſea banks.

Taking of labourers to work in the reparations.

Puniſhment of them which do neglect or refuſe to repair their portion aſſigned.

The Sheriffs and Jurors ſhall be attendant upon the Commiſſioners of Sewers.

CAP. VI.

All Merchants may ſhip merchandiſe in Melcomb haven, and carry them to Calice. OB.

Statutes made at *Weſtminſter*, *Anno octavo Henrici ſexti*, & *Anno Domini* 1429.

TO the laud and honour of Almighty God, and of the holy mother the Church, our moſt noble Chriſtian Lord Henry, by the grace of God King of England, and France, and Lord of Ireland, in his Parliament holden at Weſtminſter the morrow after S. Matthew the Apoſtle, the eighth year of his Reign, by the advice and aſſent of the Prelates, and great men of his Realm of England, & at the ſpecial requeſt & aſſent of the Commons of the ſame Realm being in the ſaid Parliament, hath made certain

Statutes and Ordinances for the common profit of the ſaid Realm, and eſpecially for the good and wholſom government and due execution of the Law to be had in the ſame, in the form following.

CAP I.

The Clergy of the Convocation ſhall have ſuch Liberty as they which come to the Parliament.

The Clergy coming to the Convocation ſhall have ſuch liberties, as they which come to the Parliament.

FIrſt, Becauſe the Prelates and Clergy of the Realm of England called to the Convocation, and their ſervants and families that came with them to ſuch Convocation oftentimes, and commonly be arreſted, moleſted and inquieted: Our ſaid Lord the King, willing graciouſly in this behalf to provide for the ſecurity and quietneſs of the ſaid Prelates and Clergy, at the ſupplication of the ſame Prelates and Clergy, and by the aſſent of the great men and Commons aforeſaid, hath ordained and eſtabliſhed, That all the Clergy hereafter to be called to the Convocation by the Kings Writ, and their ſervants and familiars, ſhall for ever hereafter fully uſe and enjoy ſuch liberty or defence in coming, tarrying and returning, as the great men and comminalty of the Realm of England, called or to be called to the Kings Parliament, do enjoy, and were wont to enjoy, or in time to come ought to enjoy. St. 5 H. 4.6. 11 H. 6. 11.

CAP. II.

No Merchants of England ſhall enter into the Dominion of the King of Denmark, but into Northbaram. Rep. 1 H. 8. 1.

CAP. III.

Commiſſioners of Sewers may execute their own Ordinance.

St. 6 H. 6. 5.

The Commiſſioners of Sewers ſhall have power to execute their ordinances.

ITem, Our Lord the King conſidering how at the laſt Parliament holden at Weſtminſter, the vi. year of his Reign, he did ordain and grant by authority of the ſaid Parliament, That ſeveral Commiſſioners of Sewers ſhould be made to divers perſons by the Chancellor of England for the time being, to be named in all parts of the Realm, where ſhall be needful, under a certain form, in the ſaid Ordinance and Grant contained; by which Ordinance and Grant the ſaid Commiſſioners had no power nor authority to do, perform, nor execute the things compriſed within the ſaid Commiſſions. And therefore he hath ordained and ſtabliſhed by authority of this Parliament, That all ſuch Commiſſioners ſhall have power to do, ordain, and execute the Statutes, Ordinances, and other affairs to be made according to the effect and purport of the ſaid Commiſſions.

CAP. IV.

None ſhall buy nor wear a Livery to have maintenance in any quarrel. Rep. 3 Car. 4.

CAP. V.

Every City and Borough ſhall have a common balance and weight: Who may buy Wool and Yarn.

St. 9 H. 3. 25.
27 Ed. 3. 10.
14 Ed. 3. 12.

25 Ed. 3. 9.
13 R. 2. 9.

ITem, Whereas by the great Charter of the Liberties of the Realm of England, and by a Statute made the xxv. year of King Edward the third, it was ordained, and by a Statute made in the xiii. year of King Richard the ſecond, confirmed, That one weight and one meaſure ſhould be through all the Realm of England, as well out of the Staple as within; And in the ſame Statute of the ſaid noble King Edward, it is contained, That the weight called Auncel, for the great hurt and ſubtile deceits done by the ſame meaſure to the common people, ſhall be utterly lett, and ſet apart, and the Wools and all other manner of Merchandiſes, and all other things weighable, bought or ſold, ſhall be weighed by the balance, ſo that the tongue of the balance do not incline more to the one party then the other, with weights ſealed, and according to the Standard of the Eſchequer. And he that doth contrary, to the damage of the ſeller, ſhall forfeit to our Lord the King, the value of the goods ſo weighed or meaſured; And that the party complainant ſhall have his quatreble damages. And by the ſaid Statute of the ſaid noble King Richard, it was added, That the offendor ſhall be impriſoned by two years, and make fine and ranſom at the will of our Lord the King: And that the Juſtices of Peace ſhould have power to enquire of the ſaid defaults, as well at the ſuit of our Lord the King, as the parties; Our Lord the King, by the authority of this Parliament, hath ordained and eſtabliſhed, That the Statutes and Ordinances aforeſaid ſhall be firmly kept and holden, and ſtraightly executed.

Regraters of Yarn, called Journe Choppers.

Every City, Borough, and Town ſhall have a common balance and weights.

No man ſhall buy woollen yarn unleſs he will make cloth thereof. Rep. 21 Jac. 28.

And moreover, for to eſchew divers great miſchiefs which have happened within the Realm of England, by the ſaid Auncel, and ſpecially for to deſtroy the falſhood of the Regrators of Yarn, called Journe Choppers, It is ordained by our ſaid Lord the King, by authority aforeſaid, That in every City, Borough, and Town of the Realm of England, a common balance ſhall be, with common weights ſealed, and according to the Standard of the Eſchequer, upon the common Coſts of the ſaid City, Borough, or Town, in the keeping of the Mayor, or Conſtable of the ſame; at which balance and common weight, all the inhabitants of the ſame City, Borough or Town, that have not ſuch weights, and other that have, if they will, may freely weigh without any thing paying, taking nevertheleſs of forains for every draught within the weight of xl. li. a farthing, and for every draught betwixt forty pound and an hundred pound, an half-peny, & for every draught betwixt an hundred pound and a thouſand pound a peny at the moſt: whereof the weights ſhalbe maintained, and the officers lawfully weighing, rewarded by the diſcretion of the chief men of the City, Borough or Town, according to his attendance to his ſaid buſineſs, be it more or leſs. And that no man buy yarn of wool, called woollen yarn, unleſs he will make Cloth thereof, nor uſe weight nor meaſure, nor other thing in the place of weight or meaſure, that is not ſealed according to the ſaid Standard, nor ſet any thing to the ſame by the way of tacking or hiding, or in any other manner that may increaſe the meaſure or weight, or let the balance to have his natural courſe, upon the forfeiture and penalty aforeſaid. And that the Juſtices of Peace, Mayors, Bailiffs, and Stewards of

Franchiſes, have power by authority aforeſaid, to examine the treſpaſſors in this caſe, and to enquire in eſpecial of offendors againſt this Ordinance, and to do execution of them that be found faulty, by enqueſts or by examination to be made by the ſaid Judges or Officers in this caſe, in the manner as afore is ſaid. And that this Ordinance be holden and obſerved, from the Feaſt of Eaſter next enſuing, for ever. And that every City upon pain of ten pound, every Borough upon pain of an hundred ſhillings, and every Town where a Conſtable is, upon pain of fourty ſhillings, have a common balance with weights according to the ſaid Standard, within two moneths after Proclamation made of this Ordinance, which penalty ſhall be levied to the uſe of our Lord the King, as often as they ſhall be faulty, after the ſaid Proclamation. St. 11 H. 7. 4. 11 H. 6. 8. 9 H. 6. 6. & 8.

The forfeiture of a City or Town wanting common Balance and Weights.

CAP. VI.

If any threaten by caſting of bills to burn a houſe, if money be not laid in a certain place, and after do burn the houſe, ſuch burning of houſes ſhall be adjudged high Treaſon. Rep. 1 Ed. 6. 12. 1 M. 1.

CAP. VII.

What ſort of men ſhall be chuſers, and who ſhall be choſen Knights of the Parliament.

Item, Whereas the elections of Knights of Shires, to come to the Parliaments of our Lord the King, in many Counties in the Realm of England, have now of late been made by very great, outragious and exceſſive number of people, dwelling within the ſame Counties of the Realm of England, of the which moſt part was of people of ſmall ſubſtance, and of no value, whereof every of them pretended a voice equivalent, as to ſuch elections to be made, with the moſt worthy Knights and Eſquires dwelling within the ſame Counties, whereby manſlaughter, riots, batteries, and diviſions among the Gentlemen, and other people of the ſame Counties ſhall very likely riſe and be, unleſs convenient and due remedy be provided in this behalf: Our Lord the King conſidering the premiſes, hath provided, ordained, and ſtabliſhed by authority of this preſent Parliament, That the Knights of the Shires to be choſen within the ſame Realm of England, to come to the Parliaments of our Lord the King, hereafter to be holden, ſhall be choſen in every County of the Realm of England, by people dwelling and reſident in the ſame Counties, whereof every one of them ſhall have Land or Tenement, to the value of fourty ſhillings by the year at the leaſt, above all charges, and that they which ſhall be ſo choſen ſhall be dwelling and reſident within the ſame Counties. And ſuch as have the greateſt number of them, that may expend fourty ſhillings by year, and above, as afore is ſaid, ſhall be returned by the Sheriffs of every County Knights of Parliament, by Indentures ſealed betwixt the ſaid Sheriffs, and the ſaid chuſers ſo to be made. And every Sheriff of the Realm of England ſhall have power by the ſaid authority to examine upon the Evangeliſts every ſuch chuſer, how much he may expend by the year: And if any Sheriff return Knights, to come to the Parliament, contrary to the ſaid Ordinance, the Juſtices of Aſſiſes in their Seſſions of Aſſiſes ſhall have power by the authority aforeſaid, thereof to enquire. And if by enqueſt the ſame be found before the Juſtices, and the Sheriff thereof be duly attainted, that then the ſaid Sheriff ſhall incur the pain of an hundred pound, to be paid to our Lord the King, and alſo that he have impriſonment by a year, without being let to Mainpriſe or bail. And that the Knights for the Parliament returned contrary to the ſaid Ordinance, ſhall loſe their wages.

What ſort of people, and of what ſufficiency of eſtate ſhall be chuſers of the Knights for the Parliament. St. 1 H. 5. 1. 10 H. 6. 2.

What ſort of perſons ſhall be choſen Knights for the Parliament. St. 6 H. 6. 4.

The Sheriff may examine every chuſer what land he hath in yearly value.

The penalty of a Sheriff returning a Knight not duly choſen. St. 11 H. 4. 1. 23 H. 6. 15. Raſt. pla. f. 446.

The penalty of a Knight returned which is not duly choſen.

Provided always, That he which cannot expend fourty ſhillings by year, as afore is ſaid, ſhall in no wiſe be chuſer of the Knights for the Parliament. And that in every Writ that ſhall hereafter go forth to the Sheriffs, to chuſe Knights for the Parliament, mention be made of the ſaid Ordinances.

CAP. VIII.

The Statute of 6 H. 6. 3. confirmed touching the wages of Labourers, Artificers, Servants, and Workmen. Rep. 5 Eliz. 4.

CAP. IX.

The duty of Juſtices of Peace, where Land is entred upon or detained with force.

Coke l. 4. f. 48

Item, Whereas by the noble King Richard, late King of England, after the Conqueſt the ſecond, at his Parliament holden at Weſtminſter, the morrow after All-Souls, the fifteenth year of his Reign, amongſt other things, it was ordained and eſtabliſhed, That the Statutes and Ordinances made, and not repealed, of them that make Entries with ſtrong hand into Lands or Tenements, or other poſſeſſions whatſoever, and them hold with force, and of them that make Inſurrections, Riots, Routs, Ridings, and Aſſemblies in diſturbance of the Peace, or of the Common Law, or in affray of the people, ſhould be holden and fully executed. And moreover, it is ordained by the ſame Statute, That at all times that ſuch forcible Entries be made, and complaint thereof come to the Juſtices of Peace, or any of them, that the ſame Juſtices or Juſtice ſhall take the power of the County, and ſhall go, or one of them ſhall go to the place where ſuch force is made. And if they find, or he findeth any holding ſuch place forcibly, after ſuch entry made, they ſhould be taken and put in the next Gaol, there to remain convict by the record of the ſame Juſtices or Juſtice, until they have made fine and ranſom to the King. And that all the people of the County, as well Sheriffs as other, ſhall be attending to the ſaid Juſtices, and to aſſiſt them to arreſt ſuch malefactors, upon pain of impriſonment, and to make fine and ranſom to the King. And that in the ſame manner be done of them that make forcible entries into Benefices or Offices of holy Church, as in the ſame Statute is contained more at large.

St. 15 R. 2. 2. touching forcible entries rehearſed and confirmed.

And for that the ſaid Statute doth not extend to Entries in Tenements, in peaceable manner, and after holden with force, nor if the perſons which enter with force into Lands

The defects of the Statute of 15 R. 2. 2.

The defects of the Statute of 15 R. 2. 9.

or Tenements, be removed and voided before the coming of the ſaid Juſtices or Juſtice, as before, nor any pain ordained, if the Sheriff do not obey the commandments and precepts of the ſaid Juſtices, for to execute the ſaid ordinance, many wrongful and forcible entries be daily made, in Lands and Tenements by ſuch as have no right, and alſo divers gifts, feoffments, and diſcontinuances ſometimes made to Lords, and other puiſſant perſons, and extortioners, within the ſaid Counties where they be converſant, to have maintenance, and ſometimes to ſuch perſons as be unknown to them ſo put out, to the intent to delay and defraud ſuch rightful poſſeſſors of their right, and recovery for ever, to the final diſheriſon of divers of the Kings faithful liege people, and likely daily to increaſe, if due remedy be not provided in this behalf: Our Lord the King conſidering the premiſes, hath ordained, That the ſaid Statute, and all other Statutes of ſuch entries or alienations made in times paſt, ſhall be holden and duly executed: Joyned to the ſame, That from henceforth where any doth make any forcible Entry in Lands and Tenements, or other poſſeſſions, or them hold forcibly, after complaint thereof made within the ſame County where ſuch Entry is made, to the Juſtices of Peace, or to one of them by the party grieved, that the Juſtices or Juſtice ſo warned within a convenient time, ſhall cauſe, or one of them ſhall cauſe the ſaid Statute duly to be executed, and that at the coſts of the party ſo grieved.

The office and duty of Juſtices of Peace when any forcible entry is made into Lands, or peaceable entry, and after detaining with force.

Coke l.8 f.122

And moreover though that ſuch perſons making ſuch Entries be preſent, or elſe departed before the coming of the ſaid Juſtices or Juſtice, notwithſtanding the ſame Juſtices or Juſtice in ſome good Town next to the Tenements ſo entred, or in ſome other convenient place, according to their diſcretion, ſhall have, or either of them ſhall have authority and power to enquire by the people of ſame County, as well of them that make ſuch forcible Entries in Lands and Tenements, as of them which the ſame hold with force. And if it be found before any of them, that any doth contrary to this ſtatute, then the ſaid Juſtices or Juſtice ſhall cauſe to reſeiſe the Lands and Tenements ſo entred or holden as afore, and ſhall put the party ſo put out, in full poſſeſſion of the ſame Lands and Tenements, ſo entred or holden as before. And if any perſon after ſuch entry into Lands or Tenements holden with force, make a feoffment, or other diſcontinuance to any Lord or other perſon, to have maintenance, or to take away and defraud the poſſeſſor of his recovery in any wiſe, if after in Aſſiſe or other action thereof to be taken or purſued before Juſtices of Aſſiſes, or other the Kings Juſtices whatſoever, by due enquiry thereof to be taken, the ſame feoffments and diſcontinuances may be duly proved to be made for maintenance, as afore is ſaid, that then ſuch feoffments or other diſcontinuances, ſo as before made, ſhall be void, fruſtrate, and holden for none.

31 H.6. f.5.
14 H.7. f.8.

Dyer 122.187.
Coke l.9 f 118
l.11. f.65.
7 Ed.4.f.18.
4 H.7.f.18.
Cro.El 184.
189.306.458.
451.582.654.
738.915.
Cro.Jac.17.19
31.41.148.
214.151.176.
Cro.Car. 201.

The remedy where any perſon entring by force doth alien the ſame Land to have maintenance. St. 1 R. 2. 9. Raſt. pl. f. 62.

And alſo when the ſaid Juſtices or Juſtice make ſuch enquiries as before, they ſhall make, or one of them ſhall make their warrants and precepts to be directed to the Sheriff of the ſame County, commanding him of the Kings behalf, to cauſe to come before them and every of them, ſufficient and indifferent perſons, dwelling next about the Lands ſo entred, as before, to enquire of ſuch Entries, whereof every man which ſhall be impanelled to enquire in this behalf, ſhall have Land or Tenement of the yearly value of fourty ſhillings by year at the leaſt, above repriſes, and that the Sheriff return iſſues upon every of them at the day of the firſt precept returnable, twenty ſhillings, and at the ſecond day fourty ſhillings, and at the third time an hundred ſhillings, and at every day after, the double. And if any Sheriff or Bayliff within a Franchiſe having return of the Kings Writ, be ſlack, and make not execution duly of the ſaid precepts to him directed, to make ſuch enquiries, that he ſhall forfeit to the King twenty pound for every default, and moreover ſhall make fine and ranſom to the King.

The Juſtices precept to the Sheriff to return a Jury to enquire of forcible entries.
What Land every Juror muſt have that is impanelled to enquire of a forcible entry, and what iſſues ſhall be returned upon them.
The Sheriffs penalty for omitting his duty.

And that as well the Juſtices or Juſtice aforeſaid, as the Juſtices of Aſſiſes, and every of them at their coming into the Countrey to take Aſſiſes, ſhall have, and every of them ſhall have power to hear and determine ſuch defaults and negligences of the ſaid Sheriffs and Bailiffs, and every of them, as well by bill at the ſuit of the party grieved for himſelf, as for the King, to ſue by endictment only to be taken for the King. And if the Sheriff or Bailiff be duly attainted in this behalf by indictment, or by bill, that he which ſueth for himſelf and for the King, have the one moyety of the forfeiture of twenty pound, together with his coſts and expences; and that the ſame proceſs be made againſt ſuch perſons indicted or ſued by bill in this behalf, as ſhould be againſt perſons indicted or ſued by writ of Treſpaſs done with force and arms againſt the peace of the King.

What action the party grieved ſhall have againſt him who doth put out, or keep him out of the poſſeſſion with force, or after maketh diſcontinuance of the Land.
Coke pl. f.315.

1 H. 7.f 19.
10 H.7.f.9.
15 H.7.f.17.
6 H.7.f.12.
Dyer f. 142.
Fitz Ent.15.
16.17.18. 21.
27.33.39.45.
Coke l.11.f.15
10 H.7.f.12.
10 Ed.4. f.10.
Dyer f.214.
Fit.dam.23.25
Coke l.10.
f 116.l.11.f.30.
Cro.El.93.96.
106. 697.
22 H.6.f.28.
Kel.f.187.
14 H.7.f.28.
Dyer f.141.
Bro.Force 22.

And moreover, if any perſon be put out or diſſeiſed of any Lands or Tenements in forcible manner, or put out peaceably, and after holden out with ſtrong hand, or after ſuch entry, any feoffment or diſcontinuance in any wiſe thereof be made, to defraud and take away the right of the Poſſeſſor, that the party grieved in this behalf ſhall have Aſſiſe of Novel diſſeiſin, or a writ of Treſpaſs againſt ſuch diſſeiſor. And if the party grieved recover by Aſſiſe, or by action of Treſpaſs, and it be found by verdict, or in other manner by due form in the Law, that the party defendant entred with force into the Lands and Tenements, or them after his entry did hold with force, that the plaintiff ſhall recover his treble damages againſt the defendant: And moreover that he make fine and ranſom to the King. And that Mayors, Juſtices, or Juſtice of Peace, Sheriffs and Bayliffs of Cities, Towns, and Boroughs, having Franchiſe, have in the ſaid Cities, Towns and Boroughs, like power to remove ſuch entries, and in other articles aforeſaid, ariſing within the ſame, as the Juſtices of Peace and Sheriffs in Counties and Countreys aforeſaid have.

The authority of the chief officers in Cities and Corporate Towns, to repreſs forces.
They may keep their Land by force, which have had three years poſſeſſion.
St. 31 El. 11.

Provided always, That they which keep their poſſeſſions with force in any Lands and Tenements, whereof they or their anceſtors, or they whoſe eſtate they have in ſuch Lands and Tenements, have continued their poſſeſſions in the ſame by three years or more, be not endamaged by force of this Statute. St. 5 R. 2. 7. 4 H. 4. 8. Reg. f. 289. Fitz. N. B. f. 248. Coke pl. f. 44. 46. Raſt. pl. f. 65. 68. 72. 83. 320. 354. Coke Inſt. 1. par. 257.

CAP.

CAP. X.

Proceſs awarded againſt thoſe which dwelling in foreign Counties be Indicted or Appealed.

The inconveniences enſuing by indicting or appealing of any perſon in one County that is converſant in another.

Item, Our Lord the King conſidering how divers perſons for their private revenge, and not of right, maliciouſly by ſubtile imagination have cauſed and procured many of his faithful liege people falſly to be indicted, and appealed of ſeveral Treaſons, Felonies and Treſpaſſes, before Juſtices of the Peace, and other Commiſſioners and Juſtices, and other having power to take Indictments or Appeals in divers foreign Counties, Liberties, and Franchiſes of England, in which the ſaid Lieges be not, nor at any time were converſant nor dwelling: By force of which Indictments and Appeals, and the Proceſſes upon them made in the ſaid Counties, Franchiſes and Liberties, the ſaid perſons ſo indicted, have been, and daily be put in Exigent, and after outlawed, and thereupon their goods and chattels, lands and tenements forfeit, and they in great jeopardy of their lives, whereas the ſaid perſons ſo indicted, appealed, or put in Exigent, or outlawed, had never knowledge of ſuch indictments, Appeals, Exigents, or outlawries, which falſhood and malice daily doth abound and increaſe in divers Counties, Liberties and Franchiſes of England, in great hinderance, loſs, and perpetual deſtruction of many of his ſaid faithful and innocent Liege people, and very likely to increaſe hereafter, if convenient remedy be not ordained and provided in this behalf.

Upon indictments or appeals of perſons dwelling in foreign Counties, what proceſs ſhal be awarded againſt them. St.10 H 6.6. Raſt. pl. f. 52. 287.

1 Ed.4.f.1. 19 H.6.f.1. Fitz.Proces 192. Cro.l.179. 435.

And therefore the ſame our Lord the King of his ſpecial grace, and by authority of this Parliament, for eaſe and tranquility of his faithful lieges of this Realm, hath cauſed to be ordained and ſtabliſhed, that upon every indictment or appeal by the which any of the ſaid Lieges dwelling in other Counties then there where ſuch indictment or appeal is, or ſhall be taken of Treaſon, Felony, and Treſpaſs, to be taken hereafter before the Juſtices of Peace, or before any other having power to take ſuch indictments or appeals, or other Commiſſioners or Juſtices in any County, Franchiſe or Liberty of England, before any Exigent awarded upon any indictment or appeal in the form aforeſaid, to be taken, that preſently after the firſt Writ of Capias, upon every ſuch indictment or appeal awarded and returned, that another Writ of Capias be awarded, directed to the Sheriff of the County, whereof he which is ſo indicted, is or was ſuppoſed to be converſant by the ſame indictment, returnable before the ſame Juſtices or Commiſſioners, before whom he is indicted or appealed, at a certain day, containing the ſpace of three moneths, from the date of the ſaid laſt Writ, where the Counties be holden from moneth to moneth; and where the Counties be holden from ſix weeks to ſix weeks, he ſhall have the ſpace of four moneths, until the day of the return of the ſame Writ; by which Writ of ſecond Capias, be it contained and commanded to the ſame Sheriff, to take him which is ſo indicted or appealed, by his body, if he can be found within his Bailiwick: and if he cannot be found within his Bayliwick, that the ſaid Sheriff ſhall make Proclamation in two Counties before the return of the ſame Writ, that he which is ſo indicted or appealed, ſhall appear before the ſaid Juſtices or Commiſſioners in the County, Liberty or Franchiſe, where he is indicted or appealed, at the day contained in the ſaid laſt Writ of Capias, to anſwer to our Lord the King, or to the party, of the Felony, Treaſon or Treſpaſs, whereof he is ſo indicted or appealed: after which ſecond Writ of Capias ſo ſerved and returned, if he which is ſo indicted or appealed, come not at the day of the ſame Writ of Capias returned, the Exigent ſhall be awarded againſt ſuch perſons indicted or appealed, and every of them.

11 H.7 f.2c. Coke l.3.f.59.

And if any Exigent hereafter be awarded upon any ſuch indictment or appeal, againſt the form aforeſaid, or any outlawry be upon that pronounced, as well the Exigent ſo awarded, as the Outlawry upon that pronounced, and every of them ſhall be holden for none and void.

And that the party upon whom ſuch Exigent againſt the form aforeſaid is awarded, or Outlawry pronounced, be not endamaged, nor put to loſs of his goods or cattels, lands or tenements, nor of his life.

St.6 H.6.1. An action upon the caſe maintainable by the party indicted or appealed againſt the procuror of the ſame. Fitz.N.B.f.115. Raſt.pl.f.123.

Kel.f.21.

Provided always, That the Statute made in the laſt Parliament, of Proceſſes to be made in ſuch caſe before the King in his Bench, ſtand in his force. And moreover, the ſame our Lord the King hath granted by authority aforeſaid, That every perſon indicted or appealed in the form aforeſaid, from henceforth after he be duly acquit by verdict, that he ſhall have a writ and action upon his caſe, againſt every procuror of ſuch indictments or appeals, and like proceſs ſhall be upon and in the ſame writ, as in a writ of treſpaſs done with force and arms. And if ſuch procuror be attainted in this behalf, that the Plaintiff ſhall recover his treble damages.

A man indicted or appealed in the County where he is converſant.

Provided always, That this Ordinance ſhall not extend to indictments or appeals taken or to be taken within the County of Cheſter.

Provided alſo, That if any of the ſaid Lieges, or any of their heirs, be or ſhall be appealed or indicted of Felony or Treaſon, and at the time of the ſame Felony or Treaſon ſuppoſed, he is and was converſant within the County, whereof the indictment or appeal maketh mention, the like proceſs be made againſt ſuch indicted perſon ſo appealed, as hath been uſed always before this time.

CAP. XI.

The Citizens of London may take Apprentices according to their ancient cuſtoms.

The ancient liberty and cuſtom of the Citizens of London touching taking of Apprentices.

Item, It is ſhewed to our Lord the King by the ſaid Commons for the Mayor and Aldermen and Commons of the City of London, that whereas among other Franchiſes, Liberties and Cuſtoms to them by the ſame our Lord the King and his noble Progenitors granted and confirmed, it is contained, That the manner and form of taking Apprentices within the ſaid City of old time uſed and continued, be kept and obſerved: And where it is alſo there uſed by the Cuſtoms of the ſame City of time out of mind continued and approved in the ſame, that every perſon which was not of villain eſtate or condition, but of free eſtate and condition, might put himſelf, his Son, or Daughter to be Apprentice to any Freeman of the ſame City, to learn his Craft or Myſtery, and that likewiſe every Freeman of the ſaid City may take every ſuch perſon, Son, or Daughter to be his Apprentice, without impeachment, until now of late the ſaid Maior, Aldermen and Commons, be and have been grievouſly vexed and inquieted by colour of an Article of the Statute made at Weſtminſter, the ſeventh year of the Reign of King Henry the fourth, rehearſing by general words, That no man nor woman put their ſon nor daughter to be apprentice within any City or Town of the Realm of England, except that he have Land or Rent to the value of twenty ſhillings by year, and that by teſtimony under the ſeals of the Juſtices of Peace, nor that any ſhall receive a Prentice to the contrary, upon a grievous penalty limited in the ſaid Statute.

The Citizens of London may take apprentices according to their old cuſtom, notwithſtanding the St. of 7 H. 4. 17. St. 11 H. 7. 11.

Our Lord the King, conſidering the great hinderance which by the ſaid Statute might redound to the inhabitants of the ſaid City, if they ſhould be thereby reſtrained of their ſaid Liberties and Cuſtoms, and how in the beginning of the ſame Statute it is contained, That the ſaid City of London have and enjoy all her Liberties, Franchiſes, and Cuſtoms that be not contrary to the ſaid article, and alſo reſpecting the entire affections, and great kindneſs done and ſhewed to our ſaid Lord the King in all his affairs by the Citizens of the ſaid City of London, and to encourage them the more to ſuch affections and kindneſs hereafter, by the advice and aſſent aforeſaid, hath ordained by the authority of this Parliament, that the ſaid ancient manner, form, and cuſtom of putting and taking of Apprentices, uſed and continued in the ſaid City of London, be from henceforth kept and obſerved, as long as it ſhall pleaſe our ſaid Lord the King, without being for that impeached, or to incur the pain contained in the ſaid Statute. St. 5 El. 4:

CAP. XII.

No Judgment or Record ſhall be reverſed for any Writ, Proceſs, &c. raſed. Which defects in Records may be amended by the Judges, and which not:

No judgment nor record ſhal be reverſed nor avoided for any writ, return, proceſs, &c. raſed or interlined.

ITem, Our Lord the King hath ordained and eſtabliſhed by the authority of this preſent Parliament, that for errour aſſigned, or to be aſſigned in any Record, Proceſs, or Warrant of Atturney, Original Writ, or Judicial, panel, or return, in any places of the ſame raſed or interlined, or in any addition, ſubſtraction or diminution of words, letters, titles, or parcel of letters found in any ſuch Record, Proceſs, Warrant of Atturney, Writ, Panel or Return, which raſings, enterlinings, addition, ſubſtraction, or diminution, at the diſcretion of the Kings Judges of the Courts and places in which the ſaid Records or Proceſs by Writ of Errour, or otherwiſe be certified, do appear ſuſpected, no Judgmnt, nor Record ſhall be reverſed nor adnulled.

Dyer f. 105. 108. 225. 230. 260. 342. Coke l. 5. f. 45. l. 8. f. 138. Cro. Jac. 119. Cro. Car. 278.

The Judges may reform all defects in records which be miſpriſion of the Clerk. St. 14 Ed. 3. 6. 9 H. 5. 4. 8 H. 6. 15. Which defects in records may not be amended. St. 27 El. 5. St. 1 H. 5. 5. Variance alledged between a record, and the certificate thereof ſhall be by the Judges amended.

And that the Kings Judges of the Courts and places, in which any Record, Proceſs, Word, Plea, Warrant of Atturney, Writ, Panel, or Return, which for the time ſhall be, ſhall have power to examine ſuch Records, Proceſs, Words, Pleas, Warrants of Atturney, Writs, Panels, or Return, by them and their Clerks, and to reform and amend (in affirmance of the judgments of ſuch records and proceſſes) all that which to them in their diſcretion ſeemeth to be miſpriſion of the Clerks, in ſuch record, proceſſes, word, plea, warrant of Atturney, writ, panel and return, (except Appeals, Indictments of Treaſon and of Felonies, and the outlawries of the ſame, and the ſubſtance of the proper names, ſurnames, and additions, left out in original Writs, and Writs of Exigent, according to the Statute another time made the firſt year of King Henry, father to our Lord the King that now is, and in other Writs containing Proclamation) ſo that by ſuch miſpriſion of the Clerk no judgment ſhall be reverſed nor adnulled. And if any record, proceſs, writ, warrant of Atturney, return or panel, be certified defective, otherwiſe then according to the writing, which thereof remaineth in the Treaſury, Courts, or places from whence they be certified, the parties in affirmance of the judgments of ſuch records and proceſs, ſhall have advantage to alledge that the ſame writing is variant from the ſaid certificate, and that found and certified, the ſame variance ſhall be by the ſaid Judges reformed and amended according to the firſt writing.

Imbezilling of a record, whereby any judgment ſhall be reverſed, is felony. St. 8 R. 2. 4.

And moreover, it is ordained, That if any record, or parcel of the ſame writ, return, panel, proceſs or warrant of Atturney, in the Kings Courts of Chancery, Eſchequer, the one Bench or the other, or in his Treaſury, be willingly ſtollen, taken away, withdrawn, or avoided by any Clerk, or by other perſon, becauſe whereof any judgment ſhall be reverſed: that ſuch ſtealer, taker away, withdrawer, or avoider, their procurators, counſellors and abettors, thereof indicted, and by proceſs thereupon made thereof duly convict, by their own confeſſion (or by Inqueſt to be taken of lawful men, whereof the one half ſhall be of the men of any Court of the ſame Courts, and the other half of other) ſhall be judged for Felons, and ſhall incur the pain of felony. And that the Judges of the ſaid Courts, of the one Bench or of the other, have power to hear and determine ſuch defaults before them, and thereof to make due puniſhment as afore is ſaid.

Coke l. 8. f. 160. Coke l. 11. f. 34. 2 R. 3. 10. Co. Inſt. 3. p. 70.

Bro. Parl. 92.

A record exemplified under the great ſeal, and enrolled in the Chancery.

Provided always, That if any ſuch record, proceſs, writ, or warrant of Atturney, panel, or return, or parcel of the ſame, be now, or hereafter ſhall be exemplified in the Kings Chancery under the great ſeal, and ſuch exemplification there of record enrolled without any raſing in the ſame place, in the exemplification, and the enrollment of the ſame, that another time for any errour aſſigned or to be aſſigned in the ſaid record, proceſs, writ, warrant of Atturney, panel or return, in any letter, word, clauſe or matter of the ſame varying, or contrary to the ſaid exemplification and the inrollment, there ſhall be no judgment of the ſaid records and proceſs reverſed nor adnulled.

CAP.

CAP. XIII.

There ſhall be excepted in all the protection of thoſe that ſhall go with the King into France, Aſſiſe novel diſſeiſin.

CAP. XIV.

Riotous perſons committing of felonies, and then fleeing into ſecret places.

St. 2 H. 5. 9.

Riotous perſons commit murders, man-ſlaughters, robberies, and then to flie into ſecret places.

ITem, For that great and grievous complaint was made to King Henry, late King of England, father to our Lord the King that now is, at his Parliament holden at Leiceſter, the ſecond year of his Reign, by the Commons of his Parliament aforeſaid, of divers murders, man-ſlaughters, robberies, batteries, aſſemblies of people in great number, in manner of inſurrections, and of divers other rebellions and riots: and after ſuch offences the ſaid felons and offenders did flee and withdraw themſelves to divers woods and ſecret places unknown, and elſewhere, to the intent and purpoſe to avoid the execution of the Common Law, & that they might not be brought to anſwer according to the proceſs of the Common Law: whereupon the ſaid late King, conſidering the aforeſaid complaint, by the advice and aſſent of the Lords ſpiritual and temporal, in the ſame Parliament aſſembled, did ordain and ſtabliſh, at the requeſt of the ſaid Commons, That if any after come into the Chancery, and make complaint duly that any ſuch felon or offender, as aforeſaid, hath fled or withdrawn him to any ſuch place or elſewhere, to the intent aforeſaid, upon ſuch complaint a bill ſhall be ſufficiently made for the King: and the Chancellor of England for the time being, after ſuch bill to him delivered, if he may be duly informed, that ſuch bill containeth truth, ſhall have power by his diſcretion to award a Writ of Capias at the ſuit of our Lord the King, directed to the Sheriff of the County or Counties where the ſaid murders, man-ſlaughters, robberies, batteries, and other offences be ſuppoſed by the ſaid bill to be done and committed, returnable in the ſaid Chancery at a certain day. And if the perſons ſpecified in the ſaid Writ be taken by the ſaid Sheriff, or yield themſelves in the ſame Chancery, that then ſuch perſons be put in priſon or to mainpriſe, according to the diſcretion of the Chancellor. And moreover it ſhall be commanded to inquire of ſuch offences, and upon that ſhall be done as the Law requireth. And if the Sheriff return at the day of the Capias returnable, that the perſons in the ſame compriſed, for any of the ſame cauſes aforeſaid, cannot be taken by him, nor the ſame perſons do yield themſelves in the ſaid Chancery; that then the ſaid Chancellor ſhall cauſe to be made a Writ of Proclamation directed to the Sheriff, returnable in the Kings Bench at a certain day, that he make proclamation in two Counties, that the perſons named in the ſaid Writ come at the ſaid day into the foreſaid Bench, there to anſwer to the matter compriſed in the ſaid bill, upon pain to be convict of the matter compriſed within the ſaid bill. And in every ſuch Writ of proclamation ſhall be contained the ſubſtance of the matter compriſed in the ſaid bill. And if they come not at the day of ſuch proclamation returned, then they ſhall be holden and adjudged for convict and attainted as afore is ſaid. And if they come at the proclamation, it ſhall be inquired of them, and done in the manner as afore is ſaid. Provided that the ſuggeſtions of ſuch riots be ſignified to the Chancellor of England by letters ſealed under the ſeals of two Juſtices of the Peace at the leaſt, and the Sheriff of the County where ſuch riots ſhall be, before that ſuch Writ of Capias be granted; In which Writ of Capias, the matter which is compriſed within the ſame bill, ſhall be as well expreſſed as in the Writ of proclamation thereof to be made. And if ſuch a caſe happen in the County Palatine of Lancaſter, or elſewhere in Franchiſes, where there is a Chancellor and a Seal, that then the ſaid Chancellor of England cauſe to be written or ſent by the Kings Writ to the Chancellor of ſuch County or Franchiſe, all the ſuggeſtion in the ſaid bill compriſed, commanding him to make ſuch execution as in the ſaid Article is compriſed. So always that the Kings Writ out of the Chancery of England ſhall not run in ſuch County or Franchiſe otherwiſe then hath been uſed in times paſſed, and that the ſaid Ordinance ſhall ſtand in his force till the end of the next Parliament: Our Lord the King conſidering that divers other murders, man-ſlaughters, robberies, batteries, aſſemblies of people in great number in manner of inſurrections, and divers other rebellions and riots, have been made in divers Counties of the Realm, ſince the making of the ſaid Statute, not puniſhed, becauſe that the ſaid Statute held no force, but until the end of the Parliament then next following, hath ordained and ſtabliſhed by authority of this preſent Parliament, that the ſaid Statute ſhall now be kept, and firmly holden for a Statute for ever, as well of murders, man-ſlaughters, robberies, batteries, aſſemblies of people in great number in manner of inſurrections, and divers other rebellions and riots made and committed before the beginning of this preſent Parliament, as in time to come.

Proceſs awarded againſt the offendors.

The Stat. of 2 H. 5. 9. of thoſe that do commit murder, &c. and after flie into woods, made perpetual.

A proviſion where any of the ſaid offences be committed in a place franchiſed.

Provided always, that it be teſtified by two Juſtices of the Peace of the Counties where ſuch riots ſhall be ſuppoſed, that the common fame and voice runneth in the ſame Counties of the ſame riots, before that the Writ of Capias ſhall be awarded. Provided alſo, that if any ſuch caſe happen in the ſaid County Palatine of Lancaſter, or elſewhere in a place enfranchiſed, where there is a Chancellor and a Seal, that then the ſaid Chancellor of ſuch County or place enfranchiſed for the time being, after complaint to him duly made and teſtified by a Juſtice, or the Lieutenant of a Juſtice and Sheriff of ſuch County Palatine or place enfranchiſed, for the time being, in the form aforeſaid, ſhall have like power to award a Capias and a Writ of Proclamation aforeſaid, as the ſaid Chancellor of England hath.

CAP. XV.

The Juſtices may in certain caſes amend defaults in Records.

The Juſtices may in certain caſes amend defaults in Records and Proceſſes.

Co. l. 8. f. 162.

ITem, It is ordained and eſtabliſhed, that the Kings Juſtices before whom any miſpriſion or default is or ſhall be found, be it in any Records and Proceſſes, which now be or ſhall be depending before them as well by way of error as otherwiſe, or in the returns of the ſame made

made or to be made by Sheriffs, Coroners, Bailiffs of Franchiſes, or any other, by miſpriſion of the Clerks of any of the ſaid Courts of the King, or by miſpriſion of the Sheriffs, Under-ſheriffs, Coroners, their Clerks, or other Officers Clerks, or other Miniſters whatſoever, in writing one letter or one ſyllable too much or too little, ſhall have power to amend ſuch defaults and miſpriſions, according to their diſcretion, and by examination thereof by the ſaid Juſtices to be taken, where they ſhall think needful. Provided that this Statute do not extend to Records and Proceſſes in the parts of Wales, nor to the Proceſſes and Records of felonies and treaſons, and the dependances thereof. St. 14 Ed. 3. 6. 9 H. 5. 4. 4 H. 6. 3. 8 H. 6. 12.

Proceſſes in Wales and outlawries.

CAP. XVI.

By what perſons Eſcheators ſhall find an Office, and in what time he ſhall certifie it. A Patent made of Lands ſeiſed upon an enqueſt.

An Eſcheator or Commiſſioner ſhall take no inqueſt, but by ſuch perſons as be returned by the Sheriff. Raſt pl. fo. 315.

ITem, To eſchew the dolours, grievances, and diſheriſons, which daily do happen to many of the Kings liege people, by the Eſcheators, for that they take Enqueſts, to inquire before them as well by vertue of the Kings writs, as of their offices, favourably and not duly, by people not empanelled nor returned to them by the Sheriffs of the Counties, and more often for their private gain, and for the diſheriſon of the Kings liege people, then for the profit of the ſame our Lord the King, and alſo for that the lands and tenements of many of the Kings liege people be ſeiſed into the Kings hands upon ſuch enqueſts, or let to ferm by the Chancellor or treaſurer, before ſuch enqueſts be returned in the Chancery: Our Lord the King hath ordained by the authority of this preſent Parliament, that no Eſcheator or Commiſſioner take in any wiſe any enqueſt to enquire, but of people returned and impanelled by the Sheriffs in the county, within which he is Eſcheator or Commiſſioner. And if any Eſcheator or Commiſſioner take enqueſts of people which be not impanelled nor returned by the Sheriff as is aforeſaid, and thereof by examination, or otherwiſe at the ſuit of the party, which for himſelf or for the King, or any other perſon that will ſue, be duly convict, for every enqueſt ſo taken, that he incur the pain and forfeiture of xl. li. to be paid, that is to ſay, the one half to the King, and the other half to the party grieved at whoſe ſuit he ſhall be convict. And that no lands nor tenements ſeiſed into the hand of our Lord the King, upon ſuch enqueſts taken before the Eſcheators or Commiſſioners, be not in any wiſe let nor granted to ferm by the Chancellor or Treaſurer of England, or any other the Kings Officer, until the ſame enqueſts and verdicts be fully returned in the Chancery, or in the Eſchequer, but all ſuch lands and tenements ſhall intirely and continually remain in the hands of our Lord the King, until the ſaid enqueſts and verdicts be returned, and by a moneth after the ſame return, if it be not ſo that he or they which feel them grieved by the ſame enqueſts, or putting out of their lands and tenements, come into the Chancery, and proffer them to traverſe the ſaid enqueſts, and then offer to take the ſame lands or tenements to ferm. And if they ſo do, that then the ſame lands or tenements be committed to them, if they ſhew good evidence, proving their traverſe to be true, after the form of the Statute made the xxxvi. year of King Edward 3. after the Conqueſt, to hold until the iſſue taken upon the ſame traverſe be found and diſcuſſed for the King or for the party, finding ſufficient ſurety to purſue the ſaid traverſe with effect, and to render and pay to our Lord the King the yearly value of the lands, whereof the traverſe ſhall be ſo taken, if it be diſcuſſed for the King. And if any Letters Patents of any of the lands or tenements be made to the contrary to any other perſon, or let to ferm within the ſaid moneth, after the ſaid moneth of return, they ſhall be holden for none: And that the Eſcheators or Commiſſioners upon pain of the forfeiture of xx li. to be paid, that is to ſay, the one half to the King, and the other half to the party at whoſe ſuit he ſhall be convict, return the enqueſts before them taken into the Chancery of our Lord the King, or into the Exchequer, within a moneth next after the taking of the ſame, and every man which will ſue for the King ſhall have the ſuit in this behalf. Provided always that this Statute begin and take effect and force in the Feaſt of Eaſter next coming, and not before, to endure for ever. St. 1 H. 8. 8.

When lands ſeiſed into the Kings hands upon an inqueſt of Office ſhall be letten to ferm. St. 18 H. 6. 6.

Dyer f. 145. Kel. f. 178.

The lands ſhall be let to ferm to him that tendreth a traverſe to the Office. St. 36 Ed. 3. 13. 1 H. 8. 10. 23 H. 6. 17.

An Eſcheator and Commiſſioners ſhall return an Office found before them. St. 18 H. 6. 7. Fitz. N.B. f. 248.

CAP. XVII.

They which ſhall ſhip or cauſe to be ſhipped any Woolls, Fells, &c. out of England, Wales, or Ireland, to be carried to any other place but to Calice, ſhall forfeit the double value thereof, and be two years impriſoned, ſaving the Merchants of Jean, Venice, &c. Ob. 2 H. 6. 4.

CAP. XVIII.

Certain Ordinances made for the prices of Merchandiſes, and maintenance of the Town and Mint at Calice. Exp. St. 11 H. 6. 13.

CAP. XIX.

If a Marriner ſhall receive into his ſhip any Merchandiſes, or carry them to any other place then to the Staple at Calice, the goods and ſhip ſhall be forfeited. Exp.

CAP. XX.

No Merchant dwelling in Calice, ſhall buy beyond the Sea any Merchandiſe of the Staple. Exp.

CAP. XXI.

A repeal of all Licenſes granted to men of Newcaſtle and Berwick to carry Merchandiſes to other places then to Calice. The penalty for carrying of Merchandiſes of the Staple into Scotland. Exp.

CAP. XXII.

What is requiſite to be done in winding and packing of Wooll: None ſhall force clack, or beard any Wooll.

What is required to be done in winding and packing of Wooll.

12 Car. 2. c. 32.

ITem, For as much as great hinderance cometh to the King in his Cuſtoms and Subſidies by them that do clack and force the good Woolls of the Realm, to carry them out of the ſame into ſtrange Countries: It is ordained, that no ſtranger ſhall cauſe to be forced, clacked, nor bearded any manner of Wolls, to carry them out of the Realm, upon pain of forfeiture of the ſame Wolls, with the double value of the ſame, and of impriſonment of his body. And that no Woll-packer ſhall make within the Realm but good and due packing: and that no man make any inwinding within the fleece of Wolls at the rolling up of his Woolls, nor put in the ſame locks, pelt-wooll, tar, ſand, earth, glaſs, nor any dirt. And if any do, he that feeleth him grieved ſhall have his action at the Common Law, of treſpaſs and deceit. St. 3 Ed. 4. 1. 23 H. 8. 17.

CAP. XXIII.

No Thrums or woollen Yarn ſhall be carried out of the Realm.

Item, Becauſe the Weavers within this Realm be and heretofore have been accuſtomed, that when they wrought a Cloth neer the end, to cut away for their private profit the threed which is left unwoven, and call the ſame Thrums, and to the great deceit of the owners of the ſame Clothes, they ſell the ſame Thrums to ſuch perſons which carry them into Flanders and other places, though the King have thereof no profit of Cuſtom nor Subſidy: For under the colour of ſuch Thrums, divers perſons, as well ſtrangers as denizens, do ingroſs and gather in divers parts of the ſaid Realm, great quantity of woollen Threed, called woollen Yarn, and the ſame do carry to the ſtrange parts, and thereof make good Clothes, ſo that under this ſubtil colour the King is yearly greatly defrauded of his Cuſtoms and Subſidies, which ought to riſe to him, if they were fully wrought within the ſaid Realm, or elſe if they were not wrought, but in Wolls brought to the Staple of Calice: Wherefore it is ordained, that no man ſhall carry or convey out of the ſaid Realm any manner of Thrums or woollen Yarn, under colour of Thrums, upon pain to forfeit the double value of the ſame. St. 23 H. 6. 3.

Neither Thrums nor woollen Yarn ſhall be carried out of the Realm.

CAP. XXIV.

None ſhall pay Merchants aliens in gold, but in ſilver. Merchandiſe ſhall not be ſold to an Alien, but for preſent payment.

Item, For that Merchants aliens of late have taken in cuſtom, that when they ſell any of their merchandiſes to any perſon within the Realm, they will not demand nor receive for any payment for the ſame any manner of ſilver as they were wont, but onely gold nobles, half nobles, and farthings, which from time to time they do carry out of the Realm into other ſtrange Countries, where they be changed to their increaſe, and forged in other coins, ſo that they gain in the allay of every noble, twenty pence, againſt the tenour of the Statutes thereof made, and to the great prejudice of this whole Realm.

Our Lord the King, willing in this caſe to provide remedy, hath ordained, That no Merchant alien ſhall conſtrain nor bind any of the Kings liege people, by promiſe, covenant, or bond, to make him payment in gold for any manner of debt, which to him may be due, nor refuſe to receive payment in ſilver for any manner of ſuch duty or debt, upon the pain of the double value of the ſame. And alſo to eſchew the great loſſes, which divers perſons of this Realm of England have had, and alſo be likely to have for their loans made of their merchandiſes to Merchants aliens, which have fled with the ſame, and daily take Sanctuaries: It is ordained, that no Engliſhman ſhall ſell within this Realm, or cauſe to be ſold hereafter to any Merchant alien, any manner of merchandiſes, but onely for ready paiment in hand, or elſe in merchandiſes for merchandiſes to be paid and contented in hand, upon pain of forfeiture of the ſame.

No man ſhall be compelled to pay gold to a Merchant Alien. St. 4 H. 7. 23.

No Engliſhman ſhall ſell his goods to a Merchant alien, but for preſent payment, or other Merchandiſe. St. 9 H. 6. 2.

10 H. 7. f. 7.

CAP. XXV.

The Mayor of the Staple of Calice ſhall continue two years in his Office. Exp.

CAP. XXVI.

The penalty if in any Action the Defendant make default to put the Lords, Mayors, &c. from their Juriſdiction.

Item, It is ordained by the authority aforeſaid, that in all Writs of Aſſiſes, and of Actions perſonal, ſued, or to be ſued before the King in his Bench, Juſtices of the Common place, or any other the Kings Juſtices for the time being, of any lands or tenements, or of any thing being and riſing within any Seigniory, Franchiſe, or ancient Demeſn, whereof the Cogniſance or Juriſdiction ought to pertain to any Lords, Mayors, Bailiffs, Citizens, Burgeſſes, or Comminalty of ſuch Seigniories, Franchiſes, or antient Demeſn, that then if any defendant in any ſuch Aſſiſe, or other actions perſonal, make any default, to put out, exclude, and expel the aforeſaid Lords, Mayors, Bailiffs, Citizens, Burgeſſes, or Comminalty of their Cogniſance or Franchiſe, that the Juſtices, at the requeſt of the ſaid Lords, Mayors, Bailiffs, Citizens, Burgeſſes, or Comminalty, ſhall make inquiry by the Aſſiſe where ſuch exception is alledged in Aſſiſes, and in actions perſonals, by enqueſts to be taken before the Juſtices, if ſuch defaults ſhall be made, as afore is ſaid, or not: In which aſſiſe and enqueſts ſo to be taken, as well the plaintiffs, as the Lords, Mayors, Bailiffs, Citizens, Burgeſſes, and Comminalty may have their challenge. And if it be found by ſuch Aſſiſes or Enqueſts ſo to be taken, that ſuch defaults ſhall be made by colluſion, to put out and exclude the ſaid Lords, Mayors, Bailiffs, Citizens, Burgeſſes, or Comminalty of their Franchiſes, Liberties, Cognizances, or Juriſdiction, that in ſuch caſes the ſaid Writs ſhall be abated, and the plaintiffs ſhall be in the Kings mercy: By conſideration that it is ordained by the Statute made the ninth year of the reign of King Henry grandfather to our Lord the King, that if any Mayor, Bailiff, Comminalty, or Lord of antient Demeſn, be named in Writs of Aſſiſes by colluſion, to put them out of their Cognizance or Juriſdiction in this behalf, that the Juſtices firſt ſhall inquire by the Aſſiſe of the Country, of ſuch colluſion, if the ſaid Lords, Mayors, Bailiffs, or Comminalty the ſame require.

The penalty if in Aſſiſe or perſonal action, the defendant make default, to put the Lords, Mayors, &c. from their Juriſdiction. Fitz. N. B. f. 155. g

St. 9 H. 4. 5. Mayors, Bailiffs, &c. Lords of ancient Demeſn, named diſſeiſors in aſſiſe by colluſion to put them out of their cogniſance.

require. And if it be found by ſuch inquiſition that they be ſo named by colluſion, that then the Writ ſhall abate.

CAP. XXVII.

Any of the inhabitants of Tukesbury in the County of Glouceſter, ſhall have an action of debt (according to the Statute of Wincheſter) to recover againſt the Comminalty of the Forreſt of Dean, and Hundred of Blediſtow, and Weſtbury, (though they be no Comminalty) recompence for ſuch robberies, oppreſſions, and wrongs, which have been, or ſhall be done unto them upon their River of Severn by any of the ſaid Forreſts or Hundreds. And the goods of every private perſon may be taken upon an execution awarded againſt the Comminalty. And every perſon may arreſt and impriſon the offendors. And he whoſe goods be taken in execution, may have an action of treſpaſs or debt againſt the offendor. PR.

CAP. XXVIII.

There ſhall be a Bridge made over the Water of Burford, and another over the Water of Culhamford in the County of Oxford. PR.

CAP. XXIX.

An Inqueſt ſhall be De medietate linguæ, where an Alien is party.

ITem, Whereas in the Parliament holden at Weſtminſter, the xxviij. year of King Edward the third, amongſt other things in favour and liberty of the Merchants ſtrangers, repairing into the Realm of England, it was ordained, That if a plea or debate be moved before the Mayor of the Staple, amongſt the Merchants or Miniſters of the ſame, and for to try the truth thereof, an enqueſt or proof is to be taken, if the one party and the other be ſtrange, it ſhould be tried by ſtrangers: And if the one party and the other be denizens, it ſhould be tried by denizens: and if the one party be denizen, and the other an alien, the one half ſhould be of denizens, and the other half aliens: And moreover, that in all inqueſts and proofs, which ſhall be taken and made betwixt aliens and denizens, be they Merchants or other, as well before the Mayor of the Staple, as before any other Judges or Miniſters, although our Lord the King be party, the one half of the enqueſt or proof ſhould be of denizens, and the other half of aliens, if there be ſo many aliens in the town or place where ſuch enqueſt or proof is to be taken, that be not parties, nor with the parties in contracts, pleas, or other quarrels, whereof ſuch enqueſts or proofs ought to be taken; and if there be not ſo many aliens, then ſo many aliens ſhall be put in ſuch enqueſts or proof as ſhall be found in the ſame places or towns, which be not parties thereunto, nor with the parties as before is ſaid, and the remnant of denizens, which be good men, and not ſuſpect of the one party nor of the other. Sithence which Ordinance the ſaid Merchants aliens have been always demeaned and ruled, as well in the Staples as in other of the Kings Courts, after the form of the ſaid Ordinance, until now of late they have been thereof reſtrained and impeached by colour of another Statute made in the Parliament holden at Weſtminſter the ij. year of King Henry, Father of our Lord the King that now is; by which Statute, for the great miſchiefs, damages, and diſheriſons which daily do happen through the Realm, as well in caſe of the death of a man, as in caſe of freehold and other caſes, by them that paſs in enqueſts in the ſaid caſe, which were common Jurors and other, which had but little or nothing to live upon, but by ſuch enqueſts, and which had nothing to loſe becauſe of their falſe oaths, whereby they do the more lightly offend their conſciences: And for amendment and correction thereof to be had, it was ordained and ſtabliſhed, that no perſon be admitted to paſs in any enqueſt, upon trial of the death of a man, nor in any enqueſt between party and party in plea real or perſonal, whereof the death and the damages declared do amount to fourty marks, except the ſame perſon have lands or tenements to the yearly value of fourty ſhillings above all charges: becauſe of which reſtraint and impeachment ſo made to divers Merchants aliens, many of the ſame Merchants aliens have withdrawn, and daily do withdraw them, and eſchew to come and be converſant on this ſide the Sea, and likely it is, that all the ſame Merchants aliens will depart out of the ſame Realm of England, if the ſaid laſt Statute be not more plainly declared, and the ſaid Merchants aliens ruled, governed, and demeaned in ſuch enqueſts according to the firſt Ordinance aforeſaid, to the great diminiſhing of the Kings Subſidies, and grievous loſs and damage of all his ſaid Realm of England: Our Lord the King conſidering the premiſſes, and how that it was not the meaning of the ſaid late King, nor of the Lords Spiritual and Temporal of the ſaid Parliament, to hinder or prejudice the ſaid firſt Ordinance by the ſaid laſt Statute, and that the ſaid laſt Statute was made in reſpect of the miſchiefs and diſheriſons that happened by the falſe Oaths of the common Jurors of the Realm of England, as it appeareth by expreſs words of the ſame Statute, and how that the ſaid Merchants aliens be not common Jurors, nor inhabiting within the ſaid Realm, nor may not purchaſe nor enjoy any lands or tenements in the ſame, without the Kings ſpecial licenſe: and the ſame our Lord the King willing therein to provide for the weal and profit of him and all his Realm, and to eſchew the damages and inconveniences which may eaſily happen in this behalf, and alſo to give to the ſaid Merchants aliens the greater courage and deſire to come with their wares and merchandiſes into this Realm, by the advice and aſſent of the Lords Spiritual and Temporal, being in this preſent Parliament, hath declared the ſaid laſt Statute made in the time of his Father to be in no wiſe prejudicial to the ſaid Ordinance, nor to extend it ſelf but onely to the enqueſts to be taken betwixt Denizen and Denizen, and not to other enqueſts and proofs aforeſaid: and the ſaid firſt Ordinance to be effectual and ſtand in force, and to be put in due execution according to the form of the ſame, notwithſtanding the ſaid laſt Statute, with that the aliens have no lands or tenements to the value of fourty ſhillings by the year, according to the purport of the ſame laſt Statute and Ordinance.

A confirmation of the Statute of 28 Ed. 3. 13. ordaining that an Enqueſt ſhall be De medietate linguæ, where an alien is party. And the Statute of 2 H.5.3. doth duly extend to enqueſts taken between Denizen and denizen. Raſt. pla, fo. 30. 248.

Statutes

Statutes made at Weſtminſter, *Anno 9 H. 6.* and *Anno Domini* 1430.

AT the Parliament holden at Weſtminſter, the Friday next before the Feaſt of St. Hillary, the ninth year of the Reign of our Lord the King that now is, divers Statutes and Ordinances were made and eſtabliſhed by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons of the Realm aſſembled in the ſaid Parliament, in the form following.

CAP. I.

All Aſſiſes and Niſi prius ſhall be adjourned during this Parliament, until certain days. Exp.

CAP. II.

Engliſh Merchants may ſell their merchandiſes to Aliens, giving them onely ſix moneths day of payment, notwithſtanding the Statute of 8 H. 6. 24. Exp. 10 H. 7. fo. 7.

CAP. III.

All Indictments, Inquiſitions, Proceſs, Records and Judgments made or given againſt Owen Glendor, attainted of High Treaſon, ſhall ſtand good, notwithſtanding any error, miſpriſion, or defect: But this ſhall not be prejudicial to the heirs of Owen as to any lands intailed. Pr.

CAP. IV.

An Idemptitate nominis maintainable by executors, &c.

ITem, For that before this time many outlawries have been pronounced againſt divers of the Kings liege people, as well before the Statute of additions made at Weſtminſter the firſt year of King Henry the fifth, Father to our Lord the King that now is, as ſithence, in reſpect of which outlawries, the bodies of other perſons having ſuch and like names, as they had which were outlawed in deed, have been taken and impriſoned, and their goods and cattels for this cauſe ſeiſed by the Eſcheators of the King and of his noble Progenitors: And although that by the Common Law of the Realm, a Writ of Idemptitate nominis had been maintainable for the ſame perſon, which in the form aforeſaid was moleſted and grieved; nevertheleſs if any perſon of the ſaid Lieges, having like name, as any other perſon of the ſame liege people, which was outlawed in deed, had made his executors, and died, often it happed, that by malice and ſubtil imaginations the goods and cattels of ſuch Teſtator, which had the ſame name as he had which was outlawed in deed, were ſeiſed and eſcheated to the hands of our Lord the King and of his Progenitors, in retardation of the execution of the teſtament of every ſuch Teſtator, for the doubt which hath been, whether any Executors may by the Common Law have a Writ of Indemptitate nominis or not. Wherefore to take away and remove all ſuch ambiguities and doubts in this caſe hereafter, of the aſſent and advice aforeſaid, and at the ſpecial requeſt of the ſaid Commons, it is ordained and eſtabliſhed by authority of this Parliament, That a Writ of Indemptitate nominis be granted and made good and maintainable for the executors of every Teſtator, to the ſame effect that the ſame action of Indemptitate nominis was maintainable before this Parliament for any perſon himſelf which was or might have been moleſted or grieved becauſe or by colour of any ſuch outlawry. And that this Ordinance ſhall have relation and force by authority aforeſaid for the executors of every Teſtator, as well of every outlawry pronounced againſt any perſon at any time before this Parliament, as of all manner of outlawries to be pronounced againſt any perſon in time to come. Regiſt. f. 194. V. N. B. f. 162. Fitz. N. B. f. 267.

St. 1 H. 5. 5.

St. 37 Ed. 3. 2. Raſt. pla. fo. 407.

An Indemptitate nominis, maintainable by the executors of a teſtator wrongfully moleſted by colour of any Outlawry.

CAP. V.

All men ſhall have free paſſage in Severn with goods, cattels, &c.

ITem, Becauſe the River of Severn is common to all the Kings liege people, to carry and recarry within the ſtream of the ſaid River, to Briſtol, Glouceſter, and Worceſter, and other places joyning to the ſaid River, all manner of merchandiſes and other goods and cattels, as well in trowes and boats, as in flotes commonly called Drags, in every part joyning to the ſaid River: within which River many Welſhmen and other perſons dwelling in divers places joyning to the ſaid River, have now late aſſembled in great number, arrayed in manner of war, and taken ſuch flotes otherwiſe called drags, and them have hewed in pieces, and with force and arms beaten the people, which were in ſuch drags, to the intent that they ſhould hire of the ſaid Welſhmen and other perſons for great ſums of mony, boats and other veſſels for carriage of ſuch merchandiſes, and other goods and cattels, to an evil example & great impoveriſhment of the ſaid liege people, if remedy be not haſtily provided: It is ordained by authority of this Parliament, that the ſaid liege people of the King may have and enjoy their free paſſage in the ſaid River, with flotes, and drags, and all manner of merchandiſes, and other goods and cattels at their will, without diſturbance of any: and if any be diſturbed of his free paſſage in the ſaid River, the party grieved ſhall have his action according to the courſe of the common Law. St. 19 H. 7. 18. 23 H. 8. 12.

A remedy for them which be hindred of their free paſſage with boats or goods upon the River of Severn.

CAP. VI.

The Burgeſſes of Dorcheſter ſhall have their weighing by xij. miles about, &c.

ITem, It is ordained and aſſented, that by force of the Statute made in the laſt Parliament, of weights, according to the ſtandard of the Eſchequer to be had in every City, Borough, and Town within the Realm, the Burgeſſes of the Borough of Dorcheſter ſhall not be diſturbed of their right, to uſe their weighing by xij. miles round about the ſame Borough, uſing always ſuch weights as in the ſaid Statute be expreſſed: and that no right nor title of weighing grow to any by force of the ſame laſt Statute in diſturbance of the right of the ſaid Burgeſſes of the ſaid Borough of Dorcheſter.

By the Statute of 8 H. 6. 5. the Burgeſſes of Dorcheſter ſhall not be diſturbed to uſe their weighing by xij. miles about the ſame.

CAP. VII.

No Sheriff or Under-ſheriff of the County of Mereford ſhall take money by extortion, or do any wrong in his Turn or other place by colour of his Office upon pain of forfeiture of x. li. Exp. St. 11 H. 6.7.

CAP. VIII.

The weight of a Wey of Cheeſe.

St. 8 H. 6. 5. A Wey of Cheeſe ſhall contain xxxij. cloves.

ITem, Whereas it hath been of old times accuſtomed in all the Counties of England, that all the Cheeſes which ought to be ſold by the Wey ſhould be weighed by the Auncel, and becauſe that at the laſt Parliament holden at Weſtminſter, it was ordained, that the ſaid Auncels in reſpect of the great deceit of the ſame ſhould be deſtroyed, and other weights touching ſhould be in this behalf ordained, and it is ſo, that the poor people of the Realm be greatly deceived by the ſaid weights touching, for that they know not how many pounds the Wey of Cheeſe doth contain, by the ſaid weights touching. And therefore to the intent that the ſaid poor people ſhall not be in this behalf deceived, as they have been ſithence the ſaid laſt Parliament: It is ordained by authority of this Parliament, that the weight of a Wey of Cheeſe may contain xxxij. cloves, that is to ſay, every clove vij l. by the ſaid weights touching.

CAP. IX.

A Commiſſion may be granted by the Chancellor of England for the time being to retain perſons to ſcour and amend the River of Ley, in the Counties of Eſſex, Hertford, and Middleſex. Pr. and Exp. St. 3 H. 6. 5. 13 El. 18.

CAP. X.

A rehearſal and confirmation of the Statute of 3 H. 5. 2. authoriſing certain Abbots and other Religious perſons to make their Atturnies. Exp.

CAP. XI.

Proclamations before a Writ be awarded to the Biſhop to certifie Baſtardy.

ITem, Whereas by a ſupplication delivered in this preſent Parliament by the Commons of the ſame, it was declared by Margaret Dutcheſs of Clarence, Johan Dutcheſs of York, ſiſters, and amongſt other heirs to Edmond Earl of Kent, Richard Duke of York, Richard Earl of Saliſbury, and Alice his wife, Ralph Earl of Weſtmerland, John Lord of Typtoſt, and of Powes, and Joyce his wife, and Henry Gray, couſins, and other of the heirs of the ſaid Edmond late Earl, as in the ſame ſupplication is ſuppoſed, that is to ſay, the ſaid Duke, ſon to Anne daughter of Alianour, another of the ſiſters of the ſaid Edmond. The ſaid Alice daughter to Alianour, another ſiſter of the ſaid Edmond. The ſaid Ralph ſon to Elizabeth, another ſiſter of the ſaid Edmond. The ſaid Joyce daughter to the ſaid Alianour, mother of Anne. And the ſaid Henry Gray, ſon to Johan daughter of the ſame Alianour, that whereas Alianour, wife to James Lord of Audely, pretending, calling, and affirming her ſelf daughter and heir to the ſaid Edmond late Earl of Kent, begotten and born in marriage pretenced, had betwixt him and Conſtance late wife of Thomas Lord Diſpenſer, where by the ſaid ſupplication it is ſuppoſed, that the ſaid Alianour, wife to the ſaid James, is baſtard, and never was any marriage made, had, nor ſolemnized betwixt the ſaid Edmond and Conſtance, but the ſaid Edmond (by the ordinance, will, and agreement of King Henry the Fourth, Grandfather to our Lord the King that now is, after great, notable, and long ambaſſage had and ſent to the Duke of Millain, for a marriage to be had betwixt the ſaid Edmond and Luce, ſiſter to the ſaid Duke of Millain) did take to wife, and openly and ſolemnly married the ſaid Luce at London. The ſaid Conſtance then living and being there preſent, not claiming the ſaid Edmond to her husband, nor any dower of his lands after his deceaſe, which marriage betwixt the ſaid Edmond and Luce ſo had and ſolemnized, continued without any interruption of the ſaid Conſtance or of any other, during the life of the ſaid Edmond, as divers Lords and other credible and notable perſons of the ſaid Realm do well remember. And how after the deceaſe of the ſaid Edmond, the ſaid Luce was endowed of his lands, as his lawful wife, continuing thereof her eſtate peaceably all her life.

A ſecret practiſe to prove one mulier in the Spiritual Court that is a Baſtard.

Nevertheleſs the ſaid Alianour, the wife of James, upon great ſubtilty, proceſs imagined, privy labour, and other means, and coloured ways, to the intent that ſhe ought to be certified mulier by ſome Ordinary, in caſe that Baſtardy ſhould be alledged in her perſon, hath brought (as it is ſaid) in examination before certain Judges in the Spiritual Court, not informed nor having knowledge of the ſaid ſubtilty, imagined proceſs, privy labour, and coloured ways, certain ſuborned proofs and perſons of her aſſent and covine, depoſing for her, that the ſaid Alianour the wife of James, was begotten within marriage had and ſolemnized betwixt the ſaid Edmond and Conſtance. The ſaid Dutcheſſes, the Duke of York, and Earl of Saliſbury, and Alice, Earl of Weſtmerland, John the Lord of Typtoſt, Joyce and Henry, nor any of them thereof warned, nor knowing until long time after the depoſition ſo made, whereof the ſaid ſuppliants do fear them to be grieved and impeached of their inheritance had by the ſaid Edmond, by another ſubtilty and labour in the Temporal Law, to be practiſed and wrought by the ſaid Lord of Audley and Alianour his wife. As if they will commence any action againſt any perſons of their own aſſent and covin, or otherwiſe, will cauſe ſuch perſons of ſuch aſſent and covin to purſue an action againſt them (as it is ſuppoſed that they intend to do.) In which action by the covin and aſſent aforeſaid, Baſtardy ought to be alledged in the perſon of the ſaid Alianour, wife of James, and thereupon by the aſſent and covin an iſſue is to be taken, and a Writ to be ſent to ſome Ordinary (where it pleaſe them, not advertiſed of the ſaid ſubtilty, aſſent, and covin) to certifie if the ſaid Alianour the wife of James be mulier or not, before which Ordinary the ſame Alianour, wife of James, will alledge and prove her ſelf mulier, by the ſaid depoſitions of the ſaid ſuborned witneſſes. And

A practiſe to prove one mulier by the Common Law, who is in deed a Baſtard.

then the party reputed as adverſary againſt the Lord of Audely, and Alianour his wife, in the ſaid action taken or to be taken by aſſent and covin aforeſaid, will alledge no proof nor matter, nor make any defence before the ſaid Ordinary againſt the ſame Lord Audely, and Alianour his wife, but ſuffer the matter before the ſaid Ordinary to proceed according to the meaning of the ſaid Lord of Audely and Alianour his wife. So that it is very likely, that the ſame Ordinary will certifie the ſaid Alianour the wife of James, mulier, which certificate ſo had and made, ought by the Law of England to diſherit the ſaid Dutcheſſes, Duke of York, Earl of Saliſbury, Earl of Weſtmerland, John Lord of Typtoſt, Alice, Joyce, and Henry, and their iſſue for ever, of the whole inheritance aforeſaid: whereupon the premiſſes tenderly conſidered, and to eſchew ſuch ſubtil diſheriſons, as well in the ſaid caſe, as in other caſes like in time to come, by the advice and aſſent of all the Lords Spiritual, and alſo at the ſpecial requeſt of the ſaid Commons in this preſent Parliament aſſembled, it is ordained and eſtabliſhed by authority of this Parliament, that if the ſaid Alianour the wife of James be certified mulier in any Court before this time, that no manner certificate heretofore made for the ſaid Alianour wife of James, ſhall in any wiſe put to prejudice, indamage, nor conclude any perſon or perſons but him or his heirs that was party to the plea. And that from henceforth all Juſtices of or in the Courts where any plea is or ſhall be depending, taken, or moved, in which pleas ſo depending, taken, or moved, Baſtardy is or ſhall be alledged againſt any perſon party to the ſame plea, and thereupon an iſſue joyned, which by the Law ought to be certified by the Ordinary, that the Judges or one Judge of or in the Courts, where the ſaid plea is or ſhall be depending, taken, or moved, before the time that any Writ of certificate paſs out of the ſame Court to the Ordinary, to certifie upon the iſſue ſo joyned or to be joyned, ſhall make a remembrance under their Seals or his Seal, at the ſuit of the demandant or tenant, plaintiff, or defendant in the plea, in which the Baſtardy is or ſhall be alledged, reciting the iſſue that is joyned in the ſame plea of Baſtardy, and certifying to the Chancellor of the King of England for the time being, to the intent that thereupon Proclamation be made in the ſaid Chancery by three moneths, once in every moneth, that all perſons pretending any intereſt to object againſt the party which pretendeth himſelf to be mulier, that they ſue to the Ordinary, to whom the Writ of Certificate is or ſhall be directed, to make their allegations and objections againſt the party which pretendeth him to be mulier, as the Law of holy Church requireth: and the ſaid Chancellor having notice of the ſaid remembrance and iſſue joyned, and being required by the ſaid demandant or tenant, plaintiff or defendant having the ſaid remembrance, to make the ſaid Proclamation as afore is ſaid, the ſame Chancellor for the time being ſhall cauſe to be made Proclamation in the form aforeſaid. And the Proclamation ſo made ſhall certifie in the Court where the ſaid plea, in which the Baſtardy is alledged, another time ſhall be depending. And that the Judges of or in the Court, where the ſame plea is, or ſhall be depending, taken, or moved, before any Proclamation ſo to be made in the Chancery, make one time ſuch Proclamation openly in the ſame Court, and alſo another time when the Proclamation ſhall be certified by the Chancellor of England, and made in the form above rehearſed: and then the ſaid Judge ſhall award the ſaid Writ of Certificate to the Ordinary, to certifie upon the iſſue ſo joyned or to be joyned: and if any Writ of Certificate be made or granted, before that all the Proclamations in the form aforeſaid be made and certified, that then the ſaid Writ of Certificate, and the Certificate of the Ordinary thereupon made or to be made, ſhall be void in Law, and of none effect: and if any Writ before this time be directed to any Ordinary, to certifie if the ſaid Alianour, wife of James, be Baſtard or not, and at this time not certified, if it be certified hereafter by vertue of the ſaid Writ, that the ſame Certificate of the ſaid Ordinary ſo made, be void and of none effect. Raſt. pla. fo. 29. 105. 261. 280. 577. 609.

Fitz. Proclamation 14.

Proclamations before a Writ awarded to the Ordinary to certifie Baſtardy.

Statutes made at Weſtminſter, *Anno* 10 *Hen.* 6. and *Anno Domini* 1432.

OUr Lord the King at his Parliament holden at Weſtminſter the xii. day of May, the tenth year of his Reign, to the honour of God, and for the wealth of him and his Realm, and for the tranquillity and eaſe of his people, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons in the ſame Parliament aſſembled, hath cauſed to be enacted and ſtabliſhed divers Statutes and Ordinances in the form following.

CAP. I.

Recogniſances taken before the Mayor, &c. of Calice, ſhall be effectual in England.

FIrſt, Whereas it is granted to the Mayor and Conſtables of the Staple of Calice, by the Charter of the Kings noble Progenitors, and by him confirmed, that they ſhall have power to take and record all recogniſances of debts before them made by any perſon, and therefore great doubts were, if the Recogniſances before the ſaid Mayor and Conſtables made beyond the Sea, ſhould be effectual and executory in all points within the Realm of England, as the Recogniſances made before the Mayor and Conſtables of the Staple of Weſtminſter be: Our Lord the King willing in this caſe to take away all ſuch doubts, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the ſaid Commons, hath ordained by authority of the ſame Parliament, that all the recogniſances of debts before the ſaid Mayor and Conſtables of Calice, made or to be made by any perſons beyond the Sea, ſhall be as effectual and executory, and of ſuch force in all points within the Realm, and in the ſame form executory, as the ſaid recogniſances made before the ſaid Mayor and Conſtables of the Staple of Weſtminſter, or before any other Mayors or Conſtables of the Staple within the ſaid Realm be.

Recogniſances taken before the Mayor of the Staple of Calice ſhall be effectual within England.

CAP. II.

Certain things required in him which ſhall be a chuſer of the Knights of the Parliament.

A chuſer of the Knights of the Parliament muſt be reſiant within the ſame County, and have freehold. St. 8 H. 6. 7.

ITem, Whereas at the Parliament holden at Weſtminſter the morrow of St. Matthew the Apoſtle, the viij. year of the King that now is, it was ordained by authority of the ſame Parliament, that the Knights of all Counties within the Realm of England to be choſen to come to the Parliaments hereafter to be holden, ſhould be choſen in every County by people dwelling and reſiant in the ſame, whereof every one ſhall have freehold to the value of fourty ſhillings by year at the leaſt, above all charges, upon a certain pain contained in the ſame Statute: not making expreſs mention in the ſame, that every man that ſhall be chuſer of any ſuch Knights, ſhall have freehold to the value of fourty ſhillings at the leaſt, above all charges, within the ſame County, where ſuch chuſer with other like ſhall make ſuch election, or elſewhere. And therefore our Lord the King willing to make plain declaration of the ſaid Statute, by the adviſe and aſſent aforeſaid, and at the ſpecial requeſt of the ſaid Commons, hath ordained, that the Knights of all Counties within the ſaid Realm to be choſen to come to Parliaments hereafter to be holden, ſhall be choſen in every County by people dwelling and reſiant in the ſame, whereof every man ſhall have freehold to the value of xl s. by the year at the leaſt, above all charges, within the ſame County where any ſuch chuſer will meddle of any ſuch election. St. 1 H. 5. 1.

CAP. III.

A Letter of requeſt ſhall be granted by the Keeper of the Privy Seal to any of the Kings Subjects from whom goods be taken by the King of Denmark or any of his ſubjects. Exp.

CAP. IV.

The penalty of him that maketh a falſe entry, That the plaintiff doth offer himſelf in perſon where he doth not.

The penalty of him which maketh a falſe entry, that the plaintiff doth offer himſelf in perſon where he doth not.

ITem, For that divers of the Kings liege people before this time have been outlawed and greatly vexed and diſquieted in divers ſuits, as well before the King in his Bench, as in the Common Bench, in the records of which ſuits the entries have been made, that the plaintiffs in the ſame ſuits, *Obtulerunt ſe in propria perſona ſua*, where the ſame plaintiffs never appeared to ſuch ſuits, nor had knowledge of the ſame, in great miſchief of the ſaid liege people, if remedy be not provided in this behalf: Our Lord the King willing in this caſe to provide remedy, hath ordained and eſtabliſhed by authority of this preſent Parliament, that no manner Fyliſer, Exigenter, nor any other Officer whatſoever from henceforth ſhall make ſuch entry in any manner ſuit, except that the plaintiff in the ſame ſuit, before that ſuch entry be made, do appear in his proper perſon before ſome of the ſaid Juſtices of the place, where the plea is or ſhall be depending. And there he ſhall be ſworn upon a book, that he is the ſame perſon, in whoſe name the ſaid ſuit is ſued, or that ſome other credible perſon of the Kings Council make ſuch Oath for him. And this Ordinance ſhall endure till the next Parliament. St. 18 H. 6. 9. made perpetual.

CAP. V.

A rehearſal of the Stat. of 21 R. 2. 18. touching the maintenance of certain places about Calice. OB.

CAP. VI.

What proceſs ſhall be awarded upon an Indictment removed into the Kings Bench.

St. 8 H. 6. 10.

ITem, Whereas in the Parliament holden at Weſtminſter the eighth year of the King that now is, it was ordained, that upon every indictment or appeal, by the which any of the Kings liege people, dwelling in other foreign and divers Counties then where ſuch indictment or appeal is or ſhall be taken of treaſon, felony, or treſpaſs, to be taken hereafter before Juſtices of Peace, or before any other Juſtice whatſoever, having power to take ſuch indictments or appeals, or other Commiſſioners or Juſtices in any County, Franchiſe, or Liberty of England, before any *Exigent* awarded upon any indictment or appeal in the form aforeſaid to be taken, that preſently after the firſt Writ of *Capias* upon every ſuch indictment or appeal awarded & returned, that another Writ of *Capias* ſhall be awarded, directed to the Sheriff of the County whereof he ẏ is ſo indicted or appealed is or was ſuppoſed to be converſant by the ſame indictment or appeal, returnable before the ſame Juſtices or Commiſſioners, before whom he is indicted or appealed, at a certain day containing the ſpace of three moneths, from the date of the ſame Writ and the return of the ſame, as by the ſame Statute plainly appeareth: by which clauſe of the ſame ſtatute, ẏ is to ſay, returnable before the ſame Juſtices or Commiſſioners, before whom he is indicted or appealed, ſome do think that the Writ of *Capias* ordained by the ſaid ſtatute, which ſhall be directed to the Sheriff, whereof he that is ſo indicted or appealed, is or was ſuppoſed to be converſant by the ſame indictment or appeal, ſhall be returned before ẏ ſame Juſtices or Commiſſioners, or other, before whom the indictment or appeal was taken, and not elſewhere. And imagining to defraud and make fruſtrate the ſaid ſtatute, do ſue to remove ſuch indictments and appeals out of the hands of the Juſtices or Commiſſioners aforeſaid into the Kings Bench and elſewhere, by *Certiorari* and otherwiſe, unknown to the party ſo indicted, & thereupon ſue the proceſs uſed at the Common Law, before the making of the ſaid ſtatute in the Kings Bench & elſewhere, after the removing, to the great impoveriſhing & vexation of the Kings faithful ſubjects: wherefore ẏ ſame our Lord the King, by the advice and aſſent aforeſaid, and at the ſpecial requeſt of the ſaid Commons, by authority aforeſaid, hath ordained that the ſaid Statute be holden and kept, and put in due execution in all points. Joyned to the ſame, that if any ſuch indictments, taken or to be taken before any Juſtices of Peace, or before any other having power to take ſuch indictments or appeals, or other Juſtices or Commiſſioners in any County, Franchiſe, or Liberty of England, ſhall be removed before the King in his Bench or elſewhere,

A confirmation of the Statute of 8 H. 6. 10. touching the awarding of proceſs againſt perſons indicted or appealed that do dwell in foreign Counties. Raſt. pl. f. 52. 287.

by Certiorari or otherwiſe, then after ſuch removing, before any Exigent awarded upon any ſuch endictment or appeal in the form aforeſaid taken, or to be taken, that preſently after the firſt Writ of Capias upon every ſuch endictment or appeal awarded and returned, that another Writ of Capias be awarded, directed to the Sheriff of the County, whereof he that is ſo endicted or appealed, is or was ſuppoſed to be converſant by the ſame endictment or appeal returnable before the King in his Bench at a certain day, containing the ſpace of three moneths or four, from the date of the ſaid laſt Writ of Capias, according to the manner and form that the Juſtices of Peace, and other in the ſaid firſt Statute contained, ought to have done before ſuch removing after the making of the ſaid firſt Statute. And if any ſuch Exigent be hereafter awarded upon any ſuch endictment, or appeal after ſuch removing againſt the form aforeſaid, or any outlawry thereupon pronounced, as well the ſame Exigent ſo awarded as the Outlawry thereupon to be pronounced, and every of them ſhall be holden for none and void, according as in the ſaid firſt Statute is more fully contained.

Proceſs awarded againſt perſons endicted or appealed in one County that do dwell in another after the ſame indictment, &c. is removed into the Kings Bench.

CAP. VII.

All Woolls and Woolfels that ſhall be carried to any other place then to Calice, ſhall be forfeited to the King and the finder. OB.

Statutes made at Weſtminſter, *Anno* 11 *Hen.* 6. and *Anno Domini* 1433.

OUr Sovereign Lord the King, at his Parliament holden at Weſtminſter the viij. day of July, the eleventh year of his Reign, to the reverence of God, and for the weal of the people of his Realm, by the aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons of his Realm in his ſaid Parliament aſſembled, by authority of the ſame Parliament, hath ordained and ſtabliſhed divers Statutes, Declarations, and Ordinances in the form following.

CAP. I.

They that dwell at the Stews in Southwark ſhall not be impanelled in Juries, nor keep any Inne or Tavern but there. Ob. & Pr.

CAP. II.

The penalty where a Sheriff is named a diſſeiſor in an Aſſiſe.

ITem, Whereas ſeveral perſons do often ſue Aſſiſes of Novel diſſeiſin before Juſtices aſſigned againſt divers perſons, and by craft and colluſion, to have their Writs of their ſaid Aſſiſes directed to the Coroners of the Counties where the tenements be, to make execution of the ſaid Writs, do name in their ſaid Aſſiſes the Sheriff of the ſame County one of the diſſeiſors, where he is not, neither ever was diſſeiſor or tenant of the tenements in demand, whereby oftentimes the ſaid Aſſiſes be awarded by the default of the tenants which have no knowledge of thoſe Aſſiſes, for ẏ they found not any Aſſiſe againſt them in the file of the Sheriff, nor have any ſuſpection of any ſuch Aſſiſe taken againſt the Sheriff and them: Our Lord the King, willing in this caſe to provide remedy, of the aſſent and authority aforeſaid, hath ordained, ẏ in all ſuch Aſſiſes purchaſed, at this time depending, or hereafter to be purchaſed between any perſons whatſoever they be, before any ſuch Juſtices, in which Aſſiſes any ſuch Sheriff is named diſſeiſor, if the tenants in the ſaid Aſſiſes or any of them will averre, that the ſaid Sheriff is not nor ever was diſſeiſor nor tenant of the tenements in demand, but was named diſſeiſor by colluſion, the averment ſhall be received. And if it be found by the ſaid Aſſiſe, that the ſaid Sheriff is not nor ever was diſſeiſor nor tenant of the tenements in demand, but was named diſſeiſor by colluſion, then the ſaid Juſtices ſhall cauſe to be abated and quaſhed the ſaid Writ purchaſed or to be purchaſed in the form aboveſaid: And that the plaintiffs or plaintiff be in the grievous mercy of the King.

Fitz. Aſſiſe 162.373.378. 402 Fitz. diſſeiſin. 10. Fitz. Action ſur le caſe 39.

The penalty where the Sheriff is named diſſeiſor in an Aſſiſe to the intent that he ſhall not execute the Writ. Fitz.N.B.f.155.a.

CAP. III.

An Aſſiſe, &c. maintainable againſt the Pernor of the profits.

ITem, Whereas by a Statute made the fourth year of the Reign of King Henry, Grandfather of our Lord the King that now is, amongſt other things it was ordained, that the diſſeiſees ſhall have their actions againſt the diſſeiſors during the lives of the diſſeiſors, ſo that ſuch diſſeiſors thereof take the profits at the times of the ſuit commenced, as in the ſame Statute is contained more at large; the which Statute according to the opinion of many hath been intended in Writs of Aſſiſe of Novel diſſeiſin onely, & as great miſchief it is to the parties demandants in other Writs ſued and grounded upon Novel diſſeiſin, as in Aſſiſe: Wherefore our Lord the King, willing all manner of opinions and doubts in that behalf to ceaſe, hath ordained by the aſſent & authority aforeſaid, that in all manner of Writs grounded upon Novel diſſeiſin, the diſſeiſees ſhall have their recoveries, if they will, by ſuch Writs againſt ẏ diſſeiſors of their feoffees, as well as they ſhall have in Aſſiſe of Novel diſſeiſin, ſo that the ſame diſſeiſors or their feoffees, againſt whom the Writ ſhall be brought, thereof take the profits at the time of the Writ purchaſed, notwithſtanding any gifts or feoffments made to other perſons for to delay the demandants. St. 1 R.2.9. 4 H.4.7. 1 H.7.1. 4 H.7.24. 27 H.8.10.

St. 4 H.4.7.

As well other Actions as an Aſſiſe ſhall be maintainable againſt the Pernor of the profits. Raſt. pl. f. 86. 110.258.341.342

CAP. IV.

The Plaintiffs in attaint ſhall recover their coſts and damages.

ITem, Our Lord the King, by the grievous complaint of his Commons, conſidering the miſchiefs had within the Realm, and yet not remedied, and alſo the great damage and diſheriſon that cometh by the uſual perjury of Jurors, empanelled upon enqueſts, as well in the Courts of our Lord the King, as of other, the which perjury doth abound and encreaſe daily more then it was wont, for the great gifts that ſuch Jurors take of the parties in pleas ſued in the ſaid Courts: wherefore the greater part of people that have to ſue in

The ſeveral pleas and delays that were in attaint at the Common Law.

The plaintiff in attaint ſhall recover his coſts and damages againſt the Jurors, tenants and defendants. St. 23 H. 8. 3.

the ſaid Courts, leave their ſuits for the miſchiefs aforeſaid, and namely in reſpect of the delays that be in the Writs of Attaints: for that in times paſt in Writs of Attaints, when the grand Jury had appeared in Court, and were ready to paſs, one of the tenants or defendants, or of the pety Jurors named in ſuch Writs, ſometime have pleaded falſe and faint pleas, which were not triable by the grand Jury of the attaint, and by that means delayed the taking of ſuch grand Juries until ſuch pleas were tried: and after ſuch pleas tried and found for the plaintiff, another of the Jurors tenants or defendants might plead another ſuch falſe and faint plea after the laſt continuance in the ſame attaints, and ſo every of the defendants, Jurors or tenants, after other might plead ſuch falſe and faint plea, and delay the grand Jury when it was ready to paſs: and though that all ſuch falſe and faint pleas were found againſt them which pleaded, no pain was given them by the Common Law: In regard of which delays, the grand Juries in attaints have been often grievouſly vexed and travelled, and the plaintiffs in ſuch attaints put to ſo great coſts, and thereby impoveriſhed, that they could not proſecute their ſaid ſuits, wherefore the Jurors be the more encouraged to be perjured, and to make their falſe Oaths in ſuch caſes: Our ſaid Lord the King, willing thereof to provide remedy, at the requeſt of the ſaid Commons, and by the aſſent of the Lords aboveſaid, hath ordained and eſtabliſhed, that the parties plaintiffs in all ſuch attaints ſhall recover their damages and coſts againſt all ſuch tenants, Jurors, & defendants, which they have ſuſtained in that behalf, and that this Statute extend as well to Writs of Attaints now hanging, as to Writs of Attaints to be purchaſed hereafter.

8 H. 4. c. 13.

CAP. V.

The remedy where a Tenant granteth over his eſtate, taketh the profits, and committeth waſte.

A remedy for him in reverſion where tenant for life or years granteth over his eſtate, taketh the profits and committeth waſte.
A proviſo for him that holdeth his term without impeachment of waſte.

Item, Becauſe that divers people in times paſt have let their lands and tenements to divers perſons, that is to ſay, ſome for term of life or of another mans life, and ſome for term of years, the ſaid tenants have oftentimes let and granted their eſtate, which they had in the ſame lands and tenements, to many perſons, to the intent that they in the reverſion, that is to ſay, their Leſſors, their heirs or their aſſigns, might not have knowledge of their names, and after the ſaid firſt tenants continually occupy the ſaid lands and tenements, and thereof take the profits to their proper uſe, and in the ſaid lands and tenements commit waſte and deſtruction, to the diſheritance of them in the reverſion: It is ordained and eſtabliſhed, that they in the reverſion in ſuch caſe may have and maintain a Writ of Waſte againſt the ſaid tenants for term of life, of anothers life, or for years, and ſo recover againſt them the place waſted, and their treble damages, for the waſte by them done, as they ought to have done for the waſte committed by them before the ſaid grant and leaſe of their eſtate. Provided always, that this Ordinance hold not place, but where the firſt tenants before the leaſe and grant of their ſaid eſtates, in the manner and form aboveſaid, were puniſhable of waſte; and alſo where after the ſaid grant and leaſe, the ſaid firſt tenants of the ſaid lands and tenements take the profits at the time of the waſte done to their own proper uſe. And this Ordinance ſhall extend as well to waſte by ſuch tenants done before this Ordinance as after. Fitz. N. B. fo. 59. C.

Cok. l. 5. f. 77. Dyer f. 8.

CAP. VI.

No ſuit before any Juſtices, &c. ſhall be diſcontinued by a new Commiſſion.

No ſuit before any Juſtices or Commiſſioners ſhall be diſcontinued by a new Commiſſion. St. 1 Ed. 6. 7.

Item, Our Lord the King conſidering the great loſſes and damages which oftentimes have come, and be likely to come hereafter, as well to himſelf as to many of his lieges, for that where as well divers indictments and ſuits for our Lord the King, as other ſuits between party and party have been taken before divers Juſtices of the Peace, aſſigned by ſeveral Commiſſions of our ſaid Lord the King in divers Counties of England, and divers pleas and proceſſes upon thoſe indictments have often been made, and hanging before the ſame Juſtices not determined, the which pleas and proceſſes have been often diſcontinued by making of new Commiſſions of the Peace in thoſe Counties, to the great loſs of our ſaid Lord the King, and of his ſubjects, in delay of the ſame pleas and ſuits, and of the deliverance of his ſaid ſubjects: And upon that, our Lord the King willing to provide remedy, of the aſſent and authority aboveſaid, hath ordained and eſtabliſhed, that in all ſuch pleas, ſuits, and proceſſes, in them to be taken and to be made before Juſtices of the Peace in any County of England, the ſaid pleas and proceſſes in ſuch ſuits to be done ſhall not be diſcontinued by ſuch new Commiſſions of the Peace to be made: but thoſe pleas and proceſſes ſhall ſtand in their force. And the Juſtices in the ſame new Commiſſions ſo aſſigned, after that they ſhall have the records of the ſame pleas and proceſſes before them, ſhall have power and authority to continue the ſaid pleas and proceſſes; and the ſame pleas and proceſſes, and all that depend upon them, to hear and finally to determine, as the other Juſtices might and ought to have done, of and in the ſame, if no new Commiſſion had been made.

CAP. VII.

The Statute of Anno 9 H. 6. 7. which reſtraineth the Sheriff of the County of Hereford to take money by extortion, or to do any wrong in his Tourn or other place, revived for three years. Exp.

CAP. VIII.

A confirmation of all Statutes made touching weights and meaſures.

Item, Whereas in the Parliament holden at Weſtminſter, the firſt year of King Henry, Father of our Lord the King that now is, it was ordained, that all the Statutes and Ordinances made of meaſures of Corn ſhould be firmly holden and kept, after the effect of the ſame, and that no Purveyors of the King, nor of other, ſhould not after that time forth, buy nor take any Corn or other meaſure, but by eight buſhels ſtriken for the quarter, and that none ſhould be bound otherwiſe to deliver for the quarter but eight buſhels ſtriken for the quarter, as before is ſaid, and alſo that payment ſhall be made preſently for the carriage of the ſame; and that if any Purveyor of our Lord the King, or of other perſon, from that time forward, do buy or purvey any corn otherwiſe or by other meaſure then by viij. buſhels ſtriken for the quarter, as before is ſaid, and of that be attainted, he ſhall have one years impriſonment, and ſhall pay to the King an hundred ſhillings, and to the party that feeleth him grieved an hundred ſhillings, and that as often as any of them ſhall be thereof attainted, and that the party that will ſue ſhall have thereof an Action grounded upon the Caſe. And that the Juſtices of Peace ſhall have power to inquire and to hold plea of all the things aforeſaid, and thereupon to aſſign puniſhment, as well at the ſuit of the King as of the party. And that from the ſame time forward, nothing ſhould be taken for the meaſuring of ſuch Corn in any manner: And notwithſtanding the ſaid Ordinances and Statutes, as well the Bakers and all other Merchants and buyers within the Franchiſe and City of London, as the Kings Purveyors of Corn, and all other Merchants and common buyers of Corn, in many other Cities, Towns, Boroughs, and Counties of England, continually from day to day, do buy and take nine buſhels for the quarter, that is to ſay, the Bakers, buyers, and Merchants within the City and Franchiſes of London, by a veſſel called the Fat, which containeth eight buſhels of Corn, with another buſhel of Corn put to that for a quarter, and make the ſellers of the ſame Corn againſt their will to pay one half-peny for the meaſuring of every quarter, and all the other Purveyors, Buyers, and Merchants of Corn, nine buſhels ſtriken for the quarter, againſt the form of the ſaid Ordinance and Statute, and in contempt of our Lord the King, for that the ſaid Ordinances and Statutes be not proclaimed nor put in execution, nor the ſaid penalties and forfeitures limited by the ſaid Statute, levied according to the effect of the ſame Statute: Our ſaid Lord the King, willing the ſame Statute and Ordinance to be duly holden and kept, by the aſſent and authority aboveſaid, hath ordained, that as well the ſaid Statute, as the Statute of weights and meaſures made at the Parliament of our Lord the King that now is, the eight year of his Reign, be proclaimed, as well in the City of London, as in all other Cities, Boroughs, and Counties of England, and put in due execution after the form and effect of the ſame. Joyning to the ſaid Statute, made the ſaid eight year, that in every City, Borough, and Town of the Realm, there ſhall be a common Buſhel ſealed, and according to the Standard of the Exchequer, in the ſame manner and form, and upon the ſame pain, as in the ſame Statute is ſpecified, and a common Ballance to be in every ſuch City, Borough, and Town. And that the Mayor of the ſaid City of London, and all other Mayors of all other Cities and Boroughs of England where there is a Mayor, and all Bailiffs of Cities and Boroughs where there is no Mayor, and all Juſtices of Peace in every County of England for the time being, ſhall have full power to put all the Statutes and Ordinances aforeſaid in due execution, and to hear and determine all the defaults, miſpriſions, offences, and treſpaſſes againſt the form and effect of the ſaid Statutes and Ordinances, done or to be done, or committed, as well at the ſuit of the King, as of the party which in ſuch caſe feeleth himſelf grieved, and of any other of the Kings liege people, which in this behalf will ſue for the King, and that as well by examination of the parties, or any of them, according to the diſcretion of the ſaid Mayor, Bailiffs, and Juſtices of Peace, as by Iſſues to be tried by Inquiſitions duly to be taken, and other Pleas and Proceſſes of the Law of the Land. And that as well the party grieved, as any other liege man of the King, that will ſue for the King, ſhall have the ſuit in that caſe at his will, and that he that is ſo attainted of any default, miſpriſion, offence or treſpaſs done againſt the ſaid Statute, made the ſaid firſt year, ſhall pay to him at whoſe ſuit he is thereof attainted, C s. and his reaſonable coſts of the ſaid ſuit, and to the King another C s. And that as well the Mayor of London for the time being, after that he is choſen Mayor and ſworn within the ſaid City, at his firſt coming to the Exchequer before the Treaſurer of England, and the Barons of the Kings Exchequer, as every of the ſaid other Mayors and Bailiffs in their Oaths to be made for their ſaid Offices, ſhall be charged and ſworn to do, keep and execute all the Statutes aboveſaid. And that all the Mayors and Bailiffs of Cities and Boroughs of the Realm, accomptable in the ſaid Exchequer, do yearly accompt in the ſaid Exchequer of the profits and forfeitures that may or ought to pertain to our Lord the King by the form of ẏ ſaid Statutes: Saving alway to Lords, Cities, and Boroughs, their Liberties and Franchiſes granted to them by our ſaid Lord the King, or any of his Progenitors, not revoked, repealed, or adnulled. And ſaving always, that the ſaid Statute made the firſt year of King Henry the fifth, and all other Statutes of meaſures and weights afore made, ſtand in their force.

A meaſure in London called the Fat.

St. 8 H. 6. 3.

A confirmation of the Statuts of 1 H. 5. 10. and 8 H. 6. 5. touching weights and meaſures.

There ſhall be a common Buſhel in every Town. St. 11 H. 7. 4.

All Mayors and Bailiffs ſhall be ſworn to execute the foreſaid Statute touching weights and meaſures.

Mayors, &c. ſhall accompt of the profits accrued to the King by the foreſaid Statute.

CAP. IX.

Of what length and breadth Clothes called Streits ſhall be.

Item, Whereas in a Statute made the ſeventeenth year of King Richard the ſecond after the Conqueſt, it was ordained, that every man of the Realm might make and ſet to ſale and ſell Clothes, as well Kerſies as other, of ſuch length and breadth as him pleaſed, paying the aulnage, ſubſidy, and other devoirs, that is to ſay, of every piece of Cloth after the rate, notwithſtanding any ſtatute, ordinance, proclamation, reſtraint or defence made to the contrary, & that none ſell or put to ſale any Clothes before they be meaſured by the Kings Aulnage, and enſealed with the Seal thereunto ordained, upon pain contained in the ſtatutes thereof made, and after in the ſtatute made in the ſeventh year of King Henry the fourth, grandfather of our Lord the King that now is, it was alſo ordained, that the Cloth of colour ſhould contain in length eight and twenty yards meaſured by the back, & in breadth ſix quarters and a half, & if the Cloth-makers ſhould make their Clothes of leſs length or breadth, they ſhould be forfeit to the King. And after by another Statute made in the eleventh year of the ſaid King Henry the fourth, it was ordained that proclamation ſhould be made openly

St. 17 R. 2. 2.

St. 7 H. 4. 10.

St. 11 H. 4. 6.

through the Realm, that no perſon making ſuch manner of Clothes or Doſins within the Realm, ſhould be ſo hardy to tack and fold together ſuch manner of Clothes, before that the Aulnager hath made his ſearch and ſurveying duly to the ſame Clothes, that they hold their length and breadth, ordained by the ſaid laſt Statute, made the ſaid ſeventh year, as in the ſame Statute is more fully contained. Upon which Statutes made in the time of the ſaid King Henry the Fourth, divers opinions have been holden in the Kings Eſchequer, as the ſame our Lord the King hath conceived by the complaint of the Commons of his Realm: Our Lord the King willing to repreſs ſuch opinions, of the aſſent and authority aboveſaid, hath declared, That this word (Cloth) in the ſaid Statutes before rehearſed, ſhall have relation, and ſhall be underſtood of whole Cloth called Broad Clothes and Broad Doſins, and not of other Clothes and pieces of Clothes called Streits, now made, or to be made. And moreover hath ordained and ſtabliſhed, that every man may make, ſet to ſale, and ſell all manner of Clothes called Streits, containing in length fourteen yards, and in the breadth one yard, unwatered, or elſe twelve yards watered, without impeachment of any Officer of the Kings, paying to the King the Aulnage, ſubſidies, cuſtoms, and other devoirs, that is to ſay, of every Cloth, and of every piece of Cloth after the rate contained in the ſaid Statutes. And if the makers of the ſaid Clothes called Streits make any Clothes to ſell of leſs length and breadth then next above is declared, that then it ſhall be lawful to the Aulnager to cut off the liſt at the one end of all ſuch ſtreit Clothes, not containing the ſaid length, and the ſame to be ſold for a remnant or a piece, and not for a Cloth. And that no ſuch Clothes be put to ſale until the Aulnager hath meaſured them, made his ſearch, and put to them the Kings Seal thereto ordained, upon pain of forfeiture of the ſame. And if any Aulnager enſeal any ſuch Clothes called Streits, not containing the length and breadth of the Streits aboveſaid, and cut not off the liſt of all ſuch Clothes that do not hold the ſaid length and breadth of the Streits, that then the ſaid Aulnager ſhall pay to the King for every piece of Cloth ſo found defective, ſix ſhillings eight pence; except always that all Clothes called Streits, made or to be made, until the day of the Nativity of St. John the Baptiſt next coming, ſhall have licenſe to be ſold and delivered until the Feaſt of Chriſtmas then next enſuing, of whatſoever length or breadth they be. St. 5 Ed. 6. 6. 4 & 5 P. & M. 5. 4. Jac. 2.

How this word (Cloth) ſhall be interpreted, and of what Clothes it is meant in the Statute of 7 H. 4. 10. and 11 H. 4. 6. What length and breadth the clothes called Streits ſhall contain. St. 27 El. 18.

Clothes ſhall not be put to ſale until the Aulnager hath meaſured them, and put a ſeal to them. The Aulnagers penalty for ſealing of defective cloth.

CAP. X.

He ſhall find ſureties, &c. that ſueth to defeat an execution upon a Statute.

ITem, Becauſe divers perſons within this Realm in times paſt often have been taken and arreſted by divers Sheriffs and other Officers of the King, by Writs, as well going out of the Chancery of the King, as of his Progenitors, to have execution of divers Recogniſances made before the Mayors of the Staple, of divers ſums, of which ſums ſuch perſons to whom the duty belonged, had no convenient remedy, other then the ſaid executions; which perſons ſo taken and arreſted for execution of the ſame recogniſances, be oftentimes brought by divers Writs De corpus cum cauſa before the King in his Chancery out of priſons in the which they be ſo kept by force of ſuch executions, and there they do ſue ſhewing forth divers Indentures and other things in defeſance of ſuch recogniſances, deſiring Writs of Scire facias to warn the party or parties, at whoſe ſuit they be taken and arreſted, to anſwer thereunto; And thereupon by ſurety found to the King in the Chancery, have been delivered out of priſon, notwithſtanding their ſaid arreſt for the execution of ſuch recogniſances, as above is ſaid, ne ſurety found to the Recogniſees, to whom they be ſo bound to ſatisfie them of their duties, in caſe that the matters compriſed within the ſaid Writs of Scire facias, be not found nor adjudged for the Recogniſors thereby bound, whereby the ſaid Recogniſees have been ſometime greatly delayed of their execution, and ſometime their execution utterly loſt, and in time to come likely to be loſt, for that no advantage nor avail thereof might come, be, or accrue to the ſaid Recogniſees to whom ſuch perſons be ſo bound by the ſaid ſurety ſo found to the King, ſeeing the ſame perſon ſo bound, may by the Kings pardon be acquit and diſcharged for ever. Our Lord the King conſidering that the ſaid Recogniſees to whom perſons be bound are oftentimes without remedy, if ſo be that the ſaid Recogniſors would not purſue forth their ſaid Writs of Scire facias, with effect, or otherwiſe, that the matters of their ſaid Writs of Scire facias be found or adjudged againſt them, and thereupon they withdraw them to places priviledged, or eloign them out of the Realm, or elſe they would not appear, ſo that their bodies might be put in execution, to the great hinderance and undoing of ſuch Recogniſees in time to come; and alſo becauſe that the King is inherited of the taking of ſuch ſureties to himſelf by the courſe of the Chancery: The King doth will that from henceforth ſuch ſureties be made as well to the King as to the party.

He ſhall find ſurety to the King and to the party that ſueth to defeat an execution upon a Statute ſtaple. Fitz. N. B. f. 105.

2 R. 3. fo. 7.

CAP. XI.

The puniſhment of thoſe that make aſſault upon any that come to the Parliament.

ITem, The King willing to provide for the eaſe and tranquillity of them that come to the Parliaments and Councils of the King by his commandment, hath ordained and ſtabliſhed, That if any aſſault or affray be made to any Lord, Spiritual or Temporal, Knight of the Shire, Citizen or Burgeſs, come to the Parliament, or to other Council of the King by his commandment, and there being and attending at the Parliament or Council, that then proclamation ſhall be made in the moſt open place in the Town by three ſeveral days, where the aſſault or affray ſhall be made, that the party that made ſuch affray or aſſault, yield himſelf before the King in his Bench, within a quarter of a year after the proclamation made, if it be in the time of the Term, or otherwiſe at the next day in the time of the Term following the ſaid quarter; and if he do not, that he be attainted of the ſaid deed, and

The puniſhment of ſuch as do make aſſault upon any that come to the Parliament, or &c.

pay to the party grieved his double damages, to be taxed by the diſcretion of the Juſtices of the ſame Bench for the time being, or by Inqueſt if it be needful, and make fine and ranſom at the Kings will. And if he come and be found guilty by Inqueſt, by examination, or otherwiſe, of ſuch affray or aſſault, then he ſhall pay to the party ſo grieved his double damages found by the inqueſt, or to be taxed by the diſcretion of the ſaid Juſtices, and make fine and ranſom at the Kings will, as above is ſaid. St. 5. H. 4. 6.

CAP. XII.

What Wax-Chandlers ſhall take for their work of Wax.

ITem, Our ſaid Lord the King hath conceived by the complaint of the ſaid Commons, that the Wax-Chandlers in divers parts of England, ſell Candles, Images and Figures, and other works of Wax made for offerings, after the rate of a pound of Wax for ii. s. and more, where one pound of Wax is no more worth then vi. d. whereby they gain in every pound of Wax ſo wrought, xviii. d. and more, by which means divers of the people be defrauded of their good intent and devotion, ſuppoſing ſuch Candles, Images, and Figures, and other works to be of reaſonable value, according as they pay for the ſame, where they be of none or little value. And therefore our Lord the King, willing for ſuch deceit to provide remedy convenient, hath ordained and eſtabliſhed, that no perſon ſhall ſell, nor put to ſale any ſuch Candles, Images, Figures and other works of Wax, at more higher price, but only after the rate of the price of iii. d. more in the weight of a pound over that the common price of a pound of plain Wax is between Merchant and Merchant at the time of ſuch ſale or putting to ſale, upon pain to forfeit ſuch Candles, Images, Figures, and other works of Wax ſo put to ſale, and the value of them that ſhall be ſold againſt the form of this ſtatute, and to make a fine to the King, if they be thereof duly attainted, or that it be found by examination, or due ſearch by weights, or in other manner, that they have ſold or put to ſale any ſuch Candles, Images, Figures, or other works of Wax againſt the form of this ſtatute. And that the Juſtices of Peace in every County where they be Juſtices, ſhall have power to inquire, hear and determine all things done againſt this ſtatute. And that as well every Juſtice of Peace in the County where he is Juſtice, as Mayors and Bailiffs within Cities and Boroughs, Stewards of Lords within the Franchiſes of their Lords, ſhall have power and authority to examine and ſearch as well by weights of ſuch Candles, Images, Figures, and other works of Wax, as in other manner by their diſcretion, all them that any thing ſhall hereafter do againſt this ſtatute, and to puniſh them that by ſuch examination or ſearch ſhall be found guilty in the form abovesaid. Provided that this ſtatute do not extend to Hearſes to be made for Nobles that do die.

How much wax chandlers may take for the work of a pound of wax more then the wax is worth.

Juſtices of Peace, Majors, chief officers and ſtewards may examine and puniſh offendors.

CAP. XIII.

A Confirmation for three years of the Statute of 8 H. 6. 18. That Wooll, &c. brought to Callice ſhall be ſold for ready money. Exp.

CAP. XIV.

It ſhall be felony to ſhip or carry any Merchandiſes of the Staple in Cricks, during three years. Exp.

CAP. XV.

A Cuſtomer ſhall diſcharge the Merchant that hath payed his Cuſtom.

ITem, For that our Lord the King by a petition to him delivered in the ſame Parliament, by the Commons of the ſame, for the Merchants of the Realm, hath perceived, that ſeeing the cuſtomers and Controllers in the Kings Ports do not write any warrants in diſcharge of the ſaid Merchants of their merchandiſes by them ſhewed & duly cuſtomed, ſome as well coming into the Realm, as paſſing out of the ſame, the ſame Cuſtomers and Controllers do imbeſil the Kings cuſtoms, and the Merchants be greatly hindred, becauſe that the warrants might plainly ſhew and declare their due cuſtom, when they be unduly impeached in the Kings Exchequer: The ſame our Lord the King conſidering the ſaid deceits, by the advice, aſſent, and authority abovesaid hath ordained, that the ſaid Cuſtomers and Controllers ſhall write and deliver ſufficient warrants, ſealed with the Seal of their office to that ordained, to the ſaid Merchants and to every of them, for all and every of their merchandiſes every time by them to the Cuſtomers and Controllers duly ſhewed. And that the ſaid Merchants, nor any of them, ſhall any thing pay for the ſaid warrants, but only their due cuſtom. And in caſe that any cuſtomer or Controller in any of the ſaid Ports, do the contrary, that then every Merchant ſo grieved may have an action by vertue of this Ordinance, to purſue againſt every cuſtomer or Controller that doth the contrary, in every Court of Record: And then every cuſtomer or controller ſo attainted ſhall forfeit to the King for every default ten pound, and to the Merchant thereby grieved that will ſue, a hundred ſhillings.

A cuſtomer or controller ſhall make a warant to diſcharge a Merchant that hath paid his cuſtom.

CAP. XVI.

Forfeiture of all his goods, and three years impriſonment, for ſealing of a blanck Scrowl to deceive the King of his Cuſtoms during three years. Exp.

Statutes made at Weſtminſter, *Anno* 14 *H. 6.* and *Anno Dom.* 1435.

OUr Lord the King, Henry the ſixth after the Conqueſt, at his Parliament holden at Weſtminſter, the tenth day of October, the fourteenth year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons of the Realm being in the ſame Parliament, hath cauſed to be made divers Statutes and Ordinances, to the honour of God, and for the wealth of him and his Realm in the form following.

CAP. I.

Juſtices of Niſi prius may give judgment of a man attainted or acquitted of felony.

The Juſtices of Niſi prius have authority to give judgement as well where one is attainted of treaſon or felony, as where he is acquitted.

St. 13 Ed. 1. 30.

Dyer f. 120. 10 Ed. 4 f. 19.

FIrſt, Our ſaid Lord the King hath ordained by authority of the ſaid Parliament, that the Juſtices before whom Inquiſitions, Inqueſts, and Juries, from henceforth ſhall be taken by the Kings Writ, called Niſi prius, according to the form of the ſtatute thereof made, ſhall have power of all the caſes of felony and of treaſon, to give their judgments, as well where a man is acquit of felony and of treaſon, as where he is thereof attainted, at the day and place where the ſaid Inquiſitions, Inqueſts and Juries be ſo taken, and then from thenceforth to award execution to be made by force of the ſame judgments.

CAP. II.

All woolls and fells that ſhall be ſhipped to be tranſported ſhall be carried to Calice. And no licence ſhall be granted to the contrary. But the King with the advice of his Council may modifie this Statute, And ſaving to the Merchants of Venice, Jean, Tuskane, Lumbardy, Florence, Cataloigne, and the Burgeſſes of Berwick, the liberties granted them by another Statute. O B. & Exp. St. 23 H. 6. 6.

CAP. III.

Where the Juſtices of Aſſiſe of Cumberland ſhall hold their Seſſions.

St. 6 R. 2. 5.
The Juſtices of Aſſiſe, &c. for the county of Cumberland ſhall hold their Seſſions at Carliſle.

ITem, Whereas by a ſtatute made in the time of King Richard the ſecond, it was ordained that the Juſtices aſſigned and to be aſſigned to take Aſſiſes and deliver gaols, ſhall hold their Seſſions in the principal and chief towns of every County, that is to ſay, where the Shire-Courts of the Counties heretofore were, and hereafter ſhall be holden: Our Lord the King, willing the ſame ſtatute to be obſerved and kept in the County of Cumberland, conſidering that the City of Carlile is the principal and chief City and Town of the ſaid County, and in the which the Shire-Court of the ſame County hath been holden before this time, hath granted and ordained by authority of the ſame Parliament, that the Seſſion of the Juſtices to take Aſſiſes and to deliver Gaols in the County of Cumberland be holden in time of peace and of truce in the ſaid City of Carlile, and in none other place within the ſame County, as it hath been uſed and accuſtomed of old time.

CAP. IV.

The Juſtices of Peace of Middleſex ſhall keep their Seſſions but twice in the year.

St. 2 H. 5. 4.

ITem, Whereas it was ordained by a ſtatute, that the Juſtices of Peace of all the Counties of England for the time being ſhould ſit and hold their Seſſions four times by year, to inquire and execute all charges contained in their Commiſſion, which they be ſworn to do according to the form of the ſaid ſtatute upon a great pain, as by the ſame ſtatute more fully appeareth: Our Lord the King, conſidering that all the high Courts be ſet and holden in the county of Middleſex, continually during all the four times of the Term, by which time of term the Commons inhabiting in and of the ſame county, muſt attend from time to time to inquire of all the Articles to the ſaid courts belonging, as reaſon and Law requireth, and that preſently after every of the ſaid Terms ended, the ſaid Juſtices of the ſaid County do ſit and hold their ſeſſions in the ſame County, as they ought to do by force of the ſaid ſtatute, more to avoid the ſaid penalty then for any other neceſſary thing there to be inquired, at which Seſſions they cauſe to come before them a great part of the inhabitants and commons of the ſaid Conuty of Middleſex, to inquire of all manner of things as to them is given in charge; And by that means they be charged and vexed throughout all the year, as well out of the time of term, as in time of the term, ſo that they have no reſt nor time to do their husbandry and their labour to get their living in any wiſe, to their utter undoing if if they be not relieved in this behalf: Therefore the ſame our Lord the King willing in this caſe to provide for them a remedy, hath ordained by the advice and aſſent aforeſaid, and at the requeſt of the ſaid Commons of the realm, that the Juſtices of Peace which now be, and all other hereafter for the time being, in the ſaid County of Middleſex, ſhall be clearly diſcharged of the ſaid penalty by authority of the ſame Parliament from henceforth, the Court of the Kings Bench being ſet in the ſaid County of Middleſex. Provided always, that the ſaid Juſtices of Peace of the ſaid County of Middleſex for the time being, keep, obſerve and execute the Court of the Seſſions of the Peace, two times in the year at the leaſt, and more often if need be, for any riot or forcible entry made within the ſame County of Middleſex, and that upon the pain and forfeiture of ſuch ſums as be for that ordained by any Law made before this time, to the end and intent that the ſaid Commons and Inhabitants of the ſaid County of Middleſex be not inforced nor compelled to appear before the Juſtices of Peace of the ſame County for the time being, but at ſuch time which ſhall ſeem by the diſcretions of the ſame Juſtices of Peace neceſſary and behooveful.

The Juſtices of Peace in Middleſex ſhal keep their Seſſions but twice in the year, ſaving to inquire of riots or forcible entries.

CAP. V.

All merchandiſes ſhipped in Creeks ſhall be forfeited to the King, &c.

ITem, It was ſhewed to our Lord the King, by the Commons of the ſame Parliament, that as well becauſe of undue ſearch made in the Ports and Creeks within the Realm upon divers perſons, which by ſubtil imaginations and means do ſhip woolls & woolfels, and ſeveral other merchandiſes which ought to repair to the ſtaple of Calice, and them carry and convey to divers other parts beyond the Sea, without paying cuſtom, againſt the tenour of the ſtatutes thereof made and ordained, by the which means the Cuſtoms and ſubſidies granted to the King be greatly impaired and decayed; It was ordained by the King and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament holden at Weſtminſter, the xi. year of our Lord the King that now is, that none, upon pain of felony, ſhould carry, nor ſhip any ſuch merchandiſes of yͤ Staple in any Creeks within yͤ ſaid Realm againſt the Ordinance aforeſaid: nevertheleſs divers perſons having no fear of the ſaid ſtatute, cuſtomably ſhip as well in the Ports as in the creeks aforeſaid, by undue means, great value of Wools, Woolfels, and of other merchandiſes of the Staple, and them carry into Flanders, Holland, Zealand, Brabant, and Normandy, without paying any cuſtom for the ſame; and moreover divers perſons do ſhip cuſtomably wools, and woolfels, in divers parts of the Realm of England, which be Cocketted and accuſtomed to go to Calice, and come not there, but the ſame Wools and Woolfels carry into other parts aforeſaid, contrary to the ſtatute thereof ordained, by the which untrue means the King is greatly endamaged, and defrauded of his cuſtoms and ſubſidies, and the ſaid Staple within ſhort time in point to be clearly deſtroyed, the Town of Calice impoveriſhed and decayed, and the Realm not encreaſed: Our Lord the King conſidering the premiſſes, hath ordained by the ſtatute aforeſaid, that all the wools and woolfels, and all other Merchandiſes which by ſtatute ought to repair to the ſaid Staple, found in any Creeks, ſhipped contrary to the ſaid ſtatute and ordinance, ſhall be forfeit to our Lord the King. And moreover that every perſon whatſoever he be, which at any time ſhall ſhip or cauſe to be ſhipped any manner of wools, woolfels, and other merchandiſes to go to the ſtaple aforeſaid, and come not there, ſhall forfeit as much goods as the wools, woolfels, and other Merchandiſes, by them ſo ſhipped and carried to other places then to Calice do amount, by extent after the very value, (except the Merchandiſes, which be to be excepted to paſs by the Kings licence to other places.) Reſerved always to the King the whole moity of ſuch forfeitures, which be Cocketted and accuſtomed to go to Calice, and come not there, as afore is ſaid; and to them which find and ſeiſe the Merchandiſes, the other moity, without any diminution or abatement.

All Merchandiſes of the Staple ſhipped in Creeks ſhall be forfeited to the King.

And if any perſon take any woolls, woolfels, or any other merchandiſe of the ſtaple, in any ſuſpicious place adjoyning to the water ſide, in whatſoever place that it be, and no Indenture thereof made betwixt him and the Mayor, Bailiff, or Conſtable of the Town, in the which ſuch Wools, Woolfels, and other merchandiſes of the Staple, be ſo layed, that then the ſame woolls, woolfels, and merchandiſes be forfeit; And that the King have one moity of all ſuch forfeitures, and the Lords of the Town where ſuch merchandiſes be ſo layed, and he which them find and ſeiſe, the other moity to be equally divided betwixt them. And every man ſhall have power by authority aforeſaid to make ſearch in every place for ſuch goods of the ſtaple ſo carried or ſhipped or laid to be ſhipped, as afore is ſaid, without impediment or diſturbance of any perſon. St. 11 H. 6. 14.

Merchandiſes laid in ſecret places by the water ſide to be tranſported.

CAP. VI.

None ſhall diſturb an Alien that bringeth in Victuals to ſell in groſs, or by retail.

St. 6 R. 2. 10.

ITem, Our Lord the King is informed by the ſaid Commons, how in the ſtatute made the vi. year of King Richard the ſecond, late king of England, it was ordained and accorded, that every forain and alien, being of the Amity of our Lord the King and of the Realm, and coming within the City of London, and other cities, boroughs, and towns within the ſaid Realm of England, as well within franchiſes as without, with fiſh and other victuals whatſoever, there abiding and returning, ſhould be from thenceforth under the ſafeguard and ſpecial protection of our Lord the King, and that it ſhould be lawful to them and to every of them, that they might cut fiſh and victuals aforeſaid by pieces, and to tail and retail them in part, and in whole, or in groſs, as they ſhall think beſt to ſell and make their profit, without impeachment or contradiction of any, notwithſtanding any ſtatutes, charters, ordinances, priviledges, or cuſtoms made or had to the contrary. And thereupon by a ſtatute made the firſt year of King Henry the fourth, it was ordained and ſtabliſhed, that the ſaid ſtatute and ordinance, made the ſaid vi. year, ſhould be firmly holden and kept, and duly executed after the form and effect of the ſame, notwithſtanding any Letters Patents of late granted to the Fiſhmongers of the City of London, as in the ſaid ſtatute, made the firſt year, fully appeareth: by the ſupplication of the Commons aforeſaid, hath made, ordained, and ſtabliſhed by authority aforeſaid, that the ſaid ſtatutes ſhall be firmly holden and kept, any other ſtatutes or ordinances made to the contrary notwithſtanding. Joyned to the ſame, that if any man diſturb any forain or alien to ſell their fiſh in groſs or at retail, in part or in whole, contrary to the ſaid ordinances, & thereof be duly attainted at the ſuit of the King or of the party, that then he ſhall forfeit x. li. and he that will ſue for our Lord the King, or for himſelf, ſhall have the one half, and the King the other half, and ſuch ſuit ſhall be taken for any offence committed in the City of London againſt the ſaid ordinance, for him which will ſue for our Lord the King, or for himſelf, in what County that pleaſeth him, of the Counties of Middleſex, Hertford, Eſſex, Kent, Surrey, or in the City of London. St. 9 Ed. 3. 1. 26 Ed. 3. 2. 11 R. 2. 7.

St. 1 H. 4. 17.

The forfeiture of him which diſturbeth an Alien bringing in Victuals to ſell them in groſs or by retail.

CAP. VII.

Merchandiſes taken upon the Sea from any Forainers being in amity of the King in the ſhips of the Kings enemies, ſhall not be reſtored. Exp.

CAP. VIII.

The Statutes of 2 H. 5. touching breakers of truce ſuſpended. Exp. Stat. 20 H. 6. 11.

Statutes made at Weſtminſter, *Anno decimo quinto Henrici ſexti, & Anno Domini* 1436.

AT the Parliament holden at Weſtminſter, the one and twentieth day of January, the fifteenth year of the reign of King Henry the ſixth after the Conqueſt, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons of the Realm: The ſame our Lord the King hath cauſed to be ordained certain Statutes to the honour of God, and the profit of him and his Realm, in form following.

CAP. I.

Where in a ſuit before the Marſhal, the defendant may plead, that the Paintiff or he are not of the Kings houſe.

St. 28 Ed.1.3. 13 R.2.2.

In a ſuit commenced before the Marſhal of the Kings houſe, the defendant ſhall not be eſtopped to plead that the plaintiff or he are not of the Kings houſe.

FIrſt, becauſe that the Stewards and Marſhals of the Kings houſe, and their deputies, before this time have holden before them pleas of Debt, detinue, and other pleas perſonal moved betwixt people which were not of the ſame houſe, making mention in their records that the plaintiffs and defendants of the ſame pleas were of the ſaid houſe, and do not allow to the parties defendants in the ſame pleas, their challenges and exceptions by them alledged, that they themſelves, or plaintiffs in the ſame ſuits be not of the ſame houſe, againſt the Laws and ſtatutes before this time had and made, whereby divers of the Kings liege people in his Court holden before the ſaid Stewards and Marſhals oftentimes, againſt the Law, be grievouſly vexed and troubled to their great damage and hindrance: Our ſaid Lord the King conſidering the premiſſes, hath ordained by authority of the ſame Parliament, that in every ſuit from henceforth againſt the ſaid defendants to be taken, they ſhall not be eſtopped by ſuch record, to ſay that themſelves, or the plaintiffs in the ſame record ſpecified, were not, at the time of the ſaid plea or ſuit thereof commenced, of the Kings houſe, as by the ſame record is ſuppoſed: But the defendants ſhall have their averment to ſay that they themſelves or the ſaid plaintiffs were not of the ſame houſe at the time of ſuch plea or ſuit commenced, The ſaid record or other matter within the ſame contained notwithſtanding.

CAP. II.

Corn being of ſmall price, viz. Wheat at vj. s. viij. d. and Barly at iij. s. iv. d. the quarter, may be carried forth of the Realm without licence. Alt. 1 Jac.25. 21 Jac.28. & 3 Car.4. St. 20 H.6.6.

CAP. III.

What things be requiſite to make a ſafe conduct effectual.

ITem, Whereas our ſaid Lord the King of late hath granted his letters of ſafe conduct to certain perſons to come and go in and out of the Realms and Seigniories of England, France, and Ireland, with certain number of ſhips charged with their Merchandiſes, and that faith and credit ſhould as well be given to the Copy called Vidimus, ſealed under the ſeales Authentique and approved, as to the original of the ſaid Letters; one John de Guntier one of the perſons aforeſaid, granted and delivered the Vidimus of the ſaid ſafe conduct to ſuch, and to as many as him pleaſeth, ſealed with the Seal of him that calleth himſelf King of France, under the colour of which Vidimus a great Navy of the adverſe part was aſſembled, and did take many ſhips, and the Kings liege people and victual, to the Towns and Fortreſſes of the Adverſaries, to the great damage of the King, and of the liege people aforeſaid, as our ſaid Lord the King, at the grievous complaint to him made by the ſaid Commons in the ſaid Parliament hath perceived. The ſame our Lord the King, conſidering the great inconveniences which might enſue by ſuch and other which do evil uſe his Letters of ſafe conduct, and that under colour of ſuch Vidimus a whole Navy of enemies may be coloured, and daily victual, ſtuffe, and refreſh their party, in great damage of his Realm of England, doth will, and hath commanded by the authority aforeſaid, to the keepers of his great & privy Seal, that they ſhall not ſuffer ſuch clauſe Vidimus to be put in any ſafe conduct from henceforth to be granted, unleſs it ſo be, that ſome great or ſome notable cauſe or matter move the ſame our Lord the King to grant the ſame in ſuch wiſe; and willeth alſo that in all ſafe conducts to be granted from henceforth to any perſon or perſons, the name of them, of the Ships, and of the Maſters, and the number of the Mariners, with the portage of the ſhips, ſhall be expreſſed.

The clauſe vidimus ſhall not be put in a ſafe conduct upon ſome ſpecial cauſe.

What things be requiſite to be inſerted in a ſafe conduct to make it effectual. St. 18 H. 6.8. 20 H.6.1. 14 Ed.4.4.

CAP. IV.

None ſhall ſue a Subpœna until he find ſurety to ſatisfie the defendant his damages, if he do not verifie his Bill.

No perſon ſhall ſue forth Subpena until he find ſurety to ſatisfie the defendant his damages and coſts, if he do not verifie his Bill.

ITem, For that divers perſons have before this time been greatly vexed & grieved by writs of Subpœna, purchaſed for matters determinable by the Common Law of this Land, to the great damage of ſuch perſons ſo vexed, in ſubverſion and impediment of the Common Law aforeſaid: Our Lord the King doth command, that the ſtatutes thereof made ſhall be duly obſerved according to the form and effect of the ſame, and that no Writ of Subpœna be granted from henceforth until ſurety be found to ſatisfie the party ſo grieved and vexed for his damages and expences, if ſo be that the matter cannot be made good which is contained in the Bill. St. 17 R.2.6. Co. Inſt. 4 p. 327.

CAP. V.

What ſort of perſons may be impanelled upon an Attaint.

ITem, Our Lord the King conſidering that the trial of life and death, of Lands and Tenements, goods and chattels of every perſon of his liege people of this Realm, touching matters in deed by the law of the ſame Realm, remain and ſtand, and daily is very likely to be had and made by the oaths of Enqueſts of twelve men duly ſummoned in his Courts; and alſo that the great perjury which horribly continueth, and daily increaſeth in the common Jurors of the ſaid Realm, is moſt likely to tend to the greateſt miſchief which may fall to the ſaid Realm; and that it is to be ſuppoſed by reaſon, that the more ſufficient that men be of Lands and Tenements, the more unlikely they are to be drawn or moved to perjury by brocage, power, or corruption, and that in every action and writ of attaint, at the leaſt there muſt be xiij. defendants, unleſs that the death of any cauſe the contrary, of which xiij. defendants every perſon by the Law may have a ſeveral plea and anſwer, triable in whatſoever County that him pleaſeth of the ſaid Realm, and every of the ſame xiij.

pleas and anſwers triable out of the County in which the Action and Writ of Attaint is ſued, doth cauſe the delay of the taking of the grand Jury of Attaint, until the time that every of the ſaid foreign ſeveral anſwers be tried: And though that all theſe xiii. ſeveral anſwers and pleas, every one after other, to cauſe more delays be pleaded, tried, and found, againſt theſe xiii. defendants, they themſelves have no prejudice by the ſame, nor the plaintiffs in the ſaid Actions and Writs of Attaint no other advantage, but that the Kings Court then ſhall proceed to the taking of the ſaid grand Jury, which by ſubtilty that daily increaſeth, may cauſe the delay of the plaintiffs in the ſaid actions and writs of Attaint by ten years or more, by common eſtimation: hath ordained by authority aforeſaid, for part of the remedy of yͤ ſaid miſchief, that no Sheriff, Bailiff of franchiſe, nor Coroner in Actions, or Writs of Attaint of plea of Land, of yͤ yearly value of xl.s. or more, nor Action of Attaint of deeds concerning Lands or Tenements of like value or more, nor perſonal, whereof the Judgment of the recovery ſhall extend to the ſum of fourty pounds, or more, ſhall return nor impanel in any inquiſition nor enqueſt any perſons, but ſuch as be inhabiting within his Bailiwick, which have eſtate to their own uſe, or they to whoſe uſe other perſons have eſtate of Fee ſimple, Fee taile, or Freehold, in Lands and Tenements of the yearly value of xx.li. or more in his Bailiwick, out of ancient demean, the five Ports, and the tenure of Gavelkind, nor ſhall return in the Kings Court leſs iſſues in the ſaid Actions of Attaint, then xl. s. at the firſt Writ of Diſtreſs, and C. s. at the ſecond Writ of Diſtreſs, and the double of every other Writ of Diſtreſs againſt the perſons impanelled and returned to be ſworn in the ſame actions. And that no perſon of leſs ſufficiency of Freehold then of the yearly value of xx. li. in the form aforeſaid, ſhall be ſworn in the Kings Court upon any iſſue in the ſaid Actions of Attaint, if he be for the ſame by the plaintiffs in due form challenged. And that alſo as often as any Sheriff, Bailiff of Franchiſe, or Coroner, do contrary to this Ordinance, he ſhall pay, and by this Statute be bound to pay to the King x. li. and to the Plaintiffs in the ſaid Actions and Writs of Attaint for their delay other x. li. And if any of the foreign anſwers and pleas be tried and found againſt any of the ſaid defendants, that then the ſame Judgment againſt the ſame defendants, and for the ſaid plaintiffs, ſhall be given by the Kings Juſtices, and conſideration of his Courts, as by the law ſhould be given againſt the ſame defendants, in caſe that the grand Jury in the ſaid actions and Writs of Attaint upon the points and Articles of the ſame writs had paſſed againſt the ſame defendants, and with the ſaid plaintiffs. And that by the ſame judgments no other of the ſaid defendants, but they againſt whom the aforeſaid forrain anſwers and pleas be found and tryed, ſhall be prejudiced or endamaged. And that this ſtatute touching the office of Sheriff, Bailiff of Franchiſe, and Coroner, in returning of the ſaid perſons of the ſufficiency of Freehold of the yearly value of xx. li. and that no perſon of leſs ſufficiency of Freehold be ſworn in the ſaid actions and writs of Attaint, ſhall not extend to Cities and Boroughs within the ſaid realm, nor to the inhabitants in the ſame.

What ſort of perſons and of what ſufficiency in eſtate may be impanelled in Juries upon an Attaint.

36 H.6.ſ.23.

St. 18 H.6.2.

What iſſues ſhall be returned upon every Juror in an attaint.

A forrain plea pleaded by any of the defendants found for the plaintiff and againſt the defendant.

This ſtatute doth not extend to cities or boroughs.

12 Ed.4.ſ.23.

Provided always, yͭ if in any of the ſaid Counties there be not perſons inhabiting (under the eſtate of a Baron) of poſſeſſion of Lands and Tenements of the yearly value of twenty pound, in the ſame County, in the form aforeſaid, to ſuffice the number to be impanelled and returned into the ſaid Actions and Writs of Attaint, that then the ſheriffs and bailiffs of Franchiſes, and Coroners of the ſame County, ſhall impanel and return in the ſame actions and writs, perſons there inhabiting, of the moſt ſufficient of poſſeſſion of yearly value of lands and tenements within the value of xx. li. in the ſame County, in the form aforeſaid. And that to ſuch perſons the ſaid challenge extend not, that he is not of poſſeſſion of lands and tenements of the yearly value of xx. li. in the ſame County. And that as often as any of the ſame Sheriffs, Bailiffs, or Coroners do contrary to this preſent article, he ſhall pay to the King x.li. and to the plaintiffs x. li. in the form aforeſaid. St. 23 H.8.3.

A remedy if there be not ſufficient men in the ſame County which have Lands of the yearly value of xx.li.

CAP. VI.

A reſtraint of unlawful orders made by Maſters of Guilds, Fraternities, and other Companies. Exp. St. 19 H. 7. 7.

CAP. VII.

All perſons religious and ſecular may make their general Atturnies to ſue or plead for them in every Hundred and Wapentake. To endure ſo long as it ſhall pleaſe the King. Exp. St. 20 H. 3. 10. 27 Ed. 1. 13 Ed. 1. 10. 7 R. 2. 14.

CAP. VIII.

No Merchant ſhall ſhip any Merchandiſes of the Staple, but at Wharfs aſſigned, &c.

ITem, our Lord the King to avoid and eſchew the great diſloyalty and damage which daily is done to him, in with-holding the cuſtoms and ſubſidies, and the hindrance to the ſtaple of Calice, in the ſale of Woolls and Woolfels, by ſuch which do ſhip their Woolls and Woolfels in divers ſecret parts and creeks, and other ſuſpect places within this Realm, ſtealing, conveying, and carying the ſame not cuſtomed to divers parts beyond the Sea, and not to Calice, hath ordained by the authority aforeſaid, that hereafter no manner of perſon ſhall ſhip or cauſe to be ſhipped Woolls, Woolfels, nor other Merchandiſes pertaining to the ſtaple, in any place within this Realm, but only at the Keys and Wharfs, being in the Ports aſſigned by the ſtatute, where the Kings weights and his Woolls be ſet. And that every Maſter of ſhips and Veſſels in the which ſuch Woolls and Woolfels, and Merchandiſes be put, ſhall find ſufficient ſurety to the Cuſtomers of the Ports where they do ſhip, to carry the ſaid Woolls and Woolfels to the ſtaple of Calice, and to bring a Certificate from thence that he hath ſo done. Saving always to the Merchants of Jean, Venice, Tuſcain, Lumbardy, Florence, and Cateloine, and to the Burgeſſes of Berwick, the Liberties to them granted by ſtatute heretofore.

No perſon ſhall ſhip any Merchandiſe of the Staple but at the keys aſſigned where the Kings weights be. 14 H.6.2.5. 4 Ed 4.2. St. 8 H.6.17.

Statutes made at Weſtminſter, *Anno decimò octavo Henrici ſexti, & Anno Domini* 1439.

OUr Lord King Henry the ſixth after the Conqueſt, at his Parliament holden at Weſtminſter, the morrow after S. Martin in Winter, the twelfth day of November, the eighteenth year of his reign, to the honour of God, and for the weal of him and of his Realm, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in the ſame Parliament aſſembled, hath made, ordained, and ſtabliſhed divers Statutes and Ordinances in the form following.

CAP. I.

Letters Patents ſhall bear the date of the Kings warrant delivered into the Chancery.

The Kings Letters Patents ſhall bear date the day of the Kings warrant into the Chancery delivered.

Plow. f. 40r. 20 H. 7. f. 8. Dyer f. 133.

FIrſt, Whereas by ſuit made to the King by divers perſons it hath been deſired by their petitions, to have offices, ferms, and other things of the gift and grant of the King by his gracious Letters Patents, thereof to them to be made, deſiring by the ſame petitions the ſame Letters Patents of the King, to bear date at a certain day limited in the ſame, the which day is often long before the Kings grant to them thereupon made, have born the ſame date; by reaſon whereof, divers of the Kings liege people having ſuch Offices, Ferms, and other things of the gift or grant of the King, by his gracious Letters Patents thereof to them long time before duly made, by ſuch ſubtil imagination of ſuch antedates deſired by ſuch petition, of ſuch Offices, Ferms, and other things, often have been put out, amoved and expelled, againſt right, good conſcience, and reaſon: Our ſaid Lord the King, willing to put out ſuch imaginations, by the advice and aſſent of the Lords Spiritual and Temporal aforeſaid, and at the ſpecial requeſt of the ſaid Commons, hath ordained by authority of the ſame Parliament, that of every warrant hereafter ſent by the ſame our Lord the King or his heirs, to the Chancellor of England, for the time being, the day of the delivery of the ſame to the Chancellor ſhall be entred of record in the Chancery. And that the Chancellor do cauſe Letters Patents to be made upon the ſame warrant, bearing date the day of the ſaid delivery in the Chancery, and not before in any wiſe. And if any Letters Patents be from henceforth made to the contrary, they ſhall be void, fruſtrate, and holden for none.

CAP. II.

They which have Gavelkind Lands to the yearly value of twenty pound may be returned in Attaints.

They which have Gavelkind lands to the yearly value of xx. li. may be impanelled upon attaints notwithſtanding the Statute of 15 H. 6. 5.
St. 23 H. 8. 3.

ITem, Where in the Parliament of our Lord the King, holden at Weſtminſter the fifteenth year of his reign, among other Articles it was ordained, that no Sheriff, Bailiff of Franchiſe, nor Coroner, in Action or writs of Attaint, of Plea of Land of the yearly value of xl. s. or more, nor in action of Attaint of Deeds concerning Lands and Tenements, of the yearly value of xl. s. and more, nor in perſonal action, whereof the Judgment of the recovery extends to xl. li. or more, ſhould return or impanel in any inquiſition or enqueſt any perſons, but them that be inhabiting within his Bailiwick, which have eſtate to their uſe, or they to whom other perſons have eſtate of Fee ſimple, Fee tail, or Freehold, in Lands and Tenements of the yearly value of xx. li. or more, within his bailiwick, out of ancient demean, five Ports, and the tenure of Gavelkind: In reſpect of which Ordinance, ſeeing within the County of Kent there be but xxx. or xl. perſons at the moſt, which have any lands or tenements out of the tenure of Gavelkind, becauſe the greater part of the ſaid county or well nigh all, is of the tenure of Gavelkind, which perſons be continually impanelled and returned in the ſaid actions, to the great hindrance aud impoveriſhment of the ſame perſons: Our ſaid Lord the King conſidering the premiſſes, hath granted, ordained and ſtabliſhed by authority aforeſaid, that thoſe men which have eſtate to their uſe, and alſo they to whoſe uſe other men have eſtate of Feeſimple, Feetail, or Freehold in Lands and Tenements, of the yearly value of xx. li. of the tenure of Gavelkind, ſhall be returned and impanelled, in all ſuch attaints as be above recited, which attaints be not now depending, but may depend in time to come, in the ſame manner and form as any other perſon may be returned and impanelled, by force of the ſaid ſtatute made the ſaid xv. year.

CAP. III.

Butter and Cheeſe may be tranſported without licence.

St. 21 R. 2. 17.
St. 3 H. 6. 4.
18 H. 6. 17.
10 H. 6. 7.
14 H. 6. 2.
St. 21 R. 2. 17.

The Kings people may carry butter and cheeſe to any place out of the Realm being in amity with the King without licence.

ITem, whereas in the ſtatute made the xxi. year of King Richard the ſecond, at the grievous complaint of his Commons, ſhewing how the Staple was limited to reſt at Calice, and that all manner of Wolls, Woolfels, Leather, Lead, Tin, Cheeſe, Butter, and Hony, going out of the Realm of Eugland, ought to have recourſe to the ſaid place of Calice, and to no place elſewhere: certain perſons by their ſuggeſtions had before that time purchaſed licences to carry out Wolls, and other Merchandiſes aforeſaid to what parts beyond the ſea that pleaſed them, of the Kings amity, to the which their Licences do extend, without coming to the ſaid place of Calice, to the great advantage of the perſons ſo having Licences, and great damage of them which have no Licence: wherefore the ſaid King by authority of his Parliament holden the year aforeſaid, ordained & ſtabliſhed, that the ſaid ſtatute ſhould be holden and obſerved, as to the great Merchandiſes aforeſaid, that is to ſay, Wolls, Woolfels, Tin, and Lead only, without Licence thereof to be granted but by the King himſelf. In reſpect of which ſtatute ſo made, the Chancellor for the time being often hath denied to grant Licences for Cheeſe and Butter, to be carried to any other place, but only to the ſame Calice, to the great damage of the people of this Realm: Our ſaid Lord the King, conſidering that Cheeſe and Butter is a Merchandiſe which cannot be well kept, nor tarry his Merchant, and will be greatly impaired by vermine and worms, and is alſo tender and of ſo ſimple price, that it cannot well bear the coſts of the Staple, hath ordained by the authority aforeſaid, that the Kings liege people may convey and carry out of his Realm, whither it ſhall pleaſe them, of the Kings amity, Cheeſe and Butter, without any Licence to be purſued in any wiſe, paying for the ſame the Cuſtoms and Subſidies thereof due from time to time, any ſtatute made to the contrary notwithſtanding.

Provided that the King may reſtrain the ſame when it ſhall pleaſe him. St. 1 & 2 P & M. 5. St. 3 H. 6. 4.

CAP. IV.

No Merchant Alien ſhall ſell any Merchandiſes in England to another Merchant Alien upon pain of forfeiture thereof. The Mayor, Bailiff, or chief Officer of the City, Borough, or Town where any Merchant Alien ſhall repair, ſhall aſſign to every ſuch Alien an Hoſt or Surveyor, who ſhall ſurvey all his buyings and ſellings, and regiſter them in a Book, and certifie them into the Exchequer, and ſhall have two pence in the pound for all Merchandiſe by him bought or ſold: The ſame Alien ſhall ſell all his Merchandiſe for other Merchandiſe or for money, and therewith buy Engliſh Merchandiſe within eight moneths after his arrival, upon pain of forfeiture thereof: The Merchants of Almain ſhall not be compriſed in this Act. Exp. St. 4 H. 4. 15. 5 H. 4. 9. 27 H. 6. 3. 17 Ed. 4. 1. 3 H. 7. 8. 14 Car. 2. cap. 26.

CAP. V.

None appointed to be a Collector of a Fifteen in a City, ſhall be alſo Collector in the ſame County: Except he hath Lands, &c.

ITem, Whereas heretofore at the time of every quinzime and diſme, granted to the King or to his Progenitors, the Collectors of the ſame diſmes, within the Cities and Boroughs of his Realm, having Citizens, or Burgeſſes of them coming to the Parliament, have often been deputed and aſſigned of perſons dwelling within the ſame Cities and Boroughs, which and other perſons dwelling in the ſame, have been often now of late made Collectors of the ſame Quinzime and Diſmes granted to the King, as well in the Counties within which the ſame Cities and Boroughs be, as within the ſame Cities and Boroughs, to their great loſs and damage, and likely more to be hereafter if remedy be not provided: The ſame our Lord the King willing againſt ſuch loſs and damage to provide a remedy in this behalf, hath ordained by the authority aforeſaid, that no man dwelling within any City or Borough in the ſaid Realm, of which City or Borough it hath been uſed before this time, and yet is, the names of certain men by the perſons for the ſaid City or Borough coming to the Parliament to be delivered in the Kings Chancery to be Collectors of Diſmes, in the ſame City or Borough, and whereupon the King hath ſent his Letters Patents to the ſame perſons ſo named and delivered in his Chancery to be Collectors of the Diſmes, or parcel of the ſame within the ſaid City or Borough, and the which Collectors have uſed and been bound to accompt of their receit in this behalf immediatly in the Kings Eſchequer, ſhall in any wiſe be deputed nor aſſigned to be Collector of any Quinzime, or any parcel of the ſame, granted or to be granted to the King or his heirs within any County of this Realm; except that he may diſpend in the County out of the ſaid City or Borough in lands or tenements to the value of an hundred ſhillings by the year over the charges and repriſes.

No man dwelling in any city or &c. appointed to be collector for the fifteen there, ſhall be ſo in the ſame County.

CAP. VI.

No lands ſhall be granted by Letters Patents, until the Kings title be found by Inquiſition.

ITem, Whereas in a Parliament holden at Weſtminſter, the morrow after S. Matthew the Apoſtle, the eighth year of the reign of our Lord the King that now is, among other things it was ordained, that no Lands or Tenements ſeiſed into the Kings hands upon Enqueſts taken before the Eſcheators or Commiſſioners ſhall not be granted nor let in any wiſe to ferm by the Chancellor, or Treaſurer of England, or any other the Kings Officer, until the ſame Enqueſts and Verdicts be fully returned into the Chancery or into the Eſchequer, but all ſuch lands and tenements ſhall wholly and continually remain in the Kings hands, until the ſaid Enqueſts and Verdicts be returned; and by a moneth after the ſame return, if it be not ſo that he or they which feel themſelves grieved by the ſame enqueſts, or put out of their lands or tenements, come into the Chancery, and offer themſelves to traverſe the ſaid Enqueſts, and offer themſelves to take the ſame lands or tenements to ferm. And if they ſo do, that then the ſame lands and tenements ſhall be committed to them if they ſhew good evidences proving their traverſe to be true, according to the form of the ſtatute made the ſix and thirtieth year of Edward the third, to hold until the iſſue taken upon the ſame traverſe be found and diſcuſſed for the King or for the party, finding ſufficient ſurety to purſue the ſaid traverſe with effect, and to yield and pay to the King the yearly value of the lands or tenements, whereof the traverſe ſhall be ſo taken, if it be adjudged for the King. And if any Letters Patents of any lands or tenements be made to any other perſon to the contrary, or let to ferm within the ſaid moneth of the return, they ſhall be void and holden for none. The which good ſtatute and ordinance divers perſons deviſing to ſubvert, and by their ſubtilty to ſerve as for no purpoſe, have ſued to obtain ſuch gifts, and grants, and ferms by the Kings Letters Patents, before any inquiſition or title found for the King of the ſame, pretending ſuch gifts and grants not compriſed nor remedied by the ſaid ſtatute, notwithſtanding that it is in like miſchief of the ſaid ſtatute: Our ſaid Lord the King, conſidering the premiſſes, and willing to provide due remedy in this behalf, hath ordained by the authority aforeſaid, that no Letters Patents ſhall be made to any perſon or perſons of any lands or tenements, before inquiſition of the Kings title in the ſame be found in the Chancery or in his Eſchequer returned, if the Kings title in the ſame be not found of record, nor within the moneth after

St. 8 H. 6. 16.

St. 36 Ed. 3. 13.

No lands ſhall be granted before the Kings title thereunto be found by inquiſition, nor within a moneth after, unleſs it be to him that tendreth his traverſe.

Bro. Office 56. Fitz. grant. 91. Dyer f. 146.

the ſame return, if it be not to him or them which tender their traverſes as afore is ſaid: And if any Letters Patents be made to the contrary, they ſhall be void, and holden for none. St. 8 H.6.16. 23 H.6.17. 1 H.8.10.

CAP. VII.

In what time an Eſcheator ſhall return an Office found before him.

An Eſcheator ſhall return an office found before him into the Chancery or Eſchequer within a moneth.

ITem, it is ordained by the authority aforeſaid, that in caſe that any Eſcheator take any office before him, and return not the ſame office in the Chancery, or in the Kings Eſchequer in the moneth after the taking of the ſame, he ſhall incur the pain of xl. li. which he hath forfeit by the ſtatute made the eighth year of our ſaid Lord the King; and alſo he ſhall be charged to pay to the ſame our Lord the King as much as he is indamaged in reſpect of not returning of ſuch office. And that the Chancellor of England call to him the Treaſurer of England in letting ſuch ferms, to make due execution of the ſaid ſtatute made the ſaid eighth year. Stat. 8 H.6.16. 1 H.8.8.

CAP. VIII.

What things be requiſite to make the Kings ſafe conduct good.

ITem, Whereas many people of the Commons aforeſaid, owners of ſhips and veſſels of this Realm, and the Maſters and Mariners of ſuch ſhips, taking ſhips and veſſels of Spain and of other parts adverſaries and enemies to our ſaid Lord the King, by the ſuit of Merchants aliens of the Kings amity, made before the King and his Council, and ſometime before the Chancellor of England, have been greatly vexed, and be daily, for that the ſaid takers do take their goods and Merchandiſes charged in the ſaid Ships and veſſels of Spain, and other parts enemies aforſaid, and ſometime by falſe witneſs, marks, and letters teſtimonials contrived, the ſaid aliens be reſtored to the ſaid goods and merchandiſes with their damages and expences, to the great and grievous loſs of the ſaid owners, maſters, and mariners, takers aforeſaid, and diſcouragement to the Kings leige people, to make ſuch ſhips and veſſels, and in hindrance of the Navy of the Realm aforeſaid: Our ſaid Lord the King conſidering the matter aforeſaid, & how the goods & merchandiſes of the K. liege people in like caſe charged and taken be forfeit to the King, hath ordained & granted by the authority aforeſaid, that the ſaid Merchants aliens at their pleaſure may charge ſuch ſhips and veſſels of Spain and of other parts adverſaries and enemies of the King, if the Maſters, Owners, or Merchants of ſuch veſſels and ſhips, having Letters Patents of the King of his ſafe conduct, ſurety, or ſafegard for ſuch ſhips or veſſels and merchandiſes, making mention of the name of the Ships or veſſels, and of the name of the Maſter of the ſhips and Veſſels, as the manner is: And if any ſuch Ships or veſſels charged with any merchandiſes of ſuch Merchants aforeſaid be taken upon the Sea by the Kings liege people not having the Kings Letters Patents as afore is ſaid, within the board of ſuch ſhips or veſſels, at the day of the taking, nor that ſuch Letters Patents at the day of the taking be in the Kings Chancery enrolled of Record, that then the takers and poſſeſſors of the goods and merchandiſes ſo taken, may enjoy and hold the ſame, any ſtatute or ordinance made to the contrary notwithſtanding. And that this Statute and Ordinance ſhall begin to take his force at the Feaſt of S. Michael next coming. And that Proclamation be thereof made upon the Sea-Coaſts, incontinently after this Ordinance, to the intent that the ſaid Merchants aliens may have knowledge of the ſame Ordinance. St. 15 H.6.3. 20 H.6.1. 14 E.4.4.

What things be requiſite to be performed by them which will take advantage of the Kings ſafe conduct.

CAP. IX.

The warrant of Atturney ſhall be recorded the ſame Term that the Exigent is awarded.

St. 10 H.6.4.

A falſe entry that the plaintiff in a ſuit doth offer himſelf in proper perſon, where he doth not.

ITem, Whereas in a ſtatute expired, made the tenth year of the reign of our Lord the King that now is, it was contained, that ſeeing divers of the Kings liege people before that time had been outlawed, vexed, and greatly diſquieted in divers ſuits as well before the King himſelf in his Bench, as in the common Bench, in the Records of which ſuits the entries have been made, that the plaintiffs in the ſame ſuits Obtulerunt ſe in propria perſona ſua, where the ſame plaintiffs in the ſame ſuits did not appear to ſuch ſuits, nor had any knowledge of the ſame, to the great miſchief of the liege people, if remedy ſhould not be provided: Our Lord the King willing in this caſe to provide a remedy, did ordain by authority of the ſame Parliament, holden in the ſame year, That no Filizer, Exigenter, nor any other officer from ye ſame time ſhould make any ſuch entry in any ſuch ſuit, except ye the ſame plaintiffs in the ſame ſuit, before any ſuch Entry ſhall be made, do appear in his proper perſon before ſome of the Juſtices of the place where the plea was or ſhall be hanging, & they ſhall be ſworn upon a book, that he was the ſame perſon in whoſe name the ſaid ſuit was ſued, or that ſome other credible perſon of his Council ſhall make ſuch oath for him: And that this ordinance ſhall endure until the next Parliament following. Our ſaid Lord the King conſidering moreover like damages, which happen as well to him as to his poor liege people and ſubjects, for that in the Records of divers and many outlawries, the entry is, that the parties do appear by their Atturnies, where the Atturnies have no warrant of Record, by reaſon whereof the ſaid outlawries be reverſible, and for the moſt part reverſed, hath ordained by authority of this Parliament, that the ſaid ſtatute be affirmed, holden and kept to endure for ever. And that no officer contained in the ſaid ſtatute ſhall do to the contrary of the ſame, upon pain of forfeiture of fourty ſhillings to the King every time that he of that ſhall be attainted by due examination made by any of the Juſtices of the ſame place, before whom any Entry or Record is. And that every Atturney which hath not his Warrant entred of Record in all his ſuits, wherein Proceſs of Capias and Exigent be awardable, the ſame Term in the which the Exigent is awarded, or before, and upon that be attainted by like examination, for every time that he ſo offendeth, he ſhall incurr the pain aforeſaid. St. 32 H.8.30. 2 Ed.6.32. 18 El. 13.

The St. of 10 H.6.4. rehearſed and made perpetual.

41 Ed.3.ſ.1. 8 H.4.1.3.

The penalty of an Atturney that doth not enter of record his warrant the ſame term that the Exigent is awarded.

CAP.

CAP. X.

Commiſſions of Sewers ſhall be awarded, where need ſhall require, during ten years. Exp.

CAP. XI.

Of what yearly value in lands a Juſtice of Peace ought to be.

St. 1 Ed. 3. 16. 18 Ed 3. 2. 13 R. 2. 7. 17 R 2. 10.

ITem, Whereas by ſtatutes made in the time of the Kings noble Progenitors, it was ordained, that in every County of England Juſtices ſhould be aſſigned of the moſt worthy of the ſame counties, to keep the Peace, and to do other things, as in the ſame ſtatutes fully is contained; which ſtatutes notwithſtanding, now of late in many counties of England the greateſt number have been deputed and aſſigned, which before this were not wont to be, whereof ſome be of ſmall behaviour, by whom the people will not be governed nor ruled, and ſome for their neceſity do great extortion and oppreſſion upon the people, whereof great inconveniences be likely to riſe daily if the King thereof do not provide remedy: The King willing againſt ſuch inconveniences to provide remedy, hath ordained and ſtabliſhed by authority aforeſaid, That no Juſtice of Peace within the Realm of England, in any County, ſhall be aſſigned or deputed, if he have not Lands or Tenements to the value of xx. li. by year; and if any be ordained hereafter to be Juſtices of Peace in any county which hath not lands or Tenements to the value aforeſaid, that he thereof ſhall give knowledge to the Chancellor of England for the time being, which ſhall put another ſufficient in his place; and if he give not the ſaid knowledge (as before) within a moneth after that he hath notice of ſuch Commiſſion, or if he ſit or make any warrant or precept by force of ſuch Commiſſion, he ſhall incur the penalty of xx. li. and nevertheleſs be put out of the Comiſſion as before, and the King ſhall have the one half of the ſaid penalty, and he that will ſue for the King the other half; and he that will ſue for the King and for himſelf, ſhall have an action to demand the ſame penalty by writ of debt at the common law.

No man ſhall be Juſtice of Peace, unleſs he hath lands to the yearly value of xx. li.

Cro. Jac. 643.

Provided always, that this Ordinance ſhall not extend to Cities, Towns or Boroughs, which be counties incorporate of themſelves, nor to Cities, Towns, or Boroughs, which have Juſtices of Peace of perſons dwelling in the ſame by commiſſion or warrant of the King, or of his progenitors. Provided alſo that if there be not ſufficient perſons having Lands and Tenements to the value aforeſaid, learned in the law, and of good governance, within any ſuch County, that the Chancellor of England for the time being ſhall have power to put other diſcreet perſons learned in the Law in ſuch Commiſſions, though they have not Lands or Tenements to the value aforeſaid, by his diſcretion.

Certain perſons excepted to whom this ſtatute doth not extend.

CAP. XII.

Appeales or indictments of Felony committed in a place where there is none ſuch.

St. 9 H. 5. 1.

ITem, Whereas in the Parliament holden at Weſtminſter the ſecond day of May, the ninth year of the reign of King Henry the fifth, father to the King that now is, amongſt other things it was ordained and eſtabliſhed, for that many people by malice, envy, and revenge, cauſe often the Kings liege people to be appealed or indicted in divers counties of treaſons or of felonies, ſuppoſing by the ſaid appeals or indictments, that the ſaid treaſons or felonies were done in a certain place in ſuch a County where the indictment is made, or ſuch a place as is or ſhall be declared by the ſaid appeals, where no ſuch place is in the ſame County, that the proceſs of the ſame ſhall be void, and holden for none, and that the indictors, procurators, and conſpirators ſhall be alſo puniſhed by impriſonment and fine, and ranſom for the Kings advantage, by the diſcretion of the Juſtices, and that the ſaid Appealees or indictees may have writs of conſpiracy againſt the Indictors, Procurators and Conſpirators, and ſhall recover their damages. And this Ordinance ſhall ſtand in his force until the next Parliament to be holden after the coming again of the ſaid late King into England from beyond the Sea, which ſtatute by the deceaſe of the ſaid late King by opinion of ſome is expired, and by the opinion of ſome not expired: The ſame our Lord the King that now is, conſidering that the ſaid Ordinance was good and profitable for the weale of him and his liege people, hath declared and ordained by authority of this preſent Parliament, that the ſaid Ordinance made in the ſaid ninth year, and ſo by the death of his ſaid Father as ſome think expired, and not otherwiſe repealed, ſhall be and abide an effectual and available ſtatute and ordinance in law perpetually to endure.

A writ of conſpiracy maintenable againſt the indictors, procurators conſpirators. Regiſt. f. 134. V.N.B. f. 56. Fit. N.B. f. 115. k. Raſt. pl. f. 123.

A confirmation of the Stat. of 7 H. 5. 1. and 9 H. 5. 1. touching Appeales or indictments of felony or treaſon.

CAP. XIII.

A Confirmation of the Statute of 9 H. 5. 2. ordaining that no man outlawed in the County of Lancaſter, ſhall forfeit any other lands or goods but which he hath in the ſame County. Exp. St. 9 H. 5. 2. 20 H. 6. 2. 31 H. 6. 6. 33 H. 8. 2.

CAP. XIV.

If any have authority to make Arraies and Panels, ſhall take reward to make ſuch Array or pannel, he ſhall forfeit to the party grieved ten times ſo much as he ſhall receive. Exp.

CAP. XV.

It ſhall be felony to carry Wooll or Woolfels to any other place then to Calice. Saving ſuch which paſs the ſtreights of Marrock. Exp.

CAP. XVI.

There ſhall be but one meaſure of Cloth through the Realm, by the yard and the inch, and not by the yard and the handful, according to the meaſure of London. Exp.

CAP. XVII.

Veſſels of Wine, Oyle and Honey, ſhall be gauged.

ITem, Becauſe all the Tuns, Pipes, Tertians, and Hogſheads of Wine, Oyle, & Honey, vendible within the Realm of England, ought and were wont according to the ancient

All veſſels of wine, oyl, and hony ſhall be gauged, and the content of every veſſel to be ſold.

aſſiſe of the ſame Realm to contain a certain meaſure, that is to ſay, every Tun twelveſcore and twelve gallons, every Pipe ſix ſcore and ſix gallons, every Tertian fourſcore and four gallons, and every Hogſhead threeſcore and three gallons; and by divers ſtatutes it hath been ordained that the Tuns and Pipes of wine ſhall be gauged; but for the gauging of Tuns, and Pipes of Oyl and Hony, or of Tertians and Hogſheads of Wine, no ordinance hath been made in certain before this time, to the great damage of the King and of his people: The King willing againſt this damage to provide a remedy in this behalf, hath granted and ordained by authority aforeſaid, that from henceforth all manner of Tuns, Pipes, Tertians, and Hogſheads as well of Wine as of Oyl, to be ſold within the Realm, ſhall be well and lawfully gauged by the Kings Gaugeour, or by his deputy, before they be ſold, upon paid to forfeit to the King all the Wine, Oyl, and Hony contrary ſold, or the value of the ſame. And in caſe that any perſon of what country that he be from henceforth ſell to any of the Kings liege people for any price in certain any Tun, Pipe, Tertain, Hogſhead of Wine, Oyl, and Honey, which wanteth in any wiſe of the aſſiſe and meaſure aforeſaid, that he allow and abate of the ſame price to the buyer of ſuch Wine, Oyl, and Honey, as much as ſuch default after the rate ſhall amount unto, upon pain to forfeit to the King the value of all the Wine, Oyl, and Hony, contrary ſold; any privy covenant made, or to be made betwixt the ſeller, and the buyer, contrary to this ordinance notwithſtanding. And every perſon that eſpieth any of the forfeitures aforeſaid, and thereof doth inform the Treaſurer of England, or the Barons of the Eſchequer, ſhall have the half of the ſame forfeitures for his labour.

Abatement ſhall be made of the price for the quantity wanting.

The gaugeors fee for gauging of a tun or pipe of hony or oyl.

Provided always, that the ſaid Gaugeor take and have for his labour for the gauging of every Tun and Pipe of Oyl and Hony, as he taketh and hath of every Tun and Pipe of Wine, and for every Tertian and Hogſhead after the rate. St. 27 Ed. 3. 8. 23 H. 6. 16. 1 R. 3. 13. 11 H. 7. 4. 28 H. 8. 14.

CAP. XVIII.

How much a Captain ſhall forfeit that doth detain any part of his Soldiers wages.

The inconveniences inſuing by captains not paying their ſoldiers.

ITem, for that the King is and hath been well certified of many great deceits and falſities, which have been done to him and to his Realm by ſome of the Captains, which have before this time indented with the King to ſerve him in the feat of War, ſome beyond the ſea, and in divers parts, as they be appointed and bound by their Indentures, and ſome in his Marches on this ſide the Sea, and their wages have been truly paid, and contented by the King, according to their Indentures, for them and for all their retinue, according to their degrees, which wages many of the ſaid Captains have abuſed, and taken upon them to deduce from their Souldiers, of ſome more, and ſome leſs; ſo that, ſuch from whom they have abated have not been able to continue their ſervice, nor perform the ſame as of right and reaſon they ought to have done, and peradventure were willing to have done, if they had been fully paid; which hath cauſed them to fall to robbery and pillage, as well on this ſide the Sea before their going, as beyond the ſea, when they came thither, amongſt other things it hath been a great cauſe of the long continuance of the war, and great damage and loſs which hath faln to the Signiories and Countries of the King in his obeiſance beyond the Sea, and not only that, but loſs alſo of great treaſure which hath been granted to the King, and paid in the form aforeſaid for the defence of his land;

The forfeit of a captain that doth detain any part of his ſouldiers wages. For what cauſe a Captain may abate his ſoldiers wages and how much.

The King willing againſt ſuch damages and loſſes to provide a remedy in this behalf, hath ordained by the authority aforeſaid, that no Captain which hereafter ſhall have the conduct of ſuch retinues, and ſhall receive the Kings wages for the ſame, ſhall abate of his Soldiers, nor any of them, any part of their wages, except it be for their clothing, that is to ſay, if they ſhall be waged for half a year, ten ſhillings a gown for a Gentleman, and ſix ſhillings eight pence for a yeoman, upon pain of twenty pound for every Spear, and ten pound for a Bow, to the King, from whom he did abate upon the tenour of the ſame. St. 2 Ed. 6. 2.

CAP. XIX.

The penalty of a Souldier not going with or departing from his Captain without licence.

ITem, ſeeing divers and many Souldiers before this time, which have taken parcel or half their wages of their Captains, and ſo have muſtred and been entred of record the Kings ſoldiers before his Commiſſioners, for ſuch terms for which their maſters have indented, have ſometime preſently after their muſter, and the receit of part or of the whole of their wages, departed and gone where they would, and have not paſſed the ſea with their ſaid Captains, and ſome paſſed the Sea, and long within their terms departed from their Captains and the Kings ſervice, without apparant Licence to them granted by their ſaid Captains, whereof hath grown ſo great damage to the King and to his Realm, and ſo many inconveniences, which cannot eaſily be expreſſed, as of long time the experience hath ſhewed, and the which ſoldiers ſo doing, as much as in them was, decayed the honour and reverence of the King, and have been many waies great cauſers of the loſſes which have enſued in his Lands and Seigniories beyond the Sea, and the adventure alſo of the perſons of the Lords and Captains which did conduct them:

It is felony for a ſouldier retained to ſerve the King in his wars, which goeth not with, or departeth from his Captain without licence.

St. 7 H. 7. ca. 1.

The ſame King conſidering the premiſſes, and willing againſt ſuch inconveniences and damages to provide a remedy, hath ordained by the authority aforeſaid, that every man ſo muſtring and receiving the Kings wages, which departeth from his Captain within his term, in any manner aforeſaid, except that notorious ſickneſs or impediment, by the viſitation of God, (which may reaſonably be known) ſuffer him not to go, and which he ſhall certifie preſently to his Captain, and ſhall repay his money, ſo that he may provide him for another Souldier in his place, he ſhall be puniſhed as a Felon: And that the Juſtices of Peace ſhall have power to enquire thereof, and to hear and determine the ſame. And likewiſe hath ordained by the ſame authority, that no ſouldier, man of Arms, or Archer, ſo muſtred of

Record,

Co.l.6.f.27. 9 Ed.4.f.26.

Record, and going with his Captain beyond the Sea, ſhall return into England within the term for which his Captain hath retained him, nor leave his Captain there in the Kings ſervice, and in adventure of the war, except that he hath reaſonable cauſe, ſhewed by his Captain, and by him to the chief in the Country having Royal power, and thereupon ſhall have Licence of the ſaid Captain witneſſed under his Seal, and the cauſe of his Licence. And who that doth Muſter of Record, and come without Letters Teſtimonials of the Captain (as is ſaid) within his term on this ſide the Sea, that the Mayors, Bailiffs, and other the Kings Miniſters, at what Port or Place they ſhall arrive, ſhall have authority to put them in arreſt, and them there to keep until it be of them enquired; and if it be found by enquiry before Juſtices of Peace, and proved, that they have ſo Muſtred of Record, and departed from their Captains aforeſaid without Licence as afore is ſaid, that then they ſhall be puniſhed as Felons. St. 2 R.2.4. 2 Ed.6.2. 4 & 5 P. & M. 3. Regiſt.f.191. This Statute ſhall extend to Mariners, and Gunners. 5. El. 5.

Officers ſhall arreſt ſoldiers returning from beyond the ſea, and retain them until the cauſe of their return be tryed.

Statutes made at Weſtminſter, *Anno viceſimo Henrici ſexti, & Anno Domini* 1442.

OUr Lord the King at his Parliament holden at Weſtminſter, the day of the Converſion of S. Paul, the five and twentieth day of Jaunary, the twentieth year of his Reign, to the honour of God, and for the weale of him and of his Realm, by the advice and aſſent of the Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons in the ſame Parliament aſſembled, hath made, ordained and eſtabliſhed divers Statutes and Ordinances in the form following.

CAP. I.

All Letters of Safe conducts ſhall be enrolled in the Chancery.

FIrſt, Whereas poor Merchants of the King of this Realm daily be robbed by the Kings enemies upon the Sea, and in divers Rivers and Ports within the ſame Realm, of their Ships, Goods, and Merchandiſes, of great riches, and their bodies taken and impriſoned, with dureſs, and put to great fines and ranſoms, and the Kings poor Subjects dwelling nigh the Sea-coaſt taken out of their own houſes with their Cattels and Infants upon Land, and carried by the ſaid enemies where it pleaſe them: which miſchiefs come by reaſon that the ſaid Merchants be diſcouraged with force and puiſſance of Ships, and of people defenſible to keep the Sea and the coaſts of the ſame, for that the Ships, Goods, and Merchandiſes, by them taken from the ſaid Kings enemies, be ſometimes claimed by the Kings enemies, by colour of ſafe conducts, not duly purchaſed, nor of Record inrolled, ſo that the Kings ſubjects may have notice of them, and ſometime be claimed by Merchants ſtrangers of the Kings amity, to be due to them, by colour of falſe witneſſes of their nation, and by Letters of Marque and Charters partly by them counterfeited, and by ſuch proofs upon ſuch claims, be reſtored to the ſame Goods and Merchandiſes, often taken in ſhips and veſſels belonging to the Kings enemies, and the ſaid Kings ſubjects put to great vexation and loſs of their own goods, whereby the ſaid Kings enemies be greatly inriched, and their Navy ſtrongly encreaſed, and the Navy, and Merchandiſe of the ſaid Realm of our Lord the King greatly diminiſhed, and ſuch damages and inconveniences daily be likely to increaſe and come to the ſaid Realm of our ſaid Lord the King, if ſpeedy remedy in this caſe be not provided:

Our ſaid Lord the King conſidering the premiſes, and that if people of the Kings amity be feared and diſcouraged to freight the ſhips and veſſels of the Kings enemies and adverſaries, their Navy in time to come will be decreaſed, and diminiſhed, and the Navy of the Kings ſubjects and friends increaſed, and enlarged: by the advice and aſſent aforeſaid, and at the ſpecial requeſt of the ſaid Commons, to eſchew the miſchiefs aforeſaid, hath ordained by authority of yͤ ſaid Parliament, yͭ all Letters of ſafe conduct to be granted to the Kings enemies and adverſaries, or any other people whatſoever, ſhall be enrolled in the Chancery of our ſaid Lord the King of Record, before that any ſuch letters ſhall be in any wiſe delivered to them to whom the ſame Letters ſhall be granted: and that all ſuch Letters of ſafe conduct hereafter to be granted, not inrolled of Record in the ſaid Chancery, before the delivery to them to be made, in the manner as is ſaid, ſhall be void and of no force nor effect.

All letters of ſafe conducts which be not enrolled in the Chancery before the delivery of them, ſhal be void. St. 18 H.6.8.

And moreover, if hereafter any goods or merchandiſes be taken by the ſaid ſubjects of our Lord the King upon the Sea, or the coaſts of the ſame, charged in any ſhip or other Veſſel, which is belonging to the enemies or adverſaries of our Lord the King for the time being, not having ſufficient Letters of ſafe conducts, inrolled in the form aforeſaid, that they which ſo ſhall take the ſame goods and merchandiſes ſhall them enjoy without any reſtitution thereof to be made in any wiſe, to whatſoever perſon the ſame goods and merchandiſes ſo taken, at the time of the taking of the ſame or before, were belonging.

They which will take benefit by the kings ſafe conduct, muſt have it ready inrolled at the time of their apprehenſion.

Provided always, that the ſubjects of our Lord the King, taking ſuch Ships charged with Merchandiſes, not having nor ſhewing ſuch Letters of ſafe conduct within the ſame ſhips at the time of the ſaid taking, and bringing them by force to a certain Port or place within the ſaid Realm, ſhall not be endamaged in their perſon nor goods for ſuch taking, if they be ready to make full reſtitution of the ſame ſhips and merchandiſes, within reaſonable time after that full knowledge is made to them of ſufficient Letters of ſafe conduct for the ſame ſhips and merchandiſes, enrolled in the ſaid Chancery of Record before the taking of them. Provided alſo that this Ordinance ſhall begin to hold his force at the Feaſt of Saint Michael the Archangel next coming.

Though the ſafe conduct be not preſently ſhewed, yet it doth ſuffice if it be after proved to be inrolled.

CAP.

CAP. II.

No perſon outlawed within the County of Lancaſter ſhall forfeit any goods or lands but which he hath in the ſame County. Rep. 33 H.6.2. Exp. St. 9 H.2.5. 18 H.6.13. 31 H.6.6.

CAP. III.

It ſhall be high Treaſon for Welſhmen to take and carry away Engliſhmen or their goods into Wales, or thereto withhold them. Exp.

CAP. IV.

What duties they ſhall pay to the King, which carry Woolls to any other place then to the Staples.

Thoſe denizens which ſhall have the Kings licence to carry wolls, &c. to any other place then to the ſtaple, ſhall pay ſuch duties as Merchants aliens do. 12.

ITem, Our ſaid Lord the King hath granted and ordained by the authority aforeſaid, that every Merchant denizen for Wolls, Wolfels, and Tyn, which ſhall be charged and ſhipped in any Galley, Carack, or other veſſel, to be conveyed and carried by the ſea by the Kings licence, or otherwiſe, to other places and Ports then to the Kings ſtaple, ſhall pay to the King ſuch Cuſtoms and Subſidies, and other duties, as Merchants aliens pay to the King for their merchandiſes. Provided always, that this grant and ordinance ſhall not extend to any perſons which have licences by the Kings Letters Patents to them before this time, to ſhip, carry, or convey any wolls, wolfels, or tyn to other places or ports beyond the ſea then to the ſtaple of Calice, but that they ſhall be of this ordinance clearly diſcharged and excepted.

CAP. V.

No Cuſtomer, &c. ſhall have a Ship of his own, uſe Merchandiſe, keep a Wharf, or Inne, or be a Factor.

St. 11 H.4.2.

The cauſe why a common Hoſtler ſhall not be a Cuſtomer, Controller, or Searcher.

ITem, Whereas in the Parliament holden at Weſtminſter, the xi. year of the reign of King Henry the fourth, it was ordained and ſtabliſhed, that no man that had a common hoſtry in any City or Borough of this Realm, ſhall be cuſtomer, controller, nor ſearcher, and that to eſchew the damages and prejudices which thereof may grow by the favour that ſuch common Hoſtlers may and will make to Merchants, and to other their gueſts in their offices: and now of late divers Cuſtomers, controllers, and alſo ſearchers, controllers, and ſurveyors of ſearches, have divers perſons to be their clerks, deputies, and miniſters in their ſaid offices; of which clerks, deputies, and miniſters, ſome have ſhips of their own, and ſome of them meddle with the fraighting of ſhips, and alſo buy and ſell divers Merchandiſes, and thereof occupy to their own uſe divers wharfs and keys, being by the waters ſide, where common diſcharge of divers merchandiſes is had in divers Ports of this Realm, by the which as well great deceit and damages daily do grow to the King of his Cuſtoms and Subſidies, as a great loſs to Merchants repairing to the Ports where the ſaid clerks, deputies, and miniſters be: Alſo many hold Hoſteries and Taverns, and alſo keep wharfs, and they and their ſervants be factors and atturnies for Merchants, denizens, and aliens, by which great damage and loſs daily doth grow to the King in his cuſtoms and ſubſidies, by favour that ſuch clerks, deputies, and miniſters, holding ſuch hoſteries, taverns and wharfs, do to Merchants and to other their gueſts in the ſaid offices: And greater damage is like thereof to grow in time to come, if ſpeedy remedy be not provided: Our ſaid Lord the King, willing againſt ſuch damages and loſſes to provide a remedy in this behalf, hath ordained and eſtabliſhed by authority aforeſaid, that no cuſtomer, controller of the cuſtom, clerks, deputies, miniſters, nor their ſervants, factors nor ſearchers, controllers or ſurveyors of ſearches, nor their clerks, deputies, miniſters or factors ſhall have any ſhips of their own, or ſhall buy or ſell by way or by colour of Merchandiſe, nor they ſhall not meddle with fraighting of ſhips, or have or occupy any ſuch wharfs or Keys, or ſhall hold any hoſtereis or taverns, or ſhall be any factors or atturnies for any Merchant, denizen or alien, nor ſhall be hoſt to any Merchant alien, upon the pain of xl. li. to be forfeit as often as they do the contrary, that is to ſay, the one half to the King, and the other half to him that will ſue in this caſe againſt any ſuch perſon doing the contrary; this Ordinance to begin at the Feaſt of Saint Michael next coming.

No Cuſtomer, Controller, &c. ſhall have any ſhip of his own, uſe Merchandiſe, keep a Wharf, an Inne, or be a Factor to another.

CAP. VI.

A confirmation for ten years of the Stat. of 15 Hen.6.2. touching the tranſportation of Corn, being of certain prices. Exp.

CAP. VII.

If any carry Merchandiſes into Wales, and after bring them into England not Cuſtomed, he ſhall forfeit them. Exp.

CAP. VIII.

In what caſe the Kings Purveyors that would take cattel, may be reſiſted.

The Kings Purveyors who will take cattel to the value of xl. s. or under, and not make preſent payment may be reſiſted. St. 28. Ed. 3. 12.

ITem, It is ordained by the authority aforeſaid, that the ſtatutes before this time made of Purveyors, and buyers, ſhall be holden and kept, and put in due execution. And in caſe that any purveyor, buyer, or taker, will take and make purveyance, or buy any thing to the value of fourty ſhillings or under, of any perſon, and make not ready payment in hand, that then it ſhall be lawful to every of the Kings liege people to retain their goods and cattels, and to reſiſt ſuch purveyors and buyers, and in no wiſe ſuffer them to make any ſuch purveyances, buyings or takings: And to keep the Peace better, every Conſtable, tythingman, or chief pledge of every town or hamlet, where ſuch takings or purveyances ſhall be made, ſhall be helping or aſſiſtant to the owner or ſeller of ſuch things to be taken againſt the form of this Ordinance, to make reſiſtance in the manner aforeſaid, in caſe that ſuch

Conſtables, Tythingmen, or chief pledges be required ſo to do, upon pain to yield to the party ſo grieved the value of the things ſo taken, with his double damages: and that none of the Kings liege people be put to loſs or damage by the King or any Officer for ſuch reſiſtance. And that none of the Kings Officers ſhall cauſe to be arreſted, vexed, or impleaded in the Court of Marſhalſey or elſewhere, any of the Kings liege people for ſuch detaining, or not ſuffering to be done, upon pain to loſe xx.li. the one moyety thereof to the King, and the other moyety to him which will in ſuch caſe ſue: and that the Juſtices of Peace in every County ſhall have power by authority of this Ordinance to inquire, hear and determine, as well at the ſuit of the King, as of him that will ſue, of any thing done againſt this Ordinance, and thereof to make due puniſhment and execution, and to award damages to the party plaintiff, when any defendant is thereof duly convict; and that in every action to be taken upon this Ordinance, every party defendant ſhall be put to anſwer unto it without the aid of the King; and in ſuch actions to be taken, proceſs ſhall be made as in a writ of treſpaſs done againſt the peace, and that in every Commiſſion of Purveyors, buyers or takers, to be made, this Ordinance ſhall be contained and expreſſed. And moreover, that this Ordinance among other Statutes of Purveyors, buyers or takers, before this time made, ſhall be ſent to the Sheriffs of every County of England, to proclaim and deliver the ſaid Statutes and Ordinances in the manner and form contained in the Statute of Purveyors and buyers, made the firſt year of the Reign of our ſaid Lord the King, upon the pain contained in the ſame Statute. And moreover, the King willeth and commandeth, That the Statute made the xxxvi. year of King Edward, late King of England, the third after the Conqueſt, touching the Purveyors of other perſons then of the King, ſhall be put in due execution. St. 2 H. 4. 14.

St.2 H.6.2.
St. 36 Ed. 3.6.

CAP. IX.

The order of trial of Counteſſes, &c. being indicted of Treaſon, &c.

Magna Charta cap.23.

ITem, Whereas it is contained in the great Charter amongſt other things in the form which followeth; No freeman ſhall be taken or impriſoned, or diſſeiſed of his freehold, or his liberties, or free cuſtoms, or ſhall be outlawed, or baniſhed, or in any wiſe deſtroyed, nor we will go upon him, nor ſend upon him, but by the lawful judgment of his Peers, or by the Law of the land; In which Statute is no mention made how women, Ladies of great eſtate in reſpect of their husbands, Peers of the land, married or ſole, that is to ſay, Dutcheſſes, Counteſſes, or Baroneſſes ſhall be put to anſwer, or before what Judges that they ſhall be judged upon indictments of Treaſons or Felonies by them committed or done, in regard whereof it is a doubt in the Law of England, before whom, and by whom ſuch Ladies ſo indicted ſhall be put to anſwer, and be judged: Our ſaid Lord the King willing to put out ſuch ambiguities and doubts, hath declared by authority aforeſaid, That ſuch Ladies ſo indicted, or hereafter to be indicted of any Treaſon or Felony by them done, or hereafter to be done, whether they be married or ſole, that they thereof ſhall be brought to anſwer, and put to anſwer, and judged before ſuch Judges and Peers of the Realm, as Peers of the Realm ſhould be, if they were indicted or impeached of ſuch Treaſons or Felonies done, or hereafter to be done, and in like manner and form, and in none other wiſe.

The order of trial of Dutcheſſes, Counteſſes or Baroneſſes, being indicted of Treaſon or Felony.
Co. l.6.52.

CAP. X.

Every year during four years, four Wardens of Worſted Weavers ſhall be choſen to do right, and make due ſearch of Worſteds in Norwich, and two in Norfolk: And of what length and breadth all ſorts of Worſteds made in Norwich and Norfolk ſhall be. Exp. 23 H. 6.4. Stat. 7 Ed. 4. 1.

CAP. XI.

A repeal of ſo much of the Stat. of 2 Hen. 5.6. as maketh the breaking of Truce and ſafe conducts high Treaſon. Exp.

CAP. XII.

There ſhall be a reformation of the partition of money ariſing by the ſale of Wools and Woolfels, by the Mayor and Conſtables of the Staple of Calice, during ſeven years next. Exp.

Statutes made at *Weſtminſter, Anno viceſimo tertio Hen. ſexti, & Anno Domini,* 1444.

AT the Parliament holden at Weſtminſter the xxv. day of February, the xxiii. year of the Reign of King Henry the ſixth after the Conqueſt; The ſame our Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons being in the ſaid Parliament, by the Authority of the ſame Parliament, made to be ordained and ſtabliſhed divers Ordinances and Statutes in the manner and form following.

CAP. I.

The name of Purveyors turned into Buyers.

FIrſt, Whereas in the Parliament holden the xxxvi. year of King Edward the third, for the grievous complaints made againſt Purveyors of victuals, it was ordained and ſtabliſhed, that no man of the Realm ſhould have any takings but only the King and the Queen his companion: and that upon ſuch purveyance to be made for the houſes of the King and the Queen, ready payment ſhould be made in hand, that is to ſay, the price for which ſuch victuals ſhould be commonly in Markets near about: and that the hainous name of Purveyors ſhould be changed, and named Buyers: and if the Buyers cannot well agree with the ſeller, for that which ſhall be needful, then the prices that ſhall be made for the ſaid two houſes, ſhall be made by the view, witneſſing and appraiſment of the Lords, or their Bailiffs, and Conſtables, and four good men of every Town, and that by Indenture to be made betwixt the buyers and the ſaid Lords or Bailiffs, Conſtables, or four men,

St. 36 Ed.3.2.
No purveyance but for the King.
Ready payment ſhall be made.
The name of Purveyors changed, & they named buyers.
By whom goods purveyed ſhall be praiſed.

Prices ſhall be made where there is plenty.
No more ſhall be taken then is needful for the time.
A Taker ſhall have no deputy.
The ſeal of the Commiſſion.
Reſiſtance of the Purveyors if they make not ready payment, or take for others ſaving the King, &c.
The corn taken ſhall be meaſured by the ſtrikel.
St. 4 Ed. 3. 3. 25 Ed. 3. 1. 11 H. 7. 4.
Ready payment for carriage.
Felony to take otherwiſe.

containing the quantity of the thing by them taken, and the price: and of what perſons, and that the prices ſhall be made in a convenient and eaſie manner, without dureſs, menace, rebuke, or otherwiſe: and that the prices and buyings ſhall be made in places where there is greateſt plenty, and that in convenient time: and that there be no more taken then ſhall need for the ſeaſon for the ſaid two houſes: And that the number of the ſaid buyers ſhall be abated, in as much as a man may well: and ẏ ſuch be buyers which ſhall be ſufficient to anſwer to the King and to his people, and that none of them ſhall have a deputy: and that the Commiſſions ſhall be ſealed with the great Seal, and every half year returned into the Chancery, and other to be made of new: and that in the ſaid Commiſſions ſhall be compriſed all the manner and matter of their prices and buyings: and that no man ſhall be bound to obey the buyers of other Lords againſt their will, nor to the buyers of the ſaid houſes, if they make not ready payment in hand, as afore is ſaid, and that no man ſhall be charged for a contempt becauſe of diſobedience done in this behalf: and that the prices of all manner of Corn and Malt, for the ſaid two houſes, ſhall be meaſured by the meaſure according to the Standard ſtriken and not heaped: and for the carriage of the Corn and Malt, and for all other manner of prices and buyings to be made for theſe two houſes, ready payment ſhall be made in hand in the ſame manner as for the prices and buyings aforeſaid: and that no more carriage be taken then ſhall be needful in this behalf: and if any buyer make any prices and buyings, or be taker of carriage in any other manner then is compriſed in their Commiſſions, they ſhall have puniſhment of life and of member, as is ordained of Purveyors.

CAP. II.

In what caſe the Kings Purveyors may be reſiſted.

No Purveyor ſhall take or forbear for favour or malice.
A Taker ſhall make a particular account of each thing taken.

ITem, That no buyer of victual, or taker of Carriage, ſhall take or receive of any man any gift or other pleaſure, to ſhew any favour, or ſhall charge or grieve any man in reſpect of ſuch takings, buyings and carriages, for hatred, envy, evil will, or procurement: and if he do, and thereof be attainted at the ſuit of the party, he ſhall yield to the party his treble damages, and ſhall have impriſonment of two years, and ſhall be ranſomed at the Kings will, and after ſhall forſwear the Court: And if the party will not ſue, he that will ſue for the King ſhall have the third peny of that which ſhall be recovered for his labour, and nevertheleſs the buyer and taker ſhall have the puniſhment as afore is ſaid in the ſame Article: And that every buyer upon his account ſhall cauſe to be declared, and ſeverally diſtinguiſhed the takings and buyings of every County, Town or perſon. Our ſaid Lord the King that now is, conſidering the premiſes, hath ordained and commanded by authority of this ſaid Parliament, that the ſaid Statutes from henceforth ſhall be duly kept and put in execution; and alſo hath ordained by the ſame authority, that every Purveyor and buyer before they ſhall have any Commiſſion, ſhall be ſworn in the Chancery, that he ſhall take nothing of the people contrary to the ſaid Ordinances.

A rehearſal and confirmation of the St. of 36 Ed. 3. 2.

The Takers Oath.
Reſiſtance of the Takers.

And moreover, becauſe the poor people be not able, nor dare make reſiſtance againſt the Purveyors and buyers, nor ſue them by the Law, though that they do contrary to the ſaid Statutes, it is ordained by the ſame authority, that the Praiſors, and alſo all the Town or Towns adjoyning, if need be, ſhall be bound to do their endeavour and power to reſiſt the Buyers and Purveyors, doing contrary to the ſaid Statutes, and as much as in them is, to execute the ſaid Statutes upon the ſame Purveyors, if they be required; and that he which is grieved for his goods taken contrary to the ſaid Statutes and Ordinances, may chooſe to have an action of debt againſt the ſaid Praiſors, Town or Towns, and every of them, which do not their induſtry in reſiſtance of the ſaid Purveyors or buyers in the form aforeſaid, when they ſhall be required, or elſe againſt the ſaid Purveyors or buyers, and every of them, to recover the treble value of his goods ſo taken, and moreover his coſts and his treble damages. And if any Purveyor, or other the Kings Officer do trouble or vex any of the Kings liege people in the Marſhalſey, or elſewhere, by any evil ſuggeſtion, or cauſe fained, imagined or coloured upon them in reſpect of the execution of the ſaid Ordinances, he ſhall incur the pain of xx. li. to be paid to the party grieved, over his damages and coſts in this behalf ſuſtained: And that he thereupon ſhall have a Writ of debt; and that every iſſue triable in this action, ſhall be tried in the County where the taking of the ſaid goods was made, and that the defendants in all the ſaid caſes ſhall not be admitted to wage their law, and ſhall be put to anſwer without fourching, and no eſſoin, aid of the King, nor protection ſhall be to them allowed: and that the Serjeant of the Catery ſhall ſatisfie all the damages, debts, and executions which ſhould be recovered againſt every Purveyor and buyer under him in all the caſes aforeſaid, if the Purveyor or buyer be not ſufficient to ſatisfie: and the party complainant ſhall have a *Scire facias* to have execution againſt the ſaid Serjeants in that caſe: and that theſe Statutes and Ordinances ſhall be ſent to the Juſtices of the Peace in every County to proclaim them every year, and thereof to inform the people.

Two ſeveral remedies for the party wronged by the Takers.
The remedy if the Kings officer do trouble him which ſeeketh lawful revenge.

The Serjeant of the Catery ſhall anſwer for ſome Takers his inferior officers.

CAP. III.

Whoſoever ſhall pack or ſhip Thrumms, or Threeds, to paſs beyond the Seas, during three years next coming, ſhall forfeit the ſame or the value. Exp. St. 8 H. 6. 23.

CAP. IV.

Four Wardens of Worſted Weavers ſhall be choſen yearly during three years next coming, within the City of Norwich, and other four within the County of Norfolk, which ſhall ſet down orders for the true making of Worſteds within Norwich, and Norfolk, and Suffolk. Exp. St. 7 Ed. 4. 1. 20 Hen. 6. 10.

CAP. V.

Welſhmen indicted of Treaſon or Felony, that do repair into Herefordſhire, ſhall be apprehended and impriſoned, or elſe purſued by Huy and Cry. And a forfeiture of thoſe which do not purſuethem. Alt. 27 H. 8. 26. Ob.

CAP. VI.

A rehearſal of the Statute of 15 Hen. 6. 2. touching licence to tranſport Corn, when Wheat doth not exceed vi. s. viii. d. the quarter, and Barley iii. s. iv. d. and the ſame Statute made perpetual. Alt. 1 Jac. 25. 21 Jac. 28. and 3 Car. 4.

CAP. VII.

The gathering of Head-pence by the Sheriff of Northumberland ſhall ceaſe.

Item, Whereas the poor Commons and the Kings faithful liege people of his County of Northumberland have been of long time oppreſſed and ſurcharged by the Sheriffs of the ſaid County for the time being, levying or cauſing to be levied of their goods and cattels, to the ſum of xl. li. and more, called headpence, two times in ſeven years, that is to ſay, every third year, and every fourth year, to their own avail, without any account, profit or advantage to the King, and without any lawful cauſe or ground, but of their great extortion, which cauſeth divers men to labour and expend great goods to be Sheriff, when the ſaid years come, to the great oppreſſion of the ſaid Commons: Our Lord the King conſidering the premiſes, hath ordained and granted by the authority aforeſaid, that the ſaid gathering of the ſaid headpence ſhall be clearly put out for ever, any uſe or cuſtom to the contrary notwithſtanding, upon pain of an C. li. to be paid, the one half of the ſame to the King, and the other half to the party which will ſue for the forfeiture againſt the Sheriff. This Ordinance to begin at the Feaſt of the Nativity of S. John Baptiſt, which ſhall be in the year of our Lord M. CCCC. xlvi.

The gathering of headpence by the Sheriff of Northumberland ſhall ceaſe.

CAP. VIII.

No man ſhall be Sheriff, Underſheriff, &c. above a year.

Item, Whereas King Edward the third, for divers and ſpecial cauſes, in his Parliament holden at Weſtminſter, the Wedneſday next after Midlent, the xiv. year of his Reign, for that ſeveral Sheriffs in divers Counties in England then being, had their offices ſome for term of years of the Kings grant, and ſome truſting of longer continuance in their offices, by procurement, &c. were greatly encouraged, and did take upon them to do many and divers oppreſſions to the Kings liege people, unduly, and evil and falſly to ſerve the King and his people, did ordain and eſtabliſh that no Sheriff ſhould tarry and abide in his office above a year, and that then another meet and ſufficient man ſhould be aſſigned in his place by the Chancellor and Treaſurer of England, and the chief Baron of the Eſchequer, and other, every year in the morrow of All-Souls, as it appeareth in the ſaid Statute: and after the ſaid Statute ſo made, by another Statute made at Weſtminſter in the Parliament of the ſaid King, holden the firſt day of May, the xlii. year of his Reign, he ordained and made, that no Sheriff nor Underſheriff, nor Sheriffs Clerk, ſhould tarry and abide in his office over one year, as it is ordained by other Statutes before this time, as it appeareth more plainly by the ſaid Statute of the ſame xlii. year: and moreover by another Statute made at Weſtminſter, the xv. of S. Michael, the firſt year of the Reign of King Richard the ſecond, it was ordained and made, that no man which hath been Sheriff of any County by one whole year, ſhall be another time choſen nor put in the ſaid office within three years next enſuing, except that there be not other ſufficient within the ſaid County, as it appeareth more plainly by the ſaid Statute of K. Richard: And whereas in divers Counties in England after the making of the ſaid Statutes, many and ſeveral Sheriffs have been made, and have occupied within the ſaid Counties, ſome ten years, and ſome twelve years and more, to the great damage of the King that now is, his progenitors, and their people within the ſaid Counties, contrary to the ſaid Statutes, and all other good rule, and very like in time to come to be to their importable damage, and open diſheriſon, and upholding of manſlaughter, perjury, and great oppreſſion to many of the Kings liege people, conſidering the great conſanguinity, aliance and familiars of the Sheriff, as well of them as have been before this time, as of them which now be in the ſaid Counties: Our ſaid Lord the King, conſidering the premiſes, hath ordained by the authority aforeſaid, that the Statutes before recited, and every of them, ſhall be duly obſerved in every County of England. (The Underſheriffs and all other officers within the City of London, which now be or ſhall be, at all times excepted; And ſuch Counties only, except in which divers of the Kings liege people be inheritable to the office of Sheriffs at this day, and alſo ſuch perſons as have eſtate of freehold in the office of Sheriffs at this day, and except the Letters Patents made to them of the office of Sheriffs, and their Underſheriff and Clerks.) And if any Sheriff or Underſheriff, or Sheriffs Clerk, occupy the office of Sheriff, Underſheriff, or Sheriffs Clerk, contrary to any of the Statutes afore recited, or againſt the effect or intent of any of them (except before excepted) that then he which doth ſo occupy, ſhall forfeit the ſum of CC. li. yearly as long as he occupieth contrary to the effect of the ſaid Statutes. And that every pardon hereafter to be made for ſuch offence or occupation, or forfeiture of ſums before recited, ſhall be void and not available, and all Patents made or to be made of any of the ſaid offices for term of years, for term of life, or in fee ſimple, or in fee tail, to any of the Kings liege people (except before excepted) ſhall be void and of no value by the ſame authority, any clauſe or word of Non obſtante in any wiſe put or to be put in ſuch patents to be made notwithſtanding. And moreover, whoſoever will take upon him or them to have or occupy the ſaid office of Sheriff, by vertue of ſuch Grants or Patents now to be made for term of years, for term of life, fee ſimple, or fee tail, ſhall ſtand for ever and at all times diſabled to be or bear the office of Sheriff within any County in England by the ſame authority. And that every liege man, which will ſue for the ſaid

St. 14 Ed. 3. 7.

St. 42 Ed. 3. 9.

St. 1 R. 2. 11.

A confirmation of the Statutes of 14 Ed. 2. 7. 42 Ed. 3. 9. & 1 R. 2. 11. that no man ſhall be Sheriff above one year, &c.
St. 28 Ed. 3. 7.

The penalty for occupying the Sheriff. wick above one year.
Raſt. pl. f. 202.
ALT. 12 E. 4. 8.

All patents made to any to be Sheriff above a year, ſhall be void.

Who ſhall take the benefit of the forfeiture.

ſaid ſum forfeit againſt him or them, which in ſuch manner doth forfeit or ſhall forfeit, ſhall be received and admitted to ſue an action of debt in his own name; our Lord the King to have the one half of all that ſhall happen by the ſame action to be recovered by ſuch ſuit, and he or they that ſo purſueth, to have the other half. St. 29 H. 6. 2. 6 H. 8. 28.

CAP. IX.

The Chancellor of England may grant Commiſſions of Sewers, during xv. years. Exp.

CAP. X.

No Sheriff ſhall let to ferm his County or any Bailiwick. The Sheriffs and Bailiffs fees and duties in ſeveral caſes.

No Sheriff ſhall let to ferm his County or any Bailiwick, Hundred or Wapentake. St. 4 H. 4. 5. None of the Sheriffs officers ſhall be returned upon inqueſts.

The Sheriff and his Bailiffs fees for arreſts and attachments. Raſt. pl. f. 318. Coke pl. 365.

The Sheriffs and officers fee for the copy of a Panel. St. 3 E. 1. 26.

What ſort of perſons the Sheriff and his officers may let out of priſon to mainpriſe, and what not. Fitz. N.B. f. 251. B.

What obligation, and in what form the Sheriff ſhall take of them which be doth let to bail for their appearance.

The Sheriffs fee for an obligation, warrant, or precept.

The Sheriff ſhall make deputies in the Kings Courts. Raſt. pl. f. 371. St. 31 El. 9.

The forfeitures of the offendors, and who ſhall have them.

Which Juſtices may inquire of, hear and determine the offences aforeſaid.

The Sheriff returning Cepi Corpus or Reddidit ſe.

20 H 7. f. 6. 21 H. 7. f. 36. Cro. El. 66. 12. 12. 178. 191. 199. 271.

Kel. f. 101.

21 H. 7. f. 16.

Cro. El. 76.

Plow. f. 60.

Coke l. 10. f. 101. 37 H. 6. f. 1. Plow. f. 60. Dyer f. 118. 323. 364. 7 Ed. 4. f. 5. Coke l. 3. f. 59. l. 10. f. 99. Cro. l. 108. 460 745. 766 808. 852. Cro. Jac. 286. Cro. Car. 309. 438.

Dyer f. 25.

ITem, The King conſidering the great perjury, extortion and oppreſſion which be and have been in this Realm by his Sheriffs, Underſheriffs and their Clerks, Coroners, Stewards of Franchiſes, bailiffs and keepers of priſons, and other officers in divers Counties of this Realm, hath ordained by authority aforeſaid, in eſchewing of all ſuch extortion, perjury and oppreſſion, that no Sheriff ſhall let to ferm in any manner his County, nor any of his Bailiwicks, Hundreds or Wapentakes; nor that the ſaid Sheriffs, Underſheriffs, Bailiffs of Franchiſes, nor any other Bailiff, ſhall return upon any writ or precept to them directed to be returned, any inqueſts in any panel thereupon to be made, any Bailiffs, Officers, or ſervants to any of the Officers aforeſaid, in any panel by them ſo to be made; nor that any of the ſaid Officers and Miniſters, by occaſion or under colour of their Office, ſhall take any other thing by them, nor by any other perſon to their uſe, profit, or avail, of any perſon by them or any of them to be arreſted or attached, nor of any other of them, for ẏ omitting of any arreſt or attachment to be made by their body, or of any perſon by them or any of them by force or colour of their office arreſted or attached for fine, fee, ſuit of priſon, mainpriſe, letting to bail, or ſhewing any eaſe or favour to any ſuch perſon ſo arreſted or to be arreſted for their reward or profit, but ſuch as follow; that is to ſay, For the Sheriff xx. d. the Bailiff which maketh the arreſt or attachment four pence, and the Gaoler, if the priſoner be committed to his Ward, four pence. And that the Sheriff, Underſheriff, Sheriffs Clerk, Steward, or Bailiff of Franchiſe, ſervant or Bailiff, or Coroner ſhall not take any thing by colour of his office, by him nor by any other perſon to his uſe, of any perſon for the making of any return or panel, and for the copy of any panel, but iv. d. And that the ſaid Sheriffs and all other Officers and Miniſters aforeſaid, ſhall let out of priſon all manner of perſons by them or any of them arreſted, or being in their cuſtody by force of any writ, bill, or warrant, in an action perſonal, or by cauſe of indictment by treſpaſs, upon reaſonable ſureties of ſufficient perſons, having ſufficient within the Counties where ſuch perſons be ſo let to bail or mainpriſe, to keep their days in ſuch places as the ſaid writs, bills or warrants ſhall require. (Such perſon or perſons which be or ſhall be in their Ward by condemnation, execution, Capias utlagatum or excommunicatum, ſurety of the peace, and all ſuch perſons, which be or ſhall be committed to ward by ſpecial commandment of any Juſtices, and vagabonds refuſing to ſerve according to the form of the Statute of Labourers only except.) And that no Sheriff, nor any of his Officers or Miniſters aforeſaid, ſhall take or cauſe to be taken, or make any obligation for any cauſe aforeſaid, or by colour of their Office, but only to themſelves, of any perſon, nor by any perſon which ſhall be in their Ward by the courſe of the Law, but by the name of their Office, and upon condition written, that the ſaid priſoners ſhall appear at the day contained in the ſaid writ, bill, or warrant, and in ſuch places, as the ſaid writs, bills, or warrants ſhall require. And if any of the ſaid Sheriffs or other Officers or Miniſters aforeſaid take any obligation in other form by colour of their Offices, that it ſhall be void. And that he ſhall take no more for the making of any ſuch obligation, warrant, or precept by them to be made, but four pence. And alſo that every of the ſaid Sheriffs ſhall make yearly a deputy in the Kings Courts of his Chancery, the Kings Bench, the Common Place, and in the Eſchequer of Record, before that they ſhall return any writs, to receive all manner of writs and warrants to be delivered to them: And that all Sheriffs, Underſheriffs, Clerks, Bailiffs, Gaolers, Coroners, Stewards, Bailiffs of Franchiſes, or any other officers or miniſters which do contrary to this Ordinance in any point of the ſame, ſhall loſe to the party in this behalf indamaged or grieved, his treble damages, and ſhall forfeit the ſum of xl. li. at every time that they or any of them do the contrary thereof in any point of the ſame; whereof the King ſhall have the one half to be imployed to the uſe of his houſe, and not otherwiſe, and the party that will ſue the other half. And that the Juſtices of Aſſiſes in their Seſſions, Juſtices of the one Bench and of the other, and Juſtices of Peace in their County ſhall have power to enquire, hear and determine of office without ſpecial Commiſſion, of and upon all them that do contrary to theſe Ordinances in any article or point of the ſame. And if the ſaid Sheriffs return upon any perſon, Cepi corpus, or Reddidit ſe, that they ſhall be chargeable to have the bodies of the ſaid perſons at the days of the returns of the ſaid writs, bills, or warrants, in ſuch form as they were before the making of this Act.

The Warden of the Fleet, and of the Palace at Weſtminſter.

Provided alwas, that the Warden of the Kings Gaol of the Fleet, & of the Kings Palace of Weſtminſter for the time being, ſhall not be endamaged or prejudiced by this Ordinance in the duty of his Office. And alſo that this Ordinance ſhall begin at the Feaſt of Eaſter, which ſhall be in the year of our Lord M. CCCC. xl. vi. Coke li. 4. fo. 76. Dyer fo. 119.

CAP. XI.

The order of levying the wages of the Knights of the Parliament.

The order of the levying of the wages of the Knights of the Shire for the Parliament.

ITem, Whereas before this time divers Sheriffs in divers Counties of England, by colour of writs to them directed, to levy the wages of the Knights of the Shires for the time being, of the Parliament of the King that now is, and of his noble progenitors, have levied more money then hath been due to the ſaid Knights, and more then they have delivered, keeping and retaining great part of the money to their own uſe & profit, to their officers and ſervants, to the great loſs of the common people of the ſaid Counties: The King conſidering the premiſes, hath ordained by the authority aforeſaid, That the Sheriff of every County for the time being, in the next County Court holden in their Counties, after the delivery of the ſaid writs directed to them, ſhall make open proclamation, that the Coroners and every chief Conſtable of the Peace of the ſaid Counties, and the Bailiffs of every Hundred or Wapentake of the ſame County, and alſo other which will be at the aſſeſſing of the wages of the Knights of the Shires, ſhall be at the next County there to be holden to aſſeſs the ſaid wages of the ſaid Knights. And that the Sheriff, Underſheriff, Coroners, or Bailiffs for the time being, be there at the ſame time in their proper perſon, upon pain of forfeiture to the King of every of them that maketh default, fourty ſhillings. At which time the ſaid Sheriff or Underſheriff in the preſence of them that ſhall come to the ſame, and of the ſuitors of the ſame Counties then being there in the full County, well and duly ſhall aſſeſs every Hundred to that aſſeſſable by it ſelf, to pay a certain ſum for the wages of the Knights of the Shire, ſo that the whole ſum of all the Hundreds do not exceed the ſum which ſhall be due to the ſaid Knights. And after that in the ſame County they ſhall aſſeſs, well and lawfully, every Village within the ſaid Hundreds, which ſhould be there aſſeſſable to a certain ſum for the payment of the ſaid wages; ſo that the whole ſum of all the Towns within any of the ſaid Hundreds do not exceed the ſum aſſeſſed upon the Hundred of which they be. And that the ſaid Sheriffs, Underſheriffs, Bailiffs, nor any other officer, for the cauſe aforeſaid, ſhall levy more money of any Village then that whereunto they were aſſeſſed: and if any do, or will aſſeſs any Hundred or Village, otherwiſe then is aforeſaid, that they ſhall forfeit for every default to the King twenty pound, and to any man which will ſue in this caſe, ten pound.

7 H. 6. f. 35 Fitz. Avowry 260.

The penalty of the Sheriff or his officers which do levy more money then is aſſeſſed.

And that the ſaid Sheriffs well and duly ſhall levy the money ſo aſſeſſed upon the aforeſaid Villages, as ſpeedily as they well may after the ſaid aſſeſſing, and the ſame ſhall deliver to the ſaid Knights, according to the writs thereof to be made upon the ſaid penalties. And he that will ſue in this caſe, ſhall be thereunto admitted, and ſhall have for his action in this caſe a Scire facias againſt him that offendeth contrary to this Ordinance; and if the defendant duly warned in the ſame make default, or elſe appear and be in the ſame convict, that then the Plaintiffs ſhall recover againſt them which be ſo convict, ten pound to their own uſe; over the ſaid Twenty pound, with their treble damages for the coſts of their ſuits.

11 H. 4. f. 9.

Who may proſecute ſuit againſt the offenders, and by what writ. Who may enquire of, hear, and puniſh the offenders aforeſaid.

And the Juſtices of the Kings Bench, and of the Common place, Juſtices of Aſſiſes, and Gaol-delivery, and Juſtices of Peace in their Countrey, ſhall have power to enquire, hear, and determine of all the ſaid defaults, as well by enquiry at the Kings ſuit, as by action at the ſuit of the parties. And that all ſuch expences of Knights ſhall not be levied of any other Villages, ſeigniories or places, but of ſuch, whereof it hath been levied before this time.

The Knights wages ſhall be levied but in ſuch places where they have been.

And that in every ſuch Writ from henceforth to be made to levy the wages of the ſaid Knights, this Act ſhall be comprehended in the ſame. Regiſt. f. 192. Raſt. pl. f. 595. Fitz. Avowry 260. St. 35 H. 8. 11.

CAP. XII.

The trial ſhall be made when the Tenant or Defendant after an iſſue joyned, pleadeth a foreign plea, where the ſame writ is brought, and by the Jury ſo returned. Exp.

CAP. XIII.

A Servant in husbandry purpoſing to depart from his maſter, muſt give him half a years warning, or elſe he ſhall ſerve him the year following. The ſeveral wages of ſervants in husbandry, and of labourers, with meat and drink, and without. Rep. 5 El. 4.

CAP. XIV.

The penalty of a Subjects Taker, taking any thing without the owners conſent.

ITem, The King hath ordained and ſtabliſhed by the authority aforeſaid, That if any buyer or other Officer of the Duke of Glouceſter, or of any other Lord or perſon, of what eſtate, degree or condition that he be, preſume upon him to take, or elſe do take any victuals, corn, hay, carriages, or any other thing whatſoever, of any of the Kings liege people in any wiſe againſt their will, without lawful bargain betwixt the ſaid buyers or officers, and the ſaid liege people thereof to be made, to the uſe of the ſaid Duke or other Lord for their houſes, but only for the King and the Queen, and their houſes, that then if notice or requeſt be made to the Mayor, Sheriff, Bailiff, Conſtable, Officers, or other of the Kings Miniſters of Cities and Boroughs, or other Counties or places where ſuch takings ſhall happen to be, that then the ſaid Mayor, Sheriff, Conſtable, Officer and Miniſter, to whom ſuch notice and requeſt ſhall be made, preſently ſhall take and arreſt all ſuch buyers and officers ſo doing or offending, and them ſhall ſend to the Kings next priſon, there to remain, and not to be let to bail nor mainpriſe, until they have redelivered the ſaid victuals, carriages, and other things ſo taken, or the very value of the ſame. And if the ſaid Mayor, Sheriffs, Bailiffs, Conſtables, and Officers aforeſaid do contrary to this, that then they ſhall forfeit twenty pound, whereof the King ſhall have the one half, and the party from whom ſuch things be taken, the other half, if he will ſue by an action of debt, in the which the defendant ſhall not wage his Law: and if he will not ſue, whoſoever will ſue for the King and himſelf, ſhall have the ſuit to recover to himſelf the one half thereof, and the King the other half: And if any of the ſaid buyers, other then of the King and the Queen, be duly convict of ſuch unlawful taking (as afore is recited) at the ſuit of ſuch parties as ſhall ſue them in this behalf, that then they ſhall yield to the party which ſo ſueth the treble value of the victuals, or other thing ſo taken, and the double coſts of their ſuits, and for the ſaid treſpaſs to make fine and ranſom to the King. And that in all ſuch actions or ſuits aforeſaid, the Kings protection ſhall not be allowed nor available for the Defendant. And this Ordinance

The penalty if a ſubjects cator, or other, do take any thing againſt the owners will.

The forfeiture of Officers which will not aſſiſt the oppreſſed in this caſe.

ſhall begin to take effect at the Feaſt of Eaſter, which ſhall be in the year of our Lord, one thouſand four hundred fourty and ſix. Provided always, that by this Act the puniſhment ordained againſt the Kings Purveyors in no wiſe ſhall be reſtrained. Stat. 36 Ed. 3. 6. 7 R. 2. 8.

CAP. XV.

Who ſhall be Knights for the Parliament. The manner of their election. The remedy where one is choſen and another returned.

St. 1 H. 5. 1. Co. Inſt. 4. p. 10.

ITem, Whereas by authority of a Parliament holden at Weſtminſter the firſt year of the Reign of King Henry, father to the King that now is, amongſt other things it was ordained, That the Citizens and Burgeſſes of Cities, and Boroughs, coming to the Parliament, ſhould be choſen men, Citizens and Burgeſſes reſiant, abiding and free in the ſame Cities and Boroughs, and none other, as in the ſame Statute more fully is contained; which Citizens and Burgeſſes have always in Cities and Boroughs been choſen by Citizens and Burgeſſes, and no other, and to the Sheriff of the Counties returned, and upon their returns received and accepted by the Parliament before this holden. And alſo whereas by authority of a Parliament holden at Weſtminſter, the eighth year of the Reign of the King that now is, it was ordained in what manner and form the Knights of the Shires coming to the Parliaments from thenceforth to be holden ſhould be choſen, and how the Sheriffs of the ſame Counties thereupon ſhould make their returns, as in the ſame Statute more fully appeareth: by force of which Statute elections of Knights to come to the Parliaments ſometime have been duly made, and lawfully returned, until now of late, that divers Sheriffs of the Counties of the Realm of England, for their ſingular avail and lucre, have not made due elections of the Knights, nor in convenient time, nor good men and true returned, and ſometime no return of the Knights, Citizens, and Burgeſſes lawfully choſen to come to the Parliaments, but ſuch Knights, Citizens and Burgeſſes have been returned, which were never duly choſen, and other Citizens and Burgeſſes then thoſe which by the Mayors and Bailiffs were to the ſaid Sheriffs returned: and ſometime the Sheriffs have not returned the writs, which they had to make election of Knights to come to the Parliaments, but the ſaid writs have imbeſiled, and moreover made no precept to the Mayor and Bailiff, or to the Bailiffs or Bailiff, where no Mayor is of Cities and Boroughs, for the election of Citizens and Burgeſſes to come to the Parliament, by the colour of theſe words contained in the ſame writs: Quod in pleno comitatu tuo eligi facias pro comitatu tuo duos milites, & pro qualibet civitate in comitatu tuo duos cives, & pro quolibet burgo in comitatu tuo duos burgenſes; and alſo becauſe ſufficient penalty and convenient remedy for the party in ſuch caſe grieved, is not ordained in the ſaid Statutes againſt the Sheriff, Mayors and Bailiffs, which do contrary to the form of the ſaid Statutes: The King conſidering the premiſſes, hath ordained by authority aforeſaid, That the ſaid Statutes ſhall be duly kept in all points: and moreover, that every Sheriff, after the delivery of any ſuch writ to him made, ſhall make and deliver without fraud, a ſufficient precept under his ſeal, to every Mayor and Bailiff, or to Bailiffs or Bailiff where no Mayor is of the Cities and Boroughs, within his County, reciting the ſaid writ, commanding them by the ſame precept, if it be a City, to chuſe by Citizens of the ſame City, Citizens, and in the ſame manner and form, if it be a Borough, by the Burgeſſes of the ſame, to come to the Parliament. And that the ſame Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, ſhall return lawfully the precept to the ſame Sheriffs, by Indentures betwixt the ſame Sheriff and them to be made of the ſaid elections, and of the names of the ſaid Citizens and Burgeſſes by them ſo choſen, and thereupon every Sheriff ſhall make a good and rightful return of every ſuch writ, and of every return by the Mayors and Bailiffs, or Bailiffs or Bailiff, where no Mayor is, to him made. And that every Sheriff at every time that he doth contrary to this Statute, or any other Statutes for the election of Knights, Citizens and Burgeſſes, to come to the Parliament, before this time made, ſhall incur the pain contained in the ſaid Statute made the ſaid eighth year, and moreover ſhall forfeit and pay to every perſon hereafter choſen Knight, Citizen or Burgeſs in his County, to come to any Parliament, and not duly returned, or to any other perſon, which in default of ſuch Knight, Citizen or Burgeſs will ſue, an hundred pound, whereof every Knight, Citizen and Burgeſs ſo grieved, ſeverally, or any other perſon which in their default will ſue, ſhall have his action of debt againſt the ſaid Sheriff, or his Executors or Adminiſtrators, to demand and have the ſaid hundred pound, with his coſts ſpent in that caſe. And that in ſuch action taken by vertue of this Statute, the defendant ſhall not wage his Law of the demand aforeſaid in any wiſe, and that no defendant in ſuch action ſhal have any eſſoin. And in the ſame manner at every time that any Mayor and Bailiffs, or Bailiffs or Bailiff, where no Mayor is, ſhall return other then thoſe which be choſen by the Citizens and Burgeſſes of the Cities or Boroughs, where ſuch elections be, or ſhall be made, ſhall incur and forfeit to the King fourty pound: and moreover ſhall forfeit and pay to every perſon hereafter choſen Citizen or Burgeſs to come to the Parliament, and not by the ſame Mayor and Bailiffs, or Bailiffs or Bailiff, where no Mayor is, returned, or to any other perſon, which in default of ſuch Citizen or Burgeſs ſo choſen will ſue, fourty pound, whereof every of the Citizens and Burgeſſes ſo grieved ſeverally, or any other perſon which in their default will ſue, ſhall have his action of debt againſt every of the ſaid Mayor and Bailiffs, or Bailiffs or Bailiff, where no Mayor is, againſt their Executors or Adminiſtrators, to demand and have of every of the ſaid Mayors and Bailiffs, or Bailiffs or Bailiff, where no Mayor is, fourty pound, with his coſts in this caſe expended. And that in ſuch action of debt taken by force of this Statute, no defendant in any wiſe ſhall wage his law of the ſaid demand, nor have any eſſoin.

St. 8 H. 6. 7.

The ſeveral defaults of Sheriffs in returning of Knights, Citizens or Burgeſſes, to come to the Parliament.

The Sheriffs precept to Mayors and Bailiffs of Cities and Boroughs to chuſe Citizens and Burgeſſes to come to the Parliament.

The penalty of a Sheriff making an untrue return concerning the election of Knights or Burgeſſes to come to the Parliament. St. 11 H. 4. 1. Raſt. pl. f. 410.

Plow. f. 118. Dyer f. 113. 168.

The penalty of Mayors or Bailiffs making untrue returns touching the election of their Citizens or Burgeſſes.

And that every Sheriff that maketh not due election of Knights to come to the Parliament in convenient time, that is to ſay, every Sheriff in his full County betwixt the hour of eight and the hour of eleven before noon, without colluſion in this behalf: And that every Sheriff that maketh not good and true return of ſuch elections of Knights to come to the Parliament in time to come, as to them pertaineth in manner and form aforeſaid, ſhall forfeit to the King an hundred pound, and alſo ſhall incur the pain of a C. li. to be paid to him that will ſue againſt him, his executors or adminiſtrators for this cauſe by way of action of debt, with his coſts in this behalf expended, without waging of law of his demand, or having eſſoin as afore is ſaid.

At what time of the day the Knights for the Shire ſhall be choſen.

Provided always, that every Knight, Citizen and Burgeſs to come to any Parliament hereafter to be holden in due form choſen and not returned, as afore is ſaid, ſhall begin his action of debt aforeſaid, within three moneths after the ſame Parliament commenced, to proceed in the ſame ſuit effectually without fraud, and if he ſo do not, another that will ſue ſhall have the ſaid action of debt (as it is before ſaid) and ſhall recover the ſame ſum with his coſts ſpent in this behalf, in manner and form aforeſaid: ſo that no defendant in ſuch action ſhall wage his law, nor be eſſoined in any wiſe as afore is ſaid. And if any Knight, Citizen or Burgeſs hereafter returned by the Sheriff to come to the Parliament, in the manner aforeſaid, after ſuch return be by any perſon put out, and another put in his place, that ſuch perſon ſo put in the place of him which is out, if he take upon him to be Knight, Citizen or Burgeſs, at any Parliament in time to come, ſhall forfeit to the King an hundred pound, and an hundred pound to the Knight, Citizen or Burgeſs ſo returned by the Sheriff, and after, as afore is ſaid, put out. And that the Knight, Citizen or Burgeſs which is ſo put out ſhall have an action of debt of the ſame C. li. againſt ſuch perſon put in his place, his executors or adminiſtrators. Provided always that he ſhall begin his ſuit within three moneths after the Parliament commenced. And if he do not, then he that will ſue ſhall have an action of debt of the ſame C. li. againſt him which is put in place of him that is ſo put out after ſuch return, his executors or adminiſtrators, and that no defendant in ſuch action ſhall wage his law, nor be eſſoined: and that ſuch proceſs ſhall be in the actions aforeſaid, as in a Writ of treſpaſs done againſt the peace at the common Law. So that the Knights of the Shires for the Parliament hereafter to be choſen, ſhall be notable Knights of the ſame Counties for the which they ſhall be choſen, or otherwiſe ſuch notable Eſquires, or Gentlemen born of the ſame Counties, as ſhall be able to be Knights: and no man to be ſuch Knight, which ſtandeth in the degree of a Yeoman, and under.

The party grieved ſhall begin his ſuit within three moneths after the Parliament begun.

The penalty if any choſen to be Knight, Citizen or Burgeſs, be put out, and another put in his place.

What ſort of perſons ſhall be choſen Knights of the Shire.

CAP. XVI.

The duty of a Gauger, and when he ſhall have it.

ITem, The King hath ordained and eſtabliſhed by the authority aforeſaid, that the peny, which is called the Gauge-peny, ſhall not be paid to the Gauger, nor to any other in his name, until he or his deputies have gauged the wines, and then he to take and receive his peny for the ſame in gree, without more increaſe or advantage to claim for it. And alſo that he or his deputy be ready to do the office of Gauger in all places, when he to that by the party ſhall be required, and that to be obſerved through all the Realm of England, upon the pain compriſed in the Statute made the ſeven and twentieth year of the noble King Edward the third, of the gaugeing of Red Wine, and White Wine, duly to be executed. St. 28 H. 8. 14.

When the gauge-peny ſhall be paid to the Gauger.

St. 27 Ed. 3. 8.

CAP. XVII.

When and where an Eſcheator ſhall take his Inqueſt of Office. And his Fee.

ITem, It is ordained by authority aforeſaid, That every Eſcheator ſhall take his Inqueſts of Office by vertue of the writs of Diem clauſit extremum, and all other writs, within the moneth after the delivery of ſuch writs, and alſo that all ſuch Inquiſitions ſhall be taken in good Towns and open places; and that none of them ſhall take privily nor openly by him, nor by any perſon, for the execution of any ſuch writs in one County, nor by the occaſion thereof, above the ſum of ſix ſhillings and eight pence, or thirteen ſhillings and four pence, or above, where his labour and his coſts ſhall require it, ſo that the ſum which he ſo ſhall take, do not exceed in the whole the ſum of fourty ſhillings, for the execution of any ſuch writ in one County: and if any Eſcheator do contrary to any of the premiſes, that then he ſhall forfeit the ſum of fourty pound.

Within what time and where an Eſcheator ſhall take his Inqueſts of Office.

St. 34 Ed. 3. 13. 1 H. 8. 8.

An Eſcheators fee for the finding of an Office.

V.N.B.f.22.

And if any man traverſe an office taken before any Eſcheator or Commiſſioner, and thereof hath a Scire facias againſt any Patentee, that in this caſe no protection ſhall be allowed, nor allowable. And as to any grant or leaſe to be made to any perſon, which ſhall traverſe any ſuch office, that the Statute in that caſe before this time made, ſhall be duly obſerved, and that the King ſhall have the half of the ſaid forfeiture of fourty pound, and the party which in this behalf will ſue for the King and himſelf, ſhall have the other half of the ſame.

Leaſes ſhall be made to thoſe which do tender a Traverſe to an Office.

St. 30 Ed. 3. 13. 8 H. 16. 18 H. 6. 6.

CAP. XVIII.

No new Impoſitions ſhall be laid upon them which buy Wines in Gaſcoyn or Guyon, by any of the Kings Officers in thoſe parts, upon pain of forfeiture of twenty pound, and treble damages. OB.

Statutes made at S. *Edmundsbury, Anno viceſimo quinto Henrici ſexti, & Anno Domini* 1447.

All Statutes made againſt Welſhmen confirmed. All grants of Markets and Fairs to any Welſhman ſhall be void. The Kings villains in North-Wales ſhall be conſtrained to ſuch labour as they have done before. Rep. 21 Jac. 28. St. 27 H. 8. 26.

Statutes made at *Weſtminſter*, *Anno* 27 *H.* 6. & *Anno Domini* 1448.

AT the Parliament holden at Weſtminſter the twelfth day of February, the ſeven and twentieth year of the Reign of our Lord King HENRY the ſixth after the Conqueſt, the ſame our Lord the King, by advice and aſſent of the Lords Spiritual and Temporal, and the Commons being in the ſame Parliament, hath ordained and eſtabliſhed divers Ordinances and Statutes in manner and form following.

CAP. I.

If woollen Clothes made in this Realm ſhall be prohibited, and not accepted in Brabant, Holland, and Zeland: then no Merchandiſe growing or wrought there within the Dominion of the Duke of Burgoin, ſhall come into England upon pain of forfeiture thereof. Exp. St. 28 H. 6. 8.

CAP. II.

Becauſe in the Reign of King Edward the third, the ſubſidies and cuſtoms of the Staple of Calice were threeſcore and eight thouſand pounds yearly, and now be not above twelve thouſand pounds: Therefore no licence granted, or to be granted by the King, ſhall be available for the carriage of wools, fels, or Tin, to any place out of the Realm, but to Calice: And whoſoever doth obtain, accept, and put in execution any ſuch Licence, ſhall be out of the Kings protection. Except, &c. Exp.

CAP. III.

Merchants Aliens ſhall beſtow all their money upon other Merchandiſes, and carry forth no gold nor ſilver upon pain of forfeiture thereof. Exp. St. 4 H. 4. 15. 5 H. 4. 9. 3 H. 7. 8.

CAP. IV.

A Rehearſal and Confirmation for three years, of the Stat. of 20 H. 6. 3. provided againſt Welſhmen that take any Engliſhmen, their goods and chattels, and carry them into Wales. Exp.

CAP. V.

Certain days wherein Fairs and Markets ought not to be kept.

ITem, Conſidering the abomination, injuries and offences done to Almighty God, and to his Saints, always aiders and ſingular aſſiſters in our neceſſities; becauſe of Fairs and Markets upon their high and principal Feaſts, as in the Feaſt of the Aſcenſion of our Lord, in the day of Corpus Chriſti, in the day of Whitſunday, in Trinity Sunday, with other Sundaies, and alſo in the high Feaſt of the Aſſumption of our bleſſed Lady, the day of All Saints, and on good Friday, accuſtomably and miſerably holden and uſed in the Realm of England: In which principal and feſtival days, for great earthly covetiſe, the people is more willingly vexed & in bodily labour foiled, then in other ferial days, as in faſtening & making their booths and ſtalls, bearing and carrying, lifting and placing their wares outward and homeward; as though they did nothing remember the horrible defiling of their ſouls in buying and ſelling, with many deceitful lies and falſe perjury, with drunkenneſs and ſtrifes, and ſo ſpecially withdrawing themſelves and their ſervants from divine Service. The foreſaid Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons of this Realm of England, being in the ſaid Parliament, and by authority of the ſame Parliament, hath ordained that all manner of Fairs and Markets in the ſaid principal Feaſts and Sundays, and Good Friday, ſhall clearly ceaſe from all ſhewing of any goods or merchandiſes (neceſſary victual only except) upon pain of forfeiture of all the goods aforeſaid ſo ſhewed, to the Lord of the Franchiſe or Liberty, where ſuch goods, contrary to this Ordinance, be, or ſhall be ſhewed (the four Sundays in Harveſt except.) Nevertheleſs of his ſpecial grace, by authority aforeſaid, granteth to them power, which of old time had no day to hold their Fair or Market, but only upon the feſtival days aforeſaid, to hold by the ſame authority and ſtrength of his old grant, within three days next before the ſaid Feaſts, or next after, Proclamation firſt made to the ſimple common people, upon which day the aforeſaid Fair ſhall be holden, always to be certified without any fine or fee to be taken to the Kings uſe. And they which of old time have by ſpecial grant ſufficient days before the Feaſts aforeſaid, or after, ſhall in like mnnner as is aforeſaid, hold their Fairs and Markets the full number of their days. The ſaid Feſtival days and Sundays, and Good Fridays except.

A penalty inflicted upon thoſe that ſhall keep Fairs or Markets upon Sundays.

Provided always, That this preſent Ordinance ſhall begin to take effect at the Feaſt of S. Michael next coming, and not before, and ſhall endure until the next Parliament, and ſo forth, except in the ſaid Parliament a reaſonable cauſe be alledged, ſhewed and proved, for the which it ſhall ſeem not expedient that the foreſaid Ordinance ſo ſhall endure.

CAP. VI.

The Kings Pardon of certain offences granted to all Prieſts, as well Secular as Religious. Of ſeveral offences, forfeitures, &c. Exp.

Statutes made at *Weſtminſter*, *Anno* 28 *H.* 6. & *Anno Dom.* 1449.

TO the honour of God, and of holy Church, and for the Common wealth and profit of all the Realm of England: Our Lord the King, HENRY the ſixth after the Conqueſt, by advice of the Lords Spiritual and Temporal, and at the ſpecial inſtance and requeſt of the Commons in the Parliament aſſembled of our Soveraign Lord the King that now is, holden at Weſtminſter the ſixth day of November, the eight and twentieth year of his Reign, by authority of the ſame Parliament, hath ordained and eſtabliſhed certain Ordinances and Statutes in manner and form following.

CAP. I.

A Rehearſal and confirmation for ſeven years, of the Statute of 27 H. 6. 1. prohibiting Merchandiſes growing or wrought in Holland, Zeland, and Brabant, to be brought into this Realm, until Engliſh Cloth may be ſold there. Exp.

CAP. II.

The penalty for taking any perſons Horſes or Cart without the delivery of the Owner, or ſome Officer, or for taking money to ſpare them.

ITem, Whereas divers Hoſtlers, Brewers, and other Victuallers, keeping hoſteries and other houſes of retailing of victuals in divers places in this Realm, have purchaſed the Kings Letters Patents, ſome to them for term of life, and ſome to them and to other joyntly for term of their lives, to take horſes and carts for the carriage of the King and Queen, more for their private and ſingular lucre and profit, then for any faithful ſervice of the King, or of the Queen: by colour of which Letters Patents they daily take horſes and carts where that no need is, and bring them to their hoſteries and other places of their affinity, and there keep them ſecretly, ſometime until they have ſpent xx. d. or xl. d. of their ſtuff, and ſometime more, and then they make the owners of the ſaid horſes and carts to pay for the ſame before that they can get delivery of their horſes and carts, and ſome till they have made a fine with them for ſuch horſes and carts at their will: And of ſome of the Kings people they take fines to ſhew favour, and not to take their horſes and carts; ſo that divers perſons of the Kings liege people in this noble Realm, be greatly indamaged by the ſaid takers, as well for the non-payment of the hire of the ſaid horſes and carts, as for the great charge they have for their meat, and fines made for their delivery after they be ſo taken: Our ſaid Lord the King by the advice and aſſent aforeſaid, hath ordained and eſtabliſhed, That all ſuch Letters Patents, granted to any perſon or perſons holding any Hoſteries, Brewhouſes, or houſe of retailing of victual, ſhall be void, and of no value nor effect; and if any ſuch grant be made to any ſuch perſon or perſons from henceforth, that all ſuch Patents ſo granted ſhall be void and of none effect. And that no perſon or perſons ſhall take horſe nor cart in any place within this Realm, but by the delivery of the Mayor, Sheriff, Bailiffs, or Conſtable, where ſuch taking ſhall be had. And if any ſuch perſon or perſons ſhall take any horſe or cart, of any perſon or perſons, without agreement made to the poſſeſſor for the ſame, and by the delivery of the Mayor, Sheriff, Bailiff, or Conſtable where ſuch takings ſhall be had, that then he or they, from whom ſuch horſe or cart is taken, and he or they of whom ſuch fines or payments be taken, as is afore rehearſed, ſhall have an action of treſpaſs at the common Law for ſuch takings. And that he or they that feeleth himſelf grieved in ſuch action, ſhall recover treble damages againſt him or them which ſo take any horſe or cart, fines or payment, contrary to this Ordinance; Saving always to the King his prerogative and his preheminence of and in the premiſes. St. 3 Ed. 31. 20 R. 2. 5.

The penalty for taking any horſe or cart without the delivery of the owner and ſome officer.

CAP. III.

The Kings pardon to thoſe that were *Sheriffs*, Underſheriffs or Clerks the laſt year before, for occupying their places above one year, contrary to the Statute of 23 H. 6. 8. Exp.

CAP. IV.

Felony for any Welſh or Lancaſhire man to take other men, their goods or cattels, under colour of diſtreſs, where they have no cauſe. Exp.

CAP. V.

The penalty for the Officers of the Cuſtom, which by colour of their Offices ſhall diſtrain any mans ſhips or goods.

ITem, Whereas divers Waterbailiffs, ſearchers, comptrollers of ſearches, and other their deputies and ſervants within the Ports of this Realm, and ſpecially within the Ports of Fowey, Plimouth, Dertmouth, and Pool, by colour of their offices daily do wrongfully take by conſtraint of diſtreſſes and arreſt upon the ſhips, barges, balengers, and other veſſels, goods and merchandiſes of the Kings liege merchants of this ſaid Realm, and among all other upon the Kings liege merchants of Gaſcoin, Guien, Ireland, Guernſey, and Garnſey, in their coming and going in the ſaid Ports, great charges and impoſitions, that is to ſay, for every piece of Creſcloth, iv. d. for every hundred of Canvas, vi. d. for the weight of every tun of Iron, xii. d. and ſometime more, and likewiſe of all other goods and merchandiſes of the ſaid liege people and other merchants of the Kings amity: And by ſuch wrongful diſtreſſes, arreſts, charges and impoſitions, they do diſcourage the ſaid merchants freely to come into this ſaid Realm, and to return, contrary to all law and conſcience, to the great prejudice of our ſaid Lord the King, in loſs of his Cuſtoms and Subſidies, and to the great damage of the ſaid merchants and their ſucceſſors, unleſs due remedy thereof be had in the ſame: By advice, aſſent, and authority aforeſaid, it is ordained and eſtabliſhed, that the ſaid merchants, their ſucceſſors and every of them, of all ſuch injuries, diſtreſſes, arreſts, charges and impoſitions, afore recited, to be made to them or any of them, as well by waterbailiffs, ſearchers, and comptroller of the ſearch, as by collectors of the ſaid cuſtoms and ſubſidies, comptrollers of the ſame, ſurveyors of the cuſtoms and ſubſidies, and of the ſearch-packers, or any other officers, or their deputies or ſervants, by their commandment, or any of them hereafter, may have thereupon a general Writ of treſpaſs againſt ſuch offendors and every of them, according to the form of the Law, and to recover againſt them and every of them, thereof ſo convicted, fourty pound. And that the ſaid merchants, their ſucceſſors and every of them ſo grieved (as before is ſaid) ſhall purſue the ſaid Writ of treſpaſs, againſt the ſaid offendors and every of them, for ſuch injuries, diſtreſſes, arreſts, charges and impoſitions ſo to be made, as afore is ſaid, within two moneths next after ſuch injuries, diſtreſſes, arreſts, charges, and impoſitions, to be made by them or any of them, as before is ſaid. And in caſe that the ſaid merchants, their ſucceſſors, or ſome of them, do not purſue the ſaid Writ of Treſpaſs, of ſuch Injuries, Diſtreſſes, Arreſts, Charges and Impoſitions aforeſaid, againſt the ſaid Offendors, nor any of them, within the ſaid two Moneths, That then it ſhall be lawful to every other perſon of the Kings liege people, to purſue the ſaid Writ of

The remedy when an officer of the cuſtom doth make any diſtreſſes, or arreſts upon any ſhips for an unlawful cauſe.

treſpaſs of ſuch injuries, diſtreſſes, arreſts, charges and impoſitions, to be made as is aforeſaid, againſt all ſuch offenders, and every of them, according to the form of the Law, and to recover againſt them, and every of them thereof ſo convict, fourty pound; the King to have the one half, and he or they which will purſue, the other half.

Statutes made at *Weſtminſter*, 29 *Hen.* 6. *&* *Anno Dom.* 1450.

OUr Soveraign Lord King Henry the ſixth after the Conqueſt, at his Parliament holden at Weſtminſter, in the Feaſt of Saint Leonard, the nine and twentieth year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſame Parliament aſſembled, and by the authority of the ſame, hath ordained and ſtabliſhed divers Ordinances and Statutes in form which followeth.

CAP. I.

John Cade attainted of Treaſon, and his lands, tenements, goods, &c. given to the King, and his bloud corrupt. Pr.

CAP. II.

A confirmation of the Statute of 2 Hen. 5. 6. ordained againſt them which break Truces and ſafe conducts, and appointing Conſervators of the ſame. Exp.

CAP. III.

Co.Inſt.4.p.49. All Letters Patents granted, or hereafter to be granted to Citizens of York to be exempt of the offices of Majoralty, Sheriffwick, Chamberlain, Collector of Diſmes and Quinzims, and Citizen for the Parliament, ſhall be void: And the Citizen which purchaſeth or taketh ſuch exemption, ſhall forfeit fourty pound to the King, and to the Mayor, and Citizens of York. Pr.

Statutes made at *Reading*, *Anno triceſimo primo Henrici ſexti*, *&* *Anno Domini* 1452.

AT the Parliament holden at Reading, the ſixth day of March, the one and thirtieth year of the Reign of our Lord King Henry the ſixth after the Conqueſt, the ſame our Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons being in the ſaid Parliament, and by authority of the ſame Parliament, hath made, ordained and eſtabliſhed divers Acts and Statutes in the manner and form following.

CAP. I.

John Cade ſhall be adjudged a Traytor. And all Indictments and Acts done by his authority ſhall be void. Pr.

CAP. II.

If any perſon, which during ſeven years ſhall receive the Kings Writs under the great Seal, of Letters under the Privy ſeal, or warned by Proclamation to appear before the Kings Counſel, or in the Chancery, to anſwer to Riots, Extortions, Oppreſſions, or grievous offences, do diſobey or refuſe; At the firſt time he ſhall loſe all his offices, fees and other poſſeſſions, which he hath of the Kings gift: At the ſecond Proclamation, he ſhall loſe for the term of his life, the Title of his honour and place in Parliament, and all his lands: And a man of living under the eſtate of a Lord, ſhall pay a fine, according to the diſcretion of the two chief Juſtices: And he that hath no land, ſhall be out of the Kings Protection. Exp. Co. Inſt. 4. p. 82.

CAP. III.

Attachments in the Eaſt and Weſt Marches, ſhall be made in Cumberland, Weſtmerland, Northumberland, and the Town of Newcaſtle duely. Rep. 4 Jac. 1.

CAP. III.

The remedy for him who having a ſafe conduct, is robbed upon the Sea.

By what means he ſhall have remedy, who having the Kings ſafe conduct, is robbed upon the Sea by any of the Kings ſubjects.

ITem, Our Soveraign Lord the King by authority aforeſaid hath ordained and eſtabliſhed, That if any of his Subjects attempt or offend upon the Sea, or in any Port within the ſaid Realm, under the Kings obeyſance, againſt any perſon or perſons, ſtrangers, being upon the ſea, or any other port aforeſaid, by way of amity, league or truce, or by force of the Kings ſafe conduct, or ſafeguard in any wiſe, and eſpecially in attaching of any ſuch ſtrange perſon, robbing or ſpoiling of him, his ſhip, or any other manner of goods, or againſt any other perſon of his liege people, the Chancellor of England for the time being, (as well for the deliverance of any ſuch perſon ſo attached to be had, as to make reſtitution to every *R.3.ſ.2. ſuch perſon ſo robbed or ſpoiled of ſhip or goods, or of the value thereof) ſhall have authority, calling to him any of the Juſtices of the one Bench, or of the other, upon a bill or bills of complaint to him made in this behalf, to make ſuch proceſs out of the ſaid Chancery, as well againſt all ſuch offenders, to bring them into the Kings Chancery, there to anſwer to the parties ſo grieved in this behalf, and againſt any other perſon or perſons, to whoſe hands any ſuch perſon ſo attached, ſhip or goods, ſhall come, as for the delivery and reſtitution by them to be made of the ſame perſon, ſhip & goods, as ſhall ſeem to the ſame Chancellor moſt expedient and neceſſary. And upon this proceſs ſo made out of the ſaid Chancery, the ſaid Chancellor further to proceed in this matter, if the caſe do ſo require, by advice of any ſuch Juſtice, to make the perſon and perſons ſtrangers ſo grieved, to have full delivery and reſtitution of any ſuch perſon ſo attached, and of all ſuch ſhips and goods, and alſo of all their coſts, expences and loſſes diſburſed and ſuffered by them in this behalf, and thereupon to award all manner of execution out of the ſaid Chancery, in ſuch ſort as ſhall ſeem to the ſaid Chancellor moſt expedient and neceſſary for ſuch delivery and reſtitution to be had, calling to him any ſuch Juſtice as afore is ſaid.; this Act to begin and take effect the firſt day of May, the two and thirtieth year of the ſaid King. 14 E. 4. 4.

CAP. V.

No Cuſtomer, Comptroller, &c. ſhall have any eſtate certain in his Office.

ITem, Whereas it was ordained by a Statute made in the time of King Richard the ſecond, that no ſearchers, gauger of wines, aulnager, finder, weigher, collector of cuſtoms and ſubſidies, or comptroller, ſhall have eſtate in his office for term of life, or for term of years, but that the ſaid officers ſhall remain under the government of the Treaſurer of England for the time being: Alſo where it was ordained by the Statute made in the time of King Henry the fourth, that the aulnage of Cloths within this Realm may be committed to ferm, or in approvement, according to the direction of the Treaſurer of England for the time being, as in the ſaid Statutes more fully is declared: yet that notwithſtanding divers perſons have obtained the Kings Letters Patents of the ſaid offices and aulnage, ſome for term of life, and ſome for term of years, to the great prejudice of the King and of his people, and contrary to the ſaid Statutes: Our ſaid Lord the King conſidering the premiſes, hath ordained by the authority aforeſaid, That all Letters Patents made of any of the ſaid offices or aulnage, to any perſon, againſt the effect of the ſaid Statutes, ſhall be void, and of no force. And that no Letters Patents of any of the ſaid offices or aulnage, ſhall be made hereafter, but by warrant of bill ſealed by the Treaſurer of England, for the time being, ſent by him into the Chancery, as it hath been accuſtomed before this time.

St. 17 R. 2. 5.

St. 4 H. 4. 24.

And that all Letters Patents made, or to be made hereafter, of the ſaid offices or aulnage, by other warrant then by bill of the Treaſurer, ſhall be void and of no effect. Provided always, That this Act ſhall not extend, nor be prejudicial nor hurtful to our Soveraign Lady the Queen, the Prince, the Duke of Buckingham, to the inheritors of Henry late Duke of Warwick, nor to the Mayor and Comminalty of London, nor to the Mayor, Bayliffs and Comminalty of the City of Wincheſter; as to any grant or grants, demiſe or demiſes of the aulnage, or any grant or grants of any ſum or ſums of money of the ferm of the aulnage to them granted, made or confirmed; nor to any Comptroller having any offices out of the Kings Ports, nor to John Penicock Eſquire, nor to Gyles Seyntlo Eſq; nor to any of the Kings or Queens houſhold ſervants, of any grant or grants of any office or offices to them made before this time, with the fees and wages of old time due and accuſtomed. St. 14 R. 2. 10. 17 R. 2. 5. 1 H. 4. 13.

No Cuſtomer, Comptroller, Aulnager, Searcher, &c. ſhall have any eſtate or certainty in his office. Co. Inſt. 4. p. 112.

CAP. VI.

The Stat. of 20 H 6. 2: touching the forfeitures of them which be outlawed in the County of Lancaſter, made perpetual. Rep. 33 H. 6. 2.

CAP. VII.

Fees, wages and rewards due to the Kings officers, ſhall not be compriſed within the Statute of Reſumption made in the eight and twentieth year of the Kings Reign. Exp. 33 H. 6. fol. 34. 9 Ed. 4. fol. 1.

CAP. VIII.

A confirmation of a Subſidy of Wool, Woolfels, and Cloth tranſported, granted by a Statute, ordained Anno 31 H. 6. not printed. Exp.

CAP IX.

A remedy for a woman inforced to be bound by Statute or Obligation.

ITem, Whereas in all parts of this Realm divers people of great power, moved with unſatiable covetouſneſs, againſt all right, humanity, integrity and good conſcience, have ſought and found new inventions, and them continually do execute, to the danger, trouble, and great abuſing of all Ladies, Gentlewomen, and other women ſole, having any ſubſtance of lands, tenements, or other moveable goods within this Realm; perceiving their great weakneſs and ſimplicity, will take them by force, or otherwiſe come to them, ſeeming to be their great friends, promiſing them their faithful friendſhip, and ſo by great diſſimulation, or otherwiſe, get them into their poſſeſſion, conveying them into ſuch places where the ſaid offendors be of moſt power: and when any woman by ſuch means, or by any other means be in their government, the ſaid evil diſpoſed perſon or perſons will not ſuffer them to go at large, and be at their liberty, until that they will bind themſelves to the ſaid offendors, or other perſon or perſons, to their uſe, in great ſums, by obligation or obligations, as well ſimple as conditional, or by obligation or obligations of Statute-merchant, made before a Mayor or Bayliffs, having power to take ſuch Recogniſances:

Alſo they will many times compel them to be married by them, contrary to their own likeings, or otherwiſe they will levy the ſaid ſum or ſums on their lands and goods, and put their perſon or perſons in danger, to their great damage; which hath been and is like to be an univerſal prejudice to the law of holy Church, and the law of this Realm, unleſs due remedy thereupon be provided: Our ſaid Lord the King conſidering the premiſes, hath ordained and ſtabliſhed by authority of this preſent Parliament, that in all ſuch caſes aforeſaid, the party bound may have a writ out of the Chancery, containing all the matter of their unreaſonable entreaty, directed to the Sheriff of the County where any ſuch offences were ſo done, or after ſhall be done, commanding him, That he by force of this Writ make Proclamation, in the full County, and in the next County-Court after the receit of the ſaid Writ, that the perſon or perſons contained in the ſaid Writ, ſhall appear of a certain day and place prefixed in the ſaid Writ, before the Chancellor of England for the time being, or otherwiſe before the Juſtices of Aſſiſes in the Counties where the ſaid offences were done, or elſe before ſome other notable perſon to be aſſigned by the Chancellor of England for the time being; at the which day and place if the ſaid parties appear, that then the ſaid Chancellor of England, Juſtice, or other perſon ſo to be aſſigned by the Chancellor for the time being, by vertue of this Ordinance, ſhall duely examine the

A remedy for a woman that is inforced againſt her will to be bound by Statute or obligation.

ſaid parties upon the premiſes. By which examination, if they can find the ſaid obligation or obligations, or any of them ſo to be made, as is aforeſaid, that then the ſaid obligation or obligations, and all proceſs and execution ſued, or to be purſued thereupon, ſhall be void, and of no force nor effect. And if it be found by examination before them, that the ſaid obligation or obligations, or any of them were made, or ſhall be found to be made for a true duty, and by no ſuch means as afore is ſaid, that then the ſaid obligation or obligations, and all the proceſs and execution ſued or to be purſued thereupon, ſhall ſtand good and effectual. And if it be ſo that the perſon or perſons in ſuch Writs named or to be named, againſt whom any ſuch Letters or Writs hereafter ſhall be ſued, make default at the day and place limited in the ſame Writ or Writs, that then all ſuch obligation or obligations, as be before ſpecified, and declared, and in the ſaid Writ or Writs expreſſed, declared and ſpecified, and all manner of proceſs and execution ſued or to be ſued thereupon, ſhall be void, and of no force nor effect. And that the ſaid Sheriff or Sheriffs, to whom ſuch Writ or Writs upon this Ordinance hereafter commenced, ſhall be directed, ſhall execute the ſaid Writs according to the tenour of the ſame, upon pain of three hundred pound, whereof our Soveragin Lord the King to have the one half, and the other half to the party which ſhall ſue the ſaid Writ of Proclamation. And that the ſaid party ſo grieved may have an action of debt in every ſuch caſe againſt the ſaid Sheriff for the half of the ſaid three hundred pound ſo forfeit, with proceſs of Outlawry. And that the party or parties defendants in any ſuch action hereafter to be purſued againſt any Sheriff or Sheriffs, ſhall alledge no protection, nor ſhall wage his Law, nor ſhall be received to make or plead any foreign plea, to be tried in any other place then there where the ſaid writ grounded upon this Statute is ſued.

The forfeiture of the Sheriff which doth not execute the Kings Writ of Proclamation.

Statutes made at *Weſtminſter*, *Anno triceſimo tertio Henrici ſexti*, *& Anno Domini* 1455.

HEnry by the grace of God King of England and France, and Lord of Ireland, the ſixth after the Conqueſt, at his Parliament holden at Weſtminſter, the ninth day of July, the three and thirtieth year of his Reign: by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons of his Realm of England, being in the ſame Parliament, and by authority of the ſame Parliament, made and ordained certain Ordinances and Statutes for the Common wealth of the ſame Realm, in the form following.

CAP. I.

A remedy for Executors againſt ſervants that imbeſil their Maſters goods after his death.

FIrſt, our foreſaid Lord the King conſidering how that of late time divers houſhold-ſervants, as well of Lords, as of other perſons of good degree, ſhortly after the death of their ſaid Lords and Maſters, violently and riotouſly have taken and ſpoiled the goods which were of their ſaid Lords and Maſters at the time of their death, and the ſame diſtributed amongſt them, to the impediment of the execution of the will of their ſaid Lords and Maſters, and to the great diſpleaſure of God, and alſo contrary to the duty and truth which they ought to have had towards their ſaid Lords and Maſters, and to a perilous example in time to come, unleſs due remedy in this behalf be provided: Wherefore the ſame Lord the King, by the advice, aſſent and authority aforeſaid, hath ordained and eſtabliſhed, That after full information made to the Chancellor of England for the time being, by the executors of any ſuch Lord or perſon, or two of the ſame executors, of ſuch riot, taking, and ſpoil made, or hereafter to be made, by the houſhold ſervants of their or his ſaid teſtator after his death, the ſame Chancellor by the advice of the chief Juſtices of the Kings Bench, and of the Common Bench, and chief Baron of the Eſchequer for the time being, or two of them, ſhall have power to make ſo many, and ſuch Writs to be directed to ſuch Sheriffs by their diſcretion, as to them in this behalf ſhall ſeem neceſſary, to make open proclamation in ſuch Cities, Boroughs, Towns, or place, two market days, within twelve days next after the delivery of the ſame Writs, as to the ſame Chancellor by the advice aforeſaid ſhall ſeem reaſonable, that the ſaid offendors ſhall appear before the ſame our Lord the King, or his heirs, in his Bench, at ſuch a day as by the ſaid Writ ſhall be limited, ſo that the ſaid laſt proclamation be made by fifteen days before the ſame day of appearance. And if any ſuch Writ be returned at the day contained in the ſaid Writ, and the Writ be executed, that proclamation is thereupon had and made according to the ſaid Ordinance; and then if the ſaid perſon or perſons which ſhould appear by reaſon of the ſaid Proclamation, make default at the day ſpecified in the ſaid Writ, and do not appear, then he or they ſo making default, ſhall be attainted of felony.

A remedy for the executors againſt a ſervant of their Teſtators, which imbeſilled his Maſters goods after his death. Raſt.pl.f.592.

And if any ſuch perſon or perſons do appear at the ſame day, then the Juſtices of the ſaid Kings Bench, ſhall have power by the ſaid Ordinance, to commit ſuch perſon or perſons, ſo appearing, to priſon, there to remain according to the ſaid Juſtices diſcretion, until the ſaid offenders, in the ſaid Bench, do anſwer to the ſaid executors in ſuch actions, which the ſaid executors will declare againſt them or any of them, by Bill or by Writ, for the riot, taking and ſpoiling aforeſaid, and that the ſame actions be determined. So that the ſame actions be purſued with effect, and not ſlackly, to the intent to keep the ſame perſon or perſons in priſon.

And if ſuch perſon or perſons be ſet at liberty out of priſon by the ſaid Juſtices, that then the ſame perſon or perſons ſhall find ſufficient perſons to be bounden with them to the ſaid executors by way of Recogniſance in the ſaid Bench, by diſcretion of the Juſtices, to keep ſuch days as he or they ſhall have by the ſame Court. And if the keepers of the priſon, whereunto the ſaid perſon or perſons be committed, do let them go at large out of the priſon, of his own authority, without the conſideration and order of the ſaid Juſtices, then the ſaid Keeper ſhall forfeit and loſe fourty pound to the ſaid Executors. And that no protection be allowed in any action to be taken upon the ſaid Ordinance,

A Goalers forfeiture for letting at liberty a priſoner committed to his cuſtody by force of this Statute.

CAP. II.

Jurors in an Indictment in the County Palatine of Lancaſter. Of a Forreign dwelling in another County.

ITem, Becauſe that the humble and faithful liege people of the King, his ſubjects inhabiting within the County Palatine of Lancaſter, to do the King ſervice, be, and at all times were ready, and have done to him and his Progenitors, as well in the Realm of England, as in the Realm of Scotland, France, and other parts, and have been governed by the Kings Laws, and not damnified by the ſame, otherwiſe then other of the Kings liege people inhabiting in the Realm of England out of the ſame County, until now of late by a certain Statute at the laſt Parliament holden at Reading, it was ordained and eſtabliſhed, that none of the Kings liege people againſt whom any exigent ſhould be awarded or outlagary pronounced at the ſuit of the King, or of the party in the ſaid County, ſhould forfeit any goods or chattels, lands or tenements in any County, but onely the goods and chattels, lands and tenements, which the perſons ſo outlawed, or they againſt whom any ſuch exigent in the ſaid County ſhould be awarded, have in the ſame County of Lancaſter, and by reaſon of any ſuch outlagary, at the ſuit of the King, or at the ſuit of the party pronounced within the ſame County, ſhould not be barred or diſabled of any manner of action, nor to claim any manner of inheritance out of the ſame County, notwithſtanding any outlawry againſt them pronounced, as in the ſame act doth more plainly appear.

A rehearſal of the Statute of 20 H. 6. 2. and 31 H. 6. 6. That they which be outlawed in the County of Lancaſter ſhall forfeit no lands nor goods that they have in other Counties.

And by reaſon of the ſame act, if any foreigner ſhould come into the ſaid County Palatine, and ſhould ſlay any of the liege people of our Lord the King, or ſhould commit any treaſon, murder, rape, robbery, or other felony or treſpaſs, or make any contract, or do any other offence within the ſaid County of Lancaſter, that then he ſhould have no other puniſhment nor forfeiture in this behalf, but onely of ſuch goods, which ſuch foreigns doing and committing ſuch horrible offences, have within the ſaid County Palatine, which for the moſt part have nothing within the ſame County: For which cauſe the ſaid foreigners, knowing no peril, puniſhment, nor loſs of goods in the Law, to refrain or reſtrain them of ſuch treaſons, murders, and felonies, be the more encouraged daily to commit the ſame within the ſaid County, and giveth them audacity daily to offend againſt the Laws of the King, his Crown, and Dignity, and alſo in reſtraint of the Kings Laws, to the great loſs and final deſtruction of the ſaid liege people and ſubjects in the ſaid County Palatine: whereof the foreſaid Lord the King conſidering the premiſſes, by the advice, aſſent, and authority aforeſaid, hath willed, granted, and eſtabliſhed, that the act before rehearſed and made at the ſaid laſt Parliament holden at Reading ſhall be adnulled, void, and ſtand in no force. And further for the conſervation, tranquility, quietneſs, and peace of all his liege people, as well within the ſaid County Palatine, as of other his liege people out of the ſaid County, within the Realm of England, the ſame Lord the King by authority aforeſaid, hath granted, ordained, and ſtabliſhed, that every indictment hereafter to be taken before any of the Kings Juſtices in the ſaid County Palatine of Lancaſter, or before any Sheriff in his tourn, in the ſaid County, whereby any perſon or perſons be ſuppoſed by the ſame endictment to be or to have been inhabiting or converſant out of the ſaid County of Lancaſter, and within any other County within the Realm of England, ſhall be taken and had by the verdict of twelve men, whereof every of them or ſome other perſon or perſons to their uſe within the ſame County of Lancaſter, ſhall have to the yearly value of an hundred ſhillings. And no proceſs ſhall be made out of any ſuch endictment, before it be duly enquired and examined before the Kings Juſtices within the ſaid County of Lancaſter for the time being, whether the ſaid endictors, and every of them, at the time of ſuch endictment ſo taken, had lands and tenements within the ſaid County of Lancaſter, to the yearly value of an hundred ſhillings above all charges. And if it be found by examination of the ſaid Juſtices for the time being, within the ſaid County, that the ſaid endictors and every of them at the time of ſuch endictment ſo taken, had not lands and tenements to the yearly value aforeſaid, that then the ſame endictment, as to ſuch perſons ſo endicted, ſuppoſed by the ſaid indictments to be inhabiting and converſant out of the ſaid County of Lancaſter, ſhall be void and of no effect. And alſo the ſame Lord the King, of the advice and authority aforeſaid, hath granted, ordained, and eſtabliſhed, that every endictment from henceforth to be taken within any County of the ſaid Realm, and out of the ſaid County of Lancaſter, before any Juſtice, or the Sheriff in his tourn, whereby any perſon or perſons ſuppoſed by the ſame endictment to be, or to have been converſant or inhabiting within the ſaid County of Lancaſter, and without ſuch County where ſuch endictment ſhall happen to be taken, ſhall be taken by verdict of twelve men, whereof every of them, or ſome other perſon or perſons to their uſe, ſhall have lands and tenements within the ſame County where the ſaid endictments ſhall be taken, to the yearly value of an hundred ſhillings. And that no proceſs be made out of any ſuch endictments, before it be duly examined and inquired before the Kings Juſtices, having power to award any proceſs upon ſuch endictments, whether the ſaid endictors and every of them, at the time of ſuch endictments taken, or any other perſon or perſons to their uſe, had any lands or tenements to the yearly value of an hundred ſhillings within the ſame County above all charges, where ſuch endictments happen to be taken. And if it be found before our Lord the King, or any of his Juſtices, that the ſaid endictors, or any of them, had not at that time of ſuch endictments taken, nor that none other to their uſe had lands and tenements to the value of an hundred ſhillings by the year, that then the ſaid endictment, as to any ſuch perſon or perſons ſuppoſed by the ſaid endictment to be,

The inconvenience enſuing by the ſaid Statute of 31 H. 6. 6.

A repeal of the foreſaid Statute of 31 H. 6. 6

Of what ſufficiency of eſtate thoſe Jurors muſt be, which ſhall indict in the County of Lancaſter, a foreigner dwelling in another County.

Of what eſtate thoſe Jurors muſt be, which ſhall indict in another County any perſon dwelling in the County of Lancaſter.

or to have been inhabiting or converſant within the ſaid County of Lancaſter, ſhall be void, and of no effect.

CAP. III.

Several ſorts of Extortion committed by ſeveral means, by the Officers of the Exchequer, and the inconveniences thereof. They ſhall diſcharge accomptants in convenient time. Their ſeveral fees for ſeveral cauſes, and the penalty if they take more. Exp.

CAP. IV.

No perſon brewing Ale or Beer in Kent to be ſold, ſhall during five years make above an hundred quarters of Malt to his own uſe. Exp.

CAP. V.

No wrought Silk, belonging to the myſtery of Silkwomen, ſhall be brought into this Realm by the way of Merchandiſe during five years. Exp.

CAP. VI.

The Abbot of Fountain in the County of York, in a Suit commenced againſt him in a Court Baron, Wapentake, &c. may wage his Law by Atturney, and do his Law by a Monk of the ſame houſe. Exp.

CAP. VII.

How many Atturnies may be in Norfolk, how many in Suffolk, and in Norwich.

Co. Inſt.4 p. 76.

A practiſe of contentious Atturnies, to ſtir up ſuits for their private profits.

Item, Whereas of time not long paſt within the City of Norwich, and the Counties of Norfolk and Suffolk, there were no more but ſix or eight Atturnies at the moſt, coming to the Kings Courts, in which time great tranquillity reigned in the ſaid City and Counties, little trouble or vexation was made by untrue and foreign ſuits: And now ſo it is, that in the ſaid City and Counties there be fourſcore Atturnies or more, the more part of them having no other thing to live upon, but onely his gain by the practiſe of Atturnyſhip; and alſo the more part of them not being of ſufficient knowledge to be an Atturney, which come to every Fair, Market, and other places, where is any aſſembly of people, exhorting, procuring, moving and inciting the people to attempt untrue and foreign ſuits for ſmall treſpaſſes, little offences, and ſmall ſums of debt, whoſe actions be triable and determinable in Court Barons, whereby proceed many ſuits more of evil will and malice, then of truth of the thing, to the manifold vexations and no little damage of the Inhabitants of the ſaid City and Counties, and all to the perpetual diminution of all the Court Barons in the ſaid Counties, unleſs convenient remedy be provided in this behalf: The foreſaid Lord the King, conſidering the premiſſes, by the advice, aſſent, and authority aforeſaid, hath ordained and ſtabliſhed, That at all times from henceforth there ſhall be but ſix common Atturnies in the ſaid County of Norfolk, and ſix common Atturnies in the ſaid County of Suffolk, and two common Atturnies in the ſaid City of Norwich, to be Atturnies in Courts of Record, and that all the ſaid fourteen Atturnies ſhall be elect and admitted by the two Chief Juſtices of our Lord the King, for the time being, of the moſt ſufficient and beſt inſtructed by their diſcretions. And that the election and admiſſion of all Atturnies, which ſhall be elected and admitted by the ſaid Juſtices for the time being, above the ſaid number in the ſaid Counties, ſhall be void and of no authority nor record. And if any perſon or perſons uſurp or preſume to be Atturney in Courts of Record in the ſaid Counties or City, otherwiſe then before is ſpecified, and that found by inquiſition taken before the Juſtices of Peace in the ſaid City or Counties (which ſhall have power by vertue of this Ordinance to enquire thereof in their Seſſions) or in any other manner lawfully proved, that then he or they that ſo preſume, if they be thereof lawfully convict, ſhall forfeit twenty pound, as often as he or they be ſo convict, the one half thereof to be taken to the Kings uſe, and the other half to his uſe which for the ſame will ſue. And he that thereof will ſue, ſhall have an action of debt againſt any ſuch perſon which ſo preſumeth to be Atturney, and ſuch proceſs for recovery of the ſame, as lyeth in an action of debt at the Common Law upon an Obligation. Provided always, that the ſaid Ordinance begin and firſt take effect at the Feaſt of Eaſter next coming, and not before, if the ſame Ordinance ſeem reaſonable to the Juſtices.

There ſhall be but ſix common Atturnies in Norfolk, ſix in Suffolk, and two in Norwich.

Juſtices of Peace ſhall have authority to enquire of offendors.

The forfeiture of offendors.

Statutes made at Weſtminſter, *Anno* 39 *Hen.* 6. and *Anno Domini* 1460.

TO the honour of Almighty God, and the reverence of holy Church, for to nouriſh Peace, Unity, and Concord in all parts within this Realm of England, and for the relief and ſuſtentation of our Lord the King, and of this Realm: The ſame our Sovereign Lord King Henry the Sixth after the Conqueſt, at his High Court of Parliament holden at Weſtminſter, upon the ſeventh day of the moneth of October, the nine and thirtieth year of his noble and gracious Reign, by the advice and aſſent of his Lords Spiritual and Temporal, and at the ſpecial requeſt of the Commons of his ſaid Realm, aſſembled in the ſame Parliament, and by the authority of the ſame Parliament hath ordained theſe things underwritten.

CAP. I.

A Parliament holden at Coventry, 20 die Novembris, Anno 38 H. 6. ſhall be repealed: And all Acts, Statutes, and Ordinances made by the authority of the ſame Parliament ſhall be reverſed, becauſe the Parliament was unlawfully ſummoned and holden, and the Knights and Burgeſſes not duly choſen. Exp.

CAP.

CAP. II.

A woman at fourteen years of age at the death of her Anceſtor, ſhall have Livery of her Land.

35 H. 6. f. 40. Fitz. gard. 67. Bro. Livery 66.

ITem, Of the advice, aſſent, and authority aforeſaid, it is ordained and ſtabliſhed, that Women being of the age of fourteen years, at the time of the death of their Anceſtors, without queſtion or difficulty, ſhall have livery of their lands and tenements deſcended to them: For ſo the Law of this Land will that they ſhould have.

A woman of the age of fourteen years, at the death of her Anceſtor, ſhall have Livery of her Lands.

Thus endeth the Statutes of King Henry the Sixth.

Anno primo EDWARDI Quarti.

Statutes made at Weſtminſter in the firſt year of the Reign of King *Edward* the Fourth, and in the year of our Lord 1461.

EDWARD by the Grace of God King of England and of France, and Lord of Ireland, the fourth after the Conqueſt; To the honour of God and of holy Church, to nouriſh Peace, Unity, and Concord within his Realm of England (which he much deſireth) wholly, by the advice and aſſent of the Lords Spiritual and Temporal of the ſame Realm, and at the ſpecial requeſt of the Commons of his ſaid Realm aſſembled, at his firſt Parliament holden at Weſtminſter, upon the iv. day of November, in the firſt year of his Reign, by authority of the ſame Parliament, hath ordained and eſtabliſhed certain Statutes, Declarations, and Ordinances, in manner and form following.

CAP. I.

Which Acts done by King Henry the Fourth, King Henry the Fifth, and King Henry the Sixth, or by others during their Reigns, ſhall continue good, and which not.

What Acts, Grants, or things done by or during the reigns of K. H. 4. K. H. 5. and K. H. 6. ſhall remain good, and what not.

Judicial Acts.

FIrſt, In eſchewing of ambiguities, doubts, and diverſities of opinions, which may riſe, enſue, and be taken of and upon Judicial Acts, and exemplifications of the ſame, made or had in the time or times of Henry the Fourth, Henry the Fifth his ſon, and Henry the Sixth his ſon, or any of them, late Kings of England ſucceſſively in deed, and not of right: Our ſaid Lord the King, by the advice and aſſent of his Lords Spiritual and Temporal, and at the requeſt of his ſaid Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath declared, eſtabliſhed, and enacted in the ſaid Parliament, That all Fines and final Concords, levied or made of any Lands, Tenements, Poſſeſſions, Rents, Inheritances, or other things, and all Judicial Acts, Recoveries, and Proceſſes, determined, or commenced, not revoked, reverſed, nor adnulled, made or had in any Court or Courts of Record, or any other Court or Courts in any of the times of ÿ pretenſed Reigns of any of the ſaid late Kings, in deed and not in right (other then by authority of any Parliament holden in any of their times) and exemplifications of the ſaid Fines, Acts Judicial, and Recoveries, out of any of the ſaid Parliaments, and every of them, ſhall be of like force, vertue, and effect, as if the ſaid Fines, final Concords, Acts, Recoveries, Proceſſes, and other the premiſſes, had or made out of any of the ſaid Parliaments and exemplifications of the ſame, were commenced, ſued, had, or determined, in the time of any King lawfully reigning in this Realm, obtaining the Crown of the ſame by juſt title.

Creation of Noble men.

And alſo that all Letters Patents, made by any of the ſaid pretenſed Kings to any perſon or perſons, of creation, ennobling, and erection of any of them to any eſtate, dignity, or preheminence, ſhall be to the ſaid perſon or perſons, and to ſuch of their heirs, which be contained in the ſame Letters Patents, of like force, value, and effect, as touching ſuch Creation, Ennobling, or Erection, as if the ſame Letters Patents were made or granted to them by any King lawfully reigning in this Realm of England, and obtaining the Crown of the ſame by juſt Title. And that they being ſo created, Ennobled, and Erected, ſhall have new grants of the King of their Annuities for the maintenance of their eſtates, as hath been of old time accuſtomed, except ſuch perſons, and every of them, whom our Sovereign Lord the King reputeth and holdeth for his rebels and enemies.

Liberties granted to Counties or Corporations by their ſeveral names.

And moreover, the exceſſive charges and coſts, which the Cities, Boroughs, Towns, the Cinqueports of England, and alſo the Town of Calice, with the Marches of the ſame, have endured and ſuffered, and the great poverty amongſt the people of the ſame conſidered, for the eaſe and relief of the ſame: the King hath ordained, eſtabliſhed, granted, and enacted by the aſſent and authority of the ſaid Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons, that all manner of liberties, priviledges, franchiſes, powers, juriſdictions, profits, immunities, corporations, munitions, inlargements, annexions, unions, and ſeverings from Counties, and making of Counties by themſelves, and all manner of Grants, Leaſes, Licenſes, Pardons, Diſcharges, Exemptions, Releaſes, Fairs, and Markets (not revoked, repealed, nor adnulled by authority of Parliament, or otherwiſe by proceſs of the Law) granted in the times of Henry the Fourth, Henry the Fifth, or Henry the Sixth, late Kings of England, in deed and not of right, to any Mayor, Bailiff or Bailiffs, Sheriff or Sheriffs, Mayor and Sheriff, Sheriff and Bailiffs, Mayor and Bailiffs, Commonalty, Citizens, Mayor and Commonalty, Mayor, Commonalty and Citizens, Mayor and Citizens, Mayor and Aldermen, and their ſucceſſors, Mayor and Citizens, their heirs and ſucceſſors, Bailiffs and Citizens, their heirs and ſucceſſors, Mayor and Commonalty, their heirs and ſucceſſors, Citizens, and their heirs, Citizens, their heirs and ſucceſſors, Mayor and Aldermen, Mayor, Aldermen and Burgeſſes, Mayor and Burgeſſes,

geſſes, Mayor, Aldermen and Sheriff or Sheriffs, Mayor, Burgeſſes, and their ſucceſſors, Mayors, Burgeſſes, their heirs and ſucceſſors, Mayor, Sheriffs and Burgeſſes, Mayor, Bailiffs and Commonalty, Aldermen and Commonalty, Aldermen, Bailiffs and Commonalty, Aldermen and Bailiffs, their heirs and ſucceſſors, Bailiffs and Commonalty, Bailiffs, Burgeſſes, and Citizens, Burgeſſes and Commonalty, Mayor, Bailiffs and Burgeſſes, their heirs and ſucceſſors, and the diſcreet men, their heirs and ſucceſſors, Portreeves, Bailiffs and Commons, Stewards, Burgeſſes, and the diſcreet men, Portreeves, Barons and men, Mayor, Barons and Commonalty, Mayor and Barons, Barons and Commonalty, Barons and Jurates, Barons and Jurates men Inhabitants, Mayor, Conſtables and Company of the Merchants of the Staple at Calice, and to every of them, and their heirs, and to the ſucceſſors of every of them, and to the Maſters, Brethren, and Siſters of Guilds, and Fraternities, Maſters and Commonalty, their heirs and ſucceſſors, and Wardens and Maſters of Crafts, Wardens of the Commonalty of the myſtery of the Mercers within the City of London, or to any of them before named, and to the ſucceſſors of every of them, having Corporation, by whatſoever name or names they or any of them be, or be called or named in any of the ſaid Grants: they ſhall be in like ſtrength and vertue, as if they were granted by any King or Kings lawfully reigning in this Realm of England, and in like manner and form to have confirmations and grants made, as if they had been granted in the times of the Noble King Edward the Third, and King Richard the Second after the Conqueſt, late lawful Kings of England.

Licenſes or pardons of Alienation, or to enter into lands deſcended after an anceſtors death.

Licences to found any ſpiritual place or houſe, or any fraternity, guild, &c. or to give any lands to them.

Licences of appropriation or to make elections.
Pardons to Corporations.
Liveries or reſtitutions of Temporalties.

Founding of Religious houſes touching the ſcites of the ſame.

And moreover it is ordained, granted, eſtabliſhed, and enacted, by the advice, aſſent, and authority aforeſaid, That all manner of Licenſes, Gifts and Grants made by any of the foreſaid late pretenſed Kings of England to any perſon or perſons, to give, grant, alien, purchaſe, or receive any lands, tenements, rents, poſſeſſions, or other hereditaments holden of any of the ſaid late pretenſed Kings in any manner, or to enter into any lands or tenements, rents, poſſeſſions, or other hereditaments, after the death of any of their Anceſtors, without due livery thereof ſued by due proceſs, according to the courſe of the Common Law of this Realm of England, or Pardons made by any of the ſaid late pretenſed Kings, to any perſon or perſons for any alienations made of any lands or tenements, rents, poſſeſſions, or other hereditaments, holden of any of the ſaid late pretenſed Kings of England, or pardon or pardons granted by any of them to any perſon or perſons, for any entry or entries, made in any lands, tenements, rents, poſſeſſions, or other hereditaments, which ſhould deſcend, revert, remain, or in any other manner ſhould come to them, or any of them, after, or by the death of any of their ſaid Anceſtors, or any other perſon or perſons, without due livery thereof ſued, according to the courſe of the Chancery, and Law and Cuſtom of this Land: or Licenſe made by any of the ſaid late pretenſed Kings of England, to any perſon or perſons, to found, erect, or eſtabliſh any Abbey, Priory, Houſe of Religion, Colledge, Chantery, Hoſpital, or other Houſe or Spiritual place, or of Alms: or licenſe made by any of the ſaid late pretenſed Kings to any perſon or perſons, to found or erect any Fraternity, Guild, Company, or Fellowſhip, or other Body corporate, or to give and grant any lands, tenements, rents, poſſeſſions, or other hereditaments, to any perſon or perſons corporate, or having perpetual ſucceſſion: or licenſe made by any of the ſaid late pretenſed Kings, to any of theſe aforenamed, for the acceptance and receipt of any thing by any ſuch gift, grant, or licenſe made by any of the ſaid late pretenſed Kings to any perſon or perſons, to hold or retain any Advowſon, or Church in proper uſe by way of licenſe, or appropriation, or to make any elections, ſo that any ſuch Advowſon pertain not to the Crown, or pardon or pardons made by any of the ſaid late Kings to any body or perſons corporate, or having perpetual ſucceſſion by purchaſe, inquiſition, or receit of any of the premiſſes, or liveries, or reſtitutions of temporalties made by any of the ſaid late pretenſed Kings to any Archbiſhop, Biſhop, Abbot, Prior, Dean, Chapter, or other perſon or perſons ſpiritual, ſhall be of like force, vertue, and effect, as if the ſaid licenſes, pardons, and liveries were granted by any King in this Realm lawfully reigning, and obtaining the Crown of the ſame by juſt title. So that the ſame licenſes, reſtitutions, and liveries, were executed in the time of any of the ſaid late pretenſed Kings, in deed and not of right; or if they were executed within the ſame time in part and not in the whole, that the ſame licences, as to that part ſo executed, ſhall be of like force, vertue, and effect, as if the ſaid licenſes were granted by any King lawfully reigning in this Realm of England, and obtaining the Crown of the ſame by juſt title. And if any of the ſaid late pretenſed Kings, in deed and not of right, hath by his Letters Patents, or by authority of their Parliaments, founded or eſtabliſhed any Abbey, Priory, Houſe of Religion, Colledge, Chantery, Hoſpital, or any other Houſe or Spiritual place of Alms, that all ſuch foundations, as to the corporations and ſcites of the ſame, ſhall be of like force, vertue, and effect, as if ſuch foundations were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title: ſo that this preſent Article concerning the foundations or eſtabliſhments aforeſaid, or any of them, ſhall not extend nor be prejudicial in any manner to the King, or to any other perſon or perſons, for any lands, tenements, rents, poſſeſſions, or hereditaments, or any manner advowſons in any wiſe pertaining to the King, or to any other perſon or perſons, other then ſuch which be and make the ſcite or ſcites of any ſuch Abbey, Priory, Houſe of Religion, Colledge, Chantery, Hoſpital, or other Houſe or place aforeſaid.

Aſſignment of dower to any woman during her life.

And yͤ all grants and aſſignments of dower, made by any of the ſaid late pretenſed Kings, to any woman after yͤ death of her husband, to hold for term of her life, or by any Letters patents made of ſpecial grace by any of the ſaid late pretenſed Kings, or aſſignments of dower made to any ſuch wife after the death of her husband in the Chancery, after the courſe of the ſame in the time of the pretenſed Reigns of any of yͤ ſaid late pretenſed Kings, ſhall be of like vertue, power, & effect, as if the ſaid grants and aſſignments were made by any King lawfully reigning, and obtaining the Crown of the ſame by juſt title.

Provided always, that this preſent Article do not extend, nor in any wiſe be prejudicial to the King, for any lands, tenements, rents, poſſeſſions, or other hereditaments, pertaining to the King, in the right of his Crown, the firſt day of November laſt paſt.

Lands aſſured in mortmain by the King, which were given to him to that intent.

Provided alſo, that by this preſent Act no prejudice be done to the Dutcheſs of Bedford as concerning her Dower. And whereas any lands, tenements, rents, poſſeſſions, hereditaments, or other things have been given to any of the ſaid pretenſed Kings by any perſon or perſons, to the intent that gifts ſhould be thereof made by the ſaid Kings, or any of them, by any of their Letters Patents by way of Mortmain for ever, that all grants and Letters Patents made by any of the ſame late pretenſed Kings, for the amortiſing of any lands, tenements, rents, poſſeſſions, hereditaments, or other things, ſhall be of like force, vertue, and effect, as if the ſame grants were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title: ſo that any of the ſaid late pretenſed Kings by whom any ſuch Letters Patents were made, were never ſeiſed of and in the ſaid lands, tenements, rents, poſſeſſions, or hereditaments, but onely by vertue of ſuch feoffments, grants, gifts, or other eſtates made to them, or any of them.

Provided always, that this Act extend not to any lands, tenements, rents, poſſeſſions, advowſons, hereditaments, or other things ẏ were given to any of ẏ ſaid late pretenſed Kings, by way of recompence or exchange for any lands, tenements, rents, poſſeſſions, advowſons, hereditaments, or other things which in any wiſe pertained to the Crown, although no mention were made in any Letters Patents or other writings of any recompence or exchange.

Lands aſſured to the King by way of recompence or exchange.

And that all Grants, Collations, Gifts or Preſentations, made by any of the ſaid late pretenſed Kings, to any perſon or perſons not corporate, nor having perpetual ſucceſſion of any Benefice, Dignity, Church, Prebend, Hoſpital or Chappel, ſhall be of like force, vertue and effect, as if the ſame Grants, Collations, Gifts and Preſentations were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title, during the life or lives of the ſaid perſon or perſons being Incumbents, poſſeſſors or occupiers of the ſame, or any of them.

Collations, Gifts, and Preſentations to Benefices during the Incumbents lives.

Provided always, that thoſe perſons which be attainted in this preſent Parliament, and ſuch that be out with the Kings enemies, ſhall take no benefit nor advantage by this Act.

The Kings open enemies and perſons attainted excepted.

And that all Grants made by any of the ſaid late pretenſed Kings, by any their Letters patents, by any perſon or perſons of any wards and marriages, ſhall be of like force, vertue, and effect, as if the ſame Grants were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

Grants of wards and marriages.

And all Grants and Letters Patents made by any of the ſaid late pretenſed Kings, to any perſon or perſons, to have any Fair or Fairs, Market or Markets, in any Town or Towns, place or places, all ſuch Grants, and Letters Patents, as to ſuch Fairs and Markets, and every of them, ſhall be of like force, vertue, and effect, as if the ſame Grants and Letters Patents were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

Grants of fairs and markets.

And alſo if any perſon or perſons hath ſued, obtained, and had any Livery by the courſe of the Common Law of this Realm, or otherwiſe, of any lands, tenements, rents, poſſeſſions, advowſons, or other hereditaments, which ſhould deſcend, revert, remain, or in any other manner come to them or any of them, by any Livery purſued after or by the death of any of their anceſtors, or any other perſon or perſons, after the fourth day of March laſt paſt, that all ſuch Liveries ſhall be of like force, vertue, and effect, as they were at the time of the ſaid Liveries purſued. So that the ſaid lands, tenements, rents, poſſeſſions, advowſons, and other hereditaments, or any parcel thereof, were not pertaining to the King in the right of his Crown.

Grants to heirs of liveries of their anceſtors lands.

Provided always, that this Article extend not to any lands, tenements, or other things which do pertain or ought to come into the Kings hands, by reaſon of any attainder in this preſent Parliament. And alſo that all Grants, and Letters Patents made by our Lord the King to any perſon or perſons, after the fourth day of March laſt paſt, of any wards or marriages, of any perſon or perſons being within age, ſhall be of like force and effect to them and every of them, as they were at the times of the Grants and Letters Patents thereof made to them or any of them: Any Act or Ordinance in this preſent Parliament made or to be made notwithſtanding.

Wards or marriages granted by King Ed. 4.

Provided alwaies, that this Article extend not to any wards or marriages of any perſons which do pertain or ought to come to ẏ Kings hands, by reaſon of any attainder in this preſent Parliament; & that all Grants made by our ſaid Sovereign Lord the King by his Letters Patents, after ẏ fourth day of March laſt paſt, to any of his faithful liege men that were not againſt him in any Field after the firſt day of his Reign, nor againſt the high and mighty Prince, Father to the ſaid King, in the Field and evil journey of Wakefield, of any Office or Offices, which ſuch perſon or perſons by ẏ Kings diſcreet conſideration hath deſerved, the effect of ſuch Grant or Grants ſhall be of like ſtrength and force, as they, or any of them were at the time of ſuch Grant or Grants, Letters Patents, and every of them made: Any Statute, Act or Ordinance, made or to be made in this preſent Parliament notwithſtanding.

King Ed. 4. Letters Patents made to ſeveral perſons of Offices.

Provided always, that this Act be not prejudicial nor hurtful to any perſon or perſons, for any Grant or Grants made to them or any of them of any annuity, fee, or penſion, or of any Deanry, Hoſpital, or Benefice, or of any Office or Offices, in the time of the Kings Progenitors, with the fees and wages thereto due and accuſtomed, made by the King by his Letters Patents ſithence the fourth day of March laſt paſt. (His Letters Patents made of all the Offices of Serjeants at Arms, and of the Offices of Juſtices of the one Bench, and of the other, Barons of his Eſchequer, Warden of the Rolls of his Chancery of England, Warden of the Rolls of his Chancery of his Land of Ireland, Clerk of his Councel, Secondary in the Office of his Privy Seal, Clerk or Warden of his Hamper of his ſaid

Certain Officers to whom the King had granted their Offices during his pleaſure.

Chancery of England, Keeper of his Parks of Hellesbury and Lantgles in the County of Cornwall, Clerk of the Market of his houſe, the Chirographer and Warden of the Kings Writs and Records of his Common Bench, Meſſengers of his Eſchequer, Glaſier, Plummer, Broiderer, Joyner, Fletcher within the Tower of London, chief Carpenter within the Palace of Weſtminſter, Receiver of all Offices accomptable, Bailiff of Havering, Bailiff of Surrey, and of his Auditors in the Counties of Cheſtle and Flint, and of South-Wales, Purveyor and Comptroller of the ſearch of his Port of London, Warden of his Armour in the Tower of London, maker of his Points, Conſtable of his Caſtle or Lordſhip of Hadleigh, Clerk of his great Wardrobe, Purveyor of all manner ſtuff for his works within his Palace of Weſtminſter, and the Tower of London, and the Captain of his Caſtle of Hammes, excepted.) The ſame Letters Patents, ſo excepted, to endure and be of ſtrength, vertue, and effect, at the pleaſure and will of the King.

King Ed. 4. ſeveral grants to divers Corporations of liberties and other benefits within a certain time.

And alſo that all Confirmations, Ratifications, Approbations, Leaſes, and Grants, of all Franchiſes, Liberties, Priviledges, Cuſtoms, or any other Commodities, Profits, or Advantages, and every of them, Diſtinctions, Severances from Counties, and making of Counties by themſelves, Grants, Releaſes, Diminutions, and Pardons, of Fee-ferms, and every of them, made and granted by our ſaid Sovereign Lord the King, by his Letters Patents, ſithence the fourth day of March laſt paſt, in relief and benefit of any City, Town, or Borough of this Realm, to any Mayor, Bailiff or Bailiffs, Sheriff or Sheriffs, Mayor and Comminalty, Mayor and Citizens, Mayor and Aldermen, Mayor and Sheriff, Mayor, Bailiffs, and Comminalty, Citizens, Bailiffs, and Citizens, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, by whatſoever name or names they or any of them be called or named in the ſaid grants or other the premiſſes, or any of them, ſhall be of like force and effect, as they or any of them were at the time of the Grants, and Letters Patents thereof made.

Feoffments upon truſt to the late King, to the uſe of others.

And alſo if any of the ſaid late pretenſed Kings, or any of their Anceſtors hath been infeoffed by any perſon or perſons, of or in any lands, tenements, rents, poſſeſſions, advowſons, or other hereditaments, onely upon truſt and confidence to refeoff the ſaid perſon or perſons, or their heirs or aſſigns, of any of the ſame, at ſuch time as they ſhould be thereto required, that all ſuch grants, feoffments, or other eſtates, made by any of the ſaid late pretenſed Kings, or any of their Anceſtors, of any ſuch lands, tenements, rents, poſſeſſions, advowſons, or other hereditaments, to any ſuch perſon or perſons, their heirs or aſſigns, or to the heirs or aſſigns of any of them, ſhall be of like force and effect in the Law, and available to the ſaid perſon or perſons, and to the heirs and aſſigns of them, and every of them, as they were at the times of the ſaid grants and feoffments, or other eſtates made to them or any of them, any Act or Ordinance in this preſent Parliament made or to be made notwithſtanding. So that none of the ſaid pretenſed Kings, nor any of their Anceſtors, after the laſt day of the reign of King Edward the Third, Progenitor of our ſaid Lord the King, were at any time ſeiſed of the lands, tenements, rents, poſſeſſions, advowſons, or other hereditaments, nor of any parcel thereof, but onely by vertue of ſuch feoffments made to them or any of them upon confidence in manner and form aforeſaid, and in no other manner: and that the ſame lands, tenements, rents, poſſeſſions, advowſons, or other hereditaments, and every of them, be holden of the ſame chief Lords immediate, or of their heirs, and by the ſame ſervices, as they were holden at the time of the ſame feoffments made to any of the ſaid late pretenſed Kings, or to any of their Anceſtors, any poſſeſſion of the late pretenſed Kings, or of any of their Anceſtors, after the laſt day of the Reign of King Edward the Third, notwithſtanding. Provided always, that no perſon attainted in this preſent Parliament take any benefit or advantage thereby.

The force of the Kings Letters Patents made to the L. Chancellor, L. Treaſurer, Juſtices, &c. or to the Barons of the Exchequer.

Alſo that all Letters Patents granted and directed by our ſaid Lord the King after the firſt day of his Reign, to his Chancellor or Treaſurer of this Realm, Juſtices of the Pleas to be holden before the King, Juſtices of the Common Bench, or Barons of the Exchequer, or to any of them, for the exerciſe of any ſuch thing as pertaineth to the Office or Offices, authority, and power of them, or any of them, by reaſon of any of the ſaid Letters Patents and Grants, ſhall be of like force, vertue, and effect, as they or any of them were the firſt day of November laſt paſt, any Statute, Act, or Ordinance made in this preſent Parliament notwithſtanding. So that the Barons of the Exchequer ſhall occupy, or exerciſe their Offices at the Kings pleaſure, as the Juſtices do.

Commiſſions of the Peace, of Gaol-delivery, &c. to hear and determine. Or of Sewers and all other Commiſſions.

And alſo that every Commiſſion made, granted, and directed by any of the ſaid late pretenſed Kings in any of their times, to any perſon or perſons to be aſſigned for the peace in every or any County of this Realm to be eſtabliſhed and kept, and to hear and determine all manner of felonies, treſpaſſes, and other offences ſpecified in the ſaid Commiſſions, and every of them, done or committed in any of the ſaid Counties, or to deliver any Gaol or Gaols within this Realm, or in other place or places under the obeyſance of the Crown, of the priſoners being in any of the ſaid Gaols in the time of any of the ſaid late pretenſed Kings, or to hear and determine all manner treaſons, felonies, treſpaſſes, or other offences done in any of the ſaid Counties, or in any place or places under the obeyſance of the Crown of the ſaid Realm, ſpecified in every of the ſaid Commiſſions, or for Sewers being aſſigned to ſurvey and to cauſe to be repaired and amended Walls, Marſhes, Ditches, Gutters, Caucies, and Bridges, and other defaults in any Marſh, or Marſhes, in any part of this Realm, ſpecified in the ſame Commiſſions and every of them, and all other Commiſſions made by any of the ſaid late pretenſed Kings, to any perſon or perſons before the fourth day of March laſt paſt, and all Proceſſes, Determinations, Executions, Incidents, Adminicies, and other circumſtances pertaining to the ſame Commiſſions and every of them, not void, repealed, and adnulled, ſhall be of like force, vertue and ſtrength, as if the ſame Commiſſions and every of them were made and granted by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title: So that a ſpecial Act be made for ſuch perſons that were before this time indamaged for the King.

And

Acts of Parliament for Shrewsbury.

And alſo that all manner of Acts and Ordinances made by authority of any Parliament or Parliaments holden in the time of any of the ſaid late pretenſed Kings, for the conſervation and keeping of the Town of Shrewsbury, and of the good, peaceable, and quiet rule and government within the ſaid Town, betwixt the inhabitants of the ſame, and every of them, ſhall be of like force and effect, as if the ſame Acts or Ordinances, and every of them, were made in the time of any King or Kings lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

K. H. 6. his grant to the Abbot of Biland of the Manor of Kilbourn in the County of York.

Alſo whereas the ſaid late pretenſed King Henry the ſixth, in deed, and not of right, King of this Realm, by his Charter indented under the Seal of the Dutchy of Lancaſter ſealed, bearing date the twentieth day of March, the xxiiij. year of his uſurped Reign, did give and grant, and by the ſame Charter confirmed to William Abbot of Biland the Manor of Kilbourn, with the appurtenances, in the County of York, with all the Knights fees, views of frankpledge, franchiſes, liberties, commodities, profits, and appurtenances to the ſame Manor in any wiſe belonging or appertaining, to have and to hold the ſame Manor, with the other premiſſes to the ſaid Abbot, and his ſucceſſors for ever, yielding therefore to the ſaid pretenſed King Henry the ſixth, and his heirs Dukes of Lancaſter, xxj. li. yearly, (where the ſaid pretenſed King, nor any of his Anceſtors Dukes of Lancaſter, before the ſame time were ever anſwered of the ſaid yearly iſſues and profits of the ſame Manor, but of xvj. li. by year onely) the ſaid xxj. li. to be paid at the Feaſts of Pentecoſt and St. Martin in Winter, by even portions, for all ſecular ſervices, with clauſe of diſtreſs for default of payment of the ſaid rent by half a year, in all the manors, lands, and tenements of the ſaid Abbot and Convent within the ſame County, as in the ſame Charter thereof made more plainly appeareth: That all the ſame Charter, gift, and grant ſhall be until this time, and hereafter to the ſaid Abbot and Covent, and to their ſucceſſors, of like force and effect, as they were the firſt day of March laſt: Any Act or Ordinance made in this preſent Parliament notwithſtanding.

Grants to Abbots, Priors, &c. to make free election.

And alſo that all grants and licenſes made by Letters Patents of any of the ſaid late pretenſed Kings, to any Abbot and Covent, Prior and Covent, or to any other perſon or perſons, to have and make by free election within themſelves at any voidance, Abbot or Prior, and to be conventual, perpetual, and elective, where before they were dative and removable, ſhall be of like ſtrength, vertue, and effect, as if the ſame grants and licences, or any of them, were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

Recognizances and deeds inrolled.

Alſo that all Records of Recogniſances and deeds inrolled, had and made in any Court or Courts of Record, or before any Juſtice of Record, in the time of the Reigns of any of the ſaid late pretenſed Kings, ſhall be of like force, vertue, and effect, as if the ſame Records were had or made in the time of any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

Licences to make Parks, Chaſes, free Warrens, or to make Caſtles, Towers, or to imbattel a houſe.

And alſo that all licenſes and grants made by any of the ſaid late pretenſed Kings to any perſon or perſons, to make, have, incloſe, and enjoy any Park or Parks, Warren, or free Chaſe, or to embattel, to carnel, to maſtol, or to make any Tower, Caſtel, or Fortreſs, within this Realm, ſhall be of like force, vertue, and effect, as if the ſaid grants and licences were made by any King lawfully reigning in this Realm, and obtaining the Crown of the ſame by juſt title.

Cicily Dutcheſs of York, mother to the King.

Provided always, that this act do not extend nor be prejudicial to the right noble, high and mighty Princeſs, Cicily Dutcheſs of York, mother unto our ſaid Sovereign Lord the King, of any grant or grants made to her by the King, by his Letters Patents, before the firſt day of this Parliament, by whatſoever name or names ſhe ſhall be called in the ſame Letters Patents; but that the ſame Letters Patents, and every grant therein contained, be of like force and effect, as they were before the firſt day of this Parliament: This Act, or any other, made or to be made in this preſent Parliament notwithſtanding.

Lands devolved to the King by attainder, or, &c.

Provided always, that this Act, nor any Article of the ſame, do not extend to any lands, tenements, poſſeſſions, hereditaments, or other things, which the King ought in any wiſe to have by force of any Act of attainder of any perſon or perſons made in this preſent Parliament.

Provided alſo, that no perſon or perſons attainted in this preſent Parliament, or being out with the Kings enemies, take any benefit or advantage by this Act, nor any other Act made or to be made in the ſaid Parliament.

CAP. II.

Juſtices of Peace may award Proceſs upon Indictments taken in Sheriffs Tourns.

The inconveniences of unlawful indictments in Sheriffs tourns by mean perſons.

ALſo whereas many of the Kings faithful liege people, as well Spiritual as Temporal, by the inordinate and infinite indictments and preſentments, as well of felony, treſpaſſes, & offences, as of other things, which of long time have been had and uſed within the Counties of this Realm, and taken before Sheriffs for the time being in their County ſeverally, Under-ſheriffs, their Clerks, Bailiffs, & Miniſters, at their tourns or lawdays, holden before them ſeverally in the Counties, which indictments & preſentments be oftentimes affirmed by Jurors having no conſcience, nor any freehold, & little goods, and often by the ſaid Sheriffs menial ſervants and Bailiffs, & their Under-ſheriffs, by which indictments & preſentments, the ſaid lawful liege people be attached & arreſted by their bodies, and put in priſon by the ſaid Sheriffs, Under-ſheriffs, their Clerks, Bailiffs, and Miniſters, to the great loſs of their goods; & they ſo being in priſon by y ſaid Sheriffs, Under-ſheriffs, their Clerks, Bailiffs, and their Miniſters, are conſtrained to make grievous fines and ranſoms, and levy of them great fines and amerciaments for the ſaid indictments and preſentments, in great hinderance and utter undoing of the ſaid liege people. After which fines, ranſoms, and amerciaments ſo rated and levied by the ſaid Sheriffs, Under-ſheriffs, Clerks, Bailiffs and their miniſters, the people aforeſaid be inlarged out of priſon, and the ſaid indictments and preſentments be imbezilled and withdrawn: Our ſaid Lord the King conſidering the premiſſes, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained and ſtabliſhed, that all manner indictments and preſentments that ſhall be taken hereafter before any of his ſaid Sheriffs of his Counties for the time being, their Under-ſheriffs, Clerks, Bailiffs, or Miniſters, at their tourns or lawdays before mentioned, they nor any of them ſhall have power or authority to attach, arreſt, or put in priſon, or to levy any fines or amerciaments of any perſon or perſons ſo indicted or preſented, by reaſon or colour of any ſuch indictment or preſentment taken or to be taken before them or any of them, nor to make, or take of any ſuch perſon or perſons ſo indicted or preſented any fine or ranſome, but that the ſaid Sheriffs, and their Under-ſheriffs, Clerks or Bailiffs, and their Miniſters, ſhall bring, preſent, and deliver all ſuch endictments and preſentments taken before them or any of them in their tourns or lawdays aforeſaid, to the Juſtices of Peace at their next Seſſions of the Peace, that ſhall be holden in the County or Counties where ſuch indictments and preſentments ſhall be taken, before the ſaid Juſtices of ſuch County or Counties for the time being: And if any of the ſaid Sheriffs, Under-ſheriffs, Clerks, Bailiffs, and their Miniſters, do not bring, deliver, and preſent all ſuch endictments or preſentments ſo taken before them and every of them in their tourns or lawdays, as before is recited, at ſuch Seſſions of the Peace, before the ſaid Juſtices of Peace, that then all ſuch Sheriffs, Under-ſheriffs, Clerks, Bailiffs, and their Miniſters, and every of them that ſo ſhall fail in bringing, delivering, and preſenting of ſuch indictments or preſentments, ſhall forfeit to the King fourty pounds, at every time that they or any of them doth the contrary: And that the ſaid Juſtices of Peace ſhall have power and authority to award proceſs upon all ſuch endictments and preſentments, as the Law doth require; and in like form as if the ſaid endictments and preſentments were taken before the ſaid Juſtices of Peace in the ſaid County or Counties, and alſo to arraign and deliver all ſuch perſon or perſons ſo endicted and preſented before the ſaid Sheriffs, Under-ſheriffs, their Clerks, Bailiffs, and their Miniſters, or any of them in their tourns or lawdays. And all ſuch perſon or perſons, which be indicted or preſented of treſpaſs, ſhall make ſuch a fine as ſhall ſeem lawful by their diſcretions. And the eſtreats of the ſaid fines and amerciaments ſhall be enrolled, and by indenture be delivered to the ſaid Sheriffs, Under-ſheriffs, their Clerks, Bailiffs or Miniſters, or ſome of them, to the uſe and profit of him that was Sheriff in the ſaid Counties or County at the time of ſuch indictments or preſentments taken: And if any of the ſaid Sheriffs, their Under-ſheriffs, Clerks, Bailiffs, or their Miniſters, do arreſt, attach, or put in priſon, or cauſe any fine or ranſom to be taken, or levy any amerciament of any perſon or perſons ſo indicted or preſented, by reaſon or colour of any ſuch indictment or preſentment taken before them at their tourns or lawdays, above rehearſed, before that they have proceſs from the ſaid Juſtices of Peace, or eſtreats delivered out of the ſaid indictments or preſentments ſo brought, delivered, and preſented to them, that then the ſaid Sheriffs which ſo do, ſhall forfeit an hundred pound. The one half thereof to be employed to the expences of the Kings houſe, and the other half to the party or parties which be or is indamaged, and he or they ſhall have therefore an Action of debt at the Common Law, and like proceſs as in an Action of debt at the Common Law, and that the defendant or defendants in ſuch ſuits or actions of debt ſhall not be eſſoined, nor wage their Law: and if he or they or any of them againſt whom this action ſhall be taken, do offer or caſt any protection or other impediment, in retardation of the ſaid ſuits or actions, that ſhall not be allowed unto him.

Indictments and preſentments taken in the Sheriffs tourn ſhall be delivered to the Juſtices of Peace of the ſame County. St. 11 H.7. 15.

Cok. 10. f.16. 4 Ed.4.f.31. 8 Ed.4.f.5. Fitz. Tourn. de Viſcount 3. Cro.Car.277.

Juſtices of Peace ſhall award proceſs againſt them that be endicted in the Sheriffs Tourn, and arraign and deliver the offendors.

The eſtreats ſhall be indented and delivered by the Juſtices of Peace to the Sheriff.

Provided always, that this preſent Ordinance do not extend, nor in any wiſe be prejudicial to the Sheriffs of the City of London now being, or which at any time hereafter ſhall be, concerning any indictments or preſentments to be taken within the ſaid City of London.

Provided alſo, that this Act extend not, nor be prejudicial to any perſon or perſons, which hath grants of any fines of amerciaments by any Letters Patents of our ſaid Soveraign Lord the King, or of any of his Progenitors or Predeceſſors, bearing date before the tenth day of December, next after the beginning of this Parliament, and that this Act and Ordinance do not extend nor be prejudicial to any perſon or perſons, having any liberties or franchiſes by any of the ſaid Letters Patents, or in any other manner by preſcription. And that this Ordinance be in his force, and begin to take effect at the fortieth day next after the ſixth day of May next after the beginning of this preſent Parliament, upon the which ſixth day the ſaid Parliament was diſſolved.

This Statute doth not extend to the Sheriffs of London.

Grants of fines made by the King.

Statutes made at Weſtminſter, *Anno* 3 *Ed.* 4. and *Anno Domini* 1463.

AT the Parliament ſummoned at Weſtminſter, the nine and twentieth day of April, the third year of the Reign of our Lord King EDWARD the Fourth after the Conqueſt: divers Statutes and Ordinances, to the honour of God and of holy Church, and for the wealth of the King, and of his people, by the advice and aſſent of his Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, were made in the manner and form as followeth.

CAP. I.

No Alien ſhall ſhip or carry out of this Realm any Woolls, Fells, morling or ſhorling: neither ſhall any Denizen carry them but to Calice (except ſuch as be growing in Northumberland, Cumberland,

berland, Weſtmerland, and the Biſhoprick of Durham, which ſhall be carried to Newcaſtle.) Every Merchant ſhall receive for his merchandiſe of the Staple ready payment, whereof the one half ſhall be in Bullion of Gold or Silver, which ſhall be coined at the Mint of Calice: whoſoever windeth any deceitful thing in wooll, ſhall forfeit vj. d. for every fleece: If any Engliſh or Welſhman ſhall bring in or carry forth any merchandiſe in an aliens ſhip, if he may have fraught in a denizens ſhip, he ſhall forfeit his merchandiſe. Exp. St. 5 R. 2. 3. 6 R. 2. 8. 14 R. 2. 6. 4 H. 7. 10.

CAP. II.

A reſtraint of bringing Corn into this Realm, until it ſhall exceed certain prices. Rep. 21 Jac. 28.

CAP. III.

Whoſoever ſhall bring into this Realm any wrought Silk to be ſold concerning the myſtery of Silk-workers, ſhall forfeit the ſame, and x. l. Exp. St. 33 H. 6. 5. 22 Ed. 4. 3. 1 R. 3. 10. 1 H. 7. 9.

CAP. IV.

Certain merchandiſes not lawful to be brought ready wrought into this Realm.

ITem, Whereas in the ſaid Parliament, by the Artificers of manual occupations men and women, inhabiting and reſident in the City of London, and other Cities, Towns, Boroughs, & Villages within the ſame Realm of England and Wales, it hath been piteouſly ſhewed and complained, how that all they in general, and every of them, be greatly impoveriſhed, and much hindred and prejudiced of their worldly increaſe and daily living, by the great multitude of divers commodities and wares pertaining to their myſteries and occupations, being fully wrought and ready made to ſale, as well by the hands of ſtrangers being the Kings enemies, as other in this Realm, and Wales, fetched and brought from beyond the Sea, as well by Merchants ſtrangers, as denizens and other perſons, whereof the greateſt part in ſubſtance is deceitful and nothing worth in regard of any mans occupation or profit; by which occaſion the ſaid Artificers cannot live by their myſteries and occupations as they have done in times paſt, but divers of them, as well houſholders as hirelings, and other ſervants and apprentices in great number, be at this day unoccupied, and do hardly live, in great miſery, poverty, and need, whereby many inconveniences have grown before this time, and hereafter more be like to come (which God defend). if due remedy be not in this behalf provided: Our redoubted Sovereign Lord the King, conſidering the premiſſes, and willing in this caſe to provide remedy, by the advice, aſſent, and authority aforeſaid, hath ordained, enacted, and eſtabliſhed, That no Merchant born ſubject of our ſaid Lord the King, denizen nor ſtranger, nor other perſon after the Feaſt of St. Michael the Archangel next coming, ſhall bring, ſend, nor convey, nor cauſe to be brought, ſent, nor conveyed into this Realm of England, and Seigniory of Wales, any of the chaffers, wares, or things underwritten, that is to ſay, Any woollen caps, woollen clothes, laces, corſes, ribbands, fringes of ſilk and of thred, laces of thred, ſilk twined, ſilk in any wiſe embroidered, laces of gold, of ſilk or gold, ſaddles, ſtirops, or any harneſs pertaining to ſaddles, ſpars, boſſes for bridles, aundirons, gredirons, any manner of locks, hammers, pinſons, firetongs, dripping-pans, dice, tenis balls, points, purſes, gloves, girdles, harneſs for girdles, of iron, latten, ſteel, tin, or of alkmine, any thing wrought of any tawed leather, any tawed furres, buſcans, ſhoes, galoches or corks, knives, daggers, woodknives, bodkins, ſheers for tailors, ciſors, raſers, cheſſmen, playing cards, combs, pattins, packneedles, any painted ware, forcers, caskets, rings of copper, or of latten gilt, chafing-diſhes, hanging candleſticks, caſting balls, ſacring bells, rings for curtains, ladles, ſcummers, counterfeit baſons, ewers, hats, bruſhes, cards for wooll, black iron thred commonly called and named white wire, or any of thoſe wares or chaffers to be uttered and ſold within the ſame Realm of England, or in the country of Wales, by way of merchandiſe, upon pain to forfeit the ſame merchandiſes, at every time, and as often as they may be found in the hands of any perſon or perſons to be ſold. The one half of the ſame forfeiture to be payed to the uſe of our Lord the King, and the other half to him that will firſt ſeiſe the ſame for the King. The ſame half by him ſo ſeiſed for our Lord the King to be delivered by the ſaid ſeiſor thereof to the Eſcheator of the countrey or place where the ſame ſeiſin ſhall be, by indenture betwixt them made, duly to anſwer thereunto in his accompt.

The inconveniences enſuing of bringing of wares ready wrought into this Realm.

Certain merchandiſes which it is not lawful to bring into this Realm wrought. St. 1 R. 3. 12.

Provided always, that if any of the ſaid wares or chaffers made out of this land, be taken upon the Sea without fraud and colluſion, or come in this Realm of England, or the countrey of Wales, by way of wreck, that thoſe be in no wiſe taken within this Act or Statute, but that they may be ſold within this Realm of England or Wales, this Act or Statute notwithſtanding.

A proviſo for ſuch wares as be taken upon the Sea or by wreck.

Provided alſo, That all wares and chaffers made and wrought in the land of Ireland or Wales may be brought and ſold in this Realm of England, as they were wont before the making of this Statute, this Act or Statute notwithſtanding.

Wares made in Ireland or Wales.

Alſo our Lord the King hath ordained and eſtabliſhed, by the aſſent and authority aforeſaid, that the Maſters and Wardens for the time being, of every craft and myſtery in every City, Borough, Town, and Village, where any ſuch craft or myſtery is uſed or occupied, ſhall have ſufficient power and authority in every ſuch City, Town, Borough, and Village, where they for the time being ſhall be Wardens, or Maſters of any ſuch craft or myſtery, and the Mayor of ſuch City, Borough, Town, or Village, for the time being, if any Mayor be, or the Bailiffs, or Bailiff of any ſuch City, Borough, Town, or Village, for yͤ time being, if any Bailiffs or Bailiff there be, & no Mayor, or Serjeant, or any other Officer to them aſſigned by yͤ ſaid Mayor, Bailiffs or Bailiff, in every ſuch City, Borough, Town, & Village, where any ſuch craft or myſtery is uſed or occupied, where no ſuch Maſters nor Wardens of any ſuch craft or myſtery be, that the Maſters or Wardens of the crafts and myſteries of the City, Town, Borough, or Village next adjoyning to the ſame, and the Conſtable of ſuch

The chief Officers of Cities, or &c. ſhall have authority to ſearch for defective wares.

City, Borough, Town, or Village, ſhall have power and authority to ſearch in their own crafts and myſteries, and in all other crafts and myſteries, uttering by way of ſale any of the aforeſaid wares, as well within Cities, Boroughs, Towns, and Villages of the ſame Realm of England, and of the Countrey of Wales, as within the Liberties and Franchiſe of the ſame Cities, Boroughs, Towns, and Villages at all times reaſonable by the day, at Faires and Markets, ſhops open, and ware-houſes, all ſuch manner wares, chaffers, and merchandiſes pertaining to every of their proper crafts and myſteries, which ſhall be made by any alien artificer, man or woman, or any other perſon or perſons within the ſame Realm of England or Wales, or which at any time ſhall be occupied by any of the ſaid crafts or myſteries, in whoſe hands ſoever they may be found.

Wares and merchandiſes that be not lawful ſhall be forfeit.

Provided alſo, that the ſaid Maſters, Wardens, and other named in the ſaid Ordinance to be ſearchers, ſhall not enter in any place exempted by priviledge, franchiſe, or cuſtom, to make in the ſame any ſearch as is aforeſaid, but by the overſight of ſome Officer of every ſuch place ſo exempt where any ſuch ſearch ſhall happen to be made; and if the ſaid Searchers by the ſame ſearch do find that ſuch chaffers, wares, or merchandiſes, or any part thereof be not pure, lawful, and able chaffers, wares, or merchandiſes, and duly wrought and made, as they ought to be, and that ſufficiently proved, that then it ſhall be lawful to ſuch Searchers to take and ſeiſe all ſuch chaffers, wares, and merchandiſes, which ſhall ſo be found not good, pure, lawful, or able, nor well wrought, as a thing forfeit. The one half of the ſame forfeiture to be paid to the uſe of our Lord the King, and the other half thereof to ſuch Maſters or Wardens, which ſo ſhall make ſearch and find the ſame. And that this preſent Ordinance or Statute concerning the ſaid Artificers ſtand and be in force as long as ſhall pleaſe our Sovereign Lord the King.

The Liberties of Great St. Martins in London reſerved.

Provided always, that this Ordinance and Act, nor any other Ordinance or Act, made or to be made in this preſent Parliament, ſhall extend or in any wiſe be prejudicial or hurtful to Robert Stillington Clerk, Dean of the free Chappel of our Lord the King, of St. Martin le grand of London, nor to his ſucceſſors of the ſaid Chappel hereafter for the time being in any manner; nor to the ſaid Robert, Dean and Chapiter of the ſame Chappel, as in and for all manner privileges, liberties, franchiſes, rights, and cuſtoms, in any manner pertaining to them before this Parliament. Nor to any perſon or perſons dwelling or inhabiting, or which ſhall hereafter inhabit and dwell within the Sanctuary and precinct of the ſame Chappel, and eſpecially within the Lane, commonly called St. Martins Lane. St. 5 El. 7. 14 Car. 2. cap. 19.

CAP. V.

What kind of apparel men and women of every vocation and degree are allowed, and what prohibited to wear. Rep. 22 Ed. 4. 1. 1 H. 8. 14. 7 H. 8. 6. 14 H. 8. 13.

Statutes made at Weſtminſter, *Anno 4 Edw. 4.* and *Anno Domini* 1464.

OUr Lord King EDWARD the Fourth after the Conqueſt, at his Parliament ſummoned at Weſtminſter, the nine and twentieth day of April, in the third year of his Reign, and by divers Prorogations and Adjournments, continued till the one and twentieth day of January, in the fourth year of his ſaid Reign, on the ſame one and twentieth day of January, to the reverence of God, and for the wealth of him and his people, by the advice and aſſent of his Lords Spiritual and Temporal, and at the ſpecial requeſt of his Commons being in the ſaid Parliament, hath ordained and eſtabliſhed certain Statutes and Ordinances, in manner and form following.

CAP. I.

The length and breadth of clothes made to be ſold. No clothes wrought beyond Sea ſhall be brought into England.

The inconveniences which have enſued to this Realm by the deceitful making of cloth.

FIrſt, Whereas many years paſt, and now at this day, the workmanſhip of Clothes and things requiſite to the ſame, is and hath been of ſuch fraud, deceit, and falſity, that the ſaid Clothes in other Lands and Countries be had in ſmall reputation, to the great ſhame of this Land: And by reaſon thereof a great quantity of Clothes of other ſtrange Lands be brought into this Realm, and here ſold at an high and exceſſive price, evidently ſhewing the offence, default, and falſhood of the making of woollen Clothes of this Land: Our ſaid Lord the King, for the remedy of the premiſſes, and to the preferment of ſuch labours and occupations, which have been uſed by the making of the ſaid Clothes, by the advice, aſſent, and requeſt, and authority aforeſaid, hath ordained and eſtabliſhed certain Statutes and Ordinances, in manner and form enſuing: Firſt, That every whole woollen Cloth, called Broad Cloth, which ſhall be made and ſet to ſale after the Feaſt called St. Peter ad vincula, which ſhall be in the year of our Lord M.CCCC.LXV. after the full watering & racking, ſtraining, or tenturing of the ſame ready to ſale, ſhall hold and contain in length xxiiij. yards, and to every yard an inch, containing the breadth of a mans inch, to be meaſured by the creſt of the ſame Cloth. And in breadth ij. yards, or vij quarters at the leaſt with the liſts. And if the ſaid cloth be longer in meaſure then the ſaid xxiiij. yards and the inches, then the buyer thereof ſhall pay to the ſeller for as much as doth exceed ſuch meaſure of xxiiij. yards, according to the rate of the meaſure above ordained.

The length and breadth of woollen cloth called Broad cloth.

Rep. 5 Ed. 6. 6.

The length and breadth of Streits.

And it is enacted and eſtabliſhed, by authority of the ſaid Lords, that all manner Clothes called Streits, to be made and put to ſale, after the ſaid Feaſt, after the full watering, and racking, ſtraining, or tenturing thereof ready to ſale, ſhall hold and contain in length xij. yards and iij. inches, according to the meaſure aforeſaid, and in breadth one yard within the liſts.

Alſo it is ordained and eſtabliſhed by the authority aforeſaid, That every Cloth called

Kerſey, to be made and put to ſale, after the ſaid Feaſt, after the full watering, racking, ſtraining, or tenturing of the ſame ready to ſale, ſhall hold and contain in length xviij. yards and iij. inches, as is aforeſaid, and in breadth one yard and a nail, or at leaſt one yard within the liſt.

The length and breadth of Kerſey.

Half Clothes.

Alſo it is ordained and eſtabliſhed by the authority aforeſaid, that every half Cloth of every of the ſaid whole Clothes, Streits, and Kerſeys, ſhall keep his meaſure in length and breadth according to the rate, form, and nature of his whole Cloth aforeſaid. And that no perſon which ſhall make or cauſe to be made any woollen cloth to ſell after the ſaid Feaſts, ſhall mingle or put in or upon the ſame cloth nor the wooll whereof the ſaid cloth ſhall be made, any Lambs wooll, flocks, or cork in any manner, upon pain to forfeit xx. s. for every cloth or half cloth, wherein, or whereupon any ſuch Lambs wooll, flocks, or cork ſhall be put or mingled. The one half thereof to be to the King, and the other half to him that will ſeiſe the ſame cloth, and duly prove the ſame to be made contrary to this Ordinance. But it ſhall be lawful for him to make cloth of Lambs wool by it ſelf, without mingling with any other wool. Except alſo that cork may be uſed in dying upon woaded wooll, and alſo in dying of all ſuch cloth that is onely made of woaded wooll, ſo that the ſame wooll and cloth be perfectly boiled and madered. Except alſo that cork may be put upon cloth which is perfectly boiled and madered.

Lambs wooll, Flocks, or Cork, ſhall not be put into cloth but for certain cauſes. St. 7 Ed. 4. 2.

Alſo it is ordained and enacted, that every of the ſaid clothes and half clothes ſhall perfectly and rightly purſue & follow one order of workmanſhip, from one end to the other, without difference in the weaving, fulling, knotting, or burling. And in caſe any ſuch difference, or raw or skaw cokel, or fagge, happen to be in any part of the ſaid Clothes, Streits, or Kerſeis, that then a Seal of Lead therefore ordained, and by the Treaſurer of England for the time being provided, ſhall be ſet and hanged in the loweſt part of the edge of the ſame Cloth, Streit, or Kerſey, for perfect knowledge to be had to the buyer thereof. And that every of the ſaid Clothes, Streit, and Kerſey of the length and breadth aforeſaid, and alſo of the ſaid perfection, ſhall be from the Feaſt of S. Peter ad vincula, ſealed at the end of the ſame, with a double print in Lead, deviſed & ordained by the ſaid Treaſurer, in teſtimony and witneſs of the foreſaid true length, breadth, & making. And if any of the foreſaid Clothes, Streits, or Kerſeis, do not contain the aforeſaid length & breadth, or be not of the perfect workmanſhip aforeſaid, & the ij. parts of the ſame Clothes, Streits, or Kerſeys be of the true and perfect workmanſhip aforeſaid, keeping their ſaid length & breadth, that then every ſuch Cloth, Streit & Kerſey ſhall be ſealed with yͤ ſaid ſeals, in the form aforeſaid; & that every half cloth containing greater length then the half cloth, and leſs length then the whole cloth, of the ſorts of the cloths aforeſaid, being of the ſame perfect workmanſhip and breadth, ſhall be ſealed with a ſeal printed in Lead, having a mark differing from both the ſeals aforeſaid, in teſtimony and witneſs of the true length, breadth, and making of the half cloth. And if any woollen cloth of any ſort of the clothes before recited, perfectly made, and having breadth after the ſort before limited, containing iij. yards and an half, or more, or leſs then the half cloth, be put to ſale, after the ſaid Feaſt, the ſame cloth ſhall be ſealed with a ſeal printed in Lead, having a mark differing from any of the ſaid ſeals, for a knowledge to be had of the default of the half cloth, the ſaid ſeals to be deviſed and ordained by the ſaid Treaſurer, and to be put at the end of every of the half clothes, and clothes leſs then half clothes. Alſo by the advice, aſſent, and authority aforeſaid, it is ordained and eſtabliſhed, that the Treaſurer of England for the time being ſhall have power and authority to make ſuch and as many keepers of the ſaid ſeals as he ſhall think neceſſary; So that no ſtranger born be made any of the ſaid keepers. And that every of the ſaid keepers ſo to be made, ſhall accompt yearly of the revenues of their ſaid Offices in the ſaid Exchequer before the Treaſurer of England, and the Barons there for the time being, duly ſhewing in the ſame accompts the number of the clothes, half clothes, Streits, and Kerſeis ſealed by them, with the names of the owners of the ſame: Every of yͤ ſame keepers to be rewarded yearly at his ſaid accompt for his labour and diligence had in this behalf at the receit of the ſaid Eſchequer, by the diſcretion of the ſaid Treaſurer & Barons, without paiment of any thing in the ſaid Eſchequer, in or for the making of his ſaid accompt. And in caſe any of the ſaid keepers do ſeal any of the aforeſaid clothes with any other ſeal, or any of the ſame clothes otherwiſe made then according to the manner and ordinance above ſpecified, and that by ſufficient proof and examination ſhewed and approved before the ſaid Treaſurer and Barons, by the ſaid depoſition, teſtimony, and witneſs of ſuch ſufficient perſons, of good and due reputation, which have had prompt experience in weaving, fulling, and making of clothes: or if the ſame keeper do refuſe to ſeal any of theſe clothes, made according to the ſaid manner and ordinance: or if any ſuch Keeper or Aulnager do take after the ſaid Feaſt for the King, of any perſon for the ſealing or meaſuring of any ſorts of cloth, any other ſum of mony then is contained in the Statutes and Ordinances made before this time, and not repealed; or if any ſuch Keeper or Aulnager, after the ſaid Feaſt, do refuſe to ſhew his Commiſſion of his Office to any perſon deſiring the ſame upon the ſealing or meaſuring of any ſuch clothes before rehearſed, and that examined and duly proved, that then he, as often as he ſhall offend in any of the premiſſes, ſhall forfeit the ſum of xx. s. the one half thereof to the King, and the other half to the party proving the ſaid offences therein by ſuit to be made before the ſaid Treaſurer and Barons, by bill of debt in the ſaid Eſchequer, in which bill like judgment and execution ſhall be had, as is accuſtomably had and uſed againſt other accomptants in the ſame Eſchequer. And that theſe Statutes and Ordinances, and other Statutes and Ordinances made before this time and not repealed, concerning any of the premiſſes, ſhall be contained and ſpecified in every Commiſſion to be made to every ſuch Keeper or Aulnager, after the ſaid Feaſt. Alſo whereas before this time in the occupations of Cloth-making, the Labourers thereof have been driven to take a great part of their wages in pins, girdles, and other unprofitable wares,

Clothes ſhall perfectly purſue one order of Workmanſhip.

A ſeal of Lead ſhall be ſet upon faulty cloth. Rep. 5 Ed. 6. 6.

Cloth lawfully made ſhall be ſealed with a double print in Lead. St. 17 Ed. 4. 5.

Sealing of cloth which is leſs then a whole cloth, and longer then a half cloth.

The Lord Treaſurer ſhall make as many Keepers of the ſeal to ſeal cloth as he will.

The accompt of the keepers of the ſeal, and their reward.

The penalty of the keeper of the ſeal for omitting his duty.

A Clothier ſhall pay to his workfolk ready money, and ſhall deliver them wooll according to the weight.

wares under ſuch price as they did extend to, and alſo have delivered to them woolls to be wrought by very exceſſive weight, whereby both men and women have been diſcouraged of ſuch labour: Therefore it is ordained and eſtabliſhed by the authority aforeſaid, That every man and woman being Cloth-makers, from the ſaid Feaſt of St. Peter, ſhall pay to the Carders, Spinſters, and all ſuch other Labourers in any part of the ſaid Trade, lawful mony for all their lawful wages and payment of the ſame: And alſo ſhall deliver woolls to be wrought according to the faithful delivery and due weight thereof, upon pain of forfeiture to the ſame Labourer the treble of his ſaid wages ſo not paid, as often as the Cloth-maker doth refuſe to pay the ſame in the ſaid manner and form to any ſuch Labourer, put by him to the occupation in any of the ſaid parts of Cloth-making; and alſo to forfeit to the ſame Labourer, for every delivery of exceſſive and unlawful weight to him committed to be wrought, vi. d. for every default.

Every worker of wooll ſhall do his duty therein lawfully.

The Fullers duty in his occupation.

What Magiſtrates may enquire of, and puniſh ſuch as do offend.

Alſo it is ordained and eſtabliſhed by the authority aforeſaid, That every Carder, Spinſter, Weaver, Fuller, Sheerman, and Dyer, ſhall duly perform his duty in his occupation, upon pain to yield to the party grieved in this behalf his double damages: And that every Fuller from the ſaid Feaſt of St. Peter, in his craft and occupation of Fulling, Rowing, or Taſeyling of Cloth, ſhall exerciſe and uſe Taſels, and no Cards, deceitfully impairing the ſame Cloth, upon pain to yield to the party grieved his double damage: And that every Juſtice of Peace for the time being, of every County of this Realm throughout the ſame County, out of Cities, Boroughs, and Towns where any Mayor, Maſter, Warden, Bailiff, or Bailiffs, is or be, and every Mayor, where there is no Maſter, and every Maſter where there is no Mayor, and every Bailiff or Bailiffs, where there is no Mayor nor Maſter, and every Portreeve, where no Mayor, Maſter, Bailiff, nor Bailiffs is or be, of every City, Borough, and Town, within every ſuch County aforeſaid, and every Conſtable of Hundred, where any Conſtable of Hundred is, out of every City, Borough, and Town where any Mayor, Maſter, Bailiff or Bailiffs, or Portreeves is or be; and that every Steward keeping or holding Wapentake or Leet of any perſon out of City, Borough, or Town, where no Mayor, Maſter, Bailiff or Bailiffs, or Portreeves is or be, ſhall have power and authority by this Ordinance to hear and determine the complaints of every ſuch Cloth-maker and Labourer, as well for non-paiment of the ſaid Labourers wages, as of the ſaid forfeiture and damages, by due examination of the parties in this behalf, thereupon for non-paiment of the ſaid duties and forfeiture, and for the ſaid damages to commit the ſaid offenders in this behalf to the next Gaol within the ſame County, there to remain till the ſaid duties, forfeitures, and damages be fully paid to the ſaid Labourer or Cloth-maker. And alſo that every of the ſaid Juſtices of Peace, Mayor, Maſter, Warden, Bailiff or Bailiffs, Portreeve, and Steward of Wapentake and Leet, upon the information or complaint of any other perſon which is not grieved, in this behalf, ſhall have power by the ſaid authority within his juriſdiction to cauſe the party to come before him, againſt whom ſuch information or complaint ſhall be made, for offending this Ordinance, and to examine him in and upon the matter contained in the ſame information or complaint: and if the party by examination, or other due proof, be found guilty or defective, that then the ſame party, as often and for every time that he is ſo found guilty or defective, ſhall forfeit to the King, or to ſuch perſon or perſons, which is or be entituled to have fines or amerciaments for offences done within their juriſdiction, iij. s. iv. d. And that every of the ſaid Juſtices of Peace, and other Officers aforeſaid within his juriſdiction, upon every of the ſaid informations or complaints, ſhall have full power to make like proceſs againſt the party, upon whom any ſuch information or complaint, as before is rehearſed, ſhall be made, to cauſe him perſonally to appear before him, thereupon to be examined, as Juſtices of Peace have upon information or complaint made to them, for ſurety of peace, without any fee or reward to be taken or had by any of the ſaid Juſtices, or any other Officer in this party, for the execution of their Offices in this behalf.

What proceſs ſhall be awarded by Juſtices of Peace againſt offenders.

No Clothes made in any other Region ſhall be brought into England to be ſold.

Alſo it is ordained and eſtabliſhed, by the authority aforeſaid, That all manner of woollen clothes made in any other Region, brought into this Realm of England, and ſet to ſale within any part of this Realm of England after the ſaid Feaſt of St. Peter, ſhall be forfeit to our ſaid Sovereign Lord the King, except clothes made in Wales, and Ireland, and clothes taken by any of the Kings liege people upon the Sea, without fraud or colluſion. And by the authority aforeſaid it is ordained and eſtabliſhed, that any other Act or Ordinance made in this preſent Parliament concerning Cloth-making, or any of the premiſſes contrary, or not according to this Act, ſhall be void and of none effect.

CAP. II.

All Woolls, Fells, Morlings, and Shorlings to be tranſported, ſhall be ſhipped at thoſe Ports where the King hath a Beam, Weights, and a Collector of Cuſtoms, and ſhall be carried to Calice. And the Merchant ſhall bring a Certificate thereof from the Cuſtomer of Calice to the Exchequer to be entred of Record. Ob. St. 14 H. 6. 2. 15 H. 6. 8. 18 H. 6. 15.

CAP. III.

The Woolls, Fells, Morlings, and Shorlings of the Country beyond the waters of Tweed and Teeſe, and of the Counties of Northumberland, Cumberland, Weſtmerland, Richmondſhire, Northalderton-ſhire, and the Biſhoprick of Durham onely, and of none other Counties, ſhall be carried to Newcaſtle to be tranſported to the Staple of Calice: and of all other Shires to the Staple of Calice, upon pain that every offender that tranſporteth them in other ſort, ſhall forfeit to the King and the Informer the double value thereof. Ob. St. 3 Ed. 4. 1. 12 Ed. 4. 5.

CAP. IV.

No perſon during three years next, ſhall buy or take any promiſe of bargain for any Woolls then not ſhorn, of the growing of Berks, &c. before the ſame be ſhorn, and until Bartholomew day following, but they which ſhall make Cloth or Yarn of them, upon pain of forfeiture of the double value thereof. Exp. St. 4 H. 7. 11. 22 H. 8. 1. 37 H. 8. 15.

CAP. V.

No Merchandiſes of the growth or workmanſhip of any of the Countries ſubject to the Duke of Burgundy ſhall be brought into this Realm, until he revoke a proclamation made for the baniſhment of Engliſh Clothes out of his Realm. St. 27 H. 6. 1. 28 H. 6. 1.

CAP. VI.

A qualification of the Stat. of 5 H. 4. 9. touching ſecurity to be taken of Merchants ſtrangers for the imployment of their money upon the commodities of this Realm. Exp.

CAP. VII.

A Shoomaker in London, or within three miles compaſs thereof, ſhall not make any Shoos or Boots with any Pike or Polein paſſing the length of two inches: Nor ſhall pull upon the legs or feet of any perſon, any Shoos, Buskins, or Boots, upon the Sunday, the Nativity, or Aſcenſion of our Lord, or Corpus Chriſti day, upon pain of forfeiture of twenty ſhillings for every offence. But this ſhall not be prejudicial to the Dean of S. Martins the graund, nor to any perſon dwelling in S. Martins. Rep. St. 14 H. 8. 9. & 5 El. 8.

CAP. VIII.

No ſtranger ſhall buy Engliſh horns unwrought, gathered or growing in London or within four and twenty miles thereof: The Wardens of the Horners in London may ſearch all ware belonging to their Myſtery, in London and four and twenty miles thereof, and in Sturbridge and Ely Faires. Rep. 1 Jac. 25. But it is recited, and in part revived, 7 Jac. 14.

CAP. IX.

Patten-makers may make pattens of ſuch timber of Aſp as is not meet to be made into ſhafts. Rep. 1 Jac. 25.

CAP. X.

What perſons ſhall take paſſage or land at Dover in Kent only, and who not. Rep. 21 Jac. 28.

Statutes made at Weſtminſter, *Anno ſeptimo Edwardi quarti, & Anno Domini* 1467.

AT the Parliament holden at Weſtminſter, the third day of June, the ſeventh year of the Reign of King Edward the fourth after the Conqueſt: Our ſaid Lord the King, by the advice and aſſent of the Lords Spiritual and temporal, and at the requeſt of his Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament, hath ordained and eſtabliſhed certain Statutes and Ordinances in manner and form following.

CAP. I.

The Election, Oath, Authority, Searching and Sealing of the Wardens of Worſted-Weavers in Norwich and Norfolk.

FIrſt, for that there be aſwell within the City of Norwich, as elſewhere within the County of Norfolk, divers perſons, which do make untrue wares of all manner of Worſteds, not being of the aſſiſe in length nor in breadth, nor of good ſtuff, and right making, as they ought to be, and of old time were accuſtomed, and the ſleyes and yarn pertaining to the ſame not well made and wrought, in great deceit aſwell of denizens, as of ſtrangers inhabiting or repairing to this Realm, which have uſed and do uſe to buy ſuch merchandiſes, truſting that they were within as they ſeemed without, where indeed it is contrary. And for that the Worſteds in times paſt were lawfully wrought, and merchandiſe were liked, and greatly deſired and eſteemed in the parts beyond the Sea: Now becauſe they be of no right making, nor good ſtuff, they be reported and eſteemed deceitful and unlawful merchandiſe, and of little regard, to the great damage of our Lord the King, and great prejudice of his loyal ſubjects: Our ſaid Lord the King, by the aſſent of the Lords Spiritual and Temporal, and at the requeſt of his Commons, being in the ſaid Parliament, and by the authority of the ſaid Parliament, for the wealth of his people, and the perpetual amendment of the ſaid Worſteds, and eſchewing and avoiding all manner deceits to be done and wrought in Worſteds, by them that work the ſame, and are the means thereof: hath ordained and eſtabliſhed, that men of the ſaid craft within the ſaid City, ſhall have power every year, the Munday next after the Feaſt of Pentecoſt, to chooſe four Wardens within the ſaid City of the ſame Craft. And alſo that Artificers of the ſame Craft likewiſe out of the City, that is to ſay, within the county of Norfolk, ſhall have power every year at the ſame day to chooſe four Wardens within and of the ſaid County, of the ſame Craft. And the aforeſaid Wardens in the ſaid county and City, to come before the Mayor of the ſaid City for the time being, upon the Munday next after the Feaſt of Corpus Chriſti then next following, and then to be ſworn before the Mayor of the ſaid City, and the Steward of the Dutchy of Lancaſter within the ſaid county for the time being, if it happen him within the ſaid county then to be preſent, or elſe before the ſaid Maior only, the ſaid Steward then being abſent. And that all the ſaid Wardens, as well within the ſaid City as without, or elſe the greateſt part of them, under this form before recited, choſen and ſworn, ſhall have full power for the year then next following, to ſurvey the workmanſhip of the ſaid Artificers, and that they make and work rightfully and well and of good ſtuff, and to ordain ſuch rules and ordinances within the ſaid craft, as often as it ſhall ſeem needful or neceſſary for the amendment of the ſaid Worſteds and craft: and that all ſuch rules and ordinances ſo made and ordained by them, ſhall be obeyed and kept by the ſaid Artificers.

Four Wardens of Worſted weavers in Norwich, and other four in Norfolk.

Four Wardens ſhall take their oath before the Mayor, &c. 26 H. 8. 16.

The Wardens power.

Puniſhment of the offenders.

The length and bredth of pieces of Worſted.

Wardens may ſeiſe defective ſtuff.

Or otherwiſe four of the ſaid Wardens, calling to them ſix of the moſt diſcreet of the ſaid artificers within the ſaid city, and ſix of the ſame artificers within the ſaid county, by the diſcretion of the ſaid Mayor and Steward, or one of them, ſhall puniſh ſuch of the ſaid artificers, which breaketh or doth contrary to any of their ſaid rules and ordinances. And that every piece of Worſted ſhall be purſuing through the piece of lawful making, good and convenient ſtuff: And that they ſhall hold the length and bredth as the aſſiſe was wont to be of old time rightfully accuſtomed, that is to ſay, beds of the greateſt aſſiſe, fourteen yards largely in length, & four yards largely in bredth: and beds of the mean aſſiſe, twelve yards in length, and three yards in bredth: and beds of the leaſt aſſiſe, ten yards in length, and five quarters in bredth: and clothes called Monks clothes, twelve yards in length at the leaſt, and five quartes in bredth: and clothes called Chanon clothes, of the one aſſiſe ſix yards in length, and two yards in bredth, and of the other aſſiſe five yards in length, and ſeven quarters in bredth: and double Motleyes ſeven yards in length, and five quarters in bredth: and ſingle Motleyes ſix yards in length, and five quarters in bredth: and double Worſted ten yards in length, and five quarters in bredth: and the half double Worſted ſix yards in length, and five quarters in bredth: and the roll of Worſted thirty yards in length, and half a yard in bredth. And that no lambs wooll be put in any of the ſaid Worſteds: and that the Wardens of the ſaid craft, and every of them, for the time being, ſhall have power and authority to ſeiſe all ſuch clothes and ſtuff ſo being defective.

The Mayor and ſteward, &c. may enquire of, hear and determine all offences.

Twelve artificers ſhall enquire of the viij. Wardens.

And that the Mayor and Steward, and every of them, by twelve of the diſcreet Artificers of the ſaid city and county, ſhall have power at all times to enquire, hear, and determine of all ſuch as do againſt the ſaid ordinances within the ſaid city or county: And moreover, in eſchewing all ſuch deceits and falſhoods which might happen to be wrought and done in the ſaid craft by the eight Wardens aforeſaid or betwixt themſelves only, or in concealing of the falſe workmanſhip of other of the ſaid Artificers in the ſaid city and county, that the Mayor of the ſaid city for the time being, and the ſaid Steward, or one of them, at ſuch time as he ſhall think convenient, ſhall call before him the ſaid twelve Artificers, or the greateſt part of them, and charge them to be ſworn to make rightful ſearch as well in the ſtuff, as in all the working of the Worſted by the ſaid eight Wardens hereafter to be wrought and made.

The puniſhment of the Wardens defective.

Where the Wardens may ſearch.

And that the ſaid Wardens ſo found defective either in execution of their office in ſearch of all other of the ſame Artifices within the ſaid City and County, or elſe in their own ſtuff or workmanſhip, ſhall be corrected by the ſaid Mayor or Steward in ſuch form as other offenders of the ſame craft ought of right to be corrected. And that the ſaid wardens and every of them in every part of the ſaid City of Norwich, and elſewhere in the counties of Norfolk, Suffolk, and Cambridge, at all times convenient ſhall have power to ſearch all manner of Worſteds, and the ſtuff of them, as well within the Loomes, as out of the Loomes, wrought within the ſaid City of Norwich, or County of Norfolk.

Defective ſtuff ſhall be forfeit.

Every man ſhall ſet his proper mark upon his worſted.

And if any man before the ſaid Mayor and Steward, or either of them, be thereof found defective, by their diſcretion he ſhall be corrected, and the Worſted and ſtuff found in manner and form aforeſaid defective, ſhall be forfeit. The one half of ſuch forfeiture found in the ſaid City of Norwich to be to the Mayor of the ſame City, and found in any other place, to the Mayor, or Bailiffs of the Cities, Boroughs and Towns, or to the chief Lords of the Fee, of and in ſuch place as ſhall happen any ſuch Worſteds and ſtuff by the ſaid Wardens, or by any of them by any cauſe aforeſaid to be found defective or forfeitable: and the other half to the Wardens of the ſaid craft for the time being. And that no man of the ſaid craft make any Worſted, unleſs he put his proper mark fixed or woven upon the ſame by the ordinance of the ſaid Wardens, or elſe the ſame Worſted ſhall be forfeit to our ſaid Lord the King.

Places of ſearch ſhall be appointed and alſo days.

Wardens ſhall ſet their mark.

Moreover, for the full reformation of the deceits and falſhood above rehearſed, by authority aforeſaid, it is ordained and enacted, that the ſaid eight wardens, the ſaid Munday next after Corpus Chriſti, yearly incontinently after their charge recited before the ſaid Mayor and Steward, or one of them, ſhall aſſign incontinently a certain place or two within the ſaid City, and certain days by the week, and another certain place, or two, or more, if they think it neceſſary, in the ſaid County of Norfolk, and certain days by the week for the year then next following, to the intent that every piece of worſted, which in the ſame year ſhall be ſet to ſale, ſhall be brought before the Wardens of the ſaid craft for the time being, to one of the ſaid places ſo by them aſſigned, to the intent that aſwell the Artificers of Worſteds, and the ſaid Wardens may certainly know the place where the ſaid Worſteds may duly and rightfully be ſearched; and if the ſaid Wardens find the ſaid Worſteds by their ſearch well and lawfully made, that then ſuch a mark or token ſhall be ſet by the ſaid Wardens or by one of them, without fine or fee, upon the ſame, ſo that all buyers may well know, which piece is ſufficiently and rightfully ſearched and wrought; and that the ſaid ſearch ſhall as well extend to the ſtuff of the ſame, as to the ſufficient making. And ſuch as they ſhall find defective, that the Mayor of the ſaid City and Steward of the ſaid Dutchy, or one of them for the time being, by the aſſent of the ſaid Wardens and twelve Artificers, ſhall have power by this Act to ſet therein ſuch correction as to them ſhall ſeem reaſonable; and for every piece of Worſted, ſold not marked after the form aforeſaid, that the firſt ſeller thereof ſhall forfeit the price of the piece ſo by him ſold to our Lord the King. And that all Ordinances, Acts, and Grants made or to be made in prejudice, or contrary to the premiſſes concerning Worſteds, be void, and of none effect.

All officers ſhall be attendant upon the ſearchers.

And that all Mayors, Sheriffs, and Bailiffs, and all other officers ſhall be attending, aiding and ſupporting to the ſaid Wardens in their ſearch, as often as they or any of them ſhall be by the ſaid wardens or any of them reaſonably required. St. 20 H.6.10. 23 H.6.4. 14 H.8.3. 14 Car. 2. ca. 5.

CAP. I.

The inhabitants of certain Hundreds in the County of Devon may put flocks in the Cloth made of the Wooll growing in the ſame Hundreds.

ITem, It was ſhewed to our ſaid Lord the King in the ſaid Parliament, by the inhabitants and reſidents of the Hundreds of Liſton, Taveſtock, and Rowburgh within the County of Devonſhire, that whereas in the laſt Parliament begun at Weſtminſter the nine and twentieth day of April, the third year of his reign, and by divers prorogations and adjournments continued till the xxi. of January, in the iv. year of his reign, amongſt other things it was ordained by authority of the ſame Parliament, that no perſon which ſhould make any woollen Cloth to ſell, from the Feaſt called S. Peter ad vincula then next following, ſhould put in or upon the ſame Cloth, nor in the wooll whereof the ſaid Cloth ſhall be made, any flocks in any wiſe, upon pain of forfeiture of the ſame Cloth, wherein any flocks ſhould be put or mixt, as by the ſaid ordinance more plainly appeareth: By which ordinance the ſaid inhabitants being within the ſaid Hundreds were likely to be undone, for that they have continually uſed from the time whereof is no memory, to mix and put flocks in the Cloth made there of the wooll growing within the ſame Hundreds, without which flocks they might nor could make any Cloth there to ſell, by reaſon of the groſneſs and ſtubborneſs of the ſaid wooll: For the ſame wooll is not put in Clothing, nor in Cloth in any part of this Realm; ſo that our ſaid Lord the King by the ſaid ordinance ſhall loſe his Cuſtoms, Aulnages, and all other profits pertaining and belonging to him of the ſaid Cloth made in the ſaid Hundreds, and the inhabitants aforeſaid for ever ſhall be utterly impoveriſhed, and like to be undone, unleſs a reformation be had in the premiſſes.

St. 4 Ed. 4. 1.

Our ſaid Lord the King (the premiſſes conſidered) by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, hath ordained, that all the ſaid inhabitants and reſidents in any places within the ſame three Hundreds, may make and cauſe to be made all manner woollen Cloth of the ſaid wooll, and to the ſame lawfully put and cauſe to be put ſuch quantity of flocks as ſhall be needful, and profitable to the maker and owner of the ſame Cloth. And that all the Cloths after ſuch form to be made with flocks within the ſaid three Hundreds, and every of them, may be bought and ſold at all times, without any impeaching or damage of any perſon, and without forfeiting any of the ſaid Clothes, notwithſtanding the ſaid ordinance above rehearſed. St. 5 Ed. 6. 6. 27 El. 17.

The inhabitants of Liſton, Taveſtock, and Rowburgh, may put flocks into their clothes, notwithſtanding the Stat. of 4 Ed. 4. 1.

CAP. III.

No Woollen-yarn or Cloth ſhall be carried beyond Sea unfulled.

ITem, it was ſhewed in the ſaid Parliament by the Commons, that whereas in divers parts within this Realm, Merchants, as well Strangers as Denizens, have daily uſed to buy woollen yarn by the pound, and other weights, in divers Markets and Fairs, whereof Cloth ſhould be made: and likewiſe to buy raw Cloths not fulled, and the ſame yarn and raw Cloths ſo not fulled, did carry beyond the ſea, for all which yarn and Cloths unfulled our Lord the King did take no manner Cuſtom, Aulnage, nor any other profit or avail; where if the ſaid yarn were woven, and the ſaid Cloths fulled within this Realm, the King ſhould have the Cuſtom and advantage for the ſame, and Weavers and Fullers of the ſaid Realm ſhould be well occupied, for default whereof the Kings liege people be greatly hurt and impoveriſhed, and ſtrangers thereby the better occupied and enriched: Wherefore our ſaid Lord the King, by the aſſent of the Lords ſpiritual and temporal, and at the requeſt of his Commons in the ſaid Parliament aſſembled, and by the authority of the ſame, hath ordained and eſtabliſhed, That no perſon, denizen or ſtranger, from the Feaſt day of the Aſſumption, which ſhall be in the year of our Lord God 1468. ſhall carry or cauſe to be carried into any parts beyond the ſea any woollen yarn or cloth not fulled, but that the woollen yarn which ſhall be made after the ſame Feaſt day in this Realm, ſhall be woven in the ſame Realm. And alſo all cloth therein made, after the ſaid Feaſt day, ſhall be fulled, and fully wrought within the ſaid Realm, before that it be had and carried out of this Realm, upon pain of forfeiture of the very value of all ſuch yarn unwoven, and cloth not fulled, had or carried out of this Realm. The one half of the ſame forfeiture to be levied to the Kings uſe, and the other half thereof to him or them that eſpieth or maketh proof of any ſuch unwoven yarn, or cloth not fulled after the ſaid Feaſt day to be carried to any place beyond the ſea. St. 19 H. 7.

No perſon ſhall carry beyond the ſea any woollen yarn, or cloth not fulled. St. 3 H. 7. 11. 8 El. 6. 3 H. 8. 7.

CAP. IV.

The effect of the Kings grant of Lands to them which before had right in them.

ITem, By the advice, aſſent, and authority aforeſaid it is ordained, That every grant, releaſe, confirmation, and reſtitution made and granted by the King in Fee ſimple, or Fee tail, to any perſon or perſons after the fourth day of March, the firſt year of his Reign, of any manor or manors, lands, or tenements with their appurtenances, whereunto the ſaid perſon or perſons before the time of every ſuch grant, releaſe, confirmation, or reſtitution to him or them ſo made, had in or to the ſame right or title, ſhall be of ſuch force and effect as they were before the beginning of the ſaid Parliament: Any Act made or to be made in the ſame Parliament notwithſtanding.

The force of the Kings grants, releaſes, &c. of lands to them which before had right to them.

CAP. V.

How lands coming to the Kings hands by attainder, and after granted to another, ſhall be holden.

Lands holden of a common perſon by fealty, &c. coming to the Kings hands by attainder of treaſon, being after granted to another, ſhall be holden as if the ſame attainder had not been.

ITem, By the advice, aſſent, and authority aforeſaid it is ordained, that all lands, tenements, hereditaments, and other poſſeſſions, which the firſt day of March, next before the fourth day of March, the firſt year of the Kings reign, were holden by fealty and rent, or other ſervices, of any perſon or perſons not attainted, which lands, tenements, hereditaments, or other poſſeſſions the iv. day of March, in the firſt year of the Kings reign, or any time after came into the Kings hands or poſſeſſion, by reaſon of any attainder of treaſon, and after paſſed from the King by any of his Letters Patents, to any perſon or perſons, or hereafter ſhall paſs from the King by any of his Letters Patents, to any perſon or perſons, that the ſame perſon or perſons, and every of them, and every their heir and heirs, aſſignee and aſſignees, ſucceſſor and ſucceſſors, ſhall have, perceive, and take ſuch rent and rents, as to any of them were due, and ought to be due of the ſame lands, tenements, hereditaments, or other poſſeſſions, or any of them being in the hands of any other perſon or perſons then the King, as if the ſaid attainders had not been had: And that it ſhall be lawful to every perſon or perſons not attainted, and to every of them, and to every of their heir or heirs, aſſignee, and aſſignees, ſucceſſor, and ſucceſſors, in the ſame lands, tenements, hereditaments or other poſſeſſions, being in the hands of any other perſon or perſons then of the King, for the ſaid rent or rents to diſtrain, after ſuch manner and form as they and every of them might have done, if the ſame attainders had not been had. This Act to be in his force the firſt day of this ſaid Parliament.

Statutes made at Weſtminſter, *Anno octavo Edwardi quarti, & Anno Domini* 1468.

OUr Lord the King, Edward the fourth after the Conqueſt, at his Parliament holden at Weſtminſter the third day of June, the ſeventh year of his Reign, and by divers Prorogations and Adjournments continued till the twelfth day of May, the eighth year of his reign: The ſame xij. day, by the advice and aſſent of his Lords Spiritual and Temporal, and at the ſpecial requeſt of his Commons in the ſaid Parliament aſſembled, hath made, ordained and eſtabliſhed divers Statutes and Ordinances in the form following.

CAP. I.

The length, breadth, and weight of broad ſet Cloths, and ſtrait ſet Cloths made in Norfolk, Suffolk, and Eſſex. And they ſhall be ſealed by the Aulnager. Rep. 5 Ed. *6. 6.*

CAP. II.

The penalty for giving or taking of Liveries, or for retaining. Rep. 3 Car. 4.

Cro. El. 316.

CAP. III.

In actions triable by Jurors of Middleſex, the Jurors ſhall be called the fourth day.

The ſeveral charges and troubles which the freeholders of Middleſex being Jurors do endure.

ITem, It was ſhewed by the Commons in the ſaid Parliament, on the behalf of the freeholders dwelling within the County of Middleſex, within which County there be yearly many actions ſued and trials had by twelve men, which be within many other Counties of this Realm, in regard of the reſiance of all the Kings Courts holden and remaining at Weſtminſter within the ſaid County, ſo that in every action brought to an iſſue in the ſaid County, ſome of the ſaid freeholders be impanelled, to their great vexation: and further, the Seſſions of Peace holden within the ſaid County, by inquiſitions in the Kings Bench, and upon the deliverance of priſoners there, and by actions upon Patents and Caſes ſued in the Kings Eſchequer, and to Sheriffs and other accountants, their Deputies and Atturnies, ſurmiſes be ſhewed and iſſues thereupon joyned and taken, the ſame tenants always impanelled thereupon be importunately vexed, grieved and impoveriſhed, and (which more hurt is) when they be impanelled upon divers actions perſonal, and the Venire facias, and Habeas Corpora returned, a delay by eſſoin or default is by the Law allowed to the party plaintiff, or defendant: and though ſome of them which be impanelled ſhould appear, yet the Jury ſhould not be demanded, but all their defaults without demanding (be it amerciaments or iſſues ſo upon them returned) ſhall be entred, no fault being in them, which is againſt reaſon: Our Lord the King (the premiſſes conſidered) by the advice of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, that every Juror, from the Feaſt of the bleſſed Trinity next coming, that ſhall be impanelled and returned within the ſaid County of Middleſex, in any of the ſaid Courts, in any of the ſaid actions, at every fourth day of the return thereof ſhall be demanded and called; and that all perſons impanelled in any of thoſe Courts that do appear at the ſame day, their appearance ſhall be recorded and there entred by the Court, and they ſhall not be amerced, nor loſe any Iſſues the ſame day in that ſuit. And it is ordained by the ſame authority, that every default, eſſoin, and every other delay of any perſon, plaintiff or defendant, in any ſuch perſonal action by the Law heretofore uſed, by this ordinance ſhall not be prejudiced, nor taken away in any manner, but be adjudged, adjourned, and allowed, in as ample and large form, as they were before the making of this Statute; This ordinance notwithſtanding.

In actions triable in any court at Weſtminſter by Jurors of Middleſex, at the fourth day after the return, the Jurors ſhall be called. Delays in perſonal actions not prejudiced by this ſtatute.

CAP. IV.

A Pardon to all thoſe that occupied the Sheriffwick above one year, Anno 1. 2. 3 Ed. 4. And yet the Statutes made 14 Ed. 3. 7. 42 Ed. 3. & 23 H. 6. 8. for all the other years ſhall continue. Exp.

Statutes made at Weſtminſter, *Anno* 12 *Ed*.4. & *Anno Dom.* 1472.

AT the Parliament holden at Weſtminſter, the vi. day of October, in the xij. year of the Reign of King Edward the fourth, after the Conqueſt: Our ſaid Soveraign Lord the King, to the honour of God, and the weal of him and of his Realm, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of his Commons in the ſame Parliament aſſembled, and by authority of the ſame Parliament, hath ordained, made and eſtabliſhed, certain Statutes and Ordinances in form following.

CAP. I.

How long a Sheriff being not diſcharged may occupy his office.

St. 23 H 6.8.

FIrſt, Whereas by a Statute made at Weſtminſter, in the xxiij. year of the reign of King Henry late in deed and not of right King of England, called King Henry the ſixth, it was ordained, that no Sheriff ſhould occupy his office of Sheriff above a year, upon pain of two hundred pounds; Except certain perſons in the ſaid Statute excepted, as in the ſame is more plainly ſpecified: Divers and many of the Kings liege people have been grievouſly endamaged and greatly delayed of their ſuits and proceſſes every year, in the Term called Michaelmas Term, as for their actions, writs and precepts to be returned within the ſame Term, after the ſixth day of the moneth of November, becauſe that the Kings Letters Patents whereby any Sheriff is made, do moſt commonly bear date the ſixth day of November. And though it ſo be, that the new Sheriffs be yearly choſen the morrow after the Feaſt-day of All ſouls, of which new Sheriffs ſo choſen and appointed, divers of them have refuſed, and divers of them have not had their patents, nor taken their oath, until long time after the end of the ſaid Michaelmas Term; by reaſon whereof divers of the Kings liege people and ſubjects be greatly endamaged and delayed of their ſuits, proceſſes, and precepts, which ſhould be returnable in the Kings Courts at the days of the return within the ſame Term after the ſixth day of November, that is to ſay, at the days of return, called Craſtino Martini, Octabis Martini, and Quindena Martini, becauſe that the old Sheriffs durſt not, nor would not take upon them to return any Writ or precept after the year that his patent did bear date, for fear of the penalty contained in the aforeſaid Statute, to the great loſs as well to the King of that which ſhould grow to him by reaſon of the ſaid proceſs, as to his liege people, by delays which they thereby ſuſtain: It is ordained by authority of the foreſaid Parliament, that if any Sheriff of any County do execute or return any writ, precept, or Warrant in any of the ſaid Courts of the King within the ſaid Term called Michaelmas Term, after the ſixth day of November, and before any Writ of diſcharge delivered to him of his occupying of Sheriffwick, he ſhall not be dammified by force of the ſaid Statute, nor charged of the penalty aforeſaid, although that he hath occupied the office of Sheriff after any of the ſaid days of return called Craſtino Martini, Octabis Martini, or Quindena Martini. St. 17 Ed. 4. *6*.

A Sheriff being not diſcharged may occupy his office during Michaelmas Term, notwithſtanding the St. of 23 H.6.8.

CAP. II.

Four Bow-ſtaves ſhall be brought into this Realm, for every Tun of Merchandiſe.

Co.Inſt.4.p.264.

ITem, Becauſe that our Soveraign Lord the King by a petition delivered to him in the ſaid Parliament by the Commons of the ſame, hath perceived, that great ſcarcity of Bowſtaves is now in this Realm, and the Bowſtaves that be in the Realm be ſold at an exceſſive price, whereby the exerciſe of Archery is greatly diſcontinued, and almoſt loſt: Our ſaid Lord the King conſidering the premiſſes, by the advice, aſſent and authority aforeſaid, hath ordained and eſtabliſhed, that every Merchant ſtranger, and every, or any of their factors, atturnies, or ſervants, which at any time after the Feaſt of S. Michael the Archangel next coming, ſhall bring, ſend, or convey into this land any merchandiſe in Carrack, galley, or ſhip, of the City or country of Venice, or of other city, town, or countrey, from whence any ſuch Bowſtaves have been before this time brought, ſent, or conveyed into this land, at every time of their bringing, ſending, or conveying of any ſuch merchandiſes into this Realm, ſhall bring, ſend, or convey into this Realm, with the ſaid merchandiſes, in the ſame Carrack, galley, or ſhip, wherein any ſuch merchandiſes ſhall be hereafter brought, ſent, or conveyed, for every tun weight of ſuch merchandiſes, which hereafter ſhall be contained in every Carrack, galley, or ſhip, four Bowſtaves, upon pain of forfeiture to the King for every default of bringing of every ſuch Bowſtaff vi. s. viij. d. And alſo the ſaid Bowſtaves ſo brought, ſent, or conveyed by the ſaid Merchants, their factors, atturnies, or ſervants, into this Realm, ſhall be ſearched and ſurveyed by the Major, Sheriffs, Bailiffs, or chief governors of ſuch cities, or towns within this Realm, where any ſuch Carrack, galley, or ſhip ſhall hereafter come to ſafe port: And the ſaid Majors, Sheriffs, Bailiffs, or chief governours ſhall aſſign two men moſt expert, to ſearch the ſaid Staves, and the ſaid two men to be ſworn by the ſaid Major, Sheriffs, Bailiffs, or chief governors, that they ſhall truly and indifferently mark the ſtaves that be not good and ſufficient, according to the manner as ſuch ſtaves in times paſt were wont to be marked, to the intent that all the Kings liege people may have knowledge of them without fraud. St. 13 El. 14.

Four Bowſtaves ſhall be brought unto this Realm for every Tun of Merchandiſes.

Bowſtaves brought into this Realm ſhall be ſurveyed, ſearched and marked.

CAP. III.

Several Ordinances made for the true payment of a Subſidy of Tunnage and Poundage, granted to the King during his life, by a Statute not printed, made An. 4 Ed. 4. Exp. *6* H. 8. 14. Stat. 11 H. 7. *6*. 4 H. 8. *6*.

Co.Inſt.4 p. 32.

CAP. IV.

Edward Prince of Wales may give his honourable Livery and ſign and retain, notwithſtanding any former Statute, &c. Exp.

CAP. V.

During five years the Woolls, &c. of certain Counties only ſhall be carried to Newcaſtle, and all others to Calice, upon pain of Felony. Exp. St. 3 Ed.4.1. 4 Ed.4.3. 14 Ed.4.3.

CAP. VI.

The Lord Chancellor of England may for fifteen years next, grant ſeveral Commiſſions of Sewers where need requireth. Exp. St. 6 H.6.5. 18 H.6.10. 23 H.6.9. 4 H.7.1.

CAP. VII.

The pe[illegible]ty of them that do not perform the award and order of Commiſſioners authoriſed to pull down Wears.

St. 9 H.3.23. Statutes that have been made for the pulling down or reforming of wears and of the Commiſſioners authority.

St. 1 H.4.12.
St. 25 Ed.3.4.

St. 47 Ed.3.1.

ITem, Whereas by the laudable ſtatute of Magna Charta, amongſt other things, it is contained, that all Kedels by Thamiſe and Medway, and throughout the Realm of England, ſhould be taken away, ſaving by the Seabanks, which ſtatute was made for the great wealth of all this land, in avoiding the ſtraitneſs of all Rivers, ſo that ſhips and boats might have in them their large and free paſſage, and alſo in ſafegard of all the fry of Fiſh ſpawned within the ſame; upon which Magna Charta the great ſentence and Apoſtolike curſe by a great number of Biſhops was pronounced againſt the breakers of the ſame, and the ſame ſentence is four times in the year openly declared according to the law of the holy Church: and in affirmance of the ſaid ſtatute of the great Charter divers ſtatutes have been after made and ordained, amongſt which in a Parliament holden in the firſt year of the uſurped reign of King Henry the fourth it was recited that in the xxv. year of King Edward the third, progenitor of our Lord the King that now is, becauſe that the common paſſages of ſhips and boats in the great Rivers of England were oftentimes diſturbed by levying of Weares, Mils, Milſtanks, Stakes and Kedles, to the great damage of the people, it was ordained and eſtabliſhed that all ſuch Weares, Mils, Milſtanks, Stakes, Kedles, which were levied and ſet up in the time of King Edward, ſon of King Henry, and after in ſuch Rivers (whereby the ſhips and boats were diſturbed that they could not paſs as they were wont) ſhould be taken away and broken down, never to be ſet up again: and that Writs ſhould be thereupon ſent to the Sheriff of ſuch places where need ſhould be, to ſurvey and enquire and the ſame to execute; and that Juſtices ſhould be thereto aſſigned at all times when need required. And after grievous complaint both of great men and of the Commons thereupon made in the Parliament of the ſaid King Edward the third, in the five and fortieth year of his reign, ſhewing by their petition, that the ſaid ſtatute was not duely executed nor obſerved according to the form and the effect thereof: It was accorded and eſtabliſhed, that the ſame ſtatute in that point ſhould be holden and kept, according to the tenor of the ſame: adjoyned thereto, that if any ſuch annoyance be done, that the ſame be broken down by due proceſs contained in the ſaid ſtatute, and that he which again doth levy ſuch annoyances, and be thereof duly attainted, ſhall run in the pain of an C. marks to our Lord the King, to be levied by the eſtreats of the Eſchequer. The ſame Law ſhall be holden of annoyance made by the enhanſing of the ſaid Wears, Mils, Milſtanks, Stakes and Kedles, as by new levying, as in the ſaid ſtatutes more plainly appeareth. And then at the requeſt of the ſaid commons, ſhewing by their petition, that the common paſſages of ſhips and boats in the great Rivers of England, and alſo medowes and paſtures, and arable lands adjoyning to the ſaid Rivers, were greatly diſturbed, drowned, waſted, and deſtroyed by the outragious enhanſing and ſtreiting of Wears, Mils, Milſtanks, Stakes, and Kedles, made in old time and levied before the time of the ſaid King Edward, ſon to the ſaid King Henry; whereby great loſs and damage often enſued to the people of the Realm, and daily would enſue if remedy were not provided:

Wherefore it was ordained and enacted by the aſſent of the ſaid Parliament, holden the firſt year of the ſaid pretenſed King Henry the iv. that the ſaid ſtatutes in all their articles ſhould be obſerved, firmly kept, and duely executed: adjoyning thereto that Commiſſions ſhould be made in due form to ſufficient perſons to be Juſtices in every county of England, where need ſhould be, to ſurvey and keep the waters and great rivers there, and to correct and amend the faults, and to make due execution by the ſaid ſtatutes, according to the effect of the ſame, as well by their ſurvey, advice and diſcretion, as by enqueſts to be taken thereof within franchiſe and without, when need ſhall be, and to hear and determine all thoſe things aforeſaid, and moreover to ſurvey the wears, mils, milſtanks, ſtakes, and kedles, made in old time and levied before the ſaid time of King Edward, ſon to King Henry: and ſuch as they find too much enhanſed or ſtreited, to correct, break down, and amend in the manner and form aforeſaid.

Saving always a reaſonable ſubſtance of the ſame weares, mils, milſtanks, ſtakes, and kedles, ſo made in old time and levied. And if any ſuch annoyances of weares, mils, milſtanks, ſtakes and kedles, in letting of the paſſages and ſtreiting made in old time and levied, be judged or conſidered by the ſaid Juſtices to be broken down or amended, he that hath the freehold of the ſame ſhall do execution thereof at his own coſt, within half a year after knowledge given to him, upon pain of forfeiture of an C. mark, to be paid to our Lord the King by eſtreats in the Exchequer: and he that doth levy them again, enhanſe, or ſtreit them contrary to the ſaid judgment, and thereof be duely convict, ſhall run in pain of an C. marks to be paid to our Lord the King by eſtreats into the Exchequer aforeſaid, as in the ſame ſtatutes more fully appeareth: Contrary to which great Charter, and all the ſtatutes aforeſaid, in divers parts of this Realm of England, both in the deſtroying of the fiſh as afore is ſaid, and in diſturbance of the paſſages of ſhips, barges, boats, and other veſſels, by divers and many people, divers fiſhgarths, mils, mildams, milſtanks, locks, ebbing wears, ſtakes, kedles, hecks, or floodgates, and divers other diſturbances be daily enhaunſed, levied and enlarged, to the great damage of our Lord the King, and of his faithful lieges. Our ſaid Lord the King graciouſly conſidering the premiſſes, by the advice and aſſent of the Lords ſpiritual and temporal, and at the requeſt of the ſaid Commons in this Parliament aſſembled, and by authority of the ſame, hath ordained and eſtabliſhed, that the ſaid ſtatute of the great Charter, and all other ſtatutes concerning the premiſſes, ſhall be duly obſerved and kept: Adjoyned thereto, that if after the feaſt of S. Michael, which ſhall be in the year of our Lord God, 1475. by award, rule, or judgment of any of the ſaid Commiſſioners aſſigned, according to the ſaid ſtatute made in the ſaid firſt year of Henry the fourth, it be found that any ſuch weares, fiſhgarthes, mils, mildams, milſtanks, locks, ebbing weares, ſtakes, kedles, hecks, or floodgates, be made, levied, enhaunſed, ſtraited or enlarged, againſt the ſame ſtatute, the offenders in this behalf, contrary to the aforeſaid award, rule and judgment, being duly warned by the Sheriff or Sheriffs by Scire facias, directed to the Sheriff or Sheriffs of ſuch County or Counties where ſuch wears, fiſhgarthes, mils, mildams, milſtanks, and other noyances, diſturbances, or impediments be, and within three moneths next after the ſaid garniſhment made they do not duly and wholly amend, break down, and avoid the ſaid making, levying, enhaunſing, ſtreiting or enlarging, being defective as afore is ſaid in the ſaid ſtatute made in the ſaid firſt year, that then he or they being defective in this behalf, ſhall forfeit to our Lord the King an C. marks, to be paid by eſtreats in the Eſchequer, in manner and form as in the ſame ſtatute more fully is contained.

A confirmation of all Statutes made for the pulling down of wears.

Co.l.10.f.138.

The penalty of an offendor that doth not perform the award of Commiſſioners authorized by the Stat. of. 1 H.4.12.

Moreover, if the ſaid offendor or his heir or heirs, aſſignee, or aſſignees, or any of them do defer or continue the ſame default, contrary to the award, rule or judgment of the Commiſſioners aforeſaid, that he or they ſo doing, deferring or continuing the ſaid default, ſhall forfeit for every moneth after the ſaid three moneths ended, that the ſame default ſhall remain and be not corrected, amended, nor reformed, an C. marks, the one half thereof to our Lord the King, and the other half to any of his liege people which in this behalf will ſue for the ſame by action of debt to be conceived by original Writ, without fine to be made or taken for the ſame in the Chancery.

The penalty of him which doth continue in his offence, or doth delay to reform it.

In which action, like proceſs, rule, judgment and execution ſhall be allowed, had and made, as is uſed in other actions of debt purſued at the common Law by writ; and that the defendant in any ſuch action be not admitted to do or wage his Law, nor that any protection, or eſſoin of the Kings ſervice be allowed for the defendant in the ſame Writ.

Moreover it is ordained and eſtabliſhed by the ſame authority, that if any perſon or perſons, other then ſuch againſt whom ſuch award, rule or judgment were made and had, being heir or aſſignee to them or any of them, do preſume to occupy or continue any ſuch weares, fiſhgarths, mils, mildams, milſtanks, locks, ebbing weares, ſtakes, kedles, hecks, floodgates or other diſturbances, or impediments as afore is ſaid, he or they ſo preſuming to occupy or continue, ſhall forfeit at every default, for every moneth, as is aforeſaid, an C. marks, the one half to our Lord the King, and the other half to him of the Kings liege people that will in this behalf ſue by action of debt, thereupon to be conceived, without paying any fine for the ſame as is aforeſaid: In which action like proceſs, rule, judgment, and execution ſhall be uſed and made as in all other actions of debt purſued at the common Law by Writ is uſed: and that the defendant in any ſuch action ſhall not be admitted, nor in any wiſe received to wage or do his Law: Nor any manner protection or eſſoin of the Kings ſervice be for ſuch defendant in any wiſe allowed.

The penalty of the heir or aſſignee of the offender that continueth the ſame offence.

CAP. VIII.

All Majors, Bailiffs, &c. ſhall have the ſearching and ſurveying of victual.

Item, Whereas the governours, that is to ſay, Majors, Bailiffs, and other like governours of every City, Borough and Town of ſubſtance within this Realm of England for the moſt part have Courts of Leets and viewes of frankpledge, holden yearly within the ſame Cities, Boroughs and Towns, and ſurveying of all victualers there, and correction and puniſhment of the offenders and breakers of the aſſiſe of the ſame, to be preſented and amerced if any default be found in the ſaid Courts, or by their ſurveying, which by reaſon ought not to be contraried, nor the victualers there by the Law ought to be ſurcharged, or oppreſſed as now of late divers perſons daily intending their ſingular availe and profit to oppreſs the ſaid Victualers, and to enter and break the liberty of divers places in this Realm, having franchiſes, and ſurveying of all victualers and correction of the ſame, have purchaſed Letters Patents of our Soveraign Lord the King, to be ſurveyors and correctors of all ſuch victualers within divers Cities, Boroughs, and other places of this Realm of England, as of Ale, Beer, Wine, and other ſuch victuals, by which pretence and unlawful office they do commit divers and many extortions and oppreſſions amongſt the Kings liege people, taking of them unlawfully divers great fines and ranſoms, to the great damage of the Kings liege people, and alſo wrongful derogation of the liberties and franchiſes of divers of the ſaid Cities, Boroughs, and Towns: Our ſaid Lord the King (the premiſſes conſidering) by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament hath ordained and eſtabliſhed, that all Letters Patents granted by him to any perſon or perſons of any office of ſearching or ſurveying of Wine, Ale, Beer or any other victual, ſhall be utterly void and of none effect: And that no perſon other then ſuch Governors before rehearſed or other intitled by point of Charter, from the Feaſt of Eaſter next coming, by colour of ſuch Letters Patents ſo obtained, or after to be obtained, as

Co.Inſt.4 p. 262.

All Letters Patents granted to any perſons for ſearching or ſurveying of victuals ſhall be void.

Chief Governours of Cities, Boroughs and Corporate Towns only ſhall be ſearchers and ſurveyors of victuals.

Stat. 23 Ed. 3.6. 13R.2.8.25H.8.2.

as before is ſaid, ſhall uſe or exerciſe any ſuch office, upon pain of forfeiture for every default xl.li. The one half thereof to our Lord the King, to be imployed only to the uſe of his houſe; the other half to him that in this behalf will ſue for the ſame by action of debt, wherein like proceſs, rule and proceeding ſhall be had as is commonly uſed in other actions of debt at the Common Law: and that the defendant in any ſuch action ſhall not be received nor admitted to his Law: Nor that any protection or eſſoin of the Kings ſervice be to him in any wiſe allowed.

CAP. IX.

What lands an Eſcheator muſt have, who he may make his deputy, he ſhall not let his office to ferm.

St. 14 Ed.3.5.

ITem, Whereas by an Ordinance made at Weſtminſter the xlii. year of the reign of King Edward the third, Progenitor of our Lord the King that now is, amongſt other things it was ordained, that none ſhould be made Eſcheator, unleſs he had xx. li. of land at the leaſt, or more in fee, and that they ſhould do their offices in their proper perſons, and if any other be, he ſhall be out: which ordinance according to the true meaning thereof is not obſerved, to the great damage of divers people of this Realm of England, becauſe that many perſons inſufficient and of evil conſcience, be yearly made Eſcheators in divers parts of this Realm of England, which often do ſet their office of Eſcheatorſhip to ferm to other great men extortioners and oppreſſors of the people, the ſame Eſcheators taking of the ſaid perſons ſuch ſum of money as betwixt them may be agreed, and ſurely to be diſcharged upon their account, and to be ſaved harmleſs againſt our Soveraign Lord the King and all other perſons: which perſons ſo unlawfully taking the ſaid office of Eſcheatorſhip, by an undue manner to ferm, do enforce themſelves to be extortioners and offenders to the people; where of old time by the government of the Realm of England, Eſcheators and their deputies ſhould be, and ought to be good, ſufficient, and well diſpoſed perſons and rightful, as well to our Lord the King, as to his people: where at this day few ſuch perſons be made Eſcheators or their deputies: It is therefore ordained by authority of this preſent Parliament, that no Eſcheator to be made after the feaſt of the Nativity of our Lord, which ſhall be in the year of our Lord God, 1473. ſhall take upon him the office of Eſcheator, nor occupy the ſame office by himſelf, nor by any other, unleſs the ſaid Eſcheator, or other perſon or perſons to his uſe, have at the time that he ſhall be choſen Eſcheator, Lands, Tenements, or rents in fee ſimple, fee taile, or for term of life, of the yearly value of xx. li. lying and being within the ſame County or Counties whereof he ſhall be made Eſcheator. Nor that any ſuch Eſcheator to be choſen after the ſaid Feaſt ſhall in any wiſe ſell nor ſet to ferm the ſaid office of Eſcheatorſhip, nor make any deputy or deputies, but ſuch for whom he will anſwer, at his peril; the name or names of the ſaid deputy or deputies to be certified by the ſame Eſcheator by his Letters Pattents to the Treaſurer, and Barons of the Kings Eſcheator for the time being, within twenty days after ſuch deputation. And that no ſuch deputy or deputies, take upon him or them to occupy in the office of Eſcheatorſhip, unleſs ſuch Eſcheator have lands, tenements or rents, to the aforeſaid yearly value, in manner and form as is aforeſaid: and if any perſon or perſons after the ſaid feaſt do contrary to the premiſſes or any of them, he ſhall forfeit for every default xl. li. the one half thereof to our Soveraign Lord the King, to be imployed to the uſe of his honourable houſe: the other half to every of the Kings liege people, which will therefore ſue by action of debt, wherein like proceſs, rule, judgment, coſts and damage, ſhall be had and awarded, as is uſed in other actions of debt uſually purſued by writ at the common Law; And that no wageing of Law, protection, nor eſſoin be in any wiſe allowed in the ſame to the defendant: And the Juſtices of Peace in every place corporate, and the Juſtices of Peace in every other place having Juſtices of Peace within them, ſhall have power to hear and determine every ſuch forfeiture upon preſentment thereof had before them in their Seſſions; in which preſentment, like proceſs ſhall be had, as is uſed upon indictments of treſpaſs done with force and arms againſt the Kings peace. Provided always, that this Act do not extend to any perſon or perſons made or to be made Eſcheator of any City, Borough, or Town of this Realm of England, having authority to make or to be Eſcheators within themſelves by the Letters Patents of the grant of our Soveraign Lord the King, or any of his noble progenitors or predeceſſors.

No man ſhall be Eſcheator unleſs he hath xx.li. land or rent in the ſame county.

No Eſcheator ſhall let his office to ferm, or make any deputy but for whom he will anſwer.

Juſtices of Peace may enquire of and puniſh the offences aforeſaid,

Eſcheators made in Cities or Boroughs, &c. having authority to make Eſcheators.

Statutes made at Weſtminſter, *Anno decimo quarto Edw. quarti, & Anno Domini* 1474.

OUr Lord the King, Edward the fourth, at his Parliament ſummoned and begun at Weſtminſter, the ſixth day of October, in the xij. year of his Reign, and continued by Prorogation till the three and twentieth of January, in the fourteenth year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and by the Commons in the ſaid Parliament the ſaid xxiij. day aſſembled, by authority of the ſame Parliament will and granteth, and by the advice of the ſame hath Ordained and Enacted:

CAP. I.

They who holding their Lands of the King ſhall paſs with him in his ſervice into France, ſhall have licence to paſs their lands without fine, and to make a feoffement to the uſe of their wills, though it ſhall be done by colluſion: And if he that is the Kings Tenant die in this ſervice, his heir within age, his feoffees and executors ſhall have the Wardſhip of the Lands and body of the heir. Exp.

CAP.

CAP. II.

The ſame law and the ſame protection that was granted by the St. of Anno 9 H.5.3. to thoſe that were then in Normandy, or would then paſs with King Henry 5. into France, ſhall be obſerved, and avail for all ſuch as ſhall paſs over the ſea with the King. Exp.

CAP. III.

An alteration of part of the Statute of 12 Ed. 4. 5. touching the tranſporting of Woolls growing in Cumberland, &c. which hereafter ſhall be ſhipped at Newcaſtle, and from thence conveyed to Calice, or to any other place at the Kings pleaſure. Exp.

CAP. IV.

A confirmation of Statutes made againſt the breakers of Truce, &c.

ITem, Whereas divers and great offences and attempts have now of late been done and committed againſt the amities and leagues made betwixt our ſaid Soveraign Lord the King and ſtrange Princes, againſt the ſafe conducts and licences of our ſaid Soveraign Lord the King, and againſt the Laws and Statutes heretofore made for the puniſhment of ſuch offenders in that behalf, to the great ſlander of our ſaid Soveraign Lord the King, and the general hinderance of all this Realm of England: The King therefore by advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this Parliament aſſembled, and by authority of the ſame Parliament, hath ordained, eſtabliſhed and enacted, that all ſtatutes and ordinances made before the fourth day of March, in the firſt year of his reign, by authority of any Parliament not repealed, againſt the offendors and breakers of amities, truce, leagues, and ſafe conducts aforeſaid, be and ſhall be in their full force and effect. And that every of the ſame ſtatutes and ordinances be put in due execution in all things before the Judge or Judges, perſon or perſons ordained by the ſame ſtatutes or ordinances or any of them, according to the tenors and effects of every of the ſame ſtatutes and ordinances: Any grant or confirmation by Act of Parliament, or otherwiſe, uſe, or cuſtom, made, had, or uſed to the contrary notwithſtanding. Provided always that this Act extend not to any Act or Ordinance made for the puniſhment of any ſuch offendors in the ſecond year of King Henry the fifth, late in deed and not of right King of England.

A confirmation of all Statutes not repealed made againſt the breakers of Truces, leagues, ſafe conducts, and licences. St. 15 H. 6. 3. 13 H. 6. 8. 20 H. 6. 1. 31 H. 6. 4.

This confirmation doth not extend to the Stat. of 2 H. 5. 6.

Statutes made at Weſtminſter, *Anno* 17 *Edwardi quarti,* & *Anno Domini* 1477.

OUr Lord King Edward the fourth after the Conqueſt, at his Parliament holden at Weſtminſter, the ſixteenth day of January, in the ſeventeenth year of his Reign, to the honour of God, and the wealth of him and his Realm, by the advice and aſſent of his Lords Spiritual and Temporal, and at the ſuit and requeſt of his Commons in this preſent Parliament aſſembled, and by authority of the ſame Parliament, hath made to be ordained and eſtabliſhed divers Ordinances and Statutes in form following.

CAP. I.

No Iriſh money ſhall run in payment in England or Wales, upon pain of forfeiture there: It ſhall be felony to carry out of England or Wales any Coin of this Realm, or any Plate, Bullion, Jewels of gold or ſilver without the Kings licence (except priſoners ranſoms, ſoldiers money, &c.) No perſon ſhall melt any money of gold or ſilver ſufficient to run in paiment, upon pain of forfeiture of the value thereof: All things wrought of ſilver to be ſold ſhall be as fine as the ſterling, and ſhall be marked with the Leopards head, and the workmans mark. Exp. St. 7 Ed. 6. 6. All Merchants aliens ſhall imploy the mony received for their merchandiſes upon the commodities of this Realm. St. 3 H. 7. 8. made perpetual. Stat. 4 H. 4. 15. 27 H. 6. 3.

CAP. II.

In a Court of Pipowders the plaintiff ſhall be ſworn that the contract was made in the time and juriſdiction of the ſame Faire.

ITem, Whereas divers Faires be holden and kept in this Realm, ſome by preſcription allowed before Juſtices in Eyre, and ſome by the grant of our Lord the King that now is, and ſome by the grant of his Progenitors and Predeceſſors: And to every of the ſame Faires is of right pertaining a Court of Pipowders to miniſter in the ſame due juſtice in this behalf; in which Court it hath been all times accuſtomed, that every perſon coming to the ſaid Faires ſhould have lawful remedy of all manner of contracts, treſpaſſes, covenants, debts, and other deeds made or done within any of the ſame Faires during the time of the ſame Faire and within the juriſdiction of the ſame, and to be tryed by Merchants being of the ſame Faire: which Courts at this day be miſuſed by Stewards, Underſtewards, Bailiffs, Commiſſioners, and other miniſters holding and governing the ſaid Courts of the ſaid Faires, for their private profit, holding pleas by plants as well of contracts, debts, treſpaſſes, and other feats done and committed out of the time of the ſaid Faires, or the juriſdiction of the ſame, whereof of truth they have no juriſdictin, ſurmiſing the ſame debts, treſpaſſes, covenants, or other deeds, to be done within the time of the Faires, or within the juriſdiction of the ſame Fairs, where of truth they were not ſo; And ſometime by the deviſe of evil diſpoſed people ſeveral ſuits be feigned, and trouble them to whom they bear evil will, to the intent that they for lucre may have favourable inqueſts of thoſe that come to the ſaid Faires, where they take their actions; And whereby divers perſons coming to the ſame Faires be grievouſly vexed and troubled by fained actions, and alſo by actions of debts, treſpaſſes, deeds and contracts, made and committed

The penalty of a Steward in a Court of Pipowders, if the plaintiff be not depoſed, that the contract, &c. was made in the time and juriſdiction of the Fair.

Bro.' Juriſ. diction 119.

out of the time of the ſaid Fair, or the juriſdiction of the ſame, contrary to equity and good conſcience, whereby the Lords of the ſame Fairs do loſe great profit by the not coming of vers Merchants to their Fairs, which by this occaſion do abſtain, and alſo the Commons be unſerved of ſuch ſtuff and merchandiſe which otherwiſe would come to the ſame Fairs: Our ſaid Lord the King conſidering the premiſes, by the advice and aſſent of the Lords ſpiritual and temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by the authority of the ſame, hath ordained and eſtabliſhed, That from the firſt day of May next enſuing, no Steward, Underſteward, Bailiff, nor Commiſſary, nor other Miniſter of any ſuch Courts of Pipowders ſhall hold plea upon any action of the ſuit of any perſon or perſons, unleſs the plaintiff or plaintiffs, or his or their Atturney, in the preſence of the defendant or defendants, do ſwear upon the holy Evangeliſt upon the declaration, that the contract or other deed contained in the ſaid declaration, was made or committed within the Fair, and within the time of the ſame Fair, where he taketh his action, and within the juriſdiction and bounds of the ſame Fair. And although that the plaintiff or plaintiffs by their oath do affirm the ſame, yet nevertheleſs the ſaid defendant or defendants ſhall not be concluded by the ſame, but may anſwer and plead to the action, or in abatement of the plaints, and to proffer an iſſue that the ſame contract, treſpaſs, or other deed contained in ſuch declaration, whereupon the plaintiff or plaintiffs do declare, was not committed nor done within the time of the Fair and juriſdiction of the ſame, but out of the time of the Fair, or at other places out of the juriſdiction of the ſame Fair, according to the truth in this behalf. And if it be ſo tryed, or that the plaintiff or plaintiffs or their Atturneys, do refuſe to take the oaths in the form aforeſaid, that then the defendant or defendants ſhall be quite diſmiſſed and diſcharged in that behalf, out of the ſame Court, the party plaintiff to take his remedy at the Common Law, or other place convenient, as ſhall to him ſeem good, notwithſtanding this Ordinance. And that every Steward, Underſteward, Bailiff, and Commiſſary, or other Miniſter, holding, ruling, or governing any of the ſaid Courts, that doth the contrary of this Ordinance, ſhall forfeit for every default in this behalf C. s. The one half to be to our Lord the King, and the other half to him that will in this behalf purſue his action upon this Ordinance, by action of debt in his own name. And that Writs of Proclamation be in all good haſte directed to every Sheriff of every County of England to cauſe this Ordinance to be proclaimed in every Fair within his County, as well within Franchiſe as without. This Act to endure from the ſaid firſt day of May until the firſt day of the next Parliament. Provided always, That this Act nor any thing compriſed in the ſame Act be hurtful or prejudicial to William now Biſhop of Durham, or to his ſucceſſors within the liberty and Franchiſe of the Biſhoprick of Durham. St. 1 R. 3. 6. made perpetual.

CAP. III.

No perſon ſhall uſe any of the games called Cloſſe, half Bowle, Kayles, hand in hand, or Queckbord, upon pain of two years impriſonment, and forfeiture of x. li. And whoſoever ſhall ſuffer any other perſon to play at any of the ſaid games in his houſe, or other place, ſhall be three years impriſoned, and forfeit xx. li. Rep. 33 H. 8. 9. 12 R. 2. 6. 11 H. 4. 4.

CAP. IV.

The preparation of Earth for making of Tile.

The preparation of earth for the making of Tiles, and the ſeveral lengths, breadth, and thickneſs of them.

The forfeiture of the offender that ſelleth defective Tiles.

ITem, Whereas in divers parts of this Realm great damage hath been and daily is, and by likelihood in time to come will much increaſe, for default of true, ſeaſonable and ſufficient making, whiting, and anealing of Tile, called plain Tile, otherwiſe called Thaktile, Rooftile, or Creſtile, Cornertile, and Guttertile, made and to be made within this Realm: Our Lord the King (the premiſes conſidered) for the general profit of this Realm, by the advice of the Lords ſpiritual and temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained and eſtabliſhed, That all and every perſon or perſons, which hereafter ſhall uſe the occupation of making of any ſuch Tile, as before is ſaid, ſhall make it good, ſeaſonable, able and ſufficient, and well whited and anealed. And that the earth whereof any ſuch Tile ſhall be made, ſhall be digged and caſt up before the firſt day of November next before that they ſhall be made, and that the ſame earth be ſtirred and turned before the firſt day of February then next following the ſame digging and caſting up, and not wrought before the firſt day of March next following, and that the ſame earth before it be put to making of Tile, be truly wrought and tryed from ſtones. And alſo that the veins called Malin or Marle, and Chalk lying commonly in the ground near to the land convenient to make Tile, after the digging of the ſaid earth, whereof any ſuch Tile ſhall be made, ſhall be well, lawfully, and truly ſevered and caſt from the earth whereof any ſuch Tile ſhall be made. And that every ſuch plain Tile ſo to be made, ſhall contain in length ten inches and an half, and in breadth ſix inches and a quarter of an inch, and in thickneſs half an inch and half a quarter at the leaſt. And that every ſuch Rooftile or Creſtile ſo to be made, ſhall contain in length thirteen inches, and the thickneſs of half an inch and half a quarter at the leaſt, with convenient deepneſs according. And that every Guttertile and Covertile to be made, ſhall contain in length ten inches and an half, with convenient thickneſs, breadth and deepneſs according. And if any perſon or perſons ſet to ſale to any perſon or perſons any ſuch Tile above ſpecified, made or to be made contrary to the ſaid Ordinance, then the ſeller thereof ſhall forfeit to the buyer of the ſame, the double value of the ſame Tile, and beſides that, ſhall make fine and ranſom to the King at his will. And that every perſon that feeleth himſelf grieved, and will ſue in this behalf, ſhall have an action of debt againſt the offenders, wherein ſhall be made and had like proceſs, recovery & execution, as is or may be at this day in any other actions of debt, purſued at the Common Law. And that the plaintiff in every ſuch action (if it be found with him) may recover againſt the defendant in the ſame action his reaſonable coſts and expences of his ſuit. And that any defendant in any ſuch action ſhall not be admitted to wage his law, or to have any eſſoin or protection allowed, nor any advantage by fourching of eſſoin or diſtreſs. And alſo that the Juſtices of Peace for the time being, within any County of this Realm, and every of them, ſhall have full power to enquire, hear and determine by their diſcretions, as well by examination or otherwiſe, the defaults, offences, and treſpaſſes, which ſhall happen to be committed contrary to this Ordinance, as well at the Kings ſuit, as at the parties which ſhall feel himſelf grieved in that behalf. And if he be found, or may appear to the Juſtices of Peace, or any of them, by examination, or otherwiſe by their diſcretion, that any perſon or perſons hath offended contrary to this ordinance, that then the ſame Juſtices, before whom it ſhall be found or appear, ſhall aſſeſs upon the offender in this behalf no leſs fine, then for every M. of plain tile ſet to ſale contrary to this ordinance, v. s. And for every C. roof-tile vi. s. viii. d. And for every C. corner-tile or gutter-tile ii. s. ſold contrary to this ordinance. And that leſs fine be made after the rate of the ſame by the diſcretion of the ſaid Juſtices or any of them. And that the ſame Juſtices ſhall have full power to call before them or any of them, at any time and place requiſite, ſuch and ſo many perſons as by their diſcretion have or ſhall have beſt experience or knowledge in the occupation of making of tile, to ſearch and examine the digging, caſting, turning, parting, making, whiting, and anealing aforeſaid. And that the ſame perſon or perſons which ſo ſhall be aſſigned ſearchers, ſhall have full power to make ſearch. And that no perſon put no ſuch tile to ſale, before that it be ſearched by the ſaid ſearchers, upon pain of forfeiture of the ſame tile. And if the ſame ſearchers or any of them do find, that any perſon or perſons, exerciſing the occupation of tile-making doth offend contrary to this ordinance, that then the ſame ſearchers ſhall preſent ſuch defaults before the Juſtices of Peace at their next ſeſſions: And that every ſuch preſentment be as ſtrong and effectual in the law, as the preſentment of xii. men. And that ſuch ſearchers ſo to be ordained, aſſigned and deputed, ſhall have of every ſuch tilemaker for his labour of the ſaid ſearch for every M. plain tile ſearched one peny, for every C. roof tile ob. and for every C. corner tile and gutter tile a q. And that the ſame ſearchers ſhall do and execute their effectual induſtry and diligence in this behalf according to this ordinance, upon pain of forfeiture to our Lord the King for every default in this behalf x. s. And that the Juſtices of Peace ſhall have power to examine, enquire and determine the faults of ſuch ſearchers in the premiſſes, in like form as above is ordained for the defaults of Tilemakers. This ordinance to begin to take effect at the Feaſt of S. Michael next coming, and not before.

Juſtices of Peace may inquire of, hear and determine theſe offences.

Juſtices of Peace ſhall have authority to appoint ſearchers of tiles.

The ſearchers authority, and fee for their pains.

The Juſtices of Peace ſhall inquire of the defaults of ſearchers.

CAP. V.

An alteration of part of the Statute of 4 Ed. 1.

St. 4 Ed. 4 1.

ITem, Whereas by an Act made in the Parliament of our ſaid Lord the King, holden at Weſtminſter in the fourth year of his reign, it was ordained, eſtabliſhed and enacted amongſt other things, that all Woollen Cloths, half Cloths, Streits, and Kerſies, of a certain length and breadth ſpecified in the ſame Act, and being of all perfectneſs of making, alſo compriſed in the ſame Act, ſhould be, from the Feaſt called S. Peter ad vincula, which was in the year our Lord God 1465. ſealed with a double print in Lead, to be deviſed and ordained by the Treaſurer of England for the time being, teſtifying the true length and breadth, and lawful making: Alſo by the ſame Act it was ordained, amongſt other things, that the Treaſurer of England for the time being, ſhould have power and authority to make ſuch and as many keepers of the ſame Seals, as he ſhall think neceſſary; So that no ſtrangers born ſhould be made any of the ſame keepers: And that every of the ſaid keepers ſo to be made ſhall yearly accompt of the revenues of their ſaid offices in the Kings Eſchequer before the Treaſurer of England and the Barons there for the time being, ſhewing in the ſame accompts the number of all the Cloths, half Cloths, Streits and Kerſies ſealed by them, with the names of the owners thereof; Every of the ſaid keepers to be rewarded yearly at his ſaid accompt for his labour and diligence had in this behalf, at the receipt of the ſaid Eſchequer, by the diſcretion of the ſaid Treaſurer and Barons, without payment of any thing in the ſaid Eſchequer for the making of his ſaid accompt, as in the ſaid Act thereof made is more largely contained: The King certainly perceiving, that ſithence the making of the ſame Act, he hath had yearly greater loſs by the approvement of the Subſidy and aulnage of Cloths, then he had at any time before the ſaid Act of approvement made; For the ſame and for divers other great cauſes moving him, by the aſſent of the Lords Spiritual & Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame Parliament hath ordained, eſtabliſhed, and enacted, that from the Feaſt of Eaſter next coming, all the Woollen Cloths, half Cloths, Streits, and Kerſies, being of good and perfect making, of length and breadth according to the form of the ſaid Act, made in the ſaid fourth year, ſhall be ſealed with Wax at both ends, taking no more for the ſame both ſeals, then before was taken for the ſealing of an whole Cloth, half Cloth, Streit, or Kerſie. Except only, that in the City of London and in the Town of Briſtol, all the Cloths that ought to be ſealed, ſhall be ſealed with Lead, as hath been accuſtomed. Moreover, it is ordained, enacted, & eſtabliſhed by the authority aforeſaid, that the ſaid Treaſurer of England for the time being, ſhall have power and authority, to let to ferm the ſubſidy & aulange of Clothes which ought to be ſealed, unto perſons willing to have the ſame to ferm, by ſufficent ſurety in the form as was uſed & done before the ſaid ſtatute made in the ſaid fourth year. The fermors to have the one half of the forfeiture of all the Clothes and pieces of Clothes to be ſet to ſale, not ſealed with the ſaid Seals, to their own uſe, paying therefore and for the ſaid ſubſidy and aulnage to our Lord the King at his Eſchequer, ſuch yearly ſums of money as ſhall be agreed betwixt the

Woollen cloths half cloths, &c. ſhall be ſealed with wax at both ends, notwithſtanding the St. of 4 Ed. 4. 4. Rep. 5 Ed. 6. 6.

The Treaſurer of England may let the Aulnage to ferm upon good ſurety.

St. 17 R. 2. 5.
1 H. 4. 13.
4 H. 4. 14.
31 H. 6. 5.

the Treaſurer of England and them, and to be accomptants to the King of the other half of the ſaid forfeiture at the ſaid Eſchequer, the ſaid Statute made in the ſaid fourth year notwithſtanding.

CAP. VI.

How long the old Sheriff may execute his Office, if he have not before his Writ of Diſcharge.

St. 12 Ed.4.1.

Every old Sheriff may execute his office during Michaelmas and Hillary Term, if he hath not before his writ of diſcharge.

Dyer f. 351.

ITem, Whereas by a Statute in the laſt Parliament holden at Weſtminſter it was ordained, that the old Sheriff of every County might execute and return every Writ, Precept or Warrant, in any of the Kings Courts within the Term called Michael Term, after the vi. day of November, and before any Writ of diſcharge to him delivered of his occupying of Sheriff, without hurt, loſs, or penalty, by the ſame ſtatute remembred, as in the ſame doth more largely appear. And becauſe that the words of the authority given by the ſaid Act to the ſaid old Sheriff, be very eſpecial, and not general enough for the Common wealth, purpoſed or intended by the ſame Act: It is therefore ordained by authority of this Parliament, that every old Sheriff of every County, remembred in the ſaid laſt Act, from the ſixth day of November next to come, ſhall have full authority and power, as well lawfully to execute and return every Writ, Precept, or Warrant, from every of the ſaid Courts of the King, delivered to him, as to do and execute every other thing, which to the office of Sheriff lawfully pertaineth, at all times during the Terms of S. Michael, and of S. Hillary, unleſs before the ſame time he be lawfully diſcharged of his occupation of Sheriff, without ſuſtaining any damage, forfeiture, or pain in reſpect thereof: Any Act, Ordinance, or Proviſion before made to the contrary in any wiſe notwithſtanding. St 23 H.6.8. 12 Ed.4.1.

CAP. VII.

A repeal of a Parliament holden Anno 9 Ed. 4. & Anno 49 H. 6. and of all the Acts therein made, and of their exemplifications. Exp.

Statutes made at Weſtminſter, *Anno viceſimo ſecundo Edw. quarti, & Anno Domini* 1482.

OUr Lord the King, Edward the fourth, at his Parliament holden at Weſtminſter, the twentieth day of January, in the two and twentieth year of his Reign, to the houour of God, and for the wealth of his people of this his Realm, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of his Commons in the ſaid Parliament aſſembled, and by the authority of the ſame Parliament, hath ordained and eſtabliſhed certain Statutes and Ordinances, in manner and form following.

CAP. I.

Apparel.

A repeal of all former Statutes made touching the exceſs of Apparel. What kind of Apparel Temporal men of every degree and eſtate are allowed, and what prohibited to wear. None under the eſtate of a Lord (except certain perſons particularly named) ſhall wear any gown or mantle, unleſs it be of ſuch length, that (he being upright) it ſhall cover his privy members, and buttocks. The forfeitures of the offenders, and who ſhall have them. Rep. 1 H.8.14. & 1 Jac.25.

CAP. II.

The contents of veſſels of Salmons, Herrings, and Eeles. And how Fiſh ſhall be packed.

Packing of ſalmons, and the content of the veſſel thereof. St. 11 H. 7.23.

ITem, Whereas divers deceits have been uſed and done as well in the meaſures of veſſels called Butts, Barrels, and half Barrels, ordained for Salmon, and Barrels, half Barrels and Firkins, ordained for Herring, Eeles, and other barrelled Fiſh, as in the packing in the ſame veſſels of every of the ſaid Fiſhes before named, to the great damage of the King, the Lords Spiritual and Temporal, and other of the Kings faithful ſubjects. For reformation whereof, our ſaid Soveraign Lord the King, by the advice, aſſent, and authority aforeſaid, hath ordained and enacted, that no Merchant ſtranger nor denizen, after the Feaſt of S. Michael next coming, ſhall ſell nor ſet to ſale any Salmon by Butt, Barrel, half Barrel, or any other veſſel, before it be ſeen, except the ſame Butt do hold and contain fourſcore and four gallons, the Barrel two and fourty gallons, the half Barrel one and twenty gallons, well and truly packed, upon pain of forfeiture for every Butt, Barrel, and half Barrel, ſo failing their ſaid meaſure, ſix ſhillings and eight pence: Alſo that no ſuch Merchant being under the Kings obeiſance, after the ſaid Feaſt of S. Michael, ſhall ſell or put to ſale any manner Salmon, by Butt, or other veſſel, except it be well and faithfully packed, that is to ſay, the great Salmon by it ſelf, without mingling with them any grills or broken bellied Salmon.

Packing of Grills.

And that all ſmall fiſh called grills, ſhall be packed by themſelves only, without any mingling, upon pain of forfeiture and loſs of ſix ſhillings and eight pence for every Butt, Barrel, and half Barrel mingled, packed and ſet to ſale contrary to this Act.

The content of a barrel, &c. of Herring, and it ſhall be well packed.

Alſo that no Merchants, nor other perſon ſet any Herring to ſale by Barrel, half Barrel, or Firkin, except the ſame Barrel contain two and thirty gallons, the half Barrel and Firkin after the ſame rate; And that the ſame Herring be well, truly and juſtly couched and packed; And that it be of one times taking and ſalting: And that the ſame Herring be as good and as well packed in the middeſt, and in every part of the ſame barrel or other veſſel, as it ſhall be in the ends of the ſame Barrels and other veſſels, upon pain to forfeit three ſhillings and four pence for every Barrel, half Barrel and Firkin ſo failing their ſaid meaſure, and alſo upon pain of forfeiture and loſs of three ſhillings and four pence for every Barrel, half Barrel and Firkin of Herring ſorted, laid or packed contrary to this Act.

Alſo that no ſuch merchant or palingman ſell or ſet to ſale any Eels by barrel, half barrel or firkin, except the ſame barrel contain two and fourty gallons, the half barrel and firkin after the ſame rate. Nor that any ſuch merchant nor palingman do mingle any Gallebetten, ſtarved, or pulled Eels with the good Eels, but that the good Eels be well and juſtly packed and ſold by themſelves: Nor that they mingle with the good Eels, or put to ſale any red Eels, upon pain of forfeiture and loſs of ten ſhillings for every barrel, half barrel and firkin, ſo failing their meaſure; And alſo upon pain of forfeiture and loſs of ten ſhillings for every barrel, half barrel and firkin ſo mixt, packed and ſet to ſale, as afore is ſaid, contrary to this Act. Alſo that no ſuch Merchant after the ſaid Feaſt ſell or ſet to ſale any barrelled fiſh, except the ſame fiſh be well and faithfully packed, that is to ſay, any countable fiſh, commonly called tale-fiſh, by it ſelf, and the ſame fiſh, called Grilles, by themſelves, without any mixture of the ſaid fiſhes with the great fiſh, and without mixture or packing of thokes, or fiſh with broken bellies, with the ſaid tale-fiſh, or ſmall fiſh; And that the ſaid tale-fiſh or ſmall fiſh be not laid double in the packing: And that every tale-fiſh contain in length, from the bone in the fin, to the third joynt in the tail, ſix and twenty inches at the leaſt, and that the napes of all ſuch barrelled fiſh ſhall be no longer then the little bone that reſteth upon the great fin. And that the bone of every ſuch ſalt fiſh ſhall be taken away to the navel of the fiſh.

The content of a barrel of Eels, and they ſhall not be mingled.

How fiſh ſhall be packed.

And that every ſuch fiſh be ſplatted or opened down to an handful of the tail, upon pain of forfeiting and loſing of three ſhillings and four pence for every barrel of fiſh which hereafter ſhall be found packed, ſorted, mixt, naped, laid double, or not boned, or ſplatted or open, according to this Act.

Alſo in eſchewing the common loſſes and deceits aforeſaid, Our ſaid Lord the King hath ordained and enacted by the authority aforeſaid, That all Mayors, Bailiffs, and Governours of Cities, Boroughs, Market-Towns, and all other places of this his Realm for the time being, where there be mayors, bailiffs, or governours, ſhall have power and authority to name and chooſe diſcreet and expert perſon or perſons daily to ſearch and gauge all ſuch veſſels as above be rehearſed, that they be faithfully packed, and keep their lawful meaſure and aſſiſe according to the Ordinances aforeſaid. The one half of all the ſaid fines, forfeitures and penalties, and every of them, to be to our Lord the King, and the other half to him or them of his ſubjects that ſhall ſeiſe or purſue for the ſame by action of debt, by writ at the common Law, by bill or plaint, according to the cuſtom of the City or Town where any ſuch fines, forfeitures, and penalties ſhall hereafter happen to be or fall. And that the defendant in any ſuch action be not admitted to wage, nor to do his Law, nor that any protection or eſſoin of the Kings ſervices for any ſuch defendants be allowed. Provided always that this Act be not prejudicial to any perſon or perſons having the forfeiture of the goods of felons, fugitives, and condemned perſons.

Chief Officers of Cities and Boroughs, &c. ſhall appoint ſearchers to ſearch and gauge veſſels of fiſh.

Moreover, it is ordained and enacted by the authority aforeſaid, That every ſuch perſon and perſons ſhall have and enjoy like forfeitures of and in every of the premiſes within their Franchiſes, as the King now hath in other places without.

CAP. III.

No Ribands, Laces, Corſes, Girdles, Calliſilk, or Colleinſilk twined, ſhall be brought into England to be ſold, upon pain of forfeiture of the ſame, or the value thereof. Exp. St. 33 H. 6. 5. 3 Ed. 4. 3. 19 H. 7. 21.

CAP. IV.

Whoſoever ſhall ſell a long Bow of Yew above the price of three ſhillings and four pence, ſhall forfeit twenty ſhillings. Rep. 8 El. 10. St. 3 H. 7. 13. 33 H. 8. 9.

CAP. V.

No perſon ſhall full or thick any Hats, Bonets, or Caps, at any fulling Mill, or ſet to ſale any ſo fulled, upon pain to forfeit fourty ſhillings. Exp. Rep. 1 Jac. 25. St. 7 Ed. 6. 8.

CAP. VI.

How much Land he muſt have which ſhall have a mark or game of Swans.

ITem, Where aſwell our ſaid Soveraign Lord the King, as other Lords, Knights, Eſquires, and other noble men of this noble Realm of England, have been heretofore greatly ſtored of marks and games of Swans in divers parts of this Realm of England, until of late that divers keepers of Swans have bought and made to them marks and games in the Fens and Marſhes, and other places, and under colour of the ſame, and of ſurveying and ſearch for Swans and Cygnets for their Lords and Maſters, have ſtollen Cygnets, and put upon them their own mark, by which unlawful means the ſubſtance of the Swans be in the hands and poſſeſſion of Yeomen and Husbandmen, and other perſons of little reputation: Wherefore it is ordained, eſtabliſhed, and enacted by our ſaid Soveraign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and at the ſpecial petition and requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſaid Parliament, that no perſon, of what eſtate, degree or condition he be (other then the ſon of our Soveraign Lord the King) from the Feaſt of Saint Michael next coming, ſhall have or poſſeſs any ſuch mark or game, of his own, or any other to his uſe, ſhall have or poſſeſs any ſuch mark or game, except he have Lands and Tenements of the eſtate of Freehold to the yearly value of five marks above all yearly charges. And moreover, that every perſon or perſons, now having any ſuch mark or game, ſhall ſell or give the ſame betwixt this and the Feaſt of S. Michael next coming, to the uſe of them to whom they ſhall be ſo ſold or given: and if it happen any perſon or perſons, not having any poſſeſſion of Lands or Tenements to the ſaid yearly value, or any other to have or poſſeſs Lands to his or their uſe, to have or poſſeſs any ſuch mark or game after the ſaid Feaſt, that then it ſhall be lawful to any of the Kings ſubjects, having Lands or Tenements to the ſaid value, to ſeiſe the ſaid Swans as forfeit: Whereof the King ſhall have one half, and he that ſhall ſo ſeiſe, the other half.

No perſon ſhall have a mark or game of ſwans, unleſs he have 5 mark lands.

Any perſon having five marks of freehold may ſeiſe the ſwans forfeited.

CAP. VII.

How long any Woods felled in any Forreſt or Purlew may be incloſed and kept ſeveral.

ITem, Our ſaid Lord the King conſidering that divers ſubjects having Woods growing in their own ground, within the Forreſt of Rokingham, and other Forreſts and Chaſes within his Realm of England, or Purlews of the ſame, which have cut their ſaid Wood, becauſe the ſame ſubjects might not before time cut nor incloſe their ſaid ground, to ſave the young ſpring of their wood ſo cut, any longer time then for three years; the ſame young ſpring hath been in times paſt, and daily is deſtroyed with beaſts and cattel of the ſame Forreſts, Chaſes, and Purlews, to the great hinderance, as well of his ſaid ſubjects, as of his deer, vert, and veniſon in their covert, and othewiſe likely to be the deſtruction of the ſame Forreſts, Chaſes and Purlews: By the aſſent of the Lords ſpiritual and temporal, and the Commons in this ſaid Parliament aſſembled, and by the authority of the ſame, doth ordain, eſtabliſh and enact, that if any of his ſubjects, having woods of his own growing in his own ground, within any Forreſt, Chaſe, or Purlew of the ſame, within this Realm of England, from the firſt day of this Parliament, ſhall cut or cauſe to be cut the ſame wood, or part thereof, by licence of the King or of his heirs, in his Forreſts, Chaſes, or Purlews, or without licence in the Forreſt, Chaſe, or Purlew of any other perſon, or make any ſale of the ſame wood: it ſhall be lawful to the ſame ſubjects, owners of the ſame ground whereupon the wood ſo cut did grow, and to other ſuch perſons to whom ſuch wood ſhall happen to be ſold, immediately after the wood ſo cut, to coppy and incloſe the ſame ground with ſufficient hedges, able to keep out all manner beaſts and cattel forth of the ſame ground, for the preſerving of their young ſpring; and the ſame hedges ſo made, the ſaid ſubjects may keep them continually by the ſpace of ſeven years next after the ſame incloſing, and repair and ſuſtain the ſame as often as ſhall need within the ſame ſeven years, without ſuing of any other licence of him or of his heirs, or other perſons, or any of their officers of the ſame Forreſt, Chaſes, and Purlews.

Coke l.8.f.137

Woods felled in any Forreſt or Purlew, may be incloſed and kept ſeveral ſeven years. St. 35 H. 8. 17. 13 El. 25.

CAP. VIII.

Merchandiſes carried into or fetched out of Scotland, ſhall be firſt brought to Berwick. The Freemen of Berwick ſhall have to farm the fiſhing there.

ITem, Our ſaid Soveraign Lord the King, for the ſurety of the Town of Berwick, and the Marches of the ſame, and to have the ſame Town to be inhabited with great number of his faithful liege people, which would there abound and increaſe by the repair of Merchants and merchandiſe, and exerciſe of the ſame, hath by the aſſent of the Lords ſpiritual and temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament ordained, enacted and eſtabliſhed, that from the Feaſt of the Nativity of Saint John Baptiſt next coming, all Merchants which ſhall carry or bring any Merchandiſe out of Scotland, or the Iſles of the ſame, into this Realm of England, or into Ireland, or Wales, firſt ſhall bring the ſame Merchandiſe to the ſaid Town of Berwick: and that none of the Kings liege people, nor any other perſon under the Kings obeyſance, ſhall buy any Merchandiſe brought out of Scotland, and carry the ſame, or cauſe to be carried into this Realm of England, or any other place under the Kings obeyſance, but that the ſame merchandiſe be bought, ſold and cuſtomed at his ſaid Town of Berwick, except to the City of Carlile, and the Ports or Creeks pertaining to the Weſt Marches. And that no manner Merchant, denizen nor ſtranger, under the Kings obeyſance, ſhall carry or convey to ſell any manner Merchandiſe of England, Ireland, or Wales, into Scotland, or the Iſles of the ſame, which be not under the Kings obeyſance; and that none under the Kings liegeance and obeyſance, ſell any manner merchandiſe of England, Ireland, or Wales, to any of the inhabitants of Scotland, or the Iſles of the ſame, in any place within England, Ireland, or Wales, ſaving only at the ſaid Town of Berwick and Carlile aforeſaid. And that no Merchandiſe ſhall be ſhipped in any Creek or other place betwixt Tinmouth and the ſaid Town of Berwick, but only in the Port or Haven of the ſaid Town of Berwick: and that no perſon or perſons ſaving the Burgeſſes and Freemen of the ſaid Town of Berwick, ſhall cauſe any Salmon to be ſold, which ſhall be taken in the water of Tweed. And if any perſon or perſons offend or do with any Merchandiſe aforeſaid, contrary to any of the ſaid Ordinances, the ſame perſon or perſons ſhall forfeit all the ſaid Merchandiſe; and that it ſhall be lawful to any of the Kings liege ſubjects to ſeiſe all ſuch Merchandiſe ſo forfeit, or elſe to purſue in his own name an action of debt againſt the ſame perſon or perſons, which ſo ſhall forfeit, containing the ſum of the value of the ſaid goods: and in the ſame action to have like proceſs, judgment and execution, as is uſed in other actions of debt by the courſe of the Kings Laws: and that in none of the ſame ſuits and actions any protection or eſſoin of the Kings ſervice be allowed, nor any defendant admitted to do his Law, and our Lord the King to have as well the one half of all ſuch merchandiſe forfeit and ſeiſed, as the one half of all ſuch ſums of money which ſhall be recovered by action in the form aforeſaid, to purſue for the value of any ſuch goods ſo forfeit: and the perſon or perſons which ſhall ſeiſe and purſue in the form aforeſaid, to have the other half of the ſame.

Merchandiſes carried into, or brought out of Scotland or the Iſles, ſhall be firſt brought to Berwick.

And by the ſaid authority it is ordained and enacted, That the merchants and freemen of the ſaid Town, may of the grace of our ſaid Lord the King, have to ferm all the waters Royal, and fiſhing places within the ſaid Town of Berwick and Seigniory of the ſame, paying for the ſame as much as any other perſon will do; and that the ſame merchants and freemen, and every of them, may from henceforth have, occupy and enjoy to them, their heirs and ſucceſſors for ever, all liberties, franchiſes and cuſtoms, which at any time before pertained to the ſaid Town, and that they may ſhip all manner goods and merchandiſes there, and carry them to what place or places, Port or Ports, that they will, and there

The Merchants and freemen of Berwick ſhall have to ferm the waters Royal, and fiſhings there. St. 1 Jac. 28.

diſcharge, and the ſame recharge with corn or any other victual, or merchandiſes, and bring the ſame to the ſaid Town of Berwick for victualling thereof.

Provided always, that this Act nor any other Act, made or to be made in the ſaid Parliament, do not extend, nor be prejudicial to William Biſhop of Durham, nor to his ſucceſſors, in or for any manner of thing pertaining or in any wiſe belonging to him.

Thus endeth the Statutes made in the time of the noble King Edward the fourth.

Anno primo RICHARDI tertii.

Statutes made at *Weſtminſter* in the firſt year of the Reign of King *Richard* the third, and in the year of our Lord, 1483.

Richard by the grace of God King of England, and of France, and Lord of Ireland, the third after the Conqueſt; To the honour of God, and of holy Church, and for the Commonwealth of his Realm of England, at his firſt Parliament holden at Weſtminſter, the three and twentieth day of January, in the firſt year of his Reign: by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons of the ſaid Realm of England ſummoned to the ſaid Parliament, by the authority of the ſame Parliament, hath ordained and eſtabliſhed for the quietneſs of his people, certain Statutes, Ordinances, in manner following.

CAP. I.

All Acts made by or againſt Ceſtuy que uſe ſhall be good againſt him his heirs and feoffees in truſt

Coke l. r. f. 133 Cro. El. 187.

The ſeveral inconveniences of ſecret feoffments.

Foraſmuch as by privy and unknown feoffments great unſurety, trouble, coſts, and grievous vexations daily grow among the Kings Subjects, inſomuch that no man that buyeth any Lands, Tenements, Rents, Services, or other Hereditaments, nor women that have Jointures or Dowers in any Lands, Tenements, or other Hereditaments, nor mens laſt Wills to be performed, nor Leaſes for term of life, or of years, nor annuities granted to any perſon or perſons for their ſervices for term of their lives, or otherwiſe, be in perfect ſurety, nor without great trouble and doubt of the ſame, becauſe of the ſaid privy and unknown feoffments: For remedy whereof, be it ordained, eſtabliſhed, and enacted, by the advice of the Lords ſpiritual and temporal, and by the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that every eſtate, feoffment, gifts, releaſe, grant, leaſes, and confirmations of lands, tenements, rents, ſervices, or hereditaments, made or had, or hereafter to be made or had by any perſon or perſons being of full age, of whole mind, at large, and not in dureſs, to any perſon or perſons, and all recoveries and executions had or made ſhall be good and effectual to him to whom it is ſo made, had, or given, and to all other to his uſe, againſt the ſeller, feoffor, donor, or grantor thereof, and againſt the ſellers, feoffors, donors, or grantors, his or their heirs, claiming the ſame onely as heir or heirs to the ſame ſellers, feoffors, donors, or grantors, and every of them, and againſt all other having or claiming any title or intereſt in the ſame, onely to the uſe of the ſame ſeller, feoffor, donor, or grantor, ſellers, feoffors, donors, or grantors, or his or their ſaid heirs at the time of the bargain, ſale, covenant, gift, or grant made; ſaving to every perſon or perſons ſuch right, title, action, or intereſt, by reaſon of any gift intail thereof made, as they ought to have had, if this Act had not been made. Stat. 1 H. 7. 1. 4 H. 7. 17. 19 H. 7. 15. 27 H. 8. 10.

All Acts made by or againſt Ceſtuy que uſe ſhall be good againſt him, his heirs and feoffees in truſt.

7 H. 7. f. 6. 15 H. 7. f. 12. 13. 21 H. 7 f. 19. 25. 26 H. 8. f. 2.

The eſtate of tenant in tail ſaved.

CAP. II.

The Subjects of this Realm ſhall not be charged by any benevolence, &c.

Co. l. 12. 119.

The King remembring how the Commons of this his Realm by new and unlawful inventions and inordinate covetiſe againſt the Law of his Realm, have been put to great thraldom and importable charges and exactions, and eſpecial by a new impoſition called a benevolence, whereby divers years the ſubjects and Commons of this Land, againſt their wills and freedoms, have payed great ſums of money to their almoſt utter deſtruction: For divers and many worſhipful men of this Realm by occaſion thereof were compelled of neceſſity to break up their houſholds, and to live in great penury and wretchedneſs, their debts unpaid, and their children unpreferred, and ſuch memorials as they had ordained to be done for the wealth of their ſouls anentized and annulled, to the great diſpleaſure of God, and the deſtruction of his Realm: Therefore the King will it be ordained by the advice and aſſent of the ſaid Lords ſpiritual and temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That his Subjects and the Comminalty of this his Realm from henceforth in no wiſe be charged by any ſuch charge, exaction, or impoſition, called a Benevolence, nor by ſuch like charge: And that ſuch exactions, called Benevolences, before this time taken, be taken for no example, to make ſuch, or any like charge of any his ſaid Subjects of this Realm hereafter, but it ſhall be damned, and annulled for ever.

The Subjects of this Realm ſhall not be charged with any benevolences or, &c. 13 Car. 2. ca. 4.

CAP. III.

Every Juſtice of Peace may let a Priſoner to mainpriſe. No Officer ſhall ſeiſe the goods of a Priſoner until he be attainted.

Every Juſtice of Peace ſhall have authority to let a priſoner to mainpriſe. Rep. 3 H. 7. 3. St. 1 & 2 P. & M. 13.

Eſcape of Felons inquirable by Juſtices of Peace.

No officer ſhall ſeiſe the goods of a priſoner until he be attainted, or the goods forfeited.

Cro. El. 749. 7 H. 4. f. 47. 44 Aſſ. pl. 14. 43 Ed. 3. f. 14. Cok. l. 1. f. 171. 26 Aſſ. pl. 32. Stainf. pl. Cor. 193. Prerog. 47.

FOraſmuch as divers perſons have been daily arreſted and impriſoned for ſuſpection of Felony, ſometime of malice, and ſometime of a light ſuſpection, and ſo kept in priſon without bail or mainpriſe to their great vexation and trouble: Be it ordained and eſtabliſhed by authority of this preſent Parliament, that every Juſtice of Peace in every Shire, City, or Town, ſhall have authority and power by his or their diſcretion, to let ſuch priſoners and perſons ſo arreſted to bail or mainpriſe, in like form as though the ſame priſoners or perſons were indited thereof of record before the ſame Juſtices in their Seſſions: and that Juſtices of Peace have authority to enquire in their Seſſions of all manner eſcapes of every perſon arreſted and impriſoned for felony. And that no Sheriff, Underſheriff nor Eſcheator, Bailiff of Franchiſe, nor any other perſon, take or ſeiſe the goods of any perſon arreſted or impriſoned for ſuſpition of felony, before that the ſame perſon ſo arreſted and impriſoned be convicted or attainted of ſuch felony according to the Law, or elſe the ſame goods otherwiſe lawfully forfeited, upon pain to forfeit the double value of the goods ſo taken, to him that is ſo hurt in that behalf, by action of debt to be purſued by like proceſs, judgment and execution, as is commonly uſed in other actions of debt uſed at the common Law. And that no eſſoin, or protection be allowed in any ſuch action: Nor that the defendant in any ſuch action be admitted to wage or do his Law. Co. Inſt. 3. p. 48.

CAP. IV.

Of what credit and eſtate thoſe Jurors muſt be which ſhall be impanelled in the Sheriffs Turn.

Of what credit and eſtate thoſe Jurors muſt be, which ſhall be impanelled in the Sheriffs Court. St. 11 H. 7. 26.

FOraſmuch as divers great inconveniences and perjuries do daily happen in divers Shires of England by untrue verdicts given in inquiſitions and inquiries before Sheriffs in their Turns, by perſons of no ſubſtance nor behaviour, nor dreading God nor the worlds ſhame, by reaſon whereof divers and many of the Kings lieges of divers parts of England, by exciting and procuring of their evil willers, be wrongfully indicted, and other that ought of right to be indicted by ſuch excitation and procuring, oftentimes be ſpared, contrary to common right and good conſcience: In eſchewing whereof, be it ordained by the King our Soveraign Lord, by the advice of the Lords ſpiritual and temporal, and at the requeſt of the Commons of this preſent Parliament aſſembled, and by authority of the ſame, that no Bailiff nor other Officer from henceforth return or impanel any ſuch perſon in any Shire of England, to be taken or put in or upon any ſuch inquiry in any of the ſaid Turns, but ſuch as be of good name and fame, and having lands and tenements of freehold within the ſame Shires, to the yearly value of xx. s. at the leaſt, or elſe lands and tenements holden by cuſtom of Manor, commonly called Copihold, within the ſaid Shires, to the yearly value of xxvi. s. ix. d. over all charges at the leaſt. And if any Bailiff or other Officer within the ſaid Counties hereafter return or impanel any perſon contrary hereunto, he to loſe for every perſon that he ſo impanelleth and returneth not being of the ſufficiency, as is aforeſaid, as often as he ſo offendeth, xl. s.

The indictment taken by other perſons ſhall be void.

And the ſaid Sheriff other xl. s. the one half thereof to the King our Soveraign Lord, and the other half thereof to ſuch as will ſue in that behalf. And every man that will ſue for the ſame, to have their ſeveral actions of debt therefore at the common Law, as well againſt the Sheriff, as the ſaid Bailiff: and that ſuch and like proceſſe be had and uſed in every of the ſame action or actions, as be had and uſed in other actions of debt at the common Law: and that no protection, ne eſſoin be allowed in the ſame: and that every ſuch indictment before any Sheriff in his Turn otherwiſe taken be void and of none effect. This Act to take effect from the firſt day of this preſent Parliament, and not before.

CAP. V.

Thoſe Lands whereof the King was enfeoffed joyntly with others, to the uſe of the Feoffor, ſhall be in his co-feoffors. Pr.

CAP. VI.

The St. of 17 Ed. 4. 2. rehearſed and made perpetual, viz. That in every Court of Pypowders the Plaintiff or his Atturney ſhall be ſworn, &c.

17 Ed. 4. 2.

PRayen the Commons in this preſent Parliament aſſembled, that where in a Statute made in the xvii. year of the Reign of King Edward the fourth, It was ordained amongſt other, that where divers Fairs have been holden and kept in divers places within this Realm, ſome by preſcription allowed afore Juſtices in Eyre, and ſome by the grant of your noble progenitors and predeceſſors, and to every of the ſame Fairs is of right pertaining a Court of Pypowders, to miniſter therein due Juſtice in that party: in which Court it hath ever been accuſtomed, that every perſon coming to ſuch Fairs, ſhould have lawful remedy of all manner contracts, treſpaſſes, covenants, debts, and other deeds made or done within any of the ſaid Fairs during the time of the ſaid Fairs, within the juriſdiction of the ſame, & to be tryed by merchants being at the ſame Fairs: which Courts in theſe days have been miſuſed by Stewards, Bailiffs, Commiſſaries and other Miniſters, holding and ruling the ſaid Courts of the ſaid Fairs for their ſingular profit, holding plea by plaints, as well contracts, debts, treſpaſſes, as other deeds done and made out of the time of the ſaid Fairs or Fair and juriſdiction of the ſame, whereof in troth they have no juriſdiction, ſurmiſing the contracts, debts, treſpaſſes, covenants, or other deeds to be done within the time of the Fairs, and within the juriſdiction of the ſame Fairs, where in troth they were not ſo. And ſometime upon fained plaints, by imagination by evil diſpoſed people, to trouble them to whom they owe evil will, ſome to the intent to make them loſe their Fair, and ſome to the intent that they ſhould have for lucre, favourable inqueſts of comers of yͤ ſame Fairs where they take their actions, whereby much people coming to the ſaid Fairs, be grievouſly vexed & troubled by fained actions, & alſo by actions of debts, treſpaſſes, deeds, & contracts made and done out of the time of the ſaid Fairs or juriſdiction of the ſame, contrary to equity and good conſcience, whereby the Lords of the ſaid Fairs loſe great profits by the not coming of divers merchants to their Fairs, which for that caſe abſtain them, and alſo the Commons for that caſe be worſe ſerved of ſuch ſtuff and merchandiſes, as elſe ſhould come to the ſaid Fairs: Pleaſe it therefore your Highneſs, the premiſes conſidered, by the advice & aſſent of the Lords ſpiritual and temporal in this your preſent Parliament aſſembled, and by the authority of the ſame, to ordain and to eſtabliſh, that from the firſt day of May next coming, no Steward, Underſteward, Bailiff, Commiſſary, nor other Miniſter of ſuch Courts of Pipowders, hold plea upon any action at the ſuit of any perſon or perſons, without the plaintiff or plaintiffs, or his or their Atturnies, in preſence of the defendant or defendants, (if he or they, or his or their Atturnies deſire it) make oath upon the holy Evangeliſts, upon the declaration, that the contract, treſpaſs, or other deed compriſed in the ſame declaration, were made or done within the Fair time of the ſaid Fair, where he taketh his action, and within the bounds & juriſdiction of the ſame Fair. And although the ſaid plaintiff or plaintiffs by their oath affirm the ſame, that the ſaid defendant or defendants be not concluded thereby, but that they may anſwer and plead to the action, or in abatement of the plaints and to tender an iſſue, that the ſame contract, treſpaſs, or other deed compriſed within ſuch declaration, whereupon the plaintiff or plaintiffs do declare, was not done nor made within the Fair time and juriſdiction of the ſaid Fair, but out of time of the Fair, or at other places out of the juriſdiction of the ſame Fair, after the troth in that party.

And if it be ſo tryed, or that the plaintiff or plaintiffs or their Atturnies, refuſe to be ſworn in the form aforeſaid, That then the defendant or defendants be quite diſmiſſed & diſcharged in that behalf out of that Court. The party plaintiff to take his advantage at the common Law, or other place convenient, as him ſeemeth good. This Ordinance notwithſtanding.

And that every Steward, Under-ſteward, Bailiff, Commiſſary, or other Miniſter, holding and ruling any of the ſaid Courts, that doth the contrary of this Ordinance, ſhall for every default in that behalf forfeit an C. s. the one half thereof to your Highneſs, and the other half thereof to him that will ſue in that party his action upon this Ordinance by action of debt in his own name. And that writs of proclamation in all goodly haſte be directed to every Sheriff of every Shire of England, to make this Ordinance to be proclaimed in every part within his Shire, as well within Franchiſe as without:

And that the ordinance touching Fairs, as is aforeſaid, ſhould endure to the next Parliament, which ordinance is now expired: And for certain the ſaid ordinance is full neceſſary and requiſite to endure for ever, and full profitable to all the Commons of this Realm: Be it therefore ordained and eſtabliſhed by the authority of this preſent Parliament, that the aforeſaid Ordinance be and ſtand in vertue and ſtrength: And to be executory from the Feaſt of the Annunciation of our Lady next coming, perpetually after to endure.

CAP. VII.

Who ſhall be bound by a fine levied before the Iuſtices of the Common Pleas. And Proclamation made thereof.

Anno 18 Ed. 1. Modus levandi Fines.

ITem, Whereas it was ordained, eſtabliſhed and enacted in a Parliament holden in the time of the Reign of the noble King Edward the firſt, by the Statute De finibus, that notes and fines levied in the Kings Court before his Juſtices ſhould be openly and ſolemnly read, and that the pleas in the mean time ſhould ceaſe, and that to be done two days in the week after the diſcretion of the Juſtices, as in the ſame Statute more plainly appeareth: Our ſaid Soveraign Lord the King conſidering that fines ought to be of the greateſt force and effect to avoid ſtrife and debate, and be a final end and concluſion, willeth, ordaineth, and eſtabliſheth by the advice and aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That after the engroſſing of every fine to be levied after the Feaſt of Eaſter next coming, in the Kings Court before the Juſtices of the common place, of any lands, tenements, or other hereditaments, the ſame fine ſhall be openly & ſolemnly read and proclaimed in the ſame Court the ſame Term, and in the three Terms of the year next enſuing, after the ſame engroſſing in the ſame Court at four ſeveral days in every Term, and in the ſame time that it is ſo read and proclaimed, all Pleas ſhall ceaſe, and moreover a tranſcript of the ſame fine ſhall be ſent by the ſaid Juſtices of the common place to the Juſtices of Aſſiſes of the County where the ſaid lands and tenements be. They to cauſe the ſaid fine to be read and proclaimed openly and ſolemnly in every their Seſſions of Aſſiſes to be holden the ſame year, if Aſſiſes do then hold, and all the Pleas in the mean time to ceaſe.

A fine ſhall be openly read and proclaimed the ſame Term, and three Terms after at four ſeverel days. St. 31 El. 2.

A tranſcript of the fine ſhal be ſent to the Juſt. of Aſſiſe of the County where the Land lieth, to be there proclaimed.

Alſo it is ordained and eſtabliſhed by the ſaid authority of Parliament, That a like tranſcript of the ſame fine ſhall be ſent to the Juſtices of Peace of the County where the ſaid lands and tenements be, they to cauſe open and ſolemn proclamation of the ſaid fine to be made at four general Seſſions of the Peace to be holden in the ſame year.

A tranſcript ſent to the Juſtices of Peace

The ſaid Juſtices of Aſſiſes, and alſo Juſtices of Peace to certifie the ſame proclamation to the Kings Juſtices of the common place at the ſecond day of return of the Term then next following; after which Proclamation had, made and certified, the ſaid fine to be a final end, and to conclude, as well privies as ſtrangers to the ſame, except women covert, other then be parties to the ſaid fine, and every perſon or perſons then being within age, in priſon, or out of this Realm of England, or not of whole memory at the time of ſuch fine levied.

Who ſhall be concluded by a fine, who not.

Alſo ſaving to every perſon or perſons ſuch right, title, claim, and intereſt, which they have to or in the ſaid lands, tenements, and other hereditaments, at the time of ſuch fine ingroſſed, ſo that they do purſue their ſaid right, title, claim or intereſt, by way of action or lawful entry, within five years next after the ſaid Proclamation made, had or certified.

Every ſtrangers right ſaved which he preſently hath, ſo be purſue it in time.

The right of ſtrangers ſaved which ſhal come to them.

And alſo ſaving to all other perſons of ſuch action, right, title, claim, and intereſt, in and to all the ſaid lands, tenements, and other hereditaments, which ſhall grow, remain, deſcend, or come to them after the ſaid fine engroſſed, by force of any gift in tail, or by any other cauſe of matter, had or made before the ſaid fine levied, ſo that thoſe perſons take their ſaid Actions, or purſue their ſaid right and title according to the Law, within five years next after ſuch actions, title, claim, or intereſt, grown, deſcended, remained, or come to them. And alſo that the ſaid perſons and their heirs may have their ſaid action againſt the taker of the ſame profits of the ſaid lands, tenements, and other hereditaments at the time of ſuch action to be taken.

Actions maintainable againſt the pernor of the profits.

The right of infants, women covert, perſons impriſoned, out of this Land, or not of whole memory ſaved

And if the ſame perſons at the time of ſuch action, right and title, grown, deſcended, remained or come to them, be covert baron, or within age, or in priſon, or out of their land, or not of whole memory: It is ordained, eſtabliſhed, and Enacted by authority aforeſaid, That their actions, right and title ſhall be reſerved, and ſaved to them and their heirs till the time they come, and be at their full age, out of priſon, within this land, unmarried, and of whole memory, ſo that they or their heirs take their ſaid actions or lawful entry according to their right and title within five years next after they come and be at their full age, out of priſon, within this Land, unmarried, and of whole memory, and purſue the ſame actions, or take their lawful entry with effect according to the Law of England.

An entry muſt be made, or an action taken within five years after the defects removed.

Alſo by authority of the ſaid Parliament it is ordained, eſtabliſhed and enacted, That all ſuch perſons which be covert, not parties to the fine, and every perſon being within age, in priſon, or out of this Realm, or not of whole memory at the time of the ſaid fines levied and ingroſſed, by this Act of Parliament before excepted, having any right or title, or cauſe of action to any of the ſaid lands, tenements, and other hereditaments, that they or their heirs take their ſaid actions or lawful entry according to their right and title, within five years next after that the ſaid perſons come to be of full age, out of priſon, unmarried, within this Land, and alſo become of whole memory. And alſo ſue the ſame actions and take their lawful entry, and ſo purſue with effect, according to the Law of the Realm of England. And moreover if they do not take their ſaid actions, and alſo their ſaid lawful entry in the manner as is aforeſaid, that then they ſhall be concluded by the ſaid fines for ever, in like form as they be that be parties and privies to the ſaid fines levied and ingroſſed.

Fines at the common Law be of the ſame force they were before. Any perſon may levy a fine according to this Stat. or the common Law.

Alſo by the ſaid authority it is ordained and eſtabliſhed, That every fine which ſhall be from henceforth levied in any of the Kings Courts, of any manors, lands, tenements, or other poſſeſſions, after the manner, uſage, and form that fines have been levied before the making of this Act before rehearſed, ſhall be of like ſtrength, effect and authority, as fines ſo levied be or were before the making of this Act, this Act or any other Act in this Parliament made or to be made notwithſtanding. And that every perſon ſhall be at his liberty to levy any fine hereafter, as he will himſelf at his pleaſure, after the manner contained and ordained in any by this Act, after the manner and form before uſed. Sc. 4 H. 7. 24.

CAP. VIII.

The length and breadth of Clothes. Of what ability an Aulnager muſt be, and what Clothes he may ſeal.

Broad cloth ſhall be fully watered before it be put to ſale.

ITem, In the ſaid Parliament were ſhewed divers inconveniences & deceits, had, made, and uſed in the ſaid Realm of England, in making of clothes: for the avoiding whereof our ſaid Soveraign Lord the King by the advice and aſſent of the ſaid Lords ſpiritual and temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That no perſon whatſoever he be, Clothmaker, or other, ſhall ſell, nor put to ſale after the Feaſt S. Michael the Archangel next enſuing, any manner woollen Clothes, called broad Clothes, unleſs the ſame Cloth be before fully watered.

And that every whole cloth, and alſo broad cloth, which ſhall be made in this Realm of England, after the ſaid Feaſt of Saint Michael the Archangel next coming, after that it be fully watered ready to ſale, ſhall hold and contain in length xxiv. yards, and to every yard an inch, containing the breadth of a mans inch, to be meaſured by the creſt of the ſame cloth, and alſo it ſhall hold and contain in breadth two yards within the liſts, by the whole length of the ſame.

Of what length and breadth whole clothes and half clothes ſhall be made. Rep. 5 Ed. 6. 6. The penalty of the offendor.

And that every half cloth of the ſaid whole clothes to be made after the ſaid Feaſt, after his full watering ready to ſale, ſhall hold and contain xii. yards in length at the leaſt, with the inches aforeſaid, to be meaſured by the creſt, and two yards in breadth within the liſts. So that always the ſame half cloth do not exceed the length of ſixteen yards, upon pain of cutting the whole cloth in three pieces, and of cutting the half cloth in two pieces. And alſo to loſe for every whole cloth vi.s.viii. pence and for every half cloth iii.s. iv. pence, made, ſold, or put to ſale after the ſaid Feaſt, not fully watered, or made after the ſaid Feaſt, not keeping their meaſure above ordained; and if the whole cloth be longer in meaſure then the ſaid xxiv. yards, and the inches aforeſaid, and the half cloth of the ſame be longer then xii. yards with the ſaid inches, that then the buyer of the ſame whole cloth ſhall pay for as much as it doth exceed in the meaſure of xxiv. yards, and the buyer of the ſame half cloth to pay for as much as it doth exceed xii. yards. So that always the ſaid half cloth do not paſs the length of ſixteen yards as above is ſaid.

The length and breadth of Streits.

Alſo that all manner clothes called Streits to be made after the ſaid Feaſt, after their full watering ready to ſale, ſhall hold and contain xii. yards in length, and the inches after the meaſure aforeſaid; and in breadth one yard within the Liſts, and throughout the length of the ſame, upon pain of cutting of the ſaid Streit in two pieces, and alſo to loſe for the ſame Streit xx. pence.

Alſo that every cloth called Kerſey, to be made or put to ſale after the ſaid Feaſt, after the full watering ready to ſale, ſhall hold and continue in length xviii. yards and the inches as is aforeſaid, and in breadth one yard and a nail at the leaſt, within the liſts, upon pain of cutting of the ſaid Kerſey in two pieces, and to loſe for the ſame Kerſey iii. s. iv. d. All the ſaid pains, forfeitures and loſſes to run upon the ſellers of the ſaid clothes, which ſhall be made contrary to this Act: and that every of the ſaid whole clothes, half clothes, Streits, and Kerſeys be perfectly and duly made throughout from one end to the other.

The length & breadth of Kerſies.

Alſo before the ſaid Feaſt, ſeals ſhall be provided and ordained by the Treaſurer of England to be printed in Lead, having the Kings arms of England on the one ſide, and on the other ſide the arms ſign or token of every City, Borough, or Town within the Realm of England, where the cloth is made having ſuch arms, ſign, or token for a mark or an evident token and knowledge of the cloth made within every ſuch City, Borough, and Town of this Realm, and beſides that ſeals for every County of this Realm for the ſealing of all manner of cloth made within every County, out of City, Borough or Town of the ſame County, ſhall have on the one ſide the Kings arms, and on the other ſide the name of the County printed in the ſame: and that the Treaſurer of England for the time being, or his deputy, after the ſaid Feaſt ſhall make no perſon or perſons to be Aulnager, Sealer, or Keeper of the Seal in any part of this Realm, but ſuch as be expert in making of cloth, of the ſufficiency of an hundred pound at the leaſt, at the time of the ſaid deputation, and that no Aulnager, Sealer, or Keeper of any Seal to be provided as is aforeſaid after the ſaid Feaſt, ſhall ſeal any of the ſaid whole clothes, half clothes, Streits, or Kerſies, but ſuch as ſhall be onely made after the ſame Feaſt, within the County, City, Borough or Town where they ſhall be deputed Aulnager, Sealer, or Keeper, upon pain to forfeit to our Soveraign Lord the King for every ſuch whole cloth contrary ſealed, five marks for every half cloth xxx. s. iv. d for every Streit xx. s. and for every Kerſey x. s.

Seals of lead to ſeal cloth for every City, Town and County where cloth is made.

Of what skill and ſufficiency an Aulnager muſt be.

The Aulnagers penalty for ſealing ſuch clothes as he ought not to do.

Alſo that no perſon whatſoever he be, after the ſaid Feaſt, ſhall ſet, nor draw, nor cauſe to be ſet nor drawn in length nor breadth within this Realm of England, any manner woollen clothes after that it be fully watered, by tentoring or otherwiſe, upon pain to forfeit the ſame cloth.

There ſhall be no tentoring nor drawing of cloth.

Alſo that no man of what condition ſoever he be, within the Realm, after the ſaid Feaſt, ſhall ſet, caſt, or put upon any manner of cloth any flocks or any other like deceitful thing, upon pain of fourty ſhillings for every cloth, whereupon any ſuch perſon ſhall caſt any flocks or ſuch other thing.

No deceitful thing ſhall be caſt upon cloth.

Alſo that no cloth-maker nor other perſon whatſoever he be within the ſaid Realm, after the ſaid Feaſt, ſhall ſet or caſt upon any white cloth or Kerſey any chalk upon like pain.

No chalk ſhall be caſt upon cloth.

Alſo that no Sherman or other perſon, after the ſaid Feaſt, ſhall ſhear nor cancell any clothes within this Realm, except ſuch cloth be before fully watered, upon pain to forfeit xl. s. for every cloth as often as he ſhall ſo do.

No ſhearing of cloth not fully watered.

And that no perſon, ſtranger, nor other, ſhall ſend nor convey any woollen cloth over the ſea, after the ſaid Feaſt, unleſs the ſame cloth be before fully watered, and after that the ſame cloth be ſo fully watered, that then it ſhall in no wiſe be ſet nor drawn in length nor breadth, upon pain of fourty ſhillings for every cloth conveyed or ſent over the Sea, contrary to this Act.

No cloth ſhall be tranſported but which is fully watered.

Alſo that no manner perſon within this Realm, after the ſaid Feaſt retail any woollen cloth or clothes, lining nor other, except it be fully watered before, and after that it be fully watered, it ſhall in no wiſe be ſet or drawn in length or breadth upon pain to forfeit the ſame cloth, or the value thereof: The ſame pain to run upon the ſeller of all ſuch clothes.

No cloth ſhall be retailed but which is fully watered.

Alſo our ſaid Soveraign Lord the King, in eſchewing of great falſity and deceit, which hath grown, and daily doth grow by means of Tentors: by the aſſent and authority aforeſaid hath ordained and enacted, That no perſon whatſoever he be, ſhall keep, have, or occupy any Tentor, or any other thing in his own houſe or place of his inhabiting, whereby woollen clothes may be in any wiſe drawn out in length or breadth, upon pain to forfeit twenty pound as often as he ſhall do contrary to this Act: but that all Tentors hereafter ſhall be uſed or occupied for due ſtretching of cloth, only after that it cometh from the mill, and before it be rowen, and for none other cauſe, as well within the City of London, as other Cities, Boroughs and Towns of this Realm, ſhall be ſet in open places: and that every Mayor of London for the time being, and other Mayors and Bailiffs, and all other Governours of Cities, Boroughs, Towns, and Villages of this ſaid Realm, ſhall diligently ſurvey and overſee that all clothes which ſhall be put upon Tentors, ſhall not be drawn out in length and breadth otherwiſe then is before rehearſed.

None ſhall keep a tentor in his houſe.

Tentors ſhall be ſet in open places.

Alſo that after the ſaid Feaſt, no ſtranger ſhall buy any wool, which ſhall be ſent, or ſhall paſs through the Streits of Marrock by Galleis, Carracks or Ships, or other veſſels ſorted, clacked or barked: nor no wool whereof any locks or refuſe ſhall be made, but that the ſame wool be as it is clipped and purely woond without deceit, and merchandiſable after the growing of the Countrey, without any ſorting, bearding, clacking of locks, or refuſe thereof to be made, as afore is ſaid, upon pain to forfeit the ſame wool, and the double value thereof.

What ſort of wool ſtrangers may buy.

Moreover, our ſaid Soveraign Lord the King hath ordained and enacted by authority aforeſaid, That no Dyer, nor any other perſon, ſhall dye or cauſe to be dyed within this Realm after the ſaid Feaſt, any woollen cloth with Orchel, or Cork called Jarrock, upon pain to forfeit and loſe fourty ſhillings for every cloth that he or any other for him or to his uſe ſhall die, or cauſe to be died. Nor that any perſon after the ſaid Feaſt, ſhall ſell or put to ſale within this ſaid Realm, any ſuch cloth which after the ſaid Feaſt ſhall be died with Orchel or Cork, called Jarrock, upon pain of forfeiture of ſuch cloth ſo died, or put to ſale contrary to this Act. This pain and loſs always to run upon the Seller, except that Cork made within this Realm of England may be uſed in dying upon

No cloth ſhall be died with cork.

Woolwards, and alſo in dying all ſuch cloth which is made only of Woolwards, ſo that the ſame wool and cloth be perfectly boyled and maddered.

The cloth and the liſt ſhall be died with one colour.

Alſo that Cork made in this Realm may be put upon cloth that is perfectly boyled and maddered. Alſo that no Dyer after the ſaid Feaſt ſhall die any cloth within this ſaid Realm, except the ſame Dyer do dye the ſaid cloth and the liſt of the ſame with one colour, without tacking or ſowing of any Bulruſhes, or ſuch like thing upon the liſts of the ſame, upon pain to forfeit xl. s. for every cloth that they ſhall ſo die contrary to this Act. And that no perſon whatſoever he be, ſhall put to ſale within this ſaid Realm after the ſaid Feaſt, any manner of cloth, which after the ſame Feaſt ſhall be deceitfully dyed, upon pain to forfeit the ſame cloth, or the value thereof. The ſame forfeitures and pains always to run upon the ſeller.

Faulty cloth ſhall be brought to the chief officer.

Alſo if any of the Kings ſubjects, or any other hereafter happen to ſeiſe any woollen cloth otherwiſe made or dyed then afore is ſaid, then the ſame ſubject or other ſhall bring all the ſame cloth or clothes ſo by him ſeiſed, before the Mayor, Bailiffs, or other Governour of the Cities, Boroughs, Towns, or Villages where any ſuch ſeiſing ſhall happen to be made of the ſame cloth or clothes, there to judge by the diſcretion of the ſaid Mayor, Bailiffs, or other Governour, calling to him or them ſuch perſons as by his or their diſcretions ſhall ſeem convenient, whether the ſame cloth be otherwiſe made, wrought or died, then is according with the Acts before recited. And if it be judged by the ſaid Mayor, Bailiff, or other Governour, or other perſon called to them or any of them, as afore is ſaid, that the ſame cloth is made or died, and put to ſale contrary to the aforeſaid Acts, then the ſame clothes ſo ſeiſed, and by them judged as is aforeſaid, ſhall be cut in three pieces in the preſence of the ſaid Mayor, Bailiff, or other Governour. The one part thereof to be delivered in the Eſchequer by him or them that ſo ſhall ſeiſe the ſame cloth or clothes to the Kings uſe, and the ſecond part thereof to be delivered to the ſeiſor of the ſame cloth or clothes, and the third part thereof to be delivered to the Mayor, Bailiff, or Governour, to the uſe of the Cominalty where they or any of them be Mayor, Bailiff or Governour: The one half of all the other fines, forfeitures and penalties aforeſaid, and of every of them, to be to our Soveraign Lord the King, and the other half to him or them of the Kings ſubjects that ſhall ſeiſe the ſame, or ſue for the ſame by action of debt, by writ at the common Law, or by bill or plaint after the cuſtom of the City, Town or Port where ſuch fines, forfeitures and penalties ſhall happen to fall or be. And that the defendant in any ſuch action be not admitted to wage or do his Law. Nor that any protection or eſſoin of the Kings ſervice be allowed for any ſuch defendant.

The offenders forfeitures, and who ſhall have them. St. 12 H. 7. 4.

Clothes whereunto this Statute extendeth not.

Provided always, that this Act nor any thing therein contained, ſhall extend or be prejudicial to the making of any woollen cloth called Ray, nor to any cloth made in Wincheſter or Salisbury, uſed to be put and joyned with Ray: The cloth thereof commonly uſed to be ſold at fourty ſhillings, or within, nor to the making of any cloth called Verdiſe, otherwiſe called Plonkets, Turkins, or Celeſtrines with laiſed liſts; nor any clothes called packing Whites, nor to the making of any clothes called Veſſes, Cogware, or Worſteds, nor to the making of any clothes called Florences, with Cremil liſts, nor to the making of any woollen clothes called Baſtards, nor of any clothes called Kendals, nor to clothes called Sailing ware with Cremil liſts, laiſed liſts, or ſmall liſts, nor to any cloth called Friſeware, nor to any of them, nor to the maker or ſeller of them.

So that the ſame clothes, and every of them, for the Kings honour, and profit of this Realm, be truly, duly and perfectly made according to the nature and making of every of the ſaid clothes. Stat. 12 H. 7. 4. 1. H. 8. 2. 3 H. 8. 6.

CAP. IX.

In what ſort Italian Merchants may ſell their merchandiſes. Several reſtraints of Aliens.

ITem, Becauſe our ſaid Soveraign Lord the King, upon petition made to him in his ſaid Parliament, by the Commons of England, hath conceived and underſtood, that whereas merchants ſtrangers of the nation of Italy, as Venetians, Florentines, Apulians, Cicilians, Lucaners, Catelions, and other of the ſame nation in great number do inhabit and keep houſes as well in the City of London, as in other Cities and Boroughs within this his Realm, and do take warehouſes and cellars, and therein put their wares and merchandiſes, which they bring into this ſaid Realm, and in the ſaid cellars and warehouſes deceitfully do pack, mingle and keep the ſame, till ſuch time the prices thereof be greatly enhanſed for their great lucre, and the ſame merchandiſes and wares they then ſell to all manner people, as well within the Ports where they bring the ſaid wares and merchandiſes, as to other divers and many places within this Realm, as well by retail as otherwiſe: And alſo do buy in the ſaid Ports and other places, at their own liberty, the commodities of this Realm, and ſell the ſame again at their pleaſure within the ſame, as commonly & freely as any of the Kings liege people doth, and do not employ a great part of the money coming thereof upon the commodities of this Realm, but make it over yͤ ſea by exchange to divers other Countries, to the Kings great damage in loſs of his Cuſtoms, and to the great impoveriſhing of his ſaid ſubjects, of whom they ſhould buy the commodities of this Realm:

The grievances done by merchants ſtrangers to the King and the Realm.

And the ſame merchants of Italy and other merchants ſtrangers be hoſts, and take to them people of other Nations, and be with them daily, and do buy, ſell and make privy and ſecret contracts and bargains with the ſame people, to their great increaſe and profit, and to the importune damage of the Kings ſaid Subjects, and contrary to divers Statutes in this caſe provided and ordained:

Alſo the ſaid merchants of Italy do buy in divers places within this Realm a great quantity of wooll and woollen cloth, and other merchandiſes of the Kings ſubjects, and part thereof they ſell again to the ſame ſubjects and other within this Realm, to their greater advantage, and much of the ſaid wools they do deliver to clothmakers, thereof to make cloth at their pleaſure.

Moreover a great number of artificers and other ſtrangers not born under the Kings obeyſance, do daily reſort and repair to the City of London, and to other Cities, Boroughs, and Towns of the ſaid Realm, and much more then they were wont to do in times paſt, and inhabit by themſelves in the ſaid Realm with their wives, children & houſhold, and will not take upon them any laborious occupation, as going to plough, or cart, and other like buſineſs, but uſe the making of cloth, and other handicrafts and eaſie occupations, & bring and convey from the parts beyond the ſea, great ſubſtance of wares and merchandiſes to Fairs and Markets, and all other places of this Realm at their pleaſure, and there ſell the ſame as well by retail, as otherwiſe, as freely as any of the Kings ſubjects uſe to do, to the great damage and impoveriſhment of the Kings ſaid ſubjects, and will in no wiſe ſuffer nor take any of the Kings ſaid ſubjects to work with them, but they take only into their ſervice people born in their own Countrey, whereby the Kings ſaid ſubjects for lack of occupation fall into idleneſs, and be thieves, beggars, vagabonds, and people of vicious living, to the great perturbance both of the King and of all his Realm; and when the merchants, artificers and ſtrangers before rehearſed, have gained within this Realm, by buying and ſelling, or by ſuch eaſie occupations and handicrafts, great ſubſtance of goods, with the ſame ſubſtance they go out of this ſaid Realm, to ſuch parts beyond the ſea as them liketh beſt, and there ſpend the ſame goods oftentimes amongſt the Kings adverſaries and enemies, to the great damage of our Soveraign Lord the King, and his ſubjects, and impoveriſhment of this Realm, and the Commons of the ſame: And ſo by the occaſion of the premiſes, the ſubſtance of the inhabitants in the ſaid Cities, Boroughs, and Towns now late hath fallen, and daily doth fall into great poverty and decay, to their great undoing, unleſs the Kings gracious aid be to them in this behalf ſhewed.

Our ſaid Soveraign Lord the King, of his abundant grace, willing againſt the premiſes to provide remedy in this behalf, by the advice and aſſent of his Lords ſpiritual and temporal, and at the prayer of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed and enacted, That all merchants of the Nation of Italy before recited, not made denizens, which have now within this Realm wares and merchandiſes brought from beyond the ſea, and before the Feaſt of Eaſter next coming ſhall have, ſhall cauſe the ſame to be ſold or bartred in groſs, and not by retail to the Kings ſubjects before the firſt day of May, which ſhall be in the year of our Lord God, one thouſand four hundred fourſcore and five, and ſhall imploy the money coming of that ſale before the firſt day of May within the ſame Port or Ports, where they do arrive, upon the commodities and merchandiſes of this Realm, their reaſonable coſts and expences always except and deducted, upon pain of forfeiture of the value as well of all the ſaid wares and merchandiſes kept and not ſold before the ſaid firſt day of May, or otherwiſe ſold then is above rehearſed, as of as much money as ſhall be made over by exchange contrary to this Act. And alſo that all the merchants of Italy, which after the Feaſt of Eaſter next coming ſhall bring any merchandiſes or wares into this Realm, to be ſold, ſhall ſell or barter the ſaid wares and merchandiſes in groſs, and not by retail to the Kings ſubjects, upon pain of forfeiture of the value of the ſame wares and merchandiſes, which they (as afore is ſaid) ſhall bring after the ſaid feaſt of Eaſter. And yͤ ſaid merchants which ſhall bring in ſuch wares and merchandiſes after the ſaid Feaſt of Eaſter to ſell or barter, ſhall ſell or elſe barter the ſame within eight moneths next after their firſt arrival in this Realm, in the form aforeſaid, and ſhall imploy the money coming of or by the ſaid ſale or bartering, and every of them, and with the ſame buy the commodities or merchandiſes of this Realm, within the ſaid eight moneths, in the ſaid Port or Ports where they do firſt arrive, their reaſonable coſts and expences always excepted and deducted, and in no wiſe to make over ſuch money by exchange.

Italian Merchants ſhall ſell their merchandiſes in groſs, and imploy their money in the commodities of this Realm.

Strangers ſhall ſell their wares within eight moneths after their arrival, and imploy their money, &c.

And that the ſaid merchants do in no wiſe ſell nor barter within the ſaid Realm their ſaid wares and merchandiſes, which remain unſold after the end of the ſaid eight moneths, but carry and convey the ſame out of this Realm within two moneths next enſuing after the ſaid eight moneths, if wind and time will that ſuffer, or otherwiſe, aſſoon as wind and time will ſuffer them after the ſaid two moneths, upon pain of forfeiture as well of as much money as ſhall be made over by exchange, as of the ſaid wares and merchandiſes, ſo ſold or bartered after the end of the ſaid eight moneths, not carried nor conveyed out of this ſaid Realm in the form aforeſaid, or the value thereof. The penalties, forfeitures, and loſſes of all the premiſes always to run and be upon the ſaid merchants of the Nation of Italy, doing contrary to this Act.

Strangers ſhall carry away ſo much as they cannot ſell within eight moneths.

Provided always, That it be lawful to the ſaid merchants of the Nation of Italy, all ſuch wares and merchandiſes, and every parcel thereof, which after the Feaſt of Eaſter next coming ſhall be brought to any other Port or Ports of this Realm of England, to be ſold, to convey the ſame wares and merchandiſes at their liberties to any Port or Ports, or other place within this Realm, and there to ſell the ſame as afore is ſaid, ſo that they ſell or barter the ſame merchandiſes or wares in the Realm within eight moneths next after their firſt arrival in any of the ſaid Ports of this Realm. And alſo that no merchant ſtranger of what Countrey ſoever he be, ſhall be Hoſt, or take to ſojourn with him in the ſaid Realm any merchant ſtranger, not being of his Nation or Countrey, upon pain of fourty pound.

Strangers may remove their goods from one port to another.

A ſtranger ſhall not be hoſt to a ſtranger, unleſs he be of his own Countrey.

Alſo that none of the ſaid merchants of Italy, not made Denizen, ſhall ſell or barter any woollen clothes, wools, or other merchandiſes in this ſaid Realm, which the ſame merchants of Italy ſhall buy within this ſaid Realm. Nor that the ſame merchants nor any other for them ſhall deliver any wool to any perſon, thereof to make cloth in this

Aliens ſhall not buy and ſell wool or woollen cloth within this Realm.

Realm,

Aliens ſhall make no woollen cloth, nor deliver wool to that end.

Realm, but ſhall have and convey the ſame woollen cloth, wools and other merchandiſes, over the Sea by the Streits of Marrock, upon pain to forfeit the value of all the woollen cloth, wools, & other merchandiſes which by them ſhall be ſo ſold or delivered, in whoſe hand they ſhall be found. The forfeiture of the ſame to run and be upon the merchant ſtranger.

An alien ſhall not be an handicraftſman.

Moreover, That no perſon not born under the Kings obeyſance, as afore is ſaid, ſhall exerciſe or occupy any handicraft, or the occupation of any handycraftſman in this Realm of England, but that all ſuch perſons, which after the ſaid Feaſt of Eaſter ſhall come into this Realm, every of them ſhall depart into their own Countrey again, or elſe be ſervants to ſuch of the Kings ſubjects only as be expert and cunning in ſuch feits, arts and crafts, which the ſaid ſtrangers can occupy, upon pain of forfeiture of all their goods, which ſhall come and dwell in this Realm contrary to this Act, in whoſe hands ſoever they ſhall be found.

Aliens ſhall make no cloth within this Realm.

Alſo that no perſon not born under the Kings obeyſance, nor made denizens, being Artificer or handicraftſman, after the ſaid Feaſt of Eaſter, nor yet any other for him or to his uſe ſhall make any cloth, or put any wool to work to make cloth in this Realm, upon pain to forfeit the ſame cloth or clothes made contrary to this Act.

Aliens ſhall ſell their wares in groſs, and not by retail.

Alſo that all perſons not born under the Kings obeyſance, being artificers, or handicraftſmen at the day of the making of this Act, dwelling in this ſaid Realm, nor none other ſuch artificers or handicraftſmen, which hereafter ſhall inhabit and dwell in the ſame, which after the Feaſt of the Annunciation of our Lady next coming, ſhall uſe, exerciſe, or occupy the ſeat of merchandiſe of any manner wares within this Realm, ſhall ſell or barter the ſame wares or Merchandiſes in groſs, and not by retail, in the Port, Town, or place where the ſame artificers be or ſhall be dwelling, and in none other place, upon pain of forfeiture of the value of all the wares ond merchandiſes ſold contrary to this Act. Alſo that no perſon not born under the Kings obeyſance, inhabiting, dwelling, or holding any great houſe or chamber in this Realm, and occupying any handicraft, or being artificer or handicraftſman, after the ſaid Feaſt of the Annunciation of our Lady next coming, ſhall take any apprentice, ſervant or other perſon to work with him, or to his uſe, unleſs it be his ſon or his daughter, other then at the ſaid Feaſt, ſhall be apprentices or ſervants with him, except that the ſame apprentice or ſervants ſo to be taken, be the Kings ſubjects born, upon pain to forfeit and to loſe for every apprentice or ſervant taken contrary xx. l. The one half of all the ſaid fines, forfeitures and penalties, and of every of them to be to the King, and the other half to be to him or them that will ſeiſe the ſame, or purſue for the ſame by action of debt, by bill at the common Law, by bill or plaint after the cuſtom of the City or Town where ſuch fines, forfeitures, or penalties hereafter ſhall fall and be. And that the defendant in any ſuch action, ſhall not be admitted to wage or do his Law, nor no protection, nor eſſoin of the Kings ſervice ſhall be allowed for any ſuch defendant in the ſame.

Aliens ſhall take no ſervant but the Kings ſubject. St. 5 Eliz. 4. Who ſhall have the forfeitures.

Aliens may bring in books to be ſold. Rep. 25 H. 8. 15.

Provided always, That this Act, or any parcel thereof, or any other Act made or to be made in this ſaid Parliament, ſhall not extend or be in prejudice, diſturbance, damage, or impediment to any artificer, or merchant ſtranger, of what Nation or Countrey he be, or ſhall be of, for bringing into this Realm, or ſelling by retail or otherwiſe, any books written or printed, or for inhabiting within this ſaid Realm for the ſame intent, or any Scrivener, Alluminor, Reader, or Printer of ſuch books, which he hath or ſhall have to ſell by way of merchandiſe, or for their dwelling within this ſaid Realm for the exerciſe of the ſaid occupations. This Act or any part thereof notwithſtanding. St. 1 H. 7.10. 21 H. 8.16. 22 H. 8. 13. 32 H. 8.16.

CAP. X.

The Statute of 22 Ed. 4. 3. prohibiting wrought laces of ſilk to be brought into this Realm, continued for ten years. Exp. St. 1 H. 7.9.

CAP. XI.

Ten Bowſtaves ſhall be brought into this Realm for every Butt of Malmſey.

Co. Inſt. 4. p. 265.

Item, It was ſhewed in the ſaid Parliament by the Bowyers inhabiting within the Cities, Towns, and Boroughs of this Realm occupying Artillery pertaining to the ſame for the defence of this Realm, that whereas in times paſt good and able ſtuff of Bowſtaves hath been brought into this Realm, as well by Engliſh merchants as ſtrangers, whereby the inhabitants Bowyers might competently live upon ſuch ſtuff, which they bought at fourty ſhillings the hundred, or fourty ſix ſhillings eight pence at the moſt: now it is ſo, that by the ſeditious confederacy of Lombards uſing to divers Ports of this Realm, the Bowſtaves be now at ſuch an outragious price, that is to ſay, at eight pound the hundred, where they were wont to be ſold at fourty ſhillings; and alſo they will not ſuffer any garbling to be made of them, but ſell good and evil at ſuch an exceſſive price together ungarbled, that by likelihood in ſhort time this Realm is like to fail as well of ſtuff of Artillery, as of workmen thereof, unleſs due remedy be in this behalf ſhortly found and had: Wherefore our ſaid Soveraign Lord the King by the aſſent of the ſaid Lords ſpiritual and temporal, at the prayer of the ſaid Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed and enacted, that no merchant of Venice, nor other which uſeth to repair into this Realm with merchandiſes of thoſe parts, ſhall bring nor convey into this Ream, any Merchandiſes, unleſs the ſame Merchants do bring with every Butt of Malmſey, and with every Butt of Tyre, ten Bowſtaves good and able ſtuff, upon pain of forfeiture of xiii. s. iv. d. for every Butt of the ſaid Wines ſo brought and conveyed, and not of the ſaid number of Bowſtaves with the ſame Butt. The one half of the ſame forfeiture to be to our Soveraign Lord the King, and the other half to the party which will therefore ſue. And that no ſuch Bowſtaves be ſold ungarbled, and but only to ſuch perſon or perſons which is or ſhall be born under the Kings obeyſance. This Act to begin and take effect at the Feaſt of S. Michael next coming. St. 6 H. 8. 11.

Ten Bowſtaves ſhall be brought into this Realm for every Butt of Malmſey or Tyre.

Bowſtaves ſhall not be ſold ungarbled.

CAP.

CAP. XII.

Certain Merchandiſes prohibited to be brought into this Realm ready wrought.

ITem, It was ſhewed in the ſame Parliament by the artificers of the ſaid Realm of England, as well of the City of London as of other Cities, Towns, Boroughs and Villages of the ſame Realm, that is to ſay, Girdlers, Pointmakers, Pinners, Purſers, Glovers, Joyners, Painters, Cardmakers, Wyremongers, Weavers, Horners, Bottlemakers, and Copperſmiths, that whereas they were wont in times paſt to be greatly ſet awork and occupied in the ſaid crafts for the ſuſtenance of themſelves, their wives, children, apprentices, and ſervants, and many other of the Kings Subjects: Now ſo it is, that by merchant ſtrangers, denizens and other, there is brought into theſe parts from beyond the Seas to be ſold within this Realm of England, as much wares as may be wrought and made by the Artificers above rehearſed, that by reaſon thereof the people of ſtrange Countries where the ſaid wares be made, be greatly occupied and increaſed, and the ſaid artificers in this Realm greatly impoveriſhed, and without the Kings grace ſhewed to them in this behalf, are like to be undone for lack of occupation:

St. 3 Ed. 4. 4.

Our ſaid Soveraign Lord the King conſidering the premiſes, by the advice and aſſent of the Lords ſpiritual and temporal, and at the prayer of his Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained and provided, that no merchant ſtranger, after the Feaſt of Eaſter next coming, ſhall bring into this Realm of England to be ſold, any manner girdles, nor harneys wrought for girdles, points, leather laces, purſes, pouches, pins, gloves, knives, hangers, tailors ſheers, ſyſors, andyrons, cobbards, tongs, fireforks, gredyrons, ſtocklocks, keys, hinges and garnets, ſpurrs, painted glaſſes, painted papers, painted forcers, painted images, painted Clothes, beaten gold, or beaten ſilver, wrought in papers for painters, ſaddles, ſaddle-trees, horſe-harneſs, boots, bits, ſtirrups, buckles, chains, latten-nails, with iron-ſhanks, turnets, hanging candleſticks, holy water ſtopps, chaffingdiſhes, hanging lavers, curtain rings, cards for wool, Roan cards (except claſps for garments) ſheers, buckles for ſhoos, broches or ſpits, hawks-bells, tinn and leaden ſpoons, wyre of latten and iron, iron candleſticks, grates, horns for lanthorns, or any of the ſaid wares made and wrought pertaining to the crafts above ſpecified, or any of them, upon pain to forfeit all the ſaid wares ſo brought into this Realm contrary to this Act, or the value of the ſame, in whoſe hands they or any of them ſhall be found: The one half of ſuch fines and forfeitures to be to the King, and the other half to him or them that ſhall ſeiſe or purſue for the ſame by action of debt, by writ, or bill at the common Law, or by bill or plaint after the cuſtom of the City or Town where any ſuch fines, forfeitures, and penalties ſhall hereafter happen to be or fall. And that the defendant in ſuch action be not admitted to wage his Law: Nor that any protection or eſſoin of the Kings ſervice ſhall be allowed in the ſame for any ſuch defendant. St. 5 El. 7. 14 Car. 2. ca. 13.

Certain Merchandiſes prohibited to be brought ready wrought into this Realm to be ſold.

CAP. XIII.

The contents of every veſſel of Wine or Oyl. And they ſhall not be ſold until they be gauged.

ITem, Upon grievous complaint made to our Soveraign Lord the King, in the ſaid Parliament, by the Commons of the ſame, of the defaults of meaſures of Butts of Malmſey and other veſſels of Wines and oyl: Our ſaid Soveraign Lord the King, by the advice and aſſent of the ſaid Lords ſpiritual and temporal, and at the ſupplication of the ſaid Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed and enacted, That no manner merchant nor other perſon whatſoever he be, from the Feaſt of S. Michael the Archangel next coming, ſhall bring nor cauſe to be brought into this Realm, any Butt of Malmſey to be ſold, unleſs it do contain in meaſure at the leaſt C. xxvi. gallons, nor no veſſels with any manner wines, whoſe ſoever they be, or of what Countrey they be, nor no manner of veſſels of oyl, unleſs the ſame veſſels of wine or oyl do contain and hold the meaſure and aſſiſe following, that is to ſay, every tun to contain xii. ſcore and xii. gallons, and every pipe to contain vi. ſcore and vi. gallons, every tertian to contain iv. ſcore and iv. gallons, and every hogſhead to contain lxiii. gallons, and every barrel to contain xxxi. gallons and an half, and every rundlet to contain xviii. gallons and an half, according to the old aſſiſe and meaſure of the ſame veſſels uſed in this Realm. And that all the veſſels of wine and oyl brought into this Realm after the ſaid Feaſt to be ſold, ſhall not be put to ſale after the ſame Feaſt, till they be well and truly gauged by the Kings gauger, or his ſufficient deputy, upon pain to forfeit to the King all the ſaid wines and oyl ſold contrary to this preſent Ordinance, or elſe the value of the ſame. And in caſe that any perſon, of what Countrey he be, from henceforth do ſell to any of the Kings liege people for any certain price aſſigned, any butt, tun, pipe, tertian, hogſhead, barrel or rundlet, of any manner wine or oyl, lacking any thing of the ſaid Aſſiſe or meaſure, that the ſeller ſhall allow or rebate of the ſame price to the buyer of ſuch wine or oyl, as much money as ſuch lacking after the rate ſhall amount to, upon pain to forfeit to our Soverain Lord the King, the value of all the wine and oyl ſo ſold contrary to this preſent Ordinance: Any privy covenant or contract made or to be made betwixt the buyer and the ſeller contrary to this Ordinance in any manner notwithſtanding. Stat. 18 H. 6. 17. 11 H. 7. 4. 28 H. 8. 14.

The content of every veſſel of wine & oyl brought into the Realm to be ſold.

The veſſels of wine ſhall be gauged. St. 27 Ed. 3. 8.

A recompence ſhall be made, for the meaſure lacking.

CAP. XIV.

Accomptants for diſmes are not chargeable to anſwer other mens ſuits in the Eſchequer.

ITem, Whereas the Clergy of the Provinces of Canterbury and York have before this time divers times granted to the Kings Progenitors, in their Convocations, diſmes to be levied of their goods and poſſeſſions, and after that they do appear before the Barons of the Kings Eſchequer, and the names of the Collectors for the ſame grant be certified in the ſaid Eſchequer, when the ſaid Collectors do appear before the Barons of the Eſchequer, and enter into their account for the ſaid diſme, that then the ſaid Collectors be often charged, vexed and troubled with bills put by other perſons againſt them for other cauſes and matters then touching the ſaid account, and by occaſion thereof oftentimes they fall to great poverty, and cauſeth the ſaid account to be two or three years hanging, and the diſmes not contented, to the Kings great damage, and the ſaid Collectors alſo:

Accomptants
for diſmes are
not bound to
anſwer other
mens ſuits in
the Eſchequer

It is therefore ordained and eſtabliſhed by authority of this preſent Parliament, that from henceforth if any diſme, or any part of a diſme be granted by the Province of either of the ſaid Clergies to the King our Soveraign Lord, or to his heirs, that after the ſaid Certificat in the Eſchequer for the diſme or part of the diſme, and of the names of the Collectors for the gathering of the ſame diſme, that if the ſaid Collectors come by proceſs before the ſaid Barons of the Eſchequer and enter in their account, that they ſhall not be bound to anſwer to the ſaid bill or bills there put againſt them, by reaſon of the ſaid entry in their account, for any manner cauſe but only for the matter touching the ſaid account.

Provided always, That if the ſaid accountant be ſued in any other Court by Writ, Bill, or Plaint, that then he ſhall take no priviledge of the ſaid Eſchequer by reaſon of the ſaid Account for any ſuit, as before is rehearſed.

CAP. XV.

A reſumption of all Grants and Eſtates of Lands, &c. made to Elizabeth Gray Queen of England. PR.

Thus endeth the Statutes made in the year of Richard the third.

Anno primo HENRICI ſeptimi.

Statutes made at *Weſtminſter* in the firſt year of King *Henry* the ſeventh, and in the year of our Lord, 1485.

THe King our Soveraign Lord Henry the ſeventh after the Conqueſt, by the grace of God, King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter the ſeventh day of November, in the firſt year of his Reign, to the honour of God and holy Church, and for the common profit of this Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſaid Parliament, hath done to be made certain Statutes and Ordinances, in manner and form following.

CAP. I.

An Act to maintain a Formedon againſt the Pernor of the profits of Lands enfeoffed to uſe.

Raſt. pl. f. 80. 110
258. 341.
A Formedon
ſhall be main-
tainable a-
gainſt the
Pernor of the
profits.
St. 1 R. 2. 9.
4 H. 4. 7.
11 H. 6. 3.
4 H. 7. 24.
Fitz. N.B. f. 142.
The Tenant
in the ſame
action ſhall
have aid, pray-
er, voucher
and other ad-
vantages.
The Tenant
ſhall have his
age and other
advantages.
Recoveries
againſt the
Pernors of the
profits, and
their feoffees.

Kel. f. 101.
10 Ed. 4. f. 14.
14 H. 7. f. 17.
15 H. 7. f. 8.
Coke Lit.
f. 62.

FIrſt, That where divers of the Kings ſubjects having cauſe of action by Formedon in the deſcender, or elſe in the remainder, by force of any tail for Lands and Tenements, be defrauded and delayed of their ſaid actions: and oftentimes without remedy, becauſe of Feoffments made of the ſame Lands and Tenements to perſons unknown, to the intent that the demandants ſhould not know againſt whom they ſhall take their actions: It is ordained, eſtabliſhed, and enacted by the advice of the Lords ſpiritual and temporal, and the Commons in this ſaid Parliament aſſembled, and by authority of the ſame, That the demandant in every ſuch caſe have his action againſt the Pernor or Pernors of the profits of the Lands or tenements demanded, whereof any perſon or perſons been enfeoffed to his or their uſe, and the ſame Pernor or Pernors named as tenant or tenants in the ſaid action, have the ſame vouchers, and their lyen thereupon, aid, prayer, and all other advantages, as the ſame Pernor or Pernors ſhould have had, if they were tenants indeed, or as their feoffees ſhould have had, if the ſame action had been conceived againſt them. And if it fortune any perſon to deceaſe, ſo having feoffees to the uſe of him or of his heirs, the ſaid heir being within age, againſt whom ſuch action is brought as Pernor; then the ſame heir ſhall have his age in the ſaid action conceived againſt him, and all other advantages, as if the anceſtor had died ſeiſed of the ſaid lands and tenements ſo in demand. And alſo it is ordained by the ſaid authority, That all recoveries as ſhall be in any ſuch actions againſt ſuch Pernor or Pernors, and their heirs, and their ſaid feoffees and their heirs, and the cofeoffees of the ſaid Pernors and their heirs, ſhall be as good to the recoverers and their heirs, as though the ſaid Pernor or Pernors were Tenants indeed, or feoffees to their uſe, or their heirs, as is aboveſaid, of the freehold of the ſaid Lands and Tenements, at any time of the ſaid action uſed. St. 1 R. 3. 1. 27 H. 8. 10.

CAP. II.

Aliens made Denizens ſhall pay ſuch cuſtoms as they did before.

ITem, Where in time paſt divers grants have been made by King Edward, as well by his Letters Patents, as by Acts of Parliament, to divers Merchants ſtrangers, born out of this Realm, to be denizens, whereby they have and enjoy ſuch freedoms and liberties, as do denizens born within this Realm, as well in abatement of their cuſtom, which they ſhould bear if they were no denizens, as in buying and ſelling of their Merchandiſe, to their great avail and lucre: and oft times ſuffer other ſtrangers, not denizens, deceitfully to ſhip and carry great and notable ſubſtance of Merchandiſe in their names, by the which the ſaid goods be free of cuſtom, in like wiſe as they were goods of a denizen, where of right they ought to pay cuſtom, as the goods of ſtrangers, by the which they be greatly advanced in riches and honour: and after they be ſo inriched, for the moſt part they convey themſelves with their ſaid goods into their own Countries, wherein they be naturally born, to the great impoveriſhing of this Realm, and to the great hurt and defraud of the Kings Highneſs in payment of his Cuſtoms: Wherefore it is enacted, eſtabliſhed, and ordained by the advice of the ſaid Lords Spiritual and Temporal, and Commons in the ſaid Parliament aſſembled, and by authority of the ſame, That any perſon made, or hereafter to be made denizen, ſhall pay for his merchandiſe like Cuſtom and Subſidy, as he ought or ſhould pay afore that he were made denizen: any Letters Patents, or other Ordinances by Parliament, or otherwiſe, contrary to this made, notwithſtanding. St. 11 H. 7. 14. 22 H. 8. 8. 21 H. 8. 16.

Aliens made denizens ſhall pay ſuch Cuſtoms and Subſidies as they did before.

CAP. III.

No protection ſhall be allowed in any Court in Calice, or the Marches thereof. Exp.

CAP. IV.

An Act to puniſh Prieſts for incontinency by their Ordinaries.

Co. Inſt. 4 p. 329.

ITem, For the more ſure and likely reformation of Prieſts, Clerks, and Religious men, culpable, or by their demerits openly reported of incontinent living in their bodies, contrary to their Order: It is enacted, ordained, and eſtabliſhed by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, that it be lawful to all Archbiſhops and Biſhops, and other Ordinaries, having Epiſcopal juriſdiction, to puniſh and chaſtiſe Prieſts, Clerks, and Religious men, being within the bounds of their juriſdiction, as ſhall be convicted afore them by examination, and other lawful proof, requiſite by the Law of the Church, of Advoutry, Fornication, Inceſt, or any other fleſhly incontinency, by committing them to ward and priſon, there to abide for ſuch time as ſhall be thought to their diſcretions convenient for the quality and quantity of their treſpaſs: and that none of the ſaid Archbiſhops, Biſhops, or other Ordinaries aforeſaid, be thereof chargeable, of, to, or upon any action of falſe or wrongful impriſonment, but that they be utterly thereof diſcharged in any of the caſes aforeſaid, by vertue of this Act.

Prieſts and Clerks ſhall be puniſhed for incontinency by their Ordinaries.

CAP. V.

An Act ſhewing the duties of a Cordwainer, Tanner, and Currier. Rep. 5 Eliz. 8. and 1 Jac. 22. Stat. 2 H. 6. 7. 19 H. 7. 19.

CAP. VI.

A pardon granted to all them who aſſiſted the King in his wars againſt Richard Duke of Glouceſter. Exp.

CAP. VII.

An Act ſhewing the penalty for hunting in the night, or with diſguiſing.

Co. Inſt. 3 p. 75.

ITem, Foraſmuch as before this time divers Ordinances and Statutes have been made in divers Parliaments holden in the ſame Realm, for the punition of inordinate and unlawful huntings in Foreſts, Parks, and in Warrens within the ſaid Realm: Which Statutes and Ordinances notwithſtanding, divers perſons in great number, ſome with painted faces, ſome with viſors, and otherwiſe diſguiſed, to the intent they ſhould not be known, riotouſly and in manner of war arrayed, have oftentimes of late hunted, as well by night as by day, in divers Foreſts, Parks, and Warrens in divers places of this Realm, and in ſpecial in the Counties of Kent, Surry, and Suſſex, by colour whereof have enſued in times paſt great and heinous rebellions, inſurrections, riots, robberies, murders, and other inconveniences, to the prevarication and enſample of Riotors and evil diſpoſed perſons of this Realm in ſo offending, which offences could not be puniſhed afore this time, according to the ſaid Statutes, Ordinances, and Laws of this ſaid Realm, becauſe that the ſaid miſ-doers, by reaſon of their painted faces, viſors, and other diſguiſings, could not be known: The King our Sovereign Lord, of his noble and abundant grace, conſidering the premiſſes, by the advice and aſſent of the Lords Spiritual and Temporal, at the ſupplication of the Commons in ſaid ſaid Parliament aſſembled, and by authority of the ſame, ordaineth, That at every ſuch time as information ſhall be made of any ſuch unlawful huntings by night, or with painted faces, hereafter to be done, to any of the Kings Council, or to any of the Juſtices of the Kings Peace of the County where any ſuch hunting ſhall be had, of any perſon to be ſuſpect thereof, that then it ſhall be lawful to any of the ſame Council, or Juſtices of Peace, to whom any ſuch information ſhall be made, to make a Warrant to the Sheriff of ſuch County, or to any Conſtable, Bailiff, or other Officer within the ſame County, to take and arreſt the ſame perſon or perſons of whom any ſuch information ſhall be made, and to have him or them afore the maker of any ſuch Warrant, or any other the Kings ſaid Council, or Juſtice of his Peace of the ſame County: and that the ſaid Counſellor or Juſtice of Peace, afore whom ſuch perſon or perſons ſhall be brought, by his diſcretion have power to examine him or them ſo brought afore the ſaid Counſellor or Juſtice, of the ſaid hunting, and of the ſaid doers in that behalf: and if the ſame perſon wilfully conceal the ſaid huntings, or any perſon with him defective therein, that then the ſame concealment be againſt every ſuch perſon ſo concealing felony, and the ſame felony to be inquired of and determined, as other felonies within this Realm have uſed to be: and if he then confeſs the truth, and all that he ſhall be examined of, and knoweth in that behalf, that then the ſaid offences of huntings by him done be againſt the King our Sovereign Lord, but treſpaſs finable, by reaſon of the ſame confeſſion, at the next general Seſſions of the Peace, to be holden in the ſame County by the Kings Juſtices of the ſame Seſſions, there to be ſeſſed. And if any reſcous or diſobeyſance be made to any perſon having authority to do execution or juſtice by any ſuch Warrant, by any perſon the which ſo ſhould be arreſted, ſo that the execution of the ſame Warrant thereby be not had, that then the ſame reſcous and diſobeyſance be felony, enquirable and determinable, as is aforeſaid. And over

Inconveniences enſuing by hunting in Parks, &c. in the night, or diſguiſed.

The penalties for hunting in the night or with diſguiſing, and to deny it being examined.

St. 3 Ed. 1. 20.

Dyer f. 50.

The penalty if the offender confeſs the truth.

Reſcous of an offender is felony.

this it is enacted and eſtabliſhed by the ſaid authority, That if any perſon or perſons hereafter be convict of any ſuch huntings, with painted faces, viſors, or otherwiſe diſguiſed, to the intent they ſhould not be known, or of unlawful hunting in time of night, that then the ſame perſon or perſons ſo convict to have like punition, as he or they ſhould have, if he or they were convict of felony. 9 H. 3. 10.

CAP. VIII.

No Gaſcoin or Guien Wines ſhall be brought in, but by Engliſh, Iriſh, or Welſhmen, and by their Ships. Exp.

CAP. IX.

A Reviver for twenty years of the Statute of 22 Ed. 4. 3. reſtraining the bringing in of wrought Laces, &c. Stat. 33 H. 6. 5. 3 Ed. 4. 3.

CAP. X.

The Statute of 1 R. 3. 9. touching Italian Merchants, and other ſtrangers whoſoever, and the penalties, forfeitures, and ſeiſures therein limited, be revoked from all others, and by this Statute be given to the King onely.

The ſecond Parliament holden in the third year of the Reign of King *Henry* the Seventh.

THe King our Sovereign Lord Henry the Seventh, by the Grace of God King of England, and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the ninth day of November, in the third year of his noble Reign, to the worſhip of God and holy Church, and for the common wealth of this his Realm, by the advice of the Lords Spiritual and Temporal, and the Commons in the preſent Parliament aſſembled, and by authority of the ſame Parliament, hath ordained and eſtabliſhed certain Statutes and Ordinances, in manner and form as hereafter enſueth.

CAP. I.

The authority of the Court of Star-chamber, Rep. 1 Stat. 17 Car. 1. cap. 10. where one Enqueſt ſhall enquire of the concealment of another. A Coroners duty after a murder committed. A Juſtice of Peace ſhall certifie his Recogniſance, Indicts, &c. of Murder.

The authority of the Court of the Star-chamber. St. 21 H. 8. 20.

Co Inſt. 4 p. 60.

8 H. 7. f. 13. Plow. f. 398.

An Enqueſt charged to inquire of the concealment of another Enqueſt.

The cauſes why murderers be committed. St. Winton. An 3 Ed. 1.

FIrſt, The King our ſaid Sovereign Lord remembreth, how by unlawful Maintenances, giving of Liveries, ſigns and tokens, and retainders by indentures, promiſes, oaths, writings, or otherwiſe embraceries of his ſubjects, untrue demeanings of Sheriffs in making of Panels, and other untrue returns, by taking of money, by injuries, by great riots and unlawful aſſemblies, the policy and good rule of this Realm is almoſt ſubdued, and for the not puniſhing of theſe inconveniences, and by occaſion of the premiſſes, little or nothing may be found by inquiry, whereby the Laws of this Land in execution may take little effect, to the increaſe of murders, robberies, perjuries, and unſureties of all men living, and loſſes of their lands and goods, to the great diſpleaſure of Almighty God. Therefore it is ordained, for reformation of the premiſſes, by authority of the ſaid Parliament, that the Chancellor and Treaſurer of England for the time being, and Keeper of the Kings Privy Seal, or two of them, calling to them a Biſhop and a Temporal Lord of the Kings moſt honourable Council, and yͤ two chief Juſtices of the Kings Bench & Common Place, for the time being, or other two Juſtices in their abſence, upon Bill or Information put to the ſaid Chancellor for the King, or any other, againſt any perſon, for any miſbehaving afore rehearſed, have authority to call before them by Writ or by Privy Seal the ſaid miſdoers, and they and other by their diſcretion by whom the truth may be known, to examine, and ſuch as they find therein defective, to puniſh them after their demerits, after the form and effect of Statutes thereof made, in like manner and form as they ſhould and ought to be puniſhed, if they were thereof convict after the due order of the Law. And over that, it is ordained by the authority aforeſaid, That the Juſtices of the Peace of every Shire of this Realm, for the time being, may take by their diſcretion an Enqueſt, whereof every man ſhall have lands and tenements to the yearly value of xl. ſhillings at the leaſt, to enquire of the concealments of other Enqueſts taken afore them, and afore other, of ſuch matters and offences as are to be inquired and preſented afore Juſtices of Peace, whereof complaint ſhall be made by Bill or by Bills, as well within Franchiſe as without. And if any ſuch concealment be found of any Enqueſt, as is afore rehearſed, had or made within the year after the ſame concealment, every perſon of the ſame Enqueſt to be amerced for the ſame concealments, by diſcretion of the ſame Juſtices of the Peace, the ſaid amerciaments to be ſeſſed in plain Seſſions. Item, The King remembreth how murders and ſlaying of his ſubjects daily do increaſe in this land, the occaſions whereof be divers: One, That no men in Towns where ſuch murders hap to fall and be done, will attach the murderer, where the Law of the Land is, That if any man be ſlain in the day, and the Felon not taken, the Townſhip where the death or murder is done, ſhall be amerced; and if any man be wounded in peril of death, the party that ſo wounded ſhould be arreſted, and put in ſurety, till perfect knowledge be had, whether he ſo hurt ſhould live or die. And the Coroner, upon the view of the dead body, ſhould inquire of him or them that had done that death or murder, of their abetters and conſenters, and who were preſent when the death or murder was done, whether man or woman, and the names of them that were preſent, and ſo found, to inrol and certifie: which Law by negligence is diſuſed, and thereby great boldneſs is given to ſlayers and murderers: And over this it is uſed, that within the year and a day after any death or murder had or done, the felony ſhould not be determined at the Kings ſuit, for ſaving of the parties ſuit, wherein the party is oftentimes ſlow, and alſo agreed with, and by the end of the year all is forgotten, which is another occaſion of murder. And alſo he that will ſue any appeal, muſt ſue in proper perſon, which ſuit is long and coſtly, that it maketh the party appellant weary to ſue. For reformation of the premiſſes, the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, will that every Coroner exerciſe and do his Office according to the Law, as is afore rehearſed; and that if any man be ſlain or murdered, and therefore the ſlayers, murderers, abettors, maintainers, and comforters of the ſame, be indited, that the ſame ſlayers and murderers, and all other acceſſaries of the ſame, be arraigned and determined of the ſame felony and murder at any time at the Kings ſuit, within the year after the ſame felony and murder done, and not tarry the year and day, for any appeal to be taken for the ſame felony or murder. And if it happen any perſon named as principal or acceſſary, to be acquitted of any ſuch murder at the Kings ſuit, within the year and day, that then the ſame Juſtices afore whom he is acquitted, ſhall not ſuffer him to go at large, but either to remit him again to the priſon, or elſe to let him to bail, after their diſcretion, till that year and day be paſſed. And if it fortune the ſame felons or murderers, and acceſſaries ſo arraigned, or any of them to be acquit, or the principal of the ſaid felony, or any of them, to be attainted, the wife or next heir to him ſo ſlain, as ſhall require, may take and have their appeal of the ſame death and murder within the year and day after the ſame felony and murder done, againſt the ſaid perſons ſo arraigned, and acquit, and all other their acceſſaries, againſt the acceſſaries of the ſaid principal, or any of them ſo attainted, or againſt the ſaid principals ſo attainted, if they be one line, and the benefit of his Clergy thereof before not had, and that the appellant have ſuch and like advantage, as if the ſaid acquittal or attainder had not been, the ſaid acquittal or attainder notwithſtanding. And over that the wife or heir of the ſaid perſon ſo ſlain or murdered, as the caſe ſhall require, may commence their appeal in proper perſon, at any time within the year after the ſaid felony done, before the Sheriff and Coroners of the County where the ſaid felony or murder was done, or before the King in his Bench, or Juſtices of Gaol-delivery: and the appellant in any appeals of murder or death of man, where battail by the courſe of the Common Law lieth not, may make their Atturneys, and appear in the ſame, in the ſaid appeals after they be commenced, to the end of the ſuit and execution of the ſame. And if any perſon be ſlain or murdered in the day, and the murderer ſcape untaken, that the Townſhip where the ſaid deed is ſo done, be amerced for the ſaid eſcape, and that the Coroner have authority to inquire thereof upon the view of the dead body. And alſo Juſtices of Peace have power to inquire of ſuch eſcapes, and that to certifie afore the King in his Bench, and that after the felony found, the Coroners deliver their inquiſitions afore the Juſtices of the next Gaol-delivery, in the Shire where the inquiſition is taken, the ſame Juſtices to proceed againſt ſuch murderers, if they be in the Gaol, or elſe the ſame Juſtices to put the ſame inquiſitions afore the King in his Bench. And foraſmuch as Coroners had not, nor ought to have any thing by the Law for their Office doing, which oft-times hath been the occaſion that Coroners have been remiſs in doing their Office: It is ordained, that a Coroner have for his fee, upon every inquiſition taken upon the view of the body ſlain, xiij. s. iiij. d. of the goods and cattels of him that is the ſlayer and murderer, if he have any goods, and if he have no goods, then the Coroner have for his ſaid fee, of ſuch amerciaments as ſhall fortune any Townſhip to be amerced for eſcape of ſuch murderer as is aforeſaid. And if any Coroner be remiſs, and make not inquiſitions upon the view of the body dead, and certifie not according as is afore ordained, that the Coroner for every default forfeit to the King 100 ſhillings. And alſo it is ordained by the ſame authority, that every Juſtice of Peace within this Realm, that ſhall take any Recogniſance for the keeping of the peace, that the ſame Juſtice do certifie, ſend, or bring the ſame Recogniſance at the next Seſſions of peace, where he is or hath been Juſtice, that the party ſo bound may be called: and if the party make default, the ſame default then there to be recorded, and the ſame Recogniſance, with the Record of the default, be ſent and certified into the Chancery, or afore the King in his Bench, or into the Kings Eſchequer. So much of this Statute as concerneth the puniſhment of thoſe that give of take Liveries, is repealed. 3 Car. 4.

A Coroner ſhall exerciſe his office according to the Law.

A murderer indicted ſhall be preſently arraigned at the Kings ſuit.

A murderer indicted and acquitted, ſhall not be let at liberty.

Appeal againſt him that was arraigned of murder. Fitz. N. B. f. 115. b. c.

Dyer f. 296. P. 40. 46.

Within what time and before whom an appeal of murder ſhall be commenced. The Appellant may make his Atturney. Fitz N B. f. 26. b. Raſt. pla. fo. 53.

Dyer f. 31.

Raſt. pla. fo. 53.

The Coroners fee upon the view of the body ſlain.

The penalty of a Coroner being remiſs. A Juſtice of Peace ſhall certifie a recogniſance by him taken at the next Seſſions.

CAP. II.

The penalty for carrying a Woman away againſt her will that hath lands of goods.

ITem, Where women, as well maidens, as widows and wives, having ſubſtances, ſome in goods movable, and ſome in lands and tenements, and ſome being heirs apparent unto their anceſtors, for the lucre of ſuch ſubſtances been oftentimes taken by miſdoers, contrary to their will, and after married to ſuch miſdoers, or to other by their aſſent, or defoiled, to the great diſpleaſure of God, and contrary to the Kings Laws, and diſparagements of the ſaid women, and utter heavineſs and diſcomfort of their friends, and to the evil enſample of all other: It is therefore ordained, eſtabliſhed, and enacted by our Sovereign Lord the King, by the advice of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, That what perſon or perſons from henceforth that taketh any woman ſo againſt her will unlawfully, that is to ſay, maid, widow, or wife, that ſuch taking, procuring, and abetting to the ſame, and alſo receiving wittingly the ſame woman ſo taken againſt her will, and knowing the ſame, be felony. And that ſuch miſdoers, takers, and procurators to the ſame, and receitors, knowing the ſaid offence in form aforeſaid, be henceforth reputed and judged as principal felons. Provided alway, that this Act extend not to any perſon taking any woman, onely claiming her as his ward or bond-woman.

Co. Inſt. 3 p. 61.

Co. lib. 12. 20. Cro. Car. 483. 485. 488. 495.

Kel. f. 8.

Co. lib. 12. 100. Felony to carry away a woman againſt her will, that hath lands or or goods, or is heir apparent to her anceſtor. St. 39 El. 9.

CAP. III.

Juſtices of Peace may let Priſoners to bail: The Sheriff ſhall certifie the names of all his Priſoners at the Gaol-delivery.

St. 1 R. 3. 3. The Juſtices of Peace may let a priſoner to mainpriſe, which is mainpernable. St. 1 & 2 P. & M. 13. Fit.N.B. f.251.f.

The Sheriff ſhall certifie the names of all priſoners in his cuſtody to the Juſtices of Gaol-delivery.

A repeal of the Statute of 1 R. 3. touching bailing of priſoners.

ITem, Where in the Parliament late holden at Weſtminſter, the firſt year of Richard, late in deed, and not right, King of England the third: It was ordained and enacted among other divers Acts, That every Juſtice of the Peace, in every Shire, City, or Town, ſhould have authority and power, by his or their diſcretion, to let priſoners and perſons arreſted for light ſuſpection of felony to bail or mainpriſe; by colour whereof afterward divers perſons, ſuch as were not mainpernable, were oftentimes letten to bail and mainpriſe by Juſtices of Peace againſt the due form of the Law, whereby many felons eſcaped, to the great diſpleaſure of the King, and annoyance of his liege people: Wherefore the King our ſaid Sovereign Lord conſidering it, by the advice and aſſent of the Lords Spiritual and Temporal, and at the prayer of the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That the Juſtices of Peace in every Shire, City, and Town, or two of them at the leaſt, whereof one to be of the Quorum, have authority and power to let any ſuch priſoners or perſons mainpernable by the Law, that have been impriſoned within their ſeveral Counties, City, or Town, to bail or mainpriſe, unto their next general Seſſions, or unto the next Gaol-delivery of the ſame Gaols, in every Shire, City, or Town, as well within Franchiſes as without, where any Gaols been or hereafter ſhall be: and that the ſaid Juſtices of the Peace, or one of them, ſo taking any ſuch bail or mainpriſe, do certifie the ſame at the next general Seſſions of the Peace, or the next general Gaol-delivery of any ſuch Gaol within every ſuch County, City, or Town, next following, after any ſuch bail or mainpriſe ſo taken, upon pain to forfeit unto the King for every default thereupon recorded, x. l. And moreover it is enacted by the ſame authority, that every Sheriff, Bailiff of Franchiſe, and every other perſon, having authority or power of keeping of Gaol, or of priſoners of felony, in like manner and form do certifie the names of every ſuch priſoner in their keeping, and of every priſoner to them committed for any ſuch cauſe, at the next general Gaol-delivery, in every County or Franchiſe where any ſuch Gaol or Gaols have been, or hereafter ſhall be, there to be kalendred before the Juſtices of the deliverance of the ſame Gaol, whereby they may as well for the King as for the party proceed to make deliverance of ſuch priſoners, according to the Law, upon pain to forfeit unto the King, for every default there recorded, 100 s. And that the foreſaid Act giving authority and power in the premiſſes to any Juſtice of the Peace by himſelf, be in that behalf utterly void and of none effect, by authority of this preſent Parliament.

CAP. IV.

All deeds of gift made to defraud creditors, ſhall be void.

Deeds of gifts of goods to defraud creditors ſhall be void.

ITem, That where oftentimes deeds of gifts of goods and chattels have been made to the intent to defraud their creditors of their duties, and that the perſon or perſons that maketh the ſaid deed of gift goeth to Sanctuary, or other places priviledged, and occupieth and liveth with the ſaid goods and chattels, their creditors being unpaid: It is ordained, enacted, and eſtabliſhed, by the aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, that all deeds of gift of goods and chattels made or to be made of truſt, to the uſe of that perſon or perſons that made the ſame deed of gift, be void and of none effect. St. 50 Ed. 3. 6. 2 R. 2. 3. 13 El. 5.

CAP. V.

All bargains by the name of dry exchange ſhall be void, whereby any certain ſum ſhall be loſt. Rep. 11 H. 7. 8. and 37 H. 8. 9.

CAP. VI.

None ſhall make any exchange without the Kings licenſe, or make exchange, or rechange of money to be paid within the Land, but onely ſuch as the King ſhall depute thereunto, to keep, and make anſwer for ſuch exchanges and rechanges, upon the pain contained in the 14 R. 2. 2. viz. upon forfeiture of the ſame. St. 25 Ed. 3. 12. 9 Ed. 3. 7. 18 Ed. 3. 6. 14 R. 2. 2. 11 H. 4. 1. All unlawful Cheviſance and Uſury ſhall be extirpate; all brokers of ſuch bargains ſhall be ſet on the pillory, put to open ſhame, be half a year impriſoned, and pay twenty pounds. Rep. 37 H. 8. 9. Raſt. pla. fo. 45.

CAP. VII.

A Certificate ſhall be made of goods brought into one Port and removed to another. One man ſhall not enter goods in the name of another.

A certificate of goods brought into one Port, and cuſtomed, and then removed into another.

ITem, The King our Sovereign Lord, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons aſſembled in this ſaid Parliament, and by authority of the ſame, hath ordained and enacted, that every Merchant, as well denizen as ſtranger, which ſhall bring from henceforth any manner of goods into any Port within this Realm by way of merchandiſe, and there do enter the ſaid goods or merchandiſes in the books of the Cuſtomers of the ſaid Port, where the goods and merchandiſes ſhall firſt come to, and the Kings duty thereof, the ſaid Cuſtomers contented, or therefore with him agreed, and afterward that done, will convey or carry the ſame goods or merchandiſes from thence in any other Port within the ſaid Realm: that then the owner of the ſaid goods and merchandiſes, his Factor or Atturney, ſhall bring from the Cuſtomers of the Port where the ſaid goods or merchandiſes be ſo entred, a Certificate under the ſame Cuſtomers Seals, directed to the Cuſtomers of the Port whereto the ſaid goods or merchandiſes ſhall be conveyed or carried, making mention within the ſame Certificate, as well of the natural colour, length, and value of all merchandiſes ſo entred, uſed to be meaſured with Eln or

Yard, as of the natural weight, content, or value of all manner other merchandiſes, uſed to be weighed or valued: and that the ſame Certificate ſo made be delivered to the ſaid Cuſtomers, before the ſaid goods be diſcharged, ſo that they may ſee whether the nature, colour, or length, value, content, or weight of the ſame, do agree with the ſaid Certificate, ſo that the King be not deceived of his Cuſtoms and Subſidies thereof due. And if any Certificate from henceforth be made by any Cuſtomer of any Port, whereto any ſuch merchandiſes or goods ſhall be firſt brought, and there in their books entred, not making mention according as is aforeſaid: that then the ſaid Cuſtomer or Cuſtomers, for their miſbehaving, ſhall loſe their Office, and make fine with the King for the ſame at his pleaſure. And furthermore if any ſuch goods or merchandiſes, or any parcel thereof be diſcharged, unpacked, or put to ſale within any Port then within the ſame where they ſhall be firſt entred, before the ſaid Certificate ſhall be delivered, and the ſame goods and merchandiſes ſeen, according as above is expreſſed: that then all the ſaid goods or merchandiſes be forfeited to ẏ King our Sovereign Lord; the one half thereof to remain to his Highneſs, & the other half to him or them which ſhall prove any ſuch goods or merchandiſes ſo forfeited. And that the Cuſtomer or Cuſtomers, nor no deputy to any ſuch common Officer, to whom ſuch Certificate ſhall come, take nothing for the ſight of the ſame goods ſo certified. Alſo it is ordained and eſtabliſhed by authority aforeſaid, that no manner of merchant, denizen, ne ſtranger, do take upon him to enter, or cauſe to be entred in the books of any Cuſtomer of any Port within this Realm, any manner merchandiſes coming into this ſaid Realm, or going out of the ſame, in any other merchants name, ſaving onely the name of the true Merchant owner of the ſame, upon pain of forfeiture of all ſuch goods and merchandiſes ſo entred. And every of the ſaid Merchants, which ſo ſhall take upon him to cauſe ſuch untrue entry to be made, to have impriſonment, and make fine therefore at the Kings pleaſure: And that no perſon take upon him to be Cuſtomer, Comptroller, or Searcher in any Port, in any City, Borough, or Town, where he is common Officer, nor no deputy to any ſuch common Officer, upon pain of forfeiture for every half year, that he occupieth the ſaid common Office, and Office of Cuſtomerſhip, Comptroller or Searcher, the ſum of xl. l. the one half thereof to the King, and the other half to him that will ſue for it by Writ, Bill or Information.

The penalty of a Cuſtomer omitting his duty.

The forfeiture if the goods be ſold before the certificate delivered.

No goods ſhall be entred in any other perſons name, but in the owners. St. 1 H. 8. 5. 1 El. 11.

A common Officer in a City, Borough, &c. ſhall be no Cuſtomer, Comptroller, or Searcher there.

CAP. VIII.

Merchants aliens, &c. and Victuallers, ſhall employ their money upon the Merchandiſe of this Realm.

St. 17 Ed. 4. 1.

ITem, That where in the Parliament of King Edward the Fourth, holden at Weſtminſter the xvij. year of his Reign, It was ordained among other, that every Merchant alien, and every other Victualler, and other ſtranger, not being denizen, that reſort to any place or port within this Realm, or Wales, after the Feaſt of Eaſter then next following, ſhould duly imploy all the money by him to be received within any Port within this Realm, or Wales, upon the merchandiſes, or other commodities of this Realm, or elſe without fraud put the ſame money in due payment within this Realm, the ſame imployment or payment duly to be proved by the Merchant, Victualler, or other ſtranger before his departing out of the ſame Port, by writing from the Merchant or Merchants to whom the ſaid Merchant alien, Victualler, or other ſtranger hath imployed or paid his money by him received for his merchandiſes brought into this land, witneſſing that he hath ſo done, or elſe by ſuch proofs as ſhall be thought reaſonable to the Cuſtomer, or Comptroller of the ſame Port, or to the Mayor, Bailiff, or other chief Governours of any City, Borough, or Town, where any ſuch Port ſhall be, upon pain of forfeiture of all his goods being within this Realm, and to have impriſonment of a year: ſaving to every ſuch Merchant, Victualler, and other ſtranger, his reaſonable coſts, with certain proviſions in the ſame, as by the ſame Act more at large doth appear: which Act was made to endure but onely from the ſaid Feaſt of Eaſter, to the end of ſeven years then next enſuing, ſo that no gold and ſilver received by Merchants aliens and other Victuallers and ſtrangers, not being denizens, for merchandiſe brought into this Land, is not imployed upon the commodities of this Land, but conveyed and carried out of this Realm, to the great loſs of the King in his Cuſtom and Subſidy, and the impoveriſhing of this Realm: It is enacted, ordained, and eſtabliſhed by the King our Sovereign Lord that now is, by the advice of the Lords Spiritual and Temporal, and at the prayer of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, that the ſaid Act made in the ſaid xvij. year of the Reign of King Edward the Fourth, with all things compriſed in the ſame touching the premiſes, and every proviſion made in the ſame, be good, effectual, and endure for ever. Alſo it is enacted by the ſaid authority, that every Merchant of Ireland, Jernſey, or Garnſey, that bringeth any merchandiſes into this Realm, ſhall imploy the money received for the ſame merchandiſe (his reaſonable expences deducted) upon the commodities of this Land, or elſe without fraud put the ſame money in due payment within this Realm: the ſaid imployment or payment to be proved, as is aforeſaid, upon pain of forfeiture of the value of the merchandiſe ſo brought into this Land. And it is ordained by the ſaid authority, that every Cuſtomer or Comptroller ſhall take ſufficient ſurety of every of the ſaid Merchant, Victualler, or other ſtranger, to imploy the value of the ſaid merchandiſes, or to put the ſame mony for the merchandiſe received in due payment, his reaſonable expences always deducted, upon pain of forfeiture of the value of the ſaid merchandiſes; the one half of the ſaid forfeiture to the King, the other half to the party that will ſue for the ſame: This to begin and take effect at the Feaſt of Chriſtmas next coming.

The Statute of 17 Ed. 4. 1. made perpetual, touching Merchants aliens. Merchants aliens ſhall imploy the money by them received upon the merchandiſes of this Realm. St. 4 H. 4. 15. 27 H. 6. 3. 5 H. 4. 9.

CAP. IX.

Free-men of London may carry their Wares to any Fairs or Markets.

Citizens and free-men of London may carry their wares to any Fairs or Markets.

Item, It was ſhewed unto the King our Sovereign Lord, by a petition put unto him in his ſaid Parliament, That now of late time the Mayor and Aldermen and Citizens of the City of London have made an Ordinance within the ſame City, upon a great pain, that no man that is a free-man or Citizen of the ſaid City, ſhall go or come to any Fair or Market out of the ſame City of London with any manner of ware or merchandiſe, to ſell or to barter, to this intent, that all buyers and Merchants ſhould reſort to the ſaid City to buy their ware and merchandiſes of the ſaid Citizens and free-men of London aforeſaid, becauſe of their ſingular lucre and avail: The King our Sovereign Lord, in conſideration of the hurt likely to grow of and by the premiſſes, hath by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, ordained, ſtabliſhed, and enacted, That every free-man and Citizen of the ſaid City of London, that now is, or hereafter ſhall be, may lead, carry, and go with his or their victual, ware, or merchandiſe, whatſoever it be, at his or their liberty, to any Fair or Market that ſhall pleaſe him or them, within this Realm of England: Any Statute, Act or Ordinance made or to be made within the ſaid City of London to the contrary of the premiſſes notwithſtanding. And the ſaid Ordinance and Act made in the ſaid City ſhall be void and of none effect. And that no perſon of the ſaid City be hurt or prejudiced in loſing of his liberty and franchiſe within the ſaid City or otherwiſe, by reaſon or occaſion of adnulling of the ſaid Ordinance and Act, or for not obeying to the effect of the ſame. And if any perſon be prejudiced in any wiſe, by occaſion of the ſame, he that putteth or cauſeth any perſon to ſuch prejudice, ſhall loſe and forfeit to the King xl. l. as often as he ſo doth. And he that will ſue for ſuch forfeiture, ſhall have therefore an action of debt againſt ſuch offendor, the King to have execution of the one half, and he that ſueth the other half. And in ſuch action the defendant be not admitted to wage his Law.

CAP. X.

Coſts, &c. awarded to the Plaintiff, where the Defendant ſueth a Writ of Error.

Item, That where oftentimes plaintiff or demandant, plaintiffs or demandants, that have judgment to recover, be delayed of execution, for that the defendant or tenant, defendants or tenants, againſt whom judgment is given, or other that been bound by the ſaid judgment, ſueth a Writ or Writs of Error, to admul and reverſe the ſaid judgment, to the intent onely to delay execution of the ſaid judgment: It is enacted, ordained, and eſtabliſhed, by the advice of the Lords Spiritual and Temporal, and at the prayer of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, That if any ſuch defendant or tenant, defendants or tenants, or any other that ſhall be bound by the ſaid judgment, ſue afore execution had, any Writ of Error to reverſe any ſuch judgment, in delaying of execution: that then if the ſame judgment be affirmed good in the ſaid Writ of Error, and not erronious, or that the ſaid Writ of Error be diſcontinued in the default of the party, or that perſon or perſons that ſueth Writ or Writs of Error, be non-ſued in the ſame: that then the ſaid perſon or perſons, againſt whom the ſaid Writ of Error is ſued, ſhall recover his coſts and damage, for his delay and wrongful vexation in the ſame, by diſcretion of the Juſtice afore whom the ſaid Writ of Error is ſued. Coke pla. fo. 2. 24. 162. 292.

The plaintiff ſhall recover coſts and damages where the defendant ſueth a Writ of Error. St. 19 H. 7. 20.

Dyer f. 77. Cro. El. 588. 659. Cro. Car. 141

CAP. XI.

No Cloth ſhall be tranſported until it be barbed, rowed, and ſhorn.

St. 7 Ed. 4. 3.

Item, Where in the ſaid Parliament it was ſhewed by Sheermen, Fullers, and other Artificers that ſhould live and obtain their needy ſuſtentation, by mean of Drapery made and draped within this Realm, as well throughout the ſame Realm, as within the City of London, that where in a Statute made the vij. year of the Reign of King Edward the Fourth, among other it is contained, that no perſon denizen ne ſtranger, ſhould carry, or do to be carried to any parts beyond the Sea, any woollen yarn or cloth unfulled, but the woollen yarn to be made in this Realm ſhould be woven in the ſame; and alſo all cloth in the ſame made ſhould be fulled and fully wrought within this Realm, before that any of the ſame ſhould be had or carried out of this Realm, upon pain of forfeiture of the very value of ſuch yarn not weaved, and cloth not fulled, had or carried out of this Realm, upon pain of forfeiture of the very value of ſuch yarn not weaved, and cloth not fulled, had or carried out of this Realm. The one half of the forfeiture to be levied to the uſe of the King, and the other half to him or them that ſhould eſpie or make proof of any ſuch yarn not woven, or cloth not fulled, carried to any place beyond the Sea.

And foraſmuch as in the ſaid Statute of King Edward there is no expreſs mention made, that the ſaid clothes ſhould be rowed and ſhorn afore that they be carried and conveyed out of this Realm, whereby the ſaid poor Commons of the crafts aforeſaid might be ſet in labour and occupation: therefore the ſaid clothes ever ſithence unto this day have been and yet daily are in great number carried out of this Realm, unrowed and unſhorn, into the parts beyond the Sea, as well by denizens as ſtrangers, whereby outlandiſh Nations, with the ſame Drapery, are ſet in labour and occupation, to their great enriching, and the poor Commons of the crafts abovesaid, through all this Realm, that of natural reaſon, as the Kings true liege men, ſhould have and obtain their needy ſuſtentation and living by means of the ſame Drapery, for lack of ſuch occupation daily fall in great number into idleneſs and poverty, to their uttermoſt deſtruction, if it ſhould any longer continue: The King our Sovereign Lord, by the advice of the Lords Spiritual and Temporal, and at the prayer of the Commons in this ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, that no ſtranger nor denizen carry, or make to be carried out of this Realm any woollen clothes, but that they before be barbed, rowed, and ſhorn within the ſame Realm, for the relief and ſetting on work of the ſaid poor commons, upon the pain and forfeiture limited in the ſaid Statute of King Edward, made upon cloth carried out of this Land not fulled, to be divided in manner and form as in the ſame Statute it is contained. Provided alway, that clothes called Veſſes, Raies, Sailing clothes, and other clothes commonly ſold at fourty ſhillings and under, be not compriſed in this preſent Act. St. 27 H. 8. 13. 33 H. 8. 19. 8 El. 6.

No woollen cloth ſhall be tranſported, before it be barbed, rowed, and ſhorn. Veſſes, Rays, Sailing clothes, &c. except.

CAP. XII.

The Kings Officers or Tenants ſhall not be retained by Liveries with others. Rep. 3. Car. 4.

CAP. XIII.

No long Bow ſhall be ſold over the price of iij. s. iiij. d. Rep. 8 Eliz. 10. St. 33 H. 8. 9.

CAP. XIV.

Conſpiring to deſtroy the King, or any Lord Chancellor, or great Officer, ſhall be felony.

ITem, Foraſmuch as by quarrels made to ſuch as have been in great authority, office, and of council with Kings of this Realm, hath enſued the deſtruction of the Kings, and the undoing of this Realm: ſo as it hath appeared evidently, when compaſſing of the death of ſuch as were of the Kings true ſubjects was had, the deſtruction of the Prince was imagined thereby, and for the moſt part it hath grown and been occaſioned by envy and malice of the Kings own houſhold ſervants, as now of late ſuch a thing was likely to have enſued: and foraſmuch as by the Law of this Land, if actual deeds be not had, there is no remedy for ſuch falſe compaſſings, imaginations, and confederacies had againſt any Lord, or any of the Kings Council, or any of the Kings great Officers in his houſhold, as Steward, Treaſurer, and Comptroller, and ſo great inconveniencies might enſue if ſuch ungodly demeaning ſhould not be ſtraightly puniſhed before that actual deed were done: Therefore it is ordained by the King, the Lords Spiritual and Temporal, and the Commons of the ſaid Parliament aſſembled, and by authority of the ſame, that from henceforward the Steward, Treaſurer, and Comptroller of the Kings houſe for the time being, or one of them, have full authority and power to enquire by xij. ſad men and diſcreet perſons of the Chequer roll of the Kings honourable houſhold, if any ſervant admitted to be his ſervant ſworn, and his name put into the Chequer roll of his houſhold, whatſoever he be, ſerving in any manner office or room reputed, had, and taken under the ſtate of a Lord, make any confederacies, compaſſing, conſpiracies, or imaginations, with any perſon or perſons, to deſtroy or murder the King, or any Lord of this Realm, or any other perſon ſworn to the Kings Council, Steward, Treaſurer, or Comptroller of the Kings houſe, that if it be found afore the ſaid Steward for the time being, by the ſaid xij. ſad men, that any ſuch of the Kings ſervants, as is abovesaid, hath confedered, compaſſed, conſpired, or imagined, as is abovesaid, that he ſo found by that inquiry, be put thereupon to anſwer. And the Steward, Treaſurer, and Comptroller, or two of them, have power to determine the ſame matter, according to the Law. And if he put him in trial, that then it be tried by other xij. ſad men of the ſame houſehold, and that ſuch miſdoers have no challenge, but for malice: And if ſuch miſdoers be found guilty by confeſſion or otherwiſe, that the ſaid offence be judged felony: and they to have judgment and execution as felons attainted ought for to have by the Common Law. Coke li. pla. fo. 482. & 174.

Conſpiring by any of the Kings ſervants ſworn to deſtroy the King, any Lord or Counſellor ſworn, ſhall be felony. Co. Inſt 3 p. 37.

The third Parliament holden in the fourth year of the Reign of K. *Hen. 7.*

TO the worſhip of God and holy Church, and for the common weal and profit of this Realm of England, our Sovereign Lord Henry by the Grace of God, King of England and France, and Lord of Ireland, the vij. after the Conqueſt, at his Parliament holden at Weſtminſter, the xiij. day of January, in the fourth year of his Reign, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath done to be made, ordained, and ſtabliſhed divers Statutes and Ordinances in form as followeth.

CAP. I.

Commiſſions of Sewers ſhall be made into all the parts of this Realm, and to the Marches of Calice, Guynes, and Hammes, during twenty five years. Exp. Stat. 6 H. 6. 5. 8 H. 6. 2. 18 H. 6. 10. 23 H. 6. 9. 12 Ed. 4. 6. 6 H. 8. 10.

CAP. II.

Allaying of gold and ſilver, melting, ſelling, and marking the ſame.

ITem, Whereas it was of old time uſed and continued till now of late years, that there was for the avail of the King and the Realm, finors and parters of gold and ſilver, by fire and water, under a rule and order belonging unto the Mints of London, Calice, Canterbury, York, and Durham, and other places where Mints been holden, and at the Goldſmiths-Hall in London, to fine and part all gold and ſilver belonging and needful for the ſaid Mints and fellowſhip of Goldſmiths, for the amendment of money and plate of the Realm, that every thing might be reformed to the right Standard, as well in mony as plate, to the leaſt coſt, for the weal of the Kings Noblemen of the Land, and Common people. But ſo it is now, that ſuch finors and parters of gold and ſilver by fire and water dwell abroad in every place of this Realm, out of the rules aforeſaid, and buy gilt ſilver from the Mints, Changes, and Goldſmiths, and part and fine it as is aforeſaid, and for the moſt part the ſilver ſo fined they do allay in divers manners, and ſell it at their pleaſures to every man of what eſtate or degree ſoever he be, that will buy of them to make ſuch works as pleaſeth the buyers: therefore men can get no fine ſilver when they need it for their money, for the amendment of money and plate, as hath been in times paſt: wherefore it cauſeth money and plate in divers places of the Realm to be made worſe in fineneſs then it ſhould be, as it appeareth evidently in divers places, to the great hurt of the Kings noble men of the land, and common people: Wherefore the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and at the requeſt of the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, hath ordained, enacted, and eſtabliſhed, that no Finer of gold and ſilver, nor parter of the ſame by fire or water, from henceforth allay any fine ſilver or gold, ne none ſell in any other wiſe, ne to any perſon or perſons, but onely to the Officers of Mints, Changes and Goldſmiths within this Realm, for augmentation and amending of coin and plate as is aforeſaid: and that the Maſters of Mints, Changes and Goldſmiths, for all ſuch fine gold or ſilver coming to them, to anſwer the value as it is worth according as it is now and hath been in ancient time accuſtomed after the rate of fineneſs. Ne that no Finer nor Finers, parter nor parters, ſell to no perſon, neither to one nor to other, any manner of ſilver in maſs, molten and allayed, upon pain of forfeiture of the ſame, the King thereof to have one half, and the finder that can prove and will ſue for it in the Kings Eſchequer, the other half. And if any Finer or Finers, parter or parters of gold and ſilver, either by fire or water, allay or ſell any manner fine gold or ſilver, otherwiſe then it is ordained in this laſt Act, he or they to loſe the value of the ſame gold or ſilver ſo allayed or ſold, the King to have the one half, and the finder that can prove and will ſue for it in the Kings Eſchequer, the other half. And all ſuch fine ſilver as ſhall be parted and fined, as is aforeſaid, that it be made ſo fine, that it may bear xij. peny weight of allay in a pound weight, and yet be as good as ſterling, and rather better then worſe. And that every Finer put his ſeveral mark upon ſuch fine ſilver, to bear witneſs of the ſame to be true, as is aforeſaid, upon the pain of the value found contrary to be forfeit, the King thereof to have the one half, and the finder that can prove it, and will ſue for it in the Eſchequer, the other half. And that no Goldſmith, nor Goldſmiths within this Realm, melt or allay any fine ſilver, to be for any works or other intent, but onely for making of amels, for divers works of Goldſmithry, and for amending of plate to make it as good as ſterling, or better, for the common weal of this Realm.

Allaying of gold and ſilver, and ſelling of the ſame.

Of what fineneſs ſilver ought to be.

A finer of gold and ſilver muſt put his mark upon it.
St. 37 Ed. 3. 7.
18 El. 15.

For what purpoſes ſilver may be melted.

Silver molten into maſs ſhall not be ſold.

Nor that they ſell no fine ſilver nor other ſilver allayed molten into maſs, to any perſon or perſons, whatſoever they be, nor one Goldſmith to another. This Ordinance to be kept by the Goldſmiths in every point upon pain of forfeiture of the ſame ſilver, or the value thereof. The King thereof to have the one half, and the finder that can prove it, and will ſue for it in the Kings Eſchequer, the other half.

A repeal of Statutes of Offices belonging to the Mint.

Alſo it is ordained by the ſame authority, that all Letters Patents, and grants of Offices belonging or pertaining to the Mint of our Sovereign Lord the King, exerciſed in the ſame with fees and wages thereto belonging, be from henceforth void, and of none effect.

CAP. III.

Butchers ſhall kill no beaſts within any walled Town, or Cambridge.

ITem, It was ſhewed by a petition put to the King our ſaid Sovereign Lord in the ſaid Parliament, by his ſubjects and Pariſhioners of the Pariſh of St. Faiths and St. Gregories in London, near adjoyning unto the Cathedral Church of Pauls, that whereas great concourſe of people, as well of his Royal Perſon, as of great Lords and States, with other his true ſubjects, oftentimes was had unto the ſaid Cathedral Church, and that moſt part throughout the Pariſh aforeſaid, the which oftentimes been greatly annoyed and diſtempered by corrupt airs engendred in the ſaid Pariſhes, by occaſion of blood and other fouler things, by reaſon of the ſlaughter of beaſts, and ſcalding of ſwine, had and done in the Butchery of S. Nicholas fleſh-ſhambles, whoſe corruption and foul ordure, by violence of unclean, corrupt, and putrified waters, is born down through the ſaid Pariſhes, and compaſſeth two parts of the Palace, where the Kings moſt Royal Perſon is wont to abide, when he cometh to the Cathedral Church for any act there to be done, to the jeopardous abiding of his moſt noble Perſon, and to over-great annoiance of the Pariſhioners there, and of other the Kings ſubjects and ſtrangers that paſs by the ſame: Complaint whereof at many and divers ſeaſons, alſo by the ſpace of xvj. years continually, as well by the Canons and pety Canons of the ſaid Cathedral Church, Landlords there, as alſo by many other of the Kings ſubjects of right honeſt behaviour hath been made unto divers Mayors and Aldermen of the City of London, and no remedy had ne found: That it pleaſe our ſaid Sovereign Lord of his abundant grace to provide for the conſervation as well of his moſt Royal perſon, as to ſuccour his poor ſubjects and ſuppliants in this behalf, conſidering that in few noble Cities and Towns, or none within Chriſtendom, whereas travelling men have laboured, the common ſlaughter-houſe of beaſts ſhould be kept in any ſpecial part within the walls of the ſame, leſt it might ingender ſickneſs, unto the deſtruction of the people: The King our Sovereign Lord, in conſideration of the premiſſes, hath by the advice and aſſent of the Lords Spiritual and Temporal, & the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, ordained and enacted, That no Butcher nor his ſervant ſlay no manner beaſt within the ſaid houſe called the ſcalding-houſe, or within the wall of London, upon pain to forfeit for every Ox xij. pence, and every Cow, & every other beaſt, viij. pence. The one half thereof to the King our Sovereign Lord, and the other half to every of the Kings lieges that will ſue for the ſame by action of debt, and no protection or eſſoin be allowed to any of the defendants, againſt whom any ſuch action ſhall be conceived: and that in the ſame action of debt ſuch proceſs be made, as in other actions of debt ſued at the Common Law. And over this it is ordained and enacted by the ſaid authority, that the ſaid Ordinance, Act, and Law, extend and be obſerved and kept in every City, Borough, and Town,

Butchers ſhall kill no beaſts in London, any walled Town, or in Cambridge.

walled within this Realm of England, and in the Town of Cambridge, (the Towns of Berwick and Carlile, except and forepriſed.) Provided alway that this preſent Act begin and take effect at the Feaſt of the Annunciation of our Lady next enſuing, and not afore.

CAP. IV.

Protections granted to them which then were, or after ſhould be, in the Kings ſervice in Britain. And certain immunities granted to the Feoffees, Executors, and heirs of them which ſhall die in that ſervice. Exp. St. 7 H. 7. 2. & 3. 3 H. 4.

CAP. V.

A repeal of all Letters Patents granted to any Spiritual perſons to be diſcharged of the payment or collection of diſmes. Exp.

CAP. VI.

A repeal of all Letters Patents granted of any Offices within the Foreſt of Engle-wood, ſaving to the Lord Dacres, and Earl of Northumberland. Exp.

CAP. VII.

Fees granted to certain of the Kings Officers ſhall be no longer of force then whilſt they do their duties. Exp.

CAP. VIII.

Whoſoever ſhall ſell by retail a broad yard of the fineſt Scarlet grained, or other grained cloth of the fineſt making above xvj.s. or a broad yard of any other coloured cloth above xj. s. &c. ſhall forfeit xl. s. for every yard ſo ſold. Rep. 21 Jac. 28.

CAP. IX.

No Hatter or Capper ſhall ſell any Hat above the price of xx. d. the beſt, nor any Cap above ij. s. viij. d. the beſt: upon pain to forfeit xl. s. for every Hat or Cap ſold above. Rep. 3 H. 8. 15. and 21 Jac. 28.

CAP. X.

No Gaſcoin, or Guion Wine, or Tholouſt Wood, ſhall be brought into this Realm but by Engliſh Ships, and Engliſh Maſters and Mariners, nor any perſon ſhall fraight in a ſtrangers Ship, to be brought into this Realm or carried forth, if he may have ſufficient fraught in the ſame Port in a Denizens Ship. Stat. 1 El. 13. St. 5 R. 2. 3. 6 R. 2. 8. 5 & 6 Ed. 6. 18. 5 El. 5. 14 R. 2. 6. 3 Ed. 4. 1. 32 H. 8. 14. 23 H. 8. 7. 7 H. 8. 2.

CAP. XI.

No perſon during ten years ſhall buy or take promiſe of bargain of any Wooll that ſhall grow in Berk, &c. before the aſſumption of our Lady next after the ſhearing thereof, but ſuch as ſhall make yarn or cloth thereof, nor any Merchant Stranger before the Purification of our Lady, &c. upon pain of forfeiture of the double value. Exp. St. 4 Ed. 4. 4. 20 H. 8. 1. 37 H. 8. 15. 5 Ed. 6. 7.

CAP. XII.

All Juſtices of Peace ſhall execute their Commiſſion, redreſs injuries, and maintain the Laws.

Co. Inſt. 4 p. 170.

Item, The King our Sovereign Lord conſidereth, that by the negligence, miſdemeaning, favour, and other inordinate cauſes of Juſtices of Peace in every Shire of this his Realm, the Laws and Ordinances made for the politique weal, peace, and good rule of the ſame, and for the profit, ſurety, and reſtful living of his ſubjects of the ſame, be not duly executed, according to the tenour and effect that they were made and ordained for: wherefore his ſubjects been grievouſly hurt, and out of ſurety of their bodies and goods, to his great diſpleaſure; for to him is nothing more joyous then to know his ſubjects to live peaceably under his Laws, and to increaſe in wealth and proſperity: And to avoid ſuch enormities and injuries, ſo that his ſaid ſubjects may live reſtfully under his peace, and Laws, to their increaſe; He will that it be ordained and enacted by authority of this ſaid Parliament, that every Juſtice of Peace within every Shire of this Realm, within the Shire where he is Juſtice of Peace, do cauſe openly and ſolemnly to be proclaimed yearly, four times a year, in four principal Seſſions, the tenour of this proclamation to this bill annexed: and that every Juſtice of Peace being preſent at any of the ſaid Seſſions, if they cauſe not the ſaid Proclamations for to be made in form aboveſaid, ſhall forfeit unto our Sovereign Lord at every time xx. ſhillings.

Every Juſtice of Peace ſhall cauſe this Proclamation to be made four times in the year.

Henricus Dei gratia, &c. The King our Sovereign Lord conſidereth, how daily within this Realm his coin is traiterouſly counterfeited, murders, robberies, felonies, been grievouſly committed and done, and alſo unlawful reteinours, idleneſs, unlawful plays, extortions, miſdemeanings of Sheriffs, Eſcheators, and many other enormities and unlawful demeanings daily grown more and more within this Realm, to the great diſpleaſure of God, hurt, and impoveriſhing of his ſubjects, and to the ſubverſion of the policy and good governance of this his Realm; for by theſe ſaid enormities and miſchiefs his peace is broken, his ſubjects troubled, inquieted, and impoveriſhed, the husbandry of this land decayed, whereby the Church of England is upholden, the ſervice of God continued, every man thereby hath his ſuſtenance, every inheritor his rent for his land: for repreſſing and avoiding of the ſaid miſchief, ſufficient Laws and Ordinances been made by authority of many & divers Parliaments, holden within this Realm, to the great coſt of the King, his Lords, and Commons of the ſame, and lacked nothing, but that the ſaid Laws be not put in due execution, which Laws ought to be put in due execution by the Juſtices of Peace of every Shire of this Realm, to whom his Grace hath put and given full authority ſo to do ſith the beginning of his Reign: and now it is come to his knowledge, that his ſubjects be little eaſed of the ſaid miſchiefs by the ſaid Juſtices, but by many of them rather hurt then helped:

The benefit of Husbandry.

The ſlackneſs of Juſtices of Peace in the due execution of the Laws.

helped: and if his ſubjects complain to theſe Juſtices of Peace, of any wrongs done to them, they have thereby no remedy, and the ſaid miſchiefs do increaſe, and be not ſubdued. And his Grace conſidereth, that a great part of the wealth and proſperity of this Land ſtandeth in that, that his ſubjects may live in ſurety under his peace in their bodies and goods, and that the huſbandry of this Land may encreaſe and be upholden, which muſt be had by due execution of the ſaid Laws and Ordinances: Chargeth and Commandeth the Juſtices of the Peace of this his Shire, to endeavour them to do & execute the tenour of their Commiſſion, and the ſaid Laws and Ordinances ordained for the ſubduing of the premiſſes, as they will ſtand in the love and favour of his Grace, and in avoiding of the pains that be ordained if they do the contrary. And moreover he chargeth and commandeth, that every man, what degree or condition that he be of, that let them in word or deed to execute their ſaid authority in any manner form abovesaid, that they ſhew it to his Grace. And if they do it not, and it come to his knowledge by other then by them, they ſhall not be in his favour, but taken as men out of credence, and be put out of Commiſſion for ever. And over this he chargeth and commandeth all manner of men, as well the poor as the rich (which be to him all one in due miniſtration of juſtice) that is hurt or grieved in any thing that the ſaid Juſtice of Peace may hear, determine, or execute in any wiſe, that he ſo grieved make his complaint to the Juſtice of the Peace that next dwelleth unto him, or to any of his fellows, and deſire a remedy: and if then he have no remedy, if it be nigh ſuch time as his Juſtices of Aſſiſes come into that Shire, that then he ſo grieved ſhew his complaint to the ſame Juſtices. And if then he have no remedy, or if the complaint be made long afore the coming of the Juſtices of Aſſiſe, then he ſo grieved come to the Kings Highneſs, or to his Chancellor for the time being, and ſhew his grief: and his ſaid Highneſs then ſhall ſend for the ſaid Juſtices, to know the cauſe why his ſaid ſubjects be not eaſed, and his Laws executed: whereupon if he find any of them in default of executing of his Laws, in the premiſſes, according to his Highneſs commandment, he ſhall do him ſo offending to be put out of the Commiſſion, and further to be puniſhed according to his demerits. And over that his ſaid Highneſs ſhall not let for any favour, affection, coſt, charge, nor other cauſe, but that he ſhall ſee his Laws to have plain and true execution, and his ſubjects to live in ſurety of their lands, bodies, and goods, according to his ſaid Laws, and the ſaid miſchiefs to be avoided, that his ſubjects may encreaſe in wealth and proſperity, to the pleaſure of God.

The Juſtices of Peace muſt execute their Commiſſion, and the Laws.

Hinderers of Juſtices of Peace to execute their authority.

Each perſon grieved ſhall make his complaint to the Juſtices of Peace, and if he hath no remedy, to the Juſtice of Aſſiſe, and then to the King or his Chancellor.

The puniſhment of the Juſtice of Peace omitting his duty.

CAP. XIII.

Clergy ſhall be allowed but once. A convict perſon ſhall be marked with the Letters M. or T. A proviſion for them which be within Orders.

ITem, Whereas upon truſt of the priviledge of the Church, divers perſons have been the more bold to commit murder, rape, robbery, theft, and all other miſchievous deeds, becauſe they have been continually admitted to the benefit of the Clergy, as oft as they did offend in any of the premiſſes. In avoiding of ſuch preſumptuous boldneſs, It is enacted, ordained, and ſtabliſhed by the authority of this preſent Parliament, that every perſon, not being within Orders, which once hath been admitted to the benefit of his Clergy, eftſoons arraigned of any ſuch offence, be not admitted to have the benefit or priviledge of the Clergy. And that every perſon ſo convicted for murder, to be marked with an M. upon the brawn of the left thumb. And if he be for any other felony, the ſame perſon to be marked with a T. in the ſame place of the thumb, and thoſe marks to be made by the Jaylor openly in the Court before the Judge, before that ſuch perſon be delivered to the Ordinary. Provided alway, if any perſon at the ſecond time of asking his Clergy, becauſe he is within Orders, hath not there ready his Letters of his Orders, or a Certificate of his Ordinary, witneſſing the ſame, that then the Juſtices, afore whom he is ſo arraigned, ſhall give him a day by their diſcretion to bring in his ſaid Letters or Certificate: and if he fail, and bring not in at ſuch a day his ſaid Letters, nor Certificate, then the ſame perſon to loſe the benefit of his Clergy, as he ſhall do that is without Orders.

The benefit of Clergy ſhall be but once allowed.

A convict perſon ſhall be marked with the letters M. or T.

Raſt. lib. pla. fo. 1. 56.

He that is within Orders upon the asking of his Clergy, ſhall ſhew his Orders, or his Ordinaries Certificate.

St. 28 H. 8. 1.

Cok. H. 5. f. 52.
Bro. Coron. 211.

CAP. XIV.

Sealing of writings touching the Earldom of March.

ITem, Where afore in the time of King Edward the Fourth, all Feoffments, Gifts, Grants, Demiſes, Preſentments, Nominations, Releaſes, Warrants, & Confirmations, made to any perſon or perſons, of any Caſtles, Honours, Manors, Lands, and Tenements, or other hereditaments, or Advantages, parcel, or pertaining to the Earldom of March, or pertaining to any Manors, Lands, Tenements, or other Hereditaments, in demeſn, or reverſion, parcel, or pertaining to the ſaid Earldom of March, were made and paſſed under a ſpecial Seal, named the Seal of the Marches, whereby is grown great vexation, trouble, and deceit of the ſubjects of the King our Sovereign Lord. Wherefore it is enacted by the authority of this preſent Parliament, that all Feoffments, Gifts, Grants, Demiſes, Preſentments, Nominations, and all other writings, whereto ſealing is requiſite to be made, after the Feaſt of the Purification of our Lady, in the fifth year of the Reign of our ſaid Sovereign Lord that now is, of any parcel of the ſaid Earldom, be had, done, and made by the King our ſaid Sovereign Lord, under the Broad Seal of his Chancery, as it is uſed in all other things concerning the Crown by the courſe of the Common Law, and by none other Seal.

All writings of any parcel of the Earldom of March ſhall be under the Great Seal.

CAP. XV.

The Mayor of London and his ſucceſſors ſhall have the like conſervation and authority in all the iſſues, breaches, and ground over-flown, as far as the water ebbeth and floweth, grown out of the River of Thames, as touching the puniſhments for uſing unlawful Nets and Engines, as he hath within the ſaid River. Pr.

Co. Inſt. 4.250.

CAP.

CAP. XVI.

The penalty of taking more Farms then one in the Iſle of Wight.

Co. Inſt. 4 p. 287. The neceſſity of the preſervation of the Iſle of Wight.

ITem, For as much as it is to the King our Sovereign Lord great ſurety, and alſo the ſurety of this Realm of England, that the Iſle of Wight in the County of South. be well inhabited with Engliſh people, for the defence, as well of his ancient enemies of the Realm of France, as of other parties, the which Iſle is lately decayed of people, by reaſon that many Towns and Villages been beaten down, and the fields ditched and made paſtures for beaſts and cattels: and alſo many dwelling places, Ferms and Fermholds, have of late time been uſed to be taken in one mans hold & hands, that of old time were wont to be in many ſeveral perſons holds and hands, & many ſeveral houſholds kept in them, and thereby much people multiplied, and the ſame Iſle thereby well inhabited, the which now by the occaſion aforeſaid is deſolate, and not inhabited, but occupied with beaſts and cattel, ſo that if haſty remedy be not provided, that Iſle cannot be kept and defended, but will be open and ready to the hands of the Kings enemies, which God forbid. For remedy whereof it is ordained, enacted, and eſtabliſhed, by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame, that from henceforth no manner of perſon, of what eſtate, degree, or condition he is, or ſhall be, take any ſeveral Ferms, mo then one, of any Manors, Lands, and Tenements, Parſonages or Tythes within the ſaid Iſle, whereof the Ferm of them altogether ſhall not exceed the ſum of x. Mark yearly; and if any ſeveral Leaſes afore this time have been made to any perſon or perſons of divers ſundry Fermholds, unto the yearly value of x. Mark: then the perſon or perſons, that now hold the ſame, to chuſe one or moe of the ſaid Fermholds at his pleaſure, ſo that the Ferm of them alſo choſen be not above the yearly value of x. Mark, to hold after the form of his Leaſe, and the remnant from the Feaſt of St. Michael the Archangel, which ſhall be in the year of our Lord M.cccc.lxxxx. to ceaſe and be utterly void: and the occupier and fermer of them from thence be diſcharged againſt his leſſour of rent reſerved upon the ſame Leaſes: and if any perſon do hereafter the contrary of this Act, that then the Leſſee in that behalf ſhall forfeit to the King for every ſuch taking x. l. Provided always, that they which have paid any fines, or made any building, or done great reparation upon any ſuch Ferm, and be put from the ſaid Ferm by reaſon of this Act, ſhall be recompenced for ſuch building or reparation, as right and good conſcience require: that recompence to be adjudged by the diſcretion of the Captain of the ſaid Iſle for the time being, or his Lieutenant of the ſame in his abſence. St. 25 H. 8. 14.

None ſhall take more Ferms then one in the Iſle of Wight exceeding ten mark rent.

A remedy for them which have been at charge with their Ferms and then be put from them.

CAP. XVII.

The charges and benefit of the Heir of Ceſti que uſe.

Co. Inſt. 4 p. 195.

St. 22 H. 3. 6.

ITem, Where by an Eſtatute made at Marlebridge, it was ordained, that when Tenants made Feoffments in fraud to make the Lords of the Fee to loſe their Wards, the Lords ſhould have Writs to recover their Wards againſt ſuch Feoffees, as in the ſaid Statute among other things appeareth more plainly at large. Sith the making of which Eſtatute many imaginations have been had and yet been uſed, as well by Feoffments, Fines, and Recoveries, as otherwiſe, to put Lords from their Wards of Lands holden of them by Knights Service: It is therefore ordained, ſtabliſhed, and enacted by authority of this preſent Parliament, that the ſaid Statute of Marlebridge be obſerved and kept in all manner of things after the form and effect thereof. And over that it is ordained and enacted by the ſaid authority, that if any perſon or perſons, of what eſtate, degree, or condition he or they be of, or hereafter ſhall be, ſeiſed in demean or reverſion of ſtate of inheritance, being tenant immediate to the Lords of any Caſtles, Manors, Lands, and Tenements, or other Hereditaments, holden by Knights ſervice in his or their Demean, as of Fee, to the uſe of any other perſon or perſons, and of his heirs onely, he to whoſe uſe he or they be ſo ſeiſed dieth, his heir being within age, no Will by him declared, nor made in his life touching the premiſſes or any of them: the Lord of whom ſuch Caſtles, Manors, Lands, Tenements, and Hereditaments been holden immediately, ſhall have a Writ of Right, of Ward, as well for the body as for the land, as the Lord ſhould have had, if the ſame Anceſtor had been in poſſeſſion of that eſtate ſo being in uſe at that time of his death, and no ſuch eſtate to his uſe made. And if any ſuch heir be of full age at the death of his Anceſtor to pay relief, as his Anceſtor, whoſe heir he is, had been in poſſeſſion of that ſtate ſo being in uſe at time of his death, and no ſuch eſtate to his uſe made nor had. It is alſo ſtabliſhed and enacted by the ſaid authority, that ſuch heir or heirs, ſo being in Ward, ſhall have like action of Waſte againſt the ſaid Lords, or againſt them in whoſe Ward they ſo be, as they or any of them ſhould have had, and recover ſuch damages and ſuch penalties to be to the ſaid Lord and Guardians, as ſhould have been if their Anceſtor had died thereof ſeiſed. And moreover, if any ſuch Lord bring any ſuch Writ of right of Ward againſt ſuch perſon or perſons, and be barred in the ſame: that then the ſame Defendant or Defendants ſhall recover damages againſt the ſaid Plaintiffs, for their wrongful vexation in the ſame. Provided always, that this Act begin to take effect of the heirs of them that ſhall die after the Feaſt of Eaſter that ſhall be in the year of our Lord, M. CCCC. lxxxx. Stat. 1 R. 3. 1. 19 H. 7. 15. 27 H. 8. 10. 34 H. 8. 5. Co. Inſt. 84. b.

Kel. f. 86. 13 H. 7. f. 11. 12 H. 7. f. 19. 27 H. 8. 1. 3.

The heir of Ceſti que uſe holding his lands by Knights ſervice within age ſhall be in ward, and of full age, ſhall pay relief. Fitz. N.B. f. 142. K.V.N.B.f.94.

The heir ſhall have an action of waſte againſt his Guardian committing waſte. Fitz. N.B.f.59 a.

Damages for the defendant in a Writ of Right of ward.

CAP. XVIII.

The forging of the coin of other Realms, allowed to be current within this Realm, ſhall be treaſon. Rep. 1 Ed. 6. 12. 1 M. 1.

CAP. XIX.

The penalty for decaying of houſes of husbandry, or not laying of convenient land for the maintenance of the ſame. Rep. 39 El. & 21 Jac. 28.

CAP. XX.

Actions popular proſecuted by colluſion, ſhall be no bar to thoſe which be purſued with good faith.

The enormities of colluſion practiſed in ſuing of Actions popular.

ITem, That where Actions popular in divers cauſes have been ordained by many good Acts and Statutes afore this time made, for the reformation of extortions, maintenance, oppreſſions, injuries, exactions, and wrongs, uſed and committed within this Realm, which actions been very penal to all miſdoers and offenders, in ſuch actions condemned, and much profitable as well to the King, as to every of his ſubjects, that them will ſue and maintain, if the ſame actions ſo ſued and commenced might be truly purſued without covin or colluſion. But now it is ſo commonly uſed within this Realm, that if any ſuch offenders, offending in cauſes where any of the ſaid actions lie, then the ſaid miſdoers or offenders, in eſchewing to leeſe the ſaid penalties, will cauſe an action popular to be commenced againſt them by covin of the plaintiff upon that caſe wherein they have ſo offended: or elſe if any ſuch action popular be commenced againſt any ſuch ſaid offender by good faith, then the ſame offender will delay the ſaid action, either by non-appearance, or by traverſe, and hanging the ſame action, the ſame offender will cauſe like action popular to be brought againſt him by covin, for the ſame cauſe and offence that the firſt action was ſued, and then by covin of the plaintiff in that ſecond action he will be condemned, either by confeſſion, feigned trial, or releaſe; which condemnation or releaſe ſo had by colluſion and covin pleaded by the ſaid offender, ſhall bar the plaintiff in the action ſued in good faith; and by theſe ſubtil means of colluſion and covin the ſaid good Acts and Statutes ſeldom been executed againſt ſuch offenders, which cauſeth them to be bolder to offend the King, as well in breaking of the ſaid Statutes, Laws, and Peace, as in robbing, murdering, exactions taking, quarrels maintaining, and the Kings poor ſubjects by extortion and many other unlawful means oppreſſing. Therefore the King our Sovereign Lord, in reforming of the premiſſes, by the advice of the Lords Spiritual and Temporal, and at the requeſt of the ſaid Commons in this ſaid preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, that if any perſon or perſons hereafter ſue with good faith any action popular, and the defendant or defendants in the ſame action plead any manner of recovery of action popular, in bar of the ſaid action, or elſe that the ſame defendant or defendants plead, that he or they before that time barred any ſuch plaintiff or plaintiffs, in any ſuch action popular, that then the plaintiff or plaintiffs in the action taken with good faith may aver, that the ſaid recovery in the ſaid action popular was had by covin, or elſe to aver, that the ſaid plaintiff or plaintiffs was or were barred in the ſaid action popular, by covin, that then if after the ſaid colluſion or covin ſo averred, be lawfully found, the plaintiff or plaintiffs in that action ſued with good faith, ſhall have recovery according to the nature of the action, and execution upon the ſame, in like wiſe and effect, as though no ſuch afore had been had. And moreover that it is enacted and ordained by the authority aforeſaid, that in every ſuch action popular, wherein the defendant or defendants ſhall be lawfully condemned or attainted of covin or colluſion, as is aforeſaid, that every of the ſame defendants have impriſonment of two years by Proceſs of Capias and Outlagary, to be ſued within the year after ſuch judgment had, or at any time after, till the ſaid defendant or defendants ſhall be had and impriſoned, as is aforeſaid, and that as well at the Kings ſuit, as of every other that will ſue in that behalf. And that no releaſe of any common perſon hereafter to be made to any ſuch party, whether before or after any action popular or indictment of the ſame had or commenced or made, hanging the ſame action, be in any wiſe available or effectual to let or ſurceaſe the ſaid Action, Indictment, Proceſs, or Execution. Provided alway, that no plaintiff or plaintiffs be in any wiſe received to aver any covin in any action popular, where the point of the ſame action, or elſe the covin or colluſion have been once tried or lawfully found with the plaintiff or plaintiffs, or againſt them, by trial of twelve men, and not otherwiſe.

Recovery in an action popular by covin, or a bar in the ſame, is no plea in an action ſued with good faith.

The puniſhment of the defendant attainted of colluſion.

No releaſe of a common perſon can diſcharge a popular action.

No colluſion averrable where the point of the action hath been tried by verdict.

CAP. XXI.

An Act that no Engines ſhall be uſed for the deſtroying of Frie of Fiſh in Orford Haven in Suffolk, upon pain of forfeiture of ten pounds for every offence. Exp.

CAP. XXII.

If any perſon before the next Parliament, bring or put to ſale any gold of Venice, Florence, or Gean for a pound weight, which doth not contain xij. ounces, or that the gold packed be not in greatneſs of threed and colour wrought according to the outward ſhew thereof, he ſhall forfeit the ſame or the value thereof. Exp.

CAP. XXIII.

The Statute provided 17 Ed. 4. 1. againſt the tranſporting of Money, Plate, or Jewels, revived for twenty years. Stat. 1 H. 8. 13.

CAP. XXIV.

How often a fine levied in the Common Pleas ſhall be read and proclaimed, and who then ſhall be bound thereby.

Stat. 18 Ed. 1. Modus levandi fines.

Cok. l.7. f.36

ITem, Where it was ordained in the time of King Edward the Firſt, by the Statute de finibus, that notes and fines to be levied in the Kings Court afore his Juſtices ſhould be openly and ſolemnly read, and that pleas in the mean time ſhould ceaſe, and this to be done by two days in the week, after the diſcretion of the Juſtices, as in the ſaid Statute more plainly appeareth: The King our Sovereign Lord conſidereth, that fines ought to be of the greateſt ſtrength to avoid ſtrifes and debates, and to be a final end and concluſion: and of ſuch effect were taken afore a Statute made of non-claim, and now is uſed the contrary, to the univerſal trouble of the Kings ſubjects, will therefore it be ordained, by the advice of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by the authority of the ſame, that after the ingroſſing of every fine to be levied, after the Feaſt of Eaſter, that ſhall be in the year of our Lord, M. CCCC. lxxxx. in the Kings Court, afore his Juſtices of the Common place, of any lands, tenements, or any other hereditaments, the ſame fine be openly and ſolemnly read and proclaimed in the ſame Court the ſame term, and in three terms then next following the ſame ingroſſing in the ſame Court, at four ſeveral days in every term: and in the ſame time that it is ſo read and proclaimed, all pleas to ceaſe. And the ſaid Proclamations ſo had and made, the fine to be a final end, and conclude as well privies as ſtrangers to the ſame, except women covert, other then been parties to the ſaid fine, and every perſon then being within age of xxi. years, in priſon, or out of this Realm, or not of whole mind, at the time of the ſaid fine levied not parties to ſuch fine: And ſaving to every perſon or perſons, and to their heirs, other then the parties in the ſaid fine, ſuch right, claim and intereſt, as they have to, or in the ſaid Lands, tenements, or other hereditaments, the time of ſuch fine ingroſſed: ſo that they purſue their title, claim or intereſt by way of action, or lawful entrie, within five years next after the ſaid proclamations had and made. And alſo ſaving to all perſons ſuch action, right, title, claime and intereſt, in or to the ſaid lands, tenements, or other hereditaments, as firſt ſhall grow, remain, or deſcend, or come to them after the ſaid fine ingroſſed, and Proclamation made, by force of any gift in the taile, or by any other cauſe or matter had and made before the ſaid fine levied: So that they take their action, or purſue their ſaid right and title according to the law within five years next after ſuch action, right, claim, title, or intereſt to them accrued, deſcended, fallen, or come: And that the ſaid perſons, and their heirs, may have their ſaid action againſt the Pernour of the profits of the ſaid lands and tenements, and other hereditaments at the time of the ſaid action to be taken: and if the ſame perſons at the time of ſuch action, right, and title accrued, deſcended, remained, or come unto them, be covert de baron, or within age, in priſon, or out of this land, or not of whole mind, then it is ordained by the ſaid authority, that their action, right, and title, to be reſerved and ſaved to them and to their heirs, unto the time they come and be at their full age of xxi. years, out of priſon, within this land, uncovert, and of whole mind, ſo that they or their heirs take their ſaid actions, or their lawful entry according to their right and title, within five years next after that they come and be at their full age, out of priſon, within this land, uncovert, and of whole mind, and the ſame actions purſue, or other lawful entry take according to the Law. And alſo it is ordained by the authority aforeſaid, that all ſuch perſons as be covert de baron, not party to the fine, and every perſon being within age of xxi. years, in priſon, or out of this land, or not of whole mind, at the time of the ſaid fines levied and engroſſed, and by this ſaid Act afore except, having any right, or title, or cauſe of action to any of the ſaid lands and other hereditaments, that they or their heirs inheritable to the ſame take their ſaid actions of lawful entry according to their right and title, within five years next after they come and be of age of xxi. years, out of priſon, uncovert, within this land, and of whole mind, and the ſame actions ſue, or their lawful entry take and purſue according to the Law. And if they do not take their actions and entry as is aforeſaid, that they and every of them and their heirs, and the heirs of every of them be concluded by the ſaid times for ever, in like form as they be that be parties or privies to the ſaid fines. Saving to every perſon or perſons, not party nor privy to the ſaid fine, their exception to avoid the ſame fine, by that, that thoſe which were parties to the fine, nor any of them, nor no perſon or perſons to their uſe, ne to the uſe of them had nothing in the lands and tenements compriſed in the ſaid fine at the time of the ſaid fine levied. And it is ordained by the ſaid authority, that every fine that hereafter ſhall be levied in any of the Kings Courts, of any manors, lands, tenements, and other poſſeſſions, after the manner, uſe, and form, that fines have been levied afore the making of this Act, be of like force, effect and authority, as fines ſo levied, be or were afore the making of this Act, this Act or any other Act in this ſaid Parliament made or to be made notwithſtanding. And every perſon ſhall be at liberty, to levy any fine hereafter at his pleaſure, whether he will after the form contained and ordained in any by this Act, or after the manner and form afore time uſed. 32 H. 8. 36.

Plow.f.246. Dyer f. 182. 216.234.254.

Dyer f.246. Bro.Taile.2. Co.l.3.f.51. 77.84.

Co.Inſt.372. 2.262.2.326. 19 H.8.f.7. Plow.f.358. 360. Dyer f.72. 337.374. Co.l.5.f.123. lib.9.fol.104. lib.11.f.96.71. Dyer f.3.133. 224.

Co.l.7.f.32. l.9.f.140.

Dyer f.71. Bro.fines levyed. 223. Co.l.3.f.81. 91 lib.4.f.125.

Bro.Fines levyed. 109. 27 H.8.f.20. Dyer f.215. 260.

Proclamations of a fine. Stat.31 El.2. Co.pl.f.16.

Who ſhall be concluded by the fine, who not.

Every ſtrangers right ſaved which he preſently hath; ſo that he purſue it within 5. years. Co.pl.f. 171.222.326.

The right of ſtrangers ſaved which ſhall come to them.

Actions maintenable againſt the pernours of the profits. Stat. 1 R.1.9. 4 H.4.7. 11 H.6. 2. 1 H.7.1.

The right of Infants, women covert, perſons impriſoned, out of this Realm or not of whole memory, ſaved.

An entry muſt be made of an action taken within 5. years after the defects removed. Co.lib.pl.f.2

An exception that the parties to the fine had nothing in the land. Co.lib.pl.f.318.

Fines at the Common law be of the ſame force they were before.

The Fourth Parliament holden at *Weſtminſter* the ſeventh year of the reign of King *Henry* the ſeventh.

CAP. I.

The penalty of a Captain or Souldier retained to ſerve the King in his intended Wares, not doing their duties.

FOr as much as it is notoriouſly known, that the King to his great coſts and charges hath ſent his Ambaſſadors to Charles his Adverſary of France, to have had convenient peace with him, and to have his right without effuſion of Chriſtian blood, which was refuſed: Wherefore the King, by the grace of God, in whoſe hands and diſpoſition reſteth all victory, hath determined himſelf to paſs over the ſea, into his Realm of France, and reduce poſſeſſion thereof by the ſaid grace to him and to his heirs Kings of England, according to his rightful title, whereby he truſteth not only to bring this his Realm to the ancient form and honor, but alſo to inrich, and ſet in perfect peace and tranquility his ſubjects of the ſame, truſting that thereby the more part of all Chriſtian Realms ſhall be in more perfect peace and tranquility, and the better diſpoſed to ſerve God: which cannot be done by all likelihood without battle, as well on the ſea, as in other places beyond the Sea, wherein Almighty God muſt be judge, in whoſe defence, mercy and goodneſs, the King putteth his full truſt above all other things: howbeit many times by the inordinate covetiſe of Captains retained with Princes afore this time, great part of the number of Souldiere, for whom ſuch captains have endented with Princes, at time of need have lacked of their number of ſouldiers, whereby great jeopardies have enſued, and irrecuperable damages thereby may enſue, if remedy be not therefore foreſeen and had. Be it therefore ordained by the authority of this preſent Parliament, that if any Captain be retained, or hereafter ſhall be, to ſerve the King on the ſea or beyond the ſea in feat of war, which hath not his or their whole or perfect number of men and ſouldiers, according as he ſhall be retained with the King, or give not them their full wages without ſhorting, as he ſhall receive of the King for them, except for Jackets for them that receive land-wages, that is to ſay, vi.s. viii.d. for a yeoman, and xiii.s. iv. for a Gentleman for a whole year, he ſhall for ſuch default forfeit to the King all his goods and cattels, and their bodies to priſon.

The penalty of a Captain which ſhall not have the whole number of his Souldiers, or not pay them their wages. Stat. 3 H.8.5.

The Captain ſhall pay to his Souldiers their wages within vi. days after their receit thereof.

The penalty of a Souldier departing without licence ſhall be felony. Stat. 18 H. 6.19. 2 Ed.6.2.

And that every Captain, pety Captain, and all other having under them retinue of any ſouldier or ſouldiers at the Kings wages, ſhall upon the pain aforeſaid, pay to their retinue of ſouldier or ſouldiers, and every of the ſame, the wages rateably as is allowed unto them by the King our Soveraign Lord, or the Treaſurer of his Wars, without leſſening or withdrawing any part thereof: And for as long time as they ſhall receive wages for them, this paiment unto the ſaid retinues, and every ſouldier of the ſame, of their Captains and pety captains always ſhall be within ſix days next and immediatly after that the ſaid Captain, pety captain, or other ſhall have received their wages of the King, or of the Treaſurer of his Wars, or their Lords or Maſters. And if any ſouldier being no Captain, immediately retained with the King, which hereafter ſhall be in wages and retained, or take any preſt to ſerve the King upon the ſea, or upon the land beyond the Sea, depart out of the Kings ſervice without licence of his Captain, that ſuch departing be taken, deemed and adjudged felony, and that he ſo offending ſuffer for the ſaid offence puniſhment and execution of felony. And for as much as his offence ſtretcheth to the hurt and jeopardy of the King our Soveraign Lord, the Nobels of the Realm, and of all the Common weal thereof, that therefore he or they ſo offending enjoy not the benefit of his Clergy. And that it be ordained by the ſaid authority, that all the Juſtices in every Shire of England, whereas any ſuch offendors be taken, have power to inquire of the ſaid offences, and the ſame to hear and determine as they do and may do of felony, treſpaſſes, and of other offences expreſſed in the Kings Commiſſion to them made, as though the ſaid offences were done in the ſame Shire. And alſo that the ſaid departing of ſuch ſouldiers, and alſo their reteinors, if it be traverſed, be tried in the ſame Shire, where they be for ſuch cauſe arreſted & arraigned. Provided alway, that no manner of Captain be charged by this Act for lack of his number retained, as is aboveſaid, whoſe ſouldiers ſhall hap to die, or otherwiſe depart, not in the default of the Captain; ſo that the ſaid Captain, if he be at land-wages, ſhew the departing or lacking of his ſouldier within ten days after the lacking of the ſaid ſouldier, unto the Treaſurer of the wars: or if the Captain be at ſea-wages, he ſhew the departing or lacking of the ſaid ſouldier, ſo lacking, to the Admiral of the Navy where he is retained, at next meeting with the ſaid Admiral. Co. l. 6. f. 27.

Cro.Car.31.

Juſtices of Peace may enquire of, hear and determine the offences of Souldiers departing without licence.

The Captain ſhall not be charged for the ſouldiers offence.

CAP. II.

Every perſon that ſhall be in the Kings wages beyond the Sea, or on the Sea, ſhall have a Protection, and no diſcent ſhall prejudice him, and by his writing he may make his Atturney to enter into lands deſcended unto him, to Attorn, &c. Exp. St. 3 H. 8. 4.

CAP. III.

They that do go with the King in his wars may make feoffements of their lands to the uſe of their Wills without licence, and they ſhall have their own liveries and authority to diſpoſe the Wardſhip of their heirs. Exp. St. 3 H. 8. 4.

CAP. IV.

Weights and meaſures ſhall be made of Braſs, and ſent to the chief Officers of every City, Borough, &c. Alt. 11 H. 7. 4. 12 H. 7. 5.

CAP. V.

Riens deins le gard ſhall be no challenge upon any Iſſue to be tried in London.

PRayen the Commons in this preſent Parliament aſſembled, that where of long time uſed in any iſſue to be tried within the City of London, a challenge commonly called, Riens deins le gard hath been admitted for a good challenge, ſo that no iſſue could be tried in any Ward, without that there were four ſufficient perſons of livelihood to the yearly value of x. s. above all charges within the ſame City, and dwelling or having any livelihood within the ſame Ward: and it is ſo now (the cauſe God knoweth why) that there is no Ward, or elſe but few, and in ſpecial in plea of land, that any plaintiff or demandant can have ſufficient trial in this matter, as evidently is known, for cauſe of ỷ challenge aforeſaid; for in the moſt part of Wards, as now, there be none ſufficient; and if any be, there are no officers ỷ dare ſummon them, or elſe if they be ſummoned, they will not appear, their honour is ſo great, and their amerciaments ſo little: That it pleaſe your moſt abundant grace, by the advice of the Lords Spiritual and Temporal, and by the authority of this preſent Parliament to ordain, and for the Common wealth of your true ſubjects, eſtabliſh and enact, that from henceforth the challenge commonly called Riens deins le gard, be no challenge but

Riens deins le gard, ſhall be no challenge upon any iſſue to be tried in London.

but utterly void and of none effect: Saving to every perſon all manner of other challenges, whatſoever they be, according to the Law.

CAP. VI.

Letters Patents made to ſeveral Spiritual perſons to be diſcharged of Diſmes and Quinzimes ſhall extend no further then they did in the time of King Ed. 4. Exp.

CAP. VII.

All Scots not made Denizens ſhall depart this Realm within xl. daies after Proclamation, upon pain of forfeiture of all their goods. Rep. 4 Jac. 1.

CAP. VIII.

Every Butt of Malmſie ſhall contain Cxxvi. gallons, and every Merchant ſtranger ſhall pay for Cuſtom xviij. s. a Butt, beſides the old Cuſtom, and no Butt ſhall be ſold for above iv. li. which new impoſition ſhall be until the Venetians abate their new impoſition of iv. Ducats at Candy. Exp.

Anno undecimo Henrici *ſeptimi.*

THe King our Soveraign Lord, Henry the ſeventh after the Conqueſt, by the grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the thirteenth day of October, in the eleventh year of his Reign, to the honor of God and holy Church, and for the common profit of the Realm, by the aſſent of the Lords ſpiritual and temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament, hath done to be made certain Statutes and Ordinances in manner and form following.

CAP. I.

None that ſhall attend upon the King and do him true ſervice, ſhall be attainted, or forfeit any thing.

THe King our ſoveraign Lord calling to his remembrance the duty of allegiance of his ſubjects of this his Realm, and that they by reaſon of the ſame are bound to ſerve their Prince and Soveraign Lord, for the time being, in his wars, for the defence of him and the land, againſt every rebellion, power, and might reared againſt him, and with him to enter and abide in ſervice in battel, if caſe ſo require; and that for the ſame ſervice what fortune ever fall by chance in the ſame battel againſt the mind and will of the Prince (as in this land ſometime paſſed hath been ſeen) that it is not reaſonable, but againſt all laws, reaſon, and good conſcience, that the ſaid ſubjects going with their Soveraign Lord in wars, attending upon him in his perſon, or being in other places by his commandment within this land or without, any thing ſhould loſe or forfeit for doing their true duty and ſervice of allegiance: It be therefore ordained, enacted, and eſtabliſhed by the King our Soveraign Lord, by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that from henceforth no nanner of perſon or perſons whatſoever he or they be, that attend upon the King and ſoveraign Lord of this land for the time being, in his perſon, and do him true and faithful ſervice of allegiance in the ſame, or be in other places by his commandment in his wars, within this land or without: that for the ſaid deed and true duty of allegiance he or they be in no wiſe convict or attaint of high treaſon, ne of other offences for that cauſe, by Act of Parliament, or otherwiſe by any proceſs of Law, whereby he or any of them ſhall loſe or forfeit life, lands, tenements, rents, poſſeſſions, hereditaments, goods, chattels, or any other things: but to be for that deed and ſervice utterly diſcharged of any vexation, trouble or loſs. And if any act or acts or other proceſs of the Law hereafter thereupon for the ſame happen to be made contrary to this ordinance, that then that act or acts or other Proceſs of the Law, whatſoever they ſhall be, ſtand and be utterly void. Provided alway, that no perſon or perſons ſhall take any benefit or advantage by this act, which ſhall hereafter decline from his or their ſaid allegiance.

No perſon that ſhall attend upon the King and do him true ſervice, ſhall be atainted therefore of Treaſon or any other Offence.

CAP. II.

Vagabonds, idle and ſuſpected perſons ſhall be ſet in the ſtocks iii. days and iii. nights, and have none other ſuſtenance but bread and water, and then ſhall be put out of the Town. And whoſoever ſhall give ſuch idle perſons more, ſhall forfeit xii. d. Every beggar not able to work, ſhall reſort to the hundred where he laſt dwelled, is beſt known, or was born, and there remain, upon the pain aforeſaid. Exp. 39 El. 4. No artificer, labourer, or ſervant ſhall play at any unlawful game, but in Chriſtenmas. Exp. 33 H. 8. 9. Two Juſtices of Peace may reject common ſelling of Ale, &c. Alt. 5 Ed. 6. 25. Rep. 21 Jac. 28.

CAP. III.

The Juſtices of Aſſiſe in their Seſſions, and the Juſtices of Peace in every county, upon information for the King, ſhall have authority to hear and determine all offences and contempts (ſaving Treaſon, Murder, or Felony) committed by any perſon againſt the effect of any Statute made, and not repealed. Exp. 1 H. 8. 6.

Co. Inſt. 4. p. 41.

CAP. IV.

The names of the Cities and Towns limited for the keeping of Weights and Meaſures.

PRayen the Commons in this preſent Parliament aſſembled, where divers Acts, Statutes and Ordinances, in the times of the noble Progenitors and predeceſſors of our now Soveraign Lord the King, have been made, that one meaſure and weight ſhould be uſed throughout this noble Realm: and alſo, that in every City, Borough, and Town within the ſame Realm, upon certain and ſeveral pains in the ſaid Statutes and Ordinances limited, ſhould be a common Ballance, with common weights, and common Meaſures, marked according to the Eſtandard of the Exchequer, by the which and other like ballance,

Statutes concerning weights and meaſures.

St. 9 H. 3.25. 51 H.3. 31 E.1. 14 Ed.3 12. 25 E.3.9.10. 27 E.3.10. 34 E.3.6. 13 R.2.9. 15 R.2.4. 16 R.2.3. 8 H.6.5. 18 H.6.17. 1 R.3.13.

A weight and meaſure according to the ſtandard of the Exchequer ſhall be ſent into every City, borough, &c.

Every City, & Borough ſhall make common weights according to them received, and ſhall mark them.

None ſhall buy or ſell, but with weights and meaſures ſigned and printed. Weights and meaſures ſhall be viewed and examined twice in the year at the leaſt.

The penalty of offendors.

Juſt. of Peace may hear and determine the offences.

The meaſure of a quarter of Corn, and the weight of a ſtone and ſack of wooll.

St. 14 Ed.3.12.

Selling and buying by water meaſure within the ſhip-board.

The Lord Warden of the five Ports ſhall puniſh offences done there.

Weights for Coinage of Tin in Cornwal and Devon.

weights, and meaſures, marked according to the ſaid Eſtandard, all men ſhould buy and ſell, for the avoiding of all fraud and diſcord in that behalf to be uſed: which Acts, Statutes, and Ordinances have not been obſerved and kept, as now in this preſent Parliament it hath been openly, by divers perſons of divers parts of this Realm remembred, to the great hurt & vexation of divers & many of the Kings Subjects of this Realm: For remedy whereof, be it of the abundant grace of our moſt gratious Soveraign Lord, by the aſſent of the Lord Spiritual & Temporal, & by the Commons in this preſent Parliament aſſembled, & by authority of the ſame, enacted and eſtabliſhed, That unto the Knights and Citizens of every Shire, and City, aſſembled in this preſent Parliament, Barons of the Cinque Ports, and certain Burgeſſes of Burgh Towns, before they depart from this preſent Parliament, be delivered one of every weight and meaſure, which now our Soveraign Lord hath cauſed to be made of Braſs, for the common wealth of all his ſubjects and lieges within this his Realm of England, according to the King our Soveraign Lords Standard of his Exchequer of weights and meaſures, as they be in the Exchequer of our ſaid Soveraign Lord: and that the ſaid Knights, Citizens, and Burgeſſes, to whom the ſaid weights and meaſures ſhall be delivered, as is aforeſaid, ſurely convey or cauſe the ſame to be conveyed on this ſide the Feaſt of Eaſter next coming, by the ſaid Citizens to their Cities, and by the ſaid Knights, unto ſuch Borough or town corporate, or Market town within the Shire, for which they be elected, as is ſpecified and contained in a ſchedule unto this preſent Bill annexed, there to remain for ever in the keeping of the Maior, Bailiff, or other head officer for the time being, of the ſame City, Borough, or Town, as the Kings Standard of weight and meaſure. And that the inhabitants of all Cities, Boroughs, and Market Towns within every of the ſaid Shires, ſhall on this ſide the Feaſt of the Nativity of Saint John Baptiſt next coming, make or cauſe to be made common meaſures and weights, according to the weight and meaſures abovesaid, to remain within the ſaid Cites, Boroughs, and Market Towns, and every of them: and the ſame weights and meaſures to be viewed, examined, printed, ſigned, and marked by the Maior, Bailiff, or other head officer, in whoſe poſſeſſion the aforeſaid Standard ſhall remain. And that every of the aforeſaid Maior, Bailiff, or head officer, having the ſaid weights and meaſures ſigned and printed under the ſigne and print for the ſame, with a letter H. crowned, have authority and power to make, ſigne, and print like weights and meaſures unto every the Kings lieges and ſubjects, duly requiring the ſame, taking for marking of every Buſhel i.d. And from the ſaid Feaſt of the Nativity of S. John Baptiſt, no Merchant, ne other perſon or perſons within any City or Market Town, buy ne ſell with any weight or meaſure, except it be marked, ſigned, or printed in manner and form aforeſaid, ne any other perſon or perſons out of the ſaid Cities, Boroughs, and market Towns, except it be like and equal with the ſaid Eſtandard: and that every perſon, as well without Cities, Boroughs, and Market Towns, as within, buy and ſell with a Buſhel ſealed, ſigned, or marked after the form aforeſaid and no otherwiſe. And that all the Maiors, Bailiffs, and other head officers of every City, Borough, or Market town, ſhall cauſe twice in the year, or oftner, as they ſhall think neceſſary, all weights and meaſures within the ſaid Cities, Boroughs, and Market towns, to be brought afore them, and to be duly viewed and examined: and ſuch as they ſhall upon the ſaid examination find defective, immediately to be broken and burnt, and the party or parties which in that behalf hath offended and be found defective, ſhall forfeit for the firſt time vi. s. viii. d. the forfeiture thereof to be unto the ſaid Maior, Bailiff, or any other having juriſdiction and correction in that behalf: and at the ſecond time the ſaid offendor likewiſe to forfeit xiii. s. iiii. d. and at the third time likewiſe to forfeit xx. s. and for further puniſhment to be ſet upon the pillory, to the enſample of other. And two Juſtices of Peace, whereof one ſhall be of the Quorum, have authority, as well by examination as by enquiry, to hear and determine the defaults of the ſaid Maiors, Bailiffs, or other head Officers in that behalf, and alſo of all buyers and ſellers doing contrary to this preſent Act and Ordinance, and to ſet fine and amerciament upon the offenders by their diſcretion: and the ſaid weights and meaſures ſo found defective to be forfeited and burnt. Be it alſo enacted, that there be but only viii. buſhels raſed and ſtriken to the quarter of Corn, and xiv. li. to the ſtone of wooll, and xxvi. ſtone to the ſack. Be it alſo ordained by authority abovesaid, That the Juſtices of Peace abovesaid have authority to make like Proceſs againſt all perſons found as is abovesaid defective, and for ſuch fines and amerciaments as upon them ſhall be aſſeſſed, as if they were indicted afore them for breaking of the Kings peace. And where by other Statutes and Ordinances afore limited, it is ordained, That every City, Borough, and Town that hath a Conſtable, ſhould have common weights and meaſures ſealed, upon penalties in the ſame limited: that thoſe penalties in that behalf extend not to any Town, which is no City, Burgh, or Market Town. Provided alway, that this act ſhall not extend nor be prejudicial to any perſon ſelling or buying by water meaſure within the ſhip-board. And that it be by the authority aforeſaid enacted, the premiſſes or any other Ordinance afore made notwithſtanding, that the ſaid water meaſure within the ſhip-board ſhall only contain five pecks, after the ſaid ſtandard raſed and ſtricken. Provided alſo, that the examination of defaults abovesaid, and puniſhment to the offendors of every offence committed hereafter within any of the ſaid five Ports ſhall be had, done, and adminiſtred by the Lord Warden of the ſaid five Ports, or by his Lieutenant of the ſame for the time being, and none other, the premiſſes notwithſtanding. Provided alſo, that this Act of Weights and Meaſures extend not, nor be in no wiſe hurtful or prejudicial to the Prince within the Dutchie of Cornwal, or any weights appertaining to the Coynage of Tinne within the Counties of Cornwal and Devonſhire, but that all ſuch weights be uſed, ordered, demeaned, and corrected, as it hath been uſed and accuſtomed before this time, the ſame Act and Ordinance notwithſtanding. St. 7 H.7.4. 12 H.7.5.

The names of Towns limited for the ſafe-cuſtody of *Weights* and *Meaſures*, according to the Kings Eſtandard for the Shires following, as particularly appeareth.

Weſtmerl.	The town of Appleby.
Northumb.	The town of Newcaſtle.
Cumbr.	The city of Carleyl.
Lanc.	The town of Lancaſter.
Ebor.	The city of York.
Lincoln.	The city of Lincoln.
Derb.	The town of Derby.
Notingh.	The town of Nottingham.
Leic.	The town of Leiceſter.
Warw.	The city of Coventry.
Rotyl.	The town of Appingham.
North.	The town of Northampton.
Bedf.	The town of Bedford.
Buck.	The town of Buckingham.
Cantebr.	The town of Cambridg.
Hunt.	The town of Huntingdon.
Norf.	The city of Norwich.
Suff.	The town of St. Edmonds-bury.
Eſſex.	The town of Chelmsford.
Hertf.	The town of Hertford.
Mid.	In Weſtminſter.
Kent.	The town of Maidſtone.
Surr.	The town of Guilford.
Suſſex.	The town of Lewes.
Oxon.	The town of Oxenford.
Berk.	The town of Reding.
Salop.	The town of Shrewsbury.
Staff.	The town of Stafford.
Hereford.	The town of Hereford.
Glouc.	The town of Glouceſter.
Wigorn.	The city of Worceſter.
Wilts.	The city of new Salisb.
South.	The city of Wincheſter.
Somerſ.	The town of Ilcheſter.
Dorſ.	The town of Dorcheſter.
Devon.	The city of Exceſter.
Cornub.	The town of Luſtudiel.
London.	The ſame city.
Briſtol.	The ſame town.
Quinque Portus.	The Caſtle of Dover.
Civitas Covent.	The ſame city.
Southampton.	The ſame town.
Civitas Ceſtr.	The ſame town.

CAP. V.

Every man may pull down the wears and engines in the Haven of Southhampton, between Calſhord and Redbridg: and whoſoever levieth any other there, ſhall pay one hundred pounds to the King. P. St. 14 H. 8. 13. made perpetual.

CAP. VI.

Where Cuſtom ſhall be payed when Cloths be packed in one Port, and ſhipped in another.

Whereas in the Parliament holden at Weſtminſter, the xii. year of the reign of King Edward the fourth late King of England, among other things it was ordained, eſtabliſhed, and enacted, that where any woollen cloths were or ſhould be packed in any Port within the Realm of England, and then to be carried from thence to any Port within this Realm to be carried over the ſea, that then the ſame cloths ſo to be packed and carried, ſhould be packed in the preſence of the Cuſtomers and Controllers of the Port where the ſame cloths ſhould be packed, and that the cuſtoms and ſubſidies, of the ſaid cloths, due to the King, ſhould be paid and contented unto the collectors of the cuſtom within the ſame Port, as in the ſaid act more plainly appeareth: Which act for divers and many cauſes and conſiderations is thought hurtful and prejudicial, as well unto the King our ſoveraign Lord, as to the Merchants: In conſideration whereof be it ordained, eſtabliſhed and enacted by the King our Soveraign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that from henceforth the cuſtom and ſubſidy of all woollen cloths to be ſhipped and carried over the ſea, whereſoever they been packed, ſhall be paid to the Cuſtomers of the Port or Ports, where any ſuch cloths ſhall be laden or ſhipped, or to their Deputies: The ſaid act or any other act heretofore made to the contrary notwithſtanding. 1 E. 4. 2.

Where the Cuſtom ſhall be paid, when woollen cloths be packed in one Port and ſhipped in another.

CAP. VII.

The principal leaders of any perſons to commit a Riot or unlawful aſſembly, ſhall be committed to priſon ſo long time, and pay ſuch fine, and be bound to the Peace with ſureties in ſuch a ſum of mony as ſhall ſeem meet to the Juſtices of Peace before whom the complaint is made, or the indictment ſound. And if the Riot be with forty perſons, or thought hainous, then the Juſtices of Peace ſhall certifie the ſame, and ſend up the Record of Conviction to the King and his Councel. Exp. St. 1 M. 12.

CAP. VIII.

A repeal of the Statute of 3 H. 7. 5. touching uſury: He that lendeth his mony upon uſury, or maketh any bargain of lands or goods grounded upon uſury, ſhall forfeit the one half thereof. Rep. 37 H. 8. 9.

CAP. IX.

North and South Tindal and all the lands within the ſame ſhall be gildable, and parcel of the County of Northumberland, and no Franchiſe ſhall be there, but all the Kings Writs and Officers ſhall be obeyed. And no man ſhall demiſe any lands for years, life, or at will there, but the leſſee ſhall before find two ſureties having at the leaſt xl. s. of freehold within the County of Northumberland to be bound by recogniſance in xx. li. to the King, to make anſwer within viii. days warning to all murders, treaſons, felonies, &c. And the leſſor ſhall forfeit xl. s. for every acre otherwiſe let, to the King and Juſtices, and the leaſe ſhall be void: and the Juſtices of peace ſhall enquire of the Recogniſances forfeited. Pr.

CAP. X.

Co. l. 12. 120.

A remedy or means to levy a ſubſidy or benevolence before granted to the King. Exp.

CAP. XI.

No man ſhall be a Worſted-ſhearer in Norwich, unleſs he hath been vii. years an Apprentice, or be allowed by the Major and Maſters of the Company. The Worſted-ſhearers in Norwich ſhall make no ordinance but ſuch as the Major and Aldermen ſhall think neceſſary: No inhabitant in Norwich being not a ſhearman ſhall keep a ſhearman in his houſe. Rep. 19 H. 7. 17. The Citizens of Norwich may take to Apprentice the ſon or daughter of any perſon notwithſtanding the Statute of 7 H: 4. 17. St. 12 H. 7. 1. 19 H. 7. 17. 5 El. 4.

CAP. XII.

A mean to help and ſpeed poor perſons in their ſuits.

Prayen the Commons in this preſent Parliament aſſembled, that where the King our Soveraign Lord, of his moſt gracious diſpoſition willeth and intendeth indifferent juſtice to be had and miniſtred according to his common Laws, to all his true ſubjects, as well to the poor as rich, which poor ſubjects be not of hability ne power to ſue according to the laws of this Land for the redreſs of injuries and wrongs to them daily done, as well concerning their perſons and their inheritance, as other cauſes. For remedy whereof, in the behalf of the poor perſons of this Land not able to ſue for their remedy, after the courſe of the Common Law: be it ordained and enacted by your Highneſs, and by the Lords Spiritual and Temporal, and the Commons in this preſent Paliament aſſembled, and by authority of the ſame, that every poor perſon or perſons, which have or hereafter ſhall have cauſe of action or actions againſt any perſon or perſons within this Realm, ſhall have by the diſcretion of the Chancellor of this Realm for the time being, writ or writs original, and writs of Subpena, according to the nature of their cauſes, therefore nothing paying to your Highneſs for the ſeals of the ſame, nor to any perſon for the writing of the ſame writs to be hereafter ſued. And that the ſaid Chancellor for the time being ſhall aſſign ſuch of the Clerks, which ſhall do and uſe the making and writing of the ſame writs, to write the ſame ready to be ſealed, and and alſo learned Councel and Atturnies for the ſame, without any reward taking therefore: and after the ſaid writ or writs be returned, if it be afore the King in his Bench, the Juſtices there ſhall aſſign to the ſame poor perſon or perſons Councel learned by their diſcretions, which ſhall give their counſels, nothing taking for the ſame. And likewiſe the Juſtices ſhall appoint Atturnie and Atturnies for the ſame poor perſon or perſons, and all other officers requiſite and neceſſary to be had for the ſpeed of the ſaid ſuits to be had and made, which ſhall do their duties without any reward for their counſels, help and buſineſs in the ſame. And the ſame Law and order ſhall be obſerved and kept of all ſuch ſuits to be made afore the Kings Juſtice of his Common place, and Barons of his Exchequer, and all other Juſtices in the Courts of Record, where any ſuch ſuits ſhall be.

A mean to help and ſpeed poor perſons in there ſuits in every Court of record.

CAP. XIII.

Who only may carry a Horſe out of this Land without the Kings licence. The cuſtom, and price of a Mare to be tranſported.

Foraſmuch as many horſes and mares of the breed of this Land now of late have been carried and conveyed out of the ſame into the parts beyond the Sea, which cauſeth not only the ſmaller number of good horſes to be within this Realm for the defence thereof, but alſo the great and good plenty of the ſame to be in the ſaid parts beyond the ſea, that in time paſt were wont to be within this Land, and over that the price of every of them to be greatly enhaunced here to the loſs and noyance of all the Kings Subjects within the ſame. For remedy whereof, be it ordained, enacted and eſtabliſhed by the King our Soveraign Lord, by the advice of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that from henceforth no manner perſon, ne perſons carry or convey any horſe out of this Land, without the Kings ſpecial licence, upon pain of forfeiture of the ſame, or any mare above the value of vi. s. viii. d. without the Kings ſpecial licence, upon the ſaid pain of forfeiture of the ſame mare, the owner thereof or his deputy receiving for the ſame mare vi. s. viii. d. at the time of the ſeiſure upon the ſaid forfeiture, or elſe it be no forfeit: and at the time of ſeiſure of the ſaid mare or mares they ſhall be priſed by the head officers of the Town where any ſuch mare is taken, and there openly to be ſold to the beſt price, and the half deal of the over-price of her, being above vi. s. viii. d. to be to the King, and the other half to him that ſeiſeth: and the Kings part thereof to be delivered to the cuſtomer of the ſaid Port. And that no manner perſon, ne perſons hereafter carry or convey any mare or mares out of this land, except every of the ſaid mares ſo carried be of the age of three years at the leaſt, and not over the price of vi. s. viii. d. paying to the King for every of them being not above the value of vi. s. viii. d. ſo to be carried or conveyed in the ſame Port, ſuch cuſtoms as hath been for mares before uſed. And that for every mare of more value hereafter by the Kings licence, after the form aforeſaid, conveyed or carried beyond the ſea, the owner thereof or his deputy aſſigned or ſervant ſhall pay vi. s. viii. d. for the cuſtom of the ſame, before it be ſhipped, under the pain of forfeiture of every mare ſo ſhipped, ere they be cuſtomed. And over that be it enacted, that if any perſon at the Port will give for any of the mares ſo to be carried, vii. s. that it be lawful to him ſo giving and paying the ſaid vii. s. to take the ſaid mare, if ſhe be not afore taken by the Kings officer, nor the Kings licence be not in that behalf aforeſaid, for the ſame mare to be carried, obtained. Provided alway, that it ſhall be lawful to every perſon or perſons being denizens, hereafter to carry a horſe beyond the ſea, the Kings licence in that behalf not obtained, for their own uſe,

No horſe ſhall be carried out of this Realm without the Kings licence. 22 H. 8. 7.

No Mare above the value of vi. s. viij. d. ſhall be tranſported without licence.

No mare ſhall be tranſported except ſhe be of the age of iii. years, and not above the price of vi. s. viii.

The cuſtom of a mare tranſported vi. s. viii. d. and her price vii. s.

Any perſon may carry a horſe beyond the ſea for his own uſe. St. 1 E. 6. 5. Rep. 5 Eliz. 19.

uſe, not intending at the time of the ſhipping of the ſame, nor then fully purpoſed to ſell him, and that intent to be known by the oath of them that ſhall ſo ſhip the ſame horſe, taken before the Cuſtomer or Searcher of the ſame Port, this Act notwithſtanding:

CAP. XIV.

What Cuſtoms Aliens made Denizens ſhall pay for their Merchandiſes.

Where the King our Soveraign Lord is greatly deceived in his cuſtoms and ſubſidies by Merchants and ſtrangers, ſuch as the King our Soveraign Lord hath granted by his Letters Patents to be Denizens, and to pay no other cuſtoms ne ſubſidies for their Merchandiſe inward and outward, but as a Denizen, under colour whereof they cuſtom not only their own merchandiſe under the form aforeſaid, but alſo they colourably enter into the Cuſtomers books the Merchandiſe of other Strangers, calling and ſaying the ſaid goods of other Merchants to be the goods of them ſo made denizens, to the great loſs and defraud of the King our Soveraign Lord: Wherefore be it enacted by the King our Soveraign Lord, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by authority of the ſame, that all Merchant Strangers, and other that be made Denizens by the Kings Letters Patents, or otherwiſe, pay from henceforth ſuch Cuſtoms and Subſidies for their goods and Merchandiſe, inward and outward, as they ſhould have paid, if ſuch Letters Patents and grants had never to them been made.

Aliens made Denizens ſhall pay ſuch cuſtoms and ſubſidies as they did before. St. 1 H.7.2. 22 H.8.8.

CAP. XV.

Entring of plaints in County Courts: Examining of Sheriffs: Execution of Precepts: Viewing of Eſtreats, and gathering of them.

Several miſdemeanors practiſed by Sheriffs, &c. by entring of plaints

Whereas great extortion is yearly uſed and had within divers Counties of this Realm of England by the ſubtilty and untrue demeanour of Sheriffs, Under-ſheriffs, Shire-Clerks, or any other Officers, holding and keeping the Counties in the name of the Sheriff, that is to ſay, if any man affirm a plaint before the ſheriffs in the counties, or before any other of the ſaid Officers, the ſaid Sheriff, Under-ſheriff, or his Shire-Clerk will enter or cauſe to be entred in their books in the ſame Plaintiffs name divers and many plaints both of debt, treſpaſs, and covenant, at their pleaſure, and unknowing to the ſame Plaintiff in whoſe name the ſaid plaints been affirmed, to the intent that if the Defendant appear not at every Shire-day or Court, hanging the ſaid plaint, he ſhall leeſe for this default made at every plaint, iv. d. where divers times by covin between the ſaid Sheriffs, Under-ſheriffs, and Shire-Clerk, and the other foreſaid Officers, the ſaid defendants being never attached, ſummoned, nor warned, according to the due form of the Common law, wherefore the ſame parties ſo put in ſuit, have no knowledge of any ſuch ſuit had againſt them; and over that the ſame Sheriffs, Under-ſheriffs and Shire-clerks, will cauſe divers plaints to be taken in the names of ſuch perſons that are not in plain life, where the ſaid defendant ſhall have like loſs as is before rehearſed: ſo that the unlawful demeanour of the ſaid Sheriffs, Under-ſheriffs, Shire-clerks, for the time being, and the bailiffs of the hundreds for their default and negligence in their offices, and covin between the ſaid Sheriffs, Under-ſheriffs, Shire-clerks, and other of the foreſaid Officers, cauſeth the amerciaments that be in the one year after the books be ingroſſed, to amount to great and importable ſums of money, which ſums of money been yearly levied of the poor Commons in the ſaid Counties by the Sheriffs, Under-ſheriffs, and Shire-clerks, and other Deputies being of no ſubſtance, nor of behaviour, which Deputies take and levy more by extortion then is contained in their eſtreats, to the expreſs pillage and impoveriſhing of the ſaid Commons. Be it therefore enacted, ordained, and eſtabliſhed, by the King our Soveraign Lord, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no Sheriffs, Under-ſheriffs, or Shire-clerks hereafter, neither any perſon in their names, nor by their commandment, ſhall take and enter any plaints into their books, in no mans name, unleſs the party plaintiff be in his proper perſon preſent in the Court, or elſe by ſufficient Atturny or Deputy, that is known to be of good name and diſpoſition: and that the ſame party plaintiff ſhall find pledges to purſue his ſaid plaint, ſuch perſons as are known there in the County: and that the party plaintiff ſhall have but one plaint for one treſpaſs or contract. And if the ſaid Sheriffs, Under-ſheriffs, Shire-clerks, take and enter, or cauſe to be entred any moe plaints then the plaintiff ſuppoſeth that he hath cauſe of action againſt the defendant, that then the ſaid Sheriffs, Under-ſheriffs, Shire-clerks, that do enter or cauſe to be entred any ſuch plaints, contrary to the ſaid proviſion and ordinance, ſhall forfeit for every default xl. s. the one half thereof to be had to the uſe of our Soveraign Lord the King, and the other part to him or them that will ſue and prove the ſame matter by action of debt or information in the Eſchequer. And over that the Juſtices of Peace in the ſame Counties and every of them, ſhall have authority upon complaint made by the party ſo unlawfully grieved, to examine the ſaid Sheriffs, Under-ſheriffs, or Shire-clerks and plaintiffs; and if the ſaid Juſtices of Peace, or one of them, find by their examination default in the ſaid Sheriffs, Under-ſheriffs, or Shire-clerks in entring of the ſaid plaints deceitfully, for his or their advantage, as is before rehearſed, contrary to this preſent Act, that then the ſaid Sheriffs, Under-ſheriffs, & ſhire-clerks ſhall be convict and attaint of the ſame offence without further enquiry or examination, and that he ſhall forfeit upon the ſame examination xl. s. to the uſe of our Soveraign Lord the King, for every default: And the ſaid Juſtices of Peace that ſo ſhall take y^e^ examination, ſhall certifie the ſame examination within a quarter of a year into the Kings Eſchequer, upon pain of xl. s. And furthermore that the ſaid Sheriffs, Under-ſheriffs, and Shire-clerks,

No plaint ſhall be entred in the County Court, but where the plaintiff or his Atturny is preſent.

There ſhall be but one plaint entred for one cauſe.

A Juſtice of Peace may examine the offence and certifie it into the Exchequer.

make

The penalty of Bailiffs of Hundreds that do not execute their offices.

Two Juſtices of peace ſhall view the Sheriffs Eſtreats. St. 1 Ed.4

Bailiffs ſhall be ſworn to gather but what is due.

By whom and when the ſaid Juſt. of peace ſhall be named.

Proceſs awarded by the Juſtices of peace againſt an offender.

make or cauſe to be made a ſufficient precept to the Bailiffs of the ſaid Hundreds, to attach, ſummon, or warn the Defendants that are ſo in ſuit, to appear and anſwer to the ſaid plaints: and if there be any default in the ſaid Bailiffs of the Hundreds, in warning of the Defendants to appear and anſwer to the ſaid plaints commenced againſt them in their counties, or in executing their ſaid office, that then the ſame Bailiffs ſhall forfeit for every default unto our Soveraign Lord the King xl. s. and to be attaint and convict thereof by the examination of the Juſtices of Peace, or any of them, as before is rehearſed: And that the ſame Sheriffs, Underſheriffs, Shire-Clerks, and their Deputies for the time being, ſhall make no Eſtreats to levy the ſaid Sheriffs amerciaments, until ſuch time that two Juſtices of Peace, whereof one ſhall be of the Quorum, have had the view and overſight of their books: and that the Eſtreats be indented betwixt the ſaid Juſtices of Peace and the ſaid Sheriffs, and Underſheriffs, and ſealed with their ſeals, the one part to remain with the ſaid Juſtices, and the other part with the ſaid Sheriffs or Underſheriffs, to the intent they may underſtand if any deceit be, or untrue demeaning in them, in making of their books: and that thoſe perſons which ſhall be gatherers of the ſame amerciaments, as Bailiffs, or other Officers, be ſworn by the ſaid Juſtices, that they take no more money then is forfeited and contained in the Eſtreats, ſealed with the ſeals of the ſaid Juſtices of Peace, upon the ſame pain of forfeiture as before is rehearſed: thereof the ſame gatherers to be convict by examination of the ſaid Juſtices of Peace, or one of them, as before is rehearſed: Provided alway that the ſaid Juſtices of Peace ſhall be appointed and named at the general Seſſions after the Feaſt of S. Michael the Archangel, by him that is Cuſtos Rotulorum of the ſaid Counties, or elſe by the eldeſt of the Quorum in his abſence, to have the overſight and controllment of the ſaid Sheriffs, Underſheriffs, and Shire-Clerks, and other of the ſaid Officers, and of the ſaid Sheriffs amerciaments: And the ſaid Juſtices of Peace, upon ſuggeſtion or information of the party ſo grieved, ſhall make like Proceſs, as in an Action of Treſpaſs againſt the ſaid Sheriffs, Underſheriffs, or Shire-Clerks, and other the foreſaid Officers miſdealing, as before is rehearſed, for to appear before them, to anſwer to the ſaid ſuggeſtion or information.

CAP. XVI.

He that hath a Freedold in Calice, out of the which any due is iſſuing for the keeping of the ſame, ſhall pay it within one year and a day, or elſe ſhall fofeit the Freehold to the King. Exp.

CAP. XVII.

The forfeiture for taking of Feſants or Partridges, or the Eggs of Hawks or Swans.

Raſt.l.pla.f.599.

The penalty for taking of Feſants or Partridges in anothers ground by nets, &c. St. 23 El.10. 1 Jac. 27. 7 Jac. 11.

Co.l.7.f.18.

The penalty for taking of hawks or ſwans eggs out of their neſts. Stat. 31 H.8. 12.

Certain Engliſh Hawks prohibited to be born.

He that bringeth a Nyeſſe Hawk from forain parts ſhall bring a Certificate.

The penalty for taking, killing, or fearing of Hawks.

Item, Foraſmuch as divers perſons having little ſubſtance to live upon, uſe many times as well by nets, ſnares, or other Engines to take and deſtroy Feſants, and Partridges, upon the Lordſhips Manors, Lands, and Tenements of divers Owners and Poſſeſſioners of the ſame, without licence, conſent, or agreement of the ſame Owners or Poſſeſſioners, by the which the ſame Owners and poſſeſſioners leeſe not only their pleaſure and diſport that they, their friends, and ſervants ſhould have about Hawking, Hunting, and taking of the ſame, but alſo they leeſe the profit and avail that by that occaſion ſhould grow to their houſhold, to the great hurt of all Lords and Gentlemen, and other having any great livelyhood within this Realm. Wherefore it is ordained and enacted, by the authority of this preſent Parliament, That it ſhall not be lawful to any perſon, of what condition he be, to take or cauſe to be taken any Feſants or Partridges by net, ſnares, or other Engines, out of his own Warren, upon the Freehold of any other perſon, without the aſſent, agreement, and ſpecial licence of the Owner or Poſſeſſioner of the ſame, upon pain of forfeiture of x. li. the one half thereof to the party that will ſue for the ſame by Action of debt, or by bill, or otherwiſe, and the other half thereof to the owner or Poſſeſſioner of the ſaid ground, upon the which the ſaid Feſants and Partridges be ſo taken. Alſo it is ordained by the ſaid authority, that no manner of perſon, of what condition or degree he be, take or cauſe to be taken, be it upon his own ground or any other mans, the eggs of any Falcon, Goſhawks, Laners, or Swans, out of the neſt, upon pain of impriſonment of a year and a day, and fine at the Kings will, the one half thereof to the King, and the other half to the Owner of the ground where the eggs were ſo taken: And that the Juſtices of the Peace have authority by this preſent Act, to hear and determime ſuch matter, as well by inquiſition as information and proofs. Alſo it is ordained by the ſaid authority, that no man from the Feaſt of Paſche next coming, bear any Hawk of the breed of England called a Nyeſſe, Goſhawk, Taſſel, Laner, Laneret, or Faulcon, upon pain of forfeiture of his Hawk to the King, and the ſaid Hawk to be at the Kings pleaſure. And that all ſuch perſons that bring any Nyeſſe, Hawk or Hawks, from any the parts beyond the ſea, bring a certificate under the cuſtomers ſeal of the Port where he firſt landed with the ſaid Hawk or Hawks: or if he come out of Scotland, then under the ſeal of the Warden or Lieutenant of that March that he cometh through, teſtifying that the ſame Hawk or Hawks be of the parts beyond the ſea, or of Scotland, upon the ſame pain. And that the perſon that bringeth any ſuch Hawk or Hawks to the King, ſhall have a reaſonable reward of the King, or elſe the ſame Hawk or Hawks for their labour. Alſo it is ordained by the ſame authority, That no man take any Ayrer, Faulcon, Goſhawk, Taſſel, or Laner, or Lanerets in their Warren or Woods, or in other place, nor purpoſely drive them out of their Coverts accuſtomed to breed in, to cauſe them to go to other Coverts to breed, nor ſlay them for any hurt by them done, but ſuffer them to paſs at their liberties, upon pain of x. li. the one half thereof to the party that will ſue for the ſame by Action of debt, by examination before the Juſtices of the Peace, information, or otherwiſe, and the other half to the King. Provided alway, that the moity of the forfeiture aboveſaid given to the owner of the ground for taking of Swans eggs, be unto the owner of the ſaid Swans, and not to the owner of the ground.

CAP. XVIII.

The forfeiture of him which goeth not in perſon with the King in his wars; when he is in perſon.

Where every Subject, by the duty of his allegiance, is bounden to ſerve and aſſiſt his Prince and Soveraign Lord at all ſeaſons when need ſhall require, and moſt ſpecially ſuch perſons as have by him promotion or advancement, as grants and gifts of Offices, Fees and Annuities, which owe and verily be bound of reaſon to give their attendance upon his Royal perſon, to defend the ſame, when he ſhall fortune to go in his perſon in wars for defence of the Realm, or againſt his rebells and enemies, for the ſubduing and repreſſing of them and their malicious purpoſe. Wherefore be it enacted and eſtabliſhed by the King our Soveraign Lord, by the advice of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons, being within this Realm of England or Wales, having ſuch offices, fees or annuities, by any of his rehearſed gifts and grants, do not give their attendance upon him, when he ſhall fortune to go in wars in his perſon, in their ſaid perſons, as their duty bindeth them: that then they and every of them, making thereof default, (the Kings ſpecial licence not had, or elſe he have ſuch unfeined ſickneſs, letting, or diſeaſe, that he may not in his perſon come to do his perſonal attendance and ſervice after the form aforeſaid, and that duely proved) that then every ſuch perſon or perſons forfeit and loſe their ſaid Offices, Fees and annuities, and to ſtand void at the Kings pleaſure, any Act, Ordinance or Statute to the contrary afore this time had or made in any wiſe notwithſtanding. Provided, that this Act extend not to any ſpiritual perſon, Maſter of the Rolles, ne to any other officer and clerks of the Chancery, Juſtices of either Bench, Barons of the Kings Eſchequer, and other officers and clerks of the ſaid places, the Kings Atturnies and Sollicitor, and the Sergeants of the Law. Provided alway, that this Act ſhall not extend to any perſon having any ſuch offices of the Kings Highneſs, and being in his ſervice within his Towns and Fortilities of Berwick and Carlyle, ne to the Clerk of the Kings Council for the time being. St. 19 H. 7. 1. Dyer 4 El. f. 211.

Dyer f. 211.

He that will not go in perſon with the King in his wars where he is in perſon, ſhall loſe his offices, &c. granted by the King.

Certain perſons whereunto this Statute doth not extend.

CAP. XIX.

What ſtuff Upholſters ſhall put in Bolſters, Feather-beds, and Pillows.

To the right worſhipful Commons in this preſent Parliament aſſembled, ſheweth unto your diſcreet wiſdoms, the Wardens of the Fellowſhip of the Craft of Upholſters within the city of London, That whereas divers perſons within the Realm of England, out of the City, make and do to be made unlawful and falſe wares and merchandiſes, to the great rebuke and ſlander of the ſaid Craft, and alſo great jeopardy, loſs, and deceit to the Kings ſubjects, wherefore there is no ſufficient remedy purveyed, for ſo much as the ſame Wardens have no power nor authority to make due ſearch of ſuch falſe deceiveable wares & merchandiſes put to ſale out of the ſaid City, as they have power and authority within the ſame City, as in Fetherbeds, Bolſters and Pillows, made of two manner of corrupt ſtuffs, that is to ſay, of ſcalded fethers, and dry pulled fethers together, and of flocks and fethers together, which is contagious for mans body to lie on, and alſo in Quilts, Mattreſſes, and Cuſhions ſtuffed with Horſe-hair, Fenne-down, Neats-hair, and Goat-hair, which is wrought in Lime fats, and by the heat of mans body, the ſavour and taſte is ſo abominable & contagious, that many of the Kings ſubjects thereby been deſtroyed: which deceitful making of the foreſaid corrupt and unlawful ſtuff, is to the great loſs and impoveriſhing of the Kings liege people, & alſo to the great rebuke and ſlander to the ſaid Craft of Upholſters. Therefore it may pleaſe the Kings Highneſs, by the advice of the Lords Spiritual and Temporal, and his Commons in this preſent Parliament aſſembled, and by authority of the ſame, to eſtabliſh and enact, That from henceforth no perſon ne perſons ſhall make, ordain, utter, ne put to ſale in Fairs, ne in Markets, within this his ſaid Realm, any Fetherbeds, Bolſters or Pillows, except they be ſtuffed with one manner of ſtuff, that is to ſay, with dry pulled fethers, or elſe with clean Down alone, and with no ſcalded fethers, nor Fenne down, nor none other unlawful corrupt ſtuffs, as is afore rehearſed, but utterly to be damned for ever. Except if any perſon or perſons for their own proper uſe in their houſes, make or do to be made any of the foreſaid corrupt and unlawful ſtuff and wares, ſo they been not offered to be ſold in Fairs and Markets, upon pain of forfeiture. And alſo in like wiſe, Quilts, Mattreſſes, and cuſhions, be ſtuffed with one manner of ſtuff, that is to ſay, with clean wooll, or clean flocks alone, and with no ſuch unlawful afore rehearſed, upon pain of loſs and forfeiture of all ſuch unlawful wares and merchandiſes. St. 5 Ed. 6. 23.

What ſtuff ſhall be put into Bolſters, Pillows, and Fetherbeds.

What ſtuff ſhall be put into Quilts, Mattreſſes, and Cuſhions.

CAP. XX.

Certain alienations made by the Wife of the lands of her deceaſed husband ſhall be void.

27 H. 8. c. 23. Co. l. 3. f. 58. Lib. 5. f. 80. Bro Judgment 148. 153. Co Inſt. 326. b. 365. 366. 381. Cro. El. 2. 4. 24. 131. 513. 514. Cro. Jac. 174. 624.

For certain reaſonable conſiderations be it ordained, enacted, and eſtabliſhed by the King our Soveraign Lord, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any woman, which hath had, or hereafter ſhall have any eſtate in dower, or for term of life, or in tail, jointly with her husband, or only to her ſelf, or to her uſe, in any Manors, lands, tenements, or other hereditaments, of the inheritance or purchaſe of her husband, or given to the ſaid husband and wife in tail, or for term of life, by any of the anceſtors of the ſaid husband, or by any other perſon ſeiſed, to the uſe of the ſaid husband, or of his anceſtors, and have or ſhall hereafter, being ſole, or with any other after taken husband, diſcontinued or diſcontinue, aliened, releaſed, or confirmed, alien, releaſe, or confirm, with warranty, or by covin ſuffered, or ſuffer any recovery of the ſame againſt them, or any of them, or any

Alienation by the wife of the inheritance of her deceaſed husband, ſhall be void.

any other ſeiſed to their uſe, or to the uſe of either of them, after the form aforeſaid, that all ſuch recoveries, diſcontinuances, alienations, releaſes, confimations and warranteies, ſo had and made, and from henceforth to be had and made, be utterly void and of none effect. And that it ſhall be lawful to every perſon and perſons to whom the intereſt, title or inheritance, after the deceaſe of the ſaid women, of the ſaid Mannors lands, and tenements, or other hereditaments, being diſcontinued, aliened, and ſuffered to be recovered, after the firſt day of December next coming, in the form aforeſaid, ſhould appertain, to enter into all and every of the premiſſes, and peaceably to poſſeſs and enjoy the ſame, in ſuch manner and form, as he or they ſhould have done, if no ſuch diſcontinuance, warranty, nor recovery had been had nor made. And over this be it ordained and enacted by the ſaid authority, That if any of the ſaid husbands and women, or any other ſeiſed, or that ſhall be ſeiſed to the uſe of them of the eſtate before ſpecified, after the ſaid firſt day of December, do make or cauſe to be made, or ſuffer any ſuch diſcontinuance, alienations, warranties, or recoveries in form aforeſaid, that then it ſhall be lawful to the perſon or perſons, to whom the ſaid Mannors, lands, or tenements ſhould or ought to belong after the deceaſe of the ſaid women, to enter into the ſame, and them to poſſeſs and enjoy, according to ſuch title and intereſt as they ſhould have had in the ſame, if the ſame woman had been dead, no diſcontinuance, warranty, nor recovery had, as againſt the ſaid husband during his life, if the ſaid diſcontinuance, alienation, warranties, and recoveries be hereafter had, by or againſt the ſame husbands and women during the coverture and eſpouſal betwixt them. Provided alway, that the ſaid women, after the deceaſe of their ſaid husbands, may re-enter into the ſame Manors, lands, & tenements, & them to enjoy according to their firſt eſtate in the ſame. And over this be it ordained and enacted by the ſaid authority, That if the ſaid woman, at the time of ſuch dicontinuance, alienations, recoveries, warranties, after the ſaid firſt day of December, in form aforeſaid, to be had & made of any of the premiſſes, be ſole, that then ſhe ſhall be barred and excluded of her title and intereſt in the ſame from thenceforth: and that the perſon and perſons, to whom the title, intereſt, and poſſeſſion of the ſame ſhould belong, after the deceaſe of the ſaid woman, ſhall immediately after the ſaid diſcontinuances, alienations, warranties, and recoveries, enter into the ſame Manors, lands, tenements, and other hereditaments, and them to poſſeſs, and enjoy, according to his or their title in the ſame. Provided alſo that this Act extend not to avoid any recovery, diſcontinuance, or warranty, after the form aforeſaid, afore this time had, made, and ſuffered, but only where the ſaid husband and woman, or either of them now being alive, or any other to their uſe, now have intereſt and title to the ſaid Manors, lands, tenements, or other hereditaments, aliened, diſcontinued, or ſuffered to be recovered after the form aforeſaid, and thereof now taking the iſſues and profits, or any other perſon or perſons to their uſe. Provided alſo, that this Act extend not to any ſuch recovery, or diſcontinuance, to be had with the heirs next inheritable to the ſaid woman, or where he or they that next after the death of the ſame woman ſhould have eſtate of inheritance in the ſame Manors, lands, or tenements, be aſſenting or agreeable to the ſaid recoveries, where the ſame aſſent and agreement is of record, or enrolled. Provided alſo, that it ſhall be lawful to every ſuch woman, being ſole or married, after the death of her firſt husband, to give, ſell, or make diſcontinuance of any ſuch lands for term of her life only, after the courſe and uſe of the Common Law, before the making of the preſent Act.

Upon the recovery or alienation of the woman, he in the reverſion may enter.

27 H. 8. f. 13. Plow. f. 38. 459. Co. l. 1. f. 102. Lib. 3. f. 50. 58. Lib. 4. f. 3. Dyer f. 111. 146. 248. 340. 354. 352. Bro. entries congeabl.

A woman covert bound but during her husbands life.

A woman ſole aliening, or ſuffering a recovery.

A proviſo for a recovery had before the time of the Statute.

A woman doth diſcontinue, or ſuffer recovery with the heirs conſent.

A woman may alien her land for the term of her life only.

St. 6. Ed. 1. 7. 32 H. 8. 36.

CAP. XXI.

The ability of every man that ſhall be impanelled in any Enqueſt or Attaint in London.

Whereas perjury is much, and cuſtomably uſed within the city of London among ſuch perſons as paſſen and been impanelled upon Iſſues joyned between party and party in the Courts of the ſame City, to the great diſpleaſure of Almighty God, and alſo to the diſheritance and manifold wrongs of the Kings ſubjects, for as much as there is empanelled in the ſame Enqueſts perſons of little ſubſtance, diſcretion, and reputation: and alſo no Attaint, ne other ſufficient puniſhment is for ſuch perjured perſons before this time purveyed & ordained within the ſame City. Therefore it may pleaſe the Kings Highneſs by the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to eſtabliſh, ordain, and enact, That no perſon ne perſons hereafter be empanelled, ſummoned, or ſworn in any Jury or Enqueſt, in Courts within the ſame City, except he be of lands, tenements, or goods and cattels, to the value of xl. Marks: and that no perſon or perſons hereafter be empanelled, ſummoned, nor ſworn in any Jury or Enqueſt in any Court within the ſaid City, for lands or tenements, or action perſonal, wherein the debt or damages amounteth to the ſum of xl. Marks, or above, except he be in lands, tenements, goods or cattels to the value of C. Marks: and the ſame matter and cauſe alledged by any of the ſaid parties by way of challenge, and ſo founden ſhall be admitted and taken in every of the ſame courts as a principal challenge. And that every ſuch perſon hereafter to be empanelled or ſummoned to appear in any Jury or Enqueſt, before any of the ſaid Juſtices in the ſame City, making default, at the firſt ſummons loſe and forfeit in Iſſues xii. d. and at the ſecond default ii. s. and ſo at every ſuch default after that, the iſſues and penalties to be double: and all ſuch iſſues loſt in the Mayors Court, ſhall be forfeited, levied, and perceived to the uſe and behoof of the Mayor and Comminalty of the ſaid City, and all ſuch iſſues loſt in the Sheriffs Court or Courts ſhall be forfeited, levied, and perceived to the uſe of the Sheriffs of the ſame City for the time being, towards their feeferm. And alſo be it enacted by like authority, that the party grieved by any untrue or falſe verdict hereafter to be given in any of the courts of the ſaid city, ſhall and may have and ſue attaint by bill in the Huſtings of London, holden for common pleas before the Maior and Aldermen of the ſame City, for the time being, and thereupon a

Of what ability every man ought to be which ſhall be impanelled in any enqueſt in London.

What a man making default of appearance in London ſhall forfeit, and to whom.

An Attaint may be ſued by Bill in the Huſtings in London.

precept to be awarded and made by the ſame Maior to every Alderman of the ſaid City, or his deputy in his abſence, to preſent or certifie the names of iv. indifferent and diſcreet perſons of good fame, and every of them of ſubſtance of C.li. or more, citizens of the ſame city, dwelling in his ward, to the Maior and Aldermen of the ſaid city for the time being, at the Huſtings of common pleas within the ſame city then next enſuing to be holden: of which perſons ſo preſented and certified, the ſaid Maior and ſix Aldermen or mo, holding the ſame Court of Huſtings, ſhall take, name, and impanel xlviii. by their diſcretion thought moſt able, ſufficient and indifferent: and the Maior and his ſucceſſors, Maiors of the ſaid City, ſhall do to be ſummoned the ſaid xlviii. perſons, ſo by the ſaid Maior and Aldermen named and impanelled, and alſo the Jurors of the pety Jury, and the party or parties named as Tenants or Defendants in the ſaid bill of attaint to appear before the Maior and Aldermen of the ſame City at the Huſtings of common pleas, then next to be holden in the ſame city: and if the ſame attaint then, or any other time hap to remain untaken for or by default of Jurors, by challenge, or otherwiſe, that upon every tales granted, the ſaid Maior and Aldermen ſhall impanel the ſaid perſons which were certified by the ſaid Aldermen or their Deputies, and omitted out of the ſaid panel, or put therein other perſon or perſons being citizens of the ſaid City, of the ſubſtance of C.li. or more. And alſo that all the plea and pleas to be alledged or pleaded by, or for the Tenant or defendant, Tenants or defendants, or by any of the Jurors of the pety Jury in the ſame attaint, and tryable by any Jury or Enqueſt, ſhall be tryed within the ſame City, and by the Enqueſts of the ſame, and in none other place, ne County. And that none of the ſaid pety Jury, ne other parties named in any ſuch Bill of attaint, ſhall or may have any challenge to the array, or to any perſon or poll therein being impanelled for lack of ſufficiency of goods or of lands. Over that be it provided and enacted, that the judgment in any ſuch attaint ſhall not extend to any lands or tenements, ne to other puniſhment of the pety Jury, ne other proceſs to be in the ſame attaint then is limited and appointed in this preſent Act. And if the xxiv. perſons of the ſaid xlviii. perſons ſworn in the ſame attaint, find that the Jurors named in the pety Jury have made and given an untrue verdict, that then the judgment ſhall be againſt the party defendant in the ſame attaint, as is uſed in attaint ſued by writ at Common law: and furthermore the judgment in the ſame attaint ſhall be againſt the pety Jury, that every of the Jurors of the ſame pety Jury ſhall forfeit and loſe xx.li. or more, by the diſcretion of the Maior and Aldermen of the ſaid City, keeping the ſame Huſtings, or any other Huſtings of common pleas, to ſuch uſe and behoof as other iſſues and penalties been forfeited and loſt in any action or plaint commenced before the Maior and Aldermen of the ſame City, and his body to be impriſoned, there to remain without bail or mainpriſe vi. moneths or leſs, by the diſcretion of the Maior and Aldermen of the ſame City for the time being, and to be diſabled for ever to be ſworn in any Jury before any temporal Judge. And over that be it enacted by the ſame authority, that if it be found by the Grand Jury in the ſame Attaint, that the pety Jury have given a true Verdict, that then the Grand Jury ſhall have authority and power to enquire if any of the pety Jury took or perceived any ſum of money, or other reward, or promiſe of money, or other reward of them named Defendants, or Tenants in the ſame Attaint: or if any other perſon or perſons by the commandment, covin, or aſſent of any of them, to or for the intent of their verdict given, whereupon the ſame attaint is grounded, and after any ſuch corruption by the ſaid Grand Jury is founden, that then the Juror or Jurors of the ſaid pety Jury, that is found ſo defective in taking and perceiving any ſums of money, or other reward, or promiſe of reward, ſhall loſe, forfeit, and pay to the Plaintiff or Plaintiffs named in the ſame Attaint ten times the value of that ſum or other reward ſo taken, perceived or promiſed, in form abovesaid, and ſhall ſuffer impriſonment without bail or mainpriſe vi. moneths or leſs, by the diſcretion of the ſaid Maior, and Aldermen, and ſhall be diſabled for ever to be ſworn in any Jury before any Temporal Judge. And over that be it enacted, that ſuch Defendant or Tenant, defendants or tenants in the ſame Attaint, ſhall loſe, forfeit, and pay to ſuch uſe and behoof as other penalties been forfeited within the ſame City, ten times the value of that ſum of money, or other reward by him or them ſo given to any of the ſaid pety Jury: and the ſame Defendant or Tenant, Defendants or Tenants, ſhall be impriſoned, there to remain without bail or mainpriſe during vi. moneths or leſs by the diſcretion of the ſaid Maior and Aldermen. And if any debts, damages or coſts be recovered in any Action whereupon ſuch Ataint is grounded, and by the ſame Attaint it be found, that the pety Jury have given a falſe ſerement, that then for the recovery, and reſtitution of the ſame debt, damages, and coſts, the Plaintiff or Plaintiffs in every Attaint, ſhall and may ſue an action of debt againſt the ſame Defendant or Tenant, by Writ, Bill or plaint in every of the Kings Courts, wherein the ſame Defendant or Tenant, and every of them ſhall not be received to do his Law. And over that, be it enacted, that if any plaintiff or plaintiffs, in any ſuch Attaint commenced before the ſaid Maior and Aldermen upon any record remaining within the ſame City, therein be non-ſuit, or if the firſt ſerement therein be affirmed, that then he or they ſhall have impriſonment, and make fine by the diſcretion of the Maior and Aldermen of the ſaid City for the time being: and that fine to be and go to the Maior and Comminalty of the ſaid City. And if there be two or more plaintiffs in any ſuch Attaint ordained by this ſtatute, and if any of them die or be non-ſuit, the other by this Act ſhall be enabled to ſue for the proceeding in the ſame Attaint, and notwithſtanding the death of the Defendant or Tenant, Defendants or Tenants, or any of the pety Jury named in the ſame Attaint, ſo that there be two of the ſame pety Jury on live, the ſame Attaint ſhall not abate. And alſo be it ordained by the ſame authority, that if any of the Jurors of yͤ ſaid Grand Jury, impanelled & ſummoned in form aforeſaid, at the ſummons make default, ſo that the Attaint remaineth to be taken for default of Jurors, that then every of the ſaid Jurors ſo making default, loſe and forfeit, for the firſt default, xl.s. and at the ſecond default v.li. and at every default, after that, x.li. And like proceſs to be made

A precept by the Maior to the Aldermen to ſummon a Jury.

xlviii. perſons impanelled and ſummoned to appear upon an Attaint. Raſt. 1. pla. f. 90.

A Tales for default of appearance of the Jurors.

Pleas of Attaint commenced in London ſhall be tried there.

No challenge for lack of ſufficiency.

The judgment where the pety jury in London is Attainted, againſt the defendant and the pety Jury.

The judgment where the firſt verdict is affirmed.

Inquiry if any of the pety Jury have taken rewards.

Remedies for the debts, coſts and damages recovered in the firſt Action.

The penalties if the Plaintiff be nonſuit, or the firſt verdict be affirmed.

The Attaint ſhall not abate, though one of the Plaintiffs die, or be nonſuit, or any of the pety Jury.

The penalty of the Grand Jurors making default.

The proceſs in Attaint.

Defaults ſhall not ſtay the taking of the Attaint.

Who ſhall have the Iſſues and penalties forfeited.

Where the Attaint ſhall be taken per medietatem linguæ.

made and ſued there, againſt the Grand Jury and the pety Jury, and the party & parties as is to be made and ſued in Attaint ſued at the Common Law: and that the ſame Proceſs be returnable at every Huſtings of common plees: and that the attaint remain not to be taken after the firſt ſummons returned for or by the default of the Defendant or Tenant, Defendants or Tenants, or of any of the pety Jury named in the ſame Attaint by this Act ordained: and that the ſaid iſſues or penalties forfeited by any of the ſaid Grand Jury be forfeit, levied and perceived to the uſe of the Maior and Comminalty of the ſaid City: and that no protection, nor eſſoin be allowed in this Attaint by this Act purveyed: Provided alway, that upon all attaints hereafter to be commenced within the ſaid City upon any Record wherein the trial and enqueſt was by half tongue, that the ſaid Maior and Aldermen ſhall impanel the Grand Jury in the ſame Attaint, the one half of Strangers of good fame, and of the ſubſtance of goods to the value of C.li. and more, inhabiting within the ſame City at large, and the reſidue of the ſame Grand Jury to be of like value and ſubſtance of Goods impanelled of the Citizens as aforeſaid. And over this, be it enacted by the ſaid authority, that no Act of Attaint of the pety Jury made in this preſent Parliament, nor nothing therein contained, other then this preſent Act, nor other penalty or puniſhment in any other Act then is afore contained in this preſent Act, be hurtful nor extend to any Jury or Enqueſt hereafter to be taken before any Judge of and within the ſame City. Stat. 4 H. 8. 3. 23 H. 8. 3 37 H. 8. 5.

CAP. XXII.

The ſeveral years wages of Servants in husbandry, viz. of the Bailiff of husbandry, chief Hind' Carter, Sheephard, common Servant, and Childe within xiv. years of age. And the ſeveral wages of Artificers, and day-labourers with meat and drink or without. And ſeveral times limited for their work, meales, and ſleep. Rep. 5 El. 4. Stat. 12 H. 7. 3.

CAP. XXIII.

The ſelling of Salmons and Eeles, their veſſels, packing, and gauging of them.

St. 22 Ed. 4. 2.

The contents of veſſels of Salmon, and how they ſhall be packed.

The contents of veſſels of Herrings, and how they ſhall be packed.

The contents of veſſels of Eeles, and how they ſhall be packed.

How fiſh ſhall be packed.

Where at a Parliament holden at Weſtminſter, in the xxii. year of the Reign of King Edward the fourth, among other things it was enacted, ordained, and eſtabliſhed, that no Merchant ſtranger, nor denizen, after the feaſt of S. Michael the Archangel then next coming, ſhould ſell or put to ſale any Salmon by Butt, Barrel, half Barrel, or any other veſſel, after it ſhould be ſeen, except the ſame Butt ſhould hold and contain lxxxiv. gallons, the Barrel xlii. gallons, the half Barrel xxi. gallons, well and truely packed, upon pain of forfeiture for every Butt, Barrel, and half Barrel, ſo lacking their ſaid meaſure, vi.s. viii.d. And that no ſuch Merchant, being under the ſaid Kings obeyſance, after the Feaſt of S. Michael, ſhould ſell or put to ſale any manner of Salmon by Butt, Barrel, or other Veſſel, except it ſhould be well and truly packed, that is to ſay, the great Salmon by it ſelf, without medling of any Grilles, or broken bellied Salmon with the ſame: and that all ſmall fiſh, called Grilles, ſhould be packed by themſelves onely without any medling, upon pain of forfeiture and loſing vi.s. viii.d. for every Butt, Barrel, or half Barrel, contrary to the ſaid Act, medled, packed, and put to ſale: And that no ſuch Merchant nor other perſon ſhould put any Herring to ſale by Barrel, demy Barrel, or Firkin, except the ſame Barrel contain xxxii. gallons, the half Barrel, and Firkin after the ſame rate: and that the ſame Herring ſhould be well, truly, and juſtly layed and packed, and ſhould be of one time taking and ſalting, and that the ſame Herring ſhould be as good and as well packed in the middeſt and every part of the ſame Barrel and other Veſſels, as it ſhould be at any of the ends of the ſame Barrel and Veſſel, upon pain of forfeiting and loſing of iii.s. iv.d. for every Barrel, half Barrel and Firkin, ſo lacking their ſaid meaſure, and alſo upon pain of forfeiting and loſing of iii.s. iv.d. for every Barrel, half Barrel and Firkin of Herring, contrary to the ſaid Act, ſorted, layed, or packed. Alſo that no ſuch Merchant or pailing man ſhould ſell or put to ſale any Eeles by Barrel or Firkin, except the Barrel contain xlii. gallons, the half Barrel and Firkin after the ſame rate: nor that any ſuch Merchant nor pailing man ſhould meddle any galbytten, ſtorven, or pyled Eeles with good Eeles, but that the ſame good Eeles ſhould be well and juſtly packed, and ſo ſold by themſelves, nor ſhould meddle with the ſaid good Eeles, nor put to ſale any red Eeles, upon pain of forfeiture and loſing of x.s. for every Barrel, half Barrel and Firkin, ſo lacking their ſaid meaſure, and upon pain of loſing of x.s. for every Barrel, half Barrel and Firkin, ſo as is aforeſaid medled, and contrary to the ſaid Act packed or put to ſale. And that no Merchant after the ſaid Feaſt ſhould ſell nor put to ſale any barrelled fiſh, except the ſame fiſh ſhould well and truely be packed, that is to ſay, the taile fiſh by themſelves, and the ſmall fiſh called Guls by themſelves, without any medling of the ſaid ſmall fiſh with the great fiſh, and without medling and packing of Thokes and broken bellied fiſh, with the ſaid taile fiſh or ſmall fiſh: and that neither the taile fiſh nor ſmall fiſh ſhould be laid double in packing, and that every taile fiſh ſhould contain in length from the bone of the fin to the third joint of the taile xxvi. inches at the leaſt, and that the napes of all ſuch barrelled fiſh ſhould be no longer then the little bone that ſitteth upon the great fin, and that the bone of every ſuch ſalt fiſh ſhould be taken away unto the navel of the ſame fiſh, and that every ſuch fiſh ſhould be platted down to an handful of the taile, upon pain of forfeiture of loſing iii.s. iv.d. for every barrel of fiſh which from henceforth ſhould be found packed, ſorted & medled, naped, layed double, or not boned nor ſpletted according to the ſaid Act. And alſo in eſchewing of the common hurts and deceits above rehearſed, the ſaid late King ordained & enacted by the ſaid authority, that all Maiors, Bailiffs, Governors of Cities, Towns, Boroughs, Markets, and all other places of this Realm, for the time being, where they ſhould be Mayors, Bailiffs, and Governours, ſhould have power and authority to name, and chooſe a diſcreet and expert perſon or perſons, duely to ſearch and gauge all ſuch veſſels, as been above rehearſed, that they ſhould be truly packed, and keep their true meaſure and aſſiſe, according to the Ordinances aboveſaid, as in the foreſaid Act thereof made more plainly appeareth. And for as much as in the ſaid Act no certainty is appointed how much every ſuch Gauger, Packer, and Searcher, ſhould take for his labour in executing of their ſaid Office, they been their own judges, and at their pleaſures take for the ſame gauging, packing, and ſearching, by way of extortion, ſuch great ſums of money as them liketh, whereby the Kings true ſubjects are greatly impoveriſhed and wronged; That it might therefore pleaſe the Kings highneſs, by the advice of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to confirm, ratifie, and eſtabliſh the ſaid Act, and every thing therein compriſed: and over that by the ſame authority do ordain and eſtabliſh, That every ſuch gauger, packer, and ſearcher, take no more for gauging of a barrel-Salmon, barrel-Herring, barrel-fiſh, barrel-Eels, half barrel and firkin, for every piece ſo gauged, but a farthing, and for his labour for ſearching and packing, if it be need, of a barrel Salmon from head to head, i. d. and for his labour for boning, naping, and packing of a barrel fiſh, if it be need, i. d. and for his labour in ſearching & packing of a barrel-Herring from head to head, if it be needful, ii. d. & for ſearching and packing of every barrel of Eels, ii. d. and for ſearching and packing of every half barrel of Herring from head to head, i. d. and for every half barrel Eels ſearching and packing, i. d. and for ſearching and packing of every firkin of Herring, if it be needful, ob. And over that, that all and every ſuch gauger, ſearcher, and packer that miſbehaven or offend in any thing concerning the ſaid Offices of gauger, ſearcher and packer, contrary to this Act, and ſo proved before any of the ſaid Mayors, Bailiffs, or Governours of any City, Town, Borough, Market, or any other place within this Realm, where he or they be ſo gaugers, packers, or ſearchers, gauger, packer or ſearcher, ſhall loſe and forfeit his ſaid Office, and the ſame from thenceforth no longer to enjoy, any leaſe, grant or grants thereof made notwithſtanding: And for further puniſhment, to have and ſuffer impriſonment by the ſpace of xl. days without bail or mainpriſe. Provided always, that the ſaid ſearcher and packer, or any of them, ſhall nothing receive of the ſaid fees by colour of their Office, but only for ſuch Buts, Barrels, half Barrels and Firkins, as by them ſhall hereafter be ſufficiently ſearched and packed, and be not afore ſufficiently packed. This preſent Act to begin and take effect at the Feaſt of Eaſter next coming, and not afore.

Chief Officers ſhall appoint gaugers of fiſh.

Gauger, packer, & ſearcher.

What the gauger, packer, and ſearcher ſhall take for gauging, &c. of ſeveral ſorts of fiſh.

The penalty of a gauger, ſearcher, or packer offending.

Searchers & packers ſhall not be allowed, but where they take pains.

CAP. XXIV.

An Attaint ſhall be maintainable againſt the party, and pety Jury. The proceſs therein, the ability of the Iurors, the pleas of the defendant and petit Iury, and their puniſhment being attainted. Panels returned by the Sheriff to enquire for the King, may be reformed by the Iuſtices. Exp. St. 1 H. 8. 11. 3 H. 8. 12. 23 H. 8. 3.

CAP. XXV.

Perjury committed by unlawful maintenance, imbracing, or corruption of Officers, or in the Chancery, or before the Kings Councel, ſhall be puniſhed by the diſcretion of the Lord Chancellor, Treaſurer, both the chief Iuſtices, and the Clerk of the Rolls. And if the Complainant prove not, or purſue not his Bill, he ſhall yield to the party wronged his coſts and damages. Exp. St. 12 H. 7. 2. 5 El. 9.

CAP. XXVI.

It ſhall be lawful to every Sheriff of the Counties of Southampton, Surrey, and Suſſex, to empanel and ſummon xxiv. lawful men of ſuch inhabitants within the precinct of his or their Turns, as owe ſuit to the ſame Turn, whereof every one hath lands or freehold to the yearly value of x. s. or copyhold lands to the yearly value of xiii. s. iv. d. above all charges within any of the ſaid Counties, or men of leſs livelihood, if there be not ſo many there, notwithſtanding the Statute of 1 R. 3. 4. Exp. 19 H. 7. 16.

CAP. XXVII.

A remedy to avoid deceitful ſleights uſed upon Fuſtians.

PRayen the Commons in this preſent Parliament aſſembled, That whereas Fuſtians brought from the parts beyond the ſea, unſhorn into this Realm, have been and ſhould be the moſt profitable cloth, for doublets and other wearing clothes, greatly uſed among the common people of this Realm, and longeſt have endured of any thing that have come into the ſame Realm, from the ſaid parts, to that intent, for that the cauſe hath been that ſuch Fuſtians afore this time have been truly wrought and ſhorn with the broad ſhere, and with no other inſtruments, or other deceitful mean occupied upon the ſame; Now ſo it is, that divers perſons, by ſubtilty and undue ſleights and means, have deceivably imagined and contrived inſtruments of iron, with the which irons, in the moſt higheſt and ſecret places of their houſes, they ſtrike and draw the ſaid irons on the ſaid Fuſtians unſhorn: by means whereof they pluck off both the nap and cotton of the ſame Fuſtians, and break commonly both the ground and threeds in ſunder, and after by crafty ſleeking they make the ſame Fuſtians to appear to the common people fine, whole and ſound: and alſo they raiſe up the cotton of ſuch Fuſtians, and then take a light candle and ſet it in the Fuſtian burning, which ſengeth and burneth away the cotton of the ſame Fuſtian, from the one end to the other, down to the hard threeds, in ſtead of ſhering, and after that put them in colour, and ſo ſubtilly dreſs them, that their falſe work cannot be eſpied, without it be by workmen-ſherers of ſuch Fuſtians, or by the wearers of the ſame: and ſo by ſuch ſubtilties, whereas Fuſtians made in doublets, or put to any other uſe, were wont and might endure the ſpace of two years and more, will not endure now whole by the ſpace of four moneths ſcarcely, to the great hurt of the poor commons and ſervingmen of this Realm, to the great damage, loſs

Unlawful devices practiſed upon Fuſtians

A remedy to avoid deceitful ſleights uſed upon Fuſtians.

and deceit of the Kings true ſubjects, buyers, and wearers of ſuch Fuſtian. For remedy whereof, be it Enacted, ordained and eſtabliſhed, by the King our Soveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no ſuch iron or inſtruments, nor any other untrue ſubtile mean or ſleight be from henceforth uſed upon any Fuſtian within this Realm, but only by the broad ſheres, upon forfeiture of xx. s. to be levied for every default of every ſuch perſon or perſons hereafter offending and uſing any ſuch deceivable inſtruments or ſleights as is aforeſaid: The one half of the forfeitures to be to the King our Soveraign Lord, and the other half to him or them that will ſue for the ſame forfeitures by action of debt, bill, plaint, or information, in any of the Kings Courts of Record, where the ſame may be determined after the courſe of the common Law: and that the defendant in ſuch behalf in no wiſe be admitted to wage his Law, nor that any protection or eſſoin be in the ſame allowable. And over this, be it ordained by the ſaid authority, That the Mayor and Wardens of Shermen of the City of London for the time being, have authority to enter and ſearch the workmanſhip of all manner perſons occupying the broad ſhere, as well Fuſtian as Cloth, and the execution of this preſent Act to be as well of denizens as of foreiners and ſtrangers.

The Mayor and Shermen of London may enter and ſearch the occupiers of Fuſtian and Cloth. St. 39 El. 13.

Anno duodecimo Henrici *ſeptimi.*

THe King our Soveraign Lord Henry the ſeveuth after the Conqueſt, by the grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the ſixteenth day of January, in the twelfth year of his Reign, to the honour of God and holy Church, and for the common profit of the Realm, and by the aſſent of the Lords ſpiritual and temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament, hath done to be made certain Statutes and Ordinances in manner and form following.

CAP. I.

The makers of Worſted, &c. in Norfolk, may take any to be Apprentice.

St.7 H.4.17. 11 H.7.11.

Apprentice.

TO the King our Soveraign Lord, Prayen your Commons in this preſent Parliament aſſembled, That where the common wealth and profit of your inhabitants within your County of Norfolk, have in times paſſed lived by the due occupation of making of worſteds, ſayes, and ſtamins, which occupation now is like to decay, for as much as the occupiers of the ſame may not have an apprentice, but if his father may diſpend lands or rents to the value of xx. s. by year, of which ability can few or none be had to be apprentice: ſo that for lack of apprentice, the ſaid occupation is like to be ſet apart, and in time to come to be utterly deſtroyed, which ſhould be to the loſs of the common weal of your ſaid County, and the impoveriſhing of the inhabitants of the ſame: That it may like your Highneſs, of your benign grace, in conſideration of the premiſes, by the aſſent of your Lords ſpiritual and temporal, and of the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact, ordain, and eſtabliſh, That every perſon of the aforeſaid occupation within your County of Norfolk, the which the four Wardens of the ſaid occupation within your foreſaid County yearly choſen, ſhall enable to keep a Prentice, ſhall by this preſent Act be at liberty to take and keep at all times one or two Apprentices, any perſon or perſons hereafter put to the foreſaid occupation, ſo that he paſs not two at once at the moſt: And in like wiſe hereafter every perſon ſhall be at his liberty to put any Apprentice to the aforeſaid occupation, any Act or Ordinance afore made to the contrary notwithſtanding.

The makers of Worſteds, Saies and Stamins in Norfolk may be enabled to take any perſon to be an Apprentice. St. 5 El. 4.

CAP. II.

The Statutes ordained 11 H. 7. 24. & 25. to reſtrain perjury, continued until the next Parliament. Exp.

CAP. III.

A Repeal of ſo much of the Statute of 11 H. 7. 22. as toucheth onely the Wages of Artificers, &c.

CAP. IV.

No forfeiture given by the Statute of 1 R. 3.8. touching the length and breadth of Clothes ſhall be taken before the next Parliament. Exp.

CAP. V.

The weight of an Engliſh peny, of an ounce, a pound, a Gallon, and a Buſhel.

WHereas afore this time the King our Soveraign Lord intending the common weal of his people, and to avoid the deceit of weights and meaſures, long time uſed within this his Realm contrary to the Statute of Magna Charta, and of other Statutes thereof made by divers of his noble Progenitors, at his great charge and coſt did to make weights and meaſures of braſs according to the old Standards thereof remaining within his Treaſury. And for that that one weight and one meaſure ſhould be uſed throughout all this his Realm, in avoiding of all fraud and diſcord in that behalf, it was at the laſt Parliament, holden the xiv. day of October, in the xi. year of our Soveraign Lords Reign, ordained, That the ſaid meaſures and weights ſhould be delivered to the Knights and Citizens of every Shires and Cities aſſembled in the ſame Parliament, Boroughs of the five Ports, and certain Burgeſſes of Borough Towns, ſurely by them to be conveyed to certain Boroughs and Towns ſpecified in a ſchedule unto the ſame Act annexed, there to remain for ever, to the intent in the ſame Act more largely declared: which weights and meaſures, upon more diligent examination had ſith the making of the ſaid Statute been approved defective, and not made according to the old Laws & Statutes thereof ordained within the ſaid Realm. Wherefore the King our Soveraign Lord, by the aſſent of his Lords ſpiritual

St. 11 H.7.4.

and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, ordaineth, eſtabliſheth, and enacteth, that the meaſure of a buſhel contain viii. gallons of wheat, and that every gallon contain viii. li. of wheat of Troy weight, and every li. contain xii. ounces of Troy weight, and every ounce contain xx. ſterlings, and every ſterling be of the weight of xxxii. corns of wheat, that grew in the midſt of the ear of wheat, according to the old Law of this Land. And that it pleaſeth the Kings Highneſs to make a Standard of a buſhel and a gallon after the ſaid aſſiſe, to remain in his ſaid Treaſury for ever: and from henceforth the ſaid new buſhels and gallons lately ſent forth, be not uſed nor occupied for no meaſures, but that they be ſent again to the Kings receit by the Feaſt of Whitſontide next coming, at the coſts and charges of the ſaid Cities, Boroughs and Towns, having the ſaid buſhels and gallons in keeping, upon pain of x. li. to be forfeited to the King: the ſame buſhels and gallons ſo ſent again into the Kings receit, to be broken, and with the ſtuff and metal of the ſame buſhels and gallons, other new buſhels and gallons, by the advice of the Treaſurer and Under-treaſurer of England for the time being, before the Feaſt of All Saints next coming, to be made & ſiſed according to the ſaid buſhel and gallon, which by this preſent Act is ordained to be made, and to remain in the ſaid Treaſury, at the coſts and charges of the ſame Cities, Boroughs, and Towns. And that every City, Borough, and Town within this Realm, which now have or ſhould have had, by reaſon of the ſaid Act made in the ſaid xi. year, any of the ſaid new buſhels or gallons, do convey and carry, before the Feaſt of S. Andrew next coming, into every of the ſame City, Borough and Town, a buſhel and a gallon newly to be made, as is aforeſaid, at the coſts and charges of the ſame City, Borough and Town, there to remain: and all other buſhels, gallons and meaſures, which be to be made after the form by this Act ordained, ſhall be marked and ordered after the form and effect of the ſaid Act, made the ſaid xi. year: and in the mean ſeaſon to uſe ſuch buſhels and gallons as have been uſed laſt afore the coming down of the ſaid new buſhels and gallons, and before the making of the ſaid Statute in the ſaid xi. year: and that all penalties in the firſt Act expreſſed be of none effect untill the Feaſt of Candlemas, which ſhall be in the year of our Lord God M. cccc. lxxxxvii. & after the ſame Feaſt, the ſame Act made in the ſame xi. year to ſtand in full ſtrength, with his penalties, upon the buſhels and gallons new to be made, as it ſhould have done upon the ſaid new buſhels and gallons made afore the making of this preſent Act, if this Act had not been made. And that it be ordained by the ſaid authority, That after the ſaid new buſhels and gallons be made according to this preſent Act, that all other buſhels and gallons of braſs, remaining as well in the ſaid Treaſury, as in all other places of England, before the Feaſt of Chriſtmas next coming, be dampned and broken, upon pain of xx. li. to be levied upon every, City, Borough and Town, or any other place, having the keeping of the common meaſures, that keep ſtill any other buſhel or gallon unbroken and not dampned of braſs, then is ordained to be made by this preſent Act. Stat. 11 H.7.4.

The meaſure of a buſhel, a Gallon, a pound, an ounce, and a ſterling. St. 31 Ed. 1.

The weights & meaſures ſent to ſeveral Cities, &c. by the Statute of 11 H. 7. 4. being defective, ſhall be broken, and new ſent.

All other buſhels and gallons ſhall be broken.

CAP. VI.

Every Engliſhman ſhall have free recourſe to certain foreign Marts, without exaction to be taken by any Engliſh Fraternity.

TO the diſcreet Commons in this preſent Parliament aſſembled, ſhewed unto your diſcreet wiſdoms, the Merchant-adventurers inhabiting and dwelling in divers parts of this Realm of England out of the City of London, That where they have their paſſage, reſort, courſe and recourſe, with their goods, wares and merchandiſe in divers coaſts and parts beyond the Sea, as well into Spain, Portugal, Britain, Ireland, Normandy, France, Sivile, Venice, Danske, Eaſtland, Friſeland, and other divers and many places, Regions, and Countreys, being in league and amity with the King our Soveraign Lord, there to buy and ſell, and make their exchanges with their ſaid goods, wares, and merchandiſes, according to the law and cuſtom uſed in every of the ſaid regions and places: and there every perſon freely to uſe themſelves to his moſt advantage, without exaction, fine, impoſition, or contribution to be had or taken of them, or of any of them, to, for, or by any Engliſh perſon or perſons: and in ſemblable wiſe they before this time have had, uſed, and of right owen to have and uſe their free paſſage, reſort, and recourſe into the coaſts of Flanders, Holland, Zealand, Brabant, and other places thereto nigh adjoyning, under the obeiſance of the Archduke of Burgoin: In which places the univerſal Marts be commonly kept and holden four times in the year, to the which Marts all Engliſhmen, and divers other Nations in time paſt, have uſed to reſort, there to ſell and utter the commodities of their Countreys, and freely to buy again ſuch things as ſeemed them moſt neceſſary and expedient, for their profit, and the weal of their Countreys and parts that they be come from, till now of late, that by the fellowſhip of the Mercers and other Merchants and Adventurers dwelling and being free within the City of London, by confederacy made among themſelves, of their incharitable and inordinate covetiſe, for their ſingular profit and lucre, contrary to every Engliſhmans liberty, and to the liberty of the ſaid Mart there (which is, That every perſon, of what nation that he be, ſhould have their free liberty, there to buy and ſell, and make their commutations, with their wares, goods, and merchandiſes at their pleaſure) have contrary to all Law, reaſon, charity, right and conſcience, among themſelves, to the prejudice of all Engliſhmen, made an ordinanee and conſtitution, that is to ſay, That no Engliſhman, reſorting to the ſaid Mart, ſhall neither buy ne ſell any goods, wares, or merchandiſes there, except he firſt compound and make fine with the ſaid Fellowſhip of Merchants of London, and their confederates, at their pleaſure, upon pain of forfeiture to the ſaid Fellowſhip of Merchants of London, and to their confederates, of ſuch merchandiſes, goods, or wares, ſo by him bought or

A petition made by certain merchants adventurers dwelling out of the City of London.

A Fellowſhip in London made an Order that none ſhould buy or ſell at a Mart without their conſents.

The firſt colour of taking the fine.

The enormities of the Order made by the Merchants of London.

Merchants may reſort into foreign Countreys without exactions of the Fraternity of Londoners.

No Engliſhman ſhall take of another any exaction, &c. for his liberty to buy and ſell.

The remedy of the party grieved to recover the forfeiture.

ſold there: which fine, impoſition, & exaction at the beginning, when it was firſt taken, was demanded by colour of the fraternity of Thomas Becket Biſhop of Canterbury, at which time the ſaid fine was but of the value of an old noble ſterling: and ſo by colour of ſuch fained holineſs it hath been ſuffered to be taken of a few years paſſed: and after it was increaſed to an C. s. Flemmiſh: and now it is ſo, that the ſaid Fellowſhip and Merchants of London take of every Engliſhman or young Merchant being there, at his firſt coming xl. li. ſterling for a fine, to ſuffer him to buy and ſell his own proper goods, wares and merchandiſes that he hath there: by occaſion whereof all Merchants not being of the ſaid Fellowſhip and Confederacy, withdraw themſelves from the ſaid Marts, whereby the woollen cloth of this Realm, which is one of the greateſt commodities of the ſame, by making whereof the Kings true ſubjects be put in occupation, and the poor people have moſt their living, and alſo other divers commodities of divers and ſeveral parts of this Realm, be not ſold ne uttered, as it was in times paſt; but for lack of utterance of the ſame in divers parts, where ſuch clothes be made, they be conveyed to London, where they be ſold far under the price that they be worth, and that they coſt the makers of the ſame, and at ſome times they be lent to long days, and the money thereof, at divers times, never paid: and over that, the commodities and merchandiſes of thoſe parts, which the ſaid Fellowſhip, Merchants of London and other their confederates bring into this land, is ſold to your ſaid complainants, and other the Kings true ſubjects, at ſo dear and high exceeding price, that the buyer of the ſame cannot live thereupon; by reaſon whereof all the Cities, Towns and Boroughs of this Realm in effect be fallen into great poverty, ruine and decay, and as now in maner without hope of comfort or relief, and the Kings Cuſtoms and Subſidies, and the Navy of the Land greatly decreaſed and miniſhed, and daily they be like more to decay, if due reformation be not had in this behalf. Be it therefore enacted by the King our Soveraign Lord, by the advice and aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that every Engliſhman being the Kings true liege man, from henceforth have free paſſage, reſort, courſe and recourſe into the ſaid coaſts of Flanders, Holland, Zeland, Brabant, & other places thereto nigh adjoyning, under the obeiſance of the ſaid Archduke, to the Marts there, hereafter to be holden, with his or their merchandiſes, goods and wares, there to buy and ſell, & make their exchange freely, at his or their pleaſure, without exaction, fine, impoſition, extortion, or contribution, to be had, levied, taken, or perceived of them or any of them therefore, or by any Engliſh perſon or perſons, to his or their own uſe, or to the uſe of the ſaid Fraternity or Fellowſhip, of any other like (except only x. mark ſterling) and that no perſon Engliſh, as is afore rehearſed, hereafter take to his own uſe, or to the uſe of the ſaid Fraternity or Fellowſhip there, of any other Engliſh perſon, of what eſtate, degree or condition that he be of, ſo alway that he be the King our Soveraign Lords true liege man, any fine, exaction, impoſition, or contribution for his liberty of freedom to buy and ſell goods, wares or merchandiſes, in or at any of the ſaid Marts, more or above the ſaid ſum of x. mark ſterling only, upon pain of forfeiture to our Soveraign Lord for every time that he doth contrary to this Act, xx. li. and alſo to forfeit to the parties ſo grieved in this behalf, x. times ſo much as he contrary to this preſent Act taketh of him: and that the parties ſo grieved ſhall have in this behalf an action of debt for the ſaid forfeiture of ten times in any of the Kings Courts within this Realm, by writ, bill, plaint, or information, and ſuch proceſs to be made in the ſame, as is or ought to be made in or upon an action of debt at the common Law: and the tryal thereof to be had in ſuch Shire, City, or place where the ſaid action is commenced or ſued, and that the defendant in any action be not admitted to wage his Law, nor none eſſoin nor protection be for ſuch defendant admitted or allowed in that behalf.

CAP. VII.

No lay perſon that doth murder his Lord or Maſter, ſhall have his Clergie.

James Grame murdered Richard Tracy his maſter.

No lay perſon which doth purpoſely murder his maſter, or, &c. ſhall have his Clergy.

Where abominable and wilful prepenſed murders be by the Laws of God and natural reaſon forbidden, and are to be eſchewed; yet not the leſs, many & divers unreaſonable and deteſtable perſons, lacking grace, wilfully commit murder, to the high diſpleaſure of God, and contrary to all the Laws abovesaid, and moreover, againſt their natural and obliged duty, wilfully commit prepenſed murder, in ſlaying their Maſter, or their immediate Soveraign, under whom he or they be, or owe obedience, in truſt to eſchew the peril and execution of the Law by the benefit of their Clergy: In hope whereof, of late one James Grame, late of London Yeoman, wilfully aſſented and prepenſed the murder of one Richard Tracy Gentleman, then his maſter, by him and his prepenſed aſſent, the xix. day of February laſt paſt, at Brentwood in the County of Eſſex, murdered and ſlain, to the right perillous enſample of other evil diſpoſed: Wherefore in avoiding of like miſchiefs to enſue, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, be it Enacted, That the ſaid James Grame, for the murder of the ſaid Richard Tracy his late maſter, be attainted of the ſaid murder as a Felon that hath offended in pety Treaſon, and that the ſame James for the ſame murder, ſhall be drawn and hanged in ſuch manner and form, as by the Law of this Land hath been uſed in ſuch caſes, as perſons being no Clerks, doing like murder, have, or ought to be puniſhed, any priviledge of his Clergy, or his demand of the ſame, notwithſtanding. Alſo be it ordained by the ſaid authority, that if any lay perſon hereafter prepenſedly murder their Lord, Maſter, or Soveraign immediate, that they hereafter be not admitted to their Clergy; and after conviction or attainder of any ſuch perſon ſo hereafter offending, had after the courſe of the Law, that the ſame perſon be put in execution, as though he were no Clerk. St. 23 H. 8. 1. 1 Ed. 6. 12.

Anno decimo nono Henrici *ſeptimi.*

HENRICUS Dei gratia Rex Angliæ & Franciæ, & Dominus Hiberniæ, Vicecomiti Eſſex ſalutem. Præcipimus tibi firmiter injungentes, quod in ſingulis locis infra Ballivam tuam, tam intra libertates, quam extra, ubi magis expediens videris, publicas Proclamationes quorundam Statutorum & Ordinationum in ultimo Parliamento noſtro, auctoritate ejuſdem Parliamenti editorum, fieri facias in forma ſequenti.

THe King our Soveraign Lord Henry the ſeventh after the Conqueſt, by the grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the ſixteenth day of January, in the nineteenth year of his Reign, to the honour of God and holy Church, and for the common weal and profit of this his Realm, and by the aſſent of the Lords ſpiritual and temporal, and the Commons in the ſaid Parliament aſſembled, and by authority of the ſame Parliament, hath done to be made certain Statutes and Ordinances in manner and form following.

CAP. I.

What he ſhall forfeit which doth not attend upon the King in his own perſon, when he is in perſon in Wars.

St.11 H.7.18.

WHere in the Parliament holden at Weſtminſter the xi. year of the King our Soveraign Lords Reign, for good and reaſonable conſiderations in an Act of the ſaid Parliament contained, it was ordained by the ſame, that every perſon and perſons being within this Realm of England or Wales, having offices, fees, or annuities of the Kings gifts and grants, and did not give their attendance upon the Kings Highneſs, when he ſhould fortune to go in Wars in his perſon, in their perſons, as their duty bindeth them in that behalf, that then they and every of them, making thereof default (the Kings ſpecial licence not had, or elſe the ſaid perſon or perſons having ſuch unfeined ſickneſs, letting, or diſeaſe, that he might not in his perſon come to do his perſonal attendance and ſervice after the form aforeſaid) that he or they after due proof of the ſame ſhould forfeit and leeſe their ſaid offices, fees and annuities, and the ſame to ſtand void at the Kings pleaſure, as in the ſame Act more at large it is contained. And foraſmuch as divers and many perſons, having of the Kings gifts and grants many Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, and other Poſſeſſions and Hereditaments, by reaſon whereof they are more bound to give their attendance upon the Kings moſt Royal perſon in his ſaid wars, then other rehearſed perſons having but fees, offices, and annuities for term of life, as well for the defence of his moſt noble perſon, as for the defence of this his Realm, which was at that time by overſight omitted and left out of the ſaid Act. Be it therefore enacted, ordained and eſtabliſhed, by the advice of the Lords ſpiritual and temporal in this preſent Parliament aſſembled, and by authority of the ſame, that every perſon or perſons having or occupying, or that hereafter ſhall have or occupy any Honours, Caſties, Lordſhips, Manors, Lands, Tenements, and other poſſeſſions and hereditaments, by reaſon and vertue of the Letters Patents of the King our Soveraign Lord that now is, now given, granted, and made, or hereafter to be given, or granted, or made by our ſaid Soveraign Lord, and give not their daily attendance in their perſons upon his Highneſs, when he ſhall fortune to go in wars, within this his Realm, or elſe for any urgent or any other reaſonable cauſes, in his perſon, for the honour or ſurety of the ſame his perſon, and the defence of this his Realm, and againſt his enemies and rebels within the ſame Realm or without, for the repreſſing and ſubduing of them and their malicious purpoſe, and well and truly according to the duty of their allegiance to ſerve the King in his ſaid journey and voyage, and to give their attendance upon his grace in the ſame, and not for to depart without his ſpecial licence in writing under the Kings ſign Manual or Signet, or under his great Seal, or privy Seal, or elſe until after the general Proclamation be made, that they ſhall depart, or elſe the ſaid perſon or perſons having ſuch unfeigned ſickneſſes, letting, or diſeaſe, that he or they may not in their perſons come to do their perſonal attendance and ſervice, and that duly proved, that then all ſuch Letters Patents, gifts and grants, and all things in them contained be utterly from henceforth adnulled, void, of none effect, and at the Kings pleaſure. Provided, that all ſuch perſons ſo giving attendance, ſhall have the Kings wages from the time of coming from their houſe toward the King, when they come to the King, and from the King home again at the time of their departing, after the rate of xx. miles for a day, and while they be with the Kings grace to have alſo the Kings wages. Provided alway, that this Act extend to no ſpiritual perſon, nor to the Maſter of the Rolls, nor to none other Officer, and Clerks of the Chancery, Juſtice of either Benches, Barons of the Kings Eſchequer, and other Officers and Clerks of the ſaid places, the Kings Atturneys and Solicitors, and the Sergeants at Law, nor to the Clerk of the Kings Council for the time being, nor to any perſon being within the age of xxi. years, nor to any Grant or Patent of any Ward, or Idiot, or cuſtody of the ſame, nor to any heirs females, inherited by reaſon of any ſuch Grants. Provided alſo that it extend not to any Patents, nor Lands, or Tenements compriſed in the ſame, the which Patents make mention, that any Grant is made by the King of ſuch Lands of retinue, ſum or ſums of money contained in the ſame Letters Patents. 4 El. Dyer f. 211.

Whoſoever doth not attend upon the King being in perſon in wars, ſhall loſe ſuch lands as he hath of the Kings gift.

From what time and until what time every ſuch attendant in wars ſhall be paid wages. To what perſons this Statute ſhall not extend.

CAP. II.

No cuſtom ſhall be paid for good Bowſtaves brought into this Realm, until the next Parliament. Exp.

CAP. III.

The Statute of 11 H. 7. 24. which giveth an Attaint in certain caes, continued until the next Parliament. Exp.

CAP. IV.

No man ſhall ſhoot in a Croſs-bow without the Kings Licence, except he be a Lord, or have two hundred mark land. 3 H. 8. 13. 6 H. 8. 13. 25 H. 8. 17. & 33 H. 8. 6.

CAP. V.

Gold or Silver ſhall not be carried into Ireland, nor any Iriſh money brought into England.

The King our Soveraign Lord ſeeing evidently that his coin, and ſpecially of ſilver, is ſore impaired, as well by clipping thereof, as by counterfeiting of the ſame, and by bringing into this his Realm of the coin of Ireland, by occaſion whereof great rumour and variance daily increaſeth among his ſubjects, for taking and refuſing of the ſame: for ceaſing and pacifying whereof, and for the univerſal wealth of this his Realm, by the advice and aſſent of his Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, that all manner of gold of the coins of a Soveraign, half Soveraign, Ryal, half Ryal, and the fourth part of a Ryal, the Angel, half angel, and every of them, being Gold, whole and weight, ſhall go and be current in payment through all this his Realm for the ſum that they were coined for. And alſo as well all manner groats of Engliſh coin, and of the coin of other Lands now current in this Realm for groats, or for iv. d. being ſilver, and not clipped, miniſhed, or otherwiſe impaired, except reaſonable wearing (albeit they be cracked:) all manner of half groats, or pence of ii. d. of Engliſh coin, or of the coin of other Lands, now current in this Realm for half groats, or ii. d. not clipped, miniſhed, or otherwiſe impaired being ſilver (howbeit they be cracked) ſhall in like wiſe go and be current through all the ſame Realm, for the ſum as they were coined for. And over that, all manner of pence being ſilver, and having the print of the Kings coin, ſhall have courſe and be current for payment, as well to us in all our receipts, as to all our receivers, and to all other Lords ſpiritual and temporal, and all their receivers, and to all other within this our Realm, without any manner refuſe or contradiction, except only pence bearing divers ſpurs, or the mullet betwixt the bars of the croſs, and thoſe pence ſo bearing the print of the ſpur or the mullet, to have courſe for half d. and not above. And if any perſon hereafter refuſe any coin afore rehearſed, to take it in payment after effect of the tenor of this Act, he that ſo refuſeth it, ſhall be compelled by the Mayor, Sheriff, Bailiff, Conſtable, or chief Officer or Governour of the Town or place where any ſuch payment ſhall be refuſed, to accept and take the ſame payment, and furthermore to be impriſoned, or otherwiſe puniſhed by the diſcretion of the ſaid Mayor, Sheriff, Conſtable, or other chief Officer or Governour afore rehearſed. And if the ſaid Sheriff, Bailiff, Conſtable, or other chief Officer or Governour, refuſe to take any ſuch coin in payment as it is above rehearſed, that then he ſo refuſing the ſaid payment, to be compelled by the Juſtice of the peace of the ſame County, where ſuch payment ſhall be ſo refuſed, to accept and take the ſaid payment: and he ſo refuſing the ſame, to be further puniſhed for the ſaid refuſing, by the diſcretion of the ſame Juſtice. And alſo it is ordained by the ſaid authority, that all manner of groats, and half groats, or pence of ii. d. as well Engliſh coin, as coin of other lands, clipped, miniſhed, or otherwiſe impaired, except reaſonable wearing, ſhall not go nor be in any wiſe current for payment within this Realm, but utterly to be refuſed and forſaken in payment from henceforth: and that notwithſtanding it ſhall be lawful to any perſon, having any ſuch groats or pence of two pence clipped or miniſhed, to bring the ſame to the Kings Mint, there to be changed after the cuſtom of the ſame Mint, or convert the ſame into plate, bullion, or otherwiſe ſell or imploy it to his moſt profit and advantage within this Realm, any other Act or Acts to the contrary in any wiſe notwithſtanding. And in eſchewing and avoiding of ſuch clipping in time to come, the King our Soveraign Lord, by the advice of his Council, hath cauſed to be made new coins of groats, and pence of two pence, and that every piece of the ſame coins ſhall have a circle about the utter part thereof. And alſo that all manner of gold hereafter to be coined within this his Realm, ſhall have the whole ſcripture about every piece of the ſame gold, without lacking of any part thereof, to the intent that his ſubjects hereafter may have perfect knowledge by the circle or ſcripture when the ſame coins be clipped or impaired. And alſo it is enacted by the ſaid authority, that if the Warden or Controller of the Kings Mint, hereafter duly execute not their office in ſearching the ſame coin, and ſee that it be made perfect in form as is aforeſaid before that it paſs from the Mint; that then the ſame Warden and Controller ſhall forfeit their ſaid Office, and make fine for the ſame at the Kings pleaſure. Moreover it is Enacted by the ſaid authority, that no manner perſon ſhall carry, nor convey, nor cauſe to be carried out of this Realm, any bullion, plate, or coin of gold and ſilver into Ireland, over and above the ſum of vi. s. iv. d. nor convey any ſuch bullion, plate, or coin into any ſhip, boat, or other veſſels, upon pain to forfeit the ſaid bullion, plate, or coin, and to have impriſonment, and make fine and ranſom at the Kinge will: and in like wiſe that no manner perſon bring nor convey, nor cauſe to be brought nor conveyed any manner of coin of gold or ſilver above the ſum of iii. s. iv. d. of the coin of Ireland into this Realm, upon pain of forfeiture of all the ſame coin above the ſaid ſum of iii. s. iv. d. of the coin of Ireland into this Realm, upon pain of forfeiture of all the ſame coin above the ſaid ſum of iii. s. iv. d. ſo brought into this Realm, and to have impriſonment, and make fine and ranſom at the Kings will: and that it ſhall be lawful for every of the Kings ſubjects to take and ſeiſe all ſuch money of the coin of Ireland, hereafter to be brought or conveyed into this Realm, over and above the ſaid ſum of iii. s. iv. d. and to bring it to the Kings Mint, there to leave the ſame to the Kings uſe; and every perſon that ſo ſhall bring any ſuch Iriſh money to the ſaid Mint, ſhall have the value of the one half of all ſuch Iriſh money by him ſo brought to the ſaid Mint, at the ſame time delivered to him to his own uſe, by the Maſter of the Mint for the time being.

The coins of gold and ſilver current within this Realm ſhall ſo continue for the ſums that they were coined for.

What pence ſhall be current within this Realm, what not.

The penalty of thoſe that refuſe to receive the coins in payment.

The penalty if a chief Officer refuſe to take any of the ſaid coins in payment.

Money clipped or diminiſhed, ſhall not be current in payment.

How any perſon may uſe money that is clipped or diminiſhed. St. 9 Ed. 3. 3. 17 R. 2. 1.

The whole ſcripture ſhall be coined about the gold coined.

No money, plate or bullion, ſhall be carried into Ireland above vi. s. viii. d. St. 9 Ed. 3. 1. 5 R. 2. 2. 2 H. 4. 5.

No Iriſh coin of gold or ſilver ſhall be brought into England.

CAP.

CAP. VI.

Where Pewter and Braſs ſhall be ſold: The marking, weighing, and ſearching of them.

Humbly and lamentably ſhewen and complain unto your moſt abundant Grace, your humble ſubjects the Pewterers and Braſiers of your City of London and York, and of all other places of this your Realm: That where many ſimple and evil diſpoſed perſons of this your Realm of England, uſing the ſaid Crafts, daily go about this your Realm from village, from Town, and from houſe to houſe, as well in Woods and Forreſts, as in other places to buy Pewter and Braſs; and that knowing thieves and other pickers that ſteal as well Pewter and Braſs belonging to your Highneſs, and under your mark, and to the Lords ſpiritual and temporal, as to other your ſubjects of this your Realm, bring ſuch ſtollen veſſels unto them in ſuch hid places to ſell, and ſell it for little or nought, and about they bring it into privy places, or into corners of Cities or Towns, and there ſell much part of it to ſtrangers, which carry it over the ſea by ſtealth: Alſo the ſaid perſons ſo going about, and divers other uſing the ſaid crafts, uſe to make new veſſels, and to mix good mettal and bad together, and make it nought, and ſell it for good ſtuff, where indeed the ſtuff and mettal thereof is not worth the fourth part that it is ſold for, to the great hurt, deceit and loſs of your ſubjects. Alſo divers perſons uſing the ſaid crafts, have deceivable and untrue beams and ſcales, that one of them will ſtand even with twelve pound weight at one end, againſt a quarter of a pound at the other end, to the ſingular profit of themſelves, and to the great deceit and loſs of your ſubjects, buyers and ſellers with them. For reformation of the premiſes, it would pleaſe your Highneſs of your moſt abundant grace, with the advice of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact and eſtabliſh, that no perſon or perſons uſing the ſaid crafts of Pewterers and Braſiers, from henceforth ſhall ſell, or change any Pewter or Braſs, new or old, at any place within your Realm, but only in open Fairs or Markets, or in their dwelling houſes, except they be deſired by the ſaid buyers of ſuch ware, upon pain of forfeiture to our Soveraign Lord the King for every ſuch default x.li. Alſo that by the ſame authority it may be enacted and eſtabliſhed, that no perſon, ne perſons of what condition or degree ſoever he or thsy be, from henceforth within the ſaid City of London and York, or without, either caſt or work any Pewter veſſel or Braſs in any place or places within this your Realm, but that it be as good fine mettal as the Pewter and Braſs caſt and wrought after the perfect goodneſs of the ſame within the City of London, and by the Statutes of the ſame ought to be, upon pain of forfeiture of all ſuch Pewter and Braſs ſo caſt and wrought, or worſe Pewter or Braſs then ought to be wrought in the ſame Cities: the one half of every ſuch forfeiture to be to the uſe of your Highneſs, and the other half to the uſe of the finders thereof. Provided alway, that this forfeiture in no wiſe ſtretch, ne extend to Braſs or Pewter, being in the poſſeſſion of any perſon other then the workers of the ſame, or ſuch as have the ſame to ſell, or being of the crafts or myſteries. Alſo that it may by the ſame authority be enacted and eſtabliſhed, that no manner perſon or perſons, of what degree or condition ſoever he or they be, from henceforth make no hollow wares of Pewter, that is to ſay, ſalts and pots that are made of Pewter called ley mettal, but that it may be after the aſſiſe of Pewter ley mettal, wrought within the City of London: And that the makers of ſuch wares ſhall mark the ſame wares with ſeveral marks of their own, to the intent that the makers of ſuch wares ſhall avow the ſame wares by them (as abovesaid) to be wrought: and that all and every ſuch wares, not ſufficiently made and wrought, and not marked in form aboveſaid, found in the poſſeſſion of the ſame maker or ſeller, to be forfeited: and if the ſame ware be ſold, the ſaid maker to forfeit the value of the ſame ware ſo unlawfully wrought and ſold: the one half of the ſaid wares, or the value thereof to be to the uſe of your Highneſs, and the other half to be to the uſe of the finder or finders, or ſearchers thereof. And that it may be by the ſame authority enacted and eſtabliſhed, that if any perſon or perſons hereafter uſing buying and ſelling of Pewter or Braſs, that hereafter occupy any deceivable or falſe beams or weights of the ſaid wares, and every ſuch perſon or perſons, uſing or occupying ſuch deceivable and untrue beams or weights, to forfeit xx. s. the one half to the King, and the other half to the party that therefore ſhall ſue by action of debt: And that in the ſaid action, no protection nor eſſoin ſhall be allowed, and alſo the ſaid party ſo offending ſhall forfeit his beams to him that ſhall ſeiſe it; and if the ſaid offender or offenders be not ſufficient to pay the ſaid ſum or ſums by them ſo forfeited, that then it ſhall be lawful to the Mayors, Bailiffs, or other head Officers of ſuch place or places, where any ſuch offender or offenders ſhall be found, to put them in the Stocks, and them ſo to keep till the next market day next adjoyning, and in the market place to put them on the Pillory all the market time. And furthermore, that it be lawful by the ſaid authority, that the Maſter and Wardens of the ſaid Craft of Pewterers, within every City and Borough of this Realm where ſuch Wardens are, and where no ſuch Wardens are, the head Officers and Governours of the ſame City or Borough, to appoint a certain perſon moſt expert in the knowledge of the ſame, to make ſearch within the ſaid Cities or Boroughs where they dwell. And over this the Juſtices of Peace within every Shire, at the general Seſſion holden at Michaelmas, ſhall aſſign and appoint two certain perſons, having experience therein, to make ſearch in the premiſſes in every part of that Shire, as well within Franchiſe as without, ſaving in Cities or Boroughs where ſearchers be appointed by yͤ heads & governours of yͤ ſame: & that of all ſuch unlawful pewter or braſs, as yͤ ſaid ſearchers ſhal find, yͤ one half ſhal be to yͤ uſe of your grace, & the other half to yͤ ſaid ſearchers: and yͤ in yͤ default of the ſaid Maſters & Wardens of the ſaid occupations, not ſearching in form as is aforeſaid, and whereby that any ſuch unlawful mettal is caſt or made, or unlawful weights uſed,

it

Several evil practices put in ure by Pewterers and Braſiers.

Uſing of deceitful beams and ſcales.

Pewter and Braſs ſhall be ſold in Fairs and Markets, and in the owners houſe only.

Of what goodneſs Pewter and Braſs ought to be.

Of what Aſſiſe, hollow wares of Pewter made of ley mettal ſhal be.

The makers ſhall ſet on their marks.

The forfeiture for defaults.

The penalty for occupying of falſe beams and weights about the ſelling and buying of pewter and braſs.

The puniſhment of the offender if he be not able to pay the money forfeited.

A ſearcher of Pewter and Braſs within a City or Borough.

Searchers of Pewter and Braſs appointed by the Juſtices of Peace it ſhall be lawful to any perſon or perſons, having ſufficient cunning and knowledge in the ſaid occupations, by overſight of the Mayors, Bayliffs, and head-officers of the ſaid Cities and Boroughs, to ſearch all the ſaid places, and to put the ſaid Authority and Act in execution in form aforeſaid. Provided alway, that this preſent Act continue and endure to the next Parliament, and no longer. 4 H. 8. 7 made perpetual. Stat. 25 H. 8. 9. 33 H. 8. 4.

CAP. VII.

By whoſe conſent Ordinances ſhall be made by Fellowſhips of Crafts: No Order ſhall be made to reſtrain ſuit in the Kings Court.

St. 15 H. 6. 6.

PRayen the Commons in this preſent Parliament aſſembled, that where in a Parliament holden at Weſtminſter the xv. year of the Reign of the bleſſed King Henry the ſixth, For that, that Maſters, Wardens, and people of Guilds, Fraternities, and of other Companies Corporate, dwelling in divers parts of the Realm, oftentimes by colour of rule and governance to them granted and confirmed by Charters and Letters Patents of divers Kings, made among themſelves many unlawful and unreaſonable Ordinances, as well in prices of wares, as other things for their own ſingular profit, and to the common hurt and damage of the people: It was enacted, that there ſhould from henceforth no ſuch Maſters, Wardens, nor Companies, make nor uſe no Ordinance in diſheritance or diminution of the prerogative of the King, nor of other, nor againſt the common profit of the people, nor none other ordinance of charge, except it were firſt diſcuſſed and proved by good and reaſonable advice by the Juſtices of the Peace, or the chief Governours of Cities, and before them entred of Record, and that upon pain to loſe and forfeit the force and the effect of the Articles in their ſaid Letters Patents and Charters contained concerning the ſame, and over that to loſe and pay x. li. to the King for every Ordinance that any of them made, or uſed, to the contrary of that Ordinance, the ſame Ordinance to endure at the Kings pleaſure, as in the ſame Act it appeareth: which Act is now expired, and ſith the expiring of the ſame, divers and many Ordinances have been made by many and divers private bodies corporate within Cities, Towns and Boroughs, contrary to the Kings Prerogative, his Laws, and the common weal of his Subjects: Be it therefore ordained, eſtabliſhed, and enacted by the King our Soveraign Lord, by the aſſent of the Lords Spiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no Maſters, Wardens, and fellowſhips of Crafts, or Myſteries, nor any of them, nor any rulers of Guilds or Fraternities, take upon them to make any Acts or Ordinances, ne to execute any Acts or Ordinances by them heretofore made in diſheritance or diminution of the Prerogative of the King, nor of other, nor againſt the common profit of the people, except the ſame Acts or Ordinances be examined and approved by the Chancellor, Treaſurer of England, or chief Juſtices of either Benches, or three of them, or before both the Juſtices of Aſſiſe in their circuit or progreſs in the Shire where ſuch Acts or Ordinances be made, upon pain of forfeiture of xl. li. for every time that they do contrary. And over that it is Enacted, that none of the ſame bodies corporate take upon them to make any Acts or Ordinances, to reſtrain any perſon or perſons to ſue to the Kings Highneſs, or to any of his Courts for due remedy to be had in their cauſes, ne put, ne execute any penalty or puniſhment upon any of them for any ſuch ſuit to be made, upon pain of forfeiture of xl. li. for every time that they do the contrary. And this Act to begin and take effect at the Feaſt of Pentecoſt next coming, and from thenceforth. St. 22 H. 8. 4.

Cro. Jac. 222. Bro. exigent 89.

No Maſters or Wardens of fellowſhips ſhall make any new Ordinances without the conſent of the Chancellor, Treaſurer, or Juſtices.
St. 12 H. 8. 42.
28 H. 8. 5.

Coke Lit. 653.

No Ordinance ſhall be made by a Corporation to reſtrain ſuit in the Kings Courts.

CAP. VIII.

No Scavage or Shewage ſhall be paid for Merchandiſe cuſtomed.

PRayen the Commons in this preſent Parliament aſſembled, that where the Merchants and inhabitants of divers Cities, Boroughs, and Towns within this Realm, and as well divers Tenants of our Soveraign Lord the King, as of other, that have by grants made by noble progenitors and predeceſſors of our Soveraign Lord, as well to them by ſuch name or names, as they or any of them be corporate, as by grants made unto divers Lords both Spiritual and temporal, and by the preſcription that they, their Tenants, Reſiants, and Inhabitants within their ſeveral Lordſhips, Boroughs, and Towns, ſhould be quit and diſcharged of divers and many cuſtoms, as of Tolls, and of other exactions, demands, and tasks by divers Mayors, Sheriffs, Bailiffs, and other officers of divers Cities, Boroughs, and Towns, within this Realm, for their ſingular lucre, of Merchants Denizens, and of the Kings true ſubjects born, dwelling and inhabiting within this Realm, contrary to their priviledge, and lately more and otherwiſe then in times paſſed, have diſtrained, levied, and taken of them a certain cuſtom called Scavage, otherwiſe called Shewage, to their great charge and trouble, which Scavage was never uſed to be taken nor levied but only of Merchant ſtrangers. Be it therefore ordained, eſtabliſhed, and enacted by the King our Soveraign Lord, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that if any Mayor, Sheriff, Bailiff, or other Officer, in any City, Borough, or Town within this Realm, diſtrain, take, or levy any cuſtom called Scavage, otherwiſe called Shewage, of any Merchant Denizen, or of other the Kings ſubjects Denizens, of or for any manner of Merchandiſe to our Soveraign Lord the King before truly cuſtomed, that is brought or conveyed by land or by water, to be uttered and ſold in any City, Borough, or Town in this Land: Or if any Mayor, Sheriff, Bailiff, or other Officer, in any City, Borough, or Town, for non-payment of the ſaid Scavage, let or diſturb any Merchant, or any other perſon or perſons being Denizens, to ſell and utter their Merchandiſe by them brought into any City, Borough, or Town, that then every Mayor, Sheriff, Bailiff,

No Scavage or Shewage ſhall be paid for merchandiſes cuſtomed.
The penalty for diſturbing any perſon to ſell his merchandiſe for non-payment of Scavage.

21 H. 7. c. 14

or other Officer diſtraining, levying or taking any ſuch Scavage, or otherwiſe offending in any thing contrary to this preſent Act, ſhall forfeit for every time that he ſo offendeth xx. li. the one moyety thereof to our Soveraign Lord the King, and the other moyety thereof to the party in that behalf grieved, or to any other that firſt ſueth in that party by due action of debt in any Shire within this Realm for to be ſued, and that the defendants in any ſuch action be not admitted to wage or do their Law, nor that any protection, ne eſſoin for any defendant be allowed in the ſame. Provided alway, That the Mayor, Sheriffs, and Commonalty of the City of London, and every of them, ſhall have and take all ſuch ſums of money for the ſaid Scavage, and of every perſon Denizen, as by our Soveraign Lord the King and his moſt honourable Council ſhall be determined to be the right and title of the Mayor, Sheriffs and Commonalty of the ſaid City of London, or any of them, this Act in any wiſe notwithſtanding.

Scavage to be taken by the Mayor and Sheriffs of London.

CAP. IX.

Proceſs in Actions upon the caſe, ſued in the Kings Bench and Common Pleas.

FOraſmuch as before this time there hath been great delaies in actions of the caſe that have been ſued aſwel before the King in his Bench, as in his Court of his Common Bench, becauſe of which delays many perſons have been put from their remedy: Be it therefore ordained, enacted, and eſtabliſhed by the King our Soveraign Lord, by the advice and aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that like proceſs be had hereafter in actions upon the caſe, as well ſued and hanging, as to be ſued in any of the ſaid Courts, as in Actions of treſpaſs or debts. Raſt. lib. pla. f. 175.

Cro.Jac.122. Bro.exigent 49.

What proceſs ſhall be awarded in actions upon the caſe ſued in the Kings Bench or common Place.

CAP. X.

The Sheriff ſhall have the keeping of the Common Gaol and the Priſoners therein.

BE it ordained, eſtabliſhed and enacted by the King our Soveraign Lord, by the advice and aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that every Sheriff within every County within this Realm of England, have the cuſtody, rule, keeping, and charge, from the quindecim Paſche next coming, of every of the Kings common Gaols, Priſons, and Priſoners in the ſame, in every of the ſaid Counties where he is Sheriff, during the time of his Office, except all Gaols, whereof any perſon or perſons ſpiritual or temporal, or body-corporate, have the keeping of eſtate of inheritance, or by ſucceſſion. And from the ſame quindecim of Paſche next coming, that all Letters Patents made to any perſon or perſons for term of life or lives, or for term of years, of the keeping of the ſaid Gaols, and of any Conſtableſhips of any Caſtle, wherein any ſuch common Gaol is by the King our Soveraign Lord, or any other Kings of this Land, and every thing in the ſaid Letters Patents contained, be from henceforth repealed, adnulled, void, and of no force, ne effect in the Law: And that every ſuch Sheriff, from the ſaid quindecim of Paſche be charged and chargeable with the ſaid Gaols, Priſons, and the priſoners remaining in the ſame. And over that where divers and many perſons, for Treaſon, Murder, Robberies, and other Felonies before this time have been taken, ſome for ſuſpection of the ſame deeds, and ſome upon inditements, and thereupon brought unto the ſame Gaols and Priſons, and ſometime remained in the keeping of the perſons that ſo arreſted them for the ſaid cauſes, and by colour of negligence, ſubtilly and craftily, and oftentimes for favour, mede, affection, or corruption, ſuffered the ſaid offenders to eſcape, as if it had been by negligence, to the overt and expreſs impediment of Juſtice, and execution of the Kings Law, ordered for the puniſhment of ſuch offenders: and when ſuch eſcapes have been found before Juſtices, having authority to enquire thereof, and thereupon the parties convicted, or yielded themſelves to make fine for the ſame, ſmall fines have been uſed to be ſet in thoſe cauſes, to the little dread and fear, & great imboldning of the ſaid offenders and miſdoers: by mean whereof great and errant Felons, and hainous Murderers, oftentimes have by negligence eſcaped, ſo that neither they nor the keepers of them from whom they eſcaped, hitherto have not been puniſhed according to their demerits. Be it therefore enacted, ordained, and eſtabliſhed by the ſaid authority of this preſent Parliament, that for every negligent eſcape hereafter from any Sheriff, having the keeping of any Gaol, or from any Conſtable of Caſtle, or other being keeper of any Gaols, where ſuch priſoners accuſtomably have been and ſhall be kept, of perſons indited of High Treaſon, being in their keeping, that no leſs fine be ſet or made for every ſuch eſcape, then C. mark, and more by the diſcretion of the Juſtices that ſhall aſſeſs ſuch fines: and for every eſcape of perſons eſcaping being in their keeping for ſuſpection of High Treaſon, no leſs fine to be ſet ne made then xl. li. and for every eſcape of perſons indited of Murder, or petit Treaſon, xx. li. at the leaſt, and more by the diſcretion of the Juſtices that ſo ſhall aſſeſs ſuch fines: and for every eſcape of perſons ſuſpected of Murder or petit Treaſon, x. li. or more, by the diſcretion of the Juſtices that ſo ſhall aſſeſs ſuch fines: and for every perſon eſcaping, being in their keeping, indicted of Felony, other then Murder or Treaſon, x. li. and for every perſon ſuſpected of felony, other then murder or treaſon, as is aforeſaid, to forfeit for every ſuch eſcape C. s. or more, by the diſcretion of the Juſtices, after the manner and quantity of their demerits, ſaving to every perſon or perſons, their heirs & their ſucceſſors, ſuch ſufficient & lawful right & title to any ſuch eſcapes & fines for the ſame, or to be quit of ſuch eſcapes, or of any other eſcapes, as they have or ought to have at ẏ time of making this Act: this Act or any clauſe contained in ẏ ſame in any thing notwithſtanding. And if any perſon hereafter have any priſoner in his keeping, arreſted for ſuſpection of felony, treaſon, or murder, & that perſon ẏ ſo is arreſted, eſcape by negligent keeping before ẏ he be brought to ẏ gaol, that perſon from whom he

The Sheriff of every County ſhall have the keeping of the common Gaol of the ſame County, and of all the priſoners therein. St. 14 Ed.3.10.

All Letters Patents made of the keeping of any Gaols ſhall be reſumed and void.

Several penalties for the negligent eſcape of ſeveral ſorts of offenders. Exp.

A ſaving of other mens rights for eſcapes and fines for the ſame.

The penalty for negligent eſcape before the priſoner be brought to the Gaol.

Exp.

Letters Patents of Offices not requiring actual exerciſe ſhall be void.

The continuance of this Act concerning penalties.

The Sheriff of Surrey ſhall not have the keeping of the Kings Bench and Marſhalſey.

Edward Courtney Earl of Devonſhires Patent except.

John Morgans Patent except.

he ſo eſcaped, ſhall forfeit for every perſon that ſo doth eſcape, ſuch fines as ſhall be ſet by diſcretion of the Juſtices that ſhall have authority to aſſeſs ſuch fines, as the cauſe will require, and the ſame forfeiture to go to them that be intituled to have ſuch forfeitures the time of making this Act. And moreover be it Enacted and ordained by the ſaid authority, that all Offices of Conſtables of Caſtles, Fortreſſes, or other places, and all other Offices within this Realm of England or Wales, not requiring actual exerciſe in any of the ſame Offices by them to whom ſuch grant of Offices is made or granted, or by their deputy or deputies, granted by the King our Soveraign Lord that now is, to any perſon or perſons for term of life or lives, and Letters Patents of the ſame, ſhall be from the Feaſt of Paſche next coming utterly repealed, adnulled, void, and of no force ne effect in the Law. And this Act as concerning the penalties aforeſaid, and every of them, to endure to the next Parliament and no longer. Provided alway, that neither the Sheriff of the County of Surrey for the time being, nor any other Sheriff have any rule, cuſtody or governance of the Gaols of the Kings Bench and Marſhalſey, or of either of them, by reaſon or by authority of the ſaid Act: but that Sir Thomas Brandon Knight, and Sir John Digby Knight, and every of them have and enjoy the cuſtody and keeping of the ſame Gaols, according unto their ſeveral grants to them made, this Act notwithſtanding. Provided alway, that the ſame Act of reſumption, or any articles therein contained, extend not, ne be in any wiſe hurtful or prejudicial to Edward Courtney Earl of Devonſhire, for the avoiding and repealing of any Letters Patents or grant to him made by the King our Soveraign Lord, of and for the Conſtableſhip of the Caſtle of Reſtermel, otherwiſe called Reſtormin, in the County of Cornwall; but that ſuch Letters Patents or grant of the ſame Office, be of as great force, ſtrength and effect, and to the ſaid Earl as available, as they ſhould or might have been, if the ſaid Act of reſumption had never been had ne made. Provided alway that this preſent Act of reſumption, or any other made or to be made in this preſent Parliament, extend not, ne in any wiſe be hurtful or prejudicial unto any manner of grant, made by the King our Soveraign Lord by his Letters Patents to John Morgan, of or for the Parkerſhip of yͤ Park of Carlion, with the profits of the ſame within the Lordſhip of Uſke of Southwales: but that the ſaid Letters Patents, and every thing in them contained, be from henceforth good and effectual to the ſaid John, according to the tenour and purport of the ſame, the foreſaid Act or Acts in any wiſe notwithſtanding.

CAP. XI.

The penalties for keeping of Buckſtalls, ſtalking and taking of Herons.

The penalty for keeping of Deer-hayes or Buckſtalls.

The penalty for ſtalking or cauſing another to ſtalk at a Deer without licence.

The penalty for taking of young Herons out of the neſt.

Two Juſtices of Peace may examine any perſons ſuſpected, and puniſh them.

Foraſmuch as it is well underſtood and known, that the greateſt deſtruction of red Deer and fallow within this Realm in time paſt, hath been and yet is with nets called Deer-hayes, and Buckſtals, and ſtalking with beaſts, to the great diſpleaſure of our Soveraign Lord the King, and of all the Lords and other Noblemen within this his Realm, having Forreſts, Chaſes or Parks in their poſſeſſion, rule or keeping, ſo that if the ſaid nets or ſtalking ſhould unlawfully be uſed and occupied in any time coming, as they have been in time paſt, the moſt part of the Forreſts, Chaſes, and Parks of this Realm ſhould be therewith deſtroyed. Be it therefore eſtabliſhed and enacted by the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that any perſon ſpiritual or temporal, having no Park, Chaſe nor Forreſt of their own, keep, nor cauſe for to be kept any Nets called Deer-hayes, or Buckſtalls, by the ſpace of a moneth next after the Proclamation of this Act made: upon pain of forfeiture for every moneth that he or they keep or cauſe to be kept the ſame Nets, Hayes or Buckſtalls, xl. li. And that no perſon from henceforth ſtalk, or cauſe any other perſon to ſtalk with any buſh or beaſts to any Deer, being in any Park, Chaſe, Forreſt, or without, but if it be within his own ground, Chaſe, Forreſt or Park, without licence of the owner, maſter of the game, or keeper of the ſame ground, Chaſe, Forreſt or Park, upon pain of forfeiture for every time that he or they ſo ſtalketh, x. li. And furthermore, that no perſon ne perſons without his own ground ſlea, take, or cauſe to be taken by mean of craft or engine, any Herons, without it be with hawking, or with long bow, upon pain of forfeiture for every Heron taken or ſlain vi. s. viii. d. and that no perſon or perſons without his or their own ground, take any young Herons out of the neſt without licence of the owner of the ground where the ſaid neſt is, upon pain of forfeiture for every Heron ſo taken out of the neſt x. s. and that every man that will, may and ſhall be admitted to ſue for any of the ſaid forfeitures by action of debt, and like proceſs to be had and made therein, as in other actions of debt at the making of this Act and that the defendant be not admitted to tender nor to do his law in any ſuch action, nor any eſſoin nor protection to be allowed for the defendant in the ſame: and that two Juſtices of Peace in their Seſſions ſhall have authority to call before them any perſon ſuſpected of the premiſes, and to their diſcretion to examine them in the premiſes. And if by their examination the party ſo examined be found in default contrary to the premiſes, that then he ſo found in default to be committed to priſon, till he have found ſurety for payment for the ſame forfeitures to the King. And that thoſe Juſtices that ſo examine them, ſhall have the tenth part of every ſuch forfeiture for their labour in that behalf.

CAP. XII.

An Act touching the puniſhment of Vagabonds for their firſt offence, and for their ſecond offence, and of them that do relieve them: A remedy to provide for beggars not able to work: Which Officers and perſons may puniſh Vagabonds, and their penalty it they do not. Exp. 39 El. 4. Certain perſons prohibited to play at unlawful games. Exp. 33 H. 8. 9. Two Iuſtices of Peace may reject common ſelling of Ale or Beer. ALT. 5 Ed. 6. 25. Rep. 21 Iac. 28.

CAP. XIII.

Iurors impanelled to inquire of Riots, and the Iſſues returned upon them. The puniſhment of Maintainers, whereby a Riot is not found.

Whereas in the Parliament holden at Weſtminſter, the Tueſday the morrow next after All-Souls day, the xiii. year of the Reign of King Henry the fourth, among other things it was Enacted, ordained and eſtabliſhed, that if any riot, aſſembly or rout of people againſt the Law, were made in any part of the Realm, that the Juſtices of the Peace, three or two of them at the leaſt, and the Sheriff or Underſheriff of the County where ſuch riot, aſſembly, or rout ſhould be done, after the ſame Statute, ſhould come with the power of the Shire (if need ſhould be) to arreſt them, and them ſhould arreſt, and the ſame Juſtices and Sheriff or Underſheriff, ſhould have power to record that which they ſhould find ſo done in their preſence againſt ye Law, and yt by the record of the ſame Juſtices & Sheriff, or Underſheriff the ſame treſpaſſers & miſdoers ſhould be convicted in manner & form as it is contained in the Statute of forcible entries: with divers other articles touching and concerning the premiſes, as in the ſame Statute made the ſaid xiii. year more plainly at large it appeareth, which Statute is thought good and neceſſary: wherefore by the advice and aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, Be it therefore ordained, eſtabliſhed, and enacted, that the ſaid Act made in the ſaid xiii. year of King Henry the fourth, concerning riots, aſſemblies, and routs of people, and all & every article and articles compriſed in the ſame, and alſo all other Statutes before this time made concerning the puniſhment of riotors, at the time of the making of this Act being in force, from henceforth ſtand in their force, and be duly put in execution, after the tenors and purports of the ſame. And foraſmuch as in the ſaid Statute made in the ſaid xiii. year, it is not expreſſed of what ſufficiency the Jurors impanelled ſhould be, or what iſſues they ſhould loſe if they appear not, nor no mention therein made of any puniſhment of the maintainers & embracers of the Jurors that ſo ſhall be impanelled, ſhould have for their miſdemeanors, if any be: It is therefore furthermore enacted by the ſaid authority in this preſent Parliament, that if any riot, rout, or unlawful aſſembly be committed and done at any time after the firſt day of May next coming, within this Realm of England, that the Sheriff having a precept directed to him, ſhall return xxiv. perſons dwelling within the Shire where ſuch riot, rout, or unlawful aſſembly ſhall be ſo committed and done, whereof every of them ſhall have lands and tenements within the ſame Shire to the yearly value of xx. s. of Charter land or freehold, or xxvi. s. viii. d. of copyhold, or of both, over and above all charges, for to inquire of the ſaid riot, rout, or unlawful aſſembly. And he ſhall return upon every perſon, ſo by him impanelled, in iſſues at the firſt day, xx. s. and at the ſecond day xl. s. if that they appear not, and be ſworn to inquire of the premiſes at the firſt day. And if default be found in the Sheriff or Underſheriff, for returning of other perſons, not being of the ſaid ſufficiency, or return not iſſues in form aforeſaid, that then the ſaid Sheriff ſhall forfeit to our Soveraign Lord the King for either xx. li. And if the ſaid riot, rout or unlawful aſſembly be not found by the ſaid Jury, by reaſon of any maintenance or embracery of the ſaid Jurors, that then the ſame Juſtices and the Sheriff or Underſheriff over and above all ſuch Certificate that they muſt, and be bound to make, according to the ſaid Statute made the ſaid xiii. year, ſhall in the ſame Certificate certifie the names of the maintainers and embracers in that behalf, if any be, with their miſdemeanors that they know, upon pain of every of the ſaid Juſtices and Sheriff or Underſheriff to forfeit xx. li. if the ſame Juſtices and Sheriff or Underſheriff have no reaſonable excuſe for non certifying of the ſame: which Certificate ſo made, ſhall be of like force and effect in the Law, as if the matter contained in the ſame were duly found by the verdict of xii. men. And every perſon duly proved to be a maintainer or embracer of the ſame, ſhall forfeit to our ſaid Soveraign Lord xx. li. and as well the ſame maintainers as the embracers ſhall be committed to ward, there to remain by the diſcretion of the Juſtices.

St. 13 H. 4. 7.

St. 2 H. 5. 8.

How many Jurors ſhall be returned to enquire of a riot, and of what ſufficiency they ſhall be.

What iſſues ſhall be returned upon the Jurors.

The Sheriffs forfeiture for omitting his duty.

Certificate of the maintainers and embracers.

The forfeitures of maintainers and embracers whereby a riot is not found.

CAP. XIV.

The penalty for giving or taking any Livery, &c. or for retaining or being retained with another during the Kings life. St. 1 R. 2. 7. 1 H. 4. 7. 2 H. 4. 21. 8 Ed. 4. 2. 7 H. 4. 14.

CAP. XV.

Several charges impoſed upon the lands and perſon of Ceſtuy que uſe.

Co. l. 6. f. 123.

PRayen the Commons in this preſent Parliament aſſembled, that where divers and many perſons be defrauded of their execution, as well of & upon recogniſances, ſtatutes of the Staple, ſtatutes Merchants to them made, as of their debts and damages recovered in actions of debt, treſpaſſes, or other actions: and ſo in like wiſe the Lords of whom any lands and tenements be holden in ſocage, of their reliefs, and ſometime of their Heriots, by reaſon that he ſo being bound or condemned, and alſo he that of right ought to be very tenant to the Lord of whom ſuch lands and tenements be holden, cauſeth by fine, feoffment, recovery, or otherwiſe, divers perſons to be ſeiſed of the ſaid lands, tenements, and other hereditaments onely to his uſe, he taketh the profits of the ſame, to the great hurt, deceit, and defraud of the Kings true liege people within this his Realm, if that remedy be not therefore purveyed. In conſideration whereof, be it ordained, eſtabliſhed, and enacted by the King our Soveraign Lord, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth it ſhall be lawful for every Sheriff, or other Officer, to whom any Writ or Precept is or ſhall be directed at the ſuit of any perſon or perſons, to have any

The ſeveral inconveniences that many did receive by Ceſtuy que uſe.

execution

The lands of Ceſtuy que uſe ſhall be put in execution for his debt due by Judgment, &c. Raſt. l. pl. f. 166. 245.

Bro. Recog. 3.

The lands of Ceſtuy que uſe ſhall ſatisfie the chief Lord of his relief, heriot and other duties. V.N.B.f.94.

Ceſtuy que uſe ſhall have ſuch advantages as he might have had, if he had been tenant of the land.

Ceſtuy que uſe being a bondman, the land may be ſeiſed by his Lord.

execution of any lands, tenements, or other hereditaments, againſt any perſon or perſons, of, for, and upon any condemnation, eſtatute merchant, eſtatute of the ſtaple, recognizance hereafter to be made or had, to do, make, and deliver execution unto the party in that behalf ſuing, of all ſuch lands and tenements, as any other perſon or perſons be in any manner of wiſe ſeiſed, or hereafter ſhall be ſeiſed in any wiſe, to the only uſe of him againſt whom execution is ſo ſued, like as the ſaid Sheriff or other Officer might or ought to have done if the ſaid party, againſt whom execution hereafter ſhall ſo be ſued, had been ſolely ſeiſed of the ſaid lands and tenements of ſuch eſtate as they be ſeiſed of to his uſe at the time of the ſaid execution ſued. And over that, be it ordained by the ſaid authority, that the Lords of whom any ſuch lands and tenements be holden in ſocage, ſhall from henceforth after the death of him, to whoſe uſe any perſon or perſons as is aforeſaid be ſeiſed (and no will thereof declared) have his relief, heriot, and all other duties, like as the ſaid Lord ought or might have had if he had died ſeiſed of the ſame. Provided alway, That every ſuch perſon againſt whom execution is or ſhall be had of lands and tenements, ſo being in poſſeſſion of other perſons to his uſe, may have all ſuch advantage in the Law againſt him or them that ſo have execution of the lands or tenements afore rehearſed, as he might or ſhould have had if he had been ſolely ſeiſed of the ſaid lands and tenements at time of the ſaid execution ſued. And over that, be it ordained by the ſaid authority, that if any bondman purchaſe any lands or tenements in fee ſimple, fee tail, or for term of life, or for term of years, and cauſeth eſtate to be made to divers perſons to his uſe, or taketh eſtate to himſelf and to divers other joyntly with him and to his uſe and behoof, that it ſhall be lawful to the Lord of any ſuch bondman to enter during the ſame uſe, into the lands and tenements and every parcel thereof ſo purchaſed by his bondman, in like manner and form as he might have done, if the ſaid bondman had only been ſeiſed of the ſaid lands and tenements in fee or otherwiſe. St. 1 R. 3. 1. 4 H. 7. 17. 27 H. 8. 10. Coke Inſt. 91. a. 117. a. Dr. & ſtud. f. 140.

CAP. XVI.

The Stat. of 11 H. 7. 26. touching the ability of Jurors impanelled in the Sheriffs Torns in Surrey, Suſſex, and Hampſhire, continued until the next Parliament. Exp.

CAP. XVII.

A Confirmation of part of the Statute of 11 H. 7. 7. 11. and a repeal of the reſidue.

The inconveniences which have enſued to the Shearmen of Norwich by the Statute of 11 H.7.11.

The ſeveral practiſes of the Wardens of worſted-ſhearers in Norwich.

PRayen the Commons in this preſent Parliament aſſembled, that whereas the City of Norwich is an ancient City, and in the ſame City without time of mind among other crafts hath been uſed a certain craft called Shearmans-craft, and the artificers of the ſame have alway uſed by the ſame time, to ſhear as well worſteds, ſtamins and fuſtians, as all other woollen cloth: and all apprentices of the ſame craft have been taken and bound to Shearmans-craft only, and by reaſon thereof they have had and enjoyed their liberties and freedom in their occupation by the name of the Shearmans-craft-general, and none otherwiſe; and there have every year uſed within the ſaid City to be choſen and ſworn two Wardens of the ſame craft, and all defaults by the ſaid Wardens in their craft found, to be preſented before the Mayor of the ſaid City for the time being, and the offendors in that behalf to be puniſhed according to the cuſtom of the ſame City; till now of late time divers perſons for their ſingular profit, contrary to the common weal of the ſaid City, feigning to have a craft of worſted ſhearing, ſeparate from the ſaid craft of ſhearmans-craft, ſurmitted a bill into the Parliament holden at Weſtminſter, the xiv. day of October, the xi. year of the Reign of our Soveraign Lord the King that now is, by force of which pretended bill, it was in the ſaid Parliament enacted and ordained, That from thenceforth no man ſhould take upon them to ſhear worſteds within the ſaid City, except he had been apprentice to the ſaid occupation of worſted-ſhearing, by the ſpace of ſeven years, or ſuch other as the maſters of the ſaid occupation within the ſaid City, for the time being, approving their cunning, with the advice of the Mayor for the time being in the ſaid City will admit. And furthermore in the end of the ſaid Act it was provided, That the ſaid occupation of worſted-ſhearing ſhall not make, nor do to be made, any ordinance concerning the ſaid occupation among themſelves, but ſuch as the Mayor of the ſaid City for the time being, with his brethren Aldermen, ſhall think neceſſary and profitable for the weal of the Kings ſubjects, as more plainly in the ſaid Act amongſt other things doth appear. It is ſo, that ſith the making of this Act, by colour of the ſame, the worſted-ſhearmen within the ſaid City within themſelves, without advice or conſent of the Mayor of the ſaid City, have choſen Wardens of worſted-ſhearing, and ſeparated the ſame pretended craft from the foreſaid craft called ſhear-mans craft; contrary to the liberties and good cuſtoms of the ſaid City in time paſſed, uſed and approved: and over that the ſaid pretended Wardens, with their Company to them confedered, divers and many times aſſembled and made Ordinances among themſelves, contrary to the common weal of the ſaid City, without any advice of the Mayor of the ſaid City, intending to bring the ſhearing of worſteds into few mens hands, and to inhance the price of ſhearing of worſted at their pleaſure, in ſo much that they will not admit to ſhearing of worſteds but certain perſons, where many other within the ſaid City be as perfect, and have as great cunning in the ſaid ſhearing of worſteds, as they the ſaid pretended Wardens daily do ſuffer to ſhear, have: and will not admit any man to the ſhear- of worſteds, though he have ſufficient cunning therein, without he will compound with them, and make great and importable fines: By force whereof, divers and many of the ſhearmen, lately inhabitants of the ſaid City, be departed out of the City into the Countrey, and ſo divers and many houſes with the ſaid City now be unoccupied and decayed, and daily more are like to be, to the great deſolation of the ſaid City, and alſo to the impoveriſhing of the merchants buyers of the ſaid worſteds within the ſaid

City, whereby the great weal and proſperity of the ſaid City ſtandeth, and the inhabitants of the ſame ſupported. In conſideration of all which premiſſes, it may pleaſe the King our Sovereign Lord, of his moſt abundant grace, and for the great zeal his Grace hath to the univerſal weal of his ſubjects in this his Realm, by the advice and aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to ordain, eſtabliſh, and enact, that the ſaid Act made the xiiij. day of October, the xi. year aforeſaid, in every thing touching and concerning the ſaid Worſted-ſhearing, or the ſaid pretended craft of Worſted-ſhearing onely, be utterly void, repealed, adnulled, and of no force ne effect. Provided alway, that the reſidue of the foreſaid Act concerning the ſetting or putting, taking or receiving of Apprentices for all the Citizens and inhabitants within the ſaid City of Norwich, may ſtand in his full ſtrength and effect, in ſuch form as in the ſaid Act is expreſſed and contained, this preſent Act notwithſtanding.

So much of the Statute of 11 H. 7. 11. as concerneth the taking of Apprentices confirmed, and the reſidue touching Worſted-ſhearers repealed.

CAP. XVIII.

The penalty of thoſe which take impoſition of Boats upon Severn.

PRayen the Commons in this preſent Parliament aſſembled, that where time out of mind, Merchants, Victuallers, and all other your liege people of this your Realm, at their pleaſure have had and uſed free courſe and paſſage through and upon your River and Water of Severn, within this your Realm, with Ships, Trows, Boats, and all other their Veſſels, to carry and convey their merchandiſes, victuals, and other goods, from Town to Town, and from place to place, without interruption, trouble, vexation, let, or diſturbance, and without any thing therefore paying or giving, until of late times divers Merchants and others of this your Realm of England, were by divers and certain miſruled perſons inhabited in the Foreſt of Dean, and other places to the ſaid River adjoyning, wrongfully let, vexed, and interrupted: whereupon for the ſure and peaceable paſſage and courſe upon the ſame Water and River of all the Kings liege people to be had and continued, divers Acts and Laws were made and purveyed, and in eſpecial one in the ix. year of the Reign of the moſt bleſſed, and of famous memory, your Uncle King Henry the vi. by the which Act it was eſtabliſhed, ordained and provided, that all your liege people, and every of them, ſhould have their common and free paſſage upon your ſaid River and Water, with their Trows, Boats, and other Veſſels, from Briſtol, Glouceſter, Worceſter, and other places, without let, interruption, or denier: and if any of your liege people or ſubjects were of their ſaid courſe and paſſage letted or diſturbed, that they ſhould have actions of treſpaſs againſt the offendors in that behalf: and the premiſſes notwithſtanding, divers perſons late and now being your Officers of and in your City of Worceſter, and Town of Glouceſter, and other places adjoyning to your ſaid River and Water, will not ſuffer any Boat, Trow, or any other Veſſel to paſs through and upon your ſaid River and Water without divers impoſitions by them thereupon ſet, and by them levied, gathered, and reared upon the Merchants and Owners of the ſaid goods and merchandiſes, by the ſaid River and Water paſſing; in manifeſt contempt of your ſaid Laws, and breaking of the laudable cuſtom aforetime remembred. Pleaſe it therefore your Highneſs, the premiſſes conſidered, by the advice of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to ordain, eſtabliſh, and enact, That whatſoever perſon or perſons, of what eſtate, degree, or condition he or they be, hereafter take any impoſition of any of the Kings liege people, for Trow, Boat, or any other Veſſel for any goods or merchandiſes carried or conveyed in and upon the ſaid River and Water of Severn, or do let, vex, or interrupt any Boats, Trows, or Veſſels ſo paſſing by the ſaid River and Water, for any ſuch impoſition or otherwiſe againſt your Laws, that every ſuch perſon or perſons ſo doing and offending, ſhall forfeit to the King our Sovereign Lord for every ſuch offence xx. l. and for every ſuch ſum or ſums ſo forfeit, the party grieved and other perſons that will ſue for the ſame forfeiture, ſhall have and ſue an action popular of debt, as well to and for the uſe of our Sovereign Lord the King, as to the uſe of him that ſhall ſo ſue for it in his own name, and that our Sovereign Lord the King have two parts of the ſaid ſum ſo forfeited, and the party that ſo ſhall ſue for the ſame have the third part thereof: and the party defendant in every ſuch action ſhall not be received to wage his Law, and alſo be outed of all delatories in the ſame action, as protections, eſſoin, and other. And if it fortune the parties in any ſuch action to defend or plead to an iſſue for any offences done or committed contrary to the premiſſes triable in the City of Worceſter, or the liberties of the ſame, then the ſame iſſue to be tried by xij. men within the County of Worceſter, not dwelling nor having any Lands within the ſame City, ne the ſuburbs of the ſame. And if the party aforeſaid in any ſuch action defend and plead to an iſſue for any ſuch offence done or committed contrary to the premiſſes, triable in the Shire of the Town of Glouceſter, or in the County of Glouceſter, then the ſame iſſue to be tried by xij. men of or in the County of Glouceſter, thereto adjoyning, not having any lands ne dwelling within the ſame Shire of the Town of Glouceſter. Provided alway, that this Act or any thing in the ſame contained or ſpecified, in any wiſe extend not nor be prejudicial or hurtful to any perſon or perſons, having any lands or meads adjoyning to the ſaid Stream or Water of Severn, to take of every perſon or perſons going upon his or their ſaid lands and meads, and haling and drawing any ſuch Trow, Boat, or Veſſel, reaſonable recompence or ſatisfaction for ſuch hurts and offences as he or they having ſuch lands or meads adjoyning to the ſaid Stream or Water ſhall ſuſtain by reaſon of any ſuch going or drawing of any ſuch Trow, Boat, or Veſſel. Provided alway, that if any perſon or perſons, Spiritual or Temporal, or any Body corporate, come before the Lords of the Kings honourable Council in the Star-chamber at Weſtminſter, at any time hereafter before the Feaſt of the Aſcenſion of our Lord, that ſhall be in the year of our Lord God, M. D. and v. and there make any ſufficient proof and lawful

The effect of the Statute of 9 H. 6. 5. provided for free paſſage upon the River of Severn.

The forfeiture of thoſe that interrupt any with their boats paſſing upon the River of Severn.

Where and by whom iſſues triable in any of the ſaid actions ſhall be tried.

The owners of lands ſhall be ſatisfied for the hurts which they receive.

A duty or impoſition allowed and decreed in the Star-Chamber.

title of their own offer, or by other means, before the ſame Feaſt, to have any manner of duty and impoſition of and for any manner Boat, Trow, or other Veſſel aforeſaid, or for any other merchandiſes or goods in any of the ſame carried and conveyed in and upon the ſaid River and Water of Severn, and the ſame proof and title by the ſaid Council admitted, and decreed before the ſame Feaſt to be good and available to the party or parties that ſue for the ſame: that then from thenceforth after ſuch proof and title ſhewed, and ſo by the ſaid Council admitted, and by them before the ſame Feaſt decreed to be good, thoſe perſons having ſuch lawful title may and ſhall have from the time of that decree made, all manner ſuch duties of every of the Kings liege people ſo carrying or conveying any Boat, Trow, or Veſſel, in and upon the ſaid Water of Severn, according to their title and right, ſo proved and decreed after the manner and form of the ſaid title and decree: this preſent Act, or any thing therein contained in any wiſe notwithſtanding. St. 23 H. 8. 12.

CAP. XIX.

No Shoomaker ſhall occupy the myſtery of a Currier, nor Currier ſhall occupy the myſtery of a Shoomaker. No Tanner ſhall put a hyde to ſale before it be ſufficiently dried. Rep. 5 Eliz. 8. 1 Jac. 22.

CAP. XX.

A confirmation of the Statute of 3 H. 7. 10. touching coſts awarded to the Plaintiff.

St. 3 H. 7. 10.

PRayen the Commons in this preſent Parliament aſſembled, that where in a Parliament holden at Weſtminſter, in the third year of the Reign of our Sovereign Lord the King that now is, by the advice of the Lords Spiritual and Temporal, and the Commons in the ſame Parliament aſſembled, and by authority of the ſame, it was enacted, ordained, and eſtabliſhed among other things, that if any defendant or tenant, defendants or tenants, or any other that ſhall be bound by any judgment, ſue afore execution had, any writ of error, to reverſe any ſuch judgment in delaying of execution of the party, that then if the ſame judgment be affirmed good in the ſaid writ of error, and not erroneous, or that the ſaid writ of error be diſcontinued in the default of the party, or the perſon or perſons that ſueth the writ or writs of error be non-ſuited in the ſame: then that perſon or perſons againſt whom the ſaid writ of error is ſo ſued, ſhall recover his coſts and damages for his delay and wrongful vexation in the ſame, by diſcretion of the Juſtices afore whom the ſaid writ of error is ſued: which Act or Ordinance hath not been as yet duly put in execution, by reaſon whereof, as well plaintiffs and demandants in divers actions by them ſued, ſith the making of the ſaid Statute, have been oftentimes delayed of their execution, to their great and importable hurt, loſs, and charges; wherefore the King our Sovereign Lord, by the advice of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, that the ſaid Act made the ſaid third year of his Reign concerning the premiſſes, be good and effectual, and that it from henceforth be duly put in execution. Coke pla. fo. 2. 24.

Coſts and damages to the plaintiff where the defendant ſueth a writ of error.

CAP. XXI.

Certain things wrought of ſilk not lawful to be brought into this Realm.

Certain things wrought of ſilk out of this Realm prohibited to be brought into the Realm.

BE it eſtabliſhed, ordained, and enacted by the authority of this preſent Parliament, that that no manner of perſon from henceforth bring or cauſe for to be brought into this Realm of England to be ſold, any manner ſilk wrought by it ſelf, or with any other ſtuff, in any place out of this Realm, in Ribands, Laces, Girdles, Corſes, Calles, Corſes of Tiſſues, or Points, upon pain of forfeiture of all the ſaid Ribands, Laces, Girdles, Corſes, Calles, Corſes of Tiſſues, and Points, and every of them, in whoſe hands ſoever they be found, or the value of the ſame: the one moity of the ſaid forfeiture to our Sovereign Lord the King, and the other moity thereof unto any of the Kings ſubjects that will ſeiſe, or ſue for the ſame, the which to do, it ſhall be lawful to every of the Kings ſubjects at all times. And that it ſhall be lawful to every perſon, as well ſtranger as other, to bring into this Realm from henceforth all manner of ſilks, as well wrought as raw and unwrought, to ſell at his or their pleaſure, any Act or Acts of Parliament heretofore to the contrary made, in any wiſe notwithſtanding. And that it ſhall be lawful to all perſons, that have any ſuch Ribands, Laces, Girdles, Calles, Corſes of Tiſſues, or Points, wrought beyond the Sea, and brought into this Land by the Kings licenſe, to be ſold, to make ſale of the ſame, and every perſon thereof to have licenſe and liberty thereto until the Feaſt of Pentecoſt, that ſhall be in the year of our Lord M. D. v. St. 33 H. 6. 5. 22 Ed. 4. 3. 3 Ed. 4. 3. 1 R. 3. 10. 1 H. 7. 9. 14 Car. 2. cap. 13.

CAP. XXII.

A repeal of a former Statute prohibiting men of Calice to be Factors for Merchants Strangers in England. Exp.

CAP. XXIII.

All Statutes, &c. made in derogation of the Merchants of the Stilliard ſhall be repealed.

All Acts made in derogation of the Merchants of the Stilliard ſhall be void.

BE it ordained, eſtabliſhed, enacted and provided, by the King our Sovereign Lord, by the advice of the Lords Spiritual and Temporal, and the Commons of the ſame in this preſent Parliament aſſembled, for Merchants of the Hanſe in Almain, having the houſe in the City of London commonly called Guilhall da Teutonicorum, that by the authority of this ſaid Parliament every Act, Statute, or Ordinance, Acts, Statutes, or Ordinances heretofore made, not concerning merchants, merchandiſes, or other wares, extend not to the prejudice, hurt, or charge of the ſaid Merchants of the Hanſe, contrary to their ancient liberties, priviledges, free uſages, and cuſtoms of old time granted to the ſaid Merchants of the Hanſe, as well by the Kings noble Progenitors, and ratified and confirmed by the Kings Grace, as by authority of divers Parliaments: but that all ſuch Act, Statute, and Ordinance, Kings Grace, as by authority of divers Parliaments: but that all ſuch Act, Statute, and Ordinance, Acts, Statutes, and Ordinances ſo made, or to be made in derogation of their ſaid liberties, priviledges, free uſages, and cuſtoms, ſtand and be, as againſt the ſaid Merchants and their ſucceſſors, and every of them, void, repealed, adnulled, and of none effect: any Act, Statute, or Ordinance, Acts, Statutes, or Ordinances to the contrary, made or to be made, notwithſtanding. Provided alway, that this Act or any thing therein contained, extend not, or be in any wiſe prejudicial or hurtful to the Mayor, Sheriffs, Citizens, or Comminalty of the City of London, or any of them, or to the ſucceſſors of any of them, of or for any entries, liberties, priviledges, franchiſes, or other thing to them or any of them given or granted by the Kings moſt noble Progenitors or Predeceſſors Kings of the Realm, or by authority of this Parliament, or otherwiſe: this preſent Act or any thing therein contained notwithſtanding.

This Statute ſhall not prejudice the liberties of London.

CAP: XXIV.

Where the Shire Court for the County of Suſſex ſhall be holden.

IN conſideration that the Shire Court, of and for the Shire of Suſſex, holden and kept in the City of Chicheſter, which is in the extream part of the ſame Shire, the ſame Shire being lxx. miles in length; by reaſon whereof divers and many of the Kings ſubjects, inhabiting that Shire, are ſometime outlawed, and ſometime loſe great ſums of mony in that Court ere they have knowledge thereof, to their utter undoing: Be it therefore enacted by the authority of this preſent Parliament, that from the Feaſt of Eaſter next coming, the Shire Court for that Shire ſhall be holden and kept one time at Chicheſter aforeſaid, and the next time at the Borough of Lewes, which Borough is in the midſt of that Shire, and ſo to be kept *alternis vicibus* for ever. And every Shire Court holden to the contrary hereof, and all things therein done, to be void.

In what Towns the Shire Court for the County of Suſſex ſhall be holden.

Here end the Statutes of King HENRY the Seventh.

Anno primo HENRICI Octavi.

Statutes made at Weſtminſter in the firſt year of the Reign of King *Henry* the Eighth, and in the year of our Lord 1509.

THe King our Sovereign Lord Henry the Eighth after the Conqueſt, by the Grace of God, King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter the one and twentieth day of January, in the firſt year of his moſt noble Reign, after the Prorogation, to the honour of God and holy Church, and for the common weal and profit of this Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made, and enacted, certain Statutes and Ordinances, in manner and form following.

CAP. I.

A repeal of an Act made Anno 8 H. 6. 2. prohibiting the Kings ſubjects to repair into Denmark and Iſeland, ſaving to the Town of Northbarn. Exp.

CAP. II.

The King nor any other ſhall take advantage of the penalties limited by the Statute of Anno 1 R. 3. 8. touching the making of ſeveral ſorts of Clothes before the next Parliament. Exp. Stat. 27 H. 8. 12.

CAP. III.

All Acquittances made by John Heron General Receiver of the Kings Revenues, ſhall be a diſcharge againſt the King; and John Heron ſhall ſtand chargeable to others having intereſt in receits.

CAP. IV.

All Actions, &c. for the King upon any penal Statute, ſhall be taken within three years after the offence committed, and for any other perſon within one year. Exp. 18 El. 5. 31 El. 5.

CAP. V.

The penalty for cuſtoming of goods, whereby the King loſeth his duty.

WHere at the Parliament holden at Weſtminſter, in the third year of the Reign of the moſt Noble King Henry the vij. it was ordained and eſtabliſhed, by the authority of the ſame: That no manner of Merchant, denizen nor ſtranger, ſhould take upon him to enter, or cauſe to be entred in the books of any Cuſtomer of any Port within this Realm, any manner of merchandiſe coming into this ſaid Realm, or going out of the ſame, in any other Merchants name, ſaving onely the name of the Merchant owing the ſame, upon pain of forfeiture of all ſuch goods and merchandiſes ſo entred: and every of the ſaid Merchants which ſo ſhall take upon him to cauſe ſuch untrue entry to be made, to have impriſonment, and to make fine thereof at the Kings pleaſure: It is now by our Sovereign Lord the King, and his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, well conſidering that the intent and cauſe of the making of the ſaid Statute was onely for as much as by the ſubtil dealing of ſome Engliſhmen, colourably entring in their own names the goods of Merchant ſtrangers, the Kings Highneſs was deceived in his Cuſtoms, and that the ſaid Statute was made for none other cauſe; yet for as much as the words of the ſaid Statute were general, it was extended as well unto the

The intent and cauſe of the making of the Statute of H. 3. 7. 7.

goods of an Engliſhman, entred in the name of one other Engliſhman, as to the goods of a ſtranger entred in the name of an Engliſhman, to the great hurt, leſs, and damage of many, and divers of the Kings ſubjects, and contrary to the very intent and meaning of the ſaid Statute.

A repeal of part of the Statute of 3 H. 7. 7. touching Engliſhmen entring into Cuſtomers books the goods of Aliens.

It is therefore ordained, eſtabliſhed, and enacted by the authority of this preſent Parliament, That the Act afore rehearſed, made the ſaid third year, and all things contained in the ſame, be from henceforth repealed, adnulled, and utterly void and of none effect.

One Engliſhman may cuſtom goods in another Engliſhmans name.

And further be it enacted, by our Sovereign Lord the King, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament, and by authority of the ſame, That it be lawful from henceforth, that every Engliſhman and all other the Kings ſubjects, may in every Port or Haven within this Realm of England, Ireland, and Wales, and the Marches of the ſame, and in the Town of Berwick, where it ſhall happen any merchandiſe to arrive, or to be charged and carried out, to cuſtom in his name all manner of goods and merchandiſe of another Engliſhman, or the Kings ſubject.

One Merchant ſtranger may cuſtom goods in anothers name.

And in like form, Every Merchant ſtranger to cuſtom in his name any goods or merchandiſe of any other Merchant ſtranger, ſo that the ſaid Merchant ſtranger that cuſtometh the goods of another Merchant ſtranger, and the very Owner or Proprietary of the goods ſo cuſtomed, be charged with like cuſtom, ſubſidy, and other things, ſo that the Kings Grace be not defrauded of his right.

The penalty of him which cuſtometh goods whereby the King loſeth his cuſtom.

And if any Merchant, ſtranger or denizen, or any other the Kings ſubject, cuſtom any goods or merchandiſes of another ſtranger or denizen, or any other the Kings ſubject, whereby the Kings Grace ſhould loſe his cuſtom, ſubſidy, or other his right or duty, that then the ſaid Merchant, ſtranger or denizen, or any other the Kings ſubjects that ſo taketh upon him or them, to forfeit to our ſaid Sovereign Lord the King, the goods or merchandiſes ſo cuſtomed: and over that to forfeit to the party or parties in this behalf grieved, as much mony as the goods or merchandiſes of the Merchant, ſtranger, denizen, or other the Kings ſubject (ſo cautelouſly cuſtomed) amounted unto.

The penalty for wrongful cuſtoming of Wines by him that is free of priſage, &c. St. 2 & 3 Ed. 6. 22.

And that no Citizen of London, or other the Kings ſubjects, inhabiting in the Cinque-Ports, or any other being free of Priſage, or Butlarage of Wines, by grant, cuſtom, or otherwiſe, cuſtom no Wines of any perſon or perſons, not being free of any Priſage, or Butlarage.

And if any perſon free of the ſaid Priſage, or Butlarage, ſo do, that then the ſaid perſon or perſons (that ſo do) forfeit to our ſaid Sovereign Lord the double value of the Priſage of the ſaid Wines ſo cuſtomed.

And further that it be lawful to any perſon or perſons grieved contrary to this Act, to have an action of debt againſt any perſon or perſons that ſo cuſtom the goods or merchandiſes in his name, and not in the Owners name, of the ſum of the value of the ſaid merchandiſes ſo cuſtomed and forfeited: in the which Action none eſſoin nor protection ſhall lie, nor the Defendant to wage his Law. St. 1 Eliz. 11.

CAP. VI.

Co. Inſt 4 p. 41.

A Repeal of a Statute made Anno 11 H. 7. 3. giving authority to Juſtices of Aſſiſe, and Juſtices of Peace in their Seſſions to hear and determine all offences and contempts committed againſt any Statute in force, ſaving Treaſon, Murder, or Felony.

CAP. VII.

No fee due to a Coroner where any perſon is ſlain by miſadventure.

A rehearſal of the Statute of 3 H. 7. 1. touching the fees of Coroners.

Whereas by a Statute made at Weſtminſter, the third year of King Henry the Seventh, it was enacted, that a Coroner ſhall have for his fee upon every inquiſition, taken upon view of the body ſlain and murdered xiij. s. iiij. d. of the goods and cattels of him that is the ſlayer or murderer; where by the Common Law a Coroner had not, nor ought not to have any thing for their office doing, as by the ſame Statute more plainly doth appear: Sith which Statute ſo made, the Coroners have uſed, that if any perſon hath happened to be ſlain by miſadventure, and by no mans hand, that they will not inquire upon the view of the body, ſo by miſadventure ſlain, except they have for their labour xiij. s. iv. d. which is contrary to the Common Law, and alſo to the Statute afore rehearſed; whereby great inconvenience doth daily grow to the Kings ſubjects, foraſmuch as oftentimes the perſon that is ſo by miſadventure ſlain, lieth long above the ground, unburied, to the great noiance of the Kings liege people: wherefore the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, ordaineth, That upon a requeſt made to a Coroner to come and inquire upon the view of any perſon ſlain, drowned, or otherwiſe dead by miſadventure, the ſaid Coroner diligently ſhall do his office upon the view of the body of every ſuch perſon or perſons, without taking any thing therefore: upon pain to every Coroner that will not endeavour himſelf to do his Office, (as afore is ſaid) or that he taketh any thing for doing of his Office upon any perſon dead by miſadventure, for every time xl. s.

No fee ſhall be due to a Coroner where any perſon ſhall be ſlain by miſadventure. St. 3 Ed. 1. 10.

The Juſtices of Aſſiſe and Peace may inquire of and determine the faults of Coroners.

And that the Juſtices of Aſſiſes, and Juſtices of Peace within the County where any ſuch default of the Coroners be, have authority and power to inquire thereof, and determine the ſame as well by examination, as by preſentment.

CAP. VIII.

The ſeveral duties of an Eſcheator and Commiſſioners.

Inſt. p. 425.

For as much as divers of the Kings ſubjects now of late time have been ſore hurt, troubled, and wronged, and ſome diſherited by Eſcheators and Commiſſioners, cauſing untrue Offices to be found, and ſometime returning into the Courts of Record Offices and Inquiſitions that were never found: And ſometime changing the matter of the Offices that were truly found, to the great hurt, trouble, and diſheriſon of the Kings true ſubjects, that like before this time hath not been ſeen in this Realm: wherefore be it ordained, eſtabliſhed, and enacted in this preſent Parliament, and by authority of the ſame, That if any Eſcheator or Commiſſioner hereafter return or put into any of the Kings Courts, any Inquiſitions or Offices concerning Lands, Tenements, or other Hereditaments, not found nor preſented by the oaths of twelve men, and indented, and by them ſealed, that then the ſame Eſcheator or Commiſſioner forfeit for every ſuch Office or Inquiſition, ſo returned and put into any of the ſaid Courts, an C. li. to the party or parties grieved for any ſuch Inquiſition or Office: And that from henceforth no Eſcheator, ne no man ſit by vertue of any Commiſſion to inquire of lands, tenements, or other hereditaments, except he or other to his uſe have lands, tenements, or hereditaments of the yearly value of xl. marks, above all charges and repriſes, upon pain of xx. li. And that it ſhall be lawful for all perſons, that be not ſufficient of freehold in poſſeſſion or uſe, at the time of any ſuch Commiſſion to them delivered, to refuſe to ſit and inquire by vertue of the ſame Commiſſion.

Eſcheators former offences the cauſe of making of this Act.

No Office ſhall be returned into any of the Kings Courts but which is found by a Jury.

What land an Eſcheator or Commiſſioners muſt have.

And that they upon proceſs made againſt them out of the Kings Eſchequer, by vertue of the ſame Commiſſion, be charged upon their oaths, for their ſaid non-ſufficiency, without fine or fee.

And that every Eſcheator and Commiſſioner ſhall ſit in convenient and open places, according to the Statutes heretofore made. And that the ſaid Eſcheators and Commiſſioners ſhall ſuffer every perſon to give evidence openly in their preſence, to ſuch enqueſt as ſhall be taken before any of them, upon pain of xl. li.

The Eſcheator ſhall ſit in an open place, and ſuffer every perſon to give evidence.

And that no Sheriff, nor other perſon, which ſhall or ought to return Writs or Precepts, return before Eſcheators, or ſuch Commiſſioners, any perſon or perſons to inquire of any lands or tenements, except every of the ſame Jury ſo returned, or other to their uſe, have lands or tenements of the yearly value of xl. s. within the ſame Shire where the ſame inquiry ſhall be made, without fraud or colluſion, above all charges and repriſes, upon pain of forfeiture for every perſon ſo returned one C. s. And that the Jury that ſhall be ſworn before any Eſcheator or ſuch Commiſſioner to inquire of lands, tenements, or other hereditaments, ſhall receive the counterpane of the Office or Inquiſition, that by them ſhall be preſented, indented, and ſealed by the Eſcheator, or by ſuch Commiſſioner, and the ſame deliver and ſuffer to reſt in the poſſeſſion of the firſt perſon that ſhall be ſworn in the ſaid Jury, with him to remain, to the intent that the ſaid Commiſſioner or Eſcheator may not change nor imbeſil the ſaid Offices or Inquiſitions. And this to be done upon pain of every of the ſaid perſons that ſhall be ſworn xx. s. And that every Eſcheator and Commiſſioner (after a Jury or Enqueſt before any of them ſworn be ready to give their verdict or preſentment, and offer to preſent the ſame) that the ſame Eſcheator or Commiſſioners, or part of them, ſhall receive the ſame verdict without further delay upon pain of C. li. and deliver the counterpane of the Indenture to the Jury, in form above rehearſed upon like pain: And that if the Clerk of the Petit Bag of the Kings Chancery, for the time being, or his Deputy or Deputies, or any other Officer there, having authority to receive any ſuch Office or Inquiſition, to whoſe hands any ſuch Office or Inquiſition ſhall come, which ought to be returned into the ſaid Chancery, will not receive the ſame Office or Inquiſition, and put it on the Files to remain of Record, within three days after it be returned or offered to him to be received, he to forfeit for every ſuch default xl. li. And the Commiſſioners or Eſcheator before whom the ſame Office or Inquiſition is found, and (as is beforeſaid) offered to be delivered to the Chancery, to be diſcharged of the penalty of xl. l. limited by Statute for non-returning of the ſame Office or Inquiſition within the moneth. And that like law and penalty be to charge the Officer or Officers of the Kings Eſchequer, for the time being, which ought to receive Inquiſitions or Offices returnable into the ſame Eſchequer, for refuſing ſo to receive them. And that the Commiſſioners or Eſcheator, before whom the ſaid Inquiſitions or Offices be found, be diſcharged of the penalty of the Statute for non-returning of the ſame Inquiſitions, or Offices, ſo that then the ſaid Eſcheator or Commiſſioners at any time after the moneth of any ſuch Offices, before them or any of them taken, within another moneth then next enſuing return the ſaid Office into the Chancery or Eſchequer, as the cauſe ſhall require. And that the ſaid Clerk of the petit Bag (for the time being) certifie or cauſe to be certified the Tranſcript of every ſuch Office or Inquiſition (taken before any Commiſſioners or Eſcheator) to the Kings Eſchequer the next Term following the receit thereof, upon pain of forfeiture for every ſuch default C. s. And that no man be compelled after the Feaſt of All-Saints next coming, to occupy nor exerciſe the Office of any Eſcheator by any one Patent over one whole year. And that he that is once Eſcheator, ſhall not be made Eſcheator again within three years after the foreſaid whole year ended. And if any Eſcheator after the Feaſt of All-Saints be made Eſcheator, or exerciſe his office by reaſon of one Patent over ẏ time of an whole year ended, or be made Eſcheator within three years after, (as is aforeſaid) that then after the ſaid whole year (in form aforeſaid) ended, his Patent ſo made to be void and of none effect. And that the party or parties ſo grieved, ſhall have his or their recovery of every of the ſaid forfeitures of one C. li. by action of debt, in which action the Defendant ſhall not wage his Law, nor be by protection nor eſſoin, &c. And the reſidue of the other forfeitures, expreſſed in this preſent Act, the King ſhall

St. 34 Ed. 3. 13. 36 Ed. 3. 13. 23 H. 6. 17.

What lands in value thoſe Jurors muſt have which be returned to find any Office.

The Jury muſt receive the Counterpane of an Office found, and leave it with the firſt men.

An Eſcheator muſt receive an Office found by the Jury.

yer f. 170.

An Officer of the Chancery muſt receive an Inquiſition found offered unto him, and put it on the files.

St. 8 H. 6. 16. 18 H. 6. 7.

Officers of the Eſchequer muſt receive Offices found and tendred unto them.

A Tranſcript of an Office ſhall be certified into the Eſchequer.

None ſhall be Eſcheator above a year.

The penalties of the offenders, and who ſhall have the benefit of them, and by what means.

have the one moity thereof, and the party that will ſue therefore by action of debt, the other moity. And the defendant ſhall have no other delay, but as is aforeſaid.

Who may be Eſcheators above one year, and by what means.

Provided alway, that this Act concerning Eſcheators for exerciſing of their office over an whole year together, and Letters Patents, or Grants, made or to be made to any Eſcheator for term of life, or for years, or otherwiſe, extend not, ne be prejudicial to any Eſcheator that now is, and that hereafter ſhall be made and ordained in any City or Town Corporate, or in the Dutchies of Lancaſter, Cornwal, and the Counties Palatines of Lancaſter, Cheſter, Durham, or Ely, or to any other County Palatine within the Realm of England, Wales, or Marches of the ſame. Or to any Eſcheator made, or hereafter to be made by any perſon or perſons, Spiritual or Temporal, having authority by reaſon of any Franchiſes, Liberties, Priviledges, Preſcriptions, or Grant, to depute or make any ſuch Eſcheator in the ſame.

In what places the foreſaid ſufficiency of free-hold in Eſcheators or Jurors is not neceſſary.

Provided alſo that this Act, as to any penalty in the ſame concerning the ſufficiency of Eſcheators and Jurors aforeſaid, extend not, nor be prejudicial to any Eſcheator in City, or Towns Corporate, ne to any other Eſcheator made or hereafter to be made by any perſon or perſons, having priviledge to make Eſcheators, for Inquiſition of Lands, Tenements, or Hereditaments, ne to any Sheriff or Bailiff, or returning in any pannel any perſon or perſons before any of the ſaid Eſcheators, of leſs value then is contained in the ſaid Act. The Eſcheator of the County Palatine of Lancaſter and Cheſter in this proviſo onely forepriſed and excepted.

Juſtices of Peace ſhall not be prejudiced by this Act.

Provided alſo, that this Act extend not nor be prejudicial to any Juſtices of the Peace, for any thing done concerning the Commiſſion of the Peace.

Provided alſo, that nothing penal, contained in this preſent Act, take effect before the Feaſt of Eaſter next coming. And this Act to endure to the next Parliament. Anno 3 H.8.2. confirmed and made perpetual.

CAP. IX.

The Lord Chancellor or Lord Keeper may appoint two, three, or four perſons, to receive Toll or Cuſtom, and to imploy the ſame upon the repair of the Bridge of Stanes in the County of Middleſex, and to yield accompt thereof. P R.

CAP. X.

Lands let to ferm to him that offereth to traverſe an Office.

A rehearſal of the Statute of 8 H. 6. 16. touching letting to ferm lands ſeiſed into the Kings hands upon an enqueſt of Office.

Whereas by a Statute made the eighth year of the Reign of King Henry the ſixth, it is ordained among other things, That no lands and tenements ſeiſed into the Kings hands upon enqueſts taken afore the Eſcheator or Commiſſioners, ſhall in no wiſe be let or granted to ferm by the Chancellor of England, or any other Officer of the Kings, whatſoever he be, till the ſame enqueſts and verdicts be returned plainly into the Chancery, or into the Exchequer: but that all ſuch lands and tenements ſhall abide wholly and continually in the Kings hands, until the ſame enqueſts and verdicts be returned. But if it be ſo, that he or they that be grieved by the ſame enqueſts, or put out of their lands and tenements, come into the Chancery, and offer to travers the ſame enqueſts, and offer to take the ſame lands and tenements to ferm: and if they ſo do, then the ſame lands and tenements be committed unto them, if they ſhew good evidence, proving their travers to be true, and find ſurety after the form of the ſaid Statute, as in the ſame Statute more at large appeareth.

And notwithſtanding the ſaid Statute, divers Eſcheators and Commiſſioners which have taken ſuch enqueſts, after the death of the Kings ſubjects, of their covin, to the intent to put them that had cauſe of travers to the verdicts of the ſaid enqueſts from the ferm of the premiſſes, would in the time of vocation put into the Chancery, or into the Eſchequer, their ſaid Office by them taken, becauſe the moneth ſhould paſs before the beginning of the Term next enſuing, by reaſon whereof they that ſhould of right have the ferm upon their travers according to the true intent of the ſaid Statute, were put from the ſame ferms, contrary to right and good conſcience.

Lands ſeiſed into the Kings hands upon an enqueſt of Office ſhall be let to ferm to him that tendereth a travers to the ſame within three moneths.

For remedy whereof be it ordained, enacted, and eſtabliſhed by authority of this preſent Parliament, that from henceforth, after ſuch Office found afore any Eſcheator or Commiſſioner, put into the Chancery or the Eſchequer, if any perſon or perſons, which will tender a travers to the ſaid Office, and deſireth to have the lands contained in the ſame Office to ferm, and findeth ſurety, and ſheweth evidence to the Chancellor of England, (for the time being) according to the Statute afore rehearſed, come into the Chancery within three moneths next after the ſame Office ſo put into the Chancery or Eſchequer, that he be then by the ſaid Chancellor thereto admitted, and that then all other Patents or Grants hereafter to be made thereof within the ſaid three moneths ended, be void and of none effect, the ſaid Statute made the viij. year of the Reign of King Henry the ſixth, or any other Statute made to the contrary notwithſtanding. St. 39 E. 3. 13. 8 H. 6. 16. 18 H. 6. 6.

CAP. XI.

The Statute made Anno 11 H. 7. 24. which giveth attaint in certain caſes againſt the party and petit Jury, continued until the next Parliament. Exp. St. 23 H.8.3.

CAP. XII.

Co. Inſt.4 p.197.

Untrue inquiſitions found in the Reign of King H. 7. by the procurement of Richard Empſon and Edmund Dudley, intituling the King to tenures in Capite may be traverſed by the parties though they have ſued Liveries, and their Livery ſhall be no concluſion. Exp.

CAP. XIII.

The Statutes of 17 Ed. 4. 1. and 4 H. 7. 23. inhibiting the tranſporting of money, plate, or Jewels, (ſaving for the penalty of Felony) ſhall be continued until the next Parliament. Exp.

CAP.

CAP. XIV.

A Repeal of all former Statutes made againſt the exceſs of Apparel. And what kind of Apparel men of all degrees and callings are allowed, and what prohibited to wear. Rep. 1 Jac. 25.

CAP. XV.

All aſſurances made to Richard Empſon and Edmund Dudley attainted of High Treaſon of land to the uſe of others ſhall be void, and their Joynt Feoffees ſhall ſtand ſeiſed of the whole. But this Statute ſhall not extend to the lands of Robert Ratcliff Lord Fitz-water. Pr.

Anno tertio Henrici *Octavi.*

THe King our Sovereign Lord Henry the Eighth after the Conqueſt, by the Grace of God, King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter the fourth day of February, in the third year of his moſt noble Reign, to the honour of God and holy Church, and for the common weal and profit of this Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted, certain Statutes and Ordinances, in manner and form following.

CAP. I.

Every perſon that ſhall carry over the Sea any Money, Plate, and Jewels, &c. ſhall forfeit the double value. Exp.

CAP. II.

The Statute made Anno 1 H. 8. 8. concerning Eſcheators, Commiſſioners, finding and returning of Offices, rehearſed, confirmed, and made perpetual.

CAP. III.

All ſorts of men under the age of xl. years ſhall have bows and arrows, and uſe ſhooting, certain perſons excepted, &c. unlawful games ſhall not be uſed. Rep. 33 H. 8. 9. St. 6 H. 8. 2.

CAP. IV.

Every perſon that is or ſhall be in the Kings wars beyond the Sea, or upon the Sea, ſhall have a protection of Profecturus, or Moratur cum Clauſula Volumus: and he may alien his lands holden in Capite without licenſe. And if he die in that ſervice, his Heir within age and in ward, his Executors, Feoffees, or Aſſigns ſhall have the wardſhip and marriage toward the performance of his Will. Exp. Raſt. pla. fol. 453. St. 4 H. 7. 4. 7 H. 7. 2. & 3.

CAP. V.

The penalties of a Captain for abridging the number of Souldiers, or detaining their wages: and of a Souldier departing, &c.

Cok. l. 6. f. 27. Cro. Car. 7.

FOraſmuch as the King our Sovereign Lord intendeth, by the grace of God, to ſend over the Sea a great Army, truſting thereby not onely to preſerve this his Realm in its ancient fame and honour, but alſo to ſet in perfect peace and tranquility his ſubjects of the ſame, and the better to be diſpoſed to ſerve God. Howbeit many times by the inordinate covetouſneſs of Captains retained with Princes afore this time, great part of the number of Souldiers, for whom ſuch Captains have indented with Princes at time of need, have lacked of the number of Souldiers, whereby great jeopardy hath inſued, and irrecuperable damages may enſue, if remedy therefore be not ſeen and had. Be it therefore ordained by authority of this preſent Parliament, That if any Captain be retained, or hereafter ſhall be, to ſerve the King upon the Sea, or beyond the Sea in feat of War, which have not his, or their whole and perfect number of men, and Souldiers, according as he ſhall be retained with the King, or give not them their full wages, without abridgment, as he ſhall receive of the King for them: he ſhall for ſuch default forfeit to the King all his goods and cattels, and his body to priſon. And that every Captain, petit Captain, and all other having under them retinue of Souldier or Souldiers at the Kings wages, ſhall (upon the pain aforeſaid) pay to the retinue of Souldier or Souldiers, and every of the ſame, the wages rateably as is allowed unto them by the King our Sovereign Lord, or the Treaſurer of his Wars, without leſſening or withdrawing of any part thereof. And for as long time as they ſhall receive wages for them, this payment to be made to the ſaid retinues, every Souldier of the ſame, of their Captains, and petit Captains, always within ſix days next and immediately after that the ſaid Captain, petit Captain, or other, ſhall have received their wages of the King, or of the Treaſurer of his Wars, or of their Lords or Maſters.

The peril enſuing of Captains lacking their prefixed number of Souldiers.

A Captain ſhall have all his Souldiers, and pay them all their wages.

And if any Souldier, being no Captain, immediately retained with the King, which hereafter ſhall be in wages, and retained, or take any Preſt to ſerve the King upon the Sea, or upon the Land, or beyond the Sea, depart out of the Kings ſervice, without licenſe of the Kings Lieutenant there, that ſuch departing be taken, deemed, and adjudged Felony. And that he ſo offending ſuffer for the ſaid offence, puniſhment and execution of Felony.

It is felony for a Souldier to depart from his Captain without licenſe. St. H. 6. 19. 5 El. 5.

And foraſmuch as his offence ſtretcheth to the hurt and jeopardy of the King our Sovereign Lord, the Nobles of the Realm, and of all the Common weal thereof, that therefore he or they ſo offending (not being within Orders of holy Church) enjoy not the benefit of his Clergy. And that it be ordained by the ſaid authority, that the Juſtices of the Peace of every Shire of England, where any ſuch offenders be taken, have power to inquire of the ſaid offences, and the ſame hear and determine, as they do and may do of Felonies, Treſpaſſes, and other offences expreſſed in the Kings Commiſſion to them made, as though the ſaid offences were done in the ſame Shire. And alſo that the ſaid departing of ſuch Souldiers, and alſo their retainers, if it be traverſed, be tried in the ſame Shire, where they be for ſuch cauſes arreſted and arraigned.

Juſtices of Peace may enquire of, hear, and determine theſe offences.

Provided alway, that no Captain be charged by this Act for lack of his number retained,

as

The Captain ſhall be diſcharged if his ſouldiers die or depart from him.

as is aboveſaid, whoſe ſouldiers ſhall happen to die, or otherwiſe depart, not in the default of the Captain; ſo that the ſaid Captain, if he be at land wages, ſhew the departing or lacking of his ſouldier within ten days after the lacking of the ſaid ſouldier, unto the Kings Lieutenant there, and to the Treaſurer of the Wars. Or if the Captain be at the Sea-wages, if he ſhew the departing or lacking of the ſouldier ſo lacking, to the Admiral of the Navy, where he is retained, at the next meeting with the ſaid Admiral. Provided alway, that this Act extend not to any Captains or Souldiers, that now be, or hereafter ſhall be retained within the Towns of Calice, Hammes, and Guiſnes, Riſebank, Berwick, and Wales, or any of them, and the Marches of the ſame.

This doth not extend to the houſhold ſervants of a Captain.

Provided alway, that this Act be not prejudicial nor hurtful to the ſaid Captains, petit Captains, nor any other, having under them retinue of ſouldiers, nor any of them, for non-payment of the Kings wages to their houſhold ſervants and other, to whom they daily find and give meat and drink during the ſaid ſervice of War. St. 2 Ed. 6. 2. 4 & 5 P. & M. 3. 7 H. 7. 1.

CAP. VI.

The ſeveral duties of a Breaker, Kember, Carder, Spinner, Weaver, Fuller, Clothier, and Aulnager, concerning true making, drawing, and ſealing of woollen Clothes. Exp. St. 5 Ed. 6. 6. 39 El. 20. 43 Eliz. 10.

CAP. VII.

A reſtraint of the tranſporting of woollen Cloth before it be Fulled, Rowed, Shorn, &c.

Where at the Parliament holden at Weſtminſter the ix. of November, the third year of the Reign of our late Sovereign Lord the King, Henry the vij. (whoſe ſoul God pardon) it was ſhewed by Shearmen, Fullers, and other Artificers, ẏ ſhould live & obtain their needy ſuſtentation by mean of Drapery, made & draped within this Realm, as well throughout the ſame Realm as within the City of London, that whereas in a Statute made the vij. year of the reign of King Edward the iv. amongſt other it was contained, that no perſon (denizen nor ſtranger) ſhould carry or do to be carried to any parts beyond the Sea, any woollen yarn nor cloth unfulled, but ẏ woollen yarn to be made in this Realm ſhould be woven in the ſame: and alſo all cloth within the ſame made ſhould be fulled and fully wrought within the ſame, before that any of the ſame ſhould be had or carried out of this Realm, upon pain of forfeiture of the very value of ſuch yarn not woven, & cloth not fulled, had or carried out of this Realm: The one half of the ſame forfeiture to be levied to the uſe of the King, and the other half to him or them ẏ ſhould eſpy or make proof of any ſuch yarn not woven, or cloth not fulled, carried to any place beyond the Sea. And foraſmuch as in the ſaid Statute of King Edward,

The inconveniences enſuing by tranſporting of cloth unrowed and unſhorn.

there is no expreſs mention made, that the ſaid clothes ſhould be rowed and ſhorn before that they be carried & conveyed out of this Realm, whereby the ſaid poor Commons of the crafts aforeſaid might be ſet in labour and occupation: therefore the ſaid clothes then were, & yet been in great number and plenty carried and conveyed out of this Realm unrowed and unſhorn, into ẏ parts beyond the Sea, as well by denizens as by ſtrangers, whereby outlandiſh Nations with the ſame drapery been ſet to labour and occupation, to their great inriching, & the poor Commons of the crafts aforeſaid through all this Realm, which of natural reaſon (as the Kings true liege men) ſhould have and obtain their needy ſuſtentation and living by means of the ſame drapery, for lack of ſuch occupation, daily fall in great number into idleneſs, & poverty, to their utter deſtruction, if it ſhould then any longer continue: whereupon our ſaid Sovereign Lord King Henry the vij. by the advice of his Lords ſpiritual & temporal, and at the prayers of the Commons in his ſaid Parliament aſſembled, & by authority of the ſame, ordained, eſtabliſhed, and enacted, that no ſtranger nor denizen ſhould carry, or make to be carried out of this Realm any woollen clothes, but that they before be barbed, rowed, and ſhorn within the ſame Realm, for the relief and ſetting awork of the ſaid poor Commons of the crafts aforeſaid, upon pain of the forfeiture limited in the ſaid Statute of King Edward, made upon cloth carried out of this Realm not fulled, to be divided in manner and form as in the ſame Statute is contained. So that cloth called veſſes, raies, ſailing clothes, and all other clothes commonly ſold at xl. s. or under, be not compriſed in the ſaid Act, made the ſaid third year of the reign of our ſaid late Sovereign Lord King Henry the vij. as by the ſame Act more plainly appeareth. And for lack of due execution of the ſaid Acts, little effect or profit hath followed or grown of the ſame to the ſame poor crafts-men, being natural ſubjects, which for lack of work and occupation daily fall into idleneſs and poverty.

A confirmation of the Statute of 7 Ed. 4 3. and 3 H. 7. 11. made to reſtrain the tranſporting of cloth, &c. before it be fulled, &c.

Be it therefore ordained, eſtabliſhed, and enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Acts and Ordinances may ſtand and continue in their full ſtrength and vertue. And that they from henceforth be duly put in execution, according to the tenor, purport, and effect of the ſame, and of either of them. And that every perſon that will ſue for the ſame forfeitures, be admitted to his action of debt, by bill or information in any of the Kings Courts of Record, where the ſame may be determined after the courſe of the Common Law, and that the defendant in ſuch behalf in no wiſe be admitted to wage his Law, nor that any protection nor eſſoin be in the ſame allowable. Nevertheleſs for that the draping and making of ſuch clothes called veſſes, raies, ſailing-clothes, and other clothes, which at the time of making of the Statute of King Henry the vij. were commonly ſold at xl. s. or under, the maker thereof and clothier of times paſſed, and now is, and hereafter is like to be at greater charge, about the draping and making of the ſame, and alſo of all other clothes; for the wooll is of far greater price, & alſo the coſts and charges

What clothes be not compriſed in this Act, but may be carried over. St. 5 H. 8. 7.

for the workmanſhip of ſuch clothes is far more chargeable then it was at the time of making of the ſaid Statute: Be it therefore provided by the authority aforeſaid, that clothes called veſſes, raies, ſailing-clothes, and other clothes now commonly ſold at four marks or under, be not compriſed in this, or any of the ſaid Acts, but may be carried and conveyed out of this Realm into the parts beyond the Sea, not barbed, rowed, nor ſhorn; this or any the ſaid Acts notwithſtanding. Alt. 27 H. 8. 13. & 33 H. 8. 19.

CAP. VIII.

Aſſeſſing of the priſes of Victuals, when a Victualler is chief Officer.

Where in the Parliament of King Edward, ſon of King Edward, holden at York, in the xij. year of his Reign, amongſt other things, it was accorded and enacted, that no Miniſter in City, or Borough, which by reaſon of his Office ought to keep aſſiſes of wines and victuals, as long as he ſhould be attendant to that Office, ſhould merchant wines and victuals in groſs, or at retail, upon a certain pain limited and expreſſed in the ſaid Statute, as in the ſame more plainly doth appear; Sithen the making of which Statute and Ordinance, many and the moſt part of all the Cities, Boroughs, and Towns Corporate within this Realm of England, be fallen in ruine and decay, and not inhabited with Merchants, and men of ſuch ſubſtance as they were at the time of the making of the foreſaid Statute and Ordinance: for at this day the dwellers, and inhabitants of the ſame Cities and Boroughs, be moſt commonly Bakers, Brewers, Vintners, Fiſhmongers, and other Victuallers, and few or no other perſons of ſubſtance be within many of the ſaid Cities, Boroughs, and Towns Corporate, other then the foreſaid Victuallers, at this day, able and ſufficient to bear Office within the ſame, and to content, anſwer, and pay unto the Kings Grace his fee-ferm, wherewith they be charged. In conſideration whereof, and for the eaſe, comfort, and relief of the foreſaid poor Cities, Boroughs, and Towns Corporate, and of the inhabitants of the ſame: be it ordained, eſtabliſhed, and enacted by the King our Sovereign Lord, by the advice of his Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by authority of the ſame, that whenſoever, and as often as any Victualler is choſen to bear any Office within any City, Borough, or Town Corporate, which for the time that he ſhall ſtand and be in ſuch Office, ſhould have the aſſiſing and correction for ſelling of victuals, that then two diſcreet and honeſt perſons of the ſame City, Borough, or Town Corporate, not being victuallers, ne any of them being a victualler, ſhall be choſen by the Comminalty of the ſame City, Borough, or Town Corporate, in like form as the ſaid Officer ſhall be choſen: which two perſons, with the ſaid Officer, ſhall be ſworn truly to ſeſs and ſet the priſes and aſſiſes of victual there, for the time that any ſuch victualler ſhall abide in the ſame Office. And that then it ſhall be lawful to all and every of the ſaid Officers, after the ſame victuals be ſet and ſeſſed by the ſame Officer and the ſaid two perſons, or one of the ſame two perſons, the other being abſent, to merchant and ſell wines, and all other victual in groſs, and at retail, during the time that he ſhall be in any ſuch Office, without any thing therefore to forfeit. The ſaid Statute, Act, and Ordinance, or any other Act, Ordinance, or Statute to the contrary made in any wiſe notwithſtanding.

The decays of Cities and Boroughs, &c. the cauſe of alteration of the Statute of 12 Ed. 2. 6.

By whom the price of victual ſhall be aſſeſſed when a Victualler is chief Officer of a Borough, &c.

Provided alway, that this Act, or any thing therein contained, extend not to diſcharge any Miniſter of the Cities of London, York, and Coventry, nor none of them, for any wine or victual to be ſold by any retail within any the ſaid Cities of London, York, and Coventry. 6 R. 2. 9.

The Officers in London, York, and Coventry excepted.

CAP. IX.

Mummers ſhall be impriſoned three moneths, and fined at the Juſtices diſcretion. The penalty for ſelling of Viſors, or keeping them in a houſe, is to forfeit xx. s. for every Viſor, and to be impriſoned at the diſcretion of the Juſtices. Exp.

CAP. X.

No Alien ſhall buy any Leather but in open market. The Wardens of Curriers in London may make ſearch for Leather inſufficiently tanned, ſeiſe the Leather, and commit the offender to priſon. Rep. 5 El. 8. & 1 Jac. 22. St. 2 H. 6. 7. 1 H. 7. 5. 19 H. 7. 19.

CAP. XI.

By whom every Phyſician and Surgeon ſhall be allowed.

To the King our Sovereign Lord, and to all the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled. Foraſmuch as the Science and cunning of Phyſick and Surgery (to the perfect knowledge whereof be requiſite both great learning and ripe experience) is daily within this Realm exerciſed by a great multitude of ignorant perſons, of whom the greater part have no manner of inſight in the ſame, nor in any other kind of learning: ſome alſo can no letters on the book, ſo far forth that common artificers, as Smiths, Weavers, and women boldly & accuſtomably take upon them great cures, and things of great difficulty: in the which they partly uſe ſorcery and witchcraft, partly apply ſuch medicines unto the diſeaſe, as be very noious, and nothing meet therefore, to the high diſpleaſure of God, great infamy to the faculty, and the grievous hurt, damage, and deſtruction of many of the Kings liege people; moſt eſpecially of them that cannot diſcern the uncunning from the cunning. Be it therefore (to the ſurety and comfort of all manner of people) by authority of this preſent Parliament enacted, That no perſon within the City of London, nor within ſeven miles of the ſame, take upon him to exerciſe and occupy as a Phyſician or Surgeon, except he be firſt examined, approved, and admitted by the Biſhop of London, or by the Dean of Pauls, for the time being, calling to him or them, four Doctors of Phyſick, and for Surgery, other expert perſons in that faculty, and for the firſt examination ſuch as they ſhall think convenient, and afterward alway four of them that have been ſo approved, upon the pain of forfeiture, for every moneth that they do occupy as Phyſicians or Surgeons not admitted nor examined after the tenour of this Act, of v. li. to be imployed the one half thereof to the uſe of our Sovereign Lord the King, and the other half thereof to any perſon that will ſue for it by action of debt, in which no wager of Law, nor protection ſhall be allowed.

Inconveniencies enſuing by ignorant perſons practiſing Phyſick or Surgery.

By whom they which practiſe Phyſick or Surgery in London, &c. ſhall be allowed.
St. 14 H. 8. 5.
34 H. 8. 8.

A Phyſician or Surgeon allowed by the Biſhop of the Dioceſs.

And over this, that no perſon out of the ſaid City and precinct of vij. miles of the ſame, except he have been (as is aforeſaid) approved in the ſame, take upon him to exerciſe & occupy as a Phyſitian or Surgeon, in any Dioceſs within this Realm, except he be firſt examined and approved by the Biſhop of the ſame Dioceſs, or he being out of the Dioceſs, by his Vicar general: either of them calling to them ſuch expert perſons in the ſaid faculties, as their diſcretion ſhall think convenient, and giving their letters teſtimonials under their Seal to him that they ſhall ſo approve, upon like pain to them that occupy contrary to this Act (as is above ſaid) to be levied and employed after the form before expreſſed.

The priviledges of Oxford and Cambridge.

Provided alway, that this Act nor any thing therein contained, be prejudicial to the Univerſities of Oxford or Cambridge, or either of them, or to any priviledges granted to them. Raſt. pla. fol. 426.

CAP. XII.

Which pannels returned by the Sheriffs may be reformed by the Juſtices.

Co. lib. 12. 99.

The inconveniences enſuing by the Sheriffs returning of panels for the King without controlment of any.

Panels returned by the Sheriff to inquire for the King may be reformed by the Juſtices. St. 11 H. 7. 24.

Whereas great extortion and oppreſſions be, and have been within the more party of all the Counties and Shires within this Realm of England, by the ſubtilty, and untrue demeanour of Sheriffs, and their miniſters, committed and done unto many perſons in great number of the Kings ſubjects, by mean of making and returning at every Seſſions holden within the ſaid Counties and Shires, for the body of the Shire, the names of ſuch perſons, as for the ſingular advantage, benefit, and gain of the ſaid Sheriffs and their miniſters, will be wilfully forſworn and perjured, by the ſiniſter labour of the ſaid Sheriffs and their miniſters: by reaſon thereof many and divers ſubſtantial perſons (the Kings true ſubjects) contrary to good equity and right, have divers and many times wrongfully been indicted of divers murders, felonies, and other miſbehaviour, by their covin and falſhood, to the utter undoing of their lives, loſs of their goods and their lands: by reaſon whereof they and every of them, in avoiding the untrue trouble and vexation, which to them might come and enſue by reaſon and occaſion of the ſame falſe indictments; and alſo ſometime by labour of the ſaid Sheriffs, divers great felonies and murders have been concealed, and not preſented by the ſaid perſons by the ſaid Sheriffs and their miniſters partially returned, to the intent to compel the offendors to make fines and give rewards to the ſaid Sheriffs and their miniſters: Wherefore be it enacted, ordained, and eſtabliſhed by the King our Sovereign Lord, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all Panels to be returned, which be not at the ſuit of any party, that ſhall be made, and put in by every Sheriff and their miniſters afore any Juſtice of Gaol-delivery, or Juſtice of Peace, whereof one to be of the Quorum, in their open Seſſions to enquire for the King, ſhall be reformed by putting to, and taking out of the names of the perſons, which ſo be empanelled by every Sheriff and their miniſters, by the diſcretion of the ſame Juſtices, before whom ſuch panels ſhall be returned. And that the ſame Juſtice and Juſtices ſhall command every Sheriff and their miniſters in his abſence, to put other perſons in the ſaid panel by their diſcretions: and that the ſame panels ſo reformed by the ſaid Juſtices, be good and lawful. And that if any Sheriff, or any their miniſter, at any time do not return the ſame panels ſo reformed, that then every ſuch Sheriff or miniſter ſo offending, for every ſuch offence ſhall forfeit xx. li. ſterling mony of England: the one half thereof to our Sovereign Lord the King or his heirs, and the other half to him or them of his ſubjects that will ſue for the ſame by action of debt at the Common Law, or bill, or complaint, where it ſhall fortune any ſuch to fall and be: and that none eſſoin ne protection be allowed for the defendant or defendants in that action or plaint, nor that the ſaid defendant nor defendants therein be admitted to wage their Law. And that the Kings pardon ſhall be no bar againſt the party and parties in the ſame, that any ſuch action ſhall ſue.

CAP. XIII.

A confirmation of the Statute of 19 H. 7. 4. ordained againſt ſhooting in Croſbows. And all placards granted for ſhooting in Croſbows ſhall be void. Rep. 6 H. 8. 13.

CAP. XIV.

Searching for, and puniſhing ſuch as ſell falſe and mixt Oyls.

Who may ſearch Oyl in London, &c. and puniſh ſuch as ſell falſe Oyl.

Prayen your Highneſs, the Commons in this preſent Parliament aſſembled, that whereas divers manner of Oyls been brought into this Realm, as well into yͤ City of London, as to divers other places within the ſame Realm, which be daily uſed and miniſtred as well for mans ſuſtenance and comfort, as for neceſſaries for draping of woollen clothes, and for other divers neceſſaries, uſed for the weal of your ſubjects: and for lack of good overſight, ſearch and correction of ſuch Oyls, many ſimple perſons (buyers of the ſaid Oyls to ſell after) falſly and deceivably by crafty means do mix and alter the ſame Oyls from their former nature and goodneſs, to the great loſs, jeopardy, danger, and deceit of your ſubjects: Wherefore be it by your Highneſs, by the advice and aſſent of your Lords Spiritual and Temporal, and of your Commons in this preſent Parliament aſſembled, and by authority of the ſame ordained, enacted, and eſtabliſhed, That the Mayor of the City of London for the time being, with the Maſter and Wardens of the myſtery or craft of Tallow-Chandlers of the ſame City for the time being, ſhall from henceforth have full power and authority to ſearch all manner of Oyls brought into the ſaid City of London to be ſold, in whoſe hands ſoever they be, or ſhall be found, and that as often as the caſe ſhall require. And that the ſaid Mayor, with the Maſter and Wardens of the ſaid myſtery or craft of Tallow-Chandlers, for the time being, ſhall truly ſearch and overſee, that the ſame Oyls to be put to ſale be not mixt nor altered from their right kinds, but that they be good and lawful as they ought to be. And that it ſhall be lawful to the ſaid Mayor, with the ſaid Maſter and Wardens for the time being, to damme, avoid, and utterly to caſt away, all ſuch Oyls as they ſhall find defective, or falſly or deceivably mixed, and altered from their right kinds, as is aforeſaid, without any let, or perturbance of any perſon or perſons, whatſoever they are, or ſhall be. And alſo the ſaid Mayor, Maſter and Wardens, to commit ſuch perſon or perſons, as ſhall be found defective for uſing ſuch deceit or craft, to ward, and to puniſh him, or them therefore by their diſcretions, according to the Laws and Cuſtoms within the ſaid City or Liberty of London uſed, had, and made, of and for other miſdoers, and offendors in the ſaid City. And be it further enacted by the ſaid authority, that the Mayor in every City, Borough, and Town within this Realm, where a Mayor is (for the time being) or the Governour or Governours, or Rulers of every other City, Borough, and Town Corporate within this Realm alſo for the time being, ſhall have within their juriſdiction, liberty and franchiſe, every of them like authority and power to make, and do like ſearch, order, direction, correction, puniſhment and execution of the ſame, of, for, and upon all Oyls being defective, or deceivably or falſly mixed and altered, by any perſon or perſons within their liberties and franchiſe, in manner and form as is afore rehearſed, as the ſaid Mayor, Maſter and Wardens of the ſaid City of London, by this preſent Act, have, or might have, of, for, or upon any Oyl ſold, or to be ſold within the ſaid City of London.

CAP. XV.

All Statutes made for Hats and Caps, repealed. Who onely may buy Hats and Caps wrought beyond the Sea. The prices of ſeveral ſorts of Hats and Caps. Rep. 1 Jac. 25. Stat. 22 Ed. 4. 5. 4 H. 7. 9. 21 H. 8. 9. 7 Ed. 6. 8.

Anno quarto Henrici *octavi.*

THe King our Sovereign Lord, Henry the Eighth after the Conqueſt, by the Grace of God, King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the fourth day of November, in the fourth year of his moſt noble Reign, to the honour of God and holy Church, and for the common weal and profit of this his Realm, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted certain Statutes and Ordinances in manner and form following.

CAP. I.

Bulwarks, Braies, Walls, and other Fortifications ſhall be made by the Sea-ſide in Cornwall by the Juſtices of Peace aſſignment. Exp.

CAP. II.

The benefit of Clergy taken from ſuch as do commit certain offences.

Whereas robberies, murders, and felonies daily increaſe more and more, and been committed and done in more heinous, open, and deteſtable wiſe, then hath been oft ſeen in time paſt: And the perſons ſo offending little regard the puniſhment thereof, by the courſe of the Common Law, ne by reaſon of any Statute heretofore made, but bear them bold of their Clergy, and imagining and pleading of feigned and untrue foreign pleas, triable in foreign Counties, to the intent to be removed from place to place, by colourable and untrue ſuggeſtions, and for to be untruly acquit by favour, might, and corruption: ſo that they live in manner without fear, or dread. For reformation whereof, and for the common wealth of this Realm, and to put the ſaid murderers, felons, and offendors in more fear and dread ſo to offend: Be it ordained, eſtabliſhed, and enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all perſon or perſons, hereafter committing murder or felony, in any Church, Chappel, or hallowed place, or of and upon malice prepenſed, rob, or murder any perſon or perſons, in the Kings high-way, or elſe rob or murder any perſon in his houſe, the owner or dweller of the houſe, his wife, child, or ſervant then being therein, and put in fear or dread by the ſame, That ſuch perſons ſo offending, be not from henceforth admitted to his or their Clergy, (ſuch as been within holy Orders onely except.)

Cauſes of imboldening men to commit murders and felonies.

The benefit of Clergy taken from him which committeth murder. St. 23 H. 8. 1. 32 H. 8. 1. 1 Ed. 6. 12. 5 Ed. 6 9. Alt. 28 H. 8. 1.

And over that be it enacted by the ſaid authority, that if any murderer or felon, upon his arraignment hereafter do alledge, that he had taken any Church, or Churchyard, for murder, felony, or other place priviledged for the ſame, in a foreign County, and againſt his will taken out thereof: that then the Kings Atturney, or any other perſon that will ſue or alledge for the King, that the ſaid murderer or felon ſo arraigned, was taken at large in the ſame Shire, where he is ſo arraigned; that then the ſame allegiance and iſſue ſhall be tried by the enqueſt that ſhall try the ſaid murder or felony within the ſame Shire, and before the ſame Juſtice, where the ſaid murderer or felon is arraigned, as though the ſaid foreign plea had not been pleaded by the ſaid felon. And if it be found by the ſame enqueſt, that the ſaid murderer or felon was taken within the ſame Shire (as is aforeſaid) that then he to have none advantage or benefit of the matter alledged by him for taking out of the Church or Churchyard, or other place priviledged, in any ſuch foreign Shire. And this Act to endure to the next Parliament.

Trial of a felon pleading that he was taken out of a priviledged place in a foreign County. St. 22 H. 8. 2. made perpetual. St. 1 Jac. 25. St. 21 Jac. 28.

CAP. III.

A remedy to recover Iſſues forfeited by Jurors in London.

Where at a Parliament holden at Weſtminſter the eleventh year of the Reign of King Henry the Seventh, for the good and due adminiſtration and expedition of Juſtices, it was ordained, and among other things enacted, That every perſon hereafter to be empanelled

St. 11 H. 7. 21.

empannelled or ſummoned to appear in any Jury or Enqueſt, in any Court within the City of London before any Judges of the ſame, making default at the firſt ſummons, ſhould loſe and forfeit xij. d. and at the ſecond default ij. s. and ſo at every ſuch default after that the iſſues and penalties to be doubled. And alſo ſuch iſſues loſt in the Mayors Court ſhould be forfeited, levied, and perceived to the uſe and behoof of the Mayor and the Commonalty of the ſaid City. And that all ſuch iſſues loſt in the Sheriffs Court or Courts, ſhould be forfeited, levied, and perceived to the uſe of the Sheriffs of the ſame City, for the time being, toward their fee-ferm, as by the ſame Act more plainly doth appear: in the which Act it is not expreſſed, how or by what means the foreſaid iſſues ſo loſt and forfeited, for non-appearance of the perſons ſo empannelled and ſummoned, ſhould be levied. The lack whereof is the cauſe, that ſuch perſons as have been impannelled and ſummoned, as well for the King, as between party and party (being ſubſtantial and indifferent) have made many times default, and would not appear. And ſo it remaineth in like miſchief as it was before the making of the foreſaid Act, to the great let of Juſtice, and the delay as well in the Kings cauſes, as in other cauſes between parties: Wherefore for the good execution of the ſaid Statute, and perfect remedy in this behalf to be had,

A remedy for the Mayor and Sheriffs of London to recover iſſues forfeited by Jurors. St. 11 H. 7. 21.

Be it eſtabliſhed, ordained, and enacted by the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for all ſuch iſſues (in form aforeſaid) hereafter to be loſt or forfeited in the Mayors Court, it ſhall be lawful to the ſaid Mayor, and to his ſucceſſors, to diſtrain, and the ſame diſtreſs to retain till he or they be ſatisfied of the ſaid iſſues. And in like manner that it ſhall be lawful to the foreſaid Sheriffs and their ſucceſſors, to diſtrain for ſuch iſſues loſt in their Court or Courts, and the ſaid diſtreſs to retain till they be ſatisfied of the ſaid iſſues.

Item, Foraſmuch as after iſſues joyned in actions, and ſuits commenced, taken, or depending in the Kings Court before himſelf in his Bench, and before his Juſtices of the Common Bench, and alſo in his Eſchequer at the Kings ſuit, or at the ſuit of the parties triable in the ſaid City of London, as well the King as the parties have ſuffered great delay many times for default of apparance of the Jurors impanelled to try the ſaid iſſues, and many times for lack of Jurors not having lands and tenements of yearly value of xl. s.

The ability of the Jurors of London impanelled to try an iſſue in any of the Courts at Weſtminſter.

Be it ordained and enacted by the ſaid authority of this preſent Parliament, That the Sheriffs of London (for the time being) have full authority and power to return impanels, or arraies of all actions, and ſuits now depending, or that ſhall depend in any of the ſaid Courts, or Eſchequer, perſons being Citizens, having goods to the value of an C. mark, or above, to try the iſſues joyned, or to be joyned in every ſuch action or ſuit. And the perſon ſo returned (having goods to the value of C. mark, or above) ſhall be ſworn and do, in all ſuch Juries in like wiſe in every thing, as other perſons ſhould do having lands and tenements of the yearly value of xl. s. over all charges.

What iſſues ſhall be returned upon the Jurors in London. St. 5 H. 8. 5.

And over that be it ordained by the ſaid authority, that the Sheriffs of the ſaid City (for the time being) ſhall return upon the firſt diſtreſs in every ſuch action or ſuit upon every of the Jurors impanelled to try the iſſues thereof xx. d. And upon the ſecond diſtreſs, upon every of the ſame Jurors xl. d. And upon every diſtreſs after that, upon every of the ſame Jurors the double, till a full Jury in every ſuch action and ſuit ſhall appear and be ſworn to try the iſſues joyned in the ſame. And that the Sheriffs that ſhall make any return upon ſuch diſtreſs contrary to the form aforeſaid, ſhall forfeit for every ſuch default x. li. the one half thereof to be to the King, and the other half thereof to the party that will ſue therefore. And that the defendant in any ſuch action be not admitted to wage his Law, nor protection therein for him allowed.

CAP. IV.

Proclamations to give warning to him that dwelling in one County is ſued to an exigent in another. Exp. St. 6 H. 8. 4.

CAP. V.

No penalties for giving of wages aſſured by any Statute, ſhall be impoſed upon the Maſter or a giver of wages. Exp. St. 12 R. 2. 4.

CAP. VI.

None ſhall take any thing for ſealing of Cloth of Gold, Silver, Velvet, &c.

Where at a Parliament holden in the twelfth year of the Reign of King Edward the Fourth, amongſt other it was ordained, eſtabliſhed, and enacted, That the Collectors of the Subſidy and the Comptrollers ſhould at all times be ready when they ſhould be required, to ſeal any manner of Cloth of Gold, Silver, Baudekin, Velvet, Damask, Saten, Sarſenet, Tartron, Chamblet, and every other cloth of Silk, and every corſe of Silk and Gold, and every corſe of Silk of the making beyond the Sea, and the ſame merchandiſes ſhould ſeal at every time when they ſhould be required without delay, tarrying, or any thing for their ſealing, to take by any mean, upon the pain of forfeiture to the owner of ſuch merchandiſes xx. s. by every of the ſaid Collectors and Comptrollers at every time when they refuſe to ſeal any ſuch merchandiſes after ſuch requeſt made, or take any thing for ſealing of any ſuch merchandiſes, as by the ſame Act amongſt other things more plainly appeareth. Sithen the making of which Act the ſaid Collectors and Comptrollers, and their Clerks, not fearing the penalty limited in the ſame Act, have uſed, and daily uſe to take for ſealing of every piece of the ſame merchandiſes, above rehearſed, ij. d. to the great hurt and damage of the Merchants owners of the ſame. For the ſame Merchants at many times bring and convey in one Ship iij. or iiij. M. pieces of the ſame merchandiſes, which amounteth to xxx. or xl. li. after the rate of ij. d. a piece. And foraſmuch as the foreſaid penalty, expreſſed in the ſaid Statute, is but xx. s. therefore the ſaid Collectors, Comptrollers,

The cauſe why the Statute of 12 Ed. 4. 3. is not put in execution.

trollers, nor their Clerks fear not to run in jeopardy of the ſame: wherefore be it ordained and enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth the Collectors and Comptrollers of the ſaid Subſidy, nor their Clerks, nor any of them, take for the ſealing of any piece of the ſaid merchandiſes (above rehearſed) any thing upon pain of forfeiture at every time xx.ſ.

And alſo be it enacted by the ſame authority, that if, and as often as the ſame Collectors and Comptrollers, or any of them, unreaſonably delay, or tarry the ſaid Merchants, or any of them, for and about ſealing of the ſame merchandiſes; that then and ſo often the ſame Collectors and Comptrollers, and every of them, ſo unreaſonably delaying and tarrying the ſaid Merchants, or any of them, to forfeit for the ſame xl. s. the one moity of every of the ſaid penalties (ſo forfeited) to be to the King our Soveraign Lord, and the other moity thereof to the Merchant ſo grieved, that will ſue for the ſame by way of information in the Kings Eſchequer, or by action or bill of debt, after the order of Common Law, as in other actions of debt is uſed: in which action the Defendant ſhall not be admitted to wage his Law; nor protection, nor eſſoin to be to him allowed in the ſame ſuit, for the ſaid forfeiture,

No Collector or Comptroller of the Subſidy ſhall take any thing for ſealing of cloth of gold, &c.

The Collector &c. ſhall not delay the Merchant to ſeal his cloth of gold.

CAP. VII.

The goodneſs of Pewter and Braſs, and in what places it ſhall be ſold or changed.

Foraſmuch as a certain Act was made and eſtabliſhed, in the Parliament holden at Weſtminſter the nineteenth year of the Reign of the late moſt famous King your father, Henry the ſeventh (whom God pardon) concerning Pewterers and Braſiers, hawking and walking about the Countreys, and alſo concerning falſe beams, ſcales and weights, with a proviſion for caſting of fine mettal and of perfect goodneſs: which Act was made to endure to the next Parliament, the tenor whereof hereafter enſueth:

That where many ſimple and evil diſpoſed perſons of this your Realm of England (uſing the ſaid Crafts) daily go about this your Realm from village, from Town, and from houſe to houſe, as well in Woods and Forreſts, as other places to buy Pewter and Braſs, and that knowing thieves and other pickers, that ſteal as well Pewter and Braſs belonging to your Highneſs, and under your mark, and to the Lords ſpiritual and temporal, as to your ſubjects of this your Realm, bring ſuch ſtollen veſſels unto them in ſuch hid places to ſell, and ſell it for little or nought, and about they bring it to privy places, or into corners of Cities or Towns, and there ſell much part of it to ſtrangers, the which carry it over the ſea by ſtealth; Alſo the ſaid perſons (ſo going about) and divers other uſing the ſaid crafts, uſe to make new veſſels, and mix good mettal and bad together, and make it nought, and ſell it for good ſtuff, where indeed the ſtuff and mettal thereof is not worth the fourth part that it is ſold for, to the great hurt, deceit and loſs of your ſubjects: Alſo divers perſons uſing the ſaid crafts, have deceivable and untrue beams and ſcales, that one of them will ſtand even with twelve pound weight at the one end, againſt a quarter of a pound at the other end, to the ſingular advantage of themſelves, and to the great deceit and loſs of your ſubjects, buyers and ſellers with them. For reformation of the premiſes, it would pleaſe your Highneſs of your moſt abundant grace, with the advice of your Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact and eſtabliſh, That no perſon or perſons uſing the ſaid crafts of Pewterers and Braſiers, from henceforth ſhall ſell, or change any Pewter or Braſs, new or old, at any place or places within this your Realm, but only in open Fairs or Markets, or in their own dwelling houſes, but if they be deſired by the ſaid buyers of ſuch wares, upon pain of forfeiture to our Soveraign Lord the King for every ſuch default x.ſ.

The tenour of the Stat. of 19 H.7.6. concerning Pewterers.

In what only places Pewter and Braſs ſhall be ſold or changed.

Alſo by the ſame authority it may be enacted and eſtabliſhed, that no perſon nor perſons, of what condition or degree ſoever he or they be, from henceforth within the City of London and York, or without, either caſt or work any Pewter veſſels or Braſs at any place or places within this your Realm, but that it be as good fine mettal as is the Pewter and Braſs caſt and wrought after the perfect goodneſs of the ſame within the City of London, and by the Statutes of the ſame ought to be, upon pain of forfeiture of all ſuch Pewter and Braſs ſo caſt and wrought, of worſe Pewter or Braſs then ought to be wrought in the ſame Cities: the one half of every ſuch forfeiture to be to the uſe of your Highneſs, and the other half to the uſe of the finders thereof.

Of what goodneſs Pewter and Braſs ought to be.

Provided alway, that this forfeiture in no wiſe ſtretch, ne extend to Braſs or Pewter being in the poſſeſſion of any perſon other then the workers of the ſame, of ſuch as have the ſame to ſell, and being of the craft or myſtery. Alſo that it may by the ſame authority be enacted and eſtabliſhed, that no manner of perſon or perſons, of what degree or condition ſoever he or they be, from henceforth make no hollow wares of Pewter, that is to ſay, ſalts and pots that is made of Pewter called ley mettal, but that it may be after the aſſiſe of Pewter ley mettal wrought within the City of London. And that the makers of ſuch wares ſhall mark the ſame with ſeveral marks of their own, to the intent that the makers of ſuch wares ſhall avow the ſame wares by them (as is abovesaid) to be wrought. And that all and every ſuch wares, not ſufficiently made and wrought, and not marked in form abovesaid, found in the poſſeſſion of the ſame maker or ſeller, to be forfeited: and if the ſame ware be ſold, the ſaid maker to forfeit the value of the ſame ſo unlawfully wrought and ſold, the one half of the ſaid wares, or the value thereof to be to the uſe of your Highneſs, and the other half to be to the uſe of the finder or ſearchers of the ſame.

Hollow wares made of Pewter ley mettal.

The makers of Pewter veſſels ſhall mark the ſame.

Alſo that it may by the ſaid authority be enacted and eſtabliſhed, that if any perſon or perſons hereafter uſing buying and ſelling of Pewter and Braſs, that hereafter occupy any deceivable or falſe beams or weights of the ſaid wares, that every ſuch perſon or perſons

The penalty for uſing falſe beams and weights about Pewter or Braſs.

uſing or occupying ſuch deceivable and untrue beams or weights, to forfeit xx. s. the one half to the King, and the other half to the party that therefore ſhall ſue by action of debt, and that in the ſaid action no protection nor eſſoin ſhall be allowed. And alſo the ſaid party ſo offending ſhall forfeit his beam to him that ſhall ſeiſe it. And if the ſaid offender or offenders be not ſufficient to pay the ſaid ſum or ſums by them ſo forfeited, that then it ſhall be lawful to the Mayors, Bailiffs, or other head Officers of ſuch place or places where any ſuch offenders ſhall be found, to put them in the Stocks, and them ſo to keep till the next market day next adjoyning, and in the market place to put them on the Pillory all the market time.

Searchers ſhall be appointed of Pewter and Braſs.

And furthermore that it be lawful by the ſaid authority, that the Maſter and Wardens of the ſaid Craft of Pewterers within every City and Borough of this Realm where ſuch Wardens are, and where no ſuch Wardens are, the head Officers or Governours of the ſame City or Borough, to appoint certain perſons moſt expert in knowledge of the ſame, to make ſearch within the ſaid Cities or Boroughs where they dwell. And over this, the Juſtices of Peace within every Shire, at the general Seſſion holden at Michaelmas, ſhall aſſign and appoint two certain perſons, having experience therein, to make ſearch in the premiſſes, in every part of that Shire, as well within the Franchiſes as without, ſaving in Cities or Boroughs where ſearchers be appointed by the heads or governours of the ſame. And that all ſuch unlawful pewter or braſs, as the ſaid ſearchers ſhall find, the one half ſhall be to the uſe of your grace, and the other half to the ſaid ſearchers. And that in the default of the ſaid Maſters and Wardens of the ſaid occupations, not ſearching in form as is aforeſaid, and whereby that any ſuch unlawful mettals is caſt or made, or unlawful weights uſed: that then it ſhall be lawful to any perſon or perſons, having ſufficient cunning and knowledge in the ſaid occupations, by overſight of the Mayor, Bailiffs, or head Officers of the ſaid Cities, Boroughs and Towns, to ſearch all the ſaid places, and to put the ſaid authority and Act in execution in form aforeſaid. Pleaſeth it therefore your Grace and Wiſdoms, inſomuch as the ſaid Act is thought good and profitable, that it be ordained, enacted and eſtabliſhed by the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid Act may endure for ever.

The Stat of 19 H.7.6. rehearſed, confirmed, and made perpetual.

And over that it be enacted by the ſaid authority, that if any untrue or deceivable mettal, or workmanſhip of Tin or Pewter, be founden either in Platters, Chargers, Diſhes, Saucers, Pottingers, Trenchers, Baſons, Flagons, Potties, Pots, Salters, Goblets, Spoons, Cruets, or Candleſticks, or any other ſuch wares of Tin or Pewter, whereſoever it be caſt, made, or wrought within this Realm or without, and brought to be ſold within the ſame Realm: that then it ſhall be lawful to the Mayor of the City of London, and the Maſter and Wardens of the craft of Pewterers (of the ſaid City for the time being) and their deputies, to have ſearch of the ſame within the City of London and the ſuburbs of the ſame: And that in all other Cities, Boroughs and Towns, where any Wardens be or ſhall be, the Mayors, Bailiffs, or head Officers and Wardens to have like authority. And where no Wardens be, then the head Officers or Governours of the ſame Cities, Boroughs, and Towns, to appoint certain perſons moſt expert and cunning in knowledge of the ſame, to make ſearch within the ſaid Cities, Boroughs and Towns where they dwell. And if any ſuch new wares wrought of Tin and Pewter, as is aforeſaid, be found defective, and being in the poſſeſſion of the ſeller, that then the ſame perſon or perſons that putteth any ſuch new wares of Pewter to ſale, ſhall forfeit the ſame wares, the one half to the uſe of our Soveraign Lord the King, and the other half to the ſearchers or finders of the ſame.

Searchers ſhall be appointed of Tin or Pewter veſſels.

This Act ſhall not be prejudicial to the Kings grants of Liberties.

Provided alway, that this Act concerning the forfeiture, be not prejudicial nor hurtful to any perſon or perſons, having grant of our Soveraign Lord the King, or of any of his noble progenitors by his Letters Patents of ſuch forfeiture, but that they and every of them ſhall and may enjoy the ſame according to their former grants and liberties. St. 25 H. 8.9. 33 H.8.4.

CAP. VIII.

All ſuits, condemnations, executions, charges, and impoſitions, put, or hereafter to be put upon Richard Strode, and every of his Complices that be of this Parliament, or any other hereafter, for any Bill, ſpeaking, or reaſoning of any thing concerning the Parliament to be communed and treated of, ſhall be void. An endictment of Richard Strode. Pr. Co. Inſt. 4. p. 9.

Anno quinto Henrici *octavi.*

THe King our Soveraign Lord Henry the eighth after the Conqueſt, by the grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter the xxiii. day of January, in the fifth year of his moſt noble Reign, after the prorogation, to the honour of God and holy Church, and for the common weal and profit of this his Realm, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted certain Statutes and Ordinances in manner and form following.

CAP. I.

How the Kings Subjects of Tourney and Tyrwin in France may have aſſurance, and recovery of their debts due to them by Engliſhmen, and how Engliſhmen of them. Exp.

CAP. II.
The true making of white Straits in Devonſhire.

PRayen the Commons and inhabitants (cloth-makers and buyers of the ſame) within the County of Devonſhire, that where divers and many clothes, called white ſtraits, be, and have been continually made within the ſaid County, to the great profit of the Kings ſubjects there, the which clothes were wont to be well and ſufficiently made, and bear their breadth yard broad half quarter raw, and xv. yards of length, and that no man in times paſt hath uſed to make them, but that the maker thereof hath ſet his ſpecial mark upon every of the ſaid clothes, ſo by him or them made, whereby every man may know their own clothes from other mens by reaſon of their ſaid ſeveral marks: ſo it is that now a days the ſaid clothes be not ſufficiently made, ne bear their length and breadth according as they ſhould do, ne marked with every mans own mark, whereof great inconvenience doth daily enſue and increaſe, to the impoveriſhing and hurting as well of the Kings ſubjects buyers and ſellers of the ſame, as Merchants ſtrangers: Wherefore the premiſes conſidered, that it may be therefore Enacted by the King our Soveraign Lord, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that from the Feaſt of Penticoſt next coming, no perſon make ſuch clothes (called white ſtraits) to ſell, without that it be when it is raw, ready to be toked, of the breadth of a yard and half a quarter, and of length xv. yards. And that no perſon make ſuch clothes, except he ſet his ſpecial mark upon every of the ſaid clothes, ſo by him or them made. And that no perſon uſe no mark on his clothes, ſuch as any other perſon doth and hath uſed before him, upon pain of forfeiture of every of the ſaid clothes, the one half to the King, and the other half to him that ſeiſeth the ſaid clothes ſo made, or marked contrary to the form and effect afore expreſſed. And this Act to endure unto the next Parliament. St. 6 H.8.8. made perpetual. St. 5 Ed. 6. 6. 7 Ed. 6. 9. 27 El. 18.

The length and breadth of white ſtraits made in Devonſhire, and they ſhall be marked by the maker.

CAP. III.
What Clothes may be tranſported unſhorn.

St. 3 H.8.7.

WHere in this preſent Parliament (before the firſt prorogation thereof) it was ordained and enacted, that no woollen Cloth above the price of iv. marks ſhould be conveyed over the ſea unrowed, unbarbed, and unſhorn, upon certain penalties in the ſame Act expreſſed more at large; which Act put in execution, ſhall not only turn to the abatements of the Kings Cuſtoms, but alſo grow to the utter undoing of his ſubjects (Cloth-makers and Merchants) conveyers of the ſaid clothes, foraſmuch as wooll is riſen of a far greater price then it was at the making of the ſaid Act: for where a cloth was then commonly ſold at iv. marks, it is now ſold for v. Marks: and alſo by force of the ſaid Act the merchants ſhould be bound to dreſs every white cloth above the value of iv. marks on this ſide the ſea after they have bought them, which white cloth (ſo dreſſed) when they be brought into the parts beyond the ſea, and there by the buyers of them dyed and put in colours, then they muſt be newly dreſſed, barbed, ſhorn, and rowed, and ſo they ſhall be thereby the leſs in ſubſtance of themſelves, and the worſe to the ſale, and ſold for leſs price by x. or xii. s. a piece beyond the ſea, then they ſhould be if they were undreſſed: wherefore be it ordained and enacted by like authority, that every white woollen cloth ſold at v. marks and under, may be carried and conveyed into the prrts beyond the ſea, there to be ſold at the pleaſure of the buyers of the ſaid cloth, unbarbed, unſhorn, and unrowed, any Act or Acts to the contrary made notwithſtanding. And over this be it ordained and enacted by the ſaid authority, that if any perſon or perſons convey or cauſe to be conveyed into the parts beyond the ſea, any white woollen cloth unrowed, unbarbed, & unſhorn above the value of v. marks in other form then is aforeſaid, that then the perſon or perſons ſo offending ſhall forfeit the value of the ſaid cloth or clothes ſo carried or conveyed into the parts beyond the ſea, the one moity of the ſame forfeiture to be to our ſaid Soveraign Lord the King, and the other moity to any perſon which will ſue for the ſame, and that the defendant in any plea upon any ſuch action be not admitted to wage his law, nor any protection or eſſoin for any ſuch defendant be allowed in the ſame. St. 27 H. 8. 13. 33 H. 8. 19. 7 Ed. 4. 3. 3 H. 7. 11.

None ſhall carry over the ſea white woollen clothes above the price of five marks unſhorn, unrowed or unbarbed.

CAP. IV.
Deceits in Worſteds avoided.

PRayen the Commons in this preſent Parliament aſſembled, That whereas Worſteds which been truly made, ſhorn, died, and calandred, as of old time have been accuſtomed to be made, ſhorn, died, and calandred, have been one of the goodlieſt merchandiſe and greateſt commodities of this Realm, and not only worn within this Realm, but alſo much worn and uſed in other Realms. And ſo it is, that now of late divers ſtrangers beyond the ſea have taken upon them to dry Calander worſteds with gums, oyles, & preſſes, ſo ÿ a coarſe piece of Worſted, not being paſt the value of xxvi. s. viii. d. is and ſhall be made by their ſaid gumms, oyles, and preſſes, to ſhew like to the value of xl. s. or better. And if the ſame Worſted ſo dry calandred, taketh any wet, incontinent it will ſhew ſpotty, and foul, and ever after continue ſtill foul, and will not endure, to the great deceit and hurt of the wearers thereof, and loſs of the ſaid commodity: and for the ſaid deceit and falſeneſs, the ſaid calandring is ſcorned and abhorred in the parts beyond the ſea, ſo that no perſon do, ne ſhall uſe in thoſe parts any ſuch Worſteds to dry calander. And alſo now of late the ſaid ſtrangers (called dry calanders) are come into this Realm, and here within the ſame uſe the ſaid dry calandring of Worſted, to the great hurt of the ſaid common weal, and commodity of this Realm aforeſaid.

The deceit and loſs coming by dry calandring of Worſted.

Wherefore be it enacted, ordained and eſtabliſhed by the aſſent of the Lords ſpiritual and

Temporal, the Commons in this Parliament aſſembled, and by authority of the ſame, that no perſon ne perſons within this ſaid Realm, hereafter do take upon him or them to dry calander any Worſted within this ſaid Realm, upon pain to forfeit for every Worſted that is ſo dry calandred, one C. s. And over that, whereas the ſaid old calandring of Worſteds, called wet calandring, hath been uſed well and ſubſtantially in times paſt in the City of Norwich, and yet is by perſons having cunning in the ſame: Be it therefore furthermore enacted, ordained and eſtabliſhed by the authority aforeſaid, that no perſon ne perſons hereafter do take upon him, or them, to wet calander any Worſted, but only ſuch perſons as have been bound Apprenntices to other perſons of the ſame craft, or occupation of wet calandring of Worſteds, by the ſpace of vii. years, or be cunning in the ſame, and their cunning approved and admitted by the Maior of the ſaid City of Norwich (for the time being) and the two Maſters of the ſaid craft and occupation yearly to be choſen within the ſaid City of Norwich, or in the County of Norfolk of the craft of wet calandring, upon pain of every ſuch perſon or perſons which hereafter ſhall do the contrary, to forfeit for every piece ſo calandred againſt the ordinances and purveiances aforeſaid C. s. the one moity of which penalties or forfeitures (above ſpecified) and every of them, to be to the King our Soveraign Lord, and the other moity thereof to be to the Maſters of the ſaid occupation of wet calandring (for the time being.) And that it ſhall be lawful to the Maſters of the ſaid occupation (for the time being) and their ſucceſſors, to ſue for the one moity of all ſuch penalties hereafter to be forfeited, againſt every ſuch perſon or perſons, as hereafter ſhall do contrary to the form and effect of this ſtatute, by action of debt, by writ at the common law, or by bill, or plaint, after the cuſtom of ſuch City, Port, or Town, where ſhall happen any ſuch forfeiture to be or fall, or by information in the Kings Exchequer. And that no protection, or eſſoin, ne no wager of law for the defendant in any ſuch action, plaint, or information, be allowed before any manner of Juſtices, where any ſuch ſuit or information ſhall be uſed for the ſaid forfeiture. And this act to endure to the next Parliament. St. 25 H. 8. 5. made perpetual

No perſon ſhall dry calander Worſteds. What perſons only ſhall wet calander Worſteds.

The forfeitures of the offendors, who ſhall have them, and by what means.

CAP. V.

Jurors in London.

Where in this preſent Parliament holden at Weſtminſter the fourth day of February, in the third year of the reign of our Soveraign Lord the King, and prorogued unto the iv. day of November, in the fourth year of the reign of our ſoveraign Lord the King, and adjourned unto Weſtminſter aforeſaid; foraſmuch as after iſſues joyned in actions, and ſuits commenced, taken, or depending in the Kings Courts before himſelf in his Bench, and before his Juſtices of the common Bench, and alſo in his Eſchequer at the Kings ſuit, or at the ſuit of the party, triable in the City of London, as well the King as the parties ſuffered great delay many times, for default of apparance of the Juries empannelled to try the ſaid Iſſues, and many times for lack of Jurors, not having lands or tenements of the yearly value of xl. s. It was the ſaid fourth day of November ordained and enacted by the authority of this preſent Parliament, that the Sheriffs of London, for the time being, ſhould have full authority and power to return in panels or araies of all actions & ſuits then depending, or that ſhould depend in any of the ſaid Courts, or Exchequer, perſons being Citizens, having goods to the value of C. marke or above, to try the Iſſue joyned in every ſuch action or ſuit. And that the perſons ſo returned, having goods to the value of C. marke or above, ſhould be ſworn, and do in all ſuch Juries, in like wiſe in every thing as other perſons ſhould do, having lands and tenements of the yearly value of xl. s. over all charges. And that the Sheriffs of the ſaid City (for the time being) ſhould return upon the firſt diſtreſs in every ſuch action or ſuit upon every of the Jurors impanelled to try the iſſues thereof, xx. d. and upon the ſecond diſtreſs upon every of the ſame Jurors xl. d. and upon every diſtreſs after that upon every of the ſame Jurors the double, till a full Jury in every ſuch action and ſuit ſhould appear, and be ſworn to try the Iſſue joyned in the ſame. And that the Sheriffs that ſhould make any return upon ſuch diſtreſſes contrary to the form aforeſaid, ſhould forfeit for every ſuch default x. li. the one half thereof to the King, and the other half to the party that will ſue therefore.

A rehearſal of the Stat. of 4 H.8.3. touching Juries in London.

And, that the defendant in any ſuch action ſhould not be admitted to wage his law, nor protection therein for him allowed; Which ſtatute was only made for the good expedition of Juſtice, for to have quick apparance of Jurors Citizens of London at S. Martins the grand, within the ſaid City, where all Juries were and been bounden only to appear and try the iſſues joyned of all things triable in London by proceſs of Niſi prius out of ẏ ſaid Courts, and in none other place, according to their ancient liberty, priviledge and cuſtom.

Wherefore, for more plain declaration of the ſame good ſtatute, be it ordained and eſtabliſhed by the authority of this preſent Parliament, that the ſaid Act be expounded, interpreted, and taken, that the Sheriffs for the time being be bounden to return at every firſt diſtreſs of Niſi prius, to be had at the ſaid S. Martins in every ſuch action or ſuit, upon every of the Jurors impanelled to try the iſſues thereof, xx. d. and upon the ſecond diſtreſs of Niſi prius, upon every of the ſame Jurors, xl. d. And upon every diſtreſs of Niſi prius after that, upon every of the ſame Jurors the double, till a full Jury in every ſuch action and ſuit ſhall appear and be ſworn to try the Iſſue joyned in the ſame. And that no Sheriff of the ſaid City, or other, any thing forfeit by force or colour of the ſaid ſtatute, for any return to be made, except only upon returns to be made contrary to the form, declaration, interpretation, and expoſition of this ſtatute, that is to ſay, upon writs of diſtreſſes before Juſtices or Juſtice of Niſi prius within the ſaid City, and that upon all other writs and proceſſes, that be and ſhall be awarded out of the ſaid Courts, or Eſchequer, it ſhall be lawful to the Sheriffs for the time being, to make their returns according to the order of the law, as the Sheriffs of London were wont to do before the making of the ſaid ſtatute, without any loſs or forfeiture.

Thexplanation of the Stat. of 4 H.8.3.

What iſſues the Sheriffs of London ſhall return upon Jurors.

CAP. VI.

Surgeons diſcharged of Enqueſts, &c.

Sheweth unto your diſcreet wiſdoms, your humble Orators the Wardens and Fellowſhip of the craft and myſtery of Surgeons enfranchiſed in the City of London, not paſſing in number xii. perſons, that whereas they and their predeceſſors, from the time that no mind is to the contrary, as well in this noble City of London, as in all other Cities and Boroughs within this Realm, or elſewhere, for the continual ſervice and attendance that they daily and nightly at all hours and times give to the Kings liege people, for the relief of the ſame according to their ſcience, have been exempt and diſcharged from all offices and buſineſs, wherein they ſhould uſe or bear any manner of armour, or weapon, and with ſuch priviledge have been intreated as Herralds of Arms, as well in battels and fields, as other places, there for to ſtand unharneſſed and unweaponed according to the law of Arms, becauſe they be perſons that never uſed feats of war nor ought to uſe, but only the buſineſs and exerciſe of their ſcience, to the help and comfort of the Kings liege people in the time of their need. And in the foreſaid City of London, from the time of their firſt incorporation, when they have been many mo in number then they be now, were never called nor charged to be of Enqueſt, Watch, nor other office, whereby they ſhould uſe, or occupy any armour, or defenceable attire of war, where-through they ſhould be unready, and letted to practiſe their cure of men being in peril: therefore for that there be ſo ſmall number of the ſaid fellowſhip of the craft and myſtery of Surgeons, in regard of the great multitude of Patients that be, and daily chance and infortune hapneth and increaſeth in the foreſaid City of London, and that many of the Kings liege people ſuddenly wounded and hurt for default of help in time to them to be ſhewed, periſh, and ſo divers have done, as evidently is known, by occaſion that your ſaid ſuppliants have been compelled to attend upon ſuch Conſtableſhip, Watches, and Juries, as is aforeſaid. Be it enacted and eſtabliſhed by the King our Soveraign Lord, and the Lords ſpiritual and temporal, and by the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that from henceforth your ſaid ſuppliants be diſcharged and not chargeable of Conſtableſhip, Watch, and all manner of office, bearing any armour; and alſo all Enqueſts and Juries within the City of London. And alſo that this Act in all things do extend to all Barbers-Surgeons admitted and approved to exerciſe the ſaid myſtery of Surgeons, according to the form of the Statute lately made in that behalf, ſo that they exceed not, ne be at one time above the number of xii. perſons. St. 3 H. 8. 11. 32 H. 8. 42.

The cauſes why Surgeons have been exempt from bearing of armour, or other ſervices.

The Surgeons of London ſhall be exempt from being Conſtables, bearing of armour, or to be put in Watches or Enqueſts.

CAP. VII.

All ſtrangers being of the Fellowſhip of the Trinity, &c. may buy Leather curried, in open Markets, &c. ſufficiently wrought and ſealed, &c. Rep. 5 El. 8. & 1 Jac. 22.

CAP. VIII.

Every perſon that will ſue for the Kings pardon granted upon certain Articles, ſhall have it. Exp.

Anno ſexto Henrici *octavi.*

THe King our Soveraign Lord Henry the eighth after the Conqueſt, by the grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the fifth day of February, in the ſixth year of his moſt noble Reign, after the prorogation, to the honour of God and holy Church, and for the common weal and profit of this his Realm, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted, certain Statutes and Ordinances in manner and form following.

CAP. I.

What apparel temporal men of every degree and eſtate may wear, and what not; the forfeitures of the offenders, and who ſhall have thoſe forfeitures, and how they ſhall recover them. Rep. 7 H. 8. 6. 1 Jac. 25.

CAP. II.

The Statute made Anno 3 H. 8. 3. concerning maintenance of Archery, ſhooting in long bows, and bringing of bow-ſtaves into this Realm, whereſoever, confirmed and made perpetual. Rep. 33 H. 8. 9.

CAP. III.

The ſeveral wages of ſeveral ſorts of ſervants in Hunsbandry, Artificers, and Labourers, and the penalty of thoſe that take more. At what hours an Artificer and Labourer ſhall begin and end his work, and what time he ſhall have for his meals and ſleep. Rep. 5 El. 4. St. 7 H. 8. 5.

CAP. IV.

Proclamations ſhall be made before Exigents be awarded into Foreign Shires.

WHere at a Parliament holden at Weſtminſter the iv. day of February, in the third year of the Reign of our Soveraign Lord King Henry the eighth that now is, and from thence (for divers urgent cauſes) unto the fourth day of November, the iv. year of the Reign of our ſaid Soveraign Lord prorogued, one good and reaſonable Act was made and ordained touching Writs of Proclamation to be made upon Exigents, ſued againſt perſons in Foreign or other Shire, then where ſuch defendant be called of, only to endure from thence unto the next Parliament: which Act is now determined, the effect and true intent of which ſaid Act is thought right available and commodious, and in avoiding of outlawries hereafter to be pronounced againſt any perſon by reaſon of ſuch Foreign ſuits, to have continuance, and perpetually to endure. Be it therefore by the King our Soveraign Lord, with aſſent of the Lords ſpiritual and temporal, and the Commons in this

St. 4 H. 8. 4.

Proclamation awarded in a foreign Country then where the defendant is ſued.

Co. Inſt. 4. p. 73.

Parliament aſſembled, and by authority of the ſame Parliament, enacted, ordained and eſtabliſhed, That if, and where any Writ of Exigent at any time from the fifteenth day of Eaſter next coming, or after, ſhall be awarded at the ſuit of our Soveraign Lord the King, or any other perſon or perſons, plaintiff or plaintiffs in any action perſonal, againſt any perſon or perſons called of any Shire or City, being a Shire-corporate of it ſelf, or elſe late of any ſuch Shire or City, other then to ſuch Shire or City, whereinto ſuch Exigent ſhall be awarded, to be called according to the Law. And alſo in every Writ of Exigent in any action perſonal, whereof the proceſs or Exigent at the ſaid xv. day of Eaſter, or after, ſhall be directed into London, or Middleſex, the defendant being called late of London, or late of Middleſex, and at the time of the Exigent awarded, not dwelling in London, nor in Middleſex, elſe that the ſaid defendant or defendants in the ſame Exigent dwell in any other Shire or place then where the Kings Writ runneth: then the Juſtices, before whom any ſuch Exigent is to be awarded, in all Actions, where the Exigent ſhall not be directed into London nor Middleſex, to award a Writ of proclamation to be directed to the Sheriff of the ſame County, where it doth appear by the uſing of ſuch action, that the party defendant is, or lately was dwelling, if the Kings writ there be currant, and elſe to the next Shire adjoyning to the County or Counties, or other places, whereof the party is called, or lately ſuppoſed by the ſaid Exigent to have his being of, where the Kings Writ ſo runneth not. And in every action as aforeſaid, whereof the Exigent ſhall be directed into London or Middleſex, and the defendant or defendants in the ſame called late of London or Middleſex, and at the time of the Exigent awarded, not having his or their dwelling in London or Middleſex, then the Writ of Proclamation to be awarded, made, and directed unto the Sheriff of the Shire, where the defendant at the time of the Exigent ſo againſt him or them awarded, ſhall have his dwelling: Or in caſe where the Kings Writ runneth not, unto the next Shire thereunto adjoyning, the which ſaid Writ of Proclamation ſhall contain the effect of the ſame Action, and that the Sheriff of the County, to whom any ſuch Writ of Proclamation ſhall be directed, ſhall make three Proclamations within his County at three ſeveral days, that is to ſay, two of the ſame Proclamations in the full and plain Shire-Court of the ſame County; and the third of the ſaid Proclamations to be made at the general Seſſions in thoſe parts, where the party defendant is ſuppoſed to be dwelling, or in the parts of the County next adjoyning to the County or Counties where the Kings Writ runneth not, that the party defendant yield himſelf to the Sheriff of the Foreign County, to whom any ſuch Exigent in any action perſonal is awarded: ſo that the Sheriff of ſuch Foreign County may upon his yielding have the body of the ſaid defendant before the Juſtices before whom any ſuch exigent is awarded, at the day of the ſame exigent compriſed, there to anſwer to the plaintiff in the ſame according to the Law.

Proclamations where the party is dwelling in a County Palatine.

Dyer [illegible] 223. [illegible]

Dyer [illegible]

Three Proclamations.

And that every ſuch Writ of Proclamation ſhall have the ſame day of return, as the Writ of Exigent upon ſuch foreign actions ſo awarded ſhall have: And that every ſuch Writ of Proclamation be delivered of Record to the Sheriff or Deputy of the County, into the which any ſuch Writ of Proclamation is to be awarded. And that the Sheriff of the ſame County duly do execute the ſame, and thereof make true return at the day of the ſame Writ appointed, upon pain to forfeit ſuch amerciament unto the King our Soveraign Lord and to his heirs, as by the diſcretion of the Juſtices, before whom ſuch Exigent ſhall be returnable, ſhall be ſet.

The Proclamation ſhall be delivered to the Sheriff of Record.

And that the Officer in whoſe office ſuch Exigent is taken, make out the ſaid Writ and Writs of Proclamation, as hereafter ſhall be awarded in any of the ſaid Courts.

And that the ſame Officer take no more for the making of any ſuch Writ of Proclamation, and the entring of the ſame of Record, but only vi. d.

The officers fee for making of proclamation.

An outlawry avoided without writ of Errour.

And if any outlawry hereafter be had, or promulged againſt any perſon or perſons, in any action perſonal, in any foreign County, and no Writ of Proclamation (as is aforeſaid) awarded and returned, that then every ſuch outlawry to be utterly void and of no effect, ne force in the Law. And that all outlawries had contrary to this Act be avoided by averment without ſuing of any Writ of Errour. Raſt. pla. f. 287. St. 5 & 6 Ed. 6. 26. 31 El. 3. 9.

CAP. V.

Whoſoever decayeth any Town or houſe of husbandry, or doth convert Tillage into Paſture, ſhall forfeit to the Lord of the Fee half the profits thereof. Exp. St. 4 H. 7. 19. 7 H. 8. 1. 27 H. 8. 22. 5 Ed. 6. 5. 5 El. 2. 39 El. 1.

CAP. VI.

The remitting Priſoners to the place where the crime was committed.

The Juſtices of the Kings Bench may remit priſoners out of that Court into the Countrey to be tryed.

Where divers Felons and Murderers, upon feigned and untrue ſurmiſes, have oftentimes removed as well their bodies, as their indictments by Writ, and otherwiſe, before the King in his Bench, and cannot by the order of the Law be remitted, and ſent down to the Juſtices of Gaol-delivery, or of the Peace, ne other Juſtices, ne Commiſſioners, to proceed upon them after the courſe of the common Law: Be it therefore ordained and enacted by the authority of this preſent Parliament, That the Juſtices of the Kings Bench (for the time being) have full authority and power, by their diſcretions, to remaund and ſend down, as well the bodies of all Felons and Murderers, brought or removed, or that ſhall be removed or brought before the King in his Bench, as their indictments in the Counties whereas the ſame Murders or Felonies have been committed or done; And to command all Juſtices of Gaol-delivery, Juſtices of Peace, and all other Juſtices and Commiſſioners, and every of them to proceed, and determine upon all the foreſaid bodies and indictments ſo removed, after the courſe of the common Law, in ſuch manner as the ſame Juſtices of Gaol-delivery, Juſtices of Peace, and other Commiſſioners, or any of them, might or ſhould have done, if the ſaid priſoners or indictments hat never been brought into the ſaid Kings Bench.

CAP. VII.

The ſeveral ſums that Watermen ſhall take for their fare from one place to another near to the City of London. And the Watermen refuſing to accept the ſaid fares or wages limited, ſhall forfeit the treble value thereof. ALT. 2 & 3 P. M. 16.

CAP. VIII.

The making of Woollen Clothes in Devonſhire.

Where at a Parliament holden at Weſtminſter, the xiv. day of January, after the laſt prorogation thereof, in the v. year of the Kings moſt noble Reign, the Commons and inhabitants (Clothmakers and Diers of the ſame) within the County of Devon, prayed and deſired, that where divers and many Clothes, called white Straits, be and have been continually made within the ſaid County, to the great profit of the Kings ſubjects there, the which clothes were wont to be well and ſufficiently made, and to bear their breadth, yard broad and half quarter raw, and xv. yards of length; And that no man in times paſt hath uſed to make them, but that the maker thereof hath ſet his ſpecial mark upon every of the ſaid clothes, ſo by him or them made, whereby every man may know their own clothes from other mens, by reaſon of their ſaid ſeveral marks: ſo at the ſaid Parliament it was ſhewed by the inhabitants (clothmakers & buyers of the ſame) in the County aforeſaid, that now adays the ſaid clothes be not ſufficiently made, ne bear their length and breadth according as they ſhould do, ne marked with every mans own mark, whereof great inconvenience doth daily enſue and increaſe, to the impoveriſhing and hurting as well of the Kings ſubjects, buyers and ſellers of the ſame, as merchants ſtrangers: whereof the premiſes conſidered, it was therefore enacted by the King our Soveraign Lord, by the aſſent of the Lords ſpiritual and temporal, and the Commons in the ſame Parliament then aſſembled, and by the authority of the ſame, that from the Feaſt of Penticoſt next after the making of the ſaid Act, no perſon ſhould make any ſuch cloth, called white ſtraits, to ſell, without that it or they be, when they be raw ready to be toked, of the breadth of a yard and half a quarter, and of length xv. yards. And that no perſon make any ſuch clothes, except he ſet his ſpecial mark upon every of the ſaid clothes, ſo by him or them made. And that no perſon uſe no mark on his clothes, ſuch as any other perſon doth, and hath uſed before him, upon pain of forfeiture of every of ẏ ſaid clothes, the one half thereof to be to the King, & the other half thereof to him that ſo ſeiſeth the ſaid clothes ſo made or marked contrary to the form & effect afore expreſſed: And this Act to endure unto the firſt day of this preſent Parliament. And foraſmach as the ſaid Act is thought to be very neceſſary and behoveable: Be it therefore ordained, eſtabliſhed and enacted by the King our Soveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that the ſaid Act concerning making of clothes (called white ſtraits) and every thing therein contained, ſtand and be in his full ſtrength, vertue and effect. And over that it is ordained by the ſaid authority, that no perſon or perſons from the Feaſt of S. John Baptiſt next coming, ſhall make any ſuch clothes (called white ſtraits) ne any cloth of that making of ruſſet colour (called ruſſet ſtraits) without that they and every of them (being raw) be of the breadth and length before rehearſed, and to be marked in manner and form before expreſſed, and ſo being raw, to weigh xiv. pound by true weight at leaſt, upon pain of forfeiture of every of the ſaid clothes made, and being leſs in length or elſe in breadth, or marked contrary to the form and effect before rehearſed, or elſe being of weight contrary to the form before expreſſed: the one half of the ſaid forfeiture to be to the King, and the other half to him that ſeiſeth the ſaid clothes ſo made, and being of weight contrary to the form and effect aforeſaid. And this Act to endure for ever. St. 7 Ed. 6. 9. 27 El. 18.

A rehearſal of the St. made 5 H. 8. 2. touching white ſtraits made in Devonſhire.

A confirmation of the St. of 5 H. 8. 2. touching white ſtraits made in Devonſhire.

Ruſſet ſtraits ſhall be of the like length and breadth, and ſhall weigh fourteen pound being raw.

CAP. IX.

Deceits in making woollen Clothes avoided.

For the deceitful draping, and making of woollen clothes, made and draped within this Realm, and alſo for meaſuring in the ſale of the ſame, our Soveraign Lord the King, by the advice of the Lords ſpiritual and temporal, and of the Commons in this preſent Parliament aſſembled, and by authority of the ſame hath ordained, eſtabliſhed and enacted divers ordinances and ſtatutes for the true making and draping of ſuch woollen clothes, and for meaſuring in ſale the true content of the ſame in manner and form following. Firſt, That the wool which ſhall be delivered for or by the Clothier to any perſon or perſons for breaking, kembing, carding, or ſpinning of the ſame, the delivery thereof therefore ſhall be by even, juſt and true poiſe and weight of Haverdepois, ſealed by authority, not exceeding in weight after the rate of xii. pound ſeimed wool above one quarter of a pound for the waſte of the ſame wool, and in none other manner. And that the Breaker or Kember to deliver again to the ſame Clothier the ſame wool ſo broken and kembed, and the Carder and Spinſter to deliver again to the ſaid Clothier yarn of the ſame wool by the ſame, even, juſt, and true poiſe and weight (the waſte thereof excepted) without any part thereof concealing, or any more oyl, water, or other thing put thereunto deciveably, upon the pain to forfeit to the Lord of the Leet, within the precinct whereof ſuch default is done, for every ſuch default xii. d. upon due proof of ſuch deceit afore, and by diſcretion of the Mayor, Bailiff, or other head Officer of the City, Borough, or Town where the deceit ſhall appear, the ſame Mayor, Bailiff or head Officer calling to him ſuch perſons as ſhall ſeem to him convenient for the proof of ſuch deceit.

The weight of wool delivered to break, kemb, card or ſpin.

The weight of wool and yarn redelivered to the Clothier.

Item, That the Weaver which ſhall have the weaving of any woollen yarn to be webbed into cloth, ſhall weave, work, and put into the web for cloth to be made thereof, as much and all the ſame yarn as the Clothier or any perſon for him ſhall deliver to the ſame weaver, with his uſed mark put to the ſame, without changing, or any parcel thereof leaving out

A weaver ſhall put all the yarn into the web, or reſtore it.

of the ſame web, or that to reſtore to the ſame Clothier the ſurplus of the ſame yarn, if any ſhall be left not put into the ſame web, and without any more oyl, brenne, moyſture, duſt, ſand, or other thing deceivably putting, or caſting to the ſame web, upon pain to forfeit for every default iii. s. iv. d.

Buying of coloured wool in the market only.

Item, That no manner perſon buy any coloured wool or coloured woollen yarn of any Carder, Spinner or Weaver, but only in open Market, upon pain of forfeiture of ſuch wool and yarn wrought.

The Walker & Fullers duty.

Item, That the Walker and Fuller ſhall truly walk, full, thick and work every web of wolleen yarn, which he ſhall have to walk, full, thick, or work, without any flocks, or any other deceit to be uſed on the ſame, and ſhall not row, nor work any cloth or web with any Cards on the right ſide, nor on the wrong ſide, upon pain to forfeit for every ſuch default, ſix ſhillings eight pence.

Shrinking of cloth. St. 14 H.11.

Item, That the Clothier, nor other perſon whatſoever he be, ſhall not put any cloth to ſale, which when it ſhall be full wet, ſhall ſhrink more then one yard in all the length, and one quarter of a yard in the breadth, for the more part thereof: and clothes called narrows or ſtraits after the rate, upon pain to forfeit for every cloth otherwiſe put to ſale, vi. s. viii. d. and beſide to deduct of his price for the ſame to be rebated to the buyer thereof, as much after the rate as the ſame cloth, ſo otherwiſe put to ſale, being full wet, ſhall be ſhrunk more then one yard of that it was in length at time of the ſame, and as it ſhall (being wet) want of the breadth of one yard and three quarters of a yard.

No ſtraining of cloth, &c. by Tenter or Wrinch. St. 5 Ed.6.6. 39 El.20.

Item, That the buyer of woollen clothes, denizen or alien, after the buying thereof, ſhall not draw, nor cauſe to be drawn in length, nor ſtrain nor do to be ſtrained in breadth the ſame clothes, or any of them by teintour, or wrinch, or by any other mean, upon pain of forfeiture for every of the ſame clothes ſo to be drawn, or ſtrained, C. s.

Provided alway, That if ſuch buyer of woollen clothes, for proof, cauſe the ſame to be wet, he may draw and ſtrain them for evening of them only, ſo that he exceed not one yard in length more then it ſhall be when it ſhall be full wet.

No flocks ſhall be put in cloth

Item, That no manner perſon work, or put upon any woollen clothes any flocks, or other deceivable thing, upon pain to forfeit for any cloth ſo wrought deceivably with flocks, or other deceivable thing, xx. s.

The meaſure of cloth by yard and inch. St. 3 Ed. 6.2.

Item, That no manner perſon buy or ſell any woollen clothes, of other meaſure more or leſs, then after the true content thereof to be meten and meaſured by the yard, adding to every yard one inch of the rule, upon pain to forfeit for every cloth to the contrary meaſured, C. s. The one moity of all the ſaid forfeitures to be to our Soveraign Lord the King: and to every perſon which ſhall ſue the writ, bill, or other plaint of debt in that behalf againſt the perſon doing to the contrary of any of the ſaid Ordinances, the other moity. And that the defendant in any plea, upon any ſuch action, be not admitted to wage his Law, nor any protection, nor eſſoin for any ſuch defendant be allowed in the ſame.

Kendals, Carpenel whites. Coſtokes.

Provided alway, That this Act extend not to woollen clothes called Kendals, nor clothes (called Carpenel whites) commonly made for lining for hoſen, nor to any clothes called Coſtokes made in the County of Devonſhire, nor to any woollen clothes made in the County of Cornwall, nor for any Cottons or plain lining, or Frieſe made or to be made in Wales, Lancaſhire, and Cheſhire, or any of them.

CAP. X.

A Commiſſion of Sewers may be granted through this Realm, and the marches of Calice, Guines, and Hammes, during ten years, according to the Statutes of An. 6 H. 6. 5. & 4 H. 7. 1. Exp.

CAP. XI.

The Statute of 1 R. 3. 11. touching bringing in of Bowſtaves ſhall be extended to ſtrangers onely, and not to the Kings ſubjects. Exp.

CAP. XII.

None ſhall carry beyond the ſea any Norfolk wool meet for the making of Worſteds or Stammins, upon pain of forfeiture of xl. s. for every ſtone. Exp.

CAP. XIII.

Whoſoever ſhall ſhoot in or keep in his houſe any Handgun, or Crosbow, without the Kings licence, ſhall forfeit the ſame, and x. li. for every ſhoot, unleſs he hath to the yearly value of CCC. marks. Rep. 33 H. 8. 6. All former Statutes touching ſhooting in Crosbows and Handguns repealed. Stat. 14 H. 8. 7. 25 H. 8. 17.

CAP. XIV.

The Stat of 12 Ed. 4. 3. for the payment of Tonnage and Poundage ſhall ſtand good during the Kings life. Exp.

CAP. XV.

Second Letters Patents making no mention of the firſt adnulled.

What ſhall be expreſſed in the Kings Letters Patents of lands, offices, &c. before granted to ſome other.

Dyer f.138. 339. 27 H.8 f.28.

THe Kings Highneſs of his goodneſs calling to his remembrance, that where his Grace hath granted to divers of his ſervants (for their ſervice to his Grace done) lands, tenements, fees, offices, and other things, to have to them, during his pleaſure, and after other perſons, by their ſundry ſuits have obtained of his Highneſs other letters patents of the ſame, not advertiſing his Grace of his former grants, whereby the ſaid former Patentees have been avoided, and put from the advantage of their ſaid former grants and Patents, contrary to the intent and grant of our Soveraign Lord: Wherefore be it ordained, eſtabliſhed and enacted by our ſaid Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that if any perſon or perſons, from henceforth do make ſuit to the Kings Highneſs for any lands, tenements, offices, or any other things, ſo by his grace granted, or hereafter to be granted to any perſon or perſons, during his pleaſure, the ſaid firſt Patent then being in life, that he do expreſs in his ſaid bill of petition or Patent the tenour of the ſaid former Patent:

And that the King then hath determined his pleaſure againſt the ſaid firſt Patentee, or elſe the ſecond Letters Patents of any of the premiſes to any perſon hereafter to be granted, to be void and of none effect.

This Act to commence and take effect from the fourth day of April next coming, and not before.

CAP. XVI.

Knights nor Burgeſſes of the Parliament may not depart before the end thereof.

Foraſmuch as commonly in the end of every Parliament divers and many great and weighty matters, as well touching the pleaſure, weal, and ſurety of our Soveraign Lord the King, as ÿ common weal of this his Realm and ſubjects, are to be treated, communed of, and by authority of Parliament to be concluded; So it is that divers Knights of Shires, Citizens for Cities, Burgeſſes for Boroughs, and Barons for the cinque Ports, long time before the end of the Parliament, of their own authorities, depart, and go home into their Countreys, whereby the ſaid great and weighty matters are many times greatly delayed: In conſideration whereof, be it enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth none of the ſaid Knights, Citizens, Burgeſſes, and Barons, nor any of them, that hereafter ſhall be elected to come or be in any Parliament, do depart from the ſame Parliament, nor abſent himſelf from the ſame, till the ſaid Parliament be fully finiſhed, ended or prorogued, except he or they ſo departing, have licence of the Speaker and Commons in the ſaid Parliament aſſembled, and the ſame licence be entred of Record in the book of the Clerk of the Parliament, appointed, or to be appointed for the Commons houſe, upon pain to every of them ſo departing or abſenting themſelves in any other manner, to loſe all thoſe ſums of money, which he or they ſhould or ought to have had for his or their wages. And that all the Counties, Cities and Boroughs, whereof any ſuch perſon ſhall be elected, and the inhabitants of the ſame, ſhall be clearly diſcharged of the ſaid wages againſt the ſaid perſon and perſons, and their executors for evermore. 1.3.El.19.

No Knight, Citizens, &c. ſhall depart from the Parliament without licence.

CAP. XVII.

The River of Canterbury ſhall be deepned and enhanſed, ſo that Lighters, &c. may paſs upon it. Pr.

CAP. XVIII.

The Underſheriff, and all other Officers of Sheriffs, may continue and occupy their Offices within the County of the Town of Briſtol, from year to year, in ſuch ſort as the like do in London, without any forfeiture, notwithſtanding the Statutes of An. 42 Ed. 3. 9. & 23 H. 6. 8. Pr.

Anno ſeptimo Henrici *octavi.*

THe King our Soveraign Lord Henry the eighth after the Conqueſt, by the grace of God King of England and of France, and Lord of Ireland, at his Parliament holden at Weſtminſter, the twelfth day of November, in the ſeventeenth year of his moſt noble Reign, to the honour of God and holy Church, and for the common weal and profit of this his Realm, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted, certain Statutes and Ordinances in manner and form following.

CAP. I.

If any perſon ſhall decay a Town, a Hamlet, or houſe of Husbandry, or convert Tillage into Paſture, the immediate Lord of the Fee ſhall have the moity of the offenders Land, until the offence be reformed. Rep. 39 El. 1. & 21 Jac. 28. St. 5 El. 2. St. 25 H. 8. 13.

CAP. II.

A Repeal of all Licences granted contrary to the Statute of 4 H. 7. 10. to bring into this Realm Gaſcoine Wines, or Thoulouſe Wood, but in Engliſh Ships. St. 1 El. 13.

CAP. III.

Within what time all Actions, Suits, Bills, Indictments, or Informations popular, ſhall be ſued either for the King, or for the party. Rep. 31 El. 5. Bro. Action popular. 6.

CAP. IV.

How Rents and Services may be recovered by Avowry.

Whereas divers, as well Noblemen, as other the Kings ſubjects, have ſuffered recoveries againſt them of divers their Manors, Lordſhips, Lands and Tenements, for the performance of their wills, or for the ſurety of their wives jointures, or for the jointure of their ſons and heirs apparent, and their wives, or for any other perſon or perſons according to their covenants and agreements, and thoſe perſons that ſo have recovered the ſaid Manors by the courſe of the common Law, had no remedy, nor may have, to compel the Fermors, Freeholders, and Tenants, which held of the ſame Manors by the rents, ſervices, and cuſtoms, to attorn to them, nor could by the order of the Law attain to ÿ rents, ſervices or cuſtoms, (if they were denied) by diſtreſs or action, without they could once attain to the poſſeſſion of the ſame rents, ſervices and cuſtoms, by paying or doing the ſaid rents, ſervices, or cuſtoms, by the ſame Freeholders, Fermors, and Tenants, which to do, divers and many of them have oftentimes refuſed, and yet do, to the great offence and charge of their conſcience, not onely to the diſheritance of the ſaid Recoveries, but alſo in breaking of the laſt wills of them againſt whom ſuch Recovery is had, and alſo to the diſheritance of the ſaid husband, wives, and other, to whoſe uſe the ſame Recovery was ſo had. Inst. 104.

Recoverors have no remedy by the common Law to recover their Rents or Preſentations.

Alſo if there were any Advowſon appendant to any of the ſaid Manors, and the ſame Advowſon had fallen void, and a ſtranger had preſented, the ſaid recoverers, nor they to whoſe uſe the ſame recoveries were had, had no remedy for the ſame diſturbance, and ſometime thereby they have been diſinherited.

The recoverer may diſtrain for the rents and ſervices of the tenant, farmor, &c. and ſhall have a Quare impedit. Raſt. l. pl. f. 521.

Dyer f. 31. Bro. meſne 23.

Be it therefore enacted by this preſent Parliament, and by the authority of the ſame, that the recoverers in all ſuch recoveries, their heirs and all aſſigns, may from henceforth diſtrain for the foreſaid rents, ſervices and cuſtoms, ſo being due and unpaid, and make Avowry, or juſtifie the ſame, as thoſe perſons againſt whom the ſaid recovery is or ſhould have done if the ſaid recovery had not been had, and alſo have like remedy for the recovering of the ſaid rents, ſervices and cuſtoms by Avowry. And alſo Quare impedit for the ſaid Advowſon, if any diſturbance be made, as thoſe perſons againſt whom the ſaid recoveries were had, might or ſhould have had by the courſe of the common Law afore the ſaid recovery, if any ſuch rents, ſervices, or cuſtoms had been denied them, or any ſuch diſturbance had been had in their times.

The Avowant in Replegiari ſhall recover his damags & coſts of ſuit.

Dyer f. 141. 39. H. 8 f. 22. Bro. damages l.

And alſo that every Avowant, and every other perſon or perſons that make Avowry, coniſance, or knowledge, or juſtifie, as Baily to any other perſon or perſons, in any Replegiari, or ſecond deliverance, for any rent, cuſtom, or ſervice, if their Avowry, coniſance, or juſtification be found for them, or the plaintiffs in the ſaid actions otherwiſe barred, ſhall recover their damages and coſts that they have ſuſtained, as the plaintiff ſhould have done, if they had recovered in the ſaid Replevins.

CAP. V.

Certain Labourers working in London may take ſuch wages as they did take before the Statute of 6 H. 8. 3. Rep. 5 El. 4.

CAP. VI.

A Repeal of the Statute made Anno 6 H. 8. 1. and of all other Statutes made for Apparel before it. What kind of Apparel Temporal men of all degrees and eſtates are allowable, and what prohibited to wear, and upon what penalties, and who ſhall have the forfeiture, and by what means they ſhall be recovered. Rep. 24 H. 8. 13. and 1 Jac. 25.

Anno xiv. & xv. Henrici *octavi.*

THe King our Soveraign Lord Henry the eighth after the Conqueſt, by the grace of God King of England, and of France, and Lord of Ireland, at his Parliament holden at London, the fifteenth day of April, in the fourteenth year of his moſt noble Reign, and from thence adjourned to Weſtminſter, the laſt day of July, the fifteenth year of his ſaid Reign, and there holden to the honour of Almighty God and holy Church, and for the weal and profit of this his Realm, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted certain Statutes and Ordinances, in manner and form following.

CAP. I.

No perſon ſhall ſell to a Merchant ſtranger any broad white woollen Cloth made in England, unleſs he cannot ſell it to ſome Engliſh Merchant within eight days after he brought it to Blackwell-Hall, except the ſale be in Fairs, Ports, or Creeks. Exp.

CAP. II.

What Apprentices ſtrange Artificers ſhall take, &c.

No ſtranger ſhall take an apprentice, but one which was born under the Kings obeiſance. 5 El. 4.

BE it enacted by the King our Soveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no manner of ſtranger, born out of the Kings obeiſance, be he denizen, or not denizen, uſing any manner of handicraft within this Realm, ſhall take from henceforth any Apprentice, except the ſame Apprentice be born under the Kings obeiſance, upon pain to forfeit for every Apprentice that he ſhall take contrary to this Act, x. li. the one half thereof to be to our Soveraign Lord the King, the other half to him or them that ſhall ſue for it, be it by action of debt, bill, plaint, information, or otherwiſe: in which ſuit the defendant ſhall not be admitted to wage his Law, ne any eſſoin, licence, or protection to be allowed.

No alien ſhall keep above two Journeymen, except they be born under the Kings obeiſance. 5 El. 4.

Be it alſo Enacted by the authority aforeſaid, and under like pain to be forfeited and recovered (as is aforeſaid) that no ſtranger, being alien born, and uſing any manner of handicraft within this Realm, from the Feaſt of all Saints next enſuing, ſhall in any manner of wiſe uſe, take, retain, or keep into his or their ſervices any manner of Journeyman, or covenant-ſervant, above the number of two at one time, except the ſame Journeyman, or covenant-ſervant be born under the Kings obeiſance.

All ſtrangers dwelling within two miles of London, ſhall be under the reformation of the Wardens of handicrafts within the City.

And over this be it enacted by authority aforeſaid, That all manner of perſons, being aliens born, uſing any manner of handicraft, be they denizens or not denizens, and inhabited within the City of London or Suburbs of the ſame, within the Town of Weſtminſter, the Pariſh of S. Martins in the fields, the Pariſh of our Lady of the Strand, S. Clement of Danes without Temple-Bar, S. Giles in the Fields, S. Andrews in Holborn, the Town and Borough of Southwark, Shoreditch, White-Chappel Pariſh, S. Johns Street, the Pariſh of Clerkenwell, S. Botolphs Pariſh without Aldgate, S. Katherins, Bermondſey Street, or within two miles compaſs of the ſaid City of London, or the Pariſhes aforeſaid, ſhall be under the ſearch and reformation of the Wardens and Fellowſhips of handicrafts within the ſaid City of London, with one ſubſtantial ſtranger, being an houſholder of the ſame craft, by the ſame Wardens to be choſen, that is to ſay, every ſuch ſtranger, occupying any myſtery or handicraft (as is aforeſaid) ſhall be under the ſearch and reformation of the Wardens, and one ſubſtantial ſtranger, being an houſholder, of that craft that they ſhall ſo occupy.

And that the Wardens of the ſaid City of every ſuch handicraft, with one ſtranger or houſholder (as is aforeſaid) of the ſame craft, have full power and authority, by this preſent Act, to limit and appoint to every ſtranger of the myſtery and handicraft that they be of, inhabiting within the ſaid City, Suburbs, places, or precinct, above remembred, a proper mark, without taking any thing therefore: by the which their wares, veſſels, and workmanſhips that they make, may be known.

The Wardens, &c. ſhall aſſign a proper mark for ſtrangers wares.

And that the Wardens of every ſuch handicraft and myſtery aforeſaid, calling to them one ſtranger of the myſtery and occupation that they be of, being an houſholder, ſhall have full power and authority to ſearch, view, and reform, as well within the ſaid City of London, as in all other places and limits beforeſaid, all manner of wares of workmanſhips, made by any manner of ſuch handicraftmen, being aliens born, as is aforeſaid.

Reformation of ſtrangers wares and workmanſhip.

And that no ſtranger born out of the Kings obeiſance, uſing any of the myſteries or occupations of ſmiths, joyners, or coopers, ſhall make any manner of wares or veſſels, concerning the ſame myſteries or occupations, except that they and every of them put ſuch marks to every of the ſame wares and veſſels, before they ſhall be put to ſale or uſe, as the Wardens of their occupations, crafts, or myſteries ſhall limit and appoint, without taking any thing therefore, upon pain of forfeiture of the double value of the ſame wares and veſſels: The one half of which forfeiture to be to the King our Soveraign Lord, the other half to the party that firſt will ſue for the ſame by action of debt, bill, plaint, or information, in which the defendant ſhall not wage his Law, nor any eſſoin ſhall be caſt, or protection allowed.

Smiths, Joyners, Coopers, which be ſtrangers, muſt mark their wares.

And further, it is enacted by the authority aforeſaid, That if upon any ſuch ſearch or view to be made, by the Wardens and one ſtranger, of any craft or myſtery beforeſaid, after the form of this eſtatute, in veſſels or wares to be found in the poſſeſſion of the workers or owners thereof, putting the ſame veſſels or wares to workmanſhip of any ſtranger falſly and deceitfully made, to the hurt of the Kings liege people, and ſo adjudged by the ſaid Wardens and one ſtranger, that then ſuch worker or owner, in whoſe poſſeſſion the ſame falſe and deceitful wares ſhall be found, ſhall forfeit the ſame wares: the one half thereof to the King our Soveraign Lord, and the other half thereof to the firſt finder thereof ſuing for the ſame in any of the Kings Courts by action of detinue, in which action the defendant nor defendants ſhall not be admitted to wage their Law, nor protection, ne eſſoin be to them herein allowable.

The forfeiture of wares deceitfully made by an alien.

Be it alſo enacted by the authority aforeſaid, That all Wardens and Maſters of Fellowſhips of all and every ſuch handicrafts within any ſuch City, Borough or Town-Corporate within this Realm, where any ſuch Wardens happen to be; and in ſuch Boroughs and Towns-Corporate where no Wardens of handicrafts are, the Bailiffs or the Governour or Governours of the ſame Boroughs or Towns, ſo lacking Wardens, ſhall have like power and authority with the Bailiff or Bailiffs of the Liberties with them, where any ſuch Liberty ſhall be, being content ſo to do, to view, ſearch, and reform ſtrangers born out of the Kings obeiſance, inhabiting and uſing within any ſuch City, Borough, or Town-Corporate, any manner of handicraft, in as large and ample manner as the ſaid Wardens and Fellowſhips of the ſaid City of London may do, by vertue of this preſent Act. And that all ſtrangers uſing any of the ſaid handicrafts in any of the ſaid Cities, Boroughs, or Towns-Corporate, be bounden to do and obey in every thing, according to the tenour of this preſent Act, upon like pains and forfeitures as is above remembred, to be had and recovered in form above rehearſed.

Wardens, Bailiffs, &c. of Towns-Corporate may ſearch, and reform ſtrangers.

Provided alway, That if the Wardens of any fellowſhip or Myſtery before ſaid, Bailiffs, Governour or Governours before ſaid, wrongfully will intreat any ſtranger, in executing of this Act, or any thing therein contained, that then the ſtranger ſo grieved may by authority of this Act, by bill or information, complain to the Lord Chancellor and Treaſurer of England, or the Juſtices of Aſſiſe in the County for the time being, which by their examinations ſhall have full power and authority to hear and determine the ſame complaint, and to award to the party complainant ſuch amends, as by their diſcretions ſhall be thought reaſonable.

Remedy for ſtrangers which be injured by Wardens, &c.

Provided alſo, that it ſhall be lawful for, and to every the ſaid ſtrangers, born out of the Kings obeiſance, being a houſholder, to have and receive as well all and every ſuch ſtrangers, born out of the Kings obeiſance, being the time of this Parliament with him retained as a Journeyman, as to have and retain every ſuch ſtranger, being born out of the Kings obeiſance, being apprentice with him the time of this Parliament, this Act notwithſtanding. This to endure to the laſt day of the next Parliament.

Provided alſo, that this Act extend not to the inhabitants, ſtrangers that now be, or hereafter ſhall be, in the Univerſities of Oxford or Cambridge, or within the Sanctuary of St. Martins le Grand within the ſaid City of London.

Strangers dwelling in Oxford, Cambridge, Saint Martins. The Wardens refuſing to mark the wares.

Provided always, That if the ſaid Wardens of the ſaid City of London, with a ſtranger, or Governour or Governours of any City, or Borough-Corporate within this Realm, refuſe to mark the wares of any ſtranger, after that they be required ſo to mark: that then it ſhall be lawful to the ſame eſtranger or eſtrangers, to whom ſuch refuſal ſhall be made, to ſell and put to ſale his ſaid wares, ſo required to be marked, and refuſed, this Act notwithſtanding.

Provided alſo, that this Act extend not to any other handicrafts, then to the crafts of Joyners, Pouchmakers, Coopers, and Blackſmiths, for or concerning the foreſaid articles of marking of wares of the ſame Eſtrangers.

To which only handicrafts this Statute doth extend.

Alſo that it ſhall be lawful to any Lord of the Parliament, and every other of the Kings ſubjects, having Lands and Tenements to the yearly value of one C. li. to take and retain Eſtrangers, Joyners, and Glaſiers, in their ſervice, from time to time, to and for the exerciſing with them their crafts, this Act notwithſtanding. Stat. 21 H. 8. 16. 32 H. 3. 16. 22 H. 8. 13.

Who may retain aliens.

CAP. III.

Touching Worſted Weavers of Yarmouth and Linn.

7 Ed.4.1.

BEcauſe it is diſcreetly conſidered in this preſent Parliament, that the true making and draping of Worſteds, Saies, and Stamins, is one of the moſt profitable occupations of this Realm; and that the ſame Worſteds, Saies and Stamins, truly and ſubſtantially made and wrought, been right acceptable and commodious merchandiſes, as well in this Realm of England, as in Foreign Regions and Countreys: For eſtabliſhment and good order whereof, divers good and laudable Statutes, Acts and Ordinances heretofore have been made and Enacted: and namely in a Parliament holden at Weſtminſter the third day of June, in the ſeventh year of the Reign of the late King of famous memory, Edw. the fourth. Sithen which Parliament the making of the ſaid Worſteds, Saies, and Stamins, hath much increaſed, and been multiplied in the City of Norwich, and in divers Towns and places in the County of Norfolk: And becauſe the Towns of great Yarmouth and Linn, in the ſaid County, been Towns Corporated, and the inhabitants of the ſame Towns now daily practiſe, and uſe the making and draping of the ſaid Cloth of Worſteds, Saies and Stamins, more buſily and diligently then they have done in times paſt, to whom it is painful and coſtly to tranſport and convey their ſaid clothes to the ſaid City of Norwich, or to places within the ſaid County of Norfolk, which been far diſtant from either of the ſaid Towns, to be ſearched and ſealed by the Wardens of the Worſted Weavers of the ſame City of Norwich, or County, according to the ſaid Act of Parliament made the ſaid ſeventh year of King Edward the fourth:

Election of a Warden of Worſted Weavers in great Yarmouth in Norfolk.

It is therefore ordained, eſtabliſhed, and enacted by the King our Soveraign Lord, and by the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the craftſmen (called Worſted Weavers) inhabited in the ſaid Town of great Yarmouth, ſhall have power and authority by this preſent Act, from henceforth to elect and chuſe yearly for ever, in the Munday next after the Feaſt of Pentecoſt, one honeſt man of the ſame myſtery and occupation, being an houſholder within the ſaid Town of great Yarmouth, and having of his proper goods and chattels to the value of x.li. at the leaſt, or lands and tenements to his own uſe of the eſtate of freehold, at the leaſt to the clear yearly value of xx.s. to be Warden of the ſame craft and myſtery, for the year next enſuing; which man ſo elected and choſen, ſhall perſonaly appear before the Mayor of the ſaid City of Norwich for the time being, the Munday next after the Feaſt of Corpus Chriſti then next enſuing, then and there to be ſworn and charged by like oath, concerning the true and ſubſtantial making of the ſaid clothes within the ſaid Town of great Yarmouth, as the four Wardens of the ſaid City of Norwich, by vertue of the ſaid Act of Parliament made in the ſaid ſeventh year of King Edward the fourth, been charged and ſworn for the ſame City of Norwich.

The Warden of Yarmouths oath.

And if the ſaid Mayor happen to be abſent the Munday after Corpus Chriſti, or elſe then refuſeth to receive or take the ſaid oath: then the ſaid Warden ſo elect, within four days next after the ſame Munday, ſhall come before the Bailiffs of the ſaid Town of great Yarmouth for the time being, or before one of them, the other being abſent: and then and there receive a corporal oath for the true exerciſing of the ſame Office of Wardenſhip, after the tenour of the oath accuſtomably uſed to be given to the ſaid Wardens of the ſaid City of Norwich.

The Warden of Yarmouths authority.

And then the ſaid Warden of the ſaid Town of great Yarmouth for that time being, ſo elect and ſworn, may ordain and appoint a ſeal, with this letter Y. to be engraven in the ſame ſeal, and may have full power and authority to view, ſearch, ſeiſe, and ſeal in lead with the ſame ſeal, ſo to be appointed and engraven, and none other, all Worſteds, Saies, and Stamins within the ſaid Town of Yarmouth, and ſuburbs of the ſame, made or to be made, and not elſewhere, in as large and ample manner as the ſaid Wardens of the ſaid City of Norwich, and Wardens of the ſaid County of Norfolk, or any of them, hath or have within the ſaid City or County, or in any wiſe may do in that behalf, by authority or vertue of the before remembred Act, made in the ſaid ſeventh year of King Edward the fourth, any thing in the ſame Act contained to the contrary notwithſtanding.

Every perſon ſhall mark his Worſteds, Saies, &c. with his ſeveral mark.

And that no perſon inhabited within the ſaid Town of great Yarmouth, or Suburbs thereof, weave any Worſteds, Saies or Stamins within the ſame Town, except he be an Engliſhman born, and have been apprentice to the ſaid occupation, and without he weave there ſuch proper mark as ſhall be limited and appointed by the ſaid Warden of the ſaid Town for the time being, elect and ſworn as is aforeſaid, upon pain of forfeiture thereof to the King our Soveraign Lord: And that every Warden of the ſaid Town ſhall limit diſtinct and ſeveral marks to every of the ſaid Worſted Weavers of the ſame Town of great Yarmouth, and the ſame marks by the ſaid Warden to be regiſtred in a book.

Election of a Warden of Worſted Weavers in Linn in Norfolk.

And alſo be it Enacted by the authority aforeſaid, that if, and whenſoever hereafter the ſaid Town of Linn ſhall be inhabited with ten ſundry houſholders, or more number of houſholders, exerciſing and uſing the ſaid craft or myſtery of Worſted weavers, then and from thenceforth, that is to ſay, as long as the ſame Town of Linn ſhall be inhabited with the number of ten ſuch houſholders at the leaſt, it ſhall be lawful to the ſame inhabitants of the ſaid Town of Linn yearly on the Munday next after the Feaſt of Pentecoſt, to elect and chooſe of themſelves one Warden of the ſaid craft and myſtery of Worſted Weavers, to be of the value in lands and goods, as is beforeſaid of the Warden of Yarmouth: which Warden ſo elect, ſhall yearly be ſworn and charged at the ſaid City of Norwich, in like manner, and at like day, as is before limited to the Wardens of Yarmouth: or in default of the ſaid Mayor of Norwich, then the ſaid Warden ſo to be elect for the ſaid Town of Linn, to take a corporal oath before the Mayor of the ſaid Town of Linn, within ſuch time, and after ſuch form, as is before limited unto the Warden of Yarmouth. And that the ſaid Warden of the ſaid Town of Linn for the time being, ſo elect and ſworn, by himſelf may

ordain

The Warden of Linnes ſeal and authority.

ordain and appoint, and ſeal with this letter L. to be graven in the ſame ſeal, and may have full power and authority to view, ſearch, ſeiſe, and ſeal in lead with the ſame ſeal, ſo to be engraven, and with none other, all Worſteds, Saies, and Stamins within the ſaid Town of Lin, and ſuburbs of the ſame, made or to be made, and not elſewhere, in as large and ample manner as the ſaid Warden of the ſaid City of Norwich, and Wardens of the ſaid County of Norfolk, or any of them hath, or have within the ſaid City or County, or otherwiſe may do by authority or vertue of the before remembred Act, made in the ſaid ſeventh year of King Edward the fourth, any thing contained in the ſame Act to the contrary notwithſtanding.

Every Worſted maker an Engliſhman born, and ſhall have his own mark.

And that no perſon inhabited within the ſaid Town of Linne, or ſuburbs thereof, make any Worſteds, Saies, or Stamins within the ſame Town, except he be an Engliſhman born, and have been apprentice to the ſame occupation, and without he weave therein ſuch proper mark as ſhall be limited and appointed by the ſaid Warden of the ſame Town of Lin, for the time being, upon pain and forfeiture thereof to the King our Soveraign Lord: And that every Warden of the ſaid Town ſhall limit diſtinct and ſeveral marks to every of the ſaid Worſted weavers of the ſame Town, and the ſame marks by the ſaid Warden to be regiſtred in a book.

A Warden of Norwich or Norfolk, ſhall come to Linne when there is no Warden there.

And be it further enacted by the authority aforeſaid, That from the Feaſt of St. Michael the Archangel next coming, unto ſuch time as the ſaid Town of Linne ſhall be inhabited with the ſaid number of ten houſholders of the ſaid craft of Worſted weavers, and always after, when that number of ten houſholders ſhall happen to fail, and not be inhabited in the ſaid Town of Linne, the ſaid Wardens of the ſaid City or Norwich, and their ſucceſſors, ſhall procure and cauſe one of themſelves, or one of the Wardens of the ſaid craft of the ſaid County of Norfolk, perſonally to come and be every xxviij. day from and after the ſaid Feaſt of St. Michael the Archangel, in and to the ſaid Town of Linne, or within ſix days next after every ſuch xxviij. day, and there to continue and abide by ſo long time as he may ſearch and ſeal all ſuch Worſteds, Saies, and Stamins, made in the ſame Town of Linne, as then ſhall be brought to him to be ſealed within the ſpace of one whole day. And the ſaid inhabitants of Worſted weavers, of the ſame Town of Linne being, ſhall content and pay the ſaid Warden of Norwich or Norfolk, which ſhall ſo come to Linne, in the ſaid xxviij. day, or within ſix days next after the ſaid xxviij. day, for his coſts and expences, for every time that he ſhall ſo come to Linne, between the Feaſt of St. Michael the Archangel, and the Annunciation of our Lady St. Mary, iij. s. and for every time that he ſhall ſo come to the ſaid Town of Linne between the Feaſt of the Annunciation of our Lady, and the Feaſt of St. Michael the Archangel, ij. s. And if the ſaid inhabitants of Worſted weavers of the ſaid Town of Linne, do not content and pay to the ſaid Warden coming to Linne, in form aforeſaid, for the ſaid coſts and charges, the ſaid iij. s. or ij. s. as is above limited, then the ſaid inhabitants ſhall forfeit and pay to the ſaid Warden, or to his executors, for every ſuch default of payment, xl. s. And if one of the ſaid Wardens of Norwich and Norfolk, come not to the ſaid Town of Linne, for the cauſe aforeſaid, in manner and form above remembred; then the ſaid Wardens of the ſaid City of Norwich, ſhall forfeit and pay to the ſaid inhabitants of Linne, of the ſaid myſtery of Worſted weavers, for every ſuch default xl. s. For recompence of which penalty, and forfeits, the ſaid Wardens of Norwich or Norfolk, being thereunto intitled by this preſent Act, by his proper name with this addition, that is to ſay, Unus Gardianorum, or nuper unus gardianorum artis ſive myſterii textorum panni lanei vocati Worſtedes in civitate Norwich, vel comitat. Norfolk, as the troth requireth, ſhall and may have action of debt by writ, bill, or plaint, in any competent or lawful Court of this Realm, againſt the ſaid inhabitants of Linne, of the ſaid myſtery for the time being, by their ſundry proper names. And the ſaid inhabitants by their ſaid names, with this addition, Textorum panni lanei voc. Worſtedes, inhabitantes villa de Linne, ſhall and may have like actions of debt againſt the ſaid Wardens of Norwich by the name of Gardiani artis ſive myſterii textorum pannorum laneorum voc. Worſtedes infra civitatem Norwic. com. Norfol, to be uſed in good congruities of Latine, and form of the Laws of this Realm. In which actions, or any of them, none eſſoin, protection, or wager of Law ſhall be ſuffered or allowed. And that the particular bodies, or goods of any of the ſaid Wardens or inhabitants, being condemned in any of the ſaid actions, ſhall and may be put in execution, after ſuch manner and form as is uſed in actions of debt, by courſe of the common Law of this Realm.

The Wardens allowance by the day for his charges in coming to Linne.

By what names the parties grieved ſhall uſe their actions.

The particular bodies or goods of the Wardens or inhabitants put in execution.

Clothes marked by the Wardens of Linne and Yarmouth.

And moreover, be it enacted by the authority aforeſaid, that all clothes of Worſteds, Saies, and Stamins, made or to be made within any of the ſaid Towns of Linne and great Yarmouth, or ſuburbs of the ſame, or any of them, & marked with ſuch marks as ſhall be limited to the makers by any of the Wardens of the ſaid Town in manner & form aboveſaid, and viewed and ſealed by any of the Wardens of the ſaid Town of Linne and Yarmouth, in form above remembred: by force and vertue of this preſent Act, may be lawfully put to ſale by the owners and makers of the ſame, without any other marking or ſealing upon the ſaid clothes, or upon any of them to be had or made by any other Wardens, dwelling or abiding without the ſaid Town, and without any arreſt, ſeiſure, or forfeiture to be had or made of or upon any of the ſaid clothes, for lack of any other ſeals or marks: any thing contained in the ſaid former Act, made in the ſaid vij. year of King Edward the Fourth, to the contrary notwithſtanding.

What Apprentices Worſted weavers in Linne and great Yarmouth may take.
St. 5 El. 4.
26 H. 8. 16.

And over this, be it enacted by the authority aforeſaid, That every crafts-man of the ſaid myſtery and occupation of Worſted making, dwelling within any of the ſaid Towns of Linne and great Yarmouth, and ſuburbs of the ſame, at their own free wills and liberties from henceforth for ever, may have or take apprentice or apprentices (being male) of the age of xiiij. years and upward, and being the Kings natural ſubjects, for the term of vij. years, and not under, ſo that none of them exceed the number of two at once, to learn, uſe, and exerciſe the ſaid craft within either of the ſaid Towns of Lin and great Yarmouth or ſuburbs of the ſame; Albeit the father of the ſame apprentices or apprentice, may not expend in lands and tenements to the yearly value of xx. s. any Act or Ordinance to the contrary notwithſtanding.

This Statute ſhall not be prejudicial to the Mayor of Norwich or the Wardens there.

Provided alway, that this preſent Act, nor any thing therein contained, be not in any wiſe hurtful or prejudicial to the Mayor of Norwich, or to his ſucceſſors, or to the Wardens of the ſaid City and County, or to their ſucceſſors, in any point, article, power, or authority, other then for weaving, ſearching, and ſealing of Worſteds, Saies, and Stamins, made or to be made onely within the ſaid Towns of Linne and Yarmouth, or ſuburbs of the ſame, or to any of them. And for limiting of marks to the makers of Worſteds, Saies, and Stamins, onely inhabited in either of the ſaid Towns or ſuburbs thereof, and taking of apprentices, in form above remembred; but that the ſaid Mayor of the ſaid City of Norwich, and Wardens of the ſaid City and County, and every of them may have and uſe all other points, articles, powers, and authorities contained and ſpecified in the above remembred Act, made in the ſeventh year of King Edward the Fourth, as well for the ſearch, ſealing, correction, and reformation of the ſaid Wardens newly to be elect by vertue of this preſent Act, and every of them, according, and after ſuch form as they may do or uſe, any of the ſaid Wardens of the ſaid City or County, by force of the ſaid Act, made in the ſaid ſeventh year of King Edward the Fourth, as all and every other inquiries, corrections, ſearches, ſealings, and reformations to be had, for the true making of Worſteds, Saies, and Stamins, in and upon any perſon or perſons, as well within the ſaid Towns of Linne and Yarmouth, as without, without trouble, let, or vexation of any of the inhabitants of the ſaid Towns, in as large and ample wiſe, as they might have done before the making of this preſent Act, any thing contained in the ſame preſent Act to the contrary notwithſtanding.

None in Linne or Yarmouth ſhall ſheer, die, or calendar, but in Norwich.

And alſo provided, and be it enacted by the authority aforeſaid, that the ſaid craftſmen of Worſted weavers inhabited, or hereafter to be inhabited within either of the ſaid Towns of Linne and Yarmouth, or ſuburbs of the ſame, and the Merchants, or any other perſon or perſons which ſhall happen to buy of the ſaid craftſmen, or of any of them, or of any other perſon, any of the ſaid clothes of Worſteds, Stamins, or Saies, made or to be made within either of the ſaid Towns of Linne and Yarmouth, and ſealed by the ſaid Wardens of the ſame Town to be elect and ſworn as is aforeſaid, and any of them ſhall not ſheer, die, or put in colour, or calandre, any Worſteds, Stamins, or Saies, made or to be made within either of the ſaid Towns of Linne and Yarmouth, or ſuburbs of the ſame, in any other place or places, but onely within the ſaid City of Norwich, or ſuburbs of the ſame, upon pain of forfeiture for every piece of Worſted, Saies, or Stamins, to be made within any of the ſaid Towns of Lin and Yarmouth, or ſuburbs of the ſame, or the value thereof, ſhorn, died, coloured, or calendred by any of the ſaid craftſmen, buyers, or merchants, in any other place or places then in the ſaid City of Norwich, or ſuburbs of the ſame: the one half thereof to the King our Sovereign Lord, and the other half thereof to ſuch perſon or perſons as ſhall ſeiſe the ſame, ſo that the ſaid Worſteds brought to the ſaid City of Norwich to be ſhorn, died, coloured, and calendred, without covin or craft of any of the ſaid inhabitants and merchants, may be ſhorn, died, coloured, and calandred, at, and by as convenient price or prices, and in as ready wiſe, as the ſaid inhabitants of either of the ſaid Towns of Linne and Yarmouth, and merchants buyers of the ſame Worſteds, or other of the ſaid City or County hath had in times paſt, or hereafter ſhall have.

No Worſteds ſhall be carried beyond the Sea, before they be ſhorn, &c.

And alſo that the ſame inhabitants and merchants, and every of them, ſo bringing their ſaid Worſteds to the ſame City for to be ſhorn, died, coloured, and calendred, be reaſonably and lawfully intreated, according to the ſaid Act made in the ſaid ſeventh year of King Edward the Fourth, and the Ordinances made and affirmed, or hereafter to be made and affirmed for the ſaid myſtery; without let or diſturbance, contrary to the ſame Act or Ordinances in that behalf.

And be it enacted by the authority aforeſaid, that no perſon or perſons any time after convey or tranſport into any of the parts beyond the Sea, any manner of Clothes or Worſteds, before the ſame clothes be ſhorn, died, coloured, and calendred, upon pain of forfeiture the value thereof: the one half to the King our Sovereign Lord, and the other half thereof to the party that will ſue therefore, by action or plaint of debt in any of the Kings Courts: In which action or ſuit, no protection or eſſoin ſhall be allowed, nor the offendor admitted to wage his Law. This Act to endure to the next Parliament. 26 H. 8. 16. made perpetual. St. 21 H. 8. 21.

CAP IV.

What Cuſtoms and Impoſitions Engliſhmen ſworn to forreign Princes ſhall pay.

PRayen the Commons in this preſent Parliament, that where many and divers perſons being the Kings ſubjects naturally born within this his Realm, have withdrawn themſelves out of the ſame Realm, and tranſported themſelves with their wives, children, and goods, into Holland, Zeland, Brabant, Flanders, and into other Countries of Forreign Princes, and there be ſworn to the obeiſance of the Princes and Lords of the Countries, where they be now inhabited, making there great buildings, and be contributaries to all manner of charges, as the ſubjects of thoſe Countries be: and thus they maintain, as much as in them is, the Cities, Boroughs, and Towns of thoſe Countries, and many more of the Kings ſubjects intend to do the ſame, if remedy therein be not provided: Which ſubjects born in England, notwithſtanding that they thus eſtrange themſelves from the Kings obeyſance, yet they occupy here in all the Ports, Havens, and Creeks, Cities, Boroughs, and Towns of England, as freely, and as free in Cuſtom and Subſidy, as the Kings ſubjects do occupy, and not onely for themſelves, but alſo colourably for other ſtrangers, their friends, and partners, and alſo make themſelves quit and exempt from all charges within this Realm, in prejudice and decay of the Cities, Towns, and Boroughs of England: and as for beyond the Sea, they will obey to none authority granted to the Engliſh Nation, by the Kings Highneſs and his noble Progenitors, under the great Seal of England, and by authority of Parliament, but they give themſelves over to the protection and defence of thoſe outward Princes, to whom they be ſworn ſubjects: And by theſe manner of perſons much coin is conveyed out of the Land:

Wherefore be it ordained and enacted, by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every ſuch ſubjects born in England, and ſworn to be ſubjects to foreign Princes and Lords of outward parts, from henceforth, (as long as they ſhall ſo abide, and be as ſubjects to foreign Princes and Lords) that from henceforth, ſo long they and every of them ſhall pay ſuch Cuſtoms; Subſidy, Tolls, and other impoſitions within this Realm of England, as other ſtrangers of thoſe parts where the ſaid Engliſh men make their inhabitations, pay or uſe to pay within this ſaid Realm: And that the Knowledge of all and every ſuch perſon or perſons inhabitants, and ſworn in manner and form as is before rehearſed within the Archdukes Countries, that is to ſay, Holland, Zealand, Brabant, and Flanders onely, ſhall be had by certificate thereof made by the Governour of the Merchant Adventurers, and the Aſſiſtants there for the time being; and alſo for all other Realms and Countries of foreign Princes to be certified by the Kings moſt noble Embaſſadors, being at ſuch time there as they ſhall happen to be in the ſaid Countries upon the Kings affairs, ſhall likewiſe certifie, as is aforeſaid; under their ſeal, into the Chancery of our Sovereign Lord the King: and thereupon out of the ſaid Chancery Writs to be made and directed unto the Cuſtomers, Comptrollers, or other Officers of the Kings Cuſtom, in every Port, Haven, or Creek within this ſaid Realm, to perceive, levy, and take all manner of ſuch Cuſtoms, Subſidies, Tolls, and other impoſitions, as is before ſpecified, of all ſuch goods and merchandiſes, as ſhall belong unto any ſuch perſon or perſons inhabited and ſworn, in manner and form above written, as well inward as outward.

An Engliſhman ſworn ſubject to a foreign Prince ſhall pay ſuch impoſitions as aliens do.

Provided alway, That if hereafter it ſhall happen any ſuch perſon or perſons to return into the Realm, and here to tarry, and inhabit, that then he or they ſhall be reſtored to all ſuch liberties and freedoms in paying of Cuſtoms or Subſidies and other charges, as all other Engliſhmen do uſe to pay, and to have a Writ out of the Chancery for the ſame: this Act or any thing therein made to the contrary notwithſtanding.

An Engliſhman returning and dwelling again in the Realm.

CAP. V.

The Priviledges and authority of Phyſicians in London.

IN their moſt humble wiſe ſhew unto your Highneſs, your true and faithful ſubjects, and liege men, John Chambre, Thomas Linacre, Fernandus de Victoria, your Phyſicians, and Nicholas Halſewell, John Frances, and Robert Yaxley, and all other men of the ſame faculty within the City of London and ſeven miles about, that where your Highneſs (by your moſt gracious Letters Patents, bearing date at Weſtminſter the xxiij. day of September, the tenth year of your moſt noble Reign) for the common wealth of this your Realm, in due exerciſing and practiſing of the faculty of Phyſick, and good miniſtration of medicines to be had, hath incorporate and made of us, and of our company aforeſaid, one Body and perpetual Commonalty or Fellowſhip of the faculty of Phyſick, and to have perpetual ſucceſſion and common Seal, and to chuſe yearly a Preſident of the ſame Fellowſhip and Commonalty, to overſee, rule, and govern the ſaid Fellowſhip and Commonalty, and all men of the ſaid faculty, with divers other liberties and priviledges by your Highneſs to us granted, for the common wealth of this your Realm, as in your ſaid moſt gracious Letters Patents more at large is ſpecified and contained, the tenour whereof followeth in theſe words.

A body corporate of the faculty of Phyſick within London, and vij. miles compaſs. Anno 10 H.8.

HEnricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ, Omnibus ad quos præſentes literæ pervenerint, Salutem. Cum Regii officii noſtri munus arbitremur ditionis noſtræ hominum fælicitati omni ratione conſulere: Id autem vel inprimis fore, ſi improborum conatibus tempeſtive occurramus, apprime neceſſarium duximus, improborum quoque hominum qui medicinam magis avaritiæ ſuæ cauſa quam ullius bonæ conſcientiæ fiducia profitebuntur, unde rudi & credulæ plebi plurima incommoda oriantur, audaciam compeſcere. Itaque partim bene inſtitutarum civitatum in Italia, & aliis multis nationibus exemplum imitati, partim gravium virorum Doctorum Joannis Chambre, Thomæ Linacre, Fernandi de Victoria, medicorum noſtrorum, Nicholai Halſewel, Joannis Franciſci, & Rob. Yaxley, medicorum, ac præcipue reverendiſſimi in Chriſto patris, ac domini, dom. Thomæ Tituli ſanctæ Ceciliæ, trans Tiberim ſacroſanctæ Romanæ Eccleſiæ Presbyteri Cardinalis Eboracenſis Archiepiſcopi, & Regni Noſtri Angliæ Cancellarii chariſſimi, precibus inclinati, Collegium perpetuum doctorum & gravium virorum, qui medicinam in urbe noſtra Londino & ſuburbibus, intraque ſeptem millia paſſuum ab ea urbe quaqua verſus publice exerceant, inſtitui volumus atque imperamus. Quibus tum ſui honoris tum publicæ utilitatis nomine, curæ, ut ſperamus, erit, malitioſorum, quorum meminimus, inſcientiam temeritatemque, tam exemplo gravitateque ſua deterrere quam per leges noſtras nuper editas, ac per conſtitutiones per idem collegium condendas punire. Quæ quo facilius rite peragi poſſint, memoratis Doctoribus Johanni Chambre, Thomæ Linacre, Fernando de Victoria medicis noſtris, Nicholao Halſewel, Joanni Franciſco, & Roberto Yaxley, medicis, conceſſimus, quod ipſi omneſque homines ejuſdem facultatis de & in civitate prædicta, ſint in re & nomine unum corpus & communitas perpetua, ſive Collegium perpetuum. Et quod eadem communitas ſive collegium ſingulis annis in perpetuum eligere poſſint, & facere de communitate illa aliquem providum virum & in facultate medicinæ expertum in preſidentem ejuſdem Collegii ſive communitatis, ad ſupervidend', recognoſcend', & gubernand' pro illo anno Collegium, ſive communitatem præd' & omnes homines ejuſdem facultatis &

A perpetual Colledge of Phyſicians erected and granted in London and the ſuburbs.

A Preſident of the Colledge, and his office and duty.

The Colledge ſhall have perpetual ſucceſſion and a common Seal.

negotia

They ſhall be of ability to purchaſe land.

negotia eorundem. Et quod idem præſidens & collegium ſive communitas habeant ſucceſſionem perpetuam, & commune ſigillum negotiis dict. communitatis & præſidentis in perpetuum ſerviturum. Et quod ipſi & ſucceſſores ſui in perpetuum ſint perſonæ habiles & capaces ad perquirendum, & poſſidendum in fœdo & perpetuitate terras & tenementa, redditus, & alias poſſeſſiones quaſcunque.

They may ſue and be ſued. They may make lawful aſſemblies, and Ordinances for vernment.

No man ſhall practiſe Phyſick in London or vij. miles thereof, unleſs he be allowed.

Conceſſimus etiam eis & ſucceſſoribus ſuis pro nobis & hæredibus noſtris, quod ipſi & ſucceſſores ſui poſſint perquirere ſibi & ſucceſſoribus ſuis, tam in dicta urbe quam extra, terras & tenementa quæcunque annuum valorem duodecim librarum non excedent'. Statuto de alienatione ad manum mortuum non obſtante. Et quod ipſi per nomina præſidentis Collegii, ſeu communitatis facultatis medicinæ Lond. pl' itari & impl' itari poſſint coram quibuſcunque Judicibus in curiis & actionibus quibuſcunque. Et quod prædict. præſidens & Collegium ſive communitas, & eorum ſucceſſores congregationes licitas & honeſtas de ſeipſis ac Stat. & Ordinationes pro ſalubri gubernatione ſuperviſu & correctione Collegii, ſeu communitatis prædictæ, & omnium hominum eandem facultatem in dicta civitate ſeu per ſeptem milliaria in circuitu ejuſdem civitatis exercen. ſecundum neceſſitatis exigentiam (quoties & quando opus fuerit) facere valeant licite & impune, ſine impedimento noſtri, hæredum vel ſucceſſorum noſtrorum, juſticiariorum, eſcaetorum, vicecomitum, & aliorum ballivorum, vel miniſtrorum noſtrorum, hæredum vel ſucceſſorum noſtrorum quorumcunque. Conceſſimus etiam eiſdem præſidenti & Collegio ſeu communitati & ſucceſſoribus ſuis, quod nemo in dicta civitate, aut per ſeptem milliaria in circuitu ejuſdem, exerceat dictam facultatem, niſi ad hoc per dictum præſidentem & communitatem, ſeu ſucceſſores eorum, qui pro tempore fuerint, admiſſus ſit per ejuſdem præſidentis & Collegii literas ſigillo ſuo communi ſigillatas, ſub pœna centum ſolidorum pro quolibet menſe, quo non admiſſus eandem facultatem exercuit, dimidium inde nobis & hæredibus noſtris, & dimidium dicto præſidenti & Collegio applicandum.

Four Phyſicians of London ſhall be yearly choſen to have the overſight of the others.

Præterea volumus & concedimus pro nobis & ſucceſſoribus noſtris (quantum in nobis eſt) quod per præſidentem & Collegium prædictæ communitatis pro tempore exiſten. & eorum ſucceſſores in perpetuum quatuor ſingulis annis per ipſos eligantur, qui habeant ſuperviſum & ſcrutinium, correctionem & gubernationem omnium & ſingulorum dictæ civitatis medicorum utentium facultate medicinæ in eadem civitate, ac aliorum medicorum forinſecorum quorumcunque facultatem illam medicinæ aliquo modo frequentantium & utentium infra eandem civitatem & ſuburbia ejuſdem, ſive intra ſeptem milliaria in circuitu ejuſdem civitatis, ac punitionem eorundem pro delictis ſuis in non bene exequendo, faciendo & utendo illa. Necnon ſuperviſum & ſcrutinium omni modo medicinarum & earum reception. per dictos medicos, ſeu aliquem eorum hujuſmodi ligeis noſtris pro eorum infirmitatibus curandis, & ſanandis, dandis, imponendis, & utendis, quoties & quando opus fuerit pro commodo & utilitate eorundem ligeorum noſtrorum. Ita quod punitio hujuſmodi medicorum utentium dicta facultate medicinæ, ſic in præmiſſis delinquentium per fines, amerciamenta, & impriſonamenta corporum ſuorum, & per alias vias rationabiles, & congruas exequatur.

Phyſicians ſhall not be ſummoned in Juries in London. St. 32 H. 8. 40.

Volumus etiam & concedimus pro nobis, hæredibus & ſucceſſoribus noſtris (quantum in nobis eſt) quod nec præſidens, nec aliquis de Collegio prædicto medicorum, nec ſucceſſores ſui, nec eorum aliquis exercens facultatem illam, quoquo modo in futur. infra civitatem noſtram prædictam, & ſuburbia ejuſdem ſeu alibi ſummoneantur, aut ponantur, neque eorum aliquis ſummoneatur, aut ponatur in aliquibus aſſiſis, juratis, inqueſtis, inquiſitionibus, attinctis, & aliis recognitionibus infra dictam civitatem, & ſuburbia ejuſdem impoſterum coram Majore ac vicecom. ſeu coronatoribus dictæ civitatis noſtræ pro tempore exiſten. capiendum, aut per aliquem officiarium, ſeu miniſtrum ſuum, vel officiarios ſive miniſtros ſuos ſummonend' licet iidem jurati, inquiſitiones, ſeu recognitiones ſummon. fuerint ſuper brevi, vel brevibus noſtris, vel hæredum noſtrorum de recto; ſed quod dicti magiſtri, ſive gubernatores, ac communitas facultatis antedictæ, & ſucceſſores ſui & eorum quilibet dictam facultatem exercentes, verſus nos, hæredes, & ſucceſſores noſtros, ac verſus Majorem & vicecomites civitatis noſtræ prædictæ (pro tempore exiſt.) & quoſcunque officiarios & miniſtros ſuos ſint inde quieti, & penitus exonerati in perpetuum per præſentes.

Proviſo quod literæ noſtræ, ſeu aliquid in eis content. non cedent in præjudicium civitatis noſtræ Lond. ſeu libert. ejuſd. Et hoc abſque fine ſeu feodo pro præmiſſis, ſeu ſigillat. præſentium nobis facienda, ſolvenda, vel aliqualiter reddenda, aliquo Statuto, ordinatione, vel actu in contrarium, ante hæc tempora facto, edito, ordinato ſeu proviſo in aliquo non obſtante. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtmonaſterium, xxiij. die Sept. An. reg. noſtri x. Per ipſum regem, & de data prædicta authoritate Parl.

Tunſtall.

AND foraſmuch that the making of the ſaid Corporation is meritorious, and very good for the common wealth of this your Realm, it is therefore expedient and neceſſary to provide, that no perſon of the ſaid politick Body and Commonalty aforeſaid, be ſuffered to exerciſe and practiſe Phyſick, but onely thoſe perſons that be profound, ſad, and diſcreet, groundedly learned, and deeply ſtudied in Phyſick.

The Kings Letters Patents and every Article therein confirmed.

In conſideration whereof, and for the further authoriſing of the ſame Letters Patents, and alſo enlarging of further Articles for the ſaid Common wealth to be had and made: Pleaſeth it your Highneſs, with the aſſent of your Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, to enact, ordain, and ſtabliſh, that the ſaid Corporation of the ſaid Commonalty and Fellowſhip of the faculty of Phyſick aforeſaid, and all and every Grant, Article, and other thing contained and ſpecified in the ſaid Letters Patents, be approved, granted, ratified, and confirmed in this preſent Parliament, and clearly authorized and admitted by the ſame, good, lawful, and available to your ſaid Body Corporate, and their ſucceſſors for ever, in as ample and large manner as may be taken, thought, and conſtrued by the ſame. And that it pleaſe your Highneſs, with the aſſent of your ſaid Lords Spiritual and Temporal, and the Commons in this your preſent Parliament aſſembled, further to enact, ordain, and eſtabliſh, That the ſix perſons beforeſaid, in your ſaid moſt gracious Letters Patents named as Principals, and firſt named of the ſaid Commonalty and Fellowſhip, chuſing to them two moe of the ſaid Commonalty

from henceforward, be called & cleaped Elects. And that the ſame Elects yearly chuſe one of them to be Preſident of the ſaid Commonalty, and as oft as any of the rooms and places of the ſame Elects ſhall fortune to be void, by death or otherwiſe, then the ſupervivors of the ſame Elects (within thirty or fourty days next after the death of them or any of them) ſhall chuſe, name, and admit one or moe, as need ſhall require, of the moſt cunning & expert men, of and in the ſaid faculty in London, to ſupply the ſaid room and number of eight perſons. So that he or they that ſhall be ſo choſen, be firſt by the ſaid ſupervivors ſtrictly examined, after a form deviſed by the ſaid Elects, and alſo by the ſame ſupervivors approved.

There ſhall be eight Elects of the Phyſicians of London.

And where that in Dioceſſes of England out of London it is not light to find alway men able ſufficiently to examine (after the Statute) ſuch as ſhall be admitted to exerciſe Phyſick in them, that it may be enacted in this preſent Parliament, That no perſon from henceforth be ſuffered to exerciſe or practiſe in Phyſick through England, until ſuch time that he be examined at London by the ſaid Preſident, and three of the ſaid Elects: and to have from the ſaid Preſident or Elects Letters Teſtimonials of their approving and examination, except he be a Graduate of Oxford or Cambridge, which hath accompliſhed all things for his form, without any grace. St. 32 H. 8. 40. 1 M. 9. Coke l. 8. f. 114. Cro. Jac. 121. 159. Cro. Car. 256.

Phyſicians in other places muſt be examined by the Preſident and three of the Elects. 3 H. 8. 11.

CAP VI.

Altering of High-ways in the Weld of Kent.

In humble wiſe beſeecheth your Highneſs, your true and faithful ſubject, George Gilford Eſquire for your body, That where there is, and of time whereof mind of man is not to the contrary, hath been an old common way, or ſtreet for carriages, and all other paſſages and buſineſs for you and your Progenitors, and your and their people, in the Hundred of Cranebrook, in the Weld of your County of Kent, leading and extending between and among the lands of the Manor of Hempſted of the ſaid George in the ſaid Hundred of Cranebrook, from the Bridge called Hempſted Bridge, dividing the ſaid Hundred of Cranebrook and the Hundred of Rolvinden in the ſaid Weld of your ſaid County, to a Croſs called Totenden Croſs, ſtanding nigh to a great Oak, named Hempſted Oak, which is in length upon an hundred fourſcore and ten perches: which common way ſo uſed is in divers places thereof right deep, and noyous for the paſſage of your people, and alſo is not ſo directly leading between the ſaid Bridge and Croſs, neither ſo commodious for your people, as another way of like breadth in other places within and over the lands of the ſaid Manor might be made.

In conſideration whereof, it may pleaſe your Highneſs of your bleſſed diſpoſition, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, to enact and ordain, That it ſhall be lawful to your ſaid Beſeecher, his heirs and aſſigns, owners of the ſaid Manor of Hempſted, at his and their proper coſts and charges at any time before the xxvj. day of May, which ſhall be in the year of our Lord God M. D. xxvij. by the overſight and aſſent of two Juſtices of Peace of the ſaid County of Kent, and xij. other diſcreet men, inhabitants within the ſaid Hundreds of Cranebrook and Rolvinden, to aſſign, limit, and lay out, over and through the lands of the ſaid Manor one other way for carriages and paſſages of your Grace, and of your people, and your and their heirs, and ſucceſſors, of as great largeneſs in breadth, or larger then the ſaid old way now being is, and as commodious for the ſaid carriages and paſſages, as the ſame way now being is, or better, extending and leading directly between the ſaid Bridge and Croſs; ſo that your Grace, and your people by the ſaid new way, ſo to be aſſigned and laid out, ſhall have the more eaſie carriage and paſſage then is, or of late time hath been, by the ſaid old way. And that after the ſaid new way ſo laid out and aſſigned, the ſaid carriages, paſſages, and other buſineſs there, may be as liberally, commonly, and freely from henceforth there uſed and had for ever, and every other thing there exerciſed and kept, as before this time hath been had, uſed, exerciſed, and kept in the ſaid old way, without let or interruption of the ſaid George, his heirs or aſſigns, or any other perſon, which hereafter ſhall have, hold, or poſſeſs the ſaid Manor. And that immediately after that the ſaid new way (as is aforeſaid) to be aſſigned and limited, ſhall be (as is aboveſaid) laid out and fully made, it ſhall be lawful to your ſaid Beſeecher, his heirs and aſſigns, owners of the ſaid Manor, to incloſe the ſaid old way, and every part thereof, and that from henceforth to hold in ſeveralty to them and to their heirs and aſſigns, to their own uſe and profit for ever, as parcel of the ſaid Manor, without any common way, or paſſage there from thenceforth to be had, or claimed, any preſcription, or uſe to the contrary heretofore had notwithſtanding.

Gilford may lay out a new way in the Manor of Hempſted, and then keep in ſeveral the old.

And in conſideration that many other common ways in the ſaid Weld of Kent be ſo deep and noyous, by wearing and courſe of water and other occaſions, that people cannot have their carriages or paſſages by horſes upon or by the ſame, but to their great pains, peril, and jeopardy: it may be by the ſaid authority enacted and eſtabliſhed, That if any other perſon or perſons, any time hereafter, in any place within the ſaid Weld of your ſaid County, of his good mind and diſpoſition, without any value of good by him or them to be received for the ſame, will for the common weal of your people, aſſign and lay out a more commodious way, in and over the lands thereunto adjoyning, whereof the perſon or other to his uſe ſhall be ſeiſed of fee in eſtate of inheritance, that the ſame new way ſo to be aſſigned and laid out, by overſight and aſſent of two Juſtices of Peace of the ſaid County, and xij. other diſcreet men, inhabiting within the Hundred, where any ſuch new way ſhall be limited and laid out, or inhabiting within the ſame Hundred, and other Hundreds to that Hundred next adjoyning, ſhall be from thenceforth holden, occupied, and uſed, in like manner as the old way there now is, or before hath been.

Any perſon may lay out a more commodious way in the Weld of Kent, by the aſſent of two Juſtices of Peace and xij. diſcreet men of that Hundred, and keep ſeveral the old.

And that alſo the ſame perſon or perſons ſo diſpoſed, willing and accompliſhing the ſame, ſhall and may for the ſaid new way ſo aſſigned and uſed, retain and hold in way of recompence for the ſame new way ſo to be given, the ſoil and ground of the old way in ſeveralty, as is aboveſaid, to him or them, and to their heirs for ever, in like manner as is aboveſaid of the ſaid new way to be aſſigned at Hempſted. And that the ſaid two Juſtices of Peace, and xij. other diſcreet perſons, by whoſe overſight and aſſent the ſaid new way at Hempſted, or any other way by vertue of this Act ſhall be hereafter aſſigned, limited, and laid out, ſhall within three months next after the aſſignment, limitation, and laying out of the ſame, make certificate into the Kings moſt honourable Court of Chancery under their ſeals, of the length and breadth of the ſame new way or ſtreet, and of other things adjoyning or concerning the ſame, as by their diſcretions ſhall be thought moſt expedient or requiſite for the common wealth of that County to be certified: And that certificate to be made from time to time as oft as any ſuch new way or ſtreet ſhall be aſſigned, limited, and laid out in form above written.

The Juſtices and xij. men ſhall make certificate of the new way into the Chancery.

Provided alway, that if any perſon or perſons, or body politick, have or ought to have, or hereafter ſhall have any Church-way, or other whatſoever way, or paſſage, over or through any manner lands adjoyning to any of the ſaid old ways or ſtreets, which ſhall be taken and uſed by force of this Act, as ſeveral ſoil and freehold, in recompence for any new way to be made and laid out in form aforeſaid, or have, or ought to have, or hereafter ſhall have any lands or tenements adjoyning to the ſaid old way: that they and every of them, their heirs and ſucceſſors, ſhall and may have and uſe their ſaid way or ways, out of, and into the ſaid new way over and through the land of the ſaid old way or ſtreet, into or over the ſaid land or tenement adjoyning to the ſame, and ſo to paſs, and repaſs, as ſhall appertain over the ſame old way, at ſuch convenient place or places thereof, as therefore ſhall be limited and aſſigned by the ſaid two Juſtices of Peace; and other xij. men, and by them to be certified into the Chancery among other things by them to be certified in form aforeſaid, any thing in this Act above written notwithſtanding. St. 26 H. 8. 7.

They which have any way through the old way may uſe it.

CAP. VII.

Any perſon that hath lands to the yearly value of C. li. may ſhoot in Croſs-bows and Hand-guns, notwithſtanding the Statute of 6 H. 8. 13. All former placards granted by the King for ſhooting in either of them ſhall be void. Rep. 33 H. 8. 6. St. 25 H. 8. 17.

CAP. VIII.

The marriage of the Six Clerks allowed, &c.

IN moſt humble wiſe beſeecheth your moſt true and faithful ſubjects, and daily ſervants, the ſix Clerks of your high Court of Chancery, that whereas of old time accuſtomed hath been uſed in the ſaid Court, that all manner of Clerks and Miniſters of the ſame Court, writing to the Great Seal, ſhould be unmarried (except onely the Clerk of the Crown) ſo that as well the Courſetours and other Clerks, as the ſix Clerks of the ſaid Chancery, were by the ſame cuſtom reſtrained from marriage, whereby all thoſe that contrary to the ſame did marry, were no longer ſuffered to write in the ſaid Chancery, not onely to their great hinderance, loſing thereby the benefit of their long ſtudy, and tedious labours and pains in youth, taken in the ſaid Court, but alſo to the great decay of the true courſe of the ſaid Court.

By old cuſtom no Clerk of the Chancery might marry, but onely the Clerk of the Crown.

And foraſmuch as the ſaid cuſtom taketh no place nor uſage, but onely in the Office of the ſaid ſix Clerks, but that it is permitted and ſuffered for maintenance of the ſaid courſe, that as well the ſaid Courſetours as the other Clerks aforeſaid, may and do take wives, and marry at their liberty, after the Laws of holy Church, and of long time have ſo done, without interruption or let of any perſon: It may therefore pleaſe your Highneſs, of your moſt abundant grace, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, in conſideration of the premiſſes, and alſo for that the ſaid cuſtom is not grounded upon any Law, to ordain, enact, and eſtabliſh, that John Trevethen, Richard Welles, Oliver Leader, John Croke, William Jeſſon, and John Lemſey, now being in the Office of the ſix Clerks of the Chancery, and every of them, and all other which in time to come ſhall be in the ſame Office, and every of them, may and do take wives and marry at their liberty, after the Laws of holy Church. And that they, and every of them, ſo married, may have, hold, and enjoy their ſaid Office of ſix Clerks, in as ample, large, and like manner, as they did or ſhould do before the ſaid eſpouſals, or as if they had never been married, the ſaid cuſtom, or any other cuſtom or ordinance heretofore had or made to the contrary notwithſtanding.

The ſix Clerks of the Chancery may marry wives, and enjoy their Offices.

Provided alway, that by any thing in this Act contained, the Maſter of the Rolls (for the time being) be not prejudiced either in the giving and diſpoſition of the ſaid Offices from time to time, as hath been heretofore accuſtomed, the forfeiture of that Office by reaſon of marriage onely except. And that the ſaid Officers, which now be and hereafter ſhall be, do give ſuch attendance unto the ſaid Maſter of the Rolls for the time being, as heretofore in the ſaid Offices hath been accuſtomed.

CAP. IX.

A Repeal of the Statute of 4 Edw. 4. 6. inhibiting Cordwainers in London to pull on ſhoes upon certain days. Rep. 5. El. 8. & 1 Jac. 22.

CAP. X.

The penalty for unlawful hunting the Hare.

FOraſmuch as our Sovereign Lord the King, and other Noblemen of this Realm of England, before this time have uſed and exerciſed the game of hunting of the Hare, for their diſport and pleaſure, which game is now decayed, and almoſt utterly deſtroyed, for that divers perſons in divers parts of this Realm, by reaſon of the tracing in ſnow have killed and deſtroyed, and daily do kill and deſtroy the ſame Hares, by x. xij. or xvj. upon a day, to the diſpleaſure of our ſaid Sovereign Lord the King, and other Noblemen of this his Realm: Wherefore be it enacted by our ſaid Sovereign Lord, by the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no perſon or perſons of what eſtate, degree, or condition they be, from henceforth trace, deſtroy, and kill any Hare in the ſnow with any dog, bitch, nor otherwiſe. And that the Juſtices of the Peace within every Shire, at every Seſſions of the Peace, and Stewards of Leets ſhall have full authority and power to enquire of ſuch offenders. And after ſuch inquiſitions found, the ſaid Juſtices of the Peace and Stewards of Leets, for every Hare ſo killed, ſhall ceſs upon every ſuch offendor vj. s. viij. d. to be forfeited to our ſaid Sovereign Lord, that ſhall be ſo founden by the Juſtices of Peace in their Seſſions, and the forfeiture found in every Leet to be to the Lord of the Leet. St. 1 Jac. 27.

The penalty for killing of a Hare in the ſnow.

Juſtices of Peace and Stewards in Leets may enquire of, and puniſh the offendors.

CAP. XI.

Clothes made in Suffolk called Veſſes or Set clothes, ſhall not be forfeited for lack of length or breadth being wet.

Humbly ſhewen unto your Highneſs your true ſubjects, and Clothiers of your County of Suffolk, that where in the ſixth year of your moſt noble Reign, it was and is enacted amongſt other things, concerning making of cloth, that any perſon or perſons ſhall not put any cloth to ſale, which when it is full wet, ſhall ſhrink more then one yard in length, and one quarter of a yard in breadth, for the more part thereof: And clothes called Narrows or Streits after the rate, upon pain to forfeit for every cloth otherwiſe put to ſale, vj. s. viij. d. and beſide to deduct of his price for the ſame, to be rebated to the buyer thereof as much after the rate, as the ſame cloth ſo otherwiſe put to ſale (being full wet) ſhall be ſhrunk more then one yard of that it was in length at the time of the ſame ſale, and as it ſhall (being wet) lack of the breadth of one yard and three quarters of a yard: And in the ſame Act was and is a proviſo made after the form following.

St. 6 H. 8. 9.

Provided alway, that this Act extend not to woollen clothes, called Kendals, nor clothes called Carpenel whites, commonly made for lining of hoſen, nor to any clothes called Coſtocks, made in the County of Devonſhire, nor to any woollen clothes made in the County of Cornwal, nor for any Cottons or plain lining or Friſe, made or to be made in Wales, Lancaſhire, and Cheſhire, or any of them.

So it is, moſt gracious Sovereign Lord, that Veſſes, otherwiſe called Set-clothes, of divers colours, be made in your ſaid County of Suffolk, which be made to be worn, and be worn in far Countries and not in England, and be of ſmall priſes, not above xl. s. a cloth, that do not hold the length and breadth when they be wet, which the buyers do know well when they buy them, ſo that therein is do deceit; which clothes in the third year of the reign of your moſt noble Father King Henry the Seventh, were provided for; ſo that they might lawfully be ſold without any penalty or forfeiture, though they lacked in length or breadth when they were full wet, and ſo they have uſed to do time out of mind.

St. 3 H. 7. 11.

And in the proviſo made in the ſaid Act of the ſixth year of your moſt noble Reign, they were forgotten and not provided for, which ſhould be to the utter impoveriſhing of the Clothiers of your ſaid Comty, and all other that be wrought, by reaſon of cloth-making within the ſaid County of Suffolk, if no remedy ſhould be therefore provided.

Wherefore your humble ſubjects humbly beſeech your Highneſs, that it be enacted by all the Lords Spiritual and Temporal, and all the Commons in this preſent Parliament aſſembled, with your moſt Royal aſſent to the ſame, that all clothes called Veſſes, otherwiſe called Set-clothes, what colour ſoever they be of, not being above the value of xl. s. a cloth, ſhall not be forfeit, for that they lack in length and breadth when they be full wet after the ſale of them afore this time made or hereafter to be made; The ſaid Act made in the ſixth year of your moſt noble Reign, or any other Act heretofore made to the contrary notwithſtanding.

The Stat. of 6 H.8. 9. touching the ſhrinking of clothes, ſhall not extend to Veſſes or Set-clothes.

CAP. XII.

What coiners ſhall do that make money at any Mint within England.

Be it enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all ſuch Coiners as ſhall coin and make any money at any Mint within this Realm of England, ſhall make and coin of every hundred pounds worth of gold, that they ſhall ſtrike into coin, xx. li. in the coin of half angels, commonly called pieces of gold of xl. d. And of every hundred pounds worth of bullion, plate, or ſilver, that they ſhall ſtrike into coin, as many groats as ſhall amount to the ſum of fifty pounds ſterling; as many half-groats, called pence of two pence, as ſhall amount to the ſum of xx. li. ſterling; as many pence as ſhall amount to the ſum of xx. li. as many half-pence as ſhall amount to the ſum of ten marks ſterling; and as many farthings as amount to the ſum of five marks ſterling. And that at any time that any coiners in any Mint within this Realm ſhall do contrary to this Act, the maſter and keeper of that Mint, for the time being, ſhall forfeit and loſe x. li. The one moity thereof to be to the King our Sovereign Lord, the other moity to the party that ſhall ſue for the ſame, by bill, information, action of debt, or otherwiſe: wherein the ſaid maſter ſhall not be admitted to do his Law, and no protection ne eſſoin to be allowed for the defendant.

Coiners that ſhall make mony at any Mint ſhall coin part thereof half Angels, groats, and ſmall mony.

And foraſmuch as at this preſent time farthings and half-pence be ſtriken all with one coin, ſo that the common people of the Realm many times take thoſe that be farthings for half-pence: Be it therefore enacted by the authority aforeſaid, That all ſuch farthings

that

The print of the farthing.

(that from henceforth ſhall be made within this Realm) ſhall have upon the one ſide the print of the Portcolice, and upon the other ſide thereof the print of the Roſe with a Croſs, upon like pain.

The tenth part of mony coined for any perſon ſhall be paid in ob. and farthings.

And furthermore, be it enacted by the authority aforeſaid, that all manner perſons reſorting to the ſaid Mint with any plate or Bullion, under the value abovesaid, to be coined, ſhall have and receive at the ſaid Mint the tenth part of all ſuch plate and bullion in halfpence and farthings.

The coiners in York, Dureſm, and Canterbury.

Provided alway, that this Act or any thing contained in the ſame, be not in any wiſe prejudicial to the Coiners and Mintmaſters of York, Dureſm, and Canterbury, ne to any of them, for any money to be coined there, other then heretofore hath been accuſtomed. This Act to begin to take effect at the Feaſt of St. Michael the Archangel next coming, and not before.

CAP. XIII.

A confirmation of the Statute of 11 H. 7. 5. touching the pulling down of Engines in the Haven of Southampton, and the ſame made perpetual. PR.

CAP. XIV.

They which be in the Kings ſervice in Wars may alien their lands for the performance of their Wills, without any fine for alienation; And if any of them die in the Kings ſervice in war, his Feoffees or Executors ſhall have the Wardſhip of his heir and land. Exp. St. 4 H. 7. 4. 7 H. 7. 2. 3. 3 H. 8. 4.

Anno viceſimo primo Henrici *Octavi.*

* Cro. El. 853.

STatuta ad rempublicam ſpectantia, edita in prima Seſſione Parliamenti, primo inchoati in Civitate * Londin. tertio die Novembris, Anno regni invictiſſimi principis HENRICI octavi, Angliæ & Franciæ Regis, Fidei defenſoris, et Domini Hiberniæ viceſimo primo, et ex ea civitate tam adjournati quam prorogati ad palatium Weſtmon. et ibidem continuati per quadraginta et quatuor dies, videlicet uſque ad decimum ſeptimum diem Decembris, & ab eiſdem loco & die prorogati uſque ad viceſimum ſeptimum diem Aprilis tunc proxime inſtantis.

CAP. I.

The Kings pardon to all perſons, of all offences, forfeitures, pains of death, and body, except Treaſons, Murders, &c. Exp.

CAP. II.

An abjured perſon ſhall be marked by the Coroner on his thumb with a hot iron. And if he refuſe to take his paſſage at the time appointed by the Coroner, he ſhall loſe the benefit of Sanctuary. Rep. 1 Jac. 25. & 21 Jac. 28.

CAP. III.

Plaintiffs in Aſſiſe may abridge their plaints.

The plaintiff in Aſſiſe may abridge his plaint of any part whereunto a bar is pleaded.

Dyer fo. 61. 65. 88. 132. 5 H. 7. f. 22. Fitz. plein. 47. 11. 19.

FOraſmuch as Aſſiſes which have been thought the moſt ſpeedy remedy, be now by occaſion of pleading of many bars to moities, and parts of the lands put in view and plaint, greatly delayed for difficulties and diviſion of pleading; And one cauſe thereof is, becauſe the plaintiffs in the Aſſiſe in ſuch pleas, to moities, and parties, cannot by the Law abridge their plaints: For remedy whereof be it enacted, that the plaintiff in every Aſſiſe from henceforth may at his pleaſure ſever, and abridge his plaint, of any part or parts, whereunto any bar is pleaded, in ſuch like manner, as he or they might do in caſe the pleas in bar had been made and divided to any certainty or number of Acres in the plaint; and that the plaint, for the reſidue of the part or parts of the Lands not abridged, ſhall be and ſtand good and effectual in the Law.

CAP. IV.

The ſale of Lands by part of the Executors lawful.

Land deviſed to be ſold by divers Executors, cannot by Common Law be ſold by part of them.

WHere divers ſundry perſons before this time, having other perſons ſeiſed to their uſes of and in Lands and other Hereditaments, to and for the declaration of their Wills, have by their laſt Wills and Teſtaments, willed and declared ſuch their Lands, Tenements, or other Hereditaments, to be ſold by their Executors, as well to and for the paiments of their debts, performance of their legacies, neceſſary and convenient finding of their wives, vertuous bringing up, and advancement of their children to marriage, as alſo for other charitable deeds to be done and executed by their Executors for the health of their ſouls: And notwithſtanding ſuch truſt and confidence ſo by them put in their ſaid Executors, it hath oft-times been ſeen, where ſuch laſt Wills and Teſtaments of ſuch Lands, Tenements, and other Hereditaments have been declared, and in the ſame divers Executors named and made, that after the deceaſe of ſuch Teſtators, ſome of the ſame Executors willing to accompliſh the truſt and confidence that they were put in by the ſaid Teſtator, have accepted and taken upon them the charge of the ſaid Teſtament, and have been ready to fulfill and perform all things contained in the ſame, and the reſidue of the ſame Executors, uncharitably, contrary to the truſt that they were put in, have refuſed to intermeddle in any wiſe with the execution of the ſaid Will and Teſtament, or with the ſale of ſuch Lands ſo willed to be ſold by the Teſtator. And foraſmuch as a bargain and ſale of ſuch Lands, Tenements, or other Hereditaments, ſo willed by any perſon to be ſold by his Executors after his deceaſe, after the opinion of divers perſons, can in no wiſe be good or effectual in the Law, unleſs the ſame bargain and ſale be made by the whole number of the Executors, named to and for the ſame: by reaſon whereof, as well the debts of ſuch Teſtators have reſted unpaid and unſatisfied, to the great danger and peril of the ſouls of ſuch Teſtators, and to the great hinderance, and many times to the utter undoing of their Creditors: As alſo the Legacies, and bequeſt made by the Teſtator to his wife, children, and for other charitable deeds to be done for the wealth of the ſoul of the ſame Teſtator, that made the ſame Teſtament, have been alſo unperformed, as well to the extreme miſery of the wife and children of the ſaid Teſtator, as alſo to the let of performance of other charitable deeds for the wealth of the ſoul of the ſaid Teſtator, to the diſpleaſure of Almighty God: For remedy whereof, Be it enacted, ordained, and eſtabliſhed by the authority of this preſent Parliament, that where part of the Executors named in any ſuch Teſtament of any ſuch perſon ſo making, or declaring any ſuch Will of any lands, tenements, or other hereditaments, to be ſold by his Executors, after the death of any ſuch Teſtator, do refuſe to take upon him, or them, the adminiſtration and charge of the ſame Teſtament and laſt Will, wherein they be ſo named to be Executors, and the reſidue of the ſame Executors do accept and take upon them the cure and charge of the ſame Teſtament, and laſt Will: that then all bargains and ſales of ſuch lands, tenements, or other hereditaments, ſo willed to be ſold by the Executors of any ſuch Teſtator, as well heretofore made, as hereafter to be made by him or them, onely of the ſaid Executors that ſo doth accept, or that heretofore hath accepted, and taken upon him or them any ſuch cure or charge of adminiſtration of any ſuch Will or Teſtament, ſhall be as good, and as effectual in the Law, as if all the reſidue of the ſame Executors, named in the ſaid Teſtament, ſo refuſing the adminiſtration of the ſame Teſtament, had joyned with him or them in the making of the bargain, and ſale of ſuch lands, tenements, or other hereditaments, ſo willed to be ſold by the Executors of any ſuch Teſtators, which heretofore hath made or declared, or that hereafter ſhall make or declare any ſuch Will, of any ſuch lands, tenements, or other hereditaments after his deceaſe to be ſold by his Executors.

39 Aſſ. pl. 17. Bro. Deviſ. 31. Co. Inſt. 113. a

Part of the Executors which take upon them the charge of a Will, may ſell any land deviſed by the Teſtator to be ſold.

Provided alway, that this Act ſhall not extend to give power or authority to any Executor or Executors at any time hereafter to bargain, or put to ſale any lands, tenements, or hereditaments, by vertue and authority of any Will or Teſtament heretofore made, otherwiſe then they might do by the courſe of the Common Law afore the making this Act.

Wills made before this Statute.

CAP. V.

What fees ought to be taken for probate of Teſtaments.

Where in the Parliament holden at Weſtminſter, in the xxxi. year of the Reign of the noble King of famous memory, Edward the Third, upon the complaint of his people for the outragious and grievous fines, & ſums of money, taken by the miniſters of Biſhops, and of other Ordinaries of holy Church, for the probate of Teſtaments, and for the acquittances by the ſaid Ordinaries to be made concerning the ſame, the ſaid noble King in the ſame Parliament openly charged and commanded the Archbiſhop of Canterbury, and the other Biſhops for that time being, that amendment thereof ſhould be had: And if none amendment were thereof had, it was by the authority of the ſame Parliament accorded, that the King ſhould thereof make inquiry by his Juſtices, of ſuch oppreſſion and extortions: And that the ſame Juſtices ſhould hear and determine them as well at the ſuit of the King as of the party, as of old time hath been uſed, as by the ſame Statute plainly appeareth. And where at the Parliament holden at Weſtminſter, in the third year of the Reign of King Henry the Fifth, it was recited, that the Commons of the Realm had oftentimes complained them in divers Parliaments, for that divers Ordinaries do take for the probation of Teſtaments, and other things thereunto belonging, ſometime xl. s. ſometimes lx. s. and ſometimes more, againſt right and juſtice, where in the time of King Edward the Third, men were wont to pay for ſuch cauſes but ij. s. vj. d. or v. s at moſt, by which unlawful exactions the Teſtaments of the Teſtators might not be executed according to their laſt Wills: It was then enacted for the avoiding of ſuch oppreſſions, that no Ordinary from thenceforth ſhould take for the probation of any Teſtament and Inventory, or for any other thing to the ſame belonging, any more then was accuſtomed and uſed in the time of the ſaid Noble King Edward the Third, upon pain to yield to the party ſo grieved three times as much as the ſaid Ordinaries did ſo receive, which Act did endure but to the next Parliament following, by reaſon that the Ordinaries did then promiſe to reform and amend the ſaid oppreſſions and exactions: And for that the ſaid unlawful exactions of the ſaid Ordinaries, and their miniſters, be nothing reformed, nor amended, but greatly augmented and increaſed, againſt right and juſtice, & to the great impoveriſhing of the Kings ſubjects:

St. 31 Ed. 3. 5

St. 3. H. 5. 1.

The Ordinaries duties for probate of Teſtaments in the time of King Ed. 3.

The unlawful exaction of Ordinaries the cauſe of this Statute.

The King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That from the firſt day of April in the year of our Lord, M. D. XXX. that nothing ſhall be demanded, received, nor taken by any Biſhop, Ordinary, Archdeacon, Chancellor, Commiſſary, Official, or any other manner of perſon or perſons, whatſoever they be, which now have, or which at any time hereafter ſhall have authority or power to take or receive probation, inſinuation, or approbation of Teſtament or Teſtaments, by himſelf or themſelves, nor by his or their Regiſters, Scribes, Praiſers, Summoners, Apparators, or by any other of their miniſters, for the probation, inſinuation, and approbation of any Teſtament or Teſtaments, or for writing, ſealing, praiſing, regiſtring, fines, making of Inventories, and giving of acquittances, or for any other manner of cauſe concerning the ſame, where the goods of the Teſtator of the ſaid Teſtament, or perſon ſo dying, do not amount clearly over and above the value of C. s. ſterling, except onely to the Scribe to have for writing of the probate of the Teſtament of him deceaſed, whoſe goods ſhall not be above the ſame clear value of C. s. vj. d. and for the Commiſſion of adminiſtration of the goods of any man deceaſing inteſtate, not being above like value of C. s. vj. d. clear. And that nevertheleſs, the Biſhop, Ordinary, or other perſon or perſons having power

Co. Inſt. 4. p. 336.

The fees for probate of a Teſtament where the goods exceed not the value of C. s.

Commiſſion of Adminiſtration where the goods exceed not the value of C. s.

or authority to take or receive the probation, or approbation of Teſtaments, refuſe not to approve any ſuch Teſtament, being lawfully tendred or offered to them to be proved or approved, whereof the goods of the Teſtator, or perſon ſo dying, amount not above the value of C. s. ſterling, ſo that the ſaid Teſtament be exhibited to him or them in writing, with wax thereunto affixed ready to be ſealed, and that the ſame Teſtament be lawfully proved before the ſame Ordinary (before the ſealing) to be true, whole, and the laſt Teſtament of the Teſtator, in ſuch form as hath been commonly accuſtomed in that behalf.

The fees of the probate of a Teſtament, where the goods do exceed C. s. and not xl. li.

The fees of the probate of a Teſtament where the goods do exceed xl. li.

Teſtaments ſhall be ſealed and delivered without delay.

Adminiſtration granted of the goods of the inteſtate.

To whom adminiſtration ſhall be granted when divers do requeſt it.

Bro. Admin. 47. Coke l. 3. f. 40. l. 9. f. 39. Cro. El. 163. Cro. Car. 9. 106.

And when the goods of the Teſtator do amount over and above the clear value of C. s. and do not exceed the ſum of xl. li. ſterling: that then no Biſhop, Ordinary, nor other manner of perſon or perſons, whatſoever he or they be, now having or which hereafter ſhall have authority to take probation, or approbation of any Teſtament or Teſtaments, as is aforeſaid, by themſelves, nor any of their ſaid Regiſters, Scribes, Praiſers, Summoners, Apparators, nor any other their miniſters, for the probation, inſinuation, and approbation of any Teſtament or Teſtaments, or for the regiſtring, ſealing, writing, praiſing, making of Inventories, giving of acquittances, fines, or any other thing concerning the ſame, ſhall take or cauſe to be taken of any perſon or perſons but onely iij. s. vj. d. and not above, whereof to be to the ſaid Biſhop or Ordinary, or to other perſon or perſons, having power and authority to take the probation or approbation of any Teſtament or Teſtaments, for him and his miniſters, ij. s. vj. d. and not above, and xij. d. reſidue of the ſaid iij. s. vi. d. to be to the Scribe for the regiſtring of the ſame. And where the goods of the Teſtator, or perſon or perſons ſo dying, do amount over and above the clear value of xl. li. ſterling, that then the Biſhop nor Ordinary, nor other perſon or perſons, now having, or which hereafter ſhall have authority or power to take probate of Teſtaments, as is aforeſaid, by him or themſelves, nor any of his or their ſaid Regiſters, Scribes, Praiſers, Summoners, Apparators, or any other their miniſters, for the probation, inſinuation, and approbation of any Teſtament or Teſtaments, or for the regiſtring, ſealing, writing, praiſing, making of Inventories, fines, giving of acquittances, or any thing concerning the ſame probate of a Teſtament, ſhall from the firſt day of April, take or cauſe to be taken of any perſon or perſons, but onely v. s. and not above, whereof to be to the ſaid Biſhop, Ordinary, or other perſon having power to take the probation of ſuch Teſtament or Teſtaments, for him and his miniſters, ij. s. vj. d. and not above, and ij. s. vj. d. reſidue of the ſaid v. s. to be to the Scribe for regiſtring of the ſame, or elſe the ſame Scribe to be at his liberty to refuſe thoſe ij. s. vj. d. and to demand and have for writing of every ten lines of the ſame Teſtament, whereof every line to contain in length ten inches, j. d. And that every ſuch Biſhop or Ordinary, and other perſon or perſons, ſo having, or which hereafter ſhall have authority or power to take or receive the probation, or approbation of any Teſtament or Teſtaments, as is aboveſaid, their Regiſters, Scribes, and Miniſters, ſhall approve, inſinuate, ſeal, and regiſter, from time to time, the ſaid Teſtament, and deliver the ſame ſealed with the Seal of their Office, to the Executor or Executors named in any ſuch Teſtaments, for the ſaid ſum or ſums aboveſaid, and in manner and form as is above rehearſed, with convenient ſpeed, without any fruſtratory delay. And in caſe any perſon die inteſtate, or that the Executors named in any ſuch Teſtament refuſe to prove the ſaid Teſtament: then the ſaid Ordinary, or other perſon or perſons, having authority to take probate of Teſtaments, as is aboveſaid, ſhall grant the adminiſtration of the goods of the Teſtator, or perſon deceaſed, to the widow of the ſame perſon deceaſed, or to the next of his kin, or to both, as by the diſcretion of the ſame Ordinary ſhall be thought good, taking ſurety of him or them to whom ſhall be made ſuch commiſſion, for the true adminiſtration of the goods, cattels, and debts, which he or they ſhall be ſo authoriſed to miniſter. And in caſe where divers perſons claim the adminiſtration as next of kin, which be equal in degree of kindred to the Teſtator or perſon deceaſed, and where any perſon onely deſireth the adminiſtration as next of kin, where indeed divers perſons be in equality of kindred, as is aforeſaid, That in every ſuch caſe the Ordinary to be at his election and liberty, to accept any one, or moe, making requeſt, where divers do require the adminiſtration:

How much the Ordinary ſhall take for granting of adminiſtration.

The Teſtators Inventory by whom it ſhall be made, and to whom delivered.

Or where but one or more of them, and not all being in equality of degree, do make requeſt, then the Ordinary to admit the widow, and him or them onely making requeſt, or any one of them at his pleaſure, taking nothing for the ſame, unleſs the goods of the perſon ſo deceaſed amount above the value or ſum of C. s. And in caſe the goods of the perſon ſo deceaſed amount above the value of C. s. and not above the value or ſum of xl. li. then the ſaid Biſhop, Ordinary, or other perſon or perſons, ſo having authority to take probate of teſtaments, as is aforeſaid, their miniſters & officers, ſhall take onely ij. s. vj. d. ſterling, and not above. And that the Executor & Executors named by the Teſtator, or perſon ſo deceaſed, or ſuch other perſon or perſons, to whom ſuch adminiſtration ſhall be committed, where any perſon dieth inteſtate or by way of inteſtate, calling or taking to him or them ſuch perſon or perſons, two at the leaſt, to whom the ſaid perſon ſo dying was indebted, or made any Legacy, and upon their refuſal or abſence, two other honeſt perſons being next of kin to the perſon ſo dying, and in their default or abſence two other honeſt perſons, and in their preſence, and by their diſcretions, ſhall make or cauſe to be made a true and perfect inventory of all the goods, cattels, wares, merchandiſes, as well moveable as not moveable, whatſoever that were of the ſaid perſon ſo deceaſed, and the ſame ſhall cauſe to be indented, whereof the one part ſhall be by the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators, upon his or their oath or oaths to be taken before the ſaid Biſhops, Ordinaries, their Officials, or Commiſſaries, or other perſons having power to take probate of Teſtaments, upon the holy Evangeliſt, to be good and true, and the ſame one part indented ſhall preſent and deliver into the keeping of the ſaid Biſhop, Ordinary, or Ordinaries, or other perſon having power to take probate of Teſtaments, and the other part thereof to remain with the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators, and that no Biſhop, Ordinary, or other whatſoever perſon, having authority to take probate of Teſtament or Teſtaments, as is aboveſaid, upon the pain in this Eſtatute hereafter contained, refuſe to take any ſuch inventory or inventories to him or them preſented, or tendred to be delivered as is aforeſaid.

Dyer f. 151. 264. 310. Fitz.Exc.t. 37. 51.

The profits of the lands to be ſold ſhall not be accompted the Teſtators goods. The Teſtators ſeal ſhall be defaced.

Provided always, That if the perſon ſo deceaſed will by his Teſtament or laſt Will, any lands, tenements, or hereditaments, to be ſold, that the mony thereof coming, nor the profits of the ſaid lands, for any time to be taken, ſhall not be accounted as any of the goods or cattels of the ſaid perſon ſo deceaſed, and that the ſame Biſhop, Ordinary, or other perſon or perſons, having authority to take probate of Teſtament or Teſtaments, as is aforeſaid, upon the delivery of the ſeal and ſign of the Teſtator, do cauſe the ſame ſeal to be defaced, and thereupon incontinent deliver the ſame ſeal unto the ſaid Executor or Executors, without claim or challenge thereunto to be made. And in caſe any perſon or perſons at any time hereafter require a copy or copies of the ſaid Teſtament ſo proved, or of the ſaid Inventories ſo made, that then the ſaid Ordinary or Ordinaries, and the other perſons having authority to take probate of Teſtaments, or their miniſters, ſhall from time to time with convenient ſpeed, without any fruſtratory delay, deliver or cauſe to be delivered a true copy or copies of the ſame, to the ſaid perſon or perſons ſo demanding them, or any of them, taking for the ſearch and for the making of the copy of either of the ſaid Teſtament or Inventory, but onely ſuch fee as is before rehearſed for the regiſtring of the ſaid Teſtament; or elſe the Scribe or Regiſter to be at his election and liberty to demand, have, and take for every ten lines thereof, being of the proportion before rehearſed, i. d.

The fee for ſearch and copies of Teſtaments or Inventories.

Cuſtom to take leſs mony for probate then is aforeſaid.

Provided alway, that where any perſon or perſons having power or authority to take probate of Teſtaments, have uſed to take leſs ſums of money then is aboveſaid for the probate of Teſtaments, or Commiſſions of Adminiſtrations, or other cauſe concerning the ſame, ſhall take and receive ſuch ſum or ſums of money for the probate of Teſtaments and Commiſſions of the Adminiſtrations, and other cauſes concerning the ſame, as they before the making of this Act have uſed to take, and not above.

The forfeiture of the Ordinary and his Officers which ſhall do any thing contrary to this Stat. Co. pl. fol. 166. Raſt. pl. fo. 603.

And it is enacted, that every Biſhop, Ordinary, Archdeacon, Chancellor, Commiſſary, Official, and other perſon or perſons, having, or which hereafter ſhall have authority to take probate of Teſtaments, their Regiſters, Scribes, Praiſers, Summoners, Apparators, and all other their miniſters, whatſoever they be, that ſhall do or attempt, or cauſe to be done or attempted againſt this Act or Ordinance in any thing, ſhall forfeit and loſe for every time ſo offending to the party grieved in that behalf, ſo much money as any ſuch perſon aboveſaid ſhall take contrary to this preſent Act. And over that ſhall loſe and forfeit x. li. ſterling, whereof the one moity ſhall be to the King our Sovereign Lord, and the other moity to the party grieved in that behalf, that will ſue by action of debt, bill, information, or otherwiſe, in any of the Kings Courts, for the recovery of the ſame, in which action, no eſſoin, protection, nor wager of Law ſhall be admitted or allowed. And that every of the ſame Biſhops, and other perſons, which ſhall hereafter incur or fall into the danger of ſuch penalty or forfeiture, ſhall be charged onely for himſelf. And none of them to be chargeable to that penalty for others offence.

An Ordinary may convent Executors to probe the Teſtators Will, and to bring in his Inventory.

Provided alway, that this preſent Act be not prejudicial to any Ordinary, or other perſon, which now have, or hereafter ſhall have authority for probate of Teſtaments, but that every of them ſhall and may convent before them all and every perſon or perſons made and named executor or executors of any Teſtament, to the intent to prove, or refuſe the Teſtament or Teſtaments of their Teſtator or Teſtators, and to bring in Inventories, and to do every other thing concerning the ſame, as they might do before the making of this Act; ſo that always any ſuch Ordinary, or other perſon or perſons having ſuch authority by themſelves, their Commiſſaries, Scribes, Regiſters, or other miniſters aforeſaid, ſhall not in any wiſe take for the ſame above the fees limited by this Act, ne in any wiſe attempt any thing contrary to any part of the ſame Act. St. 26 H. 8. 15.

CAP. VI.

Where Mortuaries ought to be paid, for what perſons, and how much: And in what caſe none is due.

The cauſes of limiting in a certainty what ſhall be paid for Mortuaries.

Foraſmuch as queſtion, ambiguity, and doubt is chanced and riſen upon the order, manner, and form of demanding, receiving, and claiming of Mortuaries, otherwiſe called Corſe preſents, as well for the greatneſs and value of the ſame, which, as hath lately been taken, is thought over-exceſſive to the poor people and other perſons of this Realm, as alſo for that ſuch Mortuaries or Corſe preſents have been demanded and levied for ſuch as at the time of their death have had no property in any goods or cattels, And many times for travelling and way-faring men, in the places where they have fortuned to die; To the intent that all doubt, contention, and incertainty herein may be removed, and as well the generality of the Kings people therein remedied, as alſo of the Parſons, Vicars, Pariſh Prieſts, and other having intereſt in ſuch Mortuaries and Corſe preſents indifferently provided for:

Be it therefore enacted, ordained, and eſtabliſhed by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons of this Parliament aſſembled, and by authority of the ſame, that from the firſt day of April, in the year of our Lord God M.D.XXX. no Parſon, Vicar, Curate, nor Pariſh Prieſt, ne any other ſpiritual perſon, nor their Fermors, Bailiffs, nor Leſſees, ſhall take, receive, or demand of any perſon or perſons within this Realm, for any perſon or perſons dying within the ſame, any manner Mortuary or Corſe preſent, ne any ſum or ſums of money, ne any other thing for the ſame, more then is hereafter mentioned: Ne alſo ſhall convent or call any perſon or perſons before any

Judge

The penalty of him that conventeth any perſon to pay for a Mortuary more then is due.

Judge Spiritual for the recovery of any ſuch Mortuaries or Corſe preſents, or any other thing for the ſame, more then is hereafter mentioned, upon pain to forfeit for every time ſo demanding, receiving, taking, or conventing, or calling any ſuch perſon or perſons before any Spiritual Judge, ſo much in value as they ſhall take above the ſum limited by this Act: And over that xl. s. to the party grieved contrary to this Act; for the which forfeiture the party ſo grieved contrary this Act ſhall have an action of debt, by writ, bill, plaint, or information in any of the Kings Courts, wherein no wager of Law, eſſoin, nor protection ſhall be allowed.

No Mortuary where the goods be under x. marks. Coke pla.fo.164. No Mortuary but where Mortuaries have been. But one Mortuary for one perſon. The duty of the Parſon, &c. for all Mortuaries.

Firſt, it is ordained, eſtabliſhed, and enacted, That no manner of Mortuary ſhall be taken or demanded of any perſon, whatſoever he be, which at the time of his death hath in movable goods under the value of x. mark. Alſo that no Mortuary ſhall be given or demanded from henceforth of any manner perſon, but onely in ſuch place where heretofore Mortuaries have been uſed to be paid and given, and in thoſe places none otherwiſe but after the rate and form hereafter mentioned. Ne that any perſon pay Mortuaries in more places then one, that is to ſay, in the places of their moſt dwelling and habitation, and there but one mortuary. Nor no Parſon, Vicar, Curat, Pariſh Prieſt, or other, ſhall for any perſon dying, or dead, and being at the time of his death, of the value in moveable goods of x. marks, or more, clearly, above his debts paid, and under the ſum of xxx. li. take for a Mortuary above iij. s. iv. d. in the whole. And for a perſon dying or dead, being at the time of his death of the value of xxx. li. or above clearly, above his debts paid, in moveable goods, and under the value of xl. li. there ſhall no more be taken or demanded for a Mortuary, then vj. s. viij. d. in the whole: and for any perſon dying or dead, having at the time of his death, of the value in movable goods of xl. l. or above, to any ſum, whatſoever it be, clearly above his debts paid, there ſhall be no more taken, paid, or demanded for a Mortuary, then x. s. in the whole.

A woman covert, a child, or perſon keeping no houſe, ſhall pay no Mortuary. Way faring man, or that maketh no reſidence where he dieth.

Provided alway, that for no woman being covert baron, nor child, ne for any perſon not keeping houſe, any manner Mortuary be paid, ne that any Parſon, Vicar, Curat, Pariſh Prieſt, or other, ask, demand, or take for any ſuch woman, child, or for any perſon not keeping houſe, dying or dead, any manner thing or money, by way of Mortuary, ne alſo for any way-faring man, or other that dwelleth not, ne maketh reſidence in the place where they ſhall happen to die, but that the Mortuary of ſuch way-faring perſons be anſwerable in places where Mortuaries be accuſtomed to be paid, and in manner and form, and after the rate before mentioned, and none otherwiſe, in the place or places where ſuch way-faring perſons, at the time of their death, had their moſt habitation, houſe, and dwelling places, and no where elſe.

A legacy bequeathed to a Parſon, &c. or to the Altar.

Provided alway, that it ſhall be lawful to all manner Parſons, Vicars, Curates, Pariſh Prieſts, and other Spiritual perſons, to take and receive any manner ſum of money, or other thing, which by any perſon dying ſhall fortune to be diſpoſed, given, or bequeathed unto them, or any of them, or to the high Altar of the Church, This Act or any thing mentioned notwithſtanding.

No Mortuaries in Wales, Calice, or Berwick.

And be it alſo enacted by the authority aforeſaid, That no Mortuaries, nor Corſe preſents, ne any ſum or ſums of money, or other thing, for any Mortuary or Corſe preſent ſhall be demanded, taken, received, or had, in the parts of Wales, nor in the marches of the ſame, nor in the Towns of Calice, or Berwick, nor in the marches of the ſame, but onely in ſuch parts and places of Wales, marches, and Towns aforeſaid, where Mortuaries hath been accuſtomed to be taken and paid. And in thoſe parts and places no Mortuaries nor Corſe preſents, ne any other thing for Mortuary or Corſe preſent from henceforth ſhall be demanded, taken, received, or had, but onely after the form, order, and manner above ſpecified in this preſent Act, and none otherwiſe, ne of any other perſon or perſons, then is limited by this preſent Act, upon the pain contained in this preſent Act.

Mortuaries to be taken by the Biſhops of Bangor, St. David, St. Aſaph, &c. Places where Mortuaries have been taken of leſs value.

Provided alſo, that it ſhall be lawful to the Biſhops of Bangor, Landaff, St. Davids, and St. Aſaph, and likewiſe to the Archdeacon of Cheſter, to take ſuch Mortuaries of the Prieſts within their Dioceſs and Juriſdictions, as heretofore have been accuſtomed.

Provided alſo, that in ſuch places where Mortuaries have been accuſtomed to be taken of leſs value then is aforeſaid, that no perſon ſhall be compelled to pay in any ſuch place any other Mortuary, or more for any Mortuary then hath been accuſtomed, ne that any Mortuary in ſuch place ſhall be demanded, taken, received, or had, of any perſon or perſons exempt by this Act, nor in any wiſe contrary to this Act, upon the pain afore limited.

St. 26 H. 8. 15.

CAP. VII.

Servants imbeziling their Maſters goods to the value of fourty ſhillings, or above, ſhall be puniſhed as felony.

If a ſervant ſhall go away with any money, &c. of his Maſters to the value of xl. s. or above, it ſhall be felony.

Where before this time divers, as well Noblemen, as other the Kings ſubjects, have upon confidence and truſt delivered unto their ſervants their Caskets and other Jewels, money, goods, and cattels, ſafely to be kept to the uſe of their ſaid Maſters or Miſtreſſes, and after ſuch delivery the ſaid ſervants have withdrawn themſelves, and gone away from their ſaid Maſters or Miſtreſſes, with the ſaid caskets, jewels, money, goods, and cattels, or part thereof, to the intent to ſteal the ſame, and defraud their ſaid Maſters or Miſtreſſes thereof, and ſometime being with their ſaid Maſters and Miſtreſſes, have converted the ſaid jewels, money, and other cattels, or part thereof, to their own uſe; which miſbehaviour ſo done was doubtful in the Common Law, whether it were felony or not; And by reaſon thereof the foreſaid ſervants have been in great boldneſs to commit ſuch or like offences: Be it therefore enacted, ordained, and eſtabliſhed by the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and ſingular ſuch ſervants, to whom any ſuch caskets, jewels, money, goods or cattels, by his or their maſters or miſtreſſes, ſhall from henceforth ſo be delivered to keep, that if any ſuch ſervant or ſervants withdraw him or them from their ſaid maſters and miſtreſſes, and go away with the ſaid caskets, jewels, money, goods or cattels, or any part thereof, to the intent to ſteal the ſame, and defraud his or their ſaid maſters or miſtreſſes thereof, contrary to the truſt and confidence to him or them put by his or their ſaid maſters or miſtreſſes, or elſe being in the ſervice of his ſaid maſter or miſtreſs, without aſſent or commandment of his maſter or miſtreſs, he imbezil the ſame caskets, jewels, money, goods or cattels, or any part thereof, or otherwiſe convert the ſame to his own uſe, with like purpoſe to ſteal it, that if the ſaid caskets, jewels, money, goods, or cattels that any ſuch ſervant ſhall ſo go away with, or which he ſhall imbezil with purpoſe to ſteal it, as is aforeſaid, be of the value of xl. s. or above, That then the ſame falſe, fraudulent, and untrue act and demeanor from henceforth ſhall be deemed and adjudged felony; And he or they ſo offending, to be puniſhed, as other felons be puniſhed for felonies committed, by the courſe of the common Law.

Dyer f. 5.

Provided alway, that this Act, or any thing therein contained, ſhall not in any wiſe extend, or be prejudicial to any apprentice or apprentices, or any perſon within the age of xviii. years, going away with his or their maſters goods or jewels, or otherwiſe converting the ſame to his or their own uſes, during the time of their apprenticeſhip, or being within the age of xviii. years, but that every apprentice or apprentices, ſuch perſon or perſons, being within the ſaid age, doing or offending contrary to this preſent Act, ſhall be and ſtand in like caſe as they and every of them before the making of this Act. The ſame Act to continue and indure unto the next Parliament. St. 5 El. 10. made perpetual. St. 27 H. 8. 17. 28 H. 8. 2.

This Statute ſhall not extend to an apprentice, or one within xviii. years of age.

CAP. VIII.

No Butcher ſhall kill any calf calved between the firſt day of January and the firſt of May, upon pain of forfeiture of vi. s. viii. d. Exp. 24 H. 8. 9.

CAP. IX.

Whoſoever ſhall ſell any hats or caps made beyond the ſea above the prices herein limited, ſhall forfeit xl. s. Rep. 1 Jac. 25.

CAP. X.

Whoſoever doth carry any Braſs, &c. to any Port to be conveyed beyond the Sea, ſhall forfeit the ſame, or the value thereof. Exp. St. 31 H. 8. 7. 33 H. 8. 7. 2 Ed. 6. 37.

CAP. XI.

At what time reſtitution ſhall be made of goods ſtoln.

BE it enacted by this preſent Parliament, That if any felon or felons hereafter do rob or take away any money, goods or cattels, from any of the Kings ſubjects, from their perſon, or otherwiſe, within this Realm; and thereof the ſaid felon or felons be indicted, and after arraigned of the ſame felony, and found guilty thereof, or otherwiſe attainted by reaſon of evidence given by the party ſo robbed, or owner of the ſaid money, goods or cattels, or by any other by their procurement, ẏ then the party ſo robbed, or owner, ſhall be reſtored to his ſaid money, goods and cattels; and that aſwell the Juſtices of gaol-delivery, as other Juſtices, afore whom any ſuch felon or felons ſhall be found guilty, or otherwiſe attainted by reaſon of evidence given by the party ſo robbed, or owner, or by any other by their procurement, have power by this preſent Act to award from time to time Writs of reſtitution for the ſaid money, goods and cattels, in like manner as though any ſuch felon or felons were attainted at the ſuit of the party in appeal. Coke lib. 5. fol. 110.

Cro. El. 661.

There ſhall be reſtitution to the owner of ſtollen goods after the attainder of the felon.

CAP. XII.

Touching making of Cables, &c. in Burport.

MOſt humbly beſeeching your Highneſs, the Bailiffs, Burgeſſes, and other the inhabitants of your Town and Borough of Burport, within your County of Dorſet, that where they out of time that no mans mind is to the contrary, have uſed and exerciſed to make within the ſame, the moſt part of all the great cables, halſers, ropes, and all other tackling, as well for your Royal Ships and Navy, as for the moſt part of all other Ships within this Realm, by reaſon whereof your ſaid Town was right well maintained, and inhabited, your Highneſs and your ſubjects right well ſerved, until now of late, many divers and evil diſpoſed perſons intending the deſtruction of your ſaid Town, for their private lucre and advantage, have withdrawn themſelves into the Countrey in divers places, there taking ferms, and uſing husbandry out of the ſaid Town, and alſo daily reſort to your ſaid Town to buy and provide hemp, and thereof make cables, ropes, halſers, traces, halters, and other tackle, which cables, ropes, halſers, traces, halters and other tackle, been by the ſaid perſons ſlightly and deceiveably made, by reaſon whereof not only the buyers of the ſame been continually thereby deceived, but alſo the prices of the ſaid cables, halſers, traces, halters, and other tackle thereby greatly inhaunſed, and your ſaid Town or Borough by means thereof is like utterly to be decayed, ruined and deſolated, if ſpeedy remedy be not by your Highneſs in that caſe provided.

The cauſe of the former maintenance of the Town of Burport & of the late decay thereof.

Be it therefore enacted by your Highneſs, by the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner perſon or perſons dwelling or inhabiting within the diſtance of five miles from the ſaid Town or Borough of Burport, ſhall from henceforth ſell or cauſe to be ſold out of the market, holden and to be holden within the ſame Town or Borough of Burport, to any perſon or perſons, any hemp, which ſhall happen to grow within the ſaid five miles in diſtance from the ſaid Town or Borough, upon pain of forfeiture of the ſaid hemp ſo ſold, or

Hemp growing within five miles of Burport, ſhall be ſold there.

to be ſold in any place or places within the diſtance of the ſaid five miles out of the ſaid Town, Borough or Market, contrary to the form and effect of this Statute.

Cables, halſers, & tackles of hemp ſhall be made at Burport.

And further be it enacted by the authority aforeſaid, That no perſon or perſons, other then ſuch as ſhall dwell and be inhabitants within the ſaid Town, ſhall make, after the Feaſt of Eaſter next coming, out of the ſaid Town, any cables, halſers, ropes, traces, halters, or any other tackle, made of hemp, in any other place or places within the ſaid diſtance of v. miles from the ſaid Town, upon pain of forfeiture of the ſaid cables, halſers, ropes, traces, halters, and other tackle, made and to be made contrary to the form and effect of this Statute; the one half of every ſuch forfeitures, as well of the hemp ſo ſold or to be ſold out of the ſaid Town, Borough and Market, contrary to the form aforeſaid, as alſo the ſaid cables, halſers, ropes, traces, halters, or other tackle made out of the ſaid Town contrary to this Statute, to be to the uſe of our Soveraign Lord the King, and the other half to him that will ſue for the ſame, by action of debt, bill, or information, wherein neither wager of Law, eſſoin, nor protection ſhall be allowed.

xx. pound weight a ſtone of hemp.

Provided always, That twenty pounds weight ſhall be accounted to the ſtone.

The worker making of it to his own uſe.

Provided alſo, That every perſon dwelling within the ſaid diſtance, may make cables, halſers, ropes, traces, halters, and other tackle, for their own uſe and occupations, but in no wiſe againſt this Act. This Act to endure to the next Parliament. 3 Car. 4. continued until the end of the firſt Seſſion of the next Parliament.

CAP. XIII.

Spiritual perſons abridged from having pluralities of livings, and from taking of ferms, &c.

The ſeveral benefits enſuing the performance of this Statute.

No ſpiritual perſon ſhall take any lands to ferm.

For the more quiet and vertuous increaſe and maintenance of divine ſervice, the preaching and teaching the word of God, with godly and good example giving, the better diſcharge of Curates, the maintenance of hoſpitality, the relief of poor people, the increaſe of devotion, and good opinion of the lay fee toward the ſpiritual perſons: Be it enacted, ordained and eſtabliſhed by the King our Soveraign Lord, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no ſpiritual perſons, ſecular or regular, of what degree ſoever he or they be, ſhall from henceforth take to ferm to himſelf, or to any perſon or perſons to his uſe of the leaſe or grant of the King our Soveraign Lord, nor of any other perſon or perſons, by letters patents, indentures, writings, by word or otherwiſe, by any manner of means, any manors, lands, tenements, or other hereditaments for term of life, for term of years, or at will, upon pain to forfeit ten pound for every moneth that he, or any other to his uſe, ſhall occupy any ferm, by reaſon of any ſuch leaſe or grant hereafter to be made. The one half of which forfeiture to be to the King our Soveraign Lord, and the other half thereof to every ſuch perſon that will ſue for the ſame by original writ, bill, or plaint of debt, or by any information in any of the Kings Courts: in which action and ſuit no wager of Law ſhall be admitted for the defendant, nor any eſſoin, or protection allowed.

The ſpiritual perſon which hath any ferm or profit out of ferm, ſhall alien it forthwith.

And be it alſo enacted by the authority aforeſaid, That all and every ſuch ſpiritual perſon or perſons which now have, or occupy in ferm by themſelves, or by any other to their uſe, any manors, lands, tenements, or hereditaments, of the leaſe, or grant of the King our Soveraign Lord, or any other perſon or perſons, for term of life, or for years, or at will, by any writing or otherwiſe, or that now have any annual rents, or other annual advantage or profit, by occaſion or colour of any ſuch leaſe or ferm, ſhall clearly bargain, ſell, give, or grant away on this ſide the Feaſt of S. Michael the Archangel next coming, to any ſuch lay perſon or perſons, as they will at their own nominations and appointment, all ſuch leaſe, term, intereſt, and profit as any ſuch ſpiritual perſon, or any other to his uſe now hath or have, in or by reaſon of any ſuch ferm: ſo that in no wiſe any ſuch ſpiritual perſon or perſons at any time after the ſame Feaſt, by themſelves, or any other to their uſe, by any manner of means, fraud or male engine, ſhall have, uſe or occupy in ferm any manors, lands, tenements, or hereditaments, of the demiſe, leaſe or grant of any perſon or perſons heretofore made, or hereafter to be made, to themſelves, or to any other to their uſes: Nor from the ſaid Feaſt ſhall take any annual rent, or other annual advantage or profit, by occaſion or colour of any ſuch leaſe or ferm by any manner of means, upon pain to forfeit for every moneth ſo occupying any ſuch ferm, at any time after the ſaid Feaſt contrary to this preſent Act, ten pound, and upon pain to forfeit ten times as much as any ſuch ſpiritual perſon, or any to his uſe, ſhall take in any annual rent, advantage or profit, by occaſion or colour of any ſuch leaſe, at any time after the ſaid Feaſt. The one half of which forfeitures to be to the King our Soveraign Lord, and the other half to him that will ſue for the ſame by original writ, bill, or plaint of debt, or by information in any of the Kings Courts, in which action or ſuit no wager of law ſhall be admitted for ẏ defendant, nor any eſſoin or protection allowed.

Dyer f. 351.

27 H.8.f.13.

Leaſes made to ſpiritual perſons or to others to their uſe, ſhall be void.

And be it alſo enacted, That all ſuch leaſes made, or hereafter to be made unto any ſuch ſpiritual perſon or perſons, or to any other to their uſe, for term of life, term of years, or at will, of any manors, lands, tenements, or hereditaments, whereof they or any of them ſhall take any profit or medling by themſelves, or by any to their uſe, after the ſaid Feaſt of Saint Michael, by colour of any ſuch leaſe or grant, and not by them bargained, granted and ſold away before the ſaid Feaſt, as is before limited, ſhall from henceforth be utterly void and of none effect, as well againſt the leaſor or leaſors, grantor or grantors, their heirs and aſſigns, and againſt every of them, as againſt the leaſee or leaſees, and their executors and aſſigns, and every of them.

In ſome caſes a ſpiritual perſon may take to ferm the temporalities of a Biſhop, &c.

Provided alway, That this preſent Act ſhall not extend to any ſpiritual perſon or perſons, in and for taking to ferm any temporalities, during the time of vacations of any the Archbiſhopricks, Biſhopricks, Abbeys, Priories, or other Collegiate Cathedral, or Conventual Churches; nor to any ſpiritual perſon or perſons, that ſhall tender or make any traverſe upon any offices or office, concerning his or their freehold.

No ſpiritual perſon ſhal buy to ſell again any merchandiſe, corn, cattel, &c.

And be it alſo Enacted by the authority aforeſaid, That no ſpiritual perſon or perſons, ſecular or regular, of what eſtate or degree ſoever they be, ſhall from henceforth by himſelf, nor by any other for him, nor to his uſe or bargain, and buy to ſell again for any lucre, gain or profit, in any markets, fairs, and other places, any manner of cattel, corn, lead, tin, hides, leather, tallow, fiſh, wool, wood, or any manner of victual or merchandiſe, what kind ſoever they be of, upon pain to forfeit treble the value of every thing, by them or by any to their uſe, bargained and bought to ſell again, contrary to this Act. And that every ſuch bargain and contract hereafter to be made by them, or by any to their uſe, contrary to this Act, ſhall be utterly void and of none effect. And the one half of every ſuch forfeiture to be to the King our Soveraign Lord, and the other half to him that will ſue for the ſame by original writ of debt, bill, plaint, or information, in any of the Kings Courts. In which action or ſuit no wager of law for the defendant ſhall be admitted; nor any eſſoin nor protection allowed.

In what caſes a ſpiritual perſon may ſell again the things which he hath bought.

Provided alway, That if any ſuch ſpiritual perſon or perſons ſhall happen hereafter without fraud or covin to buy any horſes, mares, or mules, to the only intent to occupy for himſelf or his ſervants, to ride to and fro upon his neceſſary buſineſs, or any other cattels or goods, to the only intent and purpoſe at the buying thereof to be imployed and put, in and about his neceſſary apparel of his own houſe, or of his perſon and ſervants, or in, for, and about the only occupying, manuring, or tillage of his own glebe or demean lands annexed to his Church, or for the neceſſary expences of his own houſhold-keeping; and after the buying of any ſuch horſes, cattels, or goods, or exerciſe of them, or any of them, hapneth to miſlike any of them that they ſhould not be good, profitable, nor convenient for any of the purpoſes aboveſaid, for the which they were bought; that then every ſuch ſpiritual perſon or perſons may lawfully bargain and put away ſuch things ſo by him bought, without fraud or covin, for any of the purpoſes aboveſaid, at his pleaſure and advantage, this Act or any thing therein contained notwithſtanding.

Certain houſes of religion may keep Demeſne lands in their hands for the maintenance of their houſes.

Provided alway, That all Abbots, Priors, Abbeſſes, Prioreſſes, Provoſts, Preſidents, Maſters of Colledges and Hoſpitals, and all other ſpiritual Governours and Governeſſes of any ſpiritual Monaſteries, or houſes of Religion, by what name or names ſoever they be called, having manors, lands, tenements and hereditaments, and other yearly profits in the right of their Monaſteries or houſes, of the yearly value of viii. C. marks, or under, and not above, may uſe and occupy as much and as many of their demean lands, fee-ferms, and ferms, to their moſt advantage, commodity and profit, to and for the only maintenance of their houſes and hoſpitalities, in as ample and large manner as they or any of them or their predeceſſors, or the predeceſſors of any of them, at any time by the ſpace of one hundred years laſt paſt, before the making of this Act, have done, uſed and occupied; Any thing in this preſent Act to the contrary notwithſtanding.

Spiritual perſons may take in ferm for the maintenance of their houſes

Provided alſo, That every other ſpiritual perſon or perſons, not having ſufficient glebe, or demean lands in their own hands, in the right of their Churches, Monaſteries and houſes for paſturage of Cattels, or for increaſe of corn, to and for the only expences of their houſholds, or for their carriages or journeys, may take in ferm other lands, and buy and ſell corn and cattel for the only manurance, tillage and paſturage of ſuch ferms, ſo that the increaſe thereof be alway imployed and put to, and for the only expences in their houſholds and hoſpitalities, and not in any wiſe to buy and ſell again, for any other commodity, lucre or advantage, any corn or cattel, renewing, coming or growing in and upon any ſuch ferm, or otherwiſe, but only the remain and overplus above their expences of their houſholds, if any ſuch ſhall happen to the breed and increaſe thereof, without fraud or covin: Any thing in the Law to this preſent Act to the contrary hereof notwithſtanding.

The penalty of pluralities. Cro. El.601. 853.

Co.pl.f.203. 368.403. 511. Dyer f. 129. 237.255.347. 351. 377. 312. Coke l.4.f.75 78. 24 Ed.3. f.39.

And be it enacted by the authority aforeſaid, That if any perſon or perſons having one benefice with cure of ſoul, being of the yearly value of viii. pound or above, accept and take any other with cure of ſoul, and be inſtituted and inducted in poſſeſſion of the ſame, That then and immediately after ſuch poſſeſſion had thereof, the firſt benefice ſhall be adjudged in the law to be void.

And that it ſhall be lawful to every Patron, having the advowſon thereof, to preſent another, and the Preſentee to have the benefit of the ſame, in ſuch like manner and form as though the Incumbent had died, or reſigned, any Licence, Union, or other diſpenſation to the contrary hereof obtained notwithſtanding.

Dyer f. 352.

Any Diſpenſation contrary to this Statute ſhall be void. St. 1 & 2 P.& M. 8. St. 1 El. 5.

And that every ſuch Licence, Union, or diſpenſation had, or hereafter to be obtained contrary to this preſent Act, of what name or names, quality or qualities ſoever they be, ſhall be utterly void and of none effect.

And if any perſon or perſons at any time after the firſt day of April, in the year of our Lord God, M. D. and XXX. contrary to this preſent Act, procure and obtain at the Court of Rome, or elſewhere, any Licence or Licences, Union, Toleration, or Diſpenſation, to receive and take any mo benefices with cure then is above limited, or elſe at any time after the ſaid day put in execution any ſuch Licence, Toleration or Diſpenſation, before that obtained contrary to this Act, that then every ſuch perſon or perſons, ſo after the ſaid day ſuing for himſelf, or receiving, and taking ſuch benefice by force of ſuch Licence or Licences, Union, Toleration or Diſpenſation, that is to ſay, the ſame perſon or perſons only, and none other, ſhall for every ſuch default incur the danger, pain, and penalty of xx. li. ſterling; and alſo loſe the whole profits of every ſuch benefice or benefices as he receiveth or taketh by force of any ſuch Licence or Licences, Union, Toleration or Diſpenſation. The one half of which forfeiture to be to the King our Soveraign Lord, and the other half thereof to him that will ſue for the ſame by original writ, bill, plaint of debt, or information in any of the Kings Courts; in which action and ſuit, no wager of Law, eſſoin or protection for the defendant, ſhall be admitted or allowed.

Dyer f. 347.

They may keep their benefices which were thereof poſſeſſed An 1530. except they have above four.

Provided always, That this Act concerning the not keeping of mo benefices with cure of ſouls then one, extend, ne be prejudicial to any perſon or perſons, which at any time before the ſaid firſt day of April, in the year of our Lord God, M. D. & xxx. ſhall be really intituled or poſſeſſed of any ſuch benefices with cure of ſoul, as concerning or touching any of the ſame benefices, whereof they ſhall then be already really intituled or poſſeſſed before the ſaid day, to or under the number of four, and not above. And if any ſuch ſpiritual perſon or perſons ſo being intituled or poſſeſſed of mo benefices with cure of ſoul then four, do not by the ſaid firſt day of April clearly, and without yearly penſion, reſign, or otherwiſe give up all and every ſuch benefices and benefice as he ſhall be ſo intituled and poſſeſſed of, above the ſaid number, that then it ſhall be lawful for every Patron, having the advowſon of any ſuch benefice, over the number aforeſaid, to preſent another, and the Preſentee to have the benefit of the ſame in like manner and form as though it had been void by death, or reſignation of the Incumbent, any Licence, Union, or other diſpenſation to the contrary hereof obtained notwithſtanding. And this clauſe of preſentation to be taken and underſtood of ſuch benefices with cure of ſoul, as were given to any ſuch ſpiritual perſon, after the ſaid number of four benefices with cure furniſhed and fulfilled.

Dyer f. 312. Cro. El. 424.

These perſons may purchaſe Licences, and have mo benefices with cure of ſoul then one.

Provided alſo, That all ſpiritual men now being, or which hereafter ſhall be of the Kings Council, may purchaſe Licence or diſpenſation, and take, receive, and keep three Parſonages or benefices with cure of ſoul; and that all other being the Kings Chaplains, and not ſworn of his Council, the Chaplains of the Queen, Prince, or Princeſs, or any of the Kings children, brethren, ſiſters, uncles or aunts, may ſemblably purchaſe Licence or diſpenſation, and receive and keep two Parſonages and Benefices with cure of ſoul.

And in like wiſe that every Archbiſhop and Duke may have ſix Chaplains, whereof every one may purchaſe Licence or diſpenſation, and take, receive, and keep two Parſonages or Benefices, with cure of ſoul.

And that every Marqueſs and Earl may have five Chaplains, whereof every one may purchaſe Licence or Diſpenſation, and take, receive, and keep two Parſonages or Benefices with cure of ſoul.

And that every Viſcount and other Biſhop may have four Chaplains, whereof every one may purchaſe Licence, and receive, have, and keep two Parſonages or Benefices with cure of ſoul, as is aforeſaid.

Co. l. 4. f. 90. 119.

And that the Chancellor of England for the time being, and every Baron, and Knight of the Garter may have three Chaplains, whereof every one ſhall now purchaſe Licence or diſpenſation, and receive, have and keep two Parſonages or Benefices, with cure of ſoul.

Co. pl. 203. 513.

Cro. El. 713.

And that every Dutcheſs, Marchioneſs, Counteſs, and Baroneſs, being widows, may have two Chaplains, whereof every one of them may purchaſe Licence or diſpenſation, to receive, have, and keep two Benefices with cure of ſoul.

Co. l. 4. f. 73. 89. 117.

And that the Treaſurer and Controller of the Kings houſe, the Kings Secretary, and Dean of his Chappel, the Kings Amner, and Maſter of the Rolls, may have every of them two Chaplains; and the chief Juſtice of the Kings Bench one Chaplain; and the Warden of the five Ports for the time being, one Chaplain, whereof every one may purchaſe Licence, and receive, have, and keep two Parſonages or Benefices with cure of ſoul.

And that the brethren, and ſons of all temporal Lords, which are born in Wedlock, may every of them purchaſe Licence or diſpenſation, to receive, have and keep as many Parſonages or Benefices with cure, as the Chaplains of a Duke or an Archbiſhop.

And likewiſe the brethren and ſons born in Wedlock of every Knight, may every of them purchaſe Licence or Diſpenſation, and receive, take, and keep two Parſonages or Benefices with cure of ſoul.

The Chaplains ſhall ſhew the Letters of their Lords or Maſters.

Provided always, That the ſaid Chaplains ſo purchaſing, taking, receiving, and keeping Benefices with cure of ſoul, as is aforeſaid, ſhall be bound to have and exhibit, where need ſhall be, Letters under the ſign and ſeal of the King, or other their Lord and Maſter, teſtifying whoſe Chaplains they be, and elſe not to enjoy any ſuch plurality of benefices by being ſuch Chaplain, any thing in this Act notwithſtanding.

Doctors and Batchelers of Divinity and Law may by diſpenſation have two Benefices with cure.

No diſpenſation can licence any to have above two Benefices.

Be it alſo provided, That all Doctors and Batchelers of Divinity, Doctors of Law, and Batchelers of Law Canon, and every of them, which ſhall be admitted to any the ſaid degrees by any of the Univerſities of this Realm, and not by grace only, may purchaſe Licence, and take, have and keep two Parſonages or Benefices with cure of ſoul; ſo that always the ſaid liberty by any of the proviſions aforeſaid given to any of the ſaid Counſellors, Chaplains, and other perſons before ſpecified, to purchaſe licence or diſpenſation, and take, receive and keep mo benefices then one, after the manner and form aforeſaid, be taken and underſtood to extend in number to no mo benefices with cure of ſoul, then is above limited, accompting in the ſame, and as parcel thereof, ſuch benefices with cure of ſoul, as any the ſaid perſons ſhall have in real title, or in their poſſeſſion, at the ſaid firſt day of April, in the year of our Lord, M. D. & xxx.

Every Archbiſhop may have viii. Chaplains, and every Biſhop vi.

Dyer f. 312.

Provided alſo, That every Archbiſhop, becauſe he muſt occupy eight Chaplains at Conſecrations of Biſhops, and every Biſhop, becauſe he muſt occupy ſix Chaplains at giving of Orders, and conſecration of Churches, may every of them have two Chaplains over and above the number above limited unto them, whereof every one may purchaſe licence or diſpenſation, and take, receive and keep as many Parſonages and Benefices with cure of ſoul, as is before aſſigned to ſuch Chaplains.

Advancement to more Benefices then be appointed by this Act.

Provided alſo, and be it enacted by authority aforeſaid, That no perſon or perſons, to whom any number of Chaplains, or any Chaplain by any of the proviſions aforeſaid is limited, ſhall in any wiſe by colour of any of the ſame proviſions, advance any ſpiritual perſon or perſons, above the number of them appointed, to receive or keep any mo Benefices with cure of ſoul, then is above limited by this Act, any thing ſpecified in the ſaid proviſions notwithſtanding: and if they do, then every ſuch ſpiritual perſon and perſons, ſo advanced above the ſaid number, to incur the pain and penalty contained in this Act.

Coke pl.f.515.

Rast.pl.f.599. What ſhall be adjudged non-reſidence, and the penalty thereof.

Be it alſo further enacted by the authority aforeſaid, That as well every ſpiritual perſon now being promoted to any Archdeaconry, Deanry, or dignity in any Monaſtery, or Cathedral Church, or other Church conventual or collegiat, or being beneficed with any Parſonage or Vicarage, as all and every ſpiritual perſon and perſons, which hereafter ſhall be promoted to any of the ſaid dignities or benefices, with any Parſonage or Vicarage, from the Feaſt of St. Michael the Archangel next coming, ſhall be perſonally reſident, and abiding in, at, and upon his ſaid dignity, Prebend or Benefice, or at one of them at the leaſt. And in caſe that any ſuch ſpiritual perſon at any time after the ſaid Feaſt, keep not reſidence at one of his ſaid dignities, Prebends or Benefices, as is aforeſaid, but abſent himſelf wilfully by the ſpace of one moneth together, or by the ſpace of two moneths, to be accompted at ſeveral times in any one year, and make his reſidence and abiding in any other places, by ſuch time, that then he ſhall forfeit for every ſuch default x. li. ſterling; the one half thereof to the King our Soveraign Lord, and the other half to the party that will ſue for the ſame in any of the Kings Courts by original writ of debt, bill, plaint, or information: In which action and ſuit, the defendant ſhall not wage his law, nor have any eſſoin or protection allowed.

Co.l.6.f.81. 27 H.8.f.1.10. Cro.El.590. 663.719. Cro.Car.146.

St.1 & 2 P. & M. 8. St. 1 El. 1. The penalty for procuring of diſpenſations to be non-reſident.

And if any perſon or perſons procure or obtain at the Court of Rome, or elſewheee, any manner of licence or diſpenſation, to be non-reſident at their ſaid dignities, Prebend or Benefices, contrary to this Act, that then every ſuch perſon or perſons, putting in execution any ſuch diſpenſation or licence for himſelf, from the ſaid firſt day of April, in the year of our Lord God, M. D. and xxx. ſhall run and incur in the penalty, damage, and pain of xx. li. ſterling, for every time ſo doing, to be forfeited and recovered, as is aboveſaid, and ſuch licence or diſpenſation ſo procured, or to be put in execution, to be void and of none effect.

St. 28 H. 8. 13.

Provided always, that this Act of non-reſidence ſhall not in any wiſe extend, ne be prejudicial to any ſuch ſpiritual perſon as ſhall chance to be in the Kings ſervice beyond the ſea, nor to any perſon or perſons going to any pilgrimage or holy place beyond the ſea, during the time that they ſhall ſo be in the Kings ſervice, or in the pilgrimages going and returning home; Nor to any ſcholar or ſcholars being converſant and abiding for ſtudy, without fraud or covin, at any Univerſity within this Realm, or without, nor to any of the Chaplains of the Kings or Queens daily or quarterly attending and abiding in the Kings or Queens moſt honourable houſholds; nor to any of the Chaplains of the Prince or Princeſs, or any the Kings or Queens children, brethren or ſiſters, attending daily in their honourable houſholds, during ſo long as they ſhall attend in any of their houſholds; Nor to any Chaplain of any Archbiſhop or Biſhop, or of any ſpiritual or temporal Lords of the Parliament, daily attending, abiding, and remaining in any of their honourable houſholds; Nor to any Chaplain of any Dutcheſs, Marqueſs, Counteſs, Vicounteſs, or Baroneſs, attending daily and abiding in any of their honourable houſholds; Nor to any Chaplain of the L. Chancellor or Treaſurer of England, the Kings Chamberlain, or Steward of his houſhold, for the time being, the Treaſurer and Controller of the Kings moſt honourable houſhold, for the time being, attending daily in any of their honourable houſholds, nor to any Chaplain of any of the Knights of the honourable Order of the Garter, or of the chief Juſtice of the Kings Bench, Warden of the Ports, or alſo of the Maſter of the Rolls; Nor to any Chaplain of the Kings Secretary and Dean of the Chappel, or Amner for the time being, daily attending and dwelling in any their houſholds, during the time that any ſuch Chaplain or Chaplains ſhall abide and dwell, without fraud or covin, in any of the ſaid honourable houſholds, nor to the Maſter of the Rolls, or Dean of the Arches, nor to any Chancellor or Commiſſary of any Archbiſhop or Biſhop, Nor to as many of the twelve Maſters of the Chancery, and twelve Advocates of the Arches, as be or hereafter ſhall be ſpiritual men, during ſo long time as they ſhall occupy their ſaid rooms and offices, nor to any ſuch ſpiritual perſons, as ſhall happen by injunction of the Lord Chancellor, or the Kings Council, to be bound to any daily appearance and attendance to anſwer to the Law, during the time of ſuch Injunction.

Which Spiritual perſons may be diſcharged of Reſidence, and by what means St. 25 H. 8. 16. 26 H. 8. 14. 33 H. 8. 28.

The Kings licence of non-reſidence.

Provided alſo, That it ſhall be lawful to every ſpiritual perſon or perſons, being Chaplains to the King our Soveraign Lord, to whom it ſhall pleaſe his Highneſs to give any Benefices or Promotions ſpiritual, to what number ſoever it be, to accept and take the ſame, without incurring the danger, penalty, and forfeiture in this Eſtatute compriſed, and that alſo it ſhall be lawful to the Kings Highneſs to give licence to every of his own Chaplains for non-reſidence upon their Benefices; Any thing in this preſent Act contained to the contrary notwithſtanding.

No ſpiritual perſon beneficed with cure ſhall take in ferm any Parſonage or Vicarage.

And be it further enacted by the authority aforeſaid, That no ſpiritual perſon, ſecular or regular, beneficed with cure, as is afore rehearſed, from the Feaſt of S. Michael the Archangel next coming, by authority of any manner licence, diſpenſation, or otherwiſe, ſhall take any particular ſtipend or ſalary to ſing for any ſoul, nor have, nor occupy by himſelf, or by any other to his uſe, any Parſonage or Vicarage in ferm, of the leaſe or grant of any perſon or perſons, nor take any profit or rent out of any ſuch term, upon pain to forfeit xl. s. for every ſuch week that he, or any to his uſe ſhall occupy, or have any ſuch ſtipend or ferm contrary to this preſent Act, and upon pain to loſe ten times the value of ſuch profit or rent as he ſhall take out of any ſuch ferm after the ſaid Feaſt. The one half of which forfeitures to be to the King our Soveraign Lord, and the other moity to him that will ſue for the ſame by original writ, bill, plaint of debt, or by information in any of the Kings Courts, in which ſuit and action no wager of Law ſhall be admitted for the defendant, nor any eſſoin, or protection allowed.

These promotions be not accompted benefices with cure.

Provided alway, That no Deanry, Archdeaconry, Chancellorſhip, Treaſurerſhip, Chanterſhip, or Prebend in any Cathedral or Collegiate Church, nor Parſonage that hath a Vicar indued, nor any benefice perpetually appropriate, be taken or comprehended under the name of benefice having cure of ſoul in any article afore ſpecified.

No ſpiritual perſon ſhall keep a Tan-houſe or Brew-houſe.

Provided alſo, and be it enacted by the authority aforeſaid, That no ſpiritual perſon or perſons, regular or ſecular, of what eſtate, degree or condition ſoever he or they be, from the firſt day of April next coming, have, uſe, or keep, by him or themſelves, or by any perſon or perſons, to his or their uſe or commodity, any manner of Tan-houſe, or Tan-houſes, to be uſed or occupied to his or their own uſe, commodity or behoof, nor from the ſaid firſt day of April next coming, ſhall have, uſe or keep, any manner of Brew-houſe, or Brew-houſes, to any other uſe, intent, or behoof, then only to be ſpent and occupied in his or their own houſes, upon pain to forfeit for every moneth ſo uſing and occupying any of the ſaid myſteries or occupations, x.li. The one moity thereof to the King our Soveraign Lord, and the other moity to him that will ſue for the ſame by original writ, bill, plaint of debt, or information, in any of the Kings Courts, in which action and ſuit, no wager of Law ſhall be admitted for the defendant, ne any eſſoin or protection allowed.

The Chaplains of a Dutcheſs, &c. which have taken husbands.

Provided always, That every Dutcheſs, Marqueſs, Counteſs, Baroneſs, Widows, which have taken, or that hereafter ſhall take any husbands under the degree of a Baron, may take ſuch number of Chaplains, as is above limited to them being widows; and that every ſuch Chaplain may purchaſe licence, to have and take ſuch number of benefices with cure of ſoul, and have like liberty of non-reſidence, in manner and form as they might have done if their ſaid Ladies and Miſtreſſes had kept themſelves widows: Any thing in this preſent Act contained to the contrary notwithſtanding.

Spiritual perſons may keep ſufficient of their own land to maintain their houſes.

Provided always, That every ſpiritual perſon or perſons, having Lands, Tenements, or other poſſeſſions in the right of their houſes, above the yearly value of eight hundred marks, may keep and retain in their occupation and manurance, as much of their ſaid Lands and Tenements, and other poſſeſſions, as ſhall be neceſſary and ſufficient for paſturage of their cattel, and for tillage of corns to be imployed and ſpent for the only maintenance, ſuſtentation, and keeping of his or their houſholds and hoſpitalities, without fraud or covin: Any thing in this preſent Act to the contrary thereof notwithſtanding.

A ſpiritual perſon may take a dwelling houſe with an Orchard or Garden for his dwelling.

Provided alway, That it may be lawful to every ſpiritual perſon or perſons to take in ferm any meſſes, manſions, or dwelling houſes, having but only orchards or gardens, in any City, Borough, and Town, for their own habitation or dwelling: Any thing in this Act to the contrary notwithſtanding. So that no perſon ſpiritual, other then be above provided for, for their non-reſidence, have any liberty of non-reſidence by colour of this Proviſo. St. 25 H. 8. 21.

CAP. XIV.

Of what length and breadth every whole piece and half piece of Dowlas and Lockeram, brought into this Realm, ſhall be. Rep. 28 H. 8. 4.

CAP. XV.

Fermors ſhall enjoy their Leaſes againſt Recoveries by feigned titles, &c.

Where afore this time, divers perſons have made Leaſes of their Manors, Lands, Tenements, and other Hereditaments, ſometime by their Indentures, and ſometime without writings, to other perſons for term of years, taking of them great fines for the incomes of the ſame leaſes, and after the ſame leaſors, their heirs or aſſigns have cauſed and ſuffered recoveries to be had againſt them in the Court of our Soveraign Lord the King, and in other Lords Courts upon feigned and untrue titles, by craft and covin to put the ſame fermors from their ſaid terms. And after ſuch recoveries had, the ſame recoverers, by reaſon of ſuch recoveries and judgments have entred into the ſame manors, lands, tenements, or other hereditaments ſo to ferm letten, and thereof have expulſed the ſaid fermers, contrary to their ſaid leaſes, covenants and agreements. And becauſe it was doubted to ſome perſons, whether the ſaid termers might falſifie ſuch recoveries or not.

25 H.8.f.2. Coke l.11.f.33.

Be it therefore enacted by the King our Soveraign Lord, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that all ſuch termers ſhall and may falſifie for his term only, ſuch recoveries, as well heretofore had, as hereafter to be had, in ſuch wiſe and form as a tenant of a freehold, ſhall and may do by the courſe of the common Law, where ſuch tenant of freehold was neither privie, nor party to the ſame recovery.

Tenant for term of years may falſifie a feigned recovery had againſt him in the reverſion. St. 6 Ed. 1. 11. Coke pl. f. 153.

And that the ſame termers, their executors and aſſigns, notwithſtanding ſuch recoveries ſo had, ſhall retain, hold, and enjoy their ſaid terms, according to their ſaid leaſes againſt all ſuch recoverers, their heirs and aſſigns, after ſuch recovery ſo had, and the ſaid recoverers ſhall have like remedy againſt the ſaid termers, their executors or aſſigns by avowry or action of debt for the rents and ſervices reſerved upon the ſame leaſes, being due after the ſame recoveries; and alſo like actions againſt them for waſte done, after the ſame recoveries ſo had, in like manner and form as the ſaid leaſors ſhould or might have had if the ſame recoveries had never been had.

The remedy of the recoverers againſt tenant for years for rent or waſte.

Co. Inſt. 45. a.

And alſo be it further enacted by the authority aforeſaid, that no manner of ſtatute of the ſtaple, ſtatute merchant, nor execution by elegit, be hereafter avoided, or in any wiſe made fruſtrate, by means of any ſuch feigned recovery, but that all perſons having any lands, tenements, or other hereditaments in execution, or being intituled to have execution of any manors, lands or tenements, by any ſuch means, ſhall have by force of this ſtatute like remedy to avoid and falſifie the ſame recoveries, as before is ordained and provided for the leaſe for term of years. Fitz. N. B. 198. & Raſt. l. pla. f. 81 Co. Inſt. 104. b.

No ſtatute or execution by elegit ſhall be avoided by a feigned recovery.

CAP. XVI.

Touching Artificers ſtrangers what they may do as concerning retaining Apprentices, Journeymen, &c.

PRayen the Commons in this preſent Parliament aſſembled, that where in the xv. day of February, in the xx. year of the Reign of our now moſt gracious Soveraign Lord the King, Henry the eighth, by our ſaid Soveraign Lord the King, his moſt honourable Council iu his Star Chamber at Weſtminſter, for the common wealth of his natural ſubjects born within this his Realm, by great and deliberate advice it was deemed, adjudged, and decreed, that no ſtranger artificer, born out of our ſaid Soveraign Lord his obeiſance, inhabiting within auy City, Borough, or any other place within this his Realm of England, from henceforth ſhould keep in his or their houſe or houſes, any manner ſtrangers ſervants, born out of his obeiſance, but only two ſervauts ſtrangers, and no mo at one time.

No ſtranger artificer inhabiting within any City or other place, ſhall keep in his houſe but two ſtrangers born. Rep. 6. l. 4.

And alſo all and ſingular ſtrangers, that then were, or after the making of the ſaid decree ſhould be made denizens, that at the time, or after the making thereof, would inhabit within the City of London, ſuburbs, or within ii. miles compaſs of the ſame, and keep or would keep houſes, or occupy their craft, ſhould be contributories to and with our ſaid Soveraign Lord his ſubject artificers within the ſaid City of London, paying, bearing and ſuſtaining ſuch charges as hereafter ſhall be expreſſed, that is to ſay, that all other ſtrangers, artificers, denizens, or no denizens, of every handicraft or myſtery, inhabiting as well within the City of London, as in any other City, Town, Borough, or Village, within this his Realm, ſhould pay, bear, and ſuſtain all ſuch and like charges, as our ſaid Soveraign Lord his ſubjects of like craft and myſtery do always uſe to pay.

Aliens houſekeepers ſhall bear ſuch charges as the Kings ſubjects do.

And if any of them refuſed, or denied the ſame or any part thereof, then he, or they ſo denying or refuſing ſo to do, ſhould not any longer occupy any handicraft, upon the pains, damages, and perils ſpecified, as well in the Acts or Statutes made in the xiv. and xv. years of the Reign of our now Soveraign Lord, as in one Statute made in the firſt year of the Reign of King Richard the iii.

St. 14 H. 8. 2. 1 Ric. 3. 9.

And that the ſame ſtrangers, denizens or no denizens, houſholders, which would remain and abide within our ſaid Soveraign Lord his Realm, ſhould upon lawful warning to them given, by the Maſter and Wardens of divers and ſundry myſteries, mentioned and ſpecified in the ſaid decree, within the ſaid Cities and Towns, preſent themſelves in the common Hall, or meeting place of the ſaid crafts, and there to receive and take their oath, and be ſworn upon the holy Evangeliſts before the Maſter and Wardens of their ſaid craft, to be faithful and true to the King our Soveraign Lord, and his heirs, Kings of England, and to be obedient to him or them, and his and their Laws.

Aliens ſhall be ſworn to be true to the King, to obey him and his Laws. St. 32 H. 8. 10.

Alſo that no ſtranger artificer or handicraftſman, born out of our ſaid Soveraign Lord his obeiſance, not being denizen, which was not a houſholder, the xv. day of February aboveſaid, ſhould not ſet up, ne keep any houſe, ſhop or ſhops, or chamber, wherein they ſhould exerciſe or occupy any handicraft or myſtery within this our ſaid Soveraign Lord his Realm, upon pain to incur and run into ſuch penalties as be contained in the Statutes before this time made and enacted, as is aforeſaid.

And that none of the ſtrangers artificers or handicraftſmen, born out of our Soveraign Lord his obeiſance, as well denizens as no denizens, ſhould aſſemble in any company, fellowſhip, congregation, or conventicle, but only in the common hall of their crafts, with our ſaid Soveraign Lord his ſubjects which be of the companies of their ſaid craft or crafts, at ſuch time as they ſhould be commanded and warned by the ſaid Maſter and Wardens of their ſaid craft or crafts, and at none other place and time, or in any other manner, upon the pain afore expreſſed, as by the ſaid decree ſhewed and exemplified, and hereunto annexed, under our ſaid Soveraign Lord the King his great ſeal, more plainly and at large may and doth appear.

Aliens ſhall not aſſemble in conventicles, but in their Halls. St. 1 R. 3. 9.

That for the common wealth aboveſaid, it may be enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid order and decree, had, given, and made by our ſaid Soveraign Lord the King, his moſt honourable Council, and all and every thing therein contained, ſpecified, and declared, be holden and obſerved firm and ſtable, and duly to be put in execution in every point and article, in manner and form as is above rehearſed, according to the purport, effect, and true meaning of the ſame.

The foreſaid decree made by the Lords in the Star Chamber confirmed.

Be it furthermore enacted by the authority aboveſaid, That the Act made in the Parliament begun at London the xv. day of April, in the xiv. year of the Reign of our ſaid Soveraign Lord the King that now is, and from London adjourned to Weſtminſter the laſt day of July, in the xv. year of the Reign of our ſaid Soveraign Lord, concerning ſtrangers artificers, for taking of Apprentices, Journeymen, and covenant ſervants, and every article and proviſion contained in the ſame Act, ſhall be from henceforth put in due execution, according to the true intent, meaning, and purport of the ſame, as well within the City of London, as in all other Boroughs, and Towns-corporate within this Realm, and the ſame to endure perpetually, any thing contained in the ſaid Act or Decree to the contrary notwithſtanding.

The St. made 14 H. 8. 2. touching ſtrangers artificers taking of apprentices made perpetual.

Provided always, That no artificer, alien or ſtranger, born out of the Kings obeiſance, being a houſholder, or inhabiting within any of the Univerſities of Oxford and Cambridge, or within the Sanctuary of Saint Martin le grand, within the City of London, ſhall from henceforth have or retain in their ſervice, journeymen or apprentices, being aliens, or ſtrangers born above the number of x. perſons at one time, upon pain of the penalty contained in the ſaid Act, made in the ſaid xiv. and xv. year of our ſaid Soveraign Lord: The proviſion contained or ſpecified in the ſame Act notwithſtanding. St. 22 H. 8. 13.

No alien dwelling in Oxford, Cambridge, or great St. Martins, ſhall have above x. perſons aliens in his houſe.

The Decree made in the Star-Chamber for Artificers ſtrangers, by the Kings moſt honourable Council, the xx. day of *February*, in the xx. year of the Reign of our Soveraign Lord, King *Henry* the eighth.

HEnricus octavus Dei gratia Angliæ, Franciæ & Hiberniæ Rex, fidei defenſor, & in terra eccleſiæ Anglicanæ & Hiberniæ, ſupremum caput: omnibus, ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus quoddam breve noſtrum, de certiorand. Thomæ Eliot Clerico conſilii noſtri direct. & in Filaciis cancellar. noſtræ reſiden. in hæc verba: Dilecto ſibi Thomæ Eliot armigero, clerico conſilii noſtri, ſalutem. Volentes certis de cauſis certiorari ſuper tenore cujuſdam finalis decreti coram nobis & conſilio noſtro habit. de & ſuper executione quorundam ſtatutorum & ordinationum contra alienigen. exercentes artes & artificia manualia, inhabitantes infra regnum noſtrum Angliæ edit. & proviſ. tibi præcipimus, quod tenorum finalis decreti prædict. cum omnibus eum tangentibus nobis in cancellar. noſtra ſub ſigillo tuo diſtincte & aperte, ſine dilatione mittas, & hoc breve. Teſte meipſo apud Weſtmonaſt. xiv. die Aprilis, Anno regni noſtri, xx. Inſpeximus etiam quoddam decretum per nos & conſilium noſtrum apud Weſtmonaſt. in Camera ſtellata redditum, & in filaciis ejuſdem Cancellar. noſtræ ſimiliter reſiden. in hæc verba.

The ſupplication and complaint made by artificers of London to the King of ſeveral wrongs and oppreſſions done to them by ſtrangers born.
St. 1 R.3.9.
St. 1 H.72.
St. 14 H.8.2.

Where of late our true and faithful Subjects, artificers and handie-crafts men, born under our obeiſance, inhabiting within our City of London, and the Suburbs of the ſame, exhibited unto us a lamentable bill of complaint, conteining, that notwithſtanding many good and neceſſary ſtatutes and acts of Parliament have been publiſhed, ordeined, and made, and eſpecially one in the firſt year of King Richard the third, and the other being made in the firſt year of the reign of our deareſt Father of noble memory Henry the vii. late King of this Realm, and in the xiv. and xv. year of our reign, concerning Strangers artificers and handicrafts men, born out of our obeiſance, uſing and exerciſing handicrafts, within this our Realm of England, as well for the reſtraining of the exceſſive number and unreaſonable behaviour of the ſame ſtrangers artificers, born out of our obeiſance, which by continual reſort and repair into this our ſaid Realm, daily increaſed, to the great detriment of our own natural ſubjects, artificers of the ſame handicrafts and myſteries, and of other ſundry inconveniences, by occaſion that divers of the ſaid Subjects for lack of occupation fall into idleneſs: as alſo for the reformation of ſundry deceits and falſhoods, practiſed by the ſaid ſtrangers artificers in their ſaid handicrafts, to the great damage and loſs of us, and of all our ſaid natural Subjects; The ſaid ſtrangers artificers nothing pondering or dreading the ſaid Statutes, ne the penalties in the ſame contained and expreſſed, ceaſe not contemptuouſly, as well to abuſe the ſaid Statutes, and moſt part intirely to infringe and break the ſame; And to accumulate from time to time more offences and enormities, as well againſt our prerogative, as to the detriment of the common wealth of this our Realm, and our loving Subjects of the ſame. For when any ſearch ſhall be made in every handicraft within any City, Town, or Borough-corporate, within our ſaid Realm, by our Subjects the ſaid Wardens and others ordained by the ſaid laſt Act of handicraftſmen within any City, Town, or Borough-corporate, and one houſholder ſtranger born out of our obeiſance, inhabiting within our ſaid City, Town, or Borough-corporate, uſing any handicraft, be he denizen or not denizen, the ſaid ſtranger being a houſholder, as before is ſaid, being lawfully warned and required thereunto, according to the ſaid Act, either will refuſe to do his duty therein, or elſe he will give ſecret warning thereof to his brethren of the ſaid crafts, whereby they have not only conveyed and hid all their unlawful, untrue, ſubtile, and deceitful wares, which they untruly, ſubtilly, unſubſtantially and deceitfully have made, and daily make and utter to our Subjects at exceſſive and unreaſonable prices, to the great detriment and damages of our ſaid Subjects, but alſo their ſervants and prentices they have hid from the knowledge of the ſaid Warden, when any ſuch ſearch hath happened to be made, and ſo they defraud the ſame good and honourable Statute and Act; So that thereof no lawful pnniſhment could, can, might, or may enſue, according to the tenour, purport, and effect of the ſaid Statute, but they contemn, deſpiſe, and ſet at naught the ſame, whereby and by the other unlawful means aforeſaid, and others, as ſubtilly ſending and conveying over the ſea, Bacon, Cheeſe, poudered Beefs, Muttons, and other commodities within this our Realm, not only within and out of the ſaid Cities, Towns and Boroughs-corporate, but alſo within and out of other places throughout our Realm, by them the ſaid ſtrangers practiſed and executed, whereby they daily increaſe in great riches, and in great multitude in numbers, of ſtrangers handicraftſmen, born out of our obeiſance. And when they have gathered much riches and money, they againſt our Laws convey the ſame money over the ſea. And then they alſo go over the ſea into their Countreys, and there purchaſe them lands and tenements with part thereof, and with the reſidue of the ſame they live thereby, and ſometime they convert part thereof to the uſe of our enemies in thoſe parts. And ſo as well our poor ſubjects Cordwainers, and all our ſubjects handicraftſmen, born within our obeiſance, by the means aforeſaid, be ſore impoveriſhed, miniſhed, and almoſt utterly decayed and deſtroyed, and many of them, for lack of occupation in the ſaid handicrafts, be conſtrained to live in idleneſs, by occaſion whereof they do continually fall to theft, murder, and other great offences, and conſequently in great numbers be put to death by our Laws, as we be informed: And alſo the great ſcarcity of grain, and victual at this preſent time throughout our Realm, to be the more enforced, and cauſed by reaſon of the great multitude and continual recourſe of the ſaid ſtrangers handicraftſmen, which conſume a great portion of corn and victual, grown and bred within this our Realm: The premiſſes conſidered, to the intent to be thereof more perfectly and truely inſtructed, for the charitable Zeale that we have to the common weale of our Realm,

The manifold and ſeveral wrongs which ſtrangers do to this whole Realm, and to many members thereof.

Realm, & our ſaid ſubjects of the ſame, & for yͤ quietneſs of the ſaid ſtrangers, we have aſſigned & given in commandment to our Lords & others of our Council, indifferently to examine the premiſes, and as well to hear the ſaid complainants as yͤ ſaid defendants, & their allegations and ſayings, of, in, and to the premiſes, and to every part thereof, and yͤ the ſame by them heard, examined, & by good deliberate advice underſtood, to ordain & adjudge, & decree the ſame, after their wiſdoms and learning. Whereupon as well the ſaid bill of complaint, the anſwer of the ſaid defendants thereunto made, the replication of yͤ ſaid complainants to the ſaid anſwer alſo made, and all other allegations, and ſayings of both yͤ ſaid parties, by mature and deliberate advice, by our ſaid Council ripely examined, heard, and underſtood:

It is ordained, adjudged and decreed, the xx. day of February, in this preſent term of S. Hillary, in the xx. year of our Reign, in our Star-chamber, by the moſt reverend Father in God, Thomas Lord Cardinal, Legat de latere of the Apoſtlike See, Archbiſhop of York, Primate and Chancellor of England, and by our Nobles, and other of our ſaid Council, and by the mutual aſſents of the complainants and defendants then there being, in manner and form following, That is to ſay, That according to the Act of Parliament made the ſaid xiv. and xv. year of our Reign, that no ſtranger artificer born out of our obeiſance, inhabiting within any City, Town or Borough, or any other place within this our Realm of England, from thenceforth ſhall keep in his or their houſe or houſes, any manner of ſervants ſtrangers, born out of our obeiſance, but only two ſtrangers ſervants, and no more at one time. And that as many of the ſtrangers artificers now inhabiting within any City, Town, or Borough-corporate, or in any other place within our ſaid Realm, that will be apprentices or ſervants to or with any of our ſubjects artificers born within our obeiſance, exerciſing new or old ſtuff, inhabiting within our ſaid Realm, ſhall be ſuffered ſo to abide and dwell with them, without interruption, as long as they will ſo continue and abide with them, and can agree together.

The decree made by the Lords of the Kings Council in the Star-Chamber touching ſtrangers Artificers.

A ſtranger artificer ſhall keep but two ſtrangers born in his houſe.
5 El. 4.

And furthermore it is decreed, that it ſhall be lawful to all and every of the ſaid ſtrangers artificers, now being houſholders within our ſaid Realm, to take as many of our ſubjects born within our obeiſance, to be their ſervants and apprentices, in the craft that they do exerciſe, as they can lawfully get. And that all the ſtrangers artificers, now being houſholders within our ſaid City of London, ſuburbs, pariſhes, or compaſs thereof expreſſed in the ſaid Statutes, or within two miles compaſs of the ſaid Pariſhes.

Strangers artificers may take Engliſhmen to be their prentices.
5 El. 4.

And alſo all and ſingular ſtrangers that now be, or hereafter ſhall be made denizens, that do or hereafter will inhabit within our ſaid City of London, ſuburbs, or pariſhes aforeſaid, or within two miles compaſs of the ſame, and keep houſes, and occupy their craft, ſhall be contributory to, and with our ſubjects artificers within our City of London; paying, bearing and ſuſtaining ſuch charges as hereafter ſhall be expreſſed, That is to ſay, as well of every of the ſaid ſtrangers, being of the craft and myſtery of Cordwainers, houſholders, as denizens that now be, or hereafter ſhall be made denizens, and ſhall inhabit within our ſaid City, ſuburbs, pariſhes, or two miles compaſs of the ſame, ſhall quarterly pay to the ſaid Maſter, Wardens, and commonalty of the ſaid craft of Cordwainers within our ſaid City of London for the time being, vi. d. And every ſervant ſtranger of the ſaid occupation of the ſaid Cordwainers within the ſaid City, ſuburbs, and precinct, not being denizen, ſhall quarterly pay to the ſaid Maſters, Wardens, and commonalty iii. d. And that all other ſtrangers artificers and denizens, of every handicraft and myſtery, inhabiting as well within our ſaid City of London as in any other City or Town within this our Realm, ſhall pay, bear, and ſuſtain, all ſuch and like charges, as our ſubjects of like craft and myſtery born out of our obeiſance, inhabiting within the City, Borough or Town of their habitation at this time, do now bear and ſuſtain.

What charges ſtrangers ſhall be contributory unto with the Engliſh artificers.

And alſo all ſtrangers artificers and denizens, exerciſing the craft and myſtery of Cordwainers, dwelling out of our City of London, in any other City or Town within this our Realm, ſhall pay, bear and ſuſtain, ſcot, taxes, tallages, ſubſidies, preſts, and all other reaſonable exactions from time to time, according as the ſaid Maſters, Wardens, and Companies of the ſaid crafts, for the time being, ſhall be bounden to pay, bear and ſuſtain, when any ſubſidy, tax, tallage, or preſt, or other reaſonable charges, ſhall be by the Mayor and Aldermen of our ſaid City of London, and the Mayors and Aldermen of our ſaid other Cities and Towns, or by the common Council of the ſaid City, Cities and Towns, of and for any charges of payments of money, to be paid by the companies of the ſaid crafts, Citizens of any City, for any payment to be made unto the Kings Highneſs, or his heirs, or elſe to be paid for any cauſe concerning the common wealth of any our ſaid Cities or Towns, or common wealth of the ſaid artificers, the ſaid ſtrangers ſhall pay all the ſame that they ſhall be aſſeſſed or taxed to pay, as contributories with the ſaid companies, being our ſubjects, as our ſaid ſubjects ſhall be aſſeſſed and taxed to pay. And if any of them deny or refuſe the ſame, or any part thereof, then he or they denying and refuſing ſo to do, ſhall not only loſe the benefit of this decree, but alſo ſhall not any longer occupy any handicraft, upon the pains, dangers, & perils ſpecified in the above remembred Acts & Statutes.

The penalty of a ſtranger refuſing to be contributory to lawful charges with his company.

And that as well all and every of the ſaid houſholders ſtrangers aforeſaid, as all other ſtrangers artificers, made or to be made denizens, that ſhall be houſholders, and inhabit and occupy any craft within our ſaid City, ſuburbs, or ii. miles compaſs of the ſame; as long as they ſhall remain and abide within the ſaid City, ſuburbs, and two miles compaſs of the ſame, being reaſonably required and warned by the Wardens and other perſons, Governours in any City, Town, or Borough-corporate of the ſaid crafts, within any of our ſaid Cities or Towns-corporate, or by any of them for the time being, or by their lawful Deputies or Deputy, ſhall go with the ſaid Wardens or other Governours, there as no Wardens be, to make ſearch according to the above remembred

Strangers artificers ſhall go with the Wardens of the ſame company to make ſearch.

Acts of Parliament made in the xiv. and xv. year of our reign: which if they refuſe to do, and that proved before the Chancellour of England, or before the Maior of London, and in other Cities, before the chief perſons of the ſaid Cities and Townes, for the time being; That then the ſame houſholders, or houſholder ſo offending, denying, or refuſing the ſame, ſhall no longer the ſame his occupation exerciſe, or uſe, within this our Realm, upon pain, peril, and danger expreſſed in the afore remembred Acts and Statutes.

And that the ſame ſtrangers Artificers, Denizens, or not Denizens, houſholders, which will remain and abide within our ſaid Realm, ſhall upon lawful notice to them given by the Maſter or Wardens of their Craft, or one of them, perſonally preſent themſelves in the Common Hall, or meeting place of their ſaid Crafts, within our ſaid Cities, and Towns, there as they be inhabiting, and then or there every of them to receive and take their Oathes, and be ſworn upon the holy Evangeliſt, before the ſaid Maſter and Wardens of their ſaid Craft and Myſtery within our ſaid Cities and Towns corporate, to be faithful and true to us and to our heirs Kings of England, and to be obedient to us and them, and to our and their Laws, and to all Acts, Ordinances, and Decrees, made and confirmed by us and our Councel, or by our Councel, and duly and truly at all times, when they ſhal be appointed by the Wardens of their Fellowſhip, Craft, or Myſterie, for the time being, or by Deputies, to make ſearch with them, according to the purport, tenour, or effect of an Eſtatute and Act of Parliament made in the xiv. and xv. year of our reign, and have warning & monition thereof by yͤ Wardens, or any of them, or any other their ſufficient deputy or deputies, in that behalf to them given and made, and that they ſhall be ready to go with the ſaid Wardens to make yͤ ſame ſearch, and that they ſhall not give notice to any ſtranger of the ſaid ſearch, until they with the ſaid Wardens come together to make the ſaid ſearch, and that they ſhall well, indifferently and truly behave them in the ſame, ſetting all affection, favour, malice, and dread of any creature, and all fraud and deceit apart, ſo help them God and all Saints, and by the holy evangeliſt. And their oath ſo received in form aforeſaid, the ſaid ſtrangers ſhall pay for their commiſſion, according as our ſaid ſubjects have always uſed to pay.

The oath of all ſtrangers to be true to the King, and obedient to his laws, and to make ſearches, &c.

It is alſo further decreed, That no ſtranger artificer, or handicrafts man, born out of our obeyſance, not being denizen, which at the day of the making of this decree, is not a houſholder within this our Realm, or keepeth any ſhop or ſhops within the ſaid City and ſuburbs, or any other City, Town or Borough within this our Realm, ſhall from that day forward ſet up or keep any houſe, ſhop, or chamber within our City of London, ſuburbs, or Pariſhes before rehearſed, or within any other City, Town, Borough, or Village within this our Realm, wherein he ſhall exerciſe and practiſe any handicraft or myſtery, upon pain to incur and run in ſuch penalties as be contained in the Statutes before this time made and enacted. And that none of the ſaid ſtrangers, artificers, or handicrafts men, born out of our obeyſance, as well denizens as other, ſhall aſſemble in any company, fellowſhip, congregation, or conventicle, but only in the common Hall of their crafts, with our ſubjects, which be of the company of their ſaid craft or crafts, at ſuch time as they ſhall be commanded and warned by the Maſter and Wardens of their craft or crafts, and at none other place or time, and in any other manner, upon pain afore expreſſed.

No ſtrangers but denizens ſhall keep houſe or ſhop.

Strangers ſhall not aſſemble but in the common Halls of their myſteries.

Provided alway, that this decree, and every part thereof, concerning the craft and myſtery of Cordwainers, ſhall extend as well to them that work old ſtuff, as new, within our City of London, the ſuburbs of the ſame, or in any other City, Town, Borough, or Village within this our Realm of England.

Provided alſo that notwithſtanding any words compriſed in this decree, the ſtrangers artificers, denizens, or not denizens, inhabiting in the Univerſities of Oxford and Cambridge, and within the Sanctuary of Saint Martins le grand, within the City of London, ſhall enjoy all the benefits and advantages reſerved unto them by reaſon of any proviſion made by Act of Parliament expreſſed in the Statute made in the xiv. & xv. year of our Reign. So that the ſaid ſtrangers, denizens or not denizens, inhabiting within the ſaid Sanctuary of St. Martins le Grand, be conformable to ſuch direction and order, as ſhall be taken by the reverend Father in God, Cuthbert Biſhop of London, Sir Richard Brook Knight chief Baron of our Eſchequer, John More Knight, one of the Juſtices of our Bench, Sir John Dauncy and Sir John Alein Knights, to whom we have of late directed our Letters patents, and by the ſame given them power and authority, and commanding them, and every of them, to cauſe the houſe of every ſtranger and denizen, artificer, inhabiting and dwelling within the ſaid Sanctuary, to be ſearched and viewed, how many ſervants he or they keep born out of our obeiſance; and they being all viewed and ſeen, then to appoint to every City of the ſaid ſtrangers houſholders, inhabiting within the ſaid Sanctuary, by them in form aforeſaid ſo tried, to be within the bounds and limits of the ſaid Sanctuary, ſuch number of ſervants ſtrangers born out of our obeiſance, as they by their diſcretions ſhall think convenient and ſufficient, and not to be any detriment unto our ſubjects inhabitants within our ſaid City.

A Commiſſion granted to certain perſons to aſſign how how many ſervants a ſtranger ſhall keep within great S. Martins. 5 El. 4.

Alſo commanding in our name, all and every of the ſaid ſtrangers, denizens, houſholders, that they from henceforth do not keep within their houſes, nor any other houſe, ſhop, or chamber within our ſaid City of London, or the ſuburbs of the ſame, any mo ſervants, being born out of our obeiſance, then ſhall be to them at that time appointed, as they will avoid the danger and penalty of our laws; and what they have done in the premiſes, that they do certifie to us and our Council, in our Star-Chamber at Weſtminſter, at the xv. day of Eaſter next coming. In witneſs whereof we will as well the ſaid decree, as all other the premiſes, ſhall be exemplified under our ſeal.

Nos autem tenorem brevis et decreti prædict. ad requiſitionem Magiſtri et Gardianorum artis ſive myſterii Aulutariorum ſive Cordweyners London: duximus exemplificand: per præſentes. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtmonaſt. viceſimo die Aprilis, Anno regni noſtri viceſimo.

CAP. XVII.

An Act for the adnulling of the Letters Patents made to the City of York, concerning ſhipping of Wools. Pr.

CAP. XVIII.

No perſon ſhall ſhip, load, or unload any goods to be ſold into, or from any ſhip, at any place within the river of Tine, between the places called Sparhawk, and Hedwinſtremes, but only at the Town of Newcaſtle. The Mayor, Burgeſſes, and Commonalty of Newcaſtle, and their ſucceſſors, may pluck down all weares, gores, and engines, that ſhall be made in the haven between the places aforeſaid. Pr.

CAP. XIX.

Avowries ſhall be made by the Lord upon the Land without naming his Tenant.

The reaſon and cauſe of making of this Stat.

Where as well the Noblemen of this Realm, as divers other perſons, by fines, recoveries, grants, and ſecret feoffments, and leaſes, made by their Tenants to perſons unknown, of the lands and tenements holden of them, have been put from the knowledge of their Tenants, upon whom they ſhould by order of the law make their avowries for their rents, cuſtoms, and ſervices, to their great loſſes and hindrances:

An avowry may be made by the Lord upon the land holden of him without naming his tenant.

27 H.8.f.4.20
Coke l.9.f.22.
36.136.
Coke Inſt.
268.b.
312.2.

Avowry in ſecond deliverance.

Be it therefore enacted, eſtabliſhed and ordained by authority of this preſent Parliament, That whereſoever any manner lands, tenements, and other hereditaments, be holden by any manner perſon or perſons, by rents, cuſtoms, or ſervices, that if the Lord of whom any ſuch manner lands, tenements or hereditaments be ſo holden, diſtrain upon the ſame manors, lands, or tenements, for any ſuch rents, cuſtoms, or ſervices, and Replevin thereof be ſued, that the Lord of whom the ſame lands, tenements, or hereditaments be ſo holden, may avow, or his Bailiff, or ſervant make coniſance, or juſtifie for taking of the ſaid diſtreſſes, upon the ſame lands, tenements or hereditaments ſo holden, as in lands or tenements within his fee or ſigniory, alleadging in the ſaid avowry, coniſance and juſtification, the ſame manors, lands and tenements to be holden of him without naming of any perſon certain to be tenant of the ſame, and without making any avowry, juſtification, or coniſance, upon any perſon certain. And likewiſe the Lord, Baily, or ſervant, to make avowry, juſtification, or coniſance, in like manner and form upon every writ ſued of ſecond deliverance.

Dyer f.141.
Bro. damages
16.

The avowant ſhall recover damages and coſts of ſuit.

And alſo be it enacted by the ſaid authority, That every avowant, and every other perſon and perſons that make any ſuch avowry, juſtification, or coniſance, as baily or ſervant to any perſon or perſons in any Replegiare, or ſecond deliverance, for rents, cuſtoms, ſervices, or for damage feſant, or other rent or rents, upon any diſtreſs taken in any lands or tenements: if the ſame avowry, coniſance, or juſtification be found for them, or the plaintiffs in the ſame be nonſuit, or otherwiſe barred, that then they ſhall recover their damages and coſts againſt the ſaid plaintiff, as the ſame plaintiffs ſhould have done or had, if they had recovered in the Replegiare, or ſecond deliverance found againſt the ſaid defendants.

Like pleas and aide prayers as at the common law.

And be it alſo ordained, That the ſaid plaintiffs and defendants in the ſaid writs of Replegiare, or writs of ſecond deliverance, and in every of them, ſhall have like pleas and like aid prayers in all ſuch avowries, coniſances, and juſtifications (pleas of diſclaime only except) as they might have had before the making of this Act, and as though the ſaid avowry, coniſance, or juſtification had been made after the due order of the common law.

Like joinder in aide as at the common law.

And it is further enacted by the ſaid authority, That all ſuch perſons as by order of the common law may lawfully joyn to the plaintiffs or defendants in the ſaid writs of Replegiare, or ſecond deliverance, as well without proceſs, as by proceſs, ſhall from henceforth joyn unto the ſaid plaintiffs or defendants, as well without proceſs, as by proceſs, and to have like pleas, and like advantages in all things (diſclaim only except) as they might have done by the order of the common law before the making of this Act.

CAP. XX.

The Preſident ſhall be aſſociate with the Chancellor, &c. in examination and puniſhing of Riots, &c.

Where at a Parliament holden at Weſtminſter in the third year of the Reign of our late moſt dread Soveraign Lord Henry the ſeventh, foraſmuch as by the unlawful maintenances, giving of liberties, ſigns, tokens and retaindors, by indentures, promiſes, oaths, writings, or otherwiſe, embraceries of his ſubjects, untrue demeaning of Sheriffs in making of panels, and other untrue returns, by taking of money by Juries, and great Riots and unlawful aſſemblies, the politie and good rule of this Realm was almoſt ſubdued: And for the puniſhment of theſe inconveniences by the occaſion of the premiſes, nothing or little might be found by enquiry, whereby the laws of the land in execution might take little effect, which was to the increaſe of murders, robberies, perjuries, and unſureties of all men living, and loſſes of their lands and goods, to the great diſpleaſure of Almighty God: For reformation of which premiſes, it was ordained and enacted by the authority of the ſaid Parliament, amongſt other things, that the Chancellor and Treaſurer of England for the time being, and the keeper of the Kings privy ſeal, or two of them, calling to them a Biſhop and a temporal Lord of the Kings moſt honourable Council, and the two chief Juſtices of the Kings Bench, and the common place for the time being, or other two Juſtices in their abſences, upon bill or information put to the ſaid Chancellour for the King, or any other, againſt any perſon for any miſbehaving afore rehearſed, ſhould have authority

A rehearſal of the Statute of 3 H.7.10.1. touching authority given to certain great Magiſtrates to enquire of ſeveral offences.
17 Car.1 ca.10.

to call before them by writ or by privy ſeal the ſaid miſdoers: And they and other by their diſcretion, by whom the truth might be known, to examine. And ſuch as they ſhould find defective, to puniſh them after their demerits, after the form and effect of Statutes thereof made, in like manner and form as they ſhould and ought to be puniſhed, if they were thereof convict after the due order of the law, as by the ſame Statute among other things more plainly doth appear. Nevertheleſs in the ſame good and profitable Statute, the Preſident of the Kings moſt honourable Council for the time being, attending upon his moſt Noble and Royal perſon, is omitted, and not named in the ſaid former Statute, made in the third year of the Reign of King Henry the ſeventh, to be one of the ſaid perſons, that ſhould have authority to call before them ſuch miſdoers ſo offending the Kings Laws in any of the premiſſes, as is before rehearſed.

Co.Inſt.4.p.55. The Preſident of the Kings Council ſhall be aſſociate with the Lord Chancellor, &c. for the examination and puniſhment of Riots, &c.

Be it therefore now by the authority of this preſent Parliament ordained and enacted, That from henceforth the Chancellor, Treaſurer of England, and the Preſident of the Kings moſt honourable Council, attending upon his moſt honourable perſon, for the time being, and keeper of the Kings privy ſeal, or two of them, calling unto them one Biſhop, and one temporal Lord of the Kings moſt honourable Council, and the two chief Juſtices of the Kings Bench and the Common place for the time being, or other two of the Kings Juſtices in their abſence, upon any bill or information hereafter to be put in, the Chancellor of England, Treaſurer, Preſident of the Kings ſaid moſt honourable Council, or keeper of the Kings privy ſeal for the time being, for any miſbehaving before rehearſed, from henceforth have full power and authority to call before them, by writ or privy ſeal, ſuch miſdoers, and them, and other by their diſcretion, by whom the truth may be known, to examine. And ſuch as they ſhall find defective, to puniſh them after their demerits, after the form and effect of the ſaid former Statute, and of all other Statutes thereof heretofore made, and not repealed, or expired, in like manner and form as they ſhould and ought to be puniſhed, if they were thereof convicted after the due order of the Kings Laws.

In what other cauſes the Preſident of the Kings Council ſhall be aſſociate with the Chancellor, &c.

And alſo be it enacted by authority of this preſent Parliament, That the Preſident of the Kings ſaid moſt honourable Council for the time being, if he be then preſent, may be at all times hereafter aſſociate with the Chancellor, Treaſurer of England, and keeper of the Kings privy ſeal for the time being, as well at the naming of Sheriffs, and ſetting of prices of wines, as at all other acts limited and appointed by any Statute to be done by the ſaid Chancellor and Treaſurer, or keeper of the Kings privy ſeal for the time being: Any Act, Statute, or uſe heretofore made or uſed to the contrary notwithſtanding.

CAP. XXI.

The Statute made Anno 14 H. 8. 3. concerning Worſted Weavers in Yarmouth and Linn rehearſed, and continued until the next Parliament: Exp. St. 26 H. 8. 16.

Anno viceſimo ſecundo Henrici *Octavi.*

STatuta bonum publicum concernentia, edita in Parliamento tento apud Weſtmonaſterium decimo ſexto die Januarii, Anno regni præpotentiſſimi & metuendiſſimi Angliæ & Franciæ Regis, Fidei defenſoris, & Domini Hiberniæ, Henrici Octavi, viceſimo ſecundo, poſt diverſas Prorogationes ejuſdem Parliamenti primo inchoati apud Londinum tertio die Novembris, Anno viceſimo primo ejuſdem Regis: Et inde adjurnati & prorogati uſque ad Weſtmonaſterium, & ibidem continuati per quadraginta quatuor dies, videlicet uſque ad decimum ſeptimum diem Decembris: Et ab eodem die & loco uſque ad viceſimum ſextum diem Aprilis proxime ſequentis, & ab eo die uſque ad viceſimum ſecundum diem Junii, & ab illo die ad primum diem Octobris, & a primo die Octobris uſque ad viceſimum ſecundum diem ejuſdem menſis, & ab illo die uſque ad decimum ſextum diem Januarii ſecundum leges terræ rite prorogati, & ibidem continuati per ſeptuaginta quinque dies, videlicet ad ultimum diem Martii eodem Anno viceſimo primo, & inde ulterius prorogati uſque ad decimum tertium diem Octobris proxime ſequentis.

CAP. I.

No perſon during ten years next enſuing, ſhall buy any Wool growing in the Counties of Barkſhire, &c. viz. 28 Counties, before the aſſumption of our Lady next after the ſheering of the ſame, but ſuch as will make Cloth or Yarn thereof, upon pain of forfeiture of the double value thereof. No ſtranger ſhall buy any Wool before the Purification of our Lady next after the ſheering thereof, upon the pain aforeſaid. Exp. St. 4 Ed. 4. 4. 4 H. 7. 11. 37 H. 8. 15.

CAP. II.

Trial of Forrein Pleas pleaded by Felons.

The inconveniences enſuing the allowance of a Felon to plead a plea triable in a Foreign County. 4 H. 8. ca. 2.

WHere among other things it was conſidered by the whole Court of Parliament of our moſt excellent Soveraign Lord the King, holden in the fourth year of his noble Reign, That Murderers and Felons, lawfully arraigned of their deteſtable offences, bare them bold upon imagining, and pleading of feigned and untrue Forrein pleas triable in Forrein Counties, to the intent to be removed from place to place by colourable and untrue ſuggeſtions, and for to be untruly acquit by favour, might, or corruption, ſo that they lived in manner without fear or dread. For reformation whereof, and for the common wealth of this Realm, it was enacted by authority of the ſaid Parliament, That if any Murderer or Felon, upon his Arraignment from thence did alledge, that he had taken any Church or Churchyard, for Murder, or Felony, or other place priviledged for the ſame in a Foreign County, and againſt his will was taken out thereof: That then the Kings Atturney, or any other perſon that would ſhew or alledge for the King, that the ſaid Murderer, or Felon ſo arraigned, was taken at large in the ſame Shire where he is ſo arraigned, ed, then that the ſame allegeance and iſſue ſhould be tried by the Inqueſt that ſhould try the ſaid murder or felony, within the ſame Shire, and before the ſame Juſtices where the ſaid murderer or felon is arraigned, as though the ſaid forreign plea had not been pleaded by the ſaid felon. And that if it were found by the ſame Inqueſt, that the ſaid murderer or felon was taken within the ſame Shire, as is aforeſaid, that then he to have no advantage or benefit of the matter alledged by him for taking out of the Church or Church-yard, or other place priviledged in any ſuch forreign Shire, and that the ſaid Act ſhould endure to the next Parliament from that time enſuing, as by the ſame Act made in the ſaid fourth year manifeſtly appeareth. And foraſmuch as ſith the time of expiration of the ſaid Act made in the ſaid fourth year, many abominable murders, as well of Prieſts, as of other perſons, robberies of Church, and robberies of perſons in their houſes, as well by day as by night, and other deteſtable murders and felonies, have been committed, and done within this Realm; and the moe, and more often, becauſe that the ſaid Statute hath been expired, and ended, from, and ſince the beginning of the Parliament of our ſaid Sovereign Lord, holden in the ſixth year of his moſt noble Reign:

It is ordained and enacted by the authority of this preſent Parliament, that the ſaid Act made in the ſaid fourth year, and every thing therein contained, concerning the ſaid forreign pleas, and replications thereunto to be made, and trials thereof, ſhall now be revived, and ſhall ſtand in full force and effect, and ſhall continue and endure from henceforth for ever, as if the ſame Act had been originally made perpetual and not determinable.

So much of the Statute of 4 H. 8. 2. as touching the plea pleaded by a felon that he was taken in a forreign County out of Sanctuary, made perpetual.

CAP. III.

How, Ceſſes, Scots, and Taxes made for recovery or defence of Plumſted Marſh, may be obtained.

Whereas the Marſhes of Plumſted and Leſeves, with the outragiouſneſs of the River of Thames, hath been, & yet be drowned by the occaſion of the breaches in the Marſh walls of Plumſted, Leſeves, and Erith: And where the breach in Plumſted Marſh aforeſaid hath been and is made; for inning of which breach of Plumſted and maintenance and defence of the Marſh walls about the ſame breach, as well for the making of a new croſs wall to be made from the Thames unto the upland for inning of the ſaid Marſh of Plumſted, as alſo for the inning of certain number of acres in the level and marſhes of Leveſes to be incloſed, inned, and defended by the ſaid croſs wall from the water of Thames, coming in at Erith breach, and drowning and overflowing the ſaid marſh and level, and for draining of the ſame, and for the maintenance of the old marſh walls from the Thames ſide from the ſaid new croſs wall nigh unto Woolwich, divers and ſundry Ceſſes, Scots, and Taxes have been made, ceſſed, ſcotted, ſet and taxed by vertue of Commiſſion, and the day of paiments thereof in the Pariſh Church of Plumſted, according as heretofore for Ceſſes of Plumſted marſh hath been accuſtomed, hath been declared and proclaimed: which Ceſſes, Scots, and Taxes, divers poſſeſſioners, owners, landlords, tenants, and profit-takers of the ſaid lands within the ſaid marſhes and level, at the day mentioned and appointed by proclamation, have not paid, nor yet do pay, contrary to the laws of Plumſted marſh heretofore made, by which laws for non-paiment of ſuch Ceſſes, Scots, and Taxes, they ought to pay them and their doubles: In default of which paiment, the ſaid Bailiff of the ſaid marſh and level now being, and other by his aſſignment, to their great hinderance, have been conſtrained to pay divers of the ſaid Scots, Ceſſes, and Taxes, for the inning of the ſaid marſh, maintenance, and defence of the ſame, or elſe the ſame marſhes and level had been utterly loſt without remedy.

The Law of Plumſted marſh, concerning the paiment of Ceſſes, Scots, and Taxes.

For the recovery of which Ceſſes, Scots, and Taxes ſo by the Bailiff, and his aſſigns paid, and of other ſcots and ceſſes now due, by the occaſion of the ſaid outragious drowning of the ſaid marſhes, the ſaid Bailiff and his aſſigns have no remedy or mean to levy the ſame: So that for non-paiment of the ſaid Ceſſes, Scots, and Taxes, not onely the ſaid work is like to periſh, and not to be finiſhed, unleſs ſpeedy remedy may be had for the levying thereof: but alſo all ſuch ſums of money as before this time have been imployed for the inning, defence, and maintenance of the ſame, are like to be loſt, to the utter deſtruction of the ſaid marſh and level, and to the extreme ruine and decay of the Countrey thereunto adjoyning, and to the great decay of the River of Thames aforeſaid, and to the diſheriſon as well of our Sovereign Lord the King, as of other owners, poſſeſſioners, and tenants that have, do, and will pay ſuch Ceſſes, Scots, and Taxes, as before this time, or in time to come hath, or ſhall be ceſſed, ſet, and taxed for the ſame. In conſideration whereof, be it enacted by our Sovereign Lord the King, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Bailiff of the ſaid marſhes and level now being, or his aſſigns, ſhall and may by force of this Act, make proclamation on any Sunday hereafter enſuing, in the Pariſh Church of Plumſted aforeſaid, as well of this Act, as alſo that all ſuch Ceſſes, Scots, and Taxes, at the time of the ſaid Proclamation made, being behind, and unpaid, ſhall be paid at a certain place in the ſaid Proclamation to be limited, within twenty days next enſuing after the day of the ſame Proclamation. And he that ſo payeth ſhall be diſcharged of any doubles due heretofore for non-paiment of the ſame. And if the ſaid Ceſſes, Scots, and Taxes be not paid by the end of the ſaid twenty days after ſuch Proclamation, to the ſaid Bailiff, his executors or aſſigns, that then every perſon or perſons, which ought to pay the ſame Ceſſes, Scots, and Taxes, ſhall forfeit the doubles of the ſame Ceſſes, Scots, and Taxes; and that then if the ſaid Ceſſes, Scots, and Taxes, and their doubles, be not paid by the Feaſt of St. Michael the Archangel now next coming, unto the ſaid Bailiff, his executors or aſſigns, that then it ſhall be lawful to every owner, poſſeſſioner, landlord, tenant, and profit-taker of lands and tenements, and other profits within the ſaid marſhes and level, or

The Bailiff of Plumſted marſh ſhall make Proclamation that each perſon ſhall pay his Ceſſes, Scots, &c. within xx. days.

The forfeiture of the double, if the Ceſſes, &c. be not paid within xx. days.

The forfeiture if the Ceſſes and their doubles be not paid by Michaelmas.

any other perſon or perſons which hath, doth, and will pay to the ſaid Bailiff, his executors, or aſſigns, ſuch Ceſſes, Scots, and Taxes, or any of them ſo due, and unpaid by any other owner, poſſeſſioner, landlord, tenant, profit-taker of lands and tenements within the ſame level, to enter into all the ſaid lands and tenements, and other profits, within the ſaid marſhes and level, ſo ceſſed, ſcotted, and taxed, and the ſame from thenceforth to have, hold, perceive, and occupy, to him, or them, his or their heirs, ſucceſſors, or aſſigns for ever, by vertue of this preſent Act, without let or interruption of any of the ſame owners, poſſeſſioners, landlords, tenants, takers of profits, fermers, or any other perſon or perſons which have, or ſhall have any eſtate, title, intereſt, uſe, or term, in any of thoſe lands and tenements, and other profits ſo ceſſed, ſcotted, and taxed, by reaſon of any intail, gift, grant, or other title whatſoever it be.

Taxes, Ceſſes, and Scots, hereafter to be made.

Be it further enacted by the authority aforeſaid, that the ſame Law ſhall be had and executed for any Scot, Tax, or Ceſs hereafter to be had and made before the Feaſt of the Nativity of St. John Baptiſt now next coming, by vertue of any Commiſſion within any of the ſaid marſhes and level, any act or uſe to the contrary notwithſtanding.

The land forfeited may be redeemed within three years.

Provided alway, this Act notwithſtanding, That ſuch perſon or perſons, their heirs and aſſigns, whoſoever ſhall ſo run in the doubles and loſs of his or their Lands, may at any time within three years next following the time limited for the loſs of the ſaid land, bring in, and pay the ſaid ceſſes, taxes, and his or their doubles to him or them that ſhall have the ſaid lands by the authority of this Act, or to his heirs or aſſigns, and ſo to enjoy his or their lands again, from the day of the payment of his or their ſaid money for the ſaid ceſſes, taxes, and doubles, or elſe they and every of them, their heirs and aſſigns to be from thenceforth excluded and barred from all title, right, uſe, poſſeſſion, action, and entry to be had, of or to the ſaid lands, or any parcel thereof for ever.

The particular tenant charged with more then the land is worth, may retain the ſame land after his eſtate is expired.

Provided alway, and be it further enacted by the authority aforeſaid, That if any man having any lands in poſſeſſion, or in uſe, in the right of his wife, tenant by the courteſie, tenant in dower, tenant for term of life, term of years, tenant by Elegit, tenant by Statute Merchant, gardein in ſocage, gardein in chivalry, or any other having any particular intereſt under eſtate of inheritance in any lands, tenements, or any other yearly profits chargeable to the ſaid ceſſes, ſcots, taxes, and doubles, now rated, taxed, or ſet, or hereafter to be rated, taxed, and ſet, which have before this time paid, or at any time hereafter ſhall pay during his or their ſaid intereſt in or to the ſame, any ſum or ſums of money for the defence, inning, and maintenance of the ſaid marſhes and level, over and above all ſuch ſum or ſums as he or they have, and ſhall receive and take of the ſame lands or other yearly profits: that from henceforth it ſhall be lawful unto every ſuch particular tenant, occupier, or other profit-taker, their executors or aſſigns, by force and vertue of this preſent Act, to hold, keep, poſſeſs, and retain the ſame lands, or other yearly profits, to his, or their own uſe, againſt all and every ſuch perſon or perſons, to whom the ſame lands, tenements, or other yearly profits ſhould, and ought to deſcend, remain, or revert after all and every ſuch particular eſtate expired and determined, until he or they have fully received, taken, and had of, and upon the ſame, all ſuch ſums of money, as they or any of them have beſtowed, imployed, expended, and paid in, and for the defence, inning, and maintenance of the ſame.

CAP. IV.

What exactions ſhall be levied on Apprentices by Maſters, Wardens, &c.

A rehearſal of the Statute of 19 H. 7. 7. and how it is abuſed.

The fees of Wardens of Companies, for the entry of an Apprentice or Free-man into their Company.

AT the prayer of the Commons in this preſent Parliament aſſembled, reciting that where it was eſtabliſhed, and enacted in the xix. year of our late Sovereign Lord King Henry the Seventh, that no Maſter, Wardens, and Fellowſhip of Crafts, or any of them, nor any Rulers of Guilds or Fraternities, take upon them to make any Acts or Ordinances, ne to execute any Acts or Ordinances by them heretofore made, or hereafter to be made in diſ-inheritance, or diminution of the prerogative of the King, nor of other, nor againſt the common profit of the people, except the ſame Act, or Ordinances be examined or approved by the Chancellor, Treaſurer of England, or chief Juſtice of either Bench, or three of them, or before the Juſtices of Aſſiſe in their circuit or progreſs, in the Shire where ſuch Acts or Ordinances be made, upon pain of forfeiture of xl. li. for every time that they do the contrary, as more plainly in the ſaid Act doth appear. Sith which time divers Wardens and Fellowſhips have made Acts and Ordinances, that every Prentice ſhall pay at his firſt entry in their common Hall to the Wardens of the ſame Fellowſhip, ſome of them xl. s. ſome xxx. s. ſome xx. s. ſome xiij. s. iv. d. ſome vj. s. viij. d. ſome iij. s. iv. d. after their own ſiniſter mind and pleaſure, contrary to the meaning of the Act aforeſaid, and to the great hurt of the Kings true ſubjects putting their child to be prentice. It is therefore now ordained, eſtabliſhed, and enacted by the King our Sovereign Lord, by the advice of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that no Maſter, Wardens, or Fellowſhip of Crafts, or Myſteries, or any of them, nor any Rulers of Fraternities, take from henceforth of any Apprentice, or any other perſon or perſons, for the entry of any Prentice into their ſaid Fellowſhip, above the ſum of ij. s. vj. d. nor for his entry when his years and term is expired and ended, above iij. s. iv. d. upon pain of forfeiture of xl. li. for every time that they do to the contrary: the one half to the King our Sovereign Lord, the other half to the party that therefore ſhall ſue by action of debt, information, or otherwiſe; and that in the action aforeſaid no protection or eſſoin ſhall be allowed. St. 28 H. 8. 5.

CAP. V.

A remedy to repair decayed Bridges in high-ways; and by whom.

Co. Inſt 2 p. 700. Juſtices of Peace may award proceſs againſt them who ought to repair Bridges.

BE it enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that the Juſtices of Peace in every Shire of this Realm, Franchiſe, City, or Borough, or four of them at the leaſt, whereof one to be of the Quorum, ſhall have power and authority to enquire, hear, and determine in the Kings general Seſſions of Peace, of all manner of annoiances of Bridges broken in the high-ways to the damage of the Kings liege people, and to make ſuch proceſs and pains upon every preſentment afore them for the reformation of the ſame, againſt ſuch as owen to be charged for the making or amending of ſuch Bridges, as the Kings Juſtices of his Bench uſe commonly to do, or as it ſhall ſeem by their diſcretions to be neceſſary and convenient for the ſpeedy amendment of ſuch Bridges.

And where in many parts of this Realm it cannot be known and proved what Hundred, Riding, Wapentake, City Borough, Town, or Pariſh, nor what perſon certain, or body politick, ought of right to make ſuch Bridges decayed, by reaſon whereof ſuch decayed Bridges for lack of knowledge of ſuch as owen to make them, for the moſt part lie long without any amendment, to the great annoiance of the Kings ſubjects:

A remedy where it is not known who ought to repair a Bridge.

For the remedy thereof, be it enacted by authority aforeſaid, That in every ſuch caſe the ſaid Bridges, if they be without City or Town Corporate, ſhall be made by the inhabitants of the Shire or Riding within the which the ſaid Bridge decaied ſhall happen to be: And if it be within any City or Town Corporate, then by the inhabitants of every ſuch City or Town Corporate, wherein ſuch Bridges ſhall happen to be. And if part of any ſuch Bridges ſo decayed happen to be in one Shire, Riding, City, or Town Corporate, and the other part thereof in another Shire, Riding, City, or Town Corporate, or if part be within the limits of any City or Town Corporate, and part without, or part within one Riding, and part within another: that then in every ſuch caſe the inhabitants of the Shires, Ridings, Cities, or Towns Corporate ſhall be charged, and chargeable to amend, make, and repair ſuch part and portion of ſuch Bridges ſo decaied, as ſhall lie and be within the limits of the Shire, Riding, City, or Town Corporate, wherein they be inhabited at the time of the ſame decays.

And be it further enacted, That in every ſuch caſe, where it cannot be known and proved, what perſons, lands, tenements, and bodies politick own to make and repair ſuch Bridges, that for ſpeedy reformation and amending of ſuch Bridges, the Juſtices of Peace within the Shires or Ridings wherein ſuch decayed Bridges been out of Cities and Towns Corporate, and if it be within Cities or Towns Corporate, then the Juſtices of Peace within every ſuch City or Town Corporate, or four of the ſaid Juſtices at the leaſt, whereof one to be of the Quorum, ſhall have power and authority within the limits of their ſeveral commiſſions and authorities, to call before them the Conſtables of every Town and Pariſh, being within the Shire, Riding, City, or Town Corporate, as well within liberty as without, wherein ſuch Bridges or any parcel thereof ſhall happen to be, or elſe two of the moſt honeſt inhabitants within every ſuch Town or Pariſh in the ſaid Shire, Riding, City, or Town Corporate, by the diſcretion of the ſaid Juſtices of Peace, or four of them at the leaſt, whereof one to be of the Quorum: And at, and upon the appearances of ſuch Conſtables or inhabitants, the ſaid Juſtices of Peace, or four of them, whereof one to be of the Quorum, with the aſſent of the ſaid Conſtables or inhabitants, ſhall have power and authority to tax, and ſet every inhabitant in any ſuch City, Town, or Pariſh within the limits of their Commiſſions and authorities, to ſuch reaſonable aid and ſum of money, as they ſhall think by their diſcretions convenient and ſufficient for the repairing, re-edifying, and amendment of ſuch Bridges, and after ſuch taxation made, the ſaid Juſtices ſhall cauſe the names & ſums of every particular perſon ſo by them taxed, to be written in a roll indented. And ſhall alſo have power & authority to make two Collectors of every Hundred, for collection of all ſuch ſums of money, by them ſet and taxed, which Collectors receiving the one part of the ſaid roll indented under the ſeals of the ſaid Juſtices, ſhall have power and authority to collect and receive all the particular ſums of money therein contained, & to diſtrain every ſuch inhabitant, as ſhall be taxed, and refuſe paiment thereof, in his lands, goods, and cattels, and to ſell ſuch diſtreſs, and of the ſale thereof retain and perceive all the money taxed, and the reſidue (if the diſtreſs be better) to deliver to the owner thereof. And that the ſame Juſtices, or four of them, within the limits of their commiſſions and authorities, ſhall alſo have power and authority to name and appoint two Surveyors, which ſhall ſee every ſuch decaied Bridge repaired, & amended from time to time, as often as need ſhall require, to whoſe hands the ſaid Collectors ſhall pay the ſaid ſums of money taxed, and by them received: And that the Collectors and Surveyors, & every of them, and their executors and adminiſtrators, and the executors & adminiſtrators of them, and every of them, from time to time ſhall make a true declaration & accompt to the Juſtices of Peace, of the Shire, Riding, City, or Town Corporate, wherein they ſhall be appointed Collectors or Surveyors, or to four of yͤ ſame Juſtices, whereof one to be of the Quorum, of the receipts, paiments, & expences of the ſaid ſums of money: And if they, or any of them, refuſe that to do, that then the ſame Juſtices of Peace, or four of them, from time to time by their diſcretions, ſhall have power & authority to make proceſs againſt the ſaid Collectors and Surveyors, and every of them, their executors and adminiſtrators, and the executors and adminiſtrators of every of them, by attachments under their ſeals, returnable at the general Seſſions of Peace: And if they appear, then to compel them to accompt as is aforeſaid; or elſe if they, or any of them, refuſe that to do, then to commit ſuch of them as ſhall refuſe, to ward, there to remain without bail or mainpriſe till the ſaid declaration and accompt be truly made.

The Juſtices may tax the inhabitants with the aſſent of the Conſtables.

Two Collectors of every Hundred.

The Juſtices ſhall appoint two who ſhall repair the Bridge.

The Collectors and Surveyors ſhall accompt to the Juſtices.

And where any Bridge or Bridges lien in one Shire or Riding, and ſuch perſons inhabitants, bodies politick, lands or tenements, which owen to be charged to the making and amending of ſuch Bridges, lien and abiden in another Shire or Riding, or where ſuch Bridges been within any City, or Town Corporate, and the perſons inhabitants, bodies politick, lands or tenements, that owen to make or repair any ſuch Bridges, lien and been out of the ſaid Cities, and Towns Corporate: Be it enacted, That in every ſuch caſe, the Juſtices of Peace of the Shire, City, or Town Corporate, within the which ſuch decayed Bridges, or any part thereof, ſhall happen to be, ſhall have power to enquire, hear, and determine all ſuch annoiances, being within the limits of their commiſſions or authorities. And if the annoiance be preſented, then to make proceſs into every Shire within this Realm, againſt ſuch as owen to make, or amend any ſuch Bridges ſo preſented before them to be decayed, to the annoiance and let of the paſſage of the Kings ſubjects, and to do further in every behalf in every ſuch caſe, as they might do by authority of this Act, in caſe that the perſons or bodies politick, lands or tenements, which owen to be charged to the amending or making of ſuch Bridges, or any part thereof, were in the ſame Shire, Riding, City, or Town Corporate, where ſuch annoiance ſhall happen to be. And that all Sheriffs & Bailiffs of liberties and franchiſes, ſhall truly ſerve and execute ſuch proceſs as ſhall come to their hands from the ſaid Juſtices of Peace, afore whom any preſentment ſhall be had for any ſuch annoiance, according to the tenour and effect of the ſaid proceſs to them directed, without favour, affection, or corruption, upon pain to make ſuch fine as ſhall be ſet upon them, or any of them, by the diſcretion of the ſaid Juſtices.

The Juſtices may make proceſs into every Shire againſt offendors.

Sheriffs, &c. ſhall ſerve proceſs upon the offendors.

The five Ports excepted.

Provided alway, That this Act nor any thing therein contained, be not prejudicial to the liberties of the five Ports, or members of the ſame. And for reformation of annoiance of Bridges within the ſaid ports and members:

Be it enacted by authority of this preſent Parliament, That the Warden, Mayors, and Bailiffs elected, and Jurates of the ſame Ports, and every of them, have power and authority to enquire, hear, and determine all manner of common annoiances of Bridges within the ſame ports and members, and to make ſuch proceſs, pains, taxations, and all other things within the ſame ports and members, as the Juſtices of Peace may do in other Shires or places out of the ſame ports, by vertue and authority of this preſent Act in every behalf.

Allowance made to the Surveyors and Collectors.

And be it further enacted by the authority aforeſaid, That the Juſtices of Peace, or four of them, ſhall have full power and authority to allow ſuch reaſonable coſts and charges to the ſaid Surveyors and Collectors, as by their diſcretions ſhall be thought convenient.

An order for the amending of the ways at the ends of Bridges.

For as much that albeit Bridges decayed were amended and repaired, according to the tenour of this Act, yet nevertheleſs if ſpeedy remedy for the amendment of the ways next adjoyning to every of the ends of ſuch Bridges ſhould not be had and made, the Kings ſubjects ſhould take little or none avail or commodity in any parts of this Realm by the making of the Bridges: In conſideration whereof, be it enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That ſuch part and portion of the high ways in every part of this Realm, as well within Franchiſe as without, as lie next adjoyning to any ends of any Bridges within this Realm, diſtant from any of the ſaid ends, by the ſpace of three hundred foot, be made, repaired, and amended as often as need ſhall require. And that the Juſtices of Peace in every Shire of this Realm, Franchiſe, City, or Borough, or four of them at the leaſt, whereof one to be of the Quorum, within the limits of their commiſſions and authorities, ſhall have power and authority to enquire, hear, and determine in the Kings general Seſſions of Peace, all manner of annoiances of and in ſuch high ways, ſo being and lying next adjoyning to any ends of Bridges within this Realm, diſtant from any of the ends of ſuch Bridges, three hundred foot, and to do in every thing and things concerning the making, repairing, and amending of ſuch high ways and every of them, in as large and ample manner, as they might and may do, to, and for the making, repairing, and amending of Bridges, by vertue and authority of this preſent Act.

CAP. VI.

If any Butcher keep a Tanhouſe, he ſhall forfeit vj. s. viij. d. a day. Rep. 5 El. 8. & 1 Jac. 22.

CAP. VII.

Whoſoever ſhall convey any Horſes, Geldings, Mares, or Sheep, to any parts beyond the Sea, without the Kings licenſe, (ſaving for the victualling of Calice) ſhall forfeit xl. s. for every poll. Exp. St. 1 El. 18. 11 H. 7. 13. 1 Ed. 6. 5. 5 El. 19.

CAP. VIII.

Denizens ſhall pay like Cuſtoms as they did before they were Denizens.

PRayen the Commons in this preſent Parliament aſſembled, That where in a Parliament holden at Weſtminſter the ſeventh day of November, in the firſt year of the Reign of our late Sovereign Lord of famous memory King Henry the Seventh (whoſe ſoul God pardon) it was ordained, eſtabliſhed, and enacted by authority of the ſaid Parliament, That every perſon made, or after the making of the ſaid Act, to be made denizen, ſhould pay of his merchandiſes like Cuſtom and Subſidy, as he ought or ſhould pay afore that he were made denizen, any Letters Patents, or other Ordinances by Parliament, or otherwiſe, to the contrary notwithſtanding, which Statute and Ordinance was onely made for Cuſtom and Subſidy, to be paid to the ſaid late King, and to our now Sovereign Lord: Sithen which time divers grants have been made to divers, as well Merchant ſtrangers, as other Aliens born out of this Realm, to be denizens, whereby they have and enjoy ſuch freedoms and liberties, as do denizens born within this Realm, being our ſaid Sovereign Lord the

Kings natural born ſubjects, whereof there is no ſmall number, and every day encreaſe more and more, by the which the ſaid Aliens to their lucre and avail been increaſed to great and notable ſubſtance and riches, and the natural ſubjects of our ſaid Sovereign Lord, and his Realm greatly impoveriſhed: And after they be inriched, for the moſt part convey themſelves with their ſaid goods to their own Countrey, wherein they be naturally born, to the great detriment of the common weal of this Realm of England and the ſubjects of the ſame: It may therefore pleaſe your Highneſs of your moſt good and loving diſpoſition that ye bear and owe to the common wealth of this your Realm, by the advice of your Lords Spiritual and Temporal, and the commons in this preſent Parliament aſſembled, and by authority of the ſame, to ordain, enact, and eſtabliſh, That every perſon or perſons, whatſoever they be, born out of this Realm of England out of the Kings obeiſance, made, or hereafter to be made denizen, do pay to your Grace, and to your Heirs, and to all and every other perſon or perſons, of what eſtate, degree, or condition he or they be, and to all and ſingular Officers and Miniſters of Cities, Boroughs, and Towns, within this Realm of England, and to every of them, all ſuch Subſidies, Cuſtoms, Tolls, Duties, and other ſums of money, for their wares, merchandiſes, and other whatſoever goods by whatſoever names or name the ſaid Subſidies, Cuſtoms, Tolls, Duties, and other ſums of money, or any of them be named or called, as they ſhould or ought to have paid before they were denizens, any grant or grants to them made, or hereafter to be made, or any Act or Acts, Statute, or Ordinance to the contrary made, or had notwithſtanding.

Aliens born made denizens ſhall pay all ſuch cuſtoms and other duties as they did before. St. 1 H. 7. 2. 11 H. 7. 14.

Provided alway, that all and ſingular Officers and Miniſters of every City, Borough, or Town, wherein any ſuch Cuſtom, Tolls, Duties, or ſums of money ſhall be demanded, as is aboveſaid, on this ſide the Feaſt of Pentecoſt next coming, ſhall ſet up, or cauſe to be ſet up, in open place or places, of every ſuch City, Borough, or Town, a table or tables, by which the certainty and very duty of every ſuch Cuſtom, Toll, and Duty, or ſum of money, of ſuch wares and merchandiſes, to be demanded or required, as is above rehearſed, ſhall and may plainly appear, and be declared, to the intent that nothing be exacted otherwiſe then in old time hath been uſed and accuſtomed, upon pain of every City not doing the ſame to loſe v. li. and every Town Corporate to loſe xl. s, for every moneth that the ſame table ſhall fail to be ſet up after the ſame Feaſt; the moity of which forfeiture to be to the King our Sovereign Lord, and the other moity to the party that will ſue for the ſame, by writ, bill, plaint, or information: In which action the defendant ſhall have no eſſoin, wager of Law, ne protection allowed.

A table of Cuſtoms, Tolls, and Duties ſhall be ſet up in every City, Borough, or Town.

Provided alway, and be it enacted by the authority aforeſaid, That this Act, ne any other Act or Acts made, or to be made in this preſent Parliament, concerning the premiſſes, be not in any wiſe prejudicial or hurtful unto the Merchants of the houſe of Almaign, nor to any of them, having the houſe within the City of London, commonly called Guild-hall Theutonicorum, otherwiſe called the Merchants of the Stilyard, in London, nor to their goods or merchandiſes, by whatſoever name or names they, or any of them be called, but that they and every of them, ſhall have and enjoy all ſuch liberties, franchiſes, cuſtoms, and priviledges, as they had the firſt day of this preſent Parliament, any thing, or things, ſpecified in this Act, or in any other Acts or Act, made, or to be made in this preſent Parliament, notwithſtanding.

The Merchants of the Stilyard.

Provided alway, That the tables ſo to be ſet up in the City of London, touching Scavage within the ſame, ſhall firſt be viewed, examined, and approved, by the Chancellor and Treaſurer of England, the Preſident of the Kings Council, the Lord Privy Seal, the Lord Steward of the Kings moſt honourable houſhold, and the two chief Juſtices of the Kings Bench, and Common place, for the time being, or by four of them at the leaſt, and by them ſubſcribed.

Stilyard. The table of Scavage to be ſet up in London ſhall be examined, &c.

CAP. IX.

Wilful poiſoning ſhall be adjudged high Treaſon, and the offendor therein ſhall be boiled to death. Rep. 1 Ed. 6. 12. 1 M. 1.

CAP. X.

If any calling themſelves Egyptians, do come into this Realm, they ſhall forfeit all their goods: And being commanded, ſhall depart the Realm within fifteen days, upon pain of impriſonment. Alt. 1 & 2 P. & M. 4 & 5 El. 20.

CAP. XI.

It ſhall be felony to break up or cut down Powdike in Marſhland.

Wheretofore this time divers evil diſpoſed perſons of their perverſe and evil diſpoſition, malitiouſly at divers and ſundry times, have cut, caſt down, and broken up divers parts of the dike, called the new Powdike, in Marſhland, in the County of Norfolk, and the broken dike, otherwiſe called Oldfeld-dike by Marſhland, in the Iſle of Ely, in the County of Cambridge; by reaſon whereof, as well by the great abundance of the ſalt water, as alſo by the courſe of the freſh water, entring and coming in to and by the ſaid parts of the ſaid ditches ſo broken and caſt down, the ground and paſtures within the Country of Marſhland in the Counties aforeſaid, hath been divers and many times drowned, and ſurrounded with the waters aforeſaid, ſo that no profit thereof might be taken by the owners and occupiers of the ſaid ground and paſtures, within Marſhland aforeſaid. For the drowning whereof, the ſaid owners and occupiers of the ſaid ground, and the inhabitants within the ſaid Marſhland and the level of the ſame, at many and ſundry times have been not onely put to important charges, and expences, to their extreme damages and coſts, but alſo to their great undoing, have loſt much of their cattel and beaſts, then being, and paſturing upon, and within Marſhland aforeſaid, to their great damage and loſs, and to the great

Several inconveniences enſuing the breaking down of Powdike, and Oldfeld-dike. Co. Inſt. 3 p. 106.

decay of the common weal of the Countries adjoyning to the ſame; And alſo by reaſon of the ſame waters, much people have been drowned in their beds within their houſes, and have loſt the moſt part of their goods being within the ſame.

It ſhall be felony to break up or cut down Powdike in Marſhland, or Oldfeld-dike by Marſhland.

For the reformation whereof, be it ordained, enacted, and eſtabliſhed, by the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every ſuch perverſe, and malitious cutting down, and breaking up of any part or parts of the ſaid dikes, or of any other bank, being parcel of the rind and uttermoſt part of the ſaid Countrey of Marſhland aforeſaid, made for the defence and ſalvation of the ſame Countrey of Marſhland, at every time and times from henceforth, by any perſon or perſons committed and done, otherwiſe then in working upon the ſaid banks or dikes, for the repairing, fortifying, and amending of the ſame, be taken, reputed, and adjudged felony. And that the offendors and doers of the ſame, and every of them, be adjudged and reputed felons.

Juſtices of Peace may enquire of, and determine this offence.

And that the Juſtices of the Peace of the ſaid Counties of Norfolk, and Cambridge, within the ſaid Iſle, at every of their Seſſions within the ſame Iſle, and Counties, to be kept by the authority aforeſaid, have full power to cauſe enquiry to be made of every ſuch offence ſo at any time in form aforeſaid hereafter to be committed and done, and to award like proceſs againſt every of the ſaid offendors, with like judgment and execution of the ſame (if they or any of them be thereof found guilty by verdict or otherwiſe) as the ſaid Juſtices have uſed, and accuſtomed to do upon other felonies being felony at the Common Law. St. 2 & 3 P. & M. 19.

CAP. XII.

The Juſtices of every County, dividing themſelves into ſeveral limits, ſhall give licence under their ſeals, to ſuch poor, aged, and impotent perſons to beg within a certain precinct as they ſhall think to have moſt need. And if any do beg without ſuch licence, or without his precinct, he ſhall be whipped, or elſe be ſet in the ſtocks three days and three nights with bread and water onely. And a vagabond taken begging ſhall be whipped, and then ſworn to return to the place where he was born, or laſt dwelt by the ſpace of three years, and there to put himſelf to labour. Rep. 21 Jac. 28. St. 27 H. 8. 25. 14 El. 5. 1 Ed. 6. 3. 35 El. 7. 39 El. 4.

CAP. XIII.

What perſons ſhall not be accounted handicraftſmen.

St. 1 R. 3. 9. 14 H. 8. 2. 21 H. 8. 16.

Where divers Statutes penal heretofore have been made againſt ſtrangers artificers, for exerciſing of handicrafts within this Realm, and for keeping of houſes, apprentices, and ſervants eſtrangers, as by the ſaid ſeveral Statutes more plainly is rehearſed. Sithen the making whereof, Beer-brewers, and Bakers, which been common Vituallers, and alſo Chirurgeons and Scriveners being ſtrangers, inhabited and dwelling within this Realm, have been put to trouble, and great vexation by occaſion of informations brought againſt them upon the ſaid Statutes, ſuppoſing that ſtrangers uſing Baking, Brewing, Surgery, or Writing, ſhould be handicraftſmen: upon the which information great doubts and ambiguities have riſen, whether ſtrangers uſing any of the ſaid Myſteries, or Sciences, ſhould be underſtood ſuch handicraftſmen as were intended by any of the ſaid Statutes; For plain declaration whereof, it is enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon or perſons ſtrangers, being a common Baker, Brewer, Chirurgeon, or Scrivener, ſhall be interpreted or expounded handicraftſmen, in, for, or by reaſon of uſing any of the ſaid Myſteries or Sciences of Baking, Brewing, Surgery, or Writing: And that all informations, ſuits, actions, and proceſs had, taken, or hereafter to be taken upon any of the ſaid Statutes, againſt any ſuch ſtranger, or ſtrangers, being Bakers, Brewers, Chirurgeons, or Scriveners, ſhall be by authority of this preſent Act void and of none effect.

No ſtranger being a common Baker, Brewer, Chirurgeon, or Scrivener, ſhall be accompted a handicraftſman.

CAP. XIV.

In what manner perſons committing petty Treaſon ſhall abjure.

By how many means abjurations of offendors out of this Realm hath been prejudicial to the Realm.

The King our Sovereign Lord conſidering, that many of his ſubjects heretofore for their offences and merits, have been put to execution of death by the Laws of this Realm, and many other committing the like offences, for tuition of their lives, have fled, and reſorted to Churches, and other hallowed places within this Realm, and there being have abjured the Realm before the Kings Coroners of the ſame; divers of which men (ſo abjuring) have been known to be very expert Mariners, and many other have been ſeen to be very able and apt men for the wars, and defence of this Realm, ſo that by the one mean, and the other, the ſtrength and power of this Realm is greatly miniſhed. And divers of the ſaid perſons, which heretofore have abjured this Realm, being by reaſon of their abjurations in outward Realms and Countries, have not onely procured many men of the ſame to the exerciſe and practiſe of Archery, and have inſtructed them in the feat and knowledge thereof, to the great increaſe and fortifications of the ſame outward Realms and Countries, but alſo the ſame abjured perſons have diſcloſed their knowledges of the commodities and ſecrets of this Realm, to the no little damage and prejudice of the ſame: The Kings Highneſs therefore daily ſtudying and deviſing to provide for the ſafeguard of this his Realm, and of his ſubjects, albeit they be tranſgreſſors of his Laws, ſo that the incommodities inſuing upon ſuch abjurations to be preſerved to the beſt effect as far as ſhall pleaſe God to give them grace, Hath ordained and enacted by authority of this preſent Parliament, That if any perſon hereafter flie or reſort to any Pariſh Church, Cemitory, or other like hallowed place, for tuition of his life, by occaſion of any murder, robbery, very, or other felony by the ſame perſon committed, and thereupon confeſs any murder, felony, or other offence before the Coroner, wherefore the ſame perſon by the Laws of this Realm heretofore uſed ſhould abjure and paſs out of the ſame; The ſame perſon thereupon ſhall abjure from all his liberty of this Realm, and from his liberal and free habitations, reſorts, and paſſages to and fro the univerſal places of this Realm, which appertain to the liberty of the Kings ſubjects undefamed, and ſhall forthwith be directed by the Coroner, taking and recording ſuch abjuration, to any one Sanctuary being within this Realm, which the ſame perſon will elect and chuſe, there to remain as a Sanctuary-perſon abjured during his natural life, and to be ſworn afore the Coroner upon his abjuration ſo to do, and to be burned in the hand according to the Statute in that caſe provided. And every perſon ſo abjured ſhall be directed and conveyed to the ſame Sanctuary by him choſen, by the Conſtables and other Officers, and in every behalf ordained after the like manner and form, as he ſhould have been in caſe he ſhould have abjured this Realm for any murder or felony after the Laws of the land. And if after ſuch abjuration any perſon ſo abjured come out of the ſame Sanctuary to the which he was aſſigned, and be taken without the ſame Sanctuary, not having the Kings ſpecial pardon or licenſe ſo to do: then every ſuch perſon abjured, and after abjuration taken without Sanctuary whereunto he was aſſigned, ſhall ſuffer ſuch like pain of death, and after like manner be ordered, as he ſhould have done, and been, in caſe he had abjured this Realm for murder or felony, and after ſuch abjuration had returned again into this Realm contrary to the Laws of this land.

The oath of him which abjureth.

St. 21 H. 8. 2.

Every abjured perſon ſhall be conveyed to the Sanctuary that he doth chuſe. Rep. 1. Jac. 25. & 21 Jac. 28.

And furthermore it is enacted, That if any ſuch Sanctuary-perſon ſo abjured, or any other perſon or perſons, which now be, or is, or hereafter ſhall happen to be in any Sanctuary of this Realm, for doing any petty treaſon, murder, or felony, or for being acceſſary to any ſuch offences: or if any perſon or perſons, which at any time hereafter ſhall take any Sanctuary of this Realm, for doing any petty treaſon, murder, or felony, or for being acceſſary to any ſuch offences, or upon abjuration, and ſo being in Sanctuary, for, or upon any ſuch cauſe, matter, or offence, afterward commit or do any petty treaſon, murder, or felony within the ſame Sanctuary, or be acceſſary to any ſuch offences, or go out of the ſame Sanctuary, and commit any petty treaſon, murder, or felony, or be acceſſary to any ſuch offences, and after come again to the ſame Sanctuary, or take any other Sanctuary for the ſame, every ſuch perſon and perſons being indicted for any of the ſaid cauſes or offences, ſhall loſe the priviledge of the ſame Sanctuary by him taken, and of every other Sanctuary within this Realm for any ſuch cauſe of petty treaſon, murder, felony, or abjuration, and for any acceſſary to any ſuch offences. And that it ſhall be lawful to all and ſingular Juſtices of the Peace, and the high Sheriff of the County, or other place where the Sanctuary is, and to all and ſingular Mayors, Sheriffs, and Bailiffs of Cities and Towns Corporate, where ſuch Sanctuary is, and to every of them, and to the ſervants, miniſters, and officers, or any, or every of the ſame Juſtices of Peace, Sheriffs, Mayors, and Bailiffs, in their preſence to take out of the ſame Sanctuary or Sanctuaries, all and every ſuch Sanctuary-perſon or perſons ſo offending as is aforeſaid, and being indicted of the ſame, and to commit or put him, or them, into the Kings Gaol within the Shire or Liberty where any ſuch indictment is found againſt any ſuch perſon, ſafely to be kept till they ſhall be of the ſame petty treaſon, murder, or felony, or of the acceſſary to any ſuch offences, whereof they ſhall happen to be indicted, convicted, attainted, or diſcharged by the Law. And if any perſon or perſons, which ſhall be indicted of any petty treaſon, murder, or felony, or of any acceſſary to any ſuch offence, happen hereafter to be taken out of any Sanctuary for the ſame by authority of this Statute, and upon his or their arraignment plead Sanctuary, according to the order of the Law: then it is enacted by the authority aforeſaid, That as well the Kings Atturney, as every other perſon for the King, ſhall be admitted to object and alledge, that the perſon ſo arraigned afore the doing of the offence or offences, whereof he then is arraigned, did take priviledge of Sanctuary in the ſame Sanctuary, whereof he alledgeth him to be taken out, or in any other place priviledged within this Realm, upon any abjuration, or for any other petty treaſon, murder, or felony, then whereof he is arraigned, and that he there had and enjoyed priviledge of Sanctuary for the ſame, and that he ſo having once priviledge of Sanctuary in the ſame, did commit the offence of petty treaſon, murder, or felony, whereof he then is arraigned: or that he went out of the ſaid Sanctuary, and committed the ſame offence whereof he is indicted and arraigned, and pray that ſuch perſons ſo arraigned may be excluded of reſtitution to the Sanctuary by him demanded. And in caſe the ſaid plea and objection, ſo alledged, be denied by the perſon ſo arraigned, then it is further enacted by the authority aforeſaid, that it ſhall be forthwith tried afore the ſame Juſtices, where ſuch perſon is ſo arraigned, and by the ſame Jurors of the ſame County, that ſhall try the petty treaſon, murder, or felony, whereof he is arraigned, without further delay, in whatſoever County or Counties, place or places of this Realm, the ſame other taking of Sanctuary ſhall be alledged or objected to be done or had. And if the plea ſo objected againſt the ſaid perſon arraigned, be tried againſt him by verdict of twelve men, or by his own confeſſion, and alſo it be found by verdict of twelve men, or by his own confeſſion, according to the order of the Law, that he is guilty of the petty treaſon, murder, felony, or of any acceſſary to any ſuch offence, whereof he is ſo arraigned, that then like judgment and execution ſhall be given and done upon every ſuch perſon as though he had been no Sanctuary-perſon, nor had claimed, or required the priviledge of the ſame. And if any ſuch perſon be lawfully acquitted of the petty treaſon, murder, or felony, whereof he ſhall be ſo indicted and arraigned, then he ſhall be reſtored to the ſame Sanctuary, out of the which he was taken, there to have the priviledge of the ſame, in like manner as he had before.

If a Sanctuary-perſon do commit any felony, he loſeth the priviledge of Sanctuary.

In what caſe an offendor may be taken out of Sanctuary and committed to the Gaol.

Trial in one County of a foreign plea pleaded in another.

Provided alway, That if any perſon being, or abiding in any Sanctuary as a Sanctuary-perſon hereafter, ſhall happen to be indicted for any manner of felony ſuppoſed to be com-

mitted

In what caſe a Sanctuary-perſon indited of felony ſuppoſed to be committed whilſt he was in Sanctuary ſhall be taken out.

mitted by him or her going out of the ſame, or any other Sanctuary, and committing the ſame felony whiles that he or ſhe ſo was a Sanctuary-perſon, he or ſhe being indited of any ſuch felony ſuppoſed to be done without the Sanctuary, ſhall not be taken out of the Sanctuary, wherein the ſame perſon ſhall then be reſident, before that he or ſhe be examined thereof by two of the Kings moſt honourable Council, or by four Juſtices of Peace of the Shire, where the Sanctuary is, wherein the perſon ſo indited is reſident. And if the ſame perſon ſo indited within four days after the firſt examination do make ſuch proof as the ſame examiners by their diſcretions ſhall think ſufficient, that the ſame perſon was in the Sanctuary at the time of the ſaid felony committed: then he or ſhe making ſuch proof ſhall be ſuffered to remain and be in the ſame Sanctuary, without any extraction from the ſame, the ſaid inditement or any thing in this Act above written notwithſtanding.

In what caſe one may have the priviledge of Sanctuary twice.

Provided alſo, That if any perſon, which was at any time a Sanctuary-perſon for any petit treaſon, murder, or felony, obtain and have the Kings pardon, and thereby, or otherwiſe, be at large and out of Sanctuary diſcharged, or purged of that offence, or cauſe, wherefore the ſame perſon took Sanctuary, and afterward do commit other petit treaſon, felony, or man-ſlaughter by chance-medly, and not murder of malice prepenſed, and thereupon again take Sanctuary for any ſuch petit treaſon, felony, or man-ſlaughter by chance-medley: the ſame perſon ſhall have and enjoy the priviledge of Sanctuary for that his or her other offence of petit treaſon, felony, or man-ſlaughter by chance-medley, as the ſame perſon might have had before the making of this Act, any thing in the ſame Act contained notwithſtanding.

Trial of Foreign pleas. St. 34 H. 8. 3.

And over this, for more ſpeedy trials of murders and felonies, be it enacted by authority aforeſaid, That all manner of foreign pleas triable by the Countrey, hereafter to be pleaded by any perſon or perſons arraigned upon any indictment for any petit treaſon, murder, or felony, ſhall be forthwith tried before the ſame Juſtices afore whom ſuch perſon ſhall be arraigned, and by the ſame Jurors of the ſame County that ſhall try the petit treaſon, murder, or felony, whereof he ſhall be ſo arraigned without any further reſpit or delay, in whatſoever County or Counties, place or places of this Realm, the matter of the ſame pleas be ſuppoſed or alledged.

And that no perſon arraigned for any petit treaſon, murder, or felony, be from henceforth admitted to any peremptory challenge above the number of xx. This Act to endure to the end of the next Parliament.

Bro. chaleng 217.

No perſon arraigned may challenge above xx. St. 32 H 8. made perpetual.

Provided always, That no perſon or perſons be hereafter excluded, or in any wiſe hurted, to have and enjoy any priviledge of Sanctuary for any offence or offences, being of any higher nature in the Law then the offences and cauſes ſpecified in this Act be: but that every perſon and perſons for ſuch offences of higher nature may have and enjoy priviledge of Sanctuary, in as free and liberal manner, and after ſuch form, as they might have done by the Laws and Cuſtoms of the Realm afore the making of this Act, any thing in this Act to the contrary hereof notwithſtanding. 28 H. 8. 1. continued, and 32 H. 8. 3. made perpetual: But ſo much of this Statute as concerneth abjured perſons and Sanctuaries, or ordering or governing of perſons abjured, and in Sanctuary, is repealed. 1 Jac. 25. & 21 Jac. 28.

CAP. XV.

The Kings general Pardon to his Spiritual ſubjects, of all offences committed againſt the Statutes of Proviſors, Proviſions, and Premunire, and all other penalties, forfeitures, pains, Except treaſon, murder, robbery, &c. Exp.

CAP. XVI.

The Kings Pardon to his Temporal ſubjects, of all offences committed againſt the Statute of Proviſors, Proviſions, and Premunire. Exp.

Anno viceſimo tertio Henrici *Octavi.*

THe King our Sovereign Lord Henry the Eight, by the Grace of God, King of England and of France, defender of the faith, and Lord of Ireland, at the Seſſion of his high Court of Parliament, after divers prorogations, holden at Weſtminſter, the fifteenth day of January, in the xxiij. year of his noble Reign, to the honour of Almighty God, and holy Church, and for the common weal and profit of this his Realm, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted certain good Statutes, Laws, and Ordinances, in manner and form following.

CAP. I.

Clergy not allowed to any perſon under a Sub-deacon committing petit Treaſon.

St. 3 Ed. 1. 28.

WHere at a Parliament holden at Weſtminſter in the third year of King Edward the firſt, the ſame King moved the Prelates of the Realm, and them enjoyned upon their faith that they owed to him, that in no wiſe they ſhould deliver thoſe Clerks which were indicted for felony, without due purgation, ſo that the ſaid King ſhould have no need to put other remedy in that behalf. And that notwithſtanding, after that monition, divers and many Clerks convict were accuſtomally delivered and ſuffered to make their purgation, to the great courage of evil doers.

St. 4 H. 4. 3.

By occaſion whereof, afterward at another Parliament holden at Weſtminſter in the fourth year of King Henry the Fourth, upon the complaint of the Commons, the ſame King Henry the Fourth then advertiſed the Prelates of the Realm of the premiſſes, intending then to have provided remedy, by authority of the ſaid Parliament, as appertained to his Prerogative Royal, for ỹ conſervation of the peace of the Crown: At which time the Archbiſhop

biſhop of Canterbury, for himſelf and all other Biſhops of his Province, then openly promiſed to the ſame King Henry the iv. that if any perſon from thenceforth were convict of any treaſon, which touched not the King nor his Royal Majeſty, and ſuch as were notoriouſly known and reputed for thieves, and for ſuch cauſe delivered to any Ordinary as a Clerk convict, that the Ordinary to whom ſuch perſon or perſons were delivered, ſhould ſafely keep them after the effect of a conſtitution provincial to be made by the ſaid Archbiſhop and Biſhops after the effect of the Letters of Simon, then afore that time Archbiſhop of Canterbury, bearing date the xij. Calends of March, the year of our Lord God, M. CCC. L. and that no ſuch traitor, nor felon, ſhould make his purgation againſt the ſaid conſtitution, which conſtitution the ſaid Archbiſhop then promiſed to deliver to the ſame King before his next Parliament, to the intent that if it ſhould ſeem to the ſaid King that the ſame conſtitution were not ſufficient remedy for the premiſſes, that then the ſaid King might provide ſuch remedy as ſhould appertain in that behalf. Sithen which time the ſame conſtitution was never notified ne ſhewed by the Prelates of this Realm, but continually ſithen that time, manifeſt theeves and murderers indited, and found guilty of their miſdeeds, by good and ſubſtantial Inqueſts, upon plain and proveable evidence before the Kings Juſtices, and afterwards by the uſages of the Common Laws of the Land delivered to the Ordinaries as Clerks convict, be ſpeedily and haſtily delivered and ſet at large by the miniſters of the ſaid Ordinaries for corruption and lucre; or elſe becauſe the Ordinaries claiming ſuch offendors by the liberties of the Church, will in no wiſe take the charges in ſafe keeping of them, but little regarding the trial and conviction of the ſaid offenders by the due and plain courſe of the Common Laws of the Land, do ſuffer them to make their purgations by ſuch as nothing know of their miſdeeds: and by ſuch fraud, adnul and make void all the good and proveable trial that is uſed againſt ſuch offenders by the Kings Laws, to the great ſlander of ſuch as purſue ſuch miſdoers, and to the pernicious example, increaſe, and courage of ſuch offendors, if the Kings Highneſs by his authority Royal put not ſpeedy remedy in the premiſſes, as appertaineth.

The promiſe of the Clergy to the King for the ſafe keeping of notorious offenders convict without purgation.

The Ordinaries abuſe in ſuffering notorious felons to make purgation.

Be it therefore enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon nor perſons, which hereafter ſhall happen to be found guilty after the Laws of this land for any matter of petit treaſon, or for any wilful murder of malice prepenſed, or for robbing any Churches, Chappels, or other holy places, or for robbing any perſon or perſons, in their dwelling houſes, or dwelling place, the owner or dweller of the ſame houſe, his wife, his children, or ſervants then being within, and put in fear and dread by the ſame, or for robbing of any perſon or perſons in or near the high ways, or for wilful burning of any dwelling houſes or barns, wherein any grain, or corn, ſhall happen to be, nor any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining, or counſelling of, or to any ſuch petit treaſons, murders, or felonies, ſhall from henceforth be admitted to the benefit of his or their Clergy, but utterly to be excluded thereof, and ſuffer death in ſuch manner and form as they ſhould have done for any the cauſes or offences abovesaid, if they were no Clerks; Such as be within holy Orders, that is to ſay, of the Orders of Subdeacon, or above, onely except.

Cok.pla. fo.352. Clergy taken from ſeveral perſons which do commit divers offences. St. 32 H. 8. 3. St. 1 Ed. 6. 12. St. 5 Ed. 6. 9.10.

Such as be within holy Orders except. AL. St. 28 H. 8. 1. St. 32 H. 8. 3.

Dyer f. 224. Cok.l.11.f.29.

And be it further enacted by authority aforeſaid, That every ſuch perſon or perſons within ſuch Orders of Subdeacon or above, which at any time hereafter be found guilty of any petit treaſon, or of any murder or malice prepenſed, or of any of the felonies above rehearſed, or of an acceſſary to petit treaſon, wilful murder, or to any other the felonies above ſpecified, and admitted to his or their Clergy, and delivered to the Ordinary for the ſame, ſhall not in any wiſe from henceforth be ſuffered to any purgation, nor be ſet at liberty, but remain and abide in perpetual priſon under the keeping of the Ordinary, to whom he ſhall be committed, and his ſucceſſors, without any manner purgation during the natural life of every ſuch convict, except onely ſuch perſon or perſons ſo being within ſuch holy Orders, and convict of, or for any of the offences aforeſaid, and delivered to the Ordinary for the ſame, do find two ſufficient ſureties by recogniſance before two of the Kings Juſtices of his Peace within the ſame Shire where the petit treaſon, murder, or felony, whereof he was convicted, was committed and done, whereof one of them to be of the Quorum, that ſuch convict ſhall be of good abearing againſt the King our Sovereign Lord, his laws and ſubjects, every ſuch convict to be bound in the ſum of xl. li. and every his ſureties in xx. li. And that no ſurety be taken, unleſs ſuch as may diſpend in lands, tenements, or hereditaments yearly above all charges of eſtate of inheritance of charterhold, xxvj.s.viij.d. or elſe be worth xx. li. in moveable ſubſtance at the time of the taking of ſuch recogniſance. And that two Juſtices of Peace, whereof one to be of the Quorum, by authority aforeſaid, have power & authority to take ſuch recogniſance. And that the ſaid Juſtices, afore whom any ſuch recogniſance ſhall be taken, ſhall certifie the ſame into the Kings Bench within four moneths next after the taking thereof, upon pain to loſe and forfeit C. s. for every default thereof.

None within holy Orders convict of murder, &c. ſhall make purgation, unleſs he become bound with ſureties for his good abearing. St. 26 H. 8. 10.

Of what eſtate the ſureties ſhall be.

Cok.l.11.f.30.

Provided alway, That this Act extend not to give any benefit to any ſuch perſon or perſons, which after their confeſſion, or judgment given againſt them, of, or for felony, or murder, or after they be outlawed for any ſuch cauſe, be admitted to their Clergy, and delivered to the Ordinary for the ſame, but that they and every of them ſhall remain in the cuſtody of the Ordinaries without making purgation, upon ſuch peril, and in ſuch manner and form as it was uſed by the Common Law before the making of this preſent Act, this Act or any thing therein contained notwithſtanding.

He that is attainted of felony ſhall not make his purgation.

Provided always, and it is further enacted, That every Ordinary, to whoſe cuſtody any ſuch convict for any of the offences above rehearſed ſhall be committed, may at his liberty diſgrade every ſuch convict after the Laws of the Church, if he ſee cauſe ſo to do, and ſend the convict ſo diſgraded in ſure and ſafe keeping into the Kings Bench with a

An Ordinary may diſgrade a convict perſon, and ſend him to the Kings Bench. St. 23 H. 8. 11.

certificate under his ſeal teſtifying the ſaid diſgrading, upon the which the Juſtices of the Kings Bench, having afore them the Record, upon the which the ſaid perſon ſo diſgraded was firſt convict, ſhall give ſuch like judgment of death upon the ſame Record againſt every ſuch perſon ſo convict, and diſgraded, as the Juſtices afore whom he was convict might have done, if the ſaid perſon ſo diſgraded at the time of his conviction afore them had been no Clerk, his admiſſion to his Clergy, and committing to the Ordinary, ne any other thing, uſe, or cuſtome to the contrary hereof notwithſtanding. And that every ſuch judgment ſhall be executed accordingly. And that every Ordinary ſo ſending any ſuch convict diſgraded into the Kings Bench, ſhall be diſcharged againſt the King our Sovereign Lord, his heirs and ſucceſſors, of, or for any further cuſtody or keeping of the convict: This Act to continue unto the laſt day of the next Parliament. 32 H. 8. 3. made perpetual. Sc. 25 H. 8. 3. 28 H. 8. 1.

CAP. II.

Where and after what manner Gaôls ſhall be made.

The neceſſity of common Gaols, and the places where they ſhall be builded. Vide 5 El. 24. Exp. 13 El. 25. Co. Inſt. 2 p. 705.

For as much as it is neceſſary, and commendable, that common Gaols and Priſons, whereunto evil doers ſhall be committed for their offences, ſhould be ſurely and ſubſtantially edified, in ſuch Towns in every Shire within this Realm, as ſhall be moſt indifferent for conveyance of priſoners from every part of the Shire wherein ſuch Gaols ſhall be, and in eſpecial in thoſe Towns, where moſt commonly the Aſſiſes and Seſſions been uſually kept, and where there is moſt reſort and repair of people, to the intent that by the mean thereof fewer ſhall eſcape, and alſo the rather and oftner relief and charity of the people ſhall be to the priſoners miniſtred: It may therefore pleaſe the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact that the Juſtices of Peace of every of the Shires of Eſſex, Suffolk, Dorſ. Suſſex, Surrey, Notingham, Glouc. Bedford, Buck. Huntingdon. Wiltſ. Kent, Warwick, Stafford, Oxon. Barkſ. Leiceſter, Rutl. Lincoln, Hereford, North. Salop. Norf. and Cornwal, or the moſt part of the ſaid Juſtices of Peace in every of the ſaid Shires within the limits of their Commiſſion, ſhall have full power and authority to limit and appoint at any time within the term of one year from the end of this preſent Parliament, the Towns and places wherein they ſhall think moſt neceſſary to have a common Gaol newly edified and made. And that alſo the ſaid Juſtices of Peace in every of the ſaid Shires, or the moſt part of the ſaid Juſtices of Peace within the limits of their Commiſſion, ſhall have full power and authority to call before them at times and places by them to be appointed, all the High Conſtables, Tythingmen, or Boroughholders of every Hundred, Lath, or Wapentake in the Shire whereof they be Juſtices, and in their preſence, and by their aſſents and agreements, or in the preſence, and by the aſſent of the moſt part of them ſhall conclude and agree upon ſuch convenient and certain ſums of mony, as ſhall be thought by their diſcretions, and by examination of workmen to ſuffice, for the making and perfect finiſhing of a new Gaol in the Shire whereof they be Juſtices of Peace, and thereupon ſhall forthwith by their aſſents, agreements, and diſcretions, tax and ſet every ſuch perſon and perſons, as then ſhall be reſiant in the ſame Shire, as well within liberties as without, having lands, tenements, rents, or annuities of eſtate or inheritance, or for term of life, to the clear yearly value of xl. s. or above, or being worth in moveable ſubſtance the clear value of xx. li. or above, to ſuch reaſonable aid and ſums of money as ſhall be thought convenient by their diſcretions, to, and for the full building, making, and furniſhing of the ſaid common Gaol of the Shire, where ſuch aſſeſſment ſhall be made. And after ſuch taxations, to name and appoint ſuch number of Collectors for the levying thereof, as ſhall ſeem beſt by their diſcretions. And that the ſaid Collectors, and every of them, ſhall have power and authority to diſtrein every ſuch perſon as ſhall be ſet or taxed by the ſaid Juſtices of Peace, as is aforeſaid, in their lands or goods, as well within liberties as without, and to ſell the diſtreſſes by them taken, by the appraiſment of four honeſt perſons for the paiment of the ſaid ſums to be taxed, if the perſon or perſons taxed refuſe to pay the ſame within ten days next after ſuch diſtreſs taken, taking upon every ſuch ſale but onely the money taxed, with reaſonable coſts for taking of the diſtreſs, and the overplus of ſuch ſales to be delivered to the owner of the ſaid diſtreſs.

The Juſtices ſhall tax the inhabitants of the County for and towards the building of the Gaol.

Collectors for the gathering of the money taxed, and their authority.

The Juſtices ſhall appoint two Surveyors to ſee the Gaol builded.

And that alſo the ſaid Juſtices of Peace in every of the ſaid Shires, or the moſt part of them, within the limits of their Commiſſion, ſhall have power and authority to name and appoint two honeſt perſons inhabited in the ſaid Shire wherein they be Juſtices, which two perſons ſhall ſurvey, ſee, and provide, that the ſaid Gaols ſhall be ſurely and ſubſtantially made, and finiſhed; to whoſe hands the ſaid Collectors ſhall pay, and deliver the money by them collected of the Kings ſubjects, by the appointment and aſſignment of the ſaid Juſtices of Peace, or ſix of them at the leaſt. And that as well every of the ſaid Collectors, as every of the ſaid two perſons to be named, their heirs, executors, and adminiſtrators, ſhall declare a true and a juſt accompt to the ſaid Juſtices of Peace in every of the ſaid Shires, or to ſix of them at the leaſt from time to time when they ſhall be required. And in caſe any of them refuſe to make accompt, or refuſe to pay and imploy ſuch ſums of money as ſhall come to their hands, in ſuch wiſe as ſhall be limited and appointed by the ſaid Juſtices of Peace, or ſix of them, (as is aforeſaid) that then the ſame Juſtices of Peace, or ſix of them in every Shire, where ſuch Gaols ſhall be new made, ſhall have full power and authority, if the ſaid offendors be preſent, to commit them to ward; and if they be abſent, to make attachments under their ſeals by their diſcretions againſt every ſuch Collector and perſon, to whoſe hands any of the ſaid ſums of money taxed ſhall happen to come, their heirs, executors, and adminiſtrators, and every of them, into every Shire and part of this Realm, as well within liberty as without, to

The Collectors and Surveyors accompt, and their puniſhment if they do not.

to be returnable afore the ſaid Juſtices of Peace, at ſuch day and place as by them ſhall be appointed, and to be directed to the Sheriff or Sheriffs of the Shire, wherein the party or parties, againſt whom ſuch attachment ſhall be directed, ſhall be reſident and abiding, if it be within the Bayliwick of the Sheriff, and if it be without, then to be directed to the Bailiff of the liberty, wherein ſuch parties ſhall abide. And that every Sheriff and Bailiff of liberty, to whoſe hands ſuch attachments ſhall come, without favour or corruption ſhall attach the ſaid offendors, and perſonally bring them before the ſaid Juſtices according to the tenour of the attachment to them directed, or elſe declare by his return of the ſaid attachment ſome reaſonable cauſe why he cannot ſo do, upon pain for every default by them or any of them committed contrary to this Act, to loſe and forfeit C. s. to the King our Sovereign Lord: and upon the appearance of every ſuch perſon ſo attached, the ſaid Juſtices or ſix of them ſhall have full power and authority to commit them to priſon, there to remain without bail or mainpriſe, till they have truly accompted, and paid all ſuch ſums of money as came to their hands by the aſſignment of the ſaid Juſtices by authority of this Act. And in caſe there happen to remain any overplus of money after the Gaols fully and wholly finiſhed, then it is ordered, that the ſome overplus ſhall be imployed and beſtowed in alms to the priſoners to be committed to the ſaid Gaol by the diſcretions of the ſaid Juſtices of Peace; or the more part of them, as long as it will laſt.

How the overplus ſhall be beſtowed, the Gaol being finiſhed.

Provided alway, that this Act extend not to charge any perſons inhabited within any Cities, Towns, or Boroughs corporate, which have common Gaols for felons taken in the ſame, and have Juſtices of Peace for deliverance of ſuch felons, for any taxes, or lots to the making of the ſaid common Gaols of any the Shires above named, but that every ſuch inhabitant in any ſuch City, Town, or Borough corporate, ſhall be utterly diſcharged thereof.

Corporate Towns which have Gaols within themſelves.

And be it further enacted, that ſeveral Commiſſions under the Kings great Seal, with this preſent Act thereto affiled, ſhall be directed to the Juſtices of Peace of the Shires afore named, authoriſing them to accompliſh and execute this preſent Act according to the tenour thereof in every behalf. And that the ſaid Juſtices of Peace, in every of the Shires afore named, have power and authority to limit to every of the ſaid Collectors, and perſons by them to be named, that ſhall take pains for levying of the money taxed, or for the ſurveying of the making of the ſaid Gaols, ſuch reaſonable ſums for their pains and labours for the collection of the ſaid money, and ſurveying the making of the ſaid Gaols.

The Collectors and Surveyors allowance for their pains.

And be it further enacted by the authority aforeſaid, that all murderers and felons ſhall be impriſoned in the ſaid common Gaols, and not elſewhere. And that the Sheriffs ſhall have the keeping and charge of the ſame new Gaols: and that every Sheriff be allowed upon his accompt in the Eſchequer, for all and every ſuch ſums of money as he ſhall hereafter happen to expend in and about the neceſſary reparations and amendments of the ſaid Gaols, after they be once made from time to time as often as need ſhall require: and that the Barons of the Kings Eſchequer have power to allow every Sheriff in every ſuch caſe by their diſcretions, without any bill or warrant to be ſhewed from the Kings Highneſs in that behalf.

Felons ſhall be impriſoned in the ſaid common Gaols. Sheriffs ſhall have the keeping of the Gaols, and allowance for the repair of them.

Provided always, that this Act be not in any wiſe hurtful or prejudicial to any perſon or perſons, having any common Gaols by inheritance, for term of life, or for years, but that they ſhall have and enjoy their ſaid Gaols, and the profits, fees, and commodities of the ſame, as they had or might lawfully have had before the making of this Act, and as if this Act had never been had, ne made.

A proviſo for them which have any eſtate in Gaols.

Be it further enacted by authority aforeſaid, that like proviſion in every behalf be had for a new Gaol to be made within the County of Derby, in like form as is provided for other Shires aforeſaid. Exp. St. 1 M. 14. 5 El. 24. 13 El. 25.

Derby.

CAP. III.

How perjury and untrue verdicts ſhall be puniſhed.

The King our Sovereign Lord of his moſt godly and gracious diſpoſition, calling to his remembrance, how that perjury in this Land is in manifold cauſes by unreaſonable means deteſtably uſed, to the diſheritance, and great damage of many, and great number of his ſubjects, well diſpoſed, and to the moſt high diſpleaſure of Almighty God: The good Statutes againſt all Officers having return of Writs, & their deputies making panels partially for rewards to them given, againſt unlawful Maintainors, Embraceors, and Jurors, and againſt Jurors untruly giving their verdict notwithſtanding: For reformation whereof, and foraſmuch as the late noble King Henry the Seventh, provided remedy for the ſame by a Statute made in the eleventh year of his Reign, which Statute is now expired:

St. 11 H. 7. 24.

er f. 292. er f. 81. Inſt. 294. 350.

Be it therefore now enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That upon every untrue verdict hereafter given betwixt party and party, in any ſuit, plaint, or demand, before any Juſtices and Judges of Record, where the thing in demand, and verdict thereupon given, extendeth to the value of xl. li. and concerneth not the jeopardy of mans life, the party grieved by the ſame verdict ſhall have a writ of attaint againſt every perſon hereafter ſo giving an untrue verdict, and every of them, and againſt the party which ſhall have judgment upon the ſame verdict. And that in the ſame attaint, there ſhall be awarded againſt the petit Jury, the party, and the grand Jury, Somons, Reſom, and diſtreſs infinite, which grand Jury ſhall be of like number as the grand Jury is now in attaint, and every of them, that ſhall paſs in the ſame, ſhall have lands and tenements to the value of twenty marks by the year of freehold, out of the ancient demean. And upon the diſtreſs which ſhall be delivered of Record upon the ſame, open

Attaint where the thing in demand extendeth to xl. li. and concerneth not mans life. The proceſs in attaint. Every of the grand Jury in attaint muſt have lands to the value of xx. marks. St. 15 H. 6. 5. 18 H. 6. 2. 37 H. 8. 5.

The diſtreſs awarded xv. days before the return thereof.
The grand Jury awarded by default.

open Proclamation to be made in the Court there; The diſtreſs ſhall be awarded more then fifteen days afore the return of the ſame diſtreſs, and every ſuch diſtreſs ſhall be made upon the land of every of the ſaid grand Jury, as in other diſtreſſes is and hath been uſed. And if the ſaid party defendant, or the petit Jurors, or any of them, appear not upon the diſtreſs, then the grand Jury to be taken againſt them and every of them that ſhall ſo make default. And if any of the ſaid petit Jury appear, then the party complainant in that behalf ſhall aſſign the falſe ſerement of the firſt verdict untruly given, whereunto they of the petit Jury ſhall have no anſwer, if they be the ſame perſons, and the writ, proceſs, return, and aſſignment good and lawful, except that the demandant or plaintiff in the ſame attaint hath afore been non-ſuit, or diſcontinued his ſuit of attaint taken for the ſame, or hath for the ſame verdict in a writ of attaint had judgment againſt the ſaid petit Jury, but onely that they made true ſerement, which iſſue ſhall be tried by xxiv. of the ſaid grand Jury. And the party ſhall plead that they gave true verdict, or any other matter, which ſhall be a ſufficient barre of the ſaid attaint. And that plea notwithſtanding, the grand Jury to be taken without delay, to enquire whether the firſt Jury gave true verdict or no.

18 H.6.f.6 36 H.8.f.3 Kel.f.93. 73.fo.173 14 H.7.f.6

What pleas the petit Jury may plead in attaint.
Raſt. pla.fo 92.
What pleas the defendant may plead in attaint.
The forfeiture of the petit Jury which is attainted.

And if they find that the ſaid petit Jury gave an untrue verdict, then every of the ſaid petit Jury to forfeit xx. li. whereof the one half ſhall be to the King our Sovereign Lord, and the other half to the party that ſueth.

And over that, that every of the ſaid petit Jury ſhall ſeverally make fine and ranſome by the diſcretion of the Juſtices before whom the ſaid falſe ſerement ſhall be found, after their ſeveral offences, defaults, and ſufficiency of every of the ſaid petit Jury. And after that, thoſe of the ſaid petit Jury ſo attainted ſhall never after be in any credence, nor their oath accepted in any Court. And if ſuch plea as the party pleadeth, which is a bar of the ſaid attaint, be found or deemed againſt him that ſo pleadeth, then the party that ſo ſueth ſhall have judgment to be reſtored to that he loſt, with his reaſonable coſt and damages.

Dyer f.9 11 H.4.

If the plea of the party defendant in attaint be found againſt him.
Raſt.pla.fo.86.
Outlawry or excommunication no plea againſt the plaintiff in attaint.
The forfeiture of the grand Jury making default of appearance.
The attaint maintainable as long as two of the petit Jury do live.

Foreſeen alway that any Utlare, in action or cauſe perſonal, or excommengement pleaded or alledged in the party plaintiff, or demandant, ſhall be taken but as a void plea, and to that he ſhall not be put to anſwer. And that in all the aforeſaid proceſs ſuch day ſhall be given as in a writ of Dower, and none eſſoin or protection to lie nor to be allowed in the ſame. And if the ſaid grand Jury appear not upon the firſt diſtreſs had againſt them, ſo that the Jury for their default do remain, he that maketh default ſhall forfeit to the King xx. s. and upon the ſecond diſtreſs xl. s. and after making default, for every ſuch default v. li. And like penalties and forfeitures to be againſt them and every of them that ſhall be named in the Tales, as is before expreſſed againſt every of the ſaid grand Jury aforeſaid. And that, for and by the death of the party, or any of the ſaid petit Jury, the ſaid attaint ſhall not abate nor be deferred againſt the remnant, as long as two of the ſaid petit Jury be alive.

Attaint of a thing under the value of xl. li.

And if hereafter any falſe verdict be given in any action, ſuit or demand afore any Juſtice or Judge of Record, of any thing perſonal, as debt, treſpaſs, and other like, which ſhall be under the value of xl. li. that then the party grieved ſhall have attaint, with ſuch proceſs and pleas, as is afore rehearſed, and delays to be taken away, as is afore remembred: except that in this caſe of attaint every perſon of the grand Jury that may diſpend v. marks by the year of freehold out of ancient demean, or is worth an hundred marks of goods and cattels, ſhall be able to paſs in the ſame attaint. And if the petit Jury be attainted, that then they ſhall be in this caſe of attaint every of them to forfeit v.li. whereof one half ſhall be to the King, and the other half to the party, after the form afore rehearſed, and over that to make fine and ranſome by the diſcretion of the Juſtices, as is aforeſaid.

Dyer f.xx.

Tales in another County if there be not ſufficient in the ſame County of freehold.

And if there be not perſons of ſuch ſufficiency within the Shire, or place where any of the ſaid attaints ſhall be taken, as may paſs into the ſame: be it ordained by the authority abovesaid, that then one Tales ſhall be awarded into the Shire next adjoyning by the diſcretion of the Juſtices afore whom the ſame attaints ſhall be taken, which ſhall be warned to appear upon like pains as is aforeſaid, and enabled to paſs in the ſaid attaints, as if they were dwelling in the Shire where the ſame attaint ſhall be taken. And that the ſame laws, action, and remedy, ordained by this preſent Act, be kept, for, and to all them that ſhall be grieved by ſuch untrue verdicts of any inheritance, in diſcent, reverſion, remainder, or of any freehold in reverſion or remainder. And if the party in attaint given by this Act be nonſuit, or the ſame diſcontinue, that then the ſame party ſo nonſuit, or ſo diſcontinuing the ſaid attaint, make fine and ranſome by the diſcretion of the Juſtices afore whom the ſaid attaint ſhall be taken and depending.

An attaint for him in reverſion or remainder.
St. 9 R. 2. 3.
If the plaintiff be nonſuit, or diſcontinue his ſuit.

Attaints muſt be ſued in the K. Bench or Common place.
ALT. 37 H.8.5.
Niſi prius in attaint.
Atturney in attaint.

And that all attaints hereafter to be taken, ſhall be taken afore the King in his Bench, or afore the Juſtices of the Common place, and in none other Courts. And that Niſi prius ſhall be granted by diſcretion of the Juſtices upon the diſtreſs. And every of the ſaid petit Jury may appear, & anſwer by Atturney in the ſaid attaint. And that the moity of the ſaid forfeiture of the petit Jury, ſhall be levied to the uſe of our Sovereign Lord the King by Capias ad ſatisfaciend. or Fieri fac' or Elegit, or by action of debt againſt every perſon of the petit Jury ſo forfeiting, and againſt his executors and adminiſtrators, having then ſufficient goods of their ſaid Teſtator not adminiſtred, and the other moity ſhall by like proceſs be levied to the uſe of the party that ſueth any attaint given by this Act againſt every of the ſaid petit Jury and his executors, or adminiſtrators, having then ſufficiency of goods, as is aforeſaid, not adminiſtred: and the judgment of reſtitution to the party grieved ſuing this Act, and execution of the ſame, to be had, and like judgment for the party defendant, or tenant to be diſcharged of reſtitution, as afore this preſent Act in caſe of a grand attaint hath been uſed. And if there be divers plaintiffs or demandants in attaint, that the nonſuit or releaſe of any of them ſhall not be in any wiſe hurtful or prejudicial to the reſidue, but that they and every of them in ſuch caſes may be ſummoned, and ſevered like as it is uſed when there be divers demandants in actions real.

Dyer f.xx. 2 H.7.f.3 Dyer f.139

Judgment and execution in attaint.
Raſt.pla. fo 92.
The nonſuit or releaſe of one plaintiff ſhall not prejudice his companions.

Be it alſo ordained and enacted by the authority aboveſaid, That in every writ of attaint hereafter to be taken by or upon this Act, the which ſhall be ſuch as other writs of attaint be, and after the Teſte of the ſame writ, ſhall be written theſe words in Latine: Per ſtat. continuat. uſque annum viceſimum tertium Domini Henr. octavi, Dei gratia Angliæ & Franciæ regis, fidei defenſ. & Domini Hiberniæ.

And it is alſo enacted, That this Act ſhall take effect for verdicts hereafter to be given, and to continue to the laſt day of the next Parliament.

Provided alway, That this Act be not prejudicial to a Statute made in the eleventh year of the late King of famous memory, Henry the ſeventh, for puniſhment of perjury in untrue verdicts, given in plaints ſued in the Courts of the City of London, but that it ſhall be at the liberty of all perſons, for and upon any untrue verdict given in any Courts of the ſame City, to ſue their attaint upon this eſtatute, or elſe upon the ſaid eſtatute made in the ſaid eleventh year at their own pleaſures and wills. 13 El. 25. made perpetual. Raſt. pl. f. 84. Dyer f. 201.

Any perſon may ſue an attaint upon this Stat. or upon the Act of 11 H. 7. 21.

CAP. IV.

No Brewer ſhall be a Cooper, &c.

Where the Ale-brewers and Beer-brewers of this Realm of England have uſed, and daily do uſe for their own ſingular lucre, profit and gain, to make in their own houſes their barrels, kilderkins, and firkins, of much leſs quantity, content, rate, and aſſiſe, than they ought to be, to the great hurt, prejudice, and damage of the Kings liege people, and contrary to divers Acts, Statutes, ancient laws and cuſtoms heretofore made, had, and uſed, and to the deſtruction of the poor craft or myſtery of Coopers: For reformation whereof, be it enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no Beer-brewer, nor Ale-brewer, that ſhall brew to ſale beer or ale, ſhall from henceforth occupy by himſelf, nor by any other to his uſe, in his houſe, nor elſewhere, the myſtery or craft of Coopers, nor make any barrels, kilderkins, firkins, or other veſſels by himſelf, nor by his or their own ſervants, whereby they ſhall put their beer or ale to ſale: but that all ſuch barrels, kilderkins, and other veſſels of wood, wherewith they ſhall put their beer or ale to ſale, ſhall from henceforth be made and marked according as hereafter ſhall be expreſſed by the common artificers of Coopers, exerciſed and practiſed in the ſaid occupation, upon pain to forfeit and pay for every ſuch barrel, kilderkin, firkin, or other veſſel, hereafter to be made contrary to the tenor of this Act, three ſhillings four pence.

No brewer of ale or beer to ſell, ſhall uſe the myſtery of a cooper, nor make any barrels, &c.

And be it alſo enacted, That every artificer of the craft or myſtery of Coopers, that will exerciſe or practiſe to make any of the ſaid veſſels for beer or ale to be put to ſale, ſhall make the ſame veſſels, and every of them, of good and ſeaſonable wood, and put his proper mark upon every of them: And that every barrel for beer ſhall contain xxxvi. gallons, every kilderkin for beer xviii. gallons, and every firkin for beer nine gallons of the Kings ſtandard gallon. And that every barrel of ale ſhall contain xxxii. gallons, every kilderkin for ale xvi. gallons, and every firkin for ale viii. gallons of the Kings ſtandard gallon. So that they ſhall be of good and juſt meaſure, or elſe above, and not under. And that no Cooper ſhall make any other veſſel for beer or ale, to be ſold within this Realm, of any greater or leſſer number of gallons then is aboveſaid, unleſs he ſhall cauſe to be marked upon every ſuch veſſel that he ſhall ſo make of greater or leſſer number of gallons, the true and certain number of as many gallons as every ſuch other veſſel ſhall contain, to the intent that every perſon may know the content thereof.

Veſſels for ale and beer ſhall be made of ſeaſonable wood, and marked.
The contents of barrels, kilderkins, &c.

And that no ſuch artificer of Coopers ſhall inhance the prices of any ſuch barrels, kilderkins, firkins, or other veſſels, in the ſale of them to any ale-brewer, or beer-brewer, or other perſon, but keep the rates of ſuch prices as hereafter enſueth, and not above, upon pain to forfeit for every barrel, kilderkin, and firkin defective, or inhanced in price, in any point contrary to this Act, iii. s. iv. d. That is to ſay, for every beer-barrel nine pence, for every beer-kilderkin v. d. and for every beer-firkin iii. d. and the ale-barrel xvi. d. and the ale-kilderkin ix. d. and the ale-firkin v. d.

Prices of barrels, kilderkins, firkins. Rep. 8 El. 9. 35 H. 8. 8.

And be it further enacted by the ſaid authority, That no beer-brewer, nor ale-brewer, at any time after the Feaſt of Lammas now next coming, ſhall put their beer or ale to ſale to any perſon or perſons, to be ſpent, and occupied within this Realm, in any other barrels, kilderkins, firkins, or other veſſels of wood, other then ſhall be made and marked by an artificer of Coopers aboveſaid, whereof every barrel for beer ſhall contain and hold thirty ſix gallons, every half barrel or kilderkin xviii. gallons, and every firkin ix. gallons: and every barrel for ale ſhall contain xxii. gallons, every kilderkin xvi. gallons, and every firkin viii. gallons of full and juſt meaſure or above, and not under that meaſure.

Veſſels of ale and beer to be marked by a cooper.

And that every beer-brewer and ale-brewer ſhall not take over and above for every ſuch barrel, kilderkin, or firkin of ale and beer, but after ſuch prices and rates as ſhall be thought convenient and ſufficient by diſcretions of the Juſtices of peace within every Shire where ſuch beer-brewer and ale-brewer ſhall dwell, without any City, Borough, or Town-corporate, where no head-officers, as Mayors, Bailiffs, Sheriffs, and other head-officers have none authority or rule: And in every City, Borough, and Town, where there be Majors, Sheriffs, or other head-officers, the ſame rates and prices to be named and ceſſed by them, and every of them, by their diſcretions. And that the ſaid ale-brewers or beer-brewers at any time hereafter ſhall not ſell their beer nor ale at any higher rates or prices, then ſhall be to them aſſigned after the form above rehearſed, upon pain to loſe and forfeit for every barrel ſo put to ſale contrary to this eſtatute, vi. s. for every half barrel, or kilderkin, iii. s. iv. d. and for every firkin ii. s. and for every veſſel containing greater number of gallons x. s. and for every veſſel containing leſſer number of gallons, xii. d. The one half of all the which penalties and forfeitures to be to the King our Soveraign Lord, and the

Prices of ale and beer aſſeſſed by Juſtices of Peace, and other Officers.

other half to him that will ſue for the ſame, by action of debt, bill, plaint, or information in any of the Kings Courts, in which action and ſuit, the defendant ſhall not wage his Law, nor any eſſoin, protection, or priviledge to be admitted.

Sopemakers.

Be it alſo further enacted by the ſaid authority, that all manner of Sope-makers within this Realm of England, which ſhall put to ſale any ſope by barrel, half barrel, firkin, or other veſſel, ſhall from Lammas now next coming, make, or cauſe to be made their barrels, half barrels, firkins, and other veſſels, according to the rates, contents, weights and aſſiſes of old time uſed and accuſtomed, that is to ſay, every empty barrel to hold and contain xxxii. gallons or above, and to be in weight xxvi. pounds and not above, of full and juſt meaſure, and every half barrel empty to be in weight xiii. pound and not above, and to hold and contain xvi. gallons or above: and every firkin empty to weigh vi. pounds and an half, and not above, and to hold and contain viii. gallons or above, upon pain of forfeiture for every ſuch barrel, half barrel, firkin, or other veſſel hereafter to be made, had, or uſed contrary to this Act, iii. ſhillings three pence.

The content and weight of Sope barrels.

Wardens of Coopers ſhall ſearch in London.

And alſo be it enacted by the authority aforeſaid, that the Wardens of the occupation, or myſtery of Coopers within the City of London, from henceforth at all times hereafter, when they ſhall think convenient and expedient, taking with them an Officer of the Mayors, ſhall have full power and authority by vertue of this Act, to ſearch, view, and gage all manner of ſuch barrels, kilderkins, firkins, and other veſſels to be made or occupied, for ale, beer, and ſope, to be put to ſale within the City of London, and ſuburbs of the ſame, and within two miles compaſs without the ſame ſuburbs, to view and ſee that the ſame barrels, kilderkins, firkins, and other veſſels; as well within Liberties as without, be made and marked well and ſufficiently, and bear and contain their true contents, rates and meaſures, according to the effect of this Eſtatute: And alſo to mark every ſuch barrel, kilderkin, firkin, and other veſſel by them ſo viewed and gaged, bearing and containing their true contents, with the ſign and token of Saint Authonies Croſs. The ſame Wardens to have for the ſearch and gaging of every ſuch barrel, kilderkin, firkin, and other veſſel by them ſo ſearched, viewed, gaged, and marked, one farthing, and not above, of the owners, or makers of the ſaid veſſels: And ſhall and may have authority by vertue of this Act, to retain every ſuch veſſel as they ſhall ſo gage, ſearch, and mark, until ſuch time as they ſhall be ſatisfied thereof: And in caſe they ſhall find any of the ſaid veſſels defective, not bearing their true contents, that then by authority of this Act they may ſeiſe, take, and retain every ſuch veſſel, and cauſe the ſame to be marked or amended according to the true content, or elſe cauſe the ſame to be burned.

And alſo the party, owner of ſuch veſſel, to loſe and forfeit for every ſuch veſſel not being of the full contents after the rate above expreſſed, xii. pence, to be recovered and imployed, as is aboveſaid.

Search of Coopers in other Cities, Boroughs, or Towns.

And be it further enacted by the ſaid authority, That in all other Cities, Boroughs, and Towns, wherein no ſuch Wardens of Coopers be, that the Mayors, Sheriffs, Bailiffs, Conſtables, or other head Officers in ſuch Cities, Boroughs, and Towns, ſhall have power and authority to ſearch, view, and gage all ſuch barrels, kilderkins, firkins, and other veſſels to be made hereafter in any ſuch City, Borough, or Town, and to have and take all ſuch advantage thereby, and in like manner and form, as the Wardens of Coopers within the City of London, or other perſons by this Act ſhould or may have or take on every behalf.

A Beer-brewer may keep a Cooper to hoop and amend his barrels.

Provided always, That every Beer-brewer may keep in his houſe one or two ſervants of the myſtery or craft of Coopers, to hoop and amend his barrels, kilderkins, firkins, and other veſſels, wherein they ſhall put their beer to ſale from time to time, this Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

The penalty for veſſels diminiſhed.

And be it further enacted by the ſaid authority, That if any perſon at any time after the ſaid Feaſt of Lammas next coming, do miniſh or cauſe to be miniſhed, any manner of barrel, kilderkin, or firkin, to the deceit of any of the Kings ſubjects, by reaſon of taking out the head of any ſuch veſſel, or taking out of any ſtaff, out, or from any ſuch veſſel, that then every ſuch veſſel to be burnt, and the offender to forfeit for every ſuch offence iii. s. iv. pence, the one moity thereof to be to the King our Soverign Lord, and the other moity there of to him or them of the Kings ſubjects that will ſue for the ſame, to be recovered in manner and form above rehearſed. And the party ſo offending to be further puniſhed by the diſcretion of the Head-Officer or Officers before whom ſuch default ſhall be preſented.

An ale-brewer may keep a Cooper.

It is enacted by the authority of this preſent Parliament, that notwithſtanding any thing contained in this Act of Brewers and Coopers, whereunto this ſchedule is annexed, it ſhall be lawful to every Ale-brewer mentioned in the ſame Act, to have and retain in his ſervice one perſon of the myſtery or craft of Coopers, to exerciſe in his ſervice the craft of a Cooper only in binding, hooping and pinning his Maſters ale-veſſels, recited by the ſaid Act, and in none otherwiſe to uſe or exerciſe any making of veſſels concerning the craft or myſtery of a Cooper, whiles that he is in the ſervice of any ale-brewer.

Every Cooper ſhall mark his veſſel with his own mark.
St. 51 H. 3.

Alſo it is ſnacted, That every Cooper which hereafter ſhall make any ale-veſſel ſpecified in the ſaid Act, ſhall from the Feaſt of Pentecoſt next coming, make every ſuch veſſel according to the aſſiſe ſpecified in the Treatiſe called Compoſitio menſurarum, that is to ſay, every barrel for ale contain xxxii. gallons of the ſaid aſſiſe or above, of the which viii. gallons make the common buſhel to be uſed in this Realm of England, every kilderkin for ale xvi. gallons of the ſaid aſſiſe or above, and every firkin viii. gallons of aſſiſe or above, upon pain of forfeiture of iii. s. iv. d. for every of the ſame veſſels by him untruly made contrary to this Act: the one half of the ſame forfeiture to be to the King, and the other to him that will ſue for the ſame by action of debt, bill, plaint, writ, or otherwiſe; In which action no eſſoin, protection, or wager of Law ſhall be allowed.

And be it alſo enacted, That every Cooper mark his veſſel with his own mark, upon pain of iii.s. iv.d. to be levied and recovered after like manner and form as is abovesaid: And that no manner of perſon in the ſearch-making for the true gaging of any veſſels, ſhall put out the ale of any ſuch veſſel, whereby the ſame ale ſhall be the worſe. And that it ſhall be lawful to every ale-brewer to bring, carry, and cauſe to be brought, and carried, their ale to the houſholds of our Soveraign Lord the King, the Queen, the Princes; and to every Archbiſhops, Biſhops, Dukes, Marqueſſes, Earls, Barons, or other honourable mens houſes, in Tuns, Buts, Pipes, Hogſheads, or other veſſels of greater or larger quantity then is expreſſed in this preſent Act, as beforetime hath been uſed in that behalf: And alſo it ſhall be lawful to the ſaid ale-brewers to bring, carry, or cauſe to be brought, conveyed, or carried their ale to every mans houſe in barrels, kilderkins, and firkins, bearing and holding their true contents according to the purport and effect of this preſent Act, any thing contained in the ſame Act to the contrary hereof notwithſtanding. St. 31 El. 8.

CAP. V.

How far the Commiſſion of Sewers ſhall extend.

Co. Inſt. 4. p. 275.

OUr Soveraign Lord the King, like a vertuous and moſt gracious Prince, nothing earthly ſo highly weighing, as the advancing of the common profit, wealth, and commodity of this his Realm, conſidering the daily great damages and loſſes which have hapned in many and divers parts of this his ſaid Realm, as well by the reaſon of the outragious flowing, ſurges, and courſe of the ſea, in and upon Marſh grounds, and other low places heretofore through politick wiſdom won and made profitable for the great common wealth of this Realm, as alſo by occaſion of land-waters, and other outragious ſprings, in and upon meadows, paſtures, and other low grounds adjoyning to rivers, floods, and other water-courſes: And over that by and through mills, mill-dams, wears, fiſhgarths, kedels, gores, gotes, floodgates, locks, and other impediments, in and upon the ſame rivers and other water-courſes, to the ineſtimable damages of the common wealth of this Realm, which daily is likely more and more to increaſe, unleſs ſpeedy redreſs and remedy be in this behalf ſhortly provided: wherein albeit that divers and many proviſions have been before this time made and ordained, yet none of them are ſufficient remedy for reformation of the premiſes, hath heretofore by deliberate advice, aſſent of his Lords ſpiritual and temporal, and alſo his loving Commons in this preſent Parliament aſſembled, ordained, eſtabliſhed, and enacted, That Commiſſions of Sewers, and other premiſes, ſhall be directed in all parts within this Realm from time to time, where and when need ſhall require, according to the manner, form, tenour, and effect hereafter enſuing, to ſuch ſubſtantial and indifferent perſons as ſhall be named by the Lord Chancellor, and Lord Treaſurer of England, and the two chief Juſtices for the time being, or by three of them, whereof the Lord Chancellor to be one.

The form of the Commiſſion of Sewers

Henry the eighth, &c. Know ye, That foraſmuch as the walls, ditches, banks, gutters, Sewers, gotes, calcies, bridges, ſtreams, and other defences by the coaſts of the ſea, and marſh ground, being and lying within the limits of A. B. or C. in the County or Counties of   or in the borders or confines of the ſame, by rage of the ſea, flowing and reflowing, and by mean of the trenches of freſh waters, deſcending and having courſe by divers ways to the ſea, be ſo dirupt, lacerate and broken: And alſo the common paſſages of ſhips, balengers, and boats, in the rivers, ſtreams, and other floods, within the limits of A. B. or C. in the County or Counties of   or in the borders or confines of the ſame, by mean of ſetting up, erecting and making of ſtreams, mills, bridges, ponds, fiſh-garths, mill-dams, locks, hebbing-wears, hecks, floodgates, or other like ſets, impediments, or annoyances, be letted, or interrupted, ſo that great and ineſtimable damage for default of reparation of the ſaid walls, ditches, banks, fences, ſewers, gotes, gutters, calcies, bridges and ſtreams; and alſo by mean of ſetting up, erecting, making, and enlarging of the ſaid fiſhgarths, mill-dams, locks, hebbing-wears, hecks, flood-gates, and other like annoyances in times paſt hath hapned, and yet is to be feared, that far greater hurt, loſs and damage is like to enſue, unleſs that ſpeedy remedy be provided in ÿ behalf.

The ſeveral cauſes of awarding the Commiſſion of Sewers.

We therefore, for that by reaſon of our dignity, and prerogative royal, we be bound to provide for the ſafety and preſervation of our Realm of England, willing that ſpeedy remedy be had in the premiſes, have aſſigned you, and ſix of you, of the which we will that A. B. and C. ſhall be three, to be our Juſtices, to ſurvey the ſaid walls, ſtreams, ditches, banks, gutters, ſewers, gotes, calcies, bridges, trenches, mills, mill-dams, floudgates, ponds, locks, hebbing-wears, and other impediments, lets and annoyances aforeſaid, and the ſame cauſe to be made, corrected, repaired, amended, put down or reformed, as caſe ſhall require, after your wiſdoms and diſcretions. And therein as well to ordain and do, after the form, tenour, and effect of all and ſingular the Statutes and Ordinances made before the firſt day of March, in the three and twentieth year of our Reign, touching the premiſes, or any of them, as alſo to enquire by the oaths of the honeſt and lawful men of the ſaid Shire or Shires, place or places, where ſuch defaults or annoyances be, as well within the liberties as without (by whom the truth may the rather be known) through whoſe default the ſaid hurts and damages have hapned, and who hath, or holdeth any lands or tenements, or common of paſture, or profit of fiſhing, or hath or may have any hurt, loſs, or diſadvantage by any manner of means in the ſaid places, as well near to the ſaid dangers, lets and impediments, as inhabiting or dwelling thereabouts, by the ſaid walls, ditches, banks, gutters, gotes, ſewers, trenches, and other the ſaid impediments, and annoyances; And all thoſe perſons, and every of them, to tax, aſſeſs, charge, diſtrain and puniſh as well within ÿ metes, limits & bounds of old time accuſtomed, or otherwiſe, or elſewhere within our realm of England, after the quantity of their lands, tenements, and rents, by the number of acres and perches, after the rate of every perſons portion, tenure, or profit, or after the quantity

What things the Commiſſioners of Sewers are authoriſed to do.

Inquiry by whoſe defaults the annoyances come.

Aſſeſſing the perſon to be contributory to the charge.

Appointing of Bailiffs, Collectors, Surveyors, and other inferior officers.

Diſtraining for the arrearages of the money aſſeſſed.

Taking of Labourers, workmen, and carriages, timber, and other neceſſaries.

To make Statutes and Ordinances.

Awarding of writs and precepts of Sheriffs, Bailiffs, and others.

To compel others to obey their orders.

of their common of paſture, or profit of fiſhing, or other commodities there, by ſuch ways and means, and in ſuch manner and form, as you, or ſix of you, whereof A. B. & C. to be three, ſhall ſeem moſt convenient to be ordained and done for redreſs and reformation to be had in the premiſes: And alſo to reform, repair, and amend the ſaid walls, ditches, banks, gutters, ſewers, gotes, calcies, bridges, ſtreams, and other the premiſes, in all places needful: and the ſame, as often, and where need ſhall be, to make new; And to cleanſe and purge the trenches, ſewers, and ditches, in all places neceſſary; and further, to reform, amend, proſtrate, and overthrow all ſuch mills, ſtreams, ponds, locks, fiſhgarths, hebbing-wears, and other impediments and annoyances aforeſaid, as ſhall be found by inquiſition, or by your ſurveying and diſcretions, to be exceſſive or hurtful. And alſo to depute and aſſign diligent, faithful, and true keepers, bailiffs, ſurveyors, collectors, expenditors, and other miniſters and officers, for the ſafety, conſervation, reparation, reformation, and making of the premiſes, and every of them, and to hear the accompt of the collectors and other miniſters of and for the receipt and laying out of the money that ſhall be levied and paid in and about the making, repairing, reforming, and amending of the ſaid walls, ditches, banks, gutters, gotes, ſewers, calcies, bridges, ſtreams, trenches, mills, ponds, locks, fiſhgarths, floudgates, and other impediments and annoyances aforeſaid: And to diſtrain for the arrearages of every ſuch collection, tax, and aſſeſs, as often as ſhall be expedient, or otherwiſe to puniſh the debtors and detainers of the ſame by fines, amerciaments, pains, or other like means after your good diſcretions: And alſo to arreſt and take as many carts, horſes, oxen, beaſts, and other inſtruments neceſſary, and as many workmen and labourers as for the ſaid works and reparation ſhall ſuffice, paying for the ſame competent wages, ſalary, and ſtipend in that behalf: And alſo take ſuch, and as many trees, woods, underwoods, and timber, and other neceſſaries, as for the ſame works and reparations ſhall be ſufficient, at a reaſonable price by you, or ſix of you, of the which we will that A. B. and C. ſhall be three, to be aſſeſſed, or limited, as well within the limits and bounds aforeſaid, as in any other place within the ſaid County or Counties, near unto the ſaid places: And to make and ordain Statutes, Ordinances, and proviſions, from time to time, as the caſe ſhall require, for the ſafeguard, conſervation, redreſs, correction, and reformation of the premiſes, and of every of them, and the parts lying to the ſame neceſſary and behoofull, after the laws and cuſtoms of Rumney-marſh, in the County of Kent, or otherwiſe, by any ways or means, after your own wiſdoms and diſcretions. And to hear and determine all and ſingular the premiſes, as well at our ſuit, as at the ſuit of any other whatſoever, complaining before you, or ſix of you, whereof A. B. and C. ſhall be three, after the laws and cuſtoms aforeſaid, or otherwiſe, by any other ways and means after your diſcretions. And alſo to make and direct all writs, precepts, warrants, or other commandments by vertue of theſe preſents, to all Sheriffs, Bailiffs, and all other miniſters, officers, and other perſons, as well within liberties as without, before you, or ſix of you, whereof the ſaid A. B. and C. to be three, at certain days, terms, and places to be prefixed, to be returned and received. And further to continue the proceſs of the ſame, and finally to do all and every thing and things, as ſhall be requiſite for the due execution of the premiſes, by all ways and means after your diſcretions: And therefore we command you, that at certain days and places, when, and where, ye, or ſix of you, whereof the ſaid A. B. and C. to be three, ſhall think expedient, ye do ſurvey the ſaid walls, fences, ditches, banks, gutters, gotes, ſewers, calcies, ponds, bridges, rivers, ſtreams, water-courſes, mills, locks, trenches, fiſhgarths, floudgates, and other lets, impediments, and annoyances aforeſaid, and accompliſh, fulfil, hear and determine, all and ſingular the premiſes, in due form, and to the effect aforeſaid, after your good diſcretions: And all ſuch as ye ſhall find negligent, gainſaying, or rebelling, in the ſaid works, reparations, or reformations of the premiſes, or negligent in the due execution of this our Commiſſion, that ye do compell them by diſtreſs, fines, and amerciaments, or by other puniſhments, ways or means, which to you, or ſix of you, whereof the ſaid A. B. and C. ſhall be three, ſhall ſeem moſt expedient for the ſpeedy remedy, redreſs, and reformation of the premiſes, and due execution of the ſame: And all ſuch things as by you ſhall be made and ordained in this behalf, as well within liberties as without, that ye do cauſe the ſame firmly to be obſerved, doing therein as to your Juſtices appertaineth, after the Laws and Statutes of this our Realm, and according to your wiſdoms and diſcretions.

A commandment to all Sheriffs to return before the Commiſſioners ſuch Jurors as ſhall be expedient for inquiry.

All other officers ſhall be attendant unto the Commiſſioners.

The Commiſſioners ſhall take an oath. 35 H. 8. 10.

Saved always to us ſuch fines and amerciaments as to us thereof ſhall belong. And we alſo command our Sheriff, or Sheriffs, of our ſaid County or Counties of that they ſhall cauſe to come before you, or ſix of you, of the which A. B. and C. ſhall be three, at ſuch days and places as ye ſhall appoint to them, ſuch and as many honeſt men of his or their Bailiwick, as well within the liberties as without, by whom the truth may beſt be known, to enquire of the premiſes; commanding alſo all other miniſters and officers, as well within Liberties as without, that they and every of them ſhall be attendant to you in and about the due execution of this our Commiſſion. In witneſs whereof we have cauſed theſe our Letters Patents to be made. Witneſs our ſelf at Weſtminſter, the day of in the year of our Reign.

And it is alſo enacted, That every ſuch perſon as ſhall be named Commiſſioner in the ſaid Commiſſion, after he hath knowledge thereof, ſhall effectually put his diligence & attendance in and about the execution of the ſaid Commiſſion. And before he ſhall take upon him the execution of the ſaid Commiſſion, he ſhall take a corporal oath before ẏ Lord Chancellor, or before ſuch to whom the ſaid Lord Chancellor ſhall direct the Kings writ of Dedimus poteſtatem, to take the ſame, or before the Juſtices of the Peace in the Quarter Seſſions holden in the Shire where ſuch Commiſſions ſhall be directed: the tenor of which oath hereafter enſueth:

Ye ſhall ſwear, That you to your cunning, wit and power, ſhall truly and indifferently

execute

The form of the oath.

execute the authority to you given by this Commiſſion of Sewers, without any favour, affection, corruption, dread or malice to be born to any manner of perſon or perſons: And as the caſe ſhall require, ye ſhall conſent, and endeavour your ſelf for your part to the beſt of your knowledge and power, to the making of ſuch wholſom, juſt, equal, and indifferent Laws and Ordinances, as ſhall be made and deviſed by the moſt diſcreet and indifferent number of your fellows being in Commiſſion with you, for the due redreſs, reformation and amendment of all and every ſuch things as are contained & ſpecified in the ſaid Commiſſion, and the ſame laws and ordinances to your cunning, wit and power, cauſe to be put in due execution, without favor, meed, dread, malice or affection, as God you help and all ſaints.

A confirmation of other Statutes.

And it is alſo enacted by the authority aforeſaid, That all and every Statute, Act and Ordinance heretofore made concerning the premiſes, or any of them, as well in the time of our Soveraign Lord the King that now is, as in the time of any of his progenitors Kings of this Realm of England, not being contrary to this preſent Act, nor heretofore repelled, from henceforth ſhall ſtand and be good and effectual for ever, and to be put in due execution according to the true meaning and purport of the ſame.

The authority of the Commiſſioners.

St. 1 M. 11. 13. El. 5.

And over that it be enacted, That the Commiſſioners hereafter to be named in any of the ſaid Commiſſions, according to the purport and effect of the ſame Commiſſions, have full power and authority to make, conſtitute and ordain Laws, Ordinances and Decrees, and further to do all and every thing mentioned in the ſaid Commiſſion, according to the purport, effect, words and true meaning of the ſame. And the ſame Laws and Ordinances ſo made, to reform, repell and amend, and make new from time to time, as the caſes neceſſary ſhall require in that behalf.

The ordinances of Commiſſioners upon thoſe which refuſe.

St. 13 El. 9.

Provided alway, and it is enacted, that if any perſon or perſons being aſſeſſed or taxed to any lot or charge for any lands, tenements or hereditaments within the limits of any commiſſion hereafter to be directed, do not pay the ſaid lot and charge according to the ordinance and aſſignment of the Commiſſioners, having power of the execution of the ſaid commiſſion: by reaſon whereof it ſhall happen, the ſaid Commiſſioners having power of execution of ſuch commiſſion, for lack of payment of ſuch lot and charge, to decree and ordain the ſame lands, tenements and hereditaments from the owner or owners thereof, and their heirs, and the heirs of every of them, to any perſon or perſons for term of years, term of life, in fee ſimple, or in tail, for payment of the ſame lot and charge; That then every ſuch decree and ordinance ſo by them made and engroſſed in parchment, and certified under their ſeals into the Kings Court of Chancery, with the Kings royal aſſent had to the ſame, ſhall bind all and every perſon and perſons that at the making of the ſame decree had any intereſt in ſuch lands, tenements, or hereditaments, in uſe, poſſeſſion, reverſion, or remainder, their heirs and feoffees, and every of them, and not to be in any wiſe reformed, unleſs it be by authority of Parliament hereafter to be ſummoned and holden within this Realm.

The Commiſſioners decree ſhall bind the Kings and all mens lands.

St. 3 Ed. 6. 8.

And alſo it is provided by authority aforeſaid, that the ſame Laws, Ordinances and Decrees to be made and ordained by the ſaid Commiſſioners, or ſix of them, by authority of the ſaid commiſſion, ſhall bind as well the lands, tenements and hereditaments of the King our Soveraign Lord, as all and every other perſon and perſons, and their heirs, for ſuch their intereſt as they ſhall fortune to have, or may have in any lands, tenements or hereditaments, or other caſual profit, advantage or commodity whatſoever they be, whereunto the ſaid Laws, Ordinances and decrees ſhall in any wiſe extend, according to the true purport, meaning and intent of the ſame Laws.

No man may ſit being unſworn.

What land each Commiſſioner ſhall have.

St. 13 El. 9.

St. 25 H. 8. 9. 10.

And it is furthermore by the authority aforeſaid eſtabliſhed and enacted, that if any manner of perſon or perſons, of what eſtate or degree ſoever he or they be of, that from henceforth do take upon him or them to ſit by vertue of any of the ſaid Commiſſions, not being before ſworn in form as is aforeſaid, and according to the tenor of the oath before ſpecified: Or if any perſon ſo named and ſworn, do ſit as is aforeſaid, not having lands, tenements or other hereditaments in fee ſimple, fee tail, or for term of life, to the clear yearly value of xl. marks above all charges to his own uſe, except he be reſiant and free of any City, Borough or Town-corporate, and have moveable ſubſtance of the clear value of one hundred pounds, or elſe be learned in the Laws of this Realm, in, and concerning the ſame, that is to ſay, admitted in one of the four principal Inns of Court for an utter Barreſter, ſhall forfeit xl. li. for every time that he ſhall attempt ſo to do, the one half thereof to be to our Soveraign Lord the King, and the other half thereof to the uſe of him or them that will ſue therefore by action of debt, bill, plaint or information in any of the Kings Courts; in which action or ſuit, no wager of Law ſhall be admitted, nor any eſſoin or protection ſhall be allowed.

Avowry or juſtification of a diſtreſs taken by reaſon of the Commiſſion of Sewers.

Coke pl. f. 293.

And if any action or treſpaſs, or other ſuit ſhall happen to be attempted againſt any perſon or perſons for taking any diſtreſs, or any other act doing, by authority of the Commiſſion, or by authority of any Laws or Ordinances made by vertue of the ſaid Commiſſion, the defendant, or defendants in any ſuch action ſhall and may make avowry, coniſance or juſtification for the taking of the ſame diſtreſs, or other act doing, touching the premiſes, or of any of them, alledging in ſuch avowry, coniſance or juſtification, that the ſaid diſtreſs, treſpaſs, or other act, whereof the plaintiff complaineth, was done by the authoriry of the Commiſſion of Sewers for lot or tax aſſeſſed by the ſaid Commiſſion, or for ſuch other act or cauſe, as the ſaid defendant did by authority of the ſame Commiſſion, and according to the tenor, purport and effect of this preſent Act made the three and twentieth year of the reign of our Sovereign Lord King Henry the eighth, without any expreſſing or rehearſal of any other matter or circumſtance contained in this preſent Act, or any commiſſion, laws, ſtatutes or ordinances thereupon to be made; whereupon the plaintiff ſhall be admitted to reply, that the defendant did take the ſaid diſtreſs, or did any other act or treſpaſs ſuppoſed in his declaration of his own wrong, without any ſuch cauſe alleadged by the ſaid defendant; whereupon the iſſue in every ſuch action, ſhall be joyned to be tryed by verdict of twelve men, and not otherwiſe, as is accuſtomed in other perſonal actions: And upon the trial of that iſſue, the whole matter to be given on both parties in evidence according to the very truth of the ſame.

Where the defendant ſhall repay damages with his coſts of ſuit.

And after ſuch iſſue tried for the defendant, or nonſuit of the plaintiff after appearance, the ſame defendant to recover treble damages, by reaſon of his wrongful vexation in that behalf, with his coſts allo in that part ſuſtained, and that to be aſſeſſed by the ſame Jury, or writ to enquire of damages, as the cauſe ſhall require.

The wages & fees of Commiſſioners, Clerks, Collectors, &c.

And it is alſo enacted, that every of the ſaid Commiſſioners ſhall have and perceive four ſhillings for every day that they ſhall take pain in the execution of this Commiſſion of Sewers, and one Clerk by them to be aſſigned, ii.s. for every day, of the rates, taxes, lots, and wayns that ſhall be aſſeſſed or loſt by the authority of the ſaid Commiſſion, and to be levied and paid by their diſcretions. And that the ſaid Commiſſioners, or ſix of them ſhall have power and authority to limit, and aſſign of the ſame rates, taxes, lots, and wains by their diſcretions, ſuch reaſonable ſums of money to the ſaid Clerk, for writing of books and proceſs concerning the premiſes, and to the Collectors, Expenditors, and ſuch other as ſhall take pain in due execution of the ſaid Commiſſion, as by the diſcretions of the ſaid Commiſſioners, or ſix of them, ſhall be thought reaſonable.

Commiſſions within the liberty of the Dutchy.

Provided alway that whenſoever, and as often as ſuch Commiſſion, as is afore limited, ſhall be made and directed to any perſon or perſons, for the reformation and amendment of, or in any of the premiſes ſpecified in the ſaid Commiſſion within the fees, liberties, or poſſeſſion of the Dutchy of Lancaſter, that then ſuch Commiſſioners as ſhall execute any ſuch Commiſſion, ſhall be always named and appointed by the diſcretion of the Lord Chancellor, and Lord Treaſurer of England, and the ſaid two chief Juſtices of either Bench, and the Chancellor of the ſaid Dutchy for the time being, or three of them, whereof the ſaid Lord Chancellor aud the Chancellor of the Dutchy to be two. And that in every ſuch caſe two Commiſſioners ſhall be awarded and made according to the tenor of the Commiſſion above expreſſed, one thereof under the great ſeal of England, and the other under the ſeal of the ſame Dutchy, as beforetime hath been accuſtomed, any thing afore rehearſed in this preſent Act to the contrary hereof notwithſtanding.

The charge of the Commiſſions.
3 Ed.6.8.

And it is further enacted, That the ſaid Commiſſions from time to time, as the caſe ſhall require, ſhall be had and obtained without any money, or other charge to be paid for the ſeals, or writing of the ſame, unleſs it be to the King, ii.s.vi.d. for the ſeal of every Commiſſion, as hath been accuſtomed: and for the writing and enrolling of any one Commiſſion, five ſhillings, and not above.

A Commiſſion of Sewers ſhall endure three years.
13 Eliz.9.

And it is further enacted, That every Commiſſion to be made by authority of this Act ſhall endure, and continue for the term of three years, next after the Teſte of the Commiſſion. Nevertheleſs, after any Commiſſion made and delivered out of the Kings Court of Chancery, the Kings Highneſs ſhall always at his pleaſure by his writ of Superſedeas out of his ſaid Court of Chancery, at any time diſcharge as well every ſuch Commiſſion, as every Commiſſioner that ſhall be made or named by authority of this Act. After which diſcharge the ſaid Commiſſioners ſhall have no power nor authority to proceed in the execution of their Commiſſion, nor in any thing by authority of this Act.

A Commiſſion or Commiſſioner diſcharged by Superſedeas.

How long the Commiſſioners decree ſhall endure.

ALT. 13 El.9.

Provided always, That ſuch Laws, Acts, Decrees and Ordinances as ſhall happen to be made by the ſaid Commiſſioners according to the tenor of their Commiſſion, or by authority of this Act, ſhall ſtand good and effectual, and be put in due execution ſo long time as their Commiſſion endureth, and no longer: except the ſaid Laws and Ordinances be made and ingroſſed in Parchment, and certified under the ſeals of the ſaid Commiſſioners into the Kings Court of Chancery, and then the Kings Royal aſſent be had to the ſame: any thing contained in this preſent Act to the contrary hereof notwithſtanding.

Commiſſions into a County Palatine.

Provided alſo, That whenſoever and as often as ſuch Commiſſion as is afore limited, ſhall be made and directed to any perſon or perſons for the reformation and amendment of, or in any of the premiſes ſpecified in the ſaid Commiſſion within the fees, liberties, and poſſeſſions of the Principality of Wales, the County Palatine of Cheſter, or within the fees, liberties, and poſſeſſions of any other place, where there is liberty and juriſdiction of County Palatine, that in every ſuch caſe two Commiſſions ſhall be awarded and made according to the tenor of the Commiſſion above expreſſed, one thereof under the great ſeal of England, and the other the uſual ſeal of the County Palatine, in manner and form as is above provided for the Dutchy of Lancaſter, any thing afore rehearſed in this preſent Act to the contrary notwithſtanding.

The Kings Royal aſſent ſhall be certified into the Chancery.
ALT. 13 El.9.

And it is provided, and alſo enacted, That the Royal aſſent limited to be had unto the Laws and Ordinances to be made by the ſaid Commiſſioners, as is aboveſaid, ſhall be certified into the ſaid Court of Chancery under the Kings privy ſeal. And that there ſhall not any ſum of money be paid for the ſame privy ſeal: but for the writing of the ſame Certificate under the ſaid privy ſeal, ſhall be paid to the writer thereof ii.s. and not above, nor no other nor greater ſum for any thing touching or concerning the ſame Certificate under the ſame privy ſeal.

Commiſſions in Wales, and Counties Palatine.

Provided alway, That the Chancellors, and ſuch other as ſhall have the cuſtody of the ſeals of the ſaid Principality of Wales, or the County Palatine of Cheſter, or within the fees, liberties and poſſeſſions of any other place, where there is liberty and juriſdiction of County Palatine, upon reaſonable requeſt, and upon ſight of the Commiſſion under the Kings great ſeal of his Chancery, ſhall without delay make out another Commiſſion under the ſeal of the ſaid County Palatine, according to the tenor of the Kings Commiſſion to them ſhewed under his great ſeal. And to thoſe Commiſſioners as ſhall be named by the Lord Chancellor, Lord Treaſurer, and the two Chief Juſtices, or by three of them, whereof the Lord Chancellor to be one, except it be within the fees and liberties of the Dutchy of

Lancaſter, within which fees and liberties, the Commiſſioners ſhall be named, and Commiſſions made, as is afore ordained by this Act, any thing contained in the ſaid Act, or in any proviſo thereunto added and annexed to the contrary thereof notwithſtanding. This Act to endure for xx. years. Stat. 3 Ed.6.8. made perpetual. Stat. 3 Jac.14. Regiſt. f.127.

CAP. VI.

Before whom Recogniſances of debt ſhall be made, and the form, &c.

Foraſmuch as the Mayors of the Staple in divers places of this Realm, where any Staple is kept, in the preſence of the Conſtables of the ſame Staple before this time, have and might lawfully take recogniſance, or knowledge of debts, only concerning and touching the merchandiſe of the ſame Staple, betwixt Merchant and Merchant of the ſame Staple, according to divers laudable Statutes and proviſions before this time had, ordained and made. Which Mayors and Conſtables many and ſundry times ſince the making of the ſame Statute, have taken divers recogniſances and knowledges of divers of the Kings ſubjects for debts, ſurmiſing the ſame knowledge or recogniſance to be made for ſurety of payment of ſums of money for ſuch wares as were or have been bought in the ſame Staple: where of troth the ſame recogniſance did not in any wiſe touch or concern the merchandiſe of the ſame, ne alſo the parties, that is to ſay, the cogniſor, ne the cogniſee, that did knowledge, and take the ſame recogniſances, were Merchants of the ſame Staple: which recogniſances, and knowledges taken in form aforeſaid, are not only clear contrary to the true meaning and intent of the ſame former eſtatutes, but alſo thereby divers great and ſundry inconveniences, damages and deceits do daily ariſe, and grow to divers of the ſubjects of our Soveraign Lord the King, by reaſon of the miſuſing of the ſame. And for as much as the Kings Highneſs of his moſt high wiſdom perceiveth the miſuſing and execution of the ſame to be contrary to the form of the ſaid former eſtatutes: Therefore his pleaſure is, that ſome true, lawful and reaſonable bond, for ſurety of payment of the ſaid debts of his ſubjects ſhall be made and deviſed by true and juſt means, which in it ſelf may, and ſhall purport right and equity, and be alſo conſonant to reaſon.

Statutes of the Staple were deviſed only for Merchandiſes of the Staple, and between Merchant and Merchant.

Co.Inſt.289.b

In conſideration whereof, by the aſſent of the Kings Highneſs, the Lords ſpiritual and temporal, and his Commons in this preſent Parliament aſſembled, and by authority of the ſame, it is enacted, ordained and eſtabliſhed, That from the firſt day of April next coming, the chief Juſtice of the Kings Bench, and the Chief Juſtice of the Common Pleas, which now be, or at any time hereafter ſhall be, and every of them by himſelf, and in their abſence out of the term, the Mayor of the Staple at Weſtminſter, and the Recorder of the City of London for the time being, jointly together by his or their diſcretions, ſhall have full power and authority to take recogniſances, or knowledges of every of the Kings ſubjects for the payment of debts, according to ſuch form as hereafter enſueth.

Who may take a Recogniſance in the nature of a Statute Staple. Coke pl.f.12.

Noverint univerſi per præſent. me A.B.& D.C.armig. teneri & firmiter obligari Johanni a Style in C. li. ſterling. ſolvend. eidem Johanni aut ſuo cert. attornat. hoc ſcriptum oſtend. hered. vel execut. ſuis in tal. feſt. &c. proxi. futur. poſt dat. præſentium. Et ſi deficero vel deficerimus in ſolutione debit. predict. volo & concedo, vel ſic, Volumus & concedimus, quod tunc currat ſuper me, hæred. & executores meos, vel ſuper nos & quemlibet noſtrum, hæred. & execut. noſtros pæna in ſtatuto Stapulæ de debit. pro merchandiſis in eadem emptis recuperand. ordinat. & proviſ. Dat. tal' die Anno regni regis, &c.

The form of the Recogniſance.

And that every obligation that ſhall be made, as is aforeſaid, and knowledged before any of the ſaid chief Juſtices, or the ſaid Mayor and Recorder according to this Act, ſhall be ſealed with the ſeal of the party or parties, that ſhall recogniſe, or knowledge the ſame, and alſo with ſuch ſeal as the Kings Highneſs ſhall ordain and appoint for the ſame, and with the ſeal of one ſuch of the ſaid Juſtices, or with the ſeals of the ſaid Mayor and Recorder, and with his or their name or names ſubſcribed, that ſo ſhall take the ſame recogniſance or knowledge. And that every of the ſaid two Juſtices, and the ſaid Mayor and Recorder, ſhall have the cuſtody of one ſuch ſeal by the Kings Highneſs to be appointed, with one like print, ſcripture, or faſhion, which ſhall ſeverally remain with them to the intent above rehearſed.

By what ſeals the ſame obligation ſhall be ſealed.

And further be it enacted by the authority aforeſaid, that ſuch an honeſt and diſcreet perſon as ſhall be aſſigned by the Kings Highneſs, or the ſufficient deputy or deputies of the ſame perſons ſo to be aſſigned, ſhall make and write all ſuch obligations as ſhall be acknowledged and recogniſed by authority of this Act, and ſhall cauſe the ſame obligations recogniſed and knowledged in form as is abovesaid, to be enrolled in two ſeveral rolls indented, whereof one ſhall remain with ſuch of the ſaid Juſtices, or with the ſaid Mayor and Recorder, that ſo ſhall take the ſame recogniſance in form aforeſaid, and the other roll with the writer thereof, appointed for the ſame. And that the ſaid perſon by the Kings Highneſs to be appointed for making, writing, and enrolling ſuch obligations, or his ſufficient deputy or deputies, ſhall be dwelling or abiding in the ſaid City of London, upon pain to forfeit for every time that he and his deputy ſhall be abſent by the ſpace of two days, ten pounds.

The Clerk of the Recogniſances ſhall inroll them, and ſhall dwell in London.

And further it is enacted by authority aforeſaid, That the ſaid perſon ſo to be aſſigned by the Kings Highneſs to write, make, and enroll ſuch obligations, or his ſufficient deputy or deputies, at the requeſt of the Creditors, their Executors or Aminiſtrators, ſhall certifie ſuch obligations as ſhall be taken and recogniſed by authority of this Act, into the Kings Court of Chancery, under the ſeal of the ſaid perſon ſo to be appointed for writing, making, and enrolling ſuch obligations.

Certificate of the Recogniſance in the Chancery.

And that every perſon and perſons, to whom any ſuch obligation ſhall be made, knowledged, and enrolled (as is aforeſaid) their Executors and Adminiſtrators, and the Executors

Execution upon a recogniſance acknowledged according to this Statute.

Co.Inſt. 232. 2.

and Adminiſtrators of every of them, for default of payment of the debts contained in ſuch obligations, ſhall have in every point, degree and condition, againſt the ſaid recogniſor and recogniſors, and every of them, their heirs, executors and adminiſtrators, and the heirs, executors and adminiſtrators of every of them, like proceſs, execution, commodity and advantage in every behalf, as hath been uſed and accuſtomed before this time to be had, done, or made of and upon any obligation of the ſtatute of the ſtaple, and under ſuch manner and form as is for the ſame ſtatute of the ſtaple provided, paying for ſuch proceſs and execution to be had, ſuch like fees, as is accuſtomed for proceſs and execution to be had upon obligations of the ſame ſtatute of the ſtaple, and not above.

Where the recogniſor ſhall be relieved by Audita querela.

Bro.dm.13.

And that every ſuch perſon and perſons that ſhall be bounden, or otherwiſe grieved by vertue of any obligation to be made by authority of this Act, ſhall have their like remedy by Audita Querela, and all other remedies in the Law, that they might have had in caſe they had been bounden by obligation of the Statute of the Staple.

The K. ſhall have ob. in the pound upon execution ſued.

And that every ſuch perſon and perſons that ſhall have proceſs for execution to be had by reaſon of any ſuch obligation to be made and knowledged according to this Act, ſhall pay to the Kings Highneſs, his heirs or ſucceſſors, at the time of enſealing of the proceſs for execution to be had, one halfpeny for every pound that ſhall be contained in the obligation, whereof execution ſhall be required, and not above.

The remedy for tenant by recogniſance being diſſeiſed.

And that every ſuch perſon and perſons that ſhall happen to have any execution of any lands, tenements, or hereditaments, by reaſon of any ſuch obligations to be made and knowledged (as is abovesaid) their executors, adminiſtrators, or aſſigns, and the executors, adminiſtrators and aſſigns of every of them, if they, or any of them, being put out or diſſeiſed, ſhall have like remedy in every point and condition, as perſons having execution in and upon any Statute of the Staple, after execution to them had, may, or might have, by vertue of the ſaid writing obligatory of the Statute of the Staple, and execution of the ſame.

The Juſtices & Clerks fee upon every recogniſance.

And further be it enacted by the authority aforeſaid, that every of the ſaid Juſtices, and the ſaid Mayor and Recorder, before whom any ſuch obligations ſhall be recogniſed, ſhall take for every knowledge of every one ſuch recogniſance iii.s. iv.d. and not above: and the Clerk that ſhall write, make, and enroll the ſame obligations, iii.s. iv.d. And for the certificate of every one ſuch obligation, xx.d. And if any of the ſaid Juſtices, Mayor, Recorder, or Clerk take of any of the Kings ſubjects above the ſum or ſums to them limited by this Eſtatute, that then the ſaid Juſtices, Mayor, Recorder, or Clerk, that ſo ſhall take contrary to the form aforeſaid, ſhall forfeit for every time ſo offending xl.li.

In what caſes recogniſances of Stat. Staple may be taken by the Mayor and Conſtable of the Staple, & in what not.

And further it is enacted by the authority aforeſaid, that from the ſaid firſt day of April, no Mayor or Conſtable of the Staple, for the payment of any ſum or ſums of money, take any knowledge or recogniſance of the ſaid Statute of the Staple, of any of the Kings ſubjects, upon pain to forfeit for every time ſo offending xl.li. The one moyety of all and ſingular the ſaid penalties to be to the Kings Highneſs, and the other moyety to the party that will ſue for the ſame. For the recovery whereof, the party that will purſue, ſhall have his remedy by information, action of debt, bill, or plaint, in any of the Kings Courts: in which no eſſoin, protection, nor wager of Law ſhall be admitted. Provided alway, that this Act, nor any thing therein contained, be in any wiſe prejudicial or hurtful to any Mayor and Conſtables of the ſtaple for any bond or writing of the Statute of the Staple to be taken, or received between Merchants being free of the ſame Staple, for Merchandiſe of the ſame Staple between them lawfully bought and ſold.

Recogniſances taken before the Statute.

Provided alſo, and be it enacted by the authority aforeſaid, That all recogniſances before this time taken before the Mayor and Conſtables of any of the ſaid Staples, whereof the ſums now be not paid, nor otherwiſe contented, lawfully avoided, or diſcharged by the Law, ſhall be as good and effectual as though they had been verily made for merchandiſe of the ſame Staple, and between Merchant and Merchant of the ſame Staple, and as they ſhould have been, if this Act had never been had ne made. St. 11 Ed. 1. Acton Burnell. 13 Ed. 1. De mercatoribus. 27 Ed. 3. 9. 27 Eliz. 4.

CAP. VII.

The Statutes of 5 R. 2. 3. 6 R. 2. 8. 4 H. 7. 10. Touching the bringing of Gaſcoin or Guion wines, or Toulouſe Ode, into this Realm by Ships onely of England, Ireland, or Wales, and by onely Maſters and Mariners of the ſame Counties confirmed. No perſon ſhall lay on land out of a ſhip any French wine, between the Feaſt of Saint Michael and the Purification, upon pain of forfeiture thereof. No perſon ſhall ſell by retail any French wines above viii.d. the gallon, viz. i.d. the pint. Nor any Malmeſey, Sack, Rumney, or other ſweet wine above xii.d. the gallon. The prices of the Tun, Butt, Pipe, and Hogſhead of the ſaid wines, ſhall be aſſeſſed by the Kings great Officers. The contents and gauging of the ſaid veſſels. Exp. St. H.8.6. 26 H.8.10. 28 H.8.14. 32 H.8.14.

CAP. VIII.

How certain Havens in Cornwall and Devonſhire may be amended.

St. 27 H.8.29.

The great eaſe and benefit which this Realm and others received by the Havens of Plimouth, Dartmouth, &c.

Piteouſly ſheweth, and complaineth, unto the King our Soveraign Lord, and to the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, the inhabitants of the Towns and Ports of Plimouth, Dartmouth and Teingmouth in the County of Devonſhire, Falmouth and Foway in the County of Cornwal, that where the ſaid Ports have been in time paſt the principal, and moſt commodious Havens and Ports within this Realm, for the rode, ſurety, and preſervation of ſhips reſorting from all places of the world, as well in peril of ſtorms, as otherwiſe. For where before this time all maner of ſhips being under the Portage of eight hundred tuns, reſorting unto any of the ſaid Ports or Havens, might at the low water eaſily enter into the ſame, and there lie in ſurety, what wind or tempeſt ſoever did blow. By reaſon whereof not only a great multitude of ſhips, as well of this Realm, as of other Regions and Countreys, before this time had been preſerved and ſaved, but alſo in time of war, the ſaid Havens and Ports, have been the greateſt fortification and defence of that part of this Realm, and the ſpecial preſervation of the great part of the Navy of the ſame: which ſaid Ports and Havens been at this preſent time in manner utterly decayed and deſtroyed by mean of certain Tin-works, called Stream-works, uſed by cetain perſons within the ſaid Counties, which perſons more regarding their own private lucre, then the common wealth and ſurety of this Realm, have by working of the ſaid Stream-works, digging, ſearching and waſhing of the ſame near unto the freſh rivers, waters, and low places, deſcending and coming out of the lands, towards, and into the ſaid Ports and Havens to the ſea, conveyed by the force of the ſaid freſh rivers a marvelous great quantity of ſand, gravel, ſtone, robel, earth, ſlime, and filth in the ſaid Ports and Havens, and have ſo filled and choked the ſame, that where before this time a ſhip of the portage of eight hundred as is aforeſaid, might have eaſily entred at a low water into the ſame, now a ſhip of a hundred can ſcantly enter at the half floud, to the decay and utter deſtruction of the ſaid Havens and Ports, and alſo to the ruine and utter undoing of all the good Towns within the ſaid County of Devonſhire and Cornwall, if remedy be not in that caſe ſpeedily provided. For reformation whereof, be it enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no perſon nor perſons hereafter ſhall labour or work, or cauſe to be laboured or wrought in any manner of Tin-works, called Stream-works within the ſaid Counties of Devonſhire or Cornwall, nigh to any of the ſaid freſh waters, rivers, or low places deſcending or having courſe unto the ſaid Havens or Ports, or any of them, nor ſhall labour, dig, or waſh any Tin in any of the ſaid Tin-works, called Stream-works, unleſs the ſaid digger, owner, or waſher, ſhall make, or cauſe to be made ſufficient hatches, and ties in the end of their buddles, and cords, and therein put and lay, or cauſe to be put and laid, all the ſand, ſtones, gravel, and robel digged about the inſearching, finding, and waſhing of the ſaid Tin, there to be wholly and ſurely kept, by the ſaid hatches and ties, out and from the ſaid freſh rivers and water-courſes, or any of them, ſo that the ſaid ſand, ſtones, gravel, and robel, ne any part thereof, be for lack of ſuch hatches or ties, conveyed into the ſaid Ports and Havens, or any of them, upon pain to forfeit for every time that any owner or tinner ſhall dig or waſh, or cauſe to be digged or waſhed, any Tin contrary to the form aforeſaid, x.li. The one half thereof to be to the uſe of our Soveraign Lord the King, and the other half thereof to be to any of the inhabitants of the ſaid Ports, Towns, or Havens, that will ſue for the ſame in any of the Kings Courts, by original writ, bill, plaint, information, or otherwiſe, wherein the defendant ſhall not be admitted to wage his Law, ne any protection or eſſoin ſhall be allowable.

The decay of the Havens of Plimouth, &c. and the cauſe thereof.

A mean to maintain the Havens of Plimouth, Dartmouth, &c. in the Counties of Devon and Cornwall.

Who ſhall have the forf. and by what means they ſhall recover it.

ALT.27 H,8.23.

And be it further enacted by authority aforeſaid, that if any perſon or perſons ſhall happen to be ſued, accuſed, indited, impriſoned, amerced, condemned, or otherwiſe vexed, or troubled in his perſon, lands, tin-works, goods or cattels, by any of the miniſters or officers of any of the Kings Court of Stannery, or by any other perſon or perſons, for purſuing or attempting any ſuit or action, according to this Eſtatute, againſt ſuch perſon or perſons as ſhal offend contrary to the form aforeſaid, that then all ſuch ſuits, accuſements, enditements, impriſonments, actions, condemnations, fines, amerciaments, and every other act or acts to be done in any of the ſaid Courts of Stannery, or elſewhere, by any perſon or perſons, againſt any perſon or perſons, for ſuing or attempting any ſuits or actions by vertue of this Eſtatute, ſhall be utterly void and of none effect in the Law. And that the parties ſued, endited, accuſed, impriſoned, or otherwiſe grieved or moleſted for purſuing againſt any perſon or perſons offending againſt this Eſtatute, ſhall have his action and remedy grounded upon this Eſtatute, by original writ, bill, plaint, information, or otherwiſe in any of the Kings Courts, againſt ſuch as ſhall procure, or attempt to vex, trouble, or otherwiſe moleſt any ſuch perſon or perſons, for ſuing or purſuing, for the forfeitures aforeſaid, and ſhall recover treble damages in that behalf; and the party defendant ſhall not be admitted to wage his law, ne any protection, eſſoin nor priviledge ſhall be to him allowable. And if it ſhall happen any perſon or perſons, for purſuing any ſuit, or action upon this Eſtatute, or by occaſion of the ſame, hereafter to be impriſoned by any manner of perſon or perſons, being officers or miniſters of the Stannery, their deputies or ſubſtitutes, that then every of the Juſtices of peace within any of the Counties aforeſaid, wherein the ſaid priſoner ſhall happen to be committed to priſon, upon credible information thereof, taking ſurety by his diſcretion for appearance of ſuch priſoner at the next general Seſſions of Peace, ſhall have power and authority as well to direct his Warrant to the gaoler or keeper of the priſon, as to any other perſon or perſons, to whom the ſaid priſoner ſhall be committed unto, commanding him or them, upon pain of forfeiture of xl.li. to deliver and put at large the ſaid priſoner or priſoners: which if he refuſe ſo to do, then every ſuch offender ſhall loſe and forfeit the ſaid xl.li. the one half of which forfeiture to be to the uſe of our Soveraign Lord the King, and the other half to him that is grieved by reaſon of ſuch impriſonment, to be recovered in manner and form aforeſaid: And the defendant in any action or ſuit for the ſame, ſhall not wage his law, ne have any eſſoin or protection allowed. And if it ſhall appear, upon the appearance of ſuch priſoner at the quarter Seſſions by examining of the Juſtices of Peace there being, that he was impriſoned contrary to the form of this Eſtatute, that then he ſhall be forthwith diſmiſſed, and thereby diſcharged. And if he were lawfully impriſoned, for any other juſt cauſe, then to be remaunded to priſon by the diſcretion of the ſaid Juſtices.

The remedy if any perſon be troubled in the Stannery for proſecuting ſuit according to this Statute.

The forf. of the offender, and the mean to recover it.

Provided alway, That this Act, or any thing therein contained, be not in any wiſe prejudicial, or hurtful to any of the officers of the Stannery, ne to any of their lawful liberties, priviledges, uſages, laws or cuſtoms, ſaving only in the caſes, and proviſions

This Act ſhall not be prejudicial to the officers or liberties of the Stannery.

ſions contained and limited within this preſent Act, which ſhall alway be put in execution according to the tenour of this Act, any uſage, cuſtom, priviledge, ordinance, or liberty to the contrary thereof notwithſtanding.

And it is enacted, That this Act ſhall begin to take effect from the Feaſt of S. Michael the Archangel next coming, and not before.

CAP. IX.

No perſon ſhall be cited out of the Dioceſs but in certain caſes.

The inconvenience of citations to inforce men to appear out of the Dioceſs where they dwell.

WHere great number of the Kings ſubjects, as well men, wives, ſervants, as other the Kings ſubjects dwelling in divers Dioceſes of this Realm of England, and of Wales, heretofore have been at any times called by citations, and other proceſſes compulſarie, to appear in the Arches audience, and other high Courts of the Archbiſhops of this Realm, far from, and out of the Dioceſs, where ſuch men, wives, ſervants, and other the Kings ſubjects been inhabitant and dwelling, and many times to anſwer to ſurmiſed and feigned cauſes, and ſuits of defamation, withholding of Tythes, and ſuch other like cauſes and matters, which have been ſued more for malice, and for vexation, then for any juſt cauſe of ſuit.

No perſon ſhall be cited to appear out of the Dioceſs where he dwelleth, but in certain caſes. Co.pl.f.363.448.

Cro.Jac. 311.493. Cro.Car. 97.339.

And where certificate hath been made by the ſummoner, apparator, or any ſuch light literate perſon, that the party againſt whom any ſuch citation hath been awarded, hath been cited or ſummoned, and thereupon the ſame party ſo certified to be cited or ſummoned, hath not appeared according to the certificate, the ſame party thereof hath been excommunicated, or at the leaſt ſuſpended from all divine ſervice: and thereupon before that he or ſhe could be abſolved, hath been compelled not only to pay the fees of the Court, whereunto he or ſhe was ſo called by citation or other proceſs, amounting to the ſum of ii. s. or xx. d. at the leaſt: but alſo to pay to the ſummoner, apparator, or other light literate perſon, by whom he or ſhe was ſo certified to be ſummoned, for every mile being diſtant from the place where he or ſhe then dwelled, unto the ſame Court, whereunto he or ſhe was ſo cited or ſummoned to appear, ii. d. to the great occaſion of impoveriſhment of the Kings ſubjects, and to the great occaſion of miſbehaviour and miſliving of wives, women, and ſervants, and to the great impairment and diminution of their good names and honeſties. Be it therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no manner perſon ſhall be from henceforth cited or ſummoned, or otherwiſe called to appear by himſelf or herſelf, or by any procurator, before any Ordinary, Archdeacon, Commiſſary, Official, or any other Judge ſpiritual, out of the Dioceſs, or peculiar juriſdiction, where the perſon which ſhall be cited, ſummoned, or otherwiſe (as is abovesaid) called, ſhall be inhabiting and dwelling, at the time of awarding, or going forth of the ſame citation or ſummons: except that it ſhall be for, in, or upon any of the caſes or cauſes hereafter written: that is to ſay, for any ſpiritual offence or cauſe committed or done, or omitted, followed or neglected to be done contrary to right or duty by the Biſhop, Archdeacon, Commiſſary, Official, or other perſon having ſpiritual juriſdiction, or being a ſpiritual Judge, or by any other perſon or perſons within the Dioceſs, or other juriſdiction, whereunto he or ſhe ſhall be cited, or otherwiſe lawfully called to appear and anſwer.

The forfeit of an Ordinary offending againſt the purport of this Statute.

And except alſo it ſhall be, by or upon matter or cauſe of appeal, or for other lawful cauſe, wherein any party ſhall find himſelf or herſelf grieved or wronged by the Ordinary, Judge, or Judges of the Dioceſs or Juriſdiction, or by any of his ſubſtitutes, officers or miniſters, after the matter or cauſe there firſt commenced and begun to be ſhewed unto the Archbiſhop or Biſhop, or any other having peculiar juriſdiction, within whoſe Province the Dioceſs or place peculiar is: or in caſe that the Biſhop or other immediate Judge or Ordinary, dare not, nor will not convent the party to be ſued before him: or in caſe that the Biſhop of the Dioceſs, or the Judge of the place, within whoſe juriſdiction, or before whom the ſuit by this Act ſhall be commenced and proſecuted, be party directly or indirectly to the matter or cauſe of the ſame ſuit: or in caſe that any Biſhop, or any inferior Judge, having under him juriſdiction in his own right and title, or by commiſſion, make requeſt, or inſtance to the Archbiſhop, Biſhop, or other ſuperior Ordinary or Judge, to take, treat, examine, or determine the matter before him or his ſubſtitutes, and that to be done in caſes only where the Law Civil or Canon doth affirm execution of ſuch requeſt or inſtance of juriſdiction to be lawful or tolerable, upon pain of forfeiture to every perſon by any Ordinary, Commiſſary, Official, or Subſtitute by vertue of his Office, or at the ſuit of any perſon to be cited, or otherwiſe ſummoned, or called contrary to this Act of double damages and coſts for the vexation in that behalf ſuſtained, to be recovered againſt any ſuch Ordinary, Commiſſary, Archdeacon, Official or other Judge, as ſhall award, or make proceſs, or otherwiſe attempt, or procure to do any thing contrary to this Act, by action of debt, or action upon the caſe, according to the courſe of the common Law of this Realm in any of the Kings high Courts, or in any other competent temporal Court of Record, by original writ of debt, bill, or complaint: In which action, no protection other then ſuch ſhall be made under the Kings great ſeal, and ſigned with his ſign manual, ſhall be allowed, neither any wager of law nor eſſoin ſhall be admitted. And upon pain of forfeiture for every perſon ſo ſummoned, cited, or otherwiſe called (as is abovesaid) to anſwer before any ſpiritual Judge, out of the Dioceſs, or other juriſdiction where the ſaid perſon ſo dwelleth, or is reſident or abiding, x. li. ſterling. The one half thereof to be to the King our Sovereign Lord, and the other half to any perſon that will ſue for the ſame in any of the Kings ſaid Courts, or in any other the ſaid temporal Courts, by writ, information, bill or plaint. In which action no protection ſhall be allowed, nor wager of Law or eſſoin ſhall be admitted.

Provided always that it ſhall be lawful to every Archbiſhop of this Realm, to call, cite, and ſummon any perſon or perſons inhabiting or dwelling in any Biſhops Dioceſs within his Province for cauſes of hereſie, if the Biſhop or other Ordinary immediate thereunto conſent, or if that the ſame Biſhop, or other immediate Ordinary or Judge do not his duty in puniſhment of the ſame.

Any Archbiſhop may cite for hereſie in another Biſhops Dioceſs.

Provided alſo that this Act may not extend in any wiſe to the prerogative of the moſt reverend Father in God, the Archbiſhop of Canterbury, or any of his ſucceſſors, of, or calling any perſon or perſons out of the Dioceſs where he or they be inhabiting, dwelling, or reſident, for probate of any teſtament or teſtaments, any thing in this Act contained to the contrary notwithſtanding.

Citation by the Archbiſhop of Canterbury for probate of Teſtaments.

And be it further enacted by authority aforeſaid, That no Archbiſhop nor Biſhop, Ordinary, Official, Commiſſary, or any other Subſtitute or Miniſter of any of the ſaid Archbiſhops, Biſhops, Archdeacons, or other having any ſpiritual juriſdiction, at any time from the feaſt of Eaſter next coming, ſhall aſk, demand, take, or receive of any of the Kings ſubjects, any ſum or ſums of money for the ſeal of any citation, after the ſaid Feaſt to be awarded or obtained then only iii. d. ſterling, upon the pains and penalties before limited, contained and expreſſed in this preſent Act, to be in like form recovered, as is aforeſaid.

The fees for the ſeal of a citation.

Provided always, That this Act be not in any wiſe hurtful or prejudicial to the Archbiſhop of York, nor to his ſucceſſors, of, for, or concerning probate of teſtaments within his Province and Juriſdiction, by reaſon of any prerogative, any thing in this Act to the contrary thereof notwithſtanding. Rep. 1. and 2 P. and M. 8. Rep: 1 Eliz. 1.

The Archbiſhop of York for probate of Teſtaments.

CAP. X.

Feoffments of Lands to the uſe of a Church ſhall be void.

Where by reaſon of Feoffments, Fines, Recoveries, and other eſtates and aſſurances, made of truſt, of manors, lands, tenements, and hereditaments, to the uſe of Pariſh-Churches, Chappels, Churchwardens, Guilds, Fraternities, Comminalties, Companies, or Brotherheads erected and made of devotion, or by common aſſent of the people without any Corporation, and alſo by reaſon of Feoffments, Fines, Recoveries, Wills, and other acts made to any uſes aforeſaid, or to the uſes and intents, to have obites perpetual, or a continual ſervice of a Prieſt for ever, or for threeſcore or fourſcore years, founden of the iſſues and profits of the manors, lands, tenements, and hereditaments, whereof ſuch feoffments, fines, recoveries, wills, and other acts been made, or that the feoffees, conſees, recoverers, or other perſons and their heirs thereof ſeiſed, ſhall take, levy, receive, and perceive, or cauſe, or ſuffer to be taken, levied, and perceived the iſſues, revenues, and profits thereof, and the ſame to diſpoſe, pay, convert, or otherwiſe imploy or ſuffer, or cauſe to be diſpoſed, paid, converted, or imployed to any ſuch uſes, intents or purpoſes, as been above ſpecified, or to any other like uſes or intents: there groweth and iſſueth to the King our Soveraign Lord, and to other Lords and ſubjects of the Realm, the ſame like loſſes and inconveniences, and is as much prejudicial to them, as doth, and is in caſe where lands be aliened to mortmain.

Aſſurances of lands to Churches, Comminalties, &c. as prejudicial to the Lords, as if they were aliened in Mortmain.

Be it therefore enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame: That all and every ſuch uſes, intents and purpoſes, of what name, nature, or quality they ſhall be called, that ſhall be deviſed, covenanted, made, declared, or in any wiſe ordained, after the firſt day of March, in the three and twentieth year of the Reign of our Soveraign Lord King Henry the eighth, by any feoffee, recoverer, or cogniſee, or by any other perſon or perſons, to whoſe uſe any ſuch feoffee, recoverer, or cogniſee ſhall be ſeiſed, of any manors, lands, tenements, or hereditaments, or of the iſſues, revenues and profits of them, or any of them, ſhall be utterly void and of no ſtrength, vertue, nor effect in the Law.

Cro. El. 188. Coke l. ſ. 22. 26. 18 [illegible]

Aſſurances of Lands to Churches, Chappels, &c. ſhall be void.

Provided alway, that it ſhall be lawful to every perſon being ſeiſed of any manors, lands, tenements, or hereditaments, to his own proper uſe, or having feoffees, recoverers, or coniſees to his uſe, to make, or ordain, or deviſe, or cauſe to be made, ordained, or deviſed any of the uſes, intents, or purpoſes above ſpecified, in ſuch manner as they might have done before the making of this Act, and as if this Act had never been had ne made: So that no ſuch uſes, intents or purpoſes to be made, ordained or deviſed after the ſaid firſt day of March, be not in any wiſe made, ordained, deviſed, or appointed to endure, continue, or abide by any craft, colour, terms, ſentences, clauſes, words, or other means, above the term of xx. years, next after the firſt making and beginning of any ſuch uſes, intents or purpoſes.

Aſſurances of Lands to Churches, &c. for twenty years.

And it is further enacted, That if any perſon or perſons in defraud of this Statute, bind, or ordain any their heirs or ſucceſſors, or any other perſon or perſons, that they ſhall ſuffer ſuch uſes, intents or purpoſes to endure and continue, contrary to this Act, upon pains or penalties of loſſes of any other lands, tenements, hereditaments, or of any other thing or things: or do attempt or deviſe by any colour, craft, or means any thing or things, to make any ſuch uſes, intents or purpoſes to be declared, contrary to the true meaning of this Act, to continue or abide for any longer time or ſeaſon, then is above limited for the ſame, that then every ſuch pain, penalty, craft, colour, and every other thing and things, of what kind, nature, or quality ſoever it be, that ſhall be ſo made, ordained, or deviſed in defraud of this Act, ſhall be utterly void in the law to all intents. And that this Statute ſhall be alway interpreted and expounded as beneficially as may be, to the deſtruction and utter avoiding of ſuch uſes, intents and purpoſes herein above remembred, and of all other like uſes and intents, otherwiſe then only after ſuch manner as is afore by this preſent Act provided.

Collateral aſſurances in defrauding of the Statute, ſhall be void.

Provided alway, that in ſuch Cities & Towns-corporate, where by their ancient cuſtoms they have good and lawful authorities, to deviſe into mortmain the lands, tenements, & hereditaments within the ſame Cities or Towns-corporate, that this Act ſhall not be in any wiſe prejudicial or hurtful to any ſuch cuſtom.

Cuſtom in Cities or Towns to deviſe lands in Mortmain.

Devices made by the executors of Jannis and Terry of the City of Norwich.

Provided alway, That this Act, ne any thing therein contained, ſhall extend or be in any wiſe prejudicial, to hinder or impair any ſuch ordinances, devices, or declarations of uſes as ſhall hereafter be made and declared in writing by the executors of the Teſtaments, and laſt Wills of Robert Jannis and John Terry, late Aldermen of the City of Norwich, now deceaſed, or by the executors, or the ſurvivor of the executor of either of them, of any lands, tenements, or hereditaments, not amounting in the whole above the clear yearly value of fourty pound, to be imployed and converted to, and for the diſcharge of Tolls and Cuſtoms within the ſaid City, and at the gates of the ſame, for the diſcharge of the poor people within the ſame City, of Taxes, and Tallages hereafter to be aſſeſſed and levied, and for the cleanſing of the ſtreets of the ſame City, or for any of the ſaid good purpoſes, according to the true intents and meanings of the ſaid laſt Wills and Teſtaments, and either of them: ſo that the ſame ordinances, devices, and declarations be had, made, and certified in writing into the Kings Court of Chancery, within two years next enſuing the Feaſt of Eaſter next coming.

CAP. XI.

Breaking of Priſon by a Clerk convict, is Felony.

Where divers perſons being convict of murder, or felony, having the priviledge of their Clergy, and delivered to the Ordinaries, afterwards wilfully break the priſons of the Ordinaries, and eſcape their ways, doing and committing great, horrible, and deteſtable offences: and as hitherto for ſuch wilful breaking of priſons of Ordinaries by Clerks convict, hath not been provided any great penalty, whereby they ſhould ſtand in dread of doing of the ſame. Be it therefore enacted by authority of this preſent Parliament, That if any Clerk convict being in priſon of any Ordinary, wilfully break the ſaid priſon, & eſcape his way out of yͤ ſame, that then every ſuch breaking of priſon & eſcape, ſhall be from henceforth deemed and adjudged felony, and the offender therein ſhall have and ſuffer ſuch pain of death and penalty, and loſs of his lands and goods, as for other felonies is accuſtomed by the Laws of this Realm, and ſhall not in any wiſe be admitted to have the priviledge or benefit of his Clergy, nor enjoy any ſanctuary for the ſame.

It is felony for a Clerk convict being in the Ordinaries priſon to break the ſame. REP. Ed. 6. 12.

They which be within holy Orders ſhall be delivered to the Ordinary. Alt. 28 H. 8. 1.

Provided alway, That if any ſuch offender be within holy Orders, that is to ſay, of the orders of Subdeacon, Deacon, or Prieſthood, that then after he is convict of the premiſes, he ſhall be delivered to the Ordinary, there to remain without any purgation.

The Ordinary may diſgrade a Clerk convict, and ſend him to the K. Bench. St. 23 H. 8. 1.

And it is enacted, That it ſhall be at the liberty of the Ordinary to diſgrade any ſuch offender, after he is found guilty, and delivered to him, as a Clerk convict, and ſend him before the King in his bench, with letters witneſſing the ſaid diſgrading; and thereupon the Juſtices of the Kings bench, having the record of his conviction, ſhall have power and authority to give judgment againſt every ſuch offender, being convict and diſgraded, that he ſhall ſuffer death, like as they might do in caſe the ſame offender had been a lay man, and arraigned and found guilty afore them of the ſaid offence, the delivering of ſuch offender afore to the Ordinary notwithſtanding.

CAP. XII.

The Penalty for hindering of Paſſengers upon the bank of the River of Severn.

An old uſe to have a path on both ſides the River of Severn.

Where the Kings ſubjects paſſing upon the River and water of Severn, have uſed time out of mind to have, and uſe a certain path a foot and a half broad on every ſide of the ſaid River, for drawing up by lines or ropes, their Troughs, Barges, Boats, and other veſſels, paſſing or repaſſing on the ſaid River of Severn with Wine, or any other merchandiſe, without any impoſition, tax, or toll to be demanded of them that ſo ſhould carry Wine in any of the ſaid veſſels, for the ſaid paſſing and drawing in the ſaid paths accuſtomed, till now of late certain covetous perſons have perturbed, and interrupted many of the Kings ſubjects, haling and drawing up their veſſels in the ſaid paths, taking of them fines, and draughts, and bottles of Wine, and yet daily uſe to take, to the diſturbance and loſs to many of the Kings ſubjects.

The penalty for hindering paſſengers upon the bank of the river of Severn, or for demanding of Toll.

Be it therefore enacted by the King our Soveraign Lord, and the Lords ſpiritual and temporal, and the commons in this preſent Parliament aſſembled; That no perſon or perſons interrupt by any obſtacle, let, or otherwiſe, any perſon or perſons paſſing or repaſſing, on and upon every of the ſaid paths accuſtomed, nor alſo ask, take, or demand, any toll called a draught, or bottle of wine, or any other tax, or impoſition of any of the Kings ſubjects there going, in the ſaid paths accuſtomed, upon every ſide of the River of Severn, there haling or drawing their boats, troughs, or veſſels, upon pain to forfeit for every time that he or they ſo ſhall interrupt any of the Kings ſubjects, or ask or take any ſuch impoſition, by what name ſoever it be called, fourty ſhillings. The one half thereof to be to the King our Soveraign Lord, and the other half to the party grieved, that will ſue for the ſame by bill, plaint, information, or otherwiſe, in the which ſuit no eſſoin, wager of Law, nor protection ſhall be allowed. St. 9 H. 6. 5. 19 H. 7. 18.

CAP. XIII.

What men in Corporate Towns ſhall paſs in Trial of Murders.

Trial of Felons in Corporate Towns may be by men worth xl. li. in goods.

Foraſmuch as trial in murders and felonies in Cities, Boroughs, and Towns-corporate within this Realm, having authority to proceed in the deliverance of ſuch offenders, been oftentimes deferred and delayed, by reaſon of challenge of ſuch offenders, for lack of ſufficiency of freehold, to the great hinderance of Juſtice. It may therefore be enacted by authority of this preſent Parliament, That every perſon & perſons being the Kings natural ſubject born, which either by the name of a Citizen, or of a Freeman, or any other name, doth enjoy and uſe the liberties and priviledges of any City, Borough, or

Town corporate, where he dwelleth, and maketh his abode, being worth in moveable goods, and ſubſtance to the cleer value of fourty pounds, be from henceforth admitted in trial of murders, and felonies, in every Seſſions, and Goal-delivery to be kept and holden in and for the liberty of ſuch Cities, Boroughs, and Towns corporate, albeit they have no freehold; any Act, Statute, uſe, cuſtom, or ordinance to the contrary hereof notwithſtanding.

Provided alway, that this Act do not extend in any maner of wiſe to any Knight, or Eſquire, dwelling, abiding, or reſorting, in, or to any ſuch City, or Borough corporate, any thing in the ſame Act mentioned or declared to the contrary hereof notwithſtanding.

CAP. XIV.

Like proceſs ſhall be had in every Writ of annuity and Covenant as in an action of debt.

FOr as much as there is great delays in actions of treſpaſs brought upon the Statute of King Richard the ſecond, made in the fifth year of his reign, againſt them that make entrees into any lands or tenements, where their entree is not given by the law, and alſo in actions of annuity and actions of covenant, becauſe there lieth no proceſs of Outlary in ſuch nature of actions. For reformation whereof, it may pleaſe the Kings Highneſs, by the advice of his Lords Spiritual, and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to ordain and enact, that like proceſs be had hereafter in every action from henceforth to be brought upon the ſaid Statute of anno Quinto, as in a common action of treſpaſs at the common law, and that alſo like proceſs be had in every writ of annuity, and covenant hereafter to be ſued, as is in an action of debt. Br. Exigent. 22.53.63. Br. Proces. 12.125.

What proceſs ſhall be had in treſpaſs upon the Stat. of 5 R.2.7. Writs of annuity and covenant.

CAP. XV.

Where the Plaintiff is nonſuit, &c. the defendant ſhall recover coſts.

BE it enacted by the King our Soveraign Lord, and the Lords Spiritual and Teniporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons at any time after the Feaſt of the Purification of our Lady in the xxiii. year of the reign of our Soveraign Lord King Henry the eight, commence or ſue in any Court of Record, or elſewhere in any other Court, any action, bill, or plaint of treſpaſs upon the ſtatute of King Richard the ſecond, made in the fifth year of his reign, for entrees into lands and tenements, where none entre is given by law, or any action, bill, or plaint of debt, or covenant upon any eſpecialty, made to the plaintiff or plaintiffs, or upon any contract ſuppoſed to be made between the plaintiff or plaintiffs, & any perſon or perſons, or any action, bill, or plaint of Detinue, of any goods or cattels, whereof the plaintiff or plaintiffs ſhall ſuppoſe that the property belongeth to them, or to any of them, or any action, bill or plaint of accompt, in the which the plaintiff or plaintiffs ſuppoſe the defendant or defendants to be their Bailiff or Bailiffs, receivor or receivors of their maner, meſe, money, or goods to yield accompt, or any action, bill, or plaint upon the caſe, or upon any ſtatute, for any offence or wrong perſonal immediately ſuppoſed to be done to yͤ plaintiff or plaintiffs: & the plaintiff or plaintiffs in any ſuch kind of action, bill or plaint, after appearance of the defendant or defendants be nonſuited, or that any verdict happen to paſs by lawful trial againſt yͤ plaintiff or plaintiffs in any ſuch action, bill or plaint: that then the defendant or defendants in every ſuch action, bill or plaint, ſhall have judgment to recover his coſts againſt every ſuch plaintiff or plaintiffs. And that to be aſſeſſed and taxed by the diſcretion of the Judge, or Judges of the Court, where any ſuch action, bill, or plaint ſhall be commenced, ſued, or taken. And alſo that every defendant in ſuch action, bill, or plaint ſhall have ſuch proceſs and execution, for the recovery, and having of his coſts, againſt the plaintiff or plaintiffs, as the ſame plaintiff or plaintiffs, ſhould or might have had againſt the defendant or defendants, in caſe that judgment had been given for the hurt of the ſaid plaintiff or plaintiffs, in ſuch action, bill, or plaint. Dyer f.32.371. Bro. Coſts 23.

The defendant ſhall recover his coſts in certain actions, if the plaintiff be nonſuit, or the verdict paſs againſt him. St. 8 El. 2. 4 Jac. 3. Co. pl. f. 29. Co. Inſt. 2 part. 651. Cro. El. 177. 308. 465. 503.

Provided alway, that all and every ſuch poor perſon or perſons being plaintiff or plaintiffs in any of the ſaid actions, bills, or plaints, which at the commencement of the ſuits, or actions, be admitted by diſcretion of the Judge or Judges, where ſuch ſuits or actions ſhall be purſued or taken, to have their proceſs and counſel of charity without any money or fee paying for the ſame, ſhall not be compelled to pay any coſts by vertue and force of this ſtatute, but ſhall ſuffer other puniſhment, as by the diſcretion of the Juſtices or Judge, afore whom ſuch ſuits ſhall depend, ſhall be thought reaſonable, any thing afore rehearſed to the contrary hereof notwithſtanding.

He that ſueth in Forma Pauperis ſhall be otherwiſe puniſhed.

CAP. XVI.

It ſhall be felony to ſell, exchange, or deliver to any Scottiſhman, or within Scotland any horſe, gelding, &c. Rep. 4 Jac. 1. 1 Ed. 6. 12. 1 Ed. 6. 5. 1 El. 7.

CAP. XVII.

How and in what manner Woolls ſhall be wound.

BE it enacted by the King our Soveraign Lord, and the Lords Spiritual, and Temporal, with the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that from henceforth no manner of perſon ne perſons ſhall wind, or cauſe to be wound any fleece of Wooll being not ſufficiently rivered, or waſhed, ne wind nor cauſe to be wound within any fleece, clay, lead, ſtones, ſand tails, deceitful locks, cot, cals, comber, lambs wooll, or any other thing, whereby the fleece may be the more weighty, to the deceit and loſs of the buyer, upon pain the ſeller of any ſuch deceitful woolls, to forfeit for every ſuch fleece vi. d. the one moyety to the King, the other to the finder and prover of the ſame deceipt, by action of debt, by original writ, bill, plaint, information, or otherwiſe in any of the Kings Courts, in which action no wager of Law, Eſſoin, or protection ſhall be allowed for the defendant.

No wooll ſhall be wound, that is not ſufficiently waſhed, no deceitful thing ſhall be put in the fleece. St. 8 H. 6. 22.

Counties where wooll is not waſhed or where fleeces be ſold by tale.

Provided alway that this Act concerning rivering, and waſhing of any wooll, ſhall not in any wiſe extend to any ſhire or ſhires, the inhabitants whereof have not cuſtomably uſed before this time to river, or waſh their ſheep afore they be ſhorn, nor ſhall in any wiſe be hurtful or prejudicial to any perſon or perſons, that have uſed cuſtomably to ſell their wolls by tale or number of the fleece or fleeces, and not by the weight. Any thing in this Act to the contrary notwithſtanding. This Act to endure to the next Parliament. St. 13 Eliz. 25. made perpetual.

CAP. XVIII.

Fiſhgarthes in the rivers of Ouſe and Humber ſhall be pulled down.

The inconveniences inſuing the ſetting of fiſhgarths, ſtakes, piles, in Ouſe and Humber.

The Maior, Sheriffs, and Comminalty of the City of York, and other the Kings true ſubjects inhabiting and dwelling nigh unto the river of Ouſe, and the water of Humber, and all other occupiers of the ſame river and water, lamentably complaining, ſhewen unto our Soveraign Lord the King, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, that where the ſaid City, being one of the moſt ancient Cities of this Realm, hath been much relieved, maintained, and ſupported by the ſaid river of Ouſe, and water of Humber, which be the common and direct paſſage, and way from Hull unto York aforeſaid, by reaſon that many ſhips, keyles, cogs, and boats, and other veſſels have heretofore had their frank paſſages, without let, impediment or interruption, in and upon the ſaid river and water of Ouſe and Humber, from divers parts of this Realm unto the ſaid City, whereby the ſaid City hath hitherto moſt chiefly been advanced: And now of late certain perſons ſtudying only for their own private lucre, not regarding the common weal, but daily imagining the utter deſtruction, ruine, and decay of the ſaid City, and the countries adjoyning upon the ſaid river of Ouſe and water of Humber, and occupiers thereof, have, and daily doe keep, preſerve and maintain certain engines for taking of fiſh in the ſaid river and water of Ouſe and Humber, commonly called fiſhgarthes, and ſet in the ſaid river and water, in ſuch places of the ſame, where ſhips ſhould have their liberal and direct paſſage in the mids of the ſtreams of the ſaid river of Ouſe and water of Humber, ſtakes, piles, and other things in and upon the common paſſage for ſhips, keyles, cogs, boats, and other veſſels, at divers and many places in the ſaid river of Ouſe and water of Humber: by reaſon whereof not only the ſaid ſhips, keyles cogs, boats, and other veſſels are daily in jeopardy, and men, children, goods, and merchandiſes in the ſame of late have been, and daily be like more to increaſe to be drowned, ſlain, and deſtroyed, but alſo brood and fry of fiſh in the ſaid river and water of Ouſe and Humber be commonly there by deſtroyed, and putrified, to the utter impoveriſhment, and deſtruction of the ſaid City, unleſs ſpeedy remedy be in this behalf ſhortly provided.

A Commiſſion ſhall be directed to viii. perſons to cauſe ſuch fiſhgarths, piles, &c. ſet in the rivers of Ouſe and Humber to be pulled down.

Wherefore it may pleaſe our ſaid Soveraign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the Lord Chancellor of England, for the time being, by the Kings Commiſſion under his great Seal, afore the firſt day of May now next coming, ſhall by his diſcretion appoint viii. ſad and diſcreet perſons, whereof four of them to be of the Citizens of the ſaid City of York, and Burgeſſes of the ſaid Town of Hull, and the other four to be two of them Juſtices of the Peace of the Weſt riding of the County of York, and the other two Juſtices of the Peace of the Eaſt riding of the ſame County, that they viii. vii. vi. v. or iv. of them, whereof two of them to be of the ſaid Citizens and Burgeſſes of the ſaid city and town, and other two to be, one of them Juſtice of the Peace of the Weſt riding, and the other of the Eaſt riding of the ſaid county, on this ſide the firſt day of June now next enſuing, ſhall have power and authority to ſurvey, and ſee the ſaid fiſhgarthes, wears, piles, ſtakes, and other engines ſet and made in the ſaid river and water of Ouſe and Humber: which ſaid perſons ſo aſſigned ſhall have power and authority by vertue of this act, to appoint and aſſign by their diſcretions the owners of the ſaid fiſhgarthes, ſtakes, piles and other engins to avoid and pull up, or cauſe to be avoided, and pulled up within forty days after ſuch ſurveyance made, and monition given to the ſaid owners, every ſuch, and as much of the ſaid fiſhgarths, piles, ſtakes, Heckes, and other engines, which then by their diſcretions ſhall be thought expedient, meet, and convenient to be avoided, and pulled up, that the ſaid ſhips, keyles, cogs, boats, and other veſſels, paſſing and repaſſing on the ſaid river, and water of Ouſe and Humber, to or from the ſaid City of York, and Town of Hull, may have direct, liberal, and frank paſſage, in, thorow, or upon the ſaid river of Ouſe, and water of Humber, without any perturbance, impediment, let, or danger by reaſon of any of the ſaid fiſhgarths, piles, ſtakes, or other engins, then left erected, and ſtanding, in the ſaid river, and water of Ouſe and Humber: And that the ſaid owners on every ſide of the ſaid fiſhgarths, and other engins, next to the middle of the ſaid water ſtream, and paſſage of the ſaid veſſels there, to ſet or cauſe to be ſet within the ſaid fourty days before limited, two piles of the length of one yard over and above the high water mark at the full ſea of the ſaid river and water of the Spring tide, there to be and remain, and to be kept and repaired by the ſaid owners, when keyles, cogs, and other veſſels in the ſame waters, may have perfect knowledge, and ſight of the direct way, and paſſage in the ſaid waters, thorow the ſaid fiſhgarths and engins for the ſaid ſhips, keyles, boats, and other veſſels.

Two piles for water-marks ſhall be ſet in the River.

The Lord Chancellor may upon requeſt grant the like Commiſſion at all times.

And be it enacted by the ſaid authority, That the Lord Chancellor of England, for the time being, at all times after the ſaid firſt ſurveiance, upon requeſt to him to be made by the Maior and Comminalty of the ſaid City and Town, or by any other Citizen and Burgeſs of the ſaid City and Town for the time being, or other perſon by them under the common Seals of the ſaid City and Town authoriſed, ſhall have power and authority by his diſcretion, to make and direct like commiſſion unto eight ſad and diſcreet perſons, whereof four of them to be the citizens and inhabitants of the ſaid City and Town, and the other four to be Juſtices of the Peace, whereof two to be of the Weſt-riding, and the other two of the Eaſt-riding of the County of York, not of fee nor retained with the ſaid City nor Town, that they viii. vii. vi. v. or iv. of them, whereof two of them ſhall be of the ſaid City and Town, and the other two Juſtices of Peace the one of the Eaſt-riding, and the other of the Weſt-riding of the ſaid County, by vertue of the ſaid commiſſion, ſhall and may the ſaid owners aſſign and appoint to pull up and redreſs, or cauſe to be pulled up and redreſſed within xxx. days after monition given to the ſaid owners by the ſaid Commiſſioners, or by ſuch of them taking the charge of the execution of the ſaid commiſſion, ſuch and as much of the ſaid fiſh-garths and other impediments to be made in the ſaid waters, to the let, diſturbance, damage or jeopardy of any ſhips, keyls, boats, or any other veſſels, paſſing, or repaſſing to or from the ſaid City of York, to the ſaid Town of Hull, as by them ſhall be thought meet and convenient.

No fiſh-garths or other engins ſhall be ſet in Ouſe and Humber. With what nets men ſhall fiſh.

And further be it enacted by the ſaid authority, that no manner of perſon or perſons within the ſaid river and water of Ouſe and Humber, ſhall ſet fiſh-garths, or any other engins, to take fiſh withall, within the waters aforeſaid, but only with ſuch nets, and other engins as ſhall be of aſſize and meaſure, according to the ſtandard, and ancient and laudable cuſtoms uſed in the ſaid river and water of Ouſe and Humber, and alſo to uſe the fiſhing within the ſaid waters all ſuch times as within the ſame hath of old been accuſtomed, and at no other time.

The forfeiture of the offendors, and who ſhall have it.

And further be it enacted by the authority aforeſaid, that every of the ſaid owners and occupiers of ſuch fiſh-garths, for every moneth offending contrary to this Act, ſhall forfeit xl. l. And every other perſon in fiſhing contrary to this Act offending, ſhall forfeit x. l. the one half of which penalty and penalties, to be to our Soveraign Lord the King, and the other half to the Maior and comminalty of the ſaid City of York, and their ſucceſſors, and the ſame to be recovered againſt every perſon and perſons ſo offending, as well by Bill, Information, or otherwiſe at the Kings ſuit, as by original writ of Debt, at the ſuit of the ſaid Maior and comminalty and their ſucceſſors, in which Action the party defendant ſhall not wage his law, nor have any protection or eſſoin allowed.

CAP. XIX.

The Kings pardon to all his Spiritual Subjects within the Province of York, of all offences and penalties not herein excepted. Exp.

Anno viceſimo quarto HENRICI Octavi.

ACTS made in the Seſſion of this preſent Parliament, holden upon prorogation at Weſtminſter the fourth day of February, in the four and twentieth year of the Reign of our moſt dread Soveraign Lord King Henry the Eight, and there continued and kept till the ſeventh day of April then next enſuing, to the honour of God and Holy Church, and for the Common weal of this his Realm.

CAP. I.

Tanned Leather ſhall not be ſold but in open Fairs and Markets, not before it be ſearched and ſealed. Who ſhall be ſearchers and Sealers, and what their duty is. The Curriers duty in currying of Leather. The offenders, forfeitures, and who ſhall have them. Rep. 5 El. 8. & 1 Jac. 22.

CAP. II.

No perſon ſhall die or alter any woollen Cloth, or Hats, or Caps, unleſs the ſame be perfectly boiled, grained, or maddered upon the Woad with good Cork or Orchal. No Dyer ſhall occupy Braziſe in the dying of Woolen Clothes, Hats, or Caps, nor any thing but Grain only in the dying of Scarlet. Exp.

CAP. III.

Beef, Pork, Mutton and Veal ſhall be ſold by weight called Haver du pois. No perſon ſhall take for a pound of Beef or Pork above ob. nor for a pound of Mutton or Veal above ob. q. and leſs in thoſe Counties where they be ſold for leſs. Rep. 33 H. 8. 11. 25 H. 8. 1. 27 H. 8. St. 9.

CAP. IV.

Every perſon having in his occupation threeſcore acres of land apt for tillage, ſhall ſow one Rood with Flax or Hemp-ſeed, upon pain to forfeit iii. s. iv. d. for every fourty acres. An acre ſhall be accompted 160. perches, and every perch 16. foot and a half. Exp. & Rep. 35 El. 7. St. 33. H. 8. 17. 5 El. 5.

CAP. V.

No forfeiture for killing of a theef attempting to rob one by the high-way, &c.

FOr as much as it hath been in queſtion and ambiguity, that if any evil diſpoſed perſon or perſons do attempt feloniouſly to Rob, or Murder any perſon or perſons, in or nigh any common high-way, cart-way, horſe-way, or foot-way, or in their manſions, meſſuages, or dwelling places, or that feloniouſly do attempt to break any dwelling houſe in the night time, ſhould happen in his or their being in their ſuch felonious intent to be ſlain by him or them, whom the ſaid evil doers ſhould ſo attempt to rob or murder, or by any perſon or perſons, being in their dwelling houſe, which the ſame evil doers ſhould attempt burglarily to break by night: if the ſaid perſon, ſo happing in ſuch caſes to ſlea any ſuch perſon, ſo attempting to commit ſuch murder or burglary, ſhould for the death of the ſaid evil diſpoſed perſon, forfeit or loſe his goods, and cattels for the ſame, as any other perſon ſhould do, that by chance-medley ſhould happen to kill, or ſlea any other perſon in his or their defence. For the declaration of the which ambiguity, and doubt, be it enacted by the King our Soveraign Lord, with the aſſent of the Lords Spiritual & Temporal, and the Commons in this preſent Parliament aſſembled, & by authority of ý ſame, That if any perſon or perſons, at any time hereafter, be indicted or appealed, of, or for the death of any ſuch evil diſpoſed perſon or perſons, attempting

There ſhall be no forfeiture of lands or goods for the killing of any perſon that attempteth to murder or rob.

tempting to murder, rob, or burglarily to break manſion houſes, as is above ſaid, that the perſon, or perſons ſo indicted, or appealed thereof, and of the ſame by verdict ſo found and tried, ſhall not forfeit, or loſe any lands, tenements, goods or cattels, for the death of any ſuch evil diſpoſed perſon, in ſuch manner ſlain, but ſhall be thereof, and for the ſame fully acquitted, and diſcharged in like manner, as the ſame perſon or perſons ſhould be, if he or they were lawfully acquitted of the death of the ſaid evil diſpoſed perſon or perſons.

CAP. VI.

The penalty for not ſelling of Wines at the prices aſſeſſed. St. 28 H. 8. 14. In what caſes Juſtices of Peace, and other officers may ſell other mens Wine. St 37 H. 8. 23. He that keepeth Wine in his houſe to ſpend or retail, ſhall not be enforced to ſell it in groſs. Rep. 21 Jac. 28.

CAP. VII.

Whatſoever Butcher killeth a Calf to ſell, that is calved between the firſt day of January and the firſt of May, ſhall forfeit vi.s.viii.d. Exp. Stat. 14 El. 11.

CAP. VIII.

In what caſe the defendant ſhall not recover coſts.

There ſhall be no coſts of ſuit awarded to the defendant where any action is ſued to the Kings uſe.

BEcauſe as well many Recogniſances, Obligations, Indentures and other ſpecialties, as alſo many contracts heretofore have been taken, and made, between divers perſons being of the Kings moſt honourable Councel, and other his Subjects, and by and between other perſons, to the uſe and behoof of our ſaid Soveraign Lord the King for great ſums of money, then being to his Grace due, and for his proviſion and other cauſes. For which debts, actions by the laws of this Realm be to be commenced, ſued, and proſecuted to the Kings uſe, by and in the name and names of the perſon or perſons, to whom the ſaid Recogniſances, Obligations, and other ſpecialties were made, or by thoſe, to whom the ſaid contracts were made. Be it therefore ordained and enacted, by authority of this preſent Parliament, That albeit that the plaintiff or plaintiffs, be or ſhall be nonſuited in any whatſoever action, ſuit, bill, or plaint commenced, or to be commenced, ſued, or to be ſued, to the uſe of our ſaid Soveraign Lord the King, his heirs or ſucceſſors, Kings of England, or that it ſhall happen any verdict to paſs againſt any ſuch plaintiff or plaintiffs, in any action, ſuit, bill, or plaint ſued or to be ſued, to the Kings uſe: the defendant or defendants ſhall not recover any coſts againſt any ſuch plaintiff or plaintiffs, any Act, or Statute made in this preſent Parliament, or any other thing to the contrary being in any wiſe notwithſtanding.

CAP. IX.

Butchers ſhall kill no wainlings under two years old. Lords Marches ſhall have their forfeiture within their Liberties. Juſtices of Peace ſhall hear and determine the ſame offences. Exp. St. 14 El. 11. 27 El. 11. 1 Jac. 25. 21 Jac. 28.

CAP. X.

Choughs, Crows, and Rooks, ſhall be deſtroyed.

The great inconveniences ſuffered, by reaſon of Choughs, Crows, and Rooks.

FOraſmuch as innumerable number of Rooks, Crows, and Choughs do daily breed, and increaſe throughout this Realm, which Rooks, Crows, and Choughs, do yearly devour and conſume a wonderful and marvelous great quantity of corn and grain of all kinds, that is to wit, as well in the ſowing of the ſame Corn and grain, as alſo in the ripening and kernelling of the ſame, and over that a marvellous deſtruction, and decay of the covertures of thatched houſes, barns, reeks, ſtacks, and other ſuch like: ſo that if the ſaid Crows, Rooks, and Choughs ſhould be ſuffered to breed and continue, as they have been in certain years paſt, they will undoubtedly be the cauſe of the great deſtructon, and conſumption of a great part of the Corn and Grain, which hereafter ſhall be ſown throughout this Realm, to the great prejudice, damage, and undoing of the great number of the Tillers, husbands, and Sowers of the Earth within the ſame.

Every man ſhall do his beſt to deſtroy Crows, &c. upon pain of amerciament, being preſented at Leets, Sheriffs turns, Seſſions, &c.

For remedy whereof be it enacted by the Authority of this preſent Parliament, that every perſon and perſons, as well Spiritual as Temporal, having, keeping, holding, and Inhabiting in any manors, Meaſes, lands, or tenements in their own manurance, and occupation of any eſtate of inheritance, or for term of life, or for years, or at will, or by copy of Court Roll, or otherwiſe in poſſeſſion or uſe, ſhall hereafter do or cauſe to be done, as much as in him or them reaſonably ſhall or may be, to kill and utterly deſtroy all manner of Choughs, Crows, Rooks, coming, abiding, breeding, or haunting within or upon any the ſaid Manors, Meaſes, lands, or tenements which he or they ſhall inhabit and dwell upon, and have in their manurance, and occupation, as is aforeſaid, upon pain of a grievous amerciament, to be ſet and aſſeſſed, as hereafter ſhall be expreſſed: that is to ſay, that if any offence be done contrary to this Statute, by any perſon or perſons, inhabited within the limits of the leets, lawdays, rapes or Court Barons of any Lords, having ſuch Courts, that then upon a preſentment thereof made before the Steward of ſuch Leets, lawdays, rapes, or Courts, the Stewards with two of the Preſenters, (by the Steward and Preſenters to be named) ſhall aſſeſs and ſet for every default preſented to be done contrary to this Act, ſuch amerciament as to them ſhall ſeem reaſonable and convenient, after the quantity of the offence, the ſaid amerciaments to be to the uſe of the Lord, or Lords of the leets, lawdays, rapes, or courts, where the ſaid offence ſhall be done and preſented, to be levied by diſtreſs of the goods and cattels of the offender or offenders, like as other amerciaments for common annoyances (preſented in leets) have been accuſtomed to be levied.

And if the offence be done contrary to this Statute by any perſon or perſons, which ſhall dwell and have the manurance of and in ſuch manors, meaſes, lands, tenements, or hereditaments, whereunto ſuch leets, lawdays, rapes, and Courts do not belong, or by reaſon whereof any ſuch Courts be not holden: that then upon a preſentment thereof had before the Sheriffs in the Turnes, or Juſtices of Peace in their Seſſions, the Steward of the Turnes with two of the preſenters, to be choſen as is aforeſaid, if the preſentment be within the turne, and the Juſtices of Peace, or two of them at the leaſt, if the preſentment be before them in their Seſſions, ſhall aſſeſs and ſet the amerciament, after the quantity of the offence, by their diſcretions, to be had and levied to the uſe of our Soveraign Lord the King by diſtreſs, like as other amerciaments be levied upon preſentments of common annoyances.

And further be it enacted, by the authority aforeſaid, That in every Pariſh, Townſhip, Hamlet, Borough, or village whithin this Realm, wherein is at leaſt ten houſholds inhabited, the tenants and inhabitants thereof ſhall before the Feaſt of Saint Michael the Archangel next, and ſo during ten years next enſuing the ſaid Feaſt, at their own proper coſts, charges, and expences, provide, make, or cauſe to be made one net commonly called a net to take Choughs, Crows, and Rooks, with all things requiſite, or belonging to the ſame, and the ſaid net ſo made or cauſed to be made, ſhall keep, preſerve and renue, as often as ſhall need: And with and after a Shrap made with Chaff, and other things meet for that purpoſe, ſhall lay, or cauſe to be laid, at ſuch time or times in the year, as are convenient for deſtruction of ſuch Choughs, Rooks, and Crows, and in ſuch place and places as ſhall be thought expedient to take the ſaid Choughs, Crows, and Rooks, upon pain to forfeit ten ſhillings, the one moyety thereof to be to our Soveraign Lord the King, and the other moyety to the Lord or Lords of the ſame Courts, Leets, Lawdays, or Rapes, where any ſuch net ſhall be lacking, and not made, and put in execution according to this Act, to be levied of the tenants of the ſaid Pariſh, Townſhip, Hamlet, Borough, or Village, where any ſuch net ſhall be lacking, and not put in ure and execution as is aforeſaid. And that every ſuch net with all things requiſite thereunto, ſhall one time in the year, at the leaſt, be preſented in the Court Baron, Leet, Rape, or Lawday, before the Steward of the ſame Court, Leet, Rape, or Lawday, whereunto the ſaid Tenants, and Inhabitants ſhall be bounden to ſue, and appear, to be viewed, whether the ſame be ſufficiently repaired or not, for the foreſaid purpoſe: So that by the advice of the Steward, Tenants, and Inhabitants of the ſaid Court Baron, Leet, Rape, or Lawday, where any ſuch net ſhall be neceſſary to be uſed, a ſure way and ordinance may be deviſed for the reparation, continuance, and putting in execution of the ſaid net at times and places convenient, as is aforeſaid. And that ſuch ordinances, as ſhall be deviſed and made by the Steward, tenants and Inhabitants of, and within the ſaid Leets, Lawdays, Rapes, and Courts, or by the moſt part of them, to and for the deſtruction of the ſaid Rooks, Crows, and Choughs, ſhall ſtand good and effectual, and be put in due execution, according to the tenor thereof.

Every Town, Hamle, &c. ſhall provide and maintain Crow nets during ten years. Exp.

And further be it enacted by the authority aforeſaid, That as well ſuch perſon and perſons, as ſhall inhabit, and have in his manurance and occupation, any Manors, Meaſes, Lands, Tenements, or other hereditaments, whereunto any ſuch Leets, Lawdays, Rapes, or Courts appertain, or by reaſon whereof any ſuch Courts be holden, as the Tenants, and Farmers inhabiting, and having in their manurance and occupation, any meaſes, Lands, Tenements, or hereditaments holding of ſuch manors, meaſes, or other hereditameuts, whereunto ſuch Courts as is aforeſaid, do belong, ſhall yearly during the ſaid ten years, at ſuch days, places, and times, as by the Steward of ſuch Leets, Lawdays, Rapes, or Courts ſhall be appointed, aſſemble themſelves together to view, viſit, and ſurvey all the ſaid manors, meaſes, lands, tenements, & hereditaments, where they or any of them ſhall happen to dwell or inhabit, and be reſident, and thereupon ſhall agree and conclude, how and by what means it ſhall be beſt poſſible to deſtroy all the young breed of the ſaid Choughs, Crows, and Rooks, for that year; and the ſame aſſembly, view, and viſitation ſhall make yearly, during the ſaid ten years, at moſt convenient and apt times for the ſame, and ſhall put the ſame in due execution, ſo as the ſaid young breed of Choughs, Crows, and Rooks may be utterly deſtroyed upon pain to forfeit for every year omitting ſuch aſſembly, endeavour, and view making according to this Act, twenty ſhillings, after preſentment of ſuch default had before the Kings Juſtices of Peace: the one half of which forfeiture to be to the King our Soveraign Lord, and the other half to be to the preſenters of the ſaid offence, to be levied by diſtreſs, like as amerciaments for common annoyances, have been accuſtomed to be levied.

The Inhabitants ſhall during ten years; aſſemble and take order to deſtroy Crows, Rooks, &c. Exp.

And further be it enacted by the authority aforeſaid, that as well the Juſtices of Peace in their Seſſions, and Sheriffs in their turns, as Stewards, Maiors, and Bailiffs elected in their Leets, Lawdays, Rapes, and Court Barons, to be hereafter holden before them, or any of them, ſhall give any charge to the tenants and inhabitants, and all other appearing before any of them, that they ſhall duly inquire, and put in execution the effect of the premiſes in due time, ſo that this Act may be fully and truly executed, and the Choughs, Crows, and Rooks thereby deſtroyed in all places of this Realm, according to the meaning and true intent of this Statute.

The defaults ſhall be given in charge in Leets, &c.

And over this it is enacted that it ſhall be lawful to every perſon and perſons, only minding and willing to take and deſtroy the ſaid Crows, Rooks, or Choughs, after requeſt thereof made to the owner, or occupier of the ſame ground, where ſuch Crows, Rooks, or Choughs, haunt or breed, to enter, take and carry away all ſuch Rooks, or Choughs, and Crows, as he ſhall take that ſame day, in which ſuch requeſt ſhall be made from time to time, without let, impediment, or impeachment by any manner mean of the ſaid owner or occupier of the ſame.

Any man with licence of the owner of the ground may take Crows, &c.

And it is further enacted, that every farmer or owner, having in his own manurance, and occupation any Manors, Meaſes, Lands, Tenements, or other hereditaments, whereof the yearly value, or rent amounteth to v. pounds, ſhall pay, and give to every ſuch perſon, which by his diligence, labour and induſtry at his own proper coſts doth take any old Crows,

The taker of Crows, &c. ſhall have after the rate of two pence the dozen.

Rooks, or Choughs, within and upon the ſaid Manors, Lands, or grounds of the yearly value aforeſaid, two pence for every twelve old Crows, Rooks, or Choughs, that any ſuch perſon ſhall take, bring, and offer to any ſuch farmer or owner; and for every ſix old Crows, Rooks, or Choughs, a peny; and for every three, an half peny: And if any ſuch owner, or farmer refuſe to pay the ſaid money accordingly, as is aforeſaid, then upon complaint, and proof thereof made to any of the Juſtices of Peace, or high Conſtable, the ſaid Juſtice of Peace or high Conſtable ſhall cauſe the ſaid money to be levied by diſtreſs of the goods and cattels of every farmer or occupier refuſing to pay the ſame according to the tenor and effect of this Act.

None under pretence of this Act ſhall kill pigeons.

Provided always, That no perſon or perſons, by colour or authority of this Act, ſhall take or kill any Doves, or Pigeons, upon the pains limited by the Laws, and cuſtoms of this Realm heretofore for ſuch offences uſed, and accuſtomed. Stat. 8 El. 15.

CAP. XI.

The Street-way between Charing Croſs and Strond Croſs, ſhall be ſufficiently paved at the charge of the owners of the lands. And the pavement being made, it ſhall be maintained by the owners of the land adjoyning to the ſame, upon pain of forfeiture to the King of vi. d. for every yard ſquare not paved or repaired. PR.

CAP. XII.

No appeals ſhall be uſed but within this Realm.

The power, preeminence, and authority of the King of England.

Where by divers ſundry old, authentick Hiſtories, and Chronicles, it is manifeſtly declared and expreſſed, that this Realm of England is an Empire, and ſo hath been accepted in the world, governed by one ſupreme head and King, having the dignity and royal eſtate of the Imperial Crown of the ſame: Unto whom a body politick, compact of all ſorts and degrees of people, divided in terms, and by names of Spiritualty and Temporalty, been bounden and owen to bear next to God, a natural and humble obedience: He being alſo inſtitute and furniſhed by the goodneſs and ſufferance of Almighty God, with plenary, whole, and entire power, preeminence, authority, prerogative and juriſdiction, to render and yield Juſtice, and final determination to all manner of folk reſiants, or ſubjects within this his Realm, in all cauſes, matters, debates, and contentions, happening to occur, inſurge, or begin within the limits thereof, without reſtraint, or provocation to any forrain Princes, or Potentates of the world;

The power, learning and wiſdom of the body ſpiritual.

The body ſpiritual whereof having power, when any cauſe of the Law divine happened to come in queſtion, or of ſpiritual learning, that it was declared, interpreted and ſhewed by that part of the ſaid body politick, called the Spiritualty, now being uſually called the Engliſh Church, which always hath been reputed, and alſo found of that ſort, that both for knowledge, integrity and ſufficiency of number, it hath been always thought, and is alſo at this hour, ſufficient and meet of it ſelf, without the intermedling of any exterior perſon or perſons, to declare and determine all ſuch doubts, and to adminiſter all ſuch offices and duties, as to their rooms ſpiritual doth appertain. For the due adminiſtration whereof, and to keep them from corruption, and ſiniſter affection, the Kings moſt Noble progenitors, and the anteceſſors of the nobles of this Realm, have ſufficiently endowed the ſaid Church, both with honour and poſſeſſions.

The form and manner of governament of the eſtate temporal.

And the laws Temporal, for trial of property of lands and goods, and for the conſervation of the people of this Realm in unity and peace, without rapine or ſpoil, was and yet is adminiſtred, adjudged, and executed by ſundry Judges, and miniſters of the other part of the ſaid body politick, called the Temporalty: And both their authorities and juriſdictions do conjoyn together in the due adminiſtration of Juſtice, the one to help the other.

And whereas the King his moſt noble progenitors, and the Nobility and Commons of this ſaid Realm, at divers and ſundry Parliaments, as well in the time of King Edward the firſt, Edward the third, Richard the ſecond, Henry the fourth, and other noble Kings of this Realm, made ſundry Ordinances, Laws, Statutes, and proviſions for the entire and ſure conſervation of the prerogatives, liberties, and preeminences of the ſaid Imperial Crown of this Realm, and of the juriſdiction Spiritual and Temporal of the ſame, to keep it from the annoyance as well of the See of Rome, as from the authority of other forreign Potentates attempting the diminution or violation thereof, as often, and from time to time, as any ſuch annoyance or attempt might be known or eſpied. And notwithſtanding the ſaid good ſtatutes, and ordinances made in the time of the Kings moſt noble progenitors, in preſervation of the authority and prerogative of the ſaid imperial Crown, as is aforeſaid: yet nevertheleſs ſithen the making of the ſaid good ſtatutes and ordinances, divers and ſundry inconveniences, and dangers, not provided for plainly by the ſaid former acts, ſtatutes, and ordinances, have riſen, and ſprung, by reaſon of appeals ſued out of this Realm to the See of Rome, in cauſes teſtamentary, cauſes of matrimony, and divorces, right of tithes, oblations, and obventions, not only to the great inquietation, vexation, trouble, coſts and charges of the Kings Highneſs, and many of his ſubjects, and reſiants of this his Realm, but alſo to the great delay, and let, to the true and ſpeedy determination of the ſaid cauſes, for ſo much as the parties, appealing to the ſaid Court of Rome, moſt commonly do the ſame for the delay of Juſtice. And for as much as the great diſtance of way is ſo far out of this Realm, ſo that the neceſſary proofs nor the true knowledge of the cauſe, can neither there be ſo well known, ne the witneſſes there ſo well examined, as within this Realm, ſo that the parties grieved by means of the ſaid appeals, be moſt times without remedy. In conſideration whereof, the Kings Highneſs, his Nobles and Commons conſidering the great enormities, dangers, long delays and hurts, that as well to his Highneſs, as to his ſaid Nobles, ſubjects, Commons, and reſiants of this his Realm, in the ſaid cauſes teſtamentary, cauſes of matrimony, and divorces, tithes, oblations, and obventions, do daily enſue,

The ſeveral inconveniences in ſuing of appeals to Rome.

enſue, Doth therefore by his royal aſſent, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, enact, eſtabliſh, and ordain, that all cauſes teſtamentary, cauſes of matrimony, and divorces, rights of tithes, oblations and obventions (the knowledge whereof by the goodneſs of Princes of this Realm, and by the laws and cuſtoms of the ſame appertaineth to the ſpiritual juriſdiction of this Realm) already commenced, moved, depending, being, happening, or hereafter coming in contention, debate, or queſtion within this Realm, or within any the Kings Dominions or marches of the ſame, or elſewhere, whether they concern the King our Soveraign Lord, his heirs or ſucceſſors, or any other ſubjects or reſiants within the ſame, of what degree ſoever they be, ſhall be from henceforth, heard, examined, diſcuſſed, cleerly finally, and definitively, adjudged and determined within the Kings juriſdicton and authority, and not elſewhere, in ſuch Courts Spiritual and Temporal of the ſame, as the natures, conditions, and qualities of the caſes and matters aforeſaid in contention, or hereafter happening in contention, ſhall require, without having any reſpect to any cuſtom, uſe, or ſufferance, in hinderance, let, or prejudice of the ſame, or to any other thing uſed, or ſuffered to the contrary thereof by any other manner of perſon or perſons in any manner of wiſe: Any forein inhibitions, appeals, ſentences, ſummons, citations, ſuſpenſions, interdictions, excommunications, reſtraints, judgments, or any other proceſs, or impediments, of what natures, names, qualities, or conditions ſoever they be, from the See of Rome, or any other forein Courts or Potentates of the world, or from and out of this Realm, or any other the Kings Dominions, or marches of the ſame, to the See of Rome, or to any other forreign Courts, or Potentates, to the let or impediment thereof, in any wiſe notwithſtanding. And that it ſhall be lawful to the King our Soveraign Lord, and to his Heirs and Succeſſors, and to all other Subjects, or reſiants within this Realm, or within any of the Kings Dominions, or Marches of the ſame, notwithſtanding that hereafter it ſhould happen any excommengement, excommunications, interdictions, citations, or any other cenſures, or forreign proceſs out of any outward parts, to be fulminate, promulged, declared, or put in execution within this ſaid Realm, or any other place or places, for any of the cauſes before rehearſed, in prejudice, derogation, or contempt of this ſaid Act, and the very true meaning and execution thereof, may and ſhall nevertheleſs as well purſue, execute, have, and enjoy the effects, profits, benefits, and commodities of all ſuch proceſſes, ſentences, judgments, and determinations, done, or hereafter to be done in any of the ſaid Courts Spiritual or Temporal, as the Dominions, and Marches of the ſame: and thoſe only, and none other to take place, and to be firmly obſerved, and obeyed within the ſame. As alſo that all the ſpiritual Prelates, Paſtors, Miniſters, and Curates within this Realm and Dominions of the ſame, ſhall and may uſe, miniſter, execute, and doe, or cauſe to be uſed, miniſtred, executed and done, all Sacraments, ſacramentals, divine ſervices, and all otherthiugs within the ſaid Realm and Dominions, unto all the Subjects of the ſame as Catholick and Chriſten men owen to doe, any forrain citations, proceſſes, inhibitions, ſuſpenſions, interdictions, excommunications, or appeals, for or touching any of the cauſes aforeſaid, from, or to the See of Rome, or any other forrain Prince, or forrain Courts, to the let, or contrary thereof, in any wiſe notwithſtanding.

All cauſes determinable by any ſpiritual juriſdiction ſhall be adjudged within the Kings authority.

The Prelates of this Realm may execute all Sacraments and divine Service unto the ſubjects of this Realm.

And if any of the ſaid ſpiritual perſons, by the occaſion of the ſaid fulminations of any of the ſame interdictions, cenſures, inhibitions, excommunications, appeals, ſuſpenſions, ſummons, or other forrain citations, for the cauſes beforeſaid, or for any of them, doe at any time hereafter refuſe to miniſter, or to cauſe to be miniſtred the ſaid Sacraments and ſacramentals, and other divine ſervices, in form as is aforeſaid, then he or they ſhall for every ſuch time, or times that they, or any of them, do refuſe ſo to do, or to cauſe to be done, have one years impriſonment, and to make fine and ranſom at the Kings pleaſure.

The penalty of them who do omit to do their duty.

And it is further enacted by the authority aforeſaid, that if any perſon or perſons inhabiting, or reſiant within this Realm, or within any the Kings Dominions, or Marches of the ſame, or any other perſon or perſons, of what eſtate, condition, or degree ſoever he or they be, at any time hereafter, for or in any the cauſes aforeſaid, do attempt, move, purchaſe or procure, from or to the See of Rome, or from, or to any other forrain Court, or Courts, out of this Realm, any manner forrain proceſs, inhibitions, appeals, ſentences, ſummons, citations, ſuſpenſions, interdictions, excommunications, reſtraints, or judgments, of what nature, kind, or quality ſoever they be, or execute any of the ſame proceſs, or do any Act or Acts, to the let, impediment, hinderance, or derogation of any proceſs, ſentence, judgment, or determination, had made, done, or herafter to be had, done, or made in any Courts of this Realm, or the Kings ſaid Dominions or Marches of the ſame, for any of the cauſes aforeſaid, contrary to the true meaning of this preſent Act, and the execution of the ſame: that then every ſuch perſon or perſons, ſo doing, and their fauters, comforters, abetters, procurers, executors, and counſellers, and every of them, being convict of the ſame, for every ſuch default ſhall incur, and run in the ſame pains, penalties, and forfeitures, ordained and provided by the ſtatute of proviſion and premunire, made in the ſixteenth year of the reign of the right noble Prince, King Richard the ſecond, againſt ſuch as attempt, procure or make proviſion to the See of Rome, or elſewhere, for any thing or things, to the Derogation, or contrary to the Prerogative or Juriſdiction of the Crown and dignity of this Realm.

Whoſoever procureth from the See of Rome, or, &c. any Appeals, Proceſs, Sentences, &c. ſhall incur the forfeiture of premunire.

And furthermore in eſchewing the ſaid great enormities, enquietations, delays, charges, and expenſes hereafter to be ſuſtained in purſuing of ſuch appeals, and forrain proceſs, for and concerning the cauſes aforeſaid, or any of them, do therefore by authority aforeſaid, ordain and enact, That in ſuch caſes, where heretofore any of the Kings ſubjects and reſiants have uſed to purſue, provoke or procure any appeal to the See of Rome, and in all other caſes of appeals, in or for any of the cauſes aforeſaid, they may, and ſhall from henceforth take, have, and uſe their appeals within this Realm, and not elſewhere, in manner and form as hereafter enſueth, and not otherwiſe, that is to ſay, Firſt from the Archdeacon or his Official, if the matter or cauſe be there begun, to the Biſhop Dioceſan of the ſaid See, if in caſe any of the parties be grieved.

Dyer 229, 242.

Before whom and in what Courts appeals ſhall be ſued within this Realm.

And in like wiſe if it be commenced before the Biſhop Dioceſan, or his Commiſſary, from the Biſhop Dioceſan, or his Commiſſary, within fifteen days next enſuing the judgment or ſentence thereof there given, to the Archbiſhops of the Province of Canturbury, if it be within his Province, and if it be within the Province of York, then to the Archbiſhop of York, and ſo likewiſe to all other Archbiſhops in other the Kings Dominions, as the caſe by the order of juſtice ſhall require, and there to be definitively and finally ordered, decreed, and adjudged, according to juſtice, without any other appellation or provocation to any other perſon or perſons, Court or Courts.

Appeals ought to be within 15 days.

And if the matter or contention for any of the cauſes aforeſaid, be or ſhall be commenced by any of the Kings ſubjects or reſiants, before the Archdeacon of any Biſhop or his Commiſſary, then the party grieved, ſhall or may take his appeal within fifteen days next after judgement or ſentence there given to the Court of the Arches or audience of the ſame Archbiſhop or Biſhops, and from the ſaid Court of the Arches or audience within fifteen days then next enſuing, after judgment or ſentence there given, to the Archbiſhop of the ſame Province, there to be definitively and finally determined, without any other or further proceſs appeal thereupon to be had or uſed.

Suits commenced before an Archbiſhop ſhall be determined by him without any further appeal. ALT. 25 H. 8. 19. Co. Inſt. 4 p. 339. The prerogative of the Archbiſhop of Canterbury ſaved.

And it is further enacted by the authority aforeſaid, That all and every matter, cauſe, and contention now depending, or that hereafter ſhall be commenced by any of the Kings ſubjects or reſiants, for any of the cauſes aforeſaid, before any of the ſaid Archbiſhops, that then the ſame matter or matters, contention or contentions, ſhall be before the ſame Archbiſhop, where the ſaid matter, cauſe, or proceſs ſhall be ſo commenced, definitively determined, decreed, or adjudged without any other appeal, provocation, or any other foreign proceſs out of this Realm, to be ſued to the let or derogation of the ſaid judgment, ſentence, or decree, otherwiſe then is by this Act limited and appointed, ſaving always the prerogative of the Archbiſhop, and Church of Canterbury, in all the foreſaid cauſes of Appeals, to him and his ſucceſſors to be ſued within this Realm, in ſuch, and likewiſe as they have been accuſtomed, and uſed to have heretofore.

Before whom an appeal ſhall be uſed in any cauſe touching the King.

And in caſe any cauſe, matter, or contention, now depending for the cauſes before rehearſed, or any of them, or that hereafter ſhall come in contention, for any of the ſame cauſes, in any of the foreſaid Courts, which hath, doth, ſhall, or may touch the King, his Heirs or Succeſſors, Kings of this Realm: that in all and every ſuch caſe or caſes, the party grieved, as before is ſaid, ſhall or may appeal from any of the ſaid Courts of this Realm, where the ſaid matter now being in contention, or hereafter ſhall come in contention, touching the King, his Heirs or Succeſſors (as is aforeſaid) ſhall happen to be ventilate, commenced, or begun, to the Spiritual Prelates, and other Abbots and Priors of the Upper Houſe, aſſembled and convocate by the Kings Writ in the Convocation being or next enſuing, within the Province or Provinces where the ſame matter of contention is or ſhall be begun. So that every ſuch appeal be taken by the party grieved, within fifteen days next after the judgment or ſentence thereupon given or to be given. And that whatſoever be done or ſhall be done and affirmed, determined, decreed, and adjudged by the foreſaid Prelates, Abbots, and Priors of the Upper Houſe of the ſaid Convocation, as is aforeſaid, appertaining, concerning, or belonging to the King, his Heirs and Succeſſors, in any of the foreſaid cauſes of appeals, ſhall ſtand and be taken for a final decree, ſentence, judgment, definition, and determination, and the ſame matter ſo determined, never after to come in queſtion and debate, to be examined in other Court or Courts.

And if it ſhall happen any perſon or perſons, hereafter to purſue or provoke any appeal contrary to the effect of this Act, or refuſe to obey, execute, and obſerve all things compriſed within the ſame, concerning the ſaid appeals, provocations, and other foreign proceſſes to be ſued out of this Realm, for any the cauſes aforeſaid, that then every ſuch perſon or perſons ſo doing, refuſing, or offending, contrary to the true meaning of this Act, their procurers, fautors, advocates, counſellers, and abettors, and every of them ſhall incur into the pains, forfeitures, and penalties, ordained and provided in the ſaid Statute, made in the ſaid ſixteenth year of King Richard the Second, and with like proceſs to be made againſt the ſaid offenders, as in the ſame Statute made the ſaid ſixteenth year more plainly appeareth. St. 8 El. 5. 1 & 2 P. & M. 8. 1 El. 1. St. 28 H. 8. 7. 25 H. 1. 22.

CAP. XIII.

Dyer 227. p. 145.

A Repeal of all former Statutes made againſt exceſs of Apparel. What Apparel men of all degrees, vocations, and functions are allowed, and what prohibited to wear. The forfeitures of the offenders, who ſhall have them. Rep. 1 Jac. 25. Coke pl. f. 158.

Anno viceſimo Quinto Henrici *octavi.*

ACts made in the Seſſion of this preſent Parliament, holden upon prorogation at Weſtminſter the fifteenth day of January, in the five and twentieth year of the Reign of our moſt dread Soveraign Lord King Henry the eighth, and there continued and kept till the thirtieth day of March then next enſuing, to the honour of God and Holy Church, and for the Common weal and profit of this his Realm.

CAP.

CAP. I.

Governours of the Cities and market Towns, upon complaint to them made of any Butcher refuſing to ſell victual by weight according to the Statute of 24 H. 8. 3. may commit the offender to ward until he hath paid all penalties limited by the ſaid Statute, and may ſell or cauſe to be ſold by weight all ſuch viſtual for ready money to be delivered to the owner: And if any Graſier, Fermer, Breeder, Drover, &c. refuſe to ſell his fat Cattel to a Butcher upon ſuch reaſonable price as he may retail it at the price aſſeſſed by the Statute, the Juſtices of Peace, Mayors or Governours, ſhall cauſe indifferent perſons to ſet the prices of the ſame, which if the owner refuſe to accept, then the ſame Juſtices, &c. ſhall bind him to appear the next Term in the Star-Chamber to be puniſhed, as the Kings Councel ſhall think good. Exp. 33 H. 8. 11. St. 27 H. 8. 9.

CAP. II.

By whom the prices of victuals ſhall be aſſeſſed.

For as much as dearth, ſcarcity, good cheap and plenty, of cheeſe, butter, capons, hens, chickens and other victuals, neceſſary for mens ſuſtenance, happeneth, riſeth and chanceth, of ſo many and divers occaſions, that it is very hard and difficult to put any certain prices to any ſuch things. And yet nevertheleſs the prices of ſuch victuals be many times inhaunſed and raiſed, by the greedy covetouſneſs and appetites of the owners of ſuch victuals, by occaſion of ingroſſing and regrating the ſame, more than upon any reaſonable or juſt ground, or cauſe, to the great damage and empoveriſhing of the Kings ſubjects. For remedy whereof, be it enacted by the authority of this preſent Parliament, That upon every complaint made of any inhaunſing of prices of ſuch victuals, without ground or cauſe reaſonable in any part of this Realm, or in any other the Kings Dominions, the Lord Chancellor of England, the Lord Treaſurer, the Lord Preſident of the Kings moſts honourable Councel, the Lord Privy-ſeal, the Lord Steward, the Lord Chamberlain, and all other Lords of the Kings Councel, the Treaſurer and Comtroller of the Kings moſt honourable houſe, the Chancellor of the Dutchy of Lancaſter, the Kings Juſtices of either Bench, the Chancellor, Chamberlains, Under-treaſurer, and the Barons of the Kings Exchequer, or ſeven of them at the leaſt, whereof the Lord Chancellor, the Lord Treaſurer, the Lord Preſident of the Kings Councel, or the Lord Privy-ſeal, to be one, ſhall have power and authority from time to time, as the caſe ſhall require, to ſet and tax reaſonable prices of all ſuch kinds of victuals above ſpecified, how they ſhall be ſold in groſs, or by retail for relief of the Kings ſubjects. And that after ſuch prices ſet and taxed, in form aforeſaid, proclamation ſhall be made in the Kings name, under the great ſeal, of the ſaid prices, in ſuch parts of this Realm, as ſhall be convenient for the ſame.

The prices of victuals ſhall be aſſeſſed by the Kings Councellors Juſtices and Officers.

And be it enacted, That all Fermors, Owners, Broggers, and all other Victuallers whatſoever, having or keeping any of the kinds of victuals afore rehearſed, to the intent to ſell, ſhall ſell the ſame to ſuch of the Kings ſubjects as will by them, at ſuch prices as ſhall be ſet and taxed by the ſaid Proclamation, upon the pains to be expreſſed and limited in the ſaid Proclamation, to be loſt, forfeited, and levied to the Kings uſe, in ſuch wiſe, as by the ſame Proclamation ſhall be declared.

They which have victual muſt ſell them at the prices aſſeſſed.

Provided always that this act, or any thing therein contained, ſhall not be hurtful to to Maiors, Sheriffs, Bailiffs, or other Officers of Cities, Boroughs, or Towns corporate, or to any perſon or perſons, or bodies politick, having authority to ſet prices of ſuch victuals, or of any of them, but that they and every of them may ſet prices thereof as if this Act had never been had nor made.

Head Officers of corporate Towns may ſet the prices of victuals. St. 23 Ed. 3. 6. 12 Ed. 4. 8.

And be it further enacted by authority aforeſaid, That no perſon or perſons, unleſs it be by licence under the Kings great Seal, from henceforth ſhall carry or convey, or cauſe to be carried and conveyed, any corn, beefs, muttons, veals, porks, or and other of the abodeſaid victuals, to any the parties beyond the ſea, Except only for the victualling of the Town of Callis, Guiſnes, Hammes, and the Marches of the ſame, And except for victualling of Maſters, Mariners, and Merchants of ſhips paſſing the ſeas, and alſo except barrelled butter, and meal to be carried to the parties of Iſlands, and hath been accuſtomed, upon pain of forfeiting of the value of the thing conveyed and carried into the parties beyond the ſea, contrary to this Act: The one half thereof to the uſe of the ſaid Soveraign Lord the King, and the other half to the party that will ſue for the ſame, by bill, plaint, writ, or information in any of the Kings Courts. In which ſuits the defendant ſhall not wage his law, nor any protection or eſſoin for him ſhall be allowed.

No victual ſhall be tranſported without licence. 1 & 2 P. & M. 5. 5 El. 5. 13 El. 13.

CAP. III.

Clergy not allowed to thoſe who ſtand mute, or who do make peremptory challenge.

Where at your Parliament holden at Weſtminſter, in the three and twentieth year of your moſt noble reign, among other things it was ordained, eſtabliſhed, and enacted, That no perſon nor perſons, which thereafter ſhould happen to be found guilty after the laws of this Land for any manner of petit treaſon, or for any wilful murder of malice prepenſed, or for robbing any Churchs, Chappels, or other holy places, or for robbing of any perſon or perſons in their dwelling houſes, or dwelling place, the owner or dweller in the ſame houſe, his wife, his children, or ſervants then being within, and put in fear and dread by the ſame, or for robbing of any perſon or perſons in or near about the high-way, or for wilful burning of any dwelling houſes or barnes, wherein any grain or corn ſhall happen to be: nor any perſon or perſons, being found guilty of any abetment, procurement, helping, maintaining, or counſelling of or to any ſuch petit treaſon, murders, or felonies, ſhould from thence-

Certain defects in the Stat. of 23 H.8 1.

thenceforth be admitted to the benefit of his or their clergy, but utterly be excluded thereof, and ſuffer death in ſuch manner and form as they ſhould have done for any the cauſes or offenſes aboveſaid, if they were no Clerks. Such as be within holy orders, that is to ſay, of the orders of Subdeacon, or above all, only except, as more at large appeareth by the ſaid Act. And for as much as the ſaid Act extendeth only to ſuch perſons as be found guilty after the due courſe of the Laws of this land, divers and many great arrant robbers, murderers, burglaries, and felons that do offend and commit divers and many petit treaſons, robberies, burglaries, and felonies, contrary to the tenour of the ſaid Act, perceiving and cleerly underſtanding by the words of the ſame Statute and Act, that they ſhall not loſe the benefit and advantage of their Clergy, unleſs they be found guilty after the due courſe of the law, upon their arraignment of and upon the ſaid felonies, robberies, and other offences before ſaid, ſo by them done and committed, by reaſon whereof, divers and many of the ſame robbers, and felons, upon their arraignment of the ſame robberies and felonies, upon their inditements againſt them, ſtand mute, and ſometimes challenge peremptory over the number of twenty, or elſe will not directly anſwer to the ſame inditements, whereupon they be ſo arraigned, according to the order of the Law. And for that theſe eſpecial caſes be not expreſly compriſed and contained within the letter of the ſame ſtatute, it is neceſſary and expedient, that the ſame cauſe be clearly and definitively expounded, and declared by authority of this preſent Parliament. And where alſo as divers and many felons and robbers, that commit and do divers and many great heinous robberies, and burglaries in one ſhire, and convey the ſpoil and robbery into any other ſhire, and there be taken, indited, and arraigned upon felony and felonious ſtealing of the ſame good, in the ſame other ſhire, then there where the ſame robberies or burglaries were done and committed, and not upon the ſame robbery nor burglary, for that it was not done nor committed in the ſame ſhire, where they be ſo indited and arraigned, and by reaſon thereof, the ſame miſdemeanors, felons, robbers and burglaries have and enjoy the priviledg and advantage of their Clergy, to the great hurt and loſs of the Kings prerogative, and great boldneſs of ſuch offenders.

No man ſhall have his Clergy which is indited of murder, &c. and upon his arraignment doth ſtand mute or challenge above xx. perſons, or will not anſwer directly.

In conſideration whereof, be it enacted by the King our Soveraign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that every perſon and perſons, that is or hereafter ſhall be indited of petit treaſon, wilful burning of houſes, murder, robbery or burglary, or other felony, according to the tenour and meaning of the ſame ſtatute, and thereupon araigned, and do ſtand mute of malice or froward mind, or challenge peremptory above the number of twenty, or elſe will not, or do not anſwer directly to the ſame inditement and felony, whereupon he is ſo araigned, ſhall from henceforth loſe the benefit and priviledge of his or their Clergy, in like manner and form as if he had directly pleaded to the ſame petit Treaſon, Murder, Robbery, Burglary or other felony whereupon he is ſo araigned, not guilty, and thereupon had been found guilty, after the laws of the land.

A Man attainted where the goods were carried which were ſtolen in another County.

And by the ſame authority be it further enacted, that if any perſon or perſons hereafter be indited of felony for ſtealing of any goods or cattels, in any County within this Realm of England, and thereupon arraigned and be found guilty, or ſtand mute of malice, or challenge peremptory above the number of twenty perſons, as is aforeſaid: or will not upon his ſaid arraignment directly anſwer to the ſame felony, that then the ſame perſon and perſons ſo arraigned and found guilty, or ſtand mute of malice, or challenge peremptory above the number of twenty perſons, or will not directly anſwer to the law, ſhall loſe and be put from the benefit of their Clergy, in like manner and form as they ſhould have been if they had been indited and arraigned and found guilty in the ſame county, where the ſame robbery or burglary was done or committed, if it ſhall appear to the Juſtices, before whom any ſuch felons or robbers be arraigned by evidence given before them, or by examination, that the ſame felonies whereupon they be ſo arraigned, had been ſuch robberies or burglaries, in the ſame Shire, where ſuch robberies or burglaries were comitted or done, by reaſon whereof they ſhould have loſt the benefit of their Clergy by force of the ſaid ſtatute, in caſe they had been found guilty thereof in the ſame Shire, where ſuch robberies or burglaries were ſo committed and done. St. 28 H.8.1. 32 H.8.3. 1 Ed.6.12. 5 Ed.6.10.

CAP. IV.

Only ſuch perſons as be Merchants adventurers to Iſland for Saltfiſh, Stockfiſh, Ling, Haberdine, or Lobfiſh, or that be Doggermen, or ſuch as be fiſhermen, that actually labour for the taking of the ſaid fiſh in the Eaſt ſea ſide, or Eaſt ſea coaſt, ſhall buy any of the kinds of the ſame fiſh, at or upon the Stone, or at the ſaid Eaſt ſea ſide, or Eaſt ſea coaſt, to ſell the ſame again at any of the fairs of Sturbridge, S. Ives, or Elie. Rep. 35 H.8.7.

CAP. V.

In what manner the Callendring of Worſted is prohibited.

Whereas at the Parliament holden at Weſtminſter, the xxiii. day of January in the ii. year of our Soveraign Lords Reign the King that now is, there was an Act made, provided and eſtabliſhed for the avoiding of deceits and falſeneſs in Worſteds, as well by reaſon of dry Callendring thereof with gums, oyles, and preſſes, as alſo by wet Callendring by perſons having no cunning in ordering of the ſame, which Act was made to endure but only to the Parliament then next following. And for as much as it is evidently known, that the ſame Act and Statute aforeſaid is very good and neceſſary to the Common wealth of this Realm: Wherefore the King our Soveraign Lord by the advice and conſent of his Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, hath ordained, enacted, and eſtabliſhed, that the ſaid act and Statute, made in the v. year of his moſt noble Reign aforeſaid, and every thing therein contained, ſhall from the Feaſt of S. Michael the Archangel next coming, continue and be good and effectual in every point and article of the ſame for ever.

The St. of 5 H.8.4. touching calendring of Worſteds made perpetual.

And furthermore be it enacted and eſtabliſhed, by the authority aforeſaid, for the Commonwealth of the City of Norwich, and maintenance, ſupportation, and upholding of the houſes, tenements, and habitations of the ſame, That no manner of perſon uſing the Craft or Myſtery of Dying of Worſteds, Stamins or Sayes, or any of them, neither by themſelves, or any ſervant, factor, deputy, or any other by his commandment or aſſignment, from the Feaſt of Chriſtmas now next enſuing, ſhall uſe to Callender any Worſteds, Stamins, or Sayes, or any other commodities made of Worſted Yarn, during all ſuch time as the ſame perſon ſhall uſe the Myſtery or Craft of Dying aforeſaid, upon pain to forfeit for every piece ſo died and Callendred by colour, covin, fraud, or contrary to the true meaning and intent of this preſent act, xl.s. and to be divided in three equal parts, the one part thereof to the King our Soveraign Lord, and another part to the Maior for the time being, and the third part to him or them that will ſue for the ſame by bill, action of debt, plaint, information, or otherwiſe in any of the Kings Courts, wherein no eſſoin, delay, or protection ſhall be allowed.

No perſon which dieth Worſteds ſhall Calender them.

CAP. VI.

The puniſhment of Buggery.

Co. 3.12.36.

For as much as there is not yet ſufficient, and condign puniſhment appointed, and limited by the due courſe of the Laws of this Realm, for the deteſtable and abominable Vice of Buggery commited with mankind or beaſt: It may therefore pleaſe the Kings Highneſs, with the aſſent of his Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, that it may be enacted by authority of the ſame, That the ſame offence be from henceforth adjudged felony, and ſuch order and form of proceſs therein to be uſed againſt the offenders, as in caſes of felony at the Common Law. And that the offenders being hereof convict by Verdict, Confeſſion, or Outlawry, ſhall ſuffer ſuch pains of death, and loſſes, and penalties of their goods, cattels, debts, lands, tenements, and hereditaments, as felons be accuſtomed to do according to the Order of the Common Laws of this Realm. And that no perſon offending in any ſuch offence, ſhall be admitted to his Clergy. And that Juſtices of Peace ſhall have power and authority within the limits of their commiſſions and juriſdiction, to hear and determine the ſaid offence, as they do uſe to do in caſes of other felonies. This Act to endure till the laſt day of the next Parliament. St. 32 H.8.3. 2 Ed.6.29. St. 5 El.17. revived and made perpetual.

He that committeth Buggery with mankind or beaſt ſhall be adjudged a felon. Co. p.f.35.

CAP. VII.

No perſon with any Nets, Engines, or device ſhall take any frie, or ſpawn of Eeles, or Salmon in any waters during x. years, upon pain of forfeiture of v.li. and his ſaid Nets, Engines, &c. Exp. St. 13 E.1.47. St. 13 R.2.19. St. 17 R.2.9.

CAP. VIII.

The high ſtreet in Holborn, between Holborn bridge, and the bars at the Weſt end of the ſaid ſtreet, ſhall be paved on both ſides with paving ſtone, at the Charges of the Tenant in Fee-ſimple, Fee-tail, or for life, of the lands thereunto adjoyning, their heirs and ſucceſſors, and they ſhall from time to time maintain the ſame paved. And if the Leſſees do it, they may defaulk ſo much of their rent. And the Mayor and Aldermen of London may enquire every quarter of a year by the oathes of xii. men, of the offendors. The like order ſhall be obſerved for the paving of the Streets in Southwark. And he that doth not from time to time, maintain the pavement ſufficiently againſt his own ground, ſhall forfeit to the King for every yard ſquare not repaired, vi. pence. PR.

CAP. IX.

How Pewterers ſhall uſe their trade.

In their moſt lamentable wiſe ſheweth, and piteouſly complaining unto the Kings moſt Royal Majeſty, and to this his moſt high Court of Parliament, the Kings moſt humble, poor, and obedient Subjects, the Maſter, Wardens, and poor fellowſhip of the Craft and Myſtery of the Pewterers, as well of the City of London, as of all other places within this Realm of England, that where the ſaid craft or myſtery before this time hath been one of the beſt handicrafts within this Realm, which hath only grown and continued by mean of divers good Acts and Statutes, made for the true exerciſe of the ſame, whereof one was made in the xix. year of the reign of the Kings moſt renowned Father (whoſe ſoul God pardon) and one other was made in the fourth year of the Kings moſt victorious reign, concerning the crafts of Pewterers and Braſiers, of and for the true making, mixing, and ſelling of good and true Pewter, and Brazen veſſels, and alſo for exerciſing and uſing of true weights, & beams, to be occupied by the ſellers of any ſuch Pewter or Brazen veſſels within this Realm, ſo that none of the Kings Subjects, nor any other perſon ſhould by any ſale of any falſe, mixed, Brazen and Pewter veſſel, or any untrue weights be deceived, as by the ſaid Statutes more plainly doth appear. Which good Statutes duly put in execution, hath cauſed the ſaid Craft to encreaſe and multiply to the great profit and utility of a great number of the Kings Subjects, and the commodity of Pewter veſſel much to be had in reputation in all ſtrange Regions and Countreys; until now of late divers evil diſpoſed perſons, being the Kings Subjects born, which have been Apprentices and brought up in the exerciſe of the ſaid Craft of Pewterers, have now of late for their ſingular lucre repaired into ſtrange Regions and Countries, and there do exerciſe the ſaid craft of Pewterers, teaching ſtrangers not only the Cunning of mixing and forging of all manner of Pewter veſſel, but alſo do teach all things belonging to the ſaid Craft of Pewterers, by mean whereof

St. 19 H.7.5. St. 4 H.8.7.

The cauſe why the trade of Pewterers did increaſe, and now doth decay in this Realm.

No perſon ſhall buy any wares made of Tin out of the Realm.

whereof there is not only brought daily into this Realm out of ſtrange Regions to be ſold, great number of things made of Pewter, untruly mixed and made of Tin, wherewith the Kings Subjects be daily deceived, and the people of ſtrange Countries greatly inſtructed in the cunning of the ſaid Craft of Pewterers, ſo that thereby not only a great number and quantity of Pewter veſſel and other things of Pewter, made in divers ſorts and faſhions, amounting to a great value, which was daily and continually wont to be carried aud conveyed out of this Realm by Merchants into ſtrange Regions and Countries, there to be ſold and vented: Whereby the commodity of Tin made into Pewter veſſel, which hath been had in great eſtimation, as things very neceſſary and Commodious, and the Kings cuſtoms thereby much advanced, is now like utterly to ceaſe and decay, and not to be eſteemed, as heretofore hath been, but alſo the ſaid Craft of Pewterers, which at this day ſetteth and keepeth in work and occupation, a great number of people, ſhall be utterly undone, and a great multitude of the Kings natural Subjects thereby fall into idleneſs, to the great impoveriſhment of this Realm, if ſpeedy remedy for the redreſs of the premiſes be not provided. In tender conſideration whereof, and for reformation of the premiſes, it may pleaſe the Kings Highneſs, by the aſſent of the Lords Spiritual, and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame to ordain and enact, That no perſon nor perſons hereafter at any time now inhabiting, or which hereafter ſhall inhabit within this Realm, ſhall buy, or otherwiſe take by exchange for other Wares, any manner wares made, or hereafter to be made out of this Realm, of Tin, or mixt with Tin, as Platters, Diſhes, Saucers, Pots, Baſons, Ewers, Flagons, Goblets, Salts, Saltſellers, Spoons, or any other thing made of Tin or Pewter, as is aforeſaid, whatſoever it be, upon pain of forfeiture of the ſame Ware, in whoſe hands ſoever it may be found or taken, and alſo lawful money currant in this Realm, to the full value thereof. The one half of the ſame forfeiture to be to the uſe of the Kings Highneſs, the other half to be to the uſe of the finders of the ſame.

Officers may ſearch and ſeiſe Wares brought into this Realm contrary to this Statute. St. 33 H.8.4.

And furthermore be it enacted, That it ſhall be lawful to the Maſter and Wardens of the ſaid Craft of Pewterers, as well within the City of London, as within every other City, Borough, and Town of this Realm, where ſuch Wardens be, and where no ſuch Wardens be, to the head Officer or governor, head Officers or Governors of the ſame City, Borough or Town for the time being, to appoint divers perſons moſt expert in knowledge of the ſame, to make ſearch and ſeiſure, and to take into their hands and poſſeſſions all ſuch wares, as hereafter ſhall be brought contrary to the true intent and effect of this preſent Act, in whoſe ſoever hands or poſſeſſion any ſuch ſhall be found.

No Pewterer ſhall take a ſtranger born to be Apprentice or Journeyman. REP. 5 El. 4.

No ſtranger born ſhall work any Pewter or Tin.

And alſo be it enacted by the authority aboveſaid, that no perſon or perſons, occupying the ſaid Craft or occupation of Pewterers within this Realm, ſhall ſet on work or retain in his or their ſervice any perſon or perſons to be his or their Apprentice or Journeyman, being ſtranger born out of this Realm, upon pain to forfeit for every ſuch Apprentice and Journeyman, x.li. ſterling. And that no ſtranger born out of this Realm, ſhall occupy, exerciſe or uſe from the Feaſt of Penticoſt next coming, the ſaid Craft of Pewterers, ne work any manner of veſſel or other ware aforeſaid to be made of Tin or Pewter, within any place or places of this Realm, upon pain of forfeiture of Ten pound ſterling, and alſo upon pain of forfeiture of the ſame Pewter or Tin ſo wrought, in whoſe hands ſoever it may be found or taken.

No Pewterer ſhall teach his trade in a foreign County.

And alſo be it enacted by authority aforeſaid, That no perſon or perſons being born within this Realm, occupying or exerciſing the ſaid Craft of Pewterers, ſhall at any time hereafter reſort into any ſtrange Regions or Countreys, there to uſe, teach, or exerciſe the ſaid Craft of Pewterers, upon pain to loſe the priviledge and benefit of an Engliſh man.

And if in caſe any of the Kings Subjects, at this preſent time being, dwelling in any ſtrange Country or Region, and there occupying the ſame Craft of Pewterers, do not repair into this Realm within three months next after requeſt and warning to him to be given, by writing, ſealed with the Common ſeal of the Wardens of the ſaid Craft within the ſaid City of London, and here in this Realm continually from henceforth dwell and inhabit, that then and from thenceforth he ſhall be reputed and taken for no Engliſh man, but ſhall ſtand and be from thenceforth out of the Kings protection.

Licences and Placards made to haukers for Pewter ſhall be void.

And foraſmuch as ſundry evil diſpoſed perſons, which commonly been called haukers, by authority of the Kings Letters Patents, or placard, do not only go about from place to place within this Realm, uſing buying and ſelling of Braſs and Pewter, and by colour and pretence of the ſams licences or placards, uſe unlawful and deceivable weights and beams, but alſo do uſe to ſell both Braſs and Pewter, which is not good, nor truly, nor lawfully mixt nor wrought, to the great deceit of the Kings true Liege people, contrary to the form and effect of the ſaid good Act and Statute, made in the ſaid iv. year of the Kings moſt Noble Reign. Be it therefore enacted by authority of this preſent Parliament, that all ſuch Licences and placards, heretofore had, made, or granted, to any ſuch perſon or perſons, contrary to the true meaning, form, and effect of this Statute, ſhall be from henceforth by authority of this preſent Parliament, cleerly void, and of none effect. And whereas in the ſaid Act of Parliament concerning the Craft of Pewterers and Braſiers, made in the ſaid iv. year, for divers cauſes and conſiderations in the ſame Act contained, amongſt other things it is expreſſed, That no other perſon or perſons, uſing the ſaid Craft of Pewterers or Braſiers, ſhould from thenceforth ſell or change any Pewter or Braſs, new or old, at any place or places within this Realm, but only in open Fair or Markets, or in their own dwelling houſes, unleſs they were deſired by the buyers of ſuch wares, upon pain of forfeiture for every ſuch default, x.li. Foraſmuch as the ſame forfeiture is to the only uſe of the Kings Highneſs, and that any party ſearching or finding the ſame, is not intituled to have any benefit thereby, it hath not been known that any perſon or perſons have taken any pain to ſearch or make any enquiry thereof; by reaſon whereof divers and many evil diſpoſed perſons, uſing buying and ſelling both of braſs and pewter, and not regarding the ſaid good Act, neither the ſaid penalty, daily go about from village to village, town to town, and from houſe to houſe, to ſell ſuch pewter and braſs which is not good, and alſo uſe deceivable weights and beams, as they did before the making of the ſaid Act, to the great hurt and deceit of the Kings true liege people and ſubjects. Wherefore be it enacted by the authority aforeſaid, that as well the moity of the ſaid forfeiture of ten pound, limited in the ſaid Statute, made in the ſaid fourth year, as alſo the moity of all other forfeitures before expreſſed, and every of them be, and ſhall be to the uſe of the Kings Highneſs, his heirs and ſucceſſors, and the other moity of the ſame forfeitures and every of them, to the uſe of him or them that ſhall ſeiſe, find, or preſent the ſaid forfeitures or any of them, or that ſhall ſue for the ſame in any competent Court or Courts within this Realm, by action of debt, bill, plaint, or information, wherein the defendant ſhall in no wiſe be admitted to wage his Law, nor any protection, or eſſoin to any perſon or perſons, which ſhall be impeached to have offended contrary to the form and effect of this Eſtatute, ſhall be allowable. This Act to endure to the laſt day of the next Parliament. 33 H. 8. 4. made perpetual.

Pewter ſhall be ſold in Fairs and Markets and in the owners houſes, and not elſewhere.

Who ſhall have the forfeitures, and by what means they ſhall be recovered.

CAP. X.

Commiſſioners of Sewers refuſing to take Oath ſhall be puniſhed.

BE it enacted by authority of this preſent Parliament, That the Act late made for Sewers, and the Commiſſion therein recited, ſhall be extended, uſed, and put in execution in the Town and Marches of Caleis, according to the tenour of the ſame Commiſſion, in like effect as it is enacted to be put in execution within this Realm: and that no perſon ſhall be compelled to be ſworn, or otherwiſe bound to ſit or travel in execution of any Commiſſion of Sewers within this Realm, unleſs that he be dwelling within the County, whereof he is, or ſhall be aſſigned to be Commiſſioner: and for Caleis, and the ſaid Marches thereof, unleſs that he be dwelling within the ſame Town of Caleis, or Marches.

Stat. 23 H. 8. 5. Every Commiſſioner of Sewers ſhall be dwelling in the ſame County.

And becauſe that divers perſons heretofore aſſigned to be Commiſſioners have refuſed to be ſworn, according to the ſaid former Act, whereby divers Commiſſions, heretofore made, remain hitherto without effectual execution: Be it therefore enacted, That if any perſon aſſigned, or to be aſſigned, to be ſuch Commiſſioner of Sewers, being required hereafter by ſuch perſon or perſons as have, or ſhall have authority by the Kings Writ, or otherwiſe to receive or accept the oath compriſed in the ſaid former Act, every perſon that ſo refuſeth to take the ſame oath, or upon that requeſt made, doth not receive the ſame oath, and that refuſal or contempt done in the Chancery, or returned into the Chancery with the ſaid Writ, ſhall loſe and forfeit for the ſame contempt to the King our Sovereign Lord, five marks, and ſo to loſe from time to time five marks for every ſuch contempt, as ſhall be done or returned into the ſaid Chancery againſt any ſuch perſons, unleſs that he in the ſame Chancery do ſhew and alledge in the ſaid Term, wherein ſuch return ſhall be made againſt him, ſufficient and reaſonable matter and cauſe to be allowed by the Lord Chancellor for his excuſe, and diſcharge in that behalf.

The forfeiture of a Commiſſioner of Sewers that refuſeth to take the oath aſſigned by the Statute of 23 H. 8. 5.

CAP. XI.

How deſtroyers of Wild-fowl ſhall be puniſhed.

WHere before this time there hath been within this Realm great plenty of Wild-fowl, as Ducks, Mallards, Wigeons, Teals, wild Geeſe, and divers other kinds of Wild-fowl, whereby not onely the Kings moſt honourable houſhold, and all the houſes of the Noble men and Prelates of this Realm, have been furniſhed for the neceſſary expenſes of the ſame houſes at convenient prices, but alſo all the Markets of the ſame Realm were ſufficiently furniſhed with Wildfowl there to be ſold in ſuch wiſe, that ſuch as were meet to make proviſion of the ſame for their houſes, might at reaſonable prices, at the ſame markets be thereof provided. Nevertheleſs divers perſons next inhabiting in the Countries and places within this Realm, where the ſubſtance of the ſame Wild-fowl hath been accuſtomed to breed, have in the Summer ſeaſon, at ſuch time as the old fowl be moulted, and not repleniſhed with feathers to flie, nor the young fowl fully feathered perfectly to flie, have by certain nets and other engines and policies yearly taken in great number of the ſame fowl, in ſuch wiſe, that the brood of Wild-fowl is almoſt thereby waſted and conſumed, and daily is like more and more to waſte and conſume, if remedy be not therefore provided.

The cauſe of the decay of Wild-fowl.

Be it therefore enacted by the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall not be lawful to any perſon or perſons hereafter, between the laſt day of May, and the laſt day of Auguſt, to take, or cauſe to be taken any ſuch Wild-fowl, with nets or any other engines, upon pain of one years impriſonment, and to forfeit for every fowl ſo taken iiij. d. the one half thereof to be to the King our Sovereign Lord, and the other half to him that will ſue for the ſame by action of debt in any of the Kings Courts, and in the which action none eſſoin, nor protection ſhall be allowed, nor wager of Law received.

Wild-fowl ſhall not be taken between the laſt day of May and the laſt day of Auguſt.
Rep. 3 & 4 E. 6. 7
Rep. 21 Jac. 28
Cont. 3. Cont. 4.

And be it enacted by authority aforeſaid, That all Juſtices of Peace, within the limits of their Commiſſions, ſhall have power and authority to inquire, hear, and determine the offences aforeſaid, like as they commonly uſe and do in caſes of treſpaſs.

Juſtices of Peace may enquire of, hear and determine theſe offences.

Provided always, That it ſhall be lawful to any Gentleman, or any other that may diſpend fourty ſhillings by the year, of freehold, to hunt and take ſuch Wild-fowl with their

Killing of Wild-fowl with Spaniel by Gentlemen

Spaniels onely, without uſing any net or other engines for the ſame, except it be a Long-bow or Long-bows.

No perſon ſhall deſtroy or take away the the eggs of any wild-fowl.

Provided always, and be it enacted by the ſame authority, That from the firſt day of March, which ſhall be in the year of our Lord God, MDXXXIIII. unto the laſt day of June then next enſuing, and ſo yearly from thenceforth, no manner of perſon or perſons ſhall preſume by day or by night, willingly to withdraw, purloin, take, deſtroy, or convey any manner of eggs of any kind of Wild-fowl, from, or in any neſt, place or places, where they ſhall chance to be laid by any kind of the ſame Wild-fowl, upon pain of impriſonment for one year, and to loſe and forfeit for every egge of any Crane or Buſtard, ſo deſtroyed, purloined, withdrawn, conveyed, or taken from any neſt or place, xx. pence, and for every egge of every Bittour, Heron, or Shovelard, viij. pence, and for every egge of every Mallard, Teal, or other Wild-fowl, one peny. The one moity thereof to be to the King our Sovereign Lord, and the other half to him that will ſue for the ſame, in form aforeſaid, wherein no wager of Law, eſſoin, or protection ſhall be allowed. And that all Juſtices of Peace, within the limits of their Commiſſion, ſhall have full power and authority to enquire, hear, and determine the ſame in form before rehearſed.

Deſtroying of Crows, Choughs, &c.

Provided always, that this Act extend not, nor be hurtful at any time hereafter to any perſon or perſons, that will deſtroy any Crows, Choughs, Ravens, and Boſards, or their eggs, or to any other fowl or their eggs, not comeſtible, nor uſed to be eaten.

CAP. XII.

Treaſon C. 8. Inſt. 4 part 39.

Elizabeth Barton of Kent, and others attainted of high Treaſon, for that under colour of hypocriſie, revelations, and falſe miracles, practiſed by the ſaid Elizabeth, they conſpired to impugn and ſlander the divorce between the King and Queen Katherine his firſt wife, and the laſt marriage between him and Queen Anne his ſecond wife, to deſtroy the King, and to deprive him of his Crown. Exp.

CAP. XIII.

What number of Sheep men may keep.

Foraſmuch as divers and ſundry perſons of the Kings ſubjects of this Realm, to whom God of his goodneſs hath diſpoſed great plenty of moveable ſubſtance, now of late within few years, have daily ſtudied, practiſed, and invented ways and means how they might accumulate, and gather together into few hands, as well great multitudes of Farms, as great plenty of Cattel, and in eſpecial Sheep, putting ſuch lands as they can get to paſture, and not to tillage: whereby they have not onely pulled down Churches and Towns, and inhaunſed the old rates of the Rents of the poſſeſſions of this Realm, or elſe brought it to ſuch exceſſive fines, that no poor man is able to meddle with it, but alſo have raiſed and enhaunſed the prices of all manner of Corn, Cattel, Wool, Pigs, Geeſe, Hens, Chickens, Eggs, and ſuch other, almoſt double above the prices which have been accuſtomed: By reaſon whereof a marvellous multitude and number of the people of this Realm be not able to provide meat, drink, and clothes neceſſary for themſelves, their wives and children, but be ſo diſcouraged with miſery, and poverty, that they fall daily to theft, robbery, and other inconveniences, or pitifully die for hunger and cold. And as it is thought by the Kings moſt humble and loving ſubjects, one of the greateſt occaſions, that moveth and provoketh thoſe greedy and covetous people ſo to accumulate and keep in their hands, ſuch great portions and parts of the grounds and lands of this Realm, from the occupying of the poor husbandmen, and ſo to uſe it in paſture, and not in tillage, is onely the great profit that cometh of Sheep, which now be come in a few perſons hands of this Realm, in reſpect of the whole number of the Kings ſubjects, that ſome have four and twenty thouſand, ſome twenty thouſand, ſome ten thouſand, ſome ſix thouſand, ſome five thouſand, and ſome more, and ſome leſs; by the which a good ſheep for victual, that was accuſtomed to be ſold for two ſhillings four pence, or three ſhillings at the moſt, is now ſold for ſix ſhillings, or five, or four ſhillings at the leaſt: And a ſtone of clothing wooll, that in ſome Shires of this Realm was accuſtomed to be ſold for eighteen pence, or twenty pence, is now ſold for four ſhillings, or three ſhillings four pence at the leaſt: in ſome Countries, where it hath been ſold for two ſhillings four pence, or two ſhillings eight pence, or three ſhillings at the moſt, it is now ſold for five ſhillings, or four ſhillings eight pence the leaſt, and ſo are raiſed in every part of this Realm. Which things thus uſed, be principally to the high diſpleaſure of Almighty God, to the decay of the hoſpitality of this Realm, to the diminiſhing of the Kings people, and to the let of the Cloth-making, whereby many poor people have been accuſtomed to be ſet on work, and in concluſion, if remedy be not found, it may turn to the utter deſtruction and deſolation of this Realm, which God defend. It may therefore pleaſe the Kings Highneſs, of his moſt gracious and godly diſpoſition, and the Lords Spiritual and Temporal of their goodneſs and charity, with the aſſent of the Commons in this preſent Parliament aſſembled, to ordain and enact, by the authority of the ſame, That no perſon or perſons from the Feaſt of St. Michael the Archangel, which ſhall be in the year of our Lord God 1535. ſhall keep, occupy, or have in his poſſeſſion, in his own proper lands, nor in the poſſeſſion, lands, nor grounds of any other, which he ſhall have have or occupy in farm, nor otherwiſe, have of his own proper cattel, in uſe, poſſeſſion, or property by any manner of means, fraud, craft, or covin, above the number of two thouſand ſheep at one time, within any part of this Realm, of all ſorts and kinds, upon pain to loſe and forfeit, for every ſheep that any perſon or perſons ſhall have or keep above the number limited by this Act, iii. s. iv. d. the one half to the King our Sovereign Lord, and the other half to ſuch perſon as will ſue for the ſame, by original writ of debt, bill, plaint, or information in any Court of Record, in which ſuit, the defendant ſhall not wage his Law, nor have any eſſoin or protection allowed.

The ſeveral enormities that do enſue by the greedy deſire of having many ſheep.

No man ſhall have above two thouſand ſheep.

Provided alway, That Lambs ſhall not be accounted of the number of the ſheep prohibited by this Act, ſo long as they be under the age of a year and not above.

Lambs under the age of one year ſhall not be accounted ſheep.

Provided alway, That if any perſon, having ſheep of his own, happen to be made executor, or to be adminiſtrator to any perſon, which had ſheep at his death, or happen to be married to any perſon, which ſhall happen to have ſheep at the time of the marriage, by reaſon whereof the perſon ſo being executor or adminiſtrator, or being ſo married, ſhall happen by ſuch means to be advanced, and have above the ſaid number of two thouſand, That then in every ſuch caſe, the perſon ſo advanced to loſe no penalty, for having above the number of two thouſand ſheep by ſuch means, ſo that within one year next after ſuch advancement, the perſon ſo advanced from time to time, as often as any ſuch caſe ſhall happen, do put to ſale, or otherwiſe diſpoſe ſo many of the ſaid ſheep, ſo to him advanced, or elſe of his own ſheep, that he had before, ſo that above one year he ſhall not keep, have, or occupy by any ſuch means, or otherwiſe by any fraud or covin, any more number of them, then is before limited by this Act, upon the pain before rehearſed.

Sheep coming by executorſhip or marriage.

Provided alſo, That if any perſon by his laſt Will and Teſtament, give to any child within age, any number of ſheep, and appoint them by his ſaid Will to be kept by his executors, or by any other perſon, until ſuch time as the ſaid child ſhall come to a certain age limited by his Will, that then in every ſuch caſe, after the death of the Teſtator, the ſaid ſheep ſo being in the poſſeſſion and occupation of the executors, or of any other perſon, to the uſe of any ſuch child within age, for that time onely that the ſaid child ſhall be within the age that he ſhall be limited to have the ſaid ſheep by the Will of the Teſtator, ſhall not be accounted againſt the ſaid executors, nor any perſon ſo having the ſaid ſheep, for the intent aforeſaid, any of the number of the ſheep prohibited by this Act: any thing in this Act to the contrary thereof notwithſtanding.

Sheep bequeathed by Will to a child within age.

And it is further enacted, That the Juſtices of the Peace of every Shire ſhall have power and authority to enquire of the offendors of this Act, as well by the oaths of twelve men, as by information of any of the Kings ſubjects, and to make ſuch like proceſs upon every preſentment, or information concerning this Act, as they uſe commonly to do upon preſentments before them of treſpaſs: And that no perſon being convict by confeſſion or otherwiſe, that he hath done or attempted contrary to this Act, ſhall be put to any leſs fine then after the rates of forfeitures afore limited by this Act.

Juſtices of Peace ſhall inquire of the offenders of this Act.

Provided always, That no perſon ſhall be put to any anſwer or loſs of any forfeiture by vertue of this Act, at the ſuit of any the Kings ſubjects, by any original writ of debt, bill, plaint, or information, except the ſuit be commenced within one year next after the offence done or committed contrary to this Act. Nor that any perſon ſhall be put to anſwer, nor to any loſs of any forfeiture by vertue of this Act, by reaſon of any preſentment, action, or information at the Kings ſuit, except the ſaid preſentment, action, or information be had and made for the King within three years next after the offence done or committed.

Within what time the ſuit ſhall be commenced againſt an offender.
St. 31 El. 5.

Provided alway, That all and every perſon and perſons, being the Kings Temporal ſubjects of this Realm, and born under his obeyſance, which at this preſent time, or at any time hereafter ſhall have and be ſeiſed of inheritance in poſſeſſion or in uſe, or that now hath, or hereafter ſhall have juncture in uſe or poſſeſſion, or be or ſhall be tenant in dower, or by the curteſie of England, of or in any manors, lands, tenements, paſtures, feedings, or liberties or foldage within any part of this Realm of England, Wales, or the marches of the ſame, that every ſuch perſon and perſons, having any ſuch poſſeſſion to his own uſe, and every ſuch perſon and perſons, to whoſe uſe any other perſon and perſons now is, or be, or hereafter ſhall be ſeiſed of any ſuch eſtate, as is before rehearſed, may at all times hereafter have, enjoy, keep, and maintain upon the ſame their own demein lands, and all other their paſtures, feedings, and fold-courſes, which they ſo have, as many their own ſheep and lambs in number to their proper uſe, profit, and behove, as they or any of them of right had, or lawfully might have had and kept upon the ſame, or upon any part thereof, at any time before the making of this preſent Act, this Act, or any thing therein contained or ſpecified to the contrary in any wiſe notwithſtanding.

Every perſon temporal may keep upon his inheritance, &c. as many ſheep as he will.

And over that be it enacted by the authority aforeſaid, That in caſe any ſuch perſon or perſons having any ſuch eſtate in uſe or in poſſeſſion, of or in in any manner lands, tenements, paſtures, feedings, or liberties of fold-courſes, as is before expreſſed, have or do keep upon the ſame their poſſeſſions the number of two thouſand ſheep or above, the ſame perſon or perſons ſo having the number of two thouſand ſheep or above, ſhall not in any wiſe keep, ſuſtain, or have any ſheep above, or beſide the ſaid number of two thouſand, upon any lands, paſtures, or feedings, which the ſame perſon or perſons have, or hereafter ſhall have, or take in ferm, or otherwiſe, upon ſuch like pains and forfeitures for the ſame as be limited in the ſaid Act, that is to ſay, for every ſheep over and above the ſaid number of two thouſand, three ſhillings four pence. And in caſe the ſaid demeſn lands, tenements, paſtures, feedings, and liberties of fold-courſes of any perſon or perſons before rehearſed, ſuffice not for the feeding, paſturing, and keeping of two thouſand ſheep, as is aforeſaid, that then every ſuch perſon ſhall and may have, ſuſtain, or feed upon his ſaid demeſn lands, and upon his ferm-holds, which he lawfully may have, to the ſaid number of two thouſand ſheep and not above, upon pain of forfeiture for every ſheep above that number, iij. s. iv. d.

Two thouſand ſheep may be kept by any perſon upon demeſns and ferms.

Provided alway and be it enacted, That it ſhall be lawful to every perſon or perſons within this Realm, keeping a houſhold, to have from time to time ſuch convenient number of ſheep, over and above the number expreſſed in this Act, as ſhall be neceſſary for the onely expences of his houſhold, to be provided, kept, and fed, in and upon his own lands or other lands, ſuch as he can, or lawfully may have, or provide for, in ferm or otherwiſe: Any thing in this preſent Act contained to the contrary notwithſtanding. So that the ſame houſholder at no one time ſhall have or keep for the expences of his houſhold, or by colour of the

Sheep for the maintenance of his houſe above two thouſand.

ſame, over and above the number to him limited by this Act, any number of ſheep more then ſhall ſuffice for the onely expences of his houſhold for one year, without fraud or covin, any thing in this preſent Act mentioned or expreſſed to the contrary notwithſtanding.

How fold-courſes in Norfolk ſhall be uſed, and quillets of land.

Be it alſo further enacted by the authority aforeſaid, That no manner perſon or perſons of what degree ſoever he or they be, being Lord or Lords, owner or owners, fermor or fermors, of or in any liberty of fold-courſes, within any town, tything, village, or hamlet, within any of the Counties of Norfolk and Suffolk, from and after the Feaſt of the Nativity of our Lord God next coming, ſhall take in farm for term of years, or otherwiſe, any quillets of lands, or paſtures, that is to ſay, any number of acres of land or paſture, appertaining to any other perſon or perſons, lying and being within the limit, extent, or precinct of the ſaid liberty of the ſaid fold-courſes: but that they ſhall permit and ſuffer the ſaid perſons, having, or being for time owner or owners, leſſee or leſſees of the ſaid quillets, to manure and paſture the ſaid quillets: And alſo to ſuffer the ſheep of the ſaid owner or owners, farmer or farmers of the ſaid quillets, after the rate of the ſame quillets to go with the flock of the owner, farmer, or occupier of the ſaid liberty or liberties of the ſaid fold-courſes, paying the cuſtomary charges for the keeping and feeding of the ſame, after the rate and uſe of the countrey there commonly uſed, without any interruption therein to be made by the ſaid owner or owners, farmer or farmers, or occupiers of the ſaid liberties, upon pain of forfeiture for every time that any ſuch perſon, having any ſuch quillet that ſhall be ſo letted or diſturbed of feeding, keeping, or paſturing any of his ſheep ſo to be fed and kept after the rate of the ſaid quillet, for every ſuch ſheep iij. s. iiij. d.

To which ſort of quillets this Statute doth extend, and to which not.

Provided alway, That this Act or branch concerning quillets, or any thing therein contained, ſhall not in any wiſe be available to any tenant, owner or occupier of any ſuch quillet or quillets, to claim, have, or uſe hereafter any ſuch paſture or feeding of his ſheep, in, or with any ſuch fold-courſes, but onely where the tenants, owners, and occupiers of any ſuch quillets have had, or might have had heretofore of right and duty, uſed to have paſture and feeding in the ſaid fold-courſes, by reaſon of their tenures and occupations of the ſame quillet and quillets, and none otherwiſe. And where they have not uſed, ne ought to have any ſheep fed, or kept within any ſuch fold-courſes, by reaſon of the ſaid tenures, That the owners or occupiers of ſuch fold-courſes may take ſuch quillets, lying within their fold-courſes, in ferm, agreeing with the owners or occupiers of the ſaid quillet for the ſame.

Sixſcore ſheep ſhall be accompted an hundred.

And foraſmuch as the number of the C. of ſheep in every Countrey be not like, in ſome Countrey the great C. where vi. ſcore is accompted for the C. and ſome Countrey but onely v. ſcore, it is eſt declared by this preſent Act, that the number of two thouſand ſheep, limited to every perſon by this Act, ſhall be accompted x. C. for every thouſand, after the number of the great hundred, and not after the leſs hundred, ſo that every thouſand ſhall contain xij. hundred after the leſs number of the hundred.

When lambs ſhall be taken for ſheep.

It is alſo further provided by the authority aforeſaid, That Lambs under the ages of one whole year, and as much as ſhall be from the time of the falling of them unto the Feaſt of the Nativity of St. John Baptiſt in any year to come, ſhall not be adjudged, ne taken for ſheep, prohibited in this eſtatute: any thing in this Act to the contrary notwithſtanding.

No man ſhall take above two farms. 32 H. 8. 28.

It is alſo further enacted by authority aforeſaid, That no manner perſon after the ſaid Feaſt of the Nativity of our Lord, ſhall receive or take in farm for term of life, years, or at will, by Indenture, Copy of Court-Roll, or otherwiſe, any more houſes and tenements of husbandry, whereunto any lands are belonging, in town, village, hamlet, or tithing within this Realm, above the number of two ſuch holds or tenements. And that no manner perſon ſhall have or occupy any ſuch holds, ſo newly taken to the number of two, as is before expreſſed, except he or they be dwelling within the ſame Pariſhes where ſuch holds be, upon pain of forfeiture for every week that he or they ſhall have, occupy, or take any profits of ſuch holds contrary to this Act, iij. s. iiij. d. The one moity of which forfeiture to be to the King our Sovereign Lord, and the other moity to the party that will ſue for the ſame in any of the Kings Courts, by bill, plaint, information, or otherwiſe, within one year next after ſuch contempt and offence committed and done, in the which none eſſoin, protection, ne wager of Law be admitted or allowed.

St. 4 H. 7. 19. St. 7 H. 8. 1.

It is alſo further enacted by authority aforeſaid, That the Statutes made the fourth year of the noble Prince King Henry the Seventh, and the ſeventh year of the Reign of our Sovereign Lord the King that now is, concerning the decay of Towns, and maintenance of tillage and husbandry, ſhall be good and effectual in every thing according to the true purport and intent of the ſame, any thing in this preſent Act to the contrary notwithſtanding.

Spiritual perſons.

Provided alſo, That it may be lawful to all Spiritual perſons and every of them, to keep ſuch and as many ſheep upon their own lands, and after ſuch form and manner and none otherwiſe, as they might have done afore the making of this Act: any thing mentioned in the ſame to the contrary notwithſtanding.

CAP. XIV.

Co. Inſt. 2 par. 658.

Co. lib. 12. 58,

A repeal of the Statute of 2 H. 4. 15. And a confirmation of the Statutes of 5 R. 2. 5. & 2 H. 5. 7. touching the puniſhment of Hereticks. Sheriffs in their Turns, and Stewards in their Leets, Rapes, and Wapentakes, ſhall have authority to enquire of Hereticks: And every ſuch preſentment made in any Turn, Leet, &c. concerning Hereticks ſhall be certified to the Ordinary. Every perſon preſented or indited of any Hereſie, or duely accuſed by two lawful witneſſes, may be cited, arreſted, or taken by an Ordinary, or other of the Kings ſubjects, and committed to the Ordinary to anſwer in open Court, and being convict ſhall abjure his hereſies, and refuſing ſo to do, or falling into relapſe, ſhall be burned in an open place for example of others. Rep. 1 Ed. 6. 12.

CAP. XV.

How and of whom Printers and Book-binders ſhall print and ſell their Books.

Whereas by the proviſion of a Statute made in the firſt year of the Reign of King Richard the Third, it was provided in the ſame Act, that all ſtrangers repairing into this Realm might lawfully bring into the ſaid Realm printed and written Books to ſell at their liberty and pleaſure. By force of which proviſion there hath come into this Realm ſithen the making of the ſame, a marvellous number of printed books, and daily doth. And the cauſe of the making of the ſame proviſion ſeemeth to be, for that there were but few books and few Printers within this Realm at that time, which could well exerciſe and occupy the ſaid ſcience and craft of Printing: Nevertheleſs, ſithen the making of the ſaid proviſion, many of this Realm, being the Kings natural ſubjects, have given them ſo diligently to learn and exerciſe the ſaid craft of Printing, that at this day there be within this Realm a great number cunning and expert in the ſaid ſcience or craft of Printing, as able to exerciſe the ſaid craft in all points, as any ſtranger in any other Realm or Countrey. And furthermore where there be a great number of the Kings ſubjects within this Realm, which live by the craft and myſtery of Binding of books, and that there be a great multitude well expert in the ſame; yet all this notwithſtanding, there are divers perſons that bring from beyond the Sea great plenty of printed books, not onely in the Latine tongue, but alſo in our maternal Engliſh tongue, ſome bound in boards, ſome in leather, and ſome in parchment, and them ſell by retail, whereby many of the Kings ſubjects, being Binders of books, and having no other faculty wherewith to get their living, be deſtitute of work, and like to be undone, except ſome reformation herein be had. Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Proviſo, made the firſt year of the ſaid King Richard the third, from the Feaſt of the Nativity of our Lord God next coming, ſhall be void and of none effect.

In the time of K. Richard 3. this Realm did lack Printers and Binders of books, which is now ſupplied by Engliſhmen.

A repeal of the Stat. of 1 R. 3. 9. touching bringing into this Realm and binding of books.

And further be it enacted by the authority aforeſaid, That no perſon or perſons, reſiant, or inhabitant within this Realm, after the ſaid Feaſt of Chriſtmas next coming, ſhall buy to ſell again any printed books, brought from any parts out of the Kings obeyſance, ready bound in boards, leather, or parchment, upon pain to loſe and forfeit for every book bound out of the ſaid Kings obeyſance, and brought into this Realm, and bought by any perſon or perſons within the ſame to ſell again contrary to this Act, ſix ſhillings eight pence.

No man ſhall buy books which be brought from beyond Sea to ſell again if they be bound.

And be it further enacted by the authority aforeſaid, That no perſon or perſons inhabitant, or reſiant within this Realm, after the ſaid Feaſt of Chriſtmas, ſhall buy within this Realm, of any ſtranger born out of the Kings obedience, other then of denizens, any manner of printed books brought from any the parties beyond the Sea, except onely by engroſs, and not by retail: upon pain of forfeiture vj. s. viij. d. for every book ſo bought by retail, contrary to the form and effect of this eſtatute, the ſaid forfeitures to be always levied of the buyers of any ſuch books, contrary to this Act: The one half of all the ſaid forfeitures to be to the uſe of our Sovereign Lord the King, and the other moity to be to the party that will ſeiſe or ſue for the ſame, in any of the Kings Courts, be it by bill, plaint, or information, wherein the defendant ſhall not be admitted to wage his Law, nor no protection, ne eſſoin ſhall be unto him allowed.

No man ſhall buy books by retail brought from beyond the Seas.

Provided alway, and be it enacted by the authority before ſaid, That if any of the ſaid Printers, or ſellers of printed books, inhabited within this Realm, at any time hereafter happen in ſuch wiſe to enhaunce and increaſe the prices of any ſuch printed books in ſale or binding, at too high and unreaſonable prices, in ſuch wiſe as complaint be made thereof unto the Kings Highneſs, or unto the Lord Chancellor, Lord Treaſurer, or any of the Chief Juſtices of the one Bench or of the other: That then the ſame Lord Chancellor, Lord Treaſurer, and two chief Juſtices, or any two of them, ſhall have power and authority to enquire thereof, as well by the oaths of twelve honeſt and diſcreet perſons, as otherwiſe by due examination by their diſcretions. And after the ſame inhaunſing and increaſing of the ſaid prices of the ſaid books and binding ſhall be ſo found by the ſaid twelve men, or otherwiſe by examination of the ſaid Lord Chancellor, Lord Treaſurer, and Juſtices, or two of them: That then the ſame Lord Chancellor, Lord Treaſurer, and Juſtices, or two of them at the leaſt, from time to time, ſhall have power and authority to reform, and redreſs ſuch inhaunſing of the prices of printed books, from time to time by their diſcretions, and to limit prices as well of the books, as for the binding of them: and over that the offendor or offendors thereof, being convict by the examination of the ſame Lord Chancellor, Lord Treaſurer, and two Juſtices, or two of them, or otherwiſe, ſhall loſe and forfeit for every book by them ſold, whereof the price ſhall be inhaunſed, for the book or binding thereof, three ſhillings four pence, the one half thereof ſhall be to the Kings Highneſs, and the other half thereof to the parties grieved, that will complain upon the ſame, in manner and form before rehearſed.

The prices of books increaſed to unmeaſurable rates ſhall be qualified by the Kings great Officers.

CAP. XVI.

What perſons may have a Chaplain beneficed with Cure.

St. 21 H. 8. 13

Where in the Parliament holden at Weſtminſter in the xxj. year of the Reign of our Sovereign Lord King Henry the Eight, it was among other things ordained and provided, That certain Honourable perſons, as well Spiritual as Temporal, ſhall have Chaplains beneficed with Cure, to ſerve them in their Honourable Houſes, which Chaplains ſhall not incur the danger of any penalty or forfeiture, made or declared in the ſame Parliament, for non-reſidence upon their ſaid Benefices, or for obtaining licences or diſpenſations of pluralities. In the which no proviſion was made for any of the Kings Judges of his high Courts, commonly called the Kings Bench and the Common place, except onely for the chief Judge of the Kings Bench, nor for the Chancellor, nor the chief Baron of the Kings Exchequer, nor for any other inferiour perſons, being of the Kings moſt honorable Council, as by the ſaid Act may appear.

Every of the Judges of the K. Bench and Common place, &c. may have one Chaplain having one Benefice with cure of ſouls.

Wherefore it is ordained and enacted by the authority of this preſent Parliament, That as well every Judge of the ſaid high Courts, and every of the Chancellor and chief Baron of the ſaid Eſchequer, the Kings general Attorney, and general Soliciter, which for the time is, be, or ſhall be, ſhall and may from henceforth at his liberty, retain, and have ſingularly to every of them in his houſe, or attendant to his perſon, one Chaplain, having one Benefice with cure of ſouls, which may be abſent from his ſaid Benefice, and not reſident upon the ſame: The ſaid Statute made in the ſaid one and twentieth year, or any other Statute, Act, or Ordinance made to the contrary, in any wiſe notwithſtanding.

CAP. XVII.

Whoſoever ſhall ſhoot in any Hand-gun, or Croſs-bow, or keep any in his houſe, except he hath lands, annuities, or offices to the yearly value of an hundred pounds, ſhall forfeit ten pounds for every offence. And a Juſtice of Peace may commit the offendor to the Gaol, until he hath paid the ſame forfeiture. All former Placards made to ſhoot in either of them ſhall be void. Rep. 33 H. 8. 6. Stat. 19 H. 7. 4. 3 H. 8. 13. 6 H. 8. 13. 14 H. 8. 7.

CAP. XVIII.

In what places within the County of Worceſter clothes ſhall be made to be ſold.

Sheweth unto the King our Sovereign Lord, and to the Lords Spiritual and Temporal, and to the Commons in this preſent Parliament aſſembled, the Citizens, Burgeſſes, and Inhabitants of the City of Worceſter, and of the Towns of Eveſham, Droitwich, Kederminſter, and Bromiſgrove within the County of Worceſter, That where the ſaid City, Boroughs, and Towns have been in times paſt well and ſubſtantially inhabited, occupied, maintained, and upholden by reaſon of making of woollen clothes, called long clothes, ſhort clothes, and other clothes, as well Whites, Blews, and Brown blews, and the poor people of the ſame City, Boroughs, and Towns, and of the Countrey adjoyning to them, daily ſet a work, as in ſpinning, carding, breaking, and ſorting of wools, and the handicrafts there inhabiting, as Weavers, Fullers, Sheremen, and Diers, have been well ſet a work, and had ſufficient living by the ſame; until now within few years paſſed, that divers perſons inhabiting and dwelling in the Hamlets, Thorps, and Villages, adjoyning to the ſaid City, Boroughs, and Towns, within the ſaid Shire, for their private wealths, ſingular advantages, and commodities, nothing regarding the maintenance, and upholding of the ſaid City, Boroughs, and Towns, ne the common wealth of the ſaid handicrafts, inhabiting and dwelling within the ſaid City, Boroughs, and Towns, ne the poor people, which had living by the ſame, have not onely ingroſſed and taken into their hands divers and ſundry Farms, and become Farmers, Graſiers, and Husbandmen, but alſo do exerciſe, uſe, and occupy the myſteries of Cloth-making, Weaving, Fulling, and Sheering within their ſaid houſes, and do make all manner of Clothes, as well Broad-clothes, as Whites and Plain clothes, within their ſaid houſes, in the Countries abroad, to the great decay, depopulation, and ruine of the ſaid City, Towns, and Boroughs.

The inhabitants in theſe Towns onely in the County of Worceſter, ſhall make cloth.

For remedy whereof, and for the amendment, and good advancement of the ſaid City, Boroughs, and Towns, be it enacted by authority of this preſent Parliament, That after the laſt day of September, which ſhall be in the year of our Lord God 1536. no manner of perſon ne perſons, of what degree or condition ſoever he or they be of, ſhall make or cauſe to be made within the ſaid Shire of Worceſter, any manner of woollen clothes to be ſold, except onely ſuch perſon or perſons, as after the ſaid laſt day of September, ſhall be dwelling and inhabiting within the ſaid City of Worceſter, the Boroughs and Towns of Eveſham, Droitwich, Kederminſter, and Bromiſgrove within the ſaid County of Worceſter, or in any one of them, upon pain of forfeiture, for every ſuch Broad-cloth made after the ſaid day by any perſon or perſons, contrary to the true meaning of this Act, xl. s.

Houſes in thoſe Towns ſhall be let for ſuch rents as they had wont to be.
Rep. 21 Jac. 28.

And further it is provided by the authority aforeſaid, That the Lords and owners of the meaſes, tenements, or cottages within the ſaid City, or any of the Towns and Boroughs aforeſaid, ſhall at no time hereafter dimit, ſet, or let any meaſe, tenement, or cottage ſufficiently repaired within the ſaid City, Boroughs, or Towns before limited, to any perſon or perſons, that hereafter ſhall inhabit in the ſaid City, Boroughs, or Towns, and exerciſing any of the ſaid myſteries or crafts, at any higher rent, impoſition, or charge, then was given for the ſame at any time within xx. years next before the making of this Act onely except.

Cloth made for the owners wearing.

Provided alway, That this Act be not hurtful, ne prejudicial, to any perſon or perſons, for making any clothes for their own wearing, their children or ſervants wearing.

Cloth ſhall be ſearched and ſealed in the foreſaid Towns.
St. 27 H. 8. 12.
Rep. 5 Ed. 6. 6.

Alſo provided, That in the ſaid City, and every Town and Borough aforeſaid, there ſhall be due ſearch made of every ſuch cloth beforeſaid, there made, and that they be meted both length and breadth, being wet from the Mill, and before they be ſet upon the rack and dried: and that they ſhall be ſealed with the Seal of the Searcher of the ſame City, Town, or Borough, which Seal ſhall have a ſtamp containing the true numbers for the length and breadth of the ſame cloth being wet, in pain of forfeiting for every cloth put to ſale, not having the ſaid Seal of the Searcher, xx. s. And the Sealer to forfeit for every cloth by him ſearched, and ſealed contrary to the true meaning of this Act, vj. s. viij. d. The one half of the ſaid forfeits to be to the King our Sovereign Lord, and the other half to the party that ſhall ſue for the ſame in any of the Kings Courts, by writ of debt, bill, plaint, or information, in which actions, or action, the defendants or defendant ſhall not wage their law, ſaw, ne any eſſoin or protection ſhall be allowed: And the Searcher ſhall have for the ſearching and ſealing of every cloth a peny, and not above.

CAP. XIX.

The Clergy in their Convocation ſhall enact no Conſtitutions without the Kings aſſent.

Where the Kings humble and obedient ſubjects, the Clergy of this Realm of England, have not onely knowledged according to truth, that the Convocations of the ſame Clergy, is, always hath been, and ought to be aſſembled onely by the Kings Writ, but alſo ſubmitting themſelves to the Kings Majeſty, have promiſed in verbo Sacerdotii, that they will never from henceforth preſume to attempt, alledge, claim, or put in ure, enact, promulge, or execute any new Canons, Conſtitutions, Ordinance Provincial, or other, or by whatſoever other name they ſhall be called in the Convocation, unleſs the Kings moſt Royal aſſent and licence may to them be had, to make, promulge, and execute the ſame: and that his Majeſty do give his moſt Royal aſſent and authority in that behalf. And where divers Conſtitutions, Ordinances, and Canons Provincial, or Synodal, which heretofore have been enacted, and be thought not onely to be much prejudicial to the Kings Prerogative Royal, and repugnant to the Laws and Statutes of this Realm, but alſo over much onerous to his Highneſs and his ſubjects: the ſaid Clergy hath moſt humbly beſought the Kings Highneſs, that the ſaid Conſtitutions and Canons may be committed to the examination and judgment of his Highneſs, and of two and thirty perſons of the Kings ſubjects, whereof ſixteen to be of the upper and nether Houſe of the Parliament, of the Temporalty, and other ſixteen to be of the Clergy of this Realm. And all the ſaid two and thirty perſons to be choſen and appointed by the Kings Majeſty. And that ſuch of the ſaid Conſtitutions and Canons as ſhall be thought and determined by the ſaid two and thirty perſons, or the more part of them, worthy to be abrogated and adnulled, ſhall be abolite and made of no value accordingly. And ſuch other of the ſame Conſtitutions and Canons, as by the ſaid two and thirty, or the more part of them, ſhall be approved to ſtand with the Laws of God, and conſonant to the Laws of this Realm, ſhall ſtand in their full ſtrength and power, the Kings moſt Royal aſſent firſt had and obtained to the ſame. Be it therefore now enacted by authority of this preſent Parliament, according to the ſaid ſubmiſſion and petition of the ſaid Clergy, that they, ne any of them, from henceforth ſhall preſume to attempt, alleage, claim, or put in ure any Conſtitutions, or Ordinances, Provincial or Synodals, or any other Canons: Nor ſhall enact, promulge, or execute any ſuch Canons, Conſtitutions, or Ordinances Provincial, by whatſoever name or names they may be called, in their Convocations in time coming, (which alway ſhall be aſſembled by authority of the Kings writ) unleſs the ſame Clergy may have the Kings moſt Royal aſſent and licence to make, promulge, and execute ſuch Canons, Conſtitutions, and Ordinances Provincial or Synodal, upon pain of every one of the ſaid Clergy, doing contrary to this Act, and being thereof convict, to ſuffer impriſonment, and make fine at the Kings will.

Several Canons have been prejudicial to the Kings Prerogative, and to the Laws and Statutes of this Realm.

The Clergy ſhall not enact any Conſtitutions or Ordinances without the Kings aſſent. St. 1 El. 1.

The Convocation ſhall be aſſembled by the Kings writ.

And foraſmuch as ſuch Canons, Conſtitutions, and Ordinances, as heretofore have been made by the Clergy of this Realm, cannot now at the Seſſion of this preſent Parliament, by reaſon of ſhortneſs of time, be viewed, examined, and determined by the Kings Highneſs, and xxxij. perſons to be choſen and appointed, according to the petition of the ſaid Clergy, in form above rehearſed: Be it therefore enacted by authority aforeſaid, That the Kings Highneſs ſhall have power and authority to nominate and aſſign at his pleaſure the ſaid two and thirty perſons, of his ſubjects, whereof ſixteen to be of the Clergy, and ſixteen to be of the Temporalty of the upper and nether houſe of the Parliament. And if any of the ſaid two and thirty perſons ſo choſen, ſhall happen to die before their full determination: then his Highneſs to nominate other from time to time, of the ſaid two Houſes of the Parliament, to ſupply the number of the ſaid two and thirty. And that the ſame two and thirty by his Highneſs ſo to be named, ſhall have power and authority to view, ſearch, and examine the ſaid Canons, Conſtitutions, and Ordinances Provincial and Synodal heretofore made, and ſuch of them, as the Kings Highneſs and the ſaid two and thirty, or the more part of them, ſhall deem and adjudge worthy to be continued, kept, and obeyed, ſhall be from henceforth kept, obeyed, and executed within this Realm, ſo that the Kings moſt Royal aſſent, under his Great Seal, be firſt had to the ſame. And the reſidue of the ſaid Canons, Conſtitutions, and Ordinances Provincial, which the Kings Highneſs, and the ſaid two and thirty perſons, or the more part of them, ſhall not approve, or deem and judge worthy to be abolite, abrogate, and made fruſtrate, ſhall from thenceforth be void and of none effect, and never be put in execution within this Realm. Provided alway that no Canons, Conſtitutions, or Ordinance, ſhall be made or put in execution within this Realm, by authority of the Convocation of the Clergy, which ſhall be contrariant or repugnant to the Kings Prerogative Royal, or the Cuſtoms, Laws, or Statutes of this Realm, Any thing contained in this Act to the contrary hereof notwithſtanding.

The King may aſſign two and thirty perſons to examine the Canons, and to continue ſuch as they think worthy, and to abridge the reſidue. Exp. St. 20 H. 8. 15. 3 E. 6. 11. 35 H. 8. 16.

No Canons ſhall be executed which be contrary to the Kings Prerogative, or to the Laws.

And be it further enacted by authority aforeſaid, That from the Feaſt of Eaſter which ſhall be in the year of our Lord God, M. D. XXXIV. no manner of appeals ſhall be had, provoked, or made out of this Realm, or out of any the Kings Dominions, to the Biſhop of Rome, nor to the See of Rome in any cauſes or matters happening to be in contention, and having their commencement and beginning in any of the Courts within this Realm, or within any the Kings Dominions, of what nature, condition, or quality ſoever they be of: but that all manner of appeals, of what nature or condition ſoever they be of, or what cauſe or matter ſoever they concern, ſhall be made and had by the parties grieved, or having cauſe of appeal, after ſuch manner, form, and condition, as is limited for appeals to be had and proſecuted within this Realm in cauſes of matrimony, tythes, oblations, and obventions, by a Statute thereof made and eſtabliſhed ſithen the beginning of this preſent Parliament,

There ſhall be no appeals to Rome, but appeals ſhall be according to the Statute made. 24 H. 8. 15.

Parliament, and according to the form and effect of the ſaid Eſtatute, any uſage, cuſtom, preſcription, or any thing or things to the contrary hereof notwithſtanding.

Appeals from the Archbiſhops Court into the Chancery.

And for lack of Juſtice at or in any the Courts of the Archbiſhops of this Realm, or in any the Kings Dominions: it ſhall be lawful to the party grieved, to appeal to the Kings Majeſty, in the Kings Court of Chancery. And that upon every ſuch appeal, a Commiſſion ſhall be directed under the Great Seal, to ſuch perſons as ſhall be named by the Kings Highneſs, his Heirs or Succeſſors, like as in caſe of appeal from the Admirals Court, to hear, and definitively determine ſuch [a] appeals, and the cauſes concerning the ſame. Which Commiſſioners ſo by the Kings Highneſs, his Heirs or Succeſſors, to be named or appointed, ſhall have full power and authority to hear, and definitively determine every ſuch appeal, with the cauſes and all circumſtances concerning the ſame: and that ſuch judgment, and ſentence, as the ſaid Commiſſioners ſhall make and decree, in, and upon any ſuch appeal, ſhall be good and effectual, and alſo definitive: and no further appeals to be had, or made from the ſaid Commiſſioners for the ſame.

[a] Dyer

Premunire for ſuing of appeal to Rome, or execute any Proceſs from thence. ALT 13 El. 2.

And if any perſon or perſons, at any time after the ſaid Feaſt of Eaſter, provoke or ſue any manner of appeals, of what nature or condition ſoever they be of, to the ſaid Biſhops of Rome, or to the See of Rome, or do procure or execute any manner of Proceſs from the See of Rome, or by authority thereof, to the derogation, or let of the due execution of this Act, or contrary to the ſame: that then every ſuch perſon or perſons (ſo doing) their aiders, counſellers, and abetters, ſhall incur, and run into the dangers, pains, and penalties contained, and limited in the Act of Proviſion and Premunire, made in the fifteenth year of the Kings moſt noble Progenitor, King Richard the Second, againſt ſuch as ſue to the Court of Rome, againſt the Kings Crown and Prerogative Royal.

Appeals from places exempt, which were to the See of Rome, ſhall now be into the Chancery.

Provided always, That all manner of provocations, and appeals hereafter to be had, made, or taken from the juriſdiction of any Abbots, Priors, or other heads and governours of Monaſteries, Abbeys, Priories, and other houſes and places exempt, in ſuch caſes as they were wont, or might afore the making of this Act, by reaſon of grants or liberties of ſuch places exempt to have or make immediately any appeal, or provocation to the Biſhop of Rome, otherwiſe called the Pope, or to the See of Rome, that in all theſe caſes every perſon and perſons, having cauſe to appeal or provocation, ſhall and may take, and make their appeals and provocations immediately to the Kings Majeſty of this Realm, in the Court of Chancery, in like manner and form as they uſed afore to do to the See of Rome: Which appeals and provocations ſo made, ſhall be definitively determined by authority of the Kings Commiſſion: in ſuch manner and form as in this Act is above mentioned. So that no Archbiſhop or Biſhop of this Realm, ſhall intermit or meddle with any ſuch appeals, otherwiſe, or in any other manner, then they might have done afore the making of this Act: any thing in this Act to the contrary thereof notwithſtanding.

Canons and Conſtitutions already made.

Provided alſo, That ſuch Canons, Conſtitutions, Ordinances, and Synodals Provincial, being already made, which be not contrariant, nor repugnant to the Laws, Statutes, and Cuſtoms of this Realm, nor to the damage or hurt of the Kings Prerogative Royal, ſhall now ſtill be uſed and executed as they were afore the making of this Act, till ſuch time as they be viewed, ſearched, or otherwiſe ordered and determined by the ſaid two and thirty perſons, or the more part of them, according to the tenour, form, and effect of this preſent Act. Rep. 1 & 2 P. & M. 8. and revived 1 El. 1.

CAP. XX.

No Firſt-fruits ſhall be paid to the Biſhop of Rome: And within what time a Biſhop ſhall be choſen, inveſted, and conſecrated.

The payment of Firſt-fruits, and all contributions to the See of Rome by any Biſhops ſhall ceaſe.

Where ſithen the beginning of this preſent Parliament for repreſs of the exaction of Annates and Firſt-fruits of Archbiſhopricks and Biſhopricks of this Realm, wrongfully taken by the Biſhop of Rome, otherwiſe called the Pope, and See of Rome, it is ordained and eſtabliſhed by an Act among other things, that the payments of the Annates or Firſt-fruits, and all manner contributions for the ſame, for any ſuch Archbiſhoprick or Biſhoprick, or for any Bulls to be obtained from the See of Rome, to, or for the ſaid purpoſe or intent, ſhould utterly ceaſe, and no ſuch to be paid for any Archbiſhoprick or Biſhoprick within this Realm, otherwiſe then in the ſame Act is expreſſed. And that no manner of perſon or perſons to be named, elected, preſented, or poſtulated to any Archbiſhoprick or Biſhoprick within this Realm, ſhould pay the ſaid Annates or Firſt-fruits, nor any other manner of ſum or ſums of money, penſions or annuities for the ſame, or for any other like exaction or cauſe, upon pain to forfeit to our Sovereign Lord the King, his Heirs and Succeſſors, all manner his goods and cattels for ever, and all the Temporal lands and poſſeſſions of the ſaid Archbiſhoprick or Biſhoprick, during the time that he or they that ſhould offend contrary to the ſaid Act, ſhould, have, poſſeſs, and enjoy the ſaid Archbiſhoprick or Biſhoprick. And it was further enacted, That if any perſon named or preſented to the See of Rome by the Kings Highneſs, or his Heirs or Succeſſors, to be Biſhop of any See or Dioceſs within this Realm, ſhould happen to be letted, delayed, or deferred at the See of Rome from any Biſhoprick, whereunto he ſhould be ſo preſented, by mean of reſtraint of Bulls of the ſaid Biſhop of Rome, otherwiſe called the Pope, and other things requiſite to the ſame, or ſhould be denied at the See of Rome, upon convenient ſuit made for any Bulls requiſite for any ſuch cauſe: that then every perſon ſo preſented, might or ſhould be conſecrated in England by the Archbiſhop, in whoſe Province the ſaid Biſhoprick ſhall be: ſo always that the ſame perſon ſhould be named, and preſented by the King for the time being to the ſaid Archbiſhop. And if any perſon being named, and preſented (as is beforeſaid) to any Archbiſhoprick of this Realm, making convenient ſuit, as is aforeſaid, ſhould happen to be letted, delayed, deferred, or otherwiſe diſturbed from the ſaid Archbiſhoprick, for lack

If any preſented by the King to the *See of Rome to a Biſhoprick in England be there delayed, he may be conſecrated by an Archbiſhop in England.

of Pall, Bulls, or other things to him requiſite to be obtained at the See of Rome: that then every ſuch perſon ſo named and preſented to be Archbiſhop, might and ſhould be conſecrated and inveſted after preſentation made, as is aforeſaid, by any other two Biſhops within this Realm, whom the Kings Highneſs, , or any his Heirs or Succeſſors, Kings of England, would appoint and aſſign for the ſame, according and after like manner, as divers Archbiſhops and Biſhops have been heretofore in antient time by ſundry the Kings moſt noble Progenitors made, conſecrated, and inveſted within this Realm. And it was further enacted by the ſaid Act, That every Archbiſhop and Biſhop, being named and preſented by the Kings Highneſs, his Heirs and Succeſſors, Kings of England, and being conſecrated and inveſted, as is aforeſaid, ſhall be inſtalled accordingly, and ſhould be accepted, taken, and reputed, uſed and obeyed, as an Archbiſhop or Biſhop, of the dignity, See, or place whereunto he ſhall be ſo named, preſented, and conſecrated, and as other like Prelates of that Province, See, or Dioceſs have been uſed, accepted, taken, and obeyed, which have had and obtained compleatly their Bulls and other things requiſite in that behalf from the See of Rome, and alſo ſhould fully and entirely have and enjoy all the Spiritualties and Temporalties of the ſaid Archbiſhoprick or Biſhoprick, in as large, ample, and beneficial manner, as any of his or their Predeceſſors had or enjoyed in the ſaid Archbiſhoprick or Biſhoprick, ſatiſfying and yielding unto the Kings Highneſs, and to his Heirs and Succeſſors, all ſuch duties, rights, and inveſts, as heretofore hath been accuſtomed to be paid for any ſuch Archbiſhoprick or Biſhoprick, according to the antient laws and cuſtoms of this Realm, and the Kings Prerogative Royal, as in the ſaid Act amongſt other things is more at large mentioned.

One preſented to the See of Rome to an Archbiſhoprick, and there letted, may be conſecrated by two Biſhops of England.

The Kings Royal conſent to the foreſaid Statute.

And albeit the ſaid Biſhop of Rome, otherwiſe called the Pope, hath been informed, and certified of the effectual contents of the ſaid Act, to the intent that by ſome gentle ways the ſaid exactions might have been redreſſed and reformed: yet nevertheleſs the ſaid Biſhop of Rome hitherto hath made none anſwer of his mind therein to the Kings Highneſs, nor deviſed or required any reaſonable ways to and with our ſaid Sovereign Lord for the ſame. Wherefore his moſt Royal Majeſty, of his excellent goodneſs, for the wealth and profit of this his Realm and ſubjects of the ſame, hath not onely put his moſt gracious and Royal aſſent to the foreſaid Act, but alſo hath ratified and confirmed the ſame, and every clauſe and article therein contained, as by his Letters Patents under his Great Seal enrolled in the Parliament Roll of this preſent Parliament more at large is contained.

No man ſhall be preſented to the See of Rome for the dignity of an Archbiſhop or Biſhop, nor Annates or Firſt-fruits ſhall be paid to the ſame See.

And foraſmuch as in the ſaid Act it is not plainly and certainly expreſſed, in what manner and faſhion Archbiſhops and Biſhops ſhall be elected, preſented, inveſted, and conſecrated within this Realm, and in all other the Kings Dominions: Be it now therefore enacted by the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Act, and every thing therein contained, ſhall be and ſtand in ſtrength, vertue, and effect, Except onely that no perſon or perſons hereafter ſhall be preſented and nominated, or commended to the ſaid Biſhop of Rome, otherwiſe called the Pope, or to the See of Rome, to or for the dignity or office of any Archbiſhop or Biſhop within this Realm, or in any other the Kings Dominions, nor ſhall ſend nor procure there for any manner of Bulls, Breeves, Palls, or other things requiſite for an Archbiſhop or Biſhop, nor ſhall pay any ſums of money for Annates, Firſt-fruits, nor otherwiſe for expedition of any ſuch Bulls, Breeves, or Palls: but that by the authority of this Act, ſuch preſenting, nominating, or commending to the ſaid Biſhop of Rome, or to the See of Rome, and ſuch Bulls, Breeves, Palls, Annates, Firſt-fruits, and every other ſums of money heretofore limited, accuſtomed, or uſe to be paid at the ſaid See of Rome, for procuration or expedition of any ſuch Bulls, Breeves, or Palls, or other thing concerning the ſame, ſhall utterly ceaſe, and no longer be uſed within this Realm, or within any the Kings Dominions, any thing contained in the ſaid Act afore mentioned, or any uſe, cuſtom, or preſcription to the contrary thereof notwithſtanding.

The manner of electing an Archbiſhop or Biſhop.

And furthermore be it ordained and eſtabliſhed by the authority aforeſaid, That at every avoidance of any Archbiſhoprick or Biſhoprick within this Realm, or in any other the Kings Dominions, the King our Sovereign Lord, his Heirs and Succeſſors, may grant to the Prior and Covent, or the Dean and Chapiter of the Cathedral Churches or Monaſteries, where the See of ſuch Archbiſhoprick or Biſhoprick ſhall happen to be void, a licence under the great Seal as of old time hath been accuſtomed, to proceed to election of an Archbiſhop or Biſhop of the See ſo being void, with a letter miſſive, containing the name of the perſon, which they ſhall elect and chuſe. By vertue of which licenſe, the ſaid Dean and Chapiter, or Prior and Covent, to whom any ſuch licenſe and letters miſſives ſhall be directed, ſhall with all ſpeed and celerity, in due form elect and chuſe the ſaid perſon named in the ſaid letters miſſive, to the dignity and office of the Archbiſhoprick or Biſhoprick, ſo being void, and none other. And if they do defer or delay their election above twelve days next after ſuch licence, and letters miſſives to them delivered, That then for every ſuch default, the Kings Highneſs, his Heirs and Succeſſors, at their liberty and pleaſure, ſhall nominate and preſent by their Letters Patents under their Great Seal, ſuch a perſon to the ſaid office and dignity, ſo being void, as they ſhall think able and convenient for the ſame. And that every ſuch nomination, and preſentment, to be made by the Kings Highneſs, his Heirs and Succeſſors, if it be to the office and dignity of Biſhop, ſhall be made to the Archbiſhop and Metropolitane of the Province, where the See of the ſame Biſhoprick is void, if the See of the ſaid Archbiſhop be then full and not void: and if it be void, then to be made to ſuch Archbiſhop or Metropolitane within this Realm, or in any the Kings Dominions, as ſhall pleaſe the Kings Highneſs, his Heirs or Succeſſors. And if any ſuch nomination, and preſentment ſhall happen to be made for default of ſuch

For default of election by the Dean and Chapiter the King ſhall nominate a Biſhop by his Letters Patents.

election to the dignity or office of any Archbiſhop; then the Kings Highneſs, his Heirs and Succeſſors, by his Letters Patents under his Great Seal, ſhall nominate and preſent ſuch perſon as they will diſpoſe to have the ſaid office and dignity of Archbiſhoprick being void, to one ſuch Archbiſhop, and two ſuch Biſhops, or elſe to four ſuch Biſhops in this Realm, or in any of the Kings Dominions, as ſhall be aſſigned by our ſaid Sovereign Lord, his Heirs or Succeſſors.

Conſecration of a Biſhop.

The name of a Biſhop newly choſen, viz. a Lord elect.

The Kings ſignification of a Biſhop or Archbiſhop elect.

And be it enacted by the authority aforeſaid, That whenſoever any ſuch preſentment or nomination ſhall be made by the Kings Highneſs, his Heirs or Succeſſors, by vertue and authority of this Act, and according to the tenour of the ſame: That then every Archbiſhop and Biſhop, to whoſe hands any ſuch preſentment and nomination ſhall be directed, ſhall with all ſpeed and celerity, inveſt and conſecrate the perſon nominate and preſented by the Kings Highneſs, his Heirs or Succeſſors, to the office and dignity that ſuch perſon ſhall be ſo preſented unto, and give and uſe to him Pall, and all other benedictions, ceremonies, and things requiſite for the ſame, without ſuing, procuring, or obtaining hereafter any Bulls, or other things at the See of Rome for any ſuch office or dignity in that behalf. And if the ſaid Dean and Chapiter, or Prior and Covent, after ſuch licence and letters miſſive to them directed within the ſaid twelve days, do elect and chuſe the ſaid perſon mentioned in the ſaid letters miſſive, according to the requeſt of the Kings Highneſs, his Heirs or Succeſſors, thereof to be made by the ſaid letters miſſive in that behalf: then their election ſhall ſtand good and effectual to all intents; and that the perſon ſo elected, after certification made of the ſame election, under the Common and Covent Seal of the Electors, to the Kings Highneſs, his Heirs or Succeſſors, ſhall be reputed and taken by the name of Lord elected of the ſaid dignity and office, that he ſhall be elected unto: And then making ſuch oath and fealty duely to the Kings Majeſty, his Heirs and Succeſſors, as ſhall be appointed for the ſame, the Kings Highneſs by his Letters Patents under his Great Seal, ſhall ſignifie the ſaid election, if it be to the dignity of a Biſhop, to the Archbiſhop and Metropolitan of the Province where the See of the ſaid Biſhoprick was void, if the See of the ſaid Archbiſhop be full and not void. And if it be void, then to any other Archbiſhop within this Realm, or in any other the Kings Dominions, requiring and commanding ſuch Archbiſhop, to whom any ſuch ſignification ſhall be made, to confirm the ſaid election, and to inveſt and conſecrate the ſaid perſon ſo elected to the office and dignity that he is elected unto, and to give and uſe to him all ſuch benedictions, ceremonies, and other things requiſite for the ſame, without any ſuing, procuring, or obtaining any Bulls, Letters, or other things from the See of Rome for the ſame in any behalf. And if the perſon ſo elected to the office and dignity of an Archbiſhop, according to the tenour of this Act, then after ſuch election certified to the Kings Highneſs, in form aforeſaid, the ſame perſon ſo elected to the office and dignity of an Archbiſhop, ſhall be reputed and taken Lord elect to the ſaid office and dignity of an Archbiſhop, whereunto he ſhall be ſo elect: And then after he hath made ſuch oath and fealty onely to the Kings Majeſty, his Heirs and Succeſſors, as ſhall be limited for the ſame, the Kings Highneſs, by his Letters Patents under his Great Seal, ſhall ſignifie the ſaid election to one Archbiſhop, and two other Biſhops, or elſe to four Biſhops within this Realm, or within any other the Kings Dominions, to be aſſigned to the Kings Highneſs, his Heirs or Succeſſors, requiring and commanding the ſaid Archbiſhop and Biſhops with all ſpeed and celerity, to confirm the ſaid election, and to inveſt and conſecrate the ſaid perſon, ſo elected to the office and dignity that he is elected unto, and to give and uſe to him ſuch Pall, benedictions, ceremonies, and all other things requiſite for the ſame, without ſuing, procuring, or obtaining any Bulls, Briefs, or other things at the ſaid See of Rome, or by the authority thereof in any behalf.

This election of a Biſhop ſhall be lawful. St. 8 El. 1.

And be it further enacted by authority aforeſaid, That every perſon and perſons being hereafter choſen, elected, nominate, preſented, inveſted, and conſecrated to the dignity or office of any Archbiſhop or Biſhop within this Realm, or within any other the Kings Dominions, according to the form, tenour, and effect of this preſent Act, and ſuing their Temporalties out of the Kings hands, his Heirs or Succeſſors, as hath been accuſtomed, and making a corporal oath to the Kings Highneſs, and to none other, in form as is afore rehearſed, ſhall and may from henceforth be trononiſed, or inſtalled, as the caſe ſhall require, and ſhall have and take their onely reſtitution, out of the Kings hands, of all the poſſeſſions and profits Spiritual and Temporal belonging to the ſaid Archbiſhoprick or Biſhoprick, whereunto they ſhall be ſo elected or preſented, and ſhall be obeyed in all manner of things, according to the name, title, degree, and dignity, that they ſhall be ſo choſen or preſented unto, and do and execute in every thing and things, touching the ſame, as any Archbiſhop or Biſhop of this Realm, without offending of the Prerogative Royal of the Crown, and the Laws and Cuſtoms of this Realm, might at any time hereafter do.

The penalty for not electing or not conſecrating a Biſhop named.

And be it further enacted by the authority aforeſaid, That if the Prior and Covent of any Monaſtery, or Dean and Chapiter of any Cathedral Church, where the See of an Archbiſhop or Biſhop is within any the Kings Dominions, after ſuch licence, as is afore rehearſed ſhall be delivered to them, proceed not to election, & ſignifie the ſame according to the tenour of this Act, within the ſpace of twenty days next after ſuch licence ſhall come to their hands: or elſe if any Archbiſhop or Biſhop within any the Kings Dominions, after any ſuch election, nomination, or preſentation ſhall be ſignified unto them by the Kings Letters Patents, ſhall refuſe, and do not confirm, inveſt, and conſecrate, with all due circumſtance as is aforeſaid, every ſuch perſon as ſhall be ſo elected, nominate, or preſented, and to them ſignified, as is above mentioned, within twenty days next after the Kings Letters Patents of ſuch ſignification, or preſentation ſhall come to their hands, or elſe if any of them, or any other perſon or perſons, admit, maintain, allow, obey, do, or execute any Cenſures, Excommunications, Interdictions, Inhibitions, or any other Proceſs or Act, of what nature, name, or quality ſoever it be, to the contrary, or let of due execution of this Act, that then every Prior and particular perſon of his Covent, and every Dean, and particular perſon of the Chapter, and every Archbiſhop and Biſhop, and all other perſons ſo offending and doing contrary to this Act, or any part thereof, and their aiders, counſellers, abetters, ſhall run in the dangers, pains, and penalties of the eſtatute of proviſion and Premunire, made in the five and twentieth year of the Reign of King Edward the Third, and in the ſixteenth year of King Richard the Second. Stat. 1 & 2 P. & M. 8. 1 El. 1. 31 H. 8. 9. 26 H. 8. 14. 8 El. 1.

CAP. XXI.

No Impoſition ſhall be paid to the Biſhop of Rome.

Sums of money which have been paid for ſeveral cauſes to the Biſhop and See of Rome.

MOſt humbly beſeeching your moſt Royal Majeſty your obedient and faithful ſubjects, the Commons of this your preſent Parliament, aſſembled by your moſt dread commandment, That where your ſubjects of this your Realm, and of other Countries and Dominions, being under your obeyſance, by many years paſt have been, and yet be greatly decayed and impoveriſhed, by intolerable exactions of great ſums of money, as have been claimed and taken, and yet continually be claimed to be taken out of this your Realm, and other your ſaid Countries and Dominions, by the Biſhop of Rome, called the Pope, and the See of Rome, as well in Penſions, Cenſes, Peter pence, Procurations, Fruits, Suits for Proviſions, and expeditions of Bulls, for Archbiſhopricks and Biſhopricks, and for Delegacies and Reſcripts in cauſes of contentions and appeals, Juriſdictions Legantine, and alſo for Diſpenſations, Licences, Faculties, Grants, Relaxations, Writs called Perinde valere, Rehabilitations, Abolitions, and other infinite ſorts of Bulls, Breves, and Inſtruments of ſundry natures, names, and kinds, in great numbers heretofore practiſed and obtained, otherwiſe then by the Laws, laudable uſes, and cuſtoms of this Realm ſhould be permitted, the ſpecialties whereof been over long, large in number, and tedious here particularly to be inſerted. Wherein the Biſhop of Rome aforeſaid, hath not been, not onely to be blamed, for his uſurpation in the premiſes, but alſo for his abuſing and beguiling your ſubjects, pretending and perſwading them, that he hath power to diſpence with all humane Laws, Uſes, and Cuſtoms of all Realms, in all cauſes which be called Spiritual. Which matter hath been uſurped and practiſed by him and his Predeceſſors by many years, in great derogation of your Imperial Crown and Authority Royal, contrary to right and conſcience. For where this your Graces Realm recogniſing no Superiour under God, but onely your Grace, hath been, and is free from ſubjection to any mans Laws, but onely to ſuch as have been deviſed, made, and obtained within this Realm for the wealth of the ſame, or to ſuch other, as by ſufferance of your Grace and your Progenitors, the people of this your Realm, have taken at their free liberty by their own conſent to be uſed amongſt them, and have bound themſelves by long uſe and cuſtom to the obſervance of the ſame, not as to the obſervance of the Laws of any foreign Prince, Potentate, or Prelate, but as to the cuſtomed and antient Laws of this Realm, originally eſtabliſhed, as Laws of the ſame, by the ſaid ſufferance, contents, and cuſtom, and none otherwiſe. It ſtandeth therefore with natural equity and good reaſon, that in all and every ſuch Laws humane, made within this Realm, or induced into this Realm by the ſaid ſufferance, conſents, and cuſtom, your Royal Majeſty, and your Lords Spiritual and Temporal, and Commons repreſenting the whole ſtate of your Realm, in this your moſt high Court of Parliament, have full power and authority, not onely to diſpence, but alſo to authorize ſome elect perſon or perſons, to diſpenſe with thoſe and all other humane Laws of this your Realm, and with every one of them, as the quality of the perſons and matter ſhall require. And alſo the ſaid Laws and every of them to abrogate, adnul, amplifie, or diminiſh, as it ſhall be ſeen unto your Majeſty, and the Nobles and Commons of your Realm, preſent in your Parliament, meet and convenient for the wealth of your Realm, as by divers good and wholeſome Acts of Parliaments, made and eſtabliſhed, as well in your time, as in the time of your moſt noble Progenitors, it may plainly and evidently appear. And becauſe that it is now in theſe days preſent ſeen, that the ſtate, dignity, ſuperiority, reputation, and authority of the ſaid Imperial Crown of this Realm, by the long ſufferance of the ſaid unreaſonable and uncharitable uſurpations and exactions, practiſed in the times of your moſt noble Progenitors, is much and ſore decayed, and diminiſhed, and the people of this Realm thereby impoveriſhed, and ſo or worſe be like to continue, if remedy be not therefore ſhortly provided:

This Realm is free from any Laws of man but ſuch as have been deviſed within the ſame.

The Parliament hath authority to diſpence, and to elect ſome perſons to diſpence with all the humane Laws of this Realm, and to amplifie and admit them.

It may therefore pleaſe your moſt noble Majeſty, for the honour of Almighty God, and for the tender love, zeal, and affection, that ye bear, and always have born to the wealth of this your Realm, and ſubjects of the ſame, for as much as your Majeſty is ſupreme Head of the Church of England, as the Prelates and Clergy of your Realm, repreſenting the ſaid Church, in their Synods and Convocations have recogniſed, in whom conſiſteth full power and authority upon all ſuch Laws as have been made and uſed within this Realm, to ordain and enact by the aſſent of your Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon or perſons of this your Realm, or of any other your Dominions, ſhall from henceforth pay any Penſions, Cenſes, Portions, Peter-pence, or any other Impoſitions to the uſe of the ſaid Biſhop, or of the See of Rome, like as heretofore they have uſed, by uſurpation of the ſaid Biſhop of Rome, and his Predeceſſors, and ſufferance of your Highneſs, and your moſt noble Progenitors to do, but that all ſuch Penſions, Cenſes, Portions, and Peterpence, which the ſaid Biſhop of Rome, otherwiſe called the Pope, hath heretofore taken and perceived, or cauſed to be taken and perceived to his uſe and his Chambers, which he called Apoſtolick, by uſurpation and ſufferance, as is abovesaid, within this your Realm, or any other your Dominions, ſhall from henceforth clearly ſurceaſe, and never more be levied,

No Impoſitions ſhall be paid to the Biſhop or See of Rome.

levied, taken, perceived, nor paid to any perſon or perſons in any manner of wiſe, any conſtitution, uſe, preſcription, or cuſtom to the contrary thereof notwithſtanding.

No perſon ſhall ſue for any diſpenſation or licenſe to the Biſhop of Rome.
a Coke pla. fol. 204. 471.

And be it further enacted by the authority aforeſaid, That neither your Highneſs, your Heirs nor Succeſſors, Kings of this Realm, nor any your ſubjects of this Realm, nor of any other your Dominions, ſhall from henceforth ſue to the ſaid Biſhop of Rome, called the Pope, or to the See of Rome, or to any perſon or perſons, having or pretending any authority by the ſame, for Licences, Diſpenſations, [a] Impoſitions, Faculties, Grants, Reſcripts, Delegacies, or any other Inſtruments or Writings, of what kind, name, nature, or quality ſoever they be of, for any cauſe or matter, for the which any Licence, Diſpenſation, Compoſition, Faculty, Grant, Reſcript, Delegacy, Inſtrument, or other writing heretofore hath been uſed and accuſtomed to be had and obtained at the See of Rome, or by authority thereof, or of any Prelates of this Realm: nor for any manner of other Licences, Diſpenſations, Compoſitions, Faculties, Grants, Reſcripts, Delegacies, or any other Inſtruments or Writings, that in cauſes of neceſſity may lawfully be granted without offending the holy Scriptures and Laws of God: But that from henceforth every ſuch Licence, Diſpenſation, Compoſition, Faculty, Grant, Reſcript, Delegacy, Inſtrument, and other writing afore named and mentioned, neceſſary for your Highneſs, your Heirs and Succeſſors, and your and their people and ſubjects, upon the due examinations of the cauſes and qualities of the perſons procuring ſuch Diſpenſations, Licences, Compoſitions, Faculties, Grants, Reſcripts, Delegacies, Inſtruments, or other writings, ſhall be granted, had, and obtained from time to time, within this your Realm, and other your Dominions, and not elſewhere, in manner and form following, and none otherwiſe: That is to ſay, The Archbiſhop of Canterbury, for the time being, and his ſucceſſors ſhall have power and authority from time to time, by their diſcretions, to give, grant, and diſpoſe by an inſtrument, under the Seal of the ſaid Archbiſhop, unto your Majeſty, and to your Heirs and Succeſſors, Kings of this Realm, as well all manner ſuch Licences, Diſpenſations, Compoſitions, Faculties, Grants, Reſcripts, Delegacies, Inſtruments, and all other writings, for cauſes not being contrary, or repugnant to the holy Scriptures, and Laws of God, as heretofore hath been uſed, and accuſtomed to be had and obtained by your Highneſs, or any your moſt noble Progenitors, or any of your or their ſubjects, at the See of Rome, or of any perſon or perſons by authority of the ſame: and all other Licences, Diſpenſations, Faculties, Compoſitions, Grants, Reſcripts, Delegacies, Inſtruments, and other writings, in, for, and upon all ſuch cauſes and matters, as ſhall be convenient and neceſſary to be had, for the honour and ſurety of your Highneſs, your Heirs and Succeſſors, and the wealth and profit of this your Realm: So that the ſaid Archbiſhop, or any of his ſucceſſors, in no manner wiſe ſhall grant any Diſpenſation, Licence, Reſcript, or any other writing afore rehearſed, for any cauſe or matter repugnant to the Law of Almighty God.

The Archbiſhop of Canterbury may grant diſpenſations to the King.
Co. Inſt. 4 p. 337.

The Biſhop of Canterbury may grant licenſes of things wonted to be licenſed.
a Cok. pla. f. 512.

Be it alſo enacted by authority aforeſaid, That the ſaid Archbiſhop and his ſucceſſors, after good and due examination by them had, of the cauſes and qualities of the perſons procuring for Licences, Diſpenſations, Compoſitions, Faculties, Delegacies, Reſcripts, Inſtruments, or other writings, ſhall have full power and authority by themſelves, or by their ſufficient and ſubſtantial [a] Commiſſary or Deputy, by their diſcretions from time to time, to grant and diſpoſe by an inſtrument under the name and ſeal of the ſaid Archbiſhop, as well to any of your ſubjects, as to the ſubjects of your Heirs and Succeſſors, all manner Licences, Diſpenſations, Faculties, Compoſitions, Delegacies, Reſcripts, Inſtruments, or other writings for any ſuch cauſe or matter, whereof heretofore ſuch Licences, Diſpenſations, Compoſitions, Faculties, Delegacies, Reſcripts, Inſtruments, or writings have been accuſtomed to be had at the See of Rome, or by the authority thereof, or of any Prelats of this Realm.

Diſpenſations to cauſes unwonted to be licenſed ſhall not be granted without the approbation of the King or his Council.

And that the ſaid Archbiſhop and his Commiſſary ſhall not grant any other Licence, Diſpenſation, Compoſition, Faculty, Writing, or Inſtrument in cauſes unwont, and not accuſtomed to be had or obtained at the Court of Rome, nor by authority thereof, nor by any Prelate of this Realm, until your Grace, your Heirs or Succeſſors, or your or their Council ſhall firſt be advertiſed thereof, and determine whether ſuch Licences, Diſpenſations, Compoſitions, Faculties, or other writings in ſuch cauſes unwont and not accuſtomed to be diſpenſed withall, or obtained, ſhall commonly paſs as other Diſpenſations, Faculties, or other writings ſhall, or no, upon pain that the grantors of every ſuch Licence, Diſpenſation, or Writing in ſuch cauſes, unwont, contrary to this Act, ſhall make fine at the will and pleaſure of your Grace, your Heirs and Succeſſors. And if it be thought and determined by your Grace, your Heirs or Succeſſors, or your or their Council, that Diſpenſations, Faculties, Licences, or other writings in any ſuch cauſe unwont, ſhall paſs, then the ſaid Archbiſhop or his Commiſſary, having licence of your Highneſs, your Heirs or Succeſſors for the ſame, by your or their bill aſſigned, ſhall diſpence with them accordingly.

Licence of things whereof the tax extends to iiij. li. ſhall be confirmed by the Kings Great Seal.

Provided always, That [a] no manner Diſpenſations, Licences, Faculties, or other Reſcripts or Writings, hereafter to be granted to any perſon or perſons by vertue or authority of this Act by the ſaid Archbiſhop, or his Commiſſary, being of ſuch importance, that the tax for the expedition thereof at Rome, extended to the ſum of four pounds or above, ſhall in any wiſe be put in execution, till the ſame Licence, Diſpenſation, Faculty, Reſcript, or other writing, of what name or nature ſoever it be of, be firſt confirmed by your Highneſs, your Heirs or Succeſſors, Kings of this Realm, under the Great Seal, and enrolled in your Chancery in a Roll by a Clerk to be appointed for the ſame. And that this Act ſhall be a ſufficient warrant to the Chancellor of England for the time being, or to him whom your Grace, your Heirs or Succeſſors ſhall depute to be Keeper of the Great Seal, to confirm in your name, your heirs or ſucceſſors, the foreſaid writings paſſed under the ſaid Archbiſhops ſeal by letters Patents in due form thereof to be made under your great Seal, remitting as well the ſaid writing under the Archbiſhops Seal, as the ſaid confirmation under the great Seal, to the parties from time to time procuring for the ſame. And that all ſuch licences, diſpenſations, faculties, and other reſcripts and writings, for the expedition of the which the ſaid taxes to be paid at Rome, was under iv. li. which be matters of no great importance, ſhall paſs only by the Archbiſhops ſeal, and ſhall not of any neceſſity be confirmed by the great Seal, unleſs the procurers of ſuch licence, faculty, or diſpenſation, deſire to have them confirmed; in which caſe they ſhall pay for the ſaid great Seal, to the uſe of your Highneſs, your heirs and ſucceſſors, v. s. ſterling, and not above, over and above ſuch tax as ſhall be hereafter limited for the making, writing, regiſtring, confirming, and inrolling of ſuch licences, confirmations, and writings under the ſaid tax of iv. li.

What diſpenſations may be granted by the Archbiſhop without the Kings confirmation.

And that every ſuch licence, diſpenſation, compoſition, faculty, reſcript, and writing of what name or nature ſoever it be, for ſuch cauſes as the tax was wont to be iv. li. or above, ſo granted by the Archbiſhop, and confirmed under the great Seal, and all other licences, diſpenſations, faculties, reſcripts, and writings hereafter to be granted by the Archbiſhop by vertue and authority of this Act, whereunto the great Seal is not limited of neceſſity to be put to, by reaſon that the tax of them is under iv. li. ſhall be accepted, approved, allowed, and admitted good and effectual in the law, in all places, Courts, and Juriſdictions, as well ſpiritual as temporal, within this Realm, as elſewhere within your Dominions, and as beneficial to the perſons obtaining the ſame, as they ſhould have been, if they had been obtained with all things requiſite, of the See of Rome, or of any other perſon by authority thereof, without any revocation, or repeal hereafter to be had of any ſuch licences, diſpenſations, faculties, reſcripts, or writings, of what nature ſoever they be.

All acts done by vertue of any of the aforeſaid Licences, ſhall be good and of force in Law.

And that all children procreated after ſolemnization of any marriages to be had or done by vertue of ſuch licences or diſpenſations, ſhall be admitted reputed, and taken legitimate in all Courts, as well Spiritual as Temporal, and in all other places, and inherit the inheritance of their parents and anceſtors within this your Realm, and all other your dominions, according to the Laws and Cuſtoms of the ſame; and all acts to be done, had, or executed according to the tenour of ſuch licences, diſpenſations, faculties, writings, or other inſtruments to be made or granted by authority of this Act, ſhall be firm, permanent, and remain in force, any foreign Laws, Conſtitutions, Decrees, Canons, Decretals, Inhibitions, Uſe, Cuſtom, Preſcription, or any other thing had, or hereafter to be made to the contrary notwithſtanding.

Licences to marry, and children born after the ſame marriages.

And be it further enacted, That the ſaid Archbiſhop and his ſucceſſors ſhall have power and authority to ordain, make and conſtitute a Clerk, which ſhall write, and regiſter every ſuch licence, diſpenſation, faculty, writing, or other inſtrument to be granted by the ſaid Archbiſhop, and ſhall find parchment, wax, and ſilken laces convenient for the ſame, and ſhall take for his pains ſuch ſums of money as ſhall be hereafter in this preſent Act to him limited in that behalf for the ſame. And that likewiſe your Grace, your heirs and ſucceſſors, ſhall by your Letters Patents under your great Seal, ordain, depute and conſtitute one ſufficient Clerk, being learned in the courſe of Chancery, which always ſhall be attendant upon the Lord Chancellor, or the Lord Keeper of the ᵈ great Seal, for the time being, and ſhall make, write, and enroll the confirmations of all ſuch licences, diſpenſations, inſtruments or other writings, as ſhall be thither brought under the Archbiſhops ſeal, there to be confirmed and enrolled: and ſhall alſo intitle in his books, and inroll of record ſuch other writings, as thither ſhall be brought under the Archbiſhops ſeal, not to be confirmed, taking for his pains ſuch reaſonable ſums of money as hereafter by this Act to him ſhall be limited for the ſame; and that as well the ſaid Clerk appointed by the ſaid Archbiſhop, as the ſaid Clerk to be appointed by your Highneſs, your heirs or ſucceſſors, ſhall ſubſcribe their names to every ſuch licence, diſpenſation, faculty, or other writing that ſhall come to their hands to be written, made, granted, ſealed, confirmed, regiſtred, and enrolled by authority of this Act, in form as is before rehearſed.

A clerk to regiſter diſpenſations appointed by the Archbiſhop.

A Clerk aſſigned by the King to write confirmations.

And foraſmuch as the charges of obtaining the ſaid Licences, Diſpenſations, Faculties, and other Reſcripts or Writings afore named, at the Court of Rome, by the loſſes and exchanges, and in conducting of Currours, and waging of Solicitors to ſue for any ſuch Licences, Diſpenſations, Faculties, Inſtruments, and other Reſcripts or Writings, have been grievous and exceſſive to your people, and many times greater ſums have been demanded for the ſpeedy expedition in the Court of Rome, than be expreſſed in the old tax, limited to be paid for the ſaid expeditions, whereby your people hath been brought to an incertainty upon the payment for expeditions of ſuch things, and by reaſon thereof have been conſtrained to pay more then they were wont to do, to the great impoveriſhing of this Realm, as is aforeſaid. And ſometimes the ſpeeding of ſuch Diſpenſations, Faculties, Licences, and other Writings at Rome, hath been ſo long deferred, that the parties labouring for the ſame, have ſuffered great incommodities, and loſs for lack of quick ſpeed, which hereafter may be had within this your Realm, to the great commodity of your people, whereby the charges of making exchanges, conducting of Currours, and Solicitors for the ſaid Diſpenſations ſhall be abated, and your people ſo much relieved and eaſed, to the intent that all ambiguity, and incertainty of payments for Diſpenſations, Faculties, Licences, and other Reſcripts and Writings may be taken away, that no fraud or exaction ſhall be exerciſed upon your people, by ſuch officers as ſhall be appointed by this Act, to take pains in ſpeeding ſuch Diſpenſations, Faculties, and Licences: but that your people may be ſure and certain what they be appointed to pay for the ſame.

The charges qualified which had wont to be ſpent in obtaining diſpenſations and licences from Rome.

Be it enacted by this preſent Parliament, and by the authority of the ſame, That there ſhall be two books drawn and made of one tenor: in which ſhall be contained the taxes of all

cuſtom-

Two books ſhall be made, wherein the taxes of diſpenſations ſhall be written.

cuſtomable diſpenſations, faculties, licences, and other writings, wont to be ſped at Rome, which book, and every leaf of thoſe Books, and both ſides of every leaf, ſhall be ſubſcribed by the Archbiſhop of Canterbury, the Lord Chancellor of England, the Lord Treaſurer of England, and the two chief Juſtices of both Benches for the time being: to the which books all ſuters for diſpenſations, faculties, licences, and other writings afore rehearſed, ſhall have recourſe if they require it. And one of the ſaid books ſhall remain in the hands of him which ſhall be appointed to be Regiſter, and Scribe of the ſaid diſpenſations, faculties and licences, under the ſaid Archbiſhop of Canterbury, in form as is before ſaid: and the other books ſhall remain with the Clerk of the Chancery, which by your Grace, your heirs or ſucceſſors ſhall be appointed, as is before rehearſed. Which Clerk of the Chancery ſhall alſo intitle and note particularly and daily in his Book ordained for that purpoſe, the number and qualities of the diſpenſations, faculties, licences, and other reſcripts and writings, which ſhall be ſealed onely with the ſeal of the ſaid Archbiſhop: and alſo which ſhall be ſealed with the ſaid ſeal, and confirmed with the great Seal, in form as is before ſaid, that all fraud and concealment in this behalf may be avoided.

The fees of diſpenſations, faculties, licences, &c.

And be it enacted by this preſent Parliament, and by the authority of the ſame, That no man ſuing for Diſpenſations, Faculties, licences, or other reſcripts or writings, which were wont to be ſped at Rome, ſhall pay any more for their diſpenſations, licences, or reſcripts, then ſhall be contained, taxed and limited in the ſaid duplicate books of taxes, onely compoſitions excepted, of which being arbitrary, no tax can be made: wherefore the tax thereof ſhall be ſet and limited by the diſcretion of the ſaid Archbiſhop of Canterbury, and the Lord Chancellor of England, or the Lord Keeper of the great Seal for the time being. And that ſuch as ſhall exact or receive of any ſuiter more for any diſpenſation, faculty, or licence then ſhall be contained in the ſaid books of taxes, ſhall forfeit ten times ſo much as he ſhall ſo extortiouſly exact and receive, the one half of the which forfeiture to be to the uſe of your Grace, your heirs or ſucceſſors, and the other half thereof to be to ſuch of your ſubjects as will ſue for the ſame by action, bill, or plaint, in any of your Graces Courts, wherein the defendant ſhall have none eſſoin, nor protection allowed, neither ſhall be admitted to wage his Law.

The penalty of extortion in officers.

Be it alſo enacted by this Parliament, and authority of the ſame, That the tax or ſum appointed to be paid for every ſuch diſpenſation, licence, faculty, inſtrument, reſcript, or other writing to be granted by authority of this Act, ſhall be employed and ordered, as hereafter enſueth: that is to ſay, if the tax extend to iv. li. or above, by reaſon whereof the diſpenſation, licence, faculty, reſcript, or writing, which ſhall paſs by the ſaid Archbiſhops ſeal, muſt be confirmed by the appenſion of the great Seal: then the ſaid tax ſo extending to iv. li. or above, ſhall be divided into three parts, whereof two ſhall be perceived by the ſaid Clerk of the Chancery to be appointed (as is aforeſaid) to the uſe of your Highneſs, your heirs and ſucceſſors, and to the uſe of the Lord Chancellor, or the Keeper of the great Seal, for the time being, and to the uſe of the ſaid Clerk, in ſuch wiſe as ſhall hereafter be declared. And the third part ſhall be taken by the ſaid Clerk of the Archbiſhop, to the uſe of the ſame Archbiſhop and his Commiſſary, and his ſaid Clerk and Regiſter, in ſuch wiſe as ſhall hereafter be ordered and limited by this Act: That is to ſay, the ſaid two parts ſhall be divided in four parts, of which three parts ſhall be taken to the only uſe of your Highneſs, your heirs and ſucceſſors: and the fourth part ſhall be divided in three parts, whereof the Chancellor of England, or Lord Keeper of the great Seal for the time being, ſhall have two parts, and the ſaid Clerk of the Chancery the third part for his pains, travail and labours, ẏ he is limited to write and do by vertue of this Act. And the ſaid third part of ẏ whole tax appointed to the ſaid Archbiſhop and his officers (as is aforeſaid) ſhall be divided into three parts, whereof the Archbiſhop ſhall have to his uſe two parts, and his officers ſhall have the third part thereof: of which third part to be divided into two parts, the ſaid Clerk or Regiſter which ſhall find parchment, wax, and ſilk, and ſhall deviſe and write the ſaid diſpenſations, licences, faculties, reſcripts, or other writings, and regiſter the ſame, ſhall have for his ſaid labour, and for receiving and repaying of the ſums of money, that ſhall come to his hands for diſpenſations, faculties, licences, and other reſcripts aforeſaid, the one moyety thereof, and the Commiſſary, appointed to ſeal the ſaid diſpenſations, faculties, licences, and other reſcripts, ſhall have the other part.

How the tax for every diſpenſation, faculty, or other writing ſhall be divided.

If the tax be under iv. li. and not under xl. s.

And if the tax be under iv. li. and not under xl. s. then the ſaid tax ſhall be divided into three parts, as is aforeſaid, whereof the Kings Highneſs, his heirs and ſucceſſors ſhall have two parts thereof, abating iii. s. iv. d. which ſhall be to the ſaid Clerk of the Chancery for ſubſcribing, entituling, and enrolling the ſaid diſpenſations, licences, faculties, reſcripts, and other writings aforeſaid, and receiving of the Kings money ſo taxed: And the Archbiſhop and his officers ſhall have the third part, which third part ſhall be divided into two parts, whereof the Archbiſhop ſhall have the one entirely to himſelf, his Scribe and Commiſſary ſhall have the other part thereof, equally to be divided amongſt them for their coſts and pains in that behalf: And if the tax be under fourty ſhillings, and not under ſix and twenty ſhillings eight pence, the ſame tax ſhall be divided into two parts, whereof the one part ſhall be to your Grace, your heirs and ſucceſſors, deducting thereof two ſhillings for the Clerk of the Chancery, for his pains, as is aforeſaid: and the other part ſhall be to the ſaid Archbiſhop and his officers, which other part ſhall be divided into two parts, whereof the Archbiſhop ſhall have the one, and his commiſſary and ſcribe ſhall have the other, equally divided amongſt them. And if the tax be under ſix and twenty ſhillings eight pence, and not under twenty ſhillings, the ſame ſhall be divided into two parts, whereof your Grace, your heirs and ſucceſſors ſhall have the one part entirely, abating two ſhillings thereof to the ſaid Clerk of the Chancery: and the Archbiſhop and his Officers ſhall have the other part, and the ſame other part ſhall be divided into three parts, whereof the Archbiſhop ſhall have

If the tax be under xl. s. and not under xxvi. s. viii. d.

If the tax be under xxvi. s. viii. d. and not under xx. s.

one, his Commiſſary the ſecond, and his Scribe or Regiſter the third. And in caſe the tax be under twenty ſhillings, the ſame ſhall be perceived to the uſe of the ſaid Commiſſary, Clerk of yͤ ſaid Archbiſhop, and Clerk of yͤ Chancery, to be equally divided amongſt them for their pains and labours by them to be ſuſtained by authority of this Act, as is aforeſaid.

Diſpenſations by other Prelates.

Provided always, That this Act ſhall not be prejudicial to the Archbiſhop of York, or to any Biſhop or Prelate of this Realm: but that they may lawfully (notwithſtanding this Act) diſpence in all caſes, in which they were wont to diſpence by the common law or cuſtom of this Realm afore the making of this Act.

Diſpenſation by the Guardian of the ſpiritualties.

Provided alſo, and be it enacted by the authority aforeſaid, That if it happen the See of the Archbiſhoprick of Canterbury to be void, that then ſuch manner licences, diſpenſations, faculties, inſtruments, reſcripts, and other writings, which may be granted by vertue and authority of this Act, ſhall (during the vacation of the ſame See) be had, done, and granted under the name and ſeal of the Guardian of the Spiritualties of the ſaid Archbiſhoprick for the time being, according to the tenor and form of this Act, and ſhall be of like force, value and effect, as if they had been granted under the name and ſeal of the Archbiſhop for the time being.

A remedy where the Archbiſhop or Guardian of the ſpiritualties deny to grant diſpenſations, licences, &c.

And be it further enacted, That if the foreſaid Archbiſhop of Canterbury (for the time being) or the ſaid Guardian of the Spiritualties, for the time being, hereafter refuſe or deny to grant any licences, diſpenſations, faculties, inſtruments, or other writings, which they be authorized to do by vertue and authority of this Act, in ſuch manner and form as is afore remembred to any perſon or perſons, that ought upon a good, juſt, and reaſonable cauſe to have the ſame, by reaſon whereof, this preſent Act by their wilfulneſs, negligence, or default, ſhould take none effect: then the Chancellor of England, or the Lord Keeper of the great Seal for the time being, upon any complaint thereof made, ſhall direct the Kings Writ to the ſaid Archbiſhop or Guardian, denying or refuſing to grant ſuch licences, diſpenſations, faculties, or other writings, enjoyning him by the ſaid Writ, upon a certain pain therein to be limited by the diſcretion of the ſaid Chancellor or Keeper of the great Seal, that he ſhall in due form grant ſuch licence, diſpenſation, faculty, or other writing, according to the requeſt of the procurers of the ſame: or elſe ſignifie unto your Highneſs, your heirs or ſucceſſors, in the Court of Chancery at a certain day, for what occaſion or cauſe he refuſed and denied to grant ſuch licences, faculties, or diſpenſations: And if it ſhall appear to the ſaid Chancellor, or Lord Keeper of the great Seal, upon ſuch certificate, that the cauſe of refuſal or denial of granting ſuch licences, faculty, or diſpenſation, was reaſonable, juſt and good: that then it ſo being proved by due ſearch, and examination of the ſaid Chancellor, or Lord Keeper of the great Seal, to be admitted and allowed. And if it ſhall appear upon the ſaid Certificates, that the ſaid Archbiſhop or Guardian of the Spiritualties for the time being, of wilfulneſs, in contemning the due execution of this Act, without a juſt and reaſonable cauſe, refuſed or denied to grant ſuch licence, faculty, or diſpenſation: that then your Highneſs, your heirs or ſucceſſors being thereof informed, after due examination had, that ſuch licences, faculties, or diſpenſations may be granted, without offending the holy Scriptures, and Laws of God, ſhall have power and authority in every ſuch caſe, for the default, negligence, and wilfulneſs of the ſaid Archbiſhop, or Guardian, to ſend your Writ of Injunction under your great Seal, out of your ſaid Court of Chancery, commanding the Archbiſhop or Guardian, that ſo ſhall deny or refuſe to grant ſuch licence, faculty, or diſpenſation, to make ſufficient grant thereof, according to the tenor and effect of this Act, by a certain day, under a certain pain in the ſaid Writ to be contained, and to be limited by your Highneſs, your heirs or ſucceſſors, Kings of this Realm. And if the ſaid Archbiſhop or Guardian after the receipt of the ſaid Writ, refuſe or deny to grant ſuch licences, faculties, or diſpenſations, as ſhall be enjoyned him by vertue of the ſaid Writ, and ſhew and prove before your Majeſty, your heirs or ſucceſſors, no juſt or reaſonable cauſe why he ſhould do ſo, then the ſaid Archbiſhop or Guardian that ſo ſhall refuſe to put this Act in execution, according to the ſaid Writ of Injunction, ſhall ſuffer, loſe, and forfeit to your Highneſs, your heirs and ſucceſſors, ſuch pain and penalty as ſhall be limited and expreſſed in the ſaid Writ of Injunction. And over that it ſhall be lafwul to your Highneſs, your heirs and ſucceſſors for every ſuch default and wilfulneſs of the ſaid Archbiſhop, or Guardian for the time being, to give power and authority by Commiſſion under your great Seal, to ſuch two ſpiritual Prelates, or perſons to be named by your Highneſs, your heirs or ſucceſſors, as will do and grant ſuch licences, faculties, and diſpenſations, refuſed or denied to be granted by the ſaid Archbiſhop or Guardian, in contempt of this Act.

Diſpenſations granted by other ſpiritual Prelates.

And be it further enacted by authority aforeſaid, That the ſaid two ſpiritual Prelates or perſons, to whom in ſuch caſes, any ſuch Commiſſion ſhall be directed, ſhall have power and authority to grant every ſuch licence, faculty, diſpenſation, inſtrument, and other writings ſo refuſed to be granted by the ſaid Archbiſhop or Guardian for the time being, by an inſtrument under their ſeals, taking like fees and charges for the ſame, as is before rehearſed, and not above, under the pains afore remembred. And that every ſuch licence, faculty, and diſpenſation ſo granted for any caſes or matters, whereunto any confirmation under the Kings great Seal is appointed by this Act, to be had in manner and form above declared, ſhall be had and obtained accordingly. And ſuch licences and confirmation ſhall be had for like fees and charges, as they are above ſpecified, and not above, under the pains above mentioned. And that every ſuch licence, faculty, or diſpenſation, or other writing to be granted by the ſaid Prelates, or perſons to be aſſigned by the Kings Highneſs, his heirs and ſucceſſors, as is aforeſaid, ſhall be of as good value, ſtrength, and effect, and as beneficial and profitable to the perſons procuring the ſame, as if they had been made, granted, and obtained under the name and ſeal of the ſaid Archbiſhop.

The King and the Realm do not mean to vary from the articles of the Catholick faith of Chriſtendom.

Provided always, that this Act, nor any thing or things therein contained, ſhall be hereafter interpreted or expounded, that your Grace, your Nobles, and Subjects, intend by the ſame to decline, or vary from the congregation of Chriſts Church, in any things concerning the very articles of the Chriſtian Catholick faith of Chriſtendom, or in any other things declared by holy Scripture and the word of God, neceſſary for your and their ſalvations, but only to make an ordinance by policies neceſſary and convenient to repreſs vice, and for good conſervation of this Realm, in peace, unity, and tranquility, from ravine and ſpoil, inſuing much the old ancient cuſtoms of this Realm in that behalf. Not minding to ſeek for any relief, ſuccours, or remedies for any worldly things, and humane laws, in any cauſe of neceſſity, but within this Realm, at the hands of your Highneſs, your heirs and ſucceſſors, Kings of this Realm, which have and ought to have an Imperial power and authority in the ſame, and not obliged in any worldly cauſes to any other ſuperiour.

The King by Commiſſion may viſit Colledges, hoſpitals, and places exempt, and not the Archbiſhop of Canterbury.

Provided alway, That the ſaid Archbiſhop of Canterbury, or any other perſon or perſons, ſhall have no power or authority by reaſon of this Act, to viſit or vex any Monaſteries, Abbeys, Priories, Colledges, Hoſpitals, houſes, or other places religious, which be or were exempt before the making of this Act, any thing in this Act to the contrary thereof notwithſtanding, but that redreſs, viſitation, and confirmation ſhall be had by the Kings Highneſs, his heirs and ſucceſſors, by Commiſſion under the great Seal to be directed to ſuch perſons as ſhall be appointed requiſite for the ſame, in ſuch Monaſteries, Colledges, Hoſpitals, Priories, houſes and places religious exempt. So that no viſitation nor confirmation ſhall from henceforth be had nor made, in or at any ſuch Monaſteries, Colledges, Hoſpitals, Priories, houſes and places religious exempt by the ſaid Biſhop of Rome, nor by any of his authority, nor by any out of the Kings Dominions, nor that any perſon religious, or other reſiant in any the Kings Dominions, ſhall from henceforth depart out of the Kings Dominions, to or for any viſitation, congregation, or aſſembly for religion, but that all ſuch viſitations, congregations and aſſemblies ſhall be within the Kings Dominions.

None ſhall go forth of England to general Councels.

The Act ſhall not derogate the Stat. of 28 H. 8. 13. touching pluralities of benefices, or non-reſidence.

Provided alſo, That this preſent Act, or any thing therein contained, or any licence or diſpenſation hereafter to be made by vertue and authority thereof, ſhall not extend to the repeal, or derogation of the late Act made ſith the beginning of this preſent Parliament, for reformation of pluralities of Benefices, and for non-reſidences of ſpiritual perſons upon their dignities or benefices, nor to any things contained or mentioned in ẏ ſaid Act, nor ẏ this Act, nor any thing to be done by authority thereof, ſhal not be taken, expounded, nor interpreted to give licence to any perſon or perſons, to have any more number of benefices than is limited in the ſaid Act. Nor that this Act, nor any thing to be done by authority thereof, ſhall not be taken, expounded, nor interpreted to give licence to any perſon or perſons, to have any more number of benefices then is limited in the ſaid Act. And that the ſame Act for pluralities and non-reſidences of benefices, and every thing therein contained, ſhall ſtand good and effectual in all intents, according to the true meaning thereof, any thing in this preſent Act, or any licence or diſpenſation to be had by authority thereof in any wiſe notwithſtanding.

The penalty for ſuing to the ſee of Rome for any licence, diſpenſation, &c. or for obeying any proceſs from thence. Alt. 13 El. 2.

And be it further enacted by authority aforeſaid, That if any perſon or perſons, ſubject or reſiant within this Realm, or within any of the Kings dominions, at any time hereafter ſue to the Court of Rome, or the See of Rome, or to any perſon claiming to have his authority by the ſame, for any licence, faculty, diſpenſation, or other thing or things contrary to this Act, or put in execution any licence, faculty, or diſpenſation, or any other thing or things hereafter to be obtained from Rome, or the See of Rome, or from any claiming authority by the ſame, for any of the cauſes above mentioned in this Act, or for any other cauſes that may be granted by authority of this Act, or attempt or do any thing or things contrary to this Act: or maintain, allow, admit, or obey any manner of cenſures, excommunications, interdictions, or any other proceſs from Rome, of what name or nature ſoever it be, to the derogation or let of the execution of this Act, or of any thing or things to be done by reaſon of the ſaid Act, that then every ſuch perſon or perſons ſo doing, offending, and being thereof convict, their aidors, counſellors and abettors, ſhall incur and run into the pain, loſs, and penalty compriſed and ſpecified in the Act of Proviſion and Premunire, made in the ſixteenth year of your moſt noble Progenitor, King Richard the ſecond, againſt ſuch as ſue to the Court of Rome, againſt your Crown and dignity Royal.

Grants and confirmations of liberties obtained at the See of Rome to any Abbeys or houſes, ſhall be of the ſame effect as they were before.

Provided alway, that this Act, or any thing therein contained, ſhall not hereafter be taken, nor expounded to the derogation or taking away of any grants or confirmations of any Liberties, Priviledges, or Juriſdiction of any Monaſteries, Abbeys, Priories, or other houſes or places exempt, which heretofore the making of this Act, hath been obtained at the See of Rome, or by authority thereof, but that every ſuch grant and confirmation ſhall be of the ſame value, force and effect, as they were afore the making of this Act, and as if this Act had never been made. Provided always, that the Abbots, Priors, and other chief rulers and governours of ſuch Monaſteries, Abbeys, Priories, and other houſes, and places exempt, ſhall not hereafter pay any penſion, portion, or other cenſe to the See of Rome; nor admit, or accept any viſitation, nor any confirmation, from or by the ſaid See of Rome, or by authority thereof, of, or for any perſon to be elected, named, or preſented, to be heads of any ſuch Monaſteries, Abbeys, Priories, places, or houſes exempt: nor ſhall make any corporal oath to the Biſhop of Rome, otherwiſe called the Pope, upon the pains limited in this Act. But that every ſuch viſitation and confirmation of ſuch heads elect in any ſuch Monaſteries, Abbeys, Priories, houſes, or places exempt, where after their election they were bounden to have and obtain any confirmation of their election, or of the perſon named, preſented, or elect, ſhall be from henceforth had, made & done within this Realm, at, and within every ſuch Abbeys, Monaſteries, Priories, & other houſes & places exempt, by ſuch perſon and perſons as ſhall be appointed by authority of ẏ Kings Commiſſion from time to time, as the caſe ſhall require, and not by ẏ See of Rome nor by authority thereof, any thing in this next proviſo above ſpecified to ẏ contrary thereof notwithſtanding.

Abbeys ſhall pay no penſions to ẏ See of Rome, nor accept any viſitation or confirmation from thence, nor ſhal make an oath to the Biſhop thereof.

Provided always, That in ſuch Monaſteries, Abbeys, Priories, and houſes exempt, where after election, preſentation, or nomination of their heads, no ſuch confirmation is requiſite to be had, nor hath been uſed to be taken by reaſon of ſuch priviledges, as they have concerning the ſame, that in every ſuch Monaſteries, Abbeys, Priories, and places exempt, they ſhall not be bounden to obtain, have, or take any confirmation for the ſame within this Realm, by authority of this Act, but uſe their priviledges therein, as they have done before the making of this Act, any thing in this Act, or any the Proviſoes next above rehearſed, to the contrary thereof notwithſtanding.

Monaſteries, houſes, &c. where no confirmation is requiſite.

Provided alſo and be it enacted, that this Act, or any thing or things, word or words therein, or in the preamble thereof mentioned or contained, is not intended or meant, nor ſhall be expounded nor interpreted, that any diſpenſations, licences, or confirmations for marriages, granted to any the Kings ſubjects, born under his obeyſance, at any time before the xii. day of March, in the year of our Lord God 1533. ſhall be appaired or of any leſs value, ſtrength, force or effect then they were at the ſaid xii. day of March. Nor that this Act, or any thing therein contained, ſhall not extend to the derogation, appairing, or adnulling of any licences, diſpenſations, confirmation, faculties, or indulgences at any time before the ſaid xii. day of March, in the year of our Lord God, 1533. had or obtained at the See of Rome, or by authority thereof to or for any ſubjects born in this Realm, or in any the Kings Dominions, or to or for the Hoſpital of the Prior of Saint Johns of Jeruſalem in England, or any Commandries, or members thereof, or to or for any other Cathedral Churches, Hoſpitals, Monaſteries, Abbeys, Priories, Colledges, Conventual Churches, Parochial Churches, Chappels, Fraternities, Brotherheads, or Bodies politick within this Realm, or in any other the Kings Dominions: But that every ſuch licence, diſpenſation, confirmation, faculty, and indulgence, granted before the ſaid xii. day of March, to any ſuch ſubject, or to the ſaid Hoſpital of the Prior of Saint Johns of Jeruſalem in England, and Commandries or members thereof, or to any other Cathedral Church, Hoſpital, Monaſtery, Abbey, Priory, Colledge, Church Conventual, Parochial Church, Chappel, Fraternity, Brotherhead, or Body politick, or to their predeceſſors, or anceſtors within this Realm, or in any other the Kings Dominions, ſhall be of the ſame force, ſtrength, value, and effect, and may be from time to time put in execution at all times hereafter, by, and to them that will uſe and have the ſame, as they might have been afore the making of this act, and as if this Act had never been had ne made, any thing in the ſaid Act to the contrary hereof notwithſtanding.

Licences and diſpenſations obtained at the See of Rome, before the xii. of March Ann. Dom. 1533. ſhall be of the ſame force that they were before.

Provided always, That ſuch licences, diſpenſations, confirmations, or faculties heretofore obtained at the See of Rome, or by authority thereof contrary to the expreſs proviſions of the laws and ſtatutes of this Realm heretofore made, ſhall not at any time hereafter be uſed or put in execution in any caſe, to the derogation or contrary to the ſaid laws and ſtatutes of this Realm, and the proviſions of the ſame: any thing in this proviſo to the contrary thereof notwithſtanding.

The King with the advice of his Councel, may reform the manner of Indulgences.

And be it enacted by authority of this preſent Parliament, That the King our Soveraign Lord, by the advice of his honourable Council, ſhall have power and authority from time to time, for the ordering, redreſs, and reformation of all manner of indulgences and priviledges thereof within this Realm, or within any the Kings Dominions heretofore obtained at the See of Rome, or by authority thereof, and of the abuſes of ſuch indulgences and priviledges thereof, as ſhall ſeem good, wholſom and reaſonable for the honour of God, and weal of his people: and that ſuch order and redreſs as ſhall be taken by his Highneſs in that behalf, ſhall be obſerved and firmly kept upon the pains limited in this Act, for the offending of the contents of the ſame. St. 1 & 2 P. & M. 8. 1 El. 1.

CAP. XXII.

The Succeſſion of the Kings Majeſty in the Imperial Crown.

IN their moſt humble wiſe ſhewn unto your Majeſty your moſt humble and obedient ſubjects, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, That ſince it is the natural inclination of every man, gladly and willingly to provide for the ſurety of both his title and ſucceſſion, although it touch his only private cauſe. We therefore, moſt rightful and dreadful Soveraign Lord, reckon our ſelves much more bounden to beſeech and inſtant your Highneſs (although we doubt not of your Princely heart and wiſdom, mixt with a natural affection to the ſame) to foreſee and provide for the perfect ſurety of both you and of your moſt lawful ſucceſſion and heirs, upon which dependeth all our joy and wealth: in whom alſo is united and knit, the only meet true inheritance and title of this Realm, without any contradiction. Wherefore we your ſaid moſt humble and obedient ſubjects, in this preſent Parliament aſſembled, calling to our remembrance the great diviſions, which in times paſt have been in this Realm, by reaſon of ſeveral titles pretended to the Imperial Crown of the ſame, which ſometimes, and for the moſt part enſued by occaſion of ambiguity and doubts, then not ſo perfectly declared, but that men might upon froward intents expound them to every mans ſiniſter appetite and affection, after their ſence, contrary to the right legality of the ſucceſſion and poſterity of the lawful Kings and Emperours of this Realm: whereof hath enſued great effuſion and deſtruction of mans bloud, as well of a great number of the Nobles, as of other the ſubjects, and eſpecially Inheritors in the ſame. And the greateſt occaſion thereof hath been becauſe no perfect & ſubſtantial proviſion by law hath been made within this Realm of it ſelf, when doubts and queſtions have been moved and propoſed of the certainty and legality of the ſucceſſion and poſterity of the Crown. By reaſon whereof the Biſhop of Rome and See Apoſtolick, contrary to the great and inviolable grants of juriſdictions by GOD immediately to Emperors, Kings and Princes, in ſucceſſion to their heirs, hath preſumed

The ambiguity of the ſeveral titles to the Crown of this Realm, and the not eſtabliſhing of the ſucceſſion thereof, hath been the cauſes of much trouble.

in times paſt to inveſt, who ſhould pleaſe them to inherit in other mens Kingdoms and Dominions: which thing we your moſt humble ſubjects, both ſpiritual and temporal, do moſt abhor and deteſt. And ſometimes other foreign Princes and Potentates of ſundry degrees, minding rather diſſention and diſcord to continue in the Realm, to the utter deſolation thereof, then charity, equity, or unity, have many times ſupported wrong titles, whereby they might the more eaſily and facily aſpire to the ſuperiority of the ſame. The continuance and ſufferance whereof, deeply conſidered and pondered, were too dangerous and perilous to be ſuffered any longer within this Realm, and too much contrary to the unity, peace, and tranquility of the ſame, being greatly reproachable and diſhonourable to the whole Realm.

In conſideration whereof, your ſaid moſt humble and obedient ſubjects, the Nobles and Commons of this Realm, calling further to their remembrance, that the good unity, peace, and wealth of this Realm, and the ſucceſſion of the ſubjects of the ſame moſt eſpecially and principally above all worldly things, conſiſteth and reſteth in the certainty and ſurety of the procreation and poſterity of your Highneſs, in whoſe moſt Royal perſon at this preſent time is no manner of doubt nor queſtion, do therefore moſt humbly beſeech your Highneſs, that it may pleaſe your Majeſty, that it may be enacted by your Highneſs, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the marriage heretofore ſolemnized between your Highneſs, and the Lady Katherine, being before the lawful wife to Prince Arthur, your elder brother, which by him was carnally known, as doth duly appear by ſufficient proof in a lawful proceſs had and made before Thomas, by the ſufferance of God, now Archbiſhop of Canterbury and Metropolitan and Primate of all this Realm, ſhall be by authority of this preſent Parliament definitively, clearly and abſolutely declared, deemed, and adjudged to be againſt the Laws of Almighty God, and alſo accepted, reputed, and taken of no value nor effect, but utterly void and adnihiled, and the ſeparation thereof made by the ſaid Archbiſhop, ſhall be good and effectual to all intents and purpoſes: any licence, diſpenſation, or any other Act or Acts going afore, or inſuing the ſame, or to the contrary thereof, in any wiſe notwithſtanding. And that every ſuch licence, diſpenſation, act or acts, thing or things heretofore had, made, done or to be done to the contrary thereof, ſhall be void and of none effect. And that the ſaid Lady Katherine ſhall be from henceforth called and reputed onely Dowager to Prince Arthur, and not Queen of this Realm. And that the lawful matrimony had and ſolemnized between your Highneſs, and your moſt dear and entirely beloved wife Queen Anne ſhall be eſtabliſhed, and taken for undoubtful, true, ſincere and perfect ever hereafter, according to the juſt judgment of the ſaid Thomas Archbiſhop of Canterbury, Metropolitane, and Primate of all this Realm, whoſe grounds of judgment have been confirmed as well by the whole Clergy of this Realm, in both the Convocations, and by both the Univerſities thereof, as by the Univerſities of Bonony, Padua, Paris, Orleance, Tolouſe, Angiewe, and divers others: and alſo by the private writings of many right excellent well learned men. Which grounds ſo confirmed, and judgment of the ſaid Archbiſhop enſuing the ſame, together with your marriage ſolemnized between your Highneſs, and your ſaid lawful wife Queen Anne, We your ſaid ſubjects both ſpiritual and temporal, do purely, plainly, conſtantly and firmly accept, approve and ratifie for good and conſonant to the Laws of Almighty God, without errour or default: moſt humbly beſeeching your Majeſty, that it may be ſo eſtabliſhed for ever by your moſt gracious and royal aſſent.

The marriage between the K. & the Lady Katherine ſhall be adjudged void, and the ſeparation good.

The Lady Katherine ſhall be called dowager to Prince Arthur, and not Queen.

The marriage between the K. and his wife Q. Anne ſhall be taken for good and conſonant to Gods Law. Alt. 28 H.8.7.

Marriage within the degrees prohibited by Gods Law. St. 32 H.8.38.

And furthermore ſince many inconveniences have fallen as well within this Realm, as in others, by reaſon of marrying within the degrees of marriage prohibited by Gods laws, that is to ſay, The ſon to marry the mother, or the ſtepmother, The brother the ſiſter, The father his ſons daughter, or his daughters daughter, or the ſon to marry the daughter of his father, procreate and born by his ſtepmother, or the ſon to marry his aunt, being his fathers or mothers ſiſter, or to marry his uncles wife, or the father to marry his ſons wife, or the brother to marry his brothers wife, or any man to marry his wives daughter, or his wives ſons daughter, or his wives daughters daughter, or his wives ſiſter. Which marriages albeit they be plainly prohibited and deteſted by the Laws of God, yet nevertheleſs at ſome times they have proceeded under colours of diſpenſations by mans power, which is but uſurped, and of right ought not to be granted, admitted nor allowed. For no man, of what eſtate, degree or condition ſoever he be, hath power to diſpenſe with Gods Laws, as all the Clergy of this Realm in the ſaid Convocations, and the moſt part of all the famous Univerſities of Chriſtendom, and we alſo do affirm and think.

No man hath power to diſpence with Gods Law.

Be it therefore enacted by authority aforeſaid, That no perſon or perſons, ſubjects or reſiants of this Realm, or in any your dominions, of what eſtate, degree or dignity ſoever they be, ſhall from henceforth marry within the ſaid degrees afore rehearſed, what pretence ſoever ſhall be made to the contrary thereof. And in caſe any perſon or perſons, of what eſtate, dignity, degree or condition ſoever he be, hath been heretofore married within this Realm, or in any the Kings Dominions, within any the degrees above expreſſed, and by any the Archbiſhops, Biſhops or Miniſters of the Church of England, be ſeparate from the bonds of ſuch unlawful marriage, That then every ſuch ſeparation ſhall be good, lawful, firm, and permanent for ever: and not by any power, authority, or means to be revoked or undone hereafter: and that the children proceeding or procreate under ſuch unlawful marriage, ſhall not be lawful ne legitimate: Any foreign laws, licences, diſpenſations, other thing or things to the contrary thereof notwithſtanding.

The perſons which be heretofore married within the degrees aforeſaid ſhall be ſeparated by the Ordinaries ſentence.

And in caſe there be any perſon or perſons within this Realm, or in any the Kings Dominions, already married within any the ſaid degrees above ſpecified, and not yet ſeparate from the bonds of ſuch unlawful marriage, That then every ſuch perſon ſo unlawfully married ſhall be ſeparate from the definitive ſentence and judgments of Archbiſhops,

Biſhops, and other Miniſters of the Church of England, and in other your Dominions within the limits of their juriſdictions and authorities, and by none other power or authority. And that all ſentences and judgments, given and to be given, by any Archbiſhop, Biſhop, or other Miniſter of the Church of England, or in other the Kings Dominions, within the limits of their juriſdictions and authorities, ſhall be definitive, firm, good and effectual to all intents, and be obſerved and obeyed without ſuing any provocations, appeals, prohibitions, or other proceſs from the Court of Rome, to the derogation thereof, or contrary to the Act made ſince the beginning of this preſent Parliament, for reſtraint of ſuch provocations, appeals, prohibitions, and other proceſſes.

St. 24. H.8.12.

And alſo be it enacted by authority aforeſaid, That all the iſſue had and procreate, or hereafter to be had and procreate between your Highneſs, and your ſaid moſt dear and entirely beloved wife Queen Anne, ſhall be your lawful children, and be inheritable, and inherit according to the courſe of inheritance and laws of this Realm, the Imperial Crown of the ſame, with all dignities, honours, preheminences, prerogatives, authorities and juriſdictions to the ſame annexed or belonging, in as large and ample manner, as your Highneſs at this preſent time hath the ſame as King of this Realm, the inheritance thereof to be and remain to your ſaid children and right heirs in manner and form as hereafter ſhall be declared.

All the iſſue procreate between the King and Queen Anne his wife ſhall be his lawful children.
ALT. 28 H.8.7.

That is to ſay, firſt the ſaid Imperial Crown, and other the premiſes ſhall be to your Majeſty, and to your heirs of your body lawfully begotten; that is to ſay, to the firſt ſon of your body, between your Highneſs, and your ſaid lawful wife Queen Anne, begotten, and to the heirs of the body of the ſame firſt ſon lawfully begotten. And for default of ſuch heirs, then to the ſecond ſon of your body, and of the body of the ſaid Queen Anne, begotten, and to the heirs of ÿ body of ÿ ſaid ſecond ſon lawfully begotten. And ſo to every ſon of your body and of the body of the ſaid Queen Anne begotten, & to the heirs of the body of every ſuch ſon begotten, according to the courſe of inheritance in that behalf: And if it ſhall happen your ſaid dear and entirely beloved wife Queen Anne to deceaſe without iſſue male of the body of your Highneſs to be begotten (which God defend) then the ſame Imperial Crown, and all other the premiſes, to be to your Majeſty as is aforeſaid, and to the ſon and heir male of your body lawfully begotten, and to the heirs of the body of the ſame ſon and heir male lawfully begotten, and for default of ſuch iſſue, then to your ſecond ſon of your body lawfully begotten, and to the heirs of the body of the ſame ſecond ſon lawfully begotten: and ſo from ſon and heir male, to ſon and heir male, and to the heirs of the ſeveral bodies of every ſuch ſon and heir male to be begotten, according to the courſe of inheritance, in like manner and form as is abovesaid. And for default of ſuch ſons of your bodies begotten, and of the heirs of the ſeveral bodies of every ſuch ſons lawfully begotten, that then the ſaid Imperial Crown, and other the premiſes, ſhall be to the iſſue female between your Majeſty and your ſaid moſt dear and entirely beloved wife Q. Anne begotten, that is to ſay, firſt to the eldeſt iſſue female, which is the Lady Elizabeth, now Princeſs, and to the heirs of her body lawfully begotten; and for default of ſuch iſſue, then to the ſecond iſſue female, and to the heirs of her body lawfully begotten, and ſo from iſſue female to iſſue female, and to the heirs of their bodies one after another, by courſe of inheritance, according to their ages, as the Crown of England hath been accuſtomed and ought to go, in caſes when there be heirs females to the ſame, and for default of ſuch iſſue, then the ſaid Imperial Crown, and all other the premiſes, ſhall be in the right heirs of your Highneſs for ever.

The Imperial Crown of England, &c. intailed.

The Lady Elizabeth the firſt iſſue female of the King and Queen Anne his wife.

And be it further enacted by authority aforeſaid, That on this ſide the firſt day of May next coming, Proclamations ſhall be made in all Shires within this Realm of the tenour and contents of this Act: And if any perſon or perſons, of what eſtate, dignity, or condition ſoever they be, ſubject or reſiant within this Realm, or elſewhere, within any the Kings Dominions, after the firſt day of May, by writing or printing, or by any exterior act or deed, maliciouſly procure or do, or cauſe to be procured or done, any thing or things to the peril of your moſt Royal perſon, or maliciouſly give occaſion by writing, print, deed, or act, whereby your Highneſs might be diſturbed, or interrupted for the Crown of this Realm: or by writing, print, deed, or act, procure or do, or cauſe to be procured or done, any thing or things to the prejudice, ſlander, diſturbance, or derogation of the ſaid lawful matrimony ſolemnized between your Majeſty and the ſaid Queen Anne, or to the peril, ſlander, or diſheriſon of any the iſſues and heirs of your Highneſs, being limited by this Act, to inherit and to be inheritable to the Crown of this Realm, in ſuch form as is aforeſaid: whereby any ſuch iſſues, or heirs of your Highneſs might be deſtroyed, diſturbed, or interrupted in body, or title of inheritance to the Crown of this Realm, as to them is limited in this Act, in form above rehearſed: That then every ſuch perſon and perſons, of what eſtate, degree, or condition they be of, ſubject or reſiant within this Realm, and their aidors, counſellors, maintainers, and abettors, and every of them, for every ſuch offence ſhall be adjudged high Traitors, and every ſuch offence ſhall be adjudged high Treaſon, and the offendors and their aidors, counſellors, maintainers, and abettors, and every of them being lawfully convict of ſuch offence by preſentment, verdict, confeſſion, or proceſs, according to the cuſtoms and laws of this Realm, ſhall ſuffer pains of death, as in caſes of high Treaſon. And that alſo every ſuch offendor, being convict, as is aforeſaid, ſhall loſe and forfeit to your Highneſs, and to your heirs, Kings of this Realm, all ſuch manors, lands, tenements, rents, annuities, and hereditaments, which they had in poſſeſſion, as owners, or were ſole ſeiſed of, by, or in any right, title, or means, or any other perſon or perſons had to their uſe, of any eſtate of inheritance, at the day of ſuch treaſons and offences by them committed and done. And ſhall alſo loſe and forfeit to your Highneſs and to your ſaid heirs, as well all manner of eſtates of freehold and intereſts for years, of lands and rents, and all their goods, cattels, and debts, which they had at the time of conviction or attainder of any ſuch

This Act ſhall be proclaimed in all the Shires of England.

The penalty for hurting the Kings perſon, diſturbing his title to the Crown, or ſlandering his marriage.

The rights of all others ſaving the offendors ſaved.

The rights of all others ſaving the offendors ſaved.

ſuch offence. Saving always to every perſon and perſons, and bodies politick, to their heirs, aſſigns, and ſucceſſors, and every of them, other then ſuch perſon and perſons as ſhall be ſo convict, and their heirs and ſucceſſors, and all other claiming to their uſes, all ſuch right, title, intereſt, poſſeſſion, condition, rents, fees, offices, annuities and commons, which they or any of them ſhall happen to have in, to, or upon any ſuch manors, lands, tenements, rents, annuities, or hereditaments, that ſhall ſo happen to be loſt and forfeit by reaſon of attainder, for any the treaſons and offences above rehearſed, at any time before the ſaid Treaſons and offences committed.

The penalty for publiſhing any thing to the peril of the King, or the ſlander of his marriage, or to the diſheritance of his iſſue.

And be it further enacted by authority aforeſaid, That if any perſon or perſons after the ſaid firſt day of May, by any words, without writing, or any exterior deed or act, maliciouſly and obſtinately ſhall publiſh, divulge, or utter any thing or things, to the peril of your Highneſs, or the ſlander or prejudice of the matrimony, ſolemnized between your Highneſs, and the ſaid Queen Anne, or to the ſlander or diſheriſon of the iſſues and heirs of your body begotten, and to be begotten of the ſaid Queen Anne, or any other your lawful heirs, which ſhall be inheritable to the Crown of this Realm, as is afore limited by this Act: That then every ſuch offence ſhall be taken and adjudged for miſpriſion of Treaſon. And that every perſon and perſons of what eſtate, degree or condition ſoever they be, ſubject or reſiant within this Realm, or in any the Kings Dominions, ſo doing and offending, and being thereof lawfully convict by preſentment, verdict, proceſs, or confeſſion, ſhall ſuffer impriſonment of their bodies at the Kings will, and ſhall loſe as well all their goods, cattels, and debts, as all ſuch intereſſes, and eſtates of freehold, or for years, which any ſuch offender ſhall have, of, or in any lands, rents, or hereditaments whatſoever, at the time of conviction, and attainder of ſuch offence.

An offendor ſhall not have the priviledge of ſanctuary.

And be it alſo enacted by the authority aforeſaid, That no perſon nor perſons offending in any Treaſons, and miſpriſions contained and limited by this Act, ſhall in any wiſe have or enjoy the priviledge and immunity of any manner of ſanctuaries within this Realm, or elſewhere within any the Kings Dominions, but ſhall utterly loſe and be excluded of the ſame: any uſe, cuſtom, grant, preſcription, confirmation, or any other thing or things to the contrary thereof in any wiſe notwithſtanding.

Who ſhall have the government of the Kings iſſue and heir during the minority.

And be it alſo enacted by authority aforeſaid, That if your Majeſty ſhould happen to deceaſe before any ſuch your iſſue and heir male, which ſhould inherit the Crown of this Realm, ſhall be of his age of eighteen years, or before ſuch your iſſue and heir-female, which ſhould inherit the Crown of this Realm, ſhall be married, or be of the age of ſixteen years (which Almighty God defend) that then your ſaid iſſue, and heir-male to the Crown ſo being within the ſaid age of eighteen years, or your ſaid iſſue and heir-female to the Crown, being unmarried, or within the ſaid age of ſixteen years, ſhall be and remain unto ſuch time as ſuch iſſues and heirs ſhall come to their ſaid ſeveral ages afore limited, at and in the governance of their natural mother, ſhe living, with ſuch other Counſellors of your Realm, as your Majeſty in your life-time ſhall depute and aſſign by your will, or otherwiſe for the ſame, without contradiction of any perſon or perſons to the contrary thereof.

And if any perſon or perſons by writing or exterior deed or act, procure, or do, cauſe to be procured or done, any thing or things to the let or diſturbance of the ſame: That then every ſuch offence ſhall be high Treaſon, and the offenders being thereof convict, ſhall ſuffer ſuch pains of death, and loſſes of inheritance, freeholds, intereſts of years, goods, cattels, and debts, in ſuch manner and form as is above ſpecified in caſes of Treaſon afore mentioned.

All perſons ſhall be ſworn to perform the contents of this Act. St. 26 H.8.2.

And for the more ſure eſtabliſhment of the ſucceſſion of your moſt Royal Majeſty, according to the tenor and form of this Act: Be it further enacted by authority aforeſaid, That as well all the Nobles of your Realm ſpiritual and temporal, as all other your ſubjects now living and being, or that hereafter ſhall be at their full ages, by the commandment of your Majeſty, or of your heirs at all times hereafter from time to time, when it ſhall pleaſe your Highneſs, or your heirs to appoint, ſhall make a corporal oath in the preſence of your Highneſs, or your heirs, or before ſuch other, as your Majeſty, or your heirs will depute for the ſame: that they ſhall truly, firmly, and conſtantly, without fraud or guile, obſerve, fulfil, maintain, defend, and keep, to their cunning, wit, and uttermoſt of their powers, the whole effects and contents of this preſent Act. And that all manner your ſubjects, as well ſpiritual as temporal, ſuing livery, reſtitutions, or Ouſter le main out of the hands of your Highneſs, or of your heirs, or doing any fealty to your Highneſs, or to your heirs, by reaſon of tenure of their lands, ſhall ſwear a like corporal oath; that they, and every of them without fraud or guile, to their cunning, wit, and uttermoſt of their powers, ſhall truly, firmly and conſtantly, obſerve, fulfil, maintain, defend, and keep the effects and contents contained and ſpecified in this Act, or in any part thereof. And that they, nor any of them, ſhall hereafter have any liveries, Ouſter le main, or reſtitution out of your hands, nor out of the hands of your heirs, till they have made the ſaid corporal oath, in form above rehearſed. And if any perſon or perſons, being commanded by authority of this Act, to make the ſaid oath afore limited, obſtinately refuſe that to do, in contempt of this Act: That then every ſuch perſon (ſo doing) to be taken and accepted for offendor in miſpriſion of high Treaſon: and that every ſuch refuſal ſhall be deemed and adjudged miſpriſion of high Treaſon: and the offendor therein to ſuffer ſuch pains and impriſonment, loſſes, and forfeitures, and alſo loſe priviledges of Sanctuaries, in like manner and form, as is above mentioned for the miſpriſion of Treaſons afore limited by this Act.

The penalty of them which refuſe to take the ſame oath.

Marriage with carnal knowledge.

Provided always, That the article in this Act contained concerning prohibitions of marriages within the degrees afore mentioned in this Act, ſhall always be taken, interpreted and expounded of ſuch marriages, where marriages were ſolemnized, and carnal knowledge was had. St. 28 H. 8. 7. 35 H. 8. 1. 1 M. 1.

Marriage with carnal knowledge.

Anno viceſimo ſexto Henrici *octavi.*

ACts made in the Seſſion of this preſent Parliament, holden upon Prorogation at Weſtminſter the third day of February, in the ſix and twentieth year of the Reign of our moſt dread Soveraign Lord King Henry the eighth, and there continued and kept till the eighthteenth day of December next enſuing, to the honour of God, and for the Common weal and profit of this his Realm.

CAP. I.

The King ſhall be reputed ſupream head of the Church of England.

ALbeit the Kings Majeſty juſtly and rightfully is, and ought to be the ſupream head of the Church of England, and ſo is recogniſed by the Clergy of this Realm in their Convocations, yet neverthelesſ for corporation and confirmation thereof, and for increaſe of vertue in Chriſts religion within this Realm of England, and to repreſs and extirp all errours, hereſies, and other enormities and abuſes heretofore uſed in the ſame: Be it enacted by authority of this preſent Parliament, that the King our Soveraign Lord, his heirs and ſucceſſors, Kings of this Realm, ſhall be taken, accepted and reputed the only ſupream head in earth of the Church of England, called Anglicana Eccleſia. And ſhall have and enjoy, annexed and united to the Imperial Crown of this Realm, as well the title and ſtile thereof, as all honours, dignities, preheminences, juriſdictions, priviledges, authorities, immunities, profits and commodities to the ſaid dignity of ſupream head of the ſame Church belonging and appertaining. And that our ſaid Soveraign Lord, his heirs and ſucceſſors, Kings of this Realm, ſhall have full power and authority from time to time, to viſit, repreſs, redreſs, reform, order, correct, reſtrain, and amend all ſuch errours, hereſies, abuſes, offences, contempts, and enormities, whatſoever they be, which by any manner ſpiritual authority or juriſdiction, ought, or may lawfully be reformed, repreſſed, ordered, redreſſed, corrected, reſtrained or amended, moſt to the pleaſure of Almighty God, the increaſe of vertue in Chriſts Religion, and for the conſervation of the peace, unity, and tranquility of this Realm, any uſage, cuſtom, foreign laws, foreign authority, preſcription, or any thing or things to the contrary hereof notwithſtanding. Rep. 1 & 2 P. & M. 8. St. 8 El. 1.

The King ſhall be ſupream head in earth of the Church of England, and correct all hereſies and offences. Co. Inſt. par. 4.

CAP. II.

Oath taken by all the Kings Subjects for the ſurety of the Succeſſion of the Crown of England.

WHere at the laſt Seſſion of this preſent Parliament, in the Act then made for the eſtabliſhment of the ſucceſſion of the heirs of the Kings Highneſs in the Imperial Crown of this Realm, it is contained amongſt other things, that all and ſingular the Kings ſubjects, as well the Nobles ſpiritual and temporal, as other, ſhould make and take a corporal oath, whenſoever it ſhall pleaſe the Kings Majeſty or his heirs to appoint, that they ſhould truly, firmly and conſtantly, without fraud or guile, obſerve, fulfil, maintain, defend and keep, to their cunning, wit, and uttermoſt of their powers, the whole effects and contents of the ſaid Act, as in the ſame Act amongſt other things more plainly appeareth. And at the day of the laſt prorogation of this preſent Parliament, as well the Nobles ſpiritual and temporal, as other the Commons of this preſent Parliament then aſſembled in the high houſe of the Parliament, moſt lovingly accepted and took ſuch oath as then was deviſed in writing for maintenance and defence of the ſaid Act, and meant and intended at that time, that every other the Kings ſubjects ſhould be bound to accept and take the ſame, upon the pains contained in the ſaid Act. The tenour of which oath hereafter enſueth.

St. 25 H. 8. 12.

Ye ſhall ſwear to bear faith, truth and obedience all onely to the Kings Majeſty, and to his heirs of his body of his moſt dear and entirely beloved lawful wife Queen Anne begotten and to be begotten. And further to the heirs of our ſaid Soveraign Lord, according to the limitation in the Statute made for ſurety of his ſucceſſion in the Crown of this Realm mentioned and contained, and not to any other within this Realm, nor foreign authority or potentate. And in caſe any oath be made, or hath been made by you to any perſon or perſons, that then ye to repute the ſame as vain and adnihilate. And that to your cunning, wit, and uttermoſt of your power, without guile, fraud, or other undue mean, ye ſhall obſerve, keep, maintain and defend the ſaid Act of Succeſſion, and all the whole effects and contents thereof, and all other Acts and Statutes made in confirmation, or for execution of the ſame, or for any thing therein contained. And this ye ſhall do againſt all manner of perſons, of what eſtate, dignity, degree, or condition ſoever they be. And in no wiſe do or attempt, nor to your power ſuffer to be done or attempted directly or indirectly any thing or things, privately or appertly, to the let, hinderance, damage or derogation thereof, or of any part of the ſame, by any manner of means, or for any manner of pretence: ſo help you God, and all Saints, and the holy Evangeliſts.

The oath of obedience to the King and the heirs of his body begotten of Queen Anne.

A former oath made ſhall be reputed vain by the maker.

And foraſmuch as it is convenient for the ſure maintenance and defence of the ſame Act, that the ſaid oath ſhould not only be authorized by the authority of Parliament, but alſo be interpreted and expounded by the whole aſſent of this preſent Parliament, that it was meant and intended by the Kings Majeſty, the Lords and Commons of the Parliament, at the ſaid day of the ſaid laſt prorogation, that every ſubject ſhould be bounden to take the ſame oath according to the tenor and effect thereof, upon the pains and penalties contained in the ſaid Act: Therefore be it enacted by authority of this preſent Parliament, That the ſaid oath above rehearſed, ſhall be interpreted, expounded, reputed, accepted and adjudged, The expoſition of the oath, and who have and ſhall be bound to take it.

the very Oath that the Kings Highneſs, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament, meant and intended, that every ſubject of this Realm ſhould be obliged and bounden to take and accept for maintenance and defence of the ſame Act, upon the pains contained in the ſaid Act, and that every the Kings ſubjects, upon the ſaid pains ſhall be obliged to accept and take the ſaid oath.

Certificate ſhall be made into the Kings Bench of the refuſors of the oath.

And be it further enacted by authority aforeſaid, That the Commiſſioners that hereafter ſhall be appointed to receive ſuch oath of the Kings ſubjects, or two of them at the leaſt, ſhall have power and authority to certifie into the Kings Bench by writing under their ſeals, every refuſal that hereafter ſhall be made afore them of the ſame oath by any perſon or perſons coming afore them to take the ſame oath. And that every ſuch certificate to be made by ſuch Commiſſioners, as is aforeſaid, ſhall be taken as ſtrong and as available in the law, as an inditement of twelve men lawfully founden of the ſaid refuſal. So that the perſon and perſons againſt whom any ſuch certificate ſhal be made, ſhal be compellen to anſwer thereunto, as if they were indited. And that ſuch proceſs, judgment, execution, and every other thing ſhall be had, uſed, and miniſtred of and upon every ſuch certificate againſt the offenders, as if they had been lawfully indited of ſuch offences by the due courſe and order of the common Laws of this Realm. Rep. 28 H. 8. 7. 1 M. 1.

CAP. III.

First-fruits of all dignities ſpiritual ſhall be paid to the King, &c.

FOraſmuch as it is, and of very duty ought to be the natural inclination of all good people, like moſt faithful, loving, and obedient ſubjects, ſincerely and willingly to deſire to provide, not only for the publick weal of their native Countrey, but alſo for the ſupportation, maintenance, and defence of the Royal eſtate of their moſt dread, benign, and gracious Soveraign Lord, upon whom, and in whom dependeth all their joy and wealth: in whom alſo is united and knit ſo Princely a heart and courage, mixed with mercy, wiſdom, and juſtice, and alſo a natural affection joyned to the ſame: as by the great, ineſtimable, and benevolent arguments thereof being moſt bountifully, largely, and many times ſhewed, miniſtred, and approved towards his loving and obedient ſubjects, hath well appeared: which requireth a like correſpondence of gratitude to be conſidered, according to their moſt bounden duties. Wherefore his ſaid humble and obedient ſubjects, as well the Lords ſpiritual and temporal, as the Commons in this preſent Parliament aſſembled, calling to their remembrance, not only the manifold and innumerable benefits daily adminiſtred by his Highneſs to them all, and to all other the reſidue of his ſubjects of this Realm: but alſo how long time his Majeſty hath moſt victoriouſly, by his high wiſdom and policy, protected, defended and governed this his Realm, and maintained his people and ſubjects of the ſame in tranquility, peace, unity, quietneſs, and wealth. And alſo conſidering what great, exceſſive, and ineſtimable charges his Highneſs hath heretofore been at, and ſuſtained by the ſpace of five and twenty whole years, and alſo daily ſuſtaineth for the maintenance, tuition, and defence of this his Realm, and his loving ſubjects of the ſame, which cannot be ſuſtained and born without ſome honourable proviſion and remedy may be made, found, provided and ordained for maintenance thereof: do therefore deſire and moſt humbly pray, that for the more ſurety of continuance and augmentation of his Highneſs royal eſtate, being not only now recogniſed (as he always indeed hath heretofore been) the only ſupream head in earth, next and immediately under God, of the Church of England, but alſo their moſt aſſured and undoubted natural Soveraign Liege Lord and King, having the whole governance, tuition, defence and maintenance of this his Realm, and moſt loving obedient ſubjects of the ſame. It may therefore be ordained and enacted by his Highneſs, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, in manner and form following.

The firſt-fruits and profits for one year of every ſpiritual living is granted to the King.

That is to ſay, That the Kings Highneſs, his heirs and ſucceſſors Kings of this Realm, ſhall have and enjoy from time to time to endure for ever, of every ſuch perſon and perſons, which at any time after the firſt day of January next coming, ſhall be nominated, elected, prefected, preſented, collated, or by any other means appointed, to have any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Colledge, Hoſpital, Archdeaconry, Deanary, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chappel, or other dignity, benefice, office, or promotion ſpiritual within this Realm, or elſewhere within any of the Kings Dominions, of what name, nature, or quality ſoever they be, or to whoſe foundation, patronage or gifts ſoever they belong, the firſt-fruits, revenues and profits for one year of every ſuch Archbiſhoprick, Biſhoprick, Abbey, Monaſtery, Priory, Colledge, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chappel, or other dignity, benefice, office, or promotion ſpiritual afore named, whereunto any ſuch perſon or perſons after the ſaid firſt day of January, be nominated, elected, prefected, preſented, collated, or by any other means appointed. And that every ſuch perſon and perſons, before any actual or real poſſeſſion or medling with the profits of any ſuch Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Colledge, Hoſpital, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chappel, Priory, or other dignity, benefice, office, or promotion ſpiritual, ſhall ſatisfie, content and pay, or compound or agree to pay to the Kings uſe at reaſonable days, upon good ſureties, the ſaid firſt-fruits and profits for one year.

Every ſpiritual perſon ſhall be bound for his firſt-fruits before his actual poſſeſſion of his benefice.

Commiſſioners to ſearch for the value of benefices, and to compound for firſt-fruits.

And be it alſo enacted by authority aforeſaid, That the Chancellor of England, and Maſter of the Rolls for the time being, joyntly and ſeverally, or ſuch other perſon and perſons, as ſhall pleaſe the Kings Highneſs, his heirs or ſucceſſors from time to time, at his or their pleaſure, to name and depute by Commiſſion or Commiſſions under the great Seal, ſhall have power and authority as well to examine and ſearch for the juſt and true value of the ſaid firſt-fruits and profits, by all ways and means that they can, as to compound and agree for the rate of the ſaid firſt-fruits and profits, as to ſtall and limit reaſonable days of payment thereof upon good and ſufficient ſurety or ſureties, by writings obligatory by their diſcretions. And if compoſition or agreement be had or made for the ſaid firſt-fruits before the ſaid Lord Chancellor, or Maſter of the Rolls, that then the writings obligatory, or money taken for the ſame, ſhall reſt, remain and abide in the Hanaper of the Kings Chancery, there ſafely to be kept to the Kings uſe, and the money to be due of ſuch writings obligatory, or to be received in hand by reaſon of any ſuch compoſition, ſhall be paid in the ſaid Hanaper, to the Clerk of the Hanaper for the time being. And that the ſaid Clerk of the Hanaper ſhall make a true and a juſt account thereof, like as he is bound to do of the money received of the profits of the Kings great Seal. And if compoſition or agreement be had or made for the ſaid firſt-fruits, afore any other perſon or perſons to be deputed to the Kings Highneſs, his heirs or ſucceſſors by Commiſſion under his great Seal, that then the writings obligatory, and money taken for the ſame, ſhall be delivered to the Treaſurer of the Kings moſt honourable Chamber for the time being, or elſewhere, to whom it ſhall pleaſe the Kings Highneſs, his heirs or ſucceſſors, to give authority by Commiſſion under the great Seal, to receive the ſame.

The money taken for firſt-fruits ſhall be delivered to the Treaſurer of the Chamber.

And it is alſo ordained and enacted by authority aforeſaid, That every writing of acquittance ſubſcribed with ẏ hand & name of ẏ Clerk of ẏ Hanaper, & Treaſurer of ẏ Chamber, or other Commiſſioners aforeſaid, or any of them, witneſſing the receit of the ſaid firſt-fruits, or any part thereof, ſhall be as good and effectual againſt the Kings Highneſs, his heirs and ſucceſſors, to every perſon and perſons having the ſame, for ſo much money as ſhall be mentioned to be received and contained in every ſuch acquittance, as if ſuch acquittance were, or had been lawfully had and obtained in the Kings name under the Kings great Seal, and ſo ſhall be admitted, accepted, allowed, and taken in every of the Kings courts. And that all writings obligatory to be taken for payment of the ſaid firſt-fruits, by, and afore the ſaid Lord Chancellor, or Maſter of the Rolls, or by and afore any other perſon or perſons, to be deputed to compound and agree for the ſaid firſt-fruits, as is aforeſaid, ſhall be of the ſame ſtrength, force, vertue, quality, and effect to all intents and purpoſes, as writings obligatory heretofore made by any lay perſon by authority of the Statute of the Staple been. And that upon certificate hereafter to be made into the Kings Chancery of any ſuch writings obligatory to be taken for payment of ſuch firſt-fruits, like proceſs and execution ſhall be thereupon made and had againſt any perſon ſpiritual and temporal, as hath been accuſtomed to be made againſt any lay perſon upon certificate of writings obligatory of the ſaid Statute of the Staple. And that no perſon ſhall be compelled to pay for any writing obligatory to be made for the ſaid payment of the ſaid firſt-fruits, above viii. d. nor for any acquittance to be made for receipt of ſuch firſt-fruits above iv. d. And that ſuch perſon and perſons as ſhall be deputed by the Kings Highneſs by Commiſſion under the great Seal, to compound and agree for the ſaid firſt-fruits, ſhall at the end of every ſix moneths next after the date of their Commiſſion, and ſo from ſix moneths to ſix moneths, deliver or cauſe to be delivered unto the Treaſurer of the Chamber for the time being, or elſewhere, to ſuch Commiſſioners as ſhall be appointed, as is aforeſaid to receive the ſame, as well all ſuch money, as all ſuch ſpecialties and bonds, as they ſhall have taken for the payment of the ſaid firſt-fruits by Indenture to be made between them and the ſaid Treaſurer, or other Commiſſioners as is aforeſaid, containing the certainty and number of the ſums of money, and ſpecialties and bonds by them taken and received. And if any perſon or perſons to whom any deputation ſhall be made by Commiſſion, to compound and agree for the payment of the ſaid firſt-fruits, their heirs, executors, or adminiſtrators, conceal or imbezile any of the ſaid ſpecialties or bonds taken for the ſure payment of the ſaid firſt-fruits, and do not deliver them according to the tenor of this Act, that then every ſuch offender ſhall forfeit that office of deputation, and over that make fine and ranſom at the Kings own pleaſure and will.

Whoſe acquittance ſhall be ſufficient diſcharge for the firſt-fruits.

An obligation for the firſt-fruits, ſhall be of the ſame ſtrength that the Statute of the Staple is.

The penalty of Commiſſioners, concealing bonds taken for the payment of firſt-fruits.

And it is alſo enacted by authority aforeſaid, that if any perſon or perſons which at any time after ẏ ſaid firſt day of January, ſhall be nominated, elected, prefected, preſented, collated, or by any other means appointed to any of the dignities, offices, benefices, or other promotions ſpiritual before mentioned, do enter into the actual and real poſſeſſion thereof, or meddle with the profits thereof, before they ſhall have truly ſatisfied and paid to the Kings uſe the firſt-fruits and profits thereof for one year, or elſe ſhall have agreed or compounded for payment of the ſame at reaſonable days upon good ſureties, in manner and form as by this Act is above ſpecified, that then every ſuch perſon and perſons ſo doing and offending, and being thereof convict by preſentment, verdict, confeſſion, or witneſs before the ſaid Lord Chancellor, or ſuch other as ſhall have authority by commiſſion, to compound for the ſaid firſt-fruits and profits as is aforeſaid, ſhall be accepted and taken an intruder upon the Kings poſſeſſion. And that they, their executors or adminiſtrators ſhall pay to the uſe of the Kings Highneſs for every ſuch offence, ſo much ſums of money, as ſhall amount to the double value of the ſaid firſt-fruits and profits of ſuch dignities, benefices, or other ſpiritual promotions wherein they ſhall ſo enter and intrude before the payment of the ſaid firſt-fruits and profits for one year thereof, or before due agreement made for the ſame in manner and form as is above rehearſed.

Whoſo entreth upon his ſpiritual living before compoſition, ſhall forfeit double the value of the firſt-fruits.

And be it further enacted by authority aforeſaid, That the firſt-fruits of benefices heretofore accuſtomed to be paid to the Biſhop of Norwich within his Dioceſs, and to the Archdeacon of Richmond within his Archdeaconry, or to any other perſon or perſons within this Realm, or any other the Kings Dominions, ſhall from the ſaid firſt day of January, ceaſe and be extinct, and no longer be paid, but only to the Kings Highneſs, his heirs and ſucceſſors in ſuch form as is above mentioned in this Act.

All firſt-fruits payable to other perſons ſhall ceaſe and be paid to the King.

Pro-

The Biſhops may give inſtitution and induction.

Provided always, That Archbiſhops and Biſhops, and all other having juriſdiction ordinary, may give and deliver Letters of Inſtitution and Induction, as they might do before the making of this Act, without any offence of any article contained in this Act, any thing in this Act contained to the contrary thereof notwithſtanding.

Priors removeable ſhall pay no firſt-fruits.

Provided alſo, That where there be divers Cels appertaining to Monaſteries and Priories, and that the Priors of ſuch Cels be named, and removeable from time to time, at the only wills and pleaſures of their Maſters and Soveraigns of the Monaſteries and Priories, whereunto ſuch Cels belong: that the Priors of ſuch Cels ſhall not be compelled to pay any firſt-fruits, by vertue or authority of this Act, any thing in this Act contained to the contrary thereof notwithſtanding: but that the firſt-fruits and profits of every ſuch Cell ſhall be paid to the Kings Highneſs, his heirs and ſucceſſors, whenſoever, and as often as any perſon ſhall be nominated, elected, prefected, or collated to the Monaſtery, or Priory, whereunto ſuch Cels belongen.

Yearly tenth of all ſpiritual livings given to the King. St. 32 H.8.45.

And over this be it enacted by the authority aforeſaid, That the Kings Majeſty, his heirs and ſucceſſors Kings of this Realm, for more augmentation and maintenance of the Royal eſtate of his Imperial Crown and Dignity of Supream Head of the Church of England, ſhall yearly have, take, enjoy, and receive united and knit to his Imperial Crown for ever, one yearly Rent, or Penſion, amounting to the value of the tenth part of all the Revenues, Rents, Farms, Tithes, offerings, Emoluments, and all other Profits, as well called Spiritual as Temporal, now appertaining or belonging, or that hereafter ſhall belong to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, houſe Collegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chauntry, Free Chappel, or other Benefice or Promotion Spiritual, of what name, nature, or quality ſoever they be, within any Dioceſs of this Realm, or in Wales, the ſaid Penſion or annual Rent to be yearly paid for ever to our ſaid Soveraign Lord, to his heirs and ſucceſſors Kings of this Realm, at the Feaſt of the Nativity of our Lord God, and the firſt payment thereof to begin at the Feaſt of the Nativity of our Lord God, which ſhall be in the year of our Lord God, MDXXXV. And to be paid yearly by ſuch as ſhall be appointed to have the collection thereof by this Act, in ſuch manner and form as ſhell hereafter be limited by this Act, before the firſt day of April yearly next following, after the ſaid Feaſt of the Nativity of our Lord.

The tenth muſt be paid at Chriſtmas.

Commiſſions ſhall be awarded into every Dioceſs to enquire of the value of every ſpiritual living.

And it is ordained and enacted by authority aforeſaid, That the ſaid yearly Rent and Penſion ſhall be taxed, rated, levied, perceived, and paid to the Kings uſe, his heirs and ſucceſſors, in manner and form hereafter to be declared by this Act, That is to ſay, that the Chancellor of England for the time being, ſhall have power and authority to direct into every Dioceſs in this Realm, and in Wales ſeveral Commiſſions in the Kings name, under his great Seal, as well to the Archbiſhop or Biſhop of every ſuch Dioceſs, as to ſuch other perſon or perſons as the Kings Highneſs ſhall name and appoint, commanding and authorizing the ſaid Commiſſioners to be named in every ſuch Commiſſion, or three of them at the leaſt, to examine, ſearch and enquire by all the ways aud means that they can by their diſcretions, of and for the true and juſt, whole and entire yearly values of all the Manors, Lands, Tenements, Hereditaments, Rents, Tithes, Offerings, Emoluments, and all other Profits, as well Spiritual as Temporal, appertaining or belonging to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, houſe Colegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chauntry, free Chappel, or of any other Benefice or Promotion Spiritual within the limits of their Commiſſion, with a clauſe to be contained in every ſuch Commiſſion, that the ſaid Commiſſioners, or three of them at the leaſt, ſhall deduct and allow in the making and rating of the ſaid yearly values of the premiſes, theſe deductions following and none other: that is to ſay, the Rents reſolute to the chief Lords, and all other annual and perpetual Rents and Charges, which any ſpiritual perſon or perſons been bounden yearly to pay to any perſon or perſons, to their heirs and ſucceſſors for ever, or to give yearly in alms by reaſon of any foundation or ordinance, and all fees for Stewards, Receivers, Bailiffs, and Auditors, and Synods, and Proxies, with another clauſe to be alſo contained in every ſuch Commiſſion, that the ſaid Commiſſioners, or three of them at the leaſt, ſhall certifie under their ſeals at ſuch days as ſhall be limited by the ſaid Commiſſions, as well the whole and entire value, as the deductions aforeſaid of every Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, Houſe Collegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chauntery, free Chappel, and of all other benefits and promotions ſpiritual.

Deductions to be defalked out of ſpiritual livings.

The Commiſſioners certificate of the truth of every ſpiritual living.

The Commiſſioners ſhall be ſworn indifferently to execute their Commiſſion.

And it is ordained and enacted by authority aforeſaid, That the ſaid Commiſſioners that ſhall be ſo appointed, or three of them at the leaſt, ſhall have full power and authority to do, accompliſh, and execute the effects and contents of their ſaid Commiſſions in every behalf: and that every the ſaid Commiſſioners, before they ſhall execute the ſaid Commiſſion, ſhall receive and take a corporal Oath before the Lord Chancellor, or before ſuch other as ſhall be appointed by the ſaid Chancellor, by the Kings Writ of Dedimus poteſtatem, that they ſhall diligently and truly, without favour, affection, fraud, covin, meed, dread, or corruption, do, fulfil, and execute the whole effects and contents expreſſed in every ſuch Commiſſion within the limits thereof, to the cunning, wits, and uttermoſt of their powers.

And it is ordained and enacted by authority aforeſaid, That after ſuch Certificate made by the ſaid Commiſſioners, the ſaid yearly Rent and Penſion of the tenth part ſhall be ſet, taxed, rated, and taken juſtly and truly, and indifferently by the Treaſurer, Chancellor, Chamberlain, and Barons of the Kings Exchequer, of and out of the clear yearly value of the premiſes, that ſhall be above the deductions aforementioned, and none otherwiſe.

And that every Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, Houſe Collegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chauntry, Free Chappel, or other Benefice or Promotion Spiritual, ſhall be ſeverally and diſtinctly taxed, charged, and chargeable in the proper Dioceſs where they been, for the paiment of ſuch portion of the ſaid tenth part, as ſhall be taxed and ſet upon them by authority of this Act. That is to ſay, every of them by and for themſelves, ſhall be taxed, charged, and chargeable in the proper Dioceſs, where they been, for the tenth part of the yearly value of their poſſeſſions and profits to them belonging, whereſoever their ſaid poſſeſſions and profits ſhall happen to be, or lie in any part of this Realm, or elſewhere, in any of the Kings Dominions, and that none of them ſhall be charged or chargeable for the paiment of the others charge or portion.

Every Spiritual perſon ſhall be charged for his Tenths in the Dioceſs where they be, though their poſſeſſions lie in other Dioceſſes.

And it is alſo enacted by authority aforeſaid, That after ſuch Certificate made into the Kings Exchequer, and tax ſet of the tenth part, in form above remembred, every Archbiſhop and Biſhop now being, and that hereafter ſhall be, ſhall be charged or chargeable, to levy, collect, and receive within their proper Dioceſs, as well in places exempt, as not exempt, all ſuch ſums of money, wherewith the Dignities, Benefices, and other Promotions Spiritual afore mentioned within their Dioceſs, chargeable by this Act, ſhall be ſet, taxed, and charged towards the paiment of the ſaid yearly penſion, and ſhall pay and content the ſaid ſums of money yearly before the ſaid firſt day of April, to the Treaſurer of the Kings Chamber, for the time being, or to any other perſon or perſons, whom it ſhall pleaſe the Kings Highneſs to appoint to receive the ſame. And that every of the ſaid Archbiſhops and Biſhops, their Executors and Adminiſtrators, and the poſſeſſions of dignities and Churches, ſhall ſtand charged and chargeable, for the ſure and true paiment of ſuch ſums of money, as they ſhall collect and receive of the ſaid yearly rent and penſion.

Biſhops ſhall be charged to the collection of their Tenths in their Dioceſſes.
St. 32 H. 8. 47.
34 H. 8. 17.

And that the Treaſurer, Chancellor, Chamberlain, and Barons of the Kings Exchequer, ſhall yearly cauſe Proceſs to be made by their diſcretions for non-paiment of the ſaid penſion or yearly rent, or any parcel thereof, againſt every Archbiſhop and Biſhop of this Realm, that is to ſay, againſt every Archbiſhop and Biſhop for ſo much part and portion of the ſaid penſion and yearly rent, wherewith the Dignities, Benefices, and other Promotions Spiritual aforementioned within the Dioceſs, ſhall be taxed and charged, ſo that every of the ſaid Archbiſhops and Biſhops ſhall be charged and chargeable, for the rate and portion of the ſaid yearly rent and penſion ſet and taxed within his own peculiar Dioceſs, and none otherwiſe.

Proceſs againſt a Biſhop for the payment of all Tenths within his Dioceſs.

And be it alſo enacted by authority aforeſaid, That every Archbiſhop and Biſhop ſhall have power and authority to levy, take, and perceive by authority of Cenſures of the Church, or by diſtreſs, or otherwiſe by their diſcretion, all ſuch ſums of money as ſhall be rated, taxed, and ſet to go out of the lands, tenements, hereditaments, profits, and emoluments of any Dignity, Office, Benefice, or other place or promotion Spiritual within their Dioceſs, towards the paiment of the ſaid yearly rent and penſion: and that no Replevin, Prohibition, nor Superſedeas, upon any excommunication, nor any other Writ or impediment ſhall be ſued, allowed, or obeyed for any perſon or perſons making default of paiment of ſuch part and portion as they ſhall be rated and taxed unto by authority of this Act, till ſuch time as they have truly ſatisfied their ſaid part and portion to them allotted of the ſaid yearly rent and penſion.

By what means the Biſhop ſhall levy the Tenths of every Spiritual Promotion.
St. 2 Ed. 6. 20.

And it is alſo enacted by authority aforeſaid, That whenſoever, and as often as any of the Archbiſhopricks or Biſhopricks happen to be void, that then the Dean and Chapiter of the Cathedral Church, or the Prior and Convent, or Chapiter, or Convent of the Monaſtery or Cathedral Church, where the See of ſuch Archbiſhoprick or Biſhoprick, being void, ſhall happen to be, during the time of the vacation thereof, and their executors, adminiſtrators, and poſſeſſions ſhall be charged and chargeable to do, and cauſe to be done, all and every thing and things, for the due execution of this Act, within the Dioceſs of ſuch Archbiſhoprick or Biſhoprick being void, as the ſame Archbiſhop or Biſhop of the See, being void, ſhould have done, according as it is limited and appointed by this Act, or by any thing therein contained.

Who ſhall be Collectors in time of vacation of a Biſhoprick.

And it is ordained and enacted by authority aforeſaid, That if any ſum of money being once due by any Incumbent of any the Dignities, Benefices, or Promotions Spiritual afore ſpecified, charged to the payment of the ſaid yearly penſion and annual rent, be reaſonably demanded and required any time after the ſaid Feaſt of the Nativity of our Lord, at their Dignities, [a] Monaſteries, Priories, Hoſpitalls, Colledges, Churches, Chanteries, or Houſes, by the [b] Archbiſhop or Biſhop, or ſuch as ſhall be charged with the collection of any part of the ſaid penſion, or by any other their miniſters, ſervants, or officers, to pay ſuch portion of the ſaid penſion and yearly rent, as they ſhall be taxed and aſſeſſed, be not truly contented and paid unto ſuch Archbiſhop or Biſhop, or their miniſters and officers, and to ſuch other perſon or perſons, or their miniſters or ſervants, as ſhall have the charge of collection thereof, every year yearly at the time of ſuch requeſt and demand thereof, or elſe within forty days next after every ſuch requeſt at the furtheſt, that then every Incumbent making ſuch default of payment, after ſuch default thereof certified into the Kings Exchequer in writing under the Seals of any Archbiſhop or Biſhop, or of ſuch as be limited and charged to the collection of the ſaid penſion by this Act, ſhall be adjudged, deprived *ipſo facto*, of all ſuch Dignities, Benefices, Penſions, and Promotions Spiritual, as any ſuch Incumbent making ſuch default, ſhall have at the time of ſuch Certificate to be made, or at any time after. And that all ſuch Dignities, Benefices, Penſion, and Promotion Spiritual, which any ſuch Incumbent making ſuch default of paiment, ſhall have at the time of ſuch Certificate to be made, or at any time after, ſhall be clearly void and deſtitute of Incumbent in the Law, to all intents and purpoſes, as if ſuch Incumbent making ſuch default of paiment were dead indeed.

f.137.

The penalty for default of payment of Tenths.
St. 2 Ed. 6. 20.
1 El. 4.
b Raſt. pl. f. 505.

The Biſhop making a certificate of any Incumbent omitting to pay his Tenths, ſhall be diſcharged thereof.
Stat. 7 Ed. 6. 4.
Stat. 32 H. 8. 22.

And it is ordained and enacted by authority aforeſaid, That if any Archbiſhop or Biſhop, or any other limited and charged by this Act, to the collection and paiment of the ſaid penſion and annual rent, do make a Certificate unto the Kings Exchequer before the ſaid firſt day of April, or at any time within four and twenty days next after the ſaid firſt day of April, that they according to this Act, have reaſonably required and demanded any Incumbent of any Dignity, Benefice, or Promotion Spiritual, chargeable by this Act to pay ſuch part and portion of the ſaid penſion and annual rent, as they ſhall happen to be aſſeſſed unto, and that ſuch Incumbent, ſo being required, hath not paid his ſaid part and portion, according to the form and effect of this Act, that then every ſuch Archbiſhop and Biſhop, and every other perſon having the charge by this Act for collection and paiment of the ſaid penſion and annual rent, upon every ſuch Certificate, ſhall be diſcharged and acquitted for ever againſt the King, his Heirs and Succeſſors, of and for all ſuch ſums of money, as any ſuch Incumbent againſt whom ſuch Certificate ſhall be made, ſhould or ought to have paid by this Act. And that then in every ſuch caſe, the Treaſurer, Chancellor, Chamberlain, and Barons of the Kings Exchequer, ſhall deviſe and direct upon every ſuch Certificate, ſuch Proceſs out of the Kings Exchequer, againſt every ſuch Incumbent, againſt whom any ſuch Certificate ſhall be made, and their Executors and Adminiſtrators, or for inſufficiency of them, againſt the ſucceſſors of every ſuch Incumbent, whereby the Kings Highneſs, his Heirs and Succeſſors, ſhall and may be truly anſwered, paid, and contented of ſuch portion and part as the Incumbent, againſt whom ſuch Certificate ſhall be made, was taxed and aſſeſſed for his Dignities, Benefices, or Promotion Spiritual, chargeable by this Act.

Proceſs ſhall be awarded againſt the refuſers to pay their Tenths.

Whoſe acquittances ſhall be a diſcharge for the payment of the Tenths.

And it is alſo ordained and enacted by authority aforeſaid, That all manner of Acquittances made by the Treaſurer of the Kings Chamber, or by any other ſuch Commiſſioners as ſhall be appointed, as is aforeſaid, to receive the ſaid penſion, or any part thereof, and ſubſcribed with the name of the ſaid Treaſurer, or any other ſuch Commiſſioner for the paiment of the ſaid penſion or annual rent, or any part thereof, to any ſuch perſon or perſons as be limited and charged with the collection thereof, ſhall be of as good ſtrength, force, vertue, and effect to the parties having the ſame, as if they were made in the Kings Name under his Great Seal, and ſo ſhall be allowed, admitted, and accepted in all Courts of this Realm: And that the Treaſurer, Chancellor, Chamberlain, and Barons of the Kings Exchequer, ſhall by vertue and authority of this Act, as well admit and allow ſuch Acquittances, as all ſuch Certificates as ſhall be made againſt any ſuch Incumbent for default of paiment as is above ſaid, upon the account of every Archbiſhop and Biſhop, and of every other perſon limited and charged by this Act, for the collection and paiment of the ſaid penſion and annual rent, without any Writ, Bill, or Warrant to be ſued in or for that behalf.

Nothing ſhall be taken in the Exchequer of a Biſhop or his Collector for his Account, or Quietus eſt.

And that no manner of Officer of the Kings Exchequer ſhall take of any Archbiſhop or Biſhop, or of any other perſons having charge with the collection and paiment of the ſaid penſion or annual rent, any manner reward, or thing for making their account or Quietus eſt, in the ſame Exchequer, or for any manner of thing appertaining to the ſame, concerning the ſaid penſion and annual rent, upon pain of every Officer doing contrary to this Act, to loſe and forfeit his Office, and make fine to the King at his will and pleaſure.

They which pay penſions to others out of their ſpiritual living, may retain the tenth part thereof.

And foraſmuch as every Incumbent of the Dignities, Benefices, and Promotions Spiritual afore mentioned, ſhall be charged by this Act to the paiment of the tenth part of the value of their Dignities, Benefices, and Promotions Spiritual, without any deduction or allowance of ſuch penſion or penſions, wherewith ſome of them been charged to pay their predeceſſors, during their lives, or to other perſons to the uſe of ſuch their predeceſſors during their lives, It is therefore ordained and enacted by authority aforeſaid, that it ſhall be lawful to every Incumbent charged with any ſuch penſion, payable to any his predeceſſors, or to any to his uſe, to retain and keep in his hand the tenth part of every ſuch penſion: And that every ſuch Incumbent and his ſureties, ſhall from henceforth be acquitted and diſcharged of the ſaid tenth part of every ſuch penſion, by vertue and authority of this preſent Act, any Decree, Ordinance, or Aſſignment of any ſuch Ordinary, or any collateral writing, or ſurety made for ſuch penſion to any Spiritual perſon or perſons, or to any to their uſes for term of their lives, in any wiſe notwithſtanding. And that as well every Incumbent, as ſuch perſons as ſtand bound for him, for paiment of any ſuch penſions, ſhall plead this Act in every of the Kings Courts, for the clear extinguiſhment and diſcharge of the tenth part of every ſuch penſion.

No penſion ſhall be reſerved upon the reſignation of a Benefice above the value of the third part.
Stat. 13 El. 20.

And be it alſo ordained and enacted by authority aforeſaid, That no penſion ſhall hereafter be aſſigned by the Ordinary, or by any other manner of agreement by collateral ſurety, or otherwiſe, upon any reſignation of any Dignity, Benefice, or Promotion Spiritual, above the value of the third part of the Dignity, Benefice, or Promotion Spiritual reſigned: And if any penſion, amounting above the value of the third part of the Dignity, Benefice, or Promotion Spiritual heretofore reſigned, be already limited and made ſure, to any Spiritual perſon or perſons, by decree of the Ordinary, or otherwiſe by any collateral ſurety, or hereafter ſhall happen to be aſſigned, and made ſure to any perſon or perſons Spiritual, or to any other to their uſe, by decree of the Ordinary, or by any other collateral ſurety, upon any reſignation thereof; yet nevertheleſs the Incumbent charged with ſuch penſion, nor his ſureties collateral, ſhall not be compelled to pay any more penſion, then the value of the third part of his Dignity, Benefice, or Promotion Spiritual, ſo reſigned, ſhall mount unto: but ſhall by authority of this Act, be clearly acquitted and diſcharged of ſo much of the ſaid penſion, as ſhall amount above the value of the third part of the Dignity or Benefice reſigned: any decree or aſſignment of the Ordinary, or any collateral writings, or ſureties heretofore made, or hereafter to be had or made for the ſame, to the contrary thereof notwithſtanding.

And foraſmuch as divers Abbots and Priors been charged to pay great penſions to ſundry their predeceſſors yet living, to the great decay of their hoſpitalities and houſe-keeping: Be it enacted by authority aforeſaid, That every ſuch Predeceſſors of ſuch Abbots or Priors, having any penſion made ſure unto them, or to any to their uſe during their lives, amounting above the yearly value of fourty pound, ſhall from henceforth be defaulked and abated of the moity and half deal of every ſuch penſion. And that every Abbot, and all other perſons charged for the paiment of ſuch penſion above the ſaid yearly value of fourty pound, ſhall be clearly acquitted and diſcharged by authority of this Act, of the moiety and half deal thereof for ever. Any decree or aſſignment thereof by the Ordinary, or any writing, or ſurety collateral, had or made for the ſurety thereof notwithſtanding.

Abbots or Priors paying penſions to their predeceſſors.

And foraſmuch as the Lord Prior of Saint Johns of Hieruſalem in England, and his Brethren, be not ſpecially named and expreſſed in this Act, whereby ambiguity might ariſe, whether they ſhould be compriſed within the limits of this Act: it is therefore for plain declaration thereof enacted by authority aforeſaid, That every perſon and perſons which after the ſaid firſt day of January ſhall happen to be nominated, elected, collated, or by any other means appointed to the dignity of the ſaid Prior of St. Johns of Hieruſalem in England, or to any commandry appertaining unto the ſame, ſhall before their actual and real entry into the ſame dignity or commandry, or medling with the profits thereof, ſatisfie and pay to the uſe of the Kings Highneſs, his Heirs and Succeſſors, the Firſt-fruits and profits thereof for one whole year, or agree or compound for the ſame, at reaſonable days, in like manner and form, and upon like pain in every behalf, as Archbiſhops and Biſhops, and other Spiritual perſons be bound to by vertue and authority of this Act. And that alſo the Prior of St. Johns now being, and his ſucceſſors, and every of his Brethren having any commandry, and their ſucceſſors, ſhall contribute and pay yearly to the Kings Highneſs, his Heirs and Succeſſors, one yearly rent and penſion amounting to the tenth part of all their poſſeſſions and profits, as well Spiritual as Temporal; and ſhall be charged, rated, taxed, and ſet to the contribution and paiment of the ſaid tenth part. And that alſo the ſaid tenth part ſhall be levied, collected, and paid in ſuch like manner and form, to all intents and purpoſes, as the tenth part of other Dignities and Benefices Spiritual ſhall be charged, taxed, ſet, levied, collected, and paid by authority of this Act.

The Prior of St. John of Hieruſalem ſhall pay Firſt-fruits and Tenths.

And foraſmuch as in ſundry and many Cathedral Churches, Colledges, and Hoſpitals of this Realm, there is, and time out of mind hath been certain Ordinances inſtituted, and made, whereby the Dean, Provoſt, Maſter, or other chief Governour of ſuch Churches, Colledges, and Hoſpitals, hath a certain part and portion of the poſſeſſions and profits belonging to ſuch Churches, Colledges, and Hoſpitals, all onely limited and belonging to their Offices and Dignities: And every Prebendary, Brother, Vicar, Fellow, petty Canon, and other Miniſters Spiritual in ſuch Churches, Colledges, and Hoſpitals, hath another portion, all onely and diſtinctly limited, appertaining and belonging to their Dignities and Offices in ſuch Churches, Hoſpitals, and Colledges: It is therefore provided and ordained by authority aforeſaid, that ſuch perſon and perſons which at any time after the ſaid firſt day of January, ſhall be nominated, elected, preſented, prefected, collated, or by other means appointed to be Dean, Provoſt, Maſter, or other chief Governour of ſuch Cathedral Churches, Colledges, or Hoſpitals, ſhall be rated, compound, and pay for their Firſt-fruits but onely after the rate of the yearly value of the poſſeſſion and profits, limited and belonging to their Office and Dignity.

They which in one Corporation have ſeveral poſſeſſions belonging to their dignities, ſhall pay for their own poſſeſſions and not for others.

And that every other perſon and perſons, that after the ſaid firſt day of January ſhall be nominated, elected, preſented, prefected, collated, or by any other means appointed to have any Prebend, Brotherſhip, Fellowſhip, or to be any Vicar, or petty Canon, or to have any other Dignity, or Office Spiritual, in any ſuch Cathedral Churches, Colledges, or Hoſpitals, ſhall be rated, compound, and pay for their Firſt-fruits after the rate of the yearly value of the poſſeſſions and profits, limited and belonging to their Dignities and Offices, in ſuch Churches, Colledges, and Hoſpitals, and none otherwiſe. Any thing in this Act to the contrary hereof in any wiſe notwithſtanding.

Provided always, That ſuch perſon or perſons, that after the ſaid firſt day of January ſhall be preſented and collated to any Parſonage or Vicarage, whereof the yearly value ſhall not exceed viij. marks, ſhall not be compelled to pay any Firſt-fruits for any ſuch Parſonage, or Vicarage, whereunto they ſhall be preſented or collated, not being above the ſaid yearly value of viij. marks: Except that the Incumbent preſented or collated to ſuch Parſonage or Vicarage, whereof the yearly value ſhall not exceed viij. marks, do live iij. years, next and immediately following after his inſtitution, induction, or collation to ſuch Parſonage or Vicarage; and if ſuch Incumbent do live after the ſaid three years, then he or his executors or adminiſtrators ſhall pay at days to be limited after the ſaid three years upon ſureties (as is aforeſaid) the Firſt-fruits of every ſuch Parſonage and Vicarage. And that in every Obligation to be made by any Incumbent of ſuch Parſonage or Vicarage, and his ſureties, for payment of the Firſt-fruits of ſuch Parſonage or Vicarage, there ſhall be contained a Proviſo, that if the ſaid Incumbent die within three years next after the date of the inſtitution, induction, or collation of the ſaid Parſonage or Vicarage, that then the Obligation ſhall be void and of none effect, any thing in this Act to the contrary hereof notwithſtanding.

No Firſt-fruits ſhall be paid for a Benefice being not above the yearly value of eight marks, except, &c. Stat. 1 El. 4.

A Proviſo in the Obligation if the Incumbent die within three years.

And over this, where the Clergy of the Province of Canterbury in their Convocation have granted unto the Kings Highneſs one hundred thouſand pounds, and the Clergy of the Province of York xviij. thouſand eight hundred fourty pound, x. v. to be paid by even portions in v. years, and that which could not be levied thereof in the ſame v. years, to be paid in the ſixth year, as by the tenour of their ſeveral grants thereof made in their ſeveral Convocations more plainly appeareth: It may pleaſe the Kings Majeſty of his excellent goodneſs, in conſideration that the ſaid yearly penſion and annual rent ſhall be yearly

How much the Clergy of the two Provinces of Canterbury and York ſhall be yearly diſcharged of, and wherefore.

from henceforth duely paid and ſatisfied to his Highneſs, and to his Heirs and Succeſſors according to the tenour, form, purport, and effect of this preſent Act: that it may be enacted by authority of this preſent Parliament, that the Clergy of the ſaid Province of Canterbury, and every of them, ſhall be diſcharged and acquitted againſt our ſaid Sovereign Lord, his Heirs and Succeſſors, of, and for the twenty thouſand pound, parcel of the ſaid C. M. li. which ſhould be paid in the v. year of paiment, limited by their grant: And that the Clergy of the ſaid Province of York ſhall likewiſe be diſcharged and acquitted of and for all ſuch ſums of money, parcel of the ſaid xviij. M. DCCC. xl. li. x. d. which ſhould be paid in the v. year of paiment limited by their grant: any thing in their ſaid ſeveral grants thereof made in any wiſe notwithſtanding.

Provided always, That all the reſidue of ſums of money, which be yet to be paid, and not releaſed nor diſcharged by this Act, ſhall be truly paid and ſatisfied to our ſaid Sovereign Lord, his Heirs or Succeſſors, according to the tenour, form, and effect of their ſaid ſeveral grants.

Fees which any Prelate is bound to pay for Temporal Juſtice.

Provided alſo, That all ſuch fees, which any Archbiſhop, Biſhop, Abbot, Prior, or other Prelate of the Church is bounden yearly to pay to any Chancellor, Maſter of the Rolls, Juſtices, Sheriffs, or other Officers or Miniſters of Record, for Temporal Juſtice to be done or miniſtred within their Dioceſs or Juriſdictions, ſhall be allowed and deducted by the Commiſſioners aforeſaid, in and upon the valuation of the Dignities, Monaſteries, Priories, or Churches chargeable with ſuch fees: Any thing in this Act to the contrary hereof notwithſtanding. Stat. 26 H. 8. 17. 27 H. 8. 8. 28 H. 8. 11. 2 & 3 P. & M. 4. 1 El. 4.

CAP. IV.

How perjury in Jurors in Wales ſhall be puniſhed.

Where for lack of diligent and ſure cuſtody of Jurors ſworn for trials of murders, felons, and acceſſaries of felonies and murders in Wales, and the marches of the ſame, divers adherents, friends, and kinsfolks to ſuch offendors have reſorted to the ſame Jurors, and have ſuborned them to acquit divers murderers, felons, and acceſſaries, openly and notoriouſly known, contrary to equity and juſtice: It is therefore enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That forthwith upon the charge given to any inqueſt hereafter to be taken and ſworn before any Juſticer, Steward, Lieutenant, or other Officer within Wales, or the Marches of the ſame, of, for, and upon any travers againſt the King, or the trial of any Recogniſance broken, or any other forfeiture forfeited to the King, of, for, and upon trial of any murderer, felon, or acceſſary of felony or murder, one Officer or other perſon ſhall be deputed and ſworn in the preſence of the ſaid Juſticer, or other Officer, for the true and diligent keeping of the ſame Jurors: And that the ſame Officer, or other perſon ſo ſworn, without the ſpecial commandment of the ſaid Juſticer, or other Officer, ſhall not do or ſuffer to be miniſtred to the ſame Jurors, any bread, drink, meat, fire, or light, nor ſhall ſuffer the ſame Jurors to ſpeak to any perſon or perſons: nor the ſame Officer, or other perſon ſworn, without the commandment aforeſaid, ſhall not ſpeak to the ſaid Jurors, but onely to demand of them of their agreement, unto ſuch time as the ſame Jurors ſhall have given their verdict, any uſage or cuſtom heretofore uſed to the contrary notwithſtanding: And if the ſame Officer, or other perſon ſo ſworn in form aforeſaid, do not execute and accompliſh the premiſſes in the oath before rehearſed, in every point and article, then the ſame Officer, or other perſon ſo ſworn, ſhall be puniſhed and impriſoned, and make fine and ranſome to the Kings Highneſs, by the diſcretion of the ſaid Juſticer, Steward, Lieutenant, or other Officer.

How an Officer ſworn for the keeping of Jurors in Wales ſhall demean himſelf.

The penalty of Jurors in Wales which do commit perjury, or otherwiſe miſdemean themſelves.

And alſo be it enacted by the authority aforeſaid, That if the ſame Jurors do acquit any ſuch felon, murderer, or acceſſary, upon whoſe trial they ſhall be charged, or give any untrue verdict againſt the King, upon the trial of any travers, recognizance, or other forfeiture, contrary to good and pregnant evidence miniſtred to them by perſons ſworn before the ſaid Juſticer, Steward, Lieutenant, or other Officer, or that the ſaid Jurors or any of them do eat, drink, or ſpeak to, or with any other perſon or perſons, then to ſuch as be ſworn with them, or otherwiſe miſdemean themſelves after they be ſworn, and before they have given their verdict, that then the Lord Preſident, and other of the Councel of the Marches for the time being, upon notice or complaint thereof to them made, ſhall not onely have power and authority by this preſent Act to call ſuch Jurors before them: but alſo the ſame Juſticer, Steward, or other Officer, afore whom any ſuch acquittal, untrue verdict, or miſdemeanor ſhall happen to be made, ſhall have full power and authority to compel ſuch Jurors and every of them, upon pain of impriſonment, to be bounden by recognizance in a certain ſum of money, by their diſcretion to be limited, that the ſame Jurors and every of them ſhall perſonally appear at a certain day, by the ſame Juſticer, Steward, or other Officer to be limited, before the Lord Preſident, and other of the Council aforeſaid for the time being: then and there to abide, and ſtand to ſuch direction and order as the ſame Council ſhall make, ordain, and decree, of, in, and upon the ſame. And that the ſame Council ſhall thereupon have authority and power, by examination or otherwiſe, to hear and determine all and every ſuch cauſe, and ſhall have like authority to commit every of the ſame Jurors to priſon, or other puniſhment, as ſhall be thought moſt meet by the diſcretion of the ſaid Council, or otherwiſe aſſeſs or tax every ſuch Juror to his fine or ranſome by the ſame diſcretion, to be paid and levied of their lands, goods, and cattels, to the uſe of the Kings Highneſs.

CAP. V.

No paſſage upon Severn at unlawful times.

Foraſmuch as daily divers felonies, robberies, and murders, been many times committed and done in the Counties of Glouceſter and Somerſet, in the parts next adjoyning unto the water, called the water of Severn, between England and South-Wales, and after ſuch murders and felonies done, the ſaid robbers, felons, and murderers,, with the ſaid goods ſo robbed and ſtolen, make their conveyance with the ſaid goods ſo ſtolen by night at divers paſſages, or Ferries, over the ſaid River, or water, as the paſſages of Auſte, Fremeland, Pyrton, Arlingham, Nowenham, Portſedes, Poynte, and all ſuch other like paſſages over the ſaid River into South-Wales, or into the Forreſt called the Forreſt of Dean, alſo adjoyning to the ſame water; And when they be over the ſaid water, then the goods ſo ſtolen, by divers priviledges there kept, albeit the owner and owners have true and perfect knowledge thereof, yet they ſo robbed and ſpoiled be without remedy for to obtain their ſaid goods ſo ſtolen; ſo that the ſecret and ſudden conveyance by night of the ſaid goods over the ſaid Ferries and paſſages, doth not onely greatly encourage divers perſons to come out of the parts of South-Wales to ſteal, rob, and murder divers perſons in their houſes in the ſaid Counties joyning upon the ſaid borders of Wales, but alſo cauſeth many robberies and felonies in ſundry ways to be committed and done upon the ſaid border near adjoyning to the ſame River, to the great damage and hurt of the Kings ſubjects inhabiting there, unleſs ſome remedy therefore be provided. It may therefore pleaſe the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, by the authority of the ſame, to enact, That every perſon or perſons, taking upon him or them to have and keep any of the ſaid paſſages, or any other paſſages upon Severn aforeſaid, from henceforth do not convey, neither carry with any manner barge, boat, or other veſſel, any perſon or perſons with horſes, mares, oxen, kine, or any other cattel, nor no other perſon or perſons before the time of the Sun riſing in the morning, and after the time of the Sun being gone down at night, upon pain of impriſonment and fine to be ſet on him that ſhall ſo convey or carry over any of the ſaid paſſages of the ſaid River of Severn out of England into Wales, or the Forreſt of Dean, or out of Wales, or the ſaid Forreſt of Dean into England, unleſs the ſaid paſſengers and every of them have good knowledge of ſuch perſon and perſons, and of their dwelling places, and upon requeſt to them made by any perſon or perſons to diſcloſe the name, and the dwelling place of every ſuch perſon or perſons ſo by them conveyed over the ſaid water, to any ſuch perſon or perſons requiring the ſame, if ſuit be made for, and after them upon any outcry, huy, or freſh ſuit, of or for any felony, robbery, murder, and man-ſlaughter, committed and done from henceforth.

The penalty for tranſporting offendors into or forth of Wales, at unlawful times.

And that the Kings Juſtices of the Peace within every the ſaid Counties of Glouceſter and Somerſet, at their quarter Seſſions, ſhall have full power and authority to call before them all ſuch perſons, which hereafter ſhall keep any of the ſaid paſſages, or any othhr Ferry or paſſage over the ſaid water into Wales, or the ſaid Forreſt, or out of Wales or the ſaid Forreſt into England, and to bind them with ſufficient ſureties with them in recognizance, in ſuch ſums of money as it ſhall ſeem to the diſcretion of the ſaid Juſtices of Peace, that they and every of them being paſſengers and keepers of Ferries & paſſages, as is aforeſaid, from henceforth ſhall not after the ſaid times before limited and appointed, convey and carry, or cauſe to be conveyed or carried any manner of perſon or perſons, or any kind of cattel, but ſuch perſons as they do know and will anſwer for, and know where their abidings, dwellings, and habitations be, and upon requeſt made to them or any of them, as is abovesaid, ſhall from time to time diſcloſe, as well the ſame perſon or perſons, as the goods and cattels ſo paſſing the ſaid paſſages upon freſh ſuit made, or hereafter to be made upon any felony, murder, or robbery committed and done in the borders of the Counties aforeſaid, or in any other place within this Realm or South-Wales.

Keepers of Ferries ſhall be bound to tranſport no offendors at unlawful times.

CAP. VI.

Murders and felonies committed in Wales ſhall be enquired of in the Shires next adjoyning, &c.

t.331. Foraſmuch as the people of Wales, and the marches of the ſame, not dreading the good and wholeſome Laws and Statutes of this Realm, have of long time continued, and perſevered in perpetration, and commiſſion of divers and manifold thefts, murders, rebellions, wilful burning of houſes, and other ſcelerous deeds and abominable malefacts, to the high diſpleaſure of God, inquietation of the Kings well diſpoſed ſubjects, and diſturbance of the publick weal; which malefacts and ſcelerous deeds be ſo rooted and fixed in the ſame people, that they be not like to ceaſe, unleſs ſome ſharp correction and puniſhment for redreſs, and amputation of the premiſſes be provided, according to the demerits of the offendors. Be it therefore enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this Parliament aſſembled, and by authority of the ſame, That all and ſingular perſon and perſons, dwelling or reſiant within Wales, or in the Lordſhips marchers of the ſame, from time to time, and at all times hereafter, upon ſuch monition or warning given for the Court to be kept in Wales, or in any of the Lordſhips marchers aforeſaid, as before this time hath been uſed, ſhall perſonally repair, reſort, and appear before the Juſtice, Steward, Lieutenant, or other Officer, at all and every Seſſions, Court and Courts to be holden before the ſame Juſtice, Steward, or other Officer in any whatſoever Caſtle, Fortreſs, or other place within Wales, or within the precincts, limits, and juriſdictions of every of the Lordſhips marchers, or Seigniorities aforeſaid, or to the marches of the ſame, as by the ſaid Juſtice, Steward, or other Officer ſhall be appointed: And then and there ſhall give his or their perſonal attendance, to do, execute,

The long perſeverance in wickedneſs of ſome lewd people in Wales, and the marches thereof.

All perſons ſhall upon ſummons given appear before the Juſtices, and in Courts in Wales.

and accompliſh all and every thing and things, which to him and them ſhall affere and appertain, upon pain of ſuch fines, forfeitures, and amerciaments, as ſhall be affered, aſſeſſed, and taxed by the Juſtice, Steward, or other Officer to the Kings uſe, if it be within any of the Kings Lordſhips marchers. And if it be within any other Lordſhips marchers, then to the uſe of the Lord of the ſaid Lordſhip marcher, for the time being: The ſaid forfeitures and amerciaments to be levied, perceived, and taken by way of diſtreſs of the goods and cattels of every perſon not appearing at the ſaid Court or Courts, or not doing, executing, or accompliſhing his duty as is aboveſaid.

Wrongs done by Officers in Lordſhips marchers.

Untrue ſurmiſes fained againſt them which appear to impriſon them.

And foraſmuch as the Officers in the Lordſhips marchers in Wales, have often and ſundry times heretofore, unlawfully exacted of the Kings ſubjects within ſuch Lordſhips, where they have had rule or authority, by many and ſundry ways and means, and alſo committed them to ſtraight dureſs and impriſonment for ſmall and light fained cauſes, and extortiouſly compelled them thereby to pay unto them fines for their redemptions, contrary to the Law. Therefore be it further enacted, That if any Steward, Lieutenant, or any other Officer of any Lordſhip marcher, do fain, procure, or imagine any untrue ſurmiſe againſt any perſon or perſons, that ſhall give their perſonal attendance before them at ſuch Court or Courts, and upon the ſame untrue ſurmiſe commit them to any dureſs or impriſonment, contrary to the Law, or contrary to the true and laudable cuſtom of that Lordſhip: that then upon ſuit made unto the Kings Commiſſioners, or Council of the marches, for the time being, by any ſuch perſon or perſons ſo impriſoned, or by any of their friends, that then the ſame Commiſſioners or Council ſhall have full power and authority to ſend for ſuch Steward, Lieutenant, or Officer, and alſo for the perſon or perſons ſo impriſoned: And if the ſame perſon or perſons ſo impriſoned, can evidently prove before the ſaid Council, by good and ſubſtantial witneſs, or otherwiſe, that his impriſonment was upon any feigned ſurmiſe, without cauſe reaſonable or lawful, that then the ſame Commiſſioners ſhall have full power and authority to aſſeſs the ſaid Officer to pay to the ſaid perſon or perſons wrongfully impriſoned, vj. s. viij. d. for every day of their impriſonment, or more, by the diſcretions of the ſaid Commiſſioners, according to the hurts and behaviour of the perſon or perſons impriſoned.

The parties remedy againſt the Officer which doth impriſon him upon fained ſurmiſes.

And that the ſame Commiſſioners ſhall ſet further fine upon the ſaid Officer to be paid to the Kings uſe, as by their diſcretions ſhall be thought convenient. And in caſe the ſame Officers do refuſe to appear before the ſame Commiſſioners incontinent after any commandment to them directed and delivered, after any ſuch complaint made to the ſame Commiſſioners, ÿ then the ſame Commiſſioners ſhall have full power and authority upon every default made by any Officer or Officers, to aſſeſs and ſet upon every ſuch Officer or Officers making default, ſuch fine or fines, to be levied to ÿ Kings uſe, as by their diſcretions ſhall be thought convenient. And that the ſame Commiſſioners ſhall have full power and authority, to compel the ſaid Officer or Officers by way of impriſonment, as well to pay ſuch fine as ſhall be ſet, and taxed upon them, to the Kings uſe, as to pay unto every perſon or perſons ſo impriſoned ſuch ſums of money, as they ſhall be ceſſed to pay for their wrong impriſonment.

No weapon ſhall be brought to Courts, Fairs, or Churches in Wales. St. 4 H. 4. 27. & 29.

And alſo be it enacted by authority aforeſaid, That no perſon or perſons dwelling or reſiant within Wales, or the Lordſhips marchers of the ſame, of what eſtate, degree, or condition ſoever he or they be of, coming, reſorting, or repairing unto any Seſſions or Court, to be holden within Wales, or any Lordſhips marchers of the ſame, ſhall bring or bear, or cauſe to be brought or born to the ſame Seſſions or Court, or to any place within the diſtance of two miles from the ſame Seſſions or Court, nor to any Town, Church, Fair, Market, or other Congregation, except it be upon a hue, or outcry, made of any felony or robbery done or perpetrated, nor in the high ways in affray of the Kings peace, or the Kings liege people, any bill, long bow, croſs-bow, hand-gun, ſword, ſtaff, dagger, halberd, moreſpike, ſpear, or any other manner of weapon, privy coat, or armour defenſive, upon pain of forfeiture of the ſame weapon, privy coat, or armour, and to ſuffer impriſonment, and make fine and ranſome to the Kings Highneſs by the diſcretion of the Kings Commiſſioners of his marches for the time being, except it be by the commandment, licences, or aſſent of the ſaid Juſtices, Steward, or other Officer, or of the Commiſſioners or Council of the marches for the time being.

No man ſhall levy any exactions, or Commorths, or Collection, or games in Wales.

No Arthel ſhall be caſt into any Court.

And that no perſon nor perſons from henceforth, without licenſe of the ſaid Commiſſioners in writing, ſhall within Wales or the marches of the ſame, or in any Shires adjoyning to the ſame, require, procure, gather, or levy any Commorth, Bydalle, tenants ale, or other collections or exactions of goods, cattels, money, or any other thing, under colour of marriage, or ſuffering of their children ſaying or ſinging the firſt Maſſes, or Goſpels, or any Prieſts or Clerks, or for redemption of any murder, or any other felony, or for any other manner of cauſe, by what name or names ſoever they ſhall be called: nor ſhall make, or procure to be made, any games of running, wraſtling, leaping, or any other games (the game of ſhooting onely excepted and forepriſed) upon pain of one whole years impriſonment of every perſon or perſons, as ſhall gather, or procure to be gathered, any ſuch collection or exaction, or ſhall make or procure to be made any games, as is aforeſaid. And further they and every of them ſhall make ſuch fine, as by the diſcretion of the Kings Commiſſioners of his marches ſhall be thought convenient. And further the ſaid Commiſſioners, by this preſent Act, ſhall have power and authority to hear and determine the ſaid offences by their examination. And that no perſon or perſons ſhall hereafter at any time caſt any thing into any Court within VVales, or in the Lordſhips marchers of the ſame, by the mean or name of an Arthel, by reaſon whereof the Court may be letted, diſturbed, or diſcontinued for that time, upon pain of one whole years impriſonment of any ſuch perſon or perſons, as ſhall caſt, or cauſe to be caſt any ſuch Arthel into any Court or Courts hereafter to be holden within VVales, or the Lordſhips marchers of the ſame. Any cuſtom before this time uſed to the contrary notwithſtanding.

And that all Seſſions and Courts hereafter to be holden within Wales, or the Lordſhips marchers of the ſame, ſhall be kept within the moſt ſureſt & peacable place within the ſame Lordſhip marcher, where the ſaid Juſtice, Steward, or other Officer ſhall appoint. And for the puniſhment and ſpeedy trials, as well of the counterfeiters of any coin currant within this Realm waſhing, clipping, or miniſhing of the ſame, as of all and ſingular felonies, murthers, wilful burning of houſes, manſlaughters, robberies, burglaries, rapes, & acceſſaries of the ſame, & other offences, feloniouſly done, perpetrated, and committed, or hereafter to be done, perpetrated, and committed within any Lordſhip marcher of Wales: Be it enacted by the authority aforeſaid, That the Juſtices of the Gaol-delivery, and of the Peace, and every of them for the time being in the Shire or Shires of England, where the Kings writ runneth next adjoyning to the ſame Lordſhip marcher, or other places in Wales, where ſuch counterfeiting, waſhing, clipping, or miniſhing of any coin currant within this Realm, or murther hath been, or hereafter ſhall be committed or done, where any other felonies or acceſſaries ſhall be hereafter committed, perpetrated, or done, ſhall have from henceforth full power & authority, at their Seſſions & Gaol-delivery, to enquire by verdict of twelve men of the ſame Shire or Shires next adjoyning within England, where the Kings writ runneth, there to cauſe all ſuch counterfeiters, waſhers, clippers of money, felons, murderers, & acceſſaries to the ſame, to be indicted according to the Laws of this Land, in like manner and form, as if the ſame petty treaſons, murders, felonies, and acceſſaries to the ſame, had been done, committed, or perpetrated within any of the ſaid Shires, within the ſaid Realm: and alſo to hear, determine, and judge the ſame according to the Laws of the Realm.

All Courts ſhall be kept within moſt ſure places.

Endictment in the next County for a felony committed within any Lordſhip marcher.
St. 34 H. 8. 26.
St. 27 H. 8. 26.

And that all foreign pleas, pleaded by any of the ſaid malefactors, and offendors, ſhall be tried and determined in the ſaid Shire or Shires: and that the acquittal or fine making for any of the cauſes aforeſaid, in any of the Lordſhips marchers, ſhall be no barre for any perſon or perſons, being indicted in the ſaid Shire or Shires, within two years next after any ſuch murder or felony done.

Acquittal in Lordſhips marchers no barre.

And further it is enacted, That the ſaid Juſtices of Peace, and Gaol-delivery, and every of them, ſhall have full power and authority to award all manner of proceſs, as well of outlawry, as otherwiſe, againſt all and every ſuch offendor and offendors, ſo indicted in manner and form, and according to the cuſtoms and laws uſed and accuſtomed within this Realm of England. And that the ſaid Juſtices, or two of them, afore whom any ſuch offendor ſhall happen to be outlawed, or attainted by outlagary, ſhall immediately upon the ſame outlagary, or attainder, direct and ſend unto the Kings Officers of his Lordſhips marchers, or to their deputies, or unto the Lord or Lords marchers of the ſame Lordſhip marcher, or his or their Officer or Officers, or to their deputies, wherein ſuch offence, murder, or felony ſhall happen to be done, or where any ſuch offendor, murderer, or felon ſhall happen to be reſiant, a certificate under the ſeals of them, or two of them, of any ſuch outlagary, or attainder, commanding them and every of them by the ſame, under pain of forfeiture of a hundred pound to the King, to be levied and perceived as well of the goods, cattels, lands and tenements of the ſame Lord or Lords marchers, as of the goods and cattels, lands and tenements of the Kings Officer there to apprehend and attach, or cauſe to be apprehended and attached, the body or bodies of the ſame offendor or offendors, ſo outlawed or attainted, and ſafely to keep, or cauſe to be kept the ſame offendor or offendors, till ſuch convenient time before the next Seſſions of the Kings Juſtices of the Gaol-delivery, of the Shire where ſuch offendor or offendors ſhall happen to be outlawed or attainted, as to the Kings Officers of his Lordſhips marchers, or to their deputies, or unto the Lord marcher, or Lords marchers of the ſame Lordſhip marcher, or his or their Officer or Officers, or their deputies, where ſuch offendor or offendors ſhall be apprehended, attached, detained, and kept, ſhall be thought expedient for the conveyance and conducting of the ſame offendor or offendors, in manner and form following to be delivered from the Kings Officers or their deputies, or the Lord marcher or the Lords marchers, or his or their Officer or Officers, to other perſons aſſigned by this Act, to receive and convey ſuch offendor or offendors, by indenture to be made between the deliverer or deliverers, and the receiver or the receivers: That is to ſay, that the Kings Officers of his Lordſhip marcher or their deputies, or the Lord or Lords marchers of the Lordſhip marcher, or his or their Officer or Officers, or their deputies, where ſuch offendor or offendors ſhall be apprehended, attached, detained, & kept, ſhall ſafely and ſurely conduct & convey, or cauſe to be conducted & conveyed, the ſame offendor or offendors, to the next Lordſhip marcher toward the Shire, where the ſame offendor or offendors ſhall happen to be outlawed or attainted. And that the Kings Officers of the ſame Lordſhip marcher, or their deputies, or the Lord or Lords marchers of the ſame Lordſhip marcher, or his or their Officer or Officers, ſhall receive, and ſafely and ſurely conduct, and convey the ſame offendor or offendors to the next Lordſhip marcher. And ſo the Kings Officers of every Lordſhip marcher or their deputies, or the Lord or Lords marchers of the ſame Lordſhip, or his or their Officer or Officers, or their deputies, to receive, conduct, and convey ſafely and ſurely every ſuch offendor or offendors, from one Lordſhip marcher to another Lordſhip marcher, by indenture, as is aforeſaid, unto the time that ſuch offendor or offendors ſhall be ſafely delivered before the ſaid Juſtices of the Gaol-delivery, upon pain of forfeiture by every of the Kings Officer, or Lord marcher by whoſe default the ſame offendor or offendors ſhall, ne may not appear before the ſame Juſtices at their ſaid Seſſions, there to ſtand and abide the order of the Kings Laws, C. li. to be levied and perceived of the goods and cattels, lands and tenements of the ſame Officer or Lord to the Kings uſe.

Juſtices may award proceſs unto Lordſhips marchers.

A Certificate of an Outlawry to a Lord marcher, &c.

By what means an offendor ſhall be conveyed from one Lordſhip marcher to another.

And that all and every Officer or Officers, Lord and Lords, or other perſons to whom any certificate ſhall be directed, as is aboveſaid, ſhall at the next Seſſions and Gaol-delivery to be holden after the apprehenſion, or attachment of ſuch offendor or offendors, return the ſame certificate in due form, and what he or they have done in that behalf, upon the pain aforeſaid.

The Officer ſhall return his precept.

All advantages ſaved to the offendors.

ſaid. Saving alway to all and every offendor and offendors, all and ſingular traverſes, challenges, exceptions, advantages, and all other plees, to, of, and upon the outlawry pronounced, or promulged againſt the ſame offendor or offendors, in manner and form as is and hath been uſed and accuſtomed by the Laws of this Realm for any the Kings ſubjects dwelling within the ſame Realm.

An offendor attainted of any felony, upon ſurety found of his good behaviour may be diſcharged. ALT. 34 H. 8. 26.

Provided always, and be it enacted by the authority aforeſaid, That if any perſon or perſons which ſhall happen hereafter to be indicted, outlawed, arraigned, convicted, or attainted by force of this Act, do find ſuch ſufficient ſureties before the Kings Juſtices of the Gaol-delivery, as by their diſcretion ſhall be thought convenient, that the ſame perſon or perſons ſhall not from thenceforth commit nor do any felony, murder, or felonious offence, nor be acceſſary to any felony, murder, or felonious offence, but at all times from henceforth ſhall be of good behaviour againſt the King our Sovereign Lord, his Heirs and Succeſſors, his and their Laws and Subjects, that then the ſame Juſtices of Gaol-delivery for the time being, with and by the aſſent, conſent, and agreement of the Lord Preſident, and two of the Kings Commiſſioners, or Council of the Marches for the time being, or three of them at the leaſt, whereof the Lord Preſident or one of the ſaid Council to be one, ſhall and may by their diſcretions for one time onely, admit any ſuch offendor to a certain fine, or ſum of money on him by them to be aſſeſſed and taxed, to be ſurely paid to the Kings uſe, and ſhall have full power and authority by this preſent Act to diſcharge any ſuch offendor or offendors, ſo arraigned, outlawed, convicted, and attainted, of all and every ſuch felony, murder, or felonious offence, and acceſſaries of the ſame, and of all executions and puniſhments of death, which the ſame offendor or offendors ſhould ſuffer by the common Laws of this Realm, ſo that the ſame offendor or offendors ſtand not appealed of the ſaid felony, murder, or felonious offence, or acceſſary of the ſame offences, at the time of his ſaid diſcharge. And that every ſuch offendor ſo diſcharged, as is aboveſaid, ſhall be for the ſame offence, or offences done within any of the Kings Lordſhips marchers, or any other Lordſhips marchers, diſcharged as well againſt the Kings Highneſs, his Heirs or Succeſſors, as againſt all other Lords marchers for one time onely.

No liberties of any Lord marcher ſhall be abridged.

Provided alway, and be it enacted by the authority aforeſaid, That this preſent Act, or any thing therein contained, ſhall not extend, ne take place to abridge, deprive, or minorate any liberties, priviledge, or authority of any Lord marcher, heretofore granted to the ſame Lord, or lawfully uſed or accuſtomed by the ſaid Lord, or any of his anceſtors, unleſs the foreſaid offendors happen to be endicted, outlawed, arraigned, convicted, or attainted by force of this Act, as is aboveſaid, within two years next after ſuch murder, or other felonious offence perpetrated, done, or committed within the ſaid Lordſhips marchers, or any of them: Any thing in this preſent Act before rehearſed to the contrary notwithſtanding.

Where felonies committed in Merioneth in Wales ſhall be inquired of, heard, and determined.

And furthermore be it enacted by the authority aforeſaid, That all murders, robberies, felonies, and acceſſaries of the ſame, which ſhall happen hereafter to be done, perpetrated, or committed within the Shire of Merioneth in Wales, ſhall and may be from henceforth enquired, heard, and determined in the Counties of Carnervan or Angleſee, before the Kings Juſtices of North-Wales, or his Deputy for the time being, by the verdict or enqueſt to be taken by the inhabitants of the ſame Shires of Carnervan and Angleſee, or otherwiſe, if by the diſcretion of the Juſtice there, or his deputy, ſhall be thought convenient. And that the ſame Juſtice, or his deputy, for the time being, ſhall have full power and authority by his diſcretion, by force of this preſent Act, to hear and determine all and every the aforeſaid murders, felonies, robberies, and acceſſaries, in form aforeſaid.

And where heretofore upon divers murders, robberies, and felonies, perpetrated and done, as well within the Lordſhips marchers of Wales, as in other places of Wales without the ſame Lordſhips, the offendors divers times flee, and eſcape from the ſame Lordſhip or other place where ſuch offence was committed, and have repaired and reſorted into another Lordſhip marcher, and there by the aid, comfort, and favour of the Lord of the ſame Lordſhip, or his Officer or Officers, have been abiding and reſiant, into the which Lordſhip the ſame Lords marchers have and do pretend a cuſtom and priviledge, that none of the Kings miniſters or ſubjects may enter, to purſue, apprehend, and attach any ſuch offendor, thereunto repaired, as is aforeſaid, by reaſon whereof the ſame offendors went unpuniſhed, to the animation and encouraging of other evil diſpoſed people. It is therefore enacted by the authority aboveſaid, That every Officer and Officers, and their deputies, upon commandment given by the Commiſſioners or Council of the Marches for the time being, ſhall bring, ſend, or deliver every ſuch offendor to the Officer of the Lordſhip marcher, or other place, where any ſuch offence is, or ſhall be committed or done, upon the metes and bounds of the ſaid Lordſhips, or to the ſaid Commiſſioners or Council, according as the ſaid Officers by them ſhall be commanded under pain of fourty pounds, the ſame commandment or Commiſſion to be directed to any ſuch Officer to be ſent, conveyed, and delivered by a Sergeant at Arms, or a Purſevant, attendant on the ſaid Council in the Marches, for the time being. 34 & 35 H. 8. 26.

Where and to whom any offendor taken in Wales ſhall be delivered. St. 27 H. 8. 26.

CAP. VII.

High ways in Suſſex ſhall be amended.

St. 14 H. 8. 6.

Where it is ordained and enacted by authority of Parliament heretofore holden at London the fifteenth day of April, in the fourteenth year of the Kings moſt noble Reign, and from thence adjourned to Weſtminſter the laſt day of July, the fifteenth year of his Reign, and there holden: in conſideration that many common ways in the Weld of Kent be ſo deep and noyous by wearing, and courſe of water, and other occaſions, that people cannot have their paſſages and carriages by horſes upon, or by the ſame, but to their great pains, perils, and jeopardy: that if any perſon or perſons from that time in any place within the ſaid weld of the ſaid County, of his good mind and diſpoſition, without any value of good by him or by them to be received for the ſame, will for the common weal of the Kings people, aſſign and lay out a more commodious way, in and over the lands thereunto adjoyning, whereof the perſon or perſons, or other to his uſe ſhall be ſeiſed of fee in eſtate of inheritance, that the ſame new way ſo to be aſſigned and laied out, by overſight and aſſent of two Juſtices of the Peace of the ſaid County, and twelve other diſcreet men within the ſame Hundred inhabiting, where any ſuch new way ſhall be limited and layed out, or inhabiting within the ſame Hundred and other Hundreds to the ſaid Hundred next adjoyning, ſhall be from thenceforth holden, occupied and uſed in like manner as the ſaid old way there now is or before hath been. And that alſo the ſame perſon or perſons ſo diſpoſed, willing and accompliſhing, ſhall and may for the ſaid new way ſo aſſigned and uſed, receive and hold in way of recompence for the ſame new way ſo to be given, the ſoil and ground of the old way in ſeveralty, to them, their heirs and aſſignes, to their own uſe and profit for ever, without any common way or paſſage there from thenceforth to be had or claimed, any preſcription or uſe to the contrary notwithſtanding, in like manner and form as is limited by the ſaid Act of a certain new way granted by the ſame Act to be made by George Gildford Squire, at Hempſtead in the ſaid Weld of Kent. And that the two ſaid Juſtices of Peace, and twelve other diſcreet men, by whoſe overſight and aſſent, the ſaid new way by vertue of the ſaid Act, ſhall be aſſigned, limited, and laid out, ſhall within three months next after the aſſignment, limitation, and laying out of the ſame, make certificate into the Kings moſt honourable Court of Chancery under their ſeals, of the length and breadth of the ſaid new way or ſtreet, and of other things adjoyning or concerning the ſame, as by their diſcretions ſhall be then thought moſt expedient or requiſite for the Commonwealth of that Country to be certified, and that certificate to be made from time to time, as oft as any ſuch new way or ſtreet ſhall be aſſigned, limited, and laid out in form above written.

Any perſon may lay out a new way in his own ground in the Weld of Kent, by the conſent of two Juſtices of Peace, &c. and keep ſeveral the old.

Certificate ſhall be made into the Chancery of the new way.

Provided alway, that if any perſon or perſons, or body politick, have or ought to have, or hereafter ſhall have any Church way, or other whatſoever way, or paſſage over or thorow any manner lands adjoyning to any of the ſaid old ways or ſtreets, which ſhall be taken and uſed by force of that act as ſeveral ſoil and freehold, in recompence for any new way to be made and laid out in form aforeſaid, or have or ought to have, or hereafter ſhall have any lands or tenements adjoyning to the old way, they and every of them, their heirs and ſucceſſors may have and uſe their ſaid way or ways, out of, and in the ſaid new way over and thorow the land of the ſaid old way or ſtreet, into or over the ſaid lands or tenements adjoyning to the ſame, and ſo to paſs and repaſs as ſhall appertain over the ſame old way, at ſuch convenient place or places thereof, as therefore ſhall be limited and aſſigned by the ſaid two Juſtices of Peace, and other twelve men, and by them to be certified in the Chancery, among other things by them to be certified in form aforeſaid, any thing in the ſaid act above written notwithſtanding, as by the ſame act manifeſtly appeareth.

They which have any way through the old way may uſe it.

And foraſmuch as in many places within the County of Suſſex, like Act for the alteration of common ways and ſtreets there being much annoyous, is much neceſſary and expedient for the common wealth and commodity of the Kings ſubjects of the ſaid County of Suſſex to be had and made. In conſideration whereof, be it ordained and enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Act above rehearſed and recited, ſhall and may from henceforth extend, take effect, and be put in execution in every place convenient, or neceſſary within the ſaid County of Suſſex, where ways and ſtreets be noyous to the Kings ſaid ſubjects of the ſame County of Suſſex, in like form and manner, and in all points and conditions, and with like promiſe to be had, done, and executed, as it is contained and expreſſed in the above recited Act concerning the change of the ways and ſtreets in the ſaid County of Kent, any preſcription, uſe, cuſtom, or other thing to the contrary being in any wiſe notwithſtanding.

The Statute of 14 H. 8. 6. touching altering ways in the Weld of Kent, ſhall be put in execution in the County of Suſſex.

CAP. VIII.

Void grounds in Norwich, by whom they muſt be re-edified.

Where by infortunate chance of fire, a great number of houſes of habitation within the City of Norwich, about ſix and twenty years paſt, were burned, and utterly conſumed, to the great heavineſs, diſcomfort, loſs, and hinderance of the inhabitants of the ſame City. By reaſon of which burning, divers and many void grounds, whereupon, before the ſame fire, good and ſubſtantial houſes of habitation were ſtanding, remaining now at this day unre-edified, and not onely unre-edified, but alſo to lie as deſolate and vacant grounds, many of them nigh adjoyning to the high ſtreets, repleniſhed with much uncleanneſs and filth, to the great annuzance of the ſaid inhabitants, and other the Kings ſubjects paſſing by the ſame: and to the intent that a reformation may be had in that behalf,

Be it enacted by the King our Sovereign Lord, and the Lords Spiritual & Temporal, and the Commons in this preſent Parliament aſſembled, & by authority of the ſame, That if the owner or owners of ſuch vacant ground or grounds, ſo lying within the precinct of the ſaid City, within two years next after proclamation made by the commandment of the Mayor of the ſaid City for the time being, within and upon ſuch vacant ground and grounds of the tenour and effect of this preſent Act, do not ſufficiently re-edifie, or elſe with walls of morter and ſtone ſufficiently incloſe the ſame vacant ground or grounds whereupon ſuch proclamation ſhall be made, that then it ſhall be lawful to the Mayor, Sheriffs, Citizens, and Comminalty of the ſame City, and their ſucceſſors for the time being, immediately after the

The owners of void ground within Norwich ſhall re-edifie them, or incloſe them with walls within two years after Proclamation.

the ſaid two years expired, to enter into every ſuch ground and grounds ſo vacant, as is aforeſaid, whereupon ſuch proclamation, as is before remembred, ſhall be ſo made, and the ſame ground and grounds to hold and retain without interruption to them and their ſucceſſors for ever, clearly diſcharged of all rents, as well againſt the Lords of fees thereof, as of all other, ſo that always the ſame Mayor, Sheriffs, Citizens, and Comminalty, or their ſucceſſors, do well and ſufficiently re-edifie, or elſe with walls of morter and ſtone, as is aforeſaid, ſufficiently do incloſe the ſame ground and grounds wherein they ſhall ſo enter, within two years next after ſuch entry by them to be made, as is aforeſaid.

The forfeiture of the Mayor, &c. if they do not re-edifie the ſame within two years.

And in caſe the ſame Mayor, Sheriffs, Citizens, and Comminalty, or their ſucceſſors, do not ſufficiently re-edifie or incloſe, or cauſe to be re-edified or incloſed the ſame ground and grounds, in form aforeſaid, within the ſame term of two years next after they ſhall ſo enter into the ſame, that then it ſhall be lawful for the ſaid owner and owners of all ſuch ground and grounds, their heirs or ſucceſſors immediately after the ſame two years ſo expired, to re-enter into the ſame ground and grounds, and the ſame to retain and enjoy again to them, their heirs and ſucceſſors, as in their former eſtate and intereſt: any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

Where the chief Lord of the fee may enter.

Provided always, That if the owners of ſuch vacant ground or grounds, ſpecified in this Act, do not repair and amend the ſame, according to the tenour of this Act, within two years limited by this Act: that then it ſhall be lawful to the chief Lords, of whom ſuch vacant grounds been or ſhall be holden, to enter and to have the ſame grounds to them, their heirs and ſucceſſors for ever, ſo that every ſuch chief Lord do repair and amend the ſaid vacant grounds according to the tenour and effect of this Act, within one year next after that ſuch chief Lord may enter by authority of this Act. And if ſuch chief Lord as may enter by this Act, do not repair and amend the ſame vacant grounds within one year next after they may enter by this Act: that then for every ſuch default, the Mayor, Sheriffs, Citizens, and Comminalty ſhall lawfully enter into the ſaid grounds, according to the tenour, form, effect, and condition above expreſſed in this Act: any thing in this Act to the contrary thereof notwithſtanding.

The forfeiture of the chief Lord not repairing within one year.

CAP. IX.

By whom, and by what time void grounds in Linne ſhall be re-edified.

If the owners of decayed meſſuages in Linne do not repair them, or incloſe them within one year, then the chief Lord of the fee may enter.

HUmbly beſeech your good and gracious Highneſs, your obedient ſubjects, the Mayor and Burgeſſes of the Town of Linne Biſhop, in your County of Norfolk, that where at this preſent time, divers and many meſſuages, and tenements of old time builded within the ſaid Town, are, and by a long time have been in great decay and deſolation, whereby the floud and rage of the Sea, coming to the ſaid Town, and inſurging upon ſuch decayed tenements in times of tempeſt, doth fret and marvellouſly wear in divers places of the ſaid Town, to the great hurt and damage as well of the ſaid Town, as of divers perſons having grounds adjoyning to ſuch places ſo in decay, and that the owners of ſuch decayed grounds will not re-edifie and maintain the ſaid meſſuages and tenements ſo decayed, for the maintenance and defence of the water, and rage of the Sea, whereby the ſaid Town is likely to fall into more decay, ruine, and deſolation, if remedy therefore be not provided. In conſideration whereof, it may pleaſe your Highneſs, that it may be enacted by your Majeſty, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if the owner or owners of ſuch meſſuages and tenements ſo decayed, ſet, lying, or being within the precinct of the ſaid Town, within one year next after proclamation made by the commandment of the Mayor of the ſaid Town for the time being, within and upon ſuch decayed meſſuages or tenements, do not ſufficiently re-edifie, or elſe with walls of morter and ſtone ſufficiently incloſe the ſame meſſuages and tenements, and grounds to them belonging, ſo being in decay, for defence of the rage of the water: that then it ſhall be lawful for the chief Lords, of whom ſuch meſſuages or tenements ſo decayed ſhall be holden, to enter into the ſaid meſſuages and tenements ſo decayed, and the ſame hold, have, and retain to them and their heirs for ever: ſo that every ſuch Lord, which ſhall enter into any meſſuages or tenements ſo decayed, by authority of this Act, do ſufficiently re-edifie, or elſe with walls of morter and ſtone ſufficiently encloſe the ſaid meſſuages and tenements ſo decayed, in form as is abovesaid, within one year next after that ſuch chief Lord may enter into the ſame by authority of this Act.

And if ſuch chief Lord, which may enter by authority of this Act into the ſaid meſſuages or tenements decayed, do not re-edifie the ſaid meſſuages and tenements decayed, or elſe with walls of morter and ſtone ſufficiently encloſe the ſame, in form as is aforeſaid, within one year next after ſuch chief Lord might enter into the ſame by authority of this Act: that then it ſhall be lawful for the Mayor and Comminalty of the ſaid Town for every ſuch default to enter into any ſuch meſſuages or tenements ſo decayed, and the ſame to have and retain to them and their ſucceſſors for ever, without interruption, clearly diſcharged of all rents, as well againſt the Lords of fees thereof, as of all other.

If the chief Lord fail to repair them, the Mayor and Commonalty may do it.

So that alwaies the ſame Mayor and Comminalty, or their ſucceſſors, do well and ſufficiently re-edifie, or elſe with walls of morter and ſtone as is aforeſaid, ſufficiently do encloſe the ſame meſſuages and tenements, or grounds appertaining to the ſame, wherein they ſhall ſo enter by authority of this Act, within two years next after ſuch entry by them ſo to be made, as is aforeſaid. And in caſe the ſame Mayor & Comminalty, or their ſucceſſors, do not ſufficiently re-edifie or encloſe, or cauſe to be re-edified or incloſed, the ſame meſſuages and tenements, or grounds to the ſame belonging, in form aforeſaid, within the ſame term of two years next after they ſhall ſo enter into the ſame: that then it ſhall be lawful for the ſaid firſt owner and owners of all ſuch meſſuages, tenements, and grounds, their heirs or ſucceſſors, immediately after the ſame two years ſo expired, to enter into the ſame meſſuages, tenements, and grounds, and the ſame to retain and enjoy again to them, their heirs and ſucceſſors, as in their former eſtate and intereſt, Any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

CAP. X.

The King during his life may repeal the Statute of 23 H. 8. 7. by his proclamation, and revive the ſame by like means, and all other Statutes made ſithence, Anno 21 of his Reign, concerning the carrying forth of the commodities of this Realm, or bringing in of forreign merchandizes. Exp.

CAP. XI.

Whoſoever dwelling in Wales or the Marches thereof, ſhall aſſault, beat, or hurt any perſon of the County of Glouceſter, Salop, or Hereford, and ſhall be indicted, and convict thereof, ſhall be one year impriſoned. Exp. Stat. 33 H. 8. 17.

CAP. XII.

Clerks convict in Wales ſhall find ſurety for the good abearing.

WHere the Parliament ſummoned and holden at London, the third day of November, in the one and twentieth year of the Reign of our Sovereign Lord King Henry the Eighth, and from thence adjourned unto Weſtminſter in the County of Middleſex, and after divers Prorogations, there alſo holden the fifteenth day of January, the three and twentieth year of the Reign of our Sovereign Lord King Henry the Eighth;

It was enacted among other, That no perſon or perſons, which from thenceforth ſhould happen to be found guilty after the Laws of this Land, for any manner of petty treaſon, or for any wilful murder of malice prepenſed, or for robbing of any Churches, Chappels, or other holy places, or for robbing of any perſon or perſons in their dwelling houſes, or dwelling place, the owner or dweller in the ſame houſe, his, wife, his children, or ſervants then being within, and put in fear and dread by the ſame, and for robbing of any perſon or perſons, in or near about the high ways, or for wilful burning of any dwelling houſes or barns, wherein any grain of corns ſhould happen to be: nor any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining, or counſelling of, or to any ſuch petty treaſons, murders, or felonies, ſhould from thenceforth be admitted to the benefit of his or their Clergy, but utterly be excluded thereof, and ſuffer death in ſuch manner and form, as they ſhould have done for any the cauſes or offences aboveſaid, if they were no Clerks (ſuch as be within holy Orders, that is to ſay, of the orders of Subdeacon or above, onely except.) And alſo it was then and there, by authority aforeſaid, further enacted, That every ſuch perſon and perſons within ſuch orders of Subdeacon or above, which at any time from thenceforth ſhould be found guilty of any petty treaſon, or of any murder of malice prepenſed, or of any of the felonies above rehearſed, or of any acceſſary to petty treaſon, wilful murder, or to any other the felonies above ſpecified, and admitted to his or their Clergy, and delivered to the Ordinary for the ſame, ſhould not in any wiſe from thenceforth be ſuffered to any purgation, nor be ſet at liberty, but remain and abide in perpetual priſon, under the keeping of the Ordinary to whom he ſhould be committed, and his ſucceſſors, without any manner of purgation, during the natural life of every ſuch convict: except onely ſuch perſon and perſons ſo being within ſuch holy Orders, and convict of, or for any of the offences aforeſaid, and delivered to the Ordinary for the ſame, do find two ſufficient ſureties by recogniſance before two of the Kings Juſtices of his Peace within the ſame Shire, where the petty treaſon, murder, or felony, whereof he was convicted, was committed or done, whereof one of them to be of the Quorum, that ſuch convict ſhall be of good abearing againſt the King our Sovereign Lord, his laws and ſubjects, every ſuch convict to be bounden in the ſum of fourty pounds, and every his ſureties in twenty pounds, and that no ſurety to be taken, unleſs ſuch as may diſpend in lands, tenements, or hereditaments, yearly above all charges of eſtate of inheritance of charter-hold, ſix and twenty ſhillings and eight pence, or elſe be worth twenty pounds in moveable ſubſtance, at the time of the taking of ſuch recognizance. And that two Juſtices of the Peace, whereof one to be of the Quorum, by authority aforeſaid, have power and authority to take ſuch recognizance. And that the ſaid Juſtices, afore whom any ſuch recognizance ſhall be taken, ſhall certifie the ſame into the Kings Bench, within four moneths next after the making thereof, upon pain to loſe and forfeit an hundred ſhillings for every default thereof.

Stat. 23 H. 8. 1.

The benefit of Clergy taken from offendors in ſeveral felonies unleſs they be within holy Orders. Stat. 31 H. 8. 3. 1 Ed. 6. 12. 5 Ed. 6. 9. ALT. 28 H. 8. 1.

He within holy Orders which is convict of felony before his purgation ſhall find ſureties of his good abearing.

And foraſmuch as there be no Juſtices of Peace, ne, of the Quorum within Wales, nor in divers other places, Cities, Honours, Lordſhips, and Manors within the Kings Dominion, whereas a Lord Marcher, Steward, Lieutenant, Deputy, or other Officer of any ſuch place, City, Honour, Lordſhip, or Manor, have authority or power, by cuſtom or otherwiſe, to arraign afore him or them any ſuch perſon or perſons, being within ſuch holy Orders of Subdeacon or above, for committing or doing any of the ſaid petty treaſons, murders, felonies, or any other of the ſaid offences.

And if it happen the ſame perſon ſo being thereof arraigned to be found guilty, for to admit him to his Clergy, if he pray the ſame before Judgment, and further to do and execute againſt any ſuch offendor, being ſo arraigned before them, in like manner and form as Juſtices of the Gaol-delivery within the Shire-ground have uſed to do by vertue of the Kings Commiſſion unto them directed: by reaſon whereof, every ſuch perſon or perſons, within ſuch Orders of Subdeacon or above, being convict of any of the ſaid petit treaſons, murders, felonies, or any other the ſaid offences, before any Lord Marcher, Steward, Lieutenant, Deputy, or other Officer within Wales, or within any other place, City, Honour, Lordſhip, or Manor within the Kings Dominions, where no Juſtice of Peace be, and thereupon committed unto the Ordinary as Clerk convict, ſhall there remain during the natural life of any ſuch convict: The ſaid former Act and Statute notwithſtanding.

For that there be no Juſtices of the Peace, ne of the Quorum there, as the ſaid petty treaſon, murder, or felony, whereof he is ſo convicted, was committed and done, to take ſurety by recognizance for the good abearing of every ſuch convict, in manner and form, as in the ſaid former Act is rehearſed.

A remedy where there be no Juſtices of Peace in that County in Wales, where the Clerk convict doth remain in priſon.

Be it therefore enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That every ſuch perſon and perſons within ſuch Orders of Subdeacon or above, being convict of any petty treaſon, or of any murder of malice prepenſed, or of any of the ſaid felonies above rehearſed, or of any acceſſary to petty treaſon, wilful murder, or to any other the ſaid felonies above ſpecified, before any Lord Marcher, Steward, Lieutenant, Deputy, or other Juſtice or Officer within Wales, or within any other place, City, Town, Honour, Lordſhip, or Manor within the Kings Dominion, where no Juſtices of the Peace and of the Quorum be, and thereupon the ſame convict admitted unto his Clergy, that the ſame perſon or perſons ſo being within ſuch holy Orders, and convict before any ſuch Lord Marcher, Steward, Lieutenant, Deputy, or other Juſtice or Officer in Wales, or within any ſuch place, City, Town, Honour, Lordſhip, or Manor within any the Kings Dominion, where be no Juſtices of Peace, and of the Quorum, of or for any of the offences aforeſaid, and delivered unto the Ordinary as Clerk convict for the ſame, ſhall or may find two ſureties by recogniſance for his good abearing before two of the Kings Juſtices of the Peace, whereof one to be of the Quorum, in the Shire where the ſaid convict is or ſhall be kept, in the Ordinaries priſon, if the ſame priſon be within the Shire-ground where Juſtices of the Peace and of the Quorum be, or elſe before two of the Kings Juſtices of the Peace, whereof the one to be of the Quorum, in the next Shire adjoyning unto the ſame priſon: and that the ſame two Juſtices of the Peace, whereof the one to be of the Quorum, to have power and authority to take ſuch recogniſance, and to certifie the ſame in like manner and form, and upon like pain as it ſhould or ought to have been done by vertue of the ſaid former Act, if the ſame petty treaſon, murder, felony, or other offence, of, or for which any ſuch convict was or ſhall be ſo convict and admitted unto his Clergy, as is aforeſaid, had been committed and done within the Shire-ground, where Juſtices of the Peace and of the Quorum be. Stat. 27 H. 8. 26.

CAP. XIII.

Co. Inſt. 4 p. 422

It ſhall be high Treaſon to wiſh or deſire by words or writing, or to imagine, invent, or attempt any bodily harm to be done to the King, the Queen, or their heirs apparent, or to deprive any of them of the dignity, ſtyle, or name of their Royal Eſtates; or to publiſh that the King is an Heretick, Schiſmatick, Infidel, or Uſurper; or to detain from the King, his Heirs or Succeſſors, any of his or their Caſtles or Holds, or any of his or their Ships, or Munitions of War. Rep. 1 M. 1. Stat. 1 Ed. 6. 12.

No offendor in high Treaſon ſhall have the benefit of ſanctuary.

And to the intent that all Treaſons ſhould be the more dread, hated, and deteſted to be done by any perſon or perſons, and alſo becauſe it is a great boldneſs, and an occaſion to ill-diſpoſed perſons to adventure and embrace their malicious intents and enterpriſes, which all true ſubjects ought to ſtudy to eſchew, Be it therefore enacted by the authority aforeſaid, That none offendor in any kinds of high Treaſons, whatſoever they be, their aiders, conſentors, counſellors, nor abettors, ſhall be admitted to have the benefit or priviledge of any manner of Sanctuary, conſidering that matters of Treaſons toucheth ſo nigh both the ſurety of the King our Sovereign Lords Perſon, and his Heirs and Succeſſors.

Treaſon committed out of the Realm, ſhall be inquired of in ſuch County and before ſuch perſons as the King ſhall appoint by Commiſſion. St. 25 H. 8. 2.

And over that be it enacted by authority aforeſaid, That if any of the Kings ſubjects, denizons or other, do commit or practiſe out of the limits of this Realm, in any outward parties, any ſuch offences, which by this Act are made, or heretofore have been made Treaſon, that then ſuch Treaſons whatſoever they be, or whereſoever they ſhall happen to be done or committed, ſhall be inquired and preſented by the oaths of twelve good and lawful men, upon good and probable evidence and witneſs, in ſuch Shire and County of this Realm, and before ſuch perſons as it ſhall pleaſe the Kings Highneſs to appoint by Commiſſion under his Great Seal, in like manner and form as Treaſons committed within this Realm have been uſed to be inquired of and preſented; and that upon every indictment and preſentment found and made of any ſuch Treaſons, and certified into the Kings [a] Bench, like proceſs and other circumſtance ſhall be there had and made againſt the offendors, as if the ſame Treaſons ſo preſented had been lawfully found to be done and committed within the limits of this Realm. And that all proceſs of outlawry hereafter to be had and made within this Realm, againſt any offendors in Treaſon, being reſiant, or inhabited out of the limits of this Realm, or in any of the parties beyond the Sea at the time of the outlawry pronounced againſt them, ſhall be as good and as effectual in the Law to all intents and purpoſes, as if ſuch offendors had [b] been reſident and dwelling within this Realm, at the time of ſuch proceſs awarded, and outlawry pronounced.

Proceſs of outlawry awarded againſt any Traitor remaining beyond the Sea. St. 5 Ed. 6. 11.

What an offendor in treaſon ſhall forfeit. Cok. pla. f. 422.

And be it further enacted by authority aforeſaid, That every offendor and offendors, being hereafter lawfully convict of any manner of high Treaſons by preſentment, confeſſion, verdict, or proceſs of outlawry, according to the due courſe and cuſtom of the Common Laws of this Realm, ſhall loſe and forfeit to the Kings Highneſs, his Heirs and Succeſſors, all ſuch lands, tenements, and hereditaments which any ſuch offendor or offendors ſhall have of any eſtate of [c] inheritance in uſe or poſſeſſion, by any right, title, or means, within this Realm of England, or elſewhere within any of the Kings Dominions at the time of any ſuch Treaſon committed, or any time after. Saving to every perſon and perſons, their heirs and ſucceſſors (other then the offendors in any Treaſons, their heirs and ſucceſſors, and ſuch perſon and perſons as claim to any their uſes) all ſuch [d] rights, titles, intereſts, poſſeſſions, leaſes, rents, offices, and other profits which they ſhall have at the day of committing ſuch Treaſons, or at any time afore, in as large and ample manner, as if this Act had never been had nor made.

A ſaving of the right of others.

CAP. XIV.

By whom Suffragans ſhall be nominated and elected.

ALbeit that ſithen the beginning of this preſent Parliament, good and honourable Ordinances and Statutes have been made and eſtabliſhed for elections, preſentations, conſecrations, and inveſting of Archbiſhops and Biſhops of this Realm, and in all other the Kings Dominions, with all ceremonies appertaining unto the ſame, as by ſundry Statutes thereof made more at large is ſpecified: yet nevertheleſs no proviſion hitherto hath been made for Suffragans, which have been accuſtomed to be had within this Realm, for the more ſpeedy adminiſtration of the Sacraments, and other good, wholſome and devout things, and laudable ceremonies, to the increaſe of Gods honour, and for the commodity of good and devout people. Be it therefore enacted by authority of this preſent Parliament, That the Towns of Thetford, Ipſwich, Colcheſter, Dover, Gilford, Southampton, Taunton, Shaftsbury, Molton, Marlborough, Bedford, Leiceſter, Gloceſter, Shrewsbury, Briſtow, Penreth, Bridgwater, Nottingham, Grantham, Hull, Huntingdon, Cambridge, and the Towns of Pereth, and Barwick, S. Germains in Cornwal, and the Iſle of Wight, ſhall be taken and accepted for Sees of Biſhops Suffragans to be made in this Realm, and in Wales, and the Biſhops of ſuch Sees ſhall be called Suffragans of this Realm. And that every Archbiſhop and Biſhop of this Realm, and of Wales, and elſewhere within the Kings Dominions, being diſpoſed to have any Suffragan, ſhall and may at their liberties name and elect, that is to ſay, every of them for their peculiar Dioceſs, two honeſt and diſcreet ſpiritual perſons, being learned, and of good converſation, and thoſe two perſons ſo by them to be named, ſhall preſent to the Kings Highneſs by their writing under their ſeals, making humble requeſt to his Majeſty, to give to one ſuch of the ſaid two perſons as ſhall pleaſe his Majeſty, ſuch title, name, ſtile and dignity of Biſhop of ſuch of the Sees above ſpecified, as the Kings Highneſs ſhall think moſt convenient for the ſame. And that the Kings Majeſty, upon every ſuch preſentation ſhall have full power and authority to give to one of thoſe two perſons, ſo to his Highneſs to be preſented, the ſtile, title, and name of a Biſhop of ſuch of the Sees aforeſaid, as to his Majeſty ſhall be thought moſt convenient and expedient, ſo it be within the ſame Province whereof the Biſhop that doth name him is.

St. 25 H.8.20.

Sees for the Suffragans of Biſhops.

The Biſhop ſhall preſent to the King two perſons for his Suffragans.

The Kings allowance of a Suffragan.

And that every ſuch perſon, to whom the Kings Highneſs ſhall give any ſuch ſtile and title of any of the Sees afore named, ſhall be called Biſhop Suffragan of the ſame See whereunto he ſhall be named.

And after ſuch title, ſtile, and name ſo given, as is aforeſaid, the Kings Majeſty ſhall preſent every ſuch perſon by his Letters Patents under his great Seal, to the Archbiſhop of Canterbury, if the Town whereof he hath his title, be within the Province of Canterbury, and likewiſe to the Archbiſhop of York, if the Town whereof he hath his title, be within the Province of York, ſignifying and declaring by the ſame Letters Patents, the name of the perſon preſented, and the ſtile and title of dignity of Biſhoprick whereunto he ſhall be nominated; requiring the ſame Archbiſhop to whom ſuch Letters Patents ſhall be directed, to conſecrate the ſaid perſon ſo nominate and preſented, to the ſame name, title, ſtile and dignity of Biſhop, that he ſhall be nominate and preſented unto; and to give him all ſuch conſecrations, benedictions, and ceremonies, as to the degree and office of a Biſhop Suffragan ſhall be requiſite.

The King preſenteth the Suffragan to the Archbiſhop

And be it alſo enacted by authority aforeſaid, That all and every ſuch perſon and perſons as ſhall be nominated, elected, preſented, and conſecrated, as is afore rehearſed, ſhall be taken, accepted and reputed, in all degrees and places, according to the ſtile, title, name and dignity that he ſhall be ſo preſented unto, and have ſuch capacity, power and authority, honour, preeminence and reputation, in as large and ample manner, in and concerning the execution of ſuch Commiſſion, as by any of the ſaid Archbiſhops or Biſhops within their Dioceſs ſhall be given to the ſaid Suffragans, as to Suffragans of this Realm heretofore hath been and accuſtomed.

Within what time after the Kings preſentation, the Archbiſhop ſhall conſecrate a Suffragan.

And be it further enacted by authority aforeſaid, That every Archbiſhop of this Realm, to whom any the Kings Letters Patents, in the caſes afore rehearſed, ſhall be directed, having no lawful impediment, ſhall perform and accompliſh the effects and contents of this Act within the time of three moneths next after ſuch Letters Patents ſhall come to their hands, any uſage, cuſtoms, foreign laws, priviledges, preſcriptions, or other thing or things heretofore uſed, had, or done to the contrary hereof notwithſtanding.

Provided always, That no ſuch Suffragans, which ſhall be made and conſecrate by vertue and authority of this Act, ſhall take or perceive any manner of profits of the places and Sees whereof they ſhall be named, nor uſe, have, or execute any Juriſdiction or Epiſcopal power or authority within their ſaid Sees, nor within any Dioceſs or place of this Realm, or elſewhere within the Kings Dominions, but only ſuch profits, juriſdiction, power and authority as ſhall be licenſed and limited to them to take, do, and execute by any Archbiſhop or Biſhop of this Realm, within their Dioceſs to whom they ſhall be Suffragans, by their Commiſſion under their ſeals. And that every Archbiſhop and Biſhop of this Realm, for their own peculiar Dioceſs, may and ſhall give ſuch Commiſſion or Commiſſions to every ſuch Biſhop Suffragan as ſhall be ſo conſecrate by authority of this Act, as hath been accuſtomed for Suffragans heretofore to have, or elſe ſuch Commiſſion as by them ſhall be thought requiſite, reaſonable and convenient. And that no ſuch Suffragan ſhall uſe any Juriſdiction ordinary, or Epiſcopal power, otherwiſe, nor longer time then ſhall be limited by ſuch Commiſſion to him to be given, as is aforeſaid, under pain to incur into the pains, loſſes, forfeitures and penalties mentioned in the Statute of Proviſions, made in the ſixteenth year of King Richard the ſecond.

What authority and benefit Suffragans ſhall have in their Dioceſes

Provided always, That the Biſhop that ſhall nominate the Suffragan to the Kings

A ſuffragans reſidence over the dioceſs, ſhall be ſufficient for his benefice.

Highneſs, or the Suffragan himſelf that ſhall be nominate, ſhall provide two Biſhop or Suffragans to conſecrate him with the Archbiſhop, and ſhall bear their reaſonable coſts. Provided alſo, that the reſidence of him that ſhall be Suffragan over the Dioceſe where he ſhall have commiſſion, ſhall ſerve him for his reſidence as ſufficiently as if he were reſident upon any other his Benefice, any Act heretofore made to the contrary notwithſtanding.

A ſuffragan may have two benefices with cure.

Be it further enacted, That all ſuch Suffragans as ſhall hereafter exerciſe the offices aforeſaid by the commiſſion, of the Biſhop, for the better maintenance of his dignity, may have two Benefices with cure, any former Act made to the contrary notwithſtanding. Rep. 1 & 2 P. & M. 8. Revived 1 El. 1.

CAP. XV.

What duties Spiritual men in Richmond in Yorkſhire ſhall take after the deceaſe of any perſon.

FOraſmuch as divers and many the King our Soveraign Lords ſubjects, inhabited within the Archdeaconry of Richmond in the County of York, be, and of long time have been ſore and grievouſly exacted and impoveriſhed by the Parſons, Vicars, and others, ſuch as have benefices and ſpiritual promotions within the ſame, as by taking of every perſon, when he dieth, in the name of a penſion, or of a portion, ſometime the ninth part of all his goods and cattels, and ſometime the third part, to the open and manifeſt impoveriſhing of moſt of all the Kings poor ſubjects inhabited and deceaſing within the ſame.

What duties ſpiritual perſons beneficed in the Archdeaconry of Richmond ſhall take after the deceaſe of any perſon.

Wherefore be it ordained, enacted, and eſtabliſhed by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from the Feaſt of Saint Mark the Evangeliſt next coming, no manner of ſpiritual perſon, or others now having, or that from the ſaid Feaſt ſhall have any manner of benefice, or other ſpiritual promotion within the ſaid Archdeaconry, ſhall in no wiſe ask, levy, demand, or take, after the deceaſe of any perſon or perſons, any ſuch portions or penſions, nor any other demand or duty in the name or lieu of the ſame, upon pain to incur ſuch dangers, forfeitures and penalties, as be contained in the Statute of Proviſors, made the five and twentieth year of the Reign of our moſt noble progenitor King Edward the Third: but that all and every the Kings ſubjects of the ſaid Archdeaconry, and their executors and adminiſtrators, from henceforth ſhall be ordered, intreated and uſed for their goods and cattels, after their deceaſe, in like manner, form, order, and condition, as is contained in the Statute made in the one and twentieth year of your moſt noble and victorious Reign, for probate of teſtaments, and none otherwiſe, any ſuch cuſtom, bull, compoſition, preſcription, or ordinance heretofore had, obtained, or uſed to the contrary, within the aforeſaid Archdeaconry, in any wiſe notwithſtanding.

25 E. 3.

St. 21 H. 8. 6.

CAP. XVI.

How Worſteds are to be made in Norwich, Lynn, and Yarmouth.

St. 14 H. 8. 3.

The election of a Warden of Worſted-weavers in great Yarmouth.

WHere at a Parliament holden at London the fifteenth day of April, in the fourteenth year of the Reign of our Soveraign Lord the King that now is, and from thence adjourned to Weſtminſter, the laſt day of July, in the fifteenth year of our ſaid Soveraign Lord, and there ended: It was ordained, enacted and eſtabliſhed, That the craftſmen called Worſted-weavers inhabited in the Town of great Yarmouth, ſhould have power and authority by that Act from thence forward to elect and chooſe yearly for ever, on the Munday next after the Feaſt of Pentecoſt, one honeſt man of the myſtery and occupation of Worſted-weavers, being an houſholder within the ſaid Town of great Yarmouth, and having of his proper goods and cattels to yͤ value of ten pounds at yͤ leaſt, or lands and tenements to his own uſe of eſtate of freehold at the leaſt to the clear yearly value of twenty ſhillings, to be Warden of the ſame craft and myſtery of Worſted-weavers for the year next enſuing, which man ſo elected and choſen, ſhould perſonally appear before the Mayor of the City of Norwich for the time being, the Munday next after the Feaſt of Corpus Chriſti then next enſuing, then and there to be ſworn and charged by like Oath, concerning the true and ſubſtantial making of Worſteds, Says, and Stamins, within the ſaid Town of great Yarmouth, as the four Wardens of the ſaid City of Norwich, by vertue of an Act of Parliament made in the ſeventh year of King Edward the fourth, were charged and ſworn for the ſame City of Norwich. And if the ſaid Mayor happened to be abſent the ſaid Munday next after Corpus Chriſti, or elſe then refuſed to receive or take the ſaid Oath, then the ſaid Warden ſo elect, within four days next after the ſame Munday, ſhould come before the Bailiffs of the ſaid Town of great Yarmouth for the time being, or before one of them, the other being abſent, and then and there receive a corporal Oath for the true exerciſing of the ſame office of Wardenſhip, after the tenor of the Oath accuſtomedly uſed to be given to the ſaid Wardens of the ſaid City of Norwich. And then the ſaid Warden of the ſaid Town of great Yarmouth for the time being, ſo elected and ſworn, might ordain and appoint a ſeal with this letter Y, to be graven in the ſame ſeal, and might have full power and authority to view, ſearch, ſeiſe and ſeal in lead, with the ſame ſeal ſo to be appointed and engraven, and none other, all Worſteds, Says, and Stamins within the ſaid Town of Yarmouth, and ſuburbs of the ſame, made or to be made, and not elſewhere, in as large and ample manner as the ſaid Wardens of the ſaid City of Norwich, and the Wardens of the County of Norfolk, or any of them had within the ſaid City or County, or in any wiſe may do in that behalf, by authority or vertue of the afore-remembred Act made in the ſaid ſeventh year of King Edward the Fourth, any thing in the ſame contained to the contrary thereof notwithſtanding. And that no perſon inhabited within the ſaid Town of great Yarmouth, or ſuburbs thereof, ſhould weave any Worſteds, Says, or Stamins within the ſame Town, except he be an Engliſhman born, and had been a Prentice to the ſame occupation, and without he

The Warden ſhall take an oath.
7 E. 4. 1.

The Wardens Seal, and his authority.

Who only may weave Worſteds in great Yarmouth.

weaved therein ſuch proper marks as ſhould be limited and appointed by the ſaid Warden of the ſaid Town for the time being, elect and ſworn as is aforeſaid, upon pain of forfeiture thereof to the King our Soveraign Lord. And that every Warden of the ſaid Town ſhould limit diſtinct and ſeveral marks to every of the ſaid Worſted-weavers of the ſame Town of great Yarmouth, and the ſame marks by the ſaid Warden to be regiſtred in a Book.

The election and oath of the Warden of Worſted-weavers in Linne and in Norfolk:

And it was further enacted, That if, and whenſoever the Town of Linne ſhould be inhabited with ten ſundry houſholders, or more number of houſholders, exerciſing and uſing the ſaid craft or myſtery of Worſted-weavers, then and from thenceforth, that is to ſay, as long as the ſame Town of Linn ſhould be inhabited with the number of ten ſuch houſholders at the leaſt, it ſhould be lawful to the ſame inhabitants of the ſaid Town of Linne, yearly on the Munday next after the Feaſt of Pentecoſt, to elect and chooſe of themſelves one Warden of the ſaid craft and myſtery of Worſted-weavers, to be of the value in lands and goods as is aforeſaid, of the Wardens of Yarmouth, which Warden ſo elect, ſhould yearly be ſworn and charged at the ſaid City of Norwich, in like manner, and at like day, as is before limited to the Wardens of Yarmouth; or in default of the ſaid Mayor of Norwich, then the ſaid Warden ſo to be elect for the ſaid Town of Linne, to take a corporal oath before the Mayor of the ſaid Town, within ſuch time, and after ſuch form as is before limited unto the ſaid Warden of Yarmouth.

And that the ſaid Warden for the ſaid Town of Linn for the time being, ſo elect and ſworn by himſelf, might ordain and appoint a ſeal with this letter L. to be graven in the ſeal, and might have full power and authority to view, ſearch, ſeiſe, and ſeal in lead with the ſame ſeal to be graven, and with none other, all Worſteds, Says, and Stamins, within the ſaid Town of Linne, and ſuburbs of the ſame, made or to be made, and not elſewhere, in as large and ample manner as the ſaid Warden of the ſaid City of Norwich, and Warden of the ſaid County of Norfolk, or any of them had within the ſaid City or County, or otherwiſe might do by the authority or vertue of the aforeſaid Act, made in the ſaid ſeventh year of King Edward the fourth, any thing contained in the ſame Act to the contrary notwithſtanding.

Who only may weave Worſted, &c. in Linne

And that no perſon inhabited within the ſaid Town of Linne, or ſuburbs thereof, ſhould make any Worſteds, Says, or Stamins within the ſame Town, except he were Engliſh born, and had been apprentice to the ſame occupation, and without he weaved therein ſuch proper mark as ſhould be limited and appointed by the ſaid Wardens of the ſame Town of Linne for the time being, upon pain of forfeiture therefore to the King our Soveraign Lord. And that every Warden of the ſaid Town, ſhould limit diſtinct and ſeveral marks to every of the ſaid Worſted-weavers of the ſame Town, and the ſame marks by the ſaid Warden to be regiſtred in a book.

Who ſhall ſearch and ſeal Worſteds at Linne, when there ſhall be no Wardens there.

And it was further Enacted, That from the Feaſt of S. Michael the Archangel then next following, unto ſuch time as the ſaid Town of Linne ſhould be inhabited with the ſaid number of ten houſholders of the ſaid craft of Worſted-weavers, and always after when the number of ten houſholders ſhould happen to fail and not be inhabited in yͤ ſaid Town of Linn, the ſaid Wardens of the ſaid City of Norwich, and their ſucceſſors, ſhould procure and cauſe one of themſelves, or one of the Wardens of the ſaid craft of the ſaid County of Norfolk, perſonally to come and be every xxviii. day from and after the ſaid Feaſt of Saint Michael the Archangel, in and to the ſaid Town of Linn, or within ſix days next after every ſuch eight and twentieth day, and there to continue and abide by ſo long time as he might ſearch and ſeal all ſuch Worſteds, Says, and Stamins, made in the ſame Town of Linne, as then ſhould be brought to him to be ſealed within the ſpace of one whole day. And the ſaid inhabitants of Worſted-weavers of the ſame Town of Linne being, ſhould content and pay to the ſaid Wardens of Norwich or Norfolk, which ſhould ſo come to Linne, in the ſaid xxviii. day, or within vi. days next after the xxviii. day, for his coſts and expences for every time that he ſhould ſo come to Linne, between the Feaſts of S. Michael the Archangel, and the annunciation of our Lady S. Mary, iii. s. and for every time that he ſhould ſo come to the ſaid Town of Linne, between the Feaſt of the Annunciation of our Lady, and the Feaſt of Saint Michael the Archangel, two ſhillings. And if the ſaid inhabitants of Worſted-weavers of the ſaid Town of Linne, did not content and pay to the ſaid Warden, coming to Linne, in form aforeſaid, for his ſaid coſts and charges, the ſaid three ſhillings or two ſhillings, as is above limited, then the ſame inhabitants ſhould forfeit and pay to the ſaid Warden, or to his executors for every ſuch default of payment xl. s. And if none of the ſaid Wardens of Norwich and Norfolk come to the ſaid Town of Linne for the cauſe aforeſaid, in manner and form above remembred, that the ſaid Wardens of the ſaid City of Norwich ſhould forfeit and pay to the ſaid inhabitants of Linne, of the ſaid myſtery of Worſted-weavers, for every ſuch default xl. s. for recompence of the penalties and forfeits, the ſaid Wardens of Norwich or Norfolk being thereunto entituled by that Act, by his proper name, with this addition, that is to ſay, Unius Gardianorum, or Nuper Unius Gardianorum, artis ſive myſterii textorum panni lanei vocat. Worſted in civitate Norwici, vel. com. Norf. as the truth requireth, ſhould and might have action of debt by writ, bill, or plaint, in any competent or lawful Court of this Realm, againſt the inhabitants of Linne of the ſaid myſtery for the time being, by their ſundry proper names, and the ſaid inhabitants by their ſaid names, with this addition, Textorum panni lanei vocat. Worſt. inhabitantes villæ de Linne, ſhould and might have like action of debt againſt the ſaid Wardens of Norwich, by the name of Gardiani artis ſive myſterii textorum pannorum laneorum vocat. Worſted infra civitatem Norwici vel com. Norf. to be uſed in good congruities of Latine, and form of the Laws of this Realm, in which actions, or any of them, none eſſoin, protection, or wager of Law ſhould be ſuffered or allowed. And that the particular bodies, or goods of any of the ſaid Wardens or inhabitants, being condemned

By what names the parties grieved ſhall uſe their actions.

in any of the ſaid actions, ſhould and might be put in execution, after ſuch manner and form, as is uſed in an action of debt by courſe of the common Law of this Realm.

Clothes marked by the Wardens ſhall not be marked again.

And moreover it was enacted, That all clothes of Worſteds, Says and Stamins, made within any of the ſaid Towns of Linne, and in great Yarmouth, or ſuburbs of the ſame, or any of them, and marked with ſuch marks as ſhould be limited to the markers, by the ſaid Wardens of the ſaid Town in manner and form as is aboveſaid, and viewed and ſealed by any of the ſaid Wardens of the ſaid Towns of Linne and Yarmouth, in form remembred, by force and vertue of the ſaid Act, might be lawfully put to ſale by the owners and makers of the ſame, without any other marking or ſealing upon the ſame clothes, or upon any of them to be had or made by any other Wardens dwelling or abiding without the ſaid Town, and without any arreſt, ſeiſure, or forfeiture to be had or made of or upon any of the ſaid clothes, for lack of any other ſeals or marks, any thing contained in the ſaid ſeventh year of King Edward the fourth to the contrary notwithſtanding.

What Apprentices the ſaid Worſted-weavers may have.

And over this it was enacted, That every Craftſman of the ſaid myſtery and occupation of Worſted-making, dwelling within any of the ſaid Towns of Linne and Yarmouth, and ſuburbs of the ſame, at their free wills and liberties from henceforth for ever, might have and take Apprentice or Apprentices, being male of the age of eighteen years, and upward, and being the Kings natural ſubjects, for term of ſeven years, and not under, ſo that none of them exceed the number of two at once, to learn, uſe, and exerciſe the ſaid craft within either of the ſaid two Towns of Linne and great Yarmouth, and ſuburbs of the ſame; albeit the father of the ſaid apprentice or apprentices might not expend in lands or tenements, to the yearly value of twenty ſhillings: any Act or Ordinance to the contrary made or to be made notwithſtanding.

This Act ſhall not be prejudicial to the Mayor of Norwich, or to the Wardens there.

Provided alway, that the ſame Act, or any thing therein contained ſhould not in any wiſe be hurtful or prejudicial to the Mayor of Norwich, or to his ſucceſſor, or to the Wardens of the ſaid City or County, or to their ſucceſſors, in any point, or article, power, or authority, other then for weaving, ſearching, and ſealing of Worſteds, Says, and Stamins, made or to be made only within yͤ ſaid Town of Linne or Yarmouth, or ſuburbs of yͤ ſame, or to any of them, and for limiting of marks to the markers of Worſteds, Says, and Stamins, only inhabited in either of the ſaid Towns or ſuburbs thereof, and taking of the apprentices in form above remembred: but that the Mayor of the ſaid City of Norwich, and Wardens of the ſame City and County, and every of them, might have and uſe all other points, articles, powers, and authorities contained and ſpecified in the above remembred Act, made in the ſaid vii. year of King Edward the fourth, as well for the ſearch, ſealing, correction, and reformation of the ſaid Wardens, newly to be elected by the vertue of the ſame Act, and every of them, according and after ſuch form as they might do or uſe any of the ſaid Wardens of the City, or County, by force of the ſaid Act, made in the ſaid ſeventh year of King Edward the fourth, as all and every other inquiries, corrections, ſearches, ſealings, and reformations to be had for the true making of Worſteds, Says, and Stamins, in and upon any perſon and perſons, as well within the ſaid Towns of Linne and Yarmouth, as without, without trouble, let, or vexation of any of the inhabitants of the ſaid Town, in as large and ample wiſe, as they might have done before the making of the ſaid Act; any thing contained in the ſame Act to the contrary notwithſtanding.

None in Linne or Yarmouth ſhall ſhear, die, or colour Worſted, but in Norwich.

And alſo it was further provided and enacted, That the ſaid craftſmen of Worſted-weavers, inhabited, or after that to be inhabited within either of the ſaid Towns of Linne and Yarmouth, or ſuburbs of the ſame; and the Merchants or any other perſon or perſons, which ſhould happen to buy of the ſame craftſmen, or any of them, or any other perſon, any of the ſaid clothes of Worſteds, Says, or Stamins, made or to be made within either of the ſaid Towns of Linne and Yarmouth, and ſealed by the ſaid Wardens of the ſame Towns, to be elect and ſworn as is aforeſaid, and any of them, ſhould not ſhear, dye, or put in colour, or Kalender any Worſteds, Stamins, or Says, made, or after that to be made within either of the ſaid Towns of Linne and Yarmouth, and ſuburbs of the ſame, in any other place or places, but only within the ſaid City of Norwich, or ſuburbs of the ſame, upon pain of forfeiture of every piece of Worſted, Says, or Stamins, to be made within any of the ſaid Towns of Linne and Yarmouth, or ſuburbs of the ſame, or the value thereof ſhorn, died, coloured, or kalendred by any of the ſaid craftſmen, buyers, or merchants, in any other place or places, then in the ſaid City of Norwich, or ſuburbs of the ſame; the one half thereof to be to the King our Soveraign Lord, and the other half thereof to ſuch perſon or perſons as ſhould ſeiſe the ſame, ſo that the ſaid Worſteds brought to the ſaid City of Norwich to be ſhorn, died, coloured, and kalendred without covin or craft of any of the ſaid inhabitants and merchants, might be ſhorn, died, coloured, and kalendred at and by as convenient price or prices, and in as ready wiſe as the ſaid inhabitants of either of the ſaid Towns of Linne and Yarmouth, and merchants buyers of the ſaid Worſteds, or other of the ſaid City and County had had in times paſt, or after that ſhould have. And alſo that the ſame inhabitants and merchants, and every of them ſo bringing the ſaid Worſteds to the ſame City to be ſhorn, died, coloured, and kalendred, were reaſonably and lawfully entreated according to the ſaid Act, made the ſaid ſeventh year of King Edward the fourth, and the Ordinance made and affirmed, or hereafter to be made and affirmed for the ſaid myſtery, without let or diſturbance, contrary to the ſame Act or Ordinance in that behalf.

No Worſteds ſhall be carried beyond the ſea, before they be ſhorn, died, &c.

And it is further enacted, That no perſon or perſons, any time after that, ſhould convey or tranſport into any of the parts beyond the ſea, any manner of clothes of Worſteds, before the ſame clothes were ſhorn, died, coloured and kalendred, upon pain of forfeiture the value thereof: the one half to the King our Soveraign Lord, and the other half thereof to the party that will ſue therefore, by action, or plaint of debt, in any of the Kings Courts; in which action or ſuit, no protection or eſſoin ſhould be allowed, nor the defendant admitted to wage his law, as by the ſaid Act thereof made, more plainly appeareth: which Act was made to endure unto the next Parliament, whereby it is now expired. In conſideration whereof, and foraſmuch as the ſame Act is a good and neceſſary Act, for the true making of Worſteds, Says, and Stamins, and very commodious and profitable for the increaſe of the ſaid Towns of Yarmouth and Linne, Be it therefore enacted by the King our Soveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, that the ſame Act, and every article, ſentence and proviſion therein contained, ſhall from henceforth be continued, and ſtand for ever in full ſtrength and vertue, 21 H.8.21.

The Stat. of 14 H.8.3. rehearſed and made perpetual.

CAP. XVII.

Fermors of ſpiritual perſons ſhall not pay any firſt-fruits of the Tenth granted to the King.

For certain reaſonable and urgent conſiderations moving the Kings moſt high Court of Parliament, It is ordained and enacted by authority of the ſame, That all and ſingular Fermors and Leſſees of any Manors, Lordſhips, Lands, Tenements, or other Hereditaments, Parſonages, Vicarages, portions of Tithes, or other whatſoever profits or commodities belonging to any Archbiſhop, Biſhop, or other Prelate or ſpiritual perſon or perſons, or ſpiritual body corporate or politick, whereof any firſt-fruits or yearly penſion of the tenth part is granted to the King our Soveraign Lord in this preſent Seſſion of the ſaid Court of Parliament, ſhall be diſcharged, and not chargeable to pay to our ſaid Soveraign Lord, of his or their proper money, coſt, or charge, for or in diſcharge of the leſſor or leſſors, owner or owners of the ſame, by reaſon of any covenant, bargain, bond, condition, clauſe of reentre, or other thing heretofore made or concluded, but that every of the ſaid leſſors and owners, and their ſucceſſors, ſhall be charged and chargeable to pay and ſatisfie the ſame, of his or their proper coſt and charge, to the King our Soveraign Lord, his heirs and ſucceſſors, according to the grant thereof: any covenant, bargain, contract, bond, condition, clauſe of reentry, or other thing heretofore made or concluded to the contrary thereof in any wiſe notwithſtanding. Exp. 1 El. 4.

Fermors of ſpiritual perſons ſhall not be compelled to pay firſt-fruits or tenths for their Leſſees. St, 26 H.8.3.

CAP. XVIII.

The Kings Pardon to all his Subjects, of all Felonies, treſpaſſes and offences, not excepted. Exp.

Anno viceſimo ſeptimo Henrici *octavi.*

Acts made in the Seſſion of this preſent Parliament, holden upon prorogation at Weſtminſter the 4th day of February, in the ſeven and twentieth year of the Reign of our moſt dread Soveraign Lord King Henry the Eighth, and there continued and kept till the fourteenth day of April next enſuing, to the honour of God, and for the common weal and profit of this his Realm.

CAP. I.

A remedy for repair of decayed houſes and ground in Nottingham, Shrewsbury, Ludlow, Gloceſter, Bridgnorth, Quinborough, and Northampton, and the Precincts thereof.

Foraſmuch as divers and many houſes, meſſuages and tenements of habitations in the Town of Nottingham, Shrewsbury, Ludlow, Bridgnorth, Quinborow, Northampton, and Gloceſter, now are, and of long time have been in great ruine and decay, and ſpecially in the principal and chief ſtreets there being, in the which chief ſtreets in times paſſed have been beautiful dwelling houſes there, well inhabited, which at this day much part thereof is deſolate, and void grounds, with pits, cellars, and vaults, lying open and uncovered, very perillous for people to go by in the night, without jeopardy of life: which decays are to the great impoveriſhing and hinderance of the ſame Towns.

For the remedy whereof, it may pleaſe the King our Soveraign Lord, by the aſſent of his Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, it may be enacted, That if the owner or owners of any ſuch void and decayed houſes or grounds within the Precinct of the ſaid Towns of Nottingham, Shrewsbury, Ludlow, Gloucester, Bridgnorth, Quinborow, and Northampton, within three years next after Proclamation thereof to be made by the Mayor, Sheriffs, and Bayliffs of any of the ſaid Towns, by what name or names ſoever they be incorporated, in and upon any ſuch vacant or decayed houſes and grounds in any ſuch Towns, as is aforeſaid, and according to this Act, do not enter, and ſufficiently re-edifie, and build the ſame decayed houſes or void grounds: that then it ſhall be lawful to the Lord, of whom ſuch vacant grounds or decayed houſes been or ſhall be holden, to enter immediately after the ſaid three years expired, and to have the ſame grounds to them and their heirs and ſucceſſors for ever: So that the ſaid Lords do ſufficiently re-edifie, and build the ſame vacant or void grounds, wherein he or they may enter by this Act within three years next after and immediately following the determination of the former three years, in the which the owners ought to have entred, re-edified, and builded the ſame by vertue of this Act.

The owners of decayed houſes or grounds ſhall re-edifie them within three years.

The Lords of the fee may ſeiſe and repair them in default of the owner.

And if ſuch Lords as may enter by this Act, do not enter, and well and ſufficiently re-edifie and build the ſame void and decayed houſes and grounds in their ſaid three years to them limited by this Act, that then it ſhall be lawful to the Mayors, Sheriffs, Bayliffs, and comminalty of the ſaid Towns, by what name or names ſoever they be incorporated, and their ſucceſſors for the time being, immediately after the ſaid three years expired, to enter

The chief officers of the Towns may enter, ſeiſe, and repair them, if the chief Lords do not.

into every ſuch void or decayed grounds, or houſes, and the ſame grounds, or ground to hold and retain without interruption to them and their ſucceſſors for ever, clearly diſcharged of rents going out of the ſame, as well againſt the Lord or Lords, of whom ſuch ground or grounds be holden, as all other: ſo that always the ſame Mayors, Sheriffs, Bailiffs, or Comminalty, or their ſucceſſors for the time being, do well and ſufficiently re-edifie, and build the ſame ground or grounds, wherein they may ſo enter by this Act, within three years next and immediately following the determination of the former three years, in the which the aforeſaid Lords, of whom ſuch ground or grounds were holden, ſhould or ought to haue entred, re-edified, and builded the ſame.

The firſt owner may re-enter, if the chief Officer do not re-edifie within three years.

And in caſe the ſaid Mayors, Sheriffs, Bailiffs, and Comminalty, or their ſucceſſors for the time being, do not enter, and ſufficiently re-edifie and build the ſame void or decayed houſes or grounds, in form aforeſaid, within the ſaid term of three years, according to this Act, That then it ſhall be lawful to the firſt owner and owners of ſuch decayed and void grounds, their heirs or ſucceſſors immediately after the ſame three years expired, into the ſame ground and grounds to re-enter, and them to retain to them, their heirs or ſucceſſors, as in their firſt eſtate, any thing in this Act to the contrary notwithſtanding.

A proviſo for an infant, woman covert, any perſon in priſon, or beyond the ſea.

Provided always, That this Act, nor any thing therein contained, ſhall be in any wiſe prejudicial or hurtful to any perſon or perſons, being at the time of the ſaid Proclamation made under the age of one and twenty years, or to any woman covert-baron, or any perſon or perſons being in priſon, or beyond the ſea in the Kings wars, or his other lawful affairs, during ſuch time as ſuch perſon or perſons ſhall be within age, covert-baron, in priſon, or beyond the ſea, ſo that the ſame perſon or perſons, after he or they be come to full age, or being not covert-baron, out of priſon, and come again within this Realm, within three years next enſuing do re-edifie the ſame houſes ſo decayed.

CAP. II.

It ſhall be High Treaſon to counterfeit the Kings ſign-manual, privy ſignet, or privy ſeal, &c. Rep. 1 Ed. 6. 12. 1 M. 1.

CAP. III.

A reſtraint of the exactions taken by the Mayor and Comminalty of the Town of Hull. Rep. 33 H. 8. 33.

CAP. IV.

The trial and puniſhment for Pirates on the Sea.

The inconveniences of trial of piracy after the courſe of the Civil Law.

Before what perſons offences committed upon the ſea ſhall be enquired, heard, and determined.

Where Pirates, Thieves, Robbers, and Murderers upon the ſea, many times eſcape unpuniſhed, becauſe the trial of their offences hath heretofore been ordered before the Admiral, or his Lieutenant, or Commiſſary, after the courſe of the civil Laws, the nature whereof is, that before any judgment of death can be given againſt the offendors, either they muſt plainly confeſs their offence (which they will never do without torture or pains) or elſe theirs offences be ſo plain and directly proved by witneſs indifferent, ſuch as ſaw their offences committed, which cannot be gotten but by chance at few times, becauſe ſuch offendors commit their offences upon the ſea, and at many times murder and kill ſuch perſons being in the ſhip or boat where they commit their offences, which ſhould bear witneſs againſt them in that behalf: and alſo ſuch as bear witneſs be commonly mariners and ſhipmen, which for the moſt part cannot be gotten, ne had always ready to teſtifie ſuch offences, becauſe of their often voyages and paſſages in the ſeas, without long tarrying aud protraction of time, and great coſts and charges, as well of the Kings Highneſs as ſuch as would purſue ſuch offendors. For reformation whereof be it enacted by authority of this preſent Parliament, That all ſuch offences done in or upon the ſea, or in any other haven, river or creek, where the Admiral or admirals pretend to have juriſdiction, ſhall be inquired, tried, heard, and determined in ſuch Shires and places in this Realm, as ſhall be limited by the Kings Commiſſion to be directed for the ſame, in like form and condition, as if ſuch offences had been done upon the land. And that ſuch Commiſſions ſhall be had under the Kings great ſeal, directed to the Lord Admiral or Admirals, or to his or their Lieutenant, deputy, or deputies, and to three or four ſuch other ſubſtantial perſons as ſhall be named by the Lord Chancellor for the time being, as often as need ſhall require, to hear and determine ſuch offences after the common courſe of the Laws of the land, uſed for felonies done and committed within the Realm.

By what Jurors the ſame offences ſhall be enquired of.

The trial, judgment, and forfeiture of offendors in Piracy.

And be it enacted by the authority aforeſaid, That ſuch perſons, to whom ſuch Commiſſions ſhall be directed, or three of them at the leaſt, ſhall have full power and authority to enquire of ſuch offences by the oaths of xii. good and lawful men inhabited in the Shire limited in their Commiſſion, in ſuch like manner and form, as if ſuch offendors had been committed upon the land within the ſame Shire: and that every indictment found and preſented before ſuch Commiſſioners of any felonies, robberies, murders, or manſlaughters done upon the ſeas, or in or upon any other haven, river, or creek, ſhall be good and effectual in the Law. And if any perſon or perſons happen to be indicted for any ſuch offence done, or hereafter to be done upon the ſeas, or in any other places above limited: that then ſuch order, proceſs, judgment and execution ſhall be uſed, had, done, and made to and againſt every ſuch perſon and perſons ſo being indicted, as againſt felons and murderers for murder or felony done upon the land, as by the Laws of the Realm is accuſtomed. And that the trial of ſuch offence, if it be denied by the offendors, ſhall be had by twelve men inhabited in the Shire limited within ſuch Commiſſion, which ſhall be directed as is aforeſaid, and no challenge to be had for the hundred. And ſuch as ſhall be convict of any ſuch offence by verdict, confeſſion, or proceſs, by authority of any ſuch Commiſſion ſhall have and ſuffer ſuch pains of death, loſſes of lands, goods and cattels, as if they had been convict of any felonies or murders done upon the lands.

Clergy ſhall not be allowed to Pirates.

And be it enacted by authority aforeſaid, That for robberies, felonies, and murders done upon the ſeas, or in any other places above rehearſed, the offendors ſhall not be admitted to have the benefit of their Clergy, but be utterly excluded thereof, and alſo of the privilledge of any ſanctuary.

Things taken upon the ſea by neceſſity.

Provided alway, That this Act extend not to be prejudicial or hurtful to any perſon or perſons for taking any victuals, gables, ropes, anchors, or ſails which any ſuch perſon or perſons compelled by neceſſity, taketh of or in any other ſhip, which may conveniently ſpare the ſame: So that the ſame perſon or perſons pay out of hand for the ſame victual, gables, ropes, anchors, or ſails, money, or money-worth to the value of the thing ſo taken, or deliver for the ſame a ſufficient bill obligatory to be paid in form following, that is to ſay, if the taking of the ſame things be on this ſide the Straits of Marrok, then to be paid within four moneths. And if it be beyond the ſaid Straits of Marrok, then to be paid within twelve moneths next enſuing the making of ſuch bills: And that the makers of ſuch bills well and truly pay the ſame debt at the day to be limited within the ſaid bills.

Commiſſions directed into the five Ports.

Provided alway, That whenſoever any ſuch commiſſion for the puniſhment of the offences aforeſaid, ſhall be directed or ſent to any place within the juriſdiction of the five Ports, that then every ſuch commiſſion ſhall be directed unto the Lord, Warden of the ſame Ports for the time being, or to his deputy, and unto three or four ſuch other perſon or perſons, as the Lord Chancellor for the time being ſhall name and appoint: any thing in this preſent Act to the contrary thereof in any wiſe notwithſtanding.

Provided alſo, That whenſoever any Commiſſion ſhall be directed into the five Ports for the inquiſition and trial of any of the offences expreſſed in this Act: that every ſuch inquiſition and trial to be had by vertue of ſuch commiſſion, ſhall be made and had by the inhabitants in the ſaid five Ports, or the members of the ſame: any thing in this Act to the contrary thereof notwithſtanding. St. 28 H. 8. 15.

CAP. V.

Who ſhall make Juſtices of Peace, &c. in Cheſter and Wales.

Co. Inſt. 4. part 211.

The lack of the execution of Juſtice the cauſe of diſorder.

The Kings Highneſs conſidering the manifold robberies, murders, thefts, treſpaſſes, riots, routs, embraceries, maintenances, oppreſſions, ruptures of his peace, and many other malefacts, which been daily practiſed, perpetrated, committed, and done within his Counties, and County Palatine of Cheſter and Flintſhire in Wales, adjoyning to the ſaid County of Cheſter, and alſo in his Counties of Anglice, otherwiſe called Angleſea, Cayernervan, and Mereoneth within his Principality of Northwales: And alſo in his Counties of Cardigan, Kayermerthen, Pembroke and Glamorgan in Southwales, by reaſon that common Juſtice hath not been indifferently miniſtred there, like and in ſuch form as it is in other places of this his Realm: By reaſon whereof the ſaid murders, robberies, thefts, treſpaſſes, and breaking of the peace have remained unpuniſhed, to the great animation of evil doers in the ſame Countreys. For redreſs and amputation whereof, and to the intent that one order of miniſtring of his laws ſhould be had, obſerved, and uſed in the ſame, as in other places of this Realm of England is had and uſed: It is ordained and enacted by the King our Soveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the Lord Chancellor of England, or the Lord Keeper of the great ſeal for the time being, from time to time, and at all times, ſhall have full power and authority by his diſcretion, to nominate and appoint Juſtices of Peace, Juſtices of the Quorum, and Juſtices of Gaol-delivery in the ſaid Counties of Cheſter, Flint, Angleſey, Kayernervan, Mereoneth, Cardigan, Kayermerthen, Pembroke, and Glamorgan, by Commiſſion under the Kings great ſeal, which ſhall have full power and authority to enquire, hear, and determine all manner thing and things inquirable, preſentable, or determinable before Juſtices of Peace, Juſtices of Quorum, and Juſtices of Gaol-delivery in other Shires of this Realm of England, by force or vertue of any Statute or Statutes made and to be made, or by the courſe of the common Laws of this Realm. And that the ſaid Juſtices of Peace, Juſtices of Quorum, and Juſtices of Gaol-delivery, ſo to be named and appointed by the ſaid Lord Chancellor, or Lord Keeper of the great Seal, and every of them ſhall have like power and authority within the ſaid Counties of Cheſter, Flint, Angleſey, Kayernarvan, Mereoneth, Cardigan, Kayermerthen, Pembroke, and Glamorgan, to do, uſe and execute every thing and things, as other Juſtices of Peace, Quorum, and Gaol-delivery, have within any other of the Shires of this Realm of England: And alſo ſhall be ſworn, aſtricted and obliged to the keeping of their Seſſions of the Peace, and to the due execution of all and ſingular Statutes and Ordinances made, and to be made in like manner and form, and under like pains and penalties, as Juſtices of Peace, Quorum, and Gaol-delivery, in other Shires of this Realm of England been and ſhall be bounden and obliged, any Act, Statute, Preſcription, Uſage, Cuſtom, Liberty, or Privilledge, had, made, accuſtomed, or uſed to the contrary notwithſtanding.

Juſtices of Peace of Quorum, and of Gaol-delivery, ſhall be aſſigned in certain Shires in Wales, and their authority

Cheſter. Flint.

And it is further enacted by the authority aforeſaid, That the extreats of the iſſues, fines, and amerciaments, taxed, ſet, loſt or forfeited by or before ſuch Juſtices of Peace, Quorum, and Gaol-delivery, in the ſaid Counties of Cheſter and Flint, ſhall be returned and certified into the Eſchequer of Cheſter before the Kings Chamberlain there.

Angleſey. Kayernarvan. Mereoneth.

And that the extreats of the iſſues, fines and amerciaments, taxed, ſet, loſt, or forfeited, by or before the Juſtices of Peace, Quorum, and Gaol-delivery, in the ſaid Counties of Angleſey, Kaernarvan, and Mereoneth, and every of them ſhall be returned and certified into the Kings Eſchequer at Kayernarvan, to, and before the Kings Chamberlain of Northwales.

Kaermerthen. Cardigan.

And that the extreats of the iſſues, fines and amerciaments, taxed, ſet, loſt, or forfeited, by or before the Juſtices of Peace, Quorum, and Gaol-delivery, in the ſaid Counties of Angleſey, Kayermerthen and Cardigan, and every of them ſhall be returned, and certified into the Kings Exchequer at Kayermerthen, to, and before ẏ Kings Chamberlain of South-wales.

Pembroke.

And that the extreats of the iſſues, fines and amerciaments, taxed, ſet, loſt, or forfeited, by or before the Juſtices of Peace, Quorum, and Gaol-delivery in the County of Pembroke, ſhall be returned and certified unto the Kings Exchequer at Pembroke.

Kardiff.

And that the extreats of the iſſues, fines, and amerciaments, taxed, ſet, loſt, or forfeited, by or before the Juſtices of Peace, Quorum, and Gaol-delivery in the ſaid County of Glamorgans ſhall be returned and certified into the Kings Exchequer at Caierdiff. And that the ſaid extreats of the ſaid iſſues, fines, and amerciaments, certified and returned into every of the foreſaid Eſchequers, ſhall be indented in ſuch like manner and form as is uſed in the Kings Eſchequer at Weſtminſter. And that the ſaid Juſtices of Peace and Quorum, or Gaol-delivery in every of the ſaid Shires, ſhall direct ſuch like proceſs, by extreats indented, within the extreats certified into the ſaid Eſchequers, to the Sheriff of every of the ſaid Counties, for the levying and gathering of the ſaid iſſues, fines, and amerciaments, in ſuch like manner and form as is uſed by the Juſtices of Peace, Quorum, and Gaol-delivery in every other of the Shires, within this Realm of England. And every Sheriff of every of the ſaid Shires ſhall make their accompts in every of the ſaid Eſchequers of and for the ſaid iſſues, fines, and amerciaments, upon the extreats to them directed, in manner and form as is uſed in the Kings Eſchequer at VVeſtminſter.

The Sheriffs accompts of iſſues, fines, amerciaments

The Juſtices and Clerk of the Peace allowances.

And it is enacted by the authority aforeſaid, That the ſaid Juſtices of Peace, and Clerks of the Peace within the ſaid Counties of Cheſter, Flint, Angleſey, Kayernarvan, Merioneth, Cardigan, Keyermerthen, Pembroke, and Glamorgan, and every of them ſhall be paid, and allowed, of the ſaid iſſues, fines, and amerciaments, ſuch like fees, profits, and commodities, as other Juſtices of Peace, and Clerks of the Peace in other Shires of this Realm, have and ought to have.

Inferior Officers ſhall be attendant to the Juſtices.

And it is further enacted by authority aforeſaid, That the Sheriff or his deputy, and all other his miniſters, in all and every of the ſaid Shires, and all Coroners, high-Conſtables, petty-Conſtables, and other Officers within every of the ſaid Shires, ſhall be obliged and bounden to be as well attendant unto the ſaid Juſtices of Peace, Quorum, and Gaol-delivery, in all and every thing and things concerning their authorities, as in executing and returning of all precepts and proceſſes to them directed by any of the ſaid Juſtices, in like manner and form, and under like pains and penalties, as all and every Sheriffs, Coroners, and other Officers be and ſhall be bounden and obliged by any Statute, or common Law in other Shires of this Realm of England: any Act, Statute, preſcription, uſage, cuſtom, liberty, or priviledge, had, accuſtomed, or uſed to the contrary notwithſtanding.
St. 32 H. 8. 43. 34 H. 8. 26.

CAP. VI.

Order for increaſe of good horſes.

The cauſe of the decay of the breed of horſes.

THe King our Soveraign Lord continually ſtudying for the advancement, augmentation, and increaſe of the publick weal of this his Realm, calling to his moſt gracious memory, the great decay of the generation and breeding of good, and ſwift, and ſtrong horſes, which heretofore have been bred in this Realm, to the great defence, profit, and common commodity of the ſame; And now remembring that like breed of horſes is ſore diminiſhed and decayed, the occaſion whereof is thought to proceed, that in many and moſt places of this Realm, commonly little horſes and nags of ſmall ſtature and value, be ſuffered to depaſture, and alſo to cover mares and feſys of very ſmall ſtature, by reaſon whereof the breed of good and ſtrong horſes of this Realm is now lately diminiſhed, altered and decayed, and further is like to decay, if ſpeedy remedy be not ſooner provided in that behalf.

Owners and Farmers of Parks ſhall be charged to keep Mares.

The Kings Highneſs willing therefore to provide remedy in that behalf, by the advice of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, hath ordained, enacted and eſtabliſhed, That every perſon and perſons, as well ſpiritual as temporal, of what eſtate, degree or condition ſoever he or they be, which at this preſent time, or at any time hereafter, ſhall have any Park or Ground incloſed with hedge, ditch, wall, or pale, wherein any Deer is, or hereafter ſhall be uſually kept for game, containing the quantity of one mile in compaſs, and is, or ſhall be ſeiſed thereof in fee-ſimple, fee-tail, or for term of life, in poſſeſſion to his or their own profit and behalf, that every ſuch owner of every ſuch Park and ground, being in his own hand, and every fermer of every ſuch Park or ground, being let to ferm, from the firſt day of May, that ſhall be in the year of our Lord God, MDXXXVII. ſhall keep for every ſuch Park or ground, being incloſed as is aforeſaid, as long as the ſame Park or ground incloſed ſhall be uſed, and kept with Deer in the ſame for games, two Mares being not ſplaied, apt and able to bear foals, each of them of the altitude or height of xiii. handfuls at the leaſt, to be meaſured from the lower part of the hoof of the foot, unto the higheſt part of the ſhoulder, and every handful to contain iv. inches of the ſtandard, upon pain of forfeiture of xl. s. of every moneths lacking the ſame Mares contrary to this Act: and that every ſuch owner or farmer of Park or ground, whereof the compaſs is iv. miles and above, upon pain afore expreſſed, ſhall keep for every ſuch Park iv. Mares being not ſplaied, apt and able to bear foals, of the altitude or height of xiii. handfuls at the leaſt, to be meaſured as is aforeſaid.

Provided, That if it ſhall happen any of the ſaid Mares by miſchance, or caſualty for to die, that then the Lord, owner or owners of the ſaid Mares providing or buying others of like height and altitude, as is before limited within iii. moneths next after the death of the ſame Mares, ſhall not incur the danger and penalty of this eſtatute, any thing before rehearſed to the contrary notwithſtanding.

And it is alſo enacted by authority aforeſaid, that the Lords, owners, and farmers of all

Parks and grounds incloſed as is above rehearſed, limited and appointed by this Act to keep Mares, ſhall not at any time after the ſaid firſt day of May, which ſhall be in the year of our Lord God MDXXXVII. willingly ſuffer any of the ſaid Mares to be covered and leapt with any ſtoned horſe under the ſtature of xiv. handful, to be meaſured in form afore rehearſed, upon pain of forfeiture of xl.s. The moyety of all ſuch forfeitures ſhall be to the King our Soveraign Lord, and the other moyety thereof to the party that will ſue for the ſame in any Court of our ſaid Soveraign Lord the King, by action, bill, plaint, or information, or otherwiſe, in which action or ſuit the defendant ſhall not be admitted to wage his Law, or any eſſoin or protection ſhall be unto the defendant allowed in that behalf.

Mares ſhall not be covered with ſmall horſes.

Provided alway, That this Act extend not to charge the Lord, owner or owners of any Park or ground, incloſed within the Counties of Weſtmerland, Cumberland, Northumberland, and the Biſhoprick of Durham, nor any of them, to keep any Mares for any Park or Parks, ground or grounds incloſed, as is aforeſaid, lying in the ſaid Counties of Weſtmerland, Cumberland, Northumberland, and the Biſhoprick of Durham, or otherwiſe then they have or might have done before the making of this Act: nor alſo ſhall extend to charge the Lords, owner or owners of any Park or Parks, or grounds incloſed, with the finding of any Mares, the herbage of which Park or Parks is common to the Tenants and inhabitants of the Townſhips next adjoyning to the ſame Park or Parks, any thing in this preſent Act made to the contrary hereof notwithſtanding.

To which Counties this Statute extendeth not.

Provided alſo, That every ſpiritual perſon and perſons charged and chargeable by this Act with the finding of Mares, may lawfully bargain and ſell the increaſe and breed of their ſaid Mares, any Act or Acts heretofore made to the contrary in any wiſe notwithſtanding.

Spiritual perſons may ſell the increaſe of their Mares.

CAP. VII.

No exactions ſhall be taken in the Forreſts of Wales.

Where divers and many Forreſts be in Wales, and the Marches of the ſame, as well of the inheritance and poſſeſſions of our Soveraign Lord the King, as of divers others being Lords Marchers: within which Forreſts certain unreaſonable cuſtoms and exactions have been of long time unlawfully exacted and uſed, contrary both to the Law of God and man, to the expreſs wrong, and great impoveriſhing of divers of the Kings true ſubjects: the effect of which ſaid unlawful exactions and cuſtoms be hereafter declared, that is to wit, It hath been there unlawfully uſed, that if it fortuned any of the Kings ſubjects to paſs, go, or ride through or in any way or path of any of the ſaid Forreſts, not having upon him or them that ſo ſhall fortune to paſs, go, or ride, a token delivered to him or them by the chief Forreſters, rulers, walkers, or fermers, ẏ which token ſhall be well known amongſt all them that are walkers and rulers under him or them: Or that he or they that ſo ſhal fortune to paſs, go, or ride in, or throughout any of the ſaid Forreſts, be not yearly tributors or chenſers, then he or they ſo going, riding, or travelling, in, or throughout any of the ſaid Forreſts, having no token, nor being yearly tributors or chenſers, as is aforeſaid, have uſed to pay by unlawful exactions, unto the forreſters rulers, walkers, and fermers of the ſaid Forreſts, a grievous fine or reward. And if any perſon or perſons, not having ſuch token or tokens, and not being a yearly tributor, or a chenſer as is aforeſaid, ſhould happen to be taken, found, or eſpied by any of the ſaid foreſters, rulers, walkers, or fermers, or their aſſigns, by the ſpace of xxiv. foot out of the high-way, then he or they ſo being taken, found, or eſpied out of the high-way, within any of the ſaid Forreſts, as is aforeſaid, to forfeit and loſe unto the ſaid forreſters, rulers, walkers, or fermers, all ſuch money or gold, as ſhould be then found upon him or them, ſo being taken in any of the ſaid Forreſts, out of the high-way, as is aforeſaid.

A rehearſal of divers unlawful and unreaſonable cuſtoms that were in ſome Forreſts in Wales.

And alſo the ſame perſon or perſons ſo being taken or found out of the high-way, to forfeit and loſe a joynt of one of his or their hands, or elſe to make fine therefore with the ſaid Forreſters, rulers, walkers, and fermers, at the will and pleaſure of the ſaid rulers, walkers, or fermers.

And if alſo that it happen any beaſt or quick cattel to come, go or eſcape into any of the ſaid Forreſts by ſtray, or thief-ſtollen, or otherwiſe, the ſaid forreſters, rulers, walkers, or fermers, after knowledge to him or them given, have likewiſe unlawfully uſed to ſeiſe, and take the ſame beaſt or cattel, as his or their own, and mark them with the mark of their Forreſt there uſed, and ſo ſeiſed, marked, taken thence, retain them as cattel forfeited unto their own uſe, by reaſon whereof, the owner and owners of the ſame cattel have been clear without remedy for the having again of the ſaid cattel, except only by way of redemption, or buying again of their own cattel, contrary to all equity and conſcience. In conſideration whereof it may pleaſe the Kings Highneſs, with the aſſent of the Lords ſpiritual and temporal, and the Commons at this preſent Parliament aſſembled, and by the authority of the ſame, to enact, ordain and eſtabliſh, That from the Feaſt of the nativity of Saint John Baptiſt next coming, which ſhall be in the year of our Lord God, MDXXXVI. all the ſaid unlawful cuſtoms to be determined, void, and had for nought throughout all and every of the ſaid Forreſts within Wales, and the Marches of the ſame.

And that it ſhall be lawful from thenceforth to all and every of the Kings true ſubjects, and all other perſon or perſons being in league and amity with our Soveraign Lord the King, his heirs and ſucceſſors Kings of England, freely, quietly, and in peace to paſs and repaſs, travel and go into, and thoughout the ſaid Forreſts and every of them, both on horſeback and on foot, as well following and driving of cattel, as with carrying of wares, or otherwiſe, about their lawful buſineſs and affairs, without any fine or forfeiture, toll, cuſtom, exaction, or other impoſition, to be taken, exacted or demanded of them, or any of them by the ſaid forreſters, rulers, walkers, fermers, or their aſſigns. And if it ſhall chance or happen any of the ſaid forreſters, rulers, walkers, fermers, or their aſſigns, or any

All the Kings ſubjects and friends may paſs freely through all the Forreſts in Wales without payment of any unlawful exactions.

any of them at any time after the ſaid Feaſt of S. John Baptiſt, to take any peſon or perſons, being the Kings true ſubjects, or otherwiſe in league and amity with our ſaid Soveraign Lord, his heirs or ſucceſſors, Kings of England, as is aforeſaid, and exact and take of them, or any of them, any of the ſaid forfeitures, fines, tolls, cuſtoms and exactions as is above mentioned, and be thereof lawfully convicted, that then he or they ſo doing, and offending contrary to this Act, to incur and ſtand in the dangers of the Statute heretofore provided for robberies by the Kings high-way, and the ſame to be tried before the Juſtices of the Peace in the next Shire adjoynant, according to the Law of this Realm of England.

The penalty of ſuch which do take unlawful exactions.

Cattel ſtrayed being recovered within a year, ſhall be re-delivered to the owner.

And further be it enacted by the authority aforeſaid, That if any manner of beaſt or quick cattel of any of the Kings true ſubjects, or others of the Kings friends, at any time after the ſaid Feaſt of the Nativity of Saint John Baptiſt, do come into any the ſaid Forreſts by ſtrayes, thief-ſtollen, or otherwiſe, and there be marked and ſeiſed by any of the ſaid Forreſters, rulers, walkers, fermors, or their aſſigns, or any of them, and the owner and owners of the ſame cattel within one year and a day then next enſuing, chance to find the ſaid cattel ſo taken, and lawfully prove the ſame to be his or their own proper cattel, That then the ſame cattel to be re-delivered to the owner or owners thereof, according to the ancient Law of this Realm of England, the ſaid owner or owners reaſonably paying for the keeping of ſuch cattel after the rate of the time that ſuch cattel ſhall have been in the cuſtody and keeping of any ſuch Forreſters, Rulers, Walkers, and Farmers, or his or their aſſigns, in ſuch manner and form as heretofore hath been in like caſe uſed to be done by the Law of this Realm of eſtrayed cattel claimed and proved by the owners, within a year and a day next after the ſeiſing of the ſame cattel. And if any of the ſaid Forreſters, Rulers, Walkers, Farmers, or their aſſigns, or any of them do deny the re-deliverance of all ſuch cattel, by them or any of them ſo ſeiſed or marked within any of the ſaid Forreſts, after the owner or owners of them ſhall have duly and lawfully proved them to be his or their own proper goods and cattels, as is aforeſaid, that then every ſuch Forreſter, Ruler, Walker, Farmer, or their aſſigns ſo doing, and offending contrary to this Act, to forfeit and pay unto the party grieved, the double value of all ſuch cattel as ſhall be ſo taken and marked, and not delivered to the owner or owners as is aforeſaid. And that the party grieved may have his action of detinue at the common Law, of and for the ſame cattel, againſt every ſuch offendor or offendors, and the ſame to be tried in the next Shire adjoynant: in which action the defendant ſhall not be admitted to wage his Law, nor eſſoin, nor protection ſhall be allowed for them: And like proceſs of outlawry to be had and made in the ſaid action of detinue, in the next Shire adjoynant againſt every Forreſter, Ruler, Walker, Farmer, or their aſſigns, ſo offending contrary to the tenor of this Act, as in an action of treſpaſs at the common Law of this Realm is uſed.

The penalty for detaining cattel ſtrayed.

CAP. VIII.

No ſpiritual perſon ſhall pay any tenth the ſame year they pay their firſt-fruits.

St. 26 H. 8. 3.

Where by a late Act made in this Parliament, for and concerning the grant made to the Kings Highneſs of the teuth of the yearly value of all ſpiritual poſſeſſions of this Realm, and of the firſt-fruits thereof, there appeareth by the words of the ſaid Act, that Prelates, and all other incumbents be charged to the payment of the tenth that ſhall be due to the Kings Highneſs, in and for the firſt year that they ſhall be elected, prefected, preſented, collated, or admitted to any degrees, benefices, or other promotions ſpiritual, and for the ſame firſt year ſhall alſo pay the whole firſt-fruits of their ſaid dignities, benefices, and promotions, which is a double charge. For reformation whereof, the Kings Highneſs for the entire and hearty love that his Grace beareth to the Prelates, and other incumbents chargeable to the payment of the ſaid tenth and firſt-fruits, of his excellent goodneſs is pleaſed and contented, that it be enacted by authority of this preſent Parliament, That whenſoever any perſon or perſons, from the firſt day of May, which ſhall be in the year of our Lord God, a thouſand five hundred thirty and ſix, ſhall be named, prefected, preſented, collated, or by any other means appointed to have any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Colledge, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chappel, or other dignity, benefice, or promotion ſpiritual, by vertue whereof they ſhall be charged or chargeable, as well for the payment of the tenth of every of the ſaid Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Colledge, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chappel, or other dignity, benefice, or promotion ſpiritual, as with the payment of the firſt-fruits of the ſame, and every of the ſame, ſhall at his or their compoſition, agreement, or entry into ſpecialty, or ſpecialties, for the payment of the ſaid firſt-fruits, have allowance and deduction of the ſaid tenth part of the whole, out of the ſum to be paid for the ſaid firſt-fruits for the year, wherein he or they ſhall be firſt nominated, prefected, preſented, collated, or by any other means appointed, to have any of the ſaid dignities, benefices, offices, or other promotions ſpiritual, according to the juſt rate, taxation, and ſeſſment of the tenth of every of the ſaid Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Colledge, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chappel, or other dignity, benefice, office, or promotion ſpiritual within this Realm, or elſewhere within any of the Kings dominions, of what name, nature, or quality ſoever they be, or to whoſe foundation, patronage, or gift ſoever they belong, now being enrolled, or that hereafter ſhall be enrolled in the Kings Eſchequer, or in any other the Kings Courts of Record.

The tenth of each ſpiritual promotion ſhall be deducted to every Eccleſiaſtical perſon.

And be it further enacted, That every Commiſſioner or Commiſſioners, or other the Kings Officers or Miniſters, or any other perſon or perſons, which either by authority of any Act of Parliament, or by Commiſſion or Commiſſions, under the Kings great Seal, or otherwiſe by his Graces commandment, or by the commandment of ſuch as by his Highneſs ſhall be authorized for that purpoſe, be appointed, aſſigned, or deputed, or that hereafter ſhall be appointed, authoriſed, aſſigned, or deputed to compound, agree, and receive bonds, and ſpecialties to his Majeſties uſe, for payment of the ſaid firſt-fruits of every of the ſaid dignities, benefices, offices, or other promotions ſpiritual, ſhall and may by force of this Act, from the ſaid firſt day of May for ever forward, have authority to deduct and allow unto every ſuch perſon or perſons, as from the aforeſaid firſt day of May ſhall be nominated, prefected, preſented, collated, or by any other means appointed to have any of the ſaid Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Colledge, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chauntry, Free-chappel, or other dignity, benefice, office, or promotion ſpiritual, the tenth part of the whole as is aforeſaid, out of the ſame firſt-fruits for the year, wherein he or they ſhall be firſt nominated, prefected, preſented, collated, or by any other means appointed unto every of the ſame as is aforeſaid, without any further ſuit to be made to the Kings Highneſs, and without impoſition or exaction, or other charge to be in any wiſe demanded or exacted of the perſon or perſons ſo preferred, for the allowance unto them of the ſaid tenth, for the ſaid firſt year in form above expreſſed: any thing or things in the ſaid Act of the grant of the ſaid tenth and firſt-fruits to the contrary notwithſtanding.

Every perſon authorized to compound for firſt-fruits, may deduct the tenth part out of the firſt-fruits.

And it is alſo enacted by the authority aforeſaid, That all and every perſon and perſons, that upon his or their compoſition and agreement for the firſt-fruits, ſhall be defalked and allowed the tenth part of the whole ſum of his or their dignities, benefices, offices, or promotions ſpiritual, for the year wherein he or they ſhall be firſt nominated, prefected, preſented, collated, or by any other means appointed unto any of the ſame, as is aboveſaid, ſhall yield and pay the ſaid tenth part unto the Kings Majeſty, his heirs and ſucceſſors, the ſaid firſt year, in like manner and form, and at ſuch day as is limited in the ſaid Act of the grant of the ſaid tenth and firſt-fruits: any thing contained in this Act to the contrary notwithſtanding.

He that hath his tenth deducted out of the firſt-fruits, ſhall pay it to the King.

Be it further enacted by the authority aforeſaid, That in ſuch caſes where the ſucceſſor of any incumbent ſhall be chargeable to the payment of ſuch ſums of money as ſhall be due of and for the ſaid tenth, that ſhall happen to be behind unpaid in the time or life of his predeceſſor, there every ſuch ſucceſſor may lawfully diſtrain ſuch goods and cattels of his predeceſſor, as ſhall happen to be and remain in and upon the dignity, benefice, or promotion ſpiritual, of the which the ſame tenth was behind and unpaid in the life or time of his predeceſſor, and retain the ſame goods and cattels, till ſuch time as the ſaid predeceſſor, if he be alive, and if he be dead, then his executors or adminiſtrators, or ſuch other to whom his goods or cattels ſhould appertain, have fully ſatisfied and paid ſuch ſums of money as ſhall happen to be behind and unpaid of the ſaid tenth. And in caſe the ſaid predeceſſor, his executors, adminiſtrators, or ſuch other to whom his goods or cattels ſhould appertain, within twelve days next after the diſtreſs thereof, do not ſatisfie the ſaid ſums of money, being behind of the ſaid tenth, as is aforeſaid; that then for ſuch default of payment, it ſhall be lawful to every ſuch ſucceſſor, to cauſe the ſaid goods and cattels ſo diſtrained, to be praiſed by two or three indifferent perſons to be ſworn for the ſame: And according to the ſame appraiſing, to ſell ſo much thereof as ſhall amount as well to the full ſatisfaction of the ſaid ſums of money being behind and unpaid of the ſaid tenth in the life or time of his predeceſſor, as for the reaſonable coſts that ſhall be ſpent by the occaſion of diſtraining and appraiſing of the ſame goods and cattels. And in caſe no ſufficient goods and cattels may be found in or upon ſuch dignities, benefices, or promotions ſpiritual, for the ſatisfaction of the ſaid tenth being behind unpaid, as is aboveſaid, that then the predeceſſors by whom ſuch tenth was due to be paid, if he be alive, and if he be dead, then his executors, adminiſtrators, and other to whom his goods and cattels ſhall appertain or belong, ſhall be compelled to the payment of the ſaid tenth being behind and unpaid, as is aforeſaid, by bill to be purſued in the Kings Chancery by the ſucceſſor that ſhall be chargeable for the ſame, or elſe by action or plaint of debt to be taken or commenced by ſuch ſucceſſor, by order of the Common Laws. 1 Eliz. 4.

What remedy the ſucceſſor ſhall have, which is compelled to pay the tenth for his predeceſſor.

CAP. IX.

Butchers may ſell fleſh during two years, as they did before the making of the Statute of 24 H. 8. 3. and 25 H. 8. 1. notwithſtanding the ſame Statutes. EXP.

CAP. X.

An Order for Uſes and Wills.

Celt.f.113:

Where by the common laws of this Realm, lands, tenements, and hereditaments, be not deviſible by teſtament, nor ought to be transferred from one to another, but by ſolemn livery and ſeiſin, matter of record, writing ſufficient made bona fide without covin or fraud: yet nevertheleſs, divers and ſundry imaginations, ſubtile inventions and practices have been uſed, whereby the hereditaments of this Realm have been conveyed from one to another by fraudulent feoffments, fines, recoveries, and other aſſurances craftily made, to ſecret uſes, intents and truſts, and alſo by Wills and Teſtaments, ſometime made by nude parolx and words, ſometime by ſigns and tokens, and ſometime by writing, and for the moſt part made by ſuch perſons as be viſited with ſickneſs in their extream agonies and pains, or at ſuch time as they have had ſcantly any good memory or remembrance; at which times they being provoked by greedy and covetous perſons lying in wait about them, do many times diſpoſe indiſcreetly and unadviſedly their lands and inheritances, by reaſon whereof, and by occaſion of which fraudulent feoffments, fines, recoveries, and other like aſſurances to uſes, confidences and truſts, divers and many heirs have been injuſtly at ſundry times diſherited, the Lords have loſt their Wards, marriages, reliefs,

How by the common Law lands ought to be transferred from one perſon to another.

Several inconveniences enſuing by conveyance of lands to uſes, and by the deviſing them by wills.

reliefs, harriots, eſcheats, aids pur faire fitz chivaler et pur file marier, and ſcantly any perſon can be certainly aſſured of any lands by them purchaſed, nor know ſurely againſt whom they ſhall uſe their actions or execution for their rights, titles, and duties. Alſo men married have loſt their tenances by the courteſie, women their dowers, manifeſt perjuries by trial of ſuch ſecret wills and Uſes have been committed. The Kings Highneſs hath loſt the profits and advantages of the lands of perſons attainted, and the lands craftily put in feoffments to the uſes of aliens born, and alſo the profits of waſte for a year and a day, of lands of felons attainted, and the Lords their eſcheats thereof: and many other inconveniences have happened, and daily do increaſe among the Kings ſubjects, to their great trouble and inquietneſs, and to the utter ſubverſion of the ancient common Laws of this Realm. For the extirping and extinguiſhment of all ſuch ſubtile practiſed feoffments, fines, recoveries, abuſes, and errours heretofore uſed and accuſtomed in this Realm, to the ſubverſion of the good and ancient Laws of the ſame, and to the intent that the Kings Highneſs, or any other his ſubjects of this Realm, ſhall not in any wiſe hereafter by any means or inventions be deceived, damaged, or hurt by reaſon of ſuch truſts, uſes or confidences; it may pleaſe the Kings moſt Royal Majeſty, that it may be enacted by his Highneſs, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, in mannerand form following: That is to ſay, that where any perſon or perſons ſtand, or be ſeiſed, or at any time hereafter ſhall happen to be ſeiſed of and in any Honors, Caſtles, Manors, Lands, Tenements, Rents, Services, Reverſions, Remainders, or other Hereditaments, to the uſe,[b] confidence or truſt of any other perſon or perſons, or of any body politick, by reaſon of any bargain, ſale, feoffment, fine, recovery, covenant, contract, agreement, will, or otherwiſe, by any manner means whatſoever it be: that in every ſuch caſe, all and every ſuch perſon and perſons, and bodies politick, that have, or hereafter ſhall have any ſuch uſe, confidence or truſt, in fee-ſimple, fee-tail, for term of life, or of years, or otherwiſe; or any uſe, confidence or truſt in remainder, or reverter, ſhall from henceforth ſtand and be ſeiſed, deemed and adjudged in lawful ſeiſon, eſtate, and [c] poſſeſſion of and in the ſame honours, caſtles, manors, lands, tenements, rents, ſervices, reverſions, remainders, and hereditaments, with their appurtenances, to all intents, conſtructions and purpoſes in the Law, of and in ſuch like eſtates as they had or ſhall have in uſe, truſt or confidence, of or in the ſame. And that the eſtate, title, right and poſſeſſion that was in ſuch perſon or perſons, that were or hereafter ſhall be ſeiſed of any lands, tenements or hereditaments, to the uſe, confidence, or truſt of any ſuch perſon or perſons, or of any body politick, be from henceforth clearly deemed and adjudged to be in him or them that have or hereafter ſhall have ſuch uſe, confidence or truſt, after ſuch quality, manner, form and condition as they had before in or to the uſe, confidence or truſt that was in them.

b Bro. D. Cok. L.4. &c. Dyer f. a28.24 a66.31 340. Co. Inſt.

The poſſeſſion of lands ſhall be in him or them that have the uſe. Cro. El.46.pl.2. Cro. Jac.6.401. 453. Cro. Car.44.218.

a Coke Lit. 162. 12 Lit. 41. 18. 94. l. 9. f. 1. Lit. f. 14. Bro. Conſcience f. 2. c. Bro. feoffments & uſes 55. 56. 58. Plo. f. 1. 11. 298. 346.

c Dyer f. p. 155. 235. 276. 309. 340. 349. 362. 369. Co. Inſt. 271. a 272. a

Co. Inſt. 163.

Aſſurance made of divers to the uſe of one or ſome of them.

e Dyer f. Cok. 13.

And be it further enacted by the authority aforeſaid, That where divers and many perſons be or hereafter ſhall happen to be jointly ſeiſed of and in any lands, tenements, rents, reverſions, remainders, or other hereditaments, to the uſe, confidence, or truſt of any of them that be ſo jointly ſeiſed, that in every ſuch caſe, that thoſe perſon or perſons which have, or hereafter ſhall have any ſuch uſe, confidence or truſt in any ſuch lands, tenements, rents, reverſions, remainders, or hereditaments, ſhall from henceforth have and be deemed and adjudged to have only to him or them that have, or hereafter ſhall have ſuch uſe, confidence or truſt, ſuch eſtate, poſſeſſion and ſeiſon, of and in the ſame lands, tenements, rents, reverſions, remainders, and other hereditaments, in like nature, manner, form, condition and courſe, as he or they had before in the uſe, confidence or truſt of the ſame lands, tenements or hereditaments. Saving and reſerving to all and ſingular perſons, and bodies politick, their heirs and ſucceſſors, other then thoſe perſon or perſons, which be ſeiſed, or hereafter ſhall be [e] ſeiſed of any lands, tenements, or hereditaments, to any uſe, confidence or truſt, all ſuch right, title, entre, intereſt, poſſeſſion, rents and action, as they or any of them had or might have had before the making of this Act.

Saving of the right of ſtrangers.

e Dyer f.

Saving of the right of the feoffees to uſe.

f Cok. 1. Dyer f.

And alſo ſaving to all and ſingular thoſe perſons, and to their heirs, which be, or hereafter ſhall be ſeiſed to any uſe, all ſuch former [f] right, title, entre, intereſt, poſſeſſion, rents, cuſtoms, ſervices and action, as they or any of them might have had to his or their own proper uſe, in, or to any manors, lands, tenements, rents or hereditaments, whereof they be, or hereafter ſhall be ſeiſed to any other uſe, as if this preſent Act had never been had nor made: any thing contained in this Act to the contrary notwithſtanding.

Dyer f.

And where alſo divers perſons ſtand and be ſeiſed of and in any lands, tenements, or hereditaments, in fee-ſimple, or otherwiſe, to the uſe or intent that ſome other perſon or perſons ſhall have and perceive yearly to them, and to his or their heirs, one annual rent of ten pounds, or more, or leſs, out of the ſame lands and tenements, and ſome other perſon one other annual rent to him and his aſſigns for term of life or years, or for ſome other ſpecial time, according to ſuch intent and uſe, as hath been heretofore declared, limited and made thereof;

Land aſſured to the uſe that rent ſhould be paid out thereof to ſome other.

Co. l. 6. f.

g Dyer f.

Be it further enacted by the authority aforeſaid, That in every ſuch caſe, the ſame perſons their heirs and aſſigns, that have ſuch uſe and intereſt, to have and perceive any ſuch [g] annual rents out of any lands, tenements, or hereditaments, that they and every of them, their heirs and aſſigns be adjudged and deemed to be in poſſeſſion and ſeiſon of the ſame rent, of and in ſuch like eſtate, as they had in the title, intereſt, or uſe of the ſaid rent or profit, and as if a ſufficient grant or other lawful conveyance had been made and executed to them, by ſuch as were, or ſhall be ſeiſed to the uſe or intent of any ſuch rent to be had, made, or paid according to the very truſt and intent thereof. And that all and every ſuch perſon and perſons as have, or hereafter ſhall have any title, uſe, and intereſt in, or to any ſuch rent, or profit, ſhall lawfully diſtrain for non-payment of the ſaid rent, and in their own names make avowries, oꝛ by their Bailiffs oꝛ ſervants make coniſances, and juſtifications, and have all other ſuits, entrees, and remedies, foꝛ ſuch rents, as if the ſame rents had been actually and really granted to them with ſufficient clauſes of diſtreſs, reentre, oꝛ otherwiſe, accoꝛding to ſuch conditions, pains, oꝛ other things limited, and appointed upon the truſt and intent foꝛ paiment oꝛ ſurety of ſuch rent.

A woman ſhall not have both a joynter and dower of her husbands lands.
a Cok pl.f. 171. 172.

And be it further enacted by the authoꝛity afoꝛeſaid, That whereas divers perſons have purchaſed, oꝛ have eſtate made and conveyed, of and in divers lands, tenements, and hereditaments unto them and to their wives and to the heirs of the husband, oꝛ to the husband and to the wife and to the heirs of their [a] two bodies begotten, oꝛ to the heirs of one of their bodies begotten, oꝛ to the husband and to the wife foꝛ term of their lifes, oꝛ foꝛ term of life of the ſaid wife: Oꝛ where any ſuch eſtate oꝛ purchaſe of any lands, tenements, hereditaments, hath been oꝛ hereafter ſhall be made to any husband and to his wife, in manner and foꝛm above expꝛeſſed, oꝛ to any other perſon oꝛ perſons, and to their heirs oꝛ aſſigns, to the uſe and behoof of the ſaid husband and wife, oꝛ to the uſe of the wife, as is befoꝛe rehearſed, foꝛ the [b] joynter of the wife: that then in every ſuch caſe, every woman married, having ſuch joynter made, oꝛ hereafter to be made, ſhall not claim noꝛ have title to have any dower of the reſidue of the lands, tenements, oꝛ hereditaments that at any time were her ſaid husbands, by whom ſhe hath any ſuch joynter, noꝛ ſhall demand noꝛ claim her dower of and againſt them that have the lands and inheritances of her ſaid husband. But if ſhe have no ſuch joynter, then ſhe ſhall be admitted and enabled to purſue, have and demand her dower by writ of dower, after the due courſe and oꝛder of the common laws of this Realm: this Act, oꝛ any Law oꝛ pꝛoviſion made to the contrary thereof notwithſtanding.

b Bro. Dowe Cok. l.4.f.1, &c. Dyer f.61,97. 228.248. 266.317. 340. Co.Inſt.36.h.

A woman ſhall be endowed whoſe joynter is recovered.

Pꝛovided alway, That if any ſuch woman be lawfully expulſed oꝛ evicted from her ſaid joynter, oꝛ from any part thereof, without any fraud oꝛ covin, by lawful entry, action, oꝛ by diſcontinuance of her husband: then every ſuch woman ſhall be endowed of as much of the reſidue of her husbands tenements oꝛ hereditaments, whereof ſhe was befoꝛe dowable, as the ſame lands and tenements ſo evicted and expulſed ſhall amount oꝛ extend unto.

Women heretofoꝛe married.

Pꝛovided alſo, That this Act, noꝛ any thing therein contained oꝛ expꝛeſſed, extend, oꝛ be in any wiſe hurtful oꝛ pꝛejudicial to any woman oꝛ women heretofoꝛe being married, of, foꝛ, oꝛ concerning ſuch right, title, uſe, intereſt oꝛ poſſeſſion, as they oꝛ any of them have, claim, oꝛ pꝛetend to have foꝛ her oꝛ their joynter oꝛ dower of, in, oꝛ to any manoꝛs, lands, tenements, oꝛ other hereditaments of any of their late husbands, being now dead oꝛ deceaſed, any thing contained in this Act to the contrary notwithſtanding.

A joynter made after marriage, may be taken oꝛ refuſed by the wife.

Pꝛovided alſo, That if any wife have, oꝛ hereafter ſhall have any manoꝛs, lands, tenements, oꝛ hereditaments, unto her given oꝛ aſſured after marriage, foꝛ term of her life, oꝛ otherwiſe in joynter, except the ſame aſſurance be to her made by Act of Parliament, and the ſaid wife after that foꝛtune to over-live the ſame her husband, in whoſe time the ſaid joynter was made oꝛ aſſured unto her; that then the ſame wife ſo over-living, ſhall and may at her liberty after the death of her ſaid husband, [c] refuſe to have and take the lands and tenements ſo to her given, appointed, oꝛ aſſured during the coverture, foꝛ term of her life, oꝛ otherwiſe in joynter, except the ſame aſſurance be to her made by Act of Parliament, as is afoꝛeſaid, & thereupon to have, ask, demand and take her dower by writ of dower, oꝛ otherwiſe, accoꝛding to the common Law, of, and in all ſuch lands, tenements and hereditaments, as her husband was and ſtood ſeiſed of any ſtate of inheritance at any time during the coverture, any thing contained in this Act to the contrary in any wiſe notwithſtanding.

c Dyer f.318. Cok.13.f.27.

This ſtatute ſhall extinguiſh no ſtatute oꝛ recogniſance, &c.

Pꝛovided alſo, That this pꝛeſent Act, noꝛ any thing therein contained, extend, noꝛ be at any time hereafter inteꝛpꝛeted, expounded oꝛ taken to extinct, releaſe, diſcharge oꝛ ſuſpend any Statute, recogniſances, oꝛ other bond, by the execution of any eſtate, of, oꝛ in any lands, tenements, oꝛ hereditaments, by the authoꝛity of this Act, to any perſon oꝛ perſons, oꝛ bodies politick; any thing contained in this Act to the contrary thereof notwithſtanding.

Wills made befoꝛe the ſtatute, oꝛ ſhoꝛtly after, how they ſhall be taken.

And foꝛaſmuch as great ambiguities and doubts may ariſe of the validity and invalidity of Wills heretofoꝛe made of any lands, tenements and hereditaments, to the great trouble of the Kings ſubjects: the Kings moſt Royal Majeſty, minding the tranquility and reſt of his loving ſubjects, of his moſt excellent and accuſtomed goodneſs is pleaſed and contented, that it be enacted by the authoꝛity of this pꝛeſent Parliament, That all manner true and juſt Wills and Teſtaments heretofoꝛe [d] made by any perſon oꝛ perſons deceaſed, oꝛ that ſhall deceaſe befoꝛe the firſt day of May, that ſhall be in the year oꝛ our Loꝛd God, MDXXXVI. of any lands, tenements, oꝛ other hereditaments, ſhall be taken and accepted good and effectual in the Law, after ſuch faſhion, manner and foꝛm as they were commonly taken and uſed at any time within xl. years next afoꝛe the making of this Act; any thing contained in this Act, oꝛ in the Pꝛeamble thereof, oꝛ any opinion of the common Law to the contrary thereof notwithſtanding.

d Dyer f.143.

How fines foꝛ alienation, reliefs, and harriots ſhall be paid to the King.

Pꝛovided always, That the Kings Highneſs ſhall not have, demand, oꝛ take any advantage oꝛ pꝛofit, foꝛ, oꝛ by occaſion of the executing of any eſtate, only by authoꝛity of this Act, to any perſon oꝛ perſons, oꝛ bodies politick, which now have, oꝛ on this ſide the ſaid firſt day of May, which ſhall be in the year of our Loꝛd God, MDXXXVI. ſhall have any uſe oꝛ uſes, truſts oꝛ confidences in any manoꝛs, lands, tenements oꝛ hereditaments holden of the Kings Highneſs, by reaſon of pꝛimer ſeiſin, [e] livery, Ouſter le maine, fine foꝛ alienation, relief oꝛ harriot: but that fines foꝛ alienations, reliefs and harriots ſhall be paid to the Kings Highneſs, and alſo liveries, and Ouſter le maines ſhall be ſued foꝛ uſes, truſts and confidences to be made and executed in poſſeſſion by authoꝛity of this Act, after and from the ſaid firſt day of May, of lands and tenements, and other hereditaments holden of the King in ſuch like manner and foꝛm, to all intents, conſtructions and purpoſes, as hath heretofoꝛe been uſed oꝛ accuſtomed by the oꝛder of the Laws of this Realm.

e Co.l.6.f.28.

Other lands, fines, reliefs, and harriots.

Provided alſo, That no other perſon or perſons, or bodies politick, of whom any lands, tenements or hereditaments be or hereafter ſhall be holden mediate or immediate, ſhall in any wiſe demand or take any fine, relief, or harriot, for or by occaſion of the executing of any eſtate by the anthority of this Act to any perſon or perſons, or bodies politick, before the ſaid firſt day of May, which ſhall be in the year of our Lord God, MDXXXVI.

Ceſtuy que uſe may take all ſuch advantages as his Feoffees might have had.

And be it enacted by authority aforeſaid, That all and ſingular perſon and perſons, and bodies politick, which at any time on this ſide the ſaid firſt day of May, which ſhall be in the year of our Lord God 1536. ſhall have any eſtate unto them executed of and in any lands, tenements, or hereditaments, by the anthority of this Act, ſhall and may have and take the ſame or like advantage, benefit, voucher, aid, prayer, remedy, commodity and profit by action, entry, condition, or otherwiſe, to all intents, conſtructions and purpoſes, as the perſon or perſons ſeiſed to their uſe, of, or in any ſuch lands, tenements, or hereditaments ſo executed, had, ſhould, might, or ought to have had at the time of the execution of the eſtate thereof, by the authority of this Act, againſt any other perſon or perſons, of or for any waſt, diſſeiſon, treſpaſs, condition broken, or any other offence, cauſe or thing concerning or touching the ſaid lands or tenements ſo executed by the authority of this Act.

Actions now depending.

Provided alſo, and be it enacted by the authority aforeſaid, That actions now depending againſt any perſon or perſons ſeiſed of or in any lands, tenements, or hereditaments, to any uſe, truſt or confidence, ſhall not abate, ne be diſcharged for or by reaſon of executing of any eſtate thereof by authority of this Act, before the ſaid firſt day of May, which ſhall be in the year of our Lord God 1536. any thing contained in this Act to the contrary notwithſtanding.

Wardſhips, liveries, or Ouſter le main of any now being within age, or of full age,

Provided alſo, That this Act, nor any thing therein contained, ſhall not be prejudicial to the Kings Highneſs for wardſhips of Heirs now being within age, nor for liveries, or for Ouſter le mains, to be ſued by any perſon or perſons now being within age, or of full age, of any lands or tenements unto the ſame heir or heirs now already deſcended: any thing in this Act contained to the contrary notwithſtanding.

Recogniſances taken to the Kings uſe concerning recoveries.

Provided alſo, and be it enacted by the authority aforeſaid, That all and ſingular Recogniſances heretofore knowledged, taken or made to the Kings uſe, for or concerning any recoveries of any lands, tenements or hereditaments heretofore uſed or had, by writ or writs of entry upon diſſeiſon in le poſt, ſhall from henceforth be utterly void and of none effect to all intents, conſtructions and purpoſes.

Eſtates of lands executed to perſons born in Wales.

Provided alſo, That this Act, nor any thing therein contained, be in any wiſe prejudical or hurtful to any perſon or perſons born in Wales, or the marches of the ſame, which ſhall have any eſtate to them executed by authority of this Act in any lands, tenements, or other hereditaments within this Realm, whereof any other perſon or perſons now ſtand, or be ſeiſed to the uſe of any ſuch perſon or perſons born in VVales, or the marches of the ſame: but that the ſame perſon or perſons born in VVales, or the marches of the ſame, ſhall or may lawfully have, retain and keep the ſame lands, tenements, or other hereditaments, whereof eſtate ſhall be ſo unto them executed by the authority of this Act, according to the tenor of the ſame: any thing in this Act contained, or any other Act or proviſion heretofore had or made to the contrary notwithſtanding.

CAP. XI.

The courſe of ſuing forth Gifts and Grants made under the Kings Sign Manual, and the Clerk of the Signets fees.

Co. Inſt. 4 p. 55.

The Kings grants ſhall be brought to the Secretary or Clerk of the Signet.

WHereas the Kings Clerks of his Graces Signet and Privy Seal, giving their daily attendances for the paſſing and writing of his Maieſties great and weighty affairs, and the cauſes of this his Realm, have for their entertainment aud their Clerks, no fees nor wages certain for thoſe Offices, other then ſuch fees as cometh and groweth of the ſaid Signet and Privy Seal: To the intent that from henceforth they ſhould not by any manner of means be defeated of any part or portion of the ſame their fees, Be it therefore ordained, eſtabliſhed, and enacted by the conſent and aſſent of the Lord ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every gift, grant, and other writing, which ſhall be made or given in writing by the Kings Highneſs, or any his moſt noble poſterity, to any perſon or perſons, ſigned with his Graces Sign, or the Sign or Signs Manual of any of them, to be paſſed under any his Graces Great Seals of England, Ireland, Dutchy of Lancaſter, or any of his Highneſs Counties Palatines, or Principality of VVales, or by other proceſs out of the Exchequer, after the xv. day of April, in the xxvii. year of his moſt noble reign, & that all & every gifts, grants, and other writings, of what name or names, qualitie or qualities ſoever the ſame be, or hereafter ſhall be named, deemed, or called, which the Maſter of the Kings Wards, or general Surveyors of the Kings lands for the time being, or any other Officer or Officers that now be or hereafter ſhall be made, ſhall by vertue of any Act of Parliament, or any the Kings grants to them or any of them made, or hereafter to be [a] made in that behalf, give, grant or make, after the aforeſaid xv. day of April, to any perſon or perſons in the Kings name to be paſſed under any his Majeſties Seals, be in any wiſe firſt and before the ſame grant or any of them, be paſſed under any the Kings ſaid Seals, or other proceſs made of the ſame, brought and delivered to the Kings principal Secretary, or to one of the Kings Clerks of his Graces Signet for the time being, to be at the ſaid Office of the Signet paſſed accordingly.

[a] Co.l.8.ii

A warrant by the Clerk of ÿ ſignet to the Lord Keeper of the privy ſeal.

And be it alſo ordained and enacted by the authority aforeſaid, That one of the Clerks of the ſaid Signet, to whom any the ſaid writings ſigned with the Kings moſt gracious hand, or the hand of any other aforeſaid, or any of them, fortune to be delivered, may and ſhall by warrant of the ſame bills, and every of them within the ſpace of viii. days next after he ſhall have received the ſame, unleſs he have knowledge by the ſaid Secretary, or otherwiſe of the Kings pleaſure to the contrary make, or cauſe to be made in the Kings name, letters of warrant, ſubſcribed with the hand of the ſame Clerk, and ſealed with the Kings Signet, to the Lord Keeper of the Kings Privy Seal, for further proceſs to be had in that behalf. And that one of the Kings Clerks of the ſaid Privy Seal, upon due examination had by the ſaid Lord Keeper of the ſaid Privy Seal, of the ſaid warrant to him addreſſed from the Office of the ſaid Signet as afore, may and ſhall within the ſpace of viii. days next after he ſhall have received the ſame, unleſs the Lord Keeper of the Privy Seal do give them commandment to the contrary, make or cauſe to be made by warrant of the foreſaid warrant to the ſaid Lord Keeper of the Privy Seal, addreſs from the office of the Signet aforeſaid, other letters of like warranty, ſubſcribed with the name of the ſame Clerk of the Privy Seal, to the Lord Chancellor of England, Lord Keeper of the Great Seal, Chancellor of the Dutchy of Lancaſter, Chancellor of the Kings land of Ireland, Treaſurer and Chamberlains of the Exchequer, and Chamberlains of any of his Counties Palatines, or Principality of Wales, or other officer, and to every of them, for the writing and enſealing with ſuch Seals as remain in their cuſtody, of Letters Patent or cloſed, or other proceſs making, due and requiſite to be had or made upon any the ſaid grants, according to the tenor of the warrant to them or any of them directed from the Officer of the Privy Seal, as is afore ſpecified.

A warrant from the privy ſeal to the great ſeal, &c.

And alſo be it enacted by the authority aforeſaid, That no manner Clerk or Clerks, or other perſon or perſons, do write, or make any manner writing, warrant or warrants, upon any manner gift or grant made by the Kings Highneſs, or by any other his Graces officers, as aforeſaid, or procure the ſame or any of the ſame to be paſſed under any the Seals aforeſaid, after any other ſort, manner or faſhion, or by any other warrant or warrants, then as before is ſpecified and declared, upon pain to forfeit for every bill, warrant or writing paſſed contrary to the order before limited and preſcribed, the ſum of x.li. ſterling, the one half thereof to be to our Soveraign Lord the King, and the other half to him that ſhall firſt ſue for the ſame by action of debt, writ, bill, plaint, or information, in any the Kings Courts; in which action or ſuit, no eſſoin, protection, proviſion, priviledge, nor wager of Law ſhall be admitted, any manner Act, Statute, Proviſion, Proclamation, or other Ordinance heretofore had or made, contrary to this preſent Act, or any article of the ſame, in any wiſe notwithſtanding.

The penalty for altering of the courſe aforeſaid.

And nevertheleſs be it alſo enacted, That every of the ſaid Clerks, or other perſon, which ſhall paſs in writing, or procure to be paſſed in writing, any grant or grants by immediate warrant, wherefore fees be paid at the Great Seal, ſhall of the parties receive for the offices of the ſaid Signet and Privy Seal, as well ſuch fees as in this Act is taxed for writing of any ſuch grant, or other writings, as alſo the fees for the ſeal of the ſame, which fees, and every part and portion thereof, the ſame Clerk or Clerks, by whom any grant ſhall paſs in writing by immediate warrant, ſhall upon a bill of the hand of one of the ſaid Clerks of the ſaid Signet or Privy Seal, deliver unto one of the ſame Clerks of the Signet or Privy Seal, within the ſpace of three months, next and immediatly enſuing after the paſſing and ſealing of the ſaid grant or grants by immediate warrant, upon pain of x.li. ſterling, to be by every ſuch of the ſaid Clerks or other perſon as ſhall offend, forfeited, to be levied in form aforeſaid, as often as he or they ſhall offend contrary to the meaning of this Act.

Fees for writing which paſs by immediate warrant.

Provided alſo, That this Act, or any thing contained in the ſame, be not in any wiſe prejudicial to the Lord Treaſurer of England for the time being, concerning ſuch warrants or precepts as he by vertue of his Office ſhall and may direct immediately to the Lord Chancellor of England, or to any other perſon, for making out of the Kings grants, or Letters Patents, to any perſon or perſons, of any offices, farmers of lands or tenements, or of any other thing belonging to his nomination and diſpoſition: but that as well he may direct his ſaid warrants or precepts for the cauſes abovesaid, as alſo his Clerk or Clerks, or other perſon may procure the ſame to be ſealed under any of the Clerks aforeſaid, without any warrant to be before or after ſued or obtained under the Kings Signet or Privy Seal for the ſame, in as large and ample manner, and after ſuch ſort and faſhion as he or they might have done at any time before the making of this Act, any thing in the ſame Act mentioned to the contrary notwithſtanding.

This Act ſhall not prejudice the Lord Treaſurer for directing of warrants to the great ſeal.

Provided alſo, That all and every leaſe and leaſes of the Kings manors, lands, tenements, poſſeſſions, or other profits or hereditaments within the County Palatine of Lancaſter, or of the Dutchy of Lancaſter out of the ſaid County Palatine, which the Chancellor of the Dutchy of Lancaſter for the time being, or the Chancellor of the ſaid County Palatine for the time being, or either of them ſhall hereafter make or grant in the name of the King our Soveraign Lord, his Heirs or Succeſſors, to any manner perſon or perſons, ſhall and may paſs and be paſſed under the Seals of the ſaid Dutchy of Lancaſter, or of the ſaid County Palatine of Lancaſter, or either of them, in manner and form as heretofore hath been uſed and accuſtomed: any thing in this preſent Act before made to the contrary notwithſtanding.

Leaſes of the Dutchy lands may paſs under the ſeal of the ſame Dutchy.
Co. Inſt. 4 p. 210.

Provided alſo, That all and every gift, grant, and patent of any manner office or offices, or any other thing being, or which hereafter ſhall be in the County Palatine of Lancaſter, or of the ſaid Dutchy of Lancaſter out of the ſaid County Palatine, the yearly wages or fees whereof amounteth not over and above the value of ii.d. by the day, ſhall and may paſs and be paſſed by the ſaid Chancellor of the Dutchy of Lancaſter, or by the ſaid Chancellor of the ſaid County Palatine, or of either of them for the time being, in manner and form as heretofore hath been uſed and accuſtomed, any article or thing in this preſent Act before made to the contrary notwithſtanding.

A grant of a ſmall office in the Dutchy.

And to the intent that as well ſuch as now be, or hereafter ſhall be Miniſters and Clerks of the Kings Signet and Privy Seal, ſhould have and take honeſt and ſufficient ſalary and reward for the writing of the ſaid warrants to be by them made as aforeſaid, as alſo the Kings moſt loving, faithful and obedient ſubjects, knowing the certain charges to be by them laid out for the writing of the ſaid warrants, ſhould not by any manner exaction or

What fees in ſeveral caſes the Clerk of the Signet ſhall have.

other

other ſiniſter means be conſtrained by any the ſaid Clerks to pay more large and exceſſive fees for the writing of the ſame, then reaſon and conſcience ſhall require, Be it enacted by the authority aforeſaid, that all and every Clerk and Clerks of the ſaid Signet and Privy Seal ſhall have and take for his or their writing of a warrant upon a bill for tales or reward, twelve pence. For the writing of a warrant for the gift of every Office, twenty pence. For the writing of a warrant for a penſion, annuity, or wages, twenty pence. For the writing of a warrant for a ſpecial Livery, or other perpetuity, ſix ſhillings and eight pence. For the writing of a warrant upon every bill for a Congy deſler, royal aſſent, reſtitution of temporalities, donatives, advocations, preſentations, or other Eccleſiaſtical matter, three ſhillings and four pence. For the writing of every warrant upon a placard, licence, pardon, or Sheriffs reward, two ſhillings. For the writing of every warrant upon a Deniſen, three ſhillings and four pence. For the writing of a warrant for keeping of an idiot, twenty pence. For the writing of a warrant for keeping of a Ward, three ſhillings and four pence. And that no manner of Clerk or Clerks of the Signet or Privy Seal aforeſaid ſhall take for the writing of any manner warrant above ſpecified, more large and ample fees, then before is preſcribed and appointed, upon pain of x. li. ſterling to be by him forfeited, that ſhall offend contrary to the true tenor and meaning of the ſaid Act; the one half thereof to be to the King our Soveraign Lord, the other half to him that ſhall firſt ſue for the ſame, by bill, action, plaint, or information in any of the Kings Courts: in which action or ſuit, no eſſoin, protection, nor wager of law ſhall be admitted.

The penalty for taking more or larger fees.

The Lord Chancellor may paſs things without fees.

Provided alſo, That the Lord Chancellor of England for the time being, ſhall and may at all times uſe his diſcretion in paſſing and ſpeeding any thing by the Great Seal, and delivering the ſame without paying any fees for the Great Seal, Signet, and Privy Seal, as the caſe of neceſſity ſhall require, and as hath been accuſtomed. And that the Clerks for writing or procuring ſuch writings and patents by his commandment, ſhall be diſcharged of all penalties expreſſed before in this Act, for not receiving and paying fees to the ſignet and privy ſeal: any thing in this act contained to the contrary hereof notwithſtanding.

This Act ſhall bind every officer and clerk or the Court of Augmentations.

And be it furthermore enacted by the authority aforeſaid, That this preſent Act and every part and parcel thereof, ſhall extend to the Court of the augmentation of the revenues of the Kings Crown, and bind every Officer, and Officers, their Clerks and Miniſters, that now be, and hereafter ſhall be of the ſame Court, to the obſervation thereof, and of every part thereof, for and concerning the ſealing, and writing of any manner patent, leaſe, or other grant, which upon the Kings bill ſigned ſhall paſs the great ſeal of the ſame Court: any ſpecial words contained in the Act made in this preſent ſeſſion for the eſtabliſhment of the officers of the ſaid Court of the augmentation, or any other Act or proviſion made to the contrary hereof in any wiſe notwithſtanding.

Sealing of things touching the Kings private affairs, of the affairs of the Realm.

Provided nevertheleſs, That this Act or any thing contained in the ſame, be not in any wiſe prejudicial to any manner perſon or perſons, whom the Kings Highneſs ſhall by expreſs commandment direct, ſend or appoint to procure any thing or things to be ſealed with his Majeſties ſeals, for or concerning his Majeſties private affairs, or the affairs of his Highneſs Realm: but that as well the ſame perſon or perſons, being appointed by the Kings Highneſs as aforeſaid, as alſo ſuch officer, and officers as ſhall have the keeping of any of the Kings ſeals, their Miniſters and Clerks, ſhall and may ſeal, write and deliver, and procure the ſealing, writing and delivering of any ſuch thing and things, concerning the Kings Highneſs affairs, as aforeſaid, without being bound to procure any manner warrant, or paying any manner fees at or to the ſignet or privy ſeal for the ſame, ſo that the name or names of every ſuch perſon or perſons, as ſhall procure the ſealing of any ſuch thing or things on the Kings behalf, as aforeſaid, be entred in the Clerk of the Hanapers book, after this ſort, per A. ad mandatum domini regis: any thing in this Act contained to the contrary notwithſtanding.

The grant or leaſe of any farms under the yearly rent of vi. li. xiii. s. iv. d.

Provided alſo that this Act, nor any thing contained in the ſame, be not in any wiſe prejudicial to any manner perſon or perſons, which hereafter ſhall have by the Kings Highneſs, or by any his Majeſties officers, the grant or leaſe of any manner farm or farms to be ſealed with any his Highneſs ſeals, the yearly rent whereof amounteth not above the ſum of ſix pounds, xiii. s. iv. d. ſterling: but that as well every ſuch perſon and perſons, as officer and officers having the cuſtody of ſuch ſeal or ſeals, their Miniſters and Clerks may write, ſeal and deliver, or procure the writing, ſealing, and delivering of any ſuch leaſe or leaſes, as aforeſaid, without paying therefore any manner fees, at, or to the Signet or Privy-ſeal for the ſame: any thing in this Act mentioned to the contrary notwithſtanding.

CAP. XII.

An order for true making of Wollen clothes.

Foraſmuch as great infamy and ſlander hath riſen of late years in ſundry outward parties beyond the Sea, of the untrue making of woollen clothes within this Realm, to the great derogation of the common-weal of the ſame, and the no little hindrance of the ſale of the ſaid commodity. For remedy whereof be it ordained and enacted by the King our Soveraign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That after the Feaſt of S. Michael the Archangel next coming, all and every Clothier within this Realm, ſhall weave or cauſe to be woven his or their ſeveral token, or mark in all and every cloth, kerſey, and other clothes whatſoever they be, made and wrought to be uttered and ſold. And when any ſuch cloth ſhall be ready made and dreſſed to be put to ſale, every of the ſame Clothiers ſhall ſet his ſeal of

Every clothier ſhall weave his mark in his cloth, and ſet his ſeal to it.

lead unto every of the ſame his or their clothes and kerſeies, in which ſeal of lead ſhall be contained the true and juſt length of every of the ſame clothes or kerſeies as it ſhall be duly found by every buyer of the ſame, upon due proof thereof to be tried by the water. And in caſe upon any ſuch proof to be made by any buyer of them at the water, there ſhall be found leſs or ſmaller content in length, than is contained and ſpecified in every of their ſaid ſeals: then every of the ſaid clothiers making ſuch default, ſhall loſe and forfeit unto every ſuch buyer of the ſame, the double value of ſo much cloth as ſhall want and lack of the ſaid content in length, at the only ſight and judgment of any two indifferent perſons, that ſhall meaſure the ſame clothes and kerſeies. And every clothier ſending or putting any of their clothes to ſell, before ſuch time as all and every of the ſame clothes ſhall be ſealed by the aulnager of the ſame Counties, where it ſhall chance any of the ſaid clothes ſo to be made: and alſo to be ordered and ſealed by every of the ſaid clothiers in form aforeſaid, ſhall loſe and forfeit his cloth or clothes whatſoever they be, the one half thereof ſhall be to the Kings highneſs, his heirs and ſucceſſors, and the other half to him or them that will ſue for the ſame by bill, plaint, action of debt, or otherwiſe: in which action no wager of law, eſſoin, or protection ſhall be allowed.

The penalty for want in length.

The clothiers forfeiture omitting his duty.

And it is further enacted by authority aforeſaid, That after the ſaid feaſt of S. Michael the Archangel, every broad cloth ſhall contain in breadth ſeven quarters of a yard within the liſts at the leaſt, and to hold the ſame content always, if it be proved at the water. The Act made in the firſt year of the reign of our ſaid Soveraign Lord, that every broad cloth ſhould contain two yards in breadth within the liſts, or any other thing therein contained, touching the keeping of the ſame breadth of two yards, in any wiſe notwithſtanding. And every Kerſey ſhall contain in breadth one yard within the liſts at the leaſt, if it be proved in the water: upon pain to forfeit for every ſuch broad cloth iii.s.iv.d. and for every kerſey xx.d. to be recovered to the uſe of the Kings Highneſs, and of any other that will ſue for the ſame in manner and form before declared.

The breadth of cloth.

Anno 1 H.8.2.

Kerſeies breadth.
Rep. 33 H.8.18.

Provided always, That this preſent Act extend not to any clothes, called ſet clothes, of all ſorts, made in the County of Suffolk, not exceeding the price of xlvi.s.viii.d. the cloth, or to any clothes called Taveſtocks, weſtern doſeins, frizes, kendals, cottons, and all manner of courſe clothes made for linings.

To what clothes this ſtatute ſhall not extend.

And be it further enacted by the ſaid authority, That the Aulnager of any County ſhall not ſeal any of the ſaid clothes, with the Kings Seal, until ſuch time as they and every of them ſhall firſt be ordered, and ſealed with their contents, according to the true meaning of this preſent Act, in form aforeſaid, upon pain of loſing of his office. And that no buyer of any the ſaid clothes or kerſeies, marked and ſealed in form aforeſaid, preſume by any manner of ſleight, means or engines, to draw, pull, or to ſtretch out any of the ſame clothes or kerſeies, otherwiſe than to make them even after they be wet, and to agree with the contents ſpecified and contained in the ſeal of every of the ſame clothes and kerſeies, as neer as they can, upon pain to forfeit the double value of every ſuch cloth or kerſey ſo miſuſed, contrary to the true intent and meaning of this preſent Act, to be levied to the uſe of the Kings Highneſs, and of any other that will ſue for the ſame in like manner and form as is before declared.

When the Aulnager ſhall ſeal.

How far the buyers of clothes or kerſeies may draw or ſtretch them.

Provided alway, That all cloth hereafter made to be ſold within the City of Worceſter, the Towns of Droitwich, Eveſham, Kedirminſter, and Brommeſgrove, in the County of Worceſter, ſhall be ſealed with the ſeal of the Searchers there, according to an Act of Parliament in that behalf provided and made, the five and twentieth year of the reign of our Soveraign Lord, and that the owners of the clothes made within the ſaid City and Towns, ſhall not be compelled by this Act, to put their own ſeals to any clothes there made or hereafter to be made. Rep. 5 Ed. 6.6.

Cloth made in Worceſter, &c. ſhall be ſealed according to the Act therefore provided. St. 25 H.8.18.

CAP. XIII.

Of what value clothes carried over the Sea may be.

Whereas by Act of Parliament, holden in the fifth year of the reign of our Soveraign Lord the King that now is, it was ordained and enacted, That no woollen cloth above the price of five marks, ſhould be conveyed over the Sea unrowed, unbarbed, and unſhorn, upon certain penalties in the ſame Act expreſſed more at large. Which Act being put in execution, ſhall not only redound and turn to the abatement of the Kings cuſtoms, but alſo grow to the utter undoing of his Graces ſubjects, cloth-makers and merchants, conveyers of the ſaid clothes, by reaſon that wooll is riſen to a far greater price, than it was at the making of the foreſaid Act: For where a cloth was then commonly ſold at five marks, it is now ſold for four pounds. And alſo by force of the ſaid Act, the Merchants ſhould be bound to dreſs every white cloth above the value of five marks on this ſide the Sea, after that they have bought them: which white cloth ſo dreſſed, when they be brought into the parties beyond the Sea, and there by the buyers of them died and put in colours, then they muſt be newly dreſſed, barbed, ſhorn, and rowed: and ſo they ſhall be thereby the leſs in ſubſtance of themſelves, and the worſe to the ſale, and ſold for leſs price by ten or twelve ſhillings a piece beyond the Sea, than they ſhould be undreſſed. Wherefore be it ordained and enacted by the King our Soveraign Lord, the Lords Spiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That every white woollen cloth ſold for four pounds and under, and every coloured cloth ſold for three pounds and under, may be carried and conveyed into the parties beyond the Sea, there to be ſold at the pleaſure of the buyers of the ſaid cloth or clothes unbarbed, unſhorn, and unrowed, any Act or Acts to the contrary notwithſtanding.

The inconveniences which would enſue if the Statute of 5 H.8.3. ſhould be put in execution.

Clothes of what prizes may be carried over the ſea unbarbed, unſhorn and unrowed.

And over this be it ordained and enacted by the ſaid authority, That if any perſon or perſons ſend or convey, or cauſe to be ſent and conveyed into the parts beyond the Sea, any white woollen cloth above the value of four pounds, or any coloured cloth above the price of three

The penalties of the offendors.

pounds, unrowed, unbarbed, and unſhorn, in other form than is aforeſaid: that then the perſon or perſons ſo offending, ſhall forfeit the value of the ſaid clothes, ſo carried and conveyed into the parties beyond the Sea: the one moyety of the ſame forfeiture to be to the uſe of our ſaid Soveraign Lord the King, and the other moyety to every perſon which will or ſhall ſue by bill, writ, information, or otherwiſe, againſt any perſon for the ſame. And that the defendant in any plea, upon any ſuch action be not admitted to wage his Law, nor any protection, or eſſoin for any ſuch defendant be allowed in the ſame. St. 3 H. 7. 11. 33 H. 8. 19. 8 El. 6.

CAP. XIV.

In what manner Cuſtom ſhall be taken for Leather.

Where great quantity and much abundance of leather is daily conveyed out of this Realm, as well by ſtrangers, as alſo by tanners and other the Kings ſubjects, inhabited in divers parts of this Realm, towards the Sea coaſts, and in eſpecially out of Wales, Cheſhire, and Cornwal, where little or no cuſtom is paid for the ſame, which leather is commonly packed by the ſaid ſtrangers, Tanners and other the Kings ſubjects in their houſes, and ſo conveyed unto the Ports and Havens where they intend to ſhip the ſame: which packs ſo conveyed and brought to ſuch Ports and Havens to be ſhipped, be never there unpacked, to be viewed what number of leather is contained in any ſuch pack, but entred into the cuſtomers books, by, and upon information and report of the ſaid ſtrangers, tanner, or other perſon tranſporter of the ſame leather. And albeit that the Kings Highneſs in ſuch places and Ports hath very little cuſtoms paid for the ſame, yet foraſmuch as in ſuch places there is no better ſearch nor view had for the perfect knowledge of the number and quantity of the leather ſo by them packed, the Kings Grace is much deceived of ſuch his cuſtoms as ought therefore to accrue to his Highneſs. For where in the Port of London two perſons be named and appointed by the weigher of the wools within the ſaid Port for the time being, to tell and number all ſuch leather by the hide, accounting ten hides to the dicker, and alſo all woolfels as within the ſame Port ſhall be ſhipped from time to time, which two perſons be ſworn before the Cuſtomers of his great Cuſtom, truly and duly to do and execute their offices, in telling and numbring all ſuch leather and woolfels, in the preſence of the ſaid Cuſtomers, and of the Comptroler of the ſame Cuſtom, or of their Deputies, who being preſent, and viewing the ſame, do make entry thereof into their books: And after ſuch tale made, and entry taken, another perſon by the Maior of London for the time being conſtituted and appointed, is alſo ſworn truly to pack the ſame leather ſo told and entred into the Cuſtomers books, every of the ſame tellers and packers taking ſuch fees for their labours as of old time have been uſed, limited and accuſtomed, every ſtranger paying for cuſtom of every dicker four ſhillings and nine pence, and every deniſen four ſhillings and a peny, which like cuſtom is alſo paid in the Port of Hampton, but not in any other Ports of this Realm, and ſpecially in Wales, Cheſhire, and Cornwal, out of the which parts, by reaſon of ſuch ſmall cuſtoms, more leather is conveyed over the ſea, then out of other places of this Realm, which is an occaſion of dearth, & great prices of the ſame leather. For the redreſs whereof, & to the intent that one manner of cuſtom for every ſuch dicker of leather ſo conveyed over the ſea, as well by deniſens as ſtrangers, ſhall be paid throughout this Realm, Wales, and other the Kings Dominions; and alſo that the Kings Highneſs may be the better aſſured of his cuſtoms to be paid of all ſuch leather as ſhall be hereafter carried and conveyed over the ſea; Be it enacted by the authority of this preſent Parliament, that from henceforth no manner ſtranger nor deniſen ſhall pack or cauſe to be packed any manner of leather to be conveyed or ſhipped over the ſea, out of this Realm, Wales, or other the Kings Dominions, otherwiſe then in this Act is expreſſed, that is to ſay, that all ſuch leather ſhall be hereafter packed by a packer ſworn in every ſuch Port, where any leather ſhall be ſhipped to be conveyed out of this Realm, Wales, or other the Kings Dominions, upon pain of forfeiture of all ſuch leather as hereafter ſhall be packed contrary to the purport of this Act, or of the value thereof. And alſo that from henceforth every ſtranger and denizen, which ſhall ſhip, ſend or convey any leather over the Sea, out or from any part of this Realm, Wales, Cheſhire, or other the Kings Dominions, ſhall pay like cuſtom for the ſame, as is uſed to be payed within the Port of London, that is to ſay, every ſtranger to pay for every dicker for cuſtom iv.s.ix.d. and every denizen iv.s.i.d.

The manner of telling of leather in London, and entring the ſame into cuſtomers books.

How much ſtrangers, and how much deniſens do pay for the cuſtom of a dicker of leather.

Leather to be carried beyond the Sea ſhall be told and packed by a man ſworn thereunto.

And be it alſo enacted, That within every Port, Haven, and creek, within this Realm, VVales, and other the Kings Dominions, where no tellers nor packers at this preſent time be, nor before the making of this Act have been, that from henceforth the Cuſtomers and Comptrollers of every ſuch Port, Haven, and creek, where ſuch leather ſhall be ſhipped to be conveyed into the parties beyond the Sea, ſhall have power by authority of this Act, to name, conſtitute and appoint one able perſon to ſell and number all ſuch leather as ſhall be any time there ſhipped, which perſon ſo named, ſhall be ſworn by the Cuſtomer and Comptroller of every ſuch Port, Haven, and Creek, truly and duly to execute his office in the preſence of the Cuſtomer and Comptroller of every ſuch Port, Creek, or Haven, where any ſuch leather ſhall be ſhipped, or of his or their deputy or deputies, the ſame Teller taking of every ſtranger for the telling of every dicker of leather ſix pence, whereof the ſame teller to have for his labour two pence, and four pence to be to the Comminalty of the ſame Town and Port, toward the payment of their fee farm, and other their charges. And of every denizen, not being a freeman of the ſaid Port and Haven, for every dicker four pence, whereof the teller to have two pence, and the other two pence to be to the comminalty of the ſame Port or Haven, for the intent above declared: and of every dicker by any perſon being a freeman of ſuch Port and Haven, but only two pence for his labour. And that immediately after ſuch

The cuſtomers and comptrollers ſhall name the tellers where none be.

The tellers fee for telling of a dicker of leather.

ſuch tale had, and entry thereof made by the Cuſtomer or his deputy, another able perſon named, deputed, and aſſigned by the ſaid Cuſtomers and Comptrollers of every ſuch Port and Haven, and before them ſworn, truly and duly to do and execute his office, ſhall pack all ſuch leather ſo told and entred, every pack to contain as many dicker, under the number of vii. dicker, as it ſhall pleaſe the Merchant or owner thereof to appoint, taking for his labour for the packing of every pack four pence.

A packer of leather ſhall be aſſigned, and his fee.

And be it further enacted by the ſaid authority, That if any packer take upon him to pack any leather before it be told or numbred, and entry thereof made by the cuſtomer or his deputy, or at any time pack more leather than ſhall be told and entred, according to the purport of this act that then the ſame packer to forfeit and loſe for every time doing the contrary, v. li. and to ſuffer therefore impriſonment at the Kings pleaſure. And alſo that if the teller within any ſuch Port or Haven, at any time hereafter, take upon him to tell or number any leather in the abſence of the cuſtomer, controller, or of his of their deputy or deputies, then the ſame teller for every time ſo doing to loſe and forfeit v. marks.

The ſeveral forfeitures of the packer and teller not performing their duties.

And for as much as divers ſtrangers carry and convey their leather from one Port to another, and by the way cauſe the ſame leather to be packed: which packs ſo conveyed be not undone nor opened at their arrival within the Ports whereunto they be ſo tranſported: but there only entry by and upon the report and information of the Merchant eſtranger, or of his factor, whereby much cuſtom is concealed. Be it therefore alſo enacted by the ſaid authority, That if any ſtranger or other his factor, at any time hereafter do convey and carry any leather from one Port to another, to the intent to ſhip the ſame in ſuch other Port whereunto it ſhall be ſo conveyed, the ſame ſtranger, or other his factor for him, before ſuch tranſporting of the ſame leather, ſhall cauſe the ſaid leather firſt to be told within the ſame Port, from whence he will or intendeth to carry the ſame: and the ſame ſo told, cauſe to be entred by the cuſtomer of the ſame Port, or his deputy: and cauſe to be alſo packed by the ſaid packer of the ſaid Port, where it ſhallbe ſo told, taking of the cuſtomer or cuſtomers of the ſame Port or Haven, or their deputy or deputies, a certificate expreſſing the number or quantity of dickers of all the ſame leather, ſo to be carried and tranſported, directed to the cuſtomer of the other Port or Haven, whereunto the ſame leather ſhall be ſo conveyed, making mention alſo in the ſame certificate, whether the cuſtom thereof accordingly be truly paid or not. And in caſe any ſuch leather be carried or conveyed from one Port to another, there to be ſhipped without having of ſuch certificate: that then the ſame leather, or the value thereof to be forfeited.

In what ſort a ſtranger conveying leather from one port to another ſhall uſe it.

And be it further enacted, That no Tanner within this Realm, VVales, or other the Kings Dominions, or other perſons occupying or having a Tanhouſe, ſhall from henceforth ſend, or cauſe to be conveyed over the Sea, by way of merchandiſe or otherwiſe, any manner of leather tanned or untanned, upon pain of forfeiture of all ſuch leather, or the value thereof. Nor that any perſon or perſons at any time hereafter, ſhall carry or convey over the Sea out of this Realm, VVales, or other the Kings Dominions, any ſalt or untanned hides, or any leather called backs, or ſole leather, the Kings ſpecial licence not obtained for the ſame, upon pain of forfeiture of all ſuch hides and leather, called backs or ſole leather, or the value thereof: the one half of all the ſaid forfeitures to be to the Kings Highneſs, and the other half to any of his Subjects, that will purſue for the ſame in any his Courts by action of debt, bill, plaint, information or otherwiſe, in which ſuit none eſſoin, protection, wager of law, or other dilatory plea for the defendant ſhall be admitted or allowed.

None having a Tanhouſe ſhall tranſport tanned leather, or untanned.

Provided always, That this Act or any thing therein contained, ſhall not be hurtful, nor prejudicial to any Captain of any Ship in the time of War, being in the retinue and ſervice of the Kings Highneſs, nor to any owner or maſter of any Ship the Kings Subject going into Iſland, Danske, Norway, or ſouthward beyond the ſtraits: but that every ſuch Captain and Maſter of every ſuch ſhip, during the war time, and every Maſter of ſuch ſhips, paſſing into the places before named, may and ſhall at their pleaſure have and carry ſalt hides in their ſhips, ſo that every of them ſhall not have at ſuch voyage, or during the war, at any one time above the number of viii. ſalt hides. This Act or any thing therein contained to the contrary in any wiſe notwithſtanding.

The Captain of a ſhip and owner of a ſhip in ſome caſe excepted out of this ſtatute.

Provided always, That hides untanned of any beaſts, being killed within VVales or the marches thereof, may be conveyed and carried into outward parties by any perſon or perſons from time to time, except only by tanners, and ſuch as have tanhouſes, in ſuch like manner as they might have been before the making of this Act, any thing in the ſame mentioned to the contrary notwithſtanding. ALT. 18. El. 9.

Hides untanned of beaſts killed in Wales may be tranſported.

CAP. XV.

The King ſhall have authority to name xxxii. perſons, viz. xvi. Spiritual and xvi. Temporal to examine the canons and conſtitutions heretofore made according to the Statute of 25 H. 8. 9. but no canons or conſtitutions ſhall be made without the Kings aſſent, nor which be contrary to the Kings prerogative; or the Laws of this Realm. Exp. & Rep. 1 & 2 P. & M. 8. St. 35 H. 8. 16. 3 Ed. 6. 11.

CAP. XVI.

The manner of inrolment of Deeds.

Co. Inſt. p. 671.

BE it enacted by the authority of this preſent Parliament, That from the laſt day of July, which ſhall be in the year of our Lord God, MDXXXVI. No manors, lands, tenements, or other hereditaments, ſhall paſs, alter, or change from one to another, whereby any ſtate of inheritance or freehold ſhall be made, or take effect in any perſon or perſons, or any uſe thereof to be made by reaſon only of any bargain and ſale thereof, except the ſame bargain and ſale be made by writing indented, ſealed and inrolled, in one of the Kings Courts of Record at VVeſtminſter, or elſe within the ſame County or Counties where the ſame manors, lands, or tenements ſo bargained and ſold lie, or be, before the Cuſtos Rotulorum, and two Juſt.

No land ſhall paſs by bargain and ſale unleſs it be by writing indented ſealed and inrolled.

of

The fees for inrolment in the County.

° Dyer [illegible]

of the Peace, and the Clerk of the Peace of the ſame County or Counties, or two of them at the leaſt, whereof the Clerk of the Peace to be one. And the ſame inrolment to be had and made within ° ſix months next after the date of the ſame writings indented. The ſame Cuſtos Rotulorum, or Juſtices of the Peace, and Clerk taking for the enrolment of every ſuch writing indented before them, where the land compriſed in the ſame writing exceeds not the yearly value of fourty ſhillings, two ſhillings, that is to ſay, xii.d. to the Juſtices, and xii.d. to the Clerk: and for the enrolment of every ſuch writing indented before them, wherein the land compriſed exceeds the ſum of xl. s. in the yearly value, v. s. that is to ſay, ii.s.vi.d. to the ſaid Juſtices and ii.s.vi.d. to the ſaid Clerk, for the enrolling of the ſame. And that the Clerk of the Peace for the time being, within every ſuch County, ſhall ſufficiently enrol and engroſs in Parchment the ſame deeds or writings indented, as is aforeſaid, and the rolls thereof at the end of every yeat ſhall deliver unto the ſaid Cuſtos Rotulorum of the ſame County for the time being, there to remain in the cuſtody of the ſaid Cuſtos Rotulorum for the time being, amongſt other records of the ſame Counties, where any ſuch enrolments ſhall be ſo made, to the intent that every party that hath to do therewith, may reſort and ſee the effect and tenor of every ſuch writing ſo enrolled.

Corporate towns to inrol.

Dyer f. 129. 18 Ed. 3. f. 13.

Provided always, That this Act, nor any thing therein contained, extend to any maner lands, tenements, or hereditaments, lying or being within any City, Borough, or Town corporate within this Realm, wherein the Maiors, Recorders, Chamberlains, Bailiffs, or other officer or officers have authority, or have lawfully uſed to enrol any evidences, deeds, or other writings within their precinct or limits, any thing in this Act contained to the contrary notwithſtanding. St. 5 El. 26.

CAP. XVII.

A ſervant, imbeſiling his Maſters goods to the value of xl. s. ſhall loſe the priviledge of his Clergy and Sanctuary. Rep. 1 M. 1. St. 1 Ed. 6. 12. St. 21 H. 8. 7. 5 El. 10. 28 H. 8. 2.

CAP. XVIII.

If any perſon do or procure any thing to be done to the annoying of the ſtream of the River of Thames, ;making of ſhelps by any manner of means, by mining, digging, caſting of dung, rubbiſh, or other thing in the ſame river: or take or convey away any boards, ſtakes, timber-work, pillars, or other things from the ſaid banks or walls, except it be to repair or amend the ſame again: or dig or undermine any banks or walls upon the water ſide of Thames, to the hurt, imparing, or damage of the ſaid banks or walls, he ſhall forfeit for every time ſo offending C. s. to the King and to the Maior and Comminalty of London, to be recovered by the Maior and Comminalty by B. P. A. I. wherein no W. E. P. &c. A proviſo for taking of ballaſt for ſhips in the ſhelps near unto Thames. The ſaid gravel, earth, or rubbiſh of which ſhelps any perſon may take and carry away. PR.

CAP. XIX.

Sanctuary perſons ſhall wear badges, and no weapons. They ſhall not go abroad before Sun-riſing, nor after Sun-ſetting. They ſhall not reſiſt their Governours. Their Governours ſhall determine contracts of debts, treſpaſſes and covenants between them under xl. s. Rep. 1 Jac. 25. & 21 Jac. 28.

CAP. XX.

Tithes ſhall be paid according to the cuſtom of the Pariſh, &c.

FOraſmuch as divers numbers of evil diſpoſed perſons inhabited in ſundry Counties, Cities, Towns and places of this Realm, having no reſpect to their duties to Almighty God, but againſt right, and good conſcience, having attempted to ſubtract and withhold in ſome places the whole, and in ſome places great parts of their tithes and oblations, as well perſonal, as predial, due unto God, and holy Church, and purſuing ſuch their deteſtable enormities, and injuries, have attempted in late time paſt to diſobey, contemn and deſpiſe the proceſs, laws, and decrees of the Eccleſiaſtical Court of this Realm, in more temerous and large manner than before this time hath been ſeen. For reformation of which ſaid injuries, and for unity and peace to be preſerved amongſt the Kings ſubjects of this Realm, our Soveraign Lord the King, being ſupream head on earth under God, of the Church of England, willing the ſpiritual rights and duties of that Church to be preſerved, continued and maintained, hath ordained and enacted by authority of this preſent Parliament, That every of his ſubjects of this Realm of England, Ireland, Wales, and Caleis, and marches of the ſame, according to the Eccleſiaſtical laws and ordinances of his Church of England, and after the laudable uſes and cuſtoms of their Pariſh, or other place where he dwelleth, or occupieth, ſhall yield and pay his tithes and offerings, and other duties of holy Church, and that for ſuch ſubtractions of any of the ſaid tithes, offerings, or other duties, the Parſon, Vicar, Curat, or other party in that behalf grieved, may by due Proceſs of the Kings Eccleſiaſtical laws of the Church of England, convent the perſon or perſons offending before his Ordinary, or other competent Judge of this Realm, having authority to hear and determine the right of tithes, and alſo to compel the ſame perſon or perſons offending, to do and yield their ſaid duties in that behalf. And in caſe the Ordinary of the Dioceſs, or his Commiſſary, or the Archdeacon or his Official, or any other competent Judge aforeſaid, for any contempt, contumacy, diſobedience, or other miſdemeanor of the party defendant, make information and requeſt to any of the Kings moſt honourable Councel, or to the Juſtices of the Peace of the ſhire where ſuch offendor dwelleth, to aſſiſt and aid the ſame Ordinary, Commiſſary, Archdeacon, Official, or Judge, to order or reform any ſuch perſon in any cauſe before rehearſed: that then he of the Kings ſaid honorable Councel, or ſuch two Juſtices of Peace, whereof the one to be of the Quorum, to whom ſuch information or requeſt ſhall be made, ſhall have full power and authority by vertue of this Act, to attach, or cauſe to be attached the perſon, or perſons againſt whom ſuch information or requeſt ſhall be made, and to commit the ſame perſon or perſons to ward, there to remain without bail and mainprize, till

Tithes ſhall be paid according to the cuſtom of the pariſh where they be due.

The offendor in ſubtracting of tithes, ſhall be convented before the Ordinary.

till that he or they ſhall have found ſufficient ſurety, to be bound by recogniſance, or otherwiſe before the Kings ſaid Councellor, or Juſtice of Peace, or any other like Councellor, or Juſtice of Peace, to the uſe of our ſaid Soveraign Lord the King, to give due obedience to the Proceſs, proceedings, decrees, and ſentences of the Eccleſiaſtical Court of this Realm, wherein ſuch ſuit or matter for the premiſes ſhall depend or be. And that every of the Kings ſaid Councellors, or two Juſtices of the Peace, whereof the one to be of the Quorum, as is aforeſaid, ſhall have full power and authority by vertue of this Act, to take, receive and record Recogniſances and Obligations, in any of the cauſes above written.

The offendor ſhall be bound by two Juſtices of peace, &c. to obey the Ordinaries ſentence.

Provided alway, That this Act or any thing therein contained, ſhall not extend to any inhabitant of the City of London, for or concerning any manner of tithe, offering, or other Eccleſiaſtical duty, grown, and due to be paid or yeelden within the ſame City, becauſe there is another order made for the paiment of tithes, and other duties within the ſaid City.

This Act ſhall not extend to the Citizens of London.

Provided alſo, That every perſon and perſons, being party or parties to any ſuch ſuit, ſhall and may make and have his and their lawful action, demand or proſecution, appeals, prohibitions and all other their lawful defences and remedies in every ſuch ſuit, according to the ſaid Eccleſiaſtical Laws, and Laws and Statutes of this Realm, in as ample and liberal manner and form, as they or any of them might have had, if this Act had never been made: Any thing in this Act above written notwithſtanding.

Every perſon ſhall have his demand and defence according to the Laws Eccleſiaſtical.

Provided always, and be it enacted by authority aforeſaid, That this Act for recovering of tithes, ne any thing therein contained, ſhall take force and effect, but only until ſuch time as the Kings Highneſs, and ſuch other xxxii. perſons, which his Highneſs ſhall name and appoint for the making and eſtabliſhing of ſuch laws, as his Highneſs ſhall affirm and ratifie to be called the Eccleſiaſtical laws of the Church of England. And after the ſaid laws ſo ratified and confirmed as is aforeſaid, that then the ſaid tithes to be paid to every Eccleſiaſtical perſon, according to ſuch laws, and none otherwiſe. St. 32 H.8.7. 2 Ed.6.13.

CAP. XXI.

An Act for the payment of Tithes within the City and Suburbs of London, until another Law and order ſhall be made and publiſhed for the ſame. Exp. St. 37 H.8.12.

CAP. XXII.

The King ſhall have the moyety of the profits of thoſe lands already converted from tillage to paſture, ſithence three years before, An. 4 H. 7. until the owner hath builded up a convenient houſe to inhabit, and converted the ſame paſture to tillage again: and alſo ſhall take the moyety of the iſſues of thoſe lands hereafter to be converted, if the immediate Lord do it not within one year. Rep. 39 El.1. & 21 Jac.28. St. 4 H.7.19. 7 H.8.1. 5 Ed.6.5. 5 El.2.

CAP. XXIII.

Preſervation of Havens in Devonſhire and Cornwal.

Where by a ſtatute made in this preſent Parliament, for, and concerning the amending and maintenance of the Havens & Ports of Plimouth, Dartmouth, Tinmouth, Falmouth, and Fowey, in the County of Devonſhire and Cornwal, among other things it was ordained and enacted, That no perſon or perſons, from and after the Feaſt of S. Michael the Archangel, which was in the xxiv. year of the reign of the Kings Highneſs that now is, ſhould labour or work, or cauſe to be laboured or wrought in any manner of Tin works called Streme works, within the ſaid Counties of Devonſhire and Cornwal, nigh to any of the freſh waters, rivers or low places, deſcending, or having courſe unto the ſaid Havens or Ports, or any of them, nor ſhould labour, dig, or waſh any Tin in any of the ſaid Tin works, called Streme works, unleſs the ſaid digger, owner, or waſher ſhould make, or cauſe to be made ſufficient hatches, and tyes, in the end of their buddels and cords, and therein put and lay, or cauſe to be put and laid all the ſaid ſtones, gravel, and robel digged, about the enſearching, finding, and waſhing of the ſaid Tin, there to be wholly and ſurely kept by the ſaid hatches and tyes, out and from the ſaid freſh rivers or water courſes, or any of them, ſo that the ſaid ſtones, gravel, and robel, ne any part thereof, be for lack of ſuch hatches or tyes, conveyed into the ſaid Ports and Havens, or any of them, upon pain to forfeit for every time that any owner or digger ſhould dig or waſh, or cauſe to be digged or waſhed in Tin contrary to the form aforeſaid, x.li. The one half thereof to be to the uſe of our Soveraign Lord the King, and the other half thereof to be to any of the inhabitants of the ſaid Port-towns, or Havens, that would ſue for the ſame in any of the Kings Courts by original Writ, Bill, Plaint, Information, or otherwiſe, wherein the defendant ſhould not be admitted to wage his law, ne any protection or eſſoin ſhould be allowable, as in the ſaid Act among other things more plainly is expreſſed and declared.

A rehearſal of the Statute of 23 H.8.8. made for the preſervation of Ports and Havens in Cornwal and Devonſhire.

And becauſe ſith the making of the ſaid ſtatute, the Inhabitants of the ſaid Port-Towns, or Havens, having little regard, reſpect, love, or affection to the amending, and maintenance of the ſame Towns and Havens, nor to their poſterity, as they been naturally bounden and obliged, have permitted and ſuffered the ſaid owners and diggers to perſevere and continue in digging, ſearching and waſhing of Tin, nigh the ſaid freſh waters, rivers, or low places, not making ſufficient hatches and tyes, as by the ſaid ſtatute is provided and ordained, without any manner of ſuit commenced or purſued by the ſaid Inhabitants, according to the tenor of the ſaid Act, to the great animation and encouragement of the offendors, and to the utter undoing and deſtruction of the ſaid Port-Towns, and Havens. The Kings Majeſty minding, and intending the ſupportation, and maintenance of his ſaid Towns, and Havens, and the animadverſion and correction, of the ſaid offendors, hath by the aſſent of the Lords Spiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, ordained, enacted & eſtabliſhed, that no perſon or perſons hereafter ſhall labour or work, or cauſe to be laboured or wrought, in any manner of Tin works, called Streme works, within the ſaid Counties of Devonſhire & Cornwal,

nigh

They that work for Tin works, ſhall make hatches and tyes in the ends of their cords or buddels.

nigh to any of the ſaid freſh waters, rivers, or low places, deſcending, or having Courſe unto the ſaid Havens, or Ports, or any of them, nor ſhall labour, dig, or waſh any Tin in any of the ſaid Tin-works, called Streme works, unleſs the ſaid digger, owner, or waſher ſhall make, or cauſe to be made ſuficient hatches and tyes in the end of their buddels and cords, and therein put and lay, or cauſe to be put and laid, all the ſaid ſtones, gravel, and robel digged about the enſearching, finding, and waſhing of the ſaid Tin, there to be wholly and ſurely kept by the ſaid hatches and tyes, out and from the ſaid freſh rivers or water-Courſes, or any of them, ſo that the ſaid ſand, ſtones, gravel, and robel, ne any part thereof be for lack of ſuch hatches or tyes, conveyed into the ſaid Ports and Havens, or any of them, upon pain to forfeit for every time, that any Owner, Tinner, digger, or labourer ſhall dig or waſh, or cauſe to be digged or waſhed any Tin contrary to the form aforeſaid, xx. li. The one half thereof to be to the uſe of his Highneſs, and the other half thereof, to be to any his Graces ſubjects, that will ſue for the ſame in any of his Graces Courts, by Original Writ, Bill, Plaint, Information, or otherwiſe, wherein the Defendant ſhall not be admitted to wage his Law, ne any protection or eſſoin ſhall be allowable.

There ſhall be no penalty inflicted for proſecuting according to this Statute.

And it is further enacted by the authority aforeſaid, That if any perſon or perſons ſhall happen to be ſued, accuſed, indicted, impriſoned, amerced, condemned, or otherwiſe vexed or troubled in his perſon, lands, Tin-works, goods or cattels by any of the Miniſters or Officers of any the Kings Courts of Stannery, or by any other perſon or perſons, for purſuing or attempting any ſuit or action according to this eſtatute, againſt ſuch perſon or perſons as ſhall offend contrary to the form aforeſaid: that then all ſuch ſuits, accuſements, indictments, impriſonments, actions, condemnations, fines, amerciaments, and every other Act or acts, to be done in any of the ſaid Courts of Stannery, or elſewhere, by any perſon or perſons againſt any perſon or perſons, for ſuing or attempting any ſuit or ſuits by vertue of this eſtatute, ſhall be utterly void and of none effect in the Law. And that the party ſued, indited, accuſed, impriſoned, or otherwiſe grieved or moleſted, for purſuing againſt any perſon or perſons offending this ſtatute, ſhall have his action and remedy grounded upon this ſtatute by original writ, bill, plaint, information, or otherwiſe in any of the Kings Courts, againſt ſuch as ſhall procure or attempt to vex, trouble, or otherwiſe moleſt any ſuch perſon or perſons for ſuing or purſuing of the forfeitures aforeſaid, and ſhall recover treble dammages in that behalf; and the party defendant ſhall not be admitted to wage his law, ne any protection, eſſoin nor priviledge ſhall be to him allowable.

A remedy to relieve him that ſhall be impriſoned for ſuing according to this ſtatute.

And if it ſhall happen any perſon or perſons, for purſuing any ſuit or action upon this ſtatute, or by occaſion of the ſame, hereafter to be impriſoned by any manner of perſon or perſons being officers or miniſters of the Court of Stannery, their deputies or ſubſtitutes; that then every of the Juſtices of Peace within any of the Counties aforeſaid, wherein the ſaid priſoner ſhall happen to be committed to priſon, upon credible information thereof, taking ſurety by his diſcretion for appearance of ſuch priſoner at the next general Seſſions of Peace, ſhall have power and authority as well to direct his warrant to the Gaoler or Keeper of the priſon, as to any other perſon or perſons, to whom the ſaid priſoner ſhall be committed, commanding him or them upon pain of forfeiture of xl. li. to deliver and put at large the ſaid priſoner or priſoners, which if he refuſe ſo to do, then every ſuch offendor ſhall loſe and forfeit the ſaid xl. li. the one half of which forfeiture to be to the uſe of our Soveraign Lord the King, and the other half to him that is grieved by reaſon of ſuch impriſonment, to be recovered in manner and form aforeſaid. And the defendant in any action or ſuit for the ſame ſhall not wage his law, ne have any eſſoin or protection allowed. And if it ſhall appear upon the appearance of ſuch priſoner at the quarter Seſſions, by examination of the Juſtices of the Peace there being, that he was impriſoned contrary to the form of this ſtatute; that then he ſhall be forthwith diſmiſſed, and thereby diſcharged. And if he were lawfully impriſoned for any other juſt cauſe, then to be remanded to priſon by the diſcretion of the ſaid Juſtices.

The liberties of the Stanneries ſaved.

Provided alway, That this Act, or any thing therein contained be not in any wiſe prejudicial or hurtful to any of the Officers of the Stannery, ne to any of their lawful liberties, priviledges, uſages, laws, or cuſtoms, ſaving only in the caſes and proviſions contained and limited within this preſent Act: which ſhall alway be put in execution, according to the tenor of this Act; any uſage, cuſtom, priviledge, ordinance or liberty to the contrary thereof notwithſtaning.

CAP. XXIV.

The recontinuing of certain liberties taken from the Crown.

WHere divers of the moſt ancient prerogatives and authorities of Juſtice appertaining to the Imperial Crown of this Realm, have been ſevered and taken from the ſame by ſundry gifts of the Kings moſt noble progenitors Kings of this Realm, to the great diminution and detriment of the royal eſtate of the ſame, and to the hindrance and great delay of juſtice. For reformation whereof, be it enacted by authority of this preſent Parliament, That no perſon or perſons, of what eſtate or degree ſoever they be, from the firſt day of July, which ſhall be in the year of our Lord God, 1536. ſhall have any power or authority to pardon, or remit any treaſons, murders, man-ſlaughters, or any kinds of felonies, whatſoever they be; nor any acceſſaries to any treaſons, murders, man-ſlaughters, or felonies, or any outlaries for any ſuch offences aforeſaid, committed, perpetrated, done, or divulged, or hereafter be committed, done, or divulged, by or againſt any perſon or perſons in any part of this Realm, Wales, or the marches of the ſame: but that the Kings Highneſs, his heirs and ſucceſſors Kings of this Realm, ſhall have the whole and ſole power and authority thereof united and knit to the Imperial Crown of this Realm, as of good right

No perſons ſhall pardon treaſons or felonies but the King.

and equity it appertaineth, any grants, uſages, preſcription, Act or Acts of Parliament, or any other thing to the contrary hereof notwithſtanding.

No perſon ſhall make Juſtices but the King.

And be it alſo enacted by authority aforeſaid, That no perſon or perſons of what eſtate, degree, or condition ſoever they be, from the ſaid firſt day of July, ſhall have any power or authority, to make any Juſtices of Eire, Juſtices of Aſſiſe, Juſtices of Peace, or Juſtices of Gaol-delivery: but that all ſuch officers and miniſters ſhall be made by Letters Patents under the Kings Great Seal, in the name, and by authority of the Kings Highneſs, and his Heirs Kings of this Realm, in all Shires, Counties, Counties Palatine, and other places of this Realm, Wales, and the Marches of the ſame, or in any other his Dominions, at their pleaſure and wills, in ſuch manner and form as Juſtices of Eire, Juſtices of Aſſiſe, Juſtices of Peace, and Juſtices of Gaol-delivery, be commonly made in every Shire of this Realm, any grants, uſages, preſcription, allowance, Act or Acts of Parliament, or any other thing or things, to the contrary thereof notwithſtanding.

All writs, &c. in a County Palatine ſhall be made in the Kings name. Co.Inſt. 4 p.205.

And be it further enacted by authority of this preſent Parliament, That all original writs, and judicial writs, and all manner of inditements of treaſon, felony and treſpaſs, and all manner of proceſs to be made upon the ſame in every County Palatine, and other liberty within this Realm of England, Wales, and Marches of the ſame, ſhall from the ſaid firſt day of July, be made only in the name of our ſaid Soveraign Lord the King, and his heirs Kings of England. And that every perſon or perſons having ſuch County Palatine, or any other ſuch liberty, to make ſuch originals, judicials, or other proceſs of Juſtice, ſhall make the Teſte in the ſaid original Writs, and judicial, in the name of that ſame perſon or perſons that have ſuch County Palatine or liberty.

And that in every Writ and Indictment that ſhall be made within any ſuch County Palatine or Liberty, after the ſaid firſt day of July next coming, whereby it ſhall be ſuppoſed any thing to be done againſt the Kings Peace, ſhall be made and ſuppoſed to be done only againſt the Kings Peace, his Heirs and Succeſſors, and not againſt the peace of any other perſon or perſons, whatſoever they be; any Act of Parliament, grant, cuſtom, uſage, or allowance in Eire before this time had, granted or uſed to the contrary notwithſtanding.

Juſtices aſſigned within the County Palatine of Lancaſter.

Provided always, That Juſtices of Aſſiſe, Juſtices of Gaol-delivery, and Juſtices of Peace to be made and aſſigned by the Kings Highneſs within the County Palatine of Lancaſter, ſhall be made and ordained by Commiſſion under the Kings uſual Seal of Lancaſter, in manner and form as hath been accuſtomed, any thing in this Act to the contrary thereof notwithſtanding.

Towns corporate which have Juſtices.

Provided alſo, That all Cities, Boroughs, and Towns corporate within this Realm, which have liberty, power and authority to have Juſtices of Peace, or Juſtices of Goal-delivery, ſhall ſtill have and enjoy their liberties and authorities in that behalf, after ſuch like manner as they have been accuſtomed, without any alteration by occaſion of this Act; any thing in this Act, or in any article therein contained to the contrary thereof notwithſtanding.

Bailiffs and Officers of liberties ſhall attend upon the Juſtices as they have done.

And it is ordained by authority aforeſaid, That all Stewards, Bailiffs, and other Miniſters, of any liberties or franchiſes, which in times paſſed have uſed or ought to attend upon the Juſtices of Aſſiſe, Juſtices of Gaol-delivery, and Juſtices of the Peace at large in any County, ſhall be attendant to the Juſtices of Aſſiſe, Juſtices of Gaol-delivery, and Juſtices of Peace of the ſame Shires wherein ſuch Liberties and Franchiſes be, and make due execution of all proceſs to them to be directed, for miniſtration of Juſtice within ſuch liberties or franchiſes. And that alſo all ſuch Bailiffs, or their Deputies or Deputy, ſhall give their attendance and aſſiſtance upon the Sheriff, together with the Sheriffs Bailiffs at all Courts of Gaol-delivery from time to time for execution of priſoners according to Juſtice.

Liberties of Cities or Boroughs not to appear elſewhere.

Provided alway, That the article next above rehearſed ſhall not in any wiſe be prejudicial to any Stewards, or Bailiffs of any Cities, Boroughs, or Towns corporate ſet in any Shire of this Realm, which have priviledge that they ſhould not be compelled to attend, or appear out of ſuch Cities, Boroughs, or Towns wherein they inhabit; but that every ſuch City, Borough, and Town corporate, ſhall uſe their ſaid priviledges and liberties, as heretofore hath bee accuſtomed, any thing in any of the articles above rehearſed to the contrary thereof notwithſtanding.

The King ſhall have the fines, forfeitures, &c. of Bailiffs of Liberties.

And it is further enacted by authority aforeſaid, That the King our Soveraign Lord, his Heirs and Succeſſors Kings of this Realm, from the ſaid firſt day of July next coming, ſhall have all manner fines, iſſues, amerciaments and forfeitures that ſhall be loſt, forfeit, or aſſeſſed, by or upon any Stewards, Bailiffs, or any other Miniſters or Officers of any Franchiſes or Liberties, for non-execution, miſ-execution, or inſufficient returns of ſuch Writs, Warrants, Precepts, or other proceſs, which to them, or to any of them, or to any their deputie or deputies ſhall be directed, or for any contempt or other miſdemeanor whatſoever it be, concerning their offices, in and for the due execution or adminiſtration of juſtice; any grant or allowance, or other thing to the contrary hereof notwithſtanding. And that the amerciaments for inſufficient returns of Writs, or their proceſs, made by Stewards or Bailiffs of Liberties or Franchiſes, having returns of Writs, and execution of the ſame, ſhall be put and ſet upon the heads of ſuch Stewards or Bailiffs, and not upon the Sheriffs.

Fines ſhall be aſſeſſed upon the Bailiffs of Liberties for inſufficient returns, and not upon the Sheriff.

Cro.El.513.

Purveyors may provide within Liberties, notwithſtanding any grant. Co.pl.f.560.

And furthermore it is enacted by authority aforeſaid, That Purveyors aſſigned by the Kings commiſſion for proviſions of his Grace, the Queen, and their Children, ſhall and may provide all victuals, corn, and other kinds of things whatſoever it be, according to their Commiſſions, as well within Liberties and Franchiſes as without, any grants, allowance, or other thing to the contrary or let thereof notwithſtanding.

Provided

Co.Inſt. 2 p.3.

Provided always, That ſuch Purveyors ſhall obſerve the Statutes for them provided in every behalf.

The Kings officers may keep Court within the verge, and his Clerk of the market only execute his office there. Stat. 32 H. 8.29. Stat.17Ca.r 1.19.

And over this it is ordained by authority aforeſaid, That in all ſuch places whereſoever the Kings Highneſs in his own moſt Royal Perſon ſhall come to reſt, tarry, abide, or make his repoſe within this Realm, or any his Dominions, within Liberty or without, there and within the Verge limited and accuſtomed to his Graces Court, during the time of his abode, his Grace, his Steward, Marſhal, Coroner, and all other his miniſters, ſhall and may keep their Courts for Juſtice, and exerciſe their offices as ſhall appertain to them, according to the Laws, Cuſtoms and Statutes of this Realm, as well within Liberties as without. And that his Graces Clerks of the Market, and none other during the ſaid time, as well within Liberties as without, ſhall exerciſe the office of Clerk of the Market; any priviledge, grant, allowance, or other thing to the contrary thereof notwithſtanding.

Provided alway, That this article next afore rehearſed, or any thing therein contained, be not in any wiſe prejudicial to the City of London, but that the ſame City ſhall have and uſe ſuch liberties as they mought, if this article had never been made.

All ſtat. made for ſheriffs, under ſheriffs, &c. ſhall be in force againſt ſtewards and other miniſters of liberties.

And be it alſo enacted by authority aforeſaid, That all and every Statute, Act and Acts heretofore made, and being in force againſt Sheriffs, their Under-ſheriffs, Bailiffs, or their miniſters, for making or returning of panels or Juries, or for due execution and ſerving any writs or other proceſs, or for taking of fees, or for reformation of extortions, or for any other thing or things concerning their offices, and all pains and penalties contained in every ſuch Statute, ſhall from henceforth be extended to all Stewards, Bailiffs, and other miniſters and officers of liberties and franchiſes, having returns of writs, and executions thereof, in like manner, form and condition, as they extend to Sheriffs, their Under-ſheriffs, Bailiffs or other miniſters, and as if the ſaid Stewards, Bailiffs, or other miniſters or officers of liberties, and franchiſes, had been ſpecially and particularly named, and rehearſed in ſuch Statutes.

Stewards and Bailiffs of franchiſes may enjoy their offices above one year.

Provided alway, That this Article next above rehearſed, ſhall not be prejudicial to any Steward, Bailiffs of Franchiſes, or to their Deputy or Deputies, or their Clerks, for exerciſing and occupying their offices over and above one year: but that they, and every of them, may keep and occupy their ſaid offices for ſo long time as they be or hereafter ſhall be given to them, as if this article next afore rehearſed had never been made, any of the ſaid Acts to be expounded and taken againſt them, or any of them, to the contrary thereof notwithſtanding.

And it is enacted by authority aforeſaid, That all ſuch Juſtices to be made as is afore rehearſed in this Act, ſhall have authority and power to keep and hold their Seſſions of Peace, and to deliver the ſame Gaols from time to time only within the ſame liberties and franchiſes, and in ſuch places, and in none other places, by reaſon and authority of that Commiſſion, and to do and execute all other things within the ſame, in as ample and large manner as any other Juſtices of Peace and Gaol-delivery in any Shire within this Realm may do, and have authority to do; any Act, grant, uſe, cuſtom and allowance heretofore had, made, or uſed, or any article in this preſent Act made to the contrary notwithſtanding.

The new Juſtice ſhall ſit where commonly ſuch have uſed to ſit before.

Provided always, That all and ſingular Juſtices of the Peace, Gaol-delivery and Aſſiſe, hereafter to be made, named and appointed by the Kings Highneſs, his heirs and Succeſſors, within any liberty, where any ſuch Juſtice of Peace, Gaol-delivery, or Aſſiſe, or any of them have been made by any perſon or perſons, by vertue or authority of any Letters Patents of the gift or grant of our Soveraign Lord the King, or his moſt noble progenitors Kings of this Realm, or otherwiſe, ſhall ſit and keep their Seſſions, Gaol-delivery and Aſſizes, only in ſuch place and places as the Juſtices of the ſaid liberties lately have commonly uſed within the ſaid liberties. And that no perſon or perſons within the ſaid liberties, or any of them, ſhall be hereafter in no wiſe compelled by authority of this Act, to appear out of the ſaid liberties, before any other Juſtice of Aſſize, Gaol-delivery, or of the Peace, then before ſuch Juſtices as ſhall be named and aſſigned to ſit and be by the Kings Highneſs, his Heirs and Succeſſors, within the ſaid liberties and form aboveſaid. And that this Act ſhall not extend, or be expounded, or taken by any other liberty, priviledge or franchiſe, granted, uſed, or had to any perſon or perſons, other then before in this preſent Act is expreſſed, and plainly declared and rehearſed; any thing in this Act to the contrary notwithſtanding, and as if this Act had never been made.

Sir Tho. Englefield Juſtice of Cheſter and Flint.

Provided always, That this Act nor any thing therein contained, be in any wiſe hurtful or prejudicial unto Sir Thomas Englefield knight, Juſtice of the County Palatine of Cheſter and Flint, nor to his Deputy or Deputies nor to any of them, of, for, or concerning the office of Juſtice or Juſticer of the ſaid County Palatine, and Flint, nor for or concerning any fees, profits or advantages, to the ſame Offices in any manner wiſe appertaining or belonging, but that the ſaid Sir Thomas, his Deputy and Deputies, and every of them, may lawfully have, occupy and exerciſe the ſaid Office, and alſo receive and take to their own uſe, all manner profits commodities and advantages, to the ſaid Office belonging or appertaining, according to the tenour, purport and effect of ſuch Letters Patents, as before this time were unto the ſame Sir Thomas made under the Seal of the ſaid County Palatine, or under any other Seal, by our ſaid Soveraign Lord the King that now is, of, for, or concerning the ſaid Office, and other the premiſſes, or any parcel thereof, in as ample and large manner as though this Act had never been had ne made, any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Provided alway, That this Act, ne any thing therein contained, be in any wiſe prejudicial or hurtful to any City, Borough, or Town corporate, by what name or names ſoever they or any of them be incorporate, and their ſucceſſors, and the ſucceſſors of every of them, of, or for any manner of liberties, priviledges, cuſtoms, and ancient uſages and franchiſes: and alſo of all manner of fines, iſſues, and amerciaments, and forfeitures, which they or any of them have of the grant or grants of our ſaid Sovereign Lord the King, or of any of his noble Progenitors, Kings of this Realm of England: but that the ſaid Cities, Boroughs, and Towns Corporate, and every of them, and their ſucceſſors, may have, take, levy, and enjoy all and every ſuch lawful liberties, priviledges, franchiſes, cuſtoms, and uſages, in as ample and large manner, and in like form and condition as they and every of them have lawfully taken, uſed, and had the ſame before the making of this Act; Any thing in this Act to the contrary notwithſtanding, and as if this Act had never been had ne made.

Cities and Towns corporate ſhall have ſuch liberties, &c. as they had before.

Provided alway, and be it enacted, That Thomas now Biſhop of Ely, and his ſucceſſors Biſhops of Ely, and their temporal Steward of the Iſle of Ely for the time being, and every of them, ſhall from henceforth be Juſtices of Peace within the ſaid Iſle, and ſhall uſe and exerciſe all manner of things within the ſame Iſle, that appertaineth or belongeth to any Juſtices of Peace within any County of this Realm of England, to do, exerciſe, and uſe by vertue and authority that they be Juſtices of Peace, in as ample and large manner as any other Juſtices of Peace, in any County within this Realm have or might do, exerciſe, or uſe, any thing or things in this Act contained to the contrary notwithſtanding.

The Biſhop of Ely and his Steward ſhall be Juſtices of Peace within the ſame Iſle.

Provided alway, and be it enacted, That Cuthbert now Biſhop of Durham, and his ſucceſſors Biſhops of Durham, and their temporal Chancellor of the County Palatine of Durham for the time being, and every of them, ſhall from henceforth be Juſtices of Peace within the ſaid County Palatine of Durham, and ſhall exerciſe and uſe all manner things within the ſame County Palatine, that appertaineth or belongeth to any Juſtice of Peace within any County of this Realm of England, to do, exerciſe, and uſe, by vertue and authority that they be Juſtices of Peace, in as ample and large manner as any other Juſtics of Peace in any County within this Realm have, or might do, exerciſe, or uſe; any thing or things in this Act contained to the contrary notwithſtanding.

The Biſhop of Durham and his Chancellor.

Provided alway, and be it enacted, That Edward now Archbiſhop of York, and his ſucceſſors Archbiſhops of York, and their temporal Chancellor of the Shire and Liberty of Hexam, otherwiſe called Hextoldſham, for the time being, and every of them, ſhall from henceforth be Juſtices of Peace within the ſaid Shire and Liberty of Hexam, otherwiſe called Hextoldſham; and ſhall exerciſe and uſe all manner things within the ſaid Shire and Liberty, that appertaineth or belongeth to any Juſtice of Peace within any County of this Realm of England, to do, exerciſe, and uſe, by vertue and authority that they be Juſtices of Peace, in as large and ample manner as any other Juſtice of Peace in any County within this Realm have or might do, exerciſe, or uſe; any thing or things in this Act contained to the contrary notwithſtanding.

The Biſhop of York, and his temporal Chancellor of Extoldſham.

CAP. XXV.

All Governours of Shires, Cities, Towns, Hundreds, Hamlets, and Pariſhes, ſhall find and keep every aged, poor, and impotent perſon which was born or dwelt three years within the ſame limit, by way of voluntary and charitable alms in every of the ſame Cities and Pariſhes, &c. with ſuch convenient alms as ſhall be thought meet by their diſcretion, ſo as none of them ſhall be compelled to go openly in begging. And alſo ſhall compel every ſturdy vagabond to be kept in continual labour. Children under xiiij. years of age, and above v. that live in idleneſs, and be taken begging, may be put to ſervice by the Governours of Cities, Towns, &c. to husbandry, or other crafts or labours. A valiant beggar, or ſturdy vagabond, ſhall at the firſt time be whipped, and ſent to the place where he was born, or laſt dwelled by the ſpace of iij. years, there to get his living: And if he continue his roguiſh life, he ſhall have the upper part of the griſtle of his right ear cut off: And if after that he be taken wandring in idleneſs, or doth not apply his labour, or is not in ſervice with any Maſter, he ſhall be adjudged and executed as a felon. No perſon ſhall make any open or common dole, nor ſhall give any money in alms but to the common boxes, and common gatherings in every Pariſh, upon pain to forfeit ten times ſo much as ſhall be given. There ſhall be no playing at unlawful games. Exp. St. 31 H. 8. 7. St. 39 El. 4.

CAP. XXVI.

Juſtice executed in Walss in manner as it is in England, &c.

Albeit the Dominion, Principality, and Countrey of Wales juſtly and righteouſly is, and ever hath been incorporated, annexed, united, and ſubject to and under the temporal Crown of this Realm, as a very member and joynt of the ſame, whereof the Kings moſt Royal Majeſty of meer droit, and very right, is very Head, King, Lord, and Ruler: Yet notwithſtanding, becauſe that in the ſame Countrey, Principality, and Dominion, divers rights, uſages, laws, and cuſtoms be far diſcrepant from the laws and cuſtoms of this Realm, and alſo becauſe that the people of the ſame Dominion have, and do daily uſe a ſpeech nothing like, ne conſonant to the natural mother tongue uſed within this Realm, ſome rude and ignorant people have made diſtinction and diverſity between the Kings ſubjects of this Realm, and his ſubjects of the ſaid Dominion and Principality of Wales, whereby great diſcord, variance, debate, diviſion, murmur, and ſedition hath grown between his ſaid ſubjects: His Highneſs therefore of a ſingular zeal, love, and favour that he beareth towards his ſubjects of his ſaid Dominion of Wales, minding and intending to reduce them to the perfect order, notice, and knowledge of his Laws of this his Realm, and utterly to extirp all and ſingular the ſiniſter uſages and cuſtoms differing from the ſame, and to bring his ſaid ſubjects of this his Realm, and of his ſaid Dominion of Wales to an amiable concord and unity, hath by deliberate advice, conſent, and agreement of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, ordained, enacted, and eſtabliſhed, That his ſaid Countrey or Dominion

Co. 4 p. Inſt. 239.

The cauſes why a diverſity hath been made between the Kings ſubjects of England and Wales.

All perſons born in Wales ſhall enjoy all liberties, as other ſubjects in England do.

of Wales ſhall be, ſtand, and continue for ever from henceforth incorporated, united, and annexed to, and with this his Realm of England. And that all and ſingular perſon and perſons, born and to be born in the ſaid Principality, Countrey, or Dominion of Wales, ſhall have, enjoy, and inherit all and ſingular freedoms, liberties, rights, priviledges, and laws within this Realm, and other the Kings Dominions, as other the Kings ſubjects, naturally born within the ſame, have, enjoy, and inherit.

The Laws of England ſhall be uſed in Wales.

a Cok. pl. f.550.

Dyer [illegible] Plowd. [illegible]

And that all and ſingular perſon and perſons inheritable to any manors, lands, tenements, reverſions, ſervices, or other hereditaments, which ſhall deſcend after the Feaſt of All-Saints next coming, within the ſaid Principality, Countrey, or Dominion of Wales, or within any particular Lordſhip, part or parcel of the ſaid Countrey or Dominion of Wales, ſhall for ever from and after the ſaid Feaſt of All-Saints, inherit and be inheritable to the ſame manors, lands, tenements, rents, reverſions, and hereditaments, after the Engliſh tenour, without diviſion or partition, and after the form of the Laws of this Realm of England, and not after any tenure, ne after the form of any Welſh Laws or cuſtoms. And that the Laws, Ordinances, and Statutes of this Realm of England for ever, and none other Laws, Ordinances, ne Statutes, from and after the Feaſt of All-Saints next coming, ſhall be had, uſed, practiſed, & executed in the ſaid Countrey or Dominion of Wales, and every part thereof, in like manner, form, & order as they be and ſhall be had, uſed, practiſed and executed in this Realm, and in ſuch like manner and form as hereafter by this Act ſhall be further eſtabliſhed and ordained; any act, ſtatute, uſage, cuſtom, preſident, liberty, priviledge, or other thing had, made, uſed, granted, or ſuffered to the contrary in any wiſe notwithſtanding.

Lordſhips marchers, and the diſorders committed therein.

Lordſhips marchers divided Shires.

The County of Monmouth, and the Towns within the ſame.

And foraſmuch as there be many and divers Lordſhips marchers within the ſaid Countrey or Dominion of Wales, lying between the Shires of England, and the Shires of the ſaid Countrey or Dominion of Wales, and being no parcel of any other Shires, where the Laws and due correction is uſed and had; by reaſon whereof hath enſued, and hath been practiſed, perpetrated, committed, and done, within and among the ſaid Lordſhips and Countreys to them adjoyning, manifold and divers deteſtable murders, brenning of houſes, robberies, thefts, routs, riots, unlawful aſſemblies, embraceries, maintenances, receiving of felons, oppreſſions, ruptures of the peace, and manifold other malefacts, contrary to all Laws and Juſtice; and the ſaid offenders thereupon making their refuge from Lordſhip to Lordſhip, were, and continued without puniſhment or correction. For due reformation whereof, and foraſmuch as divers and many of the ſaid Lordſhips marchers be now in the hands and poſſeſſion of our Sovereign Lord the King, and the ſmalleſt number of them in the poſſeſſion of other Lords, It is therefore enacted by the authority aforeſaid, That divers of the ſaid Lordſhips marchers ſhall be united, annexed, and joyned to divers of the Shires of England, and divers of the ſaid Lordſhips marchers ſhall be united, annexed, and joyned to divers of the Shires of the ſaid Countrey or Dominion of Wales, in manner and form hereafter following. And that all the reſt of the ſaid Lordſhips marchers within the ſaid Countrey or Dominion of Wales, ſhall be ſevered and divided into certain particular Counties or Shires, that is to ſay, the County or Shire of Monmouth, the County or Shire of Brecknock, the County or Shire of Radnor, the County or Shire of Mountgomery, the County or Shire of Denbigh. And that the Lordſhips, Townſhips, Pariſhes, Commotes, and Cantreds of Monmouth, Chepſtow, Matherne, Llamnihangel, Magour, Goldecliffe Newport, Wenllonge, Llanwerne, Caerlion, Uſk, Treleck, Tintern, Skynfreth, Gronſmont, Wite-caſtle, Reglan, Calicote, Biſton, Abergevenny, Penroſe, Grenefield, Maghen, and Hochuyſlade in the Countrey of Wales, and all and ſingular Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, & Hereditaments, lying or being within the compaſs or precinct of y ſaid Lordſhips, Townſhips, Hamlets, Pariſhes, Commotes, and Cantreds, & every of them, in whoſe poſſeſſion ſoever they be or ſhall be, & every part thereof, ſhall ſtand and be from and after the ſaid Feaſt of All-Saints guildable, and ſhall be reputed, accepted, named, & taken as parts and members of the ſaid Shire of Monmouth. And that the Town of Monmouth ſhall be named, accepted, reputed, uſed, had, & taken, head and Shire-town of the ſaid County or Shire of Monmouth. And that the Sheriffs County or Shire-court of and for the ſaid Shire or County of Monmouth, ſhall be holden and kept one time at the ſaid Town of Monmouth, and the next time at the Town of Newport in the ſame County or Shire, and ſo to be kept in the ſame two Towns alternis vicibus, and according to the Laws of this Realm of England for ever, and in none other places.

Actions for lands or other things to be ſued in the County of Monmouth.

The Kings Juſtices may award Venire facias into the County of Monmouth, and all other proceſs.

The inhabitants of the County of Monmouth obedient to the Kings Officers and Laws.

The Sheriffs and Eſcheators of Monmouths duties.

And it is further enacted by the authority aforeſaid, That all actions reals hereafter ſhall be commenced or ſued for any lands, tenements, or hereditaments, or any other thing within the ſaid County or Shire of Monmouth, and all actions perſonals within the ſame Shire or County of the ſum of xl. s. or above, and all actions mixt, ſhall be ſued by original writ out of the Kings high Court of Chancery in England, and heard, determined, and tried, before the Kings Juſtices in England, by Aſſiſe, or Niſi prius, within the ſaid County of Monmouth, in ſuch like manner, form, and wiſe, as all other actions reals, perſonals, and actions mixt, be ſued, heard, determined, and tried, in or for any Shire of this Realm of England. And that the Kings Juſtices of his Bench, or of his common Bench of Weſtminſter, ſhall have full power and authority to direct all manner proceſs to the Sheriff, and all other Officers of the ſaid County of Monmouth, and alſo to direct writs of Venire facias to the ſame Sheriff, for the trial of every iſſue joyned before them: and alſo to award Commiſſions of Niſi prius into the ſaid County of Monmouth, for the trial of ſuch iſſues joyned before them, in like manner and form as they do into every Shire of this Realm of England. And all and every the Kings ſubjects and inhabitants within the ſaid County of Monmouth, ſhall be for ever, from and after the ſaid Feaſt of All-Saints, obliged and bounden to be obedient and attendant to the Lord Chancellor of England, the Kings Juſtices, and other of the Kings moſt honourable Council, and unto all Laws, Cuſtoms, Ordinances, and Statutes of this Realm of England, in like manner, form, and wiſe, as all other the Kings ſubjects within every Shire of this Realm of England be obliged and bounden; any act, ſtatute, uſage, cuſtom, liberty, priviledge, or any other thing to the contrary in any wiſe notwithſtanding. And that the Sheriff of the ſaid County ſhall hold plea of Replegiare, and all other ſuits and plaints under forty ſhillings, in his County or Shire-Court, in like manner and form as all other Sheriffs do within this Realm of England. And that the Sheriffs, Eſcheators, and Coroners, that hereafter ſhall be within the ſaid County or Shire of Monmouth, ſhall be obliged and bounden to execute all the Kings Proceſſes, and to make due returns thereof, and to uſe and exerciſe their offices according to the Laws and Statutes of this Realm of England, in all and every thing, as the Sheriffs, Eſcheators, and Coroners be obliged and bounden to do in all and every other Shire of this Realm of England. And that the Sheriffs and Eſcheators of the ſaid Shire or County of Monmouth that hereafter ſhall be appointed by our Sovereign Lord the King, make their accounts for their ſaid offices in the Kings Exchequer in England, in like manner and form as other Sheriffs and Eſcheators do within this Realm of England, and upon ſuch like pain and penalty as is upon other Sheriffs and Eſcheators in every other Shire within this Realm of England.

Brecknockſhire.

And it is enacted by the authority aforeſaid, That the Lordſhips, Townſhips, Pariſhes, Commotes, and Cantreds of Brecknock, Creckhowel, Tretowre, Penkelly, Engliſh-talgarth, Welſh-talgarth, Dyans, the Haye, Glyncbogh, Broyulles, Cantercely, Lando, Blaynllinby, Eſtrodew, Buelthe, and Lingros, in the ſaid Countrey or Dominion of Wales, and all and ſingular Honours, Lordſhips, Caſtles, Manors, lands, tenements, and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Pariſhes, Commotes, and Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever from the ſaid Feaſt of All-Saints guildable, and ſhall be reputed, accepted, named, and taken as parts and members of the ſaid County or Shire of Brecknock. And that the ſaid Town of Brecknock ſhall be named, accepted, reputed, uſed, had, and taken, head and Shire-town of the ſaid Shire or County of Brecknock. And that the Shire-Court, or County of and for the ſaid Shire or County of Brecknock, ſhall be holden and kept in the ſaid Town of Brecknock.

Radnorſhire,

And it is enacted by the authority aforeſaid, That the Lordſhips, Townſhips, Pariſhes, Commotes, and Cantreds of new Radnor, Eliſthernan, Elue-les, Boughred, Glaſebery, Glawdiſtre, Mihelles Church, Meleneth, Blewagh, Knighton, Norton, Preſton, Commorhuder, Rayder, Gwethronyon, and Stanage in the ſaid Countrey of Wales, and every of them, and all and ſingular Honors, Lordſhips, Caſtles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Townſhips, Pariſhes, Commotes, and Cantreds, or any of them, in whoſe poſſeſſions ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever from the ſaid Feaſt of All-Saints guildable; and ſhall be reputed, accepted, named, and taken as parts and members of the ſaid County or Shire of Radnor. And the ſaid Town of new Radnor ſhall be named, accepted, reputed, uſed, had, and taken head, and Shire-town of the ſaid County or Shire of Radnor. And that the Shire-Court or County of and for the ſaid County or Shire of Radnor, ſhall be holden and kept one time at the ſaid Town of new Radnor, and the next time at the Town of Rothergowy in the ſame County or Shire, and ſo to be kept in the ſaid two Towns alternis vicibus for ever, and in none other place.

The County-Court of Radnor.
Al. f. 31 H.8.26.

Mountgomeryſhire.

And it is enacted by the authority aforeſaid, That the Lordſhips, Townſhips, Pariſhes, Commotes, and Cantreds of Mountgomery, Kedewenkerry, Cawrſland, Aruſtely, Keviliock, Doythur, Poweſland, Cluneſland, Baleſley, Tempceſter, and Alceſtre in the ſaid Countrey of Wales, and every of them, and all and ſingular Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Pariſhes, Townſhips, Commotes, and Cantreds, or in any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever from the ſaid Feaſt of All-Saints guildable; and ſhall be reputed, accepted, named, and taken, as parts and members of the ſaid County or Shire of Mountgomery. And that the ſaid Town of Mountgomery ſhall be named, accepted, reputed, uſed, had, and taken head and Shire-town of the ſaid County of Mountgomery. And that the County or Shire-court of and for the ſaid County or Shire of Mountgomery, ſhall be holden and taken the firſt time at the ſaid Town of Mountgomery, and the next time at the Town Maghenleth in the ſame Shire or County, and ſo to be kept in the ſame two Towns alternis vicibus for ever, and in none other place.

Denbighſhire.
Al. f. 33 H.8.13.

And it is enacted by the authority aforeſaid, That the Lordſhips, Townſhips, Pariſhes, Commotes, and Cantreds of Denbighland, Ruthin, St. Taſſe, Kinllethowen, Bromfilde, Yale, Chirke, and Chirkeland, Moleſdale, and Hopeſdale in the ſaid Countrey of Wales, and every of them, and all ſingular Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Townſhips, Commotes, and Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever from the ſaid Feaſt of All-Saints guildable; and ſhall be reputed, accepted, named, and taken as parts and members of the ſaid County or Shire of Denbigh. And that the ſaid Town of Denbigh ſhall be named, accepted, reputed, uſed, had, and taken, head and Shire-town of the County or Shire of Denbigh. And that the County or Shire-Court of and for the ſaid County or Shire of Denbigh, ſhall be holden and kept the firſt time at the ſaid Town of Denbigh, and the next time at the Town of Wrixham in the ſaid Shire or County, and ſo to be kept in the ſame two Towns alternis vicibus for ever, and in none other place.

And foraſmuch as the Counties or Shires of Brecknock, Radnor, Mountgomery, and Denbigh, be far diſtant from the City of London, where the Laws of England be commonly uſed, miniſtred, exerciſed, and executed: and for that the inhabitants of the ſaid Shires of

The King ſhall have a Chancery and Exchequer at Brecknock and another at Denbigh.

The accompts of the Sheriffs, Eſcheators, and other officers.

Brecknock, Radnor, Mountgomery, and Denbigh be not of ſubſtance, power, and ability to travel out of their Countries to ſeek the adminiſtration of Juſtice. It is therefore enacted by the authority aforeſaid, That the King our Sovereign Lord ſhall have one Chancery and Exchequer at his Caſtle of Brecknock, and one other at his Town and Caſtle of Denbigh. And that the Sheriffs, Eſcheators, and other Officers accomptants of the Counties of Brecknock, Radnor, Mountgomery, and Denbigh, from and after the ſaid Feaſt of All-Saints, ſhall be yearly appointed by our Sovereign Lord the King, for and within every of the ſaid Shires of Brecknock, Radnor, Mountgomery, and Denbigh. And that the Sheriffs, Eſcheators, and other Officers Accomptants of the Counties of Brecknock and Radnor, from and after the ſaid Feaſt of All-Saints, ſhall yearly make their accompts before the Kings Auditors, and ſuch Chamberlain, or Baron of the ſaid Exchequer, as ſhall be thereunto appointed by our ſaid Sovereign Lord the King, in ſuch like manner and form as Sheriffs, Eſcheators, and other Officers accomptants do yearly make their accompts in the Kings Exchequer at Weſtminſter within this Realm of England. And that the Sheriffs, Eſcheators, and other Officers accomptants of the Counties of Mountgomery and Denbigh, from and after the ſaid Feaſt of All-Saints, ſhall yearly make their accompt before the Kings Auditors, and ſuch Chamberlain or Baron of the ſaid Exchequer, as ſhall be thereunto appointed by our ſaid Sovereign Lord the King, in ſuch like manner and form as Sheriffs, Eſcheators, and other Officers accomptants, do yearly make their accompts in the Kings Exchequer at Weſtminſter within this Realm of England.

Juſtice uſed in Brecknock, Radnor, Mountgomery, and Denbigh.

And that Juſtice ſhall be miniſtred, uſed, exerciſed, and executed unto the Kings ſubjects, and inhabitants in every of the ſaid Shires of Brecknock, Radnor, Mountgomery, and Denbigh, according to the Laws and Statutes of this Realm of England, and according to ſuch other cuſtoms and Laws now uſed in Wales aforeſaid, as the King our Sovereign Lord, and his moſt honourable Council ſhall allow, and think expedient, requiſite, and neceſſary by ſuch Juſticer or Juſticers, as ſhall be thereunto appointed by our ſaid Sovereign Lord the King, and after ſuch form and faſhion, as Juſtice is uſed and miniſtred to the Kings ſubjects within the three Shires of North-Wales.

Towns annexed to the County of Salop.

Oſweſter hundred in the County of Salop.

Elleſmer in Pymhill hundred.

Downe in Churbury hundred.

And alſo it is enacted by authority aforeſaid, That the Lordſhips, Towns, Pariſhes, Commotes, Hundreds, and Cantreds of Oſweſter, Whetington, Maſdroke, Knoking, Elleſmer, Downe, and Churbury Hundred in the marches of Wales aforeſaid, that every of them, and all and ſingular Honours, Lordſhips, Caſtles, Manors, Towns, Hamlets, Lands, Tenements and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds, or any of them in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from and after the ſaid Feaſt of All-Saints guildable, and ſhall be united, annexed, and joyned to and with the County of Salop, as a member, part, or parcel of the ſame. And that the ſaid Lordſhips of Oſweſter, Whetington, Maſbroke, and Knoking, with their members, ſhall be taken, named, and known by the name of the Hundred of Oſweſter, in the County of Salop: and the inhabitants thereof ſhall be attendant and do every thing and things at every Seſſions, Aſſiſe and Gaol-delivery to be holden within the County of Salop, as the inhabitants of all other Hundreds do within the ſaid County of Salop, according to the Laws of this Realm of England. And that the Lordſhip of Elleſmer, with the members of the ſame, ſhall be united, joyned and knit to the Hundred of Pymhill in the County of Salop: and ſhall be taken, named and known to be parcel of the ſame Hundred: and the inhabitants thereof ſhall be attendant, and do every thing and things with the inhabitants of the ſaid Hundred of Pymhill, as the inhabitants of the ſame Hundred now do and uſe, according to the Laws of this Realm of England. And that the Lordſhip of Downe, with the members, ſhall be united, joyned and knit to the Hundred of Churbury, in the County of Salop, and that the inhabitants of the ſaid Hundred of Churbury, and Lordſhip of Downe, ſhall be attendant to do every thing and things, at every Seſſions, Aſſiſe and Gaol-delivery to be holden within the ſaid County of Salop, as the inhabitants of all other Hundreds do within the ſaid County of Salop according to the Laws of this Realm of England. And that the ſaid Hundred of Churbury after the ſaid Feaſt of All-Saints, nor the ſaid Hundred of Oſweſter, nor yet the Lordſhip of Elleſmer, ſhall be in no wiſe otherwiſe priviledged, nor have no other liberty nor priviledge, but as Hundreds united, annexed, and knit to the ſaid County of Salop, as other Hundreds be within the ſaid County.

Towns annexed to the County of Hereford.

And that the Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds of Ewyas lacy, Ewyas harold, Clifford, Wyforton, Yerdeſley, Huntyngton, Whytney, Wygmore, Logharneys, and Stepulton, in the ſaid marches of Wales, and every of them: and all and ſingular Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds, and Cantreds, or any of them in whoſe poſſeſſion ſoever they be, or ſhall be, and every part thereof, ſhall ſtand and be for ever, from and after the ſaid Feaſt of All-Saints guildable: and ſhall be united, annexed, and joyned to and with the County of Hereford, as a member, part, or parcel of the ſame County of Hereford, and that the Lordſhips of Wygmore and Logharneys, with their members, ſhall be taken, named and known by the name of the Hundred of Wygmore in the County of Hereford aforeſaid: and that the inhabitants thereof ſhall be attendant, and do every thing and things, at every Seſſions, Aſſiſe, and Gaol-delivery to be holden within the ſaid County of Hereford, as the inhabitants of all other Hundreds do within the ſaid County of Hereford according to the Laws of this Realm of England. And that the whole Lordſhip of Ewyas lacy, with the members, ſhall be taken, named, and known by the name of the Hundred of Ewyas lacy within the ſaid County of Hereford, and the inhabitants thereof ſhall be attendant, and do every thing and things, at every Seſſions, Aſſiſe, and Gaol-delivery to be holden within the ſaid

County of Hereford, as the inhabitants of all other Hundreds do within the ſaid County of Hereford, according to the Laws of this Realm of England. And that the Lordſhip of Ewyas-harold with the members, ſhall be united, joyned and knit to the Hundred of Webtree, in the ſaid County of Hereford, and ſhall be taken, named, and known to be parcel of the ſaid Hundred of Webtree: and the inhabitants thereof ſhall be attendant, and do every thing and things with the inhabitants of the ſame Hundred of Webtree, as the inhabitants of the ſame Hundred now do, according to the Laws of this Realm of England: and that the Lordſhips of Clifford, Winforton, Yerdeſley, Whitney, and Huntington, with their members, ſhall be taken, named, and known by the name of the ſame Hundred of Huntington, within the County of Hereford aforeſaid, and that the inhabitants thereof ſhall be attendant, and do every thing and things at every Seſſions, Aſſiſe and Gaol-delivery to be holden within the ſaid County of Hereford, as the inhabitants of all other Hundreds do within the ſaid County of Hereford, according to the Laws of this Realm of England. And that the ſaid Hundred of Wigmore, with the members, and the ſaid Hundred of Ewyas lacy, and the ſaid Hundred of Huntington, and the ſaid Lordſhip of Ewyas harold, annexed unto the Hundred of Webtree, after the ſaid Feaſt of All-Saints, ſhall be no wiſe otherwiſe privileged, nor have no other liberty, franchiſes, ne priviledge, but as Hundreds united and annexed to the ſaid County of Hereford, and as other Hundreds be within the ſaid County of Hereford.

Towns in the marches of Wales annexed to the County of Glouceſter.

And that the Lordſhips Towns, and Pariſhes of VVollaſtone, Tidnam, and Becheley, in the ſaid marches of VVales, and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, and Hereditaments, lying or being between Chepſtow bridge in the ſaid marches of VVales, and Glouceſterſhire, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof ſhall ſtand, and be guildable from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed and joyned to and with the ſaid County or Shire of Glouceſter, as a member, part, or parcel of the ſame. And that the ſaid Lordſhips, Towns, and Pariſhes of VVollaſtone, Tidnam, and Becheley, and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, and Hereditaments, lying or being between Chepſtow-bridge, and the Shire of Glouceſter, as is aforeſaid, ſhall be united, joyned, and knit to the Hundred of VVeſebery, within the ſaid Shire of Glouceſter, and ſhall be taken, named, and known to be part and parcel of the ſame Hundred, and the inhabitants thereof ſhall be attendant, and do every thing and things with the inhabitants of the ſaid Hundred of VVeſebery, as the inhabitants of the ſame Hundred now do according to the Laws of this Realm of England. And that the ſaid Lordſhips of VVollaſtone, Tidnam, and Becheley, after the ſaid Feaſt of All-Saints, ſhall be in no wiſe privileged, nor have no other liberty, franchiſe, ne priviledge, but as parcel of the ſaid Hundred of VVeſebery in the County of Glouceſter.

Towns annexed to the County of Glamorgan.

And that the Lordſhips, Towns, Pariſhes, Commotes, Hundreds, and Cantreds of Gowerkylvey, Biſhops Town, Landaffe, Singhnithe ſupra, Singhnithe ſubtus, Maskin, Ogmore, Glynerotheney, Tallagarney, Ruthien, Tallavan, Lanblethyan, Lantwid, Tyeryal, Avan, Nethe, Landewey, and the Clays in the ſaid Countrey of VVales, and every of them: and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds, and Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof ſhall ſtand and be guildable for ever, from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed and joyned to and with the County of Glamorgan, as a member, part, or parcel of the ſame. And that the ſaid Shire of Glamorgan and Mordannoke, and all the aforeſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds, and Cantreds, united and annexed to the ſaid County of Glamorgan, ſhall from and after the ſaid Feaſt of All-Saints, be reputed, named, accepted, and known by the name and Shire of Glamorgan onely, and by none other name.

Juſtice executed in Glamorganſhire.

And that from and after the ſaid Feaſt of All-Saints, juſtice ſhall be miniſtred and executed to the Kings ſubjects and inhabitants of the ſaid County of Glamorgan, according to the Laws, Cuſtoms, and Statutes of this Realm of England, and after no VVelſh Laws, and in ſuch form and faſhion, as juſtice is miniſtred and uſed to the Kings ſubjects within the three Shires of North-VVales.

Towns annexed to the County of Kaiermarthen.

And that the Lordſhips, Towns, Pariſhes, Commotes, Hundreds, and Cantreds of Lanemtheverey, Abermerleſe, Redwely, Elkenning, Cornewolthou, Newcaſtle, Emell, Abergoyly, in the ſaid County of VVales, and every of them, and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compaſs or precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds, and Cantreds, or any of them in whoſe poſſeſſion ſoever they be, or ſhall be, and every part thereof ſhall ſtand and be guildable for ever, from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed, and joyned to and with the County of Kayermarthen, as a member, part, or parcel of the ſame. And that from and after the ſaid Feaſt of All-Saints, juſtice ſhall be miniſtred and executed to the Kings ſubjects and inhabitants of the ſaid County of Kaiermerthen, according to the Laws, Cuſtoms and Statutes of this Realm of England, and after no VVelſh Laws, and in ſuch form and faſhion as juſtice is miniſtred and uſed to the Kings ſubjects within the three Shires of North-VVales.

Towns annexed to the County of Pembroke.
Co, Inſt. 4 p. 221.

And that the Lordſhips, Towns, Pariſhes, Commotes, Hundreds, and Cantreds of Haverfordweſt, Kilgarran, Lanſteffan, Laugeharne, otherwiſe called Tellaugherne, VValwynſcaſtle, Dewys land, Lannehadein, Lanfey, Herberth, Slebeche, Koſmarket, Caſtellan, and Landofleure, in the ſaid Countrey of VVales, and every of them, and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, and Hereditaments, lying and being within the compaſs or precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds, Cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed,

nexed and joyned to and with the County of Pembroke: and that from and after the ſaid Feaſt of All-Saints, juſtice ſhall be miniſtred and executed to the Kings ſubjects and inhabitants of the ſaid County of Pembroke, according to the laws, cuſtoms and ſtatutes of this Realm of England, and after no Welſh laws, and in form and faſhion as juſtice is miniſtred and uſed to the Kings ſubjects within the three Shires of North-wales.

Towns annexed to the County of Cardigan.

And that the Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds of Tregaron, Glenergine, Landway, Ureny, in the ſaid Countrey of Wales, and every of them, and all Honours, Lordſhips, Caſtles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compaſs or the precinct of the ſaid Lordſhips, Towns, Pariſhes, Commotes, Hundreds and Cantreds, or any of them, in whoſe poſſeſſion ſoever they be, or ſhall be, and every part thereof ſhall ſtand, and be guildable for ever, from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed and joyned to and with the County of Cardigan, as a member, part and parcel of the ſame. And that from and after the ſaid Feaſt of All-Saints, juſtice ſhall be miniſtred and executed to the Kings ſubjects, and inhabitants of the ſaid County of Cardigan, according to the laws, cuſtoms and ſtatutes of this Realm of England, and after no Welſh laws: and in ſuch form and faſhion as juſtice is miniſtred and uſed to the Kings ſubjects within the three Shires of North-wales.

Towns annexed to the County of Mereoneth.

And that the Lordſhips, Towns, and Pariſhes of Mouthway, in the ſaid Countrey of Wales, in whoſe poſſeſſion ſoever they be, and all lands, tenements and hereditaments, now lying or being within the compaſs or precinct of the ſaid Lordſhip, Town and Pariſh of Mouthway, or any of them in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof ſhall ſtand and be guildable for ever, from and after the ſaid Feaſt of All-Saints, and ſhall be united, annexed and joyned to and with the County of Mereoneth in North-wales, as a commote, member, part or parcel of the ſame.

Seſſions, Courts, Leets, &c. ſhall be kept in the Engliſh tongue.

And be it enacted by the authority aforeſaid, That all Juſtices, Commiſſioners, Sheriffs, Coroners, Eſcheators, Stewards, and their Lieutenants, and all other officers and miniſters of the Law ſhall proclaim & keep the Seſſions, Courts, Hundreds, Leets, Sheriffs Courts, and all other Courts in the Engliſh tongue: and all Oathes of Officers, Juries, and Inqueſts, and all other affidavits, verdicts, and wagers of law, to be given and done in the Engliſh tongue. And alſo that from henceforth no perſon or perſons that uſe the Welſh ſpeech, or language, ſhall have or enjoy any manner office or fees within this Realm of England, Wales, or other the Kings Dominion, upon pain of forfeiting the ſame offices or fees, unleſs he or they uſe and exerciſe the Engliſh ſpeech or language.

No perſon uſing Welſh ſpeech ſhall have any office or fee.

These Sheriffs ſhall put every miſruled perſon under common mainpriſe. 34 H. 8. 26.

And it it is further enacted by the authority aforeſaid, That it ſhall be lawful to the Sheriff of every of the foreſaid Shires of Monmouth, Brecknock, Radnor, Mountgomery, and Denbigh, and every of them, to put every miſruled and ſuſpect perſon within their Sheriffwick, under common mainpriſe and ſurety of their perſonal apparance, as the Sheriffs do within every of the three Shires of North-wales. And that the recogniſances of ſuch common mainpriſe and ſurety of apparance, taken before any of the ſaid Sheriffs, ſhall be as good and effectual, as if it were taken by any Juſtice of Record.

Certificate of Recogniſance in Monmouth.

And that the Sheriff of the County of Monmouth ſhall certifie ſuch recogniſances, common mainpriſe, or ſurety of apparance at every quarter Seſſions, before the Juſtices of the Peace of the ſaid County of Monmouth. And that every perſon or perſons, within the ſaid County of Monmouth, put under common mainpriſe, and bound to his perſonal apparance, ſhall keep their perſonal apparance at the Seſſions holden within the ſaid Shire of Monmouth, next after the clauſe of Eaſter, and at the Seſſions to be holden within the ſaid Shire next after the Feaſt of Saint Michael the Archangel, until ſuch time that they be thereof releaſed after the form of the Law.

Certificate of Recogniſances

And that every of the Sheriffs of the ſaid Counties of Brecknock, Radnor, Mountgomery, and Denbigh, and every of them ſhall certifie ſuch recogniſances, common mainpriſe, or ſurety of apparance by them taken, before ſuch Juſtice as ſhall be appointed by our Sovereign Lord the King within every of the ſaid Shires, at every Seſſions to be holden in any of the ſaid Shires before the ſame Juſtice.

Apparance of them which are bound.

And that every perſon and perſons within the ſaid Counties of Brecknock, Radnor, Mountgomery, and Denbigh: and alſo within the above named Counties of Glamorgan, Kaiermarden, Pembroke, and Cardigan, or any of them, put under common mainpriſe, and bound to his or their perſonal apparance, as well by the aforeſaid Sheriffs, as by the Juſtices of any of the ſaid Counties, ſhall keep their apparance before the ſaid Juſtices at every Seſſions within the ſaid Counties to be holden, in ſuch like manner and form, as is uſed in the three Shires of North-wales.

Lord marcher ſhall have half the forfeiture of his tenants. St. 1 & 2 P. & M. 15.

And for that the Lords Marchers before this preſent Parliament, have uſed to put their tenants within their Lordſhips marchers, under ſuch common mainpriſe and ſurety of apparance, and have had the forfeitures thereof, which for ever from and after the ſaid Feaſt of All-Saints ſhall utterly ceaſe and determine: Therefore be it enacted by the authority aforeſaid, That after the ſaid Feaſt of All-Saints, every lay and temporal perſon now being a Lord marcher, ſhall have the moyety, or half of every forfeiture of all and every connnon mainpriſe, recogniſance for the peace of apparance, forfeited by any of their tenants, inhabiting within any of their Lordſhips marchers: and they to be paid the ſame [a] moyety or half by the hands of the Sheriffs, of every of the ſaid Counties where ſuch forfeitures ſhall be, if the Sheriff can levy the ſame: and the ſame Sheriff to accompt to our Sovereign Lord the King for the other half or moyety, in ſuch Eſchequer as they be accomptant.

[a] Cok. pl. f.534.

Commiſſions to divide the Shires of Wales into Hundreds.

Be it further enacted by the authority aforeſaid, That immediately upon the prorogation, or diſſolution of this preſent Parliament, the Lord Chancellor of England ſhall direct the Kings Commiſſion under his Graces great Seal, to ſuch perſons as to him ſhall be thought convenient, to enquire and view, all the ſaid Shires of Kaiermarthen, Pembroke, Cardigan, Monmouth, Brecknock, Radnor, Mountgomery, Glamorgan, and Denbigh, and every part and parcel of them: and upon ſuch view and ſearch, to divide them and every of them into ſo many Hundreds, as they ſhall think moſt meeteſt and convenient: And the Hundreds ſo divided, ſhall return and certifie with the ſaid Commiſſion into the high Court of Chancery, before the ſaid Feaſt of All-Saints, and the ſame to remain of Record, and to be of ſuch force and effect as it were by Act of Parliament. And that the ſaid Hundreds, after the ſaid Certificate, ſhall be uſed and taken as other Hundreds be in every other Shire within this Realm of England.

Commiſſions to enquire the Laws and Cuſtoms of Wales.

Furthermore it is enacted by the authority aforeſaid, That immediately after the prorogation or diſſolution of this preſent Parliament, the Lord Chancellor of England ſhall direct the Kings Commiſſion under his Graces great Seal, to ſuch perſons as to him ſhall be thought convenient, to enquire and ſearch out by all ways and means that they can, all and ſingular laws, uſages and cuſtoms, uſed within the ſaid Dominion and Countrey of Wales: and the ſame ſhall return, and certifie to the Kings Highneſs, and his moſt honourable Council before the ſaid Feaſt of All-Saints next coming: and that upon deliberate advice thereof had and taken, all ſuch laws, uſages, and cuſtoms, as the Kings Highneſs and his ſaid moſt honourable Council ſhall think expedient, requiſite and neceſſary to be had, uſed and exerciſed in the before rehearſed Shires, or any of them, or in any other Shire of the Dominion or Countrey of Wales, ſhall ſtand, and be of full ſtrength, vertue and effect, and ſhall be for ever inviolably obſerved, had, uſed, and executed in the ſame Shires, as if this Act had never been had ne made: Any thing in the ſame Act contained to the contrary in any wiſe notwithſtanding.

Dyer f. 303.

The Knights for the Shire of Monmouth, and one Burgeſs for the Town.

And it is further enacted by the authority aforeſaid, That for this preſent Parliament, and all other Parliaments to be holden & kept for this Realm, two Knights ſhall be choſen and elected to the ſame Parliament for the Shire of Monmouth, & one Burgeſs for the Borough of Monmouth, in like manner, form and order, as Knights and Burgeſſes of the Parliament be elected and choſen in all other Shires of this Realm of England: And that the ſame Knights and Burgeſſes ſhall have like dignity, preeminence, and priviledge, and ſhall be allowed ſuch fees as other Knights and Burgeſſes of the Parliament have been allowed: And the Knights fees to be levied, perceived, received, gathered and paid in ſuch manner, form and order, as ſuch fees be gathered, levied, perceived, received & paid in other Shires of this Realm of England: And the Burgeſſes fees to be levied as well within the Borough of Monmouth, as within all other ancient Boroughs within the ſaid Shire of Monmouth.

Knights and Burgeſſes for the Parliament in Wales, and their fees. 34 & 35 H 8.26.

And that for this preſent Parliament, and all other Parliaments to be holden and kept for this Realm, one Knight ſhall be choſen and elected to the ſame Parliaments for every of the Shires of Brecknock, Radnor, Mountgomery, and Denbigh, and for every other Shire within the ſaid Countrey or Dominion of Wales: and for every Borough being a Shire-town within the ſaid Countrey or Dominion of Wales, except the Shire-town of the foreſaid County of Mereoneth, one Burgeſs: and the election to be in like manner, form and order, as Knights and Burgeſſes of the Parliament be elected and choſen in other Shires of this Realm. And that the Knights and Burgeſſes, and every of them, ſhall have like dignity, preeminence and priviledge, and ſhall be allowed ſuch fees as other Knights of the Parliament have, and be allowed: And the Knights fees to be levied and gathered of the Commons of the Shire that they be elected in: and the Burgeſſes fees to be levied and gathered as well of the Boroughs and Shire-towns, as they be Burgeſſes of, as of all other ancient Boroughs within the ſame Shires.

Lords marchers ſhall keep their liberties.

And it is further enacted by the authority aforeſaid, That all and every lay and temporal perſon and perſons, now being Lords marchers, & having any Lordſhips marchers or Lordſhips royal, ſhall from and after the ſaid Feaſt of All-Saints, have all ſuch meſes and profits of their tenants as they have had, or uſed to have, at the firſt entry into their hands in times paſt: and alſo have, hold and keep within the precinct of their Lordſhips, Courts baron, Court leets, and Lawdays, and all and every thing to the ſame Courts belonging. And alſo ſhall have within the precinct of the ſaid Lordſhips, or Lawday, Waife, Straife, Infanthef, Outfanthef, Treaſuretrove, Deodands, goods and cattels of felons, and of perſons condemned, or outlawed of felony or murther, put in Exigent for felony or murther, and alſo Wreck de mer, Wharfage, and cuſtoms of ſtrangers, as they have had in times paſt, and as though ſuch priviledges were granted unto them by our Sovereign Lord the King, by point of Charter: any thing in this preſent Act to the contrary notwithſtanding.

The cuſtoms of North-wales and the County Palatine of Lancaſter ſaved.

Provided alway, That this preſent Act, nor any thing therein contained, ſhall take away, or derogate any laws, uſages, or laudable cuſtoms now uſed within the three Shires of North-wales, nor ſhall not deprive, nor take away the whole liberties of the Dutchy of Lancaſter, but that the ſaid liberties ſhall continue, and be uſed in every Lordſhip parcel of the ſaid Dutchy, within the Dominion or Countrey of Wales, as the liberties of the ſaid Dutchy be uſed, in Shire-ground, and not County Palatine within this Realm of England.

A reſervation of Patents.

Provided alſo, That this Act nor any thing therein contained, do not extend nor be prejudicial to any perſon or perſons, to avoid any Patent, joynt Patent of any Office, Fees, Annuities, or reverſion of any Office, Fees, or Annuities to them granted, for term of their life, or lives, by our Sovereign Lord the King, or by any other perſon or perſons, either for the uſing, exerciſing, or occupying any manner Office or otherwiſe: But that they ſhall have and enjoy their ſaid fees, and all other Offices of Conſtableſhips, Porterſhips, Stewardſhips of Leets, Lawdays, Court Barons, and other Offices, being not repugnant againſt this Act: And in caſe any ſuch Offices be repugnant againſt this Act, that then the grantees to have and enjoy their fees, during their life or lives, any clauſe in this preſent Act to the contrary in any wiſe notwithſtanding.

Earl of Worceſter Juſtice of Glamorgan.

Provided alſo, That this Act nor any thing therein contained, be not in any wiſe prejudicial to the right Honourable Henry Earl of Worceſter, for the exerciſing, uſing, and occupying of the Office of the Juſtice of the whole County of Glamorgan: any thing in this preſent Act contained to the contrary in any wiſe notwithſtanding.

St. 26 H. 8. 6.

Provided alſo, That this Act nor any thing therein contained, extend not to deprive, take away, or derogate any other Acts before this time made for the trial of treaſon, murder, or felonies, or acceſſaries of the ſame committed and done in any Lordſhip Marcher in Wales, or in the next Shires of England adjoyning to the ſaid Lordſhip Marcher.

Lands partable. Alt. 34 H. 8. 26.

Provided alway, That lands, tenements, and hereditaments, lying in the ſaid Countrey and Dominion of Wales, which have been uſed, time out of mind, by the laudable cuſtoms of the ſaid Countrey, to be departed and departable among iſſues and heirs males, ſhall ſtill ſo continue and be uſed in like form, faſhion, and condition, as if this Act had never been had nor made, any thing in this Act to the contrary thereof notwithſtanding.

The King may ſuſpend or revoke this Statute.

Provided alſo, and be it enacted by the authority aforeſaid, That the Kings Highneſs notwithſtanding this Act, or any thing therein contained, ſhall have power and authority for the term of three years next after the end and diſſolution of this preſent Parliament, to ſuſpend for ſuch time as ſhall pleaſe his Grace, or utterly to repeal, revoke, and abrogate this whole Act, or any part thereof from time to time, as ſhall ſtand with his moſt gracious pleaſure, ſo that every ſuch ſuſpending, repeal and revocation from time to time, as often as any ſuch caſe ſhall happen, ſhall be made in writing under the Great Seal of England, and be annexed to the roll of this preſent Parliament, wherein this Act ſhall be enrolled, and Proclamations thereupon to be made in every Shire within the ſaid Countrey and Dominion of Wales. And that every ſuch ſuſpending, repeal, and revocation ſo to be had and made by the Kings Highneſs, ſhall be as good and effectual to all intents and purpoſes, as if the ſame had been done by authority of this preſent Parliament: this Act or any thing therein contained to the contrary thereof notwithſtanding.

The King may erect in Wales ſo many Courts and Juſtices, &c. as he will.

And where by this preſent Act there is appointed one Chancery and one Exchequer at Brecknock, and another Chancery and Exchequer at Denbigh, it is enacted by authority aforeſaid, That the Kings Highneſs from time to time within the term of five years next after the end of this Parliament, for due miniſtration of Juſtice in the ſaid Countrey of Wales, ſhall have power and authority to erect, make and ordain ſuch a Court or Courts, and ſo many Courts of Record, and ſuch and ſo many Juſtices, Miniſters, Officers and Clerks, as by his Highneſs within the time of five years next after the end of this preſent Parliament ſhall be thought ſufficient and convenient as well for the due execution of this Act, or of any thing or things that ſhall be had, done, or made by authority of the ſame, as for the good governance and rule of the ſaid Countrey of Wales.

The office of Protonotary and Clerk of the Crown.

Provided alway, That this Act or any thing or things to be done by authority thereof, ſhall not be prejudicial to any perſon or perſons, which now have by the Kings Letters Patents any Office or Offices of Protonotary, or Clerk of the Crown in the ſaid Countrey or Dominion of VVales, but that they and every of them ſhall and may ſtill have, and uſe their Offices, in as large and ample manner, form, faſhion, and condition, as if this Act, nor any thing to be done by authority thereof had never been had or made: any thing in this Act to the contrary thereof notwithſtanding.

Lord Ferrers offices in Wales reſerved.

Provided alſo, That this Act, or any thing therein contained, extend not, or in any wiſe be prejudicial or hurtful to Sir VValter Devereux Knight of the noble Order of the Garter, and Lord Ferrers of Chartley, of, for, and concerning the offices of chief Juſtice of South-wales, the office of Chamberlain of South-wales, and of the Counties of Carmarden and Cardigan in South-wales, aforeſaid. And of, and for the office of the Stewardſhip of the Lordſhip of Bealth in the marches of South-wales, and of, and for the office of Receivorſhip of the ſaid Lordſhip of Bealth: or of, for, or concerning any of the ſaid offices: but that the ſaid Lord Ferrers may have, uſe, exerciſe, and enjoy the ſaid offices, any and every of them, with all fees, wages, emoluments, commodities, and profits to the ſame offices or to any of them in any wiſe belonging and appertaining, in as large and ample manner, form and condition, as if this Act had never been had or made. St. 34 H. 8. 26. 1 Ed. 6. 10.

CAP. XXVII.

The eſtabliſhing the Court of Augmentations, and the order thereof.

All Monaſteries given to the King which had not in lands above CC.l. by year. 27 H. 8. 28.

Co. Inſt. 4. 111.

Foraſmuch as in this preſent Parliament, begun at London in the third day of November, in the one and twentieth year of the Reign of the King our Sovereign Lord, and from thence adjourned to VVeſtminſter, and there holden, and from that time continued by divers Prorogations unto the fourth day of February, in the xxvij. year of his moſt noble Reign, and then there holden, it is enacted, ordained, eſtabliſhed, by the aſſent of the Kings Majeſty, his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That his Majeſty ſhould have and enjoy, to him, his Heirs and Succeſſors for ever, all and ſingular ſuch Monaſteries, Priories, and other Religious houſes of Monks, Canons, and Nuns, of what kinds or diverſities of habits, rules, or orders ſoever they be called or named, which have not lands, tenements, rents, tithes, penſions, & other hereditaments above the clear yearly value of two hundred pounds: and all the ſites and circuits of all ſuch Religious houſes, and all and ſingular the manors, granges, meſes, lands, tenements, reverſions, rents, ſervices, tythes, penſions, portions, advowſons, patronages, rights, entrees, conditions, and other hereditaments appertaining and belonging to every ſuch Monaſtery, Priory, and other Religious houſe, not having, as is aforeſaid, lands and tenements above the ſaid clear yearly value of two hundred pounds, in as large and ample manner as the Abbots, Priors, Abbeſſes, Prioreſſes, and other Governours of ſuch Monaſteries, Priories, and other Religious houſes then had or ought to have had the ſame in the right of their houſes: and that his Highneſs ſhall have to him and to his Heirs, all and ſingular ſuch Monaſteries, Abbies, and Priories, which at any time within one year next afore the making of the ſaid Act, have been given and granted to his Majeſty by any Abbot, Prior, Abbeſs, or Prioreſs, under their convent Seals, or that otherwiſe have been ſuppreſſed or diſſolved: and all and ſingular the manors, lands, tenements, rents, ſervices, reverſions, tithes, penſions, portions, Churches, Chappels, advowſons, patronages, rights, entrees, conditions, and all other intereſts and hereditaments, to the ſame Monaſteries, Abbies, or Priories, or to any of them appertaining or belonging, to do and uſe therewith his and their own wills, to the pleaſure of Almighty God, and to the honour and profit of this Realm.

The King ſhall have all Monaſteries and their lands which were ſurrendred unto him, or ſuppreſſed within one year before.

And further it is ordained by the ſaid Act, That the Kings Majeſty ſhould have and enjoy all ſuch ornaments, jewels, goods, cattels, and debts, which appertained or belonged to any of the chief Governours of the ſaid Monaſteries or Religious houſes, in right of their ſaid Monaſteries or houſes at the firſt day of March, in the year of our Lord God, MDXXXV. or at at any time ſithen, whereſoever, and to whoſe poſſeſſions ſoever they ſhall come or be found, except ſuch goods, cattels, and other things, excepted and foreprized in the ſaid Act, as by the ſame Act among other things more plainly at large may appear.

The King ſhall have all the goods and debts of the ſaid Monaſteries.

For the more ſurety and eſtabliſhment whereof, and to the intent that the Kings Majeſty, his Heirs and Succeſſors, ſhall be yearly, as well truly and juſtly anſwered, contented, and paid of the rents, ferms, iſſues, revenues, and profits, riſing, coming, & growing of the ſaid manors, lands, tenements, and other hereditaments before ſpecified, as of the goods, cattels, plate, ſtuff of houſhold, debts, money, ſtock, ſtore, and other whatſoever profit and commodity given, granted, or appointed, to the Kings Majeſty, by the ſame, in ſuch Court, place, form, manner, and condition, as hereafter ſhall be limited, declared, and appointed. Be it enacted, ordained, and eſtabliſhed by the aſſent of the Kings Majeſty, his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, in manner and form as hereafter followeth in Articles; that is to ſay,

The cauſe of the erection of the Court of Augmentations.

Firſt, The King our ſaid Sovereign Lord, by authority aforeſaid, ordaineth, maketh eſtabliſheth, and erecteth a certain Court, commonly to be called the Court of the Augmentations of the Revenues of the Kings Crown, which Court by the authority aforeſaid continually ſhall be a Court of Record, and ſhall have one great ſeal, and one privy ſeal, to be engraved, and made after ſuch form, faſhion, and manner, as ſhall be appointed by the Kings Highneſs, and ſhall remain and be ordered as hereafter ſhall be declared.

The Court of Augmentations erected. 7 Ed. 6. 2. A great Seal. A privy Seal.

And be it enacted by authority aforeſaid, That there ſhall be one certain perſon to be named and aſſigned by the Kings Highneſs, which ſhall be Chancellor of the ſaid Court, and ſhall be chief and principal Officer of the ſame Court, and ſhall be called Chancellor of the Court of the Augmentations of the Revenues of the Kings Crown, and ſhall have the keeping of the ſaid great ſeal and privy ſeal to be aſſigned for the ſaid Court.

Chancellor of the Augmentations.

Alſo that there ſhall be one perſon to be named by the Kings Highneſs, which ſhall be called the Kings Treaſurer of the Court of the Augmentation of the Revenues of the Kings Crown, and ſhall be the ſecond Officer of the ſame Court.

The Treaſurer of the Augmentions.

Alſo it is ordained by authority aforeſaid, That there ſhall be one perſon learned in the Laws of the land, to be named by the Kings Highneſs, which ſhall be called the Kings Attorney of the ſaid Court, and ſhall be the third Officer of the ſame Court.

The Kings Attorney of the Augmentations.

Alſo that there ſhall be one perſon to be named by the Kings Highneſs, which ſhall be called the Kings Sollicitor of the ſaid Court, and ſhall be the fourth Officer of the Court.

The Kings Sollicitor.

Alſo that there ſhall be ten particular Auditors to be named by the Kings Highneſs, which ſhall be called Auditors of the Revenues of the ſaid Augmentations.

Ten Auditors of the Augmentations.

Alſo there ſhall be ſeventeen particular Receivers to be named by the Kings Highneſs, which ſhall be called Receivers of the ſaid Revenues.

Seventeen Receivers.

Alſo that there ſhall be one perſon to be named by the Kings Highneſs, which ſhall be called Clerk of the ſaid Court; and one other perſon which ſhall be Uſher of the ſame Court; and one other perſon which ſhall be called Meſſenger of the ſame Court; which Uſher and Meſſenger ſhall be named by the Kings Highneſs, and either of them ſhall have ſuch yearly fees, rewards, and profits, as the Uſher and Meſſenger of the Dutchy Chamber of Weſtminſter have and perceive.

The Clerk of the Court. The Uſher of the Court. The Meſſenger of the Court.

Alſo the ſaid Chancellor which ſhall be appointed by the Kings Highneſs, ſhall take a corporal oath before the Lord Chancellor of England for the time being, after the tenour enſuing: Ye ſhall ſwear, That ye well and truly ſhall ſerve the King in the office of Chancellorſhip of the Augmentations of the Revenues of the Kings Crown, ſhall miniſter equal juſtice to rich and poor, to the beſt of your cunning, wit, and power: and that ye ſhall diligently procure all things which may honeſtly and juſtly be to the Kings advantage and profit, and to the augmentetion of the rights and prerogatives of his Crown, and truly uſe the Kings Seals appointed to your Office, and alſo truly endeavour your ſelf to the uttermoſt of your power to ſee the King truly anſwered of all ſuch rents, revenues, iſſues, and profits, which ſhall or may ariſe or grow in your Office, and from time to time deliver with ſpeed ſuch as ſhall have to do afore you, and that ye ſhall not take nor receive of any perſon any gift of reward in any cauſe or matter depending before you, or wherein the Kings Highneſs ſhall be party, whereby any prejudice, hinderance, loſs, or diſheriſon ſhall grow or be to the Kings Highneſs: So help you God, and all Saints.

The Oath of the Chancellor of the Augmentations.

Alſo that the ſaid Treaſurer ſhall take a corporal oath before the ſaid Chancellor of the ſaid Court, according to the tenor enſuing: Ye ſhall ſwear, That ye ſhall well and truly ſerve the King our Sovereign Lord & his people, in the office of Treaſurer of this Court; and ye ſhall reaſonably and honeſtly procure the King profit, and do right to all manner of people, poor and rich, in thoſe things which touch your office, and the Kings Treaſure ye

The Treaſurers oath.

ſhall truly keep, and diſpend, and true declaration and accompt thereof ſhall make from time to time without any concealment, according to this Act made for the eſtabliſhment of this Court, and further ſhall do every thing that of right appertains to your Office: So help you God, and all Saints.

Attornies oath. Sollicitors oath.

Alſo either of the ſaid Attorney and Sollicitor ſhall take a corporal oath before the ſaid Chancellor according to the tenour enſuing: Ye ſhall ſwear, That ye well and truly ſhall ſerve the King as his Attorney, in all Courts, for or concerning any matter or cauſe that ſhall concern or touch the poſſeſſions and hereditaments limited to the ſurvey and governance of this Court, and procure the Kings profit thereof; and that ye ſhall truly counſel the King, and his Chancellor of this Court, in all things concerning the ſame, to the beſt of your cunning, wit, and power, and with all ſpeed and diligence, from time to time, at the calling of the ſaid Chancellor, you ſhall endeavour your ſelf for the hearing and determination indifferently of ſuch matters and cauſes as ſhall depend before the ſaid Chancellor; and that ye ſhall not take any gift or reward in any matter or cauſe depending in the ſame Court, or elſewhere, wherein the King ſhall be party, whereby the Kings Majeſty ſhall be hurted, hindered, or diſherited; and further do all and every thing that ſhall appertain to your office: So help you God, and all Saints.

The Auditors oath.

Alſo that every of the ſaid Auditors ſhall take a corporal oath before the ſaid Chancellor after the tenour enſuing: Ye ſhall ſwear, That ye ſhall well and truly ſerve the King in your office, and true allowance make to every perſon which ſhall be accomptant before you; ye ſhall not take nor receive of poor or rich, any gift or reward, in any matter or cauſe depending or to be diſcuſſed in the ſame Court, but ſuch that ſhall be your ordinary fees; and ye ſhall do all and every other thing which ſhall appertain to your office: So help you God, and all Saints.

The Receivers oath.

Alſo that every of the ſaid particular Receivers ſhall take a corporal oath before the ſaid Chancellor after the tenor enſuing: Ye ſhall ſwear, That ye truly ſhall ſerve the King in your office, and nothing conceal, but true accompt make of all ſuch revenues, rents, ſums of money, and other profits wherewith ye ſhall be lawfully charged by reaſon of your office; ye ſhall make no petition, nor aſk allowance, but ſuch as ſhall be good, juſt, true, and reaſonable; and ye ſhall do all and every thing and things which you ought to do by reaſon of your office, according to the form and effect of this Act: So help you God, and all Saints.

The Clerks oath.

Alſo that the ſaid Clerk of the Counſel ſhall take a corporal oath before the ſaid Chancellor after the tenor enſuing: Ye ſhall ſwear, That ye ſhall well and truly ſerve the King in your office of Clerk of the Councel of this Court, and truly do and execute all and every thing and things, which ye ought to do by reaſon of your office, according to the form and effect of this Act: So help you God, and all Saints.

What lands ſhall be within ſentence and governance of the Court of Augmentations.

Alſo be it enacted by the authority aforeſaid, That all the ſaid Monaſteries, Priories, and other Religious houſes which be diſſolved, and come or ſhall come to the Kings Highneſs, by the Act aforeſaid, and all the manors, meaſes, lands, tenements, rents, ſervices, tithes, penſions, portions, advouſons, patronages, and all hereditaments, appertaining or belonging to any of the ſaid Monaſteries, Priories, or other Religious houſes, ſhall be in the order, ſurvey, and governance of the ſaid Court, and of the Officers and miniſters thereof; and all the ferms, iſſues, revenues, and profits, coming and growing of the premiſſes, or any part thereof, ſhall be taken and received to the Kings uſe by the miniſters and officers of the ſame Court, in manner and form as hereafter ſhall be declared. Except always, and reſerved ſuch and as many of the ſame Monaſteries, Priories, and Houſes, with all their hereditaments, poſſeſſions, goods, and cattels, which the Kings Majeſty, by his Letters Patents under his Great Seal, ſhall declare and limit to continue and be in their eſſential eſtate, and to perſevere in the body and corporation, as they were before the making of the ſaid Act.

There ſhall be in the governance of the Court of Augmentations all Abbey lands, and all purchaſed lands.

Alſo be it enacted by authority aforeſaid, That all thoſe manors, lands, tenements, and hereditaments, which the Kings Highneſs hath purchaſed, and now remain in his Graces hands, or in the hands or poſſeſſion of any perſon or perſons to his uſe, and which hereafter his Highneſs ſhall purchaſe, ſhall be and remain in the order, ſurvey, and governance of the ſaid Court, in form as is above rehearſed.

All writings ſhall be made by the Clerk of the Court of Augmentations.

Alſo be it enacted by the authority aforeſaid, That all gifts, grants, releaſes, confirmations, leaſes, letters patents, and other writings which ſhall be in the name of the Kings Highneſs, his Heirs or Succeſſors, of any eſtate of free-hold onely, or for term of any years, or at will, or at pleaſure, of any manors, lands, tenements, or other hereditaments, whatſoever they be, which be before aſſigned to the order, ſurvey, & governance of the ſaid Court, or of any rent, charges, annuities, next avoidance of advowſons, offices, or wards, to be given, letten, or granted out of the ſame, or any part thereof, or by any means concerning the ſaid Court, or any of the premiſſes committed to the ſurvey of the ſaid Court, to any perſon or perſons, or bodies politick, or of any office appertaining or belonging to the ſaid Court of Augmentation, ſhall be made by the Clerk of the ſaid Court, or his deputy or deputies, and ſubſcribed with his own proper hand and name, and ſealed with the Great Seal aſſigned to and for the ſaid Court. And that all and every ſuch gifts, grants, releaſes, confirmations, leaſes, letters patents, and other writings, which ſhall be made and ſealed, as is aforeſaid, ſhall be good and effectual in the Law, without livery and ſeiſin, or atturnment againſt the Kings Highneſs, his Heirs and Succeſſors according to the tenors, purports, and effects of ſuch gifts, grants, releaſes, confirmations, leaſes, letters patents, or other writings ſo to be made; and that the ſaid Chancellor upon every warrant to be directed to him under the Kings ſign manual, ſhall have power and authority to cauſe to be made by the ſaid Clerk of the ſaid Court, or his deputy or deputies, in due order and form, all ſuch gifts, grants, releaſes, confirmations, leaſes, letters patents, or other writings,

Aſſurances made by the Court of Augmentations ſhall be good without livery or atturnement.

The fees of the Officers of the Court of Augmentations.

writings, as is aforeſaid, according to the tenour and effect of every ſuch warrant which to him ſhall be directed, & to ſeal all ſuch patents and writings with ẏ ſaid Great Seal remaining in his cuſtody: the ſaid Chancellor and other Officers to take for his and their fees for the enſealing and writing of every patent, ſuch fee or fees as is taken by the Chancellor or other Officer or Officers of the Kings Dutchy of Lancaſter in like caſe. And that the ſaid Chancellor ſhall have power and authority to take ſurrender of any leaſes, or letters patents, that ſhall be made under the ſaid Seal in his cuſtody, & to make cancellation of ſuch leaſes and letters patents that ſhall be to him ſurrendred, and cauſe the day, time, and year of every ſuch ſurrender to be regiſtred and enrolled by the ſaid Clerk of the ſaid Court.

Surrender of leaſes or letters patents.

The Chancellor, &c. may make wood-ſales, and leaſes for one and twenty years without the Kings warrant.

Alſo the ſaid Chancellor, by the conſent of the Treaſurer, Attorney, and Sollicitor, or two of them, without any warrant from the Kings Highneſs, ſhall have power and authority to make any wood-ſales in or upon any the manors, lands, tenements, or hereditaments, limited to the order, ſurvey, and governance of the ſaid Court. And ſhall alſo have like power and authority in the Kings name, to make leaſes for term of one and twenty years, and not above, by letters patents, to be written by the ſaid Clerk of the ſame Court, and his deputy or deputies, and the name of the ſaid Clerk of the ſame Court, as is aforeſaid, to be ſubſcribed, and to be ſealed with the ſaid Great Seal, of any of the manors, lands, tenements, or hereditaments afore mentioned, which be appointed, or hereafter ſhall happen to be in the order and governance of the ſaid Court, the ſaid Chancellor and other Officer and Officers, taking for his or their fees thereof, as is aforeſaid. And that every leaſe ſo to be made, ſhall be good and effectual in the Law againſt the King, his Heirs and Succeſſors, according to the tenour and effect of the ſame. Provided alway, That upon every ſuch leaſe to be made by the ſaid Chancellor, there ſhall be reſerved to the Kings Highneſs, and to his Heirs, ſo much yearly rent and profit as the lands, tenements, or hereditaments compriſed in ſuch leaſes, have been letten heretofore, or more, or after ſuch yearly value as they ſhall be certified by the Kings Commiſſioners into the ſaid Court. Provided alſo, That no leaſes for term of years ſhall be made of any reverſion, without the Kings eſpecial warrant for the ſame.

The Clerk of the Court ſhall regiſter all aſſurances and appearances, acts, decrees, and orders.

Alſo the ſaid Clerk of the ſaid Court ſhall enroll and regiſter in a great book in parchment, all and every thoſe gifts, grants, releaſes, confirmations, leaſes, letters patents, and all other writings, which ſhall be made and granted under the Great Seal, and alſo the day, time and year of the ſurrender of any of them, when any ſuch ſurrender ſhall happen, which regiſter of enrolments ſhall remain and be ſafely kept in the ſaid Court, as a record to the Kings uſe, by the appointment of the ſaid Chancellor. And that alſo the ſaid Clerk ſhall enter in a book the apparances of every perſon that ſhall be called to appear before the ſaid Chancellor, and all acts, decrees, and orders, that ſhall be made by the ſaid Chancellor and Councel, taking ſuch fees for the ſame, and for writing and enrolling of any gifts, grants, releaſes, confirmations, leaſes, letters patents, or other writings, as the Clerk of the Dutchy of Lancaſter hath been accuſtomed to take and have.

A tenour in Capite reſerved to the King, and a tenth out of Abbey lands granted in fee.
Stat. 35 H. 8. 14.
37 H. 8. 20.
7 Ed. 6. 3.

Alſo it is enacted by authority aforeſaid, That upon all and ſingular letters patents, to be made under the Great Seal of England, or any manors, lands, tenements, and hereditaments belonging or appertaining to any of the ſaid houſes compriſed in the ſaid Act, and committed to the ſurvey of the ſaid Court, to any perſon or perſons, or body politick, for any eſtate of inheritance, there ſhall be always reſerved to the Kings Highneſs, his Heirs and Succeſſors, a tenour by Knights ſervice in Capite, and a yearly rent of the tenth part of the yearly value of the lands to be compriſed in every ſuch letters patents, according to ſuch rate as the ſame manors, lands, and tenements given, ſhall be expreſſed to be of yearly value, in the ſame letters patents; any thing or clauſe contained in any warrant to the contrary thereof notwithſtanding. And that the ſaid rent ſo reſerved upon any ſuch eſtate, ſhall be contented and paid to the Officers of the ſaid Court to the Kings uſe, according as other revenues there ſhall be paid: and that none averment ſhall be made or admitted by or for the King, or any other perſon, that the ſame manors, lands, and tenements, be of more yearly value then in the ſame letters patents ſhall be declared.

No lands ſhall be averred to be of greater value then be compriſed in the letters patents.

The Chancellor may take recogniſances for all the Kings debts and duties.
33 H. 8. 22.

Alſo the ſaid Chancellor ſhall have power and authority to take recogniſances of every particular Receiver, which ſhall be aſſigned for the ſaid Court, and of his ſureties, for the ſure paiment of his receits: and alſo to take recogniſances in the Kings name of every Fermer, Bailiff, Reue, or other accomptants, for the true paiment of receits, and of every perſon and perſons which ſhall be indebted to the Kings Highneſs for any arrerages of his receit, ferm, or charge, and for any other cauſe, for and concerning any of the premiſſes, and that all ſuch recogniſances of what ſum ſoever they be, ſhall be as good and effectual in the Law, to all intents and purpoſes, as recogniſances taken in the Kings Chancery, or elſewhere before any Judge of Record.

Awarding of Scire facias under the great Seal of the Court.

Alſo it is ordained by authority aforeſaid, That the Chancellor of the ſame Court for the time being, ſhall have full power and authority to award writs of Scire facias under the Great Seal of his Office, upon every ſuch recogniſance in the ſaid Court to be taken, if caſe ſo require, and to hold plee upon the ſame, and to award execution to all intents and purpoſes, as is uſed and accuſtomed to be done in the Kings High Court of Chancery. Provided alway, That if any iſſue or trial, triable by the verdict of twelve men, fortune to ariſe in the pleading of the ſame, that then in every ſuch caſe, the ſaid Chancellor ſhall and may deliver the record thereof to the Juſtices of the Kings Bench for the time being, and thereupon the ſaid Court of the Kings Bench to do every thing for the trial of the ſame iſſue, as they ought to do in caſe the ſaid iſſue or trial had been ſent or delivered to them out of the Kings Court of Chancery. And after the trial thereof in due form had, and the judgment thereupon given, the Juſtices of the Kings Bench to have power to award execution accordingly, and the money thereof coming, to be delivered by the

Trials of iſſues ſhall be in the Kings Bench.

ſame Juſtices or Clerk of the papers of the ſame Court, to the Treaſurer of the ſaid Court of Augmentations to the Kings uſe.

Proceſſes and precepts awarded under the privy ſeal.

Alſo that the ſaid Chancellor for the time being, ſhall have full power and authority to award under the privy Seal appointed to the ſaid Court, in the Kings name, ſuch proceſs and precepts, with reaſonable pains to be therein limited, as be now commonly uſed in the Court of the Kings Dutchy-chamber of Lancaſter being at Weſtminſter, againſt every perſon or perſons whatſoever they be, for, and concerning the intereſt and title of the Kings Majeſty, his Heirs and Succeſſors, of, in, or to any of the premiſſes limited to the ſurvey and governance of the ſaid Court: or of, or for any rent, accompt, receipt, or ſervices in anywiſe touching or concerning the ſame premiſſes, or any part of them, for, and on the behalf of our ſaid Sovereign Lord the King, or of, or for any debt riſing or growing by occaſion of the ſame.

The Atturny and Sollicitors duties.

Alſo it is ordained by the authority aforeſaid, That the ſaid Attorney and Sollicitor ſhall diligently from time to time attend upon the Chancellor of the ſaid Court, for the hearing and ordering of matters and cauſes of the ſaid Court; and procure with all diligence, that all rents, farms, profits, caſualties, improvements, and all other emoluments of the manors, lands, tenements, and hereditaments, being in the ſurvey and governance of the ſaid Court, ſhall be truly and juſtly paid and anſwered to the Treaſurer of the ſaid Court, to the uſe of the Kings Highneſs without concealing any part thereof. And ſhall alſo cauſe and procure proceſs to be made againſt ſuch as ſhall be indebted to the Kings Highneſs, and their ſureties, of and for any part thereof from time to time, as the time or caſe ſhall require.

The penalty of an Officer concealing the Kings dues.

Alſo it is enacted by authority aforeſaid, That if any of the ſaid Officers appointed for the ſame Court, do conceal or withdraw willingly any rents, revenues, caſualties, or other goods given to the King by the ſaid Act, that then the Officer ſo offending, ſhall loſe the double value of the thing ſo concealed or withdrawn.

The auditors and receivers duties.

And it is ordained and enacted by authority aforeſaid, That every of the ſaid particular Auditors and Receivers ſhall be attendant upon the ſaid Chancellor from time to time, as cauſes ſhall require. And that every of the ſaid particular Receivers ſhall well, diligently, & effectually gather and levy to the Kings uſe, all ſuch farms, iſſues, and profits, as ſhall be limited to his charge, and diſtrain for the ſame if need require. And that every of the ſaid particular Receivers & Auditors ſo joyned together by the appointment of the ſaid Chancellor, ſhall well and truly ſurvey all manner of reparations needful to be done in or upon any of the ſaid manors, lands, tenements, or hereditaments limited to his charge, and appoint the ſaid reparations to be done to the Kings moſt profit, and leaſt charge. And alſo to ſurvey the woods limited to their charge, and what wood-ſales ſhall be convenient to be made, and make certificate of the premiſſes from time to time to the ſaid Chancellor.

All the rents and profits of Religious lands ſhall be paid to the Treaſurer of the Augmentations.

Alſo it is ordained by authority aforeſaid, That all the rents, farms, iſſues, and profits of the ſaid Religious houſes, manors, lands, tenements, and all other the premiſſes, which be aſſigned to the order, ſurvey, and governance of the ſaid Court, as they ſhall grow due and be payable, ſhall be paid and delivered to the hands of the ſaid Treaſurer by every of the ſaid particular Receivers, to be ſafely kept to the Kings uſe: And that every acquittance, which ſhall be ſubſcribed with the name and hand of the ſaid Treaſurer made to any of the ſaid particular Receivers, or to any perſon or perſons, whereby ſhall appear that the ſaid Treaſurer ſhall have received of any of the ſaid particular Receivers, or other perſon or perſons,, any of the farms, rents, iſſues, and profits in the charge of the ſaid particular Receivers, or for any debt that ſhall be due to the Kings Highneſs by occaſion of the premiſſes, or any part thereof: or for any ſums of money, which the ſaid Treaſurer ſhall have power to receive for the Kings uſe by reaſon of his office: and all other acquittances made by any of the ſaid particular Receivers, to any whatſoever perſon for the receipt of any thing touching the premiſſes appointed to his or their charge, ſhall be a good and effectual diſcharge for every of the ſaid particular Receivers, and other whatſoever perſons aforeſaid, againſt the Kings Highneſs, his Heirs and Succeſſors for ever.

The Treaſurer and particular Receivers accompts.

Alſo it is ordained, That the ſaid Treaſurer ſhall yearly account before the ſaid Chancellor, and ſuch two or moe of the ſaid Auditors as the ſaid Chancellor ſhall appoint. And that every of the ſaid particular Receivers ſhall yearly account before one of the ſaid ten Auditors, to be aſſigned to him by the ſaid Chancellor. And that every of the ſaid particular Receivers for the year to be ended at the Feaſt of St. Michael the Archangel, ſhall make and finiſh his account before the twentieth day of March next after the ſame Feaſt enſuing. And that the ſaid Treaſurer ſhall yearly finiſh his account before the laſt day of April next after following.

The auditors ſhall be aſſigned their particular charges.

Alſo it is enacted by authority aforeſaid, That the ſaid Chancellor by the conſent of the ſaid Treaſurer, Attorney, and Solliciter, or two of them, ſhall divide to every particular Receiver, ſuch portion as every of them ſhall receive of the ſaid Religious houſes, manors, lands, tenements, and other hereditaments aforeſaid, and ſhall alſo proportion the ſaid Religious houſes and other the premiſſes in ten parts; and ſhall aſſign to every part thereof, one of the ſaid ten Auditors, and that every of the ſaid ten Auditors, as they ſhall be aſſigned, ſhall yearly ride to the part to him to be limited, between the Feaſt of St. Michael the Archangel and Chriſtmas, and take the accounts of all Bailiffs, Reves, Farmers, Tenants, and occupiers of the manors, lands, tenements, and other hereditaments, within the limits of his aſſignment.

The Auditors and Receivers upon warning given ſhall aſſemble.

Alſo it is enacted by authority aforeſaid, That the ſaid Auditors and particular Receivers, at all times, upon warning given to them by the ſaid Chancellor, ſhall aſſemble together, as well for the ordering of the ſaid Religious houſes, manors, lands, tenements, and other the premiſſes, as of the tenants of the ſame, from time to time, as the caſe ſhall require, as for the viewing and determination of the ſaid accounts to be made thereof.

Alſo it is ordained by authority aforeſaid, That all the accounts of every year, to be ended at the Feaſt of S. Michael the Archangel, as well of the ſaid particular Receivers, Bailiffs, Reues, Farmers, Tenants and occupiers of the ſaid houſes, manors, lands tenements, and other hereditaments aforeſaid, as of the ſaid Treaſurer, ſhall be well and perfectly engroſſed in parchment by the ſaid Auditors, and delivered to the ſaid Chancellor, ſafely to be kept to the Kings uſe, every year yearly before the firſt day of May next enſuing the ſaid feaſt of S. Michael the Archangel, upon pain to forfeit and loſe their offices.

All accompts ſhall be engroſſed in Parchment.

Alſo it is enacted by the authority aforeſaid, That the Auditors, and other officers and miniſters of the ſaid Court for the time being, ſhall yearly perceive and take by the hands of the ſaid Treaſurer, particular Receivers, and all other officers and miniſters accomptant, all and ſingular ſuch like diets, rewards, profits and commodities, as well for their attendance upon the ſaid Chancellor for the time being, and for making of books, declarations and values, as for other matters and cauſes, of for, or concerning the ſaid Court: and alſo for the expences, coſts and charges of the ſaid Auditors and particular Receivers, and every of them, yearly riding there ſeveral circuits and limitations, in as large and ample manner and form as the Kings Auditors of his Dutchy of Lancaſter, and other officers and miniſters there, do yearly perceive, receive, take, and be allowed, in, for, and about any ſuch like matters, cauſes, and buſineſſes: and that the ſaid Auditors for the time being, and every of them, ſhall have power and authority to allow the ſame.

Diets, rewards and other duties allowed to Auditors and other officers.

Alſo it is ordained by authority aforeſaid, That all reparations and buildings which ſhall be done from time to time, in, or upon any the premiſſes, ſhall be done and made by the order and commandment of the ſaid Chancellor, by the conſent of the ſaid Treaſurer, Atturney, and Solicitor, or two of them. And that the ſaid Treaſurer from time to time upon his account ſhall be allowed, as well of ſuch fee as ſhall be limited unto him for exerciſe of his office, as of and for all ſuch ſums of money as he ſhall pay to any patentee or patentees of any office, fee or annuity that ſhall be granted or given under the Seal of the ſaid Court. And alſo of all ſuch ſums of money as he ſhall pay to any other perſon or perſons, by vertue of the Kings warrant or bill aſſigned: and alſo ſuch ſums of money as he ſhall be commanded to pay by any bill aſſigned and ſubſcribed with the hands of the ſaid Chancellor, Atturney, and Sollicitor, or two of them, upon ſuch conſiderations as ſhall be thought convenient by their diſcretions. And that the ſaid Auditors, taking the accompts of the ſaid Treaſurer, or of any of the ſaid particular receivers ſhall have power and authority to allow to the Treaſurer the premiſſes, and every part thereof, and alſo to allow to every particular receiver and other accountants, as well their fees and wages, and all other ſuch ſums of money, as they or any of them ſhall pay for, in, and about any buildings or reparations, as all other honeſt and reaſonable petitions and allowances, in as large and ample manner, and after ſuch form, faſhion and condition, as the Kings Auditors of his Dutchy of Lancaſter do, may do, and have been accuſtomed to do, without any bill or warrant to be ſued for the ſame.

Allowance for reparations and buildings.

The Treaſurers allowance upon his accompt.

Alſo it is enacted by authority aforeſaid, That all manner of proceſs that ſhall be made out of the Kings Exchequer, to or againſt any perſon or perſons, for any farms, rents, iſſues, or profits concerning the premiſſes or any part thereof, limited by this Act to be in the ſurvey, order, and governance of the Court and the Miniſters thereof, ſhall be clearly void and of none effect.

No proceſs ſhall be awarded out of the Exchequer for any lands within the ſurvey of the Court of Augmentations.

Alſo it is ordained and enacted by authority aforeſaid, That the ſaid Chancellor and Treaſurer ſhall yearly declare to the Kings Highneſs, the ſtate of the clear yearly value of the ſaid houſes, manors, lands, tenements, rents, penſions, portions, tithes, and other hereditaments, and how, where, and to whom they be imployed, and what remaineth thereof in the hands of the ſaid Treaſurer.

The King ſhall be yearly informed of the clear value of the Abbey lands.

Provided alway, and be it enacted by the authority aforeſaid, That all ſuch manors, meſuages, lands, tenements, rents, reverſions, and other hereditaments, which in any manner wiſe ſhall come to, or be in the hands or poſſeſſion of our ſaid Soveraign the King, his Heirs or Succeſſors, by authority of the ſaid former Act of Parliament, ſet, lying and being as well within the County Palatine of Lancaſter, as all other manors, lands, tenements, rents, reverſions, and hereditaments, with their commodities and appurtenances, ſet, lying and being within this Realm of England, Wales, or either of them, out of the ſaid County Palatine, which be, or were appertaining or belonging unto the ſaid Monaſteries, or any of them, which were of the foundation of our ſaid Soveraign Lord, or any of his right noble progenitors, as Duke or Dukes of Lancaſter, may at the free will, liberty and pleaſure of our ſaid Lord be aſſigned, limited and appointed unto the order, ſurveying, receipts, letting and ſetting of the Chancellor and Officers of his ſaid Dutchy of Lancaſter, in as large and ample manner and form, as the ſaid Chancellor and Officers of the ſaid Dutchy have, uſe and exerciſe at this preſent time, of, or upon, and in any manors, lands, tenements, or hereditaments, appertaining or in any wiſe belonging unto the ſaid Dutchy; this Act, nor any thing therein contained to the contrary notwithſtanding. Stat. 33 Hen. 8. 39. 7 Ed. 6. 2. 1 M. 10. 1 El. 4.

Which of the foreſaid lands may be aſſigned to the ſurvey of the Dutchy Court of Lancaſter.

CAP. XXVIII.

All Monaſteries given to the King, which have not lands above two hundred pounds by the year.

HIs Majeſty ſhall have and enjoy to him and his heirs for ever, all and ſingular ſuch Monaſteries, Priories, and other religious houſes of Monks, Canons, and Nuns, of what kinds of diverſities of habits, rules or order ſoever they be called or named, which have not in lands, tenements, rents, tithes, portions, and other hereditaments, above the clear yearly value of two hundred pound. And in like manner ſhall have and enjoy all the ſites and circuits of every ſuch religious houſes, and all & ſingular the manors, granges, meſes, lands, tenements, rents, reverſions, ſervices, tithes, penſions, Churches, Chappels, advowſons,

Co. Inſt. 4 p. 44. All monaſteries given to the King which have not above two hundred pound lands.

ſons, patronages, annuities, rights, conditions, and other hereditaments appertaining or belonging to every ſuch Monaſtery, Priory, or religious houſe, not having, as is aforeſaid, above the ſaid clear yearly value of two hundred pound, in as large and ample manner as the Abbots, Priors, Abbeſſes, and other Governors of ſuch Monaſteries, Priories, and other religious houſes now have, or ought to have the ſame in the right of their houſes. And that alſo his Highneſs ſhall have to him and to his heirs, all and ſingular ſuch Monaſteries, Abbies and Priories, which at any time within one year next before the making of this Act hath been given and granted to his Majeſty, by any Abbot, Prior, Abbeſs or Prioreſs, under their Covent Seal, or that otherwiſe hath been ſuppreſſed or diſſolved, and all and ſingular the manors, lands, tenements, rents, reverſions, tithes, penſions, portions, Churches, Chappels, advouſons, patronages, rights, entries, conditions, and all other intereſts and hereditaments to the ſame Monaſteries, Abbies and Priories, or to any of them appertaining or belonging. To have and to hold all and ſingular the premiſſes, with all their rights, profits, juriſdictions and commodities, unto the Kings Majeſty, and his Heirs and Aſſigns for ever, to do and uſe therewith his and their own wills, to the pleaſure of Almighty God, and to the honour and profit of this Realm.

The King ſhall have all monaſteries before aſſured to him, or that have been ſuppreſſed.

They ſhall enjoy thoſe Abbey lands to whom the King hath given them.

And be it enacted by the authority of this preſent Parliament, That all & every perſon and perſons, and bodies politick, which now have, or hereafter ſhall have any Letters Patents of the Kings Highneſs, of any of the ſites, circuits, manors, lands, tenements, reverſions, ſervices, tithes, penſions, portions, Churches, Chappels, advouſons, patronages, tithes, entries, conditions, intereſts, or other hereditaments, which appertained to any Monaſteries, Abbies, or Priories heretofore given or granted to the Kings Highneſs, or otherwiſe ſuppreſſed or diſſolved, or which appertaineth to any of the Monaſteries, Abbies, Priories, or other religious houſes, that ſhall be ſuppreſſed or diſſolved by the authority of this Act, ſhall have and enjoy the ſaid ſites, circuits, manors, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, Churches, Chappels, advouſons, patronages, tithes, entries, conditions, intereſts, and all other hereditaments contained and expreſſed in their Letters Patents now being thereof made, and to be contained and ſpecified in any Letters Patents hereafter to be made, according to the tenor, purport and effect of any ſuch Letters Patents: and ſhall alſo have all ſuch actions, ſuits, entries and remedies to all intents and purpoſes, for any thing or things contained in every ſuch Letters Patents now made, or to be contained in ſuch Letters hereafter to be made, in like manner form and conditions, as the Abbots, Priors, Abbeſſes, Priories, and other chief governors of any religious houſes which had the ſame, might or ought to have had, if they had not been ſuppreſſed or diſſolved.

A ſaving of the right of others.

Saving to every perſon and perſons, and bodies politick, their heirs and ſucceſſors (other then the Abbots, Priors, Abbeſſes, Prioreſſes, or other chief Governors of the ſame religious houſes ſpecified in this Act, and the covents of the ſame, and their ſucceſſors, and ſuch as pretend to be founders, patrons or donors of ſuch religious houſes, of any lands, tenements, or hereditaments belonging to the ſame, and their heirs and ſucceſſors) all ſuch right, title, intereſt, poſſeſſions, leaſes for years, rents, ſervices annuities, commodities, fees, liberties and livings, penſions, portions, corrodies, ſinodies, proxies, and all other profits as they or any of them hath, ought, or might have had in or to any of the ſaid Monaſteries, Abbies, Priories, or other religious houſes, or in or to any manors, lands, tenements, rents, reverſions, tithes, penſions, portions, or other hereditaments appertaining or belonging, or that appertained to any of the ſaid Monaſteries, Priories, or other religious houſes, as if the ſame Monaſteries, Priories, and other religious houſes had not been ſuppreſſed by this Act, but had continued in their eſſential bodies and ſtates that they now be, or were in.

Fraudulent aſſurances made by governours of houſes before their diſſolutions ſhall be void.

Provided always, and be it enacted, That foraſmuch as divers of the chief Governors of ſuch religious houſes, &c. have lately fraudulently and craftily made feoffements, eſtates, gifts, grants and leaſes, under the Covent ſeals, or ſuffered recoveries of their manors, lands, tenements and hereditaments in fee-ſimple, fee-tail, for term of life or lives, or for years, or charged the ſame with rents or corrodies, to the great decay and diminution of the houſes: that all ſuch crafty and fraudulent recoveries, feoffements, eſtates, gifts, grants, & leaſes, and every of them made by any of the ſaid chief Governours of ſuch religious houſes, under their Covent ſeals, within one year next before the making of this Act, ſhall be utterly void and of none effect. Provided always, That ſuch perſon and perſons as have leaſes for term of life and years, whereupon is reſerved the old rents and ferms accuſtomed, and ſuch as have any offices, fees, or corrodies, that have been accuſtomed or uſed in ſuch religious houſes, and have bought any livery or living in any ſuch houſes, ſhall have and enjoy their ſaid leaſes, offices, fees, corrodies, liberties, liveries and livings, as if this Act had never been made.

Ornaments, jewels, goods, cattels, debts of monaſteries given to the King.

And it is further enacted, That the Kings Highneſs ſhall have and enjoy to his own proper uſe, all ſuch ornaments, jewels, goods, cattels, and debts which appertained or belonged to any of the chief Governors of the ſaid Monaſteries or religious houſes, in the right of their ſaid Monaſteries or houſes, at the firſt day of March, in the year of our Lord God 1535. or any time ſithen whatſoever, or to whoſe poſſeſſion ſoever they ſhall come or be found, except only ſuch beaſts, grain, and woods, and ſuch other like cattel and revenues as they have ſold before the ſaid firſt day of March, or ſithen for the neceſſary or reaſonable expences or charges of any the ſaid Monaſteries or houſes.

The King ſhall have the actual poſſeſſion of the Abbey lands.

And be it likewiſe enacted, That the Kings Highneſs ſhall have and enjoy according to this Act, the actual and real poſſeſſion of all and ſingular ſuch Monaſteries, Priories, and other religious houſes, as ſhall appear by the ſaid certificate remaining in ẏ Kings Exchequer, not to have in lands, tenements, rents, tithes, portions and other hereditaments, above the ſaid clear yearly value of two hundred pounds; ſo that his Highneſs may lawfully give, grant and diſpoſe them or any of them at his will and pleaſure, to the honour of God and the wealth of this Realm, without further inquiſitions or offices to be had or found for the ſame.

A proviſo for the Cells of other monaſteries being under obedience.

Provided always, That this Act or any thing therein contained, ſhall not extend nor be prejudicial to any Abbots or Priors of any Monaſteries or Priories, being certified into the Kings Exchequer, to have in poſſeſſions and profits Spiritual and Temporal, above the ſaid clear yearly value of two hundred pounds, for, or concerning ſuch Cells of religious houſes, appertaining or belonging to their Monaſteries or Priories, in which Cells the Priors or other chief governours thereof, be under the obedience of the Abbots or Priors to whom ſuch Cells belong, as the Monks or Canons of the Covent of their Monaſteries or Priories, and cannot ſue, nor be ſued by the laws of this Realm, or by their own proper names, for the poſſeſſion or other things appertaining to ſuch Cells, whereof they be Priors or Governours, but muſt ſue and be ſued in and by the names of the Abbots or Priors, to whom they be now obediencers, and to whom ſuch Cells belong. And alſo the Priors or Governours, dative or removeable from time to time, and accounts of the profits of ſuch Cells, at the only pleaſure and will of the Abbots and Priors to whom ſuch Cells belong. But that every ſuch Cell ſhall be, and remain undiſſolved in the ſame eſtate, quality, and condition, as if this Act had never been made, any thing in this Act to the contrary hereof notwithſtanding.

The right of Founders and Patrons ſaved.

Saving always, And reſerving unto every perſon and perſons, being Founders, Patrons or Donors of any Abbies, Priories, or other religious houſes, that ſhall be ſuppreſſed by this Act, their heirs and ſucceſſors, all ſuch right, title, intereſt, poſſeſſion, rents, annuities, fees, offices, leaſes, commons, and all other profits whatſoever they be, which any of them have or ſhould have had without fraud or covin by any manner of means, otherwiſe than by reaſon or occaſion of the diſſolution of the ſaid Abbies, Priories or other religious houſes into or upon any of the ſaid Abbies, Priories or other religious houſes, whereof they be founders, patrons, or donors, or into, or upon any lands, tenements, or other hereditaments appertaining or belonging to the ſame, in like manner, form and condition, as other perſons or bodies politick be ſaved by this Act, as is afore rehearſed, and as if the ſaid Abbies, Priories, or other religious houſes had not been ſuppreſſed and diſſolved by this Act, but had continued ſtill in their eſſential bodies and eſtates as they be now, any thing in this Act to the contrary hereof notwithſtanding.

Hoſpitality and husbandry ſhall be kept upon the ſite of the houſes ſuppreſſed. Rep. 21 Jac. 28.

And further be it enacted, That all and ſingular perſons and bodies politick and corporate, to whom the Kings Majeſty, his heirs or ſucceſſors hereafter ſhall give, grant, let or demiſe any ſite, or precinct, with the houſes thereupon builded, together with the demeans of any Monaſtery, Priories, or other religious houſes that ſhall be diſſolved, or given to the Kings Highneſs by this Act, his heirs, ſucceſſors or aſſignes, every ſuch perſon, body politick and corporate, ſhall be bound by authority of this Act under the penalties hereafter, to keep, or cauſe to be kept, an honeſt continual houſe and houſhold in the ſame ſite or precinct, and to occupy yearly as much of the demeans in plowing and tilling of huſbandry: that is to ſay, as much of the ſaid demeans, which hath been commonly uſed to be kept in tillage by the Governours, Abbots, or Priors of the ſame houſes, Monaſteries, Priories, or by their farmer or farmers, occupying the ſame within the time of twenty years next before this Act.

And if any perſon or perſons, bodies politick or corporate, that ſhall be bounden by this Act, do not keep an honeſt houſhold of husbandry and tillage, in manner and form as is aforeſaid, that then he or they ſo offending, ſhall forfeit to the Kings Highneſs for every month offending, ſix pounds thirteen ſhillings and four pence, to be recovered to his uſe in any of his Courts of Record,

Juſtices of Peace ſhall enquire of, and puniſh offenders.

And over that it is enacted, That all Juſtices of Peace in every Shire, where any ſuch offence ſhall be committed and done, contrary to the true meaning and intent of this preſent Act, ſhall in every quarter and general Seſſions within the limit of their commiſſion, inquire of the premiſſes, and ſhall have full power and authority to hear and determine the ſame, and to tax and aſſeſs no leſs fine for every of the ſaid offences, than is afore limited for the ſame offence, and eſtreats thereof to be made and certified into the Kings Exchequer, according, and at ſuch time and form, as other eſtreats of fines, iſſues and amerciaments been made by the ſame Juſtices. St. 35 H. 8. 14. 37 H. 8. 20.

Anno viceſimo octavo Henrici octavi.

Acts made in the Parliament, begun and holden at Weſtminſter the eighth day of June, in the eight and twentieth year of the Reign of our moſt dread Soveraign Lord King Henry the eight, and there continued and kept till the diſſolution of the ſame Parliament, the eighteenth day of July. To the honour of God, and for the Common weal and profit of this Realm.

CAP. I.

Felons abjuring for petty treaſon, &c. ſhall not have Clergy.

Where in the laſt Parliament begun and holden at London, the third day of November, in the one and twentieth year of the Kings moſt Gracious Reign, and from thence adjourned to Weſtminſter, and there holden and continued by divers and ſundry prorogations, It was enacted amongſt other things, That ſuch perſon and perſons which did flee

A rehearſal of the Statute of 22 H.8.14. touching the uſing of ſanctuary perſons.

or reſort to any Pariſh Church, Cimitory, or other like hallowed place for tuition of his life, by occaſion of any murder, robbery, or other felony by the ſame perſon committed, and thereupon confeſſed any murder, felony, or other offence before a Crowner, for the which the ſame perſon by the Law of this Realm afore that time uſed, ſhould abjure, and paſs out of this Realm, ſhall be directed by the Crowner to take his abjuration to any one ſanctuary being within this Realm, which the ſame perſon would elect and chuſe, there to remain as a ſanctuary man abjured, during his natural life. And if after ſuch abjuration, any perſon ſo abjured came out of the ſame ſanctuary to the which he was aſſigned, and be taken without the ſame ſanctuary, not having the Kings ſpecial pardon or licence ſo to do: that then every ſuch perſon abjured, and after abjuration taken without Sanctuary, whereunto he was aſſigned, ſhould ſuffer like pain of death, and after ſuch like manner ſhould be ordered, as he ſhould have done, and biden, in caſe he had abjured this Realm for murder or felony: and after ſuch abjuration had returned again into this Realm, contrary to the Laws of this Land. And it was further ordained by the ſame Act, that if any ſuch ſanctuary perſon ſo abjured, or any other perſon or perſons which then were, or at any time after ſhould happen to be in any Sanctuary of this Realm, for doing of any petty Treaſon, Murder, or Felony, or for being acceſſary to any ſuch offences: or if any perſon or perſons, which at any time after the making of the ſame Act, ſhould take any Sanctuary of this Realm, for any petty Treaſon, Murder, or Felony, or for being acceſſary to any ſuch offences, or upon abjuration: and ſo being in Sanctuary for any ſuch cauſe, matter, or offence, afterward commit any petty Treaſon, Murder, or Felony, within the ſame Sanctuary, or be acceſſary to any ſuch offences, or go out of the ſame Sanctuary and commit any petty Treaſon, Murder, or Felony, or be acceſſary to any ſuch offences, and afterward come again to the ſame Sanctuary, or take any other Sanctuary for the ſame: that every ſuch perſon and perſons, being indicted for any of the ſaid cauſes of offences, ſhould loſe the priviledge of the Sanctuary by him taken, and every other Sanctuary within this Realm for any ſuch cauſe of petty treaſon, murder, felony, or abjuration, or for any acceſſary to any ſuch offences.

Trial of forrein Pleas.

And it was further ordained by the ſame act, That all forrain Pleas triable by the Country, which ſhould be pleaded by any perſon or perſons arraigned upon any indictment for any petty Treaſon, Murder, or Felony, ſhould be tried before the ſame Juſtices, afore whom ſuch perſons ſhould be arraigned, and by the ſame Jurors of the County, that ſhall try the petty Treaſon, Murder, or Felony, without any further reſpect or delay: and that no perſon arraigned for any petty Treaſon, Murder, or Felony, ſhould be admitted to any peremptory challenge above the number of xx. which Act was made to endure to the end of the next Parliament, as by the ſaid Act amongſt divers clauſes and proviſions contained in the ſame, more plainly is expreſſed.

No peremptory challenge above the number of twenty.

23 H. 8. 1.

And where alſo in the ſame Parliament it was enacted, That no perſon or perſons, which ſhould happen to be found guilty after the laws of this Realm, for any matter of petty treaſon, or for any wilful murder of malice prepenſed, or for robbing of any Churches, Chappels, or other holy places, or for robbing any perſon or perſons in their dwelling houſes or dwelling places, the owner or dweller in the ſaid houſe, his wife, his children, or ſervants then being within, and put in fear and dread by the ſame: or for robbing of any perſon or perſons in or near about the high-ways, or for wilful burning of any dwelling houſes or barnes, wherein any corn or grain ſhall happen to be: nor that any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining or counſelling of, or to any ſuch petty treaſons, murders, or felonies, ſhould be admitted the benefit of their Clergy (ſuch as be within holy Orders, that is to ſay, of the orders of Subdeacon, or above, all onely except) with many other clauſes and proviſions contained in the ſaid Act, as by the ſame Act more plainly appeareth: which Act was alſo made to continue and endure to the laſt day of the next Parliament.

Clergy taken from divers perſons which do commit ſeveral offences.

And where alſo in the ſame Parliament, it was further enacted, That every ſuch perſon and perſons, which ſhould happen to be indicted of any petty treaſon, wilful burning of houſes, murder, robbery, or burglary, or other felony, according to the tenour or meaning of the ſaid eſtatute next above rehearſed, and thereupon arraigned, did ſtand mute of malice or froward mind, or challenge peremptory above the number of xx. or elſe will not anſwer directly to the ſame indictment and felony, whereupon they ſhall be arraigned: that then every ſuch perſon and perſons ſhould loſe the benefit and priviledge of their Clergy.

25 H. 8. 3.

And it was alſo ordained by the ſame Act, That if any perſon or perſons be indicted and found guilty for ſtealing of any goods or cattels, in any County of this Realm, or being indicted, ſtand mute of malice, or challenge peremptory above the number of twenty perſons, or will not anſwer directly to the Law, ſhould alſo loſe the benefit of their Clergy, in like manner and form as they ſhould have done, if they had been indicted, arraigned and found guilty in the ſame County, where the ſame robbery or burglary was done, if it ſhall appear to the Juſtices by evidence or examination, that the ſaid felons or robbers arraigned before them, ſhould or ought to have loſt their Clergy by force of the ſaid eſtatute, in caſe they had been found guilty of the ſame felonies or burglaries in the ſame Shire where they were committed, as by the ſaid Act amongſt other things more at large is expreſſed.

Anno 25 H.8.6. The Statute of 22 H.8.14. 23 H. 8. 1. 25 H. 8. 3. & 6. rehearſed and made to continue unto the next Parliament.

And whereas alſo in the ſaid Parliament it was further ordained, That the deteſtable vice of buggery, committed with mankind or beaſt, ſhould be felony, and that the offenders therein ſhould loſe the priviledge of their Clergy: which Act was made to endure to the laſt day of the next Parliament, as by the ſame Act among other things it appeareth more at large. For as much as the ſaid Acts be beneficial and profitable to the Commonwealth of this Realm: Be it therefore enacted by authority of this preſent Parliament, That the ſaid Acts and every of them, and all clauſes and proviſions contained in the ſame, ſhall ſtand in full ſtrength and vertue, and from henceforth to continue and endure unto the laſt day of the next Parliament.

And be it alſo enacted by authority aforeſaid, That ſuch as be within holy Orders, ſhall from henceforth ſtand and be under the ſame pains and dangers for the offences contained in any of the ſaid ſtatutes, and be uſed and ordered to all intents and purpoſes, as other perſons not being within holy Orders: Any proviſion or exception ſpecified in any of the ſaid Acts, or any other uſage or cuſtom of this Realm to the contrary thereof notwithſtanding. This Act to endure unto the laſt day of the next Parliament. Stat. 32 H.8.3. made perpetual.

Such as be within holy orders, ſhall be under the ſame pains and dangers that others be Stat. 23 H.8.1.

CAP. II.

The Statutes of 21 H.8.7. & 27 H.8.17. touching ſervants imbeſiling their Maſters goods made perpetual. Rep. Ed.6.12. 1 M.1. 5 El.10.

CAP. III.

Authority given to the King during three years to allot newly the Towns in the Shires and Marches of Wales, notwithſtanding the Stat. of 27 H.8.26. Exp. Stat. 31 H.8.11.

CAP. IV.

In what manner Doulas and Lockeram ſhall be brought into this Land.

Where in the Parliament holden at Weſtminſter in the third day of November in the xxi. year of the reign of our Soveraign Lord King Henry the eight, amongſt other things it was enacted and eſtabliſhed, that no perſon nor perſons, Engliſh nor ſtranger, denizen or alien, from or after the Feaſt of S. Michael the Archangel then next following, ſhould bring or convey, or cauſe to be conveyed or brought by any manner of means into this Realm of England, any linnen cloth, called Doulas or Lockeram, unleſs every whole peece of Doulas contained in length fiveſcore elels of aſſiſe, accounted to every ell one inch of aſſiſe, and in breadth one yard of aſſiſe: and every half peece fifty elles in length, and one yard in breadth of like aſſiſe, and all the whole peece and half peece of one goodneſs in making. And alſo it was there enacted and eſtabliſhed, That every whole peece of Lockeram ſhould be of like length as the whole peece of Doulas: and every half peece of Lockeram ſhould be of like length as the half peece of Doulas, and every ſuch whole peece and half peece of Lockeram to be in breadth a whole yard, lacking a nail of the yard: and every peece to be in like goodneſs by all the length of the ſame peece, upon pain of forfeiture of the ſame Doulas & Lockeram ſo to be brought or conveyed into this Realm, not containing the full length, breadth, and goodneſs, or the value thereof, as in the ſame Statute more plainly at large doth appear. Sithens the making of which Act a great number of the Kings Subjects, that is to ſay, Weavers, Tuckers, Spinners, Diers, and Woolpickers, and many others have been idle and without work to their great impoveriſhing, which more and more is like daily to encreaſe, if remedy be not provided: For as much as the Clothmakers, which before the making of the ſaid Act, were wont to convey their ſaid clothes into Britain, where the ſaid linnen Cloth called Doulas and Lockeram is made, and from thence to bring with them the ſaid linnen cloth called Doulas and Lockeram, which they cannot do, ſithence the making of the ſaid Act, without danger and forfeiture of the ſaid linnen-cloth, by reaſon that there ſhall no Engliſh-man be ſuffered to carry or convey any of the ſaid clothes, called Doulas or Lockerams, from the parties of beyond the Sea into this Realm, of the length contained in the ſaid Act: which will make the ſaid Clothmakers to leave the making of their cloth, to the great and manifold perils of the Kings Subjects: Be it therefore enacted by the King our Soveraign Lord with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Act, made in the ſaid xxi. year, be to all intents, purpoſes, and conſtructions in the Law, made utterly void and of none effect, as if the ſaid Act had never been had or made. Nevertheleſs to the intent that the buyers of the ſaid linnen clothes ſhall not be at any time hereafter deceived by the length of the ſaid clothes,

A rehearſal of the 21 H.8.14: touching the length and breadth of Doulas and Lockeram.

By what means the St. 21 H.8.14: is prejudical to Cloth makers.

A repeal of the St. of 21 H.8.14.

Be it therefore enacted by the authority aforeſaid, That after the Feaſt of Saint Michael the Archangel next coming, no manner of perſon Engliſh nor ſtranger, Deniſen or Alien, put to ſale any whole peece, or half peece of the ſaid linnen-cloth, called Doulas and Lockeram, unleſs there be mention expreſſed upon every of the ſaid whole peece or half peece of the ſaid linnen cloth called Doulas or Lockeram, ſo put to ſale, as is aforeſaid, the whole and entire number of the yards or elles, that is contained in every ſuch whole peece, or half peece, upon pain of forfeiture of the ſame whole peece or half peece, not containing the number of yards or elles, ſo mentioned upon every of the ſaid whole peece, or half peece, ſo put to ſale as is aforeſaid: The one half of every ſuch forfeiture to be to the King our Soveraign Lord, and the other half to him that ſhall ſeiſe and will ſue for the ſame by action of debt, bill, plaint, information, or otherwiſe: in which action, ſuit or information, no wager of Law nor Eſſoin ſhall be admitted or allowed.

The contents of every peece of Doulas, and Lockeram ſhall be ſet upon the cloth.

Provided always, That this Act or any thing therein contained, be not prejudicial, ne hurtful to any perſon or perſons, that before the firſt day of this Parliament hath made any ſeiſure, or put in any information into any of the Kings Courts for any manner of forfeiture, done, or committed by any perſon or perſons contrary to the ſaid eſtatute, made in the ſaid iii. day of November, the xxi. year of the reign of our Soveraign Lord King Henry the eighth.

Information againſt offendors before this ſtatute.

CAP. V.

Exactions ſhall not be taken upon Apprentiſes in Cities, &c.

19 H.7.7. No ordinances ſhall be made by Fellowſhip of Crafts, but by the conſent of the Chancellor, Treaſurer, Juſtices, &c.

22 H.8.4. The fees of officers for the entry of an Apprentice or Freeman into their Fellowſhip.

No Prentice or Journeyman ſhall be reſtrained by oath or bond to keep ſhop.

The Wardens or Officres fees for entry of an Apprentice or Journeman.

Where in the ſaid Parliament begun at London the third day of November in the xxi. year of the reign of our moſt dread Soveraign Lord King Henry the eighth, and from thence adjourned and prorogued unto Weſtminſter, the xvi. day of January, in the xxii. year of the reign of our ſaid Soveraign Lord, and there then alſo holden: it was, and is recited, that where before that time it was eſtabliſhed, and enacted in the xix. year of our late Soveraign Lord King Henry the ſeventh, That no Maſters, Wardens, and fellowſhip of Crafts, or any of them, nor any rulers of the Guilds, or fraternities, ſhould take upon them to make any Acts, or Ordinances, ne to execute any Acts, or Ordinances by them before that time made, or then hereafter to be made, in diſheritance, or diminution of the prerogative of the King, nor of other, nor againſt the common profit of the people, except the ſame Acts, or Ordinances were examined or approved by the Chancellor and Treaſurer of England, or chief Juſtice of either Bench, or three of them, or before the Juſtices of Aſſiſe in their circuit, or progreſs, in the Shire where ſuch Acts or Ordinances be made, upon pain of forfeiture of fourty pounds, for every time that they do the contrary, as more plainly in the ſaid Act doth appear. Sith which time divers Wardens, and Fellowſhips have made Acts, and Ordinances, that every Prentice ſhould pay at his firſt entree in their common Hall to the Wardens of the ſame Fellowſhip, ſome of them xl. s. ſome xxx. s. ſome xx. ſome xiii. s. iv. d. ſome vi. s. viii. d. ſome iii. s. iv. d. after their own ſiniſter minds, and pleaſure, contrary to the meaning of the ſaid Act, made in the ſaid xix. year of the ſaid late King Henry the ſeventh, and to the great hurt of the Kings true ſubjects putting their children to be Prentices: It was therefore in the ſaid Parliament holden at Weſtminſter in the ſaid xxii. year of the reign of King Henry the eighth, eſtabliſhed and enacted by the King our Soveraign Lord, by the advice of the Lords Spiritual and Temporal, and to the Commos in the ſame Parliament aſſembled, and by the authority of the ſame, that no Maſter, Wardens, or Fellowſhips of Crafts, or Maſters of any of them, nor any rulers of fraternities ſhould take from henceforth of any Prentice, or of any other perſon or perſons for the entry of any Prentice into their ſaid Fellowſhip above the ſum of ii. s. vi. d. nor for his entry when his years and term is expired and ended, above iii. s. iv. d. upon pain of forfeiture of xl. li. for every time that they do to the contrary, the one half to the King our Soveraign Lord, and the other half to the party that therefore ſhall ſue by action of debt, information or otherwiſe, and that in the action aforeſaid, no protection, or eſſoin ſhall be allowed: As by the ſame Act amongſt other things therein contained more plainly may appear. Sithen which ſaid ſeveral Acts eſtabliſhed, and made, as is aforeſaid, divers Maſters, Wardens, and Fellowſhips of Crafts, have by cautil, and ſubtil means, compaſſed and practiſed to defraud and delude the ſaid good and wholeſome Statutes, cauſing divers Prentices or young men immediately after their years be expired, or that they be made free of their occupation or felloſhip, to be ſworn upon the holy Evangeliſt at their firſt entry, that they nor any of them after their years or time expired, ſhall not ſet up or open any ſhop, houſe, nor ſellar, nor occupy as freemen, without the aſſent and licence of the Maſter, Wardens, or Fellowſhips of their occupations, upon the pain of forfeiting their Freedom, or other like penalty. By reaſon whereof, the ſaid Apprentices and Journeymen be put to as much or more charges thereby than they before time were put unto for the obtaining and entering of their Freedom, to the great hurt and impoveriſhment of the ſaid Prentices and Journeymen, and other their friends. For remedy whereof, be it now by the authority of this preſent Parliament eſtabliſhed, ordained and enacted, that no Maſter, Wardens, or Fellowſhips of Crafts, or any of them, or any rulers of fraternities, guilds, or brotherhoods, from henceforth compel, or cauſe any Prentice or Journeyman by oath, or bond heretofore made, or hereafter to be made, or otherwiſe, that he after his Apprentiſhip or term expired, ſhall not ſet up nor keep any ſhop, houſe or ſellar, nor occupy as a Freeman, without licence of the Maſter, Wardens, or Felloſhip of his or their occupation, for and concerning the ſame, nor by any mean exact or take of any ſuch Prentice or Journeman, nor any other occupying for themſelves, nor of any other perſons for them, after his or their ſaid years expired, any ſum of money or other things, for or concerning his or their Freedom or occupation, otherwiſe, or in any other manner than before is recited, limited and appointed in the ſaid former Act, made in the ſaid xxii. year of the reign of King Henry the viii. upon pain to forfeit for every time that they or any of them ſhall offend contrary to this Act, xl. li. The one half thereof to the King our Soveraign Lord, and the other half to the party that will ſue for the ſame, in any of the Kings Courts, by action of debt, information, or otherwiſe: in which ſuit or action, no protecion nor eſſoin ſhall be allowed for the party defendant.

CAP. VI.

An Act for continuance of the Statutes of 22 H.8. 12. 22 H. 8. 7. 26 H. 8. 11. & 25 H. 8. 6. for beggers and vagabonds, and againſt conveyance of Horſes and Mares out of this Realm, againſt Welſhmen making affrayes in the Counties of Hereford, Glouceſter, and Salop; and againſt the vice of Buggery. Exp. St. 1 El. 18.

CAP. VII.

Touching the Succeſſion of the Crown.

IN their moſt humble wiſe ſhewen to your moſt royal Majeſty, the Lords Spiritual and Temporal, and all other your moſt loving and obedient Subjects, the Commons in this your moſt high Court of Parliament aſſembled, that where in your laſt Parliament begun and holden at London the iii. day of November, in the xxi. year of your moſt gracious reign, and from thence adjourned to VVeſtminſter, and there holden and continued by divers and ſundry prorogations upon the xv. day of January, in the xxv. year of your moſt Noble reign, and then there holden: It was made and ordained an Act concerning amongſt many things as well for ratification, and confirmation of your Marriage, then had and ſolemnized between your Highneſs and the late Lady Anne Bolein Marqueſs of Pembroke, as for the limitation of the ſucceſſion of your Imperial Crown of this Realm, to the iſſue of your body begotten, and to be begotten of the ſaid Lady Anne, with divers remainders over for default of ſuch iſſue, as in the ſaid Act plainly and particularly more at large is expreſſed and mentioned. And where alſo by the ſaid Act it was ordained and eſtabliſhed, That all and ſingular your Subjects ſhould take a corporal oath for the fulfilling, maintaining and defending the whole effects and contents of the ſaid Act. And it was further ordained by the ſaid Act amongſt other things, that if any perſon or perſons, ſubject or reſiant within this Realm, or within any your Graces Dominions after the firſt day of May, then next enſuing, by writing, print, deed, or act procured, or did or cauſed to be procured or done any thing or things to the prejudice, ſlander, diſturbance, or derogation of the ſaid Matrimony, ſolemniſed between your Majeſty and the ſaid Lady Anne, or to the peril, ſlander, or diſheriſon of any the iſſues, & heirs of your Highneſs, being limited by the ſame Act to inherit, and to be inheritable to the Crown of this Realm, whereby any ſuch iſſues or heirs of your Highneſs might be deſtroyed, diſturbed, or interrupted in body, or title of inheritance to the Crown of this Realm, as to them is limited in the ſame Act: that then every ſuch perſon and perſons, and their aiders, counſellers, maintainers, and abetters, and every of them, for every ſuch offence, ſhall be adjudged high traitors, and that every ſuch offence ſhould be adjudged high treaſon. And the offendors and their aiders, counſellors, maintainers, and abetters, and every of them being lawfully convict of ſuch offence by preſentment, verdict, confeſſion or proceſs, according to the cuſtoms and laws of this Realm, ſhould ſuffer pains of death, as in caſes of high treaſon: as in the ſaid Act amongſt many other articles, clauſes, and proviſions, is more at large mentioned and ſpecified.

A rehearſal of the Statute of 25 H. 8. 22. touching the Kings marriages, and limitation of ſucceſſion to the Crown.

And alſo in the ſaid Parliament holden at VVeſtminſter by prorogation, on the third day of November, in the xxvi. year of your moſt Noble reign, another Act was made for declaration and ratification of the ſaid oath, which divers of your Subjects then had taken, and all your Subjects after that were bound to take for due obſervation of the ſaid Act of the ſaid Succeſſion, as by the ſame Act amongſt other things is alſo ſpecified and expreſſed.

Stat. 26 H. 8. 2.

And albeit, moſt dread Soveraign Lord, the ſaid Acts were then made, as it was then thought by your Majeſty, Nobles and Commons, upon a pure, perfect, and cleer foundation, thinking the ſaid marriage then had between your Highneſs and the ſaid Lady Anne, in their Conſciences to have been pure, ſincere, perfect and good, and ſo was reputed, accepted, and taken in the Realm, till now of late, that God of his infinite goodneſs, from whom no ſecret things can be hid, hath cauſed to be brought to light, evident and open knowlede, as well certain, juſt, true, and lawful impediments, unknown at the making of the ſaid Acts, and ſithen that time hath been confeſſed by the ſaid Lady Anne, before the moſt reverend father in God Thomas Archbiſhop of Canterbury, Metropolitane and Primate of all England, ſitting judicially for the ſame: by the which plainly appeareth, that the ſaid marriage between your Grace and the ſaid Lady Anne, was never good nor conſonant to the Laws, but utterly void and of none effect. By reaſon whereof your Highneſs was and is lawfully divorced, and ſeparated from the bonds of the ſaid marriage in the life of the ſaid Lady Anne. And this notwithſtanding moſt gracious Soveraign Lord, the Lady Elizabeth your Daughter being born under the ſaid unlawful marriage, by vertue and authority of the Act of your Succeſſion above remembred, for lack of heir Males of your body ſhould immediately ſucceed as your lawful heir in the moſt Royal eſtate of your imperial Crown of this Realm, againſt all honour, equity, reaſon, and good conſcience, if remedy ſhould not be provided for the ſame. And over this, moſt dread Soveraign Lord, albeit that your Majeſty not knowing of any lawful impediments, entered into the bonds of the ſaid unlawful marriage, and advanced the ſame Lady Anne to the honour of the ſoveraign eſtate of Queen of this Realm: yet nevertheleſs ſhe inflamed with pride, and carnal deſires of her body, putting apart the dread of God, and excellent benefits received of your Highneſs, confederated her ſelf with George Boleine late Lord Rochford, her natural Brother, Henry Norris Eſquire, Francis VVeſton Knight, VVilliam Brereton Eſquire, Gentlemen of your privy Chamber, and Mark Smeton Groom of your ſaid privy Chamber, and ſo being confederate, ſhe & they moſt traiterouſly committed & perpetrated divers deteſtable and abominable treaſons, to the moſt fearful peril and danger of the deſtruction of your moſt royal perſon, and to the utter loſs, diſheriſon and deſolation of this Realm, if God of his goodneſs had not in due time brought their ſaid treaſons to light: for the which, being plainly and manifeſtly proved, they were convict, and attainted by the due courſe and order of your common Laws of this Realm, and have ſuffered according to their merits, as by the records thereof more at large appear.

The marriage between the King and Lady Anne Boleine was never good, nor conſonant to Law.

The Lady Elizabeth not born in lawful marriage.

Treaſon committed by the Lady Anne Boleine and others attainted and executed.

And albeit moſt gracious and moſt dread Soveraign Lord, divers and ſundry honourable, juſt, true and reaſonable clauſes be contained and expreſſed in the ſame Act, made for the eſtabliſhment of your ſucceſſion, which be very neceſſary and profitable for the commonwealth of this Realm: yet nevertheleſs becauſe certain Articles and clauſes contained in the ſame, concerning the ratification of your ſaid unlawful marriage, between your Highneſs and the ſaid Lady Anne, and the limitation of your ſucceſſion to the iſſues of your body had by the ſaid Lady Anne, and the other expreſſed and mentioned in both the Acts above remembred for the defending and maintaining the whole effects and contents of the ſaid Act, which clauſes and articles be now become of late ſo diſhonourable, and ſo far diſtant from the due courſe of your common laws of your Realm, and alſo ſo much againſt good reaſon,

equity

A repeal of the St. of 25 H.8.22. and 20 H.8,2.

equity and good conſcience, that they cannot be ſuſtained, nor tolerated to continue, and endure without great peril of diviſion hereafter to be had, by occaſion of the ſame amongſt us your ſaid moſt humble, loving, and obedient ſubjects, and our poſterities. It may therefore pleaſe your Highneſs of your moſt excellent and accuſtomable goodneſs, and for the entire love, favour, and hearty affection that your Majeſty hath always born, and beareth to the Commonwealth of this your Realm, and for the conſervation of the good peace, unity, and reſt of us your moſt bounden and obedient ſubjects, and of our ſaid poſterities, that it may be enacted by authority of this preſent Parliament, that the ſaid ii. Acts and every of them, and all clauſes, articles, and proviſions therein contained from the firſt day of this preſent Parliament, ſhall be repealed, adnulled, and made fruſtrate, and of none effect.

They ſhall not be pardoned which have offended before the firſt day of this Parliament.

Provided alway, that the ſaid repeal, and adnullation of the ſaid Act, which was made for the eſtabliſhment of your ſucceſſion, ſhall not be taken, expounded, nor underſtood to diſcharge any perſon or perſons which have done or committed any offences of treaſon, or miſpriſion of treaſon contrary to the ſame Act, or any part thereof, at any time afore the firſt day of this preſent Parliament; but that ſuch offences of treaſon, and miſpriſion of treaſon, done and committed by any perſon or perſons, contrary to the ſame Act, afore the firſt day of this preſent Parliament, ſhall be, and remain in the ſame degree and quality to be puniſhed by authority of the ſame Act, as if the ſame Act had not been repealed: the repeal & adnullation of the ſame Act by authority of this preſent Parliament in any wiſe notwithſtanding.

Some upon good will and meaning to the King that have ſpoken or written againſt Queen Anne or her daughter the Lady Elizabeth.

They pardoned which ſpake or did any thing againſt the Kings marriage, Queen Anne, or Lady Elizabeth.

Nevertheleſs the Kings moſt royal Majeſty, moſt graciouſly conſidering that divers and many of his moſt loving and obedient ſubjects now lately afore the beginning of this preſent Parliament, have ſpoken, done, practiſed, procured, and attempted, as well by word, writing, printing, as by exterior Acts, not onely againſt the ſaid unlawful marriage, ſolemnized benween his Highneſs and the ſaid Lady Anne, and to the prejudice, ſlander, diſturbance, and derogation thereof, but alſo to the peril, ſlander and diſheriſon of the Lady Elizabeth the Kings Daughter illegitimate born under the ſame marriage, and to the let, diſturbation and interruption of the ſaid Lady Elizabeth to the title of the Crown: and alſo to deprive the ſaid Lady Anne, late Queen, and the ſaid Lady Elizabeth, and every of them, of their dignity, title, and name of their royal eſtates, contrary to the tenors, purports, proviſions, and ordinances, as well contained in the ſaid Act made in the laſt Parliament, for the eſtabliſhment of the Kings ſucceſſion, as in any other Act made in the laſt Parliament for puniſhment of treaſons. Which words, doings, practices, procurements, and attempts of his ſaid Subjects, albeit they proceeded of no malice, but upon true and juſt grounds, for puniſhment of the ſaid late Lady Anne, according to her deſerts, and for reformation of the ſaid unlawful marriage, for the ſurety of the Kings Highneſs, and for the unity and wealth of his Realm: yet nevertheleſs the Kings ſaid ſubjects might hereafter happen to be impeached, troubled, and vexed for ſuch their words, doings, acts, procurements, and attempts, as well by reaſon of the ſaid eſtatute, made for the eſtabliſhment of the Kings ſucceſſion, and now repealed by this Act, as by occaſion of other Statutes heretofore made for puniſhment of treaſon and miſpriſion of treaſon, to the great danger and perils of the lives, lands, and goods of the Kings ſaid ſubjects, which onely for hearty good will, and faithful obedience that they bear to the Kings Majeſty incurred into the ſaid dangers and perils: the Kings Highneſs therefore of his moſt bountiful mercy and benignity is pleaſed and contented, that it be enacted by authority of this preſent Parliament, That all and ſingular his loving Subjects, which have ſpoken, done, practiſed, committed or attempted, or procured to be done, or attempted directly or indirectly, by words, writings, prints, or any exterior act, any thing or things whatſoever it be, againſt the ſaid marriage ſolemniſed between his Highneſs and the ſaid late Queen Anne, or for the ſetting forth or preferment of the divorce or diſſolution thereof: or againſt the ſaid late Queen Anne, or the ſaid Lady Elizabeth, or to any of their ſlanders, perils, or diſheriſons, or have wiſhed, willed, or deſired by words or writings, or invented, imagined, practiſed or attempted any bodily harm to the ſaid late Queen Anne, or Lady Elizabeth, or to deprive the ſame late Queen Anne, or Lady Elizabeth, or any of them, of the dignity, title, or name of their Royal Eſtates; or have ſpoken, done, or procured to be done, any other words, writings, printings, wiſhing, willing, thing or things, act or acts againſt the ſaid late Queen Anne, or Lady Elizabeth, which is or might be deemed or interpreted for Treaſon, or miſpriſion of Treaſon by any conſtruction upon any of the Statutes of this Realm heretofore made, ſhall be freely and clearly pardoned, diſcharged and releaſed by authority of this Act, of all thoſe and ſuch Treaſons and miſpriſions of Treaſons above mentioned. And that none of his ſaid loving ſubjects for any of the ſaid Treaſons or miſpriſions of Treaſon above mentioned and ſpecified, ſhall hereafter at any time, by any manner of means be impeached, vexed, or troubled in their bodies, lives, lands, goods, or cattels, any thing in this Act, or in any Act or Acts heretofore made for treaſons or miſpriſions of treaſon, to the contrary thereof notwithſtanding.

Queen Anne Boleine and her complices attainted of high treaſon, and their lands ſhall be forfeit to the King.

And be it further enacted by authority aforeſaid, That the ſaid late Queen Anne, George Bolein late Lord Rochford, Henry Norris Eſquire, Francis Weſton Knight, William Brereton Eſquire, and Mark Smeton, for their abominable and deteſtable treaſons, by them and every of them moſt abominably and traiterouſly committed and done againſt your Majeſty and the Realm, ſhall be by authority of this preſent Parliament convicted and attainted of high treaſon, in ſuch manner and form, and accordingly as they be, by the due courſe and order of your laws of this Realm. And that the ſaid late Queen Anne, George Lord Rochford, Henry Norris, Francis Weſton, William Brereton, and Mark Smeton, and every of them, ſhall loſe and forfeit to your Highneſs, and to your Heirs, all ſuch their manors, meſſes, lands, tenements, rents, reverſions, remainders, uſes, poſſeſſions, offices, rights, conditions, and all other hereditaments, of what names, natures, or qualities ſoever they be, which they or any of them, or any other to their uſes, or to the uſe of any of them, had, or ought to have had of any eſtate of inheritance in fee-ſimple or in tail, in uſe or poſſeſſion, at the days of their ſeveral treaſons committed, limited and expreſſed in their indictment, or at any time after. Saving to every perſon and perſons, and bodies politick, and to the heirs, aſſignes, and ſucceſſors of every of them (other then to the ſaid late Queen Anne, and the other traitors afore named, and to the heirs, aſſignes, and ſucceſſors of every of them, and all and every other perſon and perſons claiming by them, or any of them, or to their uſes, or to the uſes of any of them, or to the uſe of any of their heirs) all ſuch right, title, uſe, poſſeſſion, intereſt, condition, fees, offices, rents, annuities, commons, and all other commodities and hereditaments whatſoever they or any of them might, ſhould, or ought to have had, if this Act had never been had ne made.

The right of all others ſaved, but of the offenders, &c.

And over this, moſt gracious Soveraign Lord, foraſmuch as it hath pleaſed your moſt Royal Majeſty, notwithſtanding the great and intolerable perils and occaſions which your Highneſs hath ſuffered and ſuſtained, as well by occaſion of your firſt unlawful marriage ſolemnized between your Highneſs and the Lady Katherine late Princeſs Dowager, as by occaſion of the ſaid unlawful marriage between your Highneſs and the ſaid late Queen Anne, at the moſt humble petition and interceſſion of us your Nobles in this Realm, for the ardent love, and fervent affection which your Highneſs beareth to the conſervation of the Peace and unity of the ſame, and for the good and quiet governance thereof, of your moſt excellent goodneſs to enter into marriage again, and have choſen and taken a right noble, vertuous, and excellent Lady Queen Jane to your true and lawful wife, and have lawfully celebrated and ſolemnized marriage with her, according to the laws of holy Church; who for her convenient years, excellent beauty, and pureneſs of fleſh and blood, is apt (God willing) to conceive iſſue by your Highneſs; which marriage is ſo pure and ſincere, without ſpot, doubt, or impediment, that the iſſue procreated under the ſame, when it ſhall pleaſe Almighty God to ſend it, cannot be lawfully, truly, nor juſtly interrupted or diſturbed of the right and title in the ſucceſſion of your Crown: It may therefore now pleaſe your moſt gracious Majeſty, at the moſt humble petition and interceſſion of us your Nobles and Commons aſſembled in this preſent Parliament, as well for the clear extinguiſhment of all ambiguities and doubts, as for a pure and perfect unity of us your moſt humble and obedient ſubjects, and of all our poſterities, that it may be enacted by your moſt gracious and royal Majeſty, by conſent of us the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame in manner and form as hereafter in articles enſueth.

Queen Jane married to the King according to the laws of the Church.

Firſt, foraſmuch as the marriage heretofore ſolemnized between your Highneſs and the ſaid Lady Katherine, late Princeſs Dowager deceaſed, which afore was lawful wife to your natural brother Prince Arthur, and by him carnally known, as hath duly been proved by ſufficient witneſſes, at all times was, is, and ought to be deemed and determined to be againſt the laws of Almighty God, and not diſpenſable by any humane authority, and ſo hath been deemed and determined, as well by the whole Clergy of this Realm in both Convocations, and by both the Univerſities thereof, as by the Univerſities of Bononie, Padua, Paris, Orleance, Tolowes, Aniew, and divers other, and alſo a great number of private writings of many right excellent well learned men; Be it therefore enacted by authority of this preſent Parliament, according as it was ordained & enacted in the ſaid Act made in the laſt Parliament for the eſtabliſhment of your ſucceſſion, That the ſaid marriage heretofore had & ſolemnized between your Highneſs and the ſaid Lady Katherine, which was before lawful wife to the ſaid Prince Arthur your elder brother, and by him carnally known, as doth duly appear by ſufficient proof in a lawful proceſs had and made before the ſaid moſt reverend Father in God, Thomas, by the ſufferance of God, Archbiſhop of Canterbury, Metroplitane & Primate of all England, ſhall be by authority of this preſent Parliament, definitively, clearly and abſolutely declared, deemed, and adjudged to be againſt the Laws of Almighty God, and alſo accepted, reputed, and taken of no value nor effect, but utterly void and annihiled: And that the ſeparation thereof made by the ſaid Archbiſhop, ſhall be good and effectual to all intents and purpoſes, any licenſe, diſpenſation, or any other act or acts going before, or enſuing the ſame, or to the contrary thereof in any wiſe notwithſtanding. And that every ſuch licenſe, diſpenſation, act or acts, thing or things, had, made, done, or to be done to the contrary thereof, ſhall be to all intents void and of none effect, and ſo ſhall be reputed and taken by and amongſt us your true ſubjects and inhabitants, our heirs and ſucceſſors of and in your Realm and Dominions for ever. And that the iſſue born and procreated under the ſame unlawful marriage, made and ſolemnized between your Highneſs and the ſaid Lady Katherine, ſhall be taken, deemed and accepted illegitimate to all intents and purpoſes, and ſhall be utterly foreclosed, excluded, and barred to claim, challenge or demand any inheritance as lawful Heir to your Highneſs by lineal diſcent.

The marriage between the King & Queen Katherine void.

The Lady Mary illegimate, and not inheritable to the King.

And alſo foraſmuch as the marriage ſolemnized between your Highneſs, and the ſaid late Queen Anne, upon true and juſt cauſes, was, & is deemed and adjudged by the ſaid moſt reverend Father, to be of no value ne effect, and a divorce and ſeparation thereof had and made by the due order and proceſs of the Laws of the Church of England, before the ſaid reverend Father: Be it therefore enacted by the authority of this preſent Parliament, That the ſame marriage between your Highneſs and the ſaid late Queen Anne, ſhall be taken, reputed, deemed, and adjudged to be of no force, ſtrength, vertue, and effect; and that the ſeparation and divorce thereof had by the ſentence and judgment of the ſaid moſt reverend Father, ſhall be good and effectual, and ſo hereafter ſhall be taken and reputed for ever by all your ſubjects, their heirs and ſucceſſors. And that none appeal, repeal, revocation or adnullation thereof, or any part of the ſame, ſhall hereafter be had, taken, allowed or admitted in any behalf. And that all the iſſues and children born and procreated under the

The marriage between the King & Queen Anne was void, and the ſeparation and divorce between them lawful.

The Lady Elizabeth illegitimate, and not inheritable to the King.

ſame marriage between your Highneſs and the ſaid late Queen Anne, ſhall be taken, reputed and accepted to be illegitimate to all intents and purpoſes, and utterly foreclosed, excluded and barred to claim, challenge, or demand any inheritance as lawful heir or heirs to your Highneſs by lineal diſcent, the ſaid former Act made in the laſt Parliament, for the eſtabliſhment of your ſucceſſion, or any thing therein contained, or any other thing or things to the contrary thereof in any wiſe notwithſtanding.

Marrying within degrees prohibited by Gods law, and which be thoſe degrees. 28 H.S.16.

And furthermore, ſith many inconveniences have fallen, as well within this Realm as in others, by reaſon of marrying within the degrees of marriage prohibited by Gods laws, that is to ſay, the ſon to marry the mother, or the ſtep-mother carnally known by his father, the brother the ſiſter, the father his ſons daughter, or his daughters daughter; or the ſon to marry the daughter of his father, procreate and born by his ſtep-mother; or the ſon to marry his aunt, being his fathers or mothers ſiſter; or to marry his uncles wife, carnally known by his uncle; or the father to marry his ſons wife, carnally known by his ſon; or the brother to marry his brothers wife, carnally known by his brother; or any man married, and carnally knowing his wife, to marry his wives daughter, or his wives ſons daughter, or his wives daughters daughter, or his wives ſiſter.

And furthermore to dilate and declare the meaning of theſe prohibitions, it is to be underſtood, that if it chance any man to know carnally any woman, that then all and ſingular perſons being in any degree of conſanguinity or affinity, as is above written, to any of the parties ſo carnally offending, ſhall be deemed and adjudged to be within the caſes and limits of the ſaid prohibitions of marriage. All which marriages, albeit they be plainly prohibited and deteſted by the laws of God, yet nevertheleſs at ſome times they have proceeded under colours of diſpenſations by mans power, which is but uſurped, and of right ought not to be granted, admitted, nor allowed. For no man, of what eſtate, degree, or condition ſoever he be, hath power to diſpenſe with Gods laws, as all the Clergy of this Realm in the ſaid Convocations, and the moſt part of all the Univerſities in Chriſtendom, and we alſo do affirm and think.

No man can diſpence with the law of God.

No perſon ſhall marry within the degrees prohibited.

Be it therefore enacted by authority aforeſaid, according as it is declared and contained in the ſaid Act made in the laſt Parliament for the eſtabliſhment of your ſucceſſion, That no perſon or perſons, ſubjects or reſiants of this Realm, or in any your Dominions, of what eſtate, degree or dignity ſoever they be, ſhall from henceforth marry within the degrees afore rehearſed, what pretence ſoever ſhall be made to the contrary thereof. And in caſe any perſon or perſons, of what eſtate, dignity, degree or condition ſoever they be, that been heretofore married within this Realm, or in any other the Kings Dominions, within any the degrees above rehearſed, and by any the Archbiſhops or Miniſters of the Church of England be ſeparate from the bond of ſuch unlawful marriages; that then every ſuch ſeparation ſhall be good, lawful, firm and permanent for ever, and not by any power, authority and means, to be revoked or undone hereafter. And that the children proceeding or procreate under ſuch unlawful marriage, ſhall not be lawful nor legitimate; any foreign Laws, Licences, Diſpenſations, or other thing or things to the contrary thereof notwithſtanding. And that in caſe there be any perſon or perſons within this Realm, or in any of the Kings Dominions already married within any of the ſaid degrees above ſpecified, and not yet ſeparate from the bonds of ſuch unlawful marriage, that then every ſuch perſon, ſo unlawfully married, ſhall be ſeparate by the definitive ſentence and judgment of the Archbiſhops, Biſhops, and other Miniſters of the Church of England, and in other your Dominions, within the limits of their juriſdictions and authorities, and by none other power or authority. And that all ſentences and judgments given and to be given by any Archbiſhop, Biſhop, or other Miniſter of the Church of England, or in any other the Kings Dominions, within the limits of their juriſdictions and authority, ſhall be definitively firm, good, effectual to all intents, and be obſerved and obeyed, without ſuing any provocations, appeals, prohibitions, or other proceſs from or to the Court of Rome, to the derogation thereof, or contrary to the Act made ſince the beginning of the laſt Parliament for reſtraint of ſuch provocations, appeals, prohibitions, and other proceſſes.

There ſhall be no appeals to the Church of Rome. 24 H.S.12.

And alſo be it enacted by authority aforeſaid, That all the iſſue hereafter to be had and procreate between your Highneſs, and your ſaid moſt dear and entirely beloved lawful wife, Queen Jane, ſhall be your lawful children and heirs, and be inheritable and inherit, according to the courſe of inheritance, and laws of this Realm, the Imperial Crown of the ſame, with all dignities, honours, preheminences, prerogatives, authorities and juriſdictions to the ſame annexed or belonging, in as large and ample manner as your Highneſs at this preſent time hath the ſame as King of this Realm, the inheritance thereof to be and remain of your ſaid children and right heirs, in manner and form as hereafter ſhall be declared, that is to ſay:

The Crown of England entailed to the King and to the heirs males of his body begotten, with ſeveral remainders over.

Firſt, the ſaid Imperial Crown, and other the premiſſes, ſhall be to your Majeſty, and to your Heirs of your body lawfully begotten: that is to ſay, to the firſt ſon of your body between your Highneſs and your ſaid lawful wife Queen Jane begotten, and to the heirs of the body of the ſame firſt ſon lawfully begotten. And for default of ſuch heirs, then to the ſecond ſon of your body, and of the body of the ſaid Queen Jane begotten, and the heirs of the body of the ſame ſecond ſon lawfully begotten, as is aforeſaid; and ſo to every ſon of your body, and of the body of the ſaid Queen Jane begotten, and to the heirs of the body of every ſuch ſon begotten, according to the courſe of inheritance in that behalf.

And if it ſhall happen your ſaid moſt dear and entirely beloved wife Queen Jane to deceaſe without iſſue male of the body of your Highneſs to be begotten (which God defend) then the ſame Imperial Crown, and all other the premiſſes, to be to your Majeſty, as is aforeſaid, and to the ſon and heir male of your body lawfully begotten by any other lawful wife, and to the heirs of the body of the ſame ſon and heir male lawfully begotten. And for default of ſuch iſſue, then to your ſecond ſon of your body lawfully begotten, and to the heirs of the body of the ſame ſecond ſon lawfully begotten; and ſo from ſon and heir male, to ſon and heir male, and to the heirs of the ſeveral bodies of every ſuch ſon and heir male lawfully begotten, according to the courſe of inheritance, in like manner and form as is above ſaid.

For default of iſſue male of the Kings body, the crown ſhall deſcend to the eldeſt iſſue female of his body begotten.

And for default of ſuch ſons of your body lawfully begotten, and of the heirs of the ſeveral bodies of every ſuch ſon lawfully begotten, that then the ſaid Imperial Crown, and other the premiſſes, ſhall be to the iſſue female between your Majeſty and your ſaid moſt dear and entirely beloved wife Queen Jane begotten: and for lack of ſuch iſſue, then to the heirs females of your body lawfully begotten by any other lawful wife: that is to ſay, firſt, to the eldeſt iſſue female, and to the heirs of her body lawfully begotten; and ſo from iſſue female to iſſue female, and to their heirs of their bodies one after another by courſe of inheritance according to their ages, as the Crown of England hath been accuſtomed and ought to ſucceed and go, in caſe where there is heir female inheritable to the ſame.

The perils that might enſue to the Realm, for want of knowledge of a lawful ſucceſſor to the Crown.

And foraſmuch as it ſtandeth at this preſent time in the only pleaſure and will of Almighty God, whether your Majeſty ſhall have heirs begotten and procreated between your Highneſs and your ſaid moſt dear and entirely beloved wife Qeen Jane, or elſe any lawful heirs and iſſues hereafter of your own body begotten by any other lawful wife, and if ſuch heirs ſhould fail, as God defend, and no proviſion made in your life, who ſhould rule and govern this Realm for lack of ſuch heirs; that then this Realm after your tranſitory life ſhall be deſtitute of a lawful Governor, or elſe pereaſe encumbred with ſuch a perſon, that would covet to aſpire to the ſame, whom the ſubjects of this Realm ſhall not find in their hearts to love, dread, and obediently ſerve as their ſoveraign Lord. And if your Grace, afore it may be certainly known, whether ye ſhall have heirs or no, ſhould ſuddenly name and declare any perſon or perſons to ſucceed after your deceaſe, and for lack of heirs of your body lawfully begotten, into the Royal Eſtate of the Imperial Crown of this Realm; then it is to be doubted, that ſuch perſon that ſhould be ſo named, might happen to take great heart and courage, and by preſumption fall to inobedience and rebellion, by occaſion of which premiſſes great diviſion and diſſention may be, and is very likely to ariſe and ſpring in this Realm, to the great peril and deſtruction of us your moſt humble and obedient ſubjects, and of all our poſterities, if remedy for the ſame ſhould not be provided. For reformation and remedy whereof, we your moſt bounden and loving ſubjects, moſt obediently knowledging, that your Majeſty moſt victoriouſly, prudently, politickly, and indifferently hath maintained, defended, governed and ruled this Realm in good peace, reſt, quietneſs and obedience, during all the time of your moſt gracious Reign, which we moſt heartily deſire might continue for ever, putting all our whole truſt and confidence in your Highneſs, and nothing doubting but ẏ your Majeſty, if ye ſhould fail of heirs of your body lawfully begotten (which God defend) for the hearty love and fervent affection that ye bear to this Realm, and for avoiding all the occaſions of diviſion afore rehearſed, ſo earneſtly mindeth the wealth of the ſame, that ye can beſt and moſt prudently provide ſuch a Governor for us and this your Realm, as ſhall and will ſucceed, and follow in the juſt and right trade of all your proceedings, and maintain, keep, and defend the ſame, and all the Laws and Ordinances eſtabliſhed in your moſt gracious time for the wealth of this Realm, which all we deſire, whereby we your ſaid moſt loving and obedient ſubjects, and our heirs and ſucceſſors, ſhall and may live, as near as may be, in as good peace, unity and obedience after your deceaſe, as we have lived in the time of your moſt gracious Reign: Do therefore moſt humbly beſeech your Highneſs, that it may be enacted, for avoiding of all ambiguities, doubts, diviſions and occaſions in that behalf, by your moſt royal Majeſty, by the aſſent of us the Lords Spiritual and Temporal, and the Commons in this your preſent Parliament aſſembled, and by authority of the ſame, That your Highneſs ſhall have full and plenary power and authority to give, diſpoſe, appoint, aſſign, declare and limit, by your Letters Patents under your great Seal, or elſe by your laſt Will made in writing, and aſſigned with your moſt gracious hand, at your onely pleaſure, from time to time hereafter, the Imperial Crown of this Realm, and all other the premiſſes thereunto belonging, to be, remain, ſucceed and come, after your deceaſe, and for lack of lawful heirs of your body to be procreated and begotten as is afore limited by this Act, to ſuch perſon or perſons in poſſeſſion and remainder, as ſhall pleaſe your Highneſs, and according to ſuch eſtate, and after ſuch manner, form, faſhion, order and condition, as ſhall be expreſſed, declared, named and limited in your ſaid Letters Patents, or by your ſaid laſt Will. And we your moſt humble and obedient ſubjects, do faithfully promiſe to your Majeſty by one common aſſent, That after your deceaſe, and for lack of heirs of your body lawfully begotten, as is afore rehearſed, we, our heirs and ſucceſſors, ſhall accept and take, love, dread, ſerve, and alonely obey ſuch perſon and perſons, males or females, as your Majeſty ſhall give your ſaid Imperial Crown unto, by authority of this Act, and to none other, and wholly to ſtick to them, as true and faithful ſubjects ought to do to their regal Rulers, Governors, and Supreme heads.

If the King die without iſſue of his body, he may limit the Crown to any by his Letters patents, or his laſt Will in writing.

A ſubmiſſion to the Kings Aſſignee.

And for ſure corroboration thereof, be it further enacted by authority aforeſaid, That ſuch perſon and perſons, to whom it ſhall pleaſe your Majeſty to diſpoſe, limit and aſſign your ſaid Crown, and other the premiſſes thereto appertaining, by your Letters Patents, or by your laſt Will, as is aforeſaid, ſhall have and enjoy the ſame after your deceaſe, and for lack of heirs of your body lawfully begotten, according to ſuch eſtate, and after ſuch manner, form, faſhion, order and condition as ſhall be thereof expreſſed, mentioned and contained in your ſaid Letters Patents, or in your ſaid laſt Will, in as large and ample manner, as if ſuch perſon and perſons had been your lawful heirs to the Imperial Crown of this Realm, and as if the ſame Crown of this Realm had been given and limited unto them plainly and particularly by ſpecial names and ſufficient terms and words, by the full and immediate authority of this your moſt high Court of Parliament.

And

A means to prevent uſurpation of the Crown, and the penalty of the uſurpers.

And it is further enacted by authority aforeſaid, That if any of your Heirs or Children hereafter do uſurp the one of them upon the other in the Crown of this Realm, or claim or challenge your ſaid Imperial Crown in any other form or degree of diſcent or ſucceſſion then is afore limited by this Act: Or if any perſon or perſons, to whom it ſhall pleaſe your Highneſs of your moſt excellent goodneſs, by authority of this Act, to give and diſpoſe your ſaid Crown and Dignity of this Realm, or the heirs of any of them, do at any time hereafter demanded, challenge, or claim your ſaid Crown of this Realm otherwiſe, or in any other courſe, form, degree or condition, then the ſame ſhall be given, diſpoſed and limited unto them by your Highneſs, by vertue and authority of this Act: Or if any ſuch perſon or perſons, to whom your Majeſty ſhall hereafter give or diſpoſe your ſaid Crown by authority of this Act, or any of their heirs, do intertupt or let any of the Heirs of your Majeſty, that is or ſhall be begotten, born and procreated under your lawful, pure, ſincere and undoubted marriage now had and ſolemnized between your Highneſs and your ſaid moſt dear and entirely beloved wife Queen Jane, or any other your lawful Heirs hereafter to be begotten of your body by any other lawful marriage, peaceably and quietly to keep, have, and enjoy the ſaid Imperial Crown, and other the premiſſes by courſe of inheritance, according to the limitation thereof, expreſſed and declared by this Act: That then all and ſingular the offenders in any of the premiſſes, contrary to this Act, and all their abettors, maintainers, fautors, counſellors and aiders therein, ſhall be deemed and adjudged high traitors to the Realm, and that every ſuch offence ſhall be accepted, reputed and taken to be high treaſon, and the offenders therein, their aiders, maintainers, fautors, counſellors and abbettors, and every of them, for every ſuch offence ſhall ſuffer ſuch judgment and pains of death loſſes and forfeitures of lands, goods, and priviledges of Sanctuary, as in any caſes of high treaſon. And over that, as well your ſaid Heirs and Children, as every ſuch perſon and perſons to whom your Highneſs ſhall limit your ſaid Crown in form as is aforeſaid, and every of their heirs, for every ſuch offence above ſpecified, by them or any of them to be committed, ſhall loſe and forfeit as well all ſuch right, title and intereſt that they may claim or challenge in or to the Crown of this Realm, as Heirs by diſcent, or by reaſon of any gift or Act that ſhall de done by your Highneſs for his or their advancement, by the authority of this Act, or otherwiſe by any manner of means or pretence whatſoever it be.

It ſhall be high treaſon to write any of the offences hereafter ſpecified.

Treaſon to believe either of the marriages between the King and the Lady Katherine or Anne to be good.

Treaſon to call Lady Mary or Lady Elizabeth legitimate.

Attempting to deprive the King his heirs or aſſigns of the Crown.

Refuſing to take an oath to anſwer Interrogatories.

And be it further enacted by authority aforeſaid, That if any perſon or perſons, of what eſtate, degree, dignity, or condition ſoever they be, at any time hereafter, by words, writing, imprinting, or by any exteriour Act or deed, maliciouſly or willingly porcure or do, or cauſe to be procured or done, directly or indirectly, any thing or things to the peril of your moſt royal perſon, or to the peril of the perſon of any of your Heirs or Succeſſors, having the royal eſtate of the Crown of this Realm: Or maliciouſly or willingly give occaſion by words, writing, print, deed or act, whereby your Highneſs, or any your ſaid heirs or ſucceſſors, having the royal eſtate of the Crown of this Realm, might be diſturbed or interrupted of the Crown of this Realm: Or by words, writing, print, deed or act, procure or do, or cauſe to be procured or done, any thing or things, to or for the interruption, repeal or adnullation of this Act, or of any thing therein contained, or of any thing that ſhall be done by your Highneſs, in the limitation and diſpoſition of your Crown by the authority of the ſame. Or by words, writing, print, deed, or act, procure or cauſe to be procured or done, any thing or things to the prejudice, ſlander, diſturbance or derogation of the ſaid lawful matrimony, ſolemnized between your Majeſty and the ſaid Queen Jane, or any other your lawful wife, or wives hereafter by your Highneſs to be taken: Or to the peril, ſlander, or diſheriſon of any of the iſſues, and heirs of your Highneſs, being limited by this Act to inherit, and to be inheritable to the Crown of this Realm, in ſuch form as is aforeſaid: Or to the interruption or diſheriſon of any ſuch perſon or perſons, to whom your Highneſs ſhall aſſign and and diſpoſe your ſaid Imperial Crown by authority of this Act, as is afore remembred, whereby any ſuch iſſues or heirs of your Highneſs, or ſuch other perſon or perſons might be deſtroyed, diſturbed, or interupted in fame, body, or title of the inheritance to the Crown of this Realm, as to them is limited in this Act in form above rehearſed, or as to them ſhall be limited and aſſigned by your Highneſs, by vertue and authority of this Act: Or if any perſon or perſons by words, writing, imprinting, or any other exteriour act, directly or indirectly, accept or take, judge or believe any of the marriages had and ſolemnized between the Kings Highneſs and the ſaid Lady Katherine, or between the Kings Highneſs and the ſaid late Queen Anne, to be good, lawful, or of any effect: Or by words, writing, printing, or by any other exteriour act directly or indirectly, ſlander, interrupt, impeach, gainſay, or impugn the lawful judgments and ſentences of the ſaid moſt reverend Father in God, Thomas Archbiſhop of Canterbury, and Primate of all England, for and concerning the Divorces and ſeparations of the ſaid unlawful marriages, or any of them: Or by words, writing, print, or any other exteriour act, directly or indirectly take, accept, name, or call by any pretence any of the children born and procreated under any of the ſaid unlawful marriages, to be legitimate and lawful children of your Majeſty: Or if any perſon or perſons craftily imagine, invent or attempt by colour of any pretence, to deprive the Kings Highneſs, the Queen, or the Heirs of their bodies begotten, or any other the Heirs of the Kings body lawfully begotten, or any perſon or perſons to whom the Kings Highneſs ſhall diſpoſe, give, and limit the Crown of this Realm, by authority of this Act, or any of their titles, ſtiles, names, degrees, or royal eſtates, or regal power: Or if any perſon or perſons at any time hereafter, being required or commanded by the Kings Highneſs, or by ſuch perſon or perſons as ſhall be authorized by his Grace, or his lawful Heirs, to make or take an Oath to anſwer to ſuch queſtions and interrogatories as ſhall be objected to them upon any clauſe, article, ſentence or word contained in this Act, do contemptuouſly or utterly refuſe to make or take ſuch oath, or without fruſtratory delay do not make or take the ſame oath; or after the making or taking ſuch oath, do contemptuouſly refuſe directly to anſwer to ſuch queſtions and interrogatories as ſhall be objected concerning the ſame, or any part thereof: That then every ſuch perſon and perſons, of what eſtate, degree or condition ſoever he or they be, and their aiders, counſellers, maintainers and abettors, and every of them, for every ſuch offence afore declared, ſhall be adjudged high Traitors, and that every ſuch offence afore ſpecified ſhall be adjudged high Treaſon; and the offenders therein, and their aiders, counſellors, maintainers and abettors, and every of them, being lawfully convict of any ſuch offence by preſentment, verdict, confeſſion, or proceſs, according to the cuſtom and Laws of this Realm, ſhall ſuffer pains of death, as in caſes of high Treaſon. And that alſo every ſuch offendor, being convict as is aforeſaid, ſhall loſe and forfeit to your Highneſs, and to your heirs or ſucceſſors, Kings or regal rulers of this Realm, all ſuch manors, lands, tenements, rents, annuities, and hereditaments, which they had in poſſeſſion as owners, or were ſole ſeiſed of, by or in any right, title, or means, or any other perſon or perſons had to their uſe, of any eſtate of inheritance, at the day of ſuch Treaſons and offences by them committed and done. And ſhall alſo loſe and forfeit to your Highneſs and your ſaid heirs, as well all manner ſuch eſtates of free-hold, and intereſt for years of lands and rents, as all other goods, cattels and debts, which they had at the time of their conviction or attainder of any ſuch offence. Saving alway to every ſuch perſon and perſons, and bodies politick, to their heirs, aſſigns and ſucceſſors, and to the heirs and ſucceſſors of every of them, (other then ſuch perſon as ſhall be ſo convict or attainted, and their heirs and ſucceſſors, and all other claiming to their uſes) all ſuch right, title, uſe, intereſt, poſſeſſion, condition, rents, fees, offices, annuities, and commons, which they or any of them ſhall have in or upon any ſuch manors, lands, tenements, rents, annuities, or hereditaments, that ſo ſhall happen to be loſt and forfeit by reaſon of any conviction or attainder for any the Treaſons and offences above rehearſed, at any time before the ſaid Treaſons and offences committed.

The offendor ſhall forfeit his lands, leaſes and goods.

Other perſons rights ſaved.

Be it alſo enacted by authority aforeſaid, That no perſon or perſons offending in any the Treaſons contained and limited by this Act, or in any other Treaſons, ſhall in any wiſe have and enjoy the priviledge or immunity of any manner ſanctuary within this Realm, or elſewhere within any the Kings Dominions; but ſhall utterly loſe and be excluded of the ſame, any uſe, grant, cuſtom, preſcription, confirmation, or any other thing or things to the contrary hereof in any wiſe notwithſtanding.

None that committeth Treaſon ſhall have the benefit of ſanctuary.

And be it alſo enacted by authority aforeſaid, That if your Majeſty ſhall happen to deceaſe before any ſuch your iſſue and heir male of your body, which ſhould inherit the Crown of this Realm, ſhall be of his age of xviii. years, or before that ſuch your iſſue and heir female, which ſhould inherit the Crown of this Realm, ſhall be married, or be of the age of ſixteen years, (which almighty God defend) that then the ſaid iſſue and heir male to the Crown, ſo being within the age of eighteen years, or your ſaid iſſue and heir female to the Crown, ſo being unmarried, or within the ſaid age of ſixteen years, ſhall be and remain, until ſuch time as ſuch iſſues and heirs ſhall come to their ſaid ſeveral ages afore limited, at and in the governance of their natural mother, and of ſuch other your Counſellors and Nobles of your Realm, as your Highneſs ſhall limit and appoint by your laſt will made in writing ſigned with your moſt gracious hand, if it ſhall be thought by your Highneſs moſt convenient ſo to be; or elſe the ſaid iſſues and heirs ſhall be at and in the governance of ſuch of your Counſellors and Nobles of your Realm, as your Majeſty ſhall name and appoint by your laſt will made in writing, and ſigned with your moſt gracious hand, as is aforeſaid. And if any perſon or perſons, by writing, printing, or exterior deed or Act, directly or indirectly, procure or do, or cauſe to be procured or done, any thing or things to the let or diſturbance of the ſame; that then every ſuch offence ſhall be high Treaſon, and the offendors being thereof convicted, ſhall ſuffer ſuch pains of death, and loſs of inheritance, priviledges of ſanctuaries, freeholds, intereſts for years, goods, cattels, and debts, in ſuch manner and form as is above ſpecified in caſes of Treaſon afore-mentioned.

If the King die, his heir within age, in whoſe cuſtody the ſame heir ſhall be.

And for the more ſure eſtabliſhment of the ſucceſſion of your moſt Royal Majeſty, according to the tenor and form of this Act, be it further enacted by the authority aforeſaid, That as well all the Nobles of your Realm ſpiritual and temporal, as all other your ſubjects now living and being, or that hereafter ſhall be at their full ages, by the commandment of your Majeſty, or of your heirs or ſucceſſors, at all times hereafter from time to time, when it ſhall pleaſe your Highneſs, or your heirs or ſucceſſors to appoint, ſhall make a corporal oath in the preſence of your Highneſs, or your heirs or ſucceſſors, or before ſuch other as your Majeſty or your heirs or ſucceſſors will aſſign for the ſame, for the keeping, obſerving, defending, avowing, and maintaining of this Act, and of all things that ſhall be done by your Highneſs by authority thereof, according to the tenor of an oath hereafter enſuing, that is to ſay: Ye ſhall ſwear to bear faith, truth and obedience all onely to the Kings Majeſty, ſupream head in earth under God of the Church of England, during his life, and to his heirs of his body of his moſt dear and entirely beloved lawful wife Queen Jane begotten and to be begotten and procreated: And further to the heirs of out ſaid Soveraign Lord, according to the limitation in the Statute made for ſurety of his ſucceſſion in the Crown of this Realm, in the Parliament begun and holden at Weſtminſter on the eighth day of June in the xxviii. year of the Kings moſt gracious Reign. And alſo for lack of ſuch heirs, to ſuch perſon and perſons as the Kings Highneſs ſhall limit and appoint to ſucceed to the Crown, by vertue and authority of the ſame Act, and not to any other within this Realm, nor foreign Authority, Power or Potentate. And in caſe any other Oath be made, or hath been made by you to any perſon or perſons; that then ye to repute the ſame as vain and adnihilate. And that to your cunning, wit, and uttermoſt of

All the Kings ſubjects ſhall take an oath for the performance of this Act.

The form of the oath.

A diſpenſation of any former oath, and the ſame ſhall be reputed as void.

your power, without guile, fraud, or other undue manner, ye ſhall obſerve, keep, maintain and defend the ſaid Act of ſucceſſion, made in the ſaid Parliament begun and holden at Weſtminſter in the ſaid viii. day of June, in the ſaid xxviii. year of the Kings moſt royal reign, and all the whole effects and contents thereof, and all things that ſhall be done by the Kings Highneſs by authority of the ſame, and all other Acts and Statutes made in confirmation, or for execution of the ſame, or of any thing therein contained: and this ye ſhall do againſt all manner of perſons, of what eſtate, dignity, degree or condition ſoever they be: and in no wiſe do or attempt, nor to your power ſuffer to be done or attempted, directly or indirectly, any thing or things, privily or appertly, to the let, hinderance, damage, or derogation thereof, or of any part of the ſame, or of any thing or things that ſhall be done by the Kings Highneſs, by vertue or authority of the ſaid Act, by any manner of means, or for any manner of pretence: ſo help you God, all Saints, and the holy Evangeliſts.

What ſort of perſons ſhall take this oath.

And it is alſo enacted by authority aforeſaid, That all manner your ſubjects, as well ſpiritual as temporal, ſuing livery, or ouſtre le maine, out of the hands of your Highneſs, or of your heirs or ſucceſſors, or doing any fealty to your Highneſs, or to your heirs or ſucceſſors, by reaſon of tenure of their lands, ſhall ſwear the ſaid corporal Oath above mentioned: And that they, nor any of them ſhall hereafter have any liveries, ouſtre le maine, or reſtitution out of your hands, nor out of the hands of your heirs or ſucceſſors, till they ſhall have made the ſaid corporal Oath, in form above rehearſed. And if any perſon or perſons, being commanded by authority of this Act to make the ſaid Oath afore limited, obſtinately and wilfully refuſe that to do, or will proteſt and ſay, when they ſhall be examined upon any Interrogatories that ſhall be objected to them, for or concerning this Act, or any thing therein contained, that they be not bound to declare their thought and conſcience, and ſtiffly thereon abide: that then every ſuch perſon ſo doing, for every ſuch offence ſhall be taken and accepted for offender in high Treaſon.

The penalty of refuſers to take the oath.

And that every ſuch refuſal ſhall be deemed and adjudged high Treaſon, and the offender therein, being as is afore limited, lawfully convicted or attainted thereof by the Laws of this Realm, ſhall ſuffer ſuch pains of death, loſſes and forfeitures, and alſo loſe priviledges of Sanctuaries, in like manner and form as is above mentioned, for the Treaſons afore limited by this Act.

Honours, titles, ſtiles or lands, given by the Kings letters patents, or laſt will to ſome of his kin.

And be it further enacted by authority of this preſent Parliament, That if it ſhall pleaſe the Kings Majeſty at any time hereafter, by his Letters Patents under his great Seal, or by his laſt will made in writing, and ſigned with his moſt gracious hand, to advance any perſon or perſons of his moſt Royal bloud to any title, ſtile, or name, of any eſtate, dignity, or honour, whatſoever it be, and to give to them or any of them, any Caſtles, Honours, Manors, Lands, Tenements, Liberties, Franchiſes, or other hereditaments, in fee-ſimple, fee-tail, or for term of their lives, or the life of any of them: that then all and every ſuch Letters Patents, and laſt will of his Highneſs, ſo to be made to any ſuch perſon or perſons of his bloud, ſhall be good and effectual to them, and every of them, according to the tenour, purports, and effects of every ſuch Letters Patents and laſt Will. And that the ſaid perſon and perſons, and every of them, ſhall have and enjoy as well all ſuch titles, ſtiles, and names of honour, dignity and eſtate, which ſhall be contained and expreſſed in any ſuch Letters Patents, or laſt Will of the Kings Highneſs, as ſuch Caſtles, Honours, Manors, Lands, Tenements, Liberties, Franchiſes, and all other hereditaments, which ſhall be ſpecified and mentioned in every ſuch Letters Patents, or laſt Will, in ſuch manner, form, faſhion and condition, and according to ſuch eſtate or eſtates in the Law, as ſhall be expreſſed and limited in every ſuch Letters Patents or laſt Will, in as large and ample manner to all intents and purpoſes, as if the titles, ſtiles, and name of honour, dignity and eſtate, and the Caſtles, Honours, Manors, Lands, Tenements, Liberties, Franchiſes, and other hereditaments, which ſhall be compriſed in any ſuch Letters Patents, or laſt Will to be made, were already given by good and ſufficient Letters Patents to ſuch perſou or perſons of tha Kings bloud, by their ſeveral names and ſurnames, and ratified and confirmed by authority of this preſent Parliament: Or as if the names of ſuch perſon or perſons, ſo being of the Kings bloud, and ſuch titles, ſtiles, names, caſtles, honours, manors, lands, tenements, liberties, franchiſes, or other hereditaments, had been ſpecially named and expreſſed in this Act, and given to ſuch perſon or perſons of the Kings bloud, by their proper names and ſurnames, by ſufficient words, terms, clauſes and ſentences, immediately by authority of this preſent Parliament. Saving to all and every perſon and perſons, and bodies politick, and to their heirs, aſſigns and ſucceſſors, other then to the Kings Highneſs, his heirs or ſucceſſors, all ſuch right, title, intereſt, poſſeſſion, rents, annuities, fees, offices, commons, rights, intereſts, petitions, conditions, and all other hereditaments, which they or any of them may or might claim, of, in, or to any the ſaid titles, ſtiles, names, caſtles, honours, manors, lands, tenements, liberties, franchiſes, and other hereditaments contained or mentioned in any ſuch letters patents, or laſt will, in as large and ample manner as if this Act had never been had nor made.

The rights and eſtates of all others ſaved.

This Act ſhall be conſtrued according to the plain words thereof.

And be it finally enacted by authority aforeſaid, That this preſent Act, and every clauſe, article and ſentence compriſed in the ſame, ſhall be taken and accepted according to the plain words and ſentences therein contained, and ſhall not be interpreted nor expounded by colour of any pretence or cauſe, or by any ſubtile arguments, inventions or reaſons to the hinderance, diſturbance, or derogation of this Act, or any part thereof: Any thing or things, act or acts of Parliament heretofore made, or hereafter to be had, done or made to the contrary thereof notwithſtanding. And that every act, ſtatute, law, proviſion, thing and things heretofore had or made, or hereafter to be had, done or made contrary to the effect of this ſtatute, ſhall be void, and of no value nor force. Alt. 35 H. 8. 1. Rep. 1 M. 1.

CAP. VIII.

An Act for continuance of the Statutes of 21 H. 8. 10. 21 H.8.12. 23 H. 8. 17. and 24 H.8.9. againſt the carriage of Braſs, Laten and Copper out of this Realm. And for making Cables and Ropes: for the winding of Wooll, and againſt killing of weanelings under the age of two years. Exp. St. 1 El. 18.

CAP. IX.

An Act for continuance of the Statutes of 23 H. 8. 3. 23 H. 8. 2. 25 H. 8.9. and 24 H. 8. 4. of Perjury, for making of Jayles for Pewterers, and for ſowing of flax and hemp. Exp. St. 1. El. 18.

CAP. X.

If any perſon ſhall extol the authority of the Biſhop of Rome, he ſhall incur the penalty of Premunire, provided Anno 16 R. 2. Every Eccleſiaſtical and lay Officer ſhall be ſworn to renounce the ſaid Biſhop and his authority, and to reſiſt it to his power, and to repute any oath taken in maintenance of the ſaid Biſhop or his authority to be void. And the refuſing of the ſaid Oath being tendred, ſhall be adjudged high Treaſon. Rep. 1 & 2 P. & M. 8. 13 El. 2.

CAP. XI.

Fruits taken during the vacation of a Benefice, ſhall be reſtored to the next Incumbent, whoſe charge for firſt-fruits ſhall begin from the firſt vacation.

FOraſmuch as in the Statute of the payment unto the Kings Majeſty, his heirs and ſucceſſors, of the firſt-fruits of ſpiritual promotions, offices, benefices and dignities within this Realm, and other the Kings Dominions, expreſs mention and declaration is not had, ne from what time the year ſhall be accounted, in which the firſt-fruits ſhall be due and payable to his Highneſs, that is to wit, whether immediately from the death, reſignation, or deprivation of every incumbent, or for the time of admiſſion or new taking of poſſeſſion in every ſuch promotion.

26 H.8.3.

And alſo by reaſon that in the ſame Statute it is not declared who ſhall have the fruits, tythes, and other profits of the ſaid benefices, offices, promotions, and dignities ſpiritual, during the time of vacation thereof, divers of the Archbiſhops and Biſhops of this Realm, have not only when the time of perceiving and taking of tythes (that is to ſay, Wooll, Lamb, Corn, and Hay, and of tithes uſually paid at the holy time of Eaſter) hath approached, deferred the collation of ſuch benefices as have been of their own patronage, but alſo have upon preſentations of Clerks made unto them by the juſt Patrons, protracted and deferred to inſtitute, induct and admit the ſame Clerks, to the intent that they might have and perceive to their own uſe, the ſame tythes growing, during the vacation: So that through ſuch delays (over and above the firſt-fruits, which be juſtly due to the Kings Highneſs) they have been conſtrained alſo to loſe all, or the moſt part of one years profits of their benefices and promotions, and to ſerve the cure at their and their friends proper coſts and charges, or utterly to forſake and give over their benefices and promotions, to their great loſs and hinderance.

The Ordinaries delay to inſtitute Clerks for their private gain.

For reformation whereof, it is ordained and enacted by the King our Soveraign Lord, with the aſſent of the Lords ſpiritual and temporal, and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid year, in which the firſt-fruits ſhall be paid to the Kings grace, ſhall begin, and be accounted immediately after the avoidance or vacation of any ſuch benefice or promotions ſpiritual afore rehearſed. And that the tithes, fruits, oblations, obventions, emoluments, commodities, advantages, rents, and all other whatſoever revenues, caſualties, or profits certain and uncertain, affering or belonging to any Archdeaconry, Deanry, Prebend, Parſonage, Vicarage, Hoſpital, Wardenſhip, Provoſtſhip, or other ſpiritual promotion, benefice, dignity, or office, (Chauntrys only except) within this Realm, or other the Kings Dominions, growing, riſing or coming, during the time of vacation of the ſame promotion ſpiritual, ſhall belong, and affer to ſuch perſon, as ſhall be thereunto next preſented, promoted, inſtituted, inducted, or admitted, and to his executors, toward the payment of the firſt-fruits to the Kings Highneſs, his heirs and ſucceſſors: Any uſage, cuſtom, liberty, priviledge, or preſcription to the contrary had, uſed, or being in any wiſe notwithſtanding.

The next incumbents charged to the King, ſhall begin from the firſt vacation of the benefice. The fruits taken during the vacation of a benefice, ſhall be reſtored to his next incumbent. Coke pl. f.368.

And it is alſo enacted by the authority aforeſaid, That if any Archbiſhop, Biſhop, Archdeacon, Ordinary, or any other perſon or perſons, to their uſes and behoof, at any time heretofore ſith the firſt day of May laſt paſt, have perceived, received or taken, or at any time hereafter do perceive, receive, or take the fruits, tythes, obventions, oblations, emoluments, commodities, revenues, rents, advantages, profits, or caſualties, coming, growing, or belonging, or which hereafter ſhall come, grow, affer or belong to any Archdeaconry, Deanry, Prebend, Parſonage, Vicarage, Hoſpital, Wardenſhip, Provoſtſhip, or other ſpiritual promotion, benefice, dignity, or office (Chauntrys only excepted) within this Realm, or other the Kings Dominions, during the vacation of ſuch Archdeaconry, Deanry, Prebend, Parſonage, Vicarage, Hoſpital, Wardenſhip, Provoſtſhip, or other ſpiritual promotion, benefice, dignity or office (Chauntrys only excepted) and the ſame upon reaſonable requeſt from henceforth to be made, doth not render, reſtore, ſatisfie, content, and pay to the next incumbent, being lawfully inſtituted, inducted, or admitted to ſuch Archdeaconry, Deanry, Prebend, Parſonage or Vicarage, or other promotion, benefice, dignity, or office ſpiritual, except before excepted, or do let or interrupt the ſaid incumbent to have the ſame: that then every Archbiſhop, Biſhop, Archdeacon, Ordinary, or other perſon ſo doing, ſhall forfeit and loſe the treble value of ſo much as he ſhall then have received of the fruits of every Prebend, Parſonage, Vicarage, Hoſpital, Wardenſhip, Provoſtſhip, or other ſpiritual promotion whereof he ſo ſhall perceive, receive, or detain, let, or interrupt the incumbent, to perceive, receive, and have the fruits, tithes, ob-

The forfeiture of the Ordinary which receiveth the fruits of a benefice during the vacation, and doth not reſtore them to the next incumbent.

ventions, oblations, emoluments, commodities, revenues, rents, advantages, profits, or caſualties: The moyety of which forfeiture ſhall be to the King our Soveraign Lord, and the other moyety thereof to the incumbent of the ſame Prebend, Parſonage or Vicarage, or other ſpiritual promotion, to be recovered in any of the Kings Courts by action, bill, plaint, information, or otherwiſe, in which action or ſuit the defendant ſhall not be admitted to wage his Law, nor any protection or eſſoin ſhall be unto the defendant allowed.

What part of the fruits of a benefice the ordinary may retain in his hands, and for what cauſes.

Provided alway, That it ſhall be lawful to every Archbiſhop, Biſhop, Archdeacon and Ordinary, their Officers and Miniſters, to retain in his or their cuſtody, ſo much of the tithes, fruits, obventions, oblations, emoluments, commodities, advantages, rents, revenues, caſualties and profits, as ſhall amount to pay unto ſuch perſon or perſons, as hath or ſhall ſerve or keep the cure of ſuch Archdeaconry, Deanry, Prebend, Parſonage or Vicarage, or other ſpiritual promotion, during the vacation, his or their reaſonable ſtipend or ſalary. And alſo for the collection, gathering, and levying of ſuch tythes, fruits, emoluments, rents, and other profits, riſing and growing during the vacation aforeſaid: any thing in this Act contained to the contrary in any wiſe notwithſtanding.

The Incumbents may declare their wills of any corn ſown by them upon their glebe lands.

Provided alſo, and be it further enacted by the authority aforeſaid, That in caſe any of the incumbents aforeſaid happen to die, and before his death hath cauſed any of his glebe-lands to be a manured and ſown at his proper coſts and charges with any corn or grain: that then in that caſe, all and every of the ſame incumbents may make and declare their teſtaments of all the profits of the corn growing upon the ſaid glebe lands, ſo manured and ſown. Any thing contained in this preſent Act in any wiſe notwithſtanding.

a 21 H. 8. 13. 34 H. 8. 19.

And where alſo before this time, divers and many Parſons, Vicars, and other ſpiritual perſons, being ſeiſed for term of their lives, of and in the ſaid ſpiritual promotions aforenamed, as well for great ſums of money to them beforehand paid, as for other cauſes and conſiderations, have let in ferm for term of years, by ſufficient writings, their ſaid Parſonages, Vicarages, and other ſpiritual promotions, or part thereof, unto divers and many of the Kings ſubjects, and after ſuch leaſes by them ſo made, the leaſors thereof have oftentimes uſed to reſign their ſaid benefices, or ſpiritual promotions, ſo demiſed and letten in ferm: by reaſon of which reſignation, and other the acts of the ſaid leaſors, the ſaid benefices, and other ſpiritual promotions have been void, and the title and intereſts of the ſaid leaſes hath been thereby adnihilate, and of none effect in the Law, contrary to right and good conſcience. For reformation whereof, and for a quietneſs the better hereafter to be had and continued between the Kings ſubjects, Be it enacted by authority of this preſent Parliament, That from the foreſaid firſt day of May laſt paſt, no manner of ſuch leaſe, by ſufficient writing heretofore made, nor hereafter to be made by any ſpiritual perſon within this Realm of England, Wales, or the Marches of the ſame, to any lay perſon, of any Parſonage, Vicarage, or other ſpiritual promotion aforeſaid, within this Realm, upon which leaſe the rent and ſervices reſerved, with other the yearly charges of the leaſe, as in ſerving the cure and otherwiſe, ſhall amount within fourty ſhillings by the year, of as much as the ſaid Parſonage, Vicarage, or other ſpiritual promotion aforeſaid, ſo letten, is rated and valued at, upon the Kings books, for paying the firſt-fruits, ſhall be adjudged void, adnihilate, or determined, by reaſon of any ſuch reſignation, or other avoidance of the ſaid benefice or ſpiritual promotion, ſo letten by the only act of the ſaid leaſor, but that every ſuch leſſee or grantee of any ſuch benefices or ſpiritual promotions aforeſaid, their executors or aſſigns, ſhall have and enjoy their terms and intereſts of and in the ſame, for the term of ſix years, to be accounted next and immediately after the ſaid avoidance, if the ſaid Leaſor do ſo long live, and the leaſe ſo by him before made, do ſo long continue and endure. And that after ſuch avoidance, the ſucceſſor or ſucceſſors of every ſuch Leaſor ſhall and may diſtrain for the rent and ſervices ſo reſerved, and have their actions of debt, and all other advantages by way of action, entry, or otherwiſe, againſt the ſaid Leſſee, his executors or aſſigns, for recovery of the ſaid Rent, and covenants upon the ſaid Leaſe reſerved, as the Leaſor thereof might have had, if no ſuch avoidance had been had.

If a ſpiritual perſon do demiſe his benefice for years, and after doth reſign or die, how long the leſſee may enjoy it. ALT. 1 & 2 P. & M. 17.

And further be it enacted by the authority aforeſaid, That if hereafter it happen any ſuch Leaſor to deceaſe and die before the end of the term by him ſo made, and that there be one year at leaſt to come of the ſaid term: that then it ſhall be lawful to the leſſee thereof, his executors or aſſigns, to hold and enjoy their ſaid Leaſe to the end of the ſame year, wherein he is ſo entred at the time of his ſaid Leaſors death, if the Leaſe do ſo long continue, bearing and paying unto the ſucceſſor of every ſuch Leaſor, all ſuch rent and ſervices, as for the remnant of the ſaid year ſhall upon every ſuch Leaſe be due: for the recovery whereof, the ſaid ſucceſſor ſhall and may have all ſuch ways and advantages, as before is limited and given to the ſucceſſor, where his predeceſſor maketh ſuch Leaſe and reſigneth.

The ſucceſſor ſhall have the Parſonage-houſe, and the glebe not ſown.

Provided alway, That every ſucceſſor after the death of his predeceſſor, may and ſhall have upon one moneths warning after the time of his induction, the manſion houſe of every ſuch Parſonage, Vicarage, or other ſpiritual promotion aforeſaid, with the glebe belonging to the ſame, not being ſown at the time of the ſaid predeceſſors death, for maintenance of his houſhold, deduction therefore in his rent, as heretofore hath been born for the ſame, or as it is reaſonably worth: any thing in this ſaid Act contained to the contrary notwithſtanding.

How the Curate ſhall be paid his wages, if the fruit be not ſufficient.

Provided alway, That if the fruits of the vacation of the ſaid ſpiritual promotions be not ſufficient to pay the Curates ſtipend and wages for ſerving the Cure the vacation time, that then the ſame time to be born and paid by the next incumbent within xiv. days next after that he hath the poſſeſſion of the ſaid promotions ſpiritual. 1 El. 4.

CAP. XII.

The limits of the Kings Palace at Weſtminſter, to be from Charing Croſs to Weſtminſter-Hall, which ſhall have ſuch priviledges as the Kings ancient Palaces have. P.R.

CAP.

CAP. XIII.

Which ſpiritual perſons ſhall be reſident upon their benefices, and which not, and for what cauſes.

Where in the Parliament begun at London on the third day of November, in the xxi. year of the Reign of our Soveraign Lord King Henry the viii. and from thence adjourned and prorogued to the Palace of Weſtminſter, the xvii. day of December then next enſuing, amongſt other good Acts and Ordinances then and there by the authority of the ſaid Parliament, it was eſtabliſhed, ordained and enacted, That as well every ſpiritual perſon, then being promoted to any Archdeaconry, Deanry, or dignity in any Monaſtery, or Cathedral Church, or other Church conventual or collegial, or being beneficed with any Parſonage or Vicarage, as all and every ſpiritual perſon and perſons, which ſhould after the Feaſt of S. Michael the Archangel, which was in the foreſaid xxi. year of the Reign of our Sovereign Lord King Henry the viii. be promoted to any of the ſaid dignities or benefices with any Parſonage or Vicarage, ſhould from the ſaid Feaſt of S. Michael the Archangel, be perſonally reſident and abiding at and upon his ſaid dignity, Prebend, or Benefice, or at one of them at the leaſt. And in caſe any ſuch ſpiritual perſon at any time after the ſaid Feaſt, kept not reſidence at one of his ſaid dignities, prebend, or benefices (as is aforeſaid) but abſent himſelf wilfully by the ſpace of one moneth together, or by the ſpace of two moneths, to be accounted at ſeveral times in any one year, and make his reſidence and abiding in any other places by ſuch time: that then he ſhall forfeit for every ſuch default x. li. ſterling, as in the ſame Act more plainly doth appear. In which Act among other proviſions contained and ſpecified in the ſame, it was provided, that the ſaid Act of non-reſidence ſhould not in any wiſe extend, ne be prejudicial to any ſcholar or ſcholars, being converſant and abiding for ſtudy without fraud or covin at any Univerſity within this Realm, or without, as by the ſame proviſion doth alſo appear more at large. Sithence the making of which good Act and Statute, divers and many perſons being beneficed with cure of ſouls (as is aforeſaid) and being not apt to ſtudy by reaſon of their age, or otherwiſe, ne never intending before the making of the ſaid Act, to travel in ſtudy within any of the ſaid Univerſities for the increaſe of learning, but rather minding and intending their own eaſe, ſingular lucre and pleaſure, by the ſame proviſion colourably to defraud the ſame good Statute and Ordinance; do daily and commonly reſort and repair to the ſaid Univerſities of Oxford and Cambridge, and to either of them, where they under the ſaid pretence and colour of ſtudy, do continue and abide, living diſſolutely, nothing profiting themſelves by ſtudy at all in learning, but conſume the time in idleneſs, and in other paſtimes and inſolent pleaſures, giving occaſion and evil example thereby to other young men and ſtudients within the ſaid Univerſities, little or nothing regarding their cure and charge of ſouls, contrary to the minds and intent of the makers of the foreſaid good Statute and Ordinance. And alſo divers and many old beneficed men have and do continually remain there, never exerciſing nor practiſing their learning to the example of vertue, and maintenance of the Commonweal, in diſcharge of their conſcience, according to their duty, having nevertheleſs, and occupying ſuch rooms and commodities as were inſtituted and ordained for the maintenance and relief of poor ſcholars, to the great hindrance and detriment of the ſame.

A rehearſal of 21 H. 8.13. touching reſidence of ſpiritual perſons upon their benefices.

Several perſons under the colour of ſtudy in one of the Univerſities, do intend to defraud the meaning of the St. of 21 H.8. 13.

Be it therefore enacted by the King our Soveraign Lord, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, That all and ſingular ſpiritual perſon and perſons, which now be, or hereafter ſhall be to any benefice or benefices promoted as is aforeſaid, being above the age of xl. years, (the Chancellor, Vice-chancellor, Commiſſary of the ſaid Univerſities, or any of them, Wardens, Deans, Provoſts, Preſidents, Rectors, Maſters, Principals, and other head rulers of Colledges, Halls, and other houſes or places corporate within the ſaid Univerſities, or any of them, Doctors of the Chair, Readers of Divinity in the common Schools of Divinity in any of the ſaid Univerſities, only excepted) ſhall be reſident and abiding at, and upon one of their ſaid benefices, according to the intent and true meaning of the ſaid former Act, upon ſuch pain and penalties as be contained in the ſaid former Act made and appointed for ſuch beneficed perſons for their non-reſidence. And that none of the ſaid beneficed perſons being above the age aforeſaid, except before except, ſhall from henceforth be excuſed of their non-reſidence upon the ſaid benefices, for that they be ſtudients or reſiant within the ſaid Univerſities or any of them: any proviſo, or any other clauſe or ſentence ſpecified, or contained in the ſaid former Act of non-reſidence, or any other thing or things to the contrary hereof in any wiſe notwithſtanding.

Which ſpiritual perſons may be diſcharged from reſidence upon their benefices, and for what cauſe.

And over this be it enacted by the authority aforeſaid, That all and ſingular ſuch beneficed perſons being under the age of xl. years, reſiant and abiding within the ſaid Univerſities, or any of them, ſhall not enjoy the priviledge and liberty of non-reſidence, contained in the proviſo of the ſaid former Act, made for the Scholars of the ſaid Univerſities, or any of them, unleſs he or they be preſent at the ordinary Lecture and Lectures, as well at home in their houſes, as in the common School or Schools: and in their proper perſon keep ſophemes, problemes, diſputations, and other exerciſes of learning, and be opponent, and reſpondent in the ſame, according to the ordinances and ſtatutes of either of the ſaid Univerſities, where he or they ſhall be ſo abiding or reſiant, any thing contained in the ſaid Proviſo or former Act to the contrary notwithſtanding.

Provided alway, That this Act ſhall begin to take effect at the Feaſt of S. Michael the Archangel next coming, and not before.

Provided alway, That this Act nor any thing therein contained, ſhall extend to any perſon or perſons, which now is, or hereafter ſhall be Readers of any publick or common Lecture in Divinity, Law civil, Phyſick, Philoſophy, Humanity, or of any of the liberal ſciences, or publick or common Interpreters or Teachers of the Hebrew tongue, Caldy, or

Readers of Lectures or Interpreters of tongues in either of the Univerſities.

Greek, in whatſoever Colledge or place of any of the ſaid Univerſities the ſaid perſons for the time being, ſhall read the ſaid common or publick Lectures: nor yet to any perſon or perſons, after or above the age of xl. years, which ſhall reſort to any of the ſaid Univerſities to proceed Doctors in Divinity, Law civil, or Phyſick, for the time of their ſaid proceedings, and executing of ſuch Sermons, Diſputations or Lectures, which they be bound by the Statutes of the Univerſities there to do for the ſaid degrees ſo obtained.

Proceeding Doctor in Divinity, Law, or Phyſick.

CAP. XIV.

At what prices Wines ſhall be ſold.

No perſon ſhal ſell Gaſcoyn or Guyon Wine above viii.d. the galon. Stat. 7 Ed.6.5. 5 El. 5. REP. 1 Jac.25. & 21 Jac.28.

BE it enacted by authority of this preſent Parliament, That no perſon or perſons ſhall ſell any Gaſcoyn, Guyon, or French Wines above viii. d. the galon, that is to ſay, a peny the pint, two pence the quart, four pence the pottle, and eight pence the galon, upon pain of forfeiture for every pint to be ſold above the ſaid price, four pence, and for every quart ſold above the ſaid price, viii. d. and for every pottle ſo ſold above the ſaid price, xii. d. and for every galon ſo ſold above the ſaid price afore limited, ii. s. And that no Malmeſeys, Romneys, Sacks, nor other ſweet Wines ſhall be ſold by retail above xii. d. the galon, vi. d. the pottle, iii. d. the quart, i. d. ob. the pint, upon pain to loſe and forfeit iii. s. iv. d. for every galon, xx. d. for every pottle, xii. d. for every quart, and vi. d. for every pint that ſhall be ſold contrary to this Act.

The prices of veſſels of Wines ſhall be aſſeſſed by the Kings great Officers. St. 37 H.8.23. 34 H.8.7.

Provided alway, That the Lord Chancellor, Lord Treaſurer, Lord Preſident of the Kings moſt honourable Council, Lord Privy-ſeal, and the two Chief Juſtices of either Bench, or five, four, or three of them, ſhall have power and authority by their diſcretions, to ſet the prices of all kind of Wines, that is to ſay, of the prices of the butt, tun, pipe, hogſhead, puncheon, teerce, barrel, or rundlet, when it ſhall be ſold in groſs, ſo that they or any of them cauſe the prices by them ſet, to be written, and open proclamation thereof to be made in the Kings Court of Chancery openly in the Term time, or elſe in the City, Borough, or Town, where any ſuch Wines ſhall be ſold in groſs: any thing contained in this Act to the contrary hereof notwithſtanding.

The forfeiture of them which ſell Wines in groſs, contrary to the prices aſſeſſed.

And it is further enacted, That if any perſon or perſons, after ſuch prices be ſet, and put in writing by the ſaid Lord Chancellor, Lord Treaſurer, Lord Preſident of the Kings moſt honourable Councel, Lord Privy-ſeal, and the two chief Juſtices, or by five, four, or three of them, and Proclamation thereof had (as is aforeſaid) do ſell any Wines in groſs, by any fraud or covin, contrary to the ſaid prices ſo ſet and proclaimed: that then every offender in that behalf, ſhall loſe and forfeit for every veſſel by them ſold in groſs, contrary to the ſaid prices, xl. s. the one half of all which forfeitures to be to the King our Soveraign Lord, and the other half thereof, if it be within any City, Borough, or Town-corporate, to be to the Mayors, Sheriffs, Bailiffs, or other head rulers of ſuch Cities, Boroughs, or Towns-corporate. And if it be without City, Borough, or Town-corporate, then to be to ſuch of the Kings ſubjects as will ſue for the ſame. And that every ſuch forfeiture ſhall be recovered by original writ of debt, bill, plaint, or information, in which ſuit no wager of Law ſhall be admitted, nor any protection or eſſoin allowed.

Juſtices of P. and chief Officers in Boroughs, &c. ſhall enquire of, and puniſh offendors.

And it is alſo enacted, That the Juſtices of Peace in every Shire of this Realm, and all Mayors, Sheriffs, Bailiffs, and other head Officers in Cities, Boroughs, and Towns-corporate, that is to ſay, every of them within the limits of their Commiſſions and authorities, as well within Franchiſes as without, ſhall have power and authority to examine, hear, enquire and determine the defaults of ſuch as ſhall attempt to ſell any Wines in groſs or by retail contrary to this Act, and to puniſh the offendors by impriſonment, or otherwiſe by their diſcretions.

The contents of every veſſel of Wine, and the St. of 1 R.3. 13. and other Statutes made touching the ſame confirmed. St. 18 H.6.17.

And whereas in the Parliament holden at Weſtminſter in the firſt year of the Reign of King Richard the third, among other things it was eſtabliſhed, ordained and enacted, That every tun of wine ſhould contain CClii. gallons, every butt of Malmſey ſhould contain Cxxvi. gallons, every pipe Cxxvi. galons, every tertian or puncheon, lxxxiv. galons, every hogſhead lxiii. galons, every teerce xli. galons, and every barrel xxxi. galons and di. and every rundlet xviii. galons and di. And that no veſſel ſhould be put to ſale, till it were gauged, upon pain of forfeiture, as by the ſame Statute it doth appear more at large. Nevertheleſs great deceit is daily uſed in ſelling of Wines and Oyles in Casks and Veſſels not bearing the contents above limited, to the great loſs of the Kings poor ſubjects. For remedy whereof it is enacted by the authority of this preſent Parliament, That the ſaid Statute made in the firſt year of King Richard the third, and all other Statutes heretofore made for true gauging and meaſuring of Wines, Oyles, Honey, or any other liquors, which Eſtatutes afore this time be not repealed nor expired, ſhall ſtand in their ſtrength and vertue, and be put in due execution, according to their tenour and effects in every behalf.

Every veſſel of Wine, &c. ſhall be truly gauged and marked upon the head. St. 27 Ed.3.8. 23 H.6.16.

And over that be it enacted by authority of this preſent Parliament, That every gauger within this Realm ſhall truly and effectually within the limits of his office gauge all the ſaid tuns, butts, pipes, teerces, puncheons, tertians, barrels, hogſheads, and rundlets, and ſhall plainly and truly mark upon the head of every ſuch veſſel the content of the ſame, upon pain to forfeit to the party to whoſe uſe the Wine, Oyle, or other thing therein being ſhall be ſold, four times the value of that which the veſſel ſo marked ſhall lack of his lawful content above written: the ſame forfeiture to be recovered over and beſide the coſts of the ſuit, by the Kings original writ, or by bill in any of the Kings Courts of his common Laws, or in any competent Court, having juriſdiction in the Place where that offence ſhall be committed, by action or bill of debt, in which action or ſuit, none eſſoin, protection, nor wager of Law ſhall be accepted, admitted, or allowed to the defendant or defendants. And that every Merchant or other perſon, ſelling the ſaid Wine, Oyle, or other thing contained in the ſaid veſſel marked, ſhall allow of the price thereof to the buyer of the ſame, for every quantity of Wine, Oyl, or other thing contained in the ſaid marked veſſel, the full value of the lack thereof, being by reaſon of default of full gauge of the veſſel marked, or of default of filling of the ſame veſſel, or by reaſon of default of any of them, after the rate of the whole price of Wine, Oyle, or other thing ſo being ſold by that veſſel marked: and that upon pain of forfeiture to the ſame buyer the double value of the ſame veſſel and Wine, Oyle, or other thing therein being ſo ſold; the ſame forfeiture to be recovered together with the coſts of the ſuit, in manner and form as the forfeiture laſt before written is limited to be recovered. Alt. 12 Car. 2 ca. 25.

How he ſhall be recompenced which lacketh meaſure.

CAP. XV.

How Pirates on the Sea ſhall be tryed and puniſhed.

Where Traytors, Pirates, Thieves, Robbers, Murderers, and confederates upon the Sea, many times eſcaped unpuniſhed, becauſe the trial of their offences hath heretofore been ordered, judged and determined before the Admiral or his Lieutenant, or Commiſſary, after the courſe of the civil Laws, the nature whereof is, that before any judgment of death can be given againſt the offendors, either they muſt plainly confeſs their offences (which they will never do without torture or pains) or elſe their offences be ſo plainly and directly proved by witneſs indifferent, ſuch as ſaw their offences committed, which cannot be gotten but by chance at few times, becauſe ſuch offendors commit their offences upon the Sea, and at many times murder and kill ſuch perſons, being in the ſhip or boat, where they commit their offences, which ſhould witneſs againſt them in that behalf; and alſo ſuch as ſhould bear witneſs be commonly Mariners and Shipmen, which becauſe of their often voyages and paſſages in the Seas, depart without long tarrying and protraction of time, to the great coſts and charges as well of the Kings Highneſs, as ſuch as would purſue ſuch offendors. For reformation whereof, be it enacted by the authority of this preſent Parliament, That all Treaſons, Felonies, Robberies, Murders, and Confederacies hereafter to be committed in or upon the Sea, or in any other haven, river, creek, or place where the Admiral or Admirals have, or pretend to have power, authority, or juriſdiction, ſhall be inquired, tried, heard, determined and judged in ſuch Shires and places in this Realm, as ſhall be limited by the Kings Commiſſion or Commiſſions to be directed for the ſame, in like form and condition, as if any ſuch offence or offences had been committed or done in or upon the land, and ſuch Commiſſions ſhall be had under the Kings great Seal, directed to the Admiral or Admirals, or to his or their Lieutenant, deputy and deputies, and to three or four ſuch other ſubſtantial perſons, as ſhall be named or appointed by the Lord-Chancellor of Eugland, for the time being, from time to time, and as oft as need ſhall require, to hear and determine ſuch offences, after the common courſe of the Laws of this land, uſed for Treaſons, Felonies, Robberies, Murders, and Confederacies of the ſame done and committed upon the land within this Realm.

The inconvenience of trial of Piracy by the courſe of the civil Law.

yer. 211.

Trial of offences committed upon the ſea, or, &c. within the Admirals juriſdiction by the Kings Commiſſion. Co. Inſt. 3. p. 147.

And be it enacted by the authority aforeſaid, That ſuch perſons to whom ſuch Commiſſion or Commiſſions ſhall be directed, or iv. of them at the leaſt, ſhall have full power and authority to enquire of ſuch offences, and of every of them, by the oaths of twelve good and lawful inhabitants in the Shire limited in their Commiſſion: in ſuch like manner and form, as if ſuch offences had been committed upon the land within the ſame Shire. And that every inditement found and preſented before ſuch Commiſſioners, of any Treaſons, Felonies, Robberies, Murders, manſlaughters, or ſuch other offences committed or done in and upon the ſeas, or in or upon any other haven, river, or creek, ſhall be good and effectual in the Law. And if any perſon or perſons happen to be indicted for any ſuch offence done, or hereafter to be done upon the Seas, or in any other place above limited: that then ſuch order, proceſs, judgment and execution ſhall be uſed, had, done, and made, to, and againſt every ſuch perſon and perſons ſo being indicted, as againſt Traytors, Felons, and Murderers, for Treaſon, Felony, Robbery, Murder, or other ſuch offences done upon the land, as by the Laws of this Realm is accuſtomed. And that the trial of ſuch offence or offences, if it be denied by the offendor or offendors, ſhall be had by xii. lawful men inhabited in the Shire limited within ſuch Commiſſion, which ſhall be directed as is aforeſaid, and no challenge or challenges to be had for the hundred. And ſuch as ſhall be convict of any ſuch offence or offences, by verdict, confeſſion, or proceſs by authority of any ſuch Commiſſion, ſhall have and ſuffer ſuch pains of death, loſſes of lands, goods and cattels, as if they had been attainted and convicted of any Treaſons, Felonies, Robberies, or other the ſaid offences done upon the lands.

The Commiſſioners authority.

The puniſhment of the offendors.

erf. 241.
nſt 391.a.

And be it enacted by authority aforeſaid, That for Treaſons, Robberies, Felonies, Murders, and confederacies done upon the ſea or ſeas, or in any place above rehearſed, the offendors ſhall not be admitted to have the benefit of his or their Clergy, but be utterly excluded thereof, and from the ſame, and alſo of the priviledge of any Sanctuary.

Provided alway, That this Act extend not to be prejudicial or hurtful to any perſon or perſons, for taking any victual, cables, ropes, anchors or ſails, which any ſuch perſon or perſons (compelled by neceſſity) taketh of or in any ſhip, which may conveniently ſpare the ſame, ſo the ſame perſon or perſons pay out of hand for the ſame victual, cables, ropes, anchors, or ſails, money or money-worth, to the value of the thing ſo taken, or do deliver for the a ſufficient bill obligatory, to be paid in form following, that is to ſay, If the taking of them ſame things be on this ſide the Streits of Marroke then to be paid within four moneths, and if it be beyond the ſaid Streits of Marroke, then to be paid within twelve moneths, next enſuing the making of ſuch bills; and that the makers of ſuch bills well and truly pay the ſame debt at the day to be limited within the ſaid bills.

Taking of things that may be ſpared upon neceſſity and paying for them.

Provid alway, That whenſoever any ſuch Commiſſion for the puniſhment of the offences aforeſaid, or of any of them, ſhall be directed or ſent to any place within the juriſdiction

Commiſſions directed into any place within the five Ports.

of the five Ports, that then every ſuch Commiſſion ſhall be directed unto the Lord Warden of the ſaid Ports for the time being, or to his deputy, and unto three or four ſuch other perſon or perſons, as the Lord Chancellor for the time being, ſhall name and appoint; any thing in this preſent Act to the contrary notwithſtanding.

Provided alway, That whenſoever any Commiſſion ſhall be directed unto the five Ports, for the inquiſition and trials of any the offences expreſſed in this Act, that every ſuch inquiſition and trial to be had by vertue of ſuch Commiſſion, ſhall be made and had by the inhabitants in the ſaid five Ports, or the members of the ſame; any thing in this Act to the contrary thereof notwithſtanding. Stat. 27 H. 8. 4.

CAP. XVI.

Releaſe of ſuch who have obtained licences from the See of Rome.

Where the Biſhop of Rome and his predeceſſors, of his and their covetous and ambitious mind, to the intent to advance and enrich themſelves and the See of Rome, to the great impoveriſhing of this Realm of England, and other the Kings Dominions contrary to Gods Law, the Laws and Statutes of this Realm, and in derogation of the Imperial Crown of this ſaid Realm, have heretofore wrongfully pretended, extorted, uſed and exerciſed within the ſame, divers and many uſurped powers, juriſdictions and authorities, during, and by the which time, the ſaid Biſhop and his predeceſſors, arrogantly and injuſtly have taken upon them, for great ſums of money, and other profits to them given, to grant unto the Kings ſubjects, and other inhabitants within this Realm, & other the Kings Dominions, many, divers and ſundry authorities, immunities, faculties, priviledges, licences, indulgences, and preheminences of divers kinds, natures, and qualities; which although they proceeded by an unjuſt and uſurped authority, have been until now of late by the ſubjects of this Realm timorouſly and ignorantly accepted, received, uſed, and erroniouſly put in exerciſe and execution: the which uſurped authority, juriſdiction and power is now juſtly, truly, and ought to be clearly and abſolutely extinguiſhed, extirped, and aboliſhed within this Realm, and other the Kings Dominions. And foraſmuch as all and every ſuch perſon and perſons, bodies politick and corporate, which unlawfully and without any manner of authority or juſt ground, heretofore have timorouſly and ignorantly accepted, received, uſed, and erroniouſly put in execution and exerciſe the ſaid faculties, immunities, authorities, priviledges, licences, indulgences and preheminences, have now ſincere, pure, and perfect intelligence and knowledge of the ſaid uſurped authority, juriſdiction and power: And that the ſaid faculties, authorities, priviledges, licences and indulgences, ſo as is aforeſaid accepted, received, uſed, and erroniouſly exerciſed, were and been to all intents and purpoſes, clearly void, fruſtrate, and of none effect. Albeit if they ſhould be impeached or interrupted of ſuch priviledges, liberties, preheminences, authorities, juriſdictions, profits, and other commodities, which they now have, uſe and exerciſe by colour of ſuch vain and void licences, diſpenſations, and faculties, it ſhould be to their intolerable inquietations and utter undoing.

All bulls and diſpenſations from the Biſhop or See of Rome, to any Subjects of this Realm, ſhall be void.

Wherefore be it enacted by authority of this preſent Parliament, That all bulls, breves, faculties and diſpenſations, of what names, natures, or qualities ſoever they be of, heretofore had or obtained of the Biſhop of Rome, or of any his predeceſſors, or by the authority of the See of Rome, by or to any ſubjects, reſiants, or bodies politick or corporate, of or in this Realm, or of or in any other the Kings Dominions, ſhall from henceforth be clearly void, and of no value, force, ſtrength, nor vertue, and ſhall never hereafter be uſed, admitted, allowed, pleaded or alleadged in any places or Courts of this Realm, or of any other the Kings Dominions, upon the pains contained in the Statute of proviſion and premunire, made in the ſixteenth year of the Reign of King Richard the ſecond. Yet notwithſtanding, at the moſt humble petition and interceſſion of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, it may pleaſe the Kings Majeſty of his moſt gracious benignity, goodneſs, and bleſſed diſpoſition, that it may be enacted by authority of this Parliament, That all marriages had and ſolemnized within this Realm, or in any other the Kings Dominions, before the third day of November, in the ſix and twentieth year of the Kings moſt gracious Reign, whereof there is no divorce or ſeparation had by the Eccleſiaſtical laws of this Realm, and which marriages be not prohibited by Gods laws, limited and declared in the Act made in this preſent Parliament for the eſtabliſhment of the Kings ſucceſſion, or otherwiſe by holy ſcripture, ſhall be by authority of this preſent Parliament, good, lawful, and effectual, and ſhall be from the beginning of ſuch marriages reputed, eſteemed, taken, adjudged, received, approved, and allowed by the authority of this preſent Parliament, to all and ſingular purpoſes, effects and intents, as good, as ſufficient, and as available, as though no impediment of matrimony had ever been between them that have contracted and ſolemnized ſuch marriages: And that all children procreated and to be procreated in and under ſuch marriages, ſhall be lawful to all intents and purpoſes.

St. 28 H. 8 7. A confirmation of former lawful marriages.

A confirmation of all Archbiſhops and Biſhops, and their authority, and other Eccleſiaſtical perſons and orders.

And that it may be alſo enacted by the authority of this preſent Parliament, That all Archbiſhops and Biſhops of this Realm, or of any the Kings Dominions, conſecrated, and at this preſent time taken and reputed for Archbiſhops and Biſhops, may by authority of this preſent Parliament, and not by vertue of any proviſion, or other foreign authority, licence, faculty, or diſpenſation, keep, enjoy and retain their Archbiſhopricks and Biſhopricks, in as large and ample manner, as if they had been promoted, elected, confirmed and conſecrated according to the due courſe of the laws of this Realm. And that every Archbiſhop and Biſhop of this Realm, and of other the Kings Dominions, may miniſter, uſe and exerciſe all and every thing and things pertaining to the office or order of an Archbiſhop and Biſhop, with all tokens, inſigns and ceremonies thereunto lawfully belonging.

And that all Eccleſiaſtical perſons of the Kings Realm and Dominions, which at this time be taken, had and reputed for Abbots, Priors, Abbeſſes, Prioreſſes, and other heads of religion (which be not, neither ſhall be excluded from their dignities by the late Act of ſuppreſſion) and the religious perſons living under their obedience, and all perſons now taken and reputed as Maſters, Preſidents, Provoſts, and Wardens of Cathedral Churches and Colledges, with the Companies and Fellowſhips of the ſame, all Prieſts and Clerks, which have received any of the Eccleſiaſtical Orders, all Archdeacons and Deans, and other having Offices, cures and dignities ſpiritual, may by authority of this Act, and not by the vertue of any foreign power or authority, adminiſter, uſe and exerciſe all things pertaining to their dignities, offices, orders, cures, religions and fellowſhips, and may lawfully hereafter uſe all tokens, inſigns and ceremonies, which they have been accuſtomed to uſe in times paſt (ſo it be not expreſly againſt the Laws of God, and this Realm) any thing or things contained in any Act or Acts made ſithen the beginning of this preſent Parliament to the contrary of any the premiſes in any wiſe notwithſtanding.

And where divers and many of the Kings ſaid ſubjects have purchaſed and obtained many diſpenſations, bulls, breves and faculties of the Biſhop of Rome for the time being, or by authority of the See of Rome, as pluralities, unions, trialties, appropriations, commendams, exemptions, and other bulls, breves and faculties, for divers cauſes and matters, other then be afore expreſſed, which be of no ſtrength or vertue, It may therefore pleaſe the Kings Majeſty, that it may be enacted by authority aforeſaid, That all and every his ſaid ſubjects, during the time of one whole year next after the ſaid Feaſt of Saint Michael the Archangel next coming, may enjoy, uſe and have by authority of this preſent Act, and not by the vertue of the ſaid bulls, breves and faculties, all and every the effects contained and ſpecified in ſuch bulls, breves and faculties, in all ſuch caſes only as may be diſpenſed with by the Archbiſhop of Canterbury, by authority of ths Laws and Statutes of this Realm.

The effect and contents of bulls, breves, faculties, &c. purchaſed of the See of Rome, which be allowable, ſhall be confirmed under the great Seal.

And that it may be further enacted by authority aforeſaid, That all and every the Kings ſaid ſubjects, bringing, tendring, and delivering to ſuch perſons of his Council, or the Maſters of his Chancery, as the Kings Highneſs ſhall name and appoint, any bulls, breves, or any other faculties, concerning any the premiſes, that then, if it ſhall appear to ſuch perſons, as the Kings Highneſs ſhall ſo name and appoint to receive ſuch bulls, faculties and breves, after due examination thereof had, that the effects contained and ſpecified in ſuch bulls, faculties and breves, or any part thereof, may be lawfully granted by the ſaid Archbiſhop of Canterbury, by authority of the Laws and Statutes of this Realm: that then and in every ſuch caſe the Kings ſaid ſubjects, making humble ſuit to have the effects contained in the ſaid bulls, breves and faculties to be granted unto them, ſhall have, receive and obtain of the Chancellor of England, or Keeper of the great Seal for the time being, by ſufficient writing in due form to be made, and to be ſealed under the Kings great Seal, all and every ſuch effects contained and ſpecified in ſuch bulls, breves and faculties, as may be lawfully granted by the ſaid Archbiſhop of Canterbury, by authority of the Laws and Statutes of this Realm, paying only for ſealing of every ſuch writing, xx. s. iv. d. and over that, for the reaſonable coſts for pains of the writing thereof, iii. s. iv. d. and not above; and for the pain taken for due examination of every ſuch bulls, breves and faculties, iii. s. iv. d. and not above. And that this preſent Act ſhall be ſufficient and immediate warrant to the Chancellor or Keeper of the great Seal, for enſealing and delivery of ſuch licences, faculties, diſpenſations, and other writings which ſhall be made, granted, and ſealed under the Kings great Seal, by vertue and authority of this Act.

And it is alſo enacted by authority aforeſaid, That all and every ſuch licence, diſpenſation, faculty, confirmation, or other writing, to be had, made, or granted under the Kings great Seal, out of the ſaid Court of Chancery by authority of this Act, in form as is above rehearſed, ſhall be good and effectual to the ſaid parties ſuing for the ſame, according to the tenor and effects thereof, and ſhall be admitted, accepted, and allowed in all Courts and places of this Realm, and in all other the Kings Dominions; any uſage, preſcription, foreign laws, cuſtoms, or ordinance to the contrary thereof notwithſtanding. Stat. 1 & 2 P. & M. 8. 1 El. 1.

CAP. XVII.

Any inheritable to the Crown (to be limited by K. H. 8.) after his age of xxiv. years may repeal ſuch Statutes as were made in his time before the ſaid age. Rep. 1 Ed. 6. 11. Co. Inſt. 4. p. 362.

CAP. XVIII.

It ſhall be high Treaſon for any man to eſpouſe, marry, or to take to his wife any of the Kings children being lawfully born, or otherwiſe commonly reputed for his children, or any of the Kings ſiſters or aunts of the part of the father, or any of the lawful children of the Kings brethren or ſiſters, or to contract matrimony with any of them without the Kings licence firſt had under the great Seal, or to deflowr any of them being married. And the woman ſo offending ſhall incur the like danger. Rep. 1 Ed. 6. 12. 1 M. 1.

Anno Triceſimo primo Henrici *octavi.*

HEnry the eighth by the grace of God, King of England and of France, Defender of the Faith, Lord of Ireland, and in earth ſupream Head immediately under Chriſt of the Church of England, to the honour of Almighty God, conſervation of the true Doctrine of Chriſts Religion, and for the concord, quiet, and wealth of this his Realm, and ſubjects of the ſame, held his moſt high Court of Parliament, begun at Weſtminſter the xxviii. day of April, and there continued till the xxviii. day of June, the xxxi. year of his moſt noble and victorious Reign, wherein were eſtabliſhed theſe Acts following.

CAP.

CAP. I.

Joynt Tenants, and Tenants in common ſhall make partition by Writ.

Several inconveniences enſuing by holding lands joyntly, or in common, being undivided.

FOraſmuch as by the common Laws of this Realm, divers of the Kings ſubjects, being ſeiſed of manors, lands, tenements, and hereditaments, as joynt Tenants: or as Tenants in common, with other of any eſtate of inheritance, in their own rights, or in the right of their wives, by purchaſe, deſcent, or otherwiſe, and every of them ſo being joynt Tenants, or Tenants in common, have like right, title, intereſt, and poſſeſſion in the ſame manors, lands, tenements, and hereditaments for their parts or portions joyntly, or in common undevidedly together with other, and none of them by the ſaid doth, or may know their ſeveral parts or portions in the ſame, or that that is his or theirs, by it ſelf undivided; and cannot by the Laws of this Realm otherwiſe occupy or take the profits of the ſame, or make any ſeverance, diviſion, or partition thereof, without other of their mutual aſſents and conſents: by reaſon whereof divers and many of them, being ſo joyntly and undividedly ſeiſed of the ſaid manors, lands, tenements, and hereditaments, oftentimes of their perverſe, covetous and malicious minds and wills, againſt all right, juſtice, equity, and good conſcience, by ſtrength and power, have not only cut and fallen down all the woods and trees growing upon the ſame, but alſo have extirped, ſubverted, pulled down and deſtroyed all the houſes, edifications and buildings, medows, paſtures, commons, and the whole commodities of the ſame, and have taken and converted them to their own uſes and behoofs, to the open wrong and diſheriſon, and againſt the minds and wills of other, holding the ſame manors, lands, tenements, and hereditaments joyntly, or in common with them, and they have been always without aſſured remedy for the ſame.

Joynt Tenants and Tenants in common are compellable to make partition by writs. b Raſt. pl.f.450. Coke pl.f.410.

Be it therefore enacted by the King our moſt dread Soveraign Lord, and by the aſſent of the Lords ſpiritual and temporal, and by the Commons in this preſent Parliament aſſembled, that all joynt Tenants, and Tenants in common, that now be, or hereafter ſhall be of any eſtate, or eſtate of inheritance in their own rights, or in the right of their wives, of any manors, lands, tenements or hereditaments within this Realm of England, Wales, or the marches of the ſame, ſhall and may be coacted and compelled, by vertue of this preſent Act, to [a] make partition between them of all ſuch manors, lands, tenements, and hereditaments as they now hold, or hereafter ſhall hold as joynt Tenants, or tenants in common, [b] by writ De participatione facienda, in that caſe to be deviſed in the King our ſoveraign Lords Court of Chancery, in like manner and form as Coparceners by the common laws of this Realm have been and are compelled to do, and the ſame writ to be purſued at the common law.

a Dyer f. 18. 245. 265. 350. Bro. partition pl. 42. Cro. El. 73.

Every of the joynt Tenants and Tenants in common ſhall have aid of the other.

Provided alway, and be it enacted, That every of the ſaid joynt Tenants, or Tenants in common, and their heirs, after ſuch partition made, ſhall and may have aid of the other, or of their heirs, to the intent to dereign the warranty paramount, and to recover for the rate, as is uſed between Coparceners after partition made by the order of the common law, any thing in this Act contained to the contrary notwithſtanding. 32 H. 8. 32. Coke li. 6. fo. 12.

CAP. II.

All fiſhing with Nets, &c. with intent to ſteal fiſh in the night, or breaking the head of a pond to take fiſh, ſhall be felony. Rep. 1 Ed. 6. 12. 1 M. 1. The penalty for fiſhing in any pond, ſtew, or mote in the day-time, without the owners conſent, is three moneths impriſonment, and after to find ſurety for his good abearing. ALT. 5 El. 21.

CAP. III.

The manors, &c. of Thomas Lord Crumwel, and of others, to the number of 34 perſons, being within the County of Kent, and Gavelkind land ſhall hereafter deſcend as lands at the common Law.

THe King our Soveraign Lord, for divers conſiderations his Majeſty moving, by authority of this his high Court of Parliament, enacteth, ordaineth and eſtabliſheth, That as well all the Lordſhips, Manors, lands, tenements, woods, paſtures, rents, ſervices, reverſions, remainders, advowſons, and all other whatſoever hereditaments, ſet, lying and being within the County of Kent, of the which Thomas Crumwel Knight of his honourable Order of the Garter, Lord Crumwel of Wimbildon, Lord Privy Seal, Thomas Burgh Knight, Lord Burgh, George Broke Knight, Lord Cobham, Andrew Windſor Knight, Lord Windſor, Thomas Cheine Knight, Treaſurer of our ſaid Soveraign Lord the Kings moſt honourable Houſhold, Chriſtopher Hales Knight, Maſter of the Rolls of our ſaid Soveraign Lords Court of Chancery, Thomas Willoughby Knight, one of the Judges of the Kings Court of the Common-place, Anthony Saintleger Knight, Edward Wotton Knight, Edward Boveton Knight, Roger Cholmeley Knight, Serjeant at Law, John Champneis Knight, John Baker Squire, our ſaid Soveraign Lord the Kings general Atturney Reinold Scotte Squire, John Guldford Squire, Thomas Kempe Squire, Edward Thwaitis Squire, William Roper Squire, Anthony Sandes Squire, Edward Iſaac Squire, Percival Hart Squire, Edward Monyns Squire, William Whetnal Squire, John Fogge Squire, Edmund Feryplace Squire, Thomas Hardres Squire, William Waller Squire, Thomas Wylford Squire, Thomas Moile Squire, Thomas Harlakinden Squire, Geffrey Lee Squire, James Hales, Henry Huſſee, and Thomas Roidon, Gentlemen, or any of them is, or be ſeiſed to his or their own uſe or uſes, in fee-ſimple, or in fee-tail, the which now bin of the tenure and nature of Gavelkind, and heretofore have been departed, or be departible between heirs males, by the cuſtom of Gavelkind, ſhall from henceforth be clearly changed from the ſaid cuſtom, tenure, and nature of Gavelkind, and in no wiſe hereafter be departed or departible by the ſaid cuſtom of Gavelkind, between heirs males, but ſhall remain, revert, abide, deſcend, come, and be,

The cuſtom of Gavelkind in Kent in ſeveral perſons lands ſhall be changed, and ſhall deſcend according to the common law.

after and according as Lordſhips, Manors, Lands, Tenements, and other Hereditaments do, or may deſcend, remain, revert, abide, come, or be, according to the common Law of this Realm, and as other Manors, Lands and Tenements being in the ſaid County of Kent, which never were holden by ſervice of ſoccage, but be and always have been holden by Knights ſervice, do deſcend, remain, revert, abide, come, and be: And in like manner to deſcend and be diſcendable, remain, revert, come, and be inheritable to the heir or heirs, after and according to the ſaid common Laws of this Realm of England. And that all and ſingular the ſaid Lordſhips, Manors, Lands, Tenements, and other Hereditaments, with the appurtenances of the ſaid Lord Crumwel, Lord Burgh, Lord Cobham, Lord Windſor, Thomas Cheine, Chriſtopher Hales, Thomas Willoughby, Anthony Saintleger, Edward Wotton, Edward Boveton, Roger Cholmeley, John Champneis, John Baker, Reinold Scotte, John Guldford, Thomas Kempe, Edward Thwaitis, William Roper, Anthony Sandes, Edward Iſaac, Percival Hart, Edward Monyns, William Wheтnal, John Fogge, Edmund Fetyplace, Thomas Hardres, William Waller, Thomas Wylford, Thomas Moile, Thomas Harlakinden, Geffrey Lee, James Hales, Henry Huſee and Thomas Roidon, or of any of them, and which before the making of this Act have been of the ſaid nature and tenure of Gavelkind in the ſaid County of Kent, ſhall from henceforth be accepted, taken, inherited, deemed, and judged to be, like as Lordſhips, manors, lands, tenements, & other hereditaments at yͤ common law of this realm, and in ſuch manner and form as if the ſame Manors, Lordſhips, Lands, Tenements, and other Hereditaments, had never been of the ſaid nature of Gavelkind, any uſage or cuſtom in the ſaid County of Kent heretofore had, accepted, or uſed to the contrary notwithſtanding. Saving always, and reſerving to all and ſingular perſons, other then the ſaid Lord Crumwel, Lord Burgh, Lord Cobham, Lord Windſor, Thomas Cheine, Chriſtopher Hales, Thomas Willoughby, Anthony Saintleger, Edward Wotton, Edward Boveton, Roger Cholmeley, John Champneis, John Baker, Reinold Scotte, John Guldford, Thomas Kempe, Edward Thwaitis, William Roper, Anthony Sandes, Edward Iſaac, Percival Hart, Edward Monyns, William Whetnal, John Fogge, Edmund Fetyplace, Thomas Hardres, William Waller, Thomas Wylford, Thomas Moile, Thomas Harlakinden, Geffrey Lee, James Hales, Henry Huſee and Thomas Roidon, or any of them, and to every of them, againſt any other of them, all ſuch right, title, intereſt, and inheritance, as they or any of them had before the making of this Act, of, to, or in any of the ſaid Manors, Lands, Tenements, Woods, Paſtures, Rents, Services, Reverſions, Remainders, Advowſons, and other the premiſes, as if this preſent Act had never been had, nor made.

A ſaving of other mens rights, and of the right of any of their perſons in others lands.

CAP. IV.

The Mayor and Bailiffs of Exeter may break all Weares and lets in the River of Exe, and ſhall pay to the owners and farmers of ſo much ground as they ſhall dig, the rate of twenty years purchaſe, or ſo much as ſhall be adjudged by the Iuſtices of Aſſiſe in the County of Devon. PR.

CAP. V.

The Manor of Hampton Court, with divers Lordſhips, Lands and Tenements thereunto united, ſhall be called the Honour of Hampton Court. And the King ſhall have therein a Chaſe, and free Chaſe and Warren for all beaſts of venery, and fowls of Warren, which ſhall be called Hampton-Court-Chaſe. And all offendors in the ſame, ſhall incur ſuch penalties as the like offendors do in any other Forreſt or Chaſe. And the ſaid Honour and Chaſe of Hampton Court, and all the Manors and Lands within the ſame ſhall be in the ſurvey and governance of the Court of Augmentations. The Manor of Sheppon in the County of Berks made parcel of the Dutchy of Cornwal, in reſpect of the Manors o Biſlete and Weibridge, by this Act taken from the ſaid Dutchy. PR.

Co.Inſt.4.p.301.

CAP. VI.

Religious perſons enabled to purchaſe, ſue, and be ſued.

Be it enacted by authority of this preſent Parliament, That all and ſingular ſuch religious perſons, as well men as women profeſſed, of what order, rule, or habit ſoever they were, which be, or hereafter ſhall be put at their liberties from the danger, ſervitude, and condition of their religion and profeſſion whereunto they were profeſſed, by reaſon of ſuppreſſion, diſſolving, forfeiture by attainder, rendring, or otherwiſe giving to the hands of the Kings Majeſty, or any other, the ſame Monaſteries, Abbeys, Priories, or other religious houſes or places, wherein the ſame religious perſons were profeſſed, ſhall by authority of this preſent Parliament, from and after the firſt day of the ſame Parliament, and from and after the time that they were or ſhall be put at ſuch liberty, have free liberty to purchaſe to them and their heirs in fee-ſimple, fee-tail, for term of life, for years, or at will, Manors, Lands, Tenements, Rents, Annuities, and other Hereditaments and things whatſoever they be, in like manner and form as though they or any of them had never been profeſſed nor entred into any ſuch religion. And furthermore, that they the ſame religious perſons, and every of them, ſhall be made able by authority of this preſent Act, to ſue, and be ſued in all manner of actions, plaints and ſuits, whatſoever they be, of and for any matter or cauſe growing ſithence, and after the time of their ſeveral deraignments, or departing out of their religion, in all Courts and places within this Realm, as other the Kings ſubjects be. And furthermore, that they and every of them ſhall and may from henceforth uſe and exerciſe, receive, take, have and enjoy all and every lawful thing and things to be grown, fall, or happened to them or any of them, after the ſaid deraignment, or departing out of their religion, in as large and ample manner, form and condition, as if they had never been profeſſed, nor entred into religion, the ſame profeſſion or religion, or any law, cuſtom, or uſe within this Realm to the contrary thereof in any wiſe notwithſtanding.

Religious perſons profeſſed, ſhall be enabled to purchaſe, ſue, and to be ſued, for any matter, or cauſe ſithence their deraignments. 31 H.8.24. 33 H.8.29.

Provided alway, and be it further enacted by authority aforeſaid, That none of the ſame religious perſons ſhall or may at any time hereafter be taken, deemed, or judged for or as heir or heirs, or inheritable to any perſon or perſons, to any purpoſe, reſpect, construction or

Religious perſons deraigned, ſhall not ſue for any for any former right deſcended unto them. Stat. 5 Ed.6.13.

Religious perſons being Prieſts, or that have vowed religion at xxi. years of age, ſhall not marry.

or intent in the Law, nor that they, nor any of them, by vertue of this Act, be received, admitted or deemed able in the Law to demand, challenge, receive or take any manors, lands, tenements, or hereditaments, or any other thing or things, by reaſon of, or for any former title, right, intereſt, matter or cauſe, had, made, done or grown, to any reſpect or purpoſe, before the ſaid ſeveral deraignments or departings out of their religion. Nor that any of the ſaid religious perſons, being Prieſts, or ſuch as have avowed religion at one and twenty years or above, and thereto then conſented, continuing in the ſame any while after, (not duly proving by witneſs, or other lawful means, ſome unlawful coercion or compulſion done to them or any of them, for making of any ſuch vow, or conſtraining them to remain in their religion) be enabled by vertue of any words, clauſe or ſentence before in this Act expreſſed, to marry or take any wife or wives; but that they and every of them be clearly excluded and put from the ſame, to all intents and purpoſes; any thing before in this Act contained to the contrary hereof in any wiſe notwithſtanding.

CAP. VII.

A continuance until the laſt day of the next Parliament, of the Statutes of 22 H. 8. 12. 27 H. 8. 25. 22 H. 8. 7. 26 H. 8. 11. 25 H. 8. 6. 21 H. 8. 10. 21 H. 8. 12. 23 H. 8. 17. 24 H. 8. 9. 23 H. 8. 3. 25 H. 8. 9. 24 H. 8. 4. 23 H. 8. 2. 28 H. 8. 6. 8. 9. concerning Beggers, &c. Exp. Stat. 1 El. 18.

CAP. VIII.

Proclamation.

The King for the time being, with the advice of his Council, or the more part of them, may ſet forth Proclamations under ſuch penalties and pains, as to him and them ſhall ſeem neceſſary, which ſhall be obſerved as though they were made by Act of Parliament. But this ſhall not be prejudicial to any perſons inheritances, offices, liberties, goods, cattels, or life. And whoſoever ſhall willingly offend any article contained in the ſaid Proclamation, ſhall pay ſuch forfeitures, or be ſo long impriſoned as ſhall be expreſſed in the ſaid Proclamation. And if any offending will depart the Realm to the intent he will not anſwer his ſaid offence, he ſhall be adjudged a Traitor. Rep. 1 Ed. 6. 12. 34 H. 8. 23.

CAP. IX.

The King may nominate ſuch number of Biſhops, Sees for Biſhops, Cathedral Churches, and endow them with ſuch poſſeſſions as he will. Rep. 1 & 2 P. & M. 8. 25 H. 8. 20. 8 El. 1.

CAP. X.

How Lords in the Parliament ſhall be placed.

A known order of placing of great men according to their degree is neceſſary.

FOraſmuch as in all great Councils and Congregations of men, having ſundry degrees and offices in the Commonwealth, it is very requiſite and convenient that an order ſhould be had and taken for the placing and ſitting of ſuch perſons as been bounden to reſort to the ſame, to the intent that they knowing their places, may uſe the ſame without diſpleaſure, or let of the Council. Therefore the Kings moſt Royal Majeſty, although it appertaineth unto his Prerogative Royal, to give ſuch honour, reputation and placing to his Councellors, and other his ſubjects, as ſhall be ſeeming to his moſt excellent wiſdom, is nevertheleſs pleaſed and contented, for an order to be had and taken in this his moſt high Court of Parliament, that it ſhall be enacted by authority of the ſame, in manner and form as hereafter followeth.

None ſhall ſit on either ſide of the cloth of eſtate.

The Kings Vicegerent in Eccleſiaſtical juriſdiction.

Firſt, It is enacted by authority aforeſaid, That no perſon or perſons, of what eſtate, degree, or condition ſoever he or they be of, (except only the Kings children) ſhall at any time hereafter attempt or preſume to ſit, or have place at any ſide of the cloth of eſtate in the Parliament-chamber, neither of the one hand of the Kings Highneſs, nor of the other, whether the Kings Majeſty be there perſonally preſent, or abſent. And foraſmuch as the Kings Majeſty is juſtly and lawfully ſupream head in earth under God of the Church of England, and for the good exerciſe of the ſaid moſt Royal dignity and office, hath made Thomas Lord Crumwel, and Lord privy ſeal, his vicegerent for good and due miniſtration of Juſtice to be had in all cauſes and caſes touching the Eccleſiaſtical juriſdiction, and for the Godly information and redreſs of all errors, hereſies, and abuſes in the ſaid Church: It is therefore alſo enacted by authority aforeſaid, That the ſaid Lord Crumwel having the ſaid office of Vicegerent, and all other perſons which hereafter ſhall have the ſaid office of the grant of the Kings Highneſs, his heirs or ſucceſſors, ſhall ſit and be placed, as well in this preſent Parliament, as in all Parliaments to be holden hereafter, on the right ſide of the Parliament chamber, and upon the ſame form that the Archbiſhop of Canterbury ſitteth on, and above the ſame Archbiſhop and his ſucceſſors, and ſhall have voice in every Parliament to aſſent or diſſent, as other the Lords of the Parliament.

How the Biſhops ſhall be placed in the Parliament houſe.

And it is alſo enacted, That next to the ſaid Vicegerent ſhall ſit the Archbiſhop of Canterbury; and then next to him on the ſame form and ſide, ſhall ſit the Archbiſhop of York; and next to him on the ſame form and ſide, the Biſhop of London, and next to him on the ſame ſide and form, the Biſhop of Durham; and next to him on the ſame ſide and form, the Biſhop of Wincheſter, then all the other Biſhops of both Provinces of Canterbury and York, ſhall ſit and be placed on the ſame ſide after their ancienties, as it hath been accuſtomed.

The Lord Chancellor, Treaſurer, Preſident of the Kings Council, and Lord Privy Seal.

And foraſmuch as ſuch other perſonages, which now have, and hereafter ſhall happen to have other great offices of the Realm, that is to ſay, the offices of the Lord Chancellor, the Lord Treaſurer, the Lord Preſident of the Kings moſt honourable Council, the Lord Privy Seal, the great Chamberlain of England, the Conſtable of England, the Lord Marſhal of England, the Lord Admiral, the grand Maſter or Lord Steward of the Kings moſt honourable Houſhold, the Kings Chamberlain, and the Kings Secretary, have not heretofore been appointed and ordered for the placing and ſitting in the Kings moſt high Court of Parliament by reaſon of their offices: It is therefore now ordained and enacted by the authority aforeſaid, That the Lord Chancellor, the Lord Treaſurer, the Lord Preſident of the Kings Council, and the Lord Privy-Seal, being of the degree of Barons of the Parliament, or above, ſhall ſit and be placed as well in this preſent Parliament, as in all other Parliaments hereafter to be holden, on the left ſide of the ſaid Parliament chamber, on the higher part of the form of the ſame ſide, above all Dukes, except onely ſuch as ſhall happen to be the Kings Son, the Kings Brother, the Kings Uncle, the Kings Nephew, or the Kings Brothers or Siſters Son.

The great Chamberlain, Conſtable, Marſhal, Admiral, Steward, &c.

And it is alſo ordained and enacted by authority aforeſaid, That the great Chamberlain, the Conſtable, the Marſhal, the Lord Admiral, the great Maſter or Lord Steward, and the Kings Chamberlain, ſhall ſit and be placed after the Lord Privy-Seal, in manner and form following, that is to ſay, Every of them ſhall ſit and be placed above all other perſonages being of the ſame eſtates or degrees that they ſhall happen to be of, that is to ſay, The great Chamberlain firſt, the Conſtable next, the Marſhal third, the Lord Admiral the fourth, the Grand Maſter or Lord Steward the fifth, and the Kings Chamberlain the ſixth.

The Kings chief Secretary.

And it is alſo enacted by authority aforeſaid, That the Kings chief Secretary, being of the degree of a Baron of the Parliament, ſhall ſit and be placed afore and above all Barons, not having any of the offices afore mentioned. And if he be a Biſhop, that then he ſhall ſit and be placed above all other Biſhops, not having any of the Offices above remembred.

Dukes, Marqueſſes, Earls, Vicounts, Barons.

And it is alſo ordained and enacted by authority aforeſaid, That all Dukes not afore mentioned, Marqueſſes, Earls, Vicounts, and Barons, not having any of the Offices aforeſaid, ſhall ſit and be placed after their ancienty, as it hath been accuſtomed.

The places of great officers under the degree of Barons.

And it is further enacted, That if any perſon or perſons, which at any time hereafter ſhall happen to have any of the ſaid Offices of Lord Chancellor, Lord Treaſurer, Lord Preſident of the Kings Council, Lord Privy Seal, or chief Secretary, ſhall be under the degree of a Baron of the Parliament, by reaſon whereof they can have no intereſt to give any aſſent or diſſent in the ſaid houſe, that then in every ſuch caſe, ſuch of them as ſhall happen to be under the ſaid degree of a Baron, ſhall ſit and be placed at the uppermoſt part of the ſacks, in the midſt of the ſaid Parliament Chamber, either there to ſit upon one form, or upon the uppermoſt ſack, the one of them above the other in order, as is above rehearſed.

Places in trials by Peers.

Be it alſo enacted by authority aforeſaid, That in all trials of treaſons by Peers of this Realm, if any of the Peers that ſhall be called hereafter to be triers of ſuch treaſons, ſhall happen to have any of the Offices aforeſaid, that then they having ſuch Offices, ſhall ſit and be placed according to their Offices, above all the other Peers that ſhall be called to ſuch trials, in manner and form as is above mentioned and rehearſed.

Places in the Star-chamber, and other aſſemblies.

And it is alſo enacted by authority aforeſaid, That as well in all Parliaments, as in the Star-chamber, and in all other aſſemblies and conferences of Council, the Lord Chancellor, the Lord Treaſurer, the Lord Preſident, the Lord Privy-ſeal, the great Chamberlain, the Conſtable, the Marſhal, the Lord Admiral, the Grand Maſter or Lord Steward, the Kings Chamberlain, and the Kings chief Secretary ſhall ſit and be placed in ſuch order and faſhion as is above rehearſed, and not in any other place, by authority of this preſent Act.

CAP. XI.

The authority given to the King by the Statute of 28 H. 8. 3. to allot the Towns in Wales continued for three years. Exp.

CAP. XII.

It ſhall be felony to take in the Kings ground any egg or bird of any Faulcon, Goſhauk, or Laner, out of the neſt: or to find or take up any Faulcon, Jerfaulcon, Jerkin, Sacer, or Sacerit, Goſhauk, Laner, or, Lanerite of the Kings, and having on it the Kings Arms and Verviles, and do not within twelve days bring or ſend the ſame to the Maſter of the Kings Hauks, or to one of his Faulconers, or to the chief of the Shire: or between the riſing of the Sun, and ſetting of the ſame, with his face hid or covered with hood, or viſert, or painted, diſguiſed, to the intent he would not be known, to enter into any Forreſt, Chaſe or Park of the Kings, Queens, Princes, or any of the Kings Children, or into any other ground of either of theirs incloſed with wall or pale, ordained for the keeping of deer, to the intent to ſteal any of them, or to drive any of them forth of the ſame Forreſt, in, or at any time of the day with his face hid, or diſguiſed, to kill any Conies or Rabbits within any ground being the lawful Warren of the Kings, &c. in or within any of his or their Parks: or in the night to enter into any Park, Chaſe, or Forreſt of the Kings, &c. to the intent to ſteal any Deer, or into his or their Warren to kill and ſteal any Conies. Rep. 1 Ed. 6. 12. 1 M. 1. Stat. 11 H. 7. 17. 3 Ed. 6. 17. 7 Ed. 6. 11.

CAP. XIII.

How Leaſes made of Manors belonging to Monaſteries diſſolved, and aſſured to the King, ſhall take effect.

Divers Religious perſons have ſurrendred the ſite of their Monaſteries, and all their lands to the King.

Where divers and ſundry Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes, of divers Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Friers, and other Religious and Eccleſiaſtical houſes and places within this our Sovereign Lord the Kings Realm of England and Wales, of their own free and voluntary minds, good wills and aſſents, without conſtraint, coaction, or compulſion of any manner of perſon or perſons, ſithen the iiij. day of February, the xxvij. year of the Reign of our now moſt dread Sovereign Lord, by the due order and courſe of the common Laws of this his Realm of England, and by their ſufficient writings of Record under their Covent and common Seals, have ſeverally given, granted, and by the ſame their writings ſeverally confirmed all their ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, and all their ſites, circuits, and precincts of the ſame, and all and ſingular their manors, lordſhips, granges, meaſes, lands, tenements, medows, paſtures, rents, reverſions, ſervices, woods, tithes, penſions, portions, Churches, Chappels, advowſons, patronages, annuities, rights, entrees, conditions, commons, leets, courts, liberties, priviledges and franchiſes, appertaining or in any wiſe belonging to any ſuch Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, and other Religious and Eccleſiaſtical houſes and places, or to any of them, by whatſoever name or Corporation they or any of them were then named or called, and of what order, habit, religion, or other kind or quality ſoever they or any of them were then reputed, known, or taken: To have and to hold all the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes & places, ſites, circuits, precincts, manors, lands, tenements, medows, paſtures, rents, reverſions, ſervices, and all other the premiſſes, to our ſaid Sovereign Lord, his Heirs and Succeſſors for ever, and the ſame the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, & other Religious and Eccleſiaſtical houſes and places, ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, medows, paſtures, rents, reverſions, ſervices, and other the premiſſes voluntarily as is aforeſaid have renounced, left, and forſaken, and every of them hath renounced, left and forſaken.

Monaſteries and their lands before ſurrendred or diſſolved, given to the King.

Be it therefore enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the King our Sovereign Lord ſhall have, hold, poſſede and enjoy to him, his Heirs and Succeſſors, for ever, all and ſingular ſuch late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, of what kinds, natures, qualities, or diverſities of habits, rules, profeſſions, or orders they or any of them were named, known or called, which ſith the ſaid iiij. day of February, the xxvij. year of the Reign of our ſaid Sovereign Lord, have been diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come to his Highneſs, and by the ſame authority, and in like manner ſhall have, hold, poſſede, and enjoy all the ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, medows, paſtures, rents, rèverſions, ſervices, woods, tithes, penſions, portions, Parſonages appropriated, Vicarages, Churches, Chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entrees, conditions, commons, leets, courts, liberties, priviledges, francyiſes, and other whatſoever hereditaments, which appertained or belonged to ẏ ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, & other Religious and Eccleſiaſtical houſes & places, or to any of them, in as large and ample manner & form, as the late Abbots, Priors, Abbeſſes, Prioreſſes, & other Eccleſiaſtical governours and governeſſes of ſuch late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, had, held, or occupied, or of right ought to have had, holden, or occupied, in the right of their ſaid late monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious and Eccleſiaſtical houſes or places, at the time of the ſaid diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or by any other manner of mean coming of the ſame to the Kings Highneſs ſithen the fourth day of February above ſpecified.

[b] Cok. pl. f.445.

All houſes to be diſſolved, and their lands given to the King.

Coke pl. f. 187. 546.

The ſites and lands of the Monaſteries ſhall be in the actual poſſeſſion of the King.

And it is further enacted by the authority aforeſaid, That not onely all the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and [b] Eccleſiaſtical houſes and places, ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, medows, paſtures, rents, reverſions, ſervices, and all other the premiſſes, forthwith, immediately and preſently, but alſo all other Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and all other Religious and Eccleſiaſtical houſes and places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come to the Kings Highneſs, and alſo all the ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, medows, paſtures, rents, reverſions, ſervices, woods, tithes, penſions, portions, parſonages appropriate, vicarages, Churches, Chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entrees, conditions, commons, leets, courts, liberties, priviledges, franchiſes, and other hereditaments whatſoever they be, belonging or appertaining to the ſame, or any of them, whenſoever, & as ſoon as they ſhall be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come unto the Kings Highneſs[c], ſhall be veſted, deemed, and adjudged by authority of this preſent Parliament, in the very [d] actual and real ſeiſin and poſſeſſion of the King our Sovereign Lord, his Heirs and Succeſſors for ever, in the ſtate and condition as they now be, and as though all the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and all other Religious and Eccleſiaſtical houſes and places ſo diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs, as is aforeſaid, as alſo the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs, ſites, circuits, precincts, manors, lordſhips, granges, lands, tenements, and other the premiſſes, whatſoever they be, and every of them were in this preſent Act ſpecially and particularly rehearſed, named and expreſſed by expreſs words, names, titles, and faculties, and in their natures, kinds, and qualities.

All Abbey lands ſhall be within the ſurvey of the Court of Augmentations, except ſuch which come by Attainder.

And be it alſo enacted by the authority aforeſaid, That all the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, & other Religious and Eccleſiaſtical houſes and places, which being diſſolved, ſuppreſſed, renounced, relinquiſhed, given up, or come to the Kings Highneſs by any manner of means, as is aforeſaid, and all the manors, lordſhips, granges, lands, tenements, and other the premiſſes (except ſuch thereof as be come to the Kings hands by attainder or attainders of treaſon) and all the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes or places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs, and all the manors, lordſhips, granges, lands, tenements, medows, paſtures, rents, reverſions, ſervices, woods, tithes, portions, penſions, parſonages appropriate, vicarages, Churches, Chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entrees, conditions, commons, leets, courts, liberties, priviledges, franchiſes, and other hereditaments, whatſoever they be, belonging to the ſame or to any of them (except ſuch thereof, which ſhall happen to come to the Kings Highneſs by attainder or attainders of treaſon) ſhall be in the order, ſurvey and governance of our ſaid Soveraign Lord the Kings Court of Augmentations of the revenues of his Crown, and of the Chancellors, Officers, and Miniſters of the ſame. And all the fermes, iſſues, revenues and profits, coming and growing of the premiſſes, and of every part thereof (except before except) ſhall be ordered, taken and received to the Kings uſe by the ſaid Chancellor, Miniſters and Officers of the ſame Court, in ſuch and like manner and form as the Monaſteries, Priories, ſites, circuits, manors, granges, meaſes, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, advowſons, patronages, rights, entries, conditions, and other hereditaments, late appertaining or belonging unto the Monaſteries, Abbathies, Priories, or other Religious houſes, late by authority of Parliament ſuppreſſed, been ordered, ſurveyed and governed. Saving to all and every perſon and perſons, and bodies politick, and their heirs and ſucceſſors, and the heirs and ſucceſſors of all and every of them (other then the ſaid late Abbots, Priors, Abbeſſes, Prioreſſes, & other Eccleſiaſtical Governours and Governeſſes of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, and their ſucceſſors, and the ſucceſſor of every of them, and ſuch as pretend to be founders, patrons or donors of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Eccleſiaſtical houſes and places, or of any manors, meſſuages, lands, tenements, or other hereditaments belonging to the ſame, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every ſuch founder, patron, or donor, and the now Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs, and ſuch as pretend to be founders, patrons, or donors of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Eccleſiaſtical houſes and places, or of any manors, meſſuages, lands, tenements, or other hereditaments to the ſame belonging, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, all ſuch [a] right, title, claim, intereſt, poſſeſſion, rents, charges, annuities, leaſes, fermes, offices, fees, liveries, and livings, portions, penſions, corrodies, commons, ſynods, proxies, and other profits, which they or any of them have, claim, ought, may, or might have had, in or to the premiſſes, or to any part or parcel thereof, in ſuch like manner, form, and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had ne made, (rents, ſervices, rents ſeck, and all other ſervices and ſuits onely except.)

Other mens titles ſaved.

Rents ſervice, rents ſeck, and other ſervices and ſuits excepted out of the ſaving.

Provided always, and be it enacted by the authority aboveſaid, That if any late Abbot, Prior, Prioreſs, Abbeſs, or other Eccleſiaſtical Governour or Governeſs aboveſaid, within one year next before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs of his late Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or [b] Eccleſiaſtical houſe or place, hath made any leaſe or grant under his covent or common ſeal, or otherwiſe for term of life, or for term of years, of the ſite, circuit, and precinct of his ſaid late Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, or of any part thereof, or of any manors, meſſuages, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments, which belonged or appertained to his ſaid late Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, which manors, meſſuages, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments, were not before the ſame leaſe, commonly uſed to be ſet, nor let to ferm, but kept and reſerved in the manurance, tillage, or occupation of the ſaid Governour or Governeſs, for the maintenance of hoſpitality, and good houſekeeping: or within one year, as is aboveſaid, hath made any leaſe or grant for term of life, or for term of years, of any manors, meſſuages, lands, tenements, medows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, Churches, Chappels, or other hereditaments, whatſoever they be, whereof, or in the which any [c] eſtate or intereſt for term of life, year or years, at the time of the making of any ſuch grant or leaſe, then had his being or continuance, and then was not determined, finiſhed, or expired, or within the time of one year, as is aboveſaid, hath made any leaſe or grant for term of life, or for term of years of any manors, meſſuages, lands, tenements, medows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, Churches, Chappels, or other [d] hereditaments, whatſoever they be, upon the which leaſes and grants, the uſual and old rents and fermes accuſtomed to be yielded and reſerved by the ſpace of twenty years next before the firſt day of this preſent Parliament is and be not thereupon reſerved and yeelden: Or if any ſuch Governour or Governeſs hath made any bargain or ſale of his woods within one year, as is

Leaſes or grants made within a year of lands not uſed to be ſet to ferm.

Leaſes made in reverſion within one year before the diſſolution.

Leaſes made not reſerving the old rent.

Wood ſales within one year before the diſſolution.

afore limited, which woods be yet growing and ſtanding, that then all and every ſuch leaſe, grant, bargain, and ſale of wood or woods, ſhall be utterly void and of none effect.

Feoffments, fines and recoveries, knowledged by Abbots of lands of the Kings gift, or of their ancient freedom.

And it is alſo enacted by the authority aforeſaid, That all feoffments, fines and recoveries had, made, acknowledged, or ſuffered by any Governour or Governeſs, without yͤ Kings licence under his great Seal, within one year next before the diſſolution, renouncing, relinquiſhing, forfeiting, giving up or coming unto the Kings Highneſs of his ſaid Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, or any manors, meaſes, lands, tenements, or other hereditaments whatſoever they be, which the ſaid late Abbot, Prior, Abbeſs, Prioreſs, and other Eccleſiaſtical Governour and Governeſs, or any of them, or any of their predeceſſors had or held of the gift, grant or confirmation of our ſaid Sovereign Lord, or any of his Highneſs Progenitors, or of the which Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical houſes or places, our ſaid Sovereign Lord was Founder or Patron, or which manors, meaſes, lands, tenements, or other hereditaments were of the ancient or old foundation or poſſeſſion of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical houſes or places, ſhall be utterly void and of none effect.

Leaſes of lands not uſually let of ſuch Monaſteries as hereafter ſhall be ſuppreſſed.

And it is further enacted by the authority aforeſaid, That if any Abbot, Prior, Abbeſs, Prioreſs, or other Eccleſiaſtical Governour or Governeſs of any Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs within one year next before the firſt day of this preſent Parliament, have made, or hereafter do make any leaſe or grant under his covent or common ſeal, or otherwiſe for terni of years, or life or lives, of the ſite, circuit, and precinct of his ſaid Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, or of any part thereof, or of any manors, meſſuages, lands, tenements, parſonages appropriate, tithes, penſions, portions, and other hereditaments belonging or appertaining to his ſaid Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, which manors, meaſes, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions, and other hereditaments whatſoever they be, were not like the ſame leaſe, commonly uſed to be ſet nor let to ferm, but kept and reſerved in the manurance, tillage, or occupation of the ſaid Governour or Governeſs, for the maintenance of hoſpitality and good houſe-keeping, or now be in the manurance, tillage, or occupation of the ſaid Governour or Governeſs, for the maintenance of hoſpitality and good houſe-keeping: or within one year next before the firſt day of this preſent Parliament, hath made, or hereafter ſhall make any leaſe or grant for term of life, or for term of years, of any manors, meaſes, lands, tenements, medows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, Churches, Chappels, or other hereditaments whatſoever they be, whereof and in the which any [b] eſtate or intereſt for term of life, year or years, at the time of the making any ſuch grant or leaſe then had his being [c] or continuance, or hereafter ſhall have his being or continuance: and that was not determined, finiſhed, or expired, or at the time of any ſuch leaſe to be made ſhall not be determined, finiſhed, or expired: or within one year next before the firſt day of this preſent Parliament hath made, or hereafter ſhall make any leaſe or grant for term of life, or for term of years, of any manors, meſſuages, lands, tenements, medows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, Churches, Chappels, or other hereditaments whatſoever they be, upon which leaſes and grants the uſual and old rents and ferms accuſtomed to be yielden and reſerved by the ſpace of twenty years next before the ſaid firſt day of this preſent Parliament is, or be not, or hereafter ſhall not be thereupon reſerved and yielden: or of any ſuch Governour or Governeſs of any ſuch Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs, within one year next before the firſt day of this preſent Parliament, hath made, or hereafter ſhall make any bargain or ſale of his woods, which woods be yet growing and ſtanding, that then all and every ſuch leaſe, grant, bargain and ſale of wood or woods, ſhall be utterly void and of none effect.

Leaſe of lands in leaſe.

[b] Cok.13 f.3.

[c] Cok. pl. f.372.

Leaſes of Abbey lands, which are to be diſſolved not reſerving the old rent.

Wood-ſales made or to be made within one year before the diſſolution.

And it is alſo enacted by the authority aforeſaid, That all feoffments, fines and recoveries, had, made, knowledged or ſuffered within one year next before the firſt day of this preſent Parliament: or hereafter to be had, made, knowledged or ſuffered by any Governour or Governeſs of any Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Friers, or other Religious or Eccleſiaſtical houſe or place, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs, without the Kings licenſe under his great Seal, of any manors, meaſes, lands, tenements, or other hereditaments, whatſoever they be, which the ſaid Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes, which hereafter ſhall happen to be diſſolved, ſuppreſſed, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs, as is aforeſaid, or any of them, or any of their predeceſſors had or held, or have and hold, of the gift, grant, or confirmation of our ſaid Sovereign Lord, or of any of his Highneſs Progenitors, or of the which Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious and Eccleſiaſtical houſes and places, our ſaid Sovereign Lord is Founder or Patron, or which manors, meaſes, lands, tenements, or other hereditaments, were or be of the antient or old foundation or poſſeſſion of yͤ ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical houſes or places, ſhall be utterly void & of none effect.

Aſſurances made by Governours of houſes of Religion ſuppreſſed of any of their lands within one year before.

Provided alway, and be it enacted by authority aforeſaid, That if any Abbot, Prior, Abbeſs, A leaſe for years made to the old leſſee for years within a year before the diſſolution, or of this Parliament.

a Co.pla. fo.188.

b Plow. f. 102. Dyer f. 102. 352.

Abbeſs or Prioreſs, or other Governour or Governeſs aboveſaid, within one year next before the firſt day of this preſent Parliament, or if any late Abbot, Prior, Abbeſs, Prioreſs, or other late Governour or Governeſs aboveſaid, within one year next before any ſuch diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs, of the premiſſes, or of any parcel thereof, as is aforeſaid, have made any demiſe, leaſe, or grant to any perſon or perſons for term of years, of any manors, meaſes, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other [a] hereditaments aforeſaid, which perſon or perſons at the time of the ſaid demiſe, leaſe, or grant, had, and held the ſame to ferm for term of years then not [b] expired, that then the ſaid perſon or perſons to whom any ſuch demiſe, leaſe, or grant hath been ſo made, ſhall have and hold the ſame for the term of one and twenty years onely from the time of the making of the ſaid demiſe, leaſe or grant, if ſo many years be by the ſame demiſe, leaſe or grant ſpecified, limited and expreſſed, or elſe for ſo many years, as in ſuch demiſe, leaſe or grant been expreſſed, ſo that the old rent be thereupon reſerved, and ſo that the ſame leaſe or leaſes exceed not xxj. years. This Act or any thing therein contained to the contrary notwithſtanding.

A leaſe for life, made to the old leſſee for life or years.

Provided alſo, and be it enacted by the authority aforeſaid, That if any Abbot, Prior, Abbeſs, Prioreſs, or other late Governour or Governeſs, within one year next before any ſuch diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming unto the Kings Highneſs of the premiſſes, or of any parcel thereof, as is aforeſaid, have made any demiſe, leaſe or grant to any perſon or perſons, for term of life or lives, of any manors, meaſes, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments aforeſaid, which perſon or perſons, or any of them, at the time of the ſaid demiſe, leaſe or grant, had and held the ſame for term of life or lives, or for term of years then not expired: that then the ſaid perſon or perſons, to whom any ſuch leaſe or grant hath been ſo made, ſhall have and hold the ſame for term of their life or lives, ſo that the old rent be thereupon reſerved: this Act or any other thing therein contained to the contrary thereof notwithſtanding.

All Copies for life granted according to the Cuſtom ſhall be good.

Provided alſo, and be it enacted by the authority aforeſaid, That all and ſingular leaſes and grants, made by copy to any perſon or perſons, of any of the ſaid meſſuages, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments aforeſaid, for term of life or lives, which by the cuſtom of the Countrey hath been uſed to be demiſed, letten, or granted by copy of Court-roll, ſhall be good and effectual *in the Law*, ſo that the old rent be reſerved by and upon every ſuch leaſe and leaſes: this Act or any thing therein contained to the contrary in any wiſe notwithſtanding.

Leaſes allowed in the Court of Augmentations.

c Dyer f. 80.

Provided alway, and be it further enacted by the authority aforeſaid, That all leaſes heretofore made of any of the premiſſes by authority of our Sovereign Lord the Kings Courts of Augmentations [c] of the Revenues of his Crown, and all ſuch leaſes, feoffments, and wood-ſales, made by the ſaid Governours and Governeſſes, or any of them, under their Covent ſeals, or under the Covent or common ſeal of any of them, within one year next before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs, of the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical houſes or places, which ſaid leaſes, grants, feoffments, and wood-ſales have been examined, enrolled, decreed, or affirmed in our ſaid Sovereign Lord the Kings Court of Augmentations, and the decree of the ſame put in writing, ſealed with the ſeal of the ſaid Court of Augmentations, ſhall be good and effectual according to the ſame decree, any clauſe or act heretofore in this preſent Act to the contrary notwithſtanding.

How they ſhall be relieved which have truly paid money for wood to any Eccleſiaſtical Governour.

Provided alway, and be it alſo further enacted by the authority aboveſaid, That if any perſon or perſons have juſtly and truly, without fraud or covin, paid or given in any ſum or ſums of money, to any of the ſaid late Governours and Governeſſes, for the bargain and ſale of any woods, being and growing in or upon any manors, lands, tenements, or hereditaments, which appertained or belonged to the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical places, or unto any of them, which bargain and ſale, by authority of this Act, is made void and of none effect, and by mean thereof the Kings Highneſs may have and take the commodity and profit of ſuch woods, ſo bargained and ſold: that then the Chancellor and other Officers of our ſaid Sovereign Lord the Kings Court of Augmentations, or three of them, whereof the Chancellor for the time being ſhall be one, of our ſaid Sovereign Lord the Kings Treaſure, remaining in the Treaſury of the ſame Court, ſhall ſatisfie and recompence every ſuch perſon or perſons, ſuch ſum of money, or other recompence, as the ſame Chancellor and Officers, or three of them, whereof the ſaid Chancellor ſhall be one, ſhall think meet and convenient. And if any other perſon or perſons ſhall happen to take profit and commodity, by reaſon of avoiding of ſuch wood-ſales by authority of this Act, that then every perſon and perſons, which may or ſhall take ſuch profit, ſhall be ordered for ſatisfaction to be made to the parties that ſhall happen to be grieved by this Act, by the ſaid Chancellor and other the Officers of the ſame Court.

Aſſurance to others by the Kings licenſe of any Abbey lands.

Provided alſo, and be it further enacted by the authority aforeſaid, That all and every perſon and perſons, their heirs and aſſigns, which ſithen the ſaid iv. day of February, by licence, pardon, confirmation, releaſe, aſſent or conſent of our ſaid Sovereign Lord the King, under his Great Seal heretofore given, had or made, or hereafter to be had or made, have obtained or purchaſed by indenture, fine, feoffment, recovery, or otherwiſe of the ſaid late Abbots, Priors, Abbeſſes, Prioreſſes, or other Governours or Governeſſes of any ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical houſes or places, any Monaſteries, Priories, Colledges, Hoſpitals, manors, lands, tenements, meadows, paſtures, woods, Churches, Chappels, parſonages, tithes, penſions, portions, or other hereditaments, ſhall have and enjoy the ſame, according to ſuch writings and aſſurances as been thereof before the firſt day of this preſent Parliament, or hereafter ſhall be had or made.

A ſaving of the right of others accrued unto them before the ſaid purchaſe.

Saving to all and every perſon and perſons, and bodies politick, their heirs and ſucceſſors, and to the heirs and ſucceſſors of every of them (other then the ſaid late Abbots, Abbeſſes, Priors, Prioreſſes, and other Governours and Governeſſes, and their ſucceſſors, and the ſucceſſors of every of them, and ſuch as pretend to be Founders, Patrons, or Donors of the Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, and other Religious or Eccleſiaſtical houſes or places, or of any of them, or of any manors, meſſuages, lands, tenements, or other hereditaments late belonging to the ſame, or to any of them, and their heirs, ſucceſſors, and the heirs and ſucceſſors of every ſuch founder, patron, or donor) all ſuch right, title, intereſt, poſſeſſion, rents, annuities, commodities, offices, fees, liveries, and livings, portions, penſions, corrodies, ſynods, proxies, or other profits, which they or any of them have, ought or might have had, in or to any of the ſaid Monaſteries, Abbathies, Priories, Colledges, Hoſpitals, manors, lands, tenements, rents, ſervices, reverſions, tithes, penſions, portions, or other hereditaments, at any time before any ſuch purchaſe, indentures, fines, feoffments, recoveries, or other lawful mean between any ſuch parties had or made, as is aboveſaid, this Act or any thing therein contained to the contrary notwithſtanding.

A confirmation of the Kings purchaſes made ſithence 4 Februarii. Anno 27 H. 8.

And where our ſaid Sovereign Lord, ſith the fourth day of February, the ſaid xxvij. year of the Reign of our ſaid Sovereign Lord, hath obtained and purchaſed, as well by exchanges, as by gifts, bargains, fines, feoffments, recoveries, deeds, enrolled, and otherwiſe, of divers and ſundry perſons, many and divers honours, caſtles, manors, lands, tenements, medows, paſtures, woods, rents, reverſions, ſervices, and other hereditaments, and hath not onely paid divers and ſundry great ſums of money for the ſame, but alſo hath given and granted for the ſame, unto divers and ſundry perſons, divers and ſundry manors, lands, tenements, and hereditaments, and other recompences in and for full ſatisfaction of all ſuch honours, caſtles, manors, lands, tenements, rents, reverſions, ſervices, and other his hereditaments, by his Highneſs obtained or had as is aboveſaid. Be it therefore enacted by the authority aboveſaid, That our ſaid Sovereign Lord the King, his Heirs and Succeſſors, ſhall have, hold, poſſeſs and enjoy all ſuch honours, caſtles, manors, lands, tenements, and other hereditaments, as his Highneſs ſith the ſaid fourth day of February, the xxvij. year aboveſaid, hath obtained and had by way of exchange, bargain, purchaſe, or other whatſoever mean or means, according to the true meaning and intent of his Highneſs bargain, exchange or purchaſe, miſrecital, miſnaming, or non-recital, or not naming of the ſaid honours, caſtles, manors, lands, tenements, and other hereditaments, compriſed or mentioned in the bargains, or writings made between the Kings Highneſs, and any other party or parties, or of the Towns or Countries where the ſaid honours, caſtles, manors, lands, tenements and hereditaments lie and been, any other matter or cauſe whatſoever it be in any wiſe notwithſtanding.

A ſaving of the right of all others, but of the ſellers, their heirs and wives.

Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors, and to every of them (other then ſuch perſon and perſons, and their heirs, and their wives, and the wives of every of them, bodies politick and corporate, and their ſucceſſors and every of them, of whom the Kings Highneſs hath obtained by exchange, gift, bargain, fine, feoffment, recovery, deed enrolled, or otherwiſe, any ſuch honours, caſtles, manors, lands, tenements, and other hereditaments, as is aforeſaid) all ſuch right, title, uſe, intereſt, poſſeſſion, rents, charges, annuities, commodities, fees and other profits, (rents ſervices, and rents ſecks onely except) which they or any of them have, might or ought to have had, in or to the premiſſes, ſo obtained and had, or in or to any parcel thereof, if this Act had never been had nor made, this preſent Act or any thing therein contained to the contrary notwithſtanding.

An exception of rents ſervices, and rens ſeck.

And where it hath pleaſed the Kings Highneſs of his moſt abundant grace and goodneſs, as well upon divers and ſundry conſiderations his Majeſty ſpecially moving, as alſo otherwiſe to have bargained, ſold, changed or given and granted by his Graces ſeveral letters patents, indentures or other writings, as well under his Highneſs great Seal, as under the Seal of his Highneſs Dutchy of Lancaſter, and the Seal of the Office of the Augmentations of his Crown, unto divers and ſundry of his loving and obedient ſubjects, divers and ſundry honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, rents, reverſions, ſervices, parſonages appropriate, advowſons, liberties, tithes, oblations, portions, penſions, franchiſes, priviledges, liberties, and other hereditaments, commodities and profits, in fee-ſimple, fee-tail, for term of life, or for term of years: for avoiding of which ſaid letters patents, and of the contents of the ſame, divers, ſundry, and many ambiguities, doubts and queſtions might hereafter ariſe, be moved and ſtirred, as well for miſ-recital, or non-recital, as for divers other matters, things or cauſes to be alledged, objected or invented againſt the ſaid letters patents, as alſo for lack of finding of Offices or Inquiſitions, whereby the title of his Highneſs therein ought to have been found, before the making of the ſame letters patents, or for miſ-recital, or non-recital of leaſes, as well of record as not of record, or for lack of the certainty of the values, or by reaſon of miſ-naming of the honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, and other hereditaments compriſed and mentioned within the ſame letters patents, or of the Towns and Counties where the ſame honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, rents, and other hereditaments lien and been, as for divers and ſundry other ſuggeſtions and ſurmiſes which hereafter might happen to be moved, ſurmiſed and procured againſt the ſame letters patents, albeit the words in effect contained in the ſaid letters patents be according to the true intent and meaning of his moſt Royal Majeſty.

Be it therefore enacted by the authority of this preſent Parliament, That as well all and every the ſaid letters patents, indentures, or other writings, and every of them, under the ſeal or ſeals aboveſaid, or of any of them, made or granted by the Kings Highneſs ſithen the ſaid iv. day of February, the ſaid xxviij. year of his moſt noble Reign, as all and ſingular other his Graces letters patents, indentures, or other writings to be had, made or granted to any perſon or perſons within three years next after the making of this preſent Act, of any honours, caſtles, manors, monaſteries, abbathies, priories, nunneries, colledges, hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical houſes or places, ſites, circuits, precincts, lands, tenements, parſonages, tithes, penſions, portions, advowſons, nominations, and all other hereditaments and poſſeſſions, of what kind, nature or quality ſoever they be, or by whatſoever name or names they or any of them be named, known or reputed, ſhall ſtand and be good, effectual and available in the Law of this Realm, to all reſpects, purpoſes, conſtructions and intents, againſt his Majeſty, his Heirs and Succeſſors, without any other licence, diſpenſation or tollerance of the Kings Highneſs, his Heirs and Succeſſors, or of any other perſon or perſons whatſoever they be, for any thing or things contained, or hereafter to be contained in any ſuch letters patents, indentures, or other writings: any cauſe, conſideration, or thing material to the contrary in any wiſe notwithſtanding.

The Kings patents ſufficient notwithſtanding miſrecital, not finding of Offices, &c.
Stat. 34 & 35 H. 8. 21.

Saving to all and ſingular perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, other then his Highneſs, his Heirs and Succeſſors, and the ſaid Governours and Governeſſes, and their ſucceſſors, donors, founders, and patrons aforenamed, and their heirs and ſucceſſors, and all other perſons claiming in their rights, or to their uſe, or in the right or to the uſe of any of them all ſuch right, title, claim, intereſt, poſſeſſion, reverſion, remainder, offices, annuities, rent, charges and commons, which they or any of them have, ought, or might have had, in or to any of the ſaid honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, and other hereditaments in the ſaid letters patents made, or hereafter to be made, compriſed at any time before the making of the ſaid ſuch letters patents; this Act or any thing therein contained to the contrary notwithſtanding.

A ſaving of the right of others in the lands aſſured by the King.

And where divers and ſundry Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, have had, poſſeſſed and enjoyed divers and ſundry parſonages appropriated, tithes, penſions and portions, and alſo were acquitted and diſcharged of and for the paiment or paiments of tithes, to be paid out or for their ſaid Monaſteries, Abbathies. Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, manors, meſſuages, lands, tenements and hereditaments. Be it therefore enacted by the authority aboveſaid, That as well the King our Sovereign Lord, his Heirs and Succeſſors, as all and every ſuch perſon and perſons, their heirs and aſſigns, which have, or hereafter ſhall have any Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Eccleſiaſtical houſes or places, ſites, circuits, precincts of the ſame, or any of them, or any manors, meſſuages, [a] parſonages appropriate, tithes, penſions, portions, or other hereditaments, whatſoever they be, which belonged or appertained, or which now belong or appertain unto the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, hoſpitals, houſes of Friers, or other Religious and Eccleſiaſtical houſes or places, or unto any of them, ſhall have, hold, retain, keep and enjoy, as well the ſaid parſonages appropriate, tithes, penſions, and portions of the ſaid Monaſteries, Abbathies, Priories, Funneries, Kolledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, ſites, circuits, precincts, manors, meaſes, lands, tenements and other hereditaments whatſoever they be, and every of them, according to their eſtates and titles, [b] diſcharged and acquitted of paiment of tithes, as freely, and in as large and ample manner, as the ſaid late Abbots, Priors, Abbeſſes, Prioreſſes, & other Eccleſiaſtical Governours & Governeſſes, or any of them had, held, occupied, poſſeſſed, uſed, retained or enjoyed the ſame, or any parcel thereof at ye days of their diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up or coming to the Kings Highneſs of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical houſes or places, or at the day of the diſſolution, ſuppreſſion, renouncing, relinquiſhing, giving up, or coming to the Kings Highneſs of any of them, this Act or any thing therein contained to the contrary notwithſtanding.

Such Abbey lands as before the diſſolution of them were diſcharged of tithes, ſhall ſo continue.
Cro. El. 206.
Cro. Jac. 607.
Cro. Bar. 265. 422.

ger f. 277.
9.
l.1.2.f.46.
l.f.8.15.

ok. pla.
51. 455.

Saving to the Kings Highneſs, his Heirs and Succeſſors, all and all manner of rents, ſervices, and other duties whatſoever they be, as if this Act had never been had nor made.

All rents, ſervices, and other duties reſerved to the King.

And be it further enacted by authority of this preſent Parliament, That ſuch of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, and all Churches and Chapels to them or any of them belonging, which before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming unto the Kings Highneſs, were exempted from the viſitation or viſitations, and all other juriſdiction of the Ordinary or Ordinaries, within whoſe Dioceſe they were ſituate or ſet, ſhall from henceforth be within the juriſdiction and viſitation of the Ordinary or Ordinaries, within whoſe Dioceſe they or any of them be ſituate and ſet, or within the juriſdiction and viſitation of ſuch perſon or perſons, as by the Kings Highneſs ſhall be limited or appointed: this Act, or any other exemption, liberty, or juriſdiction to the contrary notwithſtanding.

Monaſteries, &c. exempt from Viſitations and Juriſdiction of the Ordinary.

And where before this time it hath pleaſed the Kings Majeſty, at the contemplation and humble petition of the right Noble Thomas Duke of Norfolk, to give his Royal aſſent of licence by his Graces word, without any manner of letters patents, or other writing, to purchaſe and receive to him and his heirs for ever, of William Flatbury, late Abbot of the Monaſtery

Duke of Norfolk.
Sipton Abbey.

naſtery of Sipton in the County of Suffolk, and Covent of the ſame late Monaſtery now being diſſolved, all the ſame Monaſtery, together with all and ſingular Manors, lordſhips, lands, tenements, woods, waters, commons, courts, leets, advowſons, patronages, parſonages, vicarages, chantries, free chappels, tithes, portions of tithes, penſions, annuities, rents, ſuits, ſervices, reverſions, remainders, and all other things which were the hereditaments, or the poſſeſſions of the ſaid late Monaſterie, whereſoever they lay, or were within the Realm of England. And in like wiſe our ſaid Sovereign Lord gave like licence by his Graces word, unto the right honourable George Lord Cobham, to purchaſe and receive to him and to his Heirs for ever, of the late Maſter and Brethren of the Colledge or Chantry of Cobham in the County of Kent, now being utterly diſſolved, the ſite of the ſame Colledge or Chantry, and all and ſingular their hereditaments and poſſeſſions, as well Temporal as Eccleſiaſtical, whereſoever they lay, or were within the Realm of England.

Lord Cobham. Cobham Chantry.

Be it therefore enacted by the authority of this preſent Parliament, That the Act above written or any thing therein contained, ſhall not be in any wiſe prejudicial or hurtful to the ſaid Duke, and Lord Cobham, or to either of them, or to the heirs or aſſigns of either of them, but that the ſame Duke and Lord Cobham, and either of them ſundrily, and the heirs and aſſigns of either of them, ſhall and may have, hold, receive and enjoy the premiſſes by them ſundrily purchaſed or received, according to the purports and effects of ſuch evidences, writings and conveyances, as they or any of them ſundrily have cauſed to be deviſed and made to them or to their uſes for the ſame.

Saving of other mens rights in the Monaſtery of Sipton and Cobham Chantry.

Saving alway, and reſerving to all and ſingular perſons, and bodies politick, and to their heirs and ſucceſſors (other then the ſaid late Abbot and Convent, and their ſucceſſors, and the ſaid late Maſter and Brethren, and their ſucceſſors, and the founders of the ſame Monaſtery, or of the ſaid Colledge or Chantry, and the heirs of either of them, and all donors, granters, or augmenters of them, or of either of them, and the heirs and aſſigns of either of them) all ſuch rights, titles, poſſeſſions, rents, ſervices, fees, offices, annuities, corrodies, liveries, leaſes, and all other ſuch their intereſſes, profits and commodities, as they or any of them had, ſhould, or ought to have, of, to, or in any of the premiſſes ſundrily purchaſed or received by the ſaid Duke, or Lord Cobham, if this preſent Act had never been had or made, any thing in the ſame Act to the contrary being in any wiſe notwithſtanding. Stat. 34 H. 8. 19.

CAP. XIV.

1. If any perſon by word, writing, printing, ciphering, or any other wiſe, do preach, teach, diſpute, or hold opinion, That in the bleſſed Sacrament of the Altar, under form of Bread and Wine, (after the conſecration thereof) there is not preſent really the natural Body and Bloud of our Saviour Jeſus Chriſt conceived of the Virgin Mary: Or, that after the conſecration there remaineth any ſubſtance of Bread or Wine, or any other ſubſtance but the ſubſtance of Chriſt, God and Man: Or, that in the Fleſh, under form of Bread, is not the very Bloud of Chriſt; or, that with the Bloud, under the form of Wine, is not the very fleſh of Chriſt, as well apart, as though they were both together: Or affirm the ſaid Sacrament to be of other ſubſtance then is aforeſaid; or deprave the ſaid bleſſed Sacrament: Then he ſhall be adjudged an Heretick, and ſuffer death by burning, and ſhall forfeit to the King all his lands, tenements, hereditaments, goods and cattels, as in caſe of high Treaſon.

2. And if any perſon preach in any Sermon, or Collation openly made, or teach in any common School or Congregation, or obſtinately affirm or defend, that the Communion of the bleſſed Sacrament in both kinds is neceſſary for the health of mans ſoul, or ought or ſhould be miniſtred in both kinds; or that it is neceſſary to be received by any perſon (other then by Prieſts) being at Maſs and conſecrating the ſame.

3. Or that any man, after the order of Prieſthood received, may marry, or contract matrimony.

4. Or that any man or woman which adviſedly hath vowed or profeſſed, or ſhould vow or profeſs chaſtity or widowhood, may marry, or contract marriage.

5. Or that private Maſſes be not lawful, or not laudable, or ſhould not be uſed, or be not agreeable to the Laws of God.

6. Or that Auricular confeſſion is not expedient and neceſſary to be uſed in the Church of God, he ſhall be adjudged, ſuffer death, and forfeit lands and goods as a felon. If any Prieſt, or other man or woman, which adviſedly hath vowed chaſtity or widowhood, do actually marry or contract matrimony with another: Or any man which is or hath been a Prieſt, do carnally uſe any woman, to whom he is, or hath been married, or with whom he hath contracted matrimony, or openly be converſant or familiar with any ſuch woman: both the man and the woman ſhall be adjudged felons. Commiſſions ſhall be awarded to the Biſhop of the Dioceſe, his Chancellor, Commiſſary, and others, to enquire of the Hereſies, Felonies, and offences aforeſaid. And alſo Juſtices of Peace in their Seſſions, and every Steward, Under-ſteward, and Deputy of Stewards, in their Leets, or Law-day, by the oaths of twelve men, have authority to enquire of all the Hereſies, Felonies, and offences aforeſaid. Rep. 1 Ed. 6. 12. Stat. 35 H. 8. 5. 32 H. 8. 10. 32 H. 8. 15.

Anno triceſimo ſecundo Henrici *Octavi.*

IN the Parliament begun at Weſtminſter, the eight and twentieth of April, the one and thirtieth year of the Reign of the moſt Excellent, moſt High, and moſt Mighty Prince, Henry the Eighth, by the grace of God, King of England and of France, Defender of the Faith, Lord of Ireland, and in earth, under Chriſt, Supreme Head of the Church of England, our moſt redoubted Sovereign Lord, there holden, and afterwards continued by divers Prorogations unto the twelfth day of April in the enſuing year; In the laſt Seſſion thereof, begun the ſame 12. day of April, and from the ſame holden unto the 11. day of May, in the 32. year of his Majeſties moſt proſperous Reign, from the which it was by Prorogation continued until the 25. of the ſame moneth of May, and holden until the 24. day of July, the ſaid 32. year, at which day the ſaid Parliament was by his Graces authority finiſhed and diſſolved: Amongſt many other, the Acts following, by his Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons aſſembled in the ſaid Parliament, have been eſtabliſhed, ordained and enacted.

CAP. I.

In what caſes a man may diſpoſe all his lands by his laſt Will in writing, and in what but part thereof. And in what caſes the King and other Lords ſhall have their Wardſhips, &c.

The reaſon that moved the King to agree to the making of this Statute of Wills.

Dyer f. 196.

Lands holden in ſoccage and none in chief or by Knights ſervice.

Dyer f. 329

El. 100.

Lands deviſed by Will in writing.

Dyer f. 72.

Where the Kings moſt Royal Majeſty in all the time of his moſt gracious and noble Reign hath ever been a merciful, loving, benevolent and moſt gracious Sovereign Lord, unto all and ſingular his loving and obedient ſubjects, and by many times paſt hath not onely ſhewed and imparted to them generally by his many and often great and beneficial pardons heretofore by authority of his Parliaments granted, but alſo by divers other ways and means, many great and ample grants and benignities, in ſuch wiſe as all his ſaid ſubjects been moſt bounden to the uttermoſt of all their powers and graces by them received of God, to render and give unto his Majeſty their moſt humble reverence and obedient thanks and ſervices, with their daily and continual prayer to Almighty God, for the continual preſervation of his moſt Royal eſtate in moſt Kingly honour and proſperity: yet always his Majeſty being repleat and endowed by God with grace, goodneſs and liberality, moſt tenderly conſidering, that his ſaid obedient and loving ſubjects cannot uſe or exerciſe themſelves according to their eſtates, degrees, faculties, and qualities, or to bear themſelves in ſuch wiſe, as that they may conveniently keep and maintain their hoſpitalities and [a] families, nor the good education and bringing up of their lawful generations, which in this Realm, laud be to God, is in all parts very great and abundant, but that in manner of neceſſity, as by daily experience is manifeſted and known, they ſhall not be able of their proper goods, cattels, and other movable ſubſtance, to diſcharge their debts, and after their degrees ſet forth and advance their children and poſterities. Wherefore our ſaid Sovereign Lord moſt vertuouſly conſidering the mortality that is to every perſon at Gods will and pleaſure moſt common and uncertain, of his moſt bleſſed diſpoſition and liberality, being willing to relieve and help his ſaid ſubjects in their ſaid neceſſities and debility, is contented and pleaſed that it be ordained and enacted by authority of this preſent Parliament, in manner and form as hereafter followeth, that is to ſay, That all and every perſon and perſons, having, or which hereafter ſhall have any manors, lands, tenements, or hereditaments holden in ſoccage, or of the nature of ſoccage tenure, and not having any manors, lands, tenements, or hereditaments holden of the King our Sovereign Lord by Knights ſervice, [b] by ſoccage tenure in chief, or of the nature of ſoccage tenure in chief, nor of any other perſon or perſons by Knights ſervice, from the twentieth day of July, in the year of our Lord God M. D. XL. ſhall have full and free liberty, power and authority to give, diſpoſe, will and deviſe as well by his laſt will and teſtament in [c] writing, or otherwiſe by any act or acts lawfully executed in his life, all his ſaid manors, lands, tenements, or hereditaments, or any of them, at his free will and pleaſure, any Law, Statute, or other thing heretofore had, made or uſed to the contrary notwithſtanding.

Lands holden of the King in ſoccage in chief, and none holden by Knights ſervice.

And that all and every perſon and perſons, having manors, lands, tenements or hereditaments holden of the King our Soveraign Lord, his Heirs or Succeſſors, in ſoccage, or of the nature of ſoccage, tenure in chief, and having any other manors, lands, tenements or hereditaments holden of any other perſon or perſons in ſoccage, or of the nature of ſoccage tenure, and not having any manors, lands, tenements or hereditaments holden of the King our Soveraign Lord by Knights ſervice, nor of any other Lord or perſon by like ſervice, from the twentieth day of July, in the ſaid year of our Lord God M. D. XL. ſhall have full and free liberty, power and authority to give, Will, diſpoſe and deviſe, as well by his laſt Will or Teſtament in writing, or otherwiſe by any Act or Acts lawfully executed in his life, all his ſaid manors, lands, tenements and hereditaments, or any of them, at his free will and pleaſure, any Law, Statute, Cuſtom, or other thing heretofore had, made, or uſed to the contrary notwithſtanding.

A ſaving of the Kings primer ſeiſin, and his fines for alienation.

f. 304.

Saving alway, and reſerving to the King our Soveraign Lord, his Heirs and Succeſſors, all his right, title and intereſt of primer ſeiſin, and reliefs, and alſo all other rights and duties for tenure in ſoccage, or of the nature of ſoccage tenure in chief, as heretofore hath been uſed and accuſtomed, the ſame manors, lands, tenements or hereditaments to be taken, had and [d] ſued out of, and from the hands of his Highneſs, his Heirs and Succeſſors, by the perſon or perſons to whom any ſuch manors, lands, tenements or hereditaments ſhall be diſpoſed, willed or deviſed, in ſuch and like manner and form as hath been uſed by any heir or heirs before the making of this Statute. And ſaving and reſerving alſo fines for alienations of ſuch manors, lands, tenements or hereditaments holden of the King our Soveraign Lord in ſoccage, or of the nature of ſoccage tenure in chief, whereof there ſhall be any alteration of freehold or inheritance made by Will, or otherwiſe, as is aforeſaid.

Lands holden of the King by Knights ſervice in chief.

1 &c.

f. 24.

f. 155.

ſt. 78,2

And it is further enacted by the authority aforeſaid, That all and ſingular perſon and perſons having any manors, lands, tenements or hereditaments of eſtate of inheritance holden of the Kings Highneſs in chief by [e] Knights ſervice, or of ÿ nature of Knights ſervice in chief, from the ſaid twentieth day of July, ſhall have full power & authority by his laſt Will by writing, or otherwiſe by any Act or Acts lawfully executed in his life, to give, diſpoſe, Will or aſſign two parts of the ſame manors, lands, tenements or hereditaments in three parts to be divided, or elſe as much of ÿ ſaid manors, lands, tenements or hereditaments as ſhall extend or amount to the yearly value of two parts of the ſame, in three parts to be divided in certainty, & by ſpecial diviſions, as it may be known in ſeveralty, to and for the advancement of his wife, preferment of his children, and paiment of his debts, or otherwiſe at his will and pleaſure, any Law, Statute, Cuſtom, or other thing to the contrary thereof notwithſtanding.

Saving

Wardſhip, primer ſeiſin, and fines for alienation ſaved to the King.

Saving and reſerving to the King our Sovereign Lord, the cuſtody, wardſhip, and [e] primer ſeiſin, or any of them, as the caſe ſhall require, of as much of the ſame manors, lands, tenements, or hereditaments, as ſhall amount and extend to the full and clear yearly value of the third part thereof, without any diminution, dower, fraud, covin, charge, or abridgement of any of the ſame third part, or of the full profits thereof.

Saving alſo, and reſerving to the King our ſaid Sovereign Lord, all fines for alienations of all ſuch manors, lands, tenements, and hereditaments holden of the King by Knights ſervice in chief, whereof there ſhall be any alteration of free-hold or inheritance made by Will or otherwiſe, as is aboveſaid.

Lands holden of the King by Knights ſervice in chief, and other lands holden by Knights ſervice or otherwiſe.

And be it enacted by authority aforeſaid, That all and ſingular perſon and perſons, having manors, lands, tenements or hereditaments of eſtate of inheritance holden of the King in chief by Knights ſervice, and having other manors, lands, tenements or hereditaments holden of the King, or of any other perſon or perſons by [f] Knights ſervice, or otherwiſe, every ſuch perſon and perſons from the ſaid twentieth day of July, ſhall have full power and authority to give, diſpoſe, will or aſſign by his laſt Will in writing, or otherwiſe by any act or acts lawfully executed in his life, two parts of the ſame manors, lands, tenements or hereditaments, in three parts to be divided, or elſe as much of the ſame manors, lands, tenements, and hereditaments, as ſhall extend or amount to the yearly value of two parts of the ſame, in three parts to be divided in certainty, and by ſpecial diviſions, as it may be known in ſeveralty, to and for the advancement of his wife, preferment of his children, [g] paiment of his debts, or otherwiſe at his will and pleaſure, any Law, Statute, cuſtom, or other thing to the contrary thereof notwithſtanding.

Wardſhip, primer ſeiſin, and fines for alienation ſaved to the King.

Saving alway, and reſerving to the King our Sovereign Lord, the cuſtody, wardſhip, and primer ſeiſin, or any of them, as the caſe ſhall require, of as much of the ſame manors, lands, tenements, or other hereditaments, as ſhall amount and extend to the full and clear yearly value of the third part thereof, without any manner diminution, dower, fraud, covin, charge, or ſubtraction of the ſame third part, or of the full profits thereof.

Saving alſo, and reſerving to our ſaid Sovereign Lord the King, all [h] fines for alienation of any ſuch manors, lands, tenements, or hereditaments holden of the King by Knights ſervice in chief, whereof there ſhall be any alteration of freehold or inheritance made by will or otherwiſe, as is aboveſaid.

Lands holden by Knights ſervice of other Lords then of the King, and other lands holden in ſoccage.

Be it further enacted by the authority aboveſaid, That if any perſon or perſons hold any manors, lands, tenements, or hereditaments onely of any other Lord or perſon then the King our ſaid Sovereign Lord by Knights ſervice, and other lands and tenements in ſoccage, or of the nature of ſoccage tenure, that then every ſuch perſon ſhall or may give, diſpoſe or aſſure, by his laſt Will, or otherwiſe by any act or acts lawfully executed in this life, two parts of the ſaid manors, lands and tenements holden by Knights ſervice, or of as much thereof as ſhall amount to the full yearly value of two parts, in manner and form as is above declared; and alſo all the lands and tenements holden by ſoccage, or of the nature of ſoccage tenure, at his will and pleaſure, as is above written. Saving and reſerving to the Lord of the lands and tenements holden by Knights ſervice, for his cuſtody and wardſhip, as much of the ſame lands and tenements as ſhall extend or amount to the full and clear yearly value of the [i] third part of the ſame lands and tenements holden by Knights ſervice, without any diminution, dower, fraud, covin, charge or ſubtraction of any portion of that third part, or of the clear yearly value thereof, in manner and form aforeſaid.

The Lords wardſhip of the third part ſaved.

Lands holden of the King by Knights ſervice, and not in chief: and lands holden in ſoccage of others.

And be it further enacted by the authority aboveſaid, That if any perſon or perſons hold any manors, lands, tenements, or hereditaments, onely of the King our Sovereign Lord by Knights ſervice, and not in chief, or hold any manors, lands, tenements or hereditaments of our ſaid Sovereign Lord by Knights ſervice, and not in chief, and alſo hold other manors, lands, tenements & other hereditaments, of any other perſon or perſons by Knights ſervice, and alſo hold other manors, lands, tenements or hereditaments, of any other perſon or perſons in ſoccage, or of the nature of ſoccage tenure: that then all and every ſuch perſon and perſons, ſhall and may give, diſpoſe, will, deviſe and aſſure, by his laſt Will, or otherwiſe by any act or acts lawfully done and executed in his life, two parts of the ſame manors, lands, tenements and hereditaments holden of our ſaid Sovereign Lord the King by Knights ſervice, and two parts of the manors, lands, tenements and hereditaments, holden of any perſon or perſon by Knights ſervice, or as much of either of them as ſhall amount to the full yearly value of two parts in manner and form as is above declared; and alſo of all his lands and tenements ſo holden in ſoccage, or of the nature of ſoccage tenure, at his free will and pleaſure.

Saving to the King and other Lords, [k] cuſtody and wardſhip.

Saving and reſerving to the Kings Highneſs, the cuſtody and wardſhip of as much of the ſame manors, lands, tenements or other hereditaments, as ſhall extend and amount to the full and clear yearly value of the third part of the ſaid manors, lands, tenements, & hereditaments ſo holden of his Highneſs by Knights ſervice, without any diminution, dower, fraud, covin, charge, and ſubtraction of any portion of that third part, or of the full profits thereof. And alſo ſaving and reſerving to the Lords of whom any of the ſaid manors, lands, tenements or other hereditaments been holden by Knights ſervice, for the cuſtody and wardſhip, as [l] much of the ſame manors, lands, tenements or hereditaments holden of them or any of them by Knights ſervice, as ſhall extend and amount to the full and clear yearly value of the third part of the ſame, without any diminution, charge, fraud, covin or ſubtraction of any portion of that third part, or of the clear yearly value of the third part thereof, in manner and form above declared.

Provided alway, and it is further enacted by the authority aforeſaid, That if that third part of the manors, lands, tenements or hereditaments of any of the Kings ſubjects, which in any of the caſes aboveſaid ſhall hereafter come to the Kings Highneſs, his Heirs or Succeſſors,

ceſſors, by vertue of this Act, as is abovesaid, be not, or do not amount to the clear yearly value of the third part of all the ſaid manors, lands, tenements, or other hereditaments, whereof the ſaid Kings Highneſs is or ſhall be intituled to have the cuſtody or primer ſeiſin, as is abovesaid; that then our ſaid Soveraign Lord and his Heirs, ſhall and may at his or their free liberty and pleaſure, take into his or their hands and poſſeſſion, as much of the other two parts of the ſaid manors, lands, tenements, and other hereditaments, as with that of the ſame manors, lands, tenements, or hereditaments holden or remaining in the Kings hands, ſhall make up the clear yearly value of the full third part of the ſaid manors, lands and tenements ſo to be had of the Kings Highneſs in title of wardſhip and primer ſeiſin, or any of them, as the caſe ſhall require. And like benefit and advantage to be given to every Lord or Lords, of whom any ſuch manors, lands, tenements or hereditaments been or ſhall be holden by Knights ſervice, as is abovesaid, concerning onely his third part, of or for title of wardſhip.

The King or any other Lord may take ſo much as will amount to his third part, if it be not left unto them.

Provided alway, and be it further enacted by the authority aforeſaid, That every perſon and perſons ſhall ſue their liveries, for poſſeſſions, reverſions or remainders, and alſo pay reliefs and heriots, after ſuch manner and form as they ſhould or ought to have done before the making of this Act, and as if this Act had never been made.

Suing of liveries, paying for relief and heriots, for poſſeſſions, reverſions, remainders, ſhall be as they have been.

And that fines for alienations ſhall be paid in the Kings Chancery, for and upon writs of [e] entry in the poſt, to be obtained in the ſame Court of Chancery, after the ſaid twentieth day of July, for common recoveries to be had or ſuffered of any manors, lands, tenements, or hereditaments holden of the King in chief, in like manner and form as is uſed upon alienations of ſuch manors, lands, tenements, or hereditaments, ſo holden in chief, by fine or feoffment.

Fines for alienations upon common recoveries.

Provided alſo, and be it enacted by the authority aforeſaid, That in ſuch caſes where fines for alienations ſhall be paid in the Kings Chancery for writs of entry in the poſt, as is aforeſaid, that then none other fine ſhall be paid in the ſame Court for any ſuch writs: any uſage or cuſtom to the contrary thereof notwithſtanding.

And be it further enacted by the authority aforeſaid, That where two or more perſons now hold, or hereafter ſhall hold any manors, lands, tenements or hereditaments of the King our Sovereign Lord by Knights ſervice, [f] joyntly to them, and to the heirs of one of them, and he that hath the inheritance thereof dieth, his heir being within age, that in every ſuch caſe the King ſhall have the ward and the marriage of the body of ſuch heir ſo being within age, the life of the freeholder or freeholders of the ſaid manors, lands, tenements or hereditaments ſo holden by Knights ſervice notwithſtanding. Saving and reſerving to all and every woman and women, all and every ſuch right, title, intereſt of dower, as they or any of them ought to have, or be or ſhall be juſtly intitled to have, claim, or demand, of any manors, lands, tenements or hereditaments by the Laws of this Realm, to be taken or aſſigned unto them or any of them, out of the two parts of the ſaid manors, lands, tenements, or hereditaments ſevered, and divided from the third part, as is abovesaid, and not otherwiſe. And ſaving alſo to the King our Sovereign Lord, his Heirs and Succeſſors, the reverſions of all ſuch tenants in joynt tenure and dower, immediately after the death of all ſuch tenants, if they ſhall happen to die during the minority of the Kings wards. Stat. 34 H. 8. 5. Co. Inſt. 111. b.

Two perſons ſeiſed of lands holden of the King by Knights ſervice, and to the heirs of one of them.

Women ſhall have their dowers of the two parts.

The reverſion of the tenant in dower in the King, if the tenant do die during the minority of the Kings ward.

CAP. II.

Within what time any perſon ſhall bring his Writ of right, poſſeſſary action, Avowry, Formedon, Scire facias, &c.

Forasmuch as the time of limitation appointed for ſuing of writs of right, and other writs of poſſeſſion & ſeiſon of mens anceſtors, or predeceſſors, or of their own poſſeſſion or ſeiſon by the Laws and Statutes of this Realm heretofore made, limited & appointed, extend, and be ſo far and long time paſt, that it is above the remembrance of any living man, truly to try & know ẏ perfect certainty of ſuch things as hath or ſhall come in trial, or do extend unto the time and times limited by the ſaid Laws & Statutes, to ẏ great danger of mens conſciences that have or ſhall be impanelled in any Jury for the trial of the ſame: and it is alſo a great occaſion of much trouble, vexation, & ſuits to the Kings loving ſubjects at the common Laws of this Realm; ſo that no man, although he and his anceſtors, and thoſe whoſe eſtate he or they have, have been in peaceable poſſeſſion of a long ſeaſon, of and in lands, tenements, and other hereditaments, is or can be in any ſurety, quietneſs or reſt, of and in the ſame, without a good remedy and reformation to be had, made and provided for the ſame. Be it therefore enacted by the King our Sovereign Lord, the Lords ſpiritual and temporal, & the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner of perſon or perſons ſhall from henceforth ſue, have, or maintain any writ of right, or make any preſcription, title, or claim to or for any manors, lands, tenements, rents, annuities, commons, penſions, portions, corrodies, or other hereditaments, of the poſſeſſion of his or their anceſtor or predeceſſor: and declare and alledge any further ſeiſon or [a] poſſeſſion of his or their anceſtor or predeceſſor, but onely of the ſeiſon or poſſeſſion of his anceſtor or predeceſſor, which hath been, or now is, or ſhall be ſeiſed of the ſaid manors, lands, tenements, rents, annuities, commons, penſions, portions, corrodies, or other hereditaments, within threeſcore years next before the teſte of the ſame writ, or next before the ſaid preſcription, title, or claim ſo hereafter to be ſued, commenced, brought, made or had.

It is a great benefit to have a certain limitation of time for the quiet poſſeſſion of lands.

The limitation of preſcription in a writ of right.

And be it further enacted by the authority aforeſaid, That no manner of perſon nor perſons ſhall hereafter ſue, have, or maintain any aſſiſe of Mort anceſtor, Coſinage, Ayle, writ of entry, upon diſſeiſon done to any of his anceſtors, or predeceſſors, or any other action poſſeſſary, upon the poſſeſſion of any of his anceſtors or predeceſſors, for any manors, lands, tenements, or other hereditaments, of any further ſeiſin or poſſeſſion of his or their anceſtor

Limitation of preſcription to actions poſſeſſary.

or predeceſſor, but onely of the ſeiſin or poſſeſſion of his or their anceſtor or predeceſſor which was, or hereafter ſhall be ſeiſed of the ſame manors, lands, tenements, or other hereditaments, within fifty years next before the Teſte of the original of the ſame writ hereafter to be brought.

Concerning ſuit for land of his own poſſeſſion.

And be it further enacted by the authority aforeſaid, That no perſon nor perſons ſhall hereafter ſue, have, or maintain any action for any manors, lands, tenements, or other hereditaments, of or upon his or their own ſeiſin or poſſeſſion therein, above thirty years next before the Teſte of the original of the ſame writ hereafter to be brought.

Avowry or cogniſance for any rent, ſuit, or ſervice.

And be it alſo enacted by the authority aforeſaid, That no perſon nor perſons ſhall hereafter make any avowry or cogniſance for any rent, ſuit or ſervice, and alledge any ſeiſin of any rent, ſuit or ſervice in the ſame avowry or cogniſance in the poſſeſſion of his or their anceſtors, or predeceſſor or predeceſſors, or in his own poſſeſſion, or in the poſſeſſion of any other, whoſe eſtate he ſhall pretend or claim to have above fourty [a] years next before the making of the ſaid avowry or recogniſance.

Formedons in reverter, formedons in remainder, ſcire facias upon fines.

And over that be it enacted by the authority aforeſaid, That all formedons in reverter, formedons in remainder, and ſcire facias upon fines of any manors, lands, tenements, or other hereditaments at any time hereafter to be ſued, ſhall be ſued and taken within fifty [b] years next after the title and cauſe of action, fallen, and at no time after the ſaid fifty years paſſed.

Alt. 21 Jac. 16.

Barre for default of ſeiſon within the time of limitation.

And be it alſo enacted by the authority aforeſaid, That if any perſon or perſons at any time hereafter do ſue any of the ſaid actions or writs, for any manors, lands, tenements, or other hereditaments, or make any avowry, cogniſance, preſcription, title, or claim of or for any rent, ſuit, ſervice, or other hereditaments, and cannot prove that he, or they, or his or their anceſtors or predeceſſors, were in actual [c] poſſeſſion or ſeiſon of and in the ſame manors, lands, tenements, rents, ſuits, ſervices, annuities, commons, penſions, portions, corrodies, or other hereditaments, at any time or times within the years before limited, and appointed in this preſent Act, and in manner and form as is aforeſaid, if the ſame be traverſed, or denied by the party plaintiff, demandant, or avowant, or by the party tenant or defendant, that then and after ſuch trial therein had, all and every ſuch perſon and perſons, and their heirs, ſhall from henceforth be utterly barred for ever, of all and every the ſaid [d] writs, actions, avowries, cogniſance, preſcription, title or claim hereafter to be ſued, had, or made, of and for the ſame manors, lands, tenements, hereditaments, or other the premiſſes, or any part of the ſame, for the which the ſame action, writ, avowry, cogniſance, preſcription, title, or claim hereafter ſhall be at any time had, ſued, or made.

A proviſo for ſuits depending An. Dom. 1546.

Provided alway, and be it enacted by the authority aforeſaid, That all and every perſon and perſons which now have any of the ſaid actions, writs, avowries, Scire facias, cogniſance, preſcription, title, or claim depending, or that hereafter ſhall ſue, commence, make, or bring any of the ſaid writs or actions, or make any of the ſaid avowries, cogniſances, preſcription, titles, or claim at any time before the Feaſt of the Aſcenſion of our Lord God, which ſhall be in the year of our Lord, a thouſand five hundred fourty and ſix, ſhall alledge the ſeiſon of his or their anceſtors or predeceſſors, or his own poſſeſſion and ſeiſon, and alſo have all other like advantages, to all intents and purpoſes in the ſame writs, actions, avowries, cogniſances, preſcriptions, titles, and claims, as he or they might have had at any time before the making of this eſtatute, this Act or any thing therein contained to the contrary notwithſtanding.

A proviſo to relieve women, covert-infants within age, perſons in priſon, or out of the Realm at the time of this Statute made.

Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon or perſons now being within the age of xxi. years, or covert baron, or in priſon, or out of this Realm of England, now having cauſe to have, ſue, commence, make, or bring any of the ſaid writs, or actions, or to make any avowries, cogniſances, preſcriptions, titles, or claims, that it ſhall be lawful to ſuch perſon and perſons being within age, covert baron, in priſon, or out of this Realm, to ſue, commence, or bring any of the ſaid writs, or actions, or make any of the ſaid avowries, cogniſances, preſcriptions, titles, or claims, at any time within ſix years next after ſuch perſon or perſons, now being within age, ſhall accompliſh the age of one and twenty years, or within ſix years next after ſuch perſon or perſons now being covert baron ſhall be ſole, or within ſix years next after ſuch perſon or perſons now being in priſon, ſhall be ſet at his liberty, or within ſix years next after ſuch perſon or perſons now being out of this Realm, ſhall come and be within this Realm. And that every ſuch perſon and perſons in their ſaid actions, writs, avowries, recogniſances, preſcription, titles or claims to be made, ſued, or commenced within the ſaid ſix years, ſhall alledge within the ſaid ſix years the ſeiſon of his or their anceſtors or predeceſſors, or of his own poſſeſſion, or of the poſſeſſion of thoſe whoſe eſtate he ſhall then claim: And alſo within the ſame ſix years ſhall have all and every like advantages, to all intents and purpoſes in the ſame, as he or they might have had before the making of this Act, and as though this Act had never been had, ne made: This Act nor any thing therein contained to the contrary notwithſtanding.

A remedy to relieve the heirs of an infant, a woman covert, any perſon in priſon, or out of the Realm, if the party himſelf die before judgment.

Provided alſo, That if it happen the ſaid perſon or perſons, now being within age, or covert baron, in priſon, or out of this Realm, having cauſe to ſue, commence, make, or bring any the ſaid writs, actions, avowries, cogniſance, preſcription, title, or claim, to deceaſe within age, or being covert, as is aforeſaid, or during the time he or they ſhall be in priſon, or out of this Realm, or to deceaſe within ſix years next after ſuch perſon or perſons ſhall accompliſh his or their full ages, or ſhall be at large within this Realm, or ſhall become ſole, and no determination or judgment had of ſuch titles, actions, rights, ſo to them accrued: that then the next heir or heirs of ſuch perſon or perſons being in priſon, or out of this Realm, or within age, or being covert baron ſo dying, ſhall have and enjoy all

[a] Cok. l. 1. f. 64. Bro. Aſſiſ. 107.

[b] Dyer f. 79. Dyer f. 291. 332.

Cok. l. 1. Bro. limitation 2.

[c] Dyer f. 291. 332. Cok. l. 1. Bro. limitation 2.

[d] Bro. preſcription 6.

all & every ſuch liberty and advantage, to ſue, demand, avow, declare or make the ſaid titles, claims or preſcriptions, within ſix years next after the death of ſuch perſon or perſons now impriſoned, or being out of this Realm, or within age, or covert de baron, in ſuch or like manner and form to all intents and purpoſes, as the ſame infant, after his full age, or the ſaid woman covert after the death of her husband, or the ſame perſon being out of this Realm, after his repair or coming into the ſame, or the ſaid perſon impriſoned after his enlargement and coming out of priſon, ſhould or might have had within ſix years then next enſuing, by force and vertue of the proviſion laſt before rehearſed, any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

A remedy for the heir if the ſuit of his anceſſor abate before judgment.

Provided alſo, That if any perſon or perſons, before the ſaid Feaſt of the Aſcenſion of our Lord God, which ſhall be in the ſaid year of our Lord God, a thouſand five hundred and fourty & ſix, commence & ſue any of the ſaid actions or writs, or make any avowry, preſcription title, or claim, & the ſame action, writ, avowry, cogniſance, preſcription, title or claim happen by the death of any of the parties to the ſame, to be abated before judgment, or determination thereof had, that then the ſaid perſon or perſons, being demandants or avowants, or making any ſuch cogniſance, preſcription, title, or claim, being then alive, and if not, then the next heir or heirs of ſuch perſon or perſons ſo deceaſed, may commence and purſue his or their action and ſuit, and make his or their avowry, cogniſance, preſcription, title or claim, for or upon the ſame matter within one year next after ſuch action or ſuit abated, and ſhall have and enjoy all and every ſuch liberty and advantage, to ſue, demand, avow, declare or make their ſaid titles, claims, and preſcriptions within the ſaid one year, as the demandant, or demandants in ſuch writ or ſuit abated, or as ſuch as did avow, or make recogniſance, title or claim, or preſcription, ſhould or might have done, had, uſed, made, or injoyed in the ſaid former action or ſuit, any thing in this act to the contrary notwithſtanding.

The party grieved may have an attaint upon a falſe verdict given.

Provided furthermore, That if any falſe verdict happen hereafter to be given or made, in any of the ſaid actions, ſuits, avowries, preſcriptions, titles or claims, that then the party grieved by reaſon of the ſame, ſhall and may have his attaint upon every ſuch verdict ſo given or made, and the plaintiff in the ſame attaint upon judgment for him given, ſhall have his recovery, execution, and other advantage, in like manner and form as heretofore hath been uſed and accuſtomed, any thing before in this Act contained to the contrary thereof notwithſtanding. St. 1 M. 5.

CAP. III.

Statutes continued concerning burning in the hand, &c.

Where in the laſt Parliament begun and holden at London the third day of November, in the xxi. year of the Kings moſt gracious reign, and from thence adjourned to Weſtminſter, and there holden and continued by ſundry prorogations,

Stat. 22 H. 8. 14. Trial of forrein pleas.

It was enacted among other things, That all foreign pleas triable by the Countrey, which ſhould be pleaded by any perſon or perſons arraigned upon any indictment for any petty treaſon, murder or felony, ſhould be tryed before the ſame Juſtices afore whom ſuch perſons ſhould be arraigned, and by the ſame Jurors of the County, that ſhall try the petty treaſon, murder or felony, without any further reſpite or delay. And that no perſon or perſons arraigned for any petty treaſon, murder or felony ſhall be admitted to any peremptory challenge, above the number of xx. which Act was made to endure to the end of the next Parliament, as by the ſaid Act amongſt divers clauſes and proviſions contained in the ſame more plainly is expreſſed.

St. 23 H. 8. 1. Clergy taken away from offendors in certain caſes.

And where alſo in the ſame Parliament it was enacted, That no perſon or perſons, which ſhould happen to be found guilty after the Laws of this Realm, for any manner of petty Treaſon, or for any wilful murder of malice prepenſed, or for robbing of any Churches, Chappels, or other holy places, or for robbing of any perſon or perſons in their dwelling houſes, or dwelling place, the owner and dweller in the ſaid houſe, his wife, his children or ſervants then being within, and put in fear, and dread by the ſame, or for robbing of any perſon or perſons, in or neer about the high-ways, or for wilful burning of any dwelling houſes or barns, wherein any corn or grain ſhall happen to be; nor that any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining, or counſelling, of, or to any ſuch petty treaſon, murders or felonies, ſhould be admitted to the benefit of their Clergy (ſuch as be within holy orders, that is to ſay, of the orders of Subdeacon or above, all onely except) with many other clauſes and proviſions contained in the ſaid Act, as by the ſame Act more plainly appeareth, which Act was alſo made to continue and endure to the laſt day of the next Parliament.

23 H. 8. 3r. A Felon ſtanding mute challenging above xx. or not anſwering directly.

And where alſo in the ſame Parliament it was further enacted, That every ſuch perſon and perſons, which ſhould happen to be indicted of any petty treaſon, wilful burning of houſes, murder, robbery, or burglary, or other felony, according to the tenour and meaning of the ſaid eſtatute next above rehearſed, & thereupon arraigned, did ſtand mute of malice or froward mind, or challenge peremptory above the number of twenty perſons, or will not anſwer directly to the ſame indictment and felony whereupon they ſhall be arraigned, that then every ſuch perſon and perſons ſhould loſe the benefit and priviledge of their Clergy.

And it was alſo ordained by the ſame Act, That if any perſon or perſons be indicted and found guilty for ſtealing of any goods or cattels, in any County of this Realm, or being indicted, ſtand mute of malice, or challenge peremptory above the number of xx. perſons, or will not anſwer directly to the Law, ſhould alſo loſe the benefit of their Clergy, in like manner and form as they ſhould have done, if they had been indicted, arraigned and found guilty in the ſame County where the ſame robbery or burglary was done, if it ſhall appear to the Juſtices by evidence or examination, that the ſaid felons or robbers arraigned afore them, ſhould or ought to have loſt their Clergy by force of the ſaid eſtatute, in caſe they had been found guilty of the ſame felonies, or burglaries in the ſame Shire where they were committed, as by the ſaid Act amongſt other things more at large is expreſſed.

Stat.25 H.8 6. Buggery ſhall be felony.

And where alſo in the ſaid Parliament it was further ordained, That the deteſtable vice of buggery committed with mankind or beaſt, ſhould be felony, and that the offendors therein ſhould loſe the priviledge of their Clergy, which Act was made to endure to the laſt day of the next Parliament, as by the ſame Act amongſt other things it appeareth more at large.

Stat.28 H.8.1.

And where alſo in the Parliament begun and holden at Weſtminſter the eighth day of June, in the xxviii. year of the reign of our ſaid moſt dread Soveraign Lord King Henry the eighth, and there continued and kept until the diſſolution thereof: It was ordained and enacted, That all and ſingular the ſaid ſeveral Acts above remembred, and every of them ſhould continue and endure in their force and ſtrength, and alſo be obſerved and kept until the laſt day of the next Parliament. And it was alſo ordained by the authority of the ſame Parliament, that ſuch as be within holy orders, ſhould from thenceforth ſtand and be under the ſame pains and dangers for the offences contained in any of the ſaid ſtatutes, and be uſed and ordered to all intents and purpoſes, as other perſons not being within holy orders, any proviſion, or exception ſpecified in any of the ſaid Acts, or any other uſage or cuſtom of this Realm to the contrary thereof notwithſtanding, as by the ſame Acts among other things therein contained more plainly appeareth. And foraſmuch as all and ſingular the ſaid ſeveral Acts above mentioned be good and beneficial for the common-wealth of this Realm,

Such as be within orders ſhall be uſed as others be.

The St.22 of H. 8.14. 23 H.8.1. 25 H.8 3, and 6. and 28 H.8.1. rehearſed and made perpetual.

Be it therefore enacted and ordained by the authority of this preſent Parliament, That all and ſingular the ſaid ſeverſal Acts, and every of them, and all clauſes, articles, and proviſions in them and every of them contained ſhall continue and endure in their force and ſtrength, and be obſerved and kept for ever.

And be it alſo enacted by authority of this preſent Parliament, That ſuch perſons as be, or ſhall be within holy orders, which by the Laws of this Realm, ought or may have their Clergy for any felonies, and ſhall be admitted to the ſame, ſhall be brent in the hand in like manner and form as lay Clerks be accuſtomed in ſuch caſes, and ſhall ſuffer and incur afterward all ſuch pains, dangers and forfeitures, and be ordered and uſed for their offences of felony, to all intents, purpoſes and conſtructions, as lay perſons admitted to their Clergy, be or ought to be ordered and uſed by the Laws and Statutes of this Realm: any Statutes, Laws, proviſions, priviledges, cuſtoms, or any other thing to the contrary thereof heretofore uſed notwithſtanding.

CAP. IV.

Treaſons ſhall be tried that be committed in Wales, or where the Kings Writ runneth not in ſuch Shires, and before ſuch Commiſſioners as the King ſhall from time to time aſſign by his Commiſſion. Alt.1. & 2 P. & M. 10.

CAP. V.

A remedy for the Cogniſee or Obligee, where lands delivered to him in execution be recovered from him.

Whereas before this time divers and ſundry perſons have ſued executions, as well upon judgments for them given of their debts or damages, as upon ſuch ſtatutes merchant and ſtatutes of the ſtaple, or recogniſances, as hath been to them before made, recogniſed, and knowledged, and thereupon ſuch lands, tenements, and other hereditaments as were liable to the ſame execution, have been by reaſonable extent to them delivered in execution for the ſatisfaction of their ſaid debts and damages, according to the laws of this Realm. Nevertheleſs it hath been oftentimes ſeen, that ſuch lands, tenements, and hereditaments ſo delivered and had in execution have been recovered, or lawfully deveſted, taken away, or evicted, from the poſſeſſion of the ſaid recoverers, obligees, or recogniſees, their executors or aſſigns before ſuch time as they have been fully ſatisfied and paid of their debts and damages, without any manner fraud, deceit, covin, colluſion, or other default in the ſaid recoverers, obligees, or recogniſees, their executors and aſſignes: by reaſon whereof the ſaid recoverers, obligees, and recogniſees have been thereby ſet cleerly without remedy by any manner ſuit of the Law to recover, or come by any ſuch part or parcel of their ſaid debts and damages, as was behind and not by them levied, or received before ſuch time as the ſaid lands, tenements, and other hereditaments ſo by them had in execution were recovered, lawfully deveſted, taken, or evicted out of, and from their poſſeſſions as is aforeſaid, to their hurt and loſs, and much ſeeming to be againſt equal juſtice, and good conſcience. For reformation whereof, be it enacted by authority of this preſent Parliament, That if hereafter any ſuch lands, tenements, or hereditaments, as be, or ſhall be had, and delivered to any perſon or perſons in execution as is aforeſaid upon any juſt and lawful title, matter, condition or cauſe, wherewithal the ſaid lands, tenements, and hereditaments, were liable, tied, and bound at ſuch time as they were delivered and taken into execution, ſhall happen to be recovered, lawfully deveſted, taken or evicted out of, and from the poſſeſſion of any ſuch perſon and perſons, as now have and hold, or hereafter ſhall have and hold the ſame in execution as is aforeſaid, without any fraud, deceit, covin, colluſions or other default of the ſaid tenant or tenants by execution, before ſuch time as the ſaid tenants by execution, their executors or aſſignes ſhall have fully and wholly [a] or received the ſaid whole debt and damages, for the which the ſaid lands, tenements, and other hereditaments were delivered and taken in execution, as is aforeſaid, then every ſuch recoverer, obligee, and recogniſee ſhall and may have, and purſue a writ of ſcire facias out of the ſame Court from whence the ſaid former writ of execution did proceed, againſt ſuch perſon or perſons, as the ſaid writ of execution was firſt purſued, their heirs, executors, or aſſignes, of ſuch lands, tenements, or hereditaments, as were or been then liable, or charged to the ſaid execution returnable into the ſame

A remedy for the Recogniſee where lands delivered to him in execution be recovered from him.

Court at a certain day, being full fourty days after the date of the ſame writ. At which day if the defendant being lawfully warned, make default, or appear and do not ſhew and plead a ſufficient matter or cauſe (other then the acceptance of the ſaid lands, tenements, or hereditaments by the ſaid former writ of execution) to bar, avoid, or diſcharge the ſaid ſuit for the reſidue of the ſaid debt, and damages remaining unlevied, or unreceived by the ſaid former execution: then the Lord Chancellor or other ſuch Juſtice or Juſtices, before whom ſuch writ of Scire facias ſhall be returnable, ſhall make eftſoones a new writ or writs out of the ſaid former record of judgment, ſtatute merchant, ſtatute ſtaple, or recogniſance, of like nature and effect, as the ſaid former writ of execution was, for the levying of the reſidue of all ſuch debt and damage as then ſhall appear to be unlevied, unſatiſfied or unpaid of the whole ſum, or ſums in the ſaid former writ of execution contained; any law, cuſtom, or other thing to the contrary hereof heretofore uſed in any wiſe notwithſtanding.

CAP. VI.

Whoſoever ſhall deliver any horſe into Scotland or the batable ground to the uſe of a Scottiſh man without the Kings licence, ſhall be adjudged a felon, and the Wardens of the Marches may hear and determine ſuch felonies. Rep. 4 Jac. 1. St. 23 H. 8. 16. 1 El. 7.

CAP. VII.

How Tithes ought to be paid, and how to be recovered being not paid.

Where divers and ſundry perſons inhabiting in ſundry Counties, and places of this Realm and other the Kings Dominions, not regarding their duties to Almighty God, and to the King our Soveraign Lord, but in few years paſt more contemptuouſly and commonly preſuming to offend and infringe the good and wholſom laws of this Realm, and gracious commandments of our ſaid Soveraign Lord, than in times paſt hath been ſeen or known, have not letted to ſubſtract and withdraw the lawful and accuſtomed tithes of Corne, Hay, Paſturages, and other ſort of tithes and oblations commonly due to the owners, proprietaries, and poſſeſſors of the Parſonages, Vicarages, and other Eccleſiaſtical places, of and within the ſaid Realm and Dominions, being the more encouraged thereto, for that divers of the Kings ſubjects being lay perſons, having Parſonages, Vicarages, and tithes to them and their heirs, or to them and to their heirs of their bodies lawfully begotten, or for term of life or years, cannot by the order and courſe of the Eccleſiaſtical Laws of this Realm, ſue in any Eccleſiaſtical Court for the wrongful withholding and detaining of the ſaid tithes or other duties, nor cannot by the order of the common Laws of this Realm have any due remedy againſt any perſon or perſons, their heirs or aſſignes, that wrongfully detaineth, or withholdeth the ſame: by occaſion whereof, much controverſie, ſuit, variance and diſcord is like to inſurge, and enſue among the Kings ſubjects, to the great detriment, damage, and decay of many of them, if convenient and ſpeedy remedy therefore be not had and provided.

What hath encouraged divers perſons to detain their tithes from Lay men which have eſtates in them.

Wherefore it is ordained and enacted by our ſaid Soveraign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and ſingular perſons of this his ſaid Realm, or other his Dominions, of what eſtate, degree, or condition ſoever he or they be, ſhall fully, truly, and effectually, divide, ſet out, yield, or pay all and ſingular tithes and offerings aforeſaid, according to the lawful cuſtoms and uſages of the Pariſhes and places where ſuch tithes or duties ſhall grow, ariſe, come, or be due. And in caſe * that ſhall happen any perſon or perſons of his or their ungodly and perverſe will and mind, to detain and withhold any of the ſaid tithes or offerings, or part, or parcel thereof, then the perſon or party being Eccleſiaſtical, or lay perſon, having cauſe to demand or have the ſaid tithes or offerings, being thereby wronged or grieved, ſhall and may convent the perſon or perſons ſo offending before the Ordinary, his commiſſary, or other competent Miniſter, or lawful Judge of the place where ſuch wrong ſhall be done, according to the Eccleſiaſtical laws. And in every ſuch caſe of matter or ſuit, the ſame Ordinary, commiſſary, or other competent Miniſter, or lawful Judge, having the parties or their lawful procurators before him or them, ſhall and may by vertue of this Act proceed to the examination, hearing and determination of every ſuch cauſe or matter ordinarily, or ſummarily, according to the courſe and proceſs of the ſaid Eccleſiaſtical laws, and thereupon may give ſentence accordingly.

Every perſon ſhall ſet out and pay his tithes according to the cuſtom of the Pariſh where they be due.

The offendor convented before the Ordinary.

And in caſe that any of the parties, for any cauſe or matter concerning that ſuit, do appeal from the ſentence, order and definitive judgment of the ſaid Ordinary or other competent Judge, as is aforeſaid, then the ſame Judge by vertue of this Act, forthwith upon ſuch appellation made, ſhall adjudge to the other party the reaſonable coſts of his ſuit therein before expended; and ſhall compel the ſame party appellant to ſatisfie and pay the ſame coſts ſo adjudged, by compulſory proceſs, and cenſures of the ſaid laws Eccleſiaſtical, taking ſurety of the other party to whom ſuch coſts ſhall be adjudged and paid, to reſtore the ſame coſts to the appellant, if after the principal cauſe of that ſuit of appeal ſhall be adjudged againſt the ſame party, to whom the ſaid coſts ſhall be yielden. And ſo every Ordinary or other competent Judge Eccleſiaſtical, by vertue of this Act, ſhall adjudge coſts to the other party upon every appeal to be made in any ſuit, or cauſe of ſubtraction or detention of any tithes or offerings, or in any other ſuit to be made for or concerning the duty of ſuch tithes or offerings.

The appellant ſhall pay coſts of ſuit to the other party.

And further be it enacted by the authority aforeſaid, That if any perſon or perſons, after ſuch ſentence definitive given againſt them, obſtinately and wilfully refuſe for to pay their tithes, or ſuch ſums of money ſo adjudged, wherein they be condemned for the ſame, that then two Juſtices of the Peace for the ſame Shire, whereof one to be of the Quorum, ſhall have authority by this Act, upon information, certificate, or complaint to them made by writing by the ſaid Eccleſiaſtical Judge that gave the ſame ſentence, to cauſe the ſame party ſo

The offendor ſhall be bound by two Juſtices of Peace to obey the Ordinaries ſentence. Stat. 27 H. 8. 20.

refuſing, to be attached, and committed to the next Goal, and there to remain without bail or mainpriſe, till he or they ſhall have found ſufficient ſureties to be bound by recogniſauce or otherwiſe, before the ſame Juſtices, to the uſe of our Soveraign Lord the King, to perform the ſaid definitive ſentence and judgment.

Lands diſcharged of tithes. Co.pla.f.454.

Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall be ſued, or otherwiſe compelled to yeeld, give or pay any manner of tithes, for any Mannors, Lands, Tenements, or other Hereditaments, which by Laws or Statutes of this Realm are [a] diſcharge, or not chargeable with the payment of any ſuch tithes.

The inhabitants of London

Provided alſo and be it enacted by authority aforeſaid, That this Act nor any thing therein contained, ſhall in any wiſe bind the inhabitants of the City of London and Suburbs of the ſame, for to pay their tithes and offerings within the ſame City and Suburbs otherwiſe then they ought, or ſhould have done before the making of this Act: any thing in this Act contained to the contrary notwithſtanding.

Recoveries may be had and conveyances made in temporal Courts of tithes, as of lands.

And be it further enacted by the authority aforeſaid, That all caſes, where any perſon or perſons, which now have, or which hereafter ſhall have any eſtate of inheritance, freehold, term, right or intereſt of in or to any Parſonage, Vicarage, portion, penſion, tithes, oblations, or other Eccleſiaſtical or Spiritual profit, which now be, or which hereafter ſhall be made Temporal, or admitted to be, abide, and go to, or in Temporal hands and lay uſes and profits by the Law or Statutes of this Realm, ſhall hereafter fortune to be diſeiſed, deforced, wronged, or otherwiſe kept or put from their lawful inheritance, eſtate, ſeiſion, poſſeſſion, occupation, term, right, or intereſt of, in or to the ſame, or of, in or to any parcel thereof, by any other perſon or perſons, claiming or pretending to have intereſt or title in or to the ſame: that then in all and every ſuch caſe or caſes, the perſon or perſons ſo diſeiſed deforced or wrongfully kept or put from his or their right or poſſeſſion, as is afore rehearſed, their heirs, wives, and ſuch other to whom ſuch injury and wrong ſhall be done or committed, ſhall and may have their remedy in the [b] Kings temporal Courts, or other temporal Courts as the caſe ſhall require for the recovery, getting, or obtaining of ſuch inheritance, eſtate, freehold, ſeiſion, poſſeſſion, term, right, or intereſt, by [c] writs original of Prec. quod reddat, Aſſ. of novel diſſeiſon, mortdanc. Quod ei deforciat, writs of dower or other writs original, as the caſe ſhall require, to be deviſed and granted in the Kings Court of Chancery, of every ſuch Parſonage, Vicarage, portion, penſion, or other profit called Eccleſiaſtical or Spiritual, ſo to be demanded according to the nature and cauſe of the ſuit thereof in like manner and form as they ſhould, ought, or might have had, of or for lands, tenements, or other hereditaments in ſuch manner to be demanded. And that writs of [d] covenant and other writs for fines to be levied, and all other aſſurances to be had, made, or conveyed of any ſuch Parſonage, Vicarage, portion, penſion, or other profit called Eccleſiaſtical or Spiritual, as is aforeſaid, ſhall be hereafter deviſed and granted in the ſaid Chancery, according as hath been uſed for fines to be levied, and aſſurance to be had or made, or conveyed of lands, tenements, or other hereditaments. And that all judgments to be given upon any of the ſaid writs original ſo to be deviſed or granted of or for any the premiſes, or any of them: and all fines to be levied and knowledged in any of the Kings ſaid Courts, thereof ſhall be of like force and effect in the law, to all intents and purpoſes, as judgments given, and fines levied of lands, tenements, and hereditaments in the ſame Courts upon writs original therefore duly purſued and proſecuted, albeit no ſuch form of writs original out of the ſaid Court of Chancery have heretofore proceeded or been awarded.

Judgments given, and fines levied, in the Kings Courts of tithes ſhall be of like force as of lands.

Remedy ſhall be had for tithes and offerings in the ſpiritual courts and not in the temporal.

Provided always, That this laſt Act ſhall not extend nor be expounded to give any remedy cauſe of action, or ſuit in the Courts Temporal againſt any perſon or perſons which ſhall refuſe or deny to ſet out his or their tithes, or which ſhall detain, withhold or refuſe to pay his tithes or offerings, or any parcel thereof: but that in all ſuch caſes the perſon or party being Eccleſiaſtical or lay perſon, having cauſe to demand, or have the ſaid tithes or offerings, and thereby wronged or grieved, ſhall take and have their remedy for their ſaid tithes or offerings in every ſuch caſe in the Spiritual Courts, according to the ordinance in the firſt part of this Act mentioned, and not otherwiſe: any thing herein expreſſed to the contrary thereof notwithſtanding. Stat. 27 H.8.20. 2 Ed.6.13. Co.l.2.f.43.

CAP. VIII.

Whoſoever ſhall ſell or buy any Feſant or Partridge (ſaving the officers of the Kings, Queens, or Princes houſes) ſhall forfeit for every Feſant vi.s. viii.d. and for every Partridge iii.s. iv.d. to the King and I. &c. Exp. St. 1 Jac. 27.

CAP. IX.

No perſon ſhall ſell or buy any right or title, or maintain it, or procure maintenance in any ſuit.

Maintenance, embracery, ſubornation of witneſſes, and buying of titles great hindrances to juſtice.

The King our Soveraign Lord calling to his moſt bleſſed remembrance, that there is nothing within this Realm that conſerveth his loving ſubjects in more quietneſs, reſt, peace, and good concord, then the due and juſt miniſtration of his laws, and the true and indifferent trials of ſuch titles and iſſues, as been to be tried, according to the Laws of this Realm, which his moſt Royal Majeſty perceiveth to be greatly hindred by maintenance, embracery, Champerty, ſubornation of witneſſes, ſiniſter labour, buying of titles and pretenced rights of perſons not being in poſſeſſion, whereupon great perjury hath enſued, and much inquietneſs, oppreſſion, vexation, trouble, wrongs, and diſinheritance hath followed among his moſt loving Subjects, to the great diſpleaſure of Almighty God, the diſcontentation of his Majeſty, and to the great hinderance and let of Juſtice within this his Realm. For the avoiding of all which miſdemeanors, and buying of titles, and pretenced rights, and to the intent that Juſtice may be more fully, and indifferently miniſtred, and the truth in cauſes of contention, plainly tried betweeen his ſubjects of this Realm: Be it enacted by our ſaid Soveraign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth all Statutes heretofore made, concerning maintenance, Champerty, and Embracery, or any of them now ſtanding and being in their full ſtrength and force, ſhall be put in due execution, according to the tenures, and effects of the ſame Statutes. Stat. 1 Ed.3.14. 20 Ed.3.4. 1 R.2.4. 3 Ed.1.25. 33 Ed.1. 28 Ed.1.11.

All Statutes made concerning Maintenance, Embracery & Champerty, ſhall be put in execution.

And over that, be it further enacted by the authority aforeſaid, That no perſon nor perſons, of what eſtate, degree, or condition ſoever he or they be, ſhall from henceforth bargain, buy, or ſell, or by any ways or means, obtain, get, or have any pretenced rights, or titles, or take, promiſe, grant, or covenant to have any [a] right, or title of any perſon or perſons, in, or to any Manors, lands, tenements, or hereditaments (except ſuch perſon or perſons, which ſhall ſo bargain, ſell, give, grant, covenant or promiſe the ſame, their anteceſſors, or they by whom he or they claim the ſame, have been in poſſeſſion of the ſame, or of the reverſion, or remainder thereof, or taken the rents or profits thereof, by the ſpace of one whole [b] year next before the ſaid bargain, covenant, grant, or promiſe made) upon pain that he that ſhall make any ſuch bargain, ſale, promiſe, covenant, or grant, to forfeit the whole value of the lands, tenements, or hereditaments, ſo bargained, ſold, promiſed, covenanted or granted, contrary to the form of this Act: And the buyer or taker thereof, knowing the ſame, to forfeit alſo the value of the ſaid lands, tenements, or hereditaments ſo by him bought, or taken, as is aboveſaid. The one half of the ſaid forfeitures to be to the King our Soveraign Lord, and the other half to the party that will ſue for the ſame in any of the Kings Courts of Record by action of debt, bill, plaint, or information, In which action, bill, plaint, or information, no eſſoin, protection, wager of law, nor injunction ſhall be allowed.

a Co.pl.f.258, 364.

b ...ow.f.77. ...r f.74. ...L.4.f.26. ... Mainte-...ce 38. ...151.157. ...Cal.43.

None ſhall buy any pretenced right in any land, unleſs the ſeller hath taken the profit thereof one year before.

And furthermore, That no manner of perſon or perſons, of what eſtate, degree, or condition ſoever he or they be, doe hereafter unlawfully maintain, or cauſe, or procure any unlawfull maintenance in any action, demand, ſuit, or complaint in any of the Kings Courts of the Chancery, the Star-Chamber, Whitehal, or elſewhere within any of the Kings Dominions of England and Wales, or the marches of the ſame, where any perſon or perſons have, or hereafter ſhall have authority by vertue of the Kings Commiſſion, Patent, or Writ, to hold plea of lands, or to examine, hear, or determine any [c] title of lands, or any matter or witneſſes concerning the title, right, or intereſt of any lands, tenements, or hereditaments: and alſo that no perſon or perſons, of what eſtate, degree, or condition ſoever he or they be, do hereafter unlawfully retain for maintenance of any [d] ſuit or plea, any perſon or perſons, or embrace any Freeholders, or Jurors, or ſuborn any witneſs by letters, rewards, promiſes, or any other ſiniſter labor or means, for to maintain any matter, or cauſe, or to the diſturbance or hinderance of Juſtice, or to the procurement, by occaſion of any manner of perjury by falſe verdict, or otherwiſe, in any manner of Courts aforeſaid, upon pain to forfeit for every ſuch offence, x. li. the one moyety thereof unto the King our Soveraign Lord, and the other moyety to him that will ſue for the ſame by action of debt, bill, plaint, or information, in any the Kings Courts, in which action no eſſoin, protection, wager of law, nor injunction ſhall be allowed.

Unlawful maintaining of a ſuit depending in any of the Kings Courts.

c Raſt.pl.f.430. St. 5 El.9.

d Kel.f.92. ...Mainte-...cer.1.3.5.6. ...9.13.14. ...17.18.19. ...24.27.28. ...32 34.39. ...41.42 43. ...49.50.51. ...El 733.

Provided alway, and be it enacted by the authority aforeſaid, That it ſhall be lawful to any perſon or perſons being in [e] lawful poſſeſſion by taking of the yearly ferm, rents, or profits, of or for any manors, lands, tenements, or hereditaments, to him obtain, get or have by any reaſonable way or means, the pretenced right, or title of any other perſon or perſons, hereafter to be made, to, of or in ſuch manors, lands, tenements, or hereditaments whereof he or they ſhall ſo be in lawful poſſeſſion: any thing in this Act contained to the contrary notwithſtanding.

e ...f.53.

Purchaſing of a pretenced title by him that is in poſſeſſion is lawful.

And for the due execution of this preſent Act, be it further enacted by authority aboveſaid, That the Juſtices of Aſſiſe of every circuit within this Realm, and elſewhere within the Kings Dominions, ſhall in every County within their circuits two times in the year, that is to ſay, in the time of their ſittings for the taking of Aſſiſes, or delivery of the Gaols, cauſe open Proclamation to be made, as well of this preſent Act, and of every thing therein contained, as alſo of all other Statutes heretofore made againſt unlawful Maintenance, Champerty, Embracery, or unlawful retainers, to the intent that no manner of perſon or perſons hearing the ſame, ſhould be ignorant or miſcogniſant of the dangers and penalties therein contained and ſpecified.

Proclamations ſhall be made at Aſſiſes of the Statutes of maintenance, champerty, &c.

Provided alway, and be it enacted by the authority aforeſaid, That this Act ſhall not extend to charge any perſon or perſons with any of the penalties mentioned in the ſaid Act, for any offence by him or them committed contrary to the ſaid Act, except the ſame perſon or perſons ſo offending be ſued thereof by action of debt, bill, plaint, or information, in any of the Kings Courts, within one year next after the ſame offence by him or them committed, as aforeſaid. Raſt. f.395. Co.pla.f.163. Co: Inſt.369. a.

Within what time the offendor ſhall be ſued.

CAP. X.

A repeal of the puniſhment by death of Prieſts married or unmarried, and of women offending with them by incontinency, limited by the Stat: of 31 H.8.14. A Prieſt offending by incontinency, ſhall the firſt time forfeit to the King all his goods, cattels, debts, and all his Spiritual promotions ſaving one. And being the ſecond time convict, he ſhall forfeit all his goods, cattels, debts, and the iſſues and profits of all his lands, benefices, and promotions. And being the third time convict, ſhall forfeit all his goods, debts, lands, benefices, &c. and be impriſoned during his life: And the woman, if married, ſhe ſhall be impriſoned during life; but being unmarried, ſhe ſhall the firſt time ſhe is convict, forfeit all her goods, cattels, and debts; the ſecond time the moyety of the iſſues of her lands during her life; and the third time, the whole iſſues and profits of all her lands, &c. and ſhall be impriſoned during her life. Stat. 2 Ed.6.21. Stat. 5 Ed.6.12.

CAP. XI.

It ſhall be felony to take, or cauſe to be taken, the egge or eggs of any Falcon, Goſhawk, or Lanard, or their birds out of their neſts: or with vizards, or painted faces, or otherwiſe diſguiſed to the intent he would not be known, to ſteal Deer or Conies in the day time in a lawful Warren or Park; or to ſteal Deer or Conies in the night there. Rep. 1 Ed.6.12. St. 1 M.1. 11 H.7.17. 3 Ed.6.17. 7 Ed.6.11.

CAP. XII.

All Sanctuaries, and places priviledged, which have been uſed for Sanctuary, ſhall be utterly extinguiſhed, except Pariſh Churches, and their Church-yards, Cathedral Churches, Hoſpitals, and Churches Collegiate, and all Churches dedicated, uſed as Pariſh Churches, and the Sanctuaries to every of them belonging, and Wels in the County of Somerſet, Weſtminſter, Mancheſter, Northampton, Norwich, York, Darby, and Launceſter. None of the ſaid places ſhall give immunity or defence to any perſon which ſhall commit wilful murder, rape, burglary, robbery in the high-way, or in any houſe, or in any Church or Chappel, or which ſhall burn wilfully any houſe or barn with corn. He that taketh Sanctuary in any Church, Church-yard, &c. may remain there fourty days, as hath been uſed, unleſs the Coroner repair to him to take his abjuration; in which caſe he ſhall abjure to any of the foreſaid priviledged places, not being full of the number appointed to them, viz. above twenty perſons, there to remain during life. If a priviledged perſon, daily called to appear before the Governor, ſhall make default three days; or if he commit any felony, he ſhall loſe the benefit of Sanctuary. A priviledged perſon abjuring to any of the aforeſaid places, ſhall be conducted from Conſtable to Conſtable directly, until he be brought to the Governor of the ſaid priviledged place. And if that place be full of his number, then he ſhall be conducted to the next priviledged place, and ſo to the next, &c. until, &c. Rep. 1 Jac.25. & 21 Jac.28. St. 21 H.8.2. 22 H.8.14. 27 H.8.19. 33 H. 8.15.

CAP. XIII.

Horſes feeding on Commons not being of lawful height ſhall be ſeiſed and meaſured, &c.

Foraſmuch as the generation and breed of good and ſtrong Horſes within this Realm extendeth not onely to a great help of defence of the ſame, but alſo is great commodity and profit to the inhabitants thereof, which now is much decayed and diminiſhed, by reaſon that in foreſts, chaſes, moors, mariſhes, heaths, commons, and waſte grounds within this Realm, little ſtoned Horſes and Nags of ſmall ſtature, and of little value, be not onely ſuffered to paſture and feed thereupon, but alſo to cover and leap Mares feeding there, whereof cometh in manner no profit or commodity.

For reformation whereof, and for the increaſe and breed of better and ſtronger Horſes hereafter to be had within this Realm: Be it enacted by the King our Soveraign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no Commoner or Commoners within any foreſt, chaſe, moor, mariſh, heath, common or waſte ground, nor any Officer or Officers of or within any of the ſaid foreſts or chaſes, nor any other perſon or perſons whatſoever he or they be, at any time after the laſt day of March, which ſhall be in the year of our Lord God, one thouſand five hundred and three and fourty, ſhall have, or put to paſture into or upon any ſuch ground, foreſt, chaſe, moor, mariſh, heath, common, or waſte ground, any ſtoned horſe or horſes, being above the age of two years, and not being of the altitude and height fifteen handful, to be meaſured from the loweſt part of the hoof of the forefoot, unto the higheſt part of the wither, and every handful to contain four inches of yͤ Standard, to paſture, feed, or be in or upon any of the ſaid foreſts, chaſes, commons, moors, mariſhes, heaths, or waſte grounds within any of the Shires and Territories of Norfolk, Suffolk, Cambridge, Buckingham, Huntingdon, Eſſex, Kent, Southampſhire, North-Wiltſhire, Oxford, Berkſhire, Worceſter, Gloceſter, Somerſet, North-Wales, South-Wales, Bedford, Warwick, Northampton, Yorkſhire, Cheſhire, Staffordſhire, the County of the City of York, the Town and Liberties of Glouceſter, the County of the Town of Kingſton, upon Hull, the County Palatine of Lancaſter, the County of Salop, Leiceſter, Hereford, and Lincoln, or within any of them: Nor ſhall put to feed or paſture any ſtoned horſe or horſes, being above the ſaid age of two years, and not being of the altitude and height of fourteen handful, to be meaſured as is aboveſaid, within or upon any like ground or grounds as been above written, lying or being within any other Shire of this Realm, nor within any of them, upon pain of forfeiture of the ſaid horſe or horſes which ſhall be ſo found in or upon any ſuch ground, foreſt, chaſe, moor, mariſh, heath, common, or waſte ground, at any time after the ſaid laſt day of March, which ſhall be in the ſaid year of our Lord God, one thouſand five hundred and three and fourty, contrary to the form of this Statute.

Of what height thoſe ſtoned horſes ſhall be which do feed upon the common in certain Counties. Stat. 8 El.8. 21 Jac.28.

Seiſure and meaſuring of a horſe not of a lawful height.

And it ſhall be lawful to every perſon and perſons that ſhall find any ſuch horſe or horſes, contrary to the form of this Statute, to ſeize the ſame in manner and form following, that is to ſay, The ſaid perſon and perſons ſo finding any horſe or horſes, contrary to this Act, in any foreſt, chaſe, common, moor, mariſh, heath, or waſte ground, within the ſaid Shires, or other limits aforeſaid, or in any of them, ſhall firſt go unto the Keeper or Keepers of the ſame foreſt or chaſe, or to his deputy or deputies, or to the Conſtable, Bailiff, Headborough, Burſholder, or Tithingman of any Townſhip next adjoyning unto the ſaid place where the ſaid horſe or horſes ſhall be; and ſhall command or require him or them, or any of them, in the Kings behalf, to go with him or them, to bring every ſuch horſe or horſes, as he or they ſhall think to be there feeding and going contrary to this Statute, to the next Pound, and there the ſaid horſe and horſes to be meaſured by any of the ſame Officer or Officers, in the preſence of three other honeſt men, to be named and appointed by the ſaid Officer; and if it ſo be found that the ſame horſe or horſes be contrary to this Act, that then it ſhall be lawful to every ſuch perſon and perſons that ſo ſhall challenge and ſeize the ſaid horſe or horſes as before is ſaid, to take and retain the ſame horſe and horſes, and every of them to his own uſe, as his own proper goods and cattels for ever, without let, interruption, vexation, ſuit, or trouble of the owner or owners of them, or any of them, or of any other perſon or perſons.

Alſo it is further enacted by authority aboveſaid, That if any of the ſaid Keepers, their deputy or deputies, Bailiffs, Conſtables, Headboroughs, Burſholders, or Tithingmen, or any of the ſaid three other honeſt men, which ſhall be required to be at the meaſuring of the ſaid horſe or horſes, as is beforeſaid, do refuſe to do as is aforeſaid, or elſe do not truly meaſure ſuch horſe and horſes, that then every ſuch Bailiff, Keeper, deputy or deputies, Conſtable, Headborough, Burſholder, and Tithingman, and the ſaid three honeſt perſons to be named as is aforeſaid, and every of them, not doing, and refuſing to do his or their duty in the premiſſes, ſhall forfeit and loſe fourty ſhillings for every time ſo refuſing to do, or not doing as is aforeſaid, the one half thereof to be to our Soveraign Lord the King, and the other half thereof to be to the party that will ſue for the ſame in any Court of our ſaid Soveraign Lord the King, by bill, or plaint of debt, information, or otherwiſe, in which action none eſſoin, wager of law, or protection ſhall be admitted or allowed.

The penalty of thoſe that refuſe to meaſure a horſe not of a lawful height being hereunto required.

Provided alway, That this Act ſhall not extend to any ſtoned horſe or horſes, that ſhall happen once in a year, after the ſaid laſt day of March, to break, eſcape, or go out of any ſeveral paſture or ground, againſt the will and mind of the owner or poſſeſſor of ſuch horſe or horſes, into any of the ſaid foreſts, chaſes, moors, mariſhes, heaths, commons, or waſte grounds, ſo that the ſaid horſe or horſes ſo breaking, eſcaping, or going out, do not remain or abide in the ſaid foreſts, chaſes, moors, mariſhes, heaths, commons, or waſte grounds, or any of them by the ſpace of four days, next after ſufficient and open notice and knowledge given at the dwelling houſe of the owner of the ſaid horſe or horſes, or after open publication thereof made upon a Sunday, or other Feſtival day, in the Pariſh Church where the owner or poſſeſſor of ſuch horſe doth dwell.

Horſes breaking forth into the common againſt the owners will.

And be it further enacted by authority aforeſaid, That all foreſts, chaſes, commons, moors, mariſhes, heaths, and waſte grounds within this Realm of England and Wales, and the marches of the ſame, and every of them, ſhall be driven at the Feaſt of S. Michael the Archangel next coming, or within xv. days then next after, and ſo yearly to be driven by the Lords, owners and poſſeſſors of the ſaid foreſts, or chaſes, or by the officers of the ſame, and by the Conſtables, Headboroughs, Bailiffs, Burſholders, and Tithingmen, within whoſe offices, precincts, and limits, the commons, moors, mariſhes, heaths, and waſte grounds, being out of foreſts and chaſes, be or lie, upon pain of xl.s. to be forfeited to our ſaid Soveraign Lord the King, by every of the ſaid officers, Bailiffs, Conſtables, Headboroughs, Burſholders, and Tithingmen, as often, and at every time as the ſaid drift ſhall be omitted, or left undone within xv. days after the ſaid Feaſt of S. Michael the Archangel, as is aforeſaid. And it ſhall alſo be lawful to the Lords, owners and poſſeſſioners of the ſaid Foreſts and Chaſes, by their Officers of the ſame, and by the Conſtables, Bailiffs, Headboroughs, Burſholders, and Tithingmen, and every of them, within the limits of their offices, to make like drift of the ſaid foreſts, chaſes, commons, moors, mariſhes, heaths, and waſte grounds, at any other ſeaſon and time of the year, whenſoever, and as often as they ſhall think meet and convenient.

Foreſts, heaths, chaſes, commons, and waſte grounds ſhall be driven once in the year. Co. Inſt. 4 p. 309.

And furthermore be it enacted, That if in any of the ſaid drifts there ſhall be found any mare, filly, fole, or gelding, that then ſhall be thought not to be able, nor like to grow to be able to bear foles of reaſonable ſtature, or not able nor like to grow to be able to do profitable labours, by the diſcretions of the drivers aforeſaid, or of the more number of them, then the ſame driver or drivers ſhall cauſe the ſame unprofitable beaſts and every of them to be killed, and the bodies of them to be buried in the ground, or otherwiſe beſtowed as no noiance thereby ſhall come or grow to the people there near inhabiting, or thither reſorting.

Upon the drift of commons unlikely Tits ſhall be killed. 21 Jac. 28.

And it is further enacted by authority of this preſent Parliament, That the Juſtices of Peace in every Shire, Riding, and other place, in their quarter Seſſions to be kept and holden by vertue of the Kings Commiſſion of the Peace to them directed, and all Stewards of Leets and Lawdays, in the ſame Leets and Lawdays, ſhall have authority by this Act, to enquire of all defaults, contempts, omiſſions, and offences contrary to the effects above written, and every of them. And all preſentments thereof to be found in any of the ſaid Leets and Lawdays, ſhall be certified by the Steward or Deputy Steward, or Court-holder of the ſame Leet or Lawday, in the next general Seſſions of the Peace to be holden in the County where ſuch preſentments ſhall be found or had, or unto the Cuſtos Rotulorum of the ſame Shire, within fourty days next after that preſentment made, which Juſtices of Peace in their quarter Seſſions of the Peace, ſhall have power and authority by this Act, to hear and determine every ſuch preſentment before themſelves found, or in any of the ſaid Leets or Lawdays, to be preſented and certified as is aforeſaid, as well by examination, as otherwiſe; and if any ſuch Steward, Deputy Steward, or Court-holder aforeſaid, imbezil or conceal any ſuch preſentment, or do not certifie the ſame as is afore written, every of them ſo offending ſhall forfeit and loſe for every ſuch offence, xl.s. The one half of every ſuch forfeiture, and every other of the forfeitures afore written, to be to the King our Soveraign Lord, and the other half to the perſon or perſons that will ſue for the ſame, before the ſaid Juſtices of Peace in their ſaid quarter Seſſions, by bill, or information, which Juſtice ſhall have full power and authority, by vertue of this Act, to hear and determine every ſuch offence, as well by examination, as otherwiſe, as is before mentioned.

Juſtices of Peace in the Seſſions, and Stewards in their Leets and Lawdays ſhall inquire of all offences aforeſaid.

And be it further enacted by the authority aforeſaid, That no perſon or perſons after the Feaſt of S. Michael the Archangel next coming, ſhall have or put to paſture any horſe, gelding, or mare infect with ſcab or mange, in, to, or upon any of the ſaid foreſts, chaſes, moors, mariſhes, heaths, commons, waſte grounds, or common fields: upon pain to forfeit for every horſe, gelding, or mare ſo infect, paſturing in any of the ſaid grounds, ten ſhillings, which offence ſhall be inquirable and preſentable before the Steward in every Leet, as other common annoyances be. And the forfeiture therefore to be to the Lord of the ſame Leet where the ſaid offences ſhall be preſented.

No horſe, gelding, or mare, infected with the ſcab ſhall be put upon the Commons.

Provided

Horſe of ſmall height may be put where mares are uſed not to be kept.

Provided alway, That this Act, or any thing therein contained, ſhall not extend, nor be prejudicial to any perſon or perſons, having any ſtoned horſe or horſes, under the heights and altitudes above mentioned, for or concerning the having or putting any of the ſaid horſes to feeding in or upon any common or waſte grounds, where any mares or fillies are not uſed nor ſuffered to be fed, paſtured, or kept. Stat. 33 H.8.5.

CAP. XIV.

Co.Inſt. 4 p.109.

The Statutes of 5 R.2.3. 6 R.2.8. 4 H.7.10. & 23 H.8.7. touching fraighting in Engliſh ſhips onely, rehearſed and confirmed. A rate what ſhall be paid for the fraight or portage of the ſeveral ſorts of merchandizes from the Port of London to other places, and from thence to London. OB. Stat. 1 El.13. 5 El.5. 13 El.15.

CAP. XV.

In all Commiſſions to be granted to the Biſhop of the Dioceſs, his Chancellor and Commiſſary, concerning Chriſtian Religion, according to the Statute of 31 H.8.14. there ſhall be joyned with them the Archdeacons and their Officials, all which ſhall be named in the ſaid Commiſſions by their names of Dignity, and not by their Chriſtian names and ſirnames. Exp. 1 Ed.6. 12. becauſe the ſaid 31 H.8.14. is by that Act repealed.

CAP. XVI.

Aliens ſhall be bound by and unto all the Laws and Statutes of this Realm.

The King our moſt dread Soveraign Lord calling unto his bleſſed remembrance the infinite number of ſtrangers and aliens of foreign Countreys and Nations which daily do increaſe and multiply within his Graces Realm and Dominions in exceſſive numbers, to the great detriment, hindrance, loſs and impoveriſhment of his Graces natural lieges and ſubjects of this his Realm, and to the great decay of the ſame; remembring alſo the manifold Acts and good Statutes which have been heretofore made, as well by his moſt noble progenitors, as by his own moſt royal Majeſty, for reformation of the ſame in divers and ſundry Parliaments, that is to wit: Firſt, in the firſt year of the Reign of King Richard the third, where it was enacted, That no perſon not born under the ſame Kings obeiſance, nor made denizen, taking upon him to be an artificer, or handy-crafts man, ſhould take nor occupy any houſe or chamber within this Realm, nor abide or remain in the ſame, nor ſojourn with any ſtrange perſon, not being born under the obeiſance of the ſame King, as is aforeſaid, nor exerciſe or occupy any craft, or manual occupation within this ſame Realm; but that ſuch ſtrangers ſhould depart from this ſame Realm, within a certain time appointed by the ſaid Eſtatute, unleſs they were retained in ſervice to or with any ſubjects or lieges of the King onely which were expert in their crafts or occupations, under pain to forfeit all their goods.

Stat. 1 R.3.9.

No alien born not made denizen, being an Artificer, ſhall take or occupy any houſe or chamber, nor ſojourn with a ſtranger, nor occupy any craft.

An alien ſhall not make any cloth, ſell any ware by retail, or ſhall take any ſervant but the Kings ſubject, or his own child.

And that no perſon, not being born under the ſaid Kings obeiſance, nor made denizen, being an artificer or handy-crafts man, ſhould make any cloth within this Realm. And alſo that no ſuch ſtrangers ſhould ſell any wares within this Realm, but onely in groſs, and not by retail, under pain of forfeiture of the ſaid wares.

And moreover, that no perſon, not being under the ſaid Kings obeiſance, abiding in any houſe or chamber within this Realm, occupying any handy-craft, after a certain time in the ſaid Act limited, ſhould take any ſervant to work with him, except it were his ſon or daughter, or elſe one of the ſubjects of the ſaid King, and born under his obeiſance, upon pain to forfeit for every ſuch default xx.li. as in the ſaid Act amongſt other things more plainly appeareth.

Stat. 14 H.8.2. What prentices aliens muſt take, & whom for Journeyman, and they muſt be under reformation. Stat. 5 El.4.

And where alſo in the xiv. and xv. year of the Reign of our ſaid Soveraign Lord the King that now is, it was enacted, that no ſtranger born out of his Graces obeiſance, were he denizen, or not denizen, uſing any handy-craft or occupation within this Realm, ſhould take any apprentice, except the ſame apprentice were born within his Graces Dominions and obeiſance, upon pain to forfeit for every ſuch apprentice ſo taken, x.li.

And that alſo no ſtranger, nor alien born, under like pain, uſing any handy-craft within this Realm, after a certain time limited in the ſaid Act, ſhould take or have any Journey-man or covenant-ſervant, except ſuch Journey-man or covenant-ſervant were born under his Graces obeiſance.

Stat. 21 H.8.26. Aliens ſhall be contributory to charges with the Kings ſubjects, they ſhall ſwear to be true to the King and ſhall make no aſſemblies but at their Halls.

And that all manner of aliens born, as well being denizens, as not being denizens, inhabiting within the City of London, or a certain ſpace about the ſame, ſhould be under the ſearch and reformation of the Wardens of the Fellowſhips of handy-crafts within the ſaid City of London, as in the ſaid Eſtatute among other things more plainly appeareth.

And where alſo in the Parliament of our ſaid Soveraign Lord, holden at Weſtminſter, in the xxi. year of his moſt gracious Reign, it was enacted among other things, That no ſtranger ſhould keep any more ſervants ſtrangers but onely two at one time, and that all denizens then made, or after to be made, which would inhabit within the ſaid City of London, or within a certain circuit of the ſame, and would there keep any houſe, or occupy any craft or occupation, ſhould be contributory to and with the Kings Graces ſubjects of the ſame craft or occupation within the ſaid City of London, paying, bearing and ſuſtaining ſuch charges of the ſame crafts-men, as in the ſame Act is contained: and that they ſhould alſo preſent themſelves at the common Hall or meeting place of the ſaid craft in the City of London, and there to take corporal Oath before the Maſter and Wardens of the ſame craft, to be true to our ſaid Soveraign Lord the King, and his Heirs. And alſo, that no ſtranger, artificer or handy-crafts man, born out of his Graces allegeance, not being denizen, ſhould ſet up, or keep any houſe, ſhops, or chambers, wherein they ſhould exerciſe any handy-craft or myſtery, within this Realm, upon like penalties as been mentioned in the ſaid former Eſtatute. And that alſo no ſtranger, nor denizen not being born within this Realm, ſhould aſſemble in any company, fellowſhip, congregation, or conventicle, but onely in the common hall of their crafts with his Graces ſubjects of the ſame craft, upon like pain as is aforeſaid, as in the ſaid Acts and Statutes, among many other things more plainly appeareth. All which good, wholeſom and beneficial Acts and Statutes been in manner infringed, fruſtrated, and defrauded, chiefly by the means of divers Letters Patants obtained by the crafty ſuits, inventions and practiſes of ſtrangers, lately made denizens in great number, which Letters Patents do contain, that every ſuch denizen ſhall be as free as Engliſh-men naturally born within the Kings Graces Dominions and obeiſance, any Acts or Statutes made or to be made to the contrary notwithſtanding; by reaſon whereof, the ſaid denizens refuſe to obey and perform ſuch orders and directions as in the ſaid former Eſtatutes were limited, preſcribed, and declared, as well to and for ſuch ſtrangers born out of the Kings obeiſance, as at that time were made denizens, or that after ſhould be made denizens, to the great hinderance and decay of the handy-crafts men, being the Kings Graces natural lieges and ſubjects.

For reformation whereof, the Kings moſt royal Majeſty is contented and pleaſed, that it be enacted by his moſt gracious Highneſs, the Lords Spiritual and Temporal, & the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all manner of ſtrangers born out of his Graces obeyſance, which heretofore have been made denizens, or that hereafter ſhall be made denizens, from and after the firſt day of September next coming, ſhall be bound and obedient, by, and unto all the foreſaid Acts and Statutes, and to all the contents of the ſame, and to all other Acts and Statutes of this Realm, heretofore made, now being in their force, and not repealed; any Letters Patents, or Ordinances heretofore made, or hereafter to be made to the contrary thereof in any wiſe notwithſtanding. And that alſo in all and every Letters Patents of or for the making of any denizen, from and after the laſt day of this preſent Parliament, to be made to any ſtranger not being born under the Kings Graces obeiſance, ſhall be contained a proviſo, that he or they to whom ſuch Letters Pattents ſhall be ſo made and granted, ſhall be bounded and obedient by and unto all the Acts and Eſtatutes of this Realm, as is aforeſaid, and to all and every the contents of the ſame: Except it ſhall be the Kings moſt gracious pleaſure, to grant to any ſuch alien any ſpecial liberties or priviledges, more or otherwiſe then is contained in the ſaid Eſtatutes: And in that caſe, all ſuch liberties and priviledges ſo to be granted to any ſuch alien, contrary to the form of any of the ſaid Eſtatutes, ſhall be plainly, wholly and particularly expreſſed, ſpecified and declared by ſpecial words, as well in the bill aſſigned with the Kings Graces hand for obtaining of any ſuch grant, as in the Letters Patents to be made out of the Chancery for and concerning the ſame.

All ſtrangers made denizens, ſhall be obedient unto the ſtatutes. 1 R.3. 14 H.8. 21 H.8.

A proviſo in all Letters patents for making of denizens, that they ſhall be obedient to the laws.

And furthermore be it enacted by the authority aforeſaid, That no alien or ſtranger, denizen, or not denizen, uſing any handy-craft, being born out of the Kings Graces obeiſance, inhabiting within the Univerſities of Oxford or Cambridge, or within the precinct of Saint Martins le grand in London, or within any other ſuch like places priviledged, ſhall from the Feaſt of S. Michael the Archangel next coming, retain, have, or keep in their ſervice, any Apprentice, Journey-man, or ſervant, being aliens born out of the Kings obeiſance, above the number of two perſons at one time, upon pain and penalty contained in the ſaid Act made in the ſaid fourteen and fifteen years of his Graces Reign; any Act or proviſion heretofore made to the contrary in any wiſe notwithſtanding.

No alien dwelling in Oxford, &c. ſhall keep above two ſervants that be ſtrangers at one time. Stat. 5 El. 4.

And that it be alſo enacted by the authority aforeſaid, That every alien and ſtranger, born out of the Kings obeiſance, not being denizen, which now or hereafter ſhall come in or to this Realm, or elſewhere within the Kings Dominions, ſhall after the ſaid firſt day of September next coming, be bounden by and unto the Laws and Statutes of this Realm, and to all and ſingular the contents of the ſame.

Every alien bound to the laws of this Realm.

And that none of the Kings ſubjects ſhall retain or keep together at one time in his houſhold, ſervice, or family, above the number of four ſtrangers born out of the Kings obeiſance: Nor that any alien, being denizen, and uſing no handy-craft, ſhall retain or keep in his houſhold, ſervice, or family, together at one time, above the ſaid number of four ſtrangers, upon pain that the offendor and offendors contrary to this article, ſhall loſe and forfeit for every ſtranger born out of the Kings obeiſance, retained and kept above that number, ten pound. The moiety of all which forfeitures ſhall be to the Kings Highneſs, his Heirs and Succeſſors, and the other moiety thereof to ſuch perſon or perſons as will ſue for the ſame by original writ, bill, plaint, or information in any of the Kings Courts. In which ſuit, none eſſoin, protection, nor wager of Law be admitted or allowed.

No man may keep above four ſtrangers in his ſervice at one time. Stat. 5 El. 4.

Provided alway, That this Act, nor any thing therein contained, ſhall be hurtful or prejudicial to ſuch Proclamation as the Kings Majeſty hath publiſhed or proclaimed for and concerning the payment of cuſtom for ſtrangers, granted by the goodneſs of his Majeſty to endure for certain years, but that the ſame Proclamation ſhall abide, be, and remain in the ſame plight and ſtrength that it is, and as if this Act had never been made; any thing in this Act to the contrary thereof notwithſtanding.

A Proclamation publiſhed by the King for the payment of cuſtom.

Provided alſo, That every Lord of the Parliament may keep the number of ſix ſtrangers born out of the Kings obeiſance together at one time; any thing in this Act to the contrary thereof notwithſtanding.

Lords of the Parliament may keep ſix ſtrangers.

And it is further enacted by authority aforeſaid, That all leaſes of any dwelling houſe or ſhop within this Realm, or any the Kings Dominions, made to any ſtranger, artificer, or handy-craft man born out of the Kings obeiſance, not being deniſen, from and after the ſaid Feaſt of S. Michael the Archangel next coming, ſhall be void and of none effect. And that no ſtranger artificer, or handy-craft man, born out of the Kings obeiſance, not being denizen, ſhall after the ſame Feaſt take any leaſe of any dwelling houſe or ſhop within this Realm, or in any other the Kings Dominions, upon pain to loſe and forfeit for every time doing contrary to this Act, one hundred ſhillings. And that no perſons, after the ſame

No ſtrangers except denizens, may take any leaſes of houſes.

Feaſt, ſhall grant or let to ferm any dwelling houſe or ſhop to any ſuch ſtranger, artificer, or handy-crafts man, not being denizen, to the intent to dwell or inhabit in the ſame, upon like pain of one hundred ſhillings. The one moyety of which pains and forfeitures to be to the King our Soveraign Lord, and the other moyety to ſuch as will ſue for the ſame, in manner and form as in this Act is above expreſſed.

CAP. XVII.

Paving of certain ſtreets within London.

FOraſmuch as the ſtreet or way leading from Algate within the City of London to White-Chappel Church without the ſame gate, in the County of Middleſex, the lane called Chancery-lane, and the way leading from the bars in Holborn Weſtwards, towards Saint Giles in the field; and the lane called Grays-Inne-lane within the ſaid County; and alſo the lane lying beſides Saint Andrews Church in Holborn, called Show-lane; and alſo the lane called Feuter-lane, being thorow-fares and paſſages from Fleet-ſtreet into Holborn, within the Liberty of the City of London, be very foul, and full of pits and ſloughs, very perillous and noyous, as well for all the Kings ſubjects, through and by them repairing, as well on horſe-back as on foot, as alſo with carriage: For the amendment and reformation whereof, it may pleaſe the Kings Highneſs, with the aſſent of his Lords Spiritual and Temporal, and of his Commons in this high Court of Parliament aſſembled, and by the authority of the ſame, that it may be ordained, eſtabliſhed, and enacted, That all and every perſon, bodies politick and corporate, which now have, or at any time hereafter ſhall have, any lands, tenements, or other hereditaments in fee-ſimple, fee-tail, or for term of life, or for term of years, or by reaſon of the wardſhip of any heir during the nonage of the ſame heir, or by execution, by writ of Elegit, or by any Eſtatute of the Staple, lying and being between the ſaid Gate called Algate, and White-Chappel Church next adjoyning to the ſaid high-way, or next adjoyning to any of the ſaid lanes or ways called Chancery-lane, Grays-Inne-lane, Show-lane, Feuter-lane, and the way from the bars in Holborn Weſtwards to the far end of high Holborn, ſhall on this ſide the Feaſt of the Nativity of Saint John Baptiſt, which ſhall be in the year of our Lord God, M.D.XLII. well and ſufficiently pave, or cauſe to be paved with paving ſtone, the bridge at Holborn bars, at the cauſey, beginning at the ſame bars, unto the end of high Holborn Weſtwards, as far as any habitation or dwelling is on both the ſides of the ſame ſtreet: And alſo the cauſey or high-way leading from Algate to White-Chappel Church: And the lane called Chancery-lane, from the bars beſides the Rolls late made and ſet up by the Lord Privy Seal, unto the ſaid high-way in Holborn: And the ſaid lane called Grays-Inne-lane, from Holborn bars Northward, as far as any habitation is there: And alſo the lanes called Show-lane, and Feuter-lane, every man his part and quantity of the ſame cauſeys and lanes, unto the midſt of the ſame cauſeys and lanes, and every of them in length, as his or their lands or tenements do lie or extend, in like manner and form as the cauſey or high-way leading from Strand-bridge to Charing-Croſs is made and paved: And alſo the lanes called Show-lane, and Feuter-lane, in every part of the ſame lanes, as other ſtreets within the City of London be paved, with a canel in the midſt of the ſame lanes, upon pain, every perſon in his own default, to forfeit for every ſquare of the ſame cauſeys and lanes, and every of them, not ſufficiently paved before the ſaid Feaſt of S. John Baptiſt, ſix pence.

They which have a certain eſtate in lands adjoyning to theſe ſtreets and lanes, ſhall pave the ſame before the feaſt of S. John Baptiſt, Anno Dom. 1542. to the midſt of the cauſeys. Co. Inſt. 4 p. 249.

And that all and every ſuch perſons having, or which hereafter ſhall have lands or tenements in fee-ſimple, fee-tail, or for term of life, or otherwiſe, as is aforeſaid, adjoyning or lying to and next either ſide of the ſaid cauſeys, or lanes, or any of them, their heirs, aſſigns or ſucceſſors, after and from the ſaid Feaſt of Saint John Baptiſt, which ſhall be in the year of our Lord God, M.D.XLII. ſhall yearly maintain and repair the ſame pavements, and every of them, over againſt his ſaid lands and tenements, well and ſufficiently from time to time, as often, and when need ſhall require, at all times hereafter with paving ſtone, upon pain to forfeit for every yard ſquare not ſufficiently paved, ſix pence, as often as any ſuch default of any perſon ſhall be preſented before the Juſtices of Peace within the ſaid County of Middleſex, for that part of the ſaid way being within the ſaid County of Middleſex; and before the Mayor and Aldermen, or Juſtices of the Peace within the City of London, for that which is within the Liberties of the ſaid City.

They which ſhall have eſtate in lands adjoyning to the high-way in the foreſaid ſtreets or lanes, ſhall continue the ſame paved.

And be it further enacted by the ſaid authority, That the Juſtices of Peace of the ſaid County of Middleſex for the time being, ſhall have full power and authority, to enquire in every quarter Seſſions to be kept after the ſaid Feaſt of S. John Baptiſt, by the oath of twelve men of the ſaid County, as well of them that have not paved ſuch part or portion of the ſame cauſeys, and every of them being within the ſame County, over againſt, and along unto the midſt of the ſame cauſeys, as their lands and tenements do extend or lie, as alſo of ſuch perſons as have been remiſs and negligent in amending and repairing the ſame cauſeys from time to time, as need ſhall require, according to the meaning of this Act.

The Juſtices of Peace of Middleſex ſhall enquire of them which omit their duty there.

And alſo be it enacted by the authority aforeſaid, That the Mayor of London, Aldermen, and Juſtices of the Peace of the ſame City for the time being, ſhall have like power and authority by vertue of this Act, to enquire both in their quarter Seſſions, and all Wardmote enqueſts, to be kept within the City of London, after the ſaid Feaſt of the Nativity of S. John Baptiſt, by the oath of twelve men of every Ward, within the ſaid City and Liberties thereof, as well of all ſuch perſon and perſons that from time to time, as need doth and ſhall require, have not paved ſuch part and portion of the ſtreets and lanes within the ſaid City and Liberties thereof, and alſo within all priviledged places being within the ſaid City and Liberties thereof: As alſo of all ſuch perſon and perſons as be remiſs and negligent in amending and repairing of the ſame ſtreets and lanes, and every of them, as often, and when as need requireth, according to the purport of this Act, upon like pains and penalties

The Mayor and Aldermen of London ſhall enquire of offences committed within the Liberties of the ſaid City.

to be aſſeſſed and afferred upon the offendors, within the ſaid City and liberties thereof, in every condition, as be limited before for them which do not pave and repair the ſaid cauſeis, in Holborn, Chancery-lane, and without Algate. And that the ſaid Juſtices of Peace within the ſaid County of Middleſex, for the time being, within their juriſdiction, ſhall have full power and authority by their diſcretions, to amerce, and ſet fines upon ſuch perſons as ſhall be remiſs and negligent, or make default in the obſerving of the tenor of this Act. And if the ſaid Juſtices of Peace within the ſaid County of Middleſex, or the Mayor and Aldermen, and Juſtices of Peace of the ſaid City of London, at any their quarter Seſſions after the ſaid Feaſt of the Nativity of S. John Baptiſt, to be holden and kept within the ſaid County of Middleſex, by the Juſtices of Peace of the ſame County, or the Mayor, Aldermen, and Juſtices of Peace of the City of London at any their quarter Seſſions or enqueſts of Wardmote kept within the City of London, be negligent and remiſs on their parts, to charge by oath ſuch perſons to find and preſent the ſaid defaults and negligence of all perſons offending contrary to the meaning of this Act, then the ſaid Juſtices of Peace within the ſaid County of Middleſex, being preſent at the ſame quarter Seſſions, to loſe and forfeit for every time ſo neglecting the ſaid charge, C. s. And likewiſe the Mayor, Aldermen and Juſtices of Peace of London for every like default and neglecting, to loſe and forfeit C. s.

The penalty of the Juſtices of Peace, and of the Mayor that be remiſs to inquire of the offences aforeſaid.

And be it further enacted by the ſaid authority, That the Clerk of the Peace of the ſaid County of Middleſex for the time being, ſhall from time to time certifie into the Kings Exchequer, all ſuch fines, & forfeitures ſo aſſeſſed within the ſaid County, loſt & forfeited before the ſaid Juſtices of Middleſex, into the Kings Exchequer to the uſe of the Kings Highneſs, and his heirs, and the Barons of the ſaid Exchequer, to make out proceſs by diſtreſs to be taken and levied upon the ſaid lands and tenements, or otherwiſe by their diſcretions, as well for the ſaid fines aſſeſſed, as alſo for the ſaid forfeitures and penalties before limited. And if the Clerk of the Peace within the ſaid County of Middleſex, be remiſs and negligent in making ſuch certificate, or doing his duty according to this Act, then the ſame Clerk to loſe and forfeit for every ſuch default, five pounds: the one half to be to the uſe of the Kings Highneſs, and the other half to the uſe of any the Kings ſubjects that will ſue for the ſame in any the Kings Courts, by bill, action, information, or otherwiſe, wherein no wager of law, eſſoin, or protection ſhall lye for the defendant.

The Clerk of P. ſhall certifie into the Exchequer all fines and forfeitures.

And further be it enacted by the authority aforeſaid, That the Mayor, Aldermen, and Juſtices of Peace within the City of London and Suburbs of the ſame, or three of them, whereof the Mayor to be one, by vertue of this Act, ſhall have full power and authority from time to time, to ſet fines and amerciaments on all and ſingular perſons, for not paving and repairing of any ſtreet, lane, ſtreets, lanes, within the ſaid City and liberties of the ſame, which now be paved, or by force of this Act hereafter ſhall be paved, and the ſame fines and amerciaments to be levied by diſtreſs, plaint or action, within the ſame City, by the Chamberlain of the ſaid City for the time being, to the uſe of the Mayor and Comminalty of the ſaid City, and their Succeſſors, as other fines, and amerciaments for any other matter or cauſe within the ſaid City have been uſed and acuſtomed.

The Mayor of London, &c. may ſet fines upon thoſe which do not pave or repair any ſtreet or lane.

Provided always, That if the inhabitants of ſuch lands or tenements, do ſufficiently repair and pave before their manſions and dwelling places, the ſaid ſtreets, lanes and cauſeis, that then every ſuch inhabitant by vertue of this Act, ſhall defalk, abate, and retain in his hands as much of the rent due unto his leſſor, as he can prove to have expended in and about the ſame paving. And the leſſor, for ſo much money, as ſuch ſum doth amount unto, to have no action, re-entree, or other remedy for non-payment of that ſame, unleſs it be otherwiſe agreed between them.

An inhabitant paving the ſtreet may defalk ſo much of his rent from his Leſſor.

CAP. XVIII.

Houſes decayed within York, Lincoln, Buckingham, &c. muſt be repaired.

Foraſmuch as there hath been in time paſt divers and many beautiful houſes of habitation within the walls and liberties of the Cities, Boroughs, and Townes of York, Lincoln, Canterbury, Coventry, Bath, Chicheſter, Salisbury, Wincheſter, Briſtow, Scarburg, Hereford, Colcheſter, Rocheſter, Porteſmouth, Poole, Linne, Feverſham, Worceſter, Stafford, Buckingham, Pontfret, Grantham, Exeter, Ipſwich, Southampton, great Yarmouth, Oxenford, great Wicombe, Gulford, Eſtretfore, Kingſton upon Hull, Newcaſtle upon Tine, Beverley, Bedford, Leyceſter, and Berwick, and now are fallen down, decayed, and at this day remain unre-edified, and do lye as deſolate and vacant grounds many of them nigh adjoyning to the high ſtreets repleniſhed with much uncleanneſs and filth, with pits, cellers and vaults, lying open and uncovered, to the great peril and danger of the inhabitants, and other the Kings ſubjects, paſſing by the ſame, and ſome houſes be feeble and very like to fall down, dangerous to paſs by, which decays are to the great impoveriſhing and hinderance of the ſame Cities, Boroughs and Towns. It may therefore pleaſe the King our Soveraign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That it may be enacted by the authority of the ſame, That if any perſon or perſons, or bodies politick, being owners or poſſeſſioners of any ſuch deſolate or void grounds, that have been at any time within xxv. years immediately paſt, before the xii. day of April, in the xxxi. year of his Majeſtes reign, builded for houſes of habitation, or of any other houſe or houſes of habitation, now, or hereafter being in decay, and not fully fallen down, within the liberties or precincts of any of the ſaid Cities, Boroughs, or Towns, do not ſufficiently re-edifie, build and repair, or cauſe to be re-edified, builded and repaired, the ſaid deſolate, void grounds, or decayed houſes, convenient for habitation and dwelling, within three years next after Proclamation thereof to be made, in, or upon the ſame void ground or grounds, decayed houſe or houſes, by the Mayors, Sheriffs,

If the owner of any decayed houſe do not repair it within two years after Proclamation, the Lord of the ſame may enter and retain it to him, &c.

Bailiffs, or other head Officers of every of the ſaid Cities, Boroughs, and Towns, by what name or names ſoever they be incorporated, every of them within the precinct of their own authority: that then it ſhall be lawful for the Lord or Lords, of whom ſuch deſolate void grounds, or decayed or ruinous houſes been holden, after the ſaid three years expired, to enter into the ſame, and to have the ſame grounds or houſes to them, and to their heirs or ſucceſſors, to their own proper uſe for ever, ſo that the ſaid Lord or Lords ſo entring by authority of this Act, do ſufficiently re-edifie, build and repair the ſame void grounds, or decaied houſes, within two years next and immediately following the determination of the ſaid three years.

The entry of them which have a rent charge.

And in caſe ſuch Lord or Lords as may enter by this Act, do not enter, and well and ſufficiently re-edifie, build, or repair the ſame void grounds or decayed houſes, within the ſaid ii. years to them limited by this Act, That then it ſhall be lawful to ſuch perſon or perſons, or bodies politick as ſhall then have any rent charge going ſeverally out of any of the ſaid void ground or grounds, or decayed houſe or houſes, in any of the ſaid Cities, Boroughs, or Towns, immediately after the ſaid two years expired, to enter into the ſame, and to have the ſame void grounds, or decayed houſes to them, their heirs or ſucceſſors for ever, to their own proper uſe, ſo that the ſaid perſon or perſons, or bodies politick, having the ſaid rent charge, entring by authority of this Act, do ſufficiently build, re-edifie, and repair the ſame deſolate and void ground or grounds, or decayed houſe or houſes, within one year next and immediately following the determination of the ſaid two years to the ſaid Lord or Lords appointed by this Act.

The entry of head Officers of corporate Towns.

And in caſe ſuch perſon or perſons, or bodies politick having the ſaid rents charges as may enter by this Act, do not enter, and well and ſufficiently re-edifie, build, and repair the ſame void grounds, or decayed houſes, within the ſaid one year to them appointed by vertue of this Act: That then it ſhall be lawful to the Mayors, Sheriffs, Bailiffs, or Comminalty, or other head Officer of the ſaid Cities, Boroughs, or Towns, by what name or names ſoever they be incorporate, or their ſucceſſors, every of them within the limits of their authorities, immediately after the ſaid year expired, into ſuch deſolate or void grounds, decayed or ruinous houſes, to enter, and the ſame grounds and houſes, and every of them, to hold and enjoy to them and their ſucceſſors for ever, clearly diſcharged of all rent going out of the ſaid grounds or houſes, as well againſt the ſaid Lord or Lords, as all perſon or perſons, or bodies politick, having any ſuch rent or rents, as before is ſaid: ſo that the ſame Mayors, Sheriffs, Bailiffs, and Comminalty, or other head Officers, as is aforeſaid, or their ſucceſſors for the time being, do re-edifie, build, or repair, or cauſe to be re-edified, builded, or repaired the ſame ground or grounds, houſe or houſes, within three years next and immediately following the determination of the ſaid year appointed to ſuch perſon or perſons, or bodies politick, that ſhall have any ſuch rent, as is aforeſaid.

The entry of the firſt owners or poſſeſſors.

And in caſe the ſaid Mayors, Sheriffs, Bailiffs, Comminalty, or other head Officers, as is aforeſaid, or their ſucceſſors do not enter, and re-edifie, build, and repair the ſame void ground, or grounds, or decayed houſe or houſes, in form beforeſaid, within the ſaid term of three years after the ſaid entry, that then it ſhall be lawful to the firſt owner or owners, poſſeſſioner or poſſeſſioners of ſuch void ground or grounds, or decayed houſe or houſes, their heirs or ſucceſſors, immediately after the ſaid three years, to the ſaid Mayors, Sheriffs, Bailiffs, Comminalty, or other head officers, as is aforeſaid, limited, expired, into the ſame ground or grounds, houſe or houſes, to re-enter, and the ſame to retain to them, their heirs or ſucceſſors, as in their firſt eſtate, any thing contained in this preſent Act to the contrary notwithſtanding.

A proviſion for ſuch as be within age, married, in priſon, or out of the Realm.

Provided always, That this preſent Act, nor any thing therein contained be in any wiſe prejudicial or hurtful to any perſon or perſons, being at the time of the ſaid Proclamation made, under the age of xxi. years, or to any woman being married, or to any perſon or perſons being in priſon, or beyond the Sea in the Kings Wars, or in his other lawful affairs, during ſuch times as ſuch perſon or perſons ſhall be within age, married, in priſon, or beyond the Sea: ſo that the ſame perſon or perſons, after he or they ſhall come to the age of xxi. years, or being not married, out of priſon, or come again within this Realm, within three years next enſuing, do re-edifie the ſame deſolate or void grounds, or repair the decayed houſes.

CAP. XIX.

Houſes decayed within ſundry Towns in the Weſt parts, &c. muſt be repaired.

FOraſmuch as in time paſt divers and many beautiful houſes of habitation have been within the walls and liberties of the Boroughs, and Towns of Shaſton, Shireborn, Birtport, Dorceſter, and Weimouth, within the County of Dorcet, and the Boroughs and Towns of Plimouth, Plimton, Barſtable, Taviſtock, and Dartmouth, within the County of Devonſhire, and the Boroughs and Towns of Lanceſton, Lyskerde, Leſtuthiel, Bodman, Truru, and Helſton, within the County of Cornwal, and the Boroughs and Towns of Bridgewater, Taunton, Somerton and Alcheſter, within the County of Somerſet, and the Borough of Maldon in the County of Eſſex, and alſo the Borough and Shire Town of Warwick, in the County of Warwick, which now are fallen down, decayed, and at this time remain unre-edified, lying as deſolate and void grounds, and many of them adjoyning nigh unto the high ſtreets, repleniſhed with much ordure, filth and uncleanneſs, with pits, cellers, and vaults, lying open, and uncovered, to the great peril and danger of all the inhabitants, and other the Kings Subjects, paſſing by the ſame: and ſome houſes be very weak and feeble, ready to fall down, and therefore dangerous to paſs by, to the great decay and hinderance of the ſaid Boroughs and Towns. It may be therefore enacted by the King our Soveraign Lord by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, If the owner of any decayed houſe within any of the foreſaid Towns, do not repair the ſame within three years after Proclamation, the chief Lord may enter and retain it.

aſſembled, and by authority of the ſame, That if any perſon or perſons, or bodies politick, being owners or poſſeſſioners of any ſuch deſolate or void grounds, that at any time within xxv. years next before the making of this Act, have been builded for houſes of habitation, or of any other houſe or houſes of habitation now or hereafter being in decay, and not fully fallen down, within the liberties or precincts of any of the ſaid Boroughs and Towns, do not ſufficiently re-edifie, build and repair, or cauſe to be re-edified, builded and repaired, the ſaid deſolate, void grounds, and decayed houſes, convenient for habitation and dwelling, within three years next after Proclamation to be made in or upon the ſame void ground or grounds, decayed houſe or houſes, by the Mayors, Bailiffs, or other head officers of the ſaid Boroughs and Towns, by what name or names ſoever they be incorporated, every of them within the precinct of their own authorities, that then it ſhall be lawful to the high Lord or Lords, of whom ſuch deſolate and void grounds, decayed or ruinous houſes be holden, after the ſaid three years be expired, to enter into the ſame, and to have the ſame grounds or houſes to them and their heirs or ſucceſſors, to their own proper uſe for ever: ſo that the ſaid Lord or Lords entring by the authoritie of this Act, do ſufficiently re-edifie, build or repair the ſame void grounds, or decayed houſes within two years next and immediately following the determination of the foreſaid three years.

The entry of them which have a rent charge out of the decayed houſes.

And in caſe ſuch Lord or Lords as may enter by this Act, do not enter, and well and ſufficiently re-edifie, build or repair the ſame void grounds, or decayed houſes, within the ſaid two years to them limited by this Act: That then it ſhall be lawful to all ſuch perſon or perſons, or bodies politick, as ſhall then have any rent charge going ſeverally out of the ſaid void ground or grounds, or decayed houſe or houſes, in any of the ſaid Boroughs or Towns, immediately after the ſaid two years expired, to enter into the ſame, and to have the ſame void grounds or decayed houſes, to them and to their heirs or ſucceſſors for ever, to their own proper uſe: ſo that the ſaid perſon or perſons, or bodies politick, having the ſaid rent charge, entring by authority of this Act, do ſufficiently re-edifie, build, and repair the ſame deſolate and void ground or grounds, or decayed houſe or houſes, within one year next and immediately following the determination of the ſaid two years, to the ſaid Lord or Lords appointed by this Act.

The entry of the head officers of the ſame corporate Town.

And in caſe ſuch perſon or perſons, or bodies politick, having the ſaid rents charges, as may enter by this Act, do not enter, and well and ſufficiently re-edifie, build, or repair the ſame void grounds, or houſes decayed, within one year to them appointed by vertue of this Act, that then it ſhall be lawful to the Mayors, Bayliffs, or comminalty, or other head officers of the ſaid Boroughs and Towns, by what name or name or names ſoever they be incorporated, or their ſucceſſors, every of them within the limits of their authorities, immediately after the ſaid year expired, into every ſuch deſolate or void grounds, decayed or ruinous houſes to enter, and the ſame grounds or houſes, and every of them, to hold and enjoy to them and their ſucceſſors for ever, clearly diſcharged of all rents going out of the ſame grounds or houſes, as well againſt yͤ ſaid Lord or Lords, as all other perſon or perſons, or bodies politick, having any ſuch rent or rents, as before is ſaid: ſo that the ſame Mayor, Bayliffs and Comminalty, or other head officers as is aforeſaid, or their ſucceſſors for the time being, re-edifie, build or repair, or cauſe to be re-edified, builded or repaired, the ſame ground or grounds, houſe or houſes, within three years, next and immediately following the determination of the ſaid year appointed to ſuch perſon or perſons, or bodies politick, that ſhall have any rent as is aforeſaid.

The entry of the firſt owners or poſſeſſors.

And in caſe the ſaid Mayor, Bayliffs, Comminalty, or other head officers as is aforeſaid, or their ſucceſſors do not enter and re-edifie, build or repair the ſame void ground or grounds, or decayed houſe or houſes, in form aforeſaid, within the ſaid term of three years after their ſaid entree: That then it ſhall be lawful to the firſt owner or owners, poſſeſſioner or poſſeſſioners of ſuch void ground or grounds, or decayed houſe or houſes, their heirs or ſucceſſors, immediately after the ſaid three years, to the ſaid Mayor, Bayliff, Comminalty, or other head officers as is afore limited, expired, into the ſame ground or grounds to enter, and the ſame to retain, to them, their heirs and ſucceſſors, as in their firſt eſtate: any thing contained in this preſent Act to the contrary notwithſtanding.

A relief for ſuch as be within age, married, or in priſon, or out of the Realm.

Provided alway, That this Act, nor any thing therein contained, be not in any wiſe hurtful nor prejudicial to any perſon or perſons being at the time of the ſaid Proclamation made, under the age of xxi. years, or to any woman being married, or to any perſon or perſons being in priſon, or beyond the Sea in the Kings Wars, or in his other lawful affairs, during ſuch time as ſuch perſon or perſons ſhall be within age, married, in priſon, or beyond the ſea: ſo that the ſame perſon or perſons, after that he or they come to their plein age, be unmarried, out of priſon, or come again within this Realm, within three years next enſuing do re-edifie the ſame deſolate or void grounds, or repair the ſaid decayed houſes.

CAP. XX.

Priviledges and Liberties of owners of Lands, Manors, &c. by former Statutes aſſured to the King, ſhall be continued.

a Coke pl. fol. 440 445. 546.

Where divers and ſundry Scites, Circuits, and Precincts of late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, and other Eccleſiaſtical and Religious Houſes and places, and divers Honours, Caſtles, Manors, Meſſuages, Lands, Tenements, Liberties, Priviledges, Franchiſes, and other Hereditaments, by divers and ſundry Statutes heretofore made, been aſſigned, limited and appointed to the order[a], rule, ſurvey and governance of the Court of our Soveraign Lord the King, called the Court of Augmentations of the Revenues of his Crown, and of the Chancellor, Officers and Miniſters of the ſame, by the which Statute it is not fully, plainly, nor expreſſly decla-

The ſame franchiſes that the late owners of religious houſes had within three moneths before their diſſolutions, ſhall be revived, and be actually in the King, and in the ſurvey of the Court of augmentations.

ted or rehearſed, how, and in what wiſe, and by what ſpecial Officers and Miniſters, the liberties, priviledges and franchiſes, which the late owners of the ſame ſcites, circuits, precincts, honours, caſtles, manors, meſſuages, lands, tenements, and other the premiſes, had, uſed and exerciſed, ſhould be ordered, uſed, exerciſed, and put in execution. Be it therefore enacted by the King our Soveraign Lord, with the aſſent of the Lords ſpiritual and temporal, and of the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular the ſame liberties, franchiſes, priviledges, and temporal juriſdictions, which the ſaid late owners had, uſed and exerciſed lawfully, by themſelves, or by their Officers or Miniſters, or might have uſed or exerciſed them in three moneths next before that the ſaid ſcites, circuits, precincts, honours, caſtles, manors, meſſuages, lands, tenements, and other the premiſes, came to the poſſeſſion of the Kings Highneſs, ſhall be by vertue of this preſent Act revived, and be [b] really and actually in the Kings Highneſs, his heirs and ſucceſſors, and ſhall be in the rule, order, ſurvey and governance of the Kings ſaid Court of Augmentations of the Revenues of his Crown, and of the Chancellor, Officers and Miniſters of the ſame. And that the ſame liberties, franchiſes, priviledges, and temporal juriſdictions, and all manner fines, iſſues, amerciaments, and other profits and commodities, of what kinds or natures ſoever they be, coming, growing, or riſing, by reaſon or occaſion of them, or any of them, ſhall be uſed, exerciſed and occupied to all intents, purpoſes, conditions and reſpects, and ſhall be claimed, levied, collected and taken by ſuch Stewards, Bayliffs, and other Officers and Miniſters, as ſhall pleaſe the Kings Highneſs to name and appoint, in like manner, form, faſhion aud condition, as they, or any of them were lawfully uſed, exerciſed, executed, claimed, levied, collected and taken, before that they came to the hands and poſſeſſion of our ſaid Soveraign Lord: and that the ſame Stewards, Bayliffs, Officers and Miniſters, ſhall be accomptant for the iſſues and revenues of their Bayliwicks and Offices, and ſhall be compelled to accompt in the ſaid Court of Augmentations, like as the Kings Receivers, or other Officers accomptants in that Court heretofore have done, or ought to do.

Thoſe lands, &c. of the late Abbeys which came to the King by attainder, ſhall be in the order of the Court of general ſurveyors.

And where alſo divers and ſundry ſcites, circuits and precincts of late Monaſteries, Abbeys, Priories, Nunneries, Colledges, Hoſpitals, and other eccleſiaſtical and religious houſes and places, and alſo divers honours, caſtles, manors, meſſuages, lands, tenements, liberties, priviledges, franchiſes, and other hereditaments, which been comen to the Kings hands by attainder, or attainders of high Treaſon, been aſſigned, limited and appointed to the order, rule, ſurvey and governance of the Kings general ſurveyors: And foraſmuch as it is not fully, plainly, nor expreſly known or declared, how and in what wiſe, and by what ſpecial Officers or Miniſters, the temporal liberties, priviledges, franchiſes, and temporal juriſdictions, which the late owners of the ſaid ſcites, circuits, precincts, honours, caſtles, manors, meſſuages, lands, tenements, and other the premiſes, had, uſed and exerciſed, ſhould be ordered, uſed, and put in execution. Be it therefore enacted by authority aforeſaid, That all and ſingular the ſame liberties, franchiſes, priviledges, and temporal juriſdictions, which the late owners of the ſaid ſcites, circuits, precincts, honours, caſtles, manors, and other the premiſes, which been comen into the Kings hands by attainders, as is aforeſaid, lawfully had, uſed and exerciſed by themſelves, or by their Officers, or Miniſters, or which they might have uſed or exerciſed within three moneths next before that the ſame ſcites, circuits, precincts, honours, caſtles, manors, and other the premiſes, came to the poſſeſſion of the Kings Highneſs, ſhall be by vertue of this Act revived, and be really and actually in the Kings Highneſs, his heirs and ſucceſſors, and ſhall be in the rule, order, ſurvey and governance of the Kings ſaid general ſurveyors, and of the Officers and Miniſters of the ſame. And that the ſame liberties, franchiſes, priviledges and temporal juriſdictions, and all manner fines, iſſues and amerciaments, and other profits and commodities, of what kinds or natures ſoever they be, coming, growing, or riſing by reaſon or occaſion of them, or any of them, ſhall be uſed, exerciſed and executed to all intents, purpoſes, conditions and reſpects, and ſhall be claimed, levied, collected and taken by ſuch Stewards, Bayliffs, and other Officers and Miniſters as ſhall pleaſe the Kings Highneſs to name and appoint for the ſame, in like manner, form, faſhion and condition, as they or any of them were uſed, exerciſed, executed, claimed, levied, collected and taken, before they came to the hands and poſſeſſion of our ſaid Soveraign Lord by attainder, as is aforeſaid. And that the ſaid Stewards, Bayliffs, Officers and Miniſters thereof, ſhall be accomptant for the iſſues and revenues of their Bailiwicks and Offices, and ſhall be compelled to accompt before the ſaid general ſurveyors, as other Officers accomptants in that Court heretofore have done, or ought to do.

The juriſdiction of the ſtewards and bayliffs of thoſe liberties that were late the Abbeys, &c. and their attendance to the Kings Courts.

And be it enacted by authority aforeſaid, That the ſaid Stewards, Bayliffs, and other Officers and Miniſters ſhall be attendant and obedient to all other the Kings Courts, as well for all executions and returns of writs, warrants and precepts, as for their perſonal appearances, and other duties of their Offices, like as the Officers and Miniſters of the ſaid late owners did, and ought to do, or ſhould have done by reaſon of their ſaid ſeveral Offices, before that the ſame liberties, priviledges, and temporal juriſdictions did come to the poſſeſſion of our ſaid Soveraign Lord, and that to be done and obſerved, upon all pains and penalties by the Laws of this Realm limited and ordained for any offence or default in the ſame. And that no Sheriff, Under-ſheriff, or other Officer or Miniſter of any Sheriff, or other foreign Officer or Miniſter, ſhall in any wiſe intromit, or medle in, with, or upon any of the premiſes, or otherwiſe, or in any other manner, nor for any other cauſe, then they or any of them lawfully might have done, before the ſame premiſes did come to the poſſeſſion of our Soveraign Lord.

Provided always, and be it enacted, That all and ſingular perſons, and bodies politick, and the heirs, ſucceſſors and aſſigns of every of them, ſhall have, hold, uſe, execute and exerciſe as well by themſelves, their officers, ſervants, and miniſters, as by and for their tenants, fermors, and reſiants, all and ſingular liberties, priviledges and franchiſes which they or any of them now have, by or from the Kings Majeſty, by any Letters Patents, Indentures, writings under any his Highneſs ſeal, or by authority of Parliament, or otherwiſe, or by the lawful grant, or leaſe of any perſon or perſons, or by any other means, or lawful title, in as large, ample and beneficial manner, to all intents, reſpects and purpoſes, as they or any of them now have, or of right ought to have the ſaid liberties, franchiſes and priviledges, or any of them, and as though this Act had never been had, ne made: any thing above written notwithſtanding (the priviledges of Sanctuaries, Church, Church-yards, or cemitories for tuition of tranſgreſſors and offendors only excepted.) Saving to all and ſingular perſons, and bodies politick, and the heirs, ſucceſſors and aſſigns of every of them, all ſuch office and offices, fees, annuities, profits and commodities, which they or any of them now have, or of right ought to have, in or upon, or by reaſon of the ſaid ſcites, circuits, precincts, caſtles, honours, manors, meſſuages, lands, tenements, liberties, franchiſes, priviledges, and other the premiſes, or in any part or parcel of them, in as large and ample manner, form, faſhion and condition to all reſpects and purpoſes, as if this Act had never been had nor made: any thing in this Act to yͤ contrary thereof notwithſtanding.

Every perſon may uſe ſuch liberties as he hath by the Kings grants, or otherwiſe.

A ſaving to all perſons their offices, fees, annuities and profits out of any of the lands of any Abbeys, &c.

And furthermore be it enacted by the authority of this preſent Parliament, That the Chancellor of the ſaid Court of Augmentations now being, and every of his ſucceſſors, being Chancellor of the ſame Court, and the Kings general Attorney, and his Graces Attorney of the ſaid Court of Augmentation for the time being, and every of them, and their ſucceſſors, and the ſucceſſors of every of them ſhall have full power and authority by vertue of this Act, to take to the uſe of the King our Soveraign Lord, his heirs and ſucceſſors, knowledges of all manner of concords for fines thereupon to be had, and recorded in the Court of our ſaid Soveraign Lord the King, and of his heirs and ſucceſſors, commonly called the Common place, of and upon all and ſingular manors, lordſhips, lands, tenements, and other hereditaments, being, and which by reaſon of thoſe fines or otherwiſe, ſhall be under the order, rule or ſurvey of the ſaid Court of Augmentations, without any fine or fee to be paid for the ſame. And that the Judges or Juſtices for the time being, of the ſaid Court called the Common place, and their ſucceſſors, ſhall accept, receive and allow, all the ſaid knowledges of concord by the ſaid Chancellor and Attorneys, or any of them, to be certified or delivered into the ſaid Court called the Common place.

And the ſame to be as effectual in the Law to all intents and purpoſes, as if the ſame knowledges of concords had been made, taken or knowledged before the chief Judg of yͤ ſaid Common place out of the ſame Court, or openly in that Court. And alſo that the ſaid Chancellor and Attorneys for the time being, and every of them, and the ſucceſſors of every of them, ſhall have full power and authority to take knowledge for enrollments of all deeds made or to be made to the uſe of the King our Soveraign Lord, his heirs and ſucceſſors, of any manors, lands and teuements, and of all obligations to be made to the King, his heirs and ſucceſſors, or to other perſon or perſons to the uſe of the King, his heirs and ſucceſſors, for any matter or cauſe concerning the ſaid Court of Augmentations, or concerning the ſaid manors, lands, and tenements, without any fee, gift or reward, by them or any of them to be taken therefore. And the ſame deed ſo knowledged, to be enrolled, or regiſtred in the ſaid Court of Augmentation, and ſo being there enrolled or regiſtred amongſt other records there remaining, and the enrollments and regiſtrings of the ſame, to ſtand and be of record, and of as good ſtrength and effect, as if the ſame were or had been knowledged before any other Judge or Juſticer of record, and enrolled in any other Court of record.

Fines may be levied in the Court of Augmentations to the King.

Enrollments in the Court of Augmentations of all deeds made to the uſe of the King, and of all obligations

Provided alway, and be it enacted by the authority aforeſaid, That in all ſuch of the ſaid liberties, franchiſes and places priviledged, and in every of them limited to the ſaid Court of Augmentations, and to the Surveyors Court, whereſoever the Kings Highneſs in his own moſt Royal perſon ſhall come to reſt, tarry, abide, or make his repoſe within this his Realm, or any of his Dominious, within liberty or without, there and within the verge limited and accuſtomed to his Graces Court, during the time of his abode, the Steward or great Maſter of his Graces houſhold, the Marſhal, Coroner, Clerk of the Market, and all other his Miniſters, ſhall and may keep their Courts for Juſtice, and exerciſe their office and offices, as ſhall appertain to them according to the Laws, Cuſtoms and Statutes of this Realm, as well within liberties and franchiſes as without. And that his Graces Clerk of the Market, and none other, during the ſame time, as well within the ſaid liberties and franchiſes as without, ſhall exerciſe the office of Clerks of the Market, within the ſaid virge, any priviledge, grant, allowance, or other thing to the contrary thereof notwithſtanding.

The Kings officers may keep Court within the virge, and his Clerk of the Market onely execute his office there. St. 27 H.8.2.

Provided alway, That this Article next above rehearſed, or any thing therein contained, be not in any wiſe prejudicial to the City of London, but that the ſame City ſhall have and uſe ſuch liberties as they might, if that article had never been had ne made.

The liberty of the City of London reſerved.

And where alſo the ſcites, circuits and precincts of the late Monaſtery of Furnes, and of the late Monaſteries and Priories of Cartemele, Coningſhead, Buſtough and Holland, and alſo divers honours, caſtles, manors, meſſuages, lands, tenements, liberties, priviledges, franchiſes, and other hereditaments, late parcel and appertaining to the ſaid late Monaſteries, & Priories, or to any of them, which been comen into the Kings hands, been aſſigned, limited and appointed, to the order, rule, ſurvey and governance of the Chancellor, officers and miniſters of the County Palatine and Dutchy of Lancaſter. And foraſmuch as it is not fully, plainly, nor expreſly known or declared, how and in what wiſe, and by what ſpecial officers and miniſters, the temporal liberties, priviledges, franchiſes, and temporal juriſdictions which the late owners of the ſaid ſcites, circuits, precincts, honours, caſtles, manors, meſſuages, lands, tenements, and other the premiſes had, uſed or exerciſed, ſhould be ordered uſed and put in execution.

The lands of the late Monaſteries of Friers, &c. ſhall be in the government of the Officers of the Dutchy.

Be it therefore enacted by the authority aforeſaid, That all and ſingular the ſame liberties, franchiſes, priviledges and temporal juriſdictions, which the ſaid late owners of the ſaid ſcites, circuits, precincts, honours, caſtles, manors, and other the premiſes lawfully had, uſed and exerciſed by themſelves, or by their officers or miniſters, or which they might have uſed or exerciſed within three moneths next before the ſame ſcites, circuits, precincts, honours, caſtles, manors, and other the premiſes came to the poſſeſſion of the Kings Highneſs, ſhall be by vertue of this Act revived, and be really and actually in the Kings Highneſs, his heirs and ſucceſſors, and ſhall be for ever in the rule, order, ſurvey and governance of the ſaid Chancellor, officers and miniſters of the ſaid County Palatine and Dutchy of Lancaſter. And that the ſame liberties, franchiſes, priviledges, and temporal juriſdictions, and all manner of fines, iſſues, amerciaments, and other profits and commodities, of what kinds or nature ſoever they be, coming, growing or riſing, by reaſon or occaſion of them, or any of them, ſhall be uſed, exerciſed and executed to all purpoſes, intents, conditions and reſpects, and ſhall be claimed, levied, collected and taken by ſuch Stewards, Bayliffs, and other officers and miniſters, as ſhall pleaſe the Kings Highneſs to name and appoint for the ſame, in like manner, form and condition, as they or any of them were uſed, exerciſed, executed, claimed, levied, collected and taken before they came to the hands and poſſeſſion of our ſaid Soveragn Lord. And that the ſaid Steward, Bayliffs, officers and miniſters ſhall be compelled to accompt for the ſame before the ſaid Chancellor, officers and miniſters of the ſaid County Palatine and Dutchy of Lancaſter, as other officers and accomptants in the Court of the ſaid Dutchy heretofore have done, or owe to do.

The ſtewards and bailiffs of thoſe Liberties ſhall be attendant to the Kings Courts.

The Sheriff or other Officers ſhall not meddle within thoſe Liberties.

And be it enacted by authority aforeſaid, That the ſaid Stewards, Bayliffs, and other officers and miniſters, ſhall be attendant and obedient to all other the Kings Courts, as well for all executions and returns of writs, warrants and precepts, as for perſonal apparances and other duties of their offices, like as the officers and miniſters of the ſaid late owners did or ought to do, or ſhould have done, by reaſon of the ſaid ſeveral offices, before that the ſame liberties, priviledges and temporal juriſdictions, did come to the poſſeſſion of our ſaid Soveraign Lord: and that to be done and obſerved, upon all pains and penalties by the Laws of this Realm limited and ordained for any offence or default of the ſame. And that no Sheriff, under-Sheriff, or other officer or miniſter of any Sheriff, or other foreign officer or miniſter, ſhall in any wiſe intromit or meddle in, with or upon any of the premiſes, otherwiſe, or in any other manner, or for any other cauſe, then they or any of them, might lawfully have done before the ſaid premiſes did come to the poſſeſſion of our ſaid Soveraign Lord.

This Statute ſhall not diminiſh the Liberties of any Lands being parcel of the Dutchy of Lancaſter.

Provided always, That this Act, nor any thing therein contained, ſhall in any wiſe extend to abrogate, adnull, diminiſh, nor to take any liberties, franchiſes, priviledges, juriſdictions, royalties, or any other profits, commodities and advantages whatſoever they be, belonging or in any wiſe appertaining to any the Kings caſtles, honours, manors, lands, tenements, or other his poſſeſſions of his ſaid County Palatine of Lancaſter, and Dutchy of Lancaſter, or of either of them, but that all ſuch liberties, franchiſes, priviledges, juriſdictions, royalties, and all other ſuch profits and commodities, and advantages whatſoever they be, ſhall be received, taken and anſwered to the Kings Highneſs, his heirs and ſucceſſors, by the Chancellor, officer and miniſters of the ſaid County Palatine of Lancaſter, and Dutchy of Lancaſter, and either of them, as heretofore hath been uſed and done at any time before the fourth day of February, in the ſeven and twentieth year of his moſt noble Reign. Any thing, matter or clauſe in this Act contained to the contrary hereof in any wiſe notwithſtanding.

The Liberties of the five Ports reſerved.

Provided always, That this Act, or any thing therein contained, do not extend to diſanul, or be hurtful to any of the liberties or priviledges of the five Ports, or the members of the ſame; but that they and every of them ſhall enjoy, poſſeſs and have, all and ſingular liberties, cuſtoms and grants to them granted heretofore by the moſt famous Prince of memory King Edward the fourth, and other his noble progenitors, confirmed by our Soveraign Lord the Kings Majeſty that now is, in like manner and form, as though this Act had never been had ne made. St. 7 Ed. 6.2. 1 M. 10.

CAP. XXI.

Trinity Term abbreviated.

The cauſes of abbreviating of Trinity Term.

Where the Term called Trinity Term, of long time hath been, and yet is yearly uſed to be holden and kept in ſuch time and ſeaſon of the year, that by occaſion thereof not only great peril and danger of infection of the Plague, and ſundry other ſickneſſes, have happened to the Kings loving ſubjects, as well Nobles as other, but alſo hath been, and yet is a great impediment and let to a great multitude of the Kings poor ſubjects, for proviſion and gathering in of Harveſt, and other their neceſſary buſineſs and livings in that ſeaſon of the year moſt expedient to be exerciſed. The Kings moſt Royal Majeſty having eſpecial reſpect as well to the health as to the wealth of his people, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, ordaineth, enacteth and eſtabliſheth, That in the ſaid Trinity Term ſhall be four common days of return only, and not above; that is to ſay, the firſt day of return ſhall be, and be called, In craſtino ſanctæ Trinitatis; the ſecond day of return of the ſame Term ſhall be, and be called, In octabis ſanctæ Trinitatis; the third day of return of the ſame Term ſhall be, and be called, In quindena ſanctæ Trinitatis; and the fourth day of return of the ſame Term ſhall be, and be called, A die ſanctæ Trinitatis in tres ſeptimanas. And that the ſame days of return ſhall be obſerved and kept in all our Soveraign Lord the Kings high Courts of Record hereafter to be holden at Weſtminſter, or other place or places at the aſſignment,

There ſhall be four only days of return in Trinity Term, and not above. St. 51 H. 3.

ſignment, appointment, or agreement of our Soveraign Lord, his heirs or ſucceſſors. And that from or after the Feaſt of Saint Michael the Archangel next coming, there ſhall not be, nor be called any days of return, In craſtino ſancti Ioannis Baptiſtæ, Octabis ſanctæ Ioannis Baptiſti, nor Quindena ſancti Ioannis Baptiſtæ, nor any of them.

When Trinity Term ſhall begin, and every return thereof.

And be it further enacted by the authority abovesaid, That the ſaid Term of the holy Trinity ſhall yearly for ever, from the ſaid Feaſt of Saint Michael the Archangel next coming, begin the Munday next after Trinity Sunday, whenſoever it ſhall happen to fall, for the keeping of the eſſoins, proſers, returns, and other ceremonies heretofore uſed and kept, in like manner and form as in times paſt hath been uſed to be done in the day of return commonly called In octabis ſanctæ Trinitatis. And that the full term of the ſaid Trinity Term ſhall yearly for ever begin and take his commencement the Friday next after Corpus Chriſti day, in ſuch and like manner and form, to all purpoſes, intents and reſpects, as heretofore hath been uſed the Wedneſday next after Corpus Chriſti day. And that from and after the ſaid Feaſt of Saint Michael the Archangel next coming, the ſaid ſecond and third days of return called Octabis ſancte Trinitatis, and Quindena ſancte Trinitatis, ſhall take their commencement and begin as in times paſt hath been uſed. And the ſaid fourth day called A die ſancte Trinitatis in tres ſeptimanas, ſhall take his commencement and begin from the ſame Trinity Sunday into three weeks then next following, and ſhall have his return with the fourth day, as is accuſtomed in other like days of return.

Days given in real actions.

And be it further enacted by the authority aforeſaid, That if after the ſaid Feaſt of Saint Michael the Archangel next coming, any Writ in any real Action come in, or be returnable into any of our ſaid Soveraign Lord the Kings Courts, In octabis ſancti Hilarii, the day ſhall be given In craſtino ſancte Trinitatis; if In quindena ſancti Hilarii, In octabis ſancte Trinitatis; if In craſtino Purificationis beate Marie, In quindena ſancte Trinitatis; if In octabis Purificationis beate Marie, then A die ſancte Trinitatis in tres ſeptimanas. And if after the ſame Feaſt of Saint Michael the Archangel, any Writ in any real Action come into any of our ſaid Soveraign Lord the Kings Courts, returnable In craſtino ſancte Trinitatis, then day ſhall be given In craſtino animarum; if In octabis ſancte Trinitatis, In craſtino ſancti Martini; if In quindena ſancte Trinitatis, In octabis ſancti Martini; if A die ſancte Trinitatis in tres ſeptimanas, In quindena ſancti Martini.

Days given in a Writ of Dower.
St. 52 H. 3. 12.

And be it further enacted by the authority abovesaid, That if after the ſaid Feaſt of Saint Michael the Archangel next coming, any Writ of Dower come into any of our Soveraign Lord the Kings Courts, and be returnable In quindena Paſche, then day ſhall be given In craſtino ſancte Trinitatis; if A die Paſche in tres ſeptimanas, In octabis ſancte Trinitatis; if A die Paſche in unum menſem, In quindena ſancte Trinitatis; if A die Paſche in quinque ſeptimanas, or In craſtino Aſcenſionis Domini, then day ſhall be given into the day of A die ſancte Trinitatis in tres ſeptimanas. And if after the Feaſt of Saint Michael the Archangel next coming, any writ of Dower come into any of our ſaid Soveraign Lord the Kings Courts of Record, In craſtino ſancte Trinitatis, then day ſhall be given, In octabis ſancti Michaelis; if in octabis ſancte Trinitatis, in quindena ſancti Michaelis: if In quindena ſancte Trinitatis, A die ſancti Michaelis in tres ſeptimanas: if A die ſancte Trinitatis in tres ſeptimanas, A die ſancte Michaelis in unum menſem; or otherwiſe, as is appointed, limited and declared by the Statute of Marlebridge, in the twelfth Chapter thereof made and provided.

St. 52 H. 3. 12.

And it is further enacted by the authority aforeſaid, That all common writs and proceſſes, as well perſonal as mixt, which ſhall fortune to be returnable in the ſaid Trinity Term, ſhall have and keep the ſaid returns of craſtino ſancte Trinitatis, octabis ſancte Trinitatis, quindena ſancte Trinitatis, and A die ſancte Trinitatis in tres ſeptimanas, or any one of them.

Where the Juſtices may aſſign ſpecial days for the returning of Writs.

Provided always, and it is further enacted by the authority abovesaid, That in ſuch and like caſes and proceſſes, as ſpecial days have been uſed to be appointed, aſſigned, and given for the returning of writs and proceſſes, it ſhall be lawful to the Juſtices of every of the Kings ſaid Courts of Record for the time being, in all the proceſſes by them awarded, to aſſign and appoint ſpecial days of returns, as by their diſcretion ſhall be thought convenient.

Days given in Aſſiſes of darrein preſentment, Quare impedit and attaint
St 52 H. 3. 12.
5 Ed. 3. 7.

Provided alſo, and be it further enacted by the authority aforeſaid, That the days in aſſiſe of darraine preſentment, and in plea of Quare impedit, limited and appointed by the Statute of Marlebridge, and alſo the days to be given in attaint, limited in the Statute made in the fifth year of the Reign of the noble King Edward the third, being not contrariant to the tenour of this Act, ſhall be holden firm and ſtable, and ſhall ſtand in their full force and effect.

CAP. XXII.

A Biſhop or his Deputy, taking oath upon his accompt that he cannot levy the tenth, &c. ſhall be diſcharged.

By the Stat. of 26 H. 8. 3. a tenth was granted to the King of all ſpiritual livings.

IN moſt humble wiſe beſeeching your moſt Royal Majeſty, your humble ſubjects, the Archbiſhops and Biſhops of this your Realm, That where in the Parliament begun at London the third day of November, the one and twentieth year of your moſt Gracious Reign, and from thence adjourned to Weſtminſter, and there holden and continued by divers prorogations, unto the third day of November, in the ſix and twentieth year of your moſt noble Reign, it was enacted by the authority of the ſame Parliament, among other things, That your Majeſty, your heirs and ſucceſſors, Kings of this Realm, for more augmentation and maintenance of the Royal Eſtate of your Imperial Crown, and Dignity of Supream Head of the Church of England, ſhould yearly have, take, poſſeſs and enjoy, united and knit to your Imperial Crown for ever, one yearly rent or penſion, amounting to the value of the tenth part of all the Revenues, Rents, Farms, Tithes, Offerings, Emoluments, and of all other profits, as well called Spiritual as Temporal, then appertaining or belonging, or that hereafter ſhould belong to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, houſe Collegiate, Prebend, Cathedral Church, Colegiate Church, Conventual Church, Parſonage, Vicarage, Chantry, Free Chappel, and other Benefice or Promotion ſpiritual, of what name, nature or quality ſoever they then were, within any Dioceſe of this your Realm, or in Wales, the ſaid penſion or annual rent to be yearly paid for ever to your Majeſty, your heirs and ſucceſſors, Kings of this Realm, at the Feaſt of the Nativity of our Lord God, as in the ſaid Act more plainly appeareth.

Every Biſhop charged with the collection of the tenth of all ſpiritual livings within his Dioceſe.

And furthermore it was enacted by the ſaid authority in the ſame Parliament, That after a Certificate made into your Exchequer, and tax ſet in ſuch manner and form as by the ſaid act is limited, every Archbiſhop and Biſhop then being, & after that to be, ſhould be charged, and chargeable to levy, collect and receive within their proper Dioceſs, as well in place exempt, as not exempt, all ſuch ſums of money, wherewith the dignities, benefices, and other promotions ſpiritual afore-named within their Dioceſs, chargeable by the ſaid Act, ſhould be ſet, taxed and charged, towards the payment of the ſaid yearly penſion, and ſhould pay and content the ſaid ſums of money before the firſt day of April, to the Treaſurer of your Chamber for time being, or to any other perſon or perſons whom it ſhould pleaſe your Highneſs to appoint to receive the ſame: and that the Treaſurer, Chancellor, Chamberlain and Barons of your Exchequer, ſhould cauſe yearly proceſs to be made by their diſcretions, for non-payment of the ſaid penſion and yearly rent, as by the ſaid Act, among other things, more at large appeareth.

Cauſes why the Biſhops ſhall not levy ſo much money for tenths as by Commiſſions was certified to be due.

And foraſmuch as ſince the making of the ſaid Act, all and ſingular Abbacies, Priories, Monaſteries, and other religious houſes, which were then conventual, being clearly diſſolved, and come to your Highneſs, by authority of Parliament, and otherwiſe by your Laws, whereby the ſaid yearly rents and penſions, which before that time were of them ſeverally to be paid, be now not payable or leviable: And alſo that the ſaid Archbiſhops and Biſhops, upon Certificate made into the ſaid Exchequer, by reaſon of the ſaid Act made in the ſaid ſix and twentieth year of your Reign, been charged and chargeable with the ſaid yearly rents or penſions of the tenth of divers and many perſons, which were certified into your ſaid Exchequer by the Commiſſioners aſſigned to tax and ceſs the ſaid ſpiritual dignities and promotions, to have pepetuities and chanteries, and other ſalaries, where never any ſuch chantery or perpetual ſalary was founded or ordained, and many chanteries, and other perpetuities ſpiritual then being in eſſe, been ſince that time utterly diſſolved and extincted: And alſo many Prebends, Parſonages and Vicaries, baen double certified by the ſaid Commiſſioners, and ſome certified to be in places where none ſuch be in rerum natura, and ſome by wrong names, or otherwiſe miſcertified, and alſo ſome parts of the profits and emoluments, which did then belong to ſome Dignities, Parſonages, Vicarages, Cathedral Churches, and Collegiate Churches, as in Proxies, Sinodales, Oblations and Indulgences, Pardons, and other profits, been now decayed and diminiſhed by ſundry means, and many chanteries, and other ſmall promotions ſpiritual, been ſince that time decayed and extinguiſhed, and no Prieſts thereon abiding.

And alſo ſith the making of the ſaid Act, made in the ſaid ſix and twentieth year, there have been aſſurances made to your Majeſty by ſome of the ſaid Archbiſhops and Biſhops, of parcels of their poſſeſſions charged with the ſaid rent or penſion, and parcel of the ſaid poſſeſſions charged with the payment of the ſaid yearly rent or penſion been come to your hands by other lawful means. By reaſon whereof, and of many other cauſes, doubts and ambiguities, which do daily riſe concerning the premiſes, the ſaid Collectors cannot levy the ſaid yearly rents or penſions, concerning many promotions or profits ſpiritual, certified in your ſaid Exchequer, by the ſaid Commiſſioners: and yet that notwithſtanding, the ſaid Archbiſhops and Biſhops, for lack of ſufficient warrant and authority to the Barons of your ſaid Exchequer, for their diſcharge in that behalf, been greatly prolonged and letted in yielding of their accompts in your ſaid Exchequer of the ſaid annual rent or penſion, and put to great coſts and charges, to their great inquietneſs, charges, loſſes and troubles, where they have nothing allowed them, or to any of their Officers, for the collecting, levying, gathering or paying of the ſaid annual rents or poenſions to the uſe of your Highneſs.

If a Biſhop or any of his deputies will take his oath that he cannot levy the tenth of any promotion, he ſhall be diſcharged thereof.

It may therefore pleaſe your Highneſs, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that it be enacted by the authority aforeſaid, That if the ſaid Archbiſhops and Biſhops, or any of them, their deputies, or other accomptants, or any of them, that now be, or hereafter ſhall be chargeable with the collection of the ſaid annual rent or penſion, or of any part or portion thereof, ſhew and alleadge, by the oath of any of the ſaid Archbiſhops, Biſhops, or other accomptants, or other perſon or perſons authorized to accompt for any of them, before the Treaſurer, Chancellor, and Barons of your Exchequer, or before the more part of them, or before ſuch other perſons as it ſhall pleaſe the Kings Highneſs to appoint to hear the ſame accompt, that they, or any of them, for any of the cauſes aboveſaid, or for any other ſufficient cauſe or matter by any of them to be alleadged, cannot, or may not in any wiſe lawfully levy any ſuch particular ſum or ſums of money of the ſaid annual rent or penſion, as they or any of them now be, or hereafter ſhall be chargeable and charged with, and no matter apparent there ſhewed to the contrary for your Highneſs by any of your Serjeants at the Law, or by your Atturney-general for the time being, or by any other for your Majeſty: That then your ſaid Treaſurer, Chancellor, and Barons, or the more part of them, or ſuch other perſons as ſhall be appointed by the Kings Highneſs, ſhall by vertue and authority of this Act, have full power and authority by their diſcretions, to accept and allow that allegation, and thereupon thereof to diſcharge the accomptant, or elſe by their diſcretions to direct the Kings writ unto any of the Kings Courts, for to certifie unto them the truth thereof. And thereupon the ſaid Treaſurer, Chanchellor, and Barons, or the more part of them, or ſuch perſons as ſhall be thereunto appointed by the Kings Highneſs, ſhall proceed further to hear and examine the ſame matter and cauſe, by witneſs and depoſitions of ſuch as can inform the Court, or the ſaid other perſons as ſhall be thereunto appointed by the Kings Highneſs, of the truth thereof, or by any other ways and means that they can beſt deviſe; and if need require, to award Commiſſions by their diſcretions to certain indifferent perſons in every ſuch Dioceſs, where any ſuch matter or cauſe ſhall be alleadged, without any charge asking or taking for the making of the ſame Commiſſions ſo to be awarded, which ſaid Commiſſioners ſhall and may, by vertue of their Commiſſions, have full power and authority to examine the ſame matter and cauſe ſo alleadged by any of the ſaid Biſhops, or other accomptants for them, and in their diſcharge, by the oaths of ſuch perſons as ſhall have perfect notice thereof, or otherwiſe, and thereupon to make certificate thereof to the ſaid Treaſurer, Chancellor and Barons, or to the more part of them in the ſaid Exchequer, or to ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs.

And upon certificate ſo made of the ſaid matter, or if by any other matter or certificate it ſhall appear to the ſaid Treaſurer, Chancellor and Barons, or to the more part of them, or to ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs; that the ſaid matter, and the allegations thereof be good and true; then the ſaid Treaſurer, Chancellor and Barons, or the more part of them, or the ſaid ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs, thereupon to make a clear and ſufficient deduction, allowance, determination and diſcharge to any of the ſaid Archbiſhops, Biſhops, and other accomptants, and to every of them, of and for the ſame, without further ſuit or delay, and the ſame allowance and diſcharge to cauſe to be entred in that Court, there to remain of record, as by their diſcretions ſhall be thought requiſite from time to time, without further ſuit, charge, or other inquieting of any of the ſaid Archbiſhops, Biſhops, or other accomptants, or any of them, or any of the ſucceſſors or executors of any of them in that behalf.

Commiſſions may be awarded to enquire the cauſe of any tenth defalked.

And that it may be further enacted by the authority aforeſaid, That in caſe it be hereafter certified by commiſſion or otherwiſe, by ſufficient and probable witneſſes, had and found before the ſaid Treaſurer, Chancellor, and Barons, or before the more part of them, or before ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs, that any Benefice, Chantery, Hoſpital, or other Eccleſiaſtical Promotion, is omitted, and not ſpecified, or not certified by or in the ſaid original, or former Certificate; that then upon due proof, information, knowledge, or certificate thereof by any of the ſaid Archbiſhops or Biſhops, or otherwiſe made or declared before the ſaid Treaſurer, Chancellor, or Barons, or before the more part of them, or before ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs, of any ſum or ſums of money, concerning the premiſes ſo omitted, and not charged for lack of knowledge or certificate thereof, whereof the King of right ought to be anſwered; the ſaid Treaſurer, Chancellor, and Barons, or the more part of them, or ſuch other perſons as thereunto ſhall be appointed by the Kings Highneſs, ſhall make a ſufficient entry thereof, to be annexed to, and with the ſaid original of the ſame tenth, and thereupon to charge the ſaid accomptants to make, levy, and anſwer thereof yearly from henceforth, ſo that the Kings Highneſs may be truly anſwered thereof from time to time, according to his lawful title in that behalf. 1 El. 4.

A mean how the King ſhall be anſwered of the tenth of any ſpiritual living omitted in the former certificate.

CAP. XXIII.

A confirmation of a Subſidy to be paid within two years, of four ſhillings in the pound granted to the King by the Clergy of the Province of Canterbury, and of ſuch ſums of money which after ſhall be granted to him by the Clergy of the Province of York. Exp.

CAP. XXIV.

The lands and goods of Saint Johns of Jeruſalem ſhall be in the Kings diſpoſition.

The Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, having credible knowledge, that divers and ſundry the Kings ſubjects, called the Knights of the Rhods, otherwiſe called Knights of S. Johns, otherwiſe called Friers of the Religion of Saint John of Jeruſalem in England, and of a like houſe being in Ireland, abiding in the parts beyond the Sea, and having as well out of this Realm, as out of Ireland, and other the Kings Dominions, yearly great ſums of money for maintenance of their livings, have unnaturally, and contrary to the duty of their allegiances, ſuſtained and maintained the uſurped power and authority of the Biſhop of Rome, lately uſed and practiſed within this Realm, and other the Kings Dominions; and have not only adhered themſelves to the ſaid Biſhop, being common enemy to the King our Soveraign Lord, and to this his Realm, untruly upholding, knowledging and affirming maliciouſly and traiterouſly, the ſame Biſhop to be ſupream and chief head of Chriſts Church by Gods holy word, intending thereby to ſubvert and overthrow the good and godly laws and ſtatutes of this Realm, their natural Countrey, made and grounded by authority of holy Church, by the moſt excellent wiſdom, policy, and goodneſs of the Kings Majeſty, with the whole aſſent and conſent of the Realm, for the aboliſhing, expulſing, and utter extincting of the ſaid uſurped power and authority, but alſo have defamed and ſlandered as well the Kings Majeſty, as the Noblemen, Prelates, and other the Kings true and loving Subjects of this Realm, for their good and godly proceeding in that behalf; have therefore deeply pondered and conſidered, that like as it is and was a moſt godly act of the Kings moſt Royal Majeſty, and the ſaid Noblemen, Prelates and Commons of this Realm, utterly to expulſe and aboliſh, not only from this Realm, but alſo from other the Kings Dominions, the ſaid uſurped power and authority of the Biſhoop of Rome, and alſo the hypocritical and ſuperſtitious Religion in this Realm, and other the Kings Dominions, being his members and

The cauſes why the houſes of S. Johns of Jeruſalem were diſſolved, and their lands given to the King.

adherents, having their original erection and foundation by the ſaid uſurped authority; by expulſing whereof, Gods holy Word, neceſſary for increaſe of vertue and ſalvation of Chriſten ſouls, is not only purely and ſincerely advanced and ſet forth, but alſo their extorted exactions of innumerable ſums of money, craftily exhauſted out of this Realm, and other the Kings Dominions, by the colour of the ſaid uſurped authority, is removed and taken away, to the ineſtimable benefit and commodity of the Kings loving ſubjects, ſo in like manner of wiſe, it ſhould be moſt dangerous to be ſuffered or permitted within this Realm, or in any other the Kings Dominions, any Religion, being ſparks, leaves, and imps of the ſaid root of iniquity; conſidering alſo, that the Iſle of Rhodes, whereby the ſaid Religion took their old name and foundation, is ſurpriſed by the Turk; and that it were, and is much better, that the poſſeſſions in this Realm, and in other the Kings Dominions, appertaining to the ſaid Religion, ſhould rather be imployed and ſpent within this Realm, and in other the Kings Dominions, for the defence and ſurety of the ſame, than converted to, and among ſuch unnatural ſubjects, who have declined not only from their natural duty of obedience that they ought to bear unto the King our Soveraign Lord, but alſo from the good Laws and Statutes of this Realm their natural Countrey, daily doing and attempting privily and craftily all that they can to ſubvert the good and godly policy in the which, thanks be to God, and our moſt dread Soveraign Lord, this Realm, and other the Kings Dominions now ſtand in. In conſideration whereof, the ſaid Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, moſt humbly beſeechen the Kings moſt Royal Majeſty, that it may be enacted by his Highneſs, and by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, That the Corporation of the ſaid Religion, as well within this Realm, as within the Kings Dominion and Land of Ireland, by whatſoever name or names they be founded, incorporated or known, ſhall be utterly diſſolved and void to all intents and purpoſes. And that Sir William Weſton Knight, now being Prior of the ſaid Religion of this Realm of England, ſhall not be named or called from henceforth, Prior of Saint Johns of Jeruſalem in England, but ſhall be called by his proper name of William Weſton Knight, without further addition touching the ſaid Religion. And that likewiſe John Rauſon Knight, now being Prior of Kilmainam in Ireland, ſhall not be called or named from henceforth, Prior of Kilmainam in Ireland, but only by his proper name of John Rauſon Knight, without further addition touching the ſaid religion. Nor that any of the brethren or confreres of the ſaid religion in this Realm of England, and land of Ireland, ſhall be called Knights of the Rhodes, nor Knights of S. Johns, but ſhall be called by their own proper Chriſten names and ſirnames of their parents, without any other addition touching the ſaid religion.

The Corporation of the Religion of S. Johns in England and Ireland ſhall be diſſolved.

The Priors and Confreres of S. John ſhall be called by their own names and ſirnames, without any addition of their Religion.

And be it furthermore enacted by authority of this preſent Parliament, That if the ſaid William Weſton, or any of his brethren or confreres of the hoſpital or houſe of S. John of Jeruſalem in England, now abiding and dwelling within this Realm of England, or any other perſon or perſons being members profeſſed of or in the ſaid Hoſpital, now dwelling within the ſaid Realm, at any time after the firſt day of July next coming, do uſe or wear within this Realm or elſewhere, in, or upon any apparel of their bodies, any ſign, mark, or token heretofore uſed and accuſtomed, or hereafter to be deviſed for the knowledge of the ſaid religion; or make any Congregations, Chapiters, or Aſſemblies touching the ſame religion; or maintain, ſupport, uſe, or defend any liberties, franchiſes, or priviledges heretofore granted to the ſaid religion by the authority of the Biſhop of Rome, or of the See of the ſame; that then every of them ſo offending, ſhall incur and run into the pains, forfeitures, and penalties ordained and provided by the Statute of Proviſion and Premunire, made in the xvi. year of King Richard the ſecond. And if the ſaid John Rauſon Knight, or any of his brethren or confreres of the ſaid Hoſpital or houſe of Kilmainam in Ireland, or any other perſon or perſons, being members profeſſed of or in the ſaid Hoſpital of Kilmainam, now abiding and now dwelling within the ſaid Land of Ireland, at any time after the laſt day of September next coming, do uſe or wear within this Realm, or within the ſaid Land of Ireland, or elſewhere, in, or upon any apparel of their bodies, any ſign, mark, or token heretofore uſed and accuſtomed, or hereafter to be deviſed for the knowledge of the ſame religion, or make any Congregations, Chapiters or Aſſemblies touching the ſame religion, or maintain, ſupport, uſe, or defend any manner of liberties, franchiſes or priviledges heretofore granted to the ſame by authority of the Biſhop of Rome, or of the See of the ſame; that then every of them ſo offending, ſhall incur and run into the pains, forfeitures and penalties ordained and provided by the ſaid Statute of Proviſion and Premunire, made in the ſaid xvi. year of Richard the ſecond.

The penalty for the ſaid Priors and Confreres to wear any ſign of their Religion, or to make any aſſemblies touching the ſame, or to defend any priviledges thereof.

And be it likewiſe enacted by the authority aforeſaid, That if any the Knights or confreres of the ſaid religion, being the Kings natural Subjects, which now inhabit, abide and dwell out of any the Kings Dominions, at any time after the firſt day of February next coming, do offend in any of the articles or offences next above rehearſed, that then every of them ſo offending, ſhall incur and run into the pains, forfeitures and penalties next above remembred.

The King ſhal have all the manors, lands, &c. lately belonging to the Prior and brethren of S. John in England and Ireland.

And be it further enacted by the authority aforeſaid, That the Kings Majeſty, his heirs and ſucceſſors, ſhall have and enjoy all that Hoſpital, Manſion houſe, Church, and all other houſes, edifices, buildings, and gardens to the ſame belonging, being near to the City of London, in the County of Middleſex, called the houſe of Saint Johns of Jeruſalem in England; and alſo all that Hoſpital, Church and Houſe of Kilmainam in the Land of Ireland, and all and ſingular caſtles, honours, manors, meaſes, lands, tenements, rents, reverſions, ſervices, woods, medows, paſtures, parks, warrens, liberties, franchiſes, priviledges, parſonages, tithes, penſions, portions, Knights fees, advouſons, commandries, preceptories, contributions, reſponſions, rents, titles, entries, conditions, covenants, and all other poſſeſſions and hereditaments, of what natures, names, or qualities ſoever they be, and whereſoever they be or lie within this Realm of England, or within the Land of Ireland, or elſewhere within the Kings Dominions, which appertained or belonged to the ſaid Religion, or to the Priors, Maſters, or Governors, Knights, or other Miniſters profeſſed of or in the ſame, by the pretence, or in the right of the ſaid Religion: and all and ſingular goods, cattels, debts, arrerages of rents and farms, and all other things real and perſonal, whatſoever they be, whereof or whereunto any of the ſaid Priors, Brethren, or Confreres, or perſons profeſſed in the ſaid Religion, can have nor claim any particular propriety to their own proper uſe by the Rules and Statutes of the ſaid Religion: To have and to hold the premiſes, and every of them, to our ſaid Soveraign Lord, and to his heirs and ſucceſſors for ever, to uſe and employ by his moſt excellent wiſdom and diſcretion, at his own free will and pleaſure. And that his Highneſs ſhall be deemed and adjudged in the real and actual poſſeſſion of the premiſſes, by vertue and authority of this preſent Act. Saving to all perſons, and bodies politick, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them (other then the ſaid Prior of Saint Johns of Jeruſalem in England, and the ſaid Prior of Kilmainam in the land of Ireland, and the brethren or confreres of every of them, and the ſucceſſors of every of them, and all and every other perſon and perſons of the ſaid Religion, and their ſucceſſors of every of them, and the ſucceſſors of every of them) all ſuch right, title, intereſt, poſſeſſion, leaſes, grants, annuities, fees, offices, corrodies, reverſions, rents, and ſervices, rent-charges, commons, rights, titles, entries, actions, petitions, penſions, portions, and all other hereditaments, of what names, natures, or qualities ſoever they be, which they have, ſhould, or ought to have had, if this Act had never been had ne made; any thing in this Act to the contrary thereof notwithſtanding.

A ſaving of the right of others

Provided alway, and be it enacted by the authority of this preſent Parliament, by the agreement and aſſent of the Kings moſt excellent goodneſs, That the ſaid William Weſton, during his natural life, ſhall have and enjoy to his own uſe out of the premiſes yearly, one annual rent or penſion of one thouſand pounds, to be paid to him or his aſſigns at the Feaſt of S. Michael the Archangel, and the Annunciation of our Lady, by even portions, and alſo ſhall have to his own uſe, ſuch reaſonable portion of goods and cattels appertaining to the ſame Religion, as it ſhall pleaſe the Kings Majeſty of his moſt excellent goodneſs to limit and appoint of the ſame. And that the ſaid John Rauſon Knight, ſhall have and enjoy to his own uſe, out of ſuch poſſeſſions as he now hath in England and Ireland, one annual penſion of five hundred marks, to be paid to him or to his aſſigns at the Feaſts aforeſaid, by even portions; and likewiſe ſhall have to his own proper uſe, ſuch reaſonable portion of the goods of the ſaid Religion, as ſhall pleaſe the Kings Majeſty of his moſt excellent goodneſs to limit and appoint for the ſame. And that Clement Weſt, being one of the confreres of the ſaid Religion, ſhall have and enjoy during his natural life, one annuity or penſion of two hundred pounds. And that Thomas Pemberton, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of fourſcore pound. And that Giles Ruſſell another of the ſaid confreres, ſhall have and enjoy yearly during his natural life, one yearly penſion of one hundred pound. And that George Aylmer, another of the ſaid confreres, ſhall have and enjoy yearly during his natural life, one yearly penſion of one hundred pound. And that John Sutton, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of two hundred pound. And that Edward Bellingham, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of one hundred pound. And that Edward Brown, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of fifty pound. And that Edmund Huſſe, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his life natural, one yearly penſion of one hundred marks. And that Ambroſe Cave, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of one hundred marks. And that Thomas Copledike, another of the confreres of the ſaid Religion, ſhall have and enjoy during his natural life, one yearly penſion of fifty pound.

Sir William Weſton Prior of S. John ſhall have M. li. penſion during his life.

John Rauſon D. Marks.

Clement Weſt CC li.

Thomas Pemberton lxxx li.

Giles Ruſſel C li.

George Aylmer C. li.

John Sutton CC. li.

Edward Bellingham C. li.

Edward Brown L. li.

Edmund Huſſe C. Marks.

Ambroſe Cave C. Marks.

Tho. Copledike L. li.

And that Cuthbert Leighton, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of threeſcore pound. And that Richard Broke, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of C. marks. And that Henry Poole, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of two hundred marks. And that William Tyrrill, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of thirty pound. And that John Rauſon, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of two hundred marks. And that Anthony Rogers, Owſwald Maſſingberd, James Huſſe, Thomas Thornel, Nicolas Hupton, Philip Babington, Henry Jerad, Dunſtan Nudegate, Nicolas Lambert, and David Godſon, being confreres profeſſed in the ſaid Religion, and having at this preſent time no manner of certainty towards their living, ſhall have and enjoy every of them yearly, one yearly penſion of ten pounds: the ſaid ſeveral yearly penſions to be paid at the Feaſt of S. Michael the Archangel, and tha Annunciation of our Lady, by even portions as is aforeſaid. And over this, every of the ſaid confreres above named and mentioned, ſhall have to their own proper uſes, ſuch reaſonable portions of the goods and cattels, being in their hands and poſſeſſions, appertaining to the ſaid Religion, as it ſhall pleaſe the Kings Majeſty to limit and appoint to every of them of the ſame.

Cuthbert Leighton lx. pound.

Richard Broke C. Marks.

Henry Poole CC. Marks.

William Tyrrell xxx. li.

John Rauſon CC. Marks.

Confreres profeſſed having no certain living, x. li. apiece.

And be it alſo enacted by the authority aforeſaid, That if any the Kings ſubjects being profeſſed in the ſaid Religion, be negligently forgotten or omitted out of this preſent Act, for lack

Profeſſed perſons omitted in this Statute.

Profeſſed perſons omitted in this Statute.

lack of knowledge of their names, that yet nevertheleſs every of them ſo forgotten, and not now preſently named or remembred, ſhall have and enjoy ſuch honeſt, convenient, and reaſonable yearly penſion and portion of goods, as ſhall pleaſe the Kings Majeſty to limit and appoint in that behalf.

Onely true ſubjects ſhall have penſions.

Provided always, That none of the ſaid Priors or Confreres of the ſaid Religion ſhall have and enjoy any of the penſions afore ſpecified, except ſuch of them as be the Kings true and faithful ſubjects. Any thing in this Act to the contrary notwithſtanding.

The ſub-prior Maſter of the Temple, and two Chaplains ſhall retain their houſes and wages.

Provided alſo, and be it enacted by the authority aforeſaid, That John Mapleſden, otherwiſe called John Mableſton Clerk, ſub-prior of the ſaid religion of the ſaid Hoſpital of S. John of Jeruſalem in England, William Emerſted Clerk, Maſter of the Temple of London, Walter Lymſey and John Winter Chaplains there, and every of them, ſhall have, perceive and enjoy, during their natural lives, all ſuch manſion houſes, ſtipends and wages, and all other profits of money, in as large and ample manner, as they or any of them now lawfully have the ſame, without let or interruption of the King our Soveraign Lord, his heirs or ſucceſſors, or any other his officers or miniſters, the ſaid Maſter and two Chaplains of the Temple doing their duties and ſervices there as they have accuſtomed to do.

The foreſaid parties ſhall have the Kings Letters Patents of the things before granted.

And be it further enacted by the authority aforeſaid, That the ſaid William Weſton and John Rawſon, and every of the ſaid brethren or confreres aforenamed, and the ſaid ſub-prior, and the ſaid Maſter of the Temple, and two Chaplains, and every of them, being the Kings true and faithful ſubjects, upon their reaſonable ſuits and petitions, ſhall have ſufficient Letters Patents of the ſaid ſeveral yearly annuities, penſions, manſions, ſtipends and wages, and other profits of money to them limited by authority of this Act, under the Kings great Seal, without any fine or fee to be paid to the Kings uſe for the ſame.

The confreres and brethren diſcharged of their obedience to their Priors, and may ſue and be ſued by their proper names.

And be it further enacted by the authority aforeſaid, That the ſaid brethren or confreres of the ſaid Religion, and all other obediencers being members of the ſaid Religion, ſhall be acquitted and diſcharged of their obedience that they have uſed to bear and give unto the ſaid William Welton, or to the ſaid John Rauſon, or to any other of the ſaid Religion, by the Ordinances, Uſages, Rules or Statutes of the ſaid Religion. And that as well the ſame William Weſton and John Rauſon, as the ſaid brethren or confreres of the ſaid Religion called Knights as is aforeſaid, and every of them being the Kings ſubjects born in the Realm of England, or in the land of Ireland, or elſewhere within any the Kings Dominions, ſhall be enabled to ſue and be ſued, by their own ſaid proper names and ſirnames, and have ſuch capacity, and other freedom, liberties and priviledges, to all intents and purpoſes, in as large and ample manner, form, faſhion and condition, as in the firſt ſeſſion of this preſent Parliament was ordained and enacted for Religious perſons: Any Statutes, Ordinances, Laws, Cuſtoms, Uſages, or any other thing or things to the contrary thereof in any wiſe notwithſtanding.

31 H.8.6.

Provided alſo and be it enacted by the authority aforeſaid, That all priviledges of ſanctuaries, heretofore uſed or claimed in manſion houſes, and other places commonly called St. Johns hold, and all other ſanctuaries heretofore uſed in any place within this Realm, or in Ireland, which heretofore hath been belonging to any of the ſaid Hoſpitals, ſhall ſtand and be utterly void, and of none effect, for or concerning any ſanctuary, or priviledges of ſanctuary, there to be had or uſed, the priviledges of common Churches and Church-yards, applied and uſed to Gods ſervice, and burials of Chriſtian people, only excepted.

All land of S. Johns ſhall be in the government of the Court of augmentations. ALT. 1 M.10.

And be it alſo enacted by the authority aforeſaid, That all the ſaid manors, meaſes, lands, tenements, and all and ſingular other poſſeſſions, priviledges, liberties, franchiſes, and other hereditaments granted to the Kings Majeſty by this Act, ſhall be in the ſurvey, rule, order and governance of the Chancellor and other miniſters and officers of the Court of the augmentations of the revenues of the Kings Crown, in like manner, form, faſhion and condition, as the poſſeſſions of the lands of the Abbeys, Monaſteries, or Priories ſuppreſſed or ſurrendred been.

The confreres which be out of the Realm, ſhall return and ſubmit themſelves to the obedience of the Law.

And be it alſo enacted by the authority aforeſaid, That all and every ſuch perſon and perſons as be now confreres of the ſaid Hoſpital or Hoſpitals, and at this preſent time out of this Realm, ſhall before the Feaſt of Pentecoſt, which ſhall be in the year of our Lord God, a thouſand five hundred fourty and one, return into the ſame, and here perſonally preſent themſelves to the Kings Majeſty, or to the Lord Chancellor of England, the Lord Treaſurer, the Lord Preſident of the Kings Council, and the Lord Privy Seal, or two of them for the time being at the leaſt, both acknowledging themſelves to be his Highneſs true and loyal ſubjects, and declaring themſelves to be content willingly to obſerve, keep and maintain, all the Laws and Statutes of this Realm, as to true and good ſubjects appertaineth: or elſe the ſame confrere or confreres making default of ſuch his repair and preſentment, as is beforeſaid, ſhall in no wiſe claim and enjoy any penſion by vertue of this Act: any thing in the ſame contained notwithſtanding; unleſs the perſon or perſons ſo making default of repair and apparance, can ſhew and declare themſelves to have been detained, or by a neceſſary mean impeached and letted of their will, purpoſe and deſire to have come hither, and to have accompliſhed the whole contents of this Statute accordingly.

CAP. XXV.

The marriage ſolemnized between the King and the Lady Anne of Cleves, by the judgment of the Clergy of England in their Convocation, is adjudged and pronounced to be void, and alſo by her own conſent. And the King ſhall be at liberty to marry any other woman, and ſhe any other man. It ſhall be high Treaſon, by writing, word or deed, to accept, take, judge or believe the ſaid marriage to be good, or to procure or do any thing to the repeal of this Act. Exp.

CAP.

CAP. XXVI.

All decrees and ordinances, which according to Gods word, and Chriſts Goſpel, by the Kings advice and confirmation by his Letters Patents, ſhall be made and ordained by the Archbiſhops, Biſhops and Doctors appointed, or to be appointed, in and upon the matter of Chriſtian Religion and Chriſtian Faith, and the lawful rites, ceremonies and obſervations of the ſame, ſhall be in every point thereof believed, obeyed and performed to all intents and purpoſes, upon the pains therein compriſed. Provided, that nothing ſhall be ordained or deſired, which ſhall be repugnant to the Laws and Statutes of this Realm. Exp. Stat. 1 Ed. 6. 12.

CAP. XXVII.

A reſumption of extraordinary grants and licences made by the King to certain perſons, of abſence and reverſions in the Town of Caleys, and the marches of the ſame, and in Berwick, and of the Sheriffwicks for life in Wales. Exp.

CAP. XXVIII.

Leaſes made by Tenants in Fee or Fee-tail, in the right of their wives or Churches, which be good, which void.

WHere great number of the Kings ſubjects have heretofore taken Leaſes of lands, tenements, and other hereditaments, for term of years, and divers of them for term of lives, and have given and paid great fines, and great ſums for the ſame, and alſo have been at great coſts and charges, as well in and about great reparations and buildings upon their ſaid ferms, as otherwiſe concerning their ſaid ferms: yet notwithſtanding the ſaid fermors, after the deaths or reſignations of their leſſors, have been, and be daily with great cruelty expulſed, and put out of their ſaid ferms and takings, by the heirs or ſucceſſors of their ſaid leſſors, or by ſuch perſons as have intereſt therein, after the deaths or reſignations of their ſaid leſſors, by reaſon of privy gifts of entail, or for that the leſſors had nothing in the lands, tenements, or other hereditaments ſo letten, at the time of the leaſes thereof made, but only in the right of their wives, or ſuch other like cauſe, to the great impoveriſhment, and in manner utter undoing of the ſaid fermors: for reformation whereof, be it ordained, eſtabliſhed and enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all leaſes heretofore to be made of any manors, lands, tenements, or other hereditaments by writing indented under ſeal for term of years, or for term of life, by any perſon or perſons, being of full age of xxi. years, having any eſtate of inheritance, either in fee-ſimple, or in fee-tail, in their own right, or in the right of their Churches, or Wives, or joyntly with their Wives, of an eſtate of inheritance made before the coverture or after, ſhall be good and effectual in the law, againſt the leſſors, their wives, heirs and ſucceſſors, and every of them, according to ſuch eſtate as is compriſed and ſpecified in every ſuch indenture of leaſe, in like manner and form as the ſame ſhould have been, if the leſſors thereof, and every of them, at the time of the making of ſuch leaſes, had been lawfully ſeiſed of the ſame lands, tenements and hereditaments compriſed in ſuch indenture, of a good, perfect, and pure eſtate, of fee-ſimple thereof to their own only uſes.

Leaſes made by tenant in tail, or by him which is ſeiſed in the right of his wife or Church, &c. St. 34 H. 8. 20. Cro. El. 5. 350.

Provided alway, That this Act, or any thing therein contained, ſhall not extend to any leaſes to be made of any manors, lands, tenements or hereditaments, being in the hands of any fermor or fermors by vertue of an old leaſe, unleſs the ſame old leaſe be expired, ſurrendred or ended within one year next after the making of the ſaid new leaſe, nor ſhall extend to any grant to be made of any reverſion of any manors, lands, tenements, or hereditaments, nor to any leaſe of any manors lands, tenements, or hereditaments, which have not moſt commonly been letten to ferm, or occupied by the fermors thereof by the ſpace of twenty years next before ſuch leaſe thereof made: nor to any leaſe to be made, without impeachment of waſte: nor to any leaſe to be made above the number of xxi. years, or three lives at the moſt, from the day of making thereof. And that upon every ſuch leaſe there be reſerved yearly during the ſame leaſe, due and payable to the leſſors, their heirs and ſucceſſors, to whom the ſame lands ſhould have come after the deaths of the leſſors, if no ſuch leaſe had been thereof made, and to whom the reverſion thereof ſhall appertain, according to their eſtates and intereſts, ſo much yearly ferm or rent, or more, as hath been moſt accuſtomably yeelden or paid for the manor, lands, tenements, and hereditaments ſo to be letten within xx. years next before ſuch leaſe thereof made. And that every ſuch perſon and perſons to whom the reverſion of ſuch manors, lands, tenements, or hereditaments ſo be letten, ſhall appertain, as is aforeſaid, after the deaths of ſuch leſſors or their heirs, ſhall and may have ſuch like remedy and advantage, to all intents and purpoſes againſt the leſſees thereof, their executors and aſſigns, as the ſame leſſor ſhould or might have had againſt the ſame leſſees. So that if the leſſor were ſeiſed of any ſpecial eſtate tail of the ſame hereditaments, at the time of ſuch leaſe, that the iſſue or heir of that ſpecial eſtate, ſhall have the reverſion, rents and ſervices reſerved upon ſuch leaſe after the death of the ſaid leſſor, as the leſſor himſelf might or ought to have had if he had lived.

Special obſervations of leaſes to be made by tenant in tail, or of the wives land.

Provided alway, That the wife be made party to every ſuch leaſe which hereafter ſhall be made by her huſband of any manors, lands, tenements, or hereditaments, being the inheritance of the wife, and that every ſuch leaſe be made by indenture in the name of the huſband and his wife, and ſhe to ſeal to the ſame: And that the ferm and rent be reſerved to the huſband and to the wife, and to the heirs of the wife, according to her eſtate of inheritance in the ſame. And that the huſband ſhall not in any wiſe alien, diſcharge, grant, or give away the ſame rent reſerved, nor any part thereof, longer then during the coverture, without it be by fine levied by the ſaid huſband and wife. But that ẏ ſame rent ſhall remain, deſcend, revert, or come after ẏ death of ſuch huſband, unto ſuch perſon or perſons, and

there

Leaſes made by huſband and wife of the wives land.

their heirs in ſuch manner and ſort, as the lands ſo leaſed ſhould have done, if no ſuch leaſe had been thereof made.

Stat. 25 H 8.13. Leaſes of term

Leaſes of Parſonages or Vicarages.

Provided alſo, That this Act extend not to give any liberty or power to any perſon or perſons to take any mo terms, leaſes, or takings, of any manors, lands, tenements, or other hereditaments, then he or they ſhould or might lawfully have done before the making of this Act, nor extend to give any liberty or power to any Parſon, or Vicar of any Church or Vicarage, for to make any leaſe or grant of any of their meſſuages, lands, tenements, tithes, profits, or hereditaments belonging to their Churches or Vicarages, otherwiſe or in any manner, then they ſhould or might have done before the making of this Act: Any thing contained in this Act to the contrary notwithſtanding.

A confirmation of Leaſes made before the Stat. by certain perſons, and upon certain conditions.

And furthermore be it enacted by authority aforeſaid, That all leaſes at any time within the ſpace of three years next before the xii. day of April, and in the xxxi. year of our Sovereign Lord the Kings Reign, made by writing indented under ſeal, by any perſon or perſons of full age, of whole memory, not unlawfully coarcted, nor being covert Baron for term of years, of any manors, lands, tenements, or other hereditaments, whereof the leſſor or leſſors were ſeiſed of any eſtate of inheritance of and in the ſame, to their own only uſe at the time of making any ſuch leaſe thereof, and whereof the leſſees, their executors or aſſigns be now in poſſeſſion by vertue of the ſame leaſe, and no cauſe of reentre or forfeiture thereof had or made, ſhall be good and effectual in the Law, againſt the leſſors, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, according to the covenants, articles and agreements ſpecified in every ſuch indenture or leaſe. So always there be reſerved and yearly payable during the ſame leaſe to the ſaid leſſors, their heirs or ſucceſſors, or to ſuch other as ſhould or ought to have had the ſame manors, lands, tenements, or hereditaments ſo leaſed after the deceaſe of ſuch leſſors, in caſe no ſuch leaſe had thereof been made, as much yearly rent for the ſame, as was at any time therefore yeelden or paid within twenty years next before the making of any ſuch leaſe, or elſe ſuch leaſes to be of no other force ne effect, then they were before the making of this preſent Act.

The husbands only act of the wives land ſhall not prejudice her or her heirs. St. 6 Ed.1.3. 13 Ed.1.3.

Co.Inſt.1.ſ. 631.

And moreover for certain conſideration be it enacted by authority aforeſaid, That no fine, feoffment, or other act or acts hereafter to be made, ſuffered or done by the husband only, of any manors, lands, tenements or hereditaments, being the inheritance or freehold of his wife, during the coverture between them, ſhall in any wiſe be or make any [b] diſcontinuance thereof, or be prejudicial or hurtful to the ſaid wife, or to her heirs, or to ſuch as ſhall have right, title, or intereſt to the ſame by the death of ſuch wife or wives: But that the ſame wife, or her heirs, and ſuch other to whom ſuch right ſhall appertain, after her deceaſe, ſhall and may then lawfully enter into all ſuch manors, lands, tenements and hereditaments, according to their rights and titles therein, any ſuch fine, feoffment, or other Act to the contrary notwithſtanding: fines levied by the husband and wife (whereunto the ſaid wife is party and privy) only except.

[b] Co.l.8.f.73. Dyer f.72. 191.364.38. Co.Inſt.325.

Leaſes made by the husband and the wife of the inheritance of the wife. Stat. 34 H.8.22.

Provided furthermore, That this clauſe or act extend not to give any liberty to any ſuch wife, or to her heirs, for to avoid any leaſe hereafter to be made of any inheritance of the wife, by her husband and her for term of one and twenty years, or under, or any her inheritance for term of three lives at the uttermoſt, whereupon as much yearly rent or more is or ſhall be reſerved, and yearly payable during the ſame leaſe, as was at any time therefore yeelden or payed within twenty years next before the making of any ſuch leaſe, according to the tenor of this preſent Act, any thing therein contained to the contrary notwithſtanding.

Leaſes made by Eccleſiaſtical perſons attainted of Treaſon.

Provided alſo, That this Act extend not to make good any leaſe or leaſes heretofore made by any Eccleſiaſtical perſon or perſons by their covent or common ſeal, which be made void or taken away by authority of any Act of Parliament heretofore made, nor extend to make good any leaſe or leaſes heretofore made by any Eccleſiaſtical perſon or perſons now being attainted of Treaſon under their covent ſeal, or otherwiſe, or by any other perſon or perſons now being attainted of Treaſon by Act of Parliament or otherwiſe: But that all and ſingular ſuch leaſe and leaſes, and every of them now made, or hereafter to be made, ſhall be of ſuch like effect and ſtrength in the law, and none other, as they and every of them were before the making of this Act: any thing before mentioned in this Act to the contrary thereof notwithſtanding.

CAP. XXIX.

All lands lying in Oſwelbeck Soke in the County of Nottingham, ſhall be inheritable according to the common law, and not partable between heirs males, as they have been. PR.

CAP. XXX.

After iſſue tried, judgment ſhall be, notwithſtanding any Jeofail or miſpleading, &c.

The ſeveral inconveniences which have heretofore followed by delays in ſuits.

FOraſmuch as the party plaintiffs and demandants in all manner of actions and ſuits, as well real as perſonal, at the common law of this Realm, before this time have been greatly delayed and hindered in their ſuits and demands, by reaſon of the crafty, ſubtile, and negligent pleadings of the plaintiffs or demandants, defendants or tenants, where any action or demand hath been ſued, had, or made, as well in miniſtring of their declarations and bars, as alſo in their replications, rejoynders, rebutters, joyning of iſſues, and other pleadings, to the great hurt, delay and hinderance of the ſaid plaintiffs or demandants, or to the vexation of the defendants or tenants. Inſomuch, that when the iſſues joyned in the ſame actions between the parties to the ſame hath been tried, and found by the verdict of thirteen or moe indifferent perſons, for the ſaid plaintiffs or demandants, or for the tenants or defendants, and the Juſtices ready to give judgment for the ſaid parties, for whom the ſaid iſſue was found: The ſame parties have been compelled by the courſe

After an iſſue tried, there ſhall be judgment given notwithſtanding any Jeofail or miſpleading.

and order of the Common Law of this Realm afore this time, to replead, and the ſaid verdicts ſo given, as is afore rehearſed, to be taken as void and of none effect, ſometime becauſe the iſſues have been miſjoyned, and jeofaile, and ſometime by taking advantages of the parties own miſpleading, or the purſuing, miſconveying, or diſcontinuing of proceſs of any of the parties, and for divers other cauſes, the which is thought as well a great ſlander to the ſaid Common Law of this Realm, and to the Miniſters of the ſame, as alſo a plain delay, and hinderance unto the ſaid parties, in that they ſhould not have their judgments when the iſſue hath been found and tried as is aforeſaid, to their great coſts and charge. Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth, if any iſſue be tried by the oath of twelve or moe indifferent men for the party plaintiff or demandant, or for the party tenant or defendant, in any manner of action or ſuit at the common Law of this Realm in any of the Kings Courts of Record, that then the Juſtice and Juſtices by whom judgment thereof ought to be given, ſhall proceed and give judgment in the ſame, any[a] miſpleading, lack of colour, inſufficient pleading, or jeofaile, any miſcontinuance, or diſcontinuance, or miſconveying of proceſs, miſjoyning of the iſſue, lack of warrant of Atturney of the party againſt whom the ſame iſſue ſhall happen to be tried, or any other default or negligence of any of the parties, their Counſellors or Atturneys, had or made to the contrary notwithſtanding, and the ſaid judgments thereof ſo to be had and given, ſhall ſtand in full ſtrength and force, to all intents and purpoſes, according to the ſaid verdict, without any reverſal or undoing of the ſame by writ of error, or of falſe judgment, in like form, as though no ſuch default or negligence had never been had or committed.

[a] Cok.l.5 f.43. 35.37.49.l.8. f.103.l.11.f.7. Bro.Repleader 40. Dyer fo.184. 257.347.353. 357. Cro El. 137. 123.153.163. 227 257.308. 319 535.

When an Attorney ſhall enter his warrant in Court.

Provided alway, and be it enacted by the authority aforeſaid, in avoiding of errors, and other great inconveniences that daily do fortune to ariſe and grow in the Kings Courts of Record at Weſtminſter, through the negligence of Attorneys, becauſe they deliver not their warrants of Attorney in ſuch actions and ſuits, wherein they be named Attorney, according to the Laws of this Realm, That all and every ſuch perſon and perſons, which ſhall fortune hereafter to be Attorney to or for any other perſon or perſons, being demandant or plaintiff, tenant or defendant in any action or ſuit, at any time hereafter commenced or taken in any of the Kings ſaid Courts, and plead to any iſſue in the ſame action or ſuit, that then the ſame Attorneys, and every of them, from time to time ſhall deliver, or cauſe to be delivered his or their ſufficient and lawful[b] warrant of Attorney, to be[c] entred of record for every of the ſaid actions or ſuits, wherein they be named Attorneys, to the Officer or his deputy, ordained for the receit and entring thereof in the ſame term when the ſaid iſſue is entred of record in the ſaid Court, or afore, upon pain of forfeiting unto our ſaid Sovereign Lord ten pounds ſterling, for every default for not delivering of the ſaid warrant of Attorney.

[b] Dyer f. 130. 180.

[c] Co.pla. fo.167.

And alſo further to ſuffer ſuch impriſonment, as by the diſcretion of the Juſtices of the Court for the time being, where any ſuch default ſhall fortune to be had or made, ſhall be thought convenient: This preſent Act with the proviſo to endure till the laſt day of the next Parliament. 2 Ed. 6. 32. made perpetual. Stat. 18 El. 13. 21 Jac. 13.

CAP. XXXI.

Cro. El. 562. 670.

A Recovery of land had by aſſent of the parties againſt tenant for term of life ſhall be void, unleſs it be by good title, or aſſent of him in the Reverſion or Remainder. Rep. 14 El. 8. Cok. lib. 10. fo. 44. Coke Inſt. 362. a.

CAP. XXXII.

Joynt Tenants and Tenants in common for lives or years, ſhall make partition.

31 H. 8. 1.

Foraſmuch as in the Parliament begun at Weſtminſter the eight and twentieth day of April, and there continued till the xxviij. day of June, the xxxj. year of the Kings moſt noble and victorious Reign that now is, It was amongſt other things there enacted and eſtabliſhed, That all joynt tenants, and tenants in common, that then were, or hereafter ſhould be of any eſtate, or eſtates of inheritance in their own rights, or in the right of their wives, of any manors, lands, tenements, or hereditaments within this Realm of England, Wales, or marches of the ſame, ſhall and may be coacted and compelled by vertue of the ſaid Act, to make partition between them, of all ſuch manors, lands, tenements and hereditaments as they then held, or hereafter ſhould hold as joynt tenants, or tenants in common, as more plainly at large appeareth by the ſaid Statute. And foraſmuch as the ſaid Statute doth not extend to joynt tenants, and tenants in common for term of life or years, neither to joynt tenants, and tenants in common, where one, or ſome of them have but a particular eſtate for term of life or years, and the other have eſtate or eſtates of inheritance of and in any manors, lands, tenements, and hereditaments. Be it therefore enacted by the King our Sovereign Lord, and by the aſſent of the Lords Spiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all joynt tenants, and tenants in common, and every of them, which now hold, or hereafter ſhall hold, joyntly, or in common, for term of life, year or years: or joynt tenants, or tenants in common, where one or ſome of them have, or ſhall have eſtate or eſtates for term of life or years, with the other that have or ſhall have eſtate or eſtates of inheritance, or freehold in any manors, lands, tenements, or hereditaments, ſhall and may be compellable from henceforth by Writ of Partition to be ſued out of the Kings Court of Chancery, upon his or their caſe or caſes, to make ſeverance and partition of all ſuch manors, lands, tenements, and hereditaments, which they hold joyntly or in common, for term of life or lives, year or years, or where one or ſome of them hold joyntly, or in common, for term of life or years, with other that have an eſtate or eſtates of inheritance or free-hold.

Joynt tenants for life or years are compellable to make partition.

Bro. partition 38. c. 1. Co. Inſt. 369 a 175.a 187.a

Partition ſhall be prejudicial to none but parties.

Provided alway, and be it enacted, That no ſuch partition, nor ſeverance hereafter to be made by force of this Act, be, nor ſhall be prejudicial or hurtful to any perſon or perſons, their heirs or ſucceſſors, other then ſuch which be parties unto the ſaid partition, their executors or aſſigns. Cok. f. p. 448.

CAP. XXXIII.

Wrongful diſſeiſin is no deſcent in Law.

A diſſeiſor dying ſeiſed, taketh away no title of entry from the diſſeiſee or his heir.

Five years poſſeſſion in the diſſeiſor before his death.

Where divers perſons of their inſatiable minds have heretofore by ſtrength, and without title, entred into manors, lands, tenements, and other hereditaments, and wrongfully diſſeiſed the rightful owners and poſſeſſors thereof, and ſo being ſeiſed by diſſeiſin, have thereof died ſeiſed, by reaſon of which dying ſeiſed, the diſſeiſee, or ſuch other perſons as before ſuch deſcent might have lawfully entred into the ſaid manors, lands and tenements, were, and be thereby clearly excluded of their entree into the ſaid manors, lands, and tenements, and put to their action for their remedy and recovery therein, to their great coſts and charges. For reformation whereof, be it enacted by the authority of this preſent Parliament, that the [b] dying ſeiſed hereafter of any ſuch diſſeiſor, of, or in any manors, lands, tenements, or other hereditaments, having no right or title therein, ſhall not be taken or deemed from henceforth any ſuch deſcent in the Law, for to toll, or take away the entree of any ſuch perſon or perſons, or their heirs, which at any time of the ſame deſcent, had good and lawful title of entree into the ſaid manors, lands, tenements, or hereditaments; Except that ſuch diſſeiſor hath had the peaceable poſſeſſion of ſuch manors, lands, tenements, or hereditaments, whereof he ſhall ſo die ſeiſed, by the ſpace of five years next after the diſſeiſin therein by him committed, without entree or continual claim, by or of ſuch perſon or perſons as have lawful title thereunto.

[b] Dyer f. 219. Cok. Lit. f. 33. Co. Inſt. 238. 246. 2 Paw. 47.

CAP. XXXIV.

Grantees of reverſions may take advantage of reverſions and covenants againſt the leſſees: and leſſees may have the like remedy againſt grantees, as they might have had againſt their grantors.

By the common Law no ſtranger to any covenant, action, or condition could take advantage thereof.

Where before this time divers as well temporal as eccleſiaſtical and religious perſons, have made ſundry leaſes, demiſes and grants to divers other perſons, of ſundry manors, lordſhips, ferms, meaſes, lands, tenements, medows, paſtures, or other hereditaments, for term of life or lives, or for term of years, by writing under their ſeal or ſeals, containing certain conditions, covenants and agreements to be performed, as well on the part and behalf of the ſaid leſſees and grantees, their executors and aſſigns, as on the behalf of the ſaid leſſors and grantors, their heirs and ſucceſſors: and foraſmuch as by the common Law of this Realm, no ſtranger to any covenant, action or condition, ſhall take any advantage or benefit of the ſame, by any means or ways in the Law, but onely ſuch as be parties or privies thereunto, by the reaſon whereof, as well all grantees of reverſions, as alſo all grantees and patentees of the King our Sovereign Lord, of ſundry manors, lordſhips, granges, ferms, meaſes, lands, tenements, medows, paſtures, or other hereditaments late belonging to Monaſteries, and other Religious and Eccleſiaſtical houſes diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by other means come to the hands and poſſeſſion of the Kings Majeſty ſince the fourth day of February, the ſeven and twentieth year of his moſt noble Reign, be excluded to have any entry or action againſt the ſaid leſſees and grantees, their executors or aſſigns, which the leſſors before that time might by the Law have had againſt the ſame leſſees for the breach of any condition, covenant or agreement, compriſed in the indentures of their ſaid leaſes, demiſes and grants: Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame,

Grantees of reverſions may take advantage of conditions and covenants againſt the leſſees of the ſame lands.

That as well all and every perſon and perſons, and bodies politick, their heirs, ſucceſſors and aſſigns, which have or ſhall have any gift or grant of our ſaid Sovereign Lord by his letters patents, of any lordſhips, manors, lands, tenements, rents, parſonages, tithes, portions, or other hereditaments, or of any reverſion or reverſions of the ſame, which did belong and appertain to any of the ſaid Monaſteries, and other Religious and Eccleſiaſtical houſes, diſſolved, ſuppreſſed, relinquiſhed, forfeited, or by any other means come to the Kings hands ſince the ſaid fourth day of February, the ſeven and twentieth year of his moſt noble Reign, or which at any time heretofore did belong or appertain to any other perſon or perſons, and after came to the hands of our ſaid Sovereign Lord, as alſo all other perſons being grantees or aſſignees to, or by our ſaid Sovereign Lord the King, or to or by any other perſon or perſons then the Kings Highneſs, and the heirs, executors, ſucceſſors and aſſigns of every of them, ſhall and may have and enjoy like advantages againſt the leſſees, their executors, adminiſtrators and aſſigns, [c] by entry for non-payment of the rent, or for doing of waſte, or other forfeiture: and alſo ſhall and may have and enjoy all and every ſuch like, and the ſame advantage, benefit and remedies by action onely, for not performing of other conditions, covenants or agreements, contained and expreſſed in the indentures of their ſaid leaſes, demiſes or grants, againſt all and every the ſaid leſſees, and fermers, and grantees, their executors, adminiſtrators and aſſigns, and the ſaid leſſors or grantors themſelves, or their heirs or ſucceſſors, ought, ſhould, or might have had and enjoyed, at any time or times, in like manner and form, as if the reverſion of ſuch lands, tenements or hereditaments had not come to the hands of our ſaid Sovereign Lord, his Heirs and Succeſſors, ſhould or might have had and enjoyed in certain caſes, by vertue of the Act made at the firſt Seſſion of this preſent Parliament, if no ſuch grant by letters patents had been made by his Highneſs.

[c] Plow. f. 175. Dyer f. 68. 131. 327. Cok. l. 3. f. 62. l. 5. f. 56. 112. Bro. entre congeable 139. Cro. El. 600. 853. Cro. Jac. 305. Cro. Car. 44. 24. 137.

Moreover be it enacted by authority aforeſaid, That all fermors, leſſees and grantees of lordſhips, manors, lands, tenements, rents, parſonages, tithes, portions, or any other hereditaments for term of years, life or lives, their executors, adminiſtrators and aſſigns, ſhall and may have like action, advantage and remedy againſt all and every perſon and perſons, and bodies politick, their heirs, ſucceſſors and aſſigns, which have, or ſhall have any gift or grant of the King our Sovereign Lord, or of any other perſon or perſons, of the reverſion of the ſame manors, lands, tenements, and other hereditaments ſo letten, or any parcel thereof, for any [a] condition, covenant or agreement contained or expreſſed in the indentures of their leaſe and leaſes, as the ſame leſſees, or any of them might and ſhould have had againſt the ſaid leſſors and grantors, their heirs or ſucceſſors: all benefits and advantages of recoveries in value, by reaſon of any warranty in deed, or law by voucher, or otherwiſe, onely excepted.

Leſſees may have the like remedy againſt the grantees of reverſions which they might have had againſt their grantees.

[a] Dyer f. 257. Cok.l.3.f.63. l.5.16.

Provided always, That this Act, nor any thing or things therein contained, ſhall extend to hinder or charge any perſon or perſons for the breach of any covenant or condition, compriſed in any ſuch writing as is aforeſaid, but for ſuch covenants and conditions, as ſhall be broken or not performed after the firſt day of September next coming, and not before: any thing before in this Act contained to the contrary thereof notwithſtanding. Coke Inſt. 215.

CAP. XXXV.

Juſtices of Forreſts may make their deputies.

FOraſmuch as it is much doubted whether the Kings Juſtices of his Foreſts, Parks and Chaſes within this Realm, may lawfully make or depute any deputy or deputies, for the exerciſing of their ſaid romthes or office of Juſtices of the Foreſts: for the avoiding of which ambiguity and doubt, and to the intent that the Laws of the Foreſt may be more truly and ſpeedily executed, it may be enacted by the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth, all and every the Juſtice and Juſtices of the Kings Foreſts, Parks and Chaſes within this Realm, which now be, or hereafter ſhall be, by their writing, ſealed with the ſeal of their Office, ſhall make, aſſign, depute and appoint, as many deputy or deputies for the exerciſing of the ſame office of Juſtice or Juſtices of the Foreſts, as to ſuch Juſtice or Juſtices from time to time ſhall be thought convenient; which deputy and deputies ſo appointed, ſhall have like power and authority, to do and execute all things concerning the Kings Foreſts, Parks and Chaſes, and all other things concerning the office and offices of the Juſtice of the Foreſts, to all intents and purpoſes, and in as large and ample manner and form, as the ſame Juſtice or Juſtices might or may lawfully do or execute by the Laws of this Realm, and as though the ſame Juſtice or Juſtices were there perſonally preſent in his or their own perſon or perſons.

Every Juſtice of the Kings Foreſts, Chaſes, and Parks may make as many deputies as he will.

CAP. XXXVI.

A fine levied by tenant in tail ſhall be a bar to the heir of his body: but a fine levied by a wife of her husbands lands deceaſed doth not bind, &c.

FOraſmuch as in the fourth year of the Reign of the late King of famous memory, King Henry the Seventh, Father of our moſt dread Sovereign Lord yͤ King that now is, it was among many good and ſundry Statutes & Ordinances then made for the common wealth, enacted, ordained, & eſtabliſhed, the form and manner how fines ſhould be levied with proclamations in the Kings Court before his Juſtices of his common place, and that ſuch fines with proclamations ſo had & made, to the intent to void all ſtrifes & debates, ſhould be a final end, and conclude as well privies as ſtrangers to yͤ ſame, certain perſons excepted & ſaved, as in the ſame Statute more plainly appeareth: Sithen which time, by diverſity of interpretations and expounding of the ſame Statute, it hath been, & is yet by ſome manner of perſons doubted & called in queſtion, whether fines with proclamations levied or to be levied before the ſaid Juſtices, by any perſon or perſons having or claiming to have in any manors, lands, tenements or hereditaments compriſed in the ſame fine, in poſſeſſion, reverſion, remainder, or in uſe, any manner of eſtate tail, ſhould immediately after the ſaid fine levied, engroſſed, & proclamation made, bind the right heir and heirs of ſuch tenant in tail, & every other perſon and perſons ſeiſed or claiming to their uſe or uſes; by occaſion whereof, divers debates, controverſies, ſuits & troubles have been begun, moved and had within this Realm, & moe be like to enſue, if remedy for the ſame be not provided: for the eſtabliſhment & reformation whereof, and for the ſure and ſincere interpretation of the ſaid Statute, in avoiding all dangers, contentions, controverſies, ambiguities and doubts that hereafter may enſurge, grow and happen: Our Sovereign Lord the King, with the aſſent of the Lords Spiritual & Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, hath enacted and ordained, That all and ſingular fines, as well heretofore levied, as hereafter to be levied before the ſaid Juſtices with [d] proclamations, according to the ſaid Statute, by any perſon or perſons of full age of xxi. years, of any manors, lands, tenements, or hereditaments, before the time of the ſaid fine levied, in any wiſe entailed to the perſon or perſons ſo levying the ſame fine, or to any the anceſtors of the ſame perſon or perſons in poſſeſſion, reverſion, remainder or in uſe, ſhall be immediately after the ſame fine levied, engroſſed, and [e] proclamations made, adjudged, accepted, deemed, and taken to all intents and purpoſes, a ſufficient bar and diſcharge for ever againſt the ſaid perſon and perſons, and their heirs, claiming the ſame lands, tenements, and hereditaments, or any parcel thereof, onely by force of any ſuch entail, and againſt all other perſons claiming the ſame, or any parcel thereof; onely to their uſe, or to the uſe of any manner of heir of the bodies of them, any ambiguity, doubt or contrarioſity of opinion, riſen or grown upon the ſaid eſtatute to the contrary notwithſtanding.

Stat. 4 H.7. 22.

A fine levied by tenant in tail ſhall be a bar to the heir of his body. Stat. 13 E. 1.

[d] Plow. f.246 Dyer f. 213. 351. Cok.l.1.f.187. l.3.f.51 & 84. & l.7.f.32.l.9. f.140.l.11. f.75.

[e] Br. aſſurances 6. Bro. feoffm. al uſes 57. Bro. Taile. 2. Bro. fines 167. 109.118.121. Co.Inſt. 372.

A fine levied by the wife of the inheritance of her late husband, ſhall be void. St. 11 H. 7. 20.

Provided alway, That this Act, nor any thing therein contained, ſhall extend to bar or exclude the lawful entre, title or intereſt of any heir or heirs, perſon or perſons, heretofore given, or hereafter to be given, grown, or accrued to them, or any of them, in or to any manors, lands, tenements and hereditaments, by reaſon of any fine or fines heretofore levied, or hereafter to be levied by any woman after the death of her husband, contrary to the form, intent and effect of the Statute made in the eleventh year of the ſaid late King Henry the Seventh, of any manors, lands, tenements and hereditaments, of the inheritance or purchaſe of the ſaid husband, or of any his anceſtors, given or aſſigned to any ſuch woman in dower, for term of life, or in tail, in uſe, or in poſſeſſion, but that the ſame Act made in the ſaid eleventh year of the ſaid late King Henry the Seventh ſhall ſtand, remain, and be in full ſtrength and vertue in every article, ſentence and clauſe therein contained, in like manner and form as though this preſent Act had never been had ne made.

A fine levied by him which is reſtrained by Parliament ſhall be void.

Provided alſo, That this Act, ne any thing therein contained, do extend to any fine or fines at any time heretofore levied or hereafter to be levied, of any lordſhips, manors, lands, tenements, or other hereditaments whatſoever they be, the poſſeſſioners and owners whereof, by reaſon of any expreſs words contained in any ſpecial Act or Acts of Parliament made or ordained ſince the ſaid fourth year of the Reign of the ſaid late King Henry the Seventh, ſtand, be bounden, or reſtrained from making any alienations, diſcontinuances, or other alterations of any of the ſame lordſhips, manors, lands, tenements or hereditaments contained in the ſaid fine or fines; but that all and every ſuch fine and fines, at any time heretofore levied, or hereafter to be levied by any ſuch perſon or perſons, or their heirs, of any ſuch lordſhips, manors, lands, tenements, or other hereditaments, ſhall be of ſuch like force and ſtrength in the Law, and of none other effect then the ſame fine ſo levied, or to be levied, ſhould have been if this preſent Act had never been had nor made, any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

A fine levied of lands in ſuit.

A fine of lands before recovered.

A fine of lands whereof the reverſion is in the King.

A fine levied by one reſtrained by Act of Parliament.

Provided alſo, That this Act, nor any thing therein contained, ſhall extend to any fine or fines heretofore levied of any manors, lands, tenements or hereditaments now in ſuit, demand, or variance in any of the Kings Courts, or whereof any Charters, Evidences, or Muniments concerning the ſame, be now in demand in the Kings high Court of Chancery; nor to any fine or fines, heretofore levied of any manors, lands, tenements or hereditaments, which before the firſt day of this preſent Parliament have been recovered, gotten or obtained by reaſon of any judgment, entry, decree, arbitrement, or other lawful means, contrary, to the purport, intent, or effect of any ſuch fine or fines thereof heretofore levied; nor to any fine or fines heretofore levied, or hereafter to be levied by any perſon or perſons, of any manors, lands, tenements or hereditaments, before the time of the levying of the ſame fine given, granted, or aſſigned to the ſaid perſon or perſons ſo levying the ſame fine, or to any of his or their anceſtors in the ẏ tail, or by vertue of any letters patents of our ſaid Sovereign Lord, or any of his progenitors, or by vertue of any Act or Acts of Parliament, the [a] reverſion whereof, at the time of the ſame fine or fines ſo levied, being in our ſaid Sovereign Lord, his Heirs or Succeſſors: But that every ſuch fine and fines ſhall be of like force, ſtrength and effect, as they were, or ſhould have been, if this Act had never been had nor made.

[a] Dyer f. 32. Cok. l. 4. f. 55. 18. f. 74. Bro. aſſurances 5. Bro fines 112.

CAP. XXXVII.

How Executors may recover rents due to the Teſtator, &c.

A remedy for executors, &c. to recover a rent due to their teſtator in his life time.

Foraſmuch as by the order of the Common Law, the executors or adminiſtrators of tenants in fee-ſimple, tenants in fee-tail, and tenants for term of life, of rents ſervices, rent charges, rents ſecks, and fee-farms, have no remedy to recover ſuch arrerages of the ſaid rents or fee-farms as were due unto their teſtators in their lives, nor yet the heirs of ſuch teſtator, nor any perſon having the reverſion of his eſtate after his deceaſe, may diſtrain, or have any lawful action to levy any ſuch arrerages of rents, or of the fee-farms, due unto him in his life, as is aforeſaid: By reaſon whereof, the tenants of the demean of ſuch lands, tenements or hereditaments, out of the which ſuch rents were due and payable, who of right ought to pay their rents & farms at ſuch day and terms as they were due, do many times keep, hold and retain ſuch arrerages in their own hands, ſo that the executors and adminiſtrators of the perſons to whom ſuch rents or fee-farms were due, cannot have or come by the ſaid arrerages of the ſame, towards the paiment of the debts, and performance of the will of the ſaid teſtators. For remedy whereof, be it enacted by authority of this preſent Parliament, That the executors and adminiſtrators of every ſuch perſon or perſons, unto whom any ſuch rent or fee-farm is or ſhall be due, & not paid at the time of his death, ſhall & may have an action of [b] debt for all ſuch arrerages againſt the tenant or tenants that ought to have paid the ſaid rent or fee-farms ſo being behind in the life of their teſtator, or againſt the executors and adminiſtrators of the ſaid tenants. And alſo furthermore, it ſhall be lawful to every ſuch executor and adminiſtrator of any ſuch perſon or perſons unto whom ſuch rent or fee-farm ſhall be due, and not paid at the time of his death, as is aforeſaid, to diſtrain for the arrerages of all ſuch rents and fee-farms, upon the lands, tenements, and other hereditaments, which were charged with the paiment of ſuch rents or fee-farms, and chargeable to the diſtreſs of the ſaid teſtator, ſo long as the ſaid lands, tenements, or hereditaments continue, remain, and be in the ſeiſin or poſſeſſion of the ſaid tenant in demeſne, who ought immediately to have paid the ſaid rent or fee-farm ſo being behind to the ſaid teſtator in his life, or in the ſeiſin or poſſeſſion of any other perſon or perſons claiming the ſaid lands, tenements and hereditaments, onely by and from the ſame tenant by purchaſe, gift or deſcent, in like manner and form as their ſaid [c] teſtator might or ought to have done in his life time, and the ſaid executors and adminiſtrators ſhall for the ſame diſtreſs lawfully make avowry upon their matter aforeſaid.

[b] Dyer f. 371. Cok. l. 4. f. 4.

Cro. El. 805. Cro. Car. 471.

[c] Cok. l. 8. f. 64.

Provided alway, That this Act nor any thing therein contained, ſhall not extend to any ſuch manor, lordſhip, or dominion in Wales, or in the marches of the ſame, whereof the inhabitants have uſed time out of the mind of man, to pay unto every Lord, or owner of ſuch lordſhip, manor, or dominion, at his or their firſt entry into the ſame, any ſum or ſums of money, for the redemption and diſcharge of all duties, forfeitures and penalties, wherewith the ſaid inhabitants were chargeable to any of their ſaid Lords anceſtors or predeceſſors before his ſaid entry.

Redemption money paid in Wales and the Marches.

And further be it enacted by the authority aforeſaid, That if any man which now hath, or hereafter ſhall have in the right of his wife, any eſtate in fee-ſimple, fee-tail, or for term of life, of or in any rents or fee-farms, and the ſame rents or fee-farms now be, or hereafter ſhall be due, behind and unpaid in the ſaid wives life: then the ſaid [d] husband, after the [e] death of his ſaid wife, his executors and adminiſtrators, ſhall have an action of debt for the ſaid arrerages againſt the tenant of the demeſn that ought to have paid the ſame, his executors or adminiſtrators. And alſo the ſaid husband after the death of his ſaid wife, may diſtrain for the ſaid arrerages, in like manner and form, as he might have done if his wife had been then living, and make avowry upon his matter, as is aforeſaid.

d Coke l. 4. f. 51. Co.Inſt. 351.b

The husbands remedy for rent due in the right and in the life of his wife.

e Cok.pl.f.119.

And likewiſe it is further enacted by the authority aforeſaid, That if any perſon or perſons which now hath, or hereafter ſhall have any rents or fee-farms for term of life or lives, of any other perſon or perſons, and the ſaid rent or fee-farm now be or hereafter ſhall be due and behind and unpaid in the [f] life of ſuch perſon or perſons for whoſe life or lives the eſtate of the ſaid rent or fee-farm did depend or continue, and after the ſaid perſon or perſons do die: then he unto whom the ſaid rent or farm was due in form aforeſaid, his executors and adminiſtrators, ſhall and may have an action of debt againſt the tenant in demeſn, that ought to have paid the ſame when it was firſt due, his executors and adminiſtrators, and alſo diſtrain for the ſame arrerages upon ſuch lands and tenements, out of the which the ſaid rents or fee-farms were iſſuing, and payable, in ſuch like manner and form as he ought or might have done, if ſuch perſon or perſons, by whoſe death the aforeſaid eſtate in the ſaid rents and fee-farms was determined and expired, had been in full life, and not dead: And the avowry for the taking of the ſame diſtreſs, to be made in manner and form aforeſaid. Cok.Inſt. 162.a

The remedy for a rent, the eſtate whereof dependeth upon anothers life being dead.

f Coke l. 5. Lib. l. 7. f. 39.

CAP. XXXVIII.

What Marriages are lawful, and what not.

Co.Inſt. 2 p. 683.

Whereas heretofore the uſurped power of the Biſhop of Rome hath always intangled and troubled the meer juriſdiction and Regal power of this Realm of England, and alſo unquieted much the ſubjects of the ſame, by his uſurped power in them, as by making that unlawful which by Gods word is lawful, both in marriages and other things, as hereafter ſhall appear more at length, and till now of late in our Sovereign Lords time, which is otherwiſe by learning taught then his predeceſſors in times paſt long time have been, hath ſo continued the ſame, whereof yet ſome ſparks be left, which hereafter might kindle a greater fire, and ſo remaining, his power not to ſeem utterly extinct.

Therefore it is thought moſt convenient to the Kings Highneſs, his Lords Spiritual and temporal, with the Commons of this Realm aſſembled in this preſent Parliament, That two things ſpecially for this time be with diligence provided for, whereby many inconveniences have enſued, and many moe elſe mought enſue and follow: as where heretofore divers and many perſons, after long continuance together in matrimony, without any allegation of either of the parties, or any other at their marriage, why the ſame matrimony ſhould not be good, juſt and lawful, and after the ſame matrimony ſolemnized, and conſummate by carnal knowledge, and alſo ſometime fruit of children enſued of the ſame marriage, upon pretence of a former contract made, and not conſummate by carnal copulation, (for proof whereof two witneſſes by that Law were onely required) been divorced and ſeparate, contrary to Gods Law, and ſo the true matrimony, both ſolemnized in the face of the Church, and conſummate with bodily knowledge, and confirmed alſo with the fruit of children had between them, clearly fruſtrate and diſſolved: Further alſo, by reaſon of other prohibitions then Gods law admitteth, for their lucre by that Court invented, the diſpenſations whereof they always reſerved to themſelves, as in kindred, or affinity between Coſin-germanes, and ſo to fourth and fourth degree, carnal knowledge of any of the ſame kin or affinity before in ſuch outward degrees, which elſe were lawful, and be not prohibited by Gods Law, and all becauſe they would get money by it; and keep a reputation of their uſurped juriſdiction, whereby not onely much diſcord between lawful married perſons hath (contrary to Gods Ordinance) ariſen, much debate and ſuit at the Law, with wrongful vexation, and great damage of the innocent party hath been procured, and many juſt marriages brought in doubt, and danger of undoing, and alſo many times undone, and lawful heirs diſherited, whereof there had never elſe, but for his vain-glorious uſurpation, been moved any ſuch queſtion, ſince freedome in them was given by Gods Law, which ought to be moſt ſure and certain. But that notwithſtanding, marriages have been brought into ſuch an incertainty thereby, that no marriage could be ſurely knit and bounden, but it ſhould lie in either of the parties power, and arbiter caſting away the fear of God, by means and compaſſes to prove a precontract, a kindred, and aliance, or a carnal knowledge, to defeat the ſame, and ſo under the pretence of theſe allegations afore rehearſed, to live all the days of their life in deteſtable adultery, to the utter deſtruction of their own ſouls, and the provocation of the terrible wrath of God upon the places where ſuch abominations were uſed and ſuffered. Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from the firſt day of the moneth of July next coming, in the year of our Lord God 1540. all and every ſuch marriages as within this Church of England ſhall be contracted between lawful perſons, (as by this Act we declare all perſons to be lawful,

The enormity of aboliſhing marriages by precontracts.

The inconveniencies of diſpenſations to marry.

Co.Inſt.235.a

All perſons be lawful to contract marriage that be not prohibited by Gods law. 2 Ed. 6. 23. 1 Eliz. 1.

That marriage is indiſſoluble which is contracted and ſolemnized in the face of the Church, and conſummate with bodily knowledge or fruit of child, notwithſtanding any precontract. Rep. 2 Ed.6.22.

that be not prohibited by Gods Law to marry) ſuch marriages being contract and ſolemnized in the face of the Church, and conſummate with bodily knowledge, or fruit of children or child being had therein between the parties ſo married, ſhall be by authority of this preſent Parliament aforeſaid, deemed, judged, and taken to be lawful, good, juſt, and indiſſoluble, notwithſtanding any precontract or precontracts of matrimony not conſummate with bodily knowledge, which either of the parties ſo married, or both ſhall have made with any other perſon or perſons, before the time of contracting that marriage which is ſolemnized and conſummate, or whereof ſuch fruits is enſued or may enſue as afore, and notwithſtanding any diſpenſation, preſcription, law, or other thing granted or confirmed by Act or otherwiſe. And that no reſervation or prohibition, Gods Law except, ſhall trouble or impeach any marriage without the Levetical degrees. And that no perſon, of what eſtate, degree, or condition ſoever he or ſhe be, ſhall after the ſaid firſt day of the moneth of July aforeſaid, be admitted to any of the Spiritual Courts within this the Kings Realm, or any his Graces other Lands and Dominions, to any proceſs, plea, or allegation, contrary to this foreſaid Act. Rep. 1 & 2 P. & M. 8. Rep. 1 El. 1.

CAP. XXXIX.

The Great Maſter of the Kings Houſe ſhall have all authority that the Lord Steward had. Rep. 1 M. 4.

CAP. XL.

Priviledges granted to Phyſicians in London.

Co.Inſt.4 p. 251. Cro.Jac.121. 159. Cro.Car.[illegible]

In moſt humble wiſe ſhewen unto your Majeſty, your true and faithful ſubjects and liege men, the Preſident of the Corporation of the Comminalty and Fellowſhip of the Science and Faculty of Phyſick in your City of London, and the Commons of the Fellows of the ſame, that whereas divers of them many times having in cure, as well ſome of the Lords of your moſt Honourable Council, and divers times many of the Nobility of this Realm, as many other your faithful and liege people, cannot give their due attendance to them and other their patients with ſuch diligence as their duty were and is to do, by reaſon they be many times compelled, as well within the City of London, and ſuburbs of the ſame, as in other Towns and Villages, to keep watch and ward, and be choſen to the Office of Conſtable, and other Offices within the ſaid City and ſuburbs of the ſame, as in other places within this your Realm, to their great fatigation and unquieting, and to the peril of their patients, by reaſon they cannot be conveniently attended. It may therefore pleaſe your moſt Excellent Majeſty, with the aſſent of your Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact, ordain, and eſtabliſh, That the ſaid Preſident of the Comminalty and Fellowſhip for the time being, and the Commons and Fellows of the ſame, and every Fellow thereof that now be, or that any time hereafter ſhall be their ſucceſſors, and the ſucceſſors of every of them, at all time and times after the making of this preſent Act, ſhall be diſcharged to keep any watch and ward in your ſaid City of London, or the ſuburbs of the ſame, or any part thereof; and that they or any of them ſhall not be choſen Conſtable, or any other Officer in the ſaid City or ſuburbs. And that if any time hereafter the ſaid Preſident for the time being, or any of the ſaid Commons or Fellows for the time being, by any ways or means be appointed or elected to any watch or ward, Office of Conſtable, or any other Office within the ſaid City or ſuburbs, the ſame appointment or election to be utterly void and of none effect, any order, cuſtom, or law to the contrary before this time uſed in the ſaid City notwithſtanding.

The Phyſicians in London ſhall be diſcharged to bear certain Offices there.

Four Phyſicians ſhall be choſen yearly to ſearch Apothecary wares in London.

And that it may pleaſe your moſt Royal Majeſty, by the authority aforeſaid, that it may be further enacted, ordained and eſtabliſhed, for the common wealth and ſurety of your loving ſubjects of this your Realm, in and for the adminiſtration of medicines to ſuch your ſaid ſubjects as ſhall have need of the ſame, That from henceforth the ſaid Preſident for the time being, Commons and Fellows, and their ſucceſſors, may yearly, at ſuch time as they ſhall think moſt meet and convenient for the ſame, elect and chuſe four perſons of the ſaid Commons and Fellows, of the beſt learned, wiſeſt, and moſt diſcreet, ſuch as they ſhall think convenient, and have experience in the ſaid faculty of Phyſick: And that the ſaid four perſons ſo elected and choſen, after a corporal oath to them miniſtred by the ſaid Preſident, or his Deputy, ſhall and may, by vertue of this preſent Act, have full authority and power, as often as they ſhall think meet and convenient, to enter into the houſe or houſes of all and every Apothecary, now, or any time hereafter uſing the myſtery or craft of Apothecary within the ſaid City, onely to ſearch, view, and ſee ſuch Apothecary wares, drugs and ſtuffs, as the Apothecaries, or any of them have, or at any time hereafter ſhall have in their houſe or houſes: And all ſuch wares, drugs and ſtuffs, as the ſaid four perſons ſhall then find defective, corrupted, and not meet nor convenient to be miniſtred in any medecines for the health of mans body, the ſame four perſons calling to them the Wardens of the ſaid myſtery of Apothecaries within the ſaid City for that time being, or one of them, ſhall cauſe to be brent, or otherwiſe deſtroy the ſame, as they ſhall think meet by their diſcretion. And if the ſaid Apothecaries, or any of them, at any time hereafter, do obſtinately or willingly refuſe or deny the ſaid four perſons yearly elected and choſen, as is beforeſaid, to enter into their ſaid houſe or houſes for the cauſes, intent and purpoſe before rehearſed; That then they and every of them ſo offending contrary to this Act, for every time that he or they do ſo offend, to forfeit C. s. the one half to your Majeſty, and the other half to him that will ſue for the ſame by action of debt, bill, plaint, or information, in any of the Kings Courts, wherein no wager of law, eſſoin, or protection ſhall be allowed. And if the ſaid four perſons,

The forfeiture of an Apothecary that refuſeth to have his houſe ſearched. Stat. 1 M. 9.

or any of them ſo elected and choſen as before is ſaid, do refuſe to be ſworn, or after his ſaid Oath to him or them adminiſtred, do obſtinately refuſe to make the ſaid ſearch and view once in the year, at ſuch time as they ſhall think moſt convenient by their diſcretions, having no lawful impediment by ſickneſs or otherwiſe to the contrary; That then for every ſuch wilful and obſtinate default, every of the ſaid four perſons making default to forfeit fourty ſhillings.

The forfeiture of ſuch as being elect, refuſe to be ſworn, or to make ſearch.

And foraſmuch as the Science of Phyſick doth comprehend, include and contain the knowledge of Surgery, as a ſpecial member and part of the ſame, Therefore be it enacted, That any of the ſaid Company or Fellowſhip of Phyſicians, being able, choſen, and admitted by the ſaid Preſident and Fellowſhip of Phyſicians, may from time to time, as well within the City of London, as elſewhere within this Realm, practiſe and exerciſe the ſaid Science of Phyſick in all and every his members and parts, any Act, Statute, or proviſion made to the contrary notwithſtanding.

Any of the Phyſicians in London may practiſe Surgery.

CAP. XLI.

Which Inn-holders may bake horſe-bread within their houſe; notwithſtanding the Statutes of 13 R. 2. 8. and 4 H. 4. 25. Rep. 21 Jac. 21.

CAP. XLII.

The authority and liberties of Barbers and Surgeons in London, being made of one Company.

The King our Sovereign Lord, by the advice of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, by all their common aſſents, duly pondering, among other things neceſſary for the common wealth of this Realm, that its very expedient and needful to provide for men expert in the Science of Phyſick and Surgery, for the health of mans body, when infirmities and ſickneſs ſhall happen, for the due exerciſe and maintenance whereof, good and neceſſary Acts be already made and provided: Yet nevertheleſs, foraſmuch as within the City of London, where men of great experience, as well in ſpeculation as in practiſe of the Science and Faculty of Surgery, be abiding and inhabiting, and have more commonly the daily exerciſe and experience of the ſame Science of Surgery, then is had or uſed within any parts of this Realm; and by occaſion thereof many expert perſons be brought up under them as their ſervants, apprentices, and others, who by the exerciſe and diligent information of their ſaid maſters, as well now as hereafter, ſhall exerciſe the ſaid Science within divers other parts of this Realm, to the great relief, comfort, and ſuccour of much people, and to the ſure ſafeguard of their bodily health, their limbs and lives. And foraſmuch as within the ſaid City of London there be now two ſeveral and diſtinct Companies of Surgeons, occupying and exerciſing the ſaid ſcience and faculty of Surgery, the one Company being commonly called the Barbers of London, and the other Company called the Surgeons of London; which Company of Barbers be incorporated to ſue and be ſued by the name of Maſters or Governours of the myſtery or comminalty of the Barbers of London, by vertue and authority of the letters patents under the Great Seal of the late King of famous memory King Edward the Fourth, dated at Weſtminſter the four and twentieth day of February, in the firſt year of his Reign, which afterward, as well by our moſt dread Sovereign Lord, as by the right noble and vertuous Prince, King Heury the Seventh, Father unto the Kings moſt excellent Highneſs now being, were and be confirmed, as by ſundry letters patents thereof made, amongſt other things in the ſame contained, more at large may appear; and the other Company called the Surgeons, be not incorporate, nor have any manner Corporation. Which two ſeveral and diſtinct Companies of Surgeons were neceſſary to be united and made one body incorporate, to the intent that by their union and often aſſembly together, the good and due order, exerciſe and knowledge in the ſaid Science or Faculty of Surgery, ſhould be as well in ſpeculation as in practice, both to themſelves, and all other their ſaid ſervants and apprentices, now and hereafter to be brought up under them, and by their learning, and diligent and ripe informations, more perfect, ſpeedy, and effectual remedy ſhould be, then it hath been, or ſhould be if the ſaid two Companies of Barbers and Surgeons ſhould continue ſevered aſſunder, and not joyned together, as they before this time have been, and uſed themſelves, not medling together. Wherefore in conſideration of the premiſſes, be it enacted by the King our Sovereign Lord, and by the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid two ſeveral and diſtinct Companies of Surgeons, that is to ſay, both the Barbers and the Surgeons, and every perſon of them, being a freeman of either of the ſaid Companies after the cuſtom of the ſaid City of London, and their ſucceſſors, from henceforth immediately be united, and made one entire and whole Body Corporate, and one Comminalty perpetual, which at all times hereafter ſhall be called by the name of Maſters or Governours of the Myſtery and Comminalty of Barbers and Surgeons of London for evermore, and by none other name: And by the ſame name to implead, and be impleaded before all manner of Juſtices, in all Courts, in all manner of actions and ſuits. And alſo to purchaſe, enjoy, and take, to them and to their ſucceſſors, all manner of lands, tenements, rents, and other poſſeſſions whatſoever they be, and alſo ſhall have a common Seal, to ſerve for the buſineſs of the ſaid Company and Corporation for ever. And by the ſame name, peaceably, quietly, and indifferently have, poſſeſs and enjoy, to them and to their ſucceſſors for ever, all ſuch lands, and tenements, and other hereditaments whatſoever, which the ſaid Company or Comminalty of Barbers have and enjoy, to the uſe of the ſaid Myſtery and Comminalty of Barbers of London. And alſo ſhall peaceably and quietly have and enjoy all and ſingular benefits, grants, liberties, priviledges, franchiſes, and free cuſtoms, and alſo all manner

By whom and at what time the Barbers of London were incorporate.

The benefit like to enſue by joyning the Barbers and Surgeons in one Company.

The Barbers and Surgeons of London made one Company and incorporated.

The Barbers and Surgeons in London ſhall be exempt from bearing of arms, or to be in watches or inqueſts.
5 H. 8. 6.

19 H. 7. 7.

manner of other things at any time given or granted unto the ſaid Companies of Barbers or Surgeons, by whatſoever name or names they or any of them were called, and which they or any of them now have, or any of their predeceſſors have had, by Acts of Parliament, letters patents of the Kings Highneſs, or other his moſt noble Progenitors, or otherwiſe by any lawful means had at any time afore this preſent Act, in as large and ample manner and form, as they or any of them have, had, might, or ſhould enjoy the ſame, this union or conjunction of the ſaid Companies together notwithſtanding. And as largely to have and enjoy the premiſſes, as if the ſame were, and had been ſpecially and particularly expreſſed, and declared with the beſt and moſt cleareſt words, and terms in the Law, to all intents and purpoſes. And that all perſons of the ſaid Company now incorporate by this preſent Act, and their ſucceſſors that ſhall be lawfully admitted and approved to occupy Surgery, after the form of the Statute in that caſe ordained and provided, ſhall be exempt from bearing of armour, or to be put in any watches or inqueſts: And that they and their ſucceſſors ſhall have the ſearch, overſight, puniſhment, and correction as well of freemen as of foreign, for ſuch offences as they or any of them ſhall commit, or do againſt the good order of Barbery or Surgery, as afore this time among the ſaid Myſtery and Company of Barbers of London, hath been uſed and accuſtomed, according to the good and politick Rules and Ordinances by them made, and approved by the Lords Chancellor, Treaſurer, and two chief Juſtices of either Bench, or any three of them, after the form of the Statute in that caſe after ordained and provided.

The Surgeons may take yearly four condemned perſons for Anatomies.

And further be it enacted by the authority aforeſaid, That the ſaid Maſters or Governours of the Myſtery and Comminalty of Barbers and Surgeons of London, and their ſucceſſors, yearly for ever, after their ſaid diſcretions, at their free liberty and pleaſure, ſhall and may have and take without contradiction, four perſons condemned, adjudged, and put to death for felony, by the due order of the Kings Laws of this Realm, for Anatomies, without any further ſuit or labour to be made to the Kings Highneſs, his Heirs or Succeſſors for the ſame: And to make inciſion of the ſame dead bodies, or otherwiſe to order the ſame, after their ſaid diſcretions, at their pleaſures, for their further and better knowledge, inſtruction, inſight, learning, and experience in the ſaid ſcience or faculty of Surgery. Saving unto all perſons, their heirs and ſucceſſors, all ſuch right, title, intereſt, and demand, which they or any of them might lawfully claim to have in or to any of the lands and tenements, with the appurtenances belonging unto the ſaid Company of Barbers and Surgeons, or any of them, at any time afore the making of this Act, in as ample manner and form as they or any of them had or ought to have had heretofore; any thing in this preſent Act compriſed to the contrary hereof in any wiſe notwithſtanding.

No Barber in London ſhall uſe Surgery.

No Surgeon in London ſhall uſe the craft of ſhaving.

Every Surgeon in London ſhall have a ſign at his door.

And foraſmuch as ſuch perſons being of the myſtery or faculty of Surgery, oftentimes meddle, and take into their cure and houſes, ſuch ſick and diſeaſed perſons as been infected with the peſtilence, great pocks, and ſuch other contagious infirmities, do uſe or exerciſe Barbery, as waſhing, or ſhaving, and other feats thereunto belonging, which is very perilous for infecting the Kings liege people, reſorting to their ſhops and houſes, there being waſhed or ſhaven. Wherefore it is now enacted, ordained, and provided by the authority aforeſaid, That no manner perſon within the City of London, ſuburbs of the ſame, and one mile compaſs of the ſaid City of London, after the Feaſt of the Nativity of our Lord God next coming, uſing any Barbery or ſhaving, or that hereafter ſhall uſe any Barbery or ſhaving within the ſaid City of London, ſuburbs, or one mile circuit of the ſame City of London, he nor they, nor none other for them, to his or their uſe, ſhall occupy any Surgery, letting of bloud, or any other thing belonging to Surgery, (drawing of teeth onely except.) And furthermore in like manner, whoſoever that uſeth the myſtery or craft of Surgery within the circuit aforeſaid, as long as he ſhall fortune to uſe the ſaid myſtery or craft of Surgery, ſhall in no wiſe occupy nor exerciſe the feat or craft of Barbery or ſhaving, neither by himſelf, nor by none other, for him, to his or their uſe: And moreover, that all manner of perſons uſing Surgery for the time being, as well freemen as foreigns, aliens and ſtrangers within the ſaid City of London, the ſuburbs thereof, and one mile compaſs of the ſame City of London, before the Feaſt of St. Michael the Archangel next coming, ſhall have an open ſign on the ſtreet ſide where they ſhall fortune to dwell, that all the Kings liege people there paſſing by, may know at all times whether to reſort for their remedies in time of neceſſity.

None ſhall be a Barber in London, but a free-man of that Company.

And further be it enacted by the authority aforeſaid, That no manner of perſon after the ſaid Feaſt of St. Michael the Archangel next coming, preſume to keep any ſhop of Barbery or ſhaving within the City of London, except he be a freeman of the ſame Corporation and Company.

Four Wardens ſhall be choſen, and their authority.

The forfeitures of the offendors.

And furthermore, at ſuch times as have been heretofore accuſtomed, there ſhall be choſen by the ſame company, four Maſters or Governours of the ſame Corporation or Company, of the which four, two of them ſhall be expert in Surgery, and the other two in Barbery; which four Maſters, and every of them, ſhall have full power and authority from time to time, during their ſaid Office, to have the overſight, ſearch, puniſhment, and correction of all ſuch defaults and inconveniences as ſhall be found among the ſaid Company uſing Barbery or Surgery, as well of freemen as foreigns, aliens and ſtrangers, within the City of London, and the circuits aforeſaid, after their ſaid diſcretions. And if any perſon or perſons uſing any Barbery or Surgery, at any time hereafter, offend in any of theſe articles aforeſaid: then for every moneth the ſaid perſons ſo offending ſhall loſe, forfeit and pay five pounds, the one moiety thereof to the King our Sovereign Lord, and the other moiety to any perſon that will or ſhall ſue therefore by action of debt, bill, plaint, or information in any the Kings Courts, wherein no wager of law, eſſoin or protection ſhall be admitted or allowed in the ſame.

Provided, That the Barbers and Surgeons, and every of them, ſhall bear and pay lot and ſcot and ſuch other charges, as they and their predeceſſors have been accuſtomed to pay within the ſaid City of London; This Act nor any thing therein contained to the contrary hereof in any wiſe notwithſtanding.

Any perſon may keep a Barber or Surgeon as his ſervant.

Provided alway, and be it enacted by authority aforeſaid, That it ſhall be lawful to any of the Kings ſubjects, not being Barber or Surgeon, to retain, have, and keep in his houſe, as his ſervant, any perſon being a Barber or Surgeon, which ſhall and may uſe and exerciſe thoſe arts and faculties of Barbery or Surgery, or either of them, in his maſters houſe or elſe-where by his maſters licence or commandment: Any thing in this Act above written to the contrary notwithſtanding.

CAP. XLIII.

Seſſions ſhall be kept in Cheſter twice in the year onely.

27 H. 8. 5.

Where it is enacted and eſtabliſhed in the xxvij. year of our Sovereign Lord the King that now is, as well for the increaſe and augmentation of good rule and order to be had and done in the County Palatine of Cheſter, and other Shires, as for the adminiſtration of Juſtice among the Kings ſubjects there, That the Lord Chancellor of England, and the Lord Keeper of the Great Seal for the time being, ſhall have authority from time to time, to nominate and appoint Juſtices of Peace, Juſtices of Quorum, and Juſtices of Gaol-delivery, as well within the ſaid County Palatine of Cheſter, and other Shires, and parts of Wales, by Commiſſion under the Kings Great Seal, which perſons named, ſhall have power and authority to enquire, hear and determine all manner thing and things inquirable, preſentable, or determinable before Juſtices of Peace, Juſtices of Quorum, and Juſtices of Gaol-delivery in other Shires of this Realm of England, and to do, uſe, and execute every thing and things as other Juſtices of Peace, Quorum, and Gaol-delivery do in other Shires of England, and that they ſhall keep their Seſſions there, as they do in other Shires of England, upon like penalty as hath been ordained for ſuch abuſes in ſuch Juſtices in other Shires of England: any law, act, ſtatute, uſage, cuſtom, priviledge, preſcription or liberty to the contrary thereof in any wiſe notwithſtanding, as in the ſaid ſtatute made in yͤ ſaid xxvij. year amongſt other things more plainly appeareth. By reaſon of which Act it is now uſed to keep Seſſions in the ſaid County Palatine of Cheſter, as it is uſed in other Shires of England. Alſo it is uſed in the ſaid County Palatine of Cheſter, that the Juſticer of the ſame for the time being, hath yearly, time out of mind, uſed to keep the Shires or County days in manner and form following, (that is to ſay) one year viij. Shires or County days and another ix. Shires or County days, to the which the Gentlemen, free-holders, and ſuiters of the ſaid County, are bounden of ancient cuſtom and duty to appear and give their attendance to ſerve the King, which Shires and County days come very oftentimes in the year; And now by reaſon of the ſaid new Statute of Juſtices of Peace had in the ſaid County, the ſaid Gentlemen, free-holders, and ſuiters of the ſaid County being bounden of their ſaid old cuſtom and law, to give their attendance and apparance to the ſaid Shires and County days, are now bounden alſo to give their apparance and attendance at four quarter Seſſions, and other privy Seſſions in the ſaid County: By mean whereof the ſaid apparance and attendance cometh ſo often and thick together, that at many times they cannot depart from the one Court, and attend their buſineſs ſcarcely one day, or ſometimes leſs, but they muſt again ride to ſerve the other Court, which is too painful, chargeable, intollerable and importune, for any man to ſuſtain and abide. In conſideration whereof, be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth the Law and adminiſtration of Juſtice, and all other things in the ſaid County in times paſt uſed to be had at the ſaid Shire days, ſhall be holden, had, made, done and executed by the Juſticer of the ſaid County for the time being, at two times in the year onely, that is to wit, at the Seſſions next after the Feaſt of St. Michael the Archangel, and at the Seſſions next after Eaſter yearly for ever, during ſo many days at every of the ſaid times as need ſhall require, in like manner and form as it is now uſed and executed in the County Palatine of Lancaſter. And that no action, ſuit or proceſs, now or hereafter to be depending in the ſaid Counties, ſhall be thereby diſcontinued, hurt, or impaired, nor any advantage therein to be taken by error, diſcontinuance of proceſs, ne otherwiſe, but the ſame to proceed after the ſame new order. And that from henceforth the ſaid old order, rule, and cuſtom in holding of the Counties or Shire days, ſhall utterly ceaſe, and determine for ever: Any act, ſtatute, preſcription, grant, uſage, cuſtom, priviledge, law, liberty, conſtitution, or confirmation heretofore had, made, accuſtomed, or uſed to the contrary in any wiſe notwithſtanding.

In what manner Shire-days in the County of Cheſter had wont to be kept.

Seſſions ſhall be kept in the County of Cheſter twice in the year onely.

The old order of keeping the County days ſhall ceaſe.

Stat. 33 H. 8. 13.

CAP. XLIV.

The Town of Royſton being before in five Pariſhes, ſhall be reduced into one Pariſh, which ſhall have the Priory Church to their Pariſh Church, and be called the Pariſh of St. John Baptiſt in Royſton. And there ſhall be a Vicar, always to be preſented by the King, his Heirs and Succeſſors; which Vicar may ſue, and be ſued, and purchaſe lands to him and his ſucceſſors. And the Pariſh Church and Town of Royſton ſhall be in the Dioceſs of London. PR.

CAP. XLV.

Co.Inſt.4 p. 120.

There ſhall be erected a Court of Record, commonly called the Court of the Firſt fruits and Tenths, for the levying and government of the Firſt fruits and Tenths granted to the King by the Statute of 26 H. 8. 3. which ſhall have a Seal. The Officers whereof ſhall be the Chancellor, the Treaſurer, the Kings Attorney, two Auditors, two Clerks, a Meſſenger, and an Uſher, Their ſeveral Oathes, Charges, and Duties. AL. 1 M. 10. St. 34 H. 8. 17. 7 Ed. 6. 2. 1 El. 4.

CAP. XLVI.

The erection of the Court of Wards, and the names and ſeveral duties of the Officers thereof, in the governance of the Kings Wards, and their eſtates. Stat. 33 H. 8. 22. and 39. 7 Ed. 6. 2. Rep. Stat. 1 Car. 2. cap. Co. Inſt. 4 p. 188. 1 p. 77.

CAP. XLVII.

The Biſhop of Norwich charged with the collection of the Tenth within his Dioceſs.

Stat. 26 H. 8. 3.

Where in the Parliament holden in the ſix and twentieth year of our Sovereign Lord the King that now is, amongſt other, it was ordained and enacted, That the Kings Majeſty, his Heirs and Succeſſors, Kings of this Realm, for more augmentation and maintenance of the Royal eſtate of his Imperial Crown and Dignity of Supreme Head of the Church of England, ſhould yearly take, have, enjoy and receive, united and knit to his Imperial Crown for ever, one yearly rent or penſion amounting to the value of the tenth part of all the revenues, rents, farms, tithes, offerings, emoluments, and all other profits, as well called Spiritual as Temporal, then appertaining or belonging, or that after that time ſhould belong to any Archbiſhoprick, Biſhoprick, Abbey, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, houſe Collegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chantry, free Chappel, or other Benefice or Promotion Spiritual, of what name, nature or quality ſoever they were, within any Dioceſs of this Realm, or in Wales. The ſaid penſion or annual rent to be yearly paid for ever to our ſaid Sovereign Lord, to his Heirs and Succeſſors, Kings of this Realm, at the Feaſt of the Nativity of our Lord God, which then ſhould be in the year of our Lord God M. D. XXXV. and to be paid yearly by ſuch as ſhould be appointed to have the collection thereof by the ſaid Act, in ſuch manner and form as hereafter ſhould be limited by the ſaid Act, before the firſt day of April yearly next enſuing after the ſaid Feaſt of the Nativity of our Lord God. And that every Archbiſhop, and Biſhop then being, or that hereafter ſhould be, ſhould be charged, and chargeable to levy, collect and receive within their proper Dioceſs, as well in places exempt, as not exempt, all ſuch ſums of money wherewith the Dignities, Benefices, and Promotions Spiritual afore named within their Dioceſs, chargeable by the ſaid Act, ſhould be ſet, taxed, and charged towards the payment of the ſaid yearly penſion, and ſhould pay and content the ſaid ſums of money yearly before the firſt day of April to the Treaſurer of the Kings Chamber for the time being, or to any other perſon or perſons, whom it ſhould pleaſe the Kings Highneſs to appoint to receive the ſame. And that every of the ſaid Archbiſhops and Biſhops, their executors and adminiſtrators, and the poſſeſſions of their Dignities and Churches, ſhould ſtand charged, and chargeable for the ſure payment of ſuch ſums of money as they ſhould collect and receive of the ſaid yearly rent and penſion, as by the ſaid Act it doth more plainly appear.

Anno 27 H. 8. A Statute not imprinted exempteth the Biſhop of Norwich from collecting of Tenths in his Dioceſs.

And by like Act of Parliament holden in the xxvij. year of our ſaid Sovereign Lords Reign, the Biſhop of Norwich that now is, and his ſucceſſors, were clearly acquitted and diſcharged of, and for the collection of the ſaid yearly Tenth, that was then, or ſhould be due and leviable to the Kings uſe within the ſaid Dioceſs of Norwich, of any perſon or perſons, or bodies politick or corporate, chargeable to the yearly paiment of the ſaid Tenth, the Act made for the ſame collection of Tenth to the contrary notwithſtanding, as by the ſame Act it will appear. But foraſmuch as the Kings Highneſs in recompence of divers and ſundry Lordſhips and Manors, parcel of the ſaid Biſhoprick, given unto his Grace by Act of Parliament, hath united and knit to the See of the ſaid Biſhoprick of Norwich, the Monaſtery of St. Bennets, with divers other poſſeſſions, being of greater value then the ſaid Lordſhips and Manors ſo to his Grace given were;

The Biſhop of Norwich and his ſucceſſors ſhall collect the Tenth of all Spiritual promotions within his Dioceſs.

It may be by authority of this preſent Parliament ordained and enacted, That from henceforth the Biſhop of Norwich that now is, and his ſucceſſors, Biſhops there, and in the time of vacation of the ſaid Biſhoprick, the Dean and Chapiter of the Cathedral Church of Norwich ſhall collect and gather together the ſaid annual rent or penſion of all the Promotions Spiritual within the ſaid Dioceſs, as well in places exempt, as not exempt. And all and ſingular ſuch ſums of money ſo by him or them to be collected and gathered, to pay yearly to the hands of the Treaſurer of the Firſt-fruits and Tenths before the ſaid firſt day of April, and thereof yearly to accompt before the Barons of the Kings Exchequer, and to have like allowance and diſcharge upon the ſame accompt by the acquittance of the ſaid Treaſurer, as other Biſhops and Collectors of the ſaid Tenths have had or ſhall have: this Act made in the ſaid ſeven and twentieth year of our ſaid Sovereign Lords Reign to the contrary in any wiſe notwithſtanding. Stat. 1 El. 4.

CAP. XLVIII.

The owners of lands holden of the Caſtle of Dover, which are bound by their tenures to pay their rents at the ſaid Caſtle upon great penalties called Surſiſes, ſhall hereafter pay the ſame rents to the King in the Exchequer, in the day of Simon and Jude, or within fifteen days after. And he that maketh default at that time, ſhall pay double the rent. But he that is bound to build or repair there, ſhall do it accordingly. During the time that the King ſhall have any of the lands in his hands for Wardſhip, or primer ſeiſon, no rent ſhall be paid for Caſtle-ward to Dover. Clx. li. ſhall be quarterly paid every year to the Conſtable of the Caſtle of Dover, at the door of the common Hall in the City of Canterbury by the Kings general Receiver, to diſcharge Officers and Souldiers. The Conſtable of the Caſtle of Dover ſhall ſurvey and controll the Keepers and chief Officers of the Caſtles, Block-houſes, and Bulwarks in Kent and Suſſex, and all Officers, Souldiers, and Munitions there. P R.

CAP. XLIX.

A confirmation by Act of Parliament of the Kings general and free Pardon to all his ſubjects, of all hereſies, treaſons, felonies, offences, &c. ſaving certain perſons and certain offences particularly excepted. Exp.

CAP. L.

A grant of a Subſidy, and raiſing a Preſident and Councel in the Weſtern parts, having like authority as the Councel of Wales, and the North. PR. Exp. Co. Inſt. 4 par. 246.

Anno triceſimo tertio Henrici *Octavi.*

HEnry the Eight by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in earth ſupreme Head, to the honour of Almighty God, and for the concord, quiet and wealth of this his Realm, and ſubjects of the ſame, held his moſt high Court of Parliament, begun at Weſtminſter the xvi. day of January, and continued till the firſt day of April, the three and thirtieth year of his moſt noble and victorious Reign, wherein were eſtabliſhed theſe Acts following.

CAP. I.

Puniſhment of him who getteth money into his hands of another perſons, under colour of a falſe token or counterfeit letter.

FOraſmuch as many light and evil diſpoſed perſons, not minding to get their livings by truth, according to the Laws of this Realm, but compaſſing and deviſing daily how they may unlawfully obtain, and get into their hands and poſſeſſion goods, cattel, and jewels of other perſons, for the maintenance of their unthrifty livings, and alſo knowing, that if they come to any of the ſame goods, cattels, and jewels by ſtealth, that then they being thereof lawfully convict according to the Laws of the Realm, ſhall die therefore: have now of late falſly and deceitfully contrived, deviſed and imagined, privy tokens, and counterfeit letters in other mens names, unto divers perſons their ſpecial friends and acquaintances, for the obtaining of money, goods, cattels, and jewels of the ſame perſons, their friends and acquaintances, by colour whereof, the ſaid light and evil diſpoſed perſons have deceitfully and unlawfully obtained and gotten great ſubſtance of money, goods, cattels, and jewels into their hands and poſſeſſions, contrary to right and conſcience.

The puniſhment of him that doth get into his hands any money or goods of anothers by a falſe token or, &c.

For reformation whereof, be it ordained and enacted by authority of this preſent Parliament, That if any perſon or perſons, of what eſtate or degree ſoever he or they be, at any time after the firſt day of April next coming, falſely and deceitfully obtain, or get into his or their hands or poſſeſſion, any money, goods, cattels, jewels, or other things, of any other perſon or perſons, by colour and means of any ſuch falſe token, or counterfeit letter made in any other mans name, as is aforeſaid, That then every ſuch perſon and perſons ſo offending, and being thereof lawfully convict, by witneſſes taken before the Lord Chancellor of England for the time being, or by examination of witneſſes, or confeſſion taken in the Star-chamber at Weſtminſter before the Kings moſt honourable Council, or before the Juſtices of Aſſiſe in their circuits for the time being, or before the Juſtices of Peace within any part of the Kings Dominions in their general Seſſions, or by action in any of the Kings Courts of Record, ſhall have and ſuffer ſuch correction and puniſhment, by impriſonment of his body, ſetting upon the Pillory, or otherwiſe by any corporal pain (except pains of death) as ſhall be unto him or them limited, adjudged or appointed, by the perſon or perſons before whom he ſhall be ſo convict of the ſaid offences, or of any of them.

The Juſtices authority touching the ſaid offenders.

And be it further enacted by the authority aforeſaid, That as well the Juſtices of Aſſiſe for the time being, as alſo two Juſtices of Peace in every County, whereof the one to be of the Quorum, ſhall have full power and authority to call and convent by Proceſs, or otherwiſe, to the ſaid Aſſiſes or general Seſſions, any perſon or perſons being ſuſpected of any of the offences aforeſaid, and to commit him or them to ward, or let him or them to bail till the next Aſſiſes, or general Seſſions, there to be examined, and further to be ordered by their diſcretions, as is aboveſaid.

The authority of Juſtices of Peace in Cities, &c.

Provided always, and be it further enacted by authority aforeſaid, That Juſtices of the Peace within every City, Borough, Town, and Franchiſe within this Realm, or other the Kings Dominions, ſhall have like juriſdiction, power and authority, at their general Seſſions, and otherwiſe to do and execute all and every thing and things, in all points, as other Juſtices of the Aſſiſes in their circuits, or Juſtices of the Peace in the Counties, by vertue of this Act, be limited and appointed to do and execute for the puniſhment and correction of like offendors, as by this foreſaid Act is ſpecified and declared. Saving to the party grieved by ſuch deceit, ſuch remedy by way of action or otherwiſe, of and for the ſame money, goods, cattels, jewels, or other things ſo obtained, as he might have had, if this Act had never been had ne made, any thing in the ſame contained to the contrary in any wiſe notwithſtanding.

The remedy of the party grieved.

The Kings Councel of Calice.

Provided always, and be it further enacted by the authority aforeſaid, That the Kings Highneſs Councel of his Town of Calice, or three of them for the time being, ſhall have ſuch and like authority, for the examination, bailment, and puniſhment of ſuch offendor or offendors, and for ſuch offences hereafter to be committed and done within the Town and marches of Calice, and County of Guiſnes, as the aforeſaid Juſtices of Aſſiſe, or Juſtices of Peace, have by force of this Act within their juriſdictions and authorities.

CAP. II.

Whoſoever ſhall buy any freſh fiſh (except Sturgeon, Porpoſe, and Seal) of any ſtranger in the parts of Flanders, Zealand, Picardy, or France, or upon the Sea between Shore and Shore, or in any place beyond the Sea, to put to ſale to any perſon within this Realm, ſhall forfeit for every time ten pounds. But this ſhall not extend to any perſons which ſhall buy fiſh in any part of Iſeland, Scotland, Orkney, Shotland, Ireland, or Newland. Exp. Stat. 1 M. 13. St. 23 El. 7. 27 El. 15. 39 El. 10.

CAP.

CAP. III.

Welſh Clothes called Whites, Ruſſets and Kennets, ſhall be folded either in pleats or cuttles.

Folding of clothes in North-wales which are to be ſold.

Where a certain kind and ſort of Welſh Clothes, called Whites, Ruſſets, and Kennets, made and wrought in North-wales, and Orceſter hundred, adjoyning to North-wales, of long time have been, and be ſo craftily and hard rolled together, that the buyer thereof cannot perceive nor diſcern the untrue making and breadth thereof, to the great hurt, deceit and impoveriſhing of the Kings true and loving ſubjects. For remedy whereof be it enacted, ordained and eſtabliſhed, by the King our Sovereign Lord, his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every the ſaid Clothes, from and after the Feaſt of the Nativity of St. John Baptiſt next coming, that ſhall be brought to any common Markets or Fairs, to be uttered and ſold, ſhall be folded either in pleats or cuttles, as the Clothes of all other Countries of this Realm commonly have been uſed, and be uſed, to the intent that the buyers thereof may plainly ſee and perceive the breadth and goodneſs of ſuch Cloth and Clothes as he ſhall buy. And that every piece of the ſaid Clothes, which after the ſaid Feaſt ſhall be brought to any Market or Fair to be uttered and ſold contrary to the form aforeſaid, ſhall be forfeited, that is to ſay, The moiety or one half thereof to the uſe of our ſaid Sovereign Lord the King, and the other moiety thereof to any of the Kings ſubjects which will ſue for the ſame in any of the Kings Courts of Record, by action of debt, bill, plaint, information, or otherwiſe, wherein the defendant ſhall not be admitted to wage his Law, nor any protection, nor eſſoin, nor any other delatory plea admitted or allowed.

CAP. IV.

The goodneſs of Pewter and Braſs, and in what places it ſhall be ſold or changed.

Stat. 25 H. 8. 9.

Where at the Parliament begun at London the third day of November, in the one and twentieth year of the Reign of the King our Sovereign Lord, and from thence adjourned to Weſtminſter, and there holden, and from that time continued by divers prorogations unto the fifteenth day of January, the xxv. year of his moſt noble Reign: it was ordained and eſtabliſhed by the aſſent of the Kings Majeſty, his Lords Spiritual and Temporal, and the Commons in the ſaid Parliament then aſſembled, and by authority of the ſame, That no perſon nor perſons, from that time then inhabiting, or which after that time ſhould inhabit within this Realm, ſhould buy, or otherwiſe take by exchange for other wares, any manner wares made, or hereafter to be made out of this Realm, of Tin, or mixt with Tin, as platters, diſhes, ſaucers, pots, baſons, ewers, flaggons, goblets, ſalts, ſaltcellers, ſpoons, or any other thing made of Tin or Pewter, as aforeſaid, whatſoever it were, upon pain of forfeiture of the ſame wares, in whoſe hands ſoever it might be found or taken, and alſo lawful money currant in this Realm, to the full value thereof, the one half of the ſame forfeiture to be to the uſe of the Kings Highneſs, and the other half to be to the uſe of the finders of the ſame.

None ſhall buy wares made of Tin out of the Realm.

Searchers of wares made of Tin brought into this Realm.

And further it was enacted, That it ſhould be lawful to the Maſter and Wardens of the Pewterers, as well within the City of London, as within every other City, Borough or Town within this Realm, where ſuch Wardens were, and, where no ſuch Wardens were, to the head Officer or Governour, head Officers or Governours of the ſame City, Borough, or Town for the time being, to appoint divers perſons moſt expert in knowledge of the ſame, to make ſearch and ſeiſure, and to take into their hands and poſſeſſion, all ſuch wares, as thereafter ſhould be brought, contrary to the true intent and effect of the ſaid Act, in whoſeſoever hands or poſſeſſions any ſuch ſhould be found.

No Pewterer ſhall take a ſtranger born to be his Prentice, &c.

And it was alſo enacted by the authority aforeſaid, That no perſon or perſons, occupying the ſaid craft or occupation of Pewterers within this Realm, ſhould ſet on work, or retain in his or their ſervice, any perſon or perſons to his or their Prentice or Journeymen, eſtranger born out of this Realm, upon pain to forfeit for every ſuch Prentice and Journeyman x. li. ſterling: And that no ſtranger born out of this Realm, ſhould occupy, exerciſe or uſe, from the Feaſt of Penticoſt then next coming, the ſaid craft of Pewterers, ne work any manner of veſſels, or other ware aforeſaid, to be made of Tin or Pewter, within any place or places of this Realm, upon pain of forfeiture of x. li. ſterling, and alſo upon pain of forfeiture of the ſame Pewter or Tin ſo wrought, in whoſe hands ſoever it ſhould be found or taken.

No ſtranger born ſhall work any Pewter or Tin.

No Pewterer ſhall teach this trade in a foreign Realm.

And it was further enacted by the ſaid authority, That no perſon nor perſons being born within this Realm, then occupying or exerciſing the ſaid craft of Pewterers, ſhould from thenceforth reſort into any ſtrange Regions or Countreys, there to uſe, teach or exerciſe the ſaid craft of Pewterers, upon pain to loſe the priviledge and benefit of an Engliſhman. And if in caſe any of the Kings ſubjects, at that time dwelling in any ſtrange Countrey or Region, and there occupying the ſaid craft of Pewterers, did not repair into this Realm within three moneths next after requeſt and warning to him to be given by writing, ſealed with the common ſeal of the Wardens of the ſaid craft within the ſaid City of London, and here in this Realm continually from thenceforth dwell and inhabit, that then, and from thenceforth he ſhould be reputed and taken as no Engliſhman, but ſhould ſtand and be from thenceforth out of the Kings protection.

And it was then further enacted, That where ſundry evil diſpoſed perſons, which commonly were called Haukers, by authority of the Kings Letters Patents, or Placard, did not onely go about from place to place within this Realm, uſing buying and ſelling of Braſs and Pewter, and by colour and pretence of the ſame Licences or Placards, did not onely uſe unlawful and deceivable weights and beams, but alſo did uſe to ſell both Braſs and

Pewter, which was not good, nor truly or lawfully mixt or wrought, to the great deceit of the Kings true liege people, contrary to the form and effect of a good and laudable act and ſtatute, made in the iv. year of the Kings ſaid moſt noble reign, That all ſuch licences and placards afore that time had, made or granted to any ſuch perſon or perſons, contrary to the true meaning, form and effect of the ſaid eſtatute, ſhould be from thenceforth by the authority of the ſaid Parliament cleerly void and of none effect. And whereas in the ſaid Act of Parliament concerning the ſaid craft of Pewterers and Braſiers, made in the ſaid iv. year, for divers cauſes and conſiderations in the ſame Act contained, amongſt other things it was expreſſed, that no perſon nor perſons, uſing the ſaid craft of Pewterers or Braſiers, ſhould from henceforth ſell or change any pewter or braſs, new or old, at any place or places within this Realm, but onely in open fairs or markets, or in their own dwelling houſes, except they were deſired by the buyers of ſuch wares, upon pain of forfeiture of every ſuch default x. li. And ſo then the ſame forfeiture being to the onely uſe of the Kings Highneſs, and the party ſearching or finding the ſame, not being intituled to have any benefit thereby, it was not known, that any perſon or perſons had taken any pains to enſearch or make any enquiry thereof, by reaſon whereof, divers and many evil diſpoſed perſons, then uſing buying and ſelling as well of braſs as pewter, and not regarding the ſaid good Act, nor the ſaid penalty, went daily about from village to village, town to town, and from houſe to houſe, to ſell ſuch pewter and braſs which was not good, and alſo uſed deceivable weights and beams, as they did before the making of the ſaid Act, to the great hurt and deceit of the Kings true liege people and ſubjects. Wherefore it was enacted by the authority of the ſaid Parliament, that as well the moyety of the ſaid forfeiture of x. li. limited in the ſaid ſtatute, made in the ſaid iv. year, as alſo the moyety of all other forfeitures and penalties expreſſed and ſpecified in the ſaid Acts, and every of them, ſhould be to the uſe of the Kings Highneſs, his Heirs and Succeſſors and the other moyety of the ſame forfeitures and penalties, and every of them, to the uſe of him or them that would ſeiſe, find, or preſent the ſame forfeitures, or any of them, or that would ſue for the ſame in any competent Court or Courts within this Realm, by action of debt, bill, plaint or information, wherein the defendant ſhould in no wiſe be admitted to wage his law, or any protection or eſſoin to any perſon or perſons, which ſhould be impeached to have offended contrary to the form and effect of this eſtatute, ſhould be allowable, as in the ſaid Act more plainly appeareth, which Act was appointed to endure only to the end of the next Parliament then next following: and which Act was after renewed in the Parliament holden at Weſtminſter in the xxviii. year of the reign of our ſaid Soveraign Lord, to endure to the end of the next Parliament then next following: and which Act was alſo renewed at the Parliament holden at Weſtminſter in the xxxi. and xxxii. years of our ſaid Soveraign Lords reign, to endure until the laſt day of the next Parliament then next enſuing.

Licences and placards made to bauhers of Pewter ſhall be void. 4 H. 8. 7.

Pewter and Braſs ſhall be ſold onely in Fairs or Markets, or in their own houſes.

Who ſhall have the penalties forfeited by the Stat. of 4 H. 8. 7. & 25 H. 8. 9 and by what means they ſhall be recovered.

28 H. 8. 9.

31 H. 8. 7.

Prayen therefore in this preſent Parliament, our ſaid Soveraign Lords true and obedient Subjects, the Pewterers of this his ſaid Realm, and other the true Commons of the ſame, becauſe the ſame Act is beneficial and neceſſary for the Common-wealth of this Realm: That it may be enacted by the King our ſaid Soveraign Lord, the Lords Spiritual & Temporal; & other the Commons in this preſent Parliament aſſembled, and by authority of the ſame, for as much as the ſame Act, and every thing therein contained, is good and beneficial to the Common wealth of this Realm, that all and every the ſaid acts and ſtatutes, and all and every article, ſentence and clauſe compriſed in the ſame, may from henceforth ſtand, and abide in full ſtrength, and effect for evermore from henceforth to endure, according to the purport, tenor and effect of the ſame act and acts, as though the ſaid articles, ſentences and clauſes were ſpecially limited, recited or declared in this preſent Act.

The Statute 25 H. 8. 9. made perpetual.

And that no perſon ne perſons from henceforth buy or take by exchange, or othewiſe take into, or within this Realm, to the intent to ſell any ſuch things or wares above rehearſed, made or to be made out of this Realm, upon pain of like forfeitures and penalties, as are and were expreſſed in the ſaid ſeveral Acts, the ſame penalties and forfeitures to be levied as is afore expreſſed.

And that it may be further enacted by authority aforeſaid, That if any perſon or perſons do unlawfully withſtand, interrupt, diſturb, or let the Maſter and Wardens, or their deputies of the ſaid craft of Pewterers for the time being, or the head Officer or Governour, head Officers or Governours of Cities, Towns and Boroughs within this Realm, wherein no ſuch Maſter and Wardens are, or ſhall be, or any of them, in ſearching, ſeiſing, and taking into their hands and poſſeſſions, ſuch wares as ſhall happen to be bought, or brought into this Realm, contrary to the purport and effect of the ſaid eſtatute made in the ſaid xxv. year of the reign of our ſaid Soveraign Lord, that then every ſuch perſon and perſons ſo offending, in letting, diſturbing, or withſtanding the ſaid ſeiſure or taking of ſuch wares, as is aforeſaid, ſhall loſe and forfeit for every time ſo doing, the ſum of v. li. ſterling, the one half whereof ſhould be to the Kings uſe, and the other half to him or them that will or ſhall ſue for the ſame, by action of debt, writ, bill, plaint or information in any of the Kings Courts of Record. In which action or ſuit, no protection, priviledge, or wager of law ſhall be allowed nor admitted.

The penalty for withſtanding or letting of ſearching or ſeiſing of pewter, &c.

CAP. V.

How many ſtoned trotting horſes for the ſaddle every man ſhall keep for his degree. Rep. 21 Jac. 28, 4 & 5 P. &c. M. 2.

CAP. VI.

Who may ſhoot in Gun or Croſsbow, and who not.

Where in the Parliament holden at Weſtminſter, the fifteenth day of January, in the five and twentieth year of the Kings moſt gracious reign, and there continued and kept

Stat. 25 H. 8. 17.

Inconveniences enſuing the uſe of croſſe-bows and hand-guns.

until the xxx.day of March then next enſuing, among divers and ſundry wholeſome and laudable acts, ſtatutes and ordinances, one ſtatute and ordinance was made and ordained for the avoiding and eſchewing of ſhooting in croſſ-bows and hand-guns: Since the making of which Act, divers malicious and evil diſpoſed perſons, not onely preſuming wilfully and obſtinately the violation and breach of the ſaid Act, but alſo of their malicious and evil diſpoſed minds and purpoſes, have wilfully and ſhamefully committed, perpetrated and done divers deteſtable and ſhameful murders, robberies, felonies, riots and routs, with croſſ-bows, little ſhort hand-guns, and little hagbuts, to the great peril and continual fear and danger of the Kings moſt loving Subjects, and alſo divers Keepers of Foreſts, Chaſes, and Parks, as well of our ſaid Soveraign Lord, as other his Nobles and Commons; and divers Gentlemen, Yeomen and Servingmen now of late have laid apart the good and laudable exerciſe of the Long-bow, which always heretofore hath been the ſurety, ſafeguard, and continual defence of this Realm of England, and an ineſtimable dread and terror to the enemies of the ſame. And now of late the ſaid evil diſpoſed perſons have uſed, and yet do daily uſe to ride and go in the Kings high-ways, and elſewhere, having with them croſſ-bows, and little hand-guns, ready furniſhed with quarrels, gunpowder, fire and touch, to the great peril and fear of the Kings moſt loving ſubjects. For reformation whereof, be it enacted, ordained and eſtabliſhed by the King our Soveraign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame in manner and form following, that is to ſay, That no perſon or perſons, of what eſtate or degree he or they be, except he or they in their own right, or in the right of his or their wives, to his or their own uſes, or any other to the uſe of any ſuch perſon or perſons, have lands, tenements, fees, annuities, or offices, to the yearly value of one C. pounds, from or after the laſt day of June next coming, ſhall [a] ſhoot in any croſſ-bow, hand-gun, hagbut, or demy-hake, or uſe to keep in his or their houſes, or elſewhere, any croſſ-bow, hand-gun, hagbut, or demy-hake, otherwiſe, or in any other manner then is hereafter in this preſent Act declared, upon pain to forfeit for every time that he or they ſo offend contrary to this Act, x.li.

Who may keep or ſhoot in a gun or croſſe-bow, and who not.
Stat. 2.3 E.6.4.

[a] Co.l.5.f.79. Cro.El.821.

Of what length a hand gun, hagbut, and demy-hake ſhall be.

And furthermore be it enacted by the authority aforeſaid, That no perſon or perſons, of what eſtate or degree ſoever he or they be, from or after the ſaid laſt day of June, ſhall ſhoot in, carry, keep, uſe or have in his houſe, or elſewhere, any hand-gun, other then ſuch as ſhall be in the ſtock and gun of the length of one whole yard; or any hagbut or demy-hake, other then ſuch as ſhall be in the ſtock and gun of the length of three quarters of one yard, upon pain to forfeit for every time that he or they ſhall ſhoot in, carry, uſe or have any ſuch gun, being not of the length of one whole yard, or hagbut or demy hake, being not of the length of three quarters of a yard, ten pound ſterling. And that it may be lawful to every perſon and perſons which have lands, tenements, fees, annuities, or offices, to the yearly value of C. li. as is aforeſaid, to ſeize and take every ſuch croſſ-bow, and alſo every hand-gun being in ſtock and gun ſhorter in length then one whole yard, and every hagbut and demy-hake being ſhorter in length then three quarters of a yard, or any of them, from the keeping or poſſeſſion of every ſuch offender contrary to the form of this Act; and the ſame croſſ-bow or croſſ-bows to keep and retain to his or their own uſe; and alſo the ſame hand-guns, hagbuts and demy-hakes ſo ſeized and taken, within twenty days next after the ſame ſeizure or taking, to break and deſtroy, upon pain of xl. s. for every gun ſo ſeized, and not broken and deſtroyed; and the ſame ſo broken and deſtroyed, to keep and retain to his or their own uſe.

He that hath C.li. by year, may take the croſſ-bow or gun from another.

No perſon ſhall carry a gun charged.

And be it further enacted by the authority aforeſaid, That no perſon or perſons, other then ſuch as have lands, tenements, rents, fees, annuities, or offices, to the yearly value of C. li. as is aforeſaid, from or after the ſaid laſt day of June, ſhall carry or have in his or their journey, going or riding in the Kings high-ways, or elſewhere, any croſſ-bow bent, or gun charged or furniſhed with powder, fire, or touch for the ſame, except it be in time and ſervice of war, upon pain to forfeit for every ſuch offence x. li, this preſent Act, or any thing therein contained to the contrary notwithſtanding.

Shooting in a Market-town with a gun.

And be it further enacted by the authority aforeſaid, That no perſon or perſons, from the ſaid laſt day of June, ſhall in any wiſe ſhoot in or with any hand-gun, demy-hake, or hagbut, at any thing at large, within any City, Borough, or Market-town, nor within one quarter of a mile of any City, Borough, or Market-town, except it be at a butt or bank of earth, in place convenient, or for the defence of his perſon or houſe, upon pain to forfeit for every ſuch ſhoot x. li. this preſent Act, or any thing therein contained to the contrary notwithſtanding.

No man ſhall command his ſervant to ſhoot.

And be it further enacted by the authority aforeſaid, That no perſon or perſons, of what eſtate or degree ſoever he or they be, ſhall from or after the ſaid laſt day of June, command any of his or their ſervants to ſhoot in any croſſ-bow, hand-gun, hagbut or demy-hake of his or their ſaid Maſters, or of any other perſons, at any Deer, Fowl, or other thing, except it be onely at a butt or bank of earth, or in the time of war, as is abovesaid, upon pain to forfeit for every ſuch offence ten pounds. The one moyety of all which forfeitures and penalties in this preſent Act above ſpecified, ſhall be to the King our Soveraign Lord, his Heirs and Succeſſors, and the other moyety thereof to the party that will ſue for the ſame by bill, plaint, action of debt, or information in any of the Kings Courts of Record, in which ſuit no eſſoin, protection, nor wager of law ſhall be allowed.

Shooting at a butt or bank of earth.

Provided alway, and be it enacted by the authorithy aforeſaid, That it ſhall be lawful from henceforth to all Gentlemen, Yeomen, and Servingmen of every Lord Spiritual and Temporal, and of all Knights, Eſquires and Gentlemen, and to all inhabitants of Cities, Boroughs and Market-towns of this Realm of England, to ſhoot with any hand-gun, demy-hake, or hagbut, at any butt or bank of earth, onely in place convenient for the ſame, ſo that every ſuch hand-gun, demy-hake, and hagbut be of the ſeveral lengths aforeſaid, and not under. And that it ſhall be lawful to every of the ſaid Lord and Lords, Knights, Eſquires, and

Gentlemen, and the inhabitants of every City, Borough, and Market-town, to have and keep in every of their houſes any ſuch hand-gun or hand-guns of the length of one whole yard, or any hagbut or demy-hake of the length of three quarters of a yard, as is aforeſaid, and not under, to the intent to uſe and ſhoot in the ſame at a butt or bank of earth onely, as is aboveſaid, whereby they and every of them by the exerciſe thereof in form aboveſaid, may the better aid and aſſiſt to the defence of this Realm, when need ſhall require; this preſent Act, or any thing therein contained to the contrary notwithſtanding.

These may keep in their houſes guns of a lawful length.

And be it further enacted by the authority aforeſaid, That it ſhall be lawful to every perſon and perſons, which dwelleth and inhabiteth in any houſe ſtanding and being ſet diſtant two furlongs from any City, Borough, or Town, to keep and have in his ſaid houſe, for the onely defence of the ſame, hand-guns, hagbuts, and demy-hakes, being of the ſeveral lengths aforeſaid, and not under, and to uſe and exerciſe to ſhoot in the ſame at any butt or bank of earth near to his houſe, and not otherwiſe; any thing contained in this Act to the contrary notwithſtanding.

He that dwelleth in a houſe ſtanding two furlongs from a Town.

And furthermore, the Kings moſt loving ſubjects, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, moſt humbly do beſeech the Kings Majeſty, that it be further enacted by the authority aforeſaid, That all Letters Patents, Fraternities, and alſo all other placards, licences, and bills aſſigned, heretofore had, made, or ſigned by his Highneſs, or by any other authorized by his Highneſs Letters Patents under his Great Seal to give licence and placard to ſhoot in croſſ-bows and hand-guns, or any of them, ſhall be, from and after the ſaid laſt day of June, fruſtrate, void, and of none effect.

Placards of licence to ſhoot in croſſ-bows, &c. void.

And alſo that it may be further enacted by authority aforeſaid, That the ſaid Statute made in the ſaid xxv. year of the Kings moſt gracious Reign, and all other Statutes heretofore made and provided for the avoiding and reſtraint of ſhooting in croſſ-bows and hand-guns, or for any of them, or for the uſing and keeping of the ſame, be from henceforth utterly void, and of none effect.

All ſtatutes for ſhooting in croſſ-bows and guns repealed

Provided always, That every proceſs, ſuit or information, conceived, commenced, and now depending, for any offence done contrary to the form of the ſaid Statute, made in the ſaid five and twentieth year of the Kings moſt noble Reign, or of any other Statute, made, provided for and concerning the ſhooting in croſſ-bows and hand-guns, not repealed, and for the keeping of the ſame, ſhall be as good and effectual to the parties that have commenced the ſame, and ſhall ſtand and be in ſuch form, effect, degree and condition, as if this Act had never been made.

Provided alſo, That this Act, or any thing therein contained, be not in any wiſe hurtful or prejudicial to any perſon or perſons, now being, or that hereafter ſhall be appointed by the Kings Highneſs to keep, receive or take any croſſ-bows or hand-guns that ſhall be forfeited or taken within the precinct or liberty of the Kings foreſts, parks, or chaſes; but that he or they may lawfully keep and retain the ſame croſſ-bows or hand-guns from time to time, until ſuch time as the further pleaſure of the Kings Highneſs in that behalf be to every ſuch perſons ſhewed and declared.

Receiver of croſſ-bows forfeit to the King.

Provided alſo, That this Act extend not to the makers of croſſ-bows or hand-guns, but that they may lawfully keep croſſ-bows and hand-guns, hagbuts and demy-hakes in their houſes, and ſhoot in the ſame, onely for proving and aſſaying of them, at a butt or bank of earth, in a place convenient, and not otherwiſe; ſo that the ſaid hand-guns, hagbuts and demy-hakes be of the ſeveral lengths in ſtock and gun as is above limited.

Croſſ-bow and hand-gun makers.

Provided alſo, That this Act, nor any thing therein contained, extend not, or be prejudicial to any Merchants which have or ſhall have any croſſ-bows, hand-guns, hagbuts, and demy-hakes, or any of them, to ſell within this Realm, and to none other uſe, ſo that the ſame hand-guns, hagbuts and demy-hakes be of the ſeveral lengths in gun and ſtock, as is above limited, and not under.

Merchants having to ſell croſſ-bows, &c.

Provided alſo, That no manner of perſon run in any danger, or take hurt by reaſon of any penalty or forfeiture contained in this Act, until ſuch time as proclamation be made of the ſame Act within the County where the party that ſhall or may offend contrary to this Act dwelleth, by the ſpace of twenty days next after the making of the ſaid proclamation.

Proclamation made in the County.

Provided alſo, That if any manner of perſon bring or cauſe to be brought with him into his lodging, or in or to any other mans houſe, any croſſ-bow or hand-gun, that then the penalty and forfeiture, if any ſuch be or hereafter ſhall be forfeited by reaſon of this Act, to run and be onely upon the bringer of the ſaid croſſ-bow and hand-gun, and not to the owner of the ſame lodging or houſe, if the ſaid owner of the ſaid lodging or houſe cauſe the bringer thereof to take and to carry away the ſaid croſſ-bow or hand-gun again with him at his departing; any thing in this Act made to the contrary notwithſtanding.

One bringing a croſſ-bow, or, &c. into anothers houſe.

And be it alſo enacted by the authority of this preſent Parliament, That if any perſon or perſons from or after the laſt day of June next coming, ſee, or find any perſon or perſons offending, or doing contrary to the form and effect of this preſent Act, that then it ſhall be lawful to every ſuch perſon or perſons, perceiving, finding or ſeeing any ſuch perſon or perſons ſo offending contrary to this Act, to arreſt and attach every ſuch offender or offenders, and to bring or convey the ſame to the next Juſtice of the Peace of the ſame County where the ſame offender or offenders ſhall be found ſo offending. And that the ſame Juſtice of the Peace, upon a due examination, and proof thereof before him had or made, by his diſcretion, ſhall have full power and authority to ſend or commit the ſame offender or offenders to the next Goal, there to remain till ſuch time as the ſaid penalty or forfeiture ſhall be truly contented and payed by the ſaid offender: The one moyety of the ſame penalty to be payed to the Kings Highneſs, and the other moyety thereof to the firſt bringer or conveyer of the ſaid offender to the ſame Juſtice of Peace.

Any may bring the offender to a Juſtice of Peace.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, do at

In every placard granted to ſhoot in croſs-bow, &c. there ſhall be contained at what beaſts or fowls he ſhall ſhoot.

any time hereafter obtain, get or purchaſe of the Kings Majeſty, his Heirs or Succeſſors, any placard, licence or bill aſſigned, to ſhoot in any croſs-bow, hand-gun, hagbut, or demy-hake, contrary to the tenor, purport and effect of this preſent Act, that then there ſhall be contained in every ſuch placard, licence, and bill aſſigned, at what beaſts, fowls, or other things, the ſaid perſon or perſons ſo obtaining any ſuch placard, licence, or bill aſſigned, ſhall ſhoot at, with any croſs-bow, hand-gun, hagbut, or demy-hake; or elſe that every ſuch placard, licence and bill aſſigned, hereafter to be obtained, gotten or purchaſed, ſhall be clearly void, fruſtrate, and of none effect.

And alſo that every ſuch perſon or perſons ſo obtaining any ſuch placard, licence, or bill aſſigned, before they ſhoot in any ſuch croſs-bow, hand-gun, hagbut, or demy-hake, in any ſuch manner or form as ſhall be mentioned in any ſuch placard, licence, or bill aſſigned, ſhall be bounden in the Kings Court of Chancery by recogniſance, in the ſum of twenty pound, to the Kings uſe, with and upon condition, that he ſo obtaining or having the ſaid licence, placard, or bill aſſigned, ſhall not ſhoot in any croſs-bow, hand-gun, hagbut, or demy-hake, at any other beaſts or fowls, then in any ſuch placard, licence, or bill aſſigned, ſhall be contained and ſpecified; and elſe all ſuch placards, licences, and bills aſſigned, ſo hereafter to be made to any perſon or perſons, not being ſo bounden by recogniſance in the Court of Chancery, as is aforeſaid, to be utterly void, and of none effect.

Who may enquire of and puniſh offenders.

And be it further enacted by the authority aforeſaid, That it ſhall be lawful to all Juſtices of the Peace in their Seſſions, and to all Stewards and Bailiffs in their ſeveral Leets and Lawdays, to enquire, hear and determine every ſuch offence, after the ſaid laſt day of June to be committed and done contrary to the tenor of this preſent Act; ſo that always no leſs fine then ten pounds be aſſeſſed upon every ſuch preſentment and conviction made according to the due courſe of the Law, the ſame fine ſo by the ſame Juſtices of Peace upon every ſuch preſentment and conviction made before them in their Seſſions, to be paid and levied onely to the Kings uſe: and the one moyety of every fine to be aſſeſſed by the Steward or Bailiffs of any Leet or Lawday upon every preſentment or conviction before them to be made, to be paid and levied to the uſe of the King our Soveraign Lord; and the other moyety, the one half to the owner of the ſaid Leet or Lawday, by diſtreſs or action of debt, and the other half of the ſame ſecond moyety of the ſame fine to be to the party that will purſue for the ſame in any of the Kings Courts, by bill, plaint, information, or action of debt, in the which none eſſoin, protection, nor wager of Law ſhall be allowed.

Who ſhall have the forfeitures, and by what means they ſhall receive them.

Wilful concealment of the Jury ſhall be enquired of by another Jury.

And be it further enacted, That if any Jury, being ſworn and charged to enquire for the King our Soveraign Lord, before any Juſtices of the Peace, or Stewards of Leets or Lawdays, of any offences committed or done contrary to this preſent Act, do wilfully conceal any of the ſame offences; that then the ſaid Juſtices, Stewards or Bailiffs, before whom any concealment ſhall be had and done, ſhall have authority, by vertue of this preſent Act, from time to time, to charge and ſwear another Jury of twelve or moe good and ſubſtantial honeſt perſons, to enquire of every ſuch concealment: And if any ſuch concealment be found and and preſented by the ſaid Jury ſo charged to enqnire of the ſame, that then every one of the ſaid firſt Jury that ſo did conceal the ſame, ſhall loſe and forfeit for every ſuch concealment of every ſuch offence, twenty ſhillings. All which forfeitures and penalties of twenty ſhillings, for every ſuch concealment of every ſuch ſoffence, ſo found and preſented before the ſame Juſtices of Peace, ſhall wholly be levied and paid to the Kings uſe.

And the moyety of all the ſame forfeitures and penalties of twenty ſhillings, ſo found and preſented before the Steward or Bailiffs of any Leet or Lawday, ſhall be levied and paid to the uſe of the owner of the ſaid Leet or Lawday, by diſtreſs or action of debt; and the other moyety thereof to [illegible] to the party or parties that will ſue for the ſame by action, information, bill, or plaint, in any of the Kings Courts, in the which actions, informations, bills, or plaints, no wager of law, eſſoin, nor protection ſhall be allowed.

Within what time a ſuit ſhall be commenced againſt an offender, by the King, or any other.

Provided alway, and it is further enacted by the authority aforeſaid, That if any perſon or perſons hereafter in any part do offend or do contrary to the purview and remedy of this Act, whereupon cauſe of action for the ſame offence ſhall be given to the King, his Heirs or Succeſſors, or to any other perſon or perſons that will ſue by vertue of this Act, for yͤ puniſhment of the ſaid offence or forfeits; that if the King our Soveraign Lord, his Heirs or Succeſſors within one year next and immediately after ſuch offences & forfeits had & made, do not purſue their action or actions ſo given by this Act, or cauſe examination upon ſuch defaults and offences to be had and made before their Counſel, or other preſentments thereof to be had, according to the meaning of the ſame Act: and every other perſon which hereafter by vertue of this Act may have action or actions, ſuit or information upon this Statute, within half a year next and immediately after ſuch offences or forfeits had & made, do not commence their ſuits, informations, actions, or preſentments of, and upon the ſaid forfeits, by action, or otherwiſe, as in this preſent Act is limited and declared; that then as well the King our Soveraign Lord, his Heirs & Succeſſors, after one year next after ſuch offences & forfeits had & made, if no ſuit in his or their name be taken by action or otherwiſe, as is before expreſſed, before the ſame year ended and determined, as every other perſon after half a year next after like offences and forfeits had and done in the form aforeſaid, if no ſuit thereupon be taken by none of them in form above declared, be utterly excluded and debarred of their ſaid ſuits, actions, informations and examinations, to them given by vertue of this ſaid Act; and the parties, and every of them ſo offending, ſhall be of all ſuch offences and forfeits clearly diſcharged and quit, any thing in this Act compriſed to the contrary notwithſtanding.

Provided always, and be it enacted by the authority aforeſaid, That this preſent Act, ne any thing therein contained, ſhall in any wiſe extend or be prejudicial unto the Kings ſubjects reſident or inhabiting near unto the coaſts of the ſea, in any part of this Realm, their houſes being not above five miles diſtant from the ſame coaſts: Nor alſo to any of the Kings ſaid ſubjects inhabiting within twelve miles of the borders of Scotland; nor to any the Kings ſubjects inhabitants of the Town and marches of Calice, nor to any of the inhabitants of the Iſles of Gerſey, Gerneſey, Angleſey, and the Iſles of Wight and Man; but that it ſhall be lawful for every of the ſaid inhabitants, at all times hereafter, to have, exerciſe, and uſe their hand-guns, hagbuts, and demy-hakes, of the lengths abovesaid, within the limits and Iſles abovesaid, ſo that it be at no manner of Deer, Hearon, Shovelard, Feſant, Partrich, Wildſwine, or wild Elke, or any of them, this preſent Act, or any thing therein contained to the contrary notwithſtanding.

Dwellers within xii. miles of Scotland. Rep. 4 Jac. 1. The inhabitants of certain places priviledged.

Provided alſo, That this Act, ne any thing therein contained, be in any wiſe hurtful or prejudicial to any ſervant or perſon that hereafter, from the ſaid laſt day of June, ſhall bend, bear, carry, charge, uſe, or aſſay any croſs-bow, or any hand-gun, demy-hake, or hagbut, of the lengths aboveſaid, by the commandment of his Lord or Maſter, ſo that the ſaid ſervant or perſon do not ſhoot at any fowl, deer, or other game, of what kind or nature ſoever they be of: Nor alſo to any ſuch ſervant, perſon or perſons, that ſhall, after the ſaid laſt day of June, bear or convey any croſs-bow, hand-gun, hagbut, or demy-hake, of the lengths aforeſaid, to any place or places, by the commandment of his Lord or Maſter that may ſhoot by authority of this Act, to be amended, repaired, delivered or aſſayed, ſo that the ſaid ſervant or other perſon ſo bringing or conveying the ſaid croſs-bow, hand-gun, hagbut, or demy-hake, have ready to ſhew to every perſon requiring the ſight thereof, one licence in writing ſealed or ſubſcribed by his ſaid Lord or Maſter, to carry and convey the ſame croſs-bow, hand-gun, hagbut, or demy-hake, to the intent to be amended, repaired, aſſayed or delivered, as is aforeſaid.

A ſervant charging a gun by the commandment of his maſter.

A ſervant having licence in writing may carry his maſters gun.

Provided always, That this Act, or any thing therein contained, ſhall not extend to any owner of any ſhip, for having or keeping of any hand-gun, hagbut, or demy-hake, of the ſeveral lengths in this Act expreſſed, or under, onely to be had and occupied within any their ſhip or other veſſel, or for the carriage and recarriage of them or any of them on land, or keeping of them for the onely exerciſe and occupying of them within their ſaid ſhip or veſſel; any thing in this Act to the contrary in any wiſe notwithſtanding. Stat. 2 & 3 Ed. 6. 14.

The owner of a ſhip may keep a gun.

CAP. VII.

No man may convey any Braſs, &c. out of the Kings Dominions.

Where in the Parliament holden at Weſtminſter the third day of November, in the one and twentieth year of the reign of our Soveraign Lord the King that now is, amongſt other things it was enacted, That no perſon or perſons ſhould from thenceforth carry or convey any braſs, copper, latten, bell-metal, gun-metal, ne ſhroff-metal, into any part or parts beyond the ſea, upon pain of forfeiture of the ſaid metal, as by the ſaid Act more plainly appeareth. Sith the making of which Eſtatute, divers perſons, as well Engliſh-men as ſtrangers, have by deceit fully obtained licences of the Kings Highneſs to carry over bell-metal, and other broken metal, ſurmiſing the ſame metals not to be meet for making of guns, and other engines of war, nor for implements neceſſary for houſhold, which ſurmiſe is proved untrue, as the common experience thereof daily declareth: So that all other Realms and Countreys be full of Artillery and munitions, and this Realm like to lack, if more haſty remedy to ſtop the conveyance of the ſame be not further provided then is in the ſame Act.

21 H. 8. 10.

Wherefore may it pleaſe the Kings Highneſs, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact, That no perſon nor perſons from henceforth ſhall carry or convey by water or otherwiſe, any braſs, copper, latten, bell-metal, pan-metal, gun-metal, nor ſhroff-metal, whether it be clean or mixed (tin and lead onely excepted) into any part beyond the ſea, or into any outward Realm or Dominion whatſoever it be, upon pain to forfeit the double value of the ſame metal ſo carried and conveyed, the one half thereof to be to the King our Soveraign Lord, and the other to the party that will ſue for the ſame by writ, bill, plaint or information, in the which no eſſoin or protection ſhall be allowed.

No perſon ſhall convey any braſs, copper, latten, bell-metal, &c. out of the Kings Dominions.

And further be it enacted by the authority aforeſaid, That for the true meaning of this Eſtatute, that the arrival, diſcharge and delivery of the ſaid metals in any parts beyond the ſea, in any other foreign Realm or Dominion, ſhall be tried and determined within this Realm, in ſuch County or place where the ſaid metal or metals were ſhipped, or firſt carried, with like proces and determination as all other informations or actions to be tried and adjudged within this Realm, or as the ſame fact had been done within this Realm and Dominion.

Trial within this Realm of a foreign act.

And be it further enacted by the authority aforeſaid, That no perſon nor perſons at any time hereafter ſhall ſhip or carry any of the ſaid metals afore rehearſed, to carry or diſcharge the ſame in any part of this Realm, unleſs ſuch perſon or perſons before the ſhipping thereof, do declare and manifeſt unto the Cuſtomer of ſuch Port or Creek, where the ſame metal ſhall be ſhipped, the true weight of all ſuch metal as ſhall be ſhipped, and alſo ſhall make a ſufficient obligation in the Law, in the which he ſhall be bounden to the ſaid Cuſtomer to the Kings uſe, in ſuch ſum as ſhall amount to the double value of the ſaid metal ſo declared and manifeſted, with condition that the ſame ſhall be diſcharged at ſome Port or Creek within this Realm, and in no other place, upon pain to forfeit the ſame in manner and form above rehearſed. And that every ſuch perſon or perſons, that ſhall ſhip ſuch metals, and be and ſhall be bounden as is aforeſaid, ſhall within eight moneths next after the ſhipping thereof, bring a true certificate from the Cuſtomer of the Port, Creek or place, where he or they ſhall happen to diſcharge the ſame metal, teſtifying that the ſame metal ſo ſhipped, and the true weight thereof, is there diſcharged: which Certificate the Cuſtomer of ſuch place where the ſaid metal ſhall be diſcharged, ſhall upon the diſcharge thereof, make and deliver to the party ſo diſcharging, or to his factor without any delay.

He that carrieth braſs, &c. in any ſhip, ſhall be bound to to diſcharge the ſame within this Realm.

The penalty of a Cuſtomer making a falſe Certificate.

And be it further enacted, That if any Cuſtomer, or his deputy, by covin, or by any other undue mean, do make any falſe or untrue Certificate concerning the ſaid diſcharging of ſuch metal, contrary to the true meaning of this Act, that then ſuch Cuſtomer, ſo falſely or untruly certifying as is aforeſaid, ſhall loſe his Office, and alſo the value of the goods ſo concealed out of the ſaid Certificate.

A remedy if the metal be drowned or robbed.

Provided alway, That if the ſaid metal by tempeſt of weather be drowned, or by enemies or pyrates robbed and ſpoiled, and that ſufficiently proved without fraud or covin before the Cuſtomer and Comptroller, or their ſufficient deputies, in the Port where the party or parties ſo ſhipped the metals aforeſaid, or any of them, by the ſaid party or parties, or their executors, that then he or they ſo bringing ſuch ſufficient proof, ſhall have his obligation to him delivered, or elſe he and his executors thereof to be acquitted and clearly diſcharged, any thing in this Act to the contrary contained notwithſtanding.

Provided alway, and be it enacted by the authority aforeſaid, That this Act ſhall onely take his effect, and be put in execution, from and after the firſt day of April next coming. St. 2 Ed. 6. 37.

CAP. VIII.

It ſhall be felony to practiſe, or cauſe to be practiſed Conjuration, Witchcraft, Enchantment, or Sorcery to get money, or to conſume any perſon in his body, members, or goods; or to provoke any perſon to unlawful love; or for the deſpight of Chriſt; or lucre of money, to pull down any Croſs; or to declare where goods ſtollen be. Rep. 1 Ed. 6. 12. & 1 M. 1. 5 El. 16. 1 Jac. 12.

CAP. IX.

Artillery ſhall be maintained, and unlawful games debarred.

3 H. 8. 3.
6 H. 8. 2.

Several new deviſed games, the cauſe of the decay of Archery.

Moſt humbly complaining, ſhew unto your Highneſs, your daily Orators, the Bowyers, Fletchers, Stringers, and Arrow-head-makers of this your Realm, that where for the advancement and maintenance of Archery, the better to be maintained and had within the ſame, and for the avoiding of divers and many unlawful games and plays, occupied and practiſed within this Realm, to the great hurt and let of ſhooting and archery, divers good and lawful Statutes have been deviſed, enacted and made, amongſt which one was made in a Parliament holden at Weſtminſter in the third year of your moſt Gracious Reign, and the ſame Act made perpetual in the Parliament there holden in the ſixth year of your ſaid Reign: The which good and laudable Act notwithſtanding, divers and many ſubtil, inventative and crafty perſons, intending to defraud the ſame eſtatute, ſithens the making thereof, have found, and daily find many ſundry new and crafty games and plays, as logating in the fields, ſlide-thrift, otherwiſe called ſhove-groat, as well within the City of London, as elſewhere in many other and divers parts of this Realm, keeping houſes, plays and alleys for the maintenance thereof; by reaſon whereof, Archery is ſore decayed, and daily is like to be more and more miniſhed, and divers Bowyers and Fletchers, for lack of work, gone and inhabite themſelves in Scotland, and other places out of this Realm, there working and teaching their ſcience to the puiſſance of the ſame, the great comfort of eſtrangers, and detriment of this Realm.

And where alſo your Graces ſubjects, Bowyers, Fletchers, and other artificers afore named, from time to time reſort, repair, and come out of all places of this your Realm, unto the City of London, for lack of living, and do inhabite nigh the ſame City, or in the ſuburbs of the ſame City, and in ſtreets and lanes of the ſame City, being no free-men of the ſame City, nor bearing neither ſcot, lot, nor other charges within your ſaid City, as other citizens and free-men of the ſame City do, and are bound to do, and by their oaths are ſworn to do, and which citizens and free-men of your ſaid City, of the myſteries and crafts before rehearſed, which have been brought up as prentices from their youth, dwelling within the freedom of your ſaid City of London, are always in readineſs to furniſh your Graces affairs when they ſhall be commanded: By reaſon of the which reſorting and abode of ſuch foreigners and ſtrangers, of the myſteries and crafts before rehearſed, in the ſuburbs, ſtreets and lanes of the ſame City, other Cities, Towns, Villages and places within this Realm, remain and be unfurniſhed of artificers and crafts-men before rehearſed, to the great decay of the Archery of this Realm. And foraſmuch as it appeareth by the preamble of the ſaid eſtatute enacted the ſaid third year, which was eſtabliſhed and made perpetual in the foreſaid ſixth year of your moſt Gracious Reign, that your Highneſs calling to your moſt Noble and Gracious remembrance, that by the feat and exerciſe of the ſubjects of this your Realm in ſhooting in long bows, there hath continually grown and bin within the ſame, great number and multitude of good archers, which hath not onely defended this Realm, and the ſubjects thereof, againſt the cruel malice and danger of their outward enemies in time heretofore paſt, but alſo with little number and puiſſance and regard, have done many notable acts and diſcomfitures of war againſt the Infidels and other, and furthermore ſubdued and reduced divers and many regions and countreys to their due obeyſance, to the great honour fame and ſurety of this Realm and ſubjects, and to the terrible dread and fear of all ſtrange nations, any thing to attempt or do to the hurt or damage of them or any of them: yet nevertheleſs archery & ſhooting in long bowes was little uſed, but daily did miniſh, decay and abate more and more, for that much part of the comminalty and poor people of the Realm, whereby of old time the great number and ſubſtance of archers hath grown and multiplied, were not of power or ability to buy them long bowes of ewe, to exerciſe ſhooting in ye ſame, & to ſuſtain the continual charge thereof, and alſo by means and occaſions of cuſtomable uſage of tennis-play, bowls, cloyſh, and other unlawful games, prohibited by many good & beneficial eſtatutes by authority of Parliament in that behalf provided and made, great impoveriſhment hath enſued, and many heinous murders, robberies and felonies were committed and done, and alſo the Divine ſervice by ſuch miſ-doers on holy and feſtival days not heard or ſolemnized, to the high diſpleaſure of Almighty God, as by the foreſaid preamble more plainly may appear.

The cauſes of the decay of Archery.

It may therefore be enacted by your Highneſs, the Lords Spiritual and Temporal and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every man, being the Kings ſubjects, not lame, decrepit, nor maimed, nor having any other lawful or reaſonable cauſe or impediment, being within the age of threeſcore years, (except Spiritual men, Juſtices of one Bench and of the other, Juſtices of the Aſſiſe, and Barons of the Exchequer) ſhall from the Feaſt of Pentecoſt next coming, uſe and exerciſe ſhooting in long bowes, and alſo have a bow and arrows ready continually in his houſe, to uſe himſelf, and do uſe himſelf in ſhooting. And alſo the fathers, governors and rulers of ſuch as be of tender age, do teach and bring up them in the knowledge of the ſame ſhooting. And that every man having a man-child or men-children in his houſe, ſhall provide, ordain and have in his houſe for every man-child, being of the age of ſeven years and above, till he ſhall come to the age of ſeventeen years, a bow and two ſhafts, to induce and learn them; and bring them up in ſhooting, and ſhall deliver all the ſame bow and arrows to the ſame young men to uſe and occupy. And if the ſame young men be ſervants, that then their maſters ſhall abate the money that they ſhall pay for the ſame bowes and arrows of their wages. And after all ſuch young men ſhall come to the age of ſeventeen years, every of them ſhall provide and have a bow and four arrows continually for himſelf, at his proper coſts and charges, or elſe of the gift or proviſion of his friends, and uſe and occupy the ſame in ſhooting, as is before rehearſed. And if the maſter ſuffer any of his ſervants, taking wages, being in his houſhold, and under the age of ſeventeen years; or the father ſuffer any of his ſons, being in his houſhold, and under the age of ſeventeen years, to lack a bow and two arrows, contrary to the form of this eſtatute, by the ſpace of one moneth together; then the maſter or father in whom ſuch negligences ſhall be, ſhall for every ſuch default forfeit ſix ſhillings eight pence. And that every ſervant, paſſing the age of ſeventeen years, and under the age of threeſcore years, and taking wages, which can or is able to ſhoot, and ſhall lack a bow and four arrows by the ſpace of one moneth together, ſhall for every ſuch default forfeit and loſe ſix ſhillings eight pence.

Moſt men under the age of threeſcore years ſhall have bows and arrows for ſhooting.

Mens children between ſeven years and ſeventeen.

Men about ſeventeen years of age.

Be it further enacted by authority aforeſaid, That no man under the age of four and twenty years, ſhall ſhoot at any ſtanding prick, except it be at a rover, whereat he ſhall change at every ſhoot his mark, upon pain for every ſhoot doing the contrary, four pence. And that no other perſon above the ſaid age of four and twenty years, ſhall ſhoot at any mark of elevenſcore yards or under, with any prick-ſhaft or flight, under the pain to forfeit for every ſhoot ſix ſhillings eight pence. And that no perſon, under the age of ſeventeen years, except he or his father or mother have lands or tenements to the yearly value of ten pound, or be worth in moveables the ſum of fourty markes ſterling, ſhall ſhoot in any bow of ewe which ſhall be bought for him after the Feaſt of the Purification of our Lady next coming, under the pain to loſe and forfeit ſix ſhillings eight pence. And alſo that Buts be made on this ſide the Feaſt of S. Michael the Archangel next coming, in every City, Town and place, by the inhabitants of every ſuch City, Town and place, according to the Law of ancient time uſed. And that the inhabitants and dwellers in every of them, be compelled to make and continue ſuch Buts, upon pains to forfeit for every three moneths ſo lacking, twenty ſhillings. And that the ſaid inhabitants ſhall exerciſe themſelves with long bows in ſhooting at the ſame, and elſewhere, in holy days, and other times convenient.

Who ſhall ſhoot at rovers, and not at a ſtanding prick.

Shooting in ewe bows.

The inhabitants of every town ſhall cut buts and ſhoot at them.

And to the intent that every perſon may have bowes of mean price, be it enacted by authority aforeſaid, That every Bowyer, dwelling out of the City and Suburbs of London, ſhall after the ſaid Feaſt of the Purification of our Lady next coming, for every bow that he maketh of ewe, make four other bowes meet to ſhoot in, of elme, wich, haſil, aſhe, or other wood apt for the ſame, upon the pain to loſe and forfeit for every ſuch bow ſo lacking, three ſhillings four pence. And every Bowyer dwelling in the ſaid City, or Suburbs of London, ſhall after the ſaid Feaſt of the Purification of our Lady next coming, for every bow of ewe that he ſhall make, ſhall alſo make two other bows apt for ſhooting, of aſhe, elme, wich, haſil, or other wood meet for the ſame, under like pain and forfeiture.

Bows of elme, aſhe, &c. 8 El. 10.

And be it further enacted by the authority aforeſaid, That no Bowyet ſhall ſell any bow of ewe, for any perſon being between the age of ſeven years and fourteen years, above the price of twelve pence. And that the ſame Bowyers ſhall have bows of ewe of all prices from ſix pence the piece, to twelve pence the piece, for youth between the ſaid ages of ſeven years, and fourteen years. And likewiſe have bows of ewe for youth between the age of fourteen years, and one and twenty years, and ſhall ſell the ſame at reaſonable prices. And moreover, that no Bowyer ſhall ſell or put to ſale to any the Kings ſubjects, any bow of ewe of the tax called elk, above the price of three ſhillings four pence, under the pain to forfeit twenty ſhillings, for every bow ſold to the contrary, above the ſaid price of three ſhillings four pence, as appeareth by a ſtatute made in the two and twentieth year of the reign of King Edward the fourth, the fourth Chapter. And that all bow-ſtaves of ewe hereafter to be brought into this Realm, ſhall be ſold open, and not in bundles nor cloſe, to the intent the buyers of them may have perfect knowledge of the goodneſs of them, and give the better price for them; if they be ſo worth.

The ſeveral prices of ſeveral ſorts of Bows. Rep 8 El. 10.

22 Ed. 4. 4. 3 H. 7. 13.

And furthermore be it enacted by the authority aforeſaid, the Fletchers of London; and the Suburbs of the ſame, may at their liberty ſell ſeaſonable timber to every Fletcher of the Countrey, without falling into any penalty or danger to any of their Wardens for ſo doing, and that all ordinances and other laws made or to be made by their Wardens, or otherwiſe to the contrary, ſhall be from henceforth clearly fruſtrate and void.

Sale of ſeaſonable timber by one Fletcher to another.

And alſo be it enacted by the authority aforeſaid, That the Bowyers, Fletchers, Stringers, and Arrow-head makers, repairing and reſorting unto the ſaid City or the Suburbs of the ſame, and there making their dwelling or abiding, being not free-men of the ſaid City; bearing neither ſcot nor lot within the ſaid City, ſhall at all times, by ẏ appointment of your

Bowyers and Fletchers, &c. of London upon commandment ſhall dwell elſewhere.

Graces moſt honourable Councel, the Lord Chancellor of England for the time being, Lord Treaſurer, or the Lord Privy-ſeal, or one of them, go and inhabit ſuch Cities, Boroughs and Towns, as be deſtitute of ſuch Artificers, and there to exerciſe, occupy and practiſe their ſaid crafts and faculties for the maintenance of Artillery and Archery. And if any ſuch perſon, to whom warning ſhall be ſo given by the Kings moſt honourable Councel, the Lord Chancellor, the Lord Treaſurer, or the Lord Privy-ſeal, as is aforeſaid, to depart unto other Towns or places of the ſaid Realm of England, from the ſaid City of London, the ſuburbs, ſtreets, lanes, and places neer the ſame, refuſe to accompliſh the ſame, that then he or they ſo refuſing, ſhall forfeit for every day that he ſhall make his abode contrary to this Act, fourty ſhillings.

Aliens ſhall not convey Bowes or Arrowes beyond the Sea.

Be it alſo enacted by the authority aforeſaid, That no ſtranger born out of the Kings obeyſance, not being deniſen, ſhall convey, or do to be conveyed, give, ſell or exchange into any parties out of the Kings obeyſance, any long-bowes, arrowes or ſhafts, without the Kings ſpecial licence, upon pain of forfeiture of the ſame, whereſoever they ſhall be taken, or the value thereof, within the Kings power, and upon pain of impriſonment, without bail or mainpriſe, until ſuch time as he or they ſo being in ward, have made a reaſonable fine to the King for his or their offences, afore the Juſtices of Peace, or two of them in their Seſſions in the ſame County where he or they ſhall be committed to ward, or find ſufficient ſurety for the payment of the ſame fine.

Aliens ſhall not uſe ſhooting in long bowes.
Magiſtrates may hear and determine theſe offences.

And that no manner of perſon, not being born within the Kings obeyſance, nor made deniſen, uſe within the Kings obeyſance ſhooting with long-bowes, without the Kings licence, upon pain of forfeiture of ſuch bowes, arrowes and ſhafts, as they ſhall be founden ſo ſhooting with, and every of the Kings ſubjects may have authority to take and ſeiſe the ſame forfeitures to his own uſe. And that Juſtices of Aſſiſe, of Gaol-delivery, Juſtices of Peace, and and Stewards of Franchiſes, Leets and Lawdays, have power to enquire of all the premiſſes in their Seſſions, Leets, and Lawdays, and hear and determine the ſame, and alſo by their diſcretion examine all perſons, lacking and not having bowes, ſhafts and arrowes, according to the form aforeſaid.

The penalty for maintenance of a houſe for unlawful games.

Be it alſo enacted by the authority aforeſaid, That no manner of perſon or perſons, of what degree, quality or condition ſoever he or they be, from the Feaſt of the Nativity of Saint John Baptiſt now next coming, by himſelf, factor, deputy, ſervant, or other perſon, ſhall for his or their gain, lucre or living, keep, have, hold, occupy, exerciſe or maintain any common houſe, alley or place of bowling, coyting, cloyſhcayles, half-bowl, tennis, dicing table, or carding, or any other manner of game prohibited by any eſtatute heretofore made, or any unlawful new game now invented or made, or any other new unlawful game hereafter be invented, found, had or made, upon pain to forfeit and pay for every day keeping, having or maintaining, or ſuffering any ſuch game to be had, kept, executed, played, or maintained within any ſuch houſe, garden, alley, or other place, contrary to the form and effect of this eſtatute, fourty ſhillings.

The penalty for reſorting to to a houſe of unlawful games.

And alſo every perſon, uſing and haunting any of the ſaid houſes and plays, and there playing, to forfeit for every time ſo doing, ſix ſhillings eight pence.

A placard to keep a houſe of gaming.

And if any perſon hereafter ſue for any placard, to have common gaming in his houſe, contrary to this eſtatute, That then it ſhall be contained in the ſame placard, what game ſhall be uſed in the ſame houſe, and what perſons ſhall play thereat, and every placard granted to the contrary, to be void: and alſo that the party obtaining any ſuch placard, before he put the ſame in execution, ſhall be bound with ſufficient ſureties with him by recogniſance in the Chancery, in a certain ſum, to be appointed by the diſcretion of the Lord Chancellor of England, that he ſhall not uſe the ſaid placard contrary to the form thereof.

Mageſtrates may repreſs unlawful games and puniſh the offenders.

Be it further enacted by the authority aforeſaid, That it ſhall be lawful to all, and every the Juſtices of Peace in every Shire, Mayors, Sheriffs, Bailiffs, and other head Officers, within every City, Town, and Borough within this Realm, from time to time, as well within liberties as without, as need and caſe ſhall require, to come, enter, and reſort into all and every houſes, places and alleys, where ſuch games ſhall be ſuſpected to be holden, exerciſed, uſed or occupped, contrary to the form of this eſtatute; and as well the keepers of the ſame, as alſo the perſons there haunting, reſorting and playing, to take, arreſt, and impriſon, and them ſo taken and arreſted, to keep in priſon, unto ſuch time as the keepers and maintainers of the ſaid playes and games have found ſureties to the Kings uſe, to be bound by recogniſance, or otherwiſe, no longer to uſe, keep, or occupy any ſuch houſe, play, game, alley or place: and alſo that the perſons there ſo found, be in like caſe bound by themſelves, or elſe with ſureties, by the diſcretion of the Juſtices, Mayors, Sheriffs, Bailiffs, or other head Officers, no more to play, haunt, or exerciſe from thenceforth, in, at, or to any of the ſaid places, or at any of the ſaid games.

Searching of houſes where unlawful games be kept.

And be it further enacted by the authority aforeſaid, That the Mayors, Sheriffs, Bailiffs, Conſtables, and other head Officers, within every City, Borough, or Town within this Realm, where any ſuch Officers ſhall fortune to be, as well within the franchiſes, as without, ſhall make due ſearch weekly, or at the furtheſt at all times hereafter once every month, in all places where any ſuch houſes, alleys, playes or places ſhall be ſuſpected to be had, kept and maintained. And if the ſaid Mayors, Sheriffs, Bailiffs, Conſtables, and other head Officers within their Cities, Boroughs and Towns, as well within franchiſes as without, do not make due ſearch at the furtheſt once every month, if the caſe ſo require, according to the tenor of this Act, and do not execute the ſame in all things according to the purport and force of the ſame: that then every ſuch Mayor, Sheriffs, Bailiffs, Conſtable, or other head Officer, to pay and forfeit for every month not making ſuch ſearch, nor executing the ſame, xl. s.

Be it alſo enacted by the authority aforeſaid, That no manner of Artificer or Craft-man of any handy-craft, or occupation, husbandman, apprentice, labourer, ſervant at husbandry, journeyman or ſervant of Artificer, mariners, fiſhermen, watermen, or any ſerving-man, ſhall from the ſaid Feaſt of the Nativity of S. John Baptiſt, play at the tables, tennis, dice, cards, bowles, claſh, coyting, logating, or any other unlawful game, out of Chriſtmas, under the pain of xx. s. to be forfeit for every time, and in Chriſtmas to play at any of the ſaid games in their Maſters houſes, or in their Maſters preſence. And alſo that no manner of perſon ſhall at any time play at any bowl or bowls in open places out of his garden or orchard, upon the pain for every time ſo offending, to forfeit vi. s. viii. d. And that all Juſtices of Peace, Mayors, Bailiffs, Sheriffs, and all other head Officers, and every of them, finding, or knowing any manner perſon or perſons, uſing or exerciſing any unlawful games contrary to this preſent ſtatute, ſhall have full power and authority to commit every ſuch offendor to Ward, there to remain without bail or mainpriſe, until ſuch time that they ſo offending, be bounden by obligation to the Kings uſe, in ſuch ſums of money, as by the diſcretion of the ſaid Juſtices, Mayors, Bailiffs, or other head Officers, ſhall be thought reaſonable, that they or any of them ſhall not from henceforth uſe ſuch unlawful games.

Perſons prohibited to play at unlawful games out of Chriſtmas.

Playing at Bowles.

Certain Officers may commit offenders to priſon.

Be it further enacted by the authority aforeſaid, That all other ſtatutes made for the reſtraint of unlawful games, or for the maintenauce of artillery as touching the penalties or forfeitures of the ſame, ſhall be from henceforth utterly void. And all informations, plaints, actions or ſuits that ſhall be taken or ſued upon any part of this ſtatute, ſhall be commenced within the year after the offence committed and done, or otherwiſe no advantage or ſuit thereof to be taken.

All other Statutes made againſt unlawful games, and for the maintenance of artillery repealed.

And where any ſuch forfeitures ſhall happen to be found within the precinct of any franchiſe, leet or lawday, then the Lord of the ſame franchiſe, leet, or lawday, to have the one moyety thereof, and the other moyety thereof to any of the Kings ſubjects that will ſue for the ſame, in any of the Kings Courts, by action, information, bill, or otherwiſe, in which action or ſuit the defendant ſhall not be admitted to wage his Law, nor any protection, nor eſſoin ſhall be allowed: And where ſuch forfeiture ſhall be found out of the precinct of any franchiſe, leet, or lawday, that the moyety of all ſuch forfeitures ſhall be to the King our Soveraign Lord, and the other moyety thereof, to any the Kings Subjects that will ſue for the ſame, by bill, plaint, action, information, or otherwiſe, in any the Kings Courts, in which ſuit or action the defendant ſhall not be admitted to wage his Law, nor any protection or eſſoin ſhall be allowed.

Within what time any ſuit ſhall be proſecuted upon this Statute and who ſhall have the forfeitures.

And to the intent that every perſon may have knowledge of this Act, and avoid the danger and penalties of the ſame, Be it enacted by the authority aforeſaid, That all Mayors, Bailiffs, Sheriffs, and all other head Officers, ſhall four times in the year, that is to ſay, every quarter once, make open Proclamation of this preſent Act, in every market to be holden within their ſeveral juriſdictions and authorities.

Proclamation of this ſtatute.

And alſo that the Juſtices of Gaol-delivery, Aſſiſes, and Juſtices of Peace, do cauſe the ſame to be proclaimed in their ſeveral circuits and ſeſſions before them holden, and that this Statute ſhall begin to take his effect, concerning the penalties of the ſame, from the ſaid Feaſt of S. John Baptiſt now next coming, and to continue and endure for ever.

Provided alway, and be it enacted by the authority aforeſaid, That if any perſon or perſons having taken by leaſe, whether it be by word, writing, or otherwiſe, any houſe, alley, or place, wherein any ſuch unlawful game now is, and at the time of ſuch leaſe made, was uſed, that then every ſuch leſſee ſhall at the liberty of him or them, to whom ſuch leaſe is made, there executors, adminiſtrators or aſſignes, from the ſaid Feaſt of the Nativity of S. John Baptiſt, be utterly void, except it be for breach of covenants or agreements, or payment of rent due, or to be due at the ſaid Feaſt, or any time before, ſo that then at the ſame Feaſt, or within one moneth next after the ſame, the ſaid leſſee give knowledge to ſuch leſſor or leſſors, their heirs and aſſignes, that he will no longer occupy the ſame, and that then it ſhall be lawful to the inheritor, leſſor or owner thereof, or to his heirs or aſſignes, in the ſame houſe, alley, or place to re-enter.

Leaſes of houſes where unlawful games be uſed.

Provided alſo, and be it enacted by the authority aforeſaid, That it ſhall be lawful for every Maſter to licence his or their ſervants, to play at Cards, Dice, or Tables with their ſaid Maſter, or with any other Gentleman, repairing to their ſaid Maſter, openly in his or their houſe, or in his or their preſence, according to his or their diſcretion. And that it ſhall be lawful to every ſuch ſervant, for every time ſo being commanded or licenced by his ſaid Maſter, as is aforeſaid, to play at Cards, Dice or Tables, with his ſaid Maſter or other Gentlemen, ſo to him repairing, any thing in this Act to the contrary notwithſtanding.

The ſervant by licence may play with his Maſter.

Provided alſo, and be it enacted by the authority aforeſaid, That it ſhall be lawful to every Nobleman, and other, having Manors, Lands, Tenements, or other yearly profits, for term of life in his own right, or in his Wives right, to the yearly value of a hundred pound, or above, to command, appoint or licence by his or their diſcretion, his or their ſervants, or family of his or their houſe or houſes, for to play within the precinct of his or their houſes, gardens or orchards, at Cards, Dice, Tables, Bowles, or Tennis, as well amongſt themſelves, as other repairing to the ſame houſe or houſes. And that they ſo playing by commandment, appointment or licence as is aforeſaid, ſhall not incur any danger or penalty contained in this Act for the ſame, this Act or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

In what caſes ſervants may play at Dice, Cards, Tables, Bowles or Tennis.

Provided alway, and be it enacted by the authority aforeſaid, That all informations, actions and ſuits now depending in any of the Kings Courts, for, or concerning any penalty or forfeiture contained in any of the ſaid Statutes, by this Act repealed, and no judgment therein yet given, the ſame informations, actions and ſuits, ſhall be, remain and ſtand as good and effectual in the law, to all intents, conſtructions and purpoſes, as if this act had never

Suits depending at this time upon any ſtatute repealed.

never been had ne made: any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

CAP. X.

All Juſtices of Peace within every County, City, Borough, &c. ſhall yearly at the general quarter Seſſions holden next after Eaſter divide themſelves, and limiting two at the leaſt into Hundreds, Weapentakes, number of Towns, &c. They ſhall hold one Seſſions for the limits of their diviſions, beſides the quarter Seſſions, ſix weeks before the quarter Seſſions, wherein they ſhall inquire of Vagabonds, Retainers, giving of Liveries, Badges, maintenance, Imbracery, &c. and hear and determine the ſame, according to the Statutes for ſuch offences provided. And that they may reform panels returned before them. Exp. & Rep. 37 H.8.7. for the ſix weeks Seſſions.

CAP. XI.

A rehearſal and repeal of the Stat. made 24 H.8.3. & 25 H.8.1. touching ſelling of fleſh by the pound, and at certain prices.

CAP. XII.

Puniſhment of Murder and Blood-ſhed within the Kings Court.

Co.Inſt.4. p.13.

Where treaſons, miſpriſions of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whereof blood is, or ſhall be ſhed againſt the Kings Peace, been often and many times done and committed within the limits of the Kings Palace or houſe, or other houſe or houſes, where and when his Majeſty is there demurrant and abiding in his own moſt royal Perſon, which offences when they be done, be beſt known by his Highneſs Officers and Miniſters of his moſt honourable houſhold, and by his Majeſties Servants of his Chequer-roll: And if his Majeſty ſhall happen to remove from ſuch his Palace or houſe, or other houſe or houſes, where ſuch offences were done, before the trial and determination thereof, then ſuch offences might not lawfully be tried, heard and determined by and before the ſaid Officers, but be remitted to be tried and determined by the orders of the common-laws of this Realm, by reaſon whereof, the puniſhment of the ſaid offendors in ſuch caſes hath been long delayed, and ſometimes their offences forgotten, and not remembred, and ſo eſcape unpuniſhed: Be it therefore enacted by the King our Soveraign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all treaſons, miſpriſions of treaſons, murthers, manſlaughters, blood-ſheds, and other malicious ſtrikings, by reaſon whereof, blood is, or ſhall be ſhed againſt the Kings Peace, which hath been done ſince the Feaſt of All-Saints laſt paſt, or hereafter ſhall be done within any the Palaces or houſes of his Highneſs or his Heirs, or any other houſe or houſes, at ſuch time as his Majeſty hath been ſince the ſaid Feaſt of All-Saints, or hereafter ſhall happen to be then demurrant or abiding in his royal Perſon, ſhall be from henceforth inquired of, tried, heard and determined within any the Kings Palaces or houſes, or other houſe or houſes, where his Majeſty or his Heirs ſhall hereafter repair unto, or be abiding, in manner and form following; That is to ſay, before the Lord great Maſter, or Lord Steward for the time being of the Kings moſt honourable houſhold, and of his Heirs and Succeſſors: And in the abſence of the ſaid Lord great Maſter, or Lord Steward of the houſhold, before the Treaſurer and Comptroller for the time being of the Kings moſt honourable houſhold, and of his Heirs and Succeſſors, and Steward of the [a] Marſhalſey for the time being, or two of them, whereof the Steward of the Marſhalſey for the time being, to be one, by vertue of their Offices, without any commiſſion, or other authority or power, other then by authority of this preſent Act, to be given unto them or any of them, which Steward of the Marſhalſey, ſhall be for ever from time to time aſſigned and appointed by writing, under the ſeal of the ſaid Lord great Maſter, or Lord Steward for the time being. And where the Kings Majeſty or his Heirs hath, or at any time hereafter ſhall be removed from the Palace, houſe or houſes, where ſuch offences were or ſhall be done, or not removed before they be enquired of, tried, heard and determined; yet ſuch offences ſhall by the authority of this Act, always from henceforth be enquired of, tried, heard and determined before the Kings Majeſty and his Heirs, Officers and Miniſters of his houſhold before named, or two of them, as is aforeſaid, by the inquiſition and verdict of his Highneſs and his Heirs houſhold ſervants, in his or their Check-roll, in manner and form as before and hereafter is expreſſed in this preſent Act, and at ſuch Palace, houſe or houſes where his Majeſty or his Heirs ſhall be at any time hereafter demurrant or abiding.

Where, and before whom murders, malicious ſtrikings, &c. committed in the Kings houſe ſhall be tried. a Raſt.pl.f.124.

And that all ſuch returnes of proceſs, and all executions and judgments concerning the premiſſes, ſhall be had and done by the Officers before and hereafter expreſſed, and in manner and form as before and hereafter in this preſent Act is contained.

Enquiry of perſons ſlain within the Kings houſe, or where he ſhall abide.

And that all inquiſitions upon the view of perſons ſlain, or hereafter to be ſlain within any the Kings ſaid Palaces or houſes, or other houſe or houſes aforeſaid, ſhall be by authority of this Act had and taken hereafter for ever, by the Coroner for the time being of the houſhold of our Soveraign Lord the King, or his Heirs, without any adjoyning or aſſiſting of another [b] Coroner of any Shire within this Realm, by the oath of twelve, or moe of the Yeomen Officers of the King and his Heirs moſt honourable houſhold, returned by the two Clerks Comptrollers, the Clerks of the Check, and the Clerks Marſhals, or one of them for the time being, of the ſaid houſhold, to whom the ſaid Coroner of the ſame houſhold ſhall direct his precept, which Coroner of our ſaid Soveraign Lord the Kings houſhold, ſhall be from time to time named, appointed and aſſigned by the ſaid Lord great Maſter, or Lord Steward for the time being, and that the ſaid Coroner of the ſaid houſhold, ſhall from time to time for ever without delay, certifie under his ſeal, and the ſeals of ſuch perſons as ſhall be ſworn before him, all ſuch inquiſitions, inditements and offices, upon the view of all dead bodies being ſlain at any time ſith the Feaſt of All-Saints aforeſaid, or which hereafter

b Co.L.4.f. 45.

ſhall be ſlain within any the Kings ſaid Palaces or houſes, or other houſe or houſes aforeſaid, before the ſaid Lord great Maſter, or Lord Steward, and in his abſence before the Treaſurer, Comptroller, and Stewards of the Marſhalſey aforeſaid, or before two of them, whereof the ſaid Steward of the Marſhalſey to be one: and that ſuch inquiſitions and offices ſo certified, ſhall be deemed, adjudged and taken for ever, as good and effectual in the law, to all intents, conſtructions and purpoſes, as any inquiſition taken upon the view of the body of any perſon being dead, by any Coroner of any County of this Realm, hath been, or ſhall be adjudged or taken.

Enquiry of murders, blood-ſhed, &c. by the yeomen Officers of the Kings houſe.

And be it further enacted by the authority aforeſaid, That the ſaid two Clerks, Comptrollers, Clerks of the Check, and Clerks Marſhals for the time being of the Kings ſaid houſhold, and of his Heirs, or one of them for ever, upon a precept to them, or to any of them hereafter to be made by the ſaid Lord great Maſter or Lord Steward, or in the abſence of the ſaid Lord great Maſter or Lord Steward, by the ſaid Treaſurer and Comptroller of the Kings moſt honourable houſhold, and the ſaid Steward of the Marſhalſey, or by two of them, whereof the ſaid Steward of the Marſhalſey to be one, ſhall have full power to ſummon, warn and return the names of xxiv. perſons, being yeomen Officers of the Kings ſaid houſhold, and of his Heirs, in the ſaid Check-roll, to enquire of ſuch treaſons, miſpriſion of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whereof blood is or ſhall be ſhed againſt the Kings peace, before the ſaid Lord great Maſter, or Lord Steward, and in his abſence, before the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or before two of them at the leaſt, whereof the Steward to be one.

And that it ſhall be lawful to the ſaid Lord great Maſter, or Lord Steward, and in his abſence to the ſaid Treaſurer, Comptroller, and the ſaid Steward aforeſaid, or two of them, whereof the ſaid Steward to be one, before whom ſuch returnes ſhall be ſo made, as is aforeſaid, to cauſe ſuch number of the ſaid xxiv. perſons ſo returned above the number of xii. perſons, as to him or them ſhall ſeem expedient, to enquire of ſuch treaſons, miſpriſions of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whereof, bloud is or ſhall be ſhed againſt the Kings Peace within the ſaid Palaces or houſes, or other the ſaid houſe or houſes, ſith the ſaid Feaſt of All-Saints, or at any time hereafter ſhall be committed or done within the ſaid Palace or houſes, or other the ſaid houſe or houſes.

Arraignment of an offendor indicted.

And if any perſon or perſons be indicted by the ſaid Jury, ſo ſworn before them as is aforeſaid, or by inquiſition before the ſaid Coroner of the ſaid houſhold, and certified before the ſaid Lord great Maſter, or Lord Steward, or in the abſence of the ſaid Lord great Maſter, or Lord Steward, before the ſaid Treaſurer, Comptroller and Steward, or before two of them, whereof the ſaid Steward to be one, as is aforeſaid, that then immediatly without delay the ſaid Lord great Maſter, or Lord Steward, and in his abſence the ſaid Treaſurer, Comptroller, and Steward, or two of them, whereof the ſaid Steward to be one, before whom the ſaid preſentment, inquiſition or indictment ſhall ſo be ſo found or certified by the ſaid Coroner of the ſame houſhold, ſhall arraign before them all and every ſuch perſon and perſons ſo indicted, according to the courſe of the Common-law of this Realm, and forthwith after iſſue joyned between the King our Soveraign Lord, his Heirs or Succeſſors, and the priſoner ſo arraigned, the ſame day and place, or any other day and place, at the pleaſure of the ſaid Lord great Maſter, Lord Steward, and in his abſence, at the pleaſure of the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or two of them as is aforeſaid, ſhall make another precept to the ſaid Clerks, Comptrollers, Clerks of the Check, and Clerks Marſhals for the time being of the ſaid houſhold, or to one of them, to ſummon and return one other Jury of xxiv. perſons, to appear before the ſaid Lord great Maſter, or Lord Steward, and in his abſence, before the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or before two of them, whereof the ſame Steward to be one, at ſuch day, time and place, upon ſuch pain as ſhall be then limited and appointed, of the ſervants and Gentlemen officers of the Kings Chamber, his Heirs and Succeſſors, and of the ſaid houſhold, which now take or hereafter ſhall take wages by the Kings Cheque roll. And that the ſaid Lord Grand Maſter, or Lord Steward (if he be there preſent) or in his abſence the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey or two of them, whereof the ſame Steward to be one, before whom ſuch Jury ſhall be ſo returned, ſhall cauſe xii. of the ſame Jury to be ſworn, without any manner of challenge to be had or allowed for any manner of cauſe, to any the ſaid Jury, (malice onely excepted) truly to try between our ſaid Soveraign Lord the King, and his Heirs, and ſuch perſon and perſons as ſhall be ſo indicted and arraigned of ſuch treaſons miſpriſions of treaſons, murders, manſlaughters, and other malicious ſtrikings, by reaſon whereof blood is or ſhall be ſhed againſt the Kings Peace, or any of them. And if any ſuch perſon or perſons, ſo indicted and arraigned, be found guilty of any treaſon, miſpriſion of treaſon, murders or manſlaughters: that then all and every ſuch perſon and perſons, ſo found guilty, ſhall have judgment of life and member, and ſuffer ſuch pains of death, and ſhall forfeit all their manors, lands, tenements, goods and cattels, in like manner and form as if the ſame perſon and perſons had been found guilty of any the ſaid offences by the order of the Common-Laws of this Realm, without allowing to any ſuch perſon or perſons ſo found guilty of any of the ſame offences, the benefits of his or their Clergy, or priviledge of any ſanctuary.

The judgment of an offendor found guilty, and his forfeiture.

The judgment for ſtriking in the Kings Palace, whereby blood ſhall be ſhed.

And if any perſon or perſons ſo arraigned, be found guilty for malicious ſtriking, by reaſon whereof blood is, hath been, or ſhall be ſhed againſt the Kings Peace, within the ſaid Palace or houſe, or any other houſe, or any other the ſaid houſe or houſes: that then every ſuch perſon or perſons ſhall from henceforth have judgment by the ſaid Lord great Maſter, or Lord Steward (if he be preſent) and in his abſence, by the other aforenamed, before

whom

Who ſhall do execution.

whom ſuch perſon or perſons ſhall be ſo found guilty, to have his right hand ſtriken off before the ſaid Lord great Maſter, or Lord Steward (if he be there preſent) and in his abſence, before the ſaid Treaſurer, Comptroller and Steward of the Marſhalſey, or two of them at the leaſt, whereof the ſaid Steward to be one, and at ſuch place or time, as he or they before whom ſuch perſon or perſons ſhall be ſo found guilty, ſhall appoint execution to be done: and the ſame execution to be done by ſuch perſon as the ſaid Lord great Maſter, or Lord Steward (if he be there preſent) and in his abſence as the ſaid Treaſurer, Comptroller, and Steward of the Marſhalſey, or two of them, whereof the Steward to be one, ſhall name or appoint, and alſo ſhall have judgment to have perpetual impriſonment during his life, and ſhall pay fine and ranſome at the Kings Majeſties pleaſure, his Heirs and Succeſſors.

The Kings officers attendant at the execution.
Chief Surgeon.

And for the further declaration of the ſolemn and due circumſtance of the execution appertaining, and of long time uſed and accuſtomed, to and for ſuch malicious ſtrikings, by reaſon whereof blood is, hath been, or hereafter ſhall be ſhed againſt the Kings Peace: It is therefore enacted by the authority aforeſaid, that the Sergeant, or chief Surgeon for the time being, or his Deputy, of the Kings houſhold, his Heirs and Succeſſors, ſhall be ready at the place and time of execution, as ſhall be appointed, as is aforeſaid, to ſear the ſtump, when the hand is ſo ſtriken off.

Sergeant of the Pantry.

And the Sergeant of the Pantry for the time being of the ſame houſhold, or his Deputy, ſhall be alſo then and there ready to give bread to the party that ſhall have his hand ſo ſtriken off.

Sergeant of the Celler.

And the Sergeant of the Celler for the time being of the ſame houſhold, or his deputy, ſhall alſo be then and there ready with a pot of red Wine, to give the ſame party drink, after his hand is ſo ſtriken off, and the ſtump ſeared.

Sergeant of the Ewry.

And the Sergeant of the Ewry for the time being of the ſame houſhold, or his deputy ſhall alſo be then and there ready, with clothes ſufficient for the Surgeon to occupy about the ſame execution.

Sergeant of the Chandry.

And the Yeoman of the Chandry for the time being of the ſame houſhold, or his deputy, ſhall alſo be then and there, and have in readineſs ſeared clothes, ſufficient for the Surgeon to occupy about the execution.

The Maſter Cook.

And the Maſter Cook for the time being of the ſame houſhold, or his deputy, ſhall alſo be then and there ready, and bring with him a dreſſing knife, and ſhall deliver the ſame knife at the place of execution, to the Sergeant of the Larder for the time being of the ſame houſhold, or to his deputy, who ſhall be alſo then and there ready, and hold upright the ſaid dreſſing knife till execution be done.

The Sergeant of the Larder.

The Sergeant of the Poultry.

And the Sergeant of the Poultry for the time being of the ſame houſhold, or his deputy, ſhall be alſo then and there ready with a cock in his hand, ready for the Surgeon to wrap about the ſame ſtump, when the hand ſhall be ſo ſtriken off.

Yeoman of the Scullery.

And the Yeoman of the Scullery for the time being of the ſame houſhold, or his deputy, to be alſo then and there ready, and prepare and make at the place of execution a fire of coals, and there to make ready ſearing-irons, againſt the ſaid Surgeon or his deputy ſhall occupy the ſame.

The chief Ferror.

And the Sergeant or chief Ferror for the time being of the ſame houſhold, or his deputy, ſhall be alſo then and there ready, and bring with him the ſearing-irons, and deliver the ſame to the ſame Sergeant, or chief Surgeon, or to his deputy, when they be hot.

Groom of the Salcery.

And the Groom of the Salcery for the time being of the ſame houſhold, or his deputy, ſhall be alſo then and there ready with vinegar and cold water, and give attendance upon the ſaid Surgeon, or his deputy, until the ſame execution be done.

The Sergeant of the Wood-yard.

And the Sergeant of the Wood-yard for the time being of the ſame houſhold, or his deputy, ſhall bring to the ſaid place of execution a block, with a betil, a ſtaple, and cords to bind the ſaid hand upon the block while execution is in doing.

The party indicted refuſing to anſwer directly or ſtand mute.

A Crier ſhall be appointed.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſo indicted of treaſon, miſpriſion of treaſon, murder, manſlaughter, or other malicious ſtriking, by reaſon whereof blood is, hath been, or ſhall be ſhed againſt the Kings Peace, as is aforeſaid, and thereof be arraigned, and obſtinately refuſe to anſwer directly to the ſame offences, whereof he or they be ſo indicted, or if ſuch perſon or perſons ſo indicted and arraigned, ſtand mute, and will not ſpeak, then ſuch perſon and perſons ſo refuſing to anſwer, or ſtanding mute, ſhall be convict, judged and deemed guilty of the thing whereof he or they is or ſhall be ſo indicted and arraigned, and ſhall have judgment to have like pains of death, and other pains, puniſhments, executions, forfeitures, loſſes, and ſeizures of lands, tenements, goods and cattels for the ſame, as he or they ought or ſhould have had for ſuch like offences, if he or they were or ſhould be found guilty thereof by the verdict of xii. men. And be it further enacted by the authority aforeſaid, That the ſaid Clerks, Comptrollers, Clerks of the Check, and Clerks Marſhal, or one of them for the time being, ſhall from time to time name, aſſign and appoint a crier to make Proclamations, and to call the Juries, and to do other things as becometh a crier of a court to do belonging to that office.

Tryal by Peers.

Provided always, and be it enacted by the authority aforeſaid, That the tryal of Peers of this Realm, for committing or doing any offences in this Act before mentioned, ſhall be as it hath been uſed in time paſt: any thing in this Act contained to the contrary notwithſtanding.

The liberty of the verge.

Provided alſo, That the liberty and juriſdiction of the Marſhalſey court and circuit of the verge, ſhall be in all points, priviledges and authorities, uſed by the Miniſters and Officers of the ſame, in as full and as ample manner, as hath been heretofore lawfully uſed, for murders, felonies, offences, and all treſpaſſes, contracts, and other ſuits whatſoever they be, any thing in this Act to the contrary notwithſtanding.

And foraſmuch as before this time one Richard Staverton of Lincolnes-Inn Gentleman, was commanded and appointed by the Kings Majeſty to occupy the office of the Coroner of his ſaid houſe, by force whereof he hath continued officer in the ſame by the ſpace of ſixteen years or more: be it enacted by the authority aforeſaid, That the ſaid Richard Seaverton ſhall have, occupy and enjoy the ſaid office of Coroner during his life, together with all ſuch profits and commodities as before this time have been due and appertaining in any wiſe to the ſame. And after his deceaſe, the ſaid Coroner always to be made, aſſigned and appointed by the ſaid Lord great Maſter or Lord Steward for the time being.

The Coroner of the Kings houſe.

And for that hereafter it might be doubted, how far the limits and bounds of the ſaid houſe or houſes ſhould extend or be taken, within which limits or bounds any the ſaid offences which have been committed or done ſith the Feaſt of All-Saints, or hereafter ſhall be committed or done, for the which all and every perſon and perſons ſo offending, ſhould have and ſuffer the pains, penalties and forfeitures as is aforeſaid; for plain declaration thereof, and for the avoiding of all doubts and queſtions which may hereafter happen to ariſe of, for, or upon the ſame.

Be it enacted by the authority aforeſaid, That the limits and bounds of the ſaid houſe and houſes, within which any the offences aforeſaid, now committed or done ſith the ſaid Feaſt of All-Saints, or hereafter to be committed and done, ſhall be puniſhed as is aforeſaid, ſhall extend and be taken within theſe places enſuing, and in none other, that is to ſay, within any Edifices, Courts, Places, Gardens, Orchards, or Houſes, within the Porters ward of any of the houſe or houſes above rehearſed, or within any gardens, privy walks, orchards, tilt-yards, wood-yards, tennis-plays, cock-fights, bowling-alleys near adjoyning to any the houſes above rehearſed, and being part of the ſame, or within two hundred foot of the ſtandard of any outward gate or gates of any of the houſes above rehearſed, commonly uſed for paſſage out or from any the houſe or houſes above rehearſed.

The limits and bounds of the Kings houſe.

Provided always, That this Act ſhall not take effect, or be put in execution, till from and after the firſt day of May next enſuing, except only for murders and man-ſlaughters; for the which offences of murder and man-ſlaughter, the ſame to take effect from the Feaſt of All-Saints laſt paſt, according to the tenor and effect of the ſaid Act.

Provided alway, and be it enacted by the authority aforeſaid, That this Act before rehearſed concerning malicious ſtrikings, by reaſon whereof bloud is, hath been, or ſhall be ſhed againſt the Kings peace, ne the pains and forfeitures before rehearſed for the puniſhment of the ſame, ſhall not in any wiſe extend, or be prejudicial or hurtful to any Noble-man, ne to any other perſon or perſons that ſhall happen to ſtrike his or their ſervants within the ſaid Palace or Houſe, or any other houſe or houſes, place or places aforeſaid, or within the limits of the ſame, with his or their hands or fiſts, or with any ſmall ſtaff or ſtick, for correction of puniſhment for any offences committed and done, or to be committed and done, ne to any of the Kings officer or officers, that in executing of his or their office ſhall ſtrike any perſon or perſons with his or their hands or fiſts, or with any ſmall ſtaff or ſtick, or with any ſtaff commonly called a tip-ſtaff, within the ſame Palace or houſe, or any other Palaces or houſes, or places aforeſaid; ne to any other perſon or perſons, that in doing ſervice at any triumph, or any other time of ſervice, by the Kings commandment, or of any of his Graces Council, or other his Graces head officers, ſhall happen for the executing of their ſaid ſervice, to ſtrike any perſon or perſons with his or their hands or fiſts, or with any ſmall ſtaff or ſtick, or with any ſtaff commonly called a tip-ſtaff, within the ſame Palace or houſe, or any other Palaces or houſes, or place or places aforeſaid, although by reaſon of the ſame ſtroke or ſtrokes there happen to be any bloudſhed of ſuch perſon as ſhall be ſtricken, except the perſon ſo ſtricken do die of the ſame ſtroke within one year next after the ſtroke ſo given.

To what ſtrokes given in the Kings houſe whereby bloud ſhall be ſhed, this ſtatute doth not extend.

And alſo be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall from the firſt day of April next coming, ſteal, or feloniouſly take away any Plate, Jewels, or other goods of our Soveraign Lord the King, his heirs or ſucceſſors, Kings, of the value of xii. d. or above, or break or enter into any the Kings houſes, to the intent to ſteal any of the Kings goods, his heirs or ſucceſſors, Kings, though his Majeſty be abſent, or any other houſe, while it ſhall fortune the ſame his Majeſty to be lodged or abiding therein; every ſuch offence to be deemed felony, and the perſon or perſons ſo offending, their abettors, procurers, counſellors and recepters thereof lawfully convicted, to ſuffer like penalties, forfeitures and pains of death, as appertaineth to felons, without having benefit of their clergy or ſanctuary: and every ſuch offendor being apprehended within the verge of the Kings houſe, to be arraigned and tried by men of the country, as other offendors for offences done within the verge, before the Steward of the ſaid Marſhalſey, and other unto him aſſociated, are to be arraigned and tried within the ſame precinct.

Stealing the Kings goods, or entring his houſe to ſteal, ſhall be felony.

Rep. 1 Ed.6.12. 1 M. 1.

The trial of the offendor.

CAP. XIII.

Lordſhips in Wales removed from the County of Denbigh to the County of Flint, &c.

Where in the Parliament holden at Weſtminſter in the xxxii. year of the Reign of our Soveraign Lord King Henry the viii. that now is, it was amongſt other enacted, That notwithſtanding viii. County days in one year, and ix. County days in another year, were before that time holden and kept within the County Palatine of Cheſter, before the Juſticer of the ſame County, that from that time forthward the ſaid Juſticer ſhould hold and keep but only two ſeſſions every year within the ſame County, the one whereof to be kept after Michaelmas, and the other after Eaſter, and that from thenceforth all the ſaid County days ſhould clearly ceaſe and determine for ever, as by the ſame Act at large more plainly appeareth. And foraſmuch as within the ſame County Palatine it hath not been uſed nor ſeen, that the Sheriff of the ſame County hath kept any Shire-court for determi-

Stat. 32 H.43.

When and where the Shire-court in the County of Cheſter ſhall be kept.

nation of plaints, and calling the exigends, as is commonly uſed in other Shires of this Realm, there was therefore never ſithen the making of the ſaid Act any exigend of felony or other clauſe proclaimed within the ſaid County, to the no little hindrance of juſtice, and to the great boldneſs of offenders. For reformation whereof, be it enacted by the King our Soveraign Lord, by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Sheriff of the ſaid County for the time being, after the Feaſt of Eaſter next coming, ſhall be bound to keep his Shire-court in the Shire-hall of the ſaid County every moneth for ever, for determination of plaints and actions under xl.s. and for proclamations, and calling of ª exigends, and other neceſſary cauſes, as is uſed in other Shires of this Realm of England, and that two head Coroners for the body of the ſaid Shire, ſhall be elected and choſen by vertue of the Kings Writ, De coronatore eligendo, to be awarded out of the Exchequer of Cheſter, which Coroners ſhall be bound to ſit with the ſaid Sheriff at the ſaid Courts, to give judgment upon utlaries, and to do all other things as appertaineth.

There ſhall be two Coroners choſen for the County of Cheſter.

ª Coke l.4. f.33.

And be it further enacted by the authority aforeſaid, That the ſaid two Seſſions, in form aforeſaid, to be holden within the ſaid County, ſhall and may be holden at ſuch time and times as by the ſaid Juſticer or his Deputy ſhall be appointed, as well before the ſaid Feaſts of Eaſter and Michaelmas, as any other time, according as is moſt commonly uſed in other Shires of this Realm, ſo always open proclamation be thereof made by the ſpace of xv. days at the leaſt before the firſt day of the keeping of the ſame Seſſions.

When the Seſſions for the County of Cheſter ſhall be holden. 27 H.8.26.

And where the Lordſhips, Towns, and Hamlets of Hope and Aſſaph, have of old time been reputed, accepted, and taken as part and parcel of the County of Flint, and ſo have been continued until now of late, that by an Act of Parliament made in xxvii. year of the Reign of our moſt dread Soveraign Lord the Kings Majeſty that now is, the ſame were aſſigned to the County of Denbigh: And alſo where parcel of the Pariſh of Hawarden is at this day, and of old time hath been accepted, taken and uſed as part of the ſaid County of Flint, and the reſidue of the ſaid Pariſh of Hawarden is and always hath been without the precinct, limits and juriſdiction of the ſame County: Be it alſo enacted by the authority aforeſaid, That as well the ſaid Lordſhips, Towns, and Hamlets of Hope, Aſſaph, and the ſaid whole Pariſh of Hawardeu, together with the Lordſhip of the ſame, as alſo the Lordſhips, Towns and Pariſhes of Moldeſdale, Mereford, and Oſeley, and all the lands, tenements and hereditaments within the precinct and limits of the ſame, or any of them, ſhall from henceforth be reputed, accepted, taken and adjudged to be within the ſaid County of Flint, as a member, part, and parcel of the ſame County of Flint, and not of nor within any other County or Shire, any Statute, Ordinance, Law or Cuſtom heretofore had or uſed to the contrary thereof in any wiſe notwithſtanding.

Certain Lordſhips and Pariſhes in Wales annexed to the County of Flint.

Provided always, That the inhabitants and tenants of the ſaid Lordſhips, Towns, Hamlets and Pariſhes of Hope, Aſſaph, Moldeſdale, Mereford, and Hawarden, ſhall pay their miſſes and tallages, when, and as oft as the ſame ſhall be due, with the inhabitants of ſuch Shire or Shires as beforetime have been accuſtomed. And that the ſaid Lordſhips of Hope, Moldeſdale, Mereford, Oſeley, and Hawarden, with the whole and entire Pariſh of Hawarden, and all the grounds, lands, tenements and hereditaments within the precinct and limits of the ſame, ſhall from henceforth be called, taken and accepted, the hundreds of Moldeſdale in the County of Flint. And that the ſaid Lordſhip of Aſſaph, with all the grounds, lands, tenements and hereditaments within the precinct and limits of the ſame, ſhall be taken, accepted, and adjudged to be as part and parcel of the hundred of Ruthland in the ſame County. St. 34 & 35 H. 8. 26.

Certain Towns in the County of Flint in Wales aſſigned to be within the hundreds of Moldeſdale and Ruthland.

CAP. XIV.

It ſhall be felony to declare to another any falſe propheſie, upon occaſion of Arms, Fields, Letters, &c. Rep. 1 Ed. 6. 12. 1 M. 1. 3. and 4 Ed. 6. 15. 5 El. 15.

CAP. XV.

A repeal of ſo much of the Statute of 32 H. 8. 12. as doth aſſign the Town of Mancheſter to be a place of Sanctuary. But in ſtead thereof, the City of Weſtcheſter iu the County of Cheſter ſhall be a place of Sanctuary. Rep. 1 Jac. 25. & 21 Jac. 28.

CAP. XVI.

Who may buy Worſted Yarn in Norwich, and who not, &c.

Cro.El.19

Whereas for the moſt part in all the Shires and Counties of this Realm of England, there be and have been certain private commodities, growing and ariſing only within the ſaid Shires or Counties, by which only commodities politickly provided for, and continued, the Cities and Towns within the ſaid Shires and Counties, and the inhabitants of the ſame, be and have been, without any foreign aid or ſuccour, plenteouſly and wealthily kept, maintained, defended and preſerved: all which commodities, by the deceit and ſubtile practiſes, as well of Merchants ſtrangers, as of divers other covetous and evil conſcienced perſons have been, and be many times clearly deſtroyed and ſubverted, to the great loſs and decay, as well of the ſaid Cities and Towns within every ſuch Shires and Counties, as of the inhabitants of the ſame. Amongſt the which ſaid Cities, Towns, Shires and Counties having private commodities, the City of Norwick, and divers other and many Towns in the County of Narfolk, hath been always heretofore kept, preſerved and maintained, and the poor men, and other dwellers and inhabitants in the ſame, godly, honeſtly, and vertuouſly brought up, occupied and exerciſed, by a commodity growing and riſing only within the ſaid County, that is to ſay, by the making and weaving of Worſteds, and other Clothes, which hath been made and woven of the yarn called Worſted yarn, ſpun of the wooll growing and coming of the ſheep bred only within the County of Norfolk,

Worſted yarn is the private commodity, the City of Norwich, and the County of Norfolk.

the yarn called Worſted-yarn, ſpun of the wooll growing and coming of the ſheep bred only within the County of Norfolk, and in no place elſewhere. And foraſmuch as the ſaid commodity of making and weaving of Worſteds within the ſaid City of Norwich and County of Norfolk, by the deceit and crafty practiſes of the great multitude of regrators and buyers of the ſaid yarn called Worſted-yarn, is wholly decayed and taken away from the ſaid dwellers and inhabitants in the ſaid City and Shire, that is to ſay, in that, that the regrators do buy the ſaid yarn by ſmall parcels of many men, and after that they have ſo by little and little bought a great quantity of the ſaid yarn, do not cauſe it to be woven, or otherwiſe wrought in the ſaid City or County, but do ſell, ſend, and carry away the ſame yarn out of this Realm of England, into France, Flanders, and ſuch other like places beyond the ſea; where with the ſaid yarn, ſtrangers not being born under the Kings Dominions, do make and weave Sayes, Ruſſels, Worſteds, and divers and ſundry other clothes and things, the which after they have ſo made and woven, the ſaid ſtrangers do ſell again unto us Engliſhmen within this ſaid Realm of England, to their great profit, lucre and advantage, and to the clear decay and deſtruction of the ſaid commodity: by reaſon whereof, the ſaid City of Norwich, and other the ſaid Towns in the ſaid County of Norfolk, are not onely moſt likely to be brought to utter ruine and decay, and the poor men, and other dwellers and inhabitants of the ſame, which have been heretofore ſet on work, kept, and maintained only by the ſaid commodity, illuded and deceived thereof, but alſo are very likely to be left deſtitute and unprovided of a living, or any manner of art or occupation, by the which they ſhall be able, within the ſaid City or County, to acquire to themſelves, their wives and children, any honeſt way and trade to live. Be it therefore ordained and enacted by the aſſent of the Kings moſt royal Majeſty, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon ne perſons from henceforth ſhall buy, ne cauſe to be bought, within the ſaid City of Norwich, or County of Norfolk, any yarn called Worſted-yarn, the which ſhall be ſpun within the ſaid City or County, but only ſuch perſon or perſons, being Weavers, or other Artificers, the which ſhall weave or otherwiſe work, or cauſe to be woven or otherwiſe wrought, the ſaid yarn ſo bought within the ſaid City and County, in the ſaid City of Norwich, or ſome other Market-town or Towns, or elſewhere within the ſaid County of Norfolk, upon the pain of forfeiting for every pound weight of yarn called Worſted-yarn ſo bought within the ſaid City of Norwich or County of Norfolk, and not woven or otherwiſe wrought within the ſaid City or County as is aforeſaid, xl. s. the one half thereof to our Sovereign Lord the King, and the other half to him or them that ſhall ſo take the ſaid yarn, or ſue for the ſame by bill, plaint, information, or otherwiſe, in which ſuit, no eſſoin, protection, ne wager of law ſhall be allowed or admitted.

Who only may buy Worſted-yarn in the City of Norwich, or County of Norfolk.

And be it further ordained and enacted by authority aforeſaid, That if any perſon or perſons do from or after the firſt day of April next enſuing, ſhip to carry or convey, or cauſe to be ſhipped to carry or convey into the parts beyond the ſea, or elſe do carry and convey, or cauſe to be carried and conveyed into the parts beyond the ſea, any yarn called Worſted-yarn, not wrought or made in cloth, ſo ſuch yarn be ſpun or made within this Realm of England; that then every perſon and perſons ſo ſhipping, conveying, or carrying, or cauſing ſuch yarn ſo to be ſhipped, carried or conveyed, ſhall forfeit for every pound of Worſted-yarn ſo ſhipped, conveyed or carried, xl. s. the one half thereof to be unto our Sovereign Lord the King, the other half unto him or them that will ſue for the ſame in any Court of Record, by information, bill, plaint, or otherwiſe, wherein no wager of Law, eſſoin, or protection ſhall be allowed. This Act to continue and endure until the laſt day of the next Parliament. 1 Ed. 6. 6. made perpetual.

No Worſted-yarn ſhall be tranſported, or ſhipped to be tranſported.

CAP. XVII.

Certain Statutes continued: And where Hemp and Flax ſhall be watered.

A Continuance until the laſt day of the next Parliament of the Statutes of 22 H. 8. 12. touching poor perſons and vagabonds, and 22 H. 8. 7. againſt conveying of horſes out of the Realm, and 26 H. 8. 11. for the puniſhment of Welſhmen, and 21 H. 8. 12. for the making of Cables, &c. and 23 H. 8. 17. for the winding of wooll, and 24 H. 8. 9. for the killing of Wainlings, and 23 H. 8. 3. for the puniſhment of perjury, and 24 H. 8. 4. for the ſowing of Flax and Hemp, and 23 H. 8. 2. for the making of Gaols, and 32 H. 8. 30. concerning Jeofails and Atturneys. EXP.

Provided always, and be it enacted by the authority of this preſent Parliament, That it ſhall not be lawful to any perſon or perſons, at any time hereafter, to water any manner of Hemp or Flax in any River, running water, ſtream, brook, or other common pond, where beaſts be uſed to be watered, but only on the ground, or in pits for the ſame ordained, and to be ordained, made and provided, or elſe in other their own ſeveral ponds, upon pain every perſon and perſons offending or doing contrary to the tenor, meaning and purport of this Eſtatute, to loſe and forfeit for every time ſo doing, xx. s. the one half thereof to be to our Sovereign Lord the King, and the other half thereof to be to the party grieved, or to any other the Kings ſubjects that will ſue for the ſame forfeiture in any Court of record, leet, or lawday, by action of debt, bill, plaint, information, or otherwiſe, in which ſuit no protection, wager of law, eſſoin, or other delatory plea ſhall be admitted or allowed.

Hemp or flax ſhall not be watered in any running ſtream, but on the ground.

CAP. XVIII.

So much of the Stat. of 27 H. 8. 12. as doth concern the breadth of Kerſey repealed, and the reſidue confirmed. Rep. 5 Ed. 6. 6.

CAP. XIX.

Of what value woollen cloth, carried over the ſea, may be.

Where in the Parliament begun and holden at London the third day of November, in the one and twentieth year of the Reign of our moſt dread Sovereign Lord King

27 H.8.13.

Henry the eighth, and from thence adjourned to Weſtminſter, and there alſo holden and continued by divers prorogations unto the fourth day of February, in the ſeven and twentieth year of our ſaid Soveraign Lord the Kings Reign, and there then holden until the diſſolution thereof; it was by Act of Parliament ordained and eſtabliſhed, That every white woollen cloth ſold for four pound and under, and every coloured cloth ſold for three pound and under, might be carried and conveyed into the parts beyond the ſea, there to be ſold at the pleaſure of the buyers of the ſaid cloth and clothes unbarbed, unſhorn, and unrowed, any Act or Acts to the contrary made notwithſtanding.

And by the ſame Act it was further enacted, That if any perſon or perſons did ſend or convey, or cauſe to be ſent and conveyed into the parts beyond the ſea, any white woollen cloth above the value of iv. li. or any coloured cloth above the price of iii. li. unrowed, unbarbed, and unſhorn, in other form then is above mentioned, that then the perſon or perſons ſo offending, ſhall forfeit the value of the ſaid clothes ſo carried and conveyed into the parts beyond the ſea; the one moity of the ſame forfeiture to be to the uſe of our ſaid Soveraign Lord the King, and the other moity to any perſon which will or ſhall ſue by bill, writ, or otherwiſe, againſt any perſon for the ſame; and the defendant in any plea upon any ſuch ſuit or action be not admitted to wage his law, nor any protection or eſſoin for any ſuch defendant be allowed in the ſame, as by the ſame Act more plainly appeareth: upon the interpretation and expounding of certain words within the ſaid Act, diverſity of opinions hath riſen amongſt ſome perſons, that if any perſon or perſons ſend or convey, or cauſe to be ſent or conveyed towards the parts beyond the ſea, any white woollen cloth above the value of iv. li. or any coloured cloth above the value of iii. li. unrowed, unbarbed, or unſhorn, whether the ſame cloth ſo ſent, or the value thereof be forfeited, before the ſame cloth be carried and conveyed into the parts beyond the ſea. For a plain declaration of the premiſes, be it ordained and enacted by the authority of this preſent Parliament, That no perſon or perſons from henceforth ſhall carry, or ſhip, or cauſe to be ſhipped in any ſhip, boat, cray, or veſſel, any white woollen cloth above the value of iv. li. or any coloured cloth above the value of iii. li. unrowed, unbarbed, or unſhorn, to the intent to be conveyed into the parts beyond the ſea, upon pain of forfeiture of the ſame cloth or clothes, or the value thereof, the ſame forfeiture to be recovered in ſuch manner and form as is afore mentioned. 3 H. 7. 11. 27 H.8.3. 8 El. 6.

Of what value woollen cloth, white or coloured, carried over the ſea, or ſhipped to be carried, may be. St. 3 H.7.11. 27 H.8.13.

CAP. XX.

How Treaſon committed by a Lunatick ſhall be puniſhed, and in what manner he ſhall be tried.

IF any perſon ſhall commit high treaſon when he is of perfect memory, and after accuſation, examination, and confeſſion thereof before any of the Kings Council, ſhall fall into Lunacy; he ſhall be enquired of in any County where the King by his Commiſſion ſhall aſſign; and if he be there indicted, he ſhall be there arraigned without his perſonal preſence, and if he be found guilty, he ſhall ſuffer death, and forfeit, as if he had been of perfect memory. Alt. 1 & 2 P. & M. 10.

Attainder of treaſon by the common law, ſhall be of as good force as by Act of Parliament.

And be it further enacted by the authority of this preſent Parliament, That if any perſon or perſons ſhall be attainted of high treaſon by courſe of the common Laws or Statutes of this Realm, that in every ſuch caſe, every ſuch attainder by the common Law, ſhall be of as good ſtrength, value, force and effect, as if it had been done by authority of Parliament: And that the Kings Majeſty, his heirs and ſucceſſors, ſhall have as much benefit and advantage by ſuch attainder, as well of uſes, rights, entries, conditions, as poſſeſſions, reverſions, remainders, and all other things, as if it had been done and declared by authority of Parliament, and ſhall be deemed and adjudged in [a] actual and real poſſeſſion of the lands, tenements, hereditaments, uſes, goods, cattels, and all other things of the offendors ſo attainted, which his Highneſs ought lawfully to have, and which they ſo being attainted, ought or [b] might lawfully loſe and forfeit, if the attainder had been done by authority of Parliament, without any office or inquiſition to be found of the ſame, any law, ſtatute, or uſe of the Realm to the contrary thereof in any wiſe notwithſtanding.

[a] Co.l.3.f.2. l.7.f.11. Dyer f.344. Coke l.3.f.11. Cro Ca.417. 461.

[b] Coke pl.f.389. 422.

A ſaving of the right of others

Saving to all and every perſon and perſons, and bodies politick, and their heirs, aſſigns and ſucceſſors, and every of them, (other then ſuch perſon and perſons which hereafter ſhall be attainted of high Treaſon, and their heirs, aſſigns and ſucceſſors, and every of them, and all and every other perſon and perſons, claiming by them, or any of them, or to their uſes, or to the uſes of any of them, after the ſaid treaſons committed) all ſuch right, title, uſe, poſſeſſion, entry, reverſions, remainders, intereſts, conditions, fees, offices, rents, annuities, commons, leaſes, and all other commodities, profits and hereditaments, whatſoever they or any of them ſhould, might, or ought to have had, if this Act had never been had ne made.

CAP. XXI.

Queen Katherine and her complices attainted of high Treaſon.

33 H.8.28.

QUeen Katherine attainted of treaſon for her incontinent life, and I. R. T. C. and F. D. her complices, and all their lands and tenements, goods and cattels ſhall be forfeit to the King. It ſhall be lawful for any of the Kings ſubjects, if themſelves do perfectly know, or by vehement preſumption do perceive any will, act, or condition of lightneſs of body in her which ſhall be the Queen of this Realm, to diſcloſe the ſame to the King, or ſome of his Council. But they ſhall not openly blow it abroad, or whiſper it, until it be divulged by the King or his Council. If the King or any of his ſucceſſors, ſhall marry a woman which was before incontinent, if ſhe conceal the ſame, it ſhall be high treaſon. And ſo ſhall it be in any other knowing it, and not revealing to the King, or one of his Council, before the ſaid marriage, or within xx. days after. If the Queen, or wife of the Prince, ſhall by writing, meſſage, words, tokens, or otherwiſe, move any others to have carnal knowledge with them, or any others ſhall move either of them to that end, then in the offender it ſhall be adjudged high treaſon. Rep. 1 Ed. 6. 12. & 1 M. 1.

Dyer fo. Co.Inſt.4.p. 28.

Be it declared by authority of this preſent Parliament, That the Kings Royal aſſent by his Letters Patents under his great Seal, and ſigned with his hand, and declared and notified in his abſence to the Lords ſpiritual and temporal, and to the Commons aſſembled together in the high houſe, is, and ever was of as good ſtrength and force, as though the Kings perſon had been there perſonally preſent, and had aſſented openly and publickly to the ſame.

The Kings aſſent to Acts of Parliament by his Letters Patents.

And be it alſo enacted, That this Royal aſſent, and all other Royal aſſents hereafter to be ſo given by the Kings of this Realm, and notified as is aforeſaid, ſhall be taken and reputed good and effectual to all intents and purpoſes, without doubt or ambiguity, any cuſtom or uſe to the contrary notwithſtanding.

CAP. XXII.

Co.Inſt.4. p.188.

The authority of the Officers of the Court of Wards and Liveries. St. 32 H. 8.46. With ſeveral explanations and moderations. Rep. St. 1. 12 Car. 2. Cap.

CAP. XXIII.

Proceeding againſt confeſſors of Treaſon, &c. by Commiſſion of Oyer and Terminer, without remanding them to the Shire where the offence was committed.

Foraſmuch as divers and ſundry perſons upon great grounds of vehement ſuſpicions, as well of high Treaſon, petty Treaſon, and miſpriſions of Treaſon, as of murders, be many times ſent for from divers the Shires and places of this Realm, and other the Kings Dominions, to the Kings Majeſties great charges and expences, to be examined before the Kings Highneſs Council, upon their offences, to the intent that conviction or declaration of ſuch perſons ſhould ſpeedily enſue, as the merits of their caſes ſhould require. And albeit that after great travel taken in the examinations of ſuch perſons, it appear to the ſaid Council by confeſſion, witneſs, or vehement ſuſpect, that ſuch perſons be rather guilty of ſuch offences whereof they be ſo examined, then otherwiſe; yet nevertheleſs ſuch offenders ſo examined, by the courſe of the common Law of this Realm, muſt be indicted within the Shires or places where they committed their offences, and alſo tried by the inhabitants or free-holders of ſuch Shires and places, although by their confeſſions, or by ſufficient witneſs, their offences be certainly known to the Kings Council: by reaſon whereof, beſide the travel and pains of the Kings Majeſties Council in ſuch caſes, the Kings Highneſs is oftentimes put to great charges and expences, in remanding ſuch perſons to the Countreys where they offended, there to be indicted and tried of their offences. And ſometime the inhabitants and freeholders of the Shires or places where ſuch offences were done, be compelled to appear out of the Shires and place for ſuch cauſes, to their great charges, for the trial or declaration of ſuch offences: And ſometime by occaſion of the charges for remanding of ſuch offendors to be indicted and tried by the courſe of the common Law, ſuch offendors lie ſtill in priſon, and be forgotten, whereby many times, by help of their confederates, they eſcape unpuniſhed, to the great courage and evil example of evil doers. Be it therefore enacted by the King our Soveraign Lord, and by the aſſent of the Lords ſpiritual and temporal, and the commons of this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons being examined by the Kings Council, or three of them, upon any manner of Treaſons, miſpriſions of Treaſons, or Murders, do confeſs any ſuch offences, or that the ſaid Council, or three of them, upon ſuch examination, ſhall think any perſon ſo examined, to be vehemently ſuſpected of any Treaſon, miſpriſions of Treaſons, or Murder; that then in every ſuch caſe by the Kings commandment, his Majeſties Commiſſion of Oyer and Terminer, under his Highneſs great Seal, ſhall be made by the Chancellor of England to ſuch perſons, and into ſuch Shires or places as ſhall be named and appointed by the Kings Highneſs for the ſpeedy trial, conviction, or deliverance of ſuch offendors; which Commiſſioners ſhall have power and authority to enquire, hear and determine all ſuch Treaſons, miſpriſions of Treaſons, and murders, within the Shires and places limited by their Commiſſion, by ſuch good and lawful perſons as ſhall be returned before them by the Sheriff or his miniſter, or any other having power to return writs and proceſs for that purpoſe, in whatſoever other ſhire or place, within the Kings Dominions, or without, ſuch offences of treaſons, miſpriſions of treaſons, or murders ſo examined, were done or commited, and that in ſuch caſes, no challenge for the ſhire or hundred ſhall be allowed.

The inconveniences enſuing the remanding of ſome ſuſpect perſons into the Counties where they offended to be tried.

In ſome caſes there ſhall be trial of treaſon, &c. in any County where the King by Commiſſion will appoint. Alt. 1 & 2 P & M. 10. for treaſon.

Provided alſo, That upon the tryal of ſuch treaſons, miſpriſions of treaſons, and murders, the challenge to any Juror for lack of free-hold of the yearly value of fourty ſhillings, ſhall be allowed as hath been accuſtomed.

Challenge for want of freehold.

Provided That if any the Peers of the Realm ſhall happen to be indicted of any the offences aforeſaid, by vertue of any ſuch Commiſſion to be granted by authority of this Act, yet nevertheleſs they ſhall have their tryal by Peers, in like manner and form as heretofore hath been uſed, any thing in this Act contained, or any thing to be done by vertue thereof, in any wiſe notwithſtanding. And it is ordained and enacted by authority aforeſaid, That peremptory challenge ſhall not from henceforth be admitted or allowed in any caſes of high Treaſon, nor miſpriſion of high Treaſon. Dyer fo. 132, 286. Cok. l. 11. f. 63. Co. Inſt. 3. p. 27.

Trial by Peers.

No peremptory challenge in high treaſon, or miſpriſion of treaſon.

CAP. XXIV.

No man ſhall be Juſtice of Aſſiſe in his own Countrey, &c.

Where in the Parliament holden in the eighth year of King Richard the ſecond, it was enacted, ordained and eſtabliſhed, That no man learned in the Laws of this Realm, ſhould from thenceforth be Juſtice of Aſſiſe in the Countrey where he dwelleth: And that the chief Juſtice of the common place, ſhould be from thenceforth aſſigned among other Juſtices, the taking of the ſaid Aſſiſes; but as to the chief Juſtice of the Kings Bench;

8 R. 2. 2. 13 H. 4. 2.

Affection and favour ſuſpected in Juſtices of Aſſiſe toward their kinſmen and friends.

Bench, there ſhould be done and uſed, as hath been uſed for the moſt part by the ſpace of one hundred years next before, as by the ſaid Act more at large it doth and may appear. Since the making of which ſaid good Act and Law, divers Juſtices and men learned in the Laws of this Realm, have by their own means, induſtry and policy, and for their own commodity and eaſe, obtained, contrary to the form of the ſaid Act, to be Juſtices of Aſſiſes in the Countreys and Counties where they were born, or were inhabiting, whereby ſome jealouſie of their affection and favour toward their kinſmen, alliance and friends within the ſaid Countreys or Counties where they were ſo born or inhabiting, hath been conceived and had againſt them by the Kings moſt loving ſubjects of the ſame Countreys and Counties.

No man ſhall be Juſtice of Aſſiſe in the County where he was born, or doth dwell.

For reformation whereof, the Kings moſt loving ſubjects, and the Commons in this preſent Parliament aſſembled, moſt humbly beſeech and deſire the Kings Majeſty, that it be enacted by the Kings Majeſty, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no Juſtice, nor other man learned in the Laws of this Realm, ſhall at any time from or after the Feaſt of Eaſter next coming, uſe nor exerciſe the office of Juſtice of Aſſiſe within any County where the ſaid Juſtice was born, or doth inhabit, upon pain to forfeit for every offence done contrary to the form of this preſent Act, one hundred pounds; the moyety whereof to be to our Soveraign Lord the King, and the other moyety thereof to the party that will ſue for the ſame in any of the Kings Courts, by bill, plaint, information, action of debt, or otherwiſe, in the which ſuit, no protection, eſſoin, nor wager of Law ſhall be admitted nor allowed.

This Statute doth not extend to the Clerk of Aſſiſes.

Provided alway, and be it further enacted by the authority aforeſaid, That this Act, or any thing herein contained, ſhall not extend, be conſtrued or interpretate to touch or concern any perſon or perſons that now are, or hereafter ſhall be Clerk or Clerks of Aſſiſes and ſhall be aſſociate to any Juſtice of Aſſiſe, of or in any County, City or Town, within this Realm of England, wherein any perſon or perſons, Clerk or Clerks ſo aſſociate, do dwell, or were born, but that all and every Clerk and Clerks of Aſſiſes, which now do exerciſe or occupy, or hereafter ſhall exerciſe or occupy any office of Clerkſhip of Aſſiſes, ſhall and may exerciſe and occupy the ſame in any County, City or Town, wherein the ſame Clerk or Clerks of Aſſiſes do dwell or were born: Any thing in this Act contained to the contrary notwithſtanding.

Officers of Cities or corporate Towns.

Provided alſo, That theſe terms, Juſtices of Aſſiſes, or other perſons learned in the lawes of the Realm, ſhall not extend, or in any wiſe be interpretate to any Mayors, Sheriffs, Recorders, Stewards, Bailiffs, Sewters, or other officers, being born or dwelling within any City, Borough, or Town within this Realm of England, but that they may be Juſtices of Aſſiſes of freſh force, or of other Aſſiſes in the ſame City, Borough or Town, where he or they do or ſhall dwell, or were born, as they or any of them before this time have or might have been to all intents and purpoſes: any thing in this Act contained to th contrary notwithſtanding.

Juſtices of both Benches.

Provided alwayes, That this Act nor any thing therein contained, ſhall be prejudicial to any Juſtice or Juſtices of one Bench or the other, for taking, hearing or determining Aſſiſes in the ſaid Courts, in the one Bench or the other, nor to any Juſtice that ſhall take any Aſſiſe, by or upon adjournment for difficulty of the ſame.

No Clerk of aſſiſe ſhall be of counſel with any perſon in that circuit.

Provided alway, and be it enacted, That any Clerk of Aſſiſe, during the onely time of the Seſſion of or for any Aſſiſe or Aſſiſes, or of or for any Niſi Prius, ſhall not be of counſel with any perſon or perſons within any circuit whereof he ſhall be Clerk of Aſſiſe, otherwiſe then to that office onely appertaineth, upon pain to forfeit for every time offending, contrary to this Statute, ten pound: the one moyety thereof to be to the King our Soveraign Lord, and the other moyety to the party grieved to be ſued in any of the Kings Courts of Record, by action of debt, bill, plaint, information or otherwiſe, in which ſuit, no eſſoin, protection, wager of law, or other delatory plea ſhall be admitted or allowed.

The Juſtices, Juſtice Clerks, and Clerk of Aſſiſe in the County of Lancaſter.

Provided alſo, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, extend not unto the Juſtices, Juſtice Clerks, or Clerk of Aſſiſes, within our Soveraign Lord the Kings Dutchy and County Palatine of Lancaſter, nor to any of them that now be, or hereafter ſhall be, but that the ſame Juſtices, Juſtice Clerks, and Clerk, and every of them ſhall and may execute their offices, and every of them, in ſuch manner and form as they, or any of them have uſed to do before the making of this preſent Act, this Act, or any thing therein contained to the contrary thereof notwithſtanding.

CAP. XXV.

The children of Thomas Points, William Caſtelin, and John Dimmocke, born beyond the Sea, ſhall be reputed the Kings natural Subjects, and enabled to enjoy land by diſcent or purchaſe, to ſue and to be ſued. PR.

CAP. XXVI.

A repeal of certain fraudulent Deeds, Eſtates, Wills, and Conveyances made by Sir John Shelton, of lands in Norfolk and Suffolk, to defeat the King and others of Wardſhip, Primer Seiſon, Relief, &c. And he adjudged to die ſeiſed of ſuch eſtate in thoſe lands, as he was before the ſaid Conveyances made. PR.

CAP. XXVII.

Leaſes of Hoſpitals, &c. good with conſent of the more part.

In corporations the conſent of the greater number is as effectual as if it were done by the whole company.

Albeit that by the common laws of this Realm of England, all aſſents, elections, grants, and leaſes had, made and granted by the Dean, Warden, Provoſt, Maſter, Preſident, or other Governour of any Cathedral Church, Hoſpital, Colledge, or other Corporation, by whatſoever name they be incorporate or founded, with the aſſent and conſent of

2 Dyer f.247.

the more or greater part of their Chapiter, fellows or brethren of ſuch Corporation, having voices of aſſent thereunto, be as good and effectual in the law to the grantees, and leſſees of the ſame, as if the reſidue or the whole number of ſuch Chapiter, fellows and brethren of ſuch Corporation, having voices of aſſent, had thereunto conſented and agreed: yet the ſaid common laws, notwithſtanding divers founders of ſuch Deanries, Hoſpitals, Colledges and Corporations within this ſaid Realm, have upon the foundation and eſtabliſhment of the ſame Deanries, Hoſpitals, Colledges, and other Corporations, eſtabliſhed and made amongſt other their peculiar Acts, local Statutes, and Ordinances, that if any one of ſuch Corporation, having power or authority to aſſent or diſſent, ſhould and would deny any ſuch grant or grants, that then no ſuch leaſe, election, or grant ſhould be had, granted or leaſed, and for the performance of the ſame, every perſon having power of aſſent to the ſame, have been and be daily thereunto ſworn, and ſo the reſidue may not proceed to the perfection of ſuch elections, grants, and leaſes, according to the courſe of the common laws of this Realm, unleſs they ſhould incur the danger of perjury. For the avoiding whereof, and for the due execution of the common law univerſally within this Realm, and every place in one conformity of reaſon to be uſed: Be it ordained, eſtabliſhed and enacted by the authority of this preſent Parliament, That all and every peculiar act, order, rule and eſtatute heretofore made, or hereafter to be made by any founder or founders of any Hoſpital, Colledge, Deanry, or other Corporation, at or upon the foundation of any ſuch Hoſpital, Colledge, Deanry, or Corporation, whereby the grant, leaſe, gift or election of the Governour or Ruler of ſuch Hoſpital, Colledge, Deanry, or other Corporation, with the aſſent of the more part of ſuch of the ſame Hoſpital, Colledge, Deanry, or Corporation, as have or ſhall have voice or aſſent to the ſame, at the time of ſuch grant, leaſe, gift or election hereafter to be made, ſhould be in any wiſe hindered or let by any one or moe, being the leſſer number of ſuch Corporation, contrary to the form, order and courſe of the common law of this Realm of England, ſhall be from henceforth clearly fruſtrate, void, and of none effect. And that all Oaths heretofore taken by any perſon or perſons, of ſuch Hoſpital, Colledge, Deanry, and other Corporation, ſhall be, for and concerning the obſervance of any ſuch order, eſtatute, or rule, deemed void, and of none effect. And that from henceforth, no manner perſon or perſons of any ſuch Hoſpital, Colledge, Deanry, or other Corporation, ſhall be in any wiſe compelled to take an oath for the obſerving of any ſuch order, eſtatute, or rule, upon the pain of every perſon giving ſuch Oath, to forfeit for every time ſo offending, five pound. The one moyety thereof to be to the uſe of our Soveraign Lord the King, and the other moyety thereof to any of the Kings ſubjects, which will ſue for the ſame, in any of the Kings Courts of Record, by action of debt, bill, plaint, information, or otherwiſe, wherein the defendant ſhall not be admitted to wage his law, nor any protection nor eſſoin, or any other delatory plea admitted or allowed.

In corporations none ſhall have a negative voice.

An oath ſhall not be obſerved which is taken contrary to this ſtatute.

CAP. XXVIII.

The Chancellor of Lancaſter, and other Noble men may retain Chaplains.

21 H. 8. 13.

Where in the Parliament holden at Weſtminſter, in the one and twentieth year of your moſt gracious Reign, it was amongſt other things ordained and provided, That certain honourable perſons, and other of your Highneſs Councellors and Officers, as well ſpiritual as temporal, ſhould and might have Chaplains beneficed with cure, to ſerve and attend upon them in their houſes, which Chaplains ſhall not incur the danger of any penalty or forfeiture made or declared in the ſame Parliament, for non-reſidence upon their ſaid benefices, or for obtaining licences or diſpenſations of pluralities, in which Act is no proviſion made for any the head Officers of your Graces ſeveral Courts of your Dutchy of Lancaſter, the Courts of augmentations of the Revenues of your Highneſs Crown, the firſt-fruits and tenths, the Maſter of your Majeſties Wards and Liveries, the general ſurveyors of your Graces lands, and other your Graces Courts.

In conſideration whereof, it may pleaſe your Majeſty, That it may be enacted by your Highneſs, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Chancellor of the ſaid Court of the Dutchy of Lancaſter, the Chancellor of your Highneſs Court of Augmentations, the Chancellor of your Graces Court of Firſt-fruits and Tenths, the Maſter of your Highneſs Wards and Liveries, and every of your Graces general Surveyors of your Highneſs lands, the Treaſurer of your Graces Chamber, the Treaſurer of your Highneſs Court of Augmentations, and the Groom of your Graces Stool, and every of them for the time being, ſhall and may retain ſingularly to every of them in his houſe, or attendant unto his perſon, one Chaplain having one Benefice with cure of ſouls, which may be abſent from the ſaid Benefice, and non-reſident upon the ſame, the ſaid eſtatute made in the ſaid one and twentieth year of your moſt gracious Reign, or any other eſtatute, act, or ordinance made to the contrary in any wiſe notwithſtanding.

Certain perſons which may retain one Chaplain having a benefice with cure of ſouls, that may be abſent from his benefice.

Provided alway, and be it enacted by authority aforeſaid, That every of the ſaid Chaplains ſo being beneficed as is aforeſaid, and dwelling with any the Officers aforenamed, ſhall perſonally repair two times in every year at the leaſt, to his ſaid benefice and cure, and there to tarry and abide by the ſpace of eight days, at every ſuch time at the leaſt, to viſit and inſtruct his ſaid cure, upon the pain to forfeit for every time ſo failing, fourty ſhillings, the one moyety thereof to the King our Soveraign Lord, the other to ſuch as will ſue for the ſame by action of debt, bill, plaint, or information in any of the Kings Courts of record, in which ſuit no eſſoin, protection or wager of law ſhall be allowed.

Theſe Chaplains muſt ſometimes reſort to their cure.

CAP. XXIX.

Religious perſons enabled to ſue and be ſued.

A rehearſal of the Statute of 31 H.8.6. enabling religious perſons to purchaſe, to ſue, to be ſued, and inherit.

WHere in the Parliament holden at Weſtminſter, the eight and twentieth day of April, in the one and thirtieth year of the Reign of our Soveraign Lord, Henry the eighth by the Grace of God King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in the earth the ſupream Head: It was and is ordained and enacted by the authority of the ſaid Parliament, That all and ſingular ſuch religious perſons, as well men as women profeſſed, of what order, rule or habit ſoever they were, which then were, or after that time ſhould be put at their liberties, from the danger, ſervitude, and condition of their Religion and profeſſion, whereunto they were profeſſed, by reaſon of ſuppreſſion, diſſolution, forfeiture by attainder, rendring, or otherwiſe giving to the hands of the Kings Majeſty, their houſes, Monaſteries and profeſſions; ſhould by authority of the ſaid Parliament, from and after the firſt day of the ſame Parliament, and from and after the time that they were or ſhould be put at ſuch liberty, have free liberty to purchaſe to them, and to their heirs in fee-ſimple, fee-tail, for term of life, for years, or at will, Manors, Lands, Tenements, Rents, Annuities, and other Hereditaments and things whatſoever they were, in like manner and form, as though they or any of them had never been profeſſed, nor entred into any ſuch Religion: and that the ſame religious perſons, and every of them, by authority of the ſaid Act of Paliament, ſhould be able to ſue, and to be ſued in all manner of actions, plaints and ſuits, whatſoever they were, of and for any matter or cauſe grown ſithence, and after the time of their ſeveral deraignments or departing out of their Religion, in all Courts, places and juriſdictions within this Realm of England, as other the Kings ſubjects were, and that they and every of them ſhould and might from that time uſe and exerciſe, receive, take, have and enjoy, all and every lawful thing and things from thenceforth to be grown, fallen or happened unto them or any of them, after the ſaid deraignment, or departing out of their Religion, in as large and ample manner, form and condition, as if they had never been profeſſed, nor entred into Religion, this ſame profeſſion or religion, or any law, cuſtom or uſe, within the ſaid Realm of England to the contrary thereof in any wiſe notwithſtanding, as by the ſaid Act among other articles, clauſes and proviſions more plainly appeareth.

Religious perſons which were removed from one corporation to another, enabled to inherit, purchaſe, ſue and be ſued.

And foraſmuch as divers ambiguities and doubts daily do ariſe, whether the ſaid Act extend unto ſuch late religious perſons, as were in divers late religious houſes and Monaſteries, which by the Kings Highneſs were immediately tranſported and tranſlated from their religion and old corporation, into a new corporation, and never came and remained in his gracious hands, neither by ſuppreſſion, diſſolution, forfeiture by attainder, ne ſuch like, according to the words of the ſaid former Act. In avoiding of which ſaid ambiguities and doubts: Be it now ordained and enacted by the King our Soveraign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Act of Parliament above remembred, made in the ſaid one and thirtieth year, ſhall extend as well to all ſuch perſons which be living, that were religious perſons in any of the ſaid houſes, which were ſo tranſlated and [a] tranſported from one corporation into another, which at any time was profeſſed, or were religious perſons, in any of the ſaid houſes within this Realm of England, and that they and every of them from the time of their ſaid ſeveral deraignment and diſcharge of their ſaid profeſſions and religions, ſhall be in like quality, eſtate, condition and degree, and alſo ſhall take, have and enjoy like benefit, commodity, profit and advantage, and with like proviſo onely, and not otherwiſe, to every intent & in every thing, as any other religious perſon or perſons may and ſhall have, take and enjoy by vertue of the ſaid former Act above remembred, the ſame profeſſion, or religion, or any cuſtom or uſe to the contrary thereof in any wiſe notwithſtanding.

a Coke l. 3. 74.

CAP. XXX.

All Leaſes, Grants, and other writings to be made by the Biſhop of Coventry and Lichfield for the time being, in writing under his Seal, of any his lands, offices, fees, &c. and confirmed by the Dean and Chapiter of Lichfield in writing, under their Chapiter Seal, ſhall be good in law, to bind in ſucceſſion the ſucceſſors of the ſaid Biſhop. And the Dean and Chapiter of Lichfield ſhall be for ever the entire and ſole Chapiter of the ſaid Biſhoprick of Coventry and Lichfield, where of the Prior and Covent of the diſſolved Priory of Coventry were heretofore the moyety or half part. P R.

CAP. XXXI.

The Biſhoprick and Dioceſs of Cheſter, and the Biſhoprick and Dioceſs of Man, in the Iſle of Man, and the Archdeaconry of Richmond. And the Biſhop of Cheſters houſe at Weſton, ſhall be annexed to the Biſhoprick of Cheſter: and all the people in the ſame Dioceſs ſhall be united to the province and Archbiſhoprick of York, and ſhall be diſſevered from the Archbiſhporick of Canterbury. P R.

CAP. XXXII.

The Chruch of Whitegate in the County of Cheſter, ſhall be a Pariſh Church of it ſelf, and no part of the Pariſh of Over. There ſhall be a Vicar there to be named by the King, &c. which ſhall have perpetual ſucceſſion, and be called Vicar of the Pariſh Church of our bleſſed Lady the Virgin of Whitegate, and by that name ſhall ſue and be ſued. P R.

CAP. XXXIII.

A repeal of the Statute of 27 H. 8. 3. concerning exactions taken by the Mayor of Kingſton upon Hull. But it ſhall be lawful for the Mayor there, and his Officers, to take of all Fiſhermen for every

Laſt of Herring of every perſon priviledged, xx. d. and for every hundred of ſalt-fiſh, iv. d. and for every Laſt of Sprots, viii. d. And of every perſon not priviledged, for every Laſt of Herrings, ii. s. iv. d. and for every hundred of ſalt-fiſh, iv. d. and for every Laſt of Sprots, viii. d. as they did before the ſaid Statute. PR. Stat. 5 El. 5.

CAP. XXXIV.

A revocation of two Fairs or Marts, which the King by his Letters Patents dated Septimo die Martii Anno 29. of his Reign, granted unto the Mayor and Burgeſſes of Kings-Lin in the County of Norfolk. EXP.

CAP. XXXV.

The Mayor of the City of Glouceſter, aud the Dean of the Cathedral Church there, may convey water in pipes of Lead, gutters and trenches from Marſtones hill, and from time to time to repair them, ſatiſfying the owners of the ground there for the digging thereof. PR.

CAP. XXXVI.

Proviſion for repair of deſolate and void grounds which had been builded in Canterbury, Buckingham, &c.

Foraſmuch as in times paſt, divers and many beautifull houſes of habitation have been within the walls and liberties of the City of Canterbury, the City of Rocheſter, the Boroughs and Towns of Stamford and great Grimesby, in the County of Lincoln, the Town of Cambridg in the County of Cambridge, the Borough or Town of Derby in the County of Derby, the Borough or Town of Gilford in the County of Surrey, the Town of Donwich in the County of Suffolk, the Boroughs or Towns of the Cinque Ports, with their members, the Town of Lewes in the County of Suſſex, and the Town of Buckingham in the County of Buckingham, which now are fallen down, decayed, and at this time remain unreedified, lying as deſolate and void grounds, and many of them adjoyning nigh unto the high ſtreets repleniſhed with much ordure, filth and uncleanneſs, with pits, cellers, and vaults lying open and uncovered, to the great peril and danger of all the inhabitants, and other the Kings ſubjects paſſing by the ſame: and ſome houſes be very weak and feeble, ready to fall down, and be very dangerous to paſs by, to the great decay and hinderance of the ſaid Cities, Boroughs, Towns and Cinque Ports. It may therefore be enacted by the King our Soveraign Lord, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, or bodies politick, being owners and poſſeſſioners of any ſuch deſolate or void grounds, that at any time within five and fourty years next before the making of this Act, have been builded for houſes of habitation, or for any houſe or houſes of habitation, now or hereafter being in decay and not fully fallen down, within the liberties and precincts of any of the ſaid Boroughs, Towns and places, do not ſufficiently reedifie, build and repair, or cauſe to be reedified, builded and repaired, the ſaid deſolate void grounds and decayed houſes, convenient for habitation and dwelling, within two years next after proclamation to be made in or upon the ſame void ground or grounds, decayed houſe or houſes, by the Mayors, Aldermen & Burgeſſes, or other head Officers within y precinct of their own authorities, That then it ſhall be lawful for the chief Lord or Lords immediate, of whom ſuch deſolate and void grounds, decayed and ruinous houſes be holden, after the ſaid two years be expired, to enter into the ſame, and to have the ſame grounds or houſes, with the curtilage, backſide, and garden adjoyning to the ſame, if they be of the inheritance of the owner or owners of the ſaid decayed houſe or ground, and exceed not one acre of ground, to them and to their heirs or ſucceſſors, or to their own proper uſe for ever: So that the ſaid Lord or Lords immediate, entring by the authority of this Act, do ſufficiently reedifie, build or repair the ſame void ground or decayed houſes, within two years and a half next and immediately following ths determination of the forſaid firſt two years.

If the owner of a decayed houſe do not reedifie it within two years after proclamation, the Lord of the fee may enter and retain it to him and his heirs.

And in caſe ſuch Lord or Lords as may enter by this Act, do not enter and well and ſufficiently reedifie, build or repair the ſame void grounds or decayed houſes, within the ſaid two years and an half to them limited by this Act: or if ſuch Lord or Lords immediate, as may enter by this Act, do ſufficiently reedifie, build and repair the ſame void grounds or decayed houſes, within the ſaid two years and an half to them limited, and after they, their heirs or ſucceſſors ſuffer the ſame houſes or void grounds to fall in ruine and decay, and do not build or reedifie the ſame ſufficiently within two years and an half of ſuch ruine or decay, that then it ſhall be lawful to all perſon or perſons, or bodies politick, as then ſhall have any rent-charge joyntly or ſeverally going out of the ſaid ground or grounds, or decayed houſe or houſes, in any of the ſaid Cities, Boroughs, Towns or places, immediately after the ſaid two years and an half expired, to enter into the ſame, and to have to ſuch of them, their heirs and ſucceſſors, to their own proper uſe, as ſhall ſo build the ſaid void grounds or decayed houſes, by authority of this Act, the ſame void grounds or houſes, with the curtilage, back-ſide, and garden adjoyning to the ſame, if they be of the inheritance of the owner or owners of the ſaid decayed houſe or ground, and exceed not in quantity one acre of ground, diſcharged of all rents going out of the ſame grounds or houſes, as well againſt the ſaid Lord and Lords immediate, as all other perſon or perſons, or bodies politick, having any rent, or rents charges, or rents ſeck out of the ſame, other than the fee-ferm of the ſaid City, Borough, Town or place, or ſome parcel thereof: So that the ſaid perſon or perſons, or bodies politick, having the ſaid rent-charge, entring by the authority of this Act, do ſufficiently reedifie, build and repair the ſame deſolate or void ground and grounds, or decayed houſe or houſes, within one year and three quarters next and immediately following the determination of the ſaid two years and an half, to the ſaid Lord or Lords immediate appointed by this Act.

The entry of him or them which have a rent-charge in default of the chief Lord.

And in caſe ſuch perſon or perſons, or bodies politick, having any of the ſaid rents charges,

as

The entry of the chief Officers of the ſame Corporate Towns in default of them which have the rent-charge.

as may enter by this Act, do not enter, and well and ſufficiently reedifie, build or repair the ſame void grounds, or decayed houſes, within one year and three quarters to them appointed by vertue of this Act: Or if they or any of them having ſuch rent-charge, and that may enter by this Act, do ſufficiently build and repair the ſame void ground or grouds, or decayed houſe or houſes, within the ſaid one year and three quarters to them limited, and after, they, their heirs or ſucceſſors, ſuffer the ſame void ground or grounds, houſe or houſes to fall in ruine and decay, and do not build or reedifie the ſame ſufficiently within one year and three quarters after ſuch ruine or decay: That then it ſhall be lawful to the Mayors, Aldermen and Burgeſſes, and other the head Officers of the ſaid Cities, Boroughs, Towns and places, by what name or names ſoever they be incoporated, and their ſucceſſors, and every of them, within the limits of their authorities, immediately after the ſaid year aud three quarters expired, into every ſuch deſolate and void grounds decayed, or ruinous houſes, to enter, and to have, hold and enjoy, to them and their ſucceſſors for ever, to their own uſes, the ſame grounds or houſes, and every of them, with the curtilages, gardens and backſides to the ſame, if they be of the inheritance of the owner or owners of the ſaid decayed houſe or ground, and exceed not in quantity one acre of ground, clearly diſcharged of all rents going out of the ſame grounds or houſes, as well againſt the ſaid Lord or Lords immediate, as all other perſon or perſons, or bodies politick, having ſuch rent-charge, or rent-ſeck, as before is ſaid, other then the fee-ferm of the ſaid City, Borough, Town or place, or parcel thereof, ſo that the ſame Mayors, Aldermen and Burgeſſes, or other head Officer as is aforeſaid, or their ſucceſſors for the time being, do reedifie, build or repair, or cauſe to be reedified, builded or repaired, the ſame ground or grounds, houſe or houſes, within three years next and immediately following the determination of the ſaid year and three quarters, limited or appointed to ſuch perſon or perſons, or bodies politick, that have, or ſhall have any rent as is aforeſaid.

The entry of the firſt owners in default of the chief Officers.

And in caſe the ſaid Mayors, Aldermen and Burgeſſes, or other head Officers, as is aforeſaid, or their ſucceſſors, do not enter and reedifie, build and repair the ſame void ground or grounds, decayed houſe or houſes, in form aforeſaid, within the ſaid term of three years after their ſaid entry: or if they ſufficiently reedifie, build and repair the ſame void ground or grounds, or decayed houſe or houſes, within the ſaid three years to them limited by this Act, and after they or their ſucceſſors ſuffer the ſame houſe or houſes, void ground or grounds to fall in ruine and decay, and do not build nor reedifie the ſame ſufficiently within three years after ſuch ruine and decay, that then it ſhall be lawful to the firſt owner or owners, poſſeſſor or poſſeſſors of ſuch void ground or grounds, decayed houſe or houſes, their heirs or ſucceſſors, immediately after the ſaid three years to the ſaid Mayors, Aldermen and Burgeſſes, and other head Officers, as is afore limited, expired, into the ſame houſes, ground or grounds, curtilages, gardens and back-ſides, to enter, and the ſame to retain to them, their heirs and ſucceſſors, as in their firſt eſtate; any thing contained in this preſent Act to the contrary notwithſtanding.

The right of infants feme covert, perſons out of the Realm, in priſon, and lunaticks reſerved.

Provided alway, that this Act, or any thing therein contained, be not in any wiſe hurtful or prejudicial to any perſon or perſons, being at the time of the ſaid Proclamation made, under the age of one and twenty years, or being feme covert, or in priſon, or beyond the ſea in the Kings wars, or in his other lawful affairs, or to any other perſon or perſons not being then of whole and perfect memory, during the time that ſuch perſon or perſons ſhall be within age, married, in priſon, or of no perfect memory, or beyond the ſea, ſo that the ſame perſon or perſons, their heirs or ſucceſſors, after that he or they come to their full age of one and twenty years, or be unmarried, out of priſon, or come again within this Realm, or be of whole and perfect memory, within three years next enſuing, do reedifie the ſame deſolate or void grounds, or repair the ſaid decayed houſes.

CAP. XXXVII.

The Honor of Ampthill.

All Manors, Parks, Meſſuages, Lands, Tenements, ſcites of Monaſteries, and other Hereditaments of the Kings, lying in the Towns and Pariſhes of Ampthil, Milbroon, Fleetwick, Maulden, Stipingley, Weſtoning, Houghton, Congeſt, Wiſhamſted, Littelington, Husbondcrauley, Rigemond, cum Sagono, Aſpley, Geys, Cliphill, Caynoo, Shefford, Cranffeild, Polloxhill, Harlington, Todington, Barton, Shitlington, Chalgrave, Mariſton, Wooburne, Everſhall, Milton, Brain, Warden, Elſtow, Caudewell, Doniſtable, Salford, Holcoote, Bedford, Wotton, Kempſton, and the Manor of Colmeworth, in the County of Bedford, or elſe in the Hamlets, Towns or Pariſhes of Newport Pannel, Tikforth, Molſo, great Lidforth, little Lidforth, Stewkley, little Brickhill, Bow Brickhill, Wavingdon, North Crauley, and Swanburne in the County of Buckingham, ſhall be perpetually annexed to the Manor of Ampthill, and be taken as parcel of the ſame Manor. And the ſame Manor, with the other Manors, Lands, &c. ſhall be called the honours of Ampthill, which honour ſhall be within the order and ſurvey of the Court of Augmentations. PR.

CAP. XXXVIII.

The Honor of Grafton.

The Kings Hundreds of Wimberſley and Alfords How, and his Forreſts of Whittlewood and Sawcey, and his Chaſes of Yardley and Whaddon, and all his Manors, Parks, ſcites of Monaſteries, Lands, Tenements and Hereditaments, lying within the Towns, Hamlets and Pariſhes of Grafton, Hartwell, Aſhton, Rood, Cortnall, Alderton, Stoke, Brewern, Shittill-anger, Shoreſley, Bliſeworth, Milton, Malleſworth, Tiffeild, Palliſpery, Toſſetour, Eiſton, Hulcot, Abthorp, Foſcot, Greinſnorton, Blackeſley, Wooden, Colchigham, Grimſcot, Graiton, Parſel, Eſcot, Aſcot, Daleſcot, Bugbroke, Ruddiſthrip, Collingthrigh, Hardingſton, Wotton, Quinton, Slopton, Denſanger, Yardley, Potterſpery, Furthoo, Coſgrove, Caſtle-Aſhby, Wiken, and Delaprey in the County of Northampton; and in the Hamlets, Towns and Pariſhes, of Luffeild, Hanſap, Caſtle-Thorp, Harſham, Shenly, little Harwood, Snelſoo, and little Lidforth in the County of Buckingham, and elſewhere within the Realm of England, belonging or appertaining to any Manors or Hundred, lying or being in any of the Towns or Pariſhes above mentioned, ſhall be annexed to the Manor of Graſton. And the ſame Manors, and other the premiſes ſhall be called perpetually the Honour of Graſton. And ſhall be in the order and ſurvey of the Court of Augmentations: Saving ſo much thereof as is within the Dutchy of Lancaſter, or County Palatine of Lancaſter. PR.

CAP. XXXIX.

The erection of the Court of Surveyors of the Kings Lands, the names of the Officers there, and their authority.

Co.Inſt.4.p.112.

THe Court of the General Surveyors of the Kings Lands, ſhall be a Court of Record, and ſhall have a Privy-Seal, of which Court ſhall be Officers, the Kings General Surveyors, a Treaſurer, viz. the Treaſurer of the Kings Chamber for the time being, an Atturney, the Maſter of the Woods, Auditors, Receivers, a Clerk of the Court, an Uſher, a Meſſenger; their ſeveral oaths, duties, and authorities. All lands only mentioned in a ſchedule ſigned or to be ſigned with the Kings Sign manual, ſhall be in order and governance of the ſaid Court. AL. 1 M. 10.

Co.Inſt.4.18

And where divers and ſundry obligations and ſpecialties heretofore have been made to divers perſons, part of them to the uſe of King Henry the ſeventh, father of our now moſt gracious Soveraign Lord, and part of them to the uſe and behoof of our ſaid Soveraign Lord: Be it enacted by the King our Soveraign Lord, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all obligations and ſpecialties, which after the firſt day of May next coming, ſhall be made for any cauſe or cauſes, touching or in any wiſe concerning the Kings moſt Royal Majeſty or his heirs, or to his heirs or their uſe, commodity or behoof, ſhall be made to his Highneſs, and to his heirs, Kings, in his or their name or names, by theſe words Domino regi, and to none other perſon or perſons to his uſe, and to be payed to his Highneſs by theſe words, Solvend. eidem Domino regi, hæred. vel executoribus ſuis, with other other words uſed and accuſtomed in common obligations. And that all ſuch obligations and ſpecialties ſo to be made, ſhall be good and effectual in the Law, to all purpoſes and intents, and ſhall be in the ſame nature, kind, quality, force and effect, to all intents and purpoſes, as the writings obligatory taken and knowledged according to the Statute of the Staple at Weſtminſter, hath at any time before the making of this preſent Act, been taken, uſed, exerciſed and executed againſt any lay perſon or perſons, any law, uſage or cuſtom to the contrary thereof notwithſtanding.

Obligations made to the King ſhall be in the nature of a Statute Staple, and ſhall be made Domino Regi. St. 14 Car.2. ca.16.

And that all ſuch obligations and ſpecialties, the debt whereof being not payed nor contented in the life of the King, ſhall come, remain and be to the heirs or executors of the King, at the free liberty, diſpoſition, aſſignment and appointment of the ſame King to whom ſuch obligations or ſpecialties ſhall be made as is aforeſaid. And if any perſon or perſons in his or their own proper perſon or perſons, after the ſaid firſt day of May, make or take any obligation or obligations to the uſe of the Kings Majeſty, or of his heirs, Kings, otherwiſe then is before expreſſed, that then ſuch perſon or perſons only, that ſhall ſo offend contrary to this preſent Act, for his or their ſo doing, ſhall have and ſuffer ſuch impriſonment as ſhall be aſſeſſed and adjudged by the King or his honourable Council, daily attendant upon his Highneſs moſt Royal perſon.

Who ſhall have the Kings ſpecialties after his death.

And that all ſuits to be made after the firſt day of April next coming, for the recovery of, or for any the Kings debts, in any the Kings Courts mentioned in this Act, of, or upon any obligation or ſpecialty dated or delivered before the making of this preſent Act, or which ſhall be dated and delivered to the King, or to his uſe, afore the ſecond day of May next coming, ſhall be taken, ſued and purſued in the name of the King, and in the name of none other perſon or perſons, to whatſoever perſon or perſons the ſaid obligations or ſpecialties, or any of them, be, have been, or ſhall be made to the Kings uſe.

All ſuits for the Kings debt to be in his own name.

And that all ſuits, proceſs, judgments, decrees and executions hereafter to be taken, purſued or given for the King in any the Kings Courts mentioned in this Act, of or upon any of the ſame obligations laſt aforementioned, ſhall be of the ſame or like ſtrength, force, effect and intent in the Law to all purpoſes, only againſt all and all manner ſuch perſon and perſons as been bounden in ſuch obligations or ſpecialties, as well ſpiritual as temporal, as againſt their heirs, ſucceſſors, executors and adminiſtrators, and every of them, and againſt none other, as writings obligatories taken and acknowledged according to the Statute of the Staple at Weſtminſter at any time before the making of this preſent Act, have been uſed to be taken, exerciſed and executed againſt any lay perſon or perſons.

Proceſs, judgment, execution for the King to be in the nature of the Statute Staple.

And that the King in all ſuits hereafter to be taken in or upon any obligation or ſpecialties, made or hereafter to be made to the King, or any to his uſe, ſhall have and recover his juſt debts, coſts and damages, as other common perſons uſe to do in ſuits and purſuits for their debts. And that all ſuch ſuits as now be depending in the name of any common perſon to his Graces uſe, whereof no verdict is, or before the Feaſt of Eaſter next coming, ſhall be given, ſhall be given or paſſed, or no Exigent awarded, ſhall abate, be void, and of none effect. And nevertheleſs the King by the authority aforeſaid, ſhall have his ſuit and remedy for the ſaid debt ſo being in action and proceſs, in form as is aforeſaid, in any of the Courts in this Act mentioned, any thing in this Act to the contrary thereof notwithſtanding.

The King in all ſuits for debt ſhall recover his coſts and damages.

And it is further enacted by the authority abovesaid, that all and every ſuit and ſuits, which hereafter ſhall be had, made or taken, of, for, or upon any debt or duties, which heretofore hath grown or been due, or that hereafter ſhall grow or be due to the King, in the ſeveral offices and courts of his Exchequer, Dutchy of Lancaſter, augmentations of the revenues of his Crown, Surveyors-general of his manors, lands and tenements, Maſter of ẏ Wards and Liveries, & Court of ẏ Firſt-fruits & tenths, or in any of them, or by reaſon or authority of any of them, ſhall be ſeverally ſued in ſuch one of ẏ ſaid Courts & Offices, in ẏ which Court

Suits for the Kings debts ſhall be in the Courts where they ſhall be due.

and

Proceſs that ſhall be awarded in the ſaid ſeveral Courts for the recovery of the Kings debts.

and office, or by reaſon of the which Court and office, the ſame debt or duty did firſt grow, or become to be due, or hereafter ſhall grow or become due, or in the which office or Court the recogniſance, obligation or ſpecialty is, or ſhall be or remain. And every ſuch ſeveral ſuit and ſuits ſhall be made in every of the ſaid ſeveral Offices and Courts, under the ſeveral ſeals of the ſaid ſeveral Courts by Capias, Extendi facias, Sub pœna, Attachments, and Proclamations of allegiance, if need ſhall require, or any of them, or otherwiſe, as unto the ſaid ſeveral Courts ſhall be thought by their diſcretions expedient for the ſpeedy recovery of the Kings debts.

And that the ſaid Court of Eſchequer, and all and every of the ſaid Courts, ſhall have whole and full authority and power to hear and determiue all and every ſuch ſuit and ſuits, as hereafter ſhall be taken, commenced and purſued for the intent above ſpecified, and thereupon to award, make, and do execution by and upon the body, lands and goods of the party or parties that ſo ſhall be condemned accordingly.

The authority of the Courts of Eſchequer, Wards and Dutchy.

And alſo ſhall have full power and authority to hear and determine all and all manner of debts, detinues, treſpaſſes, accompts, reckonings, waſtes, deceits, negligences, defaults, contempts, complaints, riots, quarrels, ſuits, ſtrifes, controverſies, forfeitures, offences, and other things whatſoever they ſhall be, which hereafter ſhall grow, be moved, ſtirred, procured, purſued or ariſe, in, for, or upon any matter, cauſe, or other thing aſſigned, committed or appointed, or hereafter to be aſſigned, committed or appointed to the ſeveral directions, orders and governances of the ſame Courts, or any of them, or for or upon any manner of thing or things, which may or ſhall touch, or in any wiſe concern the ſame, wherein the King ſhall be only party. And alſo all manner of ſtates for term of years between party and party concerning the premiſes, and to correct and puniſh by their diſcretions all and every perſon and perſons, which before them ſhall be convicted of any of the premiſes, according to the nature, quality and quantity of his or their offence or offences, cauſe or cauſes, matter or matters, all and all manner of treaſons, murders, felonies, eſtates, rights, titles and intereſts, as well of inheritance as of freehold, other then joynters for term of life only excepted and always reſerved.

Title pretended to lands ſold or exchanged by the King.

And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall make, or pretend any claim, right, title, intereſt or poſſeſſion, in, or to any manors, lands, tenements, or hereditaments, bargained, ſold or exchanged, or hereafter to be bargained, ſold or exchanged by the King our Soveraign Lord, to any perſon or perſons in fee-ſimple, or fee-tail, by his Highneſs Letters Patents, made or to be made thereof under the great Seal of England, upon which Letters Patents there is or ſhall be reſerved any annual rents, or farmes payable to the Kings Highneſs, his heirs or ſucceſſors in his ſaid Court of Augmentations: or demand or ask any rents, annuities, offices, fees, or other profits in, out, or of any ſuch Manors, Lands, Tenements, or Hereditaments, contained or to be compriſed in any ſuch Letters Patents, made or hereafter to be made, as is aforeſaid: Or if our ſaid Soveraign Lord, his heirs or ſucceſſors, ſhall make or pretend any claim, right, title, intereſt or poſſeſſion, in, or to any Manors, Lands, Tenements or Hereditaments, bargained, ſold or exchanged, or to be bargained, ſold or exchanged, by the King, his heirs or ſucceſſors, to any perſon or perſons in fee-ſimple, or fee-tail, by his or their Letters Patents thereof made, or hereafter to be made under his or their great Seal of England, upon which Letters Patents is or ſhall be reſerved any annual rents, or farms payable, or which ſhall be payable to the King, his heirs or ſucceſſors, in his ſaid Court of Augmentations: Or if the King, his heirs or ſucceſſors, demand or ask any rents, annuities or other profits, or hereditaments of any eſtate of inheritance in, of, or out of any manors, lands, tenements, or hereditaments contained or compriſed, or to be contained or compriſed, appointed, or to be appointed, or aſſigned to the ſaid Court of Augmentations, in any Letters Patents made, or hereafter to be made, as is aforeſaid: That then the Chancellor of the ſaid Court of Augmentations, by the aſſent of the Council of the ſaid Court, or the more part of them, ſhall have power and authority by authority of this Act, to examine all ſuch demands, rights, titles, intereſts and poſſeſſions, rents, annuities, offices, fees and other profits and hereditaments, whatſoever they ſhall be, and every of them ſo to be demanded, pretended, claimed or asked, as is aforeſaid, and by witneſs, proofs, and other ways and means, by their diſcretions, to hear and determine the ſame: And in caſe the Kings Patentees in any ſuch Letters Patents, as is aforeſaid, or any of them, their heirs, ſucceſſors or aſſigns, ſhall be compelled by the authority of the ſaid Court of Augmentations, by decree or judgment of the ſame Court, to render and yield to any perſon or perſons in fee-ſimple or fee-tail, the lands, tenements or hereditaments compriſed or ſpecified in any ſuch Letters Patents, or any parcel of them, or to ſuffer any perſon or perſons to have and enjoy any offices, rents, annuities, or other profits or hereditaments in fee-ſimple, or in fee-tail, out, or of the ſame, or out of any parcel thereof: And that it ſhall appear in the ſaid Letters Patents, that the King, his heirs or ſucceſſors, is or ſhall be bounden, or of right and equity ought to recompence and ſatiſfie the ſaid Patentees, their heirs, ſucceſſors, executors or aſſigns, or any of them, of and for ſuch manors, lands, tenements, or hereditaments, annuities, rents, offices, fees, or other profits recovered in fee-ſimple or fee-tail, by decree or judgment of the ſaid Court, as is aforeſaid, or elſe to diſcharge and acquit the ſaid Patentees, their heirs, ſucceſſors, executors and aſſigns, of or for any rents, annuities, offices, fees, or other profits aforeſaid recovered by decree or judgment in fee-ſimple or fee-tail, as is aboveſaid: Or if it ſhall appear unto the ſaid Court of Augmentations, or unto the more part of them, that the King, his heirs or ſucceſſors, of right and equity ought to have, recover or enjoy in fee-ſimple or fee-tail, any manors, lands, tenements or hereditaments, in any ſuch Letters Patents compriſed, or rents, annuities, offices, fees, or other profits, in, out, or of the ſame: That then in all and every

Demanding any rents or profits out of ſuch lands. The King pretending title to any lands by him ſold or exchanged.

The King demanding rents or profits out of ſuch lands.

ſuch caſe and caſes, the ſaid Chancellor of the Augmentations for the time being, with the aſſent of three or more ſuch perſons, as hereafter ſhall be named by the King, his Heirs or Succeſſors, ſhall have full power and authority without any Bill or Warrant to be ſigned, or ſued from the King, his Heirs or Succeſſors, for the ſame, as well to recompence and ſatisfie the party or parties grieved, ſo much in money of the Kings treaſure remaining in the ſaid Court of Augmentations, as the ſaid manors, lands, tenements, rents, annuities, offices, fees, or other profits or hereditaments, loſt or recovered, by decree or judgment of the ſaid Court of Augmentations, as is aforeſaid, ſhall be worth to be ſold, or otherwiſe diſcharge and acquit ſuch perſon or perſons thereof, according to his or their letters patents: as alſo to make and take order, direction, decree and judgment for the King, his Heirs and Succeſſors, for the recovery, attaining, and having of all and ſingular ſuch manors, lands, tenements, rents, annuities, offices, fees, profits and hereditaments, and all and every other thing and things, which the King, his Heirs and Succeſſors, by, and upon ſuch examination and examinations, ought, ſhould, and ſhall be juſtly intituled to have, recover, poſſeſs or enjoy in fee-ſimple or fee-tail: And the ſame decree, direction, order and judgment to be good and effectual in the Law, to bind all parties and privies to the ſame to all intents and purpoſes. And where any decree or judgment ſhall be given in the ſaid Court of Augmentations for any the premiſſes, extend to the loſs of the Kings Patentee or Patentees, their heirs, ſucceſſors, executors or adminiſtrators, but for term of life or lives of the demaundant or demaundants, plaintiff or plaintiffs, or for term of years, the loſs whereof the King is bounden and ought to recompence, diſcharge or acquit by his letters patents: then the ſaid Chancellor of the Augmentations ſhall have full power and authority to recompence or diſcharge the ſame in money, as is aforeſaid, or elſe to recompence the ſame of the lands, tenements, hereditaments and poſſeſſions limited to the ſurvey and governance of the ſaid Court of Augmentations, to be granted under the ſeal of the ſame Court by the diſcretion of the ſaid Chancellor, as ſhall ſeem to him beſt for the Kings profit, without any Bill or Warrant to be ſued, or ſigned by, or from the King for the ſame. And that every ſuch recompence, ſatisfaction, and diſcharge to be made by authority of this Act, to any perſon or perſons by the ſaid Chancellor, as is aforeſaid, ſhall be good & effectual againſt the King, his Heirs & Succeſſors, any law, uſage or cuſtom to the contrary notwithſtanding.

In what cauſes the Court of Augmentations without other warrant may make recompence to any perſon that is wronged.

A loſs extending by a decree to the Kings Patentee for life or years.

Co. Inſt. 4 p. 124

And it is further enacted by the authority abovesaid, That every of the ſaid Courts ſhall have full power and authority, by force of this Act, to ſet ſuch fines, penalties, and amerciaments upon parties, Sheriffs, Officers, and other perſons, for his and their defaults, contempts, negligences, or miſdemeanors, as unto the ſaid Courts, or unto any of them ſhall be reaſonably conſidered and thought expedient. And that all and every trial and trials, of all and all manner of ſuits, bills, plaints, informations, declarations, complaints, anſwers, replications, allegations, cauſes, matters, and iſſues, or any of them, to be purſued, made or tried in the ſaid ſeveral Courts, or any of them, ſhall be made and tried by due examination of witneſs, writings, proofs, or by ſuch other ways or means, as by the ſaid ſeveral Courts, or by any of them ſhall be thought expedient. And that all and every ſuch judgment and judgments, decree or decrees, examination and examinations ſhall be good, perfect, and in full ſtrength, force and effect in the Law to all intents, conſtructions and purpoſes.

The authority of the foreſaid Courts to ſet fines and amerciaments upon offenders.

Trials in the ſaid Courts.

And where divers and ſundry perſons ſtand bounden to the Kings Highneſs in divers great and notable ſums of money, by Recognizance or other bonds in the ſaid ſeveral Courts, for debts due to the Kings Highneſs, as well for the purchaſe of lands and woods, and performance of conditions, as alſo for divers and ſundry other cauſes; and albeit the ſame perſons have well and truly ſatisfied, contented and paid the ſame debts, or performed the conditions of the ſame Recogniſance, or other bonds, yet the ſame Recogniſances, or other bonds cannot be made void without the Kings eſpecial warrant, which ſhould be much unquietneſs to the Kings Majeſty, and alſo very chargeable to his Graces ſubjects, to ſue to his Highneſs from time to time for the ſame. In conſideration whereof, and foraſmuch as the ſaid perſons being ſo bounden by Recogniſance, or in other bonds, may by divers caſualties loſe their acquittances, whereby great danger and peril may grow to them, their heirs, executors, and ſucceſſors: Be it therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That upon the ſight of the acquittances, made or to be made for the paiment of ẏ ſaid debt or debts, or ſum or ſums of money, growen or to be growen, or due and ſufficient proof made, or hereafter to be made before the ſaid ſeveral head Officers for the time being of the ſaid ſeveral Courts, as the caſe ſhall riſe or grow, or if the condition of the ſame Recogniſance or bond be performed or kept; That then every ſuch ſeveral head Officer for that Recogniſance taken or to be taken, by him or any of his predeceſſors, or of any other bond for that time being within his charge and cure, ſhall have full power and authority to cancel and make void the ſaid Recogniſance or other bond, calling to him ſuch of the ſame Court as to him or them ſhall ſeem moſt convenient for the cancellation of the ſame Recogniſance or bond.

The chief Officers of the foreſaid Courts may diſcharge Recogniſances taken there.

And be it enacted by the authority aforeſaid, That the ſame cancellation ſo made, ſhall be a ſure and ſufficient diſcharge of the ſame Recogniſance or other bond, to all and every ſuch perſon or perſons as do or ſhall ſtand bounden in the ſame Recogniſance or bond ſo cancelled againſt the Kings Highneſs, his Heirs, Executors, and Succeſſors for ever.

And be it further enacted by the authority aforeſaid, That the ſame ſeveral head Officers for the time being, in every of their ſaid ſeveral Courts, ſhall have full power and authority to diſcharge, cancel, or make void by his or their diſcretion, all and ſingular Recogniſances now made, or hereafter to be made in the ſaid Court, for any apparance or other contempt: and that the ſame head Officer or Officers, and the parties ſo bounden and to be bounden, to be diſcharged againſt the King our Sovereign Lord, his Heirs, Executors, & Succeſſors for the cancellation of the ſame Recogniſance.

Diſcharging of Recogniſances taken for apparance or contempt.

Any

27 H. 8. 27. And where the Kings Majeſty ſithen the making of the ſame Statute in the ſaid xxvij. year of his noble Reign, of his own meer motion, liberality, and benignity, hath freely given and granted by his ſundry letters patents under his Great Seal of England, unto divers and ſundry of the Nobles and Lords, as well Spiritual as Temporal of this his Realm, & alſo unto divers and many other perſons and bodies politick, to their heirs or ſucceſſors, and to the heirs of their bodies, or for term of life or lives, divers and many ſundry Honours, Caſtles, Manors, Lands, Tenements, Rectories, Penſions, Portions, and other Hereditaments, which then were in the order, governance and ſurvey of the ſame Court of the Augmentations of the Revenues of his Graces Crown, or out of any other of the ſaid ſeveral Courts, reſerving unto his Majeſty, his Heirs and Succeſſors by the ſame letters patents, one yearly rent in the name of one Tenth, or the tenth part of the yearly value of the ſame premiſſes, or any other Tenth payable, and to be paid in the ſame Courts, or to the Officers of the ſame Courts deputed and aſſigned for the ſame, at one certain Feaſt or day in the ſame letters patents mentioned and declared, which ſaid perſons ſo advanced, notwithſtanding they have ſithen & after the making of the ſame letters patents peaceably enjoyed the ſame manors, lands, tenements and hereditaments ſo given, and thereof have quietly perceived and taken the iſſues, revenues, and profits thereof: yet nevertheleſs divers of the ſame perſons have not at the days and feaſts aſſigned and limited unto them in the ſame letters patents, not long time after the ſame days and feaſts of payment thereof, contented and payed in the ſame Courts, or to the Officers of the ſame Courts aſſigned and deputed for the ſame, the ſaid yearly rent or rents ſo reſerved to the Kings Highneſs, contrary to their duties, and againſt all reaſon and good conſcience. In conſideration whereof, be it therefore now ordained, enacted and eſtabliſhed, by the aſſent of the Kings Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon of what eſtate, degree or condition ſoever he be, or body politick, to whom the Kings Majeſty hath by his letters patents under his Great Seal of England, or under the great Seal of the ſame Court of Augmentation, given or granted, or hereafter ſhall give or grant, with like reſervation of rent or rents, any manors, lands, tenements, rectories, or other hereditaments whatſoever, which were, or hereafter ſhall be in the order, governance, and ſurvey of the ſame Courts, or any of them, to be had to them, and their heirs or ſucceſſors, or for any other eſtate of inheritance, or for term of life or lives, yielding and reſerving to the ſame our ſaid Sovereign Lord the King, his Heirs or Succeſſors, one yearly rent at one certain day or feaſt in the ſame letters patents, expreſſed, mentioned, and declared, and to be paid into the ſame Courts: that if the ſame perſons, bodies politick, their heirs, or ſucceſſors, or aſſigns, or any of them, do not truly content or pay, or cauſe to be contented, or paid unto the Treaſurer of ye ſaid ſeveral Courts, or to the general or particular Receiver of the ſame ſeveral Courts, deputed and aſſigned for the ſame, for the time being, to the uſe of the Kings Highneſs, at the day or feaſt limited by the ſame letters patents, or within three moneths next & immediately after the ſame day or feaſt of payment thereof, all ſuch ſums of money, which been, or hereafter ſhall be due, reſerved to the Kings Majeſty, his Heirs and Succeſſors, by the ſame letters patents, or by any of them, or make ſufficient tender thereof to the ſaid Treaſurer, or general or particular Receiver: that then every of the ſame perſons, bodies politick, their heirs, ſucceſſors or aſſigns, for lack and default of payment of the ſame rent, to forfeit and loſe to the Kings Majeſty, his Heirs and Succeſſors, as much money as the fourth part of the ſame rent ſo reſerved, or hereafter to be reſerved for one year, doth or ſhall amount unto, for, and in the name of one pain, over and above the ſame rent reſerved, or hereafter to be reſerved. And if it happen the ſame perſons, or bodies politick, their heirs, ſucceſſors, or aſſigns, or any of them, do not within one half year next after the day or feaſt expreſſed in the ſame letters patents, content or pay, or lawfully tender unto the ſame Treaſurer, or general and particular Receiver, to the uſe of the Kings Majeſty, his Heirs or Succeſſors, as well the ſaid yearly rent, ſo reſerved, or hereafter to be reſerved, as alſo the ſaid money forfeited for and in the name of a pain: that then the ſame perſons, bodies politick, their heirs, ſucceſſors, or aſſigns, ſo offending, ſhall forfeit and loſe to the Kings Majeſty, his Heirs and Succeſſors, ſo much money as the moiety or half deal of the ſame rent reſerved, or to be reſerved for one year, doth or ſhall amount unto, over and above the ſaid rent reſerved or to be reſerved, and ſo to forfeit and loſe for every half year after ſo much money as the whole rent reſerved, or to be reſerved for one whole year doth or ſhall amount unto, until the ſame rent reſerved or to be reſerved, and the arrearages of the ſame, and alſo the ſaid ſums of money ſo forfeited and loſt for a pain, been unto the ſame Treaſurer, or general or particular Receiver truly ſatisfied, contented and paid, to the uſe of the Kings Highneſs, his Heirs and Succeſſors.

A remedy for tithes not payed iſſuing forth of Abbey lands given by the King to others.

The penalty for default of payment at the day aſſigned, or within three moneths after.

The penalty for default of payment within a year.

A further remedy for the tenth, and money forfeited in the name of a penalty.

And be it alſo enacted by the authority aforeſaid, That it ſhall be lawful to the ſame Treaſurer and general or particular Receivor, to diſtrain as well for the ſame rent ſo reſerved or to be reſerved, and for the arrearages of the ſame, as alſo for the ſaid ſums of money ſo forfeited, or to be forfeited and loſt, for and in the name of the pain aforeſaid. And alſo the head Officer or Officers of either of the ſame Courts for the time being, upon certificate to him made, or to be made of the ſame default and contempt, ſhall and may award ſuch proceſs out of the ſame Courts againſt the ſame offendor for not paying of the ſaid rent ſo reſerved, and alſo for the ſame ſums of money forfeited and to be forfeited by this Act, as by his or their diſcretion ſhall ſeem convenient.

Acquittance for the tenth.

And be it alſo enacted by the authority aforeſaid, That if any perſon or perſons hereafter make lawful paiment to any of the ſaid Treaſurers, or general or particular Receivors of any of the ſame Courts, deputed and aſſigned for the ſame, of any ſum or ſums of money due to the Kings Highneſs, his Heirs or Succeſſors, for any yearly rent or tenth, and upon or after ſuch paiment offer unto the ſame Treaſurer, or general or particular Receivor, one lawful and ſufficient acquittance ready made to be aſſigned by the ſame Treaſurer or general or particular Receivor, witneſſing the receit of the ſaid ſum or ſums of money ſo paid: that then the ſaid Treaſurer, general or particular Receivor, ſhall with his own hand aſſign the ſame acquittance, without taking any fee or reward for the making of the ſame acquittance, upon pain to forfeit and loſe for every time offending contrary to this Act, xl ſhillings, one moiety whereof to be to the Kings Highneſs, and the other moiety to the party that will purſue for the ſame. And if the parties, which hereafter ſhall happen to pay to the ſame Treaſurer, or general or particular Receivor, any ſuch ſum or ſums of money, and do not bring an acquittance with him to be aſſigned, as is beforeſaid: that then if the ſame Treaſurer, or general or particular Receivor, upon requeſt to him made, ſhall make and deliver unto the ſame party one ſufficient acquittance, teſtifying the ſame receit, that then the ſame Treaſurer, or general or particular Receivor, or any of his Clerks, ſhall receive, or take of the ſame party for the making of the ſaid acquittance, not above four pence, upon pain to forfeit for every ſuch acquittance xx. s. for which he or they ſhall happen to take above the ſaid ſum of iv. d. to be recovered as is beforeſaid, that is to ſay, the one moiety thereof to the uſe of the Kings Highneſs, of his Heirs and Succeſſors, and the other moiety thereof to the party that will purſue for the ſame.

And be it alſo enacted, That the ſame acquittance ſhall be a ſufficient diſcharge according to the tenor and effect of the ſame.

And be it alſo further enacted and ordained by the authority aforeſaid, That if any of the ſame general or particular Receivors, which now be, or hereafter ſhall be within any of the ſaid Courts, happen to pay to any perſon or perſons, any annuity, penſion, or other rent, that then if the ſame perſon or perſons upon the receipt thereof deliver unto the ſame general or particular Receivor, one ſufficient and lawful acquittance ſealed and ſigned, teſtifying the ſame receit, that then the ſame general or particular Receivor ſhall receive the ſame acquittance, without taking or receiving any fee or reward for the making of the ſame. And if the ſame party, to whom the ſaid general or particular Receivor hath ſo contented and paid any ſuch annuity, penſion or rent, do not bring with him one ſufficient acquittance ſigned and ſealed, teſtifying the receit of the ſame money, by reaſon whereof the ſame general or particular Receivor by himſelf or his Clerk, maketh one acquittance for the receit of the ſame annuity, penſion or rent, that then the ſame Receivor or his Clerk, ſhall not receive or take for the making of ſuch acquittance, which he ſhall ſo happen to make, above four pence, upon pain to forfeit for every ſuch acquittance, which he ſhall happen to refuſe, being ready made and offered to be delivered to him as is aboveſaid, xx. s. and for every acquittance which he ſhall hereafter happen to make for any the payments aforeſaid, and to receive for the making of the ſame acquittance above the ſum of four pence, to forfeit xx. s. the one moiety to the King, and the other to the party that will ſue for the ſame. And alſo that the ſame general or particular Receivors, or their deputies, which hereafter ſhall happen to pay any ſuch annuity, penſion, or rent, ſhall not retain or take of the party, to whom he ſhall happen to pay the ſame, in the way of reward or otherwiſe, not above the ſum of four pence for every pound, which the ſame general or particular Receivor ſhall ſo happen to pay, upon pain to forfeit vj. s. viij. d. for every penny, which he or they ſhall happen to receive aboveſaid ſum of four pence for every pound, which he or they ſhall ſo happen to pay: ẏ one moiety of the ſame forfeiture to be to the King, & the other moiety to the party ẏ will ſue for the ſame. And ẏ all the ſaid ſuits concerning the ſaid forfeitures may be commenced & purſued by bill, information, or action, in which ſuit none eſſoin, protection, or wager of law to be admitted.

How much he ſhall pay for an acquittance which doth receive any annuity.

The Receivor ſhall take but four pence a pound.

And be it further enacted, That if any perſon or perſons hereafter happen to tender or offer unto any of the Auditors of the ſame ſeveral Courts, for the time being, any of the Kings letters patents, decrees, of any of the ſame ſeveral Courts, grants, indentures of leaſes, as well for term of years, as for term of life or lives, to be enrolled before the ſame Auditor, according to his office: that then the ſame Auditor, upon the ſame tender or offer, ſhall enroll the ſame, or as much of the ſame letters patents, decrees, grants, or indentures, as ſhall appertain to his ſaid office. And if any of the ſame Auditors, or any of their Clerks, or any other to their uſe, or to the uſe of any of them, receive and take for the enrolment of any of the ſame letters patents, decrees, grants, or indentures, or for the allowance of the ſame above the ſum of three ſhillings four pence, that then the ſame Auditor or his Clerk ſo offending ſhall forfeit ſix ſhillings eight pence for every penny which the ſame Auditor, or any of them, ſhall happen at any time hereafter to receive contrary to the form aforeſaid, the one moiety of the ſame forfeiture to be to the Kings Highneſs, and the other moiety to him that will ſue for the ſame by ſuch manner and form as is aforeſaid.

The Auditors fees for enrolments.

And be it alſo further enacted by the authority aforeſaid, That every Auditor of every the ſaid ſeveral Courts, yearly in every County within their ſaid ſeveral limits, by the ſpace of twenty days or more before their audit, ſhall proclaim, and declare in four ſeveral markets, or other places, the place and days, where and when they will keep their ſeveral audits in the ſame Shire, upon pain to forfeit for every time doing the contrary, five pounds, the one moiety whereof to be to the Kings Highneſs, and the other moiety to the party that will ſue for the ſame in form aforeſaid.

Auditors ſhall cauſe proclamation to be made in four market towns twenty days before their coming.

And that alſo every of the Auditors of the ſaid ſeveral Courts being ſeverally aſſigned to their ſeveral limits, and every the particular Receivors of the ſame ſeveral Courts, being alſo ſeverally aſſigned and joyned with the ſame ſeveral Auditors, in their ſaid ſeveral limits, after and between every of the Feaſts of St. Michael, the Archangel and Chriſtmas, ſhall direct and award their ſeveral warrants and precepts under their ſeals, to every of the Receivors, Bailiffs, Reeves, and other Officers whatſoever accomptable before the ſame Auditors, and by the ſame warrant or precept to charge and command in the name of our ſaid Sovereign Lord the King, every of the ſaid Receivors, Bailiffs, Reeves, and other

Auditors and Receivors ſhall make their precepts to Bailiffs, &c.

other Officers, to appear before them at one certain day and place in the ſame warrant or precept to them preſcribed, there to declare and make a juſt and true accompt of all ſuch receipts, whereof they be accuſtomable, and owe to accompt.

A remedy againſt accomptants which make default of apparance of payment.

And after if the ſame Auditors and particular Receivors do repair unto the ſame place, and there keep their audit, according to the ſame proclamations, precept and warrant: that then if any Receivor, Bailiff, Reeve, or other Officer being accomptable of or for any of the manors, lands, tenements, or other whatſoever hereditaments, now remaining, or which hereafter ſhall be and remain in the order, governance, or ſurvey of any of the ſame ſeveral Courts, be lawfully warned, as well by the ſame proclamation, or by precept, or warrant in writing ſealed, and in the name of any of the Auditors of the ſaid ſeveral Courts, perſonally to appear by himſelf, or by his ſufficient and lawful deputy before the ſame Auditor and Receivor, at one certain day or place, in the ſaid warrant or precept preſcribed, there to make and declare a juſt and true accompt of all receipts of his ſaid Office, and if the ſame Receivor, Reeve, Bailiff, and other Officer, ſo being lawfully warned, do not appear before the ſame Auditor and Receivor at the ſame day and place in the ſaid warrant expreſſed: Or the ſame Receivor, Bailiff, Reeve, or Officer, do at the ſame day and place to them preſcribed, appear, and will not accompt before the ſame Auditor, according to the tenour and effect of the ſame precept and warrant, or if the ſame Receivor, Bailiff, Reeve, or other Officer accomptable, do by himſelf, or by his ſufficient and lawful deputy appear before the ſame Auditor and Receivor, and then, and there enter into his or their accompt before the ſaid Auditor, and after the ſame accompt finiſhed and ended, if the ſame Receivor, Bailiff, Reeve, or other Officer, do not content and pay unto the Treaſurer of the ſame ſeveral Courts, or to the general or particular Receivor of the ſame County for the time being, as the caſe ſhall require, within three weeks next and immediately after the ſame accompt fully finiſhed & ended, all ſuch ſums of money which upon the determination of his ſaid accompt, he ſhall happen to be found in arrearages, & the ſame default and accompt being duly proved before the head Officer and Officers of the ſaid ſeveral Courts for the time being: that then every ſuch Receivor, Bailiff, Reeve, or Officer, ſo offending, to forfeit and loſe his ſaid Office, and alſo his fee, which he or they had & Received for the exerciſing of the ſame Office.

The penalty if an accomptant do withdraw any rent.

And be it alſo further enacted by the authority of this preſent Parliament, That if any of the ſaid Receivors, Bailiffs, Reeves, or other Officers, upon the declaration of their ſaid accompts, do willingly conceal and withdraw any rent, revenue, fine, heriot, or other caſualty whatſoever it be, of the which he ought to have made accompt, and the ſame duly proved before the ſaid head Officer or Officers for the time being: that then every ſuch Receivor, Bailiff, Reeve, or other Officer ſo offending, to forfeit and loſe his ſaid office and fee, which he had for the exerciſing of the ſame, and alſo three times as much as he hath ſo concealed and withdrawn. And that the ſaid head Officer or Officers of the ſame ſeveral Courts for the time being, immediately upon certificate to him of the ſame default, contempt or offence, ſhall award proceſs in nature of attachment againſt the ſame Receivor, Bailiff, Reeve, or other Officer, as well for the ſame arrearages remaining in the hands of the ſame Receivor, Bailiff, Reeve, or Officer, as alſo for the penalty of their Recognizance, or bond, in which the ſame Receivor, Bailiff, Reeve, or Officer ſtandeth bounden to our ſaid Sovereign Lord the King, as alſo for the contempt and pain limited & appointed by this Act.

A remedy for debts which grow to the King by attainder, outlawry, forfeiture, gift, &c.

And be it further enacted by authority aforeſaid, That in all actions and ſuits to be taken or purſued in any the Courts aforeſaid, for the recovery of any debt or debts, which now be or that hereafter ſhall happen to appertain, accrue, remain or be to the King, by reaſon of any attainder, outlawry, forfeiture, gift of the party, or by any other collateral way or means, it ſhall be ſufficient in the Law to ſhew and alledge in the ſaid ſuit generally, that the party to whom the ſaid debt or debts was or did belong, ſuch year and day did give the ſame debt or debts unto the King, or was attainted, outlawed, or other offence, forfeiture, deed, act, or thing committed or done, by reaſon whereof the ſaid debt or debts did accrue and ought to remain, come and be to the King. And that the ſame matter, ſo to be ſhewed, alleadged or declared in a generality, without ſhewing and declaring the circumſtance thereof, ſhall be of as good force and effect in the Law to all intents, conſtructions and purpoſes, as if the whole matter thereof had been or were alledged and declared at large in every point, according to the due order of the common Laws of this Realm.

The King ſhall be preferred in ſuit and execution.
9 H. 3. 18.

And be it alſo enacted by the authority aforeſaid, That if any ſuit be commenced or taken, or any proceſs be hereafter awarded for the King, for the recovery of any of the Kings debts: that then the ſame ſuit and proceſs ſhall be preferred before any perſon or perſons. And that our ſaid Sovereign Lord, his Heirs and Succeſſors, ſhall have firſt execution againſt any defendant or defendants, of and for his ſaid debts, before any other perſon or perſons, ſo always that the Kings ſaid ſuit be taken and commenced, or proceſs awarded for the ſaid debt, at the ſuit of our ſaid Sovereign Lord the King, his Heirs or Succeſſors, before judgment given for the ſaid other perſon or perſons.

Tenant in fee-ſimple or tail, chargeable to pay the King his anceſtors debts.

And be it enacted alſo by authority aforeſaid, That all manors, lands, tenements, poſſeſſions, and hereditaments, the which now be, or that hereafter ſhall come or be, in, or to the hands, poſſeſſion, occupation, or ſeiſon of any perſon or perſons, to whom the ſame manors, lands, tenements, or hereditaments have heretofore, or hereafter ſhall deſcend, revert or remain in fee-ſimple or in fee-tail, general or ſpecial, by, from, or after the death of any his or their anceſtor or anceſtors as heir, or by gift of his anceſtors whoſe heir he is, which ſaid anceſtor or anceſtors, was, is, or ſhall be indebted to the King, or to any perſon or perſons to his uſe, by judgment, recognizance, obligation, or other ſpecialty, the debt whereof is or ſhall not be contented and paid: that then in every ſuch caſe the ſame manors, lands, tenements, poſſeſſions, and hereditaments, ſhall be, and ſtand by authority of this Act, from henceforth charged and chargeable to and for the payment of the ſame debt, and of every part thereof.

And that our ſaid Sovereign Lord, his Heirs and Succeſſors, at any time hereafter ſhall not be barred, delayed, fore-cloſed or excluded, to demand, have and receive his or their juſt, due and lawful debts and duties againſt any of his ſubjects, as heir or heirs to any perſon or perſons indebted to his Highneſs, or to other perſons to his uſe, or which ſhall be indebted to his Highneſs, his Heirs or Succeſſors, albeit this word Heir be not, or ſhall not be compriſed in ſuch recogniſance, obligation or ſpecialty, or that any ſuch perſon or perſons ſhall ſay, or alledge, that he or they have not any manors, lands, tenements or hereditaments, to them deſcended, but onely ſuch manors, lands, tenements or hereditaments, as be, or ſhall be entailed or given to them by any their anceſtors, to whom they be heirs, any laws, uſes or cuſtoms before this time uſed, or had to the contrary notwithſtanding.

The Kings debts payable by the Heir, though in the bond he be not named.

Lands entailed chargeable.

Provided always, That the Kings Majeſty, his Heirs and Succeſſors, may at his or their liberty and pleaſure demand, have and recover his or their ſaid debt or debts, of and againſt any executor or executors, adminiſtrator or adminiſtrators of any ſuch perſon or perſons, which is, hath been, or ſhall be indebted in manner and form abovesaid, if the ſame executor or executors, adminiſtrator or adminiſtrators, ſhall have aſſets in his or their hands, in deed or in law, any thing before mentioned to the contrary notwithſtanding.

The King may charge the executors or adminiſtrators.

Provided alſo, That if the ſaid manors, lands and hereditaments, or any of them, ſhall hereafter be recovered or evicted out of, or from the poſſeſſion of any ſuch perſon or perſons, by any juſt or former title, without fraud or covin, whoſe manors, lands, tenements or hereditaments, been or ſhall be charged or chargeable, as is abovesaid: that then all and every ſuch manors, lands, and hereditaments, ſhall be clearly acquitted and diſcharged of and for the payment of the ſame debts, and of every part thereof, any thing before mentioned to the contrary notwithſtanding.

The lands chargeable to the King recovered.

Provided alway, and be it enacted by authority aforeſaid, That if any perſon or perſons, of whom any ſuch debt or duty is, or at any time hereafter ſhall be demanded or required, alledge, plead, declare or ſhew in any of the ſaid Courts, good, perfect and ſufficient cauſe and matter in law, reaſon or good conſcience, in bar or diſcharge of the ſaid debt or duty, or why ſuch perſon or perſons ought not to be charged or chargeable to or with the ſame, and the ſame cauſe or matter ſo alledged, pleaded, declared or ſhewed, ſufficiently proved in ſuch one of the ſaid Courts, as he or they ſhall be impleaded, ſued, vexed or troubled for the ſame: that then the ſaid Courts and every of them, ſhall have full power and authority to accept, adjudge and allow the ſame proof, and wholly and clearly to acquit and diſcharge all and every perſon and perſons, that ſhall be ſo impleaded, ſued, vexed, or troubled for the ſame, any thing in this preſent Act before mentioned to the contrary notwithſtanding.

Cok.l.3.f.64. l.7.l.19.

Sufficient matter pleaded in diſcharge of the debt.

Provided alſo, and be it enacted by the authority aforeſaid, That if any manors, lands, tenements or hereditaments which be, or at any time hereafter ſhall be charged, or chargeable to or with the debt of our ſaid Sovereign Lord, his Heirs or Succeſſors, and be at any time hereafter, or ſhall be in the ſeiſin and poſſeſſion of divers and ſundry perſons, other then the obligor or obligors, that then all and ſingular the ſaid manors, lands, tenements, and hereditaments, and every parcel of them, ſhall be wholly and entirely, and in no wiſe ſeverally, liable and chargeable, to and with the paiment and paiments of the ſaid debts, of the ſaid debt and duty, any thing before rehearſed to the contrary notwithſtanding.

Lands chargeable to the King in ſeveral mens tenures.

Cok.l.3.f.12.

Provided alſo, That this Act, nor any thing therein contained, ſhall in any wiſe extend to miniſh, abrogate or take away any realties, liberties, priviledges, franchiſes, preeminences, juriſdictions, fines, iſſues, or amerciaments, appertaining or belonging to the ſaid Dutchy of Lancaſter and County Palatine of Lancaſter, or any of them; but that the ſame liberties, realties, priviledges, franchiſes, preeminences, juriſdictions, fines, iſſues and amerciaments, and every of them, ſhall ſtill continue, remain, and be to the ſaid Dutchy of Lancaſter and County Palatine, and every of them, as fully, wholly and plenarily, as they were before the making of this preſent Act, any thing in the ſame contained to the contrary notwithſtanding.

The liberties of the Dutchy of Lancaſter ſaved.

Provided alway, and be it enacted by the authority aforeſaid, That all manner of proceſs, proceſſes, and executions for debts, onely coming or growing in the Court of the Eſchequer, ſhall be made in the ſame Court of the Eſchequer, by ſuch Officer and Officers, Clerk or Miniſter of the ſame Court, as hath been afore this time uſed to be made, after and with ſuch kind of proceſs, proceſſes and executions, as by this Act is limited and declared, any thing in this Act contained to the contrary notwithſtanding. St. 7 Ed. 2.

Proceſs and executions for debts growing in the Eſchequer.

Anno triceſimo quarto & quinto Henrici *Octavi.*

Acts made in the Seſſion of this preſent Parliament holden upon Prorogation at Weſtminſter, the two and twentieth day of January, in the four and thirtieth year of the Reign of our moſt dread Sovereign Lord, HENRY the Eighth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in Earth the Supream Head, and there continued and kept to the twelfth day of May, in the five and thirtieth year of our ſaid Sovereign Lord, to the honour of God, and for the common weal and profit of this his Realm.

CAP. I.

Recourſe muſt be had to the Catholick and Apoſtolick Church, for the deciſion of controverſies, and therefore all books of the old and new Teſtament in Engliſh, being of Tindals falſe Tranſlation, or compriſing any matter of Chriſtian Religion, Articles of the Faith, or holy Scripture, contrary to the Doctrine ſet forth ſithence Anno Dom. 1540. or to be ſet forth by the King, ſhall be aboliſhed. No Printer or Book-ſeller ſhall utter any of the aforeſaid Books. No perſons ſhall play in Enterlude, ſing or rhime contrary to the ſaid Doctrine. No perſon ſhall retain any Engliſh books or writings concerning matter againſt the holy and bleſſed Sacrament of the Altar, or for the maintenance of Anabaptiſts, or other books aboliſhed by the Kings Proclamation. There ſhall be no Annotations or Preambles in Bibles or New Teſtaments in Engliſh. The Bible ſhall not be read in Engliſh in any Church. No Women, or Artificers, Prentices, Journey-men, Serving-men, of the degrees of Yeomen or under, Husbandmen nor Labourers ſhall read the New Teſtament in Engliſh. Nothing ſhall be taught or maintained contrary to the Kings inſtructions. And if any Spiritual perſon preach, teach or maintain any thing contrary to the Kings inſtructions, or determinations made, or to be made, and ſhall be thereof convict, he ſhall for his firſt offence recant, for his ſecond abjure and bear a Fagot, and for his third ſhall be adjudged an Heretick, and be burned, and loſe all his goods and chattels. Rep. 1 Edw. 6. 12.

CAP. II.

When Collectors and Receivors ſhall pay in their money received, &c.

Within what time any Collector or Receivors of the Kings Fifteens, &c. ſhall pay the ſame to the Kings uſe.

Where divers and ſundry high Collectors of the Fifteens and Subſidie, to the Kings Highneſs, and divers other his particular and general Receivors of his Revenues and Duties, being within the ſurvey, rule and order of his Majeſties Court of the Eſchequer, the Dutchy of Lancaſter, the Court of the Augmentations of the Revenues of the Crown, the Court of the general Surveyors, the Court of the Wards and Liveries, and the Court of the Tenth and Firſt-fruits, have heretofore, after the collection, levying or gathering of the Kings fifteens, ſubſidies, rents, debts, and other his money and duties, retained, occupied and converted the ſame to their own ſingular profit and commodity, as in loning or laying out the ſame for gains in purchaſing lands of great value, and in buying of Wools and other merchandiſe, whereby the Kings Majeſty hath oft-times loſt great part of his debts and duties, and ſometime forborn the ſame by a long ſeaſon, after ſuch time as the ſame have been due and gathered. For reformation whereof, be it enacted, ordained and eſtabliſhed by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every high Collector, of any fifteens, ſubſidy, or other tax, or loan, and all and every other the Kings ſaid particular and general Receivors, of any the ſaid ſums of money, and other duties belonging to the King, from and after the firſt day of July next coming, ſhall within the ſpace of three moneths next after ſuch days and times, as any the ſaid Fifteens, Subſidies, Rents, ſums of money, or other yearly profits, ſhall be due and payable to the King, his Heirs or Succeſſors, by any Statute, Ordinance, or other mean, and by the ſame Collector, particular or general Receivor, or any of them retained or gathered, truly content, deliver, and pay the ſame to the Kings uſe, at ſuch place or places, and to ſuch perſon or perſons, as be, or ſhall be named, appointed and limitted for the ſame, upon pain to forfeit to the King, his Heirs and Succeſſors, for every pound ſo being received, and after that retained, kept, or laid out for gain, and not paid within three moneths, to the Kings uſe as is aforeſaid, four ſhillings for every moneth that the ſame money ſhall be ſo retained, kept or laid out for gain, as is aforeſaid, and ſhall alſo loſe and forfeit his or their ſaid office, concerning the ſame, and all profits thereunto belonging. And that the King ſhall at his pleaſure charge the ſaid Collector, particular or general Receivor, upon his or their accompts, with the penalty and forfeitures above rehearſed, or elſe at his pleaſure demand, ask and recover the ſame by action, bill, plaint, or ſuit of debt, againſt the ſame Collector or Collectors, particular or general Receivor, their heirs, executors, or adminiſtrators: In which action, bill, plaint, or ſuit, no protection, eſſoin, or wager of law ſhall be allowed nor admitted.

The Collector or Receivors payment being tendred ſufficient, though it be not received.

Provided alway, That if any of the ſaid Collectors, particular or general Receivors, tender paiment of all ſuch money by them received to the Kings uſe, within the ſaid three months, in ſuch place, and unto ſuch perſon and perſons, as be or ſhall be charged with the receipt of the ſame, and do as much as in him or them is, or then ſhall be, for to make true paiment thereof, and cannot be thereunto admitted, by reaſon of importunate buſineſs, or other lawful impediment or cauſe in him or them that ſhould accept or receive the ſame, that in every ſuch caſe the ſame Collector, particular or general Receivor or Receivors, as ſhall ſo make tender of all ſuch money by him or them received or gathered to the Kings uſe, as is aforeſaid, and cannot be thereunto admitted for any the cauſes aboveſaid, ſhall not be charged with, or incur any danger and penalty contained in this Act: this Act or any thing therein contained to the contrary notwithſtanding.

How far the Collector or Receivors heir ſhall be charged.

Provided always, and be it enacted by authority aforeſaid, That the heir or heirs of any Collector or Receivor aforeſaid, ſhall not be charged or chargeable by reaſon of this Act, but onely for and in ſuch lands, tenements or hereditaments, which the ſaid heir or heirs, have or ſhall have by deſcent in fee-ſimple, or fee-tail, or by gift, or elſe by any other aſſurance had or made to any ſuch heir or heirs, onely by covin from the ſaid Collector or Receivor, or any of them, or any their aſſigns. And that in all and every ſuch caſe and caſes, the Kings Majeſty, his Heirs and Succeſſors, to have execution onely, of and in ſuch lands, tenements, or hereditaments deſcended, given, or otherwiſe aſſured, as is aforeſaid, until ſuch time as his Majeſty, his Heirs and Succeſſors, be fully ſatisfied, and paid of all and every ſuch ſum and ſums of money, due or to be due by any ſuch Collector or Receivor.

How far the executors or adminiſtrators of a Collector or Receivor ſhall be charged.

And it is further enacted, That the executor or executors, adminiſtrator or adminiſtrators of every ſuch Collector or Receivor ſhall not be otherwiſe charged or chargeable by this Act, but as executors and adminiſtrators be, or ſhall be charged and chargeable, by the order of the common Laws of this Realm, in action of debt uſed and commenced againſt them, as executors or adminiſtrators.

The heir being charged ſhall have remedy againſt the executors.

Provided alſo, and be it further enacted by the authority aforeſaid, That where the heir and heirs of any of the Kings Receivors or Collectors, or Debtors, is, or ſhall be charged, of and for his fathers or anceſtors debts or duties, whoſe heir he is, whereby the lands deſcended or given to him by covin, to defraud the Kings execution of ſuch land unto him or them from the ſaid father or anceſtor is put in execution, that then ſuch heir or heirs ſhall and may have his or their action of debt againſt the executors or adminiſtrators of his ſaid father or anceſtor, and ſhall have execution of the goods and cattels of the ſaid father or anceſtor, being in the hands of the ſaid executors or adminiſtrators, at the time of the ſaid action brought: In which ſaid action no eſſoin, protection or wager of law ſhall be admitted or allowed.

Provided alway, That this Act ſhall not extend to the Collectors of the Kings Cuſtom, and the Subſidy of Tonnage and Poundage, which be accomptable yearly in the Kings Majeſties Eſchequer.

The Collector of the Cuſtom of Tonnage and Poundage.

Provided always, That this Act, or any thing therein contained, ſhall not extend to be prejudicial to any the ſaid general or particular Receivor or Receivors, to or for the payment of any penſions, fees, annuities, rents, or other allowances, by them or any of them paid, or to be paid, to any perſon or perſons, according to ſuch allowance, order or decree, as be or hereafter ſhall be allowed, ordered, or decreed in any of the ſaid Courts, any thing in this Act to the contrary notwithſtanding. 7 Edw. 6. 1. 1 El. 4.

Receivors paying fees or penſions, &c.

CAP. III.

Of what meaſure, aſſiſe and ſcantling Coals, Talwood, Faggots and Billets ſhall be, and the forfeiture and penalty of them that ſhall not perform the ſame. Rep. 7 Edw. 6. 7.

CAP. IV.

The Lord Chancellor, Treaſurer, &c. ſhall take order with bankrupts bodies, lands and goods, for the paiment of their debts. AL. 13 El. 7. 1 Jac. 15. 21 Jac. 19.

CAP. V.

The Explanation of the Statute of Wills, &c.

Where in the laſt Parliament begun and holden at Weſtminſter the eight and twentieth day of April, in the one and thirtieth year of the Kings moſt gracious Reign, and there by divers prorogations holden and continued unto the four and twentieth day of July, in the two and thirtieth year of his ſaid Reign: It was by the Kings moſt gracious and liberal diſpoſition ſhewed toward his moſt humble and obedient ſubjects, ordained and enacted, how and in what manner, lands, tenements and hereditaments might by Will or Teſtament in writing, or otherwiſe by any act or acts lawfully executed in the life of every perſon be given, diſpoſed, willed or deviſed, for the advancement of the wife, preferment of children, payment of debts of every ſuch perſon, or otherwiſe at his will or pleaſure, as in the ſame Act more plainly is declared. Sithen the making of which Eſtatute, divers doubts, queſtions, and ambiguities have riſen, been moved and grown, by diverſity of opinions, taking in and upon the expoſition of the letter of the ſame Eſtatute.

32 H. 8. 1.

For a plain declaration and explanation whereof, and to the intent and purpoſe, that the Kings obedient and loving ſubjects, ſhall and may take the commodity and advantage of the Kings ſaid gracious and liberal diſpoſition, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, moſt humbly beſeechen the Kings Majeſty, that the meaning of the letter of the ſame Eſtatute, concerning ſuch matters hereafter rehearſed, may be by the authority of this preſent Parliament enacted, taken, expounded, judged, declared and explained in manner and form following.

Firſt, Where it is contained in the ſame former Statute, within divers articles and branches of the ſame, that all and ſingular perſon and perſons, having any manors, lands, tenements or hereditaments, of the eſtate of inheritance ſhould have full and free liberty, power and authority to give, will, diſpoſe or aſſign, as well by his laſt Will and Teſtament in writing, or otherwiſe by any act or acts lawfully executed in his life, his manors, lands, tenements or hereditaments, or any of them, in ſuch manner and form, as in the ſame former Act more at large it doth appear. Which words of eſtate of inheritance, by the authority of this preſent Parliament, is and ſhall be declared, expounded, taken and judged of eſtates in [a] fee-ſimple onely.

Lands wherein one hath eſtate of inheritance, viz. fee-ſimple onely may be deviſed.

And alſo that all and ſingular perſon and perſons, having a ſole eſtate or intereſt in fee-ſimple, or ſeiſed in fee-ſimple, in coparcenery, or in common in fee-ſimple, of and in any manors, lands, tenements, [b] rents, or other hereditaments in poſſeſſion, reverſion or remainder, or of rents or ſervices incident to any reverſion or remainder, and having no manors, lands, tenements or hereditaments holden of the King, his Heirs or Succeſſors, or of any other perſon or perſons by Knights ſervice, ſhall have full and free liberty, power and authority, to give, diſpoſe, will or deviſe to any perſon or perſons (except bodies politick and corporate) by his laſt Will and Teſtament in writing, or [c] otherwiſe by any act or acts lawfully executed in his life, by himſelf ſolely, or by himſelf and other jointly, ſeverally or particularly, or by all thoſe ways, or any of them, as much as in him of right is or ſhall be, all his ſaid manors, lands, tenements, [d] rents and hereditaments, or any of them, or any rents, commons, or other profits or commodities out of, or to be perceived of the ſame, or out of any parcel thereof, at his own free will and pleaſure: any clauſe in the ſaid former Act notwithſtanding.

Fee-ſimple in coparcenary or in common, in poſſeſſion, reverſion, remainder.

Deviſing of rent or common out of land.

And further be it declared and enacted by the authority aforeſaid, That all and ſingular perſon and perſons, having a ſole eſtate or intereſt in fee-ſimple, or ſeiſed in fee-ſimple in coparcenery, or in common in fee-ſimple, of, or in any manors, lands, tenements, rents, or other hereditaments in poſſeſſion, reverſion or remainder, or of and in any rents, or ſervices incident to any reverſion or remainder, holden of the King by Knights ſervice in chief, or of the nature of Knights ſervice in chief, hath, and by the authority of this preſent Parliament, ſhall have full and free liberty, power and authority to give, diſpoſe, will or aſſign to any perſon

Lands holden of the King by Knights ſervice in chief.

[a] Dyer f. 143.

[b] Cok. l. 3. f. 3. l. 10. f. 83. Dyer f. 158. 354.

[c] Dyer f. 255.

[d] Cok. l. 3. f. 83. l. 8. f. 84.

perſon or perſons (except bodies politick and corporate) by his laſt Will and Teſtament in writing, or otherwiſe by any act or acts lawfully executed in his life by himſelf ſolely, or by himſelf and other joyntly, ſeverally or particularly, or by all thoſe ways or any of them as much as in him of right is or ſhall be, [e] two parts as well of all the ſaid manors, lands, tenements, rents and hereditaments, as of all and ſingular his other rents and hereditaments, or of any of them, or any rents, commons, or other profits or commodities, out of, or to be perceived of the ſame two parts, or out of any parcel thereof in three parts to be divided, or as much thereof as ſhall amount to the full and clear yearly value of two parts thereof, in three parts to be divided, of what perſon or perſons ſoever they be holden, at his free will and pleaſure.

[e] Cok. l. 6. f. 76. l. 10. f. 80. l. 12. f. 71. Dyer f. 287. Co. Inſt. 78.

And that by the authority aforeſaid, the ſaid Will ſo declared, ſhall be good and effectual for two parts of the ſaid manors, lands, tenements, and hereditaments, although the Will ſo declared be made of the whole, or more then of two parts of the ſame. The ſame diviſion to be made and ſet forth by the diviſor or owner of the ſame manors, lands, tenements and hereditaments, by his laſt Will in writing, or otherwiſe in writing. And in default thereof by a Commiſſion to be granted out of the Kings Court of the Wards and Liveries, upon the inquiry of the true value thereof, by the oaths of twelve men, and return or certificate thereof had in the ſame Court, of the ſaid manors, lands, tenements and hereditaments, diviſion to be made by the Maſter of the Wards and Liveries, if the Maſter of the Wards and Liveries for the time being, and the parties thereunto, cannot otherwiſe agree upon the ſame diviſion. And that the iſſues and profits of the two parts of the ſame manors, lands, tenements and hereditaments upon every ſuch diviſion to be reſtored to them that ſhall have right or title to the ſame from the death of the owner or deviſor thereof.

Lands holden of the King or others by Knights ſervice, and lands holden in ſocage.

And further be it enacted and declared by the authority aforeſaid, That all and ſingular perſon and perſons, having a ſole eſtate or intereſt in fee-ſimple, or ſeiſed in fee-ſimple, in coparcenary, or in common in fee-ſimple, of, and in any manors, lands, tenements, rents, or other hereditaments in poſſeſſion, reverſion, or remainder, or of, and in any rents or ſervices, incident to any [f] reverſion or remainder holden of the King, his Heirs or Succeſſors, by Knights ſervice, and not in chief, or holden of any other perſon or perſons by Knights ſervice, ſhall have full and free liberty, power and authority to give, diſpoſe, will or deviſe to any perſon or perſons, except bodies politick and corporate, by his laſt Will and Teſtament in writing, or otherwiſe by any act or acts lawfully executed in his life by himſelf ſolely, or by himſelf and other joyntly, ſeverally or particularly, or by all thoſe ways, or any of them, as much as in him of right is or ſhall be, two parts of all the ſaid manors, lands, tenements and hereditaments, or any of them ſo holden by Knights ſervice, or any rents, common, or other profits or commodities, out of, or to be perceived of the ſame two parts, or out of any parcel thereof, in three parts to be divided, or as much thereof as ſhall amount to the full and clear yearly value of two parts thereof, in three parts to be divided at his free will and pleaſure.

[f] Dyer f. [illegible]

A Will made of the whole ſhall be good for two parts.

And that the ſaid Will ſo declared by authority aforeſaid, ſhall be good and effectual for two parts of the ſaid manors, lands, tenements, or hereditaments, although the Will ſo declared be or ſhall be made of the [g] whole lands and tenements, ſo holden by Knights ſervice, or of more then of two parts of the ſame. And alſo for the whole of all other ſuch manors, lands, tenements, and hereditaments, or any of them, not holden of the King by Knights ſervice in chief, or otherwiſe by Knights ſervice, nor of any other perſon by Knights ſervice, and of any rents, commons, or other profits or commodities, out of, or to be perceived of the ſame, or out of any parcel thereof, at his free will and pleaſure. The ſame diviſion to be made and ſet forth by the owner of the ſaid manors, lands, tenements and hereditaments, by his laſt Will and Teſtament in writing, or otherwiſe in writing. And in default thereof, for as much of the ſame manors, lands, tenements and hereditaments as ſhall concern the Kings intereſt, by Commiſſion to be directed out of the Kings Court of the Wards and Liveries, in manner and form as is aforeſaid, if the Maſter of the Wards and Liveries for the time being, and the parties thereunto cannot otherwiſe agree upon the ſame diviſion: And that reſtitution of the iſſues and profits of the two parts thereof ſhall be had and made in manner and form aboveſaid. And for ſuch of the ſame manors, lands, tenements and hereditaments, as ſhall concern the intereſt of any other Lord or Lords, by Commiſſion to be granted out of the Kings Court of the Chancery, to enquire thereof by the oaths of twelve men, if the ſame Lord or Lords, and the parties thereunto cannot otherwiſe agree upon the ſame diviſion.

[g] Dyer fo. 307. Cok. l. 8. f. 84.

How the diviſion of the two parts from the three ſhall be ſet forth.

An expoſition of the ſavings, reſervings, and proviſions made in this Act, and the the Statute of 32 H. 8. 1.

And be it further enacted and declared by authority aforeſaid, That the ſavings, reſervings, and proviſions, concerning ſaving of the cuſtody, wardſhip, relief and primer ſeiſon to the King, of ſuch manors, lands, tenements and hereditaments, or as much thereof as ſhall appertain unto him by vertue of the ſaid former Act, and by the declaration and expoſition thereof, declared by this preſent Act, during the [h] Kings intereſt therein; And alſo of the cuſtody and wardſhip to other Lords, of as much of ſuch manors, lands, tenements and hereditaments holden of them as ſhall amount & extend to the clear yearly value of the third part thereof, over and above all charges, without any diminution or abridgment of the third part, or of the full profits thereof, compriſed and mentioned in divers Articles in the ſaid former Act contained, by the authority aforeſaid, be & ſhall be intended, expounded and taken, as hereafter enſueth: That is to ſay, That the King ſhall have and take for his [i] full third part of all ſuch mannors, lands, tenements and hereditaments, whereunto he is or ſhall be intituled by the ſaid former Act, & by this preſent Act, ſuch manors, lands and tenements, as ſhall by any means deſcend, or come by deſcent, as well of eſtate of inheritance in fee-tail, as in fee-ſimple, or in fee-tail onely to yͤ heir of any ſuch perſon that ſhall make any will, gift, diſpoſition, or deviſe by his laſt will in writing, or by any act or acts lawfully executed in his life, immediately after the death of the ſame deviſor or owner thereof.

[h] Dyer f. 351.

[i] Cok. l. 3. f. 47.

And

e Dyer fo. 150. Cok. l. 3. f. 28.

f Cok. l. 10. f. 81.

Deviſe of all the fee-ſimple lands, leaving the third part entailed lands to the King or other chief Lord.

And that the will, gift, and deviſe of every ſuch deviſor or owner, of, and for the two [e] parts of the ſaid manors, lands, tenements and hereditaments reſidue, ſhall by the authority aforeſaid be, and ſtand good and effectual in the Law, albeit the ſame will, gift, or deviſe be had and made of all his fee-ſimple lands, [f] tenements, and hereditaments, or of the more part thereof.

A remedy where a full third part is not left for the King or other Lords.

And in caſe the ſame manors, lands, tenements and hereditaments, which after the death of any ſuch owner or deviſor, which ſhall make any ſuch gift, diſpoſition, or deviſe by his laſt will in writing, or otherwiſe by any act or acts lawfully executed in his life, to his wife, children, or otherwiſe, as is aforeſaid, which ſhall immediately after his death deſcend, revert, remain, or come to his heir or heirs, as well of eſtate of inheritance in fee-tail, as of eſtate in fee-ſimple, or fee-tail onely, be not or ſhall not amount or extend to the full clear yearly value of the full third part with the full profits thereof, of all the ſaid manors, lands, tenements, or other hereditaments of the ſaid deviſor or owner, according to the true intent and meaning of the ſaid former Act, and of this preſent Act: that then the King ſhall and may have and take into his hands and poſſeſſion to make up his full third part, with the full profits thereof according to his intereſt therein, as much of the other manors, lands, tenements, or hereditaments, willed, given, diſpoſed, or aſſigned by any ſuch perſon, to his wife, children, or otherwiſe, as is aforeſaid, as with ſuch of the ſame manors, lands, tenements, or hereditaments, deſcended, or by any other means come unto the heir, as heir of any ſuch deviſor or owner, ſhall make up the clear yearly value of the ſaid full third part with the full profits thereof, of all the ſaid manors, lands, tenements, or hereditaments, of every ſuch owner or deviſor, ſo to be had to the King in title of wardſhip or primer ſeiſon, as the caſe ſhall require. And the diviſion thereof to be had and made, and with the reſtitution of the profits of the two parts of the ſaid manors, lands, tenements, and hereditaments, in ſuch manner and form as is above rehearſed. And like benefit and advantage to be given, had and taken by the ſaid authority, to every Lord and Lords, of whom any ſuch manors, lands, tenements, or hereditaments, been or ſhall be holden, by Knights ſervice, in manner and form as is aboveſaid, concerning onely his or their third parts thereof, according to their ſaid intereſt therein.

A remedy for the King or other Lords, if the third part be entailed.

And be it further enacted by the authority aforeſaid, That if it happen the ſame third part, or any part thereof, left, willed, or aſſigned, to the King or other Lord, at any time during their intereſts therein, to be lawfully evicted or determined: that then the King and the other Lord ſhall have as much of the two parts reſidue, as ſhall accompliſh and make up a full third part in clear yearly value, after the rate and portion of ſuch manors, lands, tenements, and hereditaments, as ſhall then happen to remain of the ſame third part, not evicted nor determined: and of the other two parts of ſuch manors, lands, tenements, and hereditaments, as the King or other Lord ſhould or ought to have had, by vertue of the ſaid former Act, and this preſent Act: and the ſame to be divided in manner and form above rehearſed, any clauſe in the ſaid former Act notwithſtanding.

And be it further enacted and declared by the authority aforeſaid, That the ſaving and reſerving for fines, for alienation by any ſuch laſt Will and Teſtament of ſuch manors, lands, tenements, or hereditaments, holden of the King by Knights ſervice in chief, or of the nature of Knights ſervice in chief, or by Socage in chief, or of the nature of Socage tenure in chief, or for fines for alienation of ſuch manors, lands, tenements, or hereditaments, whereof there ſhall be any alteration of freehold or of inheritance, made by any ſuch laſt Will, compriſed in divers and ſundry Articles mentioned in the ſaid former Act, be and ſhall be intended, expounded, taken, deemed, and judged by the authority aforeſaid: that all ſuch perſon or perſons, to whom the ſaid manors, lands, tenements, or hereditaments, or any of them, be or ſhall be given, diſpoſed, willed, or deviſed by any ſuch laſt Will, ſhall be exonerated, acquitted, and diſcharged for ever againſt the King, his Heirs and Succeſſors, for all ſuch fines for alienations, by any ſuch laſt Will or Teſtament without licenſe, by ſuing forth of the Kings pardon for alienation out of the Kings Court of Chancery, paying to the King, his Heirs or Succeſſors, for the fine of every ſuch alienation, the third part of the yearly value of of the ſame manors, lands, tenements, or other hereditaments, to him or them willed or deviſed: and this Act, from time to time ſhall be a ſufficient warrant to the Lord Chancellor of England, or Keeper of the Great Seal, for the time being, for the granting out of the ſaid pardon or pardons under the Kings Great Seal, as heretofore hath been uſed for pardons for alienations, without any further ſuit to be made to the King for the ſame.

A pardon of alienation muſt be uſed by thoſe to whom lands be deviſed, paying the third part of the yearly value of the lands holden in chief.

a Cok. l. 6. f. 23. Dyer f. 354.

Women covert, perſons within age, idiots, mad men, cannot deviſe their lands.

And it is further declared and enacted by the authority aforeſaid, That Wills or Teſtaments, made of any manors, lands, tenements, or other hereditaments, by any [a] woman covert, or perſon within the age of one and twenty years, idiot, or by any perſon de non ſane memory, ſhall not be taken to be good or effectual in the Law.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, having eſtate of inheritance, of, or in manors, lands, tenements, or hereditaments, holden of the King by Knights ſervice in chief, or otherwiſe of the King by Knights ſervice, or of any other perſon or perſons by Knights ſervice, hath given at any time ſithen the twentieth day of the ſaid moneth of July, or hereafter ſhall give, will, deviſe, or aſſign, by will or other act executed in his life, his manors, lands, tenements, or hereditaments, or any of them, by fraud or covin, to any other perſon or perſons for term of years, life or lives, with one remainder over in fee, or with divers remainders over for term of years, life, or in tail, with a remainder over in fee-ſimple, to any perſon or perſons, or to his or their right heirs: or at any time ſithen the ſaid twentieth day of July, hath conveyed or made, or hereafter ſhall convey or make by fraud or covin, contrary to the true intent of this Act, any eſtates, conditions, menalties, tenures, or conveyances, to the intent to defraud or deceive the King of his prerogative, primer ſeiſon, livery, relief, wardſhip, marriages or rights: or any other Lord of their wardſhips, reliefs, heriots, or other profits, which ſhould or ought to accrue, grow or come unto them, or any of them, by or after the death of his or their tenant, by force, and according to the

former

Aſſurances by covin to defraud the King and other Lords of their wardſhips, marriages, &c. St. 52 H. 3. 6. A remedy for the King to avoid fraudulent conveyances. A remedy for other Lords to avoid fraudulent conveyances.

former Eſtatute, and of this preſent Act and Declaration: and the ſame eſtates and other conveyances, being found by office to be ſo made or contrived by [b] covin, fraud or deceit, as is aboveſaid, contrary to the true intent and meaning of the ſaid former Act, and of this Act: That then the King, ſhall have as well the wardſhip of the body, and cuſtody of the lands, tenements, and hereditaments, as livery, primer ſeiſon, relief, and other profits, which ſhould or ought to appertain to the King, according to the true intent and meaning of the ſaid former Act, and of this preſent Act, as though no ſuch eſtates or conveyances by covin had never been had or made, until the ſaid Office be lawfully undone by travers or otherwiſe.

And that the other Lord and Lords, of whom any ſuch manors, lands, tenements, or hereditaments ſhall be holden by Knights ſervice, as is aforeſaid, ſhall have their remedy in ſuch caſes, for his or their [c] wardſhips of bodies and lands, by writ of right of ward, and ſhall diſtrain and make avowry or cogniſance by themſelves or their Bailiffs, for their reliefs, herriots and other profits which ſhould have been then due, by or after the death of their tenant, as if no ſuch eſtate or conveyance had been had or made.

The right of the donees, leſſees, &c. ſaved after the King, or other Lords intereſt expired.

Saving and reſerving always, by the authority aforeſaid, the right and title of the Donees, Feoffees, Leſſees, and deviſes thereof againſt the ſaid deviſor, and his heirs, after the intereſt and [d] title of the King, or other Lord therein ended and determined.

Certain perſons to whoſe wills this Statute extendeth not.

Provided always, That this Act, Explanation & Declaration, or any of them, or any thing in this ſaid Act, Explanation or Declaration contained, ſhall not extend to the will or deviſe of Sir John Grainsford, late of Crowherſt in the County of Surry, Knight, deceaſed: Nor to the will or deviſe of Sir Peter Filpot Knight, deceaſed: Nor to the will or deviſe of Richard Creſwel, late of Mattingly in the County of Southampton, Gentleman, deceaſed: Nor to the will or deviſe of Thomas Unton, late of the County of Berks, Gentleman, deceaſed, ſon of Sir Thomas Unton Knight, alſo deceaſed: or ſhall be in any wiſe prejudicial or hurtful to any perſon or perſons, for or concerning any manors, lands, tenements, or hereditaments, contained or eſpecified in the ſaid wills or deviſes, or in any of them, but that the ſaid laſt wills and deviſes, and every of them, ſhall ſtand, abide, remain, and be in the ſame caſe, force and effect in the Law, to all intents, purpoſes and conſtructions, as the ſaid laſt wills and deviſes, and every of them, were before the making of this Act, Declaration and Explanation, and of none other effect or force: this Act, Declaration and Explanation, or any of them, or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

Contribution for him from whom the King taketh any lands to make up his third part.

Provided alway, and be it enacted by the authority aforeſaid, That all and every perſon and perſons, from whom the King, or other Lord or Lords, ſhall take any manors, lands, tenements, or hereditaments, for his or their full third part, or to make up his or their third part, ſhall and may be, by authority of this preſent Act, in any of the caſes aforeſaid, upon his or their bill exhibited in the Kings Court of Chancery, againſt all and every ſuch perſon and perſons, which ſhall be intituled by or under any ſuch will, gift, diſpoſition, or deviſe, to the other two parts, have ſuch contribution or recompence for the ſame, as by the Chancellor of England, or by the Keeper of the Great Seal of England, for the time being, ſhall be thought good and convenient. Cok. lib. 3. fol. 25. Cok. Inſt. 76. a. 78. a. 111. b.

CAP. VI.

No perſon ſhall put to ſale any Pins, but onely ſuch as ſhall be double-headed, and have the heads ſouldered faſt to the ſhank of the Pin well ſmoothed, the ſhank well ſhaven, the point well and round filed, cauted and ſharpened. REP. 37 H. 8. 13.

CAP. VII.

The Lords authoriſed by the Statute of 18 H. 1. 14. to ſet the prices of Wines in groſs, may mitigate and enhaunce the prices of Wines to be ſold by retail, as time and occaſion ſhall require. EXP St. 37 H. 8. 23.

CAP. VIII.

Any perſon being no common Surgeon, may miniſter outward medecines.

Where in the Parliament holden at Weſtminſter, in the third year of the Kings moſt gracious Reign, amongſt other things, for the avoiding of Sorceries, Witchcrafts, and other inconvencies, it was enacted, That no perſon within the City of London, nor within ſeven miles of the ſame, ſhould take upon them to exerciſe and occupy as Phyſician or Surgeon, except he be firſt examined, approved and admitted by the Biſhop of London and other, under and upon certain pains and penalties in the ſame Act mentioned. Sithence the making of which ſaid Act, the Company and Fellowſhip of Surgeons of London, minding onely their own lucres, and nothing the profit or eaſe of the diſeaſed or patient, have ſued, troubled and vexed divers honeſt perſons, as well men as women, whom God hath endued with the knowledge of the nature, kind and operation of certain Herbs, Roots, and Waters, and the uſing and miniſtring of them, to ſuch as been pained with cuſtomable diſeaſes: as womens breaſts being ſore, a Pin and the Web in the eye, Uncomes of hands, Scaldings, Burnings, ſore mouthes, the Stone, Strangury, Saucelim, and Morfew, and ſuch other like diſeaſes. And yet the ſaid perſons have not taken any thing for their pains or cunning, but have miniſtred the ſame to poor people onely for neighbourhood and Gods ſake, and of pity and charity. And it is now well known, that the Surgeons admitted will do no cure to any perſon, but where they ſhall know to be rewarded with a greater ſum or reward then the cure extendeth unto; for in caſe they would miniſter their cunning unto ſore people unrewarded, there ſhould not ſo many rot and periſh to death for lack of help of Surgery as daily do: but the greater part of Surgeons admitted, been much more to be blamed then thoſe perſons that they trouble.

By what means the Surgeons of London have abuſed the Statute of 3 H. 8. 11. for their own gain.

For although the moſt part of the perſons of the ſaid craft of Surgeons have ſmall cunning, yet they will take great ſums of money, and do little therefore, and by reaſon thereof they do oftentimes impair and hurt their patients, rather then do them good.

In conſideration whereof, and for the eaſe, comfort, ſuccour, help, relief and health of the

Kings

[b] Dyer f. 275. Cok. lib. l. 8. f. 166. 27 H. 8. 33 H. 9 H. 4. 2

[c] Cok. l. 9. f. 119.

[d] Dyer

Kings poor ſubjects, inhabitants of this his Realm, now pained or diſeaſed, or that hereafter ſhall be pained or diſeaſed:

It ſhall be lawful for any perſon to cure outward ſores notwithſtanding the Statute of 3 H. 8. 11.

Be it ordained, eſtabliſhed, and enacted by the authority of this preſent Parliament, That all time from henceforth it ſhall be lawful to every perſon being the Kings ſubject, having knowledge and experience of the nature of herbs, roots, and waters, or of the operation of the ſame, by ſpeculation or practiſe within any part of the Realm of England, or within any other the Kings Dominions, to practiſe, uſe and miniſter in and to any outward ſore, uncome, wound, apoſtemations, outward ſwelling or diſeaſe, any herb or herbs, oyntments, baths, pultes, and emplaiſters, according to their cunning, experience and knowledge in any of the diſeaſes, ſores & maladies beforeſaid, and all other like to the ſame, or drinks for the Stone and Strangury, or Agues, without ſuit, vexation, trouble, penalty, or loſs of their goods, the foreſaid Statute in the foreſaid third year of the Kings moſt gracious Reign, or any other Act, Ordinance or Statute to the contrary hereof made, in any wiſe notwithſtanding.

CAP. IX.

Means to preſerve the River of Severn from rubbiſh or balaſt to be caſt thereinto.

Where divers perſons, as well inhabitants, farmers, and dwellers next unto the ſtream of Severn, & unto the Creeks and Pilles of the ſame, from Kingrod upward toward the City and Town of Glouceſter, convey and carry grain and corn out of the Realm of England, unto the parts beyond the Sea, where grains are very dear, and now of late time have made Picards and other great boats, with fore-maſts, of the burthen of fifteen tun, and ſo to ſix and thirty tun, and by reaſon thereof, Wheat, Rie, Beans, Barley, Mault, and other kind of grains by ſtealth, are conveyed into the utter parts beyond the Sea, ſo that thereby the Kings Majeſty is not onely deceived of his Subſidy and Cuſtom for the ſame, but it cauſeth at ſuch times Wheat grain and other kind of corn, as is aforeſaid, to be at high prices. And by the ſame means the inhabitants within the City or Town of Briſtol, are often and ſundry times deſtitute, and ſcant may have grain or corn to ſerve the Kings obedient ſubjects there dwelling and inhabiting. And alſo by reaſon of having of the ſaid great boats and veſſels, oftentimes divers ſhips, as well of the parts beyond the Sea, as other of Engliſh ſhips lying in Kingrod and Hungrod, (being Ports or Havens of the City or Town of Briſtol aforeſaid, diſtant five miles or thereabouts from the ſaid town of Briſtol) awaiting and tarrying there the coming of the ſaid great boats with corn & grain down Severn, who there diſcharge the grain & corn aboard the ſaid ſhips at Kingrod. By reaſon whereof the ſaid ſhips and other veſſels there tarrying for ẏ receit of the ſaid grain and corn, do then caſt out their balaſt of ſtones, and other robul of balaſt of their ſaid ſhips and veſſels, into the ſaid Rodes & Havens of Hungrod and Kingrod, and there lood the ſaid grain or corn in the ſhips and veſſels, to the great deſtruction, and in continuance, to the utter undoing of ẏ ſaid Roads & Havens. So that the mouth and whole channel of the ſaid Haven is ſo heaped and quarred with ſtones and robul of balaſts of the ſhips & boats there arriving, that great ſhips, which uſe the courſe of merchandiſe to the ſaid town of Briſtol from the parts beyond the Sea, and from the ſaid town laden with merchandiſe unto the utter parts, may ſcantly or ſafely come unto ẏ Kings ſaid port and town of Briſtol, and the River of the ſame, and ſo from the ſaid port and town of Briſtol, unto the ſaid Severn, without great danger and peril. And by that means ſhips of great burden are like to be deſtroyed, and utterly be caſt away, and if redreſs be not the ſooner had therein, it will be to the utter deſtruction of the haven and port of the ſaid town of Briſtol, which ſaid town of Briſtol is chiefly maintained by courſe of merchandiſe.

The penalty for caſting of balaſt or robul in Kingrod, or in any part of the haven unto Briſtol.

Wherefore it may pleaſe ẏ Kings Majeſty, the Lords ſpiritual and temporal, & Commons in this preſent Parliament aſſembled, and by authority of the ſame, to enact, make & ordain, that after the laſt day of July next coming, no maſter or maſters, owner or owners of ſhip or ſhips, or of any other boat or veſſel, or any other perſon or perſons, do caſt or unload their balaſt or robul at or in the ſaid road called Kingrod and Hungrod, nor in any of them, ne in other place from the road of Kingrod unto the Town of Briſtol, nor in no part of the haven thereof, but on the land onely, above the full Sea mark, upon pain ẏ every ſuch owner, maſter of ſhip, or of other boat or veſſel, and of every other perſon or perſons, caſting & laying their balaſt or robul in the ſtream, at the place, or in ẏ River aforeſaid, to forfeit for every time ſo offending, four pound, the one half thereof to our Sovereign Lord the King, and the other half thereof to the party that will ſue for the ſame in any of the Kings Courts of Record, as well within Courts of Record, within Cities & Towns Corporate, before the Mayor, Aldermen, Sheriffs and Bailiffs, according to their Corporation, as elſewhere in any of the Kings Courts of Record, by bill, plaint, action of debt, information, or otherwiſe, in the which action the defendant ſhall not wage his law, neither yet no protection nor eſſoin to be allowed.

None ſhall load corn in any veſſel by the water of Severn to tranſport, before he be bound to the Cuſtomer of Briſtol to bring it thither.

And further, that it may be enacted by the authority aforeſaid, That no perſon or perſons from henceforth ſhall enboat or lade, or cauſe to be enboated or laden, any Wheat, Mault, Beans, or any other kind of grain or corn, whatſoever it ſhall be, in any picard, boat, or other veſſel, at the creek, pill, bank, or elſewhere upon Severn ſtream, between the key of the City of Glouceſter, & the ſaid City or Town of Briſtol, by the water of Severn, to the intent to be tranſported into utter parts beyond the Sea, out of the Kings Dominion, before that the ſaid owner or lader of the ſaid picard, boat, or other veſſel hath been with the Kings Cuſtomers of the ſaid town of Briſtol, and there by himſelf, and one ſufficient ſurety with him, bounden unto the Kings Cuſtomers of the ſaid port and town of Briſtol aforeſaid, in ſuch reaſonable ſums of money to the uſe of our ſaid Sovereign Lord the King, as ſhall amount to the double value of the ſaid grain or corn there to be laden, or to be enboated, upon condition that the ſaid owner or maſter of the ſaid picard or boat, or other veſſel, ſhall not repair nor tranſport the ſaid corn or grain, nor no part thereof, into any utter part beyond the Sea, out of the Kings Dominion, before the ſaid maſter or owner thereof ſhall come and bring the ſaid grain and corn unto the key of the ſaid town of Briſtol, & there to be viewed or ſeen the contents thereof, and the contents thereof to be declared unto the Kings Cuſtomers, and to the Mayor of the ſaid Town for the time being, if there be any ſuch licence or lawful cauſe for to convey or tranſport grain or corn into the parts beyond the Sea, out of the ſaid Kings Dominion, there to be meaſured and mete by the common meaſure of the ſaid Town.

The penalty where one bringeth more corn to Briſtol to be meaſured, and thence to be tranſported, then is contained in his licence.

And after the ſaid obligation with condition ſo made, ſealed and delivered unto the ſaid Cuſtomer: Then the ſaid Cuſtomer ſhall deliver a ſufficient Cocket unto the party, owner or owners, or maker ſo bounden to convey the ſaid grain or corn unto the Key of Briſtol, upon pain that every Picard, Boat, or other veſſel ſo laden with grain or other kind of corn, to be carried or tranſported into the utter parts beyond the Sea, out of the Kings Dominion, to be forfeited as well the ſaid corn and grain ſo laden, as the ſaid Boat ſo laden contrary to this preſent Act, whereof the King our Sovereign Lord to have the three parts thereof, and the party that will ſue for the ſame the fourth part, before the Kings moſt honourable Council, according to the Kings Proclamation in that behalf made and provided.

The penalty for denying the meaſuring of corn at Briſtol.

And further be it enacted by authority aforeſaid, That if it ſhall appear upon the meaſuring thereof, unto the Mayor of the ſaid Town of Briſtol, and to the Kings Cuſtomers there for the time being, that there is more corn or grain laded to be tranſported into the parts beyond the Sea, within any of the ſaid veſſels, boats, picards, or trowes, over and above four quarters more then is contained in the ſaid cocket or licence: that then it ſhall be lawful unto the ſaid Mayor and Cuſtomers there for the time being, to cauſe the owner and conveyer thereof unto the ſaid Town of Briſtol, to make ſale of ſuch corn and grain as ſhall be brought, over and above the contents of the ſaid cocket or licence, and over and above four quarters, beſide the cocket or licence, according as the prices of ſuch grain and corn are commonly worth, and ſold in the open market of the ſaid Town of Briſtol. The ſaid common meter to have for the meaſuring of every weigh of corn, two pence, on pain of every perſon being owner of the ſaid grain or corn, or having the charge of the ſame, denying the meaſuring of the ſaid grain at the Key of Briſtol, to loſe and forfeit for every time ſo denying, five pound, the one half thereof to be to our ſaid Sovereign Lord the King, and the other half thereof to be to the party that will ſue for the ſame in any Court of Record, by action of debt, information, or otherwiſe: In the which action the defendant ſhall not wage his Law, nor protection nor eſſoin allowed.

The penalty for caſting of rubbiſh into any Channel, Haven, Rode, or River.

And be it alſo enacted by authority aforeſaid, That no perſon or perſons after the firſt day of Auguſt next coming, do caſt or unlade out of any manner of Ship, Crayer, or any other veſſel, being within any Haven-rode, Channel or River, flowing or running to any Port Town, or to any City, Borough or Town within this Realm, or any other the Kings Dominions, any manner of balaſt, rubbiſh, gravel, or any other wrack or filth, but onely upon the land above the full Sea-mark, upon pain that every perſon and perſons offending this Act, to loſe and forfeit for every time ſo offending five pounds, the one half to the King our Sovereign Lord, and the other half thereof to ſuch perſon and perſons as will ſue for the ſame, by bill, plaint, original writ, or information, in any the Kings Courts of Record, in which action or ſuit no wager of Law ſhall be admitted, nor any eſſoin or protection allowed.

CAP. X.

The Aſſiſe of Coverlets made in York, and where they ſhall be ſold.

Whereas the City of York, being one of the moſt ancient and greateſt Cities within the Realm of England, afore this time hath been maintained and upholden by divers and ſundry handicrafts there uſed, and moſt principally by making and weaving of Coverlets and Coverings for beds, and thereby a great number of the inhabitants and poor people of the ſaid City, ſuburbs thereof, and other places within the County of York have been daily ſet on work in ſpinning, carding, dying, weaving, and otherwiſe concerning the making of them, to the great commodity of the inhabitants and poor people of the ſaid City, having thereby honeſt livings, and not made elſewhere in any part of the ſame County. For the true, ſubſtantial, and perfect making whereof, many good and beneficial ordinances and orders have been deviſed and made, as well for the good ſtuff, concerning the ſaid Coverlets and Coverings, as alſo for the length and breadth of them, and otherwiſe: Of the which Coverlets and Coverings, the beſt ſort ſhould and ought by the ſame ordinances to contain in length three yards, and in breadth two yards and a quarter at the leaſt: The ſecond ſort to contain in length three yards, and in breadth two yards: And the loweſt or third ſort ſhould contain two yards and a half in length, and in breadth one yard and three quarters, under pain of forfeiture of the ſame, the one half and moiety of the ſaid forfeiture to be to the Mayor and Comminalty of the ſaid City, and the other moiety to be to the Wardens and Company of the ſaid handicraft of Coverlet makers.

The length and breadth which Coverlets made in York ſhould contain.

And foraſmuch as the ſame Coverlets and Coverings were well and ſubſtantially made and wrought, the Kings ſubjects of divers parts of the Realm, and alſo ſtrangers of other foreign Realms knowing the goodneſs of them, were very deſirous to have and buy the ſaid Coverlets and Coverings: And now of late divers and ſundry evil diſpoſed perſons, apprentices not expert in the ſame occupation, withdrawing themſelves out of the ſaid City of York into the County of York, and other places thereabouts, and alſo divers other perſons, inhabiting in villages and towns within the ſaid County, and nigh to the ſame City, intermedling with the ſame craft or occupation, having little experience therein, not being bound to the ſaid rules and ordinances, do daily make Coverlets and Coverings, neither of good ſtuff nor of good aſſiſe, length or breadth, and for the utterance of the ſame, uſe daily the craft and ſubtilty of hauking abroad in the Country, to villages, and to mens houſes, putting the ſame naughty ware to ſale ſecretly, not onely to the great deceit of the Kings true and faithful ſubjects, buying the ſaid Coverlets, and to the great defaming and ſlander of the ſaid handicraft, but alſo to the impoveriſhing of the inhabitants of the ſaid City, and utter decay of the ſame, if remedy the ſooner herein be not provided. It may therefore pleaſe our Sovereign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, that it may be enacted by the authority of the ſame, That no manner of perſon or perſons, dwelling and inhabiting within the ſaid County of York, or nigh unto the ſame, ſhall after the Feaſt of St. Michael the Archangel next coming, make any Coverlets or Coverings, to be put to ſale, unleſs ſuch perſon or perſons, after the ſaid Feaſt, be inhabiting or dwelling within the City of York, or within the ſuburbs of the ſame, upon pain of forfeiture of every ſuch Coverlet or Covering, made, wrought and put to ſale, contrary to the tenor of this Eſtatute, or the value thereof.

None in Yorkſhire ſhall make Coverlets but they which dwell in York.

And be it further enacted by the ſaid authority, That no manner of perſon or perſons of the occupation of handicrafts-men of Coverings or Coverlet-makers, dwelling within the ſaid City of York, or the ſuburbs of the ſame, or elſewhere within the ſaid County, ſhall from and after the ſaid Feaſt, uſe the ſaid craft of hauking, or go as haukers, or put to ſale any Coverlets in any other place or places, out of the ſaid City and liberties thereof, but onely in the open Markets and Fairs, upon pain of forfeiture of the ſame Coverlets and Coverings, or the value thereof: The one half of the ſaid forfeitures, if it be in any City, Borough, or Town Corporate, to be to the Mayor and Commonalty, Bailiff, Governour, or other Ruler, and Commonalty of every ſuch City, Borough, or Town Corporate, authoriſed to have the ſame by grant or preſcription, or otherwiſe lawfully: and the other half thereof to ſuch perſon or perſons as ſhall ſeiſe or ſue for the ſame by bill, plaint, action, information, or otherwiſe, in any Court of Record, wherein no wager of law, dilatory plea, or protection ſhall be allowed or admitted.

In what places onely Coverlets made in York ſhall be put to ſale.

And if the ſaid forfeiture happen to be taken or found out of any the ſaid Cities, Towns or Boroughs, having no ſuch authority: then the one moiety of the ſaid forfeiture to be to our Sovereign Lord the King, his Heirs and Succeſſors: and the other moiety to ſuch perſon and perſons as will ſue for the ſame in any of the Kings Courts, in form aforeſaid.

And it is alſo enacted by the authority aforeſaid, That the Wardens and Searchers of the ſaid occupation and handicraft of Coverlets and Covering makers, within the ſaid City of York for the time being, and their ſucceſſors, ſhall after the Feaſt of St. Michael have full power and authority by vertue of this Act, to make ſearch in all Fairs and Markets from Trent Northward, within this Realm of England, for all ſuch Coverlets and Coverings as ſhall be put to ſale, not being well and ſufficiently wrought, and made of ſufficient ſtuff, or not containing the aſſiſes before limited and expreſſed, according to the tenor of this Act, and to ſeiſe and take the ſame as forfeited. The one moiety and half of ſuch forfeiture, if any ſuch ſhall be out of the ſaid Cities, Boroughs, or Towns Corporate, to be to our Sovereign Lord the King, and the other moiety thereof to be to the ſaid Searchers and Wardens that ſhall ſeiſe and take the ſame: to be had and recovered in like manner and form as is aforeſaid.

Searching for Coverlets not well wrought, or wanting aſſiſe.

Provided always, That it ſhall be lawful to every perſon and perſons, dwelling within the County of York, at their free will and pleaſure at all times hereafter, to make Coverlets of what aſſiſe, or of whatſoever ſtuff they will, for their own uſe or ſtore for their houſholds, or for their Lords to whom they be tenants: So always, that the ſame Coverlets ſo made ſhall not be put to ſale.

Coverlets made for themſelves or their Lords.

And alſo, That when and as often as the ſaid Searchers or Wardens of the occupation of Coverlet-makers of the ſaid City of York, ſhall make ſearch in any liberties or franchiſes within the ſaid County, for any the cauſes in the ſaid Act mentioned: That then, and ſo oft they ſhall require the head Officer of the ſame liberties and franchiſes, or his Deputy, to be aiding and aſſiſting, and alſo to go with them to make the ſaid ſearch. And if the ſame Officer or his Deputy, upon requeſt ſo made, refuſe or will not ſo do, That then upon ſuch denial and refuſal, the ſame Searchers or Wardens to make ſearch themſelves: any thing in this Act contained to the contrary notwithſtanding.

Provided alſo, That the Lords of the ſaid liberties and franchiſes, where any ſuch ſearches ſhall be made by authority of this Act, ſhall have ſuch fines and forfeitures as of right they ought to have by reaſon of any ſuch ſearches, in as large and ample manner, as they ought to have had the ſame before the making of this Act, and as if this Act had never been had nor made.

Where Lords of franchiſes ſhall have the benefit of forfeitures.

CAP. XI.

The weight, length, breadth, and goodneſs of Welſh Frizes and Cottons made in the Shires of Caermarthen, Cardigan and Pembroke in Wales, and the forfeiture for default thereof. REP. 5 Ed. *6. 6.* 8 El. 12.

CAP. XII.

The paving of certain ſtreets in London.

FOraſmuch as the ſtreet called Whitecroſs-ſtreet, and the ſtreet called Cheſwell-ſtreet, leading from Whitecroſs-ſtreet unto the high-way leading to Moregate: the lane called Golding-lane, and the ſtreet called Grub-ſtreet, in the Pariſh of St. Giles without Creplegate: the ſtreet called Goſwel-ſtreet, in the Pariſh of St. Botolphs without Alderſgate: the lane called Long-lane, being in the Pariſh of St. Botolph without Alderſgate, and St. Sepulchres without Newgate: the ſtreet called St. Johns ſtreet, leading from the bars of Smithfield up to the Pound at the corner of the wall, extending along the high way leading to Iſlington, and alſo the ſtreet from the ſaid barrs to Cow-croſs: the lane called Water-lane in Fleet-ſtreet, in the Pariſh of St. Bride and St. Dunſtane, leading down to Thames: The way leading without Temple-barres weſtward, by and unto Clements Inne gates, and New Inne gates, to Drewry place, in the County of Middleſex. And alſo one little lane ſtretching from the ſaid way to the ſign of the Bell at Drury-lane end: and the common high way leading through a certain place called Petit France, from the barres of the weſt end of Tothill ſtreet of Weſtminſter, in the County of Middleſex, unto the uttermoſt part of the weſt end of the ſaid place, called Petit France: the ſtreet or high-way leading from Biſhops-gate, to and above Shoreditch-Church: and the bridge called Strond-bridge, and the way leading from the ſame bridge towards Temple-bar: and the lane called Foskue lane, from the garden and tenement of the Biſhop of Lichfield, and the gardens and tenements called the Bell and Proctors, down to Strond bridge, be very foul, and full of pits and ſloughs, very perillous and noyous, as well for all the Kings ſubjects, through and by them repairing and paſſing, as well on horſeback as on foot, as alſo with carriage, and very neceſſary to be kept clean, for the avoiding of corrupt ſavours, and an occaſion of Peſtilence. For the amendment and reformation whereof, it may pleaſe the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and of his Commons in his high Court of Parliament aſſembled, and by authority of the ſame, That it may be ordained, eſtabliſhed and enacted, That all and every perſon and perſons, bodies politick and corporate, which now have, or any time hereafter ſhall have any lands, tenements or hereditaments in fee-ſimple, fee-tail, for term of life, for term of years, or by reaſon of the wardſhip of any heir, during the nonage of the ſame heir, or by execution by Writ of Elegit, or of any eſtatute eſtaple, lying and being adjoyning to the foreſaid ſtreets, lanes, and ways, or any of them, ſhall on this ſide the Feaſt of St. Michael the Archangel, which ſhall be in the year of our Lord God, M. D. XL. IIII. well and ſufficiently pave, or cauſe to be paved with good paving ſtones, all and every part of the ſaid ſtreets, lanes, and other the premiſſes before expreſſed, every man ſuch part and quantity of the ſame lanes, ſtreets and ways, unto the middeſt of them, and every of them, in length and breadth, as his or their lands or tenements do lie or extend, in like manner and form as the ſtreets and lanes within the City of London be paved, with cauſeys or channels in the middeſt of the ſame ſtreets, lanes and ways, as ſhall be thought moſt neceſſary and convenient, upon pain, every perſon in his own default to forfeit for every yard ſquare of the ſame ſtreets, lanes and ways, and every of them, not ſufficiently paved before the Feaſt of St. Michael twelve pence. And that all and every ſuch perſons having, or which hereafter ſhall have lands or tenements in fee-ſimple, fee-tail, or for term of life, or otherwiſe, as is aforeſaid, adjoyning or lying to and next either ſide of the ſame ſtreets, lanes and ways, or any of them, their heirs, aſſigns or ſucceſſors, after and from the ſaid Feaſt of St. Michael, ſhall yearly maintain and repair the ſame pavements, and every of them over againſt his ſaid lands and tenements, well and ſufficiently from time to time, as often, and when need ſhall require at all times hereafter, with paving ſtone, upon pain to forfeit for every yard ſquare not ſufficiently paved, twelve pence, as often as any ſuch default of any perſon ſhall be preſented before the Juſtices of Peace within the ſaid County of Middleſex, for that part of the ſaid ſtreets, lanes and ways, being within the ſaid County of Middleſex. And before the Mayor and the Aldermen or Juſtices of the Peace within the City of London, for that which is within the liberties of the ſaid City.

They which have a certain eſtate in lands adjoyning to thoſe ſtreets and lanes, ſhall pave the ſame to the middeſt of the cauſey.

They which ſhall have a certain eſtate in lands adjoyning to the high way in the foreſaid ſtreets or lanes, ſhall continue the ſame paved.

The Juſtices of Peace of Middleſex ſhall inquire of them that omit their duty there.

And be it enacted by the authority aforeſaid, That the ſaid Juſtices of Peace within the ſaid County of Middleſex for the time being, ſhall have full power and authority to inquire in every their Quarter Seſſions to be kept after the ſaid Feaſt of St. Michael, by the oaths of twelve men of the ſaid County, as well of them that have not paved ſuch part or portion of the ſaid ſtreets, lanes, ways, and every of them being within the ſaid County, over againſt, and along unto the middeſt of the ſame ſtreets, lanes and ways, as their lands and tenements do lie or extend, as alſo of ſuch perſons as have been remiſs and negligent in amending and repairing the ſame ſtreets, lanes and ways, from time to time as need ſhall require, according to the meaning of this Act.

Amercing and ſetting of fines upon offenders.

The penalties of the Juſtices of Peace of Middleſex, and of the Mayor and Aldermen of London for omitting their duties of inquiry of offenders.

And be it alſo enacted by the authority aforeſaid, That the ſaid Juſtices of Peace within the ſaid County of Middleſex for the time being, within their juriſdictions ſhall have full power and authority by their diſcretions to amerce and ſet fine upon ſuch perſons as ſhall be remiſs, negligent, or make default in obſerving of the tenor of this Act. And if the ſaid Juſtices of Peace within the ſaid County of Middleſex, or the Mayor and Aldermen and Juſtices of Peace of the ſaid City of London, at any their Quarter Seſſions, after the ſaid Feaſt of St. Michael, to be holden and kept within the ſaid County of Middleſex, by the Juſtices of Peace of the ſaid County, or the Mayor, Aldermen, and Juſtices of Peace of the ſaid City of London, at any their Quarter Seſſions, or Inqueſts of Wardency, kept within the ſaid City of London, be negligent and remiſs on their parties, to charge by oath of xij. men ſuch perſons to find and preſent the ſaid defaults and negligences of all perſons offending contrary to the meaning of this Act: then the ſaid Juſtices of Peace within the ſaid County of Middleſex, being preſent at the ſame Quarter Seſſions, to loſe and forfeit for every time ſo neglecting the ſame charge C. s. And in likewiſe the Mayor, Aldermen, and Juſtices of Peace of London, to loſe and forfeit for every like default and neglecting C. s.

Certificate of the fines into the Eſchequer, and proceſs againſt the offenders.

And be it further enacted by the ſaid authority, That the Clerk of Peace of the ſaid County of Middleſex for the time being, ſhall from time to time certifie into the Kings Eſchequer, as well all ſuch fines and forfeitures ſo aſſeſſed within the ſaid County, loſt and forfeited before the ſaid Juſtices of Middleſex, to the uſe of the Kings Highneſs and his Heirs. And the Barons of the ſaid Eſchequer to make out proceſs by diſtreſs to be taken and levied upon the ſaid lands and tenements, or otherwiſe by their diſcretions, as well for the ſaid fines aſſeſſed, as alſo for the ſaid forfeitures and penalties before limited: and if the Clerk of the Peace within the ſaid County of Middleſex, be remiſs and negligent in making ſuch certificate, or doing his duty according to this Act: then the ſame Clerk to loſe and forfeit for every ſuch default v. l. the one half thereof to be to the uſe of the Kings Highneſs, and the other half to any of the Kings ſubjects that will ſue for the ſame in any of the Kings Courts by bill, action, information, or otherwiſe, wherein no wager of law, eſſoin, or protection ſhall lie for the ſame defendant.

And further be it enacted by the authority aforeſaid, That the Mayor, Aldermen, and Juſtices of Peace within the ſaid City of London and ſuburbs of the ſame, or four of them, whereof the Mayor to be one, by vertue of this Act, ſhall have full power and authority from time to time, to ſet fines and amerciaments of all and ſingular perſon and perſons, for not paving and repairing any of the ſaid ſtreets, lanes, or high ways, within the ſaid Cities and liberties of the ſame, which now be paved, or hereafter ſhall be by force of this Act paved: and the ſame fines and amerciaments to be levied by diſtreſs, plaint or action within the ſaid City, by the Chamberlain of the ſaid City for the time being, to the uſe of the Mayor and Commonalty of the ſaid City, and their ſucceſſors, as other fines and amerciaments for any other matter or cauſe within the ſaid City have been uſed and accuſtomed.

Fines and amerciaments ſhall be ſet upon offendors in London by the Mayor, &c.

Provided always, That if any the inhabitants of ſuch lands or tenements do ſufficiently repair and pave before their manſions and dwelling places the ſaid ſtreets, lanes, and high ways, that then every ſuch inhabitant, by force of this Act, ſhall defalk, abate and retain in his hands as much of rent due to his Leſſor as he can prove to have expended in and about the ſame paving and repairing, and the Leſſor for ſo much money as ſuch ſum doth amount unto, to have no action, re-entre, nor other remedy for non-paiment of the ſame, unleſs it ſhall be otherwiſe agreed between them.

An inhabitant paving the ſtreet may defalk ſo much of his rent from his Leſſor.

CAP. XIII.

Knights and Burgeſſes ſhall have places in Parliament for Cheſter.

IN moſt humble wiſe ſhewn unto your excellent Majeſty the inhabitants of your Graces County Palatine of Cheſter, That where the ſaid County Palatine of Cheſter is, and hath been always hitherto exempt, excluded and ſeparated out and from your high Court of Parliament, to have any Knights and Burgeſſes within the ſaid Court: By reaſon whereof, the ſaid inhabitants have hitherto ſuſtained manifold diſheriſons, loſſes and damages, as well in their lands, goods and bodies, as in the good, civil, and politick governance and maintenance of the Commonwealth of their ſaid Countrey. And foraſmuch as the ſaid inhabitants have always hitherto been bound by the Acts and Statutes made and ordained by your ſaid Highneſs, and your moſt noble Progenitors, and authority of the ſaid Court, as far forth as other Counties, Cities and Boroughs have been, that have had their Knights and Burgeſſes within your ſaid Court of Parliament, and yet have had neither Knight ne Burgeſs there for the ſaid County Palatine, the ſaid inhabitants for lack thereof, have been oftentimes touched and grieved with Acts and Statutes made within the ſaid Court, as well derogative unto the moſt ancient juriſdictions, liberties and priviledges of your ſaid County Palatine, as prejudicial unto the Common-wealth, quietneſs, reſt, and peace of your Graces moſt bounden ſubjects, inhabiting within the ſame. For remedy whereof, it may pleaſe your ſaid Highneſs that it be enacted, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from the end of this preſent Seſſion, the ſaid County Palatine of Cheſter ſhall have two Knights for the ſaid County Palatine, and likewiſe two Citizens to be Burgeſſes for the City of Cheſter, to be elect and choſen by proceſs, to be awarded by the Chancellor of England, unto the Chamberlain of Cheſter, his Lieutenant or Deputy for the time being. And ſo like proceſs to be made by the Chamberlain, his Lieutenant or Deputy, to the Sheriff of the ſaid County of Cheſter: And the ſame election to be made under like manner and form, to all intents, conſtructions and purpoſes as is uſed within the County Palatine of Lancaſter, or any other County and City within this Realm of England: which ſaid Knights and Burgeſſes, and every of them ſo elected and choſen, ſhall be returned by the ſaid Sheriff into the Chancery of England in due form, and upon like pains as it is ordained, that the Sheriff or Sheriffs of any other County within this Realm ſhould make their return in caſe like. And which ſaid Knights and Burgeſſes, and every of them ſo elected and returned, ſhall be Knights and Burgeſſes of the Court of Parliament, and have like voice and authority, to all intents and purpoſes, as any other the Knights and Burgeſſes of the ſaid Court of Parliament have, uſe and enjoy. And in likewiſe ſhall and may take all and every ſuch like liberties, advantages, dignities, priviledges, wages, fees, and commodities concerning this ſaid Court of Parliament, to all intents, conſtructions and purpoſes, as any other the Knights and Burgeſſes of the ſaid Court ſhall, may, or ought to have, take, or enjoy.

The reaſons why the County and City of Cheſter ſhould have Knights and Burgeſſes for the Parliament.

The County of Cheſter ſhall have two Knights for the Shire, and the City of Cheſter two Burgeſſes for the Parliament.

And alſo where it is and hath been uſed within the ſaid County Palatine, that upon the ſuggeſtion of any perſon, that is or hath been indebted to any other perſon or perſons coming to the Exchequer within the ſaid County Palatine, and there taking a corporal oath, That he or they ſhall pay his or their creditors at ſuch time as he or they ſhall be able thereto, the Officers of the ſaid Exchequer have uſed without warrant, to grant out of the ſame Exchequer a Writ in nature of a protection, whereby the ſaid creditors have been, and be greatly delayed, and in a manner defrauded of their ſaid debts, to the great impoveriſhment and undoing of the ſaid Creditors. For reformation whereof, it may alſo pleaſe your ſaid Highneſs, that it be enacted by the authority aforeſaid, That no ſuch Writ of courſe, without a ſpecial warrant from your ſaid Highneſs, your Heirs or Succeſſors, containing any ſuch Protection, be from the firſt day of October, which ſhall be in the year of our Lord God, M. D. XL. III. granted. But that all and every ſuch Writs of courſe after the ſaid day to be granted, to be void and of none effect: Any cuſtom, uſe or priviledge to the contrary hereof notwithſtanding.

No Writ of courſe in the nature of a Protection ſhall be granted in the County Palatine of Cheſter.

CAP.

CAP. XIV.

The names of all perſons outlawed, attainted, and convicted of Felony, ſhall be certified into the Kings Bench.

Where before this time divers perſons have been indicted, arraigned, and attainted, and ſome of them Clerks convict, and ſome of them Clerks attainted, and ſome of them outlawed for murder, burglary, robbery, and other felonies before Juſtices of the Peace, Juſtices of Gaol-delivery, and Juſtices of Oyer and Determiner, within divers Cities, Counties, Franchiſes and Liberties within this Realm, The Records of which attainders, outlawries and convictions often and many times by negligence of the Clerk of the Crown, Clerks of Peace, Clerks of Aſſiſe, and ſuch other as have had the order, rule, keeping and governance of the ſame Records, have been imbeſilled, and not ready to be objected againſt ſuch perſons as have been newly arraigned before our Sovereign Lord the King in his Bench, or before other the Kings Juſtices, for like, and ſuch other offences by them committed or done. And for that it hath not been known certainly whither to reſort for the ſame Records, becauſe they were not certified into any place certain: By reaſon whereof ſometime ſuch perſons and like offendors which have been newly arraigned, as is beforeſaid, have had the benefit of his or their Clergy where they ought not, ne ſhould have had the ſame, if the ſaid Records had then been preſent in the ſame place where ſuch perſon or perſons were ſo newly arraigned, or elſe certified into ſome other place certain, where the ſame Records might have been ſeen, ſent for or written for, to have been objected againſt ſuch perſon or perſons ſo newly arraigned. Whereby as well the King our Sovereign Lord, as alſo all other perſons, have many times loſt their Eſcheats, and other advantages and forfeitures that they ſhould have had by mean of the ſaid attainders, to the great loſſes, both of our ſaid Sovereign Lord the King and other perſons, and alſo the ſame offenders have had their Clergy, where they ought not ſo to have had, to the great boldneſs and encouraging of like offenders.

The certificate of the Clerk of Aſſiſe into the Kings Bench of ſuch as be outlawed, attainted or convicted of felony.

In conſideration whereof, be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the Clerk of the Crown, Clerks of the Peace, and Clerks of Aſſiſe for the time being, where any ſuch attainder, outlawry or conviction ſhall ſo be had, ſhall from the Feaſt of Pentecoſt next coming, not onely certifie a tranſcript briefly and in few words, containing the tenor and effect of every ſuch endictment, outlawry or conviction, and Clerk attainted before them ſo to be had, made or pronounced, that is to ſay, the name, ſurname, and addition of every ſuch perſon or perſons, as ſhall be ſo indicted, and thereupon outlawed, convicted or Clerk attainted, and the certainty of the ſaid felony, or other offence whereupon he or they ſhall be ſo outlawed, convicted or Clerk attainted, and the day and place of his outlawry, conviction and attainder, and the day and place where and when the ſaid felony or other offence, whereupon the ſaid perſon or perſons ſhall be ſo indicted, outlawed, convicted, or Clerk attainted, ſhall be made and done before the King our Sovereign Lord, in his Bench at Weſtminſter, in the County of Middleſex, there to remain of Record for ever, amongſt other the Kings Records there, within fourty days next after any ſuch attainder, conviction or outlawry ſhall be had, made or pronounced, if the term be then; and if not, then within twenty days next after the beginning of the term next following the ſaid fourty days.

A tranſcript of an endictment delivered to the Ordinary.

But alſo ſhall deliver a tranſcript of every ſuch endictment, whereupon the ſaid perſon and perſons ſhall fortune hereafter ſo to be convicted, or Clerks attainted, to the Ordinary, to whom the body of the ſaid perſon or perſons ſhall be committed. The ſaid Ordinary paying to every ſuch Clerk as ſhall write the ſaid tranſcript, for every copy of ſuch endictment twelve pence for his pains: upon pain that every Clerk of the Crown, Clerk of the Peace, and Clerk of Aſſiſe for the time being, before whom ſuch endictment, attainder, outlawry or conviction ſhall be ſo had, made, pronounced, or remain for the non-certifying of every ſuch Record, and delivering of the copy of ſuch endictments, to the ſaid Ordinaries, according to this Eſtatute, to loſe and forfeit fourty ſhillings, the one moiety thereof to be to the King our Sovereign Lord, and the other moiety to him that will ſue for the ſame by action of debt, bill, information, or otherwiſe, in any of the Kings Courts of Record, wherein no wager of law, eſſoin or protection ſhall be allowed.

The Clerk of the Crown ſhall receive the certificates.

And the Clerk of the Crown, in the Kings Bench ſhall receive the ſaid certificates and tranſcripts at ſuch time as they ſhall be tendred and proffered unto them by the ſaid Clerks of the Crown, Clerks of the Peace, and Clerks of Aſſiſe, or by their deputy or deputies, without taking any thing for the ſame, upon pain of forfeiture of the ſum of xl. s. for every ſuch certificate by him refuſed.

No more names certified then are attainted, convict, &c.

Provided always, and be it further enacted by the authority aforeſaid, That if there be any more perſons contained, and named in any ſuch endictment, other then ſuch perſon ſo attainted, convicted or outlawed, that then ſuch Clerk of the Crown, Clerk of Aſſiſe, Clerk of Peace with whom the Record of ſuch attainder, outlawry or conviction ſhall remain, ſhall within the time before in this Act limited, certifie the tranſcription of ſuch endictment, outlawry or conviction only in the Kings Bench at Weſtminſter as is aforeſaid, which tranſcript ſo certified ſhall be had and taken as good, effectual, and available in Law, to all intents, conſtructions and purpoſes againſt ſuch perſon and perſons, againſt whom it ſhall be ſo objected, alledged or pleaded, as if the very Record thereof, whereupon he or they ſo were endicted were there preſent.

The Clerk of the Crown ſhall certifie the names of convicts to the Juſtices.

And be it enacted by the authority aforeſaid, That the ſaid Clerk of the Crown in the Kings Bench, for the time being, ſhall at all ſuch times as the Juſtices of the Gaol-delivery, or Juſtices of Peace in every County within this Realm of England do write unto him for the names of ſuch perſons, which be ſo attainted by[a] outlawry, or Clerks attainted, or convict

[a] Dyer f.19

convict and certified in the ſaid Bench of our ſaid Sovereign Lord the King, ſhall incontinently without delay certifie the ſaid names and ſurnames of the ſaid perſons, with the cauſes why and wherefore they were convict or attainted, unto the Juſtices of Gaol-delivery, or Juſtices of Peace, upon the pain and penalty to forfeit for every name of ſuch perſons which ſhall be ſo written for, and not certified by the ſaid Clerk of the Crown in the Kings Bench, to the ſaid Juſtices, xl. s.

No certificate out of Wales, Cheſter, Lancaſter, Durham.

Provided always, and be it further enacted, That this Act, nor any thing therein contained, ſhall not extend to the Clerks of the Crown, Clerks of the Peace, Clerks of Gaol-delivery, neither to any of the Prenotaries within the Counties of Wales and Cheſter, or within the Counties Palatines Lancaſter and Dureſme, or any of them, to make any tranſcript of any ſuch attainder, conviction, or outlawry of any perſon or perſons convicted, attainted, or outlawed before the Kings Juſtices of his Counties of Wales or Cheſter, or County of Lancaſter, Dureſme, or any of them, but that the ſame Records ſhall and may remain and be in the cuſtody and keeping of the ſaid Clerks and Prenotaries, in ſuch manner and wiſe as they are at this day. This Act or any thing therein contained to the contrary notwithſtanding.

CAP. XV.

All gifts, grants and writings to be made by the Biſhop of Bath and Wells, under his ſeal, of any his Lands, Offices, Fees, &c. and confirmed by the Dean and Chapter of Wells in writing under their Chapter Seal, ſhall be good in Law to bind the Succeſſors of the ſaid Biſhop. And the Dean and Chapter of Wells ſhall be for ever the entire and ſole Chapter of the ſaid Biſhoprick of Bath and Wells: whereof the Prior and Covent of the diſſolved Monaſtery of St. Peter and Paul of Bath were heretofore the half part. P R.

CAP. XVI.

Sheriffs upon their accounts made in the Exchequer, ſhall be diſcharged of ſuch ſums of mony which they will teſtifie by their Oaths they cannot levy. And they ſhall have allowances for the diet of the Juſtices of Aſſiſe, Clerk of Aſſiſe, and other their reaſonable expences. EXP. Stat. 37 H. 8. 23. & REP. 2 Ed. 6. 4.

CAP. XVII.

Biſhops new erected ſhall pay their Tenths into the Courts of the Firſt fruits.

26 H. 8. 3. It was enacted, that the King ſhould have a yearly tenth of all Spiritual Promotions.

Where in the Parliament begun and holden at London the third day of November, in the xxj. year of the Reign of our moſt dread Sovereign Lord King Henry the Eighth, and from thence adjourned to Weſtminſter, and there holden and continued by divers Prorogations until the diſſolution thereof: it was among other things eſtabliſhed and enacted, That the Kings Majeſty, his Heirs and Succeſſors, for the augmentation and maintenance of the Royal eſtate of his Imperial Crown and Dignity, of Supreme Head of the Church of England, ſhould yearly have, take, enjoy, and receive united and knit unto his Imperial Crown for ever, one yearly rent or penſion amounting to the value of the tenth part of all the revenues, rents, ferms, tithes, offerings, emoluments, and of all other profits, as well called Spiritual as Temporal, then appertaining or belonging, or that afterward from thenceforth ſhould belong to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Archdeaconry, Deanry, Hoſpital, Colledge, Houſe Collegiate, Prebend, Cathedral Church, Collegiate Church, Conventual Church, Parſonage, Vicarage, Chauntry, free Chappel, or other benefice or promotion Spiritual, of what name, nature or quality ſoever they were, within any Dioceſs of this Realm, or in Wales, the ſaid penſion or annual rent to be yearly paid for ever to our ſaid Sovereign Lord, to his Heirs and Succeſſors, Kings of this Realm, at the Feaſt of the Nativity of our Lord God, as by the ſame Act among divers other things therein contained, more plainly is ſhewed and may appear.

32 H. 8. 45. The Kings Court of Firſt-fruits was erected.

And where alſo at the Parliament begun at Weſtminſter, the xxviij. day of April, in the xxxi. year of our ſaid Sovereign Lord the Kings moſt gracious Reign: and afterward continued by divers and ſundry Prorogations until the diſſolution thereof, there was by authority of the ſaid Parliament erected and eſtabliſhed a certain Court, called the Court of the Firſt-fruits and Tenths.

Five new Biſhopricks erected by the Kings Letters Patents.

And it was further enacted by the authority of the ſaid Parliament, That the ſaid Firſt-fruits and Tenths, and all the revenues and profits thereof, which then were, or hereafter from henceforth ſhould grow or be, by any manner of means, ſhould be from henceforth in the order, ſurvey and governance of the ſaid Court of the Firſt-fruits and Tenths, and Miniſters of the ſame, as by the ſame Act among divers other things therein contained, plainly appeareth. Sithen the making of which ſaid Act, our Sovereign Lord, of his moſt gracious and bleſſed diſpoſition, by his moſt gracious ſeveral Letters Patents hath made, erected, incorporated and eſtabliſhed, within this Realm divers and ſundry Biſhops and Sees of Biſhops, that is to ſay, John now Biſhop of Cheſter, John now Biſhop of Glouceſter, John now Biſhop of Peterborough, Paul now Biſhop of Briſtol, and Robert now Biſhop of Oxenford: and by the ſame his ſeveral and ſundry Letters Patents, hath ſunderly and ſeverally given and granted unto the ſaid Biſhops divers and ſundry manors, lands, tenements and hereditaments. In which ſaid ſeveral Letters Patents there been reſerved unto his Highneſs, his Heirs and Succeſſors, certain yearly rents and penſions, amounting to the tenth of the ſame manors, lands, tenements, and hereditaments ſo ſeverally given to the ſaid ſeveral Biſhops, to be paid and payable yearly in our ſaid Sovereign Lord the Kings Court of Augmentations of the Revenues of his Crown, as in the ſaid Letters Patents more plainly appeareth. And foraſmuch as by the ſaid former Eſtatutes, the ſaid Biſhops been compellable every one of them to pay the Tenths of his or their poſſeſſions, annexed to their ſeveral Biſhopricks, in our ſaid Sovereign Lord the Kings Court of Firſt-fruits and Tenths, the ſaid Biſhops be and ſhall be double charged and chargeable with the payments of the ſaid rents and penſions, reſerved and to be paid as is aboveſaid, for that, that the payments thereof in one of the ſaid Courts, is no diſcharge in the other, contrary to the true intent and meaning of the Kings Highneſs, and to the great hurt and decay of the ſaid Biſhops, and their ſucceſſors, if ſpeedy remedy be not therefore provided. For reformation whereof, be it enacted and ordained by authority of this preſent Parliament, That all the yearly rents, tenths, and penſions, as is or be above rehearſed, reſerved in and by all and ſingular the Kings Highneſs ſaid ſeveral Letters Patents, made of any manors, lands, tenements, parſonages appropriate, or other hereditaments whatſoever they be, ſithen the eight and twentieth day of April, in the ſaid one and thirtieth year of the Reign of our Sovereign Lord, to any of the ſaid ſeveral Biſhops, ſhall from the firſt day of May next coming, be in the rule, governance, and ſurvey of the ſaid Court of Firſt-fruits and Tenths. And that all ſuch and the ſame rents, penſions, and tenths, ſhall be from the ſaid firſt day of May, payable and always paid in the ſaid Court of Firſt-fruits and Tenth, & not elſewhere, nor in any other Court or place, any thing rehearſed in yͤ ſaid ſeveral Letters Patents, or in any of them, or any Act, Statute, or Law had, made or uſed to the contrary thereof notwithſtanding.

The Biſhops of Cheſter, Glouceſter, Peterborough, and Oxford ſhall pay their Tenths in the Court of Firſt-fruits. Alt. 1 M. 10.

And be it further enacted by the authority aforeſaid, That the ſaid Biſhops nor their ſucceſſors, ne any of them, ſhall at any time hereafter be impeached or ſued in the ſaid Court of Firſt-fruits and Tenth, of, or for any tenth, yearly rent, or penſion reſerved in or by any of the ſaid ſeveral Letters Patents, which now is, or before the ſaid firſt day of May next coming ſhall be due unto the Kings Highneſs. And that all and ſingular proceſs and ſuits now had and purſued, or hereafter on this ſide the ſaid firſt day of May, to be had or ſued out of the ſaid Court of Firſt-fruits and Tenth, againſt any of the ſaid Biſhops newly erected and made, as is aforeſaid, of, for, or concerning onely any yearly rent, penſion or tenths, reſerved upon or by any of the ſaid Letters Patents, ſhall ceaſe and be clearly void to all intents and purpoſes. 1 El. 4.

CAP. XVIII.

A confirmation of all liberties granted by the King, or any of his Progenitors, to the Mayor and Aldermen of Canterbury, which the King may reſume upon cauſe. No forreign, not being free of the ſaid City, ſhall buy or ſell any merchandiſe (ſaving victual) to another forreign : nor ſhall keep any ſhop, nor uſe any myſtery within the ſaid City, or the liberties thereof, without the licenſe of the Mayor and Aldermen, or the more part of them in writing under their ſeal, upon pain to forfeit vj. s. viij. d. for every offence to the ſaid Mayor and Aldermen, to be recovered by action or diſtreſs, &c. PR.

CAP. XIX.

Penſions, &c. granted out of Abbies, &c. ſhall be paid ſtill as they were before.

Where the Archbiſhops, Biſhops, Archdeacons, and the other Eccleſiaſtical perſons, of both Provinces of Canterbury and York, within this Realm of England, have heretofore in the right of their Churches, had and received out of the late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places now diſſolved, and out of the manors, lands, tenements and hereditaments belonging to the ſame, divers penſions, portions, corrodies, indemnities, ſinodies, proxies, and other profits. And where alſo in the Parliament begun and holden at Weſtminſter, the eight and twentieth day of April, in the one and thirtieth year of the Reign of our Sovereign Lord Henry the Eighth, by the grace of GOD, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland in Earth the Supreme Head, It was ordained and enacted by the authority of the ſame Parliament, That as well the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, with the manors, lands, tenements, hereditaments, and other profits belonging unto the ſame late Monaſteries, Abbathies, Priories, and other Religious and Eccleſiaſtical houſes and places as then were, or then hereafter ſhould come unto the Kings Highneſs hands, ſhould be veſted, deemed and adjudged in the actual and real poſſeſſion and ſeiſon of the Kings Highneſs, his Heirs and Succeſſors.

A rehearſal of the Statute of 31 H. 8. 13. touching the diſſolution of Monaſteries.

Saving to all and every perſon and perſons, and bodies politick, and their heirs and ſucceſſors, and the heirs and ſucceſſors of all and every of them, other then the late Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, and their ſucceſſors, and the ſucceſſors of every of them, and ſuch as pretend to be Founders, Patrons, or Donors of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Eccleſiaſtical houſes and places, or of any manors, meſſuages, lands, tenements, or other hereditaments belonging to the ſame, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every ſuch Founder, Patron, or Donor, and the then Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, which then hereafter ſhould happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Higeneſs, and ſuch as pretend to be Founders, Patrons, or Donors of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Friers, and other Eccleſiaſtical houſes and places, or of any manors, meſſuages, lands, tenements, or other hereditaments to the ſame belonging, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, all ſuch right, title, claim, intereſt, poſſeſſion, rents, charges, annuities, leaſes, ferms, offices, fees, liveries, livings, portions, penſions, corrodies, commons, ſinodies, proxies, and other profits which they or any of them have, claim, ought, may or might have had in or to the premiſſes, or to any part or parcel thereof,

A rehearſal of the ſaving in the ſaid Statute of 13 H. 8. ſpecified.

thereof, in ſuch like manner, form and condition, to all intents, reſpects, conſtructions and purpoſes, as if the ſame Act had never been had ne made, (rents ſervices, rents ſeck, and all other ſervices and ſuits onely except) as by the ſame Act among divers other things therein contained more plainly is ſhewed, and may appear.

Cok.lib. 12.45. Pentioners, Sinodies, Proxies.

And yet notwithſtanding the ſaid general ſaving, contained in the ſaid Act, the ſaid Archbiſhops, Biſhops, Archdeacons, and other Eccleſiaſtical perſons of both the ſaid Provinces of Canterbury and York, be, and ſithen the making of the ſaid Act have been diſturbed and denied of the having, receiving and gathering of the ſaid penſions, portions, corrodies, indemnities, ſinodies, and proxies, with other profits belonging unto them, by divers of the fermors and occupiers of great part and parcel of the ſaid manors, lands, tenements and hereditaments of the ſaid late Monaſteries, and other Eccleſiaſtical houſes and places, or being parcel of the poſſeſſions of them, and have no direct mean to obtain, recover, or come to the ſame, not onely to their great hurt and dammage, but alſo like to grow, and be to the great loſs and diſheriſon of the Kings Majeſty, concerning his Firſt-fruits and Tenth.

Penſions, &c. due out of religious lands diſſolved, ſhall be paid to Biſhops, Archdeacons, &c. by the occupiers of the ſame lands.

For reformation whereof, be it ordained, eſtabliſhed and enacted by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons being fermor or occupier of any manors, lands, tenements, parſonages, benefices, or other hereditaments of any of the ſaid late Monaſteries, or Eccleſiaſtical houſes or places, or belonging to them, or any of them, by the Kings Highneſs gift, grant, ſale, exchange, or otherwiſe, out of which premiſes any ſuch portions, penſions, corrodies, indemnities, ſinodies, proxies, or any other profits, have been heretofore lawfully going out, anſwered or paid to any of the Archbiſhops, Biſhops, Archdeacons, and other Eccleſiaſtical perſons aboveſaid, do at any time after the firſt day of April next coming, wilfully deny the paiment thereof, at the days of paiment heretofore accuſtomed, of any of the ſaid penſions, portions, corrodies, indemnities, ſinodies, proxies, or any other profits, whereof the ſaid Archbiſhops, Biſhops, Archdeacons, or other Eccleſiaſtical perſons were in poſſeſſion, at or within ten years next before the time of the diſſolution of any ſuch Monaſteries, or other Eccleſiaſtical houſes or places, that then it ſhall be lawful for the ſame Archbiſhops, Biſhops, Archdeacons, or other Eccleſiaſtical perſons aforeſaid, being ſo denied to be ſatisfied and paid thereof, and having right to the ſame thing in demand, to make ſuch proceſs as well againſt every ſuch perſon and perſons as ſhall ſo deny paiment of the ſame penſions, portions, corrodies, proxies, indemnities, ſinodies, or any other profits which of right ought to be paid, as is aforeſaid, as againſt the Church or Churches charged with the ſame, as heretofore they have lawfully done, and as by, and according to the laws and Statutes of this Realm they may now lawfully do, for the true paiment and recovery thereof. And if the party defendant be lawfully convict in any ſuch ſuit, cauſe or matter, according to the Eccleſiaſtical Laws: then the party plaintiff ſhall have and recover againſt the party defendant the thing in demand, and the value thereof in damages, with his coſts for his ſuit.

The remedy if the matter be determinable at the Common Law.

And be it further ordained and enacted by the authority aforeſaid, That if it fortune the cauſe or matter of variance between any of the ſaid parties be determinable at the Common Law, that then the party grieved, to ſue for his recovery and remedy therein at the Common Law. And if the party defendant fortune to be, by the courſe of the Common Law, lawfully condemned to the party plaintiff, then the ſaid party plaintiff ſhall likewiſe have and recover againſt the party defendant the thing in demand, and the value thereof in damages, with his coſts for his ſuit.

The remedy where the King hath demiſed any land with covenant of diſcharge thereof.

Provided alway, and be it enacted by the authority aforeſaid, That all and ſingular ſuch of the ſaid Archbiſhops, Biſhops, Archdeacons, and other Eccleſiaſtical perſons, which have right or title to claim, demand, or enjoy any of the ſaid penſions, portions, corrodies, indemnities, ſinodies, or proxies againſt any perſon or perſons, to whom the King hath made, or hereafter ſhall make in writing under ſeal, any ſeal, gift, grant, or leaſe, for term of life or lives, or years, of any of the ſaid manors, lands, tenements, parſonages, benefices or hereditaments, charged or chargeable to or with any of the ſaid penſions, portions, corrodies, indemnities, ſinodies or proxies, and alſo hath covenanted, granted, promiſed or agreed, or hereafter ſhall covenant, grant, promiſe or agree, by the ſaid writing to acquit, diſcharge, or ſave harmleſs the ſame perſon or perſons, of all penſions, portions, corrodies, indemnities, ſinodies and proxies, going out of the premiſſes or any parcel thereof, as be or ſhall be mentioned in the ſame writings, or any of them, ſhall ſue for their remedy and recovery thereof in the Court of the Augmentations of the Revenues of the Kings Crown, and not elſewhere: And that the party defendant having any ſuch diſcharge, being convented, called or ſued to any other Court or place, or before any other Judge, for any the cauſes aboveſaid, ſhall be diſcharged and diſmiſſed out of the ſaid Court or place without any thing paying for the ſame, by the onely ſhewing forth any of the ſaid writings, ſealed under any of the Kings ſeals, proving or declaring the King to have covenanted, promiſed or agreed to acquit, diſcharge or ſave harmleſs the ſaid party defendant thereof, as is aforeſaid. Any thing contained in this Act to the contrary notwithſtanding.

CAP. XX.

Common Recoveries of Lands in tail, whereof the King is in reverſion, ſhall be void.

The ſpecial reaſons of the Kings gifts of lands to certain perſons in tail.

Where divers of the Kings moſt noble Progenitors, and eſpecially the King our Sovereign Lord moſt liberally above all other, have given & granted, or otherwiſe provided to his and their loving and good ſervants and ſubjects, as well Nobles as other, manors, meaſes, lands, tenements, rents, ſervices & hereditaments, to them and to their heirs males of their bodies, or to their heirs of their bodies lawfully begotten, minding at the time of ſuch gifts not onely to prefer and advance preſently the Donees, but alſo their heirs in blood of their bodies, according to the limitation of the ſaid gifts: to the intent that recompence for the ſervice of ſuch Donees, ſhould not onely be a benefit for their own perſons, but a continual profit and commodity to and for their heirs coming of their bodies, whereby thoſe heirs ſhould have in ſpecial memory and daily remembrance, the profit that they have and take by the ſervice of their Anceſtors done to the Kings of this Realm, and thereby be the better encouraged to do like ſervice to their Sovereign Lord, as to their duties of allegiance appertaineth. And foraſmuch as ſundry ſuch Donees in tail, and their heirs have ſuffered, and daily ſuffer by their conſents, untrue and feigned recoveries to be had againſt them, with common Voucher, or otherwiſe, of manors, meaſes, lands, tenements, or hereditaments, ſo given, granted, or provided in tail, by the Kings Majeſty, or his noble Progenitors, as is aforeſaid, to the intent by fraud, covin, and undue means, not onely to bind and defeat their heirs inheritable, by the limitation of ſuch gifts, but alſo the King of his Prerogative, Wardſhip, Primer ſeiſon, and other his rights: whereby queſtions and diverſity of opinions have riſen, and yet be, whether ſuch feigned and untrue recoveries againſt ſuch tenants in tail by their own conſents, of lands, tenements, or hereditaments, whereof the reverſion or remainder is in the King at the time of ſuch recovery or recoveries had, ſhould after the death of the tenant in tail bind the heirs in tail or not.

A common recovery of land in tail, whereof the King is in reverſion or remainder, ſhall be void.

For the plain declaration whereof, and to avoid and extinct from henceforth diverſities of opinions in ſuch caſes: be it ordained and enacted by authority of this preſent Parliament, That no ſuch feigned recovery, hereafter to be had by aſſent of parties againſt any ſuch tenant or tenants in tail, of any lands, tenements, or hereditaments, [a] whereof the reverſion or remainder at the time of ſuch recovery had, ſhall be in the King, ſhall bind or conclude the heirs in tail, whether any condition, or Voucher be had in any ſuch feigned recovery or not, but that after the death of every ſuch tenant in tail againſt whom any ſuch recovery ſhall be had, the [b] heirs in tail may enter, have and enjoy the lands, tenements, and hereditaments ſo recovered, according to the form of the gift of entail: the ſaid recovery, or any other thing or things hereafter to be had, done or ſuffered by, or againſt any ſuch tenant in tail to the contrary notwithſtanding.

[a] Co. Inſt. 372. b. Cro. El. 513. 555. [b] Dyer f. 32. Cok. l. 2. f. 15. 52. 18. f. 77. Br. aſſurances 6. B. diſcon. de poſſeſſion 32. B. faux. doc. 30. B. tailes 41. B. recover. 3. Cok. Inſt. 335. 2.

No recompence is value againſt the Voucher.

And be it alſo further enacted by authority aforeſaid, That the heirs of every ſuch tenant in tail, againſt whom any ſuch feigned recovery ſhall be had, ſhall take no advantage for any recompence in value againſt the Voucher or his heirs.

The leſſee of tenant in tail ſhall enjoy his term againſt the heir of the leſſor.

Provided alway, That this Act, or any thing therein contained, be not in any wiſe prejudicial or hurtful to the leſſee or leſſees of any ſuch tenant in tail, made or to be made by writing indented of any manors, lands, tenements, or hereditaments for term of xxj. years, three lives or under, whereupon the accuſtomable rent and rents, or more, is or ſhall be reſerved yearly during the ſame term and terms: but the ſame leſſee and leſſees, ſhall and may have and enjoy his or their term and terms therein againſt the heir and heirs of every ſuch tenant in tail, according to the tenor, purport, and effect of the Statute made in the xxxij. year of the Reign of our Sovereign Lord King Henry the Eighth, any thing in this Act contained to the contrary thereof notwithſtanding.

St. 32 H. 8. 28.

CAP. XXI.

A confirmation of Letters Patents, notwithſtanding any miſnaming.

Where the Kings moſt excellent Highneſs, ſithen the fourth day of February, in the xxvij. year of his Majeſties Reign, hath obtained and purchaſed, as well by exchanges, as by gifts, bargains, fines, feoffments, recoveries, deeds enrolled, and otherwiſe, of divers and ſundry perſons, many ſundry and divers honours, caſtles, manors, lands, tenements, medows, paſtures, woods, rents, reverſions, ſervices, and other hereditaments, and hath not onely paid divers and ſundry great ſums of money for the ſame, but alſo hath given and granted for and in conſideration thereof unto divers perſons late owners thereof, divers and ſundry manors, lands, tenements, and hereditaments, and other recompences in and for full ſatisfaction of all ſuch honours, caſtles, manors, lands, tenements, rents, reverſions, ſervices, & other his hereditaments, by his Highneſs obtained, purchaſed, or had as is aforeſaid. Be it therefore enacted by authority of this preſent Parliament, That our Sovereign Lord the King, his Heirs and Succeſſors, ſhall have, hold, poſſeſs and enjoy all and ſingular the ſame honours, caſtles, manors, lands, tenements, and other hereditaments, which his Highneſs ſith the ſaid fourth day of February, in the xxvij. year abovesaid, hath obtained and had, or at any time during the ſpace of ſeven years next enſuing the making of this preſent Act, ſhall obtain, purchaſe, or have, by way of exchange, bargain, purchaſe, or other whatſoever mean or means, according to the true meaning and intent of his Highneſs bargain, exchange or purchaſe therein: miſ-recital, or non-recital, or non-naming of any of the ſaid honours, caſtles, manors, lands, tenements, or other hereditaments, or of the true names, or certainties of them or any of them compriſed or mentioned in the bargains, or writings made between the Kings Highneſs, or any other party or parties, or of any part or parcel thereof, or of any Towns or Counties, where the ſaid honours, caſtles, manors, lands, tenements and hereditaments lie and been, or any other matter or cauſe whatſoever it be in any wiſe notwithſtanding: Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors and every of them, (other than ſuch perſon and perſons, and their heirs, and their wives, and the wives of every of them, bodies politick and corporate, and their ſucceſſors and every of them, of whom the Kings Highneſs hath obtained by exchange, gift, bargain, fine, feoffment, recovery, deed enrolled, or otherwiſe, or at any time hereafter during the ſaid ſeven years next coming, ſhall obtain, purchaſe, or have any ſuch honours, caſtles, manors, lands, tenements, or other hereditaments, as is aforeſaid) all ſuch right, title, uſe, intereſt, poſſeſſions, rents, charges, annuities, commodities, fees, and other profits, (rents ſervices, & rents ſecks onely except) which they or any of them have, might, or ought to have had, in, or to the premiſſes ſo obtained and

A confirmation of all aſſurances heretofore made, or at any time within ſeven years to be made by any perſon to the King of any lands, &c. Cro. Jac. 51.

A ſaving of the right of others.

and had, or into any parcel thereof, in as ample and large manner, form and condition, to all intents and purpoſes, as if this Act had never been had, ne made: This preſent Act, or any thing therein contained to the contrary notwithſtanding.

And where alſo our ſaid Sovereign Lord the King, ſithen the ſaid iiij. day of February, in the ſaid xxviij. year of his Majeſties Reign, as well upon divers and ſundry good conſiderations his Majeſty ſpecially moving, as alſo otherwiſe, hath bargained, ſold, exchanged, given and granted by his Graces ſeveral Letters Patents, Indentures, or other writings ſealed under his Highneſs Great Seal of England, and the Seal of his Dutchy of Lancaſter, and the Seal of Office of the Court of Augmentations of the Revenues of his Crown, or any of them, as well to bodies politick and corporate, as to divers and ſundry other of his loving and obedient ſubjects, divers and ſundry honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, rents, reverſions, ſervices, parſonages appropriated, advowſons, tithes, oblations, penſions, portions, franchiſes, priviledges, liberties, offices, and other hereditaments, commodities and profits, in fee-ſimple, fee-tail, for term of life or lives, or for term of years, as in the ſame ſeveral Letters Patents, Indentures, and other writings is mentioned and declared. And where alſo the Kings Majeſty heretofore ſithen the ſaid fourth day of February, by his ſeveral Letters Patents, ſealed under the ſaid Great Seal of England, or otherwiſe, of his accuſtomable goodneſs, hath newly erected, ordained and made divers Biſhops, Deans and Chapters, Colledges, and other bodies politick and corporate, and hath by his ſeveral Letters Patents ſealed under the Great Seal of England, given and granted as well unto them, as to divers other bodies politick and corporate, divers manors, lands, tenements, parſonages, tithes, penſions, portions, advowſons, nominations, preſentations, and other hereditaments, and ſuch or like liberties and juriſdiction in the ſame manors, lands, tenements mentioned in any of the ſame Letters Patents, as he to whom any ſuch Letters Patents were, or be made or granted, or his predeceſſors before had or enjoyed in the manors, lands, tenements and hereditaments, departed or appointed to the King, or ſuch as any the late Abbot or Prior of any the late Monaſteries or Priories, or other perſon or perſons whatſoever, or any of them mentioned in any of the ſaid Letters Patents, lawfully had, exerciſed, uſed or enjoyed within the ſaid caſtles, manors, lands, tenements, and hereditaments, mentioned in any of the ſaid Letters Patents: In avoiding, diſturbing, hurting or hindering of divers of the ſaid ſeveral Letters Patents, Indentures, and other writings of the ſaid manors, lands, tenements, hereditaments, and other things in them contained, ſundry and many ambiguities, doubts and queſtions have, or might hereafter happen to be moved, objected, alledged, invented, procured or ſtirred, as well for miſnaming, miſrecital, or non-recital of any of the ſame honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, and other the premiſſes, or any parcel thereof, or for lack of finding of offices or inquiſitions of and in the premiſſes, whereby the title of the Kings Highneſs therein ought to have been found, before the making of the ſame Letters Patents or other writings: or for miſ-recital, or non-recital of leaſes thereof before made, as well of record as not of record, or for lack of the certainty, miſcaſting, rating, or ſetting forth of the yearly values and rates of the premiſſes, or of the yearly rents reſerved of and for the premiſſes, or any parcel thereof, mentioned or contained in any of the ſaid Letters Patents or other writings; or for that the premiſſes be, or any part thereof is valued to a more or leſs value in the ſaid Letters Patents or writings, then the ſaid manors, lands, tenements, and other the premiſſes then were or ſhall be in yearly value, or for miſnaming of the Towns, Hamlets, Pariſhes or Counties, where the ſame honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, rents, hereditaments, and other the premiſſes, and every parcel thereof, or any parcel thereof, lien or been: or for lack of the true naming of the natures, kinds, ſorts or quantities of the ſaid poſſeſſions or hereditaments, or any parcel thereof: or for lack of the true naming of the corporation of the ſame, or for lack of atturnment, livery of ſeiſon, or for miſ-naming of any the late tenants, or fermors of the ſame ſo ſold, given or exchanged.

Defects at the Common Law in the Kings Letters Patents, and means to make them void.

For remedy and reformation whereof, be it ordained and enacted by the Kings moſt excellent Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That as well all and every the ſaid Letters Patents, Indentures, and other writings, and every of them, ſealed with, or under the ſeal or ſeals aboveſaid, or any of them, made or granted by the Kings Highneſs ſithen the ſaid fourth day of February, in the ſaid xxviij. year of his moſt noble Reign, as alſo all & ſingular his Graces Letters Patents, Indentures, & other writings hereafter during the ſpace of ſeven years next enſuing ẏ making of this preſent Act, to be had, made, or granted with or under any of the ſeals aboveſaid, to any body politick or corporated, or to any other perſon or perſons, of any honours, caſtles, manors, monaſteries, abbathies, priories, nunneries, colledges, hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical houſes or places, ſites, circuits, precincts, lands, tenements, parſonages, tithes, penſions, portions, advowſons, nominations, preſentations, franchiſes, liberties, & other hereditaments, commodities, poſſeſſions & profits, of what kind, nature or quality ſoever they or any of them be, is or ſhall be, or by whatſoever name or names they or any of them be, is or ſhall be named, known or reputed, ſhall ſtand, and be good, effectual, and available in the Law to all intents, reſpects, conſtructions and purpoſes againſt his Majeſty, his Heirs and Succeſſors, without any confirmation, licence, diſpenſation, or toleration of the Kings Highneſs, his Heirs or Succeſſors, or of any other perſon or perſons whatſoever, any the cauſes or matter above mentioned, contained, or hereafter during the ſaid ſeven years to be contained in any ſuch Letters Patents, Indentures, or other writings to the contrary in any wiſe notwithſtanding.

A confirmation of all Letters Patents, &c. made by the King, or to be made within ſeven years after, notwithſtanding any the defects aforeſaid. St. 36 El. 3.

Dyer f. 129. 31. Cok. l. 2. f. 32.

Provided alway, and be it enacted by the authority aforeſaid, That all and ſingular ſuch Letters Patents which at any time heretofore, ſithen the xxviij. day of April, in the xxxi.

The King granteth the keeping of a Caſtle, Park, &c. with a fee, which after is diſſolved.

year of our ſaid Sovereign Lords Reign, have been granted or made, or hereafter ſhall be made by the Kings Highneſs to any perſon or perſons, of any office of keeping of any Caſtle, Clock-houſe, Park, Chaſe, Forreſt, or keeping of any Manor, or Manſion-place, Houſe or Houſes, with an annual fee or other yearly profits for the exerciſing of the ſame, and after the ſaid Caſtle, Block-houſe, Manor, Manſion-place, Houſe or Houſes, Park, Chaſe, or Forreſt happen to be fallen down, to be diſparked, diſforreſted, or deſtroyed, ſo that the cauſe of the exerciſing of ſuch office is determined: that then the letters patents, or grant of the ſame office and offices with the fee and fees, or other profits for the exerciſing of the ſame, ſhall be from thenceforth clearly determined, and ſtand and remain as void for ever: any thing in this Act contained to the contrary notwithſtanding.

A grant of an Office made void by decree, &c.

Provided alſo, That this Act or any thing therein contained, ſhall not in any wiſe extend to revive or make good any letters patents of the grant of any office or offices, heretofore granted or made by our ſaid Sovereign Lord the King, which now is or be, or at any time heretofore have been annihilated, determined, or made void by authority of Parliament, Judgment, Decree, or otherwiſe: any thing in this Act contained to the contrary notwithſtanding.

The recompence for overplus more then was meant to be granted ſhall be xx. years puchaſe.

Provided alway, and be it enacted by the authority aforeſaid, That all and ſingular ſuch Patentees, Grantees, and Donees, as at any time from henceforth during the ſaid ſeven years next coming, ſhall fortune to have or obtain any Caſtles, Manors, Lands, Tenements, Tithes, Penſions, Portions, or other Hereditaments, of the gift, grant, ſale, or exchange of the Kings Majeſty, or of the onely gift of the Kings Majeſty of his moſt liberal diſpoſition, and not ſold, which at the day of the date of the letters patents thereof made, ſhall be of more or better yearly value to the King in yearly rent and farm then ſhall be contained, mentioned, or ſpecified in any ſuch letters patents and particulars thereof made by the Auditor or Auditors, and in ſuch bill or bills as ſhall be ſigned and ſealed with the hand or hands of the Patentee or Patentees thereof, to be exhibited to the Kings Majeſty, or his Officer or Officers, within whoſe ſurvey the ſaid manors, lands and tenements, and other the premiſſes, or any part thereof, ſhall be or within any of them: which bill ſhall be ſigned, ſealed, had and made as is aforeſaid, before any bill ſhall be thereof ſigned by the Kings Majeſty, that then every of the ſaid Patentees, Grantees, and Donees, their heirs, executors, or adminiſtrators, within one year next after due proof and decree thereof made and had in the Court within whoſe ſurvey the ſame Caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof then ſhall be, ſhall content and pay unto the King for the ſame overplus, and more value for the ſame manors, lands, tenements, tithes, penſions, portions, and other hereditaments to him ſold or exchanged, after ſuch rate as the other lands and tenements were before to him ſold or exchanged: and for the overplus and more value of ſuch lands and tenements, as ſhall happen to be given by the Kings Majeſty, and not ſold as is abovesaid, the ſaid Patentee, his heirs, executors, or adminiſtrators ſhall content and pay to the King after the rate of xx. years purchaſe: ſo that the ſame proof and decree be had and made in form abovesaid, within ten years next after the day of the ſaid letters patents.

Provided always, That this Act, or any proviſion, clauſe or article therein contained, ſhall not be underſtood or interpreted to be hurtful or prejudicial to any the Kings Letters Patents, Indentures, or writings heretofore made, concerning any bargains, covenants, ſales, grants, exchanges, or gifts of any Caſtles, manors, lands, tenements, or other hereditaments in fee-ſimple or in fee-tail, ſithen the fourth day of February, in the ſeven and twentieth year of his Majeſties Reign, and before the eight and twentieth day of April, in the eight and twentieth year of his Highneſs Reign, under any of the ſeals above ſpecified in this Act: nor to any Act or Statute heretofore made for the corroboration of any ſuch Letters Patents, Indentures, or writings. Stat. 7 Edw. 6. 3. 4 & 5 P. M. 1. 18 El. 2. 42 El. 1.

CAP. XXII.

Fines, &c. (in Incorporate Towns) ſhall be made as before have been.

32 H. 8. 28.

Where in the Parliament, holden in the ſeventeenth year of our moſt dread Sovereign Lord King Henry the Eight, It was enacted by authority of the ſaid Parliament amongſt other, that no fine, feoffment, or other act or acts, hereafter to be made, ſuffered, or done by the husband onely, of manors, lands, tenements, or hereditaments, being the inheritance, or the freehold of his wife, during the coverture between them: ſhall in any wiſe be, or make any diſcontinuance thereof, or be prejudicial or hurtful to the ſaid wife, or to her heirs, or to ſuch as ſhall have right, title, or intereſt by the ſame by the death of ſuch wife or wives: but the ſame wife and her heirs, and ſuch other, to whom ſuch right ſhall appertain, after her deceaſe, ſhall and may then lawfully enter into all ſuch manors, lands, tenements, and hereditaments, according to their rights and titles therein, any ſuch fine feoffment, or other act to the contrary notwithſtanding: Sithence the making of which Act, divers doubts, queſtions and ambiguities have riſen: That is to ſay, whether the recoveries and deeds enrolled, which be in nature of fines, and whereupon women covert have been uſed to be examined, taken, had, or knowledged, as well within the City of London as in many other Cities, Boroughs, and Towns within the Realm of England, ſhould bind all ſuch women covert, that ſhould happen to be examined upon the ſame recoveries and deeds enrolled. In avoiding therefore all ſuch ambiguities and doubts; Be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all recoveries, deeds enrolled, and releaſes heretofore acknowledged and taken, or at any time hereafter to be taken and acknowledged before the Mayors, Aldermen, Recorders, Chamberlains,

The forte of recoveries, deeds enrolled, and releaſes acknowledged by women covert in certain Corporate Towns or other head Officer or Officers, as well of the City of London, as of any other City, Borough, or Town corporate within the Realm of England, having power and authority to take and receive the ſame, according to the laudable uſages and cuſtoms of the ſaid Cities, Boroughs and Towns, and every of them, ſhall be, ſtand, and remain of like force, ſtrength and effect, to all intents and purpoſes, as they, or any of them were before the making of the ſaid Act, in the ſaid two and thirtieth year of our ſaid Sovereign Lord: any thing in the ſame contained to the contrary in any wiſe notwithſtanding. 18 Ed. 3. ſ. 9. 45 Aſſ. pl. 8.

CAP. XXIII.

Judgment may be given againſt any the offenders of the Statute of 21 H. 8. 8. by nine of the Kings Councel. EXP. and REP. 1 Ed. 6. 12.

CAP. XXIV.

The Manors of Burlewas lying in Maddingley in the County of Cambridge, aſſured to John Hind, &c. paying ten pound yearly, &c.

Where certain perſons were infeoffed of and in the Manor of Burlewas, otherwiſe called the Shire Manor of the County of Cambridge, lying and being in Maddingley in the ſaid County, and of and in two hundred acres of land, one hundred acres of medow, one hundred acres of paſture, with the appurtenances in Maddingley aforeſaid in the ſame County, being in the whole of the yearly value of ten pounds, and ſo letten to farm at this day, to the uſe and intent, that the profits thereof ſhould yearly be received and taken for and towards the paiment of the fees and wages of the Knights of the ſame County of Cambridge, being choſen for the Parliament within the ſame County, at ſuch time and times, as it ſhould pleaſe the Kings moſt Royal Majeſty, his Heirs or Succeſſors, to call his or their High Court of Parliament, whereby the ſaid inhabitants within the ſaid County of Cambridge heretofore have been clearly diſcharged for and concerning the paiment of the Knights wages for the Parliament. And for the ſure and more perfect continuance thereof, and that the yearly value of the ſame Manor and other the premiſſes may be from henceforth converted to the ſame uſe and purpoſe, and alſo to the intent that it may be perfectly known, what perſon hereafter ſhall be tenant of the premiſſes, and charged to anſwer and pay the ſaid yearly farm or rent of ten pounds yearly for the ſame, and what perſons ſhall likewiſe receive the ſaid rent to the uſes and intents aforeſaid, all the Gentlemen of the ſaid County of Cambridge, as well for themſelves, as for the whole inhabitants of the ſame County, moſt humbly deſire the Kings moſt Excellent Highneſs, that it may be enacted by his moſt Royal Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That John Hinde, one of the Kings Serjeants at Law, and his heirs, ſhall from henceforth have, hold and enjoy to him, his heirs and aſſigns for ever, to the onely and proper uſe of the ſaid John Hinde and his heirs, the ſaid manor, lands tenements, and all other the premiſſes before rehearſed, and every parcel of the ſame, under the conditions following: That is to ſay, that the ſaid John Hinde, his heirs and aſſigns for ever, ſhall yield and pay yearly for the ſame premiſſes at the Feaſt of St. Michael the Archangel, ten pounds ſterling, to ſuch perſons and their ſucceſſers as ſhall be by this preſent Act incorporated and enabled to receive the ſame.

John Hinde ſhall have to him and his heirs the Shire Manor, paying ten pounds yearly.

And alſo that it may be further enacted by the authority aforeſaid, That Edward North Knight, Sheriff of the ſaid Shire, and Thomas Rudſtone Eſquire, Knights of the ſaid Shire of Cambridge for this preſent Parliament, ſhall be one body incorporate, and that they and their ſucceſſors, Knights of the ſaid County of Cambridge for the time being, and the Sheriff of the ſaid County alſo for the time being, ſhall by this preſent Act be incorporated by the name of Wardens of the Fees and Wages of the Knights of the Shire of Cambridge choſen for the Parliament, and ſhall have perpetual ſucceſſion for ever in the ſame, and ſhall implead, and be impleaded by the ſaid name. Which Knights of the Shire for the time being, and after the Parliament diſſolved, as long as they ſhall be living, until other Knights of the ſaid Shire ſhall be choſen for the Parliament next enſuing, ſhall have and perceive the ſaid yearly rent of ten pound, and convert the ſame to their own proper uſes by equal portions, towards the maintenance of their charges. And when any of the ſaid Knights of and for the ſaid Shire choſen ſhall die: that the ſurvivor immediately from time to time ſhall have and perceive the ſaid yearly rent of ten pound to his own ſole and proper uſe, until the time that the new Knights of the ſaid Shire ſhall be elected for the Parliament, who immediately after their election ſhall have and perceive the ſaid yearly rent of ten pound, And if both the ſaid Knights of the ſaid Shire ſhall happen to die, then the Sheriff of the ſaid Shire yearly for the time being, ſhall have and perceive the ſaid yearly rent of ten pound to his own uſe, and ſo to continue unto the time that other Knights of the ſaid Shire ſhall be choſen for the Parliament then next following, as is aforeſaid, and ſo to continue after the ſaid rate for ever.

The Sheriff and two Knights of the Parliament for the County of Cambridge incorporated by the name of the Wardens of the wages, &c.

Who ſhall have the x. l. rent payable out of the Shire Manor.

And alſo be it enacted by the authority aforeſaid, That if it ſhall fortune the ſaid yearly rent of ten pound, or any part thereof to be behind unpaid, if any of the Wardens aforeſaid, or any of their ſervants or aſſigns demand the ſame, in the name or names of any of the ſaid Wardens, at any time after the ſaid day of paiment expired as is aforeſaid: Then it ſhall be lawful to and for the ſaid Wardens to recover the ſaid rent by action of debt at the Common Law againſt the owners, farmers, tenants, and occupiers of the ſame, or any of them, or elſe at their pleaſure to diſtrain for the ſaid yearly rent of ten pound, and the arrearages of the ſame, in the ſaid manor, and all other manors, meaſes, lands, tenements, and other hereditaments whatſoever of the ſaid John Hinde, his heirs and aſſigns in Maddingley aforeſaid, which ſaid manors, lands and tenements ſhall be always chargeable

The remedy to recover the rent of x. l. if it be behind.

to the diſtreſs of the ſaid Wardens for the time being, for non-payment of the ſaid yearly rent, and the arrearages of the ſame. And that it ſhall be lawful for them the ſame diſtreſſes with them to retain, unto the time that the ſaid yearly rent of ten pound, together with the arrearages and coſts of the ſame, unto the ſaid Wardens for the time being, as their turn ſhall come to have the profits of the ſame, ſhall be well and truly contented and paid. And if it ſhall fortune the ſaid yearly rent of ten pound, or any part thereof to be unpaid by the ſpace of three moneths next after the day of paiment thereof, as aforeſaid: then it ſhall be lawful to and for the ſaid Wardens for the time being, their ſervants and aſſigns, or any of them into the ſaid manors, lands and tenements in Maddingley aforeſaid, by whatſoever name or names the ſame be known or called, to enter, and the ſame and the profits thereof continually to retain, to their own ſole proper uſes, unto the time that the ſaid yearly rent, together with the arrearages thereof (if any ſhall be) unto the ſaid Wardens, ſhall be well and truly contented and paid by the ſaid John Hinde, his heirs and aſſigns, or one of them, as is aforeſaid: and ſo from time to time when any ſuch chance ſhall happen, without any vexation, ſuit or trouble of the tenants, farmers, owners, or occupiers of the ſame, the ſaid Wardens ſhall enter, and have and enjoy the ſaid manor of Burlewas lands and tenements aforeſaid, as is afore declared: Any thing in this preſent Act contained to the contrary hereof in any wiſe notwithſtanding.

A remedy for the rent if the land comes to the Kings hands.

And further that it may be enacted by the authority aforeſaid, That if it ſhall happen that the ſaid manors, lands and tenements, or any part thereof to come to the Kings hands, his Heirs and Succeſſors, by Wardſhip, Primer ſeiſin, Eſcheat, or otherwiſe, that notwithſtanding the ſaid rent ſhall be yearly paid unto the ſaid Wardens for the time being, to the uſes aforeſaid, and by the authority of this preſent Act all Receivers, Bailiffs, and other miniſters to the Kings Highneſs, his Heirs and Succeſſors, and every of them, ſhall have ſufficient warrant to pay the ſaid rent as is aforeſaid, and to be allowed of the paiment of the ſame by this preſent Act, without any other warrant from the Kings Highneſs to be made for the ſame.

A remedy for the Wardens of the land recovered by covin.

Provided always, and be it further enacted by the authority aforeſaid, That if hereafter it ſhall happen, that the ſaid manor of Burlewas, and the lands and tenements aforeſaid, with the appurtenances, or any part thereof to be recovered by faint pleader, reddition, or other fraud or covin: then it ſhall be lawful to and for the ſaid Wardens, and every of them all times hereafter into the ſaid manor, lands and tenements ſo recovered by covin, to re-enter, and the ſame to have and enjoy to them and their ſucceſſors for ever: any thing in this preſent Act contained to the contrary hereof in any wiſe notwithſtanding. Saving to every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them (other then the ſaid perſons and their heirs that now be, and hereafter ſhall be ſeiſed or in poſſeſſion of the ſaid manor of Burlewas lands and tenements, and other the premiſſes with the appurtenances, to the uſes and intents aforeſaid, towards the paiment of the fees, wages, and other charges of the ſaid Knights of the ſaid Shire of Cambridge, and Sheriffs of the ſaid County for the time being, as afore is rehearſed) all ſuch title, poſſeſſion, right, intereſt, action and condition, as they or any of them hath in and to the ſame, or in or to any part thereof, as fully and wholly as if this preſent Act had never been had or made: any thing contained in this preſent Act to the contrary hereof in any wiſe notwithſtanding.

A Saving of the right of others.

The inhabitants of the County of Cambridge diſcharged of the Knights wages.

And be it further enacted by authority aforeſaid, That in conſideration of the premiſſes, the County of Cambridge, and the inhabitants of the ſame, ſhall hereafter for ever be diſcharged of all ſuch ſums of money, as heretofore hath been accuſtomed to be levied and paid for the fees of the Knights of the Parliament of the ſaid County.

CAP. XXV.

It ſhall be lawſul to the Mayor, Burgeſſes, and inhabitants of Poole, in the County of Dorſet, and to their ſucceſſors, to erect a Windmill in the Kings waſte ground and Common in the Town of Baiter: and a Conduit-head in a place called Totnam, and to have ſixteen foot ſquare for the Conduit-head: and to dig and draw in, by, through, and upon all places meet and convenient into and from the ſame, &c. yielding yearly to the King, his Heirs, &c. one Pepper Corn. P R.

CAP. XXVI.

Laws ſpecially ſhall be made in Wales by the Officers there.

Cok. Inſt. 4. part. 242.

OUr Sovereign Lord the Kings Majeſty, of his tender zeal and affection that he beareth towards his loving and obedient ſubjects of his Dominion, Principality, and Countrey of Wales, for good rule and order to be from henceforth kept and maintained within the ſame, whereby his ſaid ſubjects may grow and ariſe to more wealth and proſperity, hath deviſed and made divers ſundry, good and neceſſary Ordinances, which his Majeſty, of his moſt abundant goodneſs, at the humble ſuit and petition of his ſaid ſubjects of Wales, is pleaſed and contented to be enacted by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, in manner and form as hereafter enſueth.

Wales divided into xij. Shires.

27 H. 8. 26.

Firſt, That his Graces ſaid Dominion, Principality and Country of Wales, be from henceforth divided into xij. Shires, of the which, viij. hath been Shires of long and ancient time, that is to ſay, The Shires of Glamorgan, Caermarthen, Pembroke, Cardigan, Flint, Caernarvan, Angleſey and Merioneth. And four of the ſaid twelve Shires be newly made and ordained to be Shires, by an Act made at the Parliament holden at Weſtminſter, in the xxvij. year of our ſaid Sovereign Lords moſt noble Reign: that is to ſay, The Shires of Radnor, Brecknock, Mountgomery and Denbigh, over and beſides the Shire of Monmouth, and divers other Dominions, Lordſhips and Manors in the Marches of

Wales, united and annexed to the Shires of Salop, Hereford, and Glouceſter, as by the ſaid late Act more plainly appeareth.

Limitation of Hundred, by Commiſſion.

Item, That the limitations of the Hundreds of late made within the ſaid Shires, by vertue of his Graces Commiſſions, directed out of his high Court of Chancery, and again returned into the ſame, ſhall ſtand in full ſtrength, force and effect, according to the ſaid limitation: Except ſuch of the ſame, as ſith that time have been altered or changed, by vertue of any Act or Acts of Parliament already made, or that ſhall be altered or changed, by any Act or Acts in this preſent Seſſion to be made.

Preſident and Councel.

Item, That there ſhall be and remain a Preſident and Councel in the ſaid Dominion and Principality of Wales, and the Marches of the ſame, with all Officers, Clerks, and incidents to the ſame, in manner and form as hath been heretofore uſed and accuſtomed: which Preſident and Councel ſhall have power and authority to hear and determine by their wiſdoms and diſcretions, ſuch cauſes and matters as be, or hereafter ſhall be aſſigned to them by the Kings Majeſty, as heretofore hath been accuſtomed and uſed.

Seſſions twice in a year.

Item, That there ſhall be holden and kept Seſſions twice in every year, in every of the ſaid Shires in the ſaid Dominion and Principality of Wales: that is to ſay, in the Shires of Glamorgan, Brecknock, Radnor, Caermarthen, Pembroke, Cardigan, Mountgomery, Denbigh, Flint, Caernarvan, Merionith, and Angleſey: The which Seſſions ſhall be called the Kings Great Seſſions in Wales.

Juſtice of Cheſter.

Item, That the Juſtice of Cheſter, for the time being, ſhall hold and keep Seſſions twice every year, in the Shires of Denbigh, Flint, and Mountgomery, and have nothing but his old fee of an hundred pounds yearly for the ſame.

Juſtices of North-wales.

Item, That the Juſtice of North-Wales ſhall in likewiſe hold, and keep Seſſions twice every year, in every of the ſaid Shires of Caernarvan, Merioneth, and Angleſey, and ſhall have yearly of the Kings Majeſty a yearly fee of fifty pounds for the ſame.

Juſtice of Radnor, &c.

Item, That one perſon learned in the Laws of this Realm of England, by the Kings Majeſty to be named and appointed, ſhall be Juſtice of the Shires of Radnor, Brecknock, and Glamorgan, and ſhall in like wiſe hold and keep Seſſions twice in every year, in every of the ſame Shires, and ſhall alſo have yearly of the Kings Majeſty fifty pounds for his fee.

Juſtice of Caermarthen.

Item, That one other perſon learned in the Laws of this Realm, to be appointed, as is aforeſaid, ſhall be Juſtice of the Shires of Caermarthen, Pembroke, and Cardigan, and ſhall in likewiſe hold and keep Seſſions twice in every year, in every of the ſame Shires, and ſhall alſo have yearly of the Kings Majeſty fifty pounds for his fee.

Patents under the Great Seal.

Item, That the ſaid perſons or Juſtices, and every of them now being, or that hereafter ſhall be, ſhall have ſeveral Letters Patents and Commiſſions, for their Offices, under the Kings Great Seal of England, to be exerciſed by themſelves, or their ſufficient Deputies, according to the purpoſes and intents in their Ordinance ſpecified.

Commiſſions then granted.

Provided always, That their Commiſſions, to them already granted, under the ſaid Great Seal, ſhall ſtand in force and effect, according to the tenor of the ſame: unleſs it ſhall pleaſe the Kings Majeſty hereafter to alter or change them, or any of them, this preſent Article laſt before expreſſed in any wiſe notwithſtanding.

Of what things the Juſtices in Wales may hold plea. 18 H. 8.

Item, That every of the ſaid Juſtices, within the limits of their Commiſſions and authorities to them appointed, as is aforeſaid, ſhall hold all manner of pleas of the Crown, at and in the ſaid Seſſions, in as large and ample manner as the Kings Chief Juſtice of England, and other the Kings Juſtices of the Kings Bench there, or any of them may do in their places, or elſewhere within the Realm of England. And alſo to hold pleas of aſſiſes, and all other pleas and actions real, perſonal and mixt, in as large and ample manner as the Kings Chief Juſtice of the Common place in England, and other Juſtices of the ſame place, or any of them may do in the Realm of England.

Item, That every of the ſaid Juſtices of Wales ſhall have power and authority to enquire of treaſons, murders, felonies, riots, routs, unlawful aſſemblies, extortions, imbraceries, maintenances, retainors, concealments, contempts, and all other offences and evil deeds, of what natures, names or qualities ſoever they be, done, committed or perpetrated within the limits of their Commiſſions and authorities, againſt the form of the Common Law of the Realm of England, or of any the Statutes of the ſame, and to hear and determine the premiſſes, and every of them, and generally to miniſter common Juſtice to all and ſingular the Kings ſubjects, within the limits of their Commiſſions and authorities, according to the Laws, Statutes and Cuſtoms of the Realm of England, and according to this preſent Ordinance.

Seſſions ſhall endure ſix days.

Item, That every of the ſaid Seſſions ſhall be kept and continued by the ſpace of ſix days, in every of the ſaid Shires, at either of the ſaid times, as is and hath been uſed within the ſaid three Shires of North-Wales. And that the ſaid Juſtices ſhall cauſe open proclamations to be made in the Shire-Towns, what time and place they purpoſe to keep their ſaid Seſſions fifteen days at the leaſt before they keep the ſame, to the intent the Kings ſubjects may have knowledge thereof.

Days in Court.

Item, That days ſhall be given in all Pleas, Plaints, Proceſs, and Adjournments from day to day, and Seſſions to Seſſions, by the diſcretion of the ſaid Juſtices within the limits of their authorities, for the good and ſpeedy miniſtration Juſtice, to all and ſingular the Kings ſubjects, as is or hath been uſed in North-Wales.

Original Seals in whoſe cuſtody they ſhall be.

Item, That the original Seal deviſed by the Kings Highneſs for Juſtice to be miniſtred in the ſaid three Shires of North-Wales, that is to ſay, the Shire of Merioneth, Caernarvan, and Angleſey, ſhall be and remain in the charge, keeping and cuſtody of the Chamberlain of North-Wales.

And that one other original Seal deviſed by the Kings Majeſty, for miniſtration of Juſtice to be uſed in the ſaid Shires of Caermarthen, Pembroke and Cardigan, ſhall be and remain in the charge and keeping of the Chamberlain of South-Wales.

And that likewiſe one other original Seal, deviſed by the Kings Majeſty, for adminiſtration of Juſtice to be uſed in the ſaid three Shires of Brecknock, Radnor, and Glamorgan, ſhall be and remain in the charge and cuſtody of the Steward and Chamberlain of Brecknock.

And that alſo one other original Seal, deviſed by the Kings Majeſty, for miniſtration of Juſtice to be miniſtred within the ſaid Shires of Denbigh and Mountgomery, ſhall be and remain in the charge, keeping and cuſtody of the Steward and Chamberlain of Denbigh.

And that the original Seal of Cheſter, ſhall be and ſtand for the original Seal of Flint, for Juſtice to be miniſtred in the ſaid Shire of Flint: and ſhall be and remain in the charge, keeping and cuſtody of the Chamberlain of Cheſter.

What ſhall be ſealed with the original ſeals.

Item, That the ſaid Stewards and Chamberlains ſhall ſeal with the ſaid Seals; that is to ſay, every one of them ſhall ſeal with the ſeal to his charge committed, all manner of original writs and proceſs, returnable before the ſaid Juſtices, at the Seſſions to be holden in every of the ſaid Shires, in manner and form as is aforeſaid: and ſhall ſeverally accompt and anſwer the Kings Majeſty for the profits of the ſame Seal. And that none of the ſaid Stewards, Chamberlains, or Chancellors, having the charge and keeping of the ſaid Seals, ſhall by occaſion thereof, or by colour of any of their offices, compel, or cauſe any perſon or perſons, inhabiting within any of the ſaid twelve Shires, to appear before themſelves or their deputies, ne ſhall have power and authority to hear or determine any pleas of the Crown, nor other cauſes or matters of Juſtice otherwiſe then in this ordinance is limited and expreſſed. But ſhall have the charge and keeping of the ſaid Seals, to ſeal all ſuch original writs and proceſs, as ſhall be returnable before the ſaid Juſtices in their ſaid Seſſions, as is before ſpecified, and as hereafter ſhall be declared, which writs and proceſs ſhall be uſed, made, ſealed and returned, in manner and form, as hath been uſed before the Juſtice of North-Wales.

The authority of the keepers of the ſeals, and to what onely purpoſes they ſhall uſe them.

The keepers of the ſeals may award proceſs againſt accomptants returnable before themſelves.

Item, That all ſuch perſons, as now be, or hereafter ſhall be the Kings Highneſs Stewards, Chamberlains or Chancellors, within any of the ſaid xij. Shires, which by reaſon of their ſaid offices have charges for the receipt, collection or account, of and for the Kings rents, revenues, ferms or profits, to be due to his Majeſty, within the ſaid Dominion of Wales, may direct proceſs under the ſaid Seal, being in their charge and cuſtody, within the limits of their authorities, onely againſt Bailiffs, Reves, Fermors, and other miniſters accomptant, to appear before themſelves to anſwer to and for any the Kings revenues, ferms, rents or profits, and for none other cauſes, nor againſt any other perſon or perſons, in like manner and form as they have been accuſtomed in that cauſe to do.

Stewards of Manors may hold Courts and Leets.

Item, That all Stewards of any Lordſhips or Manors in Wales, ſhall and may keep and hold ſuch Leets, Lawdays, or Court-barons, as appertaineth and belongeth to the Lordſhips and Manors whereof they be Stewards, and hold pleas by plaint, under the ſum of fourty ſhillings in every ſuch Court-baron, and have and enjoy all other authorities, commodities and profits, as Stewards of Leets, Lawdays, and Court-barons in England commonly have, and been uſed to have by reaſon of the ſaid offices, and none other: any law, uſage or cuſtom, in the ſaid Dominion of Wales, heretofore had to the contrary hereof notwithſtanding.

Stewards or Sheriffs ſhall not enquire of felony.

Item, Provided always, and be it enacted, That the ſaid Stewards, nor any of them, nor the Sheriff of the ſaid Counties in Wales, ſhall have any power or authority, to enquire of any manner of felony, in any ſuch Leet, Lawday, or Tourn, within the ſaid Dominion to be holden.

26 H. 8 6.

And that from henceforth no Leet, nor Lawday be kept by the Steward or other Officer, of any Lordſhip or Manor in the ſaid Dominion of Wales, but in ſuch Lordſhips and places where it was accuſtomed to be kept, before the making of the Act of Parliament concerning Wales, made in the xxvj. year of our ſaid Sovereign Lords Reign: So always the place where ſuch Court ſhall be kept, be meet and convenient for that purpoſe.

Officers of Corporate Towns may hold pleas and determine actions.

Item, That all Mayors, Bailiffs, and head Officers of Corporate Towns in Wales, may hold Pleas, and determine Actions, and do every other thing concerning common Juſtice, according to their lawful Grants and laudable Cuſtoms of ſuch Towns: So always they follow the courſe, trade and faſhion of the Laws and Cuſtoms of England, and not of any Welſh Laws or Cuſtoms. And that in every of the ſaid Towns they may try all iſſues joyned, or hereafter to be joyned, in any action perſonal by ſix men, according as heretofore in divers places of the ſaid Countrey it hath been uſed: any thing contained in this Act to the contrary notwithſtanding.

The King may diſſolve Boroughs, and erect others by his Letters Patents.

Provided always, and be it enacted by the authority aforeſaid, That foraſmuch as there be divers and many ſmall Boroughs and Towns Corporate within the ſaid Dominion of Wales, whereof many have their commencement by Grants, made from Lords Marchers, and ſome by other means: our ſaid Sovereign Lord from henceforth, by vertue of this Act, ſhall have full power and authority, by his Letters Patents, to be enrolled in his Graces high Court of Chancery, at any time within ſeven years, hereafter next enſuing the end of this preſent Parliament, to repel, annihilate and diſſolve ſuch, and as many of the ſaid Boroughs and Towns corporate, and all liberties and cuſtoms of the ſame, as to his Highneſs ſhall be thought expedient: to the intent his Majeſty, at his Graces pleaſure, may duly erect, ordain and make ſuch and as many other Boroughs and Towns corporate within the ſaid Dominion, being more apt and convenient for that purpoſe, and endue them with ſuch liberties and franchiſes, as to his moſt excellent wiſdom ſhall be thought neceſſary for the wealth of the ſaid Countrey.

Item, The Kings Majeſty is pleaſed and contented of his moſt gracious goodneſs, That ſuch as have Patents of any Office of Stewardſhips, Chamberlainſhips, Chancellorſhips, or Juſticeſhips, within the ſaid Dominion of Wales, for term of their lives, ſhall have and enjoy their certain, ordinary, and annual fees of money, uſed and accuſtomed to be paid and born by the Kings Highneſs, by vertue of any their Letters Patents, during their intereſt therein, but in no wiſe to take or claim any caſual fees, claimed by colour of their offices, contrary to this preſent Ordinance: any cuſtom in Wales, or any thing in this Act to the contrary notwithſtanding.

Officers certain fees ſhall continue, but not their caſual fees.

Item, Over and beſides the ſaid original Seals, there ſhall be four judicial Seals, deviſed by the Kings Majeſty, whereof one ſhall remain with the Juſtice of Cheſter, which is appointed by this Act to be Juſtice of the Shires of Flint, Denbigh, and Mountgomery, to be uſed within the ſaid Shires to ſeal judicial Proceſs and Bills, that ſhall be ſued before the ſaid Juſtice, in the Seſſions to be holden within the ſame Shires. And that one other of the ſaid judicial Seals ſhall likewiſe remain, and be in the charge and cuſtody of the ſaid Juſtice of North-Wales. And that the third of the ſaid Seals, ſhall be and remain in the cuſtody and charge of the Juſtice of the three Shires of Glamorgan, Brecknock, and Radnor. And the fourth of the ſaid Seals ſhall remain in the charge and cuſtody of the Juſtice of the ſaid three Shires of Pembroke, Caermarthan, and Cardigan. And the ſaid Juſtices ſhall ſeal with the ſaid judicial Seals, that is to ſay, every of them with the Seal committed to his charge and cuſtody, as well all Bills, as all other judicial proceſs, that ſhall be ſued before them in the ſaid Seſſions, upon any original Bills or Writs, and all other proceſs that ſhall be awarded from any of the ſaid Juſtices, ſhall be ſealed with the ſaid judicial Seal.

There ſhall be four judicial Seals, in whoſe cuſtody they ſhall be, and what ſhall be ſealed with them.

Item, That every of the ſaid Juſtices ſhall account and anſwer to the Kings Majeſty for the profits of the ſaid Seal, being in his charge and cuſtody, in manner and form as hereafter ſhall be declared.

Account for the profit of the Seal.

Item, That the Teſte of every Bill and judicial Proceſs, that ſhall paſs under the ſaid judicial Seal, ſhall be under the name of ſuch of the ſaid Juſtices, from whom ſuch Bill or judicial Proceſs ſhall paſs, in like manner and form as is uſed in the Common place in England.

Teſte of every proceſs.

ro. El. 340.
ro. Car. 171,
47.

Item, That all actions real and mixt, Attaints, Conſpiracies, Aſſiſes, and Quare impedit, Appeals of Murther and Felony, and all Actions grounded upon any Statutes, ſhall be ſued by original Writs, to be obtained and ſealed with the ſaid original Seal, returnable before the ſaid Juſtices at their Seſſions, within the limits of their authorities, in manner and form as is aforementioned.

What proceſs ſhall be ſealed with the original Seal.

Item, That all manner of perſonal Actions, as debt, detinue, treſpaſs, account, and ſuch like, amounting to the ſum of fourty ſhillings, or above, ſhall be ſued by Writs original, to be obtained and ſealed as is aforeſaid, or by Bills, at the pleaſure of the party ſuing the ſame, before the ſaid Juſtices within the limits of their authorities, as is uſed in North-Wales.

Perſonal actions of xl. s. or above.

And that all perſonal Actions under the ſum of fourty ſhillings, that is to ſay, debt, treſpaſs, detinue, account, and ſuch like, ſhall and may be ſued before any of the ſaid Juſtices in the ſaid Seſſions by Bill, as it is uſed in North-Wales.

Perſonal actions under xl. s.

And that every original Bill, concerning Actions perſonal, ſhall be ſealed with the Kings judicial Seal, being in the cuſtody of the ſaid Juſtice before whom ſuch perſonal Actions by Bill ſhall be brought and commenced.

Original Bill concerning actions perſonal.

And that ſuch fees ſhall be paid for the writing and ſealing of ſuch original Writs and Bills, as hereafter ſhall be expreſſed: that is to ſay, for the ſealing of every original Writ to be ſued in and upon the cauſes aforeſaid: and for every Bill to be purſued in actions perſonal, whereof the debt and dammage amounteth to the ſum of fourty ſhillings, or above, the parties purſuing the ſame, ſhall pay for the ſeal of every ſuch Writ or Bill ſix pence: and for every judicial proceſs to be ſued upon any ſuch original Writ or Bill, the parties purſuing ſuch judicial proceſs, ſhall pay for the ſealing thereof ſeven pence: whereof the Kings Majeſty ſhall have ſix pence, and the Juſtice ſealing ſuch judicial Proceſs ſhall have one penny.

Fees for writing and ſealing of writs and bills.

Item, That every Bill in perſonal Actions, whereof the debt, duty or dammage amounteth not to fourty ſhillings, and all manner judicial proceſs to be ſued upon the ſame, ſhall alſo be ſealed with the Kings ſaid judicial Seal, and the parties purſuing the ſame ſhall pay for the ſeal of every ſuch Bill and judicial Proceſs, thereupon to be ſued, three pence, whereof the Kings Majeſty to have two pence, and the Juſtice ſealing ſuch Proceſs to have a penny.

Debt or dammage not amounting to xl. s.

Item, That all Writs of Scire facias, and Writs of good abearing, or for the peace, or Writs of Superſedeas upon the ſame, and all other Proceſs to be ſued from the ſaid Juſtices, upon any record or ſuggeſtion, admitted by any of the ſaid Juſtices within the limits of their authorities, ſhall alſo be ſealed with the ſaid judicial Seal. And that the parties purſuing for the ſame, ſhall pay for the ſeal of every ſuch Writ and Proceſs, ſeven pence: whereof the Kings Highneſs ſhall have ſix pence, and the Juſtice by whom ſuch Proceſs ſhall be ſealed a penny.

Proceſs ſealed with the judicial Seal, and the fees.

And that every exemplification, upon any Record, before any of the ſaid Juſtices ſhall be ſealed with the Kings judicial Seal: and the parties purſuing the ſame ſhall pay for the ſeal thereof twenty pence: whereof the Kings Highneſs ſhall have ſixteen pence, and the Juſtice ſealing the ſame four pence.

Item, That recoveries and fines, concords and warrants of Atturney for the ſame, ſhall and may be taken before every of the ſaid Juſtices, of lands, tenements and hereditaments, within his authority, by force of his general Commiſſion, without any Writ of Dedimus poteſtatem, to be ſued for the ſame in like manner and form as is uſed to be taken before the Kings Chief Juſtice of his Common place in England.

Recoveries, fines, concords, &c. taken before the Juſtices.

Item, That all fines hereafter to be levied before any of the ſaid Juſtices, with Proclamation

Of what force fines levied before the Juſtices ſhall be.

mation made the ſame Seſſions that the ſaid fine ſhall be engroſſed, and in two other great Seſſions then next to be holden within the ſame Country, ſhall be of the ſame force and ſtrength to all purpoſes, as fines levied with proclamations be of, that be levied before the Juſtices of the Common place in England.

Fines to the King upon recoveries of fines.

Item, That every perſon ſuing Writs of Entree in the Poſt, or Writs of Covenant, or any other Writs, for any recovery to be had by aſſent of parties, or otherwiſe, or for any fine to be levied, ſhall pay ſuch fines to the Kings uſe for the ſame, as well fines Pro licentia Concordandi, as all other manner of fines, as is uſed in the Kings Chancery, or elſewhere in any of the Kings Courts of England: which fines ſhall be paid to ſuch perſons, as ſhall ſeal the original Writs, for that purpoſe: and that they ſhall account for the ſame in like form, as they ſhall do for the profits of the ſaid original Seal, as is aforeſaid.

Kings ſilver.

Item, That the Kings ſilver, upon every fine to be levied, ſhall be paid as is uſed in the Common place of England, that is to ſay, two ſhillings: which Kings ſilver ſhall be paid to the Juſtice, afore whom ſuch fine ſhall be levied. Whereof the Kings Highneſs ſhall have twenty pence, and the Prenotary entring the ſame ſhall have two pence, and the Juſtice afore whom ſuch fine ſhall be levied other two pence, and that the ſame Juſtice ſhall account for the Kings part thereof, like as he ſhall for the profits of the Kings judicial Seal, committed to his charge in manner and form as is aforeſaid.

There ſhall be four Prenotaries, and upon whom they ſhall attend.

Item, There ſhall be four Prenotaries for the making of all judicial proceſs, and for the entring of all pleas, proceſs, and matters of record, in the Seſſions to be holden before the ſaid Juſtices, whereof one of the ſaid Prenotaries ſhall attend upon the ſaid Juſtice appointed for the three Shires of North-Wales: and one other ſhall attend upon the Juſtice aſſigned for the three Shires of Flint, Denbigh, and Mountgomery: and the third ſhall attend upon the Juſtice aſſigned for the three Shires of Caermarthen, Cardigan, and Pembroke: and the fourth of the ſaid Prenotaries ſhall attend upon the Juſtice aſſigned for the three Shires of Glamorgan, Brecknock and Radnor. And theſe four Prenotaries, as often as their ſaid Offices ſhall be void, ſhall be named and appointed by the Kings Highneſs, by his Majeſties Letters Patents, under his Great Seal of England. And where one John Arnold Gentleman, hath the office of Prenotary and Clerkſhip of the Crown, by the Kings Highneſs Letters Patents, within the ſaid three Shires of North-Wales: and that one John Brekenhead hath the office of the Prenotary and Clerkſhip of the Crown by the Kings Letters Patents, within the ſaid Shire of Flint: and that likewiſe one John Leonard hath the office of the Prenotary and Clerkſhip of the Crown, by the Kings Letters Patents, within all the reſidue of the ſaid Dominion of Wales: the Kings Majeſty is pleaſed and contented, that the ſaid three Prenotaries ſhall have, uſe and enjoy their ſaid offices, according to the effect of the ſaid Letters Patents to them thereof made, doing their duties and attendance by themſelves or their ſufficient deputies, at every of the ſaid Seſſions, to be kept within the Shires whereunto they be ſo appointed.

A Marſhal and a Crier, and their fees.

Item, There ſhall be a Marſhal and a Crier in every of the Circuits and Limits allotted to the ſaid Juſtices, which ſhall be named by the ſaid Juſtices, within the limits of their authority and commiſſion, in like manner and form as Juſtices of Aſſiſe do in England. And the ſaid Officers ſhall attend upon the ſaid Juſtices in their Circuits, in their own proper perſons, and not by their deputies.

And that the Marſhal ſhall have upon every judgment, and every fine, four pence, and the Cryer a penny. And upon the acquittals of felons, and of them that ſhall be delivered by proclamation, or delivered out of common mainpriſe, before any of the ſaid Juſtices, the Marſhal ſhall have four pence, and the Crier one peny.

The Prenotaries fees.

Item, That every of the ſaid Prenotaries, within the limits of their offices, ſhall take ſuch fees, as hereafter ſhall be expreſſed: that is to ſay, for the writing of pleas, and engroſſing of writs of entry in the poſt, writs of right, Quod ei deforceat, or any other writs purſued by the aſſent of the parties, v. s. and if it be with a double Voucher, then vj. s. and viij. d. and for the exemplification thereof ij. s. and for the engroſſing of fines, to have for every fine iij. s. and iv. and if it be with proclamations, then iv. s.

Bills of debt, detinue, treſpaſs, &c.

Item, For every bill of debt, detinue, treſpaſs, and all other actions perſonals, ſued before the ſaid Juſtices in their circuits, under the ſum of xl. s. the Prenotaries ſhall have, for the firſt bill iv. d. for the ſecond bill iv. d. and for the third bill iv. d. and for the entry of every declaration, plea in bar, replication and rejoynder, in and upon every ſuch action, ſo that he do inrol the ſame in parchment iv. d. and for every Venire fac', Tales, habeas corpora, & diſtr' in the ſame actions, iv. d. and for the judgment iv. d. and for every writ of execution, in every ſuch action, vi. d. and for every warrant of Atturney in every ſuch action, as well for the plaintiffs as for the defendants, iv. d.

Item, In all actions of detinue, treſpaſs, and all other actions perſonal, wherein the duties, debt, or dammage amounteth to the ſum of fourty ſhillings, or above, which ſhall be ſued by bills before the ſaid Juſtices, the Prenotary ſhall have for the firſt bill iv. d. for the ſecond bill iv. d. for the third iv. d. and for every of the declaration, the anſwer, replication, and rejoynder, if it be enrolled in parchment, viij. d. and for the Venire fac', Tales, habeas corpora, & diſtr', for every of them vj. d. and for the judgment viij. d. and for the warrant of Atturney iv. d. and for every writ of execution upon the judgments in ſuch bills, vi. d.

Original writs upon actions perſonal.

Item, In original writs, ſued upon every action perſonal, returnable before the ſaid Juſtices, the Prenotaries ſhall have for every Iterum ſum', vi. d. for every diſtreſs in treſpaſs, vi. d. and for the declaration viij. d. for the anſwer, replication, and rejoynder, for every of them, if they be enrolled and engroſſed, as is aforeſaid, xij. For the Venire fac', Tales, habeas corpora, & diſtr', for every of them vi. d. And the Prenotaries to have for the entry of the judgments in every ſuch action xij. d. and for every writ of execution ſued upon the ſame vj. d. for the exemplification of every record, in any of the ſaid actions, ij. s. for every warrant of Atturney iv. d. In all actions reals and mixt, Aſſiſes, Quare impedit, Appeals of felony, murther, or maim, the Prenotary to have for the declaration or plaint ij. s. and for the plea in barre, replication, rejoynder, ſur-rejoynder, for every of them, if they be enrolled, as is aforeſaid, j. s. and for the writing of every Venire fac', Tales, habeas corp', & diſtr' upon the ſame, for every of them vj. d. and for the entry of the judgment, in every of the ſaid actions and appeals, ij. s. and for the writing of the writs of execution, made upon every of the ſaid actions, appeals and aſſiſes, j. s. and for writs of grand Cape and petty Cape, and writs of view, writs upon Voucher, and all other writs in every ſuch action or actions, xij. d. and for every warrant of Atturney, for the defendants, or for the demandants, or plaintiffs, in every ſuch action real, aſſiſe, appeal, and Quare impedit, iv. d. and for the eſſoins in every ſuch action, iv. d. and for the adjournment ij. d. and for the bail of every perſon of felony, xij. d. and for the bail for treſpaſs, vj. d. and for the appearance and bailing of common mainpriſe, ij. d.

Writs of the peace and good abearing.

Item, For writing writs for the peace, and good abearing, granted by any of the ſaid Juſtices in their Seſſions, vj. d. and for the entring of every Recogniſance to be had and taken before the ſaid Juſtices, for every cauſe or cauſes, other then before is expreſſed, xij. d. and if it be with condition, then ij. s. And upon every acquittal and deliverance of felons or murtherers, by verdict, or by allowance of pardon, the Prenotaries to have ij. s. and if it be upon endictments certified from the Juſtices of the Peace, afore the Juſtices in the great Seſſions: the Clerk of the Peace to have alſo xij. d. and upon the delivery of any ſuſpect of felony or murder by proclamation, the ſaid Prenotary to have xij. d.

The King ſhall have fines, iſſues, amerciaments.

Item, That the Kings Majeſty ſhall have all fines, iſſues, amerciaments, and all forfeitures of Recogniſances loſt or forfeit before any of the ſaid Juſtices, in the Seſſion aforeſaid. And that the ſaid Prenotaries, within the limits of their offices, ſhall yearly extreat the ſame into the Eſchequer, appointed for that limit, to the intent that proceſs from thence may be awarded to the Sheriffs, to levy the ſame to the Kings uſe, as appertaineth, which Sheriffs ſhall yearly make their accounts before the Kings Auditors, thereunto to be aſſigned and appointed.

Preſident and Councel be Juſtices of Peace. Cuſtos Rotulorum, and by whom ap pointed.

Item, Over and beſides the ſaid Preſident and Councel, and Juſtices, there ſhall be Juſtices of Peace and Quorum, and alſo one Cuſtos Rotulorum, in every of the ſaid twelve Shires.

Item, That the ſaid Juſtices of Peace, Juſtices of Quorum, and Cuſtos Rotulorum in the ſaid Shires, ſhall be named and appointed by the Chancellor of England, by Commiſſion under the Kings Great Seal of England, by advice of the Preſident, Councel and Juſtices aforeſaid, or three of them, of the which the ſaid Preſident to be one, from time to time, as the caſe ſhall require.

How many Juſtices of Peace in one Shire.

Item, That there ſhall not exceed the number of eight Juſtices of the Peace in any of the ſaid Shires, over and beſides the Preſident, Councel and Juſtices aforeſaid, and the Kings Atturney and Sollicitor, which Preſident, Councel, Juſtices, and the Kings Atturney and Sollicitor, ſhall be put in every Commiſſion of Peace, in every of the ſaid twelve Shires.

The Juſtices of Peace oath.

Item, That ſuch perſons as ſhall be named to be Juſtices of Peace within every of the ſaid Shires, ſhall be of good name and fame: and after they be aſſigned by Commiſſion, may uſe and exerciſe the Office of the Juſtice of Peace, albeit they may not diſpend twenty pound, or be learned in the Laws of the Lands, without any loſs, dammage or penalties, for inſufficiency of their lands, And that every of the ſaid Juſtices of Peace, before they ſhall execute their Commiſſion, ſhall take their oaths before the Chancellor of England, or elſe before the ſaid Preſident, or one of the ſaid Juſtices in Wales, by vertue of the Kings Writ of Dedimus poteſtatem, or before any other perſon to be limited by the Lord Chancellor of England, for that purpoſe, the contents of which oath ſhall be after the form, as Juſtices of Peace in England uſe to make.

The Juſtices ſeſſion, authority and fees.

Item, That the ſaid Juſtices of Peace, or two of them at the leaſt, whereof one to be of the Quorum, ſhall and may keep their Seſſions, within the limits of their Commiſſions, four times in the year, and at other times upon urgent cauſes, as Juſtices of Peace in England uſe to do, and ſhall have like power and authority in all things, and fees of the Kings Majeſty for the time of their ſitting, as well for themſelves as for their Clerks: and ſhall be bound to uſe and do their office in like manner as is uſed in England.

The fees of the Juſtices, and Clerk of the Peace.

Item, That no Juſtices of Peace, Clerk of the Peace, nor other Clerk of any Juſtice of Peace in Wales, ſhall take for the writing of any warrant of the Peace, or good abearing, above ſix pence, and for entring of pledges or boroughs to pay the Kings fine upon any endictment, nine pence, and if it be with proteſtation, then to take twelve pence: and for a Superſedeas not above eight pence: and for a Recogniſance twelve pence.

Certificate of Recogniſances.

And that all the ſaid Juſtices of Peace, ſhall certifie all Recogniſances taken before any of them, for the peace or good abearing, into their Seſſions, next to be holden after the taking thereof. And Recogniſance taken before any of them, for ſuſpitions of any manner of felony, ſhall be certified before the Juſtices in the great Seſſions next to be holden after the taking thereof without concealment, detaining or imbeſilling of the ſame, upon ſuch penalties and dangers, as be therefore ordained and eſtabliſhed.

Taxing of fines and amerciaments.

Item, That all fines and amerciaments, before the ſaid Juſtices of Peace loſt and hereafter to be loſt, ſhall be taxed and afferred by two Juſtices of the Peace at the leaſt, whereof one to be of the Quorum. And that all ſuch fines and amerciaments ſhall be ſet truly and duly according to the quantity of the offences, without partiality or affection.

Item, That the ſaid fines and amerciaments, and alſo all iſſues loſt before the ſaid Juſtices of Peace, and all forfeitures of Recogniſances, and other forfeitures before the ſame

Fines, forfeitures and amerciaments ſhall be extreated. Auditors ſhall allow unto Sheriffs the fees of Juſtices and Clerks of the Peace. Sheriffs in every Shire of Wales, and how they ſhall be nominated.

Juſtices, ſhall be yearly extreated by the Clerks of the Peace, into the Exchequer, appointed for that limit, to the intent that proceſs from thence may be awarded, for the levying of the ſame forfeitures and ſums of money to the Kings uſe, to the Sheriff of every County as ſhall appertain, who ſhall make thereof their accompt before ſuch Auditors, as thereunto ſhall be aſſigned, ſo that the Kings Majeſty may thereof be truly and duly anſwered and ſatisfied: which Auditors ſhall make due allowance to the ſame Sheriffs, for the fees of the Juſtices & Clerks of the Peace, upon their ſaid accompts, as is uſed in ẏ Realm of England.

Item, That there ſhall be Sheriffs in every of the ſaid Shires yearly appointed by the Kings Majeſty. And that none of the ſaid Sheriffs ſhall have their office of Sheriffwick any longer time, then is uſed by the Laws and Statutes of England. And for the yearly nomination of the ſaid Sheriffs, the ſaid Lord Preſident, Councel, and Juſtices of Wales, or three of them at the leaſt, whereof the ſaid Preſident to be one, ſhall yearly nominate three ſubſtantial perſons, in every of the ſaid xij. Shires, to be Sheriffs of the ſame, and ſhall certifie their names to the Lords of the Kings moſt honourable Councel, attending upon his Graces perſon, craſtino animarum, to the intent the Kings Majeſty, being thereof advertiſed, may appoint one of them in every of the ſaid Shires, to be Sheriff for that year, at his moſt gracious will and pleaſure, like as his Highneſs doth for his Realm of England: and thereupon the ſaid Sheriffs ſhall have their Patents & Commiſſions under ẏ Great Seal of England, as Sheriffs of England have, and ſhall make and take oaths and knowledges of Recogniſances, before the Preſident and Juſtices, or one of them, by vertue of the Kings writ of Dedimus poteſtatem, to be directed for the ſame, for the due execution of their offices, and for their juſt and true accompts before the Kings Auditor or Auditors aſſigned for Wales.

The Sheriffs authority and duty in Wales.

Item, That every of the ſaid Sheriffs ſhall have full power and authority, within the limits of their Sheriffwick, to do and uſe their offices as Sheriffs in England: and ſhall accompliſh and execute, without any favour, dread or corruption, all manner of writs, proceſs, judgments and executions, and all manner common Juſtice, appertaining to the offices of Sheriffs, and all lawful commandments and precepts of the ſaid Preſident, Councel and Juſtices of Wales, and alſo of the Juſtices of the Peace, Eſcheators and Coroners, and every of them, in all things appertaining to their offices and authorities.

The Sheriffs duty in adminiſtration of Juſtice.

Item, That the ſaid Sheriffs ſhall do and be bound to do all and every other thing and things for the miniſtration of Juſtice, and for the conſervation of the Kings peace, and the apprehenſion and redreſs of traitors, murtherers, thieves, felons, and other offenders, as Sheriffs of England do uſe and be bound to do within the Realm of England.

The Sheriffs account and fee.

Item, That the ſaid Sheriffs ſhall yearly accompt before ſuch the Kings Auditor or Auditors, as ſhall be aſſigned and appointed by the Kings Majeſty for his ſaid Dominion of Wales. And that every of the ſaid Sheriffs ſhall have yearly for his fee, v. l.

All officers and other perſons ſhall be attendant on the Preſidens, &c.

Item, That all Mayors, Sheriffs, Stewards, Bailiffs, and other Miniſters and Officers of Juſtice, of every County, Lordſhip, Town and place, within the ſaid Dominion of Wales, and all and ſingular the Kings ſubjects of the ſame, ſhall be always obedient, attendant and aſſiſting to the ſaid Preſident, Councel, and Juſtices of Wales, and every of them, and ſhall obey the Kings commandments and proceſs, from them or any of them directed, and all the lawful and reaſonable precepts of the ſaid Preſident, Councel and Juſtices, and every of them. And alſo ſhall be obedient to all the ſaid Juſtices of Peace, Sheriffs and Eſcheators within the limits of their ſaid authorities, as well for common adminiſtration and due execution of Juſtice, as in all other things appertaining to their duties and offices.

Eſcheators ſhall be named in every Shire in Wales.

Item, That Eſcheators ſhall be named in every of the ſaid Shires, by the Lord Treaſurer of England, by the advice of the ſaid Preſident, Councel and Juſtices, or three of them at the leaſt, whereof the ſaid Preſident to be one: which Eſcheator ſhall make and take their oaths, and knowledge their Recogniſances before the ſaid Preſident, or one of the ſaid Juſtices, by vertue of the Kings writ of Dedimus poteſtatem, to be directed for the ſame, for the due execution of their offices, and for their true accompt to be made before the Kings Auditor or Auditors, to be aſſigned for the ſame: which Oath and Recogniſance ſhall be agreeable to the Oath and Recogniſance uſed for the Eſcheators in England. And the Eſcheators ſhall yearly have their Patents and Commiſſions, under the Great Seal of England, and ſhall have power and authority to exerciſe their offices, in like manner and form as Eſcheators in England, and ſhall be bound to all Laws and Statutes of England.

What freehold an Eſcheator in Wales muſt have.

Item, That all ſuch perſons as ſhall be appointed to the ſaid offices, ſhall and may exerciſe their offices, if they may diſpend yearly v. l. of free-hold, any Statutes of England to the contrary thereof notwithſtanding. And that every of the ſaid Eſcheators ſhall make their accompts yearly before ſuch Auditor or Auditors, ſhall be aſſigned by the Kings Majeſty, to hear and determine his Highneſs accompt for his Revenues and profits of the ſaid Dominion of Wales.

Two Coroners in every Shire in Wales.

Item, There ſhall be two Coroners, to be elected in every of the ſaid xij. Shires, as is uſed in England, by vertue of the Kings Writ, De coronatore eligendo, to be awarded out of the Kings Chancery of England. And that the ſaid Coroners ſhall have like power and authority, to do and exerciſe their offices, and have like fees, as is limited by the Laws and Statutes of England.

Provided always, That the Writ, De coronatore eligendo, to chuſe the Coroners within the ſaid County of Flint, ſhall be directed out of the Exchequer of Cheſter.

Two Conſtables of the Hundred.

Item, That the ſaid Juſtices of the Peace, or two of them at the leaſt, whereof one of them to be of the Quorum, ſhall appoint and name in every Hundred, within the limits of their Commiſſion, two ſubſtantial Gentlemen or Yeomen to be chief Conſtables of the Hundred wherein they inhabit, which two Conſtables of every Hundred ſhall have a ſpecial regard to the conſervation of the Kings peace: and ſhall and may do and uſe their offices in all and ſingular things, as is uſed by the High Conſtables of the Hundreds in England: and ſhall be bound to all things, as the High Conſtables of the Hundreds in England be bound to do.

A Gaol.

Item, That every of the ſaid Sheriffs ſhall have a Gaol for priſoners within ſome convenient place of the Caſtles of the Shire-town where he is Sheriff, or in ſuch other convenient place as by the ſaid Preſident, Councel and Juſtices, or three of them, whereof the ſaid Preſident to be one, ſhall be appointed: any Patent or Grant heretofore made to any perſon or perſons in the Conſtableſhip, or keeping of any of the ſaid Caſtles, in any wiſe notwithſtanding. And that the Sheriff ſhall make the Bailiffs of the Hundreds, and they to attend upon the Juſtices in every of their Court and Seſſions.

Bailiffs of Hundreds.

Provided always, That the Conſtables of the Kings Caſtles within every of the ſaid Shire-towns of Wales, ſhall not be charged with the Gaols, and of all the priſoners that ſhall be committed to their ward, like as they have heretofore been, until ſuch time convenient places for that purpoſe be aſſigned to the ſaid Sheriff.

County Courts. Hundred Courts.

Item, The ſaid Sheriffs ſhall keep their Counties monthly, and their Hundred Courts, for pleas under fourty ſhillings, as is uſed in England, and ſhall take for the entring of plaints, proceſs, pleas and judgments, in the ſaid Shire-Courts and Hundreds, ſuch ſmall fees as is uſed to be taken in Shires and Hundreds in England, and not above.

Trial by wager of Law, or ſix men.

Item, That all manner of trials before them in their ſaid Courts, or before any Stewards in Court-barons, ſhall be by wager of Law, or verdict of ſix men, at the pleaſure of the party plaintiff or defendant that pleaded the plea.

Sheriffs turns.

And that every of the ſaid Sheriffs ſhall keep and hold their turns yearly after Eaſter and Michaelmas, as they have been uſed in England.

Fines forfeit in turns, &c.

Item, The Kings Highneſs ſhall have all manner of fines, iſſues, amerciaments and forfeitures loſt or forfeited in any of the ſaid Counties, Hundreds, Courts and Turns, to his own uſe, and the Sheriff to accompt for the ſame accordingly.

The extreats afferred by the Juſtices of Aſſiſe.

The Sheriff may award execution.

Item, That the extreats of the ſaid Turns, Counties and Hundreds ſhall be viewed, and the fines, iſſues and amerciaments, afferred by the ſaid Juſtices of Aſſiſes of that circuit, before the levying of the ſame amerciaments or other forfeitures. And that no Sheriff, or any of his officers preſume to gather or levy any ſuch amerciament, or other forfeiture before the ſaid extreat be ſo afferred, upon pain to forfeit to the Kings uſe fourty ſhillings. And that the Sheriff upon every judgment had before him in his County, or Hundred Court, in any plaint under xl. s. ſhall and may award a Capias ad ſatisfaciendum, to arreſt the party condemned: or elſe a Fieri fa' at liberty of the party purſuant.

The Sheriffs fees for executing ſeveral ſorts of writs.

Item, That all bills ſued before the ſaid Juſtices in perſonal actions, whereof the debt, duty or dammage is under xl. s. the Sheriffs ſhall have for the return of every bill ij. d. And for every Venire fac', Tales, habeas corpora, & diſtr', ij. d. And for writs of execution upon the judgment in any ſuch bill, xij. d.

Bills ſued before the Juſtices.

Item, In bills ſued before the ſaid Juſtices, in actions perſonals, above the ſum of fourty ſhillings, the Sheriff ſhall have for the return of every ſuch bill, iv. d. and for the return of every Venire fac', habeas corpora, diſtr', & Tales, iv. d. and for every writ of execution, ij. s. And in all perſonal actions, ſued by original writs, returnable before the ſaid Juſtices, the Sheriff ſhall have for every iterum ſum' diſtr', & alias diſtr', iv. d. and for every Venire fac', habeas corpora, diſtr' & Tales, vi. d. and for every writ of execution to be executed upon the judgment, in ſuch actions, ij. s. for the ſerving of every writ of Elegit, vi. s. viij. d. And in all real actions or mixt, purſued before the ſaid Juſtices by original writ, for return of every original, ij. s. And for the return of every other writ and judicial proceſs depending upon the ſame, before judgment, ij. s. and for every writ of execution after judgment, upon every original, in actions real or mixt, ij. s. and for the ſerving of every writ of haberi fac' ſeiſinam, vj. s. viij. d.

Attachments or other proceſs ſued by original, &c.

Item, For attachments upon Capias, or other proceſs ſued before the ſaid Juſtices by original or judicial writ, if he return Cepi corpus, ij. s. and a Reddidit ſe, upon an Exigent of felony, in appeal of murder or maim, or upon any endictment of felony or murder, ij. s. and upon a Reddidit ſe, upon an Exigent of debt, treſpaſs, detinue, and all other actions perſonals, j. s. and for the making of Replegiar' j. s. and Withernam upon the ſame, j. s. For every return of every writ of appeal of murder or felony, or maim, j. s. and upon all other proceſs grown upon the ſame, as Venire fac', Tales, habeas corpora, & diſtr', j. s. and in every action taken before the Sheriff by Juſtices, for the ſummons thereof, iv. d. and for every other proceſs thereupon, iv. d. and for every priſoner delivered by acquittal, or by proclamation, for any manner of felony, j. s.

Suſpect perſons may be put under common mainpriſe. 27 H. 8. 26.

Item, That every Sheriff within the limits of his authority, may, and ſhall put ſuch perſons under common mainpriſe, as they have reaſonable cauſe of ſuſpect, according to the ſaid Act made for Wales, binding ſuch as they ſhall ſo put to common mainpriſe with two ſufficient ſureties with them, by Recognizance, to appear before the ſaid Juſtices, within the limits of their authorities, at the next great Seſſions to be holden next after the taking of ſuch bonds, and ſhall certifie the names of them that be bound, before the ſaid Juſtices, at the ſaid Seſſions accordingly, without concealment thereof at their pleaſure.

The Sheriffs fees for common mainpriſe, and ſerving of writs.

Item, That every perſon that the Sheriff taketh to common mainpriſe, to appear before the ſaid Juſtices, as is aforeſaid, ſhall pay for his mainpriſe ij. d. and not above. And the ſaid Sheriffs to put no man to common mainpriſe, but ſuch as be ſuſpect, and as ſhall be returned by them before the ſaid Juſtices at their Seſſions as is aforeſaid. And alſo the ſaid Sheriff ſhall have for the return of a writ of falſe judgment, out of a baſe Court, before the ſaid Juſtices, ij. s. And that the ſaid Sheriffs ſhall take no manner of fee for the return of any of the ſaid writs of execution afore expreſſed, unleſs he return the ſame executed.

Item, That in all and every ſuch writs original, or judicial, or other proceſs, pleas, or writings, Fees ſhall be rated, augmented and diminiſhed by the Preſident, Councel and Juſtices.

writings, which be not expreſſed in this Ordinance, the fees thereof, as well for the ſeals as writing, ſhall be rated by the ſaid Preſident, Councel and Juſtices, or three of them, whereof the ſaid Preſident to be one, by their diſcretions from time to time as the caſe ſhall require: and that they ſhall have full power and authority from time to time to aſſeſs and appoint what fee the ſaid Sheriffs, Eſcheators and Coroners, and their Miniſters, Prenotaries and their Clerks, and other Miniſters of Juſtice in the ſaid Shires, ſhall have, take and receive of the Kings ſubjects for any manner writs, plaints, pleas, proceſs, returns, or any other matter or thing concerning, or belonging to the execution of their offices and rooms, and to augment or diminiſh any fee or fees above declared, as ſhall be thought by their diſcretions to be convenient and meet for the Common-wealth of the Kings ſubjects of thoſe parts of Wales, any thing contained in this Act to the contrary thereof notwithſtanding.

No felon put to his fine, but may be reprievd.

Item, That from henceforth no manner of perſon or perſons, for murder or felony, ſhall be put to his fine, but ſuffer according to the Laws of the Realm of England: except it pleaſe the Kings Majeſty to pardon him or them. And if the ſaid Juſtices ſee cauſe of pity or other conſideration, they may reprieve the priſoner till they have advertiſed the Kings Majeſty of the matter.

A confirmation of the Statute of 26 H. 8. 6. concerning enquiry of offences done in Wales in the Counties next adjoyning.

Item, That the Act made in the Parliament holden in the xxvj. year of the moſt Royal Reign of the Kings Majeſty, concerning (among other things) inquiſitions and trials of counterfeiting, waſhing, clipping and miniſhing of the Kings coin, murders, felons, and acceſſaries to the ſame perpetrated or done within Wales, to be had, made and determined in the next Shire or County within England adjoyning, where the Kings writ runneth, and every Article therein contained, ſhall ſtand in his full ſtrength and force, according to the tenor and effect of the ſame: Any thing in this ſaid Ordinance, or any other Act, cauſe or matter heretofore had or made to the contrary thereof notwithſtanding.

And albeit the ſame Act as yet was never put in execution for any of the ſaid offences heretofore done or committed within any of ſaid the three Shires of North-Wales, that is to ſay, The Counties of Angleſey, Caernarvan, and Merioneth. Be it now declared & enacted by the authority aforeſaid, That the ſaid Act, and every Article therein contained, ſhall from henceforth take effect, and be executed in all points, for and concerning any of the ſaid offences perpetrated and done, or that hereafter ſhall be perpetrated and done within the ſaid County of Merioneth, to be enquired of, heard and determined within the County of Salop: in like manner and form as commonly is, and hath been uſed for any of the ſame or like offences, committed or done within any other County or place of South-Wales: any matter or cauſe heretofore riſen or grown to the contrary thereof notwithſtanding.

Abertannad annexed to Salop, and within the Hundred of Oſweſtre.

Item, That the Town or Hamlet of Abertannad, and all the grounds and ſoil within the ſame, which afore this time hath been taken, reputed and uſed as parcel of the ſaid County of Merioneth, ſhall from the Feaſt of Eaſter next coming, by vertue of this Act, be united, annexed, and made parcel of the ſaid County of Salop: and ſo from thenceforth to be reputed, taken, and uſed for ever, and not to be of any other Shire or County of Wales. And that the ſame Town or Hamlet, and all the ground and ſoil within the ſame Town or Hamlet be from and after the ſaid Feaſt accepted and taken as part and parcel of the Hundred of Oſweſtre: and that the inhabitants thereof, from the ſaid Feaſt, ſhall be attendant, and do every thing and things with the inhabitants of the ſaid Hundred of Oſweſtre, as the ſame inhabitants do or be bound to do, any Laws or Cuſtoms to the contrary thereof notwithſtanding.

Forreign plea or voucher, triable in any other Shire in Wales or England.

Item, In caſe any forreign Plea or Voucher be hereafter pleaded or made before any of the ſaid Juſtices of Wales, between party and party, triable in any other Shire within Wales, then where the ſame plea is pleaded or voucher made: that then the ſaid Juſtices afore whom the ſaid plea or voucher is or ſhall be pleaded or made, ſhall and may ſend the Kings Writ, with a tranſcript of the Record, mentioning the ſame forreign matter of plea or voucher under the ſeal to him committed, unto the Juſtice of the County, where the ſame matter is or ſhall be triable, commanding the ſaid Juſtice, by vertue of the ſaid Writ, to proceed to the trial thereof according to the Kings Laws and Statutes, which trial ſo before him had, he ſhall remand with the whole Record unto the Juſtice, before whom the ſaid plea or voucher was pleaded or made, who thereupon ſhall proceed to judgment, as the caſe ſhall require.

Item, In caſe the ſame forreign Plea, Voucher, or other matter ſo pleaded, be triable within the Realm of England: then in every ſuch caſe the Juſtice afore whom the ſame plea or voucher is or ſhall be pleaded, had or made, ſhall and may proceed to the trial thereof, as ſhall appertain, within the ſame Shire of Wales, where the ſame old voucher or matter was pleaded, the ſaid forreign plea, voucher, or any other thing or matter to the contrary notwithſtanding.

No rumors, tumults, unlawful aſſemblies, or outcries ſhall be in Wales.

Item, That no manner of perſon or perſons from henceforth, without lawful authority, ſhall make any rumors, tumults, unlawful aſſemblies or outcries at any of the ſaid Courts or Seſſions, nor any outcries and unlawful aſſemblies in great numbers, at any other time or times, except it be for the apprehenſion or purſuing of murtherers or felons, upon pain of impriſonment, and a grievous fine to be taxed and ſet upon them by the ſaid Preſident and Councel, or by the Juſtices or other officer before whom ſuch miſ-behaviour ſhall happen to be committed.

All lands in Wales ſhall be Engliſh tenure, and not partable,

Item, That all manors, lands, tenements, meſſuages, and other hereditaments, and all rights and titles to the ſame, in any of the ſaid Shires of Wales, deſcended to any manner perſon or perſons ſith the Feaſt of the Nativity of St. John Baptiſt, in the xxxiij. year of our ſaid Sovereign Lords Reign, or that hereafter ſhall deſcend, be taken, enjoyed, uſed and holden as Engliſh tenure, to all intents, according to the common Laws of this Realm of England, and not to be partable among heirs males, after the cuſtom of Gavelkind, as heretofore in divers parts of Wales hath been uſed and accuſtomed. And that the ſame Law from and after the ſaid Feaſt of St. John Baptiſt, in the ſaid xxxiij. year, be uſed, taken and exerciſed in the ſaid County of Monmouth, and in all ſuch Lordſhips and other places, as by vertue of the ſaid Act made in the ſaid xxvij. year, or by any other Act or Acts, made or to be made, were and ſhall be annexed, united or knit to any of the Shires of Salop, Hereford, Glouceſter, or other Shires: any laws, uſages, or cuſtoms heretofore had or uſed to the contrary thereof notwithſtanding.

27 H. 8. 16.

Mortgages of lands in Wales.

Item, That no mortgages of lands, tenements or hereditaments, made or had after the ſaid Feaſt of St. John Baptiſt, which was in the ſaid xxxiij. year of the Reign of our ſaid Sovereign Lord, or that hereafter ſhall be had or made, within any of the ſaid Shires or places, ſhall be hereafter allowed or admitted, otherwiſe then after the courſe of the common Laws and Statutes of the Realm of England: any uſage or cuſtom heretofore had to the contrary thereof notwithſtanding.

All perſons may ſell their lands, or demiſe them after the manner of England.

Item, It ſhall be lawful to all perſons to alien, ſell, or otherwiſe put away their lands, tenements and hereditaments, within the ſaid Country or Dominion of Wales, the County of Monmouth, and other places annexed to any of the Shires of England, from them and their heirs, to any perſon or perſons in fee-ſimple or fee-tail, for term of life, or for term of years, after the manner, and according as is uſed by the Laws of the Realm of England: any Welſh Law or Cuſtom, heretofore uſed in the ſaid Country or Dominion of Wales, to the contrary thereof notwithſtanding. This article to take effect from and after the ſaid Feaſt of the Nativity of St. John Baptiſt, which was in the ſaid xxxiij. year of our ſaid Sovereign Lords Reign.

Perſons having lands in Wales bound by Statute in England.

Item, If any perſon or perſons, having lands or tenements within the ſaid Dominion of Wales, been, or hereafter ſhall be bound within the ſaid Realm of England, by obligation upon the Statute of the Staple, or by recogniſance, and pay not the debt, as ſhall appertain: that then upon certificate thereof made unto the Kings Chancery of England, by the Clerk of the Staple, or by any Juſtice of Record, before whom ſuch recogniſance ſhall be knowledged, proceſs ſhall be made to the Sheriffs of Wales out of the Chancery of England after the form as is uſed to be made upon Statutes and Recogniſances, by the courſe of the Laws of England, for the due levying and paying of the ſaid debt.

Recogniſances taken in the Kings Bench or Common place.

Provided always, and be it enacted by the authority aforeſaid, That for ſuch Recogniſances as be, or hereafter ſhall be taken and knowledged before the Kings Juſtices of his Highneſs Bench or Common place of England, proceſs ſhall be had and purſued immediately out from the ſaid Juſtices, as is uſed upon recogniſances taken before the ſaid Juſtices by the common courſe of the Laws of England.

Writs, bills, plaints, &c.

Item, That all ſuch writs, bills, plaints, pleas, proceſs, challenges and trials, ſhall be uſed throughout all the Shires aforeſaid, before the ſaid Juſtices in their Seſſions, as is uſed in North-Wales, or as ſhall be deviſed by the ſaid Preſident, Councel and Juſtices, or three of them, whereof the ſaid Preſident to be one, for the good miniſtration of Juſtice to be had in every of the ſaid Shires.

33 H. 8. 13.

Item, Where the Lordſhip of Hope, with divers other Lordſhips, Pariſhes, Towns and Hamlets, where by an Act of Parliament made in the xxxiij. of the Reign of our ſaid Sovereign Lord appointed and tranſlated from the ſaid County of Denbigh, to the County of Flint, and by the ſame Act were made part, parcel and member of the ſame County of Flint, afore which appointment or tranſlation, divers endictments and preſentments, as well of felony as other offences, were had and taken for the Kings Highneſs, before the Juſtice of the ſaid County of Denbigh, in the great Seſſions there, and ſome before the Juſtices of the Peace, within the ſame County, for offences ſuppoſed to be done within divers of the ſaid Lordſhips ſo tranſlated, and alſo divers judgments given at the ſuit of the parties before the ſaid Juſtices: and ſome before the Sheriff of the ſaid County of Denbigh, for matters riſen and grown within the precinct of the ſaid Lordſhips or other places, before the tranſlation of the ſame. It is now ordained and enacted, That all the ſaid endictments and preſentments ſhall be heard, tried and determined within the ſaid County of Denbigh, by perſons, as well of the ſaid Lordſhip, or place where the ſaid offences were done or committed, as of other place or places, within the ſaid County of Denbigh, in manner and form, as though the ſaid tranſlations had never been had, ne made. And alſo that the ſaid judgments as before given or had between party and parties, before any Juſtice of Record, or other Officer within the ſaid County of Denbigh, for any matter or cauſe, appearing by record of the ſame to be grown and riſen within any of the ſaid Lordſhips, Pariſhes, Towns or Hamlets ſo tranſlated, ſhall and may be executed by the Sheriff of the ſaid County of Denbigh within any of the ſame Lordſhips, or other place ſo tranſlated, the ſaid tranſlation, or any other cauſe or matter to the contrary thereof notwithſtanding.

Indictments or preſentments made for ſuits depending in Lordſhips that were removed from one County to another.

Item, Like law and order to be kept and miniſtred upon all other like tranſlations of any other Lordſhips, Manors, Towns, Pariſhes, and other places within Wales, had, made, or done in this preſent Parliament, or any other afore or after the ſame tranſlation, or any other cauſe or matter to the contrary thereof notwithſtanding.

Suits tried at a petty Seſſions.

Item, Where there ſhall be divers and many ſuits taken before the ſaid Juſtices in pleas perſonal, which (as it is thought) cannot be tried before them in the time of the ſaid great Seſſions, for brevity of time: therefore, and for the ſpeedy trial of theſe matters, the iſſues taken in the ſaid ſuits, ſhall and may be tried at a petty Seſſions, before the deputy Juſtices there, as it is and hath been uſed in the ſaid three Shires of North-Wales: Except ſuch of the ſaid ſuits, as by the diſcretion of the ſaid Juſtices ſhall be thought neceſſary to be tried before themſelves, within their limits. And that there ſhall be no ſuit taken before any of the ſaid Juſtices by Bill, under the ſum of twenty ſhillings.

No ſuit by bill under xx. s.

Item,

No agreement ſhall be made with a felon without conſent of the Preſident, &c.

Item, If any murder or felony hereafter be committed or done within Wales, that then the party or parties to whom any ſuch offence ſhall hap to be committed, ſhall in no wiſe make any end or agreement with the offendors in that behalf, nor with any other in his name or behalf, unleſs the ſaid party firſt make the ſaid Preſident and Councel, or one of the ſaid Juſtices privy unto the ſame, upon pain of impriſonment, and grievous fine to be ſet and adjudged, at the diſcretion of the ſaid Preſident, Councel and Juſtices, or two of them, whereof the ſaid Preſident to be one: the ſame pain and penalty to extend as well to, and againſt ſuch as ſhall labour, move or procure any ſuch end or agreement made, although the ſame labour, motion, or procurement never take effect, to make any end or agreement, as againſt him or them, with whom ſuch end or agreement ſhall be made, if the ſame happen to take effect,

32 H. 8. 20. Franchiſes of Lordſhips in Wales, and the Marches of the ſame. 27 H. 8. 26.

Item, Where divers Lordſhips Marchers, as well in Wales, as in the borders of the ſame, now being by Act of Parliament annexed to divers Shires of England, be lately come to the Kings hands, by ſuppreſſion of houſes, by purchaſe or attainders, and now be under the ſurvey of the Court of Augmentations, or of the Kings general Surveyors, the liberties, franchiſes and cuſtoms of all which Lordſhips be lately revived by Act of Parliament made in the xxxij. year of his moſt gracious Reign, nevertheleſs his Majeſty willeth & commandeth, that no other liberties, franchiſes or cuſtoms ſhall from henceforth be uſed, claimed or exerciſed within the ſaid Lordſhips, nor any other Lordſhips within Wales, or ye Country of Monmouth, whoſoever be Lord or owner of the ſame, but onely ſuch liberties, franchiſes and cuſtoms as be given & commanded to the Lords of the ſame Lordſhips, by force and vertue of the ſaid Act of Parliament made for Wales, in the ſaid xxvij. year of his Graces Reign, and not altered ne taken away by this Ordinance, the ſaid Act made in the ſaid xxvij. year, or any other Act, Grant, Law or Cuſtom to the contrary thereof notwithſtanding.

Peaceable poſſeſſion of lands five years.

Item, That if any perſon or perſons, their anceſtors, or they whoſe eſtate the ſame perſon or perſons have, or hath in peaceable poſſeſſion of any lands or tenements in Wales, by the ſpace of five years, without let, interruption, or lawful claim: that then the ſame perſon or perſons ſhall ſtill continue their poſſeſſion, until ſuch time as it ſhall be lawfully recovered againſt them by the order of the Kings Laws, or by decree of the Preſident and Councel there.

Jury de circumſtantibus. 5 Eliz. 26.

Item, In actions perſonal, taken and purſued before the ſaid Juſtices in Wales, by original Writ or Bill, if ix. of the Jury be ſworn to try the iſſue between the party plaintiff and the defendant, and the reſidue of the ſaid Jury make default, or be tried out: then the Sheriffs ſhall and may immediately return other names in the ſaid Jury, de circumſtantibus, unto ſuch time there be xij. men ſworn to try the iſſue between them, as before the Juſtices of North-Wales hath been afore uſed and accuſtomed in ſuch caſes.

No ſale of ſtollen goods ſhall change the property.

Item, That if any goods or chattels be ſtollen by any perſon or perſons, and ſold in any Fair or Market within the ſaid Dominion of Wales, that no ſuch ſale ſhall change the property thereof from the owner of the ſame, but that he may lawfully ſeiſe, take and have the ſame again, upon proof thereof made, the ſaid ſale notwithſtanding.

None ſhall buy cattel out of the market.

Item, That no perſon or perſons bargain or buy any manner of beaſt or other quick cattel in any place within Wales, out of the Market or Fair, unleſs he can bring forth ſufficient and credible witneſs of the name of the perſon, what place and time he bought the ſame, upon pain and danger of ſuch puniſhment and fine as ſhall be ſet upon him by the ſaid Preſident and Councel, or any of the ſaid Juſtices in his circuit, for the ſaid offence, and as he will therefore anſwer at his further peril.

Following of ſtollen goods.

Item, If any goods or chattels be ſtollen within the limits of any of the ſaid Shires in Wales, that then upon ſuit thereof had and made, the tract ſhall be followed from Townſhip to Townſhip, or Lordſhip to Lordſhip, according to the Laws and Cuſtoms in that behalf heretofore uſed in Wales, upon ſuch penalty and danger as heretofore hath been accuſtomed.

A Free-holder may paſs in any Jury.

Item, That every perſon that hath any lands or tenements in fee-ſimple or fee-tail, or for term of life, or for term of any other mans life being free-hold, ſhall and may paſs in all manner Juries and Trials, as well in caſe of felony or murder, as in all actions real, perſonal and mixt, whatſoever they be, attaint onely except: and alſo may be impannelled, and enquire of all concealments, forcible entries, and other cauſes of enquiry for the Kings Majeſty, albeit he may not diſpend xl. s. by the year: ſaving to every man his lawful challenge for any other cauſe, according to the Laws of this Realm of England.

Juror in attaint.

Item, That no Juror ſhall paſs in attaint, unleſs he may diſpend xl. s. by the year of eſtate of free-hold.

Tallage at the change of Lords.

Item, The tenants and reſiants in Wales ſhall pay their tallage at the change of their Lords in ſuch places, and after ſuch form as hath been heretofore accuſtomed in Wales.

Knights for Shires, Burgeſſes. 27 H. 8. 26.

Item, That all the Kings ſubjects and reſiants in Wales, ſhall find at all Parliaments hereafter to be holden in England, Knights for the Shires, and Citizens and Burgeſſes for Cities and Towns, to be named and choſen by authority of the Kings Writ, under the Great Seal of England, according to the Act in that caſe provided, and ſhall be charged and chargeable to all ſubſidies and other charges, to be granted by the Commons of any of the ſaid Parliaments, and pay all other their rents, farms, cuſtoms and duties to the Kings Highneſs, as they have been accuſtomed heretofore, fines for redemption of Seſſions onely excepted, which the Kings Majeſty of his moſt gracious goodneſs and liberality is contented and pleaſed to remit at the humble ſuit of his ſaid loving ſubjects of his ſaid Dominion of Wales.

Subſidies and charges. Fines for redemption of Seſſions remitted.

Haverford a Burgeſs.

Item, That the Town of Haverford-weſt ſhall after the end of this preſent Parliament for ever find one Burgeſs for the ſaid Town, at every Parliament after that time to be holden: and the charges of the ſame Burgeſs to be always born by the Mayor, Burgeſſes and inhabitants of the ſaid Town, and none other.

Felons goods; waifs, ſtrays.

Item, That the Kings Majeſty ſhall have all felons goods, and goods of perſons outlawed, waifs, ſtraies, and all other forfeitures and eſcheats whatſoever they be, anſwered thereof by the hands of the Sheriffs: ſaving always the right and intereſts of every of his ſubjects having lawful title to the ſame.

In what Courts Errors in Wales ſhall be redreſſed.

E.104.

Item, That all errors and judgments, before any of the ſaid Juſtices at any time of the great Seſſions, in pleas reals or mixt, ſhall be redreſſed by writ of error, to be ſued out of the Kings Chancery of England, returnable before the Kings Juſtices of his Bench in England, as other Writs of error be in England. And that all errors in pleas perſonal ſhall be reformed by bills to be ſued before the ſaid Preſident and Council of Wales, from time to time, as the party grieved will ſue for the ſame. And if in caſe the judgment be affirmed good in any of the ſaid Writs of error or Bills, then there to make execution, and all other proceſs thereupon, as is uſed in the Kings Bench of England. And that the purſuants in every ſuch Writ of error or Bill, do pay like fees therefore as is uſed in England.

Falſe Judgment.

Item, That no execution of any judgment given, or to be given in any baſe Court, be ſtaied or deferred by reaſon of any writ of falſe judgment, but that execution ſhall and may be had and made at all times before the reverſal of the ſaid judgment, the purſuit of the ſaid Writ notwithſtanding. And in caſe the ſaid judgment happen after to be reverſed: then the party purſuant to be reſtored to all that he hath loſt by the ſaid judgment, according to the Laws of the Realm.

Proceſs for weighty cauſes.

Item, That all proceſs for urgent and weighty cauſes ſhall be made and directed into Wales, by the ſpecial commandment of the Chancellor of England, for the time being, or any of the Kings Councel in England, as heretofore hath been uſed: Any thing in this Act to the contrary thereof notwithſtanding.

Bewdly ſhall be within the County of Worceſter.

Item, That the Town of Bewdley, which is within the Pariſh of Ribbesford, in the County of Wigorum, and all the ground and ſoil of the ſame Town, ſhall from henceforth be united, annexed, and made parcel of the County of Wigorum, and to be within the Hundred of Dodingtre. And that all the inhabitants of the ſaid Town and Pariſh, ſhall from henceforth be attendant, and do every thing and things, with the inhabitants of the ſaid Hundred, as the ſame inhabitants be now bound to do by the Laws of this Realm of England. Saving always to the Burgeſs and inhabitants of the ſaid Town of Bewdley, all ſuch liberties and franchiſes as they lawfully had and exerciſed within the ſame Town, before the making of this Act, in like manner and form, as though this Act had never been had or made.

Llanſtiffan, Langham and Willerloys ſhall be within the County of Caermarthen.

Item, That the Lordſhip of Llanſtiffan, Uſterloys, and Langham, and the members of the ſame, and all manors, lands, tenements, and other hereditaments in the ſame Lordſhip, and the members of the ſame, be from henceforth united, annexed, joyned, named, accepted and taken as part and parcel of the County of Caermarthen, and reputed, joyned, united, named, accepted, and taken as part and parcel of the Hundred of Deries, in the ſaid County of Caermarthen. And that the tenants and inhabitants of the ſaid Lordſhips and members, be attendant and do every thing and things with the tenants and inhabitants of the ſaid Hundred of Deries, as the ſaid inhabitants now be bound to do, according to the Laws there uſed.

County Court of Radnor. 27 H. 8. 20.

Item, That the County or Shire-Court of the County of Radnor, ſhall from henceforth be holden one time at New Radnor, and one other time at Preſten, alternis vicibus; and never from henceforth to be kept or holden at Rather Gowy: any former Act, or other thing to the contrary thereof notwithſtanding.

The King may adde and alter Laws and Ordinances. This branch is repealed, 21 Jac. 10.

Item, It is further enacted by the authority aforeſaid, That the Kings moſt Royal Majeſty ſhall and may at all times hereafter from time to time, change, adde, alter, order, miniſh and reform all manner of things afore rehearſed, as to his moſt excellent wiſdom and diſcretion ſhall be thought convenient: and alſo to make Laws and Ordinances for the Commonwealth and good quiet of his ſaid Dominion of Wales, and his ſubjects of the ſame, from time to time, at his Majeſties pleaſure: any thing contained in this Act, or in the ſaid Act made for the ſaid Shire ground of Wales, or any other Act or Acts, thing or things, to the contrary thereof heretofore made in any wiſe notwithſtanding.

And that all ſuch alterations of the premiſſes, or any part thereof, and all ſuch Laws and Ordinances to be hereafter made, deviſed and publiſhed by authority of this Act, by the Kings Majeſty, in writing under his Highneſs Great Seal, ſhall be of as good ſtrength, vertue and effect, as if they had been had and made by authority of Parliament.

How much the Kings farmer of the Subſidy of woollen clothes in Wales ſhall take for the ſealing of a cloth.

k.1.12.43.

Item, Be it further enacted and ordained by authority aforeſaid, That where the Kings Majeſty that now is, by his Letters Patents bearing date the firſt day of May, in the xxxiij. year of his moſt proſperous Reign, demiſed and granted to William Webbe, the ſubſidy and aulnage of all woollen clothes, made or to be made in the County of Monmouth, and in the xij. Shires in Wales, that is to ſay, in the County of Brecknock, Radnor, Mountgomery, Caermarthen, Glamorgan, Pembroke, Cardigan, Angleſey, Flint, Denbigh, Caernarvan, and Merioneth, and in all and ſingular Towns and other places whatſoever they be, within the precinct and limits of the ſaid Counties, and elſewhere within the Dominion of Wales: To have and to hold to the ſaid William Webbe, and his aſſigns for certain years yet enduring, that the ſaid William Webbe, his deputies and aſſigns, ſhall have from henceforth full power and authority by force of this Act, to take for ſealing of every woollen cloth hereafter to be made in the ſaid xij. Shires and elſewhere, within the ſaid Dominion of Wales, as hereafter is declared, and none otherwiſe, that is to ſay, For every whole piece of Frize, j. d. every half piece of Frize, ob. every piece of Cotton and Lining, being xxiiij. yards and under, ob. and for every piece of the ſame, being above xxiiij. yards, j. d. of every broad cloth, j. d. of every piece of Kerſie, being xviij. yards and above, j. d. of every piece of Kerſie being under xviij. yards, ob.

Provided always, That this Act, ne nothing therein contained, extend not to charge

Clothes made within the owners houſe not put to ſale.

any manner of perſon or perſons, being, or that hereafter ſhall be inhabitant in any of the xij. Shires, or elſewhere within the Dominion of Wales, for any Clothes, Frizes, Kerſies or Linings, made, or hereafter to be made and occupied within their houſes, and not put to ſale to any perſon or perſons, but to their ſervants for their wearing.

The Aulneger in Wales bound to the Laws of England.

And further be it enacted by the authority aforeſaid, That the ſaid Aulneger in Wales, by himſelf, or by his ſufficient deputy or deputies, ſhall in all things to his office appertaining, do and be bound to do and anſwer in every caſe, like, and according as all and every other Aulneger in the Realm of England doth or ought to do, according to the Laws and Statutes of the Realm of England. And for the contrary doing or exerciſing of the ſaid office, ſhall in every caſe and degree ſuffer, as by the ſaid Laws and Statutes is ordained, eſtabliſhed or enacted for Aulnegers, under the Lord Treaſurer of England for the time being.

Haverford-weſt a County in it ſelf.

And furthermore the Kings Majeſty is contented and pleaſed, notwithſtanding the Statute made in the xxvij. year of his moſt gracious Reign, That where there ſhould be but xij. Shires in Wales, that the Town of Haverford-weſt ſhall be a County in it ſelf, as it hath been before this time uſed at the will and pleaſure of the Kings ſaid Majeſty: And that it ſhall be ſeparated from the County of Pembroke, at the Kings ſaid pleaſure. And that the Kings High Juſtice of the ſaid County of Pembroke, ſhall be High Juſtice of the ſaid County and Town of Haverford-weſt, and ſhall have like power and authority, to and for the miniſtration of Juſtice within the ſaid County and Town of Haverford-weſt, as is limited and appointed to the ſaid Juſtice to and for the adminiſtration of Juſtice in the ſaid County of Pembroke: and that the Mayor, Sheriff, Bailiffs, and Burgeſſes in the ſaid County and Town of Haverford-weſt, from time to time, ſhall be as well attendant, and obey all precepts and commandments of the Preſident and Councel of our ſaid Sovereign Lord the King in his Marches of Wales, as alſo ſhall be attendant to all precepts and proceſs awarded or directed by the ſaid High Juſtice, unto the Sheriff of the ſaid County and Town of Haverford-weſt, and to make return thereof. And the ſaid Sheriff of the ſaid County and Town, ſhall ſerve all precepts and proceſs, directed from the ſaid High Juſtice, in like manner and form as the Sheriff of the ſaid County of Pembroke is bound to do, and according to the effect and purport of the Kings Ordinances, in that behalf had, made and provided: and that it ſhall be lawful unto the ſaid Mayor, Sheriff, Bailiffs, and Burgeſſes of the ſaid County and Town of Haverford-weſt aforeſaid, to uſe and exerciſe all lawful liberties and grants, by the Kings Majeſty or his noble Progenitors, to to them granted and confirmed at the Kings Majeſties will and pleaſure, according to the Laws of the Realm of England, and not otherwiſe: And that the judicial ſeal of the ſaid Shires of Pembroke, Caermarthen and Cardigan, being in the cuſtody and keeping of the Kings High Juſtice there for the time being, ſhall be uſed in the ſaid County and Town of Haverford-weſt; as the original and judicial ſeal of the ſame Town and County. And that the ſaid Juſtice of the ſaid Shires of Pembroke, Caermarthen and Cardigan ſhall have like power and authority, by vertue of the Kings Letters Patents to him made, as well to do all and every thing and things concerning common Juſtice to be miniſtred within the ſaid Town and County of Haverford-weſt, as he hath in his ſaid Letters Patents, within any of the ſaid Shires of Pembroke, Caermarthen, and Cardigan.

The judicial ſeal of Pembroke, &c.

Provided alway, That this Article, touching and concerning the County and Town of Haverford-weſt, and all things therein contained, ſhall ſtand and endure but onely at the Kings Majeſties will and pleaſure, and none otherwiſe.

This Act prejudicial to no mans inheritance.

Provided alway, That this Act or any thing therein contained, ſhall not be prejudicial nor hurtful to any perſon or perſons, or bodies politick, for or concerning any lands, tenements, rents, ſervices, bondmen, tolles, or other hereditaments: but that they and every of them, their heirs, ſucceſſors and aſſigns, and the heirs, ſucceſſors and aſſigns of every of them, ſhall have, hold, and enjoy their lands, tenements, rents, ſervices, bondmen, and other their hereditaments, in ſuch like manner, form and condition, as they had the ſame before the making of this Act, and as if this Act had never been had ne made.

Every of the Kings officers may enjoy his office and fee as he did before.

Provided alſo, That this Act, nor any thing therein contained, ſhall be hurtful or prejudicial to any perſon or perſons, for or concerning any office or offices, which they or any of them have by vertue of any the Kings Letters Patents, being now in force before the making of this Act, nor to the fees of money uſed and accuſtomed to be paid for the exerciſe of any ſuch offices: but that every perſon and perſons having ſuch offices and fees, and their ſubſtitutes and deputies, ſhall and may have and exerciſe their ſaid offices, as is limited by this Act, and as they might have done before the making of this Act. And ſhall alſo have and perceive all ſuch fees, for the exerciſe of the ſaid offices, in as large and ample manner, form and condition, as they might afore the making of this Act, and as if this Act had never been had ne made.

No Gavelkind land but deſcendable according to the courſe of the Common Law.

Provided always, That all lands, tenements and hereditaments, within the ſaid Dominion of Wales, ſhall deſcend to the heirs, according to the courſe of the common Laws of the Realm of England, according to the tenor and effect of this Act, and not to be uſed as Gavelkind: any thing contained in theſe proviſions or any of them to the contrary thereof notwithſtanding.

The offices and fees of George Blunt reſerved.

Provided always, That this Act, ne any clauſe, article, or thing therein contained, be in any wiſe prejudicial or hurtful to George Blunt Eſquire, ſon and heir of Sir John Blunt Knight, deceaſed, for or concerning the offices of Stewardſhips of the Kings Lordſhips or Manors of Beudly and Clebury, or any other office or offices heretofore granted unto the ſaid George Blunt, by the Kings Letters Patents, ſealed under the Great Seal of England, for term of life of the ſame George, or for or concerning any fees, wages, rewards, annuities, profits, commodities, advantages or emoluments appertaining or belonging unto the ſaid offices or any of them: but that the ſaid George, his deputy and deputies, ſhall and may at all time and times, during the life of the ſame George, have, hold, exerciſe and enjoy the ſame offices, and every of them, and alſo perceive, levy and take the fees, wages, rewards, and all other profits and commodities to the ſame offices, and every of them, or to any of them belonging, or in any wiſe appertaining, in as large and ample manner, form and condition, to all intents, conſtructions and purpoſes, as though this Act had never been had or made: any thing before in this Act contained to the contrary notwithſtanding.

All liberties of the Dutchy uſed as before.

Provided always, That all liberties, franchiſes, and priviledges of the Dutchy of Lancaſter, or in any wiſe appertaining to the ſame, ſhall be of the ſame force, plight, quality, goodneſs and condition, and may be uſed in as large and ample manner, as they were before the making of this Act, and as if this Act had never been had or made: any thing in this Act to the contrary notwithſtanding.

HENRY the Eighth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in earth the Supreme Head: to the honour of Almighty God, and for the concord, quiet and wealth of this his Realm, and ſubjects of the ſame, begun this third Seſſion of this moſt High Court of Parliament, at Weſtminſter, the fourteenth day of January, in the five and thirtieth year of his Majeſties moſt noble and victorious Reign, and there held and continued the ſame third Seſſion till the nine and twentieth day of March, in the ſaid five and thirtieth year, wherein were eſtabliſhed theſe Acts following.

CAP. I.

The Kings Succeſſion in the Crown.

Where in the Parliament holden at Weſtminſter, the eighth day of June, in the eight and twentieth year of our moſt dread Sovereign Lord King Henry the Eighth, an Act was had and made for the eſtabliſhment of the Succeſſion of the Imperial Crown of this Realm of England, by which Act amongſt divers others things, it was enacted, That the Imperial Crown of this Realm, with all dignities, honours, preheminences, prerogatives, authorities and juriſdictions to the ſame annexed or belonging, ſhould be to the Kings Majeſty and his Heirs of his Body lawfully begotten: that is to ſay, to the firſt Son of his body between his Highneſs, and his then lawful Wife Queen Jane, now deceaſed, begotten, and to the Heirs of the Body of the ſame firſt Son lawfuly begotten. And for default of ſuch Heirs, then the ſecond Son of his Highneſs Body, and of the Body of the ſaid Queen Jane begotten, and to the Heirs of the Body of the ſame ſecond Son begotten, with divers other limitations of the eſtates, conveyance, and remainders of the Imperial Crown, and other the premiſſes.

In what ſort the Crown of England was entailed by the Statute of 28 H. 8. 7.

And it was alſo enacted further by the ſaid Statute, That for lack of Iſſue of our ſaid Sovereign Lord the Kings Body lawfully begotten: That then his Highneſs ſhould and might give, will, limit, aſſign, appoint, or diſpoſe the ſaid Imperial Crown, and other ỹ premiſſes, to what perſon or perſons, & give the ſame perſon or perſons ſuch eſtate in the ſame, as it ſhould pleaſe his Majeſty, by his gracious Letters Patents under the Great Seal, or by his laſt Will in writing, ſigned with his moſt gracious hand, as by the ſame Act amongſt divers other things therein contained more at large it doth appear. Sithen the making of this Act, the Kings Majeſty hath onely iſſue of his body lawfully begotten, betwixt his Highneſs and his ſaid late wife Queen Jane, the noble and excellent Prince, Prince Edward, whom Almighty God long preſerve. And alſo his Majeſty hath now of late ſithen the death of the ſaid Queen Jane, taken to his wife the moſt vertuous and gracious Lady Katherine, now Queen of England, late wife of John Nevil, Knight, Lord Latimer deceaſed, by whom as yet his Majeſty hath none iſſue, but may have full well, when it ſhall pleaſe God. And foraſmuch as our ſaid moſt dread Sovereign Lord the King, upon good and juſt grounds and cauſes, intendeth by Gods grace to make a voyage Royal, in his moſt Royal Perſon, into the Realm of France, againſt his ancient enemy the French King: his Highneſs moſt prudently and wiſely conſidering and calling to his remembrance, how this Realm ſtandeth at this preſent time in the caſe of Succeſſion, and poiſing and weighing further with himſelf, the great truſt and confidence that his loving ſubjects have had, and have in him, putting in his hands wholly the order and declaration of the Succeſſion of this Realm: Recogniſing and knowledging alſo, that it is in the onely pleaſure and will of Almighty God, how long his Highneſs or his ſaid entirely beloved Son Prince Edward ſhall live, and whether the ſaid Prince ſhall have Heirs of his Body lawfully begotten or not, or whether his Highneſs ſhall have Heirs begotten and procreated between his Majeſty and his ſaid moſt dear and entirely beloved Wife Queen Katharine that now is, or any lawful Heirs and Iſſues hereafter of his own Body begotten by any other his lawful Wife. And albeit that the Kings moſt excellent Majeſty, for default of ſuch Heirs as be inheritable by the ſaid Act, might by the authority of the ſaid Act give and diſpoſe the ſaid Imperial Crown, and other the premiſſes, by his Letters Patents under his Great Seal, or by his laſt Will in writing ſigned with his moſt gracious hand, to any perſon or perſons, of ſuch eſtate therein as ſhould pleaſe his Highneſs to limit and appoint: yet to the intent that his Majeſties diſpoſition and mind therein ſhould be openly declared and manifeſtly known, and notified as well to the Lords Spiritual and Temporal, as to all other his loving and obedient ſubjects of this his Realm, to the intent that their aſſent and conſent might appear to concur with thus far as followeth of his Majeſties declaration in this behalf: His Majeſty therefore thinketh convenient, afore his departure beyond the Seas, that it be enacted by his Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, and therefore be it enacted by

The Kings intended voyage into France.

If the King and Prince Edward ſhall die without heirs of either of their bodies, then the Crown ſhall remain to the Lady Mary, &c.

The remainder to the Lady Elizabeth.

the authority aforeſaid, That in caſe it ſhall happen the Kings Majeſty, and the ſaid excellent Prince his yet onely Son Prince Edward, and Heir apparent, to deceaſe without Heir of either of their bodies lawfully begotten (as God defend) ſo that there be no ſuch Heir Male or Female of any of their two Bodies, to have and inherit the ſaid Imperial Crown, and other his Dominions, according and in ſuch manner and form as in the foreſaid Act and now in this is declared: That then the ſaid Imperial Crown, and all other the premiſſes, ſhall be to the Lady Mary, the Kings Highneſs Daughter, and to the Heirs of the Body of the ſame Lady Mary, lawfully begotten, with ſuch conditions, as by his Highneſs ſhall be limited by his Letters Patents, under his Great Seal, or by his Majeſties laſt Will in writing ſigned with his gracious Hand. And for default of ſuch iſſue, the ſaid Imperial Crown and other the premiſſes, ſhall be to the Lady Elizabeth, the Kings ſecond Daughter, and to the Heirs of the Body of the ſaid Lady Elizabeth, lawfully begotten, with ſuch conditions, as by his Highneſs ſhall be limited by his Letters Patents under his Great Seal, or by his Majeſties laſt Will in writing, ſigned with his gracious Hand, any thing in the ſaid Act made in the ſaid eight and twentieth year of our ſaid Sovereign Lord, to the contrary of this Act notwithſtanding.

The eſtate of the Lady Mary tied with conditions.

Provided alway, and be it enacted by the authority aforeſaid, That if the ſaid Lady Mary do not keep and perform ſuch conditions, which the Kings Majeſty ſhall hereafter by his Graces Letters Patents, ſealed under his Great Seal, or by his Majeſties laſt Will in writing, ſigned with his Highneſs hand, declare and limit to her ſaid eſtate, in the ſaid Imperial Crown, and other the premiſſes: That then and from thenceforth, for lack of Heirs of the ſeveral Bodies of the Kings Majeſty and the ſaid Prince Edward lawfully begotten, the ſaid Imperial Crown, and other the premiſſes, ſhall be and come to the ſaid Lady Elizabeth, and to the Heirs of her Body lawfully begotten, in ſuch like manner and form, as though the ſaid Lady Mary were then dead, without any Heir of her Body begotten, any thing in this Act contained to the contrary notwithſtanding.

The eſtate of the Lady Elizabeth tied with conditions.

Provided alway, and be it further enacted by the authority aforeſaid, That if the ſaid Lady Mary do keep and perform ſuch conditions, which the Kings Majeſty ſhall hereafter by his Graces Letters Patents, ſealed under his Great Seal, or by his Majeſties laſt Will in writing, ſigned with his Highneſs Hand, declare and limit to her ſaid eſtate, as is aforeſaid, and that the ſaid Lady Elizabeth, for her part do not keep and perform ſuch conditions, which the Kings Majeſty ſhall hereafter by his Graces Letters Patents, ſealed under his Great Seal, or by his Highneſs laſt Will in writing, ſigned with his moſt gracious Hand, declare and limit to her ſaid eſtate in form aforeſaid, That then and from thenceforth, for lack of Heirs of the ſeveral Bodies of the Kings Majeſty, the ſaid Lord Prince, and of the ſaid Lady Mary lawfully begotten, the ſaid Imperial Crown and other the premiſſes, ſhall be and come to ſuch perſon and perſons, and of ſuch eſtate and eſtates, as the Kings Highneſs by his Letters Patents, ſealed under his Great Seal, or by his laſt Will in writing, ſigned with his Majeſties Hand, ſhall limit and appoint.

A limitation of the Crown, if the Lady Mary do break her conditions, and the Lady Elizabeth die without iſſue.

Provided alway, That if the ſaid Lady Mary do not keep and perform ſuch conditions which ſhall be limited and appointed to her ſaid eſtate in the ſaid Imperial Crown, and other the premiſſes as is aforeſaid: and the ſaid Lady Elizabeth being then dead without any Heir of her Body lawfully begotten: that then and from thenceforth, for lack of Heirs of the ſeveral Bodies of the Kings Majeſty, and the ſaid Lord Prince, lawfully begotten, the ſaid Imperial Crown, and other the premiſſes, ſhall be, come and remain to ſuch perſon and perſons, and of ſuch eſtate and eſtates, as the Kings Highneſs by his Letters Patents, ſealed under his Great Seal, or by his laſt Will in writing, ſigned with his Majeſties Hand, ſhall limit and appoint.

The Eſtates of the Lady Mary and Elizabeth if the King limit no conditions.

Provided always, and be it enacted by authority aforeſaid, That in caſe the Kings Majeſty do not declare and limit by his Letters Patents, or by his laſt Will, in form as is aforeſaid, any condition to the eſtates and intereſts afore limited to the ſaid Lady Mary and Lady Elizabeth, nor to the ſtate or intereſt of any of them: That then every ſuch of the ſaid Lady Mary and Lady Elizabeth, to whoſe eſtate or intereſt no condition ſhall be limited by the Kings Majeſty in form aforeſaid, ſhall have and enjoy ſuch intereſt, eſtate and remainder in the ſaid Imperial Crown, and other the premiſſes, as is before limited by this Act, without any manner of condition: any thing in this preſent Act to the contrary thereof notwithſtanding.

And foraſmuch as it ſtandeth in the onely pleaſure and will of Almighty God, whether the Kings Majeſty ſhall have any Heirs begotten and procreated between his Highneſs and his ſaid moſt entirely beloved Wife Queen Katharine, or by any other his lawful Wife, or whether the ſaid Prince Edward ſhall have Iſſue of his Body lawfully begotten, or whether the Lady Mary and Lady Elizabeth, or any of them, ſhall have any Iſſue of any of their Bodies lawfully begotten, and if ſuch Heirs ſhould fail (which God defend) and no proviſion made in the Kings life, who ſhould rule and govern this Realm, for lack of ſuch Heirs, as in this preſent Act is afore mentioned: That then this Realm, after the Kings tranſitory life, & for lack of ſuch Heirs ſhould be deſtitute of a lawful Governour to order, rule & govern the ſame:

The King by his Will or Letters Patents may aſſure the reverſion or remainder of the Crown to ſuch perſon as he will.

Be it therefore enacted by the authority of this preſent Parliament, That the Kings Highneſs ſhall have full power and authority to give, diſpoſe, appoint, aſſign, declare and limit by his gracious Letters Patents under his Great Seal, or elſe by his Highneſs laſt Will made in writing, and ſigned with his moſt gracious hand, at his onely pleaſure, from time to time hereafter, the Imperial Crown of this Realm, and all other the premiſſes, to be, remain, ſucceed, and come after his deceaſe, and for lack of lawful Heirs of either of the Bodies of the Kings Highneſs and Prince Edward begotten, and alſo for lack of lawful Heirs of the Bodies of the ſaid Lady Mary and Lady Elizabeth, to be procreated and begotten, as is afore limited in this Act, to ſuch perſon and perſons in remainder or reverſion, as ſhall pleaſe his Highneſs, and according to ſuch eſtate, and after ſuch manner and form, faſhion or condition, as ſhall be expreſſed, declared, named and limited in his Highneſs Letters Patents, or by his laſt Will in writing, ſigned with his moſt gracious Hand, as is aforeſaid: Any thing contained in this preſent Act, or in the ſaid former Act, to the contrary thereof in any wiſe notwithſtanding.

And for further corroboration of this preſent Act, and of the ſaid Act made in the ſaid eight and twentieth year of our ſaid Soveraign Lord, and alſo utterly to exclude the long uſurped power, authority and juriſdiction of the Biſhops of Rome, where in the ſaid Act made for the eſtabliſhment of the Kings Succeſſion, at the ſaid Parliament holden at Weſtminſter the eighth day of July, in the eight and twentieth year of the Kings Majeſties Reign, there is one oath limited in the ſaid Act, as in the ſaid Act amongſt other things appeareth.

And where alſo at the ſaid Parliament there was another Statute made and ordained againſt ſuch as would both extol and ſtand to the juriſdiction, power and authority of the See and Biſhop of Rome, in which Statute there is compriſed another oath, in ſuch wiſe as in the ſame Statute amongſt other things is mentioned. Foraſmuch as in both the ſaid oaths, mentioned in the ſaid ſeveral Acts, there lacketh full and ſufficient words, whereby ſome doubts might riſe: Therefore be it enacted by authority of this preſent Parliament, That from and after the laſt day of this Seſſion, all and every ſuch perſon and perſons, which be ordered and limited by the ſaid ſeveral Acts, to take the ſaid oaths mentioned in the ſame Acts, ſhall from thenceforth, in lieu and place of thoſe two oaths, take and ſwear this corporal oath, according to the tenor enſuing. And that they, which have already ſworn the other aforeſaid oaths, or any of them, ſhall take and eſteem it of the ſame effect and force, as though they had ſworn this. Which former oaths notwithſtanding, becauſe they be not ſo pithy to all effects, nor ſo plainly ſet forth as were convenient: Therefore be it enacted by authority of this preſent Parliament, that after this preſent Seſſion, the ſaid oaths ſpecified in the ſaid ſeveral Acts, ſhall not thereafter be miniſtred, nor any perſon hereafter be compelled to accept the ſame, and this oath hereafter mentioned in this Act, to ſtand in force and place of the ſaid two oaths.

They which have ſworn the foreſaid oaths ſhall eſteem them as if they had ſworn this.

I A. B. having now the vail of darkneſs of the uſurped power, authority and juriſdiction of the See and Biſhops of Rome clearly taken away from mine eyes, do utterly teſtifie and declare in my conſcience, that neither the See nor the Biſhop of Rome, nor any foreign Poteſtate, hath, nor ought to have any juriſdiction, power or authority within this Realm, neither by Gods Law, nor by any other juſt Law or means. And though by ſufferance and abuſe in times paſſed, they aforeſaid have uſurped and vindicated a fained and an unlawful power and juriſdiction within this Realm, which hath been ſupported till few years paſſed, therefore becauſe it might be deemed and thought thereby, that I took or take it for juſt and good, I therefore now do freely and clearly renounce, refuſe, relinquiſh and forſake that pretended authority, power and juriſdiction, both of the See and Biſhop of Rome, and of all other foreign Powers: And that I ſhall never conſent nor agree that the foreſaid See or Biſhop of Rome, or any of their ſucceſſors, ſhall practiſe, exerciſe, or have any manner of authority, juriſdiction or power within this Realm, or any other the Kings Realms or Dominions, nor any foreign Poteſtate, of what eſtate, degree or condition ſoever he be, but that I ſhall reſiſt the ſame at all times to the uttermoſt of my power: And that I ſhall bear faith, truth and true allegiance to the Kings Majeſty, and to his Heirs and Succeſſors, declared, or hereafter to be declared by the authority of the Act made in the Seſſion of the Parliament holden at Weſtminſter the fourteenth day of January, in the five and thirtieth year, and in the ſaid Act made in the eight and twentieth year of the Kings Majeſties Reign: And that I ſhall accept, repute and take the Kings Majeſty, his Heirs and Succeſſors (when they or any of them ſhall enjoy his place) to be the onely Supreme Head in earth, under God, of the Church of England and Ireland, and of all other his Highneſſes Dominions: And that with my body, cunning, wit, and uttermoſt of my power, without guile, fraud, or other undue mean, I ſhall obſerve, keep, maintain and defend all the Kings Majeſties Stiles, Titles and Rights, with the whole effects and contents of the Acts provided for the ſame, and all other Acts and Statutes made, or to be made within this Realm, in and for that purpoſe, and the derogation, extirpation and extinguiſhment of the uſurped and pretended authority, power and juriſdiction of the See and Biſhop of Rome, and all other foreign Poteſtates, as afore: And alſo as well the ſaid Statute made in the ſaid eight and twentieth year, as the Statute made in the ſaid Seſſion of the Parliament, holden the five and thirtieth year of the Kings Majeſties Reign, for eſtabliſhment and declaration of his Highneſs Succeſſion, and all Acts and Statutes made, and to be made in confirmation and corroboration of the Kings Majeſties Power and Supremacy in earth of the Church of England, and of Ireland, and of other the Kings Dominions, I ſhall alſo defend and maintain with my body and goods, and with all my wit and power, and this I ſhall do againſt all manner of perſons, of what eſtate, dignity, degree or condition they be, and in no wiſe do, nor attempt, nor to my power ſuffer, or know to be done or attempted, directly or indirectly, any thing or things privily or apertly to the let, hinderance, dammage or derogation of any of the ſaid Statutes, or of any part of them, by any manner of means, or for or by any manner of pretence. And in caſe any oath hath been made by me to any perſon or perſons in maintenance, defence or favour of the See and Biſhop of Rome, or his authority, juriſdiction or power, or againſt any the Statutes aforeſaid, I repute the ſame as vain and annihilate, and ſhall wholly and truly obſerve and keep this Oath. So help me God, all Saints, and the holy Evangeliſts.

The oath againſt the authority of the Biſhop of Rome, and for the maintenance of the title of the King and his Heirs.
REP. 8 & 9 P. & M. 8.

A former oath reputed vain and void by the party that ſweareth.

And it is alſo enacted by authority aforeſaid, That all and every perſon and perſons, Spiritual and Temporal, ſuing livery, reſtitution, or Ouſter le main, out of the Kings, his Heirs or Succeſſors hands, or doing any fealty to his Highneſs, his Heirs or Succeſſors, or which ſhall be ſworn to the King, his Heirs or Succeſſors, or that ſhall have any office, fee or rowme of

Who ſhall take this oath.

the moſt gracious gift of the Kings Majeſty, his Heirs or Succeſſors, or ſhall be received in ſervice with his Grace, his Heirs or Succeſſors, ſhall make, take or receive the ſaid oath.

And that alſo all and every other Eccleſiaſtical perſon, at the time of his taking of Orders, and all and every other perſon, which ſhall be promoted or preferred to any degree of learning in any Univerſity within this his Realm, or other of the Kings Dominions, at the time of his or their promotion or preferment, or every of them ſhall make, take and receive the ſaid oath, by this Act ſet forth and declared, as is aforeſaid, before his or their Ordinary, or the Commiſſary of ſuch Univerſity. And that all and ſingular other the Kings Majeſties ſubjects, and reſiants within this his Graces Realm, and other his Majeſties Dominions, at his Highneſs will and pleaſure ſhall accept and take the ſame oath before ſuch Commiſſioner or Commiſſioners as his Highneſs ſhall appoint for the ſame.

It ſhall be high Treaſon to refuſe to take the aforeſaid oath. REP. 1 Ed. 6. 12. 1 M. 1.

And it is alſo enacted by the authority aforeſaid, That if any perſon or perſons, limited or commanded by the authority of this Act, to make and take the ſaid oath, or commanded by any other perſon or perſons authoriſed by the Kings Highneſs Commiſſion under his Great Seal, to make the ſaid oath, obſtinately refuſe that to do: That then every ſuch offence and contempt ſhall be high Treaſon, and the offenders thereof being lawfully convicted ſhall ſuffer pains of death, and other forfeitures, penalties and loſſes as is limited and accuſtomed in caſes of high Treaſon, by any Laws or Statutes of this Realm, heretofore had or made in any wiſe concerning the ſame.

The penalty for doing any thing to the interruption of this Act, or of any eſtate limited thereby.

And be it further enacted by authority aforeſaid, That if any perſon or perſons, of what eſtate, degree, dignity, or condition ſoever they be, at any time hereafter, by words, writing, imprinting, or by any exterior act or deed, maliciouſly or wittingly procure or do, or cauſe to be procured or done directly or indirectly, any thing or things, to or for the interruption, repeal, or annullation of this Act, or of any thing therein contained, or of any thing that ſhall be done by the Kings Highneſs, in the limitation and diſpoſition of his Majeſties Crown, and other the premiſſes, by authority of the ſame, or to the peril, ſlander or diſinheriſon of any the Iſſues and Heirs of the Kings Majeſty, being limited by this Act, to inherit, and to be inheritable to the Crown of this Realm, in ſuch form as is aforeſaid, or to the interruption or diſheriſon of any perſon or perſons, to whom the Imperial Crown of this Realm, and other the premiſſes, is aſſigned, limited and appointed by this Act, or ſhall be by the Kings Majeſties Letters Patents under his Highneſs Great Seal, or by his laſt Will in writing, ſigned with his moſt gracious Hand, limited and diſpoſed by the authority of this Act, as is aforeſaid, whereby any ſuch Iſſues or Heirs of the Kings Majeſty, or ſuch other perſon or perſons, might be deſtroyed, diſturbed or interrupted in Body or Title of the inheritance of the Crown of this Realm, as to them is limited in this Act, in form above rehearſed, or as to them ſhall be limited or aſſigned by the Kings Highneſs, by vertue and authority of this Act: that then every ſuch perſon and perſons, of what eſtate, degree or condition ſoever he or they be, and their aiders, counſellers, maintainers and abettors, and every of them, for every ſuch offence afore declared, ſhall be adjudged high Traitors, and that every ſuch offence afore ſpecified, ſhall be adjudged high Treaſon, and the offendors therein, their aiders, counſellers, maintainers and abettors, and every of them, being lawfully convict of any ſuch offence, after the laws and cuſtoms of this Realm, ſhall ſuffer pains of death, and loſſes and forfeitures, as in caſes of high Treaſon.

Saving alway to every perſon and perſons, and bodies politick, to their heirs, aſſigns, and ſucceſſors, and to the heirs and ſucceſſors of every of them (other then ſuch perſons as ſhall be ſo convict or attainted, and their heirs and ſucceſſors, and all other claiming to their uſes) all ſuch right, title, uſe, intereſt, poſſeſſion, condition, rents, fees, offices, annuities and commons, which they or any of them ſhall have, in or upon any ſuch manors, lands, tenements, rents, annuities, or hereditaments, that ſhall ſo happen to be loſt and forfeit by reaſon of any conviction or attainder for any the treaſons and offences above rehearſed, at any time before the ſaid treaſons and offences committed. St. 25 H. 8. 22. 28 H. 8. 7. 1 Edw. 6. 12. 1 El. 3.

CAP. II.

Where and before whom Treaſons committed out of the Realm ſhall be tried.

FOraſmuch as ſome doubts and queſtions have been moved, That certain kinds of treaſons, miſpriſions and concealments of treaſons, done, perpetrated or committed out of the Kings Majeſties Realm of England, and other his Graces Dominions, cannot, ne may by the Common Laws of this Realm be inquired of, heard and determined within this his ſaid Realm of England: For a plain remedy, order and declaration therein to be had and made: Be it enacted by authority of this preſent Parliament, That all manner of offences, being already made and declared, or hereafter to be made or declared, by any the Laws and Statutes of this Realm, to be treaſons, miſpriſions of treaſons, or concealments of treaſons, and done, perpetrated or committed, or hereafter to be done, perpetrated or committed by any perſon or perſons, out of this Realm of England, ſhall be from henceforth inquired of, heard and determined before the Kings Juſtices of his Bench, for pleas to be holden before himſelf, by good lawful men of the ſame Shire, [a] where the ſaid Bench ſhall ſit and be kept, or elſe before ſuch Commiſſioners, and in ſuch Shire of the Realm, as ſhall be aſſigned by the Kings Majeſties Commiſſion, and by good and lawful men of the ſame Shire, in like manner and form to all intents and purpoſes, as if ſuch treaſons, miſpriſions of treaſons, or concealments of treaſons had been done, perpetrated and committed within the ſame [b] Shire, where they ſhall be ſo enquired of, heard and determined, as is aforeſaid.

Where and before whom treaſons committed out of the Realm ſhall be tried.

[a] Cok. lib. 25. f. [illegible]

Provided always, That if any the Peers of this Realm ſhall happen to be endicted of any ſuch Treaſons, or other offences aforeſaid, by the authority of this Act: That then, after ſuch endictment, they ſhall have their trial by their Peers, in ſuch like manner and form as hath heretofore been accuſtomed. Stat. 26 H. 8. 13. 5 Ed. 6. 11.

Trial of Peers.

[b] Dyer f. 91. 298. 332. 361. Cok. l. 7. f. 22 l. 11. f. 63.

CAP. III.

The Kings Style ſhall be, Henry the Eighth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in earth the Supreme Head: which Style ſhall be united and annexed for ever unto the Imperial Crown of this Realm of England. And it ſhall be high Treaſon to imagine or attempt to deprive the King, or any of his Heirs or Aſſigns of any of their ſaid Styles or Titles. REP. 1. 2. P. & M. 8. Dyer fol. 98.

CAP. IV.

Remedy to repair decaied Houſes in certain Towns of England and Wales.

FOraſmuch as in times paſt divers and many beautiful houſes of habitation have been within the walls and liberties of the Town of Shrewſbury, in the County of Salop, the City of Cheſter in the County of Cheſter, the Town of Ludlow in the County of Salop, Haverford-weſt in the County of Haverford in South-Wales, the Town of Pembroke-tenby in the County of Pembroke, the Town of Caermarthen in the County of Caermarthen, the Town of Mountgomery in the County of Mountgomery, Cardiff, Swaneſs, Cowbridge, new Radnor and Preſtend in the County of Radnor, the Town of Brecknock in the County of Brecknock, and the Town of Monmouth in the County of Monmouth, the Town of Maldon in the County of Eſſex, the Town of Abargaveny, Uſk, Carlion and Newport in the County of Monmouth, the Towns of Lancaſter, Preſton, Lyrepole and Wygan in the County Palatine of Lancaſter, which now are fallen down, decaied, and at this time remain unre-edified, lying as deſolate and void grounds, and many of them adjoyning nigh unto the high ſtreets repleniſhed with much ordure, filth and uncleanneſs, with pits, cellars, and vaults lying open and uncovered, to the great peril and danger of all the inhabitants, and other the Kings ſubjects paſſing by the ſame: and ſome houſes be very weak and feeble, ready to fall down, and be very dangerous to paſs by, to the decay and hinderance of the ſaid City, Boroughs and Towns.

It may therefore be enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, or bodies politick, being owners or poſſeſſioners of any ſuch deſolate or void grounds, that at any time within five and fourty years next before the making of this Act, have been builded for houſes of habitation, or for any houſe or houſes of habitation now or hereafter being in decay and not fully fallen down, within the liberties and precincts of any of the ſaid Boroughs, Towns, and places, do not ſufficiently re-edifie, build and repair, or cauſe to be re-edified, builded and repaired the ſaid deſolate void ground and decayed houſes, convenient for habitation and dwelling, within two years next after proclamation to be made in or upon the ſame void ground or grounds, decaied houſe or houſes, by the Mayor, Aldermen, Bailiffs and Burgeſſes, or other head officers, within the precincts of their own authorities: that then it ſhall be lawful for the chief Lord or Lords immediate, of whom ſuch deſolate and void grounds, decaied and ruinous houſes be holden, after the ſaid two years be expired, to enter into the ſame, and to have the ſame grounds or houſes, with the curtilage, back ſide, garden and orchard adjoyning to the ſame, if they be of the inheritance of the owner or owners of the ſaid decaied houſe or ground, and exceed not one acre of ground to them and to their heirs or ſucceſſors, to their own proper uſe for ever: ſo that the ſaid Lord or Lords immediate, entring by the authority of this Act, do ſufficiently re-edifie, build or repair the ſaid void ground or decaied houſes, within two years and an half next and immediately following the determination of the foreſaid firſt two years.

If the owner of a decayed houſe do not re-edifie it within three years after proclamation, the Lord of the fee may enter.

And in caſe ſuch Lord and Lords, as may enter by this Act, do not enter, and well and ſufficiently re-edifie, build or repair the ſame void grounds or decaied houſes within the ſaid two years and a half, to them limited by this Act: or if ſuch Lord or Lords immediate, as may enter by this Act, do ſufficiently re-edifie, build and repair the ſame void grounds or decaied houſes within the ſaid two years and a half to them limited, and after they, their heirs or ſucceſſors ſuffer the ſame houſes or void grounds to fall in ruine and decay, and do not build or re-edifie the ſame ſufficiently within two years and an half of ſuch ruine and decay: that then it ſhall be lawful to all perſon or perſons, or bodies politick, as ſhall then have any rent charge joyntly or ſeverally going out of the ſaid void ground or grounds, or decaied houſe or houſes, in any of the ſaid City, Boroughs, Towns or places, immediately after the ſaid two years and an half expired, to enter into the ſame, and to have to ſuch of them, their heirs and ſucceſſors, to their own proper uſe, as ſhall ſo build the ſaid void grounds or decaied houſes by authority of this Act, the ſame void ground or houſes, with the curtilage, back ſide, garden and orchard adjoyning to the ſame (if they be of the inheritance of the owner or owners of the ſaid decaied houſe or ground, and exceed not the quantity of one acre of ground) diſcharged of all rents going out of the ſame grounds or houſes, as well againſt the ſaid Lord and Lords immediate, as all other perſon or perſons, or bodies politick, having any rent, or rents charges, rent ſeck out of the ſame, other then the fee-farm of the ſaid City, Borough, Town or place, or ſame parcel thereof: ſo that the ſaid perſon or perſons, or bodies politick, having the ſaid rent charge, entring by the authority of this Act, do ſufficiently re-edifie, build and repair the ſame deſolate and void ground or grounds, or decaied houſe or houſes, within one year and three quarters next and immediately following the determination of the ſaid two years and an half, to the ſaid Lord or Lords immediately appointed by this Act.

The entry of him or them which have a rent charge in default of the chief Lord.

And in caſe ſuch perſon or perſons, or bodies politick, having any of the ſaid rents charges, as may enter by this Act, do not enter, and well and ſufficiently re-edifie, build, or repair the ſame void grounds or decaied houſes, within one year and three quarters to them appointed by vertue of this Act: or if they or any of them, having ſuch rent charge, and that may enter by this Act, do ſufficiently build and repair the ſame void ground or grounds, or decaied houſe or houſes, within the ſaid one year and three quarters to them limited, and after they, their heirs or ſucceſſors, ſuffer the ſame void ground or grounds, houſe or houſes, to fall in ruine and decay, and do not build or re-edifie the ſame ſufficiently within one year and three quarters after ſuch ruine or decay: that then it ſhall be lawful to the Mayor, Aldermen and Burgeſſes, and other the head officers of the ſaid City, Boroughs, Towns and places, by what name or names ſoever they be incorporated, and their ſucceſſors and every of them, within the limits of their authorities, immediately after the ſaid year and three quarters expired, into every ſuch deſolate and void grounds, decaied or ruinous houſes, to enter, and to have, hold and enjoy to them and their ſucceſſors for ever, to their own uſes, the ſame grounds or houſes, and every of them with the curtilages, gardens, orchards, and back-ſides to the ſame, if they be of the inheritance of the owner or owners of the ſaid decaied houſe or ground, & exceed not in quantity one acre of ground, clearly diſcharged of all rents going out of the ſame grounds or houſes, as well againſt the ſaid Lord or Lords immediate, as all other perſon or perſons, or bodies politick, having ſuch rent charge or rent ſeck, as before is ſaid, other then the fee-farm of the ſaid City, Borough, Town or place, or parcel thereof: ſo that the ſame Mayors, Aldermen and Burgeſſes, or other head officers, as is aforeſaid, or their ſucceſſors for the time being, do re-edifie, build or repair, or cauſe to be re-edified or repaired the ſame ground or grounds, houſe or houſes, within three years next and immediately following the determination of the ſaid year and three quarters limited and appointed to ſuch perſon and perſons, or bodies politick, that have or ſhall have any rent, as is aforeſaid.

The entry of the chief Officers of the ſame corporate Towns in default of them which have the rent charge.

And in caſe the ſaid Mayors, Aldermen and Burgeſſes, or other head Officers, as is aforeſaid, or their ſucceſſors, do not enter, and re-edifie, build and repair the ſame void ground or grounds, decaied houſe or houſes, in form aforeſaid, within the ſaid term of three years after their ſaid entry, or if they ſufficiently re-edifie, build and repair the ſame void ground or grounds, or decaied houſe or houſes, within the ſaid three years to them limited by this Act, and after they, or their ſucceſſors, ſuffer the ſame houſe or houſes, void ground and grounds, to fall in ruine and decay, and do not build and re-edifie the ſame ſufficiently within three years after ſuch ruine or decay: that then it ſhall be lawful to the firſt owner or owners, poſſeſſor or poſſeſſors of ſuch ground or grounds, decaied houſe or houſes, their heirs or ſucceſſors, immediately after the ſaid three years to the ſaid Mayors, Aldermen and Burgeſſes, and other head Officers, as is afore limited, expired, into the ſame houſes, ground or grounds, curtilages, gardens, orchards and back-ſides to enter, and the ſame to retain to them, their heirs and ſucceſſors, as in their firſt eſtate, any thing contained in this preſent Act to the contrary notwithſtanding.

The entry of the firſt owners in default of the chief Officers.

Provided alway, That this Act, or any thing therein contained, be not in any wiſe hurtful or prejudicial to any perſon or perſons, being at the time of the ſaid proclamation made, under age of one and twenty years, or being feme covert, or in priſon, or beyond the Sea, in the Kings wars, or in other lawful affairs, or to any perſon or perſons not being then of whole and perfect memory: during the time that ſuch perſon or perſons ſhall be within age, married, in priſon, or of no perfect memory, or beyond the Sea, ſo that the ſaid perſon or perſons, their heirs or ſucceſſors, after that he or they come to their full age of one and twenty years, or be unmarried, out of the priſon, or come again within this Realm, or be of whole and perfect memory, within three years then next enſuing, do re-edifie the ſame deſolate or void grounds, or repair the ſaid decaied houſes.

A ſaving of the right of infants, women married, &c.

CAP. V.

No perſon ſhall be put to his trial upon an accuſation concerning any of the offences compriſed in the Statute of 31 Hen. 8. 14. but onely upon ſuch as ſhall be made by the oath of twelve men before Commiſſioners authoriſed. And the preſentment ſhall be made within one year after the offence committed. No perſon ſhall be arreſted or committed to ward for any ſuch offence before he be indicted. If any Preacher or Reader ſhall ſpeak any thing in his Sermon or Reading, contrary to any matter contained in the ſix Articles, he ſhall be accuſed or indicted thereof within fourty days, or elſe be diſcharged of the ſaid offence. REP. 1 Edw. 6. 12.

CAP. VI.

What kind of Jurors ſhall appear upon a Niſi prius, &c.

Foraſmuch as the Iſſues joyned in every action, ſuit and demand between party and party at the Common Law, are by the Laws of this Realm for the moſt part tried, and triable by the verdict of twelve men, wherein is daily ſeen great delay, partly for lack of apparance of the perſons returned to try ſuch Iſſues. The occaſion whereof cometh by reaſon of maintenance, imbracery, ſiniſter labour, and corrupt demeanors, and partly by reaſon of the challenges of the parties to the Jury or Jurors ſo returned, to the great coſts, charges and hinderance of the parties to the ſaid actions, ſuits and demands, and to the great delay and hinderance of Juſtice.

For reformation whereof, and for the more expedition of Juſtice hereafter to be had in ſuch manner trial of Iſſues:

Be it enacted by the authority of this preſent Parliament, That in every caſe, where ſuch perſons as ſhould paſs upon the trial of any Iſſue joyned in any of the Kings Courts of Record, commonly holden at Weſtminſter, ought by the Law to diſpend fourty ſhillings by the year, of freehold for term of life: that the writs of Venire facias, which from and after the firſt day of April next coming, ſhall be awarded and directed for the impannelling of ſuch perſons as ſhall try the ſame Iſſue, ſhall be in this form. Rex, &c. Præcipimus, &c. quod venire

fac.

The form of a Venire facias, where each Juror muſt diſpend fourty ſhillings yearly, and where be need not. 27 Eliz. 6.

fac. coram, &c. xii. liberos & legales homines de vicenato de B. Quorum quilibet habeat quadraginta ſolidat. terræ, tenement. vel reddit. per annum ad minus, per quos rei veritas melius ſciri poterit: Et qui nec, &c. And ſo forth the reſidue of the ſaid writ after yͤ antient form. And in every caſe, where it is not requiſite, that the perſons that ſhall paſs upon the trial of any Iſſue joyned in any of the Kings Courts aforeſaid, ſhall diſpend fourty ſhillings by the year of freehold: that then the writ of Venire facias, that ſhall be awarded after the ſaid firſt day of April, ſhall be made after the form aforeſaid, omitting this clauſe, Quorum quilibet habeat quadraginta ſolidat. terræ ten. vel reddit, per annum ad minus. And that upon every ſuch writ and writs of Venire facias, that ſhall have the ſaid clauſe, Quorum quilibet, &c. the Sheriff, or other miniſter or miniſters, to whom the making of the pannel ſhall appertain, ſhall not return in any ſuch pannel any perſon, unleſs he may diſpend xl. s. by the year at the leaſt, of eſtate of freehold out of antient demean within the County where the Iſſue is to be tried. And alſo ſhall return in every ſuch pannel upon the ſame Venire facias, ſix ſufficient Hundredors at the leaſt, if there be ſo many Hundredors within the ſaid Hundred where the Venew lieth, upon pain to forfeit for every perſon being returned in any ſuch panel, that cannot diſpend fourty ſhillings by the year, as is aforeſaid, twenty ſhillings. And for every Hundredor, that ſhall be omitted in ſuch return of the number aforeſaid, xx. ſhillings. And in every writ of Venire facias, wherein the ſaid clauſe, Quorum quilibet, &c. ſhall be omitted, the Sheriff, or other miniſter or miniſters, to whom the making of the panel ſhall appertain, ſhall not return in any ſuch pannel any perſon, unleſs he may diſpend ſome lands or tenements of eſtate of freehold out of ancient demean, within the County where the Iſſue is to be tried. And alſo ſhall return in every ſuch pannel upon the ſame Venire facias, ſix ſufficient Hundredors at the leaſt, if there be ſo many Hundredors within the ſaid Hundred where the Venew lieth, upon like pain as is aforeſaid.

Six Hundredors ſhall be returned by the Sheriff.

What Iſſues ſhall be returned upon Jurors. Stat. 27 El. 6.

And furthermore, be it enacted by authority aforeſaid, That upon every ſuch writ of Habeas corpora or Diſtringas, with a Niſi prius, delivered of record to the Sheriff, or other miniſter or miniſters, to whom the making of the return ſhall appertain, the ſaid Sheriff, and other miniſter and minſters, ſhall from and after the ſaid firſt day of April, return the Iſſues upon every perſon, impannelled and returned upon any ſuch writ, at the leaſt five ſhillings. And at the ſecond writ of Habeas corpora, or Diſtringas, with a Niſi prius, upon every perſon impannelled and returned, upon any ſuch writ, ten ſhillings at the leaſt. And at the third writ of Habeas corpora or Diſtringas, with a Niſi prius, that ſhall be further awarded upon every perſon impannelled and returned upon any ſuch writ, thirteen ſhillings four pence. And upon every writ that ſhall be further awarded to try any ſuch Iſſue, to double the Iſſues laſt afore ſpecified, until a full Jury be ſworn, or the proceſs otherwiſe ceſſed or determined upon pain to forfeit for every return to be made contrary to the form aforeſaid, five pounds.

And for a more ſpeedy trial of Iſſues to be tried by the verdict of twelve men, hereafter to be had,

Tales de Circumſtantibus, at the plaintiffs requeſt. Stat. 5 El. 25.

Be it further enacted by the authority aforeſaid, That in every ſuch writ of Habeas corpora or Diſtringas, with a Niſi prius, where a full Jury ſhall not appear before the Juſtices of Aſſiſes or Niſi prius, or elſe after apparance of a full Jury, by challenge of any of the parties the Jury is like to remain untaken for default of Jurors: That then the ſame Juſtices upon requeſt made by the party plaintiff or defendant, ſhall have authority by vertue of this Act, to command the Sheriff, or other miniſter or miniſters, to whom the making of the ſaid return ſhall appertain, to [a] name and appoint as often as need ſhall require, ſo many of ſuch other able perſons of the ſaid County then preſent at the ſaid Aſſiſes or Niſi prius, as ſhall make up a full Jury, which perſons ſo to be named and impannelled by ſuch Sheriff or other miniſter or miniſters, ſhall be added to the former pannel, and their names annexed to the ſame.

Challenges of the Tales.

And that every of the parties ſhall and may have his or their challenge to the Jurors ſo named, added and annexed to the ſaid former pannel by the ſaid Sheriff, or other miniſter or miniſters, in ſuch wiſe as if they had been impannelled upon the Venire facias, awarded to try the ſaid Iſſue. And that the ſaid Juſtices ſhall and may proceed to the trial of every ſuch Iſſue with thoſe perſons that were before impannelled and returned, and with thoſe newly added [b] and annexed to the ſaid former pannel by vertue of this Act, in ſuch wiſe as they might or ought to have done, if all the ſaid Jurors had been returned upon the writ of Venire facias, awarded to try the ſaid Iſſue.

And that all and every ſuch trial, had after the firſt day of April, ſhall be as good and effectual in the Law, to all intents, conſtructions and purpoſes, as if ſuch trial had been had and tried by twelve of the Jurors impannelled and returned upon the writ of Venire facias, awarded to try ſuch Iſſue.

And in caſe ſuch perſons as the ſaid Sheriff, miniſter or miniſters ſhall name and appoint, as is aforeſaid, or any of them, after they ſhall be called, be preſent and do not appear, or after his or their apparance, do wilfully withdraw him or themſelves from the preſence of the Court. That then ſuch Juſtices ſhall and may ſet ſuch fine upon every ſuch Juror making default, or wilfully withdrawing himſelf, as is aforeſaid, as they ſhall think good by their diſcretion, the ſaid fine to be levied in ſuch manner and form as Iſſues forfeited and loſt by Jurors, for default of their apparance at the Common Law, have been accuſtomed to be levied.

The Jurors making default ſhall loſe Iſſue.

And be it further enacted by the authority aforeſaid, That where any Jury that ſhall be returned by the Sheriff, or other miniſter or miniſters, ſhall be made full by the commandment of the ſaid Juſtices, by vertue of this preſent Act, that yet nevertheleſs ſuch perſons, as were returned in the ſaid pannel by the Sheriff, or other miniſter or miniſters, to try any ſuch Iſſue that ſhall not appear, but make default, ſhall loſe

the

[a] Dyer fol. 200.246.376.

[b] Cok. l.10. f.102.

the Iſſues upon them returned, in ſuch wiſe, as though the ſame Jury had remained for default of Jurors.

Dis. Iſſ. 80.

Jurors ſhall be diſcharged of Iſſues upon cauſe.

Provided alway, and be it enacted, That upon a reaſonable excuſe, for the default of apparance of any Juror or Jurors ſufficiently proved before the Juſtices of Aſſiſe or Niſi prius, at the day of their appearance by the oaths of two lawful and honeſt witneſſes, that the ſame Juſtices ſhall have authority by their diſcretions to diſcharge every ſuch Juror of every ſuch forfeiture of Iſſues upon him returned. And that the Sheriff and Sheriffs, or other miniſter or miniſters, having commandment by the ſaid Juſtices to omit the returning of ſuch Iſſues as is aforeſaid, upon ſuch Juror or Jurors, ſhall be therein diſcharged of the penalties aforeſaid, for the not returning of the ſaid Iſſues, and that yet notwithſtanding the ſaid return to be good and effectual in the Law, any law, uſage or cuſtom to the contrary notwithſtanding.

Iſſues diſcharged by the not coming of the Juſtices.

Provided alſo, and be it enacted by the authority aforeſaid, That if the ſaid Juſtices, afore whom any ſuch Jury ſhould appear in the County, where ſuch Iſſue is to be tried by vertue of a writ of Niſi prius, do not come at the day and place appointed, but that the Aſſiſe or Niſi prius for that time ſhall be diſcontinued for not coming of the ſaid Juſtices, or for any other occaſion, other then by default and lack of Jurors: that then every one of the ſame Jurors ſhall be diſcharged for forfeiting of any Iſſues upon him returned in the ſame writ. And the Sheriff, or other miniſter or miniſters, ſhall be likewiſe diſcharged of the penalties of this eſtatute for the not returning of ſuch Iſſues, as are before limited in this Act, any article or ſentence herein contained to the contrary notwithſtanding.

Iſſues returned upon a Jury not lawfully ſummoned.

And be it alſo further enacted by the authority aforeſaid, That if upon any ſuch writ of Habeas corpora or Diſtringas, with a Niſi prius, Iſſues be returned upon any Hundredors, Juror or Jurors, by the Sheriff or other miniſter or miniſters, to whom the execution of the ſame writ or writs ſhall appertain, whereas the ſame Hundredors and Jurors ſhall not be lawfully ſummoned, warned or diſtrained in that behalf: that then every ſuch Sheriff or other miniſter or miniſters aforeſaid, ſhall loſe for every ſuch offence ſo committed, double ſo much as the Iſſues returned upon ſuch Hundredors or Jurors not lawfully ſummoned, warned or diſtrained, ſhall amount unto: the moiety of all which forfeitures contained in this preſent Act, other then the Iſſues to be returned upon the Jurors, as is aforeſaid, ſhall be to the King our Sovereign Lord, and the other half to him that will ſue for the ſame by action of debt, bill, plaint, or information in any of the Kings competent Courts, in which no wager of law, eſſoin or protection ſhall be allowed, ne admitted.

The right of others to Iſſues forfeited, ſaved.

Saving to all manner of perſons, and bodies politick and corporate, their heirs and ſucceſſors, having lawful right, title and intereſt to have ſuch Iſſues, to be before any ſuch Juſtices of Aſſiſe or Niſi prius, at any time or times hereafter loſt and forfeited, all ſuch right, title and intereſt, as they or any of them ſhould or might have had to any ſuch Iſſues, to be loſt and forfeited, as though this Act had never been had or made.

This Act ſhall not extend to any Sheriff or miniſter of a Town Corporate.

Provided alſo, That this Act, nor any thing therein contained, ſhall not extend to any City or Town corporate, or to any Sheriff, miniſter or miniſters in the ſame, for the return of any Inqueſt or Panel to be made and returned of perſons inhabiting in the ſaid Cities or Towns Corporate, but that they, and every of them, ſhall and may return ſuch perſons in every ſuch Inqueſt or Panel, as before this time they might and have been accuſtomed to do, and as if this Act had never been had or made: ſo that the ſame Sheriff, miniſter or miniſters, return upon ſuch perſons as ſhall be impannelled, like Iſſues as are before mentioned in this Act, any thing in the ſame contained to the contrary notwithſtanding. This Act to endure to the end of the next Parliament. 2 Ed. 6. 32. made perpetual. Stat. 37 H. 8. 22. 4 & 5 P. & M. 7. 27 Eliz. 6.

CAP. VII.

A repeal of a Statute made 25 H. 8. 4. touching the foreſtalling and regrating of Fiſh.

CAP. VIII.

Every Artificer of the myſtery of Coopers, may take for every Beer-barrel by him ſold, ten pence, and for every Beer-kilderkin, ſix pence. Whoſoever ſhall carry Beer beyond the Sea, ſhall find ſureties to the Cuſtomers of that Port to bring in Clapboard meet to make ſo much veſſel as he ſhall carry forth. No man in London or within two miles compaſs, ſhall cut or diminiſh any barrels, kilderkins or firkins, but for his own proviſion. No man ſhall tranſport Beer in a greater veſſel then a barrel, upon pain to forfeit ſix ſhilling eight pence for every veſſel. EXP. Stat. 23 H. 8. 4. 8 El. 9. 31 El. 8. 35 El. 11. 3 Car. 4.

CAP. IX.

Wapping Marſh in the County of Middleſex, ſhall be divided by certain perſons aſſigned, or by any ſix of them. And Richard Hill of London, Mercer, (the Aſſignee of Cornelius Wanderdelf, who at his own charge inned and recovered the ſame being drowned) ſhall have the one moiety thereof to him and to his heirs. PR.

CAP. X.

The Mayor and Commonalty, &c. at all times needful may make and amend Conduits in and about London.

Foraſmuch as it is very commodious, neceſſary and profitable to all Cities, Towns and habitations, to have ſweet and wholeſome running waters, and freſh ſprings to ſerve the ſame for their buſineſſes and neceſſaries, and ſpecially within great Towns and Cities, to be conveyed by Conduits and Fountains, whereunto requireth abundance of copioſity, for the ſerving of inhabitants of the ſame, whereof the City of London hath been before this time well furniſhed, and abundantly ſerved, till that now of late, that either for faintneſs of the ſprings, or for the drineſs of the earth, the accuſtomed courſe of the waters, coming from the old ſprings and ancient heads, are ſore decayed, diminiſhed and abated, and daily more and more be like to appeire and fail, to the great diſcommodity and diſpleaſure, both of the citizens and inhabitants within the ſaid City and ſuburbs thereof, and to all other perſons having recourſe to the ſame, to the great decay of the ſame City, if ſpeedy recourſe the ſooner be not therein had, foreſeen and provided. For remedy whereof, Sir William Bowyer Knight, now Mayor of the ſaid City, intending and pondering the ſame neceſſity, much willing to help and relieve the ſaid City and ſuburbs with new fountains and freſh ſprings, for the commodity of the Kings ſaid ſubjects, calling to him as well divers grave and expert perſons of his brethren, and other of the Commonalty of the ſaid City, as other perſons, in and about the conveyance of water well experimented, hath not onely by diligent ſearch and exploration, found out divers great and plentiful ſprings, at Hamſted-heath, Maribone, Hackney, Muſwel-hill, and divers places within five miles of the ſaid City, very meet, propiſe and convenient to be brought and conveyed to the ſame, but alſo hath laboured, ſtudied and deviſed the conveyance thereof by conduits, vaults and pipes to the ſaid City, and otherwiſe, to his great travel, labour and pain, and alſo to the great charges and coſts of the Citizens of the ſaid City: which good and profitable purpoſe cannot ſort to concluſion, nor take good effect, without the aid and conſent of the Kings Majeſty, and of his high Court of Parliament. Wherefore may it pleaſe the Kings Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, to eſtabliſh and enact, That it ſhall be lawful to the Mayor and Commonalty of the ſaid City of London for the time being, and to their ſucceſſors, aſſigns and ſervants, at all and every time and times hereafter, to enter into the grounds and poſſeſſions, as well of our ſaid Sovereign Lord the King, his Heirs and Succeſſors, as of every other perſon and perſons, bodies politick and corporate, where they ſhall find or know any ſuch ſprings to be, or may be found for the intent aboveſaid, (ſo that if it be not into their houſes, gardens, orchards, or places incloſed within ſtone, brick, or mud-walls) and there to dig pits, trenches and ditches, to erect heads, lay pipes, and make vaults, and to do all and every ſuch things in the ſame places and grounds which ſhall be meet, propiſe, and neceſſary onely for the conveyance of the ſaid water and ſprings to the City, and the ſuburbs of the ſame, and alſo to have free ingreſs, egreſs and regreſs in and to all ſuch places, where ſuch heads, pipes or vaults ſhall be erected, laid or made, to view and ſee from time to time the ſaid heads, pipes, ſuſpirals and vaults, and them to amend, repair, tranſlate, and to do all things neceſſary and convenient, as well for the finding of new ſprings, as for the conveyance of any water or ſprings now found or hereafter to be found, to the City and ſuburbs aforeſaid, without interruption, let or impediment of the owners of the ground, their leſſees, aſſigns or miniſters, or any other perſon.

The Mayor of London may dig in any perſons ground, and lay pipes, and erect heads to convey water into the City, &c.

And further be it enacted by the ſaid authority, That the ſaid Mayor and his ſucceſſors, and every of them, for the digging and breaking of any ſuch ſoil or ground, in any place or places, for the intent and purpoſe aforeſaid, ſhall within the ſpace of one month next after any ſuch ground ſhall be broken by the miniſters or workmen of the ſaid Mayor or his ſucceſſors, or their aſſigns, for the intents and purpoſes aforeſaid, ſatisfie, content and pay unto the owners or poſſeſſioners of the ſaid ſoil or ground, ſo broken or digged, as much money for the ſame digging and breaking, as ſhall be adjudged and taxed by the determination and judgment of three or four indifferent men, to be aſſigned by the Lord Chancellor of England, for the time being, by vertue of the Kings Commiſſion from time to time to them directed at the coſts of the ſaid Mayor and Commonalty, and that to be uſed for evermore hereafter. And that all ſuch ſums as after the ſaid time ſhall be taxed by the ſaid three or four men, by vertue of the ſaid Commiſſion, for ſatisfaction of any ſuch breaking and defacing of the ground, ſhall be paid and ſatisfied to the poſſeſſioner or poſſeſſioners, owner or owners of the ſaid grounds, or to their miniſter, aſſigns or officers by the ſaid Mayor or his ſucceſſors for the time being, within ten days next after the ſaid taxation or judgment ſo made and adjudged, upon pain the ſaid Mayor or ſucceſſors, ſo denying or refuſing the paiment thereof, for every ſuch offence to forfeit xlij. s. iv. d. over and above the ſum ſo to be aſſeſſed: the one half of which forfeiture to be to the King our Sovereign Lord, his Heirs and Succeſſors, and the other moiety to the party grieved that will ſue for the ſame in any of the Kings Courts of Record, by action of debt, bill, plaint, information, or otherwiſe, in which action, bill or plaint, no wager of law, protection or eſſoin ſhall lie. And nevertheleſs the party, whoſe ground hereafter ſhall be ſo broken or digged, for non-paiment of all ſuch ſums of money, as by the ſaid three or four men for the time being ſhall be taxed and adjudged, ſhall have an action of debt againſt the ſaid Mayor or his ſucceſſors, by whoſe commandment any ſuch ground ſhall be ſo broken, in any of the Kings Courts of Record, for the recovery of the ſame debt ſo taxed, in which action, no wager of law, protection nor eſſoin ſhall lie.

The Mayor, &c. of London ſhall make recompence to the owners of the ground digged.

A remedy for the party whoſe ground is broken to recover the money taxed againſt the Mayor, &c.

And if it ſhall happen that the ſaid three or four men ſo named by the ſaid Lord Chancellor, in form aforeſaid, do not, nor ſhall not agree in making any ſuch taxation for any digging, trenching, or breaking of ſuch ground within the ſaid time to them limited, or that the ſaid Mayor or his ſucceſſors for the time being, do not offer or tender to the party ſo grieved a reaſonable amends and ſatisfaction for the breaking, digging or trenching his or their ſaid ground: that then the party or parties ſo grieved, and whoſe land or ſoil ſhall be ſo hereafter ſubverted and broken, ſhall have his lawful remedy againſt the ſaid Mayor and his ſucceſſors, by whoſe commandment any ſuch ſoil or ground ſhall be for the purpoſe aforeſaid digged or broken, by action of treſpaſs, and to recover damages for the ſame, any thing in this preſent Act contained to the contrary notwithſtanding.

Provided always, and be it enacted by the authority aforeſaid, That if the ſaid Mayor, his ſucceſſors, officers, miniſters or workmen, ſhall be interrupted, moleſted or pro-

The forfeiture of him who letteth the Mayor or any of his workmen to dig.

prohibited at any time hereafter, to dig and trench any grounds for the intents aboveſaid, or for the laying of pipes, making of heads, vaults, or fountains, concerning the conveyance of any new ſprings to the ſaid City and Suburbs, or for the ſearch, repairing or amendment of the defaults of the ſame, or for the conveyance of any new ſprings, or water, or other things requiſite and neceſſary to be had, made or done at any time or times hereafter concerning the premiſſes, or any of them, by any owner, leſſee, miniſter, officer, or other perſon whatſoever he be, then every ſuch perſon, owner, poſſeſſor, or perſons ſo moleſting, reſiſting or letting the ſaid Mayor or his ſucceſſors, or his or their officers, miniſters or workmen, contrary to the true meaning of this Act, ſhall forfeit for every ſuch offence fourty ſhillings ſterling, the half thereof to be to the King our Soveraign Lord, and the other moiety to the Mayor and Commonalty of the City of London, and their ſucceſſors, and the ſame to be recovered by action or plaint of debt, in any of the Kings Courts, in the which no protection, eſſoign, or wager of law to be admitted or allowed.

No water may be conveyed away that is brought to any perſons houſe.

Provided alſo, and be it enacted, That it ſhall not be lawful to the ſaid Mayor nor Commonalty, nor to their ſucceſſors, or miniſters to take away any water or ſpring, now brought, or that hereafter ſhall be brought or conveyed by pipes, or trenches, to the manſion of any perſon or perſons for the neceſſary uſe of their houſhold: nor that any perſon or perſons, by any way, deceit, mean, or other crafty conveyance, ſhall undermine, miniſh, withdraw, or abate any ſpring or ſprings found, or hereafter to be found, now brought or conveyed, or at any time hereafter to be conveyed, fetched, had and brought to the ſaid City, whereby the water ſhall be miniſhed, ſtopped, abated, or otherwiſe altered from his due courſe and conveyance, upon pain to forfeit to the party grieved treble damages, the ſame to be recovered againſt the party offending, by action or plaint of debt in any of the Kings Courts, in the which no protection, eſſoign, nor wager of Law to be allowed.

No digging in the Kings ground without his licenſe.

Provided alway, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall extend to give any liberty or authority to the ſaid Mayor and Commonalty, or to any of their ſucceſſors, to enter, or dig in any of the Kings grounds, for or concerning the conveying of any water in or to the ſaid City, without ẏ Kings licenſe therein firſt had and obtained, any thing in this Act contained to the contrary notwithſtanding.

A pound of pepper ſhall be paid for fetching water from Hamſted-heath.

Provided alway, and be it enacted by the authority aforeſaid, That if the ſaid Mayor and Commonalty of the City of London, or their ſucceſſors at any time hereafter, do fetch and convey any water from any ſpring or ſprings, within the ſaid Heath called Hamſted-heath, unto the ſaid City, and there erect and make heads and vaults for the conveyance of the ſame water, that then they the ſaid Mayor and Commonalty and their ſucceſſors, ſhall for ever yield, bear and pay yearly unto the Biſhop of Weſtminſter for the time being, and to his ſucceſſors, at the Feaſt of St. Michael the Archangel, one pound of Pepper, in and for the acknowledging him and them for the Lords and very owners of the ſaid Heath. And that for the ſure paiment thereof unto the ſaid Biſhop for the time being, and to his ſucceſſors, the ſaid Mayor and Commonalty for the time being, ſhall within three months next after the erection and making of any ſuch heads and vaults upon the ſaid Heath, make or cauſe to be made to the ſaid Biſhop for the time being, and his ſucceſſors, a ſufficient grant in writing under their common Seal, with clauſe of diſtreſs, within any their lands or tenements, within the ſaid City of London, when and as often as it ſhall happen or fortune the ſaid pound of Pepper at any time after the grant thereof to be behind unpaid by the ſpace of ten days after the ſaid Feaſt above limited, for the yearly paiment thereof, and it be lawfully asked or demanded by the ſaid Biſhop, or his ſucceſſors, or his or their aſſigns of the ſaid Mayor and his ſucceſſors, upon any Court-day within the Guild-hall, this preſent Act of Parliament, or any thing therein contained to the contrary notwithſtanding.

A ſpring at the foot of Hamſted-heath.

Provided alſo, and be it further enacted by authority aforeſaid, That the ſaid Mayor and Commonalty, or their ſucceſſors, ſhall not any time hereafter meddle with the ſpring at the foot of the hill of the ſaid Heath called Hamſted-heath, now cloſed in with brick, for the eaſe, commodity, and neceſſary uſe of the inhabitants of the Town of Hamſted, nor do cauſe or procure to be done any thing, act or acts, to the impairing, hurt or diminiſhing of the water of the ſame ſpring at any time hereafter, this Act or any thing therein contained to the contrary notwithſtanding.

And alſo it ſhall and may be lawful to the ſaid Biſhop and his ſucceſſors, to dig, find and convey, or cauſe to be digged, found and conveyed from any ſpring or ſprings, in any ground or grounds on the left ſide of the high way leading from the Town of Hamſted aforeſaid towards Hendon, to the manor place of Hamſted aforeſaid, water ſufficient for the uſe and commodity of the ſaid manor place, the ſaid Act or any thing therein contained to the contrary notwithſtanding.

CAP. XI.

By whom the Knights and Burgeſſes in the Parliament in Wales ſhall have their wages paid.

The wages of the Knights and Burgeſſes of the Parliament, from what time and to what time they ſhall be paid.

Where the Knights of all, and every Shire of this Realm of England and Wales, and the Burgeſſes of all Cities, Towns and Boroughs of the ſame be named, elected and choſen for their aſſembly in the Kings High Court of Parliament, as by ancient laudable laws and cuſtoms of this Realm hath been uſed and accuſtomed, at and by the Kings Majeſties high commandments, unto the which Knights and Burgeſſes, their fees and wages be aſſigned certainly, that is to ſay, to every Knight by the day four ſhillings, and to every Citizen and Burgeſs, by the day two ſhillings or more, as heretofore hath been accuſtomed, accounting for the ſame ſo many days, as the ſaid High Court of Parliament endureth, with addition thereunto of ſo many days as every ſuch Knight and Burgeſs may reaſonably journey and reſort from their habitations or dwelling places, to the ſaid High Court of Parliament, and from the ſaid High Court to return to their habitations, or dwelling places, together with their coſts of writs, and other ordinary fees and charges, which wages, fees and charges at all times ought to be levied and collected by the Sheriffs, and by the Mayors, Bailiffs, and other head officers of and in Cities, Boroughs and Towns aforeſaid, wherein ſome of the ſaid Sheriffs, Mayors and Bailiffs, and other head Officers of and in Cities, Boroughs and Towns aforeſaid, have been negligent and laches, not endeavouring themſelves in accompliſhment of their duties in collection and payment of the ſame in due form, according to juſtice, to the great hurt, injury and delay of the Kings ſaid ſubjects. Be it therefore enacted by the authority of this preſent Parliament, that the Sheriffs for the time being, of every of the twelve Shires in Wales, and in the County of Monmouth, from the beginning of this preſent Parliament, ſhall have full power and authority by force of this Act to gather and levy, or cauſe to be gathered and levied, the ſaid Knights fees, and wages of the inhabitants of the ſaid twelve Shires, and of the ſaid County of Monmouth which ought to pay the ſame: and the ſame ſo gathered ſhall pay or cauſe to be paid to every ſuch Knight or Knights, or to his or their aſſigns within the term of two months after that any ſuch Knight or Knights ſhall deliver, or cauſe to be delivered the Kings Writ De ſolutione feodi militis Parliamenti, to any ſuch Sheriff: and every ſuch Sheriff making default of paiment of the ſaid fees or wages, in manner and form as is aforeſaid, to loſe and forfeit xx. l. whereof the one moiety to be to the Kings uſe, and the other to his or their uſe that will ſue for the ſame, in any of the Kings Courts of Record, by information, bill or plaint, or otherwiſe, afore any of the Kings Officers: wherein no eſſoin, protection, or wager of Law ſhall be admitted. And if it ſhall happen any Sheriff in any of the ſaid twelve Shires and County of Monmouth to make default of paiment of the ſaid wages or fees, by a longer term then two months: then every ſuch Sheriff to forfeit for every month that he or they ſhall make default, twenty pounds, to be forfeited and levied in manner and form as is aforeſaid.

23 H. 6. 11.

The Sheriff of every County ſhall gather the wages of the Knights in every County in Wales and in Monmouth.

The levying of the wages of the Burgeſſes of the Parliament.

And that every Mayor, and Bailiffs, and other head Officers of Cities, Boroughs and Towns in every of the ſaid twelve Shires, and in the ſaid County of Monmouth, within like term and ſpace of two months after the receit of the Kings Majeſties writ De ſolutione feod. burgent. Parliament. like as is before mentioned, for gathering or levying of the Knights fees, ſhall levy, gather and pay the wages and fees to their Burgeſſes in like manner and form as is aforeſaid, and in and under like pains and forfeitures, as be before mentioned, to be levied of the goods and chattels of every ſuch Mayor, Bailiff, and other head Officer, to whom the Kings ſaid writ ſhall be directed for the levying of ſuch fees, making default of paiment of the ſaid fees and wages to the Burgeſſes, in manner and form as is aforeſaid.

Who ſhall be chuſers of the Burgeſſes of the Parliament in Wales and Monmouth.

And be it further enacted by the authority aforeſaid, foraſmuch as the inhabitants of all Cities and Boroughs in every the ſaid twelve Shires within Wales, and in the ſaid County of Monmouth, not finding Burgeſſes for the Parliament themſelves, muſt bear and pay the Burgeſſes wages within the Shire-towns, of and in every the ſaid twelve Shires in Wales, and in the ſaid County of Monmouth: that from the beginning of the ſaid Parrliament, the Burgeſſes of all and every of the ſaid Cities, Boroughs and Towns, which be and ſhall be contributary to the payment of the Burgeſſes wages of the ſaid Shire-towns, ſhall be lawfully admoniſhed, by proclamation or otherwiſe, by the Mayors, Bailiffs, and other head Officers of the ſaid Towns, or by one of them, to come and to give their elections for the electing of the ſaid Burgeſſes, at ſuch time and place lawful and reaſonable, or ſhall be aſſigned for the ſame intent by the ſaid Mayors, Bailiffs, and other head Officers of the ſaid Shire-towns, or by one of them: in which elections the Burgeſſes ſhall have like voice and authority, to elect, name and chuſe the Burgeſſes of every the ſaid Shire Towns, like and in ſuch manner as the Burgeſſes of the ſaid Shire Towns have or uſe.

Rating of Boroughs and inhabitants for the Burgeſſes wages.

Provided always, That two Juſtices of the Peace in every of the Shires in Wales, and in the ſaid County of Monmouth, by force of this Act, ſhall have full power and authority, indifferently to lot and tax every City, Borough and Town within the Shires in Wales wherein they do inhabit, and in the ſaid County of Monmouth, for the portions and rates that every the ſaid Cities and Boroughs ſhall bear and pay towards the ſaid Burgeſſes, within the ſaid Shire Towns of every of the ſaid Shires in Wales, and the County of Monmouth: which rates ſo rated and taxed in groſs by the ſaid two Juſtices of Peace, as is aforeſaid, ſhall be again rated and taxed on the inhabitants of every the ſaid Cities and Boroughs, by four or ſix diſcreet and ſubſtantial Burgeſſes of every the ſaid Cities and Boroughs in Wales, thereunto named and aſſigned by the Mayor, Bailiffs, or other head Officers of the ſaid Cities, Towns and Boroughs, for the time being, and thereupon the Mayors, Bailiffs, or other head Officers of every ſuch City, Borough and Town to collect and gather the ſame, and thereof to make paiment in manner and form as is aforeſaid, to the Burgeſſes of the Parliament for the time being, within like time, and upon the like pains and forfeitures as is above mentioned.

CAP. XII.

The Lords and Commons do remit unto the King all ſuch ſums of money as he hath borrowed of them or any other by way of preſt, or lone, by his privy ſeals, ſithence the firſt day of January, Anno 33 of his Reign. And if the King have paid to any perſon any ſum of money which he borrowed by ſale of land, or otherwiſe, the ſame perſon, his heirs, executors, or adminiſtrators, ſhall repay the ſame again to the King. And if any perſon hath ſold his privy ſeal to another, the ſeller ſhall repay the money to the buyer thereof. EXP.

CAP. XIII.

The Kings Manors of Granges, Colinghams, Bots, Fens and Marſhes in the County of Norfolk, which ſometimes were parcels of the poſſeſſions of the late Abbey or Priory of Walſingham, ſhall and may be granted by Copy of Court-roll, in fee-ſimple for term of life or lives, by the Stewards of the ſaid Mannors, their under-Stewards or Deputies, for ſuch rents, ſervices, fines, herriots, and cuſtoms as in the ſaid Copies ſhall be ſpecified, which Copies ſhall be good againſt the King, his Heirs, Succeſſors and aſſigns. P.R.

CAP. XIV.

Tenures reſerved at the Kings pleaſure upon houſes and lands, being ſometimes Abbey lands under fourty ſhillings a year.

PLeaſeth it your moſt excellent Majeſty, That whereas in the Parliament begun at Weſtminſter the third day of November, in the one and twentieth year of your moſt gracious Reign, and by divers Prorogations there continued until the fourth day of February, in the ſeven and twentieth year of your ſaid Reign, then and there it was amongſt other things enacted, ordained and eſtabliſhed by authority of your High Court of Parliament, That your ſaid Majeſty ſhould have and enjoy to your Highneſs, your Heirs and Succeſſors for ever, all and ſingular ſuch Monaſteries, Priories, and other Religious houſes of Monks, Chantons and Nuns, of what kinds and diverſities of habits, rules or orders ſoever they were then called or named, which then had not in lands, tenements, rents, tithes, penſions, or other hereditaments above the clear yearly value of two hundred pounds, and all the Cities and Circuits of all ſuch Religious houſes, and all and ſingular the manors, granges, meaſes, lands, tenements, reverſions, rents, ſervices, tithes, penſions, advowſons, patronages, rights, entries, conditions, and other hereditaments appertaining and belonging to every ſuch Monaſtery, Priory, and other Religious houſes, not having, as is aforeſaid, lands and tenements above the ſaid clear yearly value of two hundred pounds, in as large and ample manner, as the Abbots, Priors, Abbeſſes, Prioreſſes, and other Governours of ſuch Monaſteries, Priories, and other Religious houſes then had or ought to have had the ſame, in the right of their houſes. And that your ſaid Highneſs ſhould have to you and your Heirs, all and ſingular ſuch Monaſteries, Abbies and Priories, which at any time within one year next afore the making of the ſaid Act, had been granted to your ſaid Majeſty by any Abbot, Prior, Abbeſs or Prioreſs, under their Covent Seals, or that otherwiſe had been ſuppreſſed or diſſolved, and all and ſingular the manors, lands, tenements, rents, ſervices, reverſions, tithes, penſions, portions, Churches, Chappels, advowſons, patronages, rights, entries, conditions, and all other intereſts and hereditaments to the ſame Monaſteries, Abbies or Priories, or to any of them then appertaining or belonging, to do and uſe there with your ſaid Highneſs own will. And furthermore by the ſaid Act it was ordained and eſtabliſhed, that all and every the premiſſes ſhould be in the order, ſurvey, and governance of your ſaid Highneſs Court, then erected and called the Court of the Augmentations of the Revenues of your Highneſs Crown, except alway and reſerved ſuch and as many of the ſame Monaſteries, Priories and houſes, with all their hereditaments and poſſeſſions, which your ſaid Highneſs by your Letters Patents under your Great Seal, ſhould then declare and limit to continue and be in their eſſential eſtate, and perſever in the body and corporation, as they were before the making of the ſaid Act.

A rehearſal of the Statute of 27 H. 8. 28. which gave to the King the lands of all Abbeys not exceeding CC.l. by year.

And where alſo it was then further enacted by the authority aforeſaid, That upon all and ſingular Letters Patents then to be made under the Great Seal of England, of any manors, lands, tenements and hereditaments belonging or appertaining to any of the ſaid houſes compriſed in the ſaid Act, and committed to the ſurvey of the ſaid Court, to any perſon or perſons, or body politick of any eſtate of inheritance, there ſhould be reſerved to your ſaid Highneſs, your Heirs and Succeſſors, a tenure by Knights ſervice, in capite, and a yearly rent of the tenth part of the yearly value of the ſame lands, to be compriſed in every ſuch Letters Patents, according to ſuch rate as the ſame manors, lands and tenements given, ſhould be declared and expreſſed to be of yearly value in the ſame Letters Patents, any thing or clauſe contained in any warrant to the contrary thereof notwithſtanding: as more plainly at large it may appear by the ſaid Eſtatute: Since the making whereof, a great number of your moſt bounden, loving and obedient ſubjects have purchaſed and obtained of your ſaid Highneſs, by your Graces Letters Patents, divers and ſundry houſes, lands, tenements and hereditaments, parcel of the premiſſes, by ſmall quillets, parcels and portions, according to their powers, abilities and ſubſtance, towards the ſuſtentation of themſelves, their wives and children.

A tenure in capite, and a yearly rent of the tenth part of the value reſerved to the King upon every alienation.

And foraſmuch as they be not able to maintain their poor family of the yearly iſſues and profits coming and growing of the ſaid ſmall quillets, houſes and tenements, paying and doing the rents and ſervices reſerved for and upon the ſame, in ſuch manner as of right appertaineth: It may therefore pleaſe your ſaid excellent Majeſty, of your moſt aboundant Grace, that in conſideration of the premiſſes, and for the eaſe and relief of your ſubjects, that it may be enacted, ordained and eſtabliſhed by your Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the four and twentieth day of April, in the five and thirtieth year of your moſt noble Reign, that your ſaid Highneſs, your Heirs or Succeſſors, ſhall or may at your will and pleaſure upon your Letters Patents of any manors, lands, tenements, reverſions, rents, ſervices, tithes, penſions, portions, advowſons, patronages, or other hereditaments not exceeding the clear yearly value of fourty ſhillings, which were belonging to any of the ſaid houſes compriſed in the ſaid Act, whereby

What tenures the King may reſerve upon thoſe Abbey lands which exceed not the yearly value of xl.s.

any eſtate of inheritance doth, or ſhall paſs from your ſaid Highneſs, your Heirs or Succeſſors, (houſes, tenements, cottages and gardens, whereunto no lands, tenements or hereditaments do appertain, onely excepted) reſerve unto your ſaid Highneſs, your Heirs and Succeſſors, either a tenure by Knights ſervice in capite, or elſe a tenure in ſoccage, or free burgage, and not in capite, at your free will and pleaſure, with the yearly rent of the tenth part of the ſaid lands and tenements to be compriſed in every ſuch Letters Patents, according to ſuch rate and value, as the ſame manors, lands and tenements ſhall be expreſſed and rated to be of the yearly value in the ſame Letters Patents, the ſaid rent to be paid to the Officers of your Highneſs ſaid Court of the Augmentations of the Revenues of your Crown, to your ſaid Highneſs uſe, according as other Revenues there be and ſhall be paid by the authority of this Act.

Of houſes and gardens whereunto no land doth belong, no tenth ſhall be reſerved.

And that of houſes, tenements, cottages and gardens, whereunto no lands, tenements or hereditaments do appertain, not being any of the Kings Princely Houſes, reſerved and kept by a Keeper thereof to the Kings uſe, which were belonging to any of the ſaid houſes compriſed in the ſaid Act, upon every the Letters Patents of any of the ſaid houſes, tenements, cottages and gardens, to the which no lands do appertain, whereby any eſtate of inheritance doth or ſhall paſs therein from your ſaid Highneſs, your Heirs or Succeſſors, to reſerve unto the ſame your Highneſs, your Heirs and Succeſſors, at your own will and pleaſure, either a tenure by Knights ſervice in capite, or elſe a tenure in ſoccage or free burgage, and not in capite, with the yearly rent of the tenth part, as is aforeſaid: any law, ſtatute, cuſtom, uſage, or any other thing or things heretofore to the contrary thereof in any wiſe notwithſtanding. 37 H. 8. 20. 7 Edw. 6. 3.

CAP. XV.

All perſons which have any houſes, lands, gardens, or other grounds in the Town of Cambridge adjoyning upon every high way, ſtreet or lane, in his own right, or the right of his wife, or, &c. ſhall cauſe the ſame to be paved with paving ſtone, unto the middle of the ſame ways, and in length as their grounds do extend, and ſo ſhall from time to time maintain them, upon pain to forfeit ſix pence for every yard ſquare not ſufficiently paved, to the King and the informer. P. R.

CAP. XVI.

The King ſhall have authority during his life to name two and thirty perſons, viz. ſixteen Spiritual, and ſixteen Temporal, to examine all Canons, Conſtitutions and Ordinances, Principal and Synodal, and to eſtabliſh all ſuch Laws Eccleſiaſtical, as ſhall be thought by the King and them convenient to be uſed in all Spiritual Courts. EXP. St. 25 H. 8. 19.

CAP. XVII.

An Ordinance for preſervation of Woods.

The King our Sovereign Lord perceiving and right well knowing the great decay of timber and woods univerſally within this his Realm of England to be ſuch, that unleſs ſpeedy remedy in that behalf be provided, there is great and manifeſt likelihood of ſcarcity and lack, as well of timber for building, making, repairing and maintaining of houſes and ſhips, as alſo for fewel and fire-wood, for the neceſſary relief of the whole commonalty of this his ſaid Realm: wherefore be it ordained and enacted by his Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That in and upon all and ſingular ſeveral woods, commonly called Coppice, woods or under woods, which from or after the Feaſt of St. Michael the Archangel, which ſhall be in the year of our Lord God, M. D. XLIIII. ſhall be felled at xxiiij. years growing or under, there ſhall be left ſtanding and unfelled for every acre of wood that ſhall be felled within the ſaid coppice, xij. ſtandils or ſtorers of oak: and if there be not ſo many ſtandils or ſtorers of oak, that then there ſhall be left ſo many of other kind, that is to ſay, of Elm, Aſh, Aſp, or Beech, as ſhall make up the ſaid number of twelve ſtandils or ſtorers, likely to prove, and to be timber-trees, the ſame ſtandils or ſtorers to be of ſuch ſtandils or ſtorers, as have been left there ſtanding at any the felling of the ſame coppice, woods, or under-woods in times paſt: and in caſe there be no ſuch ſtandils or ſtorers there ſtanding, which were there left at the laſt felling of the ſame coppice or under-woods, then the ſame ſtandils or ſtorers there to be left, ſhall be left at this now next felling of the ſaid coppice, woods, or under-woods, of ſuch moſt likelieſt Oaks: and if there be not ſufficient of Oaks, then of the moſt likelieſt Elms, Aſh, Aſp, or Beech, to prove and to be timber-trees, as ſhall grow within any ſuch ſeveral woods, coppice, or under-woods, and that the ſame ſtandils or ſtorers ſo left, ſhall be preſerved and not felled or cut down till they and every of them ſhall be of ten inches ſquare within three foot of the ground, upon pain that every owner of every ſuch ſtandils and ſtorers, having an eſtate of inheritance, or an eſtate for term of life for free-hold, or by copy of Court-roll, or for years in the ground or ſoil where the ſame ſtandils or ſtorers ſhall grow, cauſing or commanding any ſuch coppice, woods, or under-woods to be felled or cut down, and not leaving the ſaid ſtandils or ſtorers there ſtanding in form aforeſaid, to loſe and forfeit for every ſtandil and ſtorer ſo not left ſtanding in the ſaid coppice, woods, or under-woods, iij. s. iiij. d. And upon pain that every owner, as is aforeſaid, of any ſuch coppice, woods, or underwoods, cauſing or commanding any of the ſaid ſtandils or ſtorers ſo left, as is abovesaid, to be cut down contrary to the form of this Act, to forfeit and loſe for every of the ſaid ſtandils or ſtorers which ſhall be cut down, iii. s. iiij. d. the one half of which ſaid forfeitures to be to the King our Sovereign Lord, and the other half to be to the party that will ſue for the ſame in any Court of Record, by action of debt, bill, plaint or information, in the which action, bill, plaint, and information, no protection, wager of law, nor eſſoin ſhall be admitted or allowed.

There ſhall be left xij. ſtandils in an acre of wood under 24 years growth.

And be it further enacted by the authority aforeſaid, That all and ſingular coppice and under-

Woods preſerved of or under fourteen years growth. Cok. pla. fo. 366.

under-woods, which after the ſaid Feaſt of St. Michael the Archangel, ſhall happen to be felled or cut down at the age of xiiij. years growth or under, and not being above the ſaid age, from and after the xx. day of April, next after the felling thereof, during the term of four years then next enſuing, ſhall be ſufficiently encloſed, or the ſprings thereof otherwiſe ſaved and preſerved from deſtruction by any manner of cattel or beaſts, by him or them, which then ſhall have lawful intereſt and poſſeſſion in the ſaid woods, coppice or under-woods, as is aforeſaid, upon pain of every perſon or perſons ſo bounden to encloſe, fence, ſave or preſerve the ſaid coppice or under-woods, to forfeit and loſe for every rod thereof ſo not encloſed, fenced, ſaved or preſerved during the ſaid four years, three ſhillings four pence for every moneth that the ſame coppice or under-woods ſhall happen to lie or be uncloſed, not fenced, ſaved or preſerved, as is aforeſaid. And that all and ſingular coppice, or under-woods, which after the Feaſt of St. Michael the Archangel, ſhall happen to be felled or cut down, being above the age of fourteen years growth, and not above the age of four and twenty years growth, from the twentieth day of April, next after the felling or cutting down thereof, during the term of ſix years enſuing the ſame twentieth day of April, ſhall be ſufficiently encloſed, or the ſprings thereof otherwiſe ſaved and preſerved from the deſtruction thereof by any manner of cattel or beaſts, by and at the coſts of ſuch, which then ſhall have lawful intereſt and poſſeſſion in the ſaid woods or coppice, as is beforeſaid, upon pain of every perſon or perſons, ſo bounden to encloſe, fence, ſave or preſerve the ſaid coppice or under-woods, as is aforeſaid, to forfeit and loſe for every rod of land, ſo not encloſed, fenced, ſaved or preſerved during the ſaid ſix years, three ſhillings four pence, for every moneth that the ſame coppice or under-woods wall happen to lie or be uncloſed and not fenced, ſaved or preſerved, as is aforeſaid.

Woods above fourteen years growth.

Cu. E. 13.

No woods ſhall be converted to tillage or paſture.

And be it further enacted by the authority aforeſaid, That no perſon or perſons, after the ſaid Feaſt of St. Michael the Archangel, ſhall convert or turn into paſture or tillage, any ſuch coppice or under-woods, containing in quantity two acres or above, which now be wood or under-wood, and put or reſerved to the uſe or encreaſe of wood or under-wood, and being two furlong diſtant from the houſe of the owner thereof, or from the houſe whereunto the ſaid wood doth lie, appertain or belong: upon pain to forfeit and loſe for every acre of wood, ſo to be converted or turned from wood into paſture or tillage, fourty ſhillings.

Provided alway, That this Act ſhall not extend to any coppice, woods or under-woods, deſtroyed or turned into tillage or paſture, within twenty years laſt paſt, although the more part of any part thereof be now overgrown with buſhes or underwood.

Woods above xxiiij. years growth.

And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, bodies politick and corporate, which have, or hereafter ſhall have any ſeveral woods, or coppice growing and ſet with great trees, being above the age of twenty four years growth, ſhall at the felling or weeding thereof, leave ſtanding within the precinct of the ſaid wood and coppice, for every acre ſo felled, twelve trees of Oak of the ſame ſuch great trees, if there be ſo many trees of Oak there to be left, and for lack of Oaks, then to leave for every acre ſo felled as many other trees of Elm, Aſh, Beech, or Aſp, as ſhall make the full number of xij. of ſuch as ſhall be there then growing, the ſame trees there ſo left to ſtand, continue, and to be preſerved by ſuch owner or owners as is aboveſaid, during the ſpace of twenty years next after ſuch felling of the ſame woods. And alſo ſhall from the twentieth day of April, next after the felling thereof, during the term of ſeven years then next following, ſufficiently encloſe them, or the ſprings thereof otherwiſe ſave and preſerve from the deſtruction thereof by any manner of cattel or beaſts, upon pain that every ſuch perſon or perſons, or bodies politick or corporate, being owners of the ſaid great woods as is aforeſaid, to forfeit and loſe for every ſuch great tree of the ſaid number lacking, and not left ſo ſtanding in the ſaid wood as is aboveſaid, vj. s. viij. d. And upon pain that every owner of the ground or ſoil whereupon ſuch great trees, as is aforeſaid, ſhall be left ſtanding or growing, cauſing or commanding any of the ſaid great trees, there ſo left ſtanding, as is aforeſaid, to be cut down contrary to the form of this Act, to forfeit and loſe for every of the ſame great trees ſo left, which ſhall be ſo cut down as is aforeſaid, vj. s. viij. d. and upon pain alſo to loſe and forfeit for every rood of ſuch great wood, ſo not encloſed, fenced, ſaved or preſerved, during the ſaid ſpace of vij. years, for every moneth iij. s. iiij. d.

The wood ſhall be incloſed for vij. years, or preſerved from cattel.

In what caſes the owners may fell their ſtandils.

Provided alway, That it ſhall be lawful to every owner or owners of any the coppice, woods, under-woods, ſtandils or ſtorers, great woods and trees afore rehearſed to fell, cut down, and take any of the ſame for building, repairing, encloſing and maintaining of houſes, orchards and gardens, and every of them, and for pailing, railing, or encloſing of Parks, Foreſts, Chaſes, or other grounds, and for making or repairing of water-works, damps, bridges, floudgates making, repairing or amending of ſhips, and all other veſſels, and for all other things concerning their own uſes or affairs, in ſuch like manner and form, as he or they ſhould or might lawfully have done before the making of this Act, any thing in this preſent Act before mentioned to the contrary thereof notwithſtanding.

The felling of wood wherein others have common.

And further be it enacted by the authority aforeſaid, that it ſhall not be lawful to any perſon or perſons, which after the ſaid Feaſt of St. Michael, ſhall have any woods or under-woods, wherein any other perſon or perſons juſtly hath, or have uſed time out of mans remembrance, to have common of paſture, to fell or cut down the ſaid woods and under-woods there growing, or being, or that ſhall grow or be in any ſuch woods or under-woods (except it be to his own uſe and occupation) until ſuch time as the [a] fourth part of ſuch woods, under-woods or grounds, where the ſaid woods now grow, or as much as the fourth part of the ſaid ground or ſoil, whereupon ſuch wood is or ſhall be growing, ſhall amount unto, ſhall be by the Lord or owner for that time being, of the ſaid ground or ſoil, divided, ſet out, meted, bounded, fenced, and encloſed in manner and form as by this Act hereafter ſhall be declared, ordained and provided: That is to ſay, The ſaid Lord that then ſhall be owner of the ſaid ground

[a] Cok. Li. f. 122.

ground or ſoil, ſhall call together the tenants and inhabitants being commoners in the ſaid ground or ſoil, or the more part of them, and upon the aſſembly and meeting of the ſaid Lord, tenants and inhabitants, or the more part of them, the ſaid Lord owner, by the aſſent, conſent and agreement of the ſaid tenants and inhabitants, or of the more part of them, ſhall ſever, divide, ſet out, mete and bound the fourth part of the ſaid woods and under-woods, or ſo much thereof as ſhall amount to the full fourth part thereof. And if the ſaid Lord, and the ſaid tenants and inhabitants, or the more part of them, cannot, will not, or do not aſſent, conſent and agree, for and upon the ſevering, dividing, ſetting out, meting and bounding of the ſaid fourth part, of the ſaid woods and under-woods, or of as much thereof as ſhall amount to the full fourth part thereof, that then two Juſtices of the Peace, not being of the kin, alliance, councel or fee of or to the ſaid Lord or owner, being thereunto appointed by the more number of the Juſtices of the Peace of the Shire, where the ſaid ground or ſoil lieth, in their open quarter Seſſions, upon requeſt and ſuit made unto them by the Lord or owner, or by his or their lawful deputy or deputies of the ſaid woods, under-woods, grounds or ſoil, ſhall have full power and authority to call before them, upon ſuch pains and penalties as the ſaid Juſtices ſhall limit and appoint, ſuch twelve of the ſaid commoners and inhabitants, nigh unto the ſame woods or under-woods, as by the diſcretion of the ſaid two Juſtices ſhall be thought meet and convenient. And upon or after the apparance of the ſame Lords, owners, commoners and inhabitants, or the more part of them, the ſame Juſtices ſhall open and declare unto the ſame Lord, owner, commoners and inhabitants, the cauſe of their aſſembly and apparance, and that done, ſhall by the advice and aſſent of the ſaid Lord, owner, commoners and inhabitants, or their lawful deputy or deputies, or of the more part of them, effectually proceed to the ſevering, dividing, meting and bounding of the ſaid fourth part of the ſaid woods and under-woods, or of ſo much thereof as ſhall amount to the fourth part thereof. And if the ſame Juſtices, owners, commoners and inhabitants, or the more part of them, cannot or will not agree upon the diviſion, bounding, or ſetting out of the ſaid fourth part thereof, as is aforeſaid: that then the ſaid Juſtices ſhall have full power and authority by this Act, to ſever, divide, and ſet out by mete and bound, the fourth part of the ſaid woods and under-woods, or ſo much thereof under the ſame fourth part of the ſaid woods and under-woods, as ſhall by the diſcretions and wiſdoms of the ſaid Juſtices, be thought neceſſary and requiſite to limit and ſet out: And within the moneth next after ſuch ſeverance and ſetting forth thereof, the owner or owners of the ſame woods or under-woods, in form afore declared, ſhall ſufficiently encloſe the ſame part of the ſaid ground or ſoil ſo ſet forth as is aforeſaid, and after ſuch incloſure made, the ſaid owner of the ſaid woods or underwoods may at his liberty and pleaſure, fell, cut down, and take the ſaid woods and under-woods, being, or that ſhall be in or upon the ſaid coppice, woods, under-woods, ground or ſoil ſo ſet forth, or any part thereof.

Where the wood ſhall be divided by two Juſtices of Peace.

Within what time the wood divided by the Juſtices ſhall be incloſed.

Provided alway, and be it enacted by the authority aforeſaid, That there ſhall be left ſtanding and unfelled in and upon the ſaid part of every the ſame woods, or under-woods, ground or ſoil, ſo ſevered, bounded and ſet out diſtinctly in manner and form as is aforeſaid, at every felling thereof ſuch and like number of ſtandils or ſtorers of young Oaks, or other young trees of Elm, Aſh, Aſp, or Beech, if it be coppice or under-woods, which ſhall be ſo felled or cut down, and if the woods that ſhall be felled, ſhall be great trees or great woods, then ſuch number ſhall be left ſtanding of great trees in or upon the ſaid part to all intents, conſtructions and purpoſes, and upon like and the ſame penalties as is before limited and appointed for not leaving, reſerving and preſerving of ſtandils and ſtorers above appointed to be left ſtanding in ſeveral woods and grounds. And that the ſaid part or parcel ſo ſevered, bounded and ſet out in manner and form aforeſaid, after every felling or cutting down of the coppice, woods or under-woods, for the time being, in or upon the ſame by the authority of this Act, ſhall be ſufficiently incloſed and fenced, and the incloſure thereof ſufficiently and continually kept, made, repaired, preſerved and maintained by the ſpace of vij. years next after every felling thereof, in like manner and form to all intents and purpoſes, and upon the ſame and like pains and penalties, as is before limited, rehearſed and appointed for the not cloſing or fencing, and for the not keeping, maintaining, repairing and preſerving of the ſaid ſeveral coppice, under-woods and woods. And alſo that the ſtandils, ſtorers, and great trees, limited and appointed to be left ſtanding in or upon the ſaid part, ſhall be there left ſtanding, preſerved and not cut down in ſuch like manner and form, and by all ſuch time, and upon ſuch like penalties, to all intents and purpoſes, as is afore limited, appointed and declared, for the preſervation and not felling of the ſaid ſtandils, ſtorers and great trees, limited and appointed to be left in and upon the ſaid ſeveral coppice, under-woods and woods. And that after the ſaid felling of the ſaid coppice, under-woods and woods, ſtanding, growing or being, or that ſhall ſtand, grow or be in any ſuch part of any the ſaid woods, grounds or places, as is before declared, no beaſts or cattel during the ſpace of ſeven years next after the felling of the ſame woods, ſhall willingly by any perſon or perſons be put in, or ſhall be ſuffered to feed, or to continue in any parcel of any ſuch part ſo ſet forth as is aforeſaid, during the ſaid term of ſeven years next after the felling thereof, upon pain of forfeiture and penalty of iv. d. for the putting in of every beaſt, or wilful ſuffering of every beaſt or cattel to be put into any of the ſaid ſeveral coppice, under-woods, or woods.

Storers left ſtanding in common woods incloſed and felled.

How long common woods incloſed ſhall be kept ſeveral. Alt. 13 El. 25.

Preſerving of ſtandils from cutting down.

How long woods incloſed from the common ſhall be preſerved from cattel.

And if it ſhall happen any perſon or perſons, being owner or owners of any ſuch woods, under-woods or coppice, ſet, lying & being in any waſte ground, as is aforeſaid, to cut down any trees or under-woods, contrary to the form aforeſaid: yͭ then every perſon or perſons, owner or owners ſo offending contrary to this Act, ſhall loſe and forfeit for every tree ſo cut down vi. s. viij. d. the one half of all the ſaid forfeitures to be to our Sovereign Lord the King, & the other moiety to ſuch perſon that will ſue for the ſame by bill, plaint, action of debt, or information in any of the Kings Courts of record, in which ſuit no protection, wager of law, or eſſoign ſhall be allowed nor admitted.

The forfeiture for cutting of wood in waſte ground.

Provided alway, and be it enacted by the authority aforeſaid, That foraſmuch as the ſaid tenants, commoners and inhabitants ſhall be by authority of this Act excluded of their Common in the ſaid part ſo to be ſevered and ſet forth as is aforeſaid, by all the ſaid ſpace and term of ſeven years next after the felling or cutting down of the ſaid coppice, woods, and under-woods, that ſhall grow in or upon the ſame part from time to time, that in recompence thereof, the ſame commoners, tenants and inhabitants ſhall and may uſe, take and have their Common for their cattel within the reſidue of the ſaid woods, under-woods, ground and ſoil not being encloſed, in manner and form as if this Act had never been had ne made. And that the Lord being owner of the ſaid ground or ſoil, ſhall be by the authority of this Act excluded and forecloſed, to put or have any cattel or beaſts in or upon the ſame reſidue: or to take any profit of the paſture in or upon the ſaid reſidue during, and by all the ſaid term and time of ſeven years next after the felling or cutting down of the ſaid coppice, woods or under-woods, being or growing, or that ſhall be or grow in or upon the ſaid part which ſhall be ſo ſevered, divided, ſet out, bounded and encloſed as is aforeſaid. And that from and after the ſaid ſeven years expired and ended, until the next felling or cutting down of the ſaid coppice, woods, or under-woods being upon the ſaid part, being ſo ſevered and divided as is aforeſaid, as well the ſame part as the ſaid reſidue of the ſaid ground and ſoil, ſhall lie and be uſed in common, and the paſture and other profits thereof ſhall and may be uſed and taken as well by the Lord, being owner of the ſaid ground or ſoil, as by the ſaid tenants, commoners and inhabitants, in like manner, form and condition, as it ſhould or ought to have been before the making of this Act, and as if this Act had never been had or made: any thing in this Act contained to the contrary thereof notwithſtanding.

The Lord of the wood excluded of his common and paſture in the reſidue.

Woods uſed to be encloſed.

Provided alſo, That it ſhall be lawful to every perſon and perſons to fell and to encloſe all their coppice, woods and underwoods in any waſte grounds, which before the making of this Act have been uſed to be encloſed, preſerved and kept for the maintenance of wood and under-wood: any thing in this Act to the contrary notwithſtanding.

The commoners ſhall enjoy their common ſo long as the wood is unfelled.

And whereas peradventure the Lord or owners of the foreſaid woods and under-woods, after that they have encloſed and fenced the fourth part thereof, or as much of the ſame as ſhall be to them limited and aſſigned by the ſaid Juſtices of Peace or Commoners, will not or do not fell the ſame woods and underwoods ſo encloſed or to be encloſed, but ſuffer the ſame to ſtand and grow, whereby the Commoners, who ought to have their common of paſture within the ſame part ſo encloſed, ſhall loſe and be put from their ſaid commons therein: : Be it therefore enacted by the authority aforeſaid, That if the ſame part of wood and under-wood ſo encloſed be not felled within four moneths next after the encloſing thereof: that then, and ſo long as the ſame woods ſhall not be felled, it ſhall be lawful to the ſaid Commoners to put their cattel into the ſame wood and ground ſo encloſed, and that the owner thereof ſhall leave open convenient places within the ſame encloſure, whereby the Commoners beaſts may have acceſs, and come into the ſame wood ſo encloſed, and there to paſture and feed as long as the ſame wood ſhall ſtand and be unfelled: any thing contained in this Act to ths contrary notwithſtanding.

Woods growing in the Wildes of Kent, Surrey or Suſſex.

Provided alway, and be it enacted by authority aforeſaid, That this Act ne any thing therein contained or expreſſed, extend or be prejudicial to any of the Lords or owners of the woods, under-woods, or wood-lands, growing or being within any of the Towns, Pariſhes or places, commonly called or known to be within the Wildes of the Counties of Kent, Surrey and Suſſex, or of any of them, other then onely to the common woods growing and being within any of the ſaid Wildes of the ſaid Counties of Kent, Surrey and Suſſex: any thing in this preſent Act to the contrary notwithſtanding.

Bargains for wood made before the Statute.

Provided always, That this preſent Act, or any thing therein contained, ſhall not extend, or be prejudicial or hurtful, or extend to charge any perſon or perſons, which before the Feaſt of St. Michael the Archangel, in the four and thirtieth year of the Reign of our Sovereign Lord King Henry the Eighth, have bargained and bought woods or great trees, growing in any the ſame woods, for or concerning the felling and cutting down of the ſame woods or trees, or not leaving of any ſtandils or ſtorers of and in the ſame, according to the tenour of this preſent Act: any thing, penalty or forfeiture in this preſent Act contained to the contrary thereof notwithſtanding.

To what timber trees this Statute extendeth not.

Provided alway, and be it further enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not extend to charge any perſon or perſons with any penalty or penalties contained in this preſent Act, for or concerning any timber-trees growing within two miles of the Sea, in the County of Cornwall, or any other timber-trees within the Realm, being ſear and dead in the tops, or any timber-trees to be taken by vertue of the Kings Highneſs Commiſſion within the Realm, or for or concerning any offence done contrary to the tenor of this Act: unleſs the ſame perſon or perſons offending this Act, be ſued for the ſame within one year next after the ſame offence committed or done: any thing in this Act contained to the contrary notwithſtanding.

Within what time the offendor muſt be ſued.

The penalty for breaking of wood hedges.

Provided always, and be it further enacted by the ſaid authority, That if any perſon or perſons do break or deſtroy any ſeveral fences or hedges, made or to be made for the ſaving of the ſame woods, under-woods, grounds or ſoils, that every perſon ſo offending ſhall forfeit and loſe for every ſuch offence ten ſhillings.

Swine ſhall not go in a wood unringed.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſuffer his ſwine, being of the age of ten weeks or above, during ſuch years as the ſaid woods be appointed and ordained by this Act to be encloſed, at any time after the firſt day of Auguſt next coming, to go or run in any Common or ſeveral ground or woods, unleſs the ſame ſwine be ſufficiently ringed or pegged, that then the owner or owners of every ſuch ſwine ſhall forfeit and loſe for every ſuch his ſwine that ſhall ſo go or run in any the ſaid grounds, woods or under-woods, and not being ſufficiently ringed or pegged, as is aforeſaid, fro and after the ſaid firſt day of Auguſt next coming, four pence: the one half of all and every the ſaid forfeitures, if it be in any of the Kings woods, or grounds, to be to his Highneſs, and the other to the finder thereof. And if it be within any other perſon or perſons ſaid grounds, woods or underwoods, then the one half of all and every the ſame forfeitures to be to the owners of the ſoil, and the other part thereof to be to him that will ſue for the ſame by bill, plaint, action, information or otherwiſe, in any Court of Record, wherein no wager of law, eſſoin or protection ſhall be allowed nor admitted.

The fencing of a wood in a Park where Deer be.

Provided alway, That where any woods or under-woods ſhall after the ſaid Feaſt of St. Michael the Archangel, be felled or cut down in any Park or ground encloſed, wherein any Deer ſhall be then kept, that the owner or owners, poſſeſſioner or poſſeſſioners of ſuch Park and Parks, or grounds encloſed for Deer, to be chargeable for the encloſure and preſervation of the ſame as is aforeſaid, but onely for the ſpace of four years after any ſuch time of felling or cutting down of the ſame coppice, woods or under-woods, and not above: any thing contained in this Act to the contrary thereof in any wiſe notwithſtanding.

Where a ſtranger is cauſe of an offence, he onely ſhall be puniſhed.

Provided alſo, and be it enact by the authority aforeſaid, That if the incloſure or incloſures of any of the ſaid coppice, woods, under-woods or grounds happen to be broken or pulled down by any perſon or perſons againſt the wills and minds of the owner or owners, poſſeſſioner or poſſeſſioners of the ſame woods or under-woods, whereby cattel or beaſts eſcape into the ſame woods, grounds or under-woods, and deſtroy and hurt the ſpring thereof, or if the ſame woods, grounds or under-woods be by any means deſtroyed, hurted or hindered by any manner of perſon or perſons, or by the cattel or beaſts of any perſon or perſons, without the aſſents, minds and wills of ſuch owner or owners, poſſeſſor or poſſeſſors: that then, and in every ſuch caſe, the ſaid penalties contained in this Act, to be extended upon the ſame perſon or perſons in or by whoſe default the ſame ſpring, wood or under-wood ſhall be ſo deſtroyed, hurted or hindered, and not upon the owner or owners, poſſeſſor or poſſeſſors of the ſaid woods, grounds or under-woods: any thing contained in this Act to the contrary thereof in any wiſe notwithſtanding.

Within two years Colts and Calves may be put into fenced wood.
Alt. 13 El. 25.

Provided alſo, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to every owner and owners, poſſeſſor and poſſeſſors, their farmors and aſſigns, of all and ſingular the ſaid woods, under-woods, grounds and coppice, after ſuch time as the ſame woods, under-woods, grounds and coppice have been fenced and encloſed, or the ſpring thereof otherwiſe preſerved by the ſpace of two years next after the felling thereof, to put Colts and Calves, being under the age of one year, into the ſaid woods, under-woods, grounds and coppice: any thing contained in this Act to the contrary thereof in any wiſe notwithſtanding.

And this preſent Act and Acts to endure onely by the ſpace of ſeven years next after the ſaid Feaſt of St. Michael the Archangel: and from thence until the end of the next Parliament. 13 Eliz. 25. made perpetual. Coke lib. 8. fol. 138.

CAP. XVIII.

The Kings general Pardon of all treaſons, felonies, robberies, offences, contempts, treſpaſſes, wrongs, &c. Saving ſuch which be excepted. &c. confirmed by Parliament. EXP.

Anno triceſimo ſeptimo Henrici *octavi.*

STatutes made in the Parliament holden at Weſtminſter in the ſeven and thirtieth year of the moſt renowned Henry the Eighth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in earth Supreme Head.

CAP. I.

Who ſhall appoint the Cuſtos Rotulorum, and Clerk of the Peace in every County.

Inconveniences enſuing by the ignorance of the Clerk of the Peace.

WHere before this time the Lord Chancellor of England for the time being, hath by reaſon of his office of the Chancellorſhip, the nomination and appointment of the Cuſtos Rotulorum within all and every Shire of this Realm of England and Wales, and other the Kings Dominions, Marches and Territories of the ſame, and that in like manner all and every perſons which had and enjoyed the ſaid Office of the Cuſtos Rotulorum, hath had until now late, the nomination and appointment of the Clerk of the Peace within ſuch Shires where he or they had and enjoyed the ſaid office of the Cuſtos Rotulorum: And where now of late divers and ſundry perſons within this Realm, being not learned, nor yet meet ne able for lack of knowledge and learning to occupy and exerciſe the ſaid office of the Cuſtos Rotulorum, and of the Clerkſhip of the Peace, have of late years by labour, friendſhip and means, attained and gotten for term of their lives, of the Kings Majeſty, ſeveral grants by his Highneſs Letters Patents to them made of the ſaid Clerkſhips of the Peace. By reaſon whereof, and for that the parties to whom the ſaid ſeveral grants have been ſo made and granted, have not been ſufficiently learned to exerciſe and occupy the ſame office and offices, many and ſundry endictments, as well of felony, murder, and other offences and miſdemeanors, and the proceſs awarded upon the ſame endictments, have not onely been by reaſon thereof made clearly fruſtrate and void, ſometime by reaſon of the negligent ingroſſing and keeping of the ſaid indictments, and ſometime by reaſon of the imbeſilling or raſure of the ſame indictments, but alſo divers and ſundry bargains, and ſales of divers and ſundry manors, lands and tenements had and made between party and party, have been made fruſtrate and void for lack of ſufficient enrolment of the bargains and ſales to be had and made by the Clerks of the Peace, to the great hinderance of

Juſtice, and to the diſinheritance of divers of the Kings moſt loving ſubjects.

The Cuſtos Rotulorum ſhall be appointed in every County by Bill ſigned with the Kings own hand. Alt. 3 & 4 Ed. 6. 1.

For reformation whereof, to the intent that Juſtice may be the better hereafter preferred, and that the ſame offices may hereafter be occupied and exerciſed by ſuch perſons learned in the Laws of this Realm, as ſhall be able to exerciſe and ſupply the ſame: Be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon or perſons ſhall from henceforth be nominated and appointed to the ſaid office and offices of the Cuſtos Rotulorum within any Shire of this Realm of England, Wales, and other the Kings Dominions, Marches or Territories of the ſame, but ſuch as ſhall have a Bill ſigned with the Kings hand for the ſame, which Bill ſigned ſhall be a ſufficient warrant by the authority aboveſaid, to the ſaid Lord Chancellor of England, and the Lord Keeper of the Great Seal, for the time being, to make from time to time Commiſſion or Commiſſions, aſſigning and authorizing thereby the ſame perſon to be Cuſtos Rotulorum, until the King hath by another Bill aſſigned with his own hand, appointed and ordained one other perſon to have, occupy and exerciſe the ſame office of the Cuſtos Rotulorum, and that the ſaid perſon appointed and aſſigned to be Cuſtos Rotulorum, as is aboveſaid, ſhall and may occupy, exerciſe and enjoy the ſame office of the Cuſtos Rotulorum by himſelf, or by his ſufficient Deputy, learned in the Laws of this Realm, and meet and able to ſupply the ſaid office according to the tenor of the ſaid Grant or Commiſſion.

The Cuſtos Rotulorum ſhall appoint the Clerk of the Peace.

The Clerk of the Peace may make a deputy by the aſſent of the Cuſtos Rotulorum.

And be it further enacted by the authority of this preſent Parliament, That every Cuſtos Rotulorum, for the time being, ſhall at all times hereafter in every Shire of this Realm, Wales, and other the Kings Dominions, Marches and Territories of the ſame, nominate, elect, appoint and aſſign all and every perſon and perſons which hereafter ſhall be Clerks of the Peace within any of the ſaid Shires of this Realm of England, Wales, and other the Kings Dominions, Marches and Territories of the ſame, and to give and grant the ſaid office and offices of the Clerkſhip of the Peace to ſuch able perſon inſtructed in the Laws of this Realm, as ſhall be able to exerciſe and occupy the ſame, to hold and enjoy the ſame during the time that the ſaid Cuſtos Rotulorum, ſhall occupy and exerciſe the foreſaid office of Cuſtos Rotulorum: ſo that the ſaid Clerk demean him in the ſaid office juſtly and honeſtly. And that it be lawful to every ſuch grantees of the ſaid Clerkſhip, to occupy and enjoy the ſame office of the Clerkſhip of the Peace by himſelf, or by his ſufficient Deputy, inſtructed in the Laws of this Realm, ſo that the ſame Deputy be admitted, taken and reputed by the ſaid Cuſtos Rotulorum, be ſufficient and able to exerciſe, occupy, keep and enjoy the ſame office of the Clerkſhip of the Peace.

Provided alway, and be it enacted by the authority aboveſaid, That all ſuch as now have any of the ſaid offices of Cuſtos Rotulorum, or Clerkſhip of the Peace, by the Kings Letters Patents of Commiſſion to them made, ſhall and may enjoy, have and exerciſe their ſaid offices by vertue of the ſame Letters Patents, or Commiſſion by themſelves, or by their ſufficient and able Deputy inſtructed in the Laws of this Realm. Any thing in this preſent Act had or made to the contrary notwithſtanding.

Perſons having authority to aſſign Cuſtos Rotulorum, or Clerk of the Peace.

Provided alſo, and be it enacted by authority aboveſaid, That the Archbiſhop of York, the Biſhop of Durham, the Biſhop of Ely, and every of their ſucceſſors, and all and every ſuch perſon and perſons, corporations and bodies corporated, to whom the Kings Majeſty, or any of his noble Progenitors by his or their Letters Patents have given and granted any liberty and authority, or otherwiſe have authority by other lawful means or ways, to ordain, make and conſtitute any of the ſaid Officers of Cuſtos Rotulorum, or Clerk of the Peace within any County Palatine, or other place, ſhall and may have and enjoy the ſame liberty and authority, according as they have had and enjoyed the ſame: Any thing in this preſent Act had or made to the contrary notwithſtanding.

CAP. II.

Hounſlow-heath in the County of Middleſex, which doth contain four thouſand two hundred fourſcore and thirteen acres, and one rood of ground, extendeth into ſeveral Pariſhes. So much thereof as is the Kings inheritance, and is meet for tillage, paſture, medow, or other ſeveral ground, ſhall be of the nature and condition of copy-hold land. Or the ſame may be letten by the Steward of the Manor at will, or for xxj. which leſſee ſhall or may improve it. PR.

CAP. III.

Huntington Lane near the City of Cheſter, being in length two miles and an half, ſhall be from time to time repaired by one that ſhall dwell in the ſaid Lane, and ſhall have paſture for five Kine or Beaſts in the high-way from Bothil to Butterbach Bridge. Sir William Stanley and Sir Hugh Calveley, and their heirs males being of full age, and in default of them, the Mayor and Aldermen of Cheſter, ſhall appoint the ſame party, and remove him if he be negligent in repairing any part of the ſaid way.

CAP. IV.

That all Chappels, &c. ſhall be in the Kings diſpoſition.

IN their moſt humble wiſe ſhewn unto your Royal Majeſty your loving ſubjects, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, That where there have been divers Colledges, free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts, having perpetuity for ever within this your Realm of England, Wales, and the Marches of the ſame, of which, ſome of them by the licence of your gracious Highneſs, or of your noble Progenitors, and ſome of them by feoffments and wills thereupon declared, and ſome of them by other deviſes, conveyance and aſſurance, have been incorporated, eſtabliſhed, founded, erected, had or made by divers names, ſurnames, degrees and corporations, to have had a perpetual continuance for ever: ſithence which time divers and many of the donors, founders or patrons, or ſuch as pretend to be donors, founders or patrons of the ſame Colledges, free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts, and divers other of their avaricious and covetous minds, and of their own authority, without your gracious licence, have of late entred into the manſion houſes, manors, lands, tenements, and other hereditaments, to the ſame Colledges, free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts, belonging and appertaining, and have expulſed the Prieſts, Wardens, Maſters, Miniſters, Rulers, Governours, and Incumbents of the ſame, out and from the poſſeſſion thereof, and they, their heirs and aſſigns, do occupy and enjoy the ſaid manſion houſes, manors, lands, tenements and hereditaments, and do receive, take and employ, and convert the rents, iſſues, revenues and profits of the ſame to their own proper uſes. And ſome of the ſaid Prieſts, Wardens, Maſters, Miniſters, Rulers, Governours and Incumbents of the premiſſes, by covin between them and the patrons, donors or founders of the ſame, or of ſuch as pretend to be patrons, donors or founders of the ſame, or other, have alſo of their own authority, without your Graces licence, bargained and ſold all, or part of their manors, lands and tenements annexed, united, pertaining or belonging to their ſaid Colledges, free Chappels, Chantries, Hoſpitals, and other the ſaid promotions: and ſome of the ſaid Prieſts, Wardens, Maſters, Miniſters, Rulers, Governours and Incumbents by the aſſent and conſent of their patrons, donors, founders, or ſuch other as have had intereſt in the ſame: and ſome of the ſaid Prieſts, Rulers, Governours and Incumbents, of their own authority, without the aſſent of their patrons, donors or founders, or of ſuch other as have had intereſt in the ſame, have now of late made leaſes for term of life or lives, or for term of years of their ſaid free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, or other the ſaid promotions, or of the manors, lands, tenements, and other the premiſſes, or of part thereof, and have not reſerved the cuſtomable rent and farm, that the ſame hath been uſed to be letten for. And ſome of them by covin have ſuffered recoveries, levied fines, and made feoffments, and other conveyances of all or part of their ſaid poſſeſſions, by reaſon whereof divers of the ſaid free Chappels, Chantries, Hoſpitals, and other promotions abovesaid, been clearly diſſolved, extinct or determined, contrary to the wills, minds, intents and purpoſes of the founders, donors or patrons of the ſame, and to the great contempt of your Majeſty, and of your Authority Royal. And we your Graces moſt loving, humble and obedient ſubjects right well knowing and perceiving the exceeding great and ineſtimable charges, coſts and expences which your Majeſty hath had and ſuſtained, and daily doth ſuſtain, as well for the maintenance of theſe preſent wars againſt the Realms of France and Scotland, & for the preſervation & defence of us your ſaid ſubjects, againſt the invaſions and malice of your enemies the Frenchmen & Scots (who daily do ſtudy, deviſe & attempt to grieve, annoy & hurt your ſaid ſubjects) as alſo for the maintenance of your moſt Royal eſtate, honour, dignity & eſtimation, which all your ſaid loving ſubjects of natural duty been bound to conſerve and increaſe by all ſuch ways and means as they can deviſe: do therefore with our whole voice, petition and interceſſion, moſt humbly beſeech your Majeſty, that it may be enacted, ordained and eſtabliſhed by your Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, by the authority of the ſame, in manner and form following, that is to ſay:

The ſeveral means whereby the lands of Colledges, Chantries, &c. have been abuſed by the Governours thereof and others.

Several cauſes of the Kings great expences and charges.

Be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled; and by the authority of the ſame, That all and ſingular the ſaid Colledges, free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions had or made to have continuance in perpetuity for ever, and being, or that hath or ought to be contributary or chargeable to the paiment of the Firſt-fruits and Tenths, according to the Laws and Statutes in that behalf had and made, by what name, ſurname, degree or corporation they or any of them were founded, ordained, eſtabliſhed, erected, named, called or known, and all and ſingular the manſion houſes, manors, orchards, gardens, lands, tenements, paſtures, woods, waters, rents, reverſions, ſervices, commons, tithes, penſions, portions, churches, chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, leets, courts, liberties, priviledges, franchiſes, and other hereditaments whatſoever they be, appertaining or belonging, or that did appertain or belong, or were aſſigned or appointed to any ſuch Colledge, free Chappel, Chantry, Hoſpital, Fraternity, Brotherhood, Guild, ſtipendary Prieſt, or other the ſaid promotions, or to any of them, or accepted, known or taken as part, parcel or number of them, or of any of them, and to the ſaid Colledges, Chantries, free Chappels, Hoſpitals, Fraternity, Brotherhood, Guild, ſtipendary Prieſts, or other promotions, or to any of them united or annexed, which between the fourth day of February, in the ſeven and twentieth year of the Reign of our ſaid Sovereign Lord the King, and the five and twentieth day of December, in the ſeven and thirtieth year of the ſaid Kings Reign, by reaſon of any ſuch entry, expulſion, bargain, ſale, feoffment, fine, recovery, leaſe, or other conveyance thereof had or made, been diſſolved, determined, relinquiſhed or extincted by any of the ways, means or conveyances aforeſaid, or otherwiſe, other then ſuch of them as now be, or were in the poſſeſſion of our ſaid Sovereign Lord the King, or that been granted or aſſured by his Highneſs licence, agreement, conſent or Letters Patents, to any other perſon or perſons, or have been lawfully obtained, or recovered by any perſon by any former right or title, without fraud or covin, or by the Kings licence, ſhall from henceforth (by authority of this Act) be adjudged and deemed, and alſo be in the very actual and real poſſeſſion and ſeiſin of the King our Sovereign Lord, and of his Heirs and Succeſſors for ever, in as large and

All Colledges, Chantries, Hoſpitals, &c. made to have continuance for ever, and all their manors, lands, and hereditaments given to the King.

ample manner as the ſaid Prieſts, Wardens, Maſters, Miniſters, Governours, Rulers, or other Incumbents, or any of them, or the patrons, donors, or founders of them, or of any of them, at any time ſithence the ſaid fourth day of February, in the ſeven and twentieth year aforeſaid, had, occupied or enjoyed, or now hath, occupieth or enjoyeth the ſame, and as though all and ſingular the ſaid Colledges, Chantries, Hoſpitals, free Chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, and the ſaid manors, lands, tenements, hereditaments, and other the premiſſes whatſoever they be, and every of them, were in this preſent Act ſpecially, particularly and certainly rehearſed, named and expreſſed by expreſs words, names, ſurnames, corporations, title and faculties, and in their natures, kinds and qualities, the ſaid entries, expulſions, bargains, ſales, fines, feoffments, recoveries, or other aſſurance and conveyance whatſoever they be, had or made (except before excepted) to the contrary notwithſtanding.

Rents or annuities granted by other in conſideration of any bargain of the ſaid lands.

And be it further enacted by the authority aforeſaid, That all covenants, bonds, and grants of any rent or annuity, made by any perſon or perſons to any Chantry Prieſt, or other, having any of the ſaid promotions, for and in conſideration of any bargain, grant, or other aſſurance, made of any of the ſaid promotions, or any part of them, ſhall be void and fruſtrate.

He that hath ſold and taken money for any Chantry, Colledge, &c. lands, ſhall repay the ſame money again.

And over that it is ordained and enacted by the authority aforeſaid, That all and every perſon and perſons, which being in life, which have or hath for any ſum of money to him or them paid, bargained or ſold any manors, lands, tenements, or other hereditaments, that did belong or appertain to any of the ſaid Colledges, Chantries, free Chappels, Hoſpitals, Fraternities, Guilds, or other promotions aforeſaid, diſſolved, relinquiſhed or determined after the ſaid fourth day of February, as is aboveſaid, ſhall repay to ſuch perſons as ſo bought any of the ſaid manors, lands, tenements, or other hereditaments, or to his executors or aſſigns upon a requeſt therefore made, as much money as he or they received for the ſale of the thing ſo by him or them ſold: and for non-paiment thereof, ſuch perſon and perſons as purchaſed or bought the ſaid lands, tenements, and other the premiſſes, or any parcel thereof, ſhall be enabled by the authority aforeſaid, to ſue and maintain an action of debt at the Common Laws of this Realm, againſt ſuch perſon or perſons as ſo bargained or ſold to him or them, or to their Teſtator any of the premiſſes belonging to any Colledge, Chantry, free Chappel, Hoſpital, Fraternity, Guild, or other promotion aforeſaid, in which action of debt no eſſoin, protection, or wager of Law ſhall be admitted or allowed.

Aſſurances made to the King of the lands of any Colledge, Chantry, &c. ſhall be good.

And be it further enacted by the authority aforeſaid, That all and every gifts, grants, ſurrenders, and all and every other aſſurances, had, made or done to the Kings Highneſs of any of the ſaid Colledges, Chantries, and other the ſaid promotions, or of any manors, lands, tenements, or other hereditaments to any of them annexed, united or belonging, at any time between the ſaid fourth day of February, in the ſaid ſeven and twentieth year of our ſaid Sovereign Lord the Kings Reign, and the ſaid five and twentieth day of December, in the ſeven and thirtieth year of his moſt gracious Reign, ſhall be by the ſaid authority taken, judged and deemed good and perfect, to all intents, conſtructions and purpoſes, as well againſt the ſaid Chantry Prieſts, Maſters, Wardens, Miniſters, Governours, Rulers, and other having any the ſaid promotions, their ſucceſſors and aſſigns, and the ſucceſſors and aſſigns of every of them, as againſt all and every founder, donor and patron thereof, and every of them, and the heirs and ſucceſſors of them, and every of them.

All Letters Patents granted by the King, and all aſſurances made by his conſent of any Colledge, and Chantry, &c. ſhall be good.

And be it further enacted by the authority aforeſaid, That all and every Letters Patents made by the Kings Highneſs to any perſon or perſons of any of the ſaid Colledges, Chantries, Guilds, Fraternities, or other the ſaid promotions, or of any part or parcel of the ſaid Colledges, Chantries, Hoſpitals, Guilds, Fraternities, Brotherhoods, or other the ſaid promotions: and that all fines, feoffments, recoveries, and all other aſſurances and conveyances thereof had or made by the Kings aſſent, conſent, licence or agreement to any perſon or perſons, by any Chantry Prieſt, Maſter, Warden, Miniſter, Ruler, Governour, or other having any the ſaid promotions of any the ſaid Colledges, Chantries, Hoſpitals, Guilds, Fraternities, Brotherhoods, or any of the ſaid promotions, or of any manors, lands, tenements or hereditaments, belonging, annexed or united to any of them, or of any part, parcel or member of the ſame, ſhall ſtand and be in their forces and effects according to their tenors, forms and effects, and ſhall be by the authority of this Act good, perfect, and available, as well againſt the ſaid Chantry Prieſts, Wardens, Maſters, Rulers, Governours, and other having any of the ſaid promotions, and their ſucceſſors, and the ſucceſſors of every of them, as againſt the founders, donors and patrons of the ſame, and the Ordinary of them, and every of them, and the heirs and ſucceſſors of every of them, any law, ſtatute, ordinance, or other thing to the contrary thereof notwithſtanding.

The rents and lands of Hoſpitals, Chantries, &c. be not employed to ſo good uſes as they were given for.

And where alſo at this preſent time there be a great number of Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts, having perpetuity for ever, and being charged or chargeable to the paiment of the Firſt-fruits and Tenths, according to the Statute in that behalf had and provided, and all Colledges, as well chargeable or not chargeable to the paiment of the Firſt-fruits and Tenths, ſet, lying and being within this Realm of England, Wales, and other the Kings Dominions, or the Marches of the ſame, having divers manors, lands, tenements, poſſeſſions, and other hereditaments, to the ſame aſſigned, appointed, limited, united or annexed by the patrons, donors or founders of them which have been eſtabliſhed, ordained, founded, had or made by the ſaid patrons, donors or founders for ever, to the intent that alms to the poor people, and other good, vertuous and charitable deeds might be made done and executed by the Wardens, Maſters, Miniſters, Governours, Brothers and Incumbents of the ſame: And for ſo much as it is right well known, that the ſaid Governours, Wardens, Maſters, Miniſters, Brothers and Incumbents, or the greateſt number of them hitherto, have not, ne yet do uſe, exerciſe, order and rule their ſaid Chantries, Hoſpitals, Colledges, free Chappels, and other the ſaid promotions, nor the manors, lands, tenements and hereditaments to the ſame belonging, ne yet do beſtow, expend and employ the iſſues, rents, revenues, and profits of the ſame in alms, and other deeds of charity, according to ſuch vertuous and godly intents and purpoſes as the ſaid Chantries, free Chappels, Colledges, Hoſpitals, and other the ſaid promotions were firſt founded, eſtabliſhed, erected, ordained, had, made or incorporated, to the great diſpleaſure to Almighty God, and to the diſcontentation of the King our Sovereign Lord. And for that the Kings Highneſs, of his moſt godly and bleſſed diſpoſition, intendeth to have the premiſſes uſed and exerciſed to more godly and vertuous purpoſes, and to reduce and bring them into a more decent and convenient order for the commodity and wealth of this his Realm, and for the ſurety of his ſubjects of the ſame:

The King may grant a Commiſſion to certain perſons to enter into any Hoſpitals, Chantries, &c. and their lands, &c. and to ſeiſe them to his uſe.

Be it further enacted by the authority aforeſaid, That the Kings Majeſty ſhall and may at his Highneſs will and pleaſure, from time to time hereafter, during his natural life (which Almighty God long preſerve) make and direct his Graces Commiſſion or Commiſſions, under his Great Seal (every ſuch Commiſſion to be had and made upon a warrant ſigned with his Graces hand) to ſuch number of perſons, and into ſuch Counties, Shires and places, as by his Highneſs ſhall be thought expedient and requiſite, giving unto the ſaid Commiſſioners, or to two of them at the leaſt, full power and authority, by vertue of the ſame Commiſſion or Commiſſions, for and in his Highneſs name, to enter into all and ſingular ſuch and ſo many Chantries, free Chappels, Hoſpitals, Colledges, and other the ſaid promotions, and into all and ſingular ſuch manors, manſion houſes, meaſes, lands, tenements, paſtures, woods, waters, rents, reverſions, ſervices, poſſeſſions, and other hereditaments whatſoever they been, or into any part and parcel thereof, for and in the name of ſeiſin and poſſeſſion, of all the hereditaments annexed, united, belonging or appertaining to any Chantry, Hoſpital, free Chappel, Colledge, Fraternity, Brotherhood, Guild, or any other the ſaid promotions, or whereof any Prieſts, Provoſts, Governours, Rulers, or other Incumbents of them or any of them, by what name, ſurname, degree, title, or corporation they and every of them, or any of them been founded, erected, ordained, eſtabliſhed, named, called, or known, now hath or enjoyeth, or hereafter ſhall have and enjoy, to the ſaid Chantries, Hoſpitals, free Chappels, Colledges, Fraternities, Brotherhoods, Guilds, or other the ſaid promotions, being chargeable to the paiment of the Firſt-fruits and Tenths, and all Colledges chargeable or not chargeable to the ſaid paiment of Firſt-fruits and Tenths, as is aforeſaid, or to any of them, as ſhall be named, expreſſed and appointed in the ſaid Commiſſion or Commiſſions, and to ſeize and take the ſame Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, manors, lands, tenements, and other the premiſſes mentioned in the ſaid Commiſſion and Commiſſions, and every of them, and every part, parcel and member of the ſame, into the Kings poſſeſſion and hands: To have and to hold the ſame to the Kings Highneſs, and to his Heirs and Succeſſors for ever. And that the ſaid Commiſſioners, or two of them at the leaſt, may enter into any part or parcel of the ſaid Chantries, Hoſpitals, free Chappels, Colledges, and other the ſaid promotions, manors, lands, tenements and hereditaments mentioned in any ſuch Commiſſion, for and in the name of all the Chantries, Colledges, free Chappels, and other the ſaid promotions, manors, lands, tenements and hereditaments whatſoever they be, annexed, united, belonging or appertaining to any of the ſaid Chantries, Colledges, Chappels, or other the ſaid promotions, and expreſſed, mentioned & named in any ſuch Commiſſion: which entry ſo had and made into any part or parcel, for and in the name of all the premiſſes mentioned in any ſuch Commiſſion, ſhall by the authority of this Act be of as good force, value and effect in Law, to all intents, reſpects, conſtructions and purpoſes, as if the ſaid Commiſſioners, or two of them at the leaſt, had entred into all and every part and parcel of the ſame Chantries, Hoſpitals, free Chappels, Colledges, and other the ſaid promotions, manors, lands, tenements and hereditaments mentioned in any ſuch Commiſſion, although the ſaid Chantries, and other the ſaid promotions, manors, lands, tenements and hereditaments expreſſed within any ſuch Commiſſion ſhall happen to be in many and ſeveral Towns, Places, Shires or Counties within this Realm, Wales, and other the Kings Dominions. And that upon and by any ſuch entry had and made by the ſaid Commiſſioners, or by any two of them at the leaſt, into all, or into any part or parcel in the name of all the manors, lands, tenements, poſſeſſions and hereditaments to the ſaid promotions, or any of them united, annexed, pertaining, or in any wiſe belonging, and mentioned in the ſaid Commiſſion, all and ſingular the ſaid Chantries, Hoſpitals, free Chappels, Colledges, and other the ſaid promotions, manſion houſes, manors, orchards, gardens, lands, tenements, medows, paſtures, woods, waters, rents, reverſions, ſervices, tithes, penſions, portions, parſonages appropriate, Churches, Chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, commons, leets, courts, liberties, priviledges, franchiſes, and other hereditaments whatſoever they be, to the ſaid promotions mentioned in the ſaid Commiſſion, or to any of them belonging, or appertaining, united or annexed, ſo entred into, ſeiſed or taken, ſhall forthwith, and immediately after ſuch entry had and made (as is abovesaid) by authority of this Act, be veſted, adjudged and deemed, and alſo be in the very actual and real poſſeſſion and ſeiſon of our ſaid Sovereign Lord the King, and of his Heirs and Succeſſors for ever, as though all and ſingular the ſaid Chantries, Hoſpitals, Colledges, free Chappels, and other the ſaid promotions, and the ſaid manors, lands, tenements, hereditaments, and other the premiſſes whatſoever they be, and every of them, were adjudged and deemed by expreſs words, ſentences and terms in this Act to be hereafter in the actual

and

The Commiſſioners may ſeiſe to the Kings uſe any Hoſpitals, Chantries, &c. and their lands named in their Commiſſions.

After the Commiſſioners entry into any lands, ſpecified in their Commiſſion, the ſame ſhall be veſted in actual poſſeſſion of the King.

The Commiſſioners ſhall return their Commiſſion into the Chancery.

and real poſſeſſion and ſeiſon of our ſaid Sovereign Lord the King, and were in this preſent Act ſpecially, particularly and certainly rehearſed, named and expreſſed by expreſs words, names, ſirnames, corporations, titles and faculties, and in their natures, kinds and qualities, without any inquiſition by the oaths of twelve men, office or other entry,, or further circumſtance thereof to be had or made. And that the ſaid Commiſſioners, or two of them at the leaſt, after ſuch entry and ſeiſure ſo by them had and made by vertue of the ſaid Commiſſion or Commiſſions ſo to them directed, ſhall certifie and return the ſaid Commiſſion and Commiſſions, and every of them (making mention in writing of their doings in the ſame, according to the words and authority to them given by the ſaid Commiſſion) into the Kings Court of the Chancery, at ſuch day as ſhall be limited in the ſaid Commiſſion or Commiſſions, there to remain of record for ever.

All Chantries, Colledges, Fraternities, &c. and their lands ſhall be in the order and ſurvey of the Court of Augmentations.

And be it further enacted by the authority aforeſaid, That as well all and every the ſaid Chantries, Hoſpitals, Colledges, free Chappels, and other the ſaid promotions, & all the manſion houſes, manors, lands, tenements, poſſeſſions and hereditaments, and other the premiſſes whatſoever they be, and every part and parcel of them, which (by authority and vertue of this Act) been veſted, adjudged and deemed, and alſo ſhall be in the Kings poſſeſſion & hands, as alſo all other the ſaid Chantries, Hoſpitals, Colledges, free Chappels, and other the ſaid promotions, and all the manors, manſion houſes, lands, tenements, poſſeſſions and hereditaments, whatſoever they be, to them or any of them belonging or appertaining, and every part and parcel thereof, which hereafter ſhall happen to come to his Highneſs hands and poſſeſſion by any ſuch entry, ſeiſure or taking into his Graces hands, by Commiſſion or Commiſſions, as is aboveſaid, from and after the ſaid entry, ſeiſure and taking into his Majeſties hands, ſhall be in the order, rule, ſurvey, and governance of our Sovereign Lord the Kings Court of Augmentations of the Revenues of his Crown, & to be granted, letten & ſet to farm by the Chancellor, Officers & Miniſters of the ſame Court, in ſuch manner & form as other manors, lands & tenements appointed to the ſaid Court of the Augmentations of the Revenues of his Graces Crown, been to be granted or letten: & that all the farms, iſſues, revenues and profits coming and growing of the premiſſes, or of any part thereof, ſhall be taken and received to the Kings uſe by the Officers and Miniſters of the ſame Court, in ſuch manner and form as is uſed and had of other manors, lands and tenements, and of the iſſues, revenues and profits of the ſame, committed to the order, rule, ſurvey and governance of the ſaid Court of Augmentations: Any act, ſtatute, ordinance, cuſtom or uſe heretofore had, made or uſed to the contrary notwithſtanding.

All ſuits for the lands of Chantries, &c. ſhall be heard and determined in the Court of Augmentations.

And be it further enacted by the authority aforeſaid, That all matters, variances, demands, ſuits, contentions and debates to be had or made of or for any matter or thing, whereby the manors, lands, tenements and hereditaments ſo appointed to the ſaid Court of the Augmentations ſhall be charged, asked, demanded or challenged to the hurt, detriment or prejudice of the King, ſhall be heard, examined, tried, ended and determined by and in the ſaid Court of Augmentations, in ſuch form, manner and condition as other matters and cauſes appointed to the ſaid Court, be ſued, heard, examined and determined, or by ſuch other ways and means, as to the ſaid Court ſhall ſeem convenient and meet for the adminiſtration of juſtice indifferently between the Kings Highneſs and his ſubjects.

Suits between one of the Kings ſubjects and another touching the ſaid lands, ſhall be determined by the Common Law.

And be it further ordained and enacted by the ſaid authority, That all other matters, variances, contentions, ſuits, claims and demands to be had, made or done between any of the Kings ſubjects, of, for or concerning the ſaid manors, lands, tenements and other the premiſſes, or any part thereof, or for any treſpaſs or other offence touching the ſame, ſhall be ſued, asked, demanded, tried and determined at and by the Common Laws of this Realm, and according to the rules, orders and judgment of the Common Laws and Statutes of this Realm, and not in the ſaid Court of the Augmentations of the Revenues of the Kings Crown: any Law, Statute, Ordinance, or other thing had, made or done to the contrary notwithſtanding, and as though the ſaid Court of the Augmentations of the Revenues of the Kings Crown had never been had ne made.

All aſſurances made by the Governours of the ſaid Chantries, &c. of any of their lands, without the Kings aſſent, ſhall be void.

And be it further enacted by the authority aforeſaid, That all recoveries, fines, feoffments, and other conveyances to be hereafter had, made, done or ſuffered, for or of any eſtate of inheritance or free-hold, without the Kings Majeſties aſſent, conſent, or agreement, by any of the ſaid Chantry Prieſts, Wardens, Maſters, Miniſters, Governours, Rulers, or other, having any of the ſaid promotions of the ſaid Chantries, Colledges, Guilds, Fraternities, Hoſpitals, and other the ſaid promotions, or of any manors, lands, tenements or other hereditaments, to the ſaid Chantries, Colledges, and other promotions united, annexed, belonging or appertaining, or to any part or parcel of them, and being not had, made, done or ſuffered to the Kings Highneſs, ſhall be utterly void, fruſtrate, and of none effect, as well againſt the Kings Majeſty, as againſt the ſucceſſor and ſucceſſors of every ſuch Chantry Prieſt, Governours, Rulers, and any other having any of the ſaid promotions, and every of them.

The right of others ſaved, except, &c.

Saving to all and euery perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, other than the Maſters, Wardens, Miniſters, Governours, Rulers, Prieſts and Incumbents of the ſaid Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and other having any of the ſaid promotions, or any of them, and the ſucceſſors of them and of every of them: and other then ſuch as be and pretend to be founders, patrons, or donors of the premiſſes, or of any of them, or of any part or parcel thereof, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them. And other then ſuch perſon and perſons, and their heirs, ſucceſſors and aſſigns, as claim or pretend to have any eſtate, right, title, intereſt; uſe, poſſeſſion, or condition, of, in or to the premiſſes, or any part or parcel thereof, by reaſon of any feoffment, fine, bargain and ſale, or by any other ways, means or conveyance to them made of any eſtate of free-hold or inheritance without the Kings aſſent, conſent or agreement, by any of the ſaid Maſters, Wardens, Miniſters, Governors, Rulers, Prieſts and Incumbents, or by the founders, donors or patrons of them, or any of them, all ſuch right, title, claim, poſſeſſion, intereſt, rents, annuities, commodities, commons, offices, fees, leaſes, liveries, livings, penſions, portions, ſinodies, proxies, debts, duties, and other profits,, which they or any of them have, claim, ought, may, or might have had, in, of or to any of the premiſſes, or in, of or to any part or parcel thereof in ſuch like manner and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had nor made, and as though the ſaid Chantries, Hoſpitals, Colledges, and other the ſaid promotions had ſtill continued and remained.

Leaſes of lands reſerved for the maintenance of hoſpitality, made within one year before, &c.

And it is further enacted by the authority aforeſaid, That if any of the ſaid Maſters, Wardens, Miniſters, Rulers, Governours, Prieſts, Incumbents, or owners of any ſuch Chantry, Hoſpital, free Chappel, Colledge, Fraternity, Brotherhood, Guild, or other the Promotions aforeſaid, or of any of them, within one year next before the three and twentieth day of November, in the ſeven and thirtieth year of our ſaid Sovereign Lord the Kings Reign, have made, or hereafter ſhall make any leaſe or grant under his or their common ſeal, or other ſeal, or otherwiſe for term of years, life or lives, of their ſaid, Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid Promotions, or of any part thereof, or of any manors, lands, tenements, poſſeſſions or hereditaments whatſoever they be to them or any of them united or annexed, belonging or appertaining, or to them or any of them limited or appointed, which manors, meaſes, lands, tenements, poſſeſſions, or other hereditaments whatſoever they be, were not before the ſaid leaſe for the more part of twenty years laſt paſſed ſet, nor let to ferm, but kept and reſerved in manurance, tillage or occupation, or now be in the manurance of the ſaid Maſters, Wardens, Miniſters, Rulers, Governours, Prieſts, or Incumbents of the premiſſes, for the maintenance of hoſpitality and good houſe-keeping. Or within one year next before the ſaid three and twentieth day of November, hath made, or hereafter ſhall make any leaſe, or grant for term of lives, or for term of years, of any of the ſaid manors, meaſes, lands, tenements, poſſeſſions, hereditaments, and other the premiſſes, whatſoever they be, whereof and in the which any eſtate or intereſt for term of life, year or years, at the time for the making any ſuch grant or leaſe, then had, or ſhall have his being or continuance, and then was or ſhall not be determined, finiſhed, or expired: Or within one year next before the ſaid three and twentieth day of November, hath made, or hereafter do make any leaſe or grant for term of life, or for term of years of any of the ſaid manors, meaſes, lands, tenements, poſſeſſions, or other hereditaments whatſoever they be, upon which leaſes and grants, the uſual and old rents and ferms accuſtomed to be yielden and reſerved by the ſpace of twenty years next before the ſaid three and twentieth day of November, be not or ſhall not be thereupon reſerved and yielden: Or if any of the ſaid Prieſts, Maſters, Wardens, Miniſters, or other the ſaid Governours or Rulers ſithence the ſaid xxiij. day of November, hath made any bargain or ſale of his or their woods, which woods be yet growing and ſtanding, that then all and every ſuch leaſe and grant of any of the premiſſes, and every ſuch bargain and ſale of wood or woods, ſhall be utterly void and of none effect.

Leaſes of land in leaſe for life or years made within one year.

Leaſes whereupon the old rent is not reſerved, made within one year before, &c.

Woodſales of woods yet growing.

Lands or leaſes whereof the Governours were ſeiſed or poſſeſſed to their own private uſes.

Provided alway, and be it further enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not extend to any manors, lands, tenements, poſſeſſions, or hereditaments which the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, or other the ſaid Governours or Rulers of the premiſſes, or of any of them, hath, or is, or hereafter ſhall have, or be poſſeſſed or ſeiſed of, in fee-ſimple, fee-tail, general or ſpecial for term of life, term of years, or otherwiſe, to his or their own proper uſes by inheritance or purchaſe, and not being united or annexed to his or their ſaid Colledges, Hoſpitals, free Chappels, or other the ſaid Promotions, nor to any manors, lands, tenements, poſſeſſions, rents, annuities, or yearly penſion or penſions, of any yearly ſum or ſums of money, heretofore given or granted, or hereafter to be given or granted by the King our Sovereign Lord, to any of the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, Governours, Rulers of the premiſſes, or of any of them, for term of life onely under his Great Seal of England, or under the Seal of the Augmentation of the Revenues of the Kings Crown: But that all and every the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, and other the Governours and Rulers aforeſaid, and every of them, ſhall and may have, hold, poſſeſs, enjoy and keep, to their own proper uſes, all and ſingular ſuch manors, lands, tenements, poſſeſſions and hereditaments, rents, annuities, and yearly penſions, not being annexed or united to his or their ſaid promotions, according to ſuch intereſt, eſtate, title and inheritance, as they or any of them hath, or ſhall have, of, and in the ſame: any thing contained in this Act to the contrary notwithſtanding, and as though this Act had never been had ne made.

Penſions given by the King for term of life.

They from whom the King ſhall take any lands, ſhall be abated of their Tenths and Firſt-fruits.

Provided alſo, & be it enacted by the authority aforeſaid, That every of the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, and other the ſaid Governours and Rulers, from whom the Kings Highneſs, by vertue of this Act, ſhall have, take or ſeiſe any of his or their manors, lands, tenements, poſſeſſions, or other hereditaments, by any of the ways or means aforeſaid, without giving or aſſuring any recompence for the ſame, that they and every of them from thenceforth ſhall yearly be defaulked, abated, & allowed out of their yearly tenths, hereafter to be paid, and alſo of their firſt-fruits, as they ſhall happen hereafter to be due to the King in his Court of Firſt-fruits and Tents, ſo much money, & after ſuch rate and portion, as the ſame manors, lands, tenements, and other hereditaments, which by authority of this Act ſhall come to the Kings hands & poſſeſſion by any of yͤ ways or means aforeſaid, were aſſeſſed, valued, rated & taxed at, in and by the taxation of the Tenths and Firſt-fruits now remaining of record in the ſaid Court of Firſt-fruits and Tenths, by force of the Statute thereof made, had and provided.

Provided

A proviſion for ſuch as had annuities or rents out of the lands of the Chantries, &c.

Provided alway, and be it ordained by the authority aforeſaid, That all and every perſon and perſons that before the making of this Act had or enjoyed any manner of annuity or rent, to be taken or had of any of the ſaid Chantries, Hoſpitals, Colledges, or other promotions aforeſaid, ſhall have and enjoy the ſame in like manner and form as they ſhould or ought to have done if the ſaid Chantries, Hoſpitals, Colledges, and other the ſaid promotions had ſtill remained and continued in eſſe, and full being: any thing in this Act mentioned to the contrary in any wiſe notwithſtanding.

He that hath bought and paid for any wood ſhall have his money again, or the ſame wood.

Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon or perſons have juſtly and truly, without fraud and covin, paid or given any ſums of money to any ſuch Maſter, Warden, Miniſter, Governor, Ruler, or to any other having any of the ſaid promotions, for the bargain and ſale of any woods, growing in and upon any of the premiſſes, and not yet felled (as is aforeſaid) which bargain and ſale by this Act is made void and of none effect, that the ſame buyers, their executors or aſſigns, upon requeſt by him or them made to the Chancellor of the Court of Augmentations, for the time being, ſhall be well and truly contented and repaied of and with the Kings treaſure, remaining in the hands of the Treaſurer of the ſaid Court of Augmentations, for the time being, by the hands of the ſaid Chancellor, Treaſurer, or other Officers of the ſame Court of Augmentations, within one year after any ſuch requeſt, and after the diſſolution of the ſaid Chantries, Colledges, Hoſpitals, and other the ſaid promotions, or after the ſeverance of any part of them: or elſe the ſaid bargainers and buyers of the ſaid wood ſhall have and enjoy, cut, take, and carry away the ſame woods ſo being by him or them bought: any thing above mentioned to the contrary in any wiſe notwithſtanding.

A remedy for any Governour that hath compounded for his firſt-fruits.

Provided alſo, and be it enacted by authority aforeſaid, That if any ſuch Governour, Ruler, Warden, Maſter, Miniſter, or other having any the ſaid Spiritual promotions, have or ſhall compound for their firſt-fruits for any ſuch Spiritual promotions, according to the Laws and Statutes of this Realm: And the days of paiment of any part thereof at the entry and ſeiſure thereof, as is abovesaid, ſhall not then be expired or paſt, that all ſums of money ſo to be paiable at any day or days then to come, ſhall ceaſe, and be not paied, asked or demanded, any bond, recogniſance, ſurety, or other thing had or made to the contrary notwithſtanding.

Money due out of the premiſſes in the Exchequer ſhall be paiable as before.

Provided alway, and be it enacted, That all ſuch rents, ſervices, iſſues, profits, and other ſums of money, due and payable for any cauſe or matter concerning the premiſſes, or any of them, in the Kings Court of his Exchequer, ſhall continue, and be continually and yearly levied, charged and paied in the ſame Court, in ſuch manner and form as heretofore have been uſed: any law, cuſtom, unity of poſſeſſion in the Kings Highneſs, or other thing to the contrary notwithſtanding, and as though the ſaid promotions, manors, lands, tenements, and other the premiſſes, had not come to the Kings hand or poſſeſſion. Stat. 1 Edw. 6. 14.

CAP. V.

What perſons ſhall paſs upon tryal of an Attaint in London, and where the ſame ſhall be tryed.

Where the Kings Juſtices ſhall take Inquiſitions in London.

Humbly beſeechen your moſt excellent Majeſty your obedient ſubjects, the Mayor and Commonalty of your City of London, That whereas amongſt divers and ſundry liberties and franchiſes, granted by your moſt noble Progenitors to the City of London, for divers reaſonable reſpects and conſiderations in their Charters expreſſed and mentioned, one liberty is, That all Inquiſitions to be taken by the Juſtices and Miniſters of your Highneſs, of the Citizens of London, ſhall be taken at St. Martin the Grand, or at the Guild-hall of the ſaid City of London, and not elſewhere, except Inquiſitions before the Juſtices in Eyre at the Tower of London, and for delivery of the Gaol of Newgate, as in the Charters of your ſaid Noble Progenitors, to the ſaid Citizens of London granted, and by your Majeſty confirmed, plainly appeareth. Which liberties the ſame Citizens have continually ſince the ſaid grants thereof to them made, exerciſed, uſed and enjoyed accordingly, as by divers matters of Record in your High Courts of Weſtminſter evidently appeareth.

23 H. 8. 5.

And where alſo an Act of Parliament concerning Perjury and puniſhment of untrue Verdicts, was made and eſtabliſhed in the xxiij. year of your moſt gracious Reign, amongſt other then and there made and ordained, that upon every untrue Verdict made after the ſaid Act between party and party, in any ſuit, plaint or demand made, and verdict thereupon given, extending to the value of xl. l. and not concerning the jeopardy of mans life, the party grieved by the ſame verdict ſhall have a writ of attaint againſt every perſon which after the ſaid Act would give an untrue verdict: And that in the ſaid attaint there ſhould be awarded againſt the petit Jury, the party, and the grand Jury proceſs of Sum' Reſum' and diſtreſs infinite: which grand Jury ſhould be in like number as the grand Jury is now in attaint, and that every of them that ſhall paſs in the ſame, ſhall have lands and tenements of the value of xx. marks by the year of free-hold, out of ancient demean. And alſo it was then further enacted and eſtabliſhed, That all attaints afterwards to be taken, ſhould be taken before your Majeſty in your Bench, or afore your Juſtices of your Common Place, and in none other Court: And that the Niſi prius ſhould be granted by the diſcretion of the Juſtices upon the diſtreſs.

And foraſmuch as the ſaid Act cannot be duly put in execution by the Citizens of the ſaid City for lack of ſufficient perſons, having lands and tenements to the clear yearly value of xx. marks, out of antient demean, according to the tenor of the ſaid Act, and alſo that the apparance of the ſaid Citizens, to be had out of the ſaid City, is againſt the liberties and franchiſes of the ſame City, and no promiſe made within the ſaid Act for the ſame Citizens to enjoy their antient liberties and priviledges before rehearſed. It may therefore pleaſe your Majeſty, of your moſt abundant grace, to condeſcend, That it may be enacted by your Highneſs, and by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every manner perſon and perſons, being Citizens of your ſaid City, and being in value of goods and cattels to the ſum of CCCC. marks, may be impanelled and returned by the Sheriff of your ſaid City in every attaint hereafter to be brought by vertue of the ſaid eſtatute, upon verdicts hereafter to be given by your ſaid Citizens without any challenge for the inſufficiency of freehold of any of them, to be made by any of the ſaid parties, in any ſuch attaint, upon ſuch verdicts hereafter to be given. And that the Juſtices for the time being, ſhall ſit onely at the Guild-hall of the ſame City, or at ſome convenient place within the ſame City, & there to ſwear the Grand Jury, and to take the verdicts in ſuch attaints hereafter to be taken. And that the ſaid Citizens hereafter be not compelled nor diſtrained to appear in any ſuch attaint, hereafter to be taken upon any untrue verdict given, or hereafter to be given in London, but onely within the limits of the ſaid City, of and for the trial of the ſame: the ſaid former Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

Of what eſtate thoſe perſons muſt be which ſhall paſs upon an attaint in London. 11 H. 7. 21.

Trial of attaints in London ſhall be in London, notwithſtanding the Statute of 23 H. 8. 3.

CAP. VI.

Burning of a frame of Timber prepared for the building of an houſe, &c. made felony.

Where divers and ſundry malicious and envious perſons, being men of evil and perverſe diſpoſitions, and ſeduced by the inſtigation of the Devil, and minding the hurt, undoing and impoveriſhment of divers of the Kings true and faithful ſubjects, as enemies to the Commonwealth of this Realm, and as no true or obedient ſubjects unto the Kings Majeſty, of their malicious and wicked minds, have of late invented and practiſed a new damnable kind of vice, diſpleaſure and damnifying of the Kings true ſubjects, and the Commonwealth of this Realm, as in ſecret burning of frames of timber prepared and made by the owners thereof, ready to be ſet up and edified for houſes, cutting out of heads and dams of pools, motes, ſtews, and ſeveral waters: cutting of conduit-heads, or conduit-pipes: burning of wains and carts loaden with coals or other goods: burning of heaps of wood, cut, felled and prepared for making of coals: cutting out of beaſts tongues: cutting off the ears of the Kings ſubjects: barking of apple-trees, pear-trees, and other fruit-trees: and divers other like kinds of miſerable offences, to the great diſpleaſure of Almighty God, and of the Kings Majeſty, and to the moſt evil and pernicious example that hath been ſeen in this Realm.

Several new and wicked devices tending to the damnifying of others.

For remedy whereof, be it enacted by authority of this preſent Parliament, That if any perſon or perſons, at any time after the firſt day of May next enſuing, maliciouſly, unlawfully, willingly and ſecretly burn, or cauſe to be burned, cut, or cauſe to be cut or deſtroyed any frame or frames of timber of any other perſon or perſons, made and prepared, or hereafter to be made or prepared, for or towards the making of any houſe or houſes, ſo that the ſame ſhall not be able for the purpoſe for the which it was prepared: that then every ſuch act and acts ſo to be committed, perpetrated and done by any perſon or perſons, ſhall be deemed and adjudged felony, and the offendor or offendors therein being lawfully convicted or attainted, ſhall have and ſuffer pains of death, and ſhall loſe and forfeit goods and cattels for ever, and the profits of their lands, tenements and hereditaments for term of his life or their lives.

It ſhall be felony unlawfully and ſecretly to burn or cut a frame of timber prepared for the making a houſe. KEP. 1 Ed. 6. 12. 1 M. 1.

Provided always, That ſuch attainder ſhall be no avoiding of any womans Dower, ne corruption of bloud againſt the heir or heirs of ſuch offendor or offendors, but be it enacted, That the wife and wives of ſuch offendor or offendors ſhall have their Dowers: and that ſuch heir and heirs ſhall after the deceaſe of the ſaid offendor, have and enjoy the ſaid lands, tenements, and hereditaments of ſuch offendor and offendors, in like manner and form as they ſhould have had, if this Act, or any ſuch attainder had never been had ne made. And that the heir or heirs having the ſaid lands, tenements or hereditaments of any eſtate of inheritance, ſhall yield unto the party grieved for ſuch offence or offences his damages of the profits of the ſaid lands, tenements or hereditaments of ſuch offendor or offendors, whereunto he ſhall be inheritable by action of debt, to be taken in the common Bench at Weſtminſter, in which action no wager of law, eſſoin, ne protection ſhall be allowed.

This felony doth not make the wife loſe her dowry, nor any corruption of bloud in the heir.

The offendors heir ſhall ſatiſfie the party grieved.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, after the ſaid firſt day of May, maliciouſly, wilfully and unlawfully cut, or cauſe to be cut out the head or heads, dam or dams of any ponds, pools, motes, ſtews, or other ſeveral waters, or the head or heads, pipe or pipes of any conduit or conduits of any other perſon or perſons: or maliciouſly, willingly and unlawfully, after the ſaid firſt day of May, burn or cauſe to be burned any wain or wains, cart or carts laden, or to be laden with coals, or any other goods or merchandiſes of any other perſon or perſons: or maliciouſly, willingly and unlawfully, after the ſaid firſt day of May, do burn or cauſe to be burned any heap or heaps of wood of any other perſon or perſons, prepared, cut and felled, or to be prepared, cut or felled, for making of coals, billets or talwood: or maliciouſly, unlawfully and willingly, after the ſaid firſt day of May, cut out, or cauſe to be cut out the tongue or tongues of any tame beaſt or beaſts of any other perſon or perſons, the ſaid beaſt then being in life: or maliciouſly, willingly or unlawfully, after the ſaid firſt day of May, cut or cauſe to be cut off the ear or ears of any of the Kings ſubjects, otherwiſe then by authority of the Law, chance medly, ſudden affray, or adventure: or after the ſaid day, maliciouſly, willingly or unlawfully bark any apple-trees, pear-trees, or other fruit-trees of any other perſon or perſons: that then every ſuch offendor and offendors ſhall not onely loſe and forfeit unto the party grieved treble damages for ſuch offence or offences, the ſame to be recovered by action of treſpaſs, to be taken at the Common Law, but alſo ſhall loſe and forfeit to the Kings Majeſty, and his Heirs, for every ſuch offence, x. l. ſterling in name of a fine.

The penalty for cutting the head of any ſeveral waters. ALT. 5 Eliz. 21.

Burning a cart loaden.

Burning a heap of wood prepared for coles.

Cutting out the tongue of a beaſt.

Cutting off the ears of another.

Barking of fruit-trees.

CAP. VII.

A rehearſal of the Statute of 33 H. 8. 10. concerning the eſtabliſhment of the ſix weeks Seſſions, and a repeal of the ſame, EXP. And all the offences in the ſame Statute mentioned ſhall be inquired of, puniſhed and reformed at a quarter Seſſions.

CAP. VIII.

Indictments lacking vi & armis ſhall be good in Law, and Clergy ſhall not be granted to Horſe-ſtealers.

The words, cum baculis, cultellis, arcubus & ſagittis ſhall not of neceſſity be put in an indictment.

Where before this time it was, and yet is commonly uſed in all indictments and inquiſitions of treaſon, murder, felony, treſpaſs and divers other, to have compriſed and put in every the ſame indictments and inquiſitions theſe words, vi & armis, and in divers of the ſame indictments, to declare the manner of the force and arms, that is to ſay, vi & armis, videlicet, baculis, cultellis, arcubus & ſagittis, or ſuch other like words in effect, where of truth the parties ſo indicted had no manner of ſuch weapons at the time of the ſaid offence committed and done: yet in default and lack of the ſame words, the ſaid indictments were, and yet be taken as void in the Law, for to put any perſon to anſwer thereunto: and the party or parties ſo indicted, for lack of the ſame words, not being compriſed and put in the ſaid indictments, have taken advantage thereof, and have avoided the ſame indictments by writ, or writs of error, or by plea upon his or their apparance, as the ſame caſe did require. For reformation whereof, be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from the Feaſt of the Nativity of our Lord God next coming, theſe words, vi & armis, viz. cum baculis, cultellis, arcubus & ſagittis, or ſuch other like, ſhall not of neceſſity be put or compriſed in any inquiſition or indictment: nor that the party or parties being hereafter indicted of any offence, ſhall have or take any advantage by writ or writs of error, plea, or otherwiſe, to adnul or avoid any ſuch inquiſition, or indictment for that, that the ſaid words, vi & armis, viz. baculis, cultellis, arcubus & ſagittis, or any of the ſame or like words, ſhall not be put or compriſed in the ſaid inquiſitions or indictments: But that the ſame inquiſitions or indictments, and every of them, lacking the ſaid words, vi & armis, videlicet, baculis, cultellis, arcubus & ſagittis, or any of them, ſhall from henceforth, by the authority aforeſaid, be taken, deemed and adjudged, to all intents, conſtructions and purpoſes, as good and effectual in the Law, as the ſame inquiſitions and indictments, having the ſaid words, vi & armis, videlicet, baculis, cultellis, arcubus & ſagittis, compriſed and put in every of the ſame inquiſitions and indictments were, or heretofore have been taken, deemed or adjudged: any law, uſage or cuſtom heretofore had and uſed to the contrary notwithſtanding.

He that is attainted for the ſtealing of a Horſe ſhall not have the benefit of Clergy. 1 Edw. 6. 12.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, at any time after the ſaid Feaſt of the Nativity of our Lord God next coming, do ſteal any Horſe, Gelding, Mare, Fole or Filly, and thereof be found guilty by the verdict of twelve men, or by his own confeſſion, be attainted, or otherwiſe be endicted for the ſtealing of any Horſe, Gelding, Mare, Fole or Filly, and thereupon arraigned, and do ſtand mute of malice or froward mind,[a] or challenge peremptory above the number of twenty, or elſe will not anſwer directly to the ſame endictment and felony, whereupon he is ſo arraigned: that then every ſuch perſon and perſons ſhall not from henceforth be admitted to have the benefit of his or their Clergy, but utterly be excluded thereof, and ſhall ſuffer death in ſuch manner and form, as they ſhould have, if they were no Clerks.

CAP. IX.

How offenders in Uſury ſhall be puniſhed.

Where before this time divers and ſundry Acts, Statutes and Laws have been ordained, had and made within this Realm, for the avoiding and puniſhment of uſury, being a thing unlawful, and of other corrupt bargains, ſhifts and chieviſances, which Acts, Statutes and Laws been ſo obſcure, and dark in intents, words and terms, and upon the ſame ſo many doubts, ambiguities and queſtions have riſen and grown, and the ſame Acts, and Statutes, and Laws been of ſo little force or effect, that by reaſon thereof little or no puniſhment hath enſued to the offenders of the ſame, but rather hath encouraged them to uſe the ſame. For reformation whereof, be it enacted by the King our Sovereign Lord, by the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every the ſaid Acts, Statutes and Laws heretofore made, of, for or concerning uſury, ſhifts, corrupt bargains and cheviſances, and every of them, and all pains, forfeitures and penalties concerning the ſame, and every part thereof, ſhall from henceforth be utterly void and of none effect to all intents, conſtructions and purpoſes.

All Statutes concerning uſury repealed. 20 H. 3. 5. 3 H. 7. 5. 6. 11 H. 7. 8.

Selling of wares and buying them again.

And be it further enacted by the authority aforeſaid, That no perſon or perſons, of what eſtate, degree or condition ſoever he or they be, from and after the laſt day of January next coming, ſhall by himſelf, factor, attorney, ſervant or deputy, ſell his merchandiſes or wares to any perſon or perſons, and within three months next after by himſelf, factor or attorney, deputy, or by any other perſon, or to his uſe and behoof, buy the merchandiſes or wares, or any part or parcel thereof, upon a leſſer price, knowing them to be the ſame wares or merchandiſes that he before did ſo bargain and ſell, upon the pains and forfeitures hereafter limited in this eſtatute.

And be it alſo enacted by the ſame authority, That no perſon or perſons, of what eſtate, degree, quality or condition ſoever he or they be, at any time after the ſaid laſt day of January next coming, by way or mean of any corrupt bargain, lone, eſchange, cheviſance, ſhift, intereſt of any wares, merchandiſes, or other thing or things whatſoever, or by any other

[a] corrupt or deceitful way or mean, or by any [b] covin, engin, or deceitful way or conveyance, ſhall have, [c] receive, accept or take in lucre or gains for the forbearing or giving day of payment of one whole year of and for his or their money or other thing, that ſhall be due for the ſame wares, merchandiſe, or other thing or things, above the ſum of ten pound in the hundred, and ſo after that rate, and not above, of and for a more or leſs ſum, or for a longer or ſhorter time, and no more or greater gain or ſum thereupon to be had, upon the pains and forfeitures hereafter in this Act mentioned and contained.

No perſon ſhall take above x. l. for the forbearance of an C. l. for one year. Alt. 21 Jac. 17. Cok. pla. f. 168. 435. Raſt. pla. f. 689.

And be it further enacted by authority aforeſaid, That if any perſon or perſons, at any time after the ſaid laſt day of January, do bargain and ſell, or lay to mortgage by any way or mean any manors, lands, tenements or hereditaments to any perſon or perſons, [d] upon condition of paiment or non-paiment of any ſum or ſums of money to be had, payed or made at any day certain, or before any ſuch day by him that ſhall ſo bargain, ſell or lay to mortgage the ſame manors, lands, tenements or hereditaments, that the ſame perſon or perſons, to whom any ſuch manors, lands, tenements or hereditaments ſhall be ſo bargained, ſold or laid to mortgage, ſhall not by reaſon thereof have, ne take in lucre or gains of the iſſues, revenues and profits of the ſame manors, lands, tenements or hereditaments above the ſum of ten pound in the hundred for one whole year, and ſo after the rate aboveſaid for a more or a leſſer ſum, or for a longer or ſhorter time, and no more, nor otherwiſe, upon the pains, forfeitures and penalties hereafter in this preſent eſtatute limited and expreſſed.

There ſhall not be taken above x. l. in the C. l. upon ſale or mortgage of lands.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, of what eſtate, degree, quality or condition ſoever he or they be, at any time after the ſaid laſt day of January next coming, ſhall do any act or acts, thing or things, contrary to the tenour, form, and effect of this eſtatute, or any clauſe, article or ſentence contained in the ſame, that then all and every offendor and offendors therein or in any part thereof, ſhall forfeit and loſe for every ſuch offence the treble value of the wares, merchandiſes, and other thing or things ſo bargained, ſold, eſchanged or ſhifted, and the treble value of the iſſues and profits of the ſaid manors, lands, tenements and hereditaments, ſo had, taken or received by reaſon of any ſuch bargain, ſale or mortgage, and alſo ſhall have and ſuffer impriſonment of his body, and make fine and ranſome at the Kings will and pleaſure: The moiety of which forfeiture of the ſaid treble value ſhall be to the King, and the other moiety to him or them that will ſue for the ſame in any of the Kings Courts by action of debt, bill, plaint or information, in which action, bill, plaint or information, no wager of law, eſſoin or protection ſhall be admitted or allowed.

The forfeiture of the offendors in the premiſſes.

Provided alway, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall not in any wiſe extend to any lawful Obligation indorſed with a Condition, nor to any Statute or Recogniſance made, and to be made for the paiment of a leſſer ſum, ſo that the ſame Obligation, Statute or Recogniſance be made for a true, juſt and perfect debt, or for the performance of any other true Covenants, made or to be made upon a juſt and true intent had between the parties, other then in caſes of uſury, intereſt, corrupt bargains, ſhift, or chevisance, ne yet ſhall extend to any recovery, fine, feoffment, releaſe, confirmation or grant made or to be made upon condition with a true intent, other then to ſuch recoveries, fines, feoffments, releaſes, confirmations and grants, as ſhall be made upon condition extending to uſury, intereſt, corrupt bargains, ſhifts or cheviſance: Any thing in this Statute contained, or any Law, Statute or Ordinance heretofore had, uſed or made to the contrary notwithſtanding. Stat. 5 Edw. 6. 20. 13 Eliz. 8. 31 Eliz. 5. 39 Eliz. 18. 21 Jac. 17.

To theſe bands and aſſurances this Statute extendeth not.

CAP. X.

If any perſon ſhall deviſe or make any writing, compriſing that another hath ſpoken or committed high Treaſon, and the ſaid writing ſhall caſt or leave in an open place whereby it may be found, and ſhall not ſubſcribe his name to the ſame, and within twelve days after perſonally appear before the King and his Councel, and affirm the contents of the ſame to be true, then he ſhall be adjudged a felon. REP. 1 Edw. 6. 12.

CAP. XI.

Every perſon which ſhall be owner of Combe Mariſhes, in the Pariſh of Eaſt Greenwich in the County of Kent, ſhall be coutributary towards the reparation of the ſaid Mariſhes from time to time, after the rate of the acre, as other owners be charged. And when any tax ſhall be made, it ſhall be lawful to the Expenditors and Collectors, or one of them, to diſtrain the goods of ſuch perſons which ſhall refuſe to pay after that rate, and the ſame diſtreſs to retain, and uſe according to the laws of Romney Marſh. PR.

CAP. XII.

In what manner they ſhall be puniſhed who refuſe to pay Tithes due to be paid in London.

Where of late time contention, ſtrife and variance hath riſen and growen within the City of London, and the liberties of the ſame, between the Parſons, Vicars and Curates of the ſaid City, and the Citizens and inhabitants of the ſame, for and concerning the paiment of tithes, oblations, and other duties within the ſaid City and liberties. For appeaſing whereof, a certain order and decree was made thereof by the moſt Reverend Father in God, Thomas Archbiſhop of Canterbury, Metropolitane and Primate of all England, Thomas Audley Knight, Lord Audley of Walden, and then Lord Chancellor of England, now deceaſed, and other of the Kings Majeſties moſt honourable Privy Councel, and alſo the Kings Letters Patents and Proclamation was made thereof, and directed to the ſaid Citizens concerning the ſame, whereupon it was after enacted in the Parliament holden at Weſtminſter by Prorogation the fourth day of February in the xxvij. year

A rehearſal of the Statute of 27 H. 8. 21. concerning the paiment of tithes in London.

year of the Kings Majeſties moſt noble Reign by authority of the ſame Parliament, that the Citizens and inhabitants of the ſame City ſhould at Eaſter then next coming, pay unto the Curates of the ſaid City and ſuburbs, all ſuch and like ſums of money for tithes, oblations and other duties, as the ſaid Citizens and inhabitants by the order of the ſaid late Lord Chancellor, and other the Kings moſt honourable Councel, and the Kings ſaid Proclamation, paied or ought to have paied by force and vertue of the ſaid order at Eaſter, which was in the year of our Lord God, M. D. XXXV. and the ſame paiments ſo to continue from time to time, until ſuch time as any other order or law ſhould be made, publiſhed, ratified and confirmed by the Kings Highneſs, and the two and thirty perſons by his Grace to be named, as well for the full eſtabliſhment concerning the paiment of all tithes, oblations, and other duties of the inhabitants within the ſaid City, ſuburbs and liberties of the ſame, as for the making of other Eccleſiaſtical Laws of this Realm of England, and that every perſon denying to pay, as is aforeſaid, ſhould by the commandment of the Mayor of London for the time being, be committed to priſon, there to remain until ſuch time as he or they ſhould have agreed with the Curate or Curates for their ſaid tithes, oblations and other duties, as is aforeſaid, as in the ſaid Act more plainly appeareth: Sithen which Act divers variances, contentions, and ſtrifes are newly riſen and grown between the ſaid Parſons, Vicars and Curates, and the ſaid citizens and inhabitants touching the paiment of their tithes, oblations and other duties, by reaſon of certain words and terms ſpecified in the ſaid order, which are not ſo plainly and fully ſet forth, as is thought convenient and meet to be: for appeaſing whereof, as well the ſaid Parſons, Vicars and Curates, as the ſaid citizens and inhabitants have compromitted and put themſelves to ſtand to ſuch order and decree touching the premiſſes, as ſhall be made by the ſaid Right Reverend Father in God, Thomas Archbiſhop of Canterbury, Metropolitane and Primate of England, the right honourable Sir Thomas Wryotheſly Knight, Lord Wryotheſly, and Lord Chancellor of England, the right honourable Thomas Duke of Norfolk, Lord Treaſurer of England, the right honourable Sir William Paulet Knight, Lord St. John, Lord Preſident of the Councel, and Lord great Maſter of the Kings moſt honourable houſhold, the right honourable Sir John Ruſſel Knight, Lord Ruſſel and Lord Privy Seal, the right honourable Edward Earl of Hertford, Lord great Chamberlain of England, the right honourable John Vicount Liſle, high Admiral of England, Sir Richard Liſter Knight, chief Juſtice of England, Sir Edward Mountague Knight, chief Juſtice of the Common Bench at Weſtminſter, and Sir Roger Cholmeley Knight, chief Baron of the Exchequer, for a final end and concluſion to be had and made touching the premiſſes for ever. And to the intent to have a full peace and perfect end between the ſaid parties, their heirs and ſucceſſors, touching the ſaid tithes, oblations, and other duties for ever: Be it enacted by authority of this preſent Parliament, That ſuch end, order and direction, as ſhall be made, decreed, and concluded by the fore-named Archbiſhop, Lords and Knights, or any ſix of them, before the firſt day of March next enſuing, of, for and concerning the paiments of the tithes, oblations, and other duties within the ſaid City, and the liberties of the ſame, and enrolled in the Kings high Court of Chancery of Record, ſhall ſtand, remain and be as an Act of Parliament, and ſhall bind as well all citizens and inhabitants of the ſaid City and liberties for the time being, as the ſaid Parſons, Vicars, Curates, and their ſucceſſors for ever, according to the effect, purport and intent of the ſaid Order and Decree, ſo to be made and enrolled. And that every perſon denying to pay any of his or their tithes, oblations, or other duties contrary to the ſaid Decree ſo to be made, ſhall by the commandment of the Mayor of London for the time being, and in his default or negligence, by the Lord Chancellor of England for the time being, be committed to priſon, there to remain till ſuch time as he or they have agreed with the Curate and Curates for his or their ſaid tithes, oblations and other duties, as is aforeſaid.

Arbitrators choſen between the Parſons, Vicars and Curates of London, and the Citizens and inhabitants of the ſame touching the paiment of tithes.

The penalty of them which refuſe to pay their tithes according to the Arbitrators decree.

The Decree.

London.

AS touching the paiment of tithes in the City of London, and the liberties of the ſame: It is fully ordered and decreed by the moſt Reverend Father in God, Thomas Archbiſhop of Canterbury, Primate and Metropolitane of England, Thomas Lord Wryotheſley, Lord Chancellor of England, William Lord St. John, Preſident of the Kings Majeſties Councel, and Lord great Maſter of his Highneſs houſhold, John Lord Ruſſel, Lord Privy Seal, Edward Earl of Hertford, Lord great Chamberlain of England, John Vicount Liſle, high Admiral of England, Richard Liſter Knight, chief Juſtice of England, and Roger Cholmeley Knight, chief Baron of his Graces Exchequer, this preſent xxiiij. day of February, Anno Domini, ſecundum curſum & computationem Eccleſiæ Anglicanæ, milleſimo quingenteſimo quadrageſimo quinto, according to the Statute in ſuch caſe lately provided. That the citizens and inhabitants of the ſaid City of London, and liberties of the ſame, for the time being, ſhall yearly without fraud or covin for ever pay their tithes to the Parſons, Vicars and Curates of the ſaid City, and their ſucceſſors for the time being, after the rate hereafter following, that is to wit, Of every ten ſhillings rent by the year of all and every houſe and houſes, ſhops, ware-houſes, cellars and ſtables, and every of them within the ſaid City and liberty of the ſame, ſixteen pence ob. And of every twenty ſhillings rent by year of all and every ſuch houſe and houſes, ſhops, ware-houſes, cellars and ſtables, and every of them within the ſaid City and liberties, two ſhillings and nine pence. And ſo above the rent of twenty ſhillings by the year, aſcending from ten ſhillings to ten ſhillings, according to the rate aforeſaid.

Parſons, Vicars, Curates tithes.

Item, That where any leaſe is, or ſhall be made of any dwelling houſe or houſes, ſhops, ware-

Coke Inſt. 2 par. 659.

ware-houſes, cellars, or ſtables, or any of them, by fraud or covin, reſerving leſs rent then hath been accuſtomed, or is, or that any ſuch leaſe ſhall be made without any rent reſerved upon the ſame, by reaſon of any fine or income payed beforehand, or by any other fraud or covin: That then in every ſuch caſe the tenant or fermor, tenants or fermors thereof ſhall pay for his or their tithes of the ſame, after the rate aforeſaid, according to the quality of ſuch rent or rents, as the ſame houſe or houſes, ſhops, ware-houſes, cellars or ſtables, or any of them were laſt letten for, without fraud or covin, before the making of ſuch leaſe.

Item, That every owner or owners, inheritor or inheritors of any dwelling houſe or houſes, ſhops, ware-houſes, cellars or ſtables, or any of them within the ſaid City and Liberties, inhabiting, or occupying the ſame himſelf, or themſelves, ſhall pay after ſuch rate or tithes, as is aboveſaid, after the quantity of ſuch yearly rent as the ſame was laſt letten for, without fraud or covin.

Leaſes.

Item, If any perſon or perſons have taken, or hereafter ſhall take any meaſe or manſion place by leaſe, and the taker or takers thereof, his or their executors or aſſigns, doth or ſhall inhabit in any part thereof, and have or hath within eight years laſt paſt before this order, or hereafter will or ſhall let out the reſidue of the ſame: That then in ſuch caſe the principal farmor or farmors, or firſt taker or takers thereof, his or their executors or aſſigns, ſhall pay his or their tithes after the rate aforeſaid, according to his or their quantity therein, and that his or their executors, aſſignee or aſſignees, ſhall pay his or their tithes after the rate aboveſaid, according to the quantity of their rent by year.

And if that any perſon or perſons have, or ſhall take divers manſion houſes, ſhops, ware-houſes, cellars or ſtables in one leaſe, and letteth, or ſhall let out one or more of the ſaid houſes, and keepeth or ſhall keep one or more in his or their own hands, and inhabiteth or inhabit in the ſame: that then the ſaid taker or takers, and his and their executors or aſſigns ſhall pay his or their tithes after the rate aboveſaid, according to the quantity of the yearly rent of ſuch manſion houſe or houſes, retained in his or their hands. And that his aſſignee or aſſignees, of the reſidue of the ſaid manſion houſe or houſes, ſhall pay his or their tithes after the rate aboveſaid, according to the quantity of their yearly rents.

Item, If ſuch fermor or fermors, or his or their aſſigns of any manſion houſe or houſes, ware-houſes, ſhops, cellars or ſtables, hath at any time within eight years laſt paſt, or ſhall hereafter let over all the ſaid manſion houſe or houſes contained in his or their leaſe, to one perſon, or to divers perſons: That then the inhabitants, leſſees or occupiers of them, and every of them, ſhall pay their tithes, after the rate of ſuch rents, as the inhabitants, leſſees, or occupiers and their aſſignee or aſſignees have been or ſhall be charged withall, without fraud or covin.

Item, If any dwelling houſe within eight years laſt paſt, was, or hereafter ſhall be converted into a ware-houſe, ſtore-houſe, or ſuch like, or if a ware-houſe, ſtore-houſe, or ſuch like, within the ſaid eight years, was, or hereafter ſhall be converted into a dwelling houſe: That then the occupiers thereof ſhall pay tithes for the ſame, after the rate above declared of manſion houſe rents.

Item, That where any perſon ſhall demiſe any Dye-houſe or Brew-houſe, with implements convenient and neceſſary for dying or brewing, reſerving a rent upon the ſame, as well in reſpect of ſuch implements, as in reſpect of ſuch Dye-houſe or Brew-houſe: That then the tenant ſhall pay his tithes after ſuch rate as is aboveſaid, the third peny abated. And that every principal houſe or houſes, with Key or Wharf, having any Crane or Gibet belonging to the ſame, ſhall pay after the like rate of their rents, as is aforeſaid, the third peny abated, and that other Wharfs belonging to houſes having no Crane or Gibet, ſhall pay for his tithes as ſhall be payed for manſion houſes, in form aforeſaid.

Item, That where any manſion houſe with a ſhop, ſtable, ware-houſe, wharf, with crane, timber-yard, teinter-yard, or garden belonging to the ſame, or as parcel of the ſame is or ſhall be occupied together, that if the ſame be hereafter ſevered or divided, or at any time within eight years laſt paſt were ſevered or divided: That then the fermor or fermors, occupier or occupiers thereof, ſhall pay ſuch tithes as is aboveſaid, for ſuch ſhops, ſtable, ware-houſes, wharf with crane, timber-yard, teinter-yard, or garden aforeſaid, ſo ſevered or divided after the rate of their ſeveral rents thereupon reſerved.

Item, That the ſaid citizens and inhabitants ſhall pay their tithes quarterly, that is to ſay, at the Feaſt of Eaſter, the Nativity of St. John Baptiſt, the Feaſt of St. Michael the Archangel, and the Nativity of our Lord by even portions.

Item, That every houſholder, paying ten ſhillings rent or above, ſhall for him, or her ſelf be diſcharged of their four offering days: But his wife, children, ſervant, or others of their family, taking their rights of the Church at Eaſter, ſhall pay two pence for their four offering days yearly.

Provided always, and it is decreed, That if any houſe or houſes which hath been, or hereafter ſhall be letten for ten ſhillings rent by year, or more, be, or hath at any time within eight years laſt paſſed, or hereafter ſhall be divided and leaſed into ſmall parcels or members, yielding leſs yearly rent then ten ſhillings by year: That then the owner or owners, if he or they dwell in any part of ſuch houſe, or elſe the principal leſſee and leſſees, if the owner or owners do not dwell in ſome part of the ſame, ſhall from henceforth pay for his or their tithes after ſuch rate of rent, as the ſame houſe was accuſtomed to be letten for, before ſuch diviſion or dividing into parts or members: And the under-fermor and fermors, leſſee and leſſees, to be diſcharged of all tithes for ſuch ſmall parcels, parts or members, rented at leſs yearly rent then ten ſhillings by year without fraud or covin, paying two pence a piece yearly for four offering days.

Provided alway, & it is decreed, That for ſuch gardens as appertain not to any manſion houſe, and which any perſon or perſons holdeth or ſhall hold in his or their hands for pleaſure, or to his own uſe: that the then perſon ſo holding the ſame, ſhall pay no tithes for the ſame. But if any perſon or perſons, which holdeth, or ſhall hold any ſuch garden, containing half an acre or more, doth or ſhall make any yearly profit thereof by way of ſale: That then he or or they ſhall pay tithes for the ſame, after ſuch rate of his rent, as is herein firſt above ſpecified.

Provided alſo, That if any ſuch gardens now being of the quantity of half an acre, or more, be hereafter by fraud or covin divided into leſs quantity or quantities, then to pay tithe according to the rate aboveſaid.

Provided alway, That this decree ſhall not extend to the houſes of great men, or noble men, or noble women, kept in their own hands, and not letten for any rent, which in times paſt hath paied no tithes, ſo long as they ſhall ſo continue unletten. Nor to any Halls of Crafts or Companies, ſo long as they be kept unletten, ſo that the ſame Halls in times paſt have not uſed to pay any tithes.

Provided always, and it is decreed, That this preſent order and decree ſhall not in any wiſe extend to bind or charge any ſheds, ſtables, cellars, timber-yards, ne teinter-yards, which were never parcel of any dwelling houſe, ne appertaining or belonging to any dwelling houſe, ne have accuſtomed to pay any tithes: but that the ſaid citizens and inhabitants ſhall thereof be quit of paiment of any tithes, as it hath been uſed and accuſtomed.

Provided alſo, and it is decreed, That where leſs ſum then after ſixteen pence half peny in the ten ſhillings rent, or leſs ſum then two ſhillings nine pence in the twenty ſhillings rent, hath been accuſtomed to be paid for tithes: That then in ſuch places the ſaid citizens and inhabitants ſhall pay but onely after ſuch rate as hath been accuſtomed.

Item, It is alſo decreed, That if any variance, controverſie or ſtriſe, do or ſhall hereafter ariſe in the ſaid City for non-paiment of any tithes: or if any variance or doubt ariſe upon the true knowledge or diviſion of any rent or tithes, within the liberties of the ſaid City, or of any extent or aſſeſſment thereof, or if any doubt ariſe upon any other thing contained within this decree: that then upon complaint made by the party grieved, to the Mayor of the City of London for the time being, the ſaid Mayor by the advice of Councel, ſhall call the ſaid parties before him, and make a final end in the ſame, with coſts to be awarded by the diſcretion of the ſaid Mayor and his aſſiſtants, according to the intent and purport of this preſent decree.

And if the ſaid Mayor make not an end thereof within two months after complaint to him made, or if any of the ſaid parties find themſelves agrieved: that then the Lord Chancellor of England for the time being, upon complaint to him made within three moneths then next following, ſhall make an end in the ſame, with ſuch coſts to be awarded as ſhall be thought convenient, according to the intent and purport of the ſaid decree.

Provided always, That if any perſon or perſons take any tenement for a leſs rent then it was accuſtomed to be letten for, by reaſon of great ruine or decay, brenning, or ſuch like occaſions, or miſfortunes: That then ſuch perſon or perſons, his executors or aſſigns, ſhall pay tithes onely after the rate of the rent reſerved in his or their leaſe, and none otherwiſe, as long as the ſame leaſe ſhall endure.

CAP. XIII.

A Repeal of the Statute 34 H. 8. 6. ordained for the making of Pins.

CAP. XIV.

There ſhall be a corporation or body politick, of two perſons to be called for ever the Maſters or Keepers of the Peer or Key of Scarborough in the County of York, who ſhall have authority to govern the works of the ſame Key or Peer, to hire workmen, buy ſtuff, and make proviſion for every thing thereunto belonging, which ſhall receive yearly of every owner of any meſſuages, lands, tenements and hereditaments, or rents within the liberties of Scarborough, the fifth part of the yearly value of the ſame, towards the reparation of the ſaid Peer. For the which the ſaid Maſters or Keepers may diſtrain. PR.

CAP. XV.

No perſon, other then Merchants of the Staple, and their Factors and Servants to be ſhipped onely to the Staple, and other then ſuch as ſhall convert the ſame into Yarn, Hats, Girdles, or Cloath, (and not to ſell again) ſhall buy or take promiſe of bargain of any Woolls of the growing in the Shires of Kent, or 27. Shires, upon pain of forfeiture of the double value thereof, but every perſon may bring his own Wooll to the open market, and ſell it. No perſon ſhall buy or bargain for any Wooll for any Merchant Stranger, upon pain of forfeiture thereof. EXP. Stat. 4 Ed. 4. 4. 4 H. 7. 11. 22 H. 8. 1. 1 Ed. 6. 6. 5 Ed. 6. 7.

CAP. XVI.

Lands annexed to the Dutchy of Lancaſter, and certain lands exchanged by the King and others, and the Biſhop of London.

The lands of the Kings Dutchy of Lancaſter greatly diminiſhed.

The King our Sovereign Lord, conſidering and regarding the eſtate of his Dutchy of Lancaſter, being one of the moſt princelieſt and ſtatelies pieces of his Graces ancient inheritance, and perceiving that the poſſeſſions and yearly revenues thereof have been of late greatly diminiſhed, as well by reaſon of ſundry gifts, grants and ſales made by his Highneſs, as by reaſon of ſundry exchanges made between his Majeſty, and divers his loving ſubjects, of divers manors lands, tenements, poſſeſſions and hereditaments, lately belonging to the ſame: and the manors, lands, tenements, poſſeſſions and hereditaments, being aſſured to his Highneſs in recompence of the ſaid exchanges, be not annexed unto his ſaid Dutchy, but been in the order and governance of his Courts appointed for the ſame manors, lands, tenements and hereditaments, ſo by his Highneſs taken and received in exchange: And where his Majeſty is now lawfully ſeiſed in his demean, as of fee, of and in the Lordſhip and Manor of Rippon, in the County of York, with all the manors, lands, tenements, hereditaments, members, profits and commodities, to the ſame belonging, or in any wiſe reputed, uſed or taken as part, parcel or member of the ſame. And of all royalties, liberties, franchiſes, juriſdictions and preheminences whatſoever they be there uſed, or in any wiſe to be exerciſed in, upon or by reaſon of the ſame Lordſhip, or any part or parcel thereof: all which were late of the poſſeſſions of the moſt Reverend Father in God, Robert Archbiſhop of York, or of his late predeceſſor, as parcel of the poſſeſſions belonging to the Archbiſhoprick of York: And whereas alſo the ſame our Sovereign Lord is now lawfully ſeiſed in his demean, as of fee, of and in one parcel of Land, called the Vacchary, containing by eſtimation lx. acres more or leſs, ſet, lying and being within the limits and bounds of the Forreſt of Aſhdoun, in the County of Suſſex, which parcel of land was late parcel of the poſſeſſions of the late diſſolved Priory or Monaſtery of Michallame, in the ſaid County of Suſſex: And where alſo the Kings Highneſs is ſeiſed of, and in divers Parks, as in the right of his Dutchy, and as parcel of the poſſeſſions belonging to the ſame: And alſo of, and in divers and ſundry parcels of lands, tenements and hereditaments, lying within the precinct, circuit and compaſs of the ſaid Parks, which at this preſent are not parcel of the ſaid Dutchy, ne of the poſſeſſions belonging to the ſame: His Highneſs minding and intending the preſervation, advancement, maintenance and continuance of the ancient and honourable eſtate of his ſaid Dutchy, is fully determined, reſolved, pleaſed and contented to aſſign the ſaid manor of Rippon, and all the other premiſſes to the ſaid Dutchy. Wherefore be it enacted by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame: That the ſaid Lordſhip and Manor of Rippon in the ſaid County of York, and all manors, lands, tenements, poſſeſſions, hereditaments, members, profits and commodities belonging to the ſame, or in any wiſe reputed, uſed or taken as part, parcel or member of the ſaid Manor of Rippon: and all royalties, liberties, franchiſes, juriſdictions and preheminences whatſoever they be there uſed, or in any wiſe to be uſed, taken or exerciſed, in, upon or by reaſon of the ſame Lordſhip and Manor of Rippon, and other the premiſſes, or in, upon, or by reaſon of any part or parcel thereof, which were late of the poſſeſſions of the ſaid Archbiſhop of York, or of his ſaid predeceſſors, as parcel of the poſſeſſions of the ſaid Archbiſhoprick: and alſo the ſaid parcel of land, called the Vacchary, lying and being within the limits and bounds of the ſaid Forreſt of Aſhdoune, in the ſaid County of Suſſex, with the appurtenances: and all the lands, tenements, poſſeſſions and hereditaments, which his Highneſs now hath in poſſeſſion, reverſion, remainder, ſervice, or in uſe of any eſtate of inheritance, not being parcel of the poſſeſſion, belonging to the ſaid Dutchy, and which been, lying or being within the precinct, circuit, or compaſs of any of the ſaid Parks, as wholly and entirely, and in as ample and large manner and form, and with the ſame and like commodities, royalties, franchiſes, liberties, priviledges, preheminences and juriſdictions, as they came to the hands and poſſeſſion of the ſame our Sovereign Lord the King, or to any other, to his Highneſs uſe and behoof, and in as ample and large manner, form and condition as they now been, or owen to be in his Majeſties hands and poſſeſſion, be, and ſhall be from henceforth united and annexed unto his ſaid Dutchy of Lancaſter, and to be adjudged, deemed and taken, for and as parcel and member of the ſaid Dutchy of Lancaſter, and ſhall be of the ſame nature, kind, quality and condition, to all intents, conſtructions and purpoſes, as other the ancient poſſeſſions of the ſaid Dutchy, lying and being out of the County Palatine of Lancaſter, be, and ought to be, and ſhall be in the letting, ſetting, order, rule, ſurvey, receipt and governance of the Chancellor, Councel and Officers of the ſaid Dutchy of Lancaſter, for the time being, for evermore, in like, and the ſame manner and form, to all intents and purpoſes, as other the ſaid ancient poſſeſſions, of, or belonging to the ſame Dutchy, lying and being out of the ſaid County Palatine now been, have been or owen to be: and that as well the ſaid Lordſhip and Manor of Rippon, and the other premiſſes, as all other Lordſhips, manors, lands, tenements, poſſeſſions and hereditaments, which have been heretofore, by our ſaid Sovereign Lord the King, or by any of his moſt noble Progenitors, annexed, united, aſſigned, or appointed to the ſaid Dutchy, by Act of Parliament, Bill aſſigned, Letters Patents, or other lawful means, which be not as yet given, granted, ſold or exchanged by the Kings Highneſs, or any of his noble Progenitors, or otherwiſe ſevered or divided from the ſaid Dutchy, and been ſet, lying and being out of the ſaid County Palatine of Lancaſter. And all and ſingular gifts, grants, leaſes, letters patents, and writings thereof, or of any parcel thereof to be made by the Kings Highneſs, his Heirs or Succeſſors, ſhall for evermore paſs, and be made under the ſeal of the ſaid Dutchy, and not under any other ſeal, or otherwiſe, and with the like and the ſame livery of ſeiſin, attournments, ceremonies, orders and circumſtances in the Law, and in the ſame manner and form, as other the antient poſſeſſions of the ſaid Dutchy, lying and being out of the ſaid County Palatine of Lancaſter, and the Letters Patents, Charters and writings thereof, heretofore made, have uſed and ought to be made and paſſed, and not otherwiſe, nor in any other manner or form: any Act of Parliament made concerning the eſtabliſhment and erection of the Court of the Augmentations of the Revenues of the Kings Crown, or concerning in any wiſe the ſaid Court of Augmentations, or any lands, tenements or hereditaments, liberties, juriſdictions or preeminences, or other thing whatſoever limited or appointed to be in the order, ſurvey, governance or diſpoſition of the ſame Court of Augmentations, or any law, act, ſtatute, uſage or cuſtom to the contrary hereof in any wiſe notwithſtanding. And that as well all and ſingular Lordſhips, manors, lands, tenements, poſſeſſions and hereditaments, which by this Act be annexed, united, aſſigned and appointed

The Manor of Rippon in the County of York ſometime parcel of the poſſeſſions of the Archbiſhop of York.

The Vacchary of the Forreſt of Aſhdoune in Suſſex.

Certain parcels of lands lying within ſome of the Kings Parks that be no parcel of the Dutchy.

The Manor of Rippon, the Vacchary, &c. annexed to the Dutchy of Lancaſter.

The land aſſured to the Dutchy ſhall paſs under the Dutchy ſeal, and by livery, attournment, and other ceremonies 2 & 3 P. & M. 20.

appointed to the ſaid Dutchy, as alſo all other manors, lands, tenements, poſſeſſions and hereditaments, which at any time heretofore have been, by our ſaid Sovereign Lord the Kings Highneſs, or by any of his moſt noble Progenitors, annexed, united, aſſigned or appointed to the ſaid Dutchy, by Act of Parliament, Bill aſſigned, Letters Patents, or other lawful means, whereof the Officers and Miniſters of the ſaid Dutchy, or any of them do at this day receive the profits to the Kings uſe, and which be not as yet given, granted, bargained, ſold, exchanged, or otherwiſe put away, divided or ſevered from the ſaid Dutchy, and being ſet, lying and being within the ſaid County Palatine of Lancaſter, And all and ſingular gifts, grants, letters patents, and writings thereof, or of any part or parcel thereof, to be made by the Kings Highneſs, his Heirs or Succeſſors, ſhall for evermore paſs and be made under the ſeal of the County Palatine of Lancaſter, and not under or by any other ſeal or otherwiſe, and with the like and the ſame orders, ceremonies and circumſtances in the Law, and in the ſame manner and form, as other the ancient poſſeſſions of the ſaid Dutchy, lying and being within the ſaid County Palatine of Lancaſter hath been had, uſed and made, and the Letters Patents, Charters and writings thereof heretofore made, have uſed and owen to be paſſed and made, and not otherwiſe, nor in any other manner or form. And that as well all and ſingular the ſaid manors, lands, tenements, and other the premiſſes now annexed and aſſigned to the ſaid Dutchy by this Act, as all other manors, lands, tenements and poſſeſſions heretofore aſſigned by our Sovereign Lord, or by any of his moſt noble Progenitors, to the ſaid Dutchy, whereof the Officers and Miniſters of the ſaid Dutchy, or any of them, receive the profits at this day, to the Kings Graces uſe, lying or being within the ſaid County Palatine of Lancaſter, and being not ſold, granted, bargained, given, exchanged, or otherwiſe departed fro, divided or ſevered from the ſaid County Palatine, ſhall be of the ſame nature, quality and condition, to all intents, conſtructions and purpoſes in the Law, as other the ancient poſſeſſions of the ſaid Dutchy, lying or being within the ſaid County Palatine of Lancaſter, been owen, and have uſed to be: any law, act, ſtatute, cuſtom or uſage to the contrary thereof in any wiſe notwithſtanding.

The manor of Rippon, with all lands, &c. belonging to the ſame, ſhall be in the order of the Officers of the Dutchy.

And be it further enacted by the authority aforeſaid, That all the rents, revenues, iſſues and profits, which have riſen, comen and growen of the ſaid Manor or Lordſhip of Rippon, and of all other manors, lands, tenements, hereditaments, members, profits and commodities to the ſame belonging, or in any wiſe reputed, taken or uſed as part, parcel or member of the ſame. And of all liberties, franchiſes, juriſdictions and preeminences, uſed or exerciſed in, upon, or by reaſon of the ſame, or any part thereof, ſithen ſuch time as the inheritance of the ſame firſt came to the Kings hands or poſſeſſion, ſhall be taken, received, collected and accompted by the Officers and Miniſters of the ſaid Dutchy, in ſuch manner and form as other rents, revenues and profits, of other lands, tenements and hereditaments belonging to the ſaid Dutchy, have uſed to be taken, received, collected, and accompted for: any law, ſtatute, uſage or cuſtom to the contrary hereof in any wiſe notwithſtanding.

Several manors and lands aſſured by the Archbiſhop of York to the King and his Heirs for other lands.

And where the Reverend Father in God, the Archbiſhop of York now being, for and in conſideration of divers lands, tenements, rectories and other hereditaments, given, granted, and aſſured by the Kings Highneſs to the ſaid Archbiſhop and his ſucceſſors, Archbiſhops of York, and for divers other good conſiderations and intents, hath by his Indenture, enrolled of Record, bargained, ſold, given and granted to the Kings Highneſs the ſaid Manor of Rippon, with the appurtenances, and the Manors of Sharow, Stanley, Ripponholme, Coleſſakeſhill, Ponicrofte, Caſtledike, Whitecliffe, Thorpe, Monketon, Thorneton, Netherdale, Biſhopſide, Shornborne, Milford, Biſhopplaches, Patrington, Charethorpe, Fiſmake, Haigarth, Glougton, Wetwang, Wilton, Epi, Topcliff, Thirsk, Aſcenby, Griſchwait, Difford, Kenton, Newby, Skipton, Catton, Northby, Whaplow, Maske, Upletheme, Alton, Dalton, Craghall, Cercleton, Heram, Erington, Walle, Atome, Halidon, Kepwike, Groverige, Kenelegh, Eſclawont, Cadden, Ninibinros, Weſcalland, Newland, Scroby, Raveneskeld, Lanome, Askham, Sutton, Northſoke, Churchdoune, Hukilote, Norton, Shurdington, Widcombe, Cherney, Compton, Odington and Gloceſter, with all and ſingular their members and appurtenances, in the ſeveral Counties of York, Northumberland, Glouceſter, and in the County of the City of Glouceſter, and divers other manors, lands, tenements, advowſons, patronages, gifts and nominations of Hoſpitals, Prebends, Churches, Chantries, free Chappels, and other Spiritual promotions, and divers royalties, juriſdictions, preheminences, franchiſes, liberties, and other hereditaments, with their members and appurtenances, all which manors, lands, tenements, and the other premiſſes did lately belong to the ſaid Archbiſhop of York: to have and to hold the ſame to the Kings Highneſs, his Heirs and Succeſſors, as by the ſame Indenture bearing date the ſixth day of February, in the ſix and thirtieth year of the Kings moſt gracious Reign, it doth moſt plainly appear.

All the foreſaid lands aſſured to the King againſt the Archbiſhop and the Dean and Chapiter of York.

And to the intent that the Kings Highneſs may be perfectly aſſured of all and ſingular the ſaid manors, lands, tenements, poſſeſſions, and other the premiſſes, ſo aſſigned to his Highneſs by the ſaid Indenture: Be it ordained, enacted and eſtabliſhed by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Kings Highneſs, his Heirs and Succeſſors, ſhall have, hold and enjoy the ſaid manor of Rippon, and all the ſaid, manors, meaſes, lands, tenements, rents, reverſions, ſervices, royalties, liberties, franchiſes, juriſdictions, preeminences, and other hereditaments, with all and ſingular the appurtenances, and all other manors, lands, tenements and hereditaments, being ſo given, granted, limited or appointed to the Kings Highneſs by the ſaid Indenture, clearly and freely, in what countrey or place ſoever they been ſet, lying or being, as well againſt the ſaid Archbiſhop and his ſucceſſors, as againſt the Dean and Chapiter of the Cathedral Church of York, and their ſucceſſors, and every of them, by what name or names, or corporations they be incorporate, had, called or reputed: any law, ſtatute or cuſtom, or other thing to the contrary hereof had or made notwithſtanding.

Several lands aſſured by the Archbiſhop of Canterbury to the King, his Heirs, &c.

And where alſo the reverend Father in God, Thomas Archbiſhop of Canterbury, and Primate of England, by divers ſufficient deeds and good conveyances, confirmed by the Dean and Chapiter of the Cathedral and Metropolitical Church of Chriſt-Church of Canterbury, as well in conſideration of divers other manors, lands, tenements, hereditaments to him and his ſucceſſors, to be given and granted by our ſaid Sovereign Lord, as for other good conſiderations, hath given and granted to our ſaid Sovereign Lord the manors of Charing and Layborne, and the Caſtle of Layborne, view of Frank-pledge at Calehill, to be holden of all the tenants and reſiants within the ſaid manor of Charing, together with the advowſons and patronages of the Rectories of the Churches of Charing, Layborne and Ridley, with all their rights, members and appurtenances in the County of Kent. And the manors of Maighfield, otherwiſe called Maughfield, the Parks of Maighfield & Frankham, the Rectories of Maughfield and Wadehurſt, together with the advowſons and patronages of the Vicarages of Maughfield and Wadehurſt, with all the rights, members and appurtenances in the County of Suſſex. And the manors of Harrow, otherwiſe called Harrow on the hill, Woodhall, Heeſe, otherwiſe called Hais, Hegeſton, otherwiſe called Heſton, and Sudbury, the Park called Pinner Park, the advowſon and patronage of the Parſonage and Vicarage of the Church of Heeſe, with all their rights, members and appurtenances in the County of Middleſex. And the manor of Tryng, and the advowſon and patronage of the Parſonage and Rectory of the Church of Tryng, with all their rights, members and appurtenances in the County of Hertford: and alſo the advowſon and patronage of the Parſonage and Church of Halton in the County of Buckingham. And alſo all other his manors, lands, tenements, rents, reverſions, ſervices, courts, leets, views of Frank-pledge, rights, franchiſes, liberties, priviledges, profits, commodities, and other hereditaments, in Charing and Layborne in the ſaid County of Kent, and in Maighfield Maughfield, Wadehurſt Woodhurſt, and Lamberhurſt in the ſaid County of Suſſex, and in Harrow, Woodhall, Heeſe, Hegeſton, Sudbury, in the ſaid County of Middleſex, and in Tryng in the ſaid County of Hertford. To have and to hold the ſaid manors, and all other the premiſſes to our ſaid Sovereign Lord, his Heirs and Succeſſors, for ever: Except and reſerved to the ſaid Archbiſhop and his Succeſſors, all fines and amerciaments of all the tenants and reſiants, within the precinct of the ſaid leet or view of Frankpledge at Calehill, out of the ſaid manor of Charing.

A confirmation of the ſame aſſurance.

For his Highneſs further and more perfect aſſurance, to be had and made, of and in the ſaid manors and other the premiſſes: Be it enacted by the authority aforeſaid, That the Kings Highneſs, our Sovereign Lord, his Heirs and Succeſſors, ſhall have, hold and enjoy the ſaid manors of Charing and Layborne, the Caſtle of Layborne, view of Frank-pledge at Calehill, to be holden of all tenants and reſiants within the ſaid manor of Charing, and the advowſons and patronages of the Rectories and Churches of Charing, Layborne and Ridley, in the ſaid County of Kent. And the ſaid manors of Maighfield, otherwiſe called Maughfield, the Parks of Maughfield and Frankham, the Rectories of Maughfield and Wadehurſt, the advowſons and Patronages of the Vicarage of Maughfield and Wadehurſt in the ſaid County of Suſſex: and the ſaid manors of Harrow, Woodhall, Heeſe, Hegeſton, Sudbury, the Park called Pinner Park, the advowſon and patronage of the Parſonage and Vicarage of the Church of Heeſe in the ſaid County of Middleſex: The manor of Tryng, the advowſon and patronage of the Parſonage and Rectory of the Church of Tryng, in the ſaid County of Hertford: The advowſon and patronage of the Parſonage and Church of Halton, in the ſaid County of Buckingham, with all their rights, members, liberties, franchiſes, preheminences, and other hereditaments whatſoever, to the ſaid Manors, Rectories, and other the premiſſes, or to any of them belonging, or that have been accepted, reputed or taken as part, parcel or member of the ſaid Manors, Rectories, or other the premiſſes, or of any of them, or with the ſame or any of them demiſed, letten or occupied, in what countries and places ſoever they, or any of them be ſcituate, lying or being: And all other the ſaid manors, lands, tenements, rents, reverſions, ſervices, courts, leets, views of Frank-pledge, rights, franchiſes, liberties, priviledges, profits, commodities, and other hereditaments in Charing and Laiborne in the ſaid County of Kent, except before excepted, and in Maighfield Maughfield, Wadehurſt Woodhurſt, and Lamberhurſt, in the ſaid County of Suſſex: and in Harrow Harrow on the hill, Woodhall, Heeſe Hais, Hegeſton Heſton, and Sudbury in the ſaid County of Middleſex, and in Tryng in the ſaid County of Hertford, as well againſt the ſaid Archbiſhop and his ſucceſſors, as againſt the Dean and Chapiter of the ſaid Cathedral and Metropolitical Church of Canterbury, and their ſucceſſors, and every of them, by what name or names, or corporations they be incorporated, had, called or reputed: any law, ſtatute, cuſtom, or other thing to the contrary hereof had or made notwithſtanding.

Certain manors and lands aſſured by the Biſhop of London to the King, his Heirs, &c.

And where the reverend Father in God, Edmond now Biſhop of London, for certain good recompences and conſiderations, by his deed dated the third day of September, in the ſeven and thirtieth year of the Kings Majeſties Reign, hath bargained, ſold, given and granted to the Kings Highneſs, the manors of Chelmeſford and Crondon, and the Park of Crondon, with all and ſingular their and every their members, rights and appurtenances ſet, lying and being in the County of Eſſex, and all ſuch lands, tenements, rents, ſervices and hereditaments, as be or have been reputed, taken, known or accepted as part, parcel or member of any of the ſaid Manors, Park, and the other premiſſes: to have and to hold to the Kings Highneſs, his Heirs and Succeſſors for ever, as by the ſame deed more

as

at large it may and doth appear. By reaſon of which ſaid bargain the Kings Highneſs was ſeiſed of the ſaid manors, and the other premiſſes, in his demeſne as of fee: and the Kings Highneſs ſo being ſeiſed, for good conſiderations his Grace moving, hath by his Letters Patents, dated the ſecond day of October, in the ſaid ſeven and thirtieth year of his Graces Reign, given and granted to his truſty Counſellor, Sir William Peter Knight, the ſaid manor of Crondon, and the ſaid Park of Crondon, with all the members rights and appurtenances, to have and to hold the ſaid Manor and Park of Crondon, with the members rights and appurtenances thereunto belonging, to the ſaid Sir William Peter, his heirs and aſſigns, to the uſe of the ſaid Sir William Peter, his heirs and aſſigns, to hold of the Kings Highneſs, by the ſervice of the fourtieth part of a Knights fee, and yielding and paying to his Highneſs, his Heirs and Succeſſors, yearly in the Court of Augmentations of the Revenues of his Crown, ſeventeen ſhillings and four pence, in the name of tenths, as by the ſame Letters Patents more at large it may and doth appear.

The Manor of Chelmesford aſſured to the King and his Heirs.

And for the more ſurety and ſure making of the premiſſes, be it ordained and enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and of the Commos in this preſent Parliament aſſembled, and by the authority of the ſame, That the Kings Highneſs, his heirs and Succeſſors, ſhall have, hold and enjoy for ever the ſaid manor of Chelmesford, with all the members, rights and appurtenances to the ſame belonging. And all ſuch lands, tenements and hereditaments, as be reputed, taken, known or accepted as part, parcel or member of the ſame manor of Chelmesford.

The Manor and Park of Crondon aſſured to Sir William Peter and his heirs.

And be it further enacted by the ſame authority, that the ſaid Sir William Peter, his heirs and aſſigns, ſhall have, hold and enjoy for ever the ſaid Manor of Crondon, the ſaid Park of Crondon, with all the members rights and appurtenances to the ſame Manor and Park belonging or appertaining: and all ſuch lands, tenements and hereditaments, as be reputed, taken, known, or accepted as part, parcel, and member of the ſame Manor and Park of Crondon.

A ſaving of the right of others.

Saving to all and every perſon and perſons, bodies politick and corporate, and to their heirs and ſucceſſors, and to the heirs and ſucceſſors of every of them, (other then to the ſaid Robert Archbiſhop of York and his ſucceſſors, and the ſaid Dean and Chapiter of the Cathedral Church of York and their ſucceſſors, and the ſaid Archbiſhop of Canterbury and his ſucceſſors, and the ſaid Dean and Chapiter of the ſaid Cathedral Church of Canterbury, and their ſucceſſors, and the ſaid Biſhop of London and his ſucceſſors, and the Dean and Chapiter of the Cathedral Church of St. Paul in London, and their ſucceſſors, and the ſucceſſors of every of them) all ſuch right, title, claim, intereſt, poſſeſſions, rents, charges, annuities, commons, leaſes, ferms, offices, fees, covenants, conditions, bargains, grants, woodſales, advantages and profits, which they or any of them have, claim, uſe or demand, or ought, may or might have had, uſed, claimed or demanded, into, upon or out of any the premiſſes, or into, upon, or out of any part or parcel thereof, in ſuch and the ſame like manner, form and condition, to all intents and purpoſes, as if this Act had never been had or made.

The lands aforeſaid ſhall be in the order of the Court of Augmentations.

Provided alway, and be it enacted by the authority aforeſaid, That all the ſaid manors, lands, tenements and other hereditaments in this preſent Act mentioned, (not being expreſly appointed to the order and ſurvey of the ſaid Court of the ſaid Dutchy) ſhall be and continue within the onely ſurvey, order and rule of the Kings Highneſs Court of the Augmentations of the Revenues of his Graces Crown, any thing in this Act to the contrary thereof notwithſtanding.

In what Court the rents ſhall be paid when there is unity of poſſeſſion in the King in the lands and the rents whereunto the ſame have been payable.

Provided alway, and be it enacted by the ſaid authority, That if any rents, revenues or profits heretofore paid, payable or leviable for or out of any honours, manors, lands, tenements or other hereditaments, being now, or that hereafter ſhall be in the ſurvey of any one of the Courts of the Exchequer, general Surveyors, Wards and Liveries, Dutchy of Lancaſter, or the Augmentations of the Revenues of the Kings Crown, to or by reaſon of any honours, manors, lands, tenements or hereditaments, being now, or that hereafter ſhall be in the order, ſurvey or governance of any of the ſaid Courts, that every ſuch rents, revenues and profits, during the unity of the poſſeſſion thereof in the Kings hands: and ſo long as the ſame ſhall continue and be in the poſſeſſion and ſeiſon of our ſaid Sovereign Lord, ſhall be payed by the officers of the ſaid Court, where the ſaid honours, manors, lands, tenements and hereditaments, before they came to the Kings poſſeſſion, were charged with any ſuch rents, revenues or profits, to the Officers, Bailiffs, and other Miniſters of the ſaid Court, having the ſurvey of any ſuch honours, manors, lands, tenements or other hereditaments, whereunto any ſuch rents, revenues or profits, before the ſaid unity of poſſeſſion thereof in the Kings Majeſty were paid and leviable: any law, ſtatute or other thing to the contrary notwithſtanding.

CAP. XVII.

Doctors of the Civil Law, married or unmarried, may exerciſe all manner of Eccleſiaſtical Juriſdiction.

The authority of the King as Supreme Head of the Church.

IN moſt humble wiſe ſhew and declare unto your Highneſs your moſt faithful, humble and obedient ſubjects, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, That where your moſt Royal Majeſty is, and hath always juſtly been by the Word of God, Supreme Head in the earth of the Church of England, and hath full power and authority to correct, puniſh and repreſs all manner of hereſies, errors, vices, ſins, abuſes, idolatries, hypocriſies and ſuperſtitions, ſprung and growing within the ſame, and to exerciſe all other manner of juriſdictions, commonly called Eccleſiaſtical Juriſdiction. Nevertheleſs the Biſhop of Rome and his adherents, minding utterly as much as in him lay to aboliſh, obſcure and delete ſuch power given by God to the Princes of the earth, whereby they might gather and get to themſelves the government and rule of the world, have in their Councils and Synods Provincial made, ordained, eſtabliſhed and decreed divers ordinances and conſtitutions, that no lay or married man ſhould or might exerciſe or occupy any juriſdiction Eccleſiaſtical, nor ſhould be any Judge or Regiſter in any Court, commonly called Eccleſiaſtical Court, leſt their falſe and uſurped power, which they pretended and went about to have in Chriſts Church, ſhould decay, wax vile, and be of no reputation, as by the ſaid Councils and Conſtitutions Provincial appeareth: which ſtanding and remaining in their effect, not aboliſhed by your Graces Laws, did ſound to appear to make greatly for the ſaid uſurped power of the ſaid Biſhop of Rome, and to be directly repugnant to your Majeſty as Supreme Head of the Church, and Prerogative Royal, your Grace being a Lay-man.

The cauſe why no married man ſhould exerciſe Eccleſiaſtical juriſdiction.

And albeit the ſaid Decrees, Ordinances and Conſtitutions by a Statute made in the five and twentieth year of your moſt noble Reign, be utterly aboliſhed, fruſtrate, and of none effect: yet becauſe the contrary thereunto is not uſed, nor put in practiſe by the Archbiſhops, Biſhops, Archdeacons, and other Eccleſiaſtical perſons, who have no manner of juriſdiction Eccleſiaſtical, but by, under and from your Royal Majeſty, it addeth, or at the leaſt may give occaſion to ſome evil diſpoſed perſons, to think, and little to regard the proceedings and cenſures Eccleſiaſtical made by your Highneſs and your Vicegerent, Officials, Commiſſaries, Judges and Viſitors, being alſo lay and married men, to be of little or none effect or force, whereby the people gathereth heart and preſumption to do evil, and not to have ſuch reverence to your moſt godly injunctions and proceedings as becometh them.

25 H. 8. 18.
The Clergy have no Eccleſiaſtical juriſdiction, but by and under the King.

But foraſmuch as your Majeſty is the onely and undoubted Supreme Head of the Church of England, and alſo of Ireland, to whom by holy Scripture all authority and power is wholly given to hear and determine all manner cauſes Eccleſiaſtical, and to correct vice, and ſin whatſoever, and to all ſuch perſons as your Majeſty ſhall appoint thereunto: That in conſideration thereof, as well for the inſtruction of ignorant perſons, as alſo to avoid the occaſion of the opinion aforeſaid, and ſetting forth of your Prerogative Royal and Supremacy,

It may therefore pleaſe your Highneſs, that it may be ordained and enacted by authority of this preſent Parliament, That all and ſingular perſons, as well lay as thoſe that be now married, or hereafter ſhall be married, being Doctors of the Civil Law, lawfully create and made in any Univerſity, which ſhall be made, ordained, conſtituted and deputed to be any Chancellor, Vicar General, Commiſſary, Official, Scribe or Regiſter by your Majeſty, or any of your Heirs or Succeſſors, or by any Archbiſhop, Biſhop, Archdeacon, or other perſon whatſoever having authority under your Majeſty, your Heirs and Succeſſors, to make any Chancellor, Vicar General, Commiſſary, Official or Regiſter, may lawfully execute and exerciſe all manner of juriſdiction, commonly called Eccleſiaſtical juriſdiction, and all cenſures and coertions appertaining or in any wiſe belonging unto the ſame, albeit ſuch perſon or perſons be lay, married or unmarried, ſo that they be Doctors of the Civil Law, as is aforeſaid, any law, conſtitution or ordinance to the contrary notwithſtanding. St. 1 & 2 P. & M. 8. 1 El. 1.

Fl. 314. Cu. 258.

Doctors of the Civil Law, if they be laymen, being married or unmarried, may exerciſe Eccleſiaſtical juriſdiction.

CAP. XVIII.

The King during his life may by his joynt or ſeveral Letters Patents under the Great Seal and Proclamation, make the City of Weſtminſter one Honour, the Town of Kingſton upon Hull another, his Caſtle of Donington in the County of Berks a third, and St. Oſith in the County of Eſſex a fourth Honour. And alſo ſo many other Honours as he will, and annex to them ſuch lands of his as he will. The Free-holders and Copy-holders ſhall hold their lands as they did before. EXP.

CAP. XIX.

Fines levied in Lancaſter are of like force, as fines acknowledged before the Juſtices of the Common-pleas.

Foraſmuch as divers good and beneficial Statutes, for the commodity of the Kings ſubjects within this Realm, have heretofore been made by authority of Parliament, concerning the levying of fines with proclamation, both for avoiding of ſtriſe, and alſo for the ſurety of the Kings ſubjects, to be had of and in lands, tenements and hereditaments, by them purchaſed or obtained: which good and beneficial Statutes do not extend to fines levied in the County Palatine of Lancaſter.

Be it therefore ordained and enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame Parliament, and all & ſingular fines, which at any time hereafter ſhall be levied or knowledged before the Juſtices of our Sovereign Lord the King, or of his Heirs or Succeſſors of ỹ County Palatine of Lancaſter, commonly called Juſtices of Aſſiſe at Lancaſter, or before one of them, of any lands, tenements, or other hereditaments, lying or being within the County Palatine of Lancaſter, which ſhall be openly read and proclaimed three ſeveral days in the open Seſſions, in the preſence of the Juſtices of Aſſiſe at Lancaſter, or of one of them, for the time being at the ſame Seſſions: that the ſame fine ſhall fortune to be ingroſſed, and alſo that ſhall be openly read and proclaimed in the preſence of the Juſtices of Aſſiſe at Lancaſter, or one of them for the time being, at the two next general Seſſions that ſhall be holden in the ſaid County Palatine of Lancaſter, before the Juſtices of the ſame County, commonly called Juſtices of Aſſiſe at Lancaſter, or before one of them, next after the levying or ingroſſing of ſuch ſaid fine, at three ſeveral days in either of the ſaid two Seſſions, after ſuch manner and form as is commonly uſed in the Kings Court of his Common Place at Weſtminſter, ſhall be of like force, ſtrength and effect in the Law to all intents, conſtructions and purpoſes, as fines being duly levied with proclamations before the Kings Juſtices of his Common Place, be or ought to be of.

Fines levied and proclaimed before the Juſtices of Aſſiſe at Lancaſter ſhall be of like force as fines acknowledged before the Juſtices of the Common Place.

CAP. XX.

Tenures of lands under fourty ſhillings which are granted by the Kings Letters Patents, reſerved.

35 H. 8. 34.

27 H. 8. 28.

WHere in the Parliament holden at Weſtminſter, the fourteenth day of January, in the five and thirtieth year of the King our moſt gracious Sovereign Lords Reign: it was among other things enacted, ordained and eſtabliſhed, That from the four and twentieth day of April then next following, the ſame our Sovereign Lord the Kings Highneſs, his Heirs or Succeſſors, upon any Letters Patents of any manors, lands, tenements, or other hereditaments, not exceeding the clear yearly value of fourty ſhillings, belonging to any of the late Monaſteries or Religious houſes, which came to his gracious hands by the Act of Parliament made at Weſtminſter in the ſeven and twentieth year of his moſt gracious Reign: And upon any of his or their Letters Patents made of any houſes, tenements, cottages or gardens, whereunto no lands or hereditaments did appertain, not being any of the Kings Princely houſes, reſerved and kept by a keeper thereof to his Graces uſe, which were belonging to any of the ſaid late Monaſteries or Religious houſes compriſed in the ſaid Act, made in the ſaid ſeven and twentieth year of our ſaid Sovereign Lord the Kings Reign: By which Letters Patents, any eſtate of inheritance ſhould or might paſs from the Kings Highneſs, his Heirs or Succeſſors, might reſerve upon the ſame Letters Patents to his Highneſs, his Heirs and Succeſſors, at his and their own will and pleaſure, either a tenure by Knights ſervice in capite, or elſe a tenure in ſoccage or free burgage, and not in capite: any law, cuſtom, uſage, or any other thing to the contrary thereof notwithſtanding, as by the ſame Act made in the ſaid five and thirtieth year of our ſaid Sovereign Lord the Kings Reign, amongſt other things more plainly appeareth. Foraſmuch as divers and ſundry ambiguities and doubts have riſen and grown ſithen the making of the ſaid Act in the ſaid five and thirtieth year of our ſaid Sovereign Lord the Kings Reign, as well upon the expoſition of the words contained in the ſaid Act, in that the ſaid Act doth not extend to any lands or tenements, other then ſuch as be expreſſed in the ſaid Act, made in the ſaid ſeven and twentieth year of our ſaid Sovereign Lord the King Reign, as alſo upon the tenures of divers manors, lands, tenements and hereditaments by his Highneſs given and granted ſithen the ſaid four and twentieth day of April in the ſaid five and thirtieth year of his moſt noble Reign.

An explication of the Statute of 35 H. 8. 14. touching reſerving of tenures upon land granted by the Kings Patents.

Be it therefore now ordained and enacted by authority of this preſent Parliament, That all manors, lands, tenements, rents, revenues, parſonages, tithes, and other hereditaments, not being at the time of the making of any ſuch Letters Patents, heretofore made ſithen the ſaid four and twentieth day of April, above the clear yearly value of fourty ſhillings: and all houſes, meſſuages, cottages, curtilages, orchards, yards and gardens, whereunto no other lands, tenements or hereditaments were belonging or appertaining, not being any of the Kings Princely houſes, reſerved and kept by a keeper thereof to his Graces uſe, by whatſoever title or titles they or any of them came unto his Majeſties hands, heretofore given or granted by his Majeſty, to any perſon or perſons, or bodies politick, ſithen the ſaid four and twentieth day of April, in the ſaid ſeven and twentieth year of his Reign, by his Letters Patents, whereby any eſtate of inheritance hath paſſed from his Highneſs: to hold the ſame of his Highneſs, his Heirs and Succeſſors, by fealty onely, and not in capite, or in ſoccage, or free burgage, or by fealty onely in free and common ſoccage, and not in capite, or by any manner of ſuch like words in effect: Or to hold the ſame by fealty, as of any of his Graces honours, manors or lands, or by fealty onely, as of any of his Graces honours, monors or lands, and not in capite, or by any ſuch like words in effect: ſhall from the date of every ſuch Letters Patents be adjudged, taken and deemed to all intents and purpoſes, to be holden in ſoccage, or burgage, and not in capite, according to the very expreſs and plain words contained in any ſuch Letters Patents, without any further implication, conſtruction or explanation of the Law thereof to be made or had by any perſon or perſons againſt the ſame, and in no manner wiſe to be deemed, adjudged, or to be taken to be holden in capite, any ambiguity, doubt, or other thing heretofore riſen or moved, or hereafter to be moved, ſtirred or ſet forth to the contrary notwithſtanding.

The King during five years may reſerve other tenures and not in capite, upon lands not exceeding the yearly value of xl. s.

And be it further enacted by the authority aforeſaid, That the Kings Hignes, his Heirs or Succeſſors, at any time or times within five years next after the firſt day of November laſt paſt, ſhall and may at his or their own wills and pleaſure, upon any Letters Patents made, or hereafter to be made of any manors, lands, tenements, rents, reverſions, ſervices, parſonages, tithes, portions, penſions and other hereditaments, not being rated or valued at the time of the making of any ſuch Letters Patents above the ſum of fourty ſhillings by year, whereby any ſtate of inheritance hath, or ſhall paſs from his Highneſs, his Heirs or Succeſſors, (houſes, meſſuages, cottages, orchards, yards and gardens, whereunto none other lands, tenements or hereditaments do appertain, onely except:) And alſo ſhall and may upon any like Letters Patents hereafter to be made within the ſaid five years, of any houſes, meſſuages, cottages, orchards, yards, curtilages or gardens, whereunto no other lands, tenements or hereditaments do appertain, (not being any of the Kings Princely houſes, reſerved and kept by a keeper thereof to his Graces uſe) by whatſoever title or titles the ſaid manors, lands, tenements, rents, reverſions, ſervices, parſonages, tithes, portions, penſions, houſes, tenements, cottages, gardens, and other the premiſſes, or any of them, ſo to be given or granted, be come, or hereafter ſhall come to his Graces hands, his Heirs or Succeſſors, reſerve either a tenure by Knights ſervice in capite, or elſe a tenure by fealty, or in ſoccage or burgage, and not in capite. And that all and ſingular the ſaid general tenures, as well heretofore reſerved and made ſithen the ſaid four and twentieth day of April, in the ſaid five and thirtieth year of our Sovereign Lord the Kings Reign, as hereafter within the ſaid five years next after following to be reſerved or made, and having theſe words, Et non in capite, ſhall from the date of every ſuch Letters Patents be deemed, adjudged and taken to be tenures in ſoccage or burgage, and not in capite.

And that the Patentees of the ſame manors, lands, tenements, and other the premiſſes, or any part thereof, their heirs and aſſigns, and every other perſon and perſons, having the ſame, or any part thereof, ſhall hold the ſame manors, lands, tenements, houſes, cottages, and other hereditaments compriſed in any ſuch Letters Patents of our ſaid Sovereign Lord the King, his Heirs and Succeſſors, having the ſaid words, Et non in capite, by the ſervice of fealty, in ſoccage or burgage, according to the expreſs words contained in any ſuch Letters Letters Patents: and ſhall not hold the ſame, or any part thereof, of our ſaid Sovereign Lord, his Heirs or Succeſſors in chief, or in capite: nor ſhall be compelled by reaſon onely of the ſame, to ſue any livery, make fine for alienation, or ſue any licence or pardon for any alienation onely thereof. And the heir and heirs of every ſuch Patentees, or of their heirs and aſſigns, or of any other having any eſtate, right or title, of, in or to the ſame manors, lands, tenements or hereditaments, and having no other lands, tenements, or hereditaments, holden of the Kings Highneſs in capite, ſhall and may freely and lawfully after the death of any ſuch Patentee, their heirs or aſſigns, or other perſon or perſons having any ſuch eſtate, right or title, enter into the ſaid manors, lands tenements, houſes, cottages, and other hereditaments, compriſed, or to be compriſed in any ſuch Letters Patents, without ſuing of Livery, ouſter le maine, or any fine or fee to be paid for any livery onely thereof, to our ſaid Sovereign Lord the King, his Heirs or Succeſſors for the ſame, by reaſon onely of ſuch tenure in ſoccage or burgage, expreſſed or to be expreſſed in any of the ſaid Letters Patents: any law, cuſtom or uſage heretofore had or uſed to the contrary thereof notwithſtanding. Stat. 27 H. 8. 27. 35 H. 8. 14. 7 Ed. 6. 3.

A patent of land granted by the King with theſe words, Tenendum de nobis, &c. Et non in capite.

CAP. XXI.

Two Churches not being above a mile diſtant, and one of them being not above the yearly value of ſix pounds, may be united into one.

Where in divers and ſundry places within this Realm of England, there be many and ſundry parſonages, the glebes, tithes and yearly revenues and profits whereof be not ſufficient to find a Prieſt or Curate to ſerve or miniſter to the Pariſhioners thereof, within a mile or leſs of the Church, of which poor Parſonages there is in many places another Church pertaining to another pariſh, ſtanding as neceſſary and commodiouſly for the acceſs of the pariſhioners of the other poor pariſh, as their own doth.

And foraſmuch as the charges for the maintenance of ſuch two Churches and Chappels, with all manner of reparations, ornaments, and other accuſtomed duties pertaining to a Church, be much greater then may be well raiſed or born amongſt ſuch poor pariſhioners, and might and ſhould be eaſed and remedied by the uniting and knitting of ſuch two Churches in one:

It may therefore pleaſe the Kings Royal Majeſty, with the aſſent of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that it may be enacted and eſtabliſhed, That an union or conſolidation of two Churches in one, or of a Church and Chappel in one, the one of them not being above the yearly value of ſix pounds, as it is rated and valued at to the Kings Highneſs, in his Court of the Firſt-fruits and Tenths, and not diſtant from the other above one mile, in any place or places within this Realm of England, may be from henceforth had or made by the aſſent of the Ordinary and Ordinaries of the Dioceſs where ſuch Churches and Chappels ſtandeth, and by the aſſents of the Incumbents of them, and of all ſuch as have a juſt right title and intereſt to the patronages of the ſame Churches and Chappels, being then of full age. And that all ſuch unions and conſolidations had or made of two Churches in one, or of a Church and Chappel in one, as is aforeſaid, ſhall be good, ſufficient, lawful, firm, ſtable, and available in the Law, to remain, endure, and continue for ever, united and knit in one, in ſuch manner and form, as by writing or writings under the ſeals of ſuch Ordinaries, Incumbents and Patrons it ſhall be declared and ſet forth.

There may be an union of two Churches in one, where they be not above a mile diſtant, and one not above the yearly value of vj. l.

Ed. 3. I. H. 6. H. 7. Ed. 3.

And be it further enacted by the authority aforeſaid, That all unions and conſolidations of all Churches and Chappels, which have heretofore been united or knit together in one by the aſſent of the Ordinaries, Incumbents, and true and lawful Patrons in fee-ſimple of them, as is aforeſaid, ſhall alſo remain and be from henceforth adjudged and deemed in the Law to endure and continue for ever united and knit in one, without any diſſolution, undoing, unknitting, or repeal of them or any of them by any manner of means or way.

A confirmation of all unions heretofore made.

Saving unto the Kings Majeſty, his Heirs and Succeſſors, all the Tenths and Firſt-fruits of all ſuch Churches and Chappels as be heretofore united or conſolidated in one, or that hereafter ſhall be united & conſolidated in one, according to the ſame, or ſuch like rates and valuations as the ſame Churches and Chappels, or any of them now are rated or valued at to the Kings ſaid Majeſty, in his ſaid Highneſs Court of the Firſt-fruits and Tenths.

The Kings Tenths and Firſt fruits reſerved.

Provided alway, That all unions and conſolidations, and every of them hereafter to be had or made of any Church or Chappel within any City or Town corporate, within this Realm of England, without the aſſent of the Mayor, Sheriffs and Commonalty of the City where ſuch Churches, Church or Chappel be or ſhall be: Or without the aſſent of ſuch bodies corporate of other Towns corporate, where ſuch Churches, Church or Chappel be or ſhall be, by the names of their corporations in writing under their common ſeal, ſhall be clearly void and of no force ne effect: any thing before expreſſed, or any ordinance, law, cuſtom or ſtatute to the contrary thereof in any wiſe notwithſtanding.

Unions ſhall not be in corporate Towns without conſent of the chief Magiſtrates thereof.

Provided alſo, That where the inhabitants of any ſuch poor pariſh, or the more part of them, within one year next after the union or conſolidation of the ſame pariſh, by their

The union avoided upon a competent living aſſured.

writing ſufficient in the Law, ſhall aſſure the Incumbent of the ſaid Pariſh for the yearly paiment of ſo much money, as with the ſum that the ſaid Pariſh is rated and valued at in the Kings Highneſs ſaid Court of the Firſt-fruits and Tenths, ſhall amount to the full ſum of eight pound ſterling, to be levied and paid yearly by the ſaid inhabitants to the ſaid Incumbent and his ſucceſſors, that then all ſuch unions or conſolidations hereafter to be had or made of any ſuch poor Pariſh, as is aforeſaid, ſhall be void and of none effect: any thing ſtatuted or ordained to the contrary hereof in any wiſe notwithſtanding.

Provided always, That this ſaid proviſo ſhall not extend to any union or conſolidation of any Church or Chappel had or made before the making of this Eſtatute: any thing in the ſaid proviſo mentioned to the contrary thereof notwithſtanding. Stat. 1 Eliz. 4.

CAP. XXII.

A Tales may be granted de circumſtantibus, where a full Jury doth not appear.

The Statute 35 H. 6. continued until the end of the next Parliament.

BE it enacted and eſtabliſhed by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled and by the authority of the ſame, That the Act for non-appearance of Juries to have de circumſtantibus, made at Weſtminſter at the Parliament holden the five and thirtieth year of our ſaid Sovereign Lords Reign, ſhall continue and remain unto the end of the next Parliament in his full force and ſtrength, in as ample manner as in the ſaid Act purported. 2 Edw. 6. 32 made perpetual.

CAP. XXIII.

Certain Statutes concerning the prices of Wines, &c. and alſo certain other Statutes continued.

THe Statutes made Anno 22 H. 8. 12. touching the relief of the poor, and the puniſhment of vagabonds. Anno 22 H. 8. 7. for reſtraint of conveying of Horſes and Mares out of this Realm. Anno 21 H. 8. 12. for the making of Cables, &c. Anno 23 H. 8. 17. for the true winding of Wooll. Anno 24 H. 8. 9. againſt the killing of Weanlings. Anno 23 H. 8. 3. for the puniſhment of perjury upon untrue verdicts. Anno 24 H. 8. 4. concerning the ſowing of Flax and Hemp. Anno 23 H. 8. 2. for the making of Gaols in divers Shires. Anno 32 H. 8. 30. for the reformation of Miſpleadings, Jeofails, and Attornies. Anno 33 H. 8. 2. for buying of Fiſh upon the Sea. Anno 33 H. 8. 16. for the making of Worſted-yarn in Norfolk. Anno 34 H. 8. 7. for the ſetting of the prices of Wine: Anno 34 H. 8. 16. concerning the ordering and diſcharge of Sheriffs by their oathes upon their accompts, ſhall continue until the laſt day of the next Parliament. EXP. Stat. 1 El. 18.

At what time the prices of Wines ſhall be ſet by the Lords according to the Statute of 28 H. 8. 14. 12 Car. 2. c. 25.

And whereas in the ſaid Act concerning the ſetting of prices of Wines, it is contained that the Lord Chancellor of England, Lord Treaſurer, Lord Preſident of the Kings Councel, Lord Privy Seal, and the two Chief Juſtices, or five, four, or three of them, ſhould have power and authority by their diſcretions to ſet the prices of all kinds of Wines, as by the ſame Act more plainly appeareth. Be it now ordained and enacted by the authority of this preſent Parliament, That the ſaid Lord Chancellor, Lord Treaſurer, Lord Preſident, Lord Privy Seal, and the two Chief Juſtices, or five, four, or three of them, ſhall yearly ſet the prices of all kinds of the ſaid Wines mentioned in the ſaid former Act, between the twentieth day of November and the laſt day of December, and at no other time or times, and that all and every perſon ſelling in groſs or by retail, any of the ſaid Wines mentioned in the ſame Act, ſhall not ſell any of the ſame Wines above the prices ſo by them ſet, upon ſuch pains and forfeitures as be made and provided in the ſame Statute made at Weſtminſter the eight and twentieth year of the Reign of our moſt dread Sovereign Lord the King.

In what caſes chief Officers of Cities or corporate Towns may ſell other mens Wines. 24 H. 8. 6.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons now have, or hereafter ſhall have any manner of Wines to ſell in groſs within any City, Borough, Town corporate, or any other Haven, corporate Town or Towns within this Realm, or within any the Kings Dominions, or Territories of the ſame, and do at any time hereafter refuſe to ſell any kied of the ſame Wines, according as the price is now, or at any time hereafter ſhall be limited and appointed by the ſaid Lord Chancellor, Lord Treaſurer, Lord Preſident, Lord Privy Seal, and other the ſaid Chief Juſtices, or by any five, four, or three of them: that then it ſhall be lawful to the Mayor of the City of London, Recorder of the ſame City, and two of the ancient Aldermen of the ſame City, being no Vintners, for the time being, and to the Mayor, Bailiffs, Aldermen, and other the head Officers, or to any two of them, whereof the Mayor, or chief Aldermen, or Bailiff to be one, within all and every other City, Borough, and Port-town within this Realm, wherein any Wines now be, or hereafter ſhall be ſo ſold: to enter into the houſes, cellars and places of all and every ſuch owner and owners of the ſame Wines, in any the ſaid Cities, Boroughs, and Port-towns, and the ſame Wines lawfully to ſell to the uſe of the owners of the ſame Wines to any perſon and perſons willing to buy the ſame, according to ſuch prices and rate as by the ſaid Lord Chancellor, Lord Treaſurer, Lord Preſident, Lord Privy Seal, and the ſaid two Chief Juſtices, or by any five, four, or three of them is, or hereafter ſhall be ſet, limited and aſſigned, according to the tenor of the ſaid Act made in the ſaid eight and twentieth year of the Kings Majeſties Reign.

CAP. XXIV.

A confirmation of a Subſidy granted to the King by the Clergy of the Province of Canterbury, of ſix ſhillings in the pound to be paid in two years. EXP. Cok. Inſt. 4 par. 44.

GOD SAVE THE KING.

Anno primo EDWARDI Sexti.

Statutes made in the Parliament begun at *Weſtminſter* the fourth day of *November*, in the firſt year of the Reign of our moſt dread Sovereign Lord, *Edward* the Sixth, by the Grace of God, King of *England*, *France* and *Ireland*, Defender of the Faith, and of the Church of *England*, and alſo of *Ireland*, in Earth the Supreme Head: and from thence continued to the 24. day of *December* then next enſuing; that is to ſay, in the firſt Seſſion of the ſame Parliament, as followeth.

CAP. I.

The penalty for unreverend ſpeaking againſt the Sacrament of the Body and Bloud of Chriſt, or againſt the receiving thereof in both kinds.

The Kings moſt excellent Majeſty, minding the governance and order of his moſt loving ſubjects to be in moſt perfect unity and concord, in all things, and in eſpecial, in the true Faith and Religion of God, and wiſhing the ſame to be brought to paſs with all clemency and mercy, on his Highneſs part towards them, as his moſt Princely Serenity and Majeſty hath already declared by evident proof, to the intent that his moſt loving ſubjects provoked by clemency and goodneſs of their Prince and King, ſhall ſtudy rather for love then for fear to do their duties, firſt, to Almighty God, and then to his Highneſs and the Common-wealth, nouriſhing concord and love amongſt themſelves: yet conſidereth and perceiveth that in a multitude all be not on that ſort, that reaſon and the knowledge of their duties can move them from offence, but many had need have ſome bridle of fear, and that the ſame be men moſt contentious and arrogant for the moſt part, or elſe moſt blind and ignorant: by the means of which ſort of men, many things well and godly inſtituted, and to the edification of many, be perverted and abuſed, and turned to their own and others great loſs and hinderance, and ſometime to extreme deſtruction: the which doth appear in nothing more or ſooner, then in matters of Religion, and in the great and high myſteries thereof, as in the moſt comfortable Sacrament of the Body and Bloud of our Saviour Jeſus Chriſt, commonly called the Sacrament of the Altar, and in Scripture, the [a] Supper and [b] Table of the Lord, the [c] Communion and [d] partaking of the Body and Bloud of Chriſt: which Sacrament was inſtituted of no leſs Author then of our Saviour, both God and Man, when at his laſt Supper amongſt his Apoſtles, he did take the Bread in his holy hands, and did ſay: [e] Take you and eat, this my Body, which is [f] given and [g] broken for you. And taking up the [h] Chalice or Cup, did [i] give thanks, and ſay, [k] This is my Bloud of the New Teſtament, which is ſhed for [l] you, and for [m] many, for the [n] remiſſion of ſins, that [o] whenſoever we ſhould do the ſame, we ſhould do it in the remembrance of him, and to declare and ſet forth his death and moſt glorious paſſion, until his coming. Of the which [p] Bread whoſoever eateth, or of the which Cup whoſoever drinketh unworthily, eateth and drinketh condemnation and judgment to himſelf, making no difference of the Lords Body. The inſtitution of which Sacrament being ordained by Chriſt, as is beforeſaid, and the ſaid words ſpoken of it here before rehearſed, being of eternal, infallible and undoubted truth: yet the ſaid Sacrament (all this notwithſtanding) hath been of late marvellouſly abuſed by ſuch manner of men before rehearſed, who of wickedneſs, or elſe of ignorance and want of learning, for certain abuſes, heretofore committed of ſome, in miſuſing thereof, have condemned in their hearts and ſpeech the whole thing, and contemptuouſly depraved, deſpiſed or reviled the ſame moſt holy and bleſſed Sacrament, and not onely diſputed and reaſoned unreverently and ungodly of that moſt high Myſtery, but alſo in their Sermons, Preachings, Readings, Lectures, Communications, Arguments, Talks, Rhimes, Songs, Plays or Jeſts, name, or call it by ſuch vile and unſeemly words, as Chriſtian ears do abhor to hear rehearſed. For reformation whereof, be it enacted by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That whatſoever perſon or perſons, from and after the firſt day of May next coming, ſhall deprave, deſpiſe, or contemn the ſaid moſt bleſſed Sacrament, in contempt thereof, by any contemptuous words, or by any words of depraving, deſpiſing or reviling: or what perſon or perſons ſhall adviſedly in any other wiſe contemn, deſpiſe or revile the ſaid moſt bleſſed Sacrament, contrary to the effects and declaration aboveſaid, that then he or they ſhall ſuffer impriſonment of his or their bodies, and make fine and ranſome at the Kings will and pleaſure. And for full and effectual execution of the premiſſes before deviſed, ordained and enacted by this Act: be it furthermore enacted by the authority of this preſent Parliament, That immediately after the firſt day of May next coming, the Juſtices of Peace, or three of them at the leaſt, whereof one of them to be of the Quorum, in every Shire of this Realm, and Wales, and all other places within the Kings Dominions, ſhall have full power and authority by vertue of this Act, as well to take information and accuſation by the oaths and depoſitions of two able, honeſt and lawful perſons at the leaſt, and after ſuch accuſation, or information ſo had, to enquire by the oaths of xij. men, in every their four quarter Seſſions yearly to be holden of all and ſingular ſuch accuſations or informations to be had or

The King mindeth to have unity in Religion by clemency.

The bleſſed Sacrament inſtituted by Chriſt himſelf, and by what words of his.

The cauſes of the abuſe of the bleſſed Sacrament.

The penalty for ſpeaking unreverently of the moſt bleſſed Sacrament.

1 Cor. 11. 20.
1 Cor. 10. 21.
1 Cor. 10. 16.
1 Cor 16. 17.
Mat. 26. 26.
Luke 22. 19.
1 Cor. 11. 24.
Mat. 26. 27.
Mar. 14. 23.
Mar. 14. 24.
Luke 28. 19.
Mat. 14. 24.
Mat. 26. 28.
1 Cor. 11. 29.
1 Cor. 11. 26.

Juſtices of Peace may enquire of offendors.

made of any of the offences aboveſaid, to be committed or done after the ſaid firſt day of May, within the limits of their commiſſion: and that upon every ſuch accuſation and information, the offendor and offendors ſhall be enquired of, and endicted before the ſaid Juſtices of Peace, or three of them at the leaſt, as is aforeſaid, of the ſaid contempts and offences, by the verdict of twelve honeſt and indifferent men, if the matter of the ſaid accuſation and information ſhall ſeem to the ſaid Jury good and true.

Examination of the accuſers.

And it is alſo further enacted by the authority aforeſaid, That the ſaid Juſtices of Peace, or three of them at the leaſt, as is aforeſaid, before whom any ſuch preſentment, information and accuſation ſhall be made or taken, as is aforeſaid, ſhall examine the accuſers what other witneſs were by, and preſent at the time of the doing and committing of the offence, whereof the information, accuſation and preſentment ſhall be made, and how many others then the accuſers have knowledge thereof: and ſhall have power and authority by their diſcretions, to bind by recognizance to be taken before them, as well the ſaid accuſers, as all ſuch other perſons whom the ſaid accuſers ſhall declare to have knowledge of the offences by them preſented and informed, every of them in five pounds to the King, to appear before the ſaid Juſtices of Peace, before whom the offendor or offendors ſhall be tried at the day of trial and deliverance of ſuch offendors.

What proceſs ſhall be awarded againſt the perſons indided.

And it is further enacted by the authority aforeſaid, That the ſaid Juſtices of Peace, or three of them at the leaſt, as is aboveſaid, by vertue of this Act, ſhall have full power and authority to make proceſs againſt every perſon and perſons ſo endicted, by two Capias, and an exigent, and by Capias ut legatum, as well within the limits of their commiſſion, as into all other Shires and places of this Realm, Wales, and other the Kings Dominions, as well within liberties as without, and the ſame proceſs to be good and effectual in the Law to all intents, conſtructions and purpoſes, and upon the apparance of any of the offendors,

Juſtices of Peace may determine the offences.

ſhall have full power and authority by vertue of this Act, and the Commiſſion of Peace, to determine the contempts and offences aforeſaid, according to the Laws of this Realm, and effects of this Act: and that the ſaid Juſtices of Peace, or three of them at the leaſt, as is aboveſaid, ſhall have full power and authority to let any ſuch perſon or perſons ſo endicted, upon ſufficient ſureties, by their diſcretions to bail for their apparance to be tried, according to the tenor, form, and effect of this Act.

Bailment of perſons indicted.

Provided always, and be it enacted, That the ſaid Juſtices of Peace, or three of them at the leaſt, at their quarter Seſſions, where any offendor or offendors ſhall be or ſtand endicted of any of the contempts or offences aboveſaid, ſhall direct and award one writ in the Kings name to the Biſhop of the Dioceſs wherein the ſaid offence or offences are ſuppoſed to be committed or done, willing and requiring the ſaid Biſhop to be in his own perſon, or by his Chancellor, or other his ſufficient deputy, learned, at the quarter Seſſions in the ſaid County to be holden, when and where the ſaid offendor ſhall be arraigned and tried, appointing to them in the ſaid writ the day and place of the ſaid arraignment, which writ ſhall be of this form: Rex, &c. Epiſcopo L. ſalutem. Præcipimus tibi quod tu, Cancellarius tuus, vel alius deputat' tuus ſufficienter eruditus, ſitis cum Juſtic' noſtris ad pacem in com' noſtro. B. conſervand. aſſignat' apud D. tali die, ad ſeſſionem noſtram, ad tunc & ibm. tenend' ad dand' conſilium & adviſament' eiſdem Juſticiariis noſtris ad pacem, ſuper arraignment' & deliberationem offendent' contra form' ſtatuti, concernen' ſacroſanct' Sacramentum Altaris.

A writ directed by the Juſtices to the Biſhop.

No indictment but within three months after the offence.

Provided always, and be it enacted by the authority aboveſaid, That no perſon or perſons ſhall be indicted of any of the contempts or offences aboveſaid, but onely of ſuch contempts or offences as ſhall be informed or preſented within three months next after the ſaid offences or offence ſo committed or done.

The defendant may try his innocency by witneſſes.

And be it further enacted by the authority aforeſaid, That in all trials, for any ſuch offendors before the ſaid Juſtices, as is aforeſaid, the perſon or perſons being complained on and arraigned, ſhall be admitted to purge or try his or their innocency, by as many, or more witneſſes in number, and of as good honeſty and credence, as the witneſſes be which depoſed againſt him or them, or any of them.

And foraſmuch as it is more agreeable, both to the firſt inſtitution of the ſaid Sacrament of the moſt precious Body and Bloud of our Saviour Jeſus Chriſt, and alſo more conformable to the common uſe and practiſe both of the Apoſtles, and of the Primitive Church by the ſpace of 500. years and more after Chriſts Aſcenſion, that the bleſſed Sacrament ſhould be miniſtred to all Chriſtian people under both the kinds of Bread and Wine, then under the form of Bread onely: and alſo it is more agreeable to the firſt inſtitution of Chriſt, and to the uſage of the Apoſtles, and the Primitive Church, that the people being preſent ſhould receive the ſame with the Prieſt, then that the Prieſt ſhould receive it alone:

The bleſſed Sacrament ſhall be delivered unto the people under both kinds of Bread and Wine.

therefore be it enacted by our Sovereign Lord the King, with the conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid moſt bleſſed Sacrament be hereafter commonly delivered and miniſtred unto the people within this Church of England and Ireland, and other the Kings Dominions under both the kinds, that is to ſay, of Bread and Wine, except neceſſity otherwiſe require: and alſo that the Prieſt which ſhall miniſter the ſame, ſhall, at the leaſt one day before, exhort all perſons which ſhall be preſent, likewiſe to reſort and prepare themſelves to receive the ſame. And when the day prefixed cometh, after a godly exhortation by the miniſter made, (wherein ſhall be further expreſſed the benefit and comfort promiſed to them which worthily receive the holy Sacrament, and danger and indignation of God threatned to them which ſhall preſume to receive the ſame unworthily, to the end that every man may try and examine his own conſcience before he ſhall receive the ſame) the ſaid Miniſter ſhall not without a lawful cauſe deny the ſame to any perſon that will devoutly and humbly deſire it: any Law, Statute, Ordinance or Cuſtom contrary thereunto in any wiſe notwithſtanding: not condemning hereby the

The uſage of other Churches not condemned.

uſage of any Church out of the Kings Majeſties Dominions. EXP. 1 M. 2. Reviv. 1 Eliz. 1. Stat. 5 Edw. 6. 1.

CAP. II.

The Election of Biſhops, and what Seals and Style they and other Spiritual perſons exerciſing juriſdiction Eccleſiaſtical ſhall uſe.

Elections of Biſhops belong onely to the King. Stat. 25 H. 8. 20.

Foraſmuch as the Elections of Archbiſhops and Biſhops by the Deans and Chapters within the Kings Majeſties Realms of England and Ireland, at this preſent time, be as well to the long delay, as to the great coſts and charges of ſuch perſons, as the Kings Majeſty giveth any Archbiſhoprick or Biſhoprick unto: And whereas the ſaid Elections be in very deed no Elections, but onely by a writ of Conge d'eſlire, have colours, ſhadows or pretences of Elections, ſerving nevertheleſs to no purpoſe, and ſeeming alſo derogatory and prejudicial to the Kings Prerogative Royal, to whom onely appertaineth the collation and gift of all Archbiſhopricks and Biſhopricks, and Suffragan Biſhops within his Highneſs ſaid Realms of England and Ireland, Wales, and other his Dominions and Marches. For a due reformation hereof, be it therefore enacted by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth no ſuch Conge d'eſlire be granted, nor election of any Archbiſhop or Biſhop by the Dean and Chapter made: but that the King may by his Letters Patents at all times, when any Archbiſhoprick or Biſhoprick is void, confer the ſame to any perſon whom the King ſhall think meet. The which collation ſo by the Kings Letters Patents made, and delivered to the perſon to whom the King ſhall confer the ſome Archbiſhoprick or Biſhoprick, or to his ſufficient Proctor and Attorney, ſhall ſtand to all intents, conſtructions and purpoſes, to as much and the ſame effect, as though Conge d'eſlire had been given, the Election duly made, and the ſame confirmed. And thereupon the ſaid perſon to whom the ſaid Archbiſhoprick, Biſhoprick, or Suffraganſhip is ſo conferred, collated or given, may be conſecrated, and ſue his Livery or Ouſter le main, and do other things as well as if the ſaid Ceremonies and Elections had been done and made.

None but the King ſhall collate to a Biſhoprick.

A Biſhop collated by the King ſhall pay the uſual fees.

Provided always, and be it enacted by the authority aforeſaid, That every ſuch perſon to whom any collation or gift of any Archbiſhoprick, Biſhoprick or Suffraganſhip ſhall be given or collated by the King, his Heirs or Succeſſors, ſhall pay, do and yield to all and every perſon all ſuch fees, intereſts and duties, as of old time have been accuſtomed to be be done: any thing in this Act, or in any other to the contrary hereof in any wiſe notwithſtanding.

And whereas the Archbiſhops and Biſhops, and other Spiritual perſons in this Realm, do uſe to make and ſend out their Summons, Citations, and other proceſs in their own names, and in ſuch form and manner as was uſed in the time of the uſurped power of the Biſhop of Rome, contrary to the form and order of the Summons and Proceſs of the Common Law uſed in this Realm (ſeeing that all authority of juriſdiction Spiritual and Temporal is derived and deducted from the Kings Majeſty, as Supreme Head of theſe Churches and Realms of England and Ireland, and ſo juſtly acknowledged by the Clergy of the ſaid Realms, that all Courts Eccleſiaſtical within the ſaid two Realms,) be kept by no other power or authority, either foreign or within the Realm, but by the authority of his moſt excellent Majeſty: Be it therefore further enacted by the authority aforeſaid, That all Summons and Citations, or other Proceſs Eccleſiaſtical, in all ſuits and cauſes of inſtance betwixt party and party, and all cauſes of correction, and all cauſes of Baſtardy, or Bigamy, or Inquiry de jure patronatus, probates of Teſtaments, and commiſſions of adminiſtrations of perſons deceaſed, and all acquittances of and upon accounts made by the Executors, Adminiſtrators, or Collectors of goods of any dead perſon, be from the firſt day of July next following, made in the name, and with the ſtyle of the King, as it is in writs original or judicial at the Common Law: And that the Teſte thereof be in the name of the Archbiſhop or Biſhop, or other having Eccleſiaſtical juriſdiction, who hath the commiſſion and grant of the authority Eccleſiaſtical immediately from the Kings Highneſs, and that his Commiſſary, Official or Subſtitute exerciſing juriſdiction under him, ſhall put his name in the citation or Proceſs after the Teſte.

All Proceſſes Eccleſiaſtical ſhall be in the Kings name: but the Teſte in the Biſhops name.

Every Biſhops &c. ſeal of office ſhall have the Kings Arms ingraven upon it.

Furthermore be it enacted by the authority aforeſaid, That all manner of perſon or perſons, who have the exerciſe of Eccleſiaſtical juriſdiction, ſhall have from the firſt day of July before expreſſed, in their ſeals of Office, the Kings Highneſs Arms decently ſet, with certain Characters under the Arms for the knowledge of the Dioceſs, and ſhall uſe no other Seal of juriſdiction, but wherein his Majeſties Arms be ingraven, upon pain that if any perſon ſhall uſe Eccleſiaſtical juriſdiction (after the day before expreſſed) in this Realm of England, Wales, or other his Dominions or Territories, and not ſend or make out the Citation or Proceſs in the Kings name, or uſe any ſeal of juriſdiction other then before limited: that every ſuch offendor ſhall incur and run in the Kings Majeſties diſpleaſure and indignation, and ſuffer impriſonment at his Highneſs will and pleaſure.

Uſual fees ſhall be taken.

Provided that no more, nor other fees be taken or paid for the ſeal and writing of any Citations or other Proceſs then was heretofore accuſtomed.

The Archbiſhop of Canterbury may uſe his own ſeal. St. 25 H. 8. 21.

In what caſes other Biſhops may uſe their own ſeals. St. 32 H. 8. 48.

Provided alſo, and be it enacted by the authority aforeſaid, That the Archbiſhop of Canterbury for the time being, ſhall uſe his own ſeal, and in his own name, in all faculties and diſpenſations, according to the tenor of an Act thereof made: And that the ſaid Archbiſhops and Biſhops ſhall make, admit, order and reform their Chancellors, Officials, Commiſſaries, Advocates, Proctors, and other their Officers, Miniſters and Subſtitutes, and Commiſſions of Suffragan Biſhops in their own names, under their own ſeals, in ſuch manner and form as they have heretofore uſed: And ſhall certifie to the Court of Tenths their certificates under their own names and ſeals, as heretofore they have uſed, and according to the Statute in that caſe made and provided: and likewiſe ſhall make collations, preſentations, gifts, inſtitutions and inductions of benefices, letters of order, or dimiſſories under their own names and ſeals, as they have heretofore accuſtomed: any thing in this Act contained to the contrary notwithſtanding.

Certificates into a Court of Record ſhall be in the Kings name, Teſte the Biſhop.

Cok. lib. 12. 8.

Provided always, and be it enacted by the authority aforeſaid, That all proceſs hereafter to be made or awarded by any Eccleſiaſtical perſon or perſons, for the trial of any plea or pleas, or matter depending, or that hereafter ſhall depend in any of the Kings Courts of Records at the Common Law, and limited by the Laws and Cuſtoms of this Realm, to the Spiritual Courts to try the ſame, that the Certificate of the ſame, after the trial thereof, ſhall be made in the Kings name for the time being, and with the ſtile of the ſame King, and under the ſeal of the Biſhop, graved with the Kings Arms, with the name of the Biſhop or Spiritual Officer, being to the Teſte of the ſame Proceſs and Certificate, and to every of them. REP. 1 M. 2. But ſee 1 Jac. 25. which repeals 1 M. 2. Stat. 25 H. 8. 20. 31 H. 8. 9. 8 El. 1.

CAP. III.

A repeal of all Statutes heretofore made for the puniſhment of Vagabonds, and of all Articles compriſed in the ſame. If any perſon ſhall bring to two Juſtices of Peace any Runnagate ſervant, or any other which liveth idlely and loiteringly by the ſpace of three days, the ſaid Juſtices ſhall cauſe the ſaid idle and loitering ſervant or vagabond to be marked with an hot iron on the breaſt with the mark V. and adjudge him to be ſlave to the ſame perſon that brought or preſented him, to have to him, his executors or aſſigns for two years after, who ſhall take the ſaid ſlave, and give him bread, water, or ſmall drink, and refuſe meat, and cauſe him to work by beating, chaining, or otherwiſe, in ſuch work and labour as he ſhall put him unto, be it never ſo vile. And if ſuch ſlave abſent himſelf from his ſaid Maſter within the ſaid term of two years, by the ſpace of fourteen days, then he ſhall be adjudged by two Juſtices of Peace to be marked on the forehead, or the ball of the cheek with an hot iron, with the ſign of an S. and further ſhall be adjudged to be ſlave to his ſaid Maſter for ever. And if the ſaid ſlave ſhall run away the ſecond time, he ſhall be adjudged a felon. No Clerk convict ſhall make his purgation, but ſhall be a ſlave for one year to him who will become bound with two ſureties in twenty pound to the Ordinary, to the Kings uſe, to take him into ſervice. And he ſhall be uſed in all reſpects as is aforeſaid like to a vagabond. A Clerk attainted or convict, which by the Law cannot make his purgation, may by the Ordinary be delivered to any man, who will become bound with two ſufficient ſureties, to keep him as his ſlave five years. And then he ſhall be uſed in all reſpects as is aforeſaid for a vagabond, ſaving for burning in the breaſt. It ſhall be lawful to every perſon to whom any ſhall be adjudged a ſlave, to put a ring of iron about his neck, arm or leg. A Juſtice of Peace and Conſtable may bind a beggars man-child apprentice to the age of fourteen years, and a woman-child to the age of twenty years, to any that will require them. And if the ſaid child run away, then his Maſter may retain and uſe him for the term aforeſaid, as his ſlave. All impotent, maimed and aged perſons, who cannot be taken for vagabonds, ſhall have convenient houſes provided for them, and otherwiſe be relieved in the Cities, Boroughs or Towns where they were born, or where moſt converſant by the ſpace of three years, by the willing and charitable diſpoſition of the Pariſhioners. And none other ſhall be ſuffered to beg there. EXP. & REP. 3 & 4 Ed. 6. 16. & 39 El. 4.

CAP. IV.

Lands coming to the Kings hands, by attainder, diſſolution or ſurrender, &c. ſhall not be holden in capite.

Where before this time ambiguities, queſtions and doubts have been moved and ſtirred in divers and ſundry the Kings Courts of Record, whether ſuch honours, caſtles, manors, lands, tenements, and other hereditaments are holden of the King in capite, which any his loving ſubjects do hold by Knights ſervice, ſoccage, or other ſervices of the King, as of his Dutchies, Earldoms, Baronies, Honours, Caſtles, Manors, Lands, Tenements, Fees and Seigniories, which have come to the hands and poſſeſſion of divers of his Highneſs moſt noble Progenitors by attainder of Treaſon, miſpriſion of Treaſon, attainders of Premunire, and proviſion had and done by Act of Parliament, by verdict, confeſſion, conviction or utlagary, and offices or no offices thereupon found, or by the diſſolution, ſurrender, or giving up to the King, or to any his noble Progenitors, of any Religious or Eccleſiaſtical houſes or places, or of any manors, lands, tenements or other hereditaments to any of the ſame Religious or Eccleſiaſtical houſes or places in any wiſe appertaining or belonging, or no: by means of which doubt ſo moved, his ſaid humble and obedient ſubjects and tenants have been heretofore much unquieted, moleſted and grieved: wherefore the King our Sovereign Lord minding, and entirely deſiring the quietneſs of his ſaid ſubjects, and that the certainty of the Laws in that behalf might be known and declared to his ſaid loving ſubjects, for a plain declaration and reſolution to be had, of, for and concerning the premiſſes, at the humble petition and ſuit of the Lords and Commons in this preſent Parliament aſſembled, doth ordain, declare and enact, by the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all ſuch honours, caſtles, manors, lands, tenements and other hereditaments, and every of them, which now be, or at any time hereafter ſhall be holden of the King, or of any of his Heirs or Succeſſors, by any of his ſaid ſubjects, by Knights ſervice, ſoccage, or otherwiſe; as any of his or their Dukedoms, Earldoms, Baronies, Caſtles, Manors, Lands, Tenements, Fees or Seigniories, which be come to the King, or his moſt noble Progenitors, or hereafter ſhall come to the King, his Heirs or Succeſſors, by means of any ſuch attainder, conviction, utlagary, or of any ſuch diſſolution

There ſhall be no tenure in capite of the King by reaſon of lands coming to his hands by attainder, diſſolution, ſurrender, &c.
St. 9 H. 3. 31.
St. 1 Ed. 3. 13.

lution, ſurrender, or giving up of any Religious or Eccleſiaſtical houſes or places, or of any manors, lands, tenements or hereditaments, to any of the ſaid Religious or Eccleſiaſtical houſes or places, in any wiſe belonging or appertaining, ſhall not from henceforth be adjudged, deemed, taken or conſtrued to any intent, conſtruction or purpoſe, to be holden in capite, or as tenure in capite: any ambiguity, queſtion or doubt heretofore moved to the contrary notwithſtanding.

Tenure of the King as of his perſon, or ancient poſſeſſions.

Provided always, and be it enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not in any wiſe be prejudicial ne hurtful to the King, his Heirs or Succeſſors, to, for, or concerning any wardſhip, livery, primer ſeiſon, fine or alienation, or to, or for any other profit or advantage, which now is come, or hereafter ſhall or may come, fall or grow to the King, his Heirs or Succeſſors, by or from any perſon or perſons, which doth, or hereafter ſhall hold any honours, ſeigniories, caſtles, manors, lands, tenements, or other hereditaments of the King in chief, as of his perſon, or of any other his ancient poſſeſſions, and being not come to the King by any ſuch attainder, confeſſion, conviction, utlagary, diſſolution, giving up, or ſurrender as be aboveſaid.

Concluſion of tenure by matter of record.

Provided alſo, and be it enacted by the authority aforeſaid, That this preſent Act, or any thing therein contained or ſpecified, ſhall not in any wiſe, or by any means give any advantage, liberty or profit to any tenant or owner in fee-ſimple, of any honours, manors, lands, tenements, or other hereditaments, which have heretofore ſued any ſpecial or general livery, or ouſter le maine, out of the hands of the King, or of any his noble Progenitors, of any honours, manors, lands, tenements, or other hereditaments, by what tenure or ſervice they were, or be holden, or that have, or ſhall confeſs by any matter of record, any tenure in chief of the King, but that they, their heirs and aſſigns, ſhall have and hold the ſame manors, lands, tenements, and other hereditaments, in like manner and form, as they did before the making of this preſent Act, and as though this preſent Act had never been had ne made: any thing above declared and enacted to the contrary notwithſtanding.

CAP. V.

None may convey horſes out of England without licence.

Where before this time divers of the Kings ſubjects, aud namely of the North parts of this Realm, as well in time of peace as of war, have conveyed, ſold, given and delivered out of this Realm, as well into Scotland, as into other foreign Realms, beyond the Sea, many and divers great multitudes of horſes, geldings and mares, which have been thought as well great occaſion, ſtrength and boldneſs to the Scottiſh men, and other the Kings foreign enemies, having in poſſeſſion the ſame horſes, geldings and mares, in time of war to invade this Realm, as alſo a great decay of the good breed of horſes and mares, which before time hath been within this Realm, to the great detriment and hinderance of the Kings poor Subjects, towards the defence of this Realm and other his Dominions: For remedy whereof, be it therefore enacted by our Sovereign Lord the King, and by the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons after the firſt day of January next coming, do ſell, exchange, give, convey or deliver into the Realm of Scotland, to the uſe of any Scottiſh man, or do carry, give, exchange, ſell, ſend, convey, or deliver in any place beyond the Sea, out of this Realm, or the Dominions of the ſame, any horſe, gelding or mare, without ſpecial licence therefore to be obtained of the Kings Highneſs, or of his Heirs, under the Great Seal of this Realm, or under the Privy Signet: or if any perſon or perſons after the ſaid firſt day of January, do ſell, exchange, give or deliver to any Scottiſh man within this Realm of England or Wales, the Town of Barwick, or the Marches of the ſame, to the intent to be conveyed into Scotland, any horſe, gelding or mare, or do convey or carry any horſe, mare or gelding into any foreign parts beyond the Sea, without like ſpecial licenſe obtained of the Kings Highneſs, or of his Heirs, under the Great Seal, or Privy Signet, as is aforeſaid: that then the ſame perſon and perſons ſo offending contrary to this Act, ſhall loſe and forfeit to our Sovereign Lord and his Heirs, the ſame horſe, mare or gelding ſo carried and conveyed, and alſo ſhall loſe and forfeit the ſum of xl. li. for every ſuch horſe, gelding or mare ſo to be conveyed and carried in form aforeſaid: whereof the one moiety to be to the King, and the other moiety to him or them that will ſue for the ſame by information, action of debt, or detinue in any of the Kings Courts of Record, in which ſuit no wager of law, eſſoin, ne protection ſhall be allowed. And that alſo all and every perſon and perſons ſo offending contrary to this Act, ſhall ſuffer impriſonment by the ſpace of one whole year.

The penalty of the conveying of horſes into Scotland, or other foreign Countries without the Kings licence.
Stat. 23 H. 8. 15.
Stat. 1 El. 7.
Stat. 4 Jac. 1.

The Wardens in their Courts, and Juſtices of Peace may enquire of offendors.

And be it further enacted by the authority aforeſaid, That it ſhall be lawful, as well to the Warden and Wardens of the Eaſt, Weſt, and middle Marches for the time being, in their Warden Courts, as alſo to all and every the Kings Juſtices of Peace in every Shire, as well in England as in Wales, in their quarter Seſſions, to enquire of all and every offence or offences hereafter to be perpetrated, committed or done contrary to this Act: And that it ſhall be lawful to all and every perſon and perſons being the Kings ſubjects, to arreſt and impriſon every Scottiſh man, and all and every other perſon or perſons, which ſhall lead or convey, contrary to the meaning of this Act, any ſuch horſe, gelding or mare, out of this Realm into the ſaid Realm of Scotland, or into any other foreign place beyond the Sea, other then ſuch perſons as hereafter ſhall have ſufficient warrant, by or from the Kings Highneſs, or his Heirs, under his or their Great Seal, or Privy Signet, according to the meaning of this Act.

Provided always, & be it enacted by the authority aforeſaid, That if the King our Sovereign Lord, his Heirs or Succeſſors, at any time hereafter, under his Great Seal or Privy Signet, do give licence to any perſon or perſons to carry or convey any horſes, mares or

geldings

The Kings licenſe to tranſport horſes, and licenſe to give licence.

geldings into Scotland, or into any other parts beyond the Sea, or elſe do give authority, power or commandment to any perſon or perſons, by warrant under the Kings Great Seal, to licence any other perſon or perſons to carry and convey any horſes, mares, or geldings into Scotland, or into any parts beyond the Sea, that then it ſhall be lawful, as well to all and ſingular perſon and perſons having ſuch licence under the Kings Great Seal, or privy Signet, as to all and every other perſon and perſons, having licence in writing under the ſeal of ſuch perſon or perſons to whom the King ſhall give authority, power or commandment in form aboveſaid, to licence other perſon or perſons to carry or convey any horſes, mares or geldings into Scotland, or into any parts beyond the Sea, to carry and convey ſuch number of horſes, geldings or mares, or any of them into Scotland, or into any of the parts beyond the Sea, as ſhall be mentioned in any ſuch licence, as is before ſpecified: any thing mentioned in this Act to the contrary in any wiſe notwithſtanding.

Carrying of horſes to ſerve the King in his wars.

Provided always, and be it enacted by the authority aforeſaid, That this Act, ne any thing therein contained, ſhall in any wiſe extend to any perſon or perſons, which at any time hereafter ſhall carry or convey any horſe, mare or gelding into Scotland, or into any other foreign parts beyond the Sea, to ſerve the King in his wars, with the ſame horſes, mares, or geldings, any thing mentioned in this Act to the contrary in any wiſe notwithſtanding.

Licences ſhall be ſhewed to the Wardens of the Marches.

And to the intent the Kings Majeſty ſhall not hereafter be deceived in the number of ſuch horſes, mares or geldings which hereafter ſhall be carried and conveyed into Scotland, ne that the parties which hereafter ſhall obtain any licence by force of this Act, for the carriage or conveyance of any horſes, mares or geldings to be carried or conveyed into Scotland: Be it therefore enacted by the authority aforeſaid, That all and every ſuch perſon and perſons which hereafter ſhall be licenſed, according to this Act, to carry or convey any horſes, mares or geldings into Scotland, ſhall before the ſame carriage or conveyance, upon the pain of forfeiture of the ſaid horſe, mare or gelding, or the double value thereof, (whereof the one moiety to be to the King, and the other moiety to him or them that will ſue for the ſame by ſuch like action, as before is limited in this Act) ſhew his or their ſaid licence to one of the three Wardens of the three Marches of England, to the intent that one of the ſaid Wardens ſhall cauſe the number of the ſaid horſes, mares or geldings ſo licenced, to be conveyed into Scotland, not onely to be kalendred in a book, to remain in his own cuſtody: but alſo to be endorſed, and written on the back ſide of the ſaid licence, and the ſame endorſement to be ſigned with the hand of the ſaid Warden.

Every perſon that goeth beyond the Sea, may take a horſe with him for his own uſe.
REP. 5 El. 19.

Provided always, That it ſhall be lawful to every of the Kings ſubjects that ſhall paſs over beyond the Sea, to ſhip or carry with them horſes or geldings, for their own occupation in their journeys, and not to the intent to ſell the ſame beyond the Sea: and that intent to be judged by the oath of him or them that ſo will carry over any horſe or gelding: which oath ſhall be taken before the cuſtomers or their deputies, or ſearcher of every ſuch Port where the ſame horſe or gelding ſhall be ſhipped, before the ſhipping thereof.

The Warden of the 5 Ports may give certain horſes.

Provided always, That the Warden of the five Ports now being, or hereafter to be, may yearly at his pleaſure, give ſix horſes or geldings, and no more, within one year, at one or divers times, upon like pain as is aforeſaid, to any perſon or perſons, in the parts beyond the Seas, being in amity with the Kings Highneſs, or his Succeſſors: this Act or any thing therein to the contrary notwithſtanding.

The Maſter of the Kings horſes.

Provided alſo, That this Act, nor any thing therein mentioned, be in any wiſe hurtful or prejudicial to the Maſter of the Kings horſes, now, and hereafter to be, for ſuch things and commodities, as ſhall and do concern his office, any thing in this Act to the contrary notwithſtanding.

Tranſporting a mare not exceeding x. s. in price.
11 H. 7. 13.

Provided alſo, That it ſhall be lawful to any of the Kings ſubjects, to carry or ſend into any parts beyond the Sea, any mares, whereof the price of any one mare ſo to be carried, doth not exceed x. s. in ſuch and like manner, as mares being of the price of vj. s. viij. d. have been, or might have been conveyed over the Seas before the making of this Act: any thing in this Act, or in any other Act or Acts heretofore made to the contrary hereof notwithſtanding.

CAP. VI.

How and by whom Worſted Yarn is to be made in Norfolk.

By the Statute of 37 H. 8. 15. All perſons reſtrained to buy wooll to ſell again, except, &c.

Where the greateſt, and almoſt the whole number of the poor inhabitants of the County of Norfolk, and the City of Norwich be, and have been heretofore for a great time, maintained, and gotten their living by ſpinning of the wools growing in the ſaid County of Norfolk upon the Rock into Yarn, and by all the ſaid time have uſed to have their acceſs to common Markets within the ſaid County and City, to buy their wools there to be ſpun, as is aforeſaid, of certain perſons called Retailers of the ſame wools, by eight penny worth, and twelve penny worth at one time, or thereabout, and have not uſed to buy, ne can buy their ſaid wools of the breeders of the ſame wools by ſuch ſmall parcels, as well for that the ſaid breeders of the ſaid wools will not ſell their ſaid wools by ſuch ſmall parcels, as alſo for that the moſt part of the ſaid poor perſons dwell far off from the ſaid breeders of the ſaid wools: And foraſmuch as by an Act of Parliament made in the xxxvij. year of the Reign of the Noble King of famous memory, Henry the Eighth, all perſons be reſtrained upon a great pain, to buy any wools to ſell the ſame again, except Merchants of the Staple, for the onely proviſion of the Staple, as in the ſaid Act, among other things more at large is contained: therefore the ſaid Retailers of wools in the ſaid County of Norfolk and City of Norwich, which heretofore have uſed to buy wools, and to ſell them again to the ſaid poor perſons in overt Markets, as is aforeſaid, have ſince the making of the ſaid Statute in eſchewing the danger and pain provided by the ſame, ceaſed and left to buy the ſaid woolls, for the relief of the ſaid poor perſons: By reaſon whereof, the ſame poor perſons inhabiting within the ſaid County of Norfolk and City of Norwich, that have heretofore been ſpinners, and maintained by ſpinning of the ſaid wools, be now unoccupied and unſet a work, and a great number of them enforced to beg for lack of work, to the utter decay and ruine of the poor people of the ſaid County and City, and the inhabitants thereof, unleſs ſome remedy be therein provided. In conſideration whereof, it may pleaſe the Kings moſt Royal Majeſty, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every perſon and perſons dwelling and inhabiting within the ſaid County of Norfolk and City of Norwich, or in either of them, by him, or themſelves, or by his or their Factors, ſervant or ſervants, may lawfully from henceforth, without pain, forfeiture, danger or breach of any Law or Ordinance, to buy and bargain woolls, and take and make proviſion to buy and bargain woolls growing, or that ſhall grow onely within the ſaid County of Norfolk, in as large and like manner and form, as the ſame inhabitants within the ſaid County and City might and did uſe to do before the making of the ſaid Act of Parliament, and as if the ſaid Act of Parliament had never been had or made, ſo that the ſame perſon and perſons ſo buying or bargaining, or making promiſe to buy or bargain the ſaid woolls, do ſell or retail the ſame again in the common Market, or other open place within the ſaid County of Norfolk, or City of Norwich, to any perſon and perſons at their pleaſure and liberty that will buy the ſame, or any parcel thereof, dwelling and inhabiting within the ſaid County and City of Norwich, or any of them, that ſhall or will ſpin the ſame within the ſaid County of Norfolk, and the City of Norwich, or any of them: the ſaid former Act, or any article, clauſe or ſentence therein contained, or any other Act or Acts, Law or Ordinance, heretofore made to yͤ contrary thereof in any wiſe notwithſtanding.

Every perſon dwelling in Norwich or Norfolk, may buy and ſell again Norfolk wooll in open market, notwithſtanding the Statute of 37 H. 8. 15.

Stat. 33 H. 8. 16.

And where in the Parliament holden at Weſtminſter the three and thirtieth year of the Reign of our late Sovereign Lord the King, it was amongſt other things enacted thus, as enſueth, or like in effect, that is to ſay, That no perſon or perſons from henceforth ſhould buy, ne cauſe to be bought within the ſaid City of Norwich, or County of Norfolk, any yarn ſpun of the Rock, called Wolſted yarn, the which ſhould then after that be ſpun within the ſaid County or City, but ſuch perſon or perſons being Weavers of Wolſted, Ruſſels, Stamine, Says, and ſuch other like clothes within the ſaid City or County, that ſhould weave or work, or cauſe to be woven or wrought in Wolſted, Stamine, Ruſſels, Says, and ſuch other like clothes, the ſaid yarn ſo bought or cauſed to be bought within the ſaid City or County, in the ſaid City of Norwich, or in ſome Market Town within the ſaid County: upon the pain and forfeiture, for every pound weight of the ſaid yarn called Wolſted yarn, ſo bought within the ſaid County or City, and not woven or wrought, as is aforeſaid, within the ſaid City or County, fourty ſhillings, the one half thereof to be to the King our Sovereign Lord, and the other half thereof to be to him or them that ſhould then after that ſue for the ſame by bill, information, action of debt, or otherwiſe in any Court of Record, in which ſaid action, bill or information, no eſſoin, wager of Law, foreign plea or protection ſhould be allowed.

Who may buy wolſted yarn ſpun in Norwich or Norfolk, and who not.

And where it is alſo ordained in the ſaid Act, That if any perſon or perſons did after the firſt day of April then next after the ſaid Act enſuing, ſhip, or carry, or convey, or cauſe to be ſhipped to carry or convey into the parts beyond the Sea, or did carry or convey into the parts beyond the Sea, any yarn called Wolſted yarn, not made or wrought in cloth, ſo that ſuch yarn were ſpun within this Realm, that then every perſon and perſons ſo ſhipping, conveying and carrying, or cauſing ſuch yarn ſo to be ſhipped, carried and conveyed, ſhould forfeit for every pound of Wolſted yarn ſo ſhipped, conveyed or carried fourty ſhillings, the one half thereof to be to our ſaid Sovereign Lord the King, and the other half thereof to him or them that ſhould ſue for the ſame by bill, information, or action of debt, in any of the Kings Courts of Record, as in the ſaid Act, the ſame, or the like in effect, more plainly doth and may appear. And foraſmuch as the ſaid Act was made and ordained to continue and endure until the Parliament then after that next enſuing, and hath been ſithence by other general Acts continued until this preſent Parliament, and was not by any of the ſaid Acts ordained to continue for ever: It may now pleaſe the Kings moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all the afore recited Act for yarn, with all the words, forfeitures, pains, and ſentences before recited, as the ſame is before recited and declared, may from henceforth be enacted to continue and to be taken for an Act to continue for ever, to all intents and purpoſes, according to the ſaid words, ſentences, and the purport thereof before in this Act recited.

No wolſted yarn not made into cloth ſhall be tranſported.

The Statute of 33 H. 8. 16. rehearſed and made perpetual.

Provided always, That it ſhall be lawful to every perſon and perſons, being a Hatmaker, or Hatmakers, dwelling within the ſaid City of Norwich, to buy ſuch of the ſaid Wolſted yarn, as is called and known by the name of Middle-wooffe-yarn, as they and every of them have heretofore done and uſed to do, ſo that the ſame Middle-wooffe-yarn ſo bought by the ſaid Hatmakers or Hatmaker, be wrought in Hats, or emploied to Hat-making within the ſaid City, any thing before recited to the contrary thereof notwithſtanding. Stat. 5 Edw. 6. 7.

Hatmakers may buy Middle-wooffe-yarn.

CAP. VII.

The death of the King ſhall not diſcontinue any ſuit, &c.

Where the Kings ſubjects heretofore have to their great coſts, charges and expences, proſecuted and ſued divers and ſundry actions, as well real and perſonal, as all other actions mixt or otherwiſe, in the Kings Majeſties Courts, and other Courts of Record, not onely by writs, but alſo by plaint or bills, which actions, ſuits, bills, and plaints, by the death or demiſe of the Kings of this Realm have been diſcontinued, and the parties in every ſuch actions, ſuits, bills and plaints, thereby have been put without day, whereby the demandants, plaintiffs and actors in every ſuch action and ſuit, were compelled and driven by the order and laws of this Realm, for their further remedy, to commence and begin again his or their ſaid actions, ſuits or plaint, or elſe to proſecute and ſue reſummons, attachments, Scire facias, or ſuch other like proceſs to revive his or their ſaid actions, ſuits or plaints, which was not onely to their great coſts, charges, expences, hinderances and delay of their cauſes and ſuits, but alſo a great let and hinderance of juſtice: For reformation whereof be it ordained, eſtabliſhed and enacted by the King our Sovereign Lord, and the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from thenceforth by the death or demiſe of the Kings Majeſty that now is, (whoſe life Almighty GOD long preſerve, keep and maintain in his moſt Royal eſtate) nor by the death or demiſe of any that hereafter ſhall be King of this Realm, any action, ſuit, bill or plaint, now or that hereafter ſhall depend between party and party, in any of the Courts aforeſaid, ſhall not in any wiſe be [a] diſcontinued or put without day. But that the proceſs, pleas, demurs and continuances in every action, actions, ſuits, bills or plaints, which now or that hereafter ſhall depend, ſhall ſtand good and effectual, and be [b] proſecuted and ſued forth, in ſuch manner and form, and in the ſame eſtate, condition and order, as if the ſame King had lived or continued in full life, the death or demiſe hereafter of any King of this Realm notwithſtanding. And that all, and all manner of judicial proceſs that hereafter ſhall be had or purſued in the time of the Reign of any other King, then reigning at the time of the purſuit of the original, or other former proceſs, ſhall be made in the name of the King, that for the time ſhall reign and be King of this Realm, and that variance touching the ſame proceſs between the names of the Kings ſhall not be in any wiſe material, as concerning any default to be alledged or objected therefore.

The death of the King ſhall not diſcontinue any ſuit.

Variance between the original and judicial proceſs ſhall not be prejudicial.

And alſo be it further eſtabliſhed and enacted by the authority aforeſaid, That all and every Aſſiſe of Novel diſſeiſin, Aſſiſe of Mortdanceſtor, Juris utrum, and attaint, which at any time hereafter ſhall be arraigned, commenced or ſued before any of the Kings Juſtices of Aſſiſe, ſhall not from henceforth be diſcontinued, or put without day, by reaſon of death, new commiſſion, aſſociation, or not coming of the ſame Juſtices of Aſſiſe, or any of them; but ſhall ſtand good and effectual in the law, to all intents, conſtructions and purpoſes, the death, new commiſſion, aſſociation, or not coming of the ſame Juſtices, or any of them, in any wiſe notwithſtanding.

Suits not diſcontinued by death, new commiſſion, or aſſociation, or not coming of Juſtices.

And over that, be it ordained and enacted by the authority aforeſaid, That albeit any demandant or plaintiff in any manner of action, bill or ſuit ſhall fortune to be made or created Duke, Archbiſhop, Marqueſs, Earl, Vicount, Baron, Biſhop, Knight, Juſtice of one Bench or of the other, or Sergeant at the Law, depending the ſame action, bill or ſuit, yet that notwithſtanding, that no writ, action or ſuit ſhall for ſuch cauſe in any wiſe be [c] abateable or abated, but ſhall remain in like force, goodneſs and ſtrength as the ſame was before: any law or uſage to the contrary in any wiſe notwithſtanding.

Preferment of the plaintiff to a name of dignity.

And alſo be it ordained and enacted by the authority aforeſaid, That albeit any perſon or perſons, being Juſtice of Aſſiſe, Juſtice of Gaol-delivery, or Juſtice of Peace within any of the Kings Dominions, or being in any other of the Kings Commiſſions whatſoever, ſhall fortune to be made or created Duke, Archbiſhop, Marqueſs, Earl, Vicount, Baron, Biſhop, Knight, Juſtice of the one Bench or of the other, or Sergeant at Law, or Sheriff, yet that notwithſtanding, he and they ſhall remain [d] Juſtice and Commiſſioner, and have full power and authority to execute the ſame, in like manner and form, as he or they might or ought to have done before the ſame.

Preferment of a Juſtice or Commiſſioner to a name of dignity.

And be it ordained and enacted by the authority aforeſaid, That in all caſes, where any perſon or perſons heretofore have been, or hereafter ſhall be found guilty of any manner of treaſon, murder, manſlaughter, rape, or other felony whatſoever, for the which judgment of death ſhould or may enſue, and ſhall be reprieved to priſon without judgment at that time given againſt him, her, or them ſo found guilty, that thoſe perſons that at any time [e] hereafter ſhall by the Kings Letters Patents be aſſigned Juſtices to deliver the Gaol, where any ſuch perſon or perſons found guilty, ſhall remain, ſhall have full power and authority to give judgment of death againſt ſuch perſon ſo found guilty and reprieved as the ſame Juſtices (before whom ſuch perſon or perſons was or were found guilty) might have done, if their Commiſſion of Gaol-delivery had remained and continued in full force and ſtrength.

New Juſtices may give judgment of a priſoner found guilty of felony, and reprieved. Cok. Inſt. 4 p. 691.

And over that, That no manner of proceſs or ſuit made, ſued or had before any Juſtices of Aſſiſe, Gaol-delivery, Oyer and terminer, (Juſtices of Peace) or other of the Kings Commiſſioners, ſhall, [f] ne in any wiſe be diſcontinued by the making and publiſhing of any new Commiſſion or Aſſociation, or by altering of the names of the Juſtices of Aſſiſe, Gaol-delivery, Oyer and terminer, (Juſtices of peace) or other the Kings Commiſſioners, but that the new Juſtices of Aſſiſe, Gaol-delivery, and of the Peace, and other Commiſſioners may proceed in every behalf, as if the old Commiſſions and Juſtices, and Commiſſioners had ſtill remained and continued not altered. Stat. 1 M. 8.

No ſuit before Juſtices ſhall be diſcontinued by a new commiſſion. St. 11 H. 6. 6. 2 & 3 P. & M. 18.

CAP. VIII.

Letters Patents made by the King ſince viceſimo octavo Januarii laſt, or to be hereafter made of any Manors, &c. notwithſtanding any miſnaming or miſrecital, &c. confirmed.

Where the Kings moſt excellent Highneſs ſithen the xxviij. day of January, in the firſt year of his Majeſties Reign, as well upon divers and ſundry good conſiderations, his Majeſty ſpecially moving, as alſo otherwiſe, hath bargained, ſold, exchanged, given, reſtored, and granted by his Graces ſeveral Letters Patents, Indentures, or other writings ſealed under his Highneſs Great Seal of England, the ſeal of his Dutchy of Lancaſter,

caſter, and the ſeal of the Court of Augmentation of the Revenues of his Crown, or any of them, as well to bodies politick and corporate, as to divers and ſundry of his loving and obedient ſubjects, divers and ſundry honours, caſtles, manors, lands, tenements, rents, reverſions, ſervices, parſonages appropriated, advowſons, tithes, oblations, penſions, portions, franchiſes, priviledges, liberties, and other hereditaments, commodities and profits in fee-ſimple, fee-tail, for term of life or lives, or for term of years, as in the ſame ſeveral Letters Patents, Indentures, and other writings is mentioned and declared: In avoiding, diſturbing, hurting or hindering of the ſaid ſeveral Letters Patents, Indentures, and other writings, and of the ſaid manors, lands, tenements, hereditaments, and other things in them contained, ſundry and many ambiguities, doubts and queſtions have or might hereafter happen to be moved, objected, alledged, invented, procured or ſtirred; as well for miſnaming, miſrecital, or non-recital of any of the ſame honours, caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof: or for lack of finding of offices, or inquiſitions of and in the premiſſes, whereby the title of the Kings Highneſs therein ought to have been found before the making of the ſame Letters Patents, or other writing: or for miſ-recital or non-recital of Leaſes thereof before made, as well of Record as not of Record: or for lack of the certainty, miſcaſting, rating or ſetting forth of the yearly values and rates of the premiſſes, or of the yearly rents reſerved of and for the premiſſes, or any parcel thereof mentioned, or contained in any of the ſaid Letters Patents, or other writings: or for that the premiſſes be, or any part thereof is valued to a more or leſs value in the ſaid Letters Patents or writings, then the ſaid honours, manors, lands, tenements, and other the premiſſes then were, or ſhall be in yearly value: or for miſnaming of the Towns, Hamlets, Pariſhes or Counties, where the ſame honours, caſtles, manors, lands, tenements, rents, hereditaments, and other the premiſſes, and every parcel thereof, or any parcel thereof lien or or been: or for lack of the true naming of the natures, kinds, ſorts and quantities of the ſaid poſſeſſions or hereditaments, or any parcel thereof: or for lack of the true naming of the corporation of the ſame bodies politick or corporate: or for lack of attornment, livery or ſeiſon, or for miſnaming of any of the late tenants or fermors of the ſame premiſſes ſo ſold, given, granted, or exchanged: as for divers and ſundry other ſuggeſtions and ſurmiſes, not compriſed in the ſaid Letters Patents, which hereafter might happen to be moved, ſurmiſed or procured againſt the ſame Letters Patents.

Several things which be requiſite by the Common Law to make the Kings Letters Patents available, and which wanting do avoid them.

For remedy and reformation whereof, be it ordained and enacted by the Kings moſt excellent Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That as well all and every the ſaid Letters Patents, Indentures and other writings, and every of them ſealed with or under the ſeal or ſeals above named, or any of them made or granted by the Kings Highneſs, ſithence the eight and twentieth day of January laſt paſt, as alſo all and ſingular his Graces Letters Patents, Indentures, and other writings hereafter during his Highneſs life (which our Lord long continue) to be had, made or granted with or under any of the ſeals abovesaid, to any body politick or corporate, or to any other perſon or perſons, of any honours, caſtles, manors, lands, tenements, rents, reverſions, ſervices, parſonages, tithes, penſions, portions, advowſons, nominations, preſentations, franchiſes, liberties, and other hereditaments, commodities, poſſeſſions and profits, of what kind, nature or quality ſoever they, or any of them be, is, or ſhall be, or by whatſoever name or names they or any of them be, is, or ſhall be named, known or reputed, ſhall ſtand and be taken, reputed and judged good, ſure, perfect, effectual and available in the Law, during the Statutes in them limited and ſpecified, to all intents, reſpects, conſtructions and purpoſes, againſt the King, his Heirs and Succeſſors, without any confirmation, licence, diſpenſation, or toleration of the King, his Heirs or Succeſſors: any the cauſes or matters above mentioned, contained, or hereafter during his ſaid Highneſs life to be contained, had or made, in any ſuch Letters Patents, Indentures, or other writings, by the King our Sovereign Lord to the contrary in any wiſe notwithſtanding.

A confirmation of all Letters Patents, &c. made by the King, or to be made during his life of any lands, &c. notwithſtanding miſnaming, &c.

Provided alway, That this Act, ne any thing therein contained, ſhall not in any wiſe extend to revive or make good any Letters Patents made of any Office or Offices to any Controuler, Cuſtomer, Aulneger or Searcher, ne to any Letters Patents, of the grant of any other Office or Offices, heretofore granted or made by our ſaid Sovereign Lord the King, which now is, or be, or at any time hereafter have been annihilated, determined, or made void by judgment, by authority of Parliament, or Decree: nor to any Patent to be made to any perſon or perſons for term of years, or during the minority of an heir, of or in any manors, lands or tenements, whereof any travers hereafter ſhall be tendred within three months after any Office found and certified into any of the Kings Courts of Record: ne to any leaſes or grants of any manors, lands or tenements, of our ſaid Sovereign Lords, hereafter to be made under any the ſeals of the Courts aforeſaid, contrary to the limitation, ordinance, proviſion, eſtabliſhment and authority of the ſame Courts: any thing in this Act contained to the contrary notwithſtanding.

To which Letters Patents the Statute doth not extend.

Provided alſo, and be it enacted, That this Act, nor any thing therein contained, ſhall not extend to make any Letters Patents of any Office or Offices, to be of any other effect, force or ſtrength, then the ſame Letters Patents were, or ſhould have been before the making of this Act.

Provided alway, and be it enacted by the authority aforeſaid, That all and ſingular ſuch Patentees, Grantees, Donees, as any time hereafter during the life of our ſaid Sovereign Lord (which Almighty God long preſerve) ſhall fortune to have, or obtain any caſtles, manors, lands, tenements, tithes, penſions, portions, or other hereditaments, of the gift, grant, ſale or exchange of the Kings Majeſty, or of the onely gift of the Kings Majeſty, of his moſt liberal diſpoſition, and not ſold, which at the day of the date of the

Recompence to the King for the overplus of that which ſhall not be contained in the Letters Patents and particulars.

Letters Patents thereof made, ſhall be of more or better yearly value to the King in yearly rent and ferm, then ſhall be contained, mentioned and ſpecified in any ſuch Letters Patents, and particulars thereof made by the particular Surveyor or Surveyors thereof, and in ſuch bill or bills, as ſhall be ſigned and ſealed with the hand or hands of the Patentee or Patentees thereof to be exhibited to the Kings Majeſty, or his Officer or Officers, within whoſe ſurvey the ſaid manors, lands and tenements, and other the premiſſes, or any part thereof ſhall be, or within any of them, which bill ſhall be ſigned, ſealed, had and made, as is aforeſaid, before any bill ſhall be thereof ſigned by the Kings Majeſty: that then every of the ſaid Patentees, Grantees, and Donees, their heirs, executors or adminiſtrators, within one year next after due proof and decree thereof made and had in the Court, within whoſe ſurvey the ſame caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof, before the ſaid gifts and grants were, ſhall content and pay to the King for the ſame overplus, and more value of the ſame manors, lands, tenements, tithes, penſions, portions, and other hereditaments to him ſold or exchanged, after ſuch rate as other lands and tenements were before to him ſold or exchanged, and for the overplus and more value of ſuch lands and tenements as ſhall happen to be given by the Kings Majeſty, and not ſold, as is aboveſaid, the ſaid Patentee, his heirs, executors or adminiſtrators, ſhall content and pay to the King, after the rate of twenty years purchaſe, ſo that the ſame proof and decree be had and made in manner and form aboveſaid, within ten years next after the date of the ſaid Letters Patents. Stat. 27 H. 8. 27. 7 Ed. 6. 3.

CAP. IX.

Certain Churches within York united and drawn into a fewer number.

VVhere in the antient City of York and ſuburbs of the ſame, there are many Pariſh Churches, which heretofore the ſame being well inhabited and repleniſhed with people, were good and honeſt livings for learned Incumbents, by reaſon of the privy tithes of the rich merchants, and of the offerings of a great multitude, which livings be now ſo much decayed by the ruine and decay of the ſaid City, and of the trade of merchandiſe there, that the revenues and profits of divers of the ſame Benefices are at this preſent not above the clear yearly value of ſix and twenty ſhillings and eight pence, ſo that a great ſort of them are not a competent and honeſt living for a good Curate: yea, and no perſon will take the cure, but that of neceſſity there is ſome Chantry Prieſt, or elſe ſome late Religious perſon being a Stipendary, taken and appointed to the ſaid Cure and Benefice, which for the moſt part are unlearned, and very ignorant perſons, not able to do any part of their duties: By reaſon whereof the ſaid City is not onely repleniſhed with blind guides and Paſtors, but alſo the people much kept in ignorance, as well of their duties towards God, as alſo towards the Kings Majeſty and the Common-wealth of this Realm, and to the great danger of their ſouls: In conſideration whereof, and for the better relief and order of the ſaid City, it may pleaſe the Kings Majeſty, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame,

It ſhall be lawful to the Mayor of York, &c. to unite ſo many of the Pariſhes in York, as to them ſhall ſeem convenient.

That from henceforth it ſhall be lawful to the Mayor and Recorder of the ſaid City, and to the Ordinary, or his deputy, and ſix Juſtices of Peace in the ſaid City, to unite and knit together the ſaid Pariſhes into fewer number, that is to wit, ſo many of the ſaid Pariſhes into one Pariſh, as to them ſhall be thought convenient to be a living for one honeſt Incumbent, ſo the clear yearly value of one Pariſh exceed not xx. l. by year, and ſo to proceed thorow the ſaid City and ſuburbs of the ſame.

Pulling down of Churches and beſtowing them.

And that it ſhall be lawful for the ſaid Mayor, Recorder and Aldermen to pull down the Churches which they ſhall think ſuperfluous in the ſaid City and ſuburbs of the ſame, and to beſtow the ſame toward the reparations and enlargement of the other Churches, and the Bridges of the ſaid City, and to the relief of the poor people. And further, that the ſaid Mayor, Recorder, Ordinary, or his deputy, and ſix Juſtices of Peace being Aldermen, ſhall allot and appoint the preſentment and patronage of the Church ſo united to the Patrons of all the Churches, ſo knit in one Pariſh, that they may make their preſentments by turn, every one according to their quantity of his former patronage.

A proviſion for the Incumbents of the Churches pulled down.

Provided always, and be it enacted by the authority aforeſaid, That all ſuch Incumbents of the Churches aforeſaid, that ſhall be put down by vertue of this Act, ſhall have the yearly value of their Benefices, after the rate they do pay tenths during their lives, ſo they will do ſervice therefore in the Church called the Pariſh Church, according to their former duties. And if they refuſe to ſerve, then they onely during their lives to have the third part of the value, as is aforeſaid, and to be payed at the hands of the Incumbent of the Pariſh Church to be appointed.

By whom the Tenth to the King ſhall be paid, and how levied.

Provided alſo, and be it enacted by the authority aforeſaid, That the Incumbents of every ſuch Church, which by vertue of this Act ſhall be made and ordained for the Pariſh Church, and whereunto any other Pariſh or Pariſhes ſhall be united, ſhall after the union thereof yearly pay the tenths to be due for the ſame to the Kings Majeſty, his Heirs and Succeſſors, of the ſame Church, and of all other Churches thereunto united and annexed. And the ſaid Incumbents of the Pariſh Church ſo united, to have his allowance of the Incumbents of the Churches ſo united thereunto, during their ſeveral lives, according to the rate and portion of the Churches ſo united, as ſhall be aſſigned by the aboveſaid perſons, having authority by this Act to unite the ſame.

Who ſhall pay the Firſt-fruits, and according to what value.

And the ſucceſſor and ſucceſſors of every ſuch Incumbent of every ſuch Church, as ſhall be made ẏ Pariſh Church, & whereunto any Church or Pariſh ſhall be united by force of this Act, ſhall pay or compound for the Firſt-fruits thereof at every avoidance before his induction to the ſame, according to ſuch yearly value, as ſuch Church or Churches, as ſhall be made a Pariſh Church, and whereunto any Church or Churches, Pariſh or Pariſhes ſhall be united by force of this Act, ſhall be of, at the time of the union thereof, and as if it had been of ſuch like yearly value at the time of making of the Statute for firſt-fruits and tenths, and of no greater value: any ordinance, ſtatute or law to the contrary notwithſtanding.

CAP. X.

Exigents and Proclamations ſhall be awarded out of the Kings Bench and Common place, againſt any perſon dwelling in Wales or Cheſter.

27 H 8.16.

Where in the high Court of Parliament holden at Weſtminſter the ſeven and twentieth year of the moſt proſperous reign of the late famous King Henry the eighth, by the aſſent of the Lords Spiritual and Temporal, and the Commons aſſembled in the ſaid high Court of Parliament: It was enacted and eſtabliſhed by authority of the ſame Parliament, That his Highneſs Dominion and Principality of Wales, and all manors, lands, tenements, and other Dominions within the ſaid Dominion and Principality of Wales, ſhould be divided into twelve ſhires or counties, that is to ſay, the ſhires or counties of Glamorgan, Radnor, Brecknock, Caermarthen, Pembroke, Cardigan, Merioneth, Montgomery, Flint, Caernarvan, Angleſey and Denbigh, in every of which ſaid counties and ſhires, amongſt the Officers yearly appointed, it was then ordained that there ſhould be diſtinct and ſeveral Sheriffs yearly: and alſo where the Counties Palatine of Cheſter, and of the City of Cheſter, be ancient and ſeveral Counties Palatine of themſelves, in all which ſaid Counties the Kings Writ hath not, nor yet doth run: ſo that the Proclamation awarded upon any Exigent againſt any perſon or perſons in any action, wherein proceſs of Outlawry doth lie, according to the ſtatute made in the ſixth year of the reign of the ſaid late King, cannot be directed unto the Sheriff or Sheriffs of any of the ſaid ſhires or counties, but unto the Sheriff of the county next adjoyning: So that the party dwelling in any of the ſaid ſhires or counties againſt whom any ſuch Exigent and Proclamation ſhall be ſo awarded, ſhall not, nor can have any knowledge of the ſame ſuit or proceſs, by reaſon whereof many of the perſons inhabiting in the ſaid ſhires and counties, without knowledge or cauſe of ſuit, have been wrongfully and unjuſtly outlawed to their utter undoing. St. 6 H 8.

A Proclamation upon an Exigent awarded againſt any perſon dwelling in Wales, the County or City of Cheſter.

Be it therefore, and for divers other good conſiderations, by the King our Soveraign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, enacted, ordained and eſtabliſhed, that if and whenſoever any writ of Exigent, at any time after the firſt day of April next coming ſhall be awarded at the ſuit of the King, or of any other perſon or perſons, plaintiff or plaintiffs, in any action or ſuit, in any of the courts of our ſaid Soveraign Lord the King, his heirs or ſucceſſors, commonly called the Kings Bench and the common place, againſt any perſon or perſons dwelling in any of the foreſaid counties in Wales, or in the ſaid counties Palatine of Cheſter, or the City of Cheſter, or in any of them: that then immediately upon the awarding of every ſuch Exigent, the Juſtice or Juſtices before whom any ſuch writ or Exigent upon ſuch ſuit or action ſhall be ſued, ſhall have full power and authority to award one writ of Proclamation according to the tenor and effect of Proclamations awarded upon Exigents, directed out of any of the ſaid Courts in London, againſt any perſon dwelling in any other ſhire, where the Kings writ is currant, according to the order and form of the ſaid Statute made in the ſixth year of the ſaid late King, to be directed to ſuch of the aforeſaid Sheriffs of any of the aforeſaid counties in Wales, and of the counties Palatine of Cheſter, and of the City of Cheſter for the time being, where it ſhall happen the ſaid defendant, againſt whom any ſuch action ſhall be ſued as is aforeſaid to be dwelling. And that every ſuch writ of Proclamation ſhall have the ſame Teſte, and day of return, as the Exigents, whereupon every ſuch writ of Proclamation ſhall be awarded, ſhall have: And that every ſuch Sheriff to whom any ſuch writ of Proclamation ſhall be directed, ſhall make Proclamation of the ſaid writ of Proclamation, according to the tenor of the ſame, and ſhall make true return of the ſame in ſuch Court, and before ſuch Juſtices, as the tenor of the ſame writ ſhall require and demand. And that all outlawries hereafter to be promulged, or pronounced againſt any perſon or perſons upon any ſuch Exigent or Exigents awarded, againſt any perſon or perſons, dwelling in any of the ſaid counties of Wales, and the counties Palatine of Cheſter, and of the City of Cheſter, and no writ of Proclamation awarded, in form abovesaid, to the Sheriff or Sheriffs of the county, where the party defendant ſhall be as is abovesaid dwelling, or not returned to be clearly void and of none effect nor force in the Law.

Every Sheriff in Wales and of Cheſhire & Cheſter ſhall have Deputies in the Kings Bench and Common place.

And be it further enacted by the authority aforeſaid, That all and every Sheriff and Sheriffs of every of the ſaid counties of Wales, and of the counties Palatine of Cheſter, and of the City of Cheſter aforeſaid, ſhall have in every of the Courts of the Kings Bench, and of the Common place, one ſufficient Deputy at the leaſt, to receive all writs directed to ſuch the Sheriff or Sheriffs, for whom the ſame Deputy or Deputies ſhall be appointed, in like manner and form, and upon like pains as by the former ſtatutes and laws of this Realm, other Sheriffs of other ſhires or counties within this Realm of England, be bounden to have in either of the ſame Courts. And that all writs of Proclamation aforeſaid, ſhall be delivered unto every ſuch deputy of Record in the ſame Courts, and alſo like fees ſhall be paid for making every ſuch writ of Proclamation, and for enrolling the ſame of Record, as is limited in the ſaid Statute made in the ſaid ſixth year of the Reign of our ſaid late Soverreign Lord King Henry the eighth. 23 H.6.10.

To whom proceſs againſt any perſon outlawed ſhall be directed.

And be it further enacted by the authority aforeſaid, That if any perſon dwelling in any of the ſaid counties of Wales, after the aforeſaid firſt day of April, ſhall be outlawed in any ſuit or action aforeſaid, That then writs of ſpecial Capias ut legatum, ſingle Capias ut legatum, non moleſtand. And all other proceſs, for or againſt any perſon outlawed, ſhall and may from thenceforth be directed to the Sheriff of any of the ſaid counties in Wales, as immediate officers to the Kings ſaid Courts of the Kings Bench, or common place in that behalf; and that every ſuch writs may be delivered of Record to the deputy of ſuch of the ſaid Sheriffs, to whom any ſuch writ or proceſs ſhall be directed, and that every ſuch Sheriff ſhall make execution and return of every ſuch writ or proceſs to him directed, upon like pain and penalty as is above limited.

The Sheriffs forfeiture for not returning of a writ of Proclamation.

And be it further enacted and eſtabliſhed, That if any ſuch writ or writs of Proclamation hereafter directed to any of the Sheriffs of any of the ſaid Shires in Wales or Counties Palatine of Cheſter, or of the City of Cheſter, be delivered unto any of the ſaid Sheriffs for the time being, or to his or to their deputy, in manner and form aforeſaid: and the ſame Sheriff or Sheriffs do not make true return of every ſuch writ and writs of Proclamation, into ſuch court and courts out of which the ſaid writ or writs of Proclamation ſhall be awarded: that for every ſuch fault of non-return, every ſuch Sheriff for the time being ſhall loſe and forfeit five pound, the one half thereof ſhall be to our Soveraign Lord the King his heirs and ſucceſſors, the other half to any ſuch perſon or perſons as will ſue for the ſame in an action of debt grounded upon this act, in any of the Kings Courts of Record, wherein no eſſoin, protection, or wager of law ſhall be allowed or admitted.

A reſervation of other liberties in Wales, &c.

Provided always, this act, or any thing therein contained, ſhall not in any wiſe extend, or be prejudicial to the ſame counties of Wales, or to the ſaid counties Palatine of Cheſter, or of the city of Cheſter, for or concerning ſuch liberties, franchiſes, or priviledges, as belong to them or any of them, or to any Miniſters or Officers of them or any of them, otherwiſe, or in any other manner, then by the true meaning of this act is before provided and declared: any thing in this act mentioned to the contrary notwithſtanding.

The liberties of the Lord Marchers reſerved.

Provided always, and be it enacted by the authority aforeſaid, that this act ne any thing therein contained, ſhall not in any wiſe be prejudicial or hurtful to any Lord Marcher in Wales, but that they and every of them, and their heirs, and the heirs of every of them ſhall and may have like liberty, intereſt and preheminence, as they and every of them, had, might, or ought to have had before the making of this act, and as though this act had never been had ne made: any thing in this act mentioned to the contrary in any wiſe notwithſtanding. 5 Ed. *6. 26.*

CAP. XI.

A repeal of the Statute of 28 H. 8. 17. which gave authority to the King after his age of four and twenty years, to repeal by his Letters Patents all former Statutes made during his minority. An authority given to the ſaid King Edward the ſixth, and to every heir of the late King Henry the eighth, and to every perſon to whom the Crown ſhall deſcend, remain or come by appointment of the ſaid late King Henry the eighth, to repeal all Statutes made before his full age of four and twenty years, ſaving this Statute and all Pardons granted by Parliament. So that the ſaid repeal contain all ſuch acts as ſhall be repealed, and three ſeveral days be openly proclaimed in the Chancery in Term time, &c. and once in every County at the Aſſiſes. EXP.

CAP. XII.

Statutes concerning Treaſons, &c. repealed.

NOthing being more Godly, more ſure, more to be wiſhed and deſired betwixt a Prince, the ſupream head and ruler, and the ſubjects, whoſe Governor and head he is, then on the Princes part, great clemency and indulgency, and rather too much forgiveneſs and remiſſion of his royal power and juſt puniſhment, then exact ſeverity and juſtice to be ſhewed: and on the ſubjects behalf, that they ſhould obey rather for love, and for the neceſſity and love of a King and Prince, then for fear of his ſtrait and ſevere laws: yet ſuch times at ſome time come in the Commonwealth, that it is neceſſary and expedient for the repreſſing of the inſolency and unrulineſs of men, and for the foreſeeing and providing of remedies againſt rebellion, inſurrection, or ſuch miſchiefs (as God ſometime with us diſpleaſed for our puniſhment doth inflict and lay upon us, or the Devil at Gods permiſſion to aſſay the good and Gods elect, doth ſow and ſet amongſt us) the which Almighty God, with his help and mans policy, hath always been content and pleaſed to have ſtayed, that ſharper laws, as a harder bridle ſhould be made, to ſtay thoſe men and facts that might elſe be occaſion, cauſe and authors of further inconvenience, the which thing cauſed the Prince of moſt famous memory, King Henry the eighth, father to our ſaid Sovereign the King, and other his Highneſs Progenitors, with the aſſent of the Nobles and Commons, at divers Parliaments in their ſeveral times holden, to make and enact certain laws and ſtatutes, which might ſeem and appear to men of exterior Realms, and many of the Kings Majeſties ſubjects very ſtrait, ſore, extream, and terrible, although they were then, when they were made, not without great conſideration and policy, moved and eſtabliſhed, and for the time, to the avoidance of further inconvenience, very expedient and neceſſary. But as in tempeſt or winter, one courſe and garment is convenient, in calm or warm weather, a more liberal raſe, or lighter garment both may, and ovght to be followed and uſed: ſo we have ſeen divers ſtrait and ſore laws made in one Parliament (the time ſo requiring) in a more calm and quiet Reign of another Prince, by the like authority and Parliament repealed and taken away. The which moſt high clemency and royal example of his Majeſties moſt noble progenitors, the Kings Highneſs of his tender and godly nature, moſt given to mercy and love of his ſubjects, willing to follow, and perceiving the hearty and ſincere love, that his moſt loving ſubjects, both the Lords and Commons do bear unto his Highneſs, now in this his Majeſties tender age, willing alſo to gratifie the ſame therefore, and minding further to provoke his ſaid ſubjects with indulgency and clemency, ſhewed on his Highneſs behalf, to more love and kindneſs toward his Majeſty (if it may be) and upon truſt that they will not abuſe the ſame, but rather be encouraged thereby more faithfully, and with more diligence (if it may be) and care for his Majeſty, to ſerve his Highneſs now in this his tender age, is contented and pleaſed, that the ſeverity of certain Laws here following be mitigated and remitted.

Sometimes ſharp, and ſometimes milder laws be made according to the peoples inclination.

Be it therefore ordained and enacted by the King our Sovereign Lord, with the aſſent of the Lords ſpiritual and temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that from henceforth no act, deed, or offence being by act of Parliament or Statute made Treaſon, or petit Treaſon, by words, writing, ciphering, deeds, or otherwiſe whatſoever, ſhall be taken, had, deemed and adjudged to be high Treaſon, or petit Treaſon, but only ſuch as be Treaſon or petit Treaſon, in or by the Act of Parliament, or Statute made in the xxv. year of the reign of the moſt noble King of famous memory, King Edward the third, touching or concerning Treaſon, or the Declarations of Treaſons: and ſuch offences as hereafter ſhall by this preſent Act be expreſſed and declared to be Treaſon or petit Treaſon, and none other, nor that any pains of death, penalty or forfeiture in any wiſe enſue, or be to any of the offendors for the doing or committing any Treaſon or petit Treaſon, other then ſuch as be in the ſaid Statute made in the ſaid twenty fifth year of the reign of the ſaid King Edward the third, or by this preſent Statute ordained and provided: any act or acts of Parliament, ſtatute or ſtatutes had or made at any time heretofore, or after the ſaid xxv. year of the reign of the ſaid late King Edward the third, or any other declaration or matter to the contrary in any wiſe notwithſtanding.

No offence made treaſon by any ſtatute ſhall be ſo adjudged, but ſuch as were made treaſon by the ſtatute of 25 E.3.2.St.
1 H.4.10.1 M.1
2 H.4.15.
5 R.2.5.
2 H.5.7.
25 H.8.14.
31 H.8.14.

And alſo be it further enacted by the authority aforeſaid, That all acts of Parliament and Statutes touching, mentioning, or in any wiſe concerning religion or opinions, that is to ſay, as well the Statute made in the fifth year of the reign of the Kings noble Progenitor King Richard the ſecond: and the Statute made in the ſecond year of the reign of King Henry the fifth: and the Statute alſo made in the xxv. year of the reign of King Henry the eighth, concerning puniſhment and reformation of Hereticks and Lollards, and every proviſion therein contained: and the Statute made for the aboliſhment of diverſity of opinions, in certain Articles concerning Chriſtian Religion, commonly called the vi. Articles, made in the Parliament begun at Weſtminſter, the xxviii. day of April, in the xxxi. year of the reign of the moſt noble victorious Prince of moſt famous memory King Henry the eighth, father to our moſt dread Soveraign Lord the King that now is: and alſo the Act of Parliament and Statute made in the Parliament begun at Weſtminſter, the ſixteenth day of January, in the three and thirtieth year of the reign of the ſaid late King Henry the eighth, and after that Prorogued unto the two and twentieth day of January, in the four and thirtieth year of the reign of the ſaid late King Henry ỹ eighth, touching, mentioning, or in any wiſe concerning books of the old and new Teſtament in Engliſh, & the printing, uttering, ſelling, giving, or delivering of books, or writings, and retaining of Engliſh books, or writings, and reading, preaching, teaching, or expounding of Scripture, or in any wiſe touching, or concerning any of the ſame matters. And alſo one other Statute made in the Parliament holden at Weſtminſter in the five and thirtieth year in the reign of the late King Henry the eighth, concerning the qualification of the Statute of ſix Articles, and all and every other act or acts of Parliament concerning Doctrine, or matters of Religion, and all and every branch, article, ſentence, and matter, pains and forfeitures contained, mentioned, or in any wiſe declared in any of the ſame acts of Parliament, or Eſtatutes ſhall from henceforth be repealed, and utterly void and of none effect.

34 H.8.1.
5 H.8.5.
A repeal of the before ſpecified 7 ſtatutes, and of every other act concerning Doctrine and matter of Religion.
All ſtatutes made ſithence the firſt year of H.8 to make any thing felony repealed.

And be it further ordained and enacted by the authority aforeſaid, that all offences made felony by any act or acts of Parliament, ſtatute or ſtatutes, made ſithence the xxiii. day of April, in the firſt year of the reign of the ſaid late King Henry the eighth, not being felony before, and alſo all and every the branches and articles mentioned, or in any wiſe declared, in any of the ſame ſtatutes, concerning the making of any offence or offences to be felony, not being felony before: and all pains and forfeitures concerning the ſame, or any of them, ſhall from henceforth be repealed and utterly void and of none effect.

And be alſo ordained and enacted by the authority aforeſaid, that one act made in the Parliament holden at Weſtminſter, in the one and thirtieth year of the reign of the ſaid late King Henry the eighth, that Proclamations made by ỹ Kings Highneſs, by ỹ advice of his honourable Councel, ſhould be obeyed and kept, as though they were made by authority of Parliament: and alſo one other act made in the Parliament holden in the xxxiv. year of the reign of the ſaid late King Henry the eighth, for the due execution of the ſaid Proclamations: and alſo all and every branch, article and matter in the ſame Statutes, and every of them mentioned or declared, ſhall from henceforth be repealed, and utterly void and of none effect.

A repeal of the St. of 31 H.8.8. and 34 H.8.23. touching the authority of the Kings Proclamations.

And be it enacted by the authority aforeſaid, that if any perſon or perſons, at any time after the firſt day of March next coming, by open preaching, expreſs words or ſayings, do affirm or ſet forth, that the King, his heirs or ſucceſſors Kings of this Realm, for the time being, is not, or ought not to be ſupream head in earth of the Church of England and Ireland, or any of them immediately under God, or that the Biſhop of Rome, or any other perſon or perſons, other then the King of England for the time being, is, or ought to be by the laws of God, ſupream head of the ſame Churches, or of any of them, or that the King, his heirs or ſucceſſors Kings of this Realm, is not, or ought not to be King of England, France and Ireland, or of any of them: or after the ſaid firſt day of March, do compaſs or imagine by open preaching, expreſs words or ſayings, to depoſe or deprive the King, his heirs or ſucceſſors Kings of this Realm, from his or their royal eſtate or titles, to, or of the Realms aforeſaid, or do openly publiſh, or ſay by expreſs words or ſayings, that any other perſon or perſons, other then the King, his heirs or ſucceſſors Kings of this Realm, of right ought to be Kings of the Realms aforeſaid, or of any of them, or to have and enjoy the ſame, or any of them: that then every ſuch offender being thereof duly convicted, or attainted by the Laws of this Realm, their aidors, comforters, abettors, procurors and counſellors, for his or their ſuch firſt offence, ſhall loſe and forfeit to the King all his and their goods and chattels, and alſo

The penalty for affirming by words, that the King is not not ſupream head of the church, or that any other is, or to compaſs to depoſe him, or to affirm that he ought not to be King. Rep. 1 & 2 P. & M. 8. for ſo much as concerns the ſupremacy.

The puniſhment for the ſecond offence, being once before convicted.

The puniſhment for the third offence, being twice convicted.

alſo ſhall have and ſuffer impriſonment, of his and their bodies, at the Kings will and pleaſure. And if any perſon being once convicted or attainted of any of the ſaid offences, ſhall after his conviction or attaindor eftſoons commit, or perpetrate any of the offences before mentioned, other then ſuch as be expreſſed in the ſaid eſtatute made in the ſaid xxv. year of King Edward the third, and ſhall be thereof duly convicted and attainted by the Laws of this Realm: then every ſuch offendor, their aiders, comforters, abettors, procurers, and counſellers, for his or their ſaid ſecond offence or offences, ſhall loſe and forfeit to the King, the whole iſſues and profits of all his and their lands, tenements, and other hereditaments, benefices, prebends, and other ſpiritual promotions, for term of life, of ſuch offendor or offendors: and ſhall alſo loſe and forfeit to the King all his and their goods and chattels, and alſo ſuffer during his and their lives, perpetual impriſonment of his and their bodies. And if any perſon being two times hereafter convicted or attainted of any of the ſame offences, ſhall after his ſaid ſecond conviction or attainder, eftſoons commit or perpetrate again any of the ſaid offences, and be thereof duly convicted or attainted by the Laws and Statutes of this Realm: that then every ſuch third offence or offences, ſhall be deemed and adjudged high Treaſon, and the offendor or offendors, their aiders, comforters, abettors, procurors, and counſellors, being therein convicted or attainted, according to the Laws and Statutes of this Realm, ſhall be deemed & adjudged high traitors, & ſhall ſuffer pains of death, & loſe & forfeit all their goods & chattels, lands & tenements to ẏ King, as in caſes of high Treaſon.

It ſhall be high Treaſon to affirm by writing, printing, or deed, that the King is not ſupreme head of the Church, or that any other is, or, &c. REP. 1 & 2 P & M.8. Stat. 13 El. 1. Stat. 26 H.8.13.

And be it further enacted by the authority aforeſaid, that if any perſon or perſons, at any time after the ſaid firſt day of March next coming, by writing, printing, overt-deed, or act, do affirm or ſet forth, that the King of this Realm for the time being, is not, or ought not to be ſupreme head in the earth of the Church of England and Ireland, or of any of them, immediately under God: or ſhall be by writing, printing, overt-deed or act, after the ſaid firſt day of March affirm, or ſet forth, that the Biſhop of Rome, or any other perſon or perſons, other then the King of England for the time being, is, or ought to be by the Laws of God or otherwiſe, the ſupreme head in earth of the ſame Churches, or of any of them: or do after the ſaid firſt day of March compaſs or imagine by writing, printing, overt-deed or act, to depoſe or deprive the King, his heirs or ſucceſſors Kings of this Realm, from his or their royal eſtate, or titles of the King of England, France or Ireland, or of any of them, or by any writing, printing, overt-deed, or act, do affirm, that any other perſon or perſons, other then the King, his heirs and ſucceſſors, is, or of right ought to be King of the Realms of England, France, or Ireland, or to have and enjoy the ſame, or any of them, that then every ſuch offence and offences ſhall be deemed and adjudged high Treaſon, and the offendor and offendors, their aiders, comforters, abettors, procurors and counſellors, therein convicted or attainted, according to the Laws and Statutes of this Realm, ſhall be deemed and adjudged high Traitors, and ſhall ſuffer pains of death, and loſe and forfeit all their goods and chattels, lands and tenements to the King, as in caſes of high Treaſon.

To which acts of Parliament this ſtatute extendeth not.

Stat. 27 H.8.2.

Provided always, and be it enacted by the authority aforeſaid, that this Statute, or any thing therein contained, ſhall not in any wiſe extend to repel, annul, or make fruſtrate or void, any act or acts of Parliament, ſtatute or ſtatutes made concerning the counterfeiting, or forging of any of the coins of this Realm, or the coin of any other Realm or Realms, currant within this Realm, or for clipping, waſhing, or filing any of the ſaid coins, or for, or concerning the bringing into this Realm, of counterfeit money or coin: ne to any ſtatute made in the ſeven and twentieth year of the ſaid late King Henry the eighth, concerning the falſe forging and counterfeiting of the Kings ſigns Manual, privy Signet, or privy Seal, ne to their counſellors, procurors, aiders and abettors, nor to any article or branch concerning the ſame offences, or any of them, contained in the ſame ſtatutes, or any of them.

It ſhall be high Treaſon to interrupt any perſon to whom the Crown is limited by the ſtatute of 35 H.8.1.

And be it further enacted by the authority aforeſaid, That if any the heirs of the King our ſaid Sovereign Lord that now is, or any perſon or perſons to whom the Crown and dignity of this Realm is limited and appointed by act of Parliament made in the five and thirtieth year of the Reign of the ſaid late King Henry the eighth, or the heirs of any of them, do at any time hereafter uſurp the one of them upon the other, in the Crown of this Realm, or demand, challenge or claim the ſame, otherwiſe, or in any other form or degree of diſcent or ſucceſſion, or in any other courſe, form, degree, or condition, but only in ſuch manner and form as is declared by the ſaid ſtatute: or if any of the ſaid heirs or perſons aforeſaid, do interrupt, or let the Kings Highneſs that now is, peaceably and quietly to keep, have, and enjoy ẏ ſaid Imperial Crown: that then all & ſingular ẏ offendors, their aiders, comforters abettors, procurors, & counſellors therein, ſhall be deemed & adjudged high traitors, & ſhall ſuffer & incur the pains of death, loſs and forfeitures, as is aforeſaid, in caſes of high treaſon.

The offendors in theſe felonies ſhall be excluded of their Clergy & ſanctuary. Stat. 2 Ed.6.33. 5 Ed. 6.9.10. Stat.37 H.8.8.

Clergy allowed in all other caſes of felony. 1 Jac. 25. Sanctuaries extinct.

And it is further ordained and enacted by the authority aforeſaid, that no perſon or perſons that heretofore hath been, or at any time hereafter ſhall be, in due form of the laws attainted or convicted of murder, of malice prepenſed: or of poyſoning, of malice prepenſed: or of breaking of any houſe by day or by night, any perſon being then in the ſame houſe where the ſame breaking heretofore hath been, or hereafter ſhall be committed, and heretofore hath been, or hereafter ſhall be thereby put in fear or dread: or of, or for robbing of any perſon or perſons in the high-way, or near to the high-way: or for felonious ſtealing of horſes, geldings, or mares: or of felonious taking of any goods out of any Pariſh Church, or other Church or Chappel: or being indicted or appealed of any of the ſame offences, and thereupon found guilty by verdict of twelve men, or ſhall confeſs the ſame upon his or their arraignment: or will not anſwer directly, according to the Laws of this Realm, or ſhall ſtand wilfully, or of malice mute, ſhall not be admitted to have or enjoy the priviledge or benefit of his Clergy or Sanctuary, but ſhall be put from the ſame: And that in all other caſes of felony other then ſuch as are before mentioned, all and ſingular perſon and perſons, which after the firſt day of March next coming, ſhall be arrigned or found guilty upon his or their arraignment, or ſhall not confeſs the ſame, or ſtand mute, in form aforeſaid, or will not anſwer directly in form aboveſaid, ſhall have and enjoy the priviledge and benefit of his or their Clergy, the liberty and priviledge of Sanctuary, in like manner and form, as he or they might or ſhould have done, before the four and twentieth day of April, in the firſt year of the reign of the ſaid late King Henry the eighth.

Statutes made during the reign of King H.8. touching challenges and foreign pleas confirmed. St.35 H.8.6.4 H.8.2.22 H 8.2.

Provided always, and be it enacted by the authority aforeſaid, That all clauſes, articles, and ſentences mentioned or ſpecified in any act or acts of Parliament, ſtatute or ſtatutes made in the time of the reign of the ſaid late King Henry the eighth, touching, or in any wiſe concerning any manner of challenge for the County, Hundred, or peremptory challenge, or any of them, or touching, or in any wiſe concerning any manner of trial of foreign pleas pleaded by murderers, felons, or other offendors, ſhall, as concerning the ſaid challenges and trials, remain in their force and ſtrength not repealed, any thing in this act mentioned, ſounding or ſeeming to the contrary in any wiſe notwithſtanding.

This Statute ſhall not extend to thoſe that be arreſted, impriſoned, indicted, convicted, outlawed, attainted, or fled for Treaſon.

Provided alſo, and be it ordained and enacted by the authority aforeſaid, that this act of Parliament, or any thing therein mentioned as concerning the repeal of any Eſtatute or Eſtatutes made touching treaſon, or miſpriſion of treaſon, ſhall not in any wiſe give any manner of benefit, advantage, or commodity to any perſon or perſons, being the laſt day of October laſt paſt, arreſted or impriſoned for treaſon, petit treaſon, or miſpriſion of treaſon, or to any perſon or perſons heretofore being indicted of treaſon, petit treaſon, or miſpriſion of treaſon, or to any other perſon or perſons being likewiſe convicted, outlawed or attainted, of treaſon, petit treaſon, or miſpriſion of treaſon: or being fled beyond the ſeas, or into Scotland, before the ſaid laſt day of October laſt paſt, for any treaſon, petit treaſon, or miſpriſion of treaſon, but that they and every of them ſhall ſuffer ſuch pains of death, loſſes, and forfeiture of lands and goods, as in caſes of treaſon, as though this act had never been had or made: any thing in this act to the contrary in any wiſe notwithſtanding: and that the laws and ſtatutes repealed by this act, ſhall ſtand againſt them, and every of them, in full ſtrength, vertue, force and effect, concerning all and every offence by them, or any of them heretofore committed or done.

Wilful killing by poyſoning ſhall be adjudged murder.

Provided alſo, and be it ordained and enacted by the authority aforeſaid, That all wilful killing, by poyſoning of any perſon or perſons, that at any time hereafter ſhall be done, perpetrated or committed, ſhall be adjudged, taken and deemed wilful murder of malice prepenſed: and that the offendors therein, their aiders,[a] abettors, procurors and counſellors, ſhall ſuffer death, and forfeit in every behalf, as in other caſes of wilful murder of malice prepenſed.

[a] Plow. f.473. Cok.l.4.f.44. lib.9.f.81.

A Lord of the Parliament ſhall have his Clergy for the firſt offence of felony, though he cannot read, and without burning.

And over that, be it enacted by the authority aforeſaid, That in all and every caſe and caſes, where any of the Kings Majeſties ſubjects ſhall and may upon his prayer, have the priviledge of Clergy, as a Clerk convict, that may make purgation, in all thoſe caſes, and every of them, and alſo in all and every caſe and caſes of felony, wherein the priviledge and benefit of Clergy is reſtrained, excepted, or taken away by this ſtatute or act (wilful murder, and poyſoning of malice prepenſed only excepted) the Lord and Lords of the Parliament, and Peer and Peers of the Realm having place and voice in Parliament, ſhall by vertue of this preſent act of common grace, upon his or their requeſt or prayer, alledging that he is a Lord or Peer of this Realm, and claiming the benefit of this act, though he cannot read, without any burning in the hand, loſs of inheritance, or corruption of his bloud, be adjudged, deemed, taken, and uſed for his firſt time only, to all intents, conſtructions, and purpoſes, as a Clerk convict, and ſhall be in caſe of a Clerk convict, which may make purgation without any further or other benefit or priviledge of Clergy, to any ſuch Lord or Peer, from thenceforth at any time after, for any cauſe to be allowed, adjudged, or admitted: any law, ſtatute, uſage, cuſtom, or any other thing to the contrary in any wiſe notwithſtanding.

Tryal by proceſs of a Lord of the Parliament.

Provided always, that if any of the ſaid Lords of the Parliament, or any of the Peers of this Realm for the time being, ſhall fortune to be indicted of any of the offences limited in this act: that then they and every of them, ſhall have his or their trial by their Peers, as it hath been uſed heretofore in caſes of high Treaſon.

Bigamus allowed his Clergy. St. 1 Jac. 11.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, that by this ſtatute, or by any other ſtatutes or laws of this Realm ought to have, or be admitted to the benefit of his or their[b] Clergy: that the ſame perſon and perſons, ſhall be from henceforth admitted and allowed to his or their Clergy, although they or any of them have been divers and ſundry times married to any ſingle woman, or ſingle women, or to any widow or widows, or to two wives, or moe: any law, ſtatute, or uſage to the contrary in any wiſe notwithſtanding.

[b] Dyer f. 201. Brook clergy 20.

St. 4 E.2.5. The wife ſhall be endowed though her husband be attainted of Treaſon, Murder, or felony. ALT.5 Ed.6.11. for high Treaſon.

And over that, it is ordained and enacted by the authority aforeſaid, That albeit any perſon or perſons, of what eſtate, condition, or degree he or they be, ſhall hereafter fortune to be attainted, convicted, or outlawed of any[c] Treaſon, petit Treaſon, miſpriſion of Treaſon, Murder, or Felony whatſoever, yet that notwithſtanding, every woman that is, or ſhall fortune to be wife of the perſon ſo attainted, convicted, or outlawed, ſhall be endowable and enabled to demand, have, and enjoy her dower in like manner and form, as though her husband had not been attainted, convicted, or outlawed: any ſtatute, law, uſage, or cuſtom to the contrary in any wiſe notwithſtanding. Saving to all and every other perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and to every of them (other then to ſuch offendor or offendors as ſhall be attainted, convicted, or outlawed) all ſuch right, title, intereſt, entry, leaſes, poſſeſſion, condition, profit, commodity, and hereditaments, as they or any of them had, or ſhould, or of right ought to have, before, or at the time of the ſaid attainder, conviction, or utlagary.

[c] Dyer f.97. 63.

a Dyer f. Cok.l.

Provided alſo, and be it enacted by the authority aforeſaid, that one act made at the

A confirmation of the Stat. of 27 H 8. 17. concerning a ſervant taking his maſters goods. REP. 2 M. 1. Stat. 21 H. 8. 7. 5 El. 10.

Parliament holden at Weſtminſter, upon divers prorogations, the fourth day of February, in the xxvii. year of the ſaid late King Henry the eighth, and there continued and kept until the xxiv. day of April then next enſuing, concerning and touching the felonious taking away by any ſervant, the goods or chattels of the Maſter or Miſtreſs, and all articles and ſentences contained in the ſame Act, ſhall ſtand, be and remain in full ſtrength, force and effect in ſuch manner and form as it did before the making of this preſent Act, the repeal, or revocation of the Acts abovesaid to the contrary notwithſtanding.

Within what time after the offence committed, the offendor muſt be accuſed.

Provided alway, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall in any wiſe be impeached, or put to anſwer for any of the offences abovesaid, concerning Treaſons, by open preaching, or words only, unleſs the party offendor or offendors be thereof accuſed within thirty days next after the ſame open preaching, or words ſo ſpoken or declared, if the accuſers ſhall fortune to be within this Realm, during the ſaid ſpace of thirty days next after the ſaid offence committed or done. And if the accuſers ſhall happen to be out of this Realm, during the ſaid ſpace of thirty days: then the party or parties ſo offending, ſhall be accuſed as is aforeſaid, within ſix moneths next after the ſame preaching, or words ſpoken or declared: or elſe the party or parties ſo offending, their aiders, comforters, abettors, and counſellors, or any of them not to be impeached, or put to anſwer for any ſuch offence or offences: and that the ſame accuſation or accuſations ſo to be had, made and declared, ſhall be made to one of the Kings Council, or to one of the Kings Juſtices of Aſſiſe, or elſe to one of the Kings Juſtices of Peace, being of the Quorum, or to two Juſtices of the Peace within the Shire, where the ſame offence or offences ſhall happen to be done or committed: any thing contained in this Act to the contrary in any wiſe notwithſtanding.

To whom the accuſation muſt be made.

Keeping ſecret of high Treaſon, is miſpriſion of Treaſon.

Provided alſo, and be it declared and enacted by the authority abovesaid, That concealment or keeping ſecret any high Treaſon, ſhall be from henceforth adjudged, deemed and taken miſpriſion of Treaſon, and the offendor therein ſhall forfeit and ſuffer as in caſes of miſpriſion of Treaſon, as heretofore hath been uſed: any thing above mentioned to the contrary notwithſtanding.

The French King or King of France may be ſo called.

Provided alſo, and be it declared and enacted by the authority abovesaid, That this Act, or any thing therein contained, ſhall not extend, or charge, or make any perſon or perſons to be offendor or offendors in any of the articles abovesaid, for calling, naming, ſaying, writing or printing, the French King for the time being, by the name of the King of France, or French King, any thing above declared and enacted to the contrary in any wiſe notwithſtanding.

No indictment or arraignment without two witneſſes or confeſſion.

Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons, after the firſt day of February next coming, ſhall be indicted, arraigned, condemned or convicted for any offence of Treaſon, petit Treaſon, miſpriſion of Treaſon, or for any words before ſpecified to be ſpoken after the ſaid firſt day of February, for which the ſame offendor, ſpeaker, offendors or ſpeakers, ſhall in any wiſe ſuffer any pains of death, impriſonment, loſs or forfeiture of his goods, chattels, lands or tenements: unleſs the ſame offendor, ſpeaker, offendors or ſpeakers, be accuſed by two ſufficient and lawful witneſſes, or ſhall willingly without violence confeſs the ſame.

CAP. XIII.

A Subſidy of Tonnage and Poundage granted to the King during his life. EXP. Co. Inſt. 4 par. 33.

CAP. XIV.

All Chantries, &c. be granted to the King.

The Kings moſt loving ſubjects, the Lords ſpiritual & temporal, & the Commons in this preſent Parliament aſſembled, conſidering that a great part of ſuperſtition and errors in Chriſtian Religion, hath been brought into the minds and eſtimations of men, by reaſon of the ignorance of their very true and perfect ſalvation, through the death of Jeſus Chriſt, and by deviſing and phantaſying vain opinions of Purgatory, and maſſes ſatiſfactory, to be done for them which be departed: the which doctrine and vain opinion, by nothing more is maintained and upholden, then by the abuſe of Trentals, Chantries, and other proviſions made for the continuance of the ſaid blindneſs and ignorance. And further conſidering and underſtanding, that the alteration, charge and amendment of the ſame, and converting to good and godly uſes, as in erecting Grammer Schools to the education of youth in vertue and godlineſs, the further augmenting of the Univerſities, and better proviſion of the poor and needy, cannot in this preſent Parliament be provided and conveniently done, nor cannot, ne ought to any other manner perſon be committed, then to the Kings Highneſs, whoſe Majeſty, with and by the advice of his Highneſs moſt prudent Council, can and will moſt wiſely and beneficially, both for the honour of GOD, and the weal of his Majeſties Realm, order, alter, convert and diſpoſe the ſame. And calling further to their remembrance, that in the Parliament holden at Weſtminſter, the ſeven and thirtieth year of the reign of our late Sovereign Lord King Henry the eighth, father to our moſt dread and natural Sovereign Lord the King that now is, it was ordained, enacted and eſtabliſhed amongſt other things, That all and ſingular Colledges, Free-chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and other promotions mentioned in the ſaid former Act, had or made to have continuance in perpetuity for ever, and then being, or that had or ought to be contributory or chargeable to the payment of the firſt-Fruits and Tenths, according to the Laws and Statutes in that behalf had and made, by what name, ſurname, degree or corporation, they or any of them were founded, ordained, eſtabliſhed, erected, named, called or known: and all and ſingular the manſion houſes, manors, orchards, gardens, lands, tenements, paſtures, woods, waters, rents, reverſions, ſervices, commons, tithes, penſions, portions, churches, chap-

A rehearſal of the Statute of 37 H. 8. 4. touching the diſſolution of Chantries, &c.

chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entrees, conditions, leets, courts, liberties, privileges, franchiſes, and other hereditaments whatſoever, then appertaining or belonging, or that did appertain or belong, or were aſſigned or appointed to any ſuch Colledge, Free-chappel, Chantry, Hoſpital, Fraternity, Brotherhood, Guild, ſtipendary Prieſt, or other the ſaid promotions, or to any of them, or accepted, known, or taken as part, parcel, or member of them, or of any of them: and to the ſaid Colledges, Chantries, free-chappels, Hoſpitals, Fraternities, Brotherhoods, Guilds, ſtipendary Prieſt, or other promotions, or to any of them united or annexed: which between the fourth day of February, in the ſeven and twentieth year of the ſaid late Kings Reign, and the five and twentieth day of December, in the ſeven and thirtieth of his Graces reign, by reaſon of any entree, expulſion, bargain, ſale, feoffment, fine, recovery, leaſe, or other conveyance thereof made, were diſſolved, determined, or relinquiſhed, by any of the ways, means or conveyances mentioned in the ſaid Act, or otherwiſe, other then ſuch of them, as then were in the poſſeſſion of the ſaid King, or that were granted or aſſured by his licence, agreement, conſent, or Letters Patents, to any perſon or perſons, or then had been lawfully obtained or recovered by any perſon, by any former right or title, without fraud or covin, or by the Kings licence, ſhall from thenceforth by authority of the ſame former Act, be adjudged and deemed, and alſo be in the very actual and real poſſeſſion and ſeiſon of the ſaid late King, and of his heirs and ſucceſſors for ever, in as large and ample manner as the ſaid Prieſts, Wardens, Maſters, Miniſters, Governours, Rulers, or other Incumbents, or any of them, or the Patrons, Donors or Founders of any of them, at any time ſithence the ſaid fourth day of February in the ſeven and twentieth year aforeſaid, had occupied or enjoyed, or then had occupied or enjoyed the ſame, and as though all and ſingular the ſaid Colledges, Chantries, Hoſpitals, Free-chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, and the ſaid manors, lands, tenements, hereditaments, and other the premiſes whatſoever they be, and every of them had been in the ſaid former Act ſpecially, particularly, and certainly rehearſed, named and expreſſed by expreſs words, names, ſurnames, corporations, titles and faculties, and in their natural kinds and qualities: the ſaid entrees, expulſions, bargains, ſales, fines, feoffments, recoveries, or other aſſurance and conveyance whatſoever they were, had or made, (except before in the former Act excepted) to the contrary notwithſtanding.

The K. Commiſſions to certain perſons to enter into Chantries, &c. and their lands.

And where alſo it was enacted and granted by the ſaid late King, by the ſaid former Act, That the ſame late King during his natural life, might make and direct his Commiſſion and Commiſſions under his great Seal, to enter into all and ſingular ſuch, and as many Chantries, Free-chappels, Hoſpitals, Colledges, and other the promotions mentioned in the ſaid former Act, and into all and ſingular ſuch manors, manſions, houſes, meaſes, lands, tenements, paſtures, woods, waters, rents, reverſions, ſervices, poſſeſſions, and other hereditaments whatſoever, or into any part or parcel thereof, in the name, ſeiſin and poſſeſſion of all the hereditaments annexed, united, belonging or appertaining to any Chantry, Hoſpital, Free-chappel, Colledge, Fraternity, Brotherhood, Guild, or other the ſaid proportions, or whereof any Prieſts, Provoſts, Governours, Rulers, or other Incumbents of them, or of any of them, by what name, ſurname, degree, title or corporation, they and every of them, or any of them were founded, erected, ordained, eſtabliſhed, named, called or known, then had or enjoyed, or that hereafter ſhould have or enjoy, to the ſaid Chantries, Hoſpitals, Free-chappels, Colledges, Fraternities, Brotherhoods, Guilds, or other the ſaid promotions, ẏ then were chargeable to ẏ payment of the firſt-Fruits & Tenths: and all Colledges that were chargeable, or not chageable to the ſaid payment of the firſt-Fruits and Tenths, as is aforeſaid, or to any of them, as ſhould be named, expreſſed and appointed, in the ſame Commiſſion or Commiſſions, and to ſeiſe and take the ſame Chantries, Hoſpitals, Colledges, Free-chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, manors, lands, tenements, and other the premiſes, mentioned in the ſaid Commiſſion or Commiſſions, and in every of them, and every part, parcel and member of the ſame into the Kings poſſeſſion and hands: to have and to hold the ſame to the ſaid late King, and to his heirs and ſucceſſors for ever, as by the ſaid former Act, amongſt other things, more at large appeareth: It is now ordained and enacted by the King our Sovereign Lord, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, & by the authority of the ſame, That all manner of Colledges, Free-chappels and Chantries, having being, or in eſſe, within five years next before the firſt day of this preſent Parliament, (which were not in actual and real poſſeſſion of the ſaid late King, nor in the actual and real poſſeſſion of the King our Sovereign Lord that now is, nor excepted in the ſaid former Act in form aboveſaid, other then ſuch as by the Kings Commiſſions in form hereafter mentioned, ſhall be altered, tranſpoſed or changed) and all manors, lands, tenements, rents, tithes, penſions, portions, and other hereditaments, and things above mentioned, belonging to them or any of them: And alſo all manors, lands, tenements, rents, & other hereditaments, & things above mentioned, by any manner of aſſurance, conveyance, will, device, or otherwiſe, had, made, ſuffered, knowledged or declared, given, aſſigned, limited or appointed to the finding of any Prieſt, to have continuance for ever, and wherewith, or whereby any Prieſt was ſuſtained, maintained or found, within five years next before the firſt day of this preſent Parliament, (which were not in the actual and real poſſeſſion of the ſaid late King, nor to the actual and real poſſeſſion of our Sovereign Lord the King that now is) and alſo all annual rents, profits and emoluments, at any time within five years next before the beginning of this preſent Parliament, imployed, payed or beſtowed, toward or for the maintenance, ſupportation or finding of any ſtipendary Prieſt, intended by any act or writing to have continuance for ever, ſhall by the authority of this preſent Parliament, immediately after the Feaſt of Eaſter, next coming, be adjudged and deemed, and alſo be in the very actual or real poſſeſſion and ſeiſon of the

Colledges, Free-chappels, Chantries, and their lands given to the King.
Coke pla. f. 200.

Dyer f.81.
67.
87.Col.2.
49.

Lands and annual rents aſſigned to the finding of a Prieſt to have continuance for ever given to the King.

Coke 14. f.
04.

the King our Sovereign Lord, and his heirs and ſucceſſors for ever, without any office or other inquiſition thereof to be had or found, and in as large and ample manner and form as the Prieſts, Wardens, Maſters, Miniſters, Governours, Rulers, or other Incumbents of them, or any of them, at any time within the five years next before the beginning of this preſent Parliament, had, occupied or enjoyed, or now hath, occupieth or enjoyeth the ſame, and as though all and ſingular the ſaid Colledges, Free-chappels, Chantries, Stipends, Salaries of Prieſts, and the ſaid manors, lands, tenements, hereditaments, and other the premiſes whatſoever they be, and every of them, were in this preſent Act, ſpecially, particularly, and certainly rehearſed, named and expreſſed by expreſs words, names, ſurnames, corporations, titles and faculties, and in their natures, kinds and qualities.

Where lands have been given to the finding of Prieſts for years.

And over that be it ordained & enacted by ẏ authority of this preſent Parliament, that where any manors, lands, tenements, tithes, penſions, portions, rents, profits, or other hereditaments, by any manner of aſſurance, conveyance, will, deviſe, or otherwiſe at any time heretofore had, made, ſuffered, knowledged or declared, were given, aſſigned or appointed, to or for the maintenance, ſuſtentation or finding of one Prieſt, or of divers Prieſts, for term of certain years yet continuing, and that any Prieſt hath been maintained, ſuſtained or found with the ſame, or with the revenues or profits thereof within five years laſt paſt, that the King from the ſaid Feaſt of Eaſter next coming, ſhall have and enjoy in every behalf, for and during all ſuch time to come, every ſuch and like things, tenements, hereditaments, profits and emoluments, as the Prieſt or Prieſts ought, or ſhould have had, for or toward his or their maintenance, ſuſtenance, or finding, and for no longer or further time, nor for any other profit, advantage or commodity thereof to be taken.

He in reverſion may enter after the years expired.

Provided always, and it is ordained and enacted by the authority of this preſent Parliament, that when and aſſoon as the time aſſigned for the maintenance, ſuſtentation or finding of the Prieſt or Prieſts, ſhall be expired and run: that then it ſhall be lawful to every perſon and perſons, to whom any manors, lands, tenements, tithes, portions, penſions, rents, and other hereditaments, or any of them, ſhould have belonged or appertained, if the ſaid former act and this act had never been had or made, to enter into, take, perceive, have and enjoy the ſame, without any manner of livery, Ouſter le maiae, petition, or other ſuit to be made to the King, in like manner, form and condition, to all intents, conſtructions and purpoſes, as though the ſaid former act, and this act had never been had or made, and as though the King had never had any ſeiſon or poſſeſſion thereof: any thing in the ſaid former act, or in this act, to the contrary in any wiſe notwithſtanding.

Lands wholly given to the maintenance of an Obit, &c. Co.pl.f.209.377.

And be it ordained and enacted by the authority of this preſent Parliament, that the King our Sovereign Lord his heirs and ſucceſſors, from the ſaid Feaſt of Eaſter next coming, ſhall have, hold, perceive and enjoy for ever all lands, tenements, rents, and[c] other hereditaments, which by any manner of aſſurance, will, wills, deviſe, or otherwiſe at any time heretofore had, made, ſuffered, knowledged or declared, were given, aſſigned or appointed to go, or be imployed wholly to the finding or maintenance of any Anniverſary or Obit, or other like thing, intent or purpoſe, or of any light or lamp, in any Church or Chappel, to have continuance for ever, which hath been kept or maintained within five years next before the ſaid firſt day of this preſent Parliament.

Part of the iſſues of lands imployed to the finding of a Lamp, Obit, &c.

And alſo that where but part of the iſſues or revenues of any manors, lands, tenements, rents, or other hereditaments, hath by any of the ways or means aboveſaid been given, aſſigned or appointed to be beſtowed or[d] imployed to the finding or maintenance of any Anniverſary or Obit, or other like thing, intent or purpoſe, or of any light or lamp, in any Church or Chappel, to have continuance for ever: that then our Sovereign Lord the King ſhall from the ſaid Feaſt of Eaſter next coming, for ever have, perceive and enjoy every ſuch ſums of money, that in any one year within five years next before the firſt day of this preſent Parliament, hath been expended and beſtowed about the finding or maintenance of any ſuch Anniverſary or Obit, or other like thing, intent or purpoſe, of any light or lamp, to him, his heirs and ſucceſſors for ever, as a rent-charge to be paid yearly, at the Feaſt of Saint Michael the Archangel, and the Annunciation of our Lady Saint Mary the Virgin, by even portions in the Kings Court of the Augmentations and Revenues of his Crown, or in any other Court or Courts, as the King hereafter ſhall appoint.

The Kings diſtreſs for the rent, and entry for default thereof.

And that it ſhall be lawful to our ſaid Sovereign Lord the King, his heirs and ſucceſſors, for non-payment of any ſuch ſum or ſums of money, to diſtrain in the ſaid manors, lands and tenements, of the iſſues and revenues, whereof the ſaid Anniverſary or Obit, or other like thing, or any ſuch light or lamp was found, ſuſtained or maintained. And that for lack of ſufficient diſtreſs, in or upon any the premiſes, whereof any of the ſaid yearly rents, or ſums of money ſhould be paid by the ſpace of one moneth next after that any of the ſaid rents ſhould be paid, and be not paid within the ſaid moneth; That then it ſhall be lawful to and for our Sovereign Lord the King, his heirs and ſucceſſors, by vertue of this preſent act, to enter into, and to have, and poſſeſs as much of the lands, tenements and hereditaments, whereof the ſaid rent or rents ſhould be levied or paid, as the rent or rents that ſhould be levied or paid out of the ſame, doth or ſhall amount or come to in yearly value, and the ſame lands, tenements and hereditaments, to hold and keep, and to have to our ſaid Sovereign Lord the King, his heirs and aſſigns for ever, or for ſuch eſtate as our Sovereign Lord the King, his heirs or ſucceſſors, had, or ought to have had, of or in the ſaid rent or rents.

Money given to the finding of a Prieſt, Obit, Lamp, light, by a Corporation.

And it is alſo ordained and enacted by the authority of this preſent Parliament, That our Sovereign Lord the King, ſhall from ẏ ſaid Feaſt of Eaſter next coming, have, perceive and enjoy, all and ſingular ſuch ſums of money, profits, commodities, & emoluments, which by vertue of any manner of aſſurance, conveyance, compoſition, will, device, or otherwiſe, heretofore have been given, aſſigned, limited or appointed to have continuance for ever, which in any one year within five years, next before the beginning of this preſent Parliament,

ment, have been paid, beſtowed or imployed by any manner of Corporations, Guilds, Fraternities, Companies or Fellowſhips of myſteries or crafts, or any of them, being in England, Wales, and other the Kings Dominions, or by the Maſters, Wardens, Governors, or other Officers or Miniſters, or by the Maſter, Warden, Governor, or other Officer or Miniſter of them, or any of them, toward or about the finding, maintenance or ſuſtentation of any Prieſt or Prieſts, of any Anniverſary or Obit, lamp, light, or lights, or other like thing, as is aforeſaid, to our ſaid Sovereign Lord the King, his heirs and ſucceſſors for ever, to be paid yearly as a rent-charge, at the Feaſts of S. Michael the Archangel, and the Annunciation of our Lady, by even portions, in the Kings Court of augmentations and revenues of his Crown, or in any other Court or Courts, as the King hereafter ſhall appoint.

And that it ſhall be lawful to our ſaid Sovereign Lord the King, his heirs and ſucceſſors, for non-payment of any ſuch ſum or ſums of money, profit, commodity or emolument, or for non-payment of any of them, to diſtrain in all the manors, lands and tenements of every ſuch Crafts, Corporations, Guilds, Fraternities, Companies or Fellowſhips of Myſteries or Crafts, or any of them, by whom, or by the Maſters, Wardens, Governors, or other Officers or Miniſters, or Maſter, Warden, Governor or Miniſter, of the which any ſuch ſums or ſum of money, profit, commodity or emolument, have or hath been paid, beſtowed or imployed: And that all and every of the ſaid ſums of money, profits, commodities and emoluments, ſhall from the Feaſt of Eaſter next coming, without any manner of inquiſition or office to be had or found, be judged & deemed to be in the actual and real poſſeſſion of our ſaid Sovereign Lord ye King, in like manner and form to all intents, conſtructions and purpoſes, as if the ſame had been particularly and ſpecially mentioned in this preſent act.

The King may diſtrain for the money or profit.

And furthermore be it ordained and enacted by the authority aforeſaid, That the King our Sovereign Lord, ſhall from the ſaid Feaſt of Eaſter next coming, have and enjoy to him, his heirs and ſucceſſors for ever, all Fraternities, Brotherhoods and Guilds, being within the Realm of England and Wales, and other the Kings Dominions: and all manors, lands, tenements and other hereditaments, belonging to them or any of them (other then ſuch Corporations, Guilds, Fraternities, Companies, and Fellowſhips of myſteries or crafts, and the manors, lands, tenements, and other hereditaments, pertaining to the ſaid Corporations, Guilds, Fraternities, Companies and Fellowſhips of myſteries or crafts above mentioned) and the ſame ſhall by vertue of this act be judged and deemed, in the actual & real poſſeſſion of our ſaid Sovereign Lord ye King, his heirs & ſucceſſors from ye ſaid feaſt of Eaſter next coming for ever, without any inquiſition or office thereof to be had or found.

Fraternities, Brotherhoods, and Guilds given to the King.

And alſo be it ordained and enacted by the authority aforeſaid, That our ſaid Sovereign Lord the King, his heirs and ſucceſſors, at his and their will and pleaſure, may direct his and their commiſſion and commiſſions under the great ſeal of England, to ſuch perſons as it ſhall pleaſe him: And that the ſame commiſſioners, or two of them at the leaſt, ſhall have full power and authority by vertue of this act, and of the ſaid commiſſion, as well to ſurvey all and ſingular Lay-corporations, Guilds, Fraternities, Companies and Fellowſhips of myſteries, or crafts incorporate, and every of them, as all other the ſaid Fraternities, Brotherhoods and Guilds within the limits of their commiſſion to them directed, and all the evidences, compoſitions, books of accompts, and other writings of every of them, to the intent thereby to know what money and other things was paid or beſtowed to the finding or maintenance of any Prieſt or Prieſts, Anniverſary or Obit, or other like thing, light or lamp, by them or any of them; as alſo to enquire, ſearch and try by all ſuch ways and means as to them ſhall be thought meet and convenient, what manors, lands, tenements, rents, and other hereditaments, profits, commodities, emoluments, and other things be given, limited, or appointed to our ſaid Sovereign Lord the King by this act, within the limits of their commiſſion.

Commiſſions ſhall be directed to ſeveral perſons, and what their authority ſhall be to do thereby.

Lands aſſigned towards the maintenance of a Preacher or Schoolmaſter. Endowment of a Vicar.

Aſſigning one or more Prieſts in a Pariſh, and lands for their maintenance.

And alſo that the ſame commiſſioners, or two of them at the leaſt, by vertue of this act, and of the commiſſion to them directed, ſhall have full power and authority to aſſign, and ſhall appoint (in every ſuch place where Guild, Fraternity, the Prieſt or Incumbent of any Chantry in eſſe, the firſt day of this preſent Parliament, by the foundation, ordinance, or the firſt inſtitution thereof, ſhould or ought to have kept a Grammar-ſchool, or a Preacher, and ſo hath done ſithen the feaſt of Saint Michael the Archangel laſt paſt) lands, tenements, and other hereditaments of every ſuch Chantry, Guild and Fraternity, to remain and continue in ſucceſſion to a Schoolmaſter or Preacher for ever, for and toward the keeping of a Grammar-ſchool, or Preaching, and for ſuch godly intents and purpoſes, and in ſuch manner and form as the ſame commiſſioners, or two of them at the leaſt, ſhall aſſign or appoint: And alſo to make and ordain a Vicar to have perpetuity for ever, in every Pariſh-Church, the firſt day of this preſent Parliament, being a Colledge, Free-chappel or Chantry, or appropriated, annexed or united to any Colledge, Free-chappel or Chantry, that ſhall come to the Kings hands by vertue of this act, and to endow every ſuch Vicar ſufficiently, having reſpect to his cure and charge, the ſame endowment to every ſuch Vicar, and to his ſucceſſors for ever, without any other licence or grant of the King, the Biſhop, or other Officers of the Dioceſs. And alſo the ſaid commiſſioners, or two of them at the leaſt, ſhall have authority by force of this act, to aſſign in every great Town or Pariſh, where they ſhall think neceſſary to have moe Prieſts then one, for the miniſtring of the Sacraments, within the ſame Town or Pariſh, lands and tenements belonging to any Chantry, Chappel, or ſtipendary Prieſt, being within the ſame Town or Pariſh the firſt day of this preſent Parliament, to be to ſuch perſon and perſons, as the ſaid commiſſioners, or two of them at the leaſt, ſhall aſſign or appoint to continue in ſucceſſion for ever, for and towards the ſufficient finding and maintenance of one or moe Prieſts within the ſame Town or Pariſh, as by the ſaid commiſſioners, or two of them, ſhall be thought neceſſary or convenient. And as well to make Ordinances and Rules concerning the ſervice, uſe and demeanour of every ſuch Prieſt and Schoolmaſters, as is aforeſaid, to be appointed, as alſo by what name or names he and they ſhall from henceforth be named and called. And alſo that the ſaid Commiſſioners, or two of them at the leaſt, ſhall have full power and authority by vertue of this act, and of the ſaid Commiſſion to them directed, to aſſign as well to every Dean, Maſter, Warden, Provoſt, and other Incumbent, and Miniſter of any of the ſaid Colledges, Free-chappels or Chantries, being within the limits of their Commiſſion, which hereafter ſhall be diſſolved or determined by vertue of this act, as to every ſtipendary Prieſt, and other Prieſt, whoſe ſalary the King ſhall be intituled unto by this act, as to every fellow and poor Parſon having yearly relief out of any of the ſaid Colledges, Free-chappels or Chantries being within the limits of their Commiſſion, ſuch yearly annuities, penſions, or other recompences, during their ſeveral lives, as to the ſame Commiſſioners, or two of them, ſhall be thought meet and convenient.

The Commiſſioners ſhall aſſign yearly penſions to every governor, fellow and ſervant of every Chantry, &c. diſſolved.

Money or yearly benefit aſſured to certain perſons out of a Chantry, &c. ſhall be ſo continued and paid.

And over that the ſaid Commiſſioners, or two of them at the leaſt, ſhall have full power and authority by vertue of this act, and of the Commiſſion to them directed, to enquire and try by ſuch ways and means as they ſhall think meet and convenient, what money, profit and benefit any poor perſon or perſons by vertue of any conveyance, aſſurance, compoſition, will, device, or otherwiſe, heretofore had or made, intended or meant to have continuance for ever, had or enjoyed within five years next before the beginning of this preſent Parliament, out of any Colledge, Free-chappel or Chantry, and other the premiſes, given, limited or appointed to the King by this act, being within the limits of their Commiſſion. And thereupon to make aſſignments and orders, in ſuch manner and form as all and ſingular ſuch ſaid money, profit and commodity ſhall be paid to poor people for ever, according to ſuch ſaid aſſurance, compoſition, will, device or other thing had or made for the ſame: and to aſſign and appoint lands, tenements, or other hereditaments, parcel of the premiſes, for the maintenance and continuance of the ſame for ever: and alſo to appoint to Fraternities, Brotherhoods, Guilds, lands, tenements and Hereditaments, parcel of the premiſes, towards and for the maintenance of piers, jutties, walls or banks, againſt the rages of the ſea, havens and creeks. And that all and ſingular annuities, penſions, and other recompences, ſhall be half yearly paid to the perſons to whom the ſame ought to be paid by the Kings Receiver for the time being, of his lands commonly called the ſuppreſſed lands, or other his revenues, lying in the County or City where ſuch Colledge, Free-chappel or Chantry, or other the premiſes, given, limited or appointed to the King by this act, the firſt day of this preſent Parliament, were or remained without any fee or reward therefore to be payed: The firſt payment to be given at the feaſt of S. Michael the Archangel next coming. And that every ſuch receiver, upon his accompt, ſhall have full and due allowance of all ſuch annuities, penſions, and other recompences by him paid, by vertue of any ſuch aſſignment to be made by the ſaid Commiſſioners, or two of them at the leaſt.

Lands aſſigned towards the maintenance of the walls and banks of the ſea.

The Commiſſioners oath for the favourable execution of the commiſſion towards the Deans, &c.

And it is ordained and enacted by the authority of this preſent Parliament, that the ſaid Commiſſioners, and every of them, that ſhall take upon him the execution of any of the ſaid Commiſſions, ſhall be bound, as he will anſwer before GOD, to execute the Commiſſion to him and other directed beneficially towards the Deans, Maſters, Wardens, Provoſts, and other Incumbents and Miniſters aforeſaid, and towards the poor people, concerning the ſaid aſſignments, and alſo toward the maintenance of piers, jutties, walls or banks, againſt the rages of the ſea, havens and creeks. And that all manner of aſſignments and ordinances to be made by the ſaid Commiſſioners, or two of them at the leaſt, and certified under their ſeals, or the ſeals of two of them at the leaſt, into the Kings Court of the augmentations and revenues of his Crown, or to any other Court or Courts, by the Kings Majeſty to be made or aſſigned, ſhall by vertue of this act and of the ſaid commiſſions, be as good and effectual in the law, to all intents, conſtructions and purpoſes, as though the ſame had been aſſigned and ordained by authority of this preſent Parliament, by expreſs and apt words, terms and ſentences.

The force of the Commiſſioners aſſignments and ordinances.

No offices, annuity or penſion ſhall extend to more then it did before.

Provided alſo, that ſuch annuities, penſions, or other recompences, that the ſaid Commiſſioners, or any of them, ſhall aſſign or appoint to be paid yearly to any ſuch Dean, Maſter, Warden, Governor, or other Incumbent, Fellow or Miniſter, ſhall not extend to any more clear yearly value, then ſuch Dean, Maſter, Warden, Provoſt, Governor, or other Incumbent, Fellow or Miniſter, or his predeceſſor lawfully had, or enjoyed in money, meat, drink, livery or allowance of the ſame yearly, within five years next before the beginning of this preſent Parliament.

His penſion ſhall ceaſe that is promoted to a better living.

Provided alſo, that if any of the ſaid Maſters, Wardens, Provoſts, Governors, or other Incumbents, Fellow or Miniſters, ſhall at any time hereafter during his life, be promoted by the King to any Benefice, or other ſpiritual promotion, being of a better clear yearly value then his ſaid annuity or penſion, or other recompence ſhall be of: that then the annuity, penſion, or other recompence, that any ſuch Dean, Maſter, Warden, Governor, Provoſt, or other Incumbent, Fellow or Miniſter that ſo ſhall be promoted ſhall have, ſhall immediately after ſuch promotion had, ceaſe and utterly determine.

Tha. Commiſſioners certificate of lands aſſigned to the uſes aforeſaid.

And be it ordained and enacted by the authority of this preſent Parliament, that the ſaid commiſſioners, or two of them at the leaſt, to whom any commiſſion by vertue or mean of this act, ſhall be directed & delivered, ſhall be bounden upon the forfeiture, every of them, of an hundred pound, to make certificate under their ſeals, or yͤ ſeals of two of them at yͤ leaſt, into the ſaid court of yͤ augmentations & revenues of yͤ Kings crown, or into any other court, as is aforeſaid, within one year next after yͤ commiſſion to them directed, of all manors, lands, tenements, rents, tithes, portions, penſions, hereditaments, & recompences by yͤ ſame commiſſioners, or two of them, aſſign'd or appointed to any of yͤ uſes, intents or purpoſes above mention'd

And alſo be it ordained and enacted by the authority of this preſent Parliament, That

our

The King ſhall have the goods of every Colledge, Chantry, &c.

our Soveraign Lord the King, ſhall have and enjoy all ſuch goods, chattels, jewels, plate, ornaments and other moveables, as were or be the common goods of every ſuch Colledge, Chantry, Free-chappel, or ſtipendary Prieſt, belonging or annexed to the furniture or ſervices of their ſeveral foundations, or abuſed of any of the ſaid Corporations, in the abuſes aforeſaid, the property whereof was not altered nor changed before the eighth day of December, in the year of our Lord God, M. D. XLVII.

The debts of Colledges ſhal be paid by the King.

And it is alſo ordained and enacted by the authority of this preſent Parliament, that all ſuch debts and ſums of money as ought or ſhould without fraud or covin hereafter be paid, of the money or goods of any of the ſaid Colledges, due or payable by reaſon of any contract, ſpecialty or promiſe had or made before the ſame eighth day, ſhall truly and fully be paid by the Treaſurer of the Kings Court of the Augmentations and Revenues of his Crown, or by the Treaſurer or Receiver of any other Court, to which any of the premiſes ſhall be appointed, of the Kings Treaſurer, being in his or their hands, with as convenient ſpeed as the ſame may be payed.

To which Colledges, &c. this ſtatute ſhall not extend.

Provided always, and be it ordained and enacted by the authority aforeſaid, that this Act, or any article, clauſe, or matter contained in the ſame, ſhall not in any wiſe extend to any Colledge, Hoſtel or Hall, being within either of ẏ Univerſities of Cambridge and Oxford: nor to any Chantry founded in any of ẏ Colledges, Hoſtels or Halls, being in the ſame Univerſities: nor to ẏ free-chappel of S. George the Martyr, ſituate in the Caſtle of Windſor: nor to the Colledge called S. Maries Colledge of Wincheſter, beſides Wincheſter, of the foundation of Biſhop of Wickham: nor to the Colledge of Eaton: nor to the Pariſh Church commonly called the Chappel in the Sea in Newton, within the Iſle of Ely, in the county of Cambridge: nor to any manors, lands, tenements or hereditaments, to them or to any of them pertaining or belonging: nor to any Chappel made or ordained for the eaſe of the people dwelling diſtant from the Pariſh Church, or ſuch like Chappel, whereunto no more lands or tenements then the Church-yard, or a little houſe or cloſe doth belong or pertain: nor to any Cathedral Church or Colledge where a Biſhops See is, within this Realm of England, or in Wales, nor to the manors, lands, tenements, or other hereditaments of any of them, other then to ſuch Chantries, Obites, Lights and Lamps, or any of them, as at any time within five years next before the beginning of this preſent Parliament, have been had, uſed or maintained within the ſaid Cathedral Churches, or within any of them, or the iſſues, revenues or profits of any of the ſaid Cathedral Churches, to which Chantries, Obites, Lights and Lamps, it is enacted by the authority aforeſaid, that this act ſhall extend.

Cathedral Churches wherein any Chantries, Obites, Lamps or Lights have been maintained.

Cok. pla. f. 365. The King may alter the names of Chantries.

And it is ordained and enacted by the authority aforeſaid, That our Soveraign Lord the King, at any time during his life (which God long preſerve) may at his will and pleaſure alter and change the name or names of all and ſingular Chantries, and the foundations of the ſame, being in any of the Colledges, Hoſtels, or Halls of any of the ſaid Univerſities, according as to his godly wiſdom ſhall be thought meet and convenient.

The right of ſtrangers ſaved.

Saving to all and every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them (other then the Maſters, Wardens, Miniſters, Governours, Rulers, Prieſts, Incumbents, Fellows, and Brethren of the ſaid Colledges, Chantries, Free-chappels, and other the premiſes, given, limited or appointed to the King by this Act: and the ſucceſſors of them, and every of them, and other then ſuch as be, or pretend to be Founders, Patrons, or Donors of the premiſes, or any of them, or of any part or parcel thereof, and the heirs, ſucceſſors and aſſigns of every or any of them: and other then ſuch as be, or were feoffers, recoverees, coniſees, grantees, or deviſees of any of the premiſes, to, or for any of the uſes, purpoſes or intents above mentioned, or to the uſe of any of the ſaid Colledges, Free-chappels, Chantries, or other the premiſes, given, limited or appointed by this Act to the King, or to the intent to imploy the rents or profits thereof to the uſe of the Maſters, Rulers, Incumbents or Miniſters of them, or any of them: and other then ſuch perſon and perſons, and bodies politick and corporate, their heirs, ſucceſſors, and aſſigns, as claim or pretend to have eſtate, right, title, intereſt, uſe, poſſeſſion or condition, of, in, or to the premiſes, or any part or parcel thereof, by reaſon of any feoffment, fine, bargain and ſale, or by any other ways, means or conveyance to them made, of any eſtate of inheritance, without the ſaid late Kings licence, aſſent, conſent, or agreement, and without the licence, aſſent, or agreement of the Kings Majeſty that now is, by any of ẏ ſaid Deans, Maſters, Wardens, Miniſters, Governors, Rulers, Prieſts or Incumbents, or by the Founders, Donors or Patrons of them, or of any of them,) all ſuch [a] right, title, claim, poſſeſſion, intereſt, rents, annuities, commodities, commons, offices, fees, leaſes, liveries, livings, penſions, portions, debts, duties and other profits, which they, or any of them lawfully have, or of right ought to have, or might have had, in, of or to any of the premiſes, or in, of, or to any part or parcel thereof, in ſuch like manner, form and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had nor made, and as though the ſaid Chantries, Colledges, and other the ſaid promotions, had ſtill continued and remained in their full being: and ſaving to all and every Patron, Donor, Founder, or Governor of any ſuch Colledge, Chantry, Free-chappel, ſtipendary Prieſts, and other the premiſes, given, limited, or appointed to the King by this Act, and the Donor, Feoffer and giver of the foreſaid lands, tenements, or hereditaments, to them or any of them, or to any uſes or purpoſes before mentioned, all ſuch rents ſervices, rents ſeck, rents charge, fees, annuities, profits, and offices: and alſo leaſes for term of life, lives, and years, whereupon the accuſtomed rent, or more is reſerved, as they or any of them lawfully had, perceived and enjoyed, in, out, or of any the ſaid promotions, or out of any of the ſaid lands, tenements hereditaments, before the firſt day of this preſent Parliament.

Certain rents and duties ſaved to every Donor, Founder, and Governour of a Colledge, Chantry, &c.

And over that, it is ordained and enacted by the authority of this preſent Parliament, that all and every perſon and perſons, being in life, which have or hath for any ſum of money to

him

Every perſon that hath ſold any lands due to the King by this Act, ſhall repay the money.

him or them payed, bargained or ſold, any manors, lands, tenements, or other hereditaments aforeſaid, whereunto the King our Soveraign Lord is intituled, by vertue of this Act, ſhall repay to ſuch perſon as ſo bought any of the ſaid manors, lands, tenements or other hereditaments, or to his executors or aſſigns, upon a requeſt therefore made, or within three moneths then next enſuing the ſame requeſt, as much money as he or they received for the ſale of any thing, ſo by him or them ſold. And for non-payment thereof, ſuch perſon and perſons as purchaſed or bought the ſaid lands, tenements, and other the premiſes, or any parcel thereof, and their executors and adminiſtrators, ſhall be enabled by the authority of this preſent Parliament, to ſue and maintain an action of debt at the common law of this Realm, againſt ſuch perſon or perſons as ſo bargained or ſold to him or them, or to their teſtator any of the premiſes belonging to any Colledge, Chantry, Free-chappel, or other promotion ſpiritual, in w^{ch} action of debt none eſſoin, protection or wager of law ſhal be admitted or allowed.

All Chantry, Free-chappel, &c. lands ſhall be in the order of the Court of Augmentations.

And be it further enacted by ẏ authority aforeſaid, that all & every of the ſaid Chantrys, Colledges, & Free-chappels, and other the premiſes, given, limited or appointed to ẏ King by this Act, and all the manſion-houſes, manors, lands, tenements, poſſeſſions & hereditaments, and other ẏ premiſes whatſoever they be, given, limited & appointed to the King by this Act, and every part and parcel of them, which by authority and vertue of this Act been veſted, adjudged and deemed, or ſhall be in the Kings Majeſties poſſeſſion and hands, or which the King ſhall be intituled unto, by vertue of this Act, ſhall be in the order, ſurvey, & governance of our Soveraign Lord ẏ Kings Court of the augmentations and revenues of his Crown, or in ſuch other Court as the King at any time hereafter ſhall aſſign, name or appoint, and ſo ſhall and may be granted, letten and ſet to farm by the Chancellor, Officers and Miniſters of the ſame Court, or of any other Court ſo to be appointed, in ſuch manner and form as other manors, lands and tenements appointed to the ſame Court of Augmentations and Revenues of his graces Crown, or other Court ſo to be appointed, been to be granted or letten: And that all the farms, iſſues, revenues and profits coming and growing of the ſame premiſes, and of every part thereof, ſhall be taken and received to the Kings uſe, by the officers and miniſters of the ſame court or courts, in ſuch manner and form as is uſed and had of other manors, lands and tenements, and of the iſſues, revenues and profits of the ſame, committed to the order, rule, ſurvey and governance of the ſaid court of the Augmentations and Revenues of the Kings Crown, or any other court ſo to be appointed: Any act, ſtatute, ordinance, cuſtom or uſe heretofore had, made or uſed to the contrary notwithſtanding.

Leaſes made by the Governours not reſerving the old rent ſhall be void.

And it is further enacted by authority aforeſaid, That if any of the ſaid Maſters, Wardens, Miniſters, Rulers, Governours, Prieſts, Incumbents, or Owners of any ſuch Colledge, Chantry, Free-chappel, or of any the premiſes, given, limited or appointed to the King by this act, or of any of them ſithence the three and twentieth day of November, in the xxxvii. year of the reign of the ſaid late King, have made any leaſe under his or their common ſeal, or otherwiſe for term of years, life or lives, of their ſaid Colledges, Chantries, Free-chappels, or of other the ſame premiſes, or of any part thereof, or of any manors, lands, tenements, poſſeſſions or hereditaments whatſoever they be, to them, or to any of them united or annexed, belonging or appertaining, upon which leaſes the uſual and old rents and farms accuſtomed to be yielden and reſerved, or more, by the ſpace of twenty years next before the ſaid three and twentieth day of November, be not reſerved and yielden, ſhall be utterly void and of none effect: and that all other leaſes and grants heretofore made of any of the premiſes given, limited or appointed to the King by this Act, ſhall be as good, available and effectual in the law, to all intents, conſtructions and purpoſes, as if this act had never been had or made, any thing in this act, or any other act heretofore had or made, to the contrary thereof in any wiſe notwithſtanding.

Lands whereof the Governours of any Colledges, &c. were ſeiſed to their own uſes.

Provided always, and be it further ordained and enacted by the authority aforeſaid, that this act or any thing therein contained, ſhall not extend to any manors, lands, tenements, poſſeſſions or hereditaments, which the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, or other the ſaid Governours, Officers, Miniſters or Rulers of the premiſes, or of any of them, hath or is, or hereafter ſhall have or be poſſeſſed or ſeiſed of in fee-ſimple, fee-tail general or ſpecial, for term of life, term of years, or otherwiſe, to his or their own proper uſes, by inheritance or purchaſe: and not being at any time united or annexed to his or their ſaid Colledges, Free-chappels, Chantries, or other the premiſes, given, limited or appointed to the King by this Act: Nor ſhall extend to any manors, lands, tenements, poſſeſſions, rents, annuities, and yearly penſion or penſions, or to any yearly ſum or ſums of money, being not united, or parcel of any the ſaid Colledges, and other the premiſes aforeſaid, or any of them, heretofore given or granted by the ſaid late King, or given or granted, or hereafter to be given and granted by the King our Soveraign Lord, to any of the ſaid Deans, Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, Governours or Rulers of the premiſes, or of any of them, for term of life only, under his great Seal of England, or under the Seal of the court of the Augmentations and Revenues of the Kings Crown, or any other of the Kings Seals of any of his courts: any thing contained in this Act to the contrary in any wiſe notwithſtanding.

Lands, annuities, &c. not united to the ſaid Colledges, &c. but granted by King H. 8. or by the King that now is.

Every perſon which had rent or yearly profit out of the lands of any Chantry, &c. ſhall enjoy them.

Provided alway, and be it enacted by authority aforeſaid, That as well all and every Patron, Donor, Founder and giver of any of the ſaid promotions or premiſes, or giver, donor or feoffor of any their lands, tenements, poſſeſſions, or other hereditaments, as all and every perſon and perſons, bodies politick and corporate, which before the making of this Act lawfully without fraud or covin, had or enjoyed any manner of rent, or other yearly profits, to be taken, perceived or had of any chantries, colledges, free-chappels, or other the premiſes, given, limited or appointed to the King by this Act, or out of any manors, lands, tenements, or other poſſeſſions of them, or any of them, ſhall have and enjoy the ſame, in like manner and form as they ſhould and ought to have done, if the ſaid colledges, chantries, free-chappels, and other the premiſes, given, limited or appointed to the King by this Act, had ſtill remained and continued in eſſe and full being: Any thing in this Act mentioned to the contrary in any wiſe notwithſtanding.

If a Governor have compounded for his firſt-fruits, the payment thereof ſhall ceaſe.

Provided alſo, and be it enacted by the authority aforeſaid, That if any ſuch Governour, Ruler, Warden, Maſter, Incumbent, Miniſter or other, having any of the ſaid ſpiritual promotions, or incumbents, have or ſhall compound for the firſt-fruits of any ſuch ſpiritual promotions, according to the Laws and Statutes of this Realm, and the days of payment of any part thereof, not expired before the firſt day of this Parliament, that all ſums of money ſo to be due and payable ſithence the ſaid firſt day of this Parliament, ſhall ceaſe, and be not payed, asked or demanded: any bond, recogniſance, ſurety, or other thing had or made to the contrary notwithſtanding.

Money payable out of the premiſes yearly into the Exchequer.

Provided always, and be it enacted by the authority aforeſaid, That all ſuch rents, ſervices, iſſues, profits, and other ſums of money payable, out, of, or for any of the premiſes, or any of them, in the Kings Court of his Exchequer, ſhall continue, and be continually and yearly levied, charged, or payed in the ſame Court, in ſuch manner and form as heretofore hath been uſed: any law, cuſtom, unity or poſſeſſion in the Kings Highneſs, or other thing to the contrary notwithſtanding: And as though the ſaid promotions, manors, lands, tenements, and other the premiſes had not come to the Kings hands or poſſeſſion.

Aſſurances made by King H. 8. or King Ed. 6. or by the licence of either of them, of any Colledges, &c. or their lands.

And be it further enacted by the authority aforeſaid, That all and every Letters Patents made by the ſaid late King Henry the eighth, or by the Kings Majeſty that now is, or hereafter to be made by his Highneſs to any perſon or perſons, or to any Archbiſhop or Biſhop, of any of the ſaid Colledges, Chantries, Free-chappels, or other the premiſes, or any part or parcel of them, or of any lands, tenements or hereditaments belonging or appertaining, or that did belong or appertain to them, or to any of them: And all fines, gifts, grants, feoffments, recoveries, and all other aſſurances and conveyances thereof had or made, by the aſſent, conſent, or licence under the great Seal of England, of the ſaid late King Henry the eighth, or of the Kings Majeſty that now is, to any perſon or perſons, bodies politick or corporate, by any Chantry Prieſt, Maſter, Warden, Miniſter, Ruler, Governour, or other having any of the ſaid promotions, of any of the ſaid Colledges, Chantries, Free-chappels, or other the premiſes, or any of them, or of any part, parcel or member of the ſame, ſhall ſtand and be in their forces and effects, and ſhall be good and effectual in the Law, for ſuch eſtates and intereſts given, granted, limited or appointed in any of the gifts, grants, aſſurances or conveyances thereof had or made according to their purport, form and manner, and according to the true intent and meaning of the ſame aſſurances, and ſhall be by authority of this Act good, perfect and available, as well againſt the King, his heirs and ſucceſſors, as againſt the ſaid Chantry Prieſts, Wardens, Maſters, Rulers, Governors and other having any of the ſaid promotions, and their ſucceſſors, and the ſucceſſors of every of them: as alſo againſt the Founders, Donors, and Patrons of the ſame, and the Ordinary of them, and every of them, and the heirs and ſucceſſors of every of them: any Law, Statute, Ordinance or other thing to the contrary thereof notwithſtanding.

And where divers and ſundry Biſhops, Deans, Archdeacons, Treaſurers, Prebendaries, Chantry Prieſts, Maſters, Provoſts, Rulers, Governours of any Deanaries, Archdeanaries, Treaſurerſhips, Prebends, Free-chappels, Chantries, or Colledges within this Realm of England, and other the Kings Majeſties Dominions, or any of the Patrons, Founders, Donors of any of the Biſhopricks, Treaſurerſhips, Deanaries, Chantries, Free-chappels, or other the ſaid ſpiritual promotions, of their voluntary wills or minds, for divers good and reaſonable cauſes and conſiderations, by deed or deeds enrolled, or by other writings or conveyances heretofore have given and granted to the late King of famous memory, Henry the eighth, late King of England, and to his heirs, or to our Sovereign Lord the King that now is, and to his heirs, divers of their Deanaries, Archdeanaries, Treaſurerſhips, Prebends, Chappels, Chantries, and Colledges, or any other eccleſiaſtical or ſpiritual promotions laſt before remembred: and all or ſome part of the manors, lands, tenements, tithes, penſions, annuities, rents, reverſions, and other revenues, hereditaments, poſſeſſions, emoluments, and profits to the ſame Biſhopricks, Deanaries, Colledges, and other like promotions, benefices, offices and dignities, or to any of them belonging, appertaining, united or annexed, or which the ſaid Biſhops, Deans, Archdeacons, Treaſurers, Chantry Prieſts, Maſters, Provoſts, Rulers, Governours, and other eccleſiaſtical or ſpiritual Officers or Miniſters, or any of the ſaid Patrons, Donors or Founders, or any of them, had or enjoyed in the right, or by reaſon of any of the ſame promotions, offices or dignities.

A confirmation of all grants made to the King of any ſpiritual promotions by the Governours thereof.

Be it enacted by the authority aforeſaid, That all and every gifts and grants heretofore made to the ſaid late King, and to his heirs, or to our Sovereign Lord the King that now is, and to his heirs by any Archbiſhop, Biſhop, Dean, Archdeacon, Treaſurer, Prebendary, Maſter, Provoſt, Governour, or other the ſaid eccleſiaſtical or ſpiritual perſon or perſons, or by any patrons, donor or founder of any of the ſaid Deanaries, Chantries, or other of the ſaid ſpiritual or eccleſiaſtical promotions, of all, or any of the manors, lands, tenements, tithes, rents, reverſions, penſions, portions, annuities, or other hereditaments, revenues, emoluments, profits or commodities, to any of the ſaid benefices, offices, prebends, promotions or dignitis belonging, appertaining, united or annexed, or which any of the ſame Archbiſhops, Biſhops, Deans, Archdeacons, Treaſurers, Maſters, Provoſts, Prebendaries, Rulers, Governours, Officers, or Miniſters, Patrons, Founders, or Donors, had or enjoyed, or have or enjoy, or ought to have or enjoy in the right, or by reaſon or means of any of the ſame promotions, offices or dignities, ſhall be good & effectual in ye Law, to all intents and purpoſes: Saving to all and every perſon and perſons, and bodies poli-

A ſaving of the right of others.

tick and corporate, their heirs, ſucceſſors and aſſigns, and to the heirs, ſucceſſors, and aſſigns of every of them (other then the Archbiſhops, Biſhops, Deans, Archdeacons, Treaſurers, Prebendaries, Rulers, Governours, Wardens, Provoſts, givers and granters of any of the premiſes, and their heirs, ſucceſſors and aſſigns, and other then ſuch eccleſiaſtical or ſpiritual perſon, bodies politick or corporate, as are, or pretend to be Founders, Donors, Patrons, or Ordinaries of the premiſes, or any of them) all ſuch rights, titles, intereſts, claims, entries, rents, reverſions, remainders, fees, offices, annuities, lands, tenements, hereditaments, profits, commodities, and emoluments, as they, or any of them have or ſhould or ought to have had, of, in or to the premiſes next above mentioned, or any part thereof, as if this Act had never been had or made, any thing in this Act to the contrary in any wiſe notwithſtanding.

This Act extendeth not to a Parſon or Vicar.

Provided always, That this Act, or any thing therein contained, ſhall not in any wiſe extend to make good or effectual, any gift, grant, bargain, ſale, or alienation made by any Parſon or Vicar of their Parſonages or Vicarages, or of any part or parcel thereof, or of any thing to them, or any of them belonging or appertaining.

Lord Cobham for the Colledge of Cobham.

Provided alſo, That this Act, or any thing therein contained, ſhall not in any wiſe extend to hinder or prejudice George Brook Knight, Lord Cobham, his heirs or aſſigns, for, or concerning the late Colledge of Cobham, in ẏ County of Kent, or the manors, lands, tenements of poſſeſſions thereof: any thing above mentioned to ẏ contrary in any wiſe notwithſtanding.

This Act ſhall not extend to the Corporation of a City, Borough or Town.

Provided alſo, and be it enacted by the authority aforeſaid, That this preſent Act, nor any thing therein contained, ſhall in any wiſe extend or be prejudicial or hurtful to the general corporation of any City, Borough or Town within this Realm, or any other the Kings Dominions, ne ſhall extend to any the lands, or hereditaments of them or any of them: Any thing therein contained to the contrary in any wiſe notwithſtanding.

Colledges, Chantries, &c. within the Dutchy of Lancaſter.

Provided alſo, and be it enacted by the authority aforeſaid, That all ſuch of the ſaid Colledges, Free-chappels, Chantries, or other the premiſes, being appointed and given to the Kings Highneſs by the authority of this Act, as be within the Dutchy of Lancaſter, and all manors, lands, tenements, and hereditaments pertaining or belonging to the ſame [b] Colledges, Free-chappels and Chantries, ſhall after the ſaid Feaſt of Eaſter next coming, be within the ſurvey and order of the Court of the Dutchy of Lancaſter, in ſuch manner and form, as other the premiſes be aſſigned or appointed by authority of this Act, to be in the ſurvey and order of the Court of Augmentations and Revenues of the Kings Crown, or other Court by the King to be aſſigned: and that all Commiſſions that hereafter ſhall be awarded by vertue and force of this Act, concerning ſuch Colledges, Free-chappels, Chantries, and other the premiſes, as be within the ſaid Dutchy of Lancaſter, ſhall be awarded under the great Seal of England, and ſhall be certified into the ſame Court of the Dutchy of Lancaſter: any thing aboveſaid to the contrary in any wiſe notwithſtanding.

[b] Dyer

The Colledge or Chantry of Attlebourgh in Norfolk.

Provided always, and be it enacted by the authority aforeſaid, That this Act, ne any thing therein contained, ſhall extend to the Colledge or Chantry of Attlebourgh in the County of Norfolk, which the ſaid late King Henry the eighth gave to Robert, late Earl of Suſſex, and to his heirs: but that Henry now Earl of Suſſex, ſon and heir to the ſaid late Earl, his heirs and aſſigns, ſhall and may by the authority of this Act, have and enjoy the ſaid Colledge and Chantry, and all manors, lands, tenements, advowſons, tithes, penſions, portions, and other hereditaments thereunto belonging or appertaining: any thing in this Act to the contrary in any wiſe notwithſtanding.

Altering the nature and condition of Obits.

Provided always, and by the authority aforeſaid be it enacted, That the Kings Majeſty at any time, when it ſhall ſeem to him good, may give authority to certain his Graces Commiſſioners, to alter the nature and condition of all manner of Obits, as well within the Univerſities of Cambridge and Oxford, as in any other place within this his Graces Realm of England and Wales, being not ſuppreſſed, ne annihilat by vertue of this preſent Act, and the ſame Obits ſo altered, to diſpoſe to a better uſe, as to the relief of ſome poor men being Students, or otherwiſe.

No perſon ſhall take advantage of any condition for not finding of any Prieſt, Obit, Light, &c.

Provided alſo, and be it enacted by authority aforeſaid, That it ſhall not be lawful to any perſon or perſons, bodies politick or corporate, by reaſon of any remainder, uſe or condition to enter into, claim, or challenge any lands, tenements or hereditaments for the non-doing, not naming, or non-finding of any ſuch Prieſt or Prieſts, or poor folks, as is aforeſaid, Obit, Anniverſary, Light or Lamp from henceforth to be founded or done: any thing herein contained to the contrary in any wiſe notwithſtanding.

This ſtatute ſhall give no copyhold-land to the King.

Provided always, That this Act, nor any thing therein contained, ſhall in any wiſe extend to any lands, tenements, poſſeſſions, or hereditaments whatſoever, That any Maſter, Dean, Prebendary, Warden or Chantry, or any ſtipendary Prieſt of any Colledge, Chantry, Prebend, Fraternity, Guild, or any other Corporations have, or held of any perſon or perſons, by any copy of Court-roll, or at will, according to the cuſtom of any manor or manors: nor give or grant any copyhold-lands to the Kings Highneſs.

Who ſhall have the copyhold lands.

And alſo provided, That the Kings Highneſs, his heirs or ſucceſſors, ſhall not in any wiſe have, hold, enjoy or take, by vertue of this Act, or any article therein contained, any manner of copyhold-lands, tenements, poſſeſſions or hereditaments whatſoever they be: but that all and every of the ſaid perſons and incumbents ſhall have, hold & enjoy the ſame during their lives, towards their penſion & yearly living, paying their rents, and doing their cuſtoms and ſervices thereof due and accuſtomed: any thing in this Act to the contrary notwithſtanding.

Lands recovered from a Chantry Prieſt by good title.

Provided, That this Act ſhall not extend to any lands, tenements or hereditaments aſſigned, appointed or intended for the finding and maintenance of any Chantry Prieſt, or ſtipendary Prieſt, which by any former right and good title, without fraud or covin, were lawfully recovered from the poſſeſſion of any ſuch Chantry Prieſt, or ſtipendary Prieſt before the firſt day of October, in the ſaid ſeven and thirtieth year of the reign of the ſaid late King

Henry the eighth, which lands, tenements, and hereditaments were not charged, nor chargeable to the payment of the perpetual tenth: any thing in this Act to the contrary hereof notwithſtanding.

Provided always, and be it enacted by the authority aforeſaid, That all and ſingular grants, licences, confirmations and letters patents, which our late Sovereign Lord King Henry the eighth, or our Sovereign Lord the King that now is, have made under the great Seal of England, to any perſon or perſons, bodies politick or corporate, of any Colledge, Chappel or Chantry now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or of any lordſhips, manors, lands, tenements and hereditaments annexed, united, belonging, or appertaining to any Colledge, Chappel or Chantry now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or of any other thing or things mentioned or expreſſed in this Act, and all and every matter and thing mentioned, expreſſed or contained in any ſuch grant, licence, confirmation, or letters patents, ſhall from henceforth be deemed, taken, expounded and judged good and effectual in the law, according to the words, ſentences, meanings, intents, form and effects of the ſame grants, licences, confirmations and letters patents, to all intents, conſtructions and purpoſes, as if this Act, and the ſaid Act made in the ſaid ſeven and thirtieth year of the ſaid late King Henry the eighth, had never been had or made: And that this Act, or the ſaid Act made in the ſaid ſeven and thirtieth year of the Reign of our ſaid late Sovereign Lord King Henry the eighth, or any clauſe, article, ſentence, or other thing therein contained, ſhall not extend to any Colledges, Chappels, Chantries, or other thing or things mentioned in this Act now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or to any manors, lands, tenements, poſſeſſions, revenues, or hereditaments annexed, united, belonging or appertaining to any Colledge, Chappel, Chantry, or other thing mentioned in this Act now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or to any other thing or things mentioned or expreſſed in this Act: which any perſon or perſons, bodies politick or corporate have had or obtained by the aſſent, licence, confirmation, grant or letters patents of the ſaid late King, or of the Kings Majeſty that now is, nor ſhall extend to any manors, lands, tenements, revenues, poſſeſſions, hereditaments, or other thing or things mentioned, expreſſed or contained in any ſuch licence, confirmation, grant or letters patents: but that every ſuch perſon and perſons, bodies politick and corporate, their heirs, ſucceſſors and aſſigns, and the heirs, ſucceſſors and aſſigns of every of them, ſhall have, hold and enjoy, all and every the ſame Colledges, Chappels, Chantries, manors, lands, tenements, revenues, poſſeſſions and hereditaments, and all and every other thing and things whatſoever, ſo by them had or obtained, by the aſſent, licence, confirmation, grant, or letters patents of the ſaid late King, or of the Kings Majeſty that now is, according to the words, ſentences, form, effect, meaning and intent of the ſame licences, confirmations, grants, and letters patents: this Act, or the ſaid Act made in the ſaid ſeven and thirtieth year of the Reign of the ſaid late King Henry the eighth, or any clauſe, article, ſentence, matter or thing mentioned, expreſſed or contained in any of the ſame Acts, to the contrary thereof in any wiſe notwithſtanding.

A confirmation of letters patents made by King H. 8. or King Ed. 6. of any Chantry, &c. lands united to them.

CAP. XV.

The Kings general and free pardon confirmed by Parliament, except, &c.

Anno ſecundo & tertio EDWARDI *ſexti.*

Acts made in the Seſſion of this preſent Parliament, holden upon Prorogation at Weſtminſter the fourth day of November, in the ſecond year of our moſt dread Sovereign Lord, Edward the ſixth, by the grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in earth the ſupreme Head, and there continued and kept to the fourteenth day of March, in the third year of our ſaid Sovereign Lord, as followeth.

CAP. I.

The penalty for not uſing uniformity of Service, and adminiſtration of Sacraments, &c.

Where of long time there hath been had in this Realm of England, and in Wales, divers forms of Common Prayer, commonly called the Service of the Church: That is to ſay, the uſe of Sarum, of York, of Bangor, and of Lincoln: and beſides the ſame now of late, much more divers and ſundry forms and faſhions have been uſed in the Cathedral and Pariſh Churches of England and Wales, as well concerning the Mattens, or Morning Prayer, and the Evenſong, as alſo concerning the holy Communion, commonly called the Maſs, with divers and ſundry rites and ceremonies concerning the ſame, and in the adminiſtration of other Sacraments of the Church. And as the doers and executers of the ſaid rites and ceremonies, in other form then of late years they have been uſed, were pleaſed therewith: So other not uſing the ſame rites and ceremonies, were thereby greatly offended. And albeit the Kings Majeſty, with the advice of his moſt entirely beloved Uncle, the Lord Protector, and other of his Highneſs Council, hath heretofore divers times aſſayed to ſtay innovations or new rites concerning the premiſes: yet the ſame hath not had ſuch good ſucceſs as his Highneſs required in that behalf, whereupon his Highneſs by the moſt prudent advice aforeſaid, being pleaſed to bear with the frailty and weakneſs of his ſubjects in that behalf, of his great clemency hath not been only content to abſtain from puniſhment of thoſe that have offended in that behalf, for that his Highneſs taketh that they did it of a good zeal: But alſo to the intent a uniform, quiet, and godly order ſhould be had concerning the premiſes, hath appointed the Archbiſhop of Canterbury, and certain of the moſt learned and diſcreet Biſhops, and other learned men of this Realm, to conſider and pon-

Innovators not puniſhed for that they did it upon good zeal.

The Book of Common Prayer by the aid of the holy Ghoſt, is ſet forth by the Biſhops, and learned men of the Realm.

The penalty for not uſing the Book of Common Prayer, and other rites and ceremonies, according to the uſe of the Church of England.

Uſing any other manner of Prayer.

The penalty for depraving the Book or any thing contained therein.

The penalty for the ſecond offence.

The penalty for the third offence.

der the premiſes, and thereupon having as well eye and reſpect to the moſt ſincere and pure Chriſtian Relgion taught by the Scripture, as to the uſages in the primitive church, ſhould draw and make one convenient and meet order, rite and faſhion of common and open Prayer, and adminiſtration of the Sacraments, to be had and uſed in his Majeſties Realm of England, and in Wales: The which at this time, by the aid of the holy Ghoſt, with one uniform agreement, is of them concluded, ſet forth and delivered to his Highneſs, to his great comfort and quietneſs of mind, in a Book intituled, The Book of Common Prayer, and adminiſtration of the Sacraments, and other Rites and Ceremonies of the Church, after the uſe of the Church of England. Wherefore the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, conſidering as well the moſt godly travel of the Kings Highneſs, of the Lord Protector, and other of his Highneſs Council, in gathering and collecting the ſaid Archbiſhop, Biſhops, and learned men together, as the godly Prayers, Orders, Rites and Ceremonies in the ſaid Book mentioned, and the conſiderations of altering thoſe things which be altered, and retaining thoſe things which be retained in the ſaid Book: And alſo the honour of God and great quietneſs, which by the grace of God ſhall enſue upon the one and uniform rite and order, in ſuch Common Prayer and Rites, and extream ceremonies to be uſed throughout England, and in Wales, at Calice, and the Marches of the ſame, do give to his Highneſs moſt hearty and lowly thanks for the ſame, and humbly prayen, That it may be ordained and enacted by his Majeſty, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular perſon and perſons that have offended concerning the premiſes, other then ſuch perſon and perſons as now be and remain in Ward in the Tower of London, or in the Fleet, may be pardoned thereof: And that all and ſingular Miniſters in any Cathedral or Pariſh Church, or other place within this Realm of England, Wales, Calice, and the Marches of the ſame, or other the Kings Dominions, ſhall from and after the Feaſt of Pentecoſt next coming, be bounden to ſay and uſe the Mattens, Evenſong, celebration of the Lords Supper, commonly called the Maſs, and adminiſtration of each the Sacraments, and all their common and open prayer, in ſuch order and form as is mentioned in the ſame Book, and none other, or otherwiſe. And albeit that the ſame be ſo godly and good, that they give occaſion to every honeſt and conformable man moſt willingly to embrace them, yet leſt any obſtinate perſon who willingly would diſturb ſo godly order and quiet in this Realm, ſhould not go unpuniſhed: That it may alſo be ordained and enacted by the authority aforeſaid, That if any manner of Parſon, Vicar, or other whatſoever Miniſter that ought or ſhould ſing or ſay Common Prayer, mentioned in the ſaid Book, or miniſter the Sacraments, ſhall after the ſaid Feaſt of Pentecoſt next coming, refuſe to uſe the ſaid Common Prayers, or to miniſter the Sacraments in ſuch Cathedral or Pariſh Church, or other place as he ſhould uſe or miniſter the ſame in ſuch order and form, as they be mentioned and ſet forth in the ſaid Book, or ſhall uſe, wilfully and obſtinately ſtanding in the ſame, any other rite, ceremony, order, form or manner of Maſs openly or privily, or Mattens, Evenſong, adminiſtration of the Sacraments, or other open prayer then is mentioned and ſet forth in the ſaid Book: (open prayer in and throughout this Act, is meant that prayer which is for other to come unto or hear, either in common Churches, or private Chappels, or Oratories, commonly called the Service of the Church) or ſhall preach, declare or ſpeak any thing in the derogation or depraving of the ſaid Book, or any thing therein contained, or of any part thereof, and ſhall be thereof lawfully convicted, according to the Laws of this Realm, by verdict of twelve men, or by his own confeſſion, or by the notorious evidence of the fact, ſhall loſe and forfeit to the Kings Highneſs, his heirs and ſucceſſors, for his firſt offence, the profit ot ſuch one of his ſpiritual benefices or promotions, as it ſhall pleaſe the Kings Highneſs to aſſign or appoint, coming and ariſing in one whole year next after his conviction. And alſo that the ſame perſon ſo convicted, ſhall for the ſame offence ſuffer impriſonment by the ſpace of ſix moneths, without bail or mainpriſe. And if any ſuch perſon once convict of any ſuch offence concerning the premiſes, ſhall after his firſt conviction eftſoons offend, and be thereof in form aforeſaid lawfully convict, that then the ſame perſon ſhall for his ſecond offence, ſuffer impriſonment by the ſpace of one whole year, and alſo ſhall therefore be deprived *ipſo facto* of all his ſpiritual promotions: and that it ſhall be lawful to all Patrons, Donors, Grantees of all and ſingular the ſame ſpiritual promotions, to preſent to the ſame any other able Clerk, in like manner and form, as though the party ſo offending were dead. And that if any ſuch perſon or perſons, after he ſhall be twice convicted in form aforeſaid, ſhall offend againſt any of the premiſes the third time, and ſhall be thereof in form aforeſaid, lawfully convict, that then the perſon ſo offending, and convicted the third time, ſhall ſuffer impriſonment during his life. And if the perſon that ſhall offend, and be convict in form aforeſaid, concerning any of the premiſes, ſhall not be beneficed, nor have any ſpiritual promotion, that then the ſame perſon ſo offending and convict, ſhall for the firſt offence ſuffer impriſonment during ſix moneths, without bail or main-priſe. And if any ſuch perſon not having any ſpiritual promotion, after his firſt conviction ſhall eftſoons offend in any thing concerning the premiſes, and ſhall in form aforeſaid be thereof lawfully convicted, that then the ſame perſon ſhall for his ſecond offence ſuffer impriſonment during his life.

The penalty by Plays, Songs or tunes to deprave the book of Common Prayer, or to compel any to uſe other prayer.

And it is ordained and enacted by the authority aboveſaid, That if any perſon or perſons whatſoever, after the ſaid Feaſt of Pentecoſt next coming, ſhall in any Enterludes, Plays, Songs, Rhimes, or by other open words declare or ſpeak any thing in the derogation, depraving, or deſpiſing of the ſame Book, or of any thing therein contained, or any part thereof: or ſhall by open fact, deed, or by open threatnings, compel, or cauſe, or otherwiſe procure or maintain any Parſon, Vicar, or other Miniſter, in any Cathedral or Pariſh Church, or Chappel, or in any other place to ſing or ſay any common and open prayer, or to miniſter any

Sacrament otherwiſe, or in any other manner or form then is mentioned in the ſaid Book: or that by any of the ſaid means ſhall unlawfully interrupt or let any Parſon, Vicar, or other Miniſters in any Cathedral or Pariſh Church, Chappel, or any other place, to ſing or ſay common and open Prayer, or to miniſter the Sacraments, or any of them, in ſuch manner and form as is mentioned in the ſaid Book, That then every perſon being thereof lawfully convicted in form aboveſaid, ſhall forfeit to the King our Sovereign Lord, his heirs and ſucceſſors for the firſt offence, ten pounds. And if any perſon or perſons, being once convicted of any ſuch offence, eftſoons offend againſt any of the premiſes, and ſhall in form aforeſaid be thereof lawfully convict, that then the ſame perſon ſo offending and convict, ſhall for the ſecond offence forfeit to the King our Sovereign Lord, his heirs and ſucceſſors twenty pound. And if any perſon after he in form aforeſaid, ſhall been twice convict of any offence concerning any of the premiſes, ſhall offend the third time, and be thereof in form aboveſaid lawfully convict, that then every perſon ſo offending and convict, ſhall for his third offence forfeit to our Sovereign Lord the King all his goods and chattels, and ſhall ſuffer impriſonment during his life. And if any perſon or perſons, that for his firſt offence concerning the premiſes, ſhall be convict in form aforeſaid, do not pay the ſum to be paid by vertue of his conviction, in ſuch manner and form as the ſame ought to be paid within ſix weeks next after his conviction, that then every perſon ſo convict, and ſo not paying the ſame, ſhall for the ſame offence, in ſtead of the ſaid ten pound, ſuffer impriſonment, by the ſpace of three moneths without bail or mainpriſe. And if any perſon or perſons, that for his ſecond offence, concerning the premiſes, ſhall be convict in form aforeſaid, do not pay the ſum to be paid by vertue of his conviction, in ſuch manner and form, as the ſame ought to be paid, within ſix weeks next after his ſaid conviction, that then every perſon ſo convicted, and not ſo paying the ſame, ſhall for the ſame ſecond offence, in the ſtead of the ſaid twenty pound, ſuffer impriſonment during ſix moneths, without bail or mainpriſe.

The penalty for the ſecond offence.

The penalty for the third offence.

And it is ordained and enacted by the authority aforeſaid, That all and every Juſtices of Oyer and Determiner, or Juſtices of Aſſiſe ſhall have full power and authority in every of their open and general Seſſions to enquire, hear and determin all and all manner of offences that ſhall be committed or done contrary to any article contained in this preſent Act, within the limits of the Commiſſion to them directed, and to make proceſs for the execution of the ſame, as they may do againſt any perſon being indicted before them of treſpaſs, or lawfully convicted thereof.

Juſtices of Oyer, Determiner, and Aſſiſe, ſhall have power to hear and determine thoſe offences.

Provided always, and be it enacted by the authority aforeſaid, That all and every Archbiſhop and Biſhop ſhall or may at all time and times at his liberty and pleaſure, joyn and aſſociate himſelf by vertue of this Act, to the ſaid Juſtices of Oyer and Determiner, or to the ſaid Juſtices of Aſſiſe, at every of the ſaid open & general Seſſions to be holden in any place within his Dioceſs, for, and to the enquiry, hearing and determining of ÿ offences aforeſaid.

A Biſhop may joyn with the Juſtices.

Provided always, That it ſhall be lawful to any man that underſtandeth the Greek, Latine and Hebrew tongue, or other ſtrange tongue, to ſay and have the ſaid prayers heretofore ſpecified of Mattens and Evenſong in Latine, or any ſuch other tongue, ſaying the ſame privately as they do underſtand.

Who may uſe Prayers in another language.

And for the further encouraging of learning in the tongues, in the Univerſities of Cambridge and Oxford, to uſe and exerciſe in their common and open Prayer in their Chappels (being no Pariſh-Churches) or other places of Prayer, the Mattens, Evenſong, Letany, and all other Prayers (The Holy Communion, commonly called the Maſs, excepted) preſcribed in the ſaid Book, in Greek, Latin or Hebrew, any thing in this preſent Act to the contrary notwithſtanding.

Provided alſo, That it ſhall be lawful for all men, as well in Churches, Chappels, Oratories, or other places, to uſe openly any Pſalms or Prayer taken out of the Bible, at any due time, not letting or omitting thereby ÿ ſervice, or any part thereof mentioned in ÿ ſaid Book.

When the Service-Books ſhall be gotten.

Provided alſo, and be it enacted by the authority aforeſaid, That the Books concerning the ſaid ſervices, ſhall at the coſts and charges of the Pariſhioners of every Pariſh and Cathedral Church, be attained and gotten before the Feaſt of Pentecoſt next following, and that all ſuch Pariſhes and Cathedral Churches, or other places where the ſaid Books ſhall be attained and gotten before the ſaid Feaſt of Pentecoſt, ſhall within three weeks next after the ſaid Books ſo attained and gotten, uſe the ſaid ſervice, and put the ſame in ure according to this Act.

And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall be at any time hereafter impeached or otherwiſe moleſted, of, or for any of the offences above mentioned, hereafter to be committed or done contrary to this Act, unleſs he or they ſo offending, be thereof indicted at the next general Seſſions, to be holden before any of the Juſtices of Oyer and Determiner, or Juſtices of Aſſiſe next after any offence committed or done, contrary to the tenor of this Act.

Provided always, and be it ordained and enacted by the authority aforeſaid, That all and ſingular Lords of the Parliament, for the ſaid offences above mentioned, ſhall be tryed by their Peers.

Provided alſo, and be it ordained and enacted by the authority aforeſaid, That the Mayor of London, and all the Mayors, Bailiffs, and other head Officers of all and ſingular Cities, Boroughs and Towns-corporate within this Realm, Wales, Calice, and the Marches of the ſame, to the which Juſtices of Aſſiſe do not commonly repair, ſhall have full power and authority by vertue of this Act, to enquire, hear and determine the offences aboveſaid, and every of them yearly within fifteen days after the Feaſt of Eaſter, and S. Michael the Archangel, in like manner and form as Juſtices of Aſſiſe and Oyer and Determiner may do.

Chief Officers of Cities and Corporate Towns may hear and determine theſe offences.

Provided always, and be it ordained and enacted by the authority aforeſaid, That all and

These offences enquirable and puniſhable by the eccleſiaſtical Juriſdiction.

ſingular Archbiſhops and Biſhops, and every of their Chancellors, Commiſſaries, Archdeacons, and other Ordinaries, having any peculiar eccleſiaſtical Juriſdiction, ſhall have full power and authority by vertue of this Act, as well to enquire in their Viſitations, Synods, and elſewhere within their Juriſdiction, at any other time and place, to take occaſions and informations of all and every the things above mentioned, done, committed, or perpetrate within the limits of their Juriſdiction and Authority, and to puniſh the ſame by admonition, excommunication, ſequeſtration, or deprivation, and other cenſures and proceſs, in like form as heretofore hath been uſed in like caſes, by yͤ Kings eccleſiaſtical Laws.

But once puniſhed for one offence.

Provided always, and be it enacted, That whatſoever perſon offending in the premiſes, ſhall for the firſt offence receive puniſhment of the Ordinary, having a teſtimonial thereof, under the ſaid Ordinaries ſeal, ſhall not for the ſame offence eftſoons be convicted before the Juſtices, and likewiſe receiving for the ſaid firſt offence, puniſhment by the Juſtices, he ſhall not for the ſame offence eftſoons receive puniſhment of the Ordinary, any thing contained in this Act to the contrary notwithſtanding.

This Statute was repealed by 1 M. 2. ſeſſ. 2 But the ſame 1 M. being repealed by 1 Jac. 25. this preſent ſtatute ſtands now in force, ſave that it is in part altered by 5 Ed. 6. 1. and by 1 El. 2.

CAP. II.

Captains and Souldiers not doing their true ſervice, and neglecting their Offices, ſhall be puniſhed.

Where before this time divers of the Kings Majeſties loving and obedient ſubjects, according to their bounden duties, have aſſigned, appointed and ſent forth, as well in the parts beyond the ſeas, and to the ſeas, as alſo into Scotland and other places, divers times both within this Realm, and without this Realm, many able perſons or ſouldiers well furniſhed with good horſes and harneſſes meet to ſerve the King in wars, to their great charges and coſts: yet ſome of the ſaid ſouldiers ſo ſent to ſerve, contrary to their Maſters expectation, and contrary to their bounden duties to the Kings Highneſs, have ſold, loſt, exchanged or altered their Maſters horſe and harneſs, or otherwiſe by deceit or covin, converted the ſame: By mean whereof the Kings Highneſs hath not only been deſtitute of the ſame ſouldiers in time of need, but alſo the owners of the ſaid horſes and harneſs, who ſent them thither, have been untruly deceived of their horſes and harneſs, being thereby leſs able to re-furniſh other the like ſouldiers with horſe and harneſſes, at ſuch time as they ſhall be thereunto commanded by the Kings Highneſs.

And ſometime the Captains of ſuch ſouldiers departed, have demanded, had and taken of the Kings Highneſs, wages for the ſame ſouldiers ſo departed, by mean whereof the Kings Majeſty hath ſuſtained and born great payments, and yet his Majeſty hath not been truly ſerved for the ſame, not a little to the diſpleaſure of the King, and to the great charge of the poor ſubjects being commanded to ſet forth ſuch ſouldiers.

The penalty of a ſouldier that maketh away his horſe or harneſſes. Stat. 4 & 5 P. & M. 2.

For remedy whereof, be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any ſouldier hereafter ſerving the King in his wars, in any his Dominions, or on the ſeas, or beyond the ſeas, or in Scotland, after the firſt day of April next coming, do ſell, give away, or wilfully purloyn, or otherwiſe exchange, alter or put away any horſe, gelding or mare, or any harneſs wherewith he ſhall be ſet forth: that then every ſuch ſouldier ſo offending, upon due proof or teſtimony to be taken before the Lieutenant, high Admiral, the Kings Deputy, Vice-Admiral, Warden or Captain, and in their abſence before any of their Deputies, ſhall be impriſoned by the ſame Lieutenant, or any other before named, there to remain without bail or mainpriſe, until he have ſatisfied to the party, owner of the horſe, gelding, mare or harneſs ſo by him ſold, purloyned, exchanged, wilfully loſt, altered, or otherwiſe made away.

And if ſuch ſouldiers ſo offending, fortune to eſcape from the Lieutenant, and other the foreſaid perſons, without the puniſhment and reſtitution aforeſaid, That then the ſame ſouldier upon complaint made by the party grieved, or his executors or adminiſtrators, upon due proof thereof to be made to any Juſtice or Juſtices of Peace, in yͤ parts where ſuch ſouldiers ſo offending ſhall be found, ſhall be by ſuch Juſtice or Juſtices committed to ward, there to remain without bail or mainpriſe, until he have ſatisfied the party grieved, his executors or adminiſtrators, of and for ſuch horſes, geldings, or mares, and harneſs ſo by any ſuch ſouldier wilfully loſt, exchanged, altered, or otherwiſe purloyned.

A remedy if the horſe or harneſs be loſt or appointed to another.

Provided alway, That if the ſaid ſouldier bring any ſufficient warrant or teſtimony before the ſaid Juſtice, from the ſaid Lieutenant, or any of the perſons above named in writing under the ſeal of any of them, teſtifying that the ſame horſe or harneſs were loſt in the Kings ſervice, againſt the will of the ſaid ſouldier, or that the ſame horſe or harneſs was taken by the ſame Lieutenant, or any of the others before named, from the ſaid ſouldier, for any reaſonable reſpect, and appointed to ſome other, to ſerve in the place and ſtead of the ſaid ſouldier: that then every ſuch ſouldier not bringing to the owner the ſaid horſe and harneſs, ſhall be diſcharged thereof againſt the owner thereof. And that then every ſuch ſouldier to whom the ſaid horſe or harneſs ſhall be appointed, as is aforeſaid, not bringing home to the owner the ſaid horſe and harneſs, after he ſhall be diſcharged, to ſuffer like pain as is aforeſaid.

It ſhall be felony for a ſouldier to depart from his Captain without licence. Stat. 18 H. 6. 19. 5 El. 5. 1 Jac. 25. 4 & 5 P. & M. 3.

And be it alſo further enacted by the authority aforeſaid, That if any ſouldier ſerving as is aforeſaid, depart without licence of his Lieutenant, or any of the other above named, with booty or otherwiſe, being in the enemies countrey, or elſewhere in the Kings ſervice, or out of any Garriſon where he or they ſhall be appointed to ſerve, that then every ſuch ſouldier ſo departing without licence, to be taken and judged as a felon, and to be executed as in caſe of felony, without having any advantage of his Clergy or Sanctuary: and that the Juſtices of every Shire where any ſuch ſouldier ſhall be taken, ſhall have full power to enquire, hear and determine all and every the ſaid offences concerning every ſuch departure, as they do & may in other caſes of felony committed in yͤ Shire where ſuch ſouldiers ſhall be taken.

And be it alſo further enacted by the authority aforeſaid, That if any Commiſſioner or Captain, to whom the King ſhall direct his commandment by commiſſion or letters, for the levying or ſetting forth of any man to ſerve the King in his wars, ſhall at any time after the ſaid firſt day of April, for any gain, reward, or other lucre, diſcharge any perſon or perſons by him appointed to ſerve the King, as a Captain, Souldier, or Pioneer, of his ſervice ſo appointed, and do aſſign any other perſon or perſons in his or their ſtead, for any lucre or gain as is aforeſaid, That then every Commiſſioner or other perſon ſo offending, ſhall forfeit to the King for every ſuch default of every man ſo diſcharged, twenty pound, to be levied of his goods and chattels.

The penalty of a Commiſſioner, licencing a ſouldier to depart, and aſſuming another for gain.

And be it alſo enacted by the authority aforeſaid, That if any Captain being appointed to have the order of any number of ſouldiers under any other higher Officer, do for any cauſe licence any ſouldier in his retinue to depart from the field or fortreſs, where they ſhall be appointed to ſerve, without the ſpecial aſſent and licence in writing of the Lieutenant, or the others before named, he ſhall forfeit and loſe for every ſuch ſouldier ſo by him licenſed to depart, twenty pound, to be levied as is aforeſaid, to the uſe of the King.

A Captain licencing one in his retinue to depart.

And be it alſo enacted by the authority aforeſaid, That if any Lieutenant, or any other before named, having the order of any number of ſouldiers, ſerving, as is aforeſaid, upon the ſea or land, do at any time after the ſaid firſt day of April, demand, receive, or take of the Kings Highneſs, or any of his Treaſurers, any wages for any more ſouldiers then ſerved in ſuch manner and form as the wages was payed for, or for any more days then ſuch ſouldiers ſerved, and do not note the day of every ſouldiers entry into wages, and day of his death and departure, and deliver the ſame to ſuch Treaſurers as ſhall pay the ſaid wages every moneth, in writing, ſo as the truth of the number of the ſouldiers may appear to the Kings Treaſurer, and Maſter of the Kings Muſters for the time being, in that behalf, that then every ſuch Lieutenant, and other before named, ſo offending, ſhall forfeit and loſe to the King for every ſuch default five pound, to be levied as is aforeſaid, to the uſe of the King, and to be impriſoned by the ſpace of one moneth, and to loſe his room and office.

A Captain demanding more wages for his ſouldiers, then there is cauſe.

And be it Enacted by the authority aforeſaid, that no Captain after the ſaid firſt day of April ſhall give to any of his ſouldiers, appointed to ſerve under him in any town or fortreſs, kept with garriſons of ſouldiers, any licence or paſports to depart from his ſervice, but only the Lieutenant, or any others, as is aforeſaid, upon pain of impriſonment, as well of the Captain as ſouldier ſo offending, at yͤ diſcretion of the ſaid Lieutenant, or yͤ others before named.

None but the Lieutenant ſhall give a ſouldier licence to depart.

And be it further Enacted by the authority aforeſaid, that every Lieutenant, and other before named, upon the pain of ten pound, ſhall cauſe to be proclaimed the whole effect and contents of this act, that is to ſay, every Lieutenant of an Army, in every field under his charge, to proclaim this act every moneth, and that every of the Kings Deputies of every fortreſs, and captain of any other fortreſs, to proclaim this Act within his charge once every quarter of a year.

Proclamation of this act.

And alſo be it enacted by the authority aforeſaid, for the better execution of the premiſes, that every perſon or perſons, giving to the Lieutenant, or the others above named, true information of any of the offences above remembred, ſhall have for his labour one moneths wages of him that ſhall be found faulty, to be paid by the hand of the Treaſurer, upon warrant of the ſaid Lieutenant, or any of the others aforeſaid.

Reward for informing of offences.

Provided always, that nothing herein contained, ſhall in any wiſe extend to touch or infringe any orders eſtabliſhed for the government of Calice, and the Marches of the ſame, or any other place of the Kings, now governed, or hereafter to be governed by the ſame orders, or by ſuch orders as may pleaſe his Grace hereafter to ſet forth for the ſame.

Provided always, and be it Enacted by the authority aforeſaid, that it ſhall be lawful for all and every of the ſaid Lieutenants, and other the ſaid perſons to retain in his or their own hands, to their own uſe, of the wages of his or their ſouldiers, the ſums following, that is to ſay, ſix ſhillings eight pence for the livery or coat of every yeoman ſouldier, and thirteen ſhillings four pence for the livery or coat of every gentleman ſouldier for one whole year.

Retaining of wages.

Provided always, and be it further ordained and enacted by the authority aforeſaid, that no manner of Lieutenant, or any other the ſaid perſons ſhall hereafter be charged or prejudiced by vertue of this act, or any thing therein contained, for lack of his or their number retained, as is aforeſaid, for, or concerning any ſouldier or ſouldiers, as ſhall happen to die during his ſervice, or to be ſick by the viſitation of God, or that ſhall depart againſt the will of his Lieutenant, or other before named, unleſs it ſhall be in the default of any of them.

In what caſes a Lieutenant ſhall not be prejudiced for lack of his number.

Provided always, that this act be not prejudicial or hurtful to the ſaid Lieutenant, or any other the ſaid perſons, or any other having under them retinue of ſouldiers, nor any of them, for non-payment of the Kings wages, to their houſhold-ſervants and other, to whom they ſhall daily find and give meat and drink, during the ſaid ſervice of war.

Houſhold-ſervants ſhall not be compriſed in this act.

Provided alway, that this Act, nor nothing therein contained, ſhall extend to charge any perſon or perſons for the taking or receiving of any gift or reward, of any of his or their tenants or friends, towards the relief, aid, or help of the ſame perſons, being commanded by the Kings Majeſty to ſerve in wars, or otherwiſe to find men on horſeback or on foot, as well within this Realm as without: Nor for the gift, reward, aid, or help, reſerved or covenanted to be paid or given to any perſon appointed to ſerve in wars, or to find horſe or men to ſerve by reaſon of any grant, covenant, reſervation, cuſtom or tenure.

Relief of tenants or friends. Stat. 4 & 5 P. & M. 3.

Provided that this act, nor any thing therein contained, ſhall not extend to charge any Lieutenant or others above named, for detaining or retaining any part of any the ſaid ſouldiers wages toward, or for the payment of victuals, harneſs, weapons, or for any preſt money provided and delivered to any ſuch ſouldier.

Lawful cauſes of detaining wages from ſouldiers.

CAP. III.

No Purveyor, or other perſon, by authority of any Commiſſion or other Warrant, ſhall, during three years next, purvey or take for the proviſion of the Kings Houſhold, his Siſters, or any other perſons, any Corn, Beeves, Muttons, &c. Wood, Coal, Straw, Hay, or any kind of Victuals without the full conſent of the Owner, and at ſuch price for ready money, as the Owner and Purveyor can agree: or ſhall take for any of the Kings affairs, or the wars, or otherwiſe, any Goods, Chattels, or other things whatſoever (ſaving Barges, Ships, Carts, and things neceſſary for Carriages) without conſent of the Owner, and at ſuch prices for ready money, as the Owner and Purveyor can agree, except Poſt-horſes, for which ſhall be paid a peny a mile.) And if any Taker, or other perſon ſhall offend in any point contrary to the Ordinance aforeſaid, he ſhall forfeit to the party grieved treble the value of the thing taken, ſuffer impriſonment a quarter of a year, and make fine at the Kings pleaſure. The King will allow to the Owner of every Cart taken, for his houſhold, four pence a mile, and for the wars, and other carriages, three pence a mile. EXP.

CAP. IV.

Sheriffs upon their accompts in the Exchequer, upon their Oath taken, ſhall be diſcharged of all ſuch moneys as they cannot levy, and ſhall have their due allowances.

MOſt humbly beſeechen the Kings moſt excellent Majeſty, his true and faithful ſubjects the Commons in this preſent Parliament aſſembled: That where in the Parliament begun at Weſtminſter the ſixteenth day of January, in the three and thirtieth year of the Reign of our late Sovereign Lord of famous memory, King Henry the eighth, and by Prorogation holden at Weſtminſter the two and twentieth day of January, in the four and thirtieth year of the Reign of our ſaid late Sovereign Lord, and there continued until the twelfth day of May, in the five and thirtieth year of the Reign of the ſaid late King: Upon divers and ſundry conſiderations, there was enacted and made, an Act by the authority of the ſame Parliament, concerning the account or accounts of Sheriffs, to be made in the Exchequer, as in the ſame Act more plainly at large it is contained.

And albeit it was meant, at the time of the making of the ſaid Act, as it may appear by the words of the ſaid Act, That Sheriffs ſhould not be charged upon their accounts, but only with ſuch ſums of money as they might lawfully levy. And alſo that the ſaid Sheriffs ſhould have allowance, not only for all ſuch charges and expences, as they ſhall ſuſtain and bear for the diets and charges of the Juſtices of Aſſiſe, but alſo for other neceſſary charges and expences by them ſuſtained, in and about the exerciſing of their ſaid Office: Yet nevertheleſs, the ſaid Sheriffs are and have been, ſithen the making of the ſaid Act, more and ſorer charged, vexed and troubled then they were before, to the great impoveriſhment of men of worſhip, and Gentlemen within this Realm, that have been Sheriffs, and ſo is very like to be to all ſuch as hereafter ſhall be Sheriffs, if remedy be not provided in this behalf: it may therefore pleaſe the Kings moſt excellent Majeſty, that it may be enacted and eſtabliſhed, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid former Act, and all clauſes and ſentences in the ſame contained, ſhall be from henceforth clearly fruſtrate and void, to all intents and purpoſes, other then hereafter in this Act ſhall be ſpecified.

The ſtatute of 34 H.8.16. touching Sheriffs, rehearſed and repealed.

And that it may be enacted by this preſent Parliament, That the Sheriffs which ſhall be made from henceforth within all the Shires of England, and alſo ſuch as have not made or finiſhed their accompt or accompts, ſhall have ſuch and like tails of reward, and all ſuch other allowances as they had before the making of the ſaid former Act, or elſe the ſame Sheriffs which ſhall be, or heretofore have been, to be at their election and choice to accompt, and all other things to do, according to the aforeſaid former Act. And that they, and every of them that ſo ſhall accompt, and take no tail of reward, ſhall be in, and by all things intreated in the Kings Exchequer, as though the ſaid former Act were and ſhould continue in his full ſtrength and effect, any thing before ſpecified notwithſtanding.

And that the ſame tails of reward, and every of them by force of this preſent Act, without any further warrant or warrants to be obtained for the ſame, ſhall be levied or ſtricken at the receipt of the Kings Majeſties Exchequer in due manner and form, with ſuch like letters or writings upon the ſame tails, and every of them, as before the making of the ſaid former Act were and have been accuſtomed to be levied and ſtricken.

Every Sheriff ſhall have tails of reward.

And that the ſame tails ſo hereafter there be levied and ſtricken, ſhall be delivered unto every of the ſame Sheriffs, or their ſufficient Attorney for them, without preſt, or other charge to be ſet upon them for the ſame.

And that this Act ſhall be a ſufficient warrant and diſcharge unto the Treaſurer of England, and all other Officers within the ſaid receit, for ſtrking, levying and delivery of the ſaid tails, and every of them.

And further, That all thoſe Sheriffs, that hereafter ſhall be made within thoſe Shires of England, whereas no tails of reward have heretofore been by the Kings Majeſties moſt noble Progenitors given and granted, and ſuch Sheriffs as ſhall hereafter take no tail of reward, ſhall in conſideration of their great coſts, charges and expences which they ſhall bear and ſuſtain, as well by the diets of the Juſtices of Aſſiſes, as by any other means, have upon the end of their accompts, and of every of them, ſuch allowances upon a petition to be made by the ſame Sheriffs and every of them, in a bill to be brought in by the ſame Sheriffs and every of them, of their ſaid coſts and charges, upon which bills the ſame Sheriffs to be ſworn in their own proper perſons, or by their under-Sheriffs, or lawful Attorney, thereunto admitted to be true, without warrant or tail ſuing for the ſame.

Sheriffs allowances that have no tails of reward.

And alſo that all Sheriffs which hereafter ſhall take no tail of reward, and every of them, ſhal be diſcharged upon their accompts of all ſuch ferms, goods, chattels, profits, caſualties, and ſums of money, which they might or ſhould be charged with upon their accompts in the ſaid Exchequer, by what title or name ſoever they be named, or upon whatſoever perſon or perſons they ſhall be ſtreated, or out of whatſoever lands and tenements they ſhall be going forth, as they cannot levy or come by.

And that all other Sheriffs which hereafter ſhall take any tail of reward, ſhall in like manner be diſcharged of all ferms and ſums of money aforeſaid (except only of the Vicountels of their ſhires wherewith they ſhall be charged, and anſwerable as they were before the making of the foreſaid former Act.) And alſo the ſame Sheriffs of every Shire of England that now be, or heretofore have been, or that hereafter ſhall be, and every of them, ſhall have plain deduction and allowance in their ſaid accompts of all ſuch ſum and ſums of money as they or any of them, ſhall make, or have made true petition of, for, or concerning ſuch poſſeſſions and hereditaments, as be come unto, or were in the Kings Majeſties hands, or any his Progenitors, by unity of poſſeſſion, or by any mean, out of the which any part or parcel of the foreſaid Vicountels, were at any time heretofore leviable or levied. And that the Lord Treaſurer, Chamberlain, Chancellor and Barons of the ſaid Exchequer, or in the abſence of the ſaid Lord Treaſurer, Chamberlain, and Chancellor, the ſaid Barons ſhall by authority of this Act, give and make allowance, deduction and exoneration, to every of the ſaid Sheriffs of the ſaid ferms, and of all other things without any other warrant.

Sheriffs allowances for ſuch Vicountels concerning poſſeſſions as be come to the Kings hands by unity of poſſeſſion

Provided alway, That every of the ſaid Sheriffs at his day of prefection, immediately after that he or his Deputy or Attorney is ſworn to accompt for the iſſues and profits of his office of Sheriffwick, ſhall by himſelf or by his Attorney or Deputy, ſworn for him, when he ſhall anſwer before the Lord Treaſurer, Chamberlains, Chancellor and Barons of the ſaid Exchequer, or in the abſence of the ſaid Lord Treaſurer, Chamberlain or Chancellor, or of any of them: then before ſuch of the ſaid Lord Treaſurer, Chamberlains, or Chancellor, and of the ſaid Barons, as then ſhall happen to be preſent, in the ſaid Court of Exchequer, to bring in and deliver into the ſaid Court-Rolls, Cedules of Parchment, containing in them truly, without omiſſion or concealment, all ſuch particular ſums of money which he hath levied, or lawfully might have levied, to his weting or knowledge within his Bayliwick, as part or parcel, as well of the ſaid ferms, called Vicountels, in the ſaid former Act expreſſed, as of all other ferms, of what name or title ſoever they be called, being ſtreated, written, or otherwiſe charged to any of the ſaid Sheriffs, out of the ſaid Court of Exchequer, making expreſs and diſtinct mention in the ſame Rolls or Cedules, as nigh as he or they can or may, of what perſon, and what lands and tenements, and for what cauſe the ſame particular ſums of money, and every of them be levied or leviable: and that after the ſame Rolls or Cedules ſo delivered, and the particular ſums of money in them contained, appertaining to their proper ferms, caſt and rated in the ſaid Court, the ſaid Lord Treaſurer, Chamberlain, Chancellor and the ſaid Barons, in the abſence of the ſaid Treaſurer, Chamberlains, or Chancellor, or any of them for the time being, ſhall have full power and authority by this Act, for the levying and recovery of ſuch parcels belonging to any the ſaid ferms, called Vicountels, or any other ferms, by what name or title ſoever they ſhall be called, being omitted out of the ſaid Rolls or Cedules, and for ſaving of other the Kings ancient rights and inheritances, anſwerable, in the ſaid Exchequer, which be now wrongfully withdrawn, or unjuſtly withholden from the Kings Majeſty his poſſeſſions: and ſhall have power and authority from time to time to award ſuch proceſs, and uſe ſuch convenient ways and means by commiſſion or otherwiſe, according to the courſe of the ſaid Exchequer, and further as ſhall be deviſed by their diſcretion: ſo that the Kings Majeſty, his heirs and ſucceſſors, may be truly anſwered of the iſſues and profits of the ſame: this Act, or any other Statute, Act, Ordinance, or uſe heretofore, to the contrary had, made or uſed in any wiſe notwithſtanding.

The Sheriff ſhall be ſworn to bring into the Exchequer Rolls of parchment, of money which he hath or might have levied.

Proceſs ſhall be awarded out of the Exchequer to enquire of the Kings debt.

And furthermore, That the ſaid Treaſurer, Chamberlains, Chancellor, and Barons of the ſaid Exchequer, or the ſaid Barons in the abſence of the ſaid Treaſurer, Chamberlains, or Chancellor, or any of them for the time being, ſhall have full power and authority by their diſcretions, from time to time, to give and allow, unto all and every ſuch Commiſſioner or Commiſſioners, as they ſhall aſſign and appoint by their diſcretion, to enquire of the ſaid ferms, and other the Kings rights withdrawn, their reaſonable coſts and charges, as from time to time, to them ſhall ſeem good and convenient.

Allowance made to Commiſſioners for their coſts.

CAP. V.

Such fee-ferms and ſums of money paid for fee-ferms, as by any City, Borough, or Town corporate within England or Wales, or by the bodies corporate or politick, Officers or Miniſters of the ſame, ought to be due and payable to the King, &c. during three years next enſuing, ſhall ceaſe, and not be due: and ſhall be beſtowed about repairing of walls, bridges, ſetting poor on work, or other good deeds in every ſuch City, &c. But if the King hath granted the fee-ferm to any other, he ſhall enjoy it. EXP. Stat. 3 Ed. 6. 18.

CAP. VI.

No Officer ſhall exact any money of any merchant or fiſherman travelling into Ireland for fiſh.

FOraſmuch as within theſe few years now laſt paſt, there hath been levied, perceived and taken, by certain of the Officers of the Admiralty, of ſuch merchants and fiſhermen as have uſed and practiſed the adventures and journeys into Iſland, New found land, Ireland, and other places commodious for fiſhing, and the getting of fiſh, in and upon the Seas or otherwiſe, by way of merchandiſe in thoſe parts, divers great exactions, as ſums of money, doles, or ſhares of fiſh, and ſuch other like things, to the great diſcouragement and hindrance of the ſame merchants and fiſhermen, and to no little damage to the whole Commonweal.

And whereas alſo great complaints have been made, and informations alſo yearly to the Kings Majeſties moſt honourable Council: for reformation whereof, and to the intent alſo, That the ſaid Merchants and Fiſhermen may have occaſion the rather to practice and uſe the ſame trade of Merchandiſe and fiſhing freely without any ſuch charges or exactions, as is before limited, whereby it is to be thought, that more plenty of fiſh ſhall come into this Realm, and thereby to have the ſame at more reaſonable price.

There ſhall be no exaction by the Admiral or his officers of any Merchant, &c. travelling for fiſh.

Be it therefore enacted by the King our Soveraign Lord, and the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That neither the Admiral nor any officer nor miniſter, officers or miniſters of ye Admiralty for the time being, ſhall in any wiſe hereafter exact, receive or take by himſelf, his ſervant, deputy, ſervants or deputies of any ſuch merchant or fiſherman, any ſum or ſums of money, doles or ſhares of fiſh, or any other reward, benefit or advantage whatſoever it be, for any licence to paſs this Realm to the ſaid voyages or any of them: Nor upon any reſpect concerning the ſaid voyages or any of them, upon pain to forfeit for the firſt offence, treble the ſum, or treble the value of the reward, benefit or advantage, that any ſuch officer or miniſter ſhall hereafter have or take, of any ſuch merchant or fiſherman. For the which forfeiture the party grieved, and every other perſon or perſons, whatſoever he or they be, ſhall and may ſue for the ſame, by information, bill, plaint, or action of debt, in any of the Kings Courts of Record, the King to have the one moity, and the party complaining the other moity: in which ſuit no eſſoin, protection, or wager of law ſhall be allowed: and for the ſecond offence, the party ſo offending, not only to loſe or forfeit his or their office or offices in the Admiralty, but alſo to make fine and ranſom at the Kings will and pleaſure.

CAP. VII.

Thoſe Penſioners that by the crafty practices of others, did ſell them ſuch Penſions as by the Kings Patents were granted unto them out of Abby and religious lands, for life, ſhall have their Penſions again. So that they pay or tender ſo much money as they received for their ſaid Penſions. EXP.

CAP. VIII.

How offices in ſome caſes ſhall be found before Eſcheators.

Where many and divers perſons holding, or that have holden lands, tenements, or hereditaments, ſome for term of years, and ſome by copy of Court-Roll, have been expulſed and put out of their terms and holds, by reaſon of inquiſitions or offices, founden before Eſcheators, Commiſſioners and other, containing tenures of the King in Capite, intituling the King to the wardſhip or cuſtody of ſuch lands or tenements, and ſometime intituling the King to the ſame upon attainders of Treaſon, Felony, or otherwiſe, by reaſon that ſuch leaſes for term of years, or intereſt by copy of Court-Roll of ſuch perſons have not been found in ſuch inquiſitions or offices: after which expulſion, or putting out, the ſaid perſons have been without remedy, for the obtaining of the ſaid terms and holds during the Kings poſſeſſion therein, and can have no traverſe Monſtrance de droit, ne other remedy for the ſame, becauſe their ſaid intereſt is but a chattel in the law or cuſtomary hold, and no eſtate of freehold.

Leſſees for years, or copyholders being put forth of poſſeſſion by the King by the Common Law, ſhall have no remedy.

And alſo where any perſon or perſons hath any rent, common, office, fee, or other profit Apprendre, of any eſtate of freehold, or for years, or otherwiſe, out of ſuch lands or tenements, ſpecified in ſuch offices or inquiſition, the ſaid rent, common office, fee, or profit Apprendre, not found in the ſame office or offices, ſuch perſons are in like manner without remedy, to obtain or have the ſaid rent, common, office, fee or profit Apprendre, by any traverſe or other ſpeedy mean, without great and exceſſive charges, during the Kings intereſt therein, by force of ſuch inquiſition or office.

The intereſt of others ſhall be ſaved, though they be not found by office.

For remedy whereof be it enacted by authority of this preſent Parliament, That where any ſuch office or inquiſition is or ſhall be founden, omitting ſuch titles, intereſts, or matters, as is aforeſaid, that in all ſuch caſes, every leſſee, tenant for term of years, or copyholder, and every ſuch perſon or perſons that have or ſhall have any intereſt to any rent, common, or profit Apprendre, for term of years, life, or otherwiſe out of any of the lands, tenements, or hereditaments contained in ſuch offce or inquiſition, where the King, his heirs or ſucceſſors, is or ſhall be entituled, as is aforeſaid, to any ſuch lands, tenements, or hereditaments, ſhall have, hold, enjoy, and perceive all and every their leaſes and intereſts for term of years, or by copy of Court-Roll, rents, commons, offices, fees, and profit Apprendre, in ſuch manner, form, ſtate and condition, as they and every of them ſhould or might have done, in caſe there had been no ſuch office or inquiſition founden, and as they ſhould, or lawfully might or ought to have done, in caſe ſuch leaſe, intereſt by copy of Court-Roll, rent, common, office, fee, or profit Apprendre had been founden in ſuch office or inquiſition, any law, cuſtom, or uſage to the contrary heretofore uſed in ſuch caſes, in any wiſe notwithſtanding.

And alſo where it is or ſhall be founden for the King, his heirs or ſucceſſors, That the heir or heirs of his tenant or tenants, is or ſhall be within age, where indeed ſuch heir or heirs, is or ſhall be at the ſame time of full age, or of a more or greater age then is or ſhall be contained within ſuch office.

A remedy where an heir of full age ſhall be found within age.

Be it further enacted by the authority aforeſaid, That in every ſuch caſe, ſuch heir and heirs ſhall and may at his or their very full age, or after proſecute a writ of Ætate probanda, and ſue his or their livery, or ouſter le main, as his or their caſes ſhall lie and have the profits of his or their lands, tenements or hereditaments, from the time of his or their very full age, any ſuch untrue office or inquiſition, or any law or cuſtom to the contrary in any wiſe notwithſtanding.

Alſo, where one perſon or mo, is or ſhall be founden heir to the Kings tenant, by office or inquiſition, where any other perſon is or ſhall be heir, or if one perſon or mo, be or ſhall be founden heir by office or inquiſition in one County, and another perſon or perſons is or ſhall be found heir to the ſame perſon in another County, or if any perſon be or ſhall be

Traverſe to an untrue office found after the death of the Kings tenant, or upon attainder of treaſon, felony, &c.

er f. 161. 7. f. 45.

be untruly founden lunatick, idiot or dead: Be it enacted by ye authority aforeſaid, That every perſon and perſons, grieved or to be grieved by any ſuch office or inquiſition, ſhall and may have his or their traverſe to the ſame, immediately, or after, at his or their pleaſure, and proceed to trial therein, and have like remedy and advantage, as in other caſes [b] of traverſe upon untrue inquiſitions, or offices founden, any Law, Uſage, or Cuſtom to the contrary in any wiſe notwithſtanding.

A traverſe though the K. be entituled by double matter of record.

Alſo where it is or ſhall be hereafter untruly founden by office or inquiſition, That any perſon or perſons attainted, or that ſhall be attainted of Treaſon, Felony, or Premunire, is or ſhall be ſeiſed of any lands, tenements, or hereditaments, at any time of ſuch Treaſon, Felony, or offence committed or done, or any time after, whereunto any other perſon or perſons hath, or ſhall have any juſt title or intereſt of any eſtate of free-hold, That then in every ſuch caſe, every perſon and perſons grieved thereby, ſhall have his or their traverſe, or Monſtrance de droit to the ſame, without being driven to any petition of right, and like remedy and reſtitution upon his or their title, found or judged for him or them therein, as hath been accuſtomed and uſed, in the caſes of traverſe, although the Kings Majeſty, his heirs or ſucceſſors, be or ſhall be, in ſuch caſe entituled to any ſuch lands, tenements, or hereditaments, by double matter of record, any law, cuſtom or uſage to the contrary in any wiſe notwithſtanding.

Traverſe to an office.

Dyer f. 155. 306.

Co. 18 f. 168

And be it further enacted by the authority aforeſaid, That where any inquiſition or office, is or ſhall be founden by theſe words, or like, Quod de quo vel de quibus, tenementa pred. tenent. Jurat. prediƈt. ignorant. or elſe founden, holden of the King, Per quæ ſervic. ignorant. or ſuch like, that in ſuch caſe, ſuch tenure ſo uncertainly founden, [c] De quo vel de quibus tenementa prædiƈt. tenentur ignorant. ſhall not be taken for any immediate tenure of the King, nor ſuch tenure ſo founden of the King, Per quæ ſervic. ignorant. ſhall not be taken any tenure in capite, but in ſuch caſes [d] a Melius inquirendum to be awarded as hath been accuſtomed in old time, any uſage of later time to the contrary notwithſtanding.

Traverſe to an office where a wrong tenure is found.

Dyer f. 161. 10. Jac. 186.

And be it further enacted by the authority aforeſaid, That where it is or ſhall be founden by any office or inquiſition, that any lands, tenements or hereditaments, are or ſhall be deſcended, remained, or common to any heir [e] within age, and in the Kings ward, or that ought to be in the Kings ward, and that ſuch lands, tenements or hereditaments, are holden of the King immediately, where indeed the ſame are or ſhall be holden of ſome other common perſon, and not of the King immediately: that in ſuch caſe, ſuch heir or heirs, ſhall and may have their traverſe to the ſame, within age, and like remedy and reſtitution upon his or their title, found or judged for him or them therein, as hath been accuſtomed and uſed in other caſes of traverſes: any law, uſage or cuſtom to ye contrary in any wiſe notwithſtanding.

A remedy for the rents of the mean Lords, where the King hath the wardſhip.

Fitz. Relief 7. 19 Aſſ. pl. 24 Ed 3. 24. 28 H. 8. 8.

Alſo where the Kings Majeſty by his prerogative ought to have as well ſuch lands and tenements as be holden of other perſons, as holden of himſelf immediately, whereof his tenant holding of him in chief, dieth ſeiſed, his heir being within age, until ſuch time as livery be ſued by ſuch heir, and that the mean Lords, of whom the ſaid other lands and tenements of ſuch heir be holden, uſed to ſpare the rents due to them for the ſame lands or tenements holden of them during the Kings poſſeſſion. And when ſuch heir hath ſued his or their livery, they uſe by diſtreſs or otherwiſe to compel the ſaid heir to pay to them the arrerages of ſuch rents, for ſuch time as the ſaid lands or tenements were in the Kings poſſeſſion by ſuch minority, where they ſhould have ſued by petition to the Kings Majeſty to have obtained the ſame out of the Kings hands, if they would have the ſame, which is to the great detriment, loſs and hinderance of ſuch heir and heirs: for redreſs whereof, be it enacted by the authority of this preſent Parliament, That from henceforth ſuch mean Lords, during ſuch minority, ſhall have, receive and take the ſaid rents, by the hands of ſuch the Kings officers, as ſhall be appointed to have, receive and take the iſſues, revenues and profits of the ſame lands and tenements ſo holden of ſuch mean Lords, [f] during the minority and non-age of ſuch heir and heirs, and until ſuch heir and heirs ſue his or their livery, and that ſuch heir and heirs until ſuch time as he or they ſhall have ſued their livery, or might conveniently have ſued their livery, ſhall be thereof clearly diſcharged.

And that ſuch officer or officers ſhall upon requeſt made, pay the ſame to ſuch mean Lords (they giving to ſuch officer and officers a ſufficient acquittance or acquittances, for the receit of the ſame.) And that ſuch payment thereof made, with acquittance or acquittances thereof ſhewed, ſhall be to ſuch officers a ſufficient diſcharge againſt the Kings Majeſty and his heirs, upon his or their account in that behalf, any law, uſage or cuſtom heretofore had or uſed to the contrary hereof in any wiſe notwithſtanding.

An office found before the xx. day of March next being, An. Dom. 1548.

Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe extend to any inquiſition or office, taken or founden at any time before the twentieth day of March next coming, nor to hinder, prejudice, or take away the title, intereſt, or poſſeſſion of our Sovereign Lord the King, or of any other perſon or perſons, grown or come by vertue, mean, or occaſion of any inquiſition or office, taken or found, before the ſame day, but that as well our ſaid Sovereign Lord the King, as all other perſon and perſons, having any title, intereſt, or poſſeſſion by vertue, mean or occaſion of any inquiſition or office found before the ſame day, ſhall and may have, hold and enjoy the ſame in like manner and form, as though this Act had never been had or made, any thing in the ſame Act to the contrary in any wiſe notwithſtanding.

Upon a traverſe a Scire facias ſhall be awarded againſt the Kings Patentee.

Provided alſo, & it is enacted by ye authority aforeſaid, That in all ſuch caſes as any perſon or perſons ſhall be enabled by this Act to have any traverſe, and ſhall purſue his or their traverſe: That then he or they that ſhall purſue ſuch traverſe, ſhall ſue one writ or ſeveral writs of Scire facias, (as the caſe ſhall require) againſt all and ſingular ſuch perſon and perſons, as ſhall have intereſt by the King, or by his Patent or Patents, in like manner and form as is requiſite upon traverſes or petitions heretofore purſued. And that in every ſuch

Scire facias, the Patentees or other Defendants ſhall have like pleas and advantage, as they had in any Scire facias, before this time awarded againſt any Patentee in any caſe of petition. And alſo that upon every traverſe that ſhall be purſued by vertue or mean of this Act, in ſuch caſe as the party or parties that ſhall purſue any ſuch traverſe, ſhould by the order of the common Laws of this Realm, have been put to ſue by petition to the King, there ſhall be two writs of ſearch granted in manner and form, as like writs have been granted upon petitions made to the King.

Writs of ſearch upon a traverſe.

Provided alſo, and it is enacted by the authority abovesaid, That if after any judgment ſhall be given upon any traverſe, that ſhall be tendred or ſued by vertue or mean of this Act, it ſhall appear by any matter of Record, that the King hath any other [a] former title, right or intereſt, to the manors, lands, tenements, or other hereditaments, mentioned in the ſame traverſe, That then the ſame title, right and intereſt, ſhall be ſaved to the King, the ſaid traverſe and judgment thereupon given, in any wiſe notwithſtanding. Coke Inſt. 77. b. 243. a.

Notwithſtanding a traverſe, the Kings former right ſhall be reſerved.

a 4 H. 7. f. 13. 14 El. 4. f. 4. Dyer 248. Cotel. 2 f. 44.

CAP. IX.

A confirmation of all former Statutes made concerning Tanners, Curriers and Cordwainers; the ſeveral duties of Curriers, Cordwainers, Coblers, Sadlers, Girdlers, Leatherſellers, &c. in uſing, cutting, making or ſelling of their wares, and of ſearchers to view, ſearch and ſeal the ſame. The penalty of tranſporting of Leather: of what quantity a Tanner ſhall cut his ſole leather. Rep. El. 8. 1 Jac. 22. St. 3 & 4 Ed. 6. 6.

CAP. X.

In what manner Malt ſhall be made and uſed.

Where divers and ſundry perſons taking upon them the art and myſtery of Maltmaking, and tendering more their own private lucre, gain and profit, then the wholeſom victualing of the Kings Majeſty, the Nobility of this Realm, and other his Graces ſubjects, have now of late by their unſatiable, covetous and greedy minds, accuſtomably and commonly made much Malt, unpure and unſeaſonable, for that they have made the ſame Malt in eight or nine days, where indeed the ſame cannot be well and perfectly made, unleſs it have the time and ſpace of xii. days in the making thereof. And where alſo divers and ſundry of the ſaid makers of Malt, commonly have, and do ſlackly and deceitfully dry the Malt ſo by them made, for that they would have an inordinate increaſe thereof by the ſwelling of the ſaid Malt, whereby the ſame Malt not being ſufficiently dryed, cannot be kept any long time or ſpace, but it will be muſty and full of weavels, whereby no wholeſom drink for mans body can by any means be thereof made, which is not only to the great peril and danger of the Nobility, and other the Kings Highneſs ſubjects within this Realm, and alſo to the great loſs and decay of the Commonwealth of the ſame, but alſo an utter impoveriſhment of the Brewers of this ſaid Realm, for that the ſaid Brewers (over and beſides the unwholſomneſs of the drink which is commonly made thereof) cannot make ſo much drink of fifty quarters of Malt, being ſo evil dryed and made, as they might and can make of fourty quarters being well and truly made. And alſo foraſmuch as divers and ſundry perſons, minding and ſeeking their own private and exceſſive gain and profit, forgetting thereby their duty, and the order or charity towards the Commonwealth and their neighbours in this behalf, do commonly uſe to put and mix good Malt & evil Malt together, and after put the ſame Malt to ſale as good Malt, whereby many of the Kings ſubjects have been, and are like to be very often deceived, to their great loſs and hindrance, contrary to the honeſt, ſeemly and godly buying, ſelling, and commutation that ſhould or ought to be amongſt Chriſtian people, ſpecially in things concerning the ſuſtentation and ſuſtenance of mans body.

Coke Inſt. 4. par. 173.

Several unlawful practiſes uſed in the making and ſelling of Malt.

For remedy whereof, it may pleaſe the Kings Majeſty, with the advice of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That it may be eſtabliſhed and enacted by the authority of the ſame, That no ſuch perſon or perſons at any time after the firſt day of March next coming, ſhall make any Barley-Malt (the moneths of June, July and Auguſt only excepted) but that the ſame ſhall have in making thereof, that is to ſay, in the fat, floor, ſteeping, and ſufficient drying of the ſaid Malt, three weeks at the leaſt: and that no ſuch perſon or perſons at any time within the ſaid moneths of June, July and Auguſt, ſhall make any Barley-Malt, except the ſame have in the fat, floor, ſteeping, and ſufficient drying, the time and ſpace of ſeventeen days at the leaſt, under and without which time and times, the ſaid Malt cannot be well and perfectly made, nor wholſom for mans body: upon pain to forfeit and loſe for every quarter of Malt, which ſhall be made by any perſon or perſons, contrary to the tenor, purport, and true meaning of this Act, ii. s. And be it further enacted by the authority aforeſaid, That no perſon or perſons, after the firſt day of March next coming, ſhall mingle or put together any Malt, not being well and ſufficiently made, or being made of Mow-burnt or ſpired Barley, with other good Malt, and after put the ſame ſo mingled to ſale, upon pain to forfeit and loſe for every quarter ſo mingled and put to ſale, two ſhillings.

How long time Malt ſhall be in the fat, floor, ſteeping, and drying.

None ſhall mingle good Malt with evil to ſell.

And be it alſo further enacted by the authority aforeſaid, That if any perſon or perſons after the laſt day of January next coming, ſhall put to ſale any Malt, which ſhall not be ſufficiently and well troden, rubbed, and well fanned, whereby there may be conveniently fanned out of one quarter thereof, half a peck of duſt or more, That then the perſon ſo putting the ſame to ſale, ſhall forfeit and loſe for every quarter ſo put to ſale, xx. d. The moity of all which forfeitures to be to the King our Sovereign Lord, and the other moity thereof to the party that will ſue for the ſame by action of debt, bill, plaint or information, in any of the Kings Courts, wherein no protection, wager of Law, or eſſoin, nor injunction ſhall be admitted or allowed.

Malt ſhall be well troden, rubbed, and fanned. St. 17 R. 2. 4.

And be it further enacted by the authority aforeſaid, That the Juſtices of Peace in every of their Seſſions, and alſo the Steward in every Leet, ſhall have full power and authority by vertue of this Act, to enquire, hear and determine, as well by preſentment of xij. men, as by accuſation or information of two honeſt witneſſes, of, for and upon all and every the offences and forfeitures aforeſaid, as well for the King, as for the party that ſhall ſue, procure or cauſe the ſame to be preſented, as is beforeſaid. And that the Bailiffs and Conſtables of every Borough or Market Town, or other Town where any ſuch Malt ſhall be made, or put to ſale, ſhall have full power and authority from time to time, to view, ſearch and ſurvey all ſuch Malt, as ſhall be made or put to ſale within any of the ſaid Towns. And if any of them ſhall thereupon find any Malt ſo put to ſale, being evil made, or mingled with evil Malt, contrary to the tenour and true meaning of this preſent Act: That then the ſaid Bailiff or Conſtable, ſo finding any ſuch Malt evil made, or mingled as is aforeſaid, with the advice of one Juſtice of Peace within the ſame Shire, ſhall cauſe the ſame to be ſold to ſuch perſon or perſons, and at ſuch reaſonable price or prices, and under the common price of the market, as to his diſcretion ſhall ſeem neceſſary and expedient.

Juſtices, Stewards of Leets, and officers of Towns ſhall puniſh offendors.

Malt made for a mans own proviſion.

Within what time an offendor ſhall be preſented.

Provided alway, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall not extend to charge, or be, to the making of Malt for any mans own proviſion for his own houſe or family, neither prejudicial to any perſon or perſons, for, or concerning any of the offences or forfeitures aforeſaid: except he or they ſo offending, ſhall happen to be ſued, preſented and accuſed for the ſame, in manner and form aforeſaid, within one year next after any ſuch offence or offences to be done or committed, any thing in this preſent Act to the contrary notwithſtanding. This preſent Act to continue until the end of the next Parliament. 27 El. 14. 1 Jac. 25. 21 Jac. 28. and 3 Car. 4. continued.

CAP. XI.

No Tanner ſhall put any tanned Leather to ſale (ſaving Calves skins) tanned and mixed with Aſhen-bark, Tapworth, Meal or Culver dung, and unleſs it hath lien in the Tan-ozes ſufficiently wrought three quarters of the year at leaſt: Nor ſhall over-burn with lime any hides, nor ſhall ſet his fats in Tan-hills, or ſhall put any hot liquor or ozes in the fats wherein hides ſhall be put to tanning: Or ſhall practiſe any other way for the over-ſpeedy tanning of hides, or whereby they ſhall be burned or ſcalled: Or ſhall cut any hide of Steer or Cow to make clout-leather thereof: Or ſhall tan any Sheep-skins, upon pain to forfeit the ſame Leather, &c, and vi. ſhillings viij. pence for every hide. EXP. Stat. 1 M. 13. 1 El. 9.

CAP. XII.

A confirmation of all leaſes and grants by copy of contract for life or lives, not exceeding iii. lives of any lands of the Duke of Somerſets, called Bartons lands, or demeſne lands, made or to be made, by the ſaid Dukes aſſigns to any perſon. PR.

CAP. XIII.

In what manner Tithes ought to be paid.

27 H. 8. 20.

32 H. 8. 7.

Where in the Parliament holden at Weſtminſter the iv. day of February, in the xxvii. year of the Reign of the late King, of moſt famous memory, King Henry the Eighth, there was an Act made concerning paiment of Tithes predial and perſonal. And alſo in another Parliament holden at Weſtminſter, the xxiv. day of July, in the xxxij. year of the Reign of the ſaid late King Henry the viij. another Act was made concerning true paiment of Tithes and Offerings, in which ſeveral Acts, many and divers things be omitted and left out, which were convenient and very neceſſary to be added to the ſame. In conſideration whereof, and to the intent the ſaid Tithes may be hereafter truly paid, according to the mind of the makers of the ſaid Act: be it ordained and enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That not onely the ſaid Acts, made in the ſaid xxvij. and xxxij. years of the Reign of the ſaid late King Henry the viij. concerning true paiment of Tithes, and every article and branch therein contained, ſhall abide and ſtand in their full ſtrength and vertue. But alſo be it further enacted by the authority of this preſent Parliament, That every of the Kings ſubjects ſhall from henceforth truly and juſtly, without fraud or guile, divide, ſet out, yield and pay, all manner of their predial Tithes, in their proper kind, as they riſe and happen, in ſuch manner and form, as hath been of right yielded and paied within fourty years next before the making of this Act, or of right or cuſtom ought to have been paid. And that no perſon ſhall from henceforth take or carry away any ſuch or like Tithes, which have been yielded or paid within the ſaid fourty years, or of right ought to have been paid, in the place or places titheable of the ſame, before he hath juſtly divided or ſet forth for the Tithe thereof the tenth part of the ſame, or otherwiſe agreed for the ſame Tithes with the Parſon, Vicar, or other owner, proprietory or fermor of the ſame Tithes, under the pain of forfeiture of treble value of the Tithes ſo taken or carried away.

Co. Inſt. 2 par. 648.

Every perſon ſhall ſet forth and pay his predial Tithes.

Co. Inſt. 2 par. 649.

Co. Inſt. 2 par. 611. Art. 17.

Cro. Jac. 57. & 70. pl.

And be it alſo enacted by the authority aforeſaid, That at all times whenſoever, and as often as the ſaid predial Tithes ſhall be due at the tithing time of the ſame, it to be lawful to every party, to whom any of the ſaid Tithes ought to be paid, or his deputy, or ſervant, to view and ſee their ſaid Tithes to be juſtly and truly ſet forth and ſevered from the ix. parts, and the ſame quietly to take and carry away. And if any perſon carry away his corn or hay, or his other predial Tithes, before the Tithe thereof be ſet forth, or willingly withdraw his Tithes of the ſame, or of ſuch other things, whereof predial Tithes ought to be paid: or do ſtop or let the Parſon, Vicar, proprietory, owner, or other their deputies or farmors, to view, take, and carry away their Tithes as is aboveſaid, by reaſon whereof the ſaid Tithe or Tenth is loſt, impaired or hurt, that then upon due proof thereof made before

The penalty for carrying of corn or hay before Tithe be ſet forth, or for letting the Parſon to carry it.

Coke pl. f. 16[illegible]

the Spiritual Judge, or any other Judge, to whom heretofore he might have made complaint, the party ſo carrying away, withdrawing, letting or ſtopping, ſhall pay the double value of the Tenth or Tithe ſo taken, loſt, withdrawn or carried away, over and beſides the coſts, charges, and expences of the ſuit in the ſame: the ſame to be recovered before the Eccleſiaſtical Judge, according to the Kings Eccleſiaſtical Laws.

Tithe of cattel feeding in a waſte where the Pariſh is not known.

And be it further enacted by the authority aforeſaid, That all and every perſon, which hath, or ſhall have any beaſts, or other cattel titheable, going, feeding, or depaſturing in any waſte or common ground, whereof the Pariſh is not certainly known, ſhall pay their Tithes for the increaſe of the ſaid cattel ſo going in the ſaid waſte or common, to the Parſon, Vicar, Proprietor, Portionary, owner, or other their fermors, or deputies of the Pariſh, Hamlet, Town, or other place, where the owner of the ſaid cattel inhabiteth or dwelleth.

Lands diſcharged of Tithe by preſcription or compoſition.
Coke l. 2. f. 44.
Plow. f. 277. 349.
8 Ed. 4. f. 13.
Fitz. N. B. f. 43. k.

Provided always, and be it enacted by the authority aforeſaid, That no perſon ſhall be ſued, or otherwiſe compelled to yield, give or pay any manner of Tithes, for any manors, lands, tenements or hereditaments, which by the [b] Laws and Statutes of this Realm, or by any priviledge or preſcription, are not chargeable with the paiment of any ſuch Tithes, or that be diſcharged by any compoſition real.

[b] Cok. pl. f. 452. 454. 457.

The Tithe of barren heath or waſte ground.
1 El. Dyer f. 170.
Coke pl. f. 462.
Mo. El. 170.

Provided always, and be it enacted by the authority aforeſaid, That all ſuch barren heath or waſte ground, other then ſuch as be diſcharged for the paiment of Tithes by Act of Parliament, which before this time have layen barren, and paid no Tithes by reaſon of the ſame barrenneſs, and now be, or hereafter ſhall be improved and converted into arable ground or medow, ſhall from henceforth, after the end and term of vij. years, next after ſuch improvement fully ended and determined, pay Tithe for the corn and hay growing upon the ſame: any thing in this Act to the contrary in any wiſe notwithſtanding.

Provided always, and be it enacted by the authority aforeſaid, That if any ſuch barren, waſte or heath ground, hath before this time been charged with the paiment of any Tithes, and that the ſame be hereafter improved or converted into arable ground or medow, that then the owner or owners thereof, ſhall during the ſeven years next following, from and after the ſame improvement, pay ſuch kind of Tithe as was paid for the ſame before the ſaid improvement: any thing in this Act to the contrary in any wiſe notwithſtanding.

Who ſhall pay their perſonal Tithes.

And be it alſo further enacted by the authority aforeſaid, That every perſon exerciſing merchandiſes, bargaining and ſelling, clothing, handicraft, or other art or faculty, being ſuch kind of perſons, and in ſuch places as heretofore within theſe fourty years have accuſtomably uſed to pay ſuch perſonal Tithes, or of right ought to pay (other then ſuch as been common Day-labourers) ſhall yearly at or before the Feaſt of Eaſter, pay for his perſonal Tithes the x. part of his clear gains, his charges and expences, according to his eſtate, condition or degree, to be therein abated, allowed and deducted.

Handicrafts men having uſed to pay Tithes.

Provided always, and be it enacted, That in all ſuch places where handicrafts men have uſed to pay their Tithes within theſe fourty years, the ſame cuſtom of paiment of Tithes to be obſerved and to continue: any thing in this Act to the contrary notwithſtanding.

The Ordinary may examine him that refuſeth to pay his Tithe.

And be it alſo enacted by the authority aforeſaid, That if any perſon refuſe to pay his perſonal Tithes in form aforeſaid, That then it ſhall be lawful to the Ordinary of the ſame Dioceſs, where the party that ſo ought to pay the ſaid Tithes is dwelling, to call the ſame party before him, and by his diſcretion to examine him by all lawful and reaſonable means, other then by the parties own corporal oath, concerning the true paiment of the ſaid perſonal Tithes.

Paiment of Offerings.

Provided always, and be it enacted by the authority aforeſaid, That all and every perſon and perſons, which by the Laws or Cuſtoms of this Realm ought to make or pay their Offerings, ſhall yearly from henceforth well and truly content and pay his or their Offerings to the Parſon, Vicar, Proprietor, or their deputies or fermors, of the Pariſh or Pariſhes where it ſhall fortune or happen him or them to dwell or abide: and that at ſuch iv. offering days, as at any time heretofore within the ſpace of four years laſt paſt, hath been uſed and accuſtomed for the payment of the ſame, and in default thereof to pay for their ſaid Offerings at Eaſter then next following.

Tithe of Fiſh.

Provided alſo, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any Pariſh which ſtands upon, and towards the Sea coaſts, the commodities and occupying whereof conſiſteth chiefly in fiſhing, and have by reaſon thereof uſed to ſatisfie their Tithes by fiſh: but that all and every ſuch Pariſh and Pariſhes, ſhall hereafter pay their Tithes according to the laudable cuſtoms, as they have heretofore of ancient time within theſe xl. years uſed and accuſtomed, and ſhall pay their Offerings as is aforeſaid.

Paiment of Tithe by houſes.

Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend in any wiſe to the inhabitants of the City of London and Canterbury, and the ſuburbs of the ſame, ne to any other Town or place, that hath uſed to pay their Tithes by their houſes, otherwiſe then they ought or ſhould have done before the making of this Act: any thing contained in this Act to the contrary in any wiſe notwithſtanding.

Suits for withholding of Tithes ſhall be in the Eccleſiaſtical Court.

And be it further enacted by authority aforeſaid, That if any perſon do ſubſtract, or withdraw any manner of Tithes, Obventions, profits, commodities, or other duties before mentioned, or any part of them, contrary to the true meaning of this Act, or of any other Act heretofore made, that then the party ſo ſubſtracting or withdrawing the ſame, may or ſhall be convented and ſued in the Kings Eccleſiaſtical Court, by the party from whom the ſame ſhall be ſubtracted or withdrawn, to the intent the Kings Judge Eccleſiaſtical ſhall and may, then and there, hear and determine the ſame according to the Kings Eccleſiaſtical Laws. And that it ſhall not be lawful unto the Parſon, Vicar, Proprietor, owner, or other their fermors or deputies, contrary to this Act, to convent or ſue ſuch withholder of Tithes, Obventions, and other duties aforeſaid, before any other Judge then Eccleſiaſtical. And if any Archbiſhop, Biſhop, Chancellor, or other Judge Eccleſiaſtical, give any ſentence in the foreſaid cauſes of tithes, obventions, profits, emoluments, and other duties aforeſaid, or in any of them, (and no appeal ne prohibition hanging) and the party condemned do not obey the ſaid ſentence, that then it ſhall be lawful to every ſuch Judge Eccleſiaſtical to excommunicate the ſaid party, ſo as afore condemned and diſobeying, in the which ſentence of excommunication, if the ſaid party excommunicate, wilfully ſtand and endure ſtill excommunicate, by the ſpace of xl. days next after, upon denunciation and publication thereof in the Pariſh Church, or the place or Pariſh where the party ſo excommunicate is dwelling, or moſt abiding, the ſaid Judge Eccleſiaſtical may then at his pleaſure ſignifie to the King in his Court of Chancery, of the ſtate and condition of the ſaid party ſo excommunicate, and thereupon to require proceſs, De excommunicato capiendo, to be awarded againſt every ſuch perſon as hath been ſo excommunicate.

Excommunication of the party condemned.

Be it further enacted by the authority aforeſaid, That if any party at any time hereafter, for any matter or cauſe before rehearſed, limited or appointed by this Act, to be ſued or determined in the Kings Eccleſiaſtical Court, or before the Eccleſiaſtical Judge, do ſue for any prohibition in any of the Kings Courts, where prohibitions before this time have been uſed to be granted, that then in every ſuch caſe the ſame party, before any prohibition ſhall be granted to him or them, ſhall bring and deliver to the hands of ſome of the Juſtices, or Judge of the ſame Court where ſuch party demanded prohibition, the very true copy of the Libel depending on the Eccleſiaſtical Court, concerning the matter wherefore the party demandeth prohibition, ſubſcribed or marked with the hand of the ſame party, and under the copy of the ſaid Libel ſhall be written the ſuggeſtion, wherefore the party ſo demandeth the ſaid prohibition: and in caſe the ſaid ſuggeſtion by two honeſt and ſufficient witneſſes at the leaſt, be not proved true in the Court where the ſaid prohibition ſhall be ſo granted, within ſix moneths next following after the ſaid prohibition ſhall be ſo granted and awarded, that then the party that is letted or hindered of his or their ſuit in the Eccleſiaſtical Court by ſuch prohibition, ſhall upon his or their requeſt and ſuit, without delay, have a conſultation granted in the ſame caſe in the Court where the ſaid prohibition was granted, and ſhall alſo recover double coſts and damages againſt the party that ſo purſued the ſaid prohibition, the ſaid coſts and damages to be aſſigned or aſſeſſed by the Court, where the ſaid conſultation ſhall be ſo granted, for which coſts and damages, the party to whom they ſhall be awarded, may have an action of debt by bill, plaint or information in any of the Kings Courts of Record, wherein the Defendant ſhall not wage his or their law, nor have any eſſoin or protection allowed or admitted.

A copy of the Libel ſhall be delivered to the Judge before a prohibition granted.

7 El. Dyer f. 242. Cro. El. 736. Cro. Car. 208.

A conſultation granted for default of proving a ſuggeſtion.

Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to give any Miniſter or Judge Eccleſiaſtical, any juriſdiction to hold plee of any matter, cauſe or thing, being contrary or repugnant, to or againſt the effect, intent or meaning of the Statute of Weſtminſter ſecond, the v. Chapter, the Statutes of Articuli cleri, circumſpecte agatis: Silva ſedua, the Treatiſe, De regia prohibitione, ne againſt the Statute of Anno primo Edwardi tertii, the x. Chapter, or any of them, ne yet hold plee in any matter, whereof the Kings Court of right ought to have juriſdiction: any thing therein contained to the contrary in any wiſe notwithſtanding.

Of what things a Judge Eccleſiaſtical ſhall not hold plea.

13 Ed. 1. 5. 9 Ed. 2. 13 Ed. 1. 45 Ed. 3. 3. 1 Ed. 3. 11. Co. Inſt. 2 part 663.

Provided nevertheleſs, where heretofore ſuch a cuſtom hath been in many parts of Wales, that of ſuch cattel and other goods, as hath been given with the marriage of any perſon, their Tithes have been exacted and levied by the Parſons and Curates in thoſe parts: which cuſtom being diſſonant from any part of this Realm, as it ſeemed when the ſaid Countrey of Wales was through civil diſſention unculted, for want of other ſufficient profits that might otherwiſe grow to the Curates and Miniſters there, to have been for that time tolerable: ſo now the Countrey being well manured and husbanded, and the Tithe is duly paid there, of corn, hay, wool and cheeſe, and of other increaſe of all manner of cattel, as it is commonly in all other parts of this Realm, the ſame cuſtom ſeems to be grievous and unreaſonable, ſpecially where the Benefices are elſe ſufficient for the finding of the ſaid Miniſters and Curates: that it be therefore enacted by the authority aforeſaid, That from and after the firſt day of May next coming, no ſuch Tithes of marriage goods be exacted or required of any perſon within the ſaid Dominion of Wales, or marches of the ſame: any thing in this Act contained, or any other Act, Cuſtom, Preſcription, had or made to the contrary hereof notwithſtanding. Coke Inſt. 159. a.

No Tithes of marriage goods ſhall be paid in Wales, &c.

CAP. XIV.

No perſon may ſhoot with an hand-gun in City or Town, at a mark: or elſe ſhoot with hail-ſhot.

Whereas an Act made in the xxxiij. year of the late King of famous memory Henry the Eighth, for ſome liberty to ſhoot in Hand-guns, Haques and Harquebuts, by which Act nevertheleſs it was provided, That no perſon ſhould ſhoot in any of the abovesaid pieces, but at a bank of earth, and not at any Deer or Fowl, unleſs the party might diſpend an C. pound by the year: foraſmuch as the ſaid Act having been deviſed, as it was then thought for neceſſary exerciſe, tending to the defence of the Realm, is grown ſithen to the maintenance of much idleneſs, and to ſuch a liberty, as not onely dwelling-houſes, Dove-cotes and Churches are daily damaged by the abuſe thereof, by men of light converſation, but that alſo there is grown a cuſtomable manner of ſhooting of hail-ſhot, whereby an infinite ſort of Fowl is killed, and much game thereby deſtroyed, to the benefit of no man, whereby alſo the meaning of the ſaid Statute is defrauded, for that the ſaid uſe of hail-ſhot utterly deſtroyeth the certainty of ſhooting, which in wars is much requiſite: Be it therefore enacted, That no perſon under the degree of a Lord of the Parliament, ſhall

Anno 33 H. 8. 6.

The penalty for ſhooting at with hand-gun in a City, Town, or for ſhooting with hail-ſhot.

from henceforth ſhoot in any hand-gun, within any City or Town, at any Fowl or other mark, upon any Church-houſe or Dove-cote: neither that any perſon ſhall ſhoot in any place any hail-ſhot, or any more pellots then one, at one time, upon pain to forfeit for every time that he or they ſhall ſo offend, contrary to this Act, x. pound, and impriſonment of his body during three moneths.

The names of thoſe that ſhoot in hand-guns ſhall be preſented to a Juſtice and recorded.

Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall extend or be prejudicial to any perſon or perſons, authoriſed by value of land, to ſhoot in any hand-gun or croſs-bow, but that they may ſo do, in ſuch form and order as they ſhould do, and might have done before the making of this Act (hail-ſhot excepted) as indeed that kind of ſhot in the ſaid Act was not meant: and that all and every other perſon or perſons, authoriſed to ſhoot, or otherwiſe, if he inhabit in any Town corporate, be preſented to the Mayor, or other Officer of the ſame, and inhabiting in the Country, be preſented within one moneth, after the publiſhing of this Act, to the next Juſtice of Peace adjoyning, in which caſes the ſaid Mayor, Juſtice, or other Officer ſo taking their names as is aforeſaid, ſhall again preſent and record the ſame before a Juſtice of the Peace at the next quarter Seſſions, to the intent the Clerk of the Peace of the County, may keep a certain book or roll of the names of all ſuch perſons, by the which the Kings Majeſty may from time to time be aſcertained, how many meet and able men, exerciſed in that feat, be in every County, that the ſame may be employed in his Graces ſervice, as need and occaſion ſhall require, upon pain that every perſon offending in this Act, in preſuming to ſhoot in any hand-gun or half-haque, without the preſenting of his name, as is aforeſaid, ſhall forfeit for every ſhot the ſum of xx. s. the one moity whereof to be to our Sovereign Lord the King, and the other moity to him or them that will ſue for the ſame, by bill, action, plaint, information, or otherwiſe. The Officer that ſhould take their names, and preſent the ſame, as is aboveſaid, to incur for the lack of his duty in this part, for every time ſo offending like pain.

CAP. XV.

Victuallers conſpiring to ſell their victuals but at certain prices, and Labourers conſpiring touching their works, ſhall be puniſhed.

The puniſhment of Victuallers conſpiring not to ſell their victuals but at certain prices.

The puniſhment of Labourers conſpiring touching the times or manner of their work, Stat. 5 El. 4.

Foraſmuch as of late divers ſellers of victuals, not contented with moderate and reaſonable gain, but minding to have and to take for their victuals ſo much as luſt them, have conſpired and covenanted together, to ſell their victuals at unreaſonable prices: And likewiſe Artificers, handicrafts-men and labourers, have made confederacies and promiſes, and have ſworn mutual oaths, not onely that they ſhould not meddle one with others work, and perform and finiſh that another hath begun, but alſo to conſtitute and appoint how much work they ſhall do in a day, and what hours and times they ſhall work, contrary to the Laws and Statutes of this Realm, and to the great hurt and impoveriſhment of the Kings Majeſties ſubjects: for reformation thereof, it is ordained and enacted by the King our Sovereign Lord, the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any Butchers, Brewers, Bakers, Poulterers, Cooks, Coſtermongers or Fruiterers, ſhall at any time from and after the firſt day of March next coming, conſpire, covenant, promiſe or make any oaths, that they ſhall not ſell their victuals but at certain prices, or if any artificers, workmen or labourers, do conſpire, covenant or promiſe together, or make any oaths, that they ſhall not make or do their works, but at a certain price or rate, or ſhall not enterpriſe or take upon them to finiſh that another hath begun, or ſhall do but a certain work in a day, or ſhall not work but at certain hours and times, that then every perſon ſo conſpiring, covenanting, ſwearing or offending, being lawfully convict thereof by witneſs, confeſſion, or otherwiſe, ſhall forfeit for the firſt offence x. l. to the Kings Highneſs, and if he have ſufficient to pay the ſame, and do alſo pay the ſame within ſix days next after his conviction, or elſe ſhall ſuffer for the ſame offence twenty days impriſonment, and ſhall onely have bread and water for his ſuſtenance. And for the ſecond offence ſhall forfeit xx. l. to the King, if he have ſufficient to pay the ſame, and do pay the ſame within ſix days next after his conviction, or elſe ſhall ſuffer for the ſecond offence puniſhment of the Pillory. And for the third offence, ſhall forfeit xl. l. to the King, if he have ſufficient to pay the ſame, and alſo do pay the ſame within ſix days next after his conviction, or elſe ſhall ſit on the Pillory, and loſe one of his ears, and alſo ſhall at all times after that be taken as a man infamous, and his ſayings, depoſitions or oath not to be credited at any time in any matters of judgment.

A conſpiracy by a Society or Company of Victuallers.

And if it fortune any ſuch conſpiracy, covenant or promiſe to be had and made by any Society, Brotherhood or Company of any Craft, Myſtery or Occupation, of the Victuallers above mentioned, with the preſence or conſent of the more part of them, that then immediately upon ſuch act of conſpiracy, covenant or promiſe, had or made, over and beſides the particular puniſhment before in this Act appointed for the offendor, their Corporation ſhall be diſſolved to all intents, conſtructions and purpoſes.

Which Magiſtrates may inquire of and puniſh offendors.

And it is further ordained and enacted by the authority aforeſaid, That all and ſingular Juſtices of Aſſiſe, Juſtices of Peace, Mayors, Bailiffs, and Stewards of Leets, at all and every their Seſſions, Leets and Courts, ſhall have full power and authority to inquire, hear and determine all and ſingular offences committed againſt this Statute, and to puniſh or cauſe to be puniſhed the offendor, according to the tenour of this Statute.

None of theſe Occupations ſhall be prohibited to work in any Town, though he doth not dwell therein. REP. 3 & 4 Ed. 6. 20.

And it is ordained and enacted by the authority aforeſaid, That no perſon or perſons ſhall at any time after the firſt day of April next coming, interrupt, deny, let or diſturb any free Maſon, rough Maſon, Carpenter, Bricklayer, Plaiſterer, Joyner, Hardhewer, Sawyer, Tiler, Pavier, Glaſier, Lime-burner, Brick-maker, Tile-maker, Plummer or Labourer, born in this Realm, or made Denizen, to work in any of the ſaid crafts in any City, Borough or Town Corporate, with any perſon or perſons that will retain him or them, albeit the ſaid perſon and perſons ſo retained, or any of them, do not inhabit or dwell in the City, Borough or Town-corporate where he or they ſhall work, nor be free of the ſame City, Borough or Town, any Statute, Law, Ordinance, or other thing whatſoever had or made to the contrary in any wiſe notwithſtanding. And that upon pain of forfeiture of v. l. for every interruption or diſturbance done contrary to this Statute, the one moiety of every ſuch forfeiture to be to the King, and the other moiety thereof to be to him or them that will ſue for the ſame in any of the Kings Courts of Record, by bill, plaint, action of debt, or information, wherein no wager of law, eſſoin nor protection ſhall be allowed.

CAP. XVI.

The King ſhall have authority to remove ſuch as have by Letters Patents the keeping of Caſtles, Fortreſſes or Bulwarks, giving to them as good fees, wages and profits, and of ſuch like eſtate, and as good aſſurance in the ſame as they had in the other. EXP.

CAP. XVII.

A confirmation of the attainder of Sir William Sherington, who was indicted and attainted by confeſſion of high Treaſon, for the counterfeiting of Teſtons to the value of xij. M. li. PR.

CAP. XVIII.

Sir Thomas Seymor, Lord Seymor, Lord Admiral, attainted of high Treaſon, for attempting to get into his cuſtody the perſon of the King, and the government of the Realm, for obtaining many offices, retaining many men into his ſervice, for making great proviſion of money and victuals, and for endeavouring to marry the Lady Elizabeth the Kings Siſter, and for perſwading the King in his tender age to take upon him the rule and order of himſelf. All perſons ſhall be paid ſuch debts as the ſaid Lord Seymor did owe them. PR.

CAP. XIX.

Eating of fleſh on certain days and times forbidden.

Albeit the Kings ſubjects now having a more perfect and clear light of the Goſpel, and true Word of GOD, through the infinite mercy and clemency of Almighty GOD, by the hands of the Kings Majeſty, and his moſt noble Father of famous memory, promulgate, ſhewed, declared and opened, and thereby perceiving, that one day, or one meat of it ſelf is not more holy, more pure, or more clean then another, for that all days and all meats be of their nature of one equal purity, cleanneſs and holineſs, and that all men ſhould by them live to the glory of GOD, and at all times, and for all meats give thanks unto him, of which meats none can defile Chriſtian men, or make them unclean at any time, to whom all meats be lawful and pure, ſo that they be not uſed in diſobedience or vice: Yet foraſmuch as divers of the Kings ſubjects, turning their knowledge therein to ſatisfie their ſenſuality, where they ſhould thereby increaſe in vertue, have of late time more then in times paſt, broken and contemned ſuch abſtinence, which hath been uſed in this Realm upon the Fridays and Saturdays, the Embring days, and other days, commonly called Vigils, and in the time commonly called Lent, and other accuſtomed times: the Kings Majeſty conſidering, that due and godly abſtinence is a mean to vertue, and to ſubdue mens bodies to their ſoul and ſpirit, and conſidering alſo that Fiſhers, and men uſing the trade of living by fiſhing in the Sea, may thereby the rather be ſet on work, and that by eating of fiſh much fleſh ſhall be ſaved and increaſed, and alſo for divers other conſiderations and commodities of this Realm, doth ordain and enact, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all manner of ſtatutes, laws, conſtitutions and uſages, concerning any manner of faſting or abſtinence from any kinds of meats, heretofore in this Realm made or uſed, ſhall from the firſt day of May next enſuing, loſe their force and ſtrength, and be void and of none effect.

Embring days, Lent.

All Laws concerning faſting repealed.

And alſo that no perſon or perſons, of what eſtate, degree or condition he or they be, ſhall at any time after the ſaid firſt day of May, in the year of our Lord God MDXLIX. willingly and wittingly eat any manner of fleſh, after what manner of kind or ſort it ſhall be ordered, dreſſed or uſed, upon any Friday or Saturday, or the Embring-days, or in any day in the time commonly called Lent, nor at any ſuch other day, as is or ſhall be at any time hereafter commonly accepted and reputed as a Fiſh-day, within this Realm of England, wherein it hath been commonly uſed for to eat fiſh and not fleſh, upon pain that every perſon eating any manner of fleſh upon any of the ſaid days or times prohibited by this Act, to forfeit for the ſaid firſt offence ten ſhillings of lawful money of England, and alſo to ſuffer impriſonment by the ſpace of ten days, and during the time of his or her ſaid impriſonment, to abſtain from eating any manner of fleſh.

The penalty for eating of fleſh upon any day uſed commonly as a fiſh day.
Stat. 5 El. 5.
27 El. 11.

And if any perſon, after he ſhall be lawfully convict of any offence contrary to this Act, doth eſt-ſoons offend contrary to this Act, and be thereof lawfully convict, that then every perſon ſo offending the ſecond time, ſhall for his ſecond offence forfeit twenty ſhillings of lawful money of England, and alſo ſuffer impriſonment by the ſpace of twenty days, and during the time of his or her ſaid impriſonment, to abſtain from eating of any manner of fleſh, and ſo like pain and impriſonment as often as he or ſhe afterwards ſhall offend.

The penalty for the ſecond offence.

And furthermore it is ordained and enacted by the authority aforeſaid, That Juſtices of Gaol-delivery, and Juſtices of Peace, in all and ſingular Counties, Cities, Towns corporate, and other places within this Realm of England, and other the Kings Dominions, ſhall have full power and authority to enquire, hear and determine all & all manner offences that ſhall be committed or done contrary to this Act, in like manner and form as they may enquire, hear and determine any treſpaſs, or other offence againſt the Kings Peace com-

Juſtices of Gaol-delivery and Peace ſhall determine theſe offences.

mitted or done, within the limits or place where they then ſhall be Juſtices of Gaol-delivery, or Juſtices of Peace. And the moity of every ſuch forfeiture ſhall be extreated into the Court of the Exchequer, in like manner and form, as fines for any treſpaſs, or other offence committed againſt the Kings Peace, ought or ſhould be extreated: and the other moity of the ſaid forfeiture ſhall be to him that will ſue for the ſame by bill, plaint, information or otherwiſe, in any of the Kings Courts of Record, in which no eſſoin, protection, or wager of Law ſhall be allowed.

To what perſons this Statute ſhall not extend.

Provided always, and be it ordained and enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe extend to any perſon or perſons that heretofore hath, or hereafter ſhall have obtained any licence of our Sovereign Lord the King, his Heirs or Succeſſors, nor to any perſon being in great age, and in debility and weakneſs thereby, nor to any perſon being ſick or notably hurt, without fraud or covin, during the time of his or her ſaid ſickneſs, nor to any woman being with child, or lying in child-bed, for eating of ſuch one kind of fleſh, as ſhe ſhall have great luſt unto, nor to any perſon being in priſon, for any other offence then for any offence contrary to this Act; neither to any that is, or hereafter ſhall be the Kings Highneſs Lieutenant, Deputy or Captain of any his Majeſties Army, Hold or Fortreſs: but the ſame themſelves may eat fleſh, and licence and permit their ſouldiers to do the ſame in times prohibited, upon the want and lack of other kind of victual: neither ſhall extend to St. Laurence Even, St. Marks day, or any other day or even being abrogate, neither to any ſuch as heretofore have obtained any licence in due form of the Archbiſhop of Canterbury.

St. Laurence even and St. Marks day.

And further be it enacted by authority aforeſaid, That all Archbiſhops, Biſhops, Archdeacons, and their Officers, or the Officers of any of them, ſhall have power to inquire of the offendors in the premiſſes, and preſent the ſame to ſuch from time to time, as by vertue of this Act have authority to hear and determine the ſame.

Within what time the offendor ſhall be indicted.

Provided always, and be it enacted, That no manner of perſon or perſons be impeached, moleſted or troubled, or ſhall incur any pain, penalty or forfeiture for any offence contrary to the Act before rehearſed, committed or done, except he or they be accuſed, convented or indicted, of and for the ſaid offence, according to the tenour of this Statute, within three moneths next after the committing of the ſaid offence. 5 & 6 Ed. 6. 3.

CAP. XX.

An Incumbent, for not paying of his Tenths due to the King, the ſame being demanded, ſhall be deprived of that benefice.

Where in the Parliament holden upon prorogation at Weſtminſter, the third day of November, in the ſix and twentieth year of the Reign of the moſt excellent Prince, King Henry the Eighth, Father to our Sovereign Lord the Kings Majeſty that now is, amongſt other things concerning the paiment of one annual penſion of the tenth part of all poſſeſſions of the Church, Spiritual and Temporal, granted to the Kings Highneſs and his Heirs, it was enacted, ordained and eſtabliſhed, That every Eccleſiaſtical perſon, and other, having any Eccleſiaſtical promotion or dignity, ſpecified in the ſaid Act, which did not duly pay the ſaid tenth part, and by reaſon thereof were certified by the Archbiſhop, Biſhop, or other authoriſed in the ſaid Act, ſhould upon ſuch certificate made according to the tenor of the ſaid Act, be judged, deprived *ipſo facto*, of all ſuch dignities and promotions Spiritual, that any ſuch Incumbent, making ſuch default, had at the time of any ſuch certificate made, or at any time after, as by the ſaid Act more plainly may appear.

The inconveniences enſuing by the Statute of 26 H. 8. 3. touching deprivation of all a mans Spiritual livings for lack of paiment of the Tenth of one.

Foraſmuch as the pain limited in the ſaid Statute, in ſuch form and manner as in the ſame is expreſſed, is very ſore and dangerous unto all the Kings faithful and obedient ſubjects of the Clergy, whereof divers ſithen the making of the ſaid Statute, intending none otherwiſe then moſt willingly and with good heart that paiment ſhould be made of the ſaid Tenths by them due, without fraud or delay, to ſuch Officers, and at ſuch time as by the ſaid Statutes is appointed and declared, by the default and negligence of their farmors, and other whom they have truſted to make paiment thereof, and by divers other ſiniſter means being certified, or making default of paiment thereof, have incurred the pain and danger of the ſaid Statute, with the loſs or deprivations of all the Spiritual promotions, whereof they were then Incumbents; being alſo made unable to take any other, to the utter undoing of ſuch perſons, and the like peril and danger of many other the Kings moſt humble and faithful ſubjects of the Clergy, againſt whom the like things may be practiſed and attempted hereafter: for the moderation of which pain, and to the end that the Kings Majeſty, our Sovereign Lord that now is, and his Heirs and Succeſſors may be truly anſwered and ſatisfied of the ſaid yearly penſion or annual rent of the tenth part, united and knit to his Imperial Crown, in manner and form as in the ſaid Act is contained:

The penalty for default of paiment of Tenths ſhall be the forfeiture of that onely Benefice out of the which the ſame is due.

The Kings ſaid faithful and moſt obedient ſubjects, the Clergy of this Realm, do moſt humbly beſeech His Majeſty, that it may be enacted and eſtabliſhed by his Highneſs, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any ſum of the ſaid annual penſion, being once due, and demanded according to the manner and form ſpecified in the ſaid Act, be not truly contented and paid unto ſuch Archbiſhop or Biſhop, or their Miniſters and Officers, or to ſuch other perſon or perſons, or their Miniſters or Servants, as ſhall have the charge and collection thereof every year yearly, at the time of the ſaid Act expreſſed, and thereupon certificate made into the Kings Majeſties Court of Firſt-fruits and Tenths, in writing under the ſeals of any Archbiſhop or Biſhop, or of ſuch as be limited and charged to the collection of the ſaid penſion, by the ſaid former Act, then every Incumbent ſo making default and certified, ſhall be judged, deprived *ipſo facto*, of that onely dignity, benefice, or other Eccleſiaſtical promotion, by what name ſoever it be called, whereof ſuch certificate ſhall be made. So that ſuch dignity, benefice, or other Eccleſiaſtical promotion, whereof any Incumbent making ſuch default of paiment, ſhall be judged, deprived, as is aforeſaid, ſhall be clearly void and deſtitute of Incumbent in the Law, to all intents and purpoſes, as if ſuch Incumbent, making ſuch default of paiment, were dead indeed.

And that no Incumbent making ſuch default of paiment, ſhall be therefore made unable to take or enjoy any other benefice or promotion Spiritual, or incur any penalty, forfeiture or loſs to be paied by them, their executors or aſſigns for the ſame default, other then in this preſent Act is heretofore expreſſed: any thing in the ſaid former Act, or any other Statutes or Acts contained to the contrary notwithſtanding.

Provided alway, That the ſaid former Act, concerning the paiment of the ſaid yearly rent and penſion, amounting to the tenth part of every ſuch dignity, benefice or promotion Spiritual, and every other Act touching the ſame, and all articles, clauſes and ſentences in them, or any of them mentioned, expreſſed or contained, now being in his or their force and effect, other then ſuch as by this preſent Act be already qualified or moderated, ſhall ſtand and abide in all his or their full ſtrength, effect and vertue: Any thing in this preſent Act contained notwithſtanding. 1 El. 4.

CAP. XXI.

All Laws prohibiting Spiritual perſons to marry, who by Gods Law may marry, ſhall be void.

The benefits which would enſue if Prieſts and Miniſters did live chaſte, ſole and unmarried.

Although it were not onely better, for the eſtimation of Prieſts, and other Miniſters in the Church of God, to live chaſte, ſole and ſeparate from the company of women, and the bond of marriage, but alſo thereby they might the better intend to the adminiſtration of the Goſpel, and be leſs intricated and troubled with the charge of houſhold, being free and unburdened from the care and coſt of finding wife and children, & that it were moſt to be wiſhed, that they would willingly and of their ſelves endeavour themſelves to a perpetual chaſtity and abſtinence from the uſe of women: yet foraſmuch as the contrary hath rather been ſeen, and ſuch uncleanneſs of living, and other great inconveniences, not meet to be rehearſed, have followed of compelled chaſtity, and of ſuch Laws as have prohibited thoſe (ſuch perſons) the godly uſe of marriage: It were better and rather to be ſuffered in the Commonwealth, that thoſe which could not contain, ſhould after the counſel of Scripture live in holy marriage, then feignedly abuſe with worſe enormity outward chaſtity or ſingle life.

All Laws, &c. which do prohibit marriage to Spiritual perſons, that by Gods Law may marry, ſhall be void.

Be it therefore enacted by our Sovereign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every Law and Laws poſitive, Canons, Conſtitutions and Ordinances, heretofore made by authority of man onely, which do prohibit or forbid marriage to any Eccleſiaſtical or Spiritual perſon or perſons, of what eſtate, condition, or degree they be, or by what name or names ſoever they be called, which by Gods Law may lawfully marry, in all and every article, branch and ſentence, concerning onely the prohibition for the marriage of the perſons aforeſaid, ſhall be utterly void and of none effect. And that all manner of forfeitures, pains and penalties, crimes or actions, which were in the ſaid Laws contained, and of the ſame did follow, concerning the prohibition for the marriage of the perſons aforeſaid, be clearly and utterly void, fruſtrate and of none effect, to all intents, conſtructions and purpoſes, as well concerning marriage heretofore made by any of the Eccleſiaſtical or Spiritual perſons aforeſaid, as alſo ſuch which hereafter ſhall be duly and lawfully had, celebrate and made betwixt the perſons, which by the Laws of God may lawfully marry.

No marriage without asking in the Church.

Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to give any liberty to any perſon to marry without Asking in the Church, or without any ceremony, being appointed by the order preſcribed and ſet forth in the book intituled, The Book of the Common Prayer, and adminiſtration of the Sacraments, &c. any thing above mentioned to the contrary in any wiſe notwithſtanding.

Decrees and divorces heretofore made.

Provided alſo, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to alter, change, revoke, repeal, or otherwiſe to diſannul any decree, judgment, ſentence or divorce heretofore had or made, but that all and every ſuch decree, judgment, ſentence and divorce, ſhall remain and be of ſuch like force, effect, ſtrength and degree, to all intents, conſtructions and purpoſes, as they were in before the making of this Act, and as though this Act had never been had ne made: This Act, or any thing therein contained, to the contrary in any wiſe notwithſtanding. Stat. 1 M. 2. 1 Jac. 25. 5 Ed. 6. 12.

CAP. XXII.

The penalty for cuſtoming other mens goods, whereby the King loſeth his duty.

Where at the Parliament holden at Weſtminſter, in the firſt year of the Reign of the noble King of famous memory, Henry the Eighth, it was ordained, eſtabliſhed and enacted by the authority of the ſaid Parliament, That it ſhould be lawful from thenceforth, that every Engliſhman, and all other the Kings ſubjects, might in every Port or Haven within this Realm of England, Ireland and Wales, and the Marches of the ſame, and in the Town of Barwick, where it ſhould happen any merchandiſe to arrive, or to be charged and carried out to cuſtom in his name, all manner of goods and merchandiſe, of another Engliſhman, or the Kings ſubject: and in like form every merchant ſtranger to cuſtom in his name any goods or merchandiſe of any other merchant ſtranger, ſo that the ſaid merchant ſtranger that cuſtoms the goods of another merchant ſtranger, and the very owner or proprietary of the goods ſo cuſtomed, be chaged with like cuſtom, ſubſidy, and other things, ſo that the Kings Grace were not defrauded of his right.

And if any merchant ſtranger or denizen, or any other the Kings ſubject, cuſtom any

goods

A confirmation of the Statute of 1 H.8.5. touching cuſtoming of goods in the name of others.

goods or merchandiſe, of any other ſtranger or denizen, or of any other the Kings ſubject, whereby the Kings Grace ſhould loſe his cuſtom, ſubſidy, or other his right or duty, that then the ſaid merchant ſtranger or denizen, or any other the Kings ſubject, that ſo taketh upon him or them to do, ſhould forfeit to the King the goods or merchandiſe ſo cuſtomed, and over that to forfeit to the party or parties in that behalf grieved, as much money as the goods or merchandiſe of the merchant ſtranger, denizen, or other the Kings ſubject, ſo cautelouſly cuſtomed, amounted unto.

And that no citizen of London, or other the Kings ſubjects inhabiting in the Cinque-ports, or any other being free of Priſage or Butlarage of Wines, by grant, cuſtom, or otherwiſe, ſhould cuſtom no Wines, of any perſon or perſons, not being free of any Priſage or Butlarage: And if any perſon free of the ſaid Priſage or Butlarage ſo did, that then the ſaid perſon or perſons that ſo did, ſhould forfeit to the King the double value of the Priſage of the ſaid Wines ſo cuſtomed. And further, that it ſhould be lawful to any perſon and perſons, grieved contrary to the ſaid Act, to have an action of debt againſt any perſon or perſons that ſo cuſtomed the goods or merchandiſe in his name, and not in the owners name, of the ſum of the value of the ſaid merchandiſe ſo cuſtomed and forfeited. In the which action no eſſoin or protection ſhould lie, nor the Defendant to wage his Law, as by the ſaid former Act more at large doth appear. Sithence the making of which Act, divers perſons, as well ſtrangers and denizens, as the Kings ſubjects, forgetting their bounden duties to the Kings Highneſs, and nothing fearing the penalties and forfeitures mentioned in the ſaid former Act, do daily deceive the King, as well in his cuſtoms and ſubſidies, by paiment of cuſtoms and ſubſidies in the names of ſuch perſons, other then ſuch as be the very owners or proprietaries of the goods, wares and merchandiſe of the Priſage or Butlarage of Wines due to the King.

The penalty for cuſtoming of other mens goods whereby the King loſeth his duty.

Wherefore be it ordained and enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any ſtranger born, denizen or not denizen, or any the Kings ſubjects, do at any time from or after the laſt day of March next coming, any thing or act contrary to the true meaning, tenour and purport of the ſame former Act and Statute, that then he and they ſo offending, ſhall loſe and forfeit all his and their own goods and chattels perſonals for ever: The moity of which forfeiture ſhall be to the King, and the other moity to him or them that will ſue for the ſame by bill, plaint, action of debt or information, in which bill, plaint, action or information, no wager of law, eſſoin or protection ſhall be admitted or allowed.

Provided always, and be it enacted by the authority aboveſaid, That every ſuch bill, plaint, action or information, ſhall be had & purſued within three years next enſuing, any ſuch offence committed or done, or elſe the offendors to be clearly free and diſcharged thereof: any Law or Statute to the contrary had or made notwithſtanding. Stat. 1 H. 8. 5. 3 H. 7. 7. 1 El. 11.

CAP. XXIII.

Part of the Statute of Precontracts repealed.

Whereas in the two and thirtieth year of the Reign of the late King of famous memory, King Henry the Eighth, becauſe that many inconveniences had chanced in this Realm, by breaking and diſſolving of good and lawful marriages, yea, whereupon alſo ſometime iſſue and children had followed, under the colour and pretence of a former contract made with another, the which contract divers times was but very ſlenderly proved, and often but ſurmiſed by the malice of the party who deſired to be diſſolved from the marriage which they liked not, and to be coupled with another: there was an Act made, That all and every ſuch marriages, as within the Church of England ſhould be contracted and ſolemnized in the face of the Church, and conſummate with bodily knowledge or fruit of children or child, being had between the parties ſo married, ſhould be by authority of the ſaid Parliament deemed, judged and taken to be lawful, good, juſt and indiſſoluble, notwithſtanding any precontract or precontracts of matrimony, not conſummate with bodily knowledge, which either of the perſons ſo married, or both, had made with any other perſon or perſons, before the time of contracting that marriage which is ſolemnized or conſummated, or whereof ſuch fruit is enſued or may enſue, as by the ſame Act more plainly appear: Sithence the time of the which Act, although the ſame was godly meant, the unrulineſs of men hath ungodly abuſed the ſame, and divers inconveniences (intolerable in manner to Chriſtian ears and eyes) followed thereupon, women and men, breaking their own promiſes and faiths made by the one unto the other, ſo ſet upon ſenſuality and pleaſure, that if after the contract of matrimony, they might have whom they more favoured and deſired, they could be contented by lightneſs of their nature, to overturn all that they had done afore, and not afraid in manner, even from the very Church-door and marriage-feaſt, the man to take another ſpouſe, and the eſpouſe to take another husband, more for bodily luſt and carnal knowledge, then for ſurety of faith and truth, or having God in their good remembrance, contemning many times alſo the commandment of the Eccleſiaſtical Judge, forbidding the parties having made the contract, to attempt or do any thing in prejudice of the ſame.

A repeal of ſo much of the Statute of 32 H. 8. 38. as maketh that marriage indiſſoluble, which is ſolemniſed in the Church, and conſummated with bodily knowledge and fruit of child.

Be it therefore enacted by the Kings Highneſs, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That as concerning precontracts, the ſaid former Statute ſhall from the firſt day of May next coming, ceaſe, be repealed, and of no force or effect, and be redued to the eſtate and order of the Kings Eccleſiaſtical Laws of this Realm, which immediately before the making of the ſaid Eſtatute, in this caſe were uſed in this Realm: ſo that from the ſaid firſt day of May, when any cauſe or contract of marriage is pretended to have been made, it ſhall be lawful to the Kings Eccleſiaſtical Judge of that place, to hear and examine the ſaid cauſe: and (having the ſaid contract ſufficiently and lawfully proved before him) to give ſentence for matrimony, commanding ſolemnization, cohabitation, conſummation and tractation, as it becometh man and wife to have, with inflicting all ſuch pains upon the diſobedients and diſturbers thereof, as in times paſt before the ſaid Statute, the Kings Eccleſiaſtical Judge, by the Kings Eccleſiaſtical Laws, ought and might have done, if the ſaid Statute had never been made: any clauſe, article or ſentence in the ſaid Statute to the contrary in any wiſe notwithſtanding.

Provided always, and be it enacted, That this Act do not extend to diſannul, diſſolve or break any marriage that hath or ſhall be ſo ſolemnizated and conſummated, before the ſaid firſt day of May next enſuing, by title or colour of any precontract, but that they be, and be deemed of like force and effect, to all intents, conſtructions and purpoſes, as if this Act had never been had ne made: any thing in this preſent Act notwithſtanding.

A confirmation of the reſidue of the ſaid Statute of 32 H. 8. 38.

Provided alſo, That this Act do not extend to make good any of the other cauſes, to the diſſolution or diſannulling of matrimony, which be in the ſaid Act ſpoken of and diſannulled. But that in all other cauſes and other things there mentioned, the ſaid former Act of the two and thirtieth year of the late King of famous memory, do ſtand and remain in his full ſtrength and power, any thing in this Act notwithſtanding. St. 1 El. 1.

CAP. XXIV.

Trials of murders may be in ſeveral Counties.

Foraſmuch as the moſt neceſſary office and duty of Law is to preſerve and ſave the life of man, and condignly to puniſh ſuch perſons that unlawfully and wilfully murder, ſlay or deſtroy men, and alſo that another office and duty of Law is, to puniſh robbers and thieves, which daily endeavour themſelves to rob and ſteal, or give aſſiſtance to the ſame, and yet by craft and cautele do eſcape from the ſame without puniſhment.

No indictment by the Common Law, of the death of him who is ſtricken in one County, and dieth in another.

And where it often happeneth and cometh in ure in ſundry Counties of this Realm, That a man is feloniouſly ſtricken in one County, and after dieth in another County: in which caſe it hath not been founden by the laws or cuſtoms of this Realm, that any ſufficient indictment thereof can be taken in any of the ſaid two Counties, for that by the cuſtom of this Realm, the Jurors of the County where ſuch party died of ſuch ſtroke, can take no knowledge of the ſaid ſtroke being in a foreign County, although the ſame two Counties and places adjoyn very near together: ne the Jurors of the County where the ſtroke was given cannot take knowledge of the death in another County, although ſuch death moſt apparently come of the ſame ſtroke: ſo that the Kings Majeſty within his own Realm, cannot, by any Laws yet made or known, puniſh ſuch murderers or manquellers, for offences in this form committed and done, nor any appeal at ſome time may lie for the ſame, but doth alſo fail, and the ſaid murderers and manquellers eſcape thereof without puniſhment, as well in caſes where the Counties where ſuch offences be committed and done, may joyn, as otherwiſe where they may not joyn. And alſo it is a common practiſe amongſt arrant thieves and robbers in this Realm, that after they have robbed or ſtoln in one County, they will convey their ſpoil, or part thereof ſo robbed and ſtoln, unto ſome of their adherents, into ſome other County, where the principal offence was not committed ne done, who knowing of ſuch felony, willingly and by falſe covin receiveth the ſame: In which caſe, although the principal felon be after attainted in the one County, the acceſſary eſcapeth, by reaſon that he was acceſſary in another County, and that the Jurors of the ſaid other County, by any Law yet made, can take no knowledge of the principal felony, ne attainder in the firſt County, and ſo ſuch acceſſaries eſcape thereof unpuniſhed, and do often put in ure the ſame, knowing that they may eſcape without puniſhment. For redreſs and puniſhment of which offences, and ſafeguard of mans life: Be it enacted by the authority of this preſent Parliament, That where any perſon or perſons hereafter ſhall be feloniouſly ſtricken, or poiſoned in one County, and die of the ſame ſtroke or poiſoning in another County, that then an indictment thereof founden by Jurors of the County, where the death ſhall happen, whether it ſhall be founden before the Coroner, upon the ſight of ſuch dead body, or before the Juſtices of Peace, or other Juſtices, or Commiſſioners, which ſhall have authority to enquire of ſuch offences, ſhall be as good and effectual in the Law, as if the ſtroke or poiſoning had been committed and done in the ſame County where the party ſhall die, or where ſuch indictment ſhall be ſo founden: any law or uſage to the contrary notwithſtanding.

The trial of a Manqueller that poiſoneth or ſtriketh a man in one County, which dieth thereof in another. Raſt. pla. f. 51. Co. Inſt. 3 par. 135.

Where an appeal of murder in the caſe aforeſaid, ſhall be purſued.

And that the Juſtices of Gaol-delivery, and Oyer and Terminer, in the ſame County where ſuch endictment at any time hereafter ſhall be taken: And alſo the Juſtices of the Kings Bench, after ſuch endictment ſhall be removed before them, ſhall and may proceed upon the ſame in all points, as they ſhould or ought to do, in caſe ſuch felonious ſtroke and death thereby enſuing, or poiſoning and death thereof enſuing, had grown all in one and the ſame County. And that ſuch party to whom appeal of murder ſhall be given by the Law, may commence, take and ſue appeal of murder in the ſame County where the party ſo feloniouſly ſtricken or poiſoned ſhall die, as well againſt the principal and principals, as againſt every acceſſary to the ſame offences, in whatſoever County or place the acceſſary or acceſſaries ſhall be guilty to the ſame. And further, the Juſtices before whom any ſuch appeal ſhall be commenced, ſued and taken, within the year and day after ſuch murder and manſlaughter committed and done, ſhall proceed againſt all and every ſuch acceſſary and acceſſaries in the ſame County, where ſuch appeal ſhall be ſo taken, in like manner and form, as if the ſame offence or offences of acceſſary or acceſſaries had been committed and done in the ſame County where ſuch appeal ſhall be ſo taken, as well concerning the trial by the Jurors, or twelve men of ſuch County, where ſuch appeal or appeals ſhall be hereafter taken upon the plea of not guilty, pleaded by ſuch offendor or offendors, as otherwiſe.

Appeal againſt the acceſſary.

Trial of an acceſſary in one County to a felony done in another.

And further be it enacted by authority aforeſaid, That where any murder or felony hereafter ſhall be committed and done in one County, and another perſon or moe ſhall be acceſſary or acceſſaries in any manner of wiſe, to any ſuch murder or felony in any other County, that then an indictment found or taken againſt ſuch acceſſary and acceſſaries upon the circumſtance of ſuch matter before the Juſtices of the Peace, or other Juſtices or Commiſſioners, to inquire of felonies in the County where ſuch offences of acceſſary or acceſſaries in any manner of wiſe ſhall be committed or done, ſhall be as good and effectual in the Law, as if the ſaid principal offence had been committed or done within the ſame[a] County where the ſame indictment againſt ſuch acceſſary ſhall be found. And that the Juſtices of Gaol-delivery, or Oyer and Terminer, or two of them, of, or in ſuch County, where the offence of any ſuch acceſſary ſhall be hereafter committed and done, upon ſuit to them made, ſhall write to the Cuſtos Rotulor' or keepers of the Records, where ſuch principal ſhall be hereafter attainted or convict, to certifie them whether ſuch principal be attainted, convicted, or otherwiſe diſcharged of ſuch principal felony, who upon ſuch writing to them, or any of them directed, ſhall make ſufficient certificate in writing under their ſeal or ſeals to the ſaid Juſtices, whether ſuch principal be attainted, convicted, or otherwiſe diſcharged, or not. And after that they ſo ſhall have the cuſtody of ſuch Records, do certifie that ſuch principal is attainted, convicted, or otherwiſe diſcharged of ſuch offence by the Law: That then the Juſtices of Gaol-delivery, or of Oyer and Terminer, or other there authoriſed, ſhall proceed upon every ſuch acceſſary, in the County where ſuch acceſſary or acceſſaries became acceſſary, in ſuch manner and form, as if both the ſaid principal offence and acceſſary had been committed and done in the ſaid County, where the offence of acceſſary was, or ſhall be committed or done. And that every ſuch acceſſary, and other offendors above expreſſed, ſhall anſwer upon their arraignments, and receive ſuch trial, judgment, order and execution, and ſuffer ſuch forfeitures, pains and penalties, as is uſed in other caſes of felony: any law or cuſtom to the contrary heretofore uſed in any wiſe notwithſtanding.

[a] Cok. 1. f. 117.

CAP. XXV.

Sheriffs ſhall keep their County-Courts monethly.

Where heretofore in the moſt part of all Shires and Counties within this Realm, the County-Court is and hath been uſually kept and holden from moneth to moneth, and ſo at every moneths end one County: yet albeit in ſome Countries (though not many) the ſaid County-Courts are holden from ſix weeks to ſix weeks, by force whereof the Officers award out proceſs as well for the King, as proceſs for the Peace out of the Kings Bench, as alſo other common proceſs betwixt party and party, and the Attornies and Solicitors (who ſue the ſame) not knowing the private cuſtom of their particular Shires, which have and uſe their Counties to be holden every ſix weeks, give their proceſs like return as in thoſe Shires, which have common cuſtom to hold and keep County-Courts every moneth, whereby the Kings ſuits be not onely deferred, the plaintiffs and demandants delayed of their lawful actions and demands, but alſo the ſaid plaintiffs and demandants thereby put to double coſt and charge, to the great ignominy and ſlander of the Law, encouraging of the offendors and tranſgreſſors, and to the continual impoveriſhing of all thoſe who have cauſe of ſuit.

County-Courts ſhall be kept monethly.

In conſideration whereof, be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of October next enſuing this preſent Seſſion of Parliament, no County-Court or Courts, hereafter to be kept within this Realm, ſhall be longer deferred but one moneth from Court to Court, and ſo the ſaid Courts from henceforth ſhall be kept every moneth, and none otherwiſe: Any uſage, cuſtom, ſtatute or law heretofore had or made to the contrary in any wiſe notwithſtanding.

Where the County-Court of Northumberland ſhall be kept.

And be it further enacted by the authority aforeſaid, That the Sheriff of Northumberland from thenceforth ſhall keep the County-Court of that Shire in the Town or Caſtle of Alnewick, and in none other place: Any latter uſe lately begun and brought in, to the contrary notwithſtanding.

CAP. XXVI.

White Aſhes ſhall not be ſhipped or carried over the Sea.

The penalty for ſhipping or tranſporting white Aſhes.

COnſidering that white Aſhes made within the Realm, and other the Kings Dominions and Territories, are very neceſſary and expedient for the making of Sope and Salt-Peter, and for the whiting of linen cloth, dying and ſcowring of woollen cloth, and for other needful things in the Realm, and that the ſame Aſhes now of late have been commonly conveyed over the Seas, and thereby enhanced in price, and ſo ſcarce, that the Kings loving ſubjects cannot have ſufficient of the ſame for any convenient prices: Wherefore be it ordained and enacted by the Kings Highneſs, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons after the firſt day of April next coming, ſhall ſhip, lade, carry or convey any white Aſhes towards the parts beyond the Seas, upon pain of forfeiture of ſix ſhillings eight pence for every buſhel of ſuch Aſhes, ſo to be ſhipped or laded, to be carried or conveyed into the parts beyond the Seas: The moiety of which forfeiture ſhall be to the King, and the other moiety to him or them that will ſue for the ſame in any of the Kings Courts of Record, by action, bill plaint, or information, in the which action, bill, plaint, or information, no wager of law, eſſoin or protection ſhall be admitted or allowed.

CAP.

CAP. XXVII.

None may forge nor ſell gads of Iron, like in faſhion to gads of Steel.

Where divers perſons of late have deceitfully forged and made of certain Iron, called Bilbow Iron, like to the faſhion and manner of gads of Steel, and have ſold the ſame ſo forged to divers of the Kings ſubjects for Steel, whereby the greateſt part of edged tools, weapons, and other neceſſary things having edges, are of little or no value or goodneſs, to the great hurt of the Kings loving ſubjects: for reformation whereof, be it enacted by the Kings Highneſs, by the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon after the firſt day of May next coming, do forge or make any ſuch gads of Iron, or do utter or put to ſale any ſuch gads of any Iron, he ſhall forfeit for every gad ſo forged, or uttered, or put to ſale, four pence: The moiety of which forfeiture ſhall be to the King, and the other moiety to him or them that will ſue for the ſame in any of the Kings Courts of Record, by action, bill plaint, or information, in the which action, bill, plaint, or information, no wager of law, protection or eſſoin ſhall be allowed or admitted.

The penalty for forging or putting to ſale any gads of Iron like to gads of Steel.

CAP. XXVIII.

The force of fines levied of lands in Cheſhire, before the high Juſtices of Cheſter, or the Deputy or Lieutenant.

In humble wiſe ſhewn unto your excellent Majeſty, your true and faithful ſubjects and liege men, the inhabitants of your Graces County Palatine of Cheſter: That whereas heretofore by authority of Parliament, divers neceſſary and beneficial Statutes have been made for and concerning the levying of fines with proclamation, which are not onely neceſſary for the preſervation of quietneſs and concord amongſt your loving ſubjects, and for the avoiding of ſtrife and contention, but alſo for the great and perfect aſſurance of all ſuch perſons to whom any ſuch fines are levied of any lands, tenements and hereditaments, which ſaid beneficial and neceſſary Statutes do not extend to any fines to be levied within your ſaid County Palatine of Cheſter: In tender conſideration whereof, pleaſeth it your moſt excellent Majeſty, that it may be enacted by your Highneſs, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular fines, which at any time hereafter are to be levied or knowledged before the high Juſtice of our Sovereign Lord the King, or of his Heirs and Succeſſors, of his County Palatine of Cheſter for the time being, or before the Deputy or Lieutenant Juſtice there for the time being, of any lands, tenements, or other hereditaments, lying or being within the ſaid County Palatine of Cheſter, which ſhall be openly read and proclaimed three ſeveral days in the open Seſſions, in the preſence of the Juſtice of the ſaid County Palatine of Cheſter for the time being, or before the Deputy or Lieutenant Juſtice there at the ſame Seſſions, that the ſame fine ſhall fortune to be ingroſſed: And alſo that ſhall be openly read and proclaimed in the preſence of the Juſtice of the ſaid County Palatine of Cheſter, or before the Deputy or Lieutenant Juſtice there for the time being, at the two next general Seſſions that ſhall be holden in the ſaid County Palatine of Cheſter, before the Juſtice of the ſaid County Palatine, or before the Deputy or Lieutenant Juſtice there, next after the levying and ingroſſing of ſuch ſaid fine, at three ſeveral days in either of the ſaid two Seſſions, after ſuch manner and form as is commonly uſed in the Kings Court of Common pleas at Weſtminſter, ſhall be of like force, ſtrength and effect in the Law, to all intents, conſtructions and purpoſes, as fines being duly levied with proclamations before the Kings Juſtices of his Common pleas be, or ought to be of. 43 El. 15.

The force of fines levied before the high Juſtice of Cheſter, of lands in Cheſhire.

CAP. XXIX.

An offendor in buggery being attainted by confeſſion, verdict or outlawry, ſhall ſuffer death as a felon, without loſs of lands or goods, or corruption of bloud. REP. 1 M. 1.

CAP. XXX.

The Mayor and Jurates of Rie and Winchelſey in the County of Suſſex, ſhall appoint convenient places to lay on all balaſt that ſhall be caſt out of any ſhip or other veſſel, which ſhall come within the Road, there to receive any loading. And all balaſt caſt out of any ſhip, ſhall be laid upon the ſaid appointed place, upon pain of forfeiture of fourty ſhillings for every tonne of balaſt caſt out contrary to the ſame form aforeſaid. PR.

CAP. XXXI.

Recogniſances acknowledged before the Mayor of Cheſter ſhall be good.

In their moſt humble wiſe ſhewen unto your Highneſs, your true, faithful and obedient ſubjects, the Mayor, Aldermen, Sheriffs and Commonalty of your Graces City of Cheſter, That where before this time the Mayors of the City of Cheſter were appointed and authoriſed to take and receive before the ſaid Mayors Recogniſances, according to the Statutes Merchant, and of Acton Burnel, whereupon were delivered unto the ſaid Mayor, by the Kings Majeſties Progenitors that then were, a ſpecial Seal concerning the ſame: by force whereof the Mayors and other Officers there appointed (time out of mind) have continually uſed and practiſed to take Recogniſances before them of Statutes Merchant, and Acton Burnel, and enrolled the ſame, which ever hitherto was allowed, permitted, & taken to be good and effectual in the Law: until now of late that ambiguity & doubt hath riſen, by means of certain ſiniſter perſons, more for the defrauding of right, equity and juſtice, then upon any good ground, or matter, for their private commodity, becauſe that in all points it doth not follow and agree, according to all the ſtrait words of the Statutes Merchant, and Acton Burnel, as well to the great hurt and ſlander of the ſaid

City, as alſo to the decay of the Merchants, which have, and ſhall lend their livings, wares and money, and great boldneſs of the debtors to detain the ſame in their hands, to the great decay of the City: wherefore for the inconvenience thereof, and alſo for the avoiding of the ſaid ambiguity and doubt: it may pleaſe your Highneſs, that it may be by your Grace, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, ordained, eſtabliſhed and enacted by the authority of the ſame, That all and every ſuch Recogniſance of Statutes Merchant, and Acton Burnel, which after the firſt day of May next coming ſhall be taken, knowledged, enrolled, had and ſealed with the ſaid Seal, appointed to the ſaid City of Cheſter, before the Mayor of the ſame City for the time being, in like manner as heretofore the predeceſſors Mayors, and other Officers in the ſaid City have accuſtomed to take, and enroll, and ſeal, ſhall be as good, effectual, and of force in the Law, to all intents, conſtructions and purpoſes, as if the taking of ſuch recogniſance did fully agree and accord to all intents and purpoſes, with the ſtrait words of the ſaid Statutes of Acton Burnel, and the Statute Merchant. And that upon all certificates of the ſaid Mayors hereafter, like proceſs and execution to be awarded and directed out of the High Courts of Chancery, and Common place, to all Sheriffs, Mayors, Bailiffs, or other Officers in England or Wales, in as ample manner and form as is uſed elſewhere within this Realm, for any Recogniſance taken upon any of the Statutes aforeſaid: any law, ſtatute, liberty, franchiſes, or uſage had or uſed to the contrary notwithſtanding.

All Recogniſances of Statute Merchant, &c. acknowledged before the Mayor of Cheſter, ſhall be good in Law.

CAP. XXXII.

Statutes concerning Jeofayles, Miſpleading, Attorneys, and of granting a Tales de Circumſtantibus, at the plaintiffs requeſt ſhall be continued.

The Statute of 32 H. 8. 30. concerning Jeofayles, &c. and of 35 H. 6. touching granting Tales made perpetual.

Where in the Parliament begun and holden at Weſtminſter the xxxij. year of the Reign of our late moſt dread Sovereign Lord King Henry the Eighth, and there by divers prorogations continued until the xxiiij. day of July, in the xxxvj. year of the Reign of the ſaid late King Henry the Eighth, there was one Act made and eſtabliſhed for and concerning the reformation of Miſpleading, Jeofayles, any Atturneys, which ſaid Act with the proviſo were made to endure until the laſt day of the next Parliament. And where alſo at the Parliament holden at Weſtminſter in the xxxv. year of the Reign of our ſaid late moſt dread Sovereign Lord, one Act was made, that for non-appearance in Juries to have de Circumſtantibus. And in the Parliament holden at Weſtminſter in the xxxvij. year of the Reign of our ſaid late moſt dread Sovereign Lord King Henry the Eighth, the ſaid Acts and either of them were continued until the end of the next Parliament. Be it enacted and eſtabliſhed by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Acts aforeſaid, and either of them, and all clauſes, articles and proviſions in them and every of them contained, ſhall continue and endure in their force and ſtrength for ever. Stat. 4 & 5 P. & M. 7.

CAP. XXXIII.

Whoſoever ſtealeth an horſe, &c. ſhall loſe his Clergy.

He that ſtealeth one horſe ſhall not have his Clergy or Sanctuary.

Foraſmuch as it is and hath been ambiguous and doubtful upon the words mentioned in one Act of Parliament, made the firſt year of the Reign of our Sovereign Lord the King, Whether that any perſon being in due form of the Laws found guilty, or otherwiſe attainted or convicted for felonious ſtealing of one Horſe, Gelding or Mare, ought to be admitted to have or enjoy the priviledge and benefit of his Clergy and Sanctuary: Therefore it is declared and enacted by the King our Sovereign Lord, and the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame Parliament, That all and ſingular perſon and perſons, feloniouſly taking or ſtealing any Horſe, Gelding or Mare, ſhall not be admitted to have or enjoy the priviledge or benefit of his or their * Clergy or Sanctuary, but ſhall be put from the ſame, in like manner and form as though he or they had been endicted or appealed for felonious ſtealing of two Horſes, two Geldings, or two Mares, of any other, and thereupon found guilty by verdict of twelve men, or confeſſed the ſame upon their arraignment, or ſtand wilfully, or of malice mute. Stat. 37 H. 8. 8. 1 Ed. 6. 12.

CAP. XXXIV.

Sheriffs of Northumberland accomptable for their Offices, as other Sheriffs be.

Foraſmuch as the Sheriffs of the County of Northumberland, which have been named now of long time paſſed, have not accounted to the Kings Majeſty of the iſſues and profits of their Bailiwick in the Kings Highneſs Exchequer, or elſewhere, as other Sheriffs of the ſaid County in old time paſſed have done, nor as the Sheriffs of other Counties of this Realm do at this time, but do yearly receive and take the whole profits thereof to their own uſes, to the great detriment and loſs of the King our Sovereign Lord, both of his Vicounteis, and other ferms anſwerable by the hands of the ſaid Sheriff, and of all other debts, iſſues, fines and amerciaments within the ſaid County, and of all alienations and intruſions, wards, marriages, relief, and ſuch other.

The Sheriff of Northumberland ſhall put in ſureties in the Exchequer for his account, as other Sheriffs do.

Wherefore be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth all and every ſuch perſon and perſons as ſhall be hereafter named to be Sheriff of the ſaid County of Northumberland, forthwith before he receive his Patent, and before he do exerciſe any part of the ſaid Office, ſhall put in ſufficient ſureties by himſelf, or by his ſufficient deputy or deputies, into the Kings

Exchequer, there to enter in recogniſances in ſuch ſum, and upon ſuch conditions, as to the Lord Treaſurer, and Barons of the ſaid Exchequer ſhall ſeem convenient, in manner and form as all other Sheriffs of other Counties of this Realm do, upon pain of every ſuch Sheriff making default, to forfeit to the Kings Majeſty an hundred pound, to be levied of his goods and chattels, lands and tenements, whereſoever they may be found, to the Kings Highneſs uſe: And that the ſaid Barons from time to time, ſhall cauſe ſuch proceſs to be made for the King, for the levying of the ſaid hundred pound ſo to be forfeited, to be directed to ſuch perſon and perſons, and in ſuch nature and ſort as to them ſhall ſeem beſt for the King for the levying thereof; Any thing in this act, or in any other law, ſtatute, uſe, proviſion or cuſtom to the contrary notwithſtanding.

How far the Sheriff of Northumberland ſhall be charged.

Provided always, and be it enacted by the ſaid authority, that any ſuch Sheriff being ſo bounden as is aboveſaid, ſhall not be accomptable but for his own time, and for the year of his Sheriffwick only, neither ſhall be charged in or upon his account, by any proceſs, with any arrearages or duties due to the Kings Majeſty by any his predeceſſors in the ſaid office of Sheriff; Any thing in this act, or any law or uſage, or prerogative to the contrary notwithſtanding.

CAP. XXXV.

A Confirmation of a ſubſidy of ſix ſhillings in the pound, granted by the Clergy to the King, to be taken in the three years.

CAP. XXXVI.

A Confirmation of a releaſe granted to the King by the Temporalty, out of ſheep, clothes, goods, debts, &c. to be paid in three years. EXP. & AL. 3 & 4 Ed. 6. 23.

CAP. XXXVII.

No perſon ſhall carry bell-metal, &c. out of this Realm.

33 H. 8. 7.

Where in the Parliament holden at Weſtminſter, in the three and thirtieth year of our late Sovereign Lord of famous memory, King Henry the eighth, it was enacted, that no perſon or perſons ſhould carry or convey by water, or otherwiſe, any braſs, copper, latton, bell-metal, pan-metal, or gun-metal, or ſhroff-metal, whether it be clean or mixed (tin and lead onely excepted) into any part beyond the ſea, or into any outward Realm or Dominion whatſoever it be, upon pain of forfeiture of double the value thereof. And where alſo by the ſaid ſtatute it was likewiſe enacted, that no perſon or perſons ſhould at any time ſhip or carry any of the ſaid metals, to carry or diſcharge the ſame in any part of this Realm, unleſs ſuch perſon or perſons, before the ſhipping thereof did declare and manifeſt unto the Cuſtomers of ſuch a port or creek where the ſame metal ſhould be ſhipped, the true weight of all ſuch metal as ſhould be ſhipped, and ſhould alſo make a ſufficient obligation in the Law, in the which he ſhould be bounden to the ſaid Cuſtomer, to the Kings uſe, in ſuch ſum as ſhould amount to the double value of the ſaid metal ſo declared and manifeſted, with condition that the ſame ſhould be diſcharged at ſome port or creek within this Realm, and in no other place, upon pain to forfeit the ſame, in manner and form above rehearſed, as by the ſaid act, amongſt other things more plainly appeareth.

The penalty for carrying, or for ſhipping to carry any braſs, latton, &c. beyond the ſea.

Foraſmuch as the pains and forfeitures in the ſaid eſtatute are not great enough, and foraſmuch alſo as divers covetous and greedy perſons, having no reſpect or obedience to the laws, have craftily, and by all ſiniſter means practiſed to defraud the ſaid eſtatute, ſome by bribing and rewarding the Searchers, Maſters, Purſers, or other officers of ſhips, ſome by ſecret conveying thereof in ſmall creeks, ſugar cheſts, hogſheads or otherwiſe: Be it therefore ordained and enacted, that from and after the feaſt of Eaſter next coming, no perſon or perſons ſhall carry or convey, or ſhip, to the intent to carry or convey any braſs, copper, latton, bell-metal, pan-metal, gun-metal, or ſhroff-metal, whether it be clear or mixed (tin and lead only excepted) into any part beyond the ſea, or into any outward Realm or Dominion whatſoever it be, upon pain to forfeit the double value thereof, and x. l. for every thouſand weight of the ſame metal ſo carried and conveyed, or ſhipped, to the intent to be carried or conveyed, the trial whereof ſhall be in like manner and form, as in the ſaid former act is expreſſed.

What he muſt do that ſhippeth metals in one port of this Realm, to carry to another.

And be it further enacted, that no perſon or perſons, after the ſaid feaſt, ſhall ſhip or carry any of the ſaid metals prohibited by this ſtatute, to carry or diſcharge the ſame in any part of this Realm, unleſs ſuch perſon or perſons before the ſhipping thereof, do declare and manifeſt to the Cuſtomer of ſuch port or creek where the ſame metal ſhall be ſhipped, the true weight of all ſuch metal as ſhall be ſhipped, and ſhall alſo before the ſhipping thereof, make a ſufficient obligation in the law, in which he ſhall be bounden to the ſaid Cuſtomer to the Kings uſe, in ſuch ſum as ſhall amount to the double value, and x. l. for every M. weight ſo declared and manifeſted, with condition, as in the ſaid ſtatute is appointed and enacted, and ſhall make certificate of the diſcharge thereof, in like manner as in the ſaid ſtatute is further ordained and enacted.

The penalty of a Cuſtomer offending.

And be it further enacted, that if any Cuſtomer, Comptroller, or their deputy or deputies, by covin, or by any other undue mean, will ſuffer any perſon after that the metal is ſhipped or carried, contrary to the meaning of this act, to make obligation or obligations without dates, for the diſcharge and certificate of their metal, as is aforeſaid, that then ſuch cuſtomer ſo ſuffering, or receiving ſuch obligation or obligations, ſhall loſe his office, and the value of the metal ſo ſhipped or carried.

The penalty of the Maſter of a ſhip which carrieth the metal.

And be it further enacted, that if any Maſter, Owner, Purſer, or Boatſwain of any Ship, do willingly permit or ſuffer, any of the metals aboveſaid to be ſhipped contrary to the tenor of this act, or elſe perceiving any ſuch metals to be ſhipped, do not diſcloſe the ſame within three days after knowledge had, to the Cuſtomer or Comptroller of the ſame port, or his or their deputy or deputies, where the ſame is ſhipped, that then every ſuch Owner, Maſter, Purſer or Boatſwain, ſo willingly putting the ſame metal to be ſhipped, or concealing the ſame when he perceiveth it to be ſhipped, ſhall forfeit the double value of the ſame metal ſo ſhipped or carried. And if any Cuſtomer or Searcher do willingly ſuffer any of the metals aforeſaid, to be ſhipped contrary to the meaning of this Act, or elſe having knowledge that it is ſecretly ſhipped or carried, do not ſeiſe the ſame to the Kings uſe, then every Cuſtomer or Searcher ſo offending, ſhall loſe his office, and the value of the metal ſo ſhipped or carried.

No metal ſhall be laden but where there is a Cuſtomer.

And be it further enacted, That no perſon nor perſons ſhall after the ſaid Feaſt, lade, ſhip, or carry into any part beyond the ſea, any of the metals aforeſaid, but only out of ſuch Port or Creek, where the Cuſtomer or his Deputy is reſident and dwelling, upon pain of forfeiture of the ſaid metal, and ten pound for every thouſand weight ſo ſhipped or carried; the moity of all which forfeitures ſhall be to our Sovereign Lord the King, and the other moity to him or them that will ſue for the ſame by bill, plaint, information, action of debt, or otherwiſe in any of the Kings Courts, in which no eſſoin, protection, or wager of law ſhall be admitted or allowed.

A confirmation of the Statute of 33 H. 8.7.

And be it further enacted, that the ſaid eſtatute made in the ſaid three and thirtieth year of the Reign of the ſaid late King Henry the eighth, and every article and proviſion, being not altered by this eſtatute, ſhall be good and effectual. 21 H.8.10.

CAP. XXXVIII.

The ſtreets, lanes, ways and cauſeys in Calice, ſhall be paved, and all the houſes there ſhall be covered with tiles or ſlats. PR.

CAP. XXXIX.

The Kings general and free Pardon confirmed by Parliament. Except, &c. EXP.

Anno tertio & quarto EDWARDI *ſexti.*

ACTS made in the Seſſion of this preſent Parliament, holden upon Prorogation at Weſtminſter the fourth day of November, in the third year of the Reign of our moſt dread Sovereign Lord, Edward the ſixth, by the grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in earth the ſupream Head; and there continued and kept to the firſt of February, in the fourth year of the Reign of our ſaid Sovereign Lord, as followeth.

CAP. I.

The Lord Chancellor, &c. ſhall name the Cuſtos Rotulorum in every Shire of England and Wales.

37 H 8.1.

Where in the Parliament holden at Weſtminſter in the ſeven and thirtieth year of the Reign of the moſt excellent Prince of famous memory, King Henry the eighth, it was enacted, that no perſon or perſons ſhould from the making of the ſaid Act, be nominated and appointed to the office or offices of Cuſtos Rotulorum, within any Shire of this Realm of England, Wales, or other the Kings Dominions, Marches or Territories of the ſame, but ſuch as ſhould have a bill ſigned with the Kings hand for the ſame, which bill ſigned, ſhould be a ſufficient warrant by authority of the ſaid act, to the Lord Chancellor of England, and Lord Keeper of the great Seal for the time being, to make from time to time Commiſſion or Commiſſions, aſſigning and authorizing thereby, the ſame perſon to be Cuſtos Rotulorum, until the King had by another bill aſſigned with his own hand, appointed and ordained another perſon to have, occupy and exerciſe the ſame office of Cuſtos Rotulorum, and that the ſaid perſon appointed and aſſigned to be Cuſtos Rotulorum, as is abovesaid, ſhould and might occupy, exerciſe and enjoy the ſaid office of Cuſtos Rotulorum, by himſelf, or by his ſufficient Deputy learned in the Laws of this Realm, and meet and able to ſupply the ſaid office, according to the tenor of the ſaid Grant or Commiſſion, as by the ſame act, among other things, more at large it doth and may appear.

Reaſons why the Cuſtos Rotulorum ſhould be aſſigned by the Lord Chancellor, and not by the King.

Since the making of ỹ which Statute, divers and many perſons being in the ſaid offices of Cuſtos Rotulorum, in divers Shires of the Realm, have departed this preſent life, and died, ſo that there hath not come to the hands of the Chancellor of England, or Lord Keeper of the great Seal, any bill or bills aſſigned with the Kings Majeſties hand, for the naming, appointing or aſſigning of any new Cuſtos Rotulorum, in the ſame Shires, and ſo the ſaid offices have remained void for a long time, to the great let of Juſtice. And alſo for that it ſhall be very tedious, and much to the moleſting of the Kings Majeſty upon every avoidance of ſuch Cuſtos Rotulorum, by death or otherwiſe, to move his Majeſty for the ſigning of bills for other perſons to be elected, named, choſen and appointed to ſupply the ſaid offices of Cuſtos Rotulorum, being void. And for that the nomination and appointing of the ſaid office of Cuſtos Rotulorum, long before the making of the ſaid ſtatute laſt before rehearſed, did appertain and belong to the office of the Chancellor of England, or Lord Keeper of the great Seal for the time being.

The L. Chancellor, or, &c. ſhall appoint the Cuſtos Rotulorum in every Shire.

Be it therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the Chancellor of England, or Lord Keeper of the great Seal for the time being, ſhall at all time and times hereafter, and from time to time without any bill or bills, to be aſſigned with the Kings hand, name, elect, aſſign and appoint ſuch perſon and perſons to be Cuſtos Rotulorum, within every Shire of this Realm of England, Wales, and other the Kings Dominions, Marches, and Territories of the ſame, or by any of them, as by the diſcretion of the ſaid Lord Chancellor, or Lord Keeper of the great Seal for the time being, ſhall be thought able and meet to have and exerciſe the ſame. And that the ſaid perſon and perſons ſo to be appointed, elected, named, and aſſigned by the ſaid L. Chancellor, or Lord Keeper of the great Seal for the time being, ſhall and may occupy, exerciſe and enjoy the ſame office of Cuſtos Rotulorum, by himſelf, or by his ſufficient Deputy or Deputies, in as ample and large manner and form, as if yͤ ſaid act had never been had ne made, the before rehearſed act, or any thing therein contained to yͤ contrary hereof in any wiſe notwithſtanding.

Provided alway, and be it enacted by the authority aforeſaid, That all ſuch as now have any of the ſaid offices of Cuſtos Rotulorum, by the Kings Letters Patents, or Commiſſion to them or any of them made, ſhall and may enjoy, have and exerciſe their ſaid offices by vertue of the ſame Letters Patents or Commiſſion, by himſelf, or his ſufficient and able Deputy, inſtructed in the Laws of this Realm; Any thing in this preſent act had or made to the contrary notwithſtanding.

Cuſtos Rotulorum may exerciſe his office by himſelf or his deputy.

Provided alſo, that it be enacted by the authority aforeſaid, That the Archbiſhop of York, the Biſhop of Durham, the Biſhop of Ely, and every of their ſucceſſors, the Chancellor of the Dutchy of Lancaſter for the time being, and all and every perſon and perſons, Corporations and bodies corporated, to whom the Kings Majeſty, or any of his noble Progenitors, by his or their Letters Patents, or Act of Parliament, have given and granted any liberty and authority, or otherwiſe have authority by other lawful means or ways to ordain, make and conſtitute any of the ſaid officers of Cuſtos Rotulorum, within any County Palatine, or other place, ſhall and may have and enjoy the ſame liberty and authority, according as they have had and enjoyed the ſame; Any thing in this preſent act had or made to the contrary notwithſtanding.

The right of other ſaved which have authority to name the Cuſtos Rotulorum.

CAP. II.

In Towns not corporate, Juſtices of Peace ſhall appoint Overſeers, for the true making of woollen Cloth, &c.

Foraſmuch as by the ſleight and ſubtile making of clothes and colours within divers parts of this Realm now of late practiſed and uſed, not onely great infamies and ſlanders have grown to the ſame Realm, but alſo the Kings Majeſties faithful and true ſubjects have ſuſtained great loſs in the uſe and wearing of the ſame clothes ſo ſleightly and ſubtilly made. For remedy and reformation whereof, be it ordained and enacted by the Kings moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every Clothier and Cloth-maker, ſhall from the Feaſt of the Annunciation of our Lady next coming, ſet his ſeal of lead to his cloth, declaring thereby the juſt lengths thereof to be tried by the water.

The Clothier ſhall ſet his ſeal of lead to his cloth.

And that no perſon ſhall from the ſaid Feaſt, ſtrain or ſtretch any ſet clothes, or any other cloth above one yard and an half in length, and a quarter of a yard in breadth, upon pain to forfeit xl. s. for every default.

Stretching of cloth.

And that no perſon or perſons ſhall from the ſaid Feaſt, upon pain laſt before remembred, put to ſale any cloth, which when it ſhall be wet, ſhall ſhrink more then one yard and an half in all the length, and a quarter of a yard in the breadth. And that narrow ſtreits, and kerſies ſhall not from the ſaid Feaſt, be ſtretched above a yard in length, and half a quarter of a yard in breadth, upon the pain for every default therein xx. s. nor ſhall put to ſale any cloth, narrow, ſtreit, or kerſie, the pieces whereof being wet, ſhall ſhrink more then after the ſame ſeveral rates in the whole piece, upon pain to forfeit for every ſuch offence xx. s.

Alt. 5 Ed. 6. 6. 39 El. 20. 43 El. 10. Shrinking of cloth.

And further, That no perſon or perſons occupying the feat of Dying, ſhall dye or alter into colours, or cauſe to be died or altered into colours, any woollen clothes, as brown blews, pewks, tawnies or violets, except the ſame woollen clothes be perfectly boyled, greined or maddered upon the woad, and ſhot with good and ſufficient cork or orchal, after a due, ſubſtantial and ſufficient manner of workmanſhip, according to the ancient workmanſhip in time paſt uſed, upon pain for every default to forfeit xx. s.

Dying of cloth.

Nor that any perſon ſhall from the ſaid Feaſt dye any wooll to be converted into cloth, called ruſſets, muſters, marbles, grayes, royes, and ſuch like colours, or to be converted and made into hats or caps, unleſs the ſame wooll be perfectly woaded, boyled and maddered according to the true and ancient uſage, upon the pain of forfeiture for the falſe dying of every ſuch cloth, or of as much wooll as ſhall ſerve for the making of every cloth contrary to the true meaning hereof, xl. s. Nor ſhall dye with braſel, to the intent to make a falſe colour in cloth or wooll, hats nor caps, upon pain for every default to forfeit xx. s.

Dying of wooll.

And that no perſon or perſons ſhall after the ſaid Feaſt, put any flocks, chalk, flower or ſterch, or any other deceiveable thing, upon any ſet cloth, or upon any other cloth or clothes coloured or uncoloured, upon pain to forfeit for every ſuch offence, xl. s.

No deceiveable thing ſhall be put upon cloth.

And that no perſon ſhall from the ſaid Feaſt, occupy any iron cards, or pickards, in rowing of any ſet cloth, or any manner of woollen cloth, upon pain to forfeit as well the ſaid iron cards, or pickards, as alſo the ſum of xx. s. for every ſuch offence.

No iron cards or pickards.

Nor that any perſon ſhall from the ſaid Feaſt, ſell any cloth by any leſs meaſure then after the true content thereof, to be meten and meaſured by the yard, adding to every yard one inch of the rule, according to the ſtatute made in the ſixth year of the Reign of the moſt worthy Prince of moſt famous memory, King Henry the eighth, father unto our Sovereign Lord the King that now is, upon pain to forfeit for every yard of cloth ſo put to ſale by any leſs meaſure, ſix ſhillings eight pence. And that no perſon ſhall from the ſaid Feaſt, put to ſale here within the Realm, either by retail or otherwiſe, any cloth being preſſed to be occupied and worn here within the Realm of England, Wales, or Ireland, upon pain of forfeiture of the ſame cloth, or the value thereof, that have been ſo preſſed and put to ſale as is laſt before remembred.

Meaſure of cloth. 6 H. 8. 6.

Preſſed cloth.

And for the better execution of this ſtatute, Be it enacted by the authority aforeſaid, That in every Town, Village or Hamlet, being not corporate, where any cloth ſhall be made or ſold, the Juſtice of the Peace of the ſame Shire where any ſuch Town, Village

Overſeers appointed by Juſtices of Peace, or chief Governours of Corporate Towns.

or Hamlet is, or two of them at the leaſt: and in every City, Borough or Town-corporate, the head-officer or officers of every of the ſame City, Borough, or Town-corporate, together with the Wardens of the Cloth-workers, or two of them at the leaſt, ſhall have full power and authority by vertue of this act, once every year to convent, and call before them by their precept or otherwiſe, two, four, ſix, eight or more, as they ſhall think good by their diſcretion, of the moſt honeſt, diſcreet, and indifferent men of every ſuch City, Borough, Town, Village or Hamlet, where any cloth ſhall be made or ſold, and them ſhall conſtitute, ordain and appoint to be overſeers, for one whole year then next following within the City, Borough, Town, Village or Hamlet, where the ſame Overſeers ſhall be dwelling, charging them alſo upon their oaths, and as they do tender the honour of the Realm, and the Commonwealth of the ſame, that they do endeavour themſelves for that year, as much as in them ſhall lie, to ſee that this ſtatute be truly obſerved and kept within the limits of their charge in every part thereof.

The Overſeers duty.

The forfeitures for defaults in cloth, and who ſhall have them.

And that the ſame Overſeers, or two of them, ſhall every quarter of the ſaid year at ẏ leaſt, or ſo often as need ſhall require, by their diſcretions, by force hereof, viſit, and go into every Clothiers, Drapers, Clothworkers, Dyers, and Preſſors houſes, ſhops, and other places, where cloth or dyed wooll ſhall be, and there to make due ſearch, and to view the clothes and woolls made or dyed, or remaining to be ſold, and to ſearch and try, as well whether the ſaid clothes be drawn or ſtrained, or falſly dyed, as alſo of all other the defaults before ſpecified, committed or done contrary to the true meaning of this act. And if upon the ſearch the clothes found drawn or ſtrained, or the cloth or woolls falſly dyed or coloured, or any other of the ſaid faults committed or done contrary to the true meaning of this ſtatute: that then the ſaid ſeveral forfeitures to incur upon the party or parties which ſhall offend in the ſame, or in any of them: the one half of all which forfeitures to be unto the King our Sovereign Lord, his heirs or ſucceſſors, and the other half to ſuch of the ſaid Overſeers, as doth find the ſaid defaults or cauſes of forfeitures, and that will ſue for the ſame in any of the Kings Courts of Record, or before the Juſtices of Peace, within any ſuch City, Borough or Town-corporate, or before the Juſtices of Peace, within any Shire where any ſuch forfeitures ſhall be had out of any City or Town-corporate: the ſame ſuit to be purſued by bill, plaint, action of debt, information or otherwiſe, and in which ſuit no wager of law, eſſoin, or protection ſhall be allowed for the defendant.

And if the ſaid Overſeers ſhall be negligent, and will not ſue for the ſame forfeitures, by the ſpace of one half year next after the cauſe of the ſame forfeitures committed and done, that then the one half of the ſame forfeiture to be unto our Sovereign Lord the King, his heirs or ſucceſſors, and the other half for him which will ſue the ſame, as is aforeſaid, within one other half year next after ſuch default be had by the ſaid Overſeers.

The forfeiture of him which refuſeth to be Overſeer.

And if any the ſaid perſons ſo commanded to appear to be made Overſeers, as is aforeſaid, and having no reaſonable excuſe to refuſe to come, and to take upon him or them to be an Overſeer, as is aforeſaid, that then every ſuch perſon refuſing, and having no reaſonable excuſe ſo to do, to forfeit for every ſuch refuſing, fourty ſhillings, the one half thereof to be to the King our ſaid Sovereign, his heirs or ſucceſſors, and the other half to the Juſtices of Peace, or other head officer or officers, by whoſe commandment he was commanded to appear, or to be an Overſeer; and the ſame Overſeer ſo offending, to remain in the ward of the Sheriff, until ſuch time as he have made payment of the ſaid forfeiture, or otherwiſe put in ſufficient bond for the ſatisfaction of the ſame. And if the ſame Overſeers, or two of them at the leaſt, do not once every quarter of the year, make due ſearch for the true executing of this ſtatute; that then every of the ſaid Overſeers, to forfeit for every ſuch default, ten pound, the one half to be to the Kings Highneſs, his heirs or ſucceſſors, and the other half to him that will ſue for the ſame by bill, plaint, action of debt, information, or otherwiſe: In which ſuit no eſſoin or protection ſhall be allowed for the defendant. And if the ſaid Overſeers ſhall be interrupted, and not ſuffered to enter into the ſaid houſes, ſhops, or other places, where any ſuch clothes or woolls ſhall be made or dyed, or any other of the ſaid defaults ſhall happen to be done or committed, there to make ſearch for the better executing of this ſtatute, that then every one that ſo ſhall make any ſuch interruption, ſhall forfeit twenty pound, the one half of which forfeiture to be to our ſaid Sovereign Lord the King, his heirs or ſucceſſors, and the other half thereof to be to the ſaid Overſeers, to whom any ſuch interruption ſhall be made, and the ſame to be obtained, and purſued for, in ſuch manner and form as before in this act is expreſſed for the recovery of other of the ſaid forfeitures.

The forfeiture for the interruption of the Overſeers.

Provided always, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to every perſon and perſons, to put to ſale any cloth or clothes, made, dyed, or preſſed, which before the ſaid Feaſt of the Annunciation of our Lady ſhall be made, dyed, or preſſed at any time within one year next after the ſaid Feaſt of the Annunciation of our Lady, ſo as the Aulneger or his Deputy, or other head officer in any ſuch City, Borough, Town, Village or Hamlet, to put ſome notorious mark to every ſuch cloth, whereby the ſame may be known to be made before the ſaid Feaſt of the Annunciation of our Lady next coming.

Within what time the forfeiture ſhall be taken.

Provided alſo, That no manner of perſon ſhall take any advantage of any of the ſaid forfeitures by reaſon of this ſtatute, unleſs the ſame perſon doth commence his ſuit within one year next after the ſaid offences and forfeitures committed.

Clothes ſhall be marked with the letter E. crowned.

And to ẏ intent ẏ all ſuch clothes as ſhal be made within this realm, or any other of ẏ Kings Dominions after ẏ ſaid Feaſt, ſhall be ẏ better known from ẏ other clothes made before the ſame time; Be it therefore enacted by ẏ authority aforeſaid, That every Clothier ſhall before ſuch time as he ſhall put his cloth to ſale, being made after ẏ ſaid Feaſt, cauſe every cloth to be marked with a letter of E. crowned, wrought in the cloth, upon pain of forfeiture for every cloth ſo being ſold, & not marked with ẏ ſaid letter E. by any ſuch Clothier, xx.s. the one half of which forfeiture to be to our Sovereign Lord ẏ King, his heirs or ſucceſſors, and ẏ other half to him ẏ will ſue for ẏ ſame in manner & form before rehearſed.

CAP. III.

Every perſon bringing an Aſſiſe upon any branch of either of the ſtatutes touching approvement of waſtes, &c. ſhall have treble damages.

WHere in the Parliament holden at Merton in the twentieth year of the Reign of King Henry the third, it is contained, That for becauſe many great men of England which had enfeoffed Knights, and other their free Tenants of ſmall Tenements in their great Manors, did complain that they might not make their profits of the reſidue of their Manors, as of waſte woods and paſtures, where the ſame feoffees had ſufficient paſture, as much as belonged unto their tenements, it was provided and granted, That whatſoever perſons ſo enfeoffed, brought aſſiſe of novel diſſeiſin of their common of paſture, and before the Juſtices it were recognized, that they had as much paſture as did ſuffice unto their tenements, and that they had free ingreſs, and egreſs into and from their tenements unto their paſture, that then they ſhould therewith be contented, and that they upon whom they had complained, ſhould depart quiet with that, that they might make their profit of their lands, waſtes, woods and paſtures, and if it were ſaid that they had not ſufficient paſture, or ſufficient ingreſs and egreſs, as much as doth belong unto their tenements, as is aboveſaid, that then the truth thereof ſhould be enquired by aſſiſe: and if it were recognized by the aſſiſe, that their ingreſs and egreſs were in any thing letted by the ſame deforciators, or that they had not ſufficient paſture, and ſufficient ingreſs and egreſs, as is aboveſaid, that then they ſhould recover their ſeiſin by view of the Jurors, ſo that by the diſcretion and oath of them, the complainants ſhould have ſufficient paſture, and ſufficient ingreſs and egreſs, in form aforeſaid, and that the diſſeiſors ſhould be in amerciament of the King, and ſhould yield damages, as they were wont to do before the ſame proviſion. And if it were recognized by the aſſiſe, that the complainants had ſufficient paſture, with free ingreſs and egreſs, as is above mentioned, that then the other might lawfully do their profit of the reſidue, and ſhould go quit from the ſame aſſiſe, as in the ſaid Eſtatute more plainly appeareth.

By the Stat. of 20 H. 3. 4. Lords of manors may approve againſt their tenants.

And where alſo in the Parliament holden at Weſtminſter after Eaſter, the thirteenth year of the Reign of King Edward the firſt, it was ordained, That were in the ſtatute made at Merton, it was agreed that Lords of waſtes, woods and paſtures, might approve themſelves of their waſtes, woods and paſtures, notwithſtanding the gainſaying and contradiction of their tenants, whiles the ſame tenants had ſufficient paſture to their tenements, with free ingreſs and egreſs, into and from the ſame. And for that no mention was made between neighbour and neighbour, many Lords of waſtes, woods and paſtures, unto that time were let by contradiction or gainſaying of neighbours, having ſufficient paſture. And foraſmuch as foreign tenants have no greater right of commoning in the wood, waſte or paſture of any Lord, then the proper tenants of the ſame Lord, it was from henceforth ordained, That the ſaid ſtatute provided at Merton, between the Lord and his tenants, ſhould have place from thenceforth between the Lords of waſtes, woods and paſtures, and neighbours: ſaving ſufficient paſture to their men and neighbours, ſo that the Lords of the ſame waſte, waſtes, woods and paſtures, may approve themſelves of the reſidue, and that the ſame ſhould be obſerved of them that claim paſture, as pertaining to their tenements. But if any man claim common of paſture by ſpecial feoffment or grant, to a certain number of beaſts or otherwiſe, then of common right he ought to have it: where covenant doth abrogate the law, he ſhall have ſuch recovery as he ought to have by form of the grant to him made. And that by occaſion of a wind-mill, ſheep-houſe, dairy, augmentation or increaſe of any Court neceſſary, or Curtilage, from thenceforth no man ſhould be grieved by aſſiſe of novel diſſeiſin of common paſture. And foraſmuch as it happeneth ſometime, that ſome man having right to approve to himſelf, hath made or levied a ditch or a hedge, and other by night or ſuch other time, when they believe their deed ſhould not be known, do or will caſt down the ſame ditch or hedge, and that it cannot be known by verdict of aſſiſe or jury, who did caſt down the ſame ditch or hedge, nor the men of the next Town will indict them that be guilty of the ſame deeds, then the next Townſhip adjoyning about the ſame, ſhall be diſtreined to levy, and make up the ſame ditch or hedge at their proper coſts, and to yield damages, as in the ſaid eſtatute amongſt other things more plainly appeareth.

By the Stat. of 33 Ed. 1. 46. Lords of manors may approve againſt their neighbours.

For what cauſes any may approve common. A ditch or hedge of of ground approved, caſt down by perſons unknown

And foraſmuch as the aforeſaid eſtatutes been thought beneficial for the Common-wealth of this Realm of England: Be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every the ſaid Statutes, and all branches, clauſes, articles, ſentences, matters and points contained and ſpecified in them, and every of them now not repealed, ſhall from henceforth be good and effectual, and alſo ſtand and be in their full ſtrength, force and effect.

A confirmation of the foreſaid Stat. of Merton and Weſt. 2.

And becauſe that ſuch perſons as ſhall bring of novel diſſeiſin upon the ſaid eſtatutes or upon any of them, ſhall by force of the eſtatute, recover but only ſingle damages, which is thought to be a ſmall recompence for the ſame. Therefore be it enacted by the authority aforeſaid, That ſuch perſon and perſons as ſhall at any time hereafter bring aſſiſe upon any branch or article of the ſaid eſtatutes, or any of them, and have judgement to recover, ſhall have his or their damages trebled by the judgement of the Court, where ſuch aſſiſe and judgement ſhall be had.

Treble damages upon an aſſiſe of common of paſture, &c.

And where in divers Countries of this Realm, there hath been builded upon commons or waſte grounds, certain neceſſary houſes with ground, under the quantity of three acres, and not above three acres encloſed to and with the ſame: and in ſome place there is encloſed a garden, orchard, or pond, out, of, or in ſuch waſtes or grounds, which exceed not the quantity of two acres, or thereabouts, which doth no hurt, and yet is much commodity to the owner thereof, and to others: be it therefore enacted by the authority aforeſaid,

Houſes builded upon waſtes with three acres of ground.

That the two former acts, nor any of them, nor any thing in them contained, ſhall extend to any ſuch houſe, ground, or other thing ſo incloſed, as is laſt herein before mentioned, ne ſhall cauſe any perſon or perſons to loſe or forfeit any pain, damage or penalty for the ſame.

The overplus above three acres ſhall be laid open.

Provided always, and be it enacted, That if any ſuch houſe hath been heretofore builded upon any ſuch waſte ground, as is aforeſaid, and that there be above the number of three acres encloſed to the ſame, that then the ſaid houſe, and three acres, parcel of the ſame encloſure, ſhall ſtill remain, ſtand, abide and continue in like, and the ſame form and degree as it now doth, and that the overplus of the ſaid three acres ſo encloſed, as is aforeſaid, ſhall and may be laid open by the owner or owners of the ſame waſtes; Any thing in this act, or in any of the ſaid former acts to the contrary in any wiſe notwithſtanding.

CAP. IV.

Grants made by Patentees out of Patents ſhall be good.

Where the right Noble and famous King of full worthy memory, King Henry the eighth, Father to our moſt dread and now natural Sovereign liege Lord, ſithence the fourth day of February, in the ſeven and twentieth year of his late Reign, and alſo the Kings moſt excellent Majeſty, by their ſeveral Letters Patents, have given, granted, bargained, ſold and exchanged, to and with divers and ſundry the Subjects of this Realm, bodies politick and corporate, in fee-ſimple, fee-tail, for term of life, or years, divers honours, caſtles, manors, lands, tenements, and other hereditaments and offices: After and ſince which grants, bargains, ſales, and exchanges, divers of the ſaid Patentees, their heirs, ſucceſſors or aſſigns have bargained, ſold, given, exchanged, or demiſed divers particular parts, parcels or portions of the ſaid honours, caſtles, manors, lands, tenements, hereditaments and offices, or other things thereunto appertaining or belonging to other perſon or perſons, bodies politick or corporate, that is to ſay, to ſome of them in fee-ſimple, to ſome other in fee-tail, for term of life, or years, or otherwiſe. And after the ſame Patentees, for conſiderations them moving, have ſurrendred or given up their ſaid Letters Patents into the Chancery, or otherwiſe the ſame Letters Patents have been forfeited by attainder, loſt, cancelled, imbezilled, or by other ways or means have come to the hands of the Kings Majeſty his late Father: And thereupon oft-times the enrollment of the ſame hath been made void and fruſtrate, ſometime in part, and ſometime in the whole, by reaſon whereof ſuch perſons, bodies politick or corporate, as have had intereſt or title, in or to the ſame caſtles, manors, or particular portions or parcels of the ſame ſo to them given and granted, have been in times paſt, and in time to come are like to be diſherited, or in danger of loſs of their intereſt, in, or to the ſame, to their no little hinderance and peril.

An exemplification of the Kings Letters Patents under the great Seal, ſhall be of as good force as if the ſame Letters Patents were ſhewed.

For remedy whereof, be it ordained, eſtabliſhed and enacted by the authority of this preſent Parliament, That all and every perſon and perſons, bodies politick or corporate, which lawfully ſhall or may claim by force of any Patent or Patents made ſithence the fourth day of February, or hereafter to be made by the Kings Majeſty, his heirs or ſucceſſors Kings of this Realm, or by any of them, and all other that now have, or hereafter ſhall happen to have any good or lawful eſtate, right, title, rent, profit, intereſt or poſſeſſion, of, in, to, or out of any honours, manors, lands, tenements, hereditaments, or offices, or of other things, to any of the premiſes appertaining or belonging, or to any part, parcel, or member of them, or any of them, by, from or under any ſuch Patentee or Patentees, or any of them, or by, from, or under the heirs, ſucceſſors or aſſigns of them or any of them, or by, from, or under the eſtate of any others which had, have, or hereafter ſhall have the eſtate, title, or intereſt, of any ſuch Patentee or Patentees, or by any other means under the date of [a] ſuch Letters Patents, ſhall and may at all times hereafter, in any the Kings Courts, his heirs or ſucceſſors, and elſewhere, by vertue of this preſent act, make and convey unto themſelves title by way of declaration, plaint, avowry, title, barre, or otherwiſe, as well againſt the Kings Highneſs, his heirs and ſucceſſors, and every of them, as againſt any other perſon or perſons, unto the ſaid honours, caſtles, manors, lands, tenements, offices, and other the premiſes, or any part or parcel of the ſame, unto them, or any their predeceſſors or anceſtors, or others whoſe eſtate they have in the ſame, by, from, or under the ſaid Patentees, or any of them, or the heirs, anceſtors or aſſigns of any of them, or otherwiſe, under the date of the ſaid Letters Patents, compriſed and contained in any exemplification, or conſtat thereof made, or to be made by the ſhewing forth of the ſaid exemplification or conſtat of the Roll, or of ſo much thereof as ſhall ſerve for the matter in variance, under the great Seal of England. And the ſame exemplification or conſtat of the ſaid enrollment ſo (as is aforeſaid) pleaded and ſhewed, ſhall be of like and the ſame force and effect, to all intents and conſtructions in the law, as the ſaid firſt Letters Patents were and ſhould be of, if the ſame were or ſhould be pleaded or ſhewed. 13 El. 6.

[a] Cok. l. f. 13. Dyer f. 169. 179. Br. Surrender. 51. Cok. Inſt. 119. b.

CAP. V.

It ſhall be high treaſon for twelve perſons or above being aſſembled together, to attempt to kill or impriſon any of the Kings Councel, or to alter any Laws, and to continue together by the ſpace of an hour, being commanded by a Juſtice of Peace, Mayor, Sheriff, &c. to return. And it ſhall be felony for twelve perſons or above, to practiſe to deſtroy any Park, Pond, Conduit, or Dove-houſe, or to have common or way in any ground: Or to pull down any Houſes, Barns, or Mills: Or to burn any ſtack of Corn: Or to abate the rents of any lands, or the prices of any victual, and to continue together an hour, being commanded by a Juſtice of Peace, Sheriffs, Bayliff, by Proclamation to return. EXP. St. 7 Ed. *6.* 11. & REP. 1 M. 12.

CAP. VI.

All Artificers uſing the cutting of Leather, may buy and ſell all tanned Leather, ſo that they convert the ſame into made wares, notwithſtanding the Statute of 2 & 3 Ed. *6.* *9.* EXP. St. 1 M. 13.

CAP. VII.

Part of the Statute concerning taking of wild fowl, with Nets and other Engines, repealed.

25 H.8.11.

Where in the five and twentieth year of the Reign of your Majeſties Father, of moſt famous memory, King Henry the eighth, an Act was made, containing two branches, whereof the one was againſt the taking of wild fowl, between the laſt day of May, and the laſt day of Auguſt, with any nets or engines, upon a pain limited thereupon, as in the ſaid Statute more largely doth appear: Forasmuch as the occaſion of the ſaid branches, appeareth ſithen to have riſen but upon a private caſe, and that no manner of common commodity is ſithen perceived to be grown of the ſame, being notably, by daily experience found, and known that there is, at this preſent, leſs plenty of fowl brought unto the markets, then was before the making of the ſaid act, which is taken to come of the puniſhment of God, whoſe benefit was thereby taken away from the poor people, that were wont to live by their skill, in taking of the ſaid fowl, whereby they were wont at that time to ſuſtain themſelves, with their poor houſholds, to the great ſaving of other kinds of victual, of the which aid they are now deſtitute, to their great and extream impoveriſhing: Humbly beſeeching your Grace, your Majeſties true and faithful ſubjects, eſpecially ſuch as have their places of habitation nigh unto the Fens, that all that branch of the ſaid act, made in the ſaid five and twentieth year of your Graces ſaid Father of moſt noble memory, touching the taking of wild fowl, in manner as is abovesaid, may be from henceforth by your Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, & by the authority of the ſame, repealed and utterly void and of none effect, with all and every article, ſentence, matter, pains and forfeitures contained, or otherwiſe mentioned in the ſaid branch, as if the ſame act had never been had ne made.

A repeal of ſo much of the St. of 25 H.8.11 as toucheth the taking of wild fowl with engines at certain times.

Provided, and be it enacted by the authority abovesaid, That one other branch, contained in the ſaid act, concerning ſuch perſons as ſhall preſume by day or night willingly to withdraw, purloyn, take, deſtroy, or convey any manner of eggs of any kind of wild fowl, from or in any neſt, place or places where they ſhall chance to be layed by any kind of wild fowl, with every article, ſentence, matter, pains, forfeitures and proviſions, contained or mentioned in this ſaid laſt branch, ſhall ſtand in full ſtrength and effect, to all purpoſes, intents and conſtructions, as if this preſent act had never been had nor made.

No perſon ſhall deſtroy or take away the eggs of any wild fowl.

CAP. VIII.

The Statute of Sewers ſhall be continued.

Where in the Parliament holden at Weſtminſter by Prorogation, the fifteenth day of January, in the three and twentieth year of the moſt victorious Reign of our late Sovereign Lord King Henry the eighth, among other things, one general Act concerning Commiſſions of Sewers, to be directed into all parts within this Realm, was enacted and made to continue and endure for twenty years, then next following, as by the ſame Act more at large it doth and may appear. And foraſmuch as the ſame Act is thought good and beneficial for the Commonwealth of this Realm: Be it therefore enacted and ordained by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Act, and all clauſes, articles and proviſions in the ſame contained, ſhall continue and endure in their force and ſtrength, and to be obſerved and kept for ever, in ſuch manner and form as ſhall and may ſtand with the ſequel and additions hereafter mentioned.

The Statute of 23 H.8.5. touching the Commiſſion of Sewers made perpetual.

And be it further enacted and eſtabliſhed by the authority aforeſaid, That all ſcots, lots, and ſums of money hereafter to be rated and taxed, by vertue of ſuch Commiſſion of Sewers upon any of the Lands, Tenements or Hereditaments, of our Sovereign Lord the King, his heirs or ſucceſſors, for any manner of thing or things, concerning the articles of the ſaid Commiſſion of Sewers, ſhall be gathered and levied by diſtreſs, or otherwiſe, in like manner and form, as ſhall or may be done in the Lands, Tenements and Hereditaments of any other perſon or perſons: And that all Bills of Acquittance, ſigned with the hand or hands of ſuch Collector or Receiver as ſhall have the Collection thereof by the appointment of the ſaid Commiſſioners, or ſix of them, ſhall be as well a ſufficient diſcharge to the Tenants, Fermors, and Occupiers of the ſame grounds ſo to be charged for the ſaid ſum wherewith their grounds ſhall be ſo charged, as alſo ſufficient warrant to all and every the Receivers, Auditors, and other whatſoever Officer or Officers, of our ſaid Sovereign Lord the King, his heirs and ſucceſſors, for the allowance to ſuch Tenant, Fermor, or Occupier for the ſame: Adding moreover unto this Act, by the authority of this preſent Parliament, That ſuch and like Fees, and none other nor more, ſhall be at any time paid or demanded, for any Commiſſion or Commiſſions, or Writs of dedimus poteſtatem, hereafter to be ſued out, or obtained under the Seal of the Dutchy, but only ſuch and like fees as been mentioned in the ſaid former Act, to be paid in the Chancery, for Commiſſions and Writs of dedimus poteſtatem, to be obtained from the ſame Court of Chancery. Adding moreover thereunto by the authority aforeſaid, That every Commiſſion and Commiſſions, hereafter to be awarded for Sewers, ſhall continue and endure for term of five years, next after the Teſte of ſuch Commiſſion, unleſs the ſame Commiſſion and Commiſſions, ſhall be otherwiſe diſcharged within the ſame, by Superſedeas; any thing or things mentioned or contained in the ſaid former Act, contrary to the additions before mentioned, or any of them, in any wiſe notwithſtanding.

All ſums of money rated by force of the Commiſſion of Sewers upon any of the Kings Land, ſhall be leviable by diſtreſs.

What fees ſhall be payed for the Commiſſion of Sewers ſued out under the Seal of the Dutchy.

How long the Commiſſion of Sewers ſhall endure.
Alt. 13 Eliz.

CAP. IX.

No perſon ſhall buy any raw Hides, or Calves skins to ſell again untanned, upon pain to forfeit for every skin ſix ſhillings eight pence. REP. 5 El. 8. & 1 Jac.22.

CAP.

CAP. X.

Certain Books and Images ſhall be aboliſhed.

Popiſh Books aboliſhed. Stat. 3 Jac. 5.

Where the Kings moſt excellent Majeſty hath of late ſet forth, and eſtabliſhed by authority of Parliament, an uniform, quiet and godly order of Common and open Prayer, in a Book Entituled, The Book of Common Prayer, and Adminiſtration of the Sacraments, and other Rites and Ceremonies after the Church of England, to be uſed and obſerved in the ſaid Church of England, agreeable to the order of the Primitive Church, much more comfortable unto his loving ſubjects, then other diverſity of ſervice, as heretofore of long time hath been uſed, being in the ſaid Book ordained nothing to be read but the very pure word of God, or which is evidently grounded upon the ſame, and in the other, things corrupt, untrue, vain, & ſuperſtitious, and as it were a preparation to ſuperſtition: which for that they be not called in, but permitted to remain undefaced, do not only give occaſion to ſuch perverſe perſons, as do impugn the order and godly meaning of the Kings ſaid Book of Common Prayer, to continue in their old accuſtomed ſuperſtitious ſervice, but alſo miniſter great occaſion to diverſity of opinions, rites, ceremonies, and ſervices: Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That all Books called Antiphoners, Miſſales, Grailes, Proceſſionals, Manuels, Legends, Pies, Portuaſſes, Primers, in Latine and Engliſh, Couchers, Journals, Ordinals, or other Books or Writings whatſoever heretofore uſed for ſervice of the Church, written or printed in the Engliſh or Latine tongue, other then ſuch as ſhall be ſet forth by the Kings Majeſty, ſhall be by authority of this preſent Act, clearly and utterly aboliſhed, extinguiſhed, and forbidden for ever to be uſed or kept in this Realm, or elſewhere within any the Kings Dominions.

Images taken out of, or yet remaining in Churches, ſhall be deſtroyed.

Popiſh Books ſhall be firſt delivered to the Mayor, &c. and then by him to the Biſhop, &c. to be burnt, or otherwiſe defaced.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, of what degree, eſtate or condition ſoever he, ſhe or they be, bodies politick or corporate, that now have, or hereafter ſhall have in his, her, or their cuſtody, any the Books or Writings of the ſorts aforeſaid, or any Images of ſtone, timber, alabaſter, or earth graven, carved or painted, which heretofore have been taken out of any Church or Chappel, or yet ſtand in any Church or Cappel, and do not before the laſt day of June next enſuing, deface and deſtroy, or cauſe to be defaced and deſtroyed the ſame Images, and every of them, and deliver, or cauſe to be delivered all and every the ſame Books to the Mayor, Bayliff, Conſtable or Church-wardens of the Town where ſuch Books then ſhall be, to be by them delivered over openly within three moneths next following, after the ſaid delivery, to the Archbiſhop, Biſhop, Chancellor, or Commiſſary of the ſame Dioceſs, to the intent the ſaid Archbiſhop, Biſhop, Chancellor, or Commiſſary, and every of them, cauſe them immediately after, either to be openly burnt, or otherwiſe defaced and deſtroyed, ſhall for every ſuch Book or Books willingly retained in his, her, or their hands or cuſtody within this Realm, or elſewhere within any the Kings Dominions, and not delivered, as is aforeſaid, after the ſaid laſt day of June, and be thereof lawfully convict, forfeit and loſe to the King our Sovereign Lord for the firſt offence, ten ſhillings, and for the ſecond offence, ſhall forfeit and loſe (being thereof lawfully convict) four pounds: And for the third offence, ſhall ſuffer impriſonment at the Kings will.

The penalty of Mayor, &c. or Biſhop, &c. omitting their duty herein.

And be it further enacted by the authority aforeſaid, That if any Mayors, Bayliffs, Conſtables, or Church-wardens do not within three moneths after receit of the ſame Books, deliver, or cauſe to be delivered, ſuch Books ſo by them received, to the Archbiſhop, Biſhop, Chancellor, or Commiſſary of their Dioceſs, and if the ſaid Archbiſhop, Biſhops, Chancellor, or Commiſſaries, do not within fourty days after the receit of ſuch Books, burn, deface, and deſtroy, or cauſe to be burned, defaced or deſtroyed the ſame Books, and every of them, that then they and every of them ſo offending, ſhall loſe and forfeit to our Sovereign Lord the King, being thereof lawfully convict, fourty pounds: The one half of all which forfeitures ſhall be to any of the Kings ſubjects that will ſue for the ſame in any of the Kings Courts of Record, by bill, plaint, action of debt, or information, in which action no eſſoin, protection, wager of law, or other delay ſhall be allowed.

Juſtices of Aſſiſe and Peace, ſhall hear and determine theſe offences.

And for better execution of the ſame act, be it enacted by the authority aforeſaid, That as well Juſtices of Aſſiſe in their Circuits, as Juſtices of Peace within the limits of their Commiſſion in the general Seſſions, ſhall have full power and authority to enquire of the offences aforeſaid, and to hear and determine the ſame, in ſuch form as they may do in other ſuch like caſes.

Images upon Tombs ſhall ſtill remain.

Provided always, That this act, or any thing therein contained, ſhall not extend to any Image or Picture, ſet or graven upon any Tomb in any Church, Chappel, or Church-yard, only for a monument of any King, Prince, Noble man, or other dead perſon, which hath not been commonly reputed and taken for a Saint, but that all ſuch Pictures and Images may ſtand and continue in like manner and form, as if this act had never been had nor made; any thing in this act to the contrary in any wiſe notwithſtanding.

Primers ſet out by H. 8. being purged, may be ſtill retained.

Provided alſo, and be it enacted by the authority aforeſaid, That any perſon or perſons may uſe, keep, have and retain, any Primers in the Engliſh or Latine tongue, ſet forth by the late King of famous memory, King Henry the eighth, ſo that the ſentences of Invocation, or Prayer to Saints in the ſame Primers, be blotted, or clearly put out of the ſame; any thing in this act to the contrary notwithſtanding. REP. 1 M. 2. but ſee 1 Jac. 25. which repeals 1 M. 2.

CAP. XI.

The King during three years ſhall have authority by the advice of his Councel, to name two and thirty perſons to examine the Eccleſiaſtical Laws, and to gather and compile ſuch Laws as ſhall be thought to him, his Councel, and them convenient to be practiſed within this Realm, in all Spiritual Courts: ſo that any Law to be ſet forth be not contrary to any common Law or Statute of this Realm. EXP. 25 H. 8. 19. 27 H. 8. 15. 35 H. 8. 16.

CAP.

CAP. XII.

Such form and manner of making and conſecrating of Archbiſhops, Biſhops, Prieſts, Deacons, and other Miniſters of the Church, as by ſix Prelates, and ſix other men of this Realm, learned in Gods Law, by the King to be appointed and aſſigned, or by the moſt number of them ſhall be deviſed for that purpoſe, and ſet forth under the great Seal before the firſt of April next coming, ſhall be lawfully exerciſed and uſed, and none other. EXP. Stat. 1 M. 2. 1 Jac. 25. 5 Ed. 6. 1. 13 El. 12.

CAP. XIII.

Sir William Sherington before attainted of Treaſon, pardoned of all Treaſons and offences, and reſtored in bloud and freedom. PR.

CAP. XIV.

Mary Seimour the ſole daughter and heir of Thomas Lord Seimour, attainted of high Treaſon, reſtored in bloud, but not to her Fathers Lands. PR.

CAP. XV.

The penalty for publiſhing any falſe propheſie upon occaſion of Arms, Fields, &c. to the intent to make diſſention, &c. ſhall be for the offence, one years impriſonment, and the forfeiture of x. l. And for the ſecond offence, the forfeiture of all his goods, and impriſonment during his life. EXP. Stat. 7 Ed. 6. 11. Stat. 33 H. 8. 14. 5 Eliz. 15.

CAP. XVI.

A repeal of ſo much of the Statute of Anno 1 Ed. 6. 3. as tendeth to make vagabonds ſlaves. The Stat. of 22 H. 8. 12. ſhall be revived, that doth appoint how impotent and aged perſons ſhall be relieved, and vagabonds puniſhed. And all other Statutes made for the puniſhment of vagabonds, ſlaves, aged and impotent perſons, ſhall be repealed. Common labourers in husbandry which do loiter and be idle when they have reaſonable wages offered them, ſhall be puniſhed as vagabonds. Maimed, ſore, aged, and impotent perſons ſhall be relieved and cured, and habitations provided for them by the devotion of good people of that City, Town or Village where they were born, or have dwelt three years. A beggars child above five years of age, may be taken into ſervice by any that will. REP. 14 El. 5. & 21 Jac. 28. St. 2 & 3 P. & M. 5.

CAP. XVII.

The Stat. of 31 H. 8. 12. touching the wrongful hunting or entry into any Forreſt, Chaſe or Park of the Kings, or into any other ground of his, uſed for the nouriſhing of Deer, and of 32 H. 8. 11. concerning the unlawful killing of any Deer within any Park, Chaſe, &c. revived for three years. EXP. St. 4 & 5 Ed. 6. 17.

CAP. XVIII.

A Rehearſal of the Stat. of 2 & 3 Ed. 6. 5. concerning the remitting of Fee-ferms by the King for the firſt of three years, and that the ſame ſhall ceaſe for other two years. EXP.

CAP. XIX.

No Cattel ſhall be bought but in open Fair or Market, but by a Butcher, or for proviſion of houſhold, &c.

ro.El.309.

BE it enacted by the authority of this preſent Parliament, that no perſon or perſons at any time from and after the Feaſt of the Annunciation of our Lady next coming, ſhall buy, or common and conclude to buy any manner of Oxen, Steers, Ronts, Kine, Heifers or Calves, but onely in the open Fair or Market where the ſame ſhall happen to be brought and put to ſale, and ſhall not ſell the ſame again on live, at, and in the Market or Fair where he bought the ſame, during the time of the ſaid Fair or Market, upon pain of forfeiture of the double value of ſuch cattel bought or ſold contrary to the tenor of this preſent Act.

No cattel ſhall be bought but in open Fair or Market, and thoſe not ſold again in the ſame Fair or Market.

Provided alway, and be it further enacted by the authority aforeſaid, That it ſhall be lawful for all and every perſon and perſons, to buy any Oxen, Steers, Ronts, Kine, Heifers and Calves, or any of them, out of any open Fair or Market, for his or their proviſion for their houſhold, teem or dairy, at his or their will or pleaſure, to be imployed and ſpent onely in keeping and maintenance of his or their houſe, or for their teem or dairy, and not otherwiſe.

For what purpoſes cattel may be bought out of a Fair or Market. EXP.

And be it further enacted by the authority aboveſaid, That no perſon, being a Butcher, and uſing the craft or myſtery of Butchery, ſhall at any time after the ſaid Feaſt, buy any fat Oxen, Steers, Ronts, Kine, Heifers, Calves or Sheep, and ſell or cauſe to be ſold the ſame again on live, upon pain of forfeiture for every ſuch Ox, Steer, Ront, Cow, Heifer, Calves or Sheep, bargained or ſold contrary to the form of this preſent Act.

A Butcher ſhall not buy cattel and ſell them alive.

Provided alway, That all and every perſon and perſons, being a Butcher, and uſing the art and myſtery of Butchery, ſhall and may at his and their will and pleaſure buy any fat Oxen, Steers, Ronts, Kine, Heifers, Calves and Sheep, or any of them, out of any open Fair or Market: So that ſuch Butcher ſell not, nor cauſe to be ſold the ſame again on live, as is aforeſaid; any thing contained in this Act to the contrary notwithſtanding. The one moity of all which forfeitures ſhall be to our Sovereign Lord the King, his heirs and ſucceſſors, and the other moity to him or them that will ſue for the ſame in any of the Kings Courts of Record, wherein no wager of law, eſſoin or protection ſhall be allowed for the Defendant or Defendants. This Act to endure to the end of the next Parliament. 1 Jac. 25. continued until the end of the next Parliament. Stat. 3 Car. 1. 4. 15 Car. 2. ca. 8.

CAP. XX.

Some part of the Stat. 2 E. 6. 15. repealed, containing the denial of certain Artificers to work in Cities or Towns where they dwell not.

WHere by a certain Act made in the Parliament holden at Weſtminſter by prorogation the fourth day of November, in the ſecond year of the Reign of our moſt dread Sovereign Lord the King that now is, it is enacted and eſtabliſhed, That no perſon or perſons ſhould

2 & 3 Ed. 6. 25.

ſhould at any time after the firſt day of April then next enſuing, interrupt, deny, let or diſturb any free Maſon, rough Maſon, Carpenter, Bricklayer, Plaiſterer, Joyner, Hard-hewer, Sawyer, Tiler, Pavier, Glaſier, Lime-burner, Brick-maker, Tile-maker, Plummer or Labourer, born in this Realm, or made Denizen, to work in any of the ſaid Crafts in any City, Borough, or Town-corporate, with any perſon and perſons that will retain him or them, albeit the ſaid perſon or perſons ſo retained, or any of them, do not inhabit or dwell in the City, Borough, and Town-corporate, where he or they ſhall work, nor be free of the ſame City, Borough or Town; any ſtatute, law, ordinance, or other thing whatſoever, before had or made to the contrary in any wiſe notwithſtanding, and that upon pain of forfeiture of five pounds for every interruption or diſturbance done contrary to the ſaid Statute, the one moity of every ſuch forfeiture to be to the King, and the other moity thereof to be to him or them that will ſue for the ſame in any of the Kings Courts of Record, by bill, plaint, action of debt, or information, wherein no wager of law, eſſoin, nor protection ſhould be allowed, as by the ſaid Act of Parliament amongſt other things more plainly appeareth.

And foraſmuch as in the City of London, being the Kings Chamber, and moſt ancient City of this Realm, the Artificers and Craftſmen of the arts, crafts and myſteries aforeſaid, are at great coſts and charges, as well in bearing and paying of taxes, tallages, ſubſidies, ſcot, lot, and other charges, as well to the Kings Majeſty, as to the ſaid City, and at many and ſundry triumphs, and other times for the Kings honour, and that if Foreigners ſhould come and work among them, within the liberties of the ſaid City, contrary to their ancient priviledges, that the ſame ſhould be a great decay of cunning, and an impoveriſhment and driving away of the Free-men, being Artificers of the crafts, and arts, and myſteries aforeſaid, within the ſaid City of London, to the great hurt or deſtruction of the ſaid City.

So much of the Stat. of 2 & 3 Ed 6.15. repealed as concerneth the denial of Artificers to work in a Town where they dwell not.

For reformation whereof, the Kings Majeſty is pleaſed and contented, that it be enacted by the authority of this preſent Parliament, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, that the ſaid Act onely touching the article and clauſe aforeſaid, and all and every ſentence and branch contained in the ſaid Act, concerning the ſame article, ſhall from henceforth be reſumed, repealed, adnulled, revoked, adnihilated, and utterly made void for ever; any thing contained in the ſaid former Act touching yͤ clauſe or article aforeſaid, in any wiſe to the contrary notwithſtanding.

CAP. XXI.

Butter or Cheeſe ſhall not be bought to be ſold again, except it be by retail in open Shop, Fair or Market.

Butter or Cheeſe ſhall not be bought to be ſold again but in open Shop, Fair, or Market.

BE it enacted by the authority of this preſent Parliament, that no perſon or perſons after the Feaſt of the Annunciation of our Lady next coming, ſhall buy to ſell again any Butter or Cheeſe, unleſs he or they ſell the ſame again by retail in open Shop, Fair or Market, and not in groſs, upon pain of forfeiture of the double value of the ſame Butter and Cheeſe ſo ſold, contrary to the tenor of this preſent Act: the one moity of all which forfeiture to be to our Sovereign Lord the King, his heirs and ſucceſſors, and the other moity to him or them that will ſue for the ſame in any of the Kings Courts of Record, wherein no wager of law, eſſoin or protection ſhall be allowed for the defendant or defendants.

Retailing. 21 Jac. 22.

Provided always, and be it enacted by the authority aforeſaid, that the ſaid word of retail mentioned in this Act, ſhall be expounded, declared and taken, onely where a weight of Cheeſe, or a barrel of Butter, or of leſs quantity, and not above, ſhall be ſold at any time to any perſon or perſons in open Shop, Fair or Market, and that to be done without fraud or covin.

Inn-holders and Victualers.

Provided alway, that this Act, or any thing therein contained, ſhall not extend to any Innholder or Victualer, for ſuch Butter or Cheeſe as ſhall be ſpent or uttered by retail, in any of their houſes; any thing contained in this Act to the contrary notwithſtanding: this Act to endure to the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament. 14 Car. 2. ca. 26.

12 Car. 2. ca. 4.

CAP. XXII.

No Cloth-maker, Fuller, Shearman, Weaver, Taylor or Shoomaker, ſhall retain in any of the ſaid Crafts, a Journeyman to work by tail work, or by great, for any time under one quarter of a year. And every Journeyman being required, ſhall ſerve for a quarter of a year, half a year, or for a whole year. Every perſon of any of the ſaid Crafts which ſhall have three Prentices, ſhall have one Journeyman. Servants in Husbandry and Bargemen ſhall ſerve by the whole year, and not by day-wages. REP. 5 El. 4.

CAP. XXIII.

A relief granted to the King out of Sheep and Clothes by the Stat. 2 & 3 Ed. 6. 36. releaſed. And the relief for goods continued. A Subſidy granted to the King of Twelve pence in the pound of goods, and of every Alien Two ſhillings in the pound. EXP.

CAP. XXIV.

A confirmation by Parliament of the Kings pardon of all Hereſies, Treaſons, Rebellions, Murders, Felonies, Offences, Treſpaſſes, &c. ſaving ſuch which in the ſaid pardon be excepted. EXP.

Anno quinto & ſexto Edwardi *ſexti.*

ACTS made in the Seſſion of this preſent Parliament, holden upon Prorogation at Weſtminſter the three and twentieth day of January, in the fifth year of our moſt dread Sovereign Lord, Edward the ſixth, by the grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and of Ireland, in earth the ſupreme Head: and there continued and kept till the fifteenth day of April, in the ſixth year of the Reign of our ſaid Sovereign Lord, as ſolloweth.

CAP. I.

Uniformity of Prayer, and Adminiſtration of Sacraments ſhall be uſed in the Church.

Where there hath been a very godly order ſet forth by the authority of Parliament, for Common-prayer and Adminiſtration of the Sacraments, to be uſed in the mother tongue within this Church of England, agreeable to the word of God, and the primitive Church, very comfortable to all good people, deſiring to live in Chriſtian converſation, & moſt profitable to the eſtate of this Realm, upon the which the mercy, favour and bleſſing of Almighty God is in no wiſe ſo readily and plenteouſly poured, as by Common-prayers, due uſing of the Sacraments, and often preaching of the Goſpel, with the devotion of the hearers: and yet this notwithſtanding, a great number of people in divers parts of this Realm, following their own ſenſuality, and living either without knowledge or due fear of God, do wilfully and damnably before Almighty God, abſtain and refuſe to come to their Paroch Churches, and other places, where Common-prayer, Adminiſtration of the Sacraments, and preaching of the word of God, is uſed upon Sundays and other days ordained to be holy-days.

Every perſon ſhall reſort to his Pariſh Church or Chappel upon Sundays and Holy-days.

For reformation hereof, be it enacted by the King our Sovereign Lord, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that from and after the Feaſt of All Saints next coming, all and every perſon and perſons inhabiting within this Realm, or any other the Kings Majeſties Dominions, ſhall diligently and faithfully (having no lawful or reaſonable excuſe to be abſent) endeavour themſelves to reſort to their Paroch Church or Chappel accuſtomed, or upon reaſonable let thereof, to ſome uſual place where Common-prayer, and ſuch ſervice of God ſhall be uſed in ſuch time of let, upon every Sunday, and other days ordained and uſed to be kept as holy-days, and then and there to abide orderly and ſoberly, during the time of the Common-prayer, preachings, or other ſervice of God, there to be uſed and miniſtred, upon pain of puniſhment by the cenſures of the Church.

And for the due execution hereof, the Kings moſt excellent Majeſty, the Lords temporal, and all the Commons in this preſent Parliament aſſembled, doth in Gods name earneſtly require and charge all the Archbiſhops, Biſhops, and other Ordinaries, that they ſhall endeavour themſelves to the uttermoſt of their knowledges, that the due and true execution thereof may be had throughout their Dioceſſes and charges, as they will anſwer before God for ſuch evils and plagues, wherewith Almighty God may juſtly puniſh his people, for neglecting this good and wholeſom law.

They which come not to the Church, may be puniſhed by the cenſures of the Church.

And for their authority in this behalf, be it further likewiſe enacted by the authority aforeſaid, that all and ſingular the ſame Archbiſhops, Biſhops, and all other their Officers exerciſing Eccleſiaſtical juriſdiction, as well in place exempt as not exempt, within their Dioceſſes, ſhall have full power and authority by this Act, to reform, correct and puniſh, by cenſures of the Church, all and ſingular perſons which ſhall offend within any their juriſdictions or Dioceſſes, after the ſaid Feaſt of All Saints next coming, againſt this Act and Statute; any other law, ſtatute, priviledge, liberty or proviſion heretofore made, had or ſuffered to the contrary notwithſtanding.

The book of Common-prayer, with the form of conſecrating Biſhops, Prieſts, Deacons. 1 Ed.6.2.

And becauſe there hath riſen in the uſe and exerciſe of the aforeſaid common ſervice in the Church, heretofore ſet forth, divers doubts for the faſhion and manner of the miniſtration of the ſame, rather by the curioſity of the miniſter and miſtakers, then of any other worthy cauſe; therefore as well for the more plain and manifeſt explanation thereof, as for the more perfection of the ſaid order or common ſervice, in ſome places where it is neceſſary to make the ſame prayer and faſhion of ſervice more earneſt and fit, to ſtir Chriſtian people to the true honouring of Almighty God: The Kings moſt excellent Majeſty, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, hath cauſed the aforeſaid order of common ſervice, entituled, The Book of Common-prayer, to be faithfully and godly peruſed, explained, and made fully perfect, and by the aforeſaid authority hath annexed and joyned it, ſo explained and perfected to this preſent Statute, adding alſo a form and manner of making and conſecrating of Archbiſhops, Biſhops, Prieſts and Deacons, to be of like force, authority and value, as the ſame like foreſaid Book, entituled, The Book of Common-prayer, was before, and to be accepted, received, uſed and eſteemed, in like ſort and manner, and with the ſame clauſes of proviſions and exceptions, to all intents, conſtructions and purpoſes, as by the Act of Parliament made in the ſecond year of the Kings Majeſties Reign, was ordained, limited, expreſſed and appointed for the uniformity of Service and Adminiſtration of the Sacraments throughout the Realm, upon ſuch ſeveral pains as in the ſaid Act of Parliament is expreſſed. And the ſaid former Act to ſtand in full force and ſtrength, to all intents and conſtructions, and to be applied, practiſed, and put in ure, to and for the eſtabliſhing of the Book of Common-prayer, now explained, & hereunto annexed, and alſo the ſaid form of making of Archbiſhops, Biſhops, or Prieſts & Deacons, hereunto annexed, as it was for ẏ former book.

2 & 3 Ed.6.1.

The penalties for being preſent at any other Common-prayer or Sacraments. Act. 1 Eliz.

And by the authority aforeſaid it is now further enacted, that if any manner perſon or perſons, inhabiting and being within this Realm, or any other the Kings Majeſties Dominions, ſhall after the ſaid Feaſt of All Saints, willingly and wittingly hear and be preſent at any other manner or form of Common-prayer, or Adminiſtration of the Sacraments, of making of Miniſters in the Churches, or of any other rites contained in the book annexed to this Act, then is mentioned and ſet forth in the ſaid book, or that is contrary to the form of ſundry proviſions and exceptions, contained in the foreſaid former ſtatute, and ſhall be thereof convicted, according to the laws of this Realm, before the Juſtices of Aſſiſe, Juſtices of Oyer and Determiner, Juſtices of Peace in their Seſſions, or any of them, by the verdict of twelve men, or by his or their own confeſſion, or otherwiſe, ſhall for the firſt offence ſuffer impriſonment for ſix moneths, without bail or mainpriſe, & for ẏ ſecond offence, being likewiſe convicted as is aboveſaid, impriſonment for one whole year, and for the third offence, in like manner, impriſonment during his or their lives. And for the more knowledge to be given hereof, and better obſervation of this law, be it enacted by the authority aforeſaid, that all and ſingular Curats, ſhall upon one Sunday every quarter of the year, during one whole year next following, the foreſaid feaſt of All Saints next coming, read this preſent Act in the Church, at the time of the moſt aſſembly, and likewiſe once in every year following, at the ſame time, declaring unto the people by the authority of the Scripture, how the mercy and goodneſs of God hath in all ages been ſhewed to his people in their neceſſities and extremities, by means of hearty and faithful prayers made to Almighty God, eſpecially where people be gathered together with one faith and mind, to offer up their hearts by prayer, as the beſt ſacrifices that Chriſtian men can yield. 1 M.2. 1 El.2.13 El.12. 8 El.1.1 Jac.25.

CAP. II.

The Stat. of 22 H. 8. 12. and 3 & 4 Ed. 6. 16. touching Vagabonds and idle perſons, confirmed. The poor of every Pariſh ſhall be relieved with that which every pariſhioner of his charitable devotion will give. REP. 14 El. 5. EXP. St. 1 M. 12.

CAP. III.

Which days onely in the year ſhall be Holy days, and which ſhall be Faſting days.

Foraſmuch as at all times men be not ſo mindful to laud and praiſe God, ſo ready to reſort and hear Gods holy Word, and to come to the holy Communion, and other laudable rites, which are to be obſerved in every Chriſtian congregation, as their bounden duty doth require: therefore to call men to remembrance of their duty, and to help their infirmity, it hath been wholeſomly provided, that there ſhould be ſome certain times and days appointed, wherein the Chriſtian ſhould ceaſe from all other kind of labours, and ſhould apply themſelves onely & wholly unto the aforeſaid holy works, properly pertaining unto true Religion: that is, to hear, to learn, and to remember Almighty Gods great benefits, his manifold mercies, his ineſtimable gracious goodneſs, ſo plenteouſly poured upon all his creatures, and that of his infinite and unſpeakable goodneſs, without any mans deſert. And in remembrance hereof, to render unto him moſt high and hearty thanks, with prayers and ſupplications for the relief of all our daily neceſſities. And becauſe theſe be the chief and principal works wherein man is commanded to worſhip God, and do properly pertain unto the firſt Table: therefore as theſe works are both moſt commonly, and alſo may well be called Gods ſervice, ſo the times appointed ſpecially for the ſame are called Holy-days: Not for the matter and nature either of the time or day, nor for any of the Saints ſake, whoſe memories are had on thoſe days (for ſo all days and times conſidered are Gods creatures, and all of like holineſs) but for the nature and condition of thoſe godly and holy works, wherewith onely God is to be honoured, and the congregation to be edified, whereunto ſuch times and days are ſanctified and hallowed: that is to ſay, ſeparated from all prophane uſes, and dedicated and appointed, not unto any Saint or creature, but onely unto God and his true worſhip. Neither is it to be thought, that there is any certain time or definite number of days preſcribed in holy Scripture, but that the appointment both of the time, and alſo of the number of the days, is left by the authority of Gods Word, to the liberty of Chriſts Church, to be determined and aſſigned orderly in every Countrey, by the diſcretion of the Rulers and Miniſters thereof, as they ſhall judge moſt expedient to the true ſetting forth of Gods glory, and the edification of their people. Be it therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all the days hereafter mentioned, ſhall be kept, and commanded to be kept Holy-days, and none other: that is to ſay, All Sundays in the year, the days of the Feaſt of the Circumciſion of our Lord Jeſus Chriſt, of the Epiphany, of the Purification of the bleſſed Virgin, of Saint Matthie the Apoſtle, of the Annunciation of the bleſſed Virgin, of Saint Mark the Evangeliſt, of Saint Philip and Jacob the Apoſtles, of the Aſcenſion of our Lord Jeſus Chriſt, of the Nativity of Saint John Baptiſt, of Saint Peter the Apoſtle, of Saint James the Apoſtle, of Saint Bartholomew the Apoſtle, of Saint Matthew the Apoſtle, of Saint Michael the Archangel, of Saint Luke the Evangeliſt, of Saint Simon and Jude the Apoſtles, of All Saints, of Saint Andrew the Apoſtle, of Saint Thomas the Apoſtle, of the Nativity of our Lord, of Saint Stephen the Martyr, of Saint John the Evangeliſt, of the holy Innocents, Munday and Tueſday in Eaſter-week, and Munday and Tueſday in Whitſon-week. And that none other day ſhall be kept and commanded to be kept Holy-day, or to abſtain from lawful bodily labour.

Wherefore ſome days are more called holy-days then other.

All theſe days ſhall be kept Holy-days, and none other.

Which days ſhall be commanded and kept Faſting days.

And it is alſo enacted by the authority aforeſaid, that every Even or Day next going before any of the aforeſaid days of the Feaſts of the Nativity of our Lord, of Eaſter, of the Aſcenſion of our Lord, Pentecoſt, and the Purification, and the Annunciation of the aforeſaid bleſſed Virgin, of All Saints, and of all the ſaid Feaſts of the Apoſtles, (other then of Saint John the Evangeliſt, and Philip and Jacob) ſhall be faſted and commanded to be kept and obſerved, and that none other Even or Day ſhall be commanded to be faſted.

Puniſhment of offendors by the Eccleſiaſtical law.

And it is enacted by the authority aboveſaid, that it ſhall be lawful to all Archbiſhops and Biſhops in their Dioceſſes, and to all other having Eccleſiaſtical or Spiritual Juriſdiction, to inquire of every perſon that ſhall offend in the premiſes, and to puniſh every ſuch offendor by the cenſurers of the Church, and to enjoyn him or them ſuch penance, as ſhall be to the Spiritual Judge by his direction thought meet and convenient.

Abſtinence from fleſh in Lent, Fridays and Saturdays. 2 & 3 Ed.6.19.

Provided always, that this Act, or any thing therein contained, ſhall not extend to abrogate or take away ẏ abſtinence from fleſh in Lent, or on Fridays and Saturdays, or any other day, which is already appointed ſo to be kept, by vertue of an Act made & provided, in ẏ third year of ẏ Reign of our Sovereign Lord ẏ Kings Majeſty that now is, ſaving only of thoſe evens or days, whereof the Holy-day next following is abrogated by this Statute; any thing above mentioned to the contrary in any wiſe notwithſtanding.

Provided alſo, and it is enacted by the authority aforeſaid, that when and ſo often as it ſhall chance any of the ſaid feaſts, (the events whereof be by this Statute commanded to be obſerved and kept faſting-day) to fall upon the Sunday: that then, as it hath always been heretofore accuſtomably uſed, ſo hereafter the Saturday then next going before any ſuch Feaſt or Holy-day, and not the Sunday, ſhall be commanded to be faſted for the even of any ſuch Feaſt or Holy-day, any thing in this ſtatute before mentioned or declared to the contrary in any wiſe notwithſtanding.

When the Saturday ſhall be faſted inſtead of the Sunday.

Provided always, and it is enacted by the authority aforeſaid, That it ſhall be lawful to every husbandman, labourer, fiſherman, and to all and every other perſon and perſons, of what eſtate, degree or condition he or they be, upon the Holy-days aforeſaid, in Harveſt, or at any other times in the year when neceſſity ſhall require, to labour, ride, fiſh, or work any kind of work, at their free wills and pleaſure, any thing in this Act to the contrary in any wiſe notwithſtanding.

In what caſes ſome perſons may labour upon the holy-day.

Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful to the Knights of the right honourable Order of the Garter, and to every of them, to keep and celebrate ſolemnly, the feaſt of their Order, commonly called St. Georges Feaſt, yearly from henceforth the xxii, xxiii, and xxiv days of April, and at ſuch other time and times, as yearly ſhall be thought convenient by the Kings Highneſs, his heirs and ſucceſſors, and the ſaid Knights of the ſaid honourable Order, or any of them now being, or hereafter to be: any thing in this Act heretofore mentioned to the contrary notwithſtanding. REP. 1 M. 2. 1 Iac. 25. Revived, becauſe 1 M. 2. is Repealed by 1 Iac. 25.

It ſhall be lawful for the Knights of the Garter to ſolemnize Saint Georges feaſt.

CAP. IV.

The penalty for ſtriking or drawing a weapon in Church or Church-yard.

Foraſmuch as of late divers and many outragious and barbarous behaviours and acts, have been uſed and committed by divers ungodly and irreligious perſons, by quarrelling, brawling, fraying and fighting openly in Churches and Church-yards: Therefore it is enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by ẏ authority of the ſame, That if any perſon whatſoever, ſhall any time after the firſt day of May next coming, by words onely quarrel, chide or brawl in any Church or Church-yard, that then it ſhall be lawful unto the Ordinary of the place, where the ſame offence ſhall be done, and proved by two lawful witneſſes, to ſuſpend every perſon ſo offending: that is to ſay, if he be a Layman, ab ingreſſu Eccleſiæ, and if he be a Clerk, from the miniſtration of his office, for ſo long time as the ſaid Ordinary ſhall by his diſcretion think meet and convenient, according to the fault.

The penalty for chiding in the Church or Church-yard.

And further it is enacted by the authority aforeſaid, that if any perſon or perſons after the ſaid firſt day of May, ſhall ſmite or lay any violent hands upon any other, either in any Church or Church-yard: that then ipſo facto, every perſon ſo offending ſhall be deemed excommunicate, and be excluded from the fellowſhip and company of Chriſts congregation.

The penalty for ſmiting in Church, &c.

And alſo it is enacted by the authority aforeſaid, that if any perſon after the ſaid firſt day of May, ſhall maliciouſly ſtrike any perſon with any weapon in any Church or Church-yard, or after the ſame firſt day of May, ſhall draw any weapon in any Church or Church-yard, to the intent to ſtrike another with the ſame weapon, that then every perſon ſo offending, and thereof being convicted by verdict of twelve men, or by his own confeſſion, or by two lawful witneſſes, before the Juſtices of Aſſiſe, Juſtices of Oyer and Determiner, or Juſtices of Peace in their Seſſions, by force of this Act ſhall be adjudged by the ſame Juſtices, before whom ſuch perſon ſhall be convicted to have one of his ears cut off. And if the perſon or perſons ſo offending have none ears, whereby they ſhould receive ſuch puniſhment as is before declared, that then he or they to be marked and burned in the cheek with an hot iron, having the letter F. whereby he or they may be known and taken for fray-makers and fighters, and beſides that every ſuch perſon to be and ſtand ipſo facto, excommunicated, as is aforeſaid.

The penalty for drawing or ſmiting with weapon in Church, &c.

CAP. V.

So much land ſhall be put in tillage, and ſo continued, as was at any time in tillage (and ſo kept four years) ſithence An. 1 Henry the eighth, upon pain the offendor to forfeit five ſhillings an acre: But this act ſhall not extend to any land converted, or to be converted into paſture for the maintenance of the houſe of any perſon: Nor to land that hath commonly lyen paſture fourty years laſt paſt: Nor to waſte-grounds, Heaths, common Downs, Fenns, Moors or Marſhes, that have not been commonly tilled fourty years laſt paſt: Nor to any Warren for Conies, or Park for Deer: Nor to any ground ſtubbed: Nor to any ſalt or ſurrounded Marſhes: Nor to any ground incloſed by the Kings licence: Nor to any Orchard, Garden, Pool, or Pond-yard: nor to any Medow-ground yearly mowen for Hay: Nor to any land ſet with Saffron, or Hops, or ſowen with Hemp, Flax, Woad or Madder, or ſown with Acrons, or ſet with wood, during ſuch times as the ſame ſhall be uſed to the intents before ſpecified: neither ſhall this Act extend to any that hath, or within one year ſhall convert ſo much paſture into tillage within the ſame Pariſh, Town, Village, or Hamlet, EXP & Rep. 5 El. 2. & 39. El. 1. & 21 Jac. 28.

CAP. VI.

The true length, breadth and weight of Wollen Clothes.

Where heretofore divers and many goodly Statutes have been made for the true making of Cloth within this Realm, which nevertheleſs foraſmuch as Clothiers, ſome for lack of knowledge and experience, and ſome of extreme covetouſneſs, do daily more

Several abuſes practiſed in making of cloth.

and more ſtudy rather to make many, than to make good Clothes, having more reſpect to their private commodity and gain, than the advancement of truth, and continuance of the commodity in eſtimation, according to the worthineſs thereof, have and do daily inſtead of truth practiſe falſhood, and inſtead of ſubſtantial making of Cloth, do practiſe ſleight and ſlender making, ſome by mingling of Yarn of divers ſpinnings in one cloth, ſome by mingling Fell-wooll, and Lambs-wooll, or either of them, with fleece-wooll, ſome by putting to little ſtuff, ſome by taking them out of the Mill before they be full thicked, ſome by overſtretching them upon the Tentor, and then ſtopping with flocks ſuch bracks as ſhall be made by means thereof: finally, by uſing ſo many ſubtile ſleights and untruths, as when the clothes ſo made be put in the water to try them, they riſe out of the ſame neither in length nor breadth as they ought to do, and in ſome place narrower than ſome, beſide ſuch cockeling, bandoning, and divers other great and notable faults, as almoſt cannot be thought to be true.

And yet nevertheleſs, neither fearing the Laws in that caſe provided, nor regarding the eſtimation of their Countrey, do not onely procure the Aulneger to ſet the Kings Seal to ſuch falſe, untrue and faulty cloth, but do themſelves weave into the ſame, the likeneſs and ſimilitude of the Kings-Highneſs moſt noble and Imperial Crown, and alſo the firſt letter of his name, which ſhould be teſtimonies of truth, and not a defence of untruth, to the great ſlander of the King our Sovereign Lord, and the ſhame of this Land, and to the utter deſtruction of ſo great and notable commodity, as the like is not in any forrein Nation.

The counſel of ſeveral ſage, diſcreet, & men of experience, and of the ſame trades uſed in the making of this Statute.

Our ſaid Sovereign Lord the King, therefore minding to advance all truth, and to abandon falſhood, and alſo to provide for the continuance of the ſaid commodity of clothmaking, to his honour and the common profit of the Realm, hath by yͤ advice of the Lords and Commons in this preſent Parliament aſſembled, cauſed as well divers honeſt Clothiers, as alſo divers Drapers, Merchant-taylors, Cloth-workers, Sheremen, and other Artificers to whom it appertaineth, to be examined by certain wiſe, diſcreet and ſage Knights and Burgeſſes of this preſent Parliament, of ſuch matters as touch as well the falſe as the true making of Clothes, by whoſe declaration, conſent, agreement and advice, after divers and ſundry meetings, and great deliberate advice taken in the premiſes, by authority of this preſent Parliament, it is enacted as hereafter followeth, to remain firm and perfect, notwithſtanding any ſuggeſtions hereafter to be made by any Clothier or Clothmaker to the contrary, as they have in like caſes heretofore done: that is to ſay, that every Cloth, Kerſie, piece of Frieze and Cotten, ſhall be made in ſuch ſort and form, and ſhall contain in length, breadth and weight, as is herein hereafter particularly mentioned, upon ſuch pains, penalties and forfeitures as be hereafter expreſſed and appointed.

The weight and length of Broad-cloth made in certain places.

Firſt, that all and every Broad-cloth and clothes, which ſhall be made after the ſaid feaſt of S. Michael the Archangel next coming, within the Shires of Kent and Suſſex, or at the Town of Redding, or any of them, or elſewhere of like making, as the clothes made there ſhall be of, ſhall contain in length at the water, every piece being through wet, betwixt eight and twenty and thirty yards of meaſure, that is now cuſtomably uſed, and in breadth ſeven quarters at the leaſt within the liſt, by the whole length of the ſame cloth, the liſts of the ſame clothes to be of like making and aſſiſe, as they have here before time been uſed to be made, and that every piece of the ſaid clothes being well ſcowred, thicked, milled, and fully dried, ſhall be in weight and weigh fourſcore and ten pound at the leaſt.

Long Worceſters.

And that all and every white cloth and clothes which ſhall be made within the City of Worceſter commonly called long Worceſters, and all like clothes of like making, made within the City of Coventry, or elſewhere after the ſaid Feaſt, ſhall contain in length, being wet as is aforeſaid, betwixt nine and twenty and one and thirty yards the piece, and to every yard one inch of the ſtandard, and ſhall be of the breadth above ſpecified throughout and by all the length of the whole cloth, and liſted as hath been accuſtomed, and being well ſcowred, thicked, milled, and fully dried, ſhall weigh fourſcore and four pound the piece at the leaſt.

Coloured clothes.

And that all coloured clothes made in the ſaid Cities of Coventry and Worceſter, or elſewhere of like making, after the ſaid Feaſt, ſhall contain and be of like length and breadth, as is laſt before mentioned, and be liſted as is aforeſaid, and being well ſcowred, thicked, and fully dried, ſhall weigh fourſcore pound the piece at the leaſt.

White clothes called ſhort Worceſters.

And that all and every white cloth and clothes, commonly called ſhort Worceſters, which ſhall be made within the ſaid City or County, or elſewhere of the ſame ſort, after the ſaid Feaſt, ſhall contain in length, being wet, betwixt three and twenty and five and twenty yards, yard and inch of the rule, and ſhall be of the breadth as is aforeſaid, throughout and by all the whole cloth, and liſted according to the ancient cuſtom, and being well ſcowred, thicked and fully dried, ſhall weigh threeſcore pound the piece at the leaſt.

Coloured long clothes.

And that all coloured long clothes, which after the ſaid Feaſt ſhall be made within the Shires of Suffolk, Norfolk or Eſſex, or any of them, or elſewhere of like ſort, ſhall contain in length wet, as is aforeſaid, betwixt eight and twenty and thirty yards, yard and inch of the rule, and ſhall be in breadth ſeven quarters of the yard within the liſts at the leaſt, throughout and by all the whole cloth, and liſted as hath been accuſtomed, and being well ſcowred, thicked, milled, and fully dried, ſhall weigh fourſcore pound the piece at the leaſt.

Coloured ſhort clothes.

And that all and every ſhort cloth and clothes coloured, which after the ſaid Feaſt ſhall be made within the ſaid Shires laſt remembred, or any of them, or elſewhere of like ſort, ſhall contain wet, as is aforeſaid, betwixt three and twenty and five and twenty yards, yard and inch of the rule, and ſhall be in breadth, as laſt is remembred, throughout and by the whole cloth, and liſted as is aforeſaid, and being fully ſcowred, thicked, milled, and fully dried, ſhall weigh threeſcore and four pound the piece at the leaſt.

Coloured clothes called handy-warps.

Whites being hand-warps.

And that all and every coloured cloth and clothes, which after the ſaid Feaſt ſhall be made within the ſaid Shires laſt remembred, or elſewhere of like ſorts, commonly called handywarps, of what length they ſhall happen to be, ſhall be in breadth out of the water, throughout & by all the whole cloth, as is laſt remembred, and liſted as they have been accuſtomed, and being well ſcowred, thicked, milled, and fully dyed, every yard of every ſuch cloth ſhall weigh three pound at the leaſt. And that all whites which after the ſaid Feaſt ſhall be made in the ſaid Shires, or elſewhere, as Cockſal whites, Glainsfords, and other being handwarps, of what lengths ſoever they ſhall be, ſhall contain in breadth as is afore remembred, and be liſted as is aforeſaid, and being well ſcowred, thicked, milled, and fully dyed, ſhall weigh by the yard three pound at the leaſt, of ſuch meaſure as hath been before uſed.

Whites and Reds.

Broad Plunkets, Azures, Blews, and other coloured clothes. St. 43 El. 10. St. 35 El. 9.

And that all whites and reds, which after the ſaid Feaſt ſhall be made in the Shires or Counties of Wiltſhire, Glouceſter and Somerſet, or any of them, or elſewhere of like making, and all other whites which ſhall be made in any other parts of the Realm, and not afore remembred, ſhall contain in length, being through wet, betwixt ſix and twenty and eight and twenty yards, and ſhall be ſeven quarters of the yard in breadth within the liſts at the leaſt, and liſted according to the ancient cuſtom, and being well ſcowred, thicked, milled, and fully dyed, ſhall weigh every piece threeſcore and four pound, being white, and threeſcore being coloured, at the leaſt. And that all broad Plunkets, Azures, Blews, and other coloured cloth, which after the ſaid Feaſt ſhall be made within the ſaid Shires of Wiltſhire, Glouceſter or Somerſet, or elſewhere of like making, ſhall contain, being wet as is aforeſaid, betwixt five and twenty and eight and twenty yards, yard and inch of the rule, and ſhall be ſeven quarters of a yard within the liſts at the leaſt, and liſted according to the ancient cuſtom, and being well ſcowred, thicked, milled, and fully dyed, ſhall weigh fourſcore and eight pound the piece at the leaſt.

Ordinary Kerſies. St. 3 Jac. 16. Sorting Kerſies.

And that all Kerſies called Ordinaries, ſhall contain in length betwixt ſeventeen and eighteen yards, yard and inch as is aforeſaid, and being well ſcowred, thicked, milled, dreſſed, & fully dyed, ſhall weigh twenty pound at the leaſt. And all Kerſies called ſorting Kerſies, which after the ſaid Feaſt ſhall be made in any part of this the Kings Majeſties Realm of England, ſhall contain in length at the water, betwixt ſeventeen and eighteen yards, yard and inch as is aforeſaid, and being well ſcowred, thicked, milled, dreſſed, and fully dyed, ready to be ſhewed, ſhall weigh three and twenty pound the piece at the leaſt.

Devonſhire Kerſies.

And that all Devonſhire Kerſies called Dozens, which ſhall be made after the ſaid Feaſt, ſhall contain in length at the water, between twelve and thirteen yards, yard and inch of the rule, and being well ſcowred, thicked, milled, and fully dyed, ſhall weigh fourteen pound the piece at the leaſt.

Broad clothes called Taunton, Bridgewater, &c.

Narrow clothes.

And that all and every broad cloth and clothes, called Taunton clothes, Bridgewaters, and other clothes, which ſhall be made after the ſaid Feaſt in Taunton, Bridgewater, or other places of like ſort, ſhall contain at the water, in length betwixt twelve and thirteen yards, yard and inch of the rule, and in breadth ſeven quarters of a yard: And every narrow cloth made after the ſaid Feaſt in the ſaid Towns, or elſewhere of like ſorts, ſhall contain at the water in length, betwixt four and twenty and five and twenty yards, yard and inch as is aforeſaid, and in breadth one yard of like meaſure: and every ſuch cloth, both broad and narrow, being well ſcowred, thicked, milled, and fully dyed, ſhall weigh four and thirty pound the piece at the leaſt.

Check-kerſie, Straits.

And that all clothes named Check-kerſie and Straits, which ſhall be made after the ſaid Feaſt, ſhall contain being wet, between ſeventeen and eighteen yards, with the inches as is aforeſaid, and in breadth one yard at the leaſt at the water, and being well ſcowred, thicked, milled, and fully dyed, ſhall weigh four and twenty pound the piece at the leaſt.

Welſh clothes. REP. Touching the length and weight. 4 & 5. P. & M. 5. St. 21 Jac. 28. St. 3 Car. c. 4.

And that all and every Welſh Cotton and Cottons, which after the ſaid Feaſt ſhall be made and wrought ready to be ſold for a whole piece, ſhall not be ſtretched on the tentor, nor otherwiſe above a nail of a yard in breadth, and ſhall be in length two and thirty goads in the water at the moſt, and in breadth three quarters of a yard at the water at the leaſt, and being ſo fully wrought, every whole piece thereof ſhall weigh ſix and fourty pound at the leaſt, and every half piece of Welſh Cotton being full wrought, as is aforeſaid, ſhall contain in length, weight and breadth after the ſame rate.

Welſh Frizes.

And that all Welſh Frizes, which after the Feaſt aforeſaid ſhall be made and wrought within the Shires of Cardigan, Caermarthen and Pembroke, or any of them, or elſewhere of like making, ready to be ſold for a whole piece, ſhall contain in length at the water, ſix and thirty yards at the moſt, yard and inch of the rule, and in breadth three quarters of a yard, and being ſo fully wrought, ſhall weigh every whole piece eight and fourty pound at the leaſt, and every half piece of Welſh Frizes being fully wrought as aforeſaid, ſhall contain in length, breadth and weight, after the ſame rate.

Northern cloth.

And that all and every Northern clothes, which after the ſaid Feaſt ſhall be made, ſhall contain between three and twenty and five and twenty yards, in length, yard and inch of the rule, and in breadth being through wet, ſeven quarters of a yard within the liſts at the leaſt, and being well ſcowred, thicked, milled and fully dyed, ſhall weigh threeſcore and ſix pound the piece at the leaſt.

Dozens.

And every half piece called Dozens, made after the ſaid Feaſt, ſhall contain in length betwixt twelve and thirteen yards of meaſure aforeſaid, and ſeven quarters of a yard in breadth, as afore within the liſts, and being well ſcowred, thicked, milled, dreſſed and fully dyed, ſhall weigh three and thirty pound at the leaſt.

Peniſtones, or Forreſt whites.

And that all cloth commonly called Peniſtones or Forreſt whites, which ſhall be made after the Feaſt aforeſaid, ſhall contain in length being wet, betwixt twelve and thirteen yards, yard and inch as is aforeſaid, and in breadth ſix quarters and a half quarter, out of the water, at the leaſt, and being well ſcowred, thicked, milled, and fully dyed, ſhall weigh eight and twenty pound the piece at leaſt.

Mancheſter Cottons.

And that all and every Cottons, called Mancheſter, Lancaſterſhire, and Cheſhire Cottons, which ſhall be made after the ſaid Feaſt, fully wrought to the ſale, ſhall be in length two and twenty goads, and contain in breadth three quarters of a yard in the water, and ſhall weigh thirty pound the piece at the leaſt.

Mancheſter Rugs.

And that all clothes called Mancheſter Rugs, otherwiſe named Mancheſter Frizes, which ſhall be made after the ſaid Feaſt, and fully wrought to ſale, ſhall contain in length ſix and thirty yards, and in breadth three quarters of a yard, coming out of the water, and ſhall not be ſtretched on the tentor, or otherwiſe above a nail of a yard breadth, and being fully wrought and well dyed, ſhall weigh every piece eight and fourty pound at the leaſt.

Forfeiture of the offendors in broad clothes, &c.

And be it further enacted, That all and every perſon or perſons, which after the ſaid Feaſt of Saint Michael the Archangel next coming, ſhall make or cauſe to be made any of the ſeveral kinds of broad clothes above rehearſed, of any ſhorter or longer meaſure then is above ſpecified and appointed for every Countrey, or ſeveral kind of clothes to be made, or make any ſuch cloth or clothes of leſs breadth or weight, being well ſcowred, thicked, milled, and fully dyed, then as is above ſpecified and appointed for every ſeveral Countrey, or kinds of clothes, and ſhall put the ſame to ſale, ſhall forfeit and loſe for every ſuch default of every cloth, ſold or offered to be ſold, in length, or breadth, fourty ſhillings, and for every pound weight, which any cloth ſo made and ſold, or offered to be ſold, ſhall ſlack, exceeding not above four pound in weight, ſhall alſo forfeit two ſhillings for every pound, the ſame forfeiture to go to the finder thereof. And that if any ſuch cloth lack above four pound weight of the ſeveral weights above mentioned, That every owner thereof ſhall then forfeit fourty ſhillings for every ſuch cloth, ſo lacking of his weight, as is aforeſaid.

Cloth exceeding the length by the goodneſs.

Provided always, That if any broad cloth ſhall exceed the ſeveral length before appointed for every Countrey, or kind of making, by means of the fineneſs, or the good, perfect and ſtuffy making of the ſame cloth, That then the maker thereof ſhall not incur any loſs or penalty for the over length of any ſuch fine cloth; Any thing herein to the contrary in any wiſe notwithſtanding.

Forfeitures for narrow clothes, Kerſies, Dozens.

And be it further enacted, That all and every perſon and perſons, which after the ſaid Feaſt ſhall make or cauſe to be made any of the ſeveral kinds of Kerſies, narrow clothes, Streights, Dozens, Frizes or Cottons above mentioned, which ſhall not be made in ſuch manner and form as is aboveſaid, nor contain and have in length, breadth and weight, ſeverally appointed and limited, as is above ſpecified, ſhall loſe and forfeit for every piece of cloth called Streight or Dozen, and for every piece of narrow cloth, Kerſie, Frize or Cotton ſo to be made and ſold, or offered to be ſold, xx. s.

No flocks, hair or yarn of lambs wooll ſhall be put in any cloth.
REP. 27 El. 18. 7 Ed. 6. 9. 43 El. 10. 4 Jac. 2.

And be it further enacted, That from and after the ſaid Feaſt, no perſon or perſons ſhall put any hair, flocks, or any yarn made of lambs wooll, into any cloth, Kerſie, Frize or Cotton ſo made and ſold, or offered to be ſold, upon pain to forfeit every ſuch cloth, Kerſie, Frize and Cotton, wherein any ſuch yarn, hair, or flocks ſhall be put, or the value of ſuch cloth, Kerſies or Frize.

REP. 4 & 5 P. & M. 5.

And be it further enacted, That if at any time after the ſaid Feaſt, any cloth through the default or negligence of the Carders, Spinners, or Weavers, or any of them, ſhall or do prove either purſie, bandy, ſqually by warp or woof, or elſe ſhall happen to be evil burled or waſted in the mill, or elſe through the default or negligence of the mill-man, or otherwiſe to be full of holes, mill-bracks, or to be holely, That then the ſeal of the Aulneger ſhall not be fixed or ſet to any ſuch cloth; Any law, ſtatute or uſage to the contrary in any wiſe notwithſtanding: but the accuſtomable fees and allowances of the Aulneger ſhall nevertheleſs be paid upon pain of forfeiture of ſuch whole cloth, or the value thereof.

The Aulnegers fee ſhall be paid before the cloth be ſold.

And be it further enacted, That if any Clothier or Cloth-maker, do after the ſaid Feaſt, put any cloth or Kerſie to ſale, before he ſhall have paid to the Aulneger or his deputy, the accuſtomable fee, or agree for the ſame, as he, ſhe or they have been accuſtomed, ſhall loſe and forfeit for every default twenty ſhillings.

No cloth ſhall be tranſported before the Aulnegers and owners ſeal be ſet to it.

And be it further enacted, That no perſon or perſons, Engliſh, Denizen, Alien or ſtranger, ſhall after the ſaid Feaſt carry or tranſport, or cauſe to be carried or tranſported into any of the parts beyond the ſea, any cloth, Kerſie, Frize or Cotton, of the ſeveral ſorts above recited, unleſs the Kings ſeal, or Aulnegers ſeal of this Realm, and the ſeal of the owner or maker of the cloth, (declaring therein the length of the cloth as it ſhall be in the water) be ſet upon every ſuch cloth, upon pain to forfeit every ſuch cloth lacking the ſame ſeals, or any of them, or the value thereof.

Every retailer ſhall try his cloth, and preſent that which is faulty.

And be it further enacted by the authority aforeſaid, That no Draper, Merchant-taylor, Cloth-worker, or other perſon, which ſhall retail any of the clothes or Kerſies, Frizes, Rugs or Cottons of the ſeveral makings aforeſaid, ſhall after the ſaid Feaſt put to ſale any of the clothes afore mentioned, whereunto the Aulneger ſhall have ſet to the Kings ſeal, and the owner his ſeal, till ſuch time as he or they have made tryal, as well by the water, as by the weight and meaſure, whether they and every of them ſhall be made according to the purport and true meaning of this Act, or no.

And if any perſon or perſons ſhall find any defective or faulty cloth in length, weight or meaſure, made contrary to the order aforeſaid, That then he or they ſhall preſent every ſuch cloth to every Mayor, Bayliff, or other head Officer or head Officers of every City, Borough, or Town-corporate, or to two Juſtices of Peace next adjoyning out of a City, Borough, or Town-corporate, where ſuch cloth ſhall be found faulty, as is aforeſaid, to the intent the ſame cloth may be cut into three equal parts and pieces: The one piece thereof to be forfeited to our Sovereign Lord the King, another piece to be to the preſenter thereof, and the third part reſidue to ſuch perſon or perſons, as it ſhall then be preſented to, upon pain that every ſuch perſon as ſhall not ſo ſearch every of the clothes, Kerſies, Cottons or Frizes aforeſaid, ſo by him to be bought and ſold, and ſhall not ſeiſe and preſent ſuch cloth or clothes, as he or they ſhall find defective, as is aforeſaid, ſhall forfeit and loſe the double value of every ſuch cloth.

The Clothier ſhall repay his money to the buyer of faulty Cloth.

And be it further enacted, That every Clothier or other perſon whatſoever, which ſo ſhall ſell any ſuch faulty Kerſie, Cotton or Frize, whereunto the Aulneger and the owner ſhall have ſet to their ſeals, and ſhall ſo be ſealed as is aforeſaid, ſhall within fourteen days next after requeſt made in writing, meſſage, or otherwiſe, by ſuch perſon which ſhall ſo buy ſuch cloth, make payment of ſuch ſums of money as he received for the ſame, or ſhall otherwiſe ſatisfie, diſcharge and acquit him for ſo much money as he ſhall, or ſhould have received for the ſame, upon pain of forfeiture to the party grieved for every non-payment or not acquital, as is aforeſaid, the double value of the money ſo received, or to be received, the ſame to be recovered by bill, plaint, action of debt, or otherwiſe in any of the Kings Majeſties Courts of record, wherein no eſſoin, protection or wager of law ſhall be admitted or allowed.

Searching of Clothes.

And for the further avoiding of much untruth practiſed by ſtretching of clothes, be it enacted, That no perſon or perſons ſhall after the ſaid Feaſt, ſtrain or ſtretch, or cauſe to be ſtrained or ſtretched, any cloth above one yard in length, and one half quarter in breadth, upon pain to forfeit for every ſuch default five pounds.

The penalty for uſing a tentor, with a wrinch, rope, or ring.

And be it further enacted, That no perſon which ſhall after the ſaid Feaſt keep, have, uſe, or occupy any tentor, ſhall have, uſe or occupy any wrinch, rope, or ring with the ſame tentor, or ſhall uſe any other engine unlawfully, to ſtrain or ſtretch any cloth or clothes, upon pain that every offendor that ſhall uſe or occupy any tentor, or other engine to the contrary, ſhall forfeit twenty pounds.

Tranſporting defective Cloth.
Alt. 4 & 5 P. & M. 5.
St. 43 El. 10.

And be it alſo enacted by like authority, That if any Merchant ſhall by any means tranſport or carry over into the parts beyond the ſea any Cloth, Kerſie, Frize or Cotton, which ſhall be found defective or faulty, either in length, breadth or weight, or elſe ſhall have any of the faults aforeſaid, That then the Merchant, or other perſon which ſhall ſo tranſport the ſame, ſhall return again the ſame Cloth ſo found defective, into England, at the coſts and charges of the Clothier or Cloth-maker that ſold the ſame: the ſame coſts and things to be recovered againſt ſuch Cloth-maker or Clothier, by action of debt, bill, plaint, or information in any of the Kings Courts; Any promiſe or bargain to the contrary notwithſtanding: Upon pain that every Merchant, or other perſon that ſhall not ſo return ſuch faulty or defective Cloth, (if through misfortune by tempeſts, pirats or enemies he be not letted) ſhall forfeit and loſe the value of the Cloth ſo ſhipped and tranſported, and not returned as is aforeſaid. The one moity thereof to the King, and the other moity to him that will ſue for the ſame by action of debt, bill, plaint or information, in which action no eſſoin, protection, or wager of law ſhall be admitted for the defendant.

And to the intent that it may be perfectly known which Clothes are perfectly dreſſed, dyed and preſſed with the cold preſs, without fraud, covin and deceit, as well within the City of London, as elſewhere, and have ſufficient workmanſhip:

Two Searchers ſhall be appointed in every City, Borough, &c. of Cloth, and their authority.
2 & 3 P. & M. 12.

Be it further enacted, That as well the Mayor of the City of London, and Aldermen, or moſt part of them for the time being, as all and every other Mayor, Bayliff, and other head Officer or Officers of every City, Borough, or Town-corporate within this Realm, ſhall have full power and authority by vertue of this Act, to nominate, depute and appoint from time to time, as occaſion ſhall ſerve, and ſhall ſo from time to time nominate, depute and appoint two or mo honeſt, diſcreet and expert perſons, which ſhall from time to time upon their Oaths, view and ſearch every ſuch Cloth and Clothes that ſhall be dreſſed, dyed or preſſed with the cold preſs within every ſuch City, Borough, Town-corporate, or Port-town, and view and ſearch whether the ſame Cloth and Clothes be well and ſufficiently dreſſed, and preſſed with the cold preſs, without putting thereto flocks, ſollace, chalk, flower, or any other deceitful thing, and alſo whether the ſame ſhall be well and ſubſtantially dyed with good and perfect colours, without any deceivable thing, or whether it ſhall be ſtretched or ſtrained any more then is above ſpecified: and ſhall have full power and authority by vertue of this Act, to enter into all and every perſons houſe or houſes, where they ſhall think meet to ſearch, and to ſeize all and every ſuch Cloth or Clothes, as they ſhall find defective in the premiſes, as forfeited, in whoſe hands ſoever they ſhall be found. The moity of which forfeiture ſhall be to the uſe of our Sovereign Lord the King, and the other moity to the uſe of the Mayor and Commonalty of the City of London, or to the uſe of every City, Borough, Town-corporate, Port-town, or Market-town, where the ſame ſhall be ſeized.

A remedy for the loſer where the Cloth is faulty.

And be it further enacted, That every perſon or perſons, in whoſe hands and poſſeſſion ſuch fedective or faulty Cloth, either by evil or deceivable dying, dreſſing or preſſing, as is aforeſaid, ſhall be found and ſeiſed, as is aforeſaid, ſhall have his, her, or their remedy by action of debt, bill, plaint, information, or otherwiſe, in any of the Kings Majeſties Courts of Record, wherein no eſſoin, protection, or wager of law ſhall be admitted or allowed for the defendant, againſt all and every ſuch perſon or perſons, by whoſe defaults or negligence ſuch Cloth ſhall ſo be found faulty, and ſhall thereby recover all ſuch coſts, loſſes and damages, as he ſhall ſuſtain by occaſion thereof.

A ſeal of Lead for a Town-corporate.

And be it further enacted by the ſame authority, That as well the ſaid Mayor of the City of London, as every other Mayor, Bayliff, Port-Rieve, or other head Officer of every City, Borough, Town-corporate, or Port-town, ſhall on this ſide the ſaid Feaſt, cauſe to be prepared a ſeal of Lead, wherein as well the Arms as the Name of every ſuch City, Borough, Town-corporate, and Port-town, ſhall be graven, which the ſame Searchers ſhall cauſe to be fixed to every Cloth that they ſhall find after the ſaid Feaſt, well and ſufficiently dreſſed, dyed and preſſed with the cold preſs, without any of the deceits aforeſaid, and ſhall have for their pains and travels therein to be taken, by the owner thereof, for the ſealing of every cloth two pence.

The ſeal of faulty cloth.

And be it further enacted, That if any Searcher or Searchers ſo to be appointed, do after the ſaid Feaſt find any of the clothes, being coloured or dyed, ſo made after the ſaid Feaſt, either cockely, purſie, bandy, ſqually or rowy, or evil burled, or waſted in the mill, or full of holes or bracks, That then the ſame ſearcher or ſearchers, ſhall beſides the ſeal of the City, Borough or Town-corporate, where the ſame cloth ſhall be found, put another ſeal of Lead at every end of the ſaid cloth, wherein ſhall be graven the letter F. and ſhall alſo ſet a mark in the liſt, right againſt ſuch place where any of the faults aforeſaid ſhall be, with the print of a letter, or mark of an inch compaſs at the leaſt, whereby every buyer may well know what and where the fault is.

Forfeiture where the ſeal is ſet to cloth not ſufficiently dreſſed.

And be it further enacted, That if any of the ſearchers aforeſaid ſhall ſet the ſeal of any City, Borough, Town-corporate, or Port-town, to any coloured cloth, which ſhall not be ſufficiently dreſſed, dyed, preſſed and wrought, as is aforeſaid, That then the Mayor and Commonalty, or Bayliffs or Commonalty, or other Corporation of the Townſhip, by whatſoever name or names they ſhall be incorporated, where ſuch cloth ſhall be ſealed, ſhall forfeit and loſe the whole value of the cloth ſo ſealed.

Forfeiture where the ſeal is ſet to faulty cloth.

And be it further enacted by the authority aforeſaid, That if any of the ſearchers aforeſaid, after the ſaid Feaſt, do ſet the ſeal of the City, Borough or Town-corporate, within the limits of their ſearch, to any cloth which ſhall be cockely, purſie, bandy, ſqually, rowy, evil burled, waſted in the mill, or full of holes, as is aforeſaid, and not ſet at every end of the ſaid clothes one ſeal with the letter F. as is aforeſaid, and alſo declare by the liſts, as is aforeſaid, what and where the faults of the clothes be: That then the Mayor and Commonalty, or other the Corporation of every ſuch Borough, City or Town-corporate, where ſuch ſearcher ſhall be appointed, ſhall forfeit and loſe for every ſuch omiſſion, or not ſetting to of any ſuch ſeal, as is aforeſaid, five pound.

Cloth retailed which is unſealed.

And be it further enacted, That no perſon or perſons whatſoever they be, which commonly uſe to retail cloth or kerſie, ſhall put to ſale in groſs or by retail, to any manner of perſon, any manner of cloth, which ſhall be made after the ſaid Feaſt, being dreſſed, dyed and preſſed, as is aforeſaid, except there be fixed thereunto at every end of the ſame cloth, the ſeal of ſuch City, Borough, or Town-corporate, where the ſame cloth ſhall be ſo dyed, dreſſed and preſſed, or the ſeveral ſeal of every ſuch City, Borough or Town-corporate, where it ſhall be dyed, dreſſed or preſſed, to remain at the laſt end of every the ſaid cloth which ſhall be ſold, during and by all the time that any piece or remnant of ſuch cloth is to be ſold, upon pain of forfeiture of the whole value of ſuch whole cloth.

The forfeiture of the chief Officer of a City, Borough, &c. for not appointing ſearchers.

And be it further enacted, That every Mayor, Bayliff, or other head Officer of any City, Borough or Town-corporate, in which any ſuch cloth or clothes after the ſaid Feaſt ſhall be made, dyed, dreſſed or preſſed with the cold preſs, as is aforeſaid, which doth not or ſhall not after the ſaid Feaſt of S. Michael, nominate and appoint from time to time ſo many ſearchers as ſhall be requiſite, to view and ſearch clothes upon their oaths, as is aforeſaid, ſhall loſe and forfeit for every default ten pound.

The penalty for refuſing to be a ſearcher.

And be it further enacted, That if any of the ſaid ſearchers ſo to be appointed by the Mayor, being a free man of the ſaid City, or by the Mayor, Bayliff, or other head Officer of any City, Borough or Town-corporate, as is aforeſaid, having no reaſonable excuſe, do refuſe to take upon him to be a ſearcher, and do not uſe the office of a ſearcher as is aforeſaid, ſhall forfeit and loſe for every ſuch refuſal, and not executing of his office ſo to him appointed, v.l. the one half thereof to be to the King our Sovereign Lord, and the other half to the uſe of the Commonalty of every City, Borough, or Town-corporate, where he ſhall be ſo aſſigned, and to remain in ward, till ſuch time as he hath made payment of the ſaid forfeiture, or otherwiſe put in ſufficient bonds for the ſatisfaction of the ſame.

No coloured cloth ſhall be put to ſale but theſe within named. REP. 21 Jac.28.St.4. & 5 P.& M.5.

And foraſmuch as there be now in this time many falſe and deceivable colours made in divers places of this Realm, whereby many of the Kings loving ſubjects are deceived: Be it enacted, That from and after the ſaid Feaſt of S. Michael the Archangel next coming, no perſon or perſons ſhall put to ſale by retail within this Realm, any cloth or clothes, which ſhall be made after the ſaid Feaſt, of any other colour or colours then is hereafter expreſſed: That is to ſay, Scarlet, Red, Crimſon, Murrey, Violet, Puke, Brown-blew, Blacks, Greens, Yellows, Blews, Orange-tauny, Ruſſet, Marble-gray, Sad new colour, Azure, Watchet, Sheeps-colour, Lyon-colour, Motley or Iron-gray, upon pain that every perſon offending to the contrary, ſhall loſe and forfeit the value of the cloth ſold by retail, which ſhall be of any other colour.

Preſſing of cloth.

And be it further enacted, That no perſon or perſons after the ſaid Feaſt of S. Michael the Archangel, ſhall preſs any kind of cloth with the hot preſs, or in any other kind of deceivable manner, but only with the cold preſs, as is above ſpecified upon pain of forfeiture of the whole cloth ſo preſſed contrary to the meaning of this ſtatute, or the value thereof.

Counterfeiting, ſetting to, or taking away ſeals.

And be it further enacted, That if any perſon or perſons, but ſuch as are appointed, aſſigned, and permitted by this Act, do at any time after the ſaid Feaſt counterfeit, ſet to, or take away from any of the Clothes, Kerſies, Frizes, Rugs, or Cottons aforeſaid, any of the ſeals ſo to be fixed as is above recited, That then every perſon ſo offending, ſhall for the firſt offence (being thereof duly convicted by verdict of twelve men, by two ſufficient witneſſes, or by confeſſion of the party) forfeit and loſe ten pound. And for the ſecond offence (being likewiſe thereof convicted) ſhall ſit on the Pillory, and loſe and forfeit to our Sovereign Lord the King, all ſuch his goods and chattels (his debts being duly and truly paid without fraud or covin) as he had, or ſhall have at the time of his conviction.

And be it further enacted, That if between the firſt day of May next coming, and the Feaſt of S. Michael the Archangel then next coming, any perſon or perſons which now doth uſe the art or myſtery of Draping or Cloth-making, ſhall give over Draping or Cloth-making, except he be licenſed ſo to do by three Juſtices of peace at the leaſt, of the City, County, Borough or Town-corporate where he dwelleth, upon ſome reaſonable cauſe ſhewed unto the ſaid Juſtices, ſhall never after take upon him to make or cauſe to be made any kind of cloth or kerſie, to ſell the ſame again, upon pain of forfeiture of every ſuch cloth or kerſie that he ſhall ſo ſell.

A Clothier ſhall not give over the making of cloth without licence.

And be it further enacted, That all and every article, clauſe or ſentence, in any Act of Parliament thereof made, concerning making, dying, dreſſing, preſſing, ſearching or ſealing any of yͤ kinds of clothes, broad or narrow, white or coloured, kerſies, frizes, rugs or cottons, heretofore in this Act mentioned, and being repugnant or contrariant to any article or ſentence in this Statute, ſhall from the Feaſt of S. Michael the Archangel next, be utterly void and of none effect, and to the intent that all ſuch clothes as ſhall be made within this Realm, or any other the Kings Dominions, after the ſaid Feaſt, ſhall be the better known from the other clothes made before the ſame.

A repeal of all former ſtatutes touching the making, dying & dreſſing, &c. of cloth.

Be it therefore enacted by the authority aforeſaid, That from and after the ſaid Feaſt, the letter E. crowned ſhall not be wrought into the cloth, for and by the ſpace of two years then next enſuing, upon pain of forfeiture of twenty ſhillings for every cloth or kerſie, wherein the ſaid letter E. ſhall ſo be wrought, the moity of all which forfeitures, and of all other forfeitures before expreſſed, and not otherwiſe appointed by this preſent Act, ſhall be to the King our Sovereign Lord, and the other moity to him or them that will ſue for the ſame by action of debt, detinue, bill, plaint or information in any of the Kings Courts of Record, wherein no wager of law, eſſoin or protection ſhall be admitted nor allowed for the defendant.

A mean to diſcypher faulty clothes by the want of the E. crowned. St. 3 & 4 Ed. 6. 2.

Who ſhall have the forfeitures, and by what means.

Provided alſo, and be it enacted by the authority abovesaid, That it ſhall not be lawful to any perſon or perſons, at any time after the Feaſt of S. Michael the Archangel next coming, to boil or cauſe to be boiled any kind of wolls, to be converted into any kind of broad-cloth or kerſie, with any kind of gauls, rindes, or barks of trees, or ſaw-duſt, upon pain to forfeit all ſuch woll, or the value thereof, to be recovered, and in ſuch form and ſort, as in the aforeſaid Act is limited and expreſſed.

No boyling of wolls.

Provided always, That this Act, nor any thing therein contained, ſhall not in any wiſe extend to any cloth or clothes made in the Town of Taveſtock in the County of Devonſhire, or elſewhere within the ſaid County, commonly called Taveſtock-clothes, but that it ſhall be lawful to all and every inhabitants of the ſaid Town, or makers of the ſaid clothes, commonly called Taveſtocks, to make and ſeal the ſame with the accuſtomed ſeal, as they have heretofore been accuſtomed; Any thing in this Act to the contrary in any wiſe notwithſtanding. St. 4 & 5 P. & M. 5. 27 El. 17. 4 Jac. 2.

Taveſtock clothes.

CAP. VII.

What perſons may buy and ſell wooll, and who not, and at what times. Rep. 21 Jac. 28. Stat. 18 Ed. 3. 3. 4 Ed. 4. 4. 4 H. 7. 11. 37 H. 8. 15. 1 Ed. 6. 6. 2 & 3 P. & M. 13.

CAP. VIII.

What perſons may weave or make woollen cloth.

BE it enacted by the aſſent of the Kings Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons within this Realm of England, Wales, or other the Kings Dominions, after the Feaſt of Saint Michael the Archangel next enſuing, ſhall weave or make, or put to weaving or making, any manner of broad woollen clothes to be ſold, unleſs that ſuch perſon or perſons that ſhall ſo weave or make, or put to weaving or making, the ſaid broad woollen cloth or clothes ſo to be made to be ſold, have been an apprentice to the occupation of broad woollen cloth making, or clothes weaving, or have been exerciſed and practiſed in and with Broad-cloth making or cloth weaving, by the ſpace of ſeven years at the leaſt, before the ſame perſon or perſons ſhall ſo take upon him or them to make or weave, or to put to weaving or making the ſaid broad woollen clothes, upon pain to forfeit all and every ſuch cloth and clothes ſo woven or made contrary to the form of this Act.

No perſon ſhall weave any broad woollen cloth, unleſs he hath been ſeven years apprentice.

The one half of which forfeiture ſhall be to our Sovereign Lord the King, and the other half to him or them that will or ſhall ſue for the ſame, by bill, plaint, action of debt or information, in any Court of Record, within this Realm of England or Wales: in which action, ſuit, plaint, bill or information, no eſſoin, protection or plea to the juriſdiction of the Court ſhall be allowed for the defendant. St. 1 M. 7. 4 & 5 P. & M. 5. 2 & 3 P. & M. 11.

CAP. IX.

No perſon robbing any houſe, &c. ſhall have the benefit of his Clergy.

WHere at the Parliament holden at Weſtminſter, by prorogation the three and twentieth year of the Reign of the late King of famous memory, King Henry the eighth, it was among other things then and there enacted, eſtabliſhed and ordained by authority of the ſame Parliament, That no perſon or perſons, which after that time ſhould happen to be found guilty, after the laws of this Realm, for any manner petty treaſon, or for any wilful murther of malice prepenſed, or for robbing of any Churches, Chappels, or other holy places, or for robbing of any perſon or perſons in their dwelling-houſes, or dwelling-places, the owner or dweller in the ſame houſe, his wife, his children or ſervants, then being within, and put in fear or dread by the ſame, or for robbing of any perſon or perſons in or near about the high-ways, or for wilful burning of any dwelling-houſes, or barns wherein any grain or corn ſhould happen to be, nor any perſon or perſons

23 H. 8. 1.

being found guilty of any abatement, procurement, maintaining or concealing of any, or to any ſuch pety treaſon, murthers or felonies, ſhould from thenceforth be admitted to the benefit of his or their Clergy, but utterly to be excluded thereof, and ſuffer death in ſuch manner and form, as they ſhould have done for any the cauſes or offences aboveſaid, if they were no Clerks, ſuch as be within the holy Orders, that is to ſay, of the Orders of Sub-deacon, or above, all onely excepted, as by the ſame Act among other things more plainly appeareth, which Act was made to endure until the laſt day of the next Parliament: and after that at the ſeſſion of the Parliament holden at Weſtminſter by prorogation, in the two and thirtieth year of the Reign of the ſaid late King, the ſame Act, with other Acts was made to continue for ever. 32 H.8.3.

Three ſeveral doubts and queſtions moved upon the Statute of 23 H.8.1.

Sithen the making of which Statute it hath been doubted, That if ſuch robberies and felonies have been committed and done in dwelling-houſes, and dwelling-places, the owner or dweller in the ſame houſe, his wife, his children or ſervants, being then put in fear or dread by the ſame, ſhall not loſe the benefit of their Clergy, if the offendors be therein found guilty by the laws of this Realm, unleſs the ſame robbery or felony be committed and done in the very chamber, houſe or place, where the owner or dweller in the ſame houſe, his wife, children or ſervants, ſhall happen to be or lye at the time of ſuch robbery and felony committed and done, and put in fear and dread, although the owner and dweller in ſuch houſe and houſes, his wife, his children or ſervants, at the time of ſuch robbery and felony committed and done, were or lay in other places within the precinct of the ſame dwelling houſes, nigh unto the houſe or place where ſuch robbery and felony ſhall happen to be done. Or if it happen that the owner or dweller within the ſame houſe, where ſuch robbery and felony ſhall happen to be done, his wife, children or ſervants to be aſleep, at the time of ſuch robbery and felony committed and done, although the ſame robbery were done in the chamber or place where the owner or dweller in the ſame houſe, his wife, children or ſervants then lay, the offendors being found guilty thereof, according to the laws of the Land, ſhould not loſe the benefit and advantage of their Clergy.

And where alſo it hath been in queſtion and doubted, That if ſuch robberies and felonies happen to be committed and done in any booth or booths, tent or tents, in any fair or market, the owner of the ſame, his wife, children or ſervants happening to be within the ſame, at the time of the committing of ſuch felonies, and put in fear and dread, the offendors therein being found guilty after the laws of this Realm, ſhould not loſe the benefit of their Clergy.

For the true declaration and explication of the ſame doubts or queſtions before recited, be it enacted, ordained and eſtabliſhed by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if it happen any perſon or perſons to be found guilty according to the laws of this Realm, for robbing of any perſon or perſons after the firſt day of May next enſuing, in any part or parcel of their dwelling-houſes, or dwelling-places, the owner or dweller in the ſame houſe, or his wife, his children or ſervants being then within the ſame houſe or place, where it ſhall happen the ſame robbery and felony to be committed and done, or in any other place within the precinct of the ſame houſe or dwelling-place, that ſuch offendors ſhall in no wiſe be admitted to their [d] Clergy, whether the owner or dweller in the ſame houſe, his wife or children then and there being, ſhall be waking or ſleeping.

Burglary the owner, &c. being in another part of the houſe, or aſleep.

And that no perſon or perſons which after the ſaid firſt day of May ſhall happen to be found guilty, after the laws of this Realm, of and for robbing any perſon or perſons, in any booth or tent, in any Fair or Market, the owner, his wife, his children or ſervants, or ſervant then being, within the booth or tent, ſhall not from henceforth be admitted to the benefit of his or their Clergy, but utterly be excluded thereof, and ſuffer death in ſuch manner and form, as is before mentioned in the ſaid act, made in the ſaid three and twentieth year of the Reign of the ſame late King, for robberies and felonies committed and done in dwelling-houſes, and dwelling-places, the owner or dweller in the ſame, his wife, children or ſervants then being within the ſame, and put in fear and dread, without having any reſpect or conſideration whether the owner or dweller in ſuch booths and tents, his wife, children or ſervants being in the ſame booths or tents at the time of ſuch robberies and felonies committed, ſhall be ſleeping or waking.

Burglary in a tent or booth, in a Fair or Market.

CAP. X.

Such as rob in one Shire, and fly into another, ſhall not have their Clergy.

25 H.8.3.

25 H.8.1.

Where in the Parliament holden at Weſtminſter, upon prorogation the xv. day of January, in the xxv. year of the Reign of our late Sovereign Lord, King Henry the eighth: It is recited, that at the Parliament holden at Weſtminſter, in the xxiii. year of the Reign of the ſaid late King, amongſt other things it was ordained, eſtabliſhed and enacted, That no perſon nor perſons, which after that time ſhould happen to be found guilty after the laws of this Land, of any manner of petit Treaſon, or for any wilful murder of malice prepenſed, or for robbing of any Churches, Chappels, or other holy places, or for robbing of any perſon or perſons in their dwelling-houſes, or dwelling-place, the owner or dweller in the ſame houſe, his wife, his children or ſervants then being within, and put in fear and dread by the ſame, or for robbing of any perſon or perſons, in or near about the high-way, or for wilful burning of any dwelling-houſes or barns, wherein any grains of corn ſhould happen to be, nor any perſon or perſons, being found guilty of any abetment, procurement, helping, maintaining or concealing of, or to any ſuch pety Treaſon, murders or felonies ſhould from thenceforth be admitted to the benefit of his or their Clergy, but ſhould utterly be excluded thereof, and ſuffer death in ſuch manner and form, as they ſhould have done for any the cauſes or offences aboveſaid, if they were no Clerks, which act extended but only where ſuch offendor was convicted in ſuch County or place, where ſuch offence was ſo committed and done, and not where he or they did ſuch offence in one County, and were taken with the manner in another County. Wherefore it was conſidered, That foraſmuch as divers and many felons and robbers, that commit and do divers and many great hainous robberies and burglaries in one Shire, and convey the ſpoil and robbery into any other Shire, and there be taken, indicted, and arraigned of felony, of the felonious ſtealing of the ſame goods in the ſame other Shire, then where the ſame robberies or burglaries were done and committed, and not of the ſame robbery nor burglary, for that it was not done nor committed in the ſame Shire where they be ſo indicted and arraigned, and that by reaſon thereof ſuch felons, robbers and burglarors had and enjoyed the priviledge and advantage of their Clergy.

For redreſs whereof, it was enacted in the ſaid Parliament, holden in the ſaid five and twentieth year of the ſaid late King, That if any perſon or perſons after that time, after ſuch robbery or burglary, by him or them done in any one County, ſhould be indicted of felony for ſtealing of any goods or chattels, in any other County within this Realm, and thereupon arraigned and found guilty, or ſtand mute of malice, or challenge peremptorily above the number of twenty perſons, or would not upon his or their ſaid arraignment directly anſwer to the ſame felony, That then the ſame perſon and perſons ſo arraigned and found guilty, or ſtanding mute of malice, or challenging peremptorily above the number of twenty perſons, or that would not directly anſwer to the law, ſhould loſe and be put from the benefit of his or their Clergy, in like manner and form as they ſhould have been, if they had been indicted, arraigned and found guilty in the ſame County where ſuch robbery or burglary, as is aforeſaid, was done or committed, if it ſhould appear to the Juſtices before whom any ſuch felons or robbers ſhould be arraigned by evidence given before them, or by examination, that the ſame felons and burglarors ſhould have been put from their Clergy in caſe they had been indicted, arraigned and found guilty in the ſame County, where the ſame robberies or burglaries were committed or done, as in the ſame ſtatute made in the ſaid five and twentieth year, among other things more plainly appeareth.

And where in the Parliament holden at Weſtminſter, the fourth day of November, in the firſt year of the Reign of our Sovereign Lord the King that now is: It is ordained and enacted amongſt other things, That no perſon or perſons, that before that time had been, or at any time hereafter ſhould be in due form of the laws attainted or convict of murther, of malice prepenſed, or of poyſoning of malice prepenſed, or of breaking of any houſe by day or by night, any perſon being then in the ſame houſe where the ſame breaking had been, or after that time ſhould be committed, being put in fear or dread, or of, or for robbing of any perſon or perſons in the high-way, or near the high-way, or for felonious ſtealing of horſes, geldings, or mares, or of felonious taking of any goods out of any Pariſh-Church, or other Church or Chappel, or being indicted or appealed of any of the ſame offences, and thereupon found guilty by verdict of xii. men, or ſhould confeſs the ſame upon his or their arraignment, or would not anſwer directly according to the laws of this Realm, or ſhould ſtand wilfully or of malice mute, ſhould not be admitted to have or enjoy the priviledge or benefit of his or their Clergy or Sanctuary, but ſhould be put from the ſame.

Wherein the ſtatute made 1 Ed. 6. 12. doth take away the force of the ſtatute of 25 H. 8 3.

And that in all other caſes of felony, other then ſuch as be before mentioned, all and ſingular perſon and perſons, which after the firſt day of March then next following, ſhould be arraigned or found guilty upon his or their arraignment, or ſhould confeſs the ſame, or ſtand mute in form aforeſaid, or would not anſwer directly in form abovesaid, ſhould have and enjoy the priviledge and benefit of his or their Clergy, and the liberty and priviledge of Sanctuary, in like manner and form as he or they might or ſhould have done, before the xxiv. day of April, in the firſt year of the Reign of the ſaid late King Henry the eighth, as in the ſaid act made in the ſaid firſt year, among other things more plainly appeareth. By reaſon of which article and clauſe, contained in the ſaid act made in the ſaid firſt year, the ſaid ſtatute made in the ſaid xxv. year of the ſaid late King, which did put ſuch felons and burglarors from their Clergy, that do ſuch offence in one County, and after are taken with the goods ſtollen in another County, and there indicted, arraigned, and found guilty, was made void. By reaſon whereof divers and many perſons that ſithen the ſaid firſt year, have committed ſuch robberies and burglaries in one County, and after have been taken with the manner in another County, and there indicted, arraigned, and found guilty, have had and enjoyed their Clergy, which they would not have had in caſe the ſaid act made in the ſaid xxv. year had ſtood in force, to the great bolding and comfort of ſuch offendors. For redreſs whereof from henceforth to be had, be it enacted by the authority of this preſent Parliament, That the ſaid act made in the ſaid xxv. year, touching the putting of ſuch offendors from their Clergy, and every article, clauſe and ſentence contained in the ſame, touching [a] Clergy, ſhall from henceforth, touching ſuch offences, from henceforth to be committed and done, ſtand, remain and be in full ſtrength and vertue, in ſuch manner and form, as it did before the making of the ſaid act, made in the ſaid firſt year of the Reign of our ſaid Sovereign Lord the King that now is; Any clauſe, article or ſentence compriſed in the ſaid act made in the ſaid firſt year, to the contrary thereof notwithſtanding.

The ſtatute of 25 H. 8.3. ſhall ſtand in force, notwithſtanding a clauſe compriſed in the ſtatute of 1 Ed. 6. 12.

CAP. XI.

An Act for the puniſhment of divers kinds of Treaſons.

IT ſhall be high Treaſon for any perſon directly to affirm by writing, printing, painting, carving or graving, that the King is an heretick, ſchiſmatick, tyrant, infidel, or uſurper of the Crown: or rebelliouſly to detain from the King any of his caſtles, or holds, or any of his ſhips, ordnance, artillery, or other fortifications of war. EXP. & REP. 1 M. 1.

And over that, be it enacted by the authority aforeſaid, That if any of the Kings ſubjects, Denizens or other, do commit or practice out of the limits of this Realm, in any [b] outward parts, Before whom treaſons committed out of the Realm ſhall be tried. St. 26 H. 8. 13. 35 H. 8. 2.

parts, any the offences which by this act are made, or heretofore, now ſtanding in force, have been made treaſon, That then ſuch treaſons, whatſoever they be, or whereſoever they ſhall happen ſo to be done or committed, ſhall be enquired, and preſented by the oaths of twelve good and lawful men, upon good and probable evidence and witneſs, in ſuch Shire and County of this Realm, and before ſuch perſons as it ſhall pleaſe the King, his ſaid heirs or ſucceſſors to appoint by Commiſſion under his great Seal, in like manner and form as treaſons committed within this Realm, have been uſed to be enquired of, and preſented. And that upon every indictment and preſentment founden and made of ſuch treaſons, and certified into the Kings Bench like proceſs, and other circumſtance ſhall be there made and had againſt the offendors, as if the ſame Treaſon ſo preſented, had been lawfully found to be done and committed within the limits of this Realm.

Proceſs of outlawry awarded againſt an offendor in treaſon, being out of the Realm. St. H. 8. 13.

And that all proceſs of outlawry hereafter to be made and had within this Realm, againſt any offendors in Treaſon, being reſiant or inhabitant out of the limits of this Realm, or in any the parts beyond the ſea, at the time of the [c] outlawry pronounced againſt them, ſhall be as good and effectual in the law, to all intents and purpoſes, as if any ſuch offendors had been reſident and dwelling within this Realm at the time of ſuch proceſs awarded, and outlawry pronounced.

The party outlawed yieldeth himſelf to the Chief Juſtice of England.

Provided alway, and be it enacted by the authority aforeſaid, That if the party ſo hereafter to be outlawed, ſhall within one year next after the ſaid outlawry pronounced, or judgement given upon the ſaid outlawry, yield himſelf unto the Chief Juſtice of England for the time being, and offer to traverſe the indictment or appeal, whereupon the ſaid outlawry ſhall be pronounced, as is aforeſaid, That then he ſhall be received to the ſaid traverſe, and being thereupon found not guilty by the verdict of twelve men, he ſhall be clearly acquitted and diſcharged of the ſaid outlawry, and of all penalties and forfeitures by reaſon of the ſame, in as large and ample manner and form, as though no ſuch outlawry had been made; Any thing herein contained to the contrary in any wiſe notwithſtanding.

Forfeiture by attainder of treaſon of lands in fee-taile.

And be it further enacted by the authority aforeſaid, That every offendor or offendors, being hereafter lawfully convict of any manner of high Treaſon, by preſentment, confeſſion, verdict or proceſs of outlawry, according to the due courſe and cuſtom of the laws of this Realm, ſhall loſe and forfeit to the Kings Highneſs, his heirs and ſucceſſors aforeſaid, all ſuch lands, tenements, and hereditaments, which any ſuch offendor or offendors ſhall have of any eſtate of [d] inheritance in his own right, in uſe or poſſeſſion within this Realm of England, or elſewhere within any the Kings Dominions, at the time of any ſuch Treaſons committed, or any time after.

Within what time, and before whom the offendor muſt be accuſed.

And it is further enacted by the authority aforeſaid, That no perſon or perſons ſhall in any wiſe be impeached for any of the offences aboveſaid, committed onely by open preaching or words, unleſs the offendor or offendors be thereof accuſed within three moneths next after the ſame open preaching and words, and that the ſame accuſation or accuſations be had, made and declared to one of the Kings Councel, or to one of the Kings Juſtices of Aſſiſe, or elſe to one of the Kings Juſtices of the Peace, being of the Quorum, or to two Juſtices of the Peace within the Shire where the ſame offence or offences ſhall happen to be done or committed: Any thing contained in this act to the contrary thereof in any wiſe notwithſtanding.

Concealment of high treaſon is miſpriſion of treaſon.

Provided alſo, and be it declared and enacted by the authority aforeſaid, That concealment or keeping ſecret of any high Treaſon, be deemed and taken only miſpriſion of Treaſon, and the offendor therein to forfeit and ſuffer, as in caſes of miſpriſion of Treaſon, as heretofore hath been uſed; any thing above mentioned to the contrary notwithſtanding.

No perſon ſhall be attainted of treaſon, but upon the teſtimony of two lawful accuſers.

Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons, after the firſt day of June next coming, ſhall be indicted, arraigned, condemned, convicted or attainted, for any of the treaſons or offences aforeſaid, or for any other treaſons that now be, or hereafter ſhall be, which ſhall hereafter be perpetrated, committed or done, unleſs the ſame offendor or offendors be thereof accuſed by two lawful accuſers, which ſaid accuſers, at the time of that arraignment of the party accuſed, if they be then living, ſhall be brought in [e] perſon before the party ſo accuſed, and avow and maintain that that they have to ſay againſt the ſaid party, to prove him guilty of the treaſons or offences contained in the bill of indictment laid againſt ye party arraigned, unleſs ye ſaid party arraigned ſhall willingly without violence confeſs ye ſame.

The right of others ſaved.

Saving to every perſon and perſons, their heirs and ſucceſſors, other then the offendors and their heirs, and ſuch perſon and perſons as claim to any their uſes, all ſuch rights, titles, intereſt, poſſeſſions, leaſes, rents, reverſions, offices, and other profits which they or any of them ſhall have at the day of committing ſuch treaſons, or at any time after, in as large and ample manner, as if this act had never been had nor made.

The wife ſhall loſe her dower where the husband is attainted of treaſon. St. 1 Ed. 6. 12.

Provided alſo, and be it enacted by the authority aforeſaid, That the wife or wives, whoſe husband or husbands hereafter ſhall be attainted of [f] treaſons ſpecified in this act, or of any other treaſons whatſoever they be, ſhall in no wiſe be received, to ask, challenge, demand, or have dowry of any the lands, tenements, or hereditaments of any the perſon or perſons to be attainted of treaſon, as is aforeſaid, during the ſaid attainder in his force; Any thing before mentioned to the contrary in any wiſe notwithſtanding.

CAP. XII.

The marriage of Prieſts and other Spiritual perſons ſhall be adjudged lawful.

2 & 3 Ed. 6. 21.

ALbeit that at the Seſſion of this Parliament holden by Prorogation at Weſtminſter the fourth day of November, in the ſecond year of the Reign of the Kings Majeſty that now is, it was ordained and enacted by Authority of the ſame Parliament, That all and every Law and Laws poſitive, Canons, Conſtitutions and Ordinances before that, made by the authority of man onely, which then did prohibit and forbid Marriage to any eccleſiaſtical and ſpiritual perſon or perſons, of what eſtate, condition or degree they then were, or by what name or names ſoever they then were called, which by Gods law might lawfully marry, and all and every article, branch and ſentence, concerning onely the prohibition for the marriage of the perſons aforeſaid, ſhould be utterly void and of none effect: And that all manner of forfeitures, pains, penalties, crimes or actions, which were in the ſaid laws contained, or of the ſame did follow, concerning the prohibition for the marriage of the perſons aforeſaid, ſhould be clearly and utterly void, fruſtrate, and of none effect, to all intents, conſtructions and purpoſes, as well concerning marriage afore that time made by any of the eccleſiaſtical or ſpiritual perſons aforeſaid, as alſo ſuch which hereafter ſhould be duly and lawfully had, celebrated and made betwixt the perſons which by the laws of God might lawfully marry: Yet ſince the making of the ſaid Act, divers evil diſpoſed perſons perverſly taking occaſion of certain words and ſentences in the ſame Act compriſed, have and do untruly and very ſlanderouſly report of Prieſts matrimony, ſaying that the ſame ſtatute is but a permiſſion of Prieſts matrimony, as Uſury and other unlawful things be now permitted, for the eſchewing of greater inconvenience and evils, ſo that thereby the lawful matrimony of Prieſts, in the opinion of many, and the children procreate and born in ſuch lawful matrimony, rather be of a greater number of the Kings ſubjects accounted as Baſtards, then lawfully born, to the great ſlander, peril, and diſheriſon of ſuch children. Which untrue, ſlanderous report of holy matrimony, doth not only redound to the high diſhonour of Almighty God, but alſo to the Kings Majeſties diſhonour, and his high Court of Parliament, and the learned Clergy of this Realm, who have determined the ſame to be moſt lawful by the law of God, in their Convocation, as well by the common aſſent, as by the ſubſcription of their hands. And that moſt of all is to be lamented, through ſuch uncomly railings of Matrimony, and ſlanderous reproaches of the Clergie, the Word of God is not heard with reverence, followed with diligence, the godly proceedings of the Kings Majeſty not received with due obedience, and thereby the wealthy men of this Realm diſcouraged to nouriſh and bring up their Children in Learning, ſo as it is to be feared, leſt in place of good learning and knowledge, ſhall creep in ignorance, and for learned men, unlearned ambitious men and flatterers, to the great diſpleaſure of Almighty God, and to the peril of the whole ſtate of Gods true Religion within this Realm, if ſpeedy remedy be not provided herein.

The matrimony of Prieſts, and other ſpiritual perſons ſhall be adjudged lawful.

Therefore it is Enacted by the King our Sovereign Lord, with the Aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame Parliament; That the Matrimony of all and every Prieſt, and other Eccleſiaſtical and Spiritual perſon and perſons heretofore had, celebrated and made, and the Matrimony of every Prieſt, and other Eccleſiaſtical and Spiritual perſon, which ſhall hereafter duly be had, celebrated and made, ſhall be adjudged, deemed and taken for true, juſt and lawful Matrimony, to all intents, conſtructions and purpoſes. And that all and every children and child, born in any ſuch Matrimony, ſhall be deemed, judged, reputed, and taken, to all intents conſtructions and purpoſes, to be born in lawful Matrimony, and to be legitimate, and inheritable to lands, Tenements, and other hereditaments, from and by any of their fathers, mothers, and other anceſtors, in like manner and form, to all intents, conſtructions and purpoſes, as any other children, born in lawful Matrimony betwixt any of the Kings lay Subjects be inheritable, and that by the Authority aforeſaid, as well all and every Prieſt, and other Eccleſiaſtical and Spiritual perſon and perſons, be and ſhall be enabled to be tenants by the courteſie, after the death of their wives, of ſuch lands, tenements, and other hereditaments as their wives ſhall happen to be ſeiſed of, of eſtate in fee-ſimple, or eſtate in fee-tail general, during the ſpouſals; as alſo every wife of every ſuch Prieſt and other Eccleſiaſtical perſon, ſhall be enabled to claim, demand, have and enjoy dower of the lands, tenements, and other hereditaments, whereof her husband during the eſpouſals between them, was ſeiſed of eſtate in fee-ſimple, or fee-tail general in his own right, in like manner and form, to all intents, conſtructions and purpoſes, as any other husband or wife may or might claim, demand, have or enjoy: any law, ſtatute, ordinance, canon, conſtitution, preſcription or cuſtom, had, made, exerciſed or uſed in this Realm, to the contrary in any wiſe notwithſtanding.

Prieſts children ſhall be legitimate, and inherit their anceſtors lands.

Prieſts ſhall be tenants by the courteſie, and their wives endowable of their lands.

Asking in the Church.

Provided alway, That this Act, nor any thing therein contained, ſhall extend to give liberty to any perſon to marry without asking in the Church, or without the Ceremonies according to the Book of Common-Prayer and Adminiſtration of the Sacraments, nor ſhall make any ſuch Matrimony already made, or hereafter to be made good, which are prohibited by the law of God for any other cauſe.

Divorces already made.

Provided alſo, That this Act, or any thing therein contained, ſhall extend to alter, change, revoke, repeal, or otherwiſe to diſannul any decree, judgment or ſentence of divorce heretofore had or made, or to change or alter the poſſeſſion or inheritance of any lands or tenements already deſcended: but that they and every of them ſhall remain, continue, and be of ſuch like force, effect, ſtrength and degree, to all intents, conſtructions and purpoſes, as they were before the making of this Act: this Act, or any thing therein contained to the contrary in any wiſe notwithſtanding. REP. 1 M. 2. 1 Jac. 25. revived.

CAP.

CAP. XIII.

Every religious perſon ſhall be inheritable to his Anceſtor, only from the time of his deraignment.

31 H.8,6.

WHere by an Act of Parliament made the one and thirtieth year of the reign of the moſt noble Prince of famous memory, King Henry the eighth, for and concerning the enablement of profeſſed and religious perſons to purchaſe to them and to their Heirs, in fee-ſimple, fee-tail, for term of life, for years or at will, manors, lands, tenements, rents, annuities, and other hereditaments and things whatſoever: and that they and every of them ſhould or might from thenceforth uſe and exerciſe, receive, take, have and enjoy all and every lawful thing and things to be grown, fallen or happened to them or any of them after the ſame deraignment or departing out of religion. And in which ſaid Act of Parliament, there is a Proviſo contained, that none of the ſame religious perſons ſhould or might at any time after the making of the ſame Act, be taken, deemed, or judged for, or as heir or heirs, or inheritable to any perſon or perſons, to any purpoſe, reſpect, conſtruction, or intent in the law, as by the ſame Act among other things therein contained, more fully at large it may and doth appear.

And foraſmuch as ſith the time of the making of the ſaid Act, there hath been certain ambiguities and doubts grown and ariſen, and hereafter are like to grow and ariſe, upon the expoſition of the ſaid Act, whether the ſaid late religious and profeſſed perſons ſhould or might be adjudged able to inherit, and to be inheritable as heir or heirs to any of his or their anceſtor or anceſtors, and to have and enjoy all and every thing and things deſcended, grown, fallen, or happened to them or any of them after the ſaid deraignment or departing out of religion, yea or no:

Every religious perſon ſhall be adjudged inheritable to his anceſtor only from the time of his deraignment.

For the full and plain declaration whereof, be it enacted, declared and expounded by this preſent Parliament, & by the authority of the ſame, That all and every of the ſame late religious and profeſſed perſon & perſons, ſhall and may by authority of this Act, be enabled to all intents, conſtructions & purpoſes, at all time and times hereafter, to be taken, deemed and judged, as heir or heirs, and inheritable to all and every their anceſtor or anceſtors, and to have, challenge or enjoy, receive and take all manors, lands, tenements and hereditaments, and to every other thing and things to them or any of them fallen, come, grown, or deſcended from any their anceſtors, by any manner of ways, ſince the time of their ſeveral deraignments, or departing out of their Religion, in as ample and large manner, form and condition, as they had never been profeſſed, nor entred into religion, the ſame profeſſion or religion, or any law, cuſtom or uſe within this Realm, to the contrary thereof in any wiſe notwithſtanding.

No religious perſon ſhall inherit by force of any former right grown before his deraignment.

Provided always, and be it further enacted by the authority aforeſaid, that none of the ſaid religious perſons, ſhall or may by vertue of this act, at any time hereafter be taken, deemed or judged for heir or heirs, or inheritable to any perſon or perſons, to any conſtruction and intent in the Law, by reaſon of any former right, title, intereſt, matter or cauſe, had, made, done, deſcended or grown to any reſpect or purpoſe, before their ſaid ſeveral deraignments or departing out of their religion: Any thing before in this Act or in the ſaid former Act, contained in the contrary hereof in any wiſe notwithſtanding.

CAP. XIV.

Who ſhall be judged a Fore-ſtaller, who a Regrator, and who an Ingroſſer; and the puniſhment of them.

Statutes made againſt foreſtallers, Stat. 31 Ed.1. 25. Ed 3.3. 2 R.2.2.

ALbeit divers good Statutes heretofore have been made againſt Foreſtallers of Merchandiſes and Victuals: yet for that good laws and ſtatutes againſt Regrators and Ingroſſers of the ſame things have not been heretofore ſufficiently made and provided, and alſo for that it hath not been perfectly known what perſon ſhould be taken for a Foreſtaller, Regrator, or Ingroſſor, the ſaid ſtatutes have not taken good effect, according to the minds of the makers thereof: Therefore be it enacted and declared by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That whatſoever perſon or perſons, that after the firſt day of May next coming, ſhall buy or cauſe to be bought, any merchandiſe, victual, or any other thing whatſoever, coming by land or by water, toward any Market or Fair to be ſold in the ſame, or coming toward any City, Port, Haven, Creek, or Rode of this Realm, or Wales, from any parts beyond the Sea to be ſold, or make any bargain, contract or promiſe, for the having or buying of the ſame, or any part thereof, ſo coming as is aforeſaid, before the ſaid merchandiſe, victuals, or other things, ſhall be in the Market, Fair, City, Port, Haven, Creek, or Rode, ready to be ſold: or ſhall make any motion by word, letter, meſſage, or otherwiſe to any perſon or perſons, for the inhaunſing of the price, or dearer ſelling of any thing or things above mentioned, or elſe, diſſwade, move, or ſtir any perſon or perſons coming to the Market or Fair, to abſtain or forbear to bring or convey any of the things above rehearſed, to any Market, Fair, City, Port, Haven, Creek, or Rode to be ſold, as is aforeſaid, ſhall be deemed and taken, and adjudged for a Fore-ſtaller.

Who ſhall be adjudged a Fore-ſtaller.

Cro.Jac.84. Cro.Car.13. 314.

Further be it enacted and declared by the authority aforeſaid, that whatſoever perſon or perſons that after the ſaid firſt day of May, ſhall by any means regrate, obtain, or get into his or their hands or poſſeſſion, in any Fair or Market, any Corn, Wine, Fiſh, Butter, Cheeſe, Candles, Tallow, Sheep, Lambs, Calves, Swine, Pigs, Geeſe, Capons, Hens, Chickens, Pigeons, Conies, or other dead victual whatſoever, that ſhall be brought to any Fair, or Market within this Realm, or Wales to be ſold, and do ſell the ſame again in any Fair or Market, holden or kept in the ſame place, or in any other Fair or Market within four miles thereof, ſhall be accepted, reputed and taken for a Regrator or Regrators.

Who ſhall be reputed a Regrator.

Who ſhall be taken an Ingroſſor.

And be it alſo enacted and declared by the authority aforeſaid, That whatſoever perſon or perſons, that after the ſaid firſt day of May ſhall ingroſs or get into his or their hands, by buying, contracting, or promiſe-taking, other then by demiſe, grant, or leaſe of land or tithe: any Corn growing in the fields, or any other Corn or Grain, Butter, Cheeſe, Fiſh, or other dead victuals whatſoever within the Realm of England, to the intent to ſell the ſame again, ſhall be accepted, reputed and taken an unlawful Ingroſſer, or Ingroſſors.

The puniſhment of the offendors aforeſaid for the firſt offence.

And if any perſon or perſons ſhall at any time after the ſaid firſt day of May, offend in any of the things before recited, and being thereof duly convicted or attainted by the Laws of this Realm, or after the form hereafter mentioned, ſhall for his or their firſt offence have or ſuffer impriſonment by the ſpace of two moneths, without bail or mainpriſe, and ſhall alſo loſe and forfeit the value of the goods, cattel and victual, ſo by him or them bought or had.

The puniſhment for the ſecond offence.

And if any perſon lawfully convicted or attainted of or for any the offences abovesaid, be thereof eftſoons lawfully convicted or attainted, that then every perſon or perſons ſo offending, ſhall have and ſuffer for his or their ſaid offence, impriſonment by the ſpace of one half year, without bail or mainpriſe, and ſhall loſe the double value of all the goods, cattel, and victual, ſo by him bought or had, as is aforeſaid.

The puniſhment for the third offence.

And if any perſon being lawfully twice convicted or attainted, of or for any of the ſaid offences, ſhall eftſoons offend the third time, and be thereof lawfully convicted or attainted, that then every ſuch perſon, for the ſaid third offence, ſhall be ſet on the Pillory in the City, Town or place where he ſhall then dwell and inhabit, and loſe and forfeit all the goods and cattel that he or they have to their own uſe, and alſo be committed to priſon, there to remain during the Kings Majeſties pleaſure.

To what retailing or other acts this Statute doth not extend. 13 El. 25.

Provided alway, and it is enacted and declared by the authority aforeſaid, That the buying of any ſuch Barley, Bigge or Oats, as any perſon or perſons (not foreſtalling) ſhall buy to convert into Malt or Oatmeal, in his or their own houſe or houſes, and ſo ſhall be converted indeed, Or the buying of any ſuch thing, by any ſuch Fiſhmonger, Butcher or Poulterer, as concern his or their own faculty, craft or myſtery (otherwiſe then by foreſtalling) which ſhall ſell the ſame again upon reaſonable prices by retail, Or the taking of any Cattel, Corn, Grain, Butter, Cheeſe, or any other thing above mentioned, reſerved without fraud or covin, upon any leaſe for term of life or lives, year or years, heretofore made, or hereafter to be made, Or the buying of any Wine or other dead victual above mentioned, being apt and meet for mans ſuſtenance, by any Inholder or other Victualler, to ſell the ſame by retail within his houſe, or to any of his neighbours for their ſuſtenance, for reaſonable prices, Or the buying of any dried or ſalted Fiſh, Herring, or Sprats, (not foreſtalled) and ſold for reaſonable prices, Or the buying of any Corn, Fiſh, Butter or Cheeſe, by any ſuch Badger, Lader, Kidder or Carrier, as ſhall be aſſigned and allowed to that office or doing, by three Juſtices of Peace of the Country where the ſaid Badger, Lader, Kidder or Carrier ſhall dwell, which ſhall ſell or deliver in open fair or market, or to any other Victualler, or to any other perſon or perſons, for the proviſion of his or their houſe or houſes, all ſuch Corn, Grain, Butter and Cheeſe, as any ſuch perſon ſhall buy or cauſe to be bought, and that within one moneth next after he ſhall ſo buy any ſuch Corn, Grain, Butter or Cheeſe, ſo that the ſame ſhall be bought without foreſtalling, Or elſe that any common proviſion made, or hereafter to be made without fraud or covin, by any perſon or perſons, of any of the things abovesaid, for any City, Borough, or Town corporate, or for proviſion of victualling of any Ship, Caſtle or Fort, within the Kings Dominions, without foreſtalling, which ſhall be employed onely to that uſe and purpoſe, Or the buying and providing of any of the victuals above mentioned, neceſſary and requiſite for the furniture and proviſion of the inhabitants of Calice, Guiſnes, and other the Marches of the ſame, or of the Town of Berwick, Holy Iſland, or the Marches of England againſt Scotland, which without fraud or covin ſhall be tranſported and conveyed as ſoon as wind and weather may ſerve, to ſuch of the places aforeſaid, for the which the ſame ſhall be ſo provided, ſhall not be in any wiſe deemed, adjudged, or taken any offence contrary to this Act.

Changing of ſeed corn.

And it is alſo further enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid firſt day of May next coming, having ſufficient Corn and Grain for the proviſion of his or their own houſe or houſes, and ſowing of their grounds, for one year to buy any Corn in any Fair or Market, for the change of his or their ſeed, and do not bring to the ſame Fair or Market the ſame day ſo much Corn as he ſhall fortune to buy for his ſeed, and ſell the ſame if he can, as the price of Corn then goeth in the ſaid Market or Fair, that then every ſuch perſon or perſons, ſo buying Corn for ſeed, ſhall forfeit and loſe the double value of the Corn ſo bought.

No perſon may ſell his cattel within five weeks after he bought them.

Or if any perſon or perſons after the ſaid firſt day of May, ſhall buy any manner of Oxen, Ronts, Steers, Kine, Heifers, Calves, Sheep, Lambs, Goats or Kids living, and ſell the ſame again alive, unleſs he or they do keep and feed the ſame, by the ſpace of five weeks, in his or their own houſes, ground, ferm ground, or elſe in ſuch ground or grounds where he or they have the herbage or common of paſture by grant or preſcription: That then every perſon or perſons ſo buying and ſelling again, ſhall loſe the double value of the cattel or things ſo bought and ſold again. The moity of all which forfeitures afore rehearſed ſhall be to the King, and the other moity to him or them that will ſue for the ſame in any of the Kings Courts of Record, by bill, plaint, action of debt or information, in the which bill, plaint, action, or information, no wager of Law, eſſoin or protection ſhall be admitted.

The Juſtice of Peace may enquire, hear and determine the offences aforeſaid.

Be it alſo further enacted by the authority aforeſaid, That the Juſtices of the Peace in every County within this Realm, or Wales, at their quarter Seſſions, ſhall have full power and authority by vertue of this Act, to enquire, hear and determine all and every the defaults and offences, perpetrated, committed or done, contrary to this Act, within the County where any ſuch Seſſions ſhall be kept, by inquiſition, preſentment, bill or information before them exhibited, and by examination of two lawful witneſſes, or by any of the ſame ways or means, by the diſcretion of the ſaid Juſtices, and to make proceſs thereupon, as though they were indicted before them by inquiſition, or by verdict of twelve men or more: and upon the conviction of the offendor, by information or ſuit of any other then the King, to make extracts of the one moity of the forfeitures to be levied to the Kings uſe, as they uſe to do of other fines, iſſues and amerciaments grown in the Seſſions of Peace, and to award execution of the other moity for the complainant, or informer againſt the offendor, by Fieri facias, or Capias, as the Kings Juſtices at Weſtminſter may do and uſe to do. And if any ſuch conviction or attainder ſhall hereafter happen to be at the Kings ſuit onely, that then the whole forfeitures to be extracted and levied to the Kings uſe onely.

But one puniſhment for one offence.

And it is further enacted by the authority aforeſaid, That whatſoever perſon ſhall at any time hereafter be puniſhed by vertue of this Act for any thing mentioned in this Act, that then the ſame perſon ſhall not otherwiſe be vexed, troubled, ſued, or put to any pain or puniſhment for that thing, wherefore he or they ſhall have been ſo puniſhed.

Tranſporting Corn, &c. from one part to another by licenſe of the Juſtices.

Provided always, and it is enacted by the authority aforeſaid, That it ſhall be lawful to every perſon or perſons, which ſhall be aſſigned and allowed by three Juſtices of the Peace of the County where he ſhall dwell thereunto, to buy (otherwiſe then by foreſtalling) Corn, Grain, or Cattel, to be tranſported or carried by water from any Port or place within this Realm, or Wales, unto any other Port or place, within the ſaid Realm or Dominions, if he or they ſhall without fraud or covin, ſhip or embark within fourty days next after he or they ſhall have bought the ſame, or taken covenant or promiſe for the buying thereof, and with ſuch expedition and diligence as wind and weather will ſerve to carry and tranſport the ſame to ſuch Port or place, as his or their Cockets ſhall declare: and there do diſbark, unlade and ſell the ſame, and do bring a true certificate thereof from one Juſtice of Peace of the County, or Mayor or Bailiff of the Town corporate where the ſame ſhall be unladen, and alſo of the Cuſtomer of the Port where ſuch unlading ſhall be, of the place and day where the ſaid Corn or Cattel ſhall be diſbarked, unladen and ſold, to be directed unto the Cuſtomer and Controller of the Port, where the ſame were embarked: any thing mentioned in this Act to the contrary notwithſtanding.

Every man may engroſs Corn being at theſe prices.

And over that, that at all times hereafter, when Wheat ſhall be commonly at the price of ſix ſhillings eight pence the quarter or under, Malt and Barley at three ſhillings four pence the quarter or under, Oats, or Oats malted at the price of two ſhillings the quarter or under, Peaſe or Beans at the price of four ſhillings the quarter or under, and Rye or Miſteline at the price of five ſhillings the quarter or under, (all which quarters ſhall be intended to be of London meaſure) that then it ſhall be lawful to every perſon and perſons (not foreſtalling) to buy, engroſs, and keep in his or their graneries or houſes, ſuch Corn of the kinds aforeſaid, as without fraud or covin ſhall be bought at or under the prices afore expreſſed: any thing in this Act to the contrary notwithſtanding.

Within what time the offendor muſt be ſued.

Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, extend not to charge any perſon or perſons, for any the offences above mentioned, unleſs he or they be ſued for the ſame, within two years next after ſuch offence done or committed: this Act to endure until the end of the next Parliament.

Regrating of freſh Fiſh.

Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful to all and every of the Kings Majeſties ſubjects, now dwelling and inhabiting, or that hereafter ſhall dwell or inhabit within one mile of the main Sea, to buy all manner of Fiſh, freſh or ſalted, (not foreſtalling the ſame) and to ſell the ſame again at reaſonable prices: this Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

Drovers of cattel licenſed by the Juſtices, may buy and ſell again.

Provided alſo, and be it enacted by the authority aforeſaid, That it ſhall be lawful to all and every perſon and perſons, known for a common Drover or Drovers, being licenſed, authoriſed and allowed in writing by three Juſtices of the Peace, whereof one to be of the Quorum of the County or Counties, where the ſame Drover or Drovers ſhall be moſt abiding and dwelling, to buy Cattel in ſuch Shires or Counties, where Drovers have been wont in times paſt accuſtomably to buy cattel at their free liberty and pleaſure, and to ſell the ſame, as is aforeſaid, at reaſonable prices in common Fairs and Markets, diſtant from the place or places, where he or they ſhall buy the ſame, fourty miles at the leaſt, ſo that the ſame cattel be not bought by way of foreſtalling: this Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

Provided always, That ſuch licenſe of Juſtices of Peace ſhall not endure above one year, unleſs the ſame be yearly renewed by ſo many Juſtices as is aforeſaid. 13 El. 25. made perpetual. Stat. 5 El. 5. 31 El. 5. 21 Jac. 22.

CAP. XV.

By what perſons, and for what purpoſes, tanned Leather may be bought and engroſſed.

The penalty for buying of tanned Leather to the intent to ſell the ſame again.

Where by the covetouſneſs of divers greedy perſons, regrating and engroſſing all kinds of tanned Leather into their hands, and ſelling the ſame again at exceſſive prices to Sadlers, Girdlers, Cordwainers, and ſuch other Artificers and Handicraftſmen, as make wares of tanned Leather, the Kings loving ſubjects are inforced to buy the ſaid wares at unreaſonable prices: For remedy and reformation whereof, be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May next coming, no perſon or perſons, of what eſtate, degree or condition ſoever he or they be, ſhall buy or ingroſs, or cauſe to be bought or ingroſſed, any kind of tanned Leather, to the intent to ſell the ſame again, upon pain to forfeit the ſaid Leather ſo bought, or the juſt price thereof. The one moity of which forfeiture ſhall be to the King our Sovereign Lord, and ths other moity to him or them that ſhall ſeiſe or ſue for the ſame in any of the Kings Courts of Record, by action of debt, bill, plaint, information, or otherwiſe, wherein no wager of law, eſſoin, protection or injunction ſhall be admitted or allowed for the defendant.

Sadlers, &c. may buy leather, &c. REP. 1 M. 8.

Provided always, and be it enacted by the authority aforeſaid, That all Sadlers, Girdlers, Cordwainers, and all other Artificers, ſuch as make Males, Bougets, Leather Pots, Tankerds, Barhides, or any other wares of leather, ſhall or may buy all ſuch kind of tanned leather, as is or ſhall be neceſſary for their occupying, to be wrought and made by them or by their ſervants, in or about the ſaid wares: any thing before mentioned in this Act to the contrary notwithſtanding.

Artificers may ſell their wombs, ſhreds, and necks.

Provided alſo, That every Girdler, and other Artificer before mentioned in this Act, may at his free will and pleaſure ſell their necks, wombs, and ſhreds of tanned leather, (ſuch as they or any of them cannot occupy about the wares they uſe to make) to any perſon or perſons, without incurring any forfeit, pain or penalty before expreſſed in this Act: any thing therein contained to the contrary notwithſtanding.

Buying of ſo much tanned leather as the party hath licence to tranſport.

Provided alſo, and be it further enacted by the authority aforeſaid, That it ſhall be lawful to or for every perſon or perſons, which now have, or hereafter ſhall have the Kings Majeſties ſpecial licence or licences, to tranſport, carry or convey over the Sea, any kind of tanned leather, to buy for the furniture of their ſaid licence or licences, in open Fair or Market, ſuch and ſo much tanned leather, as he or they be or ſhall be licenced to tranſport, carry or convey. So that the ſame licence or licences be preſented and ſhewed unto the chief Officer or Officers, that now have, or hereafter ſhall have the governance of any City, Town, Fair or Market, where the ſaid leather, or any part thereof ſhall be bought. And ſo that the ſaid Officer or Officers, ſeeing the ſame licence to be good and perfect, do juſtly and truly write upon the backſide of every ſuch licence or licences, how much tanned leather he or they ſhall there have bought, and the certain day, time and place of buying the ſame, that thereby it may manifeſtly appear, how and when every ſuch licence and licences be or ſhall be ſatisfied: any thing in this Act to the contrary notwithſtanding.

No perſon ſhall tranſport ſhoes, boots, &c.

And be it further enacted by the authority abovesaid, That after the ſaid firſt day of May next coming, no perſon or perſons ſhall ſhip, or cauſe to be ſhipped (to the intent to carry, tranſport or convey over the Seas, as merchandiſe to be ſold or exchanged there) any ſhoes, boots, buskins, ſtertups or ſlippers, upon pain to forfeit all and every ſuch ſhoes, boots, buskins, ſtertups or ſlippers, ſo ſhipped contrary to the true meaning of this Act, or the value of the ſame: the one moity of the ſaid forfeiture to be to the King our Sovereign Lord, and the other moity to him or them that ſhall ſeiſe or ſue for the ſame in any of the Kings Majeſties Courts of Record, by action of debt, bill, plaint, information, or otherwiſe: wherein no wager of law, eſſoin, protection or injunction ſhall be admitted or allowed for the defendant.

Rep. 5 El. 8. & 1 Jac. 22.

Provided always, and be it enacted by the authority aforeſaid, That this Act, ne any thing therein contained, ſhall not in any wiſe extend to be prejudicial or hurtful to any perſon or perſons being the Kings ſubjects, for tranſporting or carrying over the Seas unto Calice or the Marches of the ſame, and unto the Iſle of Man, ſo much or as many of the aforeſaid made wares (as boots, buskins, ſtertups, and ſlippers heretofore recited) as ſhall be neceſſary and convenient for the wearing and furniture of the Kings ſubjects in them or any of them: any thing in this laſt Act contained to the contrary hereof in any wiſe notwithſtanding.

No cutter of Leather in London ſhall curry it in his houſe.

Provided always, and be it enacted by the authority aforeſaid, That no Sadler, Girdler, Cordwainer, nor other Artificer dwelling within the City of London and Suburbs of the ſame, which ſhall cut the ſame tanned leather (as is aforeſaid, to the intent to make wares thereof) ſhall curry or dreſs any of the aforeſaid tanned leather, in his or their own houſe or houſes, or by his or their ſervant or ſervants, upon pain of forfeiture of all and every the ſaid tanned leather ſo to be curried. The one moity of which forfeiture ſhall be to our Sovereign Lord the King, and the other moity to the party that will ſue for the ſame, in any of the Kings Courts of Record by bill, plaint, action, or information, wherein no wager of law, eſſoin, protection, or injunction ſhall be admitted or allowed for the defendant.
St. 1 M. 8. 1 El. 8. 5 El. 8. 1 Jac. 22.

CAP. XVI.

The penalty for buying or ſelling of ſome ſort of Offices.

For the avoiding of corruption which may hereafter happen to be in the Officers and Miniſters, in thoſe Courts, Places or Rooms, wherein there is requiſite to be had the true adminiſtration of Juſtice, or ſervices of Truſt, and to the intent that perſons worthy and meet to be advanced to the place where Juſtice is to be miniſtred, or any ſervice of Truſt executed, ſhould hereafter be preferred to the ſame, and no other.

The penalty for buying or ſelling of ſome ſort of Offices or Deputations of Offices.

Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons at any time hereafter bargain or ſell any Office or Offices, or Deputation of any Office or Offices, or any part or parcel of any of them, or receive, have, or take any money, fee, reward, or any other profit directly or indirectly, or take any promiſe, agreement, covenant, bond, or any aſſurance, to receive or have any money, fee, reward, or other profit directly or indirectly, for any Office or Offices, or for the Deputation of any Office or Offices, or any part of any of them, or to the intent that any perſon ſhould have, exerciſe or enjoy any Office or Offices, or the Deputation of any Office or Offices, or any part of any of them, which Office or Offices, or any part or parcel of them, ſhall in any wiſe touch or concern the adminiſtration or execution of Juſtice, or the receipt, comptrolment, or paiment of any of the Kings Highneſs Treaſure, Money, Rent, Revenue, Account, Aulneage, Auditorſhip, or Surveying of any of the Kings Majeſties Honors, Caſtles, Manors, Lands, Tenements, Woods, or Hereditaments, or any the Kings Majeſties Cuſtoms, or any Adminiſtration or neceſſary attendance to be had, done or executed in any of the Kings Majeſties Cuſtom houſe or houſes, or the keeping of any the Kings Majeſties Towns, Caſtles or Fortreſſes, being uſed, occupied or appointed for a place of ſtrength and defence, or which ſhall concern or touch any Clerkſhip to be occupied in any manner of Court of Record, wherein Juſtice is to be miniſtred: That then all and every ſuch perſon and perſons that ſhall ſo bargain or ſell any of the ſaid Office or Offices, Deputation or Deputations, or that ſhall take any money, fee, reward, or profit for any of the ſaid Office or Offices, Deputation or Deputations, of any of the ſaid Offices, or any part of any of them, or that ſhall take any promiſe, covenant, bond, or aſſurance for any money, reward or profit to be given for any of the ſaid Office or Offices, Deputation or Deputations of any of the ſaid Office or Offices, or any part of any of them, ſhall not onely loſe and forfeit all his and their right, intereſt and eſtate, which ſuch perſon or perſons ſhall then have, of, in or to any of the ſaid Office or Offices, Deputation or Deputations, or any part of any of them, or of, in or to the gift or nomination of any of the ſaid Office or Offices, Deputation or Deputations, for the which Office or Offices, or for the Deputation or Deputations, of which Office or Offices, or for any part of any of them, any ſuch perſon or perſons, ſhall ſo make any bargain or ſale, or take or receive any ſum of money, fee, reward or profit, or any promiſe, covenant or aſſurance to have or receive any fee, reward, money or profit: But alſo that all and every ſuch perſon or perſons, that ſhall give or pay any ſum of money, reward or fee, or ſhall make any promiſe, agreement, bond or aſſurance for any of the ſaid Offices, or for the Deputation or Deputations of any of the ſaid Office or Offices, or any part of any of them, ſhall immediately by and upon the ſame fee, money or reward given or paid, or upon any ſuch promiſe, covenant, bond or agreement, had or made, for any fee, ſum of money, or reward to be paid, as is aforeſaid, be adjudged a diſabled perſon in the Law to all intents and purpoſes, to have, occupy or enjoy the ſaid Office or Offices, Deputation or Deputations, or any part of any of them, for the which ſuch perſon or perſons ſhall ſo give or pay any ſum of money, fee or reward, or make any promiſe, covenant, bond, or other aſſurance, to give or pay any ſum of money, fee or reward.

Cok.lib.12.78.

The bargains and aſſurances ſhall be void.

And be it alſo enacted by the authority aforeſaid, That all and every ſuch bargains, ſales, promiſes, bonds, agreements, covenants and aſſurances as be before ſpecified, ſhall be void, to and againſt him and them, by whom any ſuch bargain, ſale, bond, promiſe, covenant or aſſurance ſhall be had or made.

To what Offices this Statute ſhall not extend.

Provided alway, That this Act, or any thing therein contained, ſhall not in any wiſe extend to any Office or Offices, whereof any perſon or perſons is or ſhall be ſeiſed of any eſtate of inheritance, nor to any Office of Parkſhip, or of the keeping of any Park, Houſe, Manor, Garden, Chaſe or Foreſt, or to any of them: any thing in this Act heretofore mentioned to the contrary thereof in any wiſe notwithſtanding.

Acts done by an Officer removable ſhall be good.

Provided alſo, That if any perſon or perſons do hereafter offend in any thing contrary to the tenor and effect of this Act, yet that notwithſtanding all judgments given, and all other Act and Acts executed or done, by any ſuch perſon or perſons, ſo offending by authority or colour of the Office or Deputation, which ought to be forfeited, or not occupied, or not enjoyed by the perſon ſo offending as is aforeſaid, after the ſaid offence ſo by ſuch perſon committed or done, and before ſuch perſon ſo offending, for the ſame offence be removed from the exerciſe, adminiſtration and occupation of the ſaid Office or Deputation, ſhall be and remain good and ſufficient in Law, to all intents, conſtructions and purpoſes, in ſuch like manner and form as the ſame ſhould or ought to have remained and been, if this Act had never been had or made.

A bargain for an Office before the firſt day of March, &c.

Provided alſo, That this Act, or any thing therein contained, ſhall not in any wiſe extend to any bargain, ſale, gift, grant, nomination, bond, covenant, promiſe, agreement, or aſſurance whatſoever it be of, or for any the Office or Offices, Deputation or Deputations aforeſaid, or any part of any of them had, made, done, concluded or agreed, before the firſt day of March next coming, but that the ſame bargain, ſale, gift, grant, nomination, bond, covenant, promiſe, agreement or aſſurance, had, made, concluded or agreed before the ſaid firſt day of March, ſhall always remain, continue, and be in ſuch force, ſtrength and effect, as if this Act had never been had or made: any thing before in this Act mentioned to the contrary thereof in any wiſe notwithſtanding.

Offices given by the two Chief Juſtices, or Juſtices of Aſſiſe.

Provided always, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe extend or be prejudicial or hurtful to any of the Chief Juſtices of the Kings Courts, commonly called the Kings Bench or Common Place, or to any of the Juſtices of Aſſiſe that now be, or hereafter ſhall be, but that they and every of them may do in every behalf, touching or concerning any Office or Offices to be given or granted by them or any of them, as they or any of them might have done before the making of this Act: any thing above mentioned to the contrary in any wiſe notwithſtanding.

CAP. XVII.

A continuance until the end of the next Parliament of the Statutes of Anno 22 H. 8. 7. touching conveying out of this Realm of Horſes and Mares, and of Anno 21 H. 8. 12. for the true making of Cables, &c. and of 23 H. 8. 17. for the true winding of Wooll, and of Anno 24 H. 8. 9. againſt the killing of wandlings, &c. and of Anno 23 H. 8. 3. for attaints, and of Anno 33 H. 8. 2. concerning buying of fiſh upon the Sea, &c. and of Anno 37 H. 8. 23. for ſetting the prices of Wines, and of Anno 35 H. 8. 17. for the preſervation of woods, and of Anno 3 & 4 Ed. 6. 17. againſt unlawful hunting in any Park, Foreſt, Chace, &c. EXP.

CAP.

CAP. XVIII.

Gaſcoin or Guyen Wines, or Tholouſe Woad may be brought into this Realm, by any other Ships as well as Engliſh.

4 H. 7. 10.

Where in the Parliament holden at Weſtminſter, the thirteenth day of January, in the fourth year of the Reign of the famous Prince of worthy memory, King Henry the Seventh after the Conqueſt, Grandfather to our now moſt gracious and natural Sovereign Liege Lord, it was amongſt other things ordained, eſtabliſhed and enacted, That no manner of perſon, of what degree or condition that he were, ſhould convey, or bring into this Realm, Ireland, Wales, Calice, or the Marches thereof, or Berwick, from the Feaſt of the Nativity of St. John Baptiſt, that after that was in the year of our Lord God, one thouſand four hundred and ninety, any manner Wines growing of the Dutchy of Guyen, or Gaſcoin, or Woad, called Tholouſe Woad, but ſhould be conveyed, adventured, and brought in ſhip or ſhips, whereof the ſaid late King, or ſome of his ſubjects of this Realm of England, Ireland, Wales, Calice, or Berwick, were owners, poſſeſſors, and proprietaries, and the Maſter under God, and the Mariners of the ſame ſhip or ſhips, Engliſh, Iriſh, Welſh, or men of Berwick, or men of Calice, or of the Marches of the ſame, for the more party, upon pain to forfeit the ſame Wines, or Woad ſo brought, contrary to the ſaid Act, as in the ſaid Act more at large it doth and may appear.

The reaſons of the making of the Statute of 4 H. 7. 10. and the contrary events thereof.

The which Act was ſuppoſed to be made for the maintenance of the Navy of this Realm. And alſo to the intent, and upon good hope and truſt, to have had the ſame Wines and Woad at more eaſie prices then before they had been, the experience whereof hath ever ſithence (and now of late moſt of all) appeared to the contrary, for that the ſaid Wines and Woad be daily ſold at ſuch exceſſive prices, as hath not before been ſeen within this Realm, and the Navy of the Realm thereby never the better maintained.

An alteration of the Statute of 4 H. 8. 7. touching bringing into this Realm of Wine and Woad. Alt. 5 El. 5.

In conſideration whereof, be it enacted, ordained and eſtabliſhed by the King our Sovereign Lord, with aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from the firſt day of February next coming after the Seſſion of this preſent Parliament, unto the firſt day of October then following, and ſo yearly, and from year to year, beginning at and between the firſt day of February, and the firſt day of October, it ſhall and may be lawful to all and every perſon and perſons, being of the parts or countries in amity with our Sovereign Lord the King, to convey or bring into this Realm, Ireland, Wales, Calice, or the Marches of the ſame, or Berwick, any manner of Wines, of the growing of the Dutchy of Guyen, or Gaſcoin, or of any other part of France, or Tholouſe Woad, or any of them in whatſoever ſhip or ſhips, crayer or crayers, boat or boats, or by any other mean, whoſoever be, or ſhall be thereof owner, poſſeſſor or proprietary, being of the parts or countries in amity of our Sovereign Lord, or whoſoever be thereof Maſter, Mariner or Mariners in the ſame, without any forfeiture or penalty thereof to be had: The ſaid Statute, or any thing therein contained to the contrary in any wiſe notwithſtanding. Stat. 1 El. 13.

CAP. XIX.

The penalty for exchanging of Gold and Silver.

St. 25 Ed. 3. 12.

Where in the Parliament holden at Weſtminſter the five and twentieth year of the Reign of King Edward the Third, it was accorded, That it ſhould be lawful for every man to exchange gold for ſilver, or ſilver for gold, or for gold and ſilver, ſo that no man did hold the ſame as exchanged, nor take no profit for making of ſuch exchange, upon pain of forfeiture of the money ſo exchanged, except the Kings Exchangers, which take profit of ſuch exchange, according to an Ordinance before that time made. Which Statute notwithſtanding, divers covetous perſons of their own authorities have of late taken upon them to make exchanges, as well of coined gold, as of coined ſilver, receiving and paying therefore more in value then hath been declared by the Kings Proclamation to be currant for, within his Realm, and other his Dominions, to the great hinderance of the Commonwealth of this Realm.

The penalty for giving or receiving for money more then it is currant.

Be it therefore enacted by the King our Sovereign Lord, by the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, after the firſt day of April next coming, exchange any coined gold, coined ſilver or money, giving, receiving or paying any more in value, benefit, profit or advantage for it, then the ſame is or ſhall be declared by the Kings Majeſties Proclamation to be currant for, within this his Highneſs Realm, and other his Dominions. That then all the ſaid coined gold, ſilver, and money ſo exchanged, and every part and parcel thereof, ſhall be forfeit, and the parties ſo offending ſhall ſuffer impriſonment by the ſpace of one whole year, and make fine at the Kings pleaſure. The one moity of the ſaid gold, ſilver, or coin ſo forfeited, to be to the King our Sovereign Lord, and the other moity to be to the party that ſeiſeth the ſame, or will ſue for it by bill, plaint, original, action of debt, information, or otherwiſe, in any of the Kings Courts of Record, in which ſuit no eſſoin, protection or wager of Law ſhall lie, be allowed or admitted.

CAP. XX.

The Statute of 37 H. 8. 9. repealed. No perſon by any means ſhall lend or forbear any ſum of money for any manner of uſury, or increaſe, to be received or hoped for, above the ſum lent, upon pain to forfeit the ſum lent, and the increaſe, impriſonment, and fine at the Kings pleaſure. REP. 13 Eliz. 8.

CAP. XXI.

No Tinker, Pedler, or petit Chapman ſhall wander about from the Town where he dwelleth, or exerciſe the Trade of Tinker, but ſuch as ſhall be licenced by two Juſtices of Peace, or more, under their hands and ſeals, upon pain of fourteen days impriſonment. REP. 1 Jac. 25.

CAP. XXII.

None ſhall occupy any Gig-Mill in the workmanſhip of woollen clothes.

The penalty for uſing of a Gig-Mill in working of woollen cloth.

FOraſmuch as true Drapery of woollen cloth is to be commended as well in forein Realms, as in this Realm of England, and all ways and means uſed to the contrary are to be eſchewed and taken away: And foraſmuch as in many parts of this Realm is newly and lately deviſed, erected, builded and uſed certain Mills, called Gig-Mills, for the perching and burling of cloth, by reaſon whereof the true Drapery of this Realm is wonderfully impaired, and the cloth thereof deceitfully made, by reaſon of the uſing of the ſaid Gig-Mills: For the remedy whereof, be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner of perſon or perſons, after the laſt day of May next coming, ſhall uſe or occupy any of the ſaid Gig-Mills, for the working of any woollen cloth, or clothes made or to be made within this Realm, upon pain of forfeiture, for every cloth ſo wrought in or by any of the ſaid Mills, called Gig-Mills, five pound: The moity of all and every ſuch forfeiture and forfeitures, penalty and penalties, to be to the uſe of our Sovereign Lord the King and his Heirs, and the other moity to the uſe of him that ſhall ſue for the ſame in any of the Kings Courts, be it by writ, bill, plaint or information, wherein the defendant ſhall not be admitted to wage his Law, nor any protection, eſſoin or injunction ſhall be to him allowed.

CAP. XXIII.

What ſtuff ſhall be put in Featherbeds, Bolſters, Pillows, Quilts, Mattreſſes and Cuſhions.

What ſtuff ſhall be put in Featherbeds, Bolſters, Pillows.

FOr the avoiding of the great deceit uſed and practiſed in ſtuffing of Featherbeds, Bolſters, Pillows, Mattreſſes, Cuſhions and Quilts: Be it enacted by the authority of this preſent Parliament, That from and after the laſt day of June next coming, no perſon or perſons whatſoever ſhall make, (to the intent to ſell, or offer to be ſold) any Featherbed, Bolſter or Pillow, except the ſame be ſtuffed with dry pulled Feathers, or clean Down onely, without mingling of ſcalded Feathers, Fen-down, Thiſtle-down, Sand, Lime, Gravel, unlawful or corrupt ſtuff, Hair, or or any other, upon pain of forfeiture of all ſuch Featherbeds, Bolſters and Pillows, and every of them ſo offered to be ſold, or the value thereof.

What ſtuff ſhall be put in Quilts, Mattreſſes and Cuſhions.

And be it further enacted by the ſame authority, That from and after the ſaid day, no perſon or perſons ſhall make (to the intent to ſell or offer, or put to ſale) any Quilt, Mattreſs or Cuſhions, which ſhall be ſtuffed with any other ſtuff then Feathers, Wooll, or Flocks alone, upon pain of forfeiture of all and every ſuch Quilts, Mattreſſes or Cuſhions, ſo ſold or offered to be ſold, or the value thereof.

The moity of all which forfeitures ſhall be to the King our Sovereign Lord, his Heirs and Succeſſors, and the other moity thereof to any ſuch perſons as will ſue for the ſame in any of the Kings Courts of Record, or in any other Court, wherein no wager of Law, eſſoin or protection ſhall be allowed for the defendant or defendants. 11 H. 7. 19.

CAP. XXIV.

Who may make Felts, Hats, &c. at Norwich, and in Norfolk, and in what places there.

WHere the making of Hats, Dornecks and Coverlets have of late been begun to be practiſed within the City of Norwich, in which City there be good and profitable Ordinances and Conſtitutions provided and ordained for the preſervation and continuance of the good making of the ſame Hats, Dornecks and Coverlets, by reaſon whereof the young and idle people of the ſaid City, to a great number, have been and yet be well occupied, maintained and ſet on work. And foraſmuch as divers evil and covetous diſpoſed perſons, exerciſing the myſteries of making Hats, and weaving of Coverlets and Dornecks within the ſaid City, and not being brought up, or practiſed in the ſaid Arts or Myſteries, to the intent they might occupy and exerciſe the ſaid myſteries out of the ſaid City of Norwich, where no ſuch Ordinances and Conſtitutions be made or provided, have withdrawn themſelves from the ſaid City, into certain Towns nigh about the ſame City, where they do and may occupy and exerciſe the making of Hats, weaving of Coverlets and Dornecks deceitfully and inſufficiently, without controlment, to the utter decay as well of the ſaid Crafts and Myſteries, as of the ſaid City, if remedy be not therein provided.

Who onely may make Hats, Coverlets and Dornecks in Norfolk and Norwich.

It may therefore be enacted by the Kings Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon by himſelf, or by his ſervant, or apprentice, ſhall from and after the Feaſt of St. Michael the Archangel next coming, make or work any Felts, or thrummed Hats, or weave or make any Coverlets, or Dornecks, or occupy, uſe or exerciſe the myſteries or occupations of making of Felts, or thrummed Hats, or weaving of Dornecks and Coverlets, or any of them within the City of Norwich, or within the County of Norfolk, unleſs he or they that ſhall ſo make or work any ſuch Felts or Hats, or ſo occupy the occupation or myſtery of making of Felts or Hats as aforeſaid, within the ſaid City or County, be licenced and admitted ſo to do by the Mayor, Recorder, Steward, and two Juſtices of Peace of the ſaid City, or by four of them, or that have been apprentice to the ſame occupation and myſtery of Felts and Hats making by the ſpace of ſeven years. And in like caſe unleſs ſuch perſon or perſons, that ſhall ſo make or weave Dornecks, or ſo occupy the occupation or myſtery of Dornecks weaving within the ſaid City or County, be licenced or admitted ſo to do by the Mayor, Recorder, Steward, and two Juſtices of the Peace of the ſaid City, or by four of them, or that have been apprentice to the ſaid myſtery and occupation of Dorneck weaving by the term of ſeven years. And unleſs he or they that ſhall ſo make or weave Coverlets, or to occupy the arts or myſtery of Coverlets weaving or making, be licenſed and admitted ſo to do by the Mayor, Recorder, Steward, and two Juſtices of the Peace of the ſaid City, or by four of them, or that have been apprentice to the occupation and myſtery of Coverlets weaving, or making, by the ſpace or term of ſeven years.

Hats, Dornecks, Coverlets, &c. ſhall be made onely in a Corporation or Market town.

And be it alſo enacted by the authority aforeſaid, That no perſon or perſons ſhall from henceforth make any Felts or Hats, or weave or make any Dornecks or Coverlets, as aforeſaid, or occupy, exerciſe or uſe the occupation, arts or myſteries of making of Hats or Felts, or weaving or making of Dornecks or Coverlets, or any of them, as aforeſaid, in any place out of the ſaid City of Norwich, within the ſaid County of Norfolk, but onely in a corporate or market Town, upon pain of forfeiting, as well of the Felts, Hats, Dornecks and Coverlets, and every of them, which ſhall be made, wrought or woven contrary to the form, effect and tenour of this Act, or of any part or clauſe thereof, as alſo ten ſhillings for every half dozen of the ſaid Felts or Hats, and of three ſhillings four pence for every Coverlet, and of ſix ſhillings eight pence for every ſix yards of Dornecks, ſo as is aforeſaid to be made, woven or wrought contrary to this Act, the one half of which forfeitures to be to the King our Sovereign Lord, his Heirs and Succeſſors, and the other half thereof to the perſon or perſons that ſhall or will ſeiſe the ſame, or that will or ſhall ſue for the ſame, or for any part thereof, in the Kings Court of the Guild-hall, within the ſaid City of Norwich, or in any other of the Kings Courts of Record, within this Realm of England, by action of detinue, debt, plaint, bill, information, or otherwiſe, in which ſaid action or actions, ſuit, bill, plaint, or information, no eſſoin, wager of Law, protection, or forrein plea to the juriſdiction of the Court ſhall be admitted or allowed.

The inhabitants of Pulham in Norfolk.

Provided alway, That all and every ſuch perſon or perſons, as do now dwell, or hereafter ſhall dwell and exerciſe the myſtery of Dornecks and Coverlets making, within the Town or Pariſh of Pulham, in the ſaid County of Norfolk, ſhall and may occupy and exerciſe the making of Dornecks and Coverlets within the ſaid Town of Pulham, as they have heretofore uſed to do: Any thing in this Act contained to the contrary notwithſtanding.

The penalty for an Officer to take money for admitting one to occupy.

And be it further enacted by the authority aforeſaid, That if the Mayor, Recorder, Steward, or Juſtices of Peace of the ſaid City, for the time being, or any of them, ſhall take any ſum of money, or reward for admitting of any perſon to occupy, or uſe any of the arts or myſteries aforeſaid, that for every ſuch time, and every ſuch caſe, the perſon ſo offending ſhall loſe and forfeit five pound, the one half of which forfeiture to be to our Sovereign Lord the King, and the other half to him or them that ſhall ſue for the ſame, as is aforeſaid.

CAP. XXV.

None ſhall ſell Ale or Beer without licence, and they ſhall be bound by Recogniſance.

FOraſmuch as intolerable hurts and troubles to the Common-wealth of this Realm, daily do grow and encreaſe through ſuch abuſes and diſorders, as are had and uſed in common Ale-houſes, and other houſes called Tipling-houſes: it is therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Juſtices of Peace within every Shire, City, Borough, Town corporate, Franchiſe or Liberty within this Realm, or two of them at the leaſt, (whereof one of them to be of the Quorum) ſhall have full power and authority by vertue of this Act, within every Shire, City, Borough, or Town corporate, Franchiſe and Liberty where they be Juſtices of Peace, to remove, diſcharge, and put away common ſelling of Ale and Beer, in the ſaid common Ale-houſes and Tipling-houſes, in ſuch Town or Towns and places where they ſhall think meet and convenient. And that none after the firſt day of May next coming, ſhall be admitted or ſuffered to keep any common Ale-houſe, or Tipling-houſe, but ſuch as ſhall be thereunto admitted and allowed in the open Seſſions of the Peace, or elſe by two Juſtices of the Peace, whereof the one to be of the Quorum. And that the ſaid Juſtices of the Peace, or two of them (whereof one to be of the Quorum) ſhall take bond and ſurety, from time to time, by Recogniſance of ſuch as ſhall be admitted, and allowed hereafter to keep any common Ale-houſe or Tipling-houſe, as well for and againſt the uſing of unlawful games, as alſo for the uſing and maintenance of good order and rule, to be had and uſed within the ſame, as by their diſcretion ſhall be thought neceſſary and convenient: for making of every which Recogniſance, the party or parties that ſhall be bound ſhall pay but twelve pence.

The Juſtices of Peace may diſcharge common ſelling of Ale and Beer.

Recogniſance with ſurety by thoſe which do keep Ale-houſes.

Twelve pence for making the Recogniſance.

Recogniſance muſt be certified at the next quarter Seſſions.

And the ſaid Juſtices ſhall certifie the ſame Recogniſance at the next Quarter Seſſions of the Peace, to be holden within the ſame Shire, City, Borough, Town corporate, Franchiſe or Liberty where ſuch Ale-houſe or Tipling-houſe ſhall be. The ſame Recogniſance there to remain of Record before the Juſtices of Peace of that Shire, City, Borough, Town corporate, Franchiſe or Liberty, upon pain of forfeiture to the King for every ſuch Recogniſance taken and not certified, three pound ſix ſhillings eight pence.

Inquiry of thoſe which have forfeited their Recogniſance.

And it is further enacted by the authority aforeſaid, That the Juſtices of Peace of every Shire, City, Borough, Town corporate, Franchiſe and Liberty, where ſuch Recogniſance ſhall be taken, ſhall have power and authority by this Act, in their Quarter Seſſions of the Peace, by preſentment, information, or otherwiſe by their diſcretion, to inquire of all ſuch perſons as ſhall be admitted and allowed to keep any Ale-houſe or Tipling-houſe, and that be bound by Recogniſance as is aboveſaid, if they or any of them have done any act or acts, whereby they or any of them have forfeited the ſame Recogniſance. And the ſaid Juſtices of every Shire, and places where they be Juſtices, ſhall upon every ſuch preſentment or information, award proceſs againſt every ſuch perſon ſo preſented or complained upon before them, to ſhew why he ſhould not forfeit his Recogniſance, and ſhall have power and authority by this Act, to hear and to determine the ſame by all ſuch ways and means, as by their diſcretion ſhall be thought good.

The puniſhment of thoſe which contrary to the commandment of the Juſtices do keep Alehouſe.
3 Car. 1. 3.

And it is further enacted by the authority aforeſaid, That if any perſon or perſons, other then ſuch as ſhall be hereafter admitted or allowed by the ſaid Juſtices, ſhall after the ſaid firſt day of May, obſtinately, and upon his own authority, take upon him or them to keep a common Ale-houſe or tipling houſe, or ſhall contrary to the commandment of the ſaid Juſtices, or two of them, uſe commonly ſelling of Ale and Beer: that then the ſaid Juſtices of Peace, or two of them, (whereof one to be of the Quorum) ſhall for every ſuch offence, commit every ſuch perſon or perſons ſo offending to the common Gaol within the ſaid Shire, City, Borough, Town corporate, Franchiſe or Liberty, there to remain without bail or mainpriſe, by the ſpace of three days. And before his or their deliverance, the ſaid Juſtice ſhall take Recogniſance of him or them ſo committed, with two ſureties, that he or they ſhall not keep any common Ale-houſe, Tipling-houſe, or uſe commonly ſelling of Ale or Beer, as by the diſcretion of the ſaid Juſtices ſhall ſeem convenient.

Certificate of the Recogniſance and offence at the quarter Seſſions.
The fine of thoſe which keep Alehouſe without licence.

And the ſaid Juſtices ſhall make certificate of every ſuch Recogniſance and offence, at the next quarter Seſſions that ſhall be holden within the ſame Shire, City, Borough, Town corporate, Franchiſe or Liberty, where the ſame ſhall be committed or done: which certificate ſhall be a ſufficient conviction in the Law, of the ſame offence. And the ſaid Juſtices of Peace upon the ſaid certificate made, ſhall in open Seſſions aſſeſs the fine for every ſuch offence at twenty ſhillings.

A Proviſo for Towns where Fairs be kept.

Provided alway, That in ſuch Towns and places where any Fair or Fairs ſhall be kept, that for the time onely of the ſame Fair or Fairs, it ſhall be lawful for every perſon and perſons, to uſe common ſelling of Ale or Beer in Booths, or other places there, for the relief of the Kings ſubjects that ſhall repair to the ſame, in ſuch manner and ſort as hath been uſed in time paſſed. This Act, or any thing therein contrary notwithſtanding. 1 Jac. 9. 4 Jac. 4. 11 H. 7. 2. 3 Car. 1. 3.

CAP. XXVI.

Writs upon Exigends and Proclamations ſhall be currant in Lancaſter.

Where the County of Lancaſter is, and of long time hath been, one ancient County Palatine of it ſelf, in which County the Kings Writ hath not, nor yet doth not run, ſo that the Writ of Proclamation awarded upon any Exigend, againſt any perſon or perſons, inhabiting within the ſame County, in any action wherein proceſs of outlawry doth lie, according to the Statute made in the ſixth year of the Reign of our late Sovereign Lord of famous memory, King Henry the Eighth, cannot be directed to the Sheriff of the ſaid County Palatine, but unto the Sheriff of the County next adjoyning unto the ſaid County Palatine, ſo that the party dwelling within the ſaid County Palatine, againſt whom any ſuch Exigend and Proclamation hath been, or ſhall be awarded, hath not had, nor hereafter can have any knowledge of the ſame ſuit or proceſs, by reaſon whereof many perſons inhabiting within the ſaid County Palatine, without knowledge have been outlawed, and hereafter be in like manner like to be outlawed, to their utter undoings, if ſome ſpeedy remedy be not the ſooner provided.

6 H. 8. 4.

A Proclamation upon an Exigend awarded againſt any perſon dwelling in the County of Lancaſter.

Be it therefore, and for divers other good conſiderations enacted, ordained and eſtabliſhed by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if and whenſoever any Writ of Exigend, at any time after the firſt day of April next coming, ſhall be awarded at the ſuit of the King, his Heirs or Succeſſors, Kings of this Realm, or at the ſuit or ſuits of any other perſon or perſons, Plaintiff or Plaintiffs, in any action or ſuit, in any of the Courts of our Sovereign Lord the King, his Heirs and Succeſſors, Kings of this Realm, commonly called the Kings Bench, and the Common Place, againſt any perſon or perſons, dwelling within the ſaid County Palatine: that then immediately upon the awarding of every ſuch Exigend, the Juſtice or Juſtices, before whom any ſuch Writ of Exigend upon ſuch ſuit or action ſhall be ſued, ſhall have full power and authority of this Act, to award one Writ of Proclamation, (according to the tenor and effect of Writs of Proclamation awarded upon Exigends, & commonly directed out of any of the ſaid Courts into London, or into any other Shires of this Realm, againſt any perſon or perſons dwelling in other Shire or Shires of this Realm, where the Kings Writs do run, according to the order and form of the ſaid Statute made in the ſixth year of the Reign of the ſaid late King) to be directed to the Sheriff of the ſaid County Palatine of Lancaſter, where it ſhall happen the ſaid defendant againſt whom any ſuch action ſhall be ſued, as is aforeſaid, to be dwelling, and not to the Sheriff of any other Shire, next adjoyning to the ſaid County Palatine, any law, cuſtom or uſage heretofore uſed to the contrary notwithſtanding. And that every ſuch Writ of Proclamation ſo to be hereafter awarded to the Sheriff of the ſaid County Palatine, ſhall have the ſame Teſte and day of Return as the Exigends, whereupon every ſuch Writ of Proclamation ſhall be awarded, ſhall have.

The Sheriff of the County of Lancaſter ſhall make Proclamation according to the tenor of his Writ.

And that every ſuch Sheriff of the ſaid County Palatine of Lancaſter, to whom any ſuch Writ and Writs of Proclamation ſhall be directed, ſhall make Proclamations of the ſaid Writ and Writs of Proclamation, according to the tenour of the ſame, and ſhall make true returns of the ſame, in ſuch Court and Courts, and before ſuch Juſtices as the tenour of the ſame Writ and Writs of Proclamations, ſhall require and demand. And that all outlawries hereafter to be promulged, or pronounced againſt any perſon or perſons, upon any ſuch Exigend or Exigends awarded againſt any perſon and perſons dwelling in the ſaid County Palatine of Lancaſter, and no Writ of Proclamations awarded in form aboveſaid, to the Sheriff of the ſaid County Palatine of Lancaſter, where the party defendant ſhall be, as is aforeſaid, dwelling, or not returned, to be clearly void, and of none effect nor force in the Law.

And be it further enacted by the authority aforeſaid, That every Sheriff of the ſaid County Palatine for the time being, ſhall have in every of the ſaid Courts of the Kings Bench, and of the Common Place, one ſufficient deputy at the leaſt, to receive all ſuch Writs of Proclamations, which ſhall be hereafter directed to every ſuch Sheriff of the ſaid County Palatine, for whom the ſame deputy or deputies ſhall be appointed, in like manner and form, and upon like pains, as by the former Statutes and Laws of this Realm, other Sheriffs of other Shires or Counties within this Realm of England, be bounden to have in either of the ſaid Courts. And that all ſuch Writs of Proclamations aforeſaid, ſhall be delivered unto every ſuch deputy or deputies of Record in the ſame Courts, and either of them, and alſo like fees ſhall be paid for making every ſuch Writ of Proclamations, and for enrolling the ſame of Record, as is limited in the ſame Statute, made in the ſaid ſixth year of our ſaid late Sovereign Lord King Henry the Eighth.

The Sheriff of Lancaſhire ſhall have a Deputy in the Kings Bench, and another in the Common Place.

Be it further enacted and eſtabliſhed by the authority aforeſaid, That if any ſuch Writ or Writs of Proclamations hereafter to be directed to any Sheriff of the ſaid County Palatine of Lancaſter, be delivered unto any of the Sheriffs of the ſaid County Palatine for the time being, or to his or their deputy or deputies, in manner and form aforeſaid, and the ſame Sheriff or Sheriffs do not make true return of every ſuch Writ and Writs of Proclamations into ſuch Court and Courts, out of which the ſaid Writ or Writs of Proclamations ſhall be awarded, that for every ſuch default of non-return, every ſuch Sheriff for the time being, ſhall loſe and forfeit five pounds, the one half whereof ſhall be to our Sovereign Lord the King, his Heirs and Succeſſors, and the other half thereof to any ſuch perſon or perſons, as will ſue for the ſame in one action of debt to be grounded upon this Act, in any of the Kings Courts of Record, wherein no eſſoin, protection or wager of Law ſhall be allowed or admitted.

The Sheriffs forfeiture for not returning of a Proclamation.

Provided always, That this Act, or any thing therein contained, ſhall not in any wiſe extend or be prejudicial to the ſame County Palatine of Lancaſter; for or concerning ſuch liberties, franchiſes or privileges as belong to the ſame, or to any Miniſters or Officers of the ſame County Palatine, otherwiſe or in any other manner, than by the true meaning of this Act is before provided and declared, any thing in this Act mentioned to the contrary notwithſtanding.

This Statute ſhall not prejudice the liberties of the County of Lancaſter.

Provided alſo, and be it further enacted and eſtabliſhed by the authority aforeſaid, That if any perſon or perſons, dwelling within the ſaid County Palatine, after the aforeſaid firſt day of April, ſhall be outlawed in any ſuch ſuit or action, as is aforeſaid, that then all Writs of ſpecial Capias utlagatum, ſingle Capias utlagatum, non moleſtandum, and all other proceſs, for or againſt any perſon or perſons ſo outlawed, ſhall and may from henceforth be directed, from time to time, to the Chancellor of the Dutchy of Lancaſter, who ſhall make like Writs and Proceſs thereupon, and of like effect, ſealed with the Seal of the ſaid County Palatine of Lancaſter, to be directed to the Sheriff of the ſaid County Palatine for the time being, as heretofore hath been uſed and accuſtomed in ſuch caſes. 1 Ed. 6. 10.

Proceſs awarded againſt any perſon outlawed dwelling in the ſaid County Palatine.

Anno ſeptimo Edwardi *ſexti*.

Acts made in the Parliament holden at Weſtminſter, the firſt day of March, in the ſeventh year of the Reign of our moſt redoubted Sovereign Lord, Edward the Sixth, by the Grace of God, King of England, France and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in earth the Supreme Head: and there continued to the diſſolution of the ſame, being the laſt day of the ſaid moneth of March, as followeth.

CAP. I.

Certain Officers accomptable to the King, ſhall be bound with ſureties for their true accompt and paiment.

Foraſmuch as the Kings Majeſties Treaſurers, and general and particular Receivers and Bailiffs of his Honors, Caſtles, Lordſhips, Manors, Lands and Tenements, Reverſions, Poſſeſſions, and other his Hereditaments in England, Wales and Calice, and the Marches of the ſame, or elſewhere within the Kings Dominions, have not ſo juſtly, ſpeedily, neither duly made yearly paiments of ſuch ſum and ſums of money, as hath been by them, and every of them, received of the Kings Majeſties revenues, poſſeſſions and profits, into the Kings Majeſties Treaſury, according to their duties, but yearly do detain and keep the ſame to their own gain, profit and lucre, contrary to all right, truth and equity, and to the manifeſt injury, wrong and hinderance of, and to the King our Sovereign Lord.

Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every Treaſurer, and general and particular Receiver, Collector and Bailiff, and other Miniſter accomptant, which now is charged or chargeable with, or for the receipt of any of the Kings Majeſties money, rents or revenues whatſoever, not being

Every Officer that now is accomptant to the King ſhall be bound for his true accompt and paiment.

bound with ſurety or ſureties, by obligation, recognizance, or otherwiſe, to our late Sovereign Lord the King, or to our Sovereign Lord the King that now is, for or concerning their office or offices, before the twentieth day of December next coming, or at any time or times before the ſame twentieth day of December, if they or any of them be reaſonably required, ſhall upon pain of forfeiture of his office, be bound to the Kings Majeſty by ſufficient writing obligatory, in reaſonable ſum or ſums of money: the ſame writing obligatory to be made with or upon condition, that the perſon which ſo ſhall be bounden, his heirs, executors, adminiſtrators, deputy or deputies, or one of them from time to time, ſhall yield a perfect and true accompt of all ſums of money, and other things that the ſame Treaſurer, and general and particular Receiver, Collector, Bailiff, or other Miniſter accomptant, ſhall, may, or reaſonably might be charged with, concerning, or by reaſon of his or their office or offices: And alſo ſhall make paiment of the ſame ſums of money, at ſuch days and times, and in ſuch manner and form, as hereafter in this Act is expreſſed and declared.

Every Officer to the King accomptant hereafter to be named, ſhall be bound with ſureties for his true accompt and paiment.

And be it further enacted, That all and every perſon and perſons, hereafter to be named, aſſigned or appointed to be Treaſurer, or general or particular Receiver, Collector or Bailiff, or Miniſter accomptant of our ſaid Sovereign Lord the King, ſhall before any their entry, executing, uſing, or exerciſing of his or their office or offices, whereunto he or they ſhall be ſo nominated or appointed, together with ſurety or ſureties, acknowledge and make ſufficient and lawful bond or bonds to the Kings Majeſty in ſuch Court of Record, where the ſame officer or officers is or ſhall be accomptable and chargeable, that they, their heirs, executors, adminiſtrators, aſſigns, or deputies ſhall truly accompt and pay all ſuch ſums of money as ſhall come to their hands, or ſhall, may, or reaſonably might be charged with, concerning his or their office or offices, to the Kings uſe, within the circuit of their ſeveral receipts and collections, at ſuch or like days and times, and in ſuch manner and form, as is aboveſaid, to be contained in the conditions of every of the ſaid bonds, upon pain of loſs and forfeiture of his or their office or offices, and of his and their Letters Patents of the ſame office or offices.

Receivers precepts unto accomptants to make paiment of their collections due to the King at Eaſter.

Be it further enacted by the authority aforeſaid, That every Receiver of the Kings Majeſties honors, manors, lands, poſſeſſions, rents and revenues for the time being, or his deputy or deputies, ſhall yearly make his ſeveral precepts, to all and ſingular the Collectors, Miniſters and Bailiffs accomptant within the circuit of his office, charging and commanding them in the Kings Majeſties behalf, by the ſame precept, to appear before them perſonally, or by their ſufficient deputy or deputies, for whom they will anſwer, within the County where the ſame Offices, Bailiwicks, Receipts or Collections do lie, at a certain day and place in the ſame precept to be limited, and to pay to the Kings Majeſties uſe ſuch ſums of money, as they ought to do by reaſon of any of their ſaid offices, being due to our ſaid Sovereign Lord the King, at or before the Feaſt of Eaſter, which they have, or may by any lawful or due mean levy or receive within, or by reaſon of their ſaid offices or collections. And that the ſame precepts ſhall be ſeverally delivered to every of the ſaid Officers, Miniſters and Bailiffs accomptant, or to their deputy or deputies, or elſe be left at their dwelling houſes, or at the Manor, Lordſhip or place where their receipt or collection is or ought to be, twelve days at the leaſt before the day of apparance to them given and prefixed in the ſame precept or precepts.

The penalty where an accomptant maketh default of apparance or paiment.

And if any of the ſaid Miniſters, Collectors or Bailiffs accomptant, upon or after any ſuch precept or precepts at any time hereafter made by any ſuch Receiver, and being delivered or left in form aforeſaid, do make default at the ſame day and place aſſigned and appointed, in and by the ſaid precept or precepts, that then the ſame Collector, Miniſter, or Bailiff accomptant, ſo making default and not appearing, as is aforeſaid, and being thereof duly and lawfully convicted in the Court where the Revenue is or ſhall be anſwered, ſhall for the firſt offence loſe and forfeit to the King our Sovereign Lord his whole fee for that year, wherein he ſhall ſo make default, or the value thereof. And for non-paiment of the ſaid money due, and paiable at or before the ſaid Feaſt of Eaſter, unto our ſaid Sovereign Lord the King, within or by reaſon of his ſaid Office, Collection or Bailiwick, ſhall loſe and forfeit for the firſt offence of non-paiment ſix pence of the pound, in the name of a pain, for every moneth after the ſaid day of apparance, until the ſame money ſhall be by him or his deputy paid to the hands of the ſaid Receiver, to the Kings Majeſties uſe.

The penalty for the ſecond offence.

And after the firſt default of apparance made by any of the ſaid officers, and another like precept by the ſaid Receiver be made and delivered, or left in form aforeſaid, then the ſaid Officer or Officers making again default, and being thereof lawfully convict, as is aforeſaid, for the ſecond default and offence of non-apparance, ſhall loſe and forfeit to the King our Sovereign Lord his office and fee: And for the ſecond offence, in the non-paiment of the ſaid money due, and paiable within, and by reaſon of his Office, Collection or Bailiwick, at or before the ſaid Feaſt of Eaſter, ſhall loſe and forfeit twelve pence of every pound, in the name of a pain, for every moneth after the ſaid laſt day of apparance, and default made, as is aforeſaid, until the ſame money ſhall be by him or his deputy paid to the hands of the ſaid Receiver, to the uſe of our Sovereign Lord the King.

The Auditors precepts to accomptants to make paiment of their collections due at Michaelmas.

And further be it enacted by the authority aforeſaid, That all and every Auditor and Auditors of our ſaid Sovereign Lord the King, of his Majeſties honours, manors, lands, poſſeſſions, rents and revenues, for the time being, or his or their ſufficient deputy or deputies, ſhall have full power and authority by vertue of this Act, yearly to make their precept or precepts to all Miniſters, Collectors, and Bailiffs accomptant, commanding them on the behalf of our ſaid Sovereign Lord the King, to appear and accompt before him or them perſonally, or elſe by their ſufficient deputy or deputies, at a place certain within the County where the ſame lands and poſſeſſions do lie, at the Kings Majeſties Audit, to be holden there yearly between the Feaſt of St. Michael the Archangel, and the Nati-

vity

The penalty where an accomptant maketh default of apparance or paiment.

vity of our LORD GOD, of and for all rents, revenues and profits, due and paiable within or by reaſon of the ſaid Offices, Collections or Bailiwicks, at or before the Feaſt of St. Michael the Archangel, next before the ſame Audit, expreſſing in the ſame precept or precepts, the time and place when and where the ſame Miniſters, Collectors and Bailiffs accomptable, or their ſufficient deputy or deputies, for whom they will anſwer, ſhall appear, the ſame precepts to be delivered to the ſame Miniſters, Collectors, Bailiffs accomptant, or their deputy or deputies, or left at their dwelling houſes, or at the Manor, Lordſhip, or place where their receipts or collections is or ought to be, twelve days at the leaſt before the day of apparance to him or them prefixed in the ſame precept or precepts. And if any Miniſter, Collector, or Bailiff accomptant do not appear before the ſaid Auditor or Auditors, or his or their deputy or deputies at the ſaid Audit, according to the ſaid precept, or elſe if he do appear, and refuſe to accompt for his ſaid Receipt, Collection or Bailiwick before the ſaid Auditor or Auditors, or his or their deputy or deputies: that then the ſaid Miniſter, Collector or Bailiff accomptant, ſo making default and not appearing, or ſo refuſing to accompt, as is aforeſaid, and being thereof duly and lawfully convict in the Court where the revenue is or ſhall be anſwerable, ſhall for his firſt offence loſe and forfeit to our Sovereign Lord the King his whole fee for that year, wherein he ſhall ſo make default, or the value thereof: And for the non-paiment of the ſaid money due, and paiable within his Collection, Office or Bailiwick, at or before the ſame Feaſt of St. Michael the Archangel, ſhall loſe and forfeit to the King our Sovereign Lord for his ſaid firſt offence, ſix pence of every pound, in the name of a pain, for every moneth after the ſaid day of apparance and default made, as is aforeſaid, until he or his ſufficient deputy or deputies ſhall accompt before the ſaid Auditor or Auditors, or his or their deputy or deputies, for his ſaid Collection, Receipt or Bailiwick, and alſo pay unto the hands of the ſaid Receiver or Receivers, all and every of ſuch ſum and ſums of money, as ſhall be juſtly found due by the ſaid accomptant before the ſaid Auditor or Auditors, or his or their deputy or deputies, to the Kings Majeſty, upon the foot and determination of his accompt: And after the firſt default of apparance made before the ſaid Auditor or Auditors, or his or their deputy or deputies, by any of the ſaid officers accomptant being ſo warned, as is aforeſaid: and after another like precept made and delivered, or left in form aforeſaid: That then the ſaid Officer or Officers, that ſo ſhall make again default of apparance, for the ſaid ſecond offence in making default in his apparance, as is aforeſaid, and being thereof duly and lawfully convicted in the Court where the Revenue of his ſaid Office is or ſhall be anſwerable, ſhall loſe and forfeit to the King our Sovereign Lord his Office and Fee.

The penalty for the ſecond offence.

And for the ſecond offence in the non-paiment of the ſaid money due, and paiable with and by reaſon of his Receipt, Collection or Bailiwick, at or before the Feaſt of St. Michael the Archangel, ſhall loſe and forfeit to our Sovereign Lord the King twelve pence of every pound, in the name of a pain, for every moneth after the ſaid laſt day of apparance and default made, as is aforeſaid, until he or his ſufficient deputy or deputies ſhall accompt before the ſaid Auditor or Auditors, or his or their deputy or deputies for the ſaid Receipt, Collection or Bailiwick. And alſo pay unto the hands of the ſaid Receiver or Receivers, or his or their deputy or deputies, to the Kings uſe, all ſuch ſums of money as ſhall be juſtly due by the ſaid accomptant, upon the foot and determination of his ſaid accompt.

Within what times the Kings Receivers ſhall make paiment of the money by them received.

And further be it enacted by authority aforeſaid, That all and every Receiver and Receivers of the Kings Majeſties honors, manors, lands, poſſeſſions, rents or revenues, ſhall make ready and full paiment yearly to the Treaſurer, or general Receiver of the Court where the ſaid Revenue is or ſhall be anſwerable, or otherwiſe, as he or they are or ſhall be appointed and aſſigned by ſufficient warrant, of all ſuch ſums of money as he or they ſhall know to be due to our Sovereign Lord the King, and can by any lawful or due mean obtain, get, have or receive of the rents or revenues of our ſaid Sovereign Lord the King, with or by reaſon of their offices being due, at or before the Feaſt of Eaſter, by the twentieth day of June then next following at the furtheſt. And alſo ſhall make like paiment yearly of all their like receipts of the rents and revenues of our ſaid Sovereign Lord the King, that ſhall be due, at or before the Feaſt of St. Michael the Archangel, by the twentieth day of January then next following at the furtheſt, upon pain of loſs and forfeiture for every default at any of the ſaid days, two pence of every pound, for every day that the ſaid money ſo by them or any of them ſhall be unpaid.

When the Kings Receivers ſhall accompt.

And alſo it is further enacted, That all and every the ſaid Receiver and Receivers, or their deputy or deputies for whom they will anſwer, ſhall enter into their accompt yearly in the Term of St. Hillary, and fully and clearly finiſh the ſame accompt before the tenth day of March then next following, and make full and ready paiment of the money that ſhall appear to be due, upon the foot and determination of the ſame accompt, before the twentieth day of the ſaid moneth of March, upon pain of forfeiture to our ſaid Sovereign Lord the King, his offices and fees, and four pence of the pound for every day that they ſhall detain and withhold the ſame money without making any paiment thereof, as is aforeſaid.

The Kings Receivers, Bailiffs, &c. may diſtrain for the arrearages of rent.

And further be it enacted by the authority aforeſaid, That all and every Receivers, Collectors and Bailiffs of any of the Kings honours, manors, lands, tenements, rents or revenues, for lack of paiment and levying of their ſaid rents, iſſues and revenues within their offices and charges, ſhall and may have power and authority from henceforth by vertue of this Act to diſtrain for the ſame, and to uſe and order the ſame diſtreſſes in ſuch ſort and form, as any Officer or Officers of the Kings Court of the Exchequer, for levying and lack of paiment of the Kings rents and revenues anſwerable in the ſame Court, heretofore have lawfully done, and may lawfully uſe to do, delivering to the party diſtrained the ſurpluſage and overplus of the value of every ſuch diſtreſs, if any ſhall be, the Kings debts and duties being firſt paid, and the diſtrainant anſwered of reaſonable coſts.

Amercing of Sheriffs for not returning of Writs touching the levying of the Kings rents, &c.

And that the head and chief Officer or Officers of every of the Kings Court of Revenue, being of Record, or that ſhall be of Record, ſhall have full power and authority by vertue of this Act, to ſet and aſſeſs reaſonable fines and amerciaments upon any Sheriff or Sheriffs for not returning or miſreturning of any Writ to them directed, and delivered out of any of the ſame Courts, touching or concerning the levying or anſwering of any of the ſaid iſſues, rents or revenues, or of any debt due to our ſaid Sovereign Lord the King, in ſuch ſort, and after ſuch manner and form as now is, or heretofore hath been lawfully uſed in the like, and ſuch other caſes in the Kings Highneſs Court of the Exchequer.

These accomptants upon warning, ſhall accompt and make ready paiment.

Be it alſo further enacted by the authority aforeſaid, That all Treaſurers and Chamberlains, and general Receivers of any of the Kings Graces Courts of Revenue for the time being, and all Cuſtomers and Collectors of Cuſtoms, or certain and ſtayed Subſidies within any Port, Haven, or Creek of this the Kings Realm of England, that now be, or hereafter ſhall be, within ten days next after notice to him or them given from the King, or ſix of his moſt honourable Privy Councel in writing ſigned with their hands, ſhall by themſelves, or their ſufficient deputy or deputies, for whom they will anſwer, declare in writing what ſums of money then being due unto our ſaid Sovereign Lord the King, be at that time in his or their hands or cuſtody, & ſhall make ready and full paiment of all the ſaid ſums of money, as then ſhall remain in his or their hands or cuſtody, over and above the ordinary paiments and ſums of money contained and expreſſed in ſufficient warrant or warrants, reſting and remaining in his or their office or offices, and being in their full force, ſtrength and effect, & not lawfully countermanded nor revoked to their knowledge, to the uſe of our Sovereign Lord the King, at ſuch time, & in ſuch ſort as he or they ſhall be commanded and appointed by ſufficient warrant, upon pain of forfeiture of his or their office or offices.

Within what time theſe accomptants ſhall yearly accompt.

And be it further enacted by the authority aforeſaid, That the ſame Treaſurers, Chamberlains, and general Receivers by themſelves, or by their deputy or deputies, for whom they will anſwer, ſhall yearly before the twentieth day of June, make a perfect accompt of all ſuch money or treaſure as hath come to their hands, to the Kings uſe, yearly, at or before the twentieth day of March then next before the ſaid twentieth day of June, and ſhall make a perfect and whole declaration in writing, of the money remaining in every of their hands, to the Kings Majeſty, or to his Privy Councel yearly before the laſt day of June then next following, and make paiment of the ſame at ſuch time, and in ſuch ſort as he or they ſhall be commanded or appointed by ſufficient warrant, upon pain of forfeiture of his or their office or offices.

The penalty of an accomptant taking more then his due for the paiment of any penſion, &c. Raſt. pl. f. 191.

And be it further enacted, That if any Treaſurer, Receiver, or Miniſter accomptant, or their deputy or deputies, do take or receive of any perſon or perſons, any ſum or ſums of money, or other profit of and for the paiment of any fees, annuities, penſions, duties or warrants, more or otherwiſe then he or they may lawfully do by former Laws and Statutes therein provided: That then the ſaid Treaſurer, Receiver and Miniſter ſo offending, ſhall forfeit and loſe for every peny or peny worth ſo to be taken or received, ſix ſhillings eight pence to the party grieved, to be recovered in any of the Kings Courts of Record, by bill, plaint, or action of debt, in which ſuit no wager of law, eſſoin or protection ſhall be allowed.

The penalty if the Auditors refuſe or delay to take an accompt.

And be it alſo enacted, That if any Auditor or Auditors, or his or their deputy or deputies which ought to take the accompt of any Treaſurer, Chamberlain, Receiver, or other Officer accomptable before him or them, do refuſe, or willingly protract and delay the taking of the ſame accompt, in ſuch wiſe as it cannot be finiſhed within the time or times limited and appointed by this Act for the taking and finiſhing thereof, that then every Auditor ſo refuſing, or protracting and delaying as is aforeſaid, and being thereof duly and lawfully convict in the Court where the Revenue or charge of the ſame accompt is or ſhall be anſwerable to the King, ſhall incur, forfeit and loſe ſuch like pain, loſs and forfeiture as the Treaſurer, Chamberlain, Receiver, or other Officer aboveſaid, ſhall and ought to do by this Act, for not accompting of and for their charges, and office or offices. And thereby the ſame Treaſurer, Chamberlain, Receiver, and other Officer that ſhould accompt, and ſhall be refuſed, or ſhall be protracted and delaied, as is aforeſaid, ſhall be diſcharged of any pain, loſs or forfeiture for not accompting, as is aboveſaid.

The copy of the accompt ſhall be delivered to the accomptant.

And be it further enacted, That the duplicate or copy of every accompt that ſhall be made by any Treaſurer, or Receiver, or by their deputy or deputies, in form aforeſaid, within convenient time after the finiſhing of the ſame accompt, and at the reaſonable requeſt and coſts of ſuch accomptant, ſhall be delivered to them or any of them, ſubſcribed with the hands of the Auditor or Auditors that ſhall take the ſame accompt, or of his or their deputy or deputies, for whom he or they will anſwer, upon pain that the ſame Auditor or Auditors ſhall loſe and forfeit to the Kings Majeſty ten pound for every ſuch default.

Biſhops accompt and paiment of Tenths.

Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall in any wiſe extend to charge any Archbiſhops or Biſhops of this Realm, or of any other the Kings Majeſties Dominions, or any of them at any time hereafter, to make any manner of bonds, or to make their accompt and paiment of the Tenths ariſing and growing within any of their Dioceſſes, due, or to be due to our ſaid Sovereign Lord the King, otherwiſe, or in any other manner and form then they, or any of them heretofore have been charged, or accomptable and chargeable by the Laws and Statutes of this Realm: any thing in this Act to the contrary notwithſtanding.

The Revenues of Calice.

Provided always, That this Act, or any thing therein contained, ſhall not extend to cauſe the rents, profits and revenues, riſing and growing to the Kings Majeſty within the Town or Marches of Calice, to be anſwered or paied otherwiſe, or at any other days or times then heretofore hath been uſed and accuſtomed: any thing in this Act to the contrary notwithſtanding.

Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall in any wiſe extend to touch or charge any Sheriff, Eſcheator or Collector of any Diſmes, Quindiſmes, Benevolences, Contributions or Subſidies, (Subſidies of Tonnage and Poundage onely except) but that they and every of them ſhall and may do and exerciſe their ſaid ſeveral Offices, and pay ſuch ſums of money, as they or any of them be, or hereafter ſhall be charged withall by their ſaid ſeveral Offices, in ſuch and like ſort, manner and form, as they and every of them have uſually done, or ſhould or ought to do, if this Act had never been had or made; This Act, or any thing therein contained, in any wiſe to the contrary notwithſtanding.

Which offences ſhall not be chargeable by this Statute.

CAP. II.

The Kings power to diſſolve or unite certain Courts erected by the late King.

Where in the ſeven and twentieth year of the late King of famous memory, King Henry the Eighth, Father to the Kings Majeſty that now is, there was ordained, made, eſtabliſhed and enacted by authority of Parliament, a certain Court commonly called the Court of Augmentations of the Revenues of the Kings Crown. And where alſo in the two and thirtieth year of the ſaid late King, there was made and erected by authority of Parliament, two ſeveral Courts, the one commonly called the Court of the Firſt-fruits and Tenths, and the other the Court of the Kings Wards. And where alſo in the three and thirtieth year of the ſaid late King, there was made, ſtabliſhed and erected by authority of Parliament, one Court commonly called the Court of the general Surveyors of the Kings lands: And where there is one other Court commonly called the Court of the Dutchy of Lancaſter.

27 H. 8. 27.

32 H. 8. 45.
32 H. 8. 46.

33 H. 8. 39.

After which ſaid ſeveral Courts ſo erected, as is aforeſaid, the ſaid late King did repeal & diſſolve, extinguiſh & determine, as well the ſaid Court of Augmentation of yͤ Revenues of the Kings Crown, as alſo the ſaid Court of general Surveyors of the Kings lands, and the Officers of the ſaid late Courts of yͤ Augmentations of yͤ Kings Crown, & general Surveyors of yͤ Kings lands, did ſurrender their Patents & Offices into the ſaid late Kings hands.

The Courts of Augmentations and general Surveyors were diſſolved.

And after the ſaid late King did by his Letters Patents erect one other Court, called the Court of Augmentation and Revenues of the Kings Crown, and did by the ſame his Letters Patents conſtitute and appoint divers Officers and Miniſters for the ſupplying thereof, as by the ſame Letters Patents more plainly at large it may and doth appear.

A ſecond Court of Augmentations erected.

And foraſmuch as ſince the erection of the ſaid Court of Augmentations and Revenues of the Kings Crown, ſtabliſhed and erected by Letters Patents, as is aforeſaid, divers ambiguities and doubts have riſen and grown among ſuch as be learned in the Laws of the Realm, whether the diſſolving, extinguiſhing and repealing of the ſaid late Courts erected by authority of Parliament, as is aforeſaid, might by the order of the Law be diſſolved, extinguiſhed and repealed by Letters Patents, conſidering that the commencement of them were firſt had and made by authority of Parliament, yea or no: Whereupon great inconveniences might enſue, as well to the Kings Majeſty, as to divers of his Graces moſt loving and obedient ſubjects, who have had by exchange, purchaſe, gift, or otherwiſe, divers manors, lands, tenements, and other hereditaments.

Queſtion about the diſſolution of the firſt Court of Augmentation by Letters Patents onely.

For remedy and declaration whereof, be it enacted by the King our Sovereign Lord, and the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Letters Patents ſo made by the ſaid late King, and all and every thing and article therein contained, ſhall be as good, available and effectual in the Law, to all intents, conſtructions and purpoſes, as though the ſame had been made and done by authority of Parliament.

The Kings Letters Patents for the erection of the ſecond Court of Augmentations ſhall be good.

And be it further enacted by authority aforeſaid, That the Kings Majeſty ſhall or may at any time during his natural life (which GOD long preſerve) by his Graces Letters Patents, under his Great Seal of England, at his moſt gracious will and pleaſure, alter, change, unite, tranſpoſe, diſſolve or determine all or any of the ſaid Court or Courts, and to reduce the ſame Courts, or any of them, into one, two or more Court or Courts, or to unite and annex the ſaid Courts, or any two or more of them together, or to any other of his Majeſties Courts of Record: Or to erect any other new Court or Courts, as to his Highneſs ſhall be thought moſt convenient and beſt, for the better, ſurer, and more ſpeedy anſwering of his yearly revenues, caſualties or profits now anſwerable in the ſaid Courts, or in any of them: And that all and ſingular ſuch alterations, changings, unitings, annexings, tranſpoſings, diſſolvings or determinations of the ſaid Courts, or of any of them ſo to be altered, changed, united, annexed, tranſpoſed, diſſolved or determined, or otherwiſe newly to be erected, as is aforeſaid, as concerning an order for the true paiment of the revenues, rents, iſſues, caſualties and profits of our ſaid Sovereign Lord the King, as ſhall be ſet forth & declared in any ſuch Letters Patents or writings under his Great Seal of England, hereafter to be made, ſet forth and declared, ſhall be of ſuch like, and of the ſame force and ſtrength, to all intents, conſtructions and purpoſes, as though the ſame were, or ſhould have been ſet forth or declared by authority of Parliament, the ſaid ſeveral erections, or any other thing heretofore had or made to the contrary thereof in any wiſe notwithſtanding.

The King may by his Letters Patents alter, change or diſſolve any of the Courts aforeſaid, and erect any new.

Provided alway, and be it enacted by the authority aforeſaid, That any thing contained in the ſaid Letters Patents made by the ſaid late King, or in the Letters Patents hereafter to be made by the Kings Highneſs that now is, concerning any pains, penalties, rules or orders, made or to be made for the levying of the Kings revenues, rents, iſſues, caſualties or profits, ſhall not in any wiſe extend to charge any of the Kings ſubjects in any other manner or form then they or any of them ought lawfully to have been charged by the Laws of the Realm, before the firſt day of this preſent Parliament, or by any Statute made or to be made in this preſent Seſſion of Parliament.

Dyer fol. xxv.

No Orders made for the levying of the Kings debts ſhall be prejudicial to any.

Provided alſo, and be it further enacted by the authority aforeſaid, That the ſaid Letters

The Officers of theſe Courts ſhall hear and determine cauſes onely where the King is a party.

A ſaving of all mens Offices in certain caſes.

Patents made in the time of the ſaid late King, or any other Letters Patents hereafter to be made by the Kings Highneſs that now is, or any thing or matter contained in this Act, ſhall not in any wiſe extend to give any power or authority to the Chancellor and general Surveyors of the ſaid Court of the Augmentation and Revenues of the Kings Crown, or to any Officer or Officers of the ſame Court, or to any other Court or Courts hereafter to be erected by the Kings Majeſty, as is aforeſaid, or to any other Officer or Officers to be appointed in any of the ſame Courts hereafter to be erected by the Kings Highneſs, as is aforeſaid, to hear or determine any plea, matter or cauſe between any of the Kings ſubjects, but onely in ſuch caſe where the Kings Highneſs is onely a mere and a ſole party: ſaving to all and every perſon and perſons, and bodies politick and corporate, and to every of them, ſuch Offices of Stewardſhips, Offices of Maſterſhips of any game or games, Keepers of Forreſts, Chaſes, Parks, Houſes and Caſtles, and the profits thereunto belonging, and all rents, annuities and fees, as they or any of them have or ought to have, if this Act had never been had ne made.

A ſaving of the annuities, fees, penſions, &c. of others.

Provided always, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall in no wiſe extend, or be conſtrued to take away, extinct or determine from any perſon or perſons, their heirs, ſucceſſors or aſſigns, or from any of them, any fees, annuities, penſions, ſtipends or annual paiments of any ſums of money, which they or any of them have, or of right might or ought lawfully to have by any Letters Patents, or other ſufficient writing made before the ſix and twentieth day of March, in the ſeventh year of the Reign of our Sovereign Lord the King that now is, but that all and every perſon and perſons, their heirs, ſucceſſors, executors and aſſigns, and every of them, which have, or hereafter ſhall have any fee, annuity, ſtipend, penſion or annual paiment of any ſum or ſums of money, paiable yearly in any of the ſaid Courts, or by the hands of any Officer or Officers of any of the ſame Courts, ſhall and may perceive, take and receive the ſame, and ſhall yearly thereof be paid of the Kings treaſure at the days and times compriſed in ſuch Letters Patents, or other writings in any of the ſaid Courts, where now the ſame is or ought to be paiable, as long as the ſaid Court ſhall remain and have any being: And after in ſuch Court or Courts as ſhall pleaſe the King newly to erect by the hands of the Officers of the ſame Court, and for default thereof in any of the Kings Courts wherein ſufficient revenue ſhall be to anſwer the ſame of the Kings treaſure there, by the hands of the Officers of the ſame Court, in ſuch like manner and form as the ſame perſon and perſons, their heirs, executors and aſſigns, or any of them, ſhould and might have done, or been paid in any other place or Court, if this Act had never been had or made: any thing in this Act contained, or any other thing hereafter to be done by reaſon, colour or authority of this Act to the contrary thereof notwithſtanding. St. 1 M. 10.

CAP. III.

Confirmation of certain Letters Patents of bargain and ſale made by King H. 8. ſince the fourth of February, anno 27. of his Reign: and by King Ed. 6. ſince the twenty eighth of January, anno 1 of his Reign, notwithſtanding his minority.

34 H, 8. 21.

A bill ſhall be ſigned and ſealed by the Patentee of thoſe lands which the King ſhall after grant to him by his bill ſigned.

By what means the King ſhall be ſatisfied for the overplus of lands by him ſold, exchanged or given.

Whereas in the Seſſion of Parliament holden upon Prorogation at Weſtminſter, the two and twentieth day of January, in the four and thirtieth year of the Reign of the late King of famous memory, King Henry the Eighth, and there continued, kept until the twelfth day of May, in the five and thirtieth year of the reign of the ſaid late King, amongſt divers and ſundry, and many Statutes, there was then one Statute made for the confirmation of Letters Patents, notwithſtanding any miſ-naming, miſ-priſion or miſ-rehearſal, or any other default contained or rehearſed in the ſame Act: Wherein it was provided, and enacted by the authority of the ſame Parliament, That all and ſingular ſuch Patentees, Grantees, & Donees, as at any time from ẏ making of the ſame Statute, during ſeven years then next following, ſhould fortune to have or obtain any caſtles, manors, lands, tenements, tithes, penſions, portions, or other hereditaments, of the gift, grant, ſale or exchange of the Kings Majeſty, or of the onely gift of the Kings Majeſty, of his moſt liberal diſpoſition, & not ſold, which at the day of the date of the Letters Patents thereof made, ſhould be of more and better yearly value to the King in yearly rent and ferm, then ſhould be contained, mentioned or ſpecified in any ſuch Letters Patents, and particulars thereof made by the Auditor or Auditors, and in ſuch bill or bills as ſhould be ſigned and ſealed with the hand or hands of the Patentee or Patentees thereof, to be exhibited to the Kings Majeſty, or his Officer or Officers, within whoſe ſurvey the ſaid manors, lands and tenements, and other the premiſſes, or any part thereof ſhould be, or within any of them, which bill ſhould be ſigned, ſealed, had and made, as is aforeſaid, before any bills ſhould be thereof ſigned by the Kings Majeſty, that then every of the ſaid Patentees, Grantees and Donees, their heirs, executors and adminiſtrators, within one year next after due proof and decree thereof had and made in the Court, within whoſe ſurvey the ſame caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof then ſhould be, ſhould content and pay unto the King for the ſame overplus, and more value for the ſame manors, lands, tenements, tithes, penſions, portions, and other hereditaments to him ſold or exchanged, after ſuch rate as the other lands and tenements were before to him ſold or exchanged, and for the overplus and more value of ſuch lands and tenements ſhould happen to be given by the Kings Majeſty, and not ſold, as is abovesaid, The ſaid Patentee, his heirs, executors or adminiſtrators, ſhould content and pay to the King after the rate of twenty years purchaſe: So that the ſame proof and decree were had and made in form abovesaid, within ten years next after the date of the ſaid Letters Patents, as by the Statute more at large it doth and may appear.

1 Ed. 6. 8.

And alſo, whereas in the Parliament begun at Weſtminſter, the fourth day of November, in the firſt year of the Reign of our moſt dread Sovereign Lord the King that now is, King Edward the Sixth, and from thence continued to the four and twentieth day of December then next enſuing: that is to ſay, the firſt Seſſion of the ſame Parliament, amongſt divers and ſundry Statutes, there was then alſo one other Statute made for the confirmation of Letters Patents, notwithſtanding any miſ-naming, miſ-rehearſal, or any other default contained or rehearſed in the ſame Act: wherein it was alſo provided and enacted by the authority of the ſame Parliament, That all and ſingular ſuch Patentees, Grantees and Donees, as at any time after the ſaid Parliament, and during the life of our ſaid Sovereign Lord, King Edward the Sixth, ſhould fortune to have or obtain any caſtles, manors, lands, tenements, tithes, penſions, portions, or other hereditaments, of the gift, grant, ſale or exchange of the Kings Majeſty, or of the onely gift of the Kings Majeſty of his moſt liberal diſpoſition, and not ſold, which at the day of the date of the Letters Patents thereof made, ſhould be of more or better yearly value to the King in yearly rent and ferm, then ſhould be contained, mentioned and ſpecified in any ſuch Letters Patents, and particulars thereof made by the particular Surveyor or Surveyors thereof. And in ſuch bill or bills as ſhould be ſigned and ſealed with the hand or hands of the Patentee or Patentees thereof to be exhibited to the Kings Majeſty, or his Officer or Officers, within whoſe ſurvey the ſaid manors, lands and tenements, and other the premiſſes, or any part thereof ſhould be, or within any of them, which bill ſhould be ſigned, ſealed, had and made, as is aforeſaid, before any bill ſhould be thereof ſigned by the Kings Majeſty: That then every of the ſaid Patentees, Grantees and Donees, their heirs, executors or adminiſtrators, within one year next after due proof and decrees thereof made and held in the Court, within whoſe ſurvey the ſame caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof, before the ſaid gifts and grants were, ſhould content and pay to the King for the ſame overplus, and more value of the ſame manors, lands, tenements, tithes, penſions, portions, and other hereditaments, to him ſold and exchanged, after ſuch rate as other lands and tenements were before to him ſold or exchanged, and for the overplus and more value of ſuch lands and tenements as ſhould happen to be given by the Kings Majeſty, and not ſold, as is aboveſaid, the ſaid Patentee, his heirs, executors or adminiſtrators, ſhould content and pay to the King after the rate of twenty years purchaſe, ſo that the ſame proof and decree were had and made in manner and form aforeſaid, within ten years next after the date of the ſame Letters Patents, as by ẏ ſame Statute more at large it doth & may appear.

A confirmation of Patents notwithſtanding miſ-naming, miſ-rehearſal, or other default made by King Ed. 6.

Several inconveniences enſuing to the Kings Patentees by the Statute of 34 H. 8. 21. & 1 Ed. 6. 8.

Sithence the making of which Statutes, divers of the ſaid Patentees, Grantees and Donees, according to the true meaning and intent of the ſaid Statutes and Proviſions of the ſame, have by their bills ſeverally ſigned and ſealed with the hands and ſeals of the ſaid Patentees, exhibited to the Kings Majeſty, or to his Officer mentioned in the ſaid ſeveral Acts and Proviſions, before the ſame bill were ſigned by the ſaid late King, or by the Kings Highneſs that now is: Which bills ſigned by the ſaid Patentees, ſometime by the negligence of the ſame Officers, or their Clerks, ſometime by the death of the ſame Officers, and ſometime by the alteration and change of the ſaid Officers, many of the ſaid bills ſo ſigned and ſealed, be now by negligence imbezelled and loſt, and many times there have been no ſuch bills made, but omitted and forgotten: by reaſon whereof divers queſtions, ambiguities and doubts may ariſe, as well for the Kings ſurety and ſatisfaction, as for the Patentees, their heirs and aſſigns.

A confirmation of the Letters Patents of King H. 8. and King Ed. 6. made and to be made during his life.

For the avoiding of all which ambiguities, queſtions and doubts: Be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That as well all and ſingular Letters Patents made by the ſaid late King, as by the Kings Majeſty that now is, ſithence the making of the ſaid ſeveral Statutes and Acts, or that hereafter ſhall be made by our Sovereign Lord the King that now is, during his life (whoſe life GOD long preſerve) ſhall be good and effectual to all and every Patentee, their heirs and aſſigns, the lack or want of any ſuch bill or bills, or whether the particular or particulars were had or made, or hereafter to be had or made by any of the Kings Auditor or Auditors, Surveyor or Surveyors in any wiſe notwithſtanding.

And that the ſame Patentees, Grantees and Donees, their heirs and aſſigns, and every of them, ſhall from henceforth have and take all and ſingular ſuch profits, benefits, commodities and advantages mentioned in the ſaid ſeveral Statutes, as though the ſaid bills had been ſigned and ſealed, and were ready to be ſhewed, according to the true intent of the ſaid Statutes, or any of them.

A mean to ſatiſfie the King of the overplus of the lands ſold, exchanged or given by him to others.

And to the intent the King ſhall be truly anſwered of the overplus of the yearly value of the ſaid manors, lands, tenements and hereditaments, contained or to be contained in any ſuch Letters Patents, as is aforeſaid, according to the true meaning of the ſaid Act or Acts, and the proviſions of the ſame: Be it enacted by the authority aforeſaid, That all and ſingular ſuch Patentees, Grantees and Donees, as at any time from the making of the ſaid ſeveral Statutes, have obtained or gotten, or hereafter ſhall obtain or get any caſtles, manors, lands, tenements, tithes, penſions, portions, or other hereditaments, of the gift, grant, ſale or exchange of the ſaid late King, or of the King that now is, or of the onely gift of the ſaid Kings, or of any of them, of his or their moſt liberal diſpoſition, or of any of them, and not ſold, which at the date of the Letters Patents thereof made, or hereafter to be made, ſhall be of more or better yearly value to the ſaid late King, or to the King that now is, in yearly rent and ferm, then is or ſhall be contained, mentioned or ſpecified in any ſuch Letters Patents, or particulars thereof made by the ſaid Auditor or Auditors, Surveyor or Surveyors, or other Officers, that then every of the ſaid Patentees, Grantees and Donees, their executors and aſſigns, within one year next after due proof and decree thereof made and had in the Court, within whoſe ſurvey the ſame caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof, then were or ſhall be, ſhall content and pay unto the King for the ſame overplus, and more value for the ſame manors, lands, tenements, tithes, penſions, portions, and other hereditaments to him or them ſold or exchanged, or hereafter to be ſold or exchanged, after ſuch rate as the other lands and tenements were before to him ſold or exchanged, or that hereafter ſhall be ſold or exchanged, and for the overplus and more value of ſuch lands and tenements, as hath been given by the ſaid late King, or the Kings Majeſty that now is, or that hereafter ſhall be given by the King that now is, and not ſold, as is aboveſaid, the ſaid Patentee and Patentees, and his and their heirs, executors and aſſigns, ſhall content and pay to the King, after the rate of twenty years purchaſe, ſo that the ſame proof and decree be, or ſhall be made in form aforeſaid, within ſixteen years next after the date of ſuch and the ſame Letters Patents made or to be made in form aforeſaid.

Leaſes of lands parcel of the Dutchy of Lancaſter made in reverſion, or whereof the old rent is not reſerved.

Provided always, and be it enacted by the authority aforeſaid, That this Act, or any proviſion therein contained, ſhall not in any wiſe extend to confirm, ratifie or make good any leaſe or leaſes, made or hereafter to be made for term of life, lives or years, whereupon the old and accuſtomed rents, or more, be not, or hereafter ſhall not be reſerved, and yearly paiable during the time and term of the ſaid leaſe and leaſes, nor to any leaſe or leaſes made in reverſion, or any part or parcel of any manors, lands, tenements or hereditaments, parcel of the Dutchy of Lancaſter, or within the ſurvey of the ſame Dutchy.

What Letters Patents onely this Statute doth extend unto.

Provided alſo, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall extend to confirm, ratifie or make good any Letters Patents heretofore made, or hereafter to be made of eſtate of inheritance, by any King or Kings of this Realm, but to ſuch Letters Patents as were made by the ſaid late King Henry the Eighth, ſince the ſaid fourth day of February, in the ſaid ſeven and twentieth year of his Reign, or hath been, or hereafter ſhall be made by the Kings Majeſty that now is, during his life, (which GOD long preſerve) Any thing or matter contained in this Act, or in any of the proviſions before rehearſed to the contrary thereof in any wiſe notwithſtanding.

And where alſo the late King of famous memory, Henry the Eighth, and alſo our Sovereign Lord the Kings Majeſty that now is, as well by divers bargains and ſales, for divers great ſums of money, as by gifts, exchanges, or otherwiſe, have given and granted by their ſeveral Letters Patents, under the great Seal of England, or under the great Seal of the Dutchy of Lancaſter, divers manors, lands, tenements, and other hereditaments, with the appurtenances, to divers and ſundry their loving ſubjects, of any eſtate of inheritance to hold in ſoccage onely, and not in capite, for all manner of ſervices, and without reſervation of any Tenths or rents in the ſame Letters Patents, as by the ſame ſeveral Letters Patents may appear. And foraſmuch as by certain Statutes heretofore made, doubts and ambiguities may ariſe upon ſuch Letters Patents for lack of tenures in capite, or reſervations of Tenths or rents, which might be hereafter to the unquietneſs of ſuch Patentees, their heirs, aſſigns or ſucceſſors, contrary to the intents and mind of the ſaid late King, and of our Sovereign Lord the Kings Majeſty that now is.

A confirmation of the Kings Letters Patents notwithſtanding his nonage, or any Statute made for Tenures, Rents or Tenths.

For the avoiding of all doubts and ambiguities, and for the quietneſs of the Kings loving ſubjects: Be it alſo enacted and eſtabliſhed by the authority aforeſaid, That all Letters Patents ſealed, or hereafter to be ſealed with the great Seal of England, or with the great Seal of the Dutchy of Lancaſter, ſhall be good, perfect and available in Law, to all intents and purpoſes, according to the ſaid Letters Patents, the nonage of our Sovereign Lord the Kings Majeſty that now is, as Duke of Lancaſter, albeit always as King he is of full age, or any Act, Statute or Laws, for or concerning any tenures or reſervations of rents or tenths, to the contrary notwithſtanding: Saving to all and every perſon and perſons, bodies politick and corporate, their heirs, ſucceſſors, executors and aſſigns, and to every of them, (other then the Kings Majeſty, his Heirs and Succeſſors, as Kings of this Realm, or as Dukes of Lancaſter) all and every ſuch rights, titles, leaſes, conditions, rents and intereſts whatſoever, as they or any of them ſhould, ought or might have had, if this Act had never been had or made: This Act, or any thing therein contained, to the contrary in any wiſe notwithſtanding. St. 27 H. 8. 27. 35 H. 8. 14. 37 H. 8. 20. 1 Ed. 6. 8.

CAP. IV.

Patents of Collectorſhips of Tenths ſhall be bound for their Collectors.

St. 26 H. 8. 3. 2 Eliz. 4.

Where the Archbiſhops and Biſhops of this Realm of England, are bound to the Kings Majeſty for the collecting and true paiment of the Diſmes or Tenths due to his Highneſs, for all and ſingular Benefices, and other Eccleſiaſtical promotions whatſoever, being within their ſeveral Dioceſs: For the collection whereof, divers of the predeceſſors of the ſaid Archbiſhops and Biſhops have by their Letters Patents (confirmed with the Chapiter Seal) given and granted to ſundry perſons the collection of the ſame Diſmes and Tenths, without proviſion of ſufficient bonds, for the true collection and paiment of the ſaid Diſmes or Tenths to our Sovereign Lord, or otherwiſe to diſcharge the granters of the ſaid Patents, and their ſucceſſors, whereby the Kings Majeſty hath been greatly defrauded of his ſaid duties, and many of the ſaid Biſhops ſore troubled, to their great hinderance and utter undoing.

The Collectors of Tenths ſhall be bound to ſave the Biſhops harmleſs againſt the King. Stat. 14 El. 7.

Be it therefore enacted by our Sovereign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all Collectors of the ſaid Tenths, under any Archbiſhop or Biſhop within this Realm of England, or other the Kings Dominions, having Letters Patents, or other writings of their ſaid Office of Collectorſhip of the ſaid Tenths, ſhall before the Feaſt of the Nativity of St. John Baptiſt next coming, be bound by their ſufficient Writing obligatory or Recognizance, in the Court of the Firſt Fruits and Tenths, or in any other Court where the Kings Revenues of the Tenth ſhall be anſwerable, in ſuch ſum or ſums of money as ſhall be due and growing yearly to our Sovereign Lord the King, within their ſaid collection or office, to ſave and keep the ſaid Archbiſhop or Biſhops, and every of them harmleſs, and without hurt or damage, againſt the Kings Majeſty, his Heirs and Succeſſors, of and for all manner of accompts and paiments of money, which they or any of them have, ſhall or may conveniently receive, during the time of their ſeveral collections, and that may be lawfully demanded or required of the ſaid Archbiſhops or Biſhops, or any of them, for or concerning the ſaid Tenths, by reaſon of the Statute of the Firſt Fruits and Tenths, or elſe their ſaid Letters Patents, and other writings, to be utterly void and of none effect.

And for that the Parſons, Vicars and Curates within this Realm, for the moſt part be not able to pay their Tenths, before that they ſhall have received the profits of their Benefices, which yearly groweth and reneweth to them at the Feaſt of Eaſter, which Feaſt in many years falleth after the firſt day of April, which ſaid firſt day of April is now the day that is ſtalled and appointed to the ſaid Archbiſhops and Biſhops, to make paiment to the Kings Majeſty of the ſaid Tenths: Be it therefore enacted by the authority aforeſaid, That the ſaid Archbiſhops and Biſhops, and every of them, ſhall from henceforth make yearly paiment of the ſaid Tenths unto our ſaid Sovereign Lord, his Heirs and Succeſſors, in the Court of the Firſt-fruits and Tenths, or elſe where it ſhall pleaſe the Kings Majeſty to appoint the paiment of the ſame before or at the laſt day of May, and not otherwiſe. And that the certificate of Recuſants made by any of the ſaid Archbiſhops or Biſhops, or any of them, before or at the laſt day of May yearly, ſhall be as good and effectual in the Law, to all intents, conſtructions and purpoſes, as though it had been made at the days and times heretofore limited and appointed by the Statute made the ſix and twentieth year of the Reign of his moſt noble Father of famous memory, King Henry the Eighth, for paiments of Tenths and Firſt-fruits, any Law or Statute heretofore had or made to the contrary in any wiſe notwithſtanding.

The Tenths ſhall be paid the laſt day of May.

Certificate of recuſants made in May.

And be it further enacted by the authority aforeſaid, That if any promotion Spiritual be now, or ſhall chance hereafter to be or remain in ſuch ſort void, that no Incumbent is or can be conveniently provided for the ſame: That then the ſaid Archbiſhops and Biſhops, and every of them ſhall and may certifie yearly, before the laſt day of May, the ſame Vacations ſpecially and according to the truth of the matter, into the ſaid Court of the Firſt-fruits and Tenths, or in any other Court where the Kings Revenues of Tenths ſhall be anſwerable, upon which certificate the ſaid Archbiſhops and Biſhops, and every of them, ſhall be diſcharged towards and againſt the Kings Majeſty, his Heirs and Succeſſors, in like ſort as they now be, upon their certificate of the recuſants: And that then, and from thenceforth it ſhall be lawful to the Kings Majeſty, his Heirs and Succeſſors, to levy and take all the glebe lands, tithes, iſſues or profits, of the ſaid Benefice or Spiritual Promotion ſo eſpecially certified, as is aforeſaid, until his Grace, his Heirs and Succeſſors, may be fully anſwered, ſatisfied and paid of the whole arrearages of the ſaid Tenths, then due to his Majeſty, and the ſaid Archbiſhops and Biſhops, and every of them, to be from the time of the ſaid eſpecial certificate, clearly exonerated and diſcharged againſt the King, his Heirs and Succeſſors, of the ſame arrearages: Any Law or Statute heretofore had or made to the contrary in any wiſe notwithſtanding.

A Spiritual promotion void, for which no Incumbent can be provided.

And be it further enacted by the authority aforeſaid, That all and every grant, patent or writing whatſoever, that ſhall hereafter be made to any perſon or perſons, by any Archbiſhop or Biſhop, by themſelves, or elſe by any Archbiſhop or Biſhop confirmed by Chapter ſeal within the Realm of England, or elſewhere within the Kings Dominions, of the Office of Collectorſhip of the Tenths, growing or ariſing yearly to be due unto our ſaid Sovereign Lord the King, within the Dioceſs and Biſhoprick of any ſuch Grantor, by reaſon of the Statute of the Firſt-Fruits and Tenths, ſhall ſtand, abide and endure in his or their force, ſtrength and effect, no more nor longer time then the ſaid Grantor ſhall be and remain Archbiſhop or Biſhop of the ſame See and Biſhoprick, whereof he was poſſeſſed at the time of his ſaid grant, any confirmation of the ſaid grant, or any cuſtom, uſage, law or ſtatute at any time heretofore had, uſed or made to the contrary in any wiſe notwithſtanding.

The Patent of a Collector ſhall be good no longer then during the continuance of the Grantor in the See.

CAP. V.

At what prices Wines ſhall be ſold, and at whoſe appointment the prices ſhall be ſet down.

For the avoiding of many inconveniences, much evil rule and common reſort of miſruled perſons, uſed and frequented in many Taverns of late newly ſet up, in very great number, in back lanes, corners, and ſuſpicious places, within the City of London, and in divers other Towns and Villages within this Realm: Be it enacted by the authority of this preſent Parliament, That no perſon or perſons whatſoever, inhabiting within any of the Kings Majeſties Dominions of England and Wales, ſhall after the Feaſt of St. Michael the Archangel next coming, utter by retail, by ſmall meaſure: that is to ſay, by gallon, or any other meaſure of greater or leſs quantity, any Wines called Gaſcoin, Guyon, or French Wines, but after the rate of eight pence the gallon at the moſt, by any manner of means, colour, engine or craft: nor any Rochel Wines at greater prices or valuation, then after the rate of four pence the gallon at the moſt, nor any other Wine or Wines at greater price or valuation, then after the rate of twelve pence the gallon at the moſt, upon pain that every perſon doing the contrary, ſhall forfeit for every ſuch offence five pounds of lawful money of England.

The prices of Wine by ſmall meaſures.
REP. 1 Jac. 25.
12 Car. 2. ca. 25.

And be it further enacted by the authority aforeſaid, That it ſhall not be lawful to any perſon or perſons within any the Dominions aforeſaid, except he or they ſhall and may diſpend in lands, tenements, hereditaments, or other yearly profits certain, the ſum of one hundred marks of lawful money of England, or elſe be worth of his own proper goods and cattels, one thouſand marks, or ſhall be the ſon of a Duke, Marqueſs, Earl, Vicount or Baron of this Realm, to have and keep after the Feaſt of St. Michael the Archangel, in his houſe or cuſtody, any piece or veſſel of any of the ſaid Wines of Gaſcoin, Guyon, French or Rochel

Who may have Wine in his houſe, and who not.
REP. 1 Jac. 25.

Wines, containing above the quantity of ten gallons, to the intent to ſpend or drink the ſame in his or their houſe or houſes, by any colour or means, upon pain to forfeit for every ſuch offence ten pounds of lawful money of England.

No Wines ſhall be ſold by retail but in Cities, Boroughs, Market Towns. Alt. 12 Car. 2. cap. 25.

No perſon ſhall ſell Wines, but by licence of the Mayors, &c. of the Towns where, &c.

No perſon ſhall ſell Wines in any Town not corporate, but by the licence of the Juſtices of Peace of the Shire. Coke pl. f. 370. Alt. St. 12 Car. 1. cap. 1.

How many Taverns may be licenced in one Town, &c.

And alſo be it further enacted by the authority of this preſent Parliament, That it ſhall not be lawful to any perſon or perſons, within any of the ſaid Dominions, after the ſaid Feaſt of St. Michael to keep any Tavern, or to ſell or utter by retail, by the gallon, or leſs or greater meaſure in any place, any of the ſaid Wine or Wines, within any of the ſaid Dominions, except it be in [a] Cities, Towns corporate, Boroughs, Port Towns, or Market Towns, or in the Towns of Graveſend, Sittingborn, Turford, and Bagſhot, upon pain that every perſon or perſons that ſhall ſo offend contrary to the form of this Act, ſhall loſe and forfeit for every day ſo offending the ſum of ten pound of lawful money of England: Nor that it ſhall be lawful to any perſon or perſons, after the ſaid Feaſt of St. Michael, to keep any Tavern, or ſell or utter by retail, by the gallon, or leſs or greater meaſure, in any City, Borough, or Town corporate, any manner of Wines, but onely ſuch perſon and perſons as ſhall be thereunto nominated, appointed and aſſigned by the head Officers, and the moſt part of the Common Councel, Aldermen, Burgeſſes, Jurates or Commonalty for the time being, of ſuch City, Borough or Town corporate, where ſuch perſon or perſons ſhall tavern, ſell or utter Wine by retail, as is aforeſaid: The ſaid nomination and aſſignment to be made by writing under the common Seal of ſuch City, Borough, or Town corporate, as is aforeſaid: and the ſaid nomination, appointment and aſſignment ſhall continue in their force, or be changed at the election and pleaſure of the head Officer or Officers, and the moſt part of the Common Councel, Aldermen, Burgeſſes, Jurates, or Commonalty for the time being, of ſuch City, Borough, or Town corporate, by writing, and under ſuch common Seal, as is aforeſaid: Nor that it ſhall be lawful to any perſon or perſons to keep any Tavern, or to ſell or utter any Wine by retail, as is aforeſaid, in any City, Borough, Port Town or Market Town not corporate, within the Realm of England or Wales, or in the ſaid Towns of Graveſend, Sittingborn or Bagſhot, but onely ſuch perſon or perſons, as thereunto ſhall be aſſigned, nominated and appointed, by all or the moſt part of the Juſtices of Peace for the time being, of ſuch Shire or County where ſuch Taverns, or ſelling of Wine by retail, ſhall be had or allowed, as ſhall be preſent at the general Seſſions for the time being, to be holden within every of the ſaid Shires or Counties, the ſaid aſſignment, nomination and appointment to be had and made in full Seſſion, by writing under the ſeveral Seal of every of the ſaid Juſtices, and to be continued, altered or changed, in like form, and by like authority as is laſt aforeſaid, upon pain that every perſon that ſhall after the ſaid Feaſt ſell or retail any Wine, being not thereunto licenſed and authorized, as is aforeſaid, ſhall forfeit and loſe for every day that he ſhall ſo offend, five pounds of lawful money of England: Nor that any perſon or perſons, having authority by this preſent Act to nominate, aſſign or appoint, what perſons ſhall tavern, utter or ſell Wine by retail, as is aforeſaid, ſhall nominate, aſſign or appoint, by his or their writing, any moe or greater number of Taverns or Wine-ſellers, by retail to ſell or utter Wine, or keep or continue any Tavern at one time, in any one City, Borough, Town corporate, Port Town or Market Mown, or in Graveſend, Sittingborn or Bagſhot, (all and every ſuch City and Town hereafter expreſly named onely except) then two Wine-ſellers or Taverns. And it ſhall not be lawful to any perſon or perſons, having authority to nominate, aſſign or appoint Taverns or ſellers of Wine by retail, by this Act to nominate, aſſign or appoint by writing any moe or greater number of Taverns or Wine-ſellers in the City of London, to ſell or utter Wine by retail, at any time above the number of fourty Taverns or Wine-ſellers: And in York eight, in Norwich four, in Weſtminſter three, in Briſtol ſix, in Lincoln three, in Kingſtone upon Hull four, in Shrewsbury three, in Exeter four, in Salisbury three, in Glouceſter four, in Weſtcheſter four, in Hereford Eaſt three, in Worceſter three, in Southampton three, in Canterbury four, in Ipſwich three, in Wincheſter three, in Oxford three, in Cambridge four, in Colcheſter three, in Newcaſtle upon Tine four Taverns or Wine-ſellers, upon pain that every perſon authoriſed by this Act to nominate, aſſign or appoint Taverns or Wine-ſellers, to forfeit for every nomination, aſſignment or appointment by him made, contrary to the form of this Act, five pounds.

No man ſhall retail Wine to be ſpent in his houſe.

Who ſhall have the forfeiture.

And be it further enacted by the authority aforeſaid, That no perſon or perſons whatſoever, from and after the Feaſt of St. Michael, ſhall ſell or utter by retail any kind of Wine or Wines, to be drunk or ſpent in his or their manſion houſe or houſes, or other place in his or their tenour or occupation, by any colour, craft, engine or mean, upon pain to forfeit for every ſuch offence ten pound of lawful money of England, the one half of all which forfeitures ſhall be to the King our Sovereign Lord, and the other half to him or them that will ſue for the ſame by action of debt, bill, plaint, or information, in any of the Kings Courts of Record, in which action or ſuit no eſſoin, wager of law or protection ſhall be allowed.

Who may have Wines to ſpend in their houſes.

Provided always, That it ſhall be lawful for all and every Merchant and Merchants adventuring for the ſame at his or their own coſts and charges, to have and keep to ſpend in his or their houſe or houſes, ſuch Wine or Wines as he ſhall tranſport, or cauſe to be tranſported into this Realm, or any part thereof, not taking any money or other recompence for the ſame that ſhall be ſo ſpent in his or their houſes: and that it ſhall be lawful to every high Sheriff of every County, Mayor, Bailiff and Sheriff of every City and Town corporate within this Realm of England, and other the ſaid Dominions for the time being, during his or their Office of charge, and to every other perſon inhabiting or dwelling in any of the Kings Majeſties Forts or Towns fortified and kept for the wars, during his or their dwellings in any ſuch Fort or Town of war, to have Wine in their houſes by the Veſſel, to ſpend the ſame in his or their houſes without taking any money, or other recompence for the ſame ſo ſpent in his or their houſes, or other place in their tenour or occupation: this Act, or any thing therein contained, to the contrary in any wiſe notwithſtanding.

And it is further enacted by the authority aforeſaid, That the Juſtices of Peace of every Shire or County, City, and Town corporate, in their ſeveral Seſſions, and the Steward in every Leet, and the Sheriff in his turn, and every Eſcheator ſhall have full power and authority by this preſent Act, to enquire by the oaths of twelve men, of all & every offence and offences perpetrated or done contrary to the form of this Act. And that every enquiry and preſentment taken and had by the oaths of twelve lawful men, as is aforeſaid, ſhall be of ſuch force & effect, as if the ſame were taken or had before the King in his Majeſties Bench. And that every of the pains, penalties and forfeitures aforeſaid, to be due by force of this Act, for any offence to be committed or done by any perſon or perſons, contrary to the form of this preſent Act, as ſhall be found by preſentment before the ſaid Juſtices of Peace, Eſcheators, Sheriff or Steward by verdict of twelve men, as is aforeſaid, and no bill, plaint, action or information thereof commenced in any of the Kings Courts of Record, ſhall be divided equally in two parts, whereof the one ſhall be to the King our Sovereign Lord, his Heirs and Succeſſors: and the other to be to the poor people of the Town or place where ſuch preſentment ſhall be found.

Which Officers may enquire of the offences aforeſaid.

Provided always, and be it further enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to charge any perſon or perſons with any penalty or forfeiture for and concerning any offence to be done contrary to the tenour of this Act, unleſs he or they ſo offending be ſued, indicted, or preſented for the ſame, within one year next after the ſame offence be done and committed, as is aforeſaid: Any thing in this Act contained to the contrary notwithſtanding.

Within what time an offendor muſt be ſued.

Provided always, That this Act, or any thing therein contained, ſhall not in any wiſe be prejudicial or hurtful to any of the Univerſities of Oxford and Cambridge, or to the Chancellor or Scholars of the ſame, or their ſucceſſors, or any of them, to impair or take away any of the liberties, priviledges, franchiſes, juriſdictions, powers or authorities to them or any of them appertaining or belonging: but that they and every of them, and their ſucceſſors, may have, hold, uſe and enjoy all their liberties, priviledges, franchiſes, juriſdictions, powers and authorities, in ſuch large and ample wiſe, as though this Act had never been had ne made, ſo always, that there be not any more or greater number of Taverns kept or maintained within any of the ſaid Towns of Oxford or Cambridge, then may be lawfully kept and maintained by the proviſion, true meaning and intent of this Statute: any thing in this proviſo mentioned to the contrary notwithſtanding.

None of the liberties of Oxford or Cambridge ſhall be impaired.

CAP. VI.

The Statute of 17 Ed.4.1. touching the tranſporting of Gold and Silver, continued for twenty years. EXP.

CAP. VII.

What ſhall be the Aſſiſe of Fuel of all ſorts.

Where the aſſiſe and meaſure of talwood, billet, fagot, coles, and other fuel appointed, and aſſiſed by an Act of Parliament made at Weſtminſter the two and twentieth day of January, in the four and thirtieth year of the Reign of our late Sovereign Lord King Henry the Eighth, is the ſame aſſize that was kept in the time of King Edward the Fourth, which aſſize hath not been kept, ne could conveniently be kept theſe threeſcore years, nor at theſe days can be kept, by reaſon of the great ſcarcity of woods that is happened ſince the time of the ſaid King Edward the Fourth. And alſo by reaſon of the greatneſs of the ſaid aſſize, the ſame fuel nor coles cannot be carried at theſe days without alteration of the carts wherein ſuch fuel and coles are now carried, by reaſon whereof, and for that in the ſaid Statute, the penalty, which is the forfeiture of the ſaid fuel or coles, lacking the ſaid aſſize contained in the ſaid Act, dependeth upon the buyer thereof, and not upon the ſeller, ne maker, marker, or ſeller of the ſame. By reaſon whereof divers Cities and Countries are like preſently to lack fuel and coles, unleſs ſpeedy remedy be ſhortly had in this behalf.

34 H. 8. 2.

For redreſs whereof, be it enacted by authority of this preſent Parliament, That no perſon or perſons ſhall ſuſtain any loſs, pain or penalty for buying or ſelling of any talwood, billet or fagot now cut and made, although the ſame be not of the aſſize contained in the ſaid Act, any thing contained in the ſame Act notwithſtanding. And that all talwood, billet, fagot and coles to be made and put to ſale in the Cities of London, Weſtminſter, or in the ſuburbs of the ſame, after the laſt day of September next coming, ſhall keep the aſſizes hereafter expreſſed, that is to wit, That every ſack of coles contain four buſhels of good or clean coles. And that every talſhide contain in length four foot, beſides the carfe. And every talſhide named of one, to contain in greatneſs within a foot of the midſt, ſixteen inches about. And every talſhide named of two, to contain in greatneſs within a foot of the midſt, three and twenty inches about. And every talſhide named of three, to contain in greatneſs within a foot of the midſt, eight and twenty inches about. And every talſhide named of four, to contain in greatneſs within a foot of the midſt, three and thirty inches about. And every talſhide named of five, to contain in greatneſs within a foot of the midſt, eight and thirty inches about. And every billet to contain in length three foot and four inches. And every billet named a ſingle, to contain ſeven inches and a half about. And every billet named to be a caſt, to contain ten inches about. And every billet named of two caſt, to contain fourteen inches about. And every fagot bound, to contain in length three foot. And the band of every ſuch fagot to be of four and twenty inches about, beſides the knot, which aſſizes are little leſs then the aſſizes contained in the ſaid former Act, and alſo are much greater then any aſſize that now is, or of long time hath been commonly kept.

The aſſize of talwood, billet, fagot and coles, to be ſold in London and Weſtminſter and the ſuburbs thereof.

And be it further enacted, That it ſhall be lawful from henceforth for every owner without danger of any forfeiture, to make billets of two caſts. And that all billets of two

The forfeiture for lacking of the Aſſizes aforeſaid. Rep. 43 El. 14.

All other Statutes for aſſize of fuel, repealed.

caſts from henceforth to be made and put to ſale, ſhall be of the aſſiſe herein comprized, or more, and ſhall be marked onely within ſix inches of the midſt thereof. And that every billet of one caſt from henceforth to be made and put to ſale, ſhall be onely marked within four inches of the end thereof, upon pain that every maker and every ſeller, that ſhall make any ſuch fuel or coles, and put the ſame to ſale, to forfeit for every ſhide of talwood, billet, faggot, or ſack of coles from henceforth put to ſale, lacking of the aſſize aforeſaid, three ſhillings four pence. And that this preſent Statute onely, and no other Statute of aſſiſe of fuel or coles, ſhall from henceforth ſtand in force, ne take place.

And foraſmuch as by the greedy appetite and covetouſneſs of divers perſons, fuel, coles and wood runneth many times through four or five ſeveral hands or more before it cometh to the hands of them that for their neceſſity do burn or retail the ſame:

None ſhall buy fuel, but ſuch as will burn or retail the ſame.

No perſon ſhall alter any mark or aſſize of fuel marked.

Be it further enacted, That from the firſt day of May next coming, no perſon or perſons ſhall buy any ſuch wood, coles or fuel, but onely ſuch as will burn or conſume the ſame, or ſuch perſons as ſhall ſell the ſame again by retail, to ſuch as ſhall burn or conſume the ſame for their own occupying, without fraud or covin, or wharffingers, or bargemen, upon pain to forfeit the treble value of all ſuch wood, coles and fuel as ſhall be otherwiſe bought for any lucre or gain. And that no perſon or perſons ſhall alter any mark or aſſiſe of any of the ſaid fuel marked or aſſiſed, according to this Statute, in pain of like forfeiture as is aforeſaid: the one half of all which forfeiture herein contained, ſhall be to the King our Sovereign Lord, and the other half to him or them that will ſue for the ſame by action of debt, bill, plaint or information, in any of the Kings Courts of Record, wherein no eſſoin, protection, or wager of Law to be allowed or admitted for the defendants.

Within what time an offendor ſhall be ſued.

The puniſhment of an offendor not able to pay the forfeiture.

Provided always, and be it enacted, That no perſon or perſons ſhall yield, ne forfeit any penalty herein contained, unleſs action or ſuit be commenced for the ſame, within one whole year next after the offence thereof committed or done. And that if any cutter or maker, as aforeſaid, or other that ſhall forfeit any ſum herein contained, ſhall not be able to yield ſuch forfeiture or ſum, as is aforeſaid, that then ſuch perſon thereof convicted by witneſſes or otherwiſe, to be ſet on a Pillory in the next market Town to the place where he ſhall ſo offend, by a Juſtice of the Peace, or any other of the Kings Officers, at eleven of the clock upon the market day, with a billet or fagot bounden to ſome part of his body, and ſo to be diſcharged of the ſaid forfeiture.

Proviſion for Calice.

Provided alſo, and be it enacted, That it ſhall be lawful to every perſon and perſons to buy, ſell, make and cut billets for the onely ſerving of the Town of Calice, and the Marches of the ſame, ſo that they contain in length thirty inches at the leaſt, as hath been there moſt accuſtomed xl. years laſt paſt, without forfeiture of any penalty herein contained, any thing herein contained to the contrary in any wiſe notwithſtanding. Stat. 43 El. 14.

CAP. VIII.

A continuance for five years of the Statute of 22 Ed. 4. 5. prohibiting the fulling of Caps or Bonnets in a Mill. EXP. & REP. 1 Jac. 25.

CAP. IX.

Every piece of cloth called white pinned ſtraits, ready dreſſed to put to ſale, ſhall contain in length at the leaſt twelve yards, in breadth one yard, in weight eleven pound. And every piece of pinned ſtraits ſhall contain in length eleven yards, in breadth three quarters of a yard, and in weight eight pound at the leaſt. Hair, Flocks and Lambs wool may be put into any of the ſaid clothes made in Devon and Cornwal. REP. 27 El. 18. Stat. 5 & 6 Ed. 6. 6. 5 H. 8. 2. 6 H. 8. 8. 43 El. 10. 4 Jac. 2.

CAP. X.

The Town of Gateſide ſhall be annexed to the Town of Newcaſtle, and ſevered from the Biſhoprick of Durham. The inhabitants of Gateſide ſhall continue their Common in the Biſhoprick of Durham, and wood in Gateſide Park for their reparations. The liberties of the Biſhop of Durham in Newcaſtle and Gateſide ſhall continue. REP. 1 M. 3.

CAP. XI.

A continuance until the laſt day of the next Parliament, of theſe Statutes hereafter rehearſed, viz. 22 H. 8. 7. made for the reſtraint of carrying of Horſes and Mares out of this Realm. Anno 21 H. 8. 12. for the true making of Cables, &c. Anno 23 H. 8. 17. for the true winding of Woolls. Anno 24 H. 8. 9. reſtraining the killing of Weanlings. Anno 23 H. 8. 3. for Attaints to be ſued upon untrue Verdicts. Anno 33 H. 8. 2. concerning buying of Fiſh upon the Sea. Anno 55 H. 8. 17. made for the preſervation of Woods. Anno 31 H. 8. 12. touching unlawful hunting in any Park. Anno 32 H. 8. 11. touching wrongful taking or ſlaying of any Deer within any Park, &c. Anno 2 & 3 Ed. 6. 9. for the true currying of Leather. Anno 2 & 3 Ed. 6. 10. for the true making of Malt. Anno 2 & 3 Ed. 6. 11. for the true making of Leather. Anno 3 & 4 Ed. 6. 5. for the puniſhment of unlawful aſſemblies. Anno 3 & 4 Ed. 6. 15. againſt fond and phantaſtical propheſies. Anno 3 & 4 Ed. 6. 19. concerning the buying of Roather beaſts. Anno 3 & 4. Ed. 6. 21. concerning the buying and ſelling of Butter and Cheeſe. Anno 5 & 6 Ed. 6. touching the proviſion and relief for the poor. Anno 5 & 6 Ed. 6. 14. made againſt Regraters and Foreſtallers. EXP. Stat. 1 Eliz. 18.

CAP. XII.

A Subſidy and two Fifteens and Tenths granted to the King by the Temporality, to be paid in two years. EXP. Stat. 1 M. 17.

CAP. XIII.

A confirmation of ſix ſhillings in the pound, to be paid in three years, granted to the King by the Clergy. EXP.

CAP. XIV.

The Kings general and free Pardon confirmed by Parliament, Except, &c. EXP.

Anno primo MARIÆ.

ACTS made in the Parliament begun and holden at Weſtminſter the fifth day of October, in the firſt year of the Reign of our moſt gracious Soveraign Lady MARY by the grace of God, Queen of England, France, and Ireland, Defender of the Faith, and of the Church of England, and alſo of Ireland, in Earth the ſupream Head: and there continued to the one and twentieth day of the ſame moneth; that is to ſay, in the firſt Seſſion of the ſame Parliament, as followeth.

CAP. I.

A Repeal of certain Treaſons, Felonies, and Premunire.

FOraſmuch as the ſtate of every King, Ruler and Governor of any Realm, dominion or commonalty ſtandeth, and conſiſteth more aſſured by the love and favour of the Subject toward their Soveraign Ruler and Governor, than in the dread and fear of Laws made with rigorous pains and extreme puniſhment, for not obeying of their Sovereign Ruler and Governor: And Laws alſo juſtly made for the preſervation of the Commonweale without extream puniſhment or great penalty, are more often, for the moſt part obeyed and kept, than Laws and Statutes made with great and extream puniſhments. And in ſpecial, ſuch Lawes and Statutes ſo made, whereby not only the ignorant and rude unlearned people, but alſo learned and expert people, minding honeſty, are often and many times trapped and ſnared, yea many times for words onely, without other fact or deed done or perpetrated.

The eſtate of a King ſtandeth more aſſured by the love of his ſubjects, than in fear of Laws.

The Queens moſt excellent Majeſty, calling to remembrance that many, as well honourable and noble perſons, as other of good reputation within this her Graces Realm of England, have of late, (for words only without other opinion, fact or deed) ſuffered ſhamefull death, not accuſtomed to Nobles. Her Highneſs therefore of her accuſtomed clemency and mercy, minding to avoid and put away the occaſion, and cauſe of like chances hereafter to enſue, truſting her loving Subjects will, for her clemency to them ſhewed, love, ſerve, and obey her Grace the more heartily and faithfully, than for dread or fear of pains of body: is contented and pleaſed that the ſeverity of ſuch like extreme, dangerous and painful Laws, ſhall be aboliſhed, annulled, and made fruſtrate and void.

Be it therefore ordained and enacted by the Queen our Soveraign Lady, with the aſſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame: That from henceforth none act, deed or offence being by act of Parliament or Statute made treaſon, petit treaſon, or miſpriſion of treaſon, by words, writing, ciphering, deeds, or otherwiſe whatſoever, ſhall be taken, had, deemed or adjudged to be high treaſon, petit treaſon, or miſpriſion of treaſon, but only ſuch as be declared and expreſſed to be treaſon, petit treaſon, or miſpriſion of treaſon, in or by the Act of Parliament, or Statute made in the five and twentieth year of the reign of the moſt noble King of famous memory, King Edward the third, touching or concerning treaſon, or the declarations of treaſons, and none other, nor that any paines of death, penalty or forfeiture in any wiſe enſue, or be to any offendor or offendors, for the doing or committing any treaſon, petit treaſon, or miſpriſion of treaſon, other than ſuch as be in the ſaid Eſtatute made in the ſaid five and twentieth year of the raign of the ſaid King Edward the third, ordained and provided, any act or acts of Parliament, Statute or Statutes, had or made at any time heretofore, or after the ſaid five and twentieth year of the reign of the ſaid late King Edward the third, or any other declaration or matter to the contrary in any wiſe notwithſtanding.

No act or offence ſhall be Treaſon, petit treaſon, or miſpriſion, but ſuch as be declared by the ſtatute of 25 Ed. 3 2.

Provided always, and be it ordained and enacted by the authority aforeſaid, that this act of Praliament, or any thing therein mentioned, ſhall not in any wiſe extend to give any manner of benefit, advantage, or commodity to any perſon or perſons, being the laſt day of Septem- laſt paſt, arreſted or impriſoned for treaſon, petit treaſon or miſpriſion of treaſon or to any perſon or perſons, heretofore being indicted of treaſon, petit treaſon, or miſpriſion of treaſon, or being outlawed or attainted of treaſon, petit treaſon, or miſpriſion of treaſon, before the ſaid laſt day of September laſt paſt, or being commanded to keep his or their houſes, or other mens houſes, or otherwiſe excepted out of the Queens Highneſs moſt gracious pardon given the day of her Coronation, but that they and every of them, for any offences before mentioned, perpetrated, committed, or done by them or any of them, before the ſaid laſt day of September, ſhall ſuffer ſuch pains of death, loſſes, and forfeitures of lands and goods, as in caſes of Treaſon, as though this act had never been had ne made, any thing in this Act to the contrary in any wiſe notwithſtanding.

Certain perſons exempted out of the benefit of this Statute.

And be it further ordained and enacted by the authority aforeſaid, that all offences made felony, or limited or appointed to be within the caſe of premunire, by any act or acts of Parliament, Statute or Statutes, made ſithence the firſt day of the firſt year of the reign of the late King of famous memory, King Henry the eight, not being felony before, nor within the caſe of premunire, and alſo all and every branch, article, and clauſe mentioned, or in any wiſe declared in any of the ſame Eſtatutes, concerning the making of any offence or offences to be felony, or within the caſe of premunire, not being felony, nor within the caſe of premunire before and all pains and forfeitures concerning the ſame, or any of them, ſhall from henceforth be repealed, and utterly void, and of none effect.

All offences made felony, or in the caſe of Premunire, ſithence An. 1. H. 8. repealed.

Anno primo MARIÆ, Seſſio ſecunda.

ACTS made in the ſecond and laſt Seſſion of this preſent Parliament, holden upon prorogation at Weſtminſter, the four and twentieth day of October, in the firſt year of the Raign of our moſt gracious Soveraign Lady MARY, by the grace of God, Queen of England, France and Ireland, Defender of the Faith, and in earth ſupream Head of the Church of England and of Ireland, and there continued and kept to the diſſolution of the ſame, being the ſixth day of December then next enſuing, as followeth.

CAP. I.

The Queen born in lawful Matrimony, and all ſentences of divorce to the contrary repealed.

Truth may be ſuppreſſed for a time, but not for ever extinguiſhed.

FOraſmuch as truth (being of her own nature of a moſt excellent vertue, efficacy, force, and working) cannot but by proceſs of time break out and ſhew her ſelf, howſoever for a while ſhe may by the iniquity and frailty of man be ſuppreſſed and kept cloſe: And being revealed and manifeſted, ought to be embraced, acknowledged, confeſſed, and profeſſed in all caſes, and matters whatſoever, and whomſoever they touch or concern without reſpect of perſons, but in ſuch caſes, and matters ſpecially, as whereby the glory and honour of God in Heaven (who is the author of truth, and truth it ſelf) is to be ſpecially ſet forth, and whereby alſo the honour, dignity, ſurety, and preſervation of the Prince, and the Ruler under God in earth, dependeth and the welfare, profit, and ſpecial benefit of the univerſal people and body of a Realm is to be continued and maintained.

We your Highneſſe moſt loving, faithful, and obedient ſubjects, underſtanding the very truth of the ſtate of Matrimony between the two moſt excellent Princes of moſt worthy memory, King Henry the eight, and Queen Katharine his loving, godly, and Lawful wife, your Highneſs lawful father and mother, cannot but think our ſelves moſt bounden, both by our duty of allegiance to your Majeſty, and of conſcience towards God, to ſhew unto your Highneſs; firſt, how that the ſame Matrimony, being contracted, ſolemnized, and conſummated, by the agreement and aſſent of both their moſt noble Parents, by the council and advice of the moſt wiſe and graveſt men of both their Realms, by the deliberate and mature conſideration and conſent of the beſt and moſt notable men in learning, in thoſe days, of Chriſtendom; did even ſo continue by the ſpace of twenty years and more between them, to the pleaſure of Almighty God, and ſatisfaction of the world, the joy and comfort of all the ſubjects of this Realm, and to their own repoſe and good contentment, God giving for a ſure token and teſtimony of his good acceptation of the ſame, not only godly fruit, your Highneſs moſt noble perſon (whom we beſeech the Almighty and everliving God, long to proſper and preſerve her amongſt us) and other Iſſue alſo, whom it hath pleaſed God to take out of this tranſitory life unto his eternal glory, but alſo ſending us a happier, flouriſhing and moſt proſperous Commonwealth in all things.

The ground or cauſe of the divorce between King Henry the eight, and Queen Katharine his wife.

And then afterward, how that the malicious and perverſe affections of ſome (a very few perſons) envying the great felicity, wherein by the goodneſs of God. your ſaid moſt noble father and mother, and all their good ſubjects lived and continued in many years, did for their own ſingular glory, and vain reputation conceive ſundry ſubtil & diſloyal practiſes, for the interruption and breach of the ſaid moſt lawful and godly concord. And travelling to put the ſame in ure, deviſed firſt to inſinuate a ſcruple into the King your Fathers conſcience, of an unlawful marriage between him & his moſt lawful wife the Queen, your Highneſs Mother, pretending for the ground thereof, that the ſame was againſt the word of God. And thereupon ceaſed not to perſwade continually unto the ſaid King your Father, that he could not without danger of the loſſe of his ſoul continue with his ſaid moſt lawful wife, but muſt be ſeparated and divorced from her.

And to this intent cauſeth the Seals, as well of certain Univerſities in Italy and France to be gotten (as it were for a teſtimony) by the corruption of money with a few light perſons Scholers of the ſame Univerſities, as alſo the Seals of the Univerſities of this Realm to be obtained by great travel, ſiniſter working, ſecret threatnings, and entreatings of ſome men of authority, eſpecially ſent at that time thither for the ſame purpoſes. And how that finally, Thomas Cranmer, then newly made Archbiſhop of Canterbury, moſt ungodly and againſt all laws, equity aud conſcience proſecuting the ſame wicked device of divorce, and ſeperation of the ſaid King your Father, and Queen Mother, called before him (ex officio) the hearing of the ſame matter of marriage, and taking his foundation partly upon his own unadviſed judgement of the Scripture, joyning therewith the pretended teſtimonies of the ſaid Univerſities, and partly upon bare and moſt untrue conjectures, gathered and admitted by him upon matters of no ſtrength or effect, but only by ſuppoſal, and without admitting or hearing any thing that could be ſaid by the Queen your Mother, or by any other on her behalf, in the abſence, of the ſaid late Queen your Mother, proceeded, pronounced, diſcerned, declared, and gave ſentence, the ſame moſt lawful and undoubted Matrimony, to be naught, and to be contracted againſt Gods Law, & of no value, but lacking the ſtrength of the Law: and the ſaid moſt noble King your Father, and the ſaid noble Queen your Mother, ſo married together, did ſeperate and divorce, and the ſame your moſt noble Father King Henry the eight and the ſaid noble Queen your Mother, from the bands of the ſame moſt lawful matrimony, did pronounce & declare, by the ſame his unlawful ſentence to be free, diſcharged, and ſet at liberty.

The unlawful ſentence of Thomas Cranmer Biſhop of Canterbury, touching the Kings marriage.

The ſentence confirmed by the Statutes made 25 .8. 22 & 28 H.8.7.

Which ſentence and judgement ſo given by unlawful and corrupt means and wayes, by the ſaid Archbiſhop of Canterbury, was afterwards upon certain affections ratified and confirmed by two ſeveral acts, the one made in the five and twentieth year of the Reign of the ſaid King your Highneſſe Father, and intituled, An Act declaring the ſtabliſhment of the ſucceſſion of the Kings moſt Royal Majeſty of the Imperial Crown of this Realm. The other Act of Parliament made in the eight and twentieth year of the raign of the ſaid King your Highneſs Father, entituled, An Act for the ſtabliſhment of the ſucceſſion of the Imperial Crown of the Realm.

In the which ſaid two Acts, was contained the Illegitimations of your moſt noble perſon which your ſaid moſt noble perſon being born in ſo ſolemn a marriage, ſo openly approved in the world, and with ſo good faith both firſt contracted, and alſo by ſo many years continued between your moſt noble Parents, and the ſame marriage in very deed not being prohibited by the Law of God, could not by any reaſon or equity in this caſe be ſo ſpotted. And now we your Highneſs ſaid moſt loving, faithful, and obedient Subjects, of a godly heart and true meaning, freely and frankly, without fear, fanſie, or any other corrupt motion or ſenſual affection, conſidering that this foreſaid marriage had his beginning of God, and by him was continued, and therefore was ever, and is to be taken for a moſt true, juſt, lawful, and to all reſpects, a ſincere and perfect marriage, nor could, ne ought by any mans power, authority, or juriſdiction be diſſolved, broken, or ſeparated, for whom God joyneth, no man can ne ought to put aſunder, and conſidering alſo, how during the ſame marriage in godly concord, the Realm in all degrees flouriſhed to the glory of God, the honour of the Prince, and the great reputation of the Subjects of the ſame, and on the other ſide underſtanding manifeſtly, that the ground of the ſaid device & practice for the ſaid divorce proceeded firſt of malice and vain glory, and afterwards was proſecuted & followed of fond affection, and ſenſual fantaſie, and finally executed and put in effect by corruption, ignorance and flattery: and not only feeling to our great ſorrow, damage & regret, how ſhameful ignominies, rebukes, ſlanders, contempts, yea, what death, peſtilence, wars, diſobediencies, rebellions, inſurrections, and divers other great and grievous plagues God of his juſtice hath ſent upon us, ever ſithence this ungodly purpoſe was firſt begun and practiſed: but alſo ſeeing evidently before our eyes, that unleſſe ſo great an unjuſtice as this hath been and yet continueth, be redubbed, and that the ſaid falſe and wrongful proceſſe, judgement and ſentence, with their dependences be repealed and revoked, nothing is leſſe to be doubted, than that greater plagues and ſtrokes are like to encreaſe and continue daily more and more within this Realm: do beſeech your moſt excellent Majeſty, as well in reſpect of your own honour, dignity, and juſt title, as for truths ſake, wherewith (we doubt not) but your Highneſſe alſo will be eſpecially moved in conſcience, and alſo for the entire love, favour, and affection, which your Majeſty beareth to the Commonwealth of this Realm, and for the good, peace, unity, and reſt of us your moſt bounden ſubjects and our poſterity, that it may be Enacted by your Highneſſe, with the conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled.

The marriage made between King Henry the eight, and Queen Katherine was true, juſt, and lawful.

Plagues ſent by God upon this Realm ſithence the divorce of the King and Queen.

And be it enacted by the authority of this preſent Parliament, that all and every decree, ſentence and judgment of divorce & ſeparation between the ſaid King your Father and the ſaid late Queen your Mother, and all the proceſſe commenced, followed, given, made, or promulged by the ſaid Thomas Cranmer, then Archbiſhop of Canterbury, or by any other perſons or perſons whatſoever, whereby the ſame moſt juſt, pure, & lawful marriage, between the ſaid late King your Father, and the ſaid late Queen your Mother, was, or is pronounced, or in any wiſe declared to be unlawful, or unjuſt, or againſt the Law of God, be and ſhall be from the beginning, and from henceforth of no force, validity, or effect, but be utterly naught, void, fruſtrate, and annihilate, to all intents, conſtructions and purpoſes, as if the ſame had never been given or pronounced.

Every ſentence of divorce between King Henry 8. and Queen Katharine his wife, given by Biſhop Cranmer or any other, ſhall be void.

And Be it alſo Enacted by the authority aforeſaid, that as well the ſaid act of Parliament intituled An Act declaring the eſtabliſhment of the ſucceſſion of the Kings moſt royal Majeſty of the Imperial Crown of this Realm, made in the five and twentieth year of the reign of the King your Father, be repealed, and be void, and of none effect, as alſo all and every ſuch clauſes, articles, branches, and matters contained and expreſſed in the foreſaid act of Parliament made in the ſaid eight and twentieth year of the raign of the ſaid late King your Father, or in any other act or acts of Parliament, as whereby your Highneſs is named or declared to be illegitimate, or the ſaid marriage between the ſaid King your father, and the ſaid Queen your mother, is declared to be againſt the word of God or by any means unlawful, ſhall be, and be repealed, and be void, and of no force nor effect, to all intents, conſtructions and purpoſes as if the ſame ſentence, or Acts of Parliament, had never been had ne made. And that the ſaid marriage had and ſolemnized between your ſaid moſt noble father King Henry, and your ſaid moſt noble Mother Queen Katharine, ſhall be definitively, clearly and abſolutely declared, deemed and adjudged to be and ſtand with Gods law, and his moſt holy word, and to be accepted, reputed and taken of good effect and validity to all intents and purpoſes.

The Stat. of 25 H.8.22, & 28 H.8.7. repealed.

The marriage between King Hen. 8. and Queen Katharine doth ſtand with the Law of God, and ſhall be reputed good.

CAP. II.

A Repeal of the Stat. of 1 Ed. 6. 1. made againſt ſuch as ſhall ſpeak unreverently of the body and blood of Chriſt: and of the St. of 1 Ed. 6.2. touching the election of Biſhops: and the St. of 2 Ed.6.1. concerning the uniformity of ſervice, and adminiſtration of the Sacraments: and of the Statute of 2 Ed 6. 21. made to take away all poſitive Laws ordained againſt the marriage of Prieſts: and of the Statute of 3 Ed.6. 10. made for the aboliſhing of divers Books and Images: and of the Statute of 3 Ed. 6. 12, made for the ordering of Eccleſiaſtical Miniſters: and of the St. of 5 Ed. 6. 1. made for the uniformity of Common Prayer, and adminiſtration of the Sacraments: and of the St. of 5 Ed. 6. 3. made for the keeping of holy dayes and faſting dayes: and of the St. of 5 Ed. 6. 12. touching the marriage of Prieſts, and legitimation of their children. All ſuch divine ſervice and adminiſtration of Sacraments, as were moſt commonly uſed in England in the laſt year of King HENRY the eight, ſhall be uſed thorow the Realm, after the 20. day of Decem. Anno Dom. 1553. and no other kind of Service, nor adminiſtrations of Sacraments. REP. 1 Jac. 25. St. 1 El. 2.

CAP. III.

The penalty of diſturbing of Preachers and Miniſters in the Church.

FOraſmuch as it is moſt neceſſary in every Chriſtian Common-wealth, to provide that tranquility and peace may be preſerved and continued amongſt the people, and ſpecially in holy Church, in the time of divine Service, and adminiſtration of the Sacrament and

Sacramentals, as before this time it hath been accuſtomed in holy Church within this Realm, and that all things being contrary thereunto, or that are, or may be in diſturbance thereof, may by fore ſight be eſchewed and avoided, and remedy therefore in due time provided, as well for the preſervation of the Queens Highneſs peace, as for an univerſal quietneſs and order to be uſed within this Realm.

Diſturbing by word or deed a Preacher in his Sermon.

Be it therefore enacted by the Queen our Soveraign Lady, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons of their own power and authority, at any time or times after the twentieth day of December next coming, do, or ſhall willingly and of purpoſe, by open and overt word, fact, act or deed, maliciouſly or contemptuouſly moleſt, let, diſturb, vex or trouble, or by any other unlawful wayes or means, diſquiet or miſuſe any Preacher or Preachers that now is, or that at any time or times hereafter ſhall be licenſed, allowed or authoriſed to preach by the Queens Highneſs, or by any Archbiſhop or Biſhop of this Realm, or by any other lawful Ordinary, or by any of the Univerſities of Oxford and Cambridge, or otherwiſe lawfully authoriſed or charged by reaſon of his or their cure, benefice, or other Spiritual promotion or charge, in any of his or their open Sermon, Preaching or Collation, that he or they ſhall make, declare, preach or pronounce in any Church, Chappel, Church-yard, or in any other place or places, uſed, frequented or appointed, or that hereafter ſhall be uſed or appointed to be preached in.

Moleſting a Prieſt preparing or celebrating Maſſe or other ſervice.

Or if any perſon or perſons after the ſaid twentieth day of December next coming, ſhall maliciouſly, willingly, or of purpoſe moleſt, let, diſturb, vex, diſquiet, or otherwiſe trouble any Parſon, Vicar, Pariſh-prieſt or Curate, or any lawful Prieſt preparing, ſaying, doing, ſinging, miniſtring or celebrating the Maſſe, or other ſuch divine ſervice, Sacraments or Sacramentals, as was moſt commonly frequented and uſed in the laſt year of the reign of the late Soveraign Lord King Henry the eighth, or that at any time hereafter ſhall be allowed, ſet forth or authoriſed by the Queens Majeſtie.

Abuſing the bleſſed Sacrament of the body & bloud of Chriſt, or breaking any Altar or Crucifix.

Or if any perſon or perſons, at any time or times after the ſaid twentieth day of December, ſhall contemptuouſly, unlawfully or maliciouſly, of their own power or authority, pull down, deface, ſpoil, abuſe, break, or otherwiſe unreverently handle, or order the moſt bleſſed, comfortable and holy Sacrament of the body and bloud of our Saviour Jeſus Chriſt, commonly called the Sacrament of the Altar, being or that ſhall be in any Church or Chappel, or in any other decent place, or the pixe or canopy, wherein the ſame Sacrament is or ſhall be; or unlawfully, contemptuouſly or maliciouſly of their own power and authority, pull down, deface, ſpoil, or otherwiſe break any Altar or Altars, or any Crucifix or Croſſe, that now or hereafter ſhall be in any Church, Chappel or Church-Yard: that then every ſuch offendor and offendors in any the premiſſes, his or their aidor, procuror or abettor, aidors, procurors or abettors, immediately and forthwith after any of the ſaid act or acts, or other the ſaid miſdemeanors ſo commited, done or made, or any time or times after ſhall be apprehended, arreſted and taken by any Conſtable or Conſtables, Churchwarden or Churchwardens of the ſaid Pariſh, Town or place, where the ſaid offence or offences ſhall be ſo committed, made or done, or by any other Officer or Officers, or by any other perſon or perſons, then being preſent at the time of the ſaid offence or offences ſo unlawfully commited, made or done.

Which perſon or perſons ſo apprehended, taken or arreſted, with convenient ſpeed ſhall be brought and carried to any Juſtice of peace within the ſaid Shire, or within any City, Borough, Liberty or Town corporate, wherein Juſtices of peace be, where the ſaid offence or offences ſhall be ſo committed, done and made: and that the ſaid Juſtice of peace, upon due accuſation thereupon had and made by the apprehendor or apprehendors, or other perſon or perſons of any of the ſaid perſon or perſons ſo offending, forthwith ſhall commit the ſaid perſon or perſons ſo apprehended, arreſted and taken, to ſafe keeping and cuſtody, as by the diſcretion of the ſaid Juſtice ſhall be thought moſt meet and convenient, and that within ſix dayes next and immediately after the ſaid accuſation ſo had and made to the ſaid Juſtices, the ſaid Juſtice, with one other Juſtice of Peace in the ſaid Shire, City, Borough, Liberty or Town corporate, ſhall diligently examine the act or acts, offence or offences aforeſaid.

The puniſhment of the offendor for any of the crimes aforeſaid.

And if they the ſaid two Juſtices of Peace, ſhall upon their ſaid examination, find or perceive the ſaid perſon or perſons ſo accuſed, guilty of any the ſaid offence or offences, whereof he or they ſhall be ſo accuſed, and that by two ſufficient witneſſes, or by his or their own confeſſion or confeſſions, that then and immediately with convenient ſpeed, the ſaid two Juſtices ſhall commit and award the ſaid perſon or perſons ſo accuſed, as is aforeſaid, to the Gaol of or for the ſaid Shire, City, Borough, Liberty or Town corporate, where the ſaid offence or offences was ſo committed, made or done, there to remain without bail or mainprize, by the ſpace of three moneths then next enſuing: and further to the next Quarter-Seſſions, to be holden within the ſaid Shire, City, Borough, Liberty or Town corporate, next after the end of the ſaid three moneths: at which ſaid quarter Seſſions, the ſaid perſon or perſons ſo committed to the Gaol as is aforeſaid, upon his or their reconciliation and repentance in that behalf, before the ſaid Juſtice of peace, at the ſaid Seſſions, ſhall be delivered and diſcharged out of Priſon and Gaol, upon ſufficient ſurety of his good abearing and behaviour, to be then and there taken by the ſaid Juſtices for one whole year then next enſuing, as by diſcretion or diſcretions of the ſaid Juſtices then and there being, or of the more part of them, ſhall be thought meet and convenient. And if the ſaid perſon or perſons ſo in Gaol, as is aforeſaid, will not be reconciled and repent at the ſaid quarter Seſſions, that then the ſaid perſon or perſons immediately in time convenient, ſhall be further awarded, and committed to the ſaid Gaol by the ſaid Juſtices, or by the more part of them, there to remain without bail or mainprize, until he or they ſo committed and awarded to Gaol, as is aforeſaid, ſhall be reconciled, and be penitent for his or their ſaid offence or offences.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, at any time or times after the ſaid twentieth day of December, of their own authority and power, willingly and unlawfully do reſcue any offendor or offendors ſo apprehended, taken or arreſted, as is aforeſaid: or will diſturb, hinder or let the ſaid offendor or offendors ſo offending, as is aforeſaid, to be apprehended, taken or arreſted, that then every one of the ſaid reſcuers or diſturbers, ſhall ſuffer like impriſonment as is aforeſaid: and further ſhall pay, forfeit and loſe for a fine, for every of his or their ſaid offences, five pounds to the Queens Majeſty, her Heirs and Succeſſors.

The penalty for reſcuing an offendor, or diſturbing the arreſt.

And be it further enacted by the authority aforeſaid, That if any the ſaid offendors aforeſaid be not taken, apprehended or arreſted, immediately in time convenient, as is aforeſaid, but do eſcape or go away, that then the ſaid eſcape ſhall be lawfully preſented before the Juſtices of peace in the ſaid Shire, City, Borough, Liberty or Town corporate, at the next quarter Seſſions to be holden, where the ſaid eſcape was made and ſuffered, and that then the inhabitants of the Pariſh where the ſaid eſcape was ſo ſuffered, ſhall forfeit and loſe to the Queens Majeſty, her Heirs and Succeſſors, for every ſuch offence five pounds, to be levied and taken as other like amerciaments before this time hath, and been levied and taken upon any Village, Hundred or Town for the eſcape of any murderer, or other felon, for not making purſuit upon Hue and Cry, according to the Eſtatute of Wincheſter, and the Eſtatute made and provided in the third year of the worthy King Henry the ſeventh.

The penalty if an offendor be not taken but doth eſcape.

13 Ed. 1. 1.

And be it further enacted by the authority aforeſaid, That all and ſingular Juſtices of peace, Juſtices of Aſſize, Juſtices of Oyer and Determiner, and all and ſingular Mayors, Bayliffs, and Juſtices of peace, within any City, Borough or Town corporate, in any parts within this Realm, within the limits of their Commiſſion or Commiſſions, ſhall have full power and authority by vertue of this Act, after the ſaid twentieth day of December, to enquire of all and ſingular the offences and miſdemeanors aforeſaid, and to hear and determine the ſame, and to ſet the fines and amerciaments of the ſaid offendor or offendors, as is aforeſaid.

What Magiſtrates ſhall have authority to enquire of and puniſh the offendors.

Provided alwayes, and be it further enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe extend to abrogate and take away the authority, juriſdiction, power and puniſhment of the Eccleſiaſtical Laws now ſtanding and remaining in their force, of or for the puniſhment of any the offences and miſdemeanors aforeſaid: but that the authority, power, juriſdictions and puniſhments of the ſaid Eccleſiaſtical Laws, of and for any of the offences and miſdemeanors aforeſaid, ſhall ſtand in full power and ſtrength, and to be uſed and exerciſed in all and in every thing, as though this Act had never been had and made: This preſent Act, or any thing therein contained, to the contrary thereof in any wiſe notwithſtanding.

The juriſdiction of the Law Eccleſiaſtical ſaved.

Provided always, and be it enacted, that whatſoever perſon offending in the premiſſes, ſhall for any of the offences afore recited, receive puniſhment of the Ordinary having a teſtimonial thereof under the ſaid Ordinaries ſeal, ſhall not for the ſame offence eftſoons be convicted before the Juſtice: and in like wiſe receiving for the ſaid offences, puniſhment by the Juſtice, he ſhall not for the ſame offence eftſoons receive puniſhment of the Ordinary: any thing in this Act to the contrary notwithſtanding.

There ſhall be but one puniſhment for one offence.

CAP. IV.

Writings, &c. made from the ſixth of July laſt, and before the firſt of Auguſt ſhall be good and effectual; excepting ſuch as were made by the Lady Jane Dudley.

Where it hath pleaſed Almighty GOD the ſixth day of July laſt paſt, to call out of this tranſitory life unto his mercy our late Soveraign Lord King Edward the ſixth, by and immediately after whoſe deceaſe the Imperial Crown of this Realm, with all dignities, dominions, honors, preeminences, prerogatives, ſtyles, authorities and juriſdictions, to the ſame united, annexed or belonging, did not onely deſcend, remain and come unto our moſt dread Soveraign Lady the Queens Majeſty, but alſo the ſame was then immediately and lawfully inveſted, deemed and adjudged in her Highneſs moſt royal perſon, by the due courſe of inheritance, and by the laws and ſtatutes of this Realm.

Neverthelesse, the ſame her Highneſs moſt lawful poſſeſſion was for a time diſturbed and diſquieted, by the traiterous rebellion and uſurpation of the Lady Jane Dudley, wife unto Guilford Dudley Eſquire, otherwiſe called the Lady Jane Grey; and other her complices, during the time of the which ſaid rebellion & uſurpation, divers Eſtatutes, Recognizances, Indentures, Obligations, Acquittances, Grants, Patents, Evidences, and other writings were made and deviſed between, and to ſundry of the ſubjects of this Realm, wherupon divers queſtions, ſuits and doubts, may hereafter ariſe, grow and enſue, to many of the Queens Highneſſe true loving ſubjects. For the avoiding of all which ambiguities and doubts, which by reaſon thereof may be ſtirred and moved,

Be it ordained and enacted, that all Eſtatutes, Recognizances, Indentures, and other writings whatſoever, knowledged or made, by or to any perſon or perſons, bodies politick or corporate, being, the Queens Subjects, ſince the ſixth day of July laſt paſt, and before the firſt day of Auguſt then next following, under the name of the reign of any other perſon, than under the name of our Soveraign Lady the Queen, ſhall be as good and effectual in the Law, to all intents, purpoſes, conſtructions and meanings, as if upon the making thereof the name of our Soveraign Lady the Queens Majeſty, with her ſtyle appropriate, and united unto her Majeſties Imperial Crown, had been fully and plainly expreſſed, and contained in the ſame Obligations, Recogniſances. Indentures, Eſtatutes, and other writings. And that the ſame Obligations, Recognizances, Indentures, Eſtatutes, and other writings, ſhall and may be ſued and miniſtred in barre, exhibited, averred, uſed, and pleaded in the name title and ſtyle of our Soveraign Lady the Queens Majeſty in ſuch and the ſame manner and form, as though the

All writings made by or to any perſon ſithence 6 of July laſt, and before 1. Auguſt under the name of any other than the Queen ſhall be good.

name of the ſame our Soveraign Lady the Queen, with her Graces uſual ſtyle had been expreſſed, written and contained in the ſame, the lack of the naming, or mentioning of the name of our Soveraign Lady the Queen, of her Majeſties ſtyle, in the date or time of the making of the ſaid Eſtatutes, Recognizances, Indentures, or other writings in the ſaid Eſtatutes, Recognizances, or other writing in any wiſe notwithſtanding.

No writings made by the Lady Jane Dudley ſithence the vi. of July laſt, ſhall be good.

Provided always, that this Act, nor any thing therein contained, ſhall not extend to make good any Letters Patents, commiſſions, gifts, grants, leaſes, deviſes, or other writings made by the ſaid Lady Jane Dudley, otherwiſe called the Lady Jane Grey, ſithence the ſaid ſixth day of July laſt paſt, of any manors, lands, tenements, hereditaments, offices, fees, or other writings whatſoever, now or then being by any wayes or means parcel, member or belonging to the ſaid Imperial Crown, or to make good any other writings whatſoever made by the ſaid Lady Jane ſithence the ſaid ſixth of July: But that they and every of them ſhall remain and be utterly void and of none effect, any thing aforeſaid to the contrary notwithſtanding.

CAP. V.

Certain Writs and Acts whereunto the Statute of Limitation made 32 H. 8. 2. ſhall not extend.

Where at a Parliament holden at Weſtminſter the xxiiii. day of July, in the xxii, year of the reign of the late King of famous memory, King Henry the eighth, it was enacted that no manner of perſon or perſons, ſhould from thenceforth ſue, have or maintain any writ of right, or make any preſcription, title or claim, of, to or for any manors, lands, tenements, rents, annuities, commons, penſions, portions, corrodies, or other hereditaments, of the poſſeſſion of his or their anceſtor or predeceſſor, and declare and alleage any further ſeiſin or poſſeſſion of his or their anceſtor or predeceſſor, but only of the ſeiſin or poſſeſſion of his anceſtor or predeceſſor, which hath been or then was, or ſhall be ſeiſed of the ſaid manors, lands, tenements, rents, annuities, commons, penſions, portions, corrodies, or other hereditaments, within threeſcore years next before the teſte of the ſame writ, or next before the ſaid preſcription, title or claim, ſued, commenced, brought, made or had after the making of the ſame Act.

A rehearſal of part of the Statute of 32 H. 8. 2. touching limitation of preſcription.

And where alſo it was further enacted by the authority aforeſaid, amongſt other things, that no perſon or perſons ſhould after that, make any avowry or cogniſance for any rent, ſuit or ſervice, or alledge any ſeiſin of any rent, ſuit or ſervice in the ſame avowry or cogniſance in the poſſeſſion of his or their anceſtors, or predeceſſor or predeceſſors, or in his own poſſeſſion, or in the poſſeſſion of any other whoſe eſtate he ſhould after that pretend or claim to have above fifty years next before the making of the ſaid avowry or cognizance.

And whereby the ſame Act it was alſo further enacted amongſt other things, that if any perſon or perſons, at any time after that, did ſue any of the ſaid actions or writs, for any manors, land, tenements, or other hereditaments, or make any avowry, cogniſance, preſcription, title or claim, of or for any rent, ſuit, ſervice, or other hereditaments and could not prove that he or they, or his or their anceſtors or predeceſſors, were in actual poſſeſſion and ſeiſin, of and in the ſame manors, lands, tenements, rents, ſuits, ſervices, annuities, commons penſions, portions, corrodies, or other hereditaments, at any time or times, within the years before limited, and appointed in the ſame Act, in manner and form as is aforeſaid, that if the ſame ſeiſin were traverſed or denied by the party Plaintiff, Demandant or Avowant, or by the party tenant or Defendant, that then, and after ſuch tryal therein had, all and every ſuch perſon and perſons, and their heirs ſhould from thenceforth be utterly barred for ever, of all and every the ſaid writs, actions, avowries, cogniſance, preſcription, title and claim after that to be ſued, had or made, of and for the ſame mannors, lands, tenements, hereditaments, or other the premiſſes, or any part of the ſame, for the which the ſame action, writ, avowry, cognizance, preſcription, title or claim, that ſhould at any time be had, ſued or made.

Certain doubts moved upon the ſaid ſtatute of 32 H. 8. 2.

Upon which ſaid Act, doubt and ambiguity hath riſen and been moved, Whether a Writ of Right, of Advowſon, a Quare Impedit, Jure Patronatus, or Aſſiſe of Darein Preſentment, may be maintained by any perſon or perſons, bodies politick or corporate, whereas the ſame perſon or perſons, bodies politick or corporate, their anceſtor or predeceſſor, or he or they, by whom he or they do claim, cannot lay the Eſplees, ſeiſin or preſentment in him or themſelves, or the anceſtor or predeceſſor of them, or any of them, or in him or them, by whom he or they do claim, within threeſcore years next before the teſte of the ſame Writ of Right, of Advowſon, Quare Impedit, or Aſſiſe of darein preſentment, and Jure Patronatus. And alſo whether any perſon or perſons, bodies politick or corporate, having a Seigniory by reaſon of any Caſtles, Honors, Manors, lands, tenements or hereditaments of him or them, holden by Knights ſervice, may maintain a writ of right of ward, or a writ of raviſhment of ward, for any caſtles, honors, manors, lands, tenements or hereditaments, holden by Knights ſervice, or for the body of any ward, that he or they claim by reaſon of any ſuch tenure by Knights ſervice, whereas he or they have not been ſeized of the ſame ſervices, within threeſcore years next before the teſte of any ſuch writs. For the explanation and plain declaration whereof, and in avoiding of the ſaid ambiguities and doubts, Be it enacted & declared by the Queens Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid former Act made in the two and thirtieth year of the reign of the ſaid late King Henry, or any article, clauſe, ſentence or matter therein contained, ſhall not extend to any Writ of Right, of Advowſon, Quare Impedit, or Aſſiſe of darein preſentment, nor jure patronatus, nor to any writ of right of ward, writ of raviſhment of ward, for the wardſhip of the body, or for the wardſhip of any caſtles, honors, manors, lands, tenements or hereditaments, holden by Knights ſervice, nor to the ſeiſor of the wardſhip of the body of any ward or wards, or to the ſeiſor or wardſhip of any caſtles, honors, manors, lands, tenements,

Certain writs and acts whereunto the ſaid ſtatute ſhall not extend.

tenements or hereditaments, holden by Knights Service; but that all and every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, ſhall and may have, maintain and purſue all and ſingular the ſaid Writs of Right, of Advowſon, Quare Impedit, Aſſiſe of darrein Præſentment, Jure Patronatus, writs of right of ward, raviſhment of ward, and alſo ſeize the wardſhip both of the body, and of [a] the caſtles, honors, manors, lands, tenements and hereditaments holden by Knights ſervice in like manner and form, to all intents, conſtructions and purpoſes, as they or any of them ſhould or might have done, made or purſued, before the making of the ſaid Act made in the xxxii. year, as though the ſame Act had never been had or made: any thing in the ſaid former Act to the contrary notwithſtanding. St. 21 Jac. 16.

Brok. rd. 122.

CAP. VI.

Counterfeiting of ſtrange Coyns, &c. adjudged Treaſon.

FOraſmuch as by the Lawes of this Realm, ſmall and no due and condigne puniſhment is at this preſent time provided, for ſuch evil diſpoſed perſons as ſhall counterfeit or forge ſuch kind of Gold or Silver of other Realms, as is not the proper Coyn of this Realm, and yet permitted and ſuffered by the Queen our Soveraign Ladies conſent, and heretofore hath been permitted and ſuffered by the conſent of her moſt noble Progenitors, to be currant in payment, within this her Realm, nor for ſuch perſons as ſhall counterfeit the Queens Highneſſe Sign Manual, her privy Signet, or privy Seal: By reaſon whereof divers evil diſpoſed perſons are encouraged and boldned daily to perpetrate and commit the ſaid ſeveral offences.

For remedy whereof, Be it enacted by our Soveraign Lady the Queen, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, hereafter falſely forge and counterfeit any ſuch kind of coyn of Gold or Silver, as is not the proper coyn of this Realm, and is or ſhall be currant within this Realm, by the conſent of the Queen, her heirs or ſucceſſors. Or if any perſon or perſons, at any time hereafter, do falſely forge or counterfeit the Queens Sign manual, privy Signet or privy Seal, that then every ſuch offence ſhall be deemed and judged high treaſon, and the offendors therein, their councellors, procurors, aidors, and abettors, being convict according to the laws of this Realm, of any of the ſaid offences, ſhall be likewiſe deemed and adjudged traytors againſt the Queen, her heirs and ſucceſſors, and the Realm, and ſhall ſuffer and have ſuch pains of death, forfeiture of lands, goods and cattels, and alſo loſe the privilege of all Sanctuary, as in the caſe of high treaſon it is uſed and ordained.

Treaſon to forge the coyn of other Realms currant in this Realm, or the Kings ſign Manual, &c. 27 H. 8. 25 Ed. 3. 2.

CAP. VII.

Fines levyed before the Juſtices of the Common place, ſhall be of force notwithſtanding Proclamations be not made.

WHereas upon fines levied with Proclamations, doubts have of late riſen by occaſion of adjournment of Terms, in which Proclamations ſhould have been made according to the form limited for Proclamations upon fines, by the Statute made in the fourth year of King Henry the ſeventh, and were not by reaſon of ſuch adjournments had ne made, according to the purvey of the ſame Eſtatute.

4 H. 7. 24.

Be it therefore enacted that all fines, as well heretofore levied, as hereafter to be levied, before the Juſtices of the Common place, of any manors, lands, tenements, or other hereditaments, whereupon the Proclamations hath not, or ſhall not, by reaſon of adjournment of any Term by Writ, be duly made, ſhall be of as good force, effect and ſtrength, to all intents, conſtructions and purpoſes, as if any Term heretofore ſo adjourned, or that at any time hereafter ſhall be ſo adjourned, had been holden and kept from the beginning to the end thereof, not adjourned, and Proclamations therein made, according to the form and effect of the ſaid Statute.

r fol.

Fines ſhall be of force notwithſtanding proclamations be not duly made by the adjournment of any Term.

Provided alwayes, That this Act ſhall not in any wiſe extend to any fine heretofore levied of any manors, lands, tenements or hereditaments, now in ſuit, demand or variance in any of the Queens Courts, or whereof any charters, evidences or muniments concerning the ſame, be now in demand in the Queens high Court of Chancery, nor to any fine or fines heretofore levied of any manors, lands, tenements or hereditaments, which before the firſt day of this preſent Parliament have been recovered, gotten or obtained, by reaſon of any judgment, entry, decree, arbitrament, or other lawful means, contrary to the purport, intent or effect of any ſuch fine or fines thereof heretofore levied.

Certain fines to which this Statute ſhall not extend.

CAP. VIII.

No Sheriff ſhall be Juſtice of Peace, where or when he is Sheriff.

VVHere in one Act of Parliament intituled, An Act for the continuance of actions after the death of any King, made in the firſt year of our late Soveraign Lord King Edward the ſixth, amongſt other things it is ordained and enacted, That albeit any perſon or perſons, being Juſtice of Aſſiſe, Juſtice of Goal delivery, or Juſtice of Peace, within any of the Kings Dominions, or being in any other of the Kings commiſſions whatſoever, ſhall fortune to be made Duke, Archbiſhop, Marqueſſe, Earl, Viſcount, Baron, Biſhop, Knight, Juſtice of the one Bench or of the other, or Serjeant at the law, or Sheriff, yet that notwithſtanding he and they ſhould remain Juſtice and Commiſſioner, and have full power and authority to execute the ſame in like manner and form, as he or they might and ought to have done before the ſame, as in the ſaid Act more plainly appeareth. Sithence the making of the which Act, divers perſons being in the commiſſion of the peace in one County, have been made Sheriffs of the ſame County, and have exerciſed either of the ſaid offices, which ſeemeth not to be convenient.

1 Ed. 6. 7.

Wherefore

No Sheriff ſhall be Juſtice of Peace of any County where and when he is Sheriff.

Wherefore be it enacted by the authority of this preſent Parliament, That no manner of perſon or perſons, having, uſing or exerciſing the office of the Sheriff of any County or Counties, ſhall uſe or exerciſe the office of the Juſtice of the Peace, by force of any Commiſſion, or otherwiſe, in any County or Counties, where he or they ſhall be Sheriff, during the time onely that he or they ſhall uſe or exerciſe the ſaid office or Sheriffwick: any thing in the ſaid former Act to the contrary in any wiſe notwithſtanding. And that all and every Act and Acts, to be done by any ſuch Sheriff and Sheriffs, by authority of any Commiſſion of the peace, during the time aboveſaid, ſhall be void and of none effect: The ſaid former Act notwithſtanding.

CAP. IX.

The incorporations of Phyſicians in London.

WHereas in the Parliament holden at London the fifteenth day of April, in the fourteenth year of the Reign of our late Soveraign Lord, King Henry the eighth, and from thence adjourned to Weſtminſter the laſt day of July, in the fifteenth year of the Reign of the ſame King, and there holden: It was Enacted, That a certain grant by Letters Patents of incorporation made and granted by our ſaid late King to the Phyſicians of London, and all Clauſes and Articles contained in the ſame grant ſhould be approved, granted, ratified, and confirmed by the ſame Parliament.

A confirmation of the Stat. of 14 H. 8. 5. touching the corporation of Phyſicians of London.

For the conſideration thereof, Be it Enacted by authority of this preſent Parliament, That the ſaid Statute or Act of Parliament, with every article and clauſe therein contained, ſhall from henceforth ſtand and continue ſtill in full in ſtrength, force and effect: Any act, ſtatute, law, cuſtom, or any other thing, made, had, or uſed to the contrary in any wiſe notwithſtanding.

And for the better reformation of divers enormities, happening to the Commonwealth, by the evil uſing and undue adminiſtration of Phyſick, and for the enlarging of further articles for the better execution of the things contained in the ſaid grant enacted:

Whoſoever ſhall be committed to priſon by the Preſident of the Colledge of Phyſicians in London ſhall be received and kept thereby.

Be it therefore now enacted, That whoſover the Preſident of the Colledge, or Communalty of the faculty of Phyſick of London, for the time being, or ſuch as the ſaid Preſident and Colledge ſhall yearly, according to the tenor and meaning of the ſaid act, authoriſed to ſearch, examine, correct, and puniſh all Offendors and Tranſgreſſors in the ſaid Faculty, within the ſame City and Precinct, in the ſaid act expreſſed, ſhall ſend or [a] commit any ſuch offendor or offendors for his or their offences or diſobedience, contrary to any article or clauſe contained in the ſaid grant or act, to any Ward, Gaol, or Priſon, within the ſame City and Precinct (the Tower of London except.) That then from time to time, the Warden, Gaoler, or keeper, Wardens, Gaolers or keepers of the Wards, Gaols and Priſons, within the City or Precinct aforeſaid (except before excepted) ſhall receive into his or their Priſons, all and every ſuch perſon and perſons ſo offending, as ſhall be ſo ſent or committed to him or them, as is aforeſaid, and there ſhall ſafely keep the perſon or perſons ſo committed, in any of their Priſons, at the proper coſts and charges of the ſaid perſon or perſons ſo committed, without bail or mainpriſe, until ſuch time as ſuch offendor or offendors, or diſobedient, be diſcharged of the ſaid impriſonment, by the ſaid Preſident, and ſuch perſons as by the ſaid Colledge, ſhall be thereunto authoriſed, upon pain that all and every ſuch Warden, Gaoler and keeper, doing the contrary, ſhall loſe and forfeit the double of ſuch fine and amerciament, as ſuch offendor and offendors, or diſobedient, ſhall be aſſeſſed to pay, by ſuch as the ſaid Preſident and Colledge ſhall authoriſe, as aforeſaid, ſo that the ſame fine and amerciament, be not at any one time above the ſum of xx l. the moyety thereof to be employed to the uſe of our Soveraign Lady the Queen, her Heirs and Succeſſors, the other moyety unto the ſaid Preſident and Colledge. All which forfeitures to be recovered by action of debt, bill, plaint, or information in any of the Queens, her Heirs and Succeſſors Courts of Record, againſt any ſuch Warden, Gaoler, or keeper, ſo offending: in which Suit, no Eſſoin, Wager of Law, nor protection ſhall be allowed, ne admitted for the Defendant.

[a] Coke, 11. f. 114.

The offendors forfeiture, and who ſhall have it, and by what means.

Searching in London for Apothecary wares, 32 H. 8. 40.

And further be it enacted by the authority aforeſaid, for the better execution of the ſearch and view of Poticary Wares, Drugs and Compoſitions, according to the tenour of a Statute made in the two and thirtieth year of the reign of the ſaid late King Henry the eighth, that it ſhall be lawful for the Wardens of the Grocers, or one of them, to go with the ſaid Phyſicians in their view and ſearch, that if the ſaid Warden or Wardens, do refuſe or delay his or their coming thereunto, forthwith and immediately when the ſaid Preſident, or four of his Colledge Elect, as aforeſaid, do call upon him or them, that then the ſaid Phyſicians may and ſhall execute that ſearch and view, & the due puniſhment of the Poticaries, for any their evil and faulty ſtuff, according to the Statute laſt before mentioned, without the aſſiſtance of any of the ſaid Wardens: any clauſe in the aforenamed Statute, to the contrary hereof notwithſtanding. And every ſuch perſon or perſons, as will or ſhall reſiſt ſuch ſearch, ſhall forfeit for every ſuch reſiſtance xl. the ſame penalty to be recovered in form aforeſaid, without any of the delayes aforeſaid to be had in Suit thereof.

The penalty for reſiſting of ſearch of Apothecary wares.

Other Magiſtrates ſhall aſſiſt the Phyſicians in their faculty.

And further be it enacted, That all Juſtices, Mayors, Sheriffs, Bayliffs, Conſtables, and other miniſters and officers within the City and precincts above written, upon requeſt to them made, ſhall help, aid, and aſſiſt the Preſident of the ſaid Colledge, and all perſons by them (from time to time) authoriſed for the due execution of the ſaid acts or ſtatutes, upon pain for not giving of ſuch aid, help, and aſſiſtance, to run in contempt of the Queens Majeſty, her Heirs and Succeſſors.

CAP.

CAP. X.

The Queen hath power to erect, unite, or diſſolve certain Courts.

A rehearſal of the Statute of 7 Ed. 6. 2. touching the diſſolution and uniting of Courts.

WHereas in the Seſſions of the Parliament holden and begun at Weſtminſter the firſt day of March, in the ſeventh year of the reign of our late Soveraign Lord, of moſt famous and worthy memory, King Edward the ſixth, and there continued to the diſſolution of the ſame, being the laſt day of the ſaid moneth of March; amongſt other Acts, it was enacted by the authority of the ſaid Parliament, That the Kings Majeſty ſhould or might at any time during his natural life, by his Graces Letters Patents, under his Great Seal of England, at his moſt gracious will and pleaſure, alter, change, unite, tranſpoſe, diſſolve, or determine, all or any of the Courts, commonly called the Court of the Augmentations of the Revenues of the kings Crown, the Courts of the Firſt Fruits and Tenths, the Court of the kings Wards, the Court of the general Surveyors to the kings Lands, and the Court of the Dutchy of Lancaſter, and to reduce the ſame Courts, or any of them, into one, two, or more Court or Courts, or to unite and annex the ſaid Courts, or any two or more of them together, or to any other his Majeſties Courts of Record, or to erect any other new Court or Courts, as to his Highneſſe ſhould have been thought moſt convenient and beſt, for the better, ſurer, and more ſpeedy anſwering of his yearly Revenues, Caſualties, or profits anſwerable in the ſaid Courts, or in any of them. And that all and ſingular ſuch alterations, changings, unitings, annexings, tranſpoſings, diſſolvings, or determinations of the ſaid Courts, or of any of them ſo by his Highneſſe to be altered, changed, united, annexed, tranſported, diſſolved, or determined, or otherwiſe ſo to have been erected by the ſaid king, concerning order for the true payment of his Revenues, Rents, Iſſues, caſualties, and Profits, as ſhould be ſet forth, and declared in any ſuch his Letters Patents, or writings under his great Seal of England, by his Highneſſe to be made, ſet forth, and declared, ſhould have been of ſuch like, and of the ſame force and ſtrength, to all intents, conſtructions, and purpoſes, as though the ſame were, or ſhould have been ſet forth, or declared by the authority of Parliament, the erection of the ſaid ſeveral Courts, or any other thing had or made, before the making of the ſaid Act, to the contrary in any wiſe notwithſtanding, as by the ſaid Act more plainly it doth and may appear. Sithence the making of which Act, it hath pleaſed Almighty God to take unto his mercy, our ſaid late Soveraign Lord, king Edward the ſixth, before any alteration, uniting, tranſpoſing, diſſolving, or determining any the ſaid Courts, by his Letters Patents, according to the tenour of the ſaid Act.

The Queen may alter, unite, diſſolve, or reduce into one or more the Courts of firſt fruits, Wards, Surveyors, &c.

a Dyer, fol. 216.

In conſideration whereof, and to the intent that the Queens Highneſſe may at all times hereafter, during her Highneſſe life (which Almighty God long preſerve) alter, change, unite, tranſpoſe, diſſolve, determine, or reduce the ſame Courts, or any of them into one, two, or more Courts at her Highneſſe free will and pleaſure: Be it therefore enacted by the authority of this preſent Parliament, That the Queens Highneſſe ſhall or may at any time hereafter during her natural life, by her Graces Letters Patents under her great Seal of England, at her moſt gracious will and pleaſure, alter change, unite, tranſpoſe, diſſolve, or determine all or any of the ſaid Court or Courts, and to reduce the ſame Courts, or any of them into one, two, or more Court or Courts, or to unite, and annex the ſaid Courts, or any two or more of them together, or to any other of her Majeſties a Courts of Record, or to erect of the ſame any other new Court or Courts, as to her Highneſſe ſhall be thought moſt convenient and beſt, for the better, ſurer, or more ſpeedy anſwering of her yearly Revenues, Caſualties, or Profits now anſwerable in the ſaid Courts, or in any of them, and that all and ſingular ſuch alterations, changings, unitings, tranſpoſings, diſſolvings, or determinations of the ſaid Courts, or of any of them ſo to be altered, changed, united, annexed, tranſpoſed, diſſolved, or determined, or otherwiſe newly to be erected, as is aforeſaid, and concerning all and every order for the true payment of the Revenues, Rents, Iſſues, Caſualties, and Profits of our ſaid Soveraign Lady the Queen, now anſwerable in the ſaid Courts, or in any of them as ſhall be ſet forth, and declared in any ſuch Letters Patents, or writings under her Highneſſe great Seal of England, hereafter to be made, ſet forth and declared, ſhall be of ſuch like, and of the ſame force and ſtrength, to all intents, conſtructions, and purpoſes, and as though the ſame were or ſhould have been ſet forth or declared by the authority of Parliament, the ſaid ſeveral erections, or any other thing heretofore had or made to the contrary hereof in any wiſe notwithſtanding.

No orders made by the Queen ſhall prejudice the Subject, otherwiſe than before.

Provided alway, and be it enacted by the authority aforeſaid, that any thing contained, or to be contained in the ſaid Letters Patents, hereafter to be made by the Queens Highneſſe that now is, concerning any pains, penalties, rules or orders, made or to be made for the levying of the Queens Revenues, Rents, Iſſues, Caſualties, or Profits, ſhall not in any wiſe extend to charge any of the Queens Subjects in any other manner or form than they, or any of them, ought lawfully to have been charged by the Laws of this Realm, before the ſecond day of this preſent Seſſion of Parliament.

The officers of any of the ſaid Courts ſhall not hold plea, but where the Queen is onely party againſt any of her Subjects.

Provided alſo, and be it further enacted by the authority aforeſaid, That any Letters Patents hereafter to be made by the Queens Highneſſe, or any thing or matter contained in this Act, ſhall not in any wiſe extend to give any power or authority to the Chancellor, general Surveyors of the Court of the Augmentations and Revenues of the Queens Crown, or to any other Officer or Officers of the ſame Court, or of any other Court or Courts hereafter to be erected by the Queens Majeſty, as is aforeſaid, or to any other Officer or Officers, to be appointed in any of the ſame Courts, hereafter to be erected by the Queens Highneſſe, as is aforeſaid, or to any Officer or Officers of any Court, whereunto any of the foreſaid Courts ſhall be by her Highneſſe united to hear or determine any plea, matter or cauſe, but onely where her Highneſſe is onely the mere and ſole party againſt any of her Subjects, of, for, or concerning the ſpeedy anſwering, levying or payment of her ſaid

Majeſties Rents, Revenues, Iſſues, Caſualties, Profits and Debts, being within the ſurvey of any the ſaid Courts.

The other Courts annexed to the Exchequer. The Offices and Profits of other ſaved.

Provided alwayes, that if her Highneſſe hereafter ſhall annex any of the ſaid Courts unto her Court of the Exchequer, that then all things within the ſurvey of the ſaid Court ſo annexed, ſhall be ordered in like manner to all intents, as the ſaid Court of the Exchequer is, or ought to be, by the Common Laws and Statutes of this Realm, ſaving to all and every perſon or perſons, bodies politick and corporate, and to every of them, ſuch offices of Stewardſhips, offices of Maſterſhips of any game or games, keepers of foreſts, chaſes, parks, houſes and caſtles, and the profits thereunto belonging, and all rents, annuities and fees, as they or any of them have, or ought to have, if this Act had never been had ne made.

Annuities, Fees, &c. paid out of the Court of Augmentations ſhall be hereafter paid.

Provided alwayes, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall in any wiſe extend or be conſtrued, to take away, extinct or determine, from any perſon or perſons, their heirs, ſucceſſors or aſſigns, or from any of them, any fees, annuities, penſions, ſtipends, or annual payments of any ſums of money, which they or any of them of right might, or ought lawfully to have by any Letters Patents, or other ſufficient writing, under the ſeal of the ſaid Court of the Augmentations, made before the ſeventh day of July laſt paſt: but that all and every perſon and perſons, their heirs, ſucceſſors, executors and aſſigns, and every of them, which of right have, or ought to have, or hereafter ſhall have any fee, annuity, ſtipend, penſion, or annual payment, of any ſum or ſums of money, under the ſaid ſeal of the Court of the Augmentations, or being lawfully allowed or payed in the ſame Court, ſhall and may according to the tenour of the ſame grant, perceive, take and receive the ſame, and ſhall yearly thereof be payed of the Queens Treaſure, her heirs and ſucceſſors, at the dayes and times compriſed in ſuch Letters Patents, or other writings in any ſuch Court or Courts, whereunto the ſame Court, where the ſame annuities or yearly ſums of money was payed, ſhall be ſo united and annexed, or in ſuch Court or Courts, as ſhall be by authority of this Act of Parliament newly erected and made in the place of any of the ſaid Courts, ſo being diſſolved, as long as the ſame Court ſhall remain and have any being, and after in ſuch Court or Courts, as ſhall pleaſe the Queen newly to erect, by the hands of the Officers of the ſame Court, and for default thereof, in any of the Queens Courts, wherein ſufficient Revenue ſhall be to anſwer the ſame of the Queens Treaſure there, by the hands of the Officers of the ſame Court, in ſuch like manner and form, as the ſame perſon and perſons, their heirs, executors and aſſigns, or any of them, ſhould or might have done or been paid in any other place or Court, if this Act had never been had or made: any thing in this Act contained, or any other thing hereafter to be done by reaſon, colour, or authority of this Act, to the contrary thereof notwithſtanding.

Annuities, Fees, Stipends, &c. granted by Letters Patents ſaved to the Grantees.

Provided alwayes, and be it enacted by the authority aforeſaid, that this Act, nor any thing therein contained, ſhall in any wiſe extend or be conſtrued to take away, extinct or determine from any perſon or perſons, their heirs, ſucceſſors or aſſigns, or from any of them, any fees, annuities, penſions, ſtipends, or annual payments of any ſums of money, which they or any of them lawfully have, or of right might or ought lawfully to have by any Letters Patents, or other ſufficient writing made before the ſeventh day of July laſt paſt: but that all and every perſon and perſons, their heirs, ſucceſſors, executors and aſſigns, and every of them, which have, or hereafter ſhall have, any fee, annuity, ſtipend, penſion, or annual payment of any ſum or ſums of money, payable yearly in any of the ſaid Courts, or by the hands of any Officer or Officers of any of the ſame Courts, ſhall and may perceive, take and receive the ſame, and ſhall yearly thereof be paid of the Queens Treaſure, at the dayes and times compriſed in ſuch Letters Patents, or other writings, in any of the ſaid Courts, where now the ſame is or ought to be payable, as long as the ſaid Court or Courts ſhall remain and have any being, and after in ſuch Court or Courts as ſhall pleaſe the Queen newly to erect by the hands of the Officers of the ſame Court or Courts, or for default thereof, in any of the Queens Courts, wherein ſufficient Revenue ſhall be to anſwer the ſame of the Queens Treaſure there, by the hands of the Officers of the ſame Court or Courts, in ſuch like manner and form as the ſame perſon and perſons, their heirs, executors and aſſigns, or any of them, ſhould and might have done and been paid in any other place or court, if this Act had never been had or made: any thing in this Act contained, or any other thing hereafter to be done by reaſon, colour or authority of this Act to the contrary thereof notwithſtanding, 1 Eliz. 4.

CAP. XI.

A confirmation of the ſtatute of 21 H. 8. 9. touching the prices of woollen Hats and Caps made beyond the Sea. Cuſtoming of the ſame Hats and Caps. No man ſhall buy above one dozen of Hats or Caps made out of this Realm. REP. 1 Jac. 25.

CAP. XII.

If any perſons to the number of twelve, or above, being aſſembled together, ſhall intend, go about, practiſe or put in uſe, with force and arms unlawfully, and of their own authority to change any Laws made for Religion by authority of Parliament ſtanding in force, or any other Laws or Statutes of this Realm, or any of them, the ſame number of twelve, or above, being commanded or required by the Sheriff of the Shire, or by any Juſtice of Peace of the ſame Shire, or by any Mayor, Sheriff, Juſtices of Peace, or Bailiffs of any City Borough or Town corporate, where any ſuch Aſſemblies ſhall be unlawfully had or made by Proclamation in the Queens Name to retire and repair to their houſes, habitations, or places from whence they came, and they or any of them notwithſtanding ſuch Proclamation ſhall continue together by the ſpace of one whole hour after ſuch commandment or requeſt made by Proclamation: or after that ſhall willingly in forcible and riotous manner attempt to do or put in ure any of the things above ſpecified, that then as well every ſuch abode together, as every ſuch act or offence ſhall be adjudged Felony, and the Offenders therein ſhall be adjudged Felons, and ſhall ſuffer only execution of death, as in caſe of Felony. And if any perſons to the ſaid number of twelve, or above, ſhall go about, &c. to overthrow, cut, caſt down, or dig the pales, hedger, ditches, or other encloſure of any Park, or other ground encloſed, or the banks of any Fiſh-pond or Pool, or any Conduits for water, Conduit-heads, or Conduit-pipes, having courſe of water, to the intent that the ſame, or any of them ſhould from thenceforth lie open, or unlawfully to have way or common in the ſaid Parks or other grounds encloſed, or to deſtroy the Deer in any manner of Park, or any Warren of Conies, or any Dove-houſes, or any Fiſh in any Fiſh-pond or pool, or to pull or cut down any Houſes, Barns, Mills or Bayes, or to burn any ſtacks of Corn, or to abate or diminiſh the Rents of any Lands, or the price of any victual, corn or grain, or any other thing uſual for the ſuſtenance of man, and being required or commanded by any Juſtice of Peace, &c. by Proclamation to be made, &c. to retire to their habitations, &c. and they or any of them notwithſtanding ſhall remain together by the ſpace of one whole hour after ſuch commandment made by Proclamation, or ſhall in forcible manner put in ure any of the things laſt before mentioned &c. That then every of the ſaid Offenders ſhall be judged a Felon, &c. And if any perſon or perſons unlawfully, and without authority, by ringing of any Bell or Bells, ſounding of any Trumpet, Drum, Horn, or other Inſtrument, or by firing of any Beacon, or by malicious ſpeaking of any words, or making any out-cry, or by ſetting up or caſting of any Bill or writing, or by any other deed or act, ſhall raiſe or cauſe to be raiſed any perſons to the number of twelve, or above, to the intent that the ſame perſons ſhould do or put in ure any of the acts abovementioned, and that the perſons ſo raiſed and aſſembled, after commandment given in form aforeſaid, ſhall make their abode together in form as is aforeſaid, or in forcible manner put in ure any of the acts aboveſaid. That then all and ſingular perſons by whoſe ſpeaking, deed, act, or other the means above ſpecified, to the number of twelve ſo raiſed, ſhall be adjudged Felons. And if the wife, ſervant, or other perſons ſhall any way relieve them that be unlawfully aſſembled, as is aforeſaid, with victuals, armors, weapons, or any other thing, that then they ſhall be adjudged Felons. And if any perſons above the number of two, and under the number of twelve, ſhall practiſe or put in ure any of the things above mentioned, and being commanded by a Juſtice of Peace, &c. to retire, &c. and they make their abode by the ſpace of one hour together, that then every of them ſhall ſuffer impriſonment by the ſpace of one year without bail or mainpriſe, and every perſon damnified ſhall or may recover his triple damages againſt him : and every perſon able being requeſted, by the Kings Officers, ſhall be bound to reſiſt them. If any perſons to the number of forty, or above, ſhall aſſemble together by forcible manner, unlawfully and of their own authority, to the intent to put in ure any of the things above ſpecified, or to do other felonies or rebellions, act or acts, and ſo ſhall continue together by the ſpace of three hours after Proclamation ſhall be made, at or nigh the place where they ſhall be ſo aſſembled, or in ſome Market Town thereunto next adjoyning, and after notice thereof to them given, then every perſon ſo willingly aſſembled in forcible manner, and ſo continuing together by the ſpace of three hours, ſhall be adjudged a felon. And if any Copyholder or Farmer being required by any of the Kings Officers having authority, to aid and aſſiſt them in repreſſing any of the ſaid Offendors, do refuſe ſo to do, that then he ſhall forfeit his Copyhold or Leaſe, onely for term of his life. The Statute of 3 & 4 Edw. 6. repealed, 1 Eliz. 16. EXP.

CAP. XIII.

The Statutes made Anno 21 H. 8. 7. Anno 21 H. 8. 12. Anno 23 H. 8. 17. Anno 24 H. 8. 9. Anno 23 H. 8. 3. Anno 28 H. 8. 6, 8, 9. Anno 31 H. 8. 7. Anno 33 H. 8. 2. Anno 35 H. 8. 17. Anno 37 H. 8. 23. Anno 2 & 3 Edw. 6. 9, 10, 11. Anno 3 & 4 Edw. 6. 19. 21. Anno 5 & 6 Edw. 6. 2, 14. Anno 7 Edw. 6. 11. be revived and made to continue untill the end of the next Parliament. EXP. Stat. 1 Eliz. 18.

CAP. XIV.

The Statute of 23 H. 8. 2. ordained for the making of Gaols in ſeveral Counties, ſhall be continued untill the end of ten years next after this Parliament. EXP.

CAP. XV.

It ſhall be lawful to the Pariſhioners of the late Pariſh of S. Ellens in Stane-gate within the City of York, and the Inhabitants that now are, or hereafter ſhall be dwelling in the ſame, to build again the ſame Pariſh Church and Church-yard, and therein to uſe Divine-Service, Sacraments, &c. And the Queen, her heirs and ſucceſſors may preſent an able Clerk to the Vicarige of the ſame. PR.

CAP. XVI.

A confirmation of the attainder of High-Treaſon of John Duke of Northumberland, Thomas Cranmer Archbiſhop of Canterbury, William Marqueſſe of Northampton, John Earl of Warwick, Sir Ambroſe Dudley Knight, Sir Andrew Dudley Knight, Sir John Gates Knight, and Sir Thomas Palmer Knight. EXP.

CAP. XVII.

A confirmation of a releaſe, which the Queen by her Letters Patents made to the Temporalty of a Subſidy given to King Edward, by the Statute of 7 Ed. 6. 12. reſerving to the Queen the two Fifteens granted by the ſaid Statute. EXP.

CAP. XVIII.

A Subſidy of Tonnage and Poundage granted to the Queen during life, out of divers Merchandiſes, EXP.

Anno MARIÆ *primo.*

ACTS made in the Parliament begun and holden at Weſtminſter, the ſecond day of April, in the firſt year of the reign of our moſt gracious Soveraign Lady Mary, by the grace of God, Queen of England, France, and Ireland, Defender of the Faith, and there continued and kept to the diſſolution of the ſame, being the fifth day of May then next enſuing, as followeth.

CAP. I.

The Regal power is in the Queens Majeſty as fully as it hath been in any her Progenitors.

Foraſmuch as the Imperial Crown of this Realm, with all dignities, honours, prerogatives, authorities, juriſdictions and preheminences thereunto annexed, united and belonging, by the divine Providence of Almighty GOD, is moſt lawfully, juſtly, and rightfully deſcended and come unto the Queens Highneſſe that now is, being the very true and undoubted

Several cauſes why this Stat. was made.

undoubted heir and inheritrix thereof, and inveſted in her moſt royal perſon, according unto the Laws of this Realm. And by force and vertue of the ſame, all regal power, dignity, honour, authority, preheminence and juriſdictions doth appertain, and of right ought to appertain and belong unto her Highneſſe, as to the Soveraign, ſupreme Governour, and Queen of this Realm, and the dominions thereof, in as full, large and ample manner, as it hath done heretofore to any other her moſt noble Progenitors, Kings of this Realm. Nevertheleſſe the moſt ancient Statutes of this Realm, being made by Kings then reigning, do not only attribute and refer all prerogative, preheminence, power and juriſdiction royal unto the name of King, but alſo do give, aſſign and appoint the correction and puniſhment of all offendors againſt the regality and dignity of the Crown, and the Lawes of this Realm unto the King. By occaſion whereof, the malicious and ignorant perſons may be hereafter induced and perſwaded unto this error and folly, to think that her Highneſſe could, ne ſhould have, enjoy and uſe ſuch like royal authority, power, preheminence, prerogative and juriſdiction, nor do, execute and uſe all things concerning the ſaid Statutes, and take the benefit and priviledge of the ſame, nor correct and puniſh offendors againſt her moſt royal Perſon, and the regality and dignity of the Crown of this Realm, and the Dominions thereof, as the Kings of this Realm, her moſt noble Progenitors have heretofore done, enjoyed, uſed and exerciſed.

For the avoiding and clear extinguiſhment of which ſaid error or doubt, and for a plain declaration of the Lawes of this Realm in that behalf.

The Regal power of this Realm, and all the dignities of the ſame, ſhall be as well in a Queen as in a King.

Be it Declared and Enacted by the authority of this preſent Parliament, That the Law of this Realm is, and ever hath been, and ought to be underſtood, that the kingly or regal office of this Realm, and all dignities, prerogative-royal, power, preheminencies, priviledges, authorities and juriſdiction thereunto annexed, united or belonging, being inveſted either in male or female, are and be, and ought to be as fully, wholly, abſolutely and entirely deemed, judged, accepted, inveſted and taken in the one, as in the other, ſo that what, or whenſoever Statute or Law doth limit and appoint, that the King of this Realm may or ſhall have, execute and do any thing as King, or doth give any profit or commodity to the King, or doth limit or appoint any pains or puniſhment for the correction of offendors or tranſgreſſors againſt the regality and dignity of the King or of the Crown, the ſame the Queen (being ſupream Governeſs, Poſſeſſor and Inheritrix to the Imperial Crown of this Realm, as our ſaid Soveraign Lady the Queen moſt juſtly preſently is) may by the ſame authority and power likewiſe have, exerciſe, execute, puniſh and correct, to all intents, conſtructions and purpoſes, without doubt, ambiguity, ſcruple or queſtion: any cuſtom, uſe or ſcruple, or any other thing whatſoever to be made to the contrary notwithſtanding.

CAP. II.

The articles of Marriage between PHILIP Prince of Spain and the Queen rehearſed and confirmed. The Queen ſhall and may only and as a ſole Queen uſe and enjoy the Crown and Soveraignty over her Dominions and Subjects, with all the prerogatives, juriſdictions, manors, lands, &c. belonging to the ſame in ſuch only eſtate, and in ſuch large manner in all degrees after the ſolemnization of the ſaid marriage, as ſhe now hath and enjoyeth the ſame, without any right, claim, or demand to be given, come or grown unto the ſaid Prince as tenant by the curteſie of this Realm, or by any other means. All gifts, grants, letters patents, leaſes and other writings, which during the ſaid marriage ſhall paſſe and be made of benefices, offices, lands, revenues and fruits ſhall be entituled and made in the names of the ſaid Prince and the Queen, and ſhall be ſigned with the ſign Manual of the Queen, and ſhall be beſtowed upon natural born Subjects of this Realm. And thoſe grants, letters patents and writings which ſhall not be ſigned with the ſign Manual ſhall be void. EXP. St. 1 & 2 P. & M. 1.

CAP. III.

A repeal of one Statute (not printed) made 7 Ed. 6. whereby the Biſhoprick of Durham was diſſolved, and all the lands and poſſeſſions thereof were given to the King: and of one other Statute made 8 Ed. 6. 10. whereby the Town of Gateſide, &c. was ſevered from the ſaid Biſhoprick of Durham, and annexed to the Town of Newcaſtle: And Cuthbert Tunſtal reſtored to the ſaid Biſhoprick, and to all the poſſeſſions and franchiſes thereof (ſaving to a capital Manſion houſe in Thames ſtreet in London, and five tenements thereunto belonging) and to the ſaid Town of Gateſide, &c. PR.

CAP. IV.

A repeal of the Stat. of 32 H. 8. 39. made touching the erection of the office and authority of the great Maſter of the Kings Houſe: and the re-eſtabliſhing of the name, office and authority of the L. Steward of the Queens Houſe. PR.

CAP. V.

The Cauſey paved with ſtone in the Counties of Dorſet and Somerſet between Shaftsbury and Shirburn ſhall from time to time during ten years, be made and amended by the owners and fermers of the lands lying nigh to the ſaid Cauſey on either ſide of the ſame, and by the inhabitants of Shaftsbury and Shirburn, and by the owners and fermers of lands, and by the inhabitants within the Forreſt of Gillingham, and liberties of Gillingham and Alcetter, and the Hundreds of Kedlane and Shirburn in the County of Dorſet, and of the hundred of Horethorne in the County of Somerſet, and the Juſtices of Peace of the County of Dorſet and Somerſet ſhall aſſeſs the ſaid owners, fermers and inhabitants towards the ſaid repair. And if the ſaid Juſtices ſhall refuſe to put this act in execution; the Lord Chancellor, or Lord Keeper, &c. ſhall upon requeſt, make a commiſſion to certain diſcreet perſons to put this act in execution. PR. 3 Car. 4. continued until the end of the firſt Seſſion of the next Parliament, Stat. 1 M. not printed.

CAP. VI.

The inhabitants of the Cities of Glouceſter and Briſtow, within ſeveral liberties, and of the Hundreds of Barton next Briſtow, Grombal, Aſh, Barkley, Whitſtone, Thornbury and Hendbury in the County of Glouceſter for their ſeveral limits and Hundreds, ſhall be charged with the reparation of the way between Briſtow and Glouceſter. EXP.

CAP. VII.

Making of cloth uſed at any time of 5 & 6 Ed 6. in Cities, Boroughs, corporate Towns, or Market Towns may be continued, &c.

Where the City of Worceſter, and divers other Cities, Boroughs, and Towns corporate, within this Realm of England, of long time have been upholden, repaired and onely maintained by making of broad cloths, called long Cloths, ſhort Clothes, and coloured Clothes, and the Citizens, Free-men and Inhabitants of the ſame Cities, Towns and Boroughs corporate, have thereby been greatly enriched, and the poor people and handicrafts-men of the ſame, and the Countries adjoyning dayly ſet a work, as Weavers, Walkers, Fullers, Fulling-mill-men, Shere-men, and Dyers, forcers of Woolls, caſters of Woolls, and ſorters of Woolls, Spinners, Carders, and Spuliers of yarn, and have had their onely living thereby, till now of late in the fifth year of the raign of our late Soveraign Lord King Edward the ſixth, that an Eſtatute was made, That no man ſhould occupy cloath-making, ne put any broad cloth or Clothes to weaving or walking, except he hath been Apprentice to Cloth making by the ſpace of ſeven years, or elſe have occupied and practiced Cloth-making by the ſpace of ſeven years or more, under pain of forfeiture of great penalties in the ſame Eſtatute limited, by reaſon whereof, divers and many good Clothiers, dwelling in the ſaid Cities and Towns corporate, which had occupyed and made cloth by the ſpace of five or ſix years, and ſome which have married Clothiers wives, which had occupied cloth making by the ſpace of twenty years before, by reaſon of the ſame eſtatute, have been enforced to leave off and clearly diſcontinue their cloth making, to their great impoveriſhment, and to the utter undoing of a great number of poor people, and handicrafs-men which dayly had their living by the ſaid Clothiers, And foraſmuch as the perfect and principal ground of cloth making, is the true ſorting of Woolls, and the experience thereof conſiſting only in women, as Clothiers wives, and their women ſervants, and not in apprentices, they be thereby very like to be utterly undone for ever, unleſſe ſpeedy remedy be therein provided.

The inconveniences enſuing the Statute of 5 & 6 Ed. 6. 8.

In conſideration whereof, be it enacted, eſtabliſhed and ordained by the Queens moſt excellent Majeſty, with the aſſent of Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame Parliament, That every perſon or perſons inhabiting in any of the ſaid Cities, Boroughs or Towns corporate, or in market Towns within the Realm of England, where cloth making at any time before the making of the ſaid act hath been uſed, ſhal or may from henceforth lawfully make all manner of broad cloths aforeſaid, and put them to weaving, walking, fulling, dying and ſhearing without any impediment, ſo that the ſame cloth be ſubſtantially made, bearing lawful length, breadth, and weight, according to the ſtatute for good and true cloth making, made in the fifth year of the reign of our ſaid late Soveraign Lord, King Edward the ſixth, any article or clauſe in the ſaid former Eſtatute, or any other Eſtatute for cloth making, made to the contrary in any wiſe notwithſtanding. ALT. 4 & 5 P. & M. 5.

Certain perſons not reſtrained of making of broad cloths notwithſtanding the ſtatute of 5 Ed. 6. 8.

5 Ed. 6 6.

CAP. VII.

Curriers as well as other Artificers may buy Leather.

VVhere at the Parliament holden at Weſtminſter, upon the prorogation the fifteenth day of April, in the ſixth year of the reign of our late Soveraign Lord King Edward the ſixth, it was amongſt other things enacted, that no perſon or perſons, of what eſtate, degree or condition ſoever he or they be, ſhould buy, engroſſe, or cauſe to be bought or engroſſed any kind of tanned leather to ſell the ſame again, ſaving onely Sadlers, Girdlers, Cordwainers, and certain other Artificers, as by the ſame act more plainly may appear: Sithence the making whereof, foraſmuch as many poor Artificers, Shooemakers and Coblers, who afore that might buy from time to time their ſtuffe of the Currier ready provided, and wrought ſufficiently and to buy the ſame at a price reaſonable, and now being very poor men and not able to buy two or three hides, or backs of leather at one time, nor to pay ready money for the ſame, are inforced to give up their occupations in great number to their utter impoveriſhment & undoing: and foraſmuch alſo as ſithence the making of the ſaid Eſtatute, all kind of ſtuff made of leather is more ſlenderly and deceitfully wrought & made than ever it was, and neverthelesſe as dear, or rather the dearer, whereby it may appear that the ſaid former act was procured for the ſingular commodity of a few rich Shoemakers, and other Artificers that are now common Regrators, and ingroſſers of leather, without reſpect of perfect workmanſhip, or of the commonwealth, which is well perceived both in mens purſes, and alſo in their ſhooes: The experience is well proved, for they having the only Trade of buying of leather, ſtuff and tallow in their hands, do notwithſtanding deliver to the Currier ſo little ſtuff and tallow, whereby the leather cannot be ſufficiently wrought: And foraſmuch as the Curriers are by divers Laws bound to the ſufficient workmanſhip and currying of leather upon divers pains, whereas they may buy no leather, and the Shoomaker will not allow them ſufficiently to do the ſame.

A rehearſal of a branch of the ſtatute of 5 & 6 Ed. 6. 15.

The inconveniences of the ſame branch.

Be it therefore enacted, that from henceforth it ſhall be lawful as well for the Currier, Shooemaker, Girdler, Sadler, Budget-maker, and all other Artificers occupying the craft or myſtery of leather buying, lawfully to buy all kinds of tanned leather, in fairs and markets, within all places of this Realm accuſtomed to be ſold, it being lawfully tanned and dreſſed, ſo that the ſaid Curriers, Shooemakers, and Girdlers, nor any perſon for them, or for their uſe ſhall buy any kind of tanned leather to ſell again to any Merchant, or other ſtranger, to be conveyed over the ſea, ne ſhall ſend or convey any leather beyond the ſea, upon the forfeiting of all ſuch leather ſo bought, the one half of the ſame to be to the Queens Highneſſe, and the other half to him that preſenteth the ſame: And further, the aforeſaid Act from henceforth to be repealed, made void, and of none effect concerning the Curriers, Shoomakers, Sadlers, Budget-makers, Girdlers, and all other Artificers, occupying the Myſtery of leather buying, curryed and dreſſed.

Curriers, Shoo-makers, &c. buy leather, but not to convey beyond Sea.

A repeal of the aforeſaid branch of 5 & 6 Ed. 6. 15.

The Curriers of London and the Suburbs thereof ſhall uſe their own ſtuff.

And be it further enacted, that from henceforth no perſon or perſons (occupying the feat or myſtery of currying of tanned leather) within the City of London or the Suburbs of the ſame, ſhall occupy about the currying of the ſame leather, any other ſtuff or tallow brought unto him by any other perſon or perſons, but ſuch as ſhall be his own, upon pain of forfeiture of all ſuch leather ſo curryed, contrary to the true meaning thereof.

How the leather ſhall be ordered that the Curriers ſhall dreſſe.

And furthermore, that no Currier ſhall curry any hides for any Shoomaker, to make ſhooes or boots of, from the feaſt of Saint James the Apoſtle, unto the five and twentieth day of March, but ſuch as ſhall be ſufficiently dipped twice in the pan, for the true and juſt workmanſhip thereof upon pain of forfeiture of all ſuch Leather as ſhall be wrought to the contrary, the one half of the ſame, to the Queens Highneſſe, and the other moiety to him that ſhall find and preſent the ſame, all the ſame penalties to be recovered in form aforeſaid by him or them that will ſue for the ſame, by action of debt, bill, plaint or information in any Court of Record, wherein no eſſoin or protection, or wager of law, ſhall be admited or allowed for the Defendant.

Within what time leather ſhall be curried.

Provided alwayes, and be it enacted by the authority aforeſaid, that when and as often as any Shoomaker, or his deputy, doth bring any Leather ſufficiently tanned to any Currier to be curried, delivering ſufficient liquor for well dreſſing of the ſame, the ſame ſhall be by every ſuch Currier well and ſufficiently curried, and made ready for the Shoomaker, within the ſpace of five dayes in Summer, that is to ſay, from the firſt day of March to the laſt day of September, and alſo in like manner within the ſpace of ten dayes in Winter, that is to ſay, from the firſt day of October unto the laſt day of February, upon pain to forfeit to the party grieved for every hide not curried and dreſſed in manner and form aforeſaid, the ſum of ten ſhillings.

Provided further, that this proviſo ſhall not extend to bind any Currier to dreſſe any leather, which he doing his beſt, is not able to dreſſe within every of the times aforeſaid, but ſhall extend to all ſuch leather as he conveniently may dreſſe after the common rate of dreſſing. Stat. 1 El. 8. 5 El. 8. 1 Jac. 22.

CAP. IX.

The Queen during her life ſhall have authority by writing to be ſealed with the great ſeal of England, to make and preſcribe to all thoſe Churches Cathedral and Collegiate, that were erected and eſtabliſhed by King Henry the eighth, and to the Deans, Prebendaries and Miniſters of the ſame, and to their ſucceſſors, ſuch ſtatutes and orders for the good governance of every of them, and of the lands and poſſeſſions of every of the ſame Churches, as ſhall ſeem good to her: and to alter, change, augment or diminiſh the ſame as occaſion ſhall ſerve: and to ordain and eſtabliſh ſtatutes, ordinances and foundations for the government of ſuch Grammar Schools as were erected by King H. 8. or by King Ed. 6. and of the Miniſters and Scholars of the ſame: and to alter and tranſpoſe other ſtatutes and ordinances there heretofore made. EXP.

CAP. X.

Onger, Greneſted.

The repeal of a Statute (not printed) made anno 2. Ed. 6. touching the conſolidation and union of the Pariſh Churches of Onger and Greneſted, in the County of Eſſex. And they ſhall be ſeveral Pariſhes as they were before. And James Moris and his heirs ſhall have the preſentation of the ſaid Parſonage of Onger. PR.

CAP. XI.

The Commiſſioners of Sewers in the County of Glamorgan, ſhall take order for ſaving the land from deſtruction by ſands riſing out of the Sea.

The effect of the ſtat. of 23 H. 8. 5.

Where in the three and twentieth year of the reign of the excellent Prince of famous memory King Henry the eight, it was enacted and eſtabliſhed, that commiſſions of Sewers from time to time, when need ſhould require, ſhould be directed to ſuch ſubſtantial and indifferent perſons, as ſhould be named by the Lord Chancellor of England, the Lord Treaſurer, the Lord Privy Seal, and the two chief Juſtices, or three of them whereof the Lord Chancellor to be one, authoriſing them, or ſix of them to ſurvey walls, ſtreams, ditches bancks, gutters, ſewers, gutters, cauſeys, bridges, trenches, mills, mill-dammes, floodgates, ponds, cocks, ebbing wears, and other lets and nuſances; by reaſon of the outragious courſe and rage of the Sea, in and upon Mariſhes and other low places, which good law doth not extend, nor is not taken to give authority and power unto the ſaid commiſſioners of Sewers to reform the great hurt, nuſance and loſſes that cometh and chanceth to the Queens Highneſſe and her ſubjects by reaſon of ſand riſing out of the Sea, and driven to land by ſtorms and winds, whereby much good ground lying on the ſea coaſts in ſundry places of this Realm, and eſpecially in the county of Glamorgan, is covered with ſuch ſand riſing out of the ſea, that there cometh no profit of the ſame, to the great loſſe of the Queens Highneſſe and her loving ſubjects, and more is like to inſue, if ſpeedy remedy be not therein provided.

The Commiſſioners of Sewers in the County of Glamorgan, ſhall take order for the ſaving of the land from deſtruction by ſands of the Sea.

May it therefore pleaſe the Queens Highneſſe, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled and by the authority of the ſame: Be it enacted, that as well the ſaid Act of Sewers, made in the three and twentieth year, as all commiſſions of Sewers, hereafter to be directed according to the tenor of the ſaid Act, may extend and give authority, that the commiſſioners therein named for the county of Glamorgan, or ſix of them, whereof three to be of the Quorum, ſhall by this Act, and the ſaid former Act and commiſſion to them directed, have full power and authority from time to time to make laws, proviſions, ordinances, judgements and decrees within the ſaid County of Glamorgan, for the redreſſe and ſaving of the ſaid grounds from hurt and deſtruction by reaſon of the ſaid ſands, as they might or may do by the ſaid former Act and Commiſſion for the withſtanding and avoiding the outragious courſe and rage of the ſea, or other waters: any uſage or cuſtom to the contrary notwithſtanding.

CAP.

CAP. XII.

The Statutes made Anno 22 H. 8.6. Anno 23 H. 7. 3, 17. Anno 24 H. 8. 9. Anno 28 H. 8. 6, 8, 9. Anno 31 H. 8. 7. Anno 35 H. 8. 17. Anno 37 H. 8. 23. Anno 2 & 3 Ed. 6. 9. Anno 3 & 4 Ed. 6. 19.'21. Anno 5 & 6 Ed. 6. 2, 14 Anno 7 Ed. 6. 11. Anno 1 Mariæ 12. 13. were revived and made to continue until the laſt day of the next Parliament. EXP.

Anno primo & ſecundo Philippi *&* Mariæ.

ACTS made at a Parliament begun and holden at Weſtminſter, the eleventh day of November in the firſt and ſecond year of the reign of our Soveraign Lord and Lady, PHILIP and MARY, by the grace of God, King and Queen of England, France, Naples, Jeruſalem and Ireland, Defenders of the Faith; Princes of Spain and Scicilie; Arch-Dukes of Auſtria; Dukes of Millain, Burgundy and Brabant; Counties of Haſpurg, Flanders and Tyroll. And there continued and kept until the diſſolution of the ſame, being the ſixteenth day of January then next inſuing, were enacted as followeth.

CAP. I.

A branch of a Statute made 1 M. 2. touching the ſigning of Letters, Patents, &c. with the Queens ſign Manual reapled, &c.

Where in the Parliament begun and holden at Weſtminſter, the ſecond day of April, in the firſt year of the reign of our moſt dread and gracious Soveraign Lady the Queens Majeſty, and there continued and kept till the diſſolution of the ſame, being the fifth day of May than next following, one Act was touching the articles of her Highneſſe moſt noble marriage in the which Act among other things it was enacted, ordered and eſtabliſhed, by the authority of the ſaid Parliament, that all and ſingular gifts, grants, Letters Patents, exchanges, confirmations, leaſes, and other writings, which after the ſaid marriage, and during the ſame ſhould paſſe and be made of any benefices, offices, lands, revenues and fruits, or of any of them, ſhould be intituled and made in the names of our ſoveraign Lord the King, and of her moſt excellent Highneſſe, whether his Majeſty ſhould be preſent within the Realms and Dominions of her Highneſs, or within any of them, or abſent. And that the ſame gifts, grants, Letters Patents, exchanges, confirmations, leaſes, and other writings, ſo ſet forth and made, ſhould be ſealed and firmed with the ſign Manual of her Highneſſe, and the ſame ſo ſigned and ſealed with the great Seal of this Realm, or with ſuch ſeal as hath been accuſtomed, ſhould be by the authority of the ſaid Parliament deemed, adjudged, declared and pronounced to be as good, perfect, and of like force, ſtrength and effect in the law to all intents conſtructions and purpoſes, againſt our ſaid Soveraign Lord and Lady the King and Queens Majeſties, and her Highneſſe heirs and ſucceſſors, as if her Majeſty had been at the time of the making thereof, ſole and unmarried, and that all gifts, grants, Letters Patents, exchanges, confirmations, leaſes, and other writings, which after the ſaid marriage and during the time of the ſame, ſhould paſſe and be made of the ſaid benefices, offices, lands, revenues and fruits, or of any of them, whereunto the ſign Manual of her Highneſſe ſhould not be ſet, made or put, ſhall be by the authority of the ſaid Parliament from time to time deemed, adjudged, accepted, taken and decreed, to be of no force ne effect, but utterly fruſtrate and void in the law, to all intents, conſtructions and purpoſes: the ſaid marriage or any law uſage or cuſtom, to the contrary in any wiſe notwithſtanding, as by the ſaid Act more at large doth appear.

A rehearſal of the ſtatute of 1 M. 2. touching Let. Par. and writings to be ſigned by the Queen.

Sithence the making of which ſtatute, and the ſolemnization of the ſaid marriage, the Queens moſt excellent Majeſty hath been greatly moleſted, grieved and troubled with often ſigning of Letters Patents, gifts, grants, exchanges, leaſes and other writings, concerning and touching benefices, offices, lands, revenues and fruits, made and granted by and from our ſaid Soveraign Lord the King and her Highneſs, to ſundry of their moſt loving ſubjects, to whom alſo it hath been, and is no ſmall charge to attend, until ſuch time as they may procure and obtain the ſign manual of her Highneſſe unto their ſaid Letters Patents, gifts, grants, exchanges, confirmations and leaſes, without which ſign the ſame are utterly void by force of the ſaid ſtatute, to the great danger, loſſe and utter undoing of divers perſons that have lately bought, purchaſed or obtained of our ſaid Soveraign Lord and Lady, the King and Queens Majeſties, divers lands, tenements and other hereditaments, to their great coſts and charges.

The inconveniences enſuing to the Queen and the ſubjects by the ſaid ſtat. of 1 M. 2.

For remedy whereof, be it enacted by the authority of this preſent Parliament, that the ſaid branch or article touching or concerning onely the ſigning of Letters Patents, gifts, grants, exchanges, confirmations, leaſes, or of other writings, for any benefices, offices, revenues, fruits or other hereditaments, ſhall be from henceforth clearly repealed, and made fruſtrate and void to all intents and purpoſes.

A repeal of the before rehearſed branch of the ſtat. of 1 M. 2.

And be it further enacted by authority of this preſent Parliament, that all and ſingular letters Patents, touching or concerning any gift, grant, exchange, confirmation, leaſe or other writing, the which ſithence the ſaid marriage hath paſſed and been made of any benefices, offices, manors, lands, tenements, revenues, fruits, liberties, or other hereditaments, or of any of them, in the names of our moſt dread Soveraign Lord and Lady, the King and Queens Majeſties, (the warrant or writing, or warrants or writings whereof, being ſigned with her Highneſſe ſign Manual, in ſuch form, order and degree, as the ſame heretofore hath been accuſtomed to be ſigned when her Highneſſe was ſole and unmarried) ſhall be by authority of this preſent Parliament, of the ſame like force, ſtrength and effect in the law, to all intents, conſtructions and purpoſes, as if the ſame were or had been ſigned by her Highneſſe Sign Manual, and as if her Majeſtie had been at the making thereof ſole

A confirmation of former grants or writings ſealed with the Queens ſign Manual.

and unmarried, and as they were before the making of the ſaid Act: the ſaid Eſtatute, or any branch or article therein contained to the contrary in any wiſe notwithſtanding.

CAP. II.

Whoſoever ſhall wear ſilk in or upon his Hat, Bonnet, Girdle, Scabbard, Hoſe, Shooes or Spur-leather, ſhall be three moneths impriſoned, and forfeit x li. except Mayors, Aldermen, &c. If any perſon knowing his ſervant to offend, do not put him forth of his ſervice within fourteen dayes, or to retain him again, he ſhall forfeit C li. REP. 1 Jac. 25.

CAP. III.

A confirmation of the ſtatute of 13 Ed. 1. 33. & 2 R. 2. 5. touching telling of News. Juſtices of Peace in every Shire, City, &c. ſhall have authority to hear and determine the ſaid Offences, and to put the ſaid two Statutes in execution. If any perſon ſhall be convicted or attainted for ſpeaking maliciouſly of his own imagination, any falſe, ſeditious and ſlanderous News, ſaying, or tales of the King or Queen, then he ſhall for his firſt offence be ſet on the Pillory, in ſome Market-place near where the words were ſpoken, and have both his ears cut off, unleſs he pay to the Queen a hundred pound within one moneth after judgment given, and alſo ſhall be three moneths impriſoned. And if he ſhall ſpeak any ſuch ſlanderous and ſeditious news or tales, of the ſpeaking or report of any other, then he ſhall be ſet on the Pillory, and have one of his ears cut off, unleſs he pay an hundred marks to the Queens uſe within one moneth after, and ſhall be one moneth impriſoned. And if he shall do it by book, rime, ballad, letter or writing, he shall have his right hand ſtricken off. And if any perſon being once convicted of any of the offences aforeſaid, do afterward offend, he shall be impriſoned during his life, and forfeit all his Goods and Cattels. EXP. Stat. 4 & 5 P. & M. 9. Stat. 1 Eliz. 6.

CAP. IV.

Puniſhment for bringing Egyptians into this Realm, &c.

A rehearſal of the ſtatute of 22 H. 8. 10. provided for the puniſhment of Egyptians.

VVhere in a Parliament holden at Weſtminſter, in the two and twentieth year of the reign of our late Soveraign Lord King Henry the eighth (for the avoiding and baniſhing out of this Realm of certain outlandiſh people, calling themſelves Egyptians, uſing no craft nor feat of Merchandizes for to live by, but going from place to place in great Companies, uſing great, ſubtile and crafty means to deceive the Kings Subjects, bearing them in hand, that they by Palmiſtry could tell mens and womens fortune, and ſo many times by craft and ſubtilty deceive the people of their money, and committed divers great and heinous Felonies and Robberies, to the great hurt and deceit of the people.) It was amongſt other things then enacted, that from the time of the making of the ſaid Act, no ſuch perſons ſhould be ſuffered to come within this the Kings Realm, upon pain of forfeiture to the King of all their Goods and Cattels, and then to be commanded to avoid the Realm within fifteen dayes next after the Commandment, upon pain of Impriſonment: and ſuch perſons calling themſelves Egyptians, as then were within this Realm, ſhould depart within ſixteen dayes next after Proclamation of the ſaid Act, upon pain of impriſonment and forfeiture of all their Goods and Cattels, with divers other clauſes and articles contained in the ſaid Act, as by the ſaid Act more at large it appeareth. Foraſmuch as divers of the ſaid company, and ſuch other like perſons, not fearing the penalty of the ſaid ſtatute, have enterpriſed to come over again into this Realm, uſing their old, accuſtomed, deviliſh and naughty practiſes and devices, with ſuch abominable living as is not in any Chriſtian Realm to be permitted, named or known, and be not duly puniſhed for the ſame, to the perillous and evil example of our Soveraign Lord and Lady the King and the Queens Majeſties most loving Subjects, and to the utter and extreme undoing of divers and many of them, as evidently doth appear.

The penalty for bringing of Egyptians into this Realm.

For reformation whereof, be it ordained and enacted by the King and Queen our Soveraign Lord and Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons after the laſt day of January next coming, do willingly tranſport, bring or convey into this Realm of England or Wales, any ſuch perſons calling themſelves, or commonly called Egyptians, that then he or they ſo tranſporting, bringing or conveying in any ſuch perſon contrary to the true meaning of this Act, ſhall forfeit and loſe for every time ſo offending, forty pounds of lawful money of England.

It ſhall be felony for Egyptians to remain in England a moneth.

And be it further enacted by the authority aforeſaid, That if any of the ſaid perſons called Egyptians, which ſhall be tranſported and conveyed into this Realm of England or Wales, as is aforeſaid, do continue and remain within the ſame by the ſpace of one moneth, that then he or they ſo offending, ſhall by vertue of this Act be deemed and judged a Felon and Felons, and ſhall therefore ſuffer pains of death, loſſe of Lands and Goods, as in caſes of felony, by order of the Common Law of this Realm, and ſhall upon the tryal of them, or any of them therein ſo tryed in the County, and by the Inhabitants of the County and place where they or he ſhall be apprehended or taken, and not per medietatem linguæ, and ſhall loſe the benefit and priviledge of Sanctuary and Clergy.

The penalty for the Egyptians that now be, to tarry in England.

And be it further enacted by the authority aforeſaid, That if the Egyptians, or other perſons commonly calling themſelves Egyptians, and every of them now being within this Realm of England or Wales, do not depart out of the ſame within twenty dayes next after Proclamation of this preſent Act ſhall be made, that then he or they which ſhall not depart within the ſaid time, according to the true meaning of this Act, ſhall forfeit and loſe all his and their Goods and Cattels, and that then it ſhall be lawful to all and every the Kings and Queens Subjects to ſeiſe the ſame: the one moyety thereof to be to the uſe of our Soveraign Lord and Lady, the King and the Queen, and the other moyety thereof to be to the uſe of him or them that ſhall ſo ſeiſe the ſame.

The penalty for Egyptians not to depart within xl. dayes.

And be it alſo enacted by the authority aforeſaid, That if the Egyptians, and other perſons commonly called Egyptians, and every of them now being within this Realm of England or Wales, do not depart out and from the ſame within forty dayes next after the proclamation ſhall be made of this Act, that then he or they which ſhall not depart and avoid within the ſaid time of forty dayes, according to the true making of this Act, ſhall be judged and deemed according to the Laws of this Realm of England, a felon and felons, and ſhall ſuffer therefore pains of death, loſſe of Lands and Goods, as in other caſes of felony; and ſhall be tryed as is aforeſaid, and without having any benefit or priviledge of Sanctuary or Clergy.

The penalty for ſuing of licenſe for Egyptians to tarry in England.

And be it further enacted by the authority aforeſaid, That if any perſon after the firſt day of January next coming, ſhall ſue for the obtaining of any licenſe, letter or paſport, for any of the ſaid perſons called Egyptians, to abide or continue within this Realm of England or Wales, contrary to the tenor of this Act, that then every ſuch perſon ſo ſuing, ſhall forfeit and loſe for the ſame, forty pounds of lawful money of England, and that every ſuch licence, letter and paſport, ſhall be by vertue of this Act void to all intents and purpoſes: the one moyety of all which ſums of money to be forfeited as is beforeſaid, ſhall be to the King and Queen our Soveraign Lord and Lady, and the other moyety thereof to be to him or them that will ſue for the ſame in any Court of Record, by action of Debt, Bill, Plaint or Information, wherein any Eſſoin, wager of Law, nor Protection ſhall be admitted and allowed.

A proviſo for Egyptians which leave their naughty trade.

Provided alwayes, and be it enacted by the authority aforeſaid, that this preſent Act, nor any thing therein contained, ſhall not extend nor be hurtful to any of the ſaid perſons commonly called Egyptians, which within the ſaid time of twenty dayes, next after the ſaid proclamation to be made, as is beforeſaid, ſhall leave that naughty, idle, and ungodly life and company, and be placed in the ſervice of ſome honeſt and able Inhabitant or Inhabitants within this Realm, or that ſhall honeſtly exerciſe himſelf in ſome lawful Work or Occupation, but that he or they ſo continuing in ſervice or other lawful work or occupation, ſhall (during ſuch time as he or they ſhall ſo continue) be diſcharged of all pains and forfeitures contained in this Act.

To what perſons this ſtatute doth not extend.

Provided alſo, and be it enacted by the authority aforeſaid, that this Act ſhall not in any wiſe extend to any Child or Children, being not above the age of thirteen years, nor to any of the ſaid perſons being now in priſon, ſo that he or they ſo being in priſon, do depart out of this Realm within fourteen dayes next after his or their delivery out of priſon, nor ſhall extend to charge any manner of perſon or perſons, as acceſſary to any offence or offences contained or ſpecified in this Statute, Stat. 5 Eliz. 20.

CAP. V.

No Corn, &c. ſhall be tranſported out of this Realm without licence.

St. 25 H. 8. 4.

Whereas ſundry good Eſtatutes & Laws hath been made within this Realm, in the time of the Queens Highneſſe moſt noble Progenitors, that none ſhould tranſport, carry or convey out of this Realm into any place in the parts beyond the Seas, any Corn, Butter, Cheeſe, or other victual (except onely for the victualling of the Town of Calice, Hames and Guiſnes, and the marches of the ſame) upon divers great pains and forfeitures in the ſame contained: that notwithſtanding many and ſundry covetous and unſatiable perſons, ſeeking their only lucres and gains, have and daily do carry and convey innumerable quantity of Corn, Cheeſe, Butter, and other victual, as of wood out of this Realm, into the parts beyond the Seas. By reaſon whereof, the ſaid corn, victual and wood are grown unto a wonderful dearth, and extreme prices, to the great detriment of the Common-wealth of this your Highneſſe Realm, and your faithful Subjects of the ſame.

The penalties for tranſporting corn, butter, cheeſe, &c. out of this Realm. St. 5 El. 5.

For remedy whereof, it may pleaſe your Highneſſe that it may be enacted, and be it enacted by your Highneſſe, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that no manner of perſon or perſons, after the twentieth day of January next coming, ſhall carry and tranſport out ot this Realm by any Ship, Crayer, or other Veſſel whatſoever, into any place in the parts beyond the Seas, or into the Realm of Scotland, any Wheat, Rye, Barley, or other Corn or Grain growing within this Realm, or any Malt made within the ſame, or any Beer, Butter, Cheeſe, Herring or Wood (except onely to and for the victualling and furniture of the Towns of Calice, Hames and Guiſnes, and to the Town of Barwick, and the Marches of the ſame) without ſufficient and lawful authority ſo to do, upon the pains and penalties hereafter enſuing: that is to ſay, The Owner and Owners of the ſaid Ships and other Veſſels, to forfeit the ſaid Ships, Crayers, and other Veſſels, with all their Apparels to them and every of them belonging, wherein the ſaid Corn, Butter, Cheeſe, Herring, Victual or Wood ſhall be ſo tranſported and carried, and the Owner and Owners of the ſaid Corn, Butter, Cheeſe, Herring and Wood, to forfeit the double value of the ſame ſo carried and conveyed: and the Maſter and Mariners of every of the ſaid Ships, Crayers and Veſſels, for every ſuch offence to forfeit all their Goods, and to be impriſoned by the ſpace of one whole year without bail or mainpriſe.

The penalties for carrying of any corn, butter, &c. to any Ship to be tranſported.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid twentieth day of January, do carry and convey away by Boat, Crayer, or other Veſſel, or otherwiſe, any Wheat, Rye, Barley, Malt, or other Corn or Grain, or any Beer, Butter, Cheeſe, Herring, or Wood to any Ship or Veſſel being on the Seas, or within any Haven, Creek, or other place of the border of this Realm, to be tranſported, carried and conveyed into any place in the parts beyond the Seas, or into the Realm of Scotland, without ſufficient authority ſo to do, that then every Owner of the ſaid Victuals, Corn or other things aforeſaid, ſo tranſported or carried, and the Owner and Owners of every ſuch Boat or Veſſel, and the Boatman and Mariners of the ſame, ſhall loſe, forfeit and ſuffer all ſuch forfeitures, pains and penalties, as is above rehearſed: The one moyety of all and every which forfeiture and forfeitures to be to the King and Queens

Highneſſe, their heirs and ſucceſſors, and the other moyety to him or them that will ſue for the ſame, by bill, information, action of debt, or otherwiſe, in any of the King and Queens Highneſſe Courts of Record, in which action, bill or ſuit, the Defendant ſhall not wage his law, nor have any eſſoin or protection to him allowed.

The penalty for tranſporting more corn, &c. than the party is licenſed to do.

And be it Enacted by the authority aforeſaid, That if any perſon or perſons ſhall obtain of the King and Queens Majeſties, their heirs or ſucceſſors, or any of them, any licence to carry and tranſport any corn, victual or wood into any parts beyond the Seas, that if he or they to whom any ſuch licence ſhall be granted, or any other to whom ſuch perſon or perſons having ſuch licence, ſhall give, grant or ſell his or their ſaid licence unto, ſhall carry and convey, or cauſe to be carried and conveyed any more corn, victual or wood, than ſhall be contained in his or their ſaid licence, he ſhall forfeit the treble value of the ſaid corn, victual or wood ſo carried and tranſported, without ſufficient authority, and ſhall ſuffer impriſonment for one whole year in the common Gaol where he ſhall be apprehended, there to remain without bail or mainpriſe.

They which have licence ſhall lade all at one place.

And be it further Enacted by the authority aforeſaid, That no manner of perſon or perſons after the ſaid twentieth day of January, that ſhall obtain or have any ſuch licence for tranſporting and carrying any corn, victual or wood into any parts beyond the Seas, ſhall ſhip, lade and fraught the ſame, or any part thereof, at ſundry places within this Realm, but at one place certain, upon pain of forfeiture of the ſaid corn, victual and wood, and all his goods and chattels, the one moyety thereof to the King and Queens Majeſties, their heirs and ſucceſſors, and the other moyety thereof to him or them that will ſue for the ſame, by action of debt, bill, plaint, information or otherwiſe, wherein no wager of Law, Eſſoin or Protection ſhall be to him or them allowed.

Juſtices of Peace may hear and determine theſe offences.

And for the better execution of this Act, be it further Enacted by the authority aforeſaid, That all and ſingular Juſtices of Peace, as well within the liberties as without, within their ſeveral Authorities and Commiſſions, at any time within three years next after ſuch offences committed, ſhall have full power and authority to enquire, as well by the oaths of twelve lawful men, as alſo to hear and examine the Maſter, Maſters and Mariners of the ſaid ſhips, crayers and other veſſels, and all and every other perſon and perſons, of all and ſingular the offendors againſt this preſent Act, and to hear and determine the ſame offences, as they may and ought to hear and determine any other treſpaſſes or offences.

The prices of corn when they may be tranſported, 13 El. 13. 1 Jac. 25. 21 Jac. 28. 3. Ca. 4.

Provided alwayes, and Be it Enacted by the authority aforeſaid, That at all time and times hereafter, when the common price of corn within this Realm is, that Wheat ſhall not exceed the price of ſix ſhillings eight pence the quarter, and Rye four ſhillings the quarter, and Barley three ſhillings the quarter, it ſhall be lawful to every perſon and perſons to carry and tranſport over the Sea, to any place beyond the Seas, at their pleaſure, of the ſaid kinds of corn, ſo that it be not to the King and Queens enemies.

Victualling of a Ship.

Provided alwayes, and be it Enacted by the authority aforeſaid, That this Act, ne any thing therein contained, ſhall extend to any perſon or perſons, for the neceſſary victualling of any Ship, Ships or other Veſſels, but that they and every of them may victual the ſaid Ships and Veſſels, as they might have done before the making of this preſent Act: this Act, or any thing therein contained, to the contrary notwithſtanding.

The Admirals juriſdiction reſerved.

Provided alwayes, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not be prejudicial or hurtful unto the Lord great Admiral of England, for the time being, or to the King and Queens Majeſties juriſdiction of the Admiralty, but that the ſaid Lord Admiral, or his deputy or deputies, may and ſhall exerciſe, uſe and execute all kind of juriſdiction belonging to the Sea, according to his or their Commiſſions, as they might lawfully have done heretofore: this Act, or any thing gtherein contained, to the contrary notwithſtanding. 1 Jac. 25. 3 Jac. 11.

CAP. VI.

A reviver of the Stat. of 5 R. 2. concerning arreſting of heretical Preachers, and of the Stat. of 2 H. 4. 15. touching repreſſing of hereſies, and puniſhment of hereticks; and of the Stat. of 2 H. 5. 7. concerning the enormity of hereſie and Lollardy, and the ſuppreſſion thereof. REP. 1 El. 1.

CAP. VII.

No Country perſon ſhall ſell Wares by retail in any City or Town corporate, but in open Fairs.

The rich eſtate wherein Cities, Boroughs and market Towns did heretofore flouriſh.

The cauſe of the decay of Cities, Boroughs & market Towns.

WHere before this time the ancient Cities, Boroughs, Towns corporate and market Towns within this Realm of England, have been very populous and chiefly inhabited with Merchants, Artificers and Handicrafts-men, during which time the children in the ſaid Cities, Boroughs, Towns corporate and market Towns were civilly brought up and inſtructed, and alſo in the ſaid Cities, Boroughs and Towns corporate kept in good order and obeyſance, and the inhabiters of the ſame well ſet on work, and kept from idleneſſe. By reaſon whereof the ſaid Cities, Boroughs and Towns corporate did then proſper in riches and great wealth, and were as then not onely able to ſerve and furniſh the King and Queens Majeſties, and other their noble Progenitors, Kings of this Realm, as well with great numbers of good able perſons, and well furniſhed, meet for the wars, as alſo then charged, and yet chargeable with fee ferms, Quindemes, taxes, and divers other payments to the King and Queens Majeſties, which at this preſent they be not able to pay and bear, but to their utter undoing, being few in number to pay and bear the ſame, but alſo the ſame Cities, Boroughs and Towns corporate, are like to come very ſhortly to utter deſtruction, ruine and decay, by reaſon whereof the occupiers, Linnen Drapers, Woollen Drapers, Haberdaſhers and Grocers, dwelling in the Countries out of the ſaid Cities, Boroughs, Towns corporate and market Towns, do not onely occupy the art and myſtery of the ſaid Sciences, in the places where they dwell and inhabit, but alſo come unto the ſaid

Cities, Boroughs, Towns corporate and market Towns, and there ſell their Wares, and take away the relief of the Inhabitants of the ſaid Cities, Boroughs, Towns corporate and market Towns, to the great decay, and utter undoing of the inhabitants of the ſame, if ſpeedy reformation therein be not had in time condement. For remedy whereof, and for the better amendment of the ſaid Cities, Boroughs, Towns corporate, and market Towns, and to the end the ſame Cities, Boroughs and Towns corporate may be the better able to pay the ſaid fee ferms, and alſo to bear the other ordinary charges within the ſame Cities, Boroughs and Towns corporate, and to furniſh the King and Queens Majeſties with number of able perſons, like as they heretofore have done in times paſt, in times of war:

No perſon dwelling in the country ſhall ſell Wares in any City or market Town by retail, but in open Fairs.

Be it therefore enacted by our Soveraign Lord and Lady, the King and Queen, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That any perſon or perſons which do now inhabit and dwell, or hereafter ſhall inhabit or dwell in the country any where, or county within this Realm of England, out of any of the ſaid Cities, Boroughs, Towns corporate or market Towns, from and after the feaſt of S. Michael the Archangel next coming, ſhall not ſell or cauſe to be ſold by retail any woollen cloth, linnen cloth, Haberdaſh wares, Grocery wares, Mercery wares, at or within any of the ſaid Cities, Boroughs, Towns corporate or market Towns, or within the ſuburbs or liberties of the ſaid Cities, Boroughs, Towns corporate and market Towns, within the ſaid Realm of England (except it be in open Fairs) upon pain to forfeit and loſe for every time ſo offending the ſum of vi. s. viii. d. and the whole wares ſo ſold, proffered and offered to be ſold, contrary to the form, intent and effect of this preſent Act, as above is ſaid, the one moyety of all which forfeitures to be to the uſe of our ſaid Soveraign Lord and Lady, the King and Queens Majeſties, and the other half to him or them that ſhall ſeize and ſue for the ſame in any of the King and Queens Courts of Record, by bill, plaint, action of debt, information or otherwiſe, wherein no eſſoin, protection or wager of law ſhall be allowed.

Selling by whole-ſale in groſſe, and not by retail.

Provided alway, That this Act ſhall not in any wiſe extend nor be hurtful to any perſon or perſons, that bring any of the ſaid woollen cloth, linnen cloth, Haberdaſh, Grocery, Mercery ware or wares to any of the ſaid Cities, Boroughs, Towns corporate or market Towns, to be ſold, or cauſe to be ſold by whole-ſale in groſſe, and not by retail: but they and every of them may lawfully ſell the ſame in as large and ample manner, form and condition, by whole-ſale in groſſe and not by retail, as they and every of them might have done at any time or times before the making of this Act: any thing herein to the contrary notwithſtanding.

One dwelling in the Countrey doth after become free of a City, Borough, &c.

Provided alway, That this preſent Act ſhall not extend to any perſon or perſons that now dwell or inhabit in the Countrey, or hereafter ſhall dwell or inhabit out of any of the ſaid Cities, Boroughs, Towns corporate or market Towns: but that they and every of them at any time hereafter, when they or any of them ſhall be free of any of the Guilds and Liberties of any of the ſaid Cities, Boroughs, Towns corporate or market Towns, and dwell or inhabit within any of the ſame Cities, Boroughs, Towns corporate or market Towns, that they and every of them ſo being free, ſhall and may ſell, or cauſe to be ſold any of the wares aforeſaid by retail, in as ample and large manner as they and every of them might have done, being free of the ſaid Cities, Boroughs and Towns aforeſaid, before the making of this Act: any clauſe or article in this Act to the contrary notwithſtanding.

Any perſon may ſell cloth of his own making.

Provided alwaies, and be it Enacted by the authority aforeſaid, That it ſhall be lawful to all perſons to ſell or cauſe to be ſold by retail, or otherwiſe, all manner of cloth, linnen or woollen, of their own making, in every City, Borough, Town corporate and market Town within this Realm, as freely and frankly as they might have done before the making of this Act: any thing in the ſame contained to the contrary thereof notwithſtanding.

The Liberties of Cambridge and Oxford.

Provided alway, that this Act, or any thing therein contained, ſhall not be prejudicial or hurtful to the liberties and priviledges of the Univerſities of Cambridge and Oxford, or either of them: Any thing in this Act heretofore mentioned to the contrary notwithſtanding.

CAP. VIII.

All Statutes againſt the See of Rome repealed.

Much falſe doctrine hath been preached and written ſince the xx. year of King H. 8.

Whereas ſince the twentieth year of King Henry the eight of famous memory, father unto your Majeſtie, our moſt natural Soveraign and gracious Lady and Queen, much falſe and erronious Doctrine hath been taught, preached and written, partly by divers the natural born Subjects of this Realm, and partly being brought in hither from ſundry other foreign Countries, hath been ſowen and ſpread abroad within the ſame. By reaſon whereof as well the Spiritualty as the Temporalty of your Highneſſe Realms and Dominions have ſwerved from the obedience of the See Apoſtolick, and declined from the unity of Chriſts Church, and ſo have continued until ſuch time as your Majeſtie being firſt raiſed up by God, and ſet in the Seat-royal over us, and then by his divine and gracious providence knit in marriage with the moſt noble and vertuous Prince, the King our Soveraign Lord your Husband, the Popes holineſſe and the See Apoſtolick ſent hither unto your Majeſties (as unto Perſons undefiled, and by Gods goodneſſe preſerved from the common infection aforeſaid) unto the whole Realm, the moſt reverend Father in God the Lord Cardinal Poole, Legate de latere, to call us home again into the right way, from whence we have all this long while wandred and ſtrayed abroad: and we after ſundry long and grievous plagues and calamities, ſeeing by the goodneſſe of God our own errors have knowledged the ſame unto the ſaid moſt Reverend Father, and by him have been, and are the rather at the contemplation of your Majeſties, received and embraced into the unity and boſom of Chriſts Church, and upon our humble ſubmiſſion and promiſe made for a declaration of our repentance, to repeal

Cardinal Pool ſent from Rome to call the Realm into the right way, from whence it hath ſtrayed.

repeal and abrogate ſuch Acts and Statutes as had been made in Parliament, ſince the ſaid xx. year of the ſaid King Henry the eight, againſt the ſupremacy of the See Apoſtolick, as in our ſubmiſſion exhibited to the ſaid moſt reverend Father in God, by your Majeſties appeareth. The tenour whereof enſueth.

The ſupplication of the Parliament to the King and Queen to be a mean to reduce them into the Catholick Church.

We the Lords Spiritual and Temporal, and the Commons aſſembled in this preſent Parliament, repreſenting the whole body of the Realm of England, and the Dominions of the ſame, in the name of our ſelves particularly, and alſo of the ſaid body univerſally in this our ſupplication directed to your Majeſties with moſt humble ſuit, that it may by Your Graces interceſſion and mean be exhibited to the moſt reverend Father in God, the Lord Cardinal Poole, Legate, ſent ſpecially hither from our moſt holy Father the Pope July the third, and the See Apoſtolick of Rome, do declare our ſelves very ſorry and repentant of the Schiſme and diſobedience committed in this Realm and Dominions aforeſaid againſt the ſaid See Apoſtolick, either by making, agreeing or executing any laws, ordinances, or commandments againſt the ſupremacy of the ſaid See, or otherwiſe doing or ſpeaking, that might impugne the ſame: offering our ſelves, and promiſing by this our ſupplication, that for a token and knowledge of our ſaid repentance, we be and ſhall be alwayes ready, under and with the authorities of Your Majeſties, to the uttermoſt of our powers, to do that ſhall lie in us for the abrogation and repealing of the ſaid Lawes and Ordinances in this preſent Parliament, as well for our ſelves as for the whole body whom we preſent: whereupon we moſt humbly deſire Your Majeſties, as Perſonages undefiled in offence of his body towards the ſaid See, which nevertheleſſe God by his providence hath made ſubject to you, ſo to ſet forth this our moſt humble Suit, that we may obtain from the See Apoſtolick, by the ſaid moſt reverend Father, as well particularly and generally abſolution, releaſe and diſcharge from all danger of ſuch cenſure and ſentences, as by the Laws of the Church we be fallen into: and that we may as children repentant, be received into the boſom and unitie of Chriſts Church, ſo as this noble Realm, with all the members thereof, may in this unity and perfect obedience to the See Apoſtolick, and Popes for the time being, ſerve God and Your Majeſties, to the furtherance and advancement of his honour and glory. We are at the interceſſion of Your Majeſties by the authoritie of our holy Father Pope July the third, and of the See Apoſtolick, aſſoyled, diſcharged, and delivered from excommunications, interdictions, and other Cenſures Eccleſiaſtical, which hath hanged over our heads for our ſaid defaults ſince the time of the ſaid Schiſme mentioned in our Supplication. The which time the ſaid Lord Legate, and we do all declare, recogniſe and mean by this Act to be onely ſince the xx. Year of the raign of your moſt noble Father King Henry the eight. It may now like your Majeſties, that for the accompliſhment of our promiſe made in the ſaid Supplication, that is, to repeal all Lawes and Statutes made contrary to the ſaid Supremacy and See Apoſtolick, during the ſaid ſchiſme, the which is to be underſtood ſince the xx. year of the reign of the ſaid late King Henry the eight, and ſo the ſaid Lord Legate doth accept and recogniſe the ſame.

A repeal of all ſtatutes made againſt the ſupremacy and See Apoſtolick ſince the time of ſchiſm.

The Statute of 21 H.8.13. made againſt pluralities of benefices, taking of ferms by ſpiritual men and non-reſidence.

Where in the Parliament begun and holden at Weſtminſter, in the xxi. year of the reign of the late King of moſt famous memory King Henry the eight, one Act was then and there made againſt pluralities of benefices, for taking of ferms by ſpiritual men, and for non-reſidence, in the which Act amongſt other things it was ordained and enacted, That if any perſon or perſons, at any time after the firſt day of April in the year of our Lord God, a thouſand five hundred and thirty, contrary to the ſame Act, ſhould procure and obtain at the Court of Rome, or elſewhere, any licence or licences, union, toleration or diſpenſation, to receive and take any more benefices with cure than was limited and appointed by the ſame Act: or elſe at any time after the ſaid day ſhould put in execution any ſuch licence, toleration or diſpenſation, before that time obtained contrary to the ſaid Act, that then every ſuch perſon or perſons ſo after the ſaid day, ſuing for himſelf, or receiving and taking ſuch benefice by force of ſuch licence or licences, union, toleration or diſpenſation, that is to ſay, the ſame perſon or perſons only and no other, ſhould for every ſuch default incurre the danger, pain, and penaltie of twenty pound ſterling, and ſhould alſo loſe the whole profits of every ſuch benefice or benefices, as he receiveth or taketh by force of any ſuch licence or licences, union, toleration or diſpenſation. And where alſo in the ſaid Act it was ordained and enacted, That if any perſon or perſons did procure or obtain at the Court of Rome, or elſewhere any manner of licence or diſpenſation to be non-reſident at their dignities, prebend, or benefices, contrary to the ſaid Act, that then every ſuch perſon or perſons putting in execution any ſuch diſpenſation or licence for himſelf from the ſaid firſt day of April, in the ſaid year of our Lord God, MDXXX. ſhould run and incurre the penalty, damage and pain of xx. l. ſterling for every time ſo doing to be forfeited and recovered, as by the ſaid Act is declared: and yet ſuch licence or diſpenſation ſo procured, or to be put in execution, to be void and of none effect, as by the ſame Act more plainly it doth and may appear.

A repeal of ſo much of the ſtat. of 21 H.8. 13. as is above mentioned.

Be it Enacted by the authority of this preſent Parliament, That as much only of the ſaid Act, as concerneth the articles and clauſes aforeſaid, and all and every the words and ſentences contained in the ſaid Act, concerning the ſaid articles and clauſes, and every of them, ſhall from henceforth be repealed, adnulled, revoked, annihilated, and utterly made void for ever. Any thing in the ſaid Act to the contrary in any wiſe notwithſtanding.

23 H. 8. 9.

And where alſo at the Seſſion of the ſame Parliament holden upon prorogation in the xxiii. year of the reign of the ſaid late King Henry the eight, one Act entituled, The Act that no perſon ſhall be cited out of the Dioceſſe where he or ſhe dwelleth, except in certain caſes.

24 H. 8. 12.

And where alſo at the ſaid Parliament, in the Seſſion holden at Weſtminſter upon prorogation in the xxiiii. year of the reign of the ſaid late King Henry the eight, one Act was made, that appeals in ſuch caſes as hath been uſed to be purſued to the See of Rome, ſhould not from henceforth be had nor uſed but within this Realm.

And where alſo at the ſaid Parliament holden at Weſtminſter, in the xxi. year of the reign of the ſaid late King Henry the eight, and there continued by divers prorogations until the xxiiii. day of April, in the xxv. yeer of his raign, one act was made concerning reſtraints of payments of Annates, and firſt fruits of Archbiſhopricks, and Biſhopricks to the Sea of Rome.

Not printed ſtat. 25 H. 8. 20.

And where at a Seſſion of the ſaid Parliament holden in the five and twentieth year of the reign of the ſaid late King, there was alſo one act made, entituled, The ſubmiſſion of the Clergy to the Kings Majeſtie.

25 H. 8. 19.

And one other Act, entituled, One Act reſtraining the ſaid payments of Annates, or firſt fruits to the Biſhop of Rome, and of the electing and conſecrating of the Archbiſhops and Biſhops within this Realm.

25 H. 8. 20.

And one other Act was then and there made, entituled, An Act concerning the exoneration of the Kings Subjects from exactions and impoſitions before that time payed to the See of Rome, and for having licences and diſpenſations within this Realm, without ſuing further for the ſame.

25 H. 8. 21.

Be it Enacted by the authority of this preſent Parliament, That the ſeveral acts made for the reſtraint of payments of the ſaid Annates and firſt fruits, and all other the ſaid acts made in the ſaid xxiiii. and xxv. years of the reign of the ſaid late King and every of them, and all and every branch, article, matter and ſentence in them, and every of them contained, ſhall be by authority of this preſent Parliament from henceforth utterly void, made fruſtrate, and repealed to all intents, conſtructions, and purpoſes.

A repeal of the before recited Statutes.

And be it further enacted by the authority of this preſent Parliament, That all and every theſe Acts following, that is to ſay, one Act made at the Seſſion of the ſaid Parliament holden upon prorogation at Weſtminſter in the xxvi. year of the reign of the ſaid late King Henry the eight, entituled, An Act concerning the Kings Highneſſe to be ſupream Head of the Church of England, and to have authority to reform and redreſſe all errors, hereſies, and abuſes in the ſame.

26 H. 8. 1.

And one other Act made in the ſame Seſſion of the ſame Parliament, entituled, An Act for nomination and conſecration of Suffragans within this Realm.

26 H. 8. 14.

And one other Act made in the xxvii. year of the reign of the ſaid late King Henry the eight, entituled, An Act whereby the King ſhould have power to nominate xxxii. perſons of his Clergy and Lay fee for the making of Eccleſiaſtical Laws.

27 H. 8. 15.

And alſo one other Act, made at the Parliament holden at Weſtminſter in the xxviii. year of the reign of the ſaid late King Henry the eight, entituled, An Act extinguiſhing the authority of the Biſhop of Rome.

28 H. 8. 10.

And one other Act made in the ſame Parliament, entituled, An Act for the releaſe of ſuch as then had obtained pretended licences and diſpenſation from the See of Rome.

28 H. 8. 16.

And alſo all that part of the Act made in the ſaid eight and twentieth year of the ſaid King, entituled, An Act for the eſtabliſhment of the ſucceſſion of the Imperial Crown of the Realm, that concerneth a prohibition to marry within the degrees expreſſed in the ſaid Act.

28 H. 8. 7.

And alſo one other Act made at the Parliament holden at Weſtminſter in the one and thirtieth year of the reign of the ſaid late King Henry the eight, entituled, An Act authoriſing the Kings Highneſſe to make Biſhops by his Letters Patents.

31 H. 8. 9.

And one other Act made in the Seſſion of the ſame Parliament, begun in the ſaid xxxi. year holden upon prorogation the xxxii. year of the reign of the ſaid King Henry the eight, entituled, An Act concerning Precontracts of Marriages, and touching degrees of conſanguinity.

32 H. 8. 38.

And one other Act made in the Parliament holden at Weſtminſter, in the five and thirtieth year of the reign of the ſaid late King Henry the eight, entituled, An Act for the ratification of the Kings Majeſties ſtyle, ſhall henceforth be repealed, made fruſtrate, void, and of none effect.

35 H. 8. 3.

And where alſo at the ſaid Parliament holden at Weſtminſter, in the five and thirtieth year of the reign of the ſaid late King Henry the eight, one other act was made, entituled, An Act concerning the ſtabliſhment of the ſucceſſion of the ſaid King in the Imperial Crown of this Realm. In the which Act there is a form of a corporal Oath deviſed and ſet forth, that every ſubject of this Realm ſhould be bound to take, againſt the power, authority and juriſdiction of the See of Rome. Be it Enacted by the authority of this preſent Parliament, That ſo much of the ſaid Act as toucheth the ſaid Oath, againſt the ſupremacy, and all oaths thereupon had, made and given, ſhall be from henceforth utterly void, repealed, and of none effect.

35 H. 8. 1.]

And where alſo one other Act was made in the xxxvii. year of the reign of the ſaid late King Henry the eight, entituled, An Act that Doctors of the Civil Law, being married, might exerciſe Eccleſiaſtical juriſdiction. Be it Enacted by the authority of this preſent Parliament, That the ſaid Act laſt before mentioned, and all and every branch, article, ſentence and matter contained in the ſame, ſhall from henceforth be repealed, and utterly made void, and of none effect.

37 H. 8. 17.

A repeal of the 11. Stat. laſt before recited.

And where one other Act was made at the Parliament at Weſtminſter, in the firſt year of the reign of King Edward the ſixth, entituled, An Act for the repeal of certain Statutes, concerning Treaſons, Felonies, &c. In the which act amongſt other things there is contained certain proviſions, pains, penalties and forfeitures, for and againſt ſuch as ſhould by open preachings, expreſſe words, ſayings, writing, printing, overt-deed, or act, affirm, or ſet forth that the king of this Realm, for the time being, is not or ought not to be ſupream Head in earth of the Churches of England and Ireland, ne of any of them, or that the Biſhop of Rome, or any other perſon or perſons, other then the King of England for the time being, is or ought to be ſupream Head of the ſame Churches, or any of them, as in the ſame act laſt before rehearſed, and at large is contained and may appear. Be it Enacted by the authority of

A repeal of part of the Stat. of 1 Ed. 6. 12. hereafter ſpecified.

of this preſent Parliament, That theſe clauſes before rehearſed, and other of the ſaid Act, concerning the Supremacy, and all and every branch, article, words, and ſentence in the ſame, ſounding or tending to the derogation of the Supremacy of the Popes Holineſſe, or the See of Rome, and all pains, penalties, and forfeitures made againſt them that ſhould by any means ſet forth and extoll the ſaid Supremacy, ſhall be from henceforth utterly void and of none effect.

A repeal of all Statutes made againſt the Supremacy of the Pope, or See Apoſtolick.

And be it further Enacted by the authority aforeſaid, That all clauſes, ſentences and articles of every other Statute or Act of Parliament made ſithence the ſaid xx. year of the reign of King Henry the eight, againſt the ſupream Authority of the Popes Holineſſe, or See Apoſtolick of Rome, or containing any other matter of the ſame effect only, that is repealed in any of the Statutes aforeſaid, ſhall be alſo by authority hereof from henceforth utterly void and of none effect.

And where we your moſt humble ſubjects, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, have exhibited to your Majeſties one other Supplication in form following.

A Supplication by the Parliament, that their Articles may be confirmed.

We the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, repreſenting the whole Body of this Realm, reduced and received by your Majeſties interceſſion to the unity of Chriſts Church, and the obedience of the See Apoſtolick of Rome, and the Popes Holineſs governing the ſame, make moſt humble ſuit unto your Majeſties, to be likewiſe means and interceſſors, that all occaſions of contention, hatred, grudge, ſuſpition and trouble, both outwardly and inwardly in mens conſciences, which might ariſe amongſt us, by reaſon of diſobedience, may by authority of the Popes Holineſs, and by miniſtration of the ſame unto us, by the moſt Reverend Father in God, the Lord Cardinal Poole, by diſpenſation, toleration, or permiſſion, reſpectively as the caſe ſhall require, be aboliſhed and taken away, and by authority ſufficient theſe articles following, and generally all others, when any occaſion ſhall ſo require, may be provided for and confirmed.

Eccleſiaſtical foundations made ſithence the ſchiſm, ſhall continue. Marriages.

Firſt, That all Biſhopricks, Cathedral Churches, Hoſpitals, Colledges, Schools, and other ſuch Foundations now continuing, made by authority of Parliament, or otherwiſe eſtabliſhed according to the order of the Lawes of this Realm, ſithence the ſchiſm, may be confirmed and continued for ever.

Dyer fol. 255.

Item, That Marriages made infra gradus prohibitos conſanguinitatis, affinitatis, cognationis, ſpiritualis, or which might be made void propter impedimentum publicæ honeſtatis juſtitiæ, or for any other cauſe prohibited by the Canons only, may be confirmed, and children born of thoſe marriages declared legitimate, ſo as thoſe marriages were made according to the Lawes of the Realm for the time being, and be not directly againſt the Laws of God, nor in ſuch caſe as the See Apoſtolick hath not uſed to diſpence withal.

Inſtitutions of Benefices, and diſpenſations. Judicial proceſſes made upon appeals.

That inſtitutions of Benefices, and other promotions Eccleſiaſtical, and diſpenſations made according to the form of the Act of Parliament may be likewiſe confirmed.

That all Judicial proceſſes made before any Ordinaries of this Realm, or before any Delegates upon any appeals, according to the order of the Laws of the Realm, may be likewiſe ratified and confirmed.

The lands and goods of Biſhopricks, Monaſteries, Chantries, &c. diſperſed, ſhall ſo continue.

And finally, where certain Acts and Statutes have been made in the time of the late Schiſm, concerning the Lands and Hereditaments of Archbiſhopricks and Biſhopricks, the ſuppreſſion and diſſolution of Monaſteries, Abbies, Priories, Chantries, Colledges, and all other the goods and chattels of Religious Houſes. Since the which time the right and dominion of certain lands and hereditaments, goods and cattels belonging to the ſame, be diſperſed abroad, and come to the hands and poſſeſſions of divers and ſundry perſons, who by gift, purchaſe, exchange, and other means, according to the order of the Laws and Statutes of this Realm, for the time being have the ſame. For the avoiding of all ſcruples that might grow by any the occaſions aforeſaid, or by any other ways or means whatſoever: It may pleaſe your Majeſties to be interceſſors and mediators to the ſaid moſt Reverend Father Card. Pool, that all ſuch cauſes and quarrels, as by pretence of the ſaid Schiſme, or by any other occaſion or mean whatſoever, might be moved by the Popes Holineſſe, or See Apoſtolick, or by any other juriſdiction Eccleſiaſtical, and may be utterly removed and taken away, ſo as all perſons having ſufficient conveyance of the ſaid Lands and Hereditaments, goods and cattels, as is aforeſaid, by the Common Laws, Acts or Statutes of this Realm, may without ſcruple of conſcience, enjoy them without impeachment or trouble by pretence of any general Councel, Canons, or Eccleſiaſtical Laws, and clear from all dangers of the Cenſures of the Church.

And conformably hereunto, the Biſhops and Clergy of the Province of Canterbury have preſented to your Majeſties a Supplication, in this tenour that followeth.

The Clergies Petition that the lands and goods of the Clergy, late diſperſed amongſt the Temporalty, might ſo remain.

NOs Epiſcopi & Clerus Cantuarienſis Provinciæ in hac Synodo more noſtro ſolito dum Regni Parliamentum celebratur, congregati, cum omni debita humilitate & reverentia, exponimus *Majeſtatibus veſtris*, quod licet Eccleſiarum quibus in Epiſcopos, Decanos, Archidiacanos, rectores & vicarios præfecti ſumus, & animarum, quæ & nobis curæ noſtræ ſubjectæ ſunt; & earundem bonorum juriſdictionum & jurium, ex ſacrorum Canonum diſpoſitione, defenſores & curatores conſtituti ſumus, & propterea ipſarum bona juriſdictionis, & jura in pernicioſo hujus Regni præterito ſchiſmate deperdita & amiſſa, omni ſtudio, & totis noſtris viribus recuperare, & ad priſtinum Eccleſiarum jus revocare, juris remediis niti deberemus: Nichilominus tamen habito prius per nos ſuper hac re maturo conſilio, & deliberatione, ingenue fatemur nos optime cognoſcere quam hæc bonorum Eccleſiaſticorum difficilis & quaſi impoſſibilis eſſet recuperatio propter multiplices, ac pene inextricabiles ſuper his habitos contractus & diſpoſitiones,

ſpoſitiones, & quod ſi ea tentaretur, quies & tranquillitas Regni facile perturbaretur, & unitas Eccleſiæ Catholicæ, quæ jam pietate, & authoritate *Majeſtatum veſtrarum*, hoc in Regno introducta eſt, cum maxima difficultate ſuum debitum progreſſum, & finem ſortiri poſſet. Ideo nos bonum & quietem publicum privatis commoditatibus, & ſalutem tot animarum pretioſo *Chriſti* ſanguine redemptarum terrenis bonis anteponentes, & non quæ noſtra ſed quæ *Jeſu Chriſti* ſunt quærentes, *Majeſtates veſtras* enixe rogamus, eaſq; humiliter ſupplicamus, ut reverendiſſimo in *Chriſto* Patri, Domino *Reginaldo* Cardinali *Polo*, ad ipſas & univerſum hoc Angliæ regnum ſanctiſſimi Domini noſtri, Domini *Julii*, Papæ tertii, & Apoſtolicæ ſedis de latere legato, hæc nomine noſtro inſinuari, & apud eum intercedere dignentur ut in hiis bonis Eccleſiaſticis in parte vel in toto, arbitrio ſuo juxta facultates ſibi ab eodem ſanctiſſimo Domino noſtro Papa conceſſas eorundem bonorum detentoribus elargiendis & relaxandis publicum bonum privato pacem & tranquillitatem diſſidiis, & perturbationibus, atq; animarum ſalutem bonis terrenis preferre & anteponere velit. Nos enim in omnibus quæ ab ipſo Legato ſtatuta & ordinata circa hæc bona fuerint exnunc, prout extunc, & è contra conceſſum noſtrum præſtamus, imo etiam ut in præmiſsis ſe difficilem aut reſtrictum reddere non velit: *Majeſtates veſtræ* noſtro nomine eum hortari, & rogare dignabuntur. Inſuper *Majeſtatibus veſtris* ſupplicamus pro ſua pietate efficere dignentur, ut ea quæ ad juriſdictionem noſtram & libertatem Eccleſiaſticam pertinent, ſine quibus debitum noſtri paſtoralis officii & curæ animarum nobis commiſſæ exercere non poſſumus, nobis, ſuperiorum temporum injuria ablata reſtituantur, & ea nobis, & Eccleſiæ perpetuo illæſa & ſalva permaneant, & ut omnes leges, quæ hanc noſtram juriſdictionem & libertatem Eccleſiaſticam tollunt, ſeu quotiis modo impediunt abrogentur; ad honorem Dei, & Majeſtatum veſtrarum; & univerſi hujus Regni ſpirituale & temporale commodum & ſalutem, certam ſpem etiam habentes *Majeſtates veſtras*, pro ſua ſingulari in ipſum Deum pietate, proq; multis & inſignibus ab ipſius Dei bonitate acceptis beneficiis, neceſſitatibus, & in commodis hujus ſui Regni Eccleſiarum maxime curam animarum habentium nunquam defuturas eſſe, ſed prout opus fuerit, conſulturas atque proviſuras.

The Clergy do prefer the publick peace before their private commodity.

The Clergies ſuit that Eccleſiaſtical juriſdiction may be reſtored unto them, and that all Laws which do hinder it may be abrogated.

Foraſmuch as the ſaid moſt reverend Father, the Lord Legate, at the interceſſion of your Majeſties, hath by the authority of the See Apoſtolick, ſufficiently diſpenſed in the matters ſpecified in the ſaid ſeveral ſupplications, as in his ſaid Letters of Diſpenſation is contained more at large. The tenour whereof enſueth.

R*Eginaldus* miſeratione divina Sanctæ *Mariæ* in Coſmodin ſanctæ Romanæ Eccleſiæ, Diaconus, Cardinalis *Polus*, nuncupatus, ad ſereniſſimos, *Philippum* & *Mariam*, Angliæ Reges, fidei defenſores, & univerſum Angliæ regnum, ſanctiſsimi Domini noſtri Papæ, & ſedis Apoſtolicæ de latere Legatus eiſdem ſereniſſimis *Philippo* & *Mariæ* Regibus ſalutem in Domino ſempiternam. Cum ſupremum Concilium iſtius Regni, Parliamentum nuncupatum, *Majeſtatibus veſtris* per ſuos ſupplices libellos expoſuiſſet, quod perniciociſſimo ſchiſmate, in hoc regno alias vigente, quod nunc Dei miſericordia, & *Majeſtatum veſtrarum* pietate extinctum eſt, authoritatem ipſius Parliamenti nonnulli Epiſcopatus diviſi, & ex his aliquæ inferiores Eccleſiæ, in Cathedralis arreſtæ, & ſcholæ atque hoſpitalia fundata, nec non plurimæ, diſpenſationes & beneficiorum proviſiones factæ fuerunt, ac multæ perſonæ quibus perſuaſum fuerat, juris Canonici diſpoſitionis hoc in Regno amplius locum non habere, inter ſe in gradibus conſanguinitatis vel affinitatis de jure prohibitis, & aliis impedimentis Canonicis ſibi obſtantibus, matrimonia, per verba de preſenti contraxerunt, & multis actus judiciarii, & proceſſus, tam in primis quam ulterioribus inſtantiis ſuper rebus ſpiritualibus & Eccleſiaſticis, coram Judicibus tam Ordinariis quam de Legatis, qui aucthoritate laicali procedebant, habiti & ſervati, ad ſuper eis etiam ſententiæ latæ, & promulgatæ fuerunt, & bona Eccleſiaſtica per diverſas ejuſdem regni perſonas occupata, & apprehenſa fuerunt. Quæ quidem licet ex ſacrorum Canonum inſtitutis irriti declarati poſſent, tamen ſi ad alium ſtatum, quam in quo nunc ſunt, revocarentur, publica pax & quies univerſi regni turbaretur, & maxima confuſio orietur, preſertim ſi dictorum bonorum poſſeſſores moleſtarentur, & propterea *Majeſtatibus veſtris* humiliter ſupplicaverint, ut apud nos intercedere dignentur, ut præmiſſarum rerum firmitati, & ſtabilitati, & ſimul hujus regni quieti, & tranquillitati de benignitate Apoſtolica providere velimus. Cumq; Epiſcopi quoq; deinde, ac reliquus provinciæ Cantuarienſis Clerus totum fere Corpus Eccleſiaſticorum regni repræſentans, ad quos hæc bonorum Eccleſiaſticorum cauſa maxime pertinet, expoſuerint, quod hæc bona ad jus Eccleſiarum revocare non poſſunt, quin pax univerſalis, & quies hujus regni turbetur, & cauſa fidei atque unitatis Eccleſiæ, jam tota omnium conſenſu hoc in regno introducta, in maximum periculum adducatur; & propterea ipſi quoq; ſupplicaverint, ut apud nos intercedere velint, ut in his bonis Eccleſiaſticis poſſeſſoribus relaxandis reſtricti & difficiles eſſe nolemus, Majeſtates autem veſtræ, ad quas maxime ſpectat providere, ut regnum, ipſarum poteſtati, regimini, & curæ commiſſum, in pace & tranquillitate conſervetur. His ſupplicationibus & poſtulatis cognitis & mature conſideratis, judicaverit ea omnia & maxima illa, quæ in bonorum Eccleſiaſticorum cauſa petuntur, pro cauſa fidei, & pro pace publica, per nos debere ſine ulla dilatione concedi, & quemadmodum rogatæ fuerunt, apud nos intercedere dignatæ fuerint, prout in ſupplicationibus per idem ſupremum concilium & Epiſcopos ac clerum præfatum *Majeſtatibus veſtris* porrectis, atq; in libello interceſſiones per eaſdem *Majeſtates veſtras* nobis ſimul cum aliis ſupplicationibus exhibito latius apparet. Idcirco nos qui ad *Majeſtates veſtras* & hoc nobi-

The diſpenſation of Cardinal Poole Legate de latere.

Cardinal Poole ſent to reconcile the Realm to God, Chriſts Church, and his Vicar in earth.

nobiliſſimum veſtrum Regnum à Sanctiſſimo Domino noſtro *Julio* Papa tertio, ipſius & ſedis Apoſtolicæ de latere Legati miſſi ſumus, ut regnum iſtud, quod jam diu ab Eccleſiæ Catholicæ unitate ſeparatum fuerat, *Deo* & Eccleſiæ *Chriſti*, ejuſq; in terris Vicario reconciliaremus, & ut ea omnia quæ ad pacem & tranquillitatem hujus regni pertinerent, omni ſtudio procuraremus, poſtquam Dei benignitate, & Majeſtatum veſtrarum pietate, per auctoritatem ejuſdem Sanctiſſimi domini noſtri Papæ, cujus vices hic ſuſtinemus, reconciliatio jam facta eſt, ut paci & tranquillitate regni præfati conſulem: atq; ut unitas Eccleſiæ, ex qua ſalus animar' prætioſo *Chriſti* ſanguine redemptarum dependet, hoc in regno jam introducta corroboretur, & ſalva permaneat, cum utriuſq; rei ſtabilitatem in eo maxime conſiſtere, ſi horum Eccleſiaſticorum bonorum poſſeſſoribus moleſtia nulla inferatur quo minus ea teneant, tot & tam gravia teſtimonia nobis fidem faciant & Majeſtatum veſtrarum interceſſio, quæ pro unit. Eccleſiæ, & ſedis Apoſtolicæ authoritate hoc in regno inſtauranda tam ſtudioſe, & tam pie elaborarunt, eam quam par eſt authoritatem, apud nos habeat, & ut univerſum hoc regnum ſedis Apoſtolicæ maternam vere indulgentiam, & charitatem erga ſe agnoſc. & re ipſa experiat. quoſcunq; ad quos infra ſcripta pertinent à quibuſvis excommunication. ſuſpenſion. & interdictis aliiſq; Eccleſiaſticis ſententiis cenſuris & pœnis à jure vel ab homine quavis occaſione vel cauſa latis, ſi quibus quomodo libet innodati exiſtunt ad effectum præſentium duntaxat conſequendum harum ſerie abſolventes & abſolutos fore cenſentes authoritate Apoſtolica, per literas ſanctiſſimi Domini noſtri dom. *Julii* Papæ tertii nobis conceſſa, & qua fungimur in hac parte, tenore præſentium diſpenſamus, quod omnes & ſingulæ Cathedralium Eccleſiarum erectiones, hoſpitalium & ſcholarum fundationes tempore præterit. ſchiſmatis, licet de facto & nulliter attentate in eo ſtatu, in quo nunc ſunt, perpetuo firmæ & ſtabiles permaneant, illiſq; Apoſtolicæ firmitatis rob. adjicimus, ita ut non ea authoritate, qua prius, ſed ea quam nunc eis tribuimus factæ ab omnibus cenſeantur. Et cum omnibus & ſingulis perſonis regni prædicti quæ in aliquo conſanguinitatis vel affinitatis gradu etiam multiplici vel cognation. ſpiritual. ſeu publicæ honeſt. juſtitiæ impedimento de jure poſitivo introductis, & in quibus Sanctiſſim. Domin. noſter papa diſpenſare conſuevit matrimonia ſcienter vel ignoranter de facto contraxerint, ut aliquo impedimentorum præmiſſorum non obſtante, in eorum matrimon. ſic contractis, libere & licite remanere, ſeu illa de novo contrahere poſſint miſericorditer in dom. diſpenſamus, prolem, ſuſceptam ſuſcipiendam, legitimam decernentes, ita tamen ut qui ſcienter & malicioſe contraxerint, à ſententia excommunication. & ab inceſtus ſeu ſacrilegii reatu, abſolution. à ſuo Ordinario vel Curato quibus id faciendi facultatem concedimus obtineant. Ac omnes Eccleſiaſticas, ſeculares, ſeu quorumuis ordinum regulares perſonas quæ aliqu. impetracon. diſpenſationes, conceſſiones, gratias & indulta tam ordin. quam beneficia Eccleſiaſtica, ſeu alias ſpiritual. materias prætenſa authoritate ſupremitatis Eccleſiæ Anglicanæ licet nulliter & de facto obtinuerint, & ad cor reverſæ Eccleſiæ unitati reſtitutæ fuerint, in ſuis ordinib. & benefic. per nos ipſos, ſeu a nobis, ad id deputatos, miſericorditer recipiemus; prout jam multæ receptæ fuerunt, ſecunq; ſuper his oportune in dno diſpenſabimus. Ac omnes proceſſ. in quibuſvis inſtantiis coram quibuſvis Iudicibus tam ordinar. quam delegatis etiam laicis ſuper mater. ſpiritualibus habitos & formatos, & ſententias ſuper eis latas licet nulliter & de facto, quo ad nullitatem ex defectu juriſdict. præſ. tantum inſurgentem ſanamus illoſq; & illas authoritate Apoſtolica confirmamus. Ac quibuſvis hujus regni perſonis ad quarum manus bona Eccleſiaſtica ex quocunq; contractu ſeu etiam teneant, omnes, & quoſcunq; fructus ex ejuſdem bonis, licet indebite perceptos, in totum remittimus & relaxamus. Volentes ac decernentes, quod dictorum bonorum Eccleſiaſticorum tam mobilium quam immobilium poſſeſſores præf. non poſſint in præſenti nec in poſterum, ſeu per conciliorum generalium vel provincialium diſpoſitiones, ſeu decretales Romanorum Pontificum Epiſtolas, ſeu aliam quamcunq; cenſuram Eccleſiaſticam in dictis bonis, ſeu eorundem poſſeſſione moleſtari, inquietari, vel perturbari, nec eis aliquæ cenſuræ vel pœnæ Eccleſiaſticæ propter hujuſmodi detentionem, ſeu non reſtitutionem irrogari vel infligi, & ſic per quoſcunq; Judices, & auditores ſublata eis qua ſuis alit. judicandi & interpretandi facult. & authorit. judicari & definire debere & quicquid ſecus attemptari contigerit, irritum & inane fore decernimus, non obſtantibus præmiſſis defectibus & quibuſvis Apoſtolicis, ac in provincialibus, & ſynodalibus conciliis editis, ſpecialibus vel generalibus, conſtitutionibus & ordinationibus cæteriſq; contrariis quibuſcunque. Admonemus tamen cum diviſio Epiſcopatum & erectio Cathedralium Eccleſiarum ſint de majoribus cauſis, quæ ſummo Pontifici ſunt reſervatæ, recurrendum eſſe ad ſuam ſanctitatem, & ab ea ſuppliciter poſtulandum, ut hæc confirmare, ſeu de novo facere dignetur. Et licet omnes res mobiles Eccleſiarum indiſtincte eis, qui eos tenent. relaxerimus, eos tam admonitos eſſe volumus, ut aut oculos habentes divini judicii ſeveritatem contra *Belthaſarem* Regem Babylonis, qui vaſa ſacra non à ſe, ſed à patre è templo ablata in prophanos uſus convertit ea propriis Eccleſiis ſi extant, vel aliis reſtituant. Hortantes etiam, & per viſcera miſericordiæ *Jeſu Chriſti* obteſtantes eos omnes quos hæc res tangit, ut ſalutis ſuæ non omnino immemores, hoc ſaltem efficiant, ut ex bonis Eccleſiaſticis, maxime iis, quæ ratione perſonatum & vicariatuum populi miniſtrorum ſuſtentatio fuerint ſpecialiter deſtinata, ſeu aliis Cathedralibus, & aliis quæ nunc extant, inferioribus Eccleſiis curam animarum exercentibus, ita provideatur, ut earum paſtores, parſonæ & vicarii commode, & honeſte juxta eorum qualitatem, & ſtatum ſuſtentari poſſint, & curam animarum laudabiliter exercere, & onera incubentia congrue ſupportare. Datum Lambeth prope Londinum Wintonien. Dioceſſ. Anno Nativit.

Dom.

A confirmation of the erection of all Cathedral Churches, Hoſpitals, & ſchools done in the time of Schiſm.

A diſpenſation with certain marriages prohibited.

The Legitimation of children.

A ratification of proceſſes and ſentences in matters Eccleſiaſtcial.

Inſtitutions of Benefices.

The Lands and Goods of the Church come to the hands of others ſhall continue.

An admonition to thoſe that do hold the goods of the Church.

Dom. M D L I V. Nono Cal. Januarii Pontif. Sanctiſſ, in Chriſto Patris, & Domini noſtri, Domini *Julii*, divina providentia, Papæ tertii, Anno quinto.

Reginaldus Cardinalis *Polus* Legatus.

We the ſaid Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, rendring moſt humble thanks to your Majeſties, by whoſe interceſſion and means we have obtained the ſaid diſpenſations of the Popes Holineſſe, by the ſaid moſt reverend Father in God his Legate, moſt humbly beſeech the ſame, that it may be ordained as followeth.

And therefore be it enacted by the authority of this preſent Parliament, That all and ſingular articles and clauſes contained in the ſaid diſpenſation as well touching the eſtabliſhment of Biſhopricks and Cathedral Churches, as alſo the confirmation of marriages in degrees prohibited by the Canons of the Church, the legitimation of Children, and the ratification of proceſſe, and of ſentences in matters Eccleſiaſtical, touching the invalidity of them for want of juriſdiction, and the inſtitutions and deſtitutions, of and in benefices and promotions Eccleſiaſtical, diſpenſations and graces, given by ſuch order as the publick Laws of the Realm then approved, and all other things before contained in the ſaid Letters of diſpenſations, ſhall remain & be reputed and taken to all intents and conſtructions in the Laws of this Realm, lawful, good and effectual to be alledged and pleaded in all Courts Eccleſiaſtical & temporal, for good, and ſufficient matter, either for the Plaintiff or Defendant, without any allegation or objection, to be made againſt the validity of them by pretence of any general Councel, Canon, or Decree to the contrary made or to be made in that behalf.

The Cardinals diſpenſation confirmed by Parliament.

And whereas divers and ſundry late Monaſteries, priories, commandries, nunneries, deaneries, prebends, colledges, hoſpitals, houſes of Fryers, chantries, and other religious and Eccleſiaſtical houſes and places, and the manors, granges, meſſuages, lands, tenements, rectories, tythes, penſions, portions, Vicarages, Churches, Chappels, advowſons, nominations, patronages, annuities, rents, reverſions, ſervices, and other poſſeſſions and hereditaments to the ſaid late monaſteries, priories, nunneries, commandries, deaneries, chantries, prebends, houſes of Fryers, colledges, hoſpitals, and other religious and Eccleſiaſtical houſes and places, and ſundry Archbiſhopricks and Biſhopricks, within this Realm, late appertaining and belonging, came as well to the hands and poſſeſſions of the ſaid King of famous memory, Henry the eighth, Father unto your Majeſty, our ſaid Soveraign Lady, by diſſolution, gift, grant, ſurrender, attainder, or otherwiſe, as alſo to the hands & poſſeſſion of divers and ſundry other perſons, and bodies politick and corporate, by ſundry means, conveyances and aſſurances, according to the order of the Laws and Statutes of this Realm.

REP. 1 Eliz. 1. Monaſteries and all their lands and hereditaments were given to King H. 8. by the Statutes made, 27 H. 8. & 31 H. 8. 13.

And where alſo divers manors, lands, tenements and hereditaments, parcel of the poſſeſſions of Archbiſhopricks and Biſhopricks, and many and ſundry late deaneries, colledges, chantries, rectories, prebends, Free chappels, guilds and fraternities, manors, houſes, granges, lands, tenements, rents, ſervices, and other Eccleſiaſtical poſſeſſions and hereditaments, goods and chattels to the ſaid Archbiſhopricks, Biſhopricks, deaneries, colledges, chantries, free chappels, rectories, guilds and fraternities, late appertaining and belonging or appointing, to and for the finding of Prieſts, obites, lights, or other like purpoſe, came as well to the hands and poſſeſſions of the ſaid late noble king Edward the ſixth, brother unto your Majeſty our Soveraign Lady, by vertue of an Act of Parliament thereof made, or otherwiſe, as alſo to the hands and poſſeſſion of divers and ſundry other perſons and bodies politick and corporate, by ſundry means, conveyances, and aſſurances, according to the order of the Laws of this Realm: a great number of which ſaid late monaſteries, priories, nunneries, commandries, deaneries, colledges, hoſpitals, prebends, chantries, free chappels, guilds, and fraternities, and the manors, granges, meſſuages, lands, tenements, rents, reverſions, ſervices, tythes, penſions, portions, Vicarages, Churches, Chappels, advowſons, nominations, patronages, annuities and hereditaments, goods and chattels, to the ſaid monaſteries, priories, nunneries, commandries, deaneries, colledges, hoſpitals, chantries, free chappels, guilds, fraternities, and other Eccleſiaſtical houſes, Archbiſhopricks, and Biſhopricks, belonging as well for great ſums of money, as for other good and reaſonable cauſes and conſiderations, have been conveyed and aſſured to divers the ſubjects and bodies politick of this Realm, as well by the ſaid King Henry the eighth, the ſaid King Edward the ſixth, and by your Highneſſe our Soveraign Lady, and joyntly by both your Majeſties, as alſo by divers the owners of the ſaid Eccleſiaſtical poſſeſſions, which ſaid conveyances and aſſurances by their ſundry letters patents, and other writings more plainly do and may appear. Forаſmuch as the ſaid moſt reverend Father hath alſo by the ſaid diſpenſations, removed and taken away all matter of impeachment, trouble and danger, which by occaſion of any general Councel, Canon or decree Eccleſiaſtical might touch and diſquiet the poſſeſſions of ſuch goods moveable, lands, tenements, poſſeſſions and hereditaments, as were of late belonging to any of the ſaid Archbiſhopricks, Biſhopricks, monaſteries, priories, nunneries, commandries, deaneries, colledges, chantries, prebends, rectories, hoſpitals, houſes of Friers, or other religious and Eccleſiaſtical houſes and places, of what nature, name, kind or quality ſoever they be of: Yet for that the title of all lands, poſſeſſions and hereditaments in this your Majeſties Realm and Dominions is grounded in the laws, ſtatutes, and cuſtomes of the ſame, and by your high juriſdiction, authority royal, and Crown Imperial, and in your Courts only to be impleaded, ordered, tried and judged, and none otherwiſe: and underſtanding that the whole, full, and moſt gracious intents, mind, and determination of your moſt excellent Majeſties be, that all and every perſon and perſons, bodies politick and corporate, their heirs, ſucceſſors and aſſigns, and every of them ſhall have, keep, retain and enjoy all and every their eſtates, rights, poſſeſſions, and intereſts, that they and every of them now have, or hereafter ſhall have, of and in all and every the manors, granges, meſſuages,

Chantries, Colledges, free chappels, and their Lands were given to King Ed. 6. the ſtat. of 1 H. 6. 14.

The Cardinals diſpenſations hath only removed all trouble, which by any Eccleſiaſtical decree might diſquiet the poſſeſſions of lands or goods.

The title of all lands is grounded upon the Laws of the Realm, and to be impleaded and tried only in the Kings Courts.

ges, lands, tenements, tythes, penſions, portions, advowſons, nominations, patronages, annuities, rents, reverſions, ſervices, hundreds, wapentakes, liberties, franchiſes, & other the poſſeſſions and hereditaments of the ſaid monaſteries, abbeys, priories, nunneries, commandries, deaneries, colledges, prebends, hoſpitals, houſes of Fryers, chantries, rectories, Vicariges, Churches, Chappels, , Archbiſhopricks, and Biſhopricks, and other Religious or Eccleſiaſtical houſes or places, or of any of them within this Realm, or the Dominions of the ſame, by ſuch laws and ſtatutes as were in force before the firſt day of this preſent Parliament, and by other lawful conveyance to them thereof made.

The Queen and all other ſhall enjoy ſuch ſcites of Monaſteries, &c. and their lands, as they now have or ſhall have.

That it may be Enacted by the authority of this preſent Parliament, That as well your Majeſty Soveraign Lady, your Heirs and Succeſſors, as alſo all, and every other perſon and perſons, bodies politick and corporate, their heirs, ſucceſſors and aſſigns now having, or that hereafter ſhall have, hold or enjoy any of the Scites of the ſaid late Monaſteries, and other the Religious or Eccleſiaſtical houſes or places, and all the ſaid manors, granges, meſſuages, lands, tenements, tythes, penſions, portions, glebelands, advowſons, nominations, patronages, annuities, rents, reverſions, ſervices, hundreds, wapentakes, liberties, franchiſes, profits, commodities, and other the poſſeſſions and hereditaments of the ſaid late monaſteries, abbeys, priories, nunneries, commandries, deaneries, colledges, prebends, hoſpitals, houſes of Fryers, rectories, vicariges, chantries, Churches, Chappels, Archbiſhopricks, Biſhopricks, and other Religious and Eccleſiaſtical houſes and places, or any of them; of what name, nature or kind ſoever they be, ſhall have, hold, poſſeſſe, retain, keep and enjoy all & every the ſaid Scites, manors, granges, meſſuages, lands tenements, poſſeſſions, profits, commodities, and other hereditaments, according to ſuch intereſts & eſtates, as they and every of them now have or hold, or hereafter ſhall have or hold, of, and in the ſame, by the due order and courſe of the laws and ſtatutes of this Realm, which now be, or were ſtanding in force before the firſt day of this preſent Parliament, in manner and form, as if they ſhould have done, if this had never been had ne made. This act or any thing herein contained to the contrary in any wiſe notwithſtanding.

Other mens titles ſaved.

Saving to you our ſaid Soveraign Lady, your Heirs and Succeſſors, and every of them, and to all and every other perſon and perſons ſubjects of this Realm, and bodies politick and corporate, and to their heirs and ſucceſſors, and to the heirs and ſucceſſors of all and every of them (other than ſuch, whoſe right, title or intereſt is bounded or taken away, undone, or extinct by any Act of Parliament heretofore made or otherwiſe) all ſuch right, title, claim, poſſeſſion, intereſts, rents, annuities, commodities, commons, offices, fees, leaſes, liveries, livings, penſions, portions, debts, duties, and other profits, which they or any of them lawfully have, or of right ought to have, or might have had, in, of, or to any of the premiſſes, or in, of, or to any part or parcel thereof, in ſuch like manner and form, and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had ne made.

A confirmation of all ſtatutes concerning the aſſurance of Abbey Lands, or Chantries, &c. of King H. 8. K. Ed. 6.

And that it may be further Enacted by the authority aforeſaid, That all and every article, clauſe, ſentence and proviſo, contained or ſpecified in any Act or Acts of Parliament, concerning or touching the aſſurance or conveyance of any the ſaid monaſteries, priories, nunneries, commandries, deaneries, prebends, colledges, chantries, hoſpitals, houſes of Fryers, rectories, vicariges, Churches, Chappels, Archbiſhopricks, Biſhopricks, and other religious and Eccleſiaſtical houſes and places, or any of them, or in any wiſe concerning any manors, lands, tenements, profits, commodities, hereditaments, or other the things before ſpecified to the ſaid King Henry the eighth, or King Edward the ſixth, or either of them, or any other perſon or perſons, or body politick or corporate, and every of them, and all and every writing, deed and inſtrument, concerning the aſſurance of any the ſame, ſhall ſtand, remain, and be in as good force, effect and ſtrength, and ſhall be pleaded and taken advantage of, to all intents, conſtructions and purpoſes, as the ſame ſhould, might or could have been by the Lawes and Statutes of this Realm, in caſe this preſent Act had never been had, ne made.

A confirmation of aſſurances to King H. 8. Ed. 6. and all other perſons, of Abbey Lands.

And that all feoffments, fines, ſurrenders, forfeitures, aſſurances, conveyances, eſtates and intereſts, in any wiſe conveyed, had or made to our ſaid late Soveraign Lord K. Henry the eighth, or to our ſaid late Soveraign Lord K. Edward the ſixth, or either of them, or to any other perſon or perſons, bodies politick or corporate, or to any of them by deed or deeds, Act or Acts of Parliament, or otherwiſe, of any the ſcites, manors, lands, tenements, poſſeſſions, profits, commodities, or hereditaments of any of the ſaid Archbiſhopricks, Biſhopricks, late Monaſteries, priories, nunneries, commandries, deaneries, houſes of Fryers, colledges, chantries, hoſpitals, prebends, free chappels, or of any manors, lands, tenements, reverſions, ſervices, tythes, penſions, portions, annuities, or of any other hereditaments, of, by, or from any Eccleſiaſtical or ſpiritual perſon or perſons, or by, or from any ſpiritual or Eccleſiaſtical corporation or body politick, ſhall be as good and available in the Law, to all intents, conſtructions and purpoſes, as they were by the Laws and Statutes of this Realm ſtanding in force before the firſt day of this preſent Parliament. And that the ſame may and ſhall be pleaded, alledged and taken advantage of, in ſuch ſort, and to ſuch effect, as they ſhould, could or might have been by the laws and ſtatutes of this Realm, ſtanding in force before the ſaid firſt day of this preſent Parliament: And that all, and every clauſe and article of ſaving, contained in all and every the ſaid Acts and Statutes, ſhall ſtand, remain and be in ſuch force, ſtrength & effect, as they were before the ſaid firſt day of this preſent Parliament: Any thing contained in this preſent Act to the contrary in any wiſe notwithſtanding.

The penalty for moleſting any perſon for any Abbey Lands. This clauſe is not repealed. Anno 1 El. 1.

And that it may be in like manner enacted by authority aforeſaid, that whoſoever ſhall by any proceſſe, obtained out of any Eccleſiaſtical Court within this Realm, or without; or by pretence of any ſpiritual juriſdiction, or otherwiſe, contrary to the Laws of this Realm, inquiet or moleſt any perſon or perſons, or body politick, for any manors, lands, tenements, hereditaments, or things above ſpecified contrary to the words, ſentences, and meaning of this act, ſhall incurr the danger of the act of Præmunire, made the xvi. year of King Richard the ſecond, and ſhall ſuffer and incurr the forfeitures and pains contained in the ſame.

Suits for tythes of Abby Lands ſhall be lawful.

Provided alway, that it ſhall and may be lawful to any perſon or perſons, body politick and corporate, to ſue in any competent, Eccleſiaſtical, or ſpiritual Court within this Realm, for tithes, rights, and duties, that they or any of them ſhall pretend to have, of, or out of any the ſaid manors, lands, tenements, and other the premiſſes, and to have full and perfect remedy for the ſame in ſuch manner and form as they or any of them might or ought to have done, or had by the laws and ſtatutes of this Realm, before the making of this Act, and as though this Act had never been had or made.

The title of ſupream head of the Church never could be juſtly attributed to any King or Governour.

And that it may be further provided and enacted by the authority aforeſaid, that albeit the title or ſtile of ſupremacy, or ſupream head of the Church of England, and of Ireland, or either of them, never was, ne could be juſtly or lawfully attributed or acknowledged to any King and Soveraign Governor of this Realm, nor in any wiſe could, or might rightfully, juſtly, or lawfully by any king or Soveraign Governor of this Realm, be claimed, challenged or uſed: Yet foraſmuch as the ſaid title and ſtile, ſithence the third day of November, in the xxvi. year of the reign of the ſaid King Henry the eight, hath been uſed, and is mentioned and contained in divers and ſundry writs, letters patents, records, exemplifications, court rolls, charters, deeds, inſtruments, evidences, books and writings; It ſhall be lawful as well to, and for your Majeſties and your Soveraign Ladies heirs and ſucceſſors, as to and for every other perſon and perſons, and bodies politick and corporate, at all time and times hereafter to have, retain, and keep the ſaid writs, letters patents, records, exemplifications, court rolls, charters, deeds, inſtruments, evidences, books and writings, and them to ſhew, exhibit, uſe, alledge and plead, in all times and places requiſite, or needfull, without any danger, penalty, loſſe, forfeiture, trouble, vexation, or impeachment for the ſame; any thing in this act, or in any act or acts to the contrary thereof in any wiſe notwithſtanding.

Writs, Letters Patents, and other writings with the title of ſupream head, may be ex and pleaded.

35 H. 8. 3.

And where your Highneſſe Soveraign Lady, ſince your coming to the Crown of this Realm of a good and Chriſtian conſcience, omitted to write the ſaid ſtile of ſupremacy, ſpecified in one act, made in the Parliament holden at Weſtminſter by prorogation in the xxv. year of the reign of your late father King Henry the eight, as well in gifts, grants, letters patents, as in commiſſions, and other writings, and alſo other have in their writings done the ſame, as well in your time as before. And foraſmuch as notwithſtanding any law made concerning the ſaid ſtile of ſupremacy, it was in the free choyce, liberty, and pleaſure of the King of this Realm, and of your Highneſſe whether you would expreſſe the ſame in the ſaid ſtile or not.

Writings wherein the Queens ſtile of the Church is omitted.

Be it therefore declared and enacted by the authority of this preſent Parliament, that all grants, letters patents, commiſſions, inditements, records and writings, made in your our Soveraign Ladies name, or in the names of your our Soveraign Lord, and Lady, or any other wherein the ſaid ſtile of ſupremacy is omitted, is, and ſhall be to all intents and purpoſes, as good and effectual, as if the ſame had been therein expreſſed, and may be detained, kept, pleaded, and alledged without any danger, pain, penalty, or forfeiture to enſue to any perſon or perſons, or body politick, for, or concerning the omiſſion of the ſame ſtile or any part thereof in any ſuch writing; and that no perſons ſhall be impeached, moleſted, or damnified, for or by reaſon of any ſuch omiſſion.

28 H. 8. 16.

And where in an act of Parliament made ſince the ſaid xx. year of King Henry the eighth, all Buls, diſpenſations, and writings which were before that time obtained from the See of Rome, ſhould be void, aboliſhed, and extinguiſhed: with a clauſe nevertheleſſe that the matter of them, by vertue of letters patents from the King then being, ſhould and might be alledged, pleaded, and allowed, as if the ſame had not been ſo aboliſhed and extinguiſhed. Foraſmuch as the ſaid act is here before amongſt other and made void.

What Buls, diſpenſations, and licences obtained from Rome may be put in execution.

Be it therefore enacted by the authority of this preſent Parliament, that all Buls, diſpenſations, and priviledges, obtained before the ſaid twentieth year, or at any time ſithence or which ſhall hereafter be obtained of the See of Rome, not containing matter contrary or prejudicial to the authority, dignity, or preheminence Royal, or Imperial of the Realm, or to the Laws of this Realm, now being in force, and not in this Parliament repealed, may be put in execution, uſed and alledged in any court within this Realm, or elſewhere, whether the ſame remain yet whole, or can appear to have been cancelled, in as available and effectual manner, to all intents and purpoſes, as if the ſaid act had never been had or made: Any objection by pretence of extinguiſhment, or cancelling of the ſaid Buls, diſpenſations, or priviledges, or of any other matter or cauſe by the pretence of the Laws of this Realm, whatſoever in any wiſe notwithſtanding.

And whereas by diſſolution of Monaſteries and other religious houſes, certain Pariſh Churches and Chappels, which were before exempt from the juriſdiction of the Archbiſhop and Biſhop of the Dioceſſe, and by ſpecial exemption and priviledge from Rome, which were under the government and order of the Abbots and Priors of thoſe religious houſes, which ſaid Churches by colour of the ſaid exemptions, be now of ſpecial grant from K. Henry and K. Edward, under the rule and Government, and juriſdiction of temporal and lay-men, who can no more enjoy that ſupremacy over thoſe particular Churches, than the King might over the whole Realm.

Who ſhall have the juriſdiction of Churches and Chappels exempt from Biſhops, &c.

Be it therefore enacted, that all Archbiſhops and Biſhops, in their Dioceſſe, and all other ſpiritual perſon and perſons, having juriſdiction, and their Miniſters and Officers, and no lay perſon, or perſons, in every Church and place, within the precinct of the ſame, being exempt, or not exempt, may freely, and without impediment execute their ſpiritual juriſdiction in all points and articles, as though no ſuch exemption or grant had never been made.

The priviledges of certain perſons and places reſerved.

Provided alway and be it enacted, that this act extend not to take away or diminiſh the priviledges of the Univerſities of Cambridge and Oxford, ne the priviledges or prerogatives granted heretofore to the Churches of Weſtminſter and Windſor ne the Tower of London, ne prejudicial to ſuch temporal Lords and poſſeſſioners in this Realm, as by ancient cuſtom have enjoyed probate of Teſtaments of their tenants or other.

By the reconciliation of the Realm to Gods Church, devotion is hoped for.

And foraſmuch as after this reconciliation, and unity of this noble Realm, to the body of Chriſts Church it is to be truſted that by the abundance of Gods mercy and grace, devotion ſhall encreaſe and grow in the Hearts of many the Subjects of this Realm, with deſire to give and beſtow their wordly poſſeſſions, for the reſuſcitating of alms, prayer and example of good life in this Realm, to the intent ſuch godly motions and purpoſes ſhould be advanced:

Lands may be given to ſpiritual Bodies politick or corporate.

Be it therefore enacted by authority of this preſent Parliament, That it ſhall be lawful to ſuch as ſhall be [a] ſeiſed of any manors, lands, tenements, parſonages, tithes, penſions, portions, or other hereditaments whatſoever, in fee ſimple, in poſſeſſion, reverſion, or remainder, in their own rights, not being Copyhold, may thereof make feoffments, grants, or any other aſſurances, or by his laſt Will and Teſtament in writing, may bequeath and give in fee-ſimple, all and every the ſaid manors, lands, tenements, parſonages, tithes, penſions, portions, or other hereditaments, to any ſpiritual body politick or corporate in this Realm or Dominions of the ſame, now erected or founded, or hereafter to be erected or founded, without any licence of mortmain therein to be obtained: or any Writ of ad quod damnum to be ſued out for the ſame, the acts de terris ad manum mortuam non ponendis, or any other Act or ſtatute heretofore had or made in any wiſe notwithſtanding.

[a] Dyer fol. 255. Cok li. 11. f. 71.

Saving to the Lords of the fee, all rent-ſervices due, or going out of any of the ſaid lands, tenements or hereditaments, ſo to be amortized, as is aforeſaid.

Provided alway, that this clauſe of this act, for giving the liberty of or for the amortizing of lands or tenements, ſhall continue for, and during the ſpace of twenty years next, and immediately following, and no longer.

Nothing done or moved in this Statute, ſhall be prejudicial to the Liberties of the Crown.

And foraſmuch as we your Majeſties humble and obedient Subjects, the Lords ſpiritual and temporal, and Commons in this preſent Parliament, aſſembled, neither by the making or delivering of either the ſupplications aforeſaid, nor by any clauſe, article, or ſentence thereof, or of any other clauſe, article or ſentence of this or any other Statute, or any of the preambles of the ſame, made or agreed upon in this Seſſion of this preſent Parliament, by any manner of interpretation, conſtruction, implication, or otherwiſe, extend to derogate, impair, or diminiſh any of the prerogatives, liberties, franchiſes, preheminences, or juriſdictions of your Crown Imperial of this Realm, and other the Dominions to the ſame belonging: We do moſt humbly beſeech your Majeſties, that it may be declared and ordained, and be it enacted and declared by authority of this preſent Parliament, that neither the making, exhibiting, or inſerting in this preſent Statute, or in the preamble of the ſame, of the ſupplication or promiſe aforeſaid, or either of them, nor any other thing or things, words, ſentences, clauſes or articles in the preambles or body of the acts aforeſaid, ſhall be conſtructed, underſtanded, or expounded to derogate, diminiſh, or take away any the liberties, priviledges, prerogatives, preheminences, authorities, or juriſdictions, or any part or parcel thereof, which were in your Imperial Crown of this Realm, or did belong to your ſaid Imperial Crown the twentieth year of the reign of yours, the Queens Majeſties moſt noble Father, or any other your moſt noble Progenitors, before the ſaid twentieth year:

The Pope and See Apoſtolick reſtored to the authority that they had.

and the Popes holineſſe, and See Apoſtolike, to be reſtored, and to have and enjoy ſuch authority, preheminence and juriſdiction as his holineſſe uſed and exerciſed, or might lawfully have uſed and exerciſed by authority of his Supremacy, the ſaid twentieth year of the Reign of the King your Father, within this your Realm of England, and other your Dominions, without diminution or enlargement of the ſame and none other;

The juriſdiction of the Biſhops of this Realm.

and the Eccleſiaſtical juriſdictions of the Archbiſhops, Biſhops, and Ordinaries, to be in the ſame ſtate, for proceſſe of ſuits, puniſhment of crimes, and execution of cenſures of the Church, with knowledge of cauſes belonging to the ſame and as large in theſe points as the ſaid juriſdiction was the ſaid twentieth year,

What tenure ſhall be reſerved upon gifts to be made to Spiritual Corporations.

Provided alwayes, and be it enacted by the Authority aforeſaid, that in and upon every ſuch gift and deviſe, to be made to ſuch ſpiritual corporations or perſons as is aforeſaid, the Donor, Feoffor, or Deviſor thereof may reſerue to him and to his heirs for ever, a tenure in franke almoigne, or a tenure by divine ſervice, and to have all remedies and actions for and upon the ſaid gifts or deviſes, and tenures in like manner and form, as was uſed before the eſtatute of Weſtminſter third, commonly called Quia emptores terrarum. The ſaid eſtatute or any other law or cuſtom now being to the contrary in any wiſe notwithſtanding

The remedy to recover any penſion, tithes, glebelands.

Provided alwayes, and be it Enacted, That all and every perſon and perſons, and bodies politick and corporate which now have, or hereafter ſhall have any eſtate of inheritance, freehold, term or intereſt, of, in, or to any portion, penſion, tythes, glebelands, or other Eccleſiaſtical or Spiritual profit, which by this Act, and letters of diſpenſation rehearſed in the ſame, be permitted and ſuffered to remain and continue in Lay-mens poſſeſsions, ſhall and may have like remedy for the recovery of the ſame, and every part thereof, as they and every of them might have had before the firſt day of this preſent Parliament: any thing in this Act contained to the contrary in any wiſe notwithſtanding. Stat. 1 El. 1.

CAP. IX.

If any perſon ſhall pray, or deſire, that God will ſhorten the Queens dayes, or take her out of the way, or any ſuch malicious prayer, amounting to the ſame effect, he, his Procurators and Abettors, ſhall be adjudged Traytors. EXP. 1 El. 6. 23 El. 2.

CAP. X.

It ſhall be high Treaſon to compaſs the death of the King or the Queen: Or to deprive either of them of the Stile or Kingly honour of this Realm: Or to affirm, that any other than they, and the heirs of her body ought to be King or Queen. An order for the Government of the Queens Iſſue. EXP. Trial of Treaſons ſhall be according to the courſe of the Common Laws. 33 H.8.23. 32 H.8.4. 33 H.8.20.

CAP. XI.

Bringers in of counterfeit Coin into this Realm, ſhall be puniſhed as Traytors.

Where divers and ſundry Coins of gold and ſilver of other Realms, not being of the proper coin of this Realm of England, and yet by the ſufferance and conſent of the King and Queen our Soveraign Lord and Lady, be currant in payment within this Realm, many ill diſpoſed perſons for their own corrupt lucre and advantage, have now of late brought into this Realm, from the parties of beyond the Sea, great quantity of forged and counterfeit money, like to the ſaid coin of other forein Realms, and have uttered the ſame here, by merchandizing and otherwiſe, to divers of the Subjects of this Realm, to their great deceit, hurt and damage, becauſe the ſaid ill diſpoſed perſons have perceived and underſtanded, that there was not, nor yet is, any ſufficient Law or Statute made or provided for the condigne puniſhment of the offendors in that behalf.

Treaſon to bring into this Realm any counterfeit money, like to the coin of other Realms, and current within this Realm.

Wherefore be it Enacted and eſtabliſhed by the Authority of this preſent Parliament, That if any perſon or perſons after the twentieth day of January next coming, ſhall bring from the parties of beyond the Sea into this Realm, or into any of the Dominions of the ſame, any ſuch falſe and counterfeit coin of money, being currant within this Realm, as is aforeſaid, knowing the ſame Coyn or Money to be falſe and counterfeit, to the intent to utter, or make payment with the ſame within this Realm, or any the Dominions of the ſame, by Merchandizing or otherwiſe: that all and every ſuch perſon or perſons ſo offending as is aforeſaid, their Counſellors, Procurors, Aydors and Abettors in that behalf, ſhall be deemed and judged to be Offendors in high Treaſon, and ſhall ſuffer, after lawful conviction or attainder thereof, ſuch pains of death, loſs and forfeiture of lands, goods and cattels, as other offendors ſhall do, in caſes of high Treaſon.

The manner of indictment, tryal, &c. of an offendor, for impairing or forging of coyn.

And be it further Enacted by the authority aforeſaid, That all and every perſon or perſons, that ſhall at any time after the ſaid twentieth day of January, be accuſed or impeached of any of the offences contained and provided for in this eſtatute, or of any other offence or offences, concerning the impairing, counterfeiting or forging of any coin currant within this Realm, ſhall and may be indicted, arraigned, tried, convicted or attainted by ſuch like evidence, and in ſuch manner and form as hath been uſed and accuſtomed within this Realm, at any time before the firſt year of the reign of our late Soveraign Lord, King Edward the ſixth: any Statute, Cuſtome, Law or Uſage to the contrary thereof in any wiſe notwithſtanding. Stat. 9 Ed. 3. 2.

CAP. XII.

Where Diſtreſſes taken, ſhall be impounded.

No Diſtreſſe ſhall be driven forth of the hundred where it is taken, nor impounded in ſeveral places. Stat 52 H 3.4. 3 Edw. 1. 16. Cok. pla fol 43. Raſt. pla. fol. 164. Cro. El. 486. 646.

a Dyer fo. 177. 237.

For the avoiding of grievous vexations, exactions, troubles, and diſorder in taking of diſtreſſes, and impounding of cattel, Be it Enacted by authority of this preſent Parliament, That from and after the firſt day of April next coming, no diſtreſs of cattel ſhall be driven out of the hundred, rape, wapentake or lathe, where ſuch diſtreſſes is, or ſhall be taken, except it be to a pound overt within the ſame Shire, not above [a] three miles diſtant from the place where the ſaid diſtreſs is taken; and that no cattel, or other goods diſtrained or taken by way of diſtreſs, for any maner of cauſe at one time, ſhall be impounded in ſeveral places, whereby the owner or owners of ſuch diſtreſs ſhall be conſtrained to ſue ſeveral replevies for the delivery of the ſaid diſtreſſe ſo taken at one time, upon pain every perſon offending contrary to this Act, ſhall forfeit to the party grieved, for every ſuch offence, an hundred ſhillings, and treble damages.

How much may be taken for poundage.

And further be it Enacted by the authority aforeſaid, That after the ſaid firſt day of April, no perſon or perſons ſhall take for keeping in pound, impounding or poundage of any manner of diſtreſſe above the ſumme of four pence for any one whole diſtreſſe, that ſhall be ſo impounded: and where leſs hath been uſed, there to take leſs, upon the pain of five pounds to be paid to the party grieved, over and beſide ſuch money as he ſhall take above the ſum of four pence: Any uſage or preſcription to the contrary in any wiſe notwithſtanding.

The Sheriff ſhall appoint four Deputies to make replevies.

And for the more ſpeedier delivery of cattel, taken by way of diſtreſſe, it is further enacted by the ſaid authority, That every Sheriff of Shires, being no Cities, nor Towns made Shires, at his firſt County day, or within two moneths next after he hath received his Patent of his Office of Sheriffwike, ſhall depute, appoint and proclaim in the Shire-Town within his Bayliffwike, four Deputies at the leaſt, dwelling not above twelve miles one diſtant from another; which ſaid Deputies ſo appointed and proclaimed, ſhall have authority in the Sheriffs name to make Replevies and deliverance of ſuch diſtreſſes in ſuch manner and form as the Sheriff may and ought to do: upon pain that every Sheriff, for every moneth that he ſhall lack ſuch Deputy or Deputies, ſhall forfeit for every ſuch offence five pounds; the one half of which forfeitures ſhall be to the King and Queens Highneſſe, her heirs and Succeſſors, the other half to him that will ſue for the ſame by bill, plaint, information or action of debt, in any the King and Queens Courts of Record, in which no Eſſoin, Protection, nor Wager of Law ſhall be admitted.

CAP. XIII.

In what manner Juſtices of Peace may bail perſons arreſted of Felony, or ſuſpition thereof, &c.

Stat. 3 H. 7.3.

WHere, in the Parliament holden at Weſtminſter, in the third year of the Reign of the Noble Prince, King Henry the Seventh, it was among other things ordained and enacted, That no priſoner arreſted for Felony, ſhould be letten to bail or mainpriſe, by any one Juſtice of Peace, but by the whole Juſtices, or at leaſt by two of them, whereof one to be of the Quorum: ſince the making of which Eſtatute, one Juſtice of Peace in the name of himſelf and one other of the Juſtices his Companion, not making the ſaid Juſtice party nor privy unto the caſe wherefore the Priſoner ſhould be bailed, hath oftentimes by ſiniſter labour and means ſet at large the greateſt and notableſt Offenders, ſuch as be not repleviſable by the Lawes of this Realm; and yet the rather to hide their affections in that behalf, have ſignified the cauſe of their apprehenſion to be but only for ſuſpicion of Felony, whereby the ſaid Offenders have eſcaped unpuniſhed, and do daily, to the high diſpleaſure of Almighty God, the great peril of the King and Queens true Subjects and encouragement of all Theeves and evil-doers.

For reformation whereof, be it ordained and enacted by the King and Queens Majeſties, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled and by authority of the ſame, that from and after the firſt day of April next coming, no Juſtice or Juſtices of peace ſhall let to bail or mainpriſe any ſuch perſon or perſons, which for any offence or offences by them or any of them committed, be declared not to be repleviſed or bailed, or be forbidden to be repleviſed or bailed by the Statute of Weſtminſter primer, made in the Parliament holden in the third year of the reign of King Edward the firſt.

None ſhall be let to bail, which be forbidden to be bailed by the Stat. of 3 Ed. 1. 15.

And furthermore, that any perſon or perſons arreſted for man-ſlaughter or felony, or ſuſpition of man-ſlaughter or felony, being bailable by the Law, ſhall not, after the ſaid firſt day of April, be let to bail or mainpriſe by any Juſtices of peace, if it be not in open Seſſions, except it be by two Juſtices of peace at the leaſt, whereof one to be of the Quorum, and the ſame Juſtices to be preſent together at the time of the ſaid bailment or mainpriſe, which bailment or mainpriſe they ſhall certifie in writing, ſubſcribed or ſigned with their own hands, at the next generall goal-delivery, to be holden within the County where the ſaid perſon or perſons ſhall be arreſted or ſuſpected.

The Juſtices Duty in bailment of a priſoner, in examination of him and others, and certifying thereof. St. 2. & 3. P. & M. 10.

And that the ſaid Juſtices, or one of them being of the Quorum, when any ſuch Priſoner is brought before them for any man-ſlaughter or felony, before any bailment or mainpriſe, ſhall take the examination of the ſaid priſoner, and information of them that bring him, of the fact and circumſtances thereof, and the ſame, or as much thereof as ſhall be material to prove the felony, ſhall put in writing before they make the ſame bailment; which ſaid examination, together with the ſaid bailment, the ſaid Juſtices ſhall certifie at the next general gaol-delivery to be holden within the limits of their Commiſſion.

The Coroners Duty upon an Inquiſition found before him.

And that every Coroner, upon any Inquiſition before him found, whereby any perſon or perſons ſhall be indicted for murther or man-ſlaughter, or as acceſſary or acceſſaries to the ſame, before the murther or man-ſlaughter committed, ſhall put in writing the effect of the evidence given to the Jury before him, being material: and as well the ſaid Juſtices as the ſaid Coroner, ſhall have authority by this Act, to bind all ſuch by recognizance or obligation, as do declare any thing material, to prove the ſaid murther or man-ſlaughter, offences or felonies, or to be acceſſary or acceſſaries to the ſame, as is aforeſaid, to appear at the next general Gaol-delivery to be holden within the County, City, or Town corporate, where the tryal thereof ſhall be, then and there to give evidence againſt the party ſo indicted at the time of his tryal, and ſhall certifie as well the ſame evidence, as ſuch bond or bonds in writing, as he ſhall take, together with the inquiſition or indictment before him taken and found, at or before the time of his ſaid tryal thereof to be had or made: and likewiſe the ſaid Juſtices ſhall certifie all and every ſuch bond taken before them, in like manner as before is ſaid of bailments and examination. And in caſe any Juſtice of peace of Quorum, or Coroner, ſhall after the ſaid firſt day of April, offend in any thing contrary to the true intent and meaning of this preſent Act: That then the Juſtices of Gaol-delivery of the Shire, City, Town or place where ſuch offence ſhall happen to be committed, upon due proof thereof, by examination before them, ſhall for every ſuch offence, ſet ſuch fine on every of the ſame Juſtices of Peace and Coroner, as the ſame Juſtices of Gaol-delivery ſhall think meet, and eſtreat the ſame, as other fines and amerciaments aſſeſſed before Juſtices of Gaol-delivery ought to be.

The penalty of any Juſtice of Peace or Coroner omitting his Duty.

Juſtices of peace of London, Middleſex, &c.

Provided alwaies, and be it further enacted by the authority aforeſaid, That Juſtices of peace and Coroners within the City of London and the County of Middleſex, and in other Cities, Boroughs and Towns corporate within this Realm and Wales, ſhall within their ſeveral juriſdictions, have authority to let to bail felons and priſoners, in ſuch manner and form, as they have been heretofore accuſtomed; this act, or any thing therein contained to the contrary notwithſtanding. And alſo ſhall take examinations and bonds, as is aforeſaid, upon every bailment by them or any of them to be made, and ſhall certifie every ſuch bailments, bonds and examinations by them or any of them taken or made, at the next goal-delivery to be holden within the Shire, City, Borough or Town where their ſeveral juriſdictions extendeth, upon like pain and forfeiture as is before limited in this preſent Act.

Removing of a priſoner, or recognizance.

And be it alſo enacted by the authority aforeſaid, That no writs of Habeas Corpus, or Certiorari ſhall be hereafter granted to remove any priſoner out of any Gaol, or to remove any recogniſance, except the ſame writs be ſigned with the proper hands of the Chief Juſtices, or in his abſence, one of the Juſtices of the Court, out of which the ſame writs ſhall be awarded or made, upon pain that he that writeth any ſuch writs, not being ſigned, as is aforeſaid, to forfeit to our ſaid Soveraign Lord the King and the Queen, for every ſuch writs, five pounds.

CAP. XIV.

In what order Ruſſel Sattens, &c. ſhall be made in Norwich.

WHere of late years paſſed, Ruſſels, called Ruſſels Sattens, and Sattens reverſes, have been practiſed to be made beyond the Seas, of the Woolls bred in the County of Norfolk, and by reaſon thereof ſo great quantity of the ſaid Ruſſels Sattens, Sattens reverſes, have been brought into this Realm, ſold and worn as well in every part of this Realm, as in the parts beyond the Seas, that thereby the myſteries of Worſteds making and weaving, whereby Merchants and Inhabitants of the City of Norwich, have heretofore been well maintained and relieved, is now at this preſent almoſt wholly decayed and brought out of eſtimation, and very little worn, either within this Realm, or in any other foreign Realms, to the great hinderance and decay of the ſaid City and Citizens of the ſame City. For remedy whereof, Thomas Marſham Mayor of the City of Norwich, John Corbet Eſquire, Auſtin Steward, Robert Leche, Robert Rugge, John Ball, and Alexander Mather, Aldermen of the ſaid City, Thomas Wale, Thomas Pecke, Ralph Marſham, Robert Henry, John Sutton, Richard Tomſon, Citizens and Merchants of the ſaid City, at their great coſts and charges, as well in bringing of certain ſtrangers from the parts beyond the Seas into the ſaid City, as alſo in making of Lombes, and all other proviſion for the ſame: and alſo have called unto them eight perſons of the moſt diſcreet and worthy men of the Myſtery of worſted-weaving, within the ſaid City; that is to ſay, John Cook, James Lin, John Croſſe, Simon Petit, John Marſhal, Roger Lecke, Edmund Barker, and Edmund Selers, being the number of one and twenty perſons, which have not only made Ruſſels Sattens, and Sattens reverſes, and Fuſtians of Naples within the ſaid City of Norwich, of Norfolk Woolls; but alſo have learned and taught other Citizens and Inhabitants of the ſaid City to make the ſame, in ſuch good and perfect manner, that much better Ruſſels Sattens, Sattens reverſes, and Fuſtian of Naples, and ſuch like, and for eaſier prices, be now at this preſent wrought and made within the ſaid City, than heretofore have been, or now be made in any of the parts beyond the Seas, whereby the ſaid City and Inhabitants therof may, and be, in like, again to be relieved and brought to the old eſtate, to the great advancement of the Commodities of this Realm, and enriching the ſame, if ſome good and politike Laws and Ordinances were made for the good continuance of the true making of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian of Naples, and ſuch like.

In conſideration whereof, Be it enacted by the aſſent of the King and Queens Highneſſe, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid Ruſſels Sattens, and Sattens reverſes, and Fuſtian of Naples hereafter to be made only within the ſaid City, may from henceforth bear the name, and be called by the name of Norwich Sattens, and Norwich Fuſtians, and that the Mayor and the aforementioned Citizens of the ſame City, which before this time have been at the coſts and charges of the bringing of the ſaid ſtrangers into the ſame City, for the making of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian of Naples, and ſuch the aforementioned eight perſons that they have called unto them, ſhall be a fellowſhip of themſelves, and ſhall yearly the third day of February chooſe of their fellows four Wardens within the Guild-hall of the ſaid City, or any other common and convenient place in the ſame City; and the ſame Wardens ſo being choſen, ſhall ſtand and be Wardens of the ſame Fellowſhip during one whole year, next enſuing the ſaid election, and that the ſame Wardens, after the ſaid election, ſhall come before the Mayor of the ſaid City for the time being, yearly the Munday next after the ſaid third day of February, and before the ſaid Mayor ſhall be ſworn, diligently to view, ſearch, and ſee all the Ruſſels Sattens, Sattens reverſes, and Fuſtian of Naples, then made, or that ſhall be made within the ſaid City, during the ſaid year. And ſuch of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian of Naples, as ſhall appear and be deemed by them to be lawfully, truly and workmanly wrought, ſhall ſeal with a ſeal of Lead bearing the Arms of the City of Norwich, whereby it may be known to the Merchant or Buyer of them, that the ſame be allowed, and truly made.

By what names Ruſſels Sattens, Sattens reverſes, and Fuſtians of Naples made in Norwich ſhall be called.

There ſhall be a Body Corporate and four Wardens, to ſee and ſeal Ruſſels Sattens, &c.

And that alſo it may be enacted by the Authority aforeſaid, That the ſaid Wardens and Fellowſhip ſhall be a Body Corporate, and to be named and be enabled by this Act to ſue and be ſued, and to give and to take by the name of Wardens and Fellowſhip of the myſtery of Ruſſels Sattens, Sattens reverſes, and Fuſtian of Norwich making, within the ſaid City of Norwich. And if any default at any time ſhall be found in any of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian of Norwich, or in any of them by the ſaid Wardens, that the ſame default ſhall be reformed, and the Offendor or Offendors therein to be puniſhed according to ſuch rules and ordinances, as hereafter from time to time ſhall be made within the ſaid City, by the Mayor of the ſaid City for the time being, and by the ſaid four Wardens, and the Fellowſhip of the ſaid occupation or Myſtery, or the greateſt number of the ſaid Fellowſhip, for, and concerning the ſame; and that the ſame defaults from time to time, as occaſion ſhall ſerve, ſhall be enquired of, and tryed for the Mayor of the ſaid City of Norwich, for the time being, by the oaths of twelve honeſt men of the foreſaid Fellowſhip.

By whom and what means offendors ſhall be inquired and puniſhed.

And that the ſaid four Wardens ſo choſen and ſworn, ſhall have full power and authority, to do, execute, preſent and reform all and ſingular thing and things, of, for, and concerning the ſaid myſtery, making, working and occupying of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian of Norwich, within the ſaid City, in ſuch manner and form, as in or by the ſaid Ordinances ſhall be expreſſed and declared; and that all times hereafter, and from time to time, it ſhall be lawful to the Mayor of the ſaid City for the time being, and to the before-named Fellowſhip and Wardens of the ſame myſtery, and the more part of them, and to their Succeſſors, to make and ordain from time to time, Rules, Laws and Ordi-

The authority of the four Wardens.

ordinances meet and neceſſary for the good order and governance of the ſaid myſtery, and for the true and well making of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian of Norwich: and the ſame Ordinances ſo made, to be at all times obeyed by all the Inhabitants of the ſaid City or Suburbs of the ſame, and to be put in due execution by the ſaid Mayor and Wardens, and their Succeſſors for the time being, in ſuch manner and form, as by the ſaid Ordinance ſhall be ordained and declared.

Who may occupy the Trade of making Ruſſel Sattens, Sattens reverſes, &c.

And that ſuch as now be, and that hereafter ſhall be Makers of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian of Norwich, and every of them within the ſaid City, ſhall not from henceforth occupy the ſaid myſtery and making of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian of Norwich, nor any of them, within the ſaid City, by themſelves, or by any other, before he or they ſo occupying the ſaid myſtery within the ſaid City, be made free of the ſaid City, and admitted to be of the ſaid Fellowſhip by the Mayor of the ſaid City, and Wardens, and Fellowſhip of the ſaid myſtery for the time being. And that no perſon do occupy by himſelf, or any other for him, out of the ſaid City, the ſaid myſtery of making Ruſſels Sattens, Sattens reverſes, and Fuſtians of Naples, or of any of them, before he or they ſo occupying the ſame, have been prentice to the ſaid myſtery by the term of ſeven years, or elſe admitted by the ſaid Mayor and Fellowſhip, or the more part of them; upon pain of forfeiture of the ſame Ruſſels Sattens, Sattens reuerſes, and Fuſtian of Norwich by them or any of them to be made contrary to the form of this Act.

The Mayor and Wardens ſhall take nothing to their own uſe for admittance.

Provided alwayes, and be it enacted by the authority aforeſaid, That the ſaid Mayor and Wardens for the time being, ſhall not take any ſum of money or reward, to their own proper uſes, for the admitting of any perſon or perſons to occupy the ſaid myſtery, upon pain of forfeiture of treble the value of the reward or ſum of money ſo by them or any of them to be taken.

Provided alſo, That it ſhall be lawful to the ſaid Wardens, and to every of them for the time being, by all wayes and means, and at all lawful times, diligently from time to time, to make ſearch by due and ordinary wayes, for all manner of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian of Norwich, that ſhall happen to be found by them defective, for lack of good and true workmanſhip.

The preſentment, inquiry, and tryal of Ruſſels Sattens, &c. ſuſpected to be defective.

And that it ſhall be lawful to the ſaid Wardens, and every of them for the time being, by vertue of this Act, to ſeize and take the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian, and bring and preſent the ſame Clothes ſo ſeized and taken, to the Mayor of the ſaid City for the time being, and unto his Succeſſors, to the intent that twelve honeſt, lawful and expert men of the ſaid Myſtery and Fellowſhip, being ſworn before the ſaid Mayor, may by vertue of their Oaths, make enquiry, and preſent the manner of the ſaid defaults before the ſaid Mayor for the time being, according to ſuch good and wholeſome Ordinances and Rules as ſhall be ordained and made for conſervation and good continuance of the ſaid Occupation and Myſtery, and the true making and working of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtians of Norwich. And that all and every perſon and perſons, that ſhall occupy, uſe and exerciſe the ſaid Myſtery, or making of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtians of Norwich, or any of them, contrary to the form, tenour, plain meaning and intent of this Act, and of the rules and ordinances that at any time hereafter by authority of this Act ſhall be ordained and made for the continuance of the true and perfect making of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtians of Norwich, ſhall forfeit and loſe for every time ſo offending, or making any Ruſſels Sattens, Sattens reverſes, and Fuſtian of Norwich, contrary to the meaning, tenour, and effect of the ſaid Act, rules and ordinances concerning the ſame, ſuch fines, amerciaments and pains as ſhall be adjudged, aſſeſſed and affered by twelve expert men of the ſaid Fellowſhip upon their Oaths, the ſame twelve perſons to be ſworn before the ſaid Mayor and Wardens, to inquire and make true verdict and preſentment of ſuch defaults; the one half of the which forfeiture to be to the Mayor of the ſaid City for the time being, and his Succeſſors; and the other moyety to the ſaid Wardens for the time being, and their Succeſſors, by action of Debt, Bill, Plaint or Information in any Court of Record, in which Action, Bill, Plaint or Information, no Wager of Law, Protection, Injunction, or foreign Plea ſhall be allowed.

The penalty where the ſaid Sattens, &c. be found by verdict to be defective.

And in caſe it ſhall fortune hereafter, that any of the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtian of Norwich, ſhall lack of ſuch lengths and breadths, or of the true and enſuing making or ſorting of the Yarn, as ſhall be appointed and ſet forth by the ſaid rules and ordinances, and the ſame ſo to be found defective by verdict of twelve men of the ſaid fellowſhip, before the ſaid Mayor and Wardens, and their ſucceſſors: That then the ſaid Ruſſels Sattens, Sattens reverſes, and Fuſtians of Naples, and every of them ſo found defective, to be cut in two pieces, and to pay ſuch fine or fines, as ſhall be offered and affered by the ſaid twelve expert men, by vertue of their Oaths, the one moyety of which fine or fines, to be to the Mayor of the ſaid City for the time being, and to his ſucceſſors; and the other moyety to the Wardens of the ſaid fellowſhip for the time being, and to their ſucceſſors.

The forfeiture of a Warden that doth ſeal any Ruſſels Sattens, &c. being defective.

Provided alwayes, and be it further enacted by the Authority aforeſaid, That if any Warden or Wardens for the time being, of the ſaid myſtery or occupation of making Ruſſels Sattens, Sattens reverſes, and Fuſtians of Naples, ſhall at any time hereafter ſeal, or cauſe to be ſealed any Ruſſels Sattens, Sattens reverſes, or Fuſtians of Naples, that ſhall not be well, ſufficient, and truly wrought and made according to the true intent and meaning of this preſent Act, he ſhall forfeit and loſe for every piece ſo ſealed, being not well, ſufficient, and truly wrought and made, the whole value of every ſuch piece ſo ſealed: the one half of which forfeitures to be to the King and Queens Majeſties, her Heirs and Succeſſors; and the other moyety thereof, to be to ſuch perſon and perſons as ſhall ſue for the ſame by Bill, Action or Information, in any of the King and Queens Courts of Record; in which bill, action or information, no eſſoin, protection or wager of Law ſhall be allowed.

CAP. XV.

What Liberties the Lords Marchers in Wales ſhall have.

HUmbly beſeechen your excellent Majeſties, your true and faithful Subjects, the Lords Marchers, both Spiritual and Temporal, within your Highneſſe Dominion of Wales, That whereas in the Parliament holden at Weſtminſter, the ſeventh and twentieth year of the reign of King Henry the eighth, Father unto you our natural Soveraign Lady, amongſt other things, one Act was made and eſtabliſhed, for Laws and Juſtice to be miniſtred in the ſaid Dominion of Wales, in like form as it is in this Realm of England. In the which Act, one Article is, That, for that the Lords Marchers before the Parliament had uſed to put their Tenants within the Lordſhips Marches, under common mainpriſe and ſurety of apparance, and have had the forfeitures thereof, which for ever, from and after the Feaſt of All-Saints, then next enſuing the ſaid Parliament, ſhould utterly ceaſe, and be determined.

7 H. 8. 26.

It was Enacted, That after the ſaid Feaſt of All-Saints, every lay and temporal perſon then being a Lord-Marcher, ſhould have the moyety or half of every forfeiture of all and every common mainpriſe, recognizance for the peace, or apparance, forfeited by any of their Tenants inhabiting within any of their Lordſhips Marchers, and they to be paid the ſame moyety or half by the hands of the Sheriff of every of the Counties where ſuch forfeiture ſhall be, if the Sheriff can levy the ſame; and the ſame Sheriff to accompt to our ſaid late Soveraign Lord the King for the other half or moyety, in ſuch Exchequer as they can be accomptant.

By the ſtatute of 27 H. 8. every Lord Marcher Temporal in Wales, ſhall have the moyety of the forfeiture of his Tenant.

And further it was enacted by the Authority aforeſaid, That all and every lay and temporal perſon or perſons, then being Lords Marchers, and having any Lordſhips Marchers, or Lordſhips Royal, ſhould from and after the ſaid Feaſt of All-Saints, have all ſuch miſes and profits of their Tenants, as they have had, or uſed to have, at their firſt entry into their Lands in times paſt. And alſo ſhould have, hold and keep within the precinct of their ſaid Lordſhips, Courts Baron, Courts Leet, and Lawdaies, and all and every thing to the ſaid Courts belonging; and alſo ſhould have within the precinct of their ſaid Lordſhips or Lawday, waiſe, ſtraiſe, infang-thefe, outfang-thefe, treaſure trove, deodands, goods and cattels of felons, and of perſons condemned or outlawed of felony or murther, put in exigent for felony or murther, and alſo wreck de mere, wharfage and cuſtoms of ſtrangers, as they have had in time paſt, and as though ſuch priviledges were granted unto them by point of Charter, any thing in that Act to the contrary notwithſtanding, as in the ſaid Act of Parliament more at large it may appear.

And foraſmuch as Biſhops, and other Eccleſiaſtical perſons being Lords Marchers, having the like liberties, caſualties, profits and commodities within their Lordſhips Marchers, and Lordſhips Royal, within the ſaid Dominion or Principality of Wales, were not provided for by the expreſſe letter of the ſaid Statute, in like ſort as the lay and temporal Lords Marchers were, but rather of purpoſe, as it ſhould ſeem, forgotten and left out of the ſaid Act, againſt all reaſon and good equity: And foraſmuch alſo as the Heirs and Succeſſors of the lay and temporal Lords Marchers then being, were not provided for by the limitation and expreſſe words of the ſaid Act, as well as their Anceſtors and Predeceſſors were, as reaſon would they ſhould have been:

It may pleaſe your Majeſties of your moſt gracious favours and benignity, at the humble ſuit and ſupplication of your ſaid faithful Subjects, the Lords Marchers that now are, in the ſaid Dominion of Wales, both Spiritual and Temporal, to grant that it may by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, Be ordained, eſtabliſhed and enacted, by the authority of this preſent Parliament aſſembled, That as well your ſaid Spiritual and Eccleſiaſtical Subjects, Lords Marchers now having Lordſhips Marchers, or Lordſhips Royal in Wales aforeſaid, and their ſucceſſors, and the ſucceſſors of every of them; as alſo the heirs and ſucceſſors of the Lords Temporal Marchers that then were, or now be, and the heirs and ſucceſſors of every of them being, or which hereafter ſhall be Lords Marchers within their Lordſhips Marchers, and Lordſhips Royal in the Dominion or Principality of Wales, ſhall have and enjoy to them, and to their heirs and ſucceſſors, reſpectively and ſeverally for ever, the moyety and half of every forfeiture of all and every common mainpriſe, recognizance for the peace, or apparance forfeited by any their Tenants inhabiting within any of the Lordſhips Marchers, or Lordſhips Royal, and they to be paid the ſame moyety or half, by the hands of the Sheriff of the County for the time being, after ſuch form and ſort as the ſaid lay or temporal Lords Marchers have been, or ought to have been paid the ſame by force of the ſaid Statute.

What forfeitures and benefits the Lords Marchers both ſpiritual and temporal in Wales, ſhall have of their Tenants. Coke pla. fol. 550.

And further, ſhall have all ſuch miſes and profits of their Tenants, as the Lords Marchers, Spiritual or Temporal, reſpectively or ſeverally had, or uſed to have at their firſt entry into their Lands in times paſt, before the making of the ſaid Act or Statute. And alſo ſhall have, hold and keep within the precinct of their ſaid Lordſhips, all ſuch Courts Baron, Courts Leet, and Lawdays, and all and every thing and things to the ſame Courts belonging: and alſo ſhall have within the precinct of their ſaid ſeveral Lordſhips, or Lawdayes, all ſuch waiſe, ſtraiſe, infang-thefe, outfang-thefe, treaſure trove, deodands, goods and chattels of Felons, and of perſons condemned or outlawed of Felony or Murther, put in exigent for Felony or Murther, and alſo all ſuch wreck de mere, wharfage and cuſtoms of ſtrangers, as the Lords Marchers Spiritual and Temporal, reſpectively and ſeverally had and uſed in times paſt, before the making of the ſaid Statute.

The miſes, profits, liberties, and Franchiſes of Lords Marchers reformed.

CAP. XVI.

The Statutes made Anno 22 H. 8 7. Anno 23 H 8. 3. & 17. Anno 24 H. 8. 9. Anno 28 H. 8. 6. 8. 9. Anno 31 H. 8. 7. Anno 35 H. 8. 17. Anno 37 H. 8. 23. Anno 2 & 3 Ed. 6. 9. Anno 3 & 4 Ed. 6. 19. & 21. Anno 5 & 6 Ed. 6. 14. Anno 7 Edw. 6. 11. Anno 1 Mariæ 12. & 13. revived and made to continue untill the laſt day of the next Parliament. EXP. St. 1 Eliz. 18.

CAP. XVII.

So much of the Statute of 28 H 8.11. as concerning the ratifying of a Leaſe made by a Spiritual perſon of his Benefice to a Lay-man, for ſome years after the Leſſors reſignation or death, altered.

28 H.8.11.

WHere in the Parliament begun and holden at Weſtminſter the eighth day of June, in the eight and twentieth year of the reign of our late King of famous memory, Henry the eighth, and there continued and kept untill the diſſolution of the ſame Parliament, the eighteenth day of July next following, one Act entituled, An Act for reſtitution of the firſt fruits in the time of vacation, to the next Incumbent, was had and made, wherein are certain clauſes for Leaſes then made, and to be made by ſpiritual and Eccleſiaſtical perſons, to endure and be in force for term of ſix years, if the Incumbents did reſign their ſaid ſpiritual promotions, or if the ſame ſhould otherwiſe become void by the only Act of the ſame Incumbents, as by the ſame Act more at large may appear. To the intent the Parſons and Vicars, and other having cure of ſouls, may the better attend, and be the more vigilant in their Miniſtery and Function,

The Statute of 28 H.8.11. ſhall not extend to Leaſes hereafter to be made by ſpiritual perſons.

Be it Enacted by the King our Soveraign Lord, and by the Queen our Soveraign Lady, with the aſſents of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That as much of the ſame Act as doth concern the making good of the ſaid Leaſes, ne any clauſe, ſentence, proviſion or article therein contained, ſhall extend, or be conſtrued or adjudged to extend to any Leaſe that ſhall be made by any Parſon, Vicar or any other, having any ſpiritual promotion, after the Feaſt of the Purification of our Lady next coming. ALT. 13 El. 20. 14 El. 11.

Anno Secundo & Tertio Philippi & Mariæ.

ACTS made at a Parliament begun and holden at Weſtminſter the One and twentieth day of October, in the ſecond and third year of the Reign of our moſt gracious Soveraign Lord and Lady PHILIP and MARY, by the grace of God, King and Queen of England, France, Naples, Jeruſalem and Ireland, Defenders of the Faith; Princes of Spain, and Scicily; Arch Dukes of Auſtria; Dukes of Millaine, Burgundy and Brabant; Counties of Haſpurg, Flanders and Tyroll. And there continued and kept untill the diſſolution of the ſame, being the ninth day of December then next enſuing, and were Enacted as followeth.

CAP. I.

Commiſſions ſhall be awarded to certain perſons, to enquire what, and how many Caſtles, Fortreſſes, Villages, Houſes and habitations, have been decayed within the Counties of Northumberland, Weſtmerland, and the Biſhoprick of Durham, and by whom and what means: and how many are meet to be re-edified, and how many are fit to be made of new, and in what places: and what parts of the ſaid Counties and Biſhoprick be apt to be incloſed and converted to tillage, or other neceſſary manurance; and what perſons be owners, Lords, fermors and poſſeſſors of the ſame, or claim any intereſt therein, and what Eſtates they have: And thereupon to take ſuch order for the re-edifying of ſuch Caſtles, Houſes &c. and for the new erecting of others, and for the incloſing of ſuch parts as ſhall be thought convenient. EXP. & REP. 4 Jac. 1.

CAP. II.

A confirmation of the Stat. of 4 H.7.19. touching maintaining of houſes of husbandry, and Land convenient for the upholding of Tillage. Commiſſions ſhall be awarded to certain perſons, to enquire, hear and determine all defaults and offences committed ſince Anno 20 H.8. or hereafter to be committed contrary to the tenor of the ſaid Statute of 4 H.7. and the Stat. of 7 H.8. 1. Which Commiſſioners ſhall and may bind by recognizance in good ſums of money to the King and Queens uſe, the perſons offending in any decayes or defaults, for the re-edifying of decayed houſes, for the converting of Paſture into Tillage again, and for the deſtroying and diminiſhing of Conies in a ground in or near any Corn field, not being lawful Warren. EXP. & REP. 5 Eliz.2.

CAP. III.

Order for keeping of Milche Kine, and rearing of Calves.

FOraſmuch as of late years, a great number of perſons within this Realm have laid their lands, farms and paſtures to feeding of Sheep, Oxen, Runts, Schrubs, Steers, and Heifers, and ſuch other like cattel, having no regard or care to breed and rear up young Beaſts and Cattel, whereby is grown great ſcarcity of cattel, and victual neceſſary for the ſuſtenance of divers ſorts of people within this Realm, and more is like to be, if ſpeedy remedy be not provided.

By the Stat. of 7 Jac. 8. this Statute ſhall extend to grounds hereafter to be encloſed.

A Cow ſhall be kept for 60 ſheep, and a Calf reared for 120 ſheep.

It is therefore by the authority of this preſent Parliament Enacted, That every perſon which from the Feaſt of the Purification of our Lady next enſuing, ſhall keep or feed above the number of ſix ſcore Sheep for the moſt part of the year upon his or her ſeveral paſtures, lands, feedings or ferms, apt or meet for Milche Kine, and wherein no other perſon hath at the making of this preſent Act, Common for any cattel at any time of the year, ſhall by authority of this Act yearly, ſo long as he ſhall keep or feed the ſaid number of ſixſcore ſhere Sheep, for every threeſcore ſhere Sheep, ſo kept or fed, keep one Milche Cow, and ſhall breed and rear up yearly for every ſixſcore Sheep, ſo kept as is aforeſaid, one Calf, upon pain of forfeiture for every moneth that any ſuch perſon, ſhall not for every threeſcore ſhere Sheep as is aforeſaid, keep and feed one Milche Cow, twenty ſhillings for every Cow ſo not kept. And for lack of rearing and breeding of one Calf for every ſixſcore ſhere Sheep, to forfeit likewiſe twenty ſhillings for every Calf ſo not reared and fed.

And that every perſon which after the aforeſaid feaſt of the Purification of our Lady, upon his or her ſeveral paſtures as afore is ſaid, ſhall keep or feed above the number of xx. Oxen, Runts, Schrubs, Steers, Heifer or Kine, ſhall by the authority of this Act, for every ten beaſts of the ſaid ſorts ſo kept or fed, keep and nouriſh one Milche Cow, and breed, rear and waine yearly, and keep for one whole year, one Calf for every two Milche Kine ſo charged to be kept upon the ſeveral pains and forfeitures afore rehearſed, except the ſaid Calf or Calves ſhall chance to die within the ſaid year, without covin or fraud thereto added: the one half of which ſaid forfeitures ſhall be to the uſe of our Soveraign Lord and Lady the King and Queens Majeſties; and the other half to the uſe of the party that within one year after the offence committed, will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, or before the Juſtices of Peace in the ſame Shire, where any ſuch cauſe of forfeiture ſhall be had, at the general Seſſions (who by authority of this Act ſhall have power to hear and determine the ſaid offences) by bill, information, preſentment, action of debt, or detinue: in which action or ſuit, no eſſoin, protection, wager of law or licence to the contrary, ſhall be allowed.

A milche Cow ſhall be kept for 10. beaſts fed, and for two Kine, a Calf reared.

Provided alwaies, That this Act nor any clauſe thereof, ſhall be extended to bind any perſon to keep Milche Kine, nor yet to breed or rear up Calves, as afore is expreſſed, for ſuch ſheep or other beaſts, as the ſame perſon ſhall keep or feed, to the intent only to be ſpent in his or their houſe or houſes, without fraud or covin. This Act to endure only unto the end of ſeven years next following the Feaſt of the Purification of our Lady aforeſaid; and from thence to the end of the Parliament then next following. 13 Eliz. 25. made perpetual.

Sheep kept, or beaſts fed to be ſpent in the owners houſe.

CAP. IV.

The payment of the firſt fruits of Spiritual Livings to the Queen ſhall ceaſe. The yearly tenths heretofore paid to the Queen by the Statute of 26 H.8.3. ſhall be imployed to other godly uſes. Parſonages impropriate, tythes, glebe-lands, and other Eccleſiaſtical Livings renounced by the Queen. But this Act ſhall not extend to to Tenths reſerved upon Letters Patents. Rep. 1 Eliz. 4.

CAP. V.

The Statute of 22 H.8.12. & 3 & 4 Ed.6.16. concerning beggars, vagabonds and idle perſons, ſhall be put in execution: Relief for the aged and impotent poor in every Pariſh, ſhall be gathered weekly of the charitable devotion of the Inhabitants. A remedy where a Pariſh is not able to relieve the poor therein, and where a Town ſurcharged with poor, ſtandeth in or near unto two Counties: And where there be ſeveral Pariſhes in a City, Borough or Town. A poor man licenſed to beg, ſhall wear a badge on his breaſt and back openly. EXP.

CAP. VI.

Purveyors taking contrary to order, ſhall be puniſhed.

For the avoiding of the great annoyance and hindrance, commonly done to the Subjects of this Realm, by Purveyors and Takers of Beeves, Wethers, Lambs, Calves, all kinds of grain, Butter, Cheeſe, Bacon, all kinds of Pullein; and to eſchew hereafter not only the great deceit miniſtred and done daily by the ſaid Purveyors and Takers, but alſo hereby to advance the King and Queens Majeſties better ſervice in the premiſſes, with the contentation of all their Highneſſe faithful and obedient Subjects:

Great annoyances done by the Kings Purveyors.

Be it therefore Enacted by our Soveraign Lord and Lady, and the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That after the feaſt of the birth of our Lord next enſuing, every ſuch Commiſſion as ſhall be made, granted and directed to any perſon or perſons whatſoever, whereby the ſame perſon or perſons, or their Deputies, ſhall have authority to take any Beeves, Wethers, Lambs, Calves, or any kind of ſalt fiſh, or any kind or kinds of grain, or any Butter in barrels or other veſſels, Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons or Hens, That the ſame Commiſſion or Commiſſions ſhall not extend or continue above the ſpace of ſix moneths at the furtheſt, next enſuing the date of any of the ſaid Commiſſions. And after the end of the ſaid ſix moneths, every of the ſaid Commiſſions to be void, and of no force nor effect, whatſoever words, matters or ſentences ſhall be contained or expreſſed in any of the ſame Commiſſions.

No Commiſſion ſhall continue above 6. moneths.

And be it further Enacted by the authority aforeſaid, That in all and every ſuch Commiſſion or Commiſſions to be granted after the ſaid feaſt of the birth of our Lord, ſhall be plainly as well contained and expreſſed ſuch County or Counties, as any of the ſaid beeves, wethers, lambs, calves, hogs or ſwine, or any kind of ſalt fiſh, or any kind or kinds of grain, butter, cheeſe, bacon, conies, pigs, geeſe, capons or hens, or any of them, is to be levied, purveyed or taken in, by any of the perſon or perſons, or their deputy or deputies, ſo authorized by the vertue of the ſaid Commiſſion or Commiſſions, as alſo the juſt, true and full proportion and number of all and every ſuch beeves, wethers, lambs, calves, ſwine, any kind of ſalt fiſh, or any kind or kinds of grain, butter in barrels or other veſſels, cheeſe, bacon, conies, pigs, geeſe, capons and hens, or any of them, as the ſaid perſon or perſons, their deputy or deputies, or any of them, ſhall be by force and vertue of the ſaid Commiſſion or Commiſſions authorized to levy, take or purvey within any of the ſaid County or Counties.

The County ſhall be named where things ſhall be taken.

The proportion and number of things taken.

And be it further Enacted by the authority aforeſaid, That to every ſuch commiſſion or commiſſions after the ſaid birth of our Lord, to be made, granted and directed as is aforeſaid, ſhall be annexed ſo many blanks in parchment, as there ſhall be ſeveral Counties expreſſed, named and contained within the ſaid Commiſſion or Commiſſions, or any of them; in the which blanks, ſhall be fair and legibly written all and every ſuch Beeves, Wethers, lambs, calves, ſwine, any kind of ſalt fiſh, or any kind or kinds of grain, butter, cheeſe, bacon, conies, pigs, geeſe, capons and hens, with the true and ſeveral prices of the ſame, and every of them, as ſhall be levied, gathered and purveyed by any perſon or perſons, their deputy or deputies, or any of them, as ſhall be thereunto authorized by any ſuch Commiſſion or Commiſſions aforeſaid, within any particular Town, Pariſh or Hamlet, ſet, lying, and being within any thoſe County or Counties, as ſhall be named, contained and expreſſed within the ſaid Commiſſion or Commiſſions, or any of them, whereunto ſhall be ſubſcribed the name or ſign manual of all and every ſuch High-Conſtable or Conſtables, pety-Conſtable

Blanks in parchment for every County where any thing ſhall be provided.

The Conſtables name ſubſcribed.

or Conſtables, Head-borow or Head-borows as ſhall be by any precept to him or them directed, by any perſon and perſons, their deputy or deputies, or any of them authorized thereunto by ſuch commiſſion or commiſſions to be granted, as is aforeſaid, privy or knowledging to the delivery of the ſaid Beeves, Wethers, Lambs, Calves, any kind of ſalt Fiſh; or any kind or kinds of grain, Butter, Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons and Hens, or any of them.

The Purveyor ſhall make a docket of all things by him taken.

And be it further enacted by the authority aforeſaid, That every perſon or perſons, their deputy or deputies, or any of them which ſhall be by commiſſion or commiſſions, hereafter to be granted as is aforeſaid, authorized to levy, take, or purvey any Beeves, Wethers, Lambs, Calves, Swine, ſalt Fiſh; or any kind or kinds of grain, Butter in Barrels or other Veſſels, Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons and Hens, or any of them, as is aforeſaid, ſhall make a docket or brief in writing, ſubſcribed with his or their name or names, containing all and every ſuch Beeves, Wethers, Lambs, Calves, Swine, kind of ſalt Fiſh, kind or kinds of grain, Butter in Barrels or other Veſſels; Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons and Hens, or any of them, as he or they ſhall by vertue of the ſaid commiſſion or commiſſions, levy, take or purvey within any particular Town, Pariſh, or Hamlet, ſet, lying and being within any ſuch County or Counties as ſhall be named, contained, and expreſſed within the ſaid commiſſion or commiſſions, or any of them: and the ſame docket or dockets, brief or briefs, fair and legibly written and ſubſcribed as is aforeſaid, ſhall well and truly deliver to the ſaid high-Conſtable, petty-Conſtable, or Headborow, or one of them, at ſuch preſent time as the ſaid Beeves, Wethers, Lambs, Calves, Swine, ſalt Fiſh, kind or kinds of grain, Butter, Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons and Hens, or any of them, ſhall be delivered to them, or any of them, upon pain of forfeiture of one hundred marks of lawful money, and one years impriſonment, as often as he ſhall ſo offend. The one moyety of which forfeiture to be to the King and Queens Majeſties, and the other moyety to him that will ſue therefore in any of the King and Queens Courts of Record, by bill, plaint, writ, information, or otherwiſe, wherein no wager of Law, protection or eſſoine to be allowed.

Dockets ſhall be delivered to the Juſtices of Peace.

All which dockets or briefs the ſaid high-Conſtable or Conſtables, pety-Conſtable or Conſtables, Headborow or Headborows, ſhall deliver over to the Juſtices of Peace, at the next general Seſſions to be holden within any of the ſaid Counties. And that the ſame Juſtices, or two them, may and ſhall from time to time certifie the whole number and content of all and every the ſaid dockets and briefs, to the Lord Steward of the King and Queens moſt honourable Houſhold for the time being, or to the Treaſurer or Comptroller of the ſame, or any of them, or to the Treaſurer or Comptroller of the King and Queens Ships, if proviſion of any the things aforementioned be provided and taken for the victualling of the Navy, or any of the King or Queens Majeſties Ships, whereby the ſerving of any of the foreſaid commiſſion or commiſſions, and true anſwering of the ſame ſhall fully appear.

Former ſtatutes provided for Purveyors ſhall be obſerved.
Sc. 23 Ed. 4. 2.
14 Ed. 3. 19
5 Ed 3. 2. 21 Ed.
3 1.6.15 20 R.
1. 5. 3 d.1.31
2 d 6. 4 Ed
3 3 4. 10 d.
1 23 H.6 1 2.
2 H 4.14 20 1.
6. 8.

Provided alwayes, and be it enacted by the Authority aforeſaid, That it ſhall not be lawful to any perſon or perſons, their deputy or deputies, or any of them, which ſhall be authorized by ſuch commiſſion or commiſſions hereafter to be granted as is aforeſaid, to levy, take or purvey any Beeves, Wethers, Lambs, Calves, any kind of ſalt Fiſh, kind or kinds of grain, Butter in Barrels or other Veſſels, Cheeſe, Bacon, Conies, Pigs, Geeſe, Capons and Hens, or any of them, otherwiſe, or in any other ſort and manner then is in ſeveral eſtatutes heretofore for Purveyors made, ordained, provided, limited and expreſſed, upon ſuch pain and pains as in the ſaid ſeveral eſtatutes is contained and expreſſed.

And foraſmuch as the good and neceſſary Laws heretofore made and provided againſt the abuſes and evil doings of Purveyors, are not taken to extend to the Undertakers, Deputies and Servants of any ſuch Purveyors, by whom therefore the People of this Realm be oftentimes very uncharitably and unlawfully uſed and oppreſſed:

Statutes provided for Purveyors, ſhall extend to their Deputies.

Be it therefore enacted by the authority of this preſent Parliament, That all and every ſuch Laws, Statutes, and Proviſions as heretofore have been made and ordained againſt Purveyors, and all and every the pains, penalties, forfeiture and loſs contained, mentioned or appointed in any of the ſame Laws or Statutes againſt Purveyors and Takers, or any of them, ſhall alſo be extended and executed upon every of their Undertakers, Deputies and Servants. And all other which by colour ſhall after the firſt day of January next coming, take any victual, or any other thing by vertue or force of any ſuch commiſſion, from any the King and Queens Majeſties Subjects, contrary to the tenor and effect of any the ſaid Laws or Statutes, in like manner and form to all intents and purpoſes, as the ſame Laws and Eſtatutes, or any of them, and the pains and forfeitures therein contained, ſhould, might, or ought to be executed and extended againſt Purveyors and Takers themſelves, or any of them. And as ſtrongly and amply, as if the ſaid Undertakers, Deputies and Servants were ſpecially and particularly recited and named in every the ſame Eſtatutes.

The Purveyors commiſſion ſhall be written in Engliſh.

Provided alwayes, and be it enacted by the authority aforeſaid, for the better execution of this Act, or all other Acts concerning Purveyors, that all and every commiſſion and commiſſions that from henceforth ſhall be made and granted unto any Purveyor or Purveyors, ſhall be written and ſet forth from time to time in the Engliſh Tongue, and not otherwiſe.

CAP. VII.

In what manner Horſes ſhall be ſold in Fairs or Markets.

The former miſuſe in ſale of ſtollen horſes.

Cook Inſt. 2. part, 714.

Foraſmuch as ſtollen Horſes, Mares and Geldings, by Theeves and their Confederates, be for the moſt part ſold, exchanged, given, or put away in houſes, ſtables, backſides, and other ſecret and privy places of Markets and Fairs, and the toll alſo privily paid for the ſame, whereby the true Owners thereof, being not able to try the falſhood and covin betwixt the Buyer and Seller of ſuch Horſe, Mare, or Gelding is by the common Laws of this Realm without remedy.

Be it therefore enacted by the authority of this preſent Parliament, That the Owner, Governor, Ruler, Fermor, Steward, Bailiff, or chief Keeper of every Fair and Market overt within this Realm, and other the Queens Dominions, ſhall before the Feaſt of Eaſter next, and ſo yearly appoint and limit out a certain and ſpecial open place within the Town, Place, Field or Circuit, where Horſes, Mares, Geldings, and Colts have been and ſhall be uſed to be ſold in any Fair or Market overt, in which ſaid certain and open place, as is aforeſaid, there ſhall be, by the ſaid Ruler or Keeper of the ſaid Fair or Market, put in and appointed one ſufficient perſon or more, to take toll, and keep the ſame place from ten of the Clock before noon, until Sun-ſet of every day of the foreſaid Fair and Market, upon pain to loſe and forfeit for every default forty ſhillings. And that every Toll-gatherer, his Deputy or Deputies, ſhall, during the time of every the ſaid Fairs and Markets, take their due and lawful tolls for every ſuch Horſe, Mare, Gelding or Colt, at the ſaid open place to be appointed as is aforeſaid; and betwixt the hours of ten of the Clock in the morning, and Sun-ſet of the ſame day, if it be tendred, and not at any other time or place, and ſhall have preſently before him or them at the taking of the ſame toll, the parties to the bargain, exchange, gift, contract or putting away of every ſuch Horſe, Mare, Gelding or Colt: and alſo the ſame Horſe, Mare, Gelding and Colt ſo ſold, exchanged, or put away: and ſhall then write, or cauſe to be written in a Book to be kept for that purpoſe, the names, ſurnames, and dwelling places of all the ſaid parties, and the colour, with one ſpecial mark at the leaſt, of every ſuch Horſe, Mare, Gelding or Colt, in pain to forfeit at and for every default, contrary to the tenour hereof, forty ſhillings.

A place ſhall be appointed for a Horſe-Fair, and alſo a Toll-taker.

When, where and of whom toll for Horſes ſhall be taken.

And the ſaid Toll-gatherer or Keeper of the ſaid book, ſhall within one day next after every ſuch Fair or Market, bring and deliver his ſaid Book to the Owner, Governor, Ruler, Steward, Bailiff, or chief Keeper of the ſaid Fair or Market, who ſhall then cauſe a note to be made of the true number of all Horſes, Mares, Geldings and Colts ſold at the ſaid Market or Fair, and ſhall there ſubſcribe his name, or ſet his mark thereunto, upon pain to him that ſhall make default therein to loſe and forfeit for every default forty ſhillings, and alſo to anſwer the party grieved by reaſon of the ſame his negligence in every behalf.

A note of all Horſes ſold in a Fair or Market.

And be it further enacted by the authority aforeſaid, That the ſale, gift, exchange, or putting away after the laſt day of February now next coming, in any Fair or Market overt of any Horſe, Mare, Gelding or Colt, that is or ſhall be theeviſhly ſtollen, or feloniouſly taken away from any perſon or perſons, ſhall not alter, take away, nor exchange the property of any perſon or perſons to or from any ſuch Horſe, Mare, Gelding or Colt, unleſſe the ſame Horſe, Mare, Gelding or Colt ſhall be, in the time of the ſaid Fair or Market, wherein the ſame ſhall be ſo ſold, given, exchanged, or put away, openly ridden, led, walked, driven or kept ſtanding by the ſpace of one hour together at the leaſt, betwixt ten of the Clock in the morning, and the Sun-ſetting, in the open place of the Fair or Market wherein Horſes are commonly uſed to be ſold, and not within any Houſe, Yard, Back-ſide, or other privy or ſecret place, and unleſſe all the parties to the bargain, contract, gift or exchange, preſent in the ſaid Fair or Market, ſhall alſo come together, and bring the Horſe, Mare, Gelding or Colt ſo ſold, exchanged, given, or put away, to the open place appointed for the Toll-taker, or for the Book keeper, where no toll is due, and there enter, or cauſe to be entred their names and dwelling-places, in manner as is aforeſaid, with the colour or colours, and one ſpecial mark at the leaſt of every the ſame Horſes, Mares, Geldings or Colts, in the Toll-takers Book, or in the Keepers-Book for that purpoſe, whereunto Toll is due, as is aforeſaid: and alſo pay him their Toll, if they ought to pay any; and if not, then the Buyer to give one penny for the entry of their Names, and executing the other circumſtances afore rehearſed, to him that ſhall write the ſame in the ſaid Book.

The uſing of a ſtollen Horſe in a Fair, &c. before the Owners property ſhall be taken away.

And if any Horſe, Mare, Gelding or Colt, that is or ſhall be theeviſhly ſtollen or taken away, ſhall after the ſaid laſt day of February next coming, be ſold, given, exchanged, or put away, in any Fair or Market, and not uſed in all points, according to the tenor and intent of this eſtatute, that then the Owner of every ſuch Horſe, Mare, Gelding or Colt, ſhall and may, by force of this eſtatute, ſeiſe, or take again the ſaid Horſe, Mare, Gelding or Colt, or have an action of Detinue or Replevin for the ſame: any ſale, gift, exchange, or putting away of any ſuch Horſe, Mare, Gelding or Colt, other then according to this eſtatute in any wiſe notwithſtanding.

The one half of all which forfeitures to be to the King and Queens Majeſty, her Heirs and Succeſſors, and the other to him or them that will ſue for the ſame before the Juſtices of Peace, or in any of the King and Queens Majeſties ordinary Courts of Record, by bill, plaint, action of debt, or information, in which Suits, no protection, eſſoine or wager of Law ſhall be allowed.

And be it enacted by the authority aforeſaid, that the Juſtices of Peace of every place and County, as well within Liberties as without, ſhall have authority in their Seſſions, within the limits of their authority and commiſſion, to inquire, hear and determine all offences againſt this eſtatute, as they may and do any other matter triable before them.

The Juſtices of Peace ſhall hear and determine the Offences aforeſaid.

Provided alwayes, that in every ſuch Fair and Market, where any toll is nor ſhall be due, ne levyable by reaſon of the freedom, liberty, or priviledge of the ſaid Fair or Market, the Keeper or Keepers of the Book touching the execution of this preſent Act, ſhall take nor exact but one peny upon and for every contract, for his labour in writing the Entry, concerning the premiſſes in manner and form as is before declared. Stat. 31 El. 12.

The allowance of the keeper of the book, where no toll is due.

CAP. VIII.

Who ſhall be charged towards the mending of High-wayes.

Surveyors ſhall be appointed for the amendment of High-wayes.

FOr amending of High-wayes, being now both very noiſome and tedious to travel in, and dangerous to all Paſſengers and Carriages:

Be it enacted by the authority of this preſent Parliament, That the Conſtables and Church-wardens of every Pariſh within this Realm, ſhall yearly upon the Tueſday or Wedneſday in Eaſter week, call together a number of the Pariſhioners, and ſhall then elect and chuſe two honeſt perſons of the Pariſh, to be Surveyors and Orderers for one year, of the works for amendment of the High-wayes in their Pariſh, leading to any market Town, the which perſons ſhall have authority by vertue hereof, to order and direct the perſons and carriages that ſhall be appointed for thoſe works, by their diſcretions; and the ſaid perſons ſo named ſhall take upon them the execution of their ſaid Offices, upon pain every of them making default, to forfeit twenty ſhillings.

Four dayes ſhall be appointed for the amendment of high-wayes. Alt. 5 El. 13.

Each perſons charge towards the mending of highwayes. 18 El. 10.

Neceſſary tools ſhall be brought to be uſed about high-wayes.

What Officers may inquire of offences.

The penalty for refuſing to pay the forfeitures.

And the ſaid Conſtables and Churchwardeus ſhall then alſo name and appoint four days for the amending, of the ſaid wayes, before the Feaſt of the Nativity of Saint *John Baptiſt* then next following: And ſhall openly in the Church the next Sunday after Eaſter, give knowledge of the ſame four days, and upon the ſaid days the Pariſhioners ſhall endeavour themſelves to the amending of the ſaid wayes, and ſhall be chargeable thereunto as followeth: that is to ſay, Every perſon for every Plow-land in Tillage or Paſture that He or She ſhall occupy in the ſame Pariſh, and every other perſon keeping there a draught or plow, ſhall find and ſend at every day and place to be appointed for the amending of the wayes in that Pariſh, as is aforeſaid, one Wain or Cart, furniſhed after the cuſtom of the Country, with Oxen, Horſes, or other Cattel; and all other neceſſaries meet to carry things convenient for that purpoſe, and alſo two able men with the ſame, upon pain of every Draught making default, ten ſhillings: and every Houſholder, and alſo every Cottager and Labourer of that Pariſh able to lavour, and being no hired Servant by the year, ſhall by themſelves, or one ſufficient Labourer for every of them upon every of the ſaid days, work and travel in the amendment of the ſaid High-wayes, upon pain of every perſon making default, to loſe for every day, xii. d. And if the ſaid carriages of the Pariſh, or any of them, ſhall not be thought needful by the Surveyors to be occupyed upon any of the ſaid days, that then every ſuch perſon that ſhould have ſent any ſuch carriage, ſhall ſend to the ſaid work for every carriage ſo ſpared two able men, there to labour for that day, upon pain to loſe for every man not ſo ſent to the ſaid work, xii. d. And every perſon and carriage aboveſaid, ſhall have and bring with them ſuch Shovels, Spades, Picks, Mattocks, and other Tools and Inſtruments, as they do make their own Ditches and Fences withall, and ſuch as be neceſſary for their ſaid work. And all the ſaid perſons and carriages ſhall do and keep their work, as they ſhall be appointed by the ſaid Superviſors, or one of them. eight hours of every of the ſaid days, unleſſe they ſhall be otherwiſe licenſed by the ſaid Superviſors, or one of them. And be it enacted by the authority aforeſaid, That the Steward and Stewards of every leet or law-day, ſhall therein have full power and authority to enquire by the Oaths of the Suiters, of all and every the offences that ſhall be committed within the leet or law-day, againſt every point and article of this eſtatute, and to aſſeſſe ſuch reaſonable fines and amerciaments for the ſame, as ſhall be thought meet by the ſaid Steward. And in default of ſuch inquiry or preſentment, the Juſtices of Peace for every Place or County ſhall have authority to inquire of the ſame, the offences which ſhall be committed within the limits of their commiſſion, at every their quarter Seſſions, and to aſſeſſe ſuch fines therefore, as they or two of them, whereof one to be of the *Quorum*, ſhall think meet. And the Steward of every leet and law-day ſhall make eſtreats indented of all the fines, forfeitures and amerciaments, for the defaults preleuted before him, and ſhall deliver the one part thereof ſealed and ſigned by him to the Bailiff and high-Conſtable of every hundred, rape, lathe, or wapentake, wherein the defaults ſhall be preſented, and the other part to the Conſtable and Churchwardens of the Pariſh wherein the defaults were made, the ſame to be yearly delivered within ſix weeks after the Feaſt of Saint *Michael* the Archangel, and the Clerk of the Peace ſhall make the like eſtreats indented of the fines, forfeitures, and amerciaments for the defaults preſented before the Juſtices of Peace, and ſhall ſeal, ſubſcribe. and deliver the ſame in like ſort as is aforeſaid: the which eſtreats, and every of them ſhall be ſufficient warrant to the ſaid Bailiff or chief Conſtable, to levy the ſaid amerciaments, fines, and forfeitures by way of diſtreſſe. And if no ſufficient diſtreſſe can be found by the ſaid Bailiff or head-Conſtable, or if the ſaid offender ſhall obſtinately refuſe to pay the ſaid amerciament, fine or forfeiture, and do not pay the ſame within twenty days after a lawful demand of the ſame by the ſaid Officer, that then every ſuch perſon to forfeit the double Sum that he ſhould before have paid.

The Conſtables account.

And be it further enacted, That every of the ſaid Bailiffs and head-Conſtables, ſhall at leaſt once every year, betwixt the firſt day of March, and the laſt day of April, make a true account and payment of all ſuch ſums of money (to the Conſtable and Churchwardens of every Pariſh wherein the offences were committed, or to two of them) as he ſhall have collected upon any of the ſaid eſtreats, upon pain to forfeit for every time he ſhall not ſo do, forty ſhillings.

How the forfeitures ſhall be imployed.

And be it enacted by the authority aforeſaid, that all fines, amerciaments and forfeitures, which ſhall be due for any offence againſt the purvey of this eſtatute, ſhall be to the Church-wardens of every Pariſh wherein the offences ſhall be committed, to be beſtowed of the High-wayes in the ſaid Pariſhes. And the ſaid Churchwardens ſhall have authority to call the ſaid Bailiff and head-Conſtable to account before the Juſtices of Peace, or two of them, whereof one to be of the *Quorum*, by Bill, Information, or otherwiſe. The which

Juſtices ſhall have authority to take the ſaid account, and to commit the ſaid Bailiff or head-Conſtable to Priſon, there to remain until he ſhall pay all ſuch arrearages as ſhall be adjudged by the ſaid Juſtices: and every of the ſaid Bailiffs and head-Conſtables, upon their accounts, ſhall have allowed for every pound he ſhall collect and pay, eight pence for his own pains, and twelve pence for the fees of the Clerk of the Peace, or Steward of the Leet, for the eſtreats indented of every ſeveral Pariſh that they ſhall deliver as is aforeſaid; and the Succeſſors of every Churchwardens ſhall have the like action of account againſt their Predeceſſors as is before appointed againſt the Bailiffs. This Act to continue for ſeven years next after the beginning of this Parliament. And to the end of the next Parliament then next following. St. 5 El. 13. 29 El. 5. made perpetual. St. 13 El. 1. 5. 27 El. 24. 13 & 14 Car. 2. cap. 2. & 14 Car. 2. cap. 6.

The Bailiff and head-Conſtables account.

CAP. IX.

All Licences to keep Houſes for unlawful Games, ſhall be void.

Moſt humbly beſeecheth the Queens moſt excellent Highneſſe, your loving and obedient Subjects, the Commons in this your preſent Parliament aſſembled, that where by reaſon of divers ſundry licences heretofore granted to divers perſons, as well within the City of London, and the Suburbs of the ſame, as alſo in divers other places within your Highneſſe Realm for the having, maintaining and keeping of Houſes, Gardens, and places for bowling, tennice, dicing, white and black, making and marring, and other unlawful Games prohibited by the Laws and Statutes of this Realm, divers and many unlawful Aſſemblies, Conventicles, ſeditions and conſpiracies have, and been daily ſecretly practiſed by idle and miſruled perſons, repairing to ſuch places; of the which, Robberies, and many other miſdemeanors have enſued, to the breach of your Highneſſe peace: For remedy whereof, It may pleaſe your Highneſſe, that it may be enacted by your Highneſſe, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That from and after the Feaſt of the Birth of our Lord God next coming, every Licence, Placard, or Grant made to any perſon or perſons, for the having, maintainance, or keeping of any Bowling-allies, Dicing-houſes, or other unlawful Games, prohibited by the Laws and Statutes of this Realm, ſhall be from the ſaid Feaſt utterly void, and of none effect. Stat. 33 H. 8. 9.

The inconveniences of permitting houſes for unlawful Games.

All licences to keep ſuch houſes, ſhall be void.

CAP. X.

Juſtices of Peace ſhall examine perſons arreſted of Felony, &c. and ſhall bind their Accuſers to give evidence againſt them.

Where in the laſt Parliament holden at Weſtminſter, amongſt other things it was enacted, That ſuch Juſtices of the Peace as have authority to bail any Priſoner brought before them for any Manſlaughter or Felony, before any bailment or mainpriſe, ſhould take the examination of the ſaid Priſoner, and information of them that bring him, of the fact and circumſtances thereof, and the ſame, or as much thereof as ſhall be material to prove the felony, ſhall put in writing before they make the ſame bailment; which ſaid examination, together with the ſaid bailment, the Juſtices ſhall certifie at the next general Gaol-delivery, to be holden within the limits of their Commiſſion, as by the ſame Act more plainly is contained, and may appear.

1 & 2 P. & M. 13

And foraſmuch as the ſaid Act doth not extend to ſuch Priſoners as ſhall be brought before any Juſtice of Peace for Manſlaughter or Felony, and by ſuch Juſtice ſhall be committed to ward for the ſuſpition of ſuch Manſlaughter or Felony, and not bailed, in which caſe, examination of ſuch Priſoner, and of ſuch as ſhall bring him, as is neceſſary, or rather more, then where ſuch Priſoner ſhall be let to bail or mainpriſe: Be it therefore enacted by the authority of this preſent Parliament, That from henceforth ſuch Juſtice or Juſtices before whom any perſon ſhall be brought for Manſlaughter or Felony, or for ſuſpition thereof, before he or they ſhall commit or ſend ſuch Priſoner to ward, ſhall take the examination of ſuch Priſoner, and information of thoſe that bring him of the fact and circumſtances thereof, and the ſame, or as much thereof as ſhall be material to prove the felony, ſhall put in writing within two dayes after the ſaid examination, and the ſame ſhall certifie in ſuch manner and form, and at ſuch time as they ſhould and ought to do if ſuch Priſoner ſo commited or ſent to ward had been bailed or let to mainpriſe, upon ſuch pain as in the ſaid former Act is limited and appointed for not taking or not certifying ſuch examinations as in the ſaid former Act is expreſſed. And be it further enacted, that the ſaid Juſtices ſhall have authority by this Act, to bind all ſuch by recognizance or obligation, as do declare any thing material to prove the ſaid Manſlaughter or Felony againſt ſuch Priſoner as ſhall be ſo committed to ward to appear at the next general Gaol-delivery to be holden within the County, City, or Town corporate, where the tryal of the ſaid Manſlaughter or Felony ſhall be, then and there to give evidence againſt the Party, and that the ſaid Juſtices ſhall certifie the ſaid bonds taken before them, in like manner as they ſhould and ought to certifie the bonds mentioned in the ſaid former Act, upon pain as in the ſaid former Act is mentioned for not certifying ſuch bonds, as by the ſaid former Act is limited and appointed to be certified.

A Juſtice of peace ſhall examine him that is ſuſpected of felony, and to be committed to priſon.

Binding of the Accuſers to give evidence againſt the Priſoner.

CAP. XI.

Who ſhall uſe the Trade of Weaving.

Foraſmuch as the Weavers of this Realm have as well at this preſent Parliament, as at divers other times, complained, that the rich and wealthy Clothiers do many wayes oppreſſe them, ſome by ſetting up and keeping in their houſes divers Looms, and keeping and maintaining them by Journeymen and perſons unskilful, to the decay of a great number of Artificers which were brought up in the ſaid Science of weaving, their families

Several injuries done by Clothiers to Weavers.

and houſhold; ſome by ingroſſing of Looms into their hands and poſſeſſions, and letting them out at ſuch unreaſonable rents, as the poor Artificers are not able to maintain themſelves, much leſſe their wives, families and children; ſome alſo by giving much leſſe wages and hire for the weaving and workmanſhip of clothes than in times paſt they did, whereby they are inforced utterly to forſake their art and occupation wherein they have been brought up.

No Clothier ſhall keep above one woollen Loom.

It is therefore for remedy of the premiſſes, and for the avoiding of a great number of inconveniences which may grow (if in time it be not foreſeen) ordained, eſtabliſhed, and enacted by authority of this preſent Parliament, that no perſon uſing the feat or myſtery of cloth-making, and dwelling out of a City, Borough, Market-Town, or Corporate Town, ſhall from the feaſt of St. Michael the Archangel now next enſuing, keep, retain, or have in his or their houſe or poſſeſſion, any more, or above one woollen Loom at one time; nor ſhall by any means, directly or indirectly receive or take any manner, profit, gain or commodity, by letting or ſetting any Loom, or any houſe wherein any Loom is or ſhall be uſed and occupyed, which ſhall be together by him ſet or let, upon pain of forfeiture for every week that any perſon ſhall do contrary to the tenour and true meaning hereof, xx s.

No weaver ſhall have above two woollen Looms.

And be it further ordained and enacted by like authority, That no woollen Weaver, uſing or exerciſing the feat or myſtery of weaving, and dwelling out of a City, Borough, Market Town, or Town Corporate, ſhall after the ſaid feaſt have or keep at any time above the nnmber of two woollen Looms, or receivs any profit, gain or commodity, directly or indirectly, as is aforeſaid, by any more than two Looms at one time, upon pain to forfeit for every week that any perſon ſhall offend, or do to the contrary, xx s.

No weaver ſhall have a tucking mill.

And it is further ordained and enacted by like authority, That no perſon which ſhall after the ſaid feaſt, uſe, exerciſe or occupy only the feat or myſtery of a Weaver, and not Cloth-making, ſhall during the time that he ſhall uſe the feat or myſtery of a Weaver, keep or have any Tucking Mill, or ſhall uſe or exerciſe the feat or myſtery of a Tucker, Fuller or Dyer, upon pain to forfeit for every week that he ſhall ſo do, xx s.

No tucker or fuller ſhall have above one Loom.

And it is further ordained and enacted by like authority, that no perſon which after the ſaid feaſt ſhall uſe, exerciſe, or occupy the feat or myſtery of a Tucker or Fuller, ſhall during the time that he ſhall ſo uſe the ſaid feat or myſtery, keep or have any Loom in his houſe or poſſeſſion, or ſhall directly or indirectly take any profit or commodity by the ſame, upon pain to forfeit for every week xx s.

In what places only woollen clothes may be woven, 4 & 5 P. & M. 5.

And it is further ordained and enacted by like authority, that no perſon whatſoever, which heretofore hath not uſed or exerciſed the feat, myſtery, or art of ſuch Cloth-making, ſhall after the ſaid feaſt, make or weave, or cauſe to be made or woven, any kind of broad white woollen Clothes, but only in a City, Borough, Town corporate, or market Town, or elſe in ſuch place or places where ſuch Clothes have been uſed to be commonly made, by the ſpace of ten years next before the making of this Act, upon pain of forfeiture for every Cloth otherwiſe made, v. l.

A weaver ſhall have but two Prentices. REP. 9 El 4.

Provided alwayes, and be it further enacted by the authority aforeſaid, that it ſhall not be lawful to any perſon or perſons, being a Weaver, or that doth or ſhall uſe the art or myſtery of a Weaver or weaving, dwelling out of a City, Borough, Town corporate, or market Town, to have in his and their ſervice any more, or above the number of two Apprentices at one time, upon pain to forfeit for every time that he ſhall offend or do contrary to this branch or article, the ſum of x li.

None ſhall be a weaver, but he which hath been a prentice, 5 Ed. 6. c.

And further be it enacted by the authority aforeſaid, that it ſhall not be lawful to or for any perſon or perſons to ſet up the art or myſtery of weaving, after the ſaid feaſt of S. Michael; unleſs the ſame perſon or perſon ſo ſetting up the ſame art or myſtery of weaving, have been Apprentice to the ſame art or myſtery, or exerciſed the ſame by the ſpace of ſeven years at the leaſt, upon pain of twenty pounds to be forfeited to the King and Queens Majeſties, her graces heirs or ſucceſſors. The one moyety of all which forfeitures ſhall be to the King and Queens highneſſe, her heirs and ſucceſſors: and the other moyety to him or them that will ſue for the ſame in any Court of record, by action of debt, bill, plaint, or information; wherein no wager of Law, eſſoine or protection, ſhall be admitted or allowed for the Defendant.

The Inhabitants of certain Counties which ſhall not be prejudiced by this Statute.

Provided alwayes, and be it enacted by the authority aforeſaid, that this Act, nor any thing therein contained, ſhall in any wiſe extend or be prejudicial to any perſon or perſons, that doth or ſhall dwell in the Counties of York, Cumberland, Northumberland, and Weſtmerland, but that they and every of them ſhall and may have and keep Looms in their houſes, and do and exerciſe all and every thing and things, for or concerning ſpinning, weaving, Cloth-working, and Cloth-making in the ſaid Counties, as they or any of them might have done or exerciſed lawfully before the making of this Eſtatute, any thing contained in this Eſtatute to the contrary in any wiſe notwithſtanding.

CAP. XII.

In what manner Clothes called Bridgwaters, ſhall be uſed, before they ſhall be bought and and ſold.

WHere before this time, the Boroughs and Towns of Bridgwater, Taunton, and Card, in the County of Sommerſet, have been well and ſubſtantially inhabited, occupied, maintained and upholden, for the moſt part by reaſon of the making of Woollen clothes, commonly called Bridgwater, Taunton, and Card clothes, which in time paſt were much deſired, as well beyond the Seas, as in the Realm of England, and thereby the Inhabitants and poor people of the ſaid Boroughs and Towns, and of the Country thereabouts, were daily ſet on work, and had ſufficient living by the ſame: and where alſo the ſaid Towns in times paſt, were of great force and ſtrength to ſerve the King and Queens highneſſe Progenitors and Anceſtors, Kings of this Realm. Foraſmuch as of late, divers perſons inhabiting and dwelling in Villages, Hamlets, and ſmall Towns of husbandry in the ſaid County of Sommerſet, which were never Prentices or skilful in making of the ſaid Clothes, as well for their private wealths and commodities, as alſo becauſe they would be out of due ſearch of their clothes to be made according to the Statute therefore provided, not regarding the maintenance of the ſaid Boroughs and Towns, nor the Common-wealth of the handicrafts-men, and other poor people which chiefly had their living and ſuſtenance by making of the ſaid Cloth, have of late dayes exerciſed, uſed and occupied the myſteries of Cloth-making, weaving, fulling, and ſhearing within their houſes, and have ſo deceitfully made, wrought, and ſtretched the ſaid Clothes, to the infamy and ſlander of Cloth-making in ſuch ſort and manner, that not only the ſame ſort of Clothes are grown out of eſtimation, but alſo the ſaid Towns are in great decay, ruine and depopulation.

For remedy whereof, Be it enacted by the authority of this preſent Parliament, That no perſon whatſoever inhabiting, or which ſhall hereafter inhabit within the ſaid County, ſhall after the Feaſt of the Purification of our Lady next coming, commonly called Candlemas, put to ſale any kind of ſuch Clothes as is aforeſaid, or Clothes of like nature, making and ſort, made or to be made within the ſaid County, except ſuch Cloth be firſt viewed, ſearched and ſeen in one of the Boroughs or Towns aforeſaid, whether the ſame be perfectly and truly made according to the Statute; and alſo that the ſame be ſealed with the Seal of one of the ſaid Boroughs or Towns, in ſuch ſort, manner and form, as in the Statute made in the fifth year of the reign of our late Soveraign Lord King Edward the ſixth, entituled, An Act for the true making of Woollen Cloth, is, for ſealing of Clothes, provided and enacted; upon pain that every perſon offending or doing contrary to the true meaning of this Act, ſhall forfeit the Cloth ſold, or the value thereof: the moyety of all which forfeitures ſhall be to our Soveraign Lord and Lady the King and Queens Majeſties, the Heirs and Succeſſors of the Queens Majeſty: and the other half to him or them that will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, her Heirs and Succeſſors, wherein no eſſoine, protection, or wager of Law ſhall be admitted or allowed. St. 4 & 5 P. & M. 5.

No Bridgwater Cloth ſhall be ſold before it be viewed, ſearched, and ſealed.

5 Ed. 6. 6.

CAP. XIII.

The Inhabitants of Halifax may buy Wooll, and ſell the ſame again.

FOraſmuch as the Pariſh of Halifax, and other places thereunto adjoyning, being planted in the great waſte Moors where the fertility of ground is not apt to bring forth any Corn nor good Graſſe, but in rare places, and by exceeding and great induſtry of the Inhabitants: And the ſame Inhabitants altogether do live by Cloth-making, and the great part of them neither getteth Corn, nor is able to keep a horſe to carry Woolls, nor yet to buy much Wooll at once, but hath ever uſed to repair to the Town of Halifax, and ſome other nigh thereunto, and there to buy upon the Wooll-driver, ſome a ſtone, ſome two, and ſome three and four, according to their ability, and to carry the ſame to their houſes, ſome three, four, five, and ſix miles off, upon their heads and backs, and ſo to make and convert the ſame either into Yarn or Cloth, and to ſell the ſame, and ſo to buy more Wooll of the Wooll-driver: by means of which induſtry, the barren grounds in thoſe parts be now much inhabited, and above five hundred Houſholds there newly increaſed within theſe forty years paſt, which now are like to be undone and driven to beggery, by reaſon of the late Eſtatute made, that taketh away the Wooll-driver, ſo that they cannot now have their Wooll by ſuch ſmall portions as they were wont to have, and that alſo they are not able to keep any Horſes whereupon to ride, or fet their woolls further from them in other places, unleſſe ſome remedy may be provided. For the remedy whereof, Be it enacted by the King and Queens Majeſties, by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament, and by the authority of the ſame, That from henceforth it ſhall be lawful to any perſon or perſons inhabiting within the Pariſh of Halifax, to buy any Wooll or Woolls, at ſuch times as the Clothiers may buy the ſame, otherwiſe than by ingroſſing and foreſtalling, ſo that the perſons ſo buying the ſame, do carry or cauſe to be carried the ſaid Woolls ſo brought by them to the Town of Halifax, and there to ſell the ſame to ſuch poor Folks of that and other Pariſhes adjoyning, as ſhall work the ſame Cloth or Yarn (to their knowledge), and not to the rich and wealthy Clothier, nor to any other to ſell again. And if either the ſaid Wooll-driver ſhall ſell his ſaid Woolls at any other place forth of the ſaid Town of Halifax, or if any which ſhall buy their Woolls at Halifax, ſhall ſell their Woolls that they bought again unwrought in Yarn or Cloth, that then every ſuch offendor to loſe and forfeit the double value of the Wooll ſo ſold, or uttered: the one moyety thereof to be to the King and Queens Majeſties, her Heirs and Succeſſors, Kings of this Realm; and the other moyety to him or them that will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, or before the Juſtices of Peace in their Seſſions, who by vertue hereof in their open Seſſions, ſhall have authority upon information, to hear and determine the ſame, and to make proceſſe againſt the Offendors, as in any other caſe to be determined before them.

The Statute of 5 Ed. 6. 7. very prejudicial to the Inhabitants of Halifax.

The Inhabitants of Halifax may buy Wooll, and ſell it again there.

The Juſtices of Peace may hear and determine theſe offences.

CAP. XIV.

It ſhall be lawful to the Dean and Chapter of Hereford, within eight years next, to re-edifie four ſufficient Mills; viz. two Corn-Mills, and two Fulling-Mills, upon the River of Wie, in or near unto the place where four old Mills did ſtand. P R.

CAP. XV.

Purveyors ſhall take no Victuals within five miles of Cambridge and Oxford.

HUmbly ſue to your Majeſties, the Societies, Colledges, and Companies of your true and faithful Subjects, and daily Orators, the Scholars and Students of both your Majeſties Univerſities, Cambridge and Oxford, That where it hath been accuſtomed time out of mind, that both the ſaid Market Towns of Cambridge and Oxford, wherein the ſaid

Cambridge and Oxford, and five miles circuit, have been free of Purveyors.

two Univerſities be ſet, and the circuit of five miles next adjoyning, hath been free from any charge or moleſtation of any common Takers or Purveyors for victual, whereby the ſaid Markets were more plentifully ſerved with Victual, and the poor eſtate of a great multitude of Scholars, having very bare and ſmall ſuſtentation, thereby relieved: and now by the means that contrary to the ſame laudable cuſtome, divers Purveyors and Takers have of late exceſſively frequented the ſame Markets, and thereby given occaſion to make victuals both more ſcant and much dearer, to a notorious decay of Scholars, which alſo daily in this great dearth is like to encreaſe and be more lamentable, to the hinderance of Gods ſervice, to the diſhonour of the Realm, the diſcomfort of all good and holy men loving learning and vertue.

Purveyors ſhall not take victual in Cambridg or Oxford, or within five miles thereof.

Who may enquire of and puniſh the offences.

It may therefore pleaſe your Majeſties of your great pity, and abundant favour and love towards your ſaid two Univerſities, being the very two onely nurſes of good learning in this Realm with the aſſent of the Lords ſpiritual and temporal, and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, to enact, ordain and eſtabliſh, That from henceforth no manner of Purveyor, Taker, Badger, Loader, or other Miniſter may or ſhall take, or bargain for any kind of victual or grain, in any of the ſaid Markets, or towns of Cambridg and the City of Oxford, nor ſhall take or bargani for any victual within the compaſſe of five miles thereto adjoyning, without the conſent, agreement, or good will of the owner or owners, neither ſhall attempt to carry, take away or bargain for any manner of grain or other victual, bought or provided within the ſaid ſpace of five miles by any common Miniſter of any Colledg, Hoſtell, or Hall, to be ſpent within any of the ſaid Colledges, Hoſtels, or Halls, upon pain of the forfeiture of the quadruple value of any ſuch manner of grain or victual, ſo taken or bargained, for, in any of the ſaid markets, or within the ſaid ſpace of five miles (againſt the will of the owners) as is aboveſaid, or attempted to be taken, carried away or bargained for, being provided as is aboveſaid for to be ſpent in any the Colledges, Hoſtels, or Halls. And further ſhall ſuffer impriſonment for the ſpace of three months without bail or mainpriſe. And that the Chancellor or Vice-chancellor, or his Commiſſary for the time being in either of the ſaid Univerſities, with two Juſtices of Peace of the County, wherein the ſaid Univerſities be ſet, ſhall have full power by authority of this Act, to enquire by the oaths of twelve men, of and upon the defaults and offences commited contrary to the tenour thereof, and to ſee due puniſhment and reformation thereof in form aforeſaid from time to time; the one half of which aforeſaid forfeitures to be to the common treaſure of either of the ſaid Univerſities, reſpectively to the fault committed againſt this their priviledg; the other half to the party that will ſue for the ſame by action of debt, bill, plaint, or otherwiſe, in any Court of Record, or before the aforeſaid Chancellor, his Vice-chancellor or commiſſary for the time being, and two Juſtices of Peace as is before expreſſed.

This Act ſuſpended during the Queens preſence.

Provided, That this Act ſhall not be put in execution at any time or times, whenſoever your Majeſties, or the heirs or ſucceſſors of your Majeſty our Soveraign Lady ſhall pleaſe to come to any of both the ſaid Univerſities, or within ſeven miles of either of them, but ſhall be in ſuſpence during that time only, and not longer.

The Liberties of Oxford and Cambridge ſaved.

Provided alwayes, and be enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not in any wiſe be prejudicial or hurtful to the Mayor, Bayliffs, and Communalty of the City of Oxford, nor to the Mayor and Communalty of the Town of Cambridg, or to their ſucceſſors, for and concerning any liberties or priviledges; but that they and every of them and their ſucceſſors, reſpectively, may have and uſe the ſame in ſuch manner and form, as they or any of them might or ought to have done before the making of this Act: Any thing in this Act contained to the contrary notwithſtanding. 13 El. 21- 18 El. 20. 13. Car. 2. C : 24.

CAP. XVI.

The Office and Duty of the eight Overſeers of Watermen rowing between Graveſend and Winſor.

Miſchances have happened to many by Water-men, and the cauſes thereof.

Several abuſes committed by young, unſkilful and lewd Watermen.

WHereas heretofore for lack of good government and due order, amongſt Wherrimen and Watermen, exerciſing, uſing, and occupying rowing upon the River of Thames, there have divers and many miſfortunes and miſchances happened & chanced of late years paſt, to a great number of the King & Queens Subjects, as well to the Nobility as to other the common people, that have paſſed and repaſſed, and been carried by water, by reaſon of the rude, ignorant, and unskilful number of Watermen, which for the moſt part been maſterleſs men, and ſingle men of all kinds of occupations and faculties, which do work at their own hands: And many boyes being of ſmall age, & of little ſkill, and being perſons out of the rule and obedience of any honeſt Maſter and governor, and do for the moſt part of their time uſe dicing & carding, and other unlawful games, to the great and evil example of other ſuch-like and againſt the Commonwealth of this Realm: And all which ſaid evil and ignorant perſons in the time of preſſing by Commiſſion, for the ſervice of the King and Queens moſt royal Majeſties upon the ſea, for that they have no known place of abiding, do for the moſt part abſent and convey themſelves into the Countrey, and other ſecret places, practiſing there robberies and felonies, and other evil deteſtable facts, to the great annoyance of the Common-wealth: And ſo after the ſaid Commiſſion of preſſing ended, oft times the ſaid evil perſons do repair again to their former trade of rowing, colouring their evil deeds, and alſo divers of them being very ignorant, for lack of convenient time of learning and exerciſe, in the which they might obtain ſufficient knowledg of their occupation, do oftentimes preſume and enterpriſe to receive divers of our ſaid ſoveraign Lord and Lady the King and Queens Majeſties loving Subjects into their boats and wherries and do carry and convey their ſaid Subjects from place to place by water upon the ſaid River of Thames, whereby divers perſons have been robbed, and ſpoyled of their goods, and alſo drowned.

And for & by the occaſion aforeſaid, be daily put in fear and peril of their lives, the which is very lamentable and not to be permitted or ſuffered in any Commonwealth. And by reaſon alſo, that a great number, and the moſt part of the Wherries and Boats now occupied and uſed, and of late time made for rowing upon the ſaid River, been made ſo little and ſmall in portion, and ſo ſtraight and narrow in the bottom, varying much from the old ſubſtantial ſort and ſure making of Boats and Wherries which was uſed before the ſpace of twenty years laſt paſt, inſomuch, as the moſt part of Boats and Wherries uſed at this day, been ſo ſhallow and tickle, that thereby great peril and danger of drowning hath many times enſued, and daily is like to enſue, unleſſe ſome ſpeedy remedy be herein had and provided.

There ſhall be eight Overſeers of Watermen upon the River of Thames.

For reformation whereof, be it enacted by the King and Queens Majeſties, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That there ſhall be yearly appointed, choſen and elected by the Mayor & the Court of Aldermen of the City of London for the time being, the number of eight perſons of the moſt wiſe, diſcreet and beſt ſort of Watermen, being houſholders, and occupying as Watermen upon the ſaid river, between Graveſend and Windſor, which election ſhall be yearly at the firſt Court of Aldermen, to be holden within the ſaid City next after the firſt day of March: and the ſame eight perſons ſo elected, ſhall be named & called, The Overſeers and Rulers of all the Wherrimen and Watermen, that from and after the ſaid firſt day of March, ſhall uſe, occupy, or exerciſe any rowing upon the ſaid river of Thames, betwixt Graveſend and Windſor aforeſaid; which ſaid Overſeers and Rulers, ſhall keep and maintain good order and obedience amongſt the ſaid Watermen according to the true meaning of this preſent Act.

Two Watermen ſhall not carry any, but where one of them is allowed by the Overſeers, and two years hath exerciſed, &c.

And alſo be it further enacted by the authority aforeſaid, That after the Feaſt of Pentecoſt next coming, no perſon nor perſons, where two Watermen, and not above the number of two, ſhall row together in one Boat or Wherry, in any place or places betwixt Graveſend and Windſor aforeſaid, ſhall preſume or enterpriſe to receive or take any perſon or perſons into his or their Boat or Wherry, to the intent to carry or convey him or them therein, unleſs one of the ſame two Watermen have been for the moſt part exerciſed and uſed in rowing upon the ſaid River of Thames, by the ſpace of two whole years before that time, And that alſo one of the ſame two Watermen at leaſt, be duly admitted and allowed by the ſame eight Overſeers and Rulers, or the moſt part of them by writing under their known ſeal to be a ſufficient and able Waterman upon pain that every perſon and perſons preſuming or offending contrary to the true meaning of this preſent Act, ſhall by the ſaid eight Overſeers or Rulers be committed to priſon in one of the Counters of the City of London, there to remain by the ſpace of one month or leſſe, as the offence ſhall require.

No ſingle man ſhall be a Waterman, &c.

And alſo be it further enacted, that no perſon or perſons being ſingle men, not keeping houſhould and not retained, ſhall from and after the ſaid feaſt of Pentecoſt next coming, uſe or exerciſe to row between Graveſend and Windſor aforeſaid, unleſſe he or they be prentice or prentices, or in ſervice retained with a Maſter by the whole year to the leaſt, upon pain of like impriſonment.

Who ſhall have authority to puniſh offenders.

And alſo be it further enacted, That the Lord Mayor of London and the Aldermen of the ſame City, and the Juſtices of Peace within the Shires next adjoyning to the ſaid River of Thames, every of them within their ſeveral juriſdiction and authorities, ſhall have full power and authority by vertue of this preſent Act, upon complaint made to them or any of them by the ſaid Over ſeers and Rulers, or two of them, or the maſter or Maſters of any ſuch ſervants, not only to examine, heare and determine all complaints or offences to be done or committed by any ſuch perſon or perſons that ſhall offend contrary to the true meaning of this preſent Act, and to ſet at large all and every ſuch perſon and perſons, as ſhall fortune to be impriſoned by the ſaid Overſeers and Rulers according to this Act, if juſt cauſe ſhall appear unto them ſo to do: but alſo by their good diſcretions and wiſdom to puniſh, correct, and reform the ſaid Overſeers and Rulers, and every of them that ſhall unjuſtly, or without good cauſe or ground, puniſh any perſon or perſons by colour of this preſent Act, or any thing therein contained.

The length, breadth and goodneſs of Boats.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, from henceforth do or ſhall make any Wherry or Boat, to the intent commonly to uſe rowing and carrying people upon the ſaid River of Thames, which ſhall not be two and twenty foot and a half in length, and four foot and a half broad in the midſhip, or which ſhall not be ſubſtantially and well able, and ſufficient to carry two perſons on one ſide tight, according to the old quantity, ſcantling, thickneſſe of boord, goodneſſe and good proportion heretofore had and uſed, that then the ſame Boat or Boats ſo being made contrary to the proportion and ſort before expreſſed, ſhall be taken as forfeit the one half thereof to the King and Queens Majeſties, our ſaid Soveraign Lord and Ladies uſe, and to the uſe of the heirs and ſucceſſors of the Queens Majeſty: and the other half to him or them that will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, by action of detinue, bill, plaint, information or otherwiſe; wherein no wager of Law, eſſoin, protection or injunction ſhall be allowed for the Defendant.

The puniſhment of Watermen withdrawing themſelves in the time of Preſſing.

And be it further enacted, That if any perſon or perſons, which from and after the ſaid Feaſt ſhall uſe and exerciſe the occupation of rowing betwixt Graveſend and Windſor aforeſaid, which in the time of the execution of any Commiſſion of preſſing, that ſhall be had for the ſervice of the King and Queens Majeſties, and the heirs and ſucceſſors of the Queens Majeſty, in their affair ſhall willingly, voluntarily and obſtinately withdraw, hide or convey him or themſelves, in the ſame time of Preſſing, into ſecret places and out-corners, and after when ſuch time of Preſſing is overpaſſed, ſhall return and come again to the ſaid River of Thames, to row betwixt Graveſend and Windſor aforeſaid, and that duly proved by two indifferent witneſſes, before the ſaid Mayor and court of Aldermen or Juſtices

ces of the Peace, and two of the ſaid Rulers, that then he or they ſo doing and offending, ſhall ſuffer impriſonment by the ſpace of two weeks, and be baniſhed any more to row from thenceforth upon the ſaid River of Thames, by the ſpace of one whole year and day then next following.

The Overſeers ſhall correct the Watermen, and regiſter their names.

And be it further enacted, That it ſhall be lawful to the ſaid eight Rulers for the the time being, and their ſucceſſors from time to time, to convent and call before them at ſome convenient place, by them to be appointed, all and every ſuch perſon and perſons, which from and after the ſaid feaſt of Pentecoſt, ſhall occupy and uſe the ſaid trade and occupation of rowing betwixt Graveſend and Windſor aforeſaid, and ſhall enter and regiſter the name and names of them and every of them that ſhall be by them allowed or admitted for Watermen to row betwixt Graveſend and Windſor aforeſaid, in a book to be made for the ſame intent and purpoſe, and to take ſuch further order and direction therein with every the ſaid parties, by the authority of this preſent Act, as it ſhall ſeem meet and neceſſary by the diſcretion of the ſaid Overſeers and Rulers for the time being. And alſo that the ſaid Overſeers and Rulers ſhall and may by the authority of this Act, overſee, view and ſurvey at all and every time and times hereafter all manner Boats and Wherries that ſhall from and after the ſaid feaſt be made, before the ſaid Boat or Boats, Wherry or Wherries, be lanched out of the yard or ground, wherein the ſame Boat or Boats, Wherry or Wherries, ſhall fortune to be made, into the ſaid River of Thames, to the intent that they and every of them may be made, and prepared in ſuch manner and form, and according to the goodneſſe, proportion, and quantity in this preſent Act before limited and expreſſed.

Overſeers ſhall view the Boats before they be lanched forth.

The penalty of Overſeers refuſing their place, or being negligent therein.

And be it further enacted by the authority aforeſaid, that if any perſon or perſons, which at any time hereafter ſhall be elected or choſen to be a Ruler or Overſeer, as before is expreſſed, do happen negligently to uſe and exerciſe his or their room or place, or that will obſtinately refuſe to take upon him or them, the room or rooms, place or places of any the ſaid Overſeers or Rulers, that then all and every ſuch offendor or offendors, ſhal loſe and forfeit the ſum of five pound of lawful money of England, the one half whereof ſhall be to our ſaid Soveraign Lord and Lady the King and Queens Majeſties uſe, and to the uſe of the heirs and ſucceſſors of the Queens Majeſty; and the other half to him or them that will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, by action of debt, or by any other the wayes or means above ſpecified, wherein no wager of Law, eſſoin, protection, or injunction ſhall be admitted or allowed for the Defendant or Defendants.

Aſſeſſement what fares Watermen ſhall take for rowing between Graveſend and Windſor. 6 H. 8. 7.

And be it further enacted by the authority aforeſaid, that the ſaid Mayor and Court of Aldermen of the ſaid City of London for the time being, ſhall from time to time at their diſcretions, limit, ſet and aſſeſſe the price and prices, and ſums of money that every perſon or perſons ſo authorized to row as is aforeſaid, betwixt Graveſend and Windſor aforeſaid, ſhall take for his or their labour or fare, from place to place particularly, betwixt Graveſend and Windſor aforeſaid. and the ſame prices and aſſeſſements to be ſet, ſhall bring or cauſe to be brought to the Privy Council of our Soveraign Lord and Lady, the King and Queen, to be viewed and ſeen by ſome of the ſaid Privy Council; and after that, the ſaid aſſeſſements and prices ſhal be ſigned and ſubſcribed with the hands of two of the ſaid Privy Council at the leaſt, and the ſaid Mayor and Court of Aldermen for the time being ſhall cauſe the ſaid prices and aſſeſſements to be written and ſet up in Tables in the Guild-Hall in the City of London, Weſtminſter-Hall and elſewhere, where the ſaid Mayor and Court of Aldermen ſhall think convenient. And every perſon and perſons that ſhall take for his or their fare or labour above the prices that ſhall be aſſeſſed, viewed, written and ſet up in form aforeſaid, ſhall forfeit for every ſuch offence. forty ſhillings, and alſo ſhall ſuffer impriſonment by one half year: the one moiety of the ſaid forfeiture to be to the King and Queens Majeſties, their heirs and ſucceſſors: and the other moiety thereof to him or them that will ſue for the ſame in any of the King and Queens Majeſties Courts of Record, by action of debt, or by any other the wayes or means above ſpecified, wherein no wager of Law, eſſoine, protection, or injunction ſhall be admitted or allowed for the Defendant or Defendants.

The ſervants of Weſtern Bargemen, REP. 5 El. 4.

And be it further enacted by the authority aforeſaid, That no perſon nor perſons occupying or uſing any Weſtern Barge, ſhall retain, take or receive into his or their ſervice, any ſingle perſon not keeping houſe or houſhold, but only ſuch as ſhall be retained with him or them by the whole year and no houſholder, but ſuch as he or they will and ſhall anſwer for, for his or their good behaviour, upon pain of forfeiture for every ſuch offence forty ſhillings: the one moiety thereof to be to the King and Queens Majeſties her heirs and ſucceſſors; and the other moiety thereof to him or them that will ſue for the ſame in any of the King and Queens Courts of Record, by action of debt, or by any other the wayes, or means above ſpecified, wherein no wager of Law, eſſoine, protection, or injunction ſhall be admitted or allowed for the Defendant or Defendants. Stat, 1 Jac, 16,

CAP. XVII.

The benefit of Clergy ſhall be taken from Bennet Smith, for being acceſſary to the murther of Giles Rufford, before the murther committed, and for procuring of the ſame. Pr, Stat. 4 & 5. P. & M. 4.

CAP. XIX.

Commiſſions of Peace and Goal-Delivery, may be awarded into Towns Corporate not being Counties.

VVhere the King and Queens moſt excellent Highneſſe, and their noble Progenitors Kings of this Realm, have heretofore granted their ſeveral Commiſſions directed as well unto the Mayors, Recorders, and other grave men, and Inhabitants of certain ancient and famous Cities and Towns Corporate within this Realm of England, not being Counties in themſelves as alſo unto divers other worſhipful and learned men dwelling out of the ſame Cities and Towns corporate as well for the keeping of their peace, good ordering of their people and executing of their Laws and Statutes, within the ſame Cities and Towns corporate, as alſo for the delivery of their Majeſties priſoners remaining in the Goals there, and after the granting of ſuch Commiſſions, their Majeſties have granted divers other like Commiſſions unto certain worſhipful and learned men of the ſhires, lathes, rapes, ridings, and wapentakes, of this Realm of England, for the confirmation of their peace, and alſo delivering of their priſoners remaining in their Goals within the ſame ſhires, lathes, rapes, ridings, and wapentakes; which Commiſſions ſo bearing a later date, have been a Superſedeas and clear diſcharge unto all and ſingular the ſaid former commiſſions granted unto the ſaid Cities and Towns corporate, not being Counties in themſelves; ſo that the ſaid Mayor and other grave and chiefeſt Officers of every ſuch City and Town corporate, have been charged to ſue for the renewing again of ſuch Commiſſions, both for the peace and gaol-delivery, to the great expences, coſt, and charges of the ſaid Mayor and other the Inhabitants of ſuch Cities and Towns corporate, and to the great protracting and delay of Juſtice there in the mean time. For reformation whereof, and for the better advancement of Juſtice in the premiſſes:

Be it therefore enacted by the King and Queens Majeſties, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular Commiſſion and Commiſſions granted or to be granted to any ſuch City or Town corporate, not being as is aforeſaid, a County in it ſelf, for the keeping of their peace and delivery of the Priſoners remaining in the gaols of any ſuch City or Town corporate not being a County in it ſelf, ſhall ſtand, remain, and be good and available and effectual in the Law to all intents, conſtructions, and purpoſes, the granting of any like Commiſſion of peace or goal-delivery to any Commiſſioner or Commiſſioners for the conſervation of the peace, or delivery of the priſoners remaining in the gaol of any ſhire, lathe, rape, riding, or wapentake within this Realm of England, bearing date after the ſaid Commiſſion, or Commiſſions granted as is aforeſaid, to any ſuch City or Town corporate, not being as is aforeſaid a County in it ſelf, to the contrary notwithſtanding,

A Commiſſion of the Peace and Gaol-delivery, ſhall not be a Superſedeas to a former like Commiſſion granted to a City or Town corporate. Cok Inſtitut. 4. Part, 169.

CAP. XIX.

A reviver of the Statute of 22 H. 8. 11. touching Powedike in Marſh land, which was repealed by the Statute of 1 Ed. 6. and 1 M. 1. P R.

CAP. XX.

The inlargement of the Duchy of Lancaſter.

Foraſmuch as the King and Queen our Soveraign Lord and Lady conſidering and regarding the Eſtate of the Dutchy of Lancaſter, being one of the moſt famous, princelieſt and ſtatelieſt pieces of our ſaid Soveraign Lady the Queens ancient inheritance, do perceive and conſider, that the poſſeſſions and yearly revenues of the ſaid Dutchy, are, and have been of late greatly diminiſhed, as well by reaſon of ſundry gifts, grants, and ſales made by the late Kings of famous memory, Henry the eighth, and Ed. the ſixth, late Kings of England, father and brother to our ſaid Soveraign Lady the Queens Highneſſe, as alſo by reaſon of ſundry exchanges made with divers their loving Subjects, of ſundry manors, lands, tenements, poſſeſſions and hereditaments lately belonging to the ſame Dutchy, and the manors, lands, tenements, poſſeſſions and hereditaments, being received in recompence of the ſaid exchanges, be not annexed to the ſaid Dutchy, but been in the order ſurvey and governance of other Courts and places ſo by their Highneſſes taken and received in exchange.

The decay of the revenues of the Dutchy of Lancaſter.

And foraſmuch alſo, as their Majeſties do mind and intend to preſerve, advance, maintain and continue the ancient and honourable Eſtate of the ſaid Dutchy, our ſaid Soveraign Lord and Lady therefore be pleaſed and contented, that it be enacted, ordained and eſtabliſhed by their Majeſties, with the aſſents of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all Honours, Caſtles, Lordſhips, Manors, Lands, Tenements, Poſſeſſions and Hereditaments, within this Realm of England, which at any time ſince the eight and twentieth day of January, in the firſt year of the reign of our ſaid Soveraign Lord King Edward the ſixth, were parcel of the poſſeſſion of the ſaid Dutchy of Lancaſter, or which were united and annexed to the ſaid Dutchy by authority of Parliament, Letters Patents or otherwiſe. And which at any time ſince the ſaid eight and twentieth day of January have been given, granted, alienated, bargained, ſold, exchanged, or otherwiſe ſevered from the ſaid Dutchy by our ſaid late Soveraign Lord King Edward the ſixth, or by our ſaid Soveraign Lady the Queen that now is, or by our Soveraign Lord and Lady the King and Queens Majeſties that now be, to or with any perſon or perſons, and which ſaid honours, caſtles, Lordſhips, manors, lands, tenements, and hereditaments, ſince ſuch gifts, grants, alienations, bargains, ſales, exchanges, or ſeverance thereof ſo made as is aforeſaid, been comen, or returned again to the hands of our ſaid late Soveraign Lord King Edward the ſixth, or to the hands of our ſaid Soveraign Lady the Queen, or to the hands of our ſaid Soveraign Lord and Lady, the King and Queen, or to the hands of her Majeſty, her heirs and ſucceſſors, in poſſeſſion, reverſion, remainder, or otherwiſe, by attainder, eſcheat, forfeiture, purchaſe, remainder or otherwiſe: And which now be or remain in the hands of our ſaid Soveraign Lord and Lady the King and Queens Majeſties, of any eſtate of inheritance, ſhall from the time the ſame came and reverted again to the hands of our ſaid Soveraign Lord and Lady the King and Queen, by authority and force of this Act, be united and annexed for ever unto the ſaid Dutchy of Lancaſter, and ſhall be adjudged, deemed and taken for ever, for and as parcels and members of the ſaid Dutchy of Lancaſter, and that all ſuch and thoſe of the ſaid manors, lands, tenements, and hereditaments, which be lying within the County Palatine of Lancaſter, ſhall

Dutchy Lands ſevered from the Crown, and ſithence re-united, ſhall be again parcel of the Dutchy. St. 37 H. 8. 16.

be of the ſame nature, quality, kind, and condition, to all intents, conſtructions, and purpoſes, as others the ancient poſſeſſions of the ſaid Dutchy, lying and being within the ſaid County Palatine of Lancaſter, be and ought to be, and all thoſe and ſuch of the ſaid manors, lands, tenements and hereditaments, which be lying out of the ſaid County Palatine of Lancaſter, ſhall be of the ſame nature, quality, kind and condition, to all intents, conſtructions and purpoſes, as other ancient poſſeſſions of the ſaid Dutchy, lying and being out of the County Palatine of Lancaſter, be and ought to be, and ſhall be in the letting, ſetting, order, rule, ſurvey, receit and governance of the Chancellor, Councel, and Officers of the ſaid Dutchy of Lancaſter for the time being for evermore, in like and the ſame manner and form, to all intents and purpoſes, as others the ſaid ancient poſſeſſions belonging to the ſaid Dutchy, been, have been, or owen to be.

The new annexed Lands ſhall paſſe under the Seal of the Dutchy, and with the ſame ceremonies.

And that all the ſaid honors, caſtles, lordſhips, manors, lands, tenements and hereditaments, united and annexed to the ſaid Dutchy of Lancaſter, by authority and force of this Act, and all and ſingular gifts, grants, leaſes, Letters Patents, and writings thereof, or of any parcel thereof hereafter to be made by the King and Queens Highneſſe, or by the heirs and ſucceſſors of her Majeſty, ſhall for evermore paſſe and be made under ſuch of the ſeals of the ſaid Dutchy, as other the ancient poſſeſſions of the ſaid Dutchy have uſed to paſſe and be made, and not under any other Seal or otherwiſe, and with the like and the ſame livery of ſeiſin, atturnements, ceremonies, orders and circumſtances in the Law, and in the ſame manner and form as other the ancient poſſeſſions of the ſaid Dutchy, and the Letters Patents, Charters and Writings thereof heretofore of ancient made, have uſed and ought to be made and paſſed, and not otherwiſe, nor in any other manner and form: Any Law, eſtatute, uſage or cuſtome to the contrary thereof in any wiſe notwithſtanding.

Other Lands may be annexed to the Dutchy of Lancaſter.

And be it further enacted, ordained and eſtabliſhed by the authority aforeſaid, That our ſaid Soveraign Lord and Lady the King and Queen that now be, and the heirs and ſucceſſors of her Majeſty, may from time to time hereafter at their liberties and pleaſures, by their Graces Letters Patents, to be ſealed with the great Seal of England, unite, annex, limit, aſſign and appoint any other their Honors, Caſtles, Lordſhips, Manors, Lands, Tenements and Hereditaments, lying and being within this their ſaid Realm of England, unto their ſaid Dutchy of Lancaſter, for the further augmentation, honour and eſtate of the ſaid Dutchy at their wills and pleaſures.

And that all and every ſuch annexing, limiting, aſſignment, and appointment made or to be made by our ſaid Soveraign Lord and Lady the King and Queen, or by the heirs or ſucceſſors of our ſaid Soveraign Lady the Queen, of any their honors, caſtles, lordſhips, manors, lands, tenements, and hereditaments, unto the ſaid Dutchy of Lancaſter, by any their ſaid Letters Patents under the great Seal of England, ſhall be as good and available as if it were done by authority of Parliament.

Lands to be annexed lying within the County Palatine.

And that all ſuch honors, caſtles, lordſhips, manors, lands, tenements and hereditaments, lying and being within the ſaid County Palatine of Lancaſter, which ſhall happen to be united and annexed to the ſaid Dutchy by force of any ſuch Letters Patents, ſhall, from the Teſte of the ſaid Letters Patents, be within the order, ſurvey, rule, governance, juriſdiction, letting and ſetting of the ſaid Dutchy of Lancaſter for the time being, as other poſſeſſions of the ſaid Dutchy, lying and being within the ſaid County Palatine of Lancaſter, have uſed and owen to be.

Lands to be annexed to the Dutchy, lying out of the County Palatine of Lancaſter.

A ſaving of the right of others.

And that all other honors, caſtles, lordſhips, manors, lands, tenements and hereditaments, lying and being out of the ſaid County Palatine of Lancaſter, which ſhall happen to be united and annexed to the ſaid Dutchy by force of any ſuch Letters Patents, ſhall be from the Teſte of the ſaid Letters Patents, within the order, ſurvey, rule, governance, juriſdiction, letting and ſetting of the ſaid Dutchy of Lancaſter, as others the poſſeſſions of the ſaid Dutchy of Lancaſter, lying and being out of the ſaid County Palatine of Lancaſter, have uſed and owen to be. Saving to all and every perſon and perſons, bodies politick and corporate, their heirs ſucceſſors, and aſſigns, and to the heirs, ſucceſſors, and aſſigns of every of them, all ſuch right, title, intereſt, entries, conditions, occupations, poſſeſſion, leaſe and leaſes, fees annuities, offices, ſervices, commons, profits, commodities, eaſements, actions, ſuits, demands, thing and things whatſoever, which they or any of them ſhould, might or ought to have had into or out of any the premiſſes, before the making of this Act, in like and in the ſame manner, form and condition, to all intents, conſtructions and purpoſes, as if this Act had never been had or made: any thing in this Act to the contrary in any wiſe notwithſtanding.

Certain lands excepted which are not to be annexed to the Dutchy of Lancaſter.

Provided alwayes, and be it Enacted by the authority aforeſaid, That this Act, or any thing or things therein contained, ſhall not in any wiſe extend to enable or give any liberty to our ſaid Soveraign Lord and Lady the King and Queen, nor to the Heirs and Succeſſors of our ſaid Soveraign Lady the Queen, to unite and annex to the ſaid Dutchy of Lancaſter, by their Letters Patents, any honors, caſtles, lordſhips, manors, lands, tenements or hereditaments, being any part or parcel of the ancient inheritance of the Crown, or of the principality of Wales, or of the Dutchy of Cornwal, or of the Earldom of Cheſter, or any their honors, caſtles, lordſhips, manors, lands, tenements or hereditaments, ſet, lying, or being within the Counties of Cheſter and Flint, or either of them; nor to give, annex or aſſign to the ſaid Dutchy of Lancaſter, any honors, caſtles, lordſhips, manors, lands, tenements or hereditaments, exceeding and amounting in the whole, above the yearly value of two thouſand pounds: any clauſe, article or thing in this Act rehearſed, contained or ſpecified to the contrary thereof in any wiſe notwithſtanding.

CAP. XXI.

The Statutes made Anno 22 Hen. 8.7. Anno 23 Hen. 8.3, & 17. Anno 24 H. 8.9. Anno 28 H. 8. 6, 8, 9. Anno 31 H. 8.7. Anno 35 H. 8.17. Anno 37 H. 8.23. Anno 2 & 3 Ed. 6. 9. Anno 3 & 4 Ed. 6.19. & 21.

Anno 5 & 6 Ed. 6. 14. Anno 7 Ed. 6 11. Anno 1 Mar. 12. & 13. Anno 1 & 2 Phil. & Mar. 3. revived, and made to continue untill the laſt day of the next Parliament. EXP.

CAP. XXII.

A confirmation of a Subſidy of ſix ſhillings in the pound; granted by the Clergy to the King and Queen, to be paid in three years. EXP.

CAP. XXIII.

A confirmation of a Subſidy granted to the King and Queen by the Temporalty. EXP.

Anno Quarto & Quinto Philippi & Mariæ.

ACTS made at a Parliament begun and holden at Weſtminſter the One and twentieth day of January, in the fourth and fifth year of the Reign of our Soveraign Lord and Lady PHILIP and MARY, by the grace of God, King and Queen of England, Spain, France, both the Scicilies, Jeruſalem, and Ireland, Defenders of the Faith; Princes of Spain, and Scicily; Arch Dukes of Auſtria; Dukes of Millaine, Burgundy and Brabant; Counties of Haſpurg, Flanders and Tyroll. And there continued and kept untill the ſeventh day of March then next following, were Enacted as followeth.

CAP. I.

Confirmation of all Letters Patents, &c. made by the King and Queen, or by the Queen ſince the ſeventh of July, 1 M. or to be made ſeven years after, &c.

WHere ſithence the ſeventh day of July, in the firſt year of the Queens Majeſties Reign, divers and ſundry Honors, Caſtles, Manors, Lands, Tenements, Rents, Reverſions, Services, and other Hereditaments, have been conveyed and aſſured to her Highneſſe, her Heirs and Succeſſors, by or from divers and ſundry perſons, and bodies politick, as well for the diſcharge and ſatisfaction of great debts and ſums of money, as for other good conſiderations. For the perfect aſſurance, confirmation, and further ſurety whereof:

A confirmation of all aſſurances of Lands made to the King and Queen, or Queen only.

Be it enacted, ordained, and eſtabliſhed by the King and Queens Majeſties, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all Feoffments, Fines, Surrenders, Aſſurances, Conveyances and Eſtates in any wiſe conveyed, had, or made, to, or for our ſaid Soveraign Lord and Lady, the King and Queens Majeſties, or to, or for our ſaid Soveraign Lady the Queen, by or from any ſuch perſon or perſons, bodies politick and corporate, of any ſuch honors, caſtles, manors, lands, tenements, rents, reverſions, ſervices, or other hereditaments, for any debt, ſum or ſums of money, or other conſideration whatſoever, ſhall ſtand, remain and be good and available in the Law to all intents, conſtructions and purpoſes, according to the true meaning, intent and purport of the ſame.

Other perſons rights ſaved.

Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors, and to every of them, (other than ſuch perſon or perſons, and their heirs and wives, and every of them, bodies politick and corporate, and their ſucceſſors, and every of them, of or from whom the King and Queens Highneſſe, or the Queens Highneſſe only hath obtained or purchaſed the ſaid premiſſes, or any parcel thereof, by change, gift, bargain, fine, feoffment, recovery, deed enrolled or otherwiſe) all ſuch right, title, intereſt, uſe, poſſeſſion, rents, reverſions, remainders, offices, fees, commons, profits, and commodities whatſoever, which they or any of them have, might or ought to have had, of, in or to the premiſſes, or any part thereof, in as large and ample manner, form and condition, to all intents, conſtructions and purpoſes, as if this Act had never been had ne made: this preſent Act or any thing therein contained to the contrary notwithſtanding.

And where, as well our Soveraign Lord and Lady, as our ſaid Soveraign Lady the Queens Highneſſe, ſithence the ſaid ſeventh day of July, in the firſt year of his Majeſties Reign, as well for divers and great ſums of money, as alſo for divers and ſundry other conſiderations, have, and hath bargained, ſold, given or granted by their or her Graces ſundry Letters Patents, Indentures or other writings, ſealed under the great Seal of England, and the Seal of the Dutchy of Lancaſter, as well to bodies politick and corporate, as to divers and ſundry other their loving and obedient Subjects, divers and ſundry honors, caſtles, manors, lands, tenements, rents, reverſions, ſervices, and other hereditaments in fee-ſimple, fee-tail, and for term of life, lives or years, and in the ſame ſeveral Letters Patents, Indentures and other writings, is mentioned and declared. And to the intent the ſame Letters Patents, Indentures, and other writings, ſhould be good, available, and of perfect force and effect, to all and every her Highneſſe loving Subjects, according to the true meaning and effect of the ſame.

A confirmation of the Letters Patents of the King and Queen made, or during ſeven years to be made.

Our ſaid Soveraign Lord and Lady, the King and Queen are contented and pleaſed, That it be enacted by the authority of this preſent Parliament: And therefore by our ſaid ſoveraign Lord and Lady the King and Queens Majeſties, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, Be it Enacted and eſtabliſhed, That as well all and ſingular Letters Patents, Indentures or other writings ſealed under the great Seal of England, or under the Seal of the Dutchy of Lancaſter, and heretofore made or granted by our ſaid Soveraign Lord and Lady the King and Queen, or by our ſaid Soveraign Lady the Queen, for any ſums of money, or for and upon other conſiderations, as all other Letters Patents hereafter to be made by our ſaid Soveraign Lord and Lady, for any ſum or ſums of money during the ſpace of ſeven years next enſuing the making of this Act, to any body politick or corporate, or to any other perſon or perſons whatſover, of any honors, caſtles, manors, lordſhips, granges, Meaſes, lands, tenements, meadows, paſtures, rents, reverſions, Services, Woods, Advowſons, Nominations, Patronages, Annuities, Rights, Intereſts, Entries, Conditions, Leets, Courts, Liberties, Priviledges, Franchiſes, or

of

Defects in the Letters Patents ſalved.

of any other Hereditaments with their Appurtenances, or of any part or parcel of them, ſealed with or under the Great Seal of England, or under the Seal of the Dutchy of Lancaſter, of whatſoever kind, nature or quality, they or any of them be or ſhall be reputed, known, or taken with their appurtenances, or any part or parcel of them, ſhall be good, perfit and effectual in the Law, and ſhall ſtand, be taken, reputed, deemed, and adjudged good, perfit, ſure, available, and effectual in the Law, as well againſt the King and Queens Majeſties, as againſt the Queen, her Heirs and Succeſſors, according to the tenor of the ſaid Letters Patents, the ſame to be expounded, conſtrued, deemed, and adjudged moſt beneficial for the Patentees, and Grantees of the ſame, according unto the words and purport of every the ſaid Letters Patents, without any confirmation, licence, or toleration of the Queen, her Heirs or Succeſſors: any miſnaming, miſrecital, or non-recital of any the ſaid honors, caſtles, manors, lands, tenements, and other the premiſſes, or any parcel thereof: or any lack of finding Offices, or inquiſitions of and in the premiſſes, whereby the title of the Queens Highneſſe therein ought to have been found before the making of the ſame Letters Patents, or other writings: or any miſ-recital, or non-recital of Leaſes thereof before made, as well of record as not of record: or any lack of the certainty, miſ-caſting, rating or ſetting forth of the yearly values and rates of the premiſſes, or of the yearly rents reſerved of and for the premiſſes, or any parcel thereof, mentioned or contained in any the ſaid Letters Patents, or other writings: or for that the premiſſes be, or any part thereof is valued to a more or leſſe value in the ſaid Letters Patents or Writings, than the ſaid Manors, Lands, Tenements, and other the premiſſes, then were or ſhall be in yearly value: or any miſnaming of Towns, Hamlets, Pariſhes, or Countries, where the ſame Honors, Caſtles, Manors, Lands, Tenements, Rents, Hereditaments, and other the premiſſes, and every parcel thereof, or any parcel thereof lien or been: or any lack of the true naming of the Lands, Tenements, or Hereditaments, or of the natures, kinds, ſorts or quantities of the ſaid poſſeſſions or hereditaments, or any parcel thereof: or any lack of the true naming of the Corporation; or any lack of atturnment, livery and ſeiſin: or any miſnaming of any the late Tenants or Fermors of the ſame ſo ſold, or given notwithſtanding.

Patents of offices.

Provided alwayes, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, ſhall not extend to make any Letters Patents of any Office or Offices, to be of any other effect, force or ſtrength, than the ſame Letters Patents were or ſhould have been before the making of this Act.

What ſhall be paid by the Patentee for the overplus of Lands ſold by the King and Queen.

Provided alwayes, and be it enacted by the authority aforeſaid, That all and ſingular ſuch Patentees, Grantees and Donees, and every of them, which at any time heretofore, ſithence the ſeventh day of July, have obtained and gotten of our ſaid Soveraign Lord and Lady the King and Queen, or any of them, or at any time hereafter during the ſpace of ſeven years, ſhall obtain and get of our ſaid Soveraign Lord and Lady the King and Queen that now be, or of any of them, by way of exchange, or for any ſum or ſums of money, any Letters Patents of any Monaſteries, Abbathies, Priories, Nunneries, or other Eccleſiaſtical poſſeſſions, or of any parcel of them, or any other Manors, Lands, Tenements, or Hereditaments whatſoever, which at the date and making of any the ſame Letters patents ſo made, ſithence the ſeventh day of July, or hereafter to be made during the ſpace of ſeven years, as is aforeſaid, were and ſhall be of better and more yearly value to the King and Queens Highneſſe, or to any of them in yearly rent and ferme than was, is, or ſhall be contained, mentioned or ſpecified in any ſuch Letters Patents, or in the particulars or rate thereof made or to be made by any Auditor or Auditors, Surveyor or Surveyors, or other Officer, that then every ſuch Patentee, Grantee and Donee, their Heirs, Executors, or Aſſigns, and every of them, within one year next after, office and other due proof, order, and decree thereof made and had, or to made and had within the ſpace and term of ten years next after this preſent Parliament in the Court of the Exchequer, ſhall content and pay unto the Queens Majeſty, her Heirs and Succeſſors, for the ſame overplus and more value of the ſame Monaſteries, Abbathies, Priories, Nunneries, Manors, Lands, Tenements, and other Hereditaments whatſoever, with their Appurtenances ſo ſold, given, granted, or exchanged, as is aforeſaid, after the rate of twenty years purchaſe, and according to the yearly value and rate as the ſame Manors, Lands, Tenements, and other Hereditaments whatſoever, were at the time of the making of any ſuch Letters Patents ſo made, or to be made in manner and form aforeſaid. Any thing contained in any ſuch Letters Patents to the contrary in any wiſe notwithſtanding.

Twenty years purchaſe.

Leaſes made whereupon the old rent is not reſerved.

Patents whereunto this Statute doth not extend.

Provided alſo, and be it further enacted by the authority aforeſaid, That this Act, or any proviſion therein contained, ſhall not in any wiſe extend to confirm, ratifie, or make good any Leaſe or Leaſes, made or to be made by our ſaid Soveraign Lord and Lady the King and Queen, or by any of them for the term of life, lives, or for years, whereupon the old and accuſtomed rents or more, be not, or hereafter ſhall not be reſerved, and yearly payable during the time and term of every ſuch Leaſe: Nor that this preſent Act ſhall in any wiſe extend to revive or make good any Letters Patents made of any office or offices to any Comptroller, Cuſtomer, Aulneger, Searcher, ne to any Letters Patents of the grant of any office or offices herefore granted or made by the King and Queens Majeſty, or any of them, which now be, or at any time heretofore have been annihilated, determined, or made void by judgment, by authority of Parliament, or by Decree: nor to any Patent to be made to any perſon or perſons for term of years, or during the minority of any Heir of any Manors, Lands, or Tenements, whereof any traverſe hereafter ſhall be tendred within three moneths after any office found and certified into any of the Kings Courts of Record, ne to make good any Letters patents made by our ſaid Soveraign Lord and Lady, or any of them, or any office or offices to be of any other effect, force or ſtrength, than the ſame Letters patents were or ſhould have been before the making of this Act.

Dyer, f.1

Provided alwayes, and be it enacted by authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any Letters Patents, which at any time heretofore ſithence the beginning of the Queens Majeſties Reign have been made or hereafter ſhall be made by the King and Queens Highneſſe, or by the Queens Majeſty only; to any perſon or perſons of any Manors, Lands, Tenements, Rents, Reverſions, Services, or other Hereditaments, by force of any information, ſuit, or ſuggeſtion made, or to be made to her Highneſſe, that the ſame Manors, Lands, Tenements, or other Hereditaments, ſo contained in any ſuch Letters Patents, were concealed Lands: nor to any Letters Patents heretofore made by our ſaid Soveraign Lord and Lady the King and Queens Majeſties, or any of them, to Ralph Jackſon Clerk, now Maſter of the Hoſpital of the Savoy in the Pariſh of Saint Clements Dacorum, without the Barrs of the new Temple London, and to his Brethren, being perpetual Chaplains of the ſame Hoſpital, and to their Succeſſors, but that the ſame Letters Patents and every of them ſhall ſtand, remain, and be in the ſame force, ſtrength, and effect, as they were before the making of this Act, any thing in this Act mentioned to the contrary notwithſtanding.

Patents of Lands concealed, 21 Jac. 2,

Letters Patents made to the maſter of the Savoy.

And where the Manor of Southwell in the County of Nottingham, and alſo the Scite and Precinct of the Colledge of Southwell in the ſame County, together with divers other Lands, Tenements, and Hereditaments to the ſaid late Colledge lately belonging or appertaining, were conveyed and aſſured by Indenture, Fine, or otherwiſe, by or from John Beaumount Eſquire, unto our late Soveraign Lord King Edward the ſixth, and to his Heirs and Succeſſors, for the diſcharge and ſatisfaction of divers great ſums of money, wherein the ſame John Beamount was indebted to the ſaid late King: Be it enacted and eſtabliſhed by the authority aforeſaid, That the ſaid Conveyance and Aſſurance ſhall be perfect, good, ſufficient and available againſt the ſaid Beaumont and his Heirs, to all intents, conſtructions and purpoſes, according to the purport, tenor, and true meaning of the ſame Conveyances and Aſſurances. Saving to all and every perſon or perſons, and bodies politick and corporate, their Heirs and Succeſſors, and every of them (other than the ſaid John Beaumount, his wife, and his heirs, and all other claiming any Eſtate or Intereſt by or from them or any of them ſithence the ſame Conveyance and Aſſurance) all ſuch Right, Title, Intereſt, Poſſeſſion, Eſtate, Leaſes, Rents, Services, Commons, and all other Profits and Commodities whatſoever, as they or any of them ſhould, or might have had, if this Act had never been had ne made. Any thing therein contained to the contrary notwithſtanding.

A confirmation of the aſſurance of the manor of Southwell.

Confirmation of Letters Patents by ſeveral ſtatutes. viz. ſt. 34 H. 8. 21. 7 Ed. 6. 1 Ed. 6. 1 & 2 P. & M. 1 18 El. 2. 43 El. 1.

CAP. II.

So much of every Statute heretofore made as doth concern only the finding or keeping of Horſe or Armour, and every penalty and forfeiture touching only the ſame, ſhall be repealed: what number, rate, and proportion of Horſes, Armour, and Weapons, each perſon is bound, and chargeable to keep in any reſpect, or for any cauſe, REP. 1 Jac. 25.

CAP. III.

The penalty for a Souldier departing from his Captain without his Licence, and for not appearing at Muſters, &c.

WHere heretofore Commandment hath been given by the King and Queens Majeſties, and other the Progenitors of the Queens Majeſty, Kings of this Realm, to divers and ſundry perſons, to muſter their Majeſties People and Subjects of this their Realm of England, and to levy a number of them for the Service of their Majeſties and of this Realm in their Wars, ſuch as were moſt able and likelieſt to ſerve well in the ſame: which Service hath been greatly hindred, as well for that a great number have abſented them from the ſaid muſters, which ought to have come to the ſame, as alſo for that many of the moſt noble, and likely men for that Service, have been, through friendſhip or reward, releaſed, forborn, and diſcharged of the ſaid Service; and ſome other not being able or meet, taken, appointed, and choſen thereunto, and yet the ſams diſability and unaptneſſe notwithſtanding, the ſame unable and unmeet perſons upon ſums of money, or other kind of rewards or exactions by them paid to ſome ſuch as had the order of the ſaid muſters, have been alſo releaſed and diſcharged of the ſaid ſervice, to the great impoveriſhment of the Subjects, and chiefly to the great peril and danger of this noble Realm, in the hinderance of the true and neceſſary Service thereof.

Several cauſes of hinderance of the ſervice in war.

For remedy whereof, be it enacted by the King and Queen our Soveraign Lord and Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, that ſhall be commanded at any time hereafter, generally or ſpecially, to muſter afore any ſuch as ſhall have authority or commandment for the ſame, by or from the King and Queens Majeſties, or by the heirs or ſucceſſors of the Queens Majeſty, or by any Lieutenant, Warden, or other perſon or perſons authoriſed for the ſame, do willingly abſent him or themſelves from the ſame muſters, having no true and reaſonable excuſe of ſickneſſe, or other lawful impediment: or at their appearance at ſuch muſters do not bring with them ſuch their beſt furniture or array, and armor, as he or they ſhall then have for his or their own perſon in readineſſe, ſhall for every ſuch default and offence, have and ſuffer impriſonment by the ſpace of ten days without bail or mainpriſe, by the commandment of ſuch as ſhall have authority, as is aforeſaid, to take the ſame muſters, unleſſe he or they ſo offending as is aforeſaid, do agree to or with the ſaid Commiſſioners, or two of them, to pay to the uſe of the King and Queen our Soveraign Lord and Lady, or of the Heirs and Succeſſors of the ſame our Soveraign Lady, for every ſuch offence, forty ſhillings for a Fine: which ſaid Fine after agreement for the payment of the ſame as is aforeſaid, ſhall be certified and eſtreated into the Court of the Exchequer at Weſtminſter, by ſuch as ſhall have power to take the ſaid muſters as is aforeſaid, or by two of them, under their Seals, or the Seals of two of them within the ſpace of two Moneths next after ſuch agreement, to pay the ſaid Fine had or made, and the ſame Fine ſo eſtreated, to be levyed in ſuch form as Fines aſſeſſed by the Juſtices

The forfeit of him which abſenteth himſelf from the muſters, or doth not bring his beſt furniture.

of Aſſiſe, or of Gaol-delivery, in their Circuits are uſed to be levied.

The penalty of Muſter-maſters taking reward to diſcharge them.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons which at any time or times hereafter ſhall be commanded or appointed by the King and Queen our Soveraign Lord and Lady, or by the Heirs and Succeſſors of the ſame our Soveraign Lady by their Commiſſion, Letters, or otherwiſe authoriſed, to levy, muſter, or make any man to ſerve in their Wars, or otherwiſe, for the defence of this Realm, do by any mean exact, levy, receive or take, or cauſe to be taken any ſum or ſums of money, or other reward or thing whatſoever, of any perſon or perſons, for Service in the Wars, or that ſhall be appointed, named or muſtered to ſerve in any ſuch Service, or for the ſparing, releaſing or diſcharging of ſuch perſon or perſons from the ſaid Service, that then every ſuch perſon that ſo ſhall in exacting, receiving or taking by any ways or means any ſum or ſums of mony, or other reward, or thing whatſoever as is aforeſaid, ſhall for ſuch offence forfeit ten times ſo much as he ſhall ſo receive, exact, or take.

The penalty of a Captain, licencing his Souldier to depart, or not paying his wages.

Who ſhall have the forfeiture.

And be it further enacted by the authority aforeſaid, That if any Captain, petty-Captain, or other, having charge of men for Service in War, ſhall for any advantage, lucre or gain by him to be taken or received, diſcharge or licence any of the Souldiers, or men appointed to ſerve in the Wars under his Rule or Order, to depart from the ſame Service, or ſhall not pay unto his Souldiers, and to every of them their full and whole wages, conduct and coat money, within ten days next after that ſuch Captain, petty-Captain, or other having charge of men, as is aforeſaid, ſhall have received the ſame: that then the party ſo offending in giving any ſuch licence, or diſcharge, as is aforeſaid, ſhall loſe and forfeit for every ſuch offence, ten times the value of the thing ſo taken or received, and ſhall alſo pay to every Souldier from whom he ſhall ſo with-hold any the ſaid wages, conduct, or coat money, treble the Sum ſo with-holden: the one moyety of all which forfeitures, other than ſuch as before by this Act is limited or given to the Souldier or Souldiers, as is aforeſaid, for their wages, coat or conduct money withdrawen, ſhall be to the King and the Queens Majeſties, and the Heirs and Succeſſors of the Queens Majeſty, and the other moyety thereof to him or them that will ſue for the ſame by action of Debt, Bill, Plaint, Information, or otherwiſe, in any Court of Record: in which Action or Suit, no Eſſoine, Protection, or wager of Law ſhall be allowed.

And be it further enacted by the authority aforeſaid, That all Juſtices of Aſſizes in their Circuits, and all Juſtices of Peace within the limits of their Commiſſion, in their Aſſizes and Seſſions, and Stewards of the Leets, Law-dayes, and liberties, at their Leets and Law-dayes, ſhall and may from time to time enquire, hear and determine every of the ſaid offences committed or done contrary to this Act, within the precincts of their Commiſſion, Leet, or Liberty: and if any perſon or perſons ſhall be, before the ſaid Juſtices of Aſſize, Juſtices of Peace, or any of them, preſented or indited of any the offences aforeſaid, that then the ſaid Juſtices of Aſſize, or Juſtices of Peace, before whom ſuch indictment or preſentment ſhall be taken or had, ſhall and may by the authority of this Act, award ſuch proceſſe againſt every ſuch perſon or perſons indicted, as upon indictments of Treſpaſſe is uſed and accuſtomed to be made; and if any ſuch perſon or perſons ſo indicted, do appear before the ſaid Juſtices, and confeſſe the ſame, or plead to the ſame indictments, and after by verdict of twelve men ſhall be of any the ſaid offences contained in ſuch indictment or indictments convicted, that then the ſaid Juſtices before whom any ſuch conviction ſhall be ſo had, ſhall & may award ſuch perſon and perſons ſo convicted unto Priſon, there to remain without bail or mainpriſe, untill ſuch time as he or they have payed or ſatiſfied the moyety of the forfeiture aforeſaid, unto the King and Queens Majeſties uſe, and the other moyety thereof unto him or them that ſhall come before the ſaid Juſtices, and give evidence againſt the party to be convicted at the time of the ſaid conviction, and by whoſe evidence he ſhall be of the ſaid offence convicted. And if any ſuch conviction ſhall be had without any evidence openly given by any perſon or perſons, that then the party convicted, as is aforeſaid, ſhall remain in Priſon, as is aforeſaid, untill he have ſatiſfied the whole forfeiture to the King and Queens Majeſties uſe.

a Dyer, fol. 183 186. Co. lib. 11 fol. 35.

Offences committed during the time of ſervice.

Provided alwayes, and be it further enacted by the authority aforeſaid, That if any the offences aforeſaid, touching Captains, petty-Captains, or other having charge of men, ſhall be committed during the time that any Army or number of men being under a Lieutenant, ſhall be aſſembled and continue together, or by any Captain, petty-Captain, or other having charge of men that ſhall ſerve under any Lord-Warden or other Chieftain, that then upon complaint thereof, the Lord-Lieutenant, or the Lord-Warden, or other Chieftain during the time of any his or their Commiſſion, ſhall and may hear, order, and determine the offences, by his or their diſcretions.

Service in reſpect of tenure of Land.

Provided alwayes, That this Act, nor any thing therein contained, ſhall not in any wiſe extend to take away or diſcharge any Tenant or Fermor of his Service or Covenant, toward his Lord, for the finding of Horſe, Armour or Weapon, or for doing of Service by himſelf, or by any other, which by the tenure of his Land otherwiſe is bounden to do before the making of this Act; but that he ſhall yield, do, and pay the ſame in as ample manner and form as though this Act had never been had or made.

He that is once convinced, ſhall not be again troubled.

Provided alſo, and be it further enacted by the authority aforeſaid, That if any ſuch Captain, petty-Captain, or other having charge of men, as is aforeſaid, ſhall be at any time hereafter convicted, or ordered by vertue of this Act, for any of his offences aforeſaid, that then the ſame Captain, petty-Captain, or other having charge of men, as is aforeſaid, ſo convicted, ſhall not otherwiſe or eftſoons be vexed, troubled, ſued, or convicted for the ſame offence, whereof he ſhall be ſo before convicted or ordered.

A reviver of the Stat. of 2 & 3 Ed. 6 2.

And where one branch or article contained in the Statute made in the ſecond and third year of the Reign of the late King Edward the ſixth, intituled, An Act touching the true

Service of Captains and Souldiers, whereby the departure of any Souldier, ſerving, as in the ſaid Act is expreſſed, without licence of the Lieutenant, or other Officer or Officers named in the ſaid Act, or in their abſence, of their Deputies, was made felony, is of no force, ſtrength, ne effect, at this preſent, by reaſon of the Act of Repeal of certain Treaſons, Felonies, and Præmunire made in the firſt Seſſions of the Parliament holden at Weſtminſter, in the firſt year of the Queens Majeſties Reign. Be it for good and reaſonable conſiderations enacted and eſtabliſhed by the authority of this preſent Parliament, That the ſaid branch or article, and every ſentence and matter therein contained, be from henceforth wholly revived and recontinued, and be and remain in full ſtrength and effect, to all intents, conſtructions, and purpoſes, the ſaid Act of Repeal notwithſtanding. And that all and every other article, clauſe, proviſo, and matter contained in the ſame Act, ſhall ſtand, remain, and be in their full force, ſtrength, and effect. Any thing in this Act contained to the contrary notwithſtanding.

1 M. 1.

And yet nevertheleſſe where in the ſaid Act it is provided, That no perſon or perſons ſhould be charged for the taking or receiving of any gift or reward of any of his or their Tenants or Friends towards the relief, aid or help of the ſame perſons being commanded to ſerve in Wars, or otherwiſe to find men on Horſeback or on Foot, within this Realm or without, or for the gift, reward, ayd, or help reſerved, or covenanted, to be payed or given to any perſon appointed to ſerve in Warrs, or to find Horſe and Men, to ſerve by reaſon of any Grant, Covenant, Reſervation, Cuſtom or Tenure, any thing in the ſaid Act to the contrary notwithſtanding, as by the ſaid Act and Proviſo more plainly it doth and may appear. Be it enacted by the authority of this preſent Parliament, That no perſon or perſons ſhall or may by colour of the ſaid Proviſo, or of any words or matter therein contained, exact or demand, or levy any ſum or ſums of money, Horſe, Armour, or any other thing, other than ſhall be imployed forthwith in the preſent Service of thoſe Warrs, of the King and Queens Majeſties, her Heirs and Succeſſors, for which it is levied; the which ſum or ſums of Money, Horſe, Armour, or other thing, or as much thereof as ſhall not be ſpent, loſt, or conſumed in the ſaid Service, ſhall be rendred and reſtored to ſuch perſon or perſons as payed or delivered the ſame, upon the penalties and forfeitures contained in the ſaid Act.

What relief of friends or tenants may be taken toward ſervice in war.

Provided alwayes, That no perſon or perſons, inhabiting within any City, Borough, or Town-corporate, being a County of it ſelf, or in which any Juſtices of Peace be, or hereafter ſhall be, by Charter, ſhall be compellable by vertue of this Act, to make his or their appearance with ſuch furniture as is aforeſaid, at any Muſter hereafter to be had or taken out of the Suburbs, Precinct, or Liberties of the ſame City, Borough, or Town, nor before any perſon or perſon authoriſed by Commiſſion, or otherwiſe, as is aforeſaid, unleſſe the Mayor, or other head-Officer of ſuch City, Borough, or Town, and one other diſcreet Inhabitant of of the ſame at the leaſt, be joyned in the ſame Commiſſion, or other authority, as is aforeſaid, with the ſame other perſon or perſons ſo authoriſed, any thing before mentioned to the contrary notwithſtanding.

Inhabitants in Cities, Boroughs, or Towns corporate, ſhall be muſtered only within the ſame.

CAP. IV.

Acceſſaries in pety Treaſon, Felony, Murder, ſhall not have their Clergy.

For the due puniſhment of ſuch as command, counſel, or hire any perſon or perſons, to commit, perpetrate, or do any pety Treaſon, wilful Murder, or any of the offences in this preſent Act mentioned: Be it enacted by the authority of this preſent Parliament, That all and every perſon and perſons, that after the firſt day of March next coming ſhall maliciouſly command, hire, or counſel any perſon or perſons, to commit or do any pety Treaſon, wilful Murder, or to do any [a] robbery in any dwelling Houſe or Houſes, or to commit or do any robbery in or near any High-way in this Realm of England, or in any other the Queens Dominions, or to commit or do any robbery in any place within the Marches of England againſt Scotland, or wilfully to burn any dwelling Houſe, or any part thereof, or any Barn then having Corn or Grain in the ſame, that then every ſuch Offendor or Offendors, and every of them being out-lawed thereof, or being thereof arraigned and found guilty by the order of the Law, or being otherwiſe lawfully attainted or convicted of the ſame offence, or by being arraigned thereof, do ſtand mute of malice or froward mind, or do challenge peremptory above the number of twenty perſons, or will not anſwer directly to ſuch offence, ſhall not have the benefit of his or their Clergy.

None ſhall have his Clergy, which commandeth another to commit robbery, murder, &c. 2 & 3 P. & M. 17.

a Dyer, fol. 183 186. Co. lib. 11, fol. 35.

Provided alwayes, and be it enacted, That every Lord and Lords of the Parliament, and Peer and Peers of this Realm, having place and voyce in the Parliament, upon every Indictment for any of the offences aforeſaid, ſhall be tried by their Peers, as hath been accuſtomed by the Laws of this Realm.

Tryal of a Lord by his Peers.

CAP. V.

How woollen Clothes ſhall be made in length, breadth, and weight, and how the Offenders therein ſhall be puniſhed.

Where, in the Parliament holden at Weſtminſter, in the fifth and ſixth year of the Reign of our late Soveraign Lord King Edward the ſixth, there was, by great deliberation and advice, one good Act made for the true and perfect making of woollen Cloth within this Realm; ſithence the making whereof, divers Clothiers found themſelves agrieved, alledging, That it is unpoſſible for them to obſerve the ſame Act in all points, and have in this preſent Parliament prayed ſome mitigation thereof: It is therefore at their ſpecial inſtance and requeſt ordered, eſtabliſhed, enacted and provided, in manner and form following.

5 & 6 Ed. 6. 6.

Imprimis, That every white Cloth, and Clothes commonly called long Worceſters, and all like Clothes of like making mentioned in the ſaid Act, which by the ſame was limited to weigh lxxxiiii. pounds, being well ſcoured, thicked, milled, and fully dryed, ſhall weigh threeſcore and fifteen pounds at the leaſt.

Long Worceſters.

White clothes of Glouceſter, Wiltſhire, Somerſet.

Item, Every white Cloth which ſhall be made in the Counties of Wiltſhire, Glouceſter, and Somerſet, or any of them, or elſewhere of like making, being appointed by the ſaid Act to weigh lxiiii. pounds, ſhall weigh being well ſcoured, thicked, milled, and fully dryed, lxi. pounds at the leaſt.

The weight of broad clothes.

Item, That every broad Cloth made in the Shires of Kent and Suſſex, or at the Town of Reading, or any of them, or elſewhere of like making mentioned in the ſaid Act, which by the ſame was limited to weigh xc. pounds at the leaſt, ſhall weigh being well ſcoured, thicked, milled, and full dryed lxxxvi. pounds at the leaſt.

Courſe ſhort cloth.

Item, That every courſe ſhort Cloth made in the Shires of Suffolk, Norfolk, and Eſſex, or any of them, or elſewhere of like ſort: and every courſe Cloth to be made within the Shire of Kent, not exceeding the price of ſix pounds; all which by the ſaid Act, are appointed to contain ſeven quarters of a yard at the leaſt in breadth, ſhall contain and be, at the water, being thorow wet, ſix quarters and a half within the liſt thorow and by all the whole Cloth.

Handywarp.

Item, Every yard of Cloth commonly called Handywarp, being well ſcoured, thicked, milled, and fully dryed, ſhall contain the breadth ſpecified in the Act, and ſhall weigh two pounds and a half at the leaſt.

Liſts of Handywarps.

And foraſmuch as many perſons do counterfeit the making of Cokſal, Bocking, and Braintree Clothes, commonly called Handywarps, adding thereunto ſuch like liſts as the Makers of ſuch Clothes do, to the great deceipt of the King and Queens Majeſties Subjects: Be it therefore enacted, That no perſon or perſons from the firſt day of May next coming, ſhall add unto any Cloth or Clothes, any ſuch liſt or liſts, except the warp thereof be ſpun upon the Rock or Diſtaffe, upon pain of forfeiture of the ſame Cloth or Clothes, or the very value thereof. Provided alwayes, That the Cloth-makers within the City of Worceſter may make ſuch Liſts as they have done heretofore.

Broad cloth made in the Weſt riding in Yorkſhire.

Item, That no perſon or perſons inhabiting within the Weſt-riding in the County of York, ſhall make, or cauſe to be made any broad-cloth or clothes, called pewkes, tawnies, violets, or greens, except the wooll thereof before it be converted into yarn, be firſt dyed, litted, and coloured with the colour blew, of the value of ii. d. a pound, upon pain of forfeiture of every ſuch coloured cloth, or the value thereof, whereof the wooll ſhall not be firſt dyed, litted, and coloured with the colour blew, of ii. d. a pound, as is aforeſaid.

Ordinary Kerſie.
Sorting Kerſie.
14 Eliz 10.
3 Jac 16.

Item, That every ordinary Kerſie mentioned in the ſaid Act, ſhall contain in length in the water betwixt xvi. and xvii. yards, yard and inch, and being well ſcoured, thicked, milled, dreſſed, and fully dryed, ſhall weigh xix. pounds the peece at the leaſt. And every Kerſie, called ſorting Kerſie, mentioned in the ſaid Act, being well ſcoured, thicked, milled, dreſſed, and fully dryed, ready to be ſhewed, ſhall weigh xxii. pound at the leaſt.

Devonſhire Kerſie.

Item, That every Devonſhire Kerſie, called Doſſon, the which is appointed by the ſame Statute to weigh, being dry, xiiii. pounds at the leaſt, ſhall weigh being well ſcoured, thicked, milled, and fully dryed, after the rate of every yard, one pound at the leaſt.

Welſh lynings.
5 Ed. 6. 6.

Item, That one article mentioned in the ſaid Statute concerning Welſh Cottons, touching the length and weight, ſhall be clearly void, and every gode of Welſh lyning ſhall contain and be three quarters of a yard in breadth in the water, and ſhall weigh one pound and a half quarter; and every yard of Cotton being fully wrought and cottoned, ſhall weigh one pound at the leaſt.

None that buyeth to ſell again, ſhall work any Welſh lyning.
8 Eliz. 7.

And be it further enacted, That no perſon or perſons, which ſhall buy to ſell again by way of retail, or otherwiſe, any of the Welſh lynings, ſhall dreſſe or work, or cauſe to be dreſſed or wrought within his or their dwelling houſe or houſes, or in any other place by himſelf, or his ſervant or ſervants, any of the ſaid Welſh lynings, but ſhall put the ſame to ſome ſuch perſon or perſons as ſhall be of the Art or Science of Sheremen, Cottoners, or Friſers, to be by them wrought and dreſſed, upon pain of forfeiture of every Welſh Cotton or Lyning, friſed or cottoned to the contrary vi. s. viii. d.

Cottons, Rugs, and Friſes, may be divided into two pieces.

Item, That all and every Cotton or Cottons called Mancheſter, Lancaſhire, and Cheſhire Cottons, and all Clothes called Mancheſter Rugs, or Mancheſter Friſes, may be divided into two half peeces, and ſhall contain and be after the rate of ſuch breadth and weight, as in the ſaid Act is limited and appointed to a whole peece of every of the ſeveral peeces of Cottons and Rugs aforeſaid, any thing in the ſaid former Statute to the contrary in any wiſe notwithſtanding.

Forfeiture for defaults in lengths and meaſures.

And if any Cloth or Kerſie of the ſeveral kinds of makings, mentioned in the ſaid former Act, or this Statute, do exceed the ſeveral lengths mentioned in the ſame, that then every yard ſo exceeding, ſhall weigh after ſuch rate as every yard of ſuch Cloth or kerſies containing the ſaid ſeveral lengths, ſhall or ought to weigh, upon pain of forfeiture for every yard not weighing after ſuch rate, v. s.

And if any ſuch cloth or kerſies ſhall lack of ſuch weight, as by the ſaid Statute or this Act it ought and is appointed to have, then the maker thereof, or other perſon in whoſe hands or poſſeſſion the ſame ſhall be found, ſhall forfeit for every pound lacking above four pounds, v. s. and alſo for every pound exceeding not above four pounds, ii. s. in manner and form as in the ſaid former Act is appointed.

The Aulnegers ſeal.
5 Ed. 6. 6.

Item, One Article mentioned in the ſaid Statute, wherein the Aulneger is prohibited to ſet his Seal to any Cloth or Kerſie which ſhall prove purſie, baudy, ſqually, in or by warp or woofe, or elſe ſhall happen to be evil burled, or waſted in the Mill, or otherwiſe to be full of holes, Millbracks, or to be holely, ſhall be void, and of none effect.

How faulty cloth ſhall be uſed.

Item, It is enacted, That if at any time after the firſt day of May, any Cloth or kerſie, through the default or negligence of the Carders, Spinners, Weavers, or any of them, ſhall, or do prove either purſey, cockely, baudy, ſqually, or rowy, by warpe or woofe, or elſe ſhall happen to be evil burled, or waſted in the Mill, or elſe through the default or negligence of the Millman, or otherwiſe to be full of holes, millbracks, or to be holely, that then the maker of every ſuch Cloth or Kerſie ſo being defective and faulty, as is aforeſaid, ſhall fix unto every end of the ſaid Cloth or Kerſie ſo being defective and faulty, and offered to be ſold, one ſeal of Lead; in the which Seal ſhall be ingraved this word (Faulty) upon pain of forfeiture of ſuch Cloth or Kerſie, or the value thereof, ſo offered to be ſold, whereunto ſuch Seal ſhall not be ſet.

Item, The Article mentioned in the ſaid former Act of returning of defective Clothes, Kerſies, Friſes, or Cottons, being tranſported over the Seas by the Merchants, ſhall be utterly void. But neverthelesſe be it enacted by the authority aforeſaid, That if it ſhall fortune hereafter any Merchant or Merchants, to tranſport any Cloth or Clothes, Kerſies, Friſes, or Cottons, whereunto the Seal with this word (Faulty) was not annexed at the time of the ſale thereof by the Clothier; and the ſame Clothes, Kerſies, Friſes, or Cottons, ſo tranſported, or any of them to be found faulty or defective, and the ſame Merchant or Merchants thereof, within two years after ſuch ſale, to bring a Certificate, ſealed with the Seal of any Town, or Company in the parties beyond the Seas, or ſigned by a Notary there, after the accuſtomed manner, teſtifying and declaring thereby the loſſe and damage which the Merchants ſhall have ſuſtained by ſuch defective and faulty Cloth or Clothes ſo tranſported, that then the Clothier or Clothiers, or other perſon of whom the Cloth or Clothes was bought, their Executors or Adminiſtrators, ſhall within ſix weeks next after requeſt made by the ſaid Merchant, his Executors, Adminiſtrators, or Aſſigns, well and truly ſatiſfie, content, and pay to ſuch Merchant, his Executors or Adminiſtrators, or Aſſigns, all and every ſuch ſum and ſums of money as ſhall be mentioned, expreſſed and declared in the ſaid certificate, upon pain of forfeiture to the party grieved for every non-payment, upon ſuch requeſt, double the value of ſuch ſum or ſums mentioned in the ſaid Certificate.

No defective cloth ſhall be returned, but the Merchant ſhall be recompenced upon a Certificate brought.
Rep. 43 El. 10.

Provided alwayes, That ſuch Merchant ſhall not in any wiſe have, by vertue of this Act, any recompence for lack of length, breadth, or weight, of or for any Cloth, whereunto the Seal of any City, Borough, or Town corporate ſhall be fixed.

Cloth wanting length, &c. whereunto the ſeal of a City, &c. ſhall be affixed.

Item, If any perſon ſhall by himſelf, or by any other perſon by him procured, counterfeit, ſet to, or take away from any Cloth, Kerſie, Friſe, Rug, or Cotton, any Seal appointed to be fixed to any Cloth, Kerſie, Friſe, Rug, or Cotton, either by this Act, or by the ſaid former Eſtatute, that then every ſuch perſon ſo offending, ſhall incur and have like penalties, forfeitures and puniſhments, as in the ſaid former Act is appointed and limited for the like offence.

Counterfeiting ſetting to, or taking away of any ſeal.

And for the better execution, as well of this preſent Act, as of the ſaid former Eſtatute, and to the intent that all kind of Kerſies, Cottons, Friſes, Rugs, and other woollen Cloth, made in any Town ſhall be better known, it is further enacted, That the Seal of every Borough or Town corporate, appointed or to be appointed for the ſealing of any ſuch kind of Cloth, ſhall be fixed to all and every ſuch kind of Cloth, being well and ſubſtantially made within ſuch City, Borough or Town corporate; which Cloth ſo ſealed with the Seal of any City, Borough, or Town corporate, ſhall not be ſearched, tryed, or viewed by any Searcher or Sealer of any other City, Borough, or Town corporate, by vertue of his ſaid Office, any thing in this Act, or in the ſaid former Eſtatute to the contrary notwithſtanding.

The Town Seal ſhall be ſet to clothes.

Item, Be it further enacted by the authority aforeſaid, That every perſon and perſons, not dwelling and inhabiting within any City, Borough, or corporate Town, and making any of the Clothes, or Kerſies aforeſaid, may lawfully bring the ſame to the next City, Borough, or corporate Town, where any ſuch kind of Clothes or Kerſies be, or ſhall be commonly made, there to be ſealed in manner and form as is before expreſſed.

Clothes made out of Towns corporate, ſhall be ſealed in the next Town corporate, &c.

Item, If any Searcher or Sealer, appointed or to be appointed by vertue of this preſent Act, or of the ſaid former Statute, ſhall ſet the Seal of any City, Borough, or Town corporate, to any Cloth, which ſhall not contain ſuch length, weight, and breadth, as in the ſaid former Statute, or in this preſent Act is appointed, that then the Mayor and Commonalty, or Bailiff and Commonalty, or other corporation of the Townſhip, by whatſoever name or names it or they ſhall be incorporate, where ſuch Cloth, Kerſie, Friſe, Cotton, or Rug, ſhall be ſo ſealed, ſhall forfeit and loſe the whole value of the Cloth ſo ſealed.

The forfeiture where a ſealer ſetteth his ſeal to cloth wanting length.

It is alſo enacted by the authority of this preſent Parliament, That the ſaid Searchers or Sealers, and every of them, ſhall have full power and authority, by vertue of this Act, in the day-time to enter into all and every houſe and houſes of every perſon and perſons, where he or they ſhall think meet, to ſearch and to try all and every kind of Clothes, Kerſies, Friſes, and Rugs, as they ſhall find defective, either in length, breadth, or weight, and the ſame to try by water, and weight, and alſo to ſearch and ſeiſe as forfeit all and every Cloth and Clothes made of other colours, than in the ſaid former Act is appointed; Fryers gray, Crane colour, purple, and old medley colours, moſt commonly uſed to be made before twenty years laſt paſt, only excepted.

The ſearchers and ſealers may enter into any mans houſe to ſearch.
St. 21 Jac. 28.

And if any manner of perſon or perſons, at any time after the firſt day of May next coming, ſhall deny, withſtand, or with-hold any Cloth or Clothes, Kerſies, Friſes, Rugs, or any of them from the ſaid Sealers or Searchers, or any of them, or will not ſuffer them to enter into their Shops, Ware-houſes, Houſes or places where their Clothes, Kerſies, Friſes, or Rugs ſhall be, the ſame to be ſearched and tryed, as is aforeſaid, that then every ſuch perſon or perſons ſo denying or withſtanding, for every ſuch withſtanding, with-holding or denial, to forfeit and loſe ten pounds.

The penalty for denying of ſearching or ſealing.

Be it likewiſe further enacted, That it ſhall not be lawful for any of the ſaid Searchers, or Sealers, or any other perſon, to ſearch any manner of Woollen Cloth or Kerſie, whereunto the Seal of a City, Borough, or Town corporate, ſhall be fixed, within the common Cloth-Market of London, commonly called Black-well-Hall; or in any common Cloth-Fair, or Cloth-Market of any other City, Borough, or Town corporate, in and during the time of the Fair or Market: any Act or Statute to the contrary notwithſtanding.

No ſearching in common Markets or Fairs.

A confirmation of the Statute of 5 & 6 Ed. 6. 6.

Be it further Enacted, That all and every article, clauſe and ſentence in the ſaid former Statute made in the fifth and ſixth years of the reign of our ſaid late Soveraign Lord King Edward the ſixth, being not repugnant or contrary to any article, clauſe or ſentence contained in this preſent Act, ſhall ſtand in full force and effect.

Penalties in the former Act, altered in this.

Provided always, That no perſon or perſons ſhall incur the danger, penalty or forfeiture limited and appointed for any offence in the ſaid former Act, the which is already mitigated or otherwiſe appointed by this preſent Act.

Every Cloth marked with M.

And be it further Enacted by the authority aforeſaid, That every Clothier ſhall cauſe every cloth which he ſhall put to ſale, from and after the Feaſt of the Nativity of S. John Baptiſt next coming, to be marked with the letter M. crowned, wrought in the cloth, upon pain to forfeit xx.s. for every cloth, being ſold or put to ſale by any ſuch Clothier after the ſaid Feaſt, not marked with the ſaid letter M. as is aforeſaid.

No coloured cloth ſhall be put to ſale, but theſe within named. REP. 21 Jac. 28.

And moreover be it Enacted by the authority aforeſaid, That no perſon or perſons after the ſaid Feaſt of the Nativity of S. John Baptiſt, ſhall ſet, or put to ſale, within the Realm of England, any coloured cloth of any other colour or colours, than are hereafter in this Act mentioned, that is to ſay, ſcarlet, red, crimſon, morrey, violet, pewke, brown blew, black, green, yellow, blew, orange tawny, ruſſet, marble gray, ſad new colour, azney, watchet, ſheeps colour, Lyon-colour, motley, iron gray, fryers gray, crane colour, purple, and old medley colour, moſt commonly uſed to be made above and before xx. years laſt paſt.

Item, Whereas divers ancient Cities, Boroughs, and Towns corporate within this Realm of England, have been in times paſt well and ſubſtantially inhabited, occupied, maintained and upholden as well by reaſon of making of broad Woollen Clothes, and Kerſies, as alſo by divers other artificers, inhabiting then in the ſaid Towns, at which time alſo the Villages and husband Towns flouriſhed, and husbandry and tillage was well maintained, to the great benefit of the Realm, and all the people therein: foraſmuch as divers years paſt, ſuch perſons as do uſe the feat or myſtery of Cloth-making, not contented to live as artificers, and with the trade wherein they have been brought up, do daily plant themſelves in the Villages and Towns, being no Cities, Boroughs, nor corporate Towns, and there occupying the ſeat and place of a husband man, do not only engroſſe divers fermes and paſtures into their hands, diſpleaſing the husband man, and decaying the ploughs and tillage, but alſo draw with them out of Cities, Boroughs, and Towns corporate, all ſorts of Artificers, whereby not only divers ancient Cities, Boroughs and Towns corporate are utterly decayed, deſtroyed and depopulated, but alſo husbandry and tillage much decayed, to the great hurt, damage and prejudice of this Realm, and the people therein, if ſpeedy remedy be not foreſeen. And foraſmuch alſo as the Weavers and Workmen of Clothiers when they have been trained up in the trade of Cloth-making and Weaving three or four years, do forſake their Maſters, and do become Clothiers and Occupiers for themſelves, without ſtock, skill, or knowledge, to the great ſlander of the true Cloth-making, beſides a great number of inconveniences which do grow to the Common-wealth of this Realm thereby, as daily experience teacheth.

None ſhall make Cloth to ſell, but in a City, Borough, and where it hath been uſed to be made. Stat 25 H. 8. 18. 1 El. 14. 18 El. 1. 27 El. 23. 1 M. 7. REP. 21 Jac. 28.

Be it therefore ordained and enacted by the authority of this preſent Parliament, That from and after the firſt day of May next coming, no perſon or perſons whatſoever ſhall uſe or exerciſe the feat or myſtery of making, weaving or rowing of Woollen cloth, long or ſhort, or Kerſies, pinned whites, or plain ſtreits, to the intent to put the ſame to ſale, but only in a market Town, where cloth hath commonly been uſed to be made by the ſpace of ten years laſt paſt, or in a City, Borough or Town corporate, upon pain of forfeiture for every ſuch Woollen Cloth or Kerſie made, woven or rowed out of ſuch City, Borough, Town corporate or Market Town, v. li.

Who onely may weave cloth to be ſold.

And it is further enacted, That from and after the firſt day of May, no perſon whatſoever, [a] ſhall weave or make, or put to Weaving or making any Woollen clothes or kerſies laſt rehearſed, to be ſold, unleſſe ſuch perſon ſhall have been Apprentice to the occupation of making, weaving and rowing of Cloth or Kerſies, or have been exerciſed therein by the ſpace of ſeven years before, upon pain of forfeiture of ſuch Cloth, or the value thereof.

[a] Coke l fol. 19.

Who ſhall have the forfeitures.

And be it further Enacted by the authority aforeſaid, That all and every pains, penalties and forfeitures to be due by force of this Statute, or of the ſaid former Act, being not otherwiſe appointed, ſhall be divided equally into two parts, whereof the one ſhall be to the Queens Highneſſe, her Heirs and Succeſſors, and the other unto him that will ſeize (in caſes where ſeizure is limited or appointed), or elſe to him or them that will ſue for the ſame pains, penalties and forfeitures, or any of them, by action, bill, plaint, information, or otherwiſe, in any Court of Record: wherein no eſſoine, protection, wager of Law, or injunction ſhall be admitted, allowed or obeyed.

Provided alwayes, That it ſhall be lawful to any perſon now uſing or exerciſing the feat or myſtery of making, weaving, or rowing of cloth or Kerſie, to inhabit and dwell where he now doth, and there to uſe the making, weaving, or rowing of cloth or Kerſie, as he hath done heretofore: Any thing in this Act to the contrary notwithſtanding.

Who may make Cloth out of a Market Town.

Provided alwayes, That it ſhall be lawful to all and every perſon or perſons which now do, or hereafter ſhall inhabit or dwell in any of the Shires of Northwales, or Southwales, Cheſhire, Lancaſhire, Weſtmerland, Cumberland, Northumberland, Biſhoprick of Durham, Cornwall, Suffolk, Kent, the Town of Goddelmine in the County of Surry or Yorkſhire, being not within twelve miles of the City of York or in any the Towns or Villages near adjoyning to the Water of Stroud in the County of Glouceſter, where cloths have been uſually made by the ſpace of twenty years laſt paſt, and having been prentice to the occupation of cloth-making, or exerciſed in the ſame by the ſpace of Seven years, to ſet up, uſe and exerciſe the feat or myſtery of making, weaving, or rowing of cloth out of a City, Borough, or Market Town, as heretofore they might have done: any thing in this Act to the contrary notwithſtanding.

Provided alſo, That it ſhall be lawful to any perſon, now uſing or exerciſing, or that hath uſed or exerciſed the feat or miſtery of cloth making, the ſame to continue, uſe and exerciſe, although he hath not been thereunto apprentice, or have exerciſed the ſame by the ſpace of ſeven years: any thing in this Act to the contrary notwithſtanding.

Uſing the making of cloth at the time of the Statute.

Provided alwayes, and be it alſo further enacted by the authority aforeſaid, That it ſhall be lawful to every perſon and perſons, to ſell and put to ſale by retail or otherwiſe, all and every ſuch coloured cloth and cloths as he or they now have, as freely as he or they may lawfully ſell any cloths of the colours in this preſent Act allowed to be ſold, until the Feaſt of Saint Michael the Archangel next enſuing. This Act or the ſaid former Statute, in any wiſe notwithſtanding. Stat. 27 Eliz. 17.

The coloured clothes which any perſon had at the time of this ſtatute, might be ſold.

CAP. VI.

Every perſon born under the Dominion of the French King, not being Denizen (other than ſuch as the King and Queen will licence to remain) ſhall depart this Realm, and not return during the Wars between the French King, and the King and Queen. The King and Queen during the Queens life may upon any miſdemeanour proved, repeale by Proclamation any Letters Patents made to any Frenchmen to be free Denizens, ſithence, Anno 32 H. 8. And then the Queen ſhall have the ſaid Denizens land during his life, but his heir ſhall enjoy it after his death. EXP.

CAP. VII.

A Tales de Circumſtantibus ſhall be granted upon requeſt in a ſuit commenced upon any penal Statutes.

Where in the Parliament holden at Weſtminſter the fourteenth day of January, in the five and thirtieth year of the reign of the noble and victorious Prince King Henry the eighth, late King of England, among other things, it was enacted and eſtabliſhed, for the ſpeedy triall of Iſſues joyned between party and party, in any of the Kings Courts of Record holden at Weſtminſter, to be tryed by the verdict of twelve men, before the Juſtices of Aſſiſe, or Niſi Prius, that in every Writ of Habeas Corpora a Diſtringas with a Niſi Prius, delivered of the Record to the Sheriff or other Miniſter or Miniſters to whom the making of the return ſhall appertain, where a full Jury ſhall not appear before the Juſtices of Aſſiſe or Niſi Prius, or elſewhere after appearance of a full Jury, by challenge of any of the parties, the Jury is like to remain untaken for default of the Jurors, that then the ſame Juſtices upon requeſt made by the parties plaintiff or demandant, ſhall have authority by vertue of the ſaid Act, to command the Sheriff or other Miniſter or Miniſters to whom the making of the ſaid return ſhall appertain, to name and appoint as often as need ſhall require, ſo many of ſuch other able perſons of the ſaid County, then preſent at the ſaid Aſſiſes or Niſi Prius, as ſhall make up a full Jury; which perſons ſo to be named, and empannelled by ſuch Sheriff or other Miniſter or Miniſters, ſhall be added to the former pannel, and their names annexed to the ſame, as by the ſaid Act more at large appeareth: which Statute was made to endure till the end of the next Parliament, and after was and is from time to time continued, and doth now remain, ſtand and be in effect: which Act doth not extend to any Jury empanneled to try an Iſſue joyned between the King and the party or between ſuch as purſue any matter for the King and themſelves.

By the ſtatute of 35 H. 8. 6. A Tales de circumſtantibus may be granted in any tryal between party and party.

2 Ed. 6. 32.

Be it therefore enacted, ordained, and eſtabliſhed by the King and Queens Majeſties, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of June next coming, the Juſtices of Aſſiſe and Niſi Prius, before whom any tryal ſhall be made, by vertue of any Writ of Habeas corpora, or Diſtringas, with a Niſi Prius, where a full Jury ſhall not appear, or after appearance of a full Jury, by challenge the Jury is like to remain untaken for default of Jurors ſhall have authority by vertue of this Act upon requeſt made for the King and Queen, her heirs or ſucceſſors, by any authoriſed thereunto, or aſſigned by the Juſtices of the Court before whom the ſaid enqueſt ſhall be taken, or upon requeſt to be made by the party that followeth as well for the King and Queen, her heirs and ſucceſſors, as for himſelf upon any penal Statute, or his or their Atturney, to command the Sheriff, or other Miniſter or Miniſters, to whom the making of the ſaid return ſhall appertain, to name and appoint, as often as need ſhall require, ſo many of ſuch other able perſons of the ſaid County, then preſent at the ſaid Aſſiſes, or Niſi Prius, and to adde and annex the names to the former pannel, as ſhall make up a full Jury of twelve men for the tryal of every ſuch Iſſue.

A Tales de circumſtantibus may be granted in a ſuit commenced upon a penal ſtatute.

And that all and every clauſe, ſentence, article, proviſo compriſed in the ſaid former Act, ſhall be taken, interpreted and expounded, to give the like and the ſame advantage and commodity to the King and Queens Majeſties, her heirs and ſucceſſors, and all ſuch perſon and perſons as ſhall purſue any action, bill, plaint, or information for the King and Queens Majeſties, her heirs and ſucceſſors only, or for them and the party, as the party Plaintiff in any other action ſhould or might have by vertue of the ſaid Act, in ſuch form and condition, to all intents and purpoſes, as if ſuch actions or ſuits for the King had been ſpecially and particularly mentioned and declared in the ſaid Act.

CAP. VIII.

Puniſhment of ſuch as take away Maidens, &c. within ſixteen years of age, &c.

Cro. Car. 565.

Where Maidens and women children of Noblemen, Gentlemen, and others, as well ſuch as be Heirs apparent to their Anceſtours, as others, having left unto them by their Father, or other Anceſtor and friends, Lands, Tenements, and Hereditaments, or other great ſubſtances in goods and chattels moveable, for and to the intent to advance them in marriage, ſomewhat like according to their degrees, and as might be moſt for their ſurety and comfort, as well for themſelves as of all other their friends or kinsfolks, be oftentimes, unawares to their ſaid friends and kinsfolks by flattery, trifling gifts, and fair promiſes, of many unthrifty and light perſonages, and thereto by the intreaty of perſons of lewd demeanour, and others that for rewards buy and ſell the ſaid maidens and children ſecretly allured and won to contract matrimony with the ſaid unthrifty and light perſonages, and thereupon either with ſleight or force, often times be taken and conveyed away from their ſaid Parents, friends or kinsfolks, to the high diſpleaſure of Almighty God, diſparagement of the ſaid children, and extream continual heavineſſe of all their friends: which ungodly dealing, for lack of wholſome Laws to the redreſſe thereof, remaineth a great, familiar, and common miſchief in this our Common-wealth.

None ſhall convey away a maid under ſixteen years of age, without her parents aſſent.

For remedy whereof, be it enacted by the King and Queens Majeſties, the Lords ſpiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall not be lawful to any perſon or perſons, to take or convey away, or cauſe to be taken or conveyed away any maid or woman child unmarried, being within the age of ſixteen years, out of, or from the poſſeſſion, cuſtody or governance, and againſt the will of the father of ſuch maid or woman child, or of ſuch perſon or perſons to whom the father of ſuch maid or woman child, by his laſt Will and Teſtament, or by any other act in his life-time hath, or ſhall appoint, aſſign, bequeath, give or grant the order, keeping, education, or governance of ſuch maid or woman child, except ſuch taking and conveying away, as ſhall be had, made or done, by or for ſuch perſon or perſons, as without fraud, or covin, be or then ſhall be the maſter or miſtreſſe of ſuch maid or woman child, or the gardian in Socage or gardian in Chivalry, of or to ſuch maid or woman child.

The penalty for taking a maid under ſixteen years of age.

And be it further enacted by the authority aforeſaid, that if any perſon or perſons above the age of fourteen years, ſhall from and after the firſt day of April next coming, unlawfully take or convey, or cauſe to be taken or conveyed, any maid or woman child unmaried, being within the age of ſixteen years, out of, or from the poſſeſſion, and againſt the will of the father or mother of ſuch child, or out of, or from the poſſeſſion, and againſt the will of ſuch perſon and perſons, as then ſhall happen to have by any lawful wayes or means, the order, education, or governance of any ſuch maiden or woman child, that then every ſuch perſon and perſons (ſo offending) being thereof lawfully attainted and convicted by the order and due courſe of the Laws of this Realm (other than ſuch of whom ſuch perſon taken away ſhall hold any Lands or Tenements by Knights-ſervice) ſhall have and ſuffer impriſonment of his and their bodies by the ſpace of two whole years without bail or main-priſe, or elſe ſhall pay ſuch fine for his or their ſaid offence, as ſhall be aſſeſſed by the Councel of the Queens Highneſſe, her heirs and ſucceſſors, in the Star-Chamber at Weſtminſter.

The penalty for taking away, deflowring, or contracting Matrimony with a woman under xvi. years of age.

Co. lib. fo. 37.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid day, ſhall ſo take away or cauſe to be taken away, as is aforeſaid, and deflowr any ſuch maid or woman child, as is aforeſaid, or ſhall againſt the will, unknowing of, or to the father of any ſuch maid or woman child, if the father be in life, or againſt the will or unknowing of or to the mother of any ſuch maid or woman child (having the cuſtody or governance of ſuch child if the father be dead) by ſecret Letters, Meſſages, or otherwiſe, contract matrimony with any ſuch maiden or woman child, except ſuch contracts of matrimony as ſhall be made by the conſent of ſuch perſon or perſons as by the title of Wardſhip ſhall then have, or be intituled to have the marriage of ſuch maid or woman child, that then every ſuch perſon or perſons ſo offending, being thereof lawfully convicted, as is aforeſaid, ſhall ſuffer impriſonment of his or their bodies by the ſpace of five years without bail or mainpriſe, or elſe ſhall pay ſuch fine for his or their ſaid offence, as ſhall be aſſeſſed by the ſaid councel in the ſaid Star-Chamber. The one moiety of all which fines ſhall be to the King and Queens Majeſties, her Heirs and Succeſſors: the other moiety to the parties grieved.

Who may hear and determine the offences aforeſaid.

And be it further enacted by the ſaid authority, That the King and Queens Highneſſe honourable Councel of the Star-Chamber by bill of complaint or information, and Juſtices of Aſſiſe by inquiſition or indictment, ſhall have authority by vertue of this Act, to hear and determine the ſaid offences, upon every which indictment and inquiſitions, ſuch proceſſe ſhall be awarded and lye, as upon an indictment of treſpaſſe at the Common-Law.

The forfeiture of a woman conſenting to an unlawful contract.

And further be it enacted by the authority aforeſaid, That if any Woman-child, or maiden, being above the age of twelve years, and under the age of ſixteen years, do at any time conſent or agree to ſuch perſon that ſo ſhall make any contract of matrimony, contrary to the form and effect of this Statute, that then the next of the kin of the ſame Woman-child or maid, to whom the inheritance ſhould deſcend, return, or come after the deceaſe of the ſame Woman-child and maid ſhall from the time of ſuch aſſent and agreement, have, hold, and enjoy all ſuch lands, tenements, and hereditaments, as the ſame woman-child and maiden had in poſſeſſion, reverſion, or remainder, at the time of ſuch aſſent and agrement, during the life of ſuch perſon that ſhall ſo contract matrimony. And after the deceaſe of ſuch perſon ſo contracting matrimony, that then the ſaid Lands, Tenements, and Hereditaments, ſhall deſcend, revert, remain, and come to ſuch perſon or perſons as they ſhould have done in caſe this Act had never been had ne made, other than to him only that ſo ſhall contract matrimony.

Orders for Orphanes.

Provided alwayes, and be it enacted That this Act nor any thing therein contained, ſhall extend to take away or diminiſh any Liberty, Cuſtom, or Authority touching or concerning any Orphane, or Orphanes, which now be or hereafter ſhall be within the City of London or any other City, Borough, or Town where Orphanes are commonly uſed to be provided for, either by grant, or by cuſtome: but that the Lord Mayor of the ſaid City of London, and the Aldermen of the ſame for the time being, and all and every other head-Officers of any other City, Borough, or Town where ſuch Orphanes be provided for, ſhall and may have and take like rule, order, keeping and charge of ſuch Orphane and Orphanes, and of all their Lands, Tenements, Goods, and Chattels, as heretofore they, or any of them lawfully had or uſed, or lawfully might have had and uſed, if this Act had not been made.

CAP. IX.

The Statutes made Anno 22 Hen. 8. 7. Anno 23 Hen. 8. 3. & 17. Anno 24 H. 8. 9. Anno 28 H. 8. 6. 8. 9. Anno 31 H. 8. 7. Anno 35 H. 8. 17. Anno 37 H. 8. 23. Anno 2 & 3 Ed. 6. 9. Anno 3 & 4 Ed. 6. 19. & 21. Anno 5 & 6 Ed. 6. 14. Anno 7 Ed. 6. 11. Anno 1 Mar. 12. & 13. Anno 1 & 2 Phil. & Mar. 3. & 16. Anno 2 & 3 Phil. & Mar. 2. 3. 5. ſhall be revived, and made to continue until the laſt day of the next Parliament. EXP.

CAP. X.

A confirmation of a Subſidy of eight ſhillings in the pound, granted by the Clergy to the King and Queen; to be paid in four years. EXP.

Anno primo Reginæ Elizabethæ.

AT the Parliament begun at Weſtminſter, the three and twentieth day of January, in the firſt year of the Reign of our Soveraign Lady Elizabeth, by the Grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c. And there prorogued till the five and twentieth of the ſame moneth, and then and there holden, kept, and continued untill the diſſolution of the ſame, being the eighth day of May then next enſuing, were enacted as followeth.

Vide Dyer, fol. 203. que ceſt Parliament commence le 25. jour.

CAP. I.

All ancient Juriſdictions reſtored to the Crown. A repeal of divers Statutes, and revivor of others; and all Foreign Power aboliſhed.

MOſt humbly beſeech your moſt excellent Majeſty, your faithful and obedient Subjects, the Lords Spiritual and Temporal, and the Commons in this your preſent Parliament aſſembled, That where in time of the reign of your moſt dear Father of worthy memory King Henry the eighth, divers good Laws and Statutes were made and eſtabliſhed, as well for the utter extinguiſhment and putting away of all uſurped and foreign Powers and Authorities out of this your Realm, and other your Highneſſe Dominions and Countries, as alſo for the reſtoring and uniting to the Imperial Crown of this Realm, the ancient Juriſdictions, Authorites, Superiorities and Preheminencies to the ſame of right belonging and appertaining, by reaſon whereof, we your moſt humble and obedient Subjects, from the five and twentieth year of the reign of your ſaid dear Father, were continually kept in good order, and were diſburdened of divers great and intolerable charges and exactions, before that time unlawfully taken, and exacted by ſuch foreign Power and Authority as before that was uſurped, until ſuchtime as all the ſaid good Laws and Statutes by one Act of Parliament, made in the firſt and ſecond years of the reigns of the late King Philip, and Queen Mary, your Highneſſe ſiſter, intituled, An Act repealing all Statutes, Articles, and proviſions made againſt the See Apoſtolick of Rome, ſince the twentieth year of King Henry the eighth, and alſo for the eſtabliſhment of all Spiritual and Eccleſiaſtical poſſeſſions and hereditaments conveyed to the Laity, were all clearly repealed and made void, as by the ſame Act of repeal more at large doth and may appear. By reaſon of which Act of repeal, your ſaid humble Subjects were eftſoones brought under an uſurped foreign Power and Authority, and yet do remain in that bondage, to the intolerable charges of your loving Subjects, if ſome redreſſe (by authority of this your High Court of Parliament, with the aſſent of your Highneſſe) be not had and provided:

Great exactions were taken by foreign power before the xxv. year of King H. 8. of the Inhabitants of this Realm.

1 & 2 P. & M. 8.

May it therefore pleaſe your Highneſſe, for the repreſſing of the ſaid uſurped foreign Power, and the reſtoring of the Rites, Juriſdictions and Preheminences appertaining to the Imperial Crown of this your Realm, that it may be enacted by authority of this preſent Parliament, That the ſaid Act made in the firſt and ſecond years of the reign of the ſaid late King Philip and Queen Mary, and all and every branches, clauſes and articles therein contained (other than ſuch branches, clauſes, and ſentences, as hereafter ſhall be excepted) may from the laſt day of this Seſſion of Parliament, by authority of this preſent Parliament, be repealed, and ſhall from thenceforth be utterly void and of none effect.

A repeal of the Statute of 1 & 2 P. & M. 8.

And that alſo for the reviving of divers of the ſaid good Laws and Statutes made in the time of your ſaid dear Father, it may alſo pleaſe your Highneſſe, That one Act and Statute made in the three and twentieth year of the reign of the ſaid late King Henry the eighth, intituled An Act, that no perſon ſhall be cited out of the Dioceſſe where he or ſhe dwelleth, except in certain caſes.

A reviver of the Statutes hereafter ſpecified, viz. 23 H. 8. 9.

And one other Act made in the four and twentieth year of the reign of the ſaid late King, intituled, An Act, That appeals in ſuch caſes as hath been uſed to be purſued to the See of Rome, ſhall not be from henceforth had ne uſed, but within this Realm.

24 Hen. 8. 12.

And one other Act made the five and twentieth year of the ſaid late King, concerning reſtraint of payment of Annates, and firſt fruits of Archbiſhopricks, and Biſhopricks to the See of Rome.

25 H. 8. not printed.

And one other Act in the ſaid five and twentieth year, intituled, An Act concerning the ſubmiſſion of the Clergy to the Kings Majeſty.

25 H. 8. 19.

And alſo one Act made in the five and twentieth year, intituled, An Act reſtraining the payment of Annates, or firſt Fruits to the Biſhop of Rome, and of the electing and conſecrating of Archbiſhops and Biſhops within this Realm.

And one other Act made in the ſaid five and twentieth year, intituled, An Act concerning the exoneration of the Kings Subjects from exactions and impoſitions heretofore paid to the See of Rome, and for having Licences and Diſpenſations within this Realm, without ſuing further for the ſame.

25 H. 8. 21.

26 H. 8. 14.

And one other Act made in the ſix and twentieth year of the ſaid late King, entituled, An Act for nomination and conſecration of Suffragans within this Realm.

28 H. 8. 16.

And alſo one other Act made in the eight and twentieth year of the reign of the ſaid late King, entituled, An Act for the releaſe of ſuch as have obtained pretended licences and diſpenſations from the See of Rome, and all and every branches, words and ſentences in the ſaid ſeveral Acts and Statutes contained, by authority of this preſent Parliament, from and at all times after the laſt day of this Seſſion of Parliament, ſhall be revived, and ſhall ſtand and be in full force and ſtrength, to all intents, conſtructions and purpoſes. And that the branches, ſentences and words of the ſaid ſeveral Acts, and every of them, from thenceforth ſhall and may be judged, deemed and taken to extend to your Highneſſe, your Heirs and Succeſſors, as fully and largely as ever the ſame Acts or any of them did extend to the late King Henry the eighth, your Highneſſe Father.

The ſentences and branches in the ſaid ſeveral Statutes ſhall extend to the Queen.

32 H. 8. 38.

2 Ed. 6. 23.

And that it may alſo pleaſe your Highneſſe, that it may be Enacted by the authority of this preſent Parliament, That ſo much of one Act or Statute made in the two and thirtieth year of the reign of your ſaid dear Father king Henry the eighth, entituled, An Act concerning precontracts of marriages, and touching degrees of conſanguinity, as in the time of the late King Edward the ſixth, your Highneſſe moſt dear brother, by one other Act or Statute, was not repealed.

37 H. 8. 17.

And alſo one Act made in the ſeven and thirtieth year of the reign of the ſaid late king Henry the eighth, entituled, An Act that Doctors of the Civil Law being married, may exerciſe Eccleſiaſtical juriſdiction, and all and every branches and articles in the ſaid two Acts laſt mentioned, and not repealed in the time of the ſaid late king Edward the ſixth, may from henceforth likewiſe ſtand and be revived, and remain in their full force and ſtrength, to all intents and purpoſes: any thing contained in the ſaid Act of repeal before mentioned, or any other matter or cauſe to the contrary notwithſtanding.

What ſtat. repealed by the ſtat. of 1 & 2 P. & M. 8. ſhall continue repealed.

And that it may alſo pleaſe your Highneſſe, that it may be further Enacted by the authority aforeſaid, That all other Laws and Statutes, and the branches and clauſes of any Act or Statute repealed, and made void by the ſaid Act of Repeal, made in the time of the ſaid late king Philip and Queen Mary, and not in this Act ſpecially mentioned and revived, ſhall ſtand, remain, and be repealed and void, in ſuch like manner and form, as they were before the making of this Act, any thing herein contained to the contrary notwithſtanding.

A reviver of the ſtatute of 1 Ed. 6. 1.

And that it may alſo pleaſe your Highneſſe, that it may be Enacted by the authority aforeſaid, That one Act and Statute made in the firſt year of the reign of the late King Edward the ſixth, your Majeſties moſt dear Brother, entituled, An Act againſt ſuch perſons as ſhall unreverently ſpeak againſt the Sacrament of the Body and Blood of Chriſt, commonly called, the Sacrament of the Altar, and for the receiving thereof under both kinds, and all and every branches, clauſes and ſentences therein contained, ſhall and may likewiſe from the laſt day of this Seſſion of Parliament, be revived, and from thenceforth ſhall and may ſtand, remain, and be in full force, ſtrength and effect, to all intents, conſtructions and purpoſes, in ſuch like manner and form, as the ſame was at any time in the firſt year of the reign of the ſaid late King Edward the ſixth, any Law, Statute, or other matter to the contrary in any wiſe notwithſtanding.

A repeal of the Statute of 1 & 2 P. & M. 6.
5 R. 2. 5.]
2 H. 4. 15.
2 H. . 7.

And that alſo it may pleaſe your Highneſſe, that it may be further eſtabliſhed and enacted by the authority aforeſaid, That one Act and Statute made in the firſt and ſecond years of the late king Philip and Queen Mary, entituled, An Act for the reviving of three Statutes, made for the puniſhment of hereſies; and alſo the ſaid three Statutes mentioned in the ſaid Act, and by the ſame Act revived, and all and every branches, articles, clauſes and ſentences contained in the ſaid ſeveral Acts and Statutes, and every of them, ſhall be from the laſt day of this Seſſion of Parliament, deemed and remain utterly repealed, void, and of none effect, to all intents and purpoſes: any thing in the ſaid ſeveral Acts, or any of them contained, or any other matter or cauſe to the contrary notwithſtanding.

The aboliſhing of forein authority.

And to the intent that all uſurped and forein power and authority, Spiritual and Temporal, may for ever be clearly extinguiſhed, and never to be uſed or obeyed within this Realm, or any other your Majeſties Dominions or Countries: may it pleaſe your Highneſſe, that it may be further Enacted by the authority aforeſaid, That no forein Prince, Perſon, Prelate, State, or Potentate, Spiritual or Temporal, ſhall at any time after the laſt day of this Seſſion of Parliament, uſe, enjoy or exerciſe any manner of power, juriſdiction, ſuperiority, authority preheminence or priviledg, Spiritual or Eccleſiaſtical, within this Realm, or within any other your Majeſties Dominions or Countries that now be, or hereafter ſhall be, but from thenceforth the ſame ſhall be clearly aboliſhed out of this Realm, and all other your Highneſſe Dominions for ever: any Statute, Ordinance, Cuſtom, Conſtitutions, or any other matter or cauſe whatſoever to the contrary in any wiſe notwithſtanding.

Cok. pla fol. 465, 487.

And that alſo it may likewiſe pleaſe your Highneſſe, that it may be eſtabliſhed and enacted by the authority aforeſaid, That ſuch juriſdictions, priviledges, ſuperiorities and preheminencies Spiritual and Eccleſiaſtical, as by any Spiritual or Eccleſiaſtical power or authority, hath heretofore been, or may lawfully be exerciſed or uſed, for the viſitation of the Eccleſiaſtical ſtate and perſons, and for reformation, order, and correction of the ſame, and of all manner of errors, hereſies, ſchiſms, abuſes, offences, contempts and enormities, ſhall for ever by authority of this preſent Parliament be united and annexed to the Imperial Crown of this Realm.

Eccleſiaſtical juriſdiction annexed to the Crown.

And that your Highneſſe, your heirs and ſucceſſors, Kings or Queens of this Realm, ſhall have full power and authority by vertue of this Act, by Letters Patents under the great Seal of England, to aſſign, name and authorize, when and as often as your Highneſſe, your heirs or ſucceſſors ſhall think meet and convenient, and for ſuch and ſo long time as ſhall pleaſe your Highneſſe, your heirs or ſucceſſors, ſuch perſon or perſons being natural born

Subjects to your Highneſſe, your heirs or ſucceſſors, as your Majeſty, your heirs or ſucceſſors ſhall think meet, to exerciſe, uſe, occupy and execute, under your Highneſſe, your heirs and ſucceſſors, all manner of juriſdictions, priviledges and preheminencies, in any wiſe touching or concerning any Spiritual or Eccleſiaſtical juriſdiction, within theſe your Realms of England and Ireland, or any other your Highneſſe Dominions and Countries. And to viſit, reform, redreſſe, order, correct and amend all ſuch errors, hereſies, ſchiſms, abuſes, offences, contempts and enormities whatſoever, which by any manner of Spiritual or Eccleſiaſtical power, authority or juriſdiction, can or may lawfully be reformed, ordered, redreſſed, corrected, reſtrained or amended, to the pleaſure of Almighty God, the encreaſe of vertue, and the conſervation of the peace and unity of this Realm: and that ſuch perſon or perſons ſo to be named, aſſigned, authorized and appointed by your Highneſſe, your heirs or ſucceſſors, after the ſaid Letters Patents to him or them made and delivered, as is aforeſaid, ſhall have full power and authority by vertue of this Act, and of the ſaid Letters Patents, under your Highneſſe, your heirs and ſucceſſors, to exerciſe, uſe and execute all the premiſſes, according to the tenour and effect of the ſaid Letters Patents: any matter or cauſe to the contrary in any wiſe notwithſtanding.

The Queen may aſſign Commiſſioners to exerciſe Eccleſiaſtical juriſdiction. Rep. St. 17 Car. 1. Cap. 2.

Inſt. art.324. lib.12, Car.

And for the better obſervation and maintenance of this Act, may it pleaſe your Highneſſe, that it may be further Enacted by the authority aforeſaid, That all and every Archbiſhop, Biſhop, and all and every other Eccleſiaſtical perſon, and other Eccleſiaſtical officer and miniſter, of what eſtate, dignity, preheminence or degree ſoever he or they be, or ſhall be, and all and every temporal Judge, Juſtice, Mayor, and other Lay or Temporal officer and miniſter, and every other perſon having your Highneſſe fees or wages, within this Realm, or any your Highneſſe Dominions, ſhall make, take and receive a corporal Oath upon the Evangeliſt, before ſuch perſon or perſons as ſhall pleaſe your Highneſſe, your Heirs or Succeſſors, under the great Seal of England, to aſſign and name, to accept and to take the ſame according to the tenour and effect hereafter following: that is to ſay,

Who are compellable to take the Oath. Eccleſiaſtical perſons and offices. Judge. Juſtice. Mayor. Temporal officer. He that hath the Queens Fee.

I *A. B.* do utterly teſtifie and declare in my conſcience, That the Queens Highneſſe is the only Supream Governour of this Realm, and of all other her Highneſs Dominions and Countries, as well in all Spiritual or Eccleſiaſtical things or cauſes, as Temporal; and that no forraign Prince, Perſon, Prelate, State or Potentate, hath or ought to have any juriſdiction, power, ſuperiority, preheminence, or authority, Eccleſiaſtical or Spiritual within this Realm, and therefore I do utterly renounce and forſake all forrain juriſdictions, powers, ſuperiorities, and authorities, and do promiſe, that from henceforth I ſhall bear faith and true allegiance to the Queens Highneſſe, her heirs and lawful ſucceſſors, and to my power ſhall aſſiſt and defend all juriſdictions, priviledges, preheminences and authorities, granted or belonging to the Queens Highneſſe, her heirs and ſucceſſors, or united and annexed to the Imperial Crown of this Realm. So help me God, and by the contents of this Book.

The Oath for the Queens Supremacy. 5 El. 1.

yer fol. 4.

And that it may alſo be Enacted, That if any ſuch Archbiſhop, Biſhop or other Eccleſiaſtical Officer or Miniſter, or any of the ſaid Temporal Judges, Juſticiaries, or other Lay Officer or Miniſter ſhall peremptorily or obſtinately refuſe to take or receive the ſaid Oath, that then he ſo refuſing, ſhall forfeit and loſe only during his life, all and every Eccleſiaſtical and Spiritual Promotion, Benefice and Office, and every Temporal and Lay Promotion and Office, which he hath ſolely at the time of ſuch refuſal made: and that the whole title, intereſt, and Incumbency, in every ſuch promotion, Benefice and other Office, as againſt ſuch perſon onely ſo refuſing, during his life, ſhall clearly ceaſe and be void, as though the party ſo refuſing were dead.

The penalty for refuſing the oath.

And that alſo all and every ſuch perſon and perſons, ſo refuſing to take the ſaid oath, ſhall immediately after ſuch refuſal, be from thenceforth during his life, diſabled to retain or exerciſe any office or other promotion, which he at the time of ſuch refuſal hath joyntly, or in common with any other perſon or perſons.

And that all and every perſon and perſons, that at any time hereafter ſhall be preferred, promoted or collated to any Archbiſhoprick or Biſhoprick, or to any other Spiritual or Eccleſiaſticall Benefice, Promotion, Dignity, or Office, or Miniſtery; or that ſhall be by your Highneſſe, your heirs or ſucceſſors, preferred or promoted to any temporal or lay-office, miniſtery or ſervice within this Realm, or in any your Highneſſe Dominions, before he or they ſhall take upon him or them to receive, uſe, exerciſe, ſupply or occupy any ſuch Archbiſhoprick, Biſhoprick, promotion, dignitie, office, miniſterie or ſervice, ſhall likewiſe make, take, and receive the ſaid corporal oath before mentioned, upon the Evangeliſt, before ſuch perſons as have or ſhall have authority to admit any ſuch perſon to any ſuch office, miniſtery or ſervice, or elſe before ſuch perſon or perſons, as by your Highneſſe, your Heirs or Succeſſors, by Commiſſion under the great Seal of England, ſhall be named, aſſigned or appointed to miniſter the ſaid oath.

And that it may likewiſe be further enacted by the authority aforeſaid, That if any ſuch perſon or perſons, as at any time hereafter ſhall be promoted, preferred or collated to any ſuch promotion, Spiritual, or eccleſiaſtical Benefice, Office or Miniſtery, or that by your Highneſſe your heirs or ſucceſſors, ſhall be promoted or preferred to any Temporal or Lay-office, Miniſtery or Service, ſhall and do peremptorily and obſtinately refuſe to take the ſame Oath ſo to him to be offered, that then he or they ſo refuſing, ſhall preſently be judged diſabled in the Law to receive, take or have the ſame promotion Spiritual or Eccleſiaſtical, or the ſame temporal Office, Miniſtery or ſervice within this Realm, or any other your Highneſſe Dominions, to all intents, conſtructions and purpoſes.

And that it may be further enacted by the authority aforeſaid, That all and every perſon and perſons Temporal, ſuing Livery, or Ouſtre le maine, out of the hands of your Highneſſe, your heirs or ſucceſſors, before his or their Livery, or Ouſtre le maine, ſued forth and allowed: and every Temporal perſon or perſons doing any homage to your Highneſſe, your heirs or Succeſſors,

He that ſues Livery, or Ouſtre le maine. He that doth homage to the Queen.

He that ſhall be received into the Queens ſervice.

ſucceſſors, or that ſhall be received into ſervice with your Highneſſe, your heirs or ſucceſſors, ſhall make, take and receive the ſaid corporal Oath before mentioned, before the Lord Chancellour of England, or the Lord keeper of the Great Seal for the time being, or before ſuch perſon or perſons, as by your Highneſſe, your heirs or ſucceſſours ſhall be named aud appointed to accept or receive the ſame.

He that taketh Orders.

He that taketh degrees in any Univerſity.

And that alſo all and every perſon and perſons taking Orders, and all and every other perſon and perſons which ſhall be promoted or preferred to any degree of learning in any Univerſity within this your Realm or Dominions, before he ſhall receive or take any ſuch Orders, or be preferred to any ſuch degree of learning, ſhall make, take, and receive the ſaid Oath by this Act ſet forth and declared, as is aforeſaid, before his or their Ordinary, Commiſſary, Chancellor or Vice-Chancellor, or their ſufficient Deputies in the ſaid Univerſity.

He that hath eſtate of inheritance in a temporal Office, firſt refuſeth, and then taketh the Oath.

Provided alwayes, and that it may be further enacted by the authority aforeſaid, That if any perſon having any eſtate of inheritance, in any Temporal Office or Offices, ſhall hereafter obſtinately and peremptorily refuſe to accept and take the ſaid Oath, as is aforeſaid, and after at any time during his life, ſhall willingly require to take and receive the ſaid Oath and ſo do take and accept the ſame oath before any perſon or perſons, that ſhall have lawful authority to miniſter the ſame: that then every ſuch perſon immediately after he hath ſo received the ſame Oath, ſhall be veſted, judged and deemed in like eſtate and poſſeſſion of the ſaid Office, as he was before the ſaid refuſal, and ſhall and may uſe and exerciſe the ſaid Office in ſuch manner and form as he ſhould or might have done before ſuch refuſal: any thing in this Act contained to the contrary in any wiſe notwithſtanding.

The penalty of the maintenance of forein authority.

Dier. fol. 363.

And for the more ſure obſervation of this Act, and the utter extinguiſhment of all forein and uſurped power and authority, may it pleaſe your Highneſſe, that it may be enacted by the authority aforeſaid, That if any perſon or perſons, dwelling or inhabiting within this your Realm, or in any other your Highneſſe Realms or Dominions, of what eſtate, dignity or degree ſoever he or they be, after the end of thirty dayes next after the determination of this Seſſion of this preſent Parliament, ſhall by writing, printing, teaching preaching, expreſſe words, deed or act, adviſedly, maliciouſly, and directly affirm, hold, ſtand with, ſet forth, maintain or defend the authority, preheminence, power or juriſdiction, Spiritual or Eccleſiaſtical, of any foreign Prince, Prelate, Perſon, State or Potentate whatſoever, heretofore claimed, uſed or uſurped within this Realm, or any Dominion or Countrey, being within or under the power, dominion or obeyſance of your Highneſſe: or ſhall adviſedly, maliciouſly and directly put in ure, or execute any thing for the extolling, advancement, ſetting forth, maintenance or defence of any ſuch pretended or uſurped juriſdiction, power, preheminence or authority, or any part thereof: that then every ſuch perſon and perſons, ſo doing and offending, their abbettors, aiders, procurers and councellours,, being thereof lawfully convicted and attainted, according to the true order and courſe of the Common Laws of this Realm, for his or their firſt offence, ſhall forfeit and loſe unto your Highneſſe, your heirs and ſucceſſors, all his and their goods and chattels, as well reall as perſonal.

The forfeiture for the firſt offence.

And if any perſon ſo convicted or attainted, ſhall not have, or be worth of his proper goods and chattels to the value of twenty pound, at the time of his conviction or attainder: that then every ſuch perſon ſo convicted and attainted, over and beſides the forfeiture of all his ſaid goods and chattels, ſhall have and ſuffer impriſonment by the ſpace of one whole year, without bail or mainpriſe.

Forfeiture of the ſecond offence.

And that alſo all and every the Benefices, Prebends and other Eccleſiaſtical promotions and dignities whatſoever of every Spiritual perſon ſo offending and being attainted ſhall immediately after ſuch attaindour be utterly void to all intents and purpoſes, as though the Incumbent thereof were dead: and that the Patron and Donour of every ſuch Benefice Prebend, Spiritual promotion and dignity, ſhall and may lawfully preſent unto the ſame, or give the ſame, in ſuch manner and form, as if the ſaid Incumbent were dead. And if any ſuch offendor or offendors, after ſuch conviction or attainder, ſo eftſoons commit or do the ſaid offences, or any of them in manner and form aforeſaid, and be thereof duly convicted and attainted, as is aforeſaid: that then every ſuch offendor and offendors, ſhall for the ſame ſecond offence, incurr into the dangers, penalties and forfeitures, ordained and provided by the ſtatute of Proviſion, and Præmunire, made in the ſixteenth year of the Reign of King Richard the ſecond.

The penalty of the third offence.

And if any ſuch offender or offenders, at any time after the ſaid ſecond conviction and attainder, do the third time commit and do the ſaid offences, or any of them in manner and form aforeſaid, and be thereof duly convicted and attainted, as is aforeſaid: that then every ſuch offence or offences, ſhall be deemed and adjudged high Treaſon, and that the offender or offenders therein being thereof lawfully convicted and attainted, according to the Lawes of this Realm, ſhall ſuffer pains of death, and other penalties, forfeitures and loſſes, as in caſe of high Treaſon by the Lawes of this Realm.

Within what time an offender ſhall be impeached.

And alſo that it may likewiſe pleaſe your Highneſſe, that it may be enacted by the authority aforeſaid, That no manner of perſon or perſons, ſhall be moleſted or impeached for any of the offences ſo committed or perpetrated only by preaching, teaching or words, unleſſe he or they be thereof lawfully indicted, within the ſpace of one whole year next after his or their offences ſo committed. And in caſe any perſon or perſons, ſhall fortune to be impriſoned for any of the ſaid offences commited by preaching, teaching or words only, and be not thereof indicted within the ſpace of one half year, next after his or their ſuch offence ſo committed, and done, that then the ſaid perſon ſo impriſoned, ſhall be ſet at liberty, and be no longer detained in priſon for any ſuch cauſe or offence.

All things touching the Præmunire in the ſtat. 1 & 2 P. & M. 8. do continue in force.

Provided alwaies, and be it Enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not in any wiſe extend to repeal any clauſe, matter or ſentence contained

tained or ſpecified in the ſaid Act of Repeal, made in the ſaid firſt and ſecond years of the Reign of the ſaid late King Philip and Queen Mary, as doth in any wiſe touch or concern any matter or cauſe of Præmunire, or that doth make or ordain any matter or cauſe to be within the caſe of Præmunire, but that the ſame for ſo much only as toucheth or concerneth any caſe or matter of Præmunire, ſhall ſtand and remain in ſuch force and effect, as the ſame was before the making of this Act: any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Provided alſo, and be it enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not in any wiſe extend, or be prejudicial to any perſon or perſons for any offence or offences committed or done, or hereafter to be committed or done contrary to the tenor and effect of any Act or Statute now revived by this Act, before the end of thirty dayes next after the end of the Seſſion of this preſent Parliament: any thing in this Act, contained, or any other matter or cauſe to the contrary notwithſtanding.

Offences committed againſt Statutes revived.

And if it happen that any Peer of this Realm, ſhall fortune to be indicted of, and for any offence that is revived or made Præmunire, or Treaſon by this Act, that then he ſo being indicted, ſhall have his Triall by his Peers, in ſuch like manner and form as in other caſe of Treaſon hath been uſed.

Tryal of Peers.

Provided alwayes, and be it enacted as is aforeſaid, that no manner of order, act or determination for any matter of Religion or cauſe Eccleſiaſtical, had or made by the authority of this preſent Parliament, ſhall be accepted, deemed, interpreted, or adjudged at any time hereafter, to be any error, hereſie, ſchiſm, or ſchiſmatical opinion: any order, decree, ſentence, conſtitution or law, whatſoever the ſame be, to the contrary notwithſtanding.

No matter of Religion, &c. made by this Parliament ſhall be adjudged error, hereſie or ſchiſm.

Provided alwaies, and be it enacted by the authority aforeſaid, that ſuch perſon or perſons to whom your Highneſſe, your heirs or ſucceſſors, ſhall hereafter by Letters Patents, under the great Seal of England, give authority to have or execute any juriſdiction, power or authority Spiritual, or to viſit, reform, order or correct any errors, hereſies, ſchiſms, abuſes or enormities by vertue of this Act, ſhall not in any wiſe have authority or power to order, determine, or adjudge any matter or cauſe to be hereſie, but only ſuch as heretofore have been determined, ordered or adjudged to be hereſie, by the authority of the Canonical Scriptures, or by the firſt four general Councels, or any of them, or by any other general Councel wherein the ſame was declared hereſie, by the expreſſe and plain words of the ſaid Canonical Scriptures, or ſuch as hereafter ſhall be ordered, judged or determined to be hereſie, by the high Court of Parliament of this Realm, with the aſſent of the Clergy in their Convocation: Any thing in this Act contained to the contrary notwithſtanding.

What things the Commiſſioners may adjudge to be hereſie.

The Scripture. Four general Councels.

And be it further enacted by the authority aforeſaid, that no perſon or perſons, ſhall be hereafter indicted or arraigned for any of the offences made, ordained, revived or adjudged by this Act unleſſe there be two ſufficient witneſſes, or more, to teſtifie and declare the ſaid offences, whereof he ſhall be indicted or arraigned. And that the ſaid witneſſes, or ſo many of them as ſhall be living, and within this Realm at the time of the araignment of ſuch perſon ſo indicted, ſhall be brought forth in perſon face to face, before the party ſo arraigned, and there ſhall teſtifie, and declare what they can ſay againſt the party ſo arraigned, if he require the ſame.

None ſhall be indicted or arraigned but by witneſſes.

Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall hereafter happen to give any relief, aid or comfort, or in any wiſe be aiding, helping or comforting to the perſon or perſons of any that ſhall hereafter happen to be an offendor in any matter or caſe of Præmunire or Treaſon revived or made by this Act: that then ſuch relief, aid, or comfort given ſhall not be judged or taken to be any offence, unleſs there be two ſufficient witneſſes at the leaſt, that can and will openly teſtify and declare that the perſon or perſons that ſo give ſuch relief, aid or comfort, had notice and knowledge of ſuch offence committed and done by the ſaid offendor, at the time of ſuch relief, aid or comfort, ſo to him given or miniſtred: any thing in this Act contained, or any other matter or cauſe to the contrary in any wiſe notwithſtanding.

A Proviſo for them that give relief to offendors.

And where one pretenced ſentence hath heretofore been given in the Conſiſtory in Pauls before certain Judges, Delegate, by the authority Legantine of the late Cardinal Poole, by reaſon of a foreign uſurped Power and Authority, againſt Richard Chetwood Eſquire, and Agnes his wife, by the name of Agnes Woodhull, at the ſuit of Charles Tyrrel Gentleman, in a cauſe of matrimony, ſolemnized between the ſaid Richard and Agnes, as by the ſame pretenced ſentence more plainly doth appear, from which ſentence the ſaid Richard and Agnes have appealed to the Court of Rome; which appeal doth there remain, and yet is not determined.

Chetwood's Appeal to the Court of Rome.

May it therefore pleaſe your Highneſſe, that it may be Enacted by the authority aforeſaid, That if ſentence in the ſaid appeal ſhall happen to be given at the ſaid Court of Rome, for and in the behalf of the ſaid Richard and Agnes, for the reverſing of the ſaid pretenced ſentence, before the end of threeſcore dayes next after the end of this Seſſion of this preſent Parliament: that then the ſame ſhall be adjudged and taken to be good and effectual in the Law, and ſhall, and may be uſed, pleaded, and allowed in any Court or place within this Realm: any thing in this Act, or in any other Act or Statute contained to the contrary notwithſtanding.

And if no ſentence ſhall be given at the Court of Rome in the ſaid appeal, for the reverſing of the ſaid pretenced ſentence, before the end of the ſaid threeſcore dayes, that then it ſhall and may be lawful for the ſaid Richard and Agnes, and either of them, at any time hereafter to commence, take, ſue, and proſecute their ſaid appeal from the ſaid pretenced ſentence, and for the reverſing of the ſaid pretenced ſentence within this Realm, in ſuch like manner and form as was uſed to be purſued, or might have been purſued within this Realm, at any time ſince the twenty fourth year of the reign of the late King Henry the eight, upon ſentences given in the Court or Courts of any Archbiſhop within this Realm.

And that ſuch appeal as ſo hereafter ſhall be taken or purſued by the ſaid Richard Chetwood and Agnes, or either of them, and the ſentence that herein or thereupon ſhall hereafter be given, ſhall be judged to be good and effectual in the Law, to all intents and purpoſes: any Law, Cuſtom, Uſage, Canon, Conſtitution, or any other matter or cauſe to the contrary notwithſtanding.

An Appeal between Robert Harcourt and Anthony Fydel.

Provided alſo, and be it Enacted by the authority aforeſaid, That where there is the like appeal now depending in the ſaid Court of Rome, between one Richard Harcourt, Merchant of the Staple, and Elizabeth Harcourt, otherwiſe called Elizabeth Robins, of the one party, and Anthony Fydell, Merchant ſtranger, on the other party, that the ſaid Robert, Elizabeth and Anthony, and every of them, ſhall and may for the proſecuting and trying of their ſaid appeal, have and enjoy the like remedy, benefit and advantage, in like manner and form as the ſaid Richard and Agnes, or any of them, hath, may or ought to have and enjoy: this Act or any thing therein contained to the contrary in any wiſe notwithſtanding. Stat. 23 El. 1.

CAP. II.

There ſhall be uniformity of Prayer, and adminiſtration of Sacraments.

Stat. 14 Car. 2. cap. 4.

Stat. 5 & 6 Ed. 6. 1. Stat. 1 M. 2.

Where at the death of our late Soveraign Lord King Edward the ſixth, there remained one uniform order of common Service and Prayer, and of the adminiſtration of Sacraments, Rites and Ceremonies of the Church of England, which was ſet forth in one Book, intituled, The Book of Common Prayer, and Adminiſtration of Sacraments, and other Rites and Ceremonies in the Church of England, authorized by Act of Parliament, holden in the fifth and ſixth years of our ſaid late Soveraign Lord King Edward the ſixth, intituled, An Act for the uniformity of Common Prayer, and adminiſtration of the Sacraments: the which was repealed and taken away by Act of Parliament in the firſt year of the reign of our late Soveraign Lady Queen Mary, to the great decay of the due honour of God, and diſcomfort to the profeſſors of the truth of Chriſts Religion:

A repeal of the Statute of 1 M. and the Book of Common Prayer ſhall be of effect.

Be it therefore Enacted by the authority of this preſent Parliament, That the ſaid Eſtatute of repeal, and every thing therein contained, only concerning the ſaid Book, and the Service, adminiſtration of the Sacraments, Rites and Ceremonies, contained or appointed in or by the ſaid Book, ſhall be void and of none effect, from and after the Feaſt of the Nativity of Saint John Baptiſt next coming: And that the ſaid book, with the order of Service, and of the adminiſtration of Sacraments, Rites and Ceremonies, with the alterations and additions therein added and appointed by this Eſtatute, ſhall ſtand and be from and after the ſaid Feaſt of the Nativity of Saint John Baptiſt in full force and effect, according to the tenour and effect of this Eſtatute: any thing in the aforeſaid Eſtatute of the Repeal to the contrary notwithſtanding.

The Book of Common-Prayer ſhall be uſed. 8 Eliz. 1.

The alteration of the Book ſet forth, 5 & 6 Ed. 6. 1.

And further be it enacted by the Queens Highneſſe, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular Miniſters in any Cathedral or Pariſh Church, or other place within this Realm of England, Wales, and the Marches of the ſame, or other the Queens Dominions, ſhall from and after the Feaſt of the Nativity of Saint John Baptiſt next coming, be bounden to ſay and uſe the Mattens, Even-ſong, Celebration of the Lords Supper, and adminiſtration of each of the Sacraments, and all the Common and open prayer, in ſuch order and form as is mentioned in the ſaid Book ſo authorized by Parliament, in the ſaid fifth and ſixth years of the reign of King Edward the ſixth, with one alteration or addition of certain Leſſons, to be uſed on every Sunday in the year, and the form of the Letany altered and corrected, and two ſentences only added in the delivery of the Sacrament to the Communicants, and none other, or otherwiſe.

The forfeiture of thoſe which uſe any other ſervice then the Book of Common-Prayer.

The penalty for depraving the Book of Common-Prayer.

And that if any manner of Parſon, Vicar, or other whatſoever Miniſter, that ought or ſhould ſing or ſay Common-Prayer, mentioned in the ſaid Book, or miniſter the Sacraments, from and after the Feaſt of the Nativity of Saint John Baptiſt next coming, refuſe to uſe the ſaid Common Prayers, or to miniſter the Sacraments in ſuch Cathedral or Pariſh Church, or other places, as he ſhould uſe to miniſter the ſame, in ſuch order and form as they be mentioned and ſet forth in the ſaid Book; or ſhall wilfully or obſtinately, ſtanding in the ſame, uſe any other Rite, Ceremony, Order, Form, or manner of celebrating the Lords Supper, openly, or privily, or Mattens, Even-ſong, adminiſtration of the Sacraments, or other open Prayers than is mentioned and ſet forth in the ſaid Book, (Open Prayer in and throughout this Act, is meant that Prayer which is for others to come unto, or hear, either in common Churches, or private Chappels, or Oratories, commonly called, the Service of the Church) or ſhall preach, declare, or ſpeak any thing in the derogation or depraving of the ſaid Book, or any thing therein contained, or of any part thereof, and ſhall be thereof lawfully convicted, according to the Laws of this Realm, by verdict of twelve men, or by his own confeſſion, or by the notorious evidence of the fact, ſhall loſe and forfeit to the Queens Highneſſe, her heirs and ſucceſſors, for his firſt offence, the profit of all his ſpiritual benefices or promotions, coming or ariſing in one whole year next after his conviction. And alſo that the perſon ſo convicted, ſhall for the ſame offence, ſuffer impriſonment for the ſpace of ſix moneths, without bail or mainpriſe.

The penalty for the ſecond offence.

And if any ſuch perſon once convict of any offence concerning the premiſſes, ſhall after his firſt conviction eftſoons offend, and be thereof in form aforeſaid lawfully convict, that then the ſame perſon ſhall for his ſecond offence ſuffer impriſonment by the ſpace of one whole year, and alſo ſhall therefore be deprived, ipſo facto, of all his ſpiritual promotions, and that it ſhall be lawful to all Patrons or Donours of all and ſingular the ſame ſpiritual promotions, or of any of them, to preſent or collate to the ſame, as though the perſon or perſons ſo offending were dead.

The penalty for the third offence.

And that if any ſuch perſon and perſons, after he ſhall be twice convicted in form aforeſaid, ſhall offend againſt any of the premiſſes the third time, and ſhall be thereof in form aforeſaid lawfully convicted, that then the perſon ſo offending, and convicted the third time, ſhall be deprived *ipſo facto*, of all his Spiritual promotions, and alſo ſhall ſuffer impriſonment during his life.

And if the perſon that ſhall offend, and be convicted in form aforeſaid, concerning any of the premiſſes, ſhall not be beneficed, nor have any ſpiritual promotion, that then the ſame perſon ſo offending and convict, ſhall for the firſt offence ſuffer impriſonment during one whole year next after his ſaid conviction, without bail or mainpriſe.

The penalty of an offendor having no Spiritual promotion.

And if any ſuch perſon, not having any Spiritual promotion, after his firſt conviction, ſhall eftſoons offend in any thing concerning the premiſſes, and ſhall in form aforeſaid be thereof lawfully convicted, that then the ſame perſon ſhall for his ſecond offence ſuffer impriſonment during his life.

And it is ordained and enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, after the ſaid Feaſt of the Nativity of Saint John Baptiſt next coming, ſhall in any Enterludes, Playes, Songs, Rymes, or by other open words, declare or ſpeak any thing in the derogation, depraving or deſpiſing of the ſame Book, or of any thing therein contained, or any part thereof, or ſhall by open fact, deed, or by open threatenings, compell or cauſe, or otherwiſe procure or maintain any Parſon, Vicar, or other Miniſter in any Cathedral or Pariſh Church, or in Chappel, or in any other place, to ſing or ſay any Common or open Prayer, or to miniſter any Sacrament, otherwiſe, or in any other manner and form than is mentioned in the ſaid book, or that by any of the ſaid means ſhall unlawfully interrupt, or let any Parſon, Vicar or other Miniſter in any Cathedral or pariſh Church, Chappel, or any other place, to ſing or ſay Common and open Prayer, or to miniſter the Sacraments or any of them, in ſuch manner and form, as is mentioned in the ſaid book: that then every ſuch perſon being thereof lawfully convicted, in form abovesaid, ſhall forfeit to the Queen our Soveraign Lady, her heirs & ſucceſſors, for the firſt offence [a] an hundred marks.

The forfeiture of them which do any thing, or ſpeak in the derogation of the Book of Common-Prayer.

Cauſing other prayer to be ſaid or ſung. Coke pla. fol. 362.

[a] Dyer fol. 203, 231, 323.

And if any perſon or perſons being once convict of any ſuch offence, eftſoons offend againſt any of the laſt recited offences, and ſhall in form aforeſaid be thereof lawfully convict: That then the ſame perſon ſo offending and convict, ſhall for the ſecond offence forfeit to the Queen our Soveraign Lady, her Heirs and Succeſſors, four hundred marks.

The forfeiture of an hundred marks for the firſt offence.

And if any perſon after he in form aforeſaid, ſhall have been twice convict of any offence concerning any of the laſt recited offences, ſhall offend the third time, and be thereof in form abovesaid lawfully convict: That then every perſon ſo offending and convict, ſhall for his third offence forfeit to our Soveraign Lady the Queen, all his goods and chattels, and ſhall ſuffer impriſonment during his life.

The forfeiture of four hundred marks for the ſecond offence.

And if any perſon or perſons, that for his firſt offence concerning the premiſſes, ſhall be convict in form aforeſaid, do not pay the ſum to be paid by vertue of his conviction, in ſuch manner and form as the ſame ought to be paid, within ſix weeks next after his conviction: That then every perſon ſo convict, and ſo not paying the ſame, ſhall for the ſame firſt offence, inſtead of the ſaid ſum, ſuffer impriſonment by the ſpace of ſix moneths, without bail or mainpriſe.

The forfeiture for the third offence.

And if any perſon or perſons, that for his ſecond offence concerning the premiſſes, ſhall be convict in form aforeſaid, do not pay the ſaid ſum to be paid by vertue of his conviction and this Eſtatute, in ſuch manner and form as the ſame ought to be paid, within ſix weeks next after his ſaid ſecond conviction, that then every perſon ſo convicted, and not ſo paying the ſame, ſhall for the ſame ſecond offence, in the ſtead of the ſaid ſum, ſuffer impriſonment during twelve moneths without bail or mainpriſe.

The penalty if the party convicted, do not pay his forfeiture within the time limited.

And that from and after the ſaid Feaſt of the Nativity of Saint John Baptiſt next coming, all and every perſon and perſons, inhabiting within this Realm, or any other the Queens Majeſties Dominions, ſhall diligently and faithfully, having no lawful or reaſonable excuſe to be abſent, endeavour themſelves to reſort to their Pariſh Church or Chappel accuſtomed, or upon reaſonable let thereof, to ſome uſual place where Common-Prayer and ſuch Service of God ſhall be uſed, in ſuch time of let upon every Sunday, and other daies ordained and uſed to be kept as holy daies, and then and there to abide orderly and ſoberly, during the time of the Common-Prayer, Preaching, or other Service of God, there to be uſed and miniſtred, upon pain of puniſhment by the cenſures of the Church, and alſo upon pain that every perſon ſo offending ſhall forfeit for every ſuch offence twelve pence, to be levied by the Church-wardens of the Pariſh where ſuch offence ſhall be done, to the uſe of the poor of the ſame Pariſh, of the goods, lands, and tenements of ſuch offendor by way of diſtreſſe.

Every perſon ſhall reſort to the Church upon the holy dayes.

The forfeiture for not comming to Church, 23 Eliz. 1.

And for due execution hereof, the Queens moſt excellent Majeſtie, the Lords Spiritual and all the Commons in this preſent Parliament aſſembled, do in Gods Name earneſtly require and charge all the Archbiſhops, Biſhops, and other Ordinaries, that they ſhall endeavour themſelves to the uttermoſt of their knowledges, that the due and true execution hereof, may be had throughout their Dioceſſe and Charges, as they will anſwer before God, for ſuch evils and plagues wherewith Almighty God may juſtly puniſh his people for neglecting this good and wholſom Law.

And for their authority in this behalf, be it further enacted by the authority aforeſaid, That all and ſingular the ſaid Archbiſhops, Biſhops, and all other their Officers exerciſing Eccleſiaſtical Juriſdiction, as well in place exempt, as not exempt, within their Dioceſſe, ſhall have full power and authority by this Act, to reform, correct and puniſh by cenſures of the Church, all and ſingular perſons which ſhall offend within any their Juriſdictions or Dioceſſe, after the ſaid Feaſt of the Nativity of Saint John Baptiſt next coming, againſt this Act and Statute: any other Law, Statute, Priviledg, Liberty or Proviſion heretofore made, had or ſuffered to the contrary notwithſtanding.

The Ordinary may puniſh offendors by the cenſures of the Church.

And it is ordained and enacted by the authority aforeſaid, That all and every Juſtices of Oyer and Determiner, or Juſtices of Aſſize, ſhall have full power and authority in every of their

Which Juſtices may puniſh theſe offences.

open and generall Seſſions, to inquire, hear, and determine, all and all manner of offences that ſhall be committed or done contrary to any Article contained in this preſent act within the limits of the Commiſſion to them directed, and to make Proceſſe for the execution of the ſame, as they may do againſt any perſon being indicted before them of treſpaſſe, or lawfully convicted thereof.

A Biſhop may joyn with the Juſtices to enquire of offendors.

Provided alwayes, and be it enacted by the authority aforeſaid, That all and every Archbiſhop and Biſhop, ſhall or may at all time and times, at his liberty, and pleaſure, joyn and aſſociate himſelf by vertue of this Act, to the ſaid Juſtices of Oyer and Determiner, or to the ſaid Juſtices of Aſſiſe, at every of the ſaid open and general Seſſions to be holden in any place within his Dioceſſe, for and to the enquirie, hearing and determining of the offences aforeſaid.

At whoſe charges the Books of Common-Prayer ſhall be gotten.

Provided alſo, and be it enacted by the authority aforeſaid, That the Books concerning the ſaid Services ſhall at the coſts and charges of the Pariſhioners of every Pariſh and Cathedral Church, be attained and gotten before the ſaid Feaſt of the Nativity of Saint John Baptiſt next following, and that all ſuch Pariſhes and Cathedrall Churches, or other places, where the ſaid Books ſhall be attained and gotten before the ſaid Feaſt of the Nativity of Saint John Baptiſt, ſhall within three weeks next after the ſaid Books ſo attained and gotten, uſe the ſaid Service and put the ſame in ure, according to this Act.

Within what time offendors ſhall be impeached.

And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall be at any time hereafter impeached, or otherwiſe moleſted of, or for any of the offences above mentioned, hereafter to be committed or done contrary to this Act, unleſſe he or they ſo offending be thereof indicted, at the next general Seſſions to be holden before any ſuch Juſtices of Oyer and Determiner, or Juſtices of Aſſiſe, next after any offence committed or done contrary to the tenour of this Act.

Tryall of Peers.

Provided alwayes, and be it ordained and enacted by the authority aforeſaid, That all and ſingular Lords of the Parliament, for the third offence above mentioned, ſhall be tryed by their Peers.

Chief Officers of Cities and Boroughs ſhall enquire of offendors.

Provided alſo, and be it ordained and enacted by the authority aforeſaid, that the Mayor of London, and all other Mayors, Bayliffs, and other head officers, of all and ſingular Cities Boroughs, and Towns corporate, within this Realm, Wales, and the Marches of the ſame, to the which Juſtices of Aſſiſe do not commonly repair, ſhall have full power and authority by vertue of this Act, to enquire, hear and determine the offences aboveſaid, and every of them, yearly within fifteen dayes after the Feaſt of Eaſter, and Saint Michael the Archangell, in like manner and form as Juſtices of Aſſiſe, and Oyer and Determiner may do.

The Ordinaries juriſdiction in theſe caſes.

Provided alwayes, and be it ordained and enacted by the authority aforeſaid, that all and ſingular Archbiſhops and Biſhops, and every of their Chancellors, Commiſſaries, Archdeacons, and other Ordinaries, having any peculiar Eccleſiaſtical Juriſdiction, ſhall have full power & authority by vertue of this Act, as well to enquire in their Viſitation, Synods and elſewhere within their Juriſdiction at any time and place, to take accuſations, and informations, of all & every the things above mentioned, done, committed, or perpetrated, within the limits of their Juriſdictions and authority, and to puniſh the ſame by admonition, excommunication, ſequeſtration or deprivation, and other cenſures and proceſſe, in like form as heretofore hath been uſed in like caſes by the Queens Eccleſiaſtical Laws.

None ſhall be puniſhed above once for one offence.

Provided alwayes, and be it enacted, That whatſoever perſons offending in the premiſſes ſhall for their offences, firſt receive puniſhment of the Ordinary, having a teſtimonial thereof under the ſaid Ordinaries ſeal, ſhall not for the ſame offence eftſoons be convicted before the Juſtices. And likewiſe for the ſaid firſt offence, puniſhment by the Juſtices, ſhall not for the ſame offence eftſoons receive puniſhment of the Ordinary: any thing contained in this Act to the contrary notwithſtanding.

Ornaments of the Church and Miniſters.

Provided alwayes, and be it enacted, That ſuch ornaments of the Church and of the Miniſters thereof ſhall be retained and be in uſe, as was in this Church of England, by authority of Parliament, in the ſecond year of the reign of King Edward the ſixth, until other order ſhall be therein taken by the authority of the Queens Majeſty, with the advice of her Commiſſioners appointed and authorized under the great Seal of England for cauſes Eccleſiaſtical, or of the Metropolitane of this Realm.

And alſo, that if there ſhall happen any contempt or irreverence to be uſed in the Ceremonies or Rites of the Church, by the miſ-uſing of the orders appointed in this Book, the Queens Majeſtie may by the like advice of the ſaid Commiſſioners or Metropolitane, ordain and publiſh ſuch further Ceremonies or Rites, as may be moſt for the advancement of Gods glory, the edifying of his Church, and due reverence of Chriſts holy Myſteries and Sacraments.

All Laws and Ordinances made for other ſervice, ſhall be void.

And be it further enacted by the authority aforeſaid, That all Laws, Statutes, and Ordinances, wherein or whereby any other ſervice, adminiſtration of Sacraments, or Common-Prayer, is limited, eſtabliſhed, or ſet forth to be uſed within this Realm, or any other the Queens Dominions or Countries, ſhall from henceforth be utterly void and of none effect

Coke pla. fol. 352.

CAP. III.

The recognizing the Queen to the Crown.

AS there is nothing under God (moſt dread Soveraign Lady) whereof we your moſt humble, faithful, and obedient Subjects, the Lords Spiritual, and Temporal, and Commons in this preſent Parliament aſſembled, have, may, or ought to have more cauſe to rejoyce than in this only, that it hath pleaſed God of his merciful providence and goodneſſe, towards us and this our Realm, not only to provide, but alſo to preſerve and keep for us and our wealths,, your Royal Majeſtie our moſt rightful and lawful Soveraign Liege Lady, and Queen, moſt happily to reign over us; for the which we do give and yield unto him from the bottoms of our hearts, our humble thanks, lauds, and praiſes: Even ſo there is nothing that we your ſaid Subjects for our parties can, may, or ought towards your Highneſſe, more firmly, entirely, and aſſuredly in the purity of our hearts think, or with our mouths declare and confeſſe to be true, Than that your Majeſtie our ſaid Soveraign Lady is, and in very deed, and of moſt meer right ought to be by the Lawes of God, and the Laws and Statutes of this Realm, our moſt rightful and lawful Soveraign Liege Lady and Queen: and that your Highneſſe is rightly and lineally, and lawfully deſcended, and come of the blood Royal of this Realm of England, in and to whoſe Princely perſon, and the heirs of your body lawfully to be begotten after you, without all doubt, ambiguity, ſcruple or queſtion, the Imperial and Royal eſtate, place, Crown, and dignity of this Realm, with all Honors Stiles, Titles, Dignities, Regalities, Juriſdictions, and Preheminences to the ſame now belonging and appertaining, are and ſhall be moſt fully, rightfully, really, and intirely inveſted, and incorporated, united, and annexed as rightfully, and lawfully, to all intents, conſtructions, and purpoſes, as the ſame were in the late King Henry the eight, or in the late King Edward the ſixth, your Highneſſe Brother, or in the late Queen Mary your Highneſſe Siſter, at any time ſince the Act of Parliament, made in the xxxv. year of the reign of your ſaid moſt noble Father King Henry the eighth, intituled, An Act concerning the eſtabliſhment of the Kings Majeſties ſucceſſion in the Imperial Crown of this Realm.

Queen Elizabeth is, and ought to be, our lawful Queen.

35 H.8.1.

For which cauſes, we your ſaid moſt loving, faithfull, and obedient Subjects, repreſenting the three Eſtates of your Realm of England, as thereunto conſtrained by the Law of God and man, except we ſhould overmuch forget our duties to your Highneſſe, and to the heirs of your body lawfully begotten, can no leſſe do, but moſt humbly beſeech your Highneſſe, that by the authority of this preſent Parliament it may be enacted, eſtabliſhed and declared, That we do recogniſe, acknowledg, and confeſſe the ſame your eſtate, right, title, and ſucceſſion, as is aforeſaid, to be in and to your Highneſſe, and the heirs of your body to be begotten throughoutly, and in the whole, and in every part thereof in ſuch manner and form, as before is mentioned, declared or confeſſed: and thereunto moſt humbly and faithfully we do ſubmit our ſelves, our heirs and poſterities for ever.

And further do make our moſt hearty and humble petition unto your Highneſſe, That it may pleaſe the ſame, not only to accept this our ſaid Recognition, but alſo our faithful promiſes that we according to our duties, ſhall and will ſtand to, aſſiſt and defend your Royal Majeſty, and the heirs of your body to be begotten, being Kings and Queens of this Realm and your ſaid rights, and titles, in and to the ſaid Imperial eſtate, place, Crown and dignity in all things thereto belonging, at all times to the uttermoſt of our poſſible powers, and therein to ſpend our bodies, lands, and goods, againſt all perſons whatſoever, that any thing ſhall attempt to the contrary.

Queen Elizabeths Title to the Crown of England, recogniſed by Parliament.

And that it may be enacted by the authority aforeſaid, That as well this our declaration, confeſſion and recognition, as alſo the limitation and declaration of the ſucceſſion of the Imperial Crown of this Realm, mentioned and contained in the ſaid Act made in the ſaid five and thirtieth year of the reign of your ſaid moſt noble Father, ſhall ſtand, remain, and be the Law of this Realm for ever.

And that all Sentences, Judgments, and decrees, had made, declared, ſet forth, publiſhed, and promulged, and alſo as much of every clauſe, article, branch, matter or thing contained and expreſſed in any Act or Acts of Parliament as be in any thing repugnant, contrary or derogatory to this our ſaid confeſſion, declaration, and recognition, or to any part or parcel thereof, or contrary to the ſaid limitation of the ſucceſſion of the Imperial Crown, eſtabliſhed and made by the ſaid Act, in the ſaid xxxv. year of the reign of the late King Henry the eighth, by whatſoever power or authority the ſame been, or have been had or made, ſhall be utterly fruſtrate, void, and of none effect: and alſo ſhall and may be cancelled, defaced, and put in perpetual oblivion at your Highneſſe will and pleaſure, as if the ſame had never been had, made, declared, ſet forth, publiſhed or promulged.

The limitation of the Crown contained in the St. of 35 H.8. 1. ſhall be the Law for ever.

CAP. IV.

Reſtitution of Firſt-Fruits and Tenths, &c. to the Crown.

IN their moſt humble wiſe beſeech your moſt excellent Majeſtie, your faithful and humble Subjects, the Lords Spiritual and Temporal, and the Commons of this your Realm in this preſent Parliament aſſembled, That where in the Parliament of your moſt noble Father of famous memory, King Henry the eight, holden at Weſtminſter upon prorogation the third day of November, in the ſix and twentieth year of his proſperous reign, it was enacted, ordained, and eſtabliſhed by the authority of the ſame Parliament, amongſt other things, That his Highnes his heirs and ſucceſſors, Kings of this Realm, ſhould have and enjoy from time to time to endure for ever, of every perſon and perſons, which at any time after the firſt day of January then next enſuing ſhould be nominated, elected, prefected, preſented, collated, or by any other means appointed to have any Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Colledg, Hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chantry, Free-Chappell or other Dignity, Benefice, Office or Promotion ſpiritual, within this Realm or elſewhere within any of the Kings Dominions, of what name, nature, or quality ſoever they were, or to whoſe foundation, patronage, or gift ſoever they did belong, the Firſt-fruits, Revenues and Profits, for one year of every ſuch Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Priory, Colledg, hoſpital, Archdeaconry, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chantry, Free Chappel, or other Dignity, Benefice, Office, or Promotion Spirituall aforenamed, whereunto any ſuch perſon or perſons ſhould after the ſaid firſt day of January be nominated elected, prefec-

A rehearſal of the Statute of 26 H.8. cap 3. touching Firſt Fruits and Tenths given to the King.

The Firſt-Fruits.

ted, preſented, collated, or by any other means appointed. And that every ſuch perſon and perſons, before any actual or reall poſſeſſion, or medling with the profits of any ſuch Archbiſhoprick, Biſhoprick, Abbacy, Monaſtery, Colledg, Hoſpital, Deanry, Provoſtſhip, Prebend, Parſonage, Vicarage, Chantry, Free Chappel, Priory, or other Dignity, Benefice, Office, or Promotion Spiritual, ſhould ſatisfie, content, and pay, or compound, or agree to pay to the Kings uſe, at reaſonable dayes, upon good ſureties, the ſaid Firſt-Fruits and Profits for one year.

And it was further Enacted by the authority aforeſaid, That the firſt fruits of Benefices, before that time accuſtomed to be paid to the Biſhop of Norwich within his Dioceſſe, and to the Archdeacon of Richmond within his Archdeaconry, or any other perſon or perſons within this Realm, or any other the Kings Dominions, ſhould from the ſaid firſt day of January, ceaſe and be extinct, and no longer be paid but only to the Kings Highneſſe, his heirs and Succeſſors, in ſuch form as is before mentioned.

The Tenths. And further it was Enacted by the authority aforeſaid, That the Kings Majeſtie, his heirs and Succeſſors, for more augmentation and maintenance of the royal eſtate of this Imperial Crown, ſhould yearly have, take, enjoy and receive, united and knit to his Imperial Crown for ever, one yearly rent or penſion, amounting to the value of the tenth part of the revenues, rents, terms, tithes, offerings, emoluments, and of all other profits, as well called ſpiritual as temporal, appertaining or belonging, or that from thenceforth ſhould belong to any Archbiſhoprick, Biſhoprick, Abbacy, Monaſterie, Priorie, Archdeaconry, Deanry, Hoſpital, Colledg, Houſe collegiate, Prebend, Cathedral Church, Collegiate Church, Coventual Church, Parſonage; Vicarage, Chauntry, Free Chappel, or other Benefice or promotion ſpiritual, of what name, nature or quality ſoever they were, within any Dioceſſe of this Realm, or in Wales, the ſaid penſion or annual rent to be yearly paid for ever, to the ſaid late King, his heirs and ſucceſſors, at the Feaſt of the Nativitie of our Lord GOD, and the firſt payment thereof to begin at the Feaſt of the Nativity of our Lord GOD, which ſhould be in the year of our Lord God, a thouſand five hundred thirty and five, and to be paid yearly by ſuch as ſhould be appointed to have the collection thereof, before the firſt day of April next following, after the ſaid Feaſt of the Nativitie of our Lord God, as in the ſaid Act more plainly it doth appear.

Anno 26 H.8. 17. And where alſo one other Act was made and eſtabliſhed in the ſaid Parliament, the ſaid xxvi. year, that no Farmour of ſpiritual perſons, ſhould be compelled or charged to pay for their Leſſors firſt fruits or yearly penſion for the tenth granted unto the Kings Highneſſe, notwithſtanding any covenant, contract, bond or other thing made to the contrary; as by the ſame Act more plainly appeareth.

27 H.8. cap.8. And where alſo at one other Seſſion of the ſame Parliament, holden by prorogation at Weſtminſter in the xxvii. year of the reign of your ſaid Father, one other Act was made and eſtabliſhed, that the Kings ſpiritual Subjects, ſhould be deducted and allowed of the tenth of their ſpiritual promotions, for that firſt year, for which they ſhould pay the firſt fruits, as in the ſaid Act alſo more at large appeareth.

28 H.8. 11. And where alſo in one other Parliament of the ſaid late King, holden at Weſtminſter, in the xxviii. year of his reign, amongſt other things it was enacted and ordained, That the year in which the firſt fruits of every Benefice and Spiritual promotion ſhould be paid, ſhould begin and be accounted immediately after the avoidance thereof. And that the tithes, commodities, revenues, caſualties and profits thereof (Chantries only except) in the time of vacation, ſhould belong and afferre to the next Incumbent, towards the payment of the firſt fruits; as by the ſame Act more at large appeareth.

32 H.8. 22. And where alſo in one other Parliament holden upon prorogation at Weſtminſter, in the xxxii. year of the reign of the ſaid late King, one Act was made and eſtabliſhed, That Biſhops upon their accounts, of, and for the ſaid yearly tenth, ſhould be diſcharged by their oaths of payment of ſuch ſum or ſums of money, of the ſaid annual rent, or tenth, as they could not lawfully levy: and alſo an order appointed how the king ſhould be anſwered of the tenth of any Benefice and Spiritual promotion, omitted in the original or former certificate of Benefices and ſpiritual promotions, made in the Exchequer; as by the ſame Act laſt mentioned more at large appeareth.

32 H.8. 45. And where alſo in the ſame Seſſion of Parliament, holden in the ſaid xxxii. year of the reign of your Highneſſe ſaid noble Father, and by authority of the ſame Parliament, one Court was erected, eſtabliſhed and made, for the better anſwering of the ſaid firſt fruits and tenths unto the king, called The Court of Firſt-Fruits and Tenths, as in the ſame Act of erection thereof more fully appeareth.

32 H.8.47. And where alſo in the ſame Seſſion and Parliament, one other Act was made, whereby the Biſhop of Norwich for the time being (being before that diſcharged from the collection of the tenth within his Dioceſſe) ſhould be charged and chargeable for ever, for and with the collection of the ſame tenth within his Dioceſſe, and make payment thereof, as other Biſhops ſhould or ought to do within their Dioceſſes, as by the ſame Act more plainly appeareth.

34 H.8. 2. And where alſo in one other Parliament of the ſaid late King, holden at Weſtminſter, upon prorogation in the xxxiv. year of his reign, one Act was eſtabliſhed and made concerning Collectors and Receivers, to make payment of their receipts within three moneths next after the ſame ſhould be due, and paid to the Kings uſe, under certain penalties therein expreſſed, as by the ſame Act more at large appeareth.

34 H.8.17. And where alſo in the ſame Seſſion and Parliament it was enacted and eſtabliſhed, That the new erected Biſhops of Cheſter, Glouceſter, Peterborough, Briſtol, Oxford, and their ſucceſſors for ever, ſhould pay their tenths reſerved upon their Letters Patents on their ſeveral erections, only in the ſaid Court of the firſt fruits and tenths for ever, as by the ſame Act more at large appeareth.

And where alſo in the Parliament of the ſaid late King, holden at Weſtminſter in the xxxvii. year of his reign, one Act entituled, An Act for the union of Churches, not exceeding the value of ſix pound, was eſtabliſhed and made, wherein is contained a Saving to the King of the firſt fruits and tenths of all Churches and Chappels not exceeding the value of ſix pound, that then were, or from thenceforth ſhould be united and conſolidate in one, as in the ſame Act and Saving more largely appeareth. 37 H. 8. 21.

And where alſo in the Parliament of your Highneſſe deareſt Brother of worthy memory, King Edward the ſixth, holden at Weſtminſter upon prorogation, in the ſecond year of his reign, one Act was made, That by the certificate of the Biſhop of any Dioceſſe within this Realm, or any of the Dominions of the ſame, of recuſance or non-payment of any tenth of any Benefice or Spiritual Promotion, the Incumbent ſhould leeſe but that Benefice or Promotion only, as by the ſame Act more plainly appeareth. 2 Ed. 6. 20.

And where alſo in one other Parliament of the ſaid late King Edward, holden at Weſtminſter, in the ſeventh year of his reign, one Act was made and eſtabliſhed, declaring how and in what ſort the under-Collectors of the tenth in every Dioceſſe, appointed by the Biſhop, ſhould be bound to dicharge the Biſhops of that collection, and a longer day given for the payment of the tenth: and how the King ſhould be anſwered of the tenth for the time of vacation of every Benefice and Spiritual promotion, and that the Patents of the collection of tenths, ſhould be good only during the Incumbencie of the grantors, as in the ſame Act more at large is contained. 7 Ed. 6. 4.

And where alſo in the ſecond Seſſion of Parliament of our late Soveraign Lady Queen Mary, your Majeſties deareſt Siſter, holden at Weſtminſter, in the firſt Year of her reign, one Act was made and eſtabliſhed, whereby full power and authority was given and appointed unto her Highneſſe, at her will and pleaſure to alter, change, unite, tranſport, diſſolve or determine, as well the ſaid Court of Firſt-fruits and Tenths, as the Court of Augmentations of the revenues of the Kings Crown, and other Courts therein expreſſed, and to reduce the ſame Courts, or any of them, into one, two, or more Court or Courts, or to unite and annex the ſaid Courts, or any two or more of them together, or to any other of her Majeſties Courts of Record, as to her it ſhould be thought moſt convenient and beſt, for the better, ſure, and more ſpeedy anſwering of her yearly revenues, caſualties, and profits, then anſwerable in the ſaid Courts, or any of them, as in the ſame Act more at large is expreſſed: By vigour and authority of which Act, the ſaid late Queen by her Graces four ſeveral Letters Patents, whereof two bear date the three and twentieth day of January, in the firſt year of her reign; and the other two, the four and twentieth of January in the ſame year did not only diſſolve, determine and extinguiſh the ſaid Courts, commonly called and entituled, The Court of Augmentations and Revenues of the Kings Crown and the Court of the Firſt-Fruits and Tenths, and the juriſdiction and authority thereof: but alſo did unite, tranſpoſe and annex the ſaid Courts of Augmentations and Revenues of the Kings Crown, and of the firſt fruits and tenths ſo diſſolved, to the ſaid Court of the Exchequer, there to be and continue as a member and parcel of the ſame Court of the Exchequer: and did appoint all and ſingular the revenues, caſualties, profits and hereditaments then anſwerable in the ſaid Courts, to the order, rule, ſurvey, and governance of the ſaid Court of the Exchequer, there to be anſwered and accounted for ever, in ſuch order, manner and form, as in the ſaid Letters Patents, and two Schedules unto the ſaid Letters Patents annexed, is mentioned and declared, as by the tenour and purport of the ſaid Letters Patents and Schedules, ſigned with her Highneſſe hand, more plainly may appear. 1 Mar. 10.

Queen Mary diſſolved the Courts of firſt-fruits, and augmentations, and annexed them to the Exchequer.

By reaſon of all which ſaid premiſſes, not only the ſaid perpetual Revenues of the Firſt-Fruits & Tenths, granted by the ſaid Act in the xxvi. year of the reign of your Highneſs moſt noble Father, in augmentation and maintenance of the Crown of this Realm, but alſo the tenths and yearly rents reſerved nomine decimæ, by any Letters Patents of your ſaid noble Father, ſithence the ſaid ſix and twentieth year of his reign and of your ſaid deareſt Brother and Siſter, or of any of them, made to any Biſhop and his ſucceſſors, or to any Cathedral Church, Dean and Chapter, Colledg, or any other Eccleſiaſtical and Spiritual perſon or perſons, or corporations, and their ſucceſſors for ever: And alſo all and every the rents, revenues, iſſues and profits, of all and ſingular Rectories, Parſonages, and Benefices impropriate, glebe-Lands, tithes, oblations, penſions, portions, and other profits and emoluments Eccleſiaſtical and Spiritual to the ſame belonging, being in the hands and poſſeſſion of your ſaid deareſt Siſter, at the ſaid four and twentieth day of January, were ordered, anſwerable, and accounted for in the ſaid Court of the Exchequer, and were therein well and juſtly anſwered and paid unto her Highneſſe uſe and behoof, like as the ſame had been unto the ſaid two noble Kings her ſaid Father and Brother, by the ſpace of twenty years, without grief or contradiction of the Prelates and Clergie of the Realm, to the great aid, relief and ſupportation of the ineſtimable charges of the Crown of this Realm, which daily ſince the time of the making of the ſaid firſt Act have encreaſed and grown more and more.

Which thing although the ſaid late Queen might and did manifeſtly feel and perceive to be moſt true: yet ſhe upon certain zealous and inconvenient reſpects, not ſufficiently, nor politickly enough weighing that matter, nor having due conſideration and regard to the maintenance & upholding, and good continuance of the eſtate of the Imperial Crown of this Realm in ſucceſſion, which rather needed an augmentation, then any diminution, procured and willed an Act of Parliament to be made and provided in the ſecond and third years of the reign of King Philip her late Husband, and her, That all payments of the ſaid firſt fruits, ſhould from thenceforth ceaſe and be clearly extinct, and determined for ever. And that as well all the ſaid Benefices and Spiritual promotions, as the poſſeſſors, owners, and Incumbents thereof, and their Succeſſors, ſhould from and after the eighth day of Auguſt, in the ſaid ſecond and third years, and ſo from thenceforth at all times for ever, be clearly exonerate,

Queen Maries zealous, but not politick reſpect.

By the Statute made 2 & 3 P. & M. 4. the payment of Firſt-Fruits and Tenths ceaſed.

nerate, acquitted and diſcharged againſt the ſaid late King Philip and Queen Mary, her heirs and ſucceſſors, of and from the payment and payments of all and every the ſaid firſt-fruits, in as ample and large manner and form, as they were before the making of the ſaid Act, of the firſt and original grant thereof, in the ſaid ſix and twentieth year of the reign of the ſaid late King your noble Father, and as though the ſame had never been had, ne made.

And further, That neither the ſaid perpetual Penſion, annual Rent, or Tenth granted by the ſaid firſt Act of the ſix and twentieth year of the ſaid noble King Henry: nor alſo the ſaid ſeveral annual rents or tenths, reſerved nomine Decimæ, by and upon the ſaid ſeveral Letters Patents of the ſaid late King and Queen, made to ſpiritual perſons and Corporations as is aforeſaid, or any of them, from and after the Feaſt of Saint Michael the Archangel then laſt paſt, ſhould any more be paid or payable unto the ſaid late King Philip and Queen Mary, her Heirs or Succeſſors, but that as well all the ſaid Archbiſhopricks, Biſhopricks, and other Benefices, Dignities, Deans and Chapters, Colledges, Corporations, and Spiritual promotions aforeſaid, as alſo the poſſeſſors, owners, proprietaries and Incumbents of the ſame, and their ſucceſſors, from and after the ſaid Feaſt of S. Michael the Archangel, ſhould be clearly exonerate, acquitted and diſcharged of, and from the payment thereof, againſt them, and the Heirs and Succeſſors of the ſame late Queen for ever.

And furthermore, That the ſaid late King Philip and Queen Mary, her heirs and ſucceſſors, from and after the ſaid Feaſt of Saint Michael the Archangel, ſhould not receive, perceive, take and enjoy any the Iſſues, Revenues, Profits or commodities of the ſaid Rectories, Parſonages, Benefices, Glebe-lands, Tithes, Oblations, Penſions, Portions, and other profits and emoluments Eccleſiaſtical and Spiritual aforeſaid, or of any of them, or of the reverſion or reverſions of them, or any of them: but in and by the ſaid Act, the ſame late King and Queen, clearly gave over, renounced and relinquiſhed as well the ſaid Rectories, Parſonages, Benefices, Glebe-lands, Tythes, Oblations, Penſions, Portions, and other profits and emoluments, Eccleſiaſtical and Spiritual aforeſaid, and every of them, and the reverſion and reverſions of them, and every of them, and all their right, title, uſe, intereſt, and demand of, in, or to the ſame, from them and the Heirs and Succeſſors of the ſaid late Queen for ever: as alſo the ſaid perpetual penſion, annual rent and tenth, and alſo the ſaid yearly Rents, reſerved nomine Decimæ, upon the ſaid ſeveral Letters Patents, and all their right, title and intereſt, which they or either of them, or the heirs or ſucceſſors of the ſaid late Queen, had or might have had, in or to the ſame.

The ſame yearly Penſion, Tenths, yearly Rents, Parſonages, emoluments, and profits to be perceived, taken, received, counted, employed, uſed and diſpoſed by the late Reverend Father in God Reginald Poole, late Cardinal and Legate, and ſuch other perſons as he ſhould name and appoint, and ſuch other as been ſpecially limited in the ſaid Act, to and for certain uſes, purpoſes and intents mentioned in the ſame Act, with divers Proviſions, and a Saving, in the ſams expreſſed and contained; as by the ſame more at large appeareth.

The Statute.

We your ſaid humble and obedient Subjects, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, calling to our remembrance the huge, innumerable and ineſtimable charges of the Royal Eſtate, and Imperial Crown of this Realm, and how the ſame is left unto your Majeſtie, at this your firſt entry thereunto, greatly diminiſhed, as well by reaſon of the ſaid Act made in the ſaid ſecond and third years of the reign of the ſaid King Philip and Queen Mary, as otherwiſe, do conceive at the bottom of our hearts great ſorrow and heavineſſe, as Subjects careful for their natural and Liege Soveraign Lady, upon whom dependeth the ſurety, worldly joy, and wealth of us all; and being no leſſe affected towards your Majeſties Royal Perſon, and the preſervation and maintenance of the ſame, and of the Eſtate and Succeſſion of your Majeſties ſaid Crown, than were the firſt Grantors of the ſaid Firſt-fruits and Tenths toward your Highneſſe moſt noble Father, and his ſaid Royal Eſtate, at the time of their ſaid grant thereof to him made; do account of every right and good congruence no leſſe than our moſt bounden duty, to move your Highneſſe, and therewith moſt humbly to beſeech the ſame, that the great diſheriſon and decay committed and done to the Crown, and Eſtate Royal of this your Realm, and the Succeſſion thereof by reaſon of the ſaid Act made in the ſaid ſecond and third years of the reign of the ſaid King Philip and Queen Mary, may at this Parliament be reformed and avoided, and that with your Highneſſe favour and Royal aſſent it may be enacted, ordained, eſtabliſhed and provided by authority of this Parliament, in manner and form hereafter enſuing:

A repeal of the Stat. An. 2 & 3 P. & M. 4.

That is to ſay, That the ſaid Act made in the ſecond and third years of the reign of the ſaid late King Philip and Queen Mary, and all articles, clauſes and ſentences therein contained, ſhall be, from and after the firſt day of this preſent Parliament, utterly and clearly repealed, made void, and of no force ne effect: and all authorities and liberties granted, limited and appointed in and by the ſaid Act to the ſaid late Cardinal Pool, or made, or derived, by force, ſtrength or colour of the ſame Act, by or from the ſaid late Cardinal, to any other perſons, bodies politick or corporate, to ceaſe and be utterly void and determined: and that the ſaid Firſt Fruits, and all payments thereof, from and after the ſaid firſt day of this Parliament, ſhall be revived, and have their being and continuance again, and be deemed and adjudged to all intents, conſtructions and purpoſes in the Queens Highneſſe moſt Royal Perſon, her Heirs and Succeſſors, and united and annexed to the Imperial Crown of this Realm of and in ſuch like, and the ſame eſtate, intereſt, title, quantity, ſort, degree and condition, and in as ample and beneficial manner and form, as the ſame was or were in the perſon and poſſeſſion of the ſaid late Queen Mary, at and before the ſaid viii. day of Auguſt, in the ſaid Act of extinguiſhment mentioned and expreſſed: the ſame Act of extinguiſhment, or any Letters Patents, or any other matter or thing had, done or ſuffered by the ſaid late Queen, to the contrary thereof in any wiſe notwithſtanding.

The Firſt Fruits revived.

And alſo that as well ſo much of the ſaid perpetual and annual Tenth and Penſion granted by the ſaid Act made in the ſaid xxvi. year of the reign of the ſaid late King Henry the eighth, as alſo ſo much of the ſaid yearly Rents reſerved upon the ſaid ſeveral Letters Patents nomine decimæ; and alſo ſo many of the ſaid Rectories, Parſonages, and Benefices impropriate, Glebe-lands, Tythes, Oblations, Penſions, Portions, and other profits and emoluments Eccleſiaſtical and Spiritual aforeſaid, and the reverſion and reverſions thereof: and all rents, emoluments, and profits incident to the ſame, as were in the hands and poſſeſſion of the ſaid late Queen Mary, at and before the ſaid viii. day of Auguſt, ſhall from the ſaid Feaſt of S. Michael the Archangel laſt paſt, be veſted, adjudged, and deemed, actually and really in the Seiſin and Poſſeſſion of our ſaid Soveraign Lady Queen Elizabeth, her Heirs and Succeſſors, to all intents, conſtructions, and purpoſes, of and in ſuch like and the ſame eſtate, intereſt, order, degree, quality, ſort, and condition, and as fully, wholly, largely, and beneficially, as the ſame were in the ſeiſin and poſſeſſion of the ſaid late Queen Mary, at and before the ſame eighth day of Auguſt. And that as well the ſaid firſt fruits and tenths, and the order thereof, as alſo the ſaid annual rents reſerved nomine decimæ, and the ſaid Rectories, Parſonages, Benefices, Glebe-lands, Tythes, Oblations, Penſions, Portions, and other profits and emoluments Eccleſiaſtical and Spiritual aforeſaid, and every of them, and the reverſion and reverſions of them, and of all rents and profits unto the ſame, or any of them incident or belonging, ſhall be within the order, ſurvey, rule, and governance of the ſaid Court of the Exchequer, in every degree, ſort and condition, as they were at and before the ſaid eighth day of Auguſt: the ſaid Act made in the ſaid ſecond and third years, or any other matter or thing to the contrary thereof notwithſtanding.

The tenths revived, and rents reſerved upon Pat. and Promotions Eccleſiaſtical.

And that ſo much of all and every the ſaid Acts and Statutes firſt recited, or of any other Act or Statute, touching or concerning the order, levying, true anſwering and payment or qualification of the ſaid firſt fruits and tenths, and of the ſaid Rectories, Parſonages, and Benefices impropriate, and of the rents, revenues, emoluments, and profits thereof, and of all other the premiſſes, and alſo the charge, diſcharge, or alteration of them, or any of them, or any matter or thing in any wiſe ſounding or tending thereunto, which were ſtanding, and being in force, effect, and unrepealed at and before the ſaid eighth day of Auguſt (except only the ſaid Acts of the erections of the Courts of Augmentations, and Firſt-Fruits and Tenths) ſhall be, remain, and continue in their full and perfect ſtrengths and forces, and be obſerved and put in due execution, according to the tenours and purports of the ſame, and every of them.

The before rehearſed ſtat. revived.

Stat. 27 H. 8. 27.
Stat. 32 H. 8. 45.

And that the Queens Majeſty, her Heirs and Succeſſors, by authority of this preſent Parliament, ſhall from the ſaid firſt day of this preſent Parliament, have, hold, poſſeſſe, and enjoy for ever the Advowſons, Gifts and Patronages, of all Vicarages belonging, or incident to any of the ſaid Rectories, Parſonages impropriate, in the ſame ſort, quality, condition and degree, to all intents and purpoſes, as the ſame were in the perſon and poſſeſſion of the ſaid late Queen Mary, at and before the ſaid eight day of Auguſt: any thing or Act done by the ſame late Cardinal, or any grant or grants by Letters Patents made by the ſaid late Queen Mary, of the ſaid advowſons and patronages, or any of them, to any Eccleſiaſtical or Spiritual perſon or perſons, or any Spiritual Corporation to the contrary in any wiſe notwithſtanding.

The Queen ſhall have the Advowſon of Vicarages belonging to Rectories, &c.

Saving to all and every perſon and perſons, bodies politick and corporate, and their Heirs, Executors, Succeſſors, and Aſſigns, and every of them, (other then ſuch perſons to be mentioned and named in any Letters Patents, made by the ſaid Queen Mary, the ſaid eighth day of Auguſt, or at any time ſithence, or claiming only by or under the authority and ſtrength of the ſame Act or Letters patents, or any of them) all ſuch right, title, intereſt, eſtate, offices, leaſes, grants, annuities, penſions, fees, corrodies, rents, and other yearly profits and commodities, as they or any of them ought or ſhould have had, perceived or enjoyed, of, in, or by reaſon of any the Parſonages, Rectories, or of any other the premiſſes, in caſe the ſaid former Act now repealed, and this preſent Act of repeal had never been had ne made: any thing in the ſame Acts, or either of them contained or ſounding to the contrary thereof in any wiſe notwithſtanding.

A ſaving of the right of others.

And be it further enacted by the authority aforeſaid, That from and after the ſaid Feaſt of Saint Michael the Archangel laſt paſt, and ſo from thenceforth from time to time, the ſaid penſions, annuities, rents, corrodies, fees, and other yearly payments, ſhall be paid and payable only by our ſaid Soveraign Lady, her Heirs and Succeſſors, at the receit of the Exchequer, or in ſuch other places as the Queens Majeſty, her Heirs and Succeſſors, ſhall appoint, to all and every perſon and perſons, that ought to have and enjoy the ſame, in ſuch ſort, order and form, as the ſame ſhould or ought to have been paid and payable in caſe the ſaid Act now repealed had never been had ne made; any thing therein, or elſe in this Act contained to the contrary thereof, in any wiſe notwithſtanding.

How Penſions ſhall be paid.

And be it further enacted by authority aforeſaid, That all and ſingular Incumbents, Proprietaries, Tenants, Farmors, Leſſees, and Occupiers of the premiſſes, or any part thereof, their Heirs, Executors, and Aſſigns, which the ſaid firſt day of this preſent Parliament were behind, or in any arrearages of and with the rents, farms, tenths, or other revenues, profits, or duties, by them or any of them due and payable, for or by reaſon of the premiſſes, or any of them, ſhall and may be by the authority of this Act ſeverally chargeable, accomptable, and anſwerable to the Queens Majeſty, her Heirs and Succeſſors, in and at the ſaid Court of the Exchequer, of and for the ſame arrearages and duties, as other accomptants be and ſhall be in the ſame Court: any thing in the ſaid Act, now repealed in this Act, or any other matter or cauſe to the contrary thereof in any wiſe notwithſtanding.

They that were in arrearages for Rents ſhall pay the ſame to the Queen.

And yet nevertheleſſe, the Queens moſt excellent Majeſty, at the humble requeſt of her ſaid Subjects, of her abundant grace, and bountifulneſſe, is pleaſed and contented that it

Vicarages not exceeding x. li. ſhall pay no Firſt-fruits.

Parſonages not exceeding ten marks, ſhall pay no Firſt-fruits.

be enacted by the authority aforeſaid, That all and ſingular Vicarages, not exceeding the yearly value of ten pounds, after the rate and value upon the Records and Books of the rates and values for the firſt-fruits and tenths now remaining in the Exchequer, or that ſhall hereafter come and remain in the ſame Court, and alſo all and ſingular Parſonages, not exceeding the yearly value of ten Marks, after the like rate and valuation, and the Incumbents thereof, and every of them, their Executors, Adminiſtrators, Succeſſors and Sureties, and every of them, from the ſaid Feaſt of S. Michael the Archangel laſt paſt, ſhall be free and clearly diſcharged, and acquitted for ever, againſt the Queens Majeſty, her Heirs and Succeſſors, of and from the ſaid firſt-fruits: any thing in the ſaid Act of Firſt-fruits and Tenths made in the ſaid ſix and twentieth year of the reign of the ſaid late King Henry the eighth, or in this Act of repeal, or any other Act or Acts before recited to the contrary hereof in any wiſe notwithſtanding.

The charge of the Incumbent which liveth a year after the avoidance.

Provided always, and be it enacted by the authority aforeſaid, That if any Incumbent of any ſuch promotion Spiritual, as is aforeſaid, charged or chargeable to the payment of the ſaid Firſt-fruits, happen to live to the end of one half year next after the laſt avoidance of the ſame promotion Spiritual, ſo as he hath received, or without fraud or covin might lawfully have received or enjoyed the rents or profits of that half year, and before the end of the other half year then next following, ſhall happen to die, or be lawfully evicted, removed, or put from the ſaid promotion Spiritual, by judgment in any action at the Common Law, without fraud or covin: that then every ſuch Incumbent, his Heirs, Executors, Adminiſtrators and Sureties, ſhall be charged and chargeable but onely with the fourth part of the Firſt-fruits due to be paid for ſuch his promotion, and with no more of the ſaid Firſt-fruits: any thing in this Act contained, or any bond or writing to be made for the payment of the ſaid Firſt-fruits, or any other matter or cauſe to the contrary notwithſtanding.

His charge which liveth a whole year, &c.

And if it ſhall happen any ſuch Incumbent to live by the ſpace of one whole year next after the laſt avoidance of the ſame Spiritual promotion, and after, before the end of one half year then next following ſhall fortune to die, or to be lawfully evicted, removed, or put from the ſaid promotion Spiritual, by judgment in any action at the Common-Law, without fraud or covin: that then every ſuch Incumbent, his heirs, executors, adminiſtrators and Sureties ſhall be charged, and chargeable but only with the moyety and one half of the Firſt-fruits due to be paid for ſuch his promotion Spiritual, and with no more of the ſame Firſt-fruits: any thing in this Act contained, or any bond or writing obligatory to be made for the payment of the ſame Firſt-fruits, or any other matter or cauſe to the contrary notwithſtanding.

The charge of him which liveth a year and a half, &c.

And if it ſhall happen any ſuch Incumbent to live to the end of one whole year and an half, next after the laſt avoidance of ſuch promotion Spiritual, and after, and before the end of ſix moneths then next following, ſhall fortune to die, or be lawfully evicted, removed, or put from the ſaid promotion Spiritual, by Judgment in any action at the Common Law, without fraud or covin: that then every ſuch Incumbent, his heirs, executors, adminiſtrators, and Sureties, ſhall be charged and chargeable but only with three parts of the Firſt-fruits of the ſame promotion Spiritual, in four parts to be divided, and with no more: any thing in this Act contained, or any bond or writing obligatory had or made for the payment of the ſaid Firſt-fruits, or any other matter or cauſe to the contrary notwithſtanding.

The charge of him which liveth two whole years after, &c.

And if it ſhall happen any ſuch Incumbent to live to the end of two whole years next after the laſt avoidance of the ſame his promotion Spiritual, and not be lawfully evicted, removed, or put from the ſame promotion Spiritual, as is aforeſaid, that then every ſuch Incumbent, his heirs, executors, adminiſtrators, and Sureties, ſhall content and pay to our ſaid Soveraign Lady the Queen, her Heirs and Succeſſors, the whole Firſt-fruits due to be paid for the ſame promotion Spiritual, according to the Eſtatute aforeſaid.

Grants made to the Univerſities or the Colledges in them, and to Eaton and Wincheſter Colledge.

Provided alſo, and be it enacted, That all grants, immunities, and liberties given to the Univerſities of Cambridge and Oxford, or to any Colledge or Hall in either of the ſaid Univerſities, and to the Colledges of Eaton and Wincheſter, and unto every or any of them, by our late Soveraign Lord King Henry the eighth, or any other the Queens Highneſſe progenitors or predeceſſors, or by Act of Parliament, for or touching the releaſe or diſcharge of the ſaid Firſt-fruits and Tenths, or any part thereof, ſhall be always and remain in their full ſtrength and vertue: and that all ſuch lawful conveyances and aſſurances in the Law, as were had or made before the making of this Act, to either of the ſaid Univerſities of Oxford and Cambridge, or to any Colledge or Hall within any of them, by what name or names ſoever they or any of them be incorporated or named of any of the ſaid Parſonages or Benefices impropriate, or any part of the ſame, or of any Patronages for the maintenance of ſtudents, or learning, ſhall be as good and effectual in the Law to all intents, conſtructions and purpoſes, as though this Act had never been made.

The Chappel of S. George in Windſor.

And be it further enacted by the authority aforeſaid, That the Dean and Canons of the free Chappel of S. George the Martyr, within the Caſtle of Windſor, and all the poſſeſſions and hereditaments of the ſame free Chappel, Deanery and Canons, by whatſoever name or names they be incorporated or known, ſhall be exonerated, and ſhall ſtand for ever diſcharged of the tenths and firſt-fruits before mentioned: any thing in this Act, or any other Act or Statute before mentioned to the contrary thereof in any wiſe notwithſtanding.

Leaſes for years, or three lives.

Provided alſo, and be it enacted, That all Leaſes made before the xx. day of December laſt paſt, for xxi. years, or three lives at the moſt, by any perſon or perſons, bodies politick or corporate, being lawfully ſeiſed of or in any of the ſaid Parſonages impropriate, or of or in any other the premiſſes wont commonly to be let or ſet to ferm, then being out of Leaſe, or whereof there was not at the time of the making of the ſaid Leaſe, or Leaſes, any former Leaſe to endure above one year then to come at the moſt: and upon which new Leaſe or Leaſes, the old yearly rent accuſtomarily wont to be paid for the ſame, by the ſpace of xx.

years laſt before the making of ſuch Leaſe or Leaſes, or more yearly rent is reſerved and payable during the ſaid term: and all other lawful grants, by them or any of them heretofore made of any Office or Offices in old time wont commonly to be granted: and all gifts and grants of any Parſonage or Parſonages impropriate, heretofore belonging to the Archdeaconry of Wells, in the County of Somerſet, or to the Incumbent of the ſame office or dignity, or to the Incumbent of the ſame lately given and reſtored, ſhall be as good and effectual in the Law, as though this Act or any thing contained therein had not been had or made.

Grants of Offices wont to be granted.

And be it further enacted by the authority aforeſaid, That the ſaid Archdeaconry, and Rectories and Spiritual promotions, given, aſſigned, limited or appointed to the ſame, and all and every Incumbent and Incumbents, which hereafter ſhall be preſented, collated, preferred and admitted unto the ſaid Archdeaconry, and the Rectories and Spiritual promotions thereunto limited and appointed, or appertaining and belonging, ſhall ſtand, remain, and be charged and chargeable with the payment of the firſt fruits and tenths for the ſame to the Queens Highneſs, her Heirs and Succeſſors, in ſuch like manner and form as other Spiritual promotions, and the Incumbents of the ſame, be and ſhall be charged and chargeable by this Act, or by any other Act or Statute before ſpecified.

The Arch-deacon of Wells charged with payment of Firſt-fruits.

Provided alwayes, and be it further enacted by the authority aforeſaid, That ſo many of the ſaid Rectories, Parſonages and Benefices impropriate, Glebe lands, tythes, oblations, penſions, portions, and other profits and emoluments Eccleſiaſtical and Spiritual, and every one of them, and the reverſion and reverſions of them, and all rents and profits unto the ſame, or any of them incident or belonging, as were at and before the ſaid viii. day of Auguſt, in the hands and poſſeſſions of the ſaid late Queen Mary, and within the ſurvey, rule, and order of the Court of the Dutchy of Lancaſter, ſhall be again within the order, ſurvey, rule and government of the ſaid Court, in ſuch and the ſame manner and form, to all intents and purpoſes, as they were at and before the ſaid viii. day of Auguſt, in the ſaid ſecond and third years of the reign of the ſaid late King and Queen: any thing in this Act, or in the ſaid Act of the ſame late King and Queen, to the contrary thereof in any wiſe notwithſtanding.

The Benefices, &c. which were within the order of the Dutchy Court, ſhall ſo continue.

Provided alwayes, and be it further enacted by the authority of this Parliament, That no perſon or perſons preſented, inſtituted or inducted, at any time ſithence the firſt day of this preſent Parliament, or that ſhall be preſented, inſtituted or inducted on this ſide the Feaſt of the Nativity of S. John Baptiſt next coming, to any the ſaid Spiritual or Eccleſiaſtical Promotions, chargeable to or with the payment of the Firſt-fruits, or one years profits of ſuch promotion, ſhall incur any penalty or forfeiture, by entring into any of the ſaid Spiritual or Eccleſiaſtical promotions, or by taking the profits thereof for the non-payment, or not compounding of or for the Firſt-fruits thereof, ſo that he or any other for him, ſhall or do compound for the ſame Firſt-fruits according to the true meaning of the Statute, before the Feaſt of the Nativity of S. John Baptiſt: any thing in this Act contained to the contrary notwithſtanding.

They which be preſented to a Benefice, ſhall compound for their Firſt fruits before the feaſt of S. John Baptiſt.

Provided alſo, That this Act, nor any thing therein contained, ſhall not in any wiſe extend to charge any Hoſpital founded and uſed, and the poſſeſſions thereof employed to and for the relief of poor people, or any School or Schools, or the Poſſeſſions or Revenues of them, or any of them, with the payment of any Tenths or Firſt-fruits: any thing in this Act before mentioned to the contrary in any wiſe notwithſtanding.

The revenues of Hoſpitals and Schools.

CAP. V.

If any perſon ſhall compaſs or imagine to deprive the Queen or the heirs of her body to be begotten, being King or Queen of this Realm, from the ſtile or Kingly name of the Crown of this Realm: Or to deſtroy the Queen or any the Heirs of her body, being King or Queen: Or to levy War againſt the Queen, or any the Heirs of her body within her Dominions: Or to depoſe the Queen or any of the Heirs of her body, &c. from the Imperial Crown of this Realm, and the ſame imaginations ſhall utter by open words, &c. Or ſhall publiſh or directly ſay, That the Queen, during her life, is not, or ought not to be Queen: Or that after her death, the Heirs of her body ought not to be King or Queen: Or that any other perſon ought to be King or Queen, ſo long as any of the Heirs of her body ſhall be in life: Then ſuch offender ſhall forfeit to the Queen all his Goods and Chattels, and the profits of his Lands during his life. And if any perſon or perſons ſhall by writing, printing, overt deed or act, commit any of the offences aforeſaid, it ſhall be adjudged high Treaſon. EXP. Stat. 12 Eliz. 1.

CAP. VI.

The penalty mentioned in the Statute of 1 & 2 P. & M. 3. for ſpeaking falſe ſlanderous News of the King or Queen, or for committing any of the offences expreſſed in the ſaid Act, ſhall be expounded to extend to the Queen that now is, and to the heirs of her body. EXP.

CAP. VII.

A reviver of the Statute of 23 H. 8. 16. making it felony to ſell, exchange, or deliver within Scotland, or to the uſe of any Scottiſhman, any horſe. REP. 4 Jac. 1.

CAP. VIII.

A reviver of the Statute of 5 & 6 Ed. 6. 15. limiting what perſons (and for what purpoſes) may buy and ingroſs tanned Leather, and ſell the ſame again, and who not. And a repeal of the Statute of 1 M. 8. touching Curriers, Shoomakers, &c. The Currier ſhall deliver to the Shoomaker the Leather curried which he received, within five dayes in Summer, and ten dayes in Winter, if he may conveniently do it. No Shoomaker ſhall make any Shooes or Boots of any Neats-Leather mingled, but only of it ſelf. REP. 5 Eliz. 8. & 1 Jac. 22.

CAP. IX.

No perſon having ten pounds Land or Rent, ſhall uſe or have profit by the myſtery of tanning of Leather, but an Apprentice or Covenant-ſervant brought up in that Trade four years: Neither ſhall any uſe that Trade, but in a City, Borough, Town corporate, or Market Town, where ſellers ſhall be uſually appointed, unleſs he hath been an Apprentice, or a Covenant-ſervant four years, or the ſon and heir, or wife of a Tanner. Raw hides, Calves ſkins, tanned leather red and unwrought, ſhall not be bought or ſold, but in open Fair or Market. Two pieces called Wombs, ſhall be cut off of every hide, to be converted to ſoale leather, commonly called

Backs. Both the Backs and Wombs ſhall be brought to Fairs and Markets to be ſold. Searchers and Sealers of leather ſhall regiſter all bargains for leather made in Fairs or Markets. The Statute of 2 & 3 Ed. 6. 11. revived. REP. 5 Eliz. 8. & 1 Jac. 22.

CAP. X.

It ſhall be Felony to convey, or procure to be conveyed into any Ship, or other Veſſel, any leather tanned or untanned, or any ſalt or untanned hides, or any backs of ſoale leather, or any Tallow, to the intent to tranſport the ſame over the Sea, to be ſold by way of Merchandiſe. REP. 18 Eliz. 9.

CAP. XI.

When and where Merchandizes ſhall be landed, and Cuſtoms for ſweet wines paid.

Several cauſes of the diminiſhing of the Queens Cuſtoms.

MOſt humbly ſhewing, beſeechen your Highneſſe, your Lords and Commons in this preſent Parliament aſſembled, That where the ſums of money, paid in the name of Cuſtoms, Subſidies of Wares and Merchandizes, tranſported out and brought into this your Highneſſe Realm of England, by any Merchant, Stranger, or Denizen, is an antient Revenue annexed and united to your Imperial Crown, and hath in the time of King Edward the third, and other your moſt noble Progenitors, amounted to great and notable ſums of money, till of late years many greedy and covetous perſons, reſpecting more their private gain and commodity, then their duty and allegiance, or the common profit of the Realm, have and do daily as well by conveying the ſame their Wares or Merchandizes out of Creeks and places where no Cuſtomer is reſident, as alſo by or through the negligence or corruption of the Cuſtomer, Searcher, or other Officer, where they be reſident, as by divers other fraudulent, undue and ſubtil practices and devices, convey their Goods and Merchandizes as well brought from the parts beyond the Sea, as tranſported out of this your Realm of England, without payment or agreeing for the payment of the Cuſtoms and Subſidies therefore due, whereby the yearly Revenue aforeſaid is very much impaired and diminiſhed, to the great loſſe and damage of your Highneſſe, and to the great burden and charge of your loving Subjects, who by occaſion thereof, have of late years been more charged with Subſidies, and payment for the ſupplement of the ſaid loſſe and damage, than elſe ſhould have been.

No goods ſhall be laden or diſcharged but in the day light, and in open place.

Co. li. 27. St. 14 C. 2. ca. 11.

That it may therefore be enacted by the authority of this preſent Parliament, That it ſhall not be lawful to or for any perſon or perſons whatſoever from and after the firſt day of September next coming, to lade or put, or cauſe to be laden or put off or from any Wharf, Key, or other place on the Land, into any Ship, Veſſel, Crayer, Lighter or Bottom, any Goods, Wares, or Merchandizes whatſoever (Fiſh taken by your Highneſſe Subjects only excepted) to be tranſported into any place of the parts beyond the Seas, or into the Realm of Scotland, or to take up, diſcharge, and lay on land, or cauſe or procure to be taken up, or diſcharged out of any Lighter, Ship, Crayer, Veſſel or Bottom, being not in a leke or wrack, and laid on land, any Goods, Wares or Merchandizes whatſoever (Fiſh taken by any of your Highneſſe Subjects, and ſalt, only excepted) to be brought from any the parts beyond the Sea, or the Realm of Scotland, by way of Merchandizes, but only in the day-light; that is to ſay, from the firſt of March, untill the laſt of September, betwixt the ſun-riſing and ſun-ſetting; and from the laſt of September, untill the firſt of March, between the hours of ſeven in the morning, and four at the afternoon, and in and upon ſome ſuch open place, Key or Wharf, places, Keys or Wharfs, as your Highneſſe, your heirs or ſucceſſors, ſhall on this ſide the ſaid firſt day of September, therefore aſſign and appoint by vertue of your Highneſſe Commiſſion or Commiſſions, within your Graces Ports of London, Southampton, Briſtow, Weſtcheſter, Newcaſtle, and the Suburbs of the ſame, and every of them, and in ſome open place, Key, Wharf, places, Keys or Wharfs, in all other Ports, Creeks, Havens, or Roads (Hull only excepted) where a Cuſtomer, Controller, and Searcher of ſuch Ports, Havens, Creeks, or Roads, and every of them, or the ſervants of any of them, have by the ſpace of ten years laſt paſt been accuſtomably reſident, or hereafter ſhall be reſident, upon pain of forfeiture of ſuch Goods, Wares or Merchandizes ſo laden and diſcharged, contrary to the true meaning of this Act; or the value thereof.

Stat. 14 C. 2. cap. 11.

At what times and places only the Maſter of a ſhip ſhall receive or diſcharge his loading.

And be it further enacted by the authority aforeſaid, That no manner of perſon or perſons after the ſaid day, ſhall receive or take into any Ship, Crayer, or other Veſſel, any Goods, Wares or Merchandizes (except before excepted) to be tranſported into any place beyond the Sea, or into the Realm of Scotland, by way of Merchandize: nor ſhall diſcharge and lay on land out of any Ship, Crayer, or other Veſſel, any Goods, Wares or Merchandize (except before excepted), being brought from any place beyond the Sea, or out of the Realm of Scotland, by way of Merchandize, in any other place or places, or at any other hours or times, than is before limited and appointed, upon pain that the Owner and Owners, Maſter and Maſters, or other perſon or perſons which ſhall take charge or guiding of any ſuch Ship, Crayer or Veſſel, or of the Merchants Goods during and for the voyage, ſhall forfeit and loſe for every ſuch offence C. li. of lawful money of England.

A ſhipper ſhall give notice to the cuſtomer, of his departure.

And be it further enacted by the authority aforeſaid, That no Maſter, Shipper, or Purſer, or other perſon or perſons taking charge of the voyage, or of the Merchants Goods, ſhall after the ſaid day receive or take into any Ship, Crayer, or other Veſſel, any Goods, Wares, or Merchandize (except before excepted) to be carried or tranſported into any of the parts beyond the Sea, or into the Realm of Scotland, before he ſhall have ſignified to the Cuſtomer of the Port where he ladeth, and other Officers there, in the open Cuſtome-houſe, if any ſuch be there, or elſe where the ſaid Officers, their deputies or ſervants, or any of them, be or ſhall be uſually reſident, that he intendeth to lade, and to what place he intendeth to paſſe; nor ſhall after his or their full lading depart out of the Port, Creeks, or Stream where he ſhall ſo lade, before he do in like manner ſignifie unto the Cuſtomer and other Officers, as is aforeſaid, of his lading, and what Merchants and other perſons ſhall have laden with him, or in his Ship, Crayer, Veſſel or Bottom: and further truly do anſwer to ſuch queſtions as ſhall be miniſtred to him or them by the Cuſtomer or other Officer, concerning ſuch wares and merchandizes as he ſhall have laden, being examined upon his or their Oath, or otherwiſe, in the open Cuſtome-houſe, or otherwiſe as is aforeſaid, upon pain to forfeit for every ſuch default, not truly advertiſing nor anſwering, as is aforeſaid, a hundred pound.

And be it further enacted by the authority aforeſaid, That no Owner, Maſter, Purſer, or other perſon, taking charge of a Ship, Crayer, Veſſel or Bottom, wherein any Goods, Wares or Merchandizes (except before excepted) ſhall be laden and brought from any the parts beyond the Sea, or the Realm of Scotland, ſhall after the ſaid day, diſcharge into any Lighter or Bottom, and lay on land, or procure, cauſe or willingly ſuffer to be diſcharged into any Lighter or Bottom, and to be laid on land out of ſuch Ship, Crayer, Veſſel, or Bottom, any Goods, Wares or Merchandize whatſoever, before ſuch Owner, Maſter, Purſer, or other perſon or perſons, taking charge of the Ship, Crayer, Bottom or Veſſel, or the Merchants goods for that voyage, ſhall have ſignified and declared to the Cuſtomer or other Officer of the Port, Haven or Creek where he arriveth, the names of every of the Merchants or Lader, and ſhall have truly anſwered to ſuch queſtions and interrogatories touching or concerning ſuch Goods, Wares, or Merchandize, as ſhall be then laden in any ſuch Ship, Veſſel or Bottom as ſhall be to him miniſtred by ſuch Cuſtomer or other Officer, openly in the Cuſtome-houſe, or in ſuch other places as is aforeſaid, upon his or their Oath if need ſo require, upon pain that every Maſter, Purſer, or other perſon or perſons, taking charge of ſuch Ship, Crayer or other Veſſel for that Voyage, ſhall forfeit and loſe for every ſuch default not truly advertiſing nor anſwering as is foreſaid, an hundred pound.

No Maſter of a Ship ſhall diſcharge the ſame, before he hath certified the Cuſtomers.

And be it further enacted by the authority aforeſaid, That from and after the ſaid day, no perſon Denizen ne ſtranger, do take upon him to enter or do, or cauſe to be entred into the books of any Cuſtomer, or any other Officer and Officers of any Port or Haven within this Realm, or his or their Deputy or Deputies, Servant or Servants, any manner of Goods, Wares or Merchandize whatſoever, coming or brought into your Highneſſe Realm, from any the parts beyond the Sea, or from the Realm of Scotland, or going to be tranſported out of the ſame your Highneſſe Realm, into any the parts beyond the Sea, or into the Realm of Scotland, in the name or names of any other perſon or perſons, then the very Owner or Owners of the ſame Goods, Wares or Merchandizes, being not ſold, bargained or contracted for, to or with any perſon or perſons, before ſuch entry, or before the arrival of ſuch Goods, Wares or Merchandize, in the parts beyond the Sea, upon pain of forfeiture of the value of the goods ſo entred.

No man ſhall enter goods in the cuſtomers book, but in the owners name.
Stat. 3 H. 7. 7.
1 H. 8. 5.
2 & 3 Ed. 6. 22.

And be it further enacted by the authority aforeſaid, That if any Wharfenger, Crane-Keeper, Searcher, Lighter-man, Weighter, or other Officer, pertaining to the Subſidy, Cuſtome or Cuſtome-houſe, do at any time after the ſaid day, conſent or know any offence or thing to be committed or done contrary to the true meaning of this Act, or any article therein contained, and do not within one moneth next after knowledge thereof had, diſcloſe the ſame to the chief Cuſtomer or other Officer of the Port, where or wherein whoſe office or charge any ſuch offence ſhall be committed or done; or elſe to the Lord Treaſurer, Chancellor, under-Treaſurer, or one of the Barons of the Exchequer, or the Atturney-General for the time being, ſhall for every ſuch concealment, or not diſcloſing ſuch offence, as is aforeſaid, forfeit and loſe a C. li. of good and lawful money of England.

The penalty of an Officer of the Cuſtome-houſe conceal-ing an offence.
3 H. 6. 3.

And be it further enacted by the authority aforeſaid, That the Cuſtomer of Hull ſhall have a ſervant or deputy continually reſident at the City of York: and every other a Cuſtomer, Comptroller and Searcher of every Port, ſhall from and after the day aforeſaid aſſign and appoint to and in every of the places above mentioned, and in all and every Port, Creek, or Road, where the ſervant or any of them have been continually reſident by the ſpace of ten years, or hereafter ſhall be, as is aforeſaid, one able and ſufficient Deputy or Servant at the leaſt, and that as well all and every of the Cuſtomers, Comptrollers and Searchers, as all and every his or their Deputy or Deputies, Servant and Servants, ſhall from time to time, do his and their diligent attendance at the hours, times and places afore appointed, as well in the Cuſtome-houſe, as elſewhere, as it ſhall be moſt expedient and convenient for the ſpeedy diſpatch of the Merchant, and his goods, Wares and Merchandize, and for the due execution of this Act, in ſuch things as to him or them ſhall appertain, without concealment or conſenting to any thing or things which may be to the hurt or damage of your Highneſſe, your heirs or ſucceſſors, in the juſt anſwering of your Highneſſe due Cuſtoms and Subſidies, upon pain that every ſuch Cuſtomer, Comptroller and Searcher ſhall forfeit and loſe for every offence by him or them committed or done, his or their ſeveral Office or Offices, and an C. li. of lawful money of England: the one moyety of all which forfeiture, ſhall be to your Highneſſe, your heirs and ſucceſſors, and the other moyety to him or them that will ſue for the ſame in any your Highneſſe Courts: wherein no eſſoine, protection, wager of Law or injunction ſhall be admitted and allowed.

Where a Cuſtomer ſhall have a Deputy in another place.
Stat 1 H. 4. 13.
4 H. 4. 20.
13 H. 4. 5.

And where of late years there hath been much greater quantity of ſweet Wines brought into this Realm than in time paſt hath been accuſtomed, which have been alſo brought from the ſame place where the Wine commonly called Malmſey is brought, and is of the ſame nature of Grape, and nevertheleſs either by negligence, ignorance, or corruption of the Officers, there hath not been ſuch Cuſtom and Subſidy received for the ſame, to the uſe of your Highneſſe, and your Progenitors, as is due, and ought of very right to be paid for ſuch ſweet Wines, coming through the Straights, commonly called the Straights of Marrock, otherwiſe Mallegay, to the great loſſe and hinderance of your Highneſſe, and the burthen of us your loving Subjects.

For the avoiding of all ambiguities and doubts, and to the intent the Officers may more certainly know what they ought to receive for ſuch kind and nature of Merchandize, Be it

enacted

Such cuſtome ſhall be paid for ſweet Wines, as had wont to be paid for Malmſies.

enacted and declared by this preſent Act, and by the authority aforeſaid, That like Cuſtome and Subſidy is of very right to be paid, and ſhall from henceforth be paid for ſuch ſweet Wines as is aforeſaid, as is and hath been accuſtomed to be paid for Malmeſies: any negligence, non-payment, uſage or cuſtom to the contrary in any wiſe notwithſtanding. Saving to all and every Lord Marſher, and other perſon and perſons whatſoever, body politick and corporate, all and every ſuch right, title and intereſt, as they or any of them have, and of right ought to have, in the payment or having of any ſuch franchiſe, liberty, cuſtome, and ſubſidy, or any of them: any thing in this Act to the contrary notwithſtanding.

When Corn may be tranſported out of Norfolk and Suffolk.

5 & 6 E 6.

Stat. 3 Car. 4.

Provided always, and be it enacted, That it ſhall be lawful to ſhip, lade, and tranſport into the Ports beyond the Sea, all manner of Corn and Grain, out of the Counties of Norfolk and Suffolk, and either of them, at ſuch places as heretofore hath been accuſtomed, and between the hours in this Act appointed, when the ſame Corn and Grain ſhall not exceed the ſeveral prices mentioned in the Statute made in the fifth and ſixth year of our late Soveraign Lord King Edward the ſixth, intituled, An Act againſt Regrators, Foreſtallers, and Engroſſers, the Cuſtomes and Subſidies therefore due, being well and truly paid: any thing in this Act, or any other Act or Statute to the contrary notwithſtanding.

A Proviſo for the Inhabitants of Angleſey, Flint, and Caernarvan.

Provided alwayes, That this Act, nor any thing therein contained, be not prejudicial or hurtful to the Iſle of Angleſey, the ſhires of Caernarvan and Flint in Northwales: but that the Inhabitants thereof, and every of them, may receive, lade, and diſcharge, according to their old ancient uſes, cuſtoms, or liberties granted to them, or any of their predeceſſors, by the late King of famous Memory, King Henry the eighth, or any of his Progenitors: ſo that they and every of them pay the Cuſtoms and Subſidies that ſhall be due, and diſcharge and load within the times and hours before mentioned: any thing in this preſent Act to the contrary notwithſtanding. Stat. 31 Eliz. 5. 14 Car. 2. cap. 11.

CAP. XII.

The Penalty for ſtretching or impairing Linnen Cloth.

The inconveniences enſuing the deceitful uſing of Linnen cloth.

The penalty for ſtretching or impairing of linnen cloth.

WHere certain evil diſpoſed and deceitful perſons, uſing to buy and ingroſſe into their hands great ſtore of Linnen Cloth, do uſe to caſt the pieces of Cloth over a beam or piece of timber, made for that purpoſe, and do by ſundry devices rack, ſtretch, and draw the ſame both of length and breadth; and that done, do then with battledores, pieces of timber and wood, and other things, ſore beat the ſame, ever caſting thereupon certain deceitful liquors mingled with Chalk and other like things, whereby the ſaid Cloth is not only made to ſeem much finer and thicker to the eye then it is indeed, but alſo the threeds thereof be looſed and made weak, that after three or four waſhings, it will ſcarcely hold together, to the great deceit, hinderance, and loſſe of the Subjects of this Realm: Be it therefore enacted by the authority of this preſent Parliament, That if any perſon or perſons, ſhall hereafter willingly uſe or cauſe to be uſed the aforeſaid deceits, or any other act or acts, mean or means, to, in, or with any kind of Linnen Cloth, whereby the ſame ſhall be deceitful or worſe, to, and for the good uſe thereof; that then the ſaid Cloth ſhall be forfeited, and the offendor therein to be puniſhed by one moneths impriſonment at the leaſt, and ſhall pay ſuch fine as ſhall be aſſeſſed, for his or their offence or offences, by the Juſtices, before whom he or they ſhall be condemned, according to the tenour of this Act.

Which Juſtices may hear and determine the offences aforeſaid.

And be it further enacted by the authority aforeſaid, That all and every the Juſtices of Oyer and Determiner, and Juſtices of Aſſiſes in all their Seſſions, and all Juſtices of Peace in every County and place of this Realm, or three of them at the leaſt, whereof one to be of the Quorum, ſhall have full power and authority to enquire, hear, and determine the offences aforeſaid, in their Seſſions, by information, indictment, or upon the traverſe of any preſentment or indictment, found before the ſaid Juſtices, or any of them.

In what ſort he that ſeizeth an offendors cloth, ſhall purſue his ſuit againſt him.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, ſhall at the next Seſſions of the Peace (after the ſaid Seiſure to be kept within the ſhire or place where the Seiſure was made, or before two Juſtices of Peace, whereof one to be of the Quorum) make due information of the offence and of the ſeiſure of the ſaid Cloth, or elſe ſhall procure the offenders to be thereof indicted at the ſaid next Seſſions after the ſaid ſeiſure, and ſhall alſo be bound before the ſaid Juſtices by Recogniſance or Obligation, to the uſe of the Queens Majeſty, her heirs and ſucceſſors, in ſuch form as the ſaid Juſtices, or any of them ſhall think meet for the greatneſſe of the matter, and to purſue the ſame matter with effect, and to give evidence, as of right appertaineth, and alſo to pay and give the moyety of all that he or they ſhall ſo recover and receive, to the Sheriff, or other Accomptant, to the uſe of the Queens Majeſty, her heirs and ſucceſſors: and the one half of all the forfeitures and fines, of and for the premiſſes to be unto the Queens Majeſty, her heirs and ſucceſſors; and the other moyety to him or them that ſhall make information, or procure indictments of and for the premiſſes, and ſhall follow the ſame with effect.

Certificate of the eſtreat into the Exchequer.

And further, Be it ordained and enacted by the authority aforeſaid, That the Juſtices before whom any ſuch offence ſhall be tryed, ſhall certifie the ſame by their Eſtreat into the Exchequer, at the leaſt yearly at Michaelmas, as they be bound to do other their eſtreats, and upon that certificate, the Barons of the Exchequer to have full power and authority to make proceſſe for ſo much thereof as by this Eſtatute ſhall appertain to the Queens Majeſty, in like manner and form as they only do for any other fines and amerciaments ſo certified before them.

CAP. XIII.

The Statute of 5 R. 2. 3. & 4 H. 7. 10. prohibiting the bringing in, or carrying forth Merchandizes, but in Engliſh Ships, repealed.

Stat. 5 R. 2. 3.
6 R. 2. 8.
4 H. 7. 10.
5 & 6 Ed. 6. 18.

WHere by divers Statutes made in the time of the Queens Majeſties moſt noble Progenitors, it hath been enacted and provided, That no perſon born within the Realm of England, or being of the legiance of the Prince of the ſaid Realm, or any the Dominions of the ſame, ſhould ſhip any manner of Merchandize, either out of the Realm, or into the ſame, but only in a Ship or Bottom, whereof the ſaid Prince, or ſome other of their Subjects were Owners, Poſſeſſioners, Proprietaries, and Maſters; and the Mariners of the ſame Veſſel for the more part, to be alſo their Subjects, upon divers pains and penalties, as in the ſaid Statutes more plainly appeareth; Since the making of which ſaid Statutes, other foreign Princes finding themſelves agrieved with the ſaid ſeveral Acts, as thinking that the ſame were made to the hurt and prejudice of their Country and Navy, have made like penal Laws againſt ſuch as ſhould ſhip out of their Countries in any other Veſſels, than of their ſeveral Countries and Dominions: by reaſon whereof, there hath not only grown great diſpleaſure betwixt the foreign Princes and the Kings of this Realm, but alſo the Merchants have been ſore grieved and endamaged:

A repeal of the ſtatute of 5 R. 2. 3. & 4 H. 7. 10.

For reformation whereof, and for increaſe of continuance of amity, Be it enacted, That the ſeveral Acts made in the fifth year of King Richard the ſecond, the third Chapter, and in fourth year of the late King of famous memory, King Henry the ſeventh, intituled, Of Wine and Tholouſe Woad; ſhall be from henceforth clearly void, and of none effect. And nevertheleſſe, for avoiding of great deceit practiſed, and now adayes uſed by ſundry Subjects born within this Realm of England, and Dominions of the ſame, which enter, in the Cuſtomers Books, Wares and Merchandize of Aliens born, in their own name, whereby the Queens Majeſty is defrauded in her Cuſtoms and Subſidies, to the great decay of the ancient Revenues of the Crown: Be it enacted by the authority of this preſent Parliament, That all and every perſon and perſons, being Owner or Owners of any goods, wares, or merchandizes, which after the firſt day of January next enſuing the Seſſion of this preſent Parliament, ſhall in time of peace, and when there is no reſtraint made of Engliſh Ships, embark, ſhip, lade, or diſcharge by way of Merchandize, any wares or merchandize (Maſts, Ruſſe, Pitch, Tarre, and Corn, only excepted) out of, or into any Ship, Bark, Hoye, Veſſel, or Bottom, whereof our ſaid Soveraign Lady the Queen, her Heirs or Succeſſors, or ſome of her or their Subjects of this Realm, or the Dominions of the ſame, be not Poſſeſſioners and Proprietaries, and the Maſters under God, and the Mariners of the ſame Ship or Ships, for the moſt part, be not Subjects of our ſaid Soveraign Lady her heirs and ſucceſſors, ſhall anſwer, yield and pay to the uſe of our ſaid Soveraign Lady the Queen, her heirs and ſucceſſors, ſuch Cuſtome and Subſidy, for ſuch wares and merchandizes ſo ſhipped, laden or diſcharged, as is aforeſaid, rate and rate like, as ſtrangers and aliens born out of the obeyſance of our ſaid Soveraign Lady the Queens Majeſty do, and ought to pay for wares and merchandizes of like nature and kind.

The penalty where any Merchandize ſhall be ſhipped or diſcharged but in Engliſh ſhips.
Stat. 14 R. 2. 6.

There ſhall be no croſſing of the Sea with any Hoy or Plate of an Engliſh Subject.
5 El. 5. 13 El. 15.

And be it further enacted by the authority aforeſaid, That no Hoy, or Plate, whereof any Engliſh ſubject or ſubjects, is, be, or ſhall be Owner or Owners, at any time after the firſt day of January aforeſaid, from any Port, Creek, or place of this ſaid Realm of England, or any of the Dominions of the ſame, ſhall traverſe or croſſe the Seas, in, to, or for any of the Ports beyond the Seas, with any wares, goods, or merchandize, upon pain that the ſaid Owner or Owners ſhall forfeit and loſe the ſame Hoy or Plate, with all and every the munition, tackling, and other neceſſaries pertaining thereunto: whereof the one moyety to be to the uſe and behoof of the Queens ſaid Majeſty, her heirs and ſucceſſors; and the other moyety to the perſon or perſons which will ſue for the ſame by Bill, Plaint, Action, or Information, in any her Highneſſe Courts at Weſtminſter: in which caſe, no wager of law, protection or eſſoine ſhall be admitted.

In what caſe Merchants may uſe ſtrangers Ships.

Provided alwayes, and be it enacted, That it ſhall be lawful to the Merchants, commonly called Merchant Adventurers, and Merchants of the Staple, and every of them, at their ſeveral Fleets, or ſhippings of Cloth and Wooll, and every of them, from and out of the River of Thames only, being made twice in one year at the moſt, to embark, ſhip, and lade any goods, wares and merchandize, in, or to any Ship, Veſſel or Bottom, belonging or appertaining to any ſtranger or alien born, ſo long and at ſuch time as there be not Ships, Veſſels, or Bottoms belonging to the Queens Highneſſe, her heirs and ſucceſſors, or any of her Subjects in the ſaid River of Thames, ſufficient in number, and apt and meet for the ſure and ſafe conveyance of the Wares and Merchandize into the parts of Flanders, Holland, Zeland, or Brabant, or any of them, without paying any greater or more Cuſtome and Subſidy, than Engliſh men do, and ought to pay: any thing in this Act to the contrary notwithſtanding. This Act to continue and ſtand in force for the ſpace of five years only next immediately following this preſent Seſſion of Parliament, and from thence to the end of the Parliament then next following.

In what caſe Merchants of Briſtow may uſe ſtrangers Ships.

Provided, That foraſmuch as the Merchants of the City of Briſtow have ſuſtained of late great loſſes at the Sea by the Enemies, by reaſon of taking of all their beſt ſhips, with much ſubſtance, ſo that they be not of ability to provide ſufficient ſhips and Veſſels of their own within the time limited in this preſent Act: that they for lack of their own ſhips, or any other Veſſels of the Queens Dominions, within forty miles of the City of Briſtow, may load or embark their own Wares and Merchandizes in ſtrangers Bottoms, without paying any other Cuſtome, than for Wares and Merchandizes laden in Engliſh Bottoms: this Act or any thing therein contained to the contrary notwithſtanding.

CAP. XIV.

What perſons of Bocking, Weſtbarfold, Cockſhall, and Dedham, may uſe the making of Cloth or Kerſey, as they might have done before the Statute of 4 and 5 Phil. and Mar. 5.

By the ſtatute 4 & 5 P. & M. 5. no cloth ſhall be made to ſell, but in a Market Town, &c.

VVHereas by a certain Act of Parliament begun at Weſtminſter the twentieth day of January, in the fourth and fifth years of the Reign of the late King Philip and Queen Mary, and there continued till the ſeventh day of March, in the ſaid fourth and fifth years of the reign of the ſaid late King and Queen, amongſt other things it was enacted, That from and after the firſt day of May then next following, no perſon or perſons whatſoever, ſhall uſe or exerciſe the feat or myſtery of making, weaving or rowing of Woollen Clothes, long or ſhort, or Kerſies, pinned Whites, or plain Streights, to the intent to put the ſame to ſale, but only in a Market-Town where Cloth hath continually been uſed to be made by the ſpace of ten years then laſt paſt, or in a City, Borough, or Town corporate, upon pain of forfeiture for every ſuch Woollen Cloth or Kerſie made, woven, or rowed out of ſuch City, Borough, Town corporate, or Market Town, five pounds.

And where alſo it is provided in the ſaid Act, That it ſhall be lawful to any perſon, then uſing or exerciſing the feat or myſtery of making, weaving, or rowing of Cloth or Kerſie, to inhabit or dwell where he then did dwell, and there to uſe the making, weaving, or rowing of Cloth or Kerſie as he hath heretofore: any thing in the ſaid Act notwithſtanding.

The Inhabitants of what places may make cloth out of a Market Town.

And where it is further provided by the ſaid Act, That it ſhall be lawful to all and every perſon or perſons, which then did, or after that time ſhould inhabit or dwell in any of the Shires of North-Wales, or South-Wales, Cheſhire, or Lancaſhire, Weſtmerland, Cumberland, Northumberland, Biſhoprick of Durham, Cornwall, Suffolk, Kent, the Town of Goddelmine in the County of Surrey, or Yorkſhire, being not within twelve miles of the City of York, or in any of the Towns or Villages near adjoyning to the water of Strowd, in the County of Glouceſter, where Clothes have been uſually made by the ſpace of twenty years then laſt paſt, and having been Apprentice to the occupation of Cloth-making, or uſed the ſame by the ſpace of ſeven years, to ſet up, uſe, and exerciſe the feat or myſtery of making, weaving, or rowing of Woollen Cloth, out of a City, Borough, or Market Town, as before that time they might have done: any thing in the ſaid Act to the contrary notwithſtanding.

The Inhabitants of Bocking, Weſtbarfold, Cockſhall and Dedham may make cloth.

And foraſmuch as the Towns or Villages of Bocking, Weſtbarfold, Dedham, and Cockſhal, in the County of Eſſex, be fair large Towns, and as well planted for Cloth-making, as the ſaid Town of Goddelmine, or better, and few Towns in this Realm better planted for that purpoſe, and have been inhabited of a long time with Clothmakers, which have made, and daily do make good and true Cloth, to the great Common-weal of the Country there, and nothing prejudicial to, or for the Commonwealth of this Realm: Be it therefore ordained and enacted by the authority of this preſent Parliament, That it ſhall be lawful to all and every ſuch perſon and perſons, which now do inhabit or dwell, or hereafter ſhall dwell in the ſaid Towns or Villages of Bocking, Weſtbarfold, Cockſhall and Dedham, or in any of them, now uſing or exerciſing, or that hereafter ſhall uſe or exerciſe the feat or myſtery of making, weaving, or rowing of Cloth or Kerſie, by the ſpace of ſeven years at the leaſt, or have been Prentice thereto by the ſaid ſpace of ſeven years, to inhabit and dwell in the ſaid Towns and Villages of Bocking, Weſtbarfold, Cockſhall and Dedham, and in every or any of them, and to uſe the making, weaving, or rowing of Cloth or Kerſie, as before this time they might have done, if the ſaid Act had never been made: any thing in the ſaid Act to the contrary thereof made, or any other Act, Statute, or Law heretofore made, or hereafter to be made to the contrary hereof in any wiſe notwithſtanding, 27 Eliz. 23.

CAP. XV.

No Timber ſhall be felled to make Coals or Fewel for making of Iron.

What timber-trees, and growing in which places ſhall not be converted to fuell for the making of Iron.

FOr the avoiding of deſtruction and waſting of Timber, Be it enacted by our Soveraign Lady the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons hereafter ſhall convert or imploy, or cauſe to be converted or imployed to Coal or other fewel, for the making of Iron, any Timber-tree, or Timber-trees, of Oke, Beech, or Aſh, or of any part thereof, of the breadth of one foot ſquare at the ſtub, and growing within fourteen miles of the Sea, or of any part of the Rivers of Thames, Severn, Wye, Humber, Dee, Tine, Teeſe, Trent, or any other River, Creek, or Stream, by the which, carriage is commonly uſed by Boat, or other Veſſel, to any part of the Sea, upon pain of forfeiture for every ſuch Tree, or any part thereof, ſo employed or converted to Coal, or other fewel, for the making of Iron, as is aforeſaid, forty ſhillings of lawful money of England: the one half of all which forfeitures, to be to our Soveraign Lady the Queens Majeſty, and her Heirs and Succeſſors, and the other moyety to him or them that will ſue for the ſame by original writ, bill, plaint, or information: wherein no eſſoine, protection, injunction, or wager of Law ſhall be admitted or allowed. Cro. El. 325.

To what ſhires or places this ſtatute ſhall not extend.

Provided alwayes, That this Act ſhall not extend to the County of Suſſex, nor to the Weild of Kent, nor to any the Pariſhes of Charlewood, Newdigate, and Ligh, in the Weild of the County of Surrey: This Act to begin and take effect from and after the Feaſt of the Nativity of S. John Baptiſt next coming, after this Seſſion of Parliament. Stat. 23 Eliz. 5. 27 Eliz. 19.

CAP. XVI.

The Statute made Anno 1 Mar. againſt unlawful and rebellious Aſſemblies, ſhall be continued during the Queens life, and untill the end of the Parliament then next following. EXP.

CAP.

CAP. XVII.

The Penalty for taking of the Spawn or Fry of any Fiſh, or Salmons, or Trowts, not ſeaſonable, &c.

FOr the preſervation hereafter of Spawn. Fry, and young breed of Eeles, Salmons, Pikes, and of all other Fiſh, which heretofore hath been much deſtroyed in Rivers and Streams, ſalt and freſh, within this Realm, in ſo much, that in divers places they feed Swine and Doggs with the fry and ſpawn of Fiſh, and otherwiſe (lamentable and horrible to be reported) deſtroy the ſame to the great hinderance and decay of the Commonwealth: Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons, of what eſtate, degree, or condition ſoever he or they be, from and after the firſt day of June next coming, within any manner of Net, Weele, But, Taining, Kepper, Lime, Crele, Raw, Fagnet, Trolnet, Trimenet, Trimbote, Saltbote, Webliſter, Seur, Lammet, or with any device or Engine made of hair, wooll, line, or canvas, or ſhall uſe any heling-net, or Trim-boat, or by any other device, Engine, Cawtel, wayes or means whatſoever, heretofore made or deviſed, or hereafter to be made or deviſed, ſhall take and kill any young Brood, Spawn, or Fry of Eeles, Salmon, Pike, or Pikerel, or of any other Fiſh, in any Floudgate, Pipe at the tail of a Mill, Weare, or in any Straites, Streams, Brooks, Rivers freſh or ſalt, within this Realm of England, Wales, Barwick, or the Marches thereof, nor ſhall from and after the firſt day of June next coming, by any of the wayes and means aforeſaid, or otherwiſe, in any River or place above ſpecified, take or kill any Salmons or Trowts, not being in ſeaſon, being kepper Salmons, or kepper Trowts, ſhedder Salmons, or ſhedder Trowts.

No perſon ſhall take the ſpawn or fry of any Fiſh.

None ſhall take any Salmons or Trowts not in ſeaſon.

And be it further enacted by authority aforeſaid, That no perſon or perſons, of what eſtate, degree, or condition he or they ſhall be of from and after the ſaid firſt day of June, by any of the means aforeſaid, in any of the Rivers or places above named, ſhall take and kill any Pike or Pikerell, not being in length ten inches fiſh, or more; nor any Salmon not being in length ſixteen inches fiſh, and more; nor any Trowt not being in length eight inches or more; nor any Barbel, not being in length twelve inches or more.

Of what length Fiſhes muſt be, that ſhall be taken and killed.

And to the intent the ſaid young fry. brood, or ſpawn, may be preſerved according to the true meaning hereof, be it further enacted by the authority aforeſaid, That no manner of perſon or perſons, from and after the firſt day of June next coming, ſhall fiſh, or take fiſh with any manner of Tramell, Kepe, Wore, Givie, Crele, or by any other engine device, ways or means whatſoever, in any River or other places above mentioned, but only with Net or Tramel, whereof every meſhe or mask ſhall be two inches and a half broad, Angling excepted.

Of what meſh each Net ſhall be.

Provided neverthleſſe, and be it enacted by authority aforeſaid, That in all ſuch places where Smelts, Loches, Minneis, Bulheads. Gudgions, or Eeles have been uſed to be taken and killed, that in all ſuch places, it ſhall be lawful only for the taking of Smelts, Loches, Minneis, Gudgions and Eeles, to uſe ſuch Nets, Lepes, and other Engines, devices, wayes and means as heretofore have been uſed for the taking of the ſame: ſo that ſuch perſon or perſons uſing or occupying ſuch Nets or other Engines, as is laſt afore mentioned, do not take, kill, or deſtroy any other fiſh with the ſaid Nets or Engines, contrary to the tenour and form above in this ſtatute contained.

What nets or other devices may be uſed for the taking of ſmall fiſh.

And be it further enacted, That if any perſon or perſons, after the abovesaid day limited in this preſent Act, offend in any of the points before rehearſed, contrary to the tenour, form, and purpoſe of any part of the ſame, that then every ſuch perſon and perſons ſo offending, ſhall loſe and forfeit for every time of his or their offence, the ſum of twenty ſhillings, and the fiſh ſo taken contrary to the tenour hereof, and alſo the unlawful Nets, Engines, devices, and Inſtruments whatſoever they be, wherewith or whereby ſuch offence ſhall fortune to be made, committed, or done.

The penalty of the offendor.

And to the intent that a perfect execution may be had of this preſent Act, be it further ordained by authority aforeſaid, That the Lord Admiral of England, and the Mayor of the City of London for the time being, and all and every other perſon and perſons, bodies politick and corporate, which by grant or other lawful wayes or means, lawfully have, or ought to have any conſervation or preſervation of any Rivers, Streams, or Water, or puniſhments and corrections of offences committed in any of them, ſhall have full power and authority by vertue of this Act, to enquire of all the offences to be committed and done contrary to the effect and true meaning of this Act, within his or their ſuch lawful rule, government, juriſdiction and conſervancy, by the oaths of twelve men or more, and to hear and determine all and every the ſame offences committed within his or their juriſdiction, conſervancy, rule and government.

Which perſons ſhall have authority to enquire of, and determine the offences aforeſaid, and who ſhall have the forfeitures.

And that all ſuch pains and forfeitures, as ſhall riſe or grow by the reaſon of any ſuch conviction for any the offences aforeſaid, ſhall be to the uſe of every of the ſaid perſon and perſons, being no body politick or corporate, nor head of any body polititk or corporate, before whom ſuch conviction, as is aforeſaid, ſhall be had, and to the uſe of every ſuch body politick and corporate, as heretofore have lawfully had any fines, forfeitures, and amerciaments for any offence unlawfully committed or done, in any ſuch their juriſdiction, or conſervancies, upon conviction had before the head of any ſuch body politick or corporate.

And that alſo the Lord of every Leet within this Realm of England and Wales, or the Dominions of the ſame, ſhall have full power and authority to enquire of all the offences contrary to the purport, tenour, and form of this Eſtatute within the precinct to their ſaid Leet: ſuch enquiry to be had, in manner and form, and after ſuch ſort as common amerciaments, or other things inquirable in their Court Leet, have been lawfully uſed and accuſtomed to be had and made.

And that upon every ſuch preſentment had in any Court or Leet, by the Oath of twelve men or more, as is aforeſaid, of any offence or offences, made contrary to the tenour of this Eſtatute: that then all ſuch forfeiture above in this eſtatute limited and appointed for ſuch offence, ſhall be unto the Lord of the ſaid Leet for the time being, to his own uſe for ever, and ſhall be levied in ſuch manner and form, as amerciaments for affairs committed within the precinct of ſuch Leet have been uſed and accuſtomed to be levied.

The forfeiture of the ſteward of a Leet, that doth not give this ſtatute in charge.

The forfeiture of a Jury in a Leet, that doth conceal any offence.

And if any Leet after the ſaid firſt day of June, be kept within this Realm of England or Wales, or the Dominions thereof, and the Steward of the ſaid Leet for the time being, or other for him, do not charge the Jury ſworn in ſuch Leet, to enquire of all the offences done within the precinct of the ſaid Leet, contrary to the tenour and form of this Eſtatute: that then the Steward of the ſaid Leet, to loſe and forfeit forty ſhillings: the one moyety of which forfeitures ſhall be to the Queens Majeſty, her Heirs and Succeſſors, and the other moyety to him that will ſue for the ſame. And if any Jury ſworn in any Leet, and being charged to enquire of the offences committed within the precinct of that Leet, do lawfully and willingly conceal and make default in preſentment, or do not preſent the offence and offendors: that then it ſhall be lawful to the Steward, or Baily of the Leet, or his or their deputy for the time being, to impannel one other Jury within the ſaid Leet, and to enquire of ſuch concealment, default, or non-preſentment, and that upon ſuch concealment, default, or non-preſentment found and preſented, every of the ſaid Jurours which ſo did conceal, make default, or not preſent, ſhall loſe and forfeit for every ſuch offence xx. s. to the Lord of the ſaid Leet, the ſame to be levied in manner and form as is abovesaid, for the other offences limited and expreſſed.

Who may puniſh the ſaid offences, if they be not preſented in the Leet.

And it is further enacted by authority aforeſaid, That if the offences above mentioned touching the taking, killing, or deſtroying of Fiſh, or Fry and Spawn, be not preſented at the Leet where they ſhall be committed, within one year next after the offence committed, that the Juſtices of Peace in their Seſſions, Juſtices of Oyer and Determiner, and Juſtices of Aſſiſe in their ſeveral Circuits, ſhall have full power and authority to enquire thereof, and to hear and determine all the offences committed, contrary to the tenour of the Eſtatute.

A ſaving of the liberties of all perſons having right to enquire of, and puniſh the ſaid offences.

Saving alwayes to all and every perſon or perſons, bodies politick and corporate, and every of them, all ſuch Right, Title, Intereſt, Claim, Priviledge, and conſervation, and enquiry, and puniſhment of and for the offences aforeſaid, as they or any of them lawfully have and enjoy, or of right ought to have and enjoy, by any manner of means in this Act to the contrary notwithſtanding. This Act to endure to the end of the next Parliament.

To what perſons or waters this Statute doth not extend.

Provided alwayes, That this Act, nor any thing therein contained, ſhall not extend to the Fiſhing of the River or Water of Tweed; nor to any River or Water whereof the Queens Majeſty is anſwered by any yearly rent or profit; nor to the Owners, Farmors, and Occupiers of the Rivers of Uſke, or Wye, in the County of Monmouth, for any fiſh hereafter to be taken in any the Rivers or Waters before mentioned and expreſſed: but that it ſhall be lawful at all ſeaſonable time and times hereafter, for ſuch as have or ſhall have any manner of intereſt therein, to take and fiſh the ſaid Rivers and Waters, in ſuch manner and form as heretofore hath been uſed and accuſtomed, not uſing any Net or Engine, to the intent willingly to take, kill, and deſtroy the ſpawn, breed, or fry, breeding any kind of fiſh within the ſaid ſeveral Rivers or Waters: this Act or any thing therein mentioned or contained to the contrary notwithſtanding, 3 Car. 4. made perpetual.

CAP. XVIII.

The Statutes made Anno 22 Hen. 8 7. Anno 23 Hen. 8. 3. & 17. Anno 24 H. 8. 9. Anno 28 H 8. 6. 8. 9. Anno 31 H. 8. 7. Anno 35 H. 8. 17. Anno 37 H. 8. 23. Anno 2 & 3 Ed. 6. 9. Anno 3 & 4 Ed. 6. 19. & 21. Anno 5 & 6 Ed. 6. 14. Anno 7 Ed. 6. 11. Anno 1 Mar. 12. 13. Anno 1 & 2 Phil. & Mar. 16. Anno 2 & 3 Phil. & Mar. 2. 3. & 5. ſhall be revived, and made to continue untill the end of the next Parliament. EXP.

CAP. XIX.

Leaſes and other aſſurance of Biſhops Lands.

Co. l. 5. 2. Cro. El. 141. 430. Cro. Iac 173. Cro. Car 47. 95. 258. 279.

All Gifts, Grants, Feoffments, Fines, and other Conveyances, or Eſtates, from the firſt day of this preſent Parliament, had, made, done, or ſuffered, or to be had, made, done, or ſuffered by any Archbiſhop, or Biſhop, of any Honors, Caſtles, Manors, Lands, Tenements, or other Hereditaments, being parcel of the poſſeſſion of his Archbiſhoprick or Biſhoprick, or united, appertaining, or belonging to any of the ſame, to any perſon (other than to the Queen, her heirs or ſucceſſors) whereby any eſtate ſhould or might paſs from the Archbiſhop or Biſhop, other than for term of one and twenty years, or three lives, from ſuch time as any Leaſe, Grant, or Aſſurance ſhall begin, and whereupon the old accuſtomed yearly rent, or more, ſhall be reſerved, payable yearly during the ſaid term of one and twenty years, or three lives, ſhall be utterly void, any Law, Cuſtome, &c. notwithſtanding. PR.

CAP. XX.

Cro. El 533.

A Subſidy of Tonnage and Poundage, granted to the Queen during her life, payable out of divers Merchandiſes. EXP.

CAP. XXI.

The confirmation of a Subſidy and two Fifteens, granted to the Queen by the Temporalty. EXP.

Anno Quinto Reginæ Elizabethæ.

At the Parliament holden at Weſtminſter, the twelfth of January, in the fifth year of our Soveraign Lady Elizabeth, by the Grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c. To the high pleaſure of Almighty God, and the weal-publick of this Realm, were enacted as followeth.

CAP. I.

Aſſurance of the Queens Power over all Eſtates.

FOr preſervation of the Queens moſt excellent Highneſſe, her Heirs and Succeſſors, and the dignity of the Imperial Crown of this Realm of England, and for avoiding both of ſuch hurts, perils, diſhonours, and Inconveniences, as have before time befallen, as well to the Queens Majeſties noble Progenitors, Kings of this Realm, as for the whole eſtate thereof, by means of the juriſdiction and power of the See of Rome, unjuſtly claimed and uſurped within this Realm, and the Dominions thereof, and alſo of the dangers by the Fautors of the ſaid uſurped Power, at this time grown to marvellous outrage, and licentious boldneſſe, and now requiring more ſharp reſtraint and correction of Laws, than hitherto in the time of the Queens Majeſties moſt mild and merciful reign have been had, uſed, or eſtabliſhed.

Be it therefore enacted, ordained, and eſtabliſhed by the Queen our Soveraign Lady, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon and perſons, dwelling, inhabiting, or reſiant within this Realm, or within any other the Queens Dominions, Seigniories, or Countries, or in the Marches of the ſame, or elſewhere, within or under her obeyſance and power, of what eſtate, dignity, preheminence, order, or condition ſoever he or they be, after the firſt day of April, which ſhall be in the year of our Lord God one thouſand five hundred ſixty three, ſhall by writing, cyphering, printing, preaching or teaching, deed or act, adviſedly and wittingly, hold or ſtand with, to extol, ſet forth, maintain, or defend the authority, juriſdiction, or power of the Biſhop of Rome or of his See, heretofore claimed, [a] uſed, or uſurped, within this Realm, or in any Dominion or Country, being of, within or under the Queens power or obeyſance, or by any ſpeech, open deed or act, adviſedly and wittingly attribute any ſuch manner of juriſdiction, authority, or preheminence to the ſaid See of Rome, or to any Biſhop of the ſame See for the time being within this Realm, or in any the Queens Dominions or Countries: that then every ſuch perſon or perſons ſo doing or offending, their abettors, procurors and counſellors, and alſo their ayders, aſſiſtants, and comforters, upon purpoſe, and to the intent to ſet forth, further, and extol the ſaid uſurped power, authority or juriſdiction of any of the ſaid Biſhop or Biſhops of Rome, and every of them, being thereof lawfully indicted or preſented within one year next after any ſuch offences by him or them committed, and being lawfully convicted or attainted at any time after, according to the Laws of this Realm, for every ſuch default and offence, ſhall incur into the dangers, penalties, pains and forfeitures, ordained and provided by the Statute of Proviſion and Præmunire, made in the ſixteenth year of the Reign of King Richard the ſecond.

The penalty for maintaining the authority of the Biſhop or See of Rome. Stat. 28 H. 8. c. 10. 13 E. 2.

[a] Dyer, fol. 81. Co. Inſt. 4. Part, 43. Dyer, 363.

16 R. 2.

And it is alſo enacted by the authority aforeſaid, That as well Juſtices of Aſſiſe in their Circuits, as Juſtices of Peace within the limits of their Commiſſion and Authorities, or two of every ſuch Juſtices of Peace at the leaſt, whereof one to be of the Quorum, ſhall have full power and authority by vertue of this Act, in their quarter or open Seſſions, to enquire of all offences, contempts, and tranſgreſſions, perpetrated, committed, or done contrary to the true meaning of the premiſſes, in like manner and form as they may of other offences againſt the Queens peace, and ſhall certifie every preſentment afore them or any of them, had or made concerning the ſame, or any part thereof, before the Queen, her heirs and ſucceſſors, in her or their Court, commonly called the Kings Bench, within forty dayes next after any ſuch preſentment had or made, if the Term be then open; and if not, at the firſt day of the full Term next following the ſaid forty dayes, upon pain that every of the Juſtices of Aſſiſe, or Juſtices of the Peace, before whom ſuch preſentment ſhall be made, making default of ſuch certificate, contrary to this Statute, to loſe and forfeit for every ſuch default, one hundred pounds to the Queens Highneſſe, her heirs and ſucceſſors.

Which Juſtices may enquire of and certifie the offences aforeſaid.

The penalty for default of certificate of the ſaid offences.

And it is enacted by the authority aforeſaid, That the Juſtices of the Kings Bench, as well upon every ſuch Certificate, as by enquiry before themſelves within the limits of their authorities, ſhall have full power and authority to hear, order, and determine every ſuch offence done or committed contrary to the true meaning of this preſent Act according to the Laws of this Realm, in ſuch like manner and form to all intents and purpoſes, as if the perſon or perſons againſt whom any preſentment ſhall be had upon this Eſtatute, had been preſented upon any matter or offence expreſſed in the ſaid Eſtatute made in the ſaid ſixteenth year of King Richard the ſecond.

The Juſtices of the Kings Bench may hear and determine the offences aforeſaid.

And moreover, be it enacted by the authority aforeſaid, That as well all manner of perſons, expreſſed and appointed in and by the Act made in the firſt year of the Queens Majeſties reign that now is, intituled, An Act reſtoring to the Crown the ancient juriſdiction over the eſtate Eccleſiaſtical and Spiritual, and aboliſhing all forein powers repugnant to the ſame, to take the Oath expreſſed and ſet forth in the ſame: as all other perſons which have taken, or ſhall take Orders, commonly called Ordines Sacros, or Eccleſiaſtical Orders, have been, or ſhall be promoted, preferred, or admitted to any degree of Learning in any Univerſity within this Realm or Dominions to the ſame belonging: And all School-Maſters, and publick and private Teachers of Children, as alſo all manner of perſon and perſons that have taken, or hereafter ſhall take any degree of Learning in or at the Common Laws of this Realm, as well Utter Barreſters, as Benchers, Readers, Ancients in any houſe or houſes of Court, and all Principal Treaſurers, and ſuch as be of the grand Company of every Inne of Chancery, and all Atturneys, Protonotaries, and Philizers towards the Laws of this Realm, and all manner of Sheriffs, Eſcheators, and Feodaries, and all other perſon and perſons, which have taken, or ſhall take upon him or them, or have been or ſhall be admitted to any Miniſtry or Office, in, at, or belonging to the Common

Theſe ſhall take the oath ſet forth Anno 1 Eliz. 1. Takers of Eccleſiaſtical Orders. Degrees in the Univerſity. School-maſters. Utter Barreſters. Benchers. Readers. Ancients. Protonotaries. Atturneys. Philizers. Sheriffs. Eſcheators. Feodaries. Officers at the Common Law.

Law, or any other Law or Laws of, to, or for the execution of them, or any of them, uſed or allowed, or at any time hereafter to be uſed or allowed within this Realm, or any of the Dominions or Countries belonging, or which hereafter ſhall happen to belong to the Crown or Dignity of the ſame, and all other Officers or Miniſters, of, or towards any Court whatſoever, and every of them, ſhall take and pronounce a corporal Oath upon the Evangeliſts, before he or they ſhall be admitted, allowed, or ſuffered to take upon him or them to uſe, exerciſe, ſupply, or occupy any ſuch vocation, office, degree, Miniſtery, room, or ſervice, as is aforeſaid, and that in the open Court, whereunto he doth or ſhall ſerve or belong. And if he or they do not or ſhall not ſerve or belong to any ordinary or open Court, then he or they ſhall take and pronounce the Oath aforeſaid, in an open place before a convenient aſſembly, to witneſſe the ſame, and before ſuch perſon or perſons, as have or ſhall have authority by common uſe, or otherwiſe, to admit or call any ſuch perſon or perſons as is aforeſaid, to any ſuch vocation, office, miniſtery, room or ſervice, or elſe before ſuch perſon or perſons, as by the Queens Highneſſe, her heirs or ſucceſſors, by Commiſſion under the great Seal of England ſhall be named or aſſigned, to accept and take the ſame according to the tenour, effect, and form of the ſame Oath Verbatim, which is, and as it is already ſet forth to be taken in the aforeſaid Act., made in the firſt year of the Queens Majeſties Reign.

Officer of any Court.

The Biſhop may tender the Oath to any Spiritual perſon.

And alſo be it enacted by the authority of this preſent Parliament, that every Archbiſhop and Biſhop, within this Realm and Dominions of the ſame, ſhall have full power and authority by vertue of this Act, to tender or miniſter the Oath aforeſaid, to every or any Spiritual or Eccleſiaſtical perſon within their proper Dioceſſe, as well in places and juriſdictions exempt, as elſewhere.

The Lord Chancellor may direct Commiſſions to take the Oath of any perſon.

And be it enacted by the authoritie aforeſaid, That the Lord Chancellor or Keeper of the great Seal of England for the time being, ſhall and may at all times hereafter by vertue of this Act, without further warrant, make and direct a Commiſſion or Commiſſions under the great Seal of England, to any perſon or perſons, giving them or ſome of them thereby authority to tender and miniſter the Oath aforeſaid to ſuch perſon or perſons, as by the aforeſaid Commiſſion or Commiſſions, the ſaid Commiſſioners ſhall be authorized to tender the ſame Oath unto.

The penalty for the firſt refuſal of the Oath.

And be it alſo further enacted by the authoritie of this preſent Parliament, That if any perſon or perſons appointed or compellable by this Act, or by the ſaid Act made in the ſaid firſt year to take the ſaid Oath: or if any perſon or perſons to whom the ſaid Oath by any ſuch Commiſſion or Commiſſions ſhall be limited and appointed to be tendred, as is aforeſaid, do or ſhall at the time of the ſaid Oath ſo tendred, refuſe to take or pronounce the ſaid Oath, in manner and form aforeſaid, that then the party ſo refuſing, and being thereof lawfully indicted or preſented, within one year next after any ſuch refuſal, and convicted or attainted at any time after, according to the Lawes of this Realm, ſhall ſuffer and incur the dangers, penalties, pains and forfeitures, ordained and provided by the Statute of Proviſion and Præmunire aforeſaid, made in the xvi. year of the reign of King Richard the ſecond.

Certificate of refuſal into the Kings-Bench.

And furthermore, be it enacted by the authority aforeſaid, that all and every ſuch perſon and perſons, having authority to tender the Oath aforeſaid, ſhall within forty dayes next after ſuch refuſal or refuſals of the ſaid Oath, if the Term be then open; and if not, then at the firſt day of the full Term next following the ſaid forty daies; make true certificate under his or their ſeal or ſeals, of the names, places and degrees of the perſon or perſons ſo refuſing the ſame Oath before the Queen, her heirs or ſucceſſors, in her or their Court, commonly called the Kings-Bench, upon pain that every of the ſaid perſons, having ſuch authority to tender the ſaid Oath, making default of ſuch certificate, ſhall for every ſuch default, forfeit an hundred pound to the Queens Highneſſe, her heirs or ſucceſſors. And that the Sheriff of the County, where the ſaid Court commonly called the Kings-Bench, ſhall for the time be holden, ſhall or may by vertue of this Act, impannel a Jury of the ſame County, to enquire of and upon every ſuch refuſal and refuſals: Which Jury ſhall or may upon every ſuch certificate, and other evidence to them in that behalf to be given, by vertue of this Act proceed to indict the perſon and perſons ſo offending, in ſuch ſort and degree, to all intents and purpoſes, as the ſame Jury may do of any offence or offences againſt the Queens Majeſties peace, perpetrated, committed or done within the ſame County, of and for which the ſame Jury is ſo impanelled.

Dyer fol. 234.

Indictment of the offendor.

And for ſtronger defence and maintenance of this Act, it is further ordained, enacted and eſtabliſhed by the authoritie aforeſaid, That if any ſuch offendor or offendors, as is aforeſaid, of the firſt part or branch of this Eſtatute, that is to ſay, by Writing, Cyphering, Printing, Preaching or Teaching, Deed or Act, adviſedly and wittingly, hold or ſtand with, to extol, ſet forth, maintain or defend the Authority, Juriſdiction or Power of the Biſhop of Rome, or of his See, heretofore claimed, uſed, or uſurped within this Realm, or in any Dominion or Countrey, being of, within or under the Queens power or obeyſance: Or by any ſpeech, deed or act, adviſedly and wittingly attribute any ſuch manner of juriſdiction, authority or preheminence to the ſaid See of Rome, or to any Biſhop of the ſame See for the time being, within this Realm, or in any the Queens Dominions or Countries, or be to any ſuch offendor or offendors abetting, procuring or counſelling, or ayding, aſſiſting or comforting, upon purpoſe, and to the intent to ſet forth, further, and extol the ſaid uſurped power, authority or juriſdiction, After ſuch conviction and attainder, as is aforeſaid, do eftſoons commit or do the ſaid offences, or any of them, in manner and form aforeſaid, and be thereof duly convicted and attainted, as is aforeſaid.

It ſhall be Treaſon the ſecond time to maintain the authority of the Biſhop or See of Rome, or to refuſe the Oath.

And alſo, that if any the perſons above named and appointed by this Act to take the Oath aforeſaid, do after the ſpace of three moneths after the firſt tender thereof, the ſecond time refuſe to take and pronounce, or do not take and pronounce the ſame, in form aforeſaid to be tendered: that then every ſuch offendor or offendors, for the ſame ſecond offence and offences, ſhall forfeit, loſe and ſuffer ſuch like and the ſame pains, forfeitures, judgment and execution, as is uſed in caſes of High Treaſon.

No corruption of blood or forfeiture of dower for any attainder by this Act.

Provided alwayes, That this Act, nor any thing therein contained, nor any attainder to be had by force and vertue of this Act, ſhall not extend to make any corruption of blood, the diſheriting of any heir, forfeiture of dower, nor to the prejudice of the right or title of any perſon or perſons, other then the right or title of the offendor or offendors, during his, her, or their natural lives onely.

And that it ſhall and may be lawful to every perſon and perſons, to whom the right or intereſt of any lands, tenements, or hereditaments, after the death of any ſuch offendor or offendors, ſhould or might have appertained, if no ſuch attainder had been, to enter into the ſame, without any Ouſter le maine to be ſued, in ſuch ſort as he or they might have done, if this Act had never been had, ne made.

How the Oath expreſſed Anno 1 Eliz. ſhall be expounded.

Provided alſo, That the Oath expreſſed in the ſaid Act made in the ſaid firſt year ſhall be taken and expounded in ſuch form as is ſet forth in an Admonition annexed to the Queens Majeſties Injunctions, publiſhed in the firſt year of her Majeſties reign; That is to ſay, to confeſſe and acknowledge in her Majeſtie, her heirs and ſucceſſors, none other authority than that was challenged and lately uſed by the noble King Henry the eighth, and King Edward the ſixth, as in the ſaid Admonition more plainly may appear.

In what Courts and places this Act ſhall be publiſhed.

And be it enacted by the authority aforeſaid, That this Act ſhall be openly read and publiſhed, and declared at every Quarter-Seſſions by the Clerk of the Peace, and at every Leet and Law-day by the Steward of the Court, and once in every Term in the open Hall of every houſe and houſes of Court and Chancery, at the times, and by the perſons thereunto to be limited and appointed by the Lord Chancellor or Keeper of the great Seal for the time being.

Every Knight, Citizen and Burgeſſe of the Parliament ſhall take the ſaid Oath before the Lord Steward or his Deputy.

And be it further Enacted, That every perſon which hereafter ſhall be elected or appointed a Knight, Citizen, or Burgeſſe, or Baron for any of the five Ports, for any Parliament or Parliaments hereafter to be holden: ſhall from henceforth, before he ſhall enter into the Parliament Houſe, or have any voice there, openly receive and pronounce the ſaid Oath before the Lord Steward for the time being, or his deputy or deputies for that time to be appointed. And that he which ſhall enter into the Parliament houſe without taking the ſaid Oath, ſhall be deemed no Knight, Citizen, Burgeſſe, nor Baron for that Parliament, nor ſhall have any voice: but ſhall be to all intents, conſtructions and purpoſes, as if he had never been returned nor elected Knight, Citizen, Burgeſſe or Baron for that Parliament, and ſhall ſuffer ſuch pains and penalties, as if he had preſumed to ſit in the ſame without election, return or authority.

None of or above the degree of a Baron ſhall be compelled to take the ſaid Oath.

Provided alway, That foraſmuch as the Queens Majeſtie is otherwiſe ſufficiently aſſured of the Faith and Loyalty of the Temporal Lords of her High Court of Parliament: Therefore this Act, nor any thing therein contained, ſhall not extend to compel any Temporal perſon, of or above the degree of a Baron of this Realm, to take or pronounce the Oath aboveſaid, nor to incur any penalty limited by this Act, for not taking, or refuſing the ſame: any thing in this Act to the contrary in any wiſe notwithſtanding.

Charitable giving of alms to offendors, ſhall be no cauſe of forfeiture.

Provided, and be it Enacted by the authority aforeſaid, That charitable giving of reaſonable alms to any of the offendor or offendors above ſpecified, without fraud or covin, ſhall not be taken or interpreted to be any ſuch abetment, procuring, counſelling, ayding, aſſiſting or comforting, as thereby the giver of alms ſhall incur any pain, penalty, or forfeiture appointed in this Act.

Peers offending, ſhall be tryed by their Peers.

Provided alſo, and be it enacted by the authority of this preſent Parliament, That if any Peer of this Realm ſhall hereafter offend contrary to this Act, or any branch or article thereof, that, in that and all ſuch caſe and caſes they ſhall be tryed by their Peers, in ſuch manner and form as in other caſes of Treaſons they have uſed to be tryed, and by none other means.

Who onely ſhall be compelled to take the Oath upon the ſecond tender.

Provided alſo further, and be it enacted, That no perſon ſhall be compelled by vertue of this Act to take the Oath above mentioned, at or upon the ſecond time of offering the ſame, according to the form appointed by this Statute, except the ſame perſon hath been, is, or ſhall be an Eccleſiaſtical perſon, that had, hath, or ſhall have, in the time of one of the reigns of the Queens Majeſties moſt noble Father, Brother or Siſter, or in the time of the reign of the Queens Majeſty, her Heirs or Succeſſors, charge, cure, or office in the Church: Or ſuch perſon or perſons as had, hath, or hereafter ſhall have any office or miniſtery in any Eccleſiaſtical Court of this Realm, under any Archbiſhop or Biſhop, in any the times or reigns aforeſaid: Or ſuch perſon or perſons as ſhall wilfully refuſe to obſerve the orders and rites for Divine Service, that be authorized to be uſed and obſerved in the Church of England, after that he or they ſhall be publickly by the Ordinary or ſome of his Officers for Eccleſiaſtical cauſes admoniſhed to keep and obſerve the ſame: Or ſuch as ſhall openly and adviſedly deprave by words, writings, or any other open fact, any of the rites and ceremonies at any time uſed, and authorized to be uſed in the Church of England: Or that ſhall ſay or hear the private Maſſe prohibited by the Laws of this Realm, and that all ſuch perſons ſhall be compellable to take the Oath upon the ſecond tender or offer of the ſame, and incur the penalties for not taking of the ſaid Oath, and none other.

It is not lawful to ſlay one attainted in a Præmunire.

And foraſmuch as it is doubtful, whether by the Laws of this Realm there be any puniſhment for ſuch as kill or ſlay any perſon or perſons attainted in or upon a Præmunire: Be it therefore enacted by authority aforeſaid, That it ſhall not be lawful to any perſon or perſons to ſlay or kill any perſon or perſons in any manner attainted, or hereafter to be attainted, of, in, or upon any Præmunire, by pretence, reaſon, or authority of any judgment given, or hereafter to be given in or upon the ſame, or by pretence, reaſon, or force of any word or words, thing or things contained or ſpecified in any Statute or Law of proviſion and Præmunire, or in any of them: Any Law or Statute, or opinion or expoſition of any Law or Statute, to the contrary in any wiſe notwithſtanding.

Punishments inflicted by former laws.

Saving alwaies the due execution of all and every perſon and perſons attainted, or to be attainted for any offence whereupon judgment of death now is, or ought to be, or hereafter may lawfully be given, by reaſon of this Statute, or otherwiſe: And ſaving alwaies all and every ſuch pains of death, or other hurt or puniſhment, as heretofore might without danger of Law be done upon any perſon or perſons that ſhall ſend or bring into this Realm, or any other the Queens Dominions, or within the ſame ſhall execute any ſummons, ſentence, excommunication, or other proceſſe, againſt any perſon or perſons, from the Biſhop of Rome for the time being, or by or from the See of Rome, or the authority or juriſdiction of the ſame See.

Upon what proof only any perſon may be indicted.

Provided alwaies, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall hereafter be indicted for aſſiſting, aiding, maintaining, comforting, or abetting of any perſon or perſons for any the ſaid offences in extolling, ſetting forth, or defending of the uſurped power and authority of the Biſhop of Rome, unleſſe he or they be thereof lawfully accuſed by ſuch good and ſufficient teſtimony or proof, as by the Jury by whom he ſhall ſo be indicted, ſhall be thought good, lawful and ſufficient, to prove him or them guilty of the ſaid offences. Stat. 23 El. 1.

CAP. II.

The Statute of 4 H.7.19. 7 H. 8. 1. and 27 H 8. 22. ordained for the keeping in repair of Towns, and houſes of husbandry, and maintaining of tillage, ſhall be put in execution. The Statute of 5 & 6 Ed 6. 5. and 2 & 3 P. &. M. 2. provided for the re-edifying of houſes of husbandry, and the encreaſe of tillage, ſhall be repealed. Such lands, or ſo much in quantity, as in any Town, Village, Hamlet, Lordſhip, place known, or Pariſh, as hath been put in tillage and eared in any one year, and ſo kept four years, ſithence the Feaſt of S. George the Martyr, Anno 20 H 8. ſhall be eared and kept in tillage according to the nature of the ſoile, and cuſtom of the Countrey by the occupier thereof, upon pain that every offender ſhall forfeit 10 s. an acre yearly to the next in remainder or reverſion for the term of life, lives, or in tail; for the which he may diſtrain, or have A. B. P. or I. And in his default by the ſpace of one year, then he in the reverſion or remainder in fee-ſimple ſhall have the ſame remedy. And in his default, the immediate Lord of the fee. And in his default, the Queen, or the Queen and Informer. But this Act ſhall not extend to any land converted from tillage into paſture for the only keeping of his own horſes, draught oxen, kine or other cattel for the only victuals to be ſpent in his own houſe, ſo that he hath not other ſufficient paſture within five miles, nor to any Park, Warren of Conies, &c. ut ſupra. 5 Ed.6.5. REP. 39 Eliz. 1. & 21 Jac.28. Coke pla. fo.131.

CAP. III.

A Reviver of the Statute of 22 H. 8. 12. & 2 & 4 Ed.6.16. touching relieving poor and impotent perſons, and puniſhment of Vagabonds. The poor and impotent perſons of every Pariſh ſhall be relieved of that which every perſon will of their charity give weekly. And the ſame relief ſhall be gathered in every Pariſh by Collectors aſſigned, and weekly diſtributed to the poor; for none of them ſhall openly go or ſit begging. And if any Pariſhioner ſhall obſtinately refuſe to pay reaſonably towards the relief of the ſaid poor, or ſhall diſcourage others; then the Juſtices of Peace at the Quarter-Seſſions may tax him to a reaſonable weekly ſumme, which if he refuſe to pay, they may commit him to priſon. And if any Pariſh have in it more impotent poor perſons than they are able to relieve, then the Juſtices of the Peace of the County may licence ſo many of them as they ſhall think good, to beg in one, or more hundreds of the ſame County. And if any poor beg in any other place than he is licenced, he ſhall be puniſhed as a Vagabond, according to the Stat. of 22 Hen. 8. EXP. Stat. 14 Eliz. 5.

CAP. IV.

A repeal of ſo much of former Statutes as concern the hiring, keeping, departing, working, or order of ſervants, labourers, &c. And a declaration who ſhall be compellable to ſerve in handicrafts, and who in husbandry, and their ſeveral duties, &c.

The ſubſtance of many former Statutes reduced into this one.

Although there remain and ſtand in force preſently a great number of Acts and Statutes concerning the retaining, departing, wages, and orders of Apprentices, Servants and Labourers, as well in Husbandry, as in divers other Arts, Myſteries and Occupations: yet partly for the imperfection and contrariety that is found and doth appear in ſundry of the ſaid Lawes, and for the variety and number of them, and chiefly for that the wages and allowances limited and rated in many of the ſaid ſtatutes, are in divers places too ſmall, and not anſwerable to this time reſpecting the advancement of prices of all things belonging to the ſaid ſervants and labourers the ſaid Laws cannot conveniently, without the great grief and burden of the poor labourer, and hired man, be put in good and due execution. And as the ſaid ſeveral Acts and Statutes were at the time of the making of them, thought to be very good & beneficial for the Commonwealth of this Realm (as divers of them yet are): So if the ſubſtance of as many of the ſaid laws as are meet to be continued ſhall be digeſted and reduced into one ſole law and ſtatute, and in the ſame an uniform order preſcribed and limited, concerning the wages and other orders for apprentices, ſervants, and labourers, there is good hope that it will come to paſſe, that the ſame Law (being duly executed) ſhould baniſh idleneſſe, advance husbandry, and yield unto the hired perſon both in the time of ſcarcity, and in the time of plenty, a convenient proportion of wages.

A repeal of ſo much of all former Stat. as do concern the keeping, departing, &c. of ſervants, &c.

Be it therefore enacted by the authority of this preſent Parliament, That as much of all the Eſtatutes heretofore made and every branch of them, as touch or concern the hiring, keeping, departing, working, wages, or order of ſervants, workmen, artificers, apprentices, and labourers, or any of them, and the penalties and forfeitures concerning the ſame, ſhall be from and after the laſt day of September next enſuing, repealed and utterly void and of none effect, and that all the ſaid Statutes, and every branch thereof, or any matter contained in them, and not repealed by this Statute, ſhall remain and be in full force and effect: Any thing in this Statute to the contrary notwithſtanding.

And

No perſon ſhall retain a ſervant in theſe Sciences, under one whole year.

And be it further enacted by the authority aforeſaid, That no manner of perſon or perſons after the aforeſaid laſt day of September now next enſuing, ſhall retain, hire, or take into ſervice, or cauſe to be retained or hired, or taken into ſervice, nor any perſon ſhall be retained, hired, or taken into ſervice, by any means or colour, to work for any leſſe time or term than for one whole year, iu any of the Sciences, Crafts, Myſteries, or Arts of Clothiers, Woollen Cloth Weavers, Tuckers, Fullers, Clothworkers, Sheremen, Dyers, Hoſiers, Taylors, Shoomakers, Tanners, Pewterers, Bakers, Brewers, Glovers, Cutlers, Smiths, Farriers, Curriers, Sadlers, Spurriers, Turners, Cappers, Hatmakers, or Feltmakers, Bowyers, Fletchers, Arrow head makers, Butchers, Cooks, or Millers.

What ſort of perſons are compellable to ſerve in any of the Crafts aforeſaid.

And be it further enacted, That every perſon being unmarried, and every other perſon being under the age of xxx. years, that after the Feaſt of Eaſter next ſhall marry, and having been brought up in any of the ſaid Arts, Crafts, or Sciences, or that hath uſed or exerciſed any of them by the ſpace of three years, or more, and not having lands, tenements, rents, or hereditaments, copy hold, or free hold, of one eſtate of inheritance, or for term of any life or lives, of clear yearly value of xl. s, nor being worth of his own goods the clear value of x. pound, and ſo allowed by two Juſtices of the Peace of the County where he hath moſt commonly inhabited by the ſpace of one whole year, and under their hands and ſeals, or by the Mayor or other head-Officers of the City, Borough, or Town corporate, where ſuch perſon hath moſt commonly dwelt by the ſpace of one whole year, and two Aldermen, or two other diſcreet Burgeſſes of the ſame City, Borough, or Town corporate, if there be no Aldermen, under their hands and ſeals, nor being retained with any perion in huſbandry, or in any of the aforeſaid Arts and Sciences, according to this Statute; nor lawfully retained in other Art or Science, nor being lawfully retained in houſhold, or in any office, with any Nobleman, Gentleman, or others, according to the Law of this Realm; nor have a convenient farm, or other holding in tillage, whereupon he may inploy his labour: ſhall during the time that he or they ſhall be ſo be unmarried, or under the age of xxx. years, upon requeſt made by any perſon uſing the art or myſtery wherein the ſaid perſon ſo required hath been exerciſed, as is aforeſaid) be retained, and ſhall not refuſe to ſerve according to the tenour of this Statute, upon the pain and penalty hereafter mentioned.

No perſon ſhall put away his ſervant, nor any ſervant ſhall depart from his Maſter, before the end of his time.

And be it further enacted, That no perſon which ſhall retain any ſervant, ſhall put away his or her ſaid ſervant, and that no perſon retained according to this Statute, ſhall depart from his Maſter, Miſtreſſe, or Dame, before the end of his or her term, upon the pain hereafter mentioned, unleſſe, it be for ſome reaſonable and ſufficient cauſe or matter, or be allowed before two Juſtices of Peace, or one at the leaſt, within the ſaid County or before the Mayor or other chief officer of the City, Borough, or Town corporate, wherein the ſaid Maſter, Miſtreſſe, or Dame inhabiteth, to whom any of the parties grieved ſhall complain; Which ſaid Juſtices or Juſtice, Mayor or chief Officer, ſhal have and take upon them or him, the hearing and ordering of the matter betwixt the ſaid Maſter or Miſtreſſe, or Dame and Servant, according to the equity of the cauſe.

The cauſe of the ſervants putting away, or departing, to be determined by a Juſtice of Peace, Mayor, Bayliff, &c.

No ſervant ſhall depart, or be put away, but upon a quarters warning.

And that no ſuch Maſter, Miſtreſſe or Dame, ſhall put away any ſuch ſervant at the end of his term, or that any ſuch ſervant ſhall depart from his ſaid Maſter, Miſtreſſe or Dame at the end of his term, without one quarters warning given before the end of his ſaid term either by the ſaid Maſter, Miſtreſſe, or Dame, or Servant, the one to the other, upon the pain hereafter enſuing,

What ſort of perſons are compellable to ſerve by the year in huſbandry.

And be it further enacted by the authority aforeſaid, That every perſon between the age of xii. years, and the age of lx. years, not being lawfully retained, uor apprentice with any Fiſherman or mariner hanting the Seas, nor being in ſervice with any Kidder or Carrier of any corn, grain or meal, for proviſion of the City of London, nor with any husbandman in husbandry nor in any City, Town corporate, or market Town, in any of the Arts or Sciences limited or appointed by this Eſtatute to have or take apprentices, nor being retained by the year, or half the year at the leaſt, for the digging, ſeeking, finding, getting, melting, fining, working, trying, making of any Silver, Tinne, Lead, Iron, Copper, Stone, Sea-coal, Stone-coal, Moor-coal, or Cherk-coal, nor being occupyed in or about the making of any glaſſe, nor being a Gentleman born, nor being a Student or Scholler in any of the Univerſities, or in any School, nor having lands, tenements, rents, or hereditaments, for term of life, or of one eſtate of inheritance, of the clear yearly value of forty ſhillings, nor being worth in goods and chattels to the value of ten pound, nor having a father or mother then living, or other anceſtor, whoſe heir apparant he is, that having lands, tenements or hereditaments, of the yearly value of ten pound, or above, or goods or chattels of the value of forty pound, nor being a neceſſary or convenient Officer or Servant lawfully retained as is aforeſaid; nor having a convenient farm or holding, whereupon he may or ſhall imploy his labour; nor being otherwiſe lawfully retained, according to the true meaning of this Eſtatute: ſhall after the aforeſaid laſt day of September now next enſuing, by vertue of this Eſtatute be compelled to be retained to ſerve in husbandry by the year, with any perſon that keepeth huſbandry, and will require any ſuch perſon ſo to ſerve, within the ſame Shire where he ſhall be ſo required.

The forfeiture for putting away his ſervant within his term, or at the end of his term, without warning.

And be it further enacted by the authority of this preſent Parliament, That if any perſon after he hath retained any ſervant, ſhall put away the ſame ſervant before the end of his term, unleſſe it be for ſome reaſonable and ſufficient cauſe, to be allowed as is aforeſaid: or if any ſuch Maſter, Miſtreſſe or Dame, ſhall put away any ſuch ſervant at the end of his term without one quarters warning given before the ſaid end, as is above remembred; that then every ſuch Maſter, Miſtreſſe or Dame ſo offending, unleſſe he or they be able to prove by two ſufficient witneſſes ſuch reaſonable and ſufficient cauſe of putting away of their ſervant or ſervants, during their term, or a quarters warning given afore the end of the ſaid term, as is aforeſaid, before the Juſtices of Oyer and Terminer, Juſtices of the Aſſiſe, Juſtices of Peace in the quarter Seſſions, or before the Mayor or other head-Officer of any City, Borough or Town corporate, and two Aldermen, or two other diſcreet Burgeſſes of the ſame City, Borough, or Town corporate, if there be no Aldermen, or before the Lord Preſident and Councel eſtabliſhed in the Marches of Wales, or before the Lord Preſident and Councel for the time being eſtabliſhed in the North parts, ſhall forfeit the ſum of xl. s.

The puniſhment of a ſervant which performeth not his duty in ſervice or departure.

And if any ſervant retained according to the form of this Eſtatute, depart from his Maſter, Miſtreſſe or Dames ſervice, before the end of his term, unleſſe it be for ſome reaſonable and ſuficient cauſe, to be allowed as is aforeſaid: Or if any ſervaut at the end of his term depart from his ſaid Maſter, Miſtreſſe or Dames ſervice without one quarters warning given before the end of his ſaid term, in form aforeſaid, aud before two lawfull witneſſes: Or if any perſon or perſons compellable and bounden to be retainors, and to ſerve in Huſbandry, or in any other the Arts, Sciences, or Myſteries above remembred, by the year or otherwiſe, do (upon requeſt made) refuſe to ſerve for the wages that ſhall be limited, rated and appointed, according to the form of this Statute or promiſe or covenant to ſerve, and do not ſerve, according to the tenour of the ſame: that then every ſuch ſervant, ſo departing away, and every perſon ſo refuſing to ſerve for ſuch wages, upon complaint thereof made by the Maſter, Miſtreſſe, or Dame of the ſaid ſervant, or by the party to or with whom the ſaid refuſal is made, or promiſe not kept, to two Juſtices of Peace of the County or to the Mayor or other head-Officer of the City, Borough, or Town corporate, and two Aldermen, or two other diſcreet Burgeſſes of the ſame City, Borough, or Town corporate, if there be no Aldermen, where the ſaid maſter, miſtreſſe, or Dame, or the ſaid party to or with whom the ſaid refuſal is made, and promiſe not kept, dwelleth, or to either of the ſaid Lords Preſidents and Councel of Wales and the North, the ſaid Juſtices, Lords Preſidents and Councels, and alſo the ſaid Mayors or other Head-Officers, and other perſons of Cities, Boroughs, or Towns corporate, or any of them as is aforeſaid, ſhall have power by force of this ſtatute, to hear and examine the matter; and finding the ſaid ſervant, or the ſaid party ſo refuſing, faulty in the premiſes, upon ſuch proofs and good matter as to their diſcretions ſhall be thought ſufficient to commit him or them to ward, there to remain without bail or mainpriſe, until the ſaid ſervant or party ſo offending ſhall be bound to the party to whom the offence ſhall be made, to ſerve and continue with him for the wages that then ſhall be limited and appointed, according to the tenour and form of this eſtatute, and to be diſcharged upon his delivery, without paying any fee to the Gaoler where he or they ſhall be ſo impriſoned.

None may depart forth of the City, Town, Pariſh, &c. without a teſtimonial.

And be it likewiſe enacted by the authority aforeſaid, That none of the ſaid retained perſons in huſbandry, or in any the arts or ſciences above remembred after the time of his retainer expired, ſhall depart forth of one City, Town, or Pariſh to another; nor out of the Lath, Rape, Wapentake, or hundred; nor out of the County or Shire, where he laſt ſerved to ſerve in any other City, Town corporate, Lath, Rape, Wapentake, Hundred, Shire or County unleſſe he have a teſtimonial under the Seal of the ſaid City or Town corporate, or of the Conſtable or Conſtables, or other head-Officer or Officers, and of two other honeſt houſholders of the City, Town, or Pariſh, where he laſt ſerved, declaring his lawfull departure, and the name of the ſhire and place where he dwelled laſt before his departure, according to the form hereafter expreſſed in this Act. Which certificate or teſtimonial ſhall be written and delivered unto the ſaid ſervant, and alſo regiſtred by the Parſon, Vicar, or Curate of the Pariſh, where ſuch maſter, miſtreſſe or Dame doth or ſhall dwell, taking for the doing thereof, two pence, and not above. And the form thereof ſhall be as followeth:

The form of the teſtimonial.

Memorandum, That A. B. ſervant to C. D. of E. huſbandman, or Taylor, &c. in the ſaid County is licenced to depart from his ſaid maſter, and is at his liberty to ſerve elſewhere according to the Statute in that caſe made and provided. In witneſſe whereof, &c. Dated the day, moneth, year, and place, &c. of the making thereof,

No ſervant ſhall be retained without ſhewing his teſtimonial.

And be it further enacted by the the authority aforeſaid, That no perſon or perſons that ſhall depart out of a ſervice, ſhall be retained or excepted into any other ſervice, without ſhewing, before his retainor, ſuch teſtimonial as is above remembred, to the chief Officer of the Town corporate, and in every other Town and place to the Conſtable, Curate, Church-Warden, or other head-Officer of the ſame, where he ſhall be retained to ſerve, upon the pain that every ſuch ſervant ſo departing without ſuch certificate or teſtimonial, ſhall be impriſoned until he procure a teſtimonial or certificate; the which if he cannot do within the ſpace of xxi. dayes next after the firſt day of his impriſonment, then the ſaid perſon to be whipped and uſed as a vagabond, according to the Laws in ſuch caſe provided. And that every perſon retaining any ſuch ſervant, without ſhewing ſuch teſtimonial or certificate, as is aforeſaid, ſhall forfeit for every ſuch offence five pounds. And if any ſuch perſon ſhall be taken with any counterfeit or forged teſtimonial, then to be whipped as a vagabond.

The Maſter ſhall pay v. li. which retaineth a ſervant without a teſtimonial. Counterfeit teſtimonial.

How long Labourers ſhall continue at their work.

And be it further enacted by the authority aforeſaid, that al artificers and labourers, being hired for wages by the day or week, ſhall betwixt the midſt of the months of March and September, be and continue at their work, at or before five of the clock in the morning, and continue at work, and not depart, until betwixt ſeven and eight of the clock at night (except it be in the time of breakfaſt, dinner, or drinking, the which times at the moſt ſhall not exceed above two hours and a half in a day, that is to ſay, at every drinking one half hour, for his dinner one hour, and for his ſleep when he is allowed to ſleep, the which is from the middeſt of May, to the midſt of Auguſt, half an hour at the moſt, and at every breakfaſt one half hour.) And all the ſaid artificers and labourers, between the midſt of September, and the midſt of March, ſhall be and continue at their work from the ſpring of the day in the morning, untill the night of the ſame day, except it be in time afore appointed for breakfaſt and dinner upon pain to loſe and forfeit i. d. for every hours abſence, to be deducted and defaulked out of his wages that ſhall ſo offend.

No artificer or labourer ſhall depart before his work be finiſhed.

And be it alſo enacted by the authority aforeſaid, That every artificer and labourer that ſhall be lawfully retained in or for the building or repairing of any Church, Houſe, Ship, Mill, or every other piece of work taken in great, in task, or in groſſe, or that ſhall hereafter take upon him to make or finiſh any ſuch thing or work, ſhall continue and not depart from the ſame, unleſſe it be for not paying of his wages or hire agreed on, or otherwiſe lawfully taken or appointed to ſerve the Queens Majeſty, her Heirs or Succeſſors, or for other lawful cauſe, or without licence of the Maſter or Owner of the work, or of him that hath the charge thereof, before the finiſhing of the ſaid work, upon pain of impriſonment by one month without bail or mainpriſe, and the forfeiture of the ſum of five pounds to the party from whom he ſhall ſo depart; for the which, the ſaid party may have his action of debt againſt him that ſhall ſo depart, in any of the Queens Majeſties Courts of Record, over and beſides ſuch ordinary coſts and damages, as may or ought to be recovered by the Common Laws, for or concerning any ſuch offence. In which action, no protection, wager of Law, or Eſſoyn ſhall be admitted.

And that no Artificer or Labourer retained in any ſervice, to work with the Queens Majeſty, or any other perſon, depart not from her ſaid Majeſty, or from the ſaid other perſon, until ſuch time as the work be finiſhed, if the perſon ſo retaining the Artificer or Labourer ſo long will have him, and pay him his wages or other duties; upon pain of impriſonment of every perſon ſo departing by the ſpace of one month.

The wages of ſervants, labourers, artificers, ſhall be aſſeſſed by the Juſtices of Peace, Sheriff, &c. 39 Eliz. 12. 1 Jac. 6.

And for the declaration and limitation what wages Servants, Labourers, and Artificers either by the year or day or otherwiſe, ſhall have and receive: Be it enacted by the authority of this preſent Parliament, That the Juſtices of Peace of every Shire, Riding, and Liberty within the limits of their ſeveral Commiſſions, or the more part of them, being then reſiant within the ſame, and the Sheriff of that County, if he conveniently may, and every Mayor, Bayliff, or other Head-Officer within any City or Town corporate, wherein is any Juſtice of Peace within the limits of the ſaid City, or Town corporate, and of the ſaid Corporation, ſhall before the tenth day of June next coming, and afterward ſhall yearly at every general Seſſions firſt to be holden and kept after Eaſter, or at ſome time convenient, within ſix weeks next following every of the ſaid Feaſts of Eaſter, aſſemble themſelves together and they (ſo aſſembled) calling unto them ſuch diſcreet and grave perſons of the ſaid County, or the ſaid City or Town corporate, as they ſhall think meet, and conferring together, reſpecting plenty or ſcarcity of the time, and other circumſtances neceſſarily to be conſidered ſhall have authority by vertue thereof, within the limits and precincts of their ſeveral Commiſſions, to limit, rate, and appoint the wages as well of ſuch and ſo many of the ſaid Artificers, Handicrafts-men, Husbandmen, or any other Labourer, Servant, or Workman, whoſe wages in time paſt hath been by any Law or Statute rated and appointed, as alſo the wages of all other Labourers, Artificers, Workmen, or apprentices of husbandry, which have not been rated, as they the ſame Juſtices, Mayor, or Head-Officers within their ſeveral Commiſſions or liberties, ſhall think meet by their diſcretions, to be rated, limited, or appointed by the year, or by the day, week, month, or otherwiſe, with meat and drink or without meat and drink, and what wages every Workman or Labourer ſhall take by the great, for mowing, reaping, or threſhing of Corn and grain, or for mowing or making of Hay, or for Ditching, Paving, Rayling, or Hedging by the Rod, Pearch, Lugge, Yard, Pole, Rope, or Foot, and for any other kind of reaſonable labour or ſervice, and ſhall yearly before the twelfth day of July next after the ſaid aſſeſſements and rates ſo appointed and made, certifie the ſame ingroſſed in Parchment, with the conſiderations and cauſes thereof, under their hands and ſeals, into the Queens moſt honourable Court of Chancery, whereupon it ſhall be lawful to the Lord Chancellor of England, or Lord Keeper of the Great Seal for the time being, upon declaration thereof to the Queens Majeſty, her Heirs or Succeſſors, or to the Lords and others of the Privy Councel for the time being, attendant upon their perſons, to cauſe to be printed and ſet down before the firſt day of September, next after the ſaid Certificate, into every County, to the Sheriff and Juſtices of Peace there, and to the ſaid Mayor, Bayliff, and head-Officers, ten or twelve Proclamations or more, containing in every of them the ſeveral rates appointed by the ſaid Juſtices and other head-Officers as is aforeſaid, with commandement by the ſaid Proclamations to all perſons in the name of the Queens Majeſty, her Heirs or Succeſſors, ſtraightly to obſerve the ſame, and to all Juſtices, Sheriffs, and other Officers, to ſee the ſame duly and ſeverally obſerved, upon the danger of the puniſhment and forfeitures limited and appointed by this Eſtatute. Upon receipt whereof the ſaid Sheriffs, Juſtices of Peace, and the Mayor and Head-Officer in every City, or Town Corporate, ſhall cauſe the ſame Proclamations, to be entred of Record by the Clerk of the Peace, or by the Clerk of the City or Town corporate. And the ſaid Sheriffs, Juſtices, and other the ſaid Mayor, and Head-Officer, ſhall forthwith in open Markets, upon the Market dayes before Michaelmas then enſuing, cauſe the ſame Proclamation to be proclaimed in every City or Market-Town within the limits of their Commiſſion and the ſame proclamation to be fixed in ſome convenient place of the ſaid City and Town, or in ſuch of the moſt occupied Market Towns, as to the ſaid Sheriffs, Juſtices of Peace, and to the ſaid Mayor and Head-Officer ſhall be thought meet.

ALT. 39 El. 12. 1 Jac. 6.

Proclamations ſhall be made of the rates of the wages of ſervants, &c.

Continuance or alteration of the rates of wages at the Juſtices diſcretion.

And if the ſaid Sheriffs, Juſtices of Peace, or the Mayor and Head-Officer, ſhall at their ſaid general Seſſions, or at any time after, within ſix weeks then following, upon their aſſembly and conference together, think it convenient to retain and keep for the year then to come, the rates and proportions of wages that they certified the year before, or to change or reform them, or ſome part of them: then they ſhall before the ſaid twelfth day of July, yearly certifie into the ſaid Court of Chancery their reſolutions and determinations therein, to the intent that Proclamations may accordingly be renewed and ſent down. And if it ſhall happen, that there be no need of any reformation or alteration of the rates of the ſaid wages, but that the former ſhall be thought meet to be continued: then the Proclamations for the year paſt, ſhall remain in force untill new Proclamations upon new rates concerning the ſaid wages, ſhall be ſent down according to the form of this Eſtatute.

The fine of the Juſtices, Mayors, Bayliffs, &c. which be abſent at the taxing of ſervants wages.

And be it further Enacted by authority of this preſent Parliament, That if all the ſaid Juſtices of Peace, reſiant within the Counties where they are or ſhall be Juſtices of Peace, Mayors and head-Officers, do not before the tenth day of June next coming, and afterward yearly appear and aſſemble at the ſaid general Seſſions, or within ſix weeks next after the ſaid general Seſſions, and limit and rate the wages of the ſaid ſervants and labourers, or ſhall not conſider whether the former rates made, be meet to be continued, or to be altered and reformed in manner and form aforeſaid, or be negligent or remiſſe in the certificate thereof, in form above written, that then every Juſtice of Peace of the County, and every Mayor or head-Officers of the City or Town corporate, in whom any ſuch default or negligence ſhall be found, being within the ſaid County, City, or Town corporate, at the time of the ſaid next aſſembly, or at the time of the ſaid Seſſions, or at the times of the ſaid rates of wages to be ſet, within ſix weeks next after every ſuch Seſſions, and not viſited with any ſuch ſickneſſe, as he could not travel thither without peril and danger of his life, or not having any other lawful and good excuſe, to be allowed by the Juſtices then aſſembled for the rating and taxing of wages, as is aforeſaid, or by the more part of them, upon a corporal Oath and Affidavit, to be taken and made openly before the ſaid Juſtices upon the holy Evangeliſts by ſome credible perſon, aſſeſſed and taxed in the Book of Subſidy of that County, to the clear value of five pounds at the leaſt, or by ſuch other perſon as the moſt part of ſuch Juſtices ſhall allow and accept to take ſuch Oath, ſhall for ſuch default or negligence, forfeit unto the Queens Majeſty, her heirs and ſucceſſors, ten pounds of lawful money of England.

The puniſhment of him which giveth more wages than is taxed by the Juſtices, &c.

And be it further Enacted by the authority aforeſaid, That if any perſon, after the ſaid Proclamation ſhall be ſo ſent down and publiſhed, ſhall by any ſecret wayes or means, directly or indirectly retain or keep any ſervant, workman or labourer, or ſhall give any more or greater wages, or other commodity, contrary to the true meaning and purport of this Eſtatute, or contrary to the rates or wages that ſhall be aſſeſſed or appointed in the ſaid Proclamations: that then every perſon that ſhall ſo offend, and be thereof lawfully convicted before any the Juſtices, or other Head-Officers above remembred, or either of the ſaid Preſidents and Councels, ſhall ſuffer impriſonment by the ſpace of ten dayes, without bail or mainpriſe, and ſhall loſe and forfeit five pounds of lawful money of England.

The puniſhment of the ſervant, labourer, &c. which taketh more wages than is taxed.

And that every perſon that ſhall be ſo retained and take wages, contrary to this Eſtatute, or any branch thereof, or of the ſaid Proclamation, and ſhall be thereof convicted before the Juſtices aforeſaid, or any two of them, or before the Mayor or other head-Officers aforeſaid, ſhall ſuffer impriſonment by the ſpace of one and twenty days, without bail or mainpriſe.

Every retaining contrary to this ſtatute, ſhall be void.

And that every retainer, promiſe, gift, or payment of wages, or other thing whatſoever, contrary to the true meaning of this Eſtatute, and every writing and bond to be made for that purpoſe ſhall be utterly void and of none effect.

The puniſhment of the ſervant which maketh aſſault upon his Maſter, Miſtris, Overſeer.

And be it Enacted by the authority aforeſaid, That if any ſervant, workman or labourer, ſhall wilfully, or maliciouſly, make any aſſault or affray upon his Maſter, Miſtreſſe or Dame, or upon any other that ſhall at the time of ſuch aſſault or affray, have the charge or overſight of any ſuch ſervant, workman, or labourer, or of the work wherein the ſervant, workman, or labourer is appointed or hired to work, and being thereof convicted before any two of the Juſtices, Mayor or other head-Officer aforeſaid, where the ſaid offence is committed, or before either of the ſaid Lords Preſidents and Councel before remembred, by confeſſion of the ſaid ſervant, workman or labourer, or by the teſtimony, witneſſe, and Oath of two honeſt men: that then every ſuch offendor ſhall ſuffer impriſonment by the ſpace of one whole year, or leſſe, by the diſcretion of two Juſtices of Peace, if it be without a Town corporate; and if it be within a Town corporate, then by the diſcretion of the Mayor or Head-Officer of the ſame Town corporate, with two others of the diſcreeteſt perſons of the ſame Corporation, at the leaſt. And if the offence ſhall require further puniſhment, then to receive ſuch other open puniſhment, ſo as it extend not to life or limb, as the Juſtices of Peace in open Seſſions, or as the more part of them, or the ſaid Mayor or head-Officer, and ſix, or four at the leaſt, of the diſcreeteſt perſons of the ſame Corporation, before whom the offence ſhall be examined, ſhall think convenient for the quality of the ſaid offence ſo done or committed.

Artificers compellable to work in Hay-time and Harveſt.

Provided alwaies, and be it Enacted by the authority aforeſaid, That in the time of Hay or Corn-Harveſt, the Juſtices of Peace, and every of them, and alſo the Conſtable or other Head-Officer of every Townſhip, upon requeſt, and for the avoiding of the loſſe of any Corn, Grain, or Hay, ſhall and may cauſe all ſuch Artificers and perſons as be meet to labour, by the diſcretions of the ſaid Juſtices or Conſtables, or other Head-Officers, or by any of them, to ſerve by the day, for the mowing, reaping, ſhearing, getting or inning of Corn, Grain, and Hay, according to the skill and quality of the perſon; and that none of the ſaid perſons ſhall refuſe to do, upon pain to ſuffer impriſonment in the ſtocks, by the ſpace of two dayes and one night. And the Conſtable of the Town, or other head-Officer of the ſame, where the ſaid refuſal ſhall be made, upon complaint to him made, ſhall have authority by vertue hereof, to ſet the ſaid offendor in the Stocks for the time aforeſaid, and ſhall puniſh him accordingly, upon pain to loſe and forfeit for not doing thereof, the ſum of forty ſhillings.

Provided alſo, That all perſons of the Counties where they have accuſtomed to go into other Shires for Harveſt-work, and having at that time no Harveſt-work ſufficient in the ſame Town nor County, where he or they dwelt in the winter then laſt paſt, bringing with him or them a teſtimonial under the hand and ſeal of one Juſtice of the Peace of the Shire or other head-Officer of the Town or place that he or they come from, teſtifying the ſame, for the which he ſhall pay not above one penny (other then ſuch perſons as ſhall be retained in ſervice according to the form of this Eſtatute) may repair and reſort in harveſt of Hay or Corn, from the Counties wherein their dwelling places are, into any other place or County for the only mowing, reaping, and getting of Hay, Corn, or Grain, and for the only working of harveſt works, as they might have done before the making of this Eſtatute: Any thing herein contained to the contrary notwithſtanding.

A proviſo for ſome which do go into other Shires for work in Hay-time and Harveſt.

And be it further enacted by the authority aforeſaid, That two Juſtices of Peace, the Mayor or other head-Officer of any City, Borough, or Town corporate, and two Aldermen, or two other diſcreet Burgeſſes of the ſame City, Borough, or Town corporate, if their be no Aldermen ſhall and may by vertue hereof, appoint any ſuch woman, as is of the age of twelve years, and under the age of forty years, and unmaried, and forth of ſervice, as they ſhall think meet to ſerve, to be retained or ſerve by the year, or by the week or day, for ſuch wages and in ſuch reaſonable ſort and manner as they ſhall think meet; and if any ſuch woman ſhall refuſe ſo to ſerve, then it ſhall be lawful for the ſaid Juſtices of Peace, Mayor, or Head-Officers, to commit ſuch woman to ward, untill ſhe ſhall be bounden to ſerve as is aforeſaid.

Women compellable to ſerve which be above twelve, and under forty years old, unmarried, and forth of ſervice.

And for the better advancement of Husbandry and Tillage, and to the intent that ſuch as are fit to be made Apprentices to Husbandry, may be bounden thereunto: Be it enacted by the authority of this preſent Parliament, That every perſon being an houſholder, and having and uſing half a plough land at the leaſt in tillage, may have and receive to an Apprentice any perſon above the age of ten years, and under the age of eighteen years to ſerve in Husbandry, until his age of xxi. years at the leaſt, or untill the age of xxiiii. as the parties can agree, and the ſaid retainor and taking of an Apprentice, to be made and done by Indenture.

Husbandmen may take apprentices.

And be it further enacted, That every perſon being an houſholder, and xxiiii. years old at the leaſt, dwelling or inhabiting, or which ſhall dwell and inhabit in any City or Town corporate, and uſing and exerciſing any Art, myſtery, or manual Occupation there, ſhall and may after the Feaſt of Saint John Baptiſt next coming during the time that he ſhall ſo dwell or inhabit in any ſuch City or Town corporate, and uſe and exerciſe any ſuch Art or myſtery, or manual Occupation, have and retain the ſon of any Freeman, not occupying Husbandry, nor being a labourer, and inhabiting in the ſame, or in any other City or Town that now is or hereafter ſhall be, and continue incorporate, to ſerve and be bound as an Apprentice, after the cuſtome and order of the City of London, for ſeven years at the leaſt, ſo as the term and years of ſuch Apprentice do not expire or determine, afore ſuch Apprentice ſhall be of the age of xxiiii. years at the leaſt.

Every Houſeholder dwelling in any Town corporate may take an Apprentice for ſeven years.

Provided alwayes, and be it enacted, That it ſhall not be lawful to any perſon dwelling in any City or Town corporate, uſing or exerciſing any of the myſteries or Crafts of a Merchant traffiquing by traffique or Trade into any the parts beyond the Sea, Mercer, Draper, Goldſmith, Ironmonger, Imbroyderer, or Clothier, that doth or ſhall put cloth to making and ſale, to take any Apprentice or Servant to be inſtructed or taught in any of the Arts, Occupations, Crafts or Myſteries which they or any of them do uſe or exerciſe, except ſuch Servant or Apprentice be his ſon: or elſe that the father and mother of ſuch Apprentice or Servant ſhall have at the time of taking ſuch Apprentice or Servant, Lands, Tenements, or other Hereditaments, of the clear yearly value of forty ſhillings of one eſtate of inheritance, or freehold, at the leaſt, to be certified under the hands and ſeals of three Juſtices of the Peace of the Shire or Shires, where the ſaid Lands, Tenements, or other Hereditaments, do or ſhall lie to the Mayor, Bayliff, or other Head-Officers of that City or Town corporate, and to be inrolled among the records there.

Merchants, &c. may take no prentices, but ſuch whoſe Parents may diſpend xl ſhillings of freehold.

Coke li. 8, l. 129.

And be it further enacted, That from and after the ſaid Feaſt of Saint John the Baptiſt next it ſhall be lawfull to every perſon being an houſholder, and four and twenty year old at the leaſt, and not occupying Husbandry, nor being a labourer, dwelling or inhabiting, or that ſhall hereafter dwell or inhabit in any Town, not being incorporate, that now is, or hereafter ſhall be a market Town, ſo long as the ſame ſhall be weekly uſed, and kept as a market Town, and uſing or exerciſing any Art, Myſtery, or manual occupation, during the time of his abode there, and ſo uſing & exerciſing ſuch Art, myſtery, or manual occupation as aforeſaid, to have in like manner to apprentice or apprentices, the child or children of any other Artificer, or Artificers, not occupying husbandry, nor being a labourer, which now do, or hereafter ſhall inhabit or dwell in the ſame, or any other ſuch Market Town within the ſame Shire, to ſerve as an apprentice or apprentices as is aforeſaid, to any ſuch Art, Myſtery, or manual occupation, as hath been uſually exerciſed in any ſuch Market Town, which ſuch apprentice ſhall be bound in manner and form abovesaid.

Whom they may have for their Prentices, which dwell in Market Towns not corporate.

ro. El.
aj.

Provided alwayes, and be it enacted, That it ſhall not be lawful to any perſon, dwelling or inhabiting in any ſuch market Town, uſing or exerciſing the feat, myſtery or Art of a Merchant, traffiquing or trading into the parts beyond the Seas, Mercer, Draper, Goldſmith, Ironmonger, Imbroyderer, or Clothier that doth or ſhall put Cloth to making and ſale, to take any Apprentice, or in any wiſe to teach and inſtruct any perſon in the Arts, Sciences or Myſteries laſt before recited, after the Feaſt of S. John Baptiſt aforeſaid except ſuch Servant or Apprentice ſhall be his ſon; or elſe that the father or mother of ſuch apprentice ſhall have lands, tenements, or other hereditaments, at the time of taking ſuch Apprentice, of the clear yearly value of three pounds, of one eſtate of inheritance, or freehold at the leaſt, to be certified under the hands and ſeals of three Juſtices of the Peace, of the ſhire or ſhires where the ſaid Lands, Tenements, or other Hereditaments do or ſhall lie, to the head Of-

What Apprentices Merchants, &c. dwelling in a Market Town not corporate, may take.

ficers, or head-Officer of ſuch market Town where ſuch Apprentice or ſervant ſhall be taken, there to be enrolled by ſuch head-Officers alwayes to remain of Record.

These Artificers may take Prentices, whoſe parents may diſpend no land.

And be it further enacted, That from and after the ſaid Feaſt, it ſhall be lawful to any perſon, uſing or exerciſing the Art or occupation of a Smith, Wheel-wright, Plough-wright, Mill-wright, Carpenter, Rough-Maſon, Plaiſterer, Sawyer, Lime-burner, Brickmaker, Bricklayer, Tyler, Slater, Helier, Tylemaker, Linnen-Weaver, Turner, Cowper, Miller, Earthen-potters, Woollen-Weaver, weaving huſwifes or houſhold cloth only, and none other Cloth; Fuller, otherwiſe called Tucker or Walker, Burner of Oare and Woad-aſhes, Thatcher, or Shingler, whereſoever he or they ſhall dwell or inhabit, to have or receive the ſon of any perſon, as Apprentice in manner and form aforeſaid, to be taught and inſtructed in theſe occupations only, and in none other, albeit the father or mother of any ſuch Apprentice have not any lands, tenements, or hereditaments.

None may uſe any manual occupation, except he hath been Prentice to the ſame. Stat. 31 El. 5.

And be it further Enacted by the authority aforeſaid, [a] That after the firſt day of May next coming, it ſhall not be lawful to any perſon or perſons, other than ſuch as now do lawfully uſe or exerciſe any Art, myſtery or manual Occupation, to ſet up, occupy, uſe or exerciſe any craft, myſtery, or occupation, now uſed or occupied within the Realm of England or Wales, except he ſhall have been brought up therein ſeven years at the leaſt as an Apprentice in manner and form abovesaid; nor to ſet any perſon on work in ſuch myſtery, Art or Occupation, being not a workman at this day, except he ſhall have been apprentice, as is aforeſaid; or elſe having ſerved as an Apprentice, as is aforeſaid, ſhall or will become a Journeyman, or hired by the year, upon pain that every perſon willingly offending or doing the contrary, ſhall forfeit and loſe for every default, forty ſhillings for every moneth.

[a] Coke li. fol. 129. li 11. fol. 54. Cro. El. 55 Cro. Jac. 178, 538. Cro. Car. 316, 367, 499, 516.

What ſort of perſons, Woollen Weavers may take, to be Apprentices.

Provided alwayes, and be it further Enacted by the authority aforeſaid, that no perſon or perſons, uſing or exerciſing the Art or myſtery of a Woollen Cloth Weaver, other than ſuch as be inhabiting within the Counties of Cumberland, Weſtmerland, Lancaſter, and Wales, weaving Frizes, Cottons, or huſwifes cloth only, making and weaving Woollen Cloth, commonly ſold, or to be ſold by any Clothman or Clothier; ſhall take and have any Apprentice, or ſhall teach or in any wiſe inſtruct any perſon or perſons in the Science, Art or Occupation of Weaving aforeſaid, in any Village, Town or place (Cities, Towns corporate, and market Towns only except) unleſs ſuch perſon be his ſon, or elſe that the father or mother of ſuch Apprentice or ſervant, ſhall at the time of the taking of ſuch perſon or perſons to be an Apprentice or ſervant, or to be inſtructed, have Lands or Tenements, or other Hereditaments, to the clear yearly value of three pounds at the leaſt, of an Eſtate of Inheritance or Freehold, to be certified under the hands and ſeals of three Juſtices of the Peace of the Shire or Shires where the ſaid Lands, Tenements, or other Hereditaments do or ſhall lye. The effect of the Indenture to be regiſtred within three moneths in the Pariſh where ſuch maſter ſhall dwell, and to pay for ſuch regiſtring, four pence, upon pain of forfeiture of twenty ſhillings for every moneth that any perſon ſhall otherwiſe take any Apprentice, or ſet any ſuch perſon on work contrary to the meaning of this Article.

He which hath three Prentices, muſt keep one Journeyman.

And be it further Enacted by the authority aforeſaid, That all and every perſon and perſons, that ſhall have three Apprentices in any the ſaid crafts, myſteries, or occupations of a Cloth maker, Fuller, Shereman, Weaver, Taylor, or Shoemaker, ſhall retain and keep one Journeyman, and for every other Apprentice above the number of the ſaid three Apprentices, one other Journeyman, upon pain for every default ten pounds.

A proviſo for the liberties of Worſted-makers in Norwich and Norfolk. Stat. 14 H. 8. 3.

Provided alwayes, That this Act, nor any thing therein contained, ſhall not extend to prejudice or hinder any liberties heretofore granted by any Act of Parliament, to or for the company and Occupation of Worſted-makers, and Worſted-Weavers within the City of Norwich, and elſewhere within the County of Norfolk: Which Liberties be in force, until the beginning of this preſent Parliament: any thing therein contained to the contrary in any wiſe notwithſtanding.

The puniſhment of him which refuſeth to be an Apprentice.

And be it further Enacted, That if any perſon ſhall be required by any houſholder, having and uſing half a plough-land at the leaſt in tillage, to be an Apprentice, and to ſerve in huſbandry, or in any other kind of Art, myſtery or Science before expreſſed, and ſhall refuſe ſo to do: That then, upon complaint of ſuch houſe-keeper made to one Juſtice of the Peace of the County where the ſaid refuſal is or ſhall be made, or of ſuch houſholder inhabiting in any City, Town corporate, or market Town, to the Mayor, Bayliffs, or head-Officer of the ſaid City, Town corporate, or market Town, if any ſuch refuſal ſhall there be, they ſhall have full power and authority by vertue hereof, to ſend for the ſame perſon ſo refuſing. And if the Juſtice, or the ſaid Mayor or head-Officer, ſhall think the ſaid perſon meet and convenient to ſerve as an Apprentice in that Art, Labour, Science or Myſtery, wherein he ſhall be ſo then required to ſerve: that then the ſaid Juſtice or the ſaid Mayor or Head-Officer, ſhall have power and authority, by vertue hereof, if the ſaid perſon refuſe to be bound as an Apprentice, to commit him unto ward, there to remain untill he be contented, and will be bounden to ſerve as an Apprentice ſhould ſerve, according to the true intent and meaning of this preſent Act. And if any ſuch maſter ſhall miſuſe or evil intreat his apprentice, or that the ſaid apprentice ſhall have any juſt cauſe to complain, or the apprentice do not his duty to his maſter: then the ſaid maſter or apprentice being grieved, and having cauſe to complain, ſhall repair unto one Juſtice of Peace within the ſaid County, or to the Mayor or other head-Officer of the City, Town corporate, market Town, or other place, where the ſaid maſter dwelleth, who ſhall by his wiſedome and diſcretion take ſuch order and direction between the ſaid maſter and his apprentice, as the equity of the cauſe ſhall require. And if for want of good conformity in the ſaid maſter, the ſaid Juſtice of Peace, or the ſaid Mayor or Head-Officer, cannot compound and agree the matter between him and his apprentice: then the ſaid Juſtice or the ſaid Mayor or other head-Officer, ſhall take bond of the ſaid maſter, to appear at the next Seſſions, then to be holden in the ſaid County, or within the ſaid City, town

The remedy for the Prentice which is miſuſed by his Maſter, and for the Maſter when the Prentice doth not his duty.

corpo-

Where an apprentice may be diſcharged of his prentice-hood.

corporate, or market Town, to be before the Juſtices of the ſaid County, or the Mayor or head Officer of the ſaid Town corporate or market Town, if the ſaid maſter dwell within any ſuch; and upon his appearance and hearing of the matter before the ſaid Juſtices, or the ſaid Mayor or other head Officer, if it be thought meet unto them, to diſcharge the ſaid Apprentice of his apprenticehood, that then the ſaid Juſtices, or four of them at the leaſt, whereof one to be of the Quorum; or the ſaid Mayor or other head-Officer, with the conſent of three other of his brethren, or men of beſt reputation within the ſaid City, town corporate or market town, ſhall have power by authority hereof, in writing under their hands and ſeals, to pronounce and declare, that they have diſcharged the ſaid Apprentice of his apprenticehood, and the cauſe thereof, and the ſaid writing ſo being made and enrolled by the Clerk of the Peace, or Town-Clerk, amongſt the Records that he keepeth, ſhall be a ſufficient diſcharge for the ſaid apprentice againſt his maſter, his Executors and Adminiſtrators: the Indenture of the ſaid apprenticehood, or any Law or Cuſtome to the contrary notwithſtanding. And if the default ſhall be found to be in the apprentice, then the ſaid Juſtices, or the ſaid Mayor or other head-Officer, with the Aſſiſtants aforeſaid, ſhall cauſe ſuch due correction and puniſhment to be miniſtred unto him, as by their wiſedom and diſcretions ſhall be thought meet.

None ſhall be bound to be Prentices, but thoſe which be under xxi. years of age.

Provided alwaies, and be it enacted by authority of this preſent Parliament, That no perſon ſhall by force or colour of this Eſtatute be bounden to enter into any apprentiſhip, other than ſuch as be under the age of xxi. years.

Aſſembly of the Juſtices twice in the year for the due execution of this Statute.

And to the end that this Eſtatute may from time to time be carefully and diligently put in good execution, according to the tenour and true meaning thereof: Be it enacted by authority of this preſent Parliament, That the Juſtices of Peace of every County, dividing themſelves into ſeveral Limits, and likewiſe every Mayor and head Officer of any City or Town corporate, ſhall yearly between the Feaſt of Saint Michael the Archangel, and the Nativity of our Lord, and between the Feaſt of the Nativity of Saint John Baptiſt, by all ſuch waies and means, as to their wiſedoms ſhall be thought moſt meet, make a ſpecial and diligent enquiry of the Branches and Articles of this Eſtatute, and of the good execution of the ſame, and where they ſhall find any defaults, to ſee the ſame ſeverely corrected and puniſhed, without favour, affection, malice or diſpleaſure.

The Juſtices allowance for their pains.

And in conſideration of the pains and travel that the ſaid Juſtices of Peace, and the ſaid Mayor and Head-Officer ſhall take and ſuſtain in and about the execution of this Eſtatute, it is further ordained and enacted by authority of this preſent Parliament, That every Juſtice of Peace, Mayor or Head-Officer, for every day that he ſhall ſit in and about the execution of this Eſtatute, ſhall have allowed unto him five ſhillings, to be allowed and paid unto him, or unto the ſaid Mayor or head-Officer, of the fines and forfeitures of the pains and penalties that ſhall be forfeited and due unto the Queens Majeſtie, her Heirs and Succeſſors, by force of this Eſtatute, in ſuch manner and form as the ſaid Juſtices have been heretofore commonly paid for their coming and charges at the Quarter-Seſſions; ſo that the ſitting of the ſaid Juſtices or Mayor or Head-Officer, be not at any one time above three days, and for the matters contained in this Eſtatute.

Who ſhall have the Forfeitures mentioned in this Statute.

Juſtices of Peace Mayors &c. may hear and determine all offences committed againſt this Statute. 31 El. 5.

And be it Enacted by authority aforeſaid, That the one half of all forfeitures and penalties expreſſed and mentioned in this Eſtatute, other than ſuch as are expreſly otherwiſe appointed, ſhall be to our Soveraign Lady the Queens Majeſtie, her Heirs and Succeſſors, and the other moiety to him or them that ſhall ſue for the ſame in any of the Queens Majeſties Courts of Record, or before any of the Juſtices of Oyer and Terminer, or before any other Juſtices, or Preſident and Councel before remembred, by action of debt, information, bill of complaint, or otherwiſe: in which Actions or Suits, no Protections, Wager of Law, or Eſſoin ſhall be allowed: and that the ſaid Juſtices, or two of them, whereof one to be of the Quorum, and the ſaid Preſidents and Councel as is aforeſaid, and the ſaid Mayors or other Head-Officers of Cities or Towns corporate, ſhall have full power and authority to hear and determine all and every offence and offences that ſhall be committed or done againſt this Eſtatute, or againſt any branch thereof, as well upon indictment to be taken before them in the Seſſions of the Peace, as upon Information, Action of debt, or Bill of complaint, to be ſued or exhibited by any perſon: and ſhall and may by vertue hereof, make proceſs againſt the defendant, and award execution, as in any other caſe they lawfully may by any the laws and ſtatutes of this Realm, and ſhall yearly in Michaelmas Term certifie by Eſtreat the fines and forfeitures of every the offences contained in this Eſtatute, that ſhall be found before before them, into the Court of Exchequer, in like ſort and form as they be bound to certifie the Eſtreats for other offences and forfeitures to be loſt before them: any thing in this Statute contained to the contrary notwithſtanding.

A proviſo for the Cities of London and Norwich.

Provided always, That this Act or any thing therein contained or mentioned, ſhall not be prejudicial or hurtful to the Cities of London and Norwich, or to the lawful liberties, uſages, cuſtoms or priviledges of the ſame Cities, for or concerning the having or taking of any Apprentice or Apprentices: but that the Citizens and Free-men of the ſame Cities ſhall and may take, have, and retain Apprentices there in ſuch manner and form as they might lawfully have done before the making of this Statute: This Act or any thing therein contained to the contrary in any wiſe notwithſtanding.

The forfeiture of him that taketh a Prentice otherwiſe than is limited by this Statute.

And be it alſo further Enacted, That all Indentures, covenants, promiſes and bargains of or for the having, taking or keeping of any Apprentice, otherwiſe hereafter to be made or taken, than is by this ſtatute limited, ordained and appointed, ſhall be clearly void in the Law, to all intents and purpoſes, and that every perſon, that ſhall from henceforth take, or newly retain any Apprentice, contrary to the tenour and true meaning of this Act, ſhall forfeit and loſe for every Apprentice ſo by him taken, the ſum of ten pounds.

He that is bound Prentice within the age of xxi. years is compellable to ſerve.

And becauſe there hath been, and is ſome queſtion and ſcruple moved, whether any perſon, being within the age of one and twenty years, and bounden to ſerve as an Apprentice, in any other place than in the ſaid City of London, ſhould be bounden, accepted and taken as an Apprentice.

For the reſolution of the ſaid ſcruple and doubt, Be it enacted by authority of this preſent Parliament, That all and every ſuch perſon or perſons, that at any time or times from henceforth ſhall be bounden by Indenture, to ſerve as an Apprentice in any Art, Science, Occupation or labour, according to the tenour of this Statute, and in manner and form aforeſaid: albeit the ſame Apprentice, or any of them ſhall be within the age of one and twenty years, at the time of the making of their ſeveral Indentures, ſhall be bounden to ſerve for the years in their ſeveral Indentures contained, as amply and largely to every intent, as if the ſame Apprentice were of full age at the time of the making of ſuch Indentures: any law, uſage or cuſtome to the contrary notwithſtanding.

A proviſo for the Inhabitants of Godalming in Surrey.

Provided alwayes, and be it enacted by the authority aforeſaid, That the Inhabitants now dwelling or inhabiting, or that hereafter ſhall dwell or inhabite within the Town of Godalming, within the County of Surrey, within the limits of the watch of the ſaid Town, may uſe and exerciſe ſuch Arts, myſteries and occupations, and take and uſe Apprentices and Servants, in ſuch manner and form, as the Inhabitants within market Towns by this ſtatute may lawfully do.

Who ſhall have the forfeiture in Cities and Towns corporate.

Provided alwayes, and be it enacted by the authority aforeſaid, That all manner amerciaments, fines, iſſues and forfeitures, which ſhall ariſe, grow, or come by reaſon of any offences or defaults mentioned in this Act, or any branch thereof, within any City or Town corporate, ſhall be levied, gathered and received, by ſuch perſon or perſons of the ſame City or Town corporate, as ſhall be appointed by the Mayor, or other Head Officers, mentioned in this ſaid Act, to the uſe and maintenance of the ſame City or Town corporate, in ſuch caſe and condition, as any manner other amerciaments, fines, iſſues or forfeitures, have been uſed to be levied and imployed within the ſame City or Town corporate, by reaſon of any Grant or Charter from the Queens Majeſtie that now is, or of any her Graces noble Progenitors, made and granted to the ſame City, Borough or Town corporate, any thing or clauſe before mentioned and expreſſed in this Act to the contrary notwithſtanding.

Retainings and covenants made before this Statute.

Provided alwayes, That this Act, or any thing therein contained, ſhall not extend to any lawful retainings or covenants had or made before the making of this Act, but that all and every the parties to ſuch retainings or covenants, ſhall and may have the ſame and like advantages of ſuch retainings and covenants, and of the Statutes heretofore in that behalf provided, as if this Act had never been had or made: Any clauſe of repeal or other matter whatſoever in this Act to the contrary in any wiſe notwithſtanding.

A remedy for thoſe ſervants which depart from their maſters, and do flee into other Shires.

And be it further enacted by the authority aforeſaid, That if any Servant or Apprentice of Husbandry, or of any Art, Science or occupation aforeſaid, unlawfully depart or flee into any other Shire, that it ſhall be lawful to the ſaid Juſtices of Peace, and to the ſaid Mayors, Bayliffs, and other head Officers of Cities and Towns corporate, for the time being Juſtices of Peace there, to make and grant Writs of Capias, ſo many and ſuch as ſhall be needful to be directed to the Sheriffs of the Counties, or to other head Officers of the places, whither ſuch ſervants or Apprentices ſhall ſo depart or flee, to take their bodies, returnable before them, at what time ſhall pleaſe them, ſo that if they come by ſuch proceſſe, that they be put in priſon till they ſhall find ſufficient ſurety, well and honeſtly to ſerve their maſters, miſtreſſes or Dames, from whom they ſo departed or fled, according to the order of the Law.

High Conſtables may keep Statute Seſſions.

Provided alwayes, That it ſhall be lawful to the High Conſtables of Hundreds in every Shire, to hold, keep and continue petty Seſſions, otherwiſe called Statute-Seſſions, within the limits of their authorities, in all Shires wherein ſuch Seſſions have been uſed to be kept, in ſuch manner and form as heretofore hath been uſed and accuſtomed, ſo as nothing be by them done therein contrary or repugnant to this preſent Act.

CAP. V.

Conſtitutions for the maintenance of the Navy, &c.

Any Subject may carry Sea-fiſh forth of the Realm in any of the Queens ſubjects ſhips, without paying cuſtome.
EXP.
1 Jac. 25.
21 Jac. 28.
3 Car. 4.
13 Eliz. 11.
27 Eliz. 15.

For the better maintenance and encreaſe of the Navy of this Realm of England: be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority aforeſaid, That from the firſt day of April Anno Dom. M. D. lxiiii. and ſo from thenceforth, it ſhall be lawful to all and every of the Subjects of our Soveraign Lady the Queen, her heirs and ſucceſſors, at his and their will and pleaſure, to carry and tranſport out of this Realm, in the Ships and other Veſſels of any of the ſubjects aforeſaid, all and every kind of Herrings and other Sea-fiſh, to be taken upon the Seas by any of the ſubjects aforeſaid (any Act of Parliament, or law to the contrary notwithſtanding) and that all and every perſon and perſons, which ſhall by vertue of this Act tranſport or carry any Herrings, or other Sea-fiſh from or out of any Port or Harbour of this Realm, to any place out of the Dominions of the Queens Majeſty, her heirs or ſucceſſors, ſhall be free from payment of any Cuſtome, Subſidy or Poundage money for the ſame fiſh ſo carried or tranſported, during the ſpace of four whole years, beginning at the ſaid firſt day of April, M. D. lxiiii. and ſo further during her Majeſties pleaſure.

None ſhall ſet price of, make reſtraint, or demand toll of Sea-fiſh brought into this Realm.

And be it further Enacted by the authority aforeſaid, That from the firſt day of May next coming, it ſhall not be lawful to any perſon or perſons in any Port, City, Town, market, or other place within this Realm, to ſet price, make any reſtraint, or take or demand tolle or tax of any ſea-fiſh to be brought into this Realm, or any part thereof, being taken by any of the ſubjects aforeſaid in the ſhips or other Veſſels of the ſame ſubjects, upon pain to every perſon offending contrary to the meaning hereof, to forfeit the value of the fiſh ſo reſtrained prized, tolled or taken: Any liberty, cuſtome, grant, priviledg or other matter whatſoever to the contrary in any wiſe notwithſtanding.

Provided alwayes, That this preſent Act, nor any thing therein contained, ſhall be prejudicial or hurtful to the Mayor and Burgeſſes of the Kings Town upon Hull, or their ſucceſſors, Mayors and Burgeſſes of the ſame Town, or to any other Officer or Miniſter of the ſame Town at any time hereafter: but that they and every of them may receive, have, and take all and every ſuch toll, cuſtoms, and ſums of money, of all and every ſuch perſon and perſons, as is limited, appointed, and ſet forth by them to be taken, in an Act of Parliament made in the three and thirtieth year of the reign of our late Soveraign Lord King Henry the eighth. And that neither the ſaid Mayor and Burgeſſes of Kingſton upon Hull, nor any Inhabitant there, or any of them, ſhall take any advantage of the article of this Eſtatute, for the carriage of any Herrings or ſalted fiſh to any the parts beyond the Sea: Any thing in this preſent Act mentioned, contained, ſpecified or declared, in any wiſe to the contrary notwithſtanding.

Proviſo for the Mayor, &c. of Kingſton upon Hull.

33 H. 8. 33.

Be it alſo enacted by the authority aforeſaid, That no Purveyor or other perſon whatſoever, ſhall from the ſaid firſt day of May, by vertue of any Commiſſion, or otherwiſe, take any Herring or Sea-fiſh from any of the Subjects aforementioned, that ſhall take the ſame in the ſhips or other veſſels of the ſaid Subjects, as is aboveſaid, otherwiſe than by agreement of the owners or ſellers of the ſame fiſh, upon pain for every Purveyor, and other perſon whatſoever offending, contrary to the tenour of this Act, to forfeit the double value of the Herrings or fiſh ſo to be taken. And it ſhall be lawful for any perſon, being owner or ſeller of any ſuch Sea-fiſh ſo taken, as is aforeſaid, to withſtand any perſon that will (by any colour of purveying or otherwiſe, demand any ſuch fiſh, or the toll of any ſuch fiſh, without the good will of the owner or ſeller, as aforeſaid.

No Purveyor ſhall take any Sea fiſh of any that ſhall take the ſame in any Subjects ſhip.

Provided, That the fiſh, called compoſition fiſh, heretofore granted to the Queens Majeſty by the ſubjects of this Realm, travelling into Iſland, ſhall be taken by her Majeſties Officers and Purveyors, in ſuch ſort as the ſame hath been lawfully uſed to be taken before the making of this Act: and ſaving to the Queens Majeſty, her heirs and ſucceſſors, and to all other perſons, ſuch fiſhes as be known and uſed to be called Regal fiſhes, whereunto her Majeſty, or the ſaid other perſons, have, or ſhall have right or intereſt, for ſuch recompence as heretofore hath been accuſtomed.

A proviſo for Compoſition fiſh.

Regal fiſhes.

And be it further enacted by the authority aforeſaid, That from the firſt day of April, which ſhall be in the year of our Lord God, M. D. lxiv. It ſhall not be lawful to any perſon or perſons, to buy of any ſtranger born out of the Queens Majeſties obeyſance, or out of any ſtrangers Bottom, any Herring, being not ſufficiently ſalted, packed, and caſked, upon pain to every perſon and perſons ſo buying, to forfeit the Herrings ſo by him or them to be bought, or the value thereof.

No Herring ſhall be brought forth of a ſtrangers bottom which is not ſalted, packed and caſked ſufficiently.

Provided alwayes, That this branch of this Act ſhall not extend to any Herrings to be bought, which by reaſon of ſhipwrack ſhall be brought into this Realm, but that it ſhall be lawful to all and every perſon and perſons, to buy all ſuch Herrings ſo brought by ſhipwrack, as aforeſaid, as he or they lawfully might have done before the making of this Act: Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

A proviſo for Herrings brought into this Realm by ſhipwrack.

Be it alſo further enacted by the authority aforeſaid, That from the Feaſt of Saint John Baptiſt next enſuing, It ſhall not be lawful to any perſon or perſons, to cauſe to be loaden and carried in any Bottom or Bottoms, whereof any ſtranger or ſtrangers born, then be owners, ſhipmaſters, or part owners, any kind of fiſh, victual, wares, or things, of what kind or nature ſoever the ſame ſhall be, from one Port or Creek of this Realm, to another Port or Creek of the ſame Realm, upon pain to every one that ſhall offend contrary to the true meaning of this branch of this preſent Act, to forfeit all the goods ſo laden or carried, or the value thereof.

No wares may be carried from one Port in this Realm to another in a ſtrangers ſhip.

And that from henceforth all Engliſh Hoyes, and Plats may croſſe the Seas, as far as Cane in Normandy, and Eaſtward as far as Norway: The Statute made in the firſt year of the Queens Majeſties reign, to the contrary hereof notwithſtanding.

1 Eliz. 13.
Stat. 13 El. 15.

And for as much as there is much deceitful packing uſed in Cod and Lings, brought in Barrels or other Caſks into this Realm: Be it therefore enacted by the authority aforeſaid, That from and after the firſt day of April, in the year of our Lord God, M. D. lxiv. it ſhall not be lawful to any perſon or perſons, to bring into this Realm any Cod or Lings in Barrels, or other Caſks, but looſe in bulk, and by tale, to be ſold within this Realm, upon pain for every one that ſhall offend contrary to the tenour hereof, to forfeit all the Cod and Ling ſo to be brought in, or the value thereof.

All Cod and Lings muſt be brought into this Realm looſe, and not in barrels.

And be it further enacted, That from the Feaſt of Saint Michael the Archangel next following, no perſon or perſons whatſoever, ſhall bring into this Realm of England, or any part of the ſame, any Wine coming out of any the Dominions or Countries belonging to the Crown of France, or any Woad called Tholouſe-Woad, in any other Veſſel or Veſſels, but only in ſuch Veſſel and Veſſels, whereof ſome ſubject or ſubjects of the Queens Majeſty, her heirs or ſucceſſors, ſhall be then only owner, or part owner, upon pain to forfeit all Wines and Woad brought contrary to the meaning hereof, according to the meaning of an Eſtatute made in the time of the reign of King Henry the ſeventh, concerning Wine of the Dutchy of Gaſcoin and Guyen (except that there may be brought into Wales, or any Port within the County of Monmouth, Rochel Wines.)

Exp. Stat 13. Eliz. 11
Stat. 3 Car. 4.
Stat. 21 Jac. 28.
No wine ſhall be brought forth of France, nor any Woad brought into this Realm, but in Engliſh ſhipping.
5 Ed. 6. 18.
4 H 7. 10.
5 R. 2. 3

Be it alſo enacted by the authority aforeſaid, That from henceforth it ſhall be lawful to all and every owner and owners of ſhips or veſſels, and to every Houſholder, uſing and exerciſing the trade of the Seas, by fiſhing, or otherwiſe, and to every Gunner or Gunners, commonly called Canoneers, and to every Ship-wright, to take and keep one or more Apprentice or Apprentices, to be brought up in the ſaid trade or trades: every of the ſame Apprentice or Apprentices, to be to them bound for ten years or under. And every Apprentice ſo taken, being above ſeven years of age, ſhall be by the ſame Covenants bound, ordered, and uſed to

Owners of ſhips, Fiſhers on the Sea Gunners and Ship wrights may take Apprentices.

all intents, according to the Cuſtom of the City of London, ſo that the ſame Covenant or Bond of Apprentiſhip be made by writing indented, and inrolled in the Town where the ſame Apprentice ſhall be then inhabiting, if it be a Town corporate: and if the Town be not incorporate, then to be inrolled in the next Town incorporate to the habitation of every ſuch Apprentice. And that the Officers of every ſuch Town corporate, ſhall take for every ſuch enrolment not above twelve pence: any Law, Statute, or other matter whatſoever to the contrary notwithſtanding.

A repeal of part of the Statute of 5 & 6 Ed. 6. 14. made againſt Regratours, &c.

And be it further enacted, That ſo much of the Statute made in the fifth and ſixth years of the late King Edward the ſixth, intituled, An Act againſt Regrators, Foreſtallers and Ingroſſers: And ſo much of all other Eſtatutes againſt Regrators, Foreſtallers & Ingroſſers, as doth and may concern the buying of Sea-fiſh unſalted, or mudde fiſh, or any Wine, Oyl or Salt, to be taken and brought in any Engliſh ſubjects ſhips, Crayers, or other Veſſel, unto any Port, Creek or place of this Realm, ſhall from henceforth to all intents, constructions, and purpoſes, be utterly repealed and void, for ſo much of the ſaid oyls, wine, ſea-fiſh, mudde fiſh, and ſalt, as any Buyer or Buyers, upon the Sea, by way of Foreſtalling or Regrating, ſhall and do bring and diſcharge in any Port or Haven within this Realm.

And for increaſe of proviſion of fiſh by the more uſual and common eating thereof:

Every Wedneſday ſhall be fiſh-day. Exp. Stat. 27 Eliz. 1. St. 3 Car. 4.

Be it further enacted by the authority aforeſaid, That from the Feaſt of Saint Michael the Archangel, in the year of our Lord God M.D.lxiv. every Wedneſday in every week throughout the whole year, which heretofore hath not by the Laws or Cuſtoms of this Realm been uſed and obſerved as a fiſh-day, and which ſhall not happen to fall in Chriſtmas week or Eaſter week, ſhall be hereafter obſerved and kept as the Saturdayes in every week be or ought to be. And that no manner of perſon ſhall eat any fleſh on the ſame day, otherwiſe then ought to be upon the common Saturday.

All fiſh dayes ſhall be obſerved.

And be it further enacted by the authority aforeſaid, for the benefit and commodity of this Realm, to grow as well in maintenance of the Navy, as in ſparing and increaſe of fleſh victual of this Realm: that from and after the Feaſt of Pentecoſt next coming, it ſhall not be lawful to any perſon or perſons within this Realm, to eat any fleſh upon any dayes now uſually obſerved as fiſh-dayes, or upon any Wedneſday now newly limited to be obſerved as fiſh-day, upon pain that every perſon ſo offending herein, ſhall forfeit three pound for every time he or they ſhall offend; or elſe ſuffer three moneths cloſe impriſonment without bail or mainpriſe.

Forfeiture of three pound, or three moneths cloſe impriſonment, for eating of fleſh upon dayes prohibited. Alt. 35 Eliz. 7.

Forfeiture of houſholder where fleſh is eaten.

How the forfeiture ſhall be beſtowed.

And every perſon or perſons within whoſe houſe any ſuch offence ſhall be done, and being privy or knowing thereof, and not effectually publiſhing or diſcloſing the ſame to ſome publick Officer, having authority to puniſh the ſame, for every ſuch offence to forfeit forty ſhillings. All which forfeitures for not abſtaining from meats, ſhall be divided into three equal parts: That is, one part to the uſe of the Queens Majeſty, her heirs or ſucceſſors, the other part to the Informer, the third to the common uſe of the Pariſh where the offence is or ſhall be committed, and to be levied by the Church-wardens, after any conviction in that behalf.

A proviſo for them which have licences to eat fleſh.

Provided alwayes, and be it enacted, That this Act, nor any thing herein contained, concerning eating of fleſh, ſhall in any wiſe extend to any perſon or perſons, that ſhall hereafter have any ſpecial licence, upon cauſes to be contained in the ſame licence, and to be granted, according to the Laws of this Realm in ſuch caſes provided.

How much every perſon ſhall pay for his licence.

All and every which ſaid licence and licences, ſhall be void to all intents, unleſſe the ſame contain the conditions hereafter mentioned: That is to ſay, every licence made to any perſon or perſons being of the degree of a Lord of Parliament, or of their wives, ſhall be upon condition, that every ſuch perſon ſo to be licenced, ſhall pay to the poor mens Box within the Pariſh where they ſhall dwell or remain, in the Feaſt of the Purification of the bleſſed Virgin Mary, or within ſix dayes after the ſame Feaſt, ſix and twenty ſhillings and eight pence, the ſame to be paid within one moneth next after the ſame Feaſt, upon pain of forfeiture of every ſuch licence. And every licence to any perſon of the degree of a Knight, or a Knights wife, ſhall be upon condition, that every ſuch perſon ſo licenced, ſhall pay yearly thirteen ſhillings and four pence, to the uſe aforeſaid, and in form afore mentioned. And every licence to any perſon or perſons being under the degrees abovesaid, ſhall be upon condition, that every ſuch perſon ſo licenced, ſhall pay yearly ſix ſhillings and eight pence to the ſaid uſe, and in form afore mentioned.

Provided alwayes, That no licence ſhall extend to the eating of any Beef at any time of the year, nor to the eating of any Veal in any year, from the Feaſt of Saint Michael the Archangel, unto the firſt day of May.

Provided alſo, that all perſons which by reaſon of notorious ſickneſſe, ſhall be enforced for recovery of health to eat fleſh for the time of their ſickneſſe, ſhall be ſufficiently licenced by the Biſhop of the Dioceſſe, or by the Parſon, Vicar, or Curate of the Pariſh where ſuch perſon ſhall be ſick, or of one of the next Pariſh adjoyning, if the ſaid Parſon, Vicar, or Curate of his or their own Pariſh be wilful; or if there be no Curate within the ſame Pariſh. Which licence ſhall be made in writing ſigned with the hand of the Biſhop of the Dioceſſe, or of the Parſon, Vicar or Curate, and not endure longer than the time of the ſickneſſe. And that if the ſickneſſe ſhall continue above the ſpace of eight dayes after ſuch licence granted, then the licence ſhall be regiſtred in the Church-book, with the knowledge of one of the Church-wardens, and the party licenced ſhall give to the Curate four pence for the entry thereof, and that licence to endure no longer, but only for the time of his, her, or their ſickneſſe.

Licences in times of ſickneſs.

And if any licence by any Parſon, Vicar or Curate, be granted to any perſon or perſons, other than ſuch as evidently appear to have need thereof, by reaſon of their ſickneſſe: not only every ſuch licence ſhall be void, but alſo every ſuch Parſon, Vicar or Curate, ſhall forfeit for every ſuch licence otherwiſe granted, five Marks.

Provided alſo, and be it enacted, That all licences heretofore granted to any Subject of this Realm, by any of the late Kings, or by the late Queen Mary, or the Queens Majeſty now being, or by any Archbiſhop of this Realm, having authority ſo to do, ſhall be of as good force in Law for the Wedneſday now limited, and other accuſtomed fiſh dayes, as they were before the making of this Act, for the ſaid other accuſtomed fiſh dayes, ſo as the parties licenced, do hereafter obſerve all ſuch conditions as be limited in this Eſtatute, to ſuch as ſhall hereafter obtain any licences.

The Licences granted to any perſons before the making of this Act ſhall extend to the Wedneſdayes.

And ſuch perſons alſo as heretofore were or ought to be licenced by reaſon of age, or other impediment or cauſe, by order of the Eccleſiaſtical Laws, ſhall enjoy the ſame priviledge and accuſtomed licences: Any thing in this Act to the contrary hereof, in any wiſe notwithſtanding.

Licences by the Law Eccleſiaſtical.

And be it enacted by the authority of this preſent Parliament, That no forfeiture of Ship, Crayer or other Veſſel, or of any apparel of the ſame, nor any other penalty or forfeiture, ſhall be extended or grow againſt any Owner or Owners of any Ship, Crayer, or other Veſſel, for the tranſporting or carrying of any Wheat or other Corn, or things prohibited by the Eſtatute made in the Parliament holden the firſt and ſecond years of King Philip and Queen Mary, unleſſe the ſame Owner or Owners ſhall be witting, knowing, aiding, or conſenting to the prohibiting, tranſporting, or carrying: the ſaid Statute or any thing therein mentioned to the contrary hereof in any wiſe notwithſtanding.

1 & 2 P. & M. 5. In what only caſe the owner of a ſhip ſhall forfeit it for tranſporting of corn.

And be it further enacted by the authority of this preſent Parliament, That all and every perſon and perſons, which be or ſhall be by the Laws and Eſtatutes of this Realm, or otherwiſe authoriſed to ſell Wines by retail, in the ſeveral Counties and places where they be or ſhall be ſo authoriſed: ſhall and may from henceforth ſell the ſaid Wines by pint, quart, pottle, gallon, or otherwiſe at ſuch price or prices, and in ſuch form as ſhall be limited by the Queens Majeſties Proclamation in that County or place, made with the aſſent of ſuch Lords and other perſons, as by the Statute made in the xxviii. year of the Reign of King Henry the eight, were authoriſed to ſet price upon Wines in groſſe, without any pain or forfeiture for the ſame: Any Law, Uſage, or Eſtatute heretofore made or had to the contrary hereof, in any wiſe notwithſtanding.

Exp St. 1 Jac. 25. Stat. 21 Jac. 28. Stat 3 Car. 4. Wines ſhall be ſold at ſuch prices as ſhall be limited by the Queens Proclamation. 28 H. 8.

And be it further enacted by the authority of this preſent Parliament, That from and after the Feaſt of Saint Michael the Archangel next coming, it ſhall be lawful to all and every perſon and perſons, being Subjects to the Queens Majeſty, her Heirs and Succeſſors, only out of ſuch Ports and Creeks, as by the Queens Majeſties Proclamation hereafter ſhall be publiſhed and appointed, and not elſewhere, to load, carry, or tranſport any Wheat, Rye, Barley, Malt, Peaſe, or Beans, into any parts beyond the Seas, to ſell as a merchandize, in Ships, Crayers, or other Veſſels, whereof any Engliſh born Subjects then ſhall be the only Owners, ſo that the price of the ſaid Corn or Grain ſo carried or tranſported, exceed not the prices hereafter following, at the times, Havens, and places where and when the ſame Corn or Grain ſhall be ſhipped, and laden: viz. The quarter of Wheat at ten ſhillings, the quarter of Rye, Peaſe or Beans, at eight ſhillings, the quarter of Barley or Malt at ſix ſhillings eight pence of currant money of England: Any Law, Uſage, or Eſtatute heretofore made to the contrary hereof in any wiſe notwithſtanding.

When and upon what prices and conditions each perſon may tranſport corn. Alt. 1 Jca. 25. 21 Jac. 28. 3 Car. 4.

And where doubt hath heretofore been, whether the Statute in the eighteenth year of the reign of King Henry the ſixth, heretofore made againſt Souldiers retained, which depart from their Captains without licence, did or ought to extend unto Mariners and Gunners ſerving on the Seas, taking wages of the King or Queen of this Realm: Be it expreſſed, ordained, enacted and declared by authority of this preſent Parliament, That the ſaid Eſtatute made in the ſaid eighteenth year of the reign of King Henry the ſixth, in all pains, forfeitures and other things, did, doth, and hereafter ſhall extend, as well to all and every Mariner and Gunner, having taken, or ſhall hereafter take preſt or wages to ſerve the Queens Majeſty, her Heirs or Succeſſors, to all intents and purpoſes, as the ſame did or doth unto any Souldier: Any diverſities of opinion, doubt, matter, or thing to the contrary hereof notwithſtanding.

The Statute of 18 H. 6. 19. ordained againſt Souldiers, ſhall extend to Mariners and Gunners.

Cok. li. 6.
27.

And where an Eſtatute concerning ſowing of Flax and Hemp, was made and provided in the Parliament holden the three and twentieth year of the reign of our late Soveraign Lord King Henry the eighth, to be univerſal through every County of this Realm, for the better proviſion of Nets, for help and furtherance of fiſhing, and for eſchewing of idleneſſe.

Be it ordained and enacted by authority of this preſent Parliament, That in every ſuch County of this Realm, or part of ſuch County, where by the Queens Majeſties Proclamation it ſhall hereafter be publiſhed, the ſaid Eſtatute to be commodious or profitable for the Commonwealth: The ſaid Eſtatute, and every Clauſe, Article and proviſion therein contained, be and ſhall be revived, and ſtand in full force and ſtrength to be executed and performed, from the Feaſt of Saint Michael the Archangel next coming, in all things other than in the proportion of a Rood or fourth part of an Acre, and in the pain of three ſhillings and four pence, by the ſaid Eſtatute limited. In place whereof, Be it ordained and enacted by the authority aforeſaid, That in every caſe and degree where by the ſaid former Eſtatute, one Rood or fourth part of an Acre is limited to be ſown with Linſeed, otherwiſe Flax ſeed, or Hemp ſeed, from the ſaid Feaſt of Saint Michael the Archangel next coming: in ſtead and lieu of the ſaid Rood or fourth part of an Acre one whole Acre or leſſe, as by Proclamation in form aforeſaid ſhall be limited, ſhall be ſown with Linſeed, otherwiſe Flax ſeed or Hemp ſeed, upon pain of forfeiture of five pounds for every ſuch default or offence.

In what caſes and places the Statute of 24 H. 8. 4. provided for the ſowing of Hemp and flax ſhall be revived. Rep. 35 El z. 7.

And further, Be it ordained and enacted by the authority aforeſaid, That all and every of ſuch offences before mentioned, as hereafter ſhall be done on the main Sea, or coaſts of the Sea, being no part of the body of any County of this Realm, and without the precinct, juriſdiction and liberties of the Cinque Ports, and out of any Haven or Peere, ſhall be tryed

Which Magiſtrates ſhall enquire of, hear and determine the offences aforeſaid. 28 H. 8. 15.

ed and determined before the Lord Admiral of England, or his Lieutenant, Deputy or Deputies; and other Juſtices of Oyer and Terminer, according to the form of the ſaid Eſtatute of Anno xxviii. Henrici viii. for cauſes of Piracy. And if the ſame ſhall be done on the main Sea, or coaſts of the Sea, within the juriſdiction or liberty of the Cinque Ports, and out of any Haven or Port, then the ſame to be tryed and determined before the ſaid Lord Warden of the ſaid Cinque Ports, or his Lieutenant or Judge, or before Juſtices of Oyer and Terminer, according to the true form of the ſaid Eſtatute of Anno xxviii. Henrici viii. for the cauſes of Piracy. And for all and ſingular ſuch other of the offences before mentioned, as ſhall be done in the Land, or within any Haven or Peere, all Juſtices of Peace in their Seſſions, and Mayors, Sheriffs and Bayliffs, and other head-Officers, in Cities and Towns corporate in their Seſſions or other Courts, within the limits of their Commiſſions or Authorities, ſhall have full power and authority to enquire of the offendors of this Act, as well by the Oaths of twelve men, as otherwiſe by information, and thereupon to hear and determine the ſame.

Who ſhall have the benefit of all the forfeitures aforeſaid.

And if any perſon or perſons ſhall be preſented before the ſaid Judges, Juſtices or Officers, within the limits of their Authorities, or any information given to them of any Offendor of this Act, that then they ſhall have full power and authority upon any ſuch preſentment or information, to make Proceſſe againſt the Offendors of this Act, like as is commonly uſed upon indictment of Treſpaſſe. And if any be preſented, and afterward be convicted, by confeſſion or otherwiſe, that then every ſuch perſon ſhall ſuffer no leſſe forfeiture or puniſhment than herein is before limited: All which forfeitures to be levied in manner and form following; That is to ſay, ſuch forfeitures concerning eating of Fleſh, as are before limited, to certain uſes, to be to the ſame uſes in that behalf before expreſſed; and all ſuch forfeitures as according to the tenour of this Act ſhall be determinable before the ſaid Judges, Juſtices, or other Officers of the Admiralties aforeſaid, or before Commiſſioners of Oyer and Terminer in that behalf, ſhall be to the uſe of the Lord Admiral of England, or Lord Warden of the Cinque Ports, where ſuch offence ſhall be preſented, or whereas the juriſdiction of the cauſe ſhall appertain.

And all ſuch forfeitures, as according to the tenour of this Act ſhall be determinable before the Mayors, Sheriffs, Bayliffs, or other head-Officers of Cities or Towns corporate, ſhall be to the common uſe of the Corporation of the ſaid City or Town corporate, where ſuch offences ſhall be preſented, or whereas the juriſdiction of the cauſe ſhall appertain.

And all ſuch forfeitures, as according to the tenour of this Act ſhall be determinable before the Juſtices of the Peace, ſhall be to the uſe of the Queens Majeſty, her Heirs and Succeſſors. And if any perſon ſhall be convict, by confeſſion, or otherwiſe upon any information made by any perſon or perſons, againſt any Offendor or Offendors of this Act, in any cauſe (ſave for the eating of Fleſh firſt before ſpecially limited) that then every ſuch perſon ſo convict upon any information, ſhall loſe ſuch forfeiture as is before limited, the one half to ſuch as ſhall make the information, and the other half to thoſe which upon preſentment without ſpecial information, are before limited to have the whole forfeiture.

What Proceſs ſhall be awarded againſt offendors.

And that for the levying of every forfeiture growing by this Eſtatute, as well the ſaid Lord Admiral of England, Lord Warden of the Cinque Ports, their Lieutenants and Judges, as the ſaid Juſtices, Mayors, Sheriffs, Bayliffs, and other head-Officers within the limits of their Commiſſions or Authorities, have and ſhall have full power and authority to make ſuch Proceſſe, as they ſhall think good by their diſcretions.

Within what time an information ſhall be made after the offence committed.

Provided alwayes, That none information at the Suit of any perſon concerning this Act, ſhall be of any effect to put any perſon to anſwer or loſſe of forfeiture, except the ſaid information be commenced within half a year next after the offence done contrary to this Act, nor that any information, or preſentment for the Queens Majeſty, her Heirs or Succeſſors, or for the Admiral, Warden of the Cinque Ports, Mayors or other Officers aforeſaid, be of any effect, to put any perſon to any anſwer or loſſe of any forfeiture by vertue of this Act, except the ſaid information or preſentment be within one year next after the offence done and committed contrary to this Act.

What diet each perſon muſt have upon his Table on the Wedneſday, which ſhall have licence to eat fleſh.

Provided, and be it likewiſe enacted, That it ſhall be lawful to any perſon or perſons, to have at his or their Table, upon every Wedneſday, being ordered by this Eſtatute to be obſerved as a fiſh-day, one only uſual competent diſh of fleſh, of one kind, and no more; ſo that he, ſhe, or they have alſo ſerved to the ſame Table, and meat at the ſame Meal, three full competent uſual diſhes of Sea-fiſh, of ſundry kinds, either freſh or ſalt, and that without fraud or covin, and ſo ſhall alſo order, that the ſame fiſh be meet and ſeaſonable, and that it ſhall be be eaten or ſpent in like manner, as upon Fridayes or Saturdayes in like caſe are uſed.

And alſo ſuch perſons as have, or hereafter ſhall have, upon good and juſt conſideration, any lawful licence to eat fleſh upon any fiſh-day (except ſuch perſons, as for ſickneſſe ſhall for the time be licenced by the Biſhop of the Dioceſſe, or by their Curates, or ſhall be licenced by reaſon of age, or other impediment allowed heretofore by the Eccleſiaſtical Laws of this Realm) ſhall be bound by force of this Statute, to have for every one diſh of fleſh ſerved to be eaten at their Table, one uſual diſh of Sea-fiſh, freſh or ſalt, to be likewiſe ſerved at the ſame Table, and to be eaten or ſpent without fraud or covin, as the like kind is, or ſhall be uſually eaten or ſpent on Saturdayes.

And that theſe two Articles and Clauſes next above, ſhall be taken and interpreted from time to time, in the favour of expence of Sea-fiſh, and that the Offendor or Offendors herein, ſhall be puniſhed in like manner, as is ordered by this Eſtatute, for puniſhment of ſuch as ſhall eat fleſh upon Fridayes, Saturdayes, or other fiſh-dayes.

The intent of this Statute touching eating of fiſh, and forbearing of fleſh.

And becauſe no manner of perſon ſhall miſ-judge of the intent of this Eſtatute, limiting orders to eat fiſh, and to forbear eating of fleſh, but that the ſame is purpoſely intended and meant politickly for the increaſe of Fiſhermen and Mariners, and repairing of Port

Towns and Navigation, and not for any ſuperſtition to be maintained in the choice of meats:

Be it enacted, That whoſoever ſhall by preaching, teaching, writing, or open ſpeech notiſie, that any eating of fiſh, or forbearing of fleſh mentioned in this Statute, is of any neceſſity for the ſaving of the ſoul of man, or that it is the ſervice of God, otherwiſe than as other politick Laws are and be: that then ſuch perſons ſhall be puniſhed, as Spreaders of falſe News are and ought to be.

Spreaders of falſe News.

Be it enacted in the favour of Fiſhermen and Mariners, haunting the Sea as Fiſhermen or Mariners, That none of them ſhall hereafter at any time be compelled againſt his or their will, to ſerve as any Souldiers upon the Land, or upon the Sea, otherwiſe than as a Mariner, except it ſhall be to ſerve under any Captain of ſome Ship or Veſſel for landing, to do ſome ſpecial exploit, which Mariners have uſed to do; or under any other perſon having authority to withſtand any invaſion of enemies, or to ſubdue any rebellion within the Realm, and alſo except all ſuch perſons as by tenure, lawful cuſtome or covenant, be or ſhall be otherwiſe bound to ſerve.

Fiſhermen and Mariners ſhall not be compelled to ſerve as Souldiers, but in ſome caſes.

Provided alwayes, and be it enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not extend to take away or diminiſh any liberty, priviledge, franchiſe, forfeiture, or amerciament, fines, iſſues, wrecks of the Sea, or any other lawful inheritance, or freehold, from any perſon or perſons, bodies politick or corporate, their Heirs or Succeſſors for or touching any lawful liberty, authority, or juriſdiction Admiral, or for conſervation of any water, that they or any of them now have lawfully, or hereafter ſhall have: any thing in the ſame to the contrary notwithſtanding.

A Saving of the Liberties of all perſons.

Provided alwayes, and be it further enacted by the authority aforeſaid, That no Fiſhermen uſing or haunting the Sea, ſhall be taken by the Queens Majeſties Commiſſion, to ſerve her Highneſs as a Mariner on the Sea; but that the ſaid Commiſſion be firſt brought by her Highneſſe Taker or Takers, to two Juſtices of Peace, next inhabiting to the ſaid Sea-Coaſts, Towns, or other places, where the ſaid Mariners are ſo to be taken, to the intent the ſaid Juſtices may chooſe out, and cauſe to be returned ſuch ſufficient number of able men, as in the ſaid Commiſſion ſhall be contained to ſerve her Majeſty, as is aforeſaid.

In what caſes a Fiſherman ſhall be taken by Commiſſion to ſerve on the Sea as a Mariner.

Saving alwayes, to the Cinque Ports, and alſo to the Town of great Yarmouth, all ſuch lawful liberties as they juſtly have before the making of this Act, touching the Free Fair kept at Yarmouth, other than in buying of Strangers, and taking of Toll, as the ſame be before prohibited.

The liberties of the five Ports and great Yarmouth in ſome caſes reſerved.

Provided alwayes, That any thing in this Act contained, ſhall not be hurtful or prejudicial to any authority, ſtile, preheminence, dignity or juriſdiction, belonging to the Office of the Lord Warden of the Cinque-Ports.

The authority of the Lord Warden of the Cinque-Ports.

Provided alwayes, That it ſhall and may be lawful to and for any perſon or perſons being Strangers born, to bring yearly in any Ship, Bottom or Veſſel, whereof any Stranger or Strangers born, is or ſhall be Owner or Owners, into the Havens, Ports, and Towns of the Iſle of Man, or into any of them, any of the Wines made in any of the Dominions or Countries belonging to the Crown of France, and in the ſame Ports and Towns, or any of them, to diſcharge the ſaid Wines ſo to be brought, ſo that there be not brought and diſcharged by the ſame Strangers, in any ſuch Strangers Ships, Bottoms or Veſſels, in any one year, in, or at the ſaid Havens, Ports and Towns, or any of them, above one hundred Tons at the moſt: This Act or any thing therein contained to the contrary thereof notwithſtanding.

What Wine may be brought in Strangers ſhips into the Iſle of Man.

Provided alſo, That it ſhall and may be lawful to and for any perſon or perſons being Strangers born, to bring yearly in any Ship, Veſſel, or Bottom, whereof any Stranger or Strangers born, is or ſhall be Owner or Owners, into the Haven, Port, and Town of Chepſtow in the County of Monmouth, any Wines made in any of the ſaid Dominions or Countries belonging to the ſaid Crown of France, over and beſides all Rochell Wines heretofore in this Act allowed to be brought, and in the ſame Port and Town to diſcharge the ſaid Wines, ſo that there be not brought and diſcharged by the ſame Strangers, in any ſuch Strangers Ships, Bottoms, or Veſſels, in any one year, in, or at the ſaid Haven, Port, and Town, above one hundred Tons at the moſt: This Act, or any thing therein contained to the contrary notwithſtanding.

Wine brought in Strangers ſhips into Chepſtow.

Provided alſo, That it ſhall and may be lawful to and for any perſon or perſons, being Strangers born, to bring yearly in any Ship, Veſſel, or Bottom, whereof any Stranger or Strangers born, is or ſhall be Owner or Owners, into the Havens, Ports, and Towns of Cardiff, Carnarvon, Bewmarris, and other Havens, Ports, and Towns of South-Wales and North-Wales, or any of them; and into the Haven, Port, and Town of Newport in the ſaid County of Monmouth, any of the ſaid Wines made in any of the ſaid Dominions or Countries belonging to the ſaid Crown of France, over and beſides all Rochell Wines heretofore in this Act allowed to be brought, and in and at the ſame Ports and Towns, or any of them, to diſcharge the ſaid Wines ſo to be brought, ſo that there be not brought and diſcharged by the ſame Strangers in any ſuch Strangers Ships, Bottoms, or Veſſels, in any one year, in or at the ſaid Havens, Ports, and Towns, or any of them, above one hundred Tons at the moſt: This Act, or any thing therein contained to the contrary thereof notwithſtanding.

What Wine may be brought in Strangers ſhips into Wales and Newport.

Saving unto the Queens Majeſty, her Heirs and Succeſſors, all ſuch duties and things which her Highneſſe, her Heirs and Succeſſors, ought to have and enjoy, be anſwered and paid for the ſaid three hundred Tons of Wines, mentioned in the ſaid three laſt Proviſoes, to be brought and diſcharged, as in the ſame three Proviſoes been mentioned and declared; Any thing in this Act to the contrary thereof notwithſtanding.

A Saving of the Queens duties.

Provided alſo, and be it further enacted by the authority aforeſaid, That this Act, or any
thing

The Lord Admiral, &c. ſhall have no greater authority than he had before.

thing or things therein contained, ſhall not in any manner of wiſe extend to give unto the Lord Admiral of England for the time being, or to any his Vice-Admiral, Judge or Judges of the Admiralty, his or their Deputy or Deputies, or to any other the Officers or Miniſters of the Admiralty, or to any others having or claiming any Admiral power, juriſdiction or authority within this Realm and Wales, or any other the Queens Dominions; any other power, right, juriſdiction, preheminence or authority, then he, or they, or any of them lawfully have, hath, or had, or ought to have and enjoy before the making of this Act, other than for ſuch of the offences ſpecified in this Act, as hereafter ſhall be done upon the main Sea, within the juriſdiction of the Admiralty: This Act, or any Article, Branch, Clauſe, Proviſion, or thing therein contained to the contrary thereof notwithſtanding.

This Act ſhall continue and endure untill the end of ten whole years, to be accounted from the Feaſt of Saint Michael the Archangel, which ſhall be in the year of our Lord God M. D. lxiv. and from thence to the end of the next Parliament then following the end of the ſaid ten years. Stat. 35 Eliz. 7. 39 El. 18. 1 Jac. 25. 1 Jac. 29. 21 Jac. 28. 3 Car. 4.

CAP. VI.

Whoſoever ſhall ſell or deliver to any perſon (having not in poſſeſſion Lands or Fees, to the clear yearly value of 3000 li.) any forein Wares not firſt grown, or firſt wrought within the Queens Dominions, appertaining to the clothing or adorning of the Body, for which Wares, or the workmanſhip thereof, the Seller ſhall not have received the whole money, or ſatisfaction in hand, or within eight and twenty dayes after the making or delivery thereof, The Seller, Maker, &c. ſhall be without all remedy by order of any Law, Cuſtome or Decree, to recover any recompence for ſuch wares, or the workmanſhip, whatſoever aſſurance he ſhall have by bond, ſurety, promiſe, or pain of the party, or any other: And all aſſurances and bonds in that caſe ſhall be void. EXP. 38 Ed. 3. 5. 7 Jac. 12.

CAP. VII.

No perſon ſhall bring into this Realm to be ſold, Girdles, Rapiers, Daggers, &c. ready wrought and made beyond the Seas.

WHereas heretofore the Artificers of this Realm of England (as well within the City of London, as within other Cities, Towns, and Boroughs of the ſame Realm) that is to wit, Girdlers, Cutlers, Sadlers, Glovers, Pointmakers, and ſuch like handicrafts-men, have been in their ſaid faculties greatly wrought, and greatly ſet on work, as well for ſuſtentation of themſelves, their wives and families, as for a good education of a great part of youth of this Realm in good art and laudable exerciſe: beſides the manifold benefits, that by means or by reaſon of their knowledges, inventions, and continual travel, daily and univerſally came to the whole eſtate of the Commonwealth of the ſaid Realm.

The ſeveral inconveniences of bringing wares ready wrought into England.

Yet notwithſtanding, ſo now it is, that by reaſon of the abundance of foreign Wares brought into this Realm from the parts of beyond the Seas, the ſaid Artificers are not only leſſe occupied, and thereby utterly impoveriſhed, the youth not trained in the ſaid Sciences and exerciſes, and thereby the ſaid faculties, and the exquiſite knowledges thereof like in ſhort time within this Realm to decay: but alſo divers Cities and Towns within this Realm of England much thereby impaired, the whole Realm greatly endamaged, and other Countries notably inriched, and the people thereof well ſet on work, to their commodities and livings, in the Arts and Sciences aforeſaid, and to the great diſcouragement of skilful workmen of this Realm, being in very deed nothing inferiour to any Stranger in the faculties aforeſaid.

None ſhall bring into this Realm the wares within mentioned ready wrought 3 Ed. 4. 4. 1 R. 3. 12. Stat. 27 El. 11.

For reformation whereof, Be it enacted by our Soveraign Lady the Queens Highneſſe, and by the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons whatſoever, from or after the Feaſt of the Nativity of S. John Baptiſt now next enſuing, ſhall bring or cauſe to be brought into this Realm of England, from the parts of beyond the Seas, any Girdles, harneſs for Girdles, Rapiers, Daggers, Knives, Hilts, pummels, Lockets, Chapes, Dagger-blades, Handles, Scabbards, and Sheaths for Knives, Saddles, Horſe-harneſſe, Stirrups, Bits, Gloves, Points, Leather-laces, or Pinnes, being ready made or wrought in any parts of beyond the Seas, to be ſold, bartred or exchanged within this Realm of England or Wales, upon pain to forfeit all ſuch Wares ſo to be brought contrary to the true meaning of this Act, in whoſe hands ſoever they or any of them ſhall be found, or the very value thereof: The one half of the forfeiture to be to our Soveraign Lady the Queens Highneſſe, her Heirs and Succeſſors, and the other moyety thereof to him or them that will ſeiſe the ſame, or ſue therefore in any Court of Record of the Queens Majeſty, her Heirs and Succeſſors, by Action of Debt, Bill, Plaint, Information, or otherwiſe, where no Wager of Law, Eſſoine, or Protection, ſhall be to him or them allowed. This Act to continue and endure to the end of the next Parliament. 3 Car. 4. continued till the end of the firſt Seſſion of the next Parliament.

CAP. VIII.

No Butcher ſhall be a Tanner. Who only may be Tanners. The ſeveral duties of Tanners, Curriers and Shoomakers in their wares and workmanſhips. Where, when, and by whom Leather ſhall be ſearched, ſealed, and ſold. Oaks ſhall be felled in barking time only. A reſtraint of tranſporting of Leather. A repeal of the Statutes of 25 Ed. 3. 4. 13 R. 2. 12. 4 H. 4. 35. 2 H. 6. 7, 4 Ed. 4. 7. 1 H. 7. 5. 19 H. 7. 19. 3 H. 8. 10. 5 H. 8. 7. 14 H. 8. 9. 22 H. 8. 6. 24 H. 8. 1. 2 & 3 Ed. 6. 9. 1 Eliz. 18. 3 & 4 Ed. 6. 9. of part of the 5 & 6 Ed. 6. 15. 1 Eliz. 8. & 9. made touching Tanners, Curriers, and Shoomakers, their wares and workmanſhip. REP. 1 Jac. 22.

CAP. IX.

What puniſhment ſhall be inflicted upon perſons who commit wilful perjury.

WHere in the Parliament holden at Weſtminſter in the xxxii. year of the reign of the late King of famous Memory, King Henry the eighth, amongſt other things, It was ordained, enacted & eſtabliſhed, That no perſon or perſons of what eſtate, degree, or condition ſoever he or they were, ſhould from thenceforth unlawfully ſuborn any witneſſe or witneſſes, by Letters, Rewards, Promiſes, or by another ſiniſter labour or means, for to maintain any matter or cauſe, or to the diſturbance or hinderance of Juſtice, or to the procurement or occaſion of any manner of perjury, by falſe verdict, or otherwiſe, in any of the Kings Courts of Chancery, the Star-Chamber, the White-hall, or elſewhere within any of the Kings Dominions of England, or Wales, or the Marches of the ſame, where any perſon or perſons have, or from thenceforth ſhould have authority, by vertue of the Kings Commiſſion, Patent, or Writ, to hold plea of Land, or to examine, hear, or determine any title of Lands, or any matter or witneſſes concerning the title, right, or intereſt of any Lands, Tenements, or Hereditaments, upon pain of forfeiture for every ſuch offence, x. li. the one moyety thereof to be to the King, and the other to the party that would ſue for the ſame, as by the ſame Eſtatute amongſt divers other things, more plainly it doth appear.

A rehearſal of the Statute of 32 H. 8. 9. made againſt the ſubornation of witneſſes.

Sithence the making whereof, for that the ſaid penalty is ſo ſmall towards the Offendors in that behalf, the ſaid offence of ſubornation, and ſiniſter procurement of falſe witneſſes, hath nevertheleſſe greatly encreaſed and augmented, and by reaſon of the wilful perjury committed by the ſame ſuborned witneſſes, divers and ſundry of the Queens Majeſties Subjects have ſuſtained diſheriſon and great impoveriſhment, as well of their Lands and Tenements, as alſo of their Goods and Chattels:

Be it therefore enacted by our Soveraign Lady the Queen, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every ſuch perſon and perſons, which at any time after the tenth day of April next coming, ſhall unlawfully and corruptly procure any witneſſe or witneſſes by Letters, Rewards, Promiſes, or by any other ſiniſter and unlawful labour or means whatſoever, to comit any wilful and corrupt perjury, in any matter or cauſe whatſoever, now depending or which hereafter ſhall depend in ſuit and variance, by any writ, action, bill, complaint, or information, in any wiſe touching or concerning any Lands, Tenements, or Hereditaments, or any Goods, Chattels, Debts or Damages, in any of the Courts before mentioned, or in any of the Queens Majeſties Courts of Record, or in any Leet, view of frank-pledge or lawday, ancient demean Court, Hundred Court, Court-Baron, or in the Court or Courts of the Stannary in the Counties of Devon and Cornwall; or ſhall likewiſe unlawfully and corruptly procure or ſuborn any witneſſe or witneſſes, which ſhall from and after the ſaid tenth day of April be ſworn to teſtifie In perpetuam rei memoriam, that then every ſuch Offendor or Offendors, ſhall for his, hers, or their ſaid offence, being thereof lawfully convicted or attainted, loſe and forfeit the ſum of forty pounds.

The penalty for procuring of wilful perjury.
Coke pla. fol. 302. 3 7.
Raſt. pla. fo. 481.

And if it happen any ſuch Offendor or Offendors, ſo being convicted or attainted, as aforeſaid, not to have any Goods or Chattels, Lands or Tenements, to the value of forty pounds, that then every ſuch perſon ſo being convict or attainted of any the offences aforeſaid, ſhall for his or their ſaid offence, ſuffer impriſonment by the ſpace of one half year, without bail or mainpriſe, and to ſtand upon the Pillory the ſpace of one whole hour, in ſome Market Town next adjoyning to the place where the offence was committed, in open Market there, or in the Market Town it ſelf, where the offence was committed.

And that no perſon or perſons being ſo convicted or attainted, to be from thenceforth received as a witneſſe to be depoſed and ſworn in any Court of Record within any of the Queens Highneſſe Dominions of England, Wales, or the Marches of the ſame, untill ſuch times as the judgment given againſt the ſaid perſon or perſons ſhall be reverſed by attaint or otherwiſe, and that upon every ſuch reverſal, the parties grieved, to recover his or their damages, againſt all and every ſuch perſon and perſons as did procure the ſaid judgment ſo reverſed to be firſt given againſt them or any of them, by action or actions, to be ſued upon his or their caſe or caſes, according to the common courſe of the Laws of this Realm.

o. B. 184.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid tenth day of April next coming, either by the ſubornation, unlawful procurement, ſiniſter perſwaſion or means of any other, or by their own act, conſent or agreement, wilfully and corruptly commit any manner of wilful Perjury, by his or their depoſition in any of the Courts before mentioned, or being examined Ad perpetuam rei memoriam, that then every perſon and perſons ſo offending, and being thereof duly convict or attainted by the Laws of this Realm, ſhall for his or their ſaid offence, loſe and forfeit twenty pounds, and to have impriſonment by the ſpace of ſix moneths without bail or mainpriſe; and the Oath of ſuch perſon or perſons ſo offending, from thenceforth not to be received in any Court of Record within this Realm of England or Wales, or the Marches of the ſame, untill ſuch time as the judgment given againſt the ſaid perſon or perſons ſhall be reverſed by attaint or otherwiſe. And that upon every ſuch reverſal, the Parties grieved to recover his or their Damages, againſt all and every ſuch perſon and perſons as did procure the ſaid judgment ſo reverſed, to be given againſt them or any of them, by action or actions, to be ſued upon his or their caſe or caſes, according to the courſe of the Common Laws of this Realm.

The penalty of him that doth commit wilful perjury.
Coke pla. fol. 164. 165. 162.

e. El 177.
1. 34.
ke li 5.
99.

And if it happen the ſaid Offendor or Offendors ſo offending, not to have any Goods or Chattels to the value of twenty pounds: that then he or they to be ſet on the Pillory in ſome Market-place within the Shire, City, or Borough, where the ſaid offence ſhall be committed, by the Sheriff or his Miniſters, if it ſhall fortune to be without any City or Town corporate: And if it happen to be within any ſuch City or Town corporate, then by the ſaid head-Officer or Officers of ſuch City or Town corporate, or by his or their Miniſters, and there to have both his ears nailed, and from thenceforth to be diſcredited and diſabled for ever to be ſworn in any of the Courts of Record aforeſaid, untill ſuch time as the judgment ſhall be reverſed, and thereupon to recover his Damages in manner and form before mentioned.

Who ſhall have the Forfeitures, and by what means.

The one moyety of all which ſums of money, goods and chattels, to be forfeited in manner and form aforeſaid, to be to the Queen our Soveraign Lady, her heirs and ſucceſſors: and the other moyety to ſuch perſon or perſons as ſhall be grieved, hindred or moleſted, by reaſon of any the offence or offences before mentioned, that will ſue for the ſame by action of debt, bill, plaint, information, or otherwiſe, in any of the Queens Majeſties Courts of Record, in the which no Wager of Law, Eſſoine, Protection, or Injunction to be allowed.

Who ſhall have authority to hear and determine the offences aforeſaid.

And be it alſo enacted by the authority aforeſaid, That as well the Judge and Judges of every of the ſaid Courts where any ſuch Suit is or ſhall be, and whereupon any ſuch perjury is or ſhall happen to be committed, as alſo the Juſtices of Aſſizes and Gaol-delivery in their ſeveral Circuits, and the Juſtices of the Peace in every County within this Realm, or in Wales, at their Quarter Seſſions, both within the liberties and without, ſhall have full power and authority, by vertue hereof, to enquire of all and every the defaults and offences perpetrated, committed, or done contrary to this Act, by Inquiſition, Preſentment, Bill or Information, before them exhibited, or otherwiſe, lawfully to hear and determine the ſame, and thereupon to give judgment, award proceſſe, and execution of the ſame, according to the courſe of the Laws of this Realm.

Cro. El. 19, 147. 148, 267. 428. Cro. Jac. 130, 131.

This Statute ſhall be proclaimed at all Aſſiſes.

And be it further enacted by the authority aforeſaid, That the Juſtices of Aſſize of every circuit within this Realm, and elſewhere within the Queens Dominions, ſhall in every County within their Circuits, two times in the year; that is to ſay, in the time of their ſittings, make open Proclamation of this Eſtatute, or of the effect thereof, to the intent no perſon or perſons ſhall be ignorant or miſcogniſant of the penalties therein contained.

This Act ſhall not extend to any Court Eccleſiaſtical.

Provided alſo, That this Act, nor any thing therein contained, ſhall not extend to any Spiritual or Eccleſiaſtical Court or Courts within this Realm of England or Wales, or the a Marches of the ſame: But that all and every ſuch Offendor or Offendors, as ſhall offend in form aforeſaid, ſhall and may be puniſhed by ſuch uſual and ordinary Laws as heretofore hath been, and yet is uſed and frequented in the ſaid Eccleſiaſtical Courts: any thing in this preſent Act contained to the contrary in any wiſe notwithſtanding.

a Kel. fol.

Proceſſe ſerved upon witneſſes to teſtifie.

Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon or perſons, upon whom any proceſſe out of any of the Courts of Record within this Realm or Wales, ſhall be ſerved to teſtifie or depoſe, concerning any cauſe or matter depending in any of the ſame Courts, and having tendred unto him or them, according to his or their countenance or calling, ſuch reaſonable ſummes of money for his or their coſts and charges, as having regard to the diſtance of the places, is neceſſary to be allowed in that behalf, do not appear according to the tenour of the ſaid proceſſe, having not a lawful and reaſonable let or impediment to the contrary: that then the party in making default, to loſe and forfeit for every ſuch offence, x. li. and to yield ſuch further recompence to the party grieved, as by the diſcretion of the Judge of the Court, out of the which the ſaid proceſſe ſhall be awarded, according to the loſſe and hinderance that the party which procured the ſaid proceſſe, ſhall ſuſtain by reaſon of the non appearance of the ſaid witneſs or witneſſes, the ſaid ſeveral ſums to be recovered by the party ſo grieved againſt the Offendor or Offendors, by action of debt, bill, plaint, or information, in any of the Queens Majeſties Courts of Records, in which no wager of Law, Eſſoine, or Protection to be allowed.

Cro. El. 131.

The authority to puniſh perjury, given by the ſtat. of 21 H. 7. 2. ſaved.

Provided alwayes, That this Act or any thing therein contained, ſhall not extend in any wiſe to reſtrain the power and authority given by Act of Parliament, made in the time of King Henry the ſeventh, to the Lord Chancellor of England, and others of the Kings Councel for the time being, to examine and puniſh Riots, Routs, hainous Perjuries, and other Offences and Miſdemeanings: which Lord Chancellor, and others ſithence the making of the ſaid Act, have moſt commonly uſed to hear and determine ſuch matters in the Court of Weſtminſter, commonly called the Star-Chamber: nor to reſtrain the power or authority of the Lord Preſident and Councel in the Marches of Wales, or of the Lord Preſident and Councel in the North, nor of any other Judge, having abſolute power to puniſh Perjury before the making of this Eſtatute: But that they and every of them ſhall and may proceed in the puniſhment of all Offences heretofore puniſhable, in ſuch wiſe as they might have done, and uſed to do, before the making of this Act, to all purpoſes, ſo that they ſet not upon the Offendor or Offendors leſs puniſhment than is contained in this Act. This Act to continue unto the end of the next Parliament. 29 Eliz. 5. made perpetual. 1 Jac. 25. continued. 21 Jac. 28. made perpetual. Coke lib. 5. fol. 50, 99. Dyer, fol. 242. 302. 323.

Dyer, fol. 243. 248.

CAP. X.

Servants imbezelling their Maſters Goods, of the value of xl. ſhillings or above, ſhall be puniſhed as Felons.

21 H. 8. 7.

Where in the Parliament holden at London the third day of November, in the xxi. year of the reign of the late King of moſt famous and worthy memory King Henry the eighth, and from thence adjourned to Weſtminſter, and there holden and continued by divers prorogations unto the diſſolution thereof: It was ordained and enacted among other things, That all and ſingular Servants to whom any Caskets, Jewels, Money, Goods or Chattels by his or their Maſter or Maſters, ſhould from henceforth be delivered to keep, that if any ſuch Servant or Servants withdraw him or them from their ſaid Maſters or Miſtreſſes, and go away with the ſaid Caskets, Jewels, Money, Goods or Chattels, or any part thereof, to the intent to ſteal the ſame, and defraud his or their ſaid Maſters and Miſtreſſes thereof, contrary to the truſt and confidence to him or them put, by his or their Maſters and Miſtreſſes: or elſe being in ſervice of his ſaid Maſters or Miſtreſſes, without the aſſent or commandment of his Maſters or Miſtreſſes, imbezel the ſame Caskets, Jewels, Money, Goods or Chattels, or any part thereof, or otherwiſe convert the ſame to his own uſe, with like purpoſe to ſteal it, that if the ſaid Caskets, Jewels, Money, Goods or Chattels, that any ſuch Servant ſhall go away with, or which he ſhall imbezel, with purpoſe to ſteal it, as is aforeſaid, be of the value of forty ſhillings or above: That then the ſame falſe, fraudulent, and untrue act and demeanor, ſhould from thenceforth be deemed and adjudged Felony; and that he or they ſo offending, ſhould be puniſhed as other Felons for Felony committed, by the courſe of the common Law, as by the ſaid Act amongſt other things therein contained more at large it doth and may appear.

Which ſaid Act, in the Parliament begun and holden at Weſtminſter the fifth day of October, in the firſt year of the reign of the late Queen Mary, and there continued to the xxi. day of the ſame moneth, that is to ſay, in the firſt Seſſion of the ſame Parliament, by the general words of one Act then and there made, intituled, An Act repealing certain Treaſons, Felonies, and Præmunire, was from thenceforth utterly repealed and made void.

1 Mar. 1.

And foraſmuch as ſithence the Repeal of the ſame, the Act is thought neceſſary for the Common wealth of this Realm: Be it therefore enacted by our Soveraign Lady the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Act made in the xxi. year, and every Clauſe, Article, Branch, Sentence, and proviſion therein contained, be from henceforth revived, and put in due execution, according to the intent and meaning thereof, and from thenceforth ſhall ſtand good, and continue for ever. Stat. 27 H. 8. 17.

A revivre of the Statute of 21 H. 8. 7. whereby it is made felony for a ſervant to imbezel his maſters goods to the value of xl. s. or above.

CAP. XI.

The clipping, &c. of Coyns for gains-ſake, ſhall be high Treaſon.

Whereas the offences of clipping, rounding, waſhing, and filing of Money or Coins of this Realm, was declared by an Act of Parliament in the time of King Henry the fifth, to be Treaſon to the King and the Realm, and according to the ſaid Act, the ſame offences were and did continue Treaſon, untill the firſt year of the reign of Queen Mary: At which time, the pains and penalties due for the ſaid offences, were abrogated and taken away, by the general Act of repeal then made: By reaſon whereof, divers falſe and evil diſpoſed perſons, perceiving themſelves to be looſe and free from the ſeverity and danger of the ſaid Law, and penalty, have been of late the more hardy and bold, to attempt and practice, for wicked lucre and gains ſake, to diminiſh, impair, and falſifie the Monies and Coins currant within this Realm, and the Dominions of the ſame, by ſuch clipping, waſhing, rounding, and filing thereof, not only to the great diſhonour of the Queens Majeſty our Soveraign Lady that now is, by whoſe great goodneſſe new Monies or Coins of the ſame are now reduced to as much fineneſſe as ever hath been in any time of her noble Progenitors, but alſo to the great loſſe and damage of the good Subjects of this Realm, and more is like to be hereafter, if the ſame be not ſpeedily met withall.

Stat. 3 H. 5. 6.

1 Mar. 1.

The prejudices redounding to the Queen, and the Realm by clipping, waſhing, &c. of money.

For remedy whereof, Be it enacted, declared and eſtabliſhed, by the authority of this preſent Parliament, That from and after the firſt day of May next coming, clipping, waſhing, rounding or filing for wicked lucre or gains ſake, of any the proper Monies or Coins of this Realm, or the Dominions thereof, or of the Monies or Coins of any other Realm, allowed and ſuffered to be currant within this Realm, or the Dominions thereof at this preſent, or that hereafter at any time ſhall be the lawful Monies or Coins of this Realm, or of the Dominions thereof, or of any other Realm, and by Proclamation allowed and ſuffered to be currant here, by the Queens Majeſty, her Heirs and Succeſſors; ſhall be taken, deemed and adjudged by vertue of this Act, to be Treaſon, and the offendors therein, their Counſellors, Conſentors and Ayders, ſhall be from and after the ſame firſt day of May, taken, deemed and adjudged as Offendors in Treaſon, and being thereof lawfully convicted or attainted, according to the due order and courſe of the Laws of this Realm, ſhall ſuffer pains of death, and loſe and forfeit all his and their [a] Goods and Chattels, and alſo ſhall loſe and forfeit all his and their Lands and Tenements, during his and their natural life or lives only.

The clipping, waſhing, rounding, or filing of currant money, ſhall be adjudged Treaſon.

Dyer, fol. 30.

And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, which have any lawful grant to have and enjoy the forfeiture of Lands, Tenements, Goods or Chattels of Offendors, and men attainted in high Treaſon, within any Manor, Lordſhip, Town, Pariſh, Hundred, or other Precinct within this Realm of England or Wales: ſhall and may at all times hereafter have like liberty, to take, ſeiſe, and enjoy all ſuch Forfeitures of Lands, Tenements, Goods and Chattels, as ſhall come to grow within their liberties, by force of the attaindor of any perſon or perſons, for, and upon any offence or offences made Treaſon by this Act, as they or any of them ſhould, ought, or might have, by vertue of any good and lawful grant to them or any of them heretofore had or made.

They which have forfeitures of lands or goods by grant, ſhall in this caſe enjoy them.

Provided alwayes, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, nor any attainder or attainders of any perſon or perſons, for any offence or offences made Treaſon by this Act, ſhall in any wiſe extend, or be judged, interpreted or expounded, to make any corruption of blood, to any the heir or heirs of any ſuch offendor or offendors, or to make the wife of any ſuch offendor to loſe or forfeit her dower, of, or in any Lands, Tenements, or Hereditaments, or other title, action, or intereſt in the ſame: Any thing in this Act contained, or any attainder or attainders hereafter to be had for any offence or offences made Treaſon by this Act, to the contrary notwithſtanding.

Theſe offences make no corruption of blood, or forfeiture of dower.

And be it further enacted by the authority aforeſaid, That if any of the Lords of the Parliament or Peer of this Realm for the time being, ſhall fortune at any time hereafter to be indicted of any offence made Treaſon by this Act: that then they and every of them ſhall have his or their Tryal by their Peers, as hath been uſed heretofore in caſes of high Treaſon, 18 Eliz. 1.

Tryal of a Peer by Peers.

CAP. XII.

None ſhall be Badgers of Corn, nor Drovers of Cattel without Licence.

Who ſhall be accounted an Ingroſſor by the Statute of 5 & 6 Ed. 6. 14.

WHere in the Seſſion of Parliament holden upon prorogation at Weſtminſter the xxiii. day of January, in the fifth year of the reign of our late Soveraign Lord King Edward the ſixth, amongſt other things it was enacted, That whatſoever perſon or perſons, after the firſt day of May then next enſuing, ſhould ingroſſe or get into his or their hands, by buying, contracting, or promiſe taking (other than by demiſe, grant, or leaſe of Land or Tythes) any Corn growing in the Fields, or any other Corn or Grain, Butter, Cheeſe, Fiſh, or other dead Victuals whatſoever, within the Realm of England, to the intent to ſell the ſame again, ſhall be accepted, reputed, and taken an unlawful Engroſſor or Engroſſors: with a Proviſo, and Ordinance contained in the ſame Act, that it ſhould be lawful to every perſon or perſons, being a common Badger, Kidder, Lader, or Carrier, which ſhall be licenced, aſſigned, and allowed thereunto by three Juſtices of the Peace of the County where the ſaid Badger, Lader, Kidder, or Carrier ſhall dwell, which ſhall ſell or deliver in open Fair or Market, or to any other Victualler, or to any other perſon or perſons, for the proviſion of his or their houſe or houſes, all ſuch Corn, Butter, or Cheeſe, as any ſuch perſon or perſons ſhall buy or cauſe to be bought, and that within one moneth next after he or they ſhall ſo buy any ſuch Corn, Grain, Butter, or Cheeſe, ſo that the ſame ſhall be bought without foreſtalling: ſhall not be in any wiſe deemed, adjudged, or taken any offence contrary to the ſaid Act.

A proviſo for a Badger, Carrier, &c. licenced.

A proviſo for a Drover of cattel, or for buying of corn to be tranſported from one Port to another.

And where alſo it is provided and enacted by the ſame Act of Parliament, That it ſhall be lawful to all and every perſon and perſons, known for a common Drover or Drovers, being licenced, authorized, and allowed in writing by three Juſtices of Peace, whereof one to be of the Quorum, of the County or Counties where the ſame Drover or Drovers ſhall be moſt abiding and dwelling, to buy Cattel in ſuch Shires or Counties, where Drovers have been wont in times paſt accuſtomarily to buy Cattel, at their free liberty and pleaſure, and to ſell the ſame again. And that it ſhall be lawful to every perſon and perſons which ſhall be aſſigned and allowed by three Juſtices of the Peace of the County where he ſhall dwell, to buy (otherwiſe than by foreſtalling) Corn, Grain, or Cattel to be tranſported or carried by water from any Port or Place within this Realm or Wales, unto any other Port or place within the ſaid Realm or Dominions, as in the ſaid Act amongſt other things doth appear.

The inconveniences enſuing the number of Drovers of cattel, and Badgers, &c. of corn and other victuals.

Since the making of which Act, ſuch a great number of perſons, ſeeking only to live eaſily, and to leave their honeſt labour, have and do daily ſeek to be allowed and licenced to the ſaid Offices or doings, being moſt unfit and unmeet for thoſe purpoſes, and alſo very hurtful to the Common wealth of this Realm, as well by the inhaunſing of prices of Corn and Grain, and other the ſaid Victuals, as alſo by the diminiſhing of the number of good and neceſſary Husbandmen; which ſaid number of Drovers of Cattel, and Badgers, Laders, Kidders, and Carriers of Corn and Grain, are many times without good orders, and due conſideration, aſſigned and allowed thereunto, to the great prejudice of the Commonwealth.

To what kind of perſons, and at what places only licence ſhall be granted to be Badgers, Drovers, &c.

In conſideration whereof, Be it enacted by the Queen our Soveraign Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no Drover of Cattel, Badger, Lader, Kidder, Carrier, Buyer or Tranſporter of Corn or Grain, Butter and Cheeſe, be from and after the Feaſt of Eaſter next after the firſt day of this preſent Parliament, licenced, admitted, aſſigned, or allowed to thoſe offices or doings, or to any of them, but only in the general and open Quarter-Seſſions of the Peace) to be holden in the Shire, where ſuch perſon or perſons ſo to be admitted, aſſigned, or allowed, doth or ſhall dwell, and hath or ſhall have dwelled there by the ſpace of three years next before the Teſte of his ſaid licence. And that no perſon or perſons after the firſt day of May next coming, be admitted to the ſaid offices or doings, or to any of them, but ſuch only as be or have been married men, and ſhall be, at the time of ſuch licence to be granted, Houſholders, and not houſhold-ſervants, nor retainers to any perſon or perſons, and of the age of xxx. years at the leaſt. And that all licences being made and granted, as is above ſaid, ſhall have continuance and be good only for one year next after the date hereof, and for no more nor longer time.

The date of the licences, and the Juſtices hands and ſeals.

Which ſaid licences, and every of them, ſhall bear date of the day and place where the ſaid Seſſions ſhall be holden, and ſhall be ſigned and ſealed with the proper Hands and Seals of three of the ſaid Juſtices of the Peace, being preſent at the ſame Seſſions, at the leaſt; whereof one to be of the Quorum, upon pain that every perſon or perſons that ſhall take any licence contrary to this Ordinance, to loſe and forfeit to our Soveraign Lady the Queen, her Heirs and Succeſſors, five pounds ſterling. And that all licences made and granted, or hereafter to be made and granted, otherwiſe than is before expreſſed, ſhall from and after the ſaid firſt day of May, next coming, be void and of none effect.

Bonds with ſureties, ſhall be taken of Drovers, Carriers &c. not to infringe this Act.

And further, Be it enacted by the authority aforeſaid, That the Juſtices of the Peace, in the ſaid general and open Seſſions, ſhall or may, by their diſcretions, take Bond and Surety from to time by Recogniſance, of ſuch as ſhall be admitted or allowed hereafter a common Drover of Cattel, Badger, Lader, Kidder, Carrier, or Buyer of Corn, Grain, Butter or Cheeſe, that they nor any of them, ſhall by colour of his or their licence, foreſtall or ingroſſe, or otherwiſe practiſe or do any act or thing contrary to the tenour and true meaning, or in defrauding the ſaid former Eſtatute, or of any matter or thing therein contained. All which Licences, and every of them, and the ſaid Recogniſances, ſhall be made and written by the Clerk of the Peace of every County where ſuch Licence ſhall be granted, or by his lawful deputy, and by none other perſon or perſons.

The fees of the Clerk of the Peace.

And every perſon that ſhall have any ſuch Licence, ſhall pay to the Clerk of the Peace, or his deputy for making thereof, twelve pence at the moſt; and for every Recogniſance in form abovesaid to be made and acknowledged, eight pence at the moſt; and for regiſtring of the ſame Licence and Recogniſance, four pence at the moſt. For which ſaid Fee, the ſaid Clerk or his deputy ſhall have and keep one regiſter Book, and therein ſhall regiſter and write all the names, ſirnames, and dwelling-places of ſuch as ſhall be licenced as aforeſaid, with a brief declaration or entry of the ſaid Licence, and of the day, time, and place where ſuch Licence or Licences ſhall be granted. Which Book or Regiſter, the ſaid Clerk of the Peace, or his Deputy, ſhall have and bring to every Seſſions, to the intent that it may appear what number of Licences be and ſhall be, from time to time granted, whereby the better conſideration may be had thereof.

None ſhall buy corn to ſell again, without ſpecial licence.

Provided alwayes, and be it further enacted by the authority aforeſaid, That no perſon or perſons, ſhall or may by authority of any ſuch licence above mentioned, buy any Corn or Grain out of open Fair or Market to ſell again, unleſſe ſuch perſon and perſons ſhall be thereunto licenced, and ſhall have ſpecial and expreſſe words contained in ſuch licence or licences, that he or they may ſo do, upon pain to forfeit for every ſuch time that any ſuch perſon or perſons ſhall do to the contrary, five pounds. The moyety of which forfeitures afore rehearſed, ſhall be to the Queen our Soveraign Lady, her Heirs and Succeſſors, and the other moyety to him or them that will ſue for the ſame in any of the Queens Courts of Record, by bill, plaint, action of debt, or information; in the which bill, plaint, action, or information, no wager of Law, Eſſoine, or Protection ſhall be admitted.

Who ſhall have the forfeitures.

Juſtices of Peace in their Seſſions ſhall inquire of and Determine their offences.

Be it alſo enacted by the authority aforeſaid, That the Juſtices of Peace in every County within this Realm or Wales, at the Quarter-Seſſions, ſhall have full power and authority by vertue of this Act, to enquire, hear, and determine all and every the defaults and offences, perpetrated, committed or done contrary to this Act, within the County where any ſuch Seſſions ſhall be kept, by inquiſition, preſentment, bill, or information, before them exhibited, and by examination of two lawful witneſſes, or by any of the ſame wayes or means, by the diſcretion of the ſaid Juſtices, and to make Proceſſe thereupon, as though they were indicted before them by inquiſition, or by verdict of twelve men or more. And upon the conviction of the offendor, by information of ſuit of any other than the Queen, to make extracts of the moyety of the forfeitures to be levied to the Queens uſe, as they uſe to do of other Fines and Amerciaments grown in the Seſſions of Peace, and to award execution of the other moyety for the Complainant or Informer againſt the Offendor by Fieri facias or Capias, as the Queens Juſtices at Weſtminſter may do and uſe to do. And if any ſuch conviction or attainder ſhall hereafter happen to be at the Queens ſuit only, that then the whole forfeitures to be extracted and levied to the Queens uſe only.

A City, &c. may appoint Purveyors for their proviſion.

Provided alwayes, That this Act or any thing therein contained, ſhall not in any wiſe extend to the prejudice of the liberty of any City or Town corporate, but that they and every of them ſhall and may lawfully aſſign and licence Purveyors for the proviſion of the ſame City or Town corporate, in ſuch manner and form as they might lawfully have done before the making of this Act.

To the Inhabitants of which Counties this Statute doth not extend.

Provided further, That this Act nor any thing therein contained, ſhall be in any wiſe hurtful or prejudicial unto any the Inhabitants within the Counties of Weſtmerland, Cumberland, Lancaſter, Cheſter, and York, or any of them, but that they may do as heretofore they have lawfully uſed to do; any thing in this preſent Act to the contrary notwithſtanding,

13 Eliz. 25.

CAP. XIII.

The Statute of 2 & 3 P. & M. 8. touching amending of Highwayes, continued: and the authorities of Supervisors of high-wayes enlarged.

The Stat. of 2 & 3 P. & M. 8. touching repairing of High-wayes, revived.

Where in the Parliament holden at Weſtminſter in the ſecond and third years of the reign of the late Princes, King Philip and Queen Mary, amongſt other good Acts then had and made, one neceſſary Statute was provided and eſtabliſhed for the amendment and reparation of the High-wayes within this Realm; which Act was made to endure and continue for ſeven years, and after the expiration of the ſaid ſeven years, to the end of the Parliament then next enſuing, as by the ſame Statute more plainly appeared: Which ſeven years, foraſmuch as they be now expired and ended, and the ſaid Act is very beneficial, and moſt neceſſary to be continued for the eaſe and common-weal of the people of this Land: Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this Parliament aſſembled, and by the authority thereof, That the ſaid Act made in the ſaid ſecond and third years of the reign of King Philip and Queen Mary, touching and concerning the reparation and amendment of the High-wayes, and every article and branch of the ſame, ſhall from henceforth be, ſtand, and continue in full force, effect and ſtrength, for and during the term of twenty years next following, from and after the beginning of this preſent Parliament, and after the expiration of the ſaid twenty years, to the end of the Parliament then next after the end of the ſaid twenty years to be holden and kept.

And foraſmuch as the ſaid Statute made in the ſecond and third years of King Philip and Queen Mary, in divers parts of this Realm ſerveth not to ſo good purpoſe and effect as it may be made, for that ſuch ſubſtance and matter as is moſt fit and convenient for the reparations of the ſaid wayes, cannot be lawfully had, fetched, and taken out of the ſeveral grounds and ſoyl thereunto nigh or adjoyning, being no great loſſe or detriment to the Owners of the ſame ſeveral grounds and ſoyl, whereby the amendment of the ſaid Wayes is little increaſed, or elſe of very ſmall and ſlender continuance, to the great and continual charge and trouble of the poor people inhabiting thereabouts.

The Supervisors may take rubbiſh in other mens grounds for the mending of wayes.

For reformation whereof, and that the reparations of the ſaid High-ways may hereafter in good due manner well and ſufficiently be made: Be it further by the authority of this preſent Parliament enacted, That from henceforth it ſhall and may be lawful to all and every

Superviſor and Superviſors, and orderers of the works for the time being, for the amendment of the ſaid High-ways thereunto elected and appointed, according to the Statute made in the ſecond and third years of King Philip and Queen Mary, for the better reparation and amendment of the wayes within their ſeveral Pariſhes and limits where they ſhall be ſo made Superviſors (if it ſhall be ſo to them thought neceſſary) to take or carry away of the rubbiſh or ſmalleſt broken ſtones of any quarry or quarries lying and being within the Pariſh where they ſhall be Superviſors, without licence, controlment or impeachment of the owner or owners, ſo much as by their diſcretions ſhall be deemed and adjudged neceſſary for the amendment of the ſaid ways. And that for default of any quarry or quarries not being within their ſaid Pariſh or limits, or in default of rubbiſh not to be found in any ſuch quarry or quarries, it ſhall and may be lawful for every ſuch Superviſor or Superviſors for the uſe aforeſaid, in the ſeveral grounds of any perſon or perſons being within the Pariſh and limits where they ſhall be Superviſors, and nigh adjoyning to the way or wayes wherein ſuch reparations ſhall be thought neceſſary to be made, and wherein gravel, ſand or ſinders is likely to be found, to dig or cauſe to be digged, for gravel, ſand or ſinders, and likewiſe to gather ſtones lying upon any lands or grounds within the Pariſh, and meet to be uſed to ſuch ſervice and purpoſe, and thereof to take and carry away ſo much as by the diſcretion of the ſaid Superviſors ſhall be thought neceſſary to be imployed in the amendment of the ſaid High-wayes.

What rubbiſh Superviſors may not dig, nor in what places.

Provided alwayes, That it ſhall not be lawful to any ſuch Superviſor or Superviſors by vertue of this Act, to cauſe any rubbiſh to be digged out of any quarry or quarries, but onely ſhall extend to ſuch rubbiſh as ſhall be found there ready digged by the owner or owners of the ſaid quarry or quarries, or otherwiſe by his or their licence and commandment, nor ſhall not extend or give authority to any Superviſor or Superviſors, to dig or cauſe to be digged any gravel, ſand, or ſinders, in the Houſe, Garden, Orchard or Meadow of any perſon or perſons, nor that it ſhall be lawful by this Act to any ſuch Superviſor or Superviſors, to cauſe any more pits to be digged for gravel in any ſeveral and encloſed ground, than one only; and that the ſame pit or hole ſo digged for gravel as is aforeſaid, ſhall not by any way be in bredth or length above ten yards over at the moſt. And that every ſuch Superviſor as ſhall cauſe any ſuch pit to be made and digged for Gravel, Sand or Sinders, as is abovesaid, ſhal within one moneth next after ſuch digging or pit made, cauſe the ſame to be filled and ſtopped up with Earth, at the coſts and charges of the Pariſhioners, upon pain to forfeit to the Owner or Owners of the ſoil wherein any ſuch pit ſhall be made and digged, for every default five marks, to be recovered by Action of Debt, as in other like Caſes of Debt hath been accuſtomed.

A Superviſor ſhall cauſe a pit digged for gravel, &c. to be ſtopped up again.

And foraſmuch as the High-wayes in ſundry places of this Realm be full of continual Springs and Water-courſes, by continual encreaſe and ſinking whereof into the ground, the ſaid wayes are not only very deep and dangerous; but alſo for the moſt part impoſſible to be amended and repaired in any good and ſufficient manner, without ſome further remedy provided for the ſame.

Turning of a water-courſe into anothers ground.

Be it therefore by the authority aforeſaid Enacted, That from henceforth every ſuch Superviſor and Superviſors, as is aforeſaid, ſhall by force of this Act, within the Pariſh or limits where he or they ſhall be Superviſors, have full power and authority to turn any ſuch water-courſe or Spring of water, being in any of the ſaid High-ways, into any Ditch or Ditches of the ſeveral Ground or Soil of any perſon or perſons whatſoever next adjoyning to the ſaid Ways, in ſuch manner and form, as by the diſcretions of the ſaid Superviſors ſhall be thought meeteſt and moſt convenient.

Fences and Ditches near the ways, ſhall be repaired, and the woods cut down.

And be it further enacted by the authority aforeſaid, That the Heyes, Fences, Dikes or Hedges next adjoyning on either ſide to any high or common fairing way, ſhall from time to time be diked, ſcoured, repaired and kept low, and all Trees and Buſhes growing in the high-wayes, cut down by the Owner or Owners of the Ground or Soyl which ſhall be incloſed with the ſaid heyes, fences, dikes, or hedges aforeſaid, whereby the ſaid ways may be open, and the People have more ready and eaſie paſſage in the ſame: And whereas in the ſaid Statute made in the ſaid ſecond and third years of the Reign of the ſaid King Philip and Queen Mary; there are but four daies yearly appointed for the reparations and amendment of the ſaid High-ways: Be it further by this preſent Parliament enacted, That from henceforth there ſhall be yearly ſix dayes, during the time and force of this Eſtatute, obſerved, uſed and imployed in reparation and amendment of the ſaid High-ways, in like manner and form as the ſaid four daies were limited and appointed to be obſerved and kept, by the ſaid Eſtatute made in the ſecond and third years of King Philip and Queen Mary.

Six days appointed for the amending of high-wayes.

The Superviſors ſhall preſent every offence to the next Juſtice.

And be it further Enacted by the authority aforeſaid, That from henceforth all and every ſuch Superviſor and Superviſors for the time being, within one moneth next after default or offence made, done or committed, by any perſon or perſons, contrary to the proviſion, purport and true meaning of the ſaid Eſtatute made in the ſecond and third years of King Philip and Queen Mary, or contrary to the proviſion, purport and true meaning of this preſent Act, ſhall preſent every ſuch default or offence, to the next Juſtice of Peace for the time being, upon pain to forfeit for every ſuch default or offence, in ſuch ſort not by them preſented, forty ſhillings. And that every ſuch Juſtice of Peace, to whom any ſuch default or offence ſhall be preſented, as is aforeſaid, ſhall certifie the ſame preſentment ſo to him made, at the next general Seſſions within the ſaid County then next after to be holden, upon pain to forfeit for not certifying of every ſuch preſentment, of every ſuch default or offence, as is aforeſaid, five pounds. And that the Juſtices of Peace of every County, where the ſaid defaults or offences ſhall be committed, ſhall immediately have authority to enquire of any ſuch default or offence committed within the limits of their Commiſſion, at every their Quarter Seſſions, and to aſſeſſe ſuch fines for the ſame, as they or two of them, whereof one to be of the Quorum, ſhall think meet.

Certificate of every offence preſented at the next Seſſions.

And be it further Enacted by the authority aforeſaid, That every Juſtice of Peace ſhall have authority by this Statute, upon his own proper knowledg, in the open general Seſſions, to make preſentment of any high way not well and ſufficiently repaired and amended, or of any other default or offence committed and done within the County and limits of his Commiſſion, contrary to the proviſion and intent of this Statute, or the ſaid Statute made in the ſecond and third years of King Philip and Queen Mary. And that every ſuch preſentment made by any ſuch Juſtice of Peace, upon his own knowledg, as is aforeſaid, ſhall be as good and of the ſame force, ſtrength and effect in the Law, as if the ſame had been preſented, found and adjudged by the oath of twelve men. And that for every ſuch default ſo preſented, as is aforeſaid, the Juſtices of the Peace of the ſaid County ſhall immediately, at the ſaid general Seſſions, have authority to aſſeſſe ſuch fines, as to them, or two of them, whereof the one to be of the Quorum, ſhall be thought meet: Saving every perſon and perſons that ſhall be touched by any ſuch preſentment to have his or their lawful Travers to the ſame preſentment, as they might have upon any indictment of Treſpaſſe, or forcible Entry, by the Laws of this Realm, before the making of this Eſtatute.

Every Juſtice of Peace may preſent defaults upon his own knowledg.

Aſſeſſing of fines for defaults.

Traverſe to a preſentment.

And that all ſuch fines, forfeitures and amerciaments to be aſſeſſed by the ſaid Juſtices of the Peace at their general Seſſions in any the caſes aforeſaid, ſhall be eſtreated by the Clerk of the Peace of the ſaid County, and ſhall be levied in ſuch manner and form, and imployed to ſuch uſes and intents, as in the ſaid Statute made in the ſecond and third years of King Philip and Queen Mary, is limited and appointed. This Act to continue for twenty years next after the beginning of this preſent Parliament, and from hence untill the end of the Parliament then next after to be holden, 29 El. 5. made perpetual, 18 El. 10. 27 El. 24.

Eſtreating & levying of the fines and amerciaments.

CAP. XIV.

The ſeveral penalties for forging of Deeds the firſt or ſecond time, &c.

FOraſmuch as the wicked, pernicious, and dangerous practice of making, forging and publiſhing falſe and untrue Charters, Evidences, Deeds and Writings, hath of late time been very much more practiſed, uſed and put in ure in all parts of this Realm, than in times paſſed: not only to the high diſpleaſure of God, but alſo to the great injury, wrong, hurt, damage, diſheriſon and utter undoing of divers the Queens Majeſties Subjects of this Realm, and to the great ſubverſion of Juſtice and Truth, which ſeemeth to have grown and happened chiefly by reaſon that the pains and puniſhments limited for ſuch great and notable offences, by the Lawes and Statutes of this Realm, before this time, have been, and yet are, ſo ſmall, mild, and eaſie; and ſuch evil People have not been, nor yet are, afraid to enterpriſe the practiſing and doing of ſuch offences:

The mildneſs of the Law hath increaſed the forging of Deeds.

Be it therefore Enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons whatſoever, after the firſt day of June, now next coming, upon his or their own head and imagination, or by falſe conſpiracy and fraud with others, ſhall wittingly, ſubtilly, and falſly forge or make, or ſubtilly cauſe, or wittingly aſſent to be forged or made, any falſe Deed, Charter, or Writing ſealed, Court-roll, or the Will of any perſon or perſons in writing, to the intent that the ſtate of Freehold or Inheritance of any perſon or perſons, of, in, or to, any Lands, Tenements or Hereditaments, Freehold or Copyhold, or the right, title, or intereſt of any perſon or perſons, of, in, or to the ſame, or any of them, ſhall or may be moleſted, troubled, defeated, recovered [a] or charged: or after the ſaid firſt day of June, ſhall pronounce, publiſh, or ſhew forth in evidence, any ſuch falſe and forged Deed, Charter, Writing, Court-Roll or Will, as true, knowing the ſame to be falſe and forged, as is aforeſaid, to the intent above remembred, and ſhall be thereof convicted either upon action or actions of forger of falſe Deeds, to be founded upon this Statute at the ſuit of the party grieved, or otherwiſe, according to the order and due courſe of the Laws of this Realm, or upon bill or information to be exhibited into the Court of the Star-Chamber, according to the order and uſe of that Court: ſhall pay unto the party grieved, his double coſts and damages to be found or aſſeſſed in that Court where ſuch conviction ſhall be, and alſo ſhall be ſet upon the Pillory in ſome open Market Town, or other open place, and there to have both his ears cut off, and alſo his noſtrils to be ſlit and cut, and ſeared with a hot Iron, ſo as they may remain for a perpetual note or mark of his falſhood, and ſhall forfeit to the Queen our Soveraign Lady, her Heirs and Succeſſors, the whole iſſues and profits of his Lands and Tenements during his life, and alſo ſhall ſuffer and have perpetual impriſonment during his life. The ſaid damages and coſts to be recovered at the ſuit of the party grieved, as is aforeſaid, to be firſt payed and levied of the Goods and Chattels of the Offendor, and of the iſſues and profits of the ſaid Lands, Tenements, and Hereditaments, of ſuch party convicted, or of one or both of them: The ſaid Title of our ſaid Soveraign Lady the Queen, her Heirs or Succeſſors to the ſame, notwithſtanding.

yer fol.
, 303,
2.

Raſt. fol.
9.

The penalty for forging or publiſhing of a falſe Deed, whereby anothers freehold ſhall be troubled.

And be it further Enacted by the authority aforeſaid, That if any perſon or perſons, after the ſaid firſt day of June, upon his or their own head or imagination; or by falſe conſpiration or fraud had with any other, ſhall wittingly, ſubtilly and falſly forge or make, or wittingly, ſubtilly and falſly cauſe or aſſent to be made and forged, any falſe Charter, Deed or Writing, to the intent that any perſon or perſons, ſhall or may have or claim any eſtate or intereſt, for term of years, of, in, or to any manors, lands, tenements or hereditaments, not being Copyhold, or any annuity in Fee-ſimple, Fee-tail, or for term of life, lives, or years, or after the ſaid day ſhall, as is aforeſaid, forge, make, or cauſe or aſſent to be made or forged, any obligation, or bill obligatory, or any acquittance, releaſe or other diſcharge of any Debt, Accompt, Action, Suit, Demand, or other thing perſonal: or if any perſon or perſons, after the ſaid firſt day of June, ſhall pronounce, publiſh, or give in evidence any ſuch falſe and forged Charter,

Forging of a Deed whereby a leaſe or annuity may be claimed.

Forging of an obligation acquittance, releaſe. or. &c.

Deed, Writing, Obligation, bill Obligatory, Acquittance, Releaſe or Diſcharge, as true, knowing the ſame to be falſe and forged, and ſhall be thereof convicted by any the wayes or means aforeſaid: that then he ſhall pay unto the party grieved his double coſts and damages, to be found and aſſeſſed in ſuch Court where the ſaid conviction ſhall be, and ſhall be alſo ſet upon the Pillory in ſome open Market Town, or other open place, and there to have one of his ears cut off, and alſo ſhall have and ſuffer impriſonment by the ſpace of one whole year, without bail or mainpriſe.

The ſeverall remedies of the party grieved againſt the offendor.

And be it further enacted by the authority aforeſaid, That the party and parties grieved, by reaſon of any the offences aforeſaid, ſhall and may at his and their pleaſure, have and ſue his action of forger of falſe Deeds, upon this Statute, againſt any the offendors in the ſame, by original Writ out of the Queens Highneſſe Court of Chancery, and ſhall and may have like proceſſe upon the ſame, as in caſes of Treſpaſſe at the Common Law: or may at his pleaſure take his Suit againſt any ſuch offendors, in any the premiſſes, by bill before the Queens Highneſſe, her Heirs and Succeſſors, in her Court commonly called the Kings-Bench, or in the Court of the Exchequer; in which ſuits, no eſſoin, injunction or protection ſhall be allowed for the party defendant.

He that is once puniſhed for an offence, ſhall not after be impeached for the ſame.

And be it further enacted by the authority aforeſaid, That if the party defendant ſhall be convicted for any the offences aforeſaid, according to the order and form above limited, and ſhall have received thereupon puniſhment corporal, according to this Act: that then he ſhall not eftſoons be impeached for the ſame offence.

The plaintiffs releaſe ſhall diſcharge onely his own remedy.

And be it further Enacted by the authority aforeſaid, That although the party or parties plaintiff, in any ſuch action or bill to be ſued, as is aforeſaid, ſhall after verdict paſſed againſt the defendant or defendants, happen to releaſe or diſcharge the judgment or execution upon the ſame, or otherwiſe ſuffer the ſame to be diſcontinued: that yet nevertheleſſe the ſame releaſe, diſcharge or diſcontinuance, ſhall extend only to diſcharge ſuch coſts and damages, as the ſame Plaintiff ſhould have had againſt the Defendant; and that the Judges, before whom the ſaid Action or Suit ſhall be taken, ſhall and may proceed to judgment of, and upon the reſidue of the ſaid penalties and forfeitures, and to command execution upon the ſame, the ſaid releaſe, diſcontinuance or other diſcharge had, made, done or ſuffered by the party plaintiff, in any wiſe notwithſtanding. This Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

The puniſhment for the ſecond offence is felony.

And be it further Enacted by the authority aforeſaid, That if any perſon or perſons, being hereafter convicted or condemned of any the offences aforeſaid, by any the wayes or means above limited, ſhall after any ſuch his or their conviction or condemnation eftſoons commit or perpetrate any of the ſaid offences in form aforeſaid: that then every ſuch ſecond offence or offences, ſhall be adjudged felony; and the parties being thereof convicted or attainted, according to the Lawes of this Realm, ſhall ſuffer ſuch pains of death, loſſe and forfeiture of their goods, chattels, lands and tenements, as in caſes of felony, by the Common Laws of this Realm, ought to be loſt or forfeited, without having any advantage or benefit of Clergy or Sanctuary. Saving to every perſon and perſons, Bodies politick and corporate, their heirs and ſucceſſors, other then the ſaid offendors, and ſuch as claim to their uſes all ſuch rights, titles, intereſts, poſſeſſions, liberties of diſtreſſes, leaſes, rents, reverſions, offices, and other profits and advantages, which they, or any of them ſhall have at the time of ſuch conviction or attainder, of, in, or to any the lands, tenements, or hereditaments of any ſuch perſon, ſo as is aforeſaid, convicted or attainted, or at any time before, in as large and as ample manner, to all intents and purpoſes, as if this Act had never been had ne made.

There ſhall be no forfeiture of dower, or corruption of blood, for this felony.

Provided alwaies, and be it Enacted by the authority aforeſaid, That any ſuch conviction or attainder of felony, as is aforeſaid, or any forfeiture by reaſon of the ſame, ſhall not in any wiſe extend to take away the Dower of the wife of any ſuch perſon attainted, nor to the corruption of blood, or diſheriſon of any the heir or heirs of any ſuch perſon or perſons ſo attainted: This Act, or any thing therein contained, or any other ſtatute, law, uſage, cuſtome, or thing heretofore uſed to the contrary in any wiſe notwithſtanding.

Officials or Regiſters putting a ſeal to a Will.

Provided alſo, and be it further Enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to charge any Ordinary, or any their Commiſſaries, Officials, Regiſters, or any other their Officers or Miniſters, with any the offences aforeſaid, for putting their Seal of Office to any Will, to be exhibited unto them, not knowing the ſame to be falſe or forged, or for writing of the ſaid Will or probate of the ſame: this Act or any thing therein contained to the contrary notwithſtanding.

Which Juſtices may hear and determine theſe offences.

And be it further Enacted by the authority aforeſaid, That all and every Juſtices of Oyer and Determiner, and Juſtices [d] of Aſſiſe in their Circuits, and every of them, ſhall have full power and authority in every of their open and general Seſſions, to enquire, hear and determine, of all and every the offences aforeſaid, committed or done within the limits of their Commiſſion, and to make proceſſe for the execution of the ſame, as they may do againſt any perſon, being indicted before them of Treſpaſſe, or lawfully convicted thereof.

[d] Coke li. 9. fol. 111. Cro. El. 87. 601.

A Repeal of all other Statutes made againſt forgery. 1 H. 5. 3.

And be it further Enacted by the authority aforeſaid, That all other Statutes heretofore made and provided for forgery of falſe Deeds, Charters, Muniments or Writings, and all and every penalty appointed by the ſame, ſhall from and after the ſaid firſt day of June, be void and of none effect in the Law: Any ſuch Statute or thing therein contained to the contrary in any wiſe notwithſtanding.

To what perſons this Statute ſhall not extend.

Provided alwayes, That this Act, or any thing therein contained, ſhall not extend or be hurtful in any wiſe to any Proctor, Advocate, or Regiſter of any Eccleſiaſtical Court within this Realm, for the writing, ſetting forth, or pleading of any Proxie made according to the Eccleſiaſtical Laws or Cuſtoms heretofore uſed and allowed by the Eccleſiaſtical Courts of this Realm, for the appearance of any perſon or perſons, being cited to appear in any of the ſaid Courts Eccleſiaſtical, nor to any Archdeacon, or Official, for putting their authentique Seal to the ſaid Proxies or Proxie, neither yet to any Judge Eccleſiaſtical for admitting of the ſame: But that they, and every of them may hereafter do in all points, concerning the ſame, as they and every of them might lawfully have done, before the making of this Act: Any thing in this Act to the contrary in any wiſe notwithſtanding.

Forging of Deeds before this Statute, or preſently after.

Provided alwayes, and be it further Enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, that hath of his or their own head, or by falſe conſpiracy and fraud with any other, wittingly, ſubtilly and falſely, forged or made, ſhall before the ſaid firſt day of June, forge and make any falſe Deed, Charter or Writing ſealed, or the Will of any perſon in writing, or any Court-roll, to the intent that the eſtate of Freehold or inheritance, or the right, title, or intereſt of inheritance, or Freehold of any perſon or perſons, of, in, or to any Manors, Lands, Tenements or Hereditaments, being Freehold or Copyhold, or that by any ſuch forged Deed, Charter, Court-roll or writing, before the ſaid firſt day of June, ſhall or may be moleſted, troubled or defeated of any the ſaid Eſtates of any Lands, Tenements or Hereditaments, being Freehold or Copyhold: or if any perſon or perſons have heretofore publiſhed or ſhewed forth in evidence, or before the ſaid firſt day, ſhall publiſh or ſhew in evidence, for the proof of any title, any falſe or forged Deed, Charter, Writing, Will or Court-roll, as true, knowing the ſame to be falſe and forged as is aforeſaid, to the intent above remembred, and ſhall be thereof attainted or convicted, according to the order of the Lawes of this Realm, either in an action of forger of falſe faits, or in an Action upon the Caſe, at the Suit of the party grieved, his heirs, executors or aſſigns: that then the party ſo convicted, ſhall pay and yield damages and coſts of Suit to the Plaintiff, as ſhall be aſſeſſed according to the order of the Lawes of this Realm, in any ſuch like Action or Suit, and ſhall ſuffer impriſonment, and pay fine and ranſome at the pleaſure of the Queens Majeſty, her Heirs and Succeſſors.

The penalty for pleading or publiſhing a forged Deed made before this Statute, or ſhortly after.

And if any perſon or perſons, ſhall after the ſaid firſt day of June, plead, publiſh or ſhew forth in evidence or otherwiſe, for the proof of any title, any falſe and forged Deed, Charter, Writing, Will or Court-roll (heretofore falſly made and forged, or to be falſly made and forged before the ſaid firſt day of June) as true, knowing the ſame to be falſe and forged, to the intent to have or claim thereby an Eſtate of Inheritance, Freehold or Leaſe of years, in or to any Manors, Lands, Tenements or Hereditaments, or any annuity, rent, or profit, forth of any Manors, Lands, Tenements or Hereditaments, or to the intent to alter, defeat, moleſt, trouble, charge or recover the Eſtate of Inheritance, Freehold or for years of any perſon or perſons that ſhall ſo offend, and ſhall be thereof convicted in form firſt above remembred, ſhall pay unto the party grieved, double coſts and damages, and ſhall have impriſonment, loſſe of ears, ſlitting and ſearing of noſe, and forfeiture of Lands, in the ſame manner and form as above is limited for any perſon that ſhall offend by forging or publiſhing of any falſe Deed or writing, as is aforeſaid, after the aforeſaid firſt day of June.

A Lawyer or Attorney pleading a forged Deed.

Provided alwaies, and be it enacted by the authority aforeſaid, That this Act, nor any pain, forfeiture, or thing therein contained, ſhall extend to any Attorney, Lawyer, or Counſellour, that ſhall for his Clyent plead, ſhew forth, or give in evidence any falſe and forged Deed or Charter, Will, Court-roll, or other writing, for true or good, being not party or privy to the forging of the ſame, for the pleading, ſhewing forth, or giving in evidence of the ſame: Any thing in this Act to the contrary notwithſtanding.

Pleading a writing exemplified or ſetting a ſeal to the ſame.

Provided alwaies, and be it Enacted by the authority aforeſaid, That this Act, or any thing herein contained, ſhall not extend to any perſon or perſons that ſhall plead or ſhew forth any Deed or Writing exemplified under the great Seal of England, or under the Seal of any other authentique Court of this Realm: nor ſhall extend to any Judge or Juſtice, or other perſon, that ſhall cauſe any Seal of any Court to be ſet to any ſuch Deed, Charter, or Writing enrolled, not knowing the ſame to be falſe or forged: Any thing in this Act to the contrary, notwithſtanding. Coke li. 5. fol. 50. Dyer fol. 323.

CAP. XV.

Penalty for publiſhing any falſe and phantaſtical Prophecie upon arms, fields, badges, &c.

Stat. 3 Ed. 6 15 St. 33 H. 8. 14.

FOraſmuch as ſithence the expiration and ending of the Statute made in the time of King Edward the ſixth, entituled, An Act againſt fond and phantaſtical Prophecies, divers evil diſpoſed perſons enclined to the ſtirring and moving of factions, ſeditions and rebellions within this Realm, have been the more bold to attempt the like practice in faining, imagining, inventing and publiſhing of ſuch fond and phantaſtical propheſies, as well concerning the Queens Majeſtie, as divers honourable Perſonages, Gentlemen and others of this Realm, as was uſed and practiſed before the making of the ſaid Statute, to the great diſquiet, trouble, and peril of the Queens Majeſtie, and of this her Realm:

The penalty for publiſhing of any phantaſtical Prophecy upon arms, &c. to make inſurrection, &c.

For remedy whereof, Be it ordained and enacted by the authority of this preſent Parliament, That if any perſon and perſons, after the firſt day of May next coming, do adviſedly and directly advance, publiſh, and ſet forth by writing, printing, ſinging, or any other ſpeech or deed to any perſon or perſons, any fond, phantaſtical, or falſe prophecie, upon or by the occaſion of any arms, fields, beaſts, badges, or other like things accuſtomed in arms, cognizances, or ſignets, or upon, or by reaſon of any time, year or day, name, bloodſhed or warr, to the intent thereby to make any rebellion, inſurrection, diſſention, loſſe of life, or other diſturbance within this Realm, and other the Queens Dominions: that then every ſuch perſon, being thereof lawfully convicted, according to the due courſe of the Lawes of this Realm, for every ſuch offence, ſhall ſuffer impriſonment of his body, by the ſpace of one year, without bail or mainpriſe, and ſhall forfeit for every ſuch offence, the ſum of ten pounds.

The penalty for the ſecond offence.

And if any ſuch offendor do after ſuch conviction eftſoones offend in any of the premiſſes, and be thereof lawfully convicted, as is aforeſaid, that then every ſuch offendor ſhall for his ſecond offence, and conviction, as is aforeſaid, ſuffer impriſonment of his body without bail or mainpriſe during his life, and ſhall forfeit all his goods and chattels reals and perſonals. The moieties of every which forfeitures, ſhall be to the Queens Highneſſe, her heirs and ſucceſſors, and the other moieties thereof, to him that ſhall or will ſue for the ſame in any of the Queens Courts of Record by action, bill, plaint, or information, in which caſe no eſſoin, wager of Law or potection ſhall be allowed or admitted.

Which Juſtices may hear and determine the offences aforeſaid.

And be it further enacted by the authority aforeſaid, That all and every Juſtice of Aſſiſe, Juſtice of Oyer and Determiner, and Juſtice of Peace, ſhall have full power and authority by vertue hereof to enquire, hear, and determine all and every offence or offences aboveſaid, committed or done within the limits of their Commiſſion, contrary to the tenour and meaning of this Act.

Within what time an offendor muſt be accuſed.

Provided alwayes, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall at any time hereafter be impeached of any offence hereafter to be committed or done, contrary to this Act, unleſſe he be therefore impeached or accuſed within ſix months next enſuing any ſuch offence, by him or them committed or done.

CAP. XVI.

The ſeveral penalties of Conjuration, or invocation of wicked ſpirits and Witchcraft, Enchantment, Charm or Sorcery. REP. 1 Jac. 12. Stat. 33 H. 8. 8. 1 Ed. 6. 12.

CAP. XVII.

The Statute of 25 H. 8. 6. whereby the committing of Buggery with mankind or beaſt, is made felony; revived.

25 H. 8. 6.

Where in the Parliament begun at London, the third day of November in the one and twentieth year of the late King of moſt famous memory, King Henry the eight, and after by prorogation holden at Weſtminſter, in the five and twentieth year of the raign of the ſaid late King, there was one Act and Statute made, intituled: An Act for the puniſhment of the vice of Buggery, whereby the ſaid deteſtable vice was made Felony, as in the ſaid Eſtatute more at large it doth and may appear. For as much as the ſaid Statute concerning the puniſhment of the ſaid crime and offence of Buggery, ſtandeth at this preſent repealed and void by vertue of the Statute of Repeal made, in the firſt year of the reign of the late Queen Mary: Sithence which Repeal ſo had and made, divers evil diſpoſed perſons, have been the more bold to commit the ſaid moſt horrible and deteſtable vice of Buggery aforeſaid, to the high diſpleaſure of Almighty God.

The Stat. of 25 H. 8. 6. made againſt the vice of Buggery, revived.

Be it enacted, ordained, and eſtabliſhed by the Queen our Soveraign Lady, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Statute before mentioned, made in the five and twentieth year of the ſaid late King Henry the eight, for the puniſhment of the ſaid deteſtable vice of Buggery, and every branch, clauſe, article, and ſentence therein contained, ſhall from and after the firſt day of June next coming, be revived, and from thenceforth ſhall ſtand, remain, and be in full force, ſtrength, and effect for ever, in ſuch manner, form and condition, as the ſame Statute was at the day of the death of the ſaid late King Henry the eight; the ſaid Statute of Repeal made in the ſaid firſt year of the ſaid late Queen Mary, or any words general or ſpecial therein contained, or any other Act or Acts, thing or things to the contrary notwithſtanding. Stat. 2 & 3 Ed. 6. 29. Coke pla. fol. 391.

CAP. XVIII.

The authority of the Lord Keeper, and the Lord Chancellor is, ever was and ought to be, one.

VVhere ſome queſtion hath of late riſen, Whether like place, authority, preheminence, juriſdiction, and power doth belong, and of right ought to belong to the Office of the Lord Keeper of the great Seal of England for the time being, as of right doth and ought to belong to the Office of the Lord Chancellor of England for the time being, or not:

The authority of the Lord Keeper of the great Seal, and the Lord Chancellor, is all one.

Co. Inſt. 4 Part. 87.

For declaration whereof, and in avoiding ſuch queſtion hereafter: Be it enacted and declared by the Queen our Soveraign Lady, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Common Law of this Realm is, and alwayes was, and ought to be taken, that the Keeper of the great Seal of England for the time being, hath alwayes had, uſed, and executed, and of right ought to have, uſe, and execute, and from henceforth may have, perceive, take uſe, and execute, as of right belonging to the Office of the Keeper of the great Seal of England for the time being, the ſame and like place, authority, preheminence, juriſdiction, execution of Lawes and all other cuſtoms, commodities and advantages, as the Lord Chancellor of England for the time being lawfully uſed, had, and ought to have uſe, and execute, as of right belonging to the Office of the Lord Chancellor of England for the time being, to all intents, conſtructions and purpoſes, and as if the ſame Keeper of the Great Seal for the time being, were Lord Chancellor of England.

CAP. XIX.

In the Statute of 1 Ed. 6. 5. touching carrying of horſes out of this branch ſhall be repealed, viz. (for their only occupation in their journeys, and not to the intent to ſell.)

1 Ed. 6. 5.

Where in the Parliament holden at Weſtminſter, in the firſt year of the reign of the late King Edward the ſixth, brother to our Soveraign Lady the Queens Majeſty that now is, amongſt divers other Statutes, there was one Act and Statute made againſt the carrying and conveying of any Horſes, Geldings, or Mares out of this Realm: In which Act, among other things, there is one Proviſo or Branch contained in theſe words hereafter following.

lowing. That is to ſay, Provided alwayes, That it ſhall be lawful to every of the Kings Subjects, that ſhall paſſe over beyond the Sea to ſhip and carry with them Horſes or Geldings, for the only occupation in their journeys, and not to the intent to ſell the ſame beyond the Sea, and that intent to be judged by Oath of him or them that ſo will carry over any Horſe or Gelding; which Oath ſhall be taken before the Cuſtomers or Searcher, or their deputies of every ſuch Port where the ſame Horſe or Gelding ſhall be ſhipped, before the ſhipping thereof, as by the ſame Act and Proviſo it doth and may appear. And although the ſame Act and Statute, in all parts thereof (except the ſaid Proviſo) is very beneficial and profitable for this Realm: yet neverthéleſſe, by colour of the ſaid Proviſo and Branch contained in the ſaid Statute, many evil diſpoſed perſons, of a covetous and greedy deſire, do daily tranſport out of this Realm very great number of Horſes and Geldings, and do exchange and ſell the ſame in the parts beyond the Seas, for their own private lucre and gain. And becauſe the trial of ſuch offences is by force of the ſaid Proviſo and Branch mentioned in the ſaid Statute, no otherwiſe to be tryed or judged, but only by the oath of the offendor himſelf; therefore the offendors therein do eſcape unpuniſhed, and thereby many perſons are greatly encouraged daily to commit the like offences, contrary to the true meaning and intent of the ſaid Statute.

A Repeal of a Proviſo contained in the Statute of 1 Ed. 6. 5. touching the tranſporting of Horſes.

For redreſſe whereof, Be it Enacted by the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all the ſaid Proviſo and Branch before rehearſed and mentioned, and contained within the ſaid Act and Statute, and every Article and Sentence contained within the ſaid Proviſo, ſhall from henceforth be repealed, made void, and of none effect: And that all the reſidue of the ſaid Act and Statute ſhall ſtand, remain, and be in full force and ſtrength: Any thing herein ſpecified to the contrary notwithſtanding.

CAP. XX.

How Vagabonds, calling themſelves Egyptians, ſhall be puniſhed.

Whereas ſithence the Act made in the firſt and ſecond years of the late King Philip and Queen Mary, for the puniſhment of that falſe and ſubtile company of Vagabonds, calling themſelves Egyptians, there is a ſcruple and doubt riſen, whether ſuch perſons as being born within this Realm of England, or other the Queens Highneſſe Dominions, and are or ſhall become of the fellowſhip or company of the ſaid vagabonds, by transforming or diſguiſing themſelves in their apparel, or in a certain counterfeit ſpeech or behaviour, are puniſhable by the ſaid Act in like manner as others of that ſort are, being ſtrangers born, and tranſported into this Realm of England:

The Stat. of 1 & 2 P. & M. 4. concerning Egyptians, ſhall continue in force.

Therefore for the avoiding of all doubts and ambiguities in that behalf, and to the intent that all ſuch ſturdy and falſe Vagabonds of that ſort, living only upon the ſpoyl of the ſimple people, may be condignly met withal and puniſhed: Be it enacted by the Queen our Soveraign Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Statute made in the firſt and ſecond years of the ſaid late King and Queen, concerning thoſe Vagabonds calling themſelves Egyptians, ſhall continue, remain and be in full force, ſtrength and effect.

It ſhall be felony for Egyptians, or others counterfeiting themſelves like to them, to remain a moneth in this Realm.

And yet moreover, be it Enacted by the authority aforeſaid, That all and every perſon and perſons, which from and after the firſt day of May now next enſuing, ſhall be ſeen or found within this Realm of England or Wales, in any company or fellowſhip of Vagabonds, commonly called, or calling themſelves Egyptians, or counterfeiting, transforming or diſguiſing themſelves by their apparel, ſpeech, or other behaviour, like unto ſuch Vagabonds, commonly called, or calling themſelves Egyptians, and ſo ſhall or do continue and remain in the ſame, either at one time, or at ſeveral times, by the ſpace of one moneth: that then the ſaid perſon or perſons, ſhall by vertue of this Act, be deemed and judged a felon and felons, and ſhall therefore ſuffer pains of death, loſſe of lands and goods, as in caſes of felony by the order of the Common Laws of this Realm, and ſhall upon the triall of them, or any of them therein, be tryed in the County, and by the inhabitants of the County or place where they or he ſhall be apprehended or taken, and not per medietatem linguæ, and ſhall loſe the priviledg and benefit of Sanctuary and Clergy.

Co. Inſt. 4 Part, 87.

To what perſons this Act ſhall not extend.

Provided alwayes, and be it Enacted by the authority aforeſaid, That this Act ſhall not in any wiſe extend to any child or children being within the age of fourteen years, nor to any of the ſaid perſons being in priſon the laſt day of this preſent Parliament, ſo that he or they ſo being in priſon, do within fourteen dayes next after his or their delivery out of priſon, either depart out of this Realm of England and Wales, or put him or themſelves to ſome honeſt ſervice, or exerciſe ſome lawful work, trade, or occupation, and utterly forſake the ſaid idle and falſe trade, converſation and behaviour of the ſaid counterfeit and diſguiſed Vagabonds, commonly called, or calling themſelves Egyptians.

None born in the Realm, compellable to depart thence.

Provided alſo, and be it Enacted by the authority aforeſaid, That the ſaid Act made in the firſt and ſecond years of the ſaid late King and Queen, ſhall not extend to compell any perſon or perſons born within any the Queens Majeſties Dominions, to depart out of this Realm of England or Wales, but onely to binde them and every of them, to leave their ſaid naughty, idle, and ungodly life and company, and to place themſelves in ſome honeſt ſervice, or to exerciſe themſelves at home with their parents, or elſewhere honeſtly in ſome lawfull work, trade or occupation: Any thing mentioned in this ſaid former Act to the contrary hereof in any wiſe notwithſtanding.

CAP. XXI.

How perſons for unlawful fiſhing, hunting in a Park, and taking of Hawks or Hawks eggs out of anothers ground, ſhall be puniſhed.

VVHere as well the Queens Majeſty, and her moſt noble Progenitors, as alſo the Noblemen, Gentlemen, and divers other perſons of great Dominions, Lordſhips, Manors and Poſſeſſions within this Realm, have of ancient and long time had, and many of them now of late, to their great coſts and charges, for the neceſſary and better proviſion and maintenance of their houſholds, have erected and made in and upon their ſeveral demeans, grounds, and poſſeſſions, as well Pools, Stagnes, Stewes, Motes, Pits, or Ponds, for the only encreaſe of Fiſh, and have ſtored the ſame with Pickerel, Breme, Tench, Carp, and divers other good kinds of Fiſh, for the neceſſary encreaſe of Victuals, and for the better maintenance and proviſion of their houſes as is aforeſaid, and alſo have emparked, environed, and encloſed many parcels of their ſaid demeans, ſoyls, grounds and poſſeſſions for the breeding, cheriſhing and encreaſe, as well of Red, as Fallow Deer within their ſeveral Parks and Incloſures, for the cauſes afore declared, and alſo have breeding within their Woods and Grounds, divers Eyries of Hawks of ſundry kinds, to their great pleaſure and commodity: Yet neverthelesse, the ſaid ſeveral waters, grounds, parks, and incloſures ſo being had, erected, and made, and alſo being ſo ſtored and repleniſhed, have been from time to time by evil diſpoſed perſons, of a very evil, wilful and inſolent diſpoſition, and of malice and diſpleaſure, not only by night time broken and entred into, but alſo the heads or dammes of the ſaid Ponds, Pools, Stagnes, Motes, Stewes, or ſeveral waters, have been maliciouſly, wilfully and unlawfully cut out, and the pales, fences and incloſures of the ſaid parks and grounds broken, caſt down, and ſet open, and the Fiſh, Deer, and Hawks, within the ſame, taken, deſtroyed, carried away, and ſtollen, not only to the great loſſe and damage of the owners thereof, and to the ſmall encouragement of other good Subjects, minding the careful proviſion of ſuch neceſſary victuals, but alſo to the manifeſt emboldning of many like wilful malefactors and malicious offendors, whereby many riots, man-ſlaughters, miſchiefs, and other inconveniences have been daily perpetrated, and are like to be committed and done, if circumſpect remedy be not hereunto provided:

The penalty for deſtroying of any pool, ponds, &c. or for the taking of any fiſh. 31 H. 8. 2.

Be it therefore Enacted by the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons after the Feaſt of Pentecoſt next coming, ſhall at any time by day or by night, unlawfully without authority, break, cut down, cut out or deſtroy any head or heads, dam or dams of any ponds, pools, motes, ſtagnes, ſtewes or ſeveral pits, wherein fiſh are, or ſhall happen to be put in or ſtored withall by the owners or poſſeſſioners thereof, or do or ſhall wrongfully fiſh in any of the ſaid ſeveral ponds, pools, motes, ſtagnes, ſtewes or pits, to the intents to deſtroy, kill, take or ſteal away any of the ſame fiſh, againſt the will, mind or pleaſure of the owners, or poſſeſſioners of the ſame, not having any lawful title or authority ſo to do, and thereof be lawfully convicted, at the Suit of our Soveraign Lady the Queen, her Heirs or Succeſſors, or the party grieved, ſhall ſuffer impriſonment of his or their bodies by the ſpace of three moneths, and ſhall yield and pay to the party grieved, his treble damages; and after the ſaid three moneths expired, ſhall find ſufficient ſureties for his or their good abearing againſt the Queen our Soveraign Lady, her Heirs and Succeſſors, and all her Liege people for the ſpace of ſeven years after; or elſe ſhall remain and continue ſtill in priſon without bail or mainpriſe, untill ſuch time as he or they ſo offending, can and ſhall find ſufficient ſureties, during the ſaid time and ſpace of ſeven years, as is aforeſaid.

The penalty for breaking of a Park, and hunting of Deer. 3 Jac. 13. 1. 7 Jac. 27. Cok. pla. fol. 361.

And be it alſo enacted by authority of this preſent Parliament, That if any perſon or perſons, after the ſaid Feaſt of Pentecoſt, next coming, at any time by night or by day, in manner aforeſaid, wrongfully or unlawfully break or enter into any Park impaled, or any other ſeveral ground cloſed with wall, pale or hedg, and uſed for the breeding, and cheriſhing of Deer, and ſo wrongfully hunt, drive or chaſe out, or take, kill, or ſlea any Deer within any ſuch empaled Park, or cloſed ground, with wall, pale, or other incloſure, and uſed for Deer, as is aforeſaid, or do or ſhall take away any Hawk or Hawks, or the eggs of any of them, by any wayes or means unlawfully out of any the Woods or ground of any perſon or perſons, (not having lawful authority or licence ſo to do) and thereof be lawfully convicted at the Suit of our Soveraign Lady the Queen, or the party grieved, as is aforeſaid; ſhall likewiſe ſuffer impriſonment of his or their bodies by the ſpace of three moneths, and ſhall yield and pay to the party grieved his treble damages. And after the ſaid three moneths expired, ſhall find good ſureties for his or their good abearing, for the ſpace of ſeven years after, againſt the Queens Majeſty, her heirs and ſucceſſors, and all her Liege people, as is aforeſaid; or elſe ſhall remain and continue ſtill in priſon, without bail or mainpriſe, untill ſuch time as he or they ſo offending, can and ſhall find ſuch ſufficient ſureties during the ſaid time of ſeven years, as is afore rehearſed.

The penalty for taking of Hawks or Hawks eggs out of anothers ground.

A Park incloſed by the licence of the Queen, or, &c.

Provided alwayes, That this Act, or any thing therein contained, extend not to any Park, or incloſed ground hereafter to be made and uſed for Deer, without the Grant or Licence of our Soveraign Lady the Queen, her Heirs, Succeſſors or Progenitors.

The remedy of the party grieved, and before whom.

Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful for the party grieved, to ſue and take his further remedy againſt all and every ſuch offendor and offendors, for his loſſe and damages, and to recover the treble value of the ſame in this behalf, as well before Juſtices of Oyer and Determiner, Juſtices of Aſſizes in their Circuits, and Juſtices of the Peace, as elſewhere, in any other the Queens Courts of Record, and that upon the true ſatisfaction of the ſaid treble damages to the party grieved, or upon the confeſſion and knowledge thereof by the ſame party, before the ſaid Juſtices in open Seſſions to be holden within the County where the offence was committed: it ſhall be at the liberty

of

The party grieved may releaſe the ſuretiſhip of good abearing.

of the ſame party grieved, to whom the ſaid offence was committed, to releaſe at his pleaſure the ſaid ſuretiſhip of good abearing, at any time within the ſaid ſeven years or before: Any thing in this preſent Act before ſpecified or expreſſed to the contrary notwithſtanding.

Which Juſtices may hear and determine the offences aforeſaid.

And be it further enacted by the authority aforeſaid, That the Juſtices of Oyer and Determiner, Juſtices of Aſſize in their Circuits, and Juſtices of the Peace and Gaol-delivery in their Seſſions, ſhall by vertue hereof, have power and authority to enquire, hear and determine all and ſingular the offences aforeſaid, and to make and award Proceſſe thereupon, as well upon indictments taken before them, as by bill of complaint, information, or any other action; in which ſuit or action, no eſſoin, wager of Law, nor protection ſhall be allowed.

In what caſe the Juſtices of Peace may releaſe the offendor of the good abearing.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, at any time hereafter ſhall fortune to be bound before any of the Juſtices before mentioned, to the Queen, her Heirs or Succeſſors, for his or their good abearing for ſeven years, according to the tenor of this Act, and the ſame party or parties ſo bound, ſhall afterwards within the ſaid ſeven years, come before the Juſtices of the Peace of the ſaid County where the ſaid offence was committed, or ſome of them, in open Seſſions, and there in the ſaid open Seſſions confeſſe and acknowledg his or their ſaid offence or offences, and be ſorry therefore, and ſatisfie the party or parties grieved, according to the tenour of this Act: That then the ſaid Juſtices before whom the confeſſion ſhall be ſo made, ſhall and may have power and authority by vertue of this Act, in the ſame open Seſſion, or in any other open Seſſion afterwards to be holden before the ſaid Juſtices in the ſaid County, within the ſaid term of ſeven years, if it ſhall ſeem good to their diſcretions, to diſcharge the ſaid recogniſance and bond ſo taken, and alſo the ſaid party and parties ſo bound: This Act or any thing therein contained to the contrary notwithſtanding.

CAP. XXII.

Forfeiture of him who ſhall tranſport any skins of Stagge, Hind, Buck, Doe, &c. or the Leather made of them. And for what purpoſes they be made and bought within this Realm.

To what purpoſes onely Pelts may b made, and to what intent any may buy the skin of a Stagg, Buck, &c.

For reformation of many griefs, lamentably declared this preſent Parliament, by divers Artificers of this Realm, working Leather: It may pleaſe your Royal Majeſty, that it may be enacted and eſtabliſhed with the aſſent of this High Court of Parliament, That it ſhall not be lawful to or for any manner of perſon or perſons whatſoever, from and after the firſt day of May next coming, to make any Pelts, that is to ſay, to pull, ſhear, clip or take away the wooll of any Sheepskin, or Lambskin, or to buy any skin of any Stag, Hind, Buck, Doe, Goat, Fawn, or Kid, or the pelts or skins of any of them, unleſſe ſuch perſon or perſons ſo making any pelts, or buying ſuch skins, as is aforeſaid, do make or cauſe to be made thereof tawed or lawfully tanned Leather or parchment, or otherwiſe convert the ſame into ſennits, pannels, or other their own neceſſary uſes, upon pain that every perſon ſo making pelts, or buying any of the skins or pelts aforeſaid, contrary to the meaning of this Act, ſhall forfeit and loſe the value of all ſuch pelts or skins ſo made and bought, and two ſhillings ſix pence for every skin or pelt ſo bought, or pelt ſo made as is aforeſaid.

The penalty for tranſporting of ſheep-skins, lamb-skins, &c. REP. 8 Eliz. 14.

And be it further Enacted, That it ſhall not be lawful to or for any perſon or perſons whatſoever, from and after the Feaſt aforeſaid, to ſhip or convey, or cauſe or procure to be ſhipped or conveyed, in or to any ſhip, boat or veſſel, in or upon the Sea, or in or upon any Haven, River, Creek, or place within this Realm of England and Wales, or either of them, any manner of ſheepskins, woolfels, ſhorlings, mortlings, or the skins of any Stag, Hind, Buck, Doe, Goat, Fawn or Kid, or the pelts or skins of any of them, or the Leather made of them, or any of them, to the intent to tranſport or carry the ſame into any the parts beyond the Seas, there to be uttered, bartered or ſold by way of merchandize or otherwiſe, upon pain of forfeiture of all ſuch skins or pelts, bought, laden, ſhipped or tranſported, contrary to the tenor and true meaning of this Act, or the value of them: and alſo two ſhillings ſix pence of lawful money of England, for every fell, ſhorling, pelt, or skin aforeſaid, bought, laden, ſhipped or tranſported, contrary to the tenor and true meaning of this preſent Act. The moiety of all which forfeitures ſhall be to our Soveraign Lady the Queens Majeſty, her Heirs and Succeſſors; and the other moiety to him or them that will ſue for the ſame by Action, Bill, Plaint, Information or otherwiſe, in any of the Queens Majeſties Courts: In which action, no eſſoin, protection or injunction ſhall be admitted or allowed.

Wares that may be lawfully tranſported by any Merchant.

Provided always, That it ſhall and may be lawful to the Merchants of the Staple, the Merchants of Newcaſtle upon Tine, Hartlepool, and Berwick, their ſervants, factors, and attorneys, and every of them, to carry and tranſport all ſuch lawful wares, as heretofore they have been accuſtomed and lawfully might: Any thing in this Act to the contrary notwithſtanding.

CAP. XXIII.

The order of awarding and returning the Writ of Excommunicato capiendo: what is to be done upon parties appearance: and what if he cannot be found; and the cauſe of awarding this Writ.

The cauſe of the not executing of the Writ of Excommunicato capiendo. Cook. Inſt. 4. Part, 219. Cro El. 144.

Foraſmuch as divers perſons offending in many great crimes and offences appertaining meerly to the juriſdiction and determination of the Eccleſiaſtical Courts and Judges of this Realm, are many times unpuniſhed for lack and want of the good and due execution of the Writ de Excommunicato capiendo, directed to the Sheriff of any County, for the taking and apprehending of any ſuch offendors. The great abuſe whereof, as it ſhould ſeem, hath grown, for that the ſaid writ is not returnable in any Court that might have the judgment of the well executing and ſerving of the ſaid writ, according to the contents thereof; but hitherto, have been left only to the diſcretion of the Sheriffs and their deputies, by whoſe negligences and defaults, for the moſt part, the ſaid writ is not executed upon the offendors as it ought to be. By reaſon whereof, ſuch offendors be greatly encouraged to continue their ſinful and criminous life, much to the diſpleaſure of Almighty God, and to the great contempt of the Eccleſiaſtical Lawes of this Realm.

Awarding and returning of Excommunicato capiendo.

Wherefore, for the redreſſe thereof, be it enacted by the Queens moſt excellent Majeſty with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May next comming, every Writ of Excommunicato capiendo, that ſhall be granted and awarded out of the high Court of Chancery, againſt any perſon or perſons within the Realm of England, ſhall be made in the time of the Term, and returnable before the Queens highneſſe, her heirs and ſucceſſors, in the Court commonly called the Kings Bench in the Term next after the Teſte of the ſame Writ, and the ſame Writ ſhall be made to contain at the leaſt twenty dayes between the Teſte and the return thereof: And after the ſame Writ ſhall be ſo made and ſealed, that then the ſaid Writ ſhall be forthwith brought into the ſaid Court of the Kings-Bench, and there in the preſence of the Juſtices, ſhall be opened and delivered of Record to the Sheriff or other Officer, to whom the ſerving and execution thereof ſhall appertain, or to his or their deputy or deputies. And if afterwards it ſhall or may appear to the Juſtices of the ſame Court for the time being, that the ſame Writ ſo delivered of Record be not duly returned before them at the day of the return thereof, or that any other default or negligence hath been uſed or had in the not well ſerving and executing of the ſaid Writ: that then the Juſtices of the ſaid Court ſhall and may by authority of this Act aſſeſſe ſuch amerciament upon the ſaid Sheriff or other Officer, in whom ſuch default ſhall appear as to the diſcretion of the ſaid Juſtices ſhall be thought meet and convenient; which amerciament ſo aſſeſſed ſhall be eſtreated into the Court of Exchequer, as other amerciaments have been uſed.

The Sheriff ſhall be amerced for not returning of the Writ.

What ſhall be done with the body of the excommunicate.

And be it further enacted by the authority aforeſaid, That the Sheriff or other Officer, to whom ſuch Writ of Excommunicato capiendo, or other proceſſe by vertue of this Act, ſhall be directed, ſhall not in any wiſe be compelled, to bring the body of ſuch perſon or perſons, as ſhall be named in the ſaid Writ or proceſſe, into the ſaid Court of the Kings-Bench at the day of the return thereof: but ſhall only return the ſame Writ and Proceſſe thither, with declaration briefly how and in what manner he hath ſerved and executed the ſame, to the intent that thereupon the ſaid Juſtices may then further therein proceed, according to the tenour and effect of this preſent Act.

If the Sheriff return Non eſt inventus.

Capias 1. Cro. Jac. 566.

And if the ſaid Sheriff, or other Officer to whom the execution of the ſaid Writ ſhall ſo appertain do or ſhall return that the party or parties named in the ſaid Writ cannot be found within his Bailywike: that then the ſaid Juſtices of the Kings-Bench for the time being, upon every ſuch return ſhall award one Writ of Capias againſt the ſaid perſon or perſons named in the ſaid Writ of Excommunicato capiendo, returnable in the ſame Court in the Term time, two months at leaſt next after the Teſte thereof, with a Proclamation to be contained within the ſaid Writ of Capias, that the Sheriff or other Officers, to whom the ſaid Writ ſhall be directed, in the full County Court, or elſe at the general Aſſiſes and Gaol delivery to be holden within the ſaid County or at a quarter Seſſions to be holden before the Juſtices of the Peace within the ſaid County, ſhall make open Proclamation ten dayes at the leaſt before the return, that the party or parties named in the ſaid Writ, ſhall within ſix dayes next after ſuch Proclamation, yield his or their body or bodies to the priſon of the ſaid Sheriff, or other ſuch Officer, there to remain as a priſoner, according to the tenor and effect of the firſt Writ of Excommunicato capiendo upon pain of forfeiture of ten pounds. And thereupon after ſuch Proclamation had, and the ſaid ſix dayes paſt and expired, then the ſaid Sheriff, or other Officer to whom ſuch Writ of Capias ſhall be directed, ſhall make return of the ſame Writ of Capias into the ſaid Court of the Kings-Bench, of all that he hath done in the execution thereof, and whether the party named in the ſaid Writ have yielded his body to priſon or not.

Ten pounds forfeiture for not appearance upon the firſt Capias.

And if upon the return of the ſaid Sheriff, it ſhall appear, that the party or parties named in the ſame Writ of Capias, or any of them, have not yielded their bodies to the Gaol and priſon of the ſaid Sheriff or other Officer, according to the effect of the ſame Proclamation: that then every ſuch perſon that ſo ſhall make default, ſhall for every ſuch default forfeit to the Queens Highneſſe, her heirs and ſucceſſors, ten pounds, which ſhall likewiſe be eſtreated by the ſaid Juſtices into the ſaid Court of Exchequer, in ſuch manner and form as fines and amerciaments there taxed and aſſeſſed, are uſed to be.

2. Capias.

And thereupon the ſaid Juſtices of the Kings-Bench ſhall alſo award forth one other Writ of Capias againſt the ſaid perſon or perſons that ſo ſhall be returned to have made default with ſuch like Proclamation as was contained in the firſt Capias, and a pain of twenty pounds, to be mentioned in the ſaid ſecond Writ and Proclamation. And the Sheriff or other Officer to whom the ſaid ſecond Writ of Capias ſhall be ſo directed, ſhall ſerve and execute the ſaid writ, in ſuch like manner and form as before is expreſſed for the ſerving and executing of the ſaid firſt Writ of Capias. And if the Sheriff or other Officer ſhall return upon the ſaid ſecond Capias, that he hath made the Proclamation according to the tenor and effect of the ſame Writ, and that the party hath not yielded his body to priſon, according to the tenor of the ſaid Proclamation: that then the ſaid party that ſo ſhall make default, ſhall for ſuch his contempt and default, forfeit to the Queens Highneſſe, her Heirs and Succeſſors, the ſumme of twenty pounds; which ſaid ſum of twenty pounds, the ſaid Juſtices of the Kings-Bench for the time being ſhall likewiſe cauſe to be eſtreated into the ſaid Court of Exchequer, in manner and form aforeſaid.

Twenty pound forfeiture upon the ſecond Capias.

3. Capias.

And then the ſaid Juſtices ſhall likewiſe award forth one other Writ of Capias againſt the ſaid party, with ſuch like Proclamation and pain of forfeiture, as was contained in the ſaid ſecond Writ of Capias: and the Sheriff or other Officer to whom the ſaid third Writ of Capias ſhall ſo be directed ſhall ſerve and execute the ſaid third Writ of Capias, in ſuch like manner and form, as before in this Act is expreſſed and declared, for the ſerving and executing of the ſaid firſt and ſecond Writs of Capias. And if the Sheriff or other Officer to whom the execution of the ſaid third Writ ſhall appertain, do make return of the ſaid third Writ of Capias, that the party upon ſuch Proclamation hath not yielded his body to priſon, according to the tenor thereof: that then every ſuch party, for every ſuch contempt and default ſhall likewiſe forfeit to the Queens Majeſty, her heirs and ſucceſſors, other xx. li. which ſum of xx. li. ſhall likewiſe be eſtreated into the ſaid Court of the Exchequer, in manner and form aforeſaid: and thereupon the ſaid Juſtices of the Kings-Bench ſhall likewiſe award forth one Writ of Capias againſt the ſaid party, with like Proclamation, and like pain of forfeiture of xx. li. And that alſo the ſaid Juſtices ſhall have authority by this Act, infinitely to award ſuch Proceſſe of Capias, with ſuch like Proclamation and pain of forfeiture of xx. l. as is before limited, againſt the ſaid party that ſo ſhall make default, in yielding of his body to the priſon of the Sheriff, until ſuch time as by return of ſome of the ſaid Writs before the ſaid Juſtices, it ſhall and may appear, that the ſaid party hath yielded himſelf to the cuſtody of the ſaid Sheriff or other Officer, according to the tenour of the ſaid Proclamation, and that the party upon every default and contempt by him made, againſt the Proclamation of any of the ſaid Writs ſo infinitely to be awarded againſt him, ſhall incur like pain and forfeiture, of xx. li. which ſhall likewiſe be eſtreated in manner and form aforeſaid.

xx. li. forfeit upon the third Capias.

Awarding of Capias infinitely, and xx. li. forfeit upon every of them.

And be it further enacted by the authority aforeſaid, That when any perſon or perſons ſhall yield his or their body or bodies to the hands of the Sheriff or other Officer, upon any of the ſaid Writs of Capias: that then the ſame party or parties that ſhall ſo yield themſelves, ſhall remain in the priſon and cuſtody of the ſaid Sheriff or other Officer, without bail, baſton, or mainpriſe, in ſuch like manner and form to all intents and purpoſes, as he or they ſhould or ought to have done, if he or they had been apprehended and taken upon the ſaid Writ of Excomunicato capiendo.

The offendor yielding his body, ſhall be committed to priſon.

And be it further enacted by the authority aforeſaid, That if any Sheriff or other Officer, by whom the ſaid Writ of Capias, or any of them, ſhall be returned, as is aforeſaid, do make untrue return upon any of the ſaid Writs, that the party named in the ſaid Writ hath not yielded his body upon the ſaid Proclamations, or any of them, where indeed the party did yield himſelf according to the effect of the ſame: That then every ſuch Sheriff or other Officer, for every ſuch falſe and untrue return ſhall forfeit to the party grieved and damnified by the ſaid return, the ſum of xl. li. for the which ſum of xl. li. the ſaid party grieved ſhall have his recovery and due remedy by action of debt, bill, plaint, or information, in any of the Queens Courts of Record, in which action, bill, plaint, or information, no eſſoine, protection or wager of Law ſhall be admitted or allowed for the party defendant.

The forfeiture of a Sheriff for a falſe return.

Saving and reſerving to all Archbiſhops and Biſhops, and all others having authority to certifie any perſon excommunicated, and like authority to accept and receive the ſubmiſſion and ſatisfaction of the ſaid perſon ſo excommunicated, in manner and form heretofore uſed, and him to abſolve and releaſe, and the ſame to ſignifie, as heretofore it hath been accuſtomed, to the Queens Majeſty, her heirs and ſucceſſors, into the high Court of Chancery, and thereupon to have ſuch Writs, for the deliverance of the ſaid perſon ſo abſolved and releaſed from the Sheriffs cuſtody or priſon, as heretofore they or any of them had, or of right ought or might have had: Any thing in this preſent Statute ſpecified or contained to the contrary hereof, in any wiſe notwithſtanding.

The Biſhops authority to receive ſubmiſſion, and deliver the excommunicate.

Provided alwayes, That in Wales, the Counties Palatines of Lancaſter, Cheſter, Durham, and Ely, and in the Cinque-Ports, being juriſdictions and places exempt, where the Queens Majeſties Writ doth not run, and proceſſe of Capias from thence not returnable into the ſaid Court of the Kings-Bench, after any Significavit being of Record in the ſaid Court of Chancery, the tenour of ſuch Significavit by Mittimus ſhall be ſent to ſuch of the head-Officers, of the ſaid Country of Wales, Counties Palatines, and places exempt, within whoſe offices, charge, or juriſdiction the offendors ſhall be reſiant; that is to ſay, to the Chancellor or Chamberlain for the ſaid County Palatine of Lancaſter and Cheſter; and for the Cinque-Ports to the Lord Warden of the ſame, and for Wales and Ely, and the County Palatine of Durham, to the chief Juſtice or Juſtices there. And thereupon every of theſaid Juſtices and Officers to whom ſuch tenor of Significavit with Mittimus ſhall be directed and delivered, ſhall by vertue of this Eſtatute have power and authority to make like proceſſe to the inferiour officer and officers to whom the execution of proceſſe there doth appertain; returnable before the Juſtices there ſit at their next Seſſion or Courts, two months at the leaſt after the Teſte of every ſuch proceſſe. So alwayes as in every degree they ſhall proceed in their Seſſions and Courts againſt the offendors, as the Juſtices of the ſaid Court of Kings-Bench are limited by the tenour of this Act, in Term-times to do and execute.

Proceſſe out of liberties where the Queens Writ runneth not.

Provided alſo, and be it enacted, That any perſon at the time of any proceſſe of Capias, aforementioned, awarded, being in priſon, or out of this Realm in the parts beyond the Sea, or within age, or of non ſanæ memoriæ, or woman covert, ſhall not incur any of the pains or forfeitures afore mentioned, which ſhall grow by any return or default happened, during ſuch time of nonage, impriſonment, being beyond the Sea, or non ſanæ memoriæ; And that by vertue of this Eſtatute, the party grieved may plead every ſuch cauſe or matter in bar of and upon the diſtreſſe or other proceſſe that ſhall be made for levying of any of the ſaid pains or forfeitures.

Certain perſons diſcharged of the penalty aforeſaid.

, Car.
7, 199.

And that if the offendor againſt whom any ſuch Writ of Excomunicato Capiendo ſhall be awarded, ſhall not in the Writ of Excommunicato capiendo have a ſufficient and lawfull addition, according to the form of the Eſtatute of Primo of Henry the fifth, in caſes of certain ſuits, whereupon proceſſe or exigent are to be awarded: Or if in the Significavit it be

not

Addition according to the ſtat. of Anno 1 H. 5.

not contained, that the excommunication doth proceed upon ſome cauſe or attempt of ſome original matter of hereſie, or refuſing to have his or their child baptized, or to receive the holy Communion as it is now commonly uſed to be received in the Church of England, or to come to Divine Service, now commonly uſed in the ſaid Church of England, or error in matters of Religion or doctrine now received and allowed in the ſaid Church of England, incontinency, uſury, ſimony, perjury in the Eccleſiaſtical Court, or Idolatry: That then all and every pains and forfeitures limited againſt ſuch perſons excommunicate by this Eſtatute by reaſon of ſuch Writ of Excommunicato capiendo, wanting ſufficient addition, or of ſuch Significavis wanting all the cauſes afore mentioned, ſhall be utterly void in Law, and by way of plea to be allowed to the party grieved.

Cauſes of Excommunication.

Addition with a Nuper.

And if the addition ſhall be with a nuper of the place: Then in every ſuch caſe, at the awarding of the firſt Capias with Proclamation according to the form mentioned, one Writ of Proclamation (without any pain expreſſed) ſhall be awarded into the County where the offendor ſhall be moſt commonly reſiant at the time of the awarding of the ſaid firſt Capias with pain, in the ſame Writ of Proclamation, to be returnable the day of the return of the ſaid firſt Capias with pain, and Proclamation, thereupon at ſome one ſuch time and Court, as is preſcribed for the Proclamation upon the ſaid firſt Capias, with pain. And if ſuch Proclamation be not made in the County where the offendor ſhall be moſt commonly reſiant in ſuch caſes of additions of nuper: That then ſuch offendor ſhall ſuſtain no pain or forfeiture by vertue of this Eſtatute, for not yielding his or her body, according to the tenour afore mentioned: Any thing before ſpecified and to the contrary hereof, in any wiſe notwithſtanding.

CAP. XXIV

The Statute of 23 H. 8. 2. touching the making and repairing of Gaols, ſhall be revived, and continue ten years. And the Juſtices of Peace in the Counties of Pembroke, Glamorgan, Cardigan, Radnor, and Mountgomery in Wales ſhall have power to do and execute all things concerning the new making of Gaoles, as the Juſtices and other Perſons mentioned in the ſaid Statute, EXP.

CAP. XXV

In certain caſes, a Tales de Circumſtantibus may be granted in the 12 Shires in Wales, and in the County Palatine of Cheſter, &c. by the Juſtices at their great Seſſions.

A rehearſal of the Statute of 35 H. 8. 6. touching filling up a Jury de Circumſtantibus.

Where in the Parliament holden at Weſtminſter, in the xxxv. year of the reign of our Soveraign Lord King Henry the eight, Father to our moſt dear Soveraign Lady the Queens Majeſty that now is, one wholeſome and profitable Act and Eſtatute, amongſt other was then eſtabliſhed and enacted, entituled by the name of an Act concerning the appearance of Jurors in Niſi Prius: where amongſt other things in the act, it was eſtabliſhed, That where a full Jury, returned betwixt party and party, did not appear before the Juſtices of Aſſiſe, or Niſi Prius, or elſe after appearance of a full Jury by challenge of any of the parties, the Jury was like to remain untaken for default of Jurors, that the ſame Juſtices, upon requeſt made by the party Plaintiff or Demandant, ſhould have authority by vertue of the ſame Act, to command the Sheriff or other Miniſter or Miniſters, to whom the making of the ſaid return ſhould appertain, to name and appoint, as often as need ſhould require, ſo many of ſuch other able perſons of the ſaid County, then preſent at the ſaid Aſſiſe, or Niſi Prius, as ſhould make up a full Jury: which perſons ſo to be named and impannelled by ſuch Sheriffs, or other Miniſter or miniſters, ſhould be added to the former pannel, and their names annexed to the ſame, and further, as in the ſame Act more plainly may appear. Which ſaid beneficial Act doth not extend unto the xii. Shires of Wales, ne to the County Palatine of Cheſter, nor to the County Palatine of Lancaſter, nor to the County Palatine of Durham, by reaſon whereof, many Juries remain untaken betwixt the parties, what for lack of appearance of Jurors, and ſome becauſe of challenges, to the great hinderance of Juſtice, and great expences and charges to the parties.

Tales de Circumſtantibus ſhall be grantable in the 12. Shires of Wales, Cheſhire, Lancaſhire, Durham.

For reformation whereof, Be it enacted by the Queen our Soveraign Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That in every of the Shires of Wales, that is to ſay, Pembrok, Carmarthen, Cardigan, Brecknock, Radnor, Glamorgan, Mountgomery, Denbigh, Flint, Merioneth, Angleſey, Carnarvon, and in the Palatine of Cheſter, and in the ſaid County Palatine of Durham, and in the ſaid County Palatine of Lancaſter, where a full Jury ſhall not appear before the Juſtices of the great Seſſion in any of the ſaid Shires or Counties Palatines, or their deputies there: or elſe after appearance of a full Jury, by challenge of any of the parties, the Jury is like to remain untaken for default of Jurors: that then the ſame Juſtices, in every of the ſaid Shires and Counties Palatines, for the time being, or their deputy or deputies, upon requeſt made by the party plaintiff or demandant ſhall have full authority by vertue of this Act, to command the Sheriff, or other Miniſter or Miniſters, to whom the making of the ſaid return ſhal appertain, to name and appoint as often as need ſhall require, ſo many of ſuch other able perſons of the ſaid Counties, then preſent at the ſaid great Seſſions, as ſhall make up a full Jury: which perſons ſo to be named and impanelled by ſuch Sheriffs, or other Miniſter or Miniſters, ſhall be added to the former Pannel, and their names annexed to the ſame. And that every of the parties ſhall or may have his or their Challenge to the Jurors ſo named, added, and annexed to the ſaid former Panel, by the ſaid Sheriff or other Miniſter or Miniſters, in ſuch wiſe as if they had been impannelled upon the Venire facias awarded to try the ſaid Iſſue. And that the ſaid Juſtices, and every of them, and their deputy or deputies, ſhall and may proceed to the tryal of every ſuch Iſſue with thoſe perſons that were before impannelled and returned, and with thoſe newly added and annexed to the ſaid former Panel, by vertue of this Act, in ſuch wiſe as they might or ought to have done, if all the ſaid Jurors had been returned upon the Writ of Venire facias awarded

Coke pl fol. 31. Co. Ju 161.

Challenge to the Jurors newly named.

awarded to try the the ſaid Iſſue. And that all and every ſuch tryal had, ſhall be as good and effectual in the Law, to all intents, conſtructions, and purpoſes, as if ſuch tryal had been had and tryed by xii. of the Jurors impannelled and returned upon the Writ of Venire facias, awarded to try ſuch Iſſue. And in caſe ſuch perſons as the ſaid Sheriff, Miniſter or Miniſters ſhall name and appoint, as is aforeſaid, or any of them, after they ſhall be called, be preſent, and do not appear, or after his or their appearance, do wilfully withdraw him or themſelves from the preſence of the Court: that then ſuch Juſtices, or their deputies, ſhall and may ſet ſuch fine upon every ſuch Juror making default, or wilfully withdrawing himſelf, as aforeſaid as they ſhall think good by their diſcretions, the ſaid fine to be levied in ſuch manner and form, as Iſſues forfeited and loſt by Jurors for default of their appearance, as is provided by the Law and Cuſtome of the ſaid Countries of Wales, and Counties Palatines aforeſaid, where ſuch Iſſues are forfeited.

A Juror newly impannelled, doth withdraw himſelf.

And be it further enacted by the authority aforeſaid, That where any Jury that ſhall be returned by the Sheriff, or other Miniſter or Miniſters, ſhall be made full, by the commandement of the ſaid Juſtices, or their Deputies, by vertue of this preſent Act, that yet neverthleſſe ſuch perſons as were returned in the ſaid Panel, by the Sheriff, or other Miniſter or Miniſters, to try any ſuch Iſſue, that ſhall not appear, but make default, ſhall loſe the Iſſues upon them returned, in ſuch wiſe, as though the ſame Jury had remained for default of Jurors.

The new Jurors making default, ſhall loſe their iſſues.

Provided alwayes and be it further enacted, That upon a reaſonable excuſe, for the default of appearance of any Juror or Jurors, ſufficiently proved before the Juſtices of the great Seſſions, or their Deputies in the Countries and Counties Palatines aforeſaid, at the day of their appearance, by the Oaths of two lawful and honeſt witneſſes, that the ſame Juſtices ſhal have authority by their diſcretions to diſcharge every ſuch Juror of every ſuch forfeiture of Iſſues upon him returned, and that the ſaid Sheriff or Sheriffs, or other Miniſter or Miniſters, having commandment by the ſaid Juſtices to omit the returning of ſuch Iſſues, as is aforeſaid, upon ſuch Juror or Jurors, ſhall be therein diſcharged of the penalties aforeſaid for the non-returning of the ſaid Iſſues, and that yet notwithſtanding the ſaid return to be good and effectual in the Law: Any Law, Uſage, Ordinance, or Cuſtom to the contrary notwithſtanding.

Upon a reaſonable excuſe, Jurors ſhall be diſcharged of iſſues.

Provided alſo, and be it enacted by the authority aforeſaid, That if the ſaid Juſtices, or their deputies, afore whom any ſuch Jury ſhould appear in the Shires or Counties Palatines where ſuch Iſſue is to be tried, do not come at the day and place appointed: that then every one of the ſame Jurors ſhall be diſcharged for forfeiting of any Iſſues upon him returned in the ſame Writ. And the Sheriff, or other Miniſter or Miniſters, ſhall be likewiſe diſcharged of the penalties of this Eſtatute, for the non-returning of ſuch Iſſues, as are before limited in this Act: Any Article or Sentence herein contained to the contrary notwithſtanding.

If the Juſtices come not, the Jury ſhall be diſcharged of their iſſues.

And alſo be it further enacted by the authority aforeſaid, That if upon any ſuch Writ of Habeas corpora, or Diſtringas, Iſſues be returned upon any Hundredors, Juror or Jurors, by the Sheriffs or other miniſter or miniſters, to whom the execution of the ſame Writ or Writs ſhall appertain, whereas the ſame Hundredors and Jurors ſhall not be lawfully ſummoned, warned or diſtrained in that behalf: that then every ſuch Sheriff, or other Miniſter or Miniſters aforeſaid, ſhall loſe for every ſuch offence ſo committed, double ſo much as the ſaid Iſſues returned upon ſuch Hundredors or Jurors not lawfully ſummoned, warned, or diſtrained, ſhall amount unto: the moiety of all which forfeitures contained in this preſent Act, other than the iſſues to be returned upon the Jurors, as is aforeſaid, ſhall be to the Queen our Soveraign Lady, her Heirs and Succeſſors, and the other half to him that will ſue for the ſame, by action of debt, bill, plaint, or information in the Queen her Graces great Court within the ſaid County where ſuch forfeiture ſhall happen to be, before the ſaid Juſtices, his or their deputy or deputies, in which no wager of Law, eſſoine or protection ſhall be allowed ne admitted. Saving to all manner of perſons, and bodies politick and corporate, their Heirs and Succeſſors, having lawful right, title, and intereſt to have ſuch iſſues to be before any ſuch Juſtices or their deputies, at any time or times hereafter loſt and forfeited, all ſuch right, title, and intereſt, as they or any of them ſhould or ought to have had to ſuch iſſues to be loſt and forfeited, as though this Act had never been had or made.

The Sheriffs forfeiture for returning of iſſues upon a Juror not warned.

Who ſhall have the forfeitures, and by what means they ſhall be recovered.

Provided alſo, that this Act, nor any thing therein contained ſhall not extend to any City or Town corporate, or to any Sherif, Miniſter or Miniſters in the ſame, for the return of any Inqueſt, or Panel, to be made and returned of perſons inhabiting in the ſaid Cities or Towns corporate, but they and every of them ſhall and may return ſuch perſons in every ſuch Inqueſt, or Panel, as before this time they might and have been accuſtomed to do, and as if this Act had never been had or made, ſo that the ſame Sheriff, Miniſter, or Miniſters return upon ſuch perſons as ſhall be impanelled, ſuch reaſonable iſſues as they ought to return: Any thing in the ſame contained to the contrary notwithſtanding. 2 Ed. 6. 32.

Returning of Inqueſts in Cities and Towns corporate.

CAP. XXVI.

Indentures of bargain of Manors, Lands &c. enrolled ſix moneths after the date of them in the Courts of the Counties of Lancaſter, Cheſter, and Biſhoprick of Durham, ſhall be good in Law.

FRom the Feaſt of Eaſter next, all enrollments of ſuch Writings indented (viz. as be mentioned 27 H. 8. 16.) of any bargain and ſale after the ſaid Feaſt of Eaſter, to be made of any Manors, Lands, Tenements, or other Hereditaments, ſet, lying or being in the Counties of Lancaſter, Cheſter, and Biſhoprick of Durham, being made and inrolled within ſix months next after the date of any ſuch writings indented in the Queens Court of Chancery at Lancaſter, or before the Queens Juſtice or Juſtices of Aſſiſes at Lancaſter aforeſaid, concerning any Manors, Lands, Tenements, or Hereditaments, within the ſaid County of Lancaſter,

Inrollments in Lancaſter, Cheſter, Durham.

Lancaſter or in the Queens Court of the Exchequer at Cheſter, or before the Queens Juſtice or Juſtices of Aſſiſes at Cheſter aforeſaid concerning any Manors, Lands, Tenements, or Hereditaments within the ſaid County of Cheſter, or in the Court of Chancery at Dureſme, or before the Juſtice or Juſtices of Aſſiſes at Dureſme aforeſaid, concerning any Manors, Lands, Tenements, or Hereditaments, within the ſaid County of the Biſhoprick of Dureſme, ſhall be accepted, deemed, reputed and taken to be as good and available in Law, to all intents, as if the ſame writings indented had been made and enrolled in any of the Queens Courts at Weſtminſter, Any thing in the ſaid former Act, &c. notwithſtanding.

Corporate Towns.

Provided, alwayes, that this Act ſhall not extend to any Manors, Lands, Tenements, or Hereditaments lying within any City, Borough, or Town corporate within any of the ſaid Counties, wherein the Mayors, Recorders, Bayliffs, or other Officer or Officers have authority, and have lawfully uſed to inrol any Evidences, Deeds, or other writing within their precinct or limits: Any thing in this Statute contained to the contrary notwithſtanding.

CAP. XXVII.

Fines levied before the Juſtices of the County Palatine of Durham, of Lands lying in the ſame County, ſhall be good.

Fines levied before the Juſtices of Aſſize at Durham.

ALL and ſingular fines which at any time hereafter ſhall be levied or knowledged before the Juſtice or Juſtices of the County Palatine of Durham for the time being, authoriſed for that purpoſe and cauſe, of any lands, tenements, or other hereditaments, lying or being within the ſaid County Palatine of Durham, which ſhall be openly read and proclaimed two ſeveral dayes in the open Seſſions in the preſence of the Juſtices of Aſſiſe at Durham, or one of them for the time being, at the ſame Seſſions that the ſame ſhall fortune to be ingroſſed, and alſo that ſhall be openly read and proclaimed in the preſence of the Juſtices of Aſſiſe at Durham, or one of them for the time being, at two general Seſſions that ſhall be holden in the County Palatine of Durham, before the Juſtices of the ſame County, commonly called Juſtices of Aſſiſes at Durham, or one of them, next after the levying or ingroſſing of ſuch ſaid fine, ſhall be of like, and of the ſame force, ſtrength and effect in the Law, to all intents, conſtructions and purpoſes, as fines being duly levyed with Proclamations before the Queens Juſtices of her common pleas at Weſtminſter be or ought to be.

CAP. XXVIII.

By whoſe order the Bible, and Book of Common Prayer, ſhall be tranſlated into the Welſh Tongue.

The Bible and Book of Common Prayer tranſlated into the Welſh tongue.

THe Biſhops of Hereford, Saint Davies, Aſaph, Bangor, and Landaff, and their Succeſſors, ſhall take ſuch order amongſt themſelves for the Souls health of the flocks committed to their charge within Wales, that the whole Bible containing the New Teſtament and the Old, with the Book of Common Prayer, and adminiſtration of the Sacraments, as is now uſed within the Realm in Engliſh, to be truly and exactly tranſlated into the Britiſh or Welſh Tongue, and that the ſame ſo tranſlated, being by them viewed, peruſed, and allowed be imprinted to ſuch number at the leaſt, that one of either ſort may be had for every Cathedral, Collegiate and Pariſh Church, and Chappel of eaſe, in ſuch places and Countries of every the ſaid Dioceſſes, where that Tongue is commonly ſpoken or uſed, before the firſt day of March, An. Dom. 1566. And that from that day forth, the whole divine Service ſhall be uſed and ſaid by the Curates and Miniſters throughout all the ſaid Dioceſſes where the Welſh Tongue is commonly uſed, in the ſaid Britiſh or Welſh Tongue, in ſuch manner and form as is now uſed, in the Engliſh Tongue, and differing nothing in any order or form from the Engliſh Book: for the which Books ſo imprinted, the Pariſhioners of every of the ſaid Pariſhes ſhall pay the one half or moiety, and the Parſon and Vicar of every of the ſaid Pariſhes (where both be) or elſe the one of them, where there is but one ſhall pay the other half or moiety: the prices of which Books ſhall be appointed and rated by the ſaid Biſhops and their Succeſſors, or by three of them at the leaſt, The which things if the ſaid Biſhops or their Succeſſors neglect to do, then every one of them ſhall forfeit to the Queens Majeſty, her heirs and ſucceſſors, the ſum of xl. li. to be levied of their goods and chattels.

A Bible and Book of Common Prayer in Engliſh ſhall be in every Church in Wales.

And one book containing the Bible, and one other book of Common Prayer, in the Engliſh Tongue, ſhall be brought and had in every Church throughout Wales, in which the Bible and book of Common Prayer in Welſh is to be had by force of this Act (if there be none already, before the firſt day of March, one thouſand five hundred ſixty ſix) and the ſame books to remain in ſuch convenient places, within the ſaid Churches, that ſuch as underſtand them may reſort at all convenient times to read and peruſe the ſame: And alſo ſuch as do not underſtand the ſaid Language, may, by conferring both Tongues together, the ſooner attain to the knowledge of the Engliſh Tongue. Any thing in this Act to the contrary notwithſtanding.

CAP. XXIX.

The confirmation of a Subſidy of ſix ſhillings in the pound, granted to the Queen by the Clergy, to be paid in three years, EXP.

CAP. XXX.

A Subſidy and two Fifteens granted to the Queen by the Temporalty. EXP.

CAP. XXXI.

The Queens general and free Pardon confirmed by Parliament, Except. &c. EXP.

Anno Octavo Reginæ Elizabethæ.

Co. Jac. 111.

AT the Parliament by Prorogation holden at Weſtminſter, the laſt day of September, in the eighth year of the Reign of our Soveraign Lady, ELIZABETH, by the grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the diſſolution of the ſame. To the high pleaſure of Almighty God, and weal publick of this Realm, amongſt other were enacted as followeth.

CAP. I.

All Acts made by any perſon ſince, 1 El. for the conſecrating, inveſting, &c. of any Arch-biſhop or Biſhop ſhall be good,

A queſtion whether the making of Biſhops were duly and orderly done.

FOraſmuch as divers queſtions by overmuch boldneſſe of ſpeech and talk, amongſt many of the common ſort of People, being unlearned, hath lately grown upon the making and conſecrating of Archbiſhops and Biſhops within this Realm, whether the ſame were and be duly and orderly done according to the Law or not, which is much tending to the ſlander of all the ſtate of the Clergy, being one of the greateſt ſtates of this Realm: Therefore for the avoiding of ſuch ſlanderous ſpeech, and to the intent that every man that is willing to know the truth, may plainly underſtand that the ſame evil ſpeech and talk is not grounded upon any juſt matter or cauſe: It is thought convenient hereby partly to touch ſuch authorities, as do allow and approve the making and conſecrating of the ſame Archbiſhops and Biſhops to be duely and orderly done, according to the Laws of this Realm, and thereupon further to provide for the more ſurety thereof, as hereafter ſhall be expreſſed.

26 H. 8. 1.

Firſt, it is very well known to all degrees of this Realm, that the late King of moſt famous memory, King Henry the eight, as well by all the Clergy then of this Realm, in their ſeveral convocations, as alſo by all the Lords Spiritual and Temporal, and Commons aſſembled in divers of his Parliaments, was juſtly and rightfully recogniſed and knowledged to have the ſupream power, juriſdiction, order, rule and authority, over all the Eſtate Eccleſiaſtical of the ſame, and the ſame power, juriſdiction and authority did uſe accordingly: And that alſo the ſaid late King in the five and twentieth year of his Reign, did by authority of (25 H. 8. 20.) Parliament, amongſt other things, ſet forth a certain order of the manner and form how Archbiſhops and Biſhops within this Realm, and other his Dominions, ſhould be elected and made, as by the ſame more plainly appeareth: And that alſo the late King of worthy memory, King Edward the ſixth, did lawfully ſucceed the ſaid late King Henry his Father, in the Imperial Crown of this Realm, and did juſtly poſſeſſe and enjoy all the ſame power, juriſdiction and authority before mentioned, as a thing to him deſcended with the ſame Imperial Crown, and ſo uſed the ſame during his life: And that alſo the ſaid late King Edward the (5 & 6 Ed. 6. 1.) ſixth, in his time, by authority of Parliament, cauſed a godly and vertuous Book, entituled; The Book of Common Prayer, and adminiſtration of Sacraments, and other Rites and Ceremonies in the Church of England, to be made and ſet forth, not only for one uniform order of Service, Common Prayer, and the adminiſtration of Sacraments to be uſed within this Realm, and other his Dominions, but alſo did add and put to the ſame Book, a very good and godly order, of the manner and form how Archbiſhops, Biſhops, Prieſts, Deacons, and Miniſters ſhould from time to time be conſecrated, made and ordered, within this Realm, and other his Dominions, as by the ſame more plainly will and may appear. And although in the time of the late Queen Mary, as well the ſaid Act and Statute made in the five and twentieth (1 & 2 P. & M. 8.) year of the Reign of the ſaid late King Henry the eighth, as alſo the ſeveral Acts and Statutes made in the ſecond, third, fourth, fifth, and ſixth years of the Reign of the ſaid late King Edward, for the authorizing and allowing of the ſaid Book of Common Prayer, and other the premiſſes, amongſt divers other Acts and Statutes, touching the ſaid ſupream Authority, were repealed: Yet nevertheleſſe, at the Parliament holden at Weſtminſter, in the firſt year of the Reign of our Soveraign Lady the Queens Majeſty that now is, by one other (1 Eliz. 1.) Act and Statute there made, all ſuch juriſdictions, priviledges, ſuperiorities, and preheminences Spiritual and Eccleſiaſtical, as by any Spiritual or Eccleſiaſtical power or authority, hath heretofore been, or may lawfully be uſed over the Eccleſiaſtical eſtate of this Realm, and the order, reformation and correction of the ſame, is fully and abſolutely, by the authority of the ſame Parliament, united and annexed to the Imperial Crown of this Realm. And by the ſame Act and Statute, there is alſo given to the Queens Highneſſe, her Heirs and Succeſſors, Kings and Queens of this Realm, full Power and Authority by Letters Patents under the great Seal of England from time to time, to aſſign, name and authorize ſuch perſon or perſons, as ſhe or they ſhall think meet and convenient, to exerciſe, uſe, occupy, and execute under her Highneſſe, all manner of juriſdictions, priviledges, preheminences and authorities, in any wiſe, touching or concerning any Spiritual or Eccleſiaſtical power or juriſdiction within this Realm, or any other her Highneſſe Dominions or Countries. And alſo by the ſame Act and Statute, the ſaid Act made in the xxv. year of the Reign of the ſaid late K. Henry the eighth, for the order and form of the electing and making of the ſaid Archbiſhops and Biſhops, together with divers other Statutes, touching the juriſdiction over the ſtate Eccleſiaſtical is revived, and made in full force and effect, as by the ſame Act and Statute plainly appeareth. And that alſo by another Act and Statute made in the ſaid Parliament, in the firſt year of the Reign of our ſaid Soveraign Lady, entituled, An Act for the (1 Eliz. 2.) uniformity of Common Prayer, and ſervice in the Church, and adminiſtration of Sacraments, the ſaid Book of Common Prayer, and the adminiſtration of Sacraments, and other the ſaid orders, rites and ceremonies before mentioned, and all things therein contained, with certain additions therein newly added and appointed by the ſaid Eſtatute, is fully ſtabliſhed and authorized to be uſed in all places within this Realm, and all other the Queens

Majeſties Dominions and Countries; as by the ſame Act, amongſt other things, more plainly appeareth. Whereupon, our ſaid Soveraign Lady, the Queens moſt excellent Majeſty, being moſt juſtly and lawfully inveſted in the Imperial Crown of this Realm, with all authorities, preheminences and dignities thereunto appertaining; And thereby having in her Majeſties order and diſpoſition, all the ſaid juriſdictions, power and authorities over the ſtate Eccleſiaſtical and Temporal, as well in caſes Eccleſiaſtical as Temporal, within this Realm, and other her Majeſties Dominions and Countries, hath by her Supream authority, at divers times ſithence the beginning of her Majeſties Reign, cauſed divers and ſundry grave and well-learned men to be duly elected, made and conſecrated Archbiſhops and Biſhops of divers Archbiſhopricks and Biſhopricks within this Realm, and other her Majeſties Dominions and Countries, according to ſuch order and form, and with ſuch Ceremonies, in and about their conſecrations, as were allowed and ſet forth by the ſaid Acts, Statutes, and Orders annexed to the ſaid Book of Common-Prayer before mentioned. And further, for the avoiding of all ambiguities and queſtions that might be objected againſt the lawful confirmations, inveſting and conſecrations of the ſaid Archbiſhops and Biſhops, her Highneſſe in her Letters Patents under the great Seal of England, directed to any Archbiſhop, Biſhop, or others for the confirming, inveſting and conſecrating of any perſon, elected to the Office or Dignity of any Archbiſhop or Biſhop, hath not only uſed ſuch words and ſentences as were accuſtomed to be uſed by the ſaid late King Henry, and King Edward, her Majeſties father and brother, in their like Letters Patents, made for ſuch cauſes: but alſo hath uſed and put in her Majeſties ſaid Letters Patents, divers other general words and ſentences, whereby her Highneſs by her Supream power and authority, hath diſpenſed with all cauſes or doubts, of any imperfection or diſability, that can or may in any wiſe be objected againſt the ſame, as by her Majeſties ſaid Letters Patents, remaining of Record, more plainly will appear. So that to all thoſe that will well conſider of the effect and true intent of the ſaid Laws and Statutes, and of the Supream and abſolute authority of the Queens Highneſſe, and which ſhe by her Majeſties ſaid Letters Patents hath uſed and put in ure, in and about the making and conſecrating of the ſaid Archbiſhops and Biſhops: it is and may be very evident and apparent, that no cauſe of ſcruple, ambiguity or doubt, can or may juſtly be objected againſt the ſaid elections, confirmations or conſecrations, or any other material thing, meet to be uſed or had in or about the ſame: but that every thing requiſite and material for that purpoſe, hath been made and done as preciſely, and with as great a care and diligence, or rather more, as ever the like was done before her Majeſties time, as the Records of her Majeſties ſaid father and brothers time, and alſo of her own time, will more plainly teſtifie and declare.

The Queen by her Supream authority cauſed divers perſons to be elected and conſecrated Archbiſhops and Biſhops.

The Queens diſpenſation of all doubts of imperfections or diſability of electing of Biſhops.

A confirmation of the Stat. of 1 El. 2. touching the Book of Common-Prayer, and adminiſtration of the Sacraments.

A confirmation of the ſtat. of 5 & 6 Ed. 6. 1. touching the form of conſecrating Archbiſhops, &c.

Wherefore for the plain declaration of all the premiſſes, and to the intent that the ſame may the better be known to every of the Queens Majeſties Subjects, whereby ſuch evil ſpeech, as heretofore hath been uſed againſt the high ſtate of Prelacy, may hereafter ceaſe; Be it now declared and enacted by the authority of this preſent Parliament, that the ſaid Act and Statute made in the firſt year of the Reign of our ſaid Soveraign Lady the Queens Majeſty, whereby the ſaid Book of Common Prayer, and the adminiſtration of Sacraments, with other Rites and Ceremonies, is authorized and allowed to be uſed, ſhall ſtand and remain good and perfect to all reſpects and purpoſes: and that ſuch order and form for the conſecrating of Archbiſhops and Biſhops, and for the making of Prieſts, Deacons, and Miniſters, as was ſet forth in the time of the ſaid late King Edward the ſixth, and added to the ſaid Book of Common-Prayer, and authorized by Parliament in the fifth and ſixth years of the ſaid late King, ſhall ſtand and be in full force and effect, and ſhall from henceforth be uſed and obſerved in all places within this Realm, and other the Queens Majeſties Dominions and Countries.

All acts done by any perſon about conſecration or inveſting any perſon elected to be Biſhop by vertue of the Queens Letters Patents ſithence the beginning of her Reign, ſhall be good.

All perſons made, and to be made Biſhops, Prieſts, Miniſters, &c. according to the Stat. of 5 & 6 Ed. 6. 1. be rightly made, Stat. 39 El. 8.

No perſon ſhall be impeached by any Certificate of any Biſhop heretofore made touching the Oath of Supremacy made 1 Eliz.

And that all Acts and things heretofore had, made or done by any perſon or perſons in or about any conſecration, confirmation, or inveſting of any perſon or perſons, elected to the Office or Dignity of any Archbiſhop or Biſhop within this Realm, or within any other the Queens Majeſties Dominions or Countries, by vertue of the Queens Majeſties Letters Patents or Commiſſion, ſithence the beginning of her Majeſties Reign, be and ſhall be by authority of this preſent Parliament, declared, judged and deemed, at and from every of the ſeveral times of the doing thereof, good and perfect, to all reſpects and purpoſes: Any matter or thing that can or may be objected to the contrary thereof in any wiſe notwithſtanding.

And that all perſons that have been or ſhall be made, ordered or conſecrate, Archbiſhops, Biſhops, Prieſts, Miniſters of Gods holy Word and Sacraments, or Deacons, after the form and order preſcribed in the ſaid order and form how Archbiſhops, Biſhops, Prieſts, Deacons, and Miniſters ſhould be conſecrated, made and ordered, be in very deed, and alſo by authority hereof, declared and enacted, to be and ſhall be Archbiſhops, Biſhops, Prieſts, Miniſters and Deacons, and rightly made, ordered and conſecrated: Any Statute, Law, Canon, or other thing to the contrary notwithſtanding.

Provided alwayes, and nevertheleſſe be it Enacted by the authority aforeſaid, That no perſon or perſons ſhall at any time hereafter be impeached or moleſted, in body, lands, livings or goods, by occaſion or mean of any [a] Certificate by any Archbiſhop or Biſhop heretofore made, or before the laſt day of this preſent Seſſion of Parliament to be made by vertue of any Act made in the firſt Seſſion of this preſent Parliament, touching or concerning the refuſal of the Oath, declared and ſet forth by Act of Parliament, in the firſt year of the Reign of our ſaid Soveraign Lady Queen Elizabeth: Any thing in this Act, or any other Act or Statute heretofore made to the contrary notwithſtanding.

[a] Dier. 334.

And that all tenders of the ſaid Oath, made by any Archbiſhop or Biſhop aforeſaid, or before the laſt day of this preſent Seſſion, to be made by authority of any Act eſtabliſhed in the firſt Seſſion of this preſent Parliament, and all refuſals of the ſame Oath ſo tendered, or before the laſt day of this preſent Seſſion, to be tendered by any Archbiſhop, or Biſhop, by authority of any Act eſtabliſhed in the firſt Seſſion of this preſent Parliament, ſhall be void, and of none effect or validity in the Law.

CAP. II.

The Defendant ſhall recover Coſts and Damages, where the Plaintiff doth delay or diſcontinue his Suit, or is Non-ſuit, &c.

The inconvenience of purſuing of ſuits upon malice without juſt cauſes.

Where divers perſons of their malicious minds, and without any juſt cauſe do many times cauſe and procure others of the Queens Majeſties loving Subjects, to be very much moleſted and troubled, by attachments and arreſts, made of their Bodies, as well by Proceſſe of Latitat, Alias, and Pluries capias, ſued out of the Court commonly called the Kings Bench, as alſo by Plaint, Bill, or other Suit, in the Court commonly called the Marſhalſey, and within the City of London, and other Cities, Towns corporate, and places where any liberty or priviledge is to hold pleas of Debt, Treſpaſſe, and other perſonal Acts and Suits: And when the Parties that be arreſted or attached, are brought forth to anſwer to ſuch Actions and Suits, as ſhould be objected againſt them, then many times there is no declaration or matter laid againſt the Parties ſo arreſted or attached, whereunto they may make an anſwer: And ſo the Party arreſted, is very maliſtiouſly put to great Charges and Expences, without any juſt or reaſonable cauſe. And yet nevertheleſſe, hitherto, by order of the Law, the Party ſo grieved and vexed, could never have any coſts or damages, to him to be judged or awarded for the ſaid unjuſt vexation and trouble.

For remedy whereof, Be it enacted and ordained by the authority of this preſent Parliament, That when and as often as any perſon or perſons, after the firſt day of January next coming, ſhall ſue forth, or by any mean cauſe, or procure to be ſued forth of the ſaid Court, commonly called the Kings Bench, any of the Writs or Proceſſe beforementioned, againſt any perſon or perſons, which upon the ſame Writ or Writs ſhall happen to be arreſted, or which ſhall appear upon the return of any of the ſaid Writs or Proceſſe, and ſhall put in his or their Bail or Bails, to anſwer ſuch Suit as ſhall be objected againſt him, according to the common order of the Court: that then in every ſuch Caſe, if the party or parties, at whoſe ſuit, means, or procurement, the ſame Writ, Writs, or Proceſſe was obtained or uſed forth, do not within three dayes next after ſuch Bail had and taken, put into the ſame Court his or their declaration againſt the ſame party or parties, againſt whom ſuch Writs or Proceſſe hath been or ſhall be ſued: or if after declaration had and put into the ſame Court, the Plaintiff in ſuch Caſe ſhall not proſecute the ſame with effect, but ſhall willingly and apparently to the ſame Court, ſuffer his or their ſaid Suit to be delayed, or ſhall after declaration ſo had, ſuffer the ſame Suit to be diſcontinued, or otherwiſe ſhall be non-ſuit in the ſame: That then, in every ſuch Caſe, the Judges of the ſaid Court for the time being, ſhall by their diſcretions from time to time, as they ſhall ſee or perceive any ſuch default to be in the party or parties, at whoſe ſuit, means, or procurement, ſuch Writs or Proceſſe was ſued forth, award and judge to every ſuch perſon and perſons ſo arreſted, vexed, moleſted, or troubled by ſuch Writs or Suit, his and their coſts, damages, and charges, by any means ſuſtained by occaſion of any ſuch Writs, Proceſſe, Arreſts, or Suits, taken, ſued, or had againſt him, to be paid by ſuch perſon or perſons, that ſo doth, or ſhall cauſe or procure any ſuch Writs or Proceſſe to be ſued forth, as is aforeſaid.

Coſts, damages, and charges ſhall be awarded where the Plaintiff doth delay his ſuit, doth diſcontinue, or is non-ſuit in the Kings bench.
23 H. 8. 15.
4 Jac. 3.
Cro El. 69.
Cro. Jac. 111.

A remedy if the Plaintiff do delay, diſcontinue, or is non ſuit in the Marſhalſey, or any City or Town corporate.

And be it further enacted by the Authority aforeſaid, That if any perſon or perſons, ſhall after the ſaid firſt day of January, cauſe or procure any other perſon or perſons, to be attached or arreſted to anſwer to any Bill, Plaint, Action, or Suit, in the ſaid Court of the Marſhalſey, or in any Court within the ſaid City of London, or in any City, Borough, Town corporate, or other place or places, where any liberty or priviledge is uſed to hold Plea, in any action or actions perſonal, and do not, in all Courts, having their continuance De die in diem, within three dayes next after ſuch time as the party Defendant or Defendants ſhall be bailed, or otherwiſe appear in Court, by force of any arreſt or attachment had and returned, and in all other Courts at the next Seſſions or Court to be holden, after ſuch arreſts or attachments, and appearance of the party Defendant or Defendants, whereas the ſaid party Defendant or Defendants, ſhall be compelled, or ought to appear (unleſſe a further day ſhall be eſpecially given by the diſcretion of the Court, from whence any precept, proceſſe, or attachment, ſhall be awarded) put, and exhibit his Bill or Declaration againſt ſuch perſon or perſons, as ſo by his ſuit and means, ſhall be attached or arreſted into ſuch Court, where the party by ſuch attachment or arreſt is compellable or ought to appear: or if any ſuch perſon or perſons, at whoſe ſuit or means any ſuch attachment or arreſt of any perſon or perſons, ſhall be ſo had and made, after his Declaration, Bill, or plaint exhibited, do not from thenceforth proſecute the ſame his Suit with effect, or ſhall ſuffer the ſame to be diſcontinued, or ſhall after be non-ſuit in the ſame, or willingly and apparently to the ſame Court, ſhall for vexation of the Defendant in ſuch Suit, delay the ſame Suit: That then in every ſuch caſe, the Judge or Judges of every ſuch Court, before whom any perſon or perſons ſhall ſo be ſued, moleſted, or troubled, by occaſion or mean of ſuch attachment or arreſt, or by ſuch Suit or Suits, ſhall forthwith by his or their diſcretion, from time to time, as he or they ſhall ſee or perceive any ſuch default or delay in the party that cauſed or procured any ſuch attachment or arreſt to be had, award, and judge to every ſuch perſon or perſons, which after the ſaid firſt day of January ſhall ſo be attached, arreſted, moleſted, vexed, or troubled, his Coſts, Damages, and Charges, by any means ſuſtained by occaſion of any ſuch attachment, arreſt or ſuit, ſo had and taken againſt him, to be paid by ſuch perſon or perſons, that ſo doth or ſhall cauſe or procure any ſuch attachment or arreſt to be ſo had or made.

And if any perſon or perſons, at any time after the firſt day of January, ſhall by any way or mean, maliciouſly, or for vexation and trouble, cauſe or procure any other perſon

The penalty for arreſting of any perſon at the ſuit of another not knowing thereof.
a Coke pl. fol. 160. Raſt. pla. fol. 591.
Cro. El. 234.

or perſons, to be arreſted or attached, to anſwer in any the Courts or places aforeſaid, at the ſuit, or in the name of any perſon or perſons, where indeed there is no ſuch perſon or perſons known, or without the aſſent, conſent, or agreement of ſuch perſon or perſons, at whoſe ſuit, or in whoſe name ſuch arreſt or attachment is or ſhall be ſo had and procured: that then every ſuch perſon and perſons, that ſo ſhall cauſe, or [a] procure any ſuch arreſt or attachment of any other perſon or perſons, to be had or made for vexation or trouble, as is aforeſaid, and ſhall thereof be convicted, or lawfully accuſed by Indictment, Preſentment, or by the teſtimony of two ſufficient witneſſes, or more, or other due proof; ſhall for every ſuch offence by him or them committed, done, or procured, have, and ſuffer impriſonment of his or their body or bodies by the ſpace of ſix moneths, without bail or mainpriſe: And before he or they ſhall be delivered out of priſon, ſhall pay unto the party or parties ſo arreſted or attached by his or their means or procurement, treble the coſts, charges, damages, and expences, that he or they ſhall be put unto, by reaſon or occaſion of ſuch arreſt or attachment ſo had, and ſhall alſo forfeit and pay unto ſuch perſon or perſons in whoſe name, or at whoſe ſuit he or they ſhall ſo procure ſuch arreſt or attachment to be had or made, if then there ſhall be any ſuch perſon known, the ſum of ten pounds for every ſuch offence.

A remedy to recover the coſts and damages awarded.
Raſt. pl. fol. 598.

And be it further enacted by the authority aforeſaid, That every perſon and perſons, to whom any coſts, charges, damages, forfeiture or payment of any ſum or ſums of money, by authority of this Act ſhall be awarded, judged, or forfeited: ſhall and may at all times hereafter have his or their remedy for the recovery thereof, by action of debt, bill, or plaint, in any Court of Record, againſt ſuch perſon or perſons, their Heirs, Executors, or Adminiſtrators, as ſhould or ought to pay the ſame by vertue or force of this Act, in which action, bill, or plaint, no eſſoine, protection, or wager of Law ſhall be admitted or allowed to any the Defendant or Defendants in the ſame.

CAP. III.

Penalty for conveying of any Sheep alive out of this Realm.

The penalty for delivering or receiving into any ſhip any ſheep, being alive, to be carried forth of the Realm.

For ſundry good cauſes and conſiderations, moved in this High Court of Parliament, Be it enacted by the authority of the ſame, That no manner of perſon or perſons, of what eſtate, degree, or condition ſoever he or they be, ſhall, after the laſt day of February next enſuing, bring, deliver, ſend, receive, or take, or procure to be brought, delivered, ſent, or received into any Ship or Bottom, any Rams, Sheep, or Lambs, or any manner of other kind of Sheep, being alive, to be carried and conveyed out of this Realm of England, Wales, or Ireland, or out of any of the Queens Highneſſe Dominions, upon the pain that every ſuch perſon or perſons, their Ayders, Abettors, Procurers, and Comforters, ſhall for his or their firſt offence or offences, ſo done contrary to the true meaning of this Eſtatute, forfeit and loſe all his goods for ever: whereof the one moyety ſhall be to the Queens Majeſty, her Heirs and Succeſſors; the other moyety to him or them that will ſue for the ſame in any Court of Record, wherein no eſſoine, protection, nor wager of Law for the Defendant ſhall be admitted or allowed.

And further, every ſuch Offendor or Offendors ſhall ſuffer impriſonment by the ſpace of one whole year, without bail and mainpriſe: and at the years end, ſhall in ſome open Market Town, in the fulneſſe of the Market, on the Market day, have his left hand cut off, and that to be nailed up, in the openeſt place of ſuch Market. And that every perſon or perſons eftſoons offending againſt this Statute, ſhall be adjudged a Felon, and ſhall ſuffer death, as in caſes of felony.

The ſecond offence felony.

No corruption of blood, or forfeiture of Dower.

Provided alwayes, That this Act ſhall not extend to any corruption of blood, or be prejudicial or hurtful to any woman, claiming Dower by or from any ſuch Offendor or Offendors: Any thing in this Act to the contrary notwithſtanding.

Which Juſtices may hear and determine the offences aforeſaid.

And be it further enacted by the authority aforeſaid, That the Juſtices of Oyer and Terminer, Juſtices of Gaol-delivery, and Juſtices of Peace, in every County and Shire within this Realm of England and Wales, and other the Queens Majeſties Dominions, ſhall have full power and authority by vertue of this Act, to enquire of every Offendor and Offendors, contrary to the form and effect of this Act, and to hear and determine every offence and offences, committed, perpetrated and done contrary to the form and effect of the ſame, according to the courſe of the Laws of this Realm. 3 H. 6. 2.

CAP. IV.

He that taketh away privily from the perſon of another, Money or Goods, not knowing thereof, ſhall not have his Clergy, &c.

The impudent boldneſſe of Cut-purſes and Pick-purſes.

Where a certain kind of evil diſpoſed perſons, commonly called Cutpurſes, or Pickpurſes, but indeed by the Laws of this Land very Felons and Theeves, do confeder together, making among themſelves, as it were, a Brotherhood or Fraternity of an Art or Myſtery, to live idly by the ſecret ſpoyl of the good and true Subjects of this Realm: And as well at Sermons and preachings of the Word of God, and in places and time of doing Service and Common Prayer in Churches, Chappels, Cloſets, and Oratories: And not only there, but alſo in the Princes Palace, Houſe, yea and Preſence, and at the places and Courts of Juſtice, and at the times of miniſtration of the Laws in the ſame, and in Fairs, Markets, and other Aſſemblies of the People: Yea, and at the time of doing of execution of ſuch as been attainted of any Murder, Felony, or other criminal cauſe, ordained chiefly for terror and example of evil Doers, do without reſpect or regard of any time, place, or perſon, or of any fear or dread of God, or any law or puniſhment, under the cloak of honeſty, by their outward apparel, countenance and behaviour, ſubtilly, privily, craftily, and feloniouſly, take the Goods of divers good and honeſt Subjects, from their perſons, by cutting and picking their Purſes, and other felonious ſlights and devices, to the utter undoing and impoveriſhment of many.

Be it therefore enacted by the authority of this preſent Parliament, That no perſon or perſons, which hereafter ſhall happen to be indicted or appealed for felonious taking of any Money, Goods, or Chattels, from the perſon of any other, privily without his knowledge, in any place whatſoever, and thereupon found guilty by verdict of twelve men, or ſhall confeſſe the ſame upon his or their arraignment, or will not [a] anſwer directly to the ſame, according to the Laws of this Realm, or ſhall ſtand wilfully, or of malice, or obſtinately mute, or challenge peremptorily above the number of twenty, or ſhall be upon ſuch indictment or appeal outlawed, ſhall from henceforth be admitted to have the benefit of his or their Clergy, but utterly be excluded thereof, and ſhall ſuffer death, in ſuch manner and form, as they ſhould if they were no Clerks.

[a] Fitz. Cor. 434.

He that doth feloniouſly take mony, &c. privily from the perſon of another, ſhall not have his Clergy.

And alſo, whereas divers perſons do oft times commit, and do divers and ſundry deteſtable Murders, hainous Robberies and Felonies, and other capital offences, for the which Clergy is not allowable by the Laws and Statutes of this Realm, and after the ſame offences ſo done, [b] either fly out of the County, or other parts of this Realm, into the parts beyond the Seas, or keep themſelves ſecret in other places where they are not known, for a great time, and after happen to commit ſome other felony, for the which they may have their Clergy, and being arraigned for the ſame, have their Clergy to them allowed, and thereupon committed to the Cuſtody of the Ordinary, according to the Law and Cuſtome of this Realm, the former offence, wherein Clergy is not grantable, being not then known, and ſo by that means cannot after be impeached for the ſaid other horrible and great offences, by the Law and Cuſtom of this Realm, to the great encouraging of Offendors, uſing ſuch practiſes of foreknowledge and ſet purpoſe, for their diſcharge of the ſame.

[b] Dyer, fol. 14.

Where one ſhall be arraigned for a former offence, having his Clergy for a later. Stat. 18 Eliz. 7. 25 Ed. 3. 5.

For reformation whereof, Be it further enacted by the authority aforeſaid, That every perſon or perſons, which ſhall hereafter upon his and their arraignment for any felony, be admitted to the benefit of his Clergy, by the Laws of this Realm, and delivered to the Ordinary for the ſame, and ſhall make his due purgation for the ſame Offence or Offences, whereupon he was ſo admitted to his Clergy, and ſhall before the ſame admiſſion to his Clergy, have committed any other ſuch Offence, whereupon Clergy by the Laws or Statutes of this Realm is not allowable, and not being thereof indicted and acquitted, convicted or attainted, or pardoned, ſhall and may be indicted or appealed for the ſame, and thereupon put to anſwer, and ordered, and uſed in all things according to the Laws and Statutes of this Realm, in ſuch like manner and form, as though no ſuch admiſſion of Clergy had been: Any Law, Cuſtome, or Uſage to the contrary notwithſtanding.

CAP. V.

A ſentence definitive in a Civil and Marine cauſe by Delegates appointed by Commiſſion, ſhall be final.

For the avoiding as well of long and tedious Suits, as alſo of great Charges and Expences in proſecuting of Civil and Marine Cauſes, by reaſon of divers appeals permitted to be made by order of the Laws Civil in ſuch Cauſes, and to the intent that as well Strangers, as alſo others the Subjects of this Realm, that ſhall have cauſe of Suit in thoſe matters, may have ſuch expedition in the ſame, as their natures and qualities do require: Be it enacted by the Queens Majeſty our Soveraign Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from the laſt day of this preſent Seſſion of Parliament, all and every ſuch Judgment and Sentence definitive, as ſhall be given or pronounced in any Civil and Marine Cauſe, upon appeal lawfully to be made therein, to the Queens Majeſty in her Highneſſe Court of Chancery, by ſuch Commiſſioners or Delegates, as ſhall be nominated and appointed by her Majeſty, her Heirs or Succeſſors, by Commiſſion under the half Seal, as it hath been heretofore uſed, in ſuch caſes ſhall be final, and no further appeal to be had or made from the ſaid Judgment or Sentence definitive, or from the ſaid Commiſſioners or Delegates, for or in the ſame: Any Law, Uſage, or Cuſtome to the contrary notwithſtanding. Co. Inſt. 4. Part, 135.

A ſentence definitive in a Civil and Marine cauſe by Delegates appointed by Commiſſion, ſhall be final.

CAP. VI.

No Kentiſh nor Suffolk Clothes ſhall be tranſported unwrought: and for every nine Clothes unwrought tranſported by licence, one Cloth ſhall be wrought of like ſort, length, breadth, and goodneſs,

For the better employment and relief of great multitudes of the Queens Subjects, uſing the Art and labour of Cloth-working It may pleaſe the Queens moſt excellent Majeſty, at the moſt humble Suits of her ſaid Subjects, that it be enacted,

And be it enacted by authority of this preſent Parliament, That from henceforth for every nine Clothes unwrought, hereafter to be ſhipped or carried into any the parts beyond the Seas, contrary to the form of any Statute heretofore made, and now remaining in ſtrength, by force of any licence hereafter to be granted, the Party that ſhall ſhip and carry over the ſame, ſhall ſhip and carry over alſo one like woollen Cloth, of like ſort, length, breadth, and goodneſſe, ready wrought and dreſſed; that is to ſay, rowed, barbed, firſt courſed and ſhorn from the one end to the other, ſo that every tenth Cloth paſſing over the Seas, in form aforeſaid, may and ſhall be dreſſed within this Realm, before the ſame ſhall be ſhipped or tranſported over, upon pain to forfeit for every ſuch nine Clothes ſo to be ſhipped or tranſported, contrary to the meaning of this Act, ten pounds.

For nine clothes tranſported by licence, one ſhall be ready wrought. 7 Ed. 4. 3. 3 H. 7. 11. 27 H. 8. 13. 33 H. 8. 19.

Provided alwayes, That every ſuch tenth Cloth ſo to be tranſported ready wrought, ſhall not be accounted any of the Clothes permitted to be tranſported by force of ſuch licence, but that ſuch perſon as ſhall have ſuch licence, may tranſport according to ſuch licence, the full number of Clothes unwrought, mentioned in the ſame licence, over and above the number of ſuch tenth Clothes, which they ſhall be compelled to ſhip and carry over by force of this Statute.

The tenth cloth ſhall be none of the licence.

Kentiſh or Suffolk cloth ſhall not be tranſported unwrought by any licence.

And be it further enacted by authority aforeſaid, That from the laſt day of February now next coming, no perſon ſhall ſhip, or carry into the parts beyonds the Seas, contrary to the form of any Statute heretofore made, now remaining in force, any Cloth, commonly called Kentiſh Cloth, or Suffolk Cloth, made or to be made in the Counties of Kent or Suffolk, unwrought and undreſſed within this Realm, that is to ſay, not rowed, barbed, firſt courſed and ſhorn, upon pain to forfeit for every ſuch Cloth, commonly called Kentiſh or Suffolk Cloth, made or to be made in either of the ſaid Counties, ſo to be ſhipped or tranſported contrary to the form of this Statute, forty ſhillings.

And that no licence for tranſporting of any Cloth or Clothes, ſhall be conſtrued or expounded to extend to any ſuch Kentiſh or Suffolk Cloth, made, or to be made, in either of the ſaid Counties, to be from henceforth tranſported.

Who ſhall ſhall have the forfeiture, and by what means.

And that all forfeitures appointed by this Statute, for tranſporting of Clothes, ſhall be the one half to the Queens Majeſty, her Heirs and Succeſſors, and the other moyety to the Maſter and Wardens of the ſaid Company of Clothworkers, to the relief of the poor of the ſaid Company, to be recovered in any Court of Record, by action of debt, bill, plaint, or information, wherein no eſſoine, protection, or wager of Law, for the Defendant ſhall be admitted or allowed.

CAP. VII.

Who may uſe the Trade or Occupation of Drapers in Shrewsbury, of the Liberties thereof, &c.

A fraternity of the myſtery of Drapers in Shrewsbury.

What benefit the ſame company have received and done to others by buying and ſelling of Welſh cloth and lining.

The inconveniences that unskilful perſons do, that do deal in a trade whereof they are ignorant.

FOraſmuch as in the Town of Shrewsbury in the County of Salop, there hath been, time out of mind of man, and yet is, a Company, Fraternity, or Guild of the Art and Myſtery of Drapers; which ſaid Company, Fraternity, or Guild, hath been by a great time lawfully encorporated, and made a body politick: which ſaid Corporation and Fraternity, hath by reaſon of a certain Trade and Occupation of buying and ſelling of Welſh Cloth and Lyning, commonly called Cottons, Frizes, and Plaines, which they have had, and uſed amongſt them, been able not only to live thereby, but alſo have at their common coſts provided houſes and other neceſſaries for poor people within the ſaid Town of Shrewsbury, whom alſo with further relief they do weekly help and maintain. And by the ſame their Trade aforeſaid, have uſed moſt commonly to ſet on work, above ſix hundred perſons, of the Art or Science of Sheeremen, or Frizers, within the ſaid Town of Shrewsbury, whereby as well they, as their poor Wives and Families, are wholly maintained and kept. To the impeachment and hinderance of which ſaid Trade, divers Artificers, and other perſons within the ſaid Town of Shrewsbury, not being of the ſaid Company or Myſtery, nor brought up in the uſe of the ſaid Trade, have of late with great diſorder, upon a meer covetous deſire and mind, intromitted with, and occupied the ſaid trade of buying of Welſh Cloth or Lyning, having no knowledge, experience or skill in the ſame. By reaſon whereof, the ſaid ignorant and unskilful perſons, have and do buy commonly and daily ſuch Welſh Cloth and Lynings as is defective, and not truly made, according to the good Laws and Statutes of this Realm in that behalf provided. By means whereof, the ſaid trade is greatly decayed and diſcredited, to the great loſſe and hinderance of ſuch poor Sheermen and Frizers, as were wont to be ſet on work thereby, and of all others that were wont to be maintained and relieved by the ſaid Trade, as well in making as working of the ſaid Frizers, Cottons, and Plains: and to the great deceit, damage, and hinderance of all the Queens Majeſties Subjects, that buy and provide the ſame, and to the ſlander and diſcredit of the ſaid Commodities in foreign parts, where, by the occaſion aforeſaid, they are grown out of eſtimation and credit.

The good intent of the ſtat. of 4 & 5 P. & M. 5.

And where moreover in the Parliament holden at Weſtminſter, in the fourth and fifth years of the reign of our late Soveraign Lord and Lady, King Philip and Queen Mary, upon good and deliberate advice, amongſt other things, It was enacted, That no perſon or perſons which ſhould buy to ſell again, by way of retail, or otherwiſe, any of the ſaid Welſh Lynings, ſhould dreſſe or work, or cauſe to be dreſſed and wrought, within his or their dwelling-houſe or houſes, or in any other place, by himſelf or his Servant, any of the ſaid Welſh Lynings, but ſhould put the ſame to ſome ſuch perſon or perſons, as ſhould be of the Art or Science of Sheermen, Cottoners, or Frizers, to be by them wrought and dreſſed, upon pain of forfeiture for every Welſh Cloth or Lyning, frized or cottoned to the contrary, ſix ſhillings and eight pence, as in the ſame Act doth appear. Sithence which time, divers perſons for the defrauding of the ſaid Statute, have cauſed others to buy the ſaid Frizes, Cottons, and Plaines, and then to take the workmanſhip thereof unto themſelves, of ſuch buyers: uſing the like fraud, by buying and turning work over unto the ſame perſons, of whom they receive work, to the manifeſt defrauding of the good intent and meaning of the ſaid Statute.

By what fraudulent means the good intent of the ſaid ſtat. is defeated.

No perſon inhabiting in Shrewsbury ſhall occupy the trade of buying of Welſh Cottons, &c. unleſſe he be free thereof. REP. 14 El. 12.

For remedy whereof, and for the benefit and relief of the poor men, that be Sheermen and Frizers: Be it enacted by the authority of this preſent Parliament, That from and after the Feaſt of Eaſter next enſuing, no manner of perſon or perſons whatſoever, inhabiting and dwelling within the ſaid Town of Shrewsbury, or the Liberties and Franchiſes of the ſame Town, other than ſuch as have, or ſhall have ſerved as Apprentices in the ſaid Occupation and Science of Drapers, or be, or ſhall be free of the ſaid Science or Myſtery, ſhall occupy, uſe, exerciſe, or frequent the ſaid Trade, Art, Myſtery, or Science of buying of the ſaid Welſh Cloth or Lyning, Cottons, Frizes, and Plaines, nor having any factor or doer for him or them in the ſame, nor by any colour, engine or fraud, be any Occupier of the ſaid Frizes, Cottons, and Plaines, upon pain that every perſon and perſons, inhabiting as is aforeſaid, and occupying, uſing or exerciſing the ſaid Trade, Occupation, or Science of buying of Welſh Cloth and Lyning, and not authorized by this preſent Act, ſhall loſe and forfeit for every piece of the ſame Clothes ſo bought, ſix ſhillings and eight pence.

And other that, Be it further enacted, That no perſon dwelling and inhabiting, as is aforeſaid, and uſing and occupying the ſaid Trade of buying of Frizes, Cottons, or Plaines, ſhall uſe or exerciſe the faculty of frizing or cottoning, upon pain to incur ſuch like forfeitures for every offence, as is above mentioned. The moyety of all ſuch pains and forfeitures above mentioned, ſhall be to our Soveraign Lady the Queen, her Heirs and Succeſſors, and the other moyety to ſuch perſon and perſons as will ſue for the ſame in any Court of Record, by action, bill, or plaint of debt, wherein no Protection, Eſſoine, Injunction or Wager of Law ſhall be allowed and admitted.

He that occupieth the trade of buying of frizes, cottons, &c. ſhall not exerciſe to frize or cotton.

Provided always, and be it further enacted by the authority aforeſaid, that this preſent Act, or any thing, ſentence or matter therein contained, ſhall not extend, or be in any wiſe prejudicial or hurtful to any ſuch perſon or perſons as have heretofore uſed, occupied, or frequented the ſaid Trade, Art, Myſtery, or Science of buying or ſelling of Welſh Clothes or Lynings aforeſaid, but that every ſuch perſon or perſons, which hath or have uſed the ſaid Trade or Science, as is aforeſaid, ſhall and may have and enjoy the like benefit, commodity and advantage, as well in buying and ſelling the ſaid Welſh Clothes and Lynings, as otherwiſe, in as large, free, and ample manner and form, as if this Act had never been made.

A proviſo for them that occupied before the trade of buying of Welſh cloth.

And further, to the intent the ſaid poor Sheermen, Frizers and Cottoners, may be the better relieved and maintained; Be it enacted by the authority aforeſaid, That all and every perſon and perſons, occupying and uſing, or which hereafter at any time ſhall occupy or uſe the ſaid Trade, Science, or Art of buying and ſelling of Welſh Cloth and Lynings aforeſaid, and ſhall from the Feaſt of Eaſter next enſuing, deliver any Welſh Cloth or Lynings aforeſaid, to be cottoned, frized, dreſſed or wrought, to any Sheerman, Cottoner or Frizer, ſhall deliver, content, and pay to the ſaid Sheerman, Cottoner or Frizer, ready and preſent money for all his ſaid work, without any colour, fraud, or engine whatſoever, and ſhall not deliver any Ware or other thing whatſoever in contentation or ſatisfaction of his ſaid work, or any part thereof, upon pain that every perſon offending in that behalf, ſhall forthwith loſe all ſuch liberties, freedoms and priviledges, which he hath or ſhall have, as one of the ſaid Company, Fraternity, or Guild of the ſaid Art and Myſtery of Drapers: and alſo ſhall for ever after be utterly diſabled and excluded to uſe, occupy or enjoy, by himſelf, or by any other for him, or to his uſe, the ſaid Trade, Art, Myſtery, or Science of buying or ſelling of Welſh Clothes or Lynings: This Act, or any other matter or thing whatſoever to the contrary in any wiſe notwithſtanding.

Occupiers of the Trade of buying and ſelling Welſh cloth ſhall pay to their Sheermen ready money.

CAP. VIII.

The Statute of 32 H. 8. 13. mentioning ſo much as the height of Horſes feeding upon the Mariſh grounds of the Counties of Huntington, Cambridge, Lincoln, &c. And of what height the Horſes feeding there ſhal be.

Where at a Parliament holden at Weſtminſter, the two and thirtieth year of the reign of the moſt victorious Prince of famous memory, King Henry the eighth, moſt dear Father unto the Queens moſt excellent Highneſſe, our Soveraign Lady that now is, amongſt other things, It was ordained, eſtabliſhed and enacted by the ſaid late King, with the aſſent of the Lords Spiritual and Temporal, and the Commons of the ſame Parliament aſſembled, for the increaſe and breed of greater and ſtronger Horſes from thence after to be had, within this Realm of England: That no Commoner or Commoners within any Foreſt, Chaſe, Moor, Mariſh, Heath, Common or waſt Ground, nor any Officer or Officers, of, or within any of the ſaid Foreſts or Chaſes, nor any other perſon or perſons whatſoever he or they be, at any time after the laſt day of March, which ſhould be in the year of our Lord God, M. D. xliii. then next following the Seſſion of the ſame, ſhould have or put to Paſture, into or upon any ſuch Ground, Foreſt, Chaſe, Moor, Mariſh, Heath, Common or waſte Ground, any ſtoned Horſe or Horſes, being above the age of two years, and not being of the altitude and height of fifteen handful, to be meaſured from the loweſt part of the hoof, unto the higher part of the wither, and every handful to contain four inches of the Standerd, to paſture, feed, or to be nouriſhed in or upon any of the ſaid Foreſts, Chaſes, Commons, Moors, Mariſhes, Heaths, or waſte Grounds, within any of the ſaid Shires and Territories of Norfolk, Suffolk, Cambridge, Buckingham, Huntington, Eſſex, Kent, Southampton, Northwilſhire, Oxford, Bark, Worceſter, Glouceſter, Somerſet, Northwales, Southwales, Bedford, Warwick, Northampton, Yorkſhire, Cheſhire, Stafford, the County of the City of York, the Town and Liberties of Glouceſter, the County of the Town of Kingſton upon Hull, the County Palatine of Lancaſter, the County of Salop, Leiceſter, Hereford, and Lincoln, or within any of them, nor ſhall put to feed or paſture any ſtoned Horſe or Horſes, being above the ſaid age of two years, and not being in height of fourteen handful to be meaſured as is abovesaid, within or upon any like ground or grounds, as hath been above written, lying or being within any other Shire of this Realm, neither yet any of them, upon pain of forfeiture and loſſe of the ſaid Horſe or Horſes, which ſhould be found in or upon any ſuch Ground, Foreſt, Chaſe, Moor, Mariſh, Heath, Common or waſte grounds, at any time after the ſaid laſt day of March, which was in the year of our Lord God, M. D. xliii. contrary to the form of the ſaid late Eſtatute, and further, as by the ſaid Eſtatute more fully and at large may appear. By reaſon whereof, and ſince which time, divers and ſundry great and manifolds hurts, hinderances and loſſes have happened and chanced as well to the Inhabitants of the Moors, Mariſhes and Fenne grounds within the Iſle of Ely, ſituate, lying and being in the ſaid County of Cambridge, as alſo to the Inhabitants of other the Moors. Mariſhes, and Fenne grounds within the ſaid Shire, together with the Counties of Huntington, Northampton, Lincoln, Norfolk and Suffolk, next adjoyning and bordering upon the ſame Iſle: For that the ſaid Moors, Mariſhes and Fenne grounds becauſe of the rottenneſſe, unfirmneſſe, moyſture and wateriſhneſſe, were never able, ne yet are, to breed, bear, or bring forth ſuch great breed of ſtoned Horſes, of ſuch highneſſe and high ſta-

The effect of the ſtat. of 32 H. 8. 13. ordained for the breeding of Horſes of an higher ſtature.

The inconveniences which enſued to divers perſons by the Statute of 32 H. 8. 13.

ture, as within the aforeſaid Statute are expreſſed, without danger and peril of the mireing, drowning and periſhing of the ſame. Whereupon many Promotors, taking occaſion by reaſon of the aforeſaid Eſtatute, have as well entred into the ſaid Iſle, as alſo other the Moors, Mariſhes, and Fenne grounds, in all the Countrey next bordering and joyning unto the ſame, and taking away by vertue and purvey of the ſaid Eſtatute, from divers poor men, not being able otherwiſe to remedy the ſame, their Horſe, not being comparable of like ſtature to the ſaid Eſtatute, as well to the great loſſe and hinderance of all the breed of Horſes there, no man daring to put any ſuch forth on the ſaid ground, for fear of ſuch perſons: as alſo to the utter ſubverſion and decay of all the Tillage and carriage within the ſaid Iſle, and others the Countries round about the ſame, in time to come.

A repeal of ſo much of the ſtatute of 32 H. 8. 13. as doth concern certain Counties and places.

For reformation and redreſſe whereof, Be it further enacted by the Queen our Soveraign Lady, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That as much of the aforeſaid Eſtatute, made in the ſaid two and thirtieth year of King Henry the eighth, or yet any part, branch, or article, or any parcel thereof, touching or concerning any the Mariſhes and ſeggy Fenne grounds within the ſaid Iſle, ſituate, lying and being in the ſaid County of Cambridge, together with all other the Mariſhes, and ſeggy Fenne grounds within the ſaid Shires of Cambridge, Huntington, Northampton, Lincoln, Norfolk, ſhall be from henceforth utterly repealed, fruſtrate, void and of none effect in the Law, any thing in the ſaid former Act expreſſed to the contrary notwithſtanding.

Of what height horſes ſhall be, feeding upon the Commons in the Iſle of Ely, &c.

Nevertheleſſe, Be it ordained and enacted by the authority of this preſent Parliament, That no perſon or perſons whatſoever he or they be, at any time after the laſt day of March next coming, ſhall have or put to paſture into or upon any Mariſh or ſeggy Fenne ground within the ſaid Iſle of Ely, or into or upon any Mariſh or ſeggy Fenne grounds within the ſaid Counties of Cambridge, Huntington, Northampton, Lincoln, Norfolk and Suffolk, or any of them, any ſtoned Horſe or Horſes, being above the age of two years, and not being of the altitude and height of thirteen handful, to be meaſured from the loweſt part of the hoof of the forefoot, unto the higher part of the wither, and every handful to contain four inches of the Standard, to paſture, feed, or to be nouriſhed, in or upon any the ſaid Mariſhes, or ſeggy Fenne grounds within the ſaid Iſle, and within the ſaid Counties of Cambridge, Huntington, Northampton, Lincoln, Norfolk and Suffolk, or any of them, upon ſuch and the like pain as by the ſaid former Act is limited and expreſſed.

CAP. IX.

So much of the Statute of 23 H. 8. 4. as concerneth the prices of Veſſels for Ale and Beer repealed, &c.

The effect of the Statute of 23 H. 8. 4 touching the prices of Barrels and Kilderkins.

IN their moſt humble wiſe ſhewen unto the Queens moſt excellent Majeſty, and unto the Lords Spiritual and Temporal, and unto the Commons in this preſent Parliament aſſembled: The Cowpers of the City of London, and of all other Cities and Towns within this Realm of England, that where in the Parliament holden by prorogation at Weſtminſter the fifteenth day of January in the three and twentieth year of the Reign of the late King of famous memory, King Henry the eighth, Father to our ſaid Soveraign Lady the Queens Highneſſe that now is, there was one Statute made and enacted, entituled, An Act, that no Brewers of Beer or Ale, ſhall make their Barrels, Kilderkins, nor Firkins within them; and how much the ſame Barrels, Kilderkins and Firkins ſhall contain. In which Statute, amongſt other things therein contained, It is enacted, That no Artificer of the Cowpers ſhall inhaunce the prices of any ſuch Barrels, Kilderkins, Firkins, or other Veſſels, in the ſale of them to any Ale-brewer or Beer-brewer, or other perſon, as in the ſaid Act are mentioned, but ſhould keep the rates of ſuch prices, as in the ſame Act are expreſſed, and not above, upon pain to forfeit for every Barrel, Kilderkin and Firkin, defective or inhaunced in price, in any point contrary to the ſaid Act, three ſhillings and four pence. (That is to ſay) for every Beer-barrel nine pence, for every Beer-kilderkin five pence, for every Beer-firkin three pence. And the Ale-barrel ſixteen pence, the Ale-kilderkin nine pence, and the Ale-firkin five pence, as by the ſame Act amongſt divers other things therein contained, more fully and at large doth and may appear. Since which time the Clove-bord and ſtuff whereof the ſaid veſſels and the hoops thereof ſhould be made, are riſen and grown to ſuch exceſſive prices, that ſuch as do make the ſaid veſſels, cannot make and ſell any ſuch Barrels, Kilderkins, Firkins, or other veſſels, at the prices expreſſed in the ſaid Eſtatute, but to their great loſſe and hinderance: whereby the Myſtery, Trade, and Faculty of the ſaid Cowpers is utterly overthrown, to the impoveriſhment and utter undoing of them, their Wives, Children, and Families, as is moſt evident.

The difference between the old and new prices of Barrel boards and hoops.

Foraſmuch as at the time of the making of the ſaid Eſtatute, the Cowpers might have bought a thouſand of Barrel-boords for twelve ſhillings, or thirteen ſhillings and four pence; and a thouſand of Kilderkin-boords for nine ſhillings or ten ſhillings; and a load of hoops for nine ſhillings or ten ſhillings: And now a thouſand of Barrel-boords cannot be bought under three and thirty ſhillings and four pence, and forty ſhillings; and a thouſand of Kilderkin-boords under ſix and twenty ſhillings and eight pence; and a load of hoops under three and thirty ſhillings and four pence, and forty ſhillings, as is right well and notoriouſly known.

A repeal of ſo much of the Stat. of 23 H. 8. 4. as toucheth the prices of Veſſels for Ale and Beer.

Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That as much of every article, clauſe and ſentence, compriſed in the ſaid Eſtatute, made in the ſaid three and twentieth year of the Reign of the ſaid late King, as doth touch and concern the prices of Barrels, Kilderkins, Firkins, and other veſſels, and all and every pain and forfeiture expreſſed and declared in the ſaid Act, for ſelling of any of the ſaid kind of veſſels, above the prices before ſpecified, from the time of new prices to be ſet in form hereafter expreſſed, for ſuch places only as the ſame new prices ſhall be ſet, ſhall be clearly repealed, fruſtrate and made void.

And that from henceforth the prices of all Barrels, Kilderkins, Firkins, and other Veſſels to be ſold, for Ale, Beer, or Sope, to be uttered therein, ſhall be rated and taxed by Mayors, Bayliffs, and other head Officer or Officers of every City and Town corporate, where any ſuch Veſſels ſhall be made, or offered to be ſold.

Who ſhall rate the prices of Veſſels for Ale and Beer.

And where ſuch Veſſels ſhall be made or ſold out of any City, Borough, or Town corporate, the prices thereof ſhall be rated and taxed by the Juſtices of the Peace, or the more part of them, being preſent in the general Quarter-Seſſions, yearly next after Eaſter, at ſuch reaſonable prices as they ſhall think reaſonable by their diſcretions. The ſaid Eſtatute, made in the ſaid three and twentieth year of the reign of the ſaid late King Henry the eighth, or any other Law, Cuſtom or Uſage to the contrary thereof in any wiſe notwithſtanding.

And be it further enacted, That if the ſaid Cowpers, or any of them, ſhall not make ſale, according to ſuch prices as ſhall be rated, as is aforeſaid, after Proclamation thereof made: that then every perſon and perſons ſo offending, ſhall for the ſame incur the pains and forfeitures mentioned in the ſaid Statute, made the ſaid three and twentieth year of the reign of the ſaid late King: That is to wit, for every Barrel, Kilderkin, and Firkin, which ſhall be ſold at greater price than ſhall be rated, as is aforeſaid, the ſum of three ſhillings and four pence, of lawful money of England, whereof the one moyety to be to the Queens Highneſſe, her Heirs and Succeſſors, and the other moyety to ſuch perſon or perſons as will ſue for the ſame by action of Debt in any Court of Record, wherein no Protection, Eſſoine, or Wager of Law ſhall be allowed and admitted.

The forfeiture of Cowpers not ſelling their veſſels at the prices rated.

CAP. X.

The Statutes made in the reigns of Ed. 4. H. 7. and H. 8. concerning ſo much as the prices of Bows, repealed. And who may be Bowyers in London, or the Suburbs thereof, &c.

Moſt humbly complaining, ſheweth unto your Highneſſe, and to your High Court of Parliament, your obedient Subjects, the Bowyers, dwelling and inhabiting within the City of London, and the Suburbs of the ſame, That where in the Parliament of the late King of moſt famous memory, King Henry the eighth, begun and holden at Weſtminſter, the ſixteenth day of January, in the three and thirtieth year of the reign of the ſaid late King, and there continued untill the firſt day of April then next following, there was one Act and Statute then made and provided, intituled, An Act for the maintenance of Artillery, and debarring of unlawful Games. In which Act and Statute, amongſt other things, there is one branch contained and ſpecified: The tenour whereof is, as hereafter followeth, that is to ſay, And to the intent, that every perſon may have Bows of mean price; Be it enacted by the authority aforeſaid, That every Bowyer dwelling out of the City of London, ſhall after the Feaſt of the Purification of our Lady, then next coming, for every Bow that he maketh of Ewe, make four other Bows meet to ſhoot in, of Elm, Witchhaſel, Aſh, and other wood apt for the ſame, under the pain to loſe and forfeit for every ſuch Bow ſo lacking, three ſhillings and four pence. And every Bowyer, dwelling within the City and Suburbs of London, ſhall from and after the ſaid Feaſt of the Purification of our Lady then next coming, for every Bow of Ewe, make two other Bows apt for ſhooting, of Aſh, Elm, Witchhaſel, or other wood meet for the ſame, under the like pain and forfeiture, as by the ſaid Statute more plainly it doth and may appear. And although the ſaid branch of the ſaid Statute be needful and expedient to remain and continue for ſuch Bowyers as do dwell and inhabit in the Country and other places out of the City of London, and the Suburbs of the ſame: Yet foraſmuch as there be very few or no Bows of Elm, Witchhaſel or Aſh, or any other wood, than only of Ewe, uſed or occupied by any perſon within the ſaid City and Suburbs of the ſame: therefore the ſaid branch of the ſaid Act and Statute before rehearſed, was not, ne is needful to be had and made for the Bowyers, dwelling within the ſaid City and Suburbs.

A rehearſal of the Statute of 33 H. 8. 9. touching the making of Bows.

And yet neverthleſſe, your ſaid Subjects, for the avoiding of the danger and penalty contained in the ſaid branch, are daily inforced to make ſuch great number of Bows of Elm, Witchhaſel and Aſh, that they cannot in convenient time, utter and ſell the ſame, but are conſtrained to keep ſuch Bows by them ſo made, untill they be putrified, and not meet for any good uſe and purpoſe.

By reaſon whereof, much of the ſaid wood of Elm, Witchhaſel and Aſh, is daily waſted and conſumed in making of the ſaid Bows, and your ſaid Subjects, by ſuch loſſes as they daily ſuſtain in making ſuch Bows, greatly impoveriſhed, and the Commonwealth thereby nothing advanced, but rather hindered.

And where alſo the ſeveral Statutes of the noble King of famous memory, King Edward the fourth, made in the two and twentieth year of his reign, and in the third year of the reign of King Henry the ſeventh, Grand-Father to our ſaid Soveraign Lady the Queens Majeſty, and in the ſaid xxxiii. year of the reign of our ſaid late Soveraign Lord King Henry the eighth, Father to our ſaid Soveraign Lady, there is mention made of the prices of Bows, which at thoſe ſeveral times was appointed to be but three ſhillings and four pence, and not above, to ſell the beſt.

22 Ed. 4. 4.
3 H. 7. 13.
33 H. 8. 9.

At which ſaid times, ſuch Bows might well have been ſo ſold to any perſon or perſons, according to the rates and prices expreſſed in the ſaid ſeveral Acts, untill now, within this twenty years, the prices of Bow-ſtaves have diverſly been raiſed and enhaunced from five pounds a hundreth, to twelve pounds, or thereabouts; for which cauſes, the prices contained in the ſaid ſeveral Statutes, cannot be obſerved: and yet your Majeſties ſaid Subjects the Bowyers, are preſently in danger of the ſaid ſeveral Statutes concerning the prices of Bows, which they humbly beſeech your Majeſty, with the aſſent of your High Court of Parliament, may be releaſed unto them, and the penalties appointed for the ſame.

Be it therefore enacted, ordained, and eſtabliſhed by the Queens Majeſty our Soveraign Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this

A repeal of ſo much of the Statutes of 22 Ed. 4. 4. 3 H. 7. 13 & 33 H. 8. 9. as do concern the prices of Bows, and the making of Bows of Elm, &c. in London, &c.

preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Statutes of King Edward the fourth, and King Henry the ſeventh, concerning the prices of Bows, and all the branches contained in the ſaid Statute of King Henry the eighth, ſo far forth as the ſame extendeth to the prices of Bows, therein expreſſed only, from the firſt day of this preſent Parliament, and ſo for ever, be thereby clearly repealed, and made void and fruſtrate, to all intents, conſtructions and purpoſes, and alſo all and every clauſe and ſentence of the ſaid Statute of King Hen. the eighth before recited, tending to the making of Bows of Elm, Witchhaſel, Aſh, and other Wood, beſides Ewe before rehearſed, or any penalty therein contained, for any the ſaid laſt rehearſed premiſſes, from henceforth for ever ſhall not be intended, conſtrued, or taken to extend to any Bowyer now dwelling or inhabiting, or which hereafter ſhall happen to dwell or inhabit within the Cities of London and Weſtminſter, or the Suburbs of any of them, or in the Borough of Southwark in the County of Surrey: The ſaid Statutes, or any thing in them, or any of them, contained in any wiſe to the contrary notwithſtanding.

A Bowyer dwelling in London or the Suburbs ſhal. have fifty Bows of Elm, &c.

And be it further enacted by the authority aforeſaid, That all and every the ſaid Bowyers within the ſaid Cities and Suburbs of London and Weſtminſter, and Borough of Southwark, ſhall from henceforth from time to time, and all times hereafter, provide and have in his or their cuſtody, the number of fifty good and able Bows of Elm, Witchhaſel or Aſh, at the leaſt, well and ſubſtantially made and wrought, upon pain that every of the ſaid Bowyers, which by the ſpace of twenty days, ſhall not have in his cuſtody ſuch number of the ſaid Bows of Witchhaſel, Elm or Aſh, ready made, and meet to be ſold and uſed, as aforeſaid, ſhall hereafter for every Bow lacking of the number aforeſaid, forfeit ten ſhillings, the one moyety of which forfeiture, ſhall be to our ſaid Soveraign Lady the Queens Majeſty, and the other moyety thereof ſhall be to him or them, uſing the Art of an Armourer, Fletcher, or maker of Bow-ſtrings, that will ſue for the ſame, by action of debt, bill, plaint, or otherwiſe, in any Court of Record: in which action and ſuit, no protection, or wager of Law ſhall in any wiſe be admitted or allowed for the Defendant.

The ſeveral prices of ſeveral ſorts of Bows.

Provided alwayes, and be it enacted by the authority aforeſaid, That if any Bowyer, after the firſt day of May next coming, do ſell any Bows meet for mens ſhooting, being outlandiſh Ewe, and of the beſt ſort, over and above the price of ſix ſhillings and eight pence; or do ſell any Bows meet for mens ſhooting, being of the ſecond ſort, over and above the price of three ſhillings and four pence; or ſhall ſell any Bows for men, as is aforeſaid, being of the courſe ſort, called livery Bows, for and above the price of two ſhillings a piece; or that ſhall after the ſaid firſt day of May, ſell any Bows being Engliſh Ewe, over and above the price of two ſhillings the peice: that then the Seller or Sellers of ſuch Bows, ſhall forfeit for every Bow ſo ſold, over and above the price aforeſaid, forty ſhillings, the one moyety thereof to the Queens Majeſty, her Heirs and Succeſſors, and the other moyety to the party uſing the Art of an Armourer, Fletcher, or Maker of Bow-ſtrings, that will ſue for the ſame in any Court of Record, by action of debt, bill, plaint, or otherwiſe, wherein no wager of Law, eſſoine or protection, ſhall be admitted or allowed: Any thing in this Act, or in any other Act contained to the contrary in any wiſe notwithſtanding. This Act to continue untill the laſt day of the firſt Seſſion of the next Parliament. 3 Car. 4. continued untill the end of the firſt Seſſion of the next Parliament.

CAP. XI.

Who may make Hats and Caps, and how they ſhall be made.

WHere great multitudes of the Queens Majeſties true Subjects, uſing the Art of making woollen Caps are impoveriſhed and decayed by the exceſſive uſe of Hats and Felts, and thereby divers good Cities and Towns brought to deſolation, great plenty of ſtrange Commodities, without neceſſity conſumed, and great numbers of people enforced to depend upon the having of foreign woolls, to the diſcommodity of this Realm, the diſfurniture of Service to be done to the Queens Majeſty, and greater evident dangers, if remedy be not provided.

None ſhall work Hats with foreign wooll, but which hath bin Apprentice to the myſtery of Hat-making.

It may therefore pleaſe the Queens moſt excellent Majeſty, at the lamentable Suit and Complaint of her ſaid poor Subjects, that it be enacted by the authority of this preſent Parliament, That no perſon, by him or her ſelf, or by any other, ſhall after the Feaſt of the Nativity of S. John Baptiſt next coming, make or work any Felt or Hat, of, or with any foreign wooll or ſtuff, unleſſe ſuch perſon ſhall firſt have been Apprentice or Covenant-Servant, to ſuch myſtery of Felt or Hat-making, by the ſpace of ſeven years at the leaſt, upon pain to forfeit all ſuch Hats or Felts as he ſhall make, or cauſe to be made while he worketh, contrary to the form of this Act, and five pounds in money for every moneth that he ſhall ſo continue.

Caps of Felt or of woollen cloth not knit. Dying of Caps.

And be it enacted by the authority aforeſaid, That from the firſt day of April next coming, No perſon whatſoever, ſhall make, ſell, or cauſe to be made or ſold any Cap, or other thing of Felt, but only Hats, nor ſhall make, ſell, or cauſe to be made or ſold, any Cap of any woollen Cloth not knit. And that no perſon, after the ſaid firſt day of April, ſhall dy or cauſe to be dyed black, any Cap, with Bark or Swarf, but only with Copperas and Gall, or with Woad and Madder.

Thicking or fulling of Caps.

And (for the ſetting of many poor and impotent perſons to work, and for the better making of Caps) that no perſon, after the ſaid firſt day of April, ſhall thick or full in any Mill, or cauſe to be thicked or fulled in any Mill, any Cap, until ſuch time as the ſame Cap be firſt well ſcoured and cloſed upon the Bank, and half thicked at leaſt in the Footſtock.

Who only may wear a Hat or upper Cap of Velvet. Rep. 1 Jac. 25.

And that no man under the degree of a Knight, or of a Lords Son, ſhall after the ſaid firſt day of April, wear any Hat or upper Cap of Velvet, or covered with Velvet, on pain to forfeit for every Hat, Cap, or other thing to be made, dyed, thicked, fulled, ſold or worn, contrary to the meaning of this Act, ten ſhillings, whereof the one moyety ſhall be to the

Queens Majeſty, her Heirs and Succeſſors, the other moyety to ſuch perſon then uſing the feat of Cap-making, as will ſue for the ſame in any Court of Record, wherein no eſſoine, protection, or wager of Law, for the Defendant, ſhall be admitted or allowed.

Who ſhall have the forfeiture. Alt. 1 Jac. 17.

And for the better and truer making of Caps or Hats within this Realm: Be it enacted by the authority aforeſaid, That it ſhall be lawful to the Maſter and Wardens of the Company of Haberdaſhers, within the City of London, and to their Succeſſors for the time being, calling to them one of the Company of Cappers, and another of the makers of Hats, as often as need ſhall require, within the ſaid City or within three miles of the ſame, to ſearch all and all manner of Cappers and makers of Hats, and the Offendors and defaults by them found, to correct and puniſh by Fines, and otherwiſe, as in like caſes they do other Offendors and defaults within the ſaid Company. And that it ſhall be lawful for all Mayors, Bailiffs, and other head-Officers, in all other Cities and Towns corporate, to do the like.

Who may ſearch and reform Cappers and Hatters.

Provided alwayes, and be it enacted by the authority aforeſaid, That every Hat-maker, that now is a maker or worker of Hats, and being a Houſholder, Apprentice, Covenant-ſervant, or Jorneyman, ſhall or may, during ſuch perſons natural life, continue making of Hats and Felts, albeit ſuch perſon were not bounden Apprentice to the ſame Art for the ſpace of ſeven years.

Who may be Hat-maker, though he hath not been an Apprentice.

And be it enacted, That no maker or worker of Hats, ſhall take or receive any Apprentices, contrary to the true meaning of this Act; that is to ſay, above two Apprentices at one time, nor thoſe for any leſſe time than ſeven years at the leaſt, on pain to ſuffer for every Apprentice to be taken or received againſt the form of this Act, one moneths impriſonment in the Common Gaol, without bail or mainpriſe. And that every taking or receiving of an Apprentice, contrary to this Act, ſhall be void: And alſo ſuch perſon ſo taking or receiving, ſhall be from thenceforth diſabled to have any more Apprentices, than one at one time.

How many Apprentices a Hat-makers may take.

Provided alway, that nothing in this Act ſhall extend to charge any perſon, allowed to be Felt-maker or Hat-maker, with any pain or forfeiture, for ſetting or uſing his or their own Children to the making or working of Felts or Hats, in his or their own Houſes. Provided that this Act ſhall not extend to any making of Hats with worſted Yarn, in the City of Norwich. 1 Jac. 17.

A Hat maker may uſe his own child.

CAP. XII.

The Owners Mark and Aulnegers ſeal ſhall be put to Lancaſhire Clothes, before the ſale of them: In what Towns he ſhall have a Deputy: his Fees, &c.

Foraſmuch as divers Clothiers inhabiting within the County Palatine of Lancaſter, ſeeking inordinately their own ſingular gains, have of late practiſed privily, to convey and carry away out of the ſaid Country, divers Cottons, Frizes and Ruggs, there made to be ſold; before ſuch time as the Queens Aulneger of the ſaid County, hath fixed unto every ſuch Cloth the Queens Seal in that behalf appointed, and ſometime counterfeiting and ſetting to ſuch their Clothes, Seals of their own, minding thereby, not only to defraud the ſaid Aulneger of his accuſtomable fees, due to be paid to the Queens Highneſſe uſe, for the ſealing of every ſuch Cloth, Cotton, Frize or Rugg: but alſo to cover and hide the untrue and deceitful making of many of the ſaid Clothes, contrary to the true meaning of ſundry good and wholſome Eſtatutes and Laws heretofore made, as well for the true making of the Clothes beforeſaid, as alſo for the ſearching, trying, and ſealing of the ſame, to the no little prejudice and damage of the ſaid Aulneger, who ſtandeth charged with the payment of a great annual Farm to the Queens Majeſty, for the ſaid Aulnege, in deceit of her Highneſſe Subjects, and diſcredit of the commodity of the ſaid Clothes.

Practiſes by Clothiers in Lancaſhire to deceive the Queen of her duties, and the Aulneger of his.

For reformation whereof, Be it enacted by our ſaid Soveraign Lady the Queen, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons, from and after the firſt day of April next coming ſhall ſell, or put to ſale within the ſaid County, or convey or carry, or cauſe to be conveyed and carryed out of the ſaid County of Lancaſter, any kind of Clothes, Cottons, Frizes or Ruggs, hereafter to be made within the ſaid County Palatine of Lancaſter, to be ſold before ſuch time that the Owner or Maker of every ſuch Cloth, Cotton, Frize or Rugg, ſhall fix and put to, or cauſe to be fixed and put to every ſuch Cloth, Friſe, Cotton or Rugg, one Seal of lead, having the mark of every ſuch Owner or Clothier ingraved on the one ſide thereof, and the true length of every ſuch Cloth, Frize, Cotton or Rugg, as it is found being wet, to be ingraved on the other ſide of the ſaid Seal. And alſo the Queens Highneſſe Aulneger of the ſaid County Palatine for the time being, upon trial of the weight of every ſuch Cotton, Frize and Rugg, ſhall fix and put, or cauſe to be fixed, and put to every ſuch Cotton, Frize or Rugg, the Queens Highneſſe Seal of lead, having the Portecullis crowned, ingraved on the one ſide thereof, and the true weight of every ſuch Cotton, Frize or Rugg, to be ingraved on the other ſide of the ſame Seal, upon pain and forfeiture of all and every ſuch Clothes, Cottons, Frizes and Ruggs; conveyed, carried, ſent, ſold, and put to ſale, or to the intent to be ſold, being unſealed, contrary to the meaning of this preſent Act: the one moyety thereof, to be to the uſe of the Queens Highneſſe, her Heirs and Succeſſors, and the other moyety thereof, to ſuch perſon or perſons, that ſhall ſeiſe the ſame Cloth, Cotton, Frize or Rugg, or will ſue for the ſame, to be recovered in any of the Queens Highneſſe Courts of Record, by bill, plaint, information, or otherwiſe, wherein no eſſoine, protection, or wager of Law, ſhall be allowed for the Defendant.

No cloth ſhall be ſold before the party and Aulneger have ſet to their Seals.

And be it further enacted by the authority of this preſent Parliament, That the ſaid Aulneger, after the ſaid firſt day of April, ſhall appoint and have his lawful Deputy within every of the ſeveral Towns of Mancheſter, Rachdale, Bolton, Blackborn, and Bery, in the ſaid County where the ſaid Aulneger hath been accuſtomed to have his Deputy heretofore

Certain Towns in the county of Lancaſter, wherein the Aulneger ſhall have his Deputies.

fore, there to be ready upon lawful requeſt unto him made, without delay, to weigh every of the ſaid Cottons, Frizes and Ruggs, as ſhall be brought unto every ſuch Deputy, and ſealed with the Seal of the Owner or Maker of every of the ſame Clothes, in form aforeſaid, and to fix and ſet to every of the ſaid Clothes, Cottons, Frizes and Ruggs, the Queens Highneſſe Seal beforeſaid, to be ingraved in manner and form before mentioned, upon pain of forfeiture of xx s. for every pack of Cottons, Frizes or Ruggs, ſealed by the ſaid Aulneger, or any of his ſaid Deputies, before the ſame be weighed in form aforeſaid. The one moyety whereof, to be to the uſe of the Queens Highneſſe, her Heirs and Succeſſors, and the other moyety thereof to him or them that will ſue for the ſame, in any of the Queens Majeſties Courts of Record, by bill, plaint, information, action of debt, or otherwiſe: wherein no wager of Law, Protection, or Eſſoine ſhall be allowed.

How much the Aulneger may take for ſealing of clothes.

Provided alwayes, and be it enacted by the authority aforeſaid, That it ſhall be lawful for the ſaid Aulneger, or his Deputy, to have and take of the Owner or Maker of every of the ſaid Clothes, Cottons, Frizes or Ruggs, for the weighing and ſealing of every pack of the ſaid Clothes, Cottons, Frizes or Ruggs, iii. d. and for every piece of ſuch courſe Clothes, Cottons, Frizes and Ruggs, not amounting to a whole pack, one half penny, and the ſame to be paid by the Owner or Bringer of the ſaid Clothes, at the weighing and ſealing of the ſame; Any cuſtom, uſe, or preſcription to the contrary, in any wiſe notwithſtanding.

And foraſmuch as ſuch perſons as commonly do uſe to utter and ſell the ſaid ſeveral kinds of Cottons, Frizes and Ruggs, have been, and are daily moleſted, vexed and troubled, to their great loſſe and hinderance, by means of the cruelty of Informers and Searchers, ſeeking continually their own private gain, by finding of the ſaid Cottons, Frizes and Ruggs, at no time made according to ſuch form of weight, lengths and breadths, as by the former Statutes of this Realm, lately made for the true making of woollen Cloth, is limited and appointed: And for that the ſame perſons do alledge, that the Makers of the ſaid Cottons, Frizes and Ruggs, can by no means be reduced to obſerve the ſaid weights, lengths, and breadths, in making of the ſaid cottons, frizes and ruggs, according to the form of the ſaid former Eſtatutes, without the utter undoing of great numbers of poor people, that are commonly the Makers of ſuch kind of clothes; and that by means hereof, the ſaid cottons, frizes and ruggs, ſithence the making of the ſaid Eſtatutes hath been, and are more ſcarce and dearer than they were before the making of the ſaid Eſtatutes, and in nothing at all amended in ſubſtance or form of making.

The weight, length, and breadth of Cottons.

Frizes or Ruggs.

For reformation thereof, Be it enacted, That from and after the firſt day of April next coming, every of the ſaid cottons, being ſufficiently milled or thicked, clean ſcowred, well wrought, and fully dryed, ſhall weigh xxi. pound at the leaſt, and ſhall contain in length xxi. goads, or xx. goads at the leaſt, and in breadth, at the moſt, three quarters of the yard, or within one nail of three quarters of the yard at the leaſt. And that every of the ſaid frizes or ruggs being thicked and fully dryed, ſhall weigh xliiii. pound at the leaſt, and ſhall contain in length, betwixt xxxv. yards, and xxxvii. yards, and ſhall contain in breadth at the moſt three quarters of the yard, or within one nail of three quarters at the leaſt, and not to be ſtrained upon the Teintors above one nail in breadth: And alſo if any of the ſaid cottons, frizes or ruggs, ſhall be of any greater length, than is before ſeverally expreſſed, that then every goad or yard ſo exceeding the ſaid ſeveral lengths, ſhall weigh after ſuch rate, as every goad or yard of ſuch Cottons, Frizes or Ruggs, containing the ſaid ſeveral lengths, ſhall or ought to weigh, upon pain of forfeiture for every goad or yard not weighing after ſuch rate xii. d.

And alſo if any of the ſaid Cottons, Frizes and Ruggs, ſhall be of any leſſe weight, than is before ſeverally limited and appointed, that then all and every ſuch perſon and perſons, that ſhall ſo ſell, or cauſe to be ſold, any ſuch Cotton, Frize or Rugg, ſhall forfeit for every pound lacking under iii, li. xii. d. and for every pound weight lacking above iii. li. v. s. The one half of which forfeitures ſhall be to our Soveraign Lady the Queens Highneſſe, her Heirs and Succeſſors, and the other half thereof to ſuch perſon or perſons that ſhall ſue for the ſame, by action of debt, bill, plaint, or information, in any of the Queens Majeſties Courts of Record, wherein no Eſſoine, Protection, or wager of Law ſhall be admitted or allowed for the Defendant.

All Acts made for the ſealing and making of cottons, frizes and ruggs, ſhall be void. 34 H. 8. 13.

And further, Be it enacted by the authority aforeſaid, That all and every Branch, Clauſe, Sentence and Article ſpecified and contained in any other Acts of Parliament before this time made, concerning the ſealing and making of the ſaid Cottons, Frizes and Ruggs, ſhall be from henceforth utterly repealed, void, and of none effect: Any thing in the ſaid Acts contained to the contrary, in any wiſe notwithſtanding.

The liberties of Towns corporate in Lancaſhire ſaved.

Provided alwayes, That this Act ſhall not in any wiſe extend to be prejudicial or hurtful unto any Charter, or Liberty of any Borough or corporate Town, within the ſaid County Palatine of Lancaſter, concerning the making and putting to ſale of any woollen Cloth: Any thing therein contained to the contrary notwithſtanding.

CAP. XIII.

The Maſter, Wardens, and Aſſiſtants, of the Trinity Houſe at Deptford Strond, may at their coſts from time to time, erect ſuch and ſo many Becons, marks and ſigns for the Sea, in ſuch places of the Sea-ſhores, and uplands near to the Sea-coaſts, only for the Sea-marks, as to them ſhall ſeem requiſite. And the ſame ſhall be continued, and renewed at their coſts. P R.

Co. Inſt. 4 part, 49.

CAP. XIV.

So much of the Statute of 5 Eliz. 22. as concerneth the tranſporting of tawed Leather, of Sheep-skins and Lamb-skins, repealed.

5 Eliz 22.

FOraſmuch as in one Act made in the firſt Seſſion of this preſent Parliament, intituled, An Act againſt the carrying of Sheep-skins and pelts over the Sea, not being Staple-ware, there is contained one branch againſt the making of any Pelts by any perſon, other than ſuch as are permitted to make the ſame by the ſaid Statute. The execution of which branch hath been put in ſuſpence, by reaſon that ſome other parts of the ſame ſtatute, are ſuppoſed to be againſt the entercourſe of the low Countries of the King of Spain.

A repeal of ſo much onely of the ſtat. of 5 El. 22. as toucheth the tranſporting of tawed leather of ſheep-skins and lamb-skins.

Be it therefore declared and enacted by the authority of this preſent Parliament, that the ſaid firſt branch of the ſaid ſtatute, being not againſt the ſaid entercourſe, ſhall from henceforth be put in due execution. And forasmuch as great multitudes of the Queens Majeſties liege people, have been ſet on work by converting of Sheep-skins and Lamb-skins into tawed Leather and Parchment, here within this Realm, which by one other branch of the ſaid ſtatute is prohibited to be tranſported out of the Realm in Leather. And where the converting of ſuch skins into Leather and Parchment, hath been great maintainance of many thouſands of the Subjects of this Realm, and greater daily will be, to the great benefit of this Realm, if the ſaid firſt branch concerning making of Pelts, ſhould be duly put in execution, where otherwiſe, if the ſaid Pelts ſhould be tranſported into other Realms, the ſame would be an occaſion of the impoveriſhing of many of the natural Engliſh people of this Realm. Be it therefore enacted by authority of this preſent Parliament, That ſo much of the ſaid Statute, as concerneth the tranſporting of tawed Leather, to be made of Sheep-skins and Lamb-skins, ſhall from henceforth, as touching only the tranſporting of ſuch tawed Leather, be repealed and void: Any thing in the ſaid Statute to the contrary notwithſtanding. Stat. 14 Car. 2. cap. 7.

CAP. XV.

1, El. 11.

That branch only of the Statute of 24 H. 8. 10. ſhall be revived which concerneth the proviſion, uſe, and maintainance of Nets and Shrops for the deſtruction of Crows, &c. and all the reſt of that Statute ſhall be repealed. Several Rewards aſſigned for the taking and bringing of the heads and eggs of divers ravenous Birds and Vermine. EXP.

CAP. XVI.

The Sheriffwike of ſeveral Counties divided into two Sheriffs, which before had but one.

The cauſe that there was but one Sheriff before time of two Counties.

Whereas the Counties and Shires of Surry and Suſſex, Eſſex and Hertford, Somerſet and Dorſet, Warwick and Leiceſter, Nottingham and Derby, Oxon and Barks, of long time have had but one Sheriff to ſerve for two of the ſaid Counties, that is to ſay, one for Surry and Suſſex, and one other for Eſſex and Hertford, and one other for Somerſet and Dorſet, and one other for Warwick and Leiceſter, and one other for Nottingham and Derby, and one other for Oxon and Barks: The occaſion whereof, in the beginning (as it ſhould ſeem) was, for that every of the ſaid ſeveral Counties were not then ſo well inhabited with Gentlemen of good ability to ſerve in the ſaid Office, as (thanks be to God) they be at this preſent. And forasmuch as the Service and Charges of that Office of Sheriffwike of the ſaid Counties, is more than in times paſt it hath been, and is now commonly greater than one Sheriff is able to ſerve and ſupply: therefore ſuch Gentlemen as do dwell in the ſaid ſeveral Counties, are very deſirous to have for every of the ſaid Counties, one Sheriff to be yearly made and appointed for the ſame. And for that the having of ſeveral Sheriffs accordingly, cannot be hurtful to any, but thereby may grow ſome eaſe of charges and trouble to ſuch as ſhall hereafter be appointed to ſuch Office, and alſo the ſaid office better ſerved and executed, than heretofore hath been.

The reaſons why the Sheriff-wikes be divided.

There ſhall be one Sheriff of every of the Counties aforeſaid.

Be it therefore enacted by the authority of this preſent Parliament, That the Queens moſt excellent Majeſty, her Heirs and Succeſſors, Kings or Queens of this Realm, ſhall and may from and after the firſt day of November, which ſhall be in the year of our Lord God, a thouſand five hundred threeſcore and ſeven, yearly chuſe and make for every of the ſaid Counties before named, one ſufficient and able perſon, to be Sheriff of the ſame, in ſuch like manner and form as is and hath been uſed to be choſen, made, and done for any other County or Shire within this Realm: Any Law, Cuſtom, or Uſage, heretofore had or uſed to the contrary thereof notwithſtanding. And that every perſon which after the ſaid firſt day of November, ſhall be made and appointed Sheriff, for any of the ſaid Counties, ſhall be accomptable and uſed in the order of his account, and all other things and allowance to him to be made, in the Court of Exchequer, and all other Courts and Places, in ſuch manner and form as is commonly uſed for Sheriffs in like caſes.

The ſeverance of the proffers of the foreſaid Sheriff-wikes divided.

Provided alwayes, and be it further enacted by the authority aforeſaid, That the Barons of the Queens Highneſſe, her Heirs and Succeſſors, of the Court of Exchequer, for the time being, calling unto them as well her or their Graces Officers of Remembrancer, and the Treaſurers Remembrancer, together with the Clerk of the Pipe of the ſame Court, as alſo the ſeveral Sheriffs, the which next after the ſaid firſt day of November, ſhall be by her Highneſſe, her Heirs and Succeſſors, conſtituted, named and appointed, of every of the ſaid ſeveral Counties of Surry and Suſſex, Eſſex and Hertford, Somerſet and Dorſet, Warwick and Leiceſter, Nottingham and Derby, Oxon and Barks, ſhall have by vertue of this Act of Parliament, full power and authority, to ſever and divide by the diſcretion and judgment of the ſaid Barons, all and ſingular the Proffers of the ſaid Counties of Surry and Suſſex, Eſſex and Hertford, Somerſet and Dorſet, Warwick and Leiceſter, Nottingham and Derby, Oxon and Barks. The which ſaid ſeverance and diviſion of the ſaid Proffers, ſhall be entred of Record in the ſaid Court of Exchequer, and ſhall be final and perpetual, during ſo long time as this preſent Act of Parliament ſhall endure and have continuance.

The tail of reward ſhall be ſevered.

And be it further enacted by the authority aforeſaid, That in ſuch and the ſame manner and form as the ſaid Proffers ſhall be divided, even ſo the tail of reward of every of the aforeſaid Countries, where any tail of reward hereafter ſhall be taken, ſhall be ſevered and divided in manner and form aforeſaid.

Order for the payment of creation money, fees, and other money accuſtomed to be paid.

And be it likewiſe further Enacted by the authority aforeſaid, That the ſaid Barons for the time being, of the Queens Highneſſe ſaid Court of Exchequer, and of her Heirs and Succeſſors, calling unto them the ſaid Officers of the Treaſurers Remembrancer, and the Clerk of the Pipe, ſhall have full power and authority from time to time, to take order and appointment for the true and ſpeedy payment and contentation of ſuch Creation-money, fees and annuities, and all other ſums of money as have been accuſtomed to have been paid, or of right ought to have been paid to any perſon or perſons, by the hands of the ſaid ſeveral Sheriffs. And that ſuch order, direction, and appointment ſo made, had, and taken by the ſaid Barons, in manner and form laſt before recited, ſhall be obſerved, performed, fulfilled and kept yearly, as well by both the Sheriffs of the ſaid ſeveral Counties of Surry and Suſſex, for the time being as by the ſaid ſeveral Sheriffs, for the time being, of the ſaid Counties of Eſſex and Hertford, and of Somerſet and Dorſet, and of Warwick and Leiceſter, and of Nottingham and Derby, and of Oxon and Barks: Any uſage, law or cuſtom to the contrary in any wiſe notwithſtanding.

But half the charges ſhall be paid by Sheriff-wikes divided in any Court of Record.

Provided alwayes, and be it further enacted by the authority aforeſaid, That no Sheriff hereafter to be choſen and made of any one of the ſaid Counties in this Act mentioned, ſhall pay in any Court of Record, for any duty belonging properly to the Office of Sheriff, any other fees or charges then only the one half of the charges and fees, which he ſhould be compelled to have paid, if he had been Sheriff of two of the ſaid Shires and Counties, as before the making of this Act was uſed, Any law, uſage or cuſtom to the contrary notwithſtanding.

This Act to continue and endure unto the end of three whole years, to be accounted from the Feaſt of All Saints, in the year of our Lord God, a thouſand five hundred threeſcore and ſeven, and from thence to the end of the next Parliament then next following the end of the ſaid three years, 13 El. 22. made perpetual, ſaving for the Sheriffs of Suſſex and Surry.

CAP. XVII.

A confirmation of a Subſidy of four ſhillings in the pound, granted to the Queen by the Clergy, to be paid in three years, EXP.

CAP. XVIII.

The Queens free and general Pardon, confirmed by Parliament, Except. &c. EXP.

CAP. XIX.

A Grant by the Temporalty to the Queen, of one Subſidy, and of one Fifteen and Tenth. EXP.

Anno decimo tertio Reginæ Elizabethæ.

AT the Parliament begun and holden at Weſtminſter, the ſecond day of April, in the thirteenth year of the Reign of our moſt gracious Soveraign Lady, ELIZABETH, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the diſſolution of the ſame. To the high pleaſure of Almighty God, and weal publick of this Realm, were enacted as followeth.

CAP. I.

It ſhall be high Treaſon to intend deſtruction or bodily harm to the Queen, or to levy War, or to move others to War againſt her; or to affirm, That the Queen ought not to enjoy the Crown, but ſome other perſon: or to publiſh, that the Queen is an Heretick, Schiſmatick, Tyrant, Infidel, or Uſurper of the Crown: or to claim right to the Crown, or to uſurp the ſame during the Queens life; or to affirm the right in Succeſſion of the Crown in ſome other than the Queen; or to affirm, That the Lawes and Statutes do not bind the right of the Crown, and the deſcent, limitation, inheritance, or governance thereof.

Co. Inſt. 4. Part, 36.

Whoſoever ſhall during the Queens life, by any Book, or Work written, or printed, expreſly affirm, (before the ſame be eſtabliſhed by Parliament) that any one particular perſon is, or ought to be Heir and Succeſſor to the Queen, except the ſame be the natural Iſſue of her Body: Or ſhall wilfully ſet up in open place, or ſpread any Books or Scrowls to that effect; or ſhall print, bind or put to ſale; or utter, cauſe, &c. any ſuch Book or Writing, he, his Abettors and Counſellors, ſhall for the firſt offence be a whole year impriſoned, and forfeit half his Goods, and for the ſecond offence ſhall incur the penalty of a Præmunire, EXP. Stat. 26 H. 8. 13. 1 Ed. 6. 12. 1 & 2 P. & M. 10. 1 El. 5.

CAP. II.

Penalties for bringing in, and putting in execution Bulls brought from Rome, &c.

A rehearſal of the Act of 5 El. 1. touching the aboliſhing of the authority of the Biſhop and See of Rome.

16 R. 2. 5.

WHere in the Parliament holden at Weſtminſter, in the fifth year of the Reign of our Soveraign Lady the Queens Majeſty that now is, by one Act and Statute then and there made, entituled, An Act for the aſſurance of the Queens Majeſties Royal Power over all States and Subjects within her Highneſſe Dominions: it is among other things very well ordained and provided, for the aboliſhing of the uſurped power and juriſdiction of the Biſhop of Rome, and of the See of Rome, heretofore unlawfully claimed and uſurped within this Realm and other the Dominions to the Queens Majeſty belonging, That no perſon or perſons ſhall hold or ſtand with, to ſet forth, maintain, defend or extoll the ſame uſurped power, or attribute any manner of juriſdiction, authority, or preheminence to the ſame, to be had or uſed within this Realm, or any the ſaid Dominions, upon pain to incur the danger, penalties and forfeitures, ordained and provided by the Statute of Proviſion and Præmunire, made in the ſixteenth year of the Reign of King Richard the ſecond, as by the ſame Act more at large it doth and may appear: And yet neverthleſſe, divers ſeditious and very evil diſpoſed people, without the reſpect of their duty to Almighty GOD, or of the faith and allegiance which they ought to bear and have to our ſaid Soveraign Lady the Queen, and without all fear and regard had to the ſaid good Law and Statute, or the pains therein limited: but minding as it ſhould ſeem very ſeditiouſly and unnaturally, not onely to bring this Realm, and the Imperial Crown thereof (being in very deed of it ſelf moſt free) into the thraldom and ſubjection of that forraign, uſurped, and unlawful juriſdiction, preheminence and authority claimed by the ſaid See of Rome: but alſo to eſtrange and alienate the minds and hearts of ſundry her Majeſties Subjects from their dutiful obedience, and to raiſe and ſtirr ſedition and rebellion within this Realm, to the diſturbance of the moſt happy peace thereof, have lately procured and obtained to themſelves from the ſaid Biſhop of Rome and his ſaid See, divers Bulls and Writings, the effect whereof hath been, and is, to abſolve and reconcile all thoſe that will be contented to forſake their due obedience to our moſt gracious Soveraign Lady the Queens Majeſty, and to yield and ſubject themſelves to the ſaid fained, unlawful and uſurped authority: and by colour of the ſaid Bulls and writings, the ſaid wicked perſons very ſecretly, and moſt ſeditiouſly, in ſuch parts of this Realm where the people for want of good inſtruction are moſt weak, ſimple and ignorant, and thereby fartheſt from the good underſtanding of their duties towards God and the Queens Majeſty, have by their lewd and ſubtile practiſes and perſwaſions, ſo far forth wrought, that ſundry ſimple and ignorant perſons have been contented to be reconciled to the ſaid uſurped authority of the See of Rome, and to take abſolution at the hands of the ſaid naughty and ſubtile practiſers, whereby hath grown great diſobedience and boldneſſe in many, not only to withdraw and abſent themſelves from all divine Service, now moſt godly ſet forth and uſed within this Realm; but alſo have thought themſelves diſcharged of, and from all obedience, duty and allegeance to her Majeſty, whereby moſt wicked and unnatural rebellion hath enſued, and to the further danger of this Realm is hereafter very like to be renewed, if the ungodly and wicked attempts in that behalf be not by ſeverity of Lawes reſtrained and bridled.

The effect of Bulls brought from Rome.

For remedy and redreſſe whereof, and to prevent the great miſchiefs and inconveniences that thereby may enſue: Be it Enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, after the firſt day of July next coming, ſhall uſe, or put in ure in any place within this Realm, or in any the Queens Dominions, any ſuch Bull, Writing or Inſtrument written or printed, of abſolution or reconciliation, at any time heretofore obtained and gotten, or at any time hereafter to be obtained or gotten from the ſaid Biſhop of Rome, or any his Succeſſors, or from any other perſon or perſons authorized, or claiming authority by or from the ſaid Biſhop of Rome, his Predeceſſors or Succeſſors, or See of Rome: Or if any perſon or perſons after the ſaid firſt day of July, ſhall take upon him or them by colour of any ſuch Bill, Writing, Inſtrument, or authority to abſolve or reconcile any perſon or perſons; or to grant or promiſe to any perſon or perſons within this Realm, or any other the Queens Majeſties Dominions, any ſuch abſolution or reconciliation, by any ſpeech, preaching, teaching, writing, or any other open deed: Or if any perſons within this Realm, or any the Queens Dominions, after the ſaid firſt day of July, ſhall willingly receive and take any ſuch abſolution or reconciliation.

Putting in ure any bull of abſolution or reconciliation from the Biſhop of Rome.

Abſolving or reconciling of any perſon, and being abſolved or reconciled.

Or elſe if any perſon or perſons have obtained or gotten ſince the laſt day of the Parliament holden in the firſt year of the Queens Majeſties Reign, or after the ſaid firſt day of July, ſhall obtain or get from the ſaid Biſhop of Rome, or any his Succeſſors or See of Rome, any manner of Bull, writing or inſtrument, written or printed, containing any thing, matter or cauſe whatſoever: or ſhall publiſh, or by any wayes or means put in ure any ſuch bull, writing or inſtrument: That then all and every ſuch act and acts, offence and offences, ſhall be deemed and adjudged by the authority of this Act to be high Treaſon, and the offendor and offendors therein, their procurors, abettors and counſellors to the fact, and committing to the ſaid offence or offences, ſhall be deemed and adjudged high Traytors to the Queen and the Realm: and being thereof lawfully indicted and attainted, according to the courſe of the Lawes of this Realm, ſhall ſuffer pains of death, and alſo loſe and forfeit all their lands, tenements, hereditaments, goods and chattels, as in caſes of high Treaſon by the Laws of this Realm ought to be loſt and forfeited.

Getting of any bull from Rome, containing any matter whatſoever, or publiſhing or putting in ure the ſame.

And be it further enacted by the authority aforeſaid, That all and every aydors, comforters, or maintainers of any the ſaid offendor or offendors, after the committing of any the ſaid Acts, or offences, to the intent to ſet forth, uphold, or allow the doing or execution of the ſaid uſurped power, juriſdiction, or authority, touching or concerning the premiſſes, or any part thereof, ſhall incur the pains and penalties contained in the Statute of Premunire, made in the ſixteenth year of the reign of King Richard the ſecond.

Aydors, comforters, and maintainers of offendors after the offence.

Provided alwayes, and be it further enacted by the authority aforeſaid, That if any perſon or perſons to whom any ſuch abſolution, reconciliation, bull, writing or inſtrument, as is aforeſaid, ſhall after the ſaid firſt day of July, be offered, moved, or perſwaded to be uſed, put in ure, or executed, ſhall conceal the ſame offer, motion, or perſwaſion, and not diſcloſe and ſignifie the ſame by writing or otherwiſe, within ſix weeks then next following, to ſome of the Queens Majeſties privy Councel, or elſe to the Preſident or Vice preſident of the Queens Majeſties Councel eſtabliſhed in the North parts, or in the Marches of Wales, for the time being: that the ſame perſon or perſons ſo concealing, and not diſcloſing, or not ſignifying the ſaid offer, motion, or perſwaſion, ſhall incur the loſſe, danger, penalty, and forfeiture of miſpriſion of high Treaſon.

Concealing, or not diſcloſing a bull or reconciliation offered.

And that no perſon or perſons ſhall at any time hereafter be impeached, moleſted, or troubled in or for miſpriſion of Treaſon, for any offence or offences made Treaſon by this Act, other than ſuch as by this Act are before declared to be in caſe of miſpriſion of high Treaſon.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time after the ſaid firſt day of July, bring into this Realm of England, or any the Dominions

Bringing into the Realm, or uſing of Agnus Dei, pictures, croſſes, &c.

minions of the ſame, any token or tokens, thing or things, called or named by the name of Agnus Dei, or any croſſes, pictures, beads, or ſuch like vain and ſuperſtitious things, from the Biſhop or See of Rome, or from any perſon or perſon authorized, or claiming authority by or from the ſaid Biſhop or See of Rome, to conſecrate or hallow the ſame. (Which ſaid Agnus Dei, is uſed to be ſpecially hallowed and conſecrated, as it is termed, by the ſaid Biſhop in his own perſon and the ſaid croſſes, pictures, beads, and ſuch like ſuperſtitious things been alſo hallowed either by the ſame Biſhops, or by others, having power, or pretending to have power, for the ſame, by or from him or his ſaid See, and divers pardons, immunities and exemptions granted by the authority of the ſaid See, to ſuch as ſhall receive and uſe the ſame: And that if the ſame perſon or perſons ſo bringing in, as is aforeſaid, ſuch Agnus Dei, and other like things as have been before ſpecified, ſhal deliver, or cauſe, or offer to be delivered the ſame or any of them, to any Subject of this Realm, or of any the Dominions of the ſame, to be worn or uſed in any wiſe: that then as well the ſame perſon and perſons ſo doing as alſo all and every other perſon or perſons which ſhall receive and take the ſame, to the intent to uſe or wear the ſame, being thereof lawfully convicted and attainted by the order of the Common-Laws of this Realm, ſhall incur into the dangers, penalties, pains and forfeitures ordained and provided by the Statute of Præmunire and proviſion, made in the ſixteenth year of the reign of King Richard the ſecond.

Apprehending an offendor, or diſcloſing his name.

Provided nevertheleſſe, and be it further enacted by the authority aforeſaid, That if any perſon to whom any ſuch Agnus Dei, or other the things aforeſaid, ſhall be tendred and offered to be delivered, ſhall apprehend the party ſo offering the ſame and bring him to the next Juſtice of Peace of that Shire, where ſuch tender ſhall be made, if he ſhall be of power, and able ſo to do; or for lack of ſuch ability, ſhall within the ſpace of three dayes next after ſuch offer made, as is aforeſaid, diſcloſe the name and names of ſuch perſon or perſons as ſo ſhall make the ſame offer, and the dwelling place, or place of reſort of the ſame perſon or perſons (which he ſhall endeavour himſelf to know by all the ways and means he can) to the Ordinary of that Dioceſſe, or to any Juſtice of Peace of that Shire, where ſuch perſon or perſons, to whom ſuch offer ſhall be made, as is aforeſaid ſhall be reſiant: and alſo if ſuch perſon or perſons to whom ſuch offer ſhall be made, ſhall happen to receive any ſuch Agnus Dei, or other thing above remembred, and ſhall within the ſpace of one day next after ſuch receit, deliver the ſame to any Juſtice of Peace within the ſame Shire where the party ſo receiving ſhall be then reſiant, or ſhall happen to be: that then every ſuch perſon or perſons doing any the acts or things in this proviſion above mentioned, in form above declared, ſhall not by force of this Statute, incur any danger or penalty appointed by this Statute, or any other pain or penalty: This Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

Delivering an Agnus Dei received, to the Ordinary, or a Juſtice of Peace.

A pardon to them that ſhall bring in to be cancelled thoſe bulls which before they received.

And be it further enacted by the authority aforeſaid, That all and every perſon and perſons which at any time ſince the beginning of the firſt year of the Queens Majeſties reign that now is, have brought or cauſed to be brought into this Realm, any ſuch buls, writings, or inſtruments of reconciliation, only as are above mentioned and now have any of the ſame buls, writings or inſtruments in his or their hands or cuſtody, and ſhall and do within the ſpace of three months next after the end of any Seſſion, or diſſolution of this preſent Parliament, bring and deliver all ſuch buls, writings and inſtruments, which they or any of them now have in his or their cuſtody, to the Biſhop of the Dioceſſe where ſuch abſolution hath been given and received, to the intent that the ſame buls, writings or inſtruments may be cancelled and defaced, and ſhall openly and publickly before ſuch Biſhop confeſſe and acknowledg his or their offence therein, and humbly deſire to be received, reſtored and admitted to the Church of England, ſhall ſtand and be clearly pardoned and diſcharged of all and every offence and offences done or committed in any matter or cauſe concerning any of the ſaid buls, writings or inſtruments, for or touching ſuch abſolution or reconciliation only. And that all and every perſon or perſons, which have received or taken any abſolution from the ſaid Biſhop of Rome, or his ſaid See of Rome, of any reconciliation unto the ſaid Biſhop or to the ſaid See of Rome, ſithence the ſaid firſt year of the reign of our ſaid Soveraign Lady the Queen, and ſhall within the ſaid ſpace of three months, next after any Seſſion, or diſſolution of this preſent Parliament, come before the Biſhop of the Dioceſſe of ſuch place where ſuch abſolution or reconciliation was had or made, and ſhall publickly and openly before the ſame Biſhop confeſſe and acknowledg his or their offence therein, and humbly deſire to be received, reſtored, and admitted to the Church of England, ſhall likewiſe ſtand and be cleerly pardoned and diſcharged of all and every offence and offences, done or committed in any matter or cauſe concerning the ſaid buls, writings or inſtruments, for or touching only receiving of ſuch abſolution or reconciliation and for and concerning all abſolution or reconciliation had or received by colour of any of the ſaid buls, writings, or inſtruments only.

A pardon of all thoſe that have been reconciled to the Biſhop of Rome, and do confeſſe it, and ſubmit themſelves.

The penalty of a Juſtice of Peace, not diſcloſing an offence declared to him.

Provided alſo, and be it further enacted by the authority aforeſaid, That if any Juſtice of peace, to whom any matter or offence before mentioned, ſhall be uttered, ſhewed or declared as is aforeſaid, do not within the ſpace of xiiii. dayes next after it ſhall be to him ſhewed or uttered, ſignifie or declare the ſame to ſome one of the Queens Majeſties privy Councel: that then the ſame Juſtice of peace ſhall incur the danger, pain and forfeiture provided by the ſaid Statute made in the ſaid ſixteenth year of King Richard the ſecond.

Tryal of a Nobleman by his Peers.

Provided alſo and be it further enacted by the authority aforeſaid, That if any Nobleman being a Peer of this Realm, ſhall at any time hereafter happen to be indicted for any the offence or offences aforeſaid: that then every ſuch Nobleman and Peer of this Realm, ſhall have his tryal by his Peers, as in caſes of high Treaſon, and miſpriſion of Treaſon hath heretofore been accuſtomed or uſed.

A Saving of the right of others.

Saving to all and every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors and the heirs and ſucceſſors of every of them, other than the ſaid offendors and their heirs, clayming only as heir or heirs to any ſuch offendors, and ſuch perſon and perſons as claim to any their uſes, all ſuch rights, titles, intereſts, poſſeſſions, leaſes, rents, reverſions, remainders, offices, fees, and all other profits, commodities, and hereditaments, as they or any of them ſhall have at the day of the committing of ſuch offence or offences, or any time before, in as large and ample manner to all intents and purpoſes, as if this Act had never been had nor made: any thing herein contained to the contrary thereof notwithſtanding. 23 Eliz. 1.

CAP. III.

If any born within this Realm, or made free Denizen, hath departed, or ſhall depart the Realm without the Queens licence, under the great or privy Seal, and ſhall not return again within ſix months after warning by proclamation, he ſhall forfeit to the *Queen*, the profits of all his lands during his life, and alſo all his goods and chattles. The like penalty he ſhall ſuſtain, which having licence, ſhall not return within ſix moneths after his licence expired. The offendor ſhall have reſtitution upon ſubmiſſion. Fraudulent aſſurances made by fugitives of their lands and goods, to deceive the Queen, ſhall be void. EXP. 14 El. 6. Stat. 5 R. 2. 2. 4 Jac. 1. 12 R. 2. 8.

CAP. IV.

Treaſurers, Receivers, and other Accomptants Lands ſhall be liable for the payment of the Queens debts by them not Paid, &c.

Accomptants whoſe Lands are liable to the payment of their debts to the Queen. 14 El. 7.

FOr the better ſecurity of the Queens Majeſty her heirs and ſucceſſors, againſt ſuch as ſhall have the receipt and charge of the money and treaſure of her Highneſſe, her heirs and ſucceſſors: Be it declared and enacted by the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all lands, tenements, profits, commodities and hereditaments, which any Treaſurer or Receiver, in or belonging to any of the Queens Majeſties Courts of the Exchequer, Wards and Liveries, or Dutchy of Lancaſter, Treaſurer of the Chamber, Coferer of the houſhold to the Queens Majeſtie, her heirs or ſucceſſors, Treaſurer for the Wars, Treaſurer of any Fort, Town or Caſtle where any Garriſon is or ſhall be kept, Treaſurer of the Admiralty or Navy, Treaſurer or other perſon accomptable to the Queens Majeſty, her heirs or ſucceſſors for any office or charge, of or within the Mint, Treaſurer or Receiver of any ſums of money in preſt or otherwiſe, for the uſe of the Queens Majeſty, her heirs or ſucceſſors, or for proviſions of victual, for the fortifications, buildings, or works, or for any other proviſions to be uſed in any the offices of the Queens Majeſties Ordnance and Artillery, Armory, Wardrobe, Tents and Pavilions or Revels, Cuſtomer, Collector, Farmer of Cuſtoms, Subſidies, Impoſts, or other duties within any Port of the Realm, Collector of the tenths of the Clergy, Collector of any Subſidy or Fifteen, Receiver general of the Revenues of any County or Counties, anſwerable in the receipt of the Exchequer, or in the Court of Wards and Liveries, or the Dutchy of Lancaſter, Clerk of the Hamper, now hath, or at any time hereafter ſhall have, within the time whilſt he or they or any of them, ſhall remain accomptable, ſhall for the payment and ſatifaction unto the Queens Majeſty, her heirs and ſucceſſors, of his or their arrearages, at any time hereafter to be lawfully according to the Laws of this Realm adjudged & determined upon his or their accompt (all his due and reaſonable petitions being allowed) be liable to the payment thereof, and be put and had in execution, for the payment of ſuch arrearages or debts, to be ſo adjudged and determined upon any ſuch Treaſurer, Receiver, Teller, Cuſtomer, Collector, Farmer, Officer [a] or Accomptant, as is before named in like and in as large and beneficial manner, to all intents and purpoſes, as if the ſame Treaſurer, Receiver, Teller, Cuſtomer, Farmer or Collector, upon whom any ſuch arreages or debts ſhall be ſo adjudged or determined, had the day he became firſt Officer or Accomptant, ſtood bound by writing obligatory, having the effect of a Statute of the Staple, to her Majeſty, her heirs or ſucceſſors for the true anſwering and payment of the ſame arrearages or debts.

[a] Coke li. 10. fol. 55.

Certain caſes wherein the Queen may ſell the accomptants Lands.

And foraſmuch as many times it may come to paſs, that the Queens Highneſſe, her Heirs or Succeſſors, ſhall not or may not be conveniently ſatisfied of the debt to be determined or due upon any accompt or farm, as is aforeſaid, by way of extent, for that the yearly value of the Lands extended, will not ſatisfie her Highneſſe, her Heirs or Succeſſors, within the compaſſe of many years, ſo as thereby great loſſe might enſue to her Highneſſe, her Heirs and ſucceſſors. For remedy thereof, be it further enacted, That if any Treaſurer, Receiver, Collector, Farmer, Cuſtomer, Teller, Collector of cuſtom, ſubſidy or impoſt, or other perſon accomptant before mentioned, which ſhall from and after the Feaſt of S. Michael the Archangel, now next coming, receive or be chargeable with money or treaſure of our ſaid Soveraign Lady the Queen, her Heirs or Succeſſors, and ſhall upon the determining of his or their accompt (all his and their due petitions to them upon the ſame accompt being allowed) or by reaſon of any farm as aforeſaid, be found in arrearages, to owe unto our ſaid Soveraign Lady the Queen her Heirs or Succeſſors any ſum or ſums of money, and ſhall not within the ſpace of ſix months next after his or their accompts finiſhed, or debt known, (having allowance of his or their due and reaſonable Petitions, as is aforeſaid) truly ſatisfie and pay all ſuch arrearages and ſums of money, as he or they ſhall owe, upon determination of his or their accompt, or upon his or their debt known as is aforeſaid, that then it ſhall and may be lawful to the Queens Highneſs, her heirs and ſucceſſors, at any time, and from time to time after the ſaid ſix moneths ended, to make ſale by her or their Letters Patents, under the great Seal of England, of ſo much of the lands, tenements and hereditaments of every ſuch Accomptant or Debtor ſo being found in arrearages, or in debt, as is above mentioned, as may ſuffice our ſaid Soveraign Lady the Queen, her Heirs or Succeſſors for the ſatisfaction of his or their debt or arrearages, to be determined or adjudged upon his or their accompt or farm, as is aforeſaid, (all due petitions being allowed, as is aforeſaid) untill her

Majeſty, her Heirs or Succeſſors, be by ſuch ſale fully ſatisfied and paid, of ſuch arrearages and debt to be found upon accompt or farm, as is aforeſaid.

Delivery of the overplus to the owner of the Land.

And if any overplus of money ſhall be reſerved or had upon any ſuch ſale, then the ſame ſhall be paid and delivered to the Accomptant or Farmer, or his heirs, by the officer that ſhall receive the mony upon any of the ſaid ſales, without any further or other warrant in that behalf to be made or obtained.

The ſale good againſt the Queen and accomptant.

And be it further enacted by the authority aforeſaid, That all the ſaid ſales to be made by the Queens Majeſty, her heirs or ſucceſſors, as is aforeſaid, ſhall be good and available in Law againſt the party accomptant, indebted, as is aforeſaid, and his heirs claiming as heirs, and againſt the Queens Majeſty, her Heirs and Succeſſors, notwithſtanding any former charge or encumbrance to her Majeſty, her Heirs and Succeſſors, by the perſon or perſons for whoſe debt or duty the ſame ſhall fortune to be ſold.

Accomptant purchaſeth Lands in others names.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons accomptant [a] or indebted as is aforeſaid, ſhall at any time after he or they ſhall become accomptant or chargeable as is aforeſaid, purchaſe & buy, or cauſe to be purchaſed and bought any lands, tenements or hereditaments, and cauſe the aſſurance thereof to be made in the name of any other perſon or perſons, where the ſame is indeed meant or intended, to the uſe, profit or behoof of ſuch perſon accomptant or indebted, or of any other perſon or perſons, & that the ſame manner of purchaſing, and ſecret uſes, profits or behoof, ſhall be found by office or inquiſition, That then all and every lands, tenements and hereditaments, ſo to be bought or purchaſed or cauſed to be purchaſed (as is before mentioned in this laſt proviſo) ſhall by vertue of this Act, be taken, deemed and uſed for the ſatisfaction of the arrearages and debt of every ſuch accomptant or debtor, as is above mentioned, to all intents and purpoſes, as though the perſon or perſons indebted, upon his or their accompt or farm, were thereof actually ſeized of ſuch eſtate that was conveyed to any perſon or perſons, by any ſuch accomptant or debtor, or by his means as is aforeſaid: And that all ſales to be thereof made by the Queens Majeſty, her Heirs or Succeſſors, for ſatisfaction of ſuch debt or arrearages as ſhall be found as is aforeſaid, to be due and owing to our ſaid Soveraign Lady the Queen, her Heirs and Succeſſors, ſhall be of the like effect, and be uſed and done in ſuch like manner and form, as is before expreſſed.

[a] Dyer, fol. 160.

And whereas heretofore ſome Treaſurers, Tellers, Receivers, Collectors, and others, having had charge of the Queens Majeſties money and treaſure, have gotten into their hands great ſums of the Queens Majeſties money & treaſure, ſithence the beginning of her Majeſties reign, and have moſt fraudulently imployed her Majeſties money and treaſure, which they had in their charge, in ſundry wiſe to their own uſes, partly in the purchaſing her Majeſties own lands, and partly in purchaſing lands of others: and to the intent the ſame ſhould not be liable to ſatisfie and pay her Majeſtie, her Heirs or Succeſſors, of that which to her or them ſhould appertain, have purchaſed the ſame ſometimes in their own names and ſometimes in the names of ſundry their friends and kinsfolks, wives or children, and yet neverthelеſſe have taken and received the rents and revenues thereof to their own uſes.

Lands purchaſed by accomptants ſince the beginning of the Queens reign.

Be it therefore further enacted and ordained by the authority aforeſaid, That all and ſingular lands, tenements and hereditaments, which any Treaſurer, Receiver, Teller, Cuſtomer, Collector, Officer or Accomptant before named, hath heretofore ſince the beginning of the Queens Majeſties reign purchaſed, or cauſed to be purchaſed, to the intent the ſame ſhould not be liable, as is aforeſaid (the fraud and covin aforeſaid, being firſt found by office or inquiſition) ſhall and may be ſeized and taken by her Maieſty, her Heirs and Succeſſors, and retained by her Maieſty, her Heirs and Succeſſors, in fee-ſimple, to be ſold or otherwiſe uſed at her and their wills and pleaſures, towards the payment and ſatisfaction of all and every arrearages already ſet or determined and adjudged, or that hereafter ſhall be ſet, determined or adjudged, upon his or their accompt (all reaſonable and due petitions being allowed) at ſuch rate and value, as the ſame were purchaſed or bought, or cauſed to be purchaſed or bought, by any ſuch Treaſurer, Receiver, Teller, Cuſtomer or Collector, before named, or by any other perſon to their uſe.

The Queen ſhall ſeize only ſo much land as will ſatisfie her.

Provided alwayes, That if the Lands and Tenements ſo to be ſeized, taken or ſold by her Majeſty, her Heirs or Succeſſors, as is laſt above mentioned, do ſurmount after the rate and value aforeſaid, the debt and arrearages to be ſet, determined and adjudged, upon the accompt of any Treaſurer, Receiver, Teller, Cuſtomer, Collector or Accomptant before named: that then her Majeſty, her Heirs and Succeſſors, ſhall take and ſeize only ſo much as ſhall amount after the rate and value aforeſaid, to the juſt payment and ſatisfaction of ſuch debt and arrearages, as hath been or ſhall be ſet, determined, or adjudged, upon his or their accompt, as is aforeſaid.

No Biſhops lands ſhall be chargeable.

Provided alwayes, and be it further enacted by the authority aforeſaid, That no Biſhop having the collection of any Subſidie or Tenths or any his lands, tenements or hereditaments, whereof he is ſeized in the right of his Biſhoprick, ſhall be charged by vertue of this Act, for any arrearages of Tenths or Subſidy, or otherwiſe or in any other manner then he might lawfully have been before the making of this Act: Any thing herein contained to the contrary thereof notwithſtanding.

Accomptants whoſe receipt exceedeth not 300 l.

And be it alſo further provided and enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not in any wiſe extend to Charge any Treaſurer, Receiver, Teller, Cuſtomer, Collector or Accomptant aforeſaid, having any yearly receipt, nor any their lands, tenements or hereditaments, whoſe yearly receipt, collection and charge, or whoſe whole receipt from the beginning of his charge, is not or hath not been, or hereafter ſhall not be, above the ſume of CCC li. otherwiſe, or in any other manner and form, then he or they might lawfully have been charged before the making of this Act: Any thing herein contained to the contrary thereof notwithſtanding.

And foraſmuch as ſundry the Accomptants before named, namely, the Treaſurer of the Chamber, and Coferer of the houſhold of our ſaid Soveraign Lady the Queen, her Heirs and Succeſſors, Treaſurers of Wars or Garriſons, Treaſurers of the Navy, Treaſurers or Receivers of any ſums of money for proviſion of victual, or for fortifications, or for buildings, and Maſter of the Wardrobe, are by order of their offices and charge, after their accompts ended and determined, to diſburſe, expend and defray the debt remaining upon their accompts, in ſuch charges as are neceſſarily and incidently to be ſpent and provided in their offices and charges, ſo as they are not of ſuch ſums of money, or debt remaining upon their accompt, to make preſent payment and ſatisfaction as other accomptants are:

Accomptants which are not to make preſent payment.

Be it therefore enacted and ordained by the authority aforeſaid, That this Act or any thing therein contained, ſhall not extend to give any power or authority to make ſale of any lands, tenements or hereditaments, for any ſuch debt to be ſet and adjudged in any of his or their accompts mentioned in this branch, unleſſe the Queens Majeſty, her Heirs and Succeſſors, upon the ending or determining of his or their accompts (all his or their due petitions to them upon the ſame accompts being allowed) require or command preſent payment thereof, or otherwiſe eftſoons require a new accompt of the ſame debt, ſo ſet or remaining in any the accompts mentioned in this branch: and that then the ſame debt, or any part thereof ſhall be found to be owing and unexpended in the matters or charges pertaining to any of their ſaid offices or charges mentioned in this branch, and the ſame debt remain unpaid by the ſpace of ſix moneths after ſuch requeſt or commandement.

Provided alway, That this Act ſhall not extend to charge any Sheriff, Eſcheator or Bayliff of Liberties, or the lands, tenements or hereditaments of any Sheriff, Eſcheator or Bayliff of Liberties, nor of any their heirs or aſſigns, for any thing touching his or their office of Sheriffwike, Eſcheatorſhip or Bayliffwike, nor for any money by him or them received, or to be received, by reaſon of any their ſaid offices, otherwiſe, or in any other manner then he or they might lawfully have been charged before the making of this Act: Any thing herein contained to the contrary notwithſtanding.

This Act ſhall not charge any Sheriff, Eſcheator, or Bayliff of Liberties.

Provided alſo, That this Act as touching only the ſale of any lands or tenements, ſhall not extend to any lands, tenements or hereditaments, which any perſon or perſons now have or enjoy, and have purchaſed or obtained Bona fide, and not being privy or conſenting unto any ſuch intent to defraud the Queens Majeſty, as is abovesaid. And that it ſhall be lawful to every perſon and perſons, whoſe lands, tenements or hereditaments, ſhall by any office or inquiſition, be found to be fraudulently conveyed or aſſured as is aboveſaid, to have his or their lawful Traverſe to every ſuch office or inquiſition: and if it be found with the party that tendereth the Traverſe, that then he ſhall have the ſaid lands out of the Prince's hands, without any petition, livery, or Ouſter le maine, or any other ſuit to be had, made or uſed: and the ſame being found, for ſuch perſon or perſons ſo traverſing the ſame lands, tenements and hereditaments, ſhall be adjudged as not liable, chargeable, nor to be ſold by force of this Statute.

Lands purchaſed Bona fide.

Any party grieved may have the Traverſe.

Provided alſo, and be it Enacted, That if the Queens Majeſty, her Heirs or Succeſſors, ſhall by any ſale of lands, by force of this Statute, be fully ſatisfied of the debt or arrearages of any ſuch accomptant, or debtor, or any part thereof, then the Sureties of ſuch accomptant or debtor ſhall be diſcharged of ſo much of the debt, forfeiture and arrearage, as ſo ſhall be ſatisfied, and ſo for the reſidue only, ſhall be ratably, according to their abilities charged: Any thing in this or any other Statute to the contrary notwithſtanding.

If the Queen do ſell the accomptants lands, his ſureties ſhall be diſcharged for ſo much.

Provided alwayes, That this Act nor any thing therein contained, ſhall in any wiſe extend to charge Henry Golding Eſquire, and Thomas Neale one of the Queens Majeſties Auditors, or the Lands or Tenements of either of them, to whom the Queens Majeſty hath demiſed any Cuſtoms, Subſidies or Impoſts, in any thing only touching the ſaid demiſe and leaſe, otherwiſe, or in any other manner than they might have been lawfully charged if this Act had never been had or made, except they or either of them do hereafter take any of the profits of the ſaid Subſidies, Cuſtoms or Impoſts, by force of the ſaid demiſe: Any thing herein contained to the contrary thereof notwithſtanding. 14 Eliz. 7. 27 Eliz. 3. 1 Jac. 25.

Certain perſons not chargeable by this Act.

CAP. V.

Fraudulent Deeds made to avoid the Debts of others ſhall be void: and the penalties of the parties to ſuch fraudulent Aſſurances.

For the avoiding and aboliſhing of feigned, covenous and fraudulent Feoffments, Gifts, Grants, Alienations, Conveyances, Bonds, Suits, Judgments and Executions, as well of lands and tenements, as of goods and chattels, more commonly uſed and practiſed in theſe dayes, than hath been ſeen or heard of heretofore: Which Feoffments, Gifts, Grants, Alienations, Conveyances, Bonds, Suits, Judgments and Executions, have been, and are deviſed and contrived of malice, fraud, covin, colluſion or guile, to the end, purpoſe and intent, to delay, hinder or defraud creditors and others of their juſt and lawful Actions, Suits, Debts, Accompts, Damages, Penalties, Forfeitures, Heriots, Mortuaries and Reliefs, not only to the let or hinderance of the due courſe and execution of Law and Juſtice, but alſo to the overthrow of all true and plain dealing, bargaining and cheviſance, between man and man, without the which no Commonwealth or civil Society can be maintained or continued.

The end and intent of fraudulent conveyances.

a Dyer fol. 295, 351. Coke l. 3. f. 80. l. 5. f. 60. l. 8. f. 171. l. 9. f. 108. l. 10. f. 56. Co. Inſt. 76. a. Cro. El. 234.

Be it therefore declared, ordained and enacted by the authority of this preſent Parliament, That all and every Feoffment, Gift, Grant, Alienation, Bargain and a Conveyance of lands, tenements, hereditaments, goods and chattels, or of any of them, or of any leaſe, rent, common or other profit or charge, out of the ſame lands, tenements, hereditaments, goods and chattels, or any of them, by writing or otherwiſe: and all and every bond, ſuit, judgment and execution, at any time had or made ſithence the beginning of the Queens Majeſties

All fraudulent conveyances made to avoid the Debt or Duty of others, ſhall be void. Raſt. pla. f. 207. Stat. 27 El. 4.

jeſties reign that now is, or at any time hereafter to be had or made, to or for any intent or purpoſe before declared and expreſſed, ſhall be from henceforth deemed and taken (onely as againſt that perſon or perſons, his or their heirs, ſucceſſors, executors, adminiſtrators and aſſigns, and every of them, whoſe actions, ſuits, debts, accompts, damages, penalties, forfeitures, heriots, mortuaries and reliefs, by ſuch guileful, covenous or fraudulent devices and practices, as is aforeſaid, are, ſhall or might be in any wiſe diſturbed, hindered, delayed or defrauded) to be clearly and utterly void, fruſtrate, and of none effect: any pretence, colour, fained conſideration, expreſſing or uſe, or any other matter or thing to the contrary notwithſtanding.

The forfeiture of the parties to fraudulent Deeds.
a Coke pla. fol. 162.

And be it further Enacted by the authority aforeſaid, That all and every the parties to ſuch fained, covenous or fraudulent feoffment, gift, grant, alienation, bargain, conveyance, bonds, ſuits, judgments, [a] executions, and other things before expreſſed, and being privy, and knowing of the ſame, or any of them, which at any time after the tenth day of June next coming, ſhall wittingly and willingly put in ure, avow, maintain, juſtifie or defend the ſame, or any of them, as true, ſimple, and done, had or made Bona fide, and upon good conſideration: or ſhall alien or aſſign any the lands, tenements, goods, leaſes, or other things before mentioned, to him or them conveyed as is aforeſaid, or any part thereof, ſhall incur the penalty and forfeiture of one years value of the ſaid lands, tenements and hereditaments, leaſes, rents, commons, or other profits, of or out of the ſame, and the whole value of the ſaid goods and chattels, and alſo ſo much money as are or ſhall be contained in ſuch covenous and fained bond: the one moiety whereof to be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the party or parties grieved by ſuch faigned and fraudulent feoffment, gift, grant, alienation, bargain, conveyance, bonds, ſuits, judgments, executions, leaſes, rents, commons, profits, charges, and other things aforeſaid to be recovered in any of the Queens Courts of Record, by action of debt, bill, plaint, or information, wherein none eſſoine, protection, or wager of Law ſhall be admitted for the Defendant or Defendants, and alſo being thereof lawfully convicted, ſhall ſuffer impriſonment for one half year without bail or mainpriſe.

a Dyer. fol. 351. Cro.El.645, Cro. Jac. 270.

Who ſhall have the forfeiture, and by what means.

Common recoveries againſt the tenants of freehold.

Provided alwayes, and be it further enacted by the authority aforeſaid, That whereas ſundry common recoveries of lands, tenements and hereditaments, have heretofore been had, and hereafter may be had againſt Tenant in tail, or other Tenant of the freehold, the reverſion or remainder, or the right of reverſion or remainder then being in any other perſon or perſons, that every ſuch common recovery heretofore had, and hereafter to be had of any Lands, Tenements or Hereditaments, ſhall as touching ſuch perſon and perſons, which then had any remainder or reverſion, or right of remainder or reverſion, and againſt the heirs of every of them, ſtand, remain, and be of ſuch like force and effect, and of none other, as the ſame ſhould have been if this Act had never been had, ne made.

Making an eſtate whereby a voucher may be uſed in a Formedon.

Provided alwayes, and be it futher enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to make void any eſtate or conveyance, by reaſon whereof any perſon or perſons ſhall uſe any voucher in any Writ of Formedon, now depending or hereafter to be depending, but that all and every ſuch vouchers in any Writ of Formedon, ſhall ſtand, and be in like force and effect, as if this Act had never been had, ne made: any thing before in this Act contained to the contrary notwithſtanding.

Eſtates made upon good conſideration, and Bona fide.

Provided alſo, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any eſtate or intereſt in Lands, Tenements, Hereditaments, Leaſes, Rents, Commons, Profits, Goods or Chattels, had made, conveyed or aſſured, or hereafter to be had, made, conveyed or aſſured; which eſtate or intereſt, is or ſhall be upon good conſideration and bona fide, lawfully conveyed or aſſured to any perſon or perſons, or bodies Politick or Corporate, not having at the time of ſuch conveyance or aſſurance to them made, any manner of notice or knowledg of ſuch covin, fraud, or colluſion as is aforeſaid: any thing before mentioned to the contrary hereof notwithſtanding.

This Act to endure unto the end of the firſt Seſſion of the next Parliament. 29 Eliz. 5. made perpetual. 2 R. 2. 3. 3 H. 7. 4. 50 Ed. 3, 6.

CAP. VI.

Exemplification of Letters Patents ſhall be as effectual to be ſhewed or pleaded, as the ſaid Letters Patents were.

A ſupply of the Stat. of 3 & 4 Ed. 6. 4.

For the avoiding of all ſuch doubts, queſtions and ambiguities, as heretofore have riſen and been moved, and of ſuch as hereafter might riſe and be moved, in and upon the Statute made in the Parliament, begun and holden at Weſtminſter, the fourth day of November, in the third year of the reign of our late Sovereign Lord King Edward the ſixth, entituled, An Act concerning Grants and Gifts, made by Patentees out of Letters Patents, and for a due and full ſupply of all ſuch wants as may be thought to be therein.

a Coke l fol. 25. Cro. Ca 149.

Be it enacted and declared by the authority of this preſent Parliament, That all and every Patentee and Patentees, their heirs, ſucceſſors, executors, and aſſigns, and all and every other perſon and perſons, having by or from them, or any of them, or under their title any eſtate or intereſt, of, in, or to any lands, tenements, or hereditaments, or any other thing whatſoever, to ſuch [b] Patentee or Patentees heretofore granted by any Letters Patents, either of the moſt famous Princes, King Henry the eight, King Edward the ſixth, Queen Mary, King Philip and Queen Mary, or by any of them, or by the Queens moſt excellent Majeſty that now is, at any time ſithence the fourth day of February, in the xxvii. year of the reign of the ſaid late King Henry the eighth, or elſe by the Queens Majeſty that now is her Heirs or Succeſſors, at any time hereafter to be granted, ſhall and may at all times hereafter, in any of the Queens Highneſſe Courts, her Heirs and Succeſſors, or elſewhere, by the authority of this preſent Act, make and convey, and be allowed and ſuffered to make and convey to and for him, them, and every of themſelves, ſuch claim or title, by way of Declaration,

b Coke l 5. f. 53. Dyer. f. 107. 179. Co. Inſt. 225. b.

An exemplification of Letters Patents, ſhall be of the ſame force as the Letters Patents themſelves.

on, Plaint, Avowry, Barre, Replication, or other pleading whatſoever, as well againſt the Queens Highneſſe, her Heirs, and ſucceſſors, and every of them, as againſt all and every other perſon and perſons whatſoever, for, or concerning the lands, tenements, hereditaments, or other things whatſoever, ſpecified or contained in any ſuch Letters Patents, or of, for, or concerning any part or parcel thereof, by ſhewing forth an Exemplification or Conſtat, under the great Seal of England, of the enrollment of the ſame Letters Patents, or of ſo much thereof, as ſhall and may ſerve to or for ſuch title, claim, or matter, the ſame Letters Patents then being and remaining in force, not lawfully ſurrendred nor cancelled, for or concerning ſo much and ſuch part and parcel of ſuch lands, tenements, hereditaments, or other thing whereunto ſuch title or claim ſhall be made, as if the ſame Letters Patents ſelf were pleaded, and ſhewed forth: Any Law, Uſage, or other thing whatſoever to the contrary notwithſtanding, Coke pla, fo. 541.

CAP. VII.

Who is a Banrkupt, how and by whom his body, lands, and goods, ſhall be ordered for payment of the Creditors.

Foraſmuch as notwithſtanding the Statute made againſt Bankrupts in the xxxiv. year of the reign of our late Soveraign Lord King Henry the eight, thoſe kind of perſons have and do ſtill increaſe into great and exceſſive numbers, and are like more to do if ſome better proviſion be not made for the repreſſion of them. And for a plain declaration to be made and ſet forth, who is and ought to be taken and deemed for a bankrupt: Therefore be it enacted and eſtabliſhed by the authority of this preſent Parliament, That if any Merchant or other perſon, uſing or exerciſing the trade of Merchandize, by way of Bargaining, Exchange, Rechange, Bartry, Cheviſance, or otherwiſe, in groſſe, or by retail, or ſeeking his or her trade of living, by buying and ſelling, and being Subject born of this Realm, or of any the Queens Dominions, or Denizen, ſithence the firſt day of this preſent Parliament, hath, or at any time hereafter ſhall depart the Realm, or begin to keep his or her houſe or houſes, or otherwiſe to abſent him or her ſelf, or take Sanctuary or ſuffer him or her ſelf willingly to be arreſted for any debt or other thing, not grown or due for mony delivered, wares ſold, or any other juſt or lawful courſe, or good conſideration or purpoſes, hath or will ſuffer him or her ſelf to be outlawed, or yield him or her ſelf to priſon, or depart from his or her dwelling houſe or houſes, to the intent or purpoſe to defraud or hinder any of his or her Creditors, being alſo a Subject born, as is aforeſaid, of the juſt debt or duty of ſuch Creditor or Creditors, ſhall be reputed, deemed and taken for a Bankrupt.

34 H. 8. 8. Co Inſt. 4. Part, 277. Cro. El. 13. pl. 6.

Who ſhall be ſaid a bankrupt.

And be it enacted by the authority aforeſaid, That the Lord Chancellor of England, or Lord Keeper of the great Seal of England for the time being, upon every complaint made to him in writing, againſt ſuch perſon or perſons being bankrupt, as is before defined, ſhall have full power and authority by Commiſſion under the great Seal of England, to name, aſſign, and appoint, ſuch wiſe and honeſt, diſcreet perſons as to him ſhall ſeem good: Who or the moſt part of them, by vertue of this Act and of ſuch Commiſſion, ſhall have full power and authority to take by their diſcretions ſuch order and direction, with the body and bodies of ſuch perſon, whereſoever he or ſhe may be had, either in his or her Houſe or Houſes, Sanctuary or elſewhere, as well by impriſonment of his or her body or bodies, as alſo with all his or her Lands, Tenements, Hereditaments, as well Copy or Cuſtomary-hold, as Free-hold which he or ſhe ſhall have in his or her own right before he or ſhe became bankrupt, and alſo with all ſuch Lands, Tenements, and Hereditaments as ſuch perſon ſhall have purchaſed, or obtained for money, or other recompence, joyntly with his wife, children or child, to the onely uſe of ſuch offendor or offendors, or of, or for ſuch uſe, intereſt, right or title, as ſuch offendor or offendors then ſhall have in the ſame, which he or ſhe may lawfully depart withal, or with any perſon or perſons, of truſt to any ſecret uſe of ſuch offendor or offendors, and alſo with his or her mony, goods, chattels, wares, merchandizes and debts, whatſoever they may be found or known, and cauſe the ſaid Lands, Tenements, Fees, Annuities, Offices, Goods, Chattles, Wares, Merchandizes and Debts, to be ſearched, viewed, rented and appriſed to the beſt value they may, and by Deed indented, inrolled in one of the Queens Majeſties Courts of Record, to make ſale of the ſaid Lands, Tenements, and Hereditaments, and of all deeds, writings and evidences, touching only the ſame, belonging to ſuch offendor or offendors, debtor or debtors, and alſo of all fees, annuities, offices, goods and chattels, or otherwiſe to order the ſame for true ſatisfaction and payment of the ſaid Creditors; that is to ſay, To every of the ſaid Creditors a [a] portion, rate like, according to the quantity of his or their debts: and that every direction, order, bargain, ſale and other thing done by the ſaid perſons ſo authorized, as is aforeſaid, ſhall be good and effectual in the Law, to all intents, conſtructions, and purpoſes, againſt the ſaid offendor or offendors, debtor or debtors, his or their wife or wives, heir or heirs, child and children, and ſuch perſon and perſons, as by ſuch joynt purchaſe with the ſaid offendor or offendors, as is aforeſaid, have or ſhall have any eſtate or intereſt in the premiſſes, and againſt all other perſon or perſons, claiming by, from, or under ſuch offendor or offendors, debtor or debtors by any Act or Acts had, made or done after a any ſuch perſon ſhall become bankrupt, as is aforeſaid, and alſo againſt the Lords of the Manors, whereof the ſaid Copy-hold or Cuſtomary lands been holden, their Heirs, Succeſſors and Aſſigns, and every of them.

The Lord Chancellor may grant a Commiſſion to take order for bankrupts bodies, lands, and goods.

The authority of the Commiſſioners.

The Commiſſioners may ſell bankrupts lands, goods, &c.

[a] Coke li. 2, fol. 25. Cro. Car. 149.

Againſt what perſons the Commiſſioners ſale of a Bankrupts lands, goods, &c. ſhall be available.

Provided alwayes, and be it enacted by the authority aforeſaid, That all and every perſon or perſons, to whom any ſuch ſale of Copy-hold or Cuſtomary lands or tenements ſhall be made, ſhall, before ſuch time as they or any of them ſhall enter or take any profit of the ſame lands or tenements, agree & compound with the Lords of the Manors of whom the ſame ſhall be holden, for ſuch Fines or Incoms as heretofore hath been moſt uſual and accuſtomed to be yielded or paid therefore: and that upon every ſuch agreement or compoſition,

Venders of Copy-hold lands ſhall compound with the Lord of the Manor for their Fines.

the ſaid Lords for the time being, at the next Court to be holden, at or for the ſaid Manors ſhall not only grant unto the ſaid Vendee or Vendees, upon requeſt, the ſame Copy or Cuſtomary lands, tenements, by Copy of Court Roll, of the ſame Manors, for ſuch eſtate or intereſt as to them ſhall be ſo ſold, and reſerving the ancient Rents, Cuſtoms and Services: but alſo in the ſame Court admit them tenants of the ſame Copy or Cuſtomary Lands, as other Copy-holders of the ſame Manors have been wont to be admitted, and to receive their fealty accordingly.

The Commiſſioners ſhall declare to the bankrupt how they have beſtowed his lands and goods.

Provided always, and be it enacted by the authority aforeſaid, That ſuch of the ſaid Commiſſioners as ſhall put the ſaid Commiſſion in execution, ſhall upon lawful requeſt to them made by the ſaid Bankrupts, not only make a true declaration to the ſame Bankrupt, of the imploying and beſtowing of their ſaid lands, tenements, offices, fees, goods, chattels and debts ſo payed and ſatisfied to their ſaid creditors, but alſo make payment of the overplus of the ſame if any ſuch ſhall be to the ſaid bankrupts, their executors, adminiſtrators, or aſſigns.

The remedy where goods or debts of Bankrupts be in the hands of others.

And be it further enacted by authority aforeſaid, that if after any ſuch act or offence committed, and complaint thereof made to the ſaid Commiſſioners ſo to be appointed, as is aforeſaid, or the more part of them by any party grieved, as is aforeſaid, concerning the premiſſes, knowing, ſuppoſing, or ſuſpecting any of the goods, chattels, wares, merchandiſes, or debts of ſuch offendor or offendors, debtor or debtors, to be in the cuſtody, uſe, occupying, keeping or poſſeſſion of any perſon or perſons; or any perſon or perſons to be indebted to any ſuch offendor or offendors; do make relation thereof to the ſaid Commiſſioners ſo to be appointed, or the more part of them: that then the ſaid Commiſſioners, or the moſt part of them, ſhall by vertue hereof, and of the ſaid Commiſſion, have full power and authority to ſend for, and call before them by ſuch proceſſe, wayes or means, as they ſhall think convenient by their diſcretions, all and every ſuch perſon and perſons ſo known, ſuſpected, or ſuppoſed to have any ſuch goods, chattels, wares, merchandizes, or debts, in his or their cuſtody, uſe, occupation, keeping, or poſſeſſion, or ſuppoſed, or ſuſpected to be indebted to ſuch offendor or offendors, and upon their appearance, to examine them, and every of them, as well by their oaths as otherwiſe, by ſuch wayes and means as the ſaid Commiſſioners, or the more part of them by their diſcretions ſhall think meet and convenient, for and upon the ſpecialty, certainty, true declaration and knowledge of all and ſingular ſuch goods, chattels, wares, merchandizes, and debts of any ſuch offendor or offendors, as be ſuppoſed or ſuſpected to be in his or their cuſtody, uſe, occupation or poſſeſſion, and all ſuch debts, as by them, ſhall be ſuppoſed or ſuſpected to be owing to any ſuch offendor or offendors.

The penalty of ſuch as be examined, that will not diſcloſe the truth, or refuſe to ſwear.

And if any ſuch perſon or perſons upon examination, do not diſcloſe and plainly declare, and ſhew the whole truth of ſuch things as he or they ſhall be examined of concerning the premiſſes to his knowledg, or do deny to ſwear, then every ſuch perſon or perſons ſo denying to ſwear, or, being examined, do not declare the plain and whole truth concerning the premiſſes, upon due proof thereof to be made before the ſaid Commiſſioners, or the more part of them ſo to be appointed, as is aforeſaid, by witneſſe, examination, or otherwiſe, as to the ſaid Commiſſioners, or the more part or them ſhall ſeem ſufficient in that behalf, ſhall loſe and forfeit double the value of all ſuch goods, chattels, wares, merchandizes, and debts, by them or any of them ſo concealed, and not wholly and plainly declared and ſhewed: which

How the forfeiture ſhall be recovered and imployed.

forfeiture ſhall be levyed by the ſaid Commiſſioners, or the more part of them of the Lands, Tenements, Hereditaments, Goods and Chattels, of ſuch perſon ſo denying to ſwear, or not diſcloſing the whole truth, as is aforeſaid, by ſuch wayes and means, and in ſuch manner and form, as is before limited and appointed for the principall offendor or offendors debtor or debtors, and the ſame forfeiture or forfeitures to be diſtributed or imployed to and for the ſatiſfaction and payment of the debts of the ſaid Creditor or Creditors, in ſuch like manner, rate, and form, as is before declared, concerning the ordering of the Lands, and Tenements, offices, fees, goods and chattels of ſuch offendor or offendors, debtor or debtors, as is aforeſaid.

A remedy againſt them which do detain the goods of Bankrupts.

And be it further enacted, That if at any time, before or after that any ſuch perſon or perſons departeth the Realm, or ſhall keep his or their houſe or houſes, or otherwiſe abſent him or themſelves, or take ſanctuary, or ſuffer him or themſelves to be arreſted, outlawed, or yield his or their bodies to priſon, as is aforeſaid; any perſon or perſons do fraudulently, by covin or colluſion, claim, demand, recover, poſſeſſe, or detain any debts, duties, goods, chattels, lands, or tenements by writing, truſt, or otherwiſe, which were or ſhall be due, belonging or appertaining to any ſuch offendor or offendors, other than ſuch as he or they can and do prove to be due by right and conſcience in form aforeſaid, for mony paid, wares delivered, or other juſt conſideration or cauſe reaſonable, to the juſt value thereof, before the ſaid Commiſſioners ſo to be appointed, or the more part of them, as is aforeſaid, and the ſame to proceed (bona fide) without fraud or covin: that then every ſuch perſon or perſons, ſo craftily demanding, claiming, having, poſſeſſing, or detaining any ſuch debt, duty, or other thing as is aforeſaid, ſhall forfeit and loſe double as much as he or they ſhall ſo claim, demand, detain or poſſeſs; which ſaid forfeiture ſhall be levied, recovered, and imployed in manner and form as is afore rehearſed,

How the forfeitures ſhall be beſtowed after the bankrupts debts be paid.

Provided alſo, and be it enacted by authority aforeſaid, That if it ſhall fortune the Creditors of any ſuch bankrupt, as is aforeſaid, to be ſatiſfied and payed of their debts and duties, of, or with the proper lands, tenements, goods, chattels, and debts of the ſaid bankrupts or of, or with the ſame and ſome part of the forfeitures of the ſaid double values to be forfeited, as is aforeſaid, and that there ſhall remain an overplus of the ſaid forfeiture of the ſaid double values: that then the one moity of the ſaid overplus of the ſaid forfeitures of the double values ſo remaining, ſhall be by the ſaid Commiſſioners ſo executing the ſaid Commiſſion, within convenient time after the levying thereof, paid unto the Queens Majeſty, her

Heirs and Succeſſors; and the other moiety thereof ſhall be by the ſaid Commiſſioners, employed and diſtributed to, and amongſt the poor within the Hoſpitals in every City, Town, or County, where any ſuch Bankrupt ſhall happen to be: Any thing in this Act to the contrary thereof notwithſtanding.

A remedy againſt him which withdraweth himſelf from his dwelling place.

And be it further enacted by authority aforeſaid, that if any ſuch perſon or perſons which is or ſhall be indebted, do of purpoſe withdraw him or themſelves out of or from his or their uſual manſion houſe or houſes: that then upon complaint thereof made to the ſaid Commiſſioners having authority, as is aforeſaid, the ſame Commiſſioners, or the more part of them, ſhall by vertue and authority of this preſent Act, have full power and authority to award five Proclamations to be made in the Queens name, upon five ſundry market dayes, in ſuch places near the place where ſuch Bankrupt hath moſt commonly dwelled or made his abode, commanding him or them by the ſame Proclamation in the Queens name to return with all convenient ſpeed, and to yield his or their body before the ſaid Commiſſioners, having authority as is aforeſaid, or one of them, at ſuch time and place as by the ſaid Proclamation ſhall be appointed: and if the ſaid perſon do not according to ſuch Proclamation repair and yield his or their body, as is aforeſaid; that then the body of all and every ſuch offendor or offendors ſhall be adjudged, taken and deemed to all intents and purpoſes out of the Queens protection: and that alſo every perſon and perſons that ſhall willingly and wittingly help to hide or convey, or ſhall willingly and wittingly receive, detain or keep ſecretly any perſon or perſons ſo demanded by Proclamation as is aforeſaid, ſhall ſuffer ſuch pains by impriſonment of his or their bodies, or pay ſuch fine to our Soveraign Lady the Queens Majeſty, her Heirs and Succeſſors, as to the ſaid Lord Chancellor, or Lord Keeper of the great Seal (being informed thereof) by the Commiſſioners ſo to be appointed as is aforeſaid, or the more part of them, ſhall ſeem meet and convenient for their ſaid offence or offences.

The penalty of a Bankrupt not yielding himſelf after Proclamation, and of ſuch as do hide or receive him.

A remedy for the creditor, if he be not ſatisfied of his whole debt.

Provided alwaies, and be it further Enacted, That if the creditors of any ſuch offendor or offendors, debtor or debtors, which ſo do depart the Realm, keep his or their houſe or houſes, or otherwiſe abſent or withdraw him or themſelves into places unknown, or take Sanctuary, or will ſuffer him or themſelves to be arreſted or outlawed, or yield his or their bodies into priſon purpoſely, and for the cauſes aforeſaid, be not fully ſatisfied, or otherwiſe contented for their debts and duties by the wayes and means before ſpecified and declared: that then the ſaid creditor or creditors, and every of them, ſhall and may have their remedy for the recovery and levying of the reſidue of their ſaid debts or duties, whereof they ſhall not be fully ſatisfied, paid, or otherwiſe contented in form aforeſaid, againſt the ſaid offendor or offendors, in like manner and form as they ſhould and might have had before the making of this Act. And that the ſaid creditor or creditors, and every of them, ſhall be only barred and excluded, by vertue of this Act, of and for every ſuch part and portion of the ſaid debts and duties as ſhall be paid, ſatisfied, diſtributed, or delivered unto him or them by order of the ſaid perſons, as is aforeſaid, and of no more portion or parcel thereof: Any thing herein ſpecified that may be taken or conſtrued to the contrary notwithſtanding.

Lands, &c. extendable which be purchaſed, or do deſcend to a Bankrupt.

Provided always, and be it alſo enacted by the authority aforeſaid, That if any perſon or perſons which is or ſhall be publiſhed and declared to be a Bankrupt by vertue of this Act, ſhall at any time after purchaſe any Lands, Tenements, Hereditaments, free or copy, offices, fees, goods or chattels: or that any Lands, Tenements, Hereditaments, free or copy, offices, fees, goods or chattels ſhall deſcend, revert, or by any means come to any ſuch perſon or perſons being Bankrupts, as is aforeſaid, before ſuch time as their debts due to their creditors ſhall be fully ſatisfied and payed, or otherwiſe agreed for: that then the ſaid Lands, Tenements, Hereditaments, as well free as copy, offices, fees, goods and chattels, ſhall by vertue of this Act, by the ſaid Commiſſioners to be appointed, as is aforeſaid, or the more part of them, be bargained, ſold, extended, delivered and uſed for and towards the payment of the ſaid creditors, in ſuch like manner and form as other the lands, tenements, hereditaments, free or copy, offices, fees, goods and chattels of the ſaid Bankrupts, which they had when they were declared firſt to be Bankrupts, ſhould or might have been bargained, ſold, diſpoſed, or uſed by vertue of this Act.

Lands conveyed away before the party become Bankrupt.

Provided always, That this Act ſhall not extend to any Lands, Tenements, or Hereditaments, free or copy-hold, which heretofore have been aſſured by any ſuch Bankrupt, or hereafter ſhall be aſſured by any Bankrupt before he become Bankrupt: ſo that alwayes ſuch aſſurance be made [a] bona fide, and not to the uſe of the Bankrupt himſelf only, or of his Heirs: and that the parties to whoſe uſe ſuch aſſurance hath or ſhall be made, be not at or before the making of ſuch aſſurance, privy or conſenting to the fraudulent purpoſe of any ſuch Bankrupt, to deceive his creditors. 1 Jac. 15. 21 Jac. 19.

[a] Coke li. 2. fol. 26.

CAP. VIII.

The Statute of 37 H.8. 9. revived, and the Statute of 5 Ed. 5. 20. repealed: both which were made againſt Uſury, &c.

37 H. 8. 9.

VVhereas in the Parliament holden the ſeven and thirtieth year of the Reign of our late Soveraign Lord King Henry the eighth of famous memory, there was then made and eſtabliſhed one good Act for the reformation of Uſury, by which Act the vice of uſury was well repreſſed, and ſpecially the corrupt chevIſauce and bargaining by way of ſale of wares, and ſhifts of intereſt. And where ſince that time by one other Act made in the fifth and ſixth years of the reign of our late Soveraign Lord King Edward the ſixth, the ſaid former Act was repealed, and new proviſoes for repreſſing of Uſury deviſed and enacted: which ſaid later Act hath not done ſo much good as was hoped it ſhould, but rather the ſaid vice of Uſury, and ſpecially by way of ſale of wares, and ſhifts of intereſt, hath much more exceedingly abounded, to the utter undoing of many Gentlemen, Merchants, Occupiers, and others, and to the importable hurt of the Common-wealth, as well for that in the ſaid later

5 Ed. 6. 10.

ter Act there is no proviſion againſt ſuch corrupt ſhifts and ſales of wares, as alſo for that there is no difference of pain, forfeiture, or puniſhment, upon the greater or leſſer exactions and oppreſſions, by reaſon of lones upon Uſury.

The Stat. of 5 & 6 Ed. 6, 20. repealed, and the Stat. of 37 H. 8. 9. revived.

Be it therefore enacted, That the ſaid later Statute made in the fifth and ſixth years of the reign of King Edward the ſixth, and every branch and Article of the ſame, from and after the five and twentieth day of June next coming, ſhall be utterly abrogated, repealed and made void: and that the ſaid Act made in the ſeven and thirtieth year of King Henry the eighth, from and after the ſaid five and twentieth day of June next coming, ſhall be revived, and ſtand in full force, ſtrength and effect.

All contracts and aſſurances whereby above 10 li. in the 100 li. ſhall be reſerved, ſhall be void.

Cro. El. 25, pl. 3. 245, 588, 741. Cro. Jac. 35, 32. 677.

And be it further Enacted, That all bonds, contracts, and aſſurances, collateral or other, to be made for payment of any principal or money to be lent, or covenant to be performed upon or for any uſury in lending or doing of any thing againſt the ſaid Act now revived, upon or by which lone or doing there ſhall be reſerved or taken above the rate of x. l. for the hundred for one year, ſhall be utterly void.

Raſt. pla fo, 689. The penalty of Brokers and Drivers of uſurious bargains. Cok. pla. fol. 435.

And be it further Enacted, That all Brokers, Solicitors, and Drivers of bargains for contracts or other doings againſt the ſaid Statute now revived, whereupon ſhall be reſerved or taken more than after the rate of ten pound for the lone of one hundred pound for a year, ſhall be to all intents and purpoſes judged, puniſhed and uſed as Councellors, Atturneys or Advocates, in any caſe of *Præmunire*.

He that taketh x. li. or leſſe for the lone of 100 li. ſhall forfeit the intereſt only.

And foraſmuch as all Uſury, being forbidden by the Law of God, is ſin and deteſtable: Be it Enacted, That all uſury, lone, and forbearing of money, or giving dayes for forbearing of money, by way of lone, cheviſance, ſhifts, ſale of wares, contracts, or other doings whatſoever for gain, mentioned in the ſaid Statute, which is now revived, whereupon is reſerved or taken, or covenanted to be reſerved, payed, or given to the lender, contracter, ſhifter, forbearer, or deliverer, above the ſum of ten pound for the lone or forbearing of a hundred pound for one year, or after that rate for a more or leſſer ſum or time, ſhall be from the five and twentieth day of June next coming, puniſhed in form following; that is to ſay, that every ſuch offendor againſt this branch of this preſent Statute, ſhall forfeit ſo much as ſhall be reſerved by way of uſury, above the principal, for any money ſo to be lent or forborn. All ſuch forfeitures to be recovered and imployed, as is limited for forfeitures by the ſaid former Statutes now revived.

Which Magiſtrates may hear and determine the offences aforeſaid.

Cro. El. 25, pl. 21.

And be it further Enacted, That Juſtices of *Oyer* and *Terminer*, and Juſtices of Aſſiſe in their Circuits, Juſtices of Peace in their Seſſions, Mayors, Sheriffs, and Bayliffs of Cities, ſhall alſo have full power and authority to enquire, hear and determine of all and ſingular offences committed againſt the ſaid Statute now revived.

The Statute of 37 H. 8. 9. ſhall be conſtrued ſtrongly for the repreſſing of Uſury.

a Coke l. 3, fol. 89.

And be it further Enacted, That the ſaid Statute now revived ſhall be moſt largely and ſtrongly conſtrued for the [a] repreſſing of Uſury againſt all perſons that ſhall offend againſt the true meaning of the ſaid Statute by any way or device, directly or indirectly.

Provided alway, That this Statute doth not extend, nor ſhall be expounded to extend unto any allowances or payments for the finding of Orphans, according to the ancient rates or cuſtoms of the City of London, or any other City where like order is for the cuſtody of Orphans and their goods, as in the ſaid City of London.

In what caſe an offendor ſhall be alſo puniſhed by the Eccleſiaſtical Law.

Provided alwayes, and be it further Enacted by the authority aforeſaid, That if any perſon or perſons, ſhall from and after the ſaid five and twentieth day of June offend contrary to the ſaid Statute revived by this preſent Act, made in the ſeven and thirtieth year of the reign of the ſaid late King Henry the eighth: that then all and every ſuch offendor and offendors, ſhall and may alſo be puniſhed and corrected according to the Eccleſiaſtical Lawes heretofore made againſt uſury. And that all and every perſon and perſons offending in uſury, ſhifts, or cheviſance againſt this preſent Act, and not taking or receiving but only after the rate of ten pounds in the hundred, or under, for a year, ſhall be only puniſhed by the pains and forfeitures provided and appointed by this Act, againſt ſuch as ſhall not take or receive over and above the rate of x. li. in the hundred for a year, and not otherwiſe. This Act to continue and endure for and during the ſpace of five years, next after the end of this preſent Parliament, and from thence unto the end of the firſt Seſſion of the Parliament then next enſuing.

And be it further Enacted by the authority aforeſaid, That if this preſent Act ſhall not be continued in the firſt Seſſion of the Parliament next enſuing the ſaid term of five years, and then in the ſame Seſſion no other Statute or proviſion made againſt uſury or corrupt cheviſance: that then all and every the Laws and Statutes repealed by this Act, ſhall remain and be of ſuch like force and effect, as if this preſent Act had never been had, ne made. 39 Eliz. 18. made perpetual. Dyer, fol. 364. 366. Stat. 31 El. 5. 21 Jac. 17.

CAP. IX.

How long the Commiſſion of Sewers, and the Commiſſioners orders ſhall be in force: And who may be Commiſſioners, and who not, &c.

Stat. 3 Ed. 6. 9.

Foraſmuch as no Commiſſion of Sewers, by the Eſtatutes heretofore made, may have continuance above the ſpace of five years: Be it therefore Enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth all and every Commiſſion and Commiſſions of Sewers, now ſtanding in force, or that hereafter ſhall be granted and made, ſhall ſtand and continue in force for the term of ten years, next enſuing the date of every ſuch Commiſſion, unleſſe the ſame Commiſſion or Commiſſions be or hereafter ſhall be repealed or determined, by reaſon of any new Commiſſion in that behalf made, or by *Superſedeas*. And that all ſuch Lawes, Ordinances, and Conſtitutions, as be or ſhall be duly made by force of any ſuch Commiſſion, according to the

St. 23 H. 8. 5. A Commiſſion of Sewers ſhall continue ten years.

the tenour and effect limited in any former Statute heretofore made touching Commiſſion or Commiſſions of Sewers, and being written in Parchment indented, and under the Seals of the ſaid Commiſſioners, or ſix of them (whereof the one part ſhall remain with the Clerk appointed and to be appointed for the Commiſſion of Sewers for the time being, and the other part in ſuch place as the ſame Commiſſioners, or ſix of them ſhall order and appoint) ſhall without any Certificate thereof to be made into the Court of Chancery, and without the royal aſſent to the ſame had, ſtand and continue in full force and effect, notwithſtanding any determination of any ſuch Commiſſion by Superſedeas, untill ſuch time, as the ſame Laws, Conſtitutions and Ordinances ſhall be altered, repealed, or made void by the Commiſſioners after to be aſſigned and appointed for Sewers, in thoſe parts where the ſame Laws, &c. Ordinances and Conſtitutions were made, ordained and conſtituted, or by ſix of them.

The orders of the Commiſſioners of Sewers ſhall be of force without the certificate of them or the royal aſſent.

And be it further enacted by the authority aforeſaid, that at all times from and after the end and expiration of the term of ten years, next enſuing the date or teſte of any Commiſſion of Sewers hereafter to be made, all ſuch Laws, Ordinances, and Conſtitutions, as were made by vertue of any ſuch Commiſſion, and written in parchment indented and ſealed, as is above mentioned, without Certificate thereof, or the aſſent royal to the ſame had, as is aforeſaid, ſhall notwithſtanding the determination of any ſuch Commiſſion, by the expiration of the term of ten years, next enſuing the date of any ſuch Commiſſion of Sewers, likewiſe continue in force for and by the ſpace of one whole year then next enſuing: and that the Juſtices of Peace in the Shire and Shires, where the ſame Laws, Ordinances, and Conſtitutions are to be executed within their ſeveral Commiſſions or Limits, or ſix of them, whereof two to be of the Quorum, ſhall have power and authority, by the ſpace of one whole year next after the expiration of every ſuch Commiſſion, to execute the ſame Laws, Ordinances and Conſtitutions, and every of them, as fully, and in as ample manner and form as the Commiſſioners, or any of them, named and appointed, in every or any Commiſſion ſo expired, might or ſhould have done, to all intents and purpoſes, as if the ſaid Commiſſion or Commiſſions had continued in force.

The Commiſſioners of Sewers orders ſhall continue, though the Commiſſion do expire.

The Juſtices of Peace may for one year execute the Commiſſion of Sewers, unleſs a new Commiſſion be granted.

Provided alwayes, and be it nevertheleſſe enacted, That if any new Commiſſion of Sewers ſhall be made within the ſaid year, that then immediately from and after ſuch Commiſſion newly made and publiſhed, the power of the ſaid Juſtices of the Peace, and every of them, in any wiſe concerning the execution of any ſuch Laws, Ordinances and Conſtitutions of Sewers, ſhall utterly ceaſe: any thing or things in this Act to the contrary expreſſed in any wiſe notwithſtanding.

And be it further enacted, That no Farmor or Farmors, for term of years, of any Manors, Lands or Tenements, lying or being within the precincts or limits of any ſuch Commiſſion of Sewers, which be, or hereafter may be ordered and chargeable by any Laws, Ordinances or Conſtitutions, made or to be made by vertue of any ſuch Commiſſion, wherein he or they ſhall be named or appointed Commiſſioner or Commiſſioners, not having eſtate of freehold within the Realm of England, of or in Manors, Lands or Tenements, of the yearly value of forty pounds, ſhall at any time hereafter have power to ſit, or in any wiſe intermeddle with the execution of ſuch Commiſſion or Commiſſions, during the time he or they ſhall continue, or be ſuch Farmor or Farmors of any ſuch Manors, Lands or Tenements, and ſhall not have eſtate of freehold, as is aforeſaid: but that every ſuch Commiſſion, as having reſpect only to every ſuch perſon or perſons, for ſuch and ſo long time as he or they ſhall be and continue Farmor or Farmors of any ſuch Manors, Lands or Tenements, ſhall be deemed and adjudged in Law to be as void, and of none effect: Any thing in the ſame Commiſſion, or any Statute or Law heretofore made to the contrary notwithſtanding.

A Farmor of Lands chargeable, ſhall not be Commiſſioner within the ſame precinct.

And be it further enacted by the authority aforeſaid, That from henceforth the ſaid Commiſſioners, or any of them, ſhall not be compelled or compellable to make any Certificate or Return of the ſaid Commiſſions, or any of them, or of any their Ordinances, Laws, or Doings, by the authority of any the ſaid Commiſſions, nor ſhall have any Fine, Pain, or Amerciament ſet upon them, or any of them, or any wayes to be moleſted in Body, Lands, or Goods for that cauſe.

There ſhall be no certificate or return of the Commiſſion.

And yet nevertheleſſe, to the intent the Queens Majeſty our Soveraign Lady, her Heirs and Succeſſors, may at all times hereafter be truly anſwered of all ſuch Iſſues, Fines, and Amerciaments as ſhall happen, grow, or be forfeited by vertue of any ſuch Commiſſion, or by the execution thereof: Be it alſo enacted, That the Clerk and Clerks appointed, and hereafter to be appointed, for and in any ſuch Commiſſion and Commiſſions of Sewers, ſhall yearly truly eſtreat all the ſaid Iſſues, Fines, Penalties, Forfeitures, and Amerciaments that ſhall be due and anſwerable to her Highneſſe, her Heirs and Succeſſors, and the ſame eſtreats ſhall yearly deliver into the Court of the Exchequer, at ſuch time and times, and in ſuch manner and form, as Juſtices aſſigned to and for the conſervation of the peace in any wiſe ſhould or ought to do by vertue of their Commiſſion, upon pain to forfeit to our Soveraign Lady the Queen, her Heirs and Succeſſors, for every default in that behalf made, v li.

The fines and amerciaments ſhall be eſtreated into the Exchequer.

Provided alwayes, That it ſhall be lawful for any Commiſſioner, being alſo a Farmor, and not having Lands and Tenements to the clear yearly value of forty pounds of freehold, to ſit by vertue of the ſaid Commiſſion, and have his voice and full authority with others to make and eſtabliſh Ordinances for Sewers, according to the tenor of the Commiſſion touching and concerning all Lands and Tenements within the precinct of every ſuch Commiſſion, other than ſuch Lands and Tenements as he or they, for the time being, hold and enjoy as Farmor, as he or they might have done before the making of this Statute: Any thing therein contained to the contrary notwithſtanding.

In what caſe a Farmor of Lands chargeable, may be a Commiſſioner.

CAP.

CAP. X.

Fraudulent Deeds made by ſpiritual perſons to defeat their Succeſſors of remedy for Dilapidations, ſhall be void, &c.

Wrongs and frauds practiſed by divers Eccleſiaſtical perſons.

Where divers and ſundry Eccleſiaſtical perſons of this Realm, being endowed and poſſeſſed of ancient Palaces, Manſion houſes, and other Edifices and Buildings belonging to their Eccleſiaſtical Benefices or Livings, have of late years not only ſuffered the ſame for want of due reparations partly to run to great ruine and decay, and in ſome part utterly to fall down to the ground, converting the Timber, Lead, and Stones to their own benefit and commodity: but alſo have made deeds of gift, colourable alienations, and other conveyances of like effect, of their Goods and Chattels in their lives time, to the intent, and of purpoſe after their deaths to defeat and defraud their Succeſſors of ſuch juſt actions and remedies, as otherwiſe they might and ſhould have had for the ſame, againſt their Executors or Adminiſtrators of their Goods, by the Laws Eccleſiaſtical of this Realm, to the great defacing of the ſtate Eccleſiaſtical, and intolerable charges of their Succeſſors, and evil preſident and example for others, if ſpeedy remedy be not provided.

How the ſucceſſor ſhall have remedy where the predeceſſor doth make a fraudulent deed, to defeat him for dilapidations. Stat. 14 El. 11.

Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any Archbiſhop, Biſhop, Dean, Archdeacon, Provoſt, Treaſurer, Chaunter, Chancellour, Prebendary, or any other having any Dignity or Office in any Cathedral or Collegiat-Church within this Realm: or if any Parſon, Vicar, or other Incumbent of any Eccleſiaſtical living, whereunto do belong any houſe or houſes, or other buildings, which by Law or Cuſtom he is bound to keep and maintain in reparation, do from henceforth make any Deed or Deeds of gift or alienation, or other like Conveyances of his moveable Goods or Chattels, to the intent and purpoſe aforeſaid; that then the Succeſſor and Succeſſors of him that ſhall make ſuch Deed or Deeds of gift or alienation, ſhall and may commence Suit, and have ſuch remedy in any Court Eccleſiaſtical of this Realm, competent for the matter againſt him or them to whom ſuch Deed or Deeds of gift or alienation ſhall be ſo made, for the amendment and reparation of ſo much of the ſaid dilapidations and decays, or juſt recompence for the ſame, as hath happened by his fact or default, in ſuch ſort as he might, ſhould, or ought lawfully to have, if he or they to whom ſuch Deed or Deeds of gift or alienation ſhall be ſo made, were Executor or Executors of the Teſtament and laſt Will of him that made ſuch Deed or Deeds of gift or alienation, or were Adminiſtrator or Adminiſtrators of his Goods or Chattels: any Law, Cuſtom, or other thing to the contrary in any wiſe notwithſtanding.

Cro. El. 43 Cro. Car. 259.

What conveyances, and for what time ſpiritual perſons may make of their lands, tythes, &c. Stat. 14 El. 11. Stat. 18 El. 11.

And for that long and unreaſonable Leaſes made by Colledges, Deans and Chapters, Parſons, Vicars, and other having Spiritual promotions, be the chiefeſt cauſes of the Dilapidations and the decay of all Spiritual livings and hoſpitality, and the utter impoveriſhing of all Succeſſors Incumbents in the ſame: Be it enacted by the authority aforeſaid, that from henceforth all Leaſes, Gifts, Grants, Feoffments, Conveyances, or [a] Eſtates, to be made, had, done or ſuffered, by any Maſter and Fellows of any Colledge, Dean and Chapter of any Cathedral or Collegiat-Church, Maſter or Guardian of any Hoſpital, Parſon, Vicar, or any other having any Spiritual or Eccleſiaſtical living, or any Houſes, Lands, Tythes, Tenements, or other Hereditaments, being any parcel of the poſſeſſions of any ſuch Colledge, Cathedral-Church, Chappel, Hoſpital, Parſonage, Vicarage, or other ſpiritual promotion, or any wayes appertaining or belonging to the ſame, or any of them, to any perſon or perſons, bodies politick or corporate, (other than for the term of one and twenty years, or three lives from the time as any ſuch Leaſe or Grant ſhall be made or granted, whereupon the accuſtomed yearly Rent [b] or more, ſhall be reſerved and payable yearly during the ſaid term) ſhall be utterly void, and of none effect, to all intents, conſtructions and purpoſes: Any Law, Cuſtom, or Uſage to the contrary any wayes notwithſtanding.

[a] Dyer, fol. 316 Coke lib. 2. fol. 46. lib. 6 fol. 37. lib. 11. f. 67. Co Inſt. 44. a. b.

[b] Co. lib. 3. fol. 67. lib. 5. [illegible] 166. lib. 8. 70.

Terms aſſigned by the private ſtatute of any Colledge in an Univerſity.

Provided nevertheleſſe, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained ſhall be taken or conſtrued to make good any Leaſe, or other Grant to be made by any ſuch Colledge or Collegiat-Church, within either of both the Univerſities of Oxford and Cambridge, or elſewhere within the Realm of England, for more years than are limited by the private Statutes of the ſame Colledge.

New leaſes made upon the ſurrender of old or former covenants.

Provided alwayes, that this Act ſhall not extend to any Leaſe hereafter to be made upon ſurrender of any Leaſe heretofore made, or by reaſon of any Covenant or Condition contained in any Leaſe heretofore made, and now continuing, ſo that the Leaſe to be made do not contain more years than the reſidue of the years of the former Leaſe now continuing ſhall be, at the time of ſuch Leaſe hereafter to be made, nor any leſſe Rent than is reſerved in the ſaid former Leaſe. Coke lib. 4. fol. 120. lib. 5. fol. 14. Stat. 1 Jac 25. 21 Jac. 28.

CAP. XI.

So much of the Stat. of 5 Eliz. 5. as concerneth the tranſporting of Sea-fiſh and Herring, in Engliſh Ships with croſſe Sailes, without the payment of Cuſtom, revived, &c.

5 Eliz. 5.

Where at the Parliament holden at Weſtminſter in the fifth year of your Majeſties Reign, there was among other, made and provided an Act touching certain politick Conſtitutions made for the maintenance of the Navy, and in the ſame amongſt other things, It was enacted, That from the firſt day of April, in the year of our Lord God, M.D. lxiiii. and ſo from thenceforth it ſhould be lawful to all and every the Subjects of your Majeſty, your Heirs and Succeſſors, at his and their will and pleaſure, to carry and tranſport out of this Realm in their Ships and other Veſſels of any the Subjects aforeſaid, all and every kind of Herring, and other Sea-fiſh to be taken upon the Sea by any the Subjects aforeſaid: any Act of Parliament or Law to the contrary notwithſtanding. And that all and every perſon and perſons, which ſhould by vertue of that Act, tranſport or carry any Herring or Sea fiſh from out of any Port or Harbour of this Realm, to any place out of the Dominions of your Majeſty, your Heirs and Succeſſors, ſhould be free from payment of any Cuſtoms, Subſidy, or Poundage-money, for the ſame fiſh ſo carried or tranſported, during the ſpace of four whole years, beginning at the ſaid firſt day of April, M. D. lxiiii. and ſo further during your Majeſties pleaſure; which term of four years is now expired and ended.

A continuance of part of the Statute of 5 El. for 6. years. EXP.

And where it is by experience found, That the ſaid Act hath been a very good Act, and greatly encreaſed the Navy and Fiſhermen, and cauſeth many poor men to be ſet a work, and is in great likelihood daily to encreaſe the ſame more and more: It may pleaſe your moſt excellent Majeſty, of your abundant grace, that it may be enacted by authority of this preſent Parliament, That ſo much of the ſaid Act as is above recited for liberty of tranſporting of Herring and Sea-fiſh, by the natural born Subjects of your Majeſty, your Heirs or Succeſſors, and for freedom from paying of any Cuſtome, Subſidy, or Poundage-money, ſhall be revived, and ſhall from thenceforth continue for the ſpace of ſix years from the end of this Seſſion of Parliament, and from thenceforth during your Majeſties moſt gracious pleaſure, ſo that ſuch tranſporting be in Veſſels with croſſe ſailes.

5 Eliz. 5.

And where alſo in the ſaid Act made in the ſaid fifth year, amongſt other things, all manner of perſons are generally forbidden to bring into this Realm any Coddes or Lings, in Barrels or other Casks, upon pain of forfeiture of all the Coddes and Lings ſo to be brought in, or the value thereof, contrary to the tenour of this Act. Foraſmuch as by that branch of the ſaid Statute, it was well intended and meant to meet with the fraud of ſtrangers and other which brought into this Realm great quantity of Coddes and Lings deceitfully packed in Barrels, and not meant to hinder any the Queens Majeſties Subjects, uſing uprightneſſe and truth in the barrelling of ſuch fiſh: May it therefore pleaſe your Majeſty, that it be further enacted by the authority aforeſaid, That after the Feaſt of Eaſter, which ſhall be in the year of our Lord God, 1575. it ſhall be lawful from thenceforth to all your Majeſties loving Subjects born within this Realm, or within any other your Majeſties Dominions (uſing no fraud or deceit in packing or barrelling thereof) for the term of ſix years next enſuing, to bring into this Realm, or any other your Highneſſe Dominions, all ſuch Coddes and Lings as they ſhall happen to take upon the Sea by their own fiſhing in Veſſels with croſſe Sailes, without incurring any forfeiture or penalty therefore: Any thing in the ſaid Act contained to the contrary notwithſtanding.

What Coddes may be brought into the Realm in barrels and casks. EXP. 27 Eliz. 15.

And for the avoiding of the lewd Outrages committed and done upon the Sea-coaſts of Norfolk and Suffolk by the Catches, Mongers and Picards, pretending to buy freſh-Herrings, and which do cut in ſunder divers pieces of Fiſhermens Nets, travelling the high Seas to take freſh Herrings, to the utter undoing of the ſaid poor Fiſhermen: Be it therefore enacted, ordained, and eſtabliſhed by the authority of this preſent Parliament, That no perſon or perſons uſing any Ship, Boat or Veſſel, called Catch, Monger or Picard, or other Veſſel of like uſe, ſhall in the time of common fiſhing upon the ſaid Sea-coaſts of Norfolk and Suffolk, between the fourteenth day of September, and the fourteenth day of November, from Sun ſetting to Sun-riſing, ankor upon the main Sea, or in the common ſtream or trade of fiſhing, where the Fiſhermen uſe to drive, upon pain to forfeit their Catch, Monger, Picard or Veſſel, with the tackle and all the fiſh in the ſame, or the value thereof: the one half to your Majeſty, your Heirs and Succeſſors, the other half to the Bayliffs, Burgeſſes, and Commonalty of the Town of great Yarmouth, to be imployed to the recompencing his damages to the Party whoſe Nets ſhall ſo be cut, and to the building and repairing of the decayed Haven there, and to be taken by way of ſeizure, or otherwiſe to be recovered by Bill, Action or Information, in any of your Majeſties Courts of Record: any Statute, Law, or Uſe to the contrary notwithſtanding.

What kind of ſhips ſhall not ankor upon the Sea in the time of common-fiſhing.

And where your Subjects uſing the Trade of Fiſhing for Herring, having of many years, and time out of mind, uſed to pack their Herring in Cask of Barrels, containing about two and thirty gallons of uſual Wine meaſure, and with ſuch Aſſiſe hath been uſually gaged and allowed at your honourable City of London, and do contain the ſame meaſure of two and thirty gallons, according to ſuch uſual braſſe meaſure as is out of your honourable Court of Exchequer delivered to your ſaid honourable City of London: which meaſure yet hath lately been quarrelled at by certain Informers, for that the ſame contain not two and thirty gallons by the old meaſure of Standard, which they never did, though peradventure the extremity of old Statutes in words, by ſome mens conſtruction might be ſtretched to require ſo much. And for that the uſual Barrels now be as great as ever within the time of any memory they have been known to be, and the alteration thereof would be a great decay and peril of undoing to the ſaid Fiſhermen: It may alſo pleaſe your moſt excellent Majeſty, that it be alſo enacted and declared, That the ſaid Aſſiſe of two and thirty gallons of Wine meaſure, which is about eight and twenty gallons by old Standard well packed, and containing in every Barrel uſually a thouſand full Herrings at the leaſt, is and ſhall be taken for good, true, and lawful Aſſiſe of Herring-barrels, throughout the whole liberty of the ſaid Town of great Yarmouth, and elſewhere: Any ancient or former Law or Statute to the contrary notwithſtanding.

The Aſſiſe of Herring-barrels.

Be it further enacted, That no fiſh hereafter to be taken or brought in this Realm by any ſtranger, nor any fiſh commonly called Scotiſh-fiſh, or Flemiſh-fiſh, ſhall be dryed within England to be ſold, upon pain of forfeiture of all ſuch fiſh to be dryed, contrary to the meaning of this Act, or the value thereof: which forfeiture ſhall be to ſuch perſon dwelling at any Town where is any Port, Peer or Haven, as will ſeize the ſame fiſh, or will ſue for the ſame value in any Court of Record, to be imployed to the reparation and maintenance of ſuch Port, Peer or Haven, as is next to the place where the offence ſhall be committed.

No foreign fiſh ſhall be dryed within England to be ſold.

CAP.

CAP. XII.

Reformation of diſorders in the Miniſters of the Church, &c.

3 Ed. 6. 12.
5 Ed. 6. 1.

Every Eccleſiaſtical perſon ſhall ſubſcribe to the Articles touching the confeſſion of the faith, and declare his aſſent thereunto.
Co. Inſt. 4. part. 123.

Reading of the Articles, and Teſtimonial.

a Dyer, fol. 377. Cro. El. 312. 511. 673.

b Coke li. 6. fol. 29.

That the Churches of the Queens Majeſties Dominions may be ſerved with Paſtors of ſound Religion; Be it enacted by the authority of this preſent Parliament, That every perſon under the degree of a Biſhop, which doth, or ſhall pretend to be a Prieſt or Miniſter of Gods holy Word and Sacraments, by reaſon of any other form of Inſtitution, Conſecration, or ordering, than the form ſet forth by Parliament in the time of the late King of moſt worthy memory, King Edward the ſixth, or now uſed in the reign of our moſt gracious Soveraign Lady, before the Feaſt of the Nativity of Chriſt next following, ſhall in the preſence of the Biſhop or Guardian of the ſpiritualties of ſome one Dioceſſe where he hath or ſhall have Eccleſiaſtical living, declare his aſſent, and [a] ſubſcribe to all the Articles of Religion, which only concern the confeſſion of the true Chriſtian Faith, and the Doctrine of the Sacraments, compriſed in a Book imprinted, entituled, Articles, whereupon it was agreed by the Archbiſhops and Biſhops of both Provinces, and the whole Clergy in the Convocation holden at London in the year of our Lord God, a thouſand five hundred ſixty and two, according to the computation of the Church of England, for the avoiding of the diverſities of Opinions, and for the eſtabliſhing of conſent touching true Religion, put forth by the Queens authority: and ſhall bring from ſuch Biſhop or Guardian of ſpiritualties, in writing under his Seal authentick, a teſtimonial of ſuch aſſent and ſubſcription, and openly on ſome Sunday in the time of ſome publick Service, afternoon, in every Church where by reaſon of any Eccleſiaſtical living he ought to attend, read both the ſaid Teſtimonial, and the ſaid Articles, upon pain that every ſuch perſon which ſhall not before the ſaid Feaſt do as is above appointed, ſhall be ([b] ipſo facto) deprived, and all his Eccleſiaſtical promotions ſhall be void, as if he then were naturally dead.

The penalty for maintaining of Doctrine againſt the Articles.

And that if any perſon Eccleſiaſtical, or which ſhall have Eccleſiaſtical living, ſhall adviſedly maintain or affirm any Doctrine directly contrary or repugnant to any of the ſaid Articles, and being convented before the Biſhop of the Dioceſſe, or the Ordinary, or before the Queens Highneſſe Commiſſioners in cauſes Eccleſiaſtical, ſhall perſiſt therein, or not revoke his errour, or after ſuch revocation eſtſoon affirm ſuch untrue Doctrine: ſuch maintaining or affirming, and perſiſting, or ſuch eſtſoon affirming, ſhall be juſt cauſe to deprive ſuch perſon of his Eccleſiaſtical promotions: And it ſhall be lawful to the Biſhop of the Dioceſſe, or the Ordinary, or the ſaid Commiſſioners, to deprive ſuch perſon ſo perſiſting, or lawfully convicted of ſuch eſtſoons affirming, and upon ſuch ſentence of deprivation pronounced, he ſhall be indeed deprived.

Severall things required in him which ſhall be admitted to a Benefice.

And that no perſon ſhall hereafter be admitted to any Benefice with Cure, except he then be of the age of three and twenty years at the leaſt, and a Deacon, and ſhall firſt have ſubſcribed the ſaid Articles in preſence of the Ordinary, and publickly read the ſame in the Pariſh Church of that Benefice, with declaration of his unfained aſſent to the ſame. And that every perſon after the end of this Seſſion of Parliament, to be admitted to a Benefice with Cure, except that within two moneths after his induction he do publickly read the ſaid Articles in the ſame Church whereof he ſhall have Cure, in the time of Common-Prayer there, with declaration of his unfeigned aſſent thereunto, and be admitted to miniſter the Sacraments within one year after his induction, if he be not ſo admitted before, ſhall be upon every ſuch default, ipſo facto, immediately deprived.

And that no perſon now permitted by any diſpenſations or otherwiſe, ſhall retain any Benefice with Cure, being under the age of one and twenty years, or not being Deacon at the leaſt, or which ſhall not be admitted as is aforeſaid, within one year after the making of this Act, or within ſix moneths after he ſhall accompliſh the age of xxiiii. years, on pain that ſuch his diſpenſation ſhall be meerly void.

The age of a Miniſter or Preacher, and his Teſtimonial.

And that none ſhall be made Miniſter, or admitted to preach or adminiſter the Sacraments, being under the age of four and twenty years, nor unleſſe he firſt bring to the Biſhop of that Dioceſſe, from men known to the Biſhop to be of ſound Religion, a Teſtimonial both of his honeſt life, and of his profeſſing the Doctrine expreſſed in the ſaid Articles: nor unleſſe he be able to anſwer and render to the Ordinary an accompt of his Faith in Latine, according to the ſaid Articles, or have ſpecial gift and ability to be a Preacher: nor ſhall be admitted to the order of Deacon or Miniſtry, unleſſe he ſhall firſt ſubſcribe to the ſaid Articles.

Who may have a Benefice of the yearly value of xxx. li.

And that none hereafter ſhall be admitted to any Benefice with Cure, of or above the value of thirty pounds yearly in the Queens Books, unleſſe he ſhall then be a Batchelour of Divinity, or a Preacher lawfully allowed by ſome Biſhop within this Realm, or by one of the Univerſities of Cambridge or Oxford.

All Admiſſions, Inductions, Tolerations.

And that all admiſſions to Benefices, Inſtitutions and Inductions, to be made of any perſon contrary to the form or any proviſion of this Act, and all tolerations, diſpenſations, qualificatious and licences whatſoever to be made to the contrary hereof, ſhall be meerly void in Law, as if they never were.

No lapſe upon deprivation, but after notice.

a Dyer, fol. 377. 346. 369. Co. li. 6. fol. 29.

Provided alway, That no title to confer or preſent by [a] lapſe, ſhall accrue upon any deprivation, ipſo facto, but after ſix moneths after notice of ſuch deprivation given by the Ordinary to the Patron.

CAP. XIII.

When Corn may be tranſported, and when not.

For the increaſe of Tillage, and for maintenance and increaſe of the Navy and Mariners of this Realm: Be it enacted, That from and after the Feaſt of the Nativity of St. John Baptiſt next coming, it ſhall be lawful to all and every perſon and perſons, being Subjects of the Queens Majeſty, her Heirs and Succeſſors, and inhabiting within her Highneſſe,

neſſe Realms and Dominions, only out of ſuch Ports and Creeks where are or ſhall be reſident a Cuſtomer or Collector of Subſidy of Tonnage and Poundage, or one of their Deputies, and not elſewhere, to load, carry or tranſport any Wheat, Rye, Barley, Malt, Peaſe or Beans, into any parts beyond the Seas, being in amity with this Realm, and not prohibited by any reſtraint or Proclamaiton, only to ſell as a merchandize in Ships, Crayers, or other Veſſels, bearing croſſe Sailes, whereof any Engliſh born Subjects, inhabiting within her Highneſſe Realms and Dominions, then ſhall be the only Owners, at ſuch times as the ſeveral prices thereof ſhall be ſo reaſonable and moderats in the ſeveral Counties where any ſuch tranſportation ſhall be intended, as that no prohibition ſhall be made either by the Queens Majeſty, her Heirs or Succeſſors, by Proclamation to be made in the Shire Town, or in any Port Towns of the County, or elſe by ſome order of the Lord Preſident and Councel in the North, or the Lord Preſident and Councel in Wales, within their ſeveral juriſdictions, or of the Juſtices of Aſſiſe at their Seſſions in other Shires, out of the juriſdiction of the ſaid two Preſidents and Councels, or by the more part of the Juſtices of the Peace of the County at their Quarter Seſſions, in this manner following: that is, The ſaid Lord Preſidents and Councels for the Shires within their Juriſdictions, the Juſtices of Aſſiſe at their ſeveral Seſſions in other Shires out of the ſaid Juriſdictions belonging to the ſaid Councels in the North, and in Wales, yearly ſhall upon conference had with the Inhabitants of the Country, of the cheapneſſe and dearth of any the ſaid kinds of Grain within the Counties within the Juriſdictions of the ſaid Councels, or in the other Countries within the limits of the ſaid Juſtices of Aſſiſe, by their diſcretion determine whether it ſhall be meet at any time to permit any Grain to be carried out of the Realm, by any Port within the ſaid ſeveral Juriſdictions or Limits, and ſo ſhall in writing under their Hands and Seals cauſe and make a determination either for permiſſion or prohibition, and the ſame cauſe to be by the Sheriffs of the Counties publiſhed, and affixed in as many accuſtomed Market Towns and Ports within the ſaid Shire, as they ſhall think convenient, and in ſuch manner as the Queens Majeſties Proclamations are uſually publiſhed and affixed: which determination of the ſaid Preſidents and Councels in their Juriſdictions, and of the Juſtices of Aſſiſe in their limits ſhall continue in force for the time, place and manner therein expreſſed, untill the ſaid Preſidents and Councels ſhall otherwiſe order, or untill the Juſtices of Aſſiſe at their being in their ſaid Circuits, in every of the ſaid Counties, ſhall alter or otherwiſe order the ſame, except the ſame ſhall be otherwiſe in the mean time altered or countermanded by the Queens Majeſty, her Heirs or Succeſſors, or by ſome order of the Juſtices of the Peace in the Counties ſituated out of the Juriſdictions of the ſaid two Councels in their Quarter Seſſions to be holden in the mean time, or the greater part of them, which ſhall find the ſame determination of the Juſtices of Aſſiſe to be hurtful to the County by means of dearth, or to be a great hinderance to Tillage by means of too much cheapneſſe, and ſhall by their writings, under their Hands and Seals make any determination to the contrary, either for permiſſion or prohibition of carriage of any kind of Grain out of the Realm, and the ſame determination ſhall cauſe to be in like manner publiſhed and affixed, as above is ſaid: which determination ſhall alſo continue in force, except the ſame ſhall be altered by the Queens Majeſty, her Heirs and Succeſſors, or untill the Juſtices of Aſſiſe, at their being in their ſaid Circuits, in every of the ſaid Counties afore to them limited, ſhall alter, or otherwiſe order the ſame, who ſhall and may upon new conference had, by their diſcretions from time to time alter and change the ſaid determinations in the whole, or in part, as to their diſcretions ſhall ſeem meet, and the ſame ſhall alſo cauſe to be publiſhed, as is before preſcribed.

Corn may be tranſported out of ſome Ports, and with ſome kind of ſhips, when the prices be allowed reaſonable.

Who ſhall have authority to determine of the tranſporting of Corn, or the reſtraint thereof.

Provided neverthéleſſe, That neither any of the ſaid Preſidents and Councels, nor the ſaid Juſtices of Aſſiſe, nor the ſaid Juſtices of Peace above mentioned, ſhall publiſh any their determinations above mentioned, untill the ſame ſhall be firſt by writing notified to the Queens Majeſty, or to her Privy Councel, and by her Majeſty or her Privy Councel ſhall be liked or allowed.

The Juſtices order ſhall be firſt notified to the Queen or her Councel, and then allowed.

Provided alſo, That the Queens Majeſty, her Heirs and Succeſſors, ſhall have and receive by the Cuſtomers and Officers of her Ports for the Cuſtome or Poundage of every quarter of Wheat to be tranſported by force of this Statute, xii. d. and of every quarter of any other grain, viii. d. and of every quarter of Wheat that ſhall be by any ſpecial licence hereafter to be granted, tranſported out of the Realm, and not by force of this Statute, ii. s. and of every quarter of other grain, ſixteen pence, notwithſtanding any manner of words that ſhall be contained or inſerted in any Licences to the contrary: which ſaid ſeveral ſums ſo to be had or taken as Cuſtome or Poundage, to be in full ſatisfaction of all manner of Cuſtome or Poundage for the ſaid Corn or Grain, by any Conſtitution, Order, Statute, Law or Cuſtome, heretofore made, uſed, or taken for tranſporting of any ſuch manner of Corn or Grain.

The Cuſtome due to the Queen of corn tranſported either by force of this Statute, or by Licence.

Provided alſo, and be it enacted by the authority of this preſent Parliament, That the Queens Majeſty, her Heirs and Succeſſors, may at all times by her Writ of Proclamation to be publiſhed generally in the whole Realm or in the Counties of the Realm where any Port-Towns are, command that no perſon ſhall by vertue of this Act tranſport or carry out any manner of grain to any parts out of her Dominions, either generally out of any Port in the Realm, or particularly out of any ſpecial Ports, to be in the ſame Proclamation named, and that it may not be lawful for any perſon to carry out any ſuch grain, contrary to the tenour of the ſame Proclamation, upon ſuch pains as by the Laws of the Realm are and have been provided. Stat. 1 & 2 P. & M. 5. 1 Jac. 25. 21 Jac. 28. 3 Car. 4.

The Queen by Proclamation may reſtrain the tranſporting of Corn.

CAP. XIV.

The Statute of 12 Ed. 4. 2. touching Bowſtaves, confirmed; and for every Tunne weight of Merchandize, four Bowſtaves ſhall be brought into this Realm.

The benefit of Archery, and the cauſe of the decay thereof.

WHereas the uſe of Archery not only hath ever been, but alſo yet is by Gods ſpecial gift to the Engliſh Nation, a ſingular defence of this Realm, and an occaſion of many noble Victories, and both a very wholeſome exerciſe for the health and ſtrength of mens bodies, and a maintenance of a great number of the Queens true Subjects and Artificers, as Bowyers, Fletchers, Stringers, Arrowhead-makers, & others of this Realm: and for that among other cauſes of the decay of Archery, one great cauſe is the exceſſive price of Bowſtaves, which groweth principally by the ſcarcity of Bowſtaves brought into this Realm. For reformation whereof, Be it enacted by the authority of this preſent Parliament, That all the Statutes made in the xii. year of the reign of King Edward the fourth, concerning bringing in of a certain number of Bowſtaves, according to the weight or value of other Wares to be brought into this Realm, ſhall from henceforth be duly put in execution. And be it enacted and declared by this preſent Statute, that all Merchant-ſtrangers, uſing to bring Wares into this Realm from the Eaſt parts, as well from the 72. Hanſe Towns, be compriſed and meant under the name of, and bound as the Merchants mentioned and bound by the ſaid Statute, to bring in Bowſtaves, upon like pains and forfeitures as by the ſaid Statutes are appointed. And where the greateſt cauſe of not putting the ſaid Statute in execution hath been, that the forfeitures thereby limited, are by the ſaid Statute given only to the Queens Majeſty, her Heirs and Succeſſors, without any reward to the perſon that ſhall ſue for the ſame: Be it enacted, That from henceforth all the forfeitures appointed by the ſaid Statutes, ſhall be imployed in form following, that is to ſay, the one half thereof to the Queens Majeſty, her Heirs and Succeſſors, the other half to ſuch perſons as ſhall ſue for the ſame in any Court of Record, wherein no eſſoine, protection, nor wager of Law for the Defendant ſhall be admitted or allowed. And it may pleaſe the Queens moſt excellent Majeſty, That it be on her Highneſſe part ſtraightly charged and commanded, That all the Statutes now remaining in force, for repreſſing of unlawful Games, and for the maintenance and uſe of Archery, ſhall be duly put in execution for ever, under the pains in the ſaid Statutes contained.

A confirmation of the Stat. of 12 Ed. 4. 2. touching the bringing into this Realm of Bowſtaves. What ſort of Merchants are compelled to bring Bowſtaves into this Realm.

a Dyer, fol. 271. Cro. El 78. 11.100.123. 440. 564.

Who ſhall have the forfeitures, and by what means. Stat. 1 R. 3. 11. 33 H. 8. 9.

CAP. XV.

The Statute of 1 Eliz. 13. prohibiting the croſſing of the Sea with a Hoy, or Plate of an Engliſh mans, revived: and a repeal of the Statute of 5 Eliz. 5. that repealeth that Statute.

1 Eliz. 13.

WHere at the Parliament holden at Weſtminſter in the firſt year of your Highneſſe Reign, It was amongſt other things enacted, That no Hoy or Plate, whereof any Engliſh Subject then was or ſhould be Owner or Owners, at any time after the firſt day of January next enſuing the Seſſion of the ſame Parliament, from any Port, Creek or place of this Realm of England, or any of the Dominions of the ſame, ſhould traverſe or croſſe the Seas into or for any of the Ports beyond the Seas, with any Wares, Goods or Merchandizes, upon pain that the ſaid Owner or Owners ſhould forfeit and loſe the ſame Hoy or Plate, with all and every the munition, tackling, and other neceſſaries pertaining thereunto, as by the ſame Statute more at large doth and may appear. And whereas by an Eſtatute made in the fifth year of your Highneſſe Reign, It is amongſt other things enacted, That from thenceforth all Engliſh Hoyes and Plates might croſſe the Seas as far as Cane in Normandy, and Eaſtward as far as Norway: the ſaid Statute made in the firſt year of your Highneſſe Reign to the contrary thereof notwithſtanding. And foraſmuch as the ſaid branch in the ſaid Eſtatute, made in the fifth year of your Reign, tendeth greatly to the decay of Mariners and Ships, by the marvellous increaſe of Hoyes: Be it therefore enacted by the authority aforeſaid, That from the Feaſt of S. Michael the Archangel next coming, the ſaid clauſe contained in the ſaid Eſtatute made in the ſaid fifth year of your Reign, for the croſſing of the Seas by Hoyes and Plates, ſhall be utterly repealed and made void, and of none effect. And that from the ſaid Feaſt of S. Michael the Archangel next, the ſaid Eſtatute made in the firſt year of your Reign, prohibiting the croſſing of the Seas by Hoyes and Plates, be obſerved and kept: the ſaid Eſtatute made in the fifth year of your Majeſties Reign to the contrary hereof notwithſtanding. This Act to continue untill the end of the next Parliament. EXP.

5 Eliz. 5.

A reviver of the Statute of 1 El. 13. and repeal of the Statute of 5 El. touching Hoyes croſſing the Seas.

CAP. XVI.

The convictions, Outlawries, and Attainders of Charles Earl of Weſtmerland, and 57. others attainted of Treaſon for open Rebellion in the North parts, confirmed. The Queen, her Heirs and Succeſſors ſhall have for this time all the Lands and Goods, which any of the ſaid perſons attainted within the Biſhoprick of Durham, againſt the Biſhop and his Succeſſors, though he claimeth Jura Regalia, and challengeth all the ſaid forfeitures in the right of his Church. PR. St. 18 Eliz. 4.

CAP. XVII.

Robert Earl of Leiceſter ſhall have authority to found an Hoſpital in Warwick or Kenelworth, for relief of poor and impotent people: which Hoſpital ſhall have capacity to purchaſe Lands in any County of England, not exceeding the yearly value of two hundred pounds, above all charges that be not holden of the Queen immediately by Knights-ſervice in chief, or elſe by Knights-ſervice not in chief. PR.

CAP. XVIII.

The River of Lee, otherwiſe called Ware-River, by a new cut or trench (to be made within ten years at the charges of the Lord Mayor, Commonalty, and Citizens of London) ſhall be made to convey by water all victuals, corn, and other neceſſaries, from the Town of Ware to the City of London, and from London to Ware. PR. St. 3 H. 6. 5. 9 H. 6. 9.

CAP. XIX.

Every perſon above the age of ſeven years, ſhall wear upon the Sabbath and holy day (unleſs in the time of their travels out of their Towns, Hamlets, &c.) upon their head a Cap of Wooll knit, thicked and dreſſed in England, made within this Realm, and only dreſſed and finiſhed by ſome of the trade of Cappers, upon pain to forfeit for every day not wearing, three ſhillings four pence: Except Maids, Ladies, Gentlewomen, Noble perſonages, and every Lord, Knight, and Gentlewoman of twenty Marks land, and their Heirs, and ſuch as have born Office of worſhip in any City, Borough, Town, Hamlet or Shire; and the Wardens of the worſhipful Companies of London. REP. 39 Eliz. 18.

CAP. XX.

How long Leaſes made of Eccleſiaſtical Livings with Cure, may ſtand in force; and how they may be avoided.

How long the Leaſe of a Benefice ſhall enure. Co.pla. fol.105.

1 Dyer, fol. 371. Cro. El. 78. 11. 100. 123. 450. 564.

Stat. 14 Eliz. 11.

18 Eliz. 11. 4 Eliz. 9.

No Benefice with cure ſhall be charged with a penſion.

That the Livings appointed for Eccleſiaſtical Miniſters, may not by corrupt and indirect dealings be transferred to other Uſes: Be it enacted by the authority of this preſent Parliament, That no Leaſe after the fifteenth day of May next following the beginning of this Parliament, to be made of any Benefice or Eccleſiaſtical promotion with Cure, or any part thereof, and not being impropriated, ſhall endure any longer than while the Leſſor ſhall be ordinarily reſident, and ſerving the Cure of ſuch Benefice without abſence above fourſcore dayes in any one year, but that every ſuch Leaſe, ſo ſoon as it, or any part thereof, ſhall come to any poſſeſſion or uſe above forbidden, or immediately upon ſuch abſence, ſhall ceaſe and be void, and the Incumbent ſo offending, ſhall for the ſame loſe one years profit of his ſaid Benefice, to be diſtributed by the Ordinary among the poor of the Pariſh. And that all chargings of ſuch Benefices with Cure, hereafter with any penſion, or with any profit out of the ſame to be yielded or taken, hereafter to be made, other than Rents to be reſerved upon Leaſes hereafter to be made, according to the meaning of this Act, ſhall be utterly void.

The Parſons Leaſe to his Curate.

Provided, That every Parſon by the Laws of this Realm allowed to have two Benefices, may demiſe the one of them, upon which he ſhall not then be moſt ordinarily reſident, to his Curate only, that ſhall there ſerve the Cure for him: but ſuch Leaſe ſhall endure no longer than during ſuch Curates reſidence, without abſence above forty dayes in any one year. This Act to continue to the end of the next Parliament. 3 Car. 4. made perpetual. Note, That in this Statute theſe words (ſo ſoon as it, or any part thereof, ſhall come to any poſſeſſion, or uſe above forbidden, or) are repealed. 14 Eliz. 11.

CAP. XXI.

In what caſes the Queens Purveyors may take Victuals, &c. in Cambridge or Oxford, or within five miles thereof; and in what not.

A rehearſal of the Statute of 2 & 3 P. & M. 15. reſtraining Purveyors to take victual in Cambridge or Oxford.

By what means the Univerſities be defrauded of the benefit of the ſaid Act.

Whereas in the ſecond and third years of the late King Philip and Queen Mary, It was with the aſſent of the Lords Spiritual and Temporal, and the Commons in that preſent Parliament aſſembled, enacted, ordained and eſtabliſhed, That from thenceforth no manner of Purveyor, Taker, Badger, Loader, or other miniſter, might or ſhould take or bargain for any kind of victual or grain, in any of the Markets of the Town of Cambridge, and the City of Oxford, or ſhould take or bargain for any victual within the compaſſe of five miles thereunto adjoyning, without the conſent, agreement, or good will of the Owner or Owners, neither ſhould attempt to carry, take away, or bargain for any manner of grain, or other victual, bought or provided within the ſaid ſpace of five miles, by any common Miniſter of any Colledge, Hoſtel or Hall, to be ſpent within any of the ſaid Colledges, Hoſtels or Halls, upon pain of forfeiture of the quadruple value of any ſuch manner of grain or victual, ſo taken or bargained for in any of the ſaid Markets, or within the ſaid ſpace of five miles, againſt the will of the Owners as is aforeſaid, or attempted to be taken or carried away, or bargained for, being provided as is aboveſaid, for to be ſpent within any of the ſaid Colledges, Hoſtels or Halls, and further, ſhould ſuffer impriſonment for the ſpace of three moneths, without bail or mainpriſe: and that the Chancellour or Vice-Chancellour, or his Commiſſary for the time being, in either of the ſaid Univerſities, with two Juſtices of Peace of the County wherein the ſaid Univerſities be ſet, ſhall have full power by authority of the ſaid Act, to enquire by the Oaths of twelve men, of and upon the defaults and offences committed contrary to the tenour thereof, and to ſee due puniſhment and reformation thereof in form aforeſaid, from time to time: the one half of which foreſaid forfeitures to be to the common Treaſurers of either of the ſaid Univerſities, reſpectively to the fault committed againſt the ſaid priviledge, the other half to the party that will ſue for the ſame by action of debt, bill, plaint, or otherwiſe, in any Court of Record, or before the foreſaid Chancellour, his Vice-chancellour or Commiſſary, or their Deputies for the time being, and two Juſtices of Peace, as is before expreſſed, as by the ſaid Act more at large appeareth. Sithence the making of which Act, divers of the Townſhips, Inhabitants and Reſiants within the limits and precinct aforeſaid, have converted the benefit of the ſaid Act to their private uſe and commodity, without any profit or commodity to the poor Schollars of either of the ſaid Univerſities, contrary to the true intent and meaning of the ſaid Act, whereby the Queens Majeſty is not only not ſerved of proviſion of Corn, Grain, and other Victual, to be taken for her Majeſties proviſion, but alſo the ſaid Univerſities are defrauded of the benefit and commodities to them intended and granted, as is aforeſaid.

In what caſes the Purveyors may take victual in Cambridge, or within five miles.

For remedy whereof, Be it enacted and ordained by the authority of this preſent Parliament, That from henceforth no manner of Purveyour, Taker, Badger, Loader, Poulter, or other miniſter for the Queens Majeſty, her Heirs or Succeſſors, nor any other common Poulter, ſhall or may take or bargain for any victual or grain in any of the ſaid Markets or Town of Cambridge and the City of Oxford, or either of them, nor ſhall take or bargain for any victual or grain within the compaſſe of the foreſaid five miles thereunto adjoyning, without the conſent, agreement, good will and licence of either of the ſaid Chancellors or Vice-Chancellors for the time being, in writing had and obtained under the Seal or Seals of the Office of the ſaid Chancellour or Vice-Chancellour of either of the ſaid Univerſities, and in no other form than in the ſaid licence in writing ſhall be contained and expreſſed, ſo as the ſame give not to any of the foreſaid Purveyors, Takers, Badgers, Loaders, Poulters, or others, any further authority and power, than they have or may lawfully uſe in other parts of the ſame Country, being without the ſaid limits of five miles: Neither ſhall attempt to carry, take away, or bargain for any manner of grain, and other victual bought and provided within the ſaid five miles by any common miniſter of any Colledge, Hoſtell, or Hall, to be ſpent within any of the ſaid Colledges, Hoſtels or Halls, without like licence and aſſent, and in no other form than is next aforeſaid mentioned; upon like pains, forfeitures and impriſonments, and to like uſes as are limited and ordained by the ſaid former Statute. And that the ſaid Chancellors or Vice-Chancellors for the time being of either of the ſaid Univerſities, with two Juſtices of Peace of the ſaid Univerſities, City, Town or County, wherein the ſaid Univerſities be ſet, ſhall have like power and authority by this Act, to enquire upon the default and offences contrary to the tenour hereof, and to ſee due puniſhment and reformation thereof in form aforeſaid, as was to them limited and appointed by the ſaid former Act.

Who may enquire of and puniſh the defaults committed contrary to this Statute.

The Queens Purveyors may take of them which refuſe to ſerve the Univerſities.

And be it further by the authority aforeſaid enacted and ordained, That if any perſon or perſons within the ſaid precinct of five miles, ſhall refuſe reaſonably to ſerve the neceſſary proviſion of the ſaid Univerſities, according to the true meaning of this preſent Act, that then it ſhall be lawful to any of the Queens Majeſties Takers or Purveyors, to provide any corn or victual of any ſuch perſon or perſons within any part of the precinct aforeſaid, for the uſe of the Queens Majeſty, as ſhall be declared and notified to the ſaid Purveyors or Takers, to be perſons not worthy of the ſaid priviledge, for not reaſonable ſerving the neceſſities of the ſaid Univerſities, by the Chancellor or Vice-Chaucellour for the time being of either of the ſaid Univerſities, with the aſſent and conſent of two Juſtices of Peace, reſiant within either of the ſaid Univerſities, City, Town or County, under the Hands and Seals of the ſaid Chancellour or Vice-Chancellour, and the ſaid two Juſtices of Peace, as the ſaid Purveyors or Takers lawfully may in any other place, without the ſaid precinct of five miles, and not otherwiſe. The ſaid former Act, or any thing therein contained, or any other clauſe, article, ſentence, or matter whatſoever to the contrary notwithſtanding.

This Act ſhall be in ſuſpence, during the Queens abode within ſeven miles.

Provided, That this Act ſhall not be put in execution at any time or times whenſoever the Queens Majeſty, her Heirs or Succeſſors, ſhall come to any of both the ſaid Univerſities, or within ſeven miles of either of them, but ſhall be in ſuſpence during that time only, and no longer.

The liberties of Oxford and Cambridge reſerved.

Provided alwayes, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe be prejudicial or hurtful to the Mayor, Bayliffs, and Commonalty of the City of Oxford, nor the Mayor or Commonalty of the Town of Cambridge, or to their Succeſſors, for and concerning any of their liberties or priviledges: but that they and every of them, and their Succeſſors, reſpectively may have and uſe the ſame, in ſuch manner and form, as they, or any of them might or ought to have done before the making of this Act: any thing in this Act contained to the contrary notwithſtanding.

Provided alwayes, That this Act ſhall continue unto the laſt day of the next Parliament. 14 Eliz. 11. 18 Eliz. 20. 27 Eliz. 11. 3 Car. 4. continued untill the end of the firſt Seſſion of the next Parliament.

CAP. XXII.

The Statute of 8 Eliz. 16. touching the diviſion of Sheriff-wikes in divers Counties, made to continue for ever: Saving the Sheriffs of Surrey and Suſſex.

A rehearſal of the Statute of 8 Eliz. 16. touching the ſeverance of the Sheriffs of ſeveral Counties.

Where in the Parliament by prorogation holden at Weſtminſter the laſt day of September, in the eighth year of the Reign of our moſt gracious Soveraign Lady Queen Elizabeth and there continued to the end and diſſolution of the ſame: It was ordained and enacted amongſt other things, That where the Counties and Shires of Surrey and Suſſex, Eſſex and Hertford, Somerſet and Dorſet, Warwick and Leiceſter, Nottingham and Derby, Oxon and Berks, of long time have had but one Sheriff to ſerve for two of the ſaid Counties; that is to ſay, one for Surrey and Suſſex, and one other for Hertford and Eſſex, and one other for Somerſet and Dorſet, and one other for Warwick and Leiceſter, and one other for Nottingham and Derby, and one other for Oxon and Berks, that from and after the firſt day of November, which was in the year of our Lord God, 1567. the Queens moſt excellent Majeſty, her Heirs and Succeſſors, Kings and Queens of this Realm, ſhould and might from and after the ſaid firſt day of November, in the ſaid year of our Lord God, 1567. yearly chooſe and make for every of the ſaid Counties before named one ſufficient and able perſon to be Sheriff in every of the ſaid ſeveral Counties, in ſuch like manner and form as is and hath been uſed to be choſen, made and done for any other County or Shire within this Realm: any Law, Cuſtome or Uſage heretofore had or uſed to the contrary thereof notwithſtanding: with divers other articles, clauſes, branches, and proviſoes therein contained, as by the ſaid Act more at large doth and may appear: the ſame Act to continue and endure to the end of three whole years, to be accompted from the Feaſt of All Saints, in the ſaid year of our Lord God, 1567. and from thence to the end of the next Parliament then next following the end of the ſaid three years.

And for as much as the charges and burthen of Sheriffs are partly eaſed thereby, and alſo an occaſion of the better execution Juſtice miniſtred, by reaſon that the Gentlemen appointed to be Sheriffs, do beſt know, and are beſt acquainted with thoſe Counties and Shires wherein they inhabit, and are commorant (as by the experience thereof hath been well ſeen:) Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Act made in the ſaid eight year of her Majeſties Reign, for, touching and concerning the choice, election, and making of Sheriff and Sheriffs in the ſaid ſeveral Counties of Surrey, Suſſex, Eſſex, Hertford, Somerſet, Dorſet, Warwick, Leiceſter, Nottingham, Derby, Oxon and Berks, and every of them, and that all and every article, clauſe, ſentence, branch, and proviſo therein contained, ſhall from henceforth for all and every the ſaid Shires and Counties, and every of them, except the ſaid Shires of Surrey and Suſſex, ſtand, remain, and continue in full force, ſtrength, vertue and effect, to all intents, conſtructions and purpoſes, to be holden and kept for ever: Any Act, Statute, Law, Cuſtome or Uſage, to the contrary thereof in any wiſe notwithſtanding.

The Shires of Surrey and Suſſex ſhall continue united for the Sheriffwike.

CAP. XXIII.

A Way without Algate in the Suburbs of London, ſometime called the Bars without Algate: And a Way leading from the old Cage to the North end of Nightingale-lane: And another Way between the ſaid old Cage and Graſſe Mill in the Pariſh of S. Mary, ſhall be paved with ſtone, and ſo ſhall be for ever continued by thoſe which be ſeized in Fee-ſimple, fee tail, or for term of life, of lands adjoyning to the ſaid High-way, on the one ſide, or on the other, unto the midſt of the ſaid wayes, upon pain to forfeit iii. s. iiii. d. for every yard ſquare not paved. PR. 23 Eliz. 12.

CAP. XXIV.

The Streets of Ipſwich in the County of Suffolke, and the Suburbs thereof, ſhall be paved with good paving ſtone, and for ever repaired by the Owners, Landlords, or terre-Tenants, along, from and againſt their Houſes, Lands and Tenements adjoyning to the ſtreet, viz. ſo much of the ſaid ſtreet in length, as his Houſe, Lands, &c. ſo adjoyning extendeth unto, and in breadth, during all the ſaid length to the Channel, or to ſuch place as the channel there ſhall be appointed by the Bailiffs, on pain of forfeiture for every yard ſquare, not ſufficiently repaired, viii. d. The Bailiffs of Ipſwich, and the Portmen there, the Church-wardens, and four of every Pariſh ſhall have authority to tax upon every Houſe, Ground, and Tenement free and copy, ſcituate within the ſeveral Pariſhes of Ipſwich, reaſonable ſums of mony to be yearly payed, as well toward the finding of a convenient ſtipendary Miniſter within every Pariſh, as for the reparation of the Churches there. PR.

CAP. XXV.

Divers ſtatutes for winding of wooll, touching attaints, for preſervation of Woods, againſt Foreſtallers, &c. keeping of milch kine, and breeding of Calves, made perpetual: and other ſtatutes revived, &c.

21 H. 8. 17. Where in the Parliament begun and holden at London the third day of November in the one and twentieth year of the Reign of our late moſt dread Soveraign Lord of famous memory King Henry the eighth, and from thence adjourned to Weſtminſter, and there holden and continued by divers prorogations, untill the diſſolution thereof, An Act was made for the true winding of woolls.

23 H. 8. 3. And where alſo in the ſame Parliament, one other Act was made and eſtabliſhed for attaints to be ſued for the puniſhment of perjury upon untrue verdicts.

35 H. 8. 17. And where in the Parliament holden at Weſtminſter the xxxv. year of the Reign of our ſaid late Soveraign Lord King Henry the eighth, one Act was made for the preſervation of Woods.

5 & 6 Ed. 6. 14. And where alſo at the Seſſion of Parliament by prorogation holden at Weſtminſter the three and twentieth day of January, in the fifth year of the Reign of our late Soveraign Lord King Edward the ſixth, one Act was then and there made againſt Regrators, Foreſtallers and Ingroſſers.

2 & 3 P. & M. 3. And where alſo at a Parliament begun and holden at Weſtminſter the xxi. day of October, in the ſecond and third years of the Reign of the late King Philip and Queen Mary, and there continued untill the diſſolution of the ſame, one Act was made then and there for keeping of milch kine, and for the breeding and rearing of Calves: all which Acts were by ſundry Acts of Parliament continued in force and effect, until the end and diſſolution of the laſt Parliament of our Soveraign Lady the Queens Majeſty that now is, at which time the ſame ſeveral Acts, and every of them were diſcontinued, and loſt their force and effects. (Anno 8 Eliz.) Which Acts above mentioned, and every of them, by proof and experience have ſince the making of the ſame, been tryed, and found to be very neceſſary, beneficial and profitable for the Commonwealth, and therefore are thought good to be made perpetual. Be it therefore enacted by the Queens Majeſty our ſaid Soveraign Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Acts above remembred, and every of them, and all and every the branches, clauſes and proviſions, in them and every of them contained, ſhall be revived, and from henceforth remain and continue in force and effect for ever.

The five former ſtat. revived, to continue for ever.

21 H. 8. 8. And where alſo in the ſaid Parliament begun and holden at London, on the third day of November, in the ſaid one and twentieth year of the Reign of the ſaid late King Henry the eighth, and from thence adjourned to Weſtminſter, and there continued by prorogation untill the diſſolution thereof, one Act was there made, entituled, An Act againſt the killing of young Beaſts, called Weynlings.

3 & 4 Ed. 6. 19. And where in the Seſſion of a Parliament ended at Weſtminſter in the firſt day of February, in the fourth year of the Reign of our ſaid late Soveraign Lord King Edward the ſixth, one Act was made concerning the buying and ſelling of Rother beaſts.

And alſo one other Act was then and there likewiſe made, entituled, An Act for the buying and ſelling of Butter and Cheeſe: all which Acts were continued untill the end of the laſt Parliament of our Soveraign Lady the Queens Majeſty that now is, at which time the ſame were likewiſe for defect of further continuance, diſcontinued, and loſt their force and effects.

5 Eliz. 2.

And where alſo an Act was made in the firſt Seſſion of the ſaid Parliament, holden in the fifth year of her Majeſties Reign, entituled, An Act for the maintainance and increaſe of Tillage.

5 Eliz. 3.

And one other Act then alſo made, entituled, An Act for the relief of the poor: which were to endure to the end of the next Seſſion of the ſame Parliament, and then alſo in the end of the ſaid Parliament, diſcontinued and loſt their force and effect, for defect of further continuance.

1 Eliz. 17.

And where alſo in the Parliament begun and holden at Weſtminſter, in the xxiii. day of January, in the firſt year of the Reign of the Queens Majeſty that now is, and there continued by prorogation untill the diſſolution thereof, one Act was then and there made, entituled, An Act for the preſervation of ſpawn and fry of fiſh: which Act was to endure to the end of the next Parliament, and then in the ſame next Parliament was not any further continued, and ſo likewiſe loſt his force and effect.

The laſt mentioned iii Acts revived and continued untill the end of the next Parliament.

Foraſmuch as all the ſaid ſeveral Acts, and every of them laſt recited, do ſeem by tryal and experience of them hitherto had, to be good, profitable, and neceſſary for the Common-wealth of this Realm, and therefore to be revived, and to have yet further continuance: Be it therefore enacted by our ſaid Soveraign Lady the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that all the ſaid laſt mentioned Acts, and every of them, and all the articles, clauſes and proviſions in them and every of them contained, ſhall be likewiſe revived, and ſhall from henceforth continue and endure in full force and effect, untill the end of the next Parliament.

Anno 23 H. 8. 3.

And where alſo one Act entituled, An Act for the making of Gaols in divers Shires of this Realm was made in the aforeſaid Parliament, begun and holden in the third day of November, in the xxiii. year of the Reign of our ſaid late Soveraign Lord King Henry the eighth, and ſithence by divers Acts continued untill the death of the ſame late King: and after in the laſt Seſſion of the Parliament begun and holden upon prorogation at Weſtminſter, the xxiiii. day of October, in the firſt year of the Reign of our ſaid late Soveraign Lady, Queen Mary, the ſame Act, and all clauſes and ſentences therein contained, was then made to continue and endure untill the end of ten years then next enſuing to the ſame Parliament: which Act afterwards in the firſt Seſſion of Parliament, begun and holden at Weſtminſter the xii. day of January, in the fifth year of the Reign of our ſaid Soveraign Lady the Queens Majeſty that now is, and there by prorogation continued untill the diſſolution thereof, was by one Act then and there made, and entituled, An Act for the reviving of a Statute made Anno 23. Henrici octavi, touching the repairing of Gaols, made to continue and endure in full force and effect, and to be obſerved and kept in all things, unto the end and term of ten years next enſuing the laſt day of the ſame Parliament, and was alſo by the ſaid Act made in the fifth year of her Majeſties Reign, in certain points and articles enlarged, as by the ſaid Act more fully appeareth. And foraſmuch as the ſaid Acts made in the ſaid xxiii. year of the Reign of the ſaid late King Henry the eighth, and in the ſaid Seſſion of Parliament holden in the fifth year of our ſaid Soveraign Lady the Queens Majeſty that now is, touching the making and repairing of Gaols, are thought to be very good and beneficial for the Common-wealth of this Realm, and do not yet extend to the County of Cambridge: Be it therefore enacted, That the ſaid Act ſhall extend to the ſaid County of Cambridge, & to and for the making and repairing of Gaols in the ſame County, in all and every thing and article, as fully and in as ample manner and form as the ſame Acts, and either of them, do extend to the Counties and Gaols in them, and either of them, ſpecially mentioned; and as though the ſaid County of Cambridge, and the Gaol in the ſame County, had been in the ſame Acts, and either of them, ſpecially mentioned: and that the ſaid Acts, and every clauſe, ſentence, and proviſion in them, and either of them contained, ſhall continue and endure, and be obſerved in all things, as well within them ſpecified, for ten whole years next enſuing the end and determination of the ten years mentioned in the ſaid Act made in the ſaid fifth year of the Reign of our ſaid Soveraign Lady the Queens Majeſty that now is.

1 Ma. 14.

5 Eliz. 14.

The ſtat. of 23 H. 8. 2 & 5 El. 24. ſhall extend to the County of Cambridge, and endure ten years.

5 El. 7.

And where in the firſt Seſſion of the Parliament begun and holden at Weſtminſter, in the fifth year of the Reign of our Soveraign Lady the Queens Majeſty that now is, and from thence continued by prorogation, untill the diſſolution thereof, one Act was then and there made, entituled, An Act for the avoiding of divers foreign Wares made by Handy-crafts-men beyond the Seas, and one other Act entituled, An Act for the puniſhment of ſuch perſons as ſhould procure or commit any wilful perjury: which Acts were limitted to endure to the end of the next Parliament.

5 El. 9.

8 El. 10.

And where alſo in the laſt Seſſion of the ſame Parliament holden by prorogation at Weſtminſter, in the eighth year of the Reign of the Queens moſt excellent Majeſty that now is, one Act was then and there made, entituled, An Act for Bowyers, and the prices of Bows, and was made to continue to the end of the firſt Seſſion of the next Parliament.

8 El. 15.

And alſo withall one other Act then made, entituled, An Act for the preſervation of Grain, and to continue to the end of the next Parliament enſuing: All which ſeveral Acts without further continuance, will end and diſcontinue in this preſent Parliament, and alſo loſe their force and effects. Wherefore, and foraſmuch as the ſame ſeveral Acts, and every of them, do ſeem good, beneficial and needful to be further continued for the weal and profit of this Realm: Be it therefore further enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſame Acts, and every of them, and each and every article, clauſe, and ſentence in them and every of them contained, ſhall continue, be, and endure in full force and effect, untill the end of the next Parliament.

The foreſaid ſtat. of 5 El. 7. & 9. and of 8 El. 10. & 15. continued untill the end of the next Parliament.

14 El. 11. this Proviſo is repealed.

Provided nevertheleſſe, and be it enacted by the authority aforeſaid, that the ſaid Act concerning the avoiding of foreign wares, made by Handy-crafts-men beyond the Seas, or any clauſe, article or meaning therein contained, ſhall not in any wiſe extend or be prejudicial to any entercourſe or treaties of any entercourſe now ſtanding in force, had or made between the Progenitors of the Queens Majeſty, or her Highneſſe, and any others: any thing heretofore, or now, ordained or enacted to the contrary in any wiſe notwithſtanding.

For the more encreaſe of Woods, where, by an Act of Parliament made in the xxxv. year of the Reign of King Henry the eighth, intituled for the preſervation of Woods, &c. there are ſeveral clauſes limiting how many years all manner of Lands, or Coppice-woods, being ſeveral or in common, ſhall next after the felling thereof, be ſufficiently incloſed, or the ſprings thereof otherwiſe ſaved and preſerved from deſtruction, as by the ſame Act more particularly appeareth. For that by experience it is found, that the ſpace and time of the ſaid ſeveral years of incloſure or preſervation is not ſufficient: Be it enacted by authority of this preſent Parliament, that from the twentieth of June next, all manner of Woods or Coppice, intended by the ſaid Act to be incloſed, and the ſprings thereof preſerved, ſhall be ſufficiently incloſed, or the ſprings thereof otherwiſe ſaved from deſtruction, by the ſpace of two full years more then in the ſeveral clauſes of the ſaid Acts is ſeverally limited, according to the age of the Woods felled, upon like pains as are contained in the foreſaid clauſes of the ſaid Act, concerning incloſure or preſervation of the ſaid Woods, Coppice or Springs: and that from the ſaid twentieth of June next following, it ſhall not be lawful for any manner of Cattel in any Coppice-woods incloſed to be preſerved, from the time of the ſale thereof, untill the end of five years, nor from the end of five years, any other Cattel but Calves and yearling Colts only, untill the end of ſix years, if the Wood was under the age of xiiii. years at the laſt fall, or untill the end of eight years, if the Wood was above the age of xiiii. years at the time of the laſt fall, &c.

35 H. 8. 17.

How long time the ſpring of woods ſhall be preſerved in ſeveralty.

At what age of wood, cattel may be put into them and then what cattel.

Provided, that this addition to the ſtatute of Woods, ſhall continue as long in force as the aforeſaid ſtatute made in the xxv. year of the Reign of King Henry the eighth.

Provided alwayes, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall be a Buyer, Badger, Kydder, or Carrier of Corn, Cattel, Butter, Cheeſe, and ſuch like kind of Victual, in none other manner nor form then is contained in a ſtatute made in the fifth year of the Reign of our Soveraign Lady Queen Elizabeth, nor ſhall be any other ways admitted or licenced to be a Buyer, Badger, Kydder or Carrier, as is aforeſaid, then is mentioned and appointed by the ſaid ſtatute: any thing in this or any other Act heretofore to the contrary notwithſtanding.

5 El. 12.
Who may be buyer, badger, or carrier of corn, butter, &c.

Provided alwayes, and be it enacted, That the ſaid Act againſt Regrators, Foreſtallers, and Ingroſſers is not meant to extend, nor ſhall extend to any Wines, Oyls, Sugars, Spices, Currans, nor other foreign Victuals, brought, or to be brought into this Realm from beyond the Seas; fiſh and ſalt only excepted.

To which foreign victuals the ſtatute of 5 & 6 Ed. 6. cap. 14. ſhall not extend.

CAP. XXVI.

A confirmation of a Subſidy of vi. s. in the pound granted to the Queen by the Clergy, to be paid in three years. EXP.

CAP. XXVII.

A confirmation of two Fifteens and Tenths, and one Subſidy granted to the Queen by the Temporalty. EXP.

CAP. XXVIII.

A confirmation of the Queens free and general Pardon. Except, &c. EXP.

Anno decimo quarto Reginæ Elizabethæ.

AT this preſent Seſſion of Parliament holden at Weſtminſter, the eighth day of May, in the fourteenth year of the Reign of our Soveraign Lady, ELIZABETH, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the laſt day of June following. To the high pleaſure of Almighty God, and weal publick of this Realm, amongſt other were enacted as followeth.

CAP. I.

It ſhall be felony to take or keep from the Queen any of the Caſtles, Forts, Holds, &c. or to raze, or burn any Caſtle or Fort, having the Queens Munition or Ordnance therein, or guarded with Souldiers; and adviſedly to expreſs the ſame by words, act or writings. It ſhall be high Treaſon to with-hold from the Queen any of the Caſtles, Holds, &c. or any of her Ships, Artillery, or fortification of War: or to burn and deſtroy any of her Ships, or to bar any Haven. EXP.

CAP. II.

The penalty for conſpiring, deviſing or going about to enlarge any Priſoner committed to priſon or cuſtody by the Queens ſpecial commandment, for any Treaſon, or ſuſpicion of Treaſon concerning her own perſon, and the ſame conſpiracy, device, &c. by expreſſe words, writing, or other matter, manifeſtly to declare, or ſet forth, before the Priſoner ſhall be indicted, ſhall be deemed miſpriſion of Treaſon, after Indictment felony, after Attainder high Treaſon. EXP.

CAP. III.

It is miſpriſion of high Treaſon to forge money, which is not the Coin of this Realm, nor currant therein.

FOraſmuch as by the Laws or Statutes of this Realm, ſmall or no condigne puniſhment is at this time provided for ſuch evil diſpoſed perſons as ſhall counterfeit or forge ſuch kind of Gold or Silver of other Realms, as is not the proper Coyn of this Realm, nor currant in payment within this Realm: by reaſon whereof divers evil diſpoſed perſons, as well without this Realm as within, are encouraged and emboldned daily to counterfeit or forge ſuch kind of Gold and Silver, and utter the ſame in this Realm, in great deceit of her

The penalty of forging of Coin which is not the money of this Realm, nor currant therein.

Majeſties Subjects: Be it Enacted by our ſaid Soveraign Lady the Queen, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons hereafter falſly forge or counterfeit any ſuch kind of Coin of gold or ſilver, as is not the proper Coin of this Realm, nor permitted to be current within this Realm: that then every ſuch offence ſhall be deemed and judged miſpriſion of high Treaſon, and the offendors therein, their procurers, aiders and abettors, being convict according to the Lawes of this Realm of ſuch offences, ſhall be impriſoned, and forfeit ſuch lands, goods and chattels, as in caſes of miſpriſion of Treaſon for concealment of high Treaſon.

CAP. IV.

The Statute of 1 El. 10. prohibiting the tranſporting of Leather, Tallow, and raw Hides, ſhall be revived for ſeven years, EXP. & REP. 18 Eliz. 9.

CAP. V.

How Vagabonds ſhall be puniſhed, and the Poor relieved.

25 El. 7. REP.

39 El. 4. 18.

43 El. 2.

2 H. 5. 1.

1 Jac. 25.

Cro. Jac. 577.

A Repeal of the Statute of 22 H.8.12. and 3 & 4 E.6.16. and 5 E. 6. 2. provided for the relief of the poor, and puniſhment of Vagabonds. A Vagabond above the age of fourteen years, ſhall be adjudged to be grievouſly whipped, and burned through the griſtle of the right ear, with a hot Iron of the compaſſe of an inch, unleſs ſome credible perſon will take him into ſervice for a year. And if being of the age of eighteen years, he after do fall again into a roguiſh life, he ſhall ſuffer death as a ſelon, unleſs ſome credible perſon will take him into ſervice for two years. And if he fall a third time into a roguiſh life, he ſhall be adjudged a felon. Who ſhall be adjudged Vagabonds: The penalty for the relief of them. Who may make Paſports and Licences, and to whom. Aſſeſsments ſhall be made of the Pariſhioners of every Pariſh, for the relief of the Poor of the ſame Pariſh. Every Biſhop ſhall viſit and reform Hoſpitals within his Dioceſſe. No perſon ſhall bring any Rogue out of Ireland, or the Iſle of Man, into England. EXP.

A Proviſion for the relief of the priſoners in the common Gaol.
1 Jac. 25.
21 Jac 28.
3 Car. 4.

It ſhall and may be lawful for the Juſtices of Peace of every Shire within this Realm, at their general quarter Seſſions of the Peace to be holden within the ſame Shires, or the moſt part of the ſaid Juſtices, being then preſent, to rate and tax every Pariſh within the ſaid Shires, at ſuch reaſonable ſums of money, for and towards the relief of the ſaid priſoners, as they ſhall think convenient by their diſcretions: ſo that the ſaid taxation and rate doth not exceed above ſix pence or eight pence by the week out of every Pariſh: and that the Church-wardens of every Pariſh within this Realm for the time being, ſhall every Sunday levy the ſame, and once every quarter in the year pay to the High-Conſtables, or head Officers of every Town, Pariſh, Hundred, Riding or Wapentake within this Realm, all ſuch ſums of money, as their Pariſh ſhall be rated and taxed, for and towards the relief of the ſaid priſoners within their ſaid ſeveral Pariſhes: And that the ſaid High-Conſtables and head Officers, and every of them, ſhall pay all ſuch ſums of money ſo to them payed by the ſaid Church-wardens, at every general quarter Seſſions to be holden within the ſaid ſeveral Shires, to ſuch ſufficient perſons dwelling nigh the ſaid Gaols, as ſhall be appointed by the ſaid Juſtices in their ſaid open quarter Seſſions, to be there ready to receive the ſaid money ſo collected, as is aforeſaid. And that the Collectors for the ſaid priſoners ſhall weekly diſtribute and pay all ſuch ſums of money, as they and every of them ſhall receive for the relief of the ſaid priſoners, as aforeſaid; upon pain as well the ſaid Church-wardens of every Pariſh, Conſtables and head Officers of every Hundred, or Wapentake, as alſo the ſaid Collectors appointed for the collection and contribution of the ſaid priſoners, ſo making default, as aforeſaid, to forfeit five pounds, the one moiety thereof ſhall be to the uſe of the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the relief of the priſoners: Any Statute, Law, Cuſtom, Uſe, or other thing to the contrary in any wiſe notwithſtanding.

The forfeiture of the Church-wardens, Conſtables or Collectors committing their duties.

25 Aſſ.pl
Coke l.f.15
lib 1.f.60,
Cro.El.562.

Juſtices of Peace ſhall not meddle in any City, Borough, &c. but the Mayors or Officers of the ſame.

Provided alwayes, That the Juſtices of Peace within any County of this Realm, or Wales, ſhall not intromit or enter into any City, Borough, place or Town corporate, where be any Juſtice or Juſtices of Peace, for any ſuch City, Borough, place or Town corporate, for the execution of any branch, article or ſentence of this Act, for or concerning any offence, matter, or cauſe growing or ariſing within the precincts, liberties or juriſdictions of ſuch City, Borough, place or Town corporate: but that it may and ſhall be lawful to the Juſtice and Juſtices of Peace, Mayor, Bayliffs, and other head-Officers of thoſe Cities, Boroughs, places, and Towns corporate, where there be Juſtice or Juſtices, to proceed to the execution of this Act, within the precinct and compaſſe of their liberties, in ſuch manner and form as the Juſtices of Peace in any County may or ought to do within the ſame County by vertue of this Act: Any matter or thing in this Act expreſſed to the contrary thereof, notwithſtanding.

b Cok. l.
fol. 43.

And that every Juſtice and Juſtices of the Peace, within every ſuch City, Borough, place, and Town corporate, for every offence by them, or any of them to be committed, contrary to the intent and meaning of this ſtatute, ſhall be puniſhable, and chargeable, as other Juſtices of Peace at large in the Counties, are by this Act above appointed to be.

CAP. VII.

The Queen may make Grants by copy of Court-roll, uſual wood ſales, or other things of fugitives lands, as tenant pur terme dauter vie, may do. The rents of fugitives lands ſhall be anſwerable in the Exchequer, and of Dutchy lands, in the Court of the Dutchy of Lancaſter. EXP.

CAP. VII.

The Statute of 13 Eliz. 4. enabling Treaſurers and Receivers Lands to be liable to the payment of the Queens debts, ſhall extend to under-collectors of Tenths and Subſidies.

FOr avoiding and redreſſe of great deceits done to the Queens Majeſty, and to the Prelates and Clergy of this Realm, by under-collectors of the Tenths and Subſidies of the Clergy, appointed by and under the Archbiſhops and Biſhops of this Realm, and Deans and Chapters (Sede vacante:) Be it enacted, that the ſtatute made in the thirteenth year of her Majeſties reign to make the Lands, Tenements, Goods and Chattels of Tellers, Receivers, &c. to be liable to the payment of their debts, ſhall to all intents and purpoſes, as amply and largely extend, and be conſtrued to extend to all ſuch under-collectors of Tenths, Subſidies of the Clergy, and to their Lands, Tenements and Hereditaments, Goods and Chattels, for ſatisfying of ſuch money as they have collected, or ſhall collect of the ſaid Tenths and Subſidies, to the uſe of the Queens Majeſty, her Heirs or Succeſſors (of what yearly ſum ſoever the charge of their collection is, or ſhall be) in like form as it doth extend to the Tellers, Receivers, and other perſons accomptant, whom the ſaid Act ſpecially and expreſly concerneth, and in as ample wiſe, as if ſuch under-Collectors were immediately accomptant to the Queens Majeſty, her Heirs or Suceſſors: any proviſion in the ſaid ſtatute, or other matter whatſoever to the contrary, notwithſtanding.

The Stat. of 13 El. 4. ſhall extend to make the lands of under-collectors liable to their debts.

And that every ſuch under-Collector, ſhall upon proceſſe to be awarded out of the Court of Exchequer, be chargeable to account for his receipt of ſuch Tenths and Subſidies, as any Receiver immediately accomptant to her Majeſty, is or ought to be: and that every Archbiſhop and Biſhop, and Dean and Chapter (Sede vacante) to whoſe charge the collection of ſuch Tenths or Subſidies doth or ſhall appertain, ſhall be diſcharged of ſo much of the ſaid Tenths and Subſidies, as ſhall be ſatisfied to the Queens Majeſty, her Heirs or Succeſſors of, or by the Lands, Tenements, Hereditaments, Goods or Chattels, of ſuch under-Collector or his Heirs, without any other warrant whatſoever in that behalf to be obtained. 1 Jac. 25.

The under-collectors ſhall accompt in the Exchequer.

The Biſhop ſhall be diſcharged of ſo much as is levied of his under-collectors lands or goods.

CAP. VIII.

A recovery had by the aſſent of parties againſt Tenant for term of life, without the aſſent of him in reverſion or remainder, ſhall be void: And the Statute of 32 H. 8. 31. repealed.

WHere divers perſons being ſeized, or that have been ſeized of Lands, Tenements, and Hereditaments, as Tenants by the courteſie of England, Tenants in tail after poſſibility of iſſue, extinct, or otherwiſe, only for term of life or lives, or of eſtates determinable upon life or lives, have heretofore permitted and ſuffered other perſons, by agreement or covin between them had to recover the ſame Lands and Tenements, and other Hereditaments, againſt the ſame partcular Tenants, in the Queens Majeſties Court, or have permitted and ſuffered themſelves to be vouched by other perſons, by agreement or covine between them had, in recoveries ſuffered of the ſame Lands, Tenements, and other Hereditaments, in the Queens Majeſties Court to the great prejudice of thoſe to whom the reverſion or remainder thereof hath appertained, or ought to appertain.

For remedy whereof, be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all ſuch recoveries hereafter to be had or proſecuted by agreement of the parties, or by covine, as is aforeſaid, againſt any ſuch particular [a] tenant of any Lands, Tenements, or Hereditaments, whereof the ſame particular tenant is or hereafter ſhall be ſeized of any ſuch particular eſtate, as is aforeſaid, or againſt any other with voucher over of any ſuch particular tenant, or of any having, or that had right or title to any ſuch particular eſtate of tenancy, as is aforeſaid, ſhall from henceforth, as againſt ſuch perſon or perſons to whom any reverſion or remainder thereof, by force of any conveyance or device before that time had or made, ſhall, ought, or lawfully may appertain and againſt their Heirs and Succeſſors, be clearly and utterly void and of none effect, any law or uſage heretofore had to the contrary thereof, in any wiſe notwithſtanding.

Coke pla. f. 655. 670.

a 15 Aſſ. pl. 1. Coke l. f. 15. lib. 1. f. 60. Cro. El. 562.

Recoveries againſt tenants for life, &c. by covin ſhall be void.

Provided alway, that this Act, nor any thing therein contained, ſhall extend or be prejudicial to any perſon or perſons, that ſhall hereafter by good title recover any lands, tenements, or hereditaments, without fraud or covin, by reaſon of any former right or title: but that all and every ſuch recovery and recoveries, ſo to be had or proſecuted upon former rights or titles, ſhall ſtand and be in like force, ſtrength and effect, as they were before the making of this Act: Any thing herein contained to the contrary, in any wiſe notwithſtanding.

Recovery by good title.

Provided alſo, that all and every ſuch recovery and recoveries, to be had or proſecuted of any Lands, Tenements or Hereditaments, as aforeſaid, by the aſſent and agreement of any perſon or perſons, to whom any reverſion or remainder thereof then ſhall or ought to appertain (ſo that the ſame aſſent [b] and agreement do appear of record in any Court of our Soveraign Lady the Queens Majeſty, her Heirs or Succeſſors) ſhall ſtand and be in like force, ſtrength, and of like effect, againſt ſuch perſon and perſons that ſhall ſo aſſent and agree, their Heirs and Succeſſors, as they were before the making of this Act: Any thing herein contained to the contrary, in any wiſe notwithſtanding.

A recovery by the aſſent of him in the reverſion or remainder.

b Cok. l. 10. fol. 43.

Be it further enacted by the authority aforeſaid, That one Act made made in the two and thirtieth year of our late Soveraign Lord King Henry the eight, entituled, An Act for the avoiding of recoveries, by colluſion by tenants for term of life, ſhall be from the firſt day of July next enſuing, re-pealed, and ſhall no longer ſtand in force. Coke Inſt. 356. a. 362. a.

A repeal of the Statute of 32 H. 8. touching recoveries.

CAP.

CAP. IX.

In what caſes a Tales de Circumſtantibus may be granted at the Tenants or Defendants requeſt.

Stat. 35 H. 8. 6. 5 Eliz. 25. For the avoiding of great and chargeable delayes oftentimes happening unto tenants and defendants: be it enacted, That in all caſes whereas the party plaintiff or demandant, by any Statute heretofore made, may have upon his or their requeſt made unto the Juſtices of Niſi Prius, within this Realm of England, or to the Juſtices of Oyer, [a] or of Aſſiſes, or the xii. Shires of Wales, and of the Counties Palatines of Lancaſter, Cheſter, and Durham, a Tales de Circumſtantibus, that in all and every ſuch caſe and caſes, the party and parties, tenants, actors, avowants, and defendants (if the plaintiffs or demandants ſhall upon the calling of the principal pannel or Jury, forbear or refuſe to pray the ſame) ſhall and may upon his or their requeſt or deſire have upon the ſame record, and by the ſame Juſtices the Tales or Taleſſes unto them granted, in like manner, form and degree, to all reſpects and purpoſes, as the plaintiff or demandant in any ſuit, or action may have the ſame, by any Statute or ordinance heretofore made, or ſet forth; and the rather for the ſpeedy tryal of the iſſue and iſſues joyned, or hereafter to be joyned in any plea, ſuit, or action: any Law, cuſtome, or uſage heretofore uſed to the contrary thereof in any wiſe notwithſtanding. a Dyer, fol. 111.

In what caſe a Tales de Circumſtantibus ſhall be granted at the tenants or defendants ſuit.

The Defendant may have a Tales in popular actions. Provided alſo, and be it further enacted by the authority aforeſaid, That in all popular actions, Informations, Bills, or Suits, commenced or had, or hereafter to be commenced or had in any the Queens Majeſties Courts of Record, upon any penal Laws or Statutes, wherein any perſon doth, or ſhall ſue or proſecute, or inform, as well for the Queens Majeſty her Heirs, and Succeſſors, as for himſelf, whereupon iſſue is or ſhall be joyned to be tryed by the County: that therein the party defendant, or defendants, ſhall be admitted to pray, and have a Tales de Circumſtantibus, as in other caſes aforeſaid.

CAP. X.

No perſon uſing the trade of making of Kerſies, ſhall Purpoſely make any above the length of eighteen yards.

REP. 3 Jac. 16.

CAP. XI.

Several Statutes made in the reigns of King H. 8. King Ed. 6. and Queen Eliz. revived, continued and explained, &c.

24 H. 8. 7. VVHere in the Parliament holden upon prorogation at Weſtminſter the fourth day of February, in the four and twentieth year of the raign of the late King Henry the eight, one Act was there made, entituled, An Act to continue, and renue the Act made againſt killing of Calves: and one other Act entituled, An Act againſt killing of young beaſts, called wainlings. 24 H. 8. 9.

Anno 3 & 4 Ed. 6. 19. And where in the Seſſion of a Parliament, ended at Weſtminſter on the firſt day of February, in the fourth year of the reign of our late Soveraign Lord King Edward the ſixth, one Act was made concerning the buying and ſelling of Rother beaſts.

3 & 4 Ed. 6. 21. And alſo one other Act was then and there likewiſe made, entituled, An Act for the buying and ſelling of Butter and Cheeſe.

5 Eliz. 2. And where alſo an Act was made in the firſt Seſſion of the Parliament, holden in the fifth year of the Queens Majeſties reign, entituled, An Act for the maintenance and increaſe of Tillage.

1 Eliz. 17. And where alſo in the Parliament begun at Weſtminſter on the three and twentieth day of January, in the firſt year of the raign of the Queens Majeſty that now is, and there continued by prorogation until the diſſolution thereof, one Act was then and there made, entituled, An Act for the preſervation of ſpawn and fry of fiſh.

5 Eliz. 7. And where alſo in the firſt Seſſion of the Parliament begun and holden at Weſtminſter, in the fifth year of the reign of our Soveraign Lady the Queens Majeſty that now is, and from thence continued by prorogation until the diſſolution thereof, one Act was then and there made, entituled, An Act for the avoiding of divers forein wares, made by handicraftsmen beyond the Seas.

5 Eliz. 9. And one other Act, intituled, An Act for the puniſhment of ſuch perſons as ſhould procure or commit any wilful perjury, which Acts were limited to endure to the end of the next Parliament.

8 Eliz. 10. And where alſo in the firſt Seſſion of the ſame Parliament holden by prorogation at Weſtminſter, in the eighth year of the raign of the Queens moſt excellent Majeſty that now is, one Act was then and there made, entituled, An Act for Bowyers, and the prices of Bowes, and was made to continue to the end of the firſt Seſſion of the next Parliament.

8 Eliz. 15. And alſo one other Act was then made, entituled, An Act for the preſervation of grain: All which ſeveral Acts and Statutes were made to continue but for certain times, and all which Acts made in the ſaid fourth year of King Edward the ſixth, and in the ſaid firſt, fifth, and eight years of the Queens Majeſties reign, were at the laſt Parliament holden at Weſtminſter the ſecond of April, in the thirteenth year of the reign of our ſaid Soveraign Lady the Queens Majeſty, made to continue and ſtand in force unto the end of the next Parliament then next following. 13 Eliz. 25.

13 Eliz. 5. And where alſo in the Parliament begun and holden at Weſtminſter, the ſecond day of April, in the thirteenth year of the reign of our ſaid Soveraign Lady the Queen, one Act and Statute was then and there made, for the avoiding and aboliſhing of feigned, covenous, and fraudulent feoffments, gifts, grants, alienations, conveyances, bonds, ſuits, judgments, and executions, entituled, An Act againſt fraudulent deeds, gifts, grants, alienations, &c. which Act and Statute was then made to endure unto the end of the firſt Seſſion of the next Parliament, as by the ſaid Act more plainly will appear.

13 Eliz. cap. 20. And where alſo in the ſaid Parliament begun and holden at Weſtminſter the ſaid ſecond

day of April, there was alſo one other Act and Statute made for the avoiding of ſome Leaſes in certain caſes to be made of Eccleſiaſtical promotions with Cure, entituled, An Act touching Leaſes of Benefices, with other Eccleſiaſtical livings with cure, which Act was likewiſe made to continue to the end of the next Parliament.

And where alſo there was one other Act and Statute made in the ſaid Parliament begun and holden at Weſtminſter the ſaid ſecond day of April, in the ſaid thirteenth year, entituled, An Act that Purveyors may take grain, corn, or victuals within five miles of Cambridg and Oxford in certain caſes, which was made likewiſe to continue to the laſt day of the next Parliament.

13 Eliz. 21.

And where in the Statute made in the thirteenth year of the Queens Majeſties reign, entituled, An Act for the reviving and continuance of certain Statutes is contained one Proviſo, That the ſaid act concerning the avoiding of foreign wares made by handicrafts-men beyond the Seas, or any clauſe, article, or meaning therein contained ſhould not in any wiſe extend or be prejudicial to any entercourſe or treaties of any entercourſe then ſtanding in force, had, or made between the progenitors of the Queens Majeſtie or her Highneſſe, and any others. Now for good conſiderations, and ſpecially that ſtrangers may not be at liberty, and the Queens Majeſties natural Subjects reſtrained: be it enacted, That the ſaid Proviſo, and every clauſe, article, and matter therein contained, ſhall from henceforth be repealed and utterly void.

A repeal of a Proviſo contained in the Statute of 13 Eliz. 25.

Provided alſo, and be it enacted, That theſe words, [So ſoon as it, or any part thereof, come to any poſſeſſion or uſe above forbidden, or] which words are contained in the ſaid Statute made in the ſaid thirteenth year, touching leaſes of Benefices and other Eccleſiaſtical livings with Cure, ſhall not be revived by this Act, but remain diſcontinued, and ſhall from henceforth be omitted out of the ſaid Act, any thing in the ſaid Act, or in this Act, to the contrary notwithſtanding.

Certain words contained in the Statute of 13 Eliz. 20. diſcontinued.

And where ſundry evil diſpoſed perſons, have defrauded the true meaning of the laſt mentioned Statute, made in the ſaid thirteenth year by bonds and covenants of ſuffering other perſons to enjoy Eccleſiaſtical livings, and the fruits thereof, for that ſuch bonds and covenants are not in Law taken to be Leaſes, although indeed they amount to as much: Be it therefore enacted, That all bonds, contracts, promiſes, and covenants hereafter to be made for ſuffering or permiting any perſon to enjoy any Benefice, or Eccleſiaſtical promotion with Cure, or to take profits or fruits thereof other than ſuch bonds and covenants, as ſhall be made for aſſurance of any leaſe heretofore made, ſhall be to all intents and purpoſes adjudged of ſuch force and validity, and not otherwiſe, as leaſes by the ſame perſons made of ſuch Benefices and Eccleſiaſtical promotions with Cure.

Coke pla. f. 205. Bonds and covenants for the enjoying of leaſes, ſhal be void. 43 El. 9.

And be it further declared and enacted, That all leaſes, bonds, promiſes, and covenants of and concerning Benefices and Eccleſiaſtical livings with Cure to be made by any Curate, ſhall be of no other, nor better force, validity or continuance, than if the ſame had been made by the beneficed perſon himſelf, that demiſed, or ſhall demiſe, the ſame to any ſuch Curate.

Leaſes made by Curates of Benefices with Cure.

And where, in one other Act made in the ſaid thirteenth year, entituled, An Act againſt fraudulent gifts, to the intent to defeat dilapidations of Eccleſiaſtical livings, and for leaſes to be granted by Collegiate Churches, there is one branch to avoid certain leaſes to be made by Maſters and Fellowes of Colledges, Deans and chapters of Cathedral or Collegiate Churches, Maſters or Guardians of any Hoſpital, or by any Parſon, Vicar, or any other having any Spiritual or Eccleſiaſtical living: Be it enacted, That the ſaid branch, nor any thing therein contained, ſhall not extend to any grant, aſſurance, or leaſe of any houſes belonging to any perſons, or bodies politick or corporate aforeſaid, nor to any grounds to ſuch houſes appertaining, which houſes be ſituate in any city, borough, town corporate, or market town, or the ſuburbs of any of them, but that all ſuch houſes and grounds may be granted, demiſed, and aſſured, as by the Lawes of this Realm and the ſeveral Statutes of the ſaid Colledges, Cathedral Churches and Hoſpitals, they lawfully might have been before the making of the ſaid Statute or lawfully might be, if the ſaid Statute were not, ſo alway that ſuch houſe be not the Capital or dwelling houſe uſed for the habitation of the perſons aboveſaid, nor have ground to the ſame belonging, above the quantity of ten acrees: any thing in the ſaid Act to the contrary notwithſtanding.

13 El. 10.

Leaſes made by ſpiritual perſons of houſes in Cities or corporate Towns.

And be it further enacted, that all ſums of money hereafter to be recovered, for or in name of dilapidations, by ſentence, compoſition, or otherwiſe, ſhall within two years after ſuch receipt, be truly imployed upon the buildings and reparations, in reſpect whereof ſuch money for dilapidations ſhall be payed, on pain that every perſon ſo receiving, and not imploying, as aforeſaid, ſhall forfeit double as much, as ſo ſhall be by him received, and not imployed; the which forfeiture ſhall be to the uſe of the Queens Majeſty, her Heirs and Succeſſors.

Money recovered for dilapidations ſhall be imployed in repair of the ſame houſes.

Provided alway, and be it enacted, That no Leaſe ſhall be permitted to be made by force of this Act in reverſion, nor without reſerving the accuſtomed yearly rent at the leaſt, nor without charging the Leſſee, with the reparation, nor for longer term than forty years at the moſt: Nor any houſes ſhall be permitted to be aliened, unleſſe that in recompeuce thereof there ſhall be afore, with or preſently after ſuch alienation, good, lawful, and ſufficient aſſurance made in Fee ſimple abſolutely to ſuch Colledges, houſes, bodies politick or corporate, and their ſucceſſors, of lands of as good value, and of as great yearly value at the leaſt, as ſo ſhall be aliened: any Statute to the contrary notwithſtanding.

Certain obſervations in the Leaſes to be made by ſpiritual perſons according to this Statute. No Colledg ſhall alien any houſe without preſent and ſufficient ſatiſfaction.

And foraſmuch as all the ſame ſeveral Acts and Statutes, and every of them do ſeem good, beneficial, and needful to be further continued for the weal and profit of this Realm: Be it therefore now enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by

The firſt mentioned 13 ſtat. continued untill the end of the next Parliament.

the authority of the ſame, That the ſame ſeveral Acts and Statutes, and every of them, and all and every article, clauſe, and ſentence in them and every of them contained, ſhall continue, be, and endure in full force and effect, until the end of the next Parliament. Stat. 39 Eliz. 18.

CAP. XII.

So much of the Statute of 8 Eliz. 7. as reſtraineth any of the Inhabitants of Shrewsbury to buy Welſh Cloth, Cottons or Frizes, repealed.

A rehearſal of the Statute of 8 El. 7. limiting which of the Inhabitants of Shrewsbury may buy Welſh Cloth, and which not.

Where at the Parliament holden at Weſtminſter the laſt day of September, in the eight year of the reign of our Soveraign Lady the Queens moſt excellent Majeſty, there was an Act made, entituled, An Act touching Drapers, Cottoners, and Frizers, in the Town of Shrewsbury, in the County of Salop: and in the ſame Act there is contained matter then ſuppoſed for the benefit of the ſaid Town of Shrewsbury, in advancing the Corporation of Drapers, Cottoners, and Frizers of the ſaid Town. And it was thereby enacted, That from and after the Feaſt of Eaſter then next enſuing, no manner perſon or perſons whatſoever, inhabiting and dwelling within the ſaid Town of Shrewsbury, or the liberties or franchiſes of the ſame Town (other than ſuch as then had, or then after ſhould ſerve as Apprentice in the Occupation and Science of Drapers, or then had been, or thereafter ſhould be free of the ſaid Science or Myſtery) ſhould occupy, uſe exerciſe, or frequent the ſaid Trade, Art, Myſtery or Science of buying of the ſaid Welſh Cloth, or Lining, Cottons, Frizes, or Plains: nor have any Factor or doer for him or them in the ſame, nor by any colour, engine, or fraud, buy any of the ſaid Frizes, Linings, Cottons, and Plains, upon pain that every perſon and perſons inhabiting, as is aforeſaid, and occupying, uſing, or exerciſing the ſaid Trade, Art, Myſtery, Occupation, or Science of buying of Welſh Clothes, and Linings, &c. and not authorized by the ſaid Act, ſhould loſe and forfeit for every peece of the ſaid Clothes bought, ſix ſhillings eight pence.

The inconveniences enſuing upon the making of the aforeſaid Act, to the poor Inhabitants of Shrewsbury, and others.

And where ſithence the making of the ſaid Act, experience hath plainly taught in the ſaid Town, that the ſaid Act hath not only not brought the good effect that then was hoped and ſurmiſed, but alſo hath been, and now is likely to be the very greateſt cauſe of the impoveriſhing and undoing of the poor Artificers and others, at whoſe Suit the ſaid Act was procured for that there be now ſithence the making of the ſaid Statute, much fewer perſons to ſet them awork than before: and by reſtraining all other inhabitors of the ſaid Town of Shrewsbury, from the former lawfull Trade ever heretofore uſed of buying of Welſh Clothes, Frizes, Cottons, Linings, and Plaines (leaving the ſame neverthelesse free for all the Subjects of England without any reſtraint, Saving for the ſaid Inhabitants of the Town of Shrewsbury, and the liberties and franchiſes of the ſame Town onely) hath been the evident occaſion of great decay, not only to the ſaid Town, and the liberties and franchiſes of the ſame, but alſo to a great and infinite number of poor people in Northwales, that is to ſay in the Counties of Montgomery, Denbigh, Merioneth, and alſo the Town of Oſweſter, and the greateſt part of the Countrey thereabouts, where the ſaid Welſh clothes, frizes, cottons, linings, and plains, are made and ſold which were wont to be maintained and relieved by trade of making or working of the ſaid Frizes, Cottons, &c. contrary to the expectation that then was wrongfully received.

A repeal of part of the Statute of 8 Eliz. 7. and a confirmation of the reſidue.

Be it therefore, at the humble Suit of the Inhabitants of the ſaid Town, and alſo of the ſaid Artificers, for whoſe benefit the ſaid Act was ſuppoſed to be provided enacted, That the ſaid Act, and all the matter in the ſaid Act contained, ſhall from henceforth be repealed and made void: any thing in the ſaid Act to the contrary, notwithſtanding.

Provided alwayes, That ſo much of the ſaid Statute of the eight year of our Soveraign Lady the Queens Majeſty that now is, and every article and branch therein contained as toucheth the preſent and ready payment of money to Sheremen, Cottoners, and Frizers, for their work, and alſo as toucheth the reſtraint of ſuch as ſhall, or do occupy or uſe the trade of buying of Frizes, Cottons, or Plaines, from the uſe or exerciſe of the faculty of frizing or cottoning, ſhall ſtand and be in force; any thing in this Statute to the contrary, notwithſtanding.

CAP. XIII.

Hexam and Hexamſhire, with the Liberties there, ſhall be within the County of Northumberland.

Anno decimo octavo Reginæ Elizabethæ.

AT this preſent Seſſion of Parliament by Prorogation holden at Weſtminſter, the eighth day of February, in the eighteenth year of the Reign of our moſt gracious Soveraign Lady, ELIZABETH, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the fifteenth day of March following. To the high pleaſure of Almighty God, and weal-publick of this Realm, were enacted as followeth.

CAP. I.

Diminiſhing, skaling, or lightning of any Coyn current within this Realm, ſhall be high Treaſon.

By the Stat. of 5 Eliz. 11. the clipping, waſhing, and filing of money, ſhall be high treaſon.

Whereas the offences of clipping, rounding, waſhing, and filing, for wicked lucre or gains ſake, of any the proper moneys or Coyns of this Realm, or the Dominions thereof, or of the Moneys or Coyns of any other Realm, allowed by Proclamation, and ſuffered to be current within this Realm, or the Dominions thereof, by a Statute made in the fifth year of the Queens Majeſties reign, are taken, deemed, and adjudged to be Treaſon, and the offendors therein, the councellors, conſenters, and ayders likewiſe deemed and adjudged as offenders in Treaſon, and being thereof lawfully convicted or attainted, according to the due order and courſe of the Lawes of this Realm, are to ſuffer pains of death, and to loſe and forfeit all his and their goods and chattels, and alſo all his and their lands and tenements, during his and their natural life or lives only, as by the ſaid Statute thereof made, among other things therein contained, more at large it doth and may appear. Sithence the making of which good Law and Statute, divers falſe and evil diſpoſed perſons knowing that the ſaid Law, being, as it is, penal, ought to be taken and expounded ſtrictly, according to the words thereof and the like offences not by any equity to receive the puniſhment or pains, have ſithence the making of the ſaid Law and Statute, moſt wickedly deviſed and practiſed, for wicked lucre and gains ſake, other Arts, undue wayes, and means, to falſifie, impair, diminiſh, and lighten, as well the proper Moneys and Coyns of other Realms, allowed and ſuffered to be current within this Realm, and the Dominions thereof, by her Majeſties Proclamation to the great damage, loſſe, hurt, and deceit, as well of her Majeſty, as of all her faithful and loving Subjects, and more is like hereafter to be practiſed and done if the ſame be not ſpeedily met withall. For reformation and remedy whereof, be it enacted, declared, and eſtabliſhed by authority of this preſent Parliament, that if any perſon or perſons, of what eſtate, degree, or condition ſoever he or they be, ſhall from and after the firſt day of April next coming, for wicked lucre or gains ſake, by any art, wayes or means whatſoever, impair, diminiſh, falſifie, ſcale, or lighten the proper Moneys or Coyns of this Realm, or any the Dominions thereof, or the Moneys or Coyns of this Realm allowed and ſuffered to be current at the time of the offence committed within this Realm of England, or any the Dominions of the ſame, by the Proclamation of the Queens Majeſty, her Heirs or ſucceſſors, ſhall be taken, adjudged and deemed to be Treaſon, and the offendors therein, their councellors, conſenters, ayders, ſhall be likewiſe deemed and adjudged as offendors in Treaſon, and being thereof lawfully convicted or attainted according to the due order of the Lawes of this Realm, ſhall ſuffer pains of death, and loſe and forfeit all their goods and chattels to the Queens Majeſty, her Heirs and Succeſſors and ſhall alſo loſe and forfeit to the Queens Highneſſe, her Heirs and Succeſſors, all their lands, tenements, and hereditaments, during his or their natural life or lives onely.

By the Stat. of 5 Eliz. 11. the clipping, waſhing, and filing of money, ſhall be high treaſon.

Other undue means practiſed to falſifie the money not within the ſtrict words of the foreſaid Statute.

The diminiſhing ſcaling or lightening for gains ſake, of any money current within this Realm, ſhall be high treaſon.

Provided alwayes, and be it enacted by the authority aforeſaid, That this Act, nor any thing therein contained, nor any attainder or attainders of any perſon or perſons for any offence or offences made Treaſon by this Act, ſhall in any wiſe extend, or be judged, interpreted, or expounded, to make any corruption of blood to any the heir or heirs of any ſuch offendor or offendors, or to make the wife of any ſuch offendor to loſe or forfeit her Dower of, or in any lands, tenements, or hereditaments, or her title, action, or intereſt to the ſame: any thing in this Act contained, or any attainder or attainders hereafter to be had, for any offence or offences made Treaſon by this Act to the contrary notwithſtanding.

No corruption of bloud, or forfeiture of dower for this treaſon.

And be it further enacted by the authority aforeſaid, That if any the Lords of the Parliament, or Peer of this Realm, for the time being, ſhall fortune at any time hereafter to be indicted of any offence made Treaſon by this Act, that then they and every of them ſhall have his or their tryal by their Peers, as hath been uſed heretofore in caſes of high Treaſon. Stat. 25 Ed. 3. 2. 1 M. 6. 5 Eliz. 11.

Tryal of a Peer by his Peers.

CAP. II.

Confirmation of all Letters Patents made by the Queen ſince the beginning of her Reign, or to be made ſeven years after, notwithſtanding any miſ-recital, non-recital, &c. And of all aſſurances made or to be made to the Queen during the ſaid term.

Where ſithence the eighteenth day of November, in the firſt year of the Queens Majeſties reign, divers and ſundry Honors, Caſtles, Manors, Lands, Tenements, Rents, Reverſions, Services and other Hereditaments, have been conveyed and aſſured to her Highneſſe, her Heirs and Succeſſors, by, or from divers and ſundry perſons and bodies politick, as well for the diſcharge and ſatisfaction of great debts and ſums of money, as for other good conſiderations: For the perfect aſſurance, confirmation, and further ſurety whereof, Be it Enacted by the authority of this preſent Parliament, That all feoffments, fines, ſurrenders, aſſurances, conveyances, and eſtates in any wiſe conveyed, had or made, or to be had or made, at any time, during the ſpace of ſeven years, next after the end of this preſent Seſſion of Parliament, to, or for our ſaid Soveraign Lady the Queens Majeſty, by, or from any perſon or perſons, bodies politick or corporate, of any Honors, Caſtles, Manors, Lands, Tenements, Rents, Reverſions, Services and other Hereditaments, for any debt, ſum or ſums of money, or other conſideration whatſoever, ſhall ſtand, remain, and be good and available in the Law, to all intents, conſtructions and purpoſes, according to the true meaning, intent and purport of the ſame. Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors, and every of them, (other than ſuch perſon or perſons, and their heirs and wives, being parties or privies to ſuch conveyances or aſſurances, and every of them, bodies politick or corporate, and their ſucceſſors, and every of them, of, or from whom the Queens Highneſſe hath had, obtained or purchaſed, or ſhall obtain or purchaſe, during the ſpace of ſeven years, any Manors, Meſſuages, Lands, Tenements, Rents, Reverſions, Services or Hereditaments, by exchange, gift, bargain, fine, feoffment, recovery, deed enrolled, or otherwiſe) all ſuch right title, intereſt, uſe, poſſeſſion, rents, reverſions, remainders, offices, fees, commons, profits, and commodities whatſoever, which they or any of them have, might, or ought to have had, of, in or to the premiſſes, or any part thereof, in as large and ample manner, form, and condi-

A confirmation of the aſſurance made of any lands to the Queen by any other perſon ſince the beginning of her reign.

oke li. 5. ol. 15. li. 11. ol. 67. 76. ro. Jac. 64. ro. Car. 72.

The right of others ſaved.

tion, to all intents, conſtructions and purpoſes, as if this Act had never been had ne made, this preſent Act or any thing therein contained to the contrary, notwithſtanding.

And where our ſaid Soveraign Lady the Queens Highneſſe, ſithence the ſaid eighteenth day of November, in the firſt year of her Majeſties reign, as well for divers and great ſums of money, as alſo for divers and ſundry other conſiderations hath bargained, ſold, given and granted, by her Graces ſundry Letters Patents, Indentures, or other writings, ſealed under the great Seal of England, or the Seal of the Dutchy of Lancaſter, or the Seal of the County Palatine of Lancaſter, as well to bodies politick and corporate, as to divers and ſundry other her loving and obedient Subjects, divers and ſundry Honors, Manors, Lands, Tenements, Rents, Reverſions, Services, and other Hereditaments, in fee-ſimple, fee-tail, or for term of life, lives or years, as in the ſame ſeveral Letters Patents, Indentures and other Writings is mentioned and declared.

A confirmation of the Letters Patents of the Queen made ſithence the beginning of her reign, or to be made vii. years after. Co pl. fol. 382. 582.

And to the intent the ſame Letters Patents, Indentures, and other writings ſhould be good, available, and of perfect force and effect, to all and every her Highneſſe loving Subjects, according to the true meaning and effect of the ſame: Be it enacted and eſtabliſhed by authority of this preſent Parliament, That as well all and ſingular Letters Patents, Indentures, and other writings, ſealed under the great Seal of England, or under the Seal of the Dutchy of Lancaſter, or the Seal of the County Palatine of Lancaſter, and heretofore made or granted by our ſaid Soveraign Lady the Queen, for any ſums of money, or for and upon any other conſideration, as all other Letters Patents hereafter to be made by our ſaid Soveraign Lady the Queen, for any ſum or ſums of money, or other conſiderations, during the ſaid ſpace of ſeven years next enſuing the making of this Act, to any body politick or corporate, or to any other perſon or perſons whatſoever, of any Honors, caſtles, manors, lordſhips, granges, meſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, leets, courts, liberties, priviledges, franchiſes, or of any other hereditaments, with their appurtenances, or of any other part or parcel of them, ſealed with or under the great Seal of England, or under the Seal of the Dutchy of Lancaſter, or the Seal of the County Palatine of Lancaſter of whatſoever kind, nature or quality they or any of them be, or ſhall be reputed, known or taken, with their appurtenances, or any part or parcel of them, ſhall be good, perfect, and effectual in the Law, and ſhall ſtand, be taken, reputed, deemed and adjudged good, perfect, ſure, available and effectual in the Law, againſt the Queens Majeſty, her Heirs and Succeſſors, according to the tenour and effect of the ſaid Letters Patents, the ſame to be expounded, conſtrued, deemed and judged moſt beneficially for the Patentees and Grantees of the ſame, and their aſſignees, according unto the words and purport of every the ſaid Letters Patents, without any confirmation, licence or toleration of the

Defects in Letters Patents ſalved.

1 Queen, her Heirs or Succeſſors: any miſ-naming, miſ-recital or non-recital of any the ſame
honors, caſtles, manors, lands, tenements, and other the premiſſes, or of any parcel there-
2 of: Or any lack of finding of Offices, or inquiſitions, of and in the premiſſes, or any part
thereof, whereby the title of the Queens Highneſſe therein ought to have been found, be-
3 fore the making of the ſame Letters Patents, or other writings: Or any miſ-recital or non-
recital of Leaſes thereof before made, as well of record as not of record: Or any lack of the
4 certainty, miſ-caſting, rating or ſetting forth of the yearly value and rate of the premiſſes,
or of the yearly rents reſerved of and for the premiſſes, or any parcel thereof, mentioned or
contained in any of the ſaid Letters Patents, or other writings, or for that the premiſſes be,
or any part thereof is valued to a more or leſſe value in the ſaid Letters Patents or wri-
tings, then the ſaid manors, lands, tenements, and other the premiſſes then were, or ſhall
5 be in yearly value: Or any miſ-naming, or not true naming of the Towns, Hamlets, Pa-
riſhes, or Counties where the ſame honors, manors, lands, tenements, hereditaments, and
other the premiſſes, and every parcel thereof, or any parcel thereof, lyen or been: Or any
6 lack of the true naming of the lands, tenements or hereditaments, or of the natures, kinds,
ſorts, qualities or quantities of the ſaid poſſeſſions or hereditaments, or any parcel thereof:
7 Or any lack of the true naming of the Corporation: Or any lack of the attornment, livery
8 or ſeiſin: Or of any miſ-naming of any the late Tenants or Farmors of the ſame honors,
9 manors, lands, tenements and hereditaments, or any part thereof ſo ſold, granted or given,
notwithſtanding.

Patents of Offices.

Provided, That this Act, nor any thing therein contained, ſhall not extend to make any Letters Patents of any office or offices, to be of any other effect, force or ſtrength, then the ſame Letters Patents were, or ſhould have been before the making of this Act.

A ſatisfaction to the Queen for the overplus of the value of the lands by her granted.

Provided alſo, That all and ſingular ſuch Patentees, Grantees, and Donees, and every of them, which at any time heretofore ſithence the ſaid eighteenth day of November, have obtained and gotten of our ſaid Soveraign Lady the Queen, or at any time hereafter during the ſaid ſpace of ſeven years, ſhall obtain and get of our ſaid Soveraign Lady the Queens Maieſty that now is, by way of exchange, or for any ſum or ſums of money, or other conſiderations, any Letters Patents of any manors, lands, tenements or hereditaments whatſoever, which at the date and making any of the ſame Letters Patents ſo made, ſithence the ſaid xviii. day of November, or hereafter to be made during the ſaid ſpace of ſeven years, as is aforeſaid, were or ſhall be at the time of the making of ſuch Letters Patents, of better and more yearly value to the Queens Highneſſe, and ſo anſwered in yearly rent and ferm, than was, is, or ſhall be contained, mentioned and ſpecified in any ſuch Letters Patents, or in the particulars or rate thereof made, or to be made by any Auditor or Auditors, Surveyor or Surveyors, or othet officer: That then every ſuch Patentee, Grantee, or Donee, their heirs, executors, or aſſigns, and every of them, within one year next after office, or other due proof, order, and decree thereof made and had, or to be made, and within the ſpace and term of ten years next after the end of this preſent Seſſion of Parliament in the Court of the Exchequer, ſhall content and pay unto the Queens Majeſty, her Heirs and Succeſſors, for the ſame overplus and more value of the ſame manors, lands, tenements, and other hereditaments whatſoever, with their appurtenances, ſo ſold, given, granted, or exchanged, as is aforeſaid, after the rate of threeſcore years purchaſe, and according to ſuch yearly value and rate, as the ſame manors, lands tenements, and other hereditaments whatſoever were, and anſwered at the time of the making of any ſuch Letters Patents ſo made or to be made, in manner and form aforeſaid: Any thing contained in ſuch Letters Patents to the contrary in any wiſe notwithſtanding.

Forty years purchaſe.

Patents or Grants whereunto this Statute ſhall not extend.

Provided alſo, That this Act, or any proviſo therein contained, ſhall not in any wiſe extend to confirm, ratifie, or make good any leaſe or leaſes, made or to be made by our Sovereign Lady the Queen for term of life, lives, or for years, whereupon the old and accuſtomed rents or more, be not, or hereafter ſhall not be reſerved and yearly payable, during the time and term of every ſuch leaſe: Nor that this preſent Act ſhall in any wiſe extend to revive or make good any Letters Patents made of any office or offices to any Controller, Cuſtomer, Aulneger, Searcher, nor to any Letters Patents of the grant of any other office or offices heretofore granted or made by the Queens Majeſty, which now be, or at any time heretofore have been annihilated, determined, or made void by judgment, by authority of Parliament, or by decree: nor to any Patents to be made to any perſon or perſons for term of years, or during the minority of any heir of any manors, lands, or tenements, whereof any traverſe hereafter ſhall be tendred within three moneths after any office found and certified into any the Queens Majeſties Courts of Record: ne to make good any Letters Patents made by our Sovereign Lady, of any office or offices to be of any other effect, force, or ſtrength, than the ſame Letters Patents were or ſhould have been before the making of this Act.

Patents of concealed Lands. 21 *Jac.* 2.

a Co. li. 4. f. 36. li. 10. fol. 110.

Provided alſo, That this Act, or any thing therein contained, ſhall not extend to any Letters Patents, which at any time heretofore ſithence the beginning of the Queen Majeſties reign, have been, or hereafter ſhall be made by the Queens Highneſſe, to any perſon or perſons, of any manors, lands, tenements, rents, reverſions, ſervices, or other hereditaments, by force of any Information, ſuit or ſuggeſtion, made, or to be made to her Highneſſe that the ſame manors, lands, tenements, and other hereditaments, ſo contained in any ſuch Letters Patents, were concealed [a] lands, but that the ſame Letters Patents, and every of them, ſhall ſtand, remain, and be in the ſame force, ſtrength and effect as they were before the making of this Act: Any thing in this Act mentioned to the contrary notwithſtanding. Saving to all and every other perſon or perſons, and bodies politick and corporate, their heirs and Succeſſors, and every of them, all ſuch right, title, intereſt, poſſeſſion, eſtate, leaſes, rents, ſervices, commons, and all other profits and commodities whatſoever as they or any of them ſhould or might have had before the Letters Patents thereof made, if this Act had never been had ne made; Any thing therein contained to the contrary notwithſtanding, St. 43 El. 1. 35 El. 3. 34 H. 8. 21. 1 Ed. 6. 8. 7 Ed. 6. 3. 4 & 5 P. & M. 1.

CAP. III.

Juſtices of Peace ſhall order the puniſhment of the mother, and reputed father of a baſtard, &c,

A Rogue ſhall be conveyed from Conſtable to Conſtable, until he come to the Gaol. A ſtock, to ſet the poor on work, ſhall be provided in every City and Town corporate. Houſes of correction ſhall be aſſigned in every County. Lands holden in Socage may, during twenty years, be given towards the maintainance of houſes of correction, and ſtocks for the poor. EXP.

Cro. Car. 341. 350. 436. 470.

b Co. li. 4. fo. 17.

A proviſion for the keeping of Baſtards. 7 Jac. 4.

Concerning Baſtards begotten and born out of lawful matrimony (an offence againſt Gods Law and Mans Law) the ſaid Baſtards being now left to be kept at the charges of the Pariſh where they be born, to the great burden of the ſame Pariſh, and in defrauding of the relief of the impotent and aged true poor of the ſame Pariſh, and to the evil example and encouragement of lewd life: It is ordained and enacted by the authority aforeſaid, That two Juſtices of the Peace whereof one to be of the Quorum, in or next unto the limits where the pariſh Church is, within which Pariſh ſuch baſtard ſhall be born, upon examination of the cauſe and circumſtance) ſhall and may by their diſcretion take order, as well for the [b] puniſhment of the mother and reputed father of ſuch Baſtard child, as alſo for the better relief of every ſuch Pariſh in part or in all, and ſhall and may likewiſe by like diſcretion take order for the keeping of every ſuch baſtard child, by charging ſuch mother or reputed father, with the payment of mony weekly, or other ſuſtentation for the relief of ſuch child, in ſuch wiſe as they ſhall think meet and convenient. And if after the ſame order by them ſubſcribed under their hands, any the ſaid perſons, viz. mother or reputed father, upon notice thereof, ſhall not for their part obſerve and perform the ſaid order: that then every ſuch party ſo making default, in not performing of the ſaid order, to be committed to ward to the common Goal, there to remain without bail or mainpriſe, except he, ſhe, or they, ſhall put in ſufficient ſurety to perform the ſaid order, or elſe perſonally to appear at the next general Seſſions of the Peace to be holden in that County where ſuch order ſhall be taken, and alſo to abide ſuch order as the ſaid Juſtices of the Peace, or the more part of them, then and there ſhall take in that behalf (if they then and there ſhall take any); and that if at the ſaid Seſſions the ſaid Juſtices ſhall take no other order, then to abide and perform the order before made, as is abovesaid. 3 Car. 4. continued until the end of the firſt Seſſion of the next Parliament.

CAP. IV.

Every perſon which hath or claimeth to have any eſtate of inheritance, leaſe, or rent, not already entred of Record in the Exchequer, of, in, or to any Lands or Hereditaments, &c. by any aſſurance made by Charles, Earl of Weſtmerland, or any other Rebels in the North attainted, named in the Statute of 13 Eliz. 16. or in any of the Records of their ſeveral Attainders, at any time within two years next before the ſeventh day of November, an. 11. of the Queens reign, ſhall within one year next enſuing the firſt day of May next, openly ſhew forth in the Exchequer, in the Term time, the ſame his conveyance, and exhibit the ſame to be inrolled of Record: Or elſe every ſuch conveyance made by any of the ſaid Rebels ſhall be void. And after the ſaid party which exhibiteth the ſame Conveyance, may within one year produce witneſſes to be examined in the Exchequer to prove the ſame to be made bona fide. And yet if at the ſuit of the Queen, or any of her Patentees, it ſhall be found by verdict, that any ſuch conveyance was made by covin, to defraud the Queen of her forfeiture, it ſhall be void. But this Act ſhall not extend to any bargain and ſale made of Lands by Deed indented and enrolled, nor to Leaſes for three lives, or xxi. years, nor to eſtates granted by copy according to the cuſtome of the Manor ſo uſed to be letten, by the ſpace of twenty years, whereupon the old and accuſtomed yearly rent or more, ſhall be reſerved. P R. Cok. lib. 7. fol. 11. Stat. 13 Eliz. 16.

CAP. V.

The duty of an Informer in proſecuting a Suit upon a penal Statute, and his puniſhment if he abuſe it.

The duty of an Informer in proſecuting a ſuit upon a penal Statute.

Cro, El 77. 434.

A note of the day, month, and year of the exhibiting of an Information.

Indorſment of the proceſſe awarded upon an Information.

FOr redreſſing of divers diſorders in common Informers, and for better execution of penal laws: Be it enacted, That every informer upon any penal Statute ſhall exhibit his Suit in proper perſon, and purſue the ſame only by himſelf, or by his Atturney in Court, and that none ſhall be admitted or received to purſue againſt any perſon or perſons upon any penal Statute, but by way of Information, or original action, and not otherwiſe, nor ſhall have, ne uſe any Deputy or Deputies at all, and that upon every ſuch Information which ſhall be exhibited, a ſpecial note be made of the very day, month, and year of the exhibiting thereof into any office, or to any officer, which lawfully may receive the ſame without any manner of antedate thereof to be made, and that the ſame Information be accompted and taken to be of Record from that time forward, and not before. And be it likewiſe enacted for the conſideration aforeſaid, That no proceſſe be ſued out upon ſuch Information, until the Information be exhibited in form aforeſaid, and that upon every ſuch proceſſe ſhall be indorſed as well the parties name that purſueth the ſame proceſſe, as alſo the Statute upon which the information in that behalf made, is grounded. And that every Clerk making out proceſſe contrary to the tenor and proviſion of this Act, ſhall forfeit and loſe forty ſhillings for every ſuch offence, the one half to be to the Queens Majeſty, her Heirs and Succeſſors, and the other half to the party againſt whom any ſuch defective proceſſe ſhall be awarded, to be recovered in any Court of Record by action of debt or Information, in which, no eſſoine, protection, injunction, or wager of law ſhall be permitted or allowed.

Where the trial of an iſſue ſhall be in a ſuit upon a penall Statute.

And be it further enacted, That no Jury ſhall be compelled to appear in any of the Queens Majeſties Courts of Weſtminſter, for the tryal of any iſſue in any ſuch ſuit upon any penal law, for any offence committed above thirty miles from the City of Weſtminſter, except in caſe where the Atturney general for the time being, for ſome reaſonable cauſe in that behalf to be ſhewed, ſhall require the ſame to be tryed at the barr, in any of the Courts of the Queens Majeſty, her Heirs or Succeſſors at Weſtminſter aforeſaid: which requeſt ſhall be noted on the backſide of the Writ of Diſtringas thereupon awarded, to the end the Sheriff or his Bayliff may and ſhall ſignifie the ſame to the Jury that are in ſuch caſe impanelled.

No Informer ſhall compound with the defendant, but by conſent of the Court.

The penalty of an Informer delaying or diſcontinuing his ſuit or being non-ſuit &c.

And be it further enacted, That no ſuch Informer or plaintiff, ſhall or may compound or agree with any perſon or perſons, that ſhall offend, or ſhall be ſurmiſed to offend againſt any penal Statute, for ſuch offence committed, or pretended to be committed: but after anſwer made in Court unto the Information or Suit in that behalf exhibited or proſecuted: nor after anſwer, but by the order or conſent of the Court in which the ſame information or Suit ſhall be depending, upon pains and penalties hereafter in this preſent Act ſet down and declared. And that if any ſuch Informer or Plaintiff, as aforeſaid, ſhall willingly delay his ſuit, or ſhall diſcontinue, or be non ſuit in the ſame, or ſhall have the trial or matter paſt againſt him therein by verdict or judgment of Law: that then in every ſuch caſe the ſame Informer or Plaintiff ſhall yield, ſatisfie and pay unto the party Defendant, his coſts, charges and damages, to be aſſigned by the Court in which the ſame ſuit ſhall be attempted: For the recovery and execution whereof, every ſuch Defendant ſhall immediatly upon the ſame coſts, charges, and damages aſſigned have his capias ad ſatisfac', fieri fecit, or elegit, to be awarded unto him out of the ſame Court in which the ſame ſhall be ſo aſſigned, as is aforeſaid, as in other caſes of execution.

The puniſhment of an Informer miſbehaving himſelf in the proſecution of his ſuit, &c.

And be it alſo enacted, that if any perſon or perſons (except in the Clerks of the Court only, for making out of proceſſe otherwiſe than is above appointed) ſhall offend in ſuing out of proceſſe, making of compoſition, or other miſdemeanour, contrary to the true intent and meaning of this Statute, or ſhall by color, or pretence of proceſſe, or without proceſſe, upon color or pretence of any matter of offence againſt any penal Law, make any compoſition, or take any mony, reward, or promiſe of reward, for himſelf, or to the uſe of any other, without order or conſent of ſome of her Majeſties Courts at Weſtminſter, that then he or they ſo offending, being thereof lawfully convicted ſhall ſtand on the pillory in ſome market Town next adjoyning where the ſame offence ſhall be committed in the open market time, and therein remain by the ſpace of two hours, and ſhall from and after ſuch conviction, for ever be diſabled to purſue, or be Plaintiff or informer in any Suit or information upon any Statute popular or penal: and ſhall alſo for every ſuch offence forfeit and loſe ten pounds of lawful Engliſh money, the one half thereof to the Queens Majeſty, her Heirs and Succeſſors, and the other half to the party grieved thereby, to be recovered in any Court of Record, by action of debt or information: in which no eſſoine, protection, injunction, or wager of Law, ſhall be permitted or allowed. And that Juſtices of Oyer and Terminer, Juſtices of Aſſiſe in their circuits, and Juſtices of Peace in their quarter Seſſions, ſhall have full power and authority to hear and determine all offences to be committed or done contrary to the true intent and meaning of this preſent Act.

Which Juſtices may hear and determine theſe offences.

Provided alwayes, and nevertheleſſe be it Enacted, That it ſhall and may be lawfull to and for any perſon or perſons grieved by means of any manner of maintenance, champerty, buying of titles or imbracery, to purſue upon any the ſtatutes provided and ſet forth againſt maintenance, champerty, buying of titles or imbracery, as he or they might have done, before the making of this Act: Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Purſuing upon the Statute againſt Maintenance, Champerty, &c.

Provided alſo, That this Act ſhall not extend to any ſuit already depending, nor ſhall reſtrain any certain perſon, body politick or corporate, to whom or to whoſe uſe any forfeiture, penalty or ſuit, is or ſhall be ſpecially limited or granted by vertue of any Statute, and not generally to any perſon that will ſue, but that every ſuch certain perſon, body politick or corporate, which might ſue or inform, as if this Act were not made, may in ſuch caſe ſue, inform and purſue; as he or they might have done, if this Act were never had nor made.

Penalties given to perſons certain, and not generally.

And provided alſo, That neither this Act, nor any thing therein contained, ſhall in any wiſe extend to any ſuch officers of Record, as have in reſpect of their offices heretofore lawfully uſed to exhibit informations, or ſue upon penal Laws, nor to any officers informing or purſuing for matters only concerning his or their offices, but that they and every of them, may inform and purſue in that behalf, as they might have done before the making of this Act: Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Officers uſing to exhibit Informations.

This Act to take force and effect from the Feaſt of Eaſter next coming, and from thenceforth to endure unto the end of the firſt Seſſion of the next Parliament. 27 Eliz. made perpetual, 31 Eliz. 5.

CAP. VI.

Upon Leaſes made by Colledges, the third part of the Rent ſhall be reſerved in Corn.

For the better maintenance of Learning, and the relief of Scholers in the Univerſities of Cambridge and Oxford, and the Colledges of Wincheſter and Eaton: Be it Enacted by the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no Maſter, Provoſt, Preſident, Warden, Dean, Governor, Rector or chief Ruler of any Colledg, Cathedral Church, Hall, or Houſe of Learning in any of the Univerſities aforeſaid, nor any Provoſt, Warden, or other head-Officer of the ſaid Colledges of Wincheſter or Eaton, nor the corporation of any of the ſame, by what title, ſtyle or name ſoever they now be, ſhall, or may be called, after the end of this preſent Seſſion of Parliament, ſhall make any leaſe for life, lives, or years of any Farm, or any their lands, tenements or other hereditaments, to the which any tithes, arable land, meadow or paſture, doth or ſhall appertain, except that the one third part at the leaſt of the old rent be reſerved in corn, for the ſaid Colledges, Cathedral Church, Halls and Houſes; that is to ſay, in good wheat, after vi.s. viii.d. the quarter, or under, and good mault at v.s. the quarter or under, to be delivered yearly upon days prefixed, at the ſaid Colledges, Cathedral Church, Halls or Houſes; and for default thereof, to pay to the ſaid Colledges, Cathedral Church, Halls or Houſes, in ready money, at the election of the ſaid Leſſees, their executors, adminiſtrators and aſſigns, after the rate of the beſt wheat, and mault in the Market of Cambridg, for the Rents that are to be paid to the uſe of the Houſe or Houſes there; and in the Market of Oxford, for the Rents that are to be paid to the uſe of the houſe or houſes there; and in the Market of Wincheſter, for the rents that are to be paid to the uſe of the houſe or houſes there; and in the Market at Windſor, for the rents that are to be paid to the uſe of the houſe or houſes at Eaton, is or ſhall be ſold the next Market day before the ſaid rent ſhall be due, without fraud or deceipt: And that all Leaſes otherwiſe hereafter to be made, and all Collateral bonds, or aſſurance to the contrary by any of the ſaid Corporations, ſhall be void in law to all intents and purpoſes. The ſame wheat, mault, or money coming of the ſame, to be expended to the uſe of the relief of the Commons and Diet of the ſaid Colledges, Cathedral Church, Halls and Houſes only, and by no fraud or colour, let or ſold away from the profit of the ſaid Colledges, Cathedral Church, Halls and Houſes, and the Fellows and Schollers in the ſame, and the uſe aforeſaid, upon pain of deprivation of the Governour and chief Rulers of the ſaid Colledges, Cathedral Church, Halls and Houſes, and all other thereunto conſenting.

Upon Leaſes made by Colledges, a third part of the rent ſhall be reſerved in Corn.

Provided always, That this Act, or any thing therein contained, ſhall not extend, or be in any wiſe prejudicial to any Leaſe to be made of a Barn called Mouncken Barn, with a certain portion of tithes, riſing, growing and being in the Pariſh of Southweek in the County of Suſſex, being parcel of the poſſeſſions of Maudlin Colledg in Oxford, ſo that the term demiſed in and by the ſaid Leaſe exceed not the number of ten years, from and after the Feaſt of Saint Michael the Archangel next coming: Any thing therein ſpecified to the contrary notwithſtanding.

Mouncken Barn in Suſſex.

Provided alſo, That this Act ſhall not extend to any Leaſe to be made by the Preſident and Schollers of the ſame Colledg of Saint John Baptiſt in Oxford, to any heir male of Sir Thomas White, late Knight and Alderman of London, Founder of the ſaid Colledg, which Leaſe ſhall be made according to the meaning of the foundation, and ſtatutes of the ſaid Colledg of the Manor of Fifield, and no other hereditaments.

Fifield demiſed to White.

CAP. VII.

Offendors in Rape and Burglary ſhall not have Clergy, and how Clerks Convict ſhall be delivered without purgation.

For the repreſſing of the moſt wicked and felonious Rapes or Raviſhments of women, maids, wives, and damoſels, and of felonious Burglaries, and for the avoiding of ſundry perjuries and other abuſes, in and about the purgation of Clerks convict, delivered to the Ordinaries: Be it enacted and ordained by the authority of this preſent Parliament, None ſhall have Clergy, that committeth Rape or Burglary.

That if any perſon or perſons ſhall fortune at any time after the firſt day of June next enſuing, to commit or do any manner of felonious Rape, Raviſhment, or Burglary, and to be found guilty by verdict, of any ſuch felonious Rape or Burglary, or that any perſon or perſons ſhall fortune to be [a] outlawed for any the offences aforeſaid, or upon his or their arraignment ſhall confeſſe any ſuch felonious Rape or Burglary; that in every ſuch caſe, every perſon and perſons ſo being found guilty, outlawed, or confeſſing any of the ſaid felonious Rapes or Burglaries, ſhall ſuffer pains of death, and forfeit, as in caſes of felony hath been uſed and accuſtomed by the common laws of this Realm, without any allowance of the priviledg or benefit of Clergy: Any law, cuſtom or uſage heretofore had, made or uſed to the contrary notwithſtanding.

a Cok. 11. fol. 31.

No man allowed his Clergy, ſhall be committed to the Ordinary, but preſently delivered. 4 H. 7. 13. 3 E. 1. 2.

And moreover be it further Enacted by the authority aforeſaid, That every perſon and perſons, which at any time after the end of this preſent Seſſion of Parliament, ſhall be admitted and allowed to have the benefit or priviledg of his or their Clergy, ſhall not thereupon be delivered to the Ordinary, as hath been accuſtomed, but after ſuch Clergy allowed, and burning in the hand, according to the Statute in that behalf provided, ſhall forthwith be enlarged [b] and delivered out of priſon by the Juſtices before whom ſuch Clergy ſhall be granted, that cauſe notwithſtanding.

b Cok. l. 5. fol. 110. Cro. Jac. 410.

The Juſtices may retain offendors in priſon for a time.

Provided nevertheleſſe, and be it alſo Enacted by the authority aforeſaid, That the Juſtices before whom any ſuch allowance of Clergy ſhall be had, ſhall and may for the further correction of ſuch perſons to whom Clergy ſhall be allowed, detain and keep them in priſon for ſuch convenient time, as the ſame Juſtices in their diſcretions ſhall think convenient, ſo as the ſame do not exceed one years impriſonment: Any law or uſage heretofore had or uſed to the contrary in any wiſe notwithſtanding.

To know a woman carnally under the age of ten years ſhall be felony.

And for plain declaration of law, Be it Enacted, That if any perſon ſhall unlawfully and carnally know and abuſe any woman-child under the age of ten years, every ſuch unlawful and carnal knowledg ſhall be felony, and the offendor thereof being duly convicted, ſhall ſuffer as a felon, without allowance of Clergy.

He that is allowed his Clergy, ſhall anſwer to other felonies. 25 Ed. 3. 5. 8 El. 4.

Provided always, That all and every perſon and perſons, which ſhall hereafter be admitted to have the benefit of his or their Clergy, ſhall notwithſtanding his or their admiſſion to the ſame be put to [c] anſwer to all other felonies whereof he or they ſhall be hereafter indicted or appealed, and not being thereof before acquitted, convicted, attainted, or pardoned; and ſhall in ſuch manner and form be arraigned, tried, adjudged, and ſuffer ſuch execution for the ſame, as he or they ſhould have done, if, as Clerk or Clerks convict, they had been delivered to the Ordinary, and there had made his or their purgations: Any thing in this Act contained to the contrary notwithſtanding.

c Dyer, fol. 214.

CAP. VIII.

The Queen may appoint Juſtices of Aſſiſes in Wales, and of what things they may hold Plea.

27 H. 8. 26. 34 H. 8. 26.

WHereas by divers laudable ſtatutes, uſages, and laws of this Realm, for the good government and adminiſtration of Juſtice within the principality and Dominion of Wales, and the County Palatine of Cheſter, it hath been eſtabliſhed, uſed, and enacted among other things, That there ſhall be holden and kept Seſſions twice in every year, in every of the Shires in the ſaid dominion and principality of Wales; that is to ſay, in the ſhires of Glamorgan, Brecknock, Radnor, Caermarthen, Pembroke, the Town and County of Haverford Weſt, Cardigan, Mountgomery, Denbigh, Flint, Caernarvon, Merioneth, and Angleſey, and in the ſaid County Palatine of Cheſter, the which Seſſions are called the Kings great Seſſions, and that the Juſtice of Cheſter for the time being, ſhall hold and keep Seſſions twice in every year in the Shires of Cheſter, Denbigh, Flint, and Mountgomery: And likewiſe that the Juſtice of Northwales ſhall hold and keep Seſſions twice every year, in every of the ſaid Shires of Caernarvon, Merioneth and Angliſey: And that alſo one perſon learned in the laws of this Realm of England, by the Queens Majeſty to be appointed, ſhall be Juſtice of the Shires of Radnor, Brecknock, and Glamorgan, and ſhall in like wiſe hold and keep Seſſions twice in every year in every of the ſame Shires: And that one other perſon learned in the Laws of this Realm, to be appointed as is aforeſaid, ſhall be Juſtice of the Shires of Caermarthen, Pembroke, and Cardigan, and the Town and County of Haverford Weſt, and ſhall likewiſe hold and keep Seſſions twice in every year, in every of the ſaid Shires. And that the ſaid perſons or Juſtices, and every of them then being, or that hereafter ſhould be, ſhould have ſeveral Letters Patents and Commiſſions for their offices under the great Seal of England, to be exerciſed by themſelves, or their ſufficient deputies, according to the purports and intents in the Ordinances ſpecified.

The benefits enſuing by the adminiſtration of Juſtice in Wales, Cheſhire, &c.

To have one Judge overcharged with the hearing of many cauſes, is a great delay of Juſtice.

Foraſmuch as by the good adminiſtration of Juſtice within the ſaid Shires and Counties, the ſame principality and dominion of Wales, and the ſaid County Palatine of Cheſter, are reduced to great obedience of her Majeſties Laws, and the ſame greatly inhabited, manured and peopled, and for all and all manner of cauſes, pleas, actions, as well real, perſonal, and mixt, as treaſons, pleas of the Crown, attaints, conſpiracies, aſſiſes, quare impedit, appeals of murder, maims, and felony, and trial upon all murders, man-ſlaughters and felonies whatſoever, ariſing within the ſaid ſeveral Circuits, are by the ſaid laws, uſages and ſtatutes impleadable, impleaded, and determinable before one only Juſtice, as is aforeſaid: And for that many great and weighty cauſes, matters, queſtions, demurrers, and ambiguities in law do hereupon daily ariſe, encreaſe, and are like more and more to encreaſe within the ſaid Shires, to the infinite trouble of ſuch one Juſtice within every of the ſaid ſeveral Circuits, and to the great decay and hinderance of adminiſtration of Juſtice.

For the better and more ſpeedy remedy whereof, her Majeſties Subjects of the ſaid principality and dominion of Wales, and County Palatine of Cheſter, have made their moſt humble petition and ſuit to her Highneſſe, to have two Juſtices learned in the Laws in every of the ſaid ſeveral Circuits. And foraſmuch as ſome queſtion, ambiguity, and doubt hath been heretofore made, whether her Highneſſe by her Letters Patents under the great Seal of England, might or may authorize, conſtitute or appoint two perſons or more, to be her Highneſſe Juſtices in every of the ſaid ſeveral Circuits, or grant Commiſſion or Commiſſions of aſſociation or aſſociations, to or with every or any ſuch ſeveral Juſtice and Juſtices, or no: and alſo whether after ſuch grant the adminiſtration of Juſtice in thoſe offices and function done by two, may be ſufficiently rewarded by law, or no. For plain explanation whereof, and for the better redreſſe and more ſpeedy adminiſtration of Juſtice to be had touching the premiſſes: Be it declared, explained, enacted and eſtabliſhed by the Queens moſt excellent Majeſty, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Queens Highneſſe, her Heirs and Succeſſors, may and ſhall at her and their will pleaſure have full power, prerogative, and authority from time to time, to conſtitute, authorize, name or appoint two or more learned, as aforeſaid, in the Laws of this Realm, to be Juſtices of and for the ſaid Counties of Cheſter, Flint, Denbigh and Mountgomery: and two or more learned, as aforeſaid, to be Juſtices of Northwales, *viz.* of and for the ſaid Shires of Angliſey, Caernarvan, and Merioneth: and likewiſe two or more learned, as aforeſaid, to be Juſtices of and for the ſaid Circuit and Shires of Radnor, Glamorgan and Brecknock: and alſo two or more learned, as aforeſaid, to be Juſtices of and for the ſaid Circuit and Shires of Cardigan, Caermarthen, and Pembroke, and the Town and County of Haverford-weſt: Any law, uſage, opinion, or ſtatute to the contrary notwithſtanding.

The Queen ſhall appoint two or more to be Juſtices for every Circuit in Wales.

And that her Majeſty, her Heirs and Succeſſors, may and ſhall, at her and their good will and pleaſure, from time to time, aſſociate and grant commiſſion and commiſſions of aſſociation or aſſociations under the great Seal of England, to any perſon or perſons learned as aforeſaid, to be aſſociate to or with every or any ſuch ſeveral Juſtice or Juſtices for the time being, of the ſaid ſeveral circuits and counties aforeſaid, or in any of the ſaid counties: And that all and every ſuch two Juſtices or more, within every of the ſaid ſeveral Circuits and Counties, and alſo that every ſuch Juſtice or Juſtices, together with ſuch perſon or perſons aſſociate (if any ſuch aſſociation or aſſociations ſhall happen to be, as aforeſaid) during ſuch aſſociation, and after ſuch aſſociation ended, or without ſuch aſſociation, ſuch Juſtice or Juſtices ſhall have the like full power, preheminence, authority and juriſdiction from henceforth, to all intents, conſtructions, purpoſes and effects, as any one Juſtice within any of the ſaid Circuits or Shires aforeſaid, now hath, or at any time heretofore had or ought to have: and alſo ſhall have like power, authority, preheminence and juriſdiction to keep and hold the ſeveral Seſſions aforeſaid, twice in every year, in every of the ſaid Shires, within their ſeveral Circuits aforeſaid, and to hear, determine, order, award, adjudge, receive, take knowledge of, and execute all and ſingular cauſes, matters, plees of Aſſiſes, treaſons, murders, felonies, indictments, appeals of murder, felony, and maims, actions reals, perſonals, and mixt ſuits, plaints, informations, quarrels, attaints, conſpiracies, quare impedit, and all actions grounded upon any ſtatute or ſtatutes, writs, proceſſes, returns, eſſoins, verdicts, judgments, fines, acknowledges, confeſſions, warrants and executions, actions and acts whatſoever, and to do, perform, obſerve, accompliſh, and make all and every other act and acts, matter and matters, thing and things whatſoever, in like, and in as ample, beneficial, lawful and effectual manner and form, to all conſtructions, qualities, intents and purpoſes, as any of the now ſeveral Juſtices, or any one of the now Juſtice or Juſtices, within the ſame ſeveral Circuit or Circuits, and Counties aforeſaid, may, ought, hath, or might lawfully do by force of any law, uſage or ſtatute heretofore had, made or uſed, before the making of this Act: and that from henceforth all and ſingular writs, proceſſes, returns, eſſoins, verdicts, judgments, fines, recoveries, recogniſances, acknowledges, confeſſions, act and acts, thing and things, matter and matters, as aforeſaid, had, made, taken, done, returned, heard, determined, awarded, adjudged or executed by or before any ſuch two Juſtices or more, or any ſuch Juſtice or Juſtices, and aſſociate or aſſociates, as aforeſaid, to be appointed, nominated, authorized, or conſtituted, as aforeſaid, ſhall be allowed, taken, conſtrued, expounded and adjudged as good, effectual and available, to all intents, conſtructions and purpoſes, as if the ſame had been made, taken, done, returned, heard, determined, awarded, adjudged or executed by or before any ſuch one Juſtice, or one of the Juſtices now, or late being Juſtice or Juſtices of the ſame Circuit, or ſeveral Circuits aforeſaid: Any law, uſage, ſtatute, act, ordinance or preſcription to the contrary in any wiſe notwithſtanding.

The Queen may grant Commiſſions of Aſſociation to any perſon licenſed to be aſſociate with Juſtices.

Of what things the two Juſtices or they with the Aſſociates may hold.

CAP. IX.

The Statute of 1 El. 10. and 14 El. 4. touching the tranſporting of Leather, repealed. The penalty for ſhipping Leather, &c. to the intent to tranſport it beyond the Sea.

Where in the Parliament holden at Weſtminſter in the firſt year of the reign of the Queens moſt excellent Majeſty, one Act was made, that the carrying of Leather, Tallow, and raw Hides, out of the Realm for Merchandizes, ſhould be felony: which Act was made to endure but for a certain time, and afterwards was diſcontinued, and ſithence, *viz.* in the firſt Seſſion of this preſent Parliament renued to have continuance for certain years yet to come. And where alſo in the Parliament holden in the fifth year of her Majeſties reign, one other Act was made, upon great advice, conference, and deliberation, concerning Tanners, Curriers, Shoomakers, and other Artificers occupying the cutting of Leather, and thereby all former Acts were repealed concerning the ſame, by which means it was hoped that the goodneſſe of Leather, and the exceſſe prices thereof, as alſo of Tallow ſhould have been remedied, which notwithſtanding daily hath increaſed, and yet doth: the cauſe whereof is, that being ſhipped for forein parties, or tranſported out of the Realm, no forfeiture is given to him or them that will ſeize or ſue for the ſame. For remedy whereof, be it enacted by the Queen our Soveraign Lady, and by the authority of this preſent Parliament,

8 Eliz. 8.

14 Eliz. 4.

5 Eliz. 8. A repeal of the Stat. of 1 El. 8. and 14 Eliz. 4. prohibiting the tranſporting of Leather, etc.

A Revivor of the Stat. of 1 El. 8. touching the tranſporting of Leather, REP. 1 Jac. 22.

ment, that the ſaid Act made in the ſaid firſt year, and continued in the firſt Seſſion of this preſent Parliament, ſhall be repealed, and that ſo much of the ſaid Act made in the ſaid fifth year, and proviſoes therein contained, as do or doth concern the tranſporting of Leather or Hides, ſhall be continued, and duly put in execution.

The penalty for ſhipping or loading of any leather, tallow, or raw hides, to the intent to be tranſported.

The forfeiture of the owner of a ſhip, Maſter and Mariners offending.

And be it further enacted, That it ſhall not be lawful for any perſon or perſons, to lade, ſhip or carry in any Veſſel or Ship, or otherwiſe, any Leather, Tallow or raw Hides, of intent to tranſport or carry the ſame into any place or places of the parts beyond the Seas, or into the Realm of Scotland, by land or by Sea, other then Scottiſh Hides, according to the ſaid proviſo in the ſaid Act, made in the ſaid fifth year upon the pain and forfeitures hereafter enſuing: that is to ſay, upon the pain of the forfeiture of the ſaid Leather, Tallow, or raw Hides, ſo laden or tranſported and treble the value thereof; to be forfeited by the owner or owners: and alſo the owners of the ſaid Ships or Veſſels, knowing of ſuch offence, to forfeit the ſaid Ships or Veſſels, with all their apparrel and furniture to them and every of them belonging, and the Maſter and Mariners knowing of ſuch offence, to forfeit all their goods and chattels, and to have impriſonment by the ſpace of one year without bail or mainpriſe: the one moiety of all which forfeitures to be to the Queens Majeſty, her Heirs and Succeſſors, the other moiety to him or them that will ſue for the ſame: by action of debt, or information in any Court of Record, in which ſuit, no protection nor wager of Law ſhall be admitted.

By what means the Maſter or owner of a ſhip, or mariner may eſcape the penalty aforeſaid.

Provided always, that if any owner of any ſuch Ship or Veſſel, or any Maſter or Mariner knowing any ſuch tranſportation of Leather, Tallow, or raw Hides, ſhall within three months next after his knowledge thereof, or after his return into this Realm, give good information, bona fide, before any of the Barons of the Queens Majeſties Court of the Exchequer, or before the Lord Preſident or Councel in the North, or in the Marches of Wales, or before the head-officer of any Port where he ſhall firſt arrive, upon his or their oath, of the number and quantity of Leather, Tallow, raw Hides, ſo carried, conveyed and tranſported, and whom, where, and in what Ship or Veſſel, and afterwards ſhall be ready upon reaſonable warning by proceſſe to juſtifie and prove the ſame for the Queens Majeſty, that then ſuch owner or owners, Maſter, Mariner or Mariners, ſhall not forfeit his or their Ship, Veſſel or Veſſels, nor incur the forfeitures aforeſaid: Any thing herein contained to the contrary notwithſtanding.

The ſubſidy of hides, calves ſkins, and tallow tranſported.

And be it further enacted by the authority aforeſaid, that every perſon or perſons whatſoever that ſhall Ship or carry any Leather, Tallow or raw Hides, otherwiſe than by force of the ſaid proviſo made in the ſaid fifth year, into the parts of beyond the Seas from henceforth, ſhall pay to the Queens Majeſty her Heirs and Succeſſors for every Hide ſo to be carried, by the name of Subſidy, the ſum of ten ſhillings, and for every dozen of Calveskins, three ſhillings four pence, and for every hundred pound weight of Tallow, ſix ſhillings eight pence.

Cuſtomers, comptrollers and farmors ſhall be accomptant for the ſaid Cuſtoms. 3 H. 6. 3.

And further, that Cuſtomers, Comptrollers, Farmors and Superviſors of Cuſtoms and Subſidy, ſhall be accomptant to the Queens Majeſty, her Heirs and Succeſſors, to pay the ſaid Cuſtom and Subſidy, for all ſuch goods entred and laden, upon the pains and penalties contained in the ſtatute made for falſe concealment of Cuſtoms and Subſidy, in the third year of the reign of King Henry the ſixth. Stat. 14 Car. 2. cap. 7.

CAP. X.

Who, and for what every perſon ſhall be charged toward the amending and maintenance of High-wayes.

2 & 3 P. & M. 8.

WHere, in the Parliament holden at Weſtminſter, in the ſecond and third year of the reign of our late Soveraign Lord and Lady King Philip and Queen Mary, an Act was made and ordained for the amending and repairing of the high-ways.

5 El. 13.

And whereas there is one other Act made in the fifth year of our Sovereign Lady the Queen that now is, for the better amendment of high-ways, wherein ſome doubts and defects have been, For explanation thereof, and better proviſion hereafter to be made for amendment of high-wayes: Be it explained and enacted by the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that every perſon or perſons except ſuch as ſhall dwell in the City of London) that ſhall be aſſeſſed to the payment of any Subſidie to her Majeſty to five pounds in goods, or forty ſhillings in lands, or above during all ſuch time as he ſhall ſtand ſo aſſeſſed & not altered, and being none of the parties chargeable for the amendment of high-ways, by any former Law, but as a Cottager, ſhall find two able men yearly to labour in the high-ways, at ſuch days and times, as by the ſaid ſeveral ſtatutes are limited & appointed.

The charge of each perſon towards the repairing of High-ways, having v. l. in goods, or xl. s. in lands.

The charge of him that hath one plough-land in ſeveral Pariſhes.

And every other that hereafter ſhall occupy a plough-land in tillage or paſture, lying and being in ſeveral Pariſhes, ſhall be chargeable to the making of the wayes within the Pariſh where he dwelleth, as far forth, and in ſuch manner & form as any perſon, having a plough-land, in any one Pariſh, is, or ought to be chargeable by reaſon of the ſaid former ſtatutes or either of them.

The charge of him that hath ſeveral plough-lands in ſeveral Pariſhes.

And that every perſon or perſons, occupying and keeping in his or their hands or poſſeſſion, ſeveral or divers plough-lands, as aforeſaid, in ſeveral or divers Towns, ſhall be charged to find in each Town or Pariſh (where the plough-lands, being in his occupying, do lye) one cart, wain, tumbrel, dungpot, or court, ſleads, carres, or dragg, furniſhed for the amendment and repairing of the high-ways within the ſeveral Pariſhes where the ſaid plough-lands do ly, in ſuch manner and form, as if he or they were a Pariſhioner dwelling within the Pariſhes where the ſame ſeveral plough-lands do lye.

The penalty for not ſcouring ditches, hyes, and fences, or not cutting down of buſhes.

And be it further enacted by the authority aforeſaid, That all and every perſon and perſons that ſhall not repair, ditch or ſcour any hayes, fences, ditches, or hedges adjoyning to any high-way or common fairing way, or ſhall not cut down or keep low all trees and buſhes growing in, or next adjoyning to any the ſaid wayes, according to the true intent and meaning of the above recited Act made in the fifth year of the Queens Majeſties Reign that now is, for every offence committed therein, contrary to the true intent thereof, ſhall forfeit and loſe for every default x. ſhillings.

And that all and every perſon and perſons, that ſhall occupy any Lands adjoyning to the ſaid ground ſo adjoyning to any ſuch high-way, or common fayzing way, where any ditching or ſcouring ſhould or ought to be, as aforeſaid, ſhall from time to time, as need ſhall require, ditch and ſcour in his and their ground ſo adjoyning, whereby the water conveyed from the ſaid high-way, or common fayzing way, over the ground next adjoyning, may have paſſage over the ſaid ground ſo next adjoyning upon pain of forfeiture for every time ſo offending, for every rod not ſo ditched and ſcoured, xii. d.

The penalty for caſting of ſoyl into the way.

And for the better keeping of the high-wayes paſſable for her Majeſties people: Be it enacted by the authority aforeſaid, That no perſon or perſons, having any ground by leaſe, or otherwiſe, adjoyning to any high-way, or common fayzing way, leading to any Market Town, ſhall caſt or ſcour any ditch, and throw or lay the ſoyl thereof into the high-way, and ſuffer it to lie there by the ſpace of ſix moneths to the annoyance of the ſaid high-way, or common fayzing way, upon pain of forfeiture for every load of Soyl ſo caſt into the high-way, or common fayzing way, in ditching or ſcouring, twelve pence. And where any heretofore have been ſo caſt into the high-way or common fayzing way, that there is a bank between the ſaid way and the ditch, it ſhall be lawful for the Surveyors and Workmen by the Laws and Statutes of this Realm, appointed for the amendment of the ſaid wayes, to make ſluces or other devices by their diſcretions to convey the water out of the ſaid way into the ditch: Any Law, Right, Intereſt, Cuſtome, or Uſage to the contrary notwithſtanding.

Making of ſluces to convey the water.

How the forfeitures ariſing by this Statute, ſhall be levied and imployed.

And that all and every penalty, ſum or ſums of money forfeited for any cauſe within this Statute, ſhall be levied in every Pariſh by the Surveyors of the wayes within that Pariſh for the time being, by diſtreſſe and ſale of diſtreſſe, in manner and form as fines or amerciaments in Leets have been uſed, and the money ſo levied to be imployed upon the high-way, or common fayzing way, where the offence was committed. And if the Surveyors ſhall not or will not levy and imploy the ſame within one year after the offence ſo committed, that then the ſaid ſum or ſums, forfeiture or forfeitures, ſhall be levied in form aforeſaid, by the Conſtables or Church-wardens of the Town or Pariſh where the work ought to be done in the high-way (as aforeſaid) and that he or they ſo levying any of the ſaid penalties or forfeitures, ſhall make and yield ſuch account appointed in the before recited Statutes, or either of them.

Which officers may hear and determine the offences aforeſaid.

And be it further enacted by the authority aforeſaid, That all and every Juſtices of Aſſize, Juſtices of Oyer and Terminer, Juſtices of the Peace in the Seſſions, and Stewards of Leets and Lawdayes, in their Leets and Lawdays, ſhall hear and determine all and every offence, matter and cauſe that ſhall grow, come or riſe by reaſon of this Statute.

By what perſons and means Kings-Ferry in the Iſle of Shippey in Kent, ſhall be repaired.

And where the Ferry or paſſage, called the Kings Ferry, within the Iſle of Shippey, in the County of Kent, before the making of the Statute of high-wayes, was uſually repaired and maintained time out of memory of man, at the charges of all the Inhabitants and Land-occupiers within the whole Iſle, by taxation and ſeſſement at one Court or Law-day, time out of mind, yearly holden on the Monday next after the Feaſt of Pentecoſt, at Kingsborow, within the ſaid Iſle in the name of the Queens Majeſty and her Progenitors, only for the maintenance of the ſame Ferry: Be it therefore enacted, That the ſaid Court ſhall be duly kept, in ſuch manner and form as hath been heretofore accuſtomed, and that it ſhall and may be lawful to and for the Jury impannelled and ſworn at the ſame Court for the time being, by their diſcretions reaſonably to aſſeſſe and tax themſelves, and all other the Inhabitants and Land-occupiers of the ſaid Iſle indifferently, according to the rate of Land in every mans occupying, towards the maintenance of the ſaid Ferry and paſſage, and the wayes belonging or leading to the ſame, ſo as no acre of freſh marſh and upland be taxed above the rate of a peny in one year, nor of every ten acres of ſalt marſh above the rate of a peny in one year. And that all and every thing, profit, benefit and commodity, which heretofore hath been given by any perſon or perſons whatſoever, towards the maintenance of the ſaid paſſage or Ferry, ſhall be had and levied to the maintenance of the ſaid paſſage or Ferry, and that the Ferry-warden for the time being ſhall have full power and authority to levy, recover, and receive the ſame, and the taxes and aſſeſſements of every perſon and perſons by way of diſtreſſe, upon the Extreats made out by the Steward of the ſaid Court, as all amerciaments are uſed to be levied that are extreated out of other the Queens Majeſties Leets and Lawdays: and that the ſaid Ferry-warden ſhall beſtow the money ſo levied upon the repairing and maintenance of the ſaid Ferry, Paſſage and Wayes, and thereof ſhall give accompt, as they have been accuſtomed, to the Steward of the ſaid Court and Homage, there to be ſworn at the next Lawday following, and all arrearages in his hands remaining, ſhall deliver over to the next Ferry-warden, on pain to forfeit the double of the ſaid arrearages, to be levied as other pains and amerciaments in the Court aforeſaid aſſeſſed, and to be imployed to the maintenance of the ſaid Paſſage or Ferry.

How freſh and upland Marſh ſhall be taxed, and how ſalt marſh, by the acre.

Things given to the maintenance of the Ferry.

The Ferry-warden ſhall beſtow the money upon the repair thereof, and make payment of the arrearages.

Taxing of the Inhabitants for the repair of the Way from Middleton to the Ferry.

And foraſmuch as the uſual high-way, leading from the Market-Town, called Middleton, to the ſaid Ferry, is preſently in ſuch decay, that neither Man nor Beaſt without great danger, is able to paſſe, whatſoever neceſſity ſhould ſuddenly happen for men to repair into or out of the ſaid Iſle, and the Pariſh where the ſame lieth is not able to repair the ſame: Be it therefore further enacted, That it ſhall be lawful from henceforth yearly, during the ſpace of ten years, for three Juſtices of Peace, whereof one to be of the Quorum, next inhabiting to the ſaid Town of Middleton within the ſaid County of Kent, reaſonably to aſſeſſe and take all and every Land-occupiers, dwelling out of the ſaid Iſle, and within four miles diſtant from the ſaid Ferry, as to their diſcretion ſhall ſeem convenient, not exceeding the ſum of one peny upon every acre of freſh marſh and upland, in one year, and upon every ten acres of ſalt marſh, one peny in one year, and to aſſign and appoint ſuch perſon and perſons as they ſhall think meet for the collecting and imploying of the ſame upon the ſaid High-wayes: and that it ſhall be lawful for the ſaid three Juſtices for the time being, yearly during the ſaid ten years, to take account and reckoning of the ſaid perſon or perſons, touching or concerning the ſaid money ſo to be levied or imployed. Stat. 27 Eliz. 24.

CAP. XI.

A Leaſe or other Conveyance to be made of any ſpiritual living, whereof there is a Leaſe in being, not to be determined within three years; and all Bonds and Covenants for renewing thereof, ſhall be void, &c.

A rehearſal of the Statute of 13 Eliz. 10. touching aſſurances made by ſpiritual perſons, of their lands, tythes, &c.

Whereas by the Statuts made in a Parliament holden at Weſtminſter the ſecond day of April, in the thirteenth year of the Reign of our moſt gracious Soveraign Lady, entituled, An Act againſt fraudulent gifts, to the intent to defeat dilapidations of Eccleſiaſtical livings, and for leaſes to be granted by Collegiate Churches: It was amongſt other things enacted by the authority of Parliament, That from thenceforth all leaſes, gifts, grants, feoffments, conveyances, or eſtates to be made, had, done or ſuffered by any Maſter and Fellows of any Colledge, or by any Dean and Chapter of any Cathedral or Collegiate Church, Maſter or Guardian of any Hoſpital, Parſon, Vicar, or any other, having any Spiritual or Eccleſiaſtical living, or any houſes, lands, tythes, tenements or other hereditaments, being any parcel of the poſſeſſions of any ſuch Colledge, Cathedral Church, Chapter, Hoſpital, Parſonage, Vicarage, or other ſpiritual promotion, or any ways appertaining or belonging to the ſame, or of any of them, to any perſon or perſons, bodies politick or corporate, other then for the term of xxi. years, or three lives, from the time of any ſuch leaſe or grant ſhall be made or granted, whereupon the accuſtomed yearly Rent or more ſhall be reſerved, and payable yearly during the ſaid term, ſhall be utterly void and of none effect, to all intents, conſtructions and purpoſes: Any Law, Cuſtom or Uſage to the contrary notwithſtanding, as in the ſaid Act more plainly appeareth.

Practiſes to defeat the meaning of the foreſaid Statute.

Leaſes by ſpiritual perſons, of their lands in leaſe.

Sithence the making of which ſaid Eſtatute, divers of the ſaid Eccleſiaſtical and Spiritual perſons, and others, having Spiritual or Eccleſiaſtical livings, having from time to time made leaſes for the term of xxi. years, or three lives, long before the expiration of the former years, contrary to the true meaning and intent of the ſaid Eſtatute: Be it therefore enacted by this preſent Parliament, That all leaſes hereafter to be made by any of the ſaid Eccleſiaſtical, Spiritual or Collegiate perſons or others, of any their ſaid Eccleſiaſtical, Spiritual or Collegiate lands, tenements or hereditaments, whereof any former leaſe for years is in being, not to be expired, ſurrendred or ended, within three years next after the making of any ſuch new leaſe, ſhall be void, fruſtrate, and of none effect: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

A bond or covenant for the renewing of a Leaſe.

And be it likewiſe enacted by the authority aforeſaid, That all and every Bond and Covenant whatſoever hereafter to be made, for renewing or making of any leaſe or leaſes, contrary to the true intent of this Act, or of the ſaid Act made in the ſaid xiii. year, ſhall be utterly void: Any Law, Statute, Ordinance, or other thing whatſoever to the contrary in any wiſe notwithſtanding.

Leaſes made before this Statute.

Provided alwayes, That this Act, nor any thing therein contained, ſhall extend or be prejudicial to make fruſtrate or void any leaſe or leaſes heretofore made by any of the ſaid Spiritual or Eccleſiaſtical perſon or perſons, or any of them: but that the ſame, and every of them are of the like force and effect, as they or any of them were before the making of this preſent Statute: This Act, or any thing therein contained to the contrary notwithſtanding.

Sir Thomas White Founder of S. Johns Colledge in Oxford.

And where Sir Thomas VVhite, late Knight and Alderman of London, for advancement of good Learning, hath founded one Colledge in the Univerſity of Oxford, called S. John Baptiſts Colledge, and being ſeized of the Mannor of Fiſhyde, *alias* Fifielde, in the County of Berks, did together with all other his Lands, Tenements and Hereditaments, give and aſſure the ſaid Manor, with all the appurtenances, to the Preſident and Schollars of the ſaid Colledge for ever: And nevertheleſſe the ſaid Sir Thomas VVhite, having then one Ralph VVhite his Brother living, and ſundry Kinſmen, to whom by courſe of the Common Law his Lands might have deſcended, did deviſe and order, and by the Statutes which he provided for the ſaid Houſe, and by order of the now Viſitor of the ſaid Colledge; It is Ordained, That the ſaid Manor of Fiſhyde, *alias* Fifield, with the appurtenances, ſhould be demiſed by the ſaid Preſident and Schollars for the time being, to the ſaid Ralph, for the term of xcix. years, if the ſaid Ralph ſhould ſo long live, and ſo it is intended that from heir-male to heir-male of the ſaid Sir Thomas VVhite, new deviſes ſhould from time to time be made of the ſaid Manor with the appurtenances, to every ſuch heir-male ſucceſſively, for the term of fourſcore and nineteen years, if ſuch heir-male ſhould ſo long live, yielding to the ſaid Preſident and Schollars for the time being, ſuch Rent as now is reſerved with ſuch further Covenants and Conditions, as by the ſaid Sir Thomas VVhite or Viſitor is agreed and appointed.

A Leaſe may be made to Ralph White of the Manor of Fifelde by Saint Johns Colledge in Oxford.

And where ſince the deceaſe of the ſaid Sir Thomas VVhite, the ſaid aſſurances to the ſaid Preſident and Schollars, in all, or the moſt part of the lands, tenements, and hereditamens of the ſaid Founder, were found in ſome reſpect unperfect, and inſufficient in law, and that thereupon the ſaid Ralph VVhite, to whom the advantage of ſuch imperfection came by law, did nevertheleſſe take no ſuch advantage, but did willingly make perfect the ſaid aſſurances, according to the true meaning of the ſaid Sir Thomas VVhite his Brother, accepting only one leaſe of the ſaid Manor, in ſuch ſort as the ſaid Viſitor was appointed, with the Copyholds, and other Appurtenances of the ſaid Manor. For remedy whereof, Be it enacted, That the Preſident and Schollars of the ſaid Colledge may from time to time demiſe the ſaid Manor, Copyholds, and other Appurtenances, to every heir-male of the ſaid Sir Thomas VVhite ſucceſſively, according to the form of leaſe thereof already made to the ſaid Ralph, and that every ſuch leaſe ſo to be made, and every covenant made, or to be made for the performance of the ſame, ſhall be good in law, as if the ſaid Act made in the ſaid xiii. year had never been had nor made: Any thing in the ſaid Act made in the xiii. year, or any other Act or matter whatſoever to the contrary notwithſtanding.

And whereas in one other Statute made in the ſaid thirteenth year of her Majeſty, entituled, An Act touching Leaſes of Benefices, and other Eccleſiaſtical livings with Cure, one clauſe is contained, That the Incumbent offending the purport of the ſaid Statute, ſhall for the ſame loſe one years profit of his ſaid Benefice, to be diſtributed by the Ordinary among the poor of the Pariſh, as by the ſaid branch in the ſaid laſt recited Statute appeareth: Be it therefore enacted by the authority aforeſaid, That after complaint made to the Ordinary, and ſentence given upon any offence committed by the Incumbent, whereby he ſhall or ought to loſe one years profit of his benefice, as afore ſhewed, that the Ordinary within two moneths after ſuch ſentence given, and requeſt to him made by the Church-wardens of the ſaid Pariſh, or one of them, ſhall grant the ſequeſtration of ſuch profits, to ſuch Inhabitant or Inhabitants within the Pariſh where ſuch Benefice ſhall be, as to him ſhall ſeem meet and convenient; and upon default therein by the Ordinary, that it may and ſhall be lawful to every Pariſhioner where the Benefice is, to retain and keep his or their Tythes, and likewiſe for the Church-wardens of the ſaid Pariſh, to enter and take the profits of the Glebe-lands, and other Rents and Duties of every ſuch Benefice, to be imployed to the uſe of the poor, as aforeſaid, untill ſuch time as ſequeſtration ſhall be committed by the Ordinary, and then as well the Church-wardens as Pariſhioners, to yield account of, and make payment to him or them, to whom ſuch Sequeſtration ſhall be committed; and that he or they, to whom ſuch Sequeſtration ſhall be committed from time to time, ſhall juſtly and truly imploy and beſtow the ſaid profits, or the true and juſt value thereof, without fraud or guile, to ſuch uſes as by the ſaid Statute is limited and appointed, upon pain of forfeiture of the double value of ſuch uſes as by the ſaid Statute is limited and appointed, upon pain of forfeiture of the double value of ſuch with-holden profits, to be recovered in the Eccleſiaſtical Court by the poor of the ſaid Pariſh. Coke lib. 4. 120. Cok. Inſt. 44.

13 Eliz. 20.

In what caſe ſequeſtration may be granted by the Ordinary of a Benefice demiſed contrary to the Stat. of 13 Eliz. 20.

In what caſe the Pariſhioners may retain the tythes.

CAP. XII.

Iſſues joyned in the Chancery, Kings-Bench, Common-Pleas, or Exchequer, may be tryed by Niſi prius in Weſtminſter-Hall.

Whereas heretofore all iſſues joyned in any of the Courts of Record at Weſtminſter, triable in the County of Middleſex, have been uſually tryed at the bars in the ſaid Courts in Weſtminſter: And whereas a great number of actions have of late years been brought in the ſaid County of Middleſex, for ſpeedineſſe of tryal, and that for ſmall cauſes, by reaſon whereof, the Judges of the ſame Courts have not only been letted and hindered in their proceedings in matters of great weight depending before them by demurrer or otherwiſe, to the great delay of Juſtice, and occaſion of great expences and charges of a number of the Queens Majeſties moſt loving Subjects, but alſo to the trouble and charge of the Freeholders of the ſaid County, who are compelled to give daily attendance at the ſeveral bars of the ſame ſeveral Courts, for the tryal of the ſaid Iſſues. For reformation whereof, Be it enacted by the Queens moſt excellent Majeſty, our Soveraign Lady, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth the Chief Juſtice of England for the time being, upon iſſues joyned, or to be joyned in the Court called the Kings-Bench, or in the Court of Chancery, the Chief Juſtice of the Common-Pleas for the time being, upon iſſues joyned or to be joyned in the Court of Common-Pleas, & the Chief Baron of the Exchequer for the time being, upon iſſues joyned or to be joyned in the Court of the Exchequer; or in the abſence or default of any of them, two other Judges or Barons of the ſame ſeveral Courts where it ſhall happen either of the ſame Chief Juſtices or the Chief Baron for the time being to be abſent, ſhall or may at their diſcretions within the ſaid Hall, called Weſtminſter-Hall in Weſtminſter, or in the place where the Court of Excheq. is commonly kept in the ſaid County of Middl. as Juſtices of Niſi prius, for the ſaid County of Middl. within the Term-time, or within four days next after the end of every, or any Term ſeverally try all manner of iſſues joyned or to be joyned in any of the ſaid ſeveral Courts, which by the ordinary courſe of the Laws of the Realm, ought to be tryed in any of the ſaid Courts by an inqueſt of the ſaid County of Middl. and that Commiſſioners and Writs of Niſi prius ſhall be awarded in ſuch caſes, & in ſuch form as they are or have been uſed in any other Shire of this Realm: and that it ſhall be lawful for any perſon or perſons from henceforth, upon reaſonable warning given to the adverſe party, or his or their Atturney, as hath been accuſtomed in ſuch like caſes, to take or ſue for Writs and Records of Niſi prius, for the tryal of the ſaid Iſſues in the ſaid County of Middleſex, as they may do upon any iſſue joyned, tryable in any other County, and thereupon take Jury in ſuch manner and form, and with awarding of Tales de Circumſtantibus, and awarding the nonſuit, as is uſed for the tryal of iſſues joyned, or nonſuits to be awarded in the ſaid Courts, or any of them, tryable within the City of London, or within any other County of this Realm of England, and that the Sheriffs of the ſaid County of Middleſex for the time being, ſhall make return of all Writs of Niſi prius, which ſhall be delivered to them, or to their, or any of their ſufficient Deputy for the time being, before the ſaid Judges, Baron or Barons, and every of them, and ſhall give their attendance upon the ſaid Juſtices, Baron and Barons, as well for the returning of ſuch Tales as ſhall be prayed de circumſtantibus, for the trying of the ſaid iſſues, as for the doing and executing of all other thing and things, to the office of Sheriff in ſuch caſe belonging or appertaining. And that all perſons to be impannelled in ſuch Juries, and the parties to the ſame Iſſues and ſuits, and the witneſſes for the ſame, ſhall be charged and bound in ſuch and the like ſort, and upon like pains and penalties, for their not appearance and attendance, or for their, or any of their mis-

Tryal of iſſues joyned in Chancery, Kings-Bench, Common Pleas, and Exchequer, by Niſi prius, in Weſtminſter Hall.

The Sheriff of Middleſex his attendance.

The Jurors and parties witneſſes bound by the tryal.

miſdemeanour or default before the ſaid Juſtices of Niſi prius, as they ſhould have been, if the ſame iſſue had been tryed in the Court from whence the Niſi prius thereof was awarded: all which ſeveral trials ſo to be had before the ſaid ſeveral Juſtices, Baron or Barons, ſhall by authority of this preſent Parliament ſtand, and be as good and available in Law, as if the ſame had been tryed in the Term-time at the Bar, in the Court where ſuch iſſue was joyned or tryable: Any Law, Uſage or Cuſtome heretofore made, uſed or accuſtomed to the contrary hereof in any wiſe notwithſtanding.

CAP. XIII.

Tranſcripts of Offices found before Eſcheators or Commiſſioners within the Counties Palatines, ſhall be certified into the Court of Wards.

WHereas the Queens moſt royal Majeſty, by the Laws and Statutes of this her Highneſſe Realm of England, ought to have the cuſtody, wardſhip and marriage of the body lands and tenements of the heirs of every her Highneſſe tenements, holding of her Majeſty by Knights-Service in chief, as of her Crown, or otherwiſe by Knights-Service, or of a third part thereof, and alſo primer ſeiſin and livery of their Lands, Tenements and Hereditaments, as the caſe doth require, as well within the County Palatines of the Dutchy of Lancaſter, and the Earldome of Cheſter, and in the County Palatine of the Biſhoprick of Dureſme, as alſo in all other places within the Dominions of this her Highneſſe Realm of England and Wales. And whereas heretofore all ſuch offices and inquiſitions, as have been found by vertue of Writs of Diem clauſit extremum, or by other Writs or Commiſſions or virtute Officii, concerning Lands or Hereditaments, after the death of any of her Majeſties ſaid Tenants within the ſaid County Palatines, are alwayes, and have been returned into the Court of the ſaid Dutchy of Lancaſter, and into the Exchequers of the ſaid County Palatines of Cheſter and Dureſme, or in ſuch Offices, or Officers hands therefore ſpecially appointed, and ſo being returned, there do remain. By reaſon whereof, and for that the ſaid Offices and Inquiſitions are not tranſcripted into her Majeſties Court of Wards and Liveries, like as other Offices and Inquiſitions are certified out of her Highneſſe Court of Chancery, her Majeſties Title hath been oftentimes long delayed and deferred, from the knowledge of the Maſter and Councel of the ſaid Court of Wards and Liveries, ſo that ſundry times it hath happened, that the heirs of her Majeſties Tenants, being within age, have died before compoſition made for their Wardſhips and Marriages, and other of full age likewiſe died before they have entred into Bonds, or paid their primer Seiſin, and ſued their Livery, whereby oftentimes great intruſions and arrearages of the Rents, Iſſues and Profits of their Lands hath accrued and grown before Livery ſued, to the great prejudice and hinderance as well of her ſaid Highneſſe, and other her Majeſties Progenitors for times heretofore paſſed, as alſo to divers her Majeſties Subjects, Occupiers, Farmers and Takers of the Rents, Iſſues and Profits of the ſaid Lands, Tenements and Hereditaments.

The prejudices which have enſued by not tranſcripting of offices found in Counties Palatine into the Court of Wards.

Offices found in Counties Palatine, ſhall be certified into the Court of Wards.

For ſpeedy remedy whereof, Be it therefore enacted by the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled: That all ſuch Inquiſitions and Offices to be found from and after the firſt day of July next coming, before any Eſcheators or Commiſſioners, by vertue of any ſuch Writs or Commiſſion, or otherwiſe, within the ſaid County Palatines of the ſaid Dutchy of Lancaſter, Cheſter and Dureſme, or any of them, ſhall be returned by the ſaid Eſcheators and Commiſſioners, within one moneth next after the taking of any ſuch Office or Inquiſition, into ſuch place or places, and to ſuch Office and Offices as heretofore they have uſually been accuſtomed to be certified and returned into, upon pain to forfeit for every default forty pounds, to the uſe of our ſaid Soveraign Lady the Queen, her Heirs and Succeſſors. And that the Clerk of the ſaid Dutchy of Lancaſter, the Vice-Chamberlain of the ſaid Earldom of Cheſter, and the Chancellor of the ſaid County Palatine of the ſaid Biſhoprick of Dureſme, or other the ſaid Officers or Miniſters within the ſaid County Palatines, or their Deputy or Deputies, and every of them for the time being, having authority to receive any ſuch Office or Inquiſition, to whoſe hands any ſuch office or inquiſition ſhall come, ſhall certifie, or cauſe to be certified under his or their hands in parchment, the true tranſcript of every ſuch Office or Inquiſition, taken before any of the Eſcheators or Commiſſioners, unto the Maſter of the ſaid Court of Wards and Liveries, in ſuch like manner, form and ſort, as is limited and appointed to the Clerks of the Petibag, in her Highneſſe ſaid Court of Chancery to tranſcript the ſame, upon pain to forfeit for every ſuch default, five pounds to the uſe of our ſaid Soveraign Lady, her Heirs and Succeſſors: which tranſcript ſo to be certified, ſhall there remain of Record, in like manner and form to all intents and purpoſes, as the tranſcripts of other Offices already certified into the ſaid Court, by the Clerks of the Petibag in her Majeſties High Court of Chancery are uſed: Any Cuſtome, Statute, Act, Proviſo or Proviſoes heretofore had, made, or uſed to the contrary in any wiſe notwithſtanding.

CAP. XIV.

After Verdict given in a Court of Record, there ſhall be no ſtay of Judgment, or reſerving thereof for want of form, falſe Latine, variance, &c. when an Atturney ſhall deliver his Warrant of Record.

After verdict given in a Court of Record, there ſhall be no ſtay of judgment, or reverſing thereof for want of form, &c.

BE it enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any verdict of twelve men or more ſhall be given in any action, ſuit, bill, plaint or demand, in any Court of Record, the Judgment thereupon ſhall not be ſtayed or reverſed, by reaſon of any default in form, or lack of form, touching falſe Latine, or variance from the Regiſter, or other [a] defaults in form in any Writ original or judicial, count, declaration, plaint, bill, ſuit or demand, or for want of any Writ original or judicial, or by reaſon of any imperfect

[a] Coke l. 5. f. 35, 36, 37. 41, 49. li. 11. fol. 163.

perfect or inſufficient return of any Sheriff, or other Officer, or for want of any Warrant of Attorney, or by reaſon of any manner of default in proceſſe, upon or after any ayd prier or voucher, nor any ſuch Record or Judgment after Verdict to be given hereafter, ſhall be reverſed for any the defects or cauſes aforeſaid: Any Law, Statute or Uſage to the contrary notwithſtanding.

El. 17 6. 139. 4. Jac. 8, 136. 4. Car. 92. 3, 178. 2, 295.

Provided alwayes, and be it further enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any writ, declaration, or ſuit of appeal of felony or murder, nor to any indictment, or preſentment of felony, murder, treaſon, or other matter, nor to any proceſſe upon any of them, nor to any writ, bill, action or information upon any popular or penal Statute: Any thing aforeſaid to the contrary notwithſtanding.

To what things this Statute ſhall not extend.

Provided alſo, and be it enacted by the authority aforeſaid, That all Atturneys in any ſuit or action in any Court of Record, ſhall deliver in the [b] Warrant of Atturneys in ſuch action or ſuit, wherein they be named Attorneys, to be entred or filed of Record, in ſuch manner and form, as heretofore by the Law or Statutes in that behalf made, they ſhould or ought to have done, upon pain to forfeit ten pounds for every ſuch offence: the one moyety thereof to be to the Queens Majeſty, her Heirs and Succeſſors, and the other moyety to ſuch Officer or Officers to whom, or in whoſe Office the ſame warrant ſhould be delivered, entred or filed, and to ſuffer impriſonment by the diſcretion of the Juſtices of the Court for the time being, where any ſuch default ſhall fortune to be had or made, the ſaid ten pounds to be recovered by action of debt, bill or information, in which no Eſſoine, Protection or wager of Law ſhall be allowed. Stat. 32 H. 8. 30. 2 Ed. 6. 32. 21 Jac. 13.

Dyer, fol. 18.

When an Atturney ſhall enter his warrant of Record.

CAP. XV.

A Goldſmith ſhall ſet his mark to his ware: of what fineneſſe his wares of Gold and Silver ſhall be of.

Where certain evil diſpoſed Goldſmiths deceitfully do make and ſell Plate, and other gold and ſilver Wares, to the great defrauding of her Majeſty, and her good Subjects: For remedy whereof, Be it enacted by the authority of this preſent Parliament, That no Goldſmith, from the twentieth day of April next coming, ſhall work, ſell, exchange, or cauſe to be wrought, ſold or exchanged, any plate or other Goldſmiths ware of gold, leſſe in fineneſſe then that of xxii. Carrects, and that he uſe no ſother, amell, or other ſtuffings whatſoever, in any of their works, more then is neceſſary for the finiſhing of the ſame, and that they take not above the rate of twelve pence for the ounce of Gold (beſides the faſhion) more then the Buyer ſhall or may be allowed for the ſame at the Queens Exchange or Mint, upon pain to forfeit the value of the thing ſo ſold or exchanged: and that from the ſaid twentieth day of April, no Goldſmith ſhall make, ſell, or exchange in any place within this Realm, any plate or Goldſmiths wares of ſilver, leſſe in fineneſſe then that of eleven ounces two peny weight, nor take above the rate of twelve pence for every pound weight of plate or wares of ſilver, beſides the faſhion, more then the Buyer ſhall or may be allowed for the ſame at the Queens Exchange or Mint: nor put to ſale, exchange, or ſell any plate or Goldſmiths work of ſilver, before he hath ſet his own mark to ſo much thereof as conveniently may bear the ſame, upon pain to forfeit the value of the thing ſo ſold or exchanged. And if any Goldſmith ſhall make any Goldſmiths work or plate, and the ſame after the ſaid twentieth day of April ſhall be touched, marked, and allowed for good, by the Wardens or Maſters of that Myſtery; and if in the ſame there ſhall be found any falſhood or deceit: then the Wardens and Corporation of that Myſtery for the time being, ſhall forfeit and pay the value of the thing ſo exchanged or ſold: the one moyety of all which forfeitures ſhall be to the uſe of the Queens Majeſty, and the other moyety to the uſe of ſuch party grieved and ſuſtaining loſſe thereby, as will ſue for the ſame in any Court of Record, by action, bill, plaint, information, or otherwiſe, wherein no Eſſoine, Protection, or wager of Law ſhall be admitted for the Defendant.

Of what fineneſſe Goldſmiths ſhall make their wares of gold.

The fineneſſe of ſilver plate, and what the Goldſmith ſhall take more than the buyer ſhall have for it at the Mint. Stat. 17 Ed. 4. 7. 2 H. 6. 14.

The penalty if falſhood be found in plate, or work marked by the Wardens of the Goldſmiths. 17 Ed.

CAP. XVI.

Perſons dwelling in the Counties of Somerſet, Glouceſter and Wilts, out of corporate Towns, may make Clothes notwithſtanding the Statute of 4 & 5 P. & M. 5. &c. REP. 21 Jac. 28.

CAP. XVII.

The morrow after the Quarter Seſſions holden next after Eaſter in Kent, the Wardens and Commonalty of the Lands contributory to Rocheſter Bridge, ſhall for ever aſſemble at the Caſtle of Rocheſter, and there elect by the moſt voices, two perſons of the ſame Commonalty to be Wardens of the ſaid Bridge, and twelve perſons of the ſame Commonalty to be Aſſiſtants to the ſaid two Wardens, for one year after the Feaſt of Pentecoſt then following. And the two Wardens ſo choſen, ſhall do their endeavour that year to benefit the ſaid Bridge: and ſhall receive the Fines, Rents, and Revenues of the Lands belonging to the Bridge, and of all Contribution-money payable to the uſe of the ſame Bridge, and ſhall anſwer and pay out of the ſame, as cauſe ſhall require. The new Wardens ſhall be bound to the former Wardens to make an account. The old Wardens ſhall account the Thurſday in Whitſon-Week. The Wardens and Aſſiſtants ſhall ſubſcribe to all Leaſes made of the Bridges lands: which Leaſes ſhall be made but of ſuch effect as Tenant in tail may do by the Statute of 32 H. 8. 28. and for no Fines. And every ſeven year there ſhall be made a Terrar of the Lands leaſed. No Owners or Tenants of Lands contributory to the maintenance of the ſaid Bridge, ſhall be aſſeſſed to pay towards the maintenance thereof, but only when the Rents or Profits of the Lands belonging to the ſame be not ſufficient.

CAP. XVIII.

The County of Glouceſter and the County of Monmouth ſhall ſtand for ever chargeable for the maintenance, repairing, and new making of Chepſtow Bridge, as often as need ſhall require, viz. either of them, for ſuch part and moyety as lyeth in the middle of the ſtream of the Water of Wye, on the ſides of the Lordſhips of Chepſtow and Tydenham. And for the aſſeſſement, collection, and imploying of the money thereupon to be ſpent, ſuch order ſhall be obſerved as is appointed by the Statute of 22 H. 8. 5. REP. 3 Jac. 23.

Coke l. 5.

CAP. XIX.

Every perſon which ſhall be immediate Owner, Land-lord, or Terre-Tenant of any houſe, lands, or tenements within the City of Chicheſter, in fee-ſimple, fee-tail, for life or years, ſhall from time to time, or by the aſſignment of the Mayor of the City, cauſe to be paved with good paving ſtones, along, from and againſt his houſe, lands, &c, adjoyning to the ſtreet, ſo much of the ſaid ſtreet as in length to the channel, upon pain of forfeiture of iii. s. iiii. d. for every yard ſquare not paved. The Leſſees for years, or at will, may defaulk ſo much of their Lords Rent, as they ſhall beſtow in ſuch paving, unleſſe they ſhall otherwiſe covenant. P R.

CAP. XX.

By whom and at whoſe charge the Bridges and High-wayes within one mile of Oxford, ſhall be repaired.

2 & 3 P. & M. 15.

13 Eliz. 21.

The Wayes near Oxford decayed, and the Inhabitants not able to repair them.

FOraſmuch as your Highneſſes Univerſity and City of Oxford, hath received from your Highneſſe, and your noble Progenitors, great priviledges and prerogatives, as alſo the Inhabitants and Dwellers within the compaſſe and precinct of five miles thereunto adjoyning, as chiefly by a Statute made in the ſecond and third year of King Philip and Queen Mary, entituled, An Act that no Purveyor ſhould take any Grain, Corn, or other Victual within the compaſſe or precinct of five miles of the ſaid City; and in the thirteen year of your Majeſties Reign, hath been renewed and enlarged. By means whereof, the Inhabitants aforeſaid, not only to themſelves, but to their poſterity, by the Markets of your ſaid City, is like to reap much gain, profit, commodity and advantage, by utterance of their Corn, Grain and Victual: ſaving that the waies, bridges, and paſſages leading from your Highneſſe Manors, and other places of this Realm to your Highneſſes City (being for the moſt part Water-works) within theſe two years, by force of waters are ſo decayed, faln down, and not repaired, that your Highneſſe and Subjects, with your and their Carriage, travelling that way, as others travelling out of all parts of this Realm, are much annoyed and incumbred, and the Inhabitants there are not able without great danger, to travel or repair unto the ſaid City, or bring to the Markets their Corn, Grain, Victual, or other neceſſaries, to the great hurt of the ſaid City, as dearth like to enſue within the Univerſity and City.

How they that have land, meadow, or paſture in occupation next to Oxford, ſhall be charged towards the repair of the wayes there. Alt. 35 E. 7.

The cottager and labourers charge.

The forfeitures of them which make default.

May it therefore pleaſe your Highneſſe, That it may be enacted by this preſent Parliament, That every perſon and perſons, reſiant, dwelling or inhabiting within the compaſſe, circuit, or precinct of five miles of your Highneſſes Univerſity and City of Oxford, or franchiſes of the ſame, having in his or their hands or occupation, to the uſe of himſelf, or any other, the quantity of one yard-land or upward, in tillage, paſture, or other ground: or having, keeping, uſing or occupying as Draught, Cart, Plough or Wain, at his or their own proper Coſts and Charges, ſhall find and ſend, or cauſe to be found and ſent, for and to the mending, repairing, and up-building of the decayed bridges, wayes and paſſages, ſituate, lying and being within one mile of the ſaid City of Oxford, for every yard-land, one Wain or Draught Cart, furniſhed after the cuſtom of the Country, with Oxen, Horſe and other Cattel, with all other neceſſaries meet and convenient to carry things for ſuch manner of purpoſe, with able men to load and unload the ſame Draught, Cart or Wain. And every other Houſe-holder, Cottager or Labourer, dwelling or inhabiting within the aforeſaid compaſſe, precinct, or circuit (being no hired Servant) ſhall by his or their ſelves, or other ſufficient Labourer, having with them ſufficient Tools, at their like proper Coſts and Charges, find and ſend in, and to the mending, repairing, and building of the decayed bridges, wayes, cawſeyes, and paſſages, one ſufficient man or labourer, to work and labour in, and upon the aforeſaid decayed premiſſes. And that every perſon or perſons that by the meaning of this Act, is chargeable with Cart, Carriage, work or labour, ſhall by the commandment or commandments of certain Superviſors hereafter to be appointed and nominated by the Vice-chancellor and Mayor, with other Juſtices of the Univerſity and City of Oxford for the time being, by the ſpace of ſix whole dayes, ſhall do their Carriages, keep their work, fetch their Carriages, and do their labour, at ſuch place and places, and in ſuch works, as to them or any of them ſhall be nominated and appointed. And upon pain that every perſon or perſons making default abovesaid, for every days default, or any part thereof, ſhall loſe and forfeit five ſhillings, to be levied and imployed only to the mending of the ſaid bridges and cawſeys.

Digging of gravel, ſand, rubbiſh, or ſtone in other mens grounds. 2 & 3 P. & M. 8.

And that it ſhall be lawful to and for the aforeſaid Superviſors for the time being, for the more ſpeedy amendment of the aforeſaid decayes, in ſuch place and places, as by the diſcretion of the Vice-chancellor, Mayor or Superviſors, ſhall be thought neceſſary, to digg or cauſe to be digged, within the ſeveral grounds of any perſon or perſons, for gravel, ſand, rubbiſh, ſtone or ſinders, and other things, according to the ſtatute made in the ſecond and third year of King Philip and Queen Mary for High-wayes. And that the aforeſaid ſix dayes carriages, works or labours, and according to the true meaning, intent and purport of this preſent Act, ſhall be done, finiſhed and performed, by all manner of perſon or perſons by this Act chargeable, between the Feaſt of Saint John Baptiſt, next after this preſent Seſſion of Parliament, and the Feaſt of All Saints next after that. And upon twelve days warning given, or ſent in writing from the Vice-chancellor and Mayor of the City of Oxford for the time being, or from either of them, to the Conſtable or other Officer of any Burrough, Pariſh, Head-Officer, or Governour of every other place whatſoever, that by this Act ought to ſerve.

Diſtreſſe for default of payment of the forfeiture.

And for the performance of this Act, Be it enacted, That if any perſon or perſons ſhall make any default, as is aforeſaid, having not made any manner of reaſonable compoſition or agreement for the ſame default, that then it ſhall be lawful for the Vice-chancellor and Mayor of the City of Oxford for the time being, or other their Officers appointed, to diſtrain within any the Boroughs, Towns, Pariſhes, or other places where ſuch perſon or perſons dwelleth, that maketh default or refuſeth. And the ſame diſtreſſe to lead, drive, and carry away, and the ſame to with-hold till they and every of them have, or ſhall pay the forfeitures limited and appointed in this preſent Act, as alſo the charges of keeping ſuch diſtreſſe ſo taken.

Provided alwayes, and be it enacted, That this Act ſhall endure for the ſpace of ſeven years next enſuing the end of this preſent Parliament, and from thence to the end of the Parliament then next following, and no longer. 3 Car. 4. continued untill the end of the firſt Seſſion of the next Parliament.

CAP. XXI.

It ſhall be lawful for every perſon to buy and ſell within the Borough of new-Woodſtock, in the County of Oxford, all manner of VVoolls and Yarns brought into the ſaid Borough, upon the uſual Market and Fair-days, and the ſame to uſe and imploy to their beſt profit. P R.

CAP. XXII.

The confirmation of a Subſidy of ſix ſhillings in the pound granted to the Queen by the Clergy, to be paid in three years. EXP.

CAP. XXIII.

Three Fifteens and Tenths, and one Subſidy granted to the Queen by the Temporalty. EXP.

CAP. XXIV.

A confirmation by Parliament, of the Queens free and general pardon. EXP.

Anno viceſimo tertio Reginæ Elizabethæ.

At this preſent Seſſion of Parliament by prorogation holden at Weſtminſter, the ſixteenth day of January, in the three and twentieth year of the Reign of our moſt gracious Soveraign Lady, Elizabeth, by the Grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c. and there continued untill the eighteenth of March following. To the high pleaſure of Almighty God, and the weal publick of this Realm, were enacted as followeth.

CAP. I.

An Act for retaining the Queens Subjects in their due Obedience.

Where ſithence the Statute made in the thirteenth year of the Reign of the Queen our Soveraign Lady, entituled, An Act againſt the bringing in, and putting in execution of Buls, Writings and Inſtruments, and other ſuperſtitious things from the See of Rome, divers evil affected perſons have practiſed, contrary to the meaning of the ſaid Statute, by other means than by Buls or Inſtruments, written or printed, to withdraw divers the Queens Majeſties Subjects from their natural Obedience to her Majeſty, to obey the ſaid uſurped authority of Rome, and in reſpect of the ſame, to perſwade great numbers to withdraw their due Obedience from her Majeſties Laws, eſtabliſhed for the due Service of Almighty God.

13 Eliz. 1.

For reformation whereof, and to declare the true meaning of the ſaid Law: Be it declared and enacted by the authority of this preſent Parliament, That all perſons whatſoever, which have, or ſhall have, or ſhall pretend to have power, or ſhall by any ways or means put in practiſe to abſolve, perſwade, or withdraw any of the Queens Majeſties Subjects or any within her Highneſſe Realms and Dominions, from their natural Obedience to her Majeſty: or to withdraw them for that intent from the Religion now by her Highneſſe authority eſtabliſhed within her Highneſſe Dominions, to the Romiſh Religion, or to move them, or any of them, to promiſe any Obedience to any pretended authority of the See of Rome, or of any other Prince, State or Potentate, to be had or uſed within her Dominions, or ſhall do any overt Act to that intent or purpoſe, and every of them, ſhall be to all intents, adjudged to be Traytors: And being thereof lawfully convicted, ſhall have Judgment, ſuffer and forfeit, as in caſe of high Treaſon. And if any perſon ſhall after the end of this Seſſion of Parliament, by any means be willingly abſolved, or withdrawn, as aforeſaid, or willingly be reconciled, or ſhall promiſe any Obedience to any ſuch pretended authority, Prince, State or Potentate, as is aforeſaid: that then every ſuch perſon, their Procurers and Counſellers thereunto, being thereof lawfully convicted, ſhall be taken, tryed and judged, and ſhall ſuffer and forfeit, as in caſes of high Treaſon.

Treaſon to withdraw any from the Religion eſtabliſhed to the Romiſh Religion. Se. 3 Jac. 4.

It ſhall be treaſon to be reconciled or withdrawn to the Romiſh Religion.

And be it likewiſe enacted and declared, That all and every perſon and perſons, that ſhall wittingly be Ayders or Maintainers of ſuch perſons ſo offending as is above expreſſed, or of any of them knowing the ſame, or which ſhall conceal any offence as aforeſaid, and ſhall not within twenty dayes at the furtheſt, after ſuch perſons knowledge of ſuch offence, diſcloſe the ſame to ſome Juſtice of Peace, or other high Officer, ſhall be taken, tryed and judged, and ſhall ſuffer and forfeit as Offendors in miſpriſion of Treaſon.

The Penalty of Ayders, Maintainers, and Concealers.

And be it likewiſe enacted, That every perſon which will ſay or ſing Maſſe, being thereof lawfully convicted, ſhall forfeit the ſum of two hundred marks, and be committed to priſon in the next Gaol, there to remain by the ſpace of one year, and from thenceforth till he have paid the ſaid ſumme of two hundred marks: and that every perſon which ſhall willingly hear Maſſe, ſhall forfeit the ſumme of one hundred Marks, and ſuffer Impriſonment for a year.

The forfeiture for ſaying or hearing of Maſſe.

The penalty for not coming to Church by the ſpace of a moneth, according to the Stat. 1 El. 2. Stat. 29 Eliz. 6. 35 Eliz. 1. 1 Jac. 4. 3 Jac. 4. 5.

Co.l.11.fo. 56. lib.12.2. Cro. Jac. 48.

Be it alſo further enacted by the authority aforeſaid, That every perſon above the age of ſixteen years, which ſhall not repair to ſome Church, Chappel, or uſual place of Common Prayer, but forbear the ſame, contrary to the tenour of a Statute made in the firſt year of her Majeſties Reign, for Uniformity of Common Prayer, and being thereof lawfully convicted, ſhall forfeit to the Queens Majeſty for every Moneth after the end of this Seſſion of Parliament, which he or ſhe ſhall ſo forbear, twenty pounds of lawful Engliſh money, and that over and beſides the ſaid forfeitures, every perſon ſo forbearing, by the ſpace of twelve Moneths, as aforeſaid, ſhall for his or her obſtinacy, after Certificate thereof in writing made into the Court, commonly called the Kings Bench, by the Ordinary of the Dioceſs, a Juſtice of Aſſiſe and Goal delivery, or a Juſtice of Peace of the County where ſuch Offendor ſhall dwell or be, be bound with two ſufficient Sureties in the ſum of two hundred pounds at leaſt to the good behaviour, and ſo to continue bound, untill ſuch time as the perſons ſo bound do conform themſelves, and come to the Church, according to the true meaning of the ſaid Statute made in the ſaid firſt year of the Queens Majeſties Reign.

The forfeiture for keeping of a School-maſter not repairing to the Church, or be allowed by the Ordinary. 1 Jac. 4.

And be it further enacted, That if any perſon or perſons, body politick or corporate, after the Feaſt of Pentecoſt next coming, ſhall keep or maintain any School-maſter, which ſhall not repair to Church as is aforeſaid, or be allowed by the Biſhop or Ordinary of the Dioceſſe, where ſuch School-maſter ſhall be ſo kept, ſhall forfeit and loſe for every moneth ſo keeping him, ten pounds.

(Provided, That no ſuch Ordinary, or their Miniſters, ſhall take any thing for the ſaid allowance). And ſuch School-maſter or Teacher, preſuming to teach contrary to this Act, and being thereof lawfully convict, ſhall be diſabled to be a Teacher of Youth, and ſhall ſuffer impriſonment without bail or mainprize for one year.

Which Juſtices may inquire of offences done againſt the ſtat. of 1 El. 2. 5 El. 1. 13 El. 2.

Co.l.11 fol.56. Cro. Jac. 481. Cro.Car.18.

And be it likewiſe enacted, That all and every offences againſt this Act, or againſt the Acts of the firſt, fifth, or thirteenth years of her Majeſties Reign, touching acknowledging of her Majeſties Supream Government in cauſes Eccleſiaſtical, or other matters touching the Service of God, or coming to Church, or eſtabliſhment of true Religion in this Realm, ſhall and may be inquirable, as well before Juſtices of Peace, as other Juſtices named in the ſame Statutes, within one year and a day after every ſuch offence committed: Any thing in this Act, or in any other Act to the contrary notwithſtanding.

29 Eliz. 6.

Be it likewiſe enacted, That Juſtices of Oyer and Terminer, and Juſtices of Aſſiſe, and of Gaol-delivery, in their ſeveral limits, ſhall have power to enquire, hear and determine of all offences againſt this Statute: and Juſtices of Peace in their open Quarter Seſſions of Peace, ſhall have power by vertue of this Act to enquire, hear, and determine of all offences againſt this Act (except Treaſon, and miſpriſion of Treaſon.)

A remedy for a guilty perſon conforming himſelf. Co. 3 Ja. 10,569. St. 29 El. 6.

Provided alway, That every perſon guilty of any offence againſt this Statute, other then Treaſon, and miſpriſion of Treaſon, which ſhall, before he be thereof indicted, or at his arraignment or tryal before judgment, ſubmit and conform himſelf before the Biſhop of the Dioceſſe where he ſhall be reſident, or before the Juſtices where he ſhall be indicted, arraigned or tryed, (having not before made like ſubmiſſion at any his tryal, being indited for his firſt like offence) ſhall upon his recognition of ſuch ſubmiſſion in open Aſſiſes or Seſſions of the County where ſuch perſon ſhall be reſident, be diſcharged of all and every the ſaid offences againſt this Act (except Treaſon and miſpriſion of Treaſon) and of all pains and forfeitures for the ſame.

Who ſhall have the mony forfeited by this Statute.

And be it likewiſe enacted, That all forfeitures of any ſums of money limited by this Act, ſhall be divided in three equal parts, whereof one third part ſhall be to the Queens Majeſty, to her own uſe, one other third part to the Queens Majeſty, for relief of the poor in the Pariſh where the offence ſhall be committed, to be delivered by warrant of the principal Officers in the receit of the Exchequer, without further warrant from her Majeſty, and the other third part to ſuch perſon as will ſue for the ſame in any Court of Record, by action of debt, bill, plaint or information: in which Suit, no Eſſoine, Protection, or wager of Law, ſhall be allowed: And that every perſon which ſhall forfeit any ſums of money by vertue of this Act, and ſhall not be able, or ſhall fail to pay the ſame within three moneths after Judgment thereof given, ſhall be committed to priſon, there to remain, untill he have paid the ſaid ſums, or conform himſelf to go to Church, and there do as is aforeſaid.

He ſhall be impriſoned, that is not able, or doth not pay the forfeiture.

Service in a mans private houſe.

Provided alſo, That every perſon, which uſually on the Sunday ſhall have in his or her houſe Divine Service which is eſtabliſhed by the Law of this Realm, and be thereat himſelf or her ſelf uſually or moſt commonly preſent, and ſhall not obſtinately refuſe to come to Church, and there to do as is aforeſaid, and ſhall alſo four times in the year at the leaſt be preſent at the Divine Service in the Church of the Pariſh where he or ſhe ſhall be reſident, or in ſome other open common Church, or ſuch Chappel of eaſe, ſhall not incur any pain or penalty limited by this Act for not repairing to Church.

Fraudulent aſſurances to defeat forfeitures.

And be it likewiſe enacted and declared, That every Grant, Conveyance, Bond, Judgment and execution had or made ſince the beginning of this Seſſion of Parliament, or hereafter to be had or made, of covenous purpoſe to defraud any Intereſt, Right or Title, that may or ought to grow to the Queen, or to any other perſon by means of any Conviction or Judgment, by vertue of this Statute, or of the ſaid Statute of the ſaid thirteenth year, ſhall be, and be adjudged to be, utterly void againſt the Queen, and againſt ſuch as ſhall ſue for any part of the ſaid penalties in form aforeſaid.

29 Eliz. 6. Tryal of a Peer by his Peers.

Provided alwayes, That if any Peer of this Realm ſhall happen to be indicted of any offence made Treaſon or miſpriſion of Treaſon by this Act, he ſhall have his tryal by his Peers, as in other like caſes is accuſtomed.

Provided alſo, That neither this Act, nor any thing therein contained, ſhall extend to take away or abridge the authority or juriſdiction of the Eccleſiaſtical cenſures for any cauſe or matter, but that the Archbiſhops and Biſhops, and other Eccleſiaſtical Judges may do and proceed, as before the making of this Act they lawfully did or might have done: Any thing in this Act to the contrary notwithſtanding. Stat. 5 Eliz. 1.

Eccleſiaſtical Cenſures.

CAP. II.

If any perſon ſhall adviſedly and with a malicious intent, of his own imagination, ſpeak any falſe and ſlanderous News or Tales againſt the Queen that now is, then he ſhall have both his Ears cut off, except he pay two hundred pounds to the Queens uſe in the Exchequer, within two Moneths after Judgment. And if he ſpeak ſuch ſlanderous News of the Report of any other, he ſhall have one of his Ears cut off, except he pay two hundred marks, &c. And if any perſon once convict, ſhall offend again, it ſhall be adjudged felony. And if any perſon within this Realm, or without, ſhall deviſe, write, print, or ſet forth any Book, Rime, Ballad, Letter or Writing, containing any falſe, ſeditious and ſlanderous matter, to the defamation of the Queen, or to the ſtirring or moving of any Rebellion: Or ſhall cauſe any ſuch Book, Rime, Writing, &c. to be written, printed or publiſhed: Or ſhall, by ſetting of any Figure, caſting of Nativity, or by Calculation, Prophecying, Witchcraft, Conjuration, &c. ſeek to know, and ſhall ſet forth by expreſſe words, deeds or writings, how long the Queen ſhall live: Or who ſhall Reign as King or Queen after her deceaſe: Or ſhall utter any Prophecies to any ſuch intent: Or ſhall wiſh or deſire the death or deprivation of the Queen, or any thing to the ſame effect: Then every ſuch offence ſhall be adjudged Felony. EXP. 1 & 2 P. & M. 9. 1 Eliz. 6.

CAP. III.

Fines and Recoveries may be inrolled: The Errors therein may be reverſed, and by whom, &c.

For the appeaſing of Suits, the avoiding of falſe practices, deceits, devices and miſdemeanours, and for helping of negligences and miſpriſions of Clerks and Officers, dangerous to aſſurances of mens Lands and Hereditaments: Be it enacted by the Queens moſt excellent Majeſty, our Soveraign Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every Writ of Covenant, and other Writ, whereupon any fine heretofore hath been levied, or hereafter ſhall be levied, the return thereof, the Writ of Dedimus poteſtatem, made for the knowledging of any of the ſame Fines, the return thereof, the concord, note and foot of every ſuch Fine, the Proclamations made thereupon, and the Kings Silver: and alſo every Original Writ of Entry in the Poſt, or other Writ, whereupon any common Recovery hath been ſuffered, or hereafter ſhall be ſuffered or paſſed, the Writs of Summon. ad Warrantizandum, the Returns of the ſaid Originals and Writs of Summon. ad Warrantizandum, and every Warrant of Atturney, had or to be had, as well of every Demandant and Tenant, as Vouchee extant and remaining, or that ſhall be extant and in being, may upon the requeſt or election of any perſon be inrolled in Rolls of Parchment by ſuch perſons, and for ſuch conſiderations, as hereafter in this Act ſhall be mentioned: and that the Inrolments of the ſame, or of any part thereof, ſhall be of as good force and validity in Law, to all intents, reſpects and purpoſes, for ſo much of any of them ſo inrolled, as the ſame being extant and remaining, were or ought by Law to be.

Inrolment of Fines and Recoveries.

The validity of the Inrolment.

And be it further enacted by the authority aforeſaid, That no Fine, Proclamations upon Fines, or common Recovery, heretofore had, levied, ſuffered, or paſſed, or hereafter to be had, levyed, ſuffered or paſſed, ſhall be reverſable by any Writ of Errour, for falſe or incongrue Latine, raſure, enterlining, miſentring of any Warrant of Atturney, or of any Proclamation, miſreturning or not returning of the Sheriff, or other want of form in words, and not in matter of ſubſtance.

For what Errours, Fines and Recoveries are not reverſable.

Provided alwayes, That this Act nor any thing therein contained, ſhall bar or exclude any perſon or perſons from any Writ of Errour which ſhall be had, taken, or purſued, within five years next after the end of the Seſſion of this preſent Parliament, upon any Fine or Recovery heretofore had or ſuffered: Nor from any Writ of Errour which ſhall be had, taken, or purſued, upon any Fine or Recovery heretofore levyed, knowledged or had: Which Fine or Fines, Recovery or Recoveries, or any part or parcel of them, or any of them now is, or at any time before the firſt day of June, which ſhall be in the year of our Lord God, One thouſand five hundred eighty two, ſhall be exemplified under the Great Seal of England, at and by the ſuit of any perſon, that is or may be entituled to have or ſue any Writ of Errour upon any the Fines or Recoveries heretofore paſſed: Nor to bar any Feme Covert, or any perſon within the age of one and twenty years, or to any that is non compos mentis, in priſon, or beyond the Seas, of or from any Writ of Errour to be had or proſecuted for the reverſing of any Fine or Recovery heretofore paſſed, levyed or ſuffered, ſo that ſuch Feme Covert, or her heirs, within ſeven years next after that ſhe become ſole, and ſuch perſon within the age of one and twenty years, and ſuch perſon that is non compos mentis, within ſeven years next after he ſhall become of ſane memory, and in default thereof, the Heirs of ſuch perſon that is non compos mentis, within ſeven years next after the death of ſuch perſon being non compos mentis. And ſuch perſon in Priſon, or his Heirs, within ſeven years next after the ſame perſon ſhall be at liberty. And ſuch perſon beyond the Seas, or his Heirs, within ſeven years next after the return of ſuch perſon into this Realm of England, or the death of the ſaid perſon, if he ſhall before his return dye in any foreign Country, ſhall ſue, take and proſecute their Writs of Errour, as their caſes ſeverally ſhall require, for reverſing of any the ſaid Fines or Recoveries heretofore paſſed, levied or ſuffered.

What perſons may have writs of Errour to reverſe Fines or Recoveries, and in what caſes.

Provided alwayes, and be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall within the time and years afore mentioned, commence or ſue his or

A remedy for the heir, where the Anceſtor dies hanging the ſuit.

their Writs of Errour, for the reverſing of any the ſaid Fines or Recoveries heretofore paſſed, which Suit ſhall fortune to abate by the death of any the parties to the ſame: That then it ſhall and may be lawful for his and their Heirs, at any time within one year next after the ſaid ſeven years expired, to have, ſue, and take the Writ of Errour, for the reverſing of every ſuch Fine and Recovery: And, if ſuch Heir be an Infant within the age of one and twenty years, then within one year next after the full age of ſuch Infant: Any thing in this preſent Act contained to the contrary thereof in any wiſe notwithſtanding.

The day and year ſhall be certified of the knowledge of a Fine or warrant of Atturney, for the ſuffering of a Recovery.

And be it further enacted by the authority of this preſent Parliament, That every perſon that ſhall at any time hereafter take the knowledge of any Fine or Warrant of Atturney of any Tenant or Vouchee, for ſuffering any common Recovery, or ſhall certifie them or any of them, ſhall with the Certificate of the Concord or Warrant of Atturney, certifie alſo the day and year wherein the ſame was knowledged: And that no perſon that taketh any ſuch knowledge of any Fine or Warrant for any Recovery, ſhall be bounden, or by any means inforced to certifie any ſuch knowledge or warrant, except it be within one year next after the ſaid knowledge taken. And that no Clerk or Officer ſhall receive any Writ of Covenant, or Writ of Entry, whereupon any Fine or common Recovery is hereafter to paſſe, unleſſe the day of the knowledge of the ſame Fine and Warrant ſhall appear in or by ſuch Certificate, upon pain, that every Clerk that ſhall receive any ſuch Writ, ſhall forfeit for every time that he ſhall ſo offend, the ſum of five pounds. And that no Atturnment in or upon any Fine be entred upon Record, except the party mentioned to attùrn therein, firſt have appeared in the Court in perſon, or by Atturney warranted by the hand of one of the Juſtices of the one Bench or the other, or of one Juſtice of Aſſiſe, upon a Writ of Quid juris clamat, Quem Reditum reddit, or Per quæ ſervitia, as the caſe requireth: And that every Entry of Atturnment hereafter to be made, where there ſhall be no appearance, as afore is ſaid, ſhall be utterly void, and of none effect, without any Writ of Errour, or other means to be uſed for the avoiding thereof.

Cro, Fl,

Atturnment upon a Fine.

The Office of Inrolments of Writs for Fines and Recoveries.

And be it further enacted by the authority aforeſaid, that there ſhall be for ever one Office for the Inrolment aforeſaid, which ſhall be and continue an Office for ever, called the Office of Inrolment of Writs for Fines and recoveries: And that the Juſtices of the Common Pleas for the time being (other than the chief Juſtice) ſhall have and take the care and charge of and for the Inrolments aforeſaid, and ſhall have and enjoy the ſaid Office, and the diſpoſition thereof, and carefully ſee and look to the execution thereof: and in conſideration of their charges, pain and travel there, ſhall have and take the ſums of money hereafter following, and no more: That is to ſay, for the Inrolment and examination of every Fine, and the parts thereof before mentioned, the ſum of ſix ſhillings eight pence. And for the Inrolment of the ſaid parts of every Recovery, and the examination thereof, ſix ſhillings eight pence. And for every Exemplification of the Inrolment of any Fine, five ſhillings. And for the exemplification and Returns of every Writ of Entry, Summons and Warrantizands, and Warrants, five ſhillings. And for the ſearch of the Rolls of one year, four pence. And for the Copy of one Sheet of paper containing fourteen Lines, four pence. And that the ſaid Juſtices, or one of them, ſhall examine the Inrolments of every ſuch Fine and parts of Recoveries, and forthwith, after examination thereof, and immediately after the Inrolment of every ſuch Fine and parts of Recoveries, write his name that ſo examineth with his own hand in the Roll thereof, upon pain, that the ſaid Juſtices ſhall forfeit to our Soveraign Lady, the Queens Majeſty, the ſum of five pounds, for every time that they, or ſome one of them, ſhall make default of ſuch Examination, or writing of his, or their name, as afore is ſaid. And that it ſhall and may be lawful to, and for the Juſtices of the ſaid Court of Common Pleas, from time to time, to take order in all things that ſhall be convenient and needful for the Inrolments aforeſaid. And upon examination in the ſaid Court, to aſſeſſe ſuch Fine or Amerciament upon any Clerk, Sheriff, Deputy, Atturney, and other perſon, for his and their Miſpriſion, Contempt, and Negligence, for not doing or miſdoing in any thing, of, in, or concerning the ſaid Fines and Recoveries, or any part of them, or either of them, as by the ſaid Juſtices of the ſaid Court of Common Pleas for the time being, ſhall be thought meet and convenient: The ſaid Fine and Amerciament to be eſtreated amongſt other Fines and Amerciaments of that Court, where ſuch offence or miſpriſion ſhall be committed.

The fees for Inrolment of Fines and Recoveries.

The Juſtices may aſſeſſe Fines for miſpriſion, contempt, negligence.

A Table containing the content of every Fine, ſhall be ſet up in the Common Pleas, and at every Aſſiſes.

And be it further enacted by the authority of this preſent Parliament, That the Chirographer of Fines of the Common Pleas for the time being, for ever ſhall write and make, or cauſe to be written and made for every County, where her Majeſties Writ runneth, one Table wherein ſhall be contained ſuch contents of every Fine that ſhall paſſe in any one Term, as hereafter is mentioned: that is to ſay, the name of the County wherein the Tenements mentioned in any Fine be, the name of every Plaintiff and Deforciant, and of every Manor named in the Fine, if any ſuch be, and of the Towns and Places where the Tenements in ſuch Fine compriſed do lie. And the firſt day of the next Term after the ingroſſing of every ſuch Fine ſhall fix every of the ſaid Tables upon ſome open place in the Court of Common Pleas, and ſo every day of the ſaid Term, during the time of ſitting of the ſaid Court: And that the ſaid Chirographer ſhall deliver to every Sheriff of every County, his under-ſheriff or deputy, fair written in parchment, a perfect content of the table ſo to be made for that Shire, in the Term that ſhall next before the Aſſiſes be holden in the ſaid County, or elſe where between that Term and the ſaid Aſſiſes. And that every ſuch Sheriff, to whom ſuch parchments, with the contents aforeſaid, ſhall be delivered the firſt day of the next Aſſiſes after the delivery thereof unto him, and every day during the ſaid Aſſiſes ſhall fix and ſet up the ſame writing undefaced in ſome open place in the Court, where the Juſt. of the Aſſiſe of that

County ſhall ſit and ſhall ſee the ſame open place in the Court, where the Juſtices ſhall ſit there in Court, upon pain, that every Chirographer and Sheriff offending againſt any thing in this Act contained, ſhall forfeit to our Soveraign Lady the Queens Majeſty, the ſum of five pounds: the one moyety whereof ſhall be to the Queens Majeſty, her Heirs and Succeſſors, and the other moyety to him or them that will ſue for the ſame in any Court of Record, wherein no Eſſoine, Protection, or wager of Law ſhall be allowed. And that the Chirographer for the time being, ſhall have and take for every ſuch content of every Fine ſo ſet down in the Table aforeſaid, four pence.

The Chirographers fee for writing the content of a Fine.

And foraſmuch as upon great examination it appeareth, that divers Fines and Recoveries have been heretofore levied and ſuffered of divers Manors, Meſſuages, Lands, Tenements, and Hereditaments which ſometime were the Inheritance of George ſometimes Earl of Kent, great Grandfather to Henry now Earl of Kent, in uſe, poſſeſſion, reverſion or remainder, whereunto the ſaid now Earl of Kent pretendeth title, in uſe, poſſeſſion, reverſion or remainder, which if they be erronious, as is pretended, do much vary from the general cauſe and miſchief, for which this Statute meaneth to provide: Be it therefore enacted by the authority aforeſaid, That neither this Statute, nor any thing therein contained, ſhall extend to take away any Writ of Errour, whereunto any perſon or perſons is now, or hereafter ſhall be, lawfully intituled, for the reverſing of the ſaid Fines and Recoveries, or any of them, heretofore levied or ſuffered of any of the ſaid Manors, Meſſuages, Lands, Tenements or Hereditaments, which late were any part or parcel of the Inheritance of the ſaid George, ſometime Earl of Kent, in uſe, poſſeſſion, reverſion or remainder: Any thing in this Statute contained to the contrary thereof in any wiſe notwithſtanding.

The Earl of Kent his Title.

Provided alwayes, and be it enacted by the authority aforeſaid, That it ſhall be lawful for the Juſtices Clerks, authorized by their warrant in the ſaid ſeveral Offices and Places where the ſame Records, or any of them do or ſhall remain, to write out or inrol the ſame Records, and every part thereof, without any thing to be paid therefore. And that the ſaid Records, nor any of them, for the writing out, or making the Rolls thereof by the Clerks of the ſaid Juſtices, otherwiſe than for the examination thereof by the Juſtices, ſhall be brought or carried forth of the ſaid Offices or Places.

The Records ſhall not be carried forth of the Office.

And be it further enacted by the authority aforeſaid, That none of the Fines or Recoveries heretofore levied, paſſed or ſuffered, which ſhall be exemplified under the Great Seal, according to the form of this Act, ſhall after ſuch exemplification had, be in any wiſe amended,

27 Eliz. 9.

No amendment of fines, &c. after exemplication.

CAP. IV.

The Queen ſhall and may, as need ſhall require, by Commiſſion under the Great Seal, give authority to certain Commiſſioners, in all and every the Counties of Northumberland, Cumberland, Weſtmerland, and the County Palatine of Durham, or in any one of them, to enquire what Tenancies, and Houſes of Habitation, ſithence Anno 27 H. 8. be decayed, and not occupied by men able to ſerve as Horſemen or Footmen, according to the ancient duty of thoſe Tenancies, and to examine the probable cauſes of thoſe Ruines, and of all the wants and evil furnitures of the ſaid Horſemen and Footmen: and to give order for the reformation thereof with all ſpeed, for the defence of the Frontiers toward Scotland. EXP. & REP. 4 Jac. 1.

CAP. V.

Woods growing within a certain compaſſe of London, or Thames, ſhall not be felled to be converted to Coals for making of Iron works: In what places Iron works ſhall be erected.

Whereas by reaſon of the late erection of ſundry Iron Mills in divers places of this Realm, not far diſtant from the City of London, and the Suburbs of the ſame, or from the Downs and Sea-Coaſts of Suſſex, the neceſſary proviſion of Wood, as well Timber fit for building, and other uſes, as alſo all other fellable Wood ſerving for Fewel, doth daily decay and become ſcant, and will in time to come become much more ſcarcer, by reaſon whereof the prices are grown to be very great and unreaſonable, and in time to come will be much more, if ſome remedy be not provided, to the great damage not onely of the Inhabitants of the ſaid City of London, and the Suburbs of the ſame, but alſo to all others the Queens Majeſties moſt loving Subjects, having occaſion daily from all parts of the Realm to repair unto the ſame and the places abovesaid. For remedy whereof, Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament here aſſembled, and by the authority of the ſame, That no perſon or perſons from and after the Feaſt day of the Nativity of Saint John the Baptiſt next coming, ſhall convert or imploy, or cauſe to be converted or imployed to Coal or other Fewel, for the making of Iron, or of Iron metal in any Iron Mills, Furnace or Hammer, any manner of Wood, or Underwood now growing, or which hereafter ſhall grow within the compaſſe and precinct of two and twenty miles from and about the City of London, or the Suburbs of the ſame, or within two and twenty miles of the River of Thames from Dorcheſter in the County of Oxford downwards the ſaid River of Thames, nor within four miles of the foot of the Hills called the Downs, betwixt Arundel and Pemſey, in the County of Suſſex, nor within four miles of any of the Towns of Winchelſey and Rye, nor within two miles of the Town of Pemſey, nor within three miles of the Town of Haſtings in the ſaid County, upon pain to forfeit for every load of wood ſo to be imployed or converted into Coal or other Fewel for the making of Iron or Iron metal, in any Iron-Mill, Furnace or Hammer, as is aforeſaid, forty ſhillings of lawful money of England: the one half of all which forfeitures to be to our Soveraign Lady the Queens Majeſty, and to her Heirs and Succeſſors; and the other moyety to him or them that will ſue for the ſame, by original writ, bill, plaint or information, wherein no Eſſoine, Protection or Injunction, or wager of Law ſhall be admitted or allowed.

Iron mills the great decay of Wood.

Woods growing in certain places ſhall not be converted into Coal for the making of Iron

Woods growing in the Wilds of Surrey, Suſſex, and Kent.

Provided alwayes, That this Act ſhall not extend to any woods growing or to grow in any ſuch part of the Weilds of Surrey, Suſſex, or Kent, within the ſaid twenty two miles of the ſaid City of London, and the River of Thames, as is diſtant above eighteen miles from the City of London, and eight miles from the ſaid River of Thames.

New Iron-works.

And be it likewiſe further Enacted, That from henceforth no new Iron-works ſhall be erected within twenty two miles of the ſaid City of London, nor within fourteen miles of the River of Thames, nor within four miles of the Downs aforeſaid, or of the ſaid Towns of Peniſey, Wincheiſey, Haſtings, or Rye, upon pain of one hundred pounds of lawful money of England, likewiſe to be recovered and employed as is aforeſaid.

The Woods of Chriſtopher Darrell.

Provided alſo, That this Act, nor any thing therein contained, ſhall extend to any woods or underwoods now ſtanding or growing, or which hereafter ſhall ſtand or grow in or upon any lands of Chriſtopher Darrell Gentleman, in the Pariſh of Newdigate, within the Weild of the County of Surrey; which woods of the ſaid Chriſtopher have heretofore been, and be by him preſerved and coppiſed for the uſe of his Iron-works in thoſe parts. Stat. 1 El. 15. 27 El. 19.

CAP. VI.

For every Ship, Veſſel or Crayer, whereof any of the Queens Subjects ſhall be owners, or part-owners, of the burden of twenty Tuns or upward, loading or diſcharging within this Realm, and paſſing to and from any forain Countrey, during eight years, there ſhall be paid for every ſuch Voyage by the Maſter or Owner of ſuch Ship, &c. three pence for every Tun of Burden of every ſuch Ship, &c. (except Veſſels laden with Sea-Coals or Grindſtones) toward the repair of Dover Haven; and for every Chaldron of Sea-Coal or Grindſtone, one peny half-peny. EXP. 31 Eliz. 13. 35 Eliz. 7. 39 Eliz. 18. 43 El. 9. 1 Jac. 32.

CAP. VII.

It ſhall not be lawful to any Engliſh-man or woman, or Denizen, to go or ſend into any other forain Countrey, for the buying or bringing into this Realm any ſalted Fiſh, or ſalted Herring, nor to make agreement with any ſtranger or other, for ſuch bringing of ſalted Fiſh, &c. And no ſalted Fiſh, or &c. ſhall be brought hither out of any forain Dominion, but by the owners thereof, being aliens, without the procurement of any of the Queens Subjects. REP. 39 El. 10. 33 H. 8. 2. 27 El. 15. 13 El. 11.

CAP. VIII.

Penalty for uſing deceit by mixture in melting of Wax, &c.

Deceits uſed in mixture of Wax and Honey.

Where by the goodneſſe of God this Land doth yield great plenty of Honey and Wax, as not onely hath and doth ſuffice the neceſſary uſes of the Queens Majeſty and her Subjects, to be ſpent within this Realm, but alſo a great quantity to be ſpared, to be tranſported unto the Realms and Countries beyond the Seas, by way of Merchandize, to the great benefit of her Majeſty and the Realm; and yet nevertheleſs, a great part of the Wax made and melted within this Realm, hath been found to be of late very corrupt, by reaſon of the deceitful mixture thereof, and the makers and ſellers of Honey alſo have not only uſed to put the ſaid Honey in Cask of deceitful aſſize, but have uſed alſo deceitful mixtures of the ſame: Be it therefore enacted by the authority of this preſent Parliament, That every perſon within this Realm, or the Dominions of the ſame, which ſhall after the Feaſt of Pentecoſt next enſuing, in the making and melting of Wax, by any way or means uſe or practice, or cauſe to be uſed and practiſed any manner of deceit by mixture and mingling the ſame with Roſin, Tallow, Turpentine, or any other deceitful thing, to the intent to ſell and utter the ſame, or offer the ſame to be ſold or uttered for Wax, to any perſon or perſons whatſoever, ſhall forfeit and loſe the ſame mingled or corrupted Wax. And if the ſame corrupted Wax ſhall happen to be ſold, before ſuch fault and corruption ſhall be found, that then the ſaid Melter, Mingler or corrupter, cauſer or procurer thereof, ſhall forfeit for every pound two ſhillings, whereof the one half to the Queens Majeſty, the other half to the party deceived, if he will ſue for it, or any other perſon or perſons that will ſue for the ſame, in any the Queens Majeſties Courts of Record.

The forfeiture for uſing deceit by mixture in melting of Wax.

And to the intent that the offendors in theſe kinds of deceits, may be the better and ſooner known and found out: Be it Enacted by the authority aforeſaid, That every Melter and Maker up of unwrought Wax, ſhall have for himſelf a Stamp or Mark, of the breadth of ſix pence, wherein two letters ſhall be plainly graven, ſignifying his name and ſirname; and with the ſame ſhall ſtamp every piece of Wax, to be printed or ſtamped triangle, in three places upon the outſide of the upper part of every piece ſo melted & caſt, upon the pain to forfeit the value of every piece or Cake ſold or offered to be ſold, and not ſo ſtamped or marked.

Every Melter of Wax ſhall have a mark.

And be it further Enacted by the authority aforeſaid, That no manner of perſon ne perſons within this Realm, or the Dominions thereof, ſhall from the ſaid Feaſt of Pentecoſt, melt, mix, work, or ſell any manner of wrought Wax, Stuff, or Wares wrought with Wax, as in Lights, Staffe-torches, red Wax, or ſealing Wax, Book-candle, Searing-candle, ſearing of dead Corps, Links, green Wax, red Wax, or any other work or thing whatſoever, to be done or wrought with Wax to be put to ſale, but with good, wholſome, pure, and convenient ſtuffe, meet in ſuch Wares or work in convenient quantity to be uſed. And that every perſon or perſons that ſhall work or ſell ſuch ſtuff, or wares of Wax, have a Mark, Stamp, or Seal, to ſet on his or their work, by him or them wrought, or ſold, to the intent, that if any deceit be uſed or done, it may be known who were the workers thereof, and ſuch perſon or perſons as ſhall be found or known to work, or ſell, or to ſale put any ſuch falſe Wax, or wares wrought with Wax to be put to ſale, ſhall forfeit and loſe the ſame corrupted or deceitful Wax and Wares, the one half to be to the Queens Majeſty, her Heirs and Succeſſors, and the other to the party deceived, if he ſhall ſue for the ſame; or otherwiſe to him or them that will ſue for the ſame by Action of Debt, Bill, Plaint, or Information, in any the Queens Majeſties Courts of Record, wherein no Eſſoyn, Protection or Wager of Law ſhall be allowed.

Wrought Wax ſhall be good ſtuff, and marked with a ſtamp or Seal.

And be it further Enacted by the authority aforeſaid, That every perſon and perſons whoſoever, which after the Feaſt of Pentecoſt aforeſaid, ſhall ſell or offer to be ſold, any corrupted and falſe mingled Wax, ſhall loſe and forfeit the ſaid Wax: The one moiety thereof to be to the Queens Maieſty, and the other to the party deceived, if he ſhall ſue for the ſame; or otherwiſe, to him or them that will ſue for the ſame, as is aforeſaid. And that all Barrels, Kilderkins and Firkins filled with honey, by the maker and filler, ſhall be marked with two letters ſtanding for his name and ſirname, each letter of an inch and a half of length at the leaſt, burnt upon the head of the Cask with a hot iron, upon the pain to forfeit ſix ſhillings eight pence, for every Barrel, Kilderkin, Firkin or Cask, ſold or offered to be ſold, and not ſo marked: and that if any perſon or perſons do, or ſhall, after the four and twentieth day of Auguſt next coming, after the end of this Seſſion of Parliament, fill and ſell, or cauſe to be filled or ſold, or offered to be ſold, any Barrel, Kilderkin or Firkin with honey, for or in the name of a Barrel, Kilderkin or Firkin, containing leſs than two and thirty Wine Gallons the Barrel; ſixteen Wine Gallons the Kilderkin; and eight Wine Gallons the Firkin: every perſon and perſons ſo offending, ſhall forfeit and loſe for every half Gallon ſo lacking, five ſhillings of Engliſh money: And every perſon and perſons, that ſhall corrupt the honey ſo ſold or to be ſold, with any deceitful mixture, ſhall forfeit the Barrel or Veſſel, and Honey therein contained: the one moiety whereof to be to our Soveraign Lady the Queens Majeſty, and the other to him or them that will ſue for the ſame, as aforeſaid.

The forfeiture of him that will work or ſell wrought Wax corrupted.

Veſſels of honey ſhall be marked with two letters.

The content of every Veſſel for honey to be ſold.

The penalty for corrupting of honey.

Provided alwayes, That this Act as touching the marking of Wax, ſhall not extend to any perſon or perſons, ſelling the Wax of their own Bees in open Market, in ſmall pieces, nor to any ſervant or ſervants, or other perſons, mingling or corrupting any Wax, by commandment of their Maſter or other perſon having authority over them, ſo as they will confeſs the ſame.

Selling Wax of their own Bees.

And be it further Enacted by the authority aforeſaid, That if any perſon or perſons, ſhall at any time hereafter counterfeit any the marks above-mentioned, or ſhall ſet to the mark or marks of any other perſon or perſons, without the conſent of the ſame perſon or perſons, whoſe names the ſaid marks ſhall ſignifie, that every ſuch offendor in the premiſſes, ſhall forfeit for every ſuch default v. li. The one moiety thereof to be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the party deceived, if he will ſue for the ſame; or otherwiſe to any other perſon or perſons that ſhall ſue for the ſame, by bill, action, or information, in any the Queens Majeſties Courts of Record, wherein no Eſſoyn, Protection or Wager of law ſhall be admitted or allowed for the Defendant. And for non-ſufficiency of payment thereof, to be ſet on the Pillory, in the next Market Town to the place where ſuch offence ſhall be committed, and to ſuffer three moneths impriſonment, without bail or mainpriſe, for every offence committed contrary to this article of this preſent Act.

The penalty for counterfeiting of marks, or marking with anothers mark.

CAP. IX.

Logwood and Blockwood ſhall not be uſed in dying of Cloth, &c.

Whereas of late years there hath been brought into this Realm of England, from beyond the Seas, a certain kind of Ware or Stuffe called Logwood, alias Blockwood, wherewith divers Dyers, Clothiers, Hat-makers and others, have and do die daily, divers broad Clothes, Kerſies, Woolls, Penneſtones, Bayes, Cottons, Hoſe-yarn, Hats, Caps, Flannels, Woodmalls, Mockadoes, Raſhes, Buffins, tuft Mockadoes, and other things, Foraſmuch as the colours made with the ſaid ſtuff called Logwood, alias Blockwood, is falſe and deceitful, and the Clothes and other things therewith dyed, are not onely ſold and uttered, to the great deceit of the Queens loving Subjects within this her Realm of England, but alſo beyond the Seas, to the great diſcredit and ſlander, as well of the Merchants, as the Dyers of this Realm.

For reformation whereof, be it ordained, enacted, and eſtabliſhed, by the Queen our Soveraign Lady, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all ſuch Logwood, alias Blockwood, in whoſe hands ſoever the ſame ſhall be found, after the Feaſt of St. Michael the Archangel next enſuing, ſhall be forfeited, and openly burned by authority of the Mayor or other head-Officer of the City or Town corporate, or of two Juſtices of Peace of the County where it ſhall be found, and that from and after twenty days after the end of this Seſſion of Parliament, no perſon of what degree ſoever he be, ſhall dye, or cauſe to be dyed, any Cloth, Wooll, or any other of the premiſes above mentioned, or any thing whatſoever, with any of the ſaid Ware or Stuff called Logwood, alias Blockwood, upon pain that the Dyer of every ſuch ſeveral thing ſo dyed, ſhall forfeit the value of the thing ſo dyed, the one moiety to the uſe of the Queens Majeſty, her Heirs or Succeſſors, and the other moiety to him that will ſue for the ſame, by action of debt, bill, plaint, or information, in any Court of Record, in which ſuit, no eſſoyne, protection, wager of Law, nor writ of priviledg for the Defendant, ſhall be admitted or allowed: and the party offending, being thereof convicted, to remain in priſon without bail or mainpriſe, till he have ſatisfied the ſame value.

Logwood ſhall be forfeited, openly burned, and no cloth or wooll ſhall be dyed therewith.

And where Clothes, Kerſies, and Hoſen have been dyed with a colour which is commonly called a galled and mathered black, or with a color commonly called a ſhoomake and mathered black, which colors, although they carry a ſhew of a good, true and perfect color of woaded and mathered black, & of ſuch as do buy the ſaid colors, either in Cloth, Kerſie, or Hoſe taken ſo to be notwithſtanding in proof and wearing prove contrary to the great deceit of the Queens Subjects, and diſcrediting of the Cloth and other things ſo dyed: For reformation whereof, be it enacted, That no kind of Cloth or Clothes, Kerſies, Bayes, Friſadoes broad or narrow, Hoſen, or other things, being in the nature of Cloth, ſhall from hence-

forth

No cloth ſhall be mathered for black, unleſſe it be firſt grounded with Woad.

forth be mathered for a black, except the ſame be firſt grounded with Woad onely, or with woad and a nele, alias blew Inde, unleſſe the madder be put in with ſhoomake or gallis. And that from and after twenty dayes after the end of this Seſſion of Parliament no perſon of what degree ſoever, he be, ſhall dye or cauſe to be dyed any Cloth or Clothes, or other things abovelaid, of what kind or nature ſoever, mathered for a black, not having a ground of woad onely, or of woad and a nele, alias blew Inde, unleſſe the madder be put in with ſhoomake or gallis, upon pain that the Dyer of every ſuch ſeveral thing ſo dyed, ſhall forfeit the value of the ſame thing, ſo dyed, the one moiety thereof to the uſe of the Queens Majeſty, her Heirs or Succeſſors, and the other moiety to him that will ſue for the ſame, by action of debt, bill, plaint, or information, in any Court of Record; in which ſuit, no eſſoyn, protection, wager of Law, nor writ of priviledg for the Defendant, ſhall be admitted or allowed, and the party offending being thereof convicted, to remain in priſon, without bail or mainpriſe, till he have ſatisfied the ſame value.

Galle black, ſhoomake black, plain black.

Provided alwayes, That it ſhall and may be lawful to dye all manner of galle black, ſhoomake black, alias plain black wherein no mather ſhall be uſed, as heretofore lawfully hath been done: this, or any thing therein contained to the contrary notwithſtanding.

A Dyer ſhall fix a ſeal of lead to his cloth, with the letter M.

Provided alwayes, That every Dyer that ſhall after the Feaſt of Pentecoſt next enſuing the end of this Seſſion of Parliament, dye any of the ſaid Clothes, Kerſies, or Friſadoes mathered and not woaded, ſhall before he deliver any of the ſame forth of his hands, fix a Seal of Lead to every of them, in which the letter M. ſignifying Mathered, ſhall be contained, upon pain that every Dyer offending to the contrary, ſhall forfeit for every yard of the ſaid Cloth, Kerſies, Bayes, or Friſadoes, the ſum of iii.s. iiii.d. And that if any perſon ſhall ſell any Cloth, Kerſies, Bayes or Friſadoes mathered and not woaded, after the ſaid Feaſt of Pentecoſt, and ſhall not firſt give notice to the buyer thereof, that the ſame is not woaded, ſhall forfeit alſo the double value of all ſuch Cloth, Kerſies, Bayes, and Friſadoes, as he ſhall ſo ſell: which forfeitures ſhall be to the party that ſhall ſue for the ſame in any Court of Record, by action of debt, bill, plaint, or information, wherein no eſſoine, protection, or wager of Law ſhall lie. Stat. 24 H. 8.2. 39 Eliz. 11. 14 Car. 2. ca. 11.

CAP. X

Penalty for deſtroying of Pheaſants and Partridges in the night, and for hawking in eared or codded Corn growing.

Where the game of Pheaſants and Partridges is within theſe few years in manner utterly decayed and deſtroyed in all parts of this Realm by means of ſuch as take them with nets, ſnares, and other engines and devices, as well by day as by night, and alſo by occaſion of ſuch as do uſe hawking in the beginning of Harveſt, before the yong Pheaſants and Partridges be of any bigneſſe, to the great ſpoyl and hurt of Corn and Graſſe then ſtanding and growing in the fields.

The penalty for taking or killing of Pheſants, or Partridges in the night. 11 H. 7. 17.

For reformation thereof, be it enacted, eſtabliſhed, and ordained by the Queen our Sovereign Lady, the Lords, Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner of perſon or perſons, of what eſtate, degree or condition ſoever, ſhall at any time or times, from and after the firſt day of April next enſuing, take, kill, or deſtroy any Pheſants or Partridges, with any manner of nets, ſnares, gins, engins, towſting, lowſing, or other devices whatſoever, in the night time, upon pain of forfeiture for every Pheſant ſo taken, killed or deſtroyed, contrary to the true meaning of this Act the ſum of xx.s. and for every Partridg ſo taken, killed, or deſtroyed, the ſum of x.s. the which ſaid penalties and forfeitures, if every perſon or perſons ſo offending, do not pay within x. dayes next after his or their conviction, then to have one moneths impriſonment, without bail or mainpriſe; and further over and beſides ſuch forfeiture or impriſonment, to put in bond with good ſureties, for the ſpace of two years, that he ſhall not take, kill, or deſtroy any Partridges, or Pheſants, contrary to the true meaning of this Act, the ſame bond to be taken by ſome Juſtice of the Peace of the County where the ſaid offence ſhall be committed:

Who ſhall have the forfeitures, and by what means they ſhall be recovered.

the one half of all which ſaid ſeveral forfeitures to be to the chief Lord or Lords of the Liberties, Lordſhips, or Manors, upon and in which the ſame ſhall be ſo taken, killed, or deſtroyed: and the other moiety to ſuch perſon or perſons as will ſue for the ſame in any of her Majeſties Courts of Record, by, bill, plaint, or information: in which ſuit, no eſſoyn, protection, or wager of Law ſhall be allowed.

Provided alwayes, That if ſuch perſon to whom the one half of the ſaid forfeiture is appointed for the taking, killing, or deſtroying of Partridges or Pheſants, contrary to the tenour and true meaning of this Act, ſhall diſpence with, licence, or procure any taking, killing, or deſtroying of any Partridges or Pheſants, contrary to the form of this Act: That then all ſuch forfeitures, and penalties as ſuch perſon or perſons ſhould have, by vertue of this act ſhal be to the poor of the Pariſh where ſuch taking, killing, or deſtroying, ſhall be committed: and that to be levied or recovered in manner and form aforeſaid, by any one of the Church-Wardens of the Pariſh where the offences ſhall be committed.

The forfeiture for hawking in eared or codded Corn, ſtanding, or before the Corn ſhall be ſhocked.

And be it likewiſe further enacted by the authority aforeſaid, That no manner of perſon or perſons from and after the ſaid firſt day of April ſhall hawke, or with his Spaniels hunt, in any ground where Corn or other Grain ſhall then grow, (except it be in his own ground) at ſuch time as any eared or codded Corn or Grain ſhall be ſtanding and growing upon the ſame, nor before ſuch time as ſuch Corn and Grain ſhall be ſhocked, cocked, hiled, or copped, upon pain of forfeiture for every time that he ſhall ſo hawke or hunt as aforeſaid (without the conſent of the owner of the Corn or Grain) to ſuch perſon or perſons as ſhall be owner of the ſaid eared or codded Corn or Grain, xl. s. and the ſame to be levied or recovered in manner and form aforeſaid.

Provided alwayes, and be it further enacted by the authority aforeſaid, That the Juſtices of Aſſiſes in their circuits, and Juſtices of the Peace in every Shire, County and Town corporate within this Realm, in their Seſſions, within their ſeveral limits of their Commiſſion, and Stewards of Leets, Liberties, and Lawdayes, with their ſeveral Juriſdictions, ſhall and may by vertue hereof, hear, enquire and determine of all and every offence or offences, which ſhall be committed within the precinct of their Liberties, Juriſdictions, or Franchiſes, againſt the the tenor of this Act. And further, That every Juſtice of the Peace within every County of this Realm, ſhall within the limits of his Commiſſion, have power and authority by vertue hereof, to examine all offendors in the premiſſes within the County where he is or ſhall be Juſtice, if ſo be that the ſaid offence or offences ſhall not before be heard or determined by the Juſtices of Aſſiſe in their circuits, or by the Stewards of Leets, Liberties, or Lawdayes, within their ſaid ſeveral Juriſdictions, and alſo take bond with good ſureties for his and their appearance that ſhall ſo offend, to appear at the next general Seſſions of the Peace, to be holden within the ſame County where the ſame offence ſhall be committed, to anſwear the ſaid offence, and to pay the penalties, or receive the puniſhment by this Act appointed or limited.

Which Officers may hear and determine the offences aforeſaid.

A Juſtice of Peace may examine an offendor and bind him to appear at the next Seſſions.

Provided alwayes, That this Act ſhall not in any wiſe extend to Lowbellers, Trammellers, or others, which ſhall unwillingly happen to take any Partridges, or Pheſants by night, under any Tramell, Lowbell, Roadnet, or other Engine, ſo as they and every of them do preſently looſe and let go every Pheſant and Partridg ſo taken and ſuffer them preſently to fly and go at large, at the place where they ſhall happen ſo to be taken without willingly killing, or wilfully hurting any ſuch Pheſant or Partridge ſo taken in any manner of ſort: Any thing in this Act contained to the contrary notwithſtanding. 1 Jac. 27. 7 Jac. 11.

Pheſants or Partridges unwillingly taken, and letten go again.

CAP. XI.

The County of Glamorgan in South-Wales, and the Town of Cardiff therein ſtanding near unto the River of Toffe, ſhall joyntly proceed together to the re-edifying of the Bridg there, viz. the County ſhall alwayes beſtow five parts of the charges, and the Town of Cardiffe one part; and ſo for every v. li. payable by the County, the Town of Cardiff and liberties ſhall ſtand charged with xx. s. and ſo from time to time, for the maintaining of the ſaid bridg, ſhall defray all ſuch charges as ſhall be neceſſary in like proportion. PR.

CAP. XII.

An addition to the Statute of 13 El. 23. touching the paving of a ſtreet without Algate, in the Suburbs of London, leading to the Queens Store-houſe of the Minories toward the Tower of London, and other places near thereunto. Every perſon that hath Lands adjoyning to the North ſide of Hog-lane, ſhall ſcour and keep ſcoured and cleanſed the ditch there againſt the ſaid lands, upon pain to forfeit to the Queen, vi, s. viii. d. for every rod not cleanſed. PR.

CAP. XIII.

A continuance for two years of certain Statutes not in print, made Anno 5. 8. & 14 Eliz. touching the inning and fencing of Earith, Lyſnes, and Plumſted Marſh, in the County of Kent, And ſome further benefits granted to the Inners. PR. 27 Eliz. 27. 4 Jac. 8.

CAP. XIV.

A confirmation of a Subſidy of vi. s. viii. d in the pound, granted to the Queen by the Clergy, to be paid in three years, EXP.

CAP. XV.

A Grant of a Subſidy and two Fifteens to the Queen by the Temporalty. EXP.

CAP. XVI.

A confirmation of the Queens general and free Pardon: Except. &c. EXP.

Anno viceſimo ſeptimo Reginæ Elizabethæ.

AT the Parliament begun and holden at Weſtminſter, the three and twentieth day of November, in the ſeven and twentieth year of the Reign of our moſt gracious Soveraign Lady, ELIZABETH, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the nine and twentieth day of March following. To the high pleaſure of Almighty God, and the weal-publick of this Realm, were enacted as followeth.

CAP. I.

Four and twenty perſons at the leaſt, whereof part of the Queens Privy Councel, and the reſidue, being Peers of the Realm, by the Queens Commiſſion ſhall examine the offences of ſuch as ſhall make any open invaſion or rebellion within this Realm, or attempt hurt to the Queens Perſon, by, or for any pretending title to the Crown: who after Judgment given and publiſhed by Proclamation, ſhall be diſabled to have, or pretend title to the Crown. And thereupon every perſon ſhall be purſued to death by all the Queens Subjects, by whom, or whoſe means, aſſent or privity, any ſuch rebellion ſhall be denounced to be made, or other thing attempted, compaſſed or imagined againſt the Queens Perſon. If any act ſhall be executed, whereby the Queens life ſhall be ſhortned, the offendors ſhall be proſecuted to death, and diſabled to pretend title to the Crown: The meaning of the aſſociation was to the effect aforeſaid. EXP.

CAP. II.

Jeſuits and Prieſts in England ſhall depart, and none ſhall come into this Realm. The penalty for relieving them, &c.

WHereas divers perſons, called or profeſſed Jeſuits, Seminary Prieſts, and other Prieſts, which have been, and from time to time are made in the parts beyond the Seas, by or according to the order and rites of the Romiſh Church, have of late comen and been ſent, and daily do come and are ſent into this Realm of England, and other the

The cauſes why Jeſuits and Prieſts do come into this Realm.

the Queens Majeſties Dominions, of purpoſe (as it hath appeared), as well by ſundry of their own examinations and confeſſions, as divers other manifeſt means and proofs) not only to withdraw her Highneſs Subjects from their due obedience to her Majeſty, but alſo to ſtir up and move ſedition, rebellion, and open hoſtility within the ſame her Highneſs Realms and Dominions, to the great indangering of the ſafety of her moſt royal Perſon, and to the utter ruine, deſolation and overthrow of the whole Realm, if the ſame be not the ſooner by ſome good means foreſeen and prevented.

All Jeſuits and Prieſts ſhall depart forth of the Realm.

For reformation whereof, be it ordained, eſtabliſhed, and enacted by the Queens moſt excellent Majeſty, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame Parliament, That all and every Jeſuits, Seminary Prieſts, and other Prieſts whatſoever, made or ordained out of the Realm of England, or other her Highneſs Dominions, or within any of her Majeſties Realms or Dominions by any authority, power or juriſdiction, derived, challenged, or pretended from the See of Rome, ſince the Feaſt of the Nativity of Saint John Baptiſt, in the firſt year of her Highneſs Reign, ſhall within forty dayes next after the end of this preſent Seſſion of Parliament, depart out of this Realm of England, and out of all other her Highneſs Realms and Dominions, if the wind, weather and paſſage ſhall ſerve for the ſame: or elſe ſo ſoon after the end of the ſaid Forty days, as the wind, weather and paſſage ſhall ſo ſerve.

No Jeſuits or Prieſts ſhall come into, or remain in this Realm.

And be it further Enacted by the authority aforeſaid, That it ſhall not be lawful to or for any Jeſuit, Seminary Prieſt, or other ſuch Prieſt, Deacon, or Religious or Eccleſiaſtical perſon whatſoever, being born within this Realm, or any other her Highneſs Dominions, and heretofore ſince the ſaid Feaſt of the Nativity of Saint John Baptiſt, in the firſt year of her Majeſties Reign, made, ordained, or profeſſed, or hereafter to be made, ordained, or profeſſed, by any authority or juriſdiction, derived, challenged, or pretended from the See of Rome, by or of what name, title or degree ſoever the ſame ſhall be called or known, to come into, be, or remain in any part of this Realm, or any other her Highneſs Dominions, after the end of the ſame Forty dayes, other than in ſuch ſpecial caſes, and upon ſuch ſpecial occaſions onely, and for ſuch time only as is expreſſed in this Act: and if he do, that then every ſuch offence ſhall be taken and adjudged to be high Treaſon, and every perſon ſo offending, ſhall for his offence be adjudged a Traytor, and ſhall ſuffer, loſe and forfeit, as in caſe of high Treaſon.

Receiving or relieving a Jeſuit or Prieſt ſhall be Felony.

And every perſon, which after the end of the ſame Forty dayes, and after ſuch time of departure, as is before limited and appointed, ſhall wittingly and willingly receive, relieve, comfort, ayd, or maintain any ſuch Jeſuit, Seminary Prieſt, or other Prieſt, Deacon, or Religious or Eccleſiaſtical perſon, as is aforeſaid, being at liberty, or out of hold, knowing him to be a Jeſuit, Seminary Prieſt, or other ſuch Prieſt, Deacon, or Religious or Eccleſiaſtical perſon, as is aforeſaid, ſhall alſo for ſuch offence be adjudged a Felon, without benefit of Clergy, and ſuffer death, loſe and forfeit, as in caſe of one attainted of Felony.

They which be in Seminaries, ſhall after Proclamation return and take the Oath.

And be it further enacted by the authority aforeſaid, If any of her Majeſties Subjects (not being a Jeſuit, Seminary Prieſt, or other ſuch Prieſt, Deacon, or Religious or Eccleſiaſtical perſon, as is before mentioned) now being, or which hereafter ſhall be of, or brought up in any Colledge of Jeſuits or Seminary already erected and ordained, or hereafter to be erected or ordained in the parts beyond the ſeas, or out of this Realme in any forein parts, ſhall not within ſix moneths next after Proclamation in that behalf to be made in the City of London, under the great ſeal of England, return into this Realme, and thereupon within two days next after ſuch return, before the Biſhop of the Dioceſſe, or two Juſtices of Peace of the County, where he ſhall arrive, ſubmit himſelf to her Majeſty and her Laws, and take the Oath ſet forth by Act in the firſt year of her Reign: That then every ſuch perſon which ſhall otherwiſe returne, come into, or be in this Realm, or any other her Highneſſe Dominions, for ſuch offence of returning, or being in this Realm, or any other her Highneſſe Dominions, without ſubmiſſion, as aforeſaid, ſhall alſo be adjudged a Traytor, and ſuffer, loſe, and forfeit, as in caſe of high Treaſon.

Sending relief to any Jeſuit, Prieſt, or other perſon abiding in a Seminary.

And be it further Enacted by the authority aforeſaid, if any perſon under her Majeſties ſubjection or obedience, ſhall at any time after the end of the ſaid Forty dayes, by way of exchange, or by any other ſhift, way or means whatſoever, wittingly and willingly, either directly or indirectly convey, deliver or ſend, or cauſe or procure to be conveyed or delivered, to be ſent over the Seas, or out of this Realm, or out of any other her Majeſties Dominions or Territories into any forein parts, or ſhall otherwiſe wittingly or willingly yield, give or contribute any money or other relief, to or for any Jeſuit, Seminary Prieſt, or ſuch other Prieſt, Deacon, or Religious or Eccleſiaſtical perſon, as is aforeſaid, or to or for the maintenance or relief of any Colledg of Jeſuits or Seminary, already erected or ordained, or hereafter to be erected or ordained in any the parts beyond the Seas, or out of this Realm in any forein parts, or of any perſon then being of or in the ſame Colledges or Seminaries, and not returned into this Realm with ſubmiſſion, as in this Act is expreſſed, and continuing in the ſame Realm: That then every ſuch perſon ſo offending, for the ſame offence ſhall incur the danger and penalty of Præmunire, mentioned in the Statute of Præmunire, made in the ſixteenth year of the reign of King Richard the ſecond.

16 R. 2. 5.

None ſhall ſend his child or other, beyond the Seas without licence. EXP. 3 Jac. 5.

And be it further Enacted by the authority aforeſaid, That it ſhell not be lawful for any perſon of, or under her Highneſs obedience, at any time after the ſaid Forty dayes, during her Majeſties life (which GOD long preſerve) to ſend his or her child, or other perſon, being under his or her government, into any the parts beyond the Seas, out of her Highneſſe obedience, without the ſpecial licence of her Majeſtie, or of four of her Highneſſe Privy Councel, under their hands in that behalf firſt had or obtained (except Merchants, for ſuch onely as they or any of them ſhall ſend over the Seas, onely for or about his, her, or their trade of Merchandize, or to ſerve as Mariners, and not otherwiſe) upon pain to forfeit and loſe for every ſuch their offence, the ſum of one C. li.

Where the offences committed againſt this Act ſhall be enquired of and determined.

And be it alſo enacted by the authority aforeſaid, That every offence to be committed or done againſt the tenor of this Act, ſhall and may be enquired of, heard and determined, as well in the Court commonly called the Kings Bench in the County where the ſame Court ſhall for the time be, as alſo in any other county within this Realm, or any other her Highneſſe Dominions, where the offence is or ſhall be committed, or where the offendor ſhall be apprehended and taken.

Tranſporting of Jeſuits, Prieſts, &c.

Provided alſo, and be it enacted by the authority aforeſaid, that it ſhall and may be lawful for and to every owner and maſter of any Ship, Bark, or Boat, at any time within the ſaid forty dayes or other time before limited for their departure, to tranſport into any the parts beyond the Seas any ſuch Jeſuit, Seminary Prieſt, or other ſuch Prieſt aforeſaid, ſo as the ſame Jeſuit, Seminary Prieſt, or other Prieſt aforeſaid ſo to be tranſported do deliver unto the Mayor or other chief Officer of the Town, Port or place where he ſhall be taken in to be tranſported, his name, and in what place he received ſuch order, and how long he hath remained in this Realm, or in any other her Highneſſe Dominions, being under her obedience.

A Jeſuit or Prieſt ſubmitting himſelf, and taking the Oath, and obeying the Laws.

Provided alſo, that this Act or any thing therein contained, ſhall not in any wiſe extend to any ſuch Jeſuit, Seminary Prieſt, or other ſuch Prieſt, Deacon, or Religious or Eccleſiaſtical perſon, as is before mentioned, as ſhall at any time within the ſaid forty dayes, or within three dayes after that he ſhall hereafter come into this Realm, or any other her Highneſſe Dominions, ſubmit himſelf to ſome Archbiſhop or Biſhop of this Realm or to ſome Juſtice of Peace within the County where he ſhall arrive or land, and do thereupon truely and ſincerely before the ſame Archbiſhop, Biſhop, or ſuch Juſtice of Peace, take the ſaid Oath ſet forth in Anno primo, and by writing under his hand confeſſe and acknowledge, and from thenceforth continue his due obedience unto her Highneſſe Laws, Statutes, and ordinances made and provided, or to be made or provided in cauſes of Religion.

Provided alwayes, if it happen at any time hereafter, any Peer of this Realm to be indicted of any offence made treaſon, felony, or Præmunire, by this Act, that he ſhall have his tryal by his Peers, as in other caſes of treaſon, felony, or Præmunire is accuſtomed.

Provided nevertheleſſe, and it is declared by authority aforeſaid, that if any ſuch Jeſuit, Seminary Prieſt, or other Prieſt abovesaid, ſhall fortune to be ſo weak or infirm of body, that he or they may not paſſe out of the Realm by the time herein limited without imminent danger of life, and this underſtood as well by the corporal Oath of the party, as by other good means, unto the Biſhop of the Dioceſſe, and two Juſtices of Peace of the ſame County where ſuch perſon or perſons do dwell or abide, That then and upon good and ſufficient bond of the perſon or perſons, with ſureties of the ſum of C C. li at the leaſt, with condition that he or they ſhall be of good behaviour towards our Sovereign Lady the Queen, and all her liege people, then he or they ſo licenced and doing as is aforeſaid, ſhall and may remain and be ſtill within this Realm, without any loſſe or danger to fall on him or them by this Act, for ſo long time as by the ſame Biſhop and Juſtices ſhall be limited and appointed ſo as the ſame time of abode exceed not the ſpace of ſix months, at the moſt: And that no perſon or perſons ſhall ſuſtain any loſſe, or incurr any danger by this Act, for the receiving or maintaining of any ſuch perſon or perſons ſo licenſed, as is aforeſaid, for and during ſuch time only as ſuch perſon or perſons ſhall be ſo licenſed to tarry within this Realm: Any thing contained in this Act to the contrary notwithſtanding.

One knowing a Jeſuit or Prieſt to remain in the Realm, doth not diſcover it to a Juſtice of Peace.

And be it alſo further enacted by authority aforeſaid, that every perſon or perſons being ſubjects of this Realm, which after the ſaid forty dayes ſhall know and underſtand that any ſuch Jeſuit, Seminary Prieſt, or other Prieſt abovesaid, ſhall abide, ſtay, tarry, or be within this Realm, or other the Queens Dominions & Countries, contrary to the true meaning of this Act, and ſhall not diſcover the ſame unto ſome Juſtices of Peace or other higher Officer, within twelve dayes next after his ſaid knowledge, but willingly conceal his knowledge therein: that every ſuch offendor ſhall make fine, and be impriſoned at the Queens pleaſure, that if ſuch Juſtice of Peace, or other ſuch Officer to whom ſuch matter ſhall be ſo diſcovered, do not within eight and twenty days then next following, give information thereof to ſome of the Queens privy Councel, or to the Preſident of the Queens Councel eſtabliſhed in the North or in the Marches of Wales for the time being: That then he or they ſo offending, ſhall for every ſuch offence forfeit the ſum of two hundred marks.

And be it likewiſe enacted by the authority aforeſaid, that ſuch of the privy Councel, Preſident or Vice preſident, to whom ſuch information ſhall be made, ſhall thereupon deliver a note in writing ſubſcribed with his own hand, to the party by whom he ſhall receive ſuch information, teſtifying that ſuch information was made unto him.

All Oaths, bonds, and ſubmiſſions certified unto the Chancery.

And be it alſo enacted, That all ſuch Oaths, Bonds and ſubmiſſions, as ſhall be made by force of this Act, as aforeſaid, ſhall be certified into the Chancery by ſuch parties before whom the ſame ſhall be made, within three months after ſuch ſubmiſſion, upon pain to forfeit and loſe for every ſuch offence, C. li. of lawful Engliſh money, the ſaid forfeiture to be to the Queen, her heirs and ſucceſſors.

None ſubmitting himſelf ſhall come within ten miles of the Queen.

And that if any perſon ſo ſubmitting himſelf, as aforeſaid, do at any time within the ſpace of ten years after ſuch ſubmiſſion made, come within ten miles of ſuch place where her Majeſty ſhall be, without eſpecial licence from her Majeſty in that behalf to be obtained in writing under her hand: that then, and from thenceforth, ſuch perſon ſhall take no benefit of his ſaid ſubmiſſion, but that the ſame ſubmiſſion ſhall be void, as if the ſame had never been. 1 Jac. 4, 3 Jac. 5.

CAP. III.

The Statute of 13 Eliz. 4. making the lands and goods of Tellers, Receivers, &c. liable to the payment of the Queens debts, explained.

A queſtion ariſing upon the expoſition of the Stat. of 13 Eliz. 4.

VVHere in the Parliament holden at Weſtminſter the ii. day of April, in the xiii. year of the reign of our Soveraign Lady Queen Elizabeth, there was amongſt other things an Act made, entituled, An Act to make the lands, tenements, goods and chattels of Tellers, Receivers, &c. liable to pay their debts upon which Act ſome doubt and queſtion hath bin moved, whether the Queens Highneſſe, her heirs & ſucceſſors, might for the ſatisfaction of her and their debts and farmes, by her or their Letters Patents under the great Seal of England, make ſale of any the lands, tenements, and hereditaments, whereof her Highneſſe, her heirs and ſucceſſors, have power or authority to make ſale, by vertue of the ſame Act, after the death of ſuch accomptant or debtor, as is mentioned in this ſaid Act, or where the accompt of ſuch accomptant or debtor was not or is not made, or his or their debt known in the life time of the ſame accomptant or debtor.

Sale of the accomptants lands after his death.

For declaration and explaining whereof, Be it declared and enacted by the authority of this preſent Parliament, that the ſaid Act (of 13 Eliz. 4.) in every part thereof touching the power given by that recited Act unto her Highneſſe, her Heirs and Succeſſors, to make ſale of any the Lands, Tenements, or Hereditaments, by the ſame Act limited to be ſold, is, ſhall and ought to be expounded and intended as well in caſe where the ſale is to be made after the death of ſuch accomptant or debtor, as where it is to be made in his or their life time: and alſo as well in caſe where the accompt is made, or the debt known within eight years after the death of ſuch accomptant or debtor, as where the ſame accompt is made, or the debt known in the life time of the ſame accomptant or debtor: Any ambiguity or queſtion that hath riſen or grown, or may ariſe, grow, or be conceived upon the letter of the ſame Act to the contrary thereof in any wiſe notwithſtanding.

The accomptants debt known within eight years after his death.

Proceſſe againſt the accomptants heir before the ſale of his lands.

Provided alwayes, and be it enacted by the authority aforeſaid, that after the death of ſuch accomptant, and debtor as is mentioned in the ſaid recited Act, & before ſuch time as any the Lands, Tenements, and Hereditaments, deſcended unto the Heir of ſuch accomptant or debtor, as heir unto the ſame accomptant or debtor, ſhall be ſold, as aforeſaid, a Scire facias ſhall be awarded out of her Majeſties Court of Exchequer unto the Sheriff of the County where any ſuch Lands do lie, to garniſh the ſame heir, to ſhew cauſe why the ſame Lands, Tenements, and Hereditaments ſo to him deſcended, as aforeſaid, ſhould not be put to ſale for ſatisfaction of the ſaid debts or farms in the ſame Act mentioned, according to the tenor of the ſaid Act; whereupon if the heir do not within a convenient time upon a garniſhment or two Nichils returned, ſhew and prove unto the ſaid Court, that the Executors or Adminiſtrators of ſuch accomptant or debtor have ſufficient which ought to anſwer or be liable for the ſame debt or ferme, and whereby the ſaid debt or farme ſhall and may be duly and fully ſatisfied: That then after ten months next after ſuch two Nichils, or garniſhment returned, the ſame Lands, Tenements and Hereditaments ſhall be ſold by her Majeſty, her Heirs or Succeſſors, and the money thereof coming, diſpoſed according to the true intent and meaning of the ſaid former recited Act.

The heirs ſale good to him which is not conſenting to defraud the Queen.

And be it further enacted by the authority aforeſaid, that the ſaid recited Act, and this ſtatute of explanation alſo as touching only the ſale of any Lands, Tenements, or Hereditaments, to be made after the death of ſuch accomptant or debtor, as aforeſaid, ſhall not extend to any Lands, Tenements, or Hereditaments, which any perſon or perſons not being privy or conſenting unto any ſuch intent to defraud the Queens Majeſty, her Heirs or Succeſſors, as in the ſaid recited Act is mentioned, now have or enjoy, or have purchaſed or obtained, or before any Scire facias, ſo be awarded, as aforeſaid, ſhall have or enjoy, purchaſe or obtain bona fide, and upon good conſideration. Any thing in this Act or in the before-mentioned Act to the contrary thereof in any wiſe notwithſtanding.

To which accomptants this Stat. of explanation ſhall extend.

Provided alwayes, and be it enacted, That this Act of explanation ſhall extend only unto ſuch as have been or ſhall be Tellers, Receivers, Treaſurers, Cuſtomers, Cofferers of the houſhold, Farmors of Impoſt, Collectors, Bayliffs, Victuallers, and other Officers of receipts and accompts unto our Soveraign Lady the Queens Majeſty, her Heirs and Succeſſors, and to every of them, their heirs, executors and adminiſtrators, and to no other.

Proceſſe againſt the heir where the debt groweth in the Court of Wards or Dutchy.

Provided alſo, and be it further enacted by the authority aforeſaid, That in ſuch caſes where any accompt ſhall or ought to be made, or any debt ſhall be owing in the Courts of the Dutchy of Lancaſter, and Wards and Liveries, or in any of them: Then after the death of ſuch accomptant or debtor, as is mentioned in the ſaid former Act in any of the ſaid laſt mentioned Courts and before ſuch time as any of the lands, Tenements, or Hereditaments, deſcended unto the heir of ſuch accomptant or debtor, as heir unto the ſame accomptant or debtor, ſhall be ſold as aforeſaid, ſuch Proceſſe ſhall be awarded, as hereafter is expreſſed, that is to wit, Firſt a privy Seal commanding the ſame heir to make perſonal apperance in the Court, out of which the ſame privy Seal ſhall be awarded, to ſhew cauſe as in the writ of Scire facias to be awarded out of the exchequer is before appointed: And if the ſame heir ſhall make default at the day of the return of the ſame privy Seal, That then upon the Affidavit made that the ſame privy Seal was duly ſerved, either upon the perſon of the ſame heir, or left at the place of his or her dwelling or moſt uſual abode, an attachment with Proclamation ſhall be awarded againſt the ſame heir and ſhall be openly publiſhed and proclaimed in ſome Market Town in the County, where the ſame heir was laſt dwelling, or made his or her uſual abode, upon ſome Market day there in the time of open Maket, twenty dayes at the leaſt before the return thereof: And if upon return thereof the ſaid heir ſhall eftſoon make default, That then all things ſhall be done and executed for the ſale of the ſame lands, tenements, and hereditaments, and for the full ſatisfaction of the ſame debt or farme, in like and as large and ample manner and form to all intents and purpoſes, as before in this act is limited and appointed, in caſes where default is made upon a garniſhment, or two Nichils returned upon a Scire fac' awarded out of the ſaid Court of Exchequer.

No ſale of the heirs lands during his minority.

Provided alſo and be it likewiſe enacted, That if the heir of any accomptant or debtor before mentioned, ſhall happen to be within the age of xxi. years when any ſuch proceſſe ſhall fortune to be awarded, that then during the time of his or her nonage, this Act, or any thing therein contained ſhall not in any wiſe be extended, executed, or put in ure as touching or concerning only the ſelling of the lands, tenements, or hereditaments of any ſuch heir: Any thing in the ſame Act contained to the contrary in any wiſe notwithſtanding. And yet neverthelesse after ſuch time as any ſuch heir ſhall accompliſh the full age of twenty one years, all and ſingular the lands, tenements and hereditaments deſcended unto the ſame heir from any ſuch debtor or accomptant, as aforeſaid, ſhall at all times during the ſpace of eight years then next enſuing, be ſubject and liable to be ſold for the payment and ſatisfaction of her Majeſty, her Heirs and Succeſſors, according to the intent and true meaning of this Act, in ſuch manner and form to all intents and purpoſes, as if the ſame heir had been of full age at the time of the death of ſuch debtor or accomptant.

The heirs lands liable to ſale 8. years after he ſhall accompliſh his full age.

No ſale of lands where the accomptant hath a Quietus eſt.

Provided alwayes, and be it further enacted, that this Act or any thing therein contained ſhall not extend to the ſale of the lands, tenements, or hereditaments of any ſuch heir for or by reaſon of any accompt, debt, or farme, whereof any ſuch debtor or accomptant have, or ſhall have a Quietus eſt, or diſcharge in his or their life time. St. 39 Eliz. 7. 1 Jac. 25.

CAP. IV.

Fraudulent conveyances to defeat Purchaſers ſhall be void, and the penalty of thoſe which juſtifie them, &c.

FOraſmuch as not only the Queens moſt excellent Majeſty, but alſo divers of her Highneſſe good and loving Subjects, and Bodies politick and corporate, after conveyances obtained or to be obtained and purchaſes made or to be made of Lands, Tenements, Leaſes, Eſtates, and Hereditaments, for money or other good conſiderations, may have, incurr, and receive great loſſe and prejudice by reaſon of fraudulent and covenous conveyances, eſtates, gifts, grants, charges, and limitations of uſes heretofore made, or hereafter to be made, of, in, or out of lands, tenements, or hereditaments ſo purchaſed, which ſaid gifts, grants, charges, eſtates, uſes, and conveyances, were or hereafter ſhall be meant and intended by the parties that ſo make the ſame, to be fraudulent and covenous of purpoſe and intent to deceive ſuch as have purchaſed, or ſhall purchaſe the ſame: Or elſe by the ſecret intent of the parties, the ſame be to their own proper uſe, and at their free diſpoſition, coloured neverthelesse by a fained countenance, and ſhew of words and ſentences, as though the ſame were made bona fide, for good cauſes, and upon juſt and lawful conſiderations.

Fraudulent conveyances made to deceive purchaſers, ſhall be void.

For remedy of which inconveniences, and for the avoiding of ſuch fraudulent, fained, and covenous conveyances, gifts, grants, charges, uſes, and eſtates, and for the maintenance of upright and juſt dealing in the purchaſing of lands, tenements and hereditaments: Be it ordained and enacted by the authority of this preſent Parliament, That all and every conveyance, grant, charge, leaſe, eſtate, incumbrance, and limitation of uſe [a] or uſes, of, in, or out of any lands, tenements, or other hereditaments whatſoever, had or made any time heretofore, ſithence the beginning of the Queens Majeſties Reign that now is, or at any time hereafter to be had or made, for the intent and of purpoſe to defraud and deceive ſuch perſon or perſons, bodies politick or corporate, as have purchaſed, or ſhall afterwards purchaſe in fee ſimple, fee tail, for life, lives, or years, the ſame lands, tenements, and hereditaments, or any part or parcel thereof, ſo formerly conveyed, granted, leaſed, charged, incumbred or limited in uſe, or to defraud and deceive ſuch as have or ſhall purchaſe any rent, profit or commodity, in, or out of the ſame, or any part thereof, ſhall be deemed and taken only as againſt that perſon and perſons, bodies politick and corporate, his and their heirs, ſucceſſors, executors, adminiſtrators and aſſigns, and againſt all and every other perſon and perſons lawfully having or claiming by, from, or under them, or any of them which have purchaſed, or ſhall hereafter ſo purchaſe for money or other good conſideration, the ſame lands, tenements, or hereditaments, or any part or parcel thereof, or any rent, profit, or commodity, in or out of the ſame, to be utterly void, fruſtrate and of none effect: any pretence, color, fained conſideration, or expreſſing of any uſe or uſes to the contrary notwithſtanding.

[a] Cok. l. 3. fo 80. li. 5. f. 60. li. 6. f. 72. li 11. fol 74. Cro El. 445. Cro. Jac. 138.

Co. pla. fol. 677.

The penalty of the parties to fraudulent conveyances which do avow the ſame.

And be it further enacted by the authority aforeſaid, that all and every the parties, to ſuch fained, covenous & fraudulent gifts, grants, leaſes, charges, or conveyances before expreſſed, or being privy and knowing of the ſame, or any of them, which after the xx. day of April next coming ſhall wittingly and willingly put in ure, avow, maintain, Juſtifie, or defend the ſame, or any of them, as true, ſimple, and done, had, or made bona fide, or upon good conſideration, to the diſturbance, or hindrance of the ſaid purchaſer or purchaſers, leſſees or grantees; or of, or to the diſturbance or hindrance of their heirs and ſucceſſors, executors, adminiſtrators, or aſſignes, or ſuch as have or ſhall lawfully claim any thing by, from, or under them or any of them, ſhall incurr the penalty and forfeiture of one years value of the ſaid lands, tenements, and hereditaments ſo purchaſed or charged, the one moiety whereof to the Queens Majeſty, her Heirs and ſucceſſors, and the other moiety to the party or parties grieved by ſuch fained and fraudulent gift, grant, leaſe, conveyance, incumbrance, or limitation of uſe, to be recovered in any of the Queens Courts of Record, by action of debt, bill, plaint, or information, wherein no eſſoine, protection or wager of Law ſhall be admitted for the defendant or defendants: and alſo being thereof lawfully convicted, ſhall ſuffer impriſonment for one half year, without bail or mainpriſe.

Conveyances made upon good conſiderations, and bona fide.

Provided alſo, and be it Enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend or be conſtrued to impeach, defeat, make void or fruſtrate any conveyance, aſſignment of leaſe, aſſurance, grant, charge, leaſe, eſtate, intereſt or [a] limitation of uſe or uſes, of, in, to, or out of any lands, tenements, or hereditaments heretofore at any time had or made, or hereafter to be had or made upon, or for good conſideration and bona fide, to any perſon or perſons, bodies politick or corporate, any thing before mentioned to the contrary hereof notwithſtanding.

[a] Co l. 3. fo. 83.

Lands firſt conveyed with condition of revocation or alteration, and after ſold for money, or other good conſideration.

And be it further Enacted by the authority aforeſaid, That if any perſon or perſons have heretofore ſithence the beginning of the Queens Majeſties Reign that now is, made, or hereafter ſhall make any conveyance, gift, grant, demiſe, charge, limitation of uſe or uſes, or aſſurance of, in, or out of any lands, tenements or hereditaments, with any cauſe, proviſion, article or [b] condition of revocation, determination or alteration, at his or their will or pleaſure, of ſuch conveyance, aſſurance, grants, limitations of uſes or eſtates, of, in, or out of the ſaid lands, tenements or hereditaments, or of, in, or out of any part or parcel of them, contained or mentioned in any writing, deed or indenture of ſuch aſſurance, conveyance, grant or gift, and after ſuch conveyance, grant, gift, demiſe, charge, limitation of uſes or aſſurance, ſo made or had, ſhall or do bargain, ſell, demiſe, grant, convey, or charge the ſame lands, tenements or hereditaments, or any part or parcel thereof, to any perſon or perſons, bodies politick and corporate, for money or other good conſideration, paid or given (the ſaid firſt conveyance, aſſurance, gift, grant, demiſe, charge or limitation not by him or them revoked, made void or altered, according to the power and authority reſerved or expreſſed unto him or them, in, and by the ſaid ſecret conveyance, aſſurance, gift or grant,) That then the ſaid former conveyance, aſſurance, gift, demiſe and grant, as touching the ſaid lands, tenements and hereditaments, ſo after bargained, ſold, conveyed, demiſed or charged againſt the ſaid bargainees, vendees, leſſees, grantees, and every of them, their heirs, ſucceſſors, executors, and aſſigns, and againſt all and every perſon and perſons which have, ſhall or may lawfully claim any thing by, from, or under them, or any of them, ſhall be deemed, taken and judged to be void, fruſtrate, and of none effect, by vertue and force of this preſent Act.

[b] Co. l. 3. f. 82. Cro. Jac. 180.

Mortgages lawfully made.

Provided nevertheleſs, That no lawful mortgage made, or to be made bona fide, and without fraud or covin, upon good conſideration, ſhall be impeached or impaired by force of this Act, but ſhall ſtand in the like force and effect, as the ſame ſhould have done, if this Act had never been had nor made: Any thing in this Act to the contrary in any wiſe notwithſtanding.

St. Merchant, &c. ſhall be entred in the Office of the Clerk of Recognizances. Stat. 23 H. 6.

And be it further enacted by the authority aforeſaid, That all the whole tenor and contents of all Statutes Merchant, and ſtatutes of the Staple, hereafter to be knowledged, ſhall within ſix months next after ſuch knowledging, be entred in the Office of the Clerk of Recognizances, taken according to the ſtatute made in the three and twentieth year of the reign of the late King Henry the eight by the ſhewing forth of the ſaid ſtatute Merchant, or ſtatute Staple ſo knowledged unto the ſaid Clerk, which ſaid Clerk of the Recognizances ſhall enter, or cauſe to be entred, the ſame ſtatutes into a Book for that purpoſe to be provided, and ſafely kept by him, taking, viii. d. and no more, for every ſuch entry.

The Statute not entred, void againſt the purchaſer.

And be it further enacted, That if the party to whom any ſuch ſtatute Merchant or of the Staple ſhall be knowledged, his executors or adminiſtrators, do, or ſhall not within Four Months next after the knowledging of any ſuch ſtatute, bring and deliver, or cauſe to be brought and delivered unto the ſaid Clerk, or his deputy or deputies for the time being, all and every ſuch ſtatute and ſtatutes as ſhall be ſo knowledged to him or to his uſe, whereby and to the intent that the ſaid Clerk, his deputy or deputies may take and enter a true copy thereof, That then every ſuch ſtatute Merchant and of the Staple not ſo entred, ſhall be void, fruſtrate and of none effect againſt all and every ſuch perſon and perſons, and bodies politick and corporate their heirs, ſucceſſors, executors, adminiſtrators and aſſigns, only as ſhall after the knowledging of the ſaid ſtatutes, or any of them purchaſe for money or other good conſideration the lands, tenements, or hereditaments, which are liable to the ſame ſtatute Merchant, or of the Staple, or any part or parcel thereof, or any rent, leaſe or profit of, or out of the ſame.

The forfeiture of the Clerk not entring or not endorſing a ſtatute.

And if the ſaid Clerk or his deputy or deputies for the time being, ſhall not upon ſuch ſhewing and delivery unto him or them of any ſtatute Merchant, or of the Staple, enter or cauſe to be entred the ſame in his ſaid Book within the ſaid time of ſix months, and alſo endorſe upon every ſuch ſtatute ſo by him entred, the day and year of the ſaid entry, with his or their own name: that then every ſuch Clerk failing or defective in that behalf, ſhall forfeit and loſe for every ſtatute Merchant and of the Staple ſo brought unto him or them, and not entred and endorſed, or cauſed to be entred and endorſed, as aforeſaid, the ſum of twenty pounds: The one moiety whereof to be to the Queens Majeſty, her Heirs and Succeſſors; and the other moiety to him or them that will ſue for the ſame in any of the Queens Courts of Record by action of debt, bill, plaint or information, wherein no eſſoin, protection, or wager of Law ſhall be allowed.

Clerk of the Recognizances fees to ſearch.

And be it further enacted by the authority aforeſaid, That no Clerk of the ſaid Recognizances ſhall or may take for, or in reſpect of any ſearch to be made, for or concerning any ſtatute Merchant, or of the Staple ſo to be entred, as aforeſaid, above two pence for one years ſearch, and ſo after the rate of two pence for every year, and not above, upon pain to forfeit and loſe to the party or parties grieved thereby twenty times as much as he ſhall take contrary to the true meaning of this act to be recovered in any of the Queens Majeſties Courts of Record, by action of debt, bill, plaint, or information, wherein no protection or wager of Law ſhall be allowed: This Act to continue for the ſpace of ten years, and from thenceforth unto the end of the Parliament then next following.

Provided always, That this Act, nor any thing therein contained, ſhall not extend or be conſtrued to make good any purchaſe, grant, leaſe, charge or profit, of, in, or out of any lands, tenements or hereditaments heretofore made void, defeated or undone by reaſon of any former conveyance, grant or aſſurance, ſo as the party or parties, or their heirs or aſſigns, which have ſo defeated or made void the ſame, were in actual poſſeſſion the firſt day of this preſent Parliament, of, or in the ſaid lands, tenements or hereditaments, whereof, or out of which, any ſuch purchaſe, grant, leaſe, charge, or profit was made.

Aſſurance of lands defeated, and the party in poſſeſſion at the time of the ſtatute.

Provided, That this Act, nor any thing therein contained, ſhall extend in any ſort to reſtrain or impair the juriſdiction, power or authority of the Court of Starr-Chamber. Stat. 39 Eliz. 18, made perpetual. Cok. Inſt. 3. 61.

The authority of the Court of Star-chamber.

CAP. V.

After Demurrer joyned and entred, Judgment ſhall be given, notwithſtanding any defect in proceſs or pleading: What defects in form ſhall be amended by the Court; and what not.

Foraſmuch as exceſſive charges and expences, and great delay and hindrance of Juſtice hath grown in actions and ſuits between the Subjects of this Realm, by reaſon that upon ſome ſmall miſtaking or want of form in pleading, Judgments are often reverſed by writs of Error, and oftentimes upon demurrers in Law, given otherwiſe than the matter in Law, and very right of the cauſe doth require, whereby the parties are conſtrained either utterly to loſe their right, or elſe after long time and great trouble and expences, to renew again their ſuits: For remedy thereof, Be it Enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth after demurrer joyned and entred in any action or ſuit, in any Court of Record within this Realm, the Judges ſhall proceed and give Judgment according as the very right of the cauſe and matter in Law ſhall appear unto them, without regarding any imperfection, defect or want of form in any writ, return, plaint, declaration, or other pleading, proceſs or courſe of proceeding whatſoever: except thoſe only which the party demurring ſhall ſpecially and particularly ſet down and expreſſe together with [a] his demurrer: and that no Judgment to be given, ſhall be reverſed by any Writ of Error, for any ſuch imperfection, defect or want of form, as is aforeſaid, except ſuch only as is before excepted.

After demurrer judgment ſhall be given, notwithſtanding any defect in proceſſe or pleading.

Co. El. 232. 233. 588.

[a] Co. 10. fol. 12.

The party demurring ſhall ſet down the cauſes. Cok. pl fol. 421.

And be it further Enacted, That after demurrers joyned and entred, the Court where the ſame ſhall be, ſhall and may, by vertue of this Act, from time to time amend all and every ſuch imperfections, defects and wants of form, as is before mentioned, other then thoſe only, which the party demurring ſhall ſpecially and particularly expreſſe and ſet down, together with his demurrer, as is aforeſaid.

The Court may amend defects of form after demurrers joyned. 8. H. 6. 1.

Provided always, and be it further Enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any writ, declaration, or ſuit of appeal of felony or murther, nor to any indictment or preſentment of felony, murder, treaſon or other matter, nor to any proceſs upon any of them, nor to any writ, bill, action or information upon any popular or penal ſtatute: Any thing aforeſaid to the contrary notwithſtanding.

Appeal indictment and preſentment of felony, murder, treaſon.

CAP. VI.

What Jurors and Iſſues ſhall be returned upon every perſon impannelled; how the Sheriff ſhall be puniſhed for returning one ſummoned that is not, or for taking reward to ſpare any, &c.

For the returning of more able and more ſufficient Jurors for tryals, to be hereafter had between party and party, and for reformation of abuſes in Sheriffs and other Miniſters, who for reward oftentimes do ſpare at home the moſt able and ſufficient Freeholders, and return the poorer and ſimpler ſort, leaſt able to diſcern the cauſes, in queſtion, and moſt unable to bear the charges and appearance and attendances in ſuch caſes: Be it ordained and enacted by authority of this preſent Parliament, that in all caſes where any Jurors to be returned for tryal of any iſſue or iſſues, joyned in any of the Queens Majeſties Courts of the Kings Bench, Common Pleas, and the Exchequer, or before Juſtices of Aſſiſe by the Lawes of this Realm now in force ought to have eſtate of freehold in lands, tenements or hereditaments, of the clear yearly value of xl. s. that in every ſuch caſe, the Jurors that ſhall be returned, from and after the end of this preſent Seſſion of Parliament, ſhall every of them have eſtate of Freehold in lands, tenements or hereditaments, to the clear yearly value of [a] iiii. l. at the leaſt, and that the Writs of Venire facias, which from and after the end of this preſent Seſſion of Parliament, ſhall be awarded and directed for the impannelling of Juries in caſes aforeſaid, ſhall be in this Form, Regina, &c. Præcipimus, &c. quod venire facias coram, &c. duodecem liberos & legales homines de vicineto de B. quorum quilibet habeat quatuor libras terræ, tenementorum vel reddituum per annum ad minus, per quos rei veritas melius ſciri poterit, & qui nec, &c. and ſo forth the reſidue of the ſaid Writ after the ancient form: and that upon every ſuch Writ and Writs of Venire facias, the Sheriff or other miniſters, unto whom the making of the pannel ſhall appertain, ſhall not return in any ſuch pannel, any perſon, unleſs he may diſpend iiii. li. by the year at the leaſt, of Freehold out of ancient demeſne, within the County where the iſſue is to be tryed, upon pain to forfeit for every perſon being returned in any ſuch pannel, that cannot diſpend iiii. li. Freehold, as is aforeſaid, xx. s.

The benefit of returning ſufficient Freeholders to be Jurors.

Venire facias where each Juror muſt diſpend 4. li. of freehold.

[a] Co. Inſt. 171. b. Co. El. 257. 413.

And further be it enacted by the authority aforeſaid, That upon every firſt Writ of Habeas corpora, or Diſtringas, with a Niſi prius, delivered of Record by the Sheriff or other miniſter or miniſters, to whom the making of the return ſhall appertain, ſhall from and after the xx. day of May next enſuing, return in iſſues upon every perſon impanelled and returned upon any ſuch Writ, at the leaſt, x. s. and at the ſecond Writ of Habeas corpora, or Diſtringas, with a Niſi prius upon every perſon impanelled and returned upon any Writ, xx. s. at the leaſt and at the third Writ of Habeas corpora, or Diſtringas, with a Niſi Prius, that ſhal be further awarded upon every perſon impanelled and returned upon ſuch Writ, xxx. s And upon every

Iſſues returned upon Jurors.

Writ that ſhall be further awarded to try any ſuch iſſues, to double the iſſues laſt afore ſpecified, until a full Jury be ſworn, or the proceſſe otherwiſe ceaſed or determined, upon pain to forfeit for every return of iſſues contrary to the form aforeſaid, v. li.

Iſſues returned upon a Juror not ſummoned.

And be it further enacted, That if any Sheriff, Under-Sheriff, Bayliff, or other miniſter, from and after the end of this preſent Seſſion of Parliament, do return any perſon or perſons to be ſummond to appear in any Jury, wherein he ſhall, for default of his appearance, loſe or forfeit any iſſues, where in truth ſuch perſon ſhall not be lawfully ſummoned, that then the ſame Sheriff, Under-Sheriff, Bayliff, or other miniſter, by whoſe default ſuch perſon ſhall be returned ſummoned, as aforeſaid, ſhall forfeit, loſe, and pay unto the ſaid perſon and perſons ſo returned, double the value of the iſſues, by ſuch Juror or Jurors loſt or forfeited for his default of appearance.

Receiving reward for the not returning of a Juror.

And be it further enacted by the authority aforeſaid, That if any Sheriff, Under-Sheriff, Sheriffs Deputy, Sheriff or Under-Sheriffs Clerk, or any Bayliff of Franchiſe, ſhall at any time after the end of this preſent Seſſion of Parliament, receive, take, or have, by himſelf, or by any other, any ſum of money, reward, or any other profit directly or indirectly, or do take any promiſe, make any agreement or aſſent, to have any ſum of money, reward, or other profit, directly or indirectly, of any perſon or perſons, for the ſparing, not warning, or not returning of any ſuch perſon to be ſworn as a Juror, for the tryal of any iſſue joyned, or to be joyned in any of the Queens Majeſties Courts, aforeſaid, or before any Juſtices: that then every Sheriff, Under-Sheriff, Sheriffs Deputy, Sheriff or Under-Sheriff his Clerk, or Bayliff of Liberty or Franchiſe ſo offending, to forfeit for every ſuch offence the ſum of v. li. the one moiety thereof to our Soveraign Lady the Queens Majeſty, and the other moiety thereof to ſuch perſon and perſons as will ſue for the ſame in any Court of Record, by action of debt, bill, plaint, or information, wherein no eſſoyn, protection or wager of Law ſhall be allowed to the Defendant.

Two Hundreders ſufficient in a perſonal action.

And further be it ordained and enacted by the authority aforeſaid, That from and after the end of this preſent Seſſion of Parliament, at or upon the tryal of any iſſue joyned in any perſonal action, no further challenge for the Hundred ſhall be admitted, if two ſufficient Hundreders do appear at and upon the tryal of ſuch iſſue.

Other challenges.

Provided neverthleſſe, That all other challenges principal or for other cauſe, ſhall be admitted, allowed and tryed in ſuch order and form, as if this Act had never been had or made.

Juries returned in a Corporate Town, or Wales.

Provided alſo, That this Act ſhall not extend to any Juries or Iſſues to be returned in any City or Town corporate, or other Town or place priviledged to hold plea, or in the twelve Shires of Wales, but that they ſhall and may be returned, as heretofore they lawfully might have been: This Act, or any thing therein contained to the contrary in any wiſe, notwithſtanding. Stat. 35 H. 8. 6. 2 Ed. 6. 32.

CAP. VII.

No Juror ſhall be returned without addition of his dwelling place, and how Iſſues loſt ſhall be levied.

How Bayliffs do abuſe ſeveral men of one name.

Whereas there are within this Realm of England, in ſundry Counties of the ſame, divers Freeholders of one name, and often and ſundry times ſome one or moe of them been returned and impanelled in Juries, for tryal of matters between party and party: and if it happen any one of them ſo returned to make default or loſe iſſues, when the ſame are eſtreated to be levied, the Bayliff or other Collectors thereof, for lucre and gain to demand and require the ſame of every one within the ſaid County that is of that name, and do perſwade every perſon that is dwelling in that County, and ſo named, that he is the party that hath loſt thoſe iſſues, and compel him to pay the ſame by the diſtreſs of his or their goods and chattels, to their great moleſtation and trouble, and yet nevertheleſs many times do detain and keep all, or the more part of the iſſues ſo collected to their own uſe, in contempt of the Queens Majeſties Laws, and to the great grievance of her loving Subjects, and contrary to all equity and good conſcience.

The dwelling place of every Juror ſhall be returned.

For remedy whereof, be it Enacted by the authority of this preſent Parliament, That from and after Forty days after the end of this Seſſion of Parliament, no Sheriff, Coroner or other perſon, to whom it ſhall appertain, to make return of any Writ, ſhall return any Juror dwelling out of any Liberty, without the true addition of the place of his dwelling or abode at the time of the ſaid return, or within one year next before the making of any ſuch return, or ſome other addition, by which the party returned may be known: nor any Juror within any Liberty with other addition then ſuch as ſhall be delivered to him by the Bayliff of the ſaid Liberty, or his deputy, certified under his or their hand: nor any Bayliff of any Liberty, nor any his or their deputy or deputies, ſhall of himſelf return any Juror, or deliver to the Sheriff, his under-Sheriff, deputy or deputies, the names of any perſons to be returned upon any Pannel or Jury, without the true addition certified under his or their hands to the Sheriff, of the place of dwelling or abode of every perſon ſo to be returned at the time of the ſaid return, or within one year next before the ſaid return, or ſome other addition, by which the party returned may be known: And that no extract of iſſues againſt any Juror returned, as aforeſaid, ſhall be delivered out, received or put in ure, without ſuch addition as is put in the original Pannel or Tales wherein ſuch Juror ſhall be ſo returned: And that no Under-Sheriff, Bayliff, or other Officer or perſon whatſoever, ſhall collect, levy, or gather any iſſues ſo eſtreated, of any other perſon or perſons, then of ſuch perſon and perſons, as by vertue of the ſaid eſtreat is of right charged or chargeable with the payment of the ſaid iſſues, upon pain that every Clerk that ſhall write or deliver, or cauſe or procure any ſuch eſtreat to be delivered out, received or put in ure; and every other perſon offending contrary to the intent and meaning of this Act, ſhall Forfeit to the Queens Majeſty, her Heirs and Succeſſors, five marks, and to the party grieved, or which ſhall ſuſtain

In every extract of iſſues againſt a Juror, his addition ſhall be put.

ſtain any loſſe thereby, the ſum of five marks of lawful Engliſh money: All which Forfeitures and penalties ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record, wherein no Eſſoyn, Protection, or Wager of Law ſhall be allowed.

And be it further Enacted by the authority aforeſaid, That Juſtices of Oyer and Terminer within the limits of their Commiſſion, Juſtices of Aſſiſe in their Circuits, and Juſtices of Peace as well within liberties as without, within the limits of their Commiſſion ſhall by vertue of this preſent Act have full power and authority to enquire, hear and determine all and every the offences aforeſaid committed, or to be committed within the ſeveral limits, circuit or precinct of their ſeveral Commiſſion or Commiſſions, and to award forth proceſſe of execution for the levying of the Forfeitures: This Act to endure to the end of the next Parliament. 39 Eliz., 18 made perpetual.

Which officers have authority to hear and determine the offences aforeſaid.

CAP. VIII.

How erroneous Judgments in the Kings-Bench upon certain perſonal actions, may be redreſſed.

FOraſmuch as erroneous Judgments given in the Court called the Kings-Bench, are only to be reformed by the High Court of Parliament, which Court of Parliament is not in theſe days ſo often holden, as in ancient time it hath been, neither yet (in reſpect of greater affairs of this Realm) ſuch erroneous Judgments can be well conſidered of and determined, during the time of the Parliament, whereby the Subjects of this Realm are greatly hindered and delayed of Juſtice in ſuch caſes.

Cro.El 731. ro. ac. 71 3 4. Cro. ar. lib. 300.

Erroneous Judgments given in the Kings-Bench by the Common Law, are only reverſible in Parliament.

Be it therefore Enacted by the authority of this preſent Parliament, That where any Judgment ſhall at any time hereafter be given in the ſaid Court of the Kings Bench in any ſuit or action of debt, detinue, covenant, account, action upon the Caſe, *Ejectione firmæ*, or treſpaſſe, firſt commenced, or to be firſt commenced there (other then ſuch only, where the Queens Majeſty ſhall be party) the party plaintiff or defendant, againſt whom any ſuch Judgment ſhall be given, may at his election ſue forth out of the Court of Chancery a ſpecial Writ of Error to be deviſed in the ſaid Court of Chancery, directed to the Chief Juſtice of the ſaid Court of the Kings-Bench for the time being, commanding him to cauſe the ſaid Record, and all things concerning the ſaid Judgment, to be brought before the Juſtices of the Common-Bench, and the Barons of the Exchequer, into the Exchequer Chamber, there to be examined by the ſaid Juſtices of the Common-Bench, and Barons aforeſaid, which ſaid Juſtices of the Common-Bench, and ſuch Barons of the Exchequer as are of the degree of the Coyfe, or ſix of them at the leaſt, by vertue of this preſent Act, ſhall thereupon have full power and authority to examine all ſuch errors as ſhall be aſſigned or found in or upon any ſuch Judgment, and thereupon to reverſe or affirm the ſaid Judgment, as the Law ſhall require, other then for errors to be aſſigned or found for, or concerning the juriſdiction of the ſaid Court of Kings-Bench, or for any want of form in any writ, return, plaint, bill, declaration, or other pleading, proceſſe, verdict or proceeding whatſoever: And that after the ſame ſhall be removed and brought back into the ſaid Court of the Kings-Bench, that ſuch further proceeding may be thereupon, as well for execution as otherwiſe, as ſhall appertain.

Before whom Judgments given in certain Actions in the Kings-Bench, may be examined.

And be it further Enacted, That ſuch Reverſal or Affirmation of any ſuch former Judgment, ſhall not be ſo final, but that the party who findeth him grieved therewith, ſhall & may ſue in the High Court of Parliament, for the further and due examination of the ſaid Judgment, in ſuch ſort as is now uſed upon erroneous Judgments in the ſaid Court of Kings-Bench. Stat. 31 Eliz, 1. Stat. 14 Ed.3.5. Cok. pla. fol 2. 24.37.

Erroneous Judgment examined in Parliament.

CAP. IX.

Fines acknowledged, and Recoveries ſuffered of Lands in the twelve Shires of Wales, Counties Palatine, &c. may be enrolled: for what Errors, Fines and Recoveries are not reverſible; and in what caſes Writs of Error ſhall be allowed.

WHereas in the Parliament by prorogation holden at Weſtminſter, in the three and twentieth year of her Majeſties reign that now is, one good and beneficial Statute was made and ordained for the appeaſing of Suits, the avoiding of falſe practices, deceits, devices and miſdemeanors, and for helping of negligences and miſpriſions of Clerks and Officers, dangerous to aſſurances of mens Lands and Hereditaments, entituled, An Act for the reformation of errors in Fines and Recoveries: Foraſmuch as the ſaid Statute, or ſundry good and neceſſary clauſes and parts thereof, doth not extend to Fines and Recoveries levied, had and ſuffered in the twelve Shires of Wales, that is to ſay, Glamorgan, Brecknock, Radnor, Caermarthen, Pembroke, Cardigan, Mountgomery, Denbigh, Flint, Caernarvon, Angliſey, and Merioneth, the Town and County of Haverford Weſt, and the Counties Palatine of Cheſter, Lancaſter, and Dureſm: Be it Enacted by our Soveraign Lady the Queens moſt Excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every Writ of Covenant, and other Writ, whereupon any fine heretofore hath been levied, or hereafter ſhall be levied, the return thereof; the Writ of *Dedimus poteſtatem*, made for the acknowledging of any of the ſame Fines, the return thereof; the concord note, and foot of every ſuch Fine, the Proclamations made thereupon, and the Kings Silver; and alſo every Original Writ of Entry in the *Poſt*, or other Writ, whereupon, any common Recovery hath been ſuffered, or hereafter ſhall be ſuffered or paſſed, the Writs of *Summon. ad Warrantizandum*, the Returns of the ſaid Originals and Writs of *Summon. ad Warrantizandum*, and every Warrant of Atturney, had or to be had, as well of every Demandant and Tenant, as Vouchee extant and remaining, or that ſhall be extant and being in the Courts of Aſſiſes or great Seſſions within the ſaid twelve Shires of Wales, Town and County

Stat 23 Eliz.3.

Inrolment of Fines and Recoveries in Wales, and the Counties Palatine.

County of Haverford-Weſt, and Counties Palatines, or in the cuſtody of the Officers, to whom the charge of keeping thereof doth appertain, may upon the requeſt or election of any perſon or perſons be inrolled in Rolls of Parchment by ſuch perſons, and for ſuch conſiderations, as hereafter in this Act ſhall be mentioned. And that the Inrolments of the ſame, or any part thereof, ſhall be of as good force and validity in Law, to all intents, reſpects and purpoſes, for ſo much of any of them ſo inrolled, as the ſame being extant and remaining, were or ought by Law to be.

For what Errors Fines and Recoveries are reverſable.

Be it further Enacted by the authority aforeſaid, That no Fine, Proclamations upon Fines, or common Recovery, heretofore had, levied, ſuffered or paſſed, or hereafter to be had, levied, ſuffered or paſſed in any of the ſaid twelve Shires of Wales, Town and County of Haverford-Weſt, or Counties Palatine, ſhall be reverſed or reverſable by any Writ of Error, for falſe or incongrue Latine, raſure, interlining, miſ-entring of any Warrant of Atturney, or of any Proclamation, miſ-returning or not returning of the Sheriff, or other want of form in words, and not in matter of ſubſtance.

In what caſes, and what perſons may have Writs of Error to reverſe Fines or Recoveries.

Provided alwaies, That neither this Act, nor any thing therein contained, ſhall barr or exclude any perſon or perſons from any Writ of Error which ſhall be had, taken or purſued within five years next after the end of the Seſſion of this preſent Parliament, upon any Fine or Recovery heretofore had or ſuffered in any of the Courts aforeſaid: Nor from any Writ of Error which ſhall be had, taken, or purſued, upon any Fine or Recovery, heretofore levied, acknowledged or had in any of the ſaid Courts aforeſaid, within any of the ſaid twelve Shires of Wales, or Town and County of Haverford-Weſt: Which Fine or Recovery, or any part or parcel thereof now is, or at any time before the firſt day of June, which ſhall be in the year of our Lord God, 1585. ſhall be exemplified under the Judicial Seal the ſaid Courts, at or by the ſuit of any perſon, that is or may be entituled to have or ſue any Writ of Error upon any the ſame Fines or Recoveries heretofore paſſed: Nor from any Writ of Error which ſhall be had, taken or purſued upon any Fine or Recovery heretofore levied, acknowledged or had in any of the Courts aforeſaid, within any of the ſaid Counties Palatine: which Fine or Recovery, or any part or parcel thereof now is, or at any time before the ſaid firſt day of June, which ſhall be in the year of our Lord God 1585. ſhall be exemplified under the Seal of the ſame County Palatine, where the ſame Fine or Recovery ſhall be ſo levied, knowledged or had, at or by the ſuit of any perſon where the ſame Fine or Recovery ſhall be ſo levied, knowledged or had, at or by the ſuit of any perſon that is, or may be entituled to have or ſue any Writ of Error upon the ſame Fine or Recovery ſo heretofore paſſed: Nor to barr any Feme Covert, or any perſon within the age of one and twenty years, or any perſon that is non compos mentis, in priſon, or beyond the Seas, or of, or from any Writ of Error to be had or proſecuted for the reverſing of any Fine or Recovery heretofore paſſed, levied or ſuffered in any of the ſaid twelve Shires of Wales, Town and County of Haverford-Weſt, or Counties Palatine, ſo that ſuch Feme Covert or her heirs, within vii. years next after that ſhe become ſole, and ſuch perſon within the age of one and twenty years, or his heirs within ſeven years next after he ſhall come and be of full age of one and twenty years, and ſuch perſon that is non compos mentis, within ſeven years next after he ſhall become of ſanæ memoriæ; and in default thereof, the heirs of ſuch perſon that is non compos mentis within ſeven years next after the death of any ſuch perſon being non compos mentis. And ſuch perſon in priſon, or his heirs, within ſeven years next after the ſame perſon ſhall be at liberty, and ſuch perſon beyond the Seas, or his heirs, within ſeven years next after the return of ſuch perſon into this Realm of England, or the death of the ſaid perſon, if he ſhall before his return die in any foreign Countrey, ſhall ſue, take and proſecute their Writs of Error, as their cauſes ſhall ſeverally require for reverſing of any of the ſaid Fines or Recoveries heretofore paſſed, levied or ſuffered.

A remedy for the heir, where the anceſtor dyeth hanging the ſuit.

Provided always, and be it further Enacted by the authority aforeſaid, That if any perſon or perſons ſhall within the time and years aforeſaid, commence or ſue his or their Writs of Error, for reverſing of any of the ſaid Fines or Recoveries heretofore paſſed, which Suit ſhall fortune to abate by the death of any of the parties to the ſame, that then it ſhall and may be lawful for his and their heirs at any time within one year next after the ſaid ſeven years expired, to have, ſue, and take their Writ of Error for the reverſing of every ſuch Fine and Recovery; and if ſuch heir be an infant within the age of one and twenty years, then within one year next after the full age of ſuch infant: Any thing in this preſent Act contained to the contrary thereof, in any wiſe notwithſtanding.

The day and year of the knowledg of a Fine or Warrant of Atturney for a Recovery, ſhall be certified.

And be it further Enacted by the authority of this preſent Parliament, That every perſon that ſhall at any time hereafter take the knowledg of any Fine or Warrant of Atturney, of any Tenant or Vouchee for ſuffering any common Recovery to be levied, knowledged, paſſed or had within any of the twelve Shires of Wales, Town and County of Haverford-Weſt, or Counties Palatine, or ſhall certifie them or any of them, ſhall with the certificate of the Concord or warrant of Atturney, certifie alſo the day and year wherein the ſame was acknowledged: And that no perſon that taketh any ſuch knowledg of any fine or warrant for any Recovery, ſhall be bound, or by any means inforced to certifie any ſuch knowledg of any fine or warrant, except it be within one year next after the ſaid knowledg taken.

And that no Clerk or Officer in any of the ſaid twelve Shires of Wales, Town and County of Haverford-Weſt, or Counties Palatine, ſhall receive any Writ of Covenant, or Writ of Entry, or any other Writ, whereupon any Fine or common Recovery is hereafter to paſs, unleſs the day of the knowledg of the ſame Fine and Warrant ſhall appear in, or by ſuch certificate, upon pain that every Clerk that ſhall receive any ſuch Writ, ſhall forfeit for every time that he ſhall ſo offend, the ſum of Forty ſhillings.

Attornment

And that no Attournment in or upon any ſuch Fine, in any of the Courts aforeſaid, be entred upon Record, except the party mentioned to attourn therein, firſt have appeared in the Court in perſon, or by Atturney, warranted by the hands of one of the Juſtices of the ſame Court, upon a Writ of Quid Juris Clamat, quem redicum redd', or per quæ ſervitia, as the cauſe requireth. And that every entry of Attornment hereafter to be made in any of the Courts aforeſaid, wherein there ſhall be no appearance as aforeſaid, ſhall be utterly void and of none effect, without any Writ of Error, or other means to be uſed for avoiding thereof.

The Office of Inrolments.

And be it further enacted by the authority aforeſaid, that there ſhall be for ever an Office for the Inrolments aforeſaid, in every of the ſaid twelve Shires of Wales, Town and County of Haverford Weſt: and Counties Palatine, which ſhall be and continue an Office for ever called, the Office of Inrolments of Fines and Recoveries, and that the Juſtices of the ſaid twelve Shires of Wales, Town and County of Haverford Weſt, and Counties Palatines for the time being, that is to wit, every of them within the limits and precincts of their ſeveral authorities and Commiſſions, ſhall have and take the care and charge of, and for the Inrolments aforeſaid, and ſhall have and enjoy the ſaid Office, and the Diſpoſition thereof, and carefully ſee and look to the execution thereof; and in conſideration of their charges, pain and travel therein ſhall have and take the ſums of money hereafter following and no more, that is to ſay, for the Inrolment and examination of every Fine and the parts thereof, five ſhillings: and for the Inrolment and exemplification of every Recoverie and the parts therof, five ſhillings: and for every exemplification of the Inrolment of every Fine, and the parts, thereof, three ſhillings four pence: and for every exemplification of the Inrolment of every Recovery, and the parts thereof, three ſhillings four pence: and for the ſearch of the Rolls for one year, four pence: and for the copy of one ſheet of paper, containing fourteen lines, four pence. And that the Juſtices of the ſaid Courts of Aſſiſes, or great Seſſions for the time being, within the ſaid twelve Shires of Wales, Town and County of Haverford Weſt, and Counties Palatine, or any one of them, within the ſeveral limits and precincts of their ſaid ſeveral Commiſſions, ſhall examine the Inrolment of every ſuch Fine and Recovery, and of the parts thereof, and after ſuch examination of the Inrolment of every ſuch Fine and Recovery, and of the parts thereof, ſhall immediately write his name that ſo examineth with his own hand in the Roll thereof, upon pain that the ſaid Juſtices ſhall forfeit to our Soveraign Lady the Queens Majeſty, the ſum of forty ſhillings, for every time that they or one of them ſhall make default of ſuch examination or writing of his or their name, as is aforeſaid: and that it ſhall and may be lawful for the ſaid Juſtices or any of them for the time being, to take order in all things that ſhall be convenient and needful for the Inrolments aforeſaid, and upon examination in the ſaid Courts, to aſſeſſe ſuch Fine or Amerciament upon any Clerk, Sheriff, Deputy, Atturney, or any other perſon for his and their miſpriſion, contempt and negligence, for not doing, or miſ-doing in any thing, of, in or concerning the ſaid Fines or Recoveries, or any part of them, or either of them, as by the ſaid Juſtices for the time being, or any one of them ſhall be thought meet and convenient. The ſaid Fine and Amerciament to be eſtreated amongſt other Fines, and Amerciaments of that Court where ſuch offence or miſpriſion ſhall be committed.

Fees for Inrolments and exemplifications of Fines and Recoveries.

Aſſeſſing of Fines for miſpriſion, contempt, or negligence.

And be it further enacted by the authority aforeſaid, that the exemplification of any ſuch Inrolment of any Fine or Recovery, or of any part thereof, within any of the ſaid twelve Shires of Wales, or the ſaid Town and County of Haverford Weſt, under the judicial Seal of the ſaid Shire, Town or County where ſuch Fine or Recovery was, levied, had or paſſed, and the exemplification of any ſuch Inrolment of any Fine or Recovery or of any part thereof, within any of the ſaid Counties Palatine, under the Seal of that County Palatine where ſuch Fine, or Recovery was levied, had or paſſed, ſhall be of as good force and validity in the law, to all intents, reſpects and purpoſes, for ſuch part, and ſo much of any of them as ſhall be ſo exemplified, as the very original Record it ſelf being extant and remaining, were, or ought by Law to be.

The exemplification, of as good force as the original record.

Provided alwayes, and be it enacted by the authority aforeſaid, That it ſhall be lawful for the Juſtices Clerks, authorized by their Warrent in the ſaid ſeveral offices and places where the ſame Records, or any of them do or ſhall remain, to write out or inroll the ſame Records, and every part thereof, and that the ſaid Records, nor any of them, for the writing out or making the Rolls thereof by the Clerks of the ſaid Juſtices, ſhall be brought or carried forth of the ſaid offices or places.

Records ſhall not be carried forth of the Offices.

And be it further enacted by the authority aforeſaid That none of the ſaid Fines, or Recoveries aforeſaid, heretofore levied, paſſed or ſuffered, which ſhall be exemplified under any judicial Seal of any of the ſaid Shires of Wales, or Town or County of Haverford Weſt or under the Seal of any of the ſaid Counties Palatine according to the form of this, Act, ſhall after ſuch exemplifications had, be in any wiſe amended.

No Fine or Recovery ſhall be amended after exemplification.

Provided alwayes, That this Act, or any thing therein contained, ſhall not in any wiſe extend to the prejudice of the heirs of Sir Edward Grey, Knight, Lord Powys deceaſed, or of Sir Edward Herbert, Knight or his Heirs or aſſigns, Henry Vernon, or John Vernon, Eſquires, or their heirs or aſſigns, for, or concerning any Fine levied, or Recovery ſuffered, by or againſt the ſaid Lord Powys, of any Baronies, Honors, Manors, Lands, Tenements or Hereditaments in the County of Mountgomery, or any exemplification therof, or for or concerning any writ of error, brought, or to be brought for the reverſing of any ſuch Fine or Recovery: But that they and every of them, ſhall have and enjoy the ſame right, title, benefit and advantage to all intents and purpoſes, as if this Act had never been had or made.

The heirs of the Lord Powys, Sir Edward Herbert, Vernon.

And foraſmuch as upon great examination it appeareth, That divers Fines and Recoveries have been heretofore levied and ſuffered of divers, caſtles, manors, meſſuages, lands, tenements and hereditaments, which ſometime were the inheritance of George, ſometime Earl of Kent, great Grandfather to Henry now Earl of Kent in uſe, poſſeſſion, reverſion or remainder, whereunto the ſaid now Earl of Kent pretended title, in uſe, poſſeſſion, reverſion

The Earl of Kent his title.

Reverſiou or Remainder, which if they be erronious, as is pretended, do much vary from the general cauſe and miſchief for which this Statute meaneth to provide: Be it therefore enacted by the authority aforeſaid, That neither this Statute, nor any thing therein contained, ſhall extend to take away any Writ of Error, whereunto any perſon or perſons is now or hereafter ſhall be lawfully entituled to have for the reverſing of the ſaid Fines and Recoveries, or any of them heretofore levied or ſuffered of any of the ſaid Caſtles, Manors, Meſſuages, Lands, Tenements, which late were any part or parcel of the Inheritance of the ſaid George, ſometime Earl of Kent, in uſe, poſſeſſion, Reverſion or Remainder: Any thing in this Statute contained to the contrary thereof in any wiſe notwithſtanding. 23 Eliz. 3.

CAP. X.

The Stat. of 18 Eliz. 5, touching Informers upon penal Statutes, made perpetual.

Where in the Parliament holden at Weſtminſter the eighth day of February, in the eighteenth year of the Reign of our moſt gracious Soveraign Lady, Queen Elizabeth, there was amongſt others, an Act made, entituled, An Act to redreſſe diſorders in common Informers upon penal Laws; which Act is to continue in force and effect but unto the end of this Seſſion of this preſent Parliament: Foraſmuch as the ſaid Act is found by experience ſince the making of the ſame Act, to be very neceſſary, beneficial, and expedient for the Common-wealth.

The Statute of 18 Eliz. 5. provided to redreſſe diſorder in common Informers, made perpetual.

Be it therefore enacted by the authority of this preſent Parliament, That the ſame Act above remembred, and all and every the Branches, Clauſes and Proviſions in the ſame contained, ſhall remain, continue, and be from henceforth in full force and effect for ever.

CAP. XI.

Certain Statutes, viz. xix. made in the Reigns of King Hen. 8. King Edw. 6. and Queen Eliz. revived, and made to continue untill the end of the next Parliament. EXP. A repeal of ſo much of the Statute of 5 Eliz. 5. as concerneth the eating of Fiſh, and reſtraineth the eating of Fleſh upon the Wedneſday. Sea-fiſh may be ſold any day in the week, ſaving Sunday. Victuallers ſhall utter no fleſh in Lent, nor upon Fridayes or Saturdayes. All manner of Pins may be brought into this Realm. EXP. 35 El. 7. 39 El. 18. Cok. pla. fol. 371.

CAP. XII.

Under-Sheriffs, Bayliffs of Liberties, Sheriffs Clerks and Deputies, ſhall be twice ſworn.

Complaints of the miſdemeanour of Under-Sheriffs.

Foraſmuch as grievous complaints are many times made of the miſdemeanour and evil behaviour of Under-Sheriffs, who oftentimes having to them committed by the high Sheriff, the whole, or part of the exerciſing and executing of the Office of the high Sheriff, and not taking any corporal Oath, as the high Sheriff doth, for the executing and diſcharging of the ſame office, do therefore daily moſt injuriouſly, through corruption and affection, impannel Jurors for the Queens Majeſty, and betwixt party and party, to the great loſſe, damage and hinderance of divers her Majeſties loving Subjects of this Realm.

Two Oaths ſhall be taken by every Under-Sheriff.

1 Eliz. 1. The Oath of Supremacy.

The Under-Sheriffs oath touching the impannelling of Juries.

For reformation whereof, Be it enacted by the authority of this Parliament, That all and every perſon and perſons, that from, and after the laſt day of the Seſſion of this preſent Parliament ſhall be admitted to, or take upon him the executing of the Office of an Under-Sheriff in any Shire or County within this Realm of England, before he intermeddle with the uſe or exerciſe of the ſaid Office, ſhall receive and take a corporal Oath upon the holy Evangeliſts, before the Juſtices of Aſſiſe, or one of them of the ſame circuit wherein that County is, whereof he ſhall be Under-Sheriff, or before the Cuſtos Rotulorum, or two Juſtices of the Peace, whereof one to be of the Quorum of the ſaid County whereof he ſhall be Under-Sheriff, as aforeſaid, for and concerning the Supremacy, in ſuch manner and form as that Oath is expreſſed and declared in one Act of Parliament made, and ordained in the firſt year of the Reign of our Soveraign Lady the Queens Majeſty, together with which Oath he ſhall in like ſort, before the ſame perſon or perſons, receive and take another corporal Oath as followeth, (that is to ſay:) I A. B. ſhall not uſe or exerciſe the Office of Under-Sheriff corruptly, during the time that I ſhall remain therein, neither ſhall or will accept, receive, or take by any colour, means, or device whatſoever, or conſent to the taking of any manner of fee or reward of any perſon or perſons for the impannelling or returning of any Inqueſt, Jury, or Tales in any Court of Record for the Queen, or betwixt party and party, above two ſhillings, or the value thereof, or ſuch fees as are allowed and appointed for the ſame by the Laws and Statutes of this Realm: But will, according to my power, truly and indifferently with convenient ſpeed, impannel all Jurors, and return all ſuch Writ or Writs touching the ſame as ſhall appertain to be done by my duty or office, during the time that I ſhall remain in the ſaid Office. So help me God. And likewiſe be it enacted by the authority aforeſaid, That this Act ſhall be a ſufficient warrant to the perſons appointed by this Act to miniſter the Oath aforeſaid, for the miniſtring thereof accordingly.

The Under-Sheriff choſen at the time of the Statute making.

And be it further enacted by the authority aforeſaid, That every Under-Sheriff that is already choſen and appointed for the executing of the ſaid Office of Under-Sheriff for the year or time begun, of, or upon the laſt change of Sheriffs, ſhall within forty days next enſuing the Seſſion of this preſent Parliament, receive and take the Oaths mentioned in this Act, before ſuch perſon or perſons, as by this Act is, or are limited and appointed to miniſter the ſame.

Bayliffs of Franchiſes, Sheriffs Clerks and Deputies, ſhall take the aforeſaid oath.

And be it further enacted by the authority aforeſaid, That every Bayliff of Franchiſes, Deputy and Clerk of every Sheriff and Under-Sheriff, and every other perſon and perſons, which after forty dayes after the end of this Seſſion of Parliament, ſhall have authority, or take upon him to impannel or return an Inqueſt, Jury or Tales, or to intermeddle with execution of Proceſſe in any Court of Record, ſhall before he or they intermeddle with any further execution thereof, receive and take the Oaths aforeſaid corporally before the perſon or perſons appointed by this Act to miniſter the ſame, or before the Head-Officer of the place, if it be a Town Corporate, changing only the words (the Office of the Under-Sheriff) contained in the Oath expreſſed in this Act, to ſuch words as are convenient for the Deputation, Office or Place, in which the party which taketh the Oath is to be exerciſed in. And if any the ſaid perſons, limited to take the Oath aforeſaid, do take upon him to impannel or return any Inqueſt, Jury or Tales, or to intermeddle with the execution of proceſſe, not having before taken the Oaths aforeſaid, that then every ſuch perſon ſhall loſe and forfeit the ſum of forty pounds of current Engliſh money, the one moyety to be to the uſe of our Soveraign Lady the Queen, the other moyety to him or them that will ſue for the ſame.

The forfeiture of the offenders, and how it may be recovered.

And be it further enacted by the authority aforeſaid, That if an Under-Sheriff, or other perſon mentioned in this Act, or any of them, at any time and times, from and after forty dayes next enſuing the laſt day of this preſent Seſſion of Parliament, ſhall do or commit any act or acts contrary to the Oaths aforeſaid, or either of them, or contrary to the true intent and meaning of this Act; that then every ſuch perſon ſo offending, ſhall forfeit and loſe for every ſuch offence to the party or parties grieved, his or their treble damages. All which ſeveral forfeitures before-mentioned, ſhall or may by the authority of this preſent Act be recovered, had, and levied by action of Debt, Bill, Plaint or Information, in any of the Queens Majeſties Courts of Record: in which Actions, Suits, Plaints or Informations, no Wager of Law, Eſſoine or Protection ſhall be allowed.

Which Officers may hear and determine the offences aforeſaid.

And be it further enacted by authority aforeſaid, That the Juſtices of Aſſiſe, and Juſtices of Peace in their open Seſſions, ſhall have full power within the limits of their authority, to hear and determine the defaults done contrary to this Act, as well by preſentment and information, as inditement: And upon conviction of the Offendors, to award execution for the levying of the forfeitures aforeſaid, by Fieri facias, Attachment, Capias or Exigent.

CAP. XIII.

How and by whom Hue-and-Cries are to be made, and the penalty for default thereof, &c.

The effect of the Statutes of 13 Ed. 1 & 2. & 28 Ed. 3. 11. touching anſwering for robbery.

Whereas by two ancient Statutes, the one made in the Parliament holden at Wincheſter, in the thirteenth year of the Reign of King Edward the firſt, and the other in the eight and twentieth year of the Reign of King Edward the third, it was for the better repreſſing of Robberies and Felonies (amongſt other things) enacted to this effect, That if the Country do not anſwer for the Bodies of ſuch Malefactors, that then the pain ſhould be ſuch, that is to wit, that the People dwelling in the Country ſhall be anſwerable for the Robberies done, and the Damages: ſo that the whole Hundred where the Robbery ſhall be done, with the Franchiſes which are within the precinct of the ſame Hundred, ſhall anſwer the Robberies done. And if the Robbery chance to be done in the diviſion of two Hundreds, that then both the Hundreds together, with the Franchiſes, within the precinct of them, ſhall be anſwerable, as in the ſaid two ſeveral Statutes it doth more at large appear.

Several inconveniences enſuing the aforeſaid Statutes touching Hue and Cry.

Foraſmuch as the ſaid parts of the ſeveral Statutes being of late dayes more commonly put in execution, then heretofore they have been, are found by experience to be very hard and extream to many of the Queens Majeſties good Subjects, becauſe by the ſame Statutes they do remain charged with the penalties therein contained, notwithſtanding their unability to ſatiſfie the ſame, and though they do as much as in reaſon might be required in purſuing ſuch Malefactors and Offendors, whereby both large ſcope of negligence is given to the Inhabitants and Reſiants in other Hundreds and Counties, not to proſecute the Hue and Cry made, followed, and brought unto them, by reaſon they are not chargeable for any portion of the Goods robbed, nor with any Damages in that behalf given, and alſo great encouragement and emboldning is likewiſe given unto the Offendors to commit daily more Felonies and Robberies, as ſeeing it in manner impoſſible for the Inhabitants and Reſiants of the ſaid Hundred and Franchiſes, wherein the Robbery is committed, to apprehend them without the aid of the other Hundreds and Counties adjoyning, and for that alſo the party robbed having remedy by the aforeſaid Statutes for the recovering of his Goods robbed, and damages againſt the Inhabitants and Reſiants of the Hundred wherein the Robbery was committed, is many times negligent and careleſs in proſecuting and purſuing the ſaid Malefactors and Offendors: Our Soveraign Lady the Queens Majeſty, not willing therefore that her People ſhould be impoveriſhed by any ſuch pain or penalty, which ſhould be hard or grievous to them, and having ſpecial regard to abate the power of Felons, and to repreſs Felonies, doth for remedy hereof, with the conſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame Parliament, eſtabliſh and enact, That the Inhabitants and Reſiants of every, or any ſuch Hundred (with the Franchiſes, within the precinct thereof) wherein negligence, fault or defect of purſuit, and freſh ſuit, after Hue and Cry made, ſhall happen to be from and after forty dayes, next after the end of this preſent Seſſion of Parliament, ſhall anſwer and ſatisfie the one moyety or half of all and every ſuch ſum and ſums of money and damages, as ſhall by force or vertue of the ſaid Statutes, or either of them be recovered or had againſt, or of the ſaid Hundred, with the Franchiſes therein, in which any Robbery or Felony ſhall at any time hereafter be committed or done. And that the ſame moyety ſhall and may be recovered by action of debt, bill, plaint, or information, in any of the Queens Majeſties Courts of Record at Weſtminſter, by, and in the name of the Clerk of the Peace for the time being, of or in every ſuch County within this Realm, where any ſuch Robbery and Recovery, by the party or parties robbed ſhall be, without naming the Chriſtian name or ſurname of the ſaid Clerk of the Peace; which moyety ſo recovered, ſhall be to the only uſe and behoof of the Inhabitants of the ſaid Hundred where any ſuch Robbery or Felony ſhall be committed or done.

The Inhabitants of the hundred where freſh ſuit ſhall not be made, ſhall anſwer half damages.

The moyety ſhall be recovered by the Clerk of the Peace.

And be it further enacted by the authority aforeſaid, That if any Clerk of the Peace, of

or

The death or removing of the Clerk of the Peace ſhall not ceaſe the ſuit.

or in any County within this Realm, ſhall at any time hereafter commence or prefer any ſuch Suit, Action or Information, and ſhall after the ſame ſo ſued, commenced or preferred, happen to die, or to be removed out of his Office, before recovery or execution had: that yet no ſuch Action, Suit, Bill, Plaint or Information, ſued, commenced, or preferred, ſhall by ſuch diſplacing or death be abated, diſcontinued or ended, but that it ſhall and may be lawful to and for the Clerk of the Peace next ſucceeding in the ſaid County, to proſecute, purſue, and follow all and every Action, Bill, Plaint and Information, for the cauſes aforeſaid, ſo hanging and depending in ſuch manner and form, and to all intents and purpoſes, as that Clerk of the Peace might have done, which firſt commenced or preferred the ſaid Suit, Bill, Plaint or Information.

And although the whole Hundred, where ſuch Robberies and Felonies are committed with the Liberties, within the precinct thereof, are by the ſaid two former Statutes, charged with the anſwering to the party robbed his damages: yet nevertheleſs the recovery and execution, by and for the party or parties robbed, is had againſt one or a very few perſons of the ſaid Inhabitants, and he and they ſo charged, have not heretofore by Law had any mean or way to have any contribution, of or from the reſidue of the ſaid Hundred, where the ſaid Robbery is committed, to the great impoveriſhment of them againſt whom ſuch recovery or execution is had.

A remedy for thoſe againſt whom recovery and execution is had to have contribution.

The taxation of the Towns by the Juſtices.

For remedy whereof, Be it enacted by the authority aforeſaid, That after execution of damages by the party or parties ſo robbed had, it ſhall and may be lawful (upon complaint made by the party or parties ſo charged) to and for two Juſtices of the Peace (whereof one to be of the Quorum) of the ſame County, inhabiting within the ſaid Hundred, or near unto the ſame, where any ſuch execution ſhall be had, to aſſeſſe and tax rateably and proportionably, according to their diſcretions, all and every the Towns, Pariſhes, Villages and Hamlets, as well of the ſaid Hundred where any ſuch Robbery ſhall be committed, as of the Liberties within the ſaid Hundred, to and afterwards an equal contribution to be had and made, for the relief of the Inhabitant and Inhabitants, againſt whom the party or parties robbed, before that time had his or their execution: And that after ſuch taxation made, the Conſtables, Conſtable, Head-boroughs, or Head-borough of every ſuch Town, Pariſh, Village and Hamlet, ſhall by vertue of this preſent Act, have full power and authority within their ſeveral limits, rateably and proportionably to tax and aſſeſſe according to their abilities, every Inhabitant and Dweller in every ſuch Town, Pariſh, Village and Hamlet, for, and towards the payment of ſuch taxation and aſſeſſement, as ſhall be ſo made upon every ſuch Town, Pariſh, Village and Hamlet, for, and towards the payment of ſuch taxation and aſſeſſement, as ſhall be ſo made upon every ſuch Town, Pariſh, Village and Hamlet, as aforeſaid, by the ſaid Juſtices: And that if any Inhabitant of any ſuch Town, Pariſh, Village or Hamlet, ſhall obſtinately refuſe and deny to pay the ſaid taxation and aſſeſſement, ſo by the ſaid Conſtables, Conſtable, Headboroughs, or Head-borough taxed and aſſeſſed, that then it ſhall and may be lawful to and for the ſaid Conſtables and Head-boroughs, and every of them within their ſeveral limits and juriſdictions, to diſtrain all and every perſon and perſons ſo refuſing and denying, by his and their Goods and Chattels, and the ſame diſtreſſe to ſell, and the money thereof coming, to retain to the uſe aforeſaid; and if the Goods or Chattels ſo diſtrained and ſold, ſhall be of more value then the ſaid taxation ſhall come unto, that then the reſidue of the ſaid money, over and above the ſaid taxation, ſhall be delivered unto the ſaid perſon or perſons ſo diſtrained.

The taxation of the Inhabitants by the Conſtables.

Diſtraining and ſale of diſtreſſe for default of payment.

The Conſtables ſhall deliver the money collected to the Juſtices.

And be it further enacted, That all and every the ſaid Conſtables and Headboroughs, after that they have within their ſeveral limits and juriſdictions, levied and collected their ſaid rates and ſums of money ſo taxed, ſhall within ten days after ſuch collection, pay and deliver the ſame over unto the ſaid Juſtices of Peace, or one of them, to the uſe and behoof of the ſaid Inhabitant or Inhabitants, for whom ſuch rate, taxation, and aſſeſſement ſhall be had or made as aforeſaid: which money ſo paid, ſhall by the Juſtices or Juſtice ſo receiving the ſame, be delivered over (upon requeſt made) unto the ſaid Inhabitant or Inhabitants, to whoſe uſe the ſame was collected.

Levying of the contribution in the Hundred, where default of purſuit ſhall be.

And be it further enacted by the authority aforeſaid, That the like taxation, aſſeſſement, levying by diſtreſſe and payment, as aforeſaid, ſhall be had and done within every Hundred, where default or negligence of purſuit and freſh ſuit ſhall be, for and to the benefit of all and every Inhabitant and Inhabitants of the ſame Hundred, where ſuch default ſhall be, that ſhall at any time hereafter by vertue of this preſent Act, have any damages or money levyed of them, for or to the payment of the one moyety, or half of the money recovered againſt the ſaid Hundred, where any Robbery ſhall be hereafter committed.

No penalty where any of the offendors be apprehended.

Provided alſo, and be it further enacted by the authority aforeſaid, That where any Robbery is, or ſhall be hereafter committed by two, or a greater number of Malefactors, and that it happen any one of the ſaid Offendors to be [a] apprehended by purſuit to be made according to the ſaid former mentioned Laws and Statutes, or according to this preſent Act, that then, and in ſuch caſe, no Hundred or Franchiſe ſhall in any wiſe incur, or fall into the penalty, loſſe, or forfeiture mentioned either in this preſent Act, or in any the ſaid former ſtatutes, although the reſidue of the ſaid Malefactors ſhall happen to eſcape, and not be apprehended: Any thing in this ſtatute, or in the ſaid former ſtatutes to the contrary notwithſtanding.

[a] Cok. li fol. 7.

The ſuit ſhall be commenced within one year after the robbery.

Provided alſo, That no perſon or perſons hereafter robbed, ſhall take any benefit by vertue of any the ſaid former ſtatutes, to charge any Hundred where any ſuch Robbery ſhall be committed, except he or they ſo robbed, ſhall commence his or their ſuit or action within one year next after ſuch Robbery ſo to be committed.

In what ſort Hue-and-Cry and purſuit of felons ſhall be made.

And be it further enacted by the authority aforeſaid, That no Hue-and-Cry, or purſuit hereafter to be done or made by the County, or Inhabitants of any Hundred, ſhall be allowed and taken to be [b] a lawful Hue-and-Cry, or purſuit, upon or after the ſaid Felons or Offendors,

[b] Dyer, 370.

dors, except the ſame Hue-and-Cry, or purſuit be done and made by Horſemen and Footmen: Any Uſage or Cuſtome to the contrary notwithſtanding.

And be it further enacted by the authority of this preſent Parliament, That no perſon or perſons that ſhall hereafter happen to be robbed, ſhall have or maintain any action, or take any benefit by vertue of the ſaid two mentioned ſtatutes, or either of them, except the ſame perſon and perſons ſo robbed, ſhall with as much [a] convenient ſpeed as may be, give notice and intelligence of the ſaid Felony or Robbery ſo committed unto ſome of the Inhabitants of ſome Town, Village, or Hamlet near unto the place where any ſuch Robbery ſhall be committed, Nor ſhall bring or have any action, upon and by vertue of any the ſtatutes aforeſaid, except he or they ſhall firſt within twenty days next before ſuch action to be brought, be examined upon his or their corporal Oath to be taken before ſome Juſtice of the Peace of the County where the Robbery was committed, inhabiting within the ſaid Hundred where the Robbery was committed, or near unto the ſame, whether he or they do know the parties that committed the ſaid Robbery, or any of them. And if upon examination it be confeſſed, that he or they do know the parties that committed the ſaid Robbery, or any of them, that then he or they ſo confeſſing, ſhall before the ſaid action be commenced or brought, enter into ſufficient Bond by Recognizance before the ſaid Juſtice, before whom the ſaid examination is had, effectually to proſecute the ſame perſon and perſons ſo known to have committed the ſaid Robbery by Indictment, or otherwiſe, according to the due courſe of the Laws of this Realm. 29 Eliz. 25.

Cok. lib. 7 ol 7. Cro. Jac. 41.

The party robbed ſhall give notice thereof to the Inhabitants of ſome town, &c.

ro El. 142. 12.

The party robbed examined before a Juſtice whether he knew any of the offenders. Cok. pla. fo. 348. Rall. pla. fo 406.

CAP. XIV.

Stat. of 2 & 3 Ed. 6. 10. touching the true making of Malt, revived.

Whereas in the Parliament holden at Weſtminſter, upon prorogation the fourth day of November, in the ſecond year of the year of the late King of moſt famous memory, King Edward the ſixth, moſt dear Brother to our Soveraign Lady the Queens Majeſty that now is, there was amongſt other things, one good and neceſſary Act of Parliament made and eſtabiſhed, entituled, An Act for the true making of Malt: Which ſaid ſtatute was after diſcontinued, and ſo reſteth and remaineth as yet, albeit in truth, during the continuance thereof, the ſame did much good to the Common-wealth, and ſo would it do ſtill, if the ſame might be revived, and ſtand in force, as heretofore it hath done.

In conſideration whereof, may it pleaſe her Highneſſe, with the conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it may be enacted, that the ſaid former Act and Statute abovementioned, and every branch, article and proviſo therein contained, ſhall be revived, and from henceforth continue, ſtand and endure in force and ſtrength, to all intents, conſtructions and purpoſes, and ſhall be obſerved and kept in all things according to the tenor, effect, and true meaning of the ſame. This Act to continue for the time of three years now next following, after the end of this preſent Seſſion of Parliament: and after the end of the ſaid three years, then to the end of the Parliament then next after following. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament.

A reviver of the ſtat. made 2 Ed. 6. 10 for the making of Malt.

CAP. XV.

It ſhall be lawful to any of the Queens Subjects to bring into this Realm from the parts beyond the Sea, in Engliſh Ships or Crayers, being ſailed by Engliſh Mariners with croſſe Sails, Herring, Staple-fiſh, and Ling-fiſh, for ſerving of the North parts, paying the Queens cuſtom and ſubſidy for the ſame. So as none of the ſaid fiſh be ſhipped from any of thoſe North parts into any place of England, South or South-weſt from Boſton: Any ſtatute or proviſo notwithſtanding, &c. But this ſhall not be prejudicial to the Town or Burgeſſes of Berwick. EXP. 5 Eliz. 5. 13 Eliz. 11. & 23 Eliz. 7.

CAP. XVI.

It ſhall not be lawful to any perſon (ſaving a Tanner, his Executors, Adminiſtrators, or Legatories, or to them to whom tanned Leather ſhall be forfeited, to ſell or put away any tanned Leather, unwrought, not converted into made wares, in defrauding the true meaning of the Statute of 5 Eliz. 8. EXP.

CAP. XVII.

Of, what length, bredth, and weight Whites made in the Counties of Glouceſter, Somerſet, and Wiltſhire, and elſe-where, ſhall be.

Whereas in the Parliament holden at Weſtminſter in the fifth and ſixth years of the Reign of our late Soveraign Lord King Edward the ſixth, one Statute was made, intituled, An Act for the true making of woollen Cloth: whereby amongſt other things) it was enacted, That all Whites and Reds, which after the Feaſt of S. Michael the Archangel, then next coming, ſhould be made in the Shires or Counties of Wiltſhire, Glouceſter and Somerſet, or any of them, or elſewhere of like making, and all other Whites which ſhould be made in any other parts of this Realm of England, and not before in the ſame Statute remembred, ſhould contain in length, being thorow wet, between ſix and eight and twenty yards, and ſhould be ſeven quarters of the yard in breadth within the liſts, at the leaſt, and liſted according to the ancient cuſtome; and being well ſcoured, thicked, milled and fully dyed, ſhould weigh every piece xliiii. li. being white, and lx. li. being coloured at the leaſt, as by the ſaid Act among divers clauſes, articles and proviſions contained in the ſame, more plainly is expreſſed.

The length, breadth and weight of Whites and Reds made in certain Counties by the ſtat. of 5 & 6 Ed. 6. 6.

a Cok. li fol. 7.

And whereas alſo in the Parliament holden at Weſtminſter, in the fourth and fifth years of the Reigns of our late Soveraign Lord and Lady King Philip and Queen Mary, one other ſtatute was made, entituled, An Act touching the making of Woollen Clothes, whereby alſo (amongſt other things) it was ordained, eſtabliſhed, enacted and provided, that every white Cloth which ſhould be made in the Counties of Wiltſhire, Glouceſter and Somerſet, or any of them, or elſewhere of like making, appointed by the ſaid Act made in the ſaid fifth and ſixth

The weight of the ſaid Clothes. 4 & 5 P. & M. 5.

b Dyer, 370.

ſixth years of King Edward the ſixth, to weigh threeſcore and four pound, ſhould weigh, being well ſcoured, thicked, milled, and fully dyed threeſcore and one pound at the leaſt, with a proviſion in the ſame laſt recited Act contained, that no perſon or perſons ſhould incur the danger, penalty, or forfeiture limited and appointed for any offence in the ſaid former recited Act, which was mitigated or otherwiſe appointed by the ſame Act, made in the fourth and fifth years of King Philip and Queen Mary, as by the ſame Act made in the fourth and fifth years of King Philip and Queen Mary, amongſt divers Clauſes, Articles, and Proviſoes therein contained, more plainly is expreſſed. Sithence the making of which ſaid ſeveral Statutes, although the makers of the ſaid Clothes have endeavoured themſelves according to their beſt skill and induſtry, to perform and fulfil the ſaid recited Statute in every of their Clothes, as much as in them did lie, as touching the breadth of Clothes, and to that end and purpoſe have allowed, and do allow ſo much yarn and ſtuff to every ſuch Cloth as might ſufficiently ſerve to make all the ſaid Clothes full out in length and breadth, according to the ſaid former Statute made in the fifth and ſixth years of King Edward the ſixth, and in weight according to the ſaid branch of the ſaid Statute made in the fourth and fifth years of the Reigns of the late King Philip and Queen Mary: yet notwithſtanding many times by reaſon of the divers natures in the Woolls, and by the great diverſities in the ſpinning, carding and milling, many of the ſaid Clothes made within the ſaid Counties of Wiltſhire, Glouceſter, Somerſet and Oxon, and elſewhere of like making, do not contain full ſeven quarters in breadth, according to the ſaid Statute made in the fifth and ſixth years of King Ed. 6. and yet do hold their full weight or more, according to the former Statute made in the time of the ſaid King Philip and Queen Mary, and no default touching the breadth can juſtly be imputed to the Maker thereof, for that the ſaid Cloth-makers (as experience daily ſheweth) cannot obſerve the ſaid former Statute in all the ſaid Clothes as touching the breadth, although they endeavour themſelves never ſo much thereunto, which Clothes not containing their full aſſiſe in breadth, as is aforeſaid, are many times taken and ſeized by the Searchers of London when they come to their Market at Blackwell-Hall, to the great loſſe and damage of the ſaid Cloth-makers, and to the great hinderance of Cloth making within the ſaid Counties.

The reaſons wherefore the foreſaid Stat. of 5 & 6 Ed. 6. & 4 & 5 P. & M. cannot be performed, and yet no default in the Clothier.

In conſideration whereof, albeit it is not hereby intended to repeal or make void the ſaid former recited Eſtatutes, or either of them, otherwiſe than is hereafter expreſſed, yet nevertheleſſe, Be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, that no perſon or perſons ſhall be hereafter charged for any ſuch default, which hereafter ſhall be in any of the ſaid Clothes mentioned in this Act for want of breadth of ſeven quarters, ſo that the ſame Cloth do contain in breadth, being throughly wet, ſix quarters and an half at the leaſt within the liſts unwrought, and liſted, according to the ancient cuſtom: Any thing in any of the former Statutes mentioned to the contrary in any wiſe notwithſtanding.

The breadth of clothes made in Wiltſhire, Glouceſter, Somerſet and Oxfordſhire.

Provided alwayes, and be it enacted by the authority aforeſaid, That if any of the ſaid Clothes ſhall not contain ſix quarters and an half at the leaſt within the liſts, as aforeſaid, that then every perſon offending in that behalf, ſhall for every ſuch Cloth be ſubject to ſuch pains, penalties and forfeitures, as were by force of the former recited Statute of the fifth and ſixth years of King Edward the ſixth, to have been forfeited for want of breadth of ſeven quarters within the liſts.

The penalty if the cloth do not contain in breadth ſix quarters and an half.

And be it nevertheleſſe enacted by the authority aforeſaid, That if any Cloth to be made within any of the ſaid Counties or elſe-where of like making, called Narrow-liſted Whites, being well ſcoured, thicked, milled and fully dyed, ſhall contain in weight any leſſe than lxi. li. at the leaſt; or of any Cloth to be made within any of the ſaid Counties, or elſewhere of like making, called Broad-liſted Whites, being well ſcoured, thicked, milled, and fully dyed, ſhall contain in weight any leſſe than lxiii. li. at the leaſt; or if any of the ſaid Clothes, called Narrow-liſted or Broad-liſted Whites, ſhall contain in length any more than twenty and eight yards at the moſt: that then every of the ſaid Clothiers therein offending, ſhall incur double ſuch penalties and forfeitures for every pound ſo wanting of the ſeveral weights above limited, and for every yard ſo exceeding in length, and not weighing after ſuch rate as is before expreſſed, as by the ſaid Statute of the fourth and fifth years of King Philip and Queen Mary is provided and appointed. This Act to indure and continue for the ſpace of five years next after the end of this Seſſion of this preſent Parliament, and from the end of the ſaid five years, untill the end of the next Seſſion of Parliament then next enſuing. 35 Eliz. 7. made to continue for ever.

The weight of Narrow-liſted Whites, and Broad-liſted Whites.

The length of Narrow-liſted and Broad-liſted Whites. REP. 43 El. 10.

The penalty of the Clothiers offending.

CAP. XVIII.

Part of the Statute of 5 Ed. 6. 6. and the whole Statute of 7 Ed. 6. 9. reſtraining the putting of hair, flocks, or Lambs-wooll into plain white Straits, and pinned white Straits, made in Devon and Cornwall, repealed, &c.

5 Ed. 6. 6.

Where in the Parliament upon prorogation holden at Weſtminſter the xxiii. of January, in the fifth year of the Reign of the late King of famous memory, Ed. 6. one Act was made for true making of woollen Clothes: by which Act, amongſt other things it was enacted, that from and after the Feaſt of S. Michael the Archangel next enſuing the making of the ſaid Act, no perſon or perſons ſhould put any hair, flocks, or any yarn of Lambs-wooll into any Cloth, Kerſie, Frize, or Cotton made and ſold, or offered to be ſold, as in the ſaid Act is expreſſed, upon pain to forfeit every ſuch Cloth, Kerſie, Frize and Cotton, wherein any ſuch yarn, hair, or flocks ſhould be put, or the value of ſuch Cloth, Kerſie, Frize or Cotton, as by the ſaid Act it doth and may appear.

And whereas by another Act made in the Parliament holden at Weſtminſter in the ſeventh year of the Reign of the ſaid late King, entituled, An Act for the making of plain white Straights, and pinned white Straights, in Devon and Cornwall, the ſaid former Act was altered, and liberty given to the Makers of the ſaid Clothes, called plain white Straights, and pinned white Straights, to uſe in making of the ſaid Clothes, Flocks, Hair or Yarn made of Lambs-wooll, and by the Statute divers Rules and Orders were appointed for making of the ſaid Clothes, called plain white Straights, and pinned white Staights, as by the ſaid Statute doth appear: Now for that the Orders and Rules both by the ſaid Statute made in the ſaid fifth year, as alſo in the ſaid ſeventh year of the ſaid late King Edward the ſixth, tend to the utter undoing and decay of great numbers and multitudes of people which live by the Trade of Clothing, and are not profitable any longer to be kept in theſe Counties and Places, where the ſaid Clothes, called plain white Straights, and pinned white Straights are uſually made, the ſame Clothes being but a baſe and courſe kind of Clothes, uſually made for the uſe of poor people beyond the Seas, and moſt commonly ſhipped into Britain, and there uttered for a Merchandize, to ſerve the uſe of the poorer ſort there: And eſpecially for that ſithence the making of the ſaid Statutes, the yarn, wherewith the ſaid Clothes, called plain white Straights, and pinned white Straights are uſually made, to the great benefit of the poor people where the ſame are made, is grown ſmaller and finer, whereby many more poor people are ſet on work with ſpinning of the ſame, than either at or before the making of any the ſaid ſeveral Statutes they were, ſo that the weight, length and bredth cannot agree as before it did in making of the ſaid Clothes.

7 Ed. 6. 9.

Be it therefore enacted by the Queens Majeſty our Soveraign Lady, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the branch made in the ſaid fifth year, which prohibiteth putting of Hair, Flocks, or Yarn made of Lambs-wooll into any Cloth or Frize, having regard unto the ſaid Clothes, called plain white Straights, and pinned white Straights, be utterly repealed and made void.

And that the ſaid Statute alſo made in the ſaid ſeventh year of the Reign of the ſaid late King, and every Branch, Article, and Clauſe therein, be from henceforth utterly repealed and void for ever.

A repeal of part of the ſtat. of 5 Ed. 6. and of the whole ſtat. of 7 Ed. 6. 9. touching the making of certain clothes in Devon and Cornwall.

And that it be further enacted, That from henceforth it ſhall be lawful to all and every the Queens Majeſties Subjects inhabiting, or which ſhall hereafter inhabit within the ſaid Counties of Devon and Cornwall, as well in Towns corporate, Market Towns, or elſewhere, to weave and make the ſaid Clothes, called plain white Straights, and pinned white Straights, and to uſe and occupy in making the ſaid Clothes, called white Straights, and pinned white Straights, flocks, hair, and yarn made of Lambs-wooll, and to have, keep, and uſe in his or their houſes three Looms, and not above for making of the Clothes aforeſaid, and to make the ſame Clothes of ſuch length, weight and bredth as the Merchant ſhall like or accept, to buy the ſame for Merchandizes, or appoint the ſame to be made for the uſe and moſt acceptable allowance of the Country people where the ſame ſhall be tranſported for Merchandizes, for that in truth none of the ſame are worn or occupied within this Realm: The ſaid Statute made in the ſaid fifth year of the Reign of the ſaid late King Edward the ſixth, or any other Law or Statute heretofore made to the contrary notwithſtanding.

What ſtuffe may be put into cloth made in Devon and Cornwall. 43 El. 10.

How many Looms a workman may keep in his houſe in Devon, &c.

Provided alwayes, That in defrauding of her Majeſties Cuſtom, no piece of the ſaid Clothes ſhall be made above twelve pounds in weight, or above fourteen yards in length, or one yard in bredth, upon pain of forfeiture of all ſuch Clothes made over and above the ſaid length, bredth or weight, or the value thereof: The one moyety to the Queens Majeſty, her Heirs and Succeſſors, and the other moyety thereof to him that will ſue for the ſame by Writ, Bill, Plaint, or Information in any Court of Record, wherein no Eſſoine, Protection or Wager of Law ſhall be allowed, 43 El. 10.

The weight, length and bredth of certain clothes made in Devon and Cornwall.

CAP. XIX.

No new Iron Mills ſhall be made in Suſſex, Surrey or Kent, nor good Timber ſhall be conſumed by the making of Iron, and the High-wayes there ſhall be repaired and amended.

Whereas by the over great negligence or number of Iron-works which have been and yet are in the Wields of the Counties of Suſſex, Surrey and Kent; it is thought that the great plenty of Timber which hath grown in thoſe parts, hath been greatly decayed and ſpoiled, and will in ſhort time be utterly conſumed and waſted, if ſome convenient remedy therein be not timely provided: Be it therefore enacted by our Soveraign Lady the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons from and after the Feaſt of Eaſter, next after the end of this preſent Seſſion of Parliament, ſhall make, erect, build, or new ſet up, at or in any place within the Counties of Suſſex, Surrey or Kent, or any of them, any manner of Iron-Mills, Furnace, Finary or Blomary, for the making and working of any manner of Iron, or Iron metal, other than either upon ſuch old and former Bayes or Pens, whereupon hath lately been, or at the time of the new erection ſhall be then ſtanding ſome Iron-Mills, Furnace or Hammer, or elſe in and upon ſuch Lands as the party or parties ſo erecting any ſuch intended new work, ſhall continually furniſh the ſame with ſufficient ſupply of his or their own proper Woods, ſtanding or growing in and upon his or their own proper Soil or Land, being to him or them in Fee-ſimple, Fee-tail, or for term of life, or lives, without impeachment of waſte at the leaſt, and not otherwiſe: nor ſhall convert or imploy, or cauſe to be converted or imployed to Coals, or other Fewel, for the making or working of Iron or Iron metal, in or about any manner of Iron-Mills, Furnace, Hammer, Finary, Forge or Blomary, the body or bodies of any ſound Timber tree or trees, apt for the making of good and ſufficient Cleft-wares or ſawing Timber of Oak, Aſh or Elm, growing of the bredth or bigneſſe of one foot ſquare at the ſtub, or any

No new Iron Mills ſhall be erected in Suſſex or Kent, but in certain caſes. 1 Eliz. 15. 23 Eliz. 6.

Timber ſhall not be imployed to the making of Iron

The forfeitures for the offences aforeſaid.

part of the ſame body or bodies of any ſuch tree or trees, upon pain of forfeiture for every Iron Mill, Fornace, Forge, Finary or Blomary, made, erected, builded, or ſet up contrary to the tenour and true meaning of this Act, the ſum of three hundred pounds, and for every body of every ſuch Timber-tree ſo imployed or converted to Coal or other fewel, for the making or working of Iron, as is aforeſaid, the ſum of forty ſhillings of lawful money of England, the one half of which forfeitures to be to our Soveraign Lady the Queens Majeſty, her Heirs and Succeſſors, and the other half to him or them that will ſue for the ſame by Original Writ, Bill, Plaint or Information; wherein no Eſſoine, Protection or Wager of Law ſhall be admitted or allowed.

Which Toppes or Offals of Timber may be imployed to Iron works.

A remedy for the repair of High ways in Suſſex, Surry and Kent, R E P. 39 Eliz. 19.

Two ſhillings and ſix pence ſhall be in lieu of every Cart load of gravel, &c. uncarried.

In what caſe the Surveyors ſhall appoint where the gravel ſhall be laid.

How the forfeitures ſhall be imployed.

A remedy where the offendor doth not pay the forfeiture.

Provided alwayes, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the Owners of ſuch trees (the bodies whereof have been, or ſhall be from time to time converted and imployed to, or for any manner of timber or cleft-ware within the Weilds of Suſſex, Surrey or Kent, or any of them, the ſame not being within eighteen miles of the City of London, or eight miles of the River of Thames, or four miles of the Towns of Rye and Winchelſey, or within three miles of Haſtings, or within four miles of the foot of the hills called the Downs, between Arundel and Pemſey in the County of Suſſex aforeſaid, or any of them) to imploy the tops and offals of all ſuch trees, to or for Coals, or other fewel, ſerving to or for Iron-works at their own will and pleaſures, this Statute or any other to the contrary hereof in any wiſe notwithſtanding. And foraſmuch as the High wayes in the ſaid Counties of Suſſex, Surrey and Kent, are in many places greatly impaired and ſpoyled by means of carriages of Coals, Mines and Iron, to and from the Iron works in the ſaid Counties, to the great hinderance of the common paſſages of the Queens Majeſties Subjects travelling through the ſame: For remedy whereof, Be it further enacted by the authority aforeſaid, That the Occupiers of all manner of Iron-works whatſoever, as Owners or Farmors of the ſame, by or for any eſtate or eſtates of Inheritance for life, lives, or for term of year or years, which ſhall at any time hereafter carry, or cauſe to be carried any Coals, Mine or Iron, to, or for any their Iron-works, between the xii. day of October, and the firſt day of May yearly, ſhall likewiſe yearly carry and lay, or cauſe to be carried and layed for every ſix loads of Coals or Mine, as well as alſo for every Tun of Iron which ſhall be carried by any manner of Wain or Cart, between the ſaid xii. day of October, and the firſt day of May, yearly by the ſpace of one mile thorow any High-wayes, being under any the Hills commonly called the North Downs of Surry and Kent, to or from any manner of Iron-work, one uſual Cart-load of Sinder, Gravel, Stone, Sand or Chalk, meet for the repairing and amending of the ſaid High wayes, to be laid and imployed in ſuch place and places of the ſaid High-wayes, as by any Juſtice of Peace of any of the Counties aforeſaid, dwelling near unto the places where the High-wayes within the limits aforeſaid, ſhall be moſt annoyed by any the means aforeſaid, according to the greater and more preſent neceſſity ſhall be appointed or aſſigned; or elſe pay or cauſe to be paid, for and in allowance of every Cart-load, in manner and form aforeſaid, to have been ſo carried and laid, ii. s. vi. d. within eight days after the demand thereof, to the hands of the ſaid Juſtice of Peace, or his aſſigne, the ſame to be levied after default of payment upon the demand thereof from time to time, upon ſuch Iron as ſhall be by and thorow the ſame high-wayes ſo carried, by way of diſtreſſe. And if ſuch Juſtice of Peace, by reaſon of abſence or other occaſion, do not or ſhall not within forty dayes next after the ſaid firſt day of May, yearly aſſign or appoint where and in what place of the high-wayes the ſaid ſinder, gravel, ſtone, ſand or chalk, to be carried, as aforeſaid, ſhall be laid, or where, and how the mony thereof due, or ſo paid ſhall be imployed and beſtowed: That then the ſame ſinder, gravel, ſtone, ſand or chalk, ſhall be laid and imployed by ſuch perſon and perſons, as by this Act are to carry and lay the ſame, or to cauſe the ſame to be carried and laid in ſuch place and places of the high-wayes, as the Surveyors of the High wayes within the Pariſh for the time being, where the High-wayes ſhall be moſt annoyed, as is aforeſaid, ſhall aſſign or appoint, or in default thereof, pay to the ſaid Surveyors for every ſuch load due, and uncarried, ii. s. vi. d. in manner and form aforeſaid, upon pain of forfeiture of x. s. for every load of ſinder, gravel, ſtone, ſand or chalk not carried, laid and imployed in the high-wayes, or ii. s. vi. d. unpaid, as is aforeſaid, to be forfeited, and paid by the perſon and perſons which by this Act ought to carry and lay, or cauſe to be carried and laid, the ſinder, gravel, ſtone, ſand or chalk, or therefore to have paid, as is aforeſaid, after due preſentment and conviction thereof had before the Juſtices of Oyer and Terminer, or Juſtices of Peace in any of their open Seſſion or Seſſions to be holden before them or any of them. All which ſum and ſums of money to be forfeited by reaſon of this Act, for or in default of carriage and laying of the ſaid ſinder, gravel, ſtone, ſand or chalk, or payment thereof due, as aforeſaid, ſhall be likewiſe beſtowed and imployed upon the amendment and repairing of the high-wayes in the ſaid Pariſhes, where the cauſe of forfeiture by default or refuſal grow and was given, at and by the diſcretion of any ſuch Juſtice of Peace as ſhall dwell and be reſiant next unto the place or places being moſt annoyed by the carriages aforeſaid, and where the money therefore due ſhould have been paid, as aforeſaid, and the ſame to be levied by way of diſtreſſe by any Conſtable, Tything-man, Headborough, or other Officer thereunto to be aſſigned by warrant made in open Seſſions by any Clerk of the Peace of the County where any offence or offences aforeſaid ſhall be committed, or by any two Juſtices of the Peace, whereof one to be of the Quorum, which were preſent at the Seſſions, wherein the ſaid conviction of or for any the offences aforeſaid ſhall be had. And if no ſufficient diſtreſſe can be found by the ſaid Officer appointed to levy the ſame, or if the ſaid offendor ſhall obſtinately refuſe to pay the ſame forfeiture, or do not pay the ſame within xx. days after a lawful demand of the ſame, by the ſaid Officer to be appointed for the levying thereof, as aforeſaid, that then every perſon ſo denying or refuſing, and not paying the ſame forfeiture within xx. days, as aforeſaid, to forfeit the double ſum he ſhould before have paid, to be levied by ſuch ways and means, as to two of the Juſtices of Peace of the ſame County where the ſaid offence ſhall be committed, whereof one to be of the Quorum, ſhall be thought moſt meet: the ſame forfeiture to be likewiſe imployed upon the amendment of the high ways, as the other forfeiture ſhould have been, if the ſame had been levied according to the true intent and meaning of this Stat.

CAP. XX.

It ſhall be lawful to the Mayor and Commonalty of Plimouth in the County of Devon, and their Succeſſors, to dig and mine a Trench or Ditch, containing in breadth betwixt ſix or ſeven foot over in all places, through all the Grounds lying between the Town of Plimouth, and any part of the River of Mew, for the neceſſary conveying of the ſaid River to the ſaid Town, and to do Reparations, and make all things neceſſary, whereby the River may be brought and continue unto the ſaid Town without the let of any perſon: The ſaid Mayor and Commonalty paying to the Owners and Farmors of the ſaid Grounds, the value of the ground ſo digged, to be aſſeſſed by two Juſtices of Aſſiſe. But the ſaid River ſhall not be conveyed through any perſons Houſe, Orchard or Garden, nor to the hinderance of the water-courſe of any Mill, without the Owners conſent. PR.

CAP. XXI.

It ſhall not be lawful to any perſon to ſet any Net with any Boat called a Stalboat, or other Boat or Veſſel whatſoever, within the entry or mouth of Oxford Haven in the County of Suffolk, or in the Gull, being a branch of the ſaid Haven, except the Mask or Shale of every ſuch Net throughout the whole do contain two inches and a half at the leaſt in wideneſſe from knot to knot, upon pain to forfeit the Net ſo ſet, or the value thereof, and five pounds to the Queen and I. to be recovered by A. B. P. or I. wherein no W. and P. &c. PR. Stat. 4 H. 7. 21.

CAP. XXII.

It ſhall be lawful to the Mayor and Citizens of the City of Chicheſter, in the County of Suſſex, their Succeſſors and Aſſigns at any time hereafter to lay out ſo much ground in ſuch places as they ſhall think moſt meet for that purpoſe, for the making of a new Channel, from ſuch place, of the haven of the ſaid City, unto the Suburbs thereof, between the Dell Key there, and a place called Fiſhborn, and in ſuch length and breadth throughout, as to them ſhall ſeem neceſſary, for the conveying the water along the channel unto the Suburbs; And alſo to enter into any Lands within half a mile of the ſaid new channel, where any Brooks, Waters, Streams or Springs ſhall be, and to aſſign and lay out ſuch quantity thereof as ſhall be convenient to bring the ſame Brooks, &c. into the ſaid channel. PR.

CAP. XXIII.

What perſons in Boxſted and Langham in the County of Eſſex may make, weave, or row Woollen Cloth there.

Wheras by a certain Act of Parliament, beginning at Weſtminſter the twentieth day of January, in the fourth and fifth years of the Reigns of the late King Philip and Queen Mary, and there continued untill the ſeventh day of March, in the ſaid fourth and fifth years of the Reigns of the ſaid late King and Queen, amongſt other things it was enacted, That from and after the firſt day of May then next following, no perſon or perſons whatſoever ſhould uſe or exerciſe the feat or myſtery of making, weaving, or rowing of Woollen Clothes long or ſhort, or Kerſies, plain Whites, or plain Straights, to the intent to put the ſame to ſale, but only in a Market Town where Cloth had continually been uſed to be made by the ſpace of ten years then laſt paſt, or in a City, Borough, or Town corporate, upon pain of forfeiture for every ſuch Woollen Cloth, or Kerſie made, woven, or rowed out of ſuch City, Borough, Town corporate, or Market Town, five pounds: And where alſo it is provided in the ſaid Act, That it ſhall be lawful to any perſon then uſing or exerciſing the feat or myſtery of making, weaving, or rowing of Cloth or Kerſie, to inhabit or dwell where they then did dwell, and there to uſe the making, weaving, or rowing of Cloth or Kerſie, as he hath heretofore, Any thing in the ſaid Act notwithſtanding. And where it is further provided by the ſaid Act, That it ſhall be lawful to all and every perſon or perſons which then did, or after that time ſhould inhabit or dwell in any of the Shires of North-Wales, Cheſhire or Lancaſhire, Weſtmerland, Cumberland, Northumberland, Biſhoprick of Durham, Cornwall, Suffolk, Kent, the Town of Goddelmine in the County of Surrey or Yorkſhire, being not within twelve miles of the City of York, or in any of the Towns or Villages near adjoyning to the Waters of Strowd in the County of Glouceſter, where Clothes have been uſually made by the ſpace of twenty years then laſt paſt, and having been Apprentice to the Occupation of Cloth-making, or uſed the ſame by the ſpace of ſeven years, to ſet up, uſe, and exerciſe the Feat or Myſtery of making, weaving, or rowing of Woollen Cloth out of a City, Borough, or Market Town, as before they might have done: Any thing in the ſaid Act to the contrary notwithſtanding.

A rehearſal of the Statute of 4 & 5 P. & M. 5. limiting in what places only cloth may be made, and by what perſons.

And whereas by one other Act of Parliament beginning at Weſt. the xxiii. of Jan. in the firſt year of the Reign of our Soveraign Lady Elizabeth, the Queen that now is, and there prorogued untill the xxv. day of the ſame moneth, then and there holden and continued untill the viii. day of May then next following, amongſt other things it was enacted in manner and form following, That foraſmuch as the Towns and Villages of Bocking, Weſtbargholl, Dedham and Cockſhall, in the County of Eſſex, be fair large Towns, and as well planted for Cloth-making, as the ſaid Town of Goddelmine, or better, and fewer Towns in this Realm better planted for that purpoſe, and have been inhabited of a long time with Cloth-makers, which have made, and daily do make good and true Cloth, to the great Common-wealth of the Country there, and nothing prejudicial to, or for the Common-wealth of this Realm, It was therefore ordained and enacted by the authority of the ſaid laſt recited Parliament, That it ſhould be lawful to all and every ſuch perſon or perſons which now do inhabit or dwell, or hereafter ſhall dwell in the ſaid Towns or Villages of Bocking, Weſtbargholl, Cockſhall and Dedham, or in any of them, now uſing or exerciſing, or that hereafter ſhall uſe or exerciſe the Feat or Myſtery of making, weaving, or rowing of Cloth or Kerſie, by the ſpace of ſeven years at the leaſt, or have been Prentices thereto by the like ſpace of ſeven years, to inhabit and dwell in the ſame Villages and Towns of Bocking, Weſtbargholl, Cockſhall, and in every or any of them, and to uſe the making and weaving, or rowing of Cloth or Kerſie, as before that time they might have done, if the ſaid Act had never been made: Any thing in the ſaid Act to the contrary thereof

A liberty given by the Statute of 1 El. 14. to the inhabitants in certain towns in Eſſex, to make cloth, notwithſtanding the Stat. of 4 & 5 P. & M. 5.

made, or in any other Act, Statute, or Law heretofore made, or hereafter to be made, to the contrary thereof in any wiſe notwithſtanding.

The Inhabitants of Boxſtead and Langham in Eſſex may make cloth, &c.

And foraſmuch as the Towns of Boxſtead and Langham in the County of Eſſex, are fair ancient Towns, and as well planted for Cloth-making, as any of the ſaid Towns of Bocking, Weſtbargholl, Dedham and Cockſhall, and few Towns in this Realm better planted for that purpoſe, and have been inhabited a long time with Cloth-makers, which have made, and daily do make good and true Cloth, to the great Common-wealth of the Country there, by ſetting to work a great number of poor people, as well within the ſaid Towns of Boxſtead and Langham, as in divers other Villages and Towns there round about, and being nothing prejudicial to or for the Common-wealth of this Realm: Be it therefore enacted and ordained by the authority of this preſent Parliament, That it ſhall ſhall be lawful to and for all and every ſuch perſon or perſons which now do inhabit or dwell in the ſaid Towns or Villages of Boxſtead and Langham, now uſing or exerciſing, or that hereafter ſhall uſe or exerciſe the Feat or Myſtery of making, weaving, or rowing of Cloth or Kerſie, by the ſpace of ſeven years at the leaſt, or have been, or ſhall be hereafter Prentice thereunto by the ſpace of ſeven years, to inhabit and dwell in the ſaid Towns or Villages of Boxſtead and Langham, and there to uſe the making, weaving or rowing of Cloth or Kerſie, as before the making of the ſaid Statute of the fourth and fifth years of the Reign of King Philip and Queen Mary they might have done, and as if the ſaid Act had never been had nor made: Any thing in the ſaid Act to the contrary thereof made, or any other Act, Statute or Law heretofore to the contrary hereof in any wiſe notwithſtanding.

CAP. XXIV.

Juſtices of Peace within the County of Norfolk, ſhall take order for the keeping of the Sea-banks and Sea-Works within the ſame County, in repair.

2 & 3 P. & M. 8.

5 Eliz. 13.

18 Eliz. 10.

Whereas in the Parliament holden at Weſtminſter, in the ſecond and third years of the Reign of the late King Philip and Queen Mary, one Act was made and ordained for the amending and maintaining of High-wayes; which ſaid Act having no longer continuance but for ſeven years after the end of the ſame Parliament, was afterwards by one other Act of Parliament made in the fifth year of the Queens Majeſties Reign that now is, revived to have further continuance for a certain time yet enduring; in which ſaid Act made in the fifth year, and one other Act made in the eighteenth year of her Majeſties Reign, there were contained divers further Additions and Ordinances, tending to the amendment and maintenance of the ſaid High-wayes. And whereas the Sea-banks and Sea-works in ſundry parts of the Sea-coaſts within the County of Norfolk (not being within the particular charge of any perſon or perſons, or of any Townſhip, or to be maintained by any other common charge) are by the working of the Sea ruined and decayed, to the great hurt and prejudice of many Townſhips within three miles of the ſaid Banks and Sea-works, and likely daily more and more to grow in ruine and decay, if convenient remedy be not provided in that behalf: And whereas the High-wayes within three miles of the ſaid Sea-banks and Sea-works be ſo gravelly and ſandy, as neither need nor require for the amendment of the ſame ſo many of the ſaid day-works, as be limited and appointed by the ſaid Statutes, the ſurpluſage of which ſaid day-works, if it might be yearly imployed towards the repairing, amending, and maintenance of ſuch of the ſaid Sea-banks and Sea-works, as are not or ought not to be made and maintained at the particular charge of any perſon or perſons, or at the charge of any Townſhip, or by acre ſhot, or other common charge, would be a ſingular benefit and help to the aforeſaid Townſhips, within three miles of the ſaid Sea-banks and Sea-works ſo yearly to be made and maintained.

The Juſtices of Peace in Norfolk ſhall take order for the repair of Sea-banks and Sea-works within the ſame County.

For remedy whereof, Be it enacted and ordained by authority of this preſent Parliament, That from and after the Feaſt of Pentecoſt now next enſuing, the Juſtices of Peace within the ſaid County of Norfolk ſhall and may yearly, at any general Seſſions to be holden within the ſaid County, for and towards the making and amending of the ſaid Sea-banks or Sea-works (now being, or that hereafter ſhall be in ruine or decay) limit and appoint ſo many of the aforeſaid day-works, as by their diſcretions ſhall be thought ſuperfluous and not needful, to be imployed towards the amendment of the aforeſaid High-wayes within three miles of the ſaid Sea-banks or Sea-works, which ſhall needfully require any ſuch reparation or amendment.

Every perſon chargeable for the repair of Sea-banks, as they ſtand charged for the amending of High-ways.

And be it further enacted, That every perſon and perſons, dwelling within three miles of the ſaid Sea-banks and Sea-works needfully to be amended, as is aforeſaid, ſhall yearly upon reaſonable warning given during ſo many dayes as ſhall be limited and appointed in the ſaid Seſſions, in reſpect of his and their labour and carriages, ſtand and be in that degree charged and chargeable towards the making, repairing, and amending of the ſaid Sea-banks or Sea-works, as by the aforeſaid Statutes they ſtand charged and chargeable for the amendment of any High-wayes; and that they and every of them for the not doing and performing the ſame, ſhall incur the like pain, penalty and forfeiture, as is contained in the foreſaid Statutes made for the amendment of High-wayes, and every of them. And that the ſaid Juſtices likewiſe in their aforeſaid general Seſſions, ſhall and may nominate and appoint the High-Conſtables of every Hundred, that ſhall be charged or chargeable by force of this Act towards the making or amending of the ſaid Sea-banks or Sea-works, to be Surveyors of the ſaid Sea-works and Sea-banks, and that they and every of them ſhall take upon them the execution of the ſaid Charge and Office, and duly perform the ſame, upon ſuch like pain and forfeitures as by the ſaid Statutes, or any of them, to be impoſed upon any Surveyor or Surveyors, for not taking upon him or them the office of Surveyor for the amending of High-wayes. And that every perſon and perſons which ſhall be yearly charged

The Conſtables of Hundreds ſhall be Surveyors of Sea-works.

charged to the making and maintenance of the ſaid Banks or Sea-works, ſhall be diſcharged of ſo many dayes towards the making ot the ſaid High-wayes, as ſhall be imployed and beſtowed towards the making and amending of the ſaid Sea-works and Sea-banks, all the ſaid penalties and forfeitures to be levied in manner and form as in the ſaid Statutes are limited and appointed. This Act to endure and continue for the ſpace of five years, and from thenceforth unto the end of the Parliament next enſuing the ſaid five years. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parſiament.

They which ſhall be charged with the amendment of Sea-works, ſhall be diſcharged of the repair of high-wayes.

CAP. XXV.

As often as the Rents or Profits belonging to Rocheſter-Bridge in Kent, ſhall not be ſufficient to bear the charge of the reparation thereof, the two Wardens, and more part of the twelve Aſſiſtants ſhall tax all the contributory Lands, rating every Pariſh where thoſe Lands be, proportionably at ſuch ſums of money, to be paid in ſuch manner as by the ſaid Wardens, &c. ſhall be appointed in Writing under their Hands and Seals, for the which any perſon by them aſſigned may diſtrain, and ſell the diſtreſſe. At the yearly election of the ſaid two Wardens and Aſſiſtants, two Houſholders at the leaſt ſhall be preſent of every Pariſh within ſeven miles of the ſaid Bridge, wherein any contributory Lands do lie, to give their voyces at the ſame election. PR. 9 H. 5. 12. 18 Eliz. 17.

CAP. XXVI.

It ſhall be lawful for 6 5, 4, or 3. Juſtices of Peace inhabiting within eight miles of Middleton in the County of Kent, to tax upon the Grounds lying without the Iſle of Sheppey, and within four miles diſtance from Kings Ferry there, ſuch aſſeſſements towards the repair of the High-way leading from Middleton to Kings Ferry, as to them ſhall ſeem reaſonable, though the Owners or Occupiers of the ſaid Grounds be dwelling without the compaſs of four miles. So as of every year no Acre of freſh Marſh be rated above a penny, nor ten Acres of ſalt Marſh above a penny, notwithſtanding the Statute of 18 Eliz. 10. PR.

CAP. XXVII.

Liberty continued to certain perſons for ſix years, for the inning of Erith, Leſnes, and Plumſted Marſhes, in the County of Kent. The moyety of all the Lands ſo to be recovered and inned, aſſured to the Inners and their heirs, in reſpect of their charges: and alſo the eighth part of the other moyety. They ſhall hold it of the Queen, as of the Manor of Eaſt-Greenwich in Socage by fealty, paying a penny an Acre yearly, and ſhall pay no Tythe for ſeven years. PR. 23 Eliz. 13. 4 Jac. 8.

CAP. XXVIII.

A Confirmation of a Subſidy of ſix ſhillings in the pound granted to the Queen by the Clergy, to be paid in three years. EXP.

CAP. XXIX.

One entire Subſidy and two Fifteens granted to the Queen by the Temporalty. EXP.

CAP. XXX.

The Queens general free pardon Confimed by Parliament: Except, &c. EXP.

Anno viceſimo nono Reginæ Elizabethæ

AT this preſent Seſſion of Parliament by prorogation holden at Weſtminſter, the fifteenth day of February, in the nine and twentieth year of the Reign of our moſt gracious Soveraign Lady, Elizabeth, by the Grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c. and there continued to the diſſolution of the ſame. To the high pleaſure of Almighty God, and the weal publick of this Realm, were enacted as followeth.

CAP. I.

A confirmation of the lawful, and juſt Convictions and Attainders of Thomas Lord Paget, F. E. C. P. F. T. W. S. A. B. T. S. E. I. E. A. C. T. C. R. B. I. C. and I. T. lately attainted of High Treaſon by Outlawry, Verdict or Confeſſion. And they ſhall forfeit to the Queen all their Manors, Lands, Offices, Rights, Conditions and Hereditaments. PR. Stat. 35 Eliz. 5,

CAP. II.

No Record of Attainder of Treaſon ſhall be reverſed, where the party attainted is executed for the ſame.

FOraſmuch as through corruption, or negligent keeping, the Records of Attainders of Treaſon happen many times to be impaired, blemiſhed, or otherwiſe to be defective, Be it ordained and enacted by authority of this preſent Parliament, That no Record of Attainder that now is, of any perſon or perſons of or for any high Treaſon, where the party ſo attainted, is or hath been executed for the ſame Treaſon, ſhall by the heir or heirs of any ſuch perſon, or by any other whatſoever claiming in, from, by or under any ſuch heir or heirs, be in any wiſe hereafter reverſed, undone, avoided, or impeached by any Plea, or for any Error whatſoever.

No record of attainder of treaſon ſhall be reverſed, where the party attainted is executed. Cok Inſt. 4 Part, 31.

Provided alwayes neverthelesse, That this Act, nor any thing therein contained, ſhall in any wiſe extend to any Record of Attainder, of or for any Treaſon, upon which any Writ of Error is now depending, or which Record is already reverſed, repealed or undone, by or for any Error, Matter, Plea or Cauſe whatſoever: but that the ſame ſhall be and remain as unto and againſt that party, at whoſe ſuit the ſame Writ of Error is depending, or at whoſe purſuit the ſame Record hath been reverſed, repealed or undone, and his and her Heirs and Aſſigns only, as if this Act had never been had or made. Any thing in this Act to the contrary thereof notwithſtanding.

Where the record is reverſed, or thereupon a Writ of Errour depending.

CAP. III.

Every perſon which hath, or claimeth to have any eſtate of Inheritance, Leaſe or Rent, not already entred of Record, or certified in the Exchequer, of, in, to, or out of any Manors, Lands or Hereditaments, by or under any Grant or Aſſurance whatſoever, made ſithence the beginniug of the Queens Reign, by any of the perſons attainted for matter tending to the hurt, death or deſtruction of the Queen, or to any actual Rebellion or Invaſion, or for being adherent, or giving aid, or comfort to any of the Queens enemies, ſithence the eight day of February, in the eighteenth year of the Queens Reign, ſhall within two years after the end of this ſeſſion of Parliament openly ſhew forth the ſame in the Exchequer; And there in Term time in open Court exhibit the ſame aſſurance (or upon his oath affirming that he hath not, nor can come to the ſame, or that it was never put in writing) Then the effect thereof in writing to be entred and inrolled of Record; Or elſe every ſuch aſſurance ſhall be void to all intents Et ſic, ut ſupra. 18 Eliz. 4. P R.

CAP. IV.

How much any Sheriff or his Officer may take for ſerving an Execution, and the penalty if he take more.

BE it Enacted by the authority of this preſent Parliament, That it ſhall not be lawful, from the firſt day of May now next enſuing, to or for any Sheriff, Under-Sheriff, Bayliff of Franchiſes or Liberties, nor for any of their, or either of their Officers, Miniſters, Servants, Bayliffs, or Deputies, nor for any of them, by reaſon or colour of their, or either of their Office or Offices, to have, receive, or take of any perſon or perſons whatſoever, directly or indirectly, for the ſerving and executing of any extent or execution upon the body, lands, goods, or chattels of any perſon or perſons whatſoever, more, or other conſideration or recompence, than in this preſent Act is and ſhall be limited and appointed, which ſhall be lawfull to be had, received and taken, that is to ſay, twelve pence of and for every twenty ſhillings, where the ſum exceedeth not one hundred pounds: and vi.d. of and for every twenty ſhillings, being over and above the ſaid ſum of 100 pounds, that he or they ſhall ſo levy or extend, and deliver in execution, or take the body in execution for, by vertue and force of any ſuch extent or execution whatſoever, upon pain and penalty that all & every Sheriff, Under-Sheriff, Bayliff of Franchiſes and Liberties, their and every of their Miniſters, Servants, Officers, Bayliffs, or Deputies, which at any time after the ſaid firſt day of May now next enſuing, ſhall directly or indirectly do the contrary, ſhall loſe and forfeit to the party grieved his treble damages, and ſhall forfeit the ſum of forty pounds of good and lawfull Engliſh money, for every time that, he, they, or any of them ſhall do the contrary: The one moiety thereof to be to our Soveraign Lady the Queen, her Heirs and Succeſſors, and the other moiety thereof to the party or parties that will ſue for the ſame, by any plaint, action, ſuit, bill, or information, wherein no Eſſoyn, Wager of Law, or Protection ſhall be allowed.

How much the Sheriff may take for the ſerving of an execution.

Cro. El. 131. Cro. Jac. 193. Cro. Car. 287.

The forfeiture of the offendor, and how it ſhall be recovered.

Provided alwayes, That this Act, or any thing therein contained, ſhall not extend to any fees to be taken or had for any execution within any City or Town corporate: any thing above mentioned to the contrary thereof notwithſtanding.

Fees for executions within Cities or Towns corporate.

Cro. El. 146.

CAP. V.

Statutes made in the Reign of Queen Eliz. touching Perjury, touching fraudulent deeds, and touching repair of High-wayes, made perpetual; and certain other Statutes made in the Reigns of King Hen. 8. King Ed. 6. and Queen Eliz. continued, &c.

VVHere in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the fifth year of her Highneſſe reign, an Act was then and there made for the puniſhment of ſuch perſons as ſhould procure or commit any wilful perjury. And where in the Parliament begun and holden at Weſtminſter the ſecond day of April, in the thirteenth year of her Majeſties reign, an Act was then and there made, for the avoiding and aboliſhing of fained, covenous, and fraudulent feoffments, gifts, grants, alienations, bonds, ſuits, judgments, and executions, entituled, An Act againſt fraudulent deeds, gifts, grants, alienations, &c.

5 Eliz. 9.

13 Eliz. 5.

5 Eliz. 13.

And where alſo in the firſt Seſſion of the Parliament begun and holden at Weſtminſter the twelfth day of January, in the ſaid fifth year of her Highneſſe reign, and from thence continued by prorogation untill the diſſolution thereof, there was one other Act made for the reviving of a Statute of 2 & 3 Philippi & Mariæ, for the amending of High-wayes; all which Acts above mentioned, are by proof and experience tryed and found to be very neceſſary and profitable for the common-wealth of this Realm. For which cauſe, be it enacted by the Queens Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Acts above remembred, and every of them, and all and every the branches, clauſes and proviſions in them and every of them contained, ſhall from henceforth be, remain and continue in force and effect for ever.

2 & 3 P.& M.8 The three former Statutes made perpetual.

21 H.8.12. And where in the firſt Seſſion of Parliament begun in the City of London, the third day of November, in the one and twentieth year of the reign of our late Soveraign Lord of famous memory King Henry the eight, and from thence adjourned and prorogued to the Palace of Weſtminſter, an Act or Statute was made, entituled, An Act for the making of Cables, Halſers and Ropes.

24 H. 8. 9. And where in the Parliament holden upon prorogation at Weſtminſter, the fourth day of February, in the four and twentieth year of the Reign of the ſaid King, one other Act was then and there made, entituled, An Act againſt killing of young beaſts, called weanlings.

3 & 4 Ed. 6. 19. And where in the Seſſion of a Parliament ended at Weſtminſter, the firſt day of February, in the fourth year of the reign of our late Soveraign Lord, King Edward the ſixth, one Act was made concerning the buying and ſelling of Rother beaſts and cattel.

3 & 4 Ed. 6. 21. And alſo one other Act was then and there likewiſe made, entituled, An Act for the buying and ſelling of Butter and Cheeſe.

1 Eliz. 17. And where alſo in the Parliament begun at Weſtminſter, the three and twentieth day of January, in the firſt year of the reign of the Queens Majeſty that now is, and there continued by prorogation until the diſſolution thereof one act was then and there made, entituled, An Act for preſervation of Spawn and Fry of fiſh.

5 Eliz. 2.

And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the fifth year of her Highneſſe Reign, one Act was then and there made, entituled, An Act for maintenance and encreaſe of Tillage.

5 Eliz. 7.

And one other Act was then and there likewiſe made intituled, An Act for the avoiding of divers foreign wares made by handy craft men beyond the Seas.

8 Eliz. 10.

And where alſo in the laſt Seſſion of the Parliament holden by prorogation at Weſtminſter, the laſt day of September, in the eight year of her Majeſtes reign, one Act was then and there made, entituled, An Act for Bowyers, and the prices of Bowes.

13 Eliz. 20.

And where alſo in the Parliament begun and holden at Weſtminſter the ſecond day of April, in the thirteenth year of her Majeſties Reign, there was one Act and Statute made for the avoiding of ſome Leaſes in certain caſes to be made of Eccleſiaſtical Promotions with cure, entituled, An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with cure.

13 Eliz. 21.

And where alſo there was one other Act and Statute made in the ſaid Parliament begun and holden at Weſtminſter, the ſaid ſecond day of April, in the ſaid thirteenth year, entituled, An Act that Purveyors may take Grain, Corn or Victuals within five miles of Cambridg and Oxford in certain caſes.

13 Eliz. 8.

And alſo one other Act was then and there made, entituled, An Act againſt Uſury.

14 Eliz. 11. continuance of Statutes.

And where in the Parliament holden at Weſtminſter the eighth day of May, in the fourteenth year of her Highneſs reign, there was one other Act made, entituled, An Act for the continuation and explanation, perfecting and enlarging of divers Statutes: in which Statute are contained divers branches, clauſes and proviſions touching and concerning the explanation, perfecting and enlarging of divers of the Statutes before mentioned.

14 Eliz. 5.

And where alſo in the firſt Seſſion of the Parliament begun and holden at Weſtminſter, the eighth day of May, in the fourteenth year of the Queens Highneſs Reign that now is, and from thence continued by prorogation till the diſſolution thereof, there was one other Act made, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent.

18 Eliz. 3.

And where in the Parliament holden at Weſtminſter aforeſaid, in the eighteenth year of her Majeſties Reign, there was one other Act made, entituled, An Act for the ſetting of the poor on work, and for the avoiding of idleneſs.

27 Eliz. 11. continuance of Statutes.

And where in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of her Majeſties reign, one other Act was made for the reviving, continuance, explanation and perfecting of divers Statutes, in which are contained divers branches, proviſions and clauſes touching and concerning certain additions and alterations unto, and of divers of the ſaid former recited Statutes, and other new proviſions.

27 El. 7. levying of Iſſues loſt by Jurors.

And where in the ſaid Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of the Queens Majeſties reign that now is, there was an Act made for the levying of Iſſues loſt by Jurors.

Anno 27 El. The laſt mentioned 17 Statutes ſhall continue until the end of the next Parliament. EXP.

And whereas alſo in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of the Queens Majeſties reign that now is, there was one other Act made, entituled, An Act for the good government of the City or Borough of Weſtminſter: foraſmuch as all the ſame ſeveral Acts and Statutes, branches, clauſes and proviſions, and every of them do ſeem good, beneficial and needful to the weal and profit of this preſent Parliament, Be it therefore further Enacted by the authority of this preſent Parliament, That the foreſaid ſeveral laſt recited Statutes and Acts, and the ſaid mentioned branches, clauſes, proviſions, additions, alterations and explanations, and every of them, and all and every article, clauſe and ſentence in them and every of them contained, ſhall be continued and endure in full force and effect during the time hereafter mentioned, that is to ſay, till the end of the next Parliament next enſuing.

5 El. 5 politick conſtitutions for the maintenance of the Navy.

And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the ſaid fifth year of her Majeſties Reign, one Act was then and there made, entituled, An Act touching certain politick Conſtitutions made for the maintenance of the Navy: Be it further Enacted by the authority of this preſent Parliament, That ſo much only of the ſaid laſt mentioned Act, as at this preſent ſtandeth in force, and not heretofore at any time repealed, ſhall continue and endure in full force and effect, unto the end of the next Parliament next enſuing.

The defendant in ſuits upon penal ſtatutes may appear by Atturney. 13 Eliz. 10.

This branch extends not to aliens. 31 Eliz. 10.

Provided always, That whereas divers her Majeſties loving Subjects dwelling in the remote parts of this Realm, are many times maliciouſly troubled upon Informations and Suits, exhibited in the Courts of the Kings-Bench, Common-Pleas, and Exchequer, upon penal Statutes, and are drawn up upon Proceſs out of the Countries where they dwell, and driven to attend and put in bail, to their great trouble and undoings: For reformation whereof, Be it Enacted, That if any perſon or perſons ſhall be ſued or informed againſt, upon any penal Law in any the ſaid Courts of the Kings-Bench, Common-Pleas, or Exchequer, where ſuch perſon or perſons are bailable by Law, or where by the leave or favour of the Court ſuch perſon or perſons may appear by Atturney: that in all and every ſuch caſe, the perſon or perſons ſo to be impleaded or ſued, ſhall and may at the day and time contained in the firſt Proceſs ſerved for his appearance, appear by Atturney of the ſame Court where the Proceſs is returnable, to anſwer and defend the ſame, and not be urged to perſonal appearance, or to put in bayl for the anſwering of ſuch Suit; Any former Law, Cuſtome, or Uſage to the contrary notwithſtanding.

CAP. VI.

Certain aſſurances made by Recuſants of their Lands, ſhall be void to the Queen.
In what Courts they ſhall be convicted.

23 Eliz. 1.

Certain aſſurances made by Recuſants, ſhall be void againſt the Queen.

FOr avoiding of all frauds and delayes heretofore practiſed, or hereafter to be put in ure to the hinderance of the due and ſpeedy execution of the Statute made in the Seſſion of Parliament holden by prorogation at Weſtminſter the ſixteenth day of January, in the three and twentieth year of the Reign of our moſt gracious Soveraign Lady the Queens Majeſty, entituled, An Act to retain the Queens Majeſties Subjects in their due obedience: Be it Enacted by the authority of this preſent Parliament, That every Feoffment, Gift, Grant, Conveyance, Alienation, Eſtate, Leaſe, Incumbrance, and limitation of uſe, of, or out of any lands, tenements or hereditaments whatſoever, had or made at any time ſince the beginning of the Queens Majeſties reign, or at any time hereafter to be had or made by any perſon which hath not repaired, or ſhall not repair to ſome Church, Chappel, or uſual place of Common-Prayer, but hath forborn or ſhall forbear the ſame contrary to the tenour of the ſaid Statute: and which is or ſhall be revokable at the pleaſure of ſuch offendor, or in any wiſe directly or indirectly meant or intended, to or for the behoof, relief, or maintenance, or at the diſpoſition of any ſuch offendor, or wherewith, or whereby, or in conſideration whereof, ſuch offendor or his Family ſhall be maintained, relieved or kept, ſhall be deemed and taken to be utterly fruſtrate and void, as againſt the Queens Majeſty, for or concerning the levying and paying of ſuch ſums of money as any ſuch perſon by the Lawes or Statutes of the Realm already made, ought to pay or forfeit for not coming or repairing to any Church, Chappel, or uſual place of Common-Prayer, or for ſaying, hearing, or being at any Maſſe, and ſhall alſo be ſeiſed and had, to and for her Majeſties uſe and behoof, as hereafter in this Act is mentioned: any pretence, colour, fained conſideration, or expreſſing of any uſe to the contrary notwithſtanding.

Conviction of Recuſancy ſhall be certified unto the Exchequer.

And further be it Enacted by the authority aforeſaid, That every conviction heretofore recorded for any offence before mentioned, not already eſtreated or certified into the Queens Majeſties Court of Exchequer, ſhall from the Juſtices before whom the Record of ſuch conviction ſhall be remaining, be eſtreated and certified into the Queens Majeſties Court of Exchequer, before the end of Eaſter Term next coming in ſuch convenient certainty for the time and other circumſtances, as the Court of Exchequer may thereupon award out Proceſs for ſeiſure of the lands and goods of every ſuch offendor, as hath not paid their ſaid Forfeitures, according to the Lawes and Statutes in ſuch caſe provided: And that every conviction hereafter for any offence before mentioned, ſhall be in the Court commonly called the Kings-Bench, or at the Aſſiſes, or general Gaol-delivery, and not elſewhere, and ſhall from the Juſtices before whom the Record of ſuch conviction ſhall remain, be eſtreated and certified into the ſaid Court of Exchequer, before the end of the Term next enſuing after every ſuch conviction, in ſuch convenient certainty as is afore mentioned.

In what Courts conviction of Recuſancy ſhall be.

At what time the money forfeited for not going to the Church, ſhall be paid.

And be it alſo Enacted by the authority aforeſaid, That every ſuch offendor in not repairing to Divine Service, but forbearing the ſame contrary to the ſaid Eſtatute, as hath been heretofore convicted for ſuch offence, and hath not made ſubmiſſion, and been conformable according to the true meaning of the ſaid Statute, ſhall without any other Indictment, or Conviction, pay into the Receit of the ſaid Exchequer all ſuch ſums of money, as according to the rate of twenty pounds for every moneth ſithence the ſame conviction, do yet remain unpaid, in form as hereafter enſueth: that is to ſay, the one moiety thereof before the end of the next Trinity Term, and the other moiety thereof before the end of the next Hillary Term, or at any ſuch other times, as by the Lord Treaſurer, Chancellor, and Chief Baron of the Exchequer, or any two of them, ſhall by compoſition, upon good bond and ſurety taken, be limited, before the end of the ſaid next Trinity Term, if any ſuch compoſition ſhall happen to be: And ſhall alſo in every Eaſter and Michaelmas Term, untill ſuch time as the ſame perſon do make ſubmiſſion, and be conformable, according to the true meaning of the ſaid Statute, pay into the ſaid Receipt of the Exchequer twenty pounds for every moneth, which ſhall incur in all that mean time.

And be it alſo Enacted by the authority aforeſaid, That every ſuch offendor, in not repairing to Divine Service, but forbearing the ſame contrary to the ſaid Eſtatute, as hereafter ſhall fortune to be thereof once convicted, ſhall in ſuch of the Terms of Eaſter or Michaelmas, as ſhall be next after ſuch [a] conviction, pay into the ſaid Receit of the Exchequer after the rate of twenty pounds for every moneth, which ſhall be contained in the indictment whereupon ſuch conviction ſhall be: And ſhall alſo for every moneth after ſuch conviction, without any other Indictment or conviction, pay into the Receit of the Exchequer aforeſaid at two times in the year; that is to ſay, in every Eaſter Term, and Michaelmas Term, as much as then ſhall remain unpaid, after the rate of twenty pounds for every moneth after ſuch conviction. And if default ſhall be made in any part of any payment aforeſaid, contrary to the form herein before limited, that then and ſo often the Queens Majeſty ſhall and may, by Proceſs out of the ſaid Exchequer, take, ſeize, and enjoy all the goods, and two parts as well of all the Lands, Tenements and Hereditaments, liable to ſuch ſeizures or to the penalties aforeſaid, by the true meaning of this Act, leaving the third part only of the ſame Lands, Tenements and Hereditaments, Leaſes and Farms, to and for the maintenance and relief of the ſame offendor, his wife, children and family.

[a] Cok. 11. fol. 57.

The Queen may take all the offendors goods, and two parts of his lands and leaſes, which payeth not twenty pounds a moneth.

And for the more ſpeedy conviction of ſuch offendor, in not repairing to Divine Service, but forbearing the ſame contrary to the ſaid Eſtatute: Be it enacted by the authority aforeſaid, That the Indictment of every ſuch offendor mentioning the not coming of ſuch offendor to the Church of the Pariſh where ſuch perſon at any time before ſuch Indictment, was, or did keep houſe or reſidence, nor to any other Church, Chappel, or uſual place of Common-

Prayer, ſhall be ſufficient in the Law: and that it ſhall not be needfull to mention, in any ſuch Indictment, that the party offendor was or is, inhabiting within this Realm of England, or any other the Queens Majeſties Dominions. But if it ſhall happen any ſuch offendor then not to be within this Realm, or other her Majeſties Dominions, that in ſuch caſe the party ſhal be relieved by Plea to be put in, in that behalf, and not otherwiſe. And that upon the Indictment of ſuch offendor, a Proclamation ſhall be made at the ſame Aſſiſes or Goal delivery, in which the Indictment ſhall be taken (if the ſame be taken at any Aſſiſe or Goal delivery) by which it ſhall be commanded, that the body of ſuch offendor ſhall be rendred to the Sheriff of the ſame County, before the ſaid next Aſſiſes or general Gaol delivery to be holden in the ſame County. And if at the ſaid next Aſſiſes or Goal delivery, the ſame offendor ſo proclaimed, ſhall not make appearance of record, that upon ſuch default recorded, the ſame ſhall be as ſufficient a conviction in Law of the ſaid offence whereof the party ſo ſtandeth indicted, as is aforeſaid, as if upon the ſame Indictment a Tryal by Verdict thereupon had proceeded, and been recorded.

The Indictment ſufficient, though it be not mentioned that the party is within the Realm.

A Proclamation, that the party indicted ſhall yield his body to the Sheriff.

Provided always, That whenſoever any ſuch offendor, as is aforeſaid, ſhall make ſubmiſſion, and become conformable, according to the form limited by the ſame Eſtatute, made in the three and twentieth year of the Queens Majeſties reign, or ſhall fortune to die: That then no forfeiture of twenty pounds for any Month, or ſeiſure of the Lands of the ſame offendor, from and after ſuch ſubmiſſion and conformity, or death, and full ſatiſfaction of all the arrearages of twenty pounds monthly, before ſuch ſeiſure due, or liable, ſhall enſue, or be continued againſt ſuch offendor, ſo long as the ſame perſon ſhall continue in coming to Divine Service, according to the intent of the ſaid Eſtatute.

The offendor ſubmitting, or dying, no forfeiture ſhall enſue.

And where by the ſaid former Eſtatute, the third part of the forfeitures for not coming to Divine Service, is limitted to the poor: be it further enacted by the authority aforeſaid, That it ſhall and may be lawfull to and for the Lord Treaſurer of England, Chancellor, and chief Baron of the Exchequer for the time being, or two of them, to aſſign and diſpoſe of the full third part of the twenty pounds for every month paid or to be paid into the Receit of the Exchequer, as is aforeſaid, for the relief and maintenance as well of the poor, and of the houſes of Correction, as of impotent and maimed Souldiers, as the ſame Lord Treaſurer, Chancellor, and chief Baron, or any two of them, ſhall order or appoint: Any thing in the ſaid Eſtatute made in the ſaid three and twentieth year of her Majeſties reign mentioned, to the contrary thereof in any wiſe notwithſtanding.

The third part of the forfeiture aſſigned to the poor. 35 Eliz. 1.

Provided alwayes, that this Act, or any thing therein contained, ſhall not in any wiſe extend or be conſtrued to make void or impeach any Grant or leaſe heretofore made bona fide, without fraud or covin, whereupon any yearly rent or payment is reſerved, or payable, or any Grant or Leaſe hereafter to be made bona fide, without fraud or covin, whereupon the accuſtomed yearly rent or payment is reſerved, or any other conveyance, aſſurance, or aſſignment whatſoever heretofore made bona fide, without fraud or covin, which is not or ſhall not be revokable at the pleaſure of ſuch offendor, otherwiſe than to give benefit and title to her Majeſty, her Heirs and Succeſſors, to have, perceive, and enjoy ſuch rents, and payments during the continuance of ſuch Leaſe and Grant, according to the true meaning of this Act.

Aſſurances made bona fide, not impeached.

And provided alſo, that this Act or any thing therein contained, ſhall not in any wiſe extend or be conſtrued to continue any ſeiſure of any Lands or Tenements of ſuch offendor in her Majeſties hands, or in the hands of her Heirs or Succeſſors, after the offendors death which Lands or Tenements he ſhall have or be ſeiſed of, only for term of his life, or in the right of his wife: Any thing in this Act to the contrary in any wiſe notwithſtanding. 23 Eliz. 1. 3. 5 El 1. & 2. 1 Jac. 4. 3 Jac. 4. 5.

Seiſure of lands, whereof the offendor hath but eſtate for life.

CAP. VII.

A Subſidy of ſix ſhillings in the pound, granted to the Queen by the Clergy, to be paid in three years. EXP.

CAP. VIII.

A Subſidy and two Fifteens granted to the Queen by the Temporalty. EXP.

CAP. IX.

A confirmation of the Queens general and free Pardon: Except. &c. EXP.

a Cok. 11. fol. 57.

Anno triceſimo primo Reginæ Elizabethæ.

AT a Seſſion of Parliament begun and holden at Weſtminſter the fourth day February, in the one and thirtieth year of the Reign of our moſt gracious Soveraign Lady, ELIZABETH, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the diſſolution thereof, being the nine and twentieth day of March. To the high pleaſure of Almighty God, and the weal-publick of this Realm, were enacted as followeth.

CAP. I.

The not coming of the Lord Chancellor, and Lord Treaſurer, or either of them, in a Writ of Error purſued according to the Statute, ſhall be no diſcontinuance of ſuch Writ: But three Juſtices of the Common-Pleas, and Barons of the Exchequer, may receive Writs of Error, and award Proceſs according to the Statute, &c.

WHereas by an Eſtatute made in the one and thirtieth year of the reign of King Edward the third, it is enacted, That upon complaint concerning Error made in the Exchequer touching the King or other perſons, the Lord Chancellor, and Lord Treaſurer ſhall do to come before them in any Chamber of Councel nigh to the Exchequer, the Record and Proſhall

A rehearſal of the ſtatute of Anno 31 E. 3. 12. touching a writ of Error brought in the Exchequer.

ces of the Exchequer, and taking to them ſuch Juſtices and other ſage perſons as to them ſhall be thought meet, ſhall hear and determine ſuch errors, as by the ſaid Eſtatute more at large appeareth: And whereas thoſe two being great Officers of the Realm, are imployed not only in their ſeveral offices and places of Juſtice elſewhere, but alſo for the other weighty affairs of the Realm, in Councell attendant on the Queens Majeſties perſon, and otherwiſe, they be many times upon ſudden warning called away in ſuch wiſe, as they both many times, and ſometimes neither of them can be preſent in the Exchequer at their day of Adjournment in ſuch ſuit of Error: And then by not coming of them at the day of Adjournment, every ſuch writ of errour depending, is by the Laws of the Realm diſcontinued, and the party cannot proceed, but muſt begin his ſuit of new, to the great loſſe of the party, and hinderance of Juſtice, For remedy whereof, Be it ordeined and Enacted by authority of this preſent Parliament, That the not coming of the Lord Chancellor and Lord Treaſurer, or either of them, at the day of Adjournment in any ſuch ſuit of error depending by vertue of the ſaid former Eſtatute, ſhall not be any diſcontinuance of any ſuch Writ of Error. But if both the Chief Juſtices of either Bench, or any one of the ſaid great Officers, the Lord Chancellor, or Lord Treaſurer, ſhall come to the Exchequer-Chamber, and there be preſent at the day of Adjournment in ſuch ſuit of error, it ſhall be no diſcontinuance, but the Suit ſhall proceed in Law to all intents and purpoſes, as if both the Lord Chancellor and Lord Treaſurer had commen and been preſent at the day and place of Adjournment.

The not coming of the Lord Chancellor, or L. Treaſurer, at the day of Adjournment, in a Writ of Error, doth not diſcontinue the ſuit.

Provided always, That no Judgment ſhall be given in any ſuch Suit or Writ of Error, unleſſe both the Lord Chancellor and the Lord Treaſurer be preſent thereat.

There ſhall be no Judgment unleſs both the L. be preſent.

A rehearſal of the ſtat. of 27 El. 8. touching reverſing of erroneous judgments given in the Kings-Bench.

And whereas in the Parliament holden in the ſeven and twentieth year of the reign of our moſt gracious Soveraign Lady the Queens Majeſty, one Act or Statute was made, entituled, An Act for redreſſing of erroneous Judgments in the Court commonly called the Kings-Bench: By which, it is amongſt other things Enacted, That where any Judgment ſhall at any time, then after be given in the ſaid Court of Kings-Bench, in any ſuit or action of debt, detinue, covenant, accompt, action upon the caſe, Ejectione firme, or treſpaſſe firſt commenced, or to be firſt commenced there, other then ſuch only where the Queens Majeſty ſhall be party: The party Plaintiff or Defendant, againſt whom any ſuch Judgment ſhall be given, may at his election ſue forth out of the Court of Chancery a ſpecial Writ of Error, to be deviſed in the ſaid Court of Chancery, directed to the Chief Juſtice of the ſaid Court of Kings-Bench for the time being, commanding him to cauſe the ſaid Record, and all things concerning the ſaid Judgment to be brought before the Juſtices of the Common-Bench, and the Barons of the Exchequer, into the Exchequer-Chamber, there to be examined by the ſaid Juſtices of the Common-Bench, and Barons aforeſaid. Which ſaid Juſtices of the Common-Bench, and ſuch Barons of the Exchequer as are of the degree of the Coyfe, or ſix of them at the leaſt, by vertue of the ſame Act, ſhall thereupon have full power and authority to examine all ſuch errors as ſhall be aſſigned or found in or upon any ſuch Judgment, and thereupon to reverſe or affirm the ſaid Judgment as the Law ſhall require, other then for errors to be aſſigned or found, for or concerning the juriſdiction of the ſaid Court of Kings-Bench, or for any want of form in any writ, return, plaint, bill, declaration, or other pleading, proceſſe, verdict or proceeding whatſoever,

Foraſmuch as it doth many times fall out, that the full number of the ſaid Juſtices of the Common Bench, and Barons of the Exchequer ſo authorized by the ſaid ſtatutes, ſometimes for want of health, ſometimes through other weighty ſervices, and earneſt occaſions cannot be preſent at the dayes and times of the returns and continuances of the ſame Writs of error: And by reaſon of their abſence and not coming, the ſaid Writs of error are diſcontinued, Juſtice delayed, and the parties to begin new Suit, to their great charges and prejudice: For remedy thereof, be it alſo enacted by the authority aforeſaid, that from henceforth, if the full number of the Juſtices and Barons authorized by the ſaid Act, come not at the day or time of return, or continuance of any ſuch writ of error, That it ſhall be lawful for any three of the ſaid Juſtices and Barons, at every of the ſaid days and times, to receive writs of error, to award proceſſe thereupon, to make and prefix dayes from time to time, of and for the continuance of all ſuch writs of error as ſhall be there returned, certified, or depending. And that the ſame ſhall be to theſe reſpects as good and available, as if all the Juſtices and Barons authorized by the ſame Act, were preſent. And that the Juſtices and Barons authorized by the ſaid ſtatute, may after that lawfully proceed in all thoſe caſes, in ſuch ſort to all intents, as they may do in other caſes mentioned in the ſaid ſtatute any not coming of any the ſaid Juſtices or Barons notwithſtanding.

Three Juſtices and Barons may receive writs of Error, and award Proceſſe.

Judgment ſhall not be given but by ſix Juſtices, &c.

Provided nevertheleſſe, that no Judgment ſhall be given in any ſuch ſuit of error, unleſſe it be by ſuch full number of the ſaid Juſtices and Barons, as are in that behalf authorized and appointed by the ſaid Act.

Erroneous Judgment may be reverſed in Parliament.

Provided alſo, and be it nevertheleſſe enacted by the authority aforeſaid, that the party Plaintiff or Defendant, againſt whom any ſuch Judgment hath been heretofore or hereafter ſhall be given in the ſaid Court of Kings Bench, may at his election ſue in the high Court of Parliament, for the reverſal of any ſuch Judgment as heretofore hath been uſual or accuſtomed: Any thing in this ſtatute, or in the ſaid former Act, to the contrary thereof notwithſtanding. Stat. 16 Car. 2. ca. 2.

CAP. II.

A Fine levied in the Common Pleas, ſhall be proclaimed four times, viz. every term once, of four Terms.

4 H. 7. 24. 1 R. 3. 7. Co. Inſt. 2 part, 519.

Whereas the ſtatute made in the fourth year of King Henry the ſeventh hath ordained, That every Fine to be levied with proclamations in the Kings Court, afore his Juſtices of the Common Pleas, ſhould be proclaimed in the ſame Court that Term in which it is engroſſed, and in three Terms then next following, at four ſeveral dayes in every term:

By reaſon whereof they ought to be proclaimed four times in every of the four ſeveral Terms. And that during the time of proclamation of ſuch Fines all Pleas ſhould ceaſe: which to do according to the ſaid ſtatute (conſidering the multitudes of Fines now uſually levyed) would require ſixteen dayes in every Term: And by reaſon of the many Cauſes and Suits in that Court, is a far greater trouble then heretofore hath been, ſo as ſcarcely one day in every Term can be ſpared for the proclaiming of Fines: Be it enacted by the authority of this preſent Parliament, that all Fines with Proclamations, from and after the Feaſt of Eaſter next enſuing to be levied in the ſaid Court, ſhall be proclaimed four times; that is to ſay, once in the Term wherein it is engroſſed, and once in every of the three Terms holden next after the ſame engroſſing. And that every Fine proclaimed as aforeſaid ſhall be of as great force and effect in Law to all intents aud purpoſes, as if the ſame had been ſixteen times proclaimed, according to the ſtatutes heretofore made.

A Fine levied in the Common-Pleas ſhall be proclaimed only every Term once of four Terms.

CAP. III.

Three Proclamations ſhall be made in every Action perſonal, wherein any Writ of Exigent ſhall be awarded, &c.

FOr the avoiding of ſecret Outlawries in actions perſonal againſt the Queens Subjects: having known places of their dwellings, by reaſon that Proclamations are made in the County Courts, and in Quarter Seſſions, which are places remote from their dwellings, aad thereby they have not any convenient notice of ſuch Suits againſt them: Be it enacted and ordained by the authority of this preſent Parliament, That in every action perſonal, wherein any writ of Exigent ſhall be awarded out of any Court, in or after the Term of Eaſter next coming, one writ of proclamation ſhall be awarded and made out of the ſame Court, having day of Teſte and return, as the ſaid writ of Exigent ſhall have, directed and delivered of record to the Sheriff of the County where the Defendant at the time of the Exigent ſo awarded, ſhall be dwelling, which writ of proclamation ſhall contain the effect of the ſame Action And that the Sheriff of the County unto whom any ſuch writ of proclamation ſhall be directed, ſhall make three proclamations in this form following, and not otherwiſe: that is to ſay, one of the ſame proclamations in the open County Court and one other of the ſame proclamations to be made at the general quarter Seſſions of the Peace in thoſe parts where the party Defendant, at the time of the Exigent awarded ſhall be dwelling, and one other of the ſame proclamations to be made one month at the leaſt before the quint. exact. by vertue of the ſaid writ of Exigent, at or near to the moſt uſual door of the [a] Church or Chappel of that Town or Pariſh where the Defendant ſhall be dwelling at the time of the ſaid Exigent ſo awarded: and if the Defendant ſhall be dwelling out of any Pariſh, then in ſuch place as aforeſaid of the Pariſh, in the ſame County, and next adjoyning to the place of the Defendants dwelling, and upon a Sunday immediately after Divine Service and Sermon, if any Sermon there be; and if no Sermon there be, then forthwith after Divine Service. And that all Outlawries had and pronounced after the end of the next Eaſter Term, and no writs of proclamations awarded and returned, according to the form of this ſtatute, ſhall be utterly void and of none effect: and that the Officer in whoſe Office ſuch writs of Exigent and proclamation ſhall be made, ſhall and may take ſuch fees as by the ſtatute made in the ſixth year of the reign of the late King of famous memory, King Henry the eight, is limited and appointed in that behalf, and no greater fees in any wiſe: and that the Sheriff for making of the proclamation at or near to the Church or Chappel door as is aforeſaid, ſhall have twelve pence.

How many proclamations ſhall be made in a perſonal action. Where an Exigent ſhall be awarded, and where not.

[a] Cro. El, 71.

The Officers fee for the making of the writ of proclamation by the ſtat. of 6 H. 8. 4.

The Sheriffs fee for the making of the proclamation at the Church door.

And for the avoiding of ſecret ſummons in all real actions, without convenient notice of the Tenants of the freehold, Be it alſo ordained and enacted by the authority of this preſent Parliament, That after every ſummons upon the Land in any real action, fourteen dayes at the leaſt before the day of the return thereof, Proclamation of the ſummons ſhall be made on a Sunday in form aforeſaid, at, or near to the moſt uſual door of the Churches or Chappel of that Town or Pariſh where the Land, whereupon the ſummons was made, doth lye, and that Proclamation ſo made, as aforeſaid, ſhall be returned, together with the names of the ſummoners: and if ſuch ſummons ſhall not be proclaimed and returned, according to the tenour and meaning of this Act, then no Grand Cape to be awarded, but an Alias and Pluries ſummons, as the cauſe ſhall require, until a ſummons and proclamation ſhall be duly made and returned, according to the tenour and meaning of this Act.

A proclamation ſhall be of the ſummons in a real action at the Church door.

And be it further enacted, That before any allowance of any writ of Error, or reverſing of any Outlawry, be had by Plea, or otherwiſe, through or by want of any Proclamation to be had or made, according to the form of this ſtatute, after the end of Eaſter Term next: the Defendant and Defendants in the original action ſhall put in bail, not only to appear and anſwer to the Plaintiff in the former Suit in a new action, to be commenced by the ſaid Plaintiff for the cauſe mentioned in the firſt action, but alſo to ſatisfie the condemnation, if the Plaintiff ſhall begin his Suit before the end of two Terms next after the allowing the writ of Error, or otherwiſe avoyding of the ſaid Outlawry.

The Defendant upon a Writ of Error ſued ſhall be bound to anſwer the plaintiff, and to ſatisfie the condemnation.

CAP. IV.

Imbezelling the Queens Ordnance, Armour or Victuals, to the value of twenty ſhillings, provided for Souldiers, ſhall be felony.

BE it enacted by the authority of this preſent Parliament, That if any perſon or perſons, having at any time hereafter the charge or cuſtody of any Armour, Ordnance, Munition, Shot, Powder or habiliments of War, of the Queens Majeſties, her Heirs or Succeſſors or of any Victuals provided for the victualling of any Souldiers, Gunners, Mariners, or Pioneres, ſhall for any lucre, gain, wittingly, adviſedly, and of purpoſe, to hinder or impeach her Majeſties ſervice, imbezel, purloyn, or convey away any the ſame Armour, Ordnance,

It ſhall be felony to imbezil the Queens Ordnance, Armour or Victual to the value of xx s. provided for Souldiers.

Ordnance, Munition, Shot or Powder, habiliments of War, or Victuals, to the value of twenty ſhillings, at one or ſeveral times: that then every ſuch offence ſhall be judged felony, and the offendor and offendors therein to be tryed, proceeded on, and ſuffer as in caſe of felony.

Within what time the offendor ſhall be impeached.

No corruption of blood, nor forfeiture of the inheritance of lands or dower by this felony.

The defendant may bring proof for his diſcharge.

Provided always, and be it enacted by the authority aforeſaid, That none ſhall be impeached for any offence againſt this Statute unleſſe the ſame impeachment be proſecuted or begun within the year next after the offence done. And that this Act nor any thing therein contained, nor any attainder or attainders of any perſon or perſons, for any offence made felony by this Act ſhall in any wiſe extend or be adjudged, interpreted or expounded, to make the offendor or offendors to forfeit or loſe any Lands, Tenements, or Hereditaments any longer then only during his or their life or lives, or to make any corruption of blood to any the Heir or Heirs of any ſuch offendor or offendors, or to make the wife of any ſuch offendor to loſe or forfeit her dower, or title of dower, of or in any Lands, Tenements or Hereditaments, or her action or intereſt to the ſame. Any thing in this Act contained, or any attainder or attainders hereafter to be had for any the offence made felony by this Act to the contrary, notwithſtanding. And that ſuch perſon and perſons as ſhall be impeached for any offence made felony by this eſtatute, ſhall by vertue of this Act be received and admitted to make any lawful proof that he can, by lawful witneſſe or otherwiſe, for his diſcharge and defence in that behalf: any Law to the contrary notwithſtanding.

CAP. V.

None reſtrained by order of any of the Queens Courts, may be an Informer: In information upon penal ſtatutes, the County where the offence was done, muſt be expreſſed, &c.

Many be diſquieted by common Informers.

Informers reſtrained to ſue by order of ſome Court.

Cro. El. 645, 736. Cro. Jac. 85, 178.

FOr that divers of the Queens Majeſties ſubjects be daily unjuſtly vexed and diſquieted by divers common Informers upon penal ſtatutes notwithſtanding any former ſtatute that hath been heretofore made againſt their diſorders: For remedy whereof Be it enacted by the authority of this preſent Parliament that all former ſtatutes made for reformation of diſorders of ſuch common Informers not repealed or altered by this Act, ſhall be put in due execution. And that no perſon, other then the party grieved, after twenty dayes after the end of this Seſſion of Parliament, ſhall be received to inform or ſue upon any penal ſtatute that before that time hath been for any misdeameanour, by any order of any the Queens Majeſties Courts, ordered not to follow or purſue any ſuit upon any penal ſtatute.

The County ſhall be expreſſed where the offence was done.

Cro.El.6 736. Cro. Jac. 85, 178.

And be it further enacted by the authority aforeſaid, that in any Declaration or Information at any time after twenty dayes after the end of this Seſſion of Parliament to be had, brought, ſued or exhibited, the offence againſt any penal ſtatute ſhall not be laid to be done in any other County, but where the contract, or other matter alledged to be the offence, was in truth done. And that every defendant, in ſuch action or information, ſhall and lawfully may traverſe and alledge, that the offence ſuppoſed by the ſame ſuit to be committed, was not committed in the County where ſuch offence is alledged, Which being tryed for the defendant, or if the plaintiff be thereupon Nonſuit in his information or ſuit, that then the Plaintiff ſhall be barred in that action or information: Any law or uſe to the contrary notwithſtanding.

Officers of Record ſhall not be bound by this Act.

Provided always, that this Act, nor any thing herein contained, ſhall in any wiſe extend to any ſuch Officers of Record, as have in reſpect of their Offices heretofore lawfully uſed to exhibit informations, or ſue upon penal Laws, But that they and every of them may inform and purſue in that behalf, as they might have done before the making of this Act: Any thing in this Act to the contrary in any wiſe notwithſtanding.

Certain offences whereof information may be given in any County.

1 El. 11.

1 El. 10.

37 H. 8. 9.
13 El. 8.
5 Ed. 6. 14.

And provided alſo, That this Act, nor any thing herein contained, ſhall extend to the laying or alledging of any offence in any declaration or information, for or concerning any Champerty, buying of Titles, or Extortion or any offence committed, or to be committed againſt the ſtatute made in the firſt year of the Queens Majeſties reign, entituled, An Act limiting the times for laying on land Merchandize from beyond the Seas, and touching Cuſtoms of ſweet Wines: And one other Act made in the ſaid firſt year of her Majeſties reign, entituled, An Act of a Subſidy of Tonnage and Poundage, or any thing in any of them contained or for the concealing or defrauding the Queens Majeſty, her Heirs and Succeſſors of any Cuſtom, Tonnage, Poundage, Subſidy, impoſt, or Priſage, or for any matter of corrupt Uſury, or for any offence compriſed in any ſtatute made againſt engroſſing, regrating or foreſtalling, where the penalty or forfeiture ſhall appear to be to the value of twenty pounds or above: But that every ſuch offence ſhall or may be laid in any County, at the pleaſure of any ſuch Informer: Any thing in this Act to the contrary, notwithſtanding.

Within what times ſuits upon penal ſtatutes ſhall be purſued.

Cro. Jac. 603.

And be it further enacted by the authority aforeſaid, That all actions, ſuits, bills, indictments or informations, which after twenty days next after the end of this Seſſion of Parliament ſhall be had, brought, ſued, or exhibited, for any forfeiture upon any ſtatute penal, made, or to be made, whereby the forfeitures is or ſhall be limited to the Queen, her Heirs or Succeſſors only ſhall be had, brought, ſued or exhibited, within two years after the offence committed or to be committed againſt ſuch Act penal, and not after two years. And that all actions, ſuits, bils, or informations, which after the ſaid twenty dayes ſhall be had, brought, ſued or commenced, for any forfeiture upon any penal ſtatute made, or to be made, except the ſtatutes of Tillage, the benefit and ſuit whereof is or ſhall be by the ſaid ſtatute limited to the Queen, her Heirs or Succeſſors, and to any other which ſhall proſecute in that behalf, ſhall be had, brought, ſued or commenced by any perſon that may lawfully purſue for the ſame, as aforeſaid, within one year next after the offence committed, or to be committed againſt the ſaid ſtatute, and in default of ſuch purſuit, that then the ſame ſhall be had, ſued, exhibited or brought for the Queens Majeſty, her Heirs or Succeſſors, at any time within two years after that year ended. And if any action, ſuit, bill, indictment

ment or information for any offence againſt any penal ſtatute made, or to be made, except the ſtatute of Tillage, ſhall be brought after the time in that behalf before limited: That then the ſame ſhall be void and of none effect: Any Act or Statute made to the contrary notwithſtanding.

Provided alwayes, that where any action, information, indictment, or other ſuit, is or ſhall be limited by any ſtatute penal, to be had, ſued, commenced, or brought within ſhorter time then is afore rehearſed: That in every ſuch caſe, the action, information, indictment, or other ſuit ſhall be brought within the time limited by ſuch eſtatute.

Actions, informations, &c. limited by ſame ſtatutes to be ſued within a ſhorter time.

And be it further enacted by the authority aforeſaid, That the ſtatute made in the ſeventh year of the reign of the late King of famous memory, King Henry the eight, concerning the time of bringing Actions or Informations upon penal Laws, ſhall from and after twenty dayes after the end of this Seſſion of Parliament be utterly repealed and that all ſuits from and after the ſaid twenty days to be purſued upon any ſtatute, for uſing any unlawful Game, or for not uſing of any lawfull Game, or for not having Bows and Arrows according to the Law, or for uſing any art or myſtery, in the which the party hath not been brought up according to the ſtatute in that behalf made, ſhall be ſued and proſecuted in the general quarter Seſſions of the Peace, or Aſſiſes of the ſame County, where the Offence ſhall be committed, or otherwiſe enquired of, heard and determined in the Aſſiſes, or general quarter Seſſions of the Peace of the ſame County, where ſuch offence ſhall be committed, or in the Leet within which it ſhall happen, and not in any wiſe out of the ſame County, where ſuch offence ſhall happen or be committed. Stat, 11 El. 5. 27 El, 10. 21 Jac. 4.

A repeal of the ſtat of 7 H. 8. 3 touching informations.

Stat. 5 El. 4. Certain offences puniſhable onely at the Aſſiſes, quarter Seſſions, or in a Leet.

CAP. VI.

Penalties for taking reward for election of Schollers, &c. and for preſentation of Benefices.

Cro. El. 645. 716. Cro. Jac. 85. 178.

Whereas by the intent of the Founders of Colledges, Churches Collegiate, Churches Cathedral, Schools, Hoſpitals, Halls, and other like Societies within this Realm, and by the ſtatutes and good orders of the ſame, the elections, preſentations and nominations of Fellows, Schollers, Officers and other perſons to have room or place in the ſame, are to be had and made of the fitteſt and moſt meet perſons, being capable of the ſame elections, preſentations, and nominations freely, without any reward, gift, or thing given or taken for the ſame: And for true performance whereof ſome electors, preſentors, and nominators in the ſame, have or ſhould take a corporal Oath to make their elections, and nomination accordingly: yet notwithſtanding it is ſeen and found by experience, that the ſaid elections, preſentations, and nominations be many times wrought and brought to paſſe with money, gifts and rewards, whereby the fitteſt perſons to be elected, preſented or nominated wanting money or friends, are ſeldom or not at all preferred, contrary to the good meaning of the ſaid Founders, and the ſaid good ſtatutes and ordinances of the ſaid Colledges, Churches, Schools, Halls, Hoſpitals and Societies, and to the great prejudice of learning and the Common-wealth and eſtate of the Realm.

Elections, preſentations, &c. in Colledges, &c. wrought contrary to the intent of the Founders.

For remedy whereof, be it enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame,, That if any perſon or perſons, bodies politick or corporate, which have election, preſentation, or nomination, or voice, or aſſent in the choice, election, preſentation or nomination of any Fellow, Scholler, or any other perſon, to have room or place in any of the ſaid Churches, Colledges, Schools, Hoſpitals, Halls or Societies, ſhall at any time after forty dayes next after the end of this preſent Seſſion of Parliament, have, receive or take any mony, fee, reward, or any other profit directly or indirectly, or ſhall take any promiſe, agreement, covenant, bond or other aſſurance to receive or have any mony, fee, reward, or any other profit, directly or indirectly, either to him or themſelves, or any other of their, or any of their friends for his or their voyce or voyces, aſſent or aſſents, or conſents in electing, chuſing, preſenting or nominating any Officer, Fellow, Scholler, or other perſon to have any room or place in any the ſaid Churches, Colledges, Schools, Halls, Hoſpitals or Societies: that then and from thenceforth the place, room, or office which ſuch perſon ſo offending ſhall then have in any the ſaid Churches, Colledges, Schools, Halls, Hoſpitals or Societies, ſhall be void. And that then as well the Queens Majeſty, her Heirs and Succeſſors, and every other perſon and perſons, or their Heirs and Succeſſors, to whom the preſentation, donation, gift, election or diſpoſition ſhall of right belong or appertain of any ſuch of the ſaid rooms or places of the ſaid perſon offending as aforeſaid, ſhall or may at their pleaſure elect, preſent, nominate, place or appoint any other perſon or perſons in the room, office, or place of ſuch perſon or perſons ſo offending, as if the ſaid perſon or perſons ſo offending then were naturally dead.

The forfeiture of him which taketh reward for his voice in electing a Fellow, Scholler, &c. into a Colledg, &c.

And be it further Enacted by the authority aforeſaid, That if any Fellow, Officer or Scholler of any the ſaid Churches, Colledges, Schools, Halls, Hoſpitals or Societies, or other perſons having room or place in any of the ſame, ſhall at any time hereafter directly or indirectly take or receive, or by any way, device or means contract to agree, or have, or receive any money, reward or profit whatſoever, for the leaving or reſigning up of the ſame his room or place, for any other to be placed in the ſame: that then every perſon ſo taking or contracting, or agreeing to take or have any thing for the ſame, ſhall forfeit and loſe double the ſum of money, or value of the thing ſo received and taken, or agreed to be received and taken: And every perſon by whom, or for whom any money, gift or reward as aforeſaid, ſhall be given or agreed to be paid, ſhall be uncapable of that place or room for that time or turn, and ſhall not be, nor had, nor taken to be a lawful Fellow, Scholler or Officer of any of the Churches, Colledges, Halls, Hoſpitals, Schools or Societies, or to have ſuch room or place

The penalty for giving or taking of money for reſigning a place in a Colledge, Society, &c.

Cro. Jac. 803.

there: but that they to whom it ſhall appertain at any time hereafter, ſhall and may elect, chuſe, preſent and nominate any other perſon fit to be elected, preſented and nominated into the ſaid room or Fellowſhip, as if the ſaid perſon, by or for whom any ſuch money, gift or reward ſhall be given or agreed to be paid, were dead, or had reſigned and left the ſame. And for more ſincere election, choyce, preſentation and nomination of Fellows, Schollers, Officers, and other perſons, to have room or place hereafter in any of the ſaid Churches, Colledges, Halls, Schools, Hoſpitals, and other the like Societies:

At every election this ſtatute, and the ſtatutes of the houſe ſhall be read.

Who ſhall have the forfeitures, and by what means.

Be it further enacted by the authority aforeſaid, That at the time of every ſuch election, preſentation or nomination hereafter to be had, as well this preſent Act, as the orders and ſtatutes of the ſame places, concerning ſuch election, preſentation, or nomination to be had, ſhall then and there be publickly read, upon pain that every perſon, in whom default thereof ſhall be, ſhall forfeit and loſe the ſum of forty pounds: All which forfeitures ſhall and may be had and recovered in any her Majeſties Courts of Record, by any perſon or perſons, bodies politick and corporate, that will ſue for the ſame by Bill, Plaint, or Action of Debt, in which no Eſſoyn, Protection or Wager of Law ſhall be allowed. The one moiety whereof ſhall be to him or them that will ſue for the ſame; the other moiety to the uſe of the ſaid Church, Colledg, Hall, Hoſpital, School or Society where ſuch offence ſhall be committed. And for the avoiding of Simony and corruption in preſentations, collations and donations, of and to Benefices, Dignities, Prebends and other Livings and Promotions Eccleſiaſtical, and in admiſſions, inſtitutions and inductions to the ſame:

The penalty for preſenting to a Benefice, or for being preſented for reward.
Coke pla f.516.
Co. l.12. 101.

Be it further Enacted by the authority aforeſaid, That if any perſon or perſons, bodies politick and corporate, ſhall or do at any time after the end of forty dayes, next after the end of this Seſſion of Parliament, for any ſum of money, reward, gift, profit or benefit, directly or indirectly, or for, or by reaſon of any promiſe, agreement, grant, bond, covenant, or other aſſurance, of, or for any ſum of money, reward, gift, profit or benefit whatſoever, directly or indirectly, preſent or collate any perſon to any Benefice with cure of ſouls, Dignity, Prebend or Living Eccleſiaſtical, or give or beſtow the ſame, for, or in reſpect of any ſuch corrupt cauſe or conſideration, that then every ſuch preſentation, collation, gift and beſtowing, and every admiſſion, inſtitution, inveſture, and induction thereupon, ſhall be utterly void, fruſtrate, and of none effect in Law. And that it ſhall and may be lawful, to and for the Queens Majeſty, her Heirs and Succeſſors, to preſent, collate unto, or give or beſtow every ſuch Benefice, Dignity, Prebend and Living Eccleſiaſtical for that one time or turn onely, and that all and every perſon or perſons, bodies politick and corporate, that from thenceforth ſhall give or take any ſuch ſum of money, reward, gift or benefit, directly or indirectly, or that ſhall take or make any ſuch promiſe, grant, bond, covenant or other aſſurance, ſhall forfeit and loſe the double value of one years profit of every ſuch Benefice, Dignity, Prebend, and Living Eccleſiaſtical: and the perſon ſo corruptly taking, procuring, ſeeking or accepting any ſuch Benefice, Dignity, Prebend or Living, ſhall thereupon, and from thenceforth be adjudged a diſabled perſon in Law, to have or enjoy the ſame Benefice, Dignity, Prebend or Living Eccleſiaſtical.

The penalty for preſenting or collating, or for being preſented to a Benefice with cure for reward.

Cro.El 64
Cro. Jac, 385.
Cro. Car. 330.

And be it further enacted, That if any perſon ſhall at any time after forty dayes next after the end of this Seſſion of Parliament for any ſum of money, reward, gift, profit or commodity whatſoever, directly or indirectly (other then for uſual and lawful fees) or for, or by reaſon of any promiſe, agreement, grant, covenant, bond, or other aſſurance, of, or for any ſum of money, reward, gift, profit, or benefit whatſoever, directly or indirectly, admit, inſtitute, inſtall, induct, inveſt or place any perſon in, or to any Benefice with cure of ſouls, Dignity, Prebend, or other Living Eccleſiaſtical: that then every ſuch perſon ſo offending, ſhall forfeit and loſe the double value of one years profit of every ſuch Benefice, Dignity, Prebend and Living Eccleſiaſtical. And that thereupon immediately from and after the inveſting, inſtallation or induction thereof had, the ſame Benefice, Dignity, Prebend, and Livings Eccleſiaſtical, ſhall be eftſoons meerly void: And that the Patron, or perſon to whom the advowſon, gift, preſentation, or collation ſhall by vertue of this Act, preſent or collate unto, give and diſpoſe of the ſame Benefice, Dignity, Prebend or Living Eccleſiaſtical, in ſuch ſort, to all intents and purpoſes, as if the party ſo admitted, inſtituted, inſtalled, inveſted, inducted, or placed, had been, or were naturally dead.

No title to confer by lapſe, but after ſix moneths after notice.

Provided alwayes, That no title to confer, or preſent by lapſe, ſhall accrew upon any voydance mentioned in this Act, but after ſix moneths next after notice given of ſuch voydance by the Ordinary to the Patron.

The penalty for corrupt reſigning or exchanging of a Benefice with cure of ſouls.

And be it further enacted by the authority aforeſaid, That if any Incumbent of any Benefice with cure of ſouls, after the end of the ſaid forty dayes, do, or ſhall corruptly reſign or exchange the ſame, or corruptly take for, or in reſpect of the reſigning or exchanging of the ſame, directly or indirectly, any penſion, ſum of money, or benefit whatſoever: that then as well the giver, as the taker of any ſuch penſion, ſum of money, or other benefit corruptly, ſhall loſe double the value of the ſum ſo given, taken or had; the one moiety as well thereof, as of the forfeiture of double value of one years profit before mentioned, to be to the Queens Majeſty, her Heirs and Succeſſors; and the other moiety to him or them that will ſue for the ſame, by action of debt, bill or information, in any of her Majeſties Courts of Record, in which no eſſoin, protection or wager of Law or Priviledg ſhall be admitted or allowed.

Penalties inflicted by the Eccleſiaſtical law be not taken away by this ſtatute.

Provided alwayes, That this Act, or any thing herein contained, ſhall not in any wiſe extend to take away or reſtrain any puniſhment, pain or penalty limited, preſcribed or inflicted by the Lawes Eccleſiaſtical, for any the offences before in this Act mentioned, but that the ſame ſhall remain in force, and may be put in due execution, as it might before the making of this Act: this Act, or any thing therein contained to the contrary thereof, in any wiſe notwithſtanding.

Provided

The penalty for giving or taking of rewards to make Miniſters, or to give licence to preach.

Provided further, and be it enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, ſhall or do at any time after the end of this Seſſion of Parliament, receive or take any money, fee, reward, or any other profit, directly or indirectly, or ſhall take any promiſe, agreement, covenant, bond, or other aſſurance, to receive any money, fee, reward or any other profit directly or indirectly, either to him or themſelves, or to any other of their or any of their friends (all ordinary and lawful fees only excepted) for, or to procure the ordaining or making of any Miniſter or Miniſters, or giving of any orders, or licence or licences to preach: that then every perſon and perſons ſo offending, ſhall for every ſuch offence forfeit and loſe the ſum of forty pounds of lawful money of England; and the party ſo corruptly ordained or made Miniſter, or taking Orders, ſhall forfeit and loſe the ſum of ten pounds. And if at any time within ſeven years next after ſuch corrupt entring into the Miniſtery, or receiving of Orders, he ſhall accept or take any Benefice, Living or promotion Eccleſiaſtical, that then immediately from and after the induction, inveſting, or inſtallation thereof, or thereinto had, the ſame Benefice, Living, and Promotion Eccleſiaſtical, ſhall be eftſoons meerly void, and that the Patron or perſon to whom the advowſon, gift preſentation or collation, ſhall by Law appertain, ſhall and may by vertue of this Act, preſent or collate unto, give and diſpoſe of the ſame Benefice, Living or Promotion Eccleſiaſtical, in ſuch ſort to all intents and purpoſes, as if the party ſo inducted, inveſted or inſtalled had been or were naturally dead: Any law, ordinance, qualification or diſpenſation to the contrary notwithſtanding: The one moiety of all which forfeitures ſhall be to our Soveraign Lady the Queen her Heirs and Succeſſors, and the other moiety to him or them that will ſue for the ſame, by action of debt, bill, plaint, or information, in any of her Majeſties Courts of Record, in which no eſſoyn, Protection, Priviledg, or Wager of Law, ſhall be admitted or allowed. Coke Inſt. 120. a.

Who ſhall have the forfeitures, and by what means.

CAP. VII.

Penalty for building a Cottage without four acres of Land to it, and the like for placing or ſuffering Inmates.

Co Inſt. 3 Part, 736.

No new Cottage ſhall be erected without four acres of land laid to it. Stat 34 Ed. 1.

For the avoiding of the great inconveniences which are found by experience to grow by the erecting and building of great numbers and multitude of Cottages, which are daily more and more encreaſed in many parts of this Realm: Be it enacted by the Queens moſt excellent Majeſty, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That after the end of this Seſſion of Parliament, no perſon ſhall within this Realm of England, make, build, or erect, or cauſe to be made, builded or erected, any manner of Cottage for habitation or dwelling, nor convert or ordain any building or houſing, made or hereafter to be made, to be uſed as a Cottage for habitation or dwelling, unleſſe the ſame perſon do aſſign and lay to the ſame Cottage or building, four Acres of ground at the leaſt to be accompted according to the Statute or Ordinance *de terris menſurandis*, being his or her own freehold or inheritance lying near to the ſaid Cottage, to be continually occupied and manured therewith, ſo long as the ſame Cottage ſhall be inhabited, upon pain that every ſuch offendor ſhall forfeit to our Soveraign Lady the Queens Majeſty, her Heirs and Succeſſors, x. li. of lawful money of England, for every ſuch offence.

Cro. Jac. 603.

The forfeiture for continuing of a new Cottage.

And be it further enacted by the authority aforeſaid, That every perſon which after the end of this Seſſion of Parliament ſhall willingly uphold, maintain, and continue any ſuch Cottage hereafter to be erected, converted, or ordained for habitation or dwelling, whereunto four acres of ground as is aforeſaid, ſhall not be aſſigned and laid to be uſed and occupied with the ſame, ſhall forfeit to our ſaid Soveraign Lady the Queens Majeſty, her Heirs and Succeſſors, forty ſhillings for every moneth that any ſuch Cottage ſhall be by him or them upholden, maintained and continued.

The penalty for receiving of an Inmate. Coke pla. f. 665.

Provided alſo, and be it enacted, That from and after the Feaſt of All Saints next coming, there ſhall not be any Inmate, or more families or houſholds then one, dwelling or inhabiting in any one cottage, made, or to be made or erected, upon pain that every owner or occupier of any ſuch Cottage, placing, or willingly ſuffering any ſuch Inmate, or other family then one, ſhall forfeit and loſe to the Lord of the Leet, within which ſuch Cottage ſhall be, the ſum of ten ſhillings of lawful money of England, for every moneth that any ſuch Inmate, or other family then one ſhall dwell or inhabit in any Cottage as aforeſaid. And that all and every Lord and Lords of Leet and Leets and their Stewards within the precinct of his and their Leet and Leets, ſhall have full power and authority within their ſeveral Leets, to enquire and to take preſentment by the Oath of the Jurors of all and every offence and offences, in this behalf, and upon ſuch preſentment had or made, to levy by diſtreſſe to the uſe of the Lord of the Leet, all ſuch ſums of money as ſo ſhall be forfeited: And moreover, that it ſhall be lawful for the Lord of every ſuch Leet where ſuch preſentment ſhall be made, to recover to his own uſe any ſuch forfeiture, by action of debt, in any of the Queens Majeſties Courts of Record, wherein no eſſoyn, protection, or wager of Law ſhall be allowed.

Who may hear and determine the offences aforeſaid, and by what means.

And be it further enacted by the authority aforeſaid, That all Juſtices of Aſſiſes, and Juſtices of Peace in their open Seſſions, and every Lord within the precinct of his Leet, and no others, ſhall have full power and authority within their ſeveral limits and juriſdictions, to enquire of, hear and determine all offences contrary to this preſent Act, as well by indictments, as otherwiſe by preſentment or information, and to award execution for the levying of the ſeveral forfeitures aforeſaid, by *Fieri facias, Elegit, Capias*, or otherwiſe, as the cauſe ſhall require.

Provided alwayes, That this Statute, or any thing therein contained, ſhall not in any wiſe be extended to any Cottage which ſhall be ordained or erected to, or for habitation or dwelling in any City, Town corporate, or ancient Borough or Market Town within the

Cottages in Cities or Market Towns, or for workmen in mineral works, Quarries, &c.

Realm, nor to any Cottages or Buildings, which ſhall be erected, ordained, or converted to, and for the neceſſary and convenient habitation or dwelling of any workmen or labourers in any mineral works, cole-mines, quarries or delfs of ſtone, or ſlate, or in or about the making of brick, tyle, lime, or coales within this Realm: So as the ſame Cottages or Buildings be not above one mile diſtant from the place of the ſame mineral, or other works, and ſhall be uſed only for the habitation and dwelling of the ſaid workmen, nor ſhall in any ſort prejudice, charge or impeach any perſon or perſons for the erecting, maintaining, or continuing of any ſuch Cottages, as are before in this proviſo mentioned and ſpecified.

Certain Cottages to the which this Statute ſhall not extend.

Provided alwayes, That this Act ſhall not extend to any Cottage to be made within a mile of the Sea, or upon the ſide of ſuch part of any navigable River where the Admiral ought to have juriſdiction, ſo long as no other perſon ſhall therein inhabit, but a Sayler, or man of manual occupation to, or for making, furniſhing, or victualling of any Ship or Veſſel uſed to ſerve on the Sea, nor to any Cottage to be made in any Foreſt, Chaſe, Warren or Park, ſo long as no other perſon ſhall therein inhabit, but an under-keeper or warrener, for the good keeping of the Deer, or other game or warren, nor to any Cottage heretofore made, ſo long as no other perſon ſhall therein inhabit, but a common herd-man or ſhepheard, for keeping the cattel or ſheep of the Town, or a poor, lame, ſick, aged or impotent perſon, nor to any cottage to be made, which for any juſt reſpect upon complaint to the Juſtice of Aſſiſe at the Aſſiſes, or to the Juſtices of Peace at the Quarter-Seſſions, ſhall by their order entred in open Aſſiſes or quarter-Seſſions, be decreed to continue for habitation, for and during ſo long time only, as by ſuch decree ſhall be tolerated and limited. Stat. 35 Eliz. 6. 43 Eliz. 2.

CAP. VIII.

Veſſels brought from beyond Sea for Beer or Ale into London, or within two miles compaſſe, ſhall be gawged, and what ſhall be taken for gawging of them.

Veſſels brought from beyond the Sea for Ale and Beer in London, ſhall be gawged.

Where Beer and Ale are now very commonly uttered, ſold and put to ſale by the Beer-Brewers and Ale Brewers, as well within the City of London, as elſewhere within the Realm of England, in Buts, Pipes, Puncheons, Hogſheads, Tierces, and ſuch other Veſſels brought from beyond the Seas, which were never lawfully gawged for that purpoſe within this Realm, to the great loſſe as well of the Queens Highneſſe, as of her Subjects: Be it therefore enacted by the authority of this preſent Parliament, That no Brewer ſhall after the end of forty dayes next after the end of this Seſſion of this preſent Parliament, ſell, utter or put to ſale, any Beer or Ale in ſuch Veſſel or Veſſels, within the City of London, or Suburbs of the ſame, or in any other place or places within two miles compaſſe without the ſame Suburbs, before the ſame ſhall be lawfully gawged, and the true content of every ſuch Veſſel ſet down, upon the ſame by the gallon, appointed and allowed for Beer and Ale, according to that Standard, by the Maſter and Wardens of the art or myſtery of Freemen of the Cowpers of the City of London, or their Deputy or Deputies; nor ſhall (after the time before limited) ſell, utter, or put to ſale any Beer or Ale, in any ſuch Veſſel or Veſſels, in any other place or places within the Realm of England and Wales, before the ſame ſhall be lawfully gawged, and the true content of every ſuch Veſſel ſet down upon the ſame by the gallon aforeſaid, according to the Standard, by ſuch, as by the Statute in that behalf made in the three and twentieth year of the Reign of the late King of famous memory, King Henry the eighth, are to have the gawging of Barrels, Kilderkins and Firkins, made for Beer or Ale to be put in, in ſuch other place or places within the Realm of England and Wales, upon pain to forfeit all and every ſuch Veſſel and Veſſels, wherein any Beer or Ale ſhall be uttered, ſold, or put to ſale, contrary to the true meaning hereof. And alſo all the Beer or Ale, which ſhall be at the time of ſuch uttering, ſelling, or putting to ſale therein contained, to him or them that will ſeize the ſame; and upon pain alſo to forfeit for every ſuch Veſſel wherein Beer or Ale ſhall be ſo uttered, ſold, or put to ſale, ten ſhillings; the one moyety of which forfeitures ſhall be to the Queens Majeſty, her Heirs and Succeſſors, and the other moyety to him or them that will ſue for the ſame, by action of Debt, Bill, Plaint, Information, or otherwiſe, wherein no Eſſoine, Protection, Wager of Law or Injunction ſhall be admitted or allowed for the Defendant. And that there ſhall be taken for the gawging of every ſuch Veſſel, within the City of London, and Suburbs of the ſame, and in all and every place and places within two miles compaſſe without the ſame Suburbs, by the Maſter and Wardens of the art or myſtery of Freemen of the Cowpers of the City of London, for every Butt one peny, for every Pipe one peny, for every Puncheon one half-peny, for every Hogſhead one half penny, for every Tierce one half-peny, and for every other Veſſel which ſhall at any time (after the time before expreſſed) be brought into this Realm, from any the parts beyond the Seas, wherein Beer or Ale ſhall be uttered, ſold, or put to ſale, within the ſaid City or Suburbs, or any other place or places within two miles compaſſe without the ſame Suburbs, after like rates, and no more: and that there ſhall be taken for the gawging of every ſuch Veſſel or Veſſels, in all and every other place and places within the Realm of England and Wales, by ſuch perſon and perſons, as by the ſaid Statute made in the ſaid three and twentieth year of the Reign of King Henry the eight, are appointed for gawging thereof, after ſuch rates as are herein before appointed to be taken, for gawging within the City of London, and Suburbs of the ſame, and in other places within two miles compaſſe without the ſame Suburbs.

Veſſels brought from beyond the Sea to other parts of the Realm. 23 H. 8. 4.

What ſhall be taken for the gawging in London, and elſewhere.

The Veſſels may be retained until the gawging money be paid.

And it is further enacted by the authority aforeſaid, That this Act ſhall extend to all and every perſon and perſons, which ſhall uſe or occupy the myſtery of brewing, as well Engliſh born, as Strangers: And that it ſhall be lawful to all and every perſon and perſons, which ſhall have authority by vertue of this Act, to gawge any Veſſel or Veſſels by this Act meant or intended to be gawged, to retain every Veſſel which ſhall be gawged, according to the true meaning of this Act, until the money which ſhall be due for the gawging thereof ſhall be truly ſatisfied and paid.

Provided alwayes, and be it further enacted by the authority aforeſaid, That the Maſter and Wardens of Cowpers aforeſaid, or their ſufficient deputy or deputies, within the ſpace of eight and forty hours next after any reaſonable requeſt (to them or any of them made) ſhall come to any Brewer or Brewers houſe, or other place in the ſaid City of London, or Suburbs thereof, or two miles diſtance of the ſame, whereas their Casks ſhall be, and there with all reaſonable expedition ſhall gawge and mark the ſame Casks and every of them, upon pain for every default, to forfeit and loſe to the party by or for whom ſuch requeſt as aforeſaid ſhall be made, the ſum of twenty ſhillings of lawful money of England, to be had and recovered by the ſaid party againſt the Corporation of Cowpers aforeſaid, by action of debt, in any of her Majeſties Courts of Record at Weſtminſter, or elſewhere: in which action no eſſoyn, protection or wager of Law ſhall be admitted or allowed.

The Wardens of Cowpers ſhall come to the Brewers houſes to gawge veſſels.

Provided alſo, That if any Scottiſh-man, or any ſtranger ſhall bring from Scotland, or from beyond the Seas, to the ſaid Brewers, or any of them, any manner of foreign Cask, and ſhall require to have Beer put into the ſame, and will tranſport the ſame Beer from hence, either into Scotland, or over the Seas, there to be drunk: that then in every ſuch caſe, it ſhall and may be lawful to and for the ſaid Brewers, and any of them, to fill all ſuch Casks with Beer, at ſuch rate and reckoning as he and his Merchant can agree, without having the ſaid Casks, or any of them, gawged or marked as is aforeſaid, and without incurring any penalty therefore: This Act, or any thing therein contained to the contrary thereof, in any wiſe notwithſtanding. This Act to continue to the end of the next Seſſion of the next Parliament. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament.

Veſſels which ſhall be filled with Ale or Beer, and tranſported.

CAP. IX.

Writs upon Proclamations and Exigents againſt any perſon dwelling within the County Palatine of Durham, ſhall be directed to the Biſhop of Durham, &c.

Where the Biſhoprick of Durham is, and of long time hath been an ancient County Palatine of it ſelf: in which Biſhoprick the Queens Writ hath not, nor yet doth run, ſo that the Writ of proclamation awarded upon any Exigend, againſt any perſon or perſons inhabiting within the ſame County, in any action wherein proceſſe of Outlawry doth lye, according to the Statute made in the ſixth year of the reign of the late King Henry the eighth, cannot be directed to any Sheriff, or other Officer within the ſaid Biſhoprick, but unto the Sheriff of the County next adjoyning unto the ſaid Biſhoprick, ſo that the party dwelling within the ſaid Biſhoprick, againſt whom any ſuch Exigend and proclamation hath been or ſhall be awarded, hath not had, nor hereafter can have any knowledg of the ſame ſuit or proceſſe: by reaſon whereof, many perſons inhabiting within the ſaid Biſhoprick, without knowledg have been outlawed, and hereafter are like to be outlawed in like manner, to their utter undoings, if ſome ſpeedy remedy be not the ſooner provided.

6 H. 8. 4.

Be it therefore, and for divers other good conſiderations, enacted, ordained and eſtabliſhed by the authority of this preſent Parliament, That whenſoever any Writ of Exigend, at any time after the firſt day of April next coming, ſhall be awarded at the ſuit of our Soveraign Lady the Queens Majeſty, her Heirs and Succeſſors, Kings or Queens of this Realm, or at the ſuit or ſuits of any other perſon or perſons, plaintiff or plaintiffs, in any action or ſuit in any of the Courts of our ſaid Soveraign Lady, her Heirs or Succeſſors, Kings and Queens of this Realm, commonly called the Kings-Bench, and the Common-Pleas, againſt any perſon or perſons dwelling within the ſaid Biſhoprick: That then immediately upon the awarding of every ſuch Exigend, the Juſtice or Juſtices before whom any ſuch Writ of Exigend, upon ſuch ſuit or action ſhall be ſued, ſhall have full power and authority by vertue of this Act, to award one Writ of proclamation, according to the tenour and effect of writs of proclamation awarded upon Exigends, and commonly directed out of any of the ſaid Courts into London, or into any other Shires of this Realm, againſt any perſon or perſons dwelling in other Shire or Shires of this Realm, where the Queens Writ doth run according to the order and form of the ſaid Act, made in the ſixth year of the reign of the ſaid late King, to be directed to the Biſhop of Durham for the time being, and during the vacation of the Biſhoprick, then to the Chancellor of the ſaid Biſhoprick or County Palatine for the time being, where it ſhall happen the ſaid defendant againſt whom any ſuch action ſhall be ſued, as is aforeſaid, to be dwelling, and not to the Sheriff of any other Shire next adjoyning to the ſaid Biſhoprick or County Palatine (any Law, Cuſtome or Uſage heretofore uſed to the contrary notwithſtanding.) And that every ſuch Writ of proclamation ſo to be hereafter awarded to ſuch Biſhop or Chancellor of the ſaid Biſhoprick or County Palatine, ſhall have the ſame Teſte and day of return, as the Exigents, whereupon every ſuch Writ of proclamation ſhall be awarded ſhall have: And that every ſuch Biſhop or Chancellor, to whom any of the ſaid Writ or Writs of proclamation ſhall be directed, ſhall by his or their Mandate, directed to the Sheriff of the ſaid County Palatine, cauſe proclamation to be made of the ſame Writs of proclamation, according to the tenour of the ſame, and ſhall make true returns of the ſame in ſuch Court and Courts, and before ſuch Juſtices as the tenour of the ſame Writ and Writs of proclamation ſhall require and demand: And that all Outlawries hereafter to be promulged or pronounced againſt any perſon or perſons, upon any ſuch Exigent or Exigents awarded againſt any perſon or perſons, dwelling within the ſaid Biſhoprick or County Palatine, and no writs of proclamation awarded in form aforeſaid, to the Biſhop or Chancellor aforeſaid, where the party defendant ſhall be, as is aforeſaid dwelling or not returned, as aforeſaid, to be clearly void, and of none effect nor force in the Law.

A Writ of proclamation upon an Exigent againſt any perſon dwelling in the Biſhoprick of Durham.

The Biſhops Mandate to the Sheriff, to make Proclamation.

And be it further enacted by the authority aforeſaid, That every Biſhop of the ſaid Biſhoprick for the time being, and during the vacation of the ſaid Biſhoprick, the Chancellor of the ſaid County Palatine for the time being, ſhall have in every of the ſaid Courts of

The Biſhop of Durham ſhall have a deputy in the Kings Bench and Common-Pleas. 23 H. 6. 10.

Kings-Bench and Common-pleas, one ſufficient deputy at the leaſt, to receive all ſuch Writs of proclamations which ſhall be hereafter directed to every ſuch Biſhop or Chancellor of the ſaid Biſhoprick or County Palatine, for whom the ſame deputy or deputies ſhall be appointed, in like manner and form, and upon like pains, as by the former Statutes and Lawes of this Realm, the Sheriffs of other Shires or Counties within this Realm of England, be bound to have in either of the ſame Courts, and that all ſuch Writs of proclamation, as aforeſaid, ſhall be delivered unto every ſuch deputy or deputies of Record in the ſame Courts, and either of them, and alſo like fees ſhall be paid for making of every ſuch Writ of proclamation, and for enrolling the ſame of Record, as is limited in the ſame Statute, made in the ſixth year of the ſaid King Henry the eighth.

The forfeiture of the Biſhop or Chancellor that doth not return the proclamation.

And be it further enacted and eſtabliſhed by the authority aforeſaid, That if any ſuch Writ or Writs of proclamation hereafter to be directed to any Biſhop or Chancellor of the ſaid Biſhoprick or County Palatine, be delivered unto any of the ſaid Biſhops for the time being, or during the vacation of the ſaid Biſhoprick to the Chancellor of the ſaid County Palatine for the time being, or to his or their deputy or deputies, in manner and form aforeſaid, the ſame Biſhop for the time being, or during the vacation of the ſaid Biſhoprick; the ſaid Chancellor of the County Palatine, for the time being, do not make true return of every ſuch Writ and Writs of proclamation to them directed into ſuch Court and Courts, out of which the ſaid Writ or Writs of proclamation ſhall be awarded: that for every ſuch default of non-return, every ſuch Biſhop for the time being, and during the vacation of the ſaid See, the ſaid Chancellor for the time being, ſo failing to make due return, ſhall loſe and forfeit five pounds, the one half whereof ſhall be to the Queen, her Heirs and Succeſſors, and the other half thereof to any ſuch perſon or perſons as will ſue for the ſame, in any Action of debt to be grounded upon this Act in any of the Queens Courts of Record, wherein no eſſoine, protection or wager of Law ſhall be allowed or admitted.

A proviſion for the Biſhop of Durhams other Liberties.

Provided alwayes, That this Act, or any thing herein contained, ſhall not in any wiſe extend, or be prejudicial to any Biſhop of the ſaid Biſhoprick of Durham, for or concerning ſuch liberties, franchiſes or priviledges as belong to the ſame Biſhops, Biſhoprick or See, or to any miniſters or officers of the ſame Biſhoprick or County Palatine, otherwiſe, or in any other manner, then by the true meaning of this Act is before provided or declared: Any thing in this Act mentioned to the contrary notwithſtanding.

To whom Writs ſhall be directed againſt any perſon outlawed in the ſaid Biſhoprick.

Provided alſo, That if any perſon or perſons dwelling within the ſaid Biſhoprick or County Palatine, after the foreſaid firſt day of April, ſhall be outlawed in any ſuch ſuit or action as is aforeſaid: That then all Writs of ſpecial Capias Utlagatum, ſingle Capias utlagatum non moleſtandum, and all other proceſſe, for or againſt any perſon or perſons ſo outlawed, ſhall and may from henceforth be directed from time to time to the Biſhop of the ſaid Biſhoprick and County Palatine for the time being, and during the vacation of the ſaid See, to the Chancellor there for the time being, who ſhall make like Writs and proceſſe thereupon, and of like effect, ſealed with the ſeal of their ſaid offices, to be directed to the Sheriff of the ſaid County Palatine for the time being, as heretofore hath been uſed and accuſtomed in ſuch caſes.

One only Fee ſhall be taken for the Proclamation, Mandate and Execution.

Provided alway, and be it further Enacted by the authority aforeſaid, That upon any Writ of proclamation to be awarded by vertue of this Act, and the Mandate thereupon to be made to the Sheriff, and the execution thereof, there ſhall be but one only fee taken, received or demanded for the ſame, by the ſaid Biſhop, Chancellor and Sheriff of the ſaid County Palatine for the time being.

CAP. X.

Certain Statutes made in the Reigns of King Hen. 8. King Ed. 6. and Queen Eliz. continued, &c. And the Stat. of 29 Eliz. 5. touching making of Atturneys in Suits, upon penal Lawes, ſhall extend onely to natural born Subjects, and free Denizens.

21 H. 8. 12. Whereas in the firſt Seſſion of Parliament begun in the City of London, the third day of November, in the one and twentieth year of the reign of our late Soveraign Lord of famous memory King Henry the eight, and from thence adjourned and prorogued to the Palace of Weſtminſter, an Act or Statute was made, entituled, An Act for the making of Cables, Halſers and Ropes.

24 H. 8. 9. And where in the Parliament holden upon prorogation at Weſtminſter, the fourth day of February, in the four and twentieth year of the Reign of the ſaid King, one other Act was then and there made, entituled, An Act againſt killing of young beaſts, called weanlings.

4 Ed. 6. 19. And where in the Seſſion of a Parliament ended at Weſtminſter, the firſt day of February, in the fourth year of the reign of our late Soveraign Lord, King Edward the ſixth, one Act was made concerning the buying and ſelling of Rother beaſts and cattel.

4 Ed. 6. 21. And alſo one other Act was then and there likewiſe made, entituled, An Act for the buying and ſelling of Butter and Cheeſe.

1 Eliz. 17. And where alſo in the Parliament begun at Weſtminſter, the three and twentieth day of January, in the firſt year of the reign of the Queens Majeſty that now is, and there continued by prorogation until the diſſolution thereof one act was then and there made, entituled, An Act for preſervation of Spawn and Fry of fiſh.

5 Eliz. 2. And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the fifth year of her Highneſſe Reign, one Act was then and there made, entituled, An Act for maintenance and encreaſe of Tillage.

5 Eliz. 7. And one other Act was then and there likewiſe made intituled, An Act for the avoiding of divers foreign wares made by handy-crafts-men beyond the Seas.

8 Eliz. 10. And where alſo in the laſt Seſſion of the Parliament holden by prorogation at Weſtminſter, the laſt day of September, in the eight year of her Majeſties reign, one Act was then

and there made, entituled, An Act for Bowyers, and the prices of Bowes.

13 Eliz. 20.

And where alſo in the Parliament begun and holden at Weſtminſter the ſecond day of April, in the thirteenth year of her Majeſties Reign, there was one Act and Statute made for the avoiding of ſome Leaſes in certain caſes to be made of Eccleſiaſtical Promotions with cure, entituled, An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with cure.

13 Eliz. 21.

And where alſo there was one other Act and Statute made in the ſaid Parliament begun and holden at Weſtminſter, the ſaid ſecond day of April, in the ſaid thirteenth year, entituled, An Act that Purveyors may take Grain, Corn or Victuals within five miles of Cambridg and Oxford in certain caſes.

13 Eliz. 8.

And alſo one other Act was then and there made, entituled, An Act againſt Uſury.

14 Eliz. 11.

And where in the Parliament holden at Weſtminſter the eighth day of May, in the fourteenth year of her Highneſs reign, there was one other Act made, entituled, An Act for the continuation and explanation, perfecting and enlarging of divers Statutes: in which Statute are contained divers branches, clauſes and proviſions touching and concerning the explanation, perfecting and enlarging of divers of the Statutes before mentioned.

14 Eliz. 5.

And where alſo in the firſt Seſſion of the Parliament begun and holden at Weſtminſter, the eighth day of May, in the fourteenth year of the Queens Highneſs Reign that now is, and from thence continued by prorogation till the diſſolution thereof, there was one other Act made, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent.

18 Eliz. 3.

And where in the Parliament holden at Weſtminſter aforeſaid, in the eighteenth year of her Majeſties Reign, there was one other Act made, entituled, An Act for the ſetting of the poor on work, and for the avoiding of idleneſs.

27 Eliz. 11.

And where in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of her Majeſties reign, one other Act was made for the reviving, continuance, explanation and perfecting of divers Statutes, in which are contained divers branches, proviſions and clauſes touching and concerning certain additions and alterations unto, and of divers of the ſaid former recited Statutes, and other new proviſions.

27 Eliz. 7.

And where in the ſaid Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of the Queens Majeſties reign that now is, there was an Act made for the levying of Iſſues loſt by Jurors.

27 Eliz. not printed.

And whereas alſo in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of the Queens Majeſties reign that now is, there was one other Act made, entituled, An Act for the good government of the City or Borough of Weſtminſter.

The before rehearſed 17 Statutes ſhall continue until the end of the next Parliament. EXP.

Foraſmuch as the branches, clauſes and proviſions contained and ſpecified in the two Acts of continuance, made in the fourteenth, and ſeven and twentieth years of her Majeſties Reign, in addition, alteration, explanation, perfecting and enlarging of divers of the ſaid Statutes, and other Statutes, and all the reſidue of the ſaid recited Acts, do ſeem good and beneficial to the weal and profit of this Realm: Be it Enacted, That the ſaid branches, clauſes, and proviſions of the ſaid two Acts of continuance, and all the reſidue of the ſaid recited Statutes and Acts, and every of them, and all and every article, clauſe and ſentence in them, and every of them contained, ſhall be continued and endure in full force and effect untill the end of the next Parliament next enſuing.

5 Eliz. 5.

And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the ſaid fifth year of her Majeſties Reign, one Act was then and there made, entituled, An Act touching certain politick Conſtitutions made for the maintenance of the Navy: Be it further Enacted by the authority of this preſent Parliament, That ſo much only of the ſaid laſt mentioned Act, as at this preſent ſtandeth in force, and not heretofore at any time repealed, ſhall continue and endure in full force and effect, unto the end of the next Parliament next enſuing.

29 Eliz. 5.

Where in the Parliament now laſt paſt holden at Weſtminſter, an Act was then made, entituled, An Act for the continuance and perfecting of divers ſtatutes, in the end of which Act one proviſo is contained in theſe words following, viz. Provided alwayes, That whereas divers her Majeſties loving Subjects dwelling in the remote places of this Realm, are many times maliciouſly troubled upon informations and ſuits exhibited in the Courts of Kings-Bench, Common-Pleas, and Exchequer, upon penal ſtatutes, and are drawn up upon proceſs out of the Countries where they dwell, and driven to attend and put in bail, to their great troubles and undoings: For reformation whereof, Be it Enacted, That if any perſon or perſons ſhall be ſued or informed againſt upon any penal Law in any the ſaid Courts of the Kings-Bench and Common-Pleas, or Exchequer, where ſuch perſon or perſons are bailable by Law, or where by the law or favour of the Court ſuch perſon or perſons may appear by Atturney, that in all and every ſuch caſe the perſon or perſons ſo to be impleaded or ſued, ſhould and might at the day and time contained in the firſt proceſs ſerved for his appearance, appear by Atturney of the ſame Court where the proceſs is returnable, to anſwer and defend the ſame, and not be urged to perſonal appearance, or to put in bail for the anſwering of ſuch ſuit: Any former law, cuſtome or uſage to the contrary notwithſtanding. Be it now Enacted by the authority of this preſent Parliament, That the ſame branch of the ſaid Act ſhall extend, and ſhall be interpreted, expounded and underſtood, to extend only to the natural ſubjects born or to be born within the Dominions of the Queens Majeſty, her Heirs and Succeſſors, and to perſons made free Denizens, and to no others: Any thing therein contained to the contrary in any wiſe notwithſtanding.

The ſtatute of 28 Ed. 5. touching appearing by Atturney in ſuits upon penal laws, ſhall extend only to natural born Subjects or free Denizens.

CAP. XI.

There ſhall be no reſtitution upon an Indictment of forcible Entry, or with-holding with force, where the Defendant hath been three years in quiet poſſeſſion, and his eſtate not ended.

8 H. 6. 9. Whereas there is one good Act made and eſtabliſhed in the eighth year of the Reign of King Henry the ſixth, againſt ſuch perſons as ſhould make forcible Entry into Lands, Tenements, and other poſſeſſions, or them ſhould forcibly hold: And one very good proviſo or clauſe in the ſaid Act contained, as enſueth.

Provided alwayes, that they which keep their poſſeſſions with force, in any Lands and Tenements whereof they or their Anceſtors have continued their poſſeſſion in the ſame by three years or more, be not endamaged by force of the ſaid Statute.

The proviſo in the ſtat. of 8 H. 6. 9. touching continuance of poſſeſſions by three years.

And whereas divers of the Queens Majeſties good and loving Subjects, and their Anceſtors, or thoſe whoſe eſtate they have for many years together, above the ſpace of three years or more have been in quiet poſſeſſion of their dwelling-houſes, and other their Lands and Poſſeſſions: And now of late divers of her Majeſties ſaid Subjects having Entries made upon their Poſſeſſions, having had ſuch quiet and long poſſeſſion, for diſturbing of ſuch Enterers, and for keeping of their Poſſeſſion againſt ſuch Enterers, by colour of Indictments of forcible Entry, or forcible keeping Poſſeſſion found againſt them, by means of the Oaths of ſuch Enterers, have been removed and put out of their dwelling-houſes, and other their poſſeſſions, which they have quietly held by the ſpace of three years together, or longer time, next before ſuch Indictments found againſt them, againſt the true meaning and intent of the ſaid Proviſo or Clauſe contained in the ſaid Act. For remedy of which inconvenience, and for true declaration and explanation of the Law therein: Be it ordained, declared, and enacted by the authority of this preſent Parliament, that no Reſtitution upon any Indictment of forcible Entry, or holding with force, be made to any perſon or perſons, if the perſon or perſons ſo indicted hath had the occupation, or hath been in quiet poſſeſſion by the ſpace of three whole [a] years together, next before the day of ſuch Indictment ſo found, and his, her, or their eſtate or eſtates, therein not ended or determined: which the party indicted ſhall and may alledge for ſtay of reſtitution, and reſtitution to ſtay untill that be tried, if the other will deny or traverſe the ſame. And if the ſame allegation be tried againſt the ſame perſon or perſons ſo indicted, then the ſame perſon or perſons ſo indicted to pay ſuch coſts and damages to the other party, as ſhall be aſſeſſed by the Judges or Juſtices before whom the ſame ſhall be tried, the ſame coſts and damages to be recovered and levied, as is uſual for coſts and damages contained in Judgments upon other Actions. Stat. 5 R. 2. 7. 15 R. 2. 2. 4 H. 4. 8. 8 H. 6. 9. 21 Jac. 15.

No reſtitution ſhall be made if the party indicted hath been three years in quiet poſſeſſion, and his eſtate not ended.

[a] Dyer, 141.

Coſts ſhall be awarded againſt the party indicted, if his ſaid allegation be found againſt him.

CAP. XII.

Sellers of Horſe in Fairs or Markets, muſt be known to the Toll-taker, or ſome other, who will avouch the ſale which ſhall be entred into the Toll-Book, &c.

Co. In p. 7

The cauſe of the furthering of ſtealing of horſes. 2 & 3 P. & M. 7.

Whereas through moſt Counties of this Realm, horſe-ſtealing is grown ſo common, as neither in Paſtures or Cloſes, nor hardly in Stables the ſame are to be in ſafety from ſtealing, which enſueth by the ready buying of the ſame by Horſe-courſers and others in ſome open Fairs or Markets far diſtant from the Owner, and with ſuch ſpeed as the Owner cannot by purſuit poſſibly help the ſame: And ſundry good Ordinances have heretofore been made touching the manner of ſelling and tolling of Horſes, Mares, Geldings and Colts in Fairs and Markets, which have not wrought ſo good effect for the repreſſing or avoiding of Horſe-ſtealing, as was expected.

The ſeller of a horſe muſt be known to the Toll-taker, or, &c.

Now for a further remedy in that behalf, Be it enacted by the authority of this preſent Parliament, That no perſon after twenty days next after the end of this Seſſion of Parliament, ſhall in any Fair or Market, ſell, give, exchange, or put away any Horſe, Mare, Gelding, Colt or Filly, unleſſe the Toll-taker there, or (where no toll is paid) the Book-keeper, Bailiff, or the chief Officer of the ſame Fair or Market, ſhall and will take upon him perfect knowledge of the perſon that ſo ſhall ſell, or offer to ſell, give, or exchange any Horſe, Mare, Gelding, Colt or Filly, and of his true Chriſtian name, ſirname, and place of dwelling or reſiancy, and ſhall enter all the ſame his knowledge in a Book there kept for ſale of Horſes: or elſe, that he ſo ſelling or offering to ſell, give, exchange, or put away any Horſe, Mare, Gelding, Colt or Filly, ſhall bring unto the Toll-taker, or other Officer aforeſaid of the ſame Fair or Market, one ſufficient and credible perſon that can, ſhall or will teſtifie and declare unto, and before ſuch Toll-taker, Book-keeper, or other Officer, that he knoweth the party that ſo ſelleth, giveth, exchangeth, or putteth away ſuch Horſe, Mare, Gelding, Colt or Filly, and his true name, ſirname, myſtery and dwelling place: and there enter, or cauſe to be entred in the Book of the ſaid Toll-taker or Officer, as well the true Chriſtian name, ſirname, myſtery, and place of dwelling or reſiancy of him that ſo ſelleth, giveth, exchangeth, or putteth away ſuch Horſe, Mare, Gelding, Colt or Filly, as of him that ſo ſhall teſtifie or avouch his knowledge of the ſame perſon, and ſhall alſo cauſe to be entred the very true price or value that he ſhall have for the ſame Horſe, Mare, Gelding, Colt or Filly ſo ſold. And that no perſon ſhall take upon him to avouch, teſtifie or declare, that he knoweth the party that ſo ſhall offer to ſell, give, exchange, or put away ſuch Horſe, Mare, Gelding, Colt or Filly, unleſſe he do indeed truly know the ſame party, and ſhall truly declare to the Toll-taker, or other Officer aforeſaid, as well the Chriſtian name, ſirname, myſtery, and place of dwelling and reſiancy of himſelf, as of him, of, and for whom he maketh ſuch teſtimony and avouchment. And that no Toll-taker, or other perſon, keeping any Book of Entry of any ſales of Horſes in Fairs or Markets, ſhall take or receive any toll, or make entry of any ſale, gift, exchange, or putting away of any Horſe, Mare, Gelding, Colt, or Filly, unleſſe he knoweth the party that ſo ſelleth, giveth, exchangeth or putteth away any ſuch Horſe, Mare, Gelding,

A ſufficient and credible perſon ſhall avouch the horſe-ſeller.

The price of the horſe ſhall be entred into the Tollers Book.

Gelding, Colt or Filly, and his true Chriſtian name, ſirname, myſtery, and place of his dwelling or reſiancy, or the party that ſhall and will teſtifie and avouch his knowledge of the ſame perſon ſo ſelling, giving, exchanging, or putting away ſuch Horſe, Mare, Gelding, Colt or Filly, and his true Chriſtian name, ſirname, myſtery, and place of dwelling or reſiancy, and ſhall make a perfect entry into the ſaid Book of ſuch his knowledge of the perſon, and of the name, ſirname, myſtery, and place of the dwelling, or reſiancy of the ſame perſon, and alſo the true price or value that ſhall be bona fide, taken or had for any ſuch Horſe, Mare, Colt, Gelding or Filly ſo ſold, given, exchanged, or put away, ſo far as he can underſtand the ſame, and then give to the party ſo buying, or taking by gift, exchange, or otherwiſe, ſuch Horſe, Mare, Gelding, Colt or Filly, requiring and paying two pence for the ſame, a true and perfect note in writing of all the full contents of the ſame, ſubſcribed with his hand, on pain that every perſon that ſo ſhall ſell, give, exchange, or put away any Horſe, Mare, Gelding, Colt or Filly, without being known to the Toll-taker, or other Officer aforeſaid, or without bringing ſuch a Voucher or Witneſſe, cauſing the ſame to be entred, as aforeſaid, and every perſon making any untrue teſtimony or avouchment in the behalf aforeſaid, and every Toll-taker, Book-keeper, or other Officer of Fair or Market aforeſaid, offending in the premiſſes contrary to the true meaning aforeſaid, ſhall forfeit for every ſuch default the ſum of five pounds; but alſo that every ſale, gift, exchange, or other putting away of any Horſe, Mare, Gelding, Colt, Filly, in Fair or Market not uſed in all points according to the true meaning aforeſaid, ſhall be void: the one half of all which forfeitures to be to the Queens Majeſty, her Heirs and Succeſſors, and the other half to him or them that will ſue for the ſame before the Juſtices of Peace, or in any of her Majeſties Ordinary Courts of Record, by Bill, Plaint, Action of Debt or Information, in which no Eſſoine or Protection ſhall be allowed.

A note in writing ſhall be given to the Buyer.

The penalty of the perſon offending in any of the caſes aforeſaid.

Every ſale otherwiſe made ſhall be void.

And be it further enacted, That the Juſtices of Peace of every Place and County, aſwell within Liberties as without, ſhall have authority in their Seſſions within the limits of their authority and commiſſion, to enquire, hear, and determine all Offences againſt this Statute, as they may do any other matter triable before them.

The Juſtices of Peace may hear and determine the offences aforeſaid.

And be it further enacted, That if any Horſe, Mare, Gelding, Colt or Filly, after twenty dayes next enſuing the end of this Seſſion of Parliament, ſhall be ſtollen, and after ſhall be ſold in open Fair or Market, and the ſame ſale ſhall be uſed in all points and circumſtances, as aforeſaid, that yet neverthe leſſe, the ſale of any ſuch Horſe, Mare, Gelding, Colt or Filly, within ſix moneths next after the felony done, ſhall not take away the property of the Owner from whom the ſame was ſtollen, ſo as claim be made within ſix moneths by the party from whom the ſame was ſtollen, or by his Executors or Adminiſtrators, or by any other by any of their appointment, at, or in the Town or Pariſh where the ſame Horſe, Mare, Gelding, Colt or Filly, ſhall be found, before the Mayor or other head Officer of the ſame Town or Pariſh, if the ſame Horſe, Mare, Gelding, Colt or Filly, happen to be found in any Town Corporate, or Market Town, or elſe before any Juſtice of Peace of that County near to the place where ſuch Horſe, Mare, Gelding, Colt or Filly ſhall be found, if it be out of a Town Corporate, or Market Town, and ſo as proof be made within forty dayes then next enſuing, by two ſufficient witneſſes to be produced and depoſed before ſuch head Officer or Juſtice, (who by vertue of this Act, ſhall have authority to miniſter an Oath in that behalf) that the property of the ſame Horſe, Mare, Gelding, Colt or Filly ſo claimed, was in the party, by, or from whom ſuch claim is made, and was ſtollen from him within ſix moneths next before ſuch claim of any ſuch Horſe, Gelding, Mare, Colt, or Filly, but that the party from whom the ſaid Horſe, Mare, Gelding Colt or Filly was ſtollen, his Executors or Adminiſtrators ſhall and may at all times after notwithſtanding any ſuch ſale or ſales in any Fair or Market thereof made, have property and power to have, take again, and enjoy the ſaid Horſe, Mare, Gelding, Colt or Filly, upon payment or readineſſe, or offer to pay the party that ſhall have the poſſeſſion and intereſt of the ſame Horſe, Mare, Gelding, Colt or Filly, if he will receive and accept it, ſo much money as the ſame party ſhall depoſe and ſwear before ſuch head Officer or Juſtice of Peace, (who by vertue of this Act ſhall have authority to miniſter and give an Oath in that behalf) that he paid for the ſame bona fide, without fraud or colluſion: any Law, Statute, or other thing to the contrary thereof in any wiſe notwithſtanding.

The Owner may redeem a horſe ſtollen from him within ſix moneths after paying the price.

And be it further enacted by the authority aforeſaid, That after twenty dayes after the end of this Seſſion of Parliament, not only all acceſſaries before ſuch felony done, but alſo all acceſſaries after ſuch felony, ſhall be deprived and put from all benefit of their Clergy, as the principal by Statute heretofore made, is, or ought to be.

An acceſſary to a Horſe-ſtealer ſhall not have his Clergy St. 1 E. 6. 12. 2 & 3 E. 6. 33.

CAP. XIII.

The Statute of 23 Eliz. 6. touching the repair of Dover Haven ſhall be revived, and continued for ſeven years. Every Cuſtomer and Officer ſhall be anſwerable for the wilful default and neglect of his Deputy, as far by the ſame Statute as he was for his own. EXP. St. 35 Eliz. 7. 43 Eliz. 9. 1 Jac. 32.

CAP. XIV.

A Confirmation of two Subſidies of ſix ſhillings in the pound granted to the Queen by the Clergy, to be paid yearly by two ſhillings in the pound. EXP.

CAP. XV.

A confirmation of two Subſidies and four Fifteens granted to the Queen by the Temporalty. EXP.

CAP. XVI.

A confirmation by Parliament of the Queens general and free Pardon. EXP.

Anno triceſimo quinto Reginæ Elizabethæ

AT the Parliament begun and holden at Weſtminſter, the nineteenth day of February, in the five and thirtieth year of the Reign of our moſt gracious Soveraign Lady, Elizabeth, by the Grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c. and there continued untill the diſſolution thereof, being the tenth of April. To the high pleaſure of Almighty God, and the weal publick of this Realm, were enacted as followeth.

CAP. I.

Puniſhment of perſons obſtinately refuſing to come to Church, and perſwading others to impugne the Queens authority in Eccleſiaſtical Cauſes, &c.

The penalty of a Recuſant perſwading others to impugne the Queens Eccleſiaſtical Laws.

The penalty for being preſent at unlawful Conventicles for Religion.

FOr the preventing and avoiding of ſuch great inconveniences and perils as might happen and grow by the wicked and dangerous practiſes of ſeditious Sectaries and diſloyal perſons: Be it enacted by the Queens moſt excellent Majeſty, and by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons above the age of ſixteen years, which ſhall obſtinately refuſe to repair to ſome Church, Chappel, or uſual place of Common Prayer to hear Divine Service, eſtabliſhed by her Majeſties Laws and Statutes in that behalf made, and ſhall forbear to do the ſame by the ſpace of a moneth next after, without any lawful cauſe, or ſhall at any time after xl. days next after the end of this Seſſion of Parliament, by printing, writing, or expreſſe words or ſpeeches adviſedly or purpoſely practiſe, or go about to move or perſwade any of her Majeſties Subjects, or any other within her Highneſſe Realms or Dominions, to deny, withſtand and impugne her Majeſties power and authority in caſes Eccleſiaſtical, united and annexed to the Imperial Crown of this Realm, or to that end or purpoſe ſhall adviſedly and maliciouſly move or perſwade any other perſon whatſoever to forbear or abſtain from coming to Church to hear Divine Service, or to receive the Communion according to her Majeſties Laws and Statutes aforeſaid, or to come to, or to be preſent at any unlawful Aſſemblies, Conventicles or Meetings, under colour or pretence of any exerciſe of Religion, contrary to her Majeſties ſaid Laws and Statutes. Or if any perſon or perſons which ſhall obſtinately refuſe to repair to ſome Church, Chappel, or uſual place of Common Prayer, and ſhall forbear by the ſpace of a moneth to hear Divine Service, as is aforeſaid, ſhall after the ſaid forty dayes, either of him, or themſelves, or by the motion, perſwaſion, inticement or allurement of any other, willingly joyn in, or be preſent at any ſuch Aſſemblies, Conventicles or Meetings, under colour or pretence of any ſuch exerciſe of Religion, contrary to the Laws and Statutes of this Realm, as is aforeſaid, That then every ſuch perſon ſo offending, as aforeſaid, and being thereof lawfully convicted, ſhall be committed to priſon, there to remain without bail or mainprize, until they ſhall conform and yield themſelves to come to ſome Church, Chappel, or uſual place of Common Prayer, and hear Divine Service, according to her Majeſties Laws and Statutes aforeſaid, and to make ſuch open ſubmiſſion and declaration of their ſaid conformity, as hereafter in this Act is declared and appointed.

An Offendor not conforming himſelf, ſhall abjure the Realm.

Provided alwayes, and be it further enacted by the authority aforeſaid, That if any ſuch perſon or perſons which ſhall offend againſt this Act, as aforeſaid, ſhall not within three moneths next after they ſhall be convicted for their ſaid offence, conform themſelves to the obedience of the Laws and Statutes of this Realm in coming to the Church to hear Divine Service, and in making ſuch publick confeſſion and ſubmiſſion, as hereafter in this Act is appointed and expreſſed, being thereunto required by the Biſhop of the Dioceſſe, or any Juſtice of the Peace of the County where the ſame perſon ſhall happen to be, or by the Miniſter or Curate of the Pariſh, that in every ſuch caſe, every ſuch Offendor, being thereunto warned or required by any Juſtice of the Peace of the ſame County where ſuch Offendors ſhall then be, ſhall upon his and their corporal Oath before the Juſtices of the Peace in the open Quarter-Seſſions of the ſame County, or at the Aſſiſes and Gaol-delivery of the ſame County, before the Juſtices of the ſame Aſſiſes and Gaol-delivery, abjure this Realm of England, and all other the Queens Dominions for ever, unleſſe her Majeſty ſhall licence the party to return: And thereupon ſhall depart out of this Realm at ſuch Haven or Port, and within ſuch time as ſhall in that behalf be aſſigned and appointed by the ſaid Juſtices, before whom ſuch abjuration ſhall be made, unleſſe the ſame Offendor be letted or ſtayed by ſuch lawful and reaſonable means or cauſes, as by the Common Laws of this Realm are permitted and allowed in caſes of abjuration for felony. And in ſuch caſes of let or ſtay, then within ſuch reaſonable and convenient time after as the Common Law requireth in caſe of abjuration for felony, as is aforeſaid. And that the Juſtices of Peace before whom any ſuch abjuration ſhall happen to be made, as is aforeſaid, ſhall cauſe the ſame preſently to be entred of Record before them, and ſhall certifie the ſams to the Juſtices of Aſſiſes and Gaol-delivery of the County at the next Aſſiſes or Goal-delivery to be holden in the ſame County.

The puniſhment for refuſing to abjure. Not departing or returning without licence.

And if any ſuch offendor which by the tenor and intent of this Act is to be abjured, as is aforeſaid, ſhall refuſe to make abjuration, as is aforeſaid, or after ſuch abjuration made, ſhall not go to ſuch Haven, and within ſuch time as is before appointed, and from thence depart out of this Realm, according to this preſent Act, or after ſuch his departure, ſhall return or come again into any her Majeſties Realms or Dominions, without her Majeſties ſpecial licence in that behalf firſt had and obtained, That then in every ſuch caſe the perſon ſo offending, ſhall be adjudged a Felon, and ſhall ſuffer as in caſe of felony, without benefit of Clergy.

And furthermore be it enacted by the authority of this preſent Parliament, That if any perſon or perſons that ſhall at any time hereafter offend againſt this Act, ſhall before he or they be ſo warned or required to make abjuration according to the tenor of this Act, repair to ſome Pariſh Church on ſome Sunday or other Feſtival day, and then and there hear Divine Service, and at Service time, before the Sermon or reading of the Goſpel, make publick and open ſubmiſſion and declaration of his and their conformity to her Majeſties Laws and Statutes, as hereafter in this Act is declared and appointed, That then the ſame offendor ſhall thereupon be clearly diſcharged of and from all and every the penalties and puniſhments inflicted or impoſed by this Act for any of the offences aforeſaid. The ſame ſubmiſſion to be as hereafter followeth: That is to ſay,

An Offendor ſhall be diſcharged upon his open ſubmiſſion.

I A.B. do humbly confeſſe and acknowledge that I have grievouſly offended God, in contemning her Majeſties godly and lawful Government and Authority, by abſenting my ſelf from Church, and from hearing Divine Service, contrary to the godly Laws and Statutes of this Realm, and in uſing and frequenting diſordered and unlawful Conventicles and Aſſemblies, under pretence and colour of exerciſe of Religion. And I am heartily ſorry for the ſame, and do acknowledge and teſtifie in my conſcience, that no other perſon hath, or ought to have any power or authority over her Majeſty. And I do promiſe and proteſt without any diſſimulation, or any colour or means of any diſpenſation, That from henceforth I will from time to time obey and perform her Majeſties Laws and Statutes, in repairing to the Church, and hearing Divine Service, and do my uttermoſt endeavour to maintain and defend the ſame.

The form of the ſubmiſſion.

And that every Miniſter or Curate of every Pariſh where ſuch ſubmiſſion and declaration of conformity ſhall hereafter be ſo made by any ſuch offendor as aforeſaid, ſhall preſently enter the ſame into a Book to be kept in every Pariſh for that purpoſe, and within ten days next following ſhall certifie the ſame in writing to the Biſhop of the ſame Dioceſs.

The Miniſter ſhall enter the ſubmiſſion into a Book.

Provided nevertheleſſe, that if any ſuch Offendor after ſuch ſubmiſſion made, as is aforeſaid, ſhall afterwards fall into relapſe, or eftſoons obſtinately refuſe to repair to ſome Church, Chappel, or uſual place of Common Prayer to hear Divine Service, and ſhall forbear the ſame, as aforeſaid, or ſhall come or be preſent at any ſuch Aſſemblies, Conventicles or Meetings, under colour or pretence of any exerciſe of Religion, contrary to her Majeſties Laws and Statutes: That then every ſuch Offendor ſhall loſe all ſuch benefit as he or ſhe might otherwiſe by vertue of this Act have or enjoy by reaſon of their ſaid ſubmiſſion, and ſhall thereupon ſtand and remain in ſuch plight, condition, and degree to all intents, as though ſuch ſubmiſſion had never been made.

The Offendor ſubmitting falleth into a relapſe.

And for that every perſon, having houſe and family, is in duty bound to have ſpecial regard to the good government and ordering of the ſame: Be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time hereafter relieve, maintain, retain, or keep in his or their houſe or otherwiſe, any perſon which ſhall obſtinately refuſe to come to ſome Church, Chappel, or uſual place of Common Prayer to hear Divine Service, and ſhall forbear the ſame by the ſpace of a moneth together, contrary to the Laws and Statutes of this Realm, That then every perſon which ſhall ſo relieve, maintain, retain, or keep any ſuch perſon offending as aforeſaid, after notice thereof to him or them given by the Ordinary of the Dioceſs, any Juſtice of Aſſiſes of the Circuit, or any Juſtice of Peace of the County, or the Miniſter, Curate, or Church-wardens of the Pariſh where ſuch perſon ſhall then be, or by any of them, ſhall forfeit to the Queens Majeſty for every perſon ſo relieved, maintained, retained, or kept, after ſuch notice as aforeſaid, x. li. for every moneth that he or they ſhall ſo relieve, maintain, retain, or keep any ſuch perſon ſo offending.

The forfeiture for the keeping a Recuſant in his houſe after notice. REP. 3 Jac. 4.

Provided nevertheleſſe, that this Act ſhall not in any wiſe extend to puniſh or impeach any perſon or perſons for relieving, maintaining, or keeping his or their wife, father, mother, child or children, wards, brother or ſiſter, or his wives father or mother, not having any certain place of habitation of their own, or the huſbands or wives of any of them: or for relieving, maintaining, or keeping any ſuch perſon as ſhall be committed by authority to the cuſtody of any by whom they ſhall be ſo relieved, maintained or kept: Any thing in this Act contained to the contrary notwithſtanding.

What ſort of Recuſants may be kept in houſe.

And for the more ſpeedy levying and recovering for and by the Queens Majeſty of all and ſingular the pains, duties, forfeitures and payments which at any time hereafter ſhall accrue, grow, or be payable by vertue of this Act, or of the Statute made in the three and twentieth year of her Majeſties Reign concerning Recuſants: Be it enacted by the authority aforeſaid, That all and every the ſaid pains, duties, forfeitures, and payments ſhall and may be recovered and levied to her Majeſties uſe by action of debt, bill, plaint, information, or otherwiſe in any of the Courts commonly called the Kings Bench, Common Pleas, or Exchequer, in ſuch ſort, and in all reſpects as by the ordinary courſe of the common Laws of this Realm, any other debt due by any ſuch perſon in any other caſe, ſhould or may be recovered or levied, wherein no Eſſoine, Protection, or Wager of Law ſhall be admitted or allowed.

REP 3 Jac. 4. The Queens remedy to recover forfeitures, &c. 23 Eliz. 1.

Coke lib. 1. fol. 7. o. Jac. 81. 593.

Provided alwayes, that the third part of the penalties to be had or received by vertue of this Act, ſhall be employed and beſtowed to ſuch good and charitable uſes, and in ſuch manner and form as is limited and appointed in the Statute made in the 28. year of her Majeſties Reign touching Recuſants, Coke lib. 11. fol. 57.

In what manner one part of the penalties ſhall be imployed. 29 Eliz. 6.

Provided alſo, That no Popiſh Recuſant, or Feme Covert, ſhall be compelled or bound to abjure by vertue of this Act.

Popiſh Recuſants. Feme Covert.

Provided alſo, that every perſon that ſhall abjure by force of this Act, or refuſe to abjure, being thereunto required as aforeſaid, ſhall forfeit and loſe to her Majeſty all his Goods and Chattels for ever: and ſhall further loſe all his Lands, Tenements, and Hereditaments for and during the life only of ſuch Offendor, and no longer: And that the wife of any

The forfeiture of him which abjureth or refuſeth to abjure.

The wife ſhall loſe no Dower, nor the heir any land for their offences.

Offendor by force of this Act, ſhall not loſe her Dower: Nor that any corruption of blood ſhall grow or be by reaſon of any offence mentioned in this Act: but that the Heir of ſuch Offendor by force of this Act, ſhall and may after the death of every Offendor, have and enjoy the Lands, Tenements, and Hereditaments of ſuch Offendor, as if this Act had not been made. And this Act to continue no longer than to the end of the next Seſſion of Parliament. 3 Car. 4. Cont. 16 Car. 2. cap. 4.

CAP. II.

Penalty of a convicted Popiſh Recuſant removing above five miles from his houſe: Where a Recuſant having no houſe ſhall make his abode.

FOr the better diſcovering and avoiding of ſuch traiterous and moſt dangerous conſpiracies and attempts as are daily deviſed and practiſed againſt our moſt gracious Soveraign Lady the Queens Majeſty, and the happy eſtate of this Common weal, by ſundry wicked and ſeditious perſons, who terming themſelves Catholicks, and being (indeed) Spies and Intelligencers not only for her Majeſties foreign Enemies, but alſo for rebellious and traiterous Subjects born within her Highneſſe Realms and Dominions, and hiding their moſt deteſtable and deviliſh purpoſes under a falſe pretext of Religion and Conſcience, do ſecretly wander and ſhift from place to place within this Realm, to corrupt and ſeduce her Majeſties Subjects, and to ſtir them to Sedition and Rebellion.

A convicted Popiſh Recuſant ſhall repair to his houſe, and not remove above five miles.

Be it ordained and enacted by our Soveraign Lady the Queens Majeſty, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that every perſon above the age of ſixteen years, born within any of the Queens Majeſties Realms and Dominions, or made Denizen, being a Popiſh Recuſant, and before the end of this Seſſion of Parliament convicted for not repairing to ſome Church, Chappel, or uſual place of Common Prayer to hear Divine Service there, but forbearing the ſame contrary to the tenor of the Laws and Statutes heretofore made and provided in that behalf, and having any certain place of dwelling and abode within this Realm, ſhall within forty dayes next after the end of this Seſſion of Parliament (if they be within this Realm, and not reſtrained or ſtayed either by impriſonment, or by her Majeſties Commandment, or by order and direction of ſome ſix or more of the privy-Councel, or by ſuch ſickneſſe and infirmity of body, as they ſhall not be able to travel without imminent danger of life, and in ſuch caſes of abſence out of the Realm, reſtraint, or ſtay, then within twenty days next after they ſhall return into the Realm, and be enlarged of ſuch impriſonment or reſtraint, and ſhall be able to travel) repair to their place of dwelling where they uſually heretofore made their common abode, and ſhall not at any time after paſs or remove above five miles from thence.

Recuſants which ſhall be convicted hereafter, ſhall repair to their uſual dwelling.

The penalty of an offendor.

And alſo that every perſon being above the age of ſixteen years, born within any her Majeſties Realms or Dominions, or made Denizen, and having, or which hereafter ſhall have any certain place of dwelling and abode within this Realm, which being then a Popiſh Recuſant, ſhall at any time hereafter be lawfully convicted for not repairing to ſome Church, Chappel, or uſual place of Common Prayer to hear Divine Service there, but forbearing the ſame, contrary to the ſaid Laws and Statutes, and being within this Realm at the time that they ſhall be convicted, ſhall within forty dayes next after the ſame conviction (if they be not reſtrained or ſtayed by impriſonment, or otherwiſe, as is aforeſaid, and in ſuch caſes of reſtraint and ſtay, then within twenty dayes next after they ſhall be inlarged of ſuch impriſonment or reſtraint, and ſhall be able to travel) repair to their place of uſual dwelling and abode, and ſhall not at any time after paſſe or remove above five miles from thence, upon pain that every perſon and perſons that ſhall offend againſt the tenor and intent of this Act in any thing before mentioned, ſhall loſe and forfeit all his and their Goods and Chattels, and ſhall alſo loſe and forfeit to the Queens Majeſty all the Lands, Tenements and Hereditaments, and all the Rents and Annuities of every ſuch perſon ſo doing or offending during the life of the ſame Offendor.

Cro. Ja. 532.

What a Recuſant ſhall do that hath no place of abode.

The forfeiture of a Recuſant removing above five miles from his place of abode.

And be it alſo enacted by the authority aforeſaid, that every perſon above the age of ſixteen years born within any her Majeſties Realms or Dominions, not having any certain place of dwelling and abode within this Realm, and being a Popiſh Recuſant, not uſually repairing to ſome Church, Chappel, or uſual place of Common Prayer, but forbearing the ſame, contrary to the ſame Laws and Statutes in that behalf made, ſhall within forty days next after the end of this Seſſion of Parliament (if they be then within this Realm, and not impriſoned, reſtrained, or ſtayed as aforeſaid, and in ſuch caſe of abſence out of the Realm, impriſonment, reſtraint or ſtay, then within twenty dayes next after they ſhall return into the Realm, and be inlarged of ſuch impriſonment or reſtraint, and ſhall be able to travel) repair to the place where ſuch perſon was born, or where the Father or Mother of ſuch perſon ſhall then be dwelling, and ſhall not at any time after remove or paſſe above five miles from thence, upon pain that every perſon and perſons which ſhall offend againſt the tenor and intent of this Act in any thing before mentioned, ſhall loſe and forfeit all his and their Goods and Chattels, and ſhall forfeit to the Queens Majeſty, all the Lands, Tenements and Hereditaments, and all the Rents and Annuities of every ſuch perſon ſo offending during the life of the ſame perſon..

A Recuſant Copyholder departing five miles from his place of abode.

And be it further enacted by the authority aforeſaid, That every ſuch Offendor as is before mentioned, which hath or ſhall have any Lands, Tenements or Hereditaments, by copy of Court Roll, or by any other cuſtomary tenure at the will of the Lord, according to the cuſtom of any Manor, ſhall forfeit all and ſingular his and their ſaid Lands, Tenements, and Hereditaments ſo holden by copy of Court Roll, or cuſtomary tenure as aforeſaid, for and during the life of ſuch Offendor (if his or her eſtate ſo long continue) to the Lord or Lords of whom the ſame be immediately holden, (if the ſame Lord or Lords be not then a Popiſh

Recuſant, and convicted for not coming to Church to hear Divine Service, but forbearing the ſame, contrary to the Laws and Statutes aforeſaid, nor ſeiſed or poſſeſſed upon truſt to the uſe or behoof of any ſuch Recuſant as aforeſaid) and in ſuch caſe the ſame forfeiture to be to the Queens Majeſty.

Provided always, and be it further enacted by the authority aforeſaid, that all ſuch perſons as by the intent and true meaning of this Act, are to make their repair to their place of dwelling and abode, or to the place where they were born, or where their Father or Mother ſhall be dwelling, and not to remove or paſſe above five miles from thence as is aforeſaid, ſhall within twenty dayes next after their coming to any of the ſaid places (as the caſe ſhall happen) notifie their coming thither, and preſent themſelves, and deliver their true names in writing to the Miniſter or Curate of the ſame Pariſh, and to the Conſtable, Headborough, or Tythingman of the Town, and thereupon the ſaid Miniſter or Curate ſhall preſently enter the ſame into a Book to be kept in every Pariſh for that purpoſe.

Recuſants ſhall notifie their living, and deliver their names to the Curate.

And after the ſaid Miniſter or Curate, and the ſaid Conſtable, Headborough or Tythingman, ſhall certifie the ſame in writing to the Juſtices of the Peace of the ſame County at the next general or quarter Seſſions to be holden in the ſame County, and the ſaid Juſtices ſhall cauſe the ſame to be entred by the Clerk of the Peace in the Rolls of the ſame Seſſions.

Recuſants names certified to the Juſtices.

And to the end that the Realm be not peſtered and overcharged with the multitude of ſuch ſeditious and dangerous people as is aforeſaid, who having little or no ability to anſwer or ſatisfie any competent penalty for their contempt and diſobedience of the ſaid Laws and Statutes, and being committed to priſon for the ſame, do live for the moſt part in better caſe there, than they could if they were abroad at their own liberty: The Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, do moſt humbly and inſtantly beſeech the Queens Majeſty, that it may be further enacted, That if any ſuch perſon or perſons being a Popiſh Recuſant (not being a Feme Covert, and not having Lands, Tenements, Rents or Annuities, of an abſolute eſtate of Inheritance or Freehold, of the clear yearly value of twenty marks, above all charges, to their own uſe and behoof, and not upon any ſecret truſt or confidence for any other, or Goods and Chattels in their own right, and to their own proper uſe and behoof: And not upon any ſuch ſecret truſt and confidence for any other, above the value of xl. pounds) ſhall not within the time before in this Act in that behalf limited and appointed, repair to their place of uſual dwelling and abode, if they have any, or elſe to the place where they were born, or where their Father or Mother ſhall be dwelling, according to the tenor and intent of this preſent Act: And thereupon notifie their coming, and preſent themſelves, and deliver their true names in writing to the Miniſter or Curate of the Pariſh, and to the Conſtable, Headborough or Tythingman of the Town, within ſuch time, and in ſuch manner and form as is aforeſaid, or at any time after ſuch their repairing to any ſuch place, as is before appointed, ſhall paſs or remove above five miles from the ſame: And ſhall not within three moneths next after ſuch perſon ſhall be apprehended or taken for offending, as is aforeſaid, conform themſelves to the obedience of the Laws and Statutes of this Realm, in coming uſually to the Church to hear Divine Service, and in making ſuch publick confeſſion and ſubmiſſion, as hereafter in this Act is appointed and expreſſed, being thereunto required by the Biſhop of the Dioceſs, or any Juſtice of the Peace of the County where the ſame perſon ſhall happen to be, or by the Miniſter or Curate of the Pariſh: That in every ſuch caſe, every ſuch Offendor being thereunto warned or required by any two Juſtices of the Peace, or Coroner of the ſame County where ſuch Offendor ſhall then be, ſhall upon his or their corporal Oath before any two Juſtices of the Peace, or Coroner of the ſame County, abjure this Realm of England, and all other the Queens Majeſties Dominions for ever: And thereupon ſhall depart out of this Realm at ſuch Haven and Port, and within ſuch time as ſhall in that behalf be aſſigned and appointed by the ſaid Juſtices of Peace or Coroner, before whom ſuch abjuration ſhall be made, unleſſe the ſame Offendors be letted or ſtayed by ſuch lawful and reaſonable means or cauſes, as by the common Laws of this Realm are permitted and allowed in caſes of abjuration for felony. And in ſuch caſes of let or ſtay, then within ſuch reaſonable and convenient time after, as the Common Law requireth in caſe of abjuration for felony, as is aforeſaid.

The penalty of a Recuſant of ſmall ability not repairing to the place appointed, or departing thence.

Cro. Ja. 312.

Recuſants abjuring and departing the Realm.

And that every Juſtice of Peace and Coroner, before whom any ſuch abjuration ſhall happen to be made, as is aforeſaid, ſhall cauſe the ſame preſently to be entred of Record before them, and ſhall certifie the ſame to the Juſtices of Aſſiſes or Gaol-delivery of the ſaid County at the next Aſſiſes or Gaol-delivery to be holden in the ſame County.

Entring abjuration of record, and certifying the ſame.

And if any ſuch Offendor, which by the tenor and intent of this Act, is to be abjured, as is aforeſaid, ſhall refuſe to make ſuch abjuration, as is aforeſaid, or after ſuch abjuration made, ſhall not go to ſuch Haven, and within ſuch time, as is before appointed, and from thence depart out of this Realm, according to this preſent Act, or after ſuch his departure ſhall return or come again into any her Majeſties Realms or Dominions, without her Majeſties ſpecial licence in that behalf firſt had and obtained, That then in every ſuch caſe, the perſon ſo offending ſhall be adjudged a Felon, and ſhall ſuffer and loſe as in caſe of Felony, without benefit of Clergy.

It ſhall be felony for a Recuſant not to abjure, not going or returning without licence.

And be it further enacted and ordained by the authority aforeſaid, That if any perſon which ſhall be ſuſpected to be a Jeſuite, Seminary, or Maſſing Prieſt, being examined by any perſon, having lawful authority in that behalf, to examine ſuch perſon which ſhall be ſuſpected, ſhall refuſe to anſwer directly and truly whether he be a Jeſuite, or a Seminary, or Maſſing Prieſt, as is aforeſaid, every ſuch perſon ſo refuſing to anſwer, ſhall for his diſobedience and contempt in that behalf, be committed to priſon by ſuch as ſhall examine him, as is aforeſaid, and thereupon ſhall remain and continue in priſon without bail or mainpriſe, untill he ſhall make direct and true anſwer to the ſaid queſtions, whereupon he ſhall ſo be examined.

A Jeſuite or Prieſt refuſing to anſwer, ſhall be impriſoned.

Licence to travel above five miles. AL r. 3 Jac. 5.

Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That if any of the perſons which are hereby limited and appointed, to continue and abide within five miles of their uſual dwelling place, or of ſuch place where they were born, or where their Father and Mother ſhall be dwelling, as is aforeſaid, ſhall have neceſſary occaſion or buſineſs to go, and travel out of the compaſs of the ſaid five miles, That then, and in every ſuch caſe, upon licence in that behalf to be gotten under the hands of two of the Juſtices of the Peace of the ſame County, with the privity and aſſent, in writing, of the Biſhop of the Dioceſs, or of the Lieutenant, or of any Deputy-Lieutenant of the ſame County, under their hands, it ſhall and may be lawful for every ſuch perſon to go and travel about ſuch their neceſſary buſineſs, and for ſuch time only for their travelling, attending and returning, as ſhall be compriſed in the ſame licence: Any thing before in this Act to the contrary notwithſtanding.

Perſons urged to proceſs or commandment.

Provided alſo, that if any ſuch perſon ſo reſtrained, as is aforeſaid, ſhall be urged by Proceſſe, without fraud or covin, or be bounden without fraud or covin, to make appearance in any of her Majeſties Courts, or ſhall be ſent for, commanded, or required by any three or more of her Majeſties Privy Council, or by any four or more of any Commiſſioners to be in that behalf nominated and aſſigned by her Majeſty, to make appearance before her Majeſties ſaid Council or Commiſſioners, That in every ſuch caſe, every ſuch perſon ſo bounden, urged, commanded, or required to make ſuch appearance, ſhall not incur any pain, forfeiture or loſs, for travelling to make appearance accordingly, nor for his abode concerning the ſame, nor for convenient time for his return back again upon the ſame.

Perſons which are to yield their bodies to the Sheriff.

And be it further provided and enacted by the authority aforeſaid, That if any ſuch perſon or perſons ſo reſtrained, as is aforeſaid, ſhall be bound, or ought to yield and render their bodies to the Sheriff of the County where they ſhall happen to be upon Proclamation in that behalf, without fraud or covin to be made, That then, in every ſuch caſe, every perſon which ſhall be ſo bounden, or ought to yield and render their body, as aforeſaid, ſhall not incur any pain, forfeiture or loſs for travelling for that intent and purpoſe only, without any fraud or covin, nor for convenient time taken for their return back again upon the ſame.

An offendor upon open ſubmiſſion, ſhall be diſcharged.

And furthermore, Be it enacted by the authority of this preſent Parliament, That if any perſon or perſons that ſhall at any time hereafter offend againſt this Act, ſhall before he or they ſhall be thereof convicted, come to ſome Pariſh Church on ſome Sunday or other Feſtival day, and then and there hear Divine Service, and at Service time, before the Sermon or reading of the Goſpel, make publick and open ſubmiſſion and declaration of his and their conformity to her Majeſties Laws and Statutes, as hereafter in this Act is declared and appointed, that then the ſame Offendor ſhall thereupon be clearly diſcharged of and from all and every pains and forfeitures inflicted or impoſed by this Act, or any of the ſaid offences in this Act contained, the ſame ſubmiſſion to be made as hereafter followeth: That is to ſay,

The form of the ſubmiſſion.

I A.B. do humbly confeſſe and acknowledge, that I have grievouſly offended God, in contemning her Majeſties godly and lawful Government and Authority, by abſenting my ſelf from Church, and from hearing Divine Service, contrary to the godly Laws and Statutes of this Realm, and I am heartily ſorry for the ſame, and do acknowledge and teſtifie in my conſcience, that the Biſhop or See of Rome hath not, nor ought to have any power or authority over her Majeſty, or within any her Majeſties Realms or Dominions. And I do promiſe and proteſt without any diſſimulation, or any colour or means of any Diſpenſation, that from henceforth I will from time to time obey and perform her Majeſties Laws and Statutes, in repairing to the Church, and hearing Divine Service, and do my uttermoſt endeavour to maintain and defend the ſame.

The Miniſter ſhall enter the ſubmiſſion.

And that every Miniſter or Curate of every Pariſh where ſuch ſubmiſſion and declaration of conformity ſhall hereafter be ſo made by any ſuch Offendor as aforeſaid, ſhall preſently enter the ſame into a Book to be kept in every Pariſh for that purpoſe, and within ten dayes then next following ſhall certifie the ſame in writing to the Biſhop of the ſame Dioceſs.

A Recuſant ſubmitting, falleth into a relapſe.

Provided nevertheleſſe, that if any ſuch Offendor, after ſuch ſubmiſſion made, as is aforeſaid, ſhall afterward fall into relapſe, or eftſoons become a Recuſant in not repairing to Church to hear Divine Service, but ſhall forbear the ſame, contrary to the Laws and Statutes in that behalf made and provided: that then every ſuch Offendor ſhall loſe all ſuch benefit as he or ſhe might otherwiſe by vertue of this Act have or enjoy, by reaſon of their ſaid ſubmiſſion, and ſhall thereupon ſtand and remaine in ſuch plight, condition, and degree to all intents, as though ſuch ſubmiſſion had never been made.

Women bound, ſaving for abjuration.

Provided alwayes, and be it enacted by the authority aforeſaid, That all and every woman married, or hereafter to be married, ſhall be bound by all and every article, branch, and matter contained in this Statute, other than the branch and article of abjuration before mentioned. And that no ſuch woman married, or to be married, during marriage, ſhall be in any wiſe forced, or compelled to abjure, or be abjured by this Act: Any thing therein contained to the contrary thereof notwithſtanding. 23 Eliz. 1. 29 Eliz. 6. 1 Jac. 4. 3 Jac. 4. 5.

CAP. III.

All Abbey-Lands which came to the hands of King Hen. 8. &c. ſhall be adjudged to have been in his actual and lawful poſſeſſion, &c. and all Letters Patents made by him for the foundation of any Dean and Chapter, or Colledge, ſhall be reputed good.

Forasmuch as divers ambiguities, doubts and queſtions have riſen and been moved, as well touching divers Surrenders, Grants, and Conveyances made and granted by ſundry late Abbots, Priors, and other religious and Eccleſiaſtical perſons, to the late King of famous memory King Henry the eighth, after the fourth day of February, in the ſeven and twentieth year of his Reign, of divers their Honors, Manors, Lands, Tenements and Hereditaments, as alſo touching and concerning the validity of the erections of ſuch Deans and Chapters, and ſuch Colledges as were erected, ordained, made or founded by the ſaid late King Henry the eighth, after the ſaid fourth day of February, in the ſaid ſeven and twentieth year of his Reign. And forasmuch as the ſame doubts and queſtions ſeem not to be ſufficiently remedied or provided for, by the Statute made in the four and thirtieth year of the Reign of the ſaid late King Henry the eighth, entituled, An Act for confirmation of Letters Patents, notwithſtanding miſnaming of any thing contained in the ſame.

34 & 35 H. 8. 21. Be it therefore declared, explained, and enacted by authority of this preſent Parliament, that all and every Honors, Manors, Lands, Tenements and Hereditaments, which at any time heretofore were the poſſeſſions of any Abbey, Monaſtery, Priory, Nunnery, or other religious or Eccleſiaſtical houſe or houſes, and which after the ſaid fourth day of February, in the ſaid ſeven and twentieth year of the ſaid late King Henry the eighth, came to the hands or poſſeſſion of the ſaid late King Henry the eighth, or which were put in charge to or for his Highneſſe, in his Court of Exchequer, or any other Courts of the ſaid late King concerning his Majeſties Revenues, or by any Auditor, or other Officer of the ſaid late King, or which after the ſaid fourth day of February, in the ſeven and twentieth year aforeſaid, were granted or conveyed, or mentioned to be granted or conveyed, in or by any Letters Patents whatſoever, made by the ſaid late King Henry the eighth, to any perſon or perſons, bodies politick or corporate, were, and ſhall be reputed, taken and adjudged to have been lawfully and perfectly in the actual and real poſſeſſion of the ſaid late King, and his Heirs and Succeſſors, at ſuch time as the ſame did ſo come to his Majeſties hands and poſſeſſion, or were ſo put in charge, or granted or conveyed by the ſaid late King Henry the eighth, as aforeſaid, notwithſtanding any defect, want or inſufficiency of, or in any Surrender, Grant, or Conveyance of the ſame Honors, Manors, Lands, Tenements or Hereditaments, or any part thereof, to the ſaid late King Henry the eighth, or any other matter or cauſe whatſoever, by which his Highneſſe was or might have been entituled to the ſame.

oke lib 11. l.11.

All grants made by Kin H 8. of any Abbey lands that were in his poſſeſſion ſhall be good.

And be it further declared and enacted by the authority aforeſaid, That all and ſingular Letters Patents made by the ſaid King Henry the eighth, at any time after the ſaid fourth day of February, in the ſaid ſeven and twentieth year of his Reign, for the erection, foundation, incorporation, or endowment of any Dean and Chapter, or Colledge, were and ſhall be reputed, taken, and adjudged to have been good, perfect and effectual in the Law for all things therein contained, according to the true intent and meaning of the ſame: Any thing, matter, or cauſe to the contrary thereof in any wiſe notwithſtanding.

oke lib. 3. l.73.

King H. 8. Letters Patents for the foundation of Dean and Chapter, or Colledge, ſhall be good.

Saving always unto all perſon and perſons, bodies politick and corporate, their Heirs and Succeſſors, and every of them, (other than the late Abbots, Abbeſſes, Priors, Prioreſſes, and other Governors of ſuch Abbeys, Monaſteries, Priories, Nunneries, and other Religious and Eccleſiaſtical houſes, and their Succeſſors, and ſuch as pretended to be Founders, Patrons or Donors of the ſame, or any of them: or of any Manors, Lands, Tenements or Hereditaments belonging to the ſame, or to any of them (and their, and every of their Heirs and Succeſſors) all ſuch Right, Title, Intereſt, Claim and Demand, as they, or any of them, or their, or any of their Anceſtors or Predeceſſors might or ought to have had of, in, to, or out of any ſuch Honors, Manors, Lands, Tenements or Hereditaments, before the ſaid fourth day of February, in the xxvii. year of the Reign of the ſaid King Henry the eighth, or before the making of ſuch Letters Patents by the ſaid King Henry the eighth, as if the ſaid Letters Patents made by the ſaid King Henry the eighth, and the foreſaid Statute made in the ſaid four and thirtieth year of his Reign, and this preſent Act had never been made: This Act, or any thing therein contained to the contrary notwithſtanding.

Other mens Rights ſaved.

CAP. IV.

Every Pariſh ſhall be charged with a ſum weekly towards the relief of ſick, hurt and maimed Souldiers and Mariners. REP. 43 Eliz. 3. Stat. 39 Eliz. 21. 43 Eliz. 9. 39 Eliz. 5. 18.

CAP. V.

A confirmation of the Attainder of Sir Francis Engleſield, that went forth of the Realm, Anno 1 Eliz. by the Queens licence, and was attainted of high Treaſon, as well by the Stat. of 39 Eliz. 1. as by the common Law. His Lands eſtabliſhed to be in the Queen, her Heirs, Succeſſors or Aſſigns. The Queen ſhall take the advantage or revocating of an Aſſurance with a condition made by him upon the tender of a Ring of Gold. PR. Coke lib. 7. fol. 11.

CAP. VI.

No new Buildings ſhall be erected within three miles of London or Weſtminſter. One dwelling houſe in London, Weſtminſter, or three miles thereof, ſhall not be converted into more. No Inmates, or under-ſitters ſhall be in the places aforeſaid. Commons or waſte grounds, lying within three miles of London, ſhall not be incloſed. A mile ſhall contain five furlongs, every furlong forty poles, and every pole ſhall contain ſixteen foot and an half. EXP. Stat. 31 Eliz. 7.

CAP. VII.

Several Statutes made in the Reign of King H. 8. King Ed. 6. and Queen Eliz. revived and continued, and certain other Statutes repealed, &c.

Where in the firſt Seſſion of Parliament, begun in the City of London the third day of November, in the one and twentieth year of the Reign of our late Soveraign Lord of famous memory, King Henry the eighth, and from thence adjourned and prorogued to the Palace of Weſtminſter, an Act or Statute was made, entituled, An Act for the true making of Cables, Halſers and Ropes. 21 H. 8. 12.

And where in the Parliament holden upon prorogation at Weſtminſter, the fourth day of February, in the four and twentieth year of the Reign of the ſaid King, one other Act was then and there made, entituled, An act againſt killing of young Beaſts, called Weanlings. 24 H. 8. 9.

And where in the Seſſion of a Parliament ended at Weſtminſter the firſt day of February, in the fourth year of the Reign of our late Soveraign Lord King Edward the ſixth, one Act was made, concerning the buying and ſelling of Rother Beaſts and Cattel. 3 & 4 Ed. 6. 19.

3 & 4 Ed. 6. 21. And alſo one other Act was then and there likewiſe made, entituled, An Act for the buying and ſelling of Butter and Cheeſe.

1 Eliz. 17. And where alſo in the Parliament begun at Weſtminſter the three and twentieth day of January, in the firſt year of the Reign of the Queens Majeſty that now is, and there continued by prorogation untill the diſſolution thereof, An Act was then and there made, entituled, An Act for the preſervation of Spawn and Fry of Fiſh.

5 Eliz. 2. And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the fifth year of her Highneſſe Reign, one Act was then and there made, entituled, An Act for maintenance and increaſe of Tillage.

5 Eliz. 7. And one other Act was then and there likewiſe made, entituled, An Act for the avoiding of divers foreign wares made by handy-craftſ-men beyond the Seas.

5 Eliz. 5. And one other Act was likewiſe then and there made, entituled, An Act touching certain politick Conſtitutions made for the maintenance of the Navy.

8 Eliz. 10. And where alſo in the laſt Seſſion of the Parliament holden by prorogation at Weſtminſter the laſt day of September, in the eighth year of her Majeſties Reign, one Act was then and there made, entituled, An Act for Bowyers, and the price of Bows.

13 Eliz. 20. And where alſo in the Parliament begun and holden at Weſtminſter, in the ſecond day of April, in the thirteenth year of her Majeſties Reign, there was one Act and Statute made for the avoiding of ſome leaſes in certain caſes to be made of Eccleſiaſtical promotions with cure, entituled, An Act touching leaſes of Benefices, and other Eccleſiaſtical livings with cure.

13 Eliz. 21. And where alſo there was one other Act and Statute made in the ſaid Parliament begun and holden at Weſtminſter, the ſaid ſecond day of April, in the ſaid thirteenth year, entituled, An Act that Purveyors may take grain, corn or victuals, within five miles of Cambridge and Oxford, in certain caſes.

13 Eliz. 8. And alſo one other Act was then and there made, entituled, An Act againſt Uſury.

14 Eliz. 11. And where in the Parliament holden at Weſtminſter the eighth day of May, in the fourteenth year of her Highneſſe Reign, there was one other Act made, entituled, An Act for the continuation, explanation, perfecting and enlarging of divers Statutes, In which Statute are contained divers branches, clauſes and proviſions touching and concerning the explanation, perfecting and enlarging of divers of the Statutes before mentioned.

14 Eliz 5. And where alſo in the firſt Seſſion of the Parliament begun and holden at Weſtminſter the eighth day of May, in the fourteenth year of the Queens Highneſſe Reign that now is, and from thence continued by prorogation till the diſſolution thereof, there was one other Act made, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent.

Eliz. 3. And where in the Parliament holden at Weſtminſter aforeſaid, in the eighteenth year of her Majeſties Reign, there was one other Act made, entituled, An Act for the ſetting of the poor on work, and for the avoiding of idleneſſe. 18 Eliz. 20. And alſo one other act was then and there made, entituled, An act for the repairing and amending the bridges and high-wayes near unto the City of Oxenford. 23 Eliz. 6. And where in the Parliament holden at Weſtminſter the ſixteenth day of January, in the three and twentieth year of her Majeſties Reign, one act was made, entituled, An act for the repairing of Dover Haven.

27 Eliz. 11. And where in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of her Majeſties Reign, one other act was made for the reviving, continuance, explanation, and perfecting of divers Statutes, in which are contained divers branches, proviſions and clauſes touching and concerning certain additions and alterations unto, and of divers of the ſaid former recited Statutes, and other new proviſions.

27 Eliz. 7. 27 Eliz. not printed. And where in the ſaid Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of the Queens Majeſties Reign that now is, there was an act made for the levying of iſſues loſt by Jurors.

And alſo there was then and there one other act made, entituled, An act for the good Government of the City or Borough of Weſtminſter.

2 Ed. 6. 10. 27 Eliz. 14. And whereas in the Parliament holden at Weſtminſter upon prorogation the fourth day of November, in the ſecond year of the Reign of the King of famous memory King Edward the ſixth, one Act was made, entituled, An Act for the true making of Malt, which ſaid Statute was diſcontinued, and by another Act made in the ſaid Parliament holden at Weſtminſter, in the ſaid 27th. year of the Queens Majeſties Reign that now is, entituled, An Act for 27 Eliz. 24. the reviving of a former ſtatute for the true making of Malt, was revived and continued. 31 Eliz. 8. And alſo one other Act was then and there made, entituled, An Act for the keeping of the Sea-banks and Sea-works in the County of Norfolk. And where in the ſaid Parliament holden at Weſtminſter the fourth day of February, in the 31 year of the Queens Majeſties Reign that now is, there was an Act made, entituled, An Act for the true gawging of Veſſels brought from beyond the Seas, converted by Brewers, for the utterance and ſale of Ale and Beer. 31 Eliz. 13. And alſo one other Act was then and there made, entituled, An Act for reviving and enlarging of a ſtatute made in the 23. year of her Majeſties Reign, for repairing of Dover Haven. And alſo one other Act was then and there made, entituled, An Act for the relief of the City of Lincoln. Foraſmuch as the branches, clauſes and proviſions, contained and ſpecified in the ſaid two Acts of continuance, made in the fourteenth and ſeven and twentieth year of her Majeſties reign, in addition, alteration, explanation, perfecting and enlarging of divers the ſaid ſtatutes, and other ſtatutes, and all the reſidue of the ſaid recited Acts, do ſeem good and beneficial to the weal and profit of this Realm: Be it enacted by the authority of this preſent Parliament, That the ſaid branches, clauſes, and proviſions of the ſaid two Acts of continuance, and of the reſidue of the ſaid recited Statutes and Acts, and every of them,

Continuance untill the end of the next Parliament of the before mentioned Statutes.

them, and all and every article, clauſe and ſentence in them, and every of them contained, and by this preſent Act not repealed, except the ſaid Act concerning the repairing of Dover Haven, ſhall be continued and endure in force and effect, untill the end of the Parliament next enſuing. And as concerning the ſaid Act touching the repairing of Dover Haven, the ſaid Act ſhall be by authority of this Parliament continued, and endure in force and effect from and after the end of the term limited by that Act, and yet continuing untill the end of the next Parliament then next enſuing.

Dover Haven.

Provided alwayes, and be it alſo enacted by the authority aforeſaid, That all and every ſuch branch and branches of the ſaid Statute, made for the maintenance and encreaſe of Tillage, as concern the earing, ploughing, uſing and keeping in Tillage for ever, of ſuch Lands or Grounds, or ſo much in quantity, as before the making of that Statute had been eared or ploughed, and put in tillage in any one year, and ſo kept in tillage by the ſpace of four years at any time ſithence the Feaſt of S. George the Martyr, in the twentieth year of King Henry the eighth, and every matter, clauſe, article, proviſion, penalty and forfeiture in the ſaid Statute concerning the ſame, ſhall ſo far forth onely, as they concern the ſame, from henceforth be repealed, ceaſe, and be utterly void: Any thing in the ſaid Statute, or in this preſent Act to the contrary notwithſtanding.

Part of the ſta. of 5 El. 2. repealed touching earing, uſing, and keeping in tillage. 39 Eliz. 1.

Provided alſo, and be it enacted by the authority aforeſaid, That ſo much of the ſaid Statute made for the maintenance of the Navy, as heretofore at any time was repealed, and all and every ſuch branch and branches of the ſaid Statute as concern the ſowing of Flax or Hemp, or the reviving of one Statute concerning ſowing of Flax or Hemp, made and provided in the Parliament, holden in the four and twentieth year of the Reign of King Henry the eighth, and every matter, clauſe, article, proviſion, penalty and forfeiture in the ſaid Statute, concerning the ſame, ſhall ſo far forth only as they concern the ſame, from henceforth be repealed, ceaſe, and be utterly void: Any thing in the ſaid Statute, or in this preſent Act to the contrary notwithſtanding.

A repeal of the ſtat. of 5 El. 5. and 24 H. 8. touching ſowing of Hemp and Flax.

Provided alſo, and be it further enacted by the authority aforeſaid, That every perſon eating any fleſh upon any fiſh-days, contrary to the form of the ſaid Statute made for the maintenance of the Navy, ſhall forfeit only twenty ſhillings, or elſe ſuffer only one moneths cloſe impriſonment without bail or mainprize. And every perſon or perſons within whoſe houſe any ſuch offence ſhall be done, and being privy, or knowing thereof, and not effectually publiſhing or diſcloſing the ſame to ſome publick Officer having authority to puniſh the ſame, for every ſuch offence to forfeit only xiii. s. iiii. d. Any thing in the ſaid Statute contained to the contrary notwithſtanding.

A diminution of the penalty licenſed by the ſtat. of 5 El. 5. for eating of fleſh upon fiſh-days.

Provided alſo, and be it further enacted by the authority of this preſent Parliament, That when the price of corn or grain exceedeth not the rates hereafter following, at the times, and havens, and places where and when the ſame corn or grain ſhall be ſhipped or loaden, viz. the quarter of wheat at xx. s. the quarter of rye, peaſe and beans at xiii. s. iiii. d. the quarter of barley or malt at xii. s. of currant Engliſh money: That then it ſhall be lawful for all and every perſon and perſons, being Subjects of her Majeſty her heirs or ſucceſſors, to load, carry, or tranſport any of the ſaid corn or grain in ſuch manner and form, as in the ſaid Act made for the maintenance of the Navy, is limited and appointed: And that the Queens Majeſty, her heirs and ſucceſſors, ſhall have and receive by the Cuſtomers and Officers of her Ports, for the cuſtom or poundage of every quarter of wheat to be tranſported by force of this ſtatute, ii. s. and of every quarter of any other grain, xvi. d. Which ſaid ſeveral ſums ſo to be had or taken as cuſtom or poundage, to be in full ſatisfaction of all manner of cuſtom or poundage for the ſaid corn or grain, by any conſtitution, order, ſtatute, law or cuſtom, heretofore made, uſed or taken for tranſporting of any ſuch manner of corn or grain.

5 Eliz. 5.
27 Eliz. 11
Tranſporting of corn.
ALT. 3 Car. 4.

The Queens Cuſtom for every quarter of corn tranſported.

Provided alſo, and be it enacted by the authority aforeſaid, That ſo much of the ſaid Statute made in the fourteenth year of her Majeſties Reign, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor impotent, and of the ſaid Statute made in the eighteenth year of her Majeſties Reign, entituled, An Act for ſetting the poor on work, and for avoiding of idleneſſe, as concerneth the puniſhment of Vagabonds, by goaling, boaring through the Ear, and death in the ſecond degree, and every matter, clauſe, article and proviſion in the ſaid Statute contained, concerning the ſame, ſhall ſo far forth only as they concern the ſame, from henceforth be repealed, ceaſe, and be utterly void: Any thing in this Statute contained to the contrary notwithſtanding.

So much of the ſtat. of 14 El. . and 18 El. 3. as doth concern the goaling, boaring, and death of Vagabonds repealed.

And be it further enacted by the authority aforeſaid, That ſo much of one Act made in the two and twentieth year of King Henry the eighth, entituled, An Act concerning how aged, poor, and impotent perſons, compelled to live by Almes, ſhall be ordered, and how Vagabonds and mighty ſtrong Beggars ſhall be puniſhed, as concerneth the puniſhment of any ſuch Beggar, impotent or vagabond perſon by whipping, and all branches, articles and clauſes depending upon the ſame (other than the compelling of ſuch perſons to be ſworn) ſhall from henceforth ſtand and be revived, and remain in his full force and ſtrength.

A reviver of the ſtat. of 28 H. 8. 12. touching the order of aged, poor, and impotent perſons.
R. P. 39 El. 4.

Provided alwayes, and be it enacted by the authority aforeſaid, That the ſaid Act made in the eighteenth year of her Majeſties Reign, for the repairing and amending of the bridges and high-wayes near unto the City of Oxon, or any thing therein contained, ſhall not charge with any thing towards the amending of the ſaid bridges and high-wayes, any perſon or houſholder inhabiting within five miles of the Univerſity and City of Oxon, not having in poſſeſſion one yard-land. And that every perſon having one yard-land or more in his poſſeſſion, lying within the ſaid five miles, ſhall pay yearly the ſum of four pence only, for every yard land, before the Feaſt of Pentecoſt, unto the Vice-Chancellor and Mayor for the time being, or their deputy or deputies, towards the amending of the ſaid bridges and high-ways, and no other penalty, with like remedy by diſtreſs for every ſum of four pence, which ſhall be due, and not paid, as aforeſaid, as is contained in the ſaid Statute for any penalty therein limited.

18 El. 19.

He that hath a yard land within five miles of Oxford, ſhall yearly pay 4 d. towards the repair of bridges.

It is lawful to give land towards the maintenance of the houſe of correction, or of the poor. 18 Eliz. 3. 39 Eliz. 5.

And be it alſo enacted by the authority aforeſaid, That it ſhall be lawful for every perſon, for and during the ſpace of twenty years next enſuing, :to make feoffments, grants, or any other aſſurances, or by laſt Will in writing to give and bequeath in fee-ſimple, as well to the uſe of the poor, as for the proviſion, ſuſtentation or maintenance of any houſe of correction, or abiding houſes, or of any ſtocks or ſtores, all or any part of ſuch his Lands, Tenements and Hereditaments, and in ſuch manner and form as he might have done, to and for the proviſion, ſuſtentation, or maintenance of any houſes of correction, or abiding-houſes, or of any ſtocks or ſtores, by force of the ſaid ſtatute.

23 Eliz. 6. Repair of Dover Haven.

Provided alwayes, and be it enacted by the authority of this preſent Parliament, That all Ships, Barks, Veſſels or Crayers, whereof any of her Majeſties Subjects ſhall be Owners, or part Owners, of the burthen of twenty tun, or upwards, loading or diſcharging within this Realm, and paſſing to and fro any foreign Country, that are of any Port, Haven or Creek in Severn, from the Lands end in Cornwall to Briſtow, and from thence to Glouceſter, and from Milford Haven to Cheſter, Lyrpool, and all the Ports and Creeks to them, or either of them belonging, in S. Georges channel, and from the ſaid places back again, ſhall after the eighth day of May, which ſhall be in the year of our Lord God, one thouſand five hundred ninety and ſix, be diſcharged of the three pence of every tun, for the reparation of Dover Haven, The ſaid ſtatutes made for the repairing of Dover Haven, or either of them, or any thing therein contained to the contrary notwithſtanding: Except any of the ſaid Ships, Barks, Veſſels or Crayers, ſhall go for Dover, or to the Eaſtward. And that as well the ſaid Ships, Barks, Veſſels and Crayers, that ſhall go for Dover, or to the Eaſtward, as alſo all the Ships, Barks, Veſſels and Crayers, which ſhall croſs the narrow Seas, ſhall pay in manner and form as hereafter is expreſſed, and no more: that is to ſay, if they go forward with any manner of loading, not a quarter loaden, then to pay after the rate of a quarter loading, and ſo rateably upwards, according to their loading: but homeward to pay according to the full rate of the entry of their loading of every Ship, Bark, Veſſel or Crayer.

27 El. not imprinted, for the maintenance of the Peer of Lyme Regis.

And be it alſo enacted by the authority aforeſaid, That one Act made in the ſeven and twentieth year of her Majeſties Reign, entituled, An Act for the maintenance of the Peere and Cobbe of Lyme Regis, in the County of Dorſet, ſhall be renewed, and ſtand in his full force and ſtrength, for and during the ſpace of ten years next enſuing, and ſo from thenceforth, to the end of the next Parliament then next enſuing.

27 Eliz. 17. The breadth of woollen-cloths in Wiltſhire, Glouceſter, Somerſet and Oxfordſhire. 43 Eliz. 10.

And be it further enacted by the authority of this preſent Parliament, That one Act made in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of her Highneſſe Reign, entituled, An Act touching the bredth of white woollen Clothes, made in the Counties of Wiltſhire, Glouceſter, Somerſet and Oxenford, &c. and all and every the branches, clauſes and proviſions in the ſame contained, ſhall from henceforth be, remain, and continue in force and effect forever.

The Queens licence for tranſporting of corn at leſs cuſtom than is before expreſſed.

Provided alwayes, That this Act, nor any thing therein contained, ſhall not be prejudicial or hurtful to any former Letters Patents, or Licence granted by her Majeſty, to any perſon or perſons, bodies politick or corporate, for the tranſportation of any Corn or Grain, either at any leſſer Cuſtoms or Subſidies than is contained in this preſent Act, or without any Cuſtom or Subſidy, but that they, and every of them, their Deputies and Aſſigns, ſhall and may tranſport Grain hereafter, for the time in their ſeveral Letters Patents ſpecified, either at ſuch prices and rates, or without Cuſtom or Subſidy, in ſuch manner and form as in the ſaid Letters Patents is contained, according to the form and effect of the ſame Letters Patents, and in ſuch manner and form, and not otherwiſe, to all intents and purpoſes, as if this preſent Act had never been had or made.

The Queen may reſtrain tranſporting of corn by Proclamation.

Provided alwayes, and be it enacted by the authority of this preſent Parliament, That the Queens Majeſty, her Heirs and Succeſſors, may at all times by her and their writ of Proclamation to be publiſhed generally in the whole Realm, or in any the Counties of the Realm, where any Port Towns are, command, That no perſon ſhall by vertue of this Act tranſport or carry any manner of Grain out of her Highneſſe Dominions generally, or out of any ſpecial Ports to be in the ſame Proclamation particularly named, for ſuch time as ſhall be therein limited and appointed.

1 & 2 P.& M. 5. 13 Eliz. 13.

And that it ſhall not be lawful for any perſon to carry out any ſuch Grain, contrary to the tenor of the ſame Proclamation, upon ſuch pains and forfeitures as by the Laws and Statutes of this Realm, are and have been provided and ordained in that behalf: This Act, or any thing therein contained to the contrary notwithſtanding.

CAP. VIII.

Several penalties for making of Cables of old ſtuff, being above or under ſeven inches in compaſs.

The inconveniences enſuing the deceitful making of Cordage.

Foraſmuch as it is found by common experience, that ſundry perſons uſing the trade of making Cables, Halſors, and other kind of Cordage within this Realm, have of late for their private lucre and gain uſed to make the ſame of old, caſt, and over-worn Cables, Halſors and Cordage: and yet have craftily and deceitfully uttered and ſold the ſame being tarred, as new, good and ſtrong, and as made of new and perfect ſtuff, covering and hiding the falſe and corrupt making thereof, by tarring of them before the ſame be put to ſale, by reaſon whereof, not only divers Ships, Veſſels and Goods, as well of her Majeſties, as of ſundry her Highneſſe Subjects, but alſo the lives of divers of her ſaid Subjects have been loſt, periſhed, and caſt away.

For remedy thereof, and for the avoiding of ſuch great loſſes, inconveniences and dangers as might otherwiſe hereafter enſue by ſuch corrupt, falſe, and deceitful making of Cables, Halſors, and other Cordage as is aforeſaid.

Be it Enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, ſhall after forty dayes next after the end of this Seſſion of Parliament, make, or cauſe to be made any Cables of any old and over worn ſtuffe, which ſhall contain above ſeven inches in compaſſe: Then every perſon ſo offending, ſhall forfeit and loſe four times the value of every ſuch Cable ſo by him or them made, or cauſed to be made, as is aforeſaid. And if any perſon or perſons, after the ſaid forty dayes next after the end of this Seſſion of Parliament, ſhall tarre, or cauſe to be tarred, any Halſors or other Cordage, made within this Realm of ſuch old and over-worn ſtuffe as aforeſaid, being of leſſer aſſize, and not containing in compaſſe ſeven inches, and ſhall after by way of retail, ſell or put to ſale, or cauſe to be ſold or put to ſale the ſame being ſo tarred: That every perſon ſo offending ſhall forfeit and loſe the treble value of every Cable, Halſor and other Cordage, being of leſſer aſſize, and made of ſuch old and over-worn ſtuffe as is aforeſaid, which ſhall be ſo ſold or put to ſale, being tarred as aforeſaid: The one moiety of all which forfeitures ſhall be to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to ſuch perſon or perſons as will ſue for the ſame by Action of debt, bill, plaint, or information, wherein no eſſoyn, protection or wager of Law ſhall be allowed.

Old ſtuffe put unto new cables.

The penalty for tarring of cables, cordage, &c.

And furthermore, that every perſon which ſhall in any wiſe offend againſt the tenour and meaning of this Act, ſhall be impriſoned for the ſame during her Majeſties pleaſure.

Impriſonment.

CAP. IX.

The length, breadth, and weight of Plunkets, Azures, Blewes, and other coloured Clothes, made in the Counties of Glouceſter, Sommerſet, and Wiltſhire.

Whereas in the Parliament holden at Weſtminſter in the fifth and ſixth years of the Reign of our late Soveraign Lord King Edward the ſixth, one ſtatute was made, entituled, An Act for the true making of woollen cloth, whereby (among other things) it was enacted, That all broad Plunkets, Azures, Blewes, and other coloured cloth, which after the Feaſt of St. Michael the Archangel then next coming, ſhould be made within the Shires of Wiltſhire, Glouceſter or Somerſet, or elſewhere, of like making, ſhould contain in length, being through wet, betwixt xxv. and xxviii. yards, yard and inch of the Rule, and ſhould be ſeven quarters within the liſts at the leaſt, and liſted according to the ancient cuſtome, and being well ſcowred, thicked, milled, and fully dyed, ſhould weigh lxviii. pounds the peece, at the leaſt, as by the ſaid Act, among divers clauſes, articles and proviſions, contained in the ſame, more plainly is expreſſed: Sithence the making of which ſaid Statute, although the makers of the ſaid coloured clothes have endeavoured themſelves, according to their beſt skill and induſtry, to perform and fulfil the ſaid recited ſtatute in every of their clothes, as much as in them did lie, as touching the breadth of clothes, and to that end and purpoſe have allowed, and do allow ſo much yarn and ſtuffe to every ſuch cloth as might ſufficiently ſerve to make all the ſaid coloured clothes full out in length, breadth and weight, according to the ſaid ſtatute made in the fifth and ſixth years of King Edward the ſixth: Yet notwithſtanding, many times, by reaſon of the divers natures in the wools, and by the great diverſities in the ſpinning, carding and milling, many of the ſaid coloured clothes made within the ſaid County of Somerſet, and elſewhere of like making, do not contain full ſeven quarters in breadth, according to the ſaid ſtatute made in the fifth and ſixth years of King Edward the ſixth, and yet no default touching the ſaid breadth can juſtly be imputed to the maker thereof, for that the ſaid Cloth-makers (as experience daily ſheweth) cannot obſerve the ſaid former ſtatute in all the ſaid clothes, as touching the breadth, although they endeavour themſelves never ſo much thereunto: which clothes not containing their full breadth, as is aforeſaid, are many times taken and ſeized by the Searchers of London, when they come to their Market at Blackwell-Hall, to the great loſſe and damage of the ſaid Cloth-makers, and to the great hinderance of Cloth-making within the ſaid County: In conſideration whereof, albeit it is not hereby intended to repeal or make void the ſaid former recited ſtatute, otherwiſe than is hereafter expreſſed; yet neverthleſſe, Be it Enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons ſhall be hereafter charged for any ſuch default, which hereafter ſhall be in any of the ſaid broad Plunkets, Azures, Blews, or other coloured clothes, for want of breadth of ſeven quarters, ſo that the ſame Cloth do contain in breadth, being throughly wet, ſix quarters and a half at the leaſt within the liſts unwrought, and liſted according to the ancient cuſtome: Any thing in the ſaid former recited ſtatute mentioned to the contrary in any wiſe notwithſtanding.

The effect of the ſtat. of 5 & 5 Ed 6. 6. touching the making of plunkets, &c. in Wiltſhire, Glouceſter, and Somerſetſhires.

The Stat. of 5 & 6 Ed. 6. 6. not performed for the breadth of Cloth, and yet no default in the Cloth-makers.

The cloth ſix quarters and a half broad being wet.

Provided always, and be it enacted by the authority aforeſaid, That if any of the ſaid clothes ſhall not contain ſix quarters and an half at the leaſt within the liſts, as is aforeſaid, that then every perſon offending in that behalf, ſhall for every ſuch cloth be ſubject to ſuch pains, penalties, and forfeitures as were by force of the former recited ſtatute of the fifth and ſixth years of King Edward the ſixth, to have been forfeited for want of breadth of ſeven quarters within the liſts.

The penalty, if any of the ſaid clothes be not in breadth ſix quarters and a half.

And be it nevertheleſs enacted by the authority aforeſaid, That if any of the ſaid broad Plunkets, Azures, Blews, or other coloured clothes, being well ſcoured, thicked, milled, and fully dyed, ſhall contain in weight any leſs than lxviii. pounds at the leaſt: that then every of the ſaid Clothiers therein offending, ſhall incur double ſuch penalties and forfeitures for every pound ſo wanting of the ſaid weight, and not weighing after ſuch rate as is before expreſſed in, and by the ſaid ſtatute, made in the fifth and ſixth years of King Edward the ſixth, is limited and appointed.

The penalty for want of weight. Examined by the Parliament Roll.

And be it nevertheleſs enacted by the authority aforeſaid, That if any of the Clothes to be

made

Weight, 68. pounds. Length, 27. yards. Rep. 43 El. 10.

made within the County of Somerſet, or elſewhere of like making, called Plunkets, Azures and Blews, being well ſcoured, thicked, milled, and fully dyed, ſhall contain in weight any leſs than lxviii. pounds at the leaſt: or if any of the ſaid clothes ſhall contain in length any more than xxvii. yards at the moſt: That than every of the ſame Clothiers therein offending, ſhall incur double ſuch penalties and forfeitures for every pound ſo wanting, as by the ſaid ſtatute of the fifth and ſixth years of the reign of King Edward the ſixth, are to ſuch defaults limited and appointed: And for every yard that any ſuch cloth ſhall contain above 27 yards in length, and not weighing after ſuch rate as is before expreſſed, the maker of every ſuch cloth ſhall incur double the penalties by the ſtatute of the fourth and fifth years of the reign of King Philip and Queen Mary, to ſuch defaults limited and appointed.

CAP. X.

The weight and length of a Devonſhire Kerſie raw, and of a Rudge Waſh Kerſie, &c.

The Queens Proclamation concerning the weight, length and goodneſs of Devonſhire Kerſies.

IN their moſt humble and dutiful wiſe ſhewen, and beſeechen your Highneſs, your true and faithful Subjects, the Clothiers, Merchants and Chapmen of your County of Devon, and of the Counties adjoyning, That where in the moneth of January, in the four and thirtieth year of your Majeſties moſt happy reign, as well at the humble ſuit and petition of ſundry your ſaid ſubjects, as upon certificate of divers Juſtices in your Highneſſe ſaid County of Devon, and upon complaint of the States of Holland, it pleaſed your Highneſs, with the advice of your moſt honourable Privy Council, by your Highneſs Proclamation, for the reformation of the inſufficiencies grown in the Clothes called Devonſhire Kerſies or Dozens, (a commodity heretofore in great requeſt, price and eſtimation, both amongſt your natural ſubjects, and in foreign Nations and Countries) but of late marvellouſly (and not without occaſion) diſcredited by the inventions and new devices of the Weavers, Tuckers and Artificers, To command that the Lawes before that time made, and ſtanding in force not repealed, for and concerning the premiſſes, ſhould be duly accompliſhed in all things: And that every Officer ſhould diligently perform his Office accordingly: And that the weight of the ſaid Kerſies or Dozens being raw, and wrought with clean ſtuff, without any deceitful addition, ſhould weigh fifteen pounds, and contain in the Market at the leaſt between fifteen and ſixteen yards at length, and that the ſame ſhould be ſewantly woven throughout of like ſorted yarn, forbidding all other deceits in weaving, and all diminiſhing and unreaſonable drawing, ſtretching, and other deceits in Tuckers: And that each Weaver ſhould weave his ſhop-mark in each Dozen, and a purrel in each end thereof: And that Officers ſhould be appointed in Market Towns, to view, weigh, and try the ſame Kerſies, whether they were in length, weight or goodneſs, according to the rate and proportion ſet forth in the ſame Proclamation: The ſame Proclamation to endure till the firſt day of this preſent Parliament, as by the ſame more at large may appear.

Stat. 5 & 6 Ed. 6. 6. 4 & 5 Ph. & M. 5.

Now, moſt gracious Soveraign, foraſmuch as by the ſaid Proclamation, great order and better making of the ſaid Clothes for weight and length thereof hath enſued, and to the end that hereafter further diſcovery and reſtraint of all abuſes and deceits, contrary to the former laws and ſtatutes of this Realm, may be provided for, to the reviving of the reputation of ſo good, profitable and neceſſary a commodity, It may pleaſe your Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the whole Commonalty aſſembled in this preſent Parliament, and by the authority of the ſame, That it may be enacted and eſtabliſhed as followeth, that is to ſay, That from and after the firſt day of July now next coming: each Kerſie called Devonſhire Kerſie or Dozen, which ſhall be made and woven within the ſaid County of Devon, or any other County next adjoyning thereunto, being raw, unſcoured, untucked, and unwet, as it cometh from the Weavers beam, and being made of clean and perfect ſtuff, that is, to wit, of Wooll ſhorn, cleanſed, and throughly waſhed or ſcoured, after the ſhearing, and before the weaving, without any fraud, deceit, policy, or device, or any ſtuff thereunto deceitfully or unlawfully added in the working, or after the working thereof, for the increaſe of the weight, ſhall weigh in the Market fifteen pounds or upwards.

The weight of a Devonſhire Kerſie or Dozen raw.

The weight and length of Rudge Waſh Kerſie.

4 Jac. 2.

And that from and after the ſaid firſt day of July, every raw Devonſhire Kerſie or Dozen from thenceforth to be woven and made in the ſaid County of Devon, or any of the other Counties adjoyning, being a Rudge Waſh Kerſie, that is to ſay, being made of Fleece Wooll waſhed only on the ſheeps back, and the Wooll not being cleanſed, waſhed and ſcoured after it is ſhorn, and before it is woven, ſhall (without any fraud, deceit, policy, device or addition of ſtuff whatſoever, to encreaſe the weight thereof) weigh in the Market ſeventeen pounds at the leaſt, being raw as it cometh off the Weavers beam, and each, and every of the ſame Devonſhire Kerſies or Dozens ſo being raw, and as it cometh forth of the Weavers Loom (without racking, ſtretching, ſtraining, or other device to encreaſe the length thereof) ſhall contain in length between fifteen and ſixteen yards by the meaſure of yard and inch by the Rule, without which obſervation of weight being raw, they cannot fall out (after they be well ſcoured, thicked, and fully dyed) to contain the length and weight expreſſed and limited in the ſtatute of the fourth and fifth years of Philip and Mary, viz. twelve yards in length, and twelve pounds in weight, as hath been ſufficiently made known, and teſtified to your Highneſs ſaid Privy Council before the ſaid Proclamation.

The forfeiture of the offendor.

The Weavers duty in weaving of Dozens.

And if any Weaver ſhall work or make any of the ſaid kinds of Kerſies of leſs weight or meaſure than is before mentioned after their kind, every ſuch offendor, ſhall forfet for every quarter of a pound in weight, which any of the ſaid raw Kerſies or Dozens which ſhall be brought to any Market, or ſold, or offered to be ſold, ſhall want of their weight aforeſaid, twelve pence: and for every quarter of a yard which ſhall be wanting in length of either ſort of the ſaid Kerſies, likewiſe being ſold, or offered to be ſold, twelve pence. And that each ſort of the ſaid Kerſies or Dozens ſhall be ſewantly woven throughout of well and like ſorted yarn. And that no Weaver ſhall uſe any diverſity in the bigneſs or goodneſs of his yarn in any part of the ſaid Kerſies, ſaving only in the Liſts, nor uſe any other practice in edging or weaving of any the ſame Kerſies or Dozens, to make the ſame ſeem finer neer the edge or liſts, than in any other part of the ſame Cloth.

And that it may be further enacted by the authority aforeſaid, that each weaver ſhall weave his Shop-mark of ſome coloured yarn in the end of every Kerſie, which he ſhall hereafter weave or make, and ſhall alſo at each end of every of the ſame Kerſies weave one purrel likewiſe of coloured yarn, of the breadth of three quarters of an inch at the leaſt whereby the deceitful cutting and diminiſhing of ſuch Clothes by Tuckers or Fullers heretofore uſed, may henceforth be prevented. And if any Weaver ſhall uſe any deceit in mingling his yarn, or ſhall omit his Shop-mark, or ſhall not weave in every Kerſie two purrels, according to the tenor of this act, he ſhall forfeit and loſe for every offence to the contrary, ten ſhillings.

A Weavers Shop mark. A purrel at each end.

And to the end that the weight and goodneſs of all the ſaid Kerſies, called Dozens, being raw, may be the better & more certainly known, It may further be enacted, That no Weaver nor any other perſon whatſoever, ſhall offer or put to ſale any of the ſame raw Kerſies, called Dozens, before the ſame have been viewed, weighed and marked in ſome City, Town corporate or market Town, and allowed by ſuch Officer, and marked with ſuch marks as ſhall be there in ſuch City or Town, uſed and appointed for that purpoſe, upon pain to forfeit and loſe for every cloth ſold, or offered to be ſold to the contrary, ten ſhillings: the one half of all which forfeitures ſhall be to the uſe of your Highneſs, your heirs and ſucceſſors, and the other half to the principal Officer or Magiſtrate of the City, Town corporate, or market Town next adjoyning to the dwelling or working place of ſuch Weavers as ſhall offend in any of the premiſes, if he the ſame Officer or Magiſtrate ſhall firſt make ſeiſure thereof: or elſe to the principal Officer of that City, Town corporate, or market Town where the ſame ſhall be ſold, or offered to be ſold, to be recovered by action of debt, bill, plaint or information, with coſts, in any Court of Record, wherein no protection, wager of law, or eſſoine ſhall be allowed.

Dozens ſhall be viewed, weighed and marked.

And for the better diſcovery of the offences aforeſaid, and the more perfect accompliſhing of the premiſes, it may be alſo enacted, That the principal Officer or Magiſtrate for the time being, in every City, Town corporate, or market Town of the ſaid county. or of any other of the Counties adjoyning, where any ſuch Kerſies called Devonſhire Kerſies, or Dozens now are, or hereafter ſhall be woven, made, offered or put to ſale, ſhall every year from henceforth appoint and have in readineſs at all times needful, two or more diſcreet perſons, which ſhall be ſpecial and known Officers and Searchers, which ſhall attend, and ſhall be at his or their entry into his or their ſaid Office ſworn, during his or their continuance in the ſaid Office, truly to view, weigh and mark each Kerſie called a Dozen, in ſuch City or Town, or any of them, made, ſold or offered to be ſold, or put to ſale, and to preſent each offence or defect which ſhall there fall out contrary to the true meaning of this ſtatute: Every which Searcher or Officer ſo to be hereafter appointed for this purpoſe in any ſuch City, Town corporate, or market Town, ſhall by force of this act have power and authority to enter in the day time into all ſhops, ware-houſes, work-houſes, and other places convenient of the ſame City or Town, where he or they ſhall be ſo appointed, there to view, ſearch, and ſee whether any Kerſie or Dozen be made, ſold, or offered to be ſold, contrary to the true meaning of this act, and alſo to ſee what pains, penalties, and forfeitures ſhall be grown due to her Majeſty by any Weaver, ſeller or buyer, within the liberties and precincts of the ſame town, taking only of and for the weighing and marking of every Kerſie, a farthing for his pains, and ſo according to the number, and no more; which farthing upon every Kerſie is to be paid by the ſeller of the ſame Kerſie.

Searchers of Devonſhire Kerſies, and their duties.

And if ſuch Searchers and Officers ſhall not be yearly appointed, and attendant at all times reaſonable and convenient, or ſhall neglect his or their duties in the true ſearch, weighing and marking of the ſaid Kerſies, or any of them, or ſhall mark any one Kerſie which wants of his weight, as is aforeſaid, that then, and in every ſuch caſe the chief Magiſtrate of every ſuch City and Town, ſhall forfeit and loſe for every ſuch offence of their Searcher or Searchers, twenty ſhillings, and for every market day they ſhall want two, or one at the leaſt of ſuch Searchers, the ſum of forty ſhillings, to be levied as hereafter is expreſſed.

What ſhall be forfeited, and by whom, if Searchers be not appointed, or not attendant.

And that it may further be enacted, That from and after the firſt day of July no manner of perſon or perſons whatſoever ſhall buy any ſuch raw Kerſie, called Devonſhire Kerſie, or Dozen, in any market, or elſewhere, unleſs the ſame ſhall be firſt tryed, weighed, and marked by the Officers of ſome City, or Town corporate, or market Town, as is aforeſaid, And that no Weaver, Tucker, Fuller, or other whatſoever, ſhall dreſs or cauſe to be dreſſed any of the ſaid raw clothes, called Devonſhire Kerſies or Dozens, unleſs the ſame be firſt tryed, weighed and marked in ſome one Market town by the Searcher or Searchers, there in that behalf appointed, upon pain of forfeiture of every ſuch Kerſie ſo bought, dreſſed, or put to dreſſing, which ſhall not be tryed and marked, as is afore mentioned.

No Dozen ſhall be bought or dreſſed, before it be tryed.

And for the avoyding of deceit of Tuckers or Fullers, that it may be enacted, That no Clothier, Tucker, Fuller, or other perſon whatſoever, ſhal at any time from henceforth cut or diminiſh the length of any Kerſie called a Devonſhire Kerſie or Dozen, and after offer or put the ſame to ſale as a whole Kerſie or Dozen, upon pain of forfeiture of twenty ſhillings for every of the ſame Kerſies or Dozens ſo cut or diminiſhed, the one half of all and every which forfeitures, not before limited and appointed, ſhall be to our Soveraign Lady the Queen and the other half to him or them that will ſue for the ſame by action of debt, bill, plaint, or information, in any Court of Record wherein the plaintiff is to recover his coſts. Alſo wherein no protection, wager of Law, or eſſoyn ſhall be allowed. This act to endure till the end of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

The length of a Dozen ſhall not be diminiſhed.

The forfeitures, and who ſhall have them.

CAP. XI.

A quantity of Clapboord ſhall be brought into this Realm, for Beer or Fiſh tranſported. Wine Cask ſhall not be tranſported, but for certain purpoſes.

Whereas of late years Timber is greatly decayed and conſumed within this Realm, the want thereof is greatly to be feared, and ſpeedily to be provided for, and foraſmuch as there is great occaſion of ſpending and conſuming thereof, by ſelling of great quantities of timber and converting the ſame into cloven boord for the making of Cask, which is uſually tranſported out of the Realm, into the parts beyond the ſeas. And foraſmuch alſo as Wine cask brought into this Realm, is very ſerviceable, as well for her Majeſties Houſhold and Navy, in time of her Highneſs ſervice, for victualling of her Highneſs ſhips, and alſo for victualling of Merchants ſhips, and a great cauſe of ſparing Timber within this Realm.

For Beer tranſported, Clapboord or Cask ſhall be brought in.

Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords ſpiritual and temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons, which ſhall after the Feaſt of the Nativity of St. John Baptiſt next enſuing, ſhip, carry or tranſport any Beer into the parts beyond the Seas, to be ſold or exchanged for other Merchandize, ſhall (if he be a ſtranger, then) before the ſame tranſporting (if he be a ſubject born, then) either before the ſame tranſporting, or within four moneths after, bring or cauſe to be brought into this Realm, from the parts beyond the Seas, for every ſix Tuns of Beer, two hundred of Clapboord, fit for to make Cask of, to contain in length, three foot and two inches at the leaſt, or elſe the ſame Cask again, or ſo much other good and ſweet cask in quantity, and the ſame to be entred at the Cuſtom-houſe without any colouring, or if the ſame tranſporting ſhall be into the Realm of Ireland, then to bring in, in manner and form as aforeſaid, ſo much of Shaffold-boord in quantity as the ſaid Clap-boord amounteth unto.

Clapboord ſhall be brought into this Realm, for Fiſh tranſported.

And alſo be it further Enacted by the authority aforeſaid, That no ſtranger born, ſhall after the laſt day of June, which ſhall be in the year of our Lord, M. D. X C. IIII. ſhip, carry or tranſport beyond the Seas, any Pilchers or other Fiſh in cask, unleſs the ſame perſon have before ſuch ſhipping, brought or cauſed to be brought into this Realm, from the parts beyond the Seas, for every ſix Tuns of Pilchers, or other Fiſh, according to the rate and manner aforeſaid, of Clapboord fit for cask, or elſe cask as aforeſaid, upon pain of forfeiture of the ſaid Beer, Pilchers, and Cask that ſhall be ſhipped or laden, to be tranſported into the parts beyond the Seas.

And be it further Enacted by the authority aforeſaid, That it ſhall not be lawful for any perſon or perſons after the ſaid Feaſt of S. John the Baptiſt next enſuing, to tranſport or carry any Wine Cask out of this Realm, with any Beer or Beereager, nor any Wine cask ſhaken, and ſell the ſame Beer or Beereager, or Cask, except for the victualling of any Ship or portable Veſſel, or of any of her Majeſties Garriſons and Forces in the parts beyond the Seas, upon pain of forfeiture of the ſum of xl. s. for every Tun of Cask ſo carried or tranſported.

In what caſes onely Wine cask may be tranſported. 3 Jac. 11.

Provided always, That this Act, or any thing therein contained, ſhall not extend to the tranſportation of any Herrings whatſoever in Casks: This Act to continue to the end of the next Parliament. 3 Car. 4. continued untill the end of the firſt Seſſion of the next Parliament.

CAP. XII.

A confirmation of two Subſidies of four ſhillings in the pound, to be paid in two years, granted to the Queen by the Clergy, EXP.

CAP. XIII.

A confirmation of three Subſidies and ſix Fifteens and Tenths granted to the Queen by the Temporalty. EXP.

CAP. XIV.

A confirmation of the Queens general and free Pardon: Except. &c. EXP.

Anno triceſimo nono Reginæ Elizabethæ.

AT the Parliament begun and holden at Weſtminſter the four and twentieth day of October, in the nine and thirtieth year of the Reign of our moſt gracious Soveraign Lady, ELIZABETH, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. And there continued until the diſſolution thereof, being the ninth of February next following, 1597. To the high pleaſure of Almighty God, and the weal-publick of this Realm, were enacted as followeth.

CAP. I.

The Statute of 4 H. 7. 19. and all other Statutes made againſt the deſtruction of Towns and houſes of Huſbandry, repealed: and the penalty for decaying of houſes of Husbandry ſince 1 Eliz. &c. EXP. Stat. 39 El. 2.

CAP. II.

Cro. Jac. 408.

Arable Land made paſture ſince 1 Eliz. ſhall be again converted to tillage, and what is arable ſhall not be converted to paſture, &c. EXP. Stat. 39 El. 1.

CAP. III.

Who ſhall be Overſeers of the Poor: by whom, and when they ſhall be appointed: their office and duty: their accompt: their forfeitures, &c. EXP. 43 El. 2. 43 El. 9.

CAP.

CAP. IV.

All former Statutes made for the puniſhment of Vagabonds, &c. repealed. Juſtices of Peace ſhall ſet down orders for erection of houſes of Correction, &c.

A repeal of all former Statutes made for the puniſhment of rogues, and touching houſes of correction. 21 H. 8. 12. 27 H. 8. 25. 11 H 7. 2. 14 El. 5. 18 El. 3.

FOr the ſuppreſſing of rogues, vagabonds, and ſturdy beggars: Be it enacted by the authority of this preſent Parliament, that from and after the Feaſt of Eaſter next coming all ſtatutes heretofore made for the puniſhment of rogues, vagabonds, or ſturdy beggars, or for the erection or maintenance of houſes of Correction or touching the ſame, ſhall for ſo much as concerneth the ſame be utterly repealed: And that from and after the ſaid Feaſt of Eaſter, from time to time it ſhall and may be lawfull to and for the Juſtices of Peace of any County or City in this Realm, or the Dominions of Wales, aſſembled at any quarter Seſſions of the Peace within the ſame County, City, Borough or Town Corporate, or the more part of them, to ſet down order to erect and to cauſe to be erected, one or more houſes of Correction within their ſeveral Counties or Cities: for the doing and performing whereof, and for the providing of ſtocks of money, and all other things neceſſary for the ſame, and for raiſing and governing of the ſame and for correction and puniſhment of offendors thither to be committed, ſuch orders as the ſame Juſtices or the more part of them ſhall from time to time take, reform, or ſet down in any their ſaid quarter Seſſions in that behalf, ſhall be of force, and be duly performed and put in execution.

Orders for the erection and maintenance of houſes of correction. 7 Jac. 4.

Who ſhall be accompted rogues, vagabonds and ſturdy beggars.

And be it alſo further enacted by the authority aforeſaid, That all perſons calling themſelves Scholars, going about begging, All Seafaring men pretending loſſes of their ſhips or goods on the ſea, going about the Countrey begging, All idle perſons going about in any Countrey either begging, or uſing any ſubtil craft or unlawful games or playes, or faining themſelves to have knowledge in Phiſiognomy, Palmeſtry or other like crafty ſcience, or pretending that they can tell deſtinies, fortunes, or ſuch other like fantaſtical imaginations, All perſons that be, or utter themſelves to be Proctors, Procurers, Patent-gatherers, or Collectors for Goals, Priſons or Hoſpitals, All fencers, beare-wards, common players of Enterludes, and minſtrels, wandering abroad, (other than players of Enterludes, belonging to any Baron of this Realm, or any other honourable perſonage of greater degree, to be authorized to play, under the hand and ſeal of Arms of ſuch Baron or perſonage) All juglers, tinkers, pedlers, and petty chapmen wandering abroad, All wandering perſons and common labourers, being perſons, able in body, uſing loytering, and refuſing to work for ſuch reaſonable wages as is taxed, or commonly given in ſuch parts, where ſuch perſons do or ſhall happen to dwell or abide, not having living otherwiſe to maintain themſelves, All perſons delivered out of Gaols, that beg for their fees, or otherwiſe do travel begging, All ſuch perſons as ſhall wander abroad begging, pretending loſſes by fire, or otherwiſe, And all ſuch perſons not being felons, wandring, and pretending themſelves to be Egyptians, or wandring in the habit, form or attire of counterfeit Egyptians, ſhall be taken, adjudged and deemed rogues, vagabonds and ſturdy beggars, and ſhall ſuſtain all pain and puniſhment, as by this Act is in that behalf appointed.

The puniſhment and uſing of a rogue.

And be it Enacted by the authority aforeſaid, That every perſon which is by this preſent Act declared to be a rogue, vagabond or ſturdy beggar, which ſhall be at any time after the ſaid Feaſt of Eaſter next coming, taken begging, vagrant, wandring or miſordering themſelves in any part of this Realm, or the Dominions of Wales, ſhall upon their apprehenſion by the appointment of any Juſtice of the Peace, Conſtable, Headborough or Tythingman of the ſame County, Hundred, Pariſh or Tything where ſuch perſon ſhall be taken, the Tything-man or Headborough being aſſiſted therein with the advice of the Miniſter, and one other of that Pariſh, be ſtripped naked from the middle upward, and ſhall be openly whipped until his or her body be bloody: and ſhall be forthwith ſent from pariſh to pariſh, by the Officer of every the ſame, the next ſtraight way to the pariſh where he was born, if the ſame may be known by the parties confeſſion or otherwiſe. And if the ſame be not known, then to the pariſh where he or ſhe laſt dwelt before the ſame puniſhment, by the ſpace of one whole year, there to put him or her ſelf to labour as a true ſubject ought to do: Or not being known where he or ſhe was born or laſt dwelt, then to the pariſh through which he or ſhe laſt paſſed without puniſhment. After which whipping, the ſame perſon ſhall have a Teſtimonial ſubſcribed with the hand, and ſealed with the ſeal of the ſame Juſtice of the Peace, Conſtable, Headborough or Tythingman, and of the Miniſter of the ſame pariſh, or of any two of them, teſtifying that the ſame perſon hath been puniſhed according to this Act, and mentioning the day and place of his or her puniſhment, and the place whereunto ſuch perſon is limited to go, and by what time the ſaid perſon is limited to paſs thither at his peril. And if the ſaid perſon through his or her default do not accompliſh the order appointed by the ſaid Teſtimonial, then to be eftſoons taken and whipped, and ſo as often as any default ſhall be found in him or her contrary to the form of this Statute, in every place to be whipped, till ſuch perſon be repaired to the place limited: the ſubſtance of which Teſtimonial ſhall be regiſtred by the Miniſter of that pariſh, in a Book to be provided for that purpoſe, upon pain to forfeit v. s. for every default thereof: and the party ſo whipped, and not known where he or ſhe was born, or laſt dwelt by the ſpace of a year, ſhall by the officer of the ſaid Village where he or ſhe ſo laſt paſt through without puniſhment, be conveyed to the houſe of Correction of the limit wherein the ſaid Village ſtandeth, or to the common gaol of that County or place, there to remain and be employed in work, until he or ſhe ſhall be placed in ſome ſervice, and ſo to continue by the ſpace of one year; or not being able of body, until he or ſhe ſhall be placed, to remain in ſome Almes-houſe in the ſame County or place.

A Teſtimonial for the puniſhment of a rogue.

A Teſtimonial regiſtred.

A rogue conveyed to the houſe of Correction, or to the gaol.

Provided alwayes, and be it enacted, if any of the ſaid rogues ſhall appear to be dangerous to the inferiour ſort of people where they ſhall be taken, or otherwiſe be ſuch as will not be

reformed

Rogues which be dangerous, or will not be reformed.

A rogue baniſhed the Realm, or adjudged to the Gallies.

A rogue baniſhed, returning without licence.

reformed of their roguiſh kind of life by the former proviſions of this Act, that in every ſuch caſe it ſhall and may be lawful to the ſaid Juſtices of the limit where any ſuch rogue ſhall be taken, or any two of them, whereof one to be of the Quorum, to commit that rogue to the houſe of Correction, or otherwiſe to the gaol of the County, there to remain until the next quarter-Seſſions to be holden in that County, and then ſuch of the ſame rogues ſo committed, as by the Juſtices of the Peace then and there preſent, or the moſt part of them, ſhall be thought fit not to be delivered, ſhall and may lawfully by the ſame Juſtices, or the moſt part of them, be baniſhed out of this Realm, and all other the Dominions thereof, and at the charges of that Countrey, ſhall be conveyed unto ſuch parts beyond the Seas, as ſhall be at any time hereafter for that purpoſe aſſigned by the Privy Council unto her Majeſty, her Heirs or Succeſſors, or by any ſix or more of them, whereof the Lord Chancellor or Lord Keeper of the great Seal, or the Lord Treaſurer for the time being to be one, or otherwiſe be judged perpetually to the Gallies of this Realm, as by the ſame Juſtices or the moſt part of them it ſhall be thought fit and expedient. And if any rogue ſo baniſhed as aforeſaid ſhall return again into any part of this Realm, or Dominion of Wales, without lawful licence or warrant ſo to do, that in every ſuch caſe ſuch offence ſhall be felony, and the party offending therein ſuffer death as in caſe of felony: the ſaid felony to be heard and determined in that County of this Realm or Wales, in which the offendor ſhall be apprehended.

The forfeit of the Officer not puniſhing rogues.

The penalty for diſturbance of the execution of this Statute.

And be it alſo enacted by the authority aforeſaid, That if any town, pariſh or village, the Conſtable, Headborough or Tithingman be negligent, and do not his or their beſt endeavours for the apprehenſion of ſuch vagabond, rogue or ſturdy beggar, which there ſhall be found contrary to the form of this preſent act, and to cauſe every of them to be puniſhed and conveyed according to the true meaning of this preſent act, that then the ſaid Conſtable, Headborough or Tithingman, in whom ſuch default ſhall be, ſhall loſe and forfeit for every ſuch default x. s. And alſo if any perſon or perſons do in any wiſe diſturb or let the execution of this law, or any part thereof, concerning the puniſhment or conveying of rogues, vagabonds, ſturdy beggars, or the relief or ſetling of poor impotent perſons in any manner of wiſe or making reſcous againſt any Officer, or perſon authorized by this preſent act for the due execution of any the premiſſes, the ſame perſon ſo offending ſhall forfeit and loſe for every ſuch offence the ſumm of v. l. and ſhall be bound to the good behaviour.

No Rogues ſhall be brought from Ireland, Scotland, or the Iſle of Man.

And be it alſo further enacted by the authority aforeſaid, That no perſon or perſons having charge in any Voyage, in paſſing from the Realms, of Ireland or Scotland, or from the Iſle of Man into this Realm of England, do wittingly or willingly bring or convey, or ſuffer to be brought or conveyed into any veſſel or boat from and out of the ſame Realm of Ireland, Scotland or Iſle of Man, into the Realm of England or Wales, or any part thereof any vagabond, rogue or beggar, or any ſuch as ſhall be forced, or very like to live by begging within the Realm of England or Wales, being born in the ſame Realms or Iſland, on pain of every ſuch perſon ſo offending, to forfeit and loſe for every ſuch vagabond, rogue, beggar or other perſon like to live by begging, xx. s. to the uſe of the poor of the ſaid pariſh in which they were ſet on land. And if any ſuch Manniſk, Scottiſh or Iriſh rogue, vagabond or beggar be already, or ſhall at any time hereafter be ſet on land, or ſhall come into any part of England or Wales, the ſame after he or ſhall be puniſhed as aforeſaid, ſhall be conveyed to the next port or pariſh, in or near which they were landed or firſt came, in ſuch ſort as rogues are appointed to be by this preſent act, and from thence to be tranſported at the common charge of the country where they were ſet on land, into thoſe parts from whence they came or were brought. And that every Conſtable, Headborough and Tithing man neglecting the due performance thereof, ſhall forfeit for every ſuch offence x. s.

None reſorting to Bath or Burton ſhall beg.

Be it further enacted by the authority aforeſaid, That no diſeaſed or impotent poor perſon ſhall at any time reſort or repair from their dwelling places to the City of Bath or Town of Burton, or either of them, to the Bathes there for the eaſe of their griefs, unleſs ſuch perſons do forbear to beg, and be licenced to paſs thither by two Juſtices of the Peace of the County where ſuch perſon doth or ſhall then dwell or remain, and provided for to travel with ſuch relief, for and towards his or her maintenance as ſhall be neceſſary for the ſame perſon, for the time of ſuch his or her travel and abode at the City of Bath and Town of Burton, or either of them, and return thence, and ſhall return home again as ſhall be limited by the ſaid licence, upon pain to be reputed, puniſhed and uſed as rogues, vagabonds, and ſturdy beggars, declared by this preſent act. And that the inhabitants of the ſame City of Bath and Town of Burton ſhall not in any wiſe be charged by this act with the finding or relief of any ſuch poor people.

The authority of Juſtices in corporate Towns.

Provided always, That the Juſtices of Peace within any county of this Realm or Wales, ſhall not intromit or enter into any City, Borough, or Towns corporate, where be any Juſtice or Juſtices of the Peace for any ſuch City, Borough, or Town corporate, for the execution of any branch, article, or ſentence of this act, for or concerning any offence, matter or cauſe growing or ariſing within the precincts, liberties or juriſdiction of ſuch City, Borough, or Towns corporate, but that it may and ſhall be lawful to the Juſtice and Juſtices of the Peace, Mayors, Bailiffs, and other head Officers of thoſe Cities, Boroughs and Towns corporate, where there be ſuch Juſtices of the Peace, to proceed to the execution of this act, within the precinct and compaſs of their liberties, in ſuch manner and form as the Juſtices of Peace in any County may or ought to do within the ſame county, by vertue of this act: Any thing in this act to the contrary thereof notwithſtanding.

The poor in S. Thomas Hoſpital in Southwark.

Provided always, that this Act, or any thing therein contained, ſhall not extend to the poor people for the time being in the Hoſpital, called S. Thomas Hoſpital, otherwiſe called the Kings Hoſpital in the Borough of Southwark near adjoyning to the City of London, But that the Mayor, Commonalty and Citizens of the ſaid City of London for the time being, ſhall and may have the rule, order and government of the ſaid Hoſpital, and of the poor people therein for the time being: Any thing in this act to the contrary notwithſtanding.

Provided alwayes, that this act or any thing therein contained, or any authority thereby given, ſhall not in any wiſe extend to diſ-inherit, prejudice, or hinder John Dutton, of Dutton in the County of Cheſter, Eſquire, his heirs or aſſigns, for, touching or concerning any liberty, preheminence, authority, juriſdiction or inheritance which the ſaid John Dutton now lawfully uſeth, or hath, or lawfully may or ought to uſe within the Palatine of Cheſter, and the county of the City of Cheſter, or either of them, by reaſon of any ancient Charters of any Kings of this Land, or by reaſon of any preſcription, uſage, or title whatſoever.

John Dutton of Dutton in the County of Cheſter his liberties.

And be it futther enacted by the authority aforeſaid, That all fines and forfeitures appointed, or to grow by this preſent act (except ſuch as are otherwiſe limited and appointed by this preſent act) ſhall wholly go and be imployed to the uſe of the reparations and maintenance of the ſaid houſes of correction, and ſtock and ſtore thereof, or relief of the poor where the offence ſhall be committed, at the diſcretion of the Juſtices of the Peace of the ſame limit, City, Borough or Town corporate: And that all fines and forfeitures appointed or to grow by conviction of any perſon according to this preſent act, ſhall by warrant under the hands and ſeals of any two or more of the Juſtices of the Peace of the ſame County, City, Borough or Town corporate, be levied by diſtreſs, and ſale of the goods and chattels of the offendor: which ſale ſhall be good in the law againſt ſuch offendor. And that if any of the ſaid offences ſhall be confeſſed by the offendor, or that the ſame ſhall be proved by two ſufficient and lawful witneſſes, before ſuch two or more Juſtices of the Peace, that then every ſuch perſon, ſhall forthwith ſtand and be in the Law convicted thereof.

The imploying of the forfeitures.

Confeſſion or proof of an offence ſhall be a conviction of the offendor.

And be it alſo further enacted by the authority aforeſaid, That any two or more Juſtices of the Peace within all the ſaid ſeveral Shires, Cities, Boroughs, or Towns corporate, whereof one to be of the Quorum, ſhall have full power by authority of this preſent act, to hear and determine all cauſes that ſhall grow or come in queſtion by reaſon of this act.

The Juſt. of P may hear & determine all cauſes in queſtion.

And be it alſo further enacted by the authority aforeſaid, That the Lord Chancellor or Keeper of the great Seal of England for the time being, ſhall and may at all times hereafter, by vertue of this preſent act, without further warrant, make and direct Commiſſion or Commiſſions under the great Seal of England, to any perſon or perſons, giving them, or ſome of them thereby authority, as well by the oaths of good and lawful men, as of witneſſes or examination of parties, or by any other lawful ways or means whatſoever, to enquire what ſums of money or other things have been or ſhall be collected or gathered for or towards the erection of any houſes of correction, or any ſtocks or other thing to ſet poor on work, or for the maintenance thereof, at any time after the ſeventeenth day of November, in the eighteenth year of the reign of the Queens moſt excellent Majeſty, and by whom the ſame were or ſhall be collected or gathered, and to whoſe hands commen, and to what uſe, and by whoſe direction the ſame was or ſhall be imployed. And to call all and every ſuch perſon and perſons, and their ſureties, and every of their executors or adminiſtrators to an account, and to compell them and every of them by attachment of their goods or bodies to appear before them for the ſame, and to hear and determine the ſame, and to levy ſuch money and things as they ſhall find not to have been duely employed upon the ſaid houſes of correction, or ſtocks, or upon other like uſes, having in ſuch other like uſes reſpect of things paſt by the ſaid Commiſſioners to be allowed of, either by diſtreſs and ſale of the goods and chattels of ſuch perſons as they ſhall think fit to be chargeable, or anſwerable for the ſame, or by impriſonment of their bodies at their diſcretion, and that the ſaid Commiſſioners ſhall have full power and authority to execute the ſame Commiſſion according to the tenor and purport thereof: And that all their proceedings, doings, judgments, and executions by force and authority thereof, ſhall be and remain good, and available in the law: Which ſaid money ſo levied by the ſaid Commiſſioners, ſhall be delivered and employed for the erecting or maintenance of the ſame.

Commiſſions to enquire of money given to houſes of correction, or for ſtocks for the poor.

Provided alwayes nevertheleſs, that every ſea-faring-man ſuffering ſhipwrack, not having wherewith to relief himſelf in his travels homewards, but having a teſtimonial under the hand of ſome one Juſtice of the Peace of or near the place where he landed, ſetting down therein the place and time where and when he landed, and the place of the parties dwelling or birth, unto which he is to paſs, and a convenient time therein to be limited for his paſſage, ſhall and may without incurring the danger and penalty of this act in the uſual ways directly to the place unto which he is directed to paſs, and within the time in ſuch his teſtimonial limited for his paſſage, ask and receive ſuch relief as ſhall be neceſſary in and for his paſſage.

A ſeafaring man ſuffering ſhipwrack.

Provided alſo, that this ſtatute, nor any thing therein contained, ſhall extend to any children under the age of ſeven years, nor to any ſuch glaſs-men as ſhall be of good behaviour, and do travel in or through any Countrey without begging, having licence for their travelling under the hands and ſeals of three Juſtices of the Peace of the ſame County where they travel, whereof one to be of the Quorum.

Children under the age of ſeven years. Glaſs-men.

And be it alſo further enacted by the authority aforeſaid, that this preſent act ſhall be proclaimed in the next quarter Seſſion or Seſſions in every County, and in ſuch other market Towns or places, as by the more part of the Juſtices of the Peace in the ſaid Seſſion ſhall be agreed and appointed. This act to endure to the end of the firſt Seſſion of the next Parliament. 3. Car. 4. Continued until the end of the firſt Seſſion of the next Parliament, Stat. 1. Jac. 7. 1. Jac. 25.

Proclamation of this act.

CAP. V.

Any perſon may erect an Hoſpital or houſe of correction, which may purchaſe and enjoy goods or lands not exceeding the yearly value of CC. li. &c.

A recital of the ſtatute of 35 El. 4.

Co. Inſt. 2. Part, 720.

Any perſon may erect an Hoſpital or houſe of Correction.

Incorporation of the Hoſpital by the Founder.

The Hoſpital or houſe of correction ſhall be named by the Founder.

The Hoſpital ſhall be a body politick and corporate.

The Hoſpital may purchaſe goods or lands.

The Hoſpital may ſue and be ſued.

The Hoſpital ſhall have a common Seal.

The ordering, directing and viſiting of an Hoſpital.

The ſtatutes and ordinances of an Hoſpital.

The Founder may place the head and members.

WHereas at the laſt Seſſion of Parliament, proviſion was made aſwell for maimed ſoldiers, by collection in every pariſh, as for other poor, that it ſhould be lawful for every perſon, during twenty years next after the ſaid Parliament, by Feoffment, Will in writing or other aſſurance to give and bequeath in Feeſimple, aſwell to the uſe of the poor, as for the proviſion, ſuſtentation, or maintenance of any houſe of correction, or abiding houſes, or of any ſtocks or ſtores, all or any part of his lands, tenements, or hereditaments: Her moſt excellent Majeſty underſtanding and finding that the ſaid good law hath not taken ſuch effect as was intended, by reaſon that no perſon can erect or incorporate any Hoſpital, houſes of correction, or abiding places, but her Majeſty, or by her Highneſs ſpecial licence by letters Patents under the great Seal of England in that behalf to be obtained: Her Majeſty graciouſly affecting the good ſucceſs of ſo good & charitable works and that without often ſuit unto her Majeſty and with as great eaſe and little charge as may be, is of her Princely care and bleſſed diſpoſition to and for the relief and comfort of maimed ſouldiers, mariners, and other poor and impotent people, pleaſed and contented that it be enacted by authority of this preſent Parliament: And be it enacted by the authority of this preſent Parliament, That all and every perſon and perſons ſeiſed of an eſtate in feeſimple, their heirs, executors, or aſſigns, at his or their wills and pleaſures, ſhall have full power, ſtrength, licence, and lawful authority at any time during the ſpace of twenty years next enſuing, by deed inrolled in the high Court of Chancery, to erect, found, and eſtabliſh one or more Hoſpitals, Meaſons de dieu, abiding place or houſes of correction, at his or their will and pleaſure, as well for the finding, ſuſtentation, and relief of the maimed, poor, needy or impotent people, as to ſet the poor to work, to have continuance for ever, and from time to time to place therein ſuch head and members, and ſuch number of poor as to him, his heirs and aſſigns ſhall ſeem convenient: And that the ſame Hoſpitals or houſes ſo founded, ſhall be incorporated, and have perpetual ſucceſſions for ever, in fact, deed, and name, and of ſuch head, members, and numbers of poor, needy, maimed or impotent people, as ſhall be appointed, aſſigned, limited, or named by the Founder or Founders, his or their heirs, executors, or aſſigns, by any ſuch deed inrolled: And that ſuch Hoſpital, Meaſon de dieu, abiding place, or houſe of correction, and the perſons therein placed ſhall be incorporated, named, and called by ſuch name as the ſaid Founder or Founders, his heirs, executors or aſſigns, ſhall ſo limit, aſſign, and appoint: And the ſame Hoſpital, Meaſon de dieu, abiding place, or houſe of correction, ſo incorporated and named, ſhall be a body corporate and politick, and ſhall by that name of incorporation, have full power, authority, and lawful capacity and ability, to purchaſe, take, hold, receive, enjoy, and have to them and to their ſucceſſors for ever, as well goods and chattles, as manors, lands, tenements, and hereditaments, being freehold of any perſon or perſons whatſoever. So that the ſame exceed not the yearly value of two hundred pounds above all charges and repriſes, to any one ſuch abiding houſe, Hoſpital, Meaſon de dieu, or houſe of correction: And ſo as the ſame, or any part thereof be not holden of our Soveraign Lady the Queen, her Heirs or Succeſſors, immediately in chief, or elſe of our ſaid Soveraign Lady the Queen or any other perſon by Knights ſervice, without licence or Writ of Ad quod damnum, the ſtatute of Mortmain, or any other ſtatute or law to the contrary notwithſtanding. And that the ſame Hoſpital, Meaſon de dieu, abiding place, or houſe of correction, and the perſons ſo being incorporated, founded and named, ſhall have full power, and lawful authority by the true name of the incorporation thereof, to ſue and to be ſued, implead and to be impleaded, to anſwer, and to be anſwered, in all manner of courts and places that now are, or hereafter ſhall be within this Realm, as well temporal as ſpiritual, in all manner of ſuits whatſoever, and of what nature and kind ſoever ſuch Suits or actions be or ſhall be: And that the ſame Hoſpital Meaſon de dieu, abiding houſe or houſes of correction, ſhall have and enjoy for ever ſuch a common Seal or Seals, as by the ſaid Founder or Founders, his or their heirs, executors or aſſigns ſhall be in writing under his or their hand and ſeal aſſigned, named or appointed whereby the ſame corporation ſhall or may ſeal any manner of Inſtrument, touching the ſame incorporation, and the lands, tenements, hereditaments, goods, or other things thereto belonging, or in any wiſe touching or concerning the ſame. And further ſhall be ordered, directed, and viſited, placed, or upon juſt cauſe diſplaced, by ſuch perſon or perſons, bodies politick or corporate, their heirs, ſucceſſors, or aſſigns, as ſhall be nominated or aſſigned by the Founder or Founders thereof, their heirs or aſſigns according to ſuch rules, ſtatutes, and ordinances, as ſhall be ſet forth, made, deviſed, or eſtabliſhed, by the ſaid Founder or Founders, their heirs or aſſigns in writing under his or their hand and ſeal, not being repugnant or contrary to the laws and ſtatutes of this Realm, any law, ſtatute, cuſtom, uſage, or other thing whatſoever to the contrary in any wiſe notwithſtanding. And that it ſhall be lawful unto the Founder or Founders, his and their heirs or aſſigns, upon the death or removing of any ſuch corporation, to place one other in the room of him that dyeth, or is removed ſucceſſively for ever.

Leaſes made by Hoſpitals.

A Saving of the right of others, in the Hoſpital lands.

Provided alwayes, that all leaſes, grants, conveyances or eſtates, to be made by any corporation ſo be founded as aforeſaid, exceeding the number of one and twenty years, and that in poſſeſſion, and whereupon the accuſtomable yearly rent or more by the greater part of twenty years next before the taking of ſuch leaſe, ſhall not be reſerved and yearly payable, ſhall be voyd. Saving to all perſons, bodies politick and corporate, their heirs and ſucceſſors (other than the Founders and givers, their heirs and ſucceſſors) all ſuch right, title, claim, poſſeſſion, rents, ſervices, commons, demands, intereſt and profits which they or any of them ſhall have, or of right ought to have, of in, or to any the lands, tenements or hereditaments, hereafter to be given, limited or aſſigned in form aforeſaid, in as ample manner as if this ſtatute had never been had or made.

Provided alſo, that this act or any thing therein contained, ſhall not extend to enable any perſon or perſons being within age, women covert without their husbands, or of not ſanæ memoriæ, to make any ſuch corporation, or to endow the ſame: Any thing in this preſent act to the contrary thereof in any wiſe notwithſtanding.

Certain perſons not enabled to create Hoſpitals.

Provided alwayes, that no ſuch Hoſpital, Meaſon de dieu, abiding place, or houſe of correction ſhall be erected, founded, or incorporated by force of this act, unleſs upon the foundation or election thereof, the ſame be endowed for ever with lands, tenements, or hereditaments of the clear yearly value of x. l. by the year.

x. l. land at the leaſt ſhall be aſſured to an Hoſpital.

Provided alſo, and be it further enacted, that no ſuch incorporation to be founded by force of this Act, ſhall at any time hereafter, do, or ſuffer to be done any act or thing whereby, or by means whereof any of the lands, tenements, hereditaments, ſtock, goods or chattels of ſuch incorporation, or any eſtate, intereſt, poſſeſſion or property, of, or in the ſame, or any of them ſhall be veſted or tranſferred in, or to any other whatſoever, contrary to the true meaning of this act: and that ſuch conſtruction ſhall be made upon this act as ſhall be moſt beneficial and available for the maintenance of the poor, and for repreſſing and avoiding of all acts and deviſes to be invented, or put in ure contrary to the true meaning of this act. 21. Jac. 1. made perpetual.

The conſtruction of this Act.

CAP. VI.

Commiſſions may be awarded to certain perſons to enquire of lands, or goods given to Hoſpitals, or other charitable uſes miſ-imployed, and to reform them. REP. 43. El. 9. Saving for the execution of orders and decrees before made by Commiſſioners according to this Statute.

Co. Inſt. 4. Par. 166.

CAP. VII.

The Queen may ſell her Accomptant or Debtors lands in his life time, and after his death. To which Accomptant only this Statute doth extend. There ſhall be no ſale of land where the Debtor hath a Quietus eſt. If the Queen be ſatisfied, the ſureties ſhall be diſcharged. What Proceſs ſhall be awarded where the debt doth grow in the Court of Wards or Dutchy, Proceſs ſhall be awarded againſt the terre-tenant before the ſale of his land. EXP. 13. El. 4. 27. El. 3. 43. El. 9.

CAP. VIII.

Every deprivation of any B. or Dean made in the beginning of the Queens reign, ſhall be good: and Archbiſhops, Biſhops, and Deans made by the Q. ſhall be adjudged lawful.

Whereas divers and ſundry perſons exerciſing the office and function of Biſhops and Deans of divers Sees and Biſhopricks and Deaneries within this Realm, in the reign of our late Sovereign Lady Queen Mary, were before the tenth day of November, in the fourth year of the moſt happy and bleſſed goverment of the Queens moſt excellent Majeſty that now is lawfully and juſtly deprived from ſuch Biſhopricks and Deaneries, as they ſeverally enjoyed and took upon them to hold, and in their ſteads and places ſundry excellent and worthy men duely preferred to the ſame: And whereas the parties ſo deprived, did notwithſtanding, as it is pretended, make ſecret Appeals, and uſed other ſecret means, pretending thereby to ſupport the continuance of their ſaid offices and functions.

Be it therefore declared and enacted by authority of this preſent Parliament, that all and every deprivation and deprivations, and all and every ſentence and ſentences of deprivation whatſoever, had, pronounced, or given, at any time between the beginning of the reign of the Queens moſt excellent Majeſty that now is: & the tenth day of November, in the fourth year of the ſame, againſt any perſon or perſons, which was, or took upon him to be Archbiſhop or Biſhop of any See or Biſhopprick, or Dean of any Deanery within this Realm, or any the Dominions thereof in the reign of the ſaid late Queen Mary, from ſuch See or Biſhoprick, ſhall be adjudged, deemed and taken good and ſufficient in law to all intents and purpoſes, and ſo ſhall remain and continue: Any appeal, exception, or other matter or thing whatſoever to the contrary thereof in any wiſe notwithſtanding.

Deprivation of Biſhops and Deans in the beginning of the Queens reign, ſhall be good.

And be it further enacted by the authority aforeſaid, that all ſuch Archbiſhops and Biſhops, and Deans as were ordained or made by the authority or licence of the Queens Majeſty that now is, at any time between the beginning of her reign and the ſaid tenth day of November, in the fourth year of her Majeſties reign, ſhall be taken and adjudged to be lawful Archbiſhop or Biſhop of the See or Biſhoprick, and Dean of the Deanery unto the which he was ſo preferred, aſſigned, or appointed: And that the ſame See of Archbiſhoprick, or Biſhoprick and Deanery, unto which he was ſo preferred, aſſigned, or appointed, ſhall be deemed and adjudged to be meerly void to all reſpects and purpoſes, before ſuch preſentment, appointment, or aſſignment ſo made as aforeſaid: Any ambiguity or queſtion in that behalf heretofore made, or hereafter to be made to the contrary in any wiſe notwithſtanding.

Archbiſhops, Biſhops, and Deans made by the Queens be lawful. 8 El. 1.

CAP. IX.

He that taketh away a woman againſt her will, that hath lands or goods, or is heir apparent to her Anceſtor, ſhall loſe his Clergy.

Whereas of late times divers women as well maidens as widows, and wives having ſubſtance, ſome in goods moveable, and ſome in lands and tenements, and ſome being heirs apparent to their anceſtors, for the lucre of ſuch ſubſtance, been oftentimes taken by miſdoers, contrary to their will, and after married to ſuch miſdoers, or to others by their aſſent, or defiled, to the great diſpleaſure of God, and contrary to your Highneſs Laws, and diſparagement of the ſaid women, and great heavineſs and diſcomfort of their friends, and ill example of others, which offences, albeit the ſame be made felony by a certain act of Parliament made in the third year of King Henry the ſeventh: Yet foraſmuch as Clergy hath been heretofore allowed to ſuch offendors, divers perſons have attempted and committed the ſaid offences in hope of life by the benefit of Clergy: Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every

He that taketh away a woman againſt her will, contrary to the ſtat. of 3 H. 7. 2. ſhall loſe his Clergy.

ſuch perſon and perſons, as at any time after the end of this preſent Seſſion of Parliament, ſhall be convicted or attainted, of or for any offence to be committed after the end of this preſent Seſſion of Parliament, made felony by the ſaid Act of the third year of the Reign of King Henry the ſeventh, or which ſhall be indicted and arraigned of or for any ſuch offence, and ſtand mute, or make no direct anſwer, or ſhall challenge peremptorily above the number of twenty, ſhall in every ſuch caſe loſe his and their benefit of Clergy, and ſhall ſuffer pains of death without any benefit of Clergy: Any former Law to the contrary notwithſtanding.

Principals procurers, or acceſſaries before the offence.

Provided alwayes, that this Act, nor any thing therein contained, ſhall not extend to take away the benefit of Clergy, but only from ſuch perſon and perſons as hereafter ſhall be principals, or procurers or acceſſaries before ſuch offence committed.

CAP. X.

The Stat. of 23 Eliz. 7. reſtraining Engliſhmen to go or ſend into any foreign Country to buy or bring into this Realm ſalted Herring, or ſalted Fiſh, repealed, &c.

A rehearſal of the ſtat. of 23 El. 7. reſtraining Engliſhmen to bring out of a foreign country ſalted fiſh.

What was expected by the foreſaid ſtat. of 23 El. 7.

The inconveniences enſuing the making of the foreſaid ſtat. of 23 El. 7.

They which may carry fiſh forth of this Realm, may alſo bring in fiſh.

WHere at the Parliament holden by prorogation the xvi. day of January, in the xxiii. year of the Reign of our moſt gracious Soveraign Lady, Queen Elizabeth, An Act was made, (entituled, An Act for the encreaſe of Mariners, and for maintenance of the Navigation) whereby, amongſt other things, It was enacted, That it ſhould not be lawful to any native Engliſh man, woman, or Denizen, at any time, after a time limited in the ſame Act, directly or indirectly, by themſelves, their ſervants, factors, agents, deputies or any of them whatſoever, to go or ſend into any other foreign Country, Realm or Dominion whatſoever for the buying, providing, or bringing into this Realm, out, or from any the ſaid foreign Realms or Dominions, out of the Queens obeyſance, of any ſalted Fiſh, or ſalted Herrings, nor ſhould make any agreement with any Alien or Stranger, or any other, for ſuch bringing into this Realm, by any Alien or Stranger, of any ſalted Fiſh, or ſalted Herrings, And that no ſalted Fiſh, nor ſalted Herrings, ſhould be brought hither out of the ſaid foreign Realms and Dominions, but by the meer Owners thereof, or Deputies of them, being Aliens and Strangers, without the procurement of any Subject of the Queens Majeſty, her heirs or ſucceſſors, or of any Denizen, and by none other perſon or perſons, upon pain that ſuch Engliſh perſon, or Denizen offending againſt that Act, ſhould forfeit the ſame ſalted Herrings and ſalted fiſh, or the value thereof, with divers other clauſes and branches in the ſame Statute contained, touching the bringing of fiſh into this Realm, and the buying and ſelling of fiſh, as by the ſame Act at large appeareth: Upon the making of which Act, it was hoped and expected, that the Fiſhermen of this Realm would in ſuch ſort have imployed themſelves to fiſhing, and to the building and preparing of ſuch ſtore of Boats and ſhipping for that purpoſe, as that they ſhould long ere this time have been able ſufficiently to have victualled this Realm with ſalted fiſh and Herrings of their own taking, without any ſupply of Aliens and Strangers, to the great encreaſe of Mariners, and maintenance of the Navigation within this Realm, notwithſtanding it is ſince found by experience, that the Navigation of this Land is no whit bettered by the means of that Act, nor any Mariners encreaſed, nor like to be encreaſed by it: But contrariwiſe, the natural Subjects of this Realm, not being able to furniſh the tenth part of the ſame with ſalted fiſh of their own taking, the chief proviſion and victualling thereof with fiſh and Herrings, hath ever ſince the making of the ſame Statute, been in the power and diſpoſition of Aliens and Strangers, who thereby have much enriched themſelves, greatly increaſed their Navigation, And (taking advantage of the time) have extremely enhanced the prices of that victual, to the great hurt and impoveriſhing of the native Subjects of this Realm, and yet do ſerve the Markets here in very evil ſort by little and little, houſing and keeping their fiſh as well on this ſide, as beyond the Seas, till the prices be raiſed to their liking. And the Merchants of this Realm having been wholly barred in their Trades of providing of fiſh for the ſervice thereof: The Navigation of this Realm, which was intended to be augmented, hath been rather impaired than increaſed thereby, and the prices of fiſh greatly enhaunced, to the great and general prejudice of the Subjects of this Realm, to carry out into foreign parts and dominions ſuch ſalted fiſh and Herrings, as are taken and provided by the Subjects of this Realm: And therefore very unequal that the native Subjects of this Land ſhould not be at liberty to bring in alſo foreign proviſion of fiſh for the victualling of their own Country, as well as to carry out, but that the ſtranger ſhould be wholly truſted therewith.

A repeal of the before mentioned ſtat. of 23 El. 7.

Be it therefore enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſame Statute made in the ſaid three and twentieth year of her Majeſties moſt gracious Reign, and every clauſe, branch, article, and proviſo thereof, and all the penalties and forfeitures therein contained, ſhall from henceforth be clearly repealed, void, fruſtrate, and of none effect, to all intents, conſtructions and purpoſes, as if the ſame had never been had ne made; Any thing in the ſame Act contained to the contrary thereof in any wiſe notwithſtanding.

The Queens Subjects may tranſport fiſh in ſhips with croſs ſailes.

And be it further enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That it ſhall and may be lawful for all and every her Majeſties Subjects, being Owners of any Ships, Barks or Veſſels, ſailing with croſs ſails, to receive and take into their ſaid Ships, Barks or Veſſels, any herrings or other fiſh, which any alien or ſtranger ſhall buy and provide of any of her Majeſties Subjects within this Realm: And the ſame herrings and fiſh, or any of them may tranſport into any parts beyond the Seas, being in league or amity with her Majeſty, in their ſaid Ships or Veſſels with croſs ſails, ſo as the ſaid aliens or ſtrangers pay to her Majeſty her Cuſtoms and Duties for the ſame, in ſuch ſort as by the ſame former Act was limited and appointed.

And be it enacted by the authority aforeſaid, That all aliens and ſtrangers ſhall from henceforth, and from time to time pay to her Majeſty for all ſalted fiſh and ſalted herrings to be brought into this Realm, all ſuch like Cuſtoms and Impoſitions as are or ſhall be impoſed and ſet upon any her Majeſties Subjects in thoſe foreign Regions and Countries, Ports and Towns, from whence the ſaid ſalted fiſh and ſalted herrings ſhall be ſhipped and brought for the like fiſhes and herrings, over and beſides the ordinary Cuſtoms, which have been paid to her Majeſty for the ſame, in manner and form as by the ſame Act was enacted and appointed.

What cuſtoms aliens ſhall pay to the Queen for fiſh brought into this Realm.

And be it further Enacted by the authority aforeſaid, That if any alien or ſtranger born, or any denizen or natural born ſubject of this Realm, ſhall bring into any haven, port, creek or town of this Realm any ſalt fiſh or ſalt herrings, which ſhall not be good, ſweet, ſeaſonable, and meet for mens meat, and ſhall offer the ſame to be ſold, and ſhall be warned by any Officer of ſuch port, haven or town where the ſame ſhall be offered to be ſold, that the ſame be not ſeaſonable nor meet for mens meat, That then if he or they ſhall after that offer any of the ſaid unſeaſonable fiſh to be ſold to any perſon within this Realm, or being an alien born, and no denizen, ſhall not depart with the ſame from the ſaid haven, port or town, ſo ſoon as conveniency will ſerve, That then all and every perſon, owners thereof, ſhall loſe and forfeit to our ſaid Soveraign Lady, all the ſaid unſeaſonable fiſh unmeet for mens meat, as before is ſaid.

The penalty for bringing into this Realm, and offering to ſell unwholſome fiſh.

And be it likewiſe Enacted, That all ordinances of the Fiſhmongers of London, or of any other Company or Corporation whatſoever, made or to be made for reſtraint of any perſon to take or ſell fiſh, or to buy or provide any Fiſh of any Merchant, or other within this Realm, ſhall be repealed and void; And that every perſon or body corporate that ſhall make or execute any ſuch ordinance or reſtraint, ſhall for every ſuch offence forfeit one hundred pounds, the one moiety thereof to the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to the party grieved, that will ſue for the ſame, by action of debt, in any Court of Record, wherein no eſſoyn, protection, or wager of Law for the defendant ſhall be allowed.

Ordinances to reſtrain the taking, ſelling, or buying of fiſh ſhall be void.
REP. 43 El. 9.

Provided alwayes, That this Act ſhall no longer endure, than to the end of the next Parliament hereafter enſuing. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XI.

The penalty for mixing or uſing Logwood in dying of Cloth or other ſtuffe.

VVhereas by an Eſtatute lately made in the three and twentieth year of the Queens Majeſties reign that now is, it was amongſt other things Enacted, That no perſon ſhould dye or cauſe to be dyed any cloth, wooll, or other things there mentioned, with any ſtuffe called Logwood, alias Blockwood, upon ſuch penalty as in the ſaid ſtatute is mentioned: Since the making of which Statute, ſundry evil diſpoſed perſons have ſought to defraud the true meaning of the ſaid ſtatute, and to avoid the penalty therein contained, by cunning uſing or mixing of the ſaid Logwood, alias Blockwood, together with Woad or other ſtuff; which is not only contrary to the true meaning of the ſaid former act, and to the great deceit of her Majeſties loving Subjects, but alſo to the diſcredit of the trade of clothing, eſpecially in foreign Countries, where heretofore Engliſh clothes have been had in good account and reckoning: For redreſs of which fraud, and to the intent the ſaid practice may hereafter be the better diſcovered (which being cloſely and ſecretly done by the offendors, will otherwiſe hardly be found out) and that the ſaid practice, according to the true intent and meaning of the ſaid former Statute be henceforth utterly aboliſhed:

Deceits practiſed to abuſe the meaning of the Stat. of 23 El. 9. touching dying with Logwood.

Be it therefore ordained and enacted by authority of this preſent Parliament, That if any perſon ſhall be ſo ſuſpected to offend, then any Juſtice or Juſtices of Peace of the ſame County, where the ſaid ſuppoſed offendor ſhall dwell, if he dwell out of a corporate Town or City, and if he dwell within any corporate Town or City, then the Mayor, Bayliff, or other head Officer being a Juſtice of Peace of ſuch corporate Town or City where ſuch ſuppoſed offendor ſhall dwell, upon notice and information to him or them given in that behalf, ſhall by authority of this Act, by his or their warrant, or other commandment, cauſe to come before him or them, the ſervants and workmen of ſuch ſuppoſed offendors and other perſons able to diſcloſe the ſaid deceit, and them to examine by their oath or otherwiſe. And if upon the ſame examination they ſhall find any perſon or perſons after the firſt day of February next enſuing to have uſed, or cauſed to be uſed, in the dying or colouring of any cloth, wooll, yarn, grograins, buffins, or ſilk, or any thing made of woollen yarn, or ſilk, any Logwood, alias Blockwood, or now, or heretofore reputed and taken for Logwood, alias Blockwood, that then the ſaid Juſtices or Juſtice, Mayor, Bayliff or other head Officer, being a Juſtice of Peace, ſhall not only bind with ſurety all ſuch perſon or perſons, whom they ſhall find ſo ſuſpected to have offended, and ſuch others as may diſcover the ſame offence, to the next quarter Seſſions or Gaol-delivery, which ſhall happen to be holden for that County, City, or Town corporate, but alſo to certifie all ſuch examinations and depoſitions, as tend to the finding out or diſcovery of the ſaid offences, at the Gaol-delivery, or quarter Seſſions: And alſo if any ſuch perſon ſo ſuſpected to have offended, upon examination aforeſaid, ſhall refuſe to be bound as aforeſaid, then the ſaid perſon or perſons ſo refuſing, to be committed to the next Gaol, there to remain till he, ſhe, or they, ſhall ſo become bound with ſureties. And that the ſaid Juſtices of Aſſize, or Juſtices of Peace, at ſuch Gaol-delivery or quarter Seſſions, ſhall have authority by this Act, to indict and try the offendors, by the uſual courſe of indictments and trials in like caſes: And after ſuch conviction, to adjudge the ſaid offendors to be ſet openly on the Pillory, in the ſaid City or Market Town, where the ſame offence ſhall be committed; And if it ſhall not be in any Market Town, then in the next Market Town adjoyning, in the ſame County, there to continue, by all the time of the Market one

A Juſtice of Peace may examine the ſervants or workmen of a ſuppoſed offendor.

The penalty for mixing or uſing of Logwood in dying of cloth with Woad or other ſtuffe.

or moe dayes by their diſcretion, for every ſuch offence: And further, that every ſuch offendor beſide his ſaid corporal puniſhment, ſhall forfeit for every ſuch offence the ſum of xx li. The one moiety of which ſum of money ſhall be to our Soveraign Lady the Queens Majeſty, her Heirs and Succeſſors, and the other moiety to him that will ſue for the ſame, by action of debt, bill, plaint, or information, in any Court of Record, in which ſuit no eſſoin, protection, wager of Law, nor Writ of priviledge for the defendant ſhall be admitted or allowed; And the party offending being thereof convicted, to remain in priſon without bail or mainprize, till he have ſatisfied the ſame. Stat. 14 Car. 2. cap. 11.

CAP. XII.

What workmen or Labourers wages Juſtices of Peace may aſſeſſe, &c. EXP. Stat. 1 Jac. 6. 1 Jac. 25. 21 Jac. 28.

CAP. XIII.

The Lord Mayor of London, &c. may ſearch all perſons occupying the broad ſheare.

By the ſtat. of 11 H.7.27. the Mayor and Wardens of Shearmen in London may ſearch the work of all perſons occupying the broad ſhear.

WHereas by an Act made in the eleventh year of King Henry the ſeventh, the Mayor and Wardens of Shearmen of the City of London for the time being, ſhould have authority to enter and ſearch the workmanſhip of all manner of perſons occupying the broad ſheare, as well Fuſtians as Cloth, and the execution of the ſaid Act for uſing any inſtruments of iron, or other untrue mean or ſleight in dreſſing the ſame. Since which time, for that the Lord Mayor of London cannot conveniently go in his own perſon to make the ſaid ſearch, by reaſon of his other weighty occaſions, divers have reſiſted the Wardens of the Shearmen, going abroad in offering to make ſearch according to the ſaid Law, and for want of due and daily ſearch in that behalf, divers have of late dayes put in ure the iron inſtruments, and other ſleights forbidden by the recited act, to the great deceit of her Majeſties people, amongſt whom the wearing of Fuſtians is lately grown to more uſe, as may ſeem, than ever it was before time: Which Company of Shearmen, together with the Company of Fullers, were ſince the ſaid Act, made one Company by the name of Cloth-workers, and ſo no ſearch can be duly made: For remedy hereof,

Shearmen and Fullers in London made one Company.

The Mayor and Cloth-workers of London, or their deputies may ſearch the work of all perſons there, &c.

The forfeiture of them which make reſiſtance to be ſearched.

Be it therefore Enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth it ſhall and may be lawful to and for the ſaid Lord Mayor of the City of London, or his ſufficient deputy, and to and for the Maſter and Wardens of the ſaid Myſtery of Cloth-workers of London, or ſuch diſcreet perſons as the ſaid Maſter and Wardens of the ſaid Myſtery of Cloth-workers for the time being, ſhall from time to time appoint, to enter and make ſearch, as the ſaid Mayor of London, and Wardens of Shearmen might have done together, by the ſaid Act, in the ſaid eleventh year of K. Henry the ſeventh, upon pain that the perſon or perſons which ſhall make reſiſtance herein, ſhall forfeit for every ſuch reſiſtance xx. s. of lawful money of England, the one half to her Majeſty, and the other half to him or them that will ſue for the ſame by action of debt, bill, plaint, or information in any of the Queens Courts of Record, where the ſame may be determined, after the courſe of the Common Law. And that the defendant in ſuch caſe in no wiſe be admitted to wage his Law, nor that any protection or eſſoyn be in the ſame allowable.

CAP. XIV.

No Cards for Wooll ſhall be brought into this Realm to be ſold.

WHereas many thouſands of woollen Card-makers and Card-wyer-drawers of the Cities of London, Briſtol, Glouceſter, Norwich, Coventry, and of many other her Highneſs Cities and Towns within this Realm, have heretofore lived and well maintained themſelves, their wives, families, and children by the benefit and uſe of their trade and faculty of Card-making and drawing of Card wyer within this Realm. And now of late time, by reaſon of the common bringing in of foreign cards for wooll out of France, and other foreign parts, the ſaid Card-makers and Card-wyer-drawers have been ſo much impoveriſhed, that ſcant the twentieth perſon that heretofore lived by the ſaid trades, is now maintained and ſet on work thereby:

No Cards for wooll ſhall be brought into this Realm to be ſold.

Be it Enacted by our Soveraign Lady the Queens Majeſty, and by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon or perſons whatſoever, from, or after the Feaſt day of the Purification of the bleſſed Virgin Saint Mary, now next enſuing, ſhall bring, ſend or convey, or cauſe to be brought, ſent or conveyed into this Realm of England or Wales, from the parts beyond the Seas, any Cards for wooll to be ſold, bartered or exchanged within the Realm of England or Wales, upon pain to forfeit all ſuch Cards for wooll, ſo to be brought, ſent or conveyed, contrary to the true meaning of this Act, in whoſe hands ſoever they, or any of them ſhall be found, or the very value thereof, the one half whereof to be to our ſaid Soveraign Lady the Queens Majeſty, her Heirs and Succeſſors, and the other moiety thereof to him or them that will ſeize the ſame or ſue therefore, in any Court of Record of the Queens Majeſty, her Heirs and Succeſſors, by action of debt, bill, plaint, information, or otherwiſe, in whoſe actions, ſuits, plaints, or informations, no wager of law, eſſoyn or protection ſhall be allowed. This Act to endure to the end of the firſt Seſſion of the next Parliament. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament, 14 Car. 2. ca. 19.

CAP. XV.

No perſon robbing an houſe in the day time to the value of five ſhillings, ſhall have his Clergy.

WHereas of late years divers lewd and felonious perſons underſtanding that the penalty of the robbing of houſes in the day time (no perſon being in the houſe at the time of the robbery) is not ſo penal, as to commit or do a robbery in any houſe, any perſon being therein at the time of the robbery, which hath and doth embolden divers lewd perſons to watch their opportunity and time to commit and do many hainous robberies, in breaking and entring divers honeſt perſons houſes, and eſpecially of the poorer ſort of people, who by reaſon of their poverty are not able to keep any ſervant, or otherwiſe to leave any body to look to their houſe, when they go abroad to hear Divine Service, or from home to follow their labour to get their living, which is to the hinderance and loſs of good Subjects, and the utter impoveriſhing of many poor widows, ſole women, and other people:

He ſhall not have his Clergy that robbeth a houſe in the day time of the value of v. s.

a. l. 4. l. 40. ra. Car. 3.

Be it therefore Enacted by our Soveraign Lady the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, That if any perſon or perſons after the end of this preſent Seſſion of Parliament, ſhall be found guilty, and convicted by verdict, confeſſion, or otherwiſe, according to the Lawes of this Realm, for the felonious taking away after the Feaſt of Eaſter now next enſuing in the day time, of any money, goods or chattel, being of the value of v. s. or upwards, in any dwelling houſe or houſes, or any part thereof, or any out-houſe or out-houſes belonging, and uſed to and with any dwelling houſe or houſes, although no perſon ſhall be in the ſaid houſe or out-houſes at the time of ſuch felony committed, then ſuch perſon and perſons ſhall not be admitted to the benefit of his or their Clergy, but ſhall be utterly excluded thereof.

CAP. XVI.

What perſons are authorized both in the Counties and Cities, and Towns corporate, to reſtrain the exceſſive making of Mault.

Juſtices of Peace may reſtrain exceſſive making of Mault.

Whereas greater quantity of Mault is daily made, than either in time paſt was, or is now needful: Be it Enacted by the authority of this preſent Parliament, That from time to time and at all times hereafter it ſhall and may be lawful for the Juſtices of Peace within this Realm, in their open quarter Seſſions, or the more part of them by their diſcretions, to ſuppreſs, diſcharge, or reſtrain the ſuperfluous and unneceſſary number of Maultſters in part, or in the whole, and alſo to reſtrain ſuch perſon and perſons, as to their diſcretions ſhall ſeem meet, from the buying of barley to convert into Mault in part or in all, for ſuch time or times as to their diſcretions ſhall ſeem meet; and if any perſon or perſons ſhall refuſe, diſobey or not perform ſuch ſuppreſſing, diſcharging, or reſtraint, or any order whatſoever the ſaid Juſtices ſhall ſet down touching the ſame, That then, and ſo often ſuch perſon or perſons being thereof duly convicted before the ſaid Juſtices, or any two of them, by the teſtimony of two witneſſes, or by his own confeſſion, ſhall be by the ſaid Juſtices committed to the common Gaol of the County, City, or corporate Town, wherein the offence is committed, there to remain without bail or mainpriſe, by the ſpace of three dayes, and from thence untill he ſhall be bounden by recognizance in the ſum of xl. l. to be taken to the uſe of her Majeſty, before any Juſtice of Peace, to ſtand to, perform and obey ſuch ſuppreſſing, diſcharging or reſtraint taken by the ſaid Juſtices as aforeſaid.

The penalty of ſuch as ſhall diſobey the Juſtices verdict.

Provided alwayes, That the ſaid Juſtices of Peace within any County of this Realm, ſhall not intromit or enter into any City, Borough or Town corporate, for execution of any article in this Act, except he be a Juſtice of Peace alſo in the ſaid City, Borough or Town corporate, But that it ſhall be lawful to the Juſtices of Peace, Mayors, Bayliffs, and other head Officers of thoſe Cities, Boroughs, and Towns corporate, where they keep Seſſions, to proceed to the execution of this Act, and every article thereof within the precincts of their liberties, at ſuch time and times, and as often as to them ſhall ſeem meet, in as large and ample manner, as the Juſtices of Peace in any County may do.

Chief Officers of corporate Towns may reſtrain exceſſive making of Mault.

Provided alſo, That it ſhall and may be lawful, to and for every perſon and perſons, which ſhall have of his own any barley or corn growing, or any tythe-corn, or rent-corn reſerved upon any leaſe or demiſe, to convert into Mault, all, or any ſuch barley or corn, Any thing in this preſent Act to the contrary notwithſtanding.

Certain perſons not reſtrainable to make Mault by this ſtatute.

Provided alſo, That no manner of perſon or perſons ſhall deal or meddle in the execution of this Act, that uſe to buy barley to convert to Mault, and to ſell the ſame again. This Act ſhall not endure or continue any longer time, but until the end of the next Seſſion of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

An offendor of this Act ſhall not meddle in the execution thereof.

CAP. XVII.

Wandring Mariners and Souldiers, and other idle perſons ſhall ſettle themſelves to work: they ſhall have Teſtimonials, &c.

Whereas divers lewd and licentious perſons, contemning both Laws, Magiſtrates, and Religion, have of late dayes wandered up and down in all parts of the Realm, under the name of Souldiers and Mariners, abuſing the title of that honourable profeſſion to countenance their wicked behaviours, and do continually aſſemble themſelves weaponed in the high-ways, and elſewhere in troops, to the great terrour and aſtoniſhment of her Majeſties true ſubjects, the impeachment of her Lawes, and the diſturbance of the peace and tranquility of this Realm: And whereas many hainous outrages, robberies, and horrible murders are daily committed by theſe diſſolute perſons: And unleſs ſome ſpeedy remedy be had, many dangers are like by theſe means to enſue and grow towards the common-wealth:

14 Car. 2. cap. 12.

Be it therefore Enacted by the authority of this preſent Parliament, That all idle and wandering Souldiers or Mariners, or idle perſons, which now are, or hereafter ſhall be wandering as ſouldiers and mariners, ſhall ſettle themſelves in ſome ſervice, labour, or other lawful courſe of life, without wandering, or otherwiſe repair to the places where they were born, or to their dwelling places, if they have any, and there remain, betaking themſelves to ſome lawful trade or courſe of life, as aforeſaid, upon pain that all perſons offending contrary to this Act, to be reputed as felons, and to ſuffer as in caſe of felony, without any benefit of Clergy to be allowed.

The penalty of wandering Souldiers and Mariners which will not ſettle themſelves to work.

And

Wandring Souldiers and Mariners ſhall have teſtimonials.

It ſhall be felony to counterfeit a teſtimonial.

And be it further enacted, That every idle and wandering Souldier or Mariner, which coming from his Captain from the Seas, or from beyond the Seas, ſhall not have a teſtimonial under the hand of ſome one Juſtice of the Peace, of, or near the place where he landed, ſetting down therein the place and time when and where he landed, and the place of his dwelling or birth, unto which he is to paſs, as aforeſaid, and a convenient time therein limited for his paſſage, or having ſuch teſtimonial, ſhall wilfully exceed the time therein limited, above fourteen dayes: And alſo aſwell every ſuch idle and wandring Souldier or Mariner, as every other idle perſon wandring, as Souldier or Mariner which ſhall at any time hereafter forge or counterfeit any ſuch teſtimonial, or have with him or them any ſuch teſtimonial forged, or counterfeited as aforeſaid, knowing the ſame to be counterfeited or forged, in all theſe caſes every ſuch Act or Acts to be felony, and the Offendors to ſuffer as aforeſaid, without any benefit of Clergy.

Juſtices of Aſſize and Gaol-delivery and Peace, may hear and determine theſe offences.

Taking the offendor into ſervice for a year.

And be it further enacted, that it ſhall be lawful for the Juſtices of Aſſiſes, Juſtices of Goal-delivery, and the Juſtices of Peace of every County, and all Juſtices of Peace in Towns corporate, having authority to hear and determine Felonies, to hear and determine all ſuch offences in their general Seſſions, and to execute the Offendors which ſhall be convicted before them, as in caſes of Felony is accuſtomed: except ſome honeſt perſon valued at the laſt Subſidy next before the time to x.l. in Goods, or xl.s. in Lands, or elſe ſome honeſt Free-holder, as by the ſaid Juſtices ſhall be allowed, will be contented before ſuch Juſtices as ſuch perſon ſhall be arraigned of Felony, to take him or them into his Service for one whole year then next following, and then before the ſaid Juſtices will be found by Recognizance of ten pounds to be levied of his Lands, Goods, Tenements and Chattels, to the uſe of our Soveraign Lady the Queen, if he keep not the ſaid perſon or perſons for one whole year, and bring him to the next Seſſions for the Peace and Gaol-delivery, next enſuing after the ſaid year. And if any ſuch perſon retained depart within the year, without the licence of him that ſo retained him, then to be indicted, tryed and adjudged as a Felon, and not to have the benefit of his Clergy.

The idle wanderer falling ſick by the way.

Provided alwayes, That if any ſuch idle and wandering perſons, as aforeſaid, ſhall happen to fall ſick by the way, ſo that by reaſon of his weakneſs he cannot travel to his Journeys end within the time limited within his teſtimonial, no ſuch to be within the danger of this Statute, ſo as he ſettle himſelf in ſome lawful courſe of life, as aforeſaid, to repair, as aforeſaid, to the place where he was born, or was laſt abiding, within convenient time after the recovery of his ſickneſſe, and there remain, as aforeſaid: Any thing in this Statute contained to the contrary notwithſtanding.

A remedy, where the wanderer cannot get work.

The hundred taxed for the relief of a Souldier or Mariner.

Provided alſo, and be it further enacted, That when any ſuch Souldier or Mariner coming from the Seas, or from beyond the Seas, as aforeſaid, ſhall repair to the place of his dwelling or birth, according to the purport of the ſaid teſtimonial, and cannot of himſelf get there any work, whereby to imploy himſelf to labour, or other lawful courſe of life, as aforeſaid, that then in every ſuch caſe, upon Complaint made by ſuch Souldier or Mariner to two Juſtices of Peace of the ſaid County, of, or near the ſaid place, the ſaid two Juſtices ſhall take order by their diſcretion, to ſet ſuch Souldier or Mariner to ſome ſuch honeſt labour or work as to them ſhall be thought meet: And for want of ſuch work, the ſaid two Juſtices ſhall tax the whole Hundred by their diſcretion, for the relief of ſuch Souldier or Mariner, till ſuch ſufficient work may be had.

Examined by the Parliament-Roll.

The Souldier or Mariner licenced, may ask and take relief.

Provided alſo, that if any ſuch ſouldier or mariner coming from the Seas, or from beyond the Seas, as aforeſaid, ſhall not at the time of his landing, or in his travel to the place whereunto he is to repair, as aforeſaid, going the direct way, that then he reſort to ſome Juſtice of the Peace, next adjoyning to the ſaid place of landing or way, and make known unto the ſaid Juſtice his poverty: who upon perfect notice thereof had, ſhall have full power and authority by this preſent Act to licence the ſame Souldier or Mariner to paſs the next and direct way to the place where he is to repair, and to limit him ſo much time only as ſhall be neceſſary for his travel thither: And that in ſuch caſe his licence being ſo made, and he purſuing the form of ſuch his licence, ſhall and may for his neceſſary relief in his ſuch travel, ask and take the relief that any perſon ſhall willingly give him, and in ſuch caſe, his ſuch travel and taking of Almes, as aforeſaid, ſhall not be taken as an offence againſt this Law.

No corruption of blood.

Provided alſo, that this Act, nor any thing therein contained, ſhall extend or be interpreted to make or work any corruption of blood in any the heir or heirs of any ſuch Offendor or Offendors: Any thing in this Act to the contrary notwithſtanding.

14 Car. 2. cap. 12.

Provided alſo, and be it further enacted, That this Act ſhall not take any force or effect, till forty dayes next after the end of this Seſſion of Parliament, and ſhall continue to the end of the Parliament next enſuing. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament. 1 Jac. cap. 7. 17 Car. 1. cap. 4. continued.

CAP. XVIII.

The Stat. of 13 Eliz. againſt Uſury, of 27 Eliz. 4. againſt fraudulent aſſurances, and of 27 Eliz. 7. for levying iſſues by Juries loſt, made perpetual: and certain other Statutes made in the Reigns of King Hen. 8. King Ed. 6. and Queen Eliz. revived and continued.

21 H. 8. 12.

WHere in the firſt Seſſion of Parliament, begun in the City of London the third day of November, in the one and twentieth year of the Reign of our late Soveraign Lord of famous memory, King Henry the eighth, and from thence adjourned and prorogued to the Palace of Weſtminſter, an Act or Statute was made, entituled, An Act for the true making of Cables, Halſers and Ropes.

24 H. 8. 9.

And where in the Parliament holden upon prorogation at Weſtminſter, the fourth day of February, in the four and twentieth year of the Reign of the ſaid King, there was one other Act made, entituled, An Act againſt the killing of young Beaſts, called Weanlings.

And

3 & 4 Ed. 6. 19. And where in the Seſſion of Parliament ended at Weſtminſter the firſt day of February, in the fourth year of the Reign of our late Soveraign Lord King Edward the ſixth, one Act was made, concerning the buying and ſelling of Rother Beaſts and Cattel.

3 & 4 Ed. 6. 21. And alſo one other Act was then and there likewiſe made, entituled, An Act for the buying and ſelling of Butter and Cheeſe.

1 Eliz. 17. And where alſo in the Parliament begun at Weſtminſter the three and twentieth day of January, in the firſt year of the Reign of the Queens Majeſty that now is, and there continued by prorogation untill the diſſolution thereof, an Act was then and there made, entituled, An Act for the preſervation of Spawn and Fry of Fiſh.

5 Eliz. 2. And where alſo in the firſt Seſſion of Parliament holden at Weſtminſter the twelfth day of January, in the fifth year of her Highneſſe Reign, one Act was then and there made, entituled, An Act for maintenance and increaſe of Tillage.

5 Eliz. 7. And one other Act was alſo then and there made, entituled, An Act for the avoiding of divers foreign wares made by handy-crafts men beyond the Seas.

5 Eliz. 5. And one other Act was likewiſe then and there made, entituled, An Act touching certain politick Conſtitutions made for the maintenance of the Navy.

8 Eliz. 10. And where alſo in the laſt Seſſion of the Parliament holden by prorogation at Weſtminſter the laſt day of September, in the eighth year of her Majeſties Reign, one Act was then and there made, entituled, An Act for Bowyers, and the price of Bows.

13 Eliz. 20. And where alſo in the Parliament begun and holden at Weſtminſter the ſecond day of April, in the thirteenth year of her Majeſties Reign, there was one Act and Statute made for the avoiding of ſome Leaſes in certain caſes to be made of Eccleſiaſtical Promotions with cure, entituled, An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with cure.

13 Eliz. 21. And where alſo there was then and there another Act made, entituled, An Act that Purveyors may take Grain, Corn or Victuals within five miles of Cambridge and Oxford in certain caſes.

13 Eliz. 8. And alſo one other Act was then and there made, entituled, An Act againſt Uſury.

13 Eliz. 19. And alſo one other act was then and there made, entituled, An act for the continuance of making of Caps.

14 Eliz. 11. And where in the firſt Seſſion of Parliament holden at Weſtminſter the eighth day of May, in the fourteenth year of her Highneſs reign, there was one other Act made, entituled, An Act for the continuation, explanation, perfecting and enlarging of divers Statutes: In which Statute are contained divers branches, clauſes and proviſions touching and concerning the explanation, perfecting and enlarging of divers of the Statutes before mentioned.

14 Eliz. 5. And where alſo there was then and there one other Act made, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent.

18 Eliz. 3. And where in the Parliament holden at Weſtminſter aforeſaid, in the eighteenth year of her Majeſties Reign, there was one other Act made, entituled, An Act for the ſetting of the poor on work, and for the avoiding of idleneſs.

18 Eliz. 20. And alſo one other act was then and there made, entituled, An act for the repairing and amending of the bridges and high-wayes near unto the City of Oxenford.

23 El. 9. And where in the Parliament holden by prorogation at Weſtminſter the ſixteenth day of January, in the three and twentieth year of her Majeſties reign, one act was made, entituled, An act for the repairing of Dover Haven.

27 Eliz. 11. And where in the Parliament holden at Weſtminſter the three and twentieth day of November, in the ſeven and twentieth year of her Majeſties reign, one other Act was made for the reviving, continuance, explanation and perfecting of divers Statutes, in which are contained divers branches, proviſions and clauſes touching and concerning certain additions and alterations unto, and of divers of the ſaid former recited Statutes, and other new proviſions.

27 Eliz. 4. And where there was then and there one other act made, entituled, An act againſt covenous and fraudulent conveyances.

27 Eliz. 7. And then and there one other act was made, entituled, An act for the levying of Iſſues loſt by Jurors.

27 Eliz. not printed. And alſo there was then and there one other Act made, entituled, An act for the good government of the City or Borough of Weſtminſter.

2 Ed. 6. 10. And whereas in the Parliament holden at Weſtminſter upon prorogation the fourth day of November, in the ſecond year of the reign of the late King of moſt famous memory King Edward the ſixth, one act was made, entituled, An act for the true making of Mault, which ſaid Statute was diſcontinued.

27 Eliz. 14. And by another act made in the ſaid Parliament holden at Weſtminſter, in the ſaid twenty ſeventh year of the Queens Majeſties reign that now is, entituled, An act for the reviving of a former Statute for the true making of Mault, was revived and continued.

27 Eliz. 24. And alſo one other act was there made in the ſaid ſeven and twentieth year, entituled, An act for the keeping of the Sea-banks and Sea-works in the County of Norfolk.

31 Eliz. 8. And where in the Parliament holden at Weſtminſter the fourth day of February, in the 31. year of the Queens Majeſties Reign that now is, there was an Act made, entituled, An act for the true gawging of Veſſels brought from beyond the Seas, converted by Brewers, for the utterance and ſale of Ale and Beer.

Lincoln. And alſo one other act was then and there made, entituled, An act for reviving and enlarging of a Statute made in the 23. year of her Majeſties reign, for the relief of the City of Lincoln.

And where in the Parliament holden at Weſtminſter the nineteenth day of February, in the 35th. year of the Queens Majeſties Reign that now is, there was an Act made, entituled, An Act to retain the Queens Majeſties Subjects in their due obedience.

35 Eliz. 4. And alſo one other Act was then and there made, entituled, An Act for the neceſſary relief of Souldiers and Mariners.

35 Eliz. 10. And alſo one other Act was then and there made, entituled, An Act for the reformation of ſundry abuſes in Clothes, called Devonſhire Kerſies or Dozens, according to a Proclamation of the 34th. year of the Reign of our Soveraign Lady the Queens Majeſty that now is.

45 Eliz. 11. And alſo one other Act was then and there made, entituled, An Act for the bringing in of Clapboard from the parts of beyond the Seas, and the reſtraining of tranſporting of Wine Cask, for the ſparing and preſerving of Timber within the Realm.

That foraſmuch as the ſaid Act made in the ſaid 13th. year of the Queens Majeſties Reign that now is, entituled, An Act againſt Uſury.

And one other Act of the ſaid Acts made in the 27th. year of the Queens Majeſties Reign that now is, entituled, An Act againſt covenous and fraudulent Conveyances.

The ſtat. made 13 Eliz. 8., 27 El. 4. 27 El. 7. made perpetual.

And one other of the aforeſaid Acts made in the ſaid ſeven and twentieth year of the Queens Majeſties Reign, entituled, An Act for the levying of Iſſues loſt by Jurors, are by proof and experience found to be very neceſſary and profitable for the Common-wealth of this Realm: For which cauſe, Be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid three laſt recited ſeveral Acts, made in the ſaid thirteenth and in the ſeven and twentieth years of the Queens Majeſties Reign, and every of them, and all and every the branches, clauſes, and proviſions in them, and every of them contained, ſhall from henceforth be, remain, and continue in force and effect for ever.

And foraſmuch as the branches, clauſes and proviſions, contained and ſpecified in the ſaid two ſeveral Acts of continuance, made in the fourteenth and ſeven and twentieth year of her Majeſties Reign, in addition, alteration, explanation, perfecting and enlarging of divers the ſaid Statutes, and other Statutes, and all the reſidue of the ſaid recited Acts and Statutes: Except the ſaid three ſeveral Statutes before, hereby mads perpetual.

5 Eliz. 7. And except alſo the ſaid Act made, entituled, An Act for the avoiding of divers foreign wares made by handy-crafts-men beyond the Seas.

5 Eliz. 5. And the ſaid Act made, entituled, An Act touching certain politick conſtitutions made for the maintenance of the Navy.

5 Eliz. 2. And the Eſtatute, entituled, An Act for maintenance and encreaſe of Tillage, made in the fifth year of her Highneſſe Reign.

13 Eliz. 19. The ſaid Act made for the continuance of making of Caps, in the ſaid thirteenth year of the Reign of the Queens Majeſty that now is.

14 Eliz. 5. The Act made in the fourteeuth year of the Queens Majeſties Reign, entituled, An Act for the puniſhment of Vagabonds, and for the relief of the poor and impotent.

18 Eliz. 3. The Act made in the eighteenth year of her Majeſties Reign, entituled, An Act for the ſetting of the poor on work, and for the avoiding of idleneſſe.

23 Eliz. 6. And the ſaid Act made for the repairing of Dover Haven.

35 Eliz. 4. The aforeſaid ſtat. of 14 El. 11. 27 El. 11. And the laſt mentioned 8. ſtat. renewed and continued until the end of the next Parliament.

And the ſaid Act made for the neceſſary relief of Souldiers and Mariners, do ſeem good and beneficial to the weal and profit of this Realm: Be it enacted by the authority of this preſent Parliament, That the ſaid branches, clauſes, and proviſions of the ſaid two acts of continuance, and of the reſidue of the ſaid recited ſtatutes and acts, except before excepted, and every of them, ſhall be by authority of this preſent Parliament revived, continued, and endure in force and effect untill the end of the next Parliament next enſuing.

And as concerning the ſaid act, touching politick conſtitutions made for the maintenance of the Navy: And the ſaid act made for the repairing of Dover Haven.

9 Eliz. 5. 23 Eliz. 6. 18 Eliz. 20. And the ſaid act made for the repairing and amending the Bridges and High-wayes near unto the City of Oxford, the ſame ſhall be, and continue in force untill the end of the next Parliament, in ſuch manner and form, and with the ſame and like proviſoes, qualifications and alterations, as by the ſaid Statute made in the xxxv. year of the Queens Majeſties 35 Eliz. 7. Reign that now is, entituled, An Act for reviving, continuance, explanation and perfecting of divers ſtatutes, are qualified, altered or diſpenſed with.

5 Eliz. 7. And that the ſaid act made, for the avoiding of divers foreign wares made by handycraftſmen beyond the Seas, ſhall be revived, continued, and be, and remain from henceforth in force unto the end of the next Parliament.

A repeal of the ſtat. of 13 El. 19. touching making of Caps. And that the ſaid act, made for the continuance of making of Caps, ſhall be from henceforth repealed and made void.

5 Eliz. 2. And that the ſaid act, entituled, An act for maintenance and increaſe of Tillage, for ſo much thereof as doth concern Tillage ſhall be repealed, and for ſo much of the ſame act as doth concern the maintenance, repairing, or continuance of any houſes of husbandry, and the lands thereunto belonging, ſhall be continued and be in force unto the end of the next 39 Eliz. 1, 2. Parliament, if no other act be made for the maintenance of houſes of husbandry, and againſt the decay thereof, in this preſent Parliament.

14 Eliz. 5. 18 Eliz. 3. And that the ſaid acts, The one entituled, An act for the puniſhment of Vagabonds, and for the relief of the poor and impotent: The other entituled, An act for ſetting of poor on work, and for the avoiding of idleneſs, ſhall be revived, and ſtand, and be continued, and in force, untill the end of the next Parliament: except for ſo much of the ſame two ſeveral ſtatutes, and either of them as ſhall be altered, repealed, or otherwiſe provided for, or made void by any act of Parliament, made in this preſent Parliament.

Provided, and be it further enacted by authority of this preſent Parliament, That the ſaid Act made in the xxxv. year of the Queens Majeſties Reign that now is, entituled, An Act for the neceſſary relief of Souldiers and Mariners, for ſo much thereof as ſhall not be altered, or otherwiſe provided for, by any other Act made in this preſent Seſſion of Parliament, ſhall be in force, and continue unto the end of the next Parliament, Any thing in this preſent Act to the contrary notwithſtanding.

35 Eliz. 4. 39 Eliz. 21. All the foreſaid ſtatutes continued untill the end of the next Parliament, Except, &c. Ut ſupra.

CAP. XIX.

So much of the Stat. of 27 Eliz. 19. as concerneth the amendment of High-wayes in Suſſex, Surrey and Kent, repealed: and another Ordinance made for repair of the ways in the Weilds of Suſſex, &c. uſed for Iron works.

WHereas in one Act of Parliament made in the ſeven and twentieth year of the Reign of our Soveraign Lady the Queens Majeſty that now is, in one Act then made, entituled, An Act for preſervation of Timber in the Wieldes of the Counties of Suſſex, Surrey and Kent, and for the amendment of High-wayes decayed by carriage to and from Iron Mills there, ſome remedy is provided for the impairing and ſpoyling of High-wayes by the carriages of Coals, Mine and Iron, to and from the Iron-works within ſome part of the ſaid Counties of Surrey and Kent, and proviſions for the amending of High-wayes decayed in the County of Suſſex, by the ſaid means is left out. And alſo the ſaid Act hath not taken the ſame good effect for the amendment of High-wayes within the ſaid Counties of Surrey and Kent, as hath been expected.

27 Eliz. 19.

A repeal of ſo much of the ſtat. of 27 El. 19. as concerneth the repairing of high-ways in Surrey and Kent.

Be it therefore enacted by our Soveraign Lady the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that ſo much of the ſaid Act of Parliament, made in the ſaid ſeven and twentieth year of the Queens Majeſties Reign, as ſhall concern the amendment of High-wayes in the ſaid Counties of Surrey and Kent, ſhall from henceforth be repealed.

And be it further enacted by the authority aforeſaid, That the Occupiers of all manner of Iron-works whatſoever, as Owners or Farmors of the ſame, by any eſtate of Inheritance for life, lives, or for term of year or years, or at will, which ſhall at any time hereafter carry or cauſe to be carried any Coals, Mine or Iron, to or for any their Iron-works, between the xii. day of October, and the firſt day of May in any year, ſhall for every three loads of Coal or Mine, as alſo for every tun of Iron, which ſhall be carried by any manner of Wain or Cart, between the ſaid 12th. day of October, and the firſt day of May, by the ſpace of one mile through any High-ways within the ſaid weildes of Suſſex, Surrey, Kent, or any of them, ſhall pay or cauſe to be paid unto the Juſtice of Peace dwelling near unto the places in the ſaid County where the High-wayes ſhall be moſt annoyed, or his aſſign, the ſum of three ſhillings, the ſame to be levied, after default of payment thereof, by ſuch Juſtice of Peace or aſſign by way of diſtreſſe of any of the Goods and Chattels remaining in the ſaid County, of ſuch perſon as ſo ſhould have paid ſuch ſums.

What ſhall be paid for the repair of high-wayes in the Wieldes of Suſſex, Surry and Kent.

And be it further enacted by the authority aforeſaid, That every perſon and perſons, Occupier of Iron-work, as aforeſaid, which ſhall at any time hereafter carry, or cauſe to be carried any Coals, Mine or Iron, to or for any their Iron-works, between the firſt day of May, and the twelfth day of October in any year, for every thirty loads of Coals and Mine, or either of them, and for every tun of Iron, to be carried, as aforeſaid, one load of Sindar, Gravel, Stone or Chalk, meet for the repairing and amending of the ſaid High-wayes, as aforeſaid, to be laid and imployed in ſuch place and places of the High-wayes, as by any Juſtice of the Peace of any the Counties aforeſaid, dwelling near unto the places where the High-wayes within the limits aforeſaid, ſhall be moſt annoyed, by any of the means aforeſaid, according to the greater and more preſent neceſſity, ſhall be appointed and aſſigned, or elſe pay or cauſe to be paid, for and in allowance of every Cart load, in manner and form aforeſaid, to have been ſo carried and laid, iii. s. within eight dayes after the demand thereof, at any ſuch Iron-work made, to or from which Iron-work any ſuch carriage ſhall be, to the hand of the ſaid Juſtice of Peace, or his aſſigns, the ſame to be levied after default of payment upon the demand thereof, from time to time by way of diſtreſſe: And if ſuch Juſtice of Peace, by reaſon of abſence, or other occaſion, do not, or ſhall not within forty dayes next after the ſaid firſt day of May, yearly aſſign and appoint, where and in what place of the High-wayes the ſaid Sindar, Gravel, Stone or Chalk, to be carried as aforeſaid, or where or how the money thereof due, or ſo paid, ſhall be imployed and beſtowed, That then the ſame Sindar, Gravel, Stone or Chalk, ſhall be laid and imployed by ſuch perſon or perſons, as by this Act are to carry and lay the ſame, or to cauſe the ſame to be carried and laid, in ſuch place and places of the High-wayes as the Surveyors within the Pariſh for the time being, where the High-wayes ſhall be moſt annoyed, as aforeſaid, ſhall aſſign or appoint, or in default thereof, pay to the ſaid Surveyors for every ſuch load due and uncarried, iii. s. in manner and form aforeſaid, upon pain of forfeiture of x. s. for every load of Sindar, Gravel, Stone or Chalk, not carried, laid, and imployed in the High-wayes, or iii. s. unpaid, as is aforeſaid, to be forfeited and paid by the perſon and perſons, which by this Act ought to carry and lay, or cauſe to be carried and laid, the Sindar, Gravel, Stone or Chalk, or therefore to have paid, as is aforeſaid, after due conviction and preſentment thereof had before the Juſtices of Oyer and Terminer, or Juſtices of Peace, in any of their open Seſſion or Seſſions, to be holden before them or any of them: All which ſum and ſums of money to be forfeited by reaſon of this Act, for or in default of carriage and laying of the ſaid Sindar, Gravel, Stone or Chalk, or payment thereof, as aforeſaid, ſhall be likewiſe beſtowed and imployed upon the amendment and repairing of the High-wayes, at and by the diſcretion of any ſuch Juſtice of Peace, as ſhall dwell and be reſident next unto the place and places, being moſt annoyed by the carriages aforeſaid, the ſame to be levied by way of diſtreſſe, by any Conſtable, Tythingman, Headborough, or other Officer thereunto to be aſſigned, by warrant made in open Seſſions by any Clerk of the Peace of the County where any the offence or offences aforeſaid,

Carriage of Coals, &c. for any Iron-work between the firſt day of May, and the twelfth of October.

In default of the Juſtice of Peace, the Surveyors ſhall have the diſpoſition of the gravel, &c.

The forfeiture of the offendor.

How the money forfeited ſhall be levied and imployed.

ſhall

The penalty if no diſtreſs can be found, nor the offendor do not pay within the time limited.

ſhall be committed, or by any two Juſtices of the Peace, whereof one to be of the Quorum, which were preſent at the Seſſions, wherein the ſaid conviction, of, or for any the offences aforeſaid ſhall be had: And if no ſufficient diſtreſſe can be found by the ſaid Officer appointed to levy the ſame, or if the ſaid Offendor do not pay the ſame within twenty dayes after a lawful demand of the ſame, by the ſaid Officer to be appointed for the levying thereof, as aforeſaid, that then every perſon ſo denying or refuſing, and not paying the ſame forfeiture, within twenty dayes aforeſaid, to forfeit the double ſum he ſhould before have paid, to be levied by ſuch wayes and means, as to any two of the Juſtices of the Peace of the ſame County where the ſaid offence ſhall be committed, whereof one to be of the Quorum, ſhall be thought moſt meet: the ſame forfeiture to be likewiſe employed upon the amendment of the highwayes, as the other forfeitures ſhould have been, if the ſame had been levied according to the true intent and meaning of this Statute.

In what caſe the Surveyors ſhall appoint where the gravel, ſtone, &c. ſhall be laid.

Preſentment of offendors at the Quarter Seſſions.

And be it further enacted by the authority aforeſaid, That the Surveyor or Surveyors, from time to time for the time being, within the Pariſh where the High-ways ſhall be moſt annoyed, upon default of the ſaid Juſtices, as aforeſaid, within xx. days after ſuch default of the Juſtice of Peace, as aforeſaid, ſhall aſſign or appoint where and in what place of the highways, the ſaid ſindar, gravel, ſtone or chalk, or the forfeiture of money to be beſtowed, ſhall be carried and laid as aforeſaid, and upon pain of forfeiture of every ſuch Surveyor or Surveyors, for every ſuch default xl. s. And the ſaid Surveyors ſhall make demand according to the limitation of this preſent Act, of all and every ſuch forfeiture and ſums of money limited to be paid in default of ſuch carriages, as aforeſaid, upon pain to forfeit for every ſuch default, xl. s. And ſhall alſo make preſentment of every ſuch default of carriage, or payment, contrary to the tenor of this preſent Act, at the next Quarter Seſſion to be holden for the ſaid County, where ſuch default of carriage and payment ſhall be, upon pain to forfeit for every ſuch default of preſentment, as aforeſaid, forty ſhillings. The one moyety of ſuch forfeiture and forfeitures to be to the Queens Majeſty, the other moyety to ſuch perſon or perſons as will ſue for the ſame, by action, bill, plaint or information, in any of her Majeſties Courts of Record, where no wager of Law, Eſſoyn or Protection, ſhall be allowed.

CAP. XX.

No perſon on the North ſide of Trent ſhall ſtretch or ſtrain any Cloth made, nor uſe any Tenter, &c.

The enormities enſuing the ſtretching of northern Clothes, and the cauſes thereof.

IN moſt humble and dutiful wiſe ſheweth, beſeeching your Highneſſe, your true and faithful Subjects, the Clothiers and Chapmen of your Counties of York, Lancaſter, and other your Highneſs Counties on the North ſide of the River of Trent, That notwithſtanding the many good and wholeſome Laws heretofore made for the true making of good and true Clothes and Kerſies, which Laws, either by ſome wants in the Statutes already made, or for lack of the due exſcution of the ſaid Laws, have not only not reſtrained the abuſe in making of Clothes and Kerſies, but rather have encreaſed the ſame, inſomuch that the ſaid Northern Clothes and Kerſies do yearly and daily grow worſe and worſe, and are made more light, and much more ſtretched and ſtrained thãn heretofore they have been, to the great deceit of all Nations where the ſaid Clothes and Kerſies are ſold, and to the great ſhame and ſlander of the Country where the ſame is made, And within ſhort time like utterly to overthrow the Trade of Clothmaking in thoſe Countries, whereupon ſo many thouſands of your Subjects do now live and are maintained: which great enormities your faithful Subjects do chiefly impute to the great number of Tenters and other Engines daily uſed and practiſed in the ſaid Counties for the ſtretching and ſtraining of the ſaid Clothes and Kerſies: For remedy and redreſs whereof, your ſaid Subjects humbly beſeech your moſt excellent Majeſty, that it may pleaſe your Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, it may be enacted, any ſtatute or law whatſoever to the contrary notwithſtanding, That no perſon or perſons within any the Counties aforeſaid, from and after the twentieth day of September now next coming, ſhall ſtretch or ſtrain, or cauſe to be ſtretched or ſtrained any Clothes, Dozens, Kerſies, Peniſtones, Ruggs, Frizes, Righley Whites, plain Grayes, or any other Clothes, by what name or names ſoever they be called, made, or hereafter to be made, within the ſaid County of York, Lancaſter, or any other the Counties on the North of Trent, upon pain to forfeit for every default five pounds.

No perſon ſhall ſtretch or ſtrain clothes made on the North ſide of Trent. 5 Ed. 6 6. 43 Eliz 10.

None ſhall uſe any tenter or engine to ſtretch or ſtrain any Northern Clothes.

And further, That no perſon or perſons, from and after the ſaid twentieth day of September, within the Counties aforeſaid, or any of them, ſhall have, uſe, or occupy any Tenter, of what ſort or kind ſoever, or any manner of wrinch, rope, or other Engines, to ſtretch or ſtrain any Clothes, Kerſies, Dozens, Peniſtones, Ruggs, Frizes, Cottons, Righley Whites, plain Grayes, or any other Cloth, of what kind or name ſoever it or they be called, made, wrought, or to be made or wrought within the ſaid Counties, upon pain that every Offendor that ſhall have, or uſe, or exerciſe any ſuch Tenter, of what ſort or kind ſoever, or any manner of rope, wrinch, ring-head, or engine, ſhall forfeit for every ſuch default twenty pounds.

Northern Clothes ſhall be made of ſuch weights, lengths and breadths, as by former ſtatutes is appointed.

And further, That every perſon or perſons within the Counties aforeſaid, or any of them, which ſhall make or cauſe to be made any Clothes, Kerſies, Dozens, Cottons, Peniſtones, plain Grayes, Righly Whites, Frizes, or any other Cloth, by what name or names ſoever it or they be called, ſhall make the ſame of ſuch weights, lengths and bredths, as by the Statutes of this Realm already in force is provided, under the pains in the ſame Statutes contained: and before the ſame be ſold, or ſuffered to be ſold, ſhall ſet his Seal of Lead unto every of the ſame Clothes, Kerſies, Dozens, Cottons, plain Grayes, Peniſtones, Righley Whites, Frizes, or by what name or names ſoever it or they be called: In which ſaid Seal of Lead ſhall be contained the true and juſt length, and the true and juſt weight at the leaſt of every ſuch Cloth, Kerſie, Dozen, Cotton, Peniſtone, plain Grayes, Righley Whites, Frizes, or by what name or names ſoever it or they ſhall be called, as it ſhall be duely found by due proof thereof to be tryed by water or weight, upon pain to forfeit every Cloth, Dozen, Cottons, Kerſie, Peniſtone, plain Grayes, Kighley Whites, Frizes, or other Cloth, by what name or names ſoever it or they be called, which ſhall be made within any the Counties aforeſaid, whereunto ſuch ſeal, as is aforeſaid, ſhall not be put and ſet: And in caſe upon proof to be made by water or weight of any ſuch Clothes, Kerſies, Dozens, Cottons, Peniſtones, plain Grayes, Kighley Whites, Frizes, or any other Cloth, as is aforeſaid, ſhall be found of leſſe weight, or of ſmaller content in length, than is contained or ſpecified in any of the ſaid Seals, that the Owner of every ſuch Clothes, Kerſies, Dozens, Cottons, Peniſtones, plain Grayes, Kighley Whites and Frizes, or any other Cloth, by what name or names ſoever they be called, as aforeſaid, or any other perſon or perſons, in whoſe hands or poſſeſſions any ſuch Clothes, Kerſies, Dozens, Cottons, Peniſtones, plain Grayes, Kighley Whites, Frizes, or any other Cloth, by what name or names ſoever they be called, ſhall be found, ſhall forfeit for every yard wanting in length, four ſhillings: and for every pound wanting in weight, two ſhillings.

A ſeal of lead ſhall be ſet to every Northern Cloth containing the length and weight thereof.

The forfeitures for want of length and weight.

And for the better and more ſpeedy and effectual reforming of all ſuch abuſes, as is aforeſaid, Be it further enacted, That in every Pariſh, Town, Village and Hamlet within the Counties aforeſaid, where any Clothes, Kerſies, Dozens, Cottons, Peniſtones, plain Grayes, Kighley Whites, Frizes, or any other Cloth, by what name or names ſoever they be called, ſhall be made or ſold, the Juſtices of Peace of the ſame Shire or Riding, or two of them at the leaſt, and in every City, Borough or Town corporate, the head Officer or Officers of every of the ſame City, Borough or Town corporate, together with ſome one or two of the Juſtices of the Peace of the Shire or Riding next adjoyning to ſuch City, Borough or Town corporate, ſhall have full power and authority, and ſhall by vertue of this Act, once every year at the leaſt, and as often as they ſhall think good, to convent and call before them by their precept or otherwiſe, two, four, ſix or eight, or more, as they ſhall think good by their diſcretion, of the moſt honeſt, diſcreet, and able men of every ſuch City, Town, Village, Hamlet or Pariſh where any ſuch Cloth ſhall be made or ſold, and them ſhall conſtitute, ordain and appoint to be Overſeers for one whole year, or ſix moneths, or ſhorter time at their diſcretions, then next following, within the City, Borough, Town, Village, Hamlet or Pariſh where the ſame Overſeers ſhall be dwelling, and ſhall and may take them ſworn and bound in Recognizance of forty pounds a piece to the uſe of your moſt excellent Majeſty and your Succeſſors, to do their beſt endeavour by all lawful ways and means for their time, to ſee that this Statute in all points ſhall be truly obſerved and kept within the limits of their charge in every part thereof, and that the ſame Overſeers, or two of them, ſhall once every moneth at the leaſt, or ſo often as need ſhall require, or they ſhall think fit by their diſcretions, by force hereof viſit and go into all, or any houſe or houſes, or other rooms of any Clothiers, Drapers, Clothworkers, or of any other perſon or perſons whatſoever, where any of the ſaid Cloth ſhall be, and there to make due ſearch, and view the ſame made, or remaining to be ſold, and to take, ſearch and try, as well by weight, water, or any other way whatſoever, the ſaid Clothes, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites and Frizes, or any other Clothes, by what name or names they be called: and if any Clothes aforeſaid, upon ſearch thereof, ſhall not be found to be ſealed with a Seal, containing the length and weight as aforeſaid, then the Clothier and every Owner of the ſaid Cloth, ſhall forfeit every ſuch Cloth, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites, and Frizes, or any other Cloth by what name or names ſoever they be called, made within the Counties aforeſaid, not to be ſealed and ſold, or offered to be ſold, and the ſaid Overſeers, and every of them, ſhall and may ſeiſe and carry away the ſame ſo forfeited as aforeſaid, and preſent the ſame to the Juſtices of Peace at the next Quarter-Seſſions, to be by them diſpoſed of, as hereafter is in theſe preſents limited and appointed.

Overſeers of Clothmaking ſhall be appointed by the Juſtices of Peace, or head Officer of corporate Towns.

The Overſeers duty, and they ſhall make ſearch.

The forfeiture of the Cloth for default of ſealing.

And if the ſaid Overſeers ſhall find any falſe ſeal or mark to he ſet upon any Cloth aforeſaid, or ſhall upon ſearch, as aforeſaid, find the ſame Clothes aforeſaid to be ſtretched or ſtrained, then the ſame Overſeers ſhall preſent the ſame defaults unto the Juſtices at the next Quarter-Seſſions, and the names of the Owners or Poſſeſſors of ſuch Clothes, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites and Frizes, or any other Clothes, by what name or names they be called, ſo found defective; And if any manner of perſon or perſons at any time after the ſaid twentieth day of September, ſhall deny, withſtand, or withhold any Clothes, Kerſies, Dozens, Cottons, Peniſtones, Kighly Whites and Frizes, or any other Cloth, by what name or names ſoever they be called, from the ſaid Overſeers, or any of them, or will not ſuffer them to enter into any of the houſes, ſhops, rooms, or other places where any ſuch Clothes ſhall be, that then every ſuch perſon or perſons ſo denying or withſtanding, ſhall for the firſt offence, forfeit and loſe ten pound, and for the ſecond offence twenty pound, and for the third offence, being thereof lawfully convicted by verdict of twelve men, and two ſufficient witneſſes, ſhall ſtand upon the Pillory in the next Market Town: And if any of the ſaid perſons ſo commanded to appear, to be made Overſeers, as aforeſaid, and having no reaſonable excuſe, refuſe to come, and take upon him or them to be Overſeers, as aforeſaid, that then every ſuch perſon ſo refuſing, and having no reaſonable excuſe ſo to do, ſhall forfeit for every ſuch refuſing, five pounds, the one half thereof to be to your moſt excellent Majeſty, and your Succeſſors, and the other half to the Juſtices of the Peace, or other head Officer or Officers, by whoſe commandment he was appoiuted to be Overſeer; and the Overſeers ſo offending, to remain in the Ward of the Sheriff, Bayliff, or other head-Officer, untill ſuch time as he hath made payment of the forfeiture, or otherwiſe put in ſufficient Bond for the ſatisfaction of the ſame.

The penalty for ſetting of a falſe ſeal, or for ſtraining or ſtretching of Cloth.

The forfeitures for withholding of faulty Cloth or denying of ſearch.

The forfeiture for refuſing to be Overſeer.

And to the end that the ſaid Clothes, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites and Frizes, or any other Clothes, by what name or names ſoever they be called, ſo to be viewed and ſearched, may be the better known: It is therefore enacted, That the

The Overſeers ſhall ſet a ſeal of lead to the clothes. 7 Jac. 16.

ſaid Overſeers ſhall fix unto every kind of the Clothes aforeſaid, a Seal of Lead containing the length and the weight of every ſuch Clothes (together with this word Searched) which Cloth ſo ſealed by the ſaid Overſeers, ſhall not be ſearched, tryed, or viewed by any other Searcher or Overſeer of any other City, Borough, Town, Village, Pariſh or Hamlet, by vertue of his or their ſaid Office or Offices: Any thing in this Act, or in any other Statute to the contrary notwithſtanding.

The penalty for ſetting of Seals to Clothes, or taking them away without warrant.

And further, the ſaid Clothiers, and other Inhabitants do humbly pray, that it may be likewiſe enacted, That if any perſon or perſons, but ſuch as are appointed, aſſigned and permitted by this Act, or their Servants or Deputies, do at any time after the ſaid twentieth day of September, counterfeit to ſet to, or willingly and wittingly take away from any the ſaid Clothes, Kerſies, Dozens, Cottons, Peniſtones, Kighley Whites and Frizes, or any other Cloth, by what name or names ſoever they be called, made within the Counties aforeſaid, any of the Seals ſo to be fixed, as above is recited, that then every perſon ſo offending, ſhall for the firſt offence forfeit and loſe x. l. and for the ſecond offence, being thereof lawfully convicted by the verdict of twelve men, and two ſufficient witneſſes, ſtand upon the Pillory, and loſe and forfeit to your moſt excellent Majeſty, your Heirs and Succeſſors, xx l.

Juſtices of Peace, head Conſtables and Overſeers may ſearch for ropes, rings, wrinches, &c. and deface them.

And to the end that the ſaid Statutes and Laws aforeſaid may be the more effectually executed, and all ſtretching and ſtraining, and falſifying of any the Clothes aforeſaid taken away, It may be alſo enacted, That every Juſtice of the Peace, head-Conſtable, or other the Overſeers aforeſaid, ſhall have full power and lawful authority to enter in, or upon any the Meſſuages, Tenements, Houſes, Buildings, Lands or Grounds of any perſon or perſons whatſoever, to ſearch for any ſuch Tenters, of what ſort or kind ſoever, or any manner of ropes, rings, heads, wrinches, or other engines whatſoever, whereby any falſhood or deceit may be uſed in or about the ſtretching and ſtraining of any the ſaid Clothes, Kerſies, Dozens, Frizes, Cottons, Peniſtones, Kighley Whites, or any other Cloth, by what name or names ſoever they be called, or any of them: And if they ſhould find any ſuch Tenters, of what ſort or kind ſoever, or any manner of ropes, rings, heads, wrings or engines, they ſhall and may utterly deface the ſame, in ſuch ſort as they cannot be imployed again to any ſuch uſe.

The puniſhment for the ſecond offence.

And if any perſon or perſons, with whom any ſuch ſhall once have been found, ſhall after that be known to have or uſe any ſuch Tenter, of what ſort or kind ſoever, any manner of rope, ring, head, wrinch, wring or engine, that then the ſaid Juſtices, head-Conſtables or Overſeers, or any of them, within the ſeveral Precincts, ſhall take and ſell the ſame to the beſt value thereof, and by the conſent of two Juſtices of Peace within the ſame County, diſpoſe the money thereof coming, to the poor of that Pariſh where the ſame ſhall be ſo taken: and that upon complaint made, or information given of any ſuch Tenter, of what ſort or kind ſoever, or any manner of rope, head, ring, wrinch or wring, or any other engine, to any Juſtice of Peace, every one of them to whom ſuch complaint ſhall be made, or information given, ſhall within ſeven dayes next enſuing ſuch complaint or information given, repair to the place where the ſame ſhall be ſo had and uſed, and then and there execute this Law, as aforeſaid, upon the pain hereafter in this preſent Act expreſſed: And that if any perſon or perſons ſhall withſtand or reſiſt any ſuch Juſtice of Peace, or other head Officers, in, or about, touching or concerning the execution of the premiſſes, every ſuch perſon or perſons ſhall forfeit and ſuffer, as is before limited for reſiſting the Overſeers in the ſearch.

The forfeiture for reſiſting of ſearch.

A Juſtices forfeiture for being negligent in the execution of his duty herein.

Who ſhall have the forfeitures.

And if any the Juſtices, or Juſtice of Peace, within the limits or bounds of his or their Commiſſion ſhall be negligent, or make default in doing of any thing, touching or concerning the due or true execution of this Statute, or any thing therein contained, every ſuch Juſtice of Peace for every ſuch default, ſhall forfeit and loſe five pounds. And that all ſuch forfeitures as ſhall happen or grow by reaſon of this Act, ſhall be one third part thereof to ſuch perſon or perſons as ſhall be then Overſeers, one third part to the uſe of our Soveraign Lady the Queens Majeſty, and one other third part to the uſe of the poor, to be imployed to the uſe of the poor, in ſuch ſort as the Juſtices of Peace in their Quarter-Seſſions to be holden next after Judgment had or given for the ſame, ſhall limit and appoint.

Juſtices of Peace ſhall hear and determine the aforeſaid offences.

And that the ſaid Juſtices of Peace in the Quarter-Seſſions, ſhall, and may enquire, hear and determine every fault or offence, made or done contrary to this preſent Act, or any thing therein contained, except the offences committed, and forfeitures made by the Juſtices of Peace, by preſentment, bill or information, and upon proof thereof made by the teſtimony of two ſufficient witneſſes openly given to the Jury, and then upon preſentment made by the Jury to give order for the execution of this Statute, and every clauſe therein contained, and for the recovery of the penalties aforeſaid, to the uſes aforeſaid.

The Juſtices of Aſſiſe ſhall hear and determine the offences of the Juſtice of Peace.

And that the Juſtices of Aſſiſe, ſhall and may enquire, hear and determine every fault or offence made or done by any Juſtice of Peace, contrary to this preſent Act, in neglect of their duty, in or about, touching or concerning the execution of this preſent Act, and upon proof thereof made by two ſufficient witneſſes, and by the preſentment of the Jury, ſhall and may give order for recovery and imployment of the penalties and forfeitures by them committed, and made to the uſes aforeſaid: and for default of juſtice to be done, in manner and form aforeſaid, by the Juſtices of Peace, or Juſtices of Aſſiſe, then the one moyety of all ſuch forfeitures to be the one half thereof to her Majeſty, the other to him that will ſue for the ſame by action of Debt, Bill, Plaint, Information, &c. in any of her Majeſties Court or Courts of Record at Weſtminſter, in which no wager of Law, Protection or Eſſoyn, ſhall be admitted or allowed.

Searching of Northern Clothes brought to London to be ſold.

Provided nevertheleſſe, and be it further enacted by the authority aforeſaid, That all and every kind of Clothes aforeſaid, by what name ſoever they be called, which ſhall be made after the day aforeſaid, within the Counties aforeſaid, and brought up to the City of London to be ſold there, ſhall be brought into the common Cloth Market-place within the ſaid City, commonly called Blackwell-Hall, to be there ſearched dry, without wetting, and out of market-times, by the Searchers of the ſaid City, upon pain that every Owner of any ſuch Cloth, ſhall forfeit for every ſuch Cloth not ſo brought into the market, forty ſhillings, and upon pain that every Searcher that ſhall ſearch at any time in the market times, to the diſturbance of the ſale of ſuch Clothes in the market there, ſhall forfeit for every ſuch ſearch ſo made, five pounds: All which ſaid forfeitures ſhall be the one moyety to the uſe of our Soveraign Lady the Queens Majeſty, her Heirs and Succeſſors, the other to ſuch perſon or perſons as ſhall ſue for the ſame by action of Debt or Information, in which Suits no wager of Law, Protection or Eſſoine, ſhall be admitted or allowed.

CAP. XXI.

There ſhall be a further taxation for the relief of Souldiers and Mariners, where ſufficient was not provided by the Statute of 35 Eliz. 4. The greateſt rate of every Pariſh to be taxed, ſhall be viii. d. and the leaſt ii. d. weekly. Another proviſion, if the rate be not ſufficient for the Souldiers and Mariners in London. Treaſurers ſhall be appointed by the Juſtices. The Juſtices may alter the relief of Souldiers or Mariners. EXP. 43 Eliz. 3. 43 Eliz. 9.

CAP. XXII.

Eſtabliſhment of the Biſhoprick of Norwich, and the poſſeſſions of the ſame, againſt a pretended concealed Title made thereunto, &c.

WHere in the ſeven and twentieth year of the reign of the late King of famous memory, King Henry the eighth, It was enacted by authority of Parliament, that ſuch perſon as ſhould then next after be Biſhop of the See of Norwich, being then void, and his Succeſſors, Biſhops of the ſaid See, ſhould have and enjoy, united and knit to the ſaid Biſhoprick, the Monaſtery of S. Benets, in the County of Norfolk, and all the poſſeſſions of the ſame: And where William Rugge was next Biſhop of the ſaid See, and by force of the ſaid Act was ſeiſed to him and his Succeſſors in fee-ſimple, of, and in the ſaid Monaſtery, and the poſſeſſions of the ſame: And afterward William, by the name of William by the permiſſion of God Biſhop of Norwich, true and undoubted Patron of the Hoſpital of St. Giles in Norwich, and Nicholas Shaxton Maſter or Guardian of the ſaid Hoſpital, and the Brethren of the ſame, by their Deed: bearing date the ſixth day of March in the firſt year of the late King Edward the ſixth, and in due form of law acknowledged and inrolled, did give, grant, and confirm to the ſaid King Edward the ſixth, his Heirs and Succeſſors, the ſaid Hoſpital, and the Poſſeſſions and Hereditaments belonging to the ſame, as by the ſaid Deed and Inrolment thereof may appear. By force whereof the ſaid King Edward the ſixth was of the ſaid Hoſpital, and the poſſeſſions of the ſame, ſeiſed in his Demeſne as of fee in the right of his Crown of England: And ſo ſeized, diſpoſed of the ſame, as to his Highneſſe did ſeem good, ever ſince which ſaid Grant, and ſince the ſaid Statute made in the ſaid ſeven and twentieth year of King Henry the eighth, the ſaid Biſhop of Norwich and his Succeſſors have had and enjoyed the ſaid Biſhoprick, and the ſaid late Monaſtery of S. Benets, and all the Poſſeſſions and Hereditaments late belonging to the ſame Monaſtery or Biſhoprick, and have, and yet do maintain their Eſtates of and by the Revenues of the ſame, and thereout of have ever ſince paid unto King Edward the ſixth, Queen Mary, and to the Queens Majeſty that now is, and yet do pay unto her Majeſty Firſt-fruits, Tenths and Subſidies, as all other the Biſhops of the Realm have done and have demiſed, let and ſet divers the poſſeſſions of the ſaid Biſhoprick, late the poſſeſſions of the ſaid late Monaſtery to our Soveraign Lady the Queens Majeſty, and to ſundry others for divers Eſtates, Intereſts, and terms of years, which ſaid Intereſts are by many ſeveral Conveyances paſſed from hand to hand to very many her Majeſties dutiful Subjects, whoſe whole livelyhood, or a great part thereof dependeth thereupon: yet certain perſons of a greedy and covetous deſire to enrich themſelves, have, to the great deceit of her Highneſſe, to the impeachment of the ſaid Biſhoprick, and to the unjuſt diſturbance of the Biſhops of the ſame See, their Tenants and Farmors, obtained of her Majeſty (little ſuſpecting their evil intention) a grant in fee Farm by her Letters Patents, bearing date the ii. day of Auguſt, in the ſeven and twentieth year of her happy Reign, of all or the moſt part of the Poſſeſſions of the ſaid Biſhoprick under the name of a Cottage, and of all Lands, Tenements, Tythes and Hereditaments, with the Appurtenances within the Deaneries of Fleg, Brook, Warham, Bloſield, Repes and Deepwade, or any of them in the County of Norfolk, to the late Monaſtery of Saint Benets of Hulm, belonging and appertaining, at or under the yearly Rent only of forty ſhillings by year, as by the ſaid Letters Patents may appear, pretending now that the ſaid Poſſeſſions of the ſaid Biſhoprick, which were, as aforeſaid, firſt the Poſſeſſions of the ſaid Monaſtery, were by the ſaid William late Biſhop of Norwich, by ſome general words conveyed to King Edward the ſixth, his Heirs and Succeſſors, by the aforeſaid Deed, dated the ſixth day of March, in the firſt year of his Reign: whereas indeed he the ſaid Biſhop joyned with the ſaid Maſter and Brethren, as Patron of the ſaid Hoſpital onely, to ſtrengthen the ſaid Grant of the ſaid Hoſpital, and the Poſſeſſions thereof, and not intending any way to touch any the Poſſeſſions of the ſaid Biſhoprick. Which ſaid Grant being ſo indirectly againſt the gracious meaning of our ſaid Soveraign Lady, and without conſideration other than as aforeſaid obtained, they the ſaid Concealors have conveyed the ſaid Premiſſes, or ſome part thereof, unto others not ignorant of the ſaid fraud and ill practice, who have by colour of the ſaid pretended Title, attempted to trouble the Poſſeſſion of divers the Tenants and Farmors of the ſaid Biſhoprick: For remedy whereof, and becauſe it is moſt manifeſt, that neither the ſaid William late Biſhop, by the ſaid Deed made in the ſaid firſt year of the

By a ſtat. not printed, made 27 H. 8. the Monaſtery of S. Benets was annexed to the Biſhoprick of Norwich. Co. Inſt. 4. part, 257.

A Surrender to King Ed. 6 of the Hoſpital of S. Giles in Norwich.

A grant in fee farm made by the Queen of a Cottage, and of all lands within the Deanery of Flex, &c belonging to the late Monaſtery of S. Benets.

Reign of King Edward the ſixth, did mean to give or grant, or the ſaid King Edward the ſixth, thereby to have or take any part of the poſſeſſions aforeſaid, of the ſaid Biſhoprick, neither yet her Majeſty took any knowledge of any ſuch pretended Title, neither meant to paſſe any ſuch to the ſaid Concealors, and yet ſome trouble may ariſe by colour of the ſaid pretended Title.

The Deed made to King Ed. 6. ſhall not be conſtrued of any of the lands of the Biſhop of Norwich.

Be it therefore enacted by our ſaid Soveraign Lady the Queens Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Deed dated the ſixth day of March, in the ſaid firſt year of the Reign of the ſaid King Edward the ſixth, ſhall be taken, conſtrued and adjudged, not to have conveyed to the ſaid King, his Heirs and Succeſſors, any Manors, Lands, Tenements, Services, Rents, Rectories, Tythes, Advowſons, Liberties, or Hereditaments whatſoever, of the ſaid late Monaſtery of S. Benets, alias S. Benets of Hulme, or of the ſaid Biſhoprick, or belonging thereunto, or to either of them: but that the ſame, and every part thereof ſhall be deemed and adjudged to have remained, continued, and been in the ſaid William then Biſhop of the ſaid See, and his Succeſſors, and ſhall at all times for ever hereafter remain, continue, and be, and ſo be adjudged to remain, continue, and be in the now Biſhop of the ſaid See, and his Succeſſors for ever, of ſuch and the like eſtate, and in ſuch manner, form, and condition, to all intents, conſtructions and purpoſes, as if the ſaid Deed had never been had ne made.

A confirmation of the lands of the Biſhop of Norwich, to the now Biſhop and his Succeſſors.

Provided, that this Act ſhall not extend to the ſaid now or late Hoſpital, nor any Lands, Tenements and Hereditaments, Goods, Chattels, Rights or Credits, now or late belonging to the ſame, nor to the Patronage thereof, nor to any thing whereof, or whereto the ſaid late Maſter or Guardian, and Brethren of the ſaid late Hoſpital, were ſeiſed, poſſeſſed or intituled, but that the ſaid Deed, as to the ſame and every part thereof, ſhall be good and effectual in Law to all intents and purpoſes, as if this Act had never been had nor made, (Any thing aforeſaid to the contrary notwithſtanding.) Saving to all perſon and perſons, bodies politick and corporate, their Heirs and Succeſſors, Executors, Adminiſtrators, and Aſſigns (other than the ſaid late King Edward the ſixth, Queen Mary, the Queens Majeſty that now is, their and every their Heirs, Succeſſors and Aſſigns) claiming any the ſaid Poſſeſſions of the ſaid late Monaſtery, or of the ſaid Biſhoprick, by force, vertue, or colour of the ſaid Deed, made to the ſaid late King Edward the ſixth, all Eſtates, Intereſts, Rights, Titles, Claims, Conditions, Services, Rents and Demands whatſoever, as if this Act had never been had or made.

The ſtat. ſhall not extend to the lands of S. Giles Hoſpital.

A ſaving of the right of others.

Provided alwayes, and be it enacted, That all and ſingular Statutes, Recognizances, Bonds, Covenants and Agreements heretofore had or made, to or with the ſaid Patentees in the ſaid Letters Patents named, or any of them, or to or with any other perſon or perſons claiming by, from, or under them, or any of them, being parties or privy to the ſaid practice or fraud, for or concerning any of the ſaid Lands, Tenements or Hereditaments, now, or heretofore parcel of the ſaid Biſhoprick, ſhall be utterly void, for any matter or thing touching or concerning only the ſame Lands, Tenements or Hereditaments, or any part thereof, now or hereafter parcel of the ſaid Biſhoprick.

Bonds and Covenants made with the Queens Patentees, and their Aſſignees, parties to the fraud, ſhall be void.

CAP. XXIII.

The Inhabitants of the County of Monmouth ſhall ſtand chargeable for the making and repairing of Newport and Carlion Bridges over the River of Uske, as need ſhall require. And ſuch order ſhall be obſerved for the aſſeſment, gathering, and imployment of the money thereupon to be ſpent, as is appointed by the Stat. of 22 H. 8 5. But no Town corporate ſhall be chargeable to be contributory thereunto, which is bound by any Law to make or repair any Bridge over any main River. P R.

CAP. XXIV.

A convenient Bridge of Stone or Timber, or both, ſhall be made and finiſhed at Wilton upon Wye, in the County of Hereford, near unto the Town of Roſs, by the Inhabitants of the ſaid County, in ſuch place there, as by the Juſtices of Peace of the County ſhall be appointed, within ſeven years next after the diſſolution of this Parliament, being 9. die Febr. Anno Dom. 1597. Pontage ſhall be taken of the ſame Bridge in form following, and not otherwiſe, viz. every perſon ſhall pay for every Cart, Carre, or Wain laden, driven over the ſaid Bridge, ii. d. and for every Horſe laden with a pack, i. d. and for every ten ſheep or upward to twenty, ii. d. and for every twenty ſheep, iii. d. and for five Beaſts, to the number of twenty, ii. d. and for every twenty Beaſts, vi, d. and ſo proportionably according to that rate. Two Burgeſſes of the Town of Roſs, and two Freeholders of the County of Hereford, ſhall be yearly choſen Collectors of the ſaid Pontage; to whom, or to their deputies, it ſhall be lawful to diſtrain and impound any perſons Beaſts, Sheep, &c. refuſing to pay the ſaid Pontage. And the ſaid Collectors ſhall yearly pay to Charles Bridges, his Heirs or Aſſigns (upon whoſe land the Bridge ſhall be builded) ten pounds at the Feaſt of St. Michael. And the ſaid Collectors ſhall yearly make account of the profits of the ſaid Pontage. A proviſo to diſcharge them and their Heirs that do yearly pay Corn to the Keepers of the paſſing there for their Pontage, &c. P R.

CAP. XXV.

Remedy for the Inhabitants of the Hundreds of Benhurſt in the County of Berks, for recovery of ſuch ſums of money as ſhall be obtained of them by force of the Statute of 27 Eliz. 13.

IN moſt humble wiſe beſeecheth your moſt excellent Majeſty, the poor Inhabitants of the Hundred of Beynerſh, alias Benhurſt, within the County of Berks, that whereas the ſaid Hundred doth conſiſt only of five ſmall Villages, and three ſmall Quillets or Hamlets, and hath lying through it two great road High-wayes, the one leading from London to Henly upon Thames, the other from London to Reading, and either of them at the leaſt three miles in length, within the great woody ground called the Thicket, And no one of the ſame Villages ſtandeth upon or adjoyning to either of the ſaid wayes, but lie diſperſedly far from the ſame: Neither have the Inhabitants of the ſame Hundred any open or common Fields, either arable or other, adjoyning or lying near to ſuch parts of the ſame wayes (within the ſaid Thicket) as are moſt apt for Robberies to be done, whereby they may have their Servants or Workmen labouring within the view of the ſame wayes, to take notice of the Robberies done, and therefore the ſaid Inhabitants cannot well have any ſpeedy notice or intelligence of any Robbery which ſhall be there committed, unleſs the party or parties robbed ſhould give the ſame unto them. And the ſeveral lengths and manner of the lying of the ſame wayes are ſuch, as all the able men of the ſame ſmall Hundred, cannot ſo watch the ſame ſeveral wayes, as that thereby Robberies may be prevented. And whereas alſo notice of ſuch Robberies, as have been of late years done there, have been (for the moſt part) given by the party robbed, at the Town of Maidenhead, which is out of that Hundred, and three miles diſtant from the aforeſaid thieviſh places in the Thicket, where the Robberies are moſt uſually done: And yet upon ſuch notice of Robberies given at Maidenhead aforeſaid, (being out the Hundred) there hath been lately (within one year) the ſum of twelveſcore and fifteen pound recovered upon the aforeſaid Statutes againſt the ſmall Hundred of Beynerſh, alias Benhurſt, which had no notice of the ſame Robberies, whereby many of the poor Inhabitants thereof have been, and are utterly impoveriſhed, to the utter ruine and overthrow of them, their Wives and Children, and many other the like extremities may (by the aforeſaid Statutes) fall upon them, though it lieth not in their power (as well for want of notice, as otherwiſe) to perform the ſame Statutes: So as the Inhabitants thereof are like to be generally impoveriſhed, or enforced to remove their dwellings into ſome other Hundred, without ſome relief ſhall be for them in that behalf provided: That it may be enacted by the authority of this preſent Parliament, That the Inhabitants of the ſaid Hundred of Beynerſh, alias Benhurſt, ſhall and may to their own proper uſe, in the name of the Clerk of the Peace of the ſaid County of Berkſhire, recover, have, and levy all ſuch ſums of money, Coſts and Damages, as hereafter ſhall be recovered or levied, of, or againſt them by the aforeſaid Statutes, or any of them, againſt the Inhabitants or Reſiants of every or any ſuch Hundred, with the Franchiſes within the precinct thereof, wherein neglience, fault, or defect of ſuch purſuit and freſh ſuit (as by the ſaid Statute of the ſeven and twentieth year of your Majeſties Reign is appointed to be made) ſhall happen to be, after notice given, or Hue-and-Cry brought to the ſame Inhabitants or Reſiants, or any of them, of, or upon any Robbery, which ſhall be at any time hereafter done, within the ſaid Hundred of Beynerſh, alias Benhurſt, And that this preſent Act ſhall give as full power and authority in all reſpects, to the Inhabitants of the ſaid Hundred of Beynerſh, alias Benhurſt (in the name of the Clerk of the Peace of the ſaid County) for recovery, having, and levying of all the ſaid money, Coſts and Damages, as aforeſaid, as the aforeſaid Statute of the ſeven and twentieth year of your Majeſties Reign, gave, or intended to give for the recovery of a moyety, or one half therſof.

The cauſes that the Inhabitants of the Hundred of Benhurſt cannot have notice of Robberies done there.

A remedy for the Inhabitants of the Hundred of Benhurſt in the County of Berks, to recover ſuch money as they ſhall forfeit for not purſuit of hue-and-cry.

Provided always, and it is enacted by the authority aforeſaid, That no ſuch remedy or recovery ſhall be had by this Statute, for all or the whole ſum or ſums of money, and damages, as aforeſaid, But only in theſe two caſes, viz. The one where no ſuch notice or intelligence (as by the ſaid Statute of the ſeven and twentieth year of your Majeſties Reign was appointed, to be given of every or any Robbery) ſhall be given to the Inhabitants of the ſaid Hundred of Beynerſh, alias Benhurſt: The other, where the Inhabitants of the ſame Hundred (after ſuch notice of any Robbery to them, or ſome of them given, or after Hue-and-Cry for the ſame to be brought) ſhall make or cauſe to be made freſh ſuit and purſuit, after the Offendors, with Horſemen and Footmen, according to the ſaid Statute of the ſeven and twentieth year of your Majeſties Reign: And where nevertheleſſe the Offendors, or any, or one of them, ſhall not be apprehended within forty dayes after the Robbery committed.

In what caſes only the recovery ſhall be had.
27 Eliz. 13.

CAP. XXVI.

A confirmation of three Subſidies of four ſhillings in the pound, granted to the Queen by the Clergy, to be paid at ſix ſeveral dayes. EXP.

CAP. XXVII.

A confirmation made of three entire Subſidies and ſix Fifteens and Tenths granted to the Queen by the Temporalty. EXP.

CAP. XXVIII.

A confirmation of the Queens general and free Pardon. Except, &c. EXP.

Anno quadrageſimo tertio Reginæ Elizabethæ.

AT the Parliament begun and holden at Weſtminſter, the ſeven and twentieth day of October, in the three and fortieth year of the Reign of our moſt gracious Soveraign Lady, Elizabeth, by the Grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c. and there continued untill the diſſolution thereof, being the nineteenth of December, next following, 1601. To the high pleaſure of Almighty God, and the weal publick of this Realm, were enacted as followeth.

CAP. I.

Aſſurances made to or for the Queen of any Lands, &c. ſince Febr. 8. Anno 25. of her Reign: and all Letters Patents made by the Queen to others ſince that time, &c. confirmed. To what Letters Patents this ſtatute doth extend, and to what not.

IN moſt humble wiſe beſeechen your moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this your Highneſſe Parliament aſſembled, That whereas ſithence the eighth day of February, in the five and twentieth year of your Majeſties Reign, divers and ſundry honors, caſtles, manors, lands, tenements, rents, reverſions,

A confirmation of all aſſurances made to the Queen ſithence 8. Feb. An. 25 Reg. Eli.

ſervices, and other hereditaments, have been conveyed and aſſured to your Highneſs, your heirs and ſucceſſors, by and from divers and ſundry perſons and bodies politick, as well for the diſcharge and ſatisfaction of great debts and ſummes of money, as for other good conſiderations: That for the better aſſurances, confirmation, and ſurety thereof, it may be enacted by authority of this preſent Parliament, That all Feoffments, fines, ſurrenders, aſſurances, conveyances and eſtates, in any wiſe conveyed, had, or made to or for your Highneſs, by or from any perſon or perſons, bodies politick or corporate, ſithence the ſaid eighth day of February, in the five and twentieth year of your Majeſties reign, of any honors, caſtles, manors, lands, tenements, rents, reverſions, ſervices, and other hereditaments, for any debt, ſum or ſums of money, or other conſideration whatſoever (other than conveyances or eſtates heretofore had or made by any Eccleſiaſtical perſon or perſons, or bodies politick or corporate not having power or [a] ability by the laws and ſtatutes of this Realm to make the ſame) ſhall ſtand, remain, & be good & available in the law, to all intents, conſtructions and purpoſes, according to the true meaning, intent, and purport of the ſame.

a Coke l
f. 75.

A ſaving of the right of others.

Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors, and every of them (other than ſuch perſon or perſons, and their heirs and wives, being parties or privies to ſuch conveyances or aſſurances, and every of them, bodies politick and corporate, and their ſucceſſors, and every of them, of, or from whom the Queens Highneſs hath had, obtained, or purchaſed any manors, meſſuages lands, tenements, rents, reverſions, ſervices, or hereditaments, by exchange, gift, bargain, fee, feoffment, recovery, deed inrolled, or otherwiſe) all ſuch right, title, intereſt, uſe, poſſeſſions, rents, reverſions, remainders, offices, fees, commons, profits, and, commodities whatſoever, which they or any of them have, might, or ought to have had, of, in, or to the premiſſes, or any part thereof, in as large and ample manner, form and condition, to all intents, conſtructions and purpoſes, as if this act had never been had ne made: This preſent act or any thing therein contained to the contrary notwithſtanding.

A confirmation of the Queens grants made to others ſithence 8. Feb. An. 25 El. and to be made one year after.

A ſale of the Queens lands to be made by force of a Commiſſion in being.

Letters Patents ſhall be expounded beneficially for the Patentee.

Miſ naming, miſ recital, non-recital of the lands. Lack of finding of Offices. Miſ-recital or non recital of Leaſes. Miſ-recital or non-recital of the Queens eſtate.

No eſtate tail recited.

Coke l
f. 18.

And whereas your excellent Majeſty, ſithence the ſaid eight day of February in the five and twentieth year of your Highneſs reign, as well for divers and great ſums of money, as alſo for divers and ſundry other conſiderations, hath, bargained, ſold, given and granted by your Highneſs ſundry Letters Patents, Indentures, or other writings, ſealed under the great Seal of England, or the Seal of the Duchy of Lancaſter, or the Seal of the County Palatine of Lancaſter as well to bodies politick and corporate, as to divers and ſundry other your Highneſs loving and obedient ſubjects, divers and ſundry honors, manors, lands, tenements, rents, reverſions, ſervices, and other hereditaments, in fee-ſimple, fee-tail, or for term of life, lives, or years, as in the ſame ſeveral Letters Patents, Indentures, and other Writings is mentioned and declared, That to the intent the ſame Letters Patents, Indentures, and other Writings may be of good, available, and perfect force and effect of all and every your Highneſs loving ſubjects, according to the true meaning and effect of the ſame: It may pleaſe your moſt excellent Majeſty, that it may be enacted by authority of this preſent Parliament, That aſwell all and ſingular Letters Patents, Indentures, and other Writings, ſealed under the great Seal of England, or under the Seal of the Duchy of Lancaſter, or the Seal of the County Palatine of Lancaſter, heretofore made and granted by your Highneſs for any ſums of money, or for and upon any other conſiderations, ſithence the ſaid eight day of February, in the five and twentieth year of your Highneſs reign as all other Letters Patents hereafter to be made by your Highneſs, for any ſum or ſums of money, or other conſiderations, before the laſt day of this preſent Seſſion of Parliament: And moreover, all other Letters Patents within the ſpace of one year then next enſuing, to be made by force of, or according to the purport or true meaning of the Commiſſion, under the great Seal of England, now in being, for ſale of your Highneſs lands to any body politick or corporate, or to any other perſon or perſons whatſoever, of any honors, caſtles, manors, lordſhips, grannges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, advowſons, nominations, patronages, annuities, rights, intereſts entries, conditions, leets, courts, liberties, priviledges, franchiſes, or of any other hereditaments with their appurtenances, or of any part or parcel of them, ſealed with, or under the great Seal of England, or under the Seal of the Duchy of Lancaſter, or the Seal of the County Palatine of Lancaſter, of whatſoever kind, nature, or quality they or any of them be, or ſhall be reputed, known, or taken, with their appurtenances, or any part or parcel of them, ſhall be good, perfect, and effectual in the law, and ſhall ſtand, be taken, reputed, deemed, and adjudged good, perfect, ſure, available, and effectual in the law againſt your Highneſs, your heirs and ſucceſſors, according to the tenor and effect of the ſaid Letters Patents, Indentures, or other Writings, The ſame, to be expounded, conſtrued, deemed, and adjudged moſt beneficially for the patentees and grantees of the ſame, and their heirs, aſſigns executors, and adminiſtrators, according unto the words and purport of every the ſaid Letters Patents, Indentures, or other Writings, without any confirmation, licence, or toleration of your Highneſs, your heirs or ſucceſſors: Any miſ-naming, miſ-recital, nor non-recital of any the ſame honors, caſtles, manors, lands, tenements, and other premiſſes, or of any parcel thereof: Or any lack of finding of Offices or Inquiſitions, of, and in the premiſes or any part thereof, whereby the title of your Highneſs, therein ought to have been found, before the making of the ſame Letters Patents, Indentures, or other Writings: Or any miſ-recital or non-recital of Leaſes thereof made, aſwel of Record, as not of Record: Or any miſ-recital, non-recital, or not true mentioning any in ſuch Letters Patents, Grants, or Writings of your Majeſties own Eſtate or eſtates, either of freehold or inheritance, of, or in the premiſes, or any part thereof, whereunto your Majeſty hath been ſithence the beginning of your reign, or hereafter ſhall be entituled, by any Attainder, Eſcheat, Conveyance or Aſſurance whatſoever: And in which Letters Patents, Grants, or Writings, no Eſtate tail formerly made, or ſuppoſed to be made, have been or ſhall be recited, and the reverſion or remainder thereupon expectant in the ſame Letters Patents, Grants, or Writings, granted, or mentioned to be granted: Or any lack of the certainty, miſ-caſting, rating, or ſetting forth of the yearly value and rate of the premiſes, or of the yearly rents, reſerved of and for the premiſes, or any parcel thereof, mentioned or contained in any of the ſaid Letters Patents, or other Writings: Or for that the premiſes, be or any part thereof is valued at a more or leſs value in the ſaid Letters Patents, or Writings than the ſaid manors, lands, tenements, and other the premiſſes, than were, or ſhall be in yearly value: Or any miſ-naming, or not true naming of the towns, hamlets, pariſhes, or counties where the ſame honors, manors, lands, tenements, rents, hereditaments, and other the premiſes, and every parcel thereof, or any parcel thereof, lien or been: Or any lack of the true naming of the Lands, Tenements or Hereditaments, or of the natures, kinds, ſorts, qualities or quantities of the ſaid Poſſeſſions or Hereditaments, or any parcel thereof: Or any lack of the true naming of the Corporation: Or any lack of Attornment, Livery or Seiſin: Or of any miſ-naming of any the late Tenants or Farmors of the ſame Honors, Manors, Lands, Tenements and Hereditaments, or any part thereof, ſo ſold, granted or given: Or of any miſ-naming of ſuch perſon or perſons, bodies politick or corporate, as at any time before the making of ſuch Letters Patents, were or ſhall be Owners of the premiſſes, or any part thereof to the contrary notwithſtanding.

Lack of certainty, caſting, rating of the yearly rent or value.

The lands valued at more or leſs than they be.

Miſnaming or not true naming of the places where the lands lie.

The lack of the true naming of the lands, and of the kinds, ſorts, &c.

Miſnaming of the corporation.

Lack of Attornment, Livery and Seiſin.

Miſnaming of the late tenants.

Miſnaming of the late Owners.

Provided, that this Act, nor any thing therein contained, ſhall not extend to make any Letters Patents of any Office or Offices to be of any other effect, force or ſtrength, than the ſame Letters Patents were, or ſhould have been before the making of this Act.

Letters Patents of Offices.

Provided alſo, that all and ſingular ſuch Patentees, Grantees and Donees, and every of them, which at any time heretofore, ſithence the eighth day of February, have obtained and gotten of your Highneſſe, or at any time hereafter, before the laſt day of this Seſſion of Parliament, or within the ſpace of one year then next enſuing, ſhall obtain and get of your Highneſſe, by way of Exchange, or for any ſum or ſums of money, or other Conſiderations, any Letters Patents of any Manors, Lands, Tenements or Hereditaments whatſoever, which at the date of the ſaid Letters Patents were or ſhall be of better and more yearly value to your Highneſſe, and ſo anſwered in yearly Rent and Farm, than was, is, or ſhall be contained, mentioned and ſpecified in any ſuch Letters Patents, or in the particulars or rates thereof, made or to be made by any Auditor or Auditors, Surveyor or Surveyors, or other Officer: That then every ſuch Patentee, Grantee or Donee, their Heirs, Executors or Aſſigns, and every of them, within one year next after Office, or other due proof, order, and decree thereof made and had, or to be made or had within the ſpace and term of ten years next after the end of this preſent Seſſion of Parliament in the Court of the Exchequer, ſhall content and pay unto your Highneſſe, your Heirs and Succeſſors, for the ſame over-plus, and more value of the ſame Manors, Lands, Tenements, and other Hereditaments whatſoever, with their Appurtenances, ſo ſold, given, granted or exchanged, as is aforeſaid, after the rate of threeſcore years purchaſe, and according to ſuch yearly value and rate, as the ſame Manors, Lands, Tenements, and others Hereditaments whatſoever were of, and were anſwered for, at the time of the making of any ſuch Letters Patents, ſo made, or to be made in manner and form aforeſaid: Any thing contained in any ſuch Letters Patents to the contrary in any wiſe notwithſtanding.

Recompence for the over-plus of lands ſold by the Queen.

Threeſcore years purchaſe.

Provided alſo, that this Act, or any other Proviſo therein contained, ſhall not in any wiſe extend to confirm, ratifie, or make good any Leaſe or Leaſes, made or to be made by your Highneſſe for term of life, lives, or for years, whereupon the old and accuſtomed Rents, or more, or as much in value, or more proportionably, for the Lands and Tenements ſo demiſed, or to be demiſed, be not, or hereafter ſhall not be reſerved and yearly payable during the time and term of every ſuch Leaſe: Nor that this preſent Act ſhall in any wiſe extend to revive and make good any Letters Patents made of any Office or Offices, to any Comptroller, Cuſtomer, Aulneger, Searcher: Nor to any Letters Patents of the grant of any other Office or Offices heretofore granted or made by your Highneſſe, which now be, or at any time heretofore have been annihilated, determined or made void, by judgment, by authority of Parliament, or by Decree: Nor to any Patents to be made to any perſon or perſons for term of years, or during the minority of any Heir of any Manors, Lands or Tenements, whereof any Traverſe hereafter ſhall be tendered within three moneths after any Office found and certified into any your Highneſſe Courts of Record: Ne to make any Letters Patents made by your Highneſſe of any Office or Offices, to be of any other effect, force or ſtrength, than the ſame Letters Patents were or ſhould have been before the making of this Act.

Grants whereunto this ſtatute doth not extend.

Provided alſo, that this Act, or any thing therein contained, ſhall not extend to any Letters Patents, or any Gift or Grant therein contained, which at any time heretofore have been, or hereafter before the laſt day of this preſent Seſſion of Parliament, ſhall be made by your Highneſſe, to any perſon or perſons, of any Manors, Lands, Tenements, Rents, Reverſions, Services, or other Hereditaments, by force of any Information, Suit or Suggeſtion, made, or to be made to your Highneſſe, that the ſame Manors, Lands, Tenements, and other Hereditaments, ſo contained in any ſuch Letters Patents, were concealed Lands, or that the ſame, or the profits thereof were unjuſtly with-holden from your Highneſſe, but that the ſame Letters Patents, and every of them ſhall ſtand, remain, and be in the ſame force, ſtrength and effect, as they were before the making of this Act: Any thing in this Act mentioned to the contrary notwithſtanding.

Patents of concealed lands.

And yet neverthelesſe, Be it declared and enacted by authority of this preſent Parliament, That no Letters Patents, nor any Gift or Grant in them contained, made or to be made by warrant of your Majeſties Commiſſioners, authorized to make compoſitions with your High-

Patents made by warrant of Commiſſioners authoriſed to make compoſition with others.

Highneſs ſubjects for new Letters Patents, or grants to be made unto them, are or ought to ve taken, or ſhall be deemed and taken to be made by force of any information, ſuit or ſuggeſtion, that the manors, lands, tenements, or other hereditaments contained in the ſame Letters Patents were concealed lands, but that they and every of them ſhall be within the full meaning of this Act, to be fortified and made good, as other Letters Patents (made without any ſuggeſtion or information of concealment, or unjuſt with-holding) been.

Patents decreed to be void by Act of Parliament, or in any of the Queens Courts of Record.
Monopolies.
Patents touching penal ſtatutes.
William Kirkham.

Provided always, That this Act, nor any thing herein contained, ſhall extend or be taken to make good any Letters Patents, Indentures, or other Writings, or any Grant in them, or any of them contained, which heretofore have been adjudged or decreed to be void in any of your Majeſties Courts of Record at Weſtminſter, or by Act of Parliament. Nor to make good any Letters Patents, or any grant in them, or any of them contained, of, or concerning licences, powers, or priviledges, commonly called *Monopolies*: Nor to make good any Letters Patents or Grants, of, or concerning power, licence, liberty or authority, given for execution of any penal ſtatute or ſtatutes, or for toleration or diſpenſation of, to, or with any offence, prohibited by any penal ſtatute or ſtatutes: Nor to make good any Letters Patents to *William Kirkham*, Gentleman, or to any other by his procurement, concerning which there hath been any Act of Parliament made heretofore, or any ſuit in your Majeſties Court of Star-Chamber or Chancery.

The right of others ſaved.

Saving to all and every other perſon or perſons, and bodies politick and corporate, their heirs and ſucceſſors, and every of them, all ſuch right, title, intereſt, poſſeſſion, eſtate, leaſes, rents, ſervices, commons, and all other profits and commodities whatſoever, as they or any of them ſhould, or might have had before the Letters Patents thereof made, as if this Act had never been had ne made: Any thing therein contained to the contrary notwithſtanding.

Patents of lands, whereof there is an eſtate tail in the Queen.

Provided always, that this act or any thing therein contained, ſhall not extend to make good or available in law any Letters Patents, or Grant of the premiſſes, or any part thereof, whereof there was or ſhall be any good and lawful eſtate tail, heretofore made by your Majeſty, or any of your progenitors, or hereafter to be made by your Majeſty, unleſs ſuch eſtate tail be duly recited.

Bakewell, Hartington, Rowceſter, Blower.

Provided always, and be it enacted by the authority aforeſaid, that neither this act, nor any thing therein contained, ſhall extend to make good any Letters Patents heretofore made by your Majeſte, ſithence the five and twentieth year of your Highneſs reign, to any perſon or perſons, and their heirs, for and concerning the manors, graunges, lands, tenements, tythes, and other hereditaments whatſever, ſet, lying, and being in the ſeveral pariſhes of Bakewell and Hartington, in the County of Darby, and in the ſeveral pariſhes of Rowceſter, *alias* Rocheſter and Blower, in the County of Stafford, mentioned or intended to have been conveyed unto *Francis* late Earl of Shrewſbury, by the late King of famous memory, King *Henry* the eight, by his Highneſs Letters Patents, bearing date at Weſtminſter the two and twentieth day of November, in the three and thirtieth year of the reign of the ſaid late King. But for and concerning all other manors, lands, tenements, and hereditaments contained in any ſuch Leters Patents, made ſince the ſaid five and twentieth year of your Majeſties reign, the ſame ſhall be within the remedy and proviſions of this preſent act of Parliament, according to the purport, true intent, and meaning of the ſame.

Leaſes made to the Queen by the Biſhop of Carliſle.

Provided always, that neither this act, nor any thing therein contained, ſhall extend to the ratifying, or making good of any Leaſe made by *John May* late Biſhop of Carliſle deceaſed, to your Majeſty, which was not enrolled before the firſt day of this Seſſion of Parliament,

Stat. 34 H. 8. 21. 1 Ed. 6. 8. 7 Ed. 6. 3. 4 & 5 P. & M: 1. 18 El. 2. 35 El. 3.

CAP. II.

Who ſhall be Overſeers for the poor, their office, duty, and account, &c.

The Church-wardens and certain houſeholders, Overſeers of the poor.
The Overſeers duty.
Who ſhall be taxed towards the relief of the poor.
A convenient ſtock ſhall be provided to ſet the poor on work
3 Car. 4.
Cro. C
93.

BE it enacted by the authority of this preſent Parliament, That the Church-wardens of every pariſh, and four, three, or two ſubſtantial houſeholders there, as ſhall be thought meet, having reſpect to the proportion and greatneſs of the ſame pariſh and pariſhes, to be nominated yearly in Eaſter week, or within one month after Eaſter, under the hand and ſeal of two or more Juſtices of the Peace in the ſame county, whereof one to be of the *Quorum*, dwelling in or near the ſame pariſh or diviſion where the ſame pariſh doth lie, ſhall be called Overſeers of the poor of the ſame pariſh: And they, or the greater part of them, ſhall take order from time to time, by, and with conſent of two or more ſuch Juſtices of the Peace, as is aforeſaid, for ſetting to work the children of all ſuch whoſe parents ſhall not by the ſaid Church-wardens and Overſeers, or the greater part of them, be thought able to keep and maintain their children. And alſo for ſetting to work all ſuch perſons, married or unmarried, having no means to maintain them, and uſe no ordinary and daily trade of life to get their living by: And alſo to raiſe weekly, or otherwiſe (by taxation of every inhabitant, Parſon, Vicar, and other, and of every occupier of lands, houſes, tythes impropriate, propriations of tythes, coal-mines; or ſale Underwoods in the ſaid pariſh, in ſuch competent ſum and ſums of money as they ſhall think fit) a convenient ſtock of Flax, Hemp, Wooll, Thread, Iron, and other ware and ſtuff to ſet the poor on work: And alſo competent ſums of money for and towards the neceſſary relief of the lame, impotent, old, blind, and ſuch other among them, being poor and not able to work: And alſo for the putting out of ſuch children to be Apprentices, to be gathered out of the ſame pariſh, according to the ability of the ſame pariſh, and to do and execute all other things, as well for the diſpoſing of the ſaid ſtock, as otherwiſe concerning the premiſſes, as to them ſhall ſeem convenient.

The Overſeers ſhall meet once every moneth.

Which ſaid Church-wardens and Overſeers ſo to be nominated, or ſuch of them as ſhall not be let by ſickneſs, or other juſt excuſe, to be allowed by two ſuch Juſtices of Peace, or more, as is aforeſaid, ſhall meet together at the leaſt once every moneth, in the Church of the ſaid pariſh, upon the Sunday in the afternoon, after Divine Service, there to conſider of ſome good courſe to be taken, and of ſome meet order to be ſet down in the premiſſes, and ſhall within four days after the end of their year, and after other Overſeers nominated, as aforeſaid, make and yield up to ſuch two Juſtices of peace, as is aforeſaid, a true and perfect account of all ſums of money by them received, or rated and ſeſſed, and not received, and alſo of ſuch ſtock as ſhall be in their hands, or in the hands of any of the poor to work, and of all other things concerning their ſaid Office: and ſuch ſum or ſums of money as ſhall be in their hands, ſhall pay and deliver over to the ſaid Church-wardens and Overſeers, newly nominated and appointed, as aforeſaid, upon pain that every one of them abſenting themſelves without lawful cauſe, as aforeſaid, from ſuch monthly meeting for the purpoſe aforeſaid, or being negligent in their office, or in the execution of the orders aforeſaid, being made by and with the aſſent of the ſaid Juſtices of Peace, or any two of them before-mentioned, to forfeit for every ſuch default of abſence or negligence, twenty ſhillings.

The Overſeers account.

The Overſeers to forfeiture for abſence or negligence.

And be it alſo enacted, that if the ſaid Juſtices of Peace do perceive, that the inhabitants of any pariſh are not able to levy among themſelves ſufficient ſummes of money for the purpoſes aforeſaid: that then the ſaid two Juſtices ſhall and may tax, rate and aſſeſs, as aforeſaid, any other of other pariſhes, or out of any pariſh within the Hundred where the ſaid pariſh is, to pay ſuch ſum and ſums of money to the Church-wardens and Overſeers of the ſaid poor-pariſh for the ſaid purpoſes, as the ſaid Juſtices ſhall think fit, according to the intent of this law. And if the ſaid Hundred ſhall not be thought to the ſaid Juſtices, able and fit to relieve the ſaid ſeveral pariſhes not able to provide for themſelves, as aforeſaid: then the Juſtices of Peace at their general quarter Seſſions, or the greater number of them, ſhall rate and aſſeſs, as aforeſaid, any other of other pariſhes, or out of any pariſh within the ſaid County for the purpoſes aforeſaid, as in their diſcretion ſhall ſeem fit.

A proviſion where the inhabitants of any pariſh are not able to relieve the poor.

And that it ſhall be lawful, as well for the preſent as ſubſequent Church-wardens and Overſeers, or any of them, by warrant from any two ſuch Juſtices of Peace, as is aforeſaid, to levy as well the ſaid ſums of money, and all arrearages of every one that ſhall refuſe to contribute according as they ſhall be aſſeſſed, by diſtreſs and ſale of the offendors goods, as the ſums of money or ſtock which ſhall be behind upon any account to be made, as aforeſaid, rendring to the parties the over-plus: and in defect of ſuch diſtreſs, it ſhall be lawful for any ſuch two Juſtices of the Peace to commit him or them to the common Gaol of the County, there to remain without bail or mainpriſe, until payment of the ſaid ſum, arrearages and ſtock: And the ſaid Juſtices of Peace, or any of them, to ſend to the houſe of Correction or common Gaol, ſuch as ſhall not imploy themſelves to work, being appointed thereunto, as aforeſaid: And alſo any two ſuch Juſtices of Peace to commit to the ſaid priſon every one of the ſaid Church-wardens and Overſeers, which ſhall refuſe to accompt, there to remain without bail or mainpriſe, until he have made a true accompt, and ſatiſfied and paid ſo much as upon the ſaid accompt ſhall be remaining in his hands.

A remedy for the levying of the money aſſeſſed.

Impriſonment in default of diſtreſs.

Impriſonment of thoſe that will not work.

Refuſe to account, impriſonment.

And be it further Enacted, That it ſhall be lawful for the ſaid Church-wardens and Overſeers, or the greater part of them, by the aſſent of any two Juſtices of the Peace aforeſaid, to bind any ſuch children, as aforeſaid, to be Apprentices, where they ſhall ſee convenient, till ſuch man-child ſhall come to the age of four and twenty years, and ſuch woman-child to the age of one and twenty years, or the time of her Marriage: The ſame to be as effectual to all purpoſes, as if ſuch child were of full age, and by Indenture of covenant bound him or her ſelf. And to the intent that neceſſary places of habitation may more conveniently be provided for ſuch poor impotent people, Be it Enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid Church-wardens and Overſeers, or the greater part of them, by the leave of the Lord or Lords of the Manor, whereof any waſte or Common within their pariſh is or ſhall be parcel, and upon agreement before with him or them made in writing, under the hands and ſeals of the ſaid Lord and Lords, or otherwiſe, according to any order to be ſet down by the Juſtices of peace, of the ſaid County at their general quarter-Seſſions, or the greater part of them, by like leave and agreement of the ſaid Lord or Lords, in writing under his or their hands and ſeals, To erect, build, and ſet up in fit and convenient places of habitation, in ſuch waſte or Common, at the general charges of the pariſh, or otherwiſe of the Hundred or County, as aforeſaid, to be taxed, rated, and gathered in manner before expreſſed, convenient houſes of dwelling for the ſaid impotent poor, and alſo to place inmates, or more families than one in one cottage or houſe. One Act made in the xxxi. year of her Majeſties Reign, entituled, An Act againſt the erecting and maintaining of cottages, or any thing therein contained to the contrary notwithſtanding. Which cottages and places for inmates ſhall not at any time after be uſed or imployed to or for any other habitation, but only for impotent and poor of the ſame pariſh, that ſhall be there placed from time to time by the Church-wardens and Overſeers of the poor of the ſame pariſh, or the moſt part of them, upon the pains and forfeitures contained in the ſaid former Act made in the ſaid xxxi. year of her Majeſties reign.

Binding of children apprentices. 1 Jac. 25, 3 Car. 4.

Building of houſes on the waſte for the poor to inhabit.

31 Eliz. 7.

Provided always, That if any perſon or perſons ſhall find themſelves grieved with any ſeſs or taxe, or other act done by the ſaid Church-wardens, and other perſons, or by the ſaid Juſtices of peace, that then it ſhall be lawful for the Juſtices of peace, at their general quarter-Seſſions, or the greater number of them, to take ſuch order therein, as to them ſhall be thought convenient; And the ſame to conclude and bind all the ſaid parties.

A remedy for them which find themſelves grieved with any tax.

And be it further Enacted, That the Father and Grandfather, and the Mother and Grandmother, and the children of every poor, old, blind, lame, and impotent perſon, or other poor perſon, not able to work, being of a ſufficient ability, ſhall at their own charges relieve and maintain every ſuch poor perſon in that manner, and according to that rate, as by the Juſtices of peace of that County where ſuch ſufficient perſons dwell, or the greater number of them,

Poor perſons relieved by their parents or children.

them, at their general quarter-Seſſions ſhall be aſſeſſed, upon pain that every one of them ſhall forfeit twenty ſhillings for every moneth which they ſhall tail therein.

Officers of corporate towns have the authority of Juſtices of Peace.

And be it further hereby Enacted, That the Mayors, Bailiffs, or other head-Officers of every Town and place corporate, and City within this Realm, being Juſtice or Juſtices of peace, ſhall have the ſame authority by vertue of this Act, within the limits and precincts of their Juriſdictions, as well out of Seſſions, as at their Seſſions, if they hold any, as is herein limited, preſcribed and appointed to Juſtices of the peace of the County, or any two or more of them, or to the Juſtices of peace in their quarter-Seſſions, to do and execute for all the uſes and purpoſes in this Act preſcribed, and no other Juſtice or Juſtices of peace to enter or meddle there. And that every Alderman of the City of London within his Ward, ſhall and may do and execute in every reſpect ſo much as is appointed and allowed by this Act to be done and executed by one or two Juſtices of peace of any County within this Realm.

Aldermen of London.

A pariſh extending into two Counties, or into two Liberties.

And be it alſo Enacted, That if it ſhall happen any Pariſh to extend it ſelf into more Counties than one, or part to lie within the liberties of any City, Town or place corporate, and part without: that then as well the Juſtices of Peace of every County, as alſo the head-Officers of ſuch city, town or place corporate, ſhall deal and intermeddle only in ſo much of the ſaid pariſh as lieth within their liberties, and not any further. And every of them reſpectively within their ſeveral Limits, Wards and Juriſdictions, to execute the ordinances before mentioned, concerning the nomination of Overſeers, the conſent to binding Apprentices, the giving warrant to levy taxations unpaid, the taking account of Church-wardens and Overſeers, and the committing to priſon ſuch as refuſe to accompt, or deny to pay the arrearages due upon their accompts. And yet nevertheleſs, the Church-wardens and Overſeers, or the moſt part of them, of the ſaid pariſhes that do extend into ſuch ſeveral Limits and Juriſdictions, ſhall without dividing themſelves, duly execute their office in all places within the ſaid pariſh, in all things to them belonging: and ſhall duly exhibite and make one accompt before the ſaid head officer of the town or place corporate, and one other, before the ſaid Juſtices of Peace, or any ſuch two of them, as is aforeſaid.

The Juſtices forfeiture for not naming of Overſeers.

And further be it enacted by the authority aforeſaid, That if in any place within this Realm there happen to be hereafter no ſuch nomination of Overſeers yearly, as is before appointed: that then every Juſtice of Peace of the County, dwelling within the diviſion where ſuch default of nomination ſhall happen, and every Mayor, Alderman, and head officer of any City, Town, or place corporate, where ſuch default ſhall happen, ſhall loſe and forfeit for every ſuch default, v. l. to be imployed towards the relief of the poor of the ſaid pariſh, or place corporate, and to be levied, as aforeſaid, of their goods, by warrant from the general Seſſions of the peace of the ſaid county, or of the ſame city, town, or place corporate if they keep Seſſions.

How the Forfeiture ſhall be levied and imployed.

And be it alſo enacted by the authority aforeſaid, That all penalties and forfeitures before mentioned in this act to be forfeited by any perſon or perſons, ſhall go and be imployed to the uſe of the ſame pariſh, and towards a ſtock and habitation for them, and other neceſſary uſes and relief, as before in this act are mentioned and expreſſed, and ſhall be levied by the ſaid Church-wardens and Overſeers, or one of them, by warrant from any two ſuch Juſtices of Peace, or Mayor, Alderman, or head officer of city, town, or place corporate, reſpectively within their ſeveral limits, by diſtreſs and ſale thereof, as aforeſaid: or in defect thereof it ſhall be lawful for any two ſuch Juſtices of Peace, and the ſaid Aldermen and head officers, within their ſeveral limits to commit the offendor to the ſaid priſon, there to remain without bail or mainpriſe, till the ſaid forfeitures ſhall be ſatisfied and paid.

The Juſtices ſhall rate every pariſh to a weekly ſum.

And be it further enacted by the authority aforeſaid, that the Juſtices of peace of every county or place corporate, or the more part of them, in their general Seſſions to be holden next after the Feaſt of Eaſter next, and ſo yearly as often as they ſhall think meet, ſhall rate every pariſh to ſuch a weekly ſum of money as they ſhall think convenient, ſo as no pariſh be rated above the ſum of ſix pence, nor under the ſum of a half peny, weekly to be paid, and ſo as the total ſum of ſuch taxation of the pariſhes in every county amount not above the rate of two pence for every pariſh within the ſaid county. Which ſums ſo taxed, ſhall be yearly aſſeſſed by the agreement of the pariſhoners within themſelves, or in default thereof, by the Church-wardens and pety Conſtables of the ſame pariſh, or the more part of them: or in default of their agreement, by the order of ſuch Juſtice or Juſtices of Peace as ſhall dwell in the ſame pariſh, or (if none be there dwelling) in the parts next adjoyning.

The penalty for refuſing to pay money taxed.

And if any perſon ſhall refuſe or neglect to pay any ſuch portion of money ſo taxed, it ſhall be lawful for the ſaid Church-wardens and Conſtables, or any of them, or in their default for any Juſt. of Peace of the ſaid limit, to levy the ſame by diſtreſs, and ſale of the goods of the party ſo refuſing or neglecting, rendring to the party the overplus. And in default of ſuch diſtreſs, it ſhall be lawful to any Juſtice of that limit, to commit ſuch perſon to the ſaid priſon, there to abide without bail, or mainpriſe, till he have paid the ſame.

Relief for the priſoners of the Kings-Bench, Marſhalſey, Hoſpitals.

And be it alſo enacted, that the ſaid Juſtices of the P. at their general quarter-Seſſions to be holden at the time of ſuch taxation, ſhall ſet down what competent ſummes of money ſhall be ſent quarterly out of every county or place corporate for the relief of the poor priſoners of the Kings Bench, and Marſhalley, and alſo of ſuch Hoſpitals and Almeſ-houſes, as ſhall be in the ſaid county, and what ſummes of money ſhall be ſent to every one of the ſaid Hoſpitals and Almeſ-houſes, ſo as there be ſent out of every county yearly, xx. s. at the leaſt to each of the ſaid priſons of the Kings-Bench, and Marſhalſey, which ſums ratably to be aſſeſſed upon every pariſh, the Church-wardens of every pariſh ſhall truly collect and pay over to the high Conſtables in whoſe diviſion ſuch pariſh ſhall be ſituate, from time to time, quaterly, ten days before the end of every quarter, and every ſuch Conſtable at every ſuch quarter Seſſions in ſuch county ſhall pay over the ſame to two ſuch Treaſurers, or to one of them, as ſhall by the more part of the Juſtices of Peace of the county, be elected to be the ſaid Treaſurers, to be choſen by the Juſtices of Peace of the ſaid county, city, or town, or place corporate, or of others which were leſſed and taxed at v. li. lands or x. li. goods at the leaſt, at the tax of ſubſidy next before the time of the ſaid election to be made, And the ſaid Treaſurers is elected, to continue for the ſpace of one year in their office, and then to give up their charge, with a due accompt of their receipts and diſburſements, at the quarter Seſſions to be holden next after the Feaſt of Eaſter in every year, to ſuch others as ſhall from year to year, in form aforeſaid, ſucceſſively be elected Treaſurers for the ſaid county, city, town or place corporate, which ſaid Treaſurers, or one of them ſhall pay over the ſame to the Lord chief Juſtice of England, and Knight Marſhal for the time being, equally to be divided to the uſe aforeſaid, taking their acquittance for the ſame, or in default of the ſaid chief Juſtice, to the next ancienteſt Juſtice of the Kings Bench as aforeſaid. And if any Church-warden or high Conſtable, or his executors or adminiſtrators ſhall fail to make payment in form above ſpecified, then every Church-warden, his executors or adminiſtrators, ſo offending, ſhall forfeit for every time the ſum of x. s. and every high Conſtable, his executors or adminiſtrators, ſhall forfeit for every time the ſum of xx. s. the ſame forfeitures, together with the ſums behind, to be levied by the ſaid Treaſurer and Treaſurers, by way of diſtreſs and ſale of goods, as aforeſaid, in form aforeſaid, and by them to be imployed towards the charitable uſes compriſed in this act.

Treaſurers.

Lord Chief Juſtice of England. Knight Marſhal.

The forfeiture of the Church-wardens or High Conſtables offending.

And be it further enacted, that all the ſurpluſage of money which ſhall be remaining in the ſaid ſtock of any county, ſhall by diſcretion of the more part of the Juſtices of P. in their quarter-Seſſions be ordered, diſtributed and beſtowed for the relief of the poor Hoſpitals of that county, and of thoſe that ſhall ſuſtain loſſes by fire, water, the ſea, or other caſualties, and to ſuch other charitable purpoſes, for the relief of the poor, as to the more part of the ſaid Juſtices of Peace ſhall ſeem convenient.

How the ſurpluſage ſhall be beſtowed.

And be it further Enacted, That if any Treaſurer elected, ſhall wilfully refuſe to take upon him the ſaid office of Treaſurerſhip, or refuſe to diſtribute and give relief, or to accompt, according to ſuch form as ſhall be appointed by the more part of the ſaid Juſtices of Peace, That then it ſhall be lawful for the Juſtices of Peace in their quarter-Seſſions, or in their default, for the Juſtices of Aſſiſe, at the Aſſiſes to be holden in the ſame County, to fine the ſame Treaſurer by their diſcretion: the ſame fine not to be under three pound, and to be levied by ſale of his goods, and to be proſecuted by any two of the ſaid Juſtices of peace, whom they ſhall authorize.

The penalty for refuſing to be Treaſurer, to give relief, or to accompt.

Provided always, that this Act ſhall not take effect until the Feaſt of Eaſter next.

And be it Enacted, That the Statute made in the nine and thirtieth year of her Majeſties reign, entituled, An Act for the relief of the poor, ſhall continue and ſtand in force untill the Feaſt of Eaſter next, And that all taxations heretofore impoſed and not paid, nor that ſhall be paid before the ſaid Feaſt of Eaſter next; And that all taxes hereafter before the ſaid feaſt to be taxed by vertue of the ſaid former Act, which ſhall not be paid before the ſaid Feaſt of Eaſter, ſhall and may after the ſaid Feaſt of Eaſter be levied by the Overſeers and other perſons in this Act reſpectively appointed to levy taxations by diſtreſs, and by ſuch warrant in every reſpect, as if they had been taxed and impoſed by vertue of this Act, and were not paid.

This Act to take effect at Eaſter.

For what time, and to what purpoſe the ſtat. of 39 El. 3. ſhall be put in execution.

39 Eliz. 3.

Provided always, That whereas the Iſland of Fowlnes in the County of Eſſex, being environed with the Sea, and having a Chappel of Eaſe for the inhabitants thereof, and yet the ſaid Iſland is no pariſh, but the lands in the ſame are ſituated within divers pariſhes, far diſtant from the ſaid Iſland: Be it therefore Enacted by the authority aforeſaid, That the ſaid Juſtices of Peace ſhall nominate and appoint inhabitants within the ſaid Iſland, to be Overſeers for the poor people dwelling with the ſaid Iſland, And that both they the ſaid Juſtices, and the ſaid Overſeers ſhall have the ſame power and authority to all intents, conſiderations and purpoſes, for the execution of the parts and articles of this Act, and ſhall be ſubject to the ſame pains and forfeitures, and likewiſe that the inhabitants and occupiers of lands there, ſhall be liable and chargeable to the ſame payments, charges, expences and orders, in ſuch manner and form as if the ſame Iſland were a pariſh. In conſideration whereof, neither the ſaid inhabitants, or occupiers of land within the ſaid Iſland, ſhall not be compelled to contribute towards the relief of the poor of thoſe pariſhes, wherein their houſes or lands which they occupy within the ſaid Iſland are ſituated, for or by reaſon of their ſaid habitations or occupyings, other then for the relief of the poor people within the ſaid Iſland, neither yet ſhall the other inhabitants of the pariſhes wherein ſuch houſes or lands are ſituated, be compelled, by reaſon of their reſiancy or dwelling, to contributs to the relief of the poor inhabitants within the ſaid Iſland.

The Iſland of Fowlnes in Eſſex.

And be it further Enacted, That if any Action of Treſpaſs, or other ſuit ſhall happen to be attempted and brought againſt any perſon or perſons, for taking of any diſtreſs, making of any ſale, or any other thing doing, by authority of this preſent Act, the defendant or defendants in any ſuch action or ſuit, ſhall and may either plead not guilty, or otherwiſe make avowry, cognizance, or juſtification for the taking of the ſaid diſtreſſes, making of ſale, or other thing doing, by vertue of this Act, alledging in ſuch avowry, cognizance, or juſtification, That the ſaid diſtreſs, ſale, treſpaſs, or other thing, whereof the plaintiff or plaintiffs complained, was done by authority of this Act, and according to the tenor, purport and effect of this Act, without any expreſſing or rehearſal of any other matter or circumſtance contained in this preſent Act. To which avowry, cognizance, or juſtification, the plaintiff ſhall be admitted to reply, That the defendant did take the ſaid diſtreſs, made the ſaid ſale, or did any other act or treſpaſs, ſuppoſed in his declaration of his own wrong, without any ſuch clauſe alledged by the ſaid defendant, whereupon the iſſue in every ſuch action ſhall be joyned, to be tryed by verdict of twelve men, and not otherwiſe, as is accuſtomed in other perſonal actions.

The defendants plea in a ſuit commenced againſt him upon this ſtatute.

Treble damages for the defendant, and his coſts.

actions. And upon the tryal of that iſſue, the whole matter to be given on both parties in evidence, according to the very truth of the ſame. And after ſuch iſſue tryed for the defendant, or nonſuit of the plaintiff, after appearance, the ſame defendant to recover treble damages, by reaſon of his wrongful vexation in that behalf, with coſts alſo in that part ſuſtained, and that to be aſſeſſed by the ſame Jury, or Writ to enquire of the damages, as the ſame ſhall require.

Provided always, That this Act ſhall endure no longer then to the end of the next Seſſion of Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament. 17 Car. 1. cap. 4. Continued; and 14 Car. 2. ca. 12. Enlarged.

CAP. III.

The Stat. of 35 Eliz. 4. and 39 El. 21. concerning the relief of Souldiers and Mariners, repealed. Who ſhall be hereafter charged with contribution for their relief: who ſhall receive it, and pay it to them: and how Mariners or Souldiers begging ſhall be puniſhed, &c.

A repeal of the ſtat of 35 El. 4. & 39 El. 21 touching the relief of ſouldiers and mariners.

Whereas in the xxxv. year of the Queens Majeſties Reign that now is, an Act was made, entituled, An Act for the neceſſary relief of Souldiers and Mariners. And whereas in the xxxix. year of her Majeſties reign, there was alſo made another act, entituled, An act for the further continuance and explanation of the ſaid former: Be it enacted by authority of this preſent Parliament, that both the ſaid acts ſhall be and continue in force until the feaſt of Eaſter next, and ſhall be from and after the ſaid feaſt diſcontinued.

And foraſmuch as it is found more needful than it was at the making of the ſaid acts, to provide relief and maintenance to ſouldiers and mariners that have loſt their limbs, and diſabled their bodies in the defence and ſervice of her Majeſty and the State, in reſpect the number of the ſaid ſouldiers is ſo much the greater, by how much her Majeſties juſt and honourable defenſive warres are encreaſed: To the end therefore that they the ſaid ſouldiers and mariners, may reap the fruits of their good deſervings, and others may be encouraged to perform the like endeavours.

Every pariſh charged with a weekly ſum, towards the relief of Souldiers and Mariners.

Be it enacted by authority of this preſent Parliament, that from and after the ſaid feaſt of Eaſter next, every pariſh within this Realm of England and Wales, ſhall be charged to pay weekly ſuch a ſum of money towards the relief of ſick, hurt and maimed ſouldiers and mariners, that ſo have been as afore is ſaid, or ſhall loſe their limbs, or diſable their bodies having been preſt, and in pay for her Majeſties ſervice, as by the Juſtices of peace, or the more part of them, in their general quarter-Seſſions to be holden in their ſeveral Counties, next after the Feaſt of Eaſter next, and ſo from time to time at the like quarter-Seſſions to be holden next after the feaſt of Eaſter yearly ſhall be appointed, ſo as no pariſh be rated above the ſum of ten pence, nor under the ſum of two pence weekly to be paid, and ſo as the total ſum of ſuch taxation of the pariſhes in any county where there ſhall be above fifty pariſhes, do not exceed the rate of ſix pence for every pariſh in the ſame County: which ſums ſo taxed, ſhal be yearly aſſeſſed by the agreements of the pariſhioners within themſelves, or in default thereof, by the Church-wardens and the petty Conſtables of the ſame pariſh or the more part of them, or in default of their agreement, by the order of ſuch Juſtices, or Juſtice of Peace, as ſhall dwell in the ſame pariſh, or if none be there dwelling, in the parts next adjoyning.

The taxation of every pariſh.

The penalty for refuſing to pay the money taxed.

And if any perſon ſhall refuſe or neglect to pay any ſuch portion of money ſo taxed, it ſhall be lawful for the ſaid Church-wardens and petty Conſtables, and every of them, or in their defaults, for the ſaid Juſtices of Peace, or Juſtice, to levy ſuch ſum by diſtres and ſale of the goods or chattels of the party ſo refuſing or neglecting, rendring to the party the overplus raiſed upon ſuch ſale.

Church-wardens, &c. ſhall pay to the high Conſtables the money taxed.

And for the collecting and cuſtody of the ſums taxed in form aforeſaid, Be it enacted, That the Church-wardens and petty Conſtables of every pariſh ſhall truly collect every ſuch ſumme, and the ſame ſhall pay over unto the high-Conſtable, in whoſe diviſion ſuch pariſh ſhall be ſcituate, ten dayes before the quarter Seſſions to be holden next before, or about the feaſt of the nativity of Saint John Baptiſt next, in the County where the ſaid pariſh ſhall be ſcituate, and ſo from time to time, quarterly within ten dayes before every quarter-Seſſions, And that every ſuch high Conſtable, at every ſuch quarter-Seſſions in ſuch County, ſhall pay over the ſame to ſuch Juſtices of Peace or to two ſuch other perſons, or one of them, as ſhall be by the more part of the Juſtices of Peace, of the ſame County elected to be Treaſurers of the ſaid collection. The ſame other perſons to be elected Treaſurers to be ſuch, as at the laſt taxation of the Subſidy next before the ſame election, ſhall be valued and ſeſſed at x. li. in lands yearly, or xv. li. in goods: which Treaſurers in every county ſo choſen, ſhall continue but for the ſpace of one whole year, and then give up their charge, with a due accompt of their receits and diſburſements, at their meeting in Eaſter quarter-Seſſions, or within ten dayes after, to ſuch others as ſhall from year to year, in the form aforeſaid, ſucceſſively be elected.

Treaſurers.

Treaſurers account.

Church-wardens or Conſtables failing of payment.

And if any Church-warden, petty Conſtable, or high Conſtable, or his executors or adminiſtrators, ſhall fail to make payment in form above ſpecified, Then every Church-warden, and petty Conſtable, his executors or adminiſtrators ſo offending, ſhall forfeit the ſumme of xx. s. And every high Conſtable, his executors or adminiſtrators, the ſumme of forty ſhillings, to be levied by the Treaſurers aforeſaid, by diſtreſs and ſale in manner before expreſſed, and to be taken by the ſaid Treaſurers in augmentation of their ſtock, to the uſes aforeſaid.

A Treaſurer failing of his accompt, or neglecting his charge.

And if any Treaſurer, his executors or adminiſtrators, ſhall fail to give up his account within the time aforeſaid, or ſhall be otherwiſe negligent in the execution of his charge, then it ſhall be lawful for the more part of the Juſtices of Peace of the ſame County in their Seſſions, to aſſeſs ſuch fine upon ſuch Treaſurer, his executors or adminiſtrators, as in their diſcretion ſhall ſeem convenient, ſo it be not under the ſum of v. li.

And for the true and juſt diſtributing and imployment of the ſummes ſo received, according to the true meaning of this act, Be it Enacted by the authority aforeſaid, That every ſouldier or mariner, having had his or their limbs loſt, or diſabled in their bodies by ſervice, being in her Majeſties pay, as above is mentioned, or ſuch as ſhall hereafter return into this Realm hurt or maimed, or grievouſly ſick, ſhall repair, if he be able to travel, and make his complaint to the Treaſurers of the county out of which he was preſſed; or if he were no preſt man to the Treaſurer of the county where he was born, or laſt inhabited, by the ſpace of three years at his election. And if he be not able to travel to the Treaſurer of the County where he ſhall land, or arrive, and ſhall bring a certificate unto any of the Treaſurers aforeſaid, under the hand and ſeal of the General of the Camp or Governor of the Town wherein he ſerved, and of the Captain of the Band, under whom he ſerved, or his Lieutenant, or in the abſence of the ſaid General or Governor, from the Marſhal or Deputy of the Governor, or from any Admiral of her Majeſties Fleet, or in his abſence from any other general of her Majeſties ſhips at the ſeas, or in abſence of ſuch General, from the Captain of the ſhip wherein the ſaid mariners or ſouldiers did ſerve the Queens Majeſty, containing the particulars of his hurts and ſervices: which certificate, ſhall be alſo allowed by the general Muſter Maſter for the time being reſident here within this Realm, or Receiver general of the Muſter rolls, The Treaſurer and Controller of her Majeſties Navy under his hand, for the avoiding of all fraud and counterfeiting: Then upon ſuch certificate, ſuch Treaſurers as are before expreſſed, ſhall according to the nature of his hurt, and commendation of his ſervice, aſſign unto him ſuch a portion of relief, as in their diſcretions ſhall ſeem convenient for his preſent neceſſity, until the quarter Seſſions, at the which it ſhall be lawful for the more part of the Juſtices of Peace under their hands, to make an Inſtrument of grant of the ſame, or like relief, to endure as long as this act ſhall ſtand to endure in force, if the ſame ſouldier or mariner ſo long live, and the ſame penſion not be duly revoked or altered, which ſhall be a ſufficient warrant to all Treaſurers for the ſame County, to make payment of ſuch penſion unto ſuch perſons quarterly, except the ſame ſhall be afterward by the ſaid Juſtices revoked or altered. So that ſuch relief as ſhall be aſſigned by ſuch Treaſurers or Juſtices of Peace to any ſuch ſouldier or mariner, having not borne office in the ſaid wars, exceed not the ſum in groſs nor yearly penſion of x. li. Nor to any that hath borne office under the degree of a Lieutenant, the ſum of xv. li. Nor to any that hath ſerved in the office of Lieutenant, the ſum of xx. li.

To which Treaſurer the ſouldier or mariner ſhall repair for relief.

Who ſhall make the ſouldiers or mariners certificate.

Allowance of the certificate. The Treaſurer ſhall aſſign relief to the ſouldier.

The Juſtices of Peace ſhall grant relief to ſouldiers.

How much relief ſhall be aſſigned to either ſort of ſouldiers.

And yet neverthеleſs it ſhall and may be lawful to and for the Juſtices of Peace and others, having authority by this act, to aſſign penſions to ſouldiers and mariners, upon any juſt cauſe to revoke, diminiſh, or alter the ſame from time to time, according to their diſcretions in their general quarter Seſſions of the Peace, or general aſſemblies for Cities or Towns corporate where the ſame penſion ſhall be granted.

The Juſtices may revoke or alter the relief of ſouldiers.

And whereas it muſt needs fall out, that many of ſuch hurt and maimed ſouldiers and mariners do arrive in ports and places far remote from the counties, whence they are by vertue of this act to receive their yearly annuities and penſions. As alſo they are preſcribed by this act to obtain the allowance of their certificates from the Muſter Maſter, or Receiver general of the Muſter rolls, who commonly is like to abide about the Court of London ſo as they ſhall need at the firſt, proviſion for the bearing of their charges to ſuch places: Be it therefore enacted, that it may be lawful for the Treaſurers of the county where they ſhall arrive, in their diſcretion, upon their certificate (though not allowed) to give them any convenient relief for their journey to carry them to the next county, with a teſtimonial of their allowance, to paſs on towards ſuch a place. And in like manner ſhall it be lawful for the Treaſurer of the next county to do the like: And ſo from county to county (in the direct way) till they come to the place where they are directly to find the maintenance, according to the tenor of this ſtatute.

Souldiers arriving far from the place where they are to receive relief.

And for the better execution of this act in all branches thereof, Be it enacted, that every the Treaſurers in their ſeveral counties ſhall keep a true book of computation of all ſuch ſums as they levied, and alſo a Regiſter of the names of every ſuch perſon unto whom they ſhall have diſburſed any relief. And ſhall alſo preſerve or enter every certificate, by warrant whereof ſuch relief hath been by them diſburſed. And alſo that the Muſter Maſter, or receiver general of the Muſter rolls, ſhall keep a book, wherein ſhall be entred the names of all ſuch, whoſe certificates ſhall be by him allowed, with, an abſtract of their certificates. And that every Treaſurer returning, or not excepting the certificate brought unto him from the ſaid Muſter Maſter, ſhall write and ſubſcribe the cauſe of his not accepting, or not allowing thereof, under the ſaid certificate, or on the back thereof.

The Treaſurers book of computation and Regiſter.

Muſter Maſter ſhall keep a book of certificates.

And be it further enacted, That if any Treaſurer ſhall wilfully refuſe to diſtribute and give any relief, according to the form of this act, That it ſhall be lawful for the Juſtices of P. in their quarter Seſſions to fine ſuch Treaſurers by their diſcretions, as aforeſaid. The ſame fine to be levied by diſtreſs and ſale thereof, to be proſecuted by any two of them, whom they ſhall authorize.

The Treaſurer refuſing to give relief.

And be it alſo enacted, That every ſouldier or mariner that ſhall be taken begging in any place within this Realm, after the feaſt of Eaſter next, or any that ſhall counterfeit any certificate in this act expreſſed, ſhall for ever loſe his annuity or penſion, and ſhall be taken, deemed, and adjudged as a common rogue, or vagabond perſon, and ſhall have and ſuſtain the ſame and the like pains, impriſonment, and puniſhment as is appointed and provided for common rogues and vagabond perſons.

A ſouldier or Mariner taken begging or counterfeiting a certificate.

Provided always, and be it enacted, That all the ſurpluſage of money which ſhall be remaining in the ſtock of any county, ſhall by the diſcretion of the more part of the Juſtices of Peace in their quarter Seſſions be ordered, diſtributed, and beſtowed upon ſuch good and charitable vſes, and in ſuch form as are limited and appointed in the ſtatutes made and

How the ſurpluſage of the ſtock ſhall be beſtowed. 43 Eliz. 2.

now in force, concerning relief of the poor, and puniſhment of rogues and beggars.

Chief Officers in corporate Towns ſhall execute this act there.

Provided alwayes, that the Juſtice of Peace within any county of this Realm or Wales ſhall not intromit or enter into any City, Borough, place, or town corporate, where is any Juſtice of Peace for any City, Borough, place or town corporate, for the execution of any article of this act: But it ſhall be lawfull to the Juſtice and Juſtices of Peace, Mayors Bayliffs, and other head officers of thoſe Cities, Boroughs, places and towns corporate, where there is any Juſtice of Peace, to proceed to the execution of this act, within the precinct and compaſſe of their liberties, in ſuch manner as the Juſtices of Peace in any county may do by vertue of this act. And that every Juſtice of Peace within every ſuch City, Borough, place, or town corporate, for every offence by him committed, contrary to the meaning of this ſtatute, ſhall be finable, as other Juſtices of Peace at large in the counties are in this act appointed to be. And that the Mayor and Juſtices of Peace in every ſuch City, Borough, place and town corporate, ſhall have authority by this preſent act to appoint any perſon for the receiving of the ſaid money, and paying the ſame within ſuch City, Borough, place or town corporate, which perſon ſo appointed, ſhall have authority to do all ſuch things and be ſubject to all ſuch penalties, as high Conſtables by vertue of this act ſhould have or be.

How the forfeitures ſhall be imployed.

And be it enacted, That all forfeitures to be forfeited by any Treaſurer, Collector, Conſtable, Church-warden, or other perſon, for any cauſe mentioned in this act, ſhall be imployed to the relief of ſuch ſouldiers and mariners, as are by this act appointed to take and have relief. And after that relief ſatisfied, then the overplus thereof, with the overplus of the ſtock, remaining in any the ſaid Treaſurers hands, ſhall be imployed, as is before mentioned, to the charitable uſes expreſſed in the ſaid Statutes, concerning the relief of poor, and for puniſhment of rogues and beggars, (except the ſaid Juſtices, or the more part of them, ſhall think meet to reſerve and keep the ſame in ſtock for the maintenance and relief of ſuch ſouldiers and mariners as out of the ſame county may afterward be appointed to receive relief and penſions.) And that the relief appointed to be given by this act, ſhall be given to ſouldiers and mariners out of the County or place where they were preſſed, ſo far forth as the taxation limited by this act will extend. And if the whole taxation there ſhal be before imployed, according to the meaning of this act, or that they ſhall be preſt men, then out of the place where they were born, or laſt inhabited by the ſpace of 3. years, at his or their election.

Out of what county relief ſhall be given to ſouldiers and mariners.

Penſion aſſigned to ſtand in force though the ſtat. be repealed.
35 El. 4.
39 El. 21.

Provided alwayes, and be it enacted, that every penſion aſſigned heretofore to any ſouldiers or mariners, or that ſhall be aſſigned before the ſaid feaſt of Eaſter next, notwithſtanding the diſcontinuance of the ſaid two former acts, ſhall ſtand in force, and ſhall yearly from and after the ſaid feaſt of Eaſter next be ſatisfied and paid, out of ſuch taxations and forfeitures, as ſhall be made, collected, and levied by force of this act, ſo long as the ſaid penſion ſhall remain in force, without ſuch revocation or diminiſhing, as is before in this act mentioned, Which clauſe of revocation or diminiſhing before mentioned, ſhall extend as well to penſions heretofore aſſigned, as to ſuch as at any time hereafter, before or after the ſaid feaſt of Eaſter ſhall be aſſigned to any perſon or perſons.

Taxations made and not levied.

And be it enacted, That all arrearages of taxations heretofore made, by vertue of the ſaid former ſtatutes or any of them, which ſhall be or remain at the ſaid feaſt of Eaſter next uncollected, and not received or levied, ſhall and may by authority of this act be had, received and levied by ſuch perſons, and in ſuch manner and form, as in every reſpect, taxations made by vertue of this act, are appointed to be collected, received and levied, and ſhall be imployed to the uſes expreſſed in this act, and no otherwiſe.

A proviſion, if the rate be not ſufficient for the Souldiers in London.

Provided alwayes, and be it enacted by the authority aforeſaid, that if the ſaid rate ſhall be thought not to be ſufficient for the relief of ſuch ſouldiers and mariners as ſhall be to be relieved within the City of London, that then it ſhall be lawful for the Mayor, Recorder, and Aldermen of London, or the more part of them, to rate and tax ſuch reaſonable tax, ſum and ſums of money for the ſaid relief, as ſhall be to them thought fit and convenient. So as ſuch ſum and ſums of money ſo to be rated, do not exceed three ſhillings weekly out of any pariſh, And ſo as in the total, the ſum ſhall not exceed or be under twelve pence weekly out of every pariſh one with another, within the ſaid City and the Liberties thereof.

This act to endure to the end of the next Seſſion of Parliament, and no longer. 3 Car. 3.
Continued until the end of the firſt Seſſion of the next Parliament.

CAP. IV.

Commiſſioners authorized to enquire of miſ-imployment of lands or goods given to Hoſpitals, &c. which by their orders ſhall be performed.

Co. Inſt. 2. Part, 707.

Cro. Car. 525.

Whereas lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, mony, and ſtocks of mony, have been heretofore given, limited, appointed and aſſigned, as well by the Queens moſt excellent Majeſty, and her moſt noble progenitors, as by ſundry other well diſpoſed perſons: ſome for relief of aged, impotent and poor people, ſome for maintenance of ſick and maimed ſouldiers & mariners, Schools of learning, free Schools, and Schollers in Univerſities, ſome for repair of bridges, ports, havens, cauſ-ways, Churches, Sea-banks, and high-ways, ſome for education & preferment of Orphans, ſome for or towards relief, ſtock, or maintenance for houſes of correction, ſome for marriages of poor maids, ſome for ſupportation, aid & help of young trades men, handicraftſ men, and perſons decayed, and other for relief or redemption of priſoners or captives, and for aid or eaſe of any poor inhabitants concerning payments of Fifteens, ſetting out of ſouldiers, and other taxes: which lands, tenements, rents, annuitie, profits, hereditaments, goods, chattels, money, and ſtocks of money, nevertheleſs have not been imployed according to the charitable intent of the givers and founders thereof, by reaſon of frauds, breaches of truſt, and negligence in thoſe that ſhould pay, deliver, and imploy the ſame. For redreſs and remedy whereof, Be it enacted by authority of this preſent Parliament, That it ſhall and may be lawful

Lands or goods given to charitable uſes miſ-imployed by fraud and breaches of truſt.

ful to and for the Lord Chancellor, or Keeper of the great Seal of England for the time being; and for the Chancellor of the Dutchy of Lancaſter for the time being, for lands within the County Palatine of Lancaſter, from time to time to award Commiſſions under the great Seal of England, or the Seal of the County Palatine, as the caſe ſhall require, into all or any part or parts of this Realm, reſpectively, according to their ſeveral Juriſdictions, as aforeſaid, to the Biſhop of every ſeveral Dioceſs and his Chancellor, (in caſe there ſhall be any Biſhop of that Dioceſs, at the time of awarding of the ſame Commiſſions) and to other perſons of good and ſound behaviour, authorizing them thereby, or any four or more of them, to enquire, as well by the oaths of twelve lawful men or more of the county, as by all other good and lawful ways and means, of all and ſingular ſuch gifts, limitations, aſſignments, and appointments aforeſaid, and of the abuſes, breaches of truſts, negligences, miſ imployments, not imploying, concealing, defrauding, miſ-converting, or miſ-government of any lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, or ſtocks of money, heretofore given, limited, appointed or aſſigned, or which hereafter ſhall be given, limited, appointed or aſſigned, to or for any the charitable and godly uſes before rehearſed. And after the ſaid Commiſſioners, or any four or more of them, (upon calling the parties intereſſed in any ſuch lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, and ſtocks of money) ſhall make enquiry by the oaths of twelve men or more of the ſaid county, (whereunto the ſaid parties intereſſed ſhall and may have, and take their lawful challenge and challenges) and upon ſuch enquiry, hearing and examining thereof, ſet down ſuch orders, judgments and decrees, as the ſaid lands, tenements, rents, annuities, profits, goods, chattels, money, and ſtocks of money, may be duly and faithfully imployed, to and for ſuch of the charitable uſes and intents before rehearſed, reſpectively, for which they were given, limited, aſſigned or appointed by the Donors and Founders thereof. Which orders, judgments and decrees, not being contrary or repugnant to the orders, ſtatutes or decrees of the Donors or Founders, ſhall by the authority of this preſent Parliament ſtand firm and good, according to the tenor and purport thereof, and ſhall be executed accordingly, until the ſame ſhall be undone or altered by the L. Chancellor of England, or L. Keeper of the great Seal of England, or the Chancellor of the County Palatine of Lancaſter, reſpectively, within their ſeveral juriſdictions, upon complaint by any party grieved to be made to them.

Commiſſioners to enquire of the gift of lands and goods to charitable uſes. Four Commiſſioners at the leaſt.

The enquiry.

The Commiſſioners orders.

The Commiſſioners orders ſhall be executed.

The Commiſſioners orders altered.

Provided always, That neither this Act, nor any thing therein contained, ſhall in any wiſe extend to any lands, tenements, rents, annuities, profits, goods, chattels, money, or ſtocks of money, given, limited, appointed or aſſigned, or which ſhall be given, limited, appointed or aſſigned to any Colledg, Hall, or houſe of learning within the Univerſities of Oxford or Cambridge, or to the Colledges of Weſtminſter, Eaton, or Wincheſter, or to any of them, or to any Cathedral or Collegiate Church within this Realm.

Colledges, Halls in Oxford or Cambridge, Weſtminſter, Eaton, Wincheſter, Cathedral Churches.

And provided alſo, That neither this Act, nor any thing therein, ſhall extend to any City or Town corporate, or to any the lands or tenements given to the uſes aforeſaid, within any ſuch City or town corporate, where there is a ſpecial governor or governors, appointed to govern or direct ſuch lands, tenements, or things diſpoſed to any the uſes aforeſaid, neither to any Colledg, Hoſpital or Free School, which have ſpecial viſitors, or governors, or overſeers, appointed them by their Founders.

City, Town corporate, Colledge, Hoſpital, Free School.

Provided alſo, and be it Enacted by the authority aforeſaid, That neither this Act, nor any thing therein contained, ſhall be any way prejudicial or hurtful to the juriſdiction of the Ordinary, or power of the Ordinary, but that he may lawfully in every cauſe execute and perform the ſame, as though this Act had never been had or made.

Ordinaries Juriſdiction.

Provided alſo, and be it enacted, That no perſon or perſons that hath or ſhall have any of the ſaid lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, or ſtocks of money in his hands or poſſeſſion, or doth or ſhall pretend title thereunto, ſhall be named a Commiſſioner or a Juror for any the cauſes aforeſaid, or being named, ſhall execute or ſerve in the ſame.

None ſhall be Commiſſioner or Juror, which hath any part of the lands or goods in queſtion.

And provided alſo, that no perſon or perſons, which hath purchaſed or obtained, or ſhall purchaſe or obtain upon valuable conſideration of money or land, any eſtate or intereſt of, in, to, or out of any lands, tenements, rents, annuities, hereditaments, goods or chattels that have been, or ſhal be given, limited or appointed to any the charitable uſes above mentioned, without fraud or covin, having no notice of the ſame charitable uſe, ſhall not be impeached by decrees or orders of the Commiſſioners above mentioned, or or concerning the ſame his eſtate or intereſt. And yet nevertheleſs, Be it enacted, That the ſaid Commiſſioners, or any four or more of them, ſhall & may make decrees and orders for recompence to be made by any perſon or perſons, who being put in truſt, or having notice of the charitable uſes above mentioned, hath or ſhall break the ſame truſt, or defraud the ſame uſes by any conveyance, gift, grant, leaſe, demiſe, releaſe or converſion whatſoever, and againſt the heirs, executors and adminiſtrators of him, them, or any of them, having Aſſets in law or equity, ſo far as the ſame Aſſets wil extend.

Purchaſers of the lands bona fide.

Recompence by thoſe which break the truſt.

Provided alwayes, That this Act ſhall not extend to give power or authority to any Commiſſioners before mentioned, to make any orders, judgments or decrees, for or concerning any manors, lands, tenements, or other hereditaments, aſſured, conveyed, granted, or come unto the Queens Majeſty, to the late King Henry the eighth, King Edw. the ſixth, or Queen Mary, by act of Parliament, ſurrender, exchange, relinquiſhment, eſcheat, attainder, conveyance, or otherwiſe. And yet nevertheleſs, be it Enacted, That if any ſuch manors, lands, tenements, or hereditaments, or any of them, or any eſtate, rent, or profit thereof, or out of the ſame, or any part thereof, have or hath been given, granted, limited, appointed or aſſigned to or for any the charitable uſes before expreſſed at any time ſithence the beginning of her Majeſties reign, That then the ſaid Commiſſioners, or any four or more of them, ſhall and may, as concerning the ſame lands, tenements, hereditaments, eſtate, rent or profit ſo given, limited, appointed or aſſigned, proceed to enquire, and to make

Lands aſſured to K. H. 8. Ed. 6. Queen Mary, and Queen El.

orders, judgments and decrees, according to the purport and meaning of this act, as before is mentioned: the ſaid laſt mentioned proviſo notwithſtanding.

Certifying of the Orders.

And be it further Enacted, That all orders, judgments and decrees of the ſaid Commiſſioners, or of any four or more of them, ſhall be certified under the Seals of the ſaid Commiſſioners, or any four or more of them, either into the Court of the Chancery of England, or into the Court of the Chancery within the County Palatine of Lancaſter, as the caſe ſhall require reſpectively, according to their ſeveral Juriſdictions, within ſuch convenient time as ſhall be limited in the ſaid Commiſſions.

Order for the execution of the Commiſſioners decree.

And that the ſaid Lord Chancellor or Lord Keeper, and the ſaid Chancellor of the Dutchy, ſhall and may within their ſaid ſeveral Juriſdictions take ſuch order for the due execution of all or any of the ſaid judgments, decrees and orders, as to either of them ſhall ſeem fit and convenient.

A remedy for any perſon, grieved with the Commiſſioners decree.

And that if after any ſuch certificate or certificates made, any perſon or perſons ſhall find themſelves grieved with any of the ſaid orders, judgments or decrees, That then it ſhall and may be lawful to and for them, or any of them to complain in that behalf unto the ſaid Lord Chancellor or L. Keeper, or to the Chancellor of the ſaid Dutchy of Lancaſter, according to their ſeveral Juriſdictions, for redreſs therein. And that upon ſuch complaint, the ſaid L. Chancellor or L. Keeper, or the ſaid Chancellor of the Dutchy, may according to their ſaid ſeveral Juriſdictions, by ſuch courſe as to their wiſedoms ſhall ſeem meeteſt, the circumſtances of the caſe conſidered, proceed to the examination, hearing and determining thereof: and upon hearing thereof, ſhall and may adnul, diminiſh, alter or enlarge the ſaid orders, judgments and decrees of the ſaid Commiſſioners, or any four or more of them, as to either of them in their ſaid ſeveral Juriſdictions ſhall be thought to ſtand with equity and good conſcience, according to the true intent and meaning of the Donors and Founders thereof, and ſhall and may tax and award good coſts of ſuit by their diſcretions, againſt ſuch perſons as they ſhall find to complain unto them without juſt and ſufficient cauſe, of the orders, judgments and decrees, before mentioned. 39 El.6. 43 El.9.

Coſt of ſuit againſt the complainers.

CAP. V.

At what time a Writ to remove a ſuit depending in the Court of a Town Corporate, ſhall be delivered to the Judge or Officer of the ſame Court.

Devices by Defendants to put the plaintiffs to as great charge as they can, and to know their evidence.

Whereas within divers Cities and Towns Corporate, and other places within this Realm of England, and the Dominions thereof, there are Juriſdictions, Cuſtoms and Priviledges to hold plea in actions of debt, and other actions, plaints and ſuits between party and party, And divers of her Majeſties Subjects do daily commence many actions, plaints and ſuits in the ſaid Cities, Towns corporate and places, according to the Juriſdictions, Cuſtoms and Priviledges of the ſaid places, and many defendants in actions, plaints and ſuits there brought and commenced, will ſuffer the ſaid actions, plaints and ſuits to be proceeded in, and proſecuted there, until the cauſe between the plaintiffs and them be at iſſue, and the Jury ſworn, and evidence given on the plaintiffs part, before the ſaid defendant will deliver into the Court, where the ſaid actions, plaints or ſuits are to be tried, Writs formerly ſued forth by them to remove the cauſe there depending, into ſome one or other of her Majeſties Courts of Record at Weſtminſter; which keeping back of the ſaid Writ is done by the defendant, to no other purpoſe or intent, but to put the parties plaintiffs to as great charges and expences as they the ſaid defendants can, and to know what proofs the parties plaintiffs can make for the proving of their iſſue, whereby the defendants that ſued forth the ſaid Writs, may have longer time to furniſh themſelves with ſome falſe witneſſes, to impugne thoſe proofs, which the plaintiffs have openly made by their witneſſes and proofs, which is a great cauſe of perjury and ſubornation of perjury, and great expences to the plaintiffs.

At what time a writ to remove a ſuit in a towne corporate ſhall be delivered to the Juſtice of the Court.

For remedy whereof, be it enacted by the Queens moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that from & after the end of this preſent Seſſion of Parliament, no writ or writs of Habeas Corpus, or any other writ or writs ſued forth, or to be ſued forth by any perſon or perſons whatſoever, out of any of her Majeſties Courts of Record at Weſtminſter, to remove any action, ſuit, plaint or cauſe depending or to be depending in any Court or Courts, within any City or Town corporate, or elſewhere, which have, or ſhall have juriſdiction, power or authority to hold plea in any action, plaint or ſuit, ſhall be received or allowed by the Judge or Judges, Officer or Officers of the Court or Courts, wherein, or to whom any ſuch Writ or Writs ſhall be delivered (but that he and they ſhall proceed in the ſaid cauſe and cauſes ready to be tryed, as though no ſuch Writ or Writs were ſued forth or delivered to him or them) Except that the ſaid Writ or Writs be delivered to the Judge or Judges, Officer or Officers of the ſaid Court, before that the Jury which is to try the cauſe in queſtion between the party or parties plaintiffs, and the party or parties that ſued forth the ſaid Writ or Writs, or for whoſe benefit the ſaid Writ or Writs is or ſhall be ſued forth, have appeared, and one of the ſaid Jury ſworn to try the ſaid cauſe.

Provided alwayes, That this Act ſhall continue no longer than until the end of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. VI.

Penalty of a Sheriff, &c. arreſting or ſummoning without warrant, No coſts for the plaintiff where action is brought for a ſumme not exceeding 40. s.

For avoiding trifling and frivolous ſuits at Weſtmin. A. r.

For avoiding the infinite number of ſmall and trifling ſuits commenced or proſecuted againſt ſundry her Majeſties good and loving ſubjects in her Highneſs Courts at Weſtminſter (which by the due courſe of the laws of this Realm ought to be determined in inferiour in the countrey) to the intolerable vexation and charge of her Highneſs ſubjects, Be it enacted by the authority of this preſent Parliament, If any Sheriff, Underſheriff, or other perſon, having authority, or taking upon him to break Writs, after forty days next after the end of this Seſſion of Parliament, do make any warrant for the ſummons of any perſon, as upon any writ, proceſs, or ſuit, or for the arreſt or attaching of any perſon or perſons, by this or their body or goods, to appear in any her Majeſties courts at Weſtminſter, or elſe-where, (not having before that the original writ or proceſs warranting the ſame) That then upon complaint thereof made to the Juſtices of Aſſiſe of the county where the ſame offence ſhall be committed, or to the Judges of the court, out of which the proceſs iſſued, not only the party that made ſuch Warrant, but all thoſe that were the procurers thereof, ſhall be ſent for before the ſame Judges or Juſtices, by attachment, or otherwiſe as the ſame Judges or Juſtices ſhall think good and allow of, and be examined thereof upon their oaths. And if the ſame offence be confeſſed by the ſame offendors, or proved by ſufficient witneſſes, to the ſatisfaction of the ſame Judges or Juſtices, That then the ſame Judges or Juſtices that ſhall ſo examine the ſame, ſhall forthwith by force of this act commit every the ſame offendors to the Goal of the County or Court where the ſame ſhall be examined, and there to remain without bail or mainpriſe, until ſuch time as they amongſt them have fully ſatisfied and paid unto the party grieved, by ſuch warrant, not only the ſum of x. l. of lawfull Engliſh money, but alſo all ſuch coſts and damages as the ſame Judges or Juſtices ſhall ſet down that the ſame party hath ſuſtained thereby, and withal xx. l. apiece for their offence to her Majeſty.

Summoning or arreſting without Warrant.

And be it further enacted by the authority aforeſaid, If upon any action perſonal to be brought in any her Majeſties Courts at Weſtminſter, not being for any title or intereſt of lands, nor concerning the freehold or inheritance of any lands, nor for any battery, it ſhall appear to the Judges of the ſame Court, and ſo ſignified or ſet down by the Juſtices before whom the ſame ſhall be tryed, that the debt or damages to be recovered therein in the ſame Court, ſhall not amount to the ſumme of xl. s. or above, That in every ſuch caſe the Judges and Juſtices, before whom any ſuch action ſhall be purſued, ſhall not award for coſts to the party plaintiff any greater or more coſts than the ſum of the debt or damages ſo recovered ſhall amount unto, but leſs at their diſcretions, This act to endure to the end of the firſt Seſſion of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament. Stat. 6. El. 1. 8. Stat. 21, Jac. 16.

No coſts ſhall be awarded in any action brought for a ſumme not exceeding xl. s.

CAP. VII.

Puniſhment for cutting of corn growing, or of ſuch other ſmall offences: and of a Conſtable refuſing to puniſh ſuch an offendor, being commanded.

Forasmuch as unlawful cutting and taking away of corn and grain growing, robbing of orchards and gardens, digging up or taking away fruit-trees, breaking of hedges, pales, or other fences, cutting or ſpoyling of woods or underwoods, ſtanding & growing, and ſuch like offences, are now more commonly committed by lewd and mean perſons than in former times: And that the ſaid offences are great cauſes of the maintaining of idleneſs, and the perſons which commit the ſame are not for the moſt part able, nor have wherewith to make recompence or ſatisfaction: Be it therefore enacted by the authority of this preſent Parliament, That all and every ſuch lewd perſon and perſons, which from and after the laſt day of February now next following, ſhall cut, or unlawfully take away any corn or grain growing, or rob any orchards or gardens, or break or cut any hedge, pales, rails, or fence, or dig, or pull up, or take up any fruit tree or trees in any orchard, garden, or elſe-where, to the intent to take & carry the ſame away, or ſhall cut or ſpoyl any woods or underwoods, poles or tres ſtanding, not being felony by the laws of this Realm, and their procurer and procurers, receiver or receivers knowing the ſame, being thereof lawfully convicted by the confeſſion of the party, or by the teſtimony of one ſufficient witneſs, upon oath before ſome one Juſt. of P. Mayor, Bailiff, or other head Officers (which ſhall have power by force of this ſtatute to miniſter the ſaid oath where the offence ſhall be committed, or the party offending apprehended) ſhall give the party and parties ſuch recompence and ſatisfaction for his and their damages, and within ſuch time, as by any one ſuch Juſt. of P. of the ſaid county where ſuch offence ſhall be done, without the liberty of any City or Town corporate, or by ſuch head Officer or Juſtice of P. within any City or Town corporate ſhall be ordered and appointed, and the ſame to be only for the firſt fault. And if ſuch offendor or offendors ſhall be thought in the diſcretion of the ſaid Juſtice or Juſtices, or other head Officers, not able or ſufficient, or do not make recompence or ſatisfaction for the ſaid damages in manner and form aforeſaid: Then the ſaid Juſtice or head Officer ſhall commit all and every the ſaid offendor or offendors to ſome Conſtable or Conſtables, or other inferiour Officers of the City, Borough, Town, or Hamlet where the offence ſhall be committed, or the party apprehended, to be whipped, and for every ſuch offence, for, or of which the offendor or offendors, ſhall be eftſoons committed in form afore-limited, the perſon and perſons ſo offending to receive the ſaid puniſhment of whipping.

The puniſhment for ſmall offences.

And be it enacted by the authority aforeſaid That if any Conſtable or inferiour Officer do refuſe, or do not at the commandment of any Juſtice of P. or other head Officer, execute by himſelf, or ſome other to be by him appointed, upon the offendor the puniſhment limited by this ſtatute, That in that caſe it ſhall and may be lawful for the ſaid Juſtice of Peace to commit the Conſtable or other inferior Officer ſo refuſing, or not executing the ſaid puniſhment by himſelf or ſome other, to the common Goal of the ſaid County, City, or Town corporate, there to remain without bail or mainpriſe, until the ſaid offendor or offendors be by the ſaid Conſtable or Conſtables ſo refuſing or not executing, or ſome other by his or their procurement, puniſhed and whipped, as is above limited and declared.

The puniſhment of a Conſtable refuſing to puniſh an offendor.

Provided always, that no Juſtice of Peace or other head Officer do execute this ſtatute for any the offences aforeſaid done unto himſelf, unleſs he be aſſociated and aſſiſted with one or more other Juſtices of Peace whom the offence doth not concern. 15 Car. 2. ca. 2.

None ſhall puniſh an offence done unto himſelf.

CAP. VIII.

He who by colour of a fraudulent Adminiſtration, taken in anothers name, doth receive an inteſtates goods,&c. ſhall be fo. ſo much charged as Executor of his own wrong.

Fraud practiſed in taking of adminiſtrations to deceive others of their lawful debts.

FOraſmuch as it is often put in ure, to the defrauding of creditors, that ſuch perſons as are to have the adminiſtration of the goods of others, dying inteſtate, committed unto them, if they require it, will not accept the ſame, but ſuffer or procure the adminiſtration to be granted to ſome ſtranger of mean eſtate, and not of kin to the inteſtate, from whom themſelves or others by their means do take deeds of gifts, and authorities by Letter of Attorney, whereby they obtain the ſtate of the inteſtate into their hands, and yet ſtand not ſubject to pay the debts owing by the ſame inteſtate, and ſo the creditors for lack of knowledg of the place of habitation of the Adminiſtrator, cannot arreſt him nor ſue him: and if they fortune to find him out, yet for lack of ability in him to ſatisfie of his own goods, the value of that he hath conveyed away of the inteſtates goods, or releaſed of his debts by way of waſting, the creditors cannot have or recover their juſt and due debts.

By fraudulent adminiſtration of inteſtates goods, the party ſhall be charged as Executor of his own wrong.

Be it enacted by the authority of this preſent Parliament, That every perſon and perſons that hereafter ſhall obtain, receive, and have any goods or debts of any perſon inteſtate, or a releaſe or other diſcharge of any debt or duty that belonged to the inteſtate upon any fraud, as is aforeſaid, or without ſuch valuable conſideration, as ſhall amount to the value of the ſame goods or debts, or near thereabouts (except it be in or towards ſatisfaction of ſome juſt and principal debt of the value of the ſame goods or debts to him owing by the inteſtate at the time of his deceaſe) ſhall be charged and chargeable as Executor of his own wrong, and ſo far only as all ſuch goods and debts coming to his hands, or whereof he is releaſed or diſcharged by ſuch Adminiſtrator, will ſatisfie, deducting nevertheleſs to and for himſelf allowance of all juſt, due and principal debts upon good conſideration without fraud, owing to him by the inteſtate at the time of his deceaſe, and of all other payments made by him, which lawful Executors or Adminiſtrators may and ought to have and pay by the Laws and Statutes of this Realm.

Allowance of juſt debts, and other lawful payments.

CAP. IX.

Several Statutes made in the Reigns of King Hen. 8. King Edw. 6. and Queen Eliz. revived and continued.

21 H.8. 12. BE it Enacted by authority of this preſent Parliament, That an Act made in the one and twentieth year of the Reign of the late King Henry the eighth, entituled, An Act for the true making of Cables, Halliers and Ropes.

24 H. 8. 9. And that an Act made in the four and twentieth year of the Reign of the late King Henry the eighth, entituled, An Act againſt killing of young beaſts, called Weanlings.

4 Ed. 6. 19. And that two Acts made in the fourth year of the reign of the late King Edward the ſixth, the one concerning the buying and ſelling of Rother beaſts and cattel.

4 Ed. 6. 21. The other entituled, An Act for the buying and ſelling of Butter and Cheeſe.

1 Eliz. 17. And that an Act made in the firſt year of the Queens Majeſties reign that now is, entituled, An Act for preſervation of Spawn and Fry of Fiſh.

5 Eliz. 7. And that an act made in the fifth year of the Queens Majeſties Reign that now is, entituled, An Act for avoiding divers foreign wares made by handy-crafts-men beyond the Seas.

5 Eliz. 5. And that an act made in the ſame fifth year of her Majeſties reign, entituled, An act touching certain politick conſtitutions made for the maintenance of the Navy, together with all and every additions, explanations and alterations made thereunto, or thereof, or of any part thereof, by any Statute or Statutes made ſithence the making of the ſame act, and now continuing in force.

8 Eliz. 10. And that an act made in the eighth year of the Queens Majeſties reign that now is, entituled, An act for Bowyers, and the prices of Bowes.

13 Eliz. 20. And that an act made in the thirteenth year of the Queens Majeſties reign that now is, entituled, An act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with Cure,

14 Eliz. 11.
18 Eliz. 11.
Judgments void as bonds and covenants for Leaſes of Benefices with cure.

together with all and every explanations, additions, and alterations thereof, or thereunto made by any other ſtatute or ſtatutes, made ſithence the making of the ſaid act, and now continuing in force: With this further addition to be Enacted by authority of this preſent Parliament, That all Judgments hereafter to be had, for the intent to have or enjoy any Leaſe contrary to the ſaid Statutes, or any of them, ſhall be deemed void, in ſuch ſort as bonds and covenants are appointed to be void, which are made for that purpoſe.

13 Eliz. 21. And that an act made in the ſame thirteenth year of her Majeſties reign, entituled, An act that Purveyors may take grain, corn and victuals, within five miles of Cambridge and Oxford in certain caſes.

18 Eliz. 20. And that an act made in the eighteenth year of the Queens Majeſties reign, entituled, An act for the repairing and amending of the bridges and high-wayes near unto the City of Oxford.

18 Eliz. 3. And ſo much of one other act made the ſame year, entituled, An Act for the ſetting the poor on work, and avoiding of idleneſs, as concerneth baſtards begotten out of lawful Matrimony.

23 El. 6.
35 Eliz. 7.
And that an Act made in the three and twentieth year of her Majeſtes reign, entituled, An act for the repairing of Dover Haven, with the proviſions and alterations thereof made, by an act made in the five and thirtieth year of the Queens Majeſties reign that now is.

27 Eliz. And that an Act made in the ſeven and twentieth year of her Majeſties reign, entituled, An act for the good government of the City or Borough of Weſtminſter.

2 Ed. 6. 16. And that an act made in the ſaid ſeven and twentieth year of her Majeſties reign, entituled,

tuled, An act for reviving of a former Statute for the true making of Mault: Togethet al-
ſo with an act made in the nine and thirtieth year of her Majeſties reign, entituled, An act to 27 Eliz. 14.
reſtrain the exceſſive making of Mault. 39 Eliz. 16.

And that an act made in the ſaid ſeven and twentieth year of her Majeſties reign, entitu-
led, An act for the keeping of the Sea-banks and Sea-works in the County of Norfolk. 27 Eliz. 24.

And that an act made in the one and thirtieth year of her Majeſties Reign, entituled, An
act for the true gawging of Veſſels brought from beyond the Seas, converted by Brewers, 31 Eliz. 8.
for the utterance and ſale of Ale and Beer.

And that an Act made in the ſaid one and thirtieth year of her Majeſties reign, entituled,
An act for reviving and enlarging of a Statute made in the three and twentieth year of her 23 El.
Majeſties reign, for the relief of the City of Lincoln. 31 Eliz.

And that three acts made in the five and thirtieth year of her Majeſties reign, One entitu-
led, An act to retain the Queens Majeſties Subjects in their due obedience. 35 Eliz. 1.

Another act, entituled, An act for the reformation of ſundry abuſes in Clothes called
Devonſhire Kerſies or Dozens, according to a Proclamation of the four and thirtieth year 35 Eliz. 10.
of the reign of our Soveraign Lady the Queens Majeſty that now is.

And one other, entituled, An act for the bringing in of Clapboard from the parts of
beyond the Seas, and the reſtraining of the tranſporting of Wine Cask, for ſparing and 35 Eliz. 11.
preſerving of Timber within this Realm.

And that the ſeveral Acts hereafter mentioned, made in the nine and thirtieth year of her
Majeſties reign that now is, (that is to ſay) an act, entituled, An act againſt the decaying 39 Eliz. 1.
of Towns and Houſes of Husbandry.

An act, entituled, An act for maintenance of Husbandry and Tillage.

An act, entituled, An act for the more ſpeedy payment of the Queens Majeſties debts, 39 Eliz. 2.
and for the better explanation of the act made in the thirteenth year of the Queens Maje- 39 Eliz. 7.
ſties reign, entituled, An act to make the lands, tenements, goods and chattels of Tellers, 13 Eliz. 4.
Receivers, &c. liable to the payment of their debts.

An act, entituled, An act for the encreaſe of Mariners, and for maintenance of the Navi-
gation, repealing a former act made in the three and twentieth year of her Majeſties reign, 39 El. 10.
bearing the ſame title.

And an act, entituled, An act for explanation of the Statute made in the fifth year of her 39 El. 12.
Majeſties reign, concerning Labourers.

An act, entituled, An act prohibiting the bringing into this Realm of foreign Cards for
Wooll. 39 El. 14.

An act, entituled, An act againſt lewd and wandering perſons, pretending themſelves to 39 El. 17.
be Souldiers and Mariners.

An act, entituled, An act for puniſhment of rogues, vagabonds, and ſturdy beggars. 39 El. 4.

Except the Proviſo in the ſaid laſt mentioned act concerning John Dutton of Dutton in the
County of Cheſter Eſquire, ſhall be continued and remain in force until the end of the firſt
Seſſion of the next Parliament. And touching the ſaid proviſo concerning the ſaid John
Dutton, Be it Enacted by the authority of this preſent Parliament, That the ſame proviſion
ſhall continue and remain in force to the end of one year, next enſuing the firſt day of this
preſent Parliament and no longer: Except before the end of the ſaid year the ſaid John
Dutton, or his heirs ſhall procure the Lord Chief Juſtice of the Pleas before the Queens
Highneſſe to be holden, and the Lord Chief Juſtice of the Common Pleas, and the Lord
Chief Baron of her Majeſties Court of Exchequer, or two of them, upon hearing his alle-
gations and proofs, to make certificate into her Majeſties Court of Chancery, That the
ſaid John Dutton, or his heirs, ought lawfully (if no ſtatute againſt rogues or beggars had
been made) by Charter, Tenure or Preſcription, to uſe, have, and exerciſe ſuch liberty of
licenſing of Minſtrels, as he claimeth and uſeth, And that the ſaid Certificate be enrolled
in her Majeſties ſaid Court of Chancery within the ſaid year. And if he or his heirs ſhall
procure ſuch certificate as aforeſaid, and cauſe the ſame to be enrolled as aforeſaid, Then
be it enacted alſo by the authority of this preſent Parliament, That the ſame proviſion ſhall
alſo continue in force until the end of the firſt Seſſion of the next Parliament.

The before
hearſed 35 ſtat.
continued un-
till the firſt
Seſſion of the
next Parlia-
ment.
John Dutton
of Dutton.

And be it further Enacted, That an Act made in the nine and thirtieth year of the Queens
Majeſties reign, entituled, An Act for the relief of the poor, ſhall alſo continue and remain 39 El. 3.
in force untill the end of the firſt Seſſion of the next Parliament, except ſome new Act ſhall
be made in this preſent Seſſion of Parliament concerning the ſame. 43 El. 2.

And that two Acts made, the one in the five and thirtieth year of the Queens Majeſties
reign, entituled, An act for the neceſſary relief of Souldiers and Mariners. And the other 35 El. 4.
made in the nine and thirtieth year of her Majeſties ſaid reign, for the further explanation 39 El. 21.
and continuance of the ſame former act, ſhall alſo continue and remain in force until the end
of the firſt Seſſion of the next Parliament, except ſome new act ſhall be made concerning the 43 El. 3.
ſame in this preſent Seſſion of Parliament.

And be it alſo further enacted by authority of this preſent Parliament, That one act made
in the nine and thirtieth year of the Queens Majeſties reign that now is, entituled, An act 39 El. 6.
to reform deceits and breaches of truſts, touching lands given to charitable uſes, be from
henceforth utterly repealed.

And yet nevertheleſs, be it Enacted by the authority of this preſent Parliament, That ſo
much of the ſaid act as concerneth execution of orders, judgments and decrees heretofore
made by Commiſſioners aſſigned by vertue of the ſaid act, and examination, hearing and
determining of the ſaid orders, judgments and decrees by ſuch Commiſſioners heretofore
made, ſhall ſtand and remain in force only as for and concerning ſuch judgments and de-
crees as heretofore have been made by vertue of the ſame act, and of Commiſſions there-
upon awarded.

Decrees made
by Commiſſi-
ons by force of
the ſtat. of
39 El. 6. ſhall
continue.

Provided

The ſtat. of 29 El. 7. ſhall not extend to Lands in Northumberland.

Provided alwayes, and be it enacted by authority of this preſent Parliament, That the ſaid Act for maintenance of Huſbandry and Tillage, ſhall not extend to any Lands lying within the County of Northumberland.

And provided alſo, and be it enacted by the authority aforeſaid, That ſo much of the Act above mentioned, entituled, An Act for the encreaſe of Mariners, and maintenance of the Navigation, repealing a former Act made in the three and thirtieth year of her Majeſties Reign, bearing the ſame Title, as concerneth the repealing and making void of all Ordinances of the Fiſh-mongers of London, or of any other Company or Corporation whatſoever, made or to be made for reſtraint of any perſon to take or ſell fiſh, or to buy, or provide any fiſh of any Merchant or other within this Realm, or the making or executing of any ſuch ordinance or reſtraint, ſhall from henceforth remain diſcontinued and repealed, The former continuance of the ſaid Act in this preſent Act mentioned notwithſtanding.

36 Eliz. 10.

And yet nevertheleſſe, Be it enacted, That no ſuch Ordinance or reſtraint made or to be made, ſhall in any wiſe extend or be put in execution, during the continuance of the ſaid former Act made in the xxxix. year of her Majeſties Reign, to reſtrain any coaſt men, fiſhermen, or any others, Subjects or Foreiners, for, or concerning the taking, bringing in, putting to ſale, or buying of any ſalted Fiſh or Herrings, being wholſome and ſweet, upon and under the pains and penalties in the ſaid former Act of the nine and thirtieth year of her Majeſties Reign contained.

23 Eliz. 6.
35 Eliz. 7.
1 Jac. 32.
Dover haven.

Provided alwayes, and be it enacted by the authority of this preſent Parliament, That no Ship, Veſſel or Crayer, whereof any her Majeſties Subjects ſhall be Owners, or part Owners, of the burthen of twenty Tuns loading and upwards, loading, or diſcharging within this Realm, and paſſing to and from any foreign Country (other than Ships, Veſſels and Crayers, which ſhall be laden with Seacoal or Grindeſtones) ſhall after the end of this Seſſion of Parliament, in reſpect of any ſuch Voyage, pay to the reparation of Dover Haven, but only after the rate of three pence the Tun for the Merchandize, wherewith ſuch Ship, Veſſel or Crayer, ſhall be in ſuch Voyage laden, and not after the rate of three pence the Tun of the burthen of every ſuch Ship, Veſſel or Crayer. And that every Ship, Veſſel or Crayer, which ſhall be employed in a Voyage of fiſhing, ſhall not upon return of ſuch Voyage pay but after the rate of three pence the Tun for ſuch Oyl, Train and Merchandize, as ſuch Ship ſhall bring home in ſuch Voyage, and not any thing for fiſh, or in reſpect of the burthen of the ſame Ship, Veſſel or Crayer, The ſaid Statute made for the repairing of Dover haven, or any other Statute touching the ſame, or any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

CAP. X.

No deceivable thing ſhall be put in woollen Clothes, nor any device to ſtretch them in length or bredth, and how they ſhall be made, &c.

The Queens moſt excellent Majeſty with the advice of her Highneſſe Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, weighing and conſidering the good and godly purpoſes of divers and ſundry Statutes heretofore made and ordained for the true making and working of woollen-Cloth, to be fruſtrate and deluded by ſtraining, ſtretching, want of weight, flocks, ſollace, chalk, flower, deceitful things, ſubtil ſleights and untruth, ſo as the ſame Clothes being put in water, are found to ſhrink, be rewey, purſey, ſqually, cockling, bandy, light, and notably faulty, to the great diſlike of foreign Princes, and to the hinderance and loſſe of the Buyer and wearer: For redreſſe thereof is pleaſed, and willeth it to be enacted, and by the authority of this preſent Parliament it is enacted, That from and after the Feaſt of the Purification of the bleſſed Virgin next enſuing, No perſon or perſons ſhall put any hair, flocks, thrums, or yarn made of Lambs-wooll, or other deceivable thing or things, in or upon any broad woollen-Cloth, half-Cloth, Kerſie, Frize, Dozen, Peniſtone or Cotton, Taunton-Cloth, Bridgewater, Dunſter Cotton (which Dunſter-Cotton hereafter ſhall be by this preſent Act intended and taken to be of like weight, length and bredth as Taunton and Bridgewater-Cloth, or other Cloth of what nature, kind, or name ſoever, made or to be made, or offered to be ſold) upon pain to forfeit every ſuch Cloth, half Cloth, Kerſie, Frize, Dozen, Peniſtone and Cotton, and other woollen-Cloth, of what nature, kind, or name ſoever, whereinto or whereupon any ſuch hair, flocks, thrums, yarn of Lambs-wooll, or other deceivable thing or things whatſoever, ſhall be ſo put, Any Law, Statute, Diſpenſation, Allegation or Toleration to the contrary thereof in any wiſe notwithſtanding. And upon pain that every perſon and perſons which ſhall buy, gather or procure any hair, flocks, thrums, yarn of Lambs-wooll, or other deceivable thing or things whatſoever for that intent and purpoſe, to forfeit the ſame hair, flocks, thrums, yarn of Lambs-wooll, and other deceivable thing and things whatſoever.

No deceivable things ſhall be put into woollen cloth
5 Ed. 6. 6.
4 Jac. 2.

The penalty for buying or gathering of deceivable things.

No device ſhall be made to ſtretch cloth unwrought in bredth or length
5 Ed. 6. 6.
39 Eliz. 20.

And that no perſon or perſons, within her Majeſties Realm of England, or the Dominions of the ſame, ſhall from and after the Feaſt of Eaſter now next enſuing, have, uſe, or occupy within any place of her Majeſties ſaid Realm or Dominions, any Tenter, Inſtrument, Engine, or other device, of what ſort or kind ſoever, with any lower bar, pin, ring, or other engine or device, of what ſort or kind ſoever, whereby or wherewith any rough and unwrought woollen broad-Cloth, half-Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, or any other rough and unwrought woollen-Cloth, of what nature, kind, or name ſoever they be, or ſhall be of, made, or to be made to be ſold, ſhall or may be ſtretched or ſtrained in bredth, Or ſhall have, keep or uſe any manner of wrinch, ring-head, growm, rope, or other Engine to ſtretch or ſtrain any rough and unwrought woollen-Cloth, half-Cloth, Kerſie, Cotton, Peniſtone, Frize, Rugge, or any other rough and unwrought woollen Cloth, of what nature, kind, or name ſoever they be, or ſhall be of, in length made, or to be made to be ſo ſold, upon pain that every offendor that ſhall have, keep, uſe or exerciſe any ſuch Tenter, Inſtrument, Engine, or device, with a lower barre, pinne, ring, engine, or device, wrinch, ring-head, growm, or rope of what ſort or kind ſoever, ſhall forfeit for every ſuch offence xx.l. the one half thereof to our Soveraign Lady the Queens Majeſty, and the other half to him that will ſue for the ſame, by Bill, Plaint or Information, in any of her Highneſſe Courts of Record, wherein no Eſſoine, Protection or Wager of Law ſhall be allowed.

No wrought woollen-cloth ſhall be ſtretched.

And that no perſon or perſons within her Majeſties Realm of England, or the Dominions of the ſame, from and after the ſaid Feaſt of Eaſter, now next enſuing, ſhall ſet, or cauſe to be ſet, directly or indirectly, any wrought woollen broad-cloth, half-cloth, Kerſie, Cotton, Peniſtone, Frize, Rugge, or any other wrought woollen broad-cloth, half-cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, or any other wrought woollen-cloth, of what nature, kind, or name ſoever they be, or ſhall be of, made for ſale, or offered to be ſold, in or upon any tenter, inſtrument, engine or device, with a lower barre, pinne, ring, engine or device, wrinch, ring-head, growm or rope, of what ſort or kind ſoever, to ſtretch or ſtrain the ſame wrought woollen-cloth, half-cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, or any other wrought woollen-cloth, of what nature, kind, or name ſoever they be or ſhall be of, otherwiſe than the whole wrought woollen broad-cloth one yard in length, and one half-quarter in bredth. And the half-cloth one half yard in length, and one half quarter in bredth. And the Kerſie, Cotton, Dozen, Peniſtone, Frize and Rugge, one half yard in length, and one nail in bredth. Or ſhall utter or ſell any wrought woollen-cloth, half-cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, or any other wrought woollen cloth of what nature, kind, or name ſoever they be, or ſhall be of, tentered, ſtrained, or ſtretched otherwiſe than as aforeſaid, in or upon any tenter, inſtrument, engine or device, with a lower barre, pinne, ring, engine or device, wrinch, ring-head, growm or rope, of what ſort or kind ſoever, upon pain to forfeit every ſuch wrought woollen-cloth, half-cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, and every other wrought woollen-cloth, of what nature, kind, or name ſoever they be or ſhall be of.

None ſhall ſell woollen-cloth tentered or ſtretched.

Woollen Clothes ſhall not exceed the length appointed by former ſtatutes.

And be it further enacted by the authority aforeſaid, That no woollen broad-cloth, half-cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, nor any other woollen-cloth, of what nature, kind, or name ſoever they be, or ſhall be of, ſhall from and after the ſaid Feaſt of Eaſter now next enſuing, being well ſcoured, thicked, milled, and fully dyed and made to be ſold, or which ſhall be offered to be ſold (exceed the ſeveral length or lengths, which heretofore is limited and appointed, reſpectively for every ſuch broad woollen-cloth, half-cloth, Kerſie, Cotton, Dozens, Peniſtone, Frize, Rugge, and other woollen-cloth, of what nature, kind, or name ſoever they be of, and ought at this time to be of, by the ſeveral Statutes therefore limited and appointed, upon pain of forfeiture of every ſuch broad woollen-cloth, half-cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, and every other woollen-cloth, of what nature, kind, or name ſoever.

The weight of woollen Clothes appointed by former ſtatutes.

And that every broad woollen-Cloth, half-Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, and other woollen-Cloth, of what nature, kind, or name ſoever they be, or ſhall be of, ſhall from thenceforth (being well ſcoured, thicked, milled, and fully dyed) weigh reſpectively the true weight which is heretofore limited and appointed, for every ſuch broad woollen-Cloth, half-Cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, and every other woollen Cloth, of what nature, kind or name ſoever they be, or ſhall be of, to weigh, and ought at this preſent time to weigh by the ſeveral Statutes therefore limited and appointed, ſaving that Taunton Clothes, Bridgewaters, and ſuch Clothes as ſhall be made in Taunton, Bridgewater, and other places of like ſort and making, and limited to weigh four and thirty pounds at the leaſt, ſhall and may from henceforth (being well ſcoured, thicked, milled, wrought, and fully dyed) weigh only thirty pounds at the leaſt, Any former Statute or Statutes to the contrary thereof in any wiſe notwithſtanding. And ſaving that Suffolk, Norfolk, Eſſex, and Northern Cloth, limited by the ſeveral Statutes of the fifth year of King Edward the ſixth, and the fourth and fifth years of King Philip and Queen Mary, or one of them, to weigh the ſeveral weights therein mentioned, ſhall and may be abated for the workmanſhip of the whole Cloth four pounds, and for the half Cloth two pounds in the weight thereof, as the ſame Norfolk, Suffolk, and Eſſex Clothes are allowed by her Highneſſe toleration by Proclamation.

The weight of Taunton and Bridgewater cloth.

The weight of Norfolk, &c. clothes.
5 Ed. 6. 8.
4 & 5 P. & M. 5.

The forfeit for want of weight.

And if it ſhall happen, that any of the ſaid broad woollen clothes, half clothes, Kerſies, Cottons, Dozens, Peniſtones, Frizes, Ruggs, or any other woollen cloth, of what nature kind or name ſoever they be or ſhall be of, made or to be made to be ſold, or offered to be ſold, ſhall lack (being well ſcoured, thicked, milled, wrought, and fully dyed,) of the weight therefore reſpectively limited, and which ought to be of that weight by this preſent Act, above three pound in any whole broad woollen cloth, or above one pound and the half of one pound in one half broad Cloth, Taunton Cloth, Bridgewater, or other Cloth of like ſort, or above one pound in one Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, or any other woollen cloth reſpectively, of what nature, kind or name ſoever they be or ſhall be of, Then the Offendor ſhall forfeit for one pound wanting more than is aforeſaid, ten ſhillings, and for two pounds, twenty ſhillings, and for three pounds, forty ſhillings, and ſo double the forfeiture for every pound ſo wanting, unleſſe the party offending by ſuch wanting, will yield the ſame cloth, half cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize and Rugge ſo wanting, forfeited; which if he will yield, then the ſame ſo wanting ſhall be forfeited: Any former Law, Statute or other matter or thing whatſoever to the contrary thereof in any wiſe notwithſtanding.

The ſtat. provided 39 El. 20 for Northern cloth, ſhall extend to cloth made in other counties.

And that one Statute made in the nine and thirtieth year of her Highneſſe Reign, entituled, An Act againſt the deceitful ſtretching and tentering of Northern Cloth, as to, for, touching and concerning views, ſeals, ſearches, appointment of Overſeers, penalties and authority given to Juſtices of Aſſiſe, Juſtices of Peace, head-Officers of Cities, Boroughs and Towns corporate, and other perſon and perſons of and for Northern clothes, in the County of York, Lancaſter, and other the Counties on the North of Trent, ſhall from the ſaid Feaſt of Eaſter next enſuing, reſpectively extend unto all and ſingular woollen broad clothes, half clothes, Kerſies, Cottons, Dozens, Peniſtones, Frizes, Ruggs, and all other woollen cloth of what nature, kind or name ſoever they be or ſhall be of, made or to be made within her Highneſſe Realm of England, to be viewed, ſealed, ſearched, overſeen, ſubjected to penalties, and authority given to Juſtices of Aſſiſe, Juſtices of Peace, and other perſon and perſons, in ſuch and the like manner and form, and to ſuch and the like purpoſes and intents reſpectively, as is limited and appointed, for ſuch ſaid Northern clothes.

Cloth ſealed by the Overſeers, ſhall not be ſearched or tryed again.

And that every broad woollen cloth, half cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, and every other woollen cloth, of what nature, kind, or name ſoever they be or ſhall be of, ſealed by the Overſeers authoriſed by this preſent Act, ſhall not be brought to be viewed, ſearched and ſeen, nor ſhall be ſearched, tried or watered by any other Searcher and Overſeer of any other City, Borough, Town, Village, Pariſh or Hamlet, by vertue of his or their Office or Offices: Any Statute, matter or thing to the contrary thereof in any wiſe notwithſtanding.

A repeal of part of the ſtat. hereafter mentioned. 5 & 6 Ed. 6. 6. 4 & 5 P. & M. 5. 27 Eliz. 17. 35 Eliz. 9. The length of clothes. Certificate of faulty cloth.

And be it further enacted, That the ſeveral branches of the ſeveral Acts of Parliament, the firſt entituled, An Act for the true making of woollen cloth in the fifth year of the Reign of King Edward the ſixth, And the Act entituled, An Act touching the making of woollen clothes in the fourth and fifth years of the Reign of King Philip and Queen Mary, And in the Act made in the ſeven and twentieth year of the Reign of our ſaid Soveraign Lady the Queens Majeſty that now is, entituled, An Act touching the bredth of white Woollen clothes made in the Counties of Somerſet, Wilts, Glouceſter and Oxon, And in the Act made in the five and thirtieth year of the Reign of our ſaid Soveraign Lady the Queens Majeſty that now is, entituled, An Act touching the bredth of Plunkets, Azures and Blewes, and other coloured clothes made in the County of Somerſet, or elſewhere of like making, for and concerning the exceeding of length of clothes, mentioned in the ſaid Statute of the fifth of King Edward the ſixth, ſhall from henceforth be utterly repealed, as concerning only the ſaid over lengths. And that one other branch made in the ſaid fourth and fifth year of the Reign of King Philip and Queen Mary, touching and concerning Certificates of faulty Clothes, ſhall from the ſaid Feaſt of Eaſter next enſuing, be likewiſe repealed, for Clothes to be ſold after the ſaid Feaſt of Eaſter next enſuing.

No Merchant ſhall take advantage of a Clothier for any defect in cloth.

And be it enacted, That no Merchant or Buyer which ſhall tranſport, or cauſe to be tranſported beyond the Seas any broad woollen-cloth, half-cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, or any other woollen cloth, of what nature, kind, or name ſoever they be, or ſhall be of, by reaſon of any Clothiers or Sellers of any broad woollen-cloth, half-cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, or any other woollen-cloth, of what nature, kind, or name ſoever they be, or ſhall be of, ſo tranſported, his hand to ſuch Merchant or Buyers Book, Bill or Ticket, for or touching any defects, ſhall take any benefit or advantage.

All Acts contrary to this repealed.

And be it further enacted, That all and every Article, Clauſe and Sentence in any Act of Parliament heretofore made, touching or concerning the ſaid abuſes in this Act mentioned, and being repugnant and contrariant to any article or ſentence in this Act, ſhall from the ſaid Feaſt of Eaſter now next enſuing, be utterly void, and of none effect.

39 Eliz. 20. The forfeiture to whoſe uſe imployed.

And be it further enacted, That ſuch as ſhall offend after the ſaid Feaſt of Eaſter againſt the ſaid Act in the nine and thirtieth year of her Highneſſe Reign, obſerving and performing this preſent Act, ſhall not incur any penalty mentioned in the ſaid Act of the ſaid nine and thirtieth year. The moyety of all which forfeitures (not otherwiſe by this preſent Act appointed) ſhall be to the Searchers and Overſeers that ſhall and will find the ſame, and in his and their default, to him that ſhall find the ſame, and the other half to the poor of the Pariſh where the offence ſhall be committed.

The Aulnegers authority.

Provided alwayes, That this Act, nor any thing therein contained, ſhall not extend to take away or abridge from any lawful Aulneger any power or right already given unto him by her Majeſties Letters Patents, for the viewing, ſearching, or ſeizing of any Clothes put to ſale, contrary to the Laws heretofore made in that behalf. This Act to continue till the end of the next Seſſion of the next Parliament, and no longer.

Unwrought cloth tentered tranſported and returned.

Provided alſo neverthleſſe, That if any unwrought cloth, half-cloth, Kerſie, Cotton, Dozen, Peniſtone, Frize, Rugge, or any other unwrought woollen-cloth, of what nature, kind, or name ſoever they be, or ſhall be of, tranſported after the ſaid Feaſt of Eaſter next beyond the Seas, ſhall be found to have been formerly tentered, ſtrained and ſtretched by the means or conſent of the Maker or Seller thereof, contrary to the true intent of this preſent Act: That then ſuch Merchant or Buyer ſhall or may at his own coſts and charges return the ſame into this Realm, and after ſuch return, deliver, or cauſe the ſame to be delivered unto the Maker or Seller thereof, with the Seals thereunto limited by this preſent Act to be fixed, and thereupon ſhall or may recover the value thereof ſo returned by action of Debt, Bill, Plaint or Information, in any of her Highneſſe Courts of Record, againſt the Maker or Seller thereof, by whoſe means or conſent the ſame was ſo tentered, ſtrained or ſtretched. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament.

CAP. XI.

Approvement may be made between Lords and Commoners of great Mariſhes in ſeveral Counties, and the perſons undertaking to keep them perpetually dry, &c.

Whereas it is apparent to ſuch as have travelled in the execution of Commiſſions of Sewers in the Iſle and Counties aforeſaid, That the Waſtes, Commons, Mariſhes, and fenny Grounds there ſubject to ſurrounding, may be recovered by ſkilful and able Undertakers, whereby great and ineſtimable benefit would ariſe to her Majeſty, her Heirs and Succeſſors, disburdening her Highneſſe of many chargeable banks and works of Sewers in thoſe ſurrounded grounds, as the encreaſe of many able Subjects, by habitations being there erected, and in like ſort profitable unto many her Highneſſe Subjects, both bodies politick and corporate, who have eſtate of Inheritance, and other intereſt within the ſame: And for that the draining and making dry and profitable of thoſe ſurrounded grounds is chiefly hindred, for that the greater part of them are Waſtes and Commons, ſubject yearly to ſurrounding, wherein divers have common by preſcription, by reaſon of their reſiancy and inhabitancy, which kind of Commons, nor their intereſt therein can by the Common Law be extinguiſhed, or granted to bind others which ſhould inhabit there afterwards: And in that alſo it appeareth, that the Commoners in reſpect of their poverty, are unable to pay the great charges to ſuch as ſhould undertake the recovery of the ſame.

A bargain between the Lords and Commoners in waſtes, and the undertakers.

It may pleaſe your Majeſty, that by your Highneſſe, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and the authority of the ſame, It may be enacted, That the Lord or Lords, as well bodies politick or corporate, as any other perſon or perſons whatſoever, of all and every the Waſtes and Commons aforeſaid, and the moſt of the Commoners for their particular Commons, and likewiſe the Owners, and ſuch as have, or ſhall have an intereſt in any ſeveral ſurrounded grounds, lying within or near the ſame, may contract or bargain for part of ſuch commons, waſtes, and ſeverals aforeſaid, with ſuch perſon and perſons which will undertake the draining and keeping dry perpetually, the Severals, Waſtes and Commons of that quality. Which contract and bargain, and conveyances thereupon made, ſhall be good and available in Law to all conſtructions and purpoſes, againſt the ſaid Lords of the ſaid Soyl, and Owners of Several, and their Heirs, Succeſſors and Aſſigns, and all the Commoners, and ſuch as ſhall or might have common or intereſt there afterwards, according to the contracts, covenants, proviſions and agreements in thoſe conveyances to be ſpecified, and for ſo much of ſuch Commons, Waſtes or Severals, as ſhall be ſo contracted or conveyed, To hold and enjoy in ſeveralty to ſuch perſon and perſons, his or their Aſſignee or Aſſignees, as ſhall or have undertaken the ſame, in ſuch manner and form, as his or their eſtates and intereſt are or ſhall be, by or upon ſuch contracts and agreements, by ſuch conveyances limited and appointed.

Where the Queen is Owner of the ſoyle of the waſte or common, or of part thereof.

The Queens aſſent under the privy or great Seal, and inrolled in the Chancery.

The Queen owner of the waſtes being Dutchy land.

Provided notwithſtanding, and be it enacted by the authority aforeſaid, That in all caſes where your Highneſſe, your Heirs and Succeſſors is or ſhall be Lord or Owner of the Freehold of the Soyl of ſuch Waſtes or Commons, or any part of the ſame, That the moſt part of the Commoners in ſuch your Highneſſe Soyl, ſhall or may contract, bargain, aſſign, and ſet forth as is aforeſaid, part of their common therein, to any perſon or perſons which will undertake the draining of that whole common (accordingly as the Lords and the moſt part of the Commoners in the ſurrounded Waſtes and Commons aforeſaid of bodies politick or corporate may do, as is before declared:) which ſhall bind, and be good and available againſt all the ſaid Commoners, their Heirs, Executors or Aſſigns, and all others that ſhall hereafter, by reaſon of any their reſiancy, claim any Common of Paſture in the ſaid waſtes or common grounds, whereof the ſoyl doth or ſhall pertain to your Majeſty, of and for all their intereſt or claim of common therein, to hold, according to the true intent and effect of ſuch contract, bargain, aſſignment, and conveyances by writing indented, ſealed, and delivered by the moſt part of ſuch Commoners, as ſhall be made between the moſt part of ſuch Commoners and ſuch Undertakers: but ſhall not in any ſort be of any effect or validity againſt your Highneſſe, your Heirs, Succeſſors or Aſſigns, or their Eſtate or Eſtates, in, or to the ſoyl thereof, Except ſuch Conveyances be by writing indented in Parchment, and one part thereof under the Hands and Seals of moſt part of the Commoners ſo contracting the ſame, certified into your Highneſſe high Court of Chancery, if the waſtes or ſoyl ſhall be of the Poſſeſſions of your Highneſſe Crown of England. And except your Majeſties Royal conſent be obtained thereunto, and ſignified by and under your Highneſſe privy Seal, or great Seal, and inrolled in your Highneſſe ſaid Court of Chancery, And after ſuch aſſent ſo had, ſignified and inrolled, Then the ſame Contracts and Covenants ſhall be good and available to all and every ſuch Undertakers, their Heirs and Aſſigns, againſt your Highneſſe, your Heirs and Succeſſors, according to the proviſions, agreements and covenants, ſo aſſented unto by your Highneſſe, your Heirs and Succeſſors. And where they are of the poſſeſſion of the Dutchy of Lancaſter, Then the ſaid Contract, Bargain, Aſſignment, of or from your Highneſſe, ſhall not be of any effect or validity againſt your Highneſſe, your Heirs, Succeſſors and Aſſigns, Except ſuch Contract and Bargain touching the premiſſes, and ſuch aſſignment and ſetting forth of ſuch part to the ſaid Undertakers to hold in ſeveralty, be by writing indented in Parchment, ſealed and delivered by the ſaid Commoners, or the moſt part of them, and the ſaid Undertakers, and one part thereof certified under the hands and ſeals of moſt part of the Commoners, into your Highneſſe Court of the Dutchy of Lancaſter for the time being, and your Majeſties Royal conſent, under the Seal of the ſaid Dutchy, obtained thereunto, and there inrolled in that Court. Which conſent Royal being obtained for the ſoyl of ſuch waſte, being of the poſſeſſions of the Crown, and under the Seal of the ſaid Dutchy, of your Highneſſe ſoyl of ſuch waſtes as are of thoſe poſſeſſions, The ſaid Undertakers, and their Heirs and Aſſigns, ſhall and may enjoy in ſeveralty, the ſoyl of ſo much waſte and common, as was ſo contracted for, aſſigned and ſet forth by the moſt part of your Highneſſe Commoners in ſuch ſort and quality, as the ſaid Undertakers ſhall hold and enjoy the intereſt of common, to all intents and purpoſes.

This ſtat. ſhall extend but to ſo much common as ſhall be contracted for.

Provided alwayes, and be it enacted, That this Act, nor any thing therein contained, ſhall not extend to the impairing, diminiſhing, letting, taking away, or extinguiſhing of the intereſt of the Commoners, or any of them, or of the Lords or Owners of the Soyl, of, in, or to any part of the reſidue of the waſtes or commons, which is not, or ſhall not be ſo ſet forth

This aſſignment ſhall hinder no mans liberty.

or aſſigned to the Undertakers: Nor to any Franchiſes or Liberties, or Waiſe, Stray, Leet, Lawday, nor other Liberties to be uſed or taken, in the part ſo to the ſaid Undertakers aſſigned, But that as well the Commoners, and Lords, and Owners of that Soyl, ſhall and may enjoy their Commons in the reſidue thereof, And the Queens Majeſty, her Heirs and Succeſſors, and the Lords and Owners ſhall and may have and enjoy ſuch Liberties and Franchiſes, in ſuch their part as heretofore was lawfully uſed, and as they, or any of them ſhould or might have done, if this Act, or any ſuch Contract, Bargain and Aſſignment had never been, And thing in this Statute contained to the contrary notwithſtanding.

Not prejudicial to the Ports or Havens Eight miles of Yarmouth, or ſix miles of Lin.

Provided alwayes, and be it enacted, That this Act, nor any thing therein contained, ſhall not extend either to any bargain, ſale, agreement, grant, conveyance or aſſurance, Or to the inning, drayning, or laying dry of any Commons, Mariſhes, or ſurrounded grounds, whereby, or by means whereof, any of the Havens or Ports of this Realm of England may be in any ſort annoyed, impaired or hindered, Nor to any grounds within eight miles of Yarmouth, or ſix miles of Lin within the County of Norfolk. 4 Jac. 8.

CAP. XII.

Commiſſions awarded to hear and determine Policies of aſſurances made among Merchants; and the Commiſſioners authority.

The benefits enſuing by the encouragement of Merchants.

Whereas it hath been the policy of this Realm by all good means to comfort and encourage the Merchant, thereby to advance and encreaſe the general wealth of the Realm, her Majeſties Cuſtoms, and the ſtrength of ſhipping, which conſideration is now the more requiſite, becauſe Trade and Traffique is not at this preſent ſo open as at other times it hath been: and whereas it hath been time out of mind an uſage amongſt Merchants, both of this Realm, and of foreign Nations, when they make any great adventure (eſpecially into remote parts) to give ſome conſideration of money to other perſons (which commonly are in no ſmal number) to have from them aſſurance made of their Goods, Merchandizes, Ships, and things adventured, or ſome part thereof, at ſuch rates, and in ſuch ſort, as the parties aſſurers and the parties aſſured can agree, which courſe of dealing is commonly termed, A policy of aſſurance: by means of which policies of aſſurance, it cometh to paſſe, upon the loſſe or periſhing of any Ship, there followeth not the undoing of any man, but the loſſe lighteth rather eaſily upon many, than heavily upon few, and rather upon them that adventure not, than thoſe that do adventure, whereby all Merchants, eſpecially of the younger ſort, are allured to venture more willingly and more freely: And whereas heretofore ſuch aſſurers have uſed to ſtand ſo juſtly and preciſely upon their Credits, as few or no Controverſies have riſen thereupon, And if any have grown, the ſame have from time to time been ended and ordered by certain grave and diſcreet Merchants appointed by the Lord Mayor of the City of London, as men by reaſon of their experience fitteſt to underſtand, and ſpeedily to decide thoſe cauſes, untill of late years, that divers perſons have withdrawn themſelves from that arbitrary courſe, and have ſought to draw the parties aſſured to ſeek their moneys of every ſeveral aſſurer, by ſuits commenced in her Majeſties Courts, to their great charges and delays. For remedy whereof, Be it enacted by the authority of this preſent Parliament, That it ſhall and may be lawful for the Lord Chancellor, or Lord Keeper of the great Seal of England for the time being, to award forth under the great Seal of England, one general or ſtanding Commiſſion, to be renewed yearly at the leaſt, and otherwiſe ſo oft as unto the ſaid Lord Chancellor or Lord Keeper ſhall ſeem good, for the hearing and determining of cauſes ariſing and policies of aſſurances, ſuch as now are, or hereafter ſhall be entred within the Office of aſſurances within the City of London, and whereof no ſuit ſhall be depending the laſt day of this Seſſion of Parliament, in any of her Majeſties Courts. Which Commiſſion ſhall be directed to the Judge of the Admiralty for the time being, the Recorder of London for the time being, two Doctors of the civil Law, and two common Lawyers, and eight grave and diſcreet Merchants, or to any five of them: which Commiſſioners, or the greater part of them, which ſhall ſit and meet, ſhall have by vertue of this preſent Act, full power and authority to hear, examine, order and decree all and every ſuch cauſe and cauſes concerning policies of aſſurances in a brief and ſummary courſe, as to their diſcretion ſhall ſeem meet, without formalities of pleadings or proceedings.

A policy of aſſurance, and the benefit coming thereby.

Commiſſions awarded to hear and determine touching policies of aſſurances.

Who ſhall be Commiſſioners.

The Commiſſioners authority.

And be it further enacted by the authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, aſwell to warn any of the parties to come before them, as alſo to examine upon Oath any witneſſe that ſhall be produced, and to commit to priſon without bail or mainpriſe, any perſon that ſhall wilfully contemn or diſobey their final Orders or Decrees. And that the ſaid Commiſſioners ſhall once every week at the leaſt, meet, and ſit upon the execution of the ſaid Commiſſion, in the Office of the aſſurances, or in ſome other convenient publick place by them to be aſſigned. And that no perſon by vertue of this Act may claim or exact any fee, for any matter or cauſe concerning the execution of the ſaid Commiſſion.

A remedy for the party grieved by the Commiſſioners decree.

And be it further enacted by the authority aforeſaid, That if any perſon ſhall be grieved by ſentence or decree of the ſaid Commiſſioners, that ſuch perſon ſo grieved, may at any time within two moneths of the ſaid decree ſo made, exhibit his Bill into the high Court of Chancery, for the re-examination of ſuch decree, So as every perſon complainant, before he ſhall exhibit any ſuch Bill, do either execute and ſatisfie the ſaid ſentence ſo awarded, or at the leaſt lay down In depoſito with the ſaid Commiſſioners, ſuch ſums of money as he ſhall be awarded to pay, and that upon ſo doing, the ſaid complainant ſhall be enlarged of his impriſonment: And that the Lord Chancellor, or Lord Keeper for the time being, ſhall have full power and authority by vertue of this Act, upon every complaint made (in order as aforeſaid) to reverſe or affirm every ſuch ſentence or decree, according to equity and conſcience. And that the ſaid Lord Chancellor or Lord Keeper, in every ſuit brought before him as aforeſaid, by ſuch aſſurers, and decreed againſt the ſaid aſſurers, ſhall award double coſts to the party aſſured.

Provided nevertheleſſe, That no Commiſſioner ſhall intermeddle in the execution of any ſuch Commiſſion in any cauſe or matter of aſſurance, where himſelf ſhall be either a party aſſurer, or aſſured, in the ſame aſſurance which is brought in queſtion. Nor that any Commiſſioner (other than the ſaid Judge of the Admiralty, and the Recorder of London) ſhall deal or proceed in the execution of any ſuch Commiſſion, before he have taken his corporal Oath before the Lord Mayor and Court of Aldermen of the City of London, to proceed uprightly and indifferently between party and party. Stat. 14 Car. 2. cap. 23.

No aſſurer or aſſured ſhall meddle in the Commiſſion. The Commiſſioners depoſed.

CAP. XLII.

Remedy to redreſs the impriſoning, ranſoming, taking and carrying away of Priſoners, and other Miſdemeanors committed in Cumberland, Northumberland, Weſtme. land, and the Biſhoprick of Dureſme, and a means to apprehend Outlaws there.

FOraſmuch as now of late years, very many of her Majeſties Subjects dwelling and inhabiting within the Counties of Cumberland, Northumberland, Weſtmerland, and the Biſhoprick of Dureſme, have been taken, ſome forth of their own houſes, and ſome in travelling by the high-way, or otherwiſe, and carried out of the ſame Counties, or to ſome other places within ſome of the ſaid ſeveral Counties as Priſoners, and kept barbarouſly and cruelly, untill they have been redeemed by great ranſoms: And where now of late time there have been many Incurſions, Roads, Robberies, and burning and ſpoiling of Towns, Villages and Houſes within the ſaid Counties, That divers and ſundry of her Majeſties loving Subjects within the ſaid Counties, and the Inhabitants of divers Towns there have been enforced to pay a certain rate of Money, Corn, Cattel, or other conſideration, commonly there called by the name of Black-mail, unto divers and ſundry inhabiting upon or near the Borders, being men of name, and friended and allied with divers in thoſe parts, who are commonly known to be great Robbers and Spoyl-Takers within the ſaid Counties, to the end thereby to be by them freed, protected and kept in ſafety from the danger of ſuch as do uſually rob and ſteal in thoſe parts: By reaſon whereof, many of the Inhabitants thereabouts, being her Majeſties Tenants, or other good Subjects are much impoveriſhed, and Theft and Robbery much encreaſed, and the Maintainers thereof greatly encouraged, and the ſervice of thoſe Borders and Frontiers much weakned and decayed, and divers Towns thereabouts much diſpeopled and laid waſte, and her Majeſties own Revenue greatly diminiſhed: Which hainous and outragious Miſdemeanors there, cannot ſo well by the Ordinary Officers of her Majeſty in thoſe parts be ſpeedily prevented or ſuppreſſed, without further proviſion of Law.

Several outragious miſdemeanors committed in Cumberland, &c.

For remedy whereof, Be it enacted by the authority of this preſent Parliament, That whoſoever ſhall at any time hereafter, without good and lawful warrant and authority, take any of her Majeſties Subjects againſt his or their will or wills, and carry them out of the ſame Counties, or to any other places within any of the ſaid Counties, or detain, force or impriſon him or them as Priſoners, or againſt his or their wills, to ranſome them, or to make a prey or ſpoil of his or their perſon or goods, upon deadly fraud, or otherwiſe: Or whoſoever ſhall be privy, conſenting, aiding or aſſiſting unto any ſuch taking, detaining, or carrying away, or procure the taking, detaining, or carrying away of any ſuch perſon or perſons priſoners as aforeſaid: Or whoſoever ſhall take, receive or carry, to the uſe of himſelf, or wittingly to the uſe of any other, any Money, Corn, Cattel, or other conſideration, commonly called Black-mail, for the protecting or defending of him or them, or his or their Lands, Tenements, Goods or Chattels from ſuch Thefts, Spoyls and Robberies as is aforeſaid: Or whoſoever ſhall give any ſuch Money, Corn, Cattel, or other conſideration, called Black-mail, for ſuch protection as is aforeſaid: Or ſhall wilfully, and of malice burn, or cauſe to be burned, or aid, procure, or conſent to the burning of any Barn, or Stack of Corn or Grain, within any the ſaid Counties or Places aforeſaid, and ſhall be of the ſaid ſeveral offences, or of any of them indicted, and lawfully convicted, or ſhall ſtand mute, or ſhall challenge peremptorily above the number of twenty before the Juſtices of Aſſiſes, Juſtices of Gaol delivery, Juſtices of Oyer and Terminer, or Juſtices of Peace within any of the ſaid Counties, at ſome of their general Seſſions within ſome of the ſaid Counties to be holden, ſhall be reputed, adjudged, and taken to be as Felons, and ſhall ſuffer pains of death, without any benefit of Clergy, Sanctuary or Abjuration, and ſhall forfeit as in caſe of felony.

Carrying away or detaining any perſon againſt his will.

Aſſenting or ayding to the taking or detaining of any perſon.

Receiving or carrying of Black-mail.
Giving of Black mail for protection.
Burning of Barns or ſtacks of corn.
The aforeſaid offences ſhall be felony without Clergy, &c.

And where divers and ſundry perſons within the ſaid Counties, being indicted and outlawed for Murders, Robberies, Burglaries, or other Felonies, do notwithſtanding ordinarily reſort and come to Markets, Fairs, and other publick Aſſemblies and Meetings, and do there Converſe, Traffique, and Trade with other her Majeſties Subjects, and are entertained, and have the priviledge as men obedient to Laws, and yet do never yield themſelves to tryal of Law, nor are apprehended, whereby the ordinary proceeding of Law, and execution of Juſtice in thoſe parts are grown into very great contempt.

Be it therefore likewiſe further enacted, That every Clerk of the Peace within every of the ſaid Counties, ſhall within the ſpace of two moneths next after any Outlawry within any of the ſaid Counties, deliver, or cauſe to be delivered, by writing under his hand, the names of all and every ſuch as are or ſhall be hereafter outlawed within their ſeveral Counties, to all and every the Sheriffs of the ſaid ſeveral Counties: And all and every the ſaid Sheriffs ſhall proclaim and publiſh them to be outlawed in their ſeveral County Courts, and in the City of Carlile, the Towns of Penreth and Cockermouth in the County of Cumberland, and in the Towns of Appulby and Kendal, in the County of Weſtmerland, and in the Town of Newcaſtle upon Tine in the County of the Town of Newcaſtle upon Tine, and in the Towns of Morpeth, Alnewick and Hexam in the County of Northumberland, and in the City of Dureſme, and Towns of Darlington, Biſhop Awcland, and Barnard Caſtle within the ſaid Biſhoprick of Dureſme, and in the Town of Barwick

The names of all outlaws ſhall be declared to the Sheriff.

Proclamation of the outlaws.

upon Twede, and that the ſaid Sheriffs having notice as aforeſaid, ſhall from time to time, once in the moneth, at the Court, proclaim every of the ſaid perſons ſo outlawed, or hereafter to be outlawed, untill they ſhall yield their bodies to priſon. And likewiſe, that the Mayors, Bailiffs, Aldermen, and other chief Officers within the ſaid ſeveral Cities and Towns ſhall proclaim the like at every Fair or Fairs to be kept within the ſaid Cities or Towns, and once every ſix weeks at their Markets.

The puniſhment for relieving or conferring with an outlaw for felony.

And be it alſo enacted, That if any perſon or perſons inhabiting within any the ſaid ſeveral Counties, ſhall wittingly and willingly have conference, talk, or in any ſort ſhall relieve, entertain, or confer with any ſuch perſon or perſons ſo outlawed, or hereafter to be outlawed for any ſuch Murders, Robberies, Burglaries, or other Felonies, having knowledge of the ſame Outlawries, by reaſon of the ſame Proclamation, or otherwiſe, and then ſhall not with convenient ſpeed do his beſt endeavour to take and arreſt any ſuch perſon or perſons ſo outlawed, or to be outlawed, as is aforeſaid, ſhall ſuffer Impriſonment by the ſpace of ſix moneths without bail or main-priſe, and be bound with two ſufficient Sureties for his good behaviour for the ſpace of one year after, before he be enlarged of his Impriſonment.

The enquiry and puniſhment of the offendors.

And be it further enacted, That the Juſtices of Aſſiſe within any of the ſaid Counties, Juſtices of Gaol-delivery, Juſtices of Oyer and Terminer, or Juſtices of Peace within any of the ſaid Counties, at any of their general Seſſions, ſhall have power and authority by vertue of this Act, to enquire, hear and determine of the offences and defaults of the ſaid Sheriffs, Mayors, Bailiffs, Aldermen, and other Officers, and of the Clerks of the Peace within the ſaid Counties, and proceed againſt them by Information or Indictment, and puniſh them by Fine, Impriſonment, or otherwiſe, as they ſhall think fit.

The authority of the Lords Wardens ſhall not be impeached.

Provided alwayes, That this Act, nor any thing therein contained, ſhall not extend to abridge or impeach the juriſdiction or authority of any the Lords Wardens of any the Marches of England, for and anenſt Scotland, any thing in this preſent Act to the contrary notwithſtanding.

CAP. XIV.

The penalty of the Statute of 7 Ed. 6. 7. for the Aſſize of Fewel, repealed: and another forfeiture aſſigned, &c.

7 Ed. 6. 7.

WHereas in the Parliament holden at Weſtminſter, in the ſeventh year of King Edward the ſixth, One Act was made touching the aſſized Talewood, Billets and Faggots to be ſpent in London and Weſtminſter, the which aſſizes were very meet and convenient ſhould be kept in all places through this Realm, where ſuch Talewood, Billets and Faggots are uſed to be ſpent: Neverthleſſe the forfeiture contained in the ſaid Statute for every Shide of Talewood, Billet and Faggot, lacking the aſſize, being put to ſale, is three ſhillings and four pence, which penalty is over heavy and extream, conſidering the ſame dependeth upon the fault of poor labouring men, which do cut, mark, and make the ſame many times without the knowledge or conſent of the ſeller. For remedy whereof, Be it enacted by the authority of this preſent Parliament, That ſo much of the ſaid Statute as concerneth the forfeiture of three ſhillings four pence for every Shide of Talewood, Billet or Faggot, lacking the aſſize contained therein, ſhall from henceforth be void and of none effect, And yet the aſſize of the ſaid Talewood, Billet and Faggots, ſhall ſtill continue in force, not only for London and Weſtminſter, but alſo in all other Cities, Boroughs, and Towns corporate of this Realm, where ſuch Talewood, Billet and Faggots are accuſtomed to be ſold.

A repeal of the forfeiture of 3 s. 4 d. limited by the ſtat. of 7 Ed. 6. 7. The aſſize of Talewood, Billet and Faggot, limited by the ſtat. of 7 Ed. 6. 7 ſhall continue.

And be it further enacted, That if any perſon or perſons ſhall after the firſt day of May now next enſuing, bring any Talewood, Billet or Faggot, to any City, Borough, or Town corporate within this Realm, there to be ſold, or being brought, ſhall put the ſame to ſale, neither being of the aſſize mentioned in the ſaid Statute made in the ſeventh year of King Edward the ſixth, or agreeing with the meaſures hereafter in this Act limited: that then upon information thereof given to the Mayor, Bailiff, or other head Officer of the ſaid City, Borough, or Town corporate, they ſhall have power and authority to call before them ſix good and lawful men of the ſaid City, Borough, or Town corporate, and ſhall ſwear them upon their corporal Oaths, truly to enquire and preſent, whether all or any part of the ſaid Talewood, Billets or Faggots be of good and ſufficent aſſize, according to the ſaid Statute, and the limitation of aſſize herein contained, or not. And if they ſhall preſent upon their Oaths, that any of the ſame Tale-wood, Billets or Faggots be not of ſuch good and ſufficient aſſize as abovesaid: That then the ſaid Mayor, Bailiffs, and other head Officers of the ſaid Cities, boroughs, and towns corporate, by force of this Act, upon their preſentment, ſhall and may take ſuch of the ſame Talewood, Billet and Faggots as be falſe ſized, as forfeited, and ſhall deliver the ſame unto ſome Overſeers for the poor, in the ſaid Cities, Boroughs, and Towns corporate, to be by them given & diſtributed to the poor there, according to their diſcretions, from time to time, as often as ſuch offences ſhall be preſented, in manner and form abovesaid.

Six charged to enquire of the defaults of Talewood, &c.

The forfeiture ſhall be diſtributed to the poor.

And whereas in the ſaid former Statute it was enacted and limited, That every Taleſhide ſhall contain in length four foot, beſides the Carff; And every Taleſhide named one, ſhould contain in greatneſſe, within one foot of the midſt, ſixteen inches about; and every Taleſhide named of two, to contain in greatneſſe, within a foot of the midſt, twenty and three inches about; and every Taleſhide named of three, to contain in greatneſſe within one foot of the midſt, twenty and eight inches about: and every Taleſhide named of four, to contain in greatneſſe within one foot of the midſt, thirty three inches about; and every Taleſhide named of five, to contain in greatneſſe within one foot of the midſt, thirty eight inches about: And every Billet to contain in length three foot four inches; and every Billet named a Single, to contain ſeven inches and an half about; and every Billet named to be a Caſt, to contain ten inches about; and every Billet named of two Caſt, to contain four inches about: And every Faggot, bent or ſtick, to contain in length three foot; and the bond of every ſuch Faggot to be of four and twenty inches about, beſides the knot. In which Act it was further enacted, That all Billets of two caſt ſhould be marked within ſix inches of the midſt thereof, and every Billet of one caſt to be marked only within four inches of the end thereof, as in the ſaid Act of Parliament amongſt divers other clauſes, articles and proviſions, doth and may appear. And whereas divers evil diſpoſed perſons, evading from the true intent, good meaning and purpoſe of the ſaid Act of Parliament, have cunningly deviſed, by cleaving of wood made or to be marked for Talewood or Billet, and by ſtopping of Faggots with ſhort ſticks about the midſt thereof, ſo to deceive and abuſe the Subjects of this Realm, as many times they ſell the one half or little more for the whole, and yet ſo cunningly carried, that by the ſtrict Letter of the ſaid Statute they cannot be controlled, by reaſon the ſaid Statute uſeth only the word (About) and wanteth the word (Round), And whereas by the true intent of the ſaid Statute, every bend of Faggot ſhould be three foot, and the bond beſides the knot four and twenty inches, the ſaid evil diſpoſed people do not only make the ſaid bends or Faggot ſticks much ſhorter, but if any chance to be of ſufficient length, then only one or two of thoſe ſhall be put in a Faggot, and the bond filled up with ſhort ſticks or bends ſcarce one foot long, to the great damage and deceit of her Majeſties Subjects buying the ſame.

Several deceitful practices to defraud the true meaning of the ſtat. of 7 Ed.6.7.

For avoiding of all which deceits for ever hereafter, and to avoid all ſcruple, ambiguity, or doubt hereafter to be made of the ſaid Statute, or the true meaning thereof, and for that it muſt needs be permitted to cleave great trees into Talewood or Billet, for conveniency of uſe: Be it therefore (for explanation of the true intent of the ſaid Statute) enacted by authority of this preſent Parliament, That from and after the firſt day of May now next coming, every Taleſhide marked of one, being round bodied, ſhall contain ſixteen inches of aſſize in compaſſe; being of half round, nineteen inches of aſſize about; being quarter cleft, eighteen inches and a half of aſſize about: and that every Taleſhide marked two, being round bodied, ſhall contain in compaſſe three and twenty inches of aſſize about; being half round, ſeven and twenty inches of aſſize about; being of quarter cleft, ſix and twenty inches of aſſize about: and that every Taleſhide marked three, ſhall contain in compaſſe about (being round) eight and twenty inches of aſſize; being half round, to contain in compaſſe three and thirty inches of aſſize; being of quarter cleft, two and thirty inches of aſſize about: and every Taleſhide marked four, to contain in compaſſe, being round, three and thirty inches of aſſize; being half round, nine and thirty inches of aſſize about; being of quarter cleft, eight and thirty inches of aſſize about: and every Taleſhide marked five, ſhall contain in compaſſe, being round, eight and thirty inches of aſſize about, and being half round, four and forty inches of aſſize about, and being quarter cleft, three and forty inches of aſſize about: All which to be meaſured about within ſix inches of the midſt thereof, and to contain the length limited by the ſaid Statute. And in all other forms and manners of cleaving of wood, to be hereafter marked and ſold for Talewood, which will not admit the former forms, or manner of cleaving, nor any of theſe, to obſerve the Letter of the ſaid ſtatute of An.7 Ed.6.ca.7.

The compaſs of Taleſhides marked.

And for the better underſtanding of the intent of this Statute, Be it enacted by the authority aforeſaid, That in every one of theſe forms, the ſurpluſage of compaſſe that ſhall happen between any two next meaſures, being above the one, and under the other in every kind, ſhall be deemed, allowed, and taken to be for, and to the benefit of the Buyer, and not otherwiſe to be computable.

And be it further enacted by the authority aforeſaid, That every Billet, named a Single, ſhall contain in compaſſe, being round bodied, ſeven inches and an half of aſſize, and no Singles to be made or marked out of cleft wood. And every Billet marked one, commonly called a Caſt, to contain in compaſſe about eleven inches of aſſize, being round; and being half round, to contain in compaſſe thirteen inches of aſſize about; and being quarter cleft, to contain in compaſſe about twelve inches and an half: and every Billet marked two, commonly called two Caſt, to contain in compaſſe about, being round, ſixteen inches of aſſize; and being half round, to contain in compaſſe about, nineteen inches of aſſize, and being of quarter cleft, to contain in compaſſe about eighteen inches and an half of aſſize: And in all other forms or manner of cleaving of Billet to be hereafter marked and ſold for Billets, which will not admit the former forms, or manner of cleaving, nor any of them, and touching the length of all the ſaid Billets, to obſerve the Letter of the ſaid Statute of Anno 7 Ed.6. ca.7.

The compaſs of Billets.

And be it alſo enacted by the authority aforeſaid, That all Faggots hereafter to be made and put to ſale, ſhall contain in compaſſe, beſides the knot of the bond, four and twenty inches of aſſize, and every Faggot ſtick or bend within the ſaid bond, to contain in length full three foot of aſſize or more, excepting only one ſtick or bend to be one foot long, to ſtop or harden the binding thereof.

The compaſs of Faggots.

CAP. XV.

Fines may be levied before the Mayor of the City of Cheſter, for Lands lying there, &c.

WHereas by an Act made in the Parliament holden at Weſtminſter by prorogation in the ſecond year of the Reign of our late Soveraign Lord of famous memory, King Edward the ſixth, entituled, An Act for Fines with Proclamations in the County Palatine of Cheſter, It was enacted, That all Fines which at any time thereafter ſhould be levied or knowledged before the high Juſtice of the ſaid King, or of his Heirs and Succeſſors, of his County Palatine of Cheſter for the time being, or before the Deputy or Lieutenant Juſtice for the time being, of any Lands, Tenements, or other Hereditaments, lying and being within the ſaid County Palatine of Cheſter, which ſhould be openly read and proclaimed in ſuch manner and form, as in and by the ſaid Act is particularly appointed, ſhould be of like force, ſtrength and effect in the Law, to all intents, conſtructions and purpoſes, as Fines duly levied with Proclamations, before the ſaid Kings Juſtices of the Common Pleas, were.

The effect of the ſtat. of 2 Ed. 6. 28.

The City of Cheſter made a County of it ſelf, and divided from the county of Cheſter.

And foraſmuch as the ſaid act doth not extend to any lands, tenements, or other hereditaments, lying and being within the County of the City of Cheſter (the ſaid City, with the Suburbs and Hamlets thereof, and all the land within the precinct and circuit of the ſaid City, Suburbs, and Hamlets, being long before, by our late Soveraign Lord of famous memory, King Henry the ſeventh, by his Highneſs Letters Patents bearing date at Cheſter the ſixth day of April, in the one and twentieth year of his reign, divided, exempted, and in all things ſeparated from the ſaid County of Cheſter, and from thenceforth made and appointed to be a County by it ſelf, and in it ſelf, diſtinct and ſeparate from the ſaid County of Cheſter) ſo that the Inhabitants within the ſaid City, and all others being owners of lands within the County of the ſaid City, have no means to levy any fines of ſuch their ſaid Lands in any of her Highneſſe Courts of Record:

Fines levied of lands within the county of the City of Cheſter.

May it therefore pleaſe your moſt Excellent Majeſty, the Lords Spiritual and Temporal, and the Commons of this Realm, in this preſent Parliament aſſembled, That it may be enacted by the authority of the ſame, That from henceforth it ſhall and may be lawful to and for all and every perſon or perſons whatſoever, upon any original Writ or Writs of covenant, or any other original Writ or Writs, whereupon fines are or have been uſually levied, to be purchaſed out of her Highneſs Court of Exchequer within the ſaid County Palatine of Cheſter, returnable before the Mayor of the ſaid City for the time being, in the Portmoot Court to be holden within the ſaid City, To levy any Fine or Fines of any lands, tenements or hereditaments, lying or being within the ſaid County of the ſaid City of Cheſter, before the Mayor of the ſaid City for the time being, in the ſaid Portmoot Court, in ſuch manner and form, as fines may be levied by any laws or ſtatutes of this Realm, before the Queens Majeſties high Juſtice of her County Palatine of Cheſter, of lands within the ſame County Palatine. And that the Mayor of the ſaid City for the time being, ſhall from henceforth have full power and authority to receive and record all and every ſuch fine and fines. And that all and every ſuch fine and fines which ſhall be ſo levied, and which ſhall be openly read and proclaimed before the Mayor of the ſaid City for the time being, in the ſaid Portmoot Court, once at the ſame Court day that the ſaid fine or fines ſhall be engroſſed, and once at every of the nine next Court-dayes of Portmoot to be holden within the ſaid City, before the Mayor thereof for the time being, next after the levying and engroſſing of ſuch Fine or Fines, ſhall be of like force, ſtrength and effect in the Law, to all intents, conſtructions and purpoſes, as fines duly levied with Proclamations, before her Majeſties ſaid high Juſtice of her County Palatine of Cheſter, of lands within the ſame county, are, or ought to be of.

Proclamations of the fine.

A Dedimus Poteſtatem granted to receive a Warrant of Atturney for the ſuffering of a Recovery.

And whereas alſo the Mayor of the ſaid City for the time being, hath been ever heretofore (for and during all the time whereof the memory of man is not to the contrary) accuſtomed in all and every common recovery or recoveries, ſuffered before him in the ſaid Court of Portmoot, in abſence of the Tenant or Tenants, Vouchee or Vouchees in ſuch Recovery or Recoveries, to award and ſend forth of the ſaid Court a Writ, Proceſs or Precept of Dedimus Poteſtatem, in the name of our Soveraign Lady the Queens Majeſty that now is, and of her Highneſs Succeſſors, Kings and Queens of England for the time being, under the Teſte of the ſaid Mayor for the time being, and ſealed with the ſeal of his Office, thereby authorizing thoſe to whom the ſame was directed, or ſome of them, to receive Warrants of Atturneys from ſuch Tenant or Tenants, Vouchee or Vouchees, to ſuch Atturney or Atturneys, as the ſaid Tenant or Tenants, Vouchee or Vouchees, would in his or their place or places, conſtitute for him or them to appear in the ſaid Court, and to gain or loſe the ſaid lands, tenements or hereditaments, in, or by ſuch recovery or recoveries demanded, or to be recovered.

A Dedimus Poteſtatem granted by the Mayor of Cheſter to take the acknowledgment of a fine.

Be it alſo enacted by the authority aforeſaid, That upon all and every ſuch original Writ or Writs hereafter to be purchaſed out of her Highneſs ſaid Court of Exchequer, as aforeſaid, for the levying of any fine or fines within the ſaid City of Cheſter: the Mayor of the ſaid City for the time being, ſhall for ever hereafter have full power and authority to award and ſend forth ſuch like writ or writs, Proceſs or Precepts of Dedimus Poteſtatem, as is aforeſaid, to any two or more ſufficient perſons, authorizing them, or ſome of them, to receive and take the acknowledgment of ſuch perſon or perſons as ſhall be willing to levy ſuch Fine or Fines, and by reaſon of ſickneſs, or other reaſonable impediment, cannot come in perſon before the ſaid Mayor for the time being, to make ſuch acknowledgment, and that all and every ſuch Fine and Fines, as upon any ſuch acknowledgment made and certified into the ſaid Court of Portmoot, ſhall be hereafter engroſſed, recorded and proclaimed in ſuch manner and form as is formerly limited and appointed, before the Mayor of the ſaid City for the time being, in the ſaid Court of Portmoot, ſhall be of like force and effect, to all intents, conſtructions and purpoſes, as if the ſame Fine or Fines had been perſonally acknowledged before the ſaid Mayor, and ingroſſed, recorded, and proclaimed in ſuch manner and form, as in and by this preſent Act is formerly limited, appointed, expreſſed and declared.

Where a Fine levied in Cheſter may be reverſed by writ of Error.

Provided alwayes, and be it Enacted, That Fines to be levied by vertue of this Act, ſhall be ſubject to be reverſed, and may be reverſed upon Writs of Error to be ſued and proſecuted before the ſaid high Juſtice of the ſaid County Palatine of Cheſter, as other Judgments given by the ſaid Mayor in the ſaid Portmoot Court, may be, and have uſed to be, if there ſhall be found Error in the ſame fine or fines.

CAP. XVI.

The County of Cumberland ſhall ſtand chargeable for the erecting, maintaining, repairing, and new making of Edon Bridge, and Preſtberk Bridge, ſtanding over the River of Edon, when, and as often as need ſhall require: And for the aſſeſment, rating, collection and employing of ſuch works, and ſums of money, as from time to time ſhall be needful for the building and repairing of thoſe Bridges, ſuch form and order ſhall be obſerved in all things, by, and through the ſaid County, as is appointed by the Statute of 22 H. 8. ordained for the repair of Bridges. But the Inhabitants of the Lordſhip of Milham ſhall not be chargeable with any contribution thereunto. PR.

CAP.

CAP. XVII.

A confirmation of four Subſidies of four ſhillings in the pound, granted to the Queen by the Clergy. EXP.

CAP. XVIII.

A grant by the Temporalty to the Queen of four entire Subſidies, and eight Fifteens and Tenths. EXP.

CAP. XIX.

A confirmation by the Parliament of the Queens general and free Pardon. Except, &c. EXP.

Anno Reg. JACOBI *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ, viz. Angliæ, Franc. & Hibern. primo. & Scotiæ triceſimo ſeptimo.*

AT the Parliament begun and holden at Weſtminſter, the nineteenth day of March, in the firſt year of the Reign of our moſt gracious Soveraign Lord JAMES, by the Grace of God, of England, France, and Ireland, King, Defender of the Faith, &c. and of Scotland the ſeven and thirtieth. And there continued untill the ſeventh day of July, 1604. And then prorogued untill the ſeventh of February next following. To the high pleaſure of Almighty God, and the weal publick of this Realm, were enacted as followeth.

CAP. I.

A Recognition that the Crown of England is lawfully deſcended unto King JAMES, his Progeny and Poſterity.

The benefits enſuing by the conjunction of the houſes of York and Lancaſter.

The uniting of England and Scotland in the Kings perſon. Co, Inſt. 4 part, 345.

GREAT and manifold were the benefits (moſt Dread and moſt Gracious Soveraign) wherewith Almighty God bleſſed this Kingdom and Nation, by the happy union and conjunction of the two Noble Houſes of York and Lancaſter, thereby preſerving this Noble Realm, formerly torn, and almoſt waſted with long and miſerable diſſention, and bloody civil War: But more ineſtimable and unſpeakable bleſſings are thereby poured upon us, becauſe there is derived and grown from and out of that union of thoſe two Princely Families, a more famous and greater union (or rather a re-uniting) of two mighty, famous and ancient Kingdoms (yet anciently but one) of England and Scotland, under one Imperial Crown, in your moſt Royal Perſon, who is lineally, rightfully, and lawfully deſcended of the body of the moſt excellent Lady Margaret, eldeſt daughter of the moſt renowned King Henry the ſeventh, and the high and noble Princeſs, Queen Elizabeth his Wife, eldeſt daughter of King Edward the fourth. The ſaid Lady Margaret being eldeſt ſiſter of King Henry the eighth, Father of the high and mighty Princeſs of famous memory, Elizabeth, late Queen of England.

The acknowledgment of the Kings title, and the love of his ſubjects ſhewed by ſeveral means.

In conſideration whereof, albeit we your Majeſties loyal and faithful Subjects, of all eſtates and degrees, with all poſſible and publick Joy and Acclamation, by open Proclamations within few hours after the deceaſe of our late Soveraign Queen, acknowledging thereby with one full voice of Tongue and Heart, That your Majeſty was our only, lawful, and rightful Leige Lord and Soveraign, by our unſpeakable and general rejoycing and applauſe at your Majeſties moſt happy Inauguration and Coronation: by the affectionate deſire of infinite numbers of us, of all degrees, to ſee your Royal perſon, and by all poſſible outward means have endeavoured to make demonſtration of our inward love, zeal and devotion, to your moſt excellent Majeſty, our undoubtful rightful Leige Soveraign Lord and King: Yet, as we cannot do it too often, or enough, ſo can there be no means or way too fit, both to ſacrifice our unfained and hearty thanks to Almighty God, for bleſſing us with a Soveraign, adorned with the rareſt gifts of mind and body, in ſuch admirable peace and quietneſſe, and upon the knees of our hearts to agnize our moſt conſtant faith, obedience, and loyalty to your Majeſty, and your Royal Progeny, as in this high Court of Parliament, where all the whole body of the Realm, and every particular member thereof, either in perſon or by repreſentation (upon their own free elections) are by the Laws of this Realm deemed to be perſonally preſent.

Several cauſes that have bound all ſubjects to the love and obedience of the King.

To the acknowledgement whereof to your Majeſty, we are the more deeply bounden and obliged as well in regard of the extraordinary care and pains, which with ſo great wiſdom, knowledge, experience and dexterity, your Majeſty (ſithence the Imperial Crown of this Realm deſcended to you) have taken for the continuance and eſtabliſhment of the bleſſed peace both of the Church of England in the true and ſincere Religion, and of the Commonwealth by due and ſpeedy adminiſtration of juſtice, as in reſpect of the gracious care and inward affection which it pleaſed you on the firſt day of this Parliament ſo lively to expreſſe by your own words, ſo full of high wiſdom, learning and vertue, and ſo repleat with Royal and thankful acceptation of all our faithful and conſtant endeavours, which is, and ever will be to our ineſtimable conſolation and comfort.

Cauſes of thankſgiving to God for the King and his progeny.

We therefore your moſt humble and loyal Subjects, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, do from the bottom of our hearts yield to the divine Majeſty all humble thanks and praiſes, not only for the ſaid unſpeakable and ineſtimable benefits and bleſſings above mentioned, but alſo that he hath further enriched your Highneſſe with a moſt Royal Progeny, of moſt rare and excellent gifts and forwardneſſe, and in his goodneſſe is like to encreaſe the happy number of them. And in moſt humble and lowly manner do beſeech your moſt excellent Majeſty, that (as a memorial to all Poſterities, amongſt the Records of your high Court of Parliament for ever to endure, of our loyalty, obedience, and hearty and humble affection) it may be publiſhed

Immediately upon Queen Elizabeths death, the Crown of England, &c. deſcended to the King by lawful birth-right and deſcent.

and declared in this High Court of Parliament, and Enacted by authority of the ſame, That we (being bounden thereunto both by the Lawes of God and Man) do recognize and acknowledge (and thereby expreſs our unſpeakable joyes) That immediately upon the diſſolution and deceaſe of Elizabeth, late Queen of England, the Imperial Crown of the Realm of England, and of all the Kingdoms, Dominions and rights belonging to the ſame, did by inherent birth-right, and lawful and undoubted ſucceſſion, deſcend and come to your moſt excellent Majeſty, as being lineally, juſtly, and lawfully, next and ſole Heir of the Blood-Royal of this Realm, as is aforeſaid, And that by the goodneſs of God Almighty, and lawful right of deſcent, under one Imperial Crown, your Majeſty is of the Realms and Kingdoms of England, Scotland, France, and Ireland, the moſt potent and mighty King, and by Gods goodneſs, more able to protect and govern us your loving Subjects in all peace and plenty, than any of your noble Progenitors, And thereunto we moſt humbly and faithfully do ſubmit and oblige our ſelves, our heirs and poſterities for ever, until the laſt drop of our bloods be ſpent. And do beſeech your Majeſty to accept the ſame, as the firſt fruits in this High Court of Parliament, of our loyalty and faith to your Majeſty, and your Royal Progeny and poſterity for ever. Which if your Majeſty ſhall be pleaſed (as an argument of your gracious acceptation) to adorn with your Majeſties Royal aſſent, without which it can neither be compleat and perfect, nor remain to all poſterity, according to our moſt humble deſire, as a memorial of your Princely and tender affection towards us) we ſhall adde this alſo to the reſt of your Majeſties unſpeakable and ineſtimable benefits.

CAP. II.

An authority to given to certain Commiſſioners of the higher and lower Houſe of Parliament, to treat with certain Commiſſioners of Scotland.

Co. li
3. par

Whereas his moſt excellent Majeſty hath been pleaſed, out of his great Wiſdome and Judgment, not only to repreſent unto us by his own prudent and Princely Speech on the firſt day of this Parliament, how much he deſired (in regard of his inward and gracious affection to both the famous and ancient Realms of England and Scotland, now united in Allegiance and loyal ſubjection in his Royal Perſon, to his Majeſty and his poſterity for ever) that by a ſpeedy, mature, and ſound deliveration, ſuch a further union might follow, as ſhould make perfect that mutual love, and uniformity of manners and cuſtomes which Almighty GOD in his providence, for the ſtrength and ſafety of both Realms, hath already ſo far begun in apparent ſight of all the world: But alſo hath vouchſafed to expreſs many ways, how far it is and ever ſhall be from his Royal and ſincere care and affection to the Subjects of England, to alter or innovate the fundamental and ancient laws, priviledges, and good cuſtoms of this Kingdom, Whereby not only his Regal Authority, but the peoples ſecurity of lands, livings, and priviledges (both in general and particular) are preſerved and maintained, And by the aboliſhing or alteration of the which it is impoſſible, but that preſent confuſion will fall upon the whole State and Frame of this Kingdome.

The King is not willing to alter the ancient laws, priviledges, and cuſtomes of this Realm.

Foraſmuch as his Majeſties humble, faithful, and loving ſubjects have not only conceived the weight of his Majeſties reaſons, but apprehend, to their unſpeakable joy and comfort, his plain, clear and gracious intention, to ſeek no other changes or alteration, but of ſuch particular, temporary or indifferent manner of ſtatutes and cuſtoms, as may both prevent and extinguiſh all and every future queſtions, or unhappy accidents, by which the perfect and conſtant love and friendſhip, and quietneſs between the ſubjects of both the Realms aforeſaid, may be compleated and confirmed, and alſo perform and accompliſh that real and effectual union already inherent in his Majeſties Royal Blood and Perſon, and now deſired by his Majeſty to be performed and brought to an end, for the weal of both Kingdomes by this courſe following.

What ſort of alterations, and to what end the King doth deſire to have of the lawes of England and Scotland, viz. to accompliſh Unity.

Be it therefore Enacted by the Kings moſt excellent Majeſty, by, and with the aſſent and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That Thomas Lord Elleſmere, Lord Chancellor of England; Thomas Earl of Dorſet Lord Treaſurer of England; Charles Earl of Nottingham, Lord High Admiral of England; Henry Earl of Southampton, William Earl of Pembroke, Henry Earl of Northampton, Richard Biſhop of London, Toby Biſhop of Dureſme, Anthony Biſhop of Saint Davids, Robert Lord Cecil Principal Secretary to his Majeſty, Edward Lord Zouch Lord Preſident of Wales, William Lord Mounteagle, Ralph Lord Eure, Edmund Lord Sheffield Lord Preſident of the Council in the North, Lords of the Higher Houſe of this preſent Parliament, and Thomas Lord Clinton, Robert Lord Buckhurſt, Sir Francis Haſtings Knight, Sir John Stanhope Knight, Vice-Chamberlain to the Kings Majeſty; Sir John Harbert Knight, ſecond Secretary to his Majeſty; Sir George Carew Knight, Vice-Chamberlain to the Queens Majeſty; Sir Thomas Strickland Knight, Sir Edward Stafford Knight, Sir Henry Nevil of Berkſhire Knight, Sir Richard Bulkley Knight, Sir Henry Billingſley Knight, Sir Daniel Dun Knight, Dean of the Arches; Sir Edward Hobby Knight, Sir John Savile Knight, Sir Robert Wroth Knight, Sir Thomas Chaloner Knight, Sir Robert Maunſel Knight, Sir Thomas Ridgeway Knight, Sir Thomas Holcroft Knight, Sir Thomas Hesketh Knight, his Majeſties Atturney of the Court of Wards and Liveries; Sir Francis Bacon Knight, Sir Laurence Tanfield Knight, Sergeant at Law; Sir Henry Hubberd Knight, Sergeant at Law, Sir John Benet Knight, Doctor of the Laws; Sir Henry Withrington Sir Ralph Gray, and Sir Thomas Lake, Knights; Robert Askewith, Thomas James, and Henry Chapman, Merchants, Knights, Citizens, and Burgeſſes of the Houſe of the Commons of this Parliament, (Commiſſioners ſelected and nominated by authority of this preſent Parliament) or any eight or more of the ſaid Lords of the ſaid Higher Houſe, and any twenty or more of the ſaid Knights, Citizens, and Burgeſſes of the ſaid Houſe of the Commons, ſhall by force of this Act, from and after the end of this preſent Seſſion of Parliament, have full

The names of the Commiſſioners of England authorized to treat with the Commiſſioners of Scotland.

power, liberty, commiſſion, and authority, at any time or times before the next Seſſion of this Parliament, to aſſemble and meet, and thereupon to treat and conſult with certain ſelected Commiſſioners to be nominated and authorized by authority of Parliament of the Realm of Scotland, according to the tenor or purport of their authority or Commiſſion in that behalf, of, and concerning ſuch an Union of the ſaid Realms of England and Scotland, and of and concerning ſuch other matters, cauſes and things whatſoever, as upon mature deliberation and conſideration, the greateſt part of the ſaid Lords of the ſaid higher Houſe which ſhall be ſo aſſembled as is aforeſaid, and the greateſt part of the ſaid Knights, Citizens and Burgeſſes of the ſaid Houſe of the Commons, which alſo ſhall be ſo aſſembled as is aforeſaid, and the Commiſſioners to be nominated and authorized as is aforeſaid, by the Parliament of the Realm of Scotland, according to the tenor and purport of their authority or Commiſſion in that behalf, ſhall in their wiſdoms think and deem convenient and neceſſary for the honour of his Majeſty, and the weal and common good of both the ſaid Realms during his Majeſties life, (which Almighty God long preſerve) and under all his Royal progeny and poſterity for ever. Which Commiſſioners of both the ſaid Realms, ſhall according to the tenor or purport of their ſaid authorities or Commiſſions in that behalf, reduce their doings and proceedings therein into writings or inſtruments tripartite, every part to be ſubſcribed and ſealed by them: To the end that one part thereof may in all humbleneſs be preſented to his moſt excellent Majeſty, the ſecond part thereof to be offered to the conſideration of the next Seſſion of this Parliament for the Realm of England, and the third to be offered to the conſideration of the next Parliament for the Realm of Scotland, That thereupon ſuch further proceedings may be had, as by both the ſaid Parliaments ſhall be thought fit and neceſſary for the weal and common good of both the ſaid Realms. 3 Jac. 3. 4 Jac. 1.

The eff. of the Commiſſioners authority, and of what things they may conſult.

The Commiſſioners ſhall reduce their doings to inſtruments in writings tripartite.

CAP. III.

All Aſſurances made to the King of the Lands of Biſhops ſhall be void.

WHereas all the Archbiſhopricks and Biſhopricks within this Realm of England, were in ancient times founded by his Majeſties moſt noble Progenitors, Kings of this Realm, and in reſpect thereof, his Majeſty is lawful and rightful Patron of all and every of the ſame: And where alſo by the Laws and Statutes of this Realm, no Archbiſhop or Biſhop can make any conveyance, aſſurance or eſtate whatſoever, of any Honors, Caſtles, Manors, Lands, Tenements or Hereditaments, parcel of the poſſeſſions of the Archbiſhoprick or Biſhoprick, or united, appertaining or belonging to any of the ſame, to any ſubject whatſoever, whereby any eſtate ſhould or might paſs from any Archbiſhop or Biſhop, other than for term of xxi. years, or three lives, with ſuch reſervations of Rent, and in ſuch manner and form, as by the Laws and Statutes are provided: His moſt excellent Majeſty underſtanding that divers perſons have with great ſuit and importunity ſought to fruſtrate the true end and intent of the ſaid good Lawes and Statutes in that behalf, Of his Chriſtian and Princely Piety and Care, minding ſo to Patronize and protect the ſaid poſſeſſions from alienation or diminution, as that the ſame may according to the true intent of the Founders, remain and continue in ſucceſſion to the Archbiſhops and Biſhops of this Realm, and their Succeſſors, for the better maintenance of Gods true Religion, keeping of hoſpitality, and avoiding of dilapidations, and thereby for ever hereafter to avoid all ſuits and importunities for or concerning any of the ſaid poſſeſſions, Hath out of his own meer and godly motion, and of his bleſſed diſpoſition, for the publick good, without all regard of any private reſpect, vouchſafed and is pleaſed, That it may be enacted and eſtabliſhed by his Majeſty, by and with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled.

By the ſtat of An. 1 El. 18. no Biſhop can make any leaſe of his land but for 21 years, or 3. lives to a ſubject.

And be it enacted and eſtabliſhed by the authority of the ſame, That every Archbiſhop and Biſhop within this Realm, and their and every of their ſucceſſors, ſhall be from and after the end of this preſent Seſſion of Parliament, for ever wholly and utterly diſabled in law, to make, do, levy or ſuffer any act or acts, thing or things, whereby, or by means whereof, any of the ſaid honors, caſtles, manors, lands, tenements or hereditaments, or any part of them, or any of them, ſhall or may be aliened, aſſured, given, granted, demiſed, charged, or in any ſort conveyed to our ſaid Soveraign Lord the King his heirs or ſucceſſors: And that alienations, aſſurances, gifts, grants, leaſes, charges and conveyances whatſoever, from and after the end of this preſent Seſſion of Parliament, to be done, ſuffered or made to our ſaid Soveraign Lord the King, his heirs or ſucceſſors, by any Archbiſhop or Biſhop or their or any of their ſucceſſors, of or out of any of the ſaid poſſeſſions, or of or out of any part or parcel of them or any of them, and all and every confirmation and confirmations of the ſame, ſhall be from and after the end of this preſent Seſſion of Parliament, utterly void and of none effect, to all intents, conſtructions and purpoſes: Any former law, ſtatute, act, ordinance, or other matter or thing to the contrary notwithſtanding. Coke, Inſt. 44 a.

ok. lib. 10. l. 61. lib. fol. 71.

No Biſhop ſhall aſſure his land to the King.

CAP. IV.

Statutes made in the reign of Queen Elizabeth ſhall be put in execution. In what caſe a Recuſants heir ſhall be charged in what not. Going in Seminaries.

FOr the better and more due execution of the ſtatutes heretofore made, aſwell againſt Jeſuits, Seminary Prieſts, and other ſuch like Prieſts, as alſo againſt all manner of Recuſants: Be it ordained and enacted by authority of this preſent Parliament, That all and every the ſtatutes heretofore made in the reign of the late Queen of famous memory, Elizabeth, aſwell againſt Jeſuits, Seminary Prieſts, and other Prieſts, Deacons, religious and eccleſiaſtical perſons whatſoever, made, ordained, or profeſſed, or to be made, ordained or profeſſed by any authority or juriſdiction derived, challenged or pretended from the See of

All ſtatutes made againſt Jeſuits, Prieſts and Recuſants, ſhall be put in execution.

of Rome, As thoſe which do in any wiſe concern the withdrawing of the Kings ſubjects from their due obedience, and the Religion now profeſſed, and the taking of the Oath of obedience unto the Kings Majeſty, his heirs and ſucceſſors, Together with all thoſe made in the ſaid late Queens time againſt any manner of Recuſants, ſhall be put in due and exact execution.

A Recuſant conforming himſelf, ſhall be diſcharged.

Provided nevertheleſs, and be it enacted by the authority of this preſent Parliament, That if any that is or ſhall be a Recuſant, ſhall ſubmit or reform him or her ſelf, and become obedient to the laws and ordinances of the Church of England, and repair to the Church, and continue there during the time of the divine Service and Sermons, according to the true meaning of the ſtatutes in that behalf, in the ſaid late Queens time made and provided, That then every ſuch perſon for and during ſuch time as he or ſhe ſhall ſo continue in ſuch conformity and obedience, ſhall from thenceforth be freed and diſcharged of and from any the penalties and loſſes which the ſame perſon might otherwiſe ſuſtain and bear, in reſpect or by reaſon of ſuch perſons recuſancie.

In what caſe a Recuſants heir ſhall be charged, in what not.

And if any Recuſant ſhall hereafter die, his heir being no Recuſant, That in every ſuch caſe, every ſuch heir ſhall be freed and diſcharged of all and ſingular the penalties, charges and incumbrances, happening upon him or her, in reſpect or by reaſon of his or her Anceſtors recuſancy. And if at the deceaſe of any ſuch Recuſant, his heir ſhall happen to be a Recuſant and after ſhall become conformable and obedient to the laws and ordinances of the Church of England, and repair to the Church, and continue there during the time of the divine Service and Sermons, according to the intent and true meaning of the ſaid ſtatutes and ordinances in that behalf made, as is aforeſaid, and alſo ſhall take the oath of Supremacy in ſuch ſort as that oath is expreſſed in one act of Parliament made in the firſt year of the reign of our late Soveraign Lady Queen Elizabeth, before the Archbiſhop or Biſhop of the Dioceſſe, That in every caſe, every ſuch heir ſhall be freed and diſcharged of all and ſingular the penalties, charges and incumbrances happening unto him or her in reſpect or by reaſon of any of his or her anceſtors Recuſancie.

A Recuſants heir within age at the time of his anceſtors death.

Provided alwayes, and be it enacted by authority of this preſent Parliament, That if the heir of any Recuſants ſhall happen to be within the age of ſixteen years, at the time of the deceaſe of his or her anceſtor, and ſhall after his or her ſaid age of ſixteen years become or be a Recuſant, that in every ſuch caſe, any ſuch heir ſhall not be freed or diſcharged of all or any of the penalties, charges and incumbrances happening upon him or her in reſpect or by reaſon of any of his or her anceſtors Recuſancy, until he or ſhe ſhall ſubmit or reform him or her ſelf, and become obedient to the laws and ordinances of the Church of England, and repair to the Church and continue there during the time of the divine Service and Sermons, according to the intent & true meaning of the ſaid ſtatutes and ordinances in that behalf, as is aforeſaid, and ſhall take the ſaid oath of Supremacy in manner and form afore expreſſed, and yet nevertheleſs, from and after ſuch ſubmiſſion and oath had and taken, every ſuch heir ſhall be freed and diſcharged of all and ſingular the penalties, charges, and incumbrances, happening upon him or her in reſpect, or by reaſon of any of his or her anceſtors Recuſancy.

23 Eliz. 1.
A third part of his living ſhall remain cleer to a Recuſant.

And be it further enacted by the authority of this preſent Parliament, that where any ſeiſure ſhal be had of the two parts of any lands, tenements, hereditaments, leaſes or farms for the not payment of the xx.l. due and payable for each month, according to the ſtatute in that caſe lately made and provided: That in every ſuch caſe, every ſuch two parts ſhall according to the extent thereof go towards the ſatisfaction and payment of the xx.li. due and payable for each month, and unpaid by any ſuch Recuſant. And that the third part thereof ſhall not be extended or ſeized by the Kings Majeſty, his heirs or ſucceſſors, for not payment of the ſaid xx. l. payable for each month, forfeited or loſt by any ſuch Recuſant. And where any ſuch ſeiſure ſhall be had of the two parts of the lands, tenements, hereditaments, leaſes, or farms of any ſuch Recuſant as is aforeſaid, aud ſuch Recuſant ſhall die, the debt or duty by reaſon of his recuſancy not paid, ſatisfied, or diſcharged) that in every ſuch caſe, the ſame two parts ſhall continue in his Majeſties poſſeſſion, until the reſidue or remainder of the ſaid debt or duty be thereby or otherwiſe paid, ſatisfied, or diſcharged. And that his Majeſty, his heirs or ſucceſſors ſhall not ſeize or extend any third part deſcending to any ſuch heirs or any part thereof, either by reaſon of the recuſancy of his or her anceſtors, or the recuſancy of any ſuch heir.

The two parts of a Recuſants lands after his death, ſhall remain in the Kings hands until he be ſatisfied of the arrearages.

None ſhall go or ſend any other to a Seminary, &c.
3 Jac. 5.
3 Car. 2.

And be it further enacted by the authority of this preſent Parliament, That all and every perſon and perſons under the Kings obedience, which at any time (after the end of this Seſſion of Parliament) ſhall paſs or go, or ſhall ſend or cauſe to be ſent any child or any other perſon under their or any of their government, into any the parts beyond the ſeas, out of the Kings obedience, to the intent to enter into, or be reſident in any Colledge, Seminary, or houſe of Jeſuits, Prieſts, or any other Popiſh order, profeſſion or calling whatſoever, or repair in or to any the ſame, to be inſtructed, perſwaded, or ſtrengthened in the popiſh Religion, or in any ſort to profeſs the ſame: every ſuch perſon ſo ſending, or cauſing to be ſent any child or other perſon beyond the Seas to any ſuch purpoſe or intent, ſhall for every ſuch offence forfeit to his Majeſty, his heirs and ſucceſſors, the ſum of C. l. and every ſuch perſon ſo paſſing or being ſent beyond the Seas to any ſuch intent and purpoſe as is aforeſaid, ſhall by authority of this preſent act, as in reſpect of him or her ſelf only, and not to or in reſpect of any of his heirs or poſterity, be diſabled and made incapable to inherit, purchaſe, take, have, or enjoy any manors, lands, tenements, annuities, profits, commodities, hereditaments, goods, chattels, debts, duties, legacies, or ſums of money within this Realm of England, or any other his Majeſties Dominions: and that all and ſingular eſtates, terms, and other intereſts whatſoever hereafter to be made, ſuffered or done, to or for the uſe or behoof of any ſuch perſon or perſons, upon any truſt or confidence mediately, or immediately, to or for the benefit or relief of any ſuch perſon or perſons, ſhall be utterly void and of none effect, to all intents, conſtructions and purpoſes.

And be it further enacted by the authority aforeſaid, That if any perſon born within this Realm or any the Kings Majeſties Dominions, be at this preſent in any Colledg, Seminary, houſe, or place in any parts beyond the Seas (to the end to be inſtructed or ſtrengthened in the Popiſh Religion) which ſhall not make return into this Realm or ſome of his Majeſties Dominions within one year next comming after the end of this Seſſion of Parliament and ſubmit himſelf as is aforeſaid, ſhall be in reſpect of himſelf only and not to or in reſpect of any of his heirs or poſterity, utterly diſabled and uncapable to inherit, have or enjoy any manors, lands, tenements, hereditaments, goods, chattels, debts or other things aforeſaid, within this Realm, or any other his Majeſties Dominions. Provided always, that if any perſon or child, ſo paſſing, ſent, ſending or now being beyond the ſeas as aforeſaid, to ſuch intent as is before mentioned, ſhall after become conformable and obedient unto the Laws and Ordinances of the Church of England, and ſhall repair to the Church, and there remain and be as is aforeſaid and continue in ſuch conformity, according to the true intent and meaning of the ſaid Statutes and Ordinances: that in every ſuch caſe, every ſuch perſon and child, for and during ſuch time as he or ſhe ſhall continue in ſuch conformity and obedience, ſhall be freed and diſcharged of all and every ſuch diſability and incapacity as is before mentioned.

They which be in Seminaries ſhall return. 27 Eliz. 2.

A returning for ſuch as do return into the Realm, and become conformable to the Laws.

And be it further enacted by the authority of this preſent Parliament, that no woman, nor any child under the age of xxi. years (except Sailers or Ship-boyes, or the Apprentice or Factor of ſome Merchant in trade of Merchandize) ſhall be permitted to paſs over the ſeas (except the ſame ſhall be by licence of the King, his heirs or ſucceſſors, or of ſome ſix or more of the Kings Privy Council, thereunto firſt had under their hands) upon pain that the Officers of the Port that ſhall willingly or negligently ſuffer any ſuch to paſs, or ſhall not enter the names of ſuch paſſengers licenced, ſhall forfeit his office, and all his goods and chattels: and upon pain that the Owner of any ſhip or veſſel, that ſhall wittingly or willingly carry any ſuch over the ſeas without licence, as aforeſaid, ſhall forfeit his ſhip or veſſel, and all the tackle: and every Maſter or Mariner, of or in any ſhip or veſſel offending as aforeſaid, ſhall forfeit all their goods and ſuffer impriſonment by the ſpace of xii. months, without bail or mainpriſe.

No woman or child ſhall paſs over the Seas without licence.

The forfeiture of thoſe who do ſuffer them to paſs.

And be it further enacted by the authority aforeſaid, That no perſon after the feaſt of S. Michael the Archangel next, ſhall keep any School, or be a School-maſter, out of any the Univerſities or Colledges of this Realm, except it be in ſome publick or free Grammar-School, or in ſome ſuch Noblemans or Noblewomans, or Gentlemans or Gentlewomans houſe, as are not Recuſants, or where the ſame School-maſter ſhall be ſpecially licenced thereunto by the Archbiſhop, Biſhop, or Guardian of the Spiritualties of that Dioceſs, upon pain that as well the School-maſter, as alſo the party that ſhall retain or maintain any ſuch School-maſter, contrary to the true intent and meaning of this Act, ſhall forfeit each of them, for every day ſo wittingly offending, xl. s. the one half of all the penalties and ſums of money before mentioned to be forfeited, to be to the King, his Heirs and Succeſſors; the other to him or them that ſhall or will ſue for the ſame, in any the Courts of Record in Weſtminſter, by action of debt, bill, plaint, or information, in which no Eſſoyn, Protection, or Wager of Law ſhall be allowed. 27 El. 2. 23 El. 1. 29 El. 6. 35 El. 1. & 2. 1 El. 1. 5 El. 1.

The forfeiture for being or keeping a School-maſter contrary to this Act.

CAP. V.

The Steward of a Court ſhall take no benefit of the profits thereof.

Whereas the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and other his Highneſs ſubjects of this Realm of England and Wales, have in divers places of the ſame, many Franchiſes, Juriſdictions, Priviledges, and Liberties to keep Court Leets or Court Barons, for the true adminiſtration of Juſtice, and to the puniſhing and ſuppreſſing of offences, The profits and perquiſites of which Courts have heretofore been uſed to be levied and collected by the Bayliff or other miniſter of ſuch Court, and by him accounted for to his Highneſs Progenitors, or other Lords or Ladies of ſuch Courts and Manors, and as of right it ought ſo to be: But now by reaſon of the great encreaſe of people, the ſaid profits & perquiſites of Courts are grown to be of a better yearly value than in ancient times it hath been, divers that are now ſtewards of ſuch Courts have heretofore in their own names, or in the names of ſome other to their uſe obtained and gotten divers Grants of all the profits and perquiſites of ſuch Courts whereof they are ſtewards, whereby many of his Majeſties Subjects are unjuſtly vexed, and by grievous fines and amercements unduly puniſhed, greatly to the wronging and impoveriſhing the tenants and inhabitants where ſuch ſtewards are, proceeding out of a greedy deſire, to make and obtain an undue and extraordinary gain to themſelves: It is therefore by the authority of this preſent Parliament eſtabliſhed and enacted, That no Steward, deputy-Steward, or other under-Steward of any the Courts aforeſaid, ſhall directly or indirectly, in his own name, or in the name of any other, from and after the expiration of one year next after the end of the Seſſion of this preſent Parliament, take, receive, or make benefit to his own uſe, in money, goods, or any other thing, to the value of twelve pence, or more, by vertue or colour of any Demiſe or Grant hereafter to be made, of any the profits, or perquiſites, or amercements of any ſuch Courts whereof they are ſteward, which rightfully ſhall belong to the Lords of the ſame, upon pain that every Steward offending contrary to the tenor of this preſent Act of Parliament, ſhall for every ſuch his offence forfeit the ſum of forty pounds, and to be diſabled ever after to be ſteward of ſuch Court, or of any other; the one half of the forfeiture to be to our Soveraign Lord the Kings Majeſty, his Heirs and Succeſſors; the other half to any of his Majeſties Subjects that ſhall complain in any of his Highneſſe Courts of Record, by action of debt, bill, plaint or information: in which ſuit, no Eſſoyn, Protection, Wager of Law, or other dilatory plea ſhall be allowed.

How the profits and perquiſites of Courts Baron and Leets have been collected.

Oppreſſions done to many for the private gain of Stewards of Courts.

A Steward of a Court ſhall not take benefit by the profits of the ſame Court.

CAP.

CAP. VI.

Rating of the wages of Artificers, Labourers &c, according to the Statute of 5 El. 4. The penalty of a Clothier refuſing to obey the aſſeſment.

A rehearſal of the Stat. of 5 El. 4. authorizing Juſtices of P.ace to rate the wages of Artificers, Labourers, and ſervants, &c.

Rating of wages by the year, day, week, or moneth, or by the great.

WHereas by an Act made in the Parliament holden at Weſtminſter in the fifth year of the reign of the late Queen Elizabeth of famous memory, entituled, An Act touching divers orders for Artificers, Labourers, Servants of Husbandry, and Apprentices, it was provided and enacted by the authority of the ſame Parliament, for the declaration and limitation what wages ſervants, labourers, and artificers, either by the year, or day, or otherwiſe ſhould have and receive, That the Juſtices of peace of every Shire, Riding or Liberty within the limits of their ſeveral Commiſſions, or the more part of them, being then reſident within the ſame, and the Sheriff of that County, if he conveniently may, and every Mayor, Bayliff, or other head-Officer, within any City or Town corporate, wherein is any Juſtice of P. within the limits of the ſaid City or Town corporate, and of the ſaid Corporation, ſhould before the tenth day of June next coming, and afterwards ſhould yearly at every general Seſſions firſt to be holden and kept after Eaſter, or at ſome time convenient within ſix weeks next following every of the ſaid Feaſts of Eaſter, aſſemble themſelves together, and they ſo aſſembled calling unto them ſuch diſcreet and grave perſons of the ſaid County, or of the ſaid City or Town corporate, as they ſhall think meet, and conferring together, reſpecting the plenty or ſcarcity of the time, and other circumſtances neceſſarily to be conſidered, ſhould have authority by vertue thereof, within the limits or precincts of their ſeveral Commiſſions, to limit, rate and appoint the wages as well of ſuch and ſo many of the ſaid Artificers, handicrafts-men, husbandmen, or any other labourer, ſervant, or workman, whoſe wages in times paſt hath been by any Law or Statute rated and appointed, and alſo the wages of all the Labourers, Artificers, Workmen or Apprentices of husbandry which have not been rated, as they the ſame Juſtices, Mayors, or head Officers within their ſeveral Commiſſions or liberties ſhould think meet by their diſcretions to be rated, limited or appointed by the year, or by the day, week, moneth, or otherwiſe, with meat and drink, or without meat and drink, and what wages every Workman ſhould take by the great for Mowing, Reaping or Threſhing of Corn and Grain, and for mowing and making of Hay, or for ditching, paling, railing or hedging by the rodde, pearch, lugge, yard, pole, rope, or foot, and for any other kind of reaſonable labours or ſervice, and ſhould yearly before the xii. day of July next after the ſaid aſſeſment and rate ſo appointed and made, certifie the ſame ingroſſed in Parchment, with the conſiderations and cauſes thereof, under their hands and ſeals into the Queens moſt honourable Court of Chancery, to the end that Proclamation ſhould be made in the name of the ſaid Queens Majeſtie, her heirs and ſucceſſors, for obſerving of the ſame rates, in ſuch manner and form as in the ſaid Act more at large is declared.

A queſtion moved upon the Stat. of 5 El. 4. whoſe wages the Juſtices may rate.

And whereas the ſaid Act hath not according to the true meaning thereof been duly put in execution, whereby the rates of wages for poor artificers, labourers, and other perſons whoſe wages was meant to be rated by the ſaid Act, have not been rated and proportioned according to the plenty, ſcarcity, neceſſity, and reſpect of the time, which was politickly intended by the ſaid Act, by reaſon that ambiguity and queſtion hath riſen and been made, whether the rating of all manner of Artificers, workmen and workwomen, his and their wages, other than ſuch as by ſome Statute and Law have been rated, or elſe ſuch as did work about Husbandry, ſhould or might be rated by the ſaid Law, foraſmuch as the ſaid Law hath been found beneficial to the Common-wealth:

Labourers, Weavers, Spinſters, and Workmens wages may be rated by the Juſtices.

Be it Enacted by authority of this preſent Parliament, That the ſaid Statute, and the authority by the ſame Statute given to any perſon or perſons, for aſſeſſing and rating of wages, and the authority to them in the ſaid Act committed, ſhall be expounded and conſtrued, and ſhall by force of this Act give authority to all perſons having any ſuch authority, to rate wages of any Labourers, Weavers, Spinſters, and Workmen or Workwomen whatſoever, either working by the day, week, moneth, year, or taking any work at any perſon or perſons hand whatſoever, to be done in great or otherwiſe.

Rating of wages where Seſſions be kept in ſeveral parts of the Shire.

And whereas in divers Shires within this Realm, the Juſtices of Peace have not uſually kept their general Seſſions in one place of the Shire together, but the general Seſſions have been kept in ſeveral places for ſeveral Diviſions, by reaſon whereof, the moſt part of the Juſtices of the Peace coming not together, no rating of wages could be well made in the ſaid Shire where ſuch general Seſſions have been uſed, and for other reſpects;

Be it enacted by authority of this preſent Parliament, That the Juſtices of Peace, or the more part of them reſiant in any Shire, or in any Riding, Liberty or Diviſion, where ſuch Seſſions have been uſually ſeverally kept, ſhall at any general Seſſions of the Peace to be holden for the ſame Shire, Diviſion, Riding or Liberty, or at ſuch time of rating of wages as is limited by the ſaid Act, made in the fifth year of her Majeſties Reign, have as full authority and power to rate all manner of wages to be rated within ſuch Shire, and within the limits of ſuch Diviſion, in any ſuch Shire, Riding or Liberty, as if the ſame were done in the general Seſſions for the ſaid County, or by the moſt part of the Juſtices meeting for the rating of wages by the ſaid Act of the fifth year of the late Queen, for the wages mentioned in the ſame Act.

Proclamations ſhall be made by the Sheriff of the rates of wages.

And be it further Enacted, That after the rates made for wages, and engroſſed in parchment, under the hands and ſeals of them, having authority to rate the ſame, it ſhall and may be lawful to the Sheriff of the ſaid County, or to the Mayor, or chief Officer or Officers of any City or Town corporate, to cauſe Proclamation to be made of the ſeveral rates ſo rated, in ſo many places within their authorities, as to them ſhall ſeem convenient, and as if the ſame had been ſent down printed by the Lord Chancellor or Keeper, after declaration thereof to his Majeſty, and certificate of the ſame into the Kings moſt honourable Court of of Chancery. And that every perſon and perſons ſhall be bound to obſerve the ſaid rates in given and receiving wages, upon the pains and puniſhments mentioned in the ſaid act, to be recovered, or puniſhment inflicted, as in the ſaid act is mentioned.

And furthermore be it enacted by the authority aforeſaid, That if any Clothier or other, ſhall refuſe to obey the ſaid order, rate, and aſſeſments of wages as aforeſaid, and ſhall not pay ſo much or ſo great wages to their Weavers, Spinſters, workmen or workwomen, as ſhall be ſo ſet down, rated and appointed, according to the true meaning of this act, that then every Clothier, and other perſon and perſons ſo offending, ſhall forfeit and loſe for every ſuch offence to the party grieved, x. s. And that if the ſaid offence and offences of not paying ſo much or ſo great wages to their ſaid workmen, workwomen, and others, ſhall be confeſſed by the offendor, or that the ſame ſhall be proved by two ſufficient and lawful witneſſes, before the Juſtices of Peace in their quarter Seſſions of the peace, the Juſtices of Aſſiſe in their Seſſions, or before any two Juſtices of the Peace, whereof one to be of the Quorum, That then every ſuch perſon ſhall forthwith ſtand and be in law convicted thereof: which ſaid forfeiture of x. s. ſhall be levied by diſtreſs and ſale of the offendors goods, by warrant from the ſaid Juſtices, before whom any ſuch conviction ſhall be had, which ſale ſhall be good in law againſt any ſuch offendor or offendors.

The forfeiture of a Clothier not paying the wages rated to his workmen.

And be it further enacted, That no perſon or perſons ſhall incur any danger or penalty for not making certificate unto the Kings moſt honourable Court of the Chancery of any rates of wages appointed to be certified by the ſaid act, made in the ſaid fifth year of the ſaid late Queen, ſo as the ſame be proclaimed according to the true intent of this law: but the ſaid rates ingroſſed in parchment, and ſealed as aforeſaid, ſhall, if the ſame be in any ſhire, be kept by the Cuſtos Rotulorum of the ſaid county, amongſt the Records in his cuſtody: for the ſaid ſhire, and in any city or town corporate, amongſt the Records of the ſaid city or town corporate.

The rates of wages need not to be certified into the Chancery, but proclaimed in the county.

This act to continue until the end of the next Parliament.

The continuance of this Act.

Provided nevertheleſs, and be it Enacted by the authority aforeſaid, That no Clothier being a Juſtice of Peace in any precinct or liberty, ſhall be any rater of any wages for any Weaver, Tucker, Spinſter, or any other Artizan that dependeth upon the making of cloth: And in caſe there be not above the number of two Juſtices of Peace within ſuch precinct or liberty, but ſuch as are Clothiers, That in ſuch caſe, the ſame wages ſhall be rated and aſſeſſed by the major part of the Common Council of ſuch precinct or liberty, and ſuch Juſtice and Juſtices of Peace (if any there be) as are not Clothiers. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament. 5 El. 4. 39 El. 12.

A Clothier being a Juſtice of Peace, ſhall be no rater of wages for Spinſters.

CAP. VII.

Who ſhall be adjudged Vagabonds. Their puniſhment and uſage.

Whereas by a ſtatute made in the xxxix. year of the reign of the late Queen Elizabeth, there was an Act made, entituled, An Act for puniſhment of rogues, vagabonds and ſturdy beggars, it was Enacted, That all perſons calling themſelves Scholars, going about begging, All Sea-faring men pretending loſs of their Ships or Goods on the Sea, going about the Country begging; All idle perſons going about in any Country, either begging or uſing any ſubtle craft, or unlawful games or playes, or faining themſelves to have knowledge in phyſiognomy, palmeſtry, or other like crafty ſcience; or pretending that they can tell deſtinies, fortunes, or ſuch other like fantaſtical imaginations; All perſons that be, or utter themſelves to be Proctors, Procurors, Patent-gatherers, or Collectors for Gaols, Priſons, or Hoſpitals; All Fencers, Bearwards, common Players of Enterludes, and Minſtrels wandring abroad (other than Players of Enterludes belonging to any Baron of this Realm, or any other honourable perſonage of greater degree, to be authorized to play under the hand and ſeal of Arms of ſuch Baron or perſonage) ſhall be taken, adjudged and deemed as rogues, vagabonds and ſturdy beggars, and ſhall ſuffer ſuch pain and puniſhment as in the ſaid Act is in that behalf appointed, as by the ſame Act more at large is declared: Sithence the making of which Act, divers doubts and queſtions have been moved and grown by diverſity of opinions, taken in and upon the letter of the ſaid Act. For a plain declaration whereof, Be it declared and enacted, That from henceforth no authority, to be given or made by any Baron of this Realm, or any other honourable perſonage of greater degree, unto any other perſon or perſons, ſhall be available to free or diſcharge the ſaid perſons or any of them from the pains and puniſhment of the ſame ſtatute.

Who be adjudged rogues by the ſtat. of 39 Eliz. 4. 14 Car. 2. cap. 12.

No licence given by any Baron ſhall avail players in interludes.

And whereas in the ſaid ſtatute, there is a proviſo contained, That the ſaid Statute, nor any thing therein contained, ſhall extend to any ſuch Glaſs-men as ſhall be of good behaviour, and ſhall travel in or through any County without begging, having licence for their travelling, under the hands & ſeals of three Juſtices of the Peace of the ſame County where they travel, whereof one to be of the Quorum, as by the Statute more at large appeareth: By reaſon of which liberty many notorious rogues and vagabonds, and evil diſpoſed perſons have undertaken, and do profeſs the trade of Glaſs-men, and by colour thereof do travel up and down divers Counties of this Realm, and do commit many pickeries, pety felonies, and other miſdemeanors.

For the avoiding of which inconvenience, Be it eſtabliſhed and enacted by the authority of this preſent Parliament, That from and after two moneths next after the end of this preſent Seſſion of Parliament, all ſuch perſon and perſons, as ſhall wander up and down the Country to ſell Glaſſes, ſhall be adjudged, deemed and taken as rogues and vagabonds, and ſhall ſuffer the like pain and puniſhment in every degree, as is appointed to be inflicted upon rogues, vagabonds, and ſturdy beggars, by the intent and true meaning of the ſaid Statute made in the xxxix. year of the reign of the ſaid late Queen Elizabeth, and ſhall be ſet down, limited and appointed by this preſent Act: Any thing in the ſaid Statute of the xxxix. year

Glaſs-men ſhall be puniſhed as rogues.

year of her ſaid Reign to the contrary thereof in any wiſe notwithſtanding.

A puniſhment inflicted by the ſtat. of 39 El. 4. to dangerous rogues.

And whereas by the ſaid ſtatute made in the xxxix. year of the reign of the ſaid late Queen Elizabeth, it was further enacted, That if any of the ſaid rogues ſhall appear to be dangerous to the inferiour ſort of the people, where they ſhall be taken, or otherwiſe be ſuch as will not be reformed of their roguiſh kind of life, That in every ſuch caſe it ſhall be lawful to the Juſtices of the Peace of the ſame Limit, where any ſuch rogue ſhall be taken, to commit that rogue to the Houſe of Correction, or to the Gaol of the County, there to remain untill the next quarter-Seſſions to be holden in that county: And then ſuch of the rogues ſo committed, as by the Juſtices of Peace then and there preſent, or the moſt part of them, ſhall be thought fit not to be delivered, ſhall or may lawfully by the ſame Juſtices, or the moſt part of them, be baniſhed out of the Realm, and all other the Dominions thereof, and at the charges of that county ſhall be conveyed into ſuch parts beyond the Seas, as ſhall be at any time hereafter for that purpoſe aſſigned by the privy Council unto the ſaid Queen Elizabeth, her Heirs and Succeſſors, or by any ſix or more of them, whereof the Lord Chancellor, or Lord Keeper of the great Seal, or Lord Treaſurer for the time being, to be one, or otherwiſe be adjudged perpetually to the Gallies of this Realm, as by the ſaid Juſtices or the more part of them ſhall be thought fit or expedient. And if any ſuch rogues ſhall return (being baniſhed as aforeſaid) again into any part of this Realm, or Dominions of Wales, without lawful licence or warrant ſo to do: That in every ſuch caſe, ſuch offence ſhall be felony, and the party offending therein, ſuffer death as in caſe of Felony: The ſame Felony to be heard and determined in that county of this Realm or Wales, in which the offendor ſhall be apprehended, as by the ſaid ſtatute more at large appeareth: Which branch of the ſaid Statute is taken to be ſomewhat defective, for that the ſaid rogues having no mark upon them to be known by, notwithſtanding ſuch judgement of baniſhment, may return or retire themſelves into ſome other parts of this Realm, where they are not known, and ſo eſcape the due puniſhment which the ſaid Statute did intend to inflict upon them.

A dangerous rogue ſhall be marked with a hot burning Iron on the left ſhoulder.

For remedy whereof, Be it ordained and enacted, That ſuch rogues as ſhall after the end of two moneths next after the end of this Seſſion of Parliament, be adjudged as aforeſaid incorrigible or dangerous, ſhall alſo by the judgment of the ſame Juſtices, or the more part of them then preſent, in their open Seſſions of the peace, be branded on the left ſhoulder with an hot burning Iron, of the breadth of an Engliſh ſhilling, with a great Roman R. upon the Iron, and the branding upon the ſhoulder to be ſo throughly burned and ſet on upon the skin and fleſh, that the letter R. be ſeen and remain for a perpetual mark upon ſuch rogue during his or her life, and thereupon be ſent by the ſame Juſtices to the place of his dwelling, if he have any; if not, then to the place where he laſt dwelt by the ſpace of a year, if that can be known by his confeſſion or otherwiſe: and if that cannot be known, then to the place of his birth, there to be placed in labour as a true Subject ought to do: and after ſuch puniſhment of any ſuch rogue as aforeſaid, if any rogue ſo puniſhed ſhall offend again, in begging or wandring contrary to the ſaid ſtatute, or this preſent Act, That then in every ſuch caſe, the party ſo offending ſhall be judged a felon, and ſhall ſuffer as in caſes of felony, without benefit of Clergy, the ſame felony to be tryed in the County where any ſuch offendor ſhall be taken.

Every perſon ſhall apprehend a rogue and carry him to the next Conſtable or Tythingman.

And be it further Enacted by the authority aforeſaid, That after two moneths next after the end of this preſent Seſſion of Parliament, every perſon or perſons ſhall apprehend, or cauſe to be apprehended, ſuch rogues, vagabonds and ſturdy beggars, as he or they ſhall ſee or know to reſort to their houſes to beg, gather or receive any alms, and him, her, or them, ſhall carry, or cauſe to be carried to the next Conſtable or Tythingman, upon pain to forfeit for every default x. s. to be levied and imployed in manner and form, and upon ſuch like proof and conviction, as penalties and forfeitures are to be levied and imployed by the ſaid ſtatute of the xxxix. year of the ſaid late Queen. And in default of any ſuch levy, then to be levied and imployed by the Lord of the Leet, or his Officer, where ſuch offence ſhall be committed, in ſuch manner as the perſon authorized by the ſaid ſtatute, might or ſhould have levied and imployed the ſame.

Conſtables or Tythingmen ſhall puniſh rogues.

And be it further Enacted, That if ſuch Conſtable or Tything-man do not cauſe the ſaid rogues, vagabonds and ſturdy beggars to be puniſhed, according to the form ſet down in the ſaid Act made in the xxxix. year of the reign of the ſaid late Queen Elizabeth, and to be conveyed according to the purport of the ſaid Act, that then the ſaid Conſtable or Tithing-man ſhall forfeit and loſe the ſum of xx. s. for every default, to be levied and imployed in manner and form as in the ſaid ſtatute is ſet forth and declared.

A continuance of the Act of 39 El. 4. and of this Statute.

And be it further Enacted by the authority aforeſaid, That the ſaid Statute made in the nine and thirtieth year of the reign of the ſaid late Queen Elizabeth, with the alterations, explanations, and proviſions herein mentioned and contained, ſhall continue and ſtand in force, as long as this preſent Act ſhall be and remain in force and ſtrength.

Provided alſo, That this preſent Act ſhall continue but untill the end of the next Parliament.

John Dutton of Dutton in the county of Cheſter.

Provided further, That this Act or any thing therein contained, or any authority thereby given, ſhall not in any wiſe extend to diſ-inherit, prejudice or hinder John Dutton of Dutton, in the County of Cheſter Eſquire, his heirs or aſſigns, for, touching or concerning any liberty, priviledge, preheminence and authority, juriſdiction or inheritance, which the ſaid John Dutton now lawfully uſeth or hath, or lawfully may or ought to uſe, within the County Palatine of Cheſter, and the County of the City of Cheſter, or either of them, by reaſon of any ancient Charters of any Kings of this Land, or by reaſon of any preſcription, or lawful uſage or title whatſoever.

CAP. VIII.

Clergy taken from him that doth ſtab another having not a weapon drawn.

TO the end that ſtabbing and killing men on the ſudden, done and committed by many inhumane and wicked perſons, in the time of their rage, drunkeneſs, hidden diſpleaſure or other paſſion of mind, contrary to the commandment of Almighty GOD, and the common peace and tranquility of this Realm, may from henceforth be reſtrained through fear of due puniſhment, to be inflicted on ſuch cruel and bloody malefactors, who heretofore have been thereunto emboldned, by preſuming on the benefit of Clergy:

He that ſtabbeth another to death ſhall not have his Clergy.

Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That every perſon and perſons which after one month next enſuing the end of this preſent Seſſion of Parliament, ſhall ſtab or thruſt any perſon or perſons, that hath not then any weapon drawn, or that hath not then firſt ſtricken the party which ſhall ſo ſtab or thruſt, ſo as the perſon or perſons ſo ſtabbed or thruſt, ſhall thereof die within the ſpace of ſix months then next following, although it cannot be proved that the ſame was done of malice forethought, yet the party ſo offending, and being thereof convicted by verdict of twelve men, confeſſion or otherwiſe, according to the laws of this Realm, ſhall be excluded from the benefit of his or their Clergy and ſuffer death as in caſe of wilful murder.

Killing another in defence of himſelf, by miſfortune, in preſerving the peace, or due puniſhment.

Provided always, that this act, or any thing therein contained, ſhall not extend to any perſon or perſons which ſhall kill any perſon or perſons ſe defendendo, or by miſ-fortune, or in any other manner than as aforeſaid, nor ſhall extend to any perſon or perſons which in keeping and preſerving the peace, ſhall chance to commit manſlaughter, ſo as the ſaid manſlaughter be not committed wittingly, willingly and of purpoſe, under pretext and colour of keeping the peace, nor ſhall extend to any perſon or perſons which in chaſtiſing or correcting his child or ſervant, ſhall beſides his or their intent and purpoſe, chance to commit manſlaughter.

This act to continue until the end of the firſt Seſſion of the next Parliament. 3 Car, 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. IX.

Several penalties of Alehouſe keepers, for their ſeveral offices.

The true and principal uſe of Innes and Ale houſes.

WHereas the ancient, true, and principal uſe of Innes, Alehouſes, and Victualling houſes, was for the receit, relief and lodging of way-faring people travelling from place to place, and for ſuch ſupply of the wants of ſuch people as are not able by greater quantities to make their proviſion of victuals, and not meant for intertainment and harboring of lewd and idle people to ſpend and conſume their money and their time in lewd and drunken manner.

The forfeiture of an Alehouſe-keeper permitting one to continue unlawful drinking in his houſe. 7 Jac. 10. 1 Car. 4.

Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parli. aſſembled, and by the authority of the ſame that if after forty dayes next enſuing after the end of this preſent Seſſion of Parliament, any Inne-keeper, Victualler, or Alehouſe-keeper within this Realm of England, or the Dominions of Wales, do permit or ſuffer any perſon or perſons inhabiting and dwelling in any City, Town Corporate, Market Town, Village or Hamlet within this Realm of England, or Dominion of Wales, where any ſuch Inne, Alehouſe or Tipling-houſe, is or ſhal be, to remain or continue drinking or tipling in the ſaid Inne, Victualling-houſe, Tipling-houſe or Alehouſe, other than ſuch as ſhall be invited by any Traveller, and ſhall accompany him only during his neceſſary abode there: and other than Labouring and Handicraftſmen, in Cities and Towns Corporate, and Market Towns, upon the uſual working-dayes, for one hour at dinner time, to take their diet in an Alehouſe: and other than Labourers and Workmen, which for the following of their work by the day or by the great in any City, Town Corporate, Market Town or Village, ſhall for the time of their ſaid continuing in work there, ſojourn, lodge, or victual in any Inne, Alehouſe or other Victualling houſe, other than for urgent and neceſſary occaſions, to be allowed by two Juſtices of Peace That then every ſuch In-keeper, Victualler or Ale houſe-keeper, ſhall for every ſuch offence forfeit and loſe the ſum of x. s. of currant money of England to the uſe of the poor of the Pariſh where ſuch offence ſhall be committed: the ſame offence being viewed and ſeen by any Mayor, Bailiff or Juſtice of peace within their ſeveral limits, or proved by the oath of two witneſſes, to be taken before any Mayor, bailif, or any other head officer, or any one or more Juſtice or Juſtices of the Peace, who by vertue of this act, ſhall be authoriſed to miniſter the ſaid oath to any perſon or perſons that can or will juſtifie the ſame, being within the limits of their ſaid Commiſſion.

The prices of Ale and Beer ſold in an Inne or Alehouſe.

And be it further enacted by the authority aforeſaid, That if any In-keeper, Alehouſe-keeper or Victualler, ſhall at any time utter or ſell leſſe than one full Ale quart of the beſt beer or ale for a peny, and of the ſmall two quarts for one peny, That then every ſuch In-keeper, Alehouſe-keeper or Victualler, ſhall forfeit for every ſuch offence being duly proved in manner above limited, the ſumme of xx. s. of lawfull money of England to the uſe abovesaid, All and every the ſaid penalties to be levied by the Conſtables or Churchwardens of the Pariſh or Pariſhes where the offence or offences ſhall be committed, by way diſtreſs to be taken and detained for the ſaid forfeitures, and for default of ſatisfaction within ſix dayes next enſuing, the ſame then to be preſently appriſed and ſold, and the ſurpluſage or remainder over and above to be delivered to the party of whom the diſtreſſe was taken, and for want of ſufficient diſtreſſe, the party or parties offending to be by the Mayor, Bailiff, or other head Officer, or Juſtice or Juſtices aforeſaid, committed to the common Goal, there to remain until the ſaid penalty or penalties be truly paid.

The penalty of the Conſtables or Church-wardens omitting their duty.

And be further Enacted by the authority aforeſaid, That if the Conſtables or Church-wardens do neglect their duty in levying, or do not pay the ſaid ſeveral penalties, or in default of diſtreſſe or diſtreſſes, from time to time, do neglect to certifie the ſame default of diſtreſſe, by the ſpace of twenty dayes then next enſuing, to the Mayor, Bayliff, or other head-Officer, or Juſtice of Peace within whoſe Juriſdiction the offence is committed: Then every perſon and perſons ſo offending, ſhall forfeit for every ſuch default, the ſum of xl. s. of currant money of England, to the uſe of the poor of the Pariſh where ſuch offence ſhall be committed, to be levied by way of diſtreſſe of the offendors goods, by warrant from any one or more Juſtice or Juſtices of the Peace, Mayor, Bayliff, or other head-Officer within the limits of their Juriſdictions reſpectively, under his or their hand and ſeal, to be taken and detained for the ſaid forfeitures, for the ſpace of ſix days then next enſuing: Within which time if payment be not made, the ſame goods to be preſently apprized and ſold, and the ſurpluſage and remainder over and above (if any be) to be delivered to the party of whom the diſtreſſe was taken: and for want of ſuch ſufficient diſtreſs, the Conſtable, Church-warden or Church-wardens ſo offending, to be by the Mayor, Bayliff, or other head-Officer, Juſtice or Juſtices of Peace, committed to the common Gaol, there to remain until the ſaid penalty or penalties be truly paid: for all which penalties, which ſo ſhall be levied by the ſaid Conſtables or Church-wardens, they the ſaid Conſtables and Church-wardens ſhall be accomptable to their Succeſſors and other the Pariſhioners, in ſuch ſort as they uſually be in other Church-reckonings or accompts. And for all forfeitures to be levied by reaſon of any neglect of the Conſtables or Church-wardens, thoſe ſhall be accomptable, who by force of any Warrant or Precept do levy the ſame, or upon the enlargement of the perſons committed, do receive the ſame.

The Conſtables and Church-wardens account.

11 H. 7. c. 5. & 6 Ed. 6. 25.

And be it further Enacted, That all other Laws and Statutes touching Inne-Keepers, Victuallers, and Ale-houſe-keepers, ſhall ſtill remain in their former force, and be put in due execution.

The Continuance of this Statute.

This Act to continue to the end of the firſt Seſſion of the next Parliament.

Offences committed within Univerſities.

Provided alwayes, and be it Enacted by the authority of this preſent Parliament, That the correction and puniſhment of ſuch as ſhall offend againſt this Act, or any part thereof within either of the two Univerſities of this Realm, or the Precincts or Liberties of the ſame, ſhall be done upon the offendors, and Juſtice ſhall be miniſtred in this behalf, according to the intent and true meaning of this Law, by the Governors, Magiſtrates, Juſtices of the Peace, or other principal Officers of either of the ſame Univerſities, to whom in other caſes the adminiſtration of Juſtice, and correction and puniſhment of offendors by the Lawes of this Realm and their ſeveral Charters doth belong or appertain, and that no other within their Liberties for any matter concerning this Law contrary to their ſeveral Charters do intermeddle, and that all penalties and ſums of money to be forfeited or loſt by force of this Act, within either of the Univerſities, or the Liberties or Precincts of the ſame, ſhall be levied by the Officers or Miniſters of either of the ſaid Univerſities, to be from time to time in that behalf appointed by the Vice-Chancellors thereof for the time being reſpectively, and that all powers and authorities either of impriſonment or otherwiſe, before given or appointed by this Act, ſhall by the Governors, Magiſtrates and principal Officers abovesaid of either of the ſaid Univerſities, be duly executed and done within either of the ſaid Univerſities, and the Liberties and Precincts of the ſame, according to the true intent and meaning of this Act. 21 Jac. 7. made perpetual.

CAP. X.

Nothing ſhall be taken for the Report of a Cauſe referred by any Court.

Nothing ſhall be taken for reports.

FOraſmuch as all exactions, extortions and corruptions are odious, and prohibited, in all well governed Common-Weals, Be it Enacted, That no perſon, to whom any order or cauſe ſhall be committed or referred, by any of the Kings Judges, or Courts at Weſtminſter, or any other Court, ſhall directly or indirectly, or by any art, ſhift, colour or device, have, take, or receive any money, fee, reward, covenant, obligation, promiſe, agreement, or any other thing, for his report or Certificate by writing, or otherwiſe, upon pain of the forfeiture of C. li. for every ſuch Report or Certificate, and to be deprived of his Office and place in the ſame Court: the one moiety of the ſaid forfeitures to be to our Soveraign Lord the King, his Heirs and Succeſſors, the other moyety to the party grieved, which will ſue for the ſame, at any time during the ſaid ſuit, or within one year after the ſame cauſe diſcontinued or decreed, and in his default of ſuch ſuit, to him or them that will ſue for the ſame, by Original Writ, Bill, Plaint or Information, in his Majeſties High Court of Star-Chamber, or in any his Majeſties Courts of Record at Weſtminſter, in which ſuit, by Writ, Bill, Plaint, or Information, no wager of Law, Eſſoyn, Priviledge, Superſedeas, Protection, or any other delay, ſhall be ſuffered or admitted.

The Clerks fee for writing a report.

Provided nevertheleſs, That it ſhall be lawful for the Clerk to take for his pains for writing of every ſuch Report or Certificate, xii. d. for the firſt ſide, and ii. d. for every ſide after, and no more, upon pain to forfeit x. s. for every peny taken over and above the ſaid ſum to be had and recovered as aforeſaid.

CAP. XI.

Felony to marry a ſecond husband or wife, the former being living.

There ſhall be no ſecond marriage until the former husband or wife be dead.

Cro. El. 94. 461.

FOraſmuch as divers evil diſpoſed perſons being married, run out of one County into another, or into places where they are not known, and there become to be married, having another husband or wife living, to the great diſhonour of God, and utter undoing of divers honeſt mens children and others: Be it therefore Enacted by the Kings Majeſty, with the conſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, That if any perſon and perſons within his Majeſties Dominions of England and Wales being married, or which hereafter ſhall marry, do at any time after the end of the Seſſion of this preſent Parliament, marry any perſon or perſons, the former wife being alive, that then every ſuch offence ſhall be felony, and the perſon and perſons ſo offending ſhall ſuffer death as in caſes of felony. And the party and parties ſo offending, ſhall receive ſuch and the like proceeding, tryal and execution in ſuch County, where ſuch perſon or perſons ſhall be apprehended, as if the offence had been committed in ſuch County where ſuch perſon or perſons ſhall be taken or apprehended.

Provided alwayes, That this act nor any thing therein contained ſhall extend to any perſon or perſons whoſe husband or wife ſhall be continually remaining beyond the ſeas by the ſpace of ſeven years together, or whoſe husband or wife ſhall abſent him or her ſelf the one from the other by the ſpace of ſeven years together in any part within his Majeſties dominions, the one of them not knowing the other to be living within that time.

The husband or wife being abſent ſeven years from the other.

Provided alſo, and be it enacted by the authority aforeſaid, that this act nor any thing herein contained, ſhall extend to any perſon or perſons that are or ſhall be at the time of ſuch marriage divorced by any ſentence had or hereafter to be had in the Eccleſiaſtical Court, or to any perſon or perſons where the former marriage hath been or hereafter ſhall be by ſentence in the Eccleſiaſtical Court declared to be void and of no effect: Nor to any perſon or perſons for or by reaſon of any former marriage had or made, or hereafter to be had or made within age of conſent.

To what perſons this ſtatute ſhall not extend.

Provided alſo, that no attainder for this offence made felony by this act, ſhall make or work any corruption of blood, loſs of dower, or diſinheriſon of heir or heirs.

No corruption of blood, loſſe of dower or inheritance.

CAP. XII.

The penalty for practiſing of Invocation or Conjuration, &c.

BE it enacted by the King our Soveraign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Statute made in the fifth year of the Reign of our late Soveraign Lady of moſt famous and happy Memory, Queen Elizabeth, entituled, An Act againſt Conjurations, Inchantments, and Witchcrafts, be from the Feaſt of Saint Michael the Archangel next coming, for and concerning all offences to be committed after the ſame Feaſt, utterly repealed.

The Statute made 5 Eliz. 16. againſt Conjurations, &c. repealed.

And for the better reſtraining the ſaid offences, and more ſevere puniſhing the ſame, Be it further Enacted by the authority aforeſaid, That if any perſon or perſons, after the ſaid Feaſt of S. Michael the Archangel next coming, ſhall uſe, practiſe or exerciſe any Invocation or Conjuration of any evil and wicked Spirit; or ſhall conſult, covenant with, entertain, imploy, feed, or reward any evil and wicked Spirit, to or for any intent or purpoſe; or take up any dead man, woman or child, out of his, her, or their grave, or any other place where the dead body reſteth, or the skin, bone, or any other part of any dead perſon, to be imployed or uſed in any manner of Witchcraft, Sorcery, Charm, or Inchantment; or ſhall uſe, practiſe, or exerciſe any Witchcraft, Inchantment, Charm, or Sorcery, whereby any perſon ſhall be killed, deſtroyed, waſted, conſumed, pined or lamed in his or her body, or any part thereof: That then every ſuch offendor or offendors, their aiders, abetters, and counſellers, being of any the ſaid offences duly and lawfully convicted and attainted, ſhall ſuffer pains of death as a felon or felons, and ſhall loſe the priviledge and benefit of Clergy, and Sanctuary.

Cro. Car. 141.

Conjuration or Invocation, whereby any perſon is killed or lamed.

And further, to the intent that all manner of practice, uſe or exerciſe of Witchcraft, Inchantment, Charm or Sorcery, ſhould be from henceforth utterly avoided, aboliſhed and taken away, Be it Enacted by the authority of this preſent Parliament, That if any perſon or perſons ſhall from and after the ſaid Feaſt of S. Michael the Archangel next coming, take upon him or them by Witchcraft, Inchantment, Charm or Sorcery, to tell or declare in what place any treaſure of gold or ſilver ſhould or might be found or had in the earth or other ſecret places, or where goods or things loſt or ſtolne ſhould be found or become; or to the intent to provoke any perſon to unlawful love, or whereby any cattel or goods of any perſon ſhall be deſtroyed, waſted or impaired, or to hurt or deſtroy any perſon in his or her body, although the ſame be not effected and done: That then all and every ſuch perſon and perſons ſo offending, ahd being thereof lawfully convicted, ſhall for the ſaid offence ſuffer impriſonment by the ſpace of one whole year, without bail or mainpriſe, and once in every quarter of the ſaid year, ſhall in ſome Market Town, upon the Market day, or at any ſuch time as any Fair ſhall be kept, there ſtand openly upon the Pillory by the ſpace of ſix hours, and there ſhall openly confeſs his or her error and offence.

Declaring by Witchcraft, whereby any thing is hidden, procuring unlawful love, &c.

And if any perſon or perſons being once convicted of the ſame offences as is aforeſaid, do eftſoons perpetrate and commit the like offence, that then every ſuch offendor being of any the ſaid offences the ſecond time lawfully and duly convicted and attainted as is aforeſaid, ſhall ſuffer pains of death as a felon or felons, and ſhall loſe the benefit and priviledge of Clergy and Sanctuary: Saving to the wife of ſuch perſon as ſhall offend in any thing contrary to this Act, her title of dower; and alſo to the heir and ſucceſſor of every ſuch perſon, his or their titles of inheritance, ſucceſſion and other rights, as though no ſuch attainder of the anceſtor or predeceſſor had been made.

The ſecond offence felony.

No forfeiture of dower or inheritance.

Provided alwayes, That if the Offendor in any the caſes aforeſaid ſhall happen to be a Peer of this Realm, then his Trial therein to be had by his Peers, as it is uſed in caſes of Felony or Treaſon, and not otherwiſe. Coke pla. fol. 1.

Trial of a Peer of the Realm.

CAP. XIII.

An Execution againſt him who is diſcharged by Priviledge of Parliament.

FOraſmuch as heretofore doubt hath been made, if any perſon being arreſted in Execution, and by priviledge of either of the Houſes of Parliament ſet at liberty, whether the party at whoſe Suit ſuch execution was purſued, be for ever after barred and diſabled to ſue forth a new Writ of Execution in that caſe.

A new Execution may be ſued againſt any which ſhall be delivered by priviledge of Parliament.

For the avoiding of all further doubt and trouble, which in like caſes may hereafter enſue, Be it Enacted by the Kings moſt excellent Majeſty, by the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, That from henceforth the party, at or by whoſe Suit ſuch Writ of Execution was purſued, his Executors or Adminiſtrators, after ſuch time as the priviledge of that Seſſion of Parliament in which ſuch priviledge ſhall be ſo granted ſhall ceaſe, may ſue forth and execute a new Writ or Writs of Execution, in ſuch manner and form as by the Law of this Realm he or they might have done, if no ſuch former Execution had been taken forth or ſerved; And that from henceforth no Sheriff, Bayliff, or other Officer, from whoſe arreſt or cuſtody any ſuch perſon ſo arreſted in Execution, ſhall be delivered by any ſuch priviledge, ſhall be charged or chargeable with or by any action whatſoever, for delivering out of Execution any ſuch priviledged perſon, ſo as is aforeſaid, by ſuch priviledge of Parliament ſet at liberty: Any Law, Cuſtom, or Priviledge heretofore to the contrary notwithſtanding.

He ſhall never be charged out of whoſe cuſtody ſuch priſoner ſhall be delivered.

Provided alwayes, That this Act, or any thing therein contained, ſhall not extend to the diminiſhing of any puniſhment to be hereafter by cenſure in Parliament inflicted upon any perſon which hereafter ſhall make or procure to be made any ſuch arreſt as is aforeſaid. Dyer fol. 59.

Cenſure inflicted upon any that ſhall arreſt a Parliament man.

CAP. XIV.

A remedy for a Freeman of London to recover a debt not exceeding xl. s. owing to him by another inhabiting within the ſaid City or the Liberties. A penalty if the debtor do not appear before the Commiſſioners upon warning, or if the creditor or debtor do not perform their order, or if the creditor being a Freeman of London, do ſue any other Freemen out of the ſame City for a debt under xl. s. EXP. 3 Jac. 15.

CAP. XV.

An expoſition and addition to the Statute of Bankrupts, made 13 Eliz. 7.

34 H. 8. 5.
13 El. 7.

FOr that fraud and deceits, as new diſeaſes, daily encreaſe amongſt ſuch as live by buying and ſelling, to the hinderance of Traffick and mutual Commerce, and to the general hurt of the Realm, by ſuch as wickedly and wilfully become Bankrupts; And for that the deſcription of a Bankrupt in former Statutes is not ſo fully expreſſed, nor the power given thereby to the Commiſſioners for Bankrupts ſo large as is meet, in ſuch caſes of deceit, to prevent the deceitful actions of Bankrupts:

Who ſhall be adjudged a Bankrupt.

For remedy whereof, Be it therefore Enacted by our Soveraign Lord the King, and by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every ſuch perſon and perſons, uſing or that ſhall uſe the trade of Merchandiſe, by way of bargaining, exchange, bartry, chevilance, or otherwiſe in groſs, or by retail, or ſeeking his, her, or their trade of living by buying and ſelling, and being a Subject born of this Realm or any the Kings Dominions, or Denizen, who at any time ſithence the firſt day of this preſent Parliament, or at any time hereafter ſhall depart the Realm, or begin to keep his or her houſe or houſes, or otherwiſe to abſent him or her ſelf, or take Sanctuary, or ſuffer him or her ſelf willingly to be arreſted for any debt, or other thing not grown or due for money delivered, wares ſold, or any other juſt or lawful cauſe, or good conſideration or purpoſes, or hath or will ſuffer him or her ſelf to be outlawed, or yield him or her ſelf to priſon, or willingly or fraudulently hath or ſhall procure him or her ſelf to be arreſted, or his or her goods, money or chattels to be attached or ſequeſtred, or depart from his or her dwelling houſe, or make or cauſe to be made any fraudulent grant or conveyance of his, her, or their lands, tenements, goods or chattels, to the intent, or whereby his, her, or their Creditors being Subjects born as aforeſaid, ſhall or may be defeated or delayed for the recovery of their juſt and true debts: or being arreſted for debt, ſhall after his or her arreſt lie in priſon ſix moneths or more upon that arreſt, or upon any other arreſt or detention in priſon for debt, and lie in priſon ſix moneths upon ſuch arreſt or detention, ſhall be accompted and adjudged a Bankrupt to all intents and purpoſes.

The like Commiſſions, orders, benefits and remedies as be provided for Bankrupts by the ſtatute, 13 El 7.

And be it further enacted by the authority of this preſent Parliament, That the like Commiſſions, orders, benefits and remedies which are and be provided and limited by the ſaid former Act of Parliament (made in 13. nuper Eliz. Reginæ) againſt any Bankrupts therein deſcribed, or for or concerning his, her, or their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandiſes and debts, or any of them, ſhall be had, purſued, taken and expounded againſt ſuch perſon and perſons that are herein expreſſed to be Bankrupts, his, her, and their lands, tenements, hereditaments, fees and annuities, offices, goods, chattels, wares, merchandiſes and debts, in ſuch like manner and form as the ſame ought or might have been, if the perſons herein deſcribed to be Bankrupts, had been deſcribed to be Bankrupts according to the intent of the ſaid former Statute.

New Creditors partakers with the former.

And that it ſhall be lawful for any creditors of the ſaid Bankrupt within four moneths after any ſuch Commiſſion ſhall be ſued forth, and until diſtribution ſhall be made by the ſaid Commiſſioners for the payment of the Bankrupts debt, as in ſuch caſe hath been uſed, to partake and joyn with the other creditors that ſhall ſue forth any ſuch Commiſſion, for ſatiſfaction and paiment of his, her, or their debts, to him or them owing, without any hinderance, let, or diſturbance of any of the ſame Commiſſioners, or of any of the other creditors of any ſuch Bankrupts, the ſame creditors ſo coming in to contribute to the charges of the ſaid Commiſſion, and that if the creditors come not in within four moneths, then the Commiſſioners to have power to diſtribute.

A Bankrupt conveying his lands or goods to others, or transferring his debts into other mens names.

Be it further enacted, That if any perſon which hereafter is or ſhall be a Bankrupt, by intent of this Statute, ſhall convey or procure, or cauſe to be conveyed to any of his children, or other perſon or perſons, any manors, lands, tenements, hereditaments, offices, fees, annuities, leaſes, goods, chattels, or transfer his debts into other mens names, except the ſame ſhall be purchaſed, conveyed, or transferred for or upon marriage of any of his or her children, both the parties married being of the years of conſent, or ſome valuable conſideration, ſhall be in the power and authority of the Commiſſioners in this behalf to be appointed, or the more part of them, to bargain, ſell, grant, convey, demiſe, or otherwiſe to diſpoſe thereof, in as ample manner, as if the ſaid Bankrupt had been actually ſeiſed or poſſeſſed thereof or the debts were in his own name of the like eſtate or intereſt to his or their own uſe, at ſuch time as he or ſhe became Bankrupt; And that every ſuch grant, bargain, ſale, conveyance, and diſpoſition of the ſaid Commiſſioners or of the greater part of them, ſhall be good and available to all intents, conſtructions and purpoſes in the Law againſt the offendor or offendors, his heirs, executors, adminiſtrators and aſſigns, and ſuch children and perſons as ſhall be ſubject to this ſtatute, and againſt all other perſon and perſons claiming by, from or under ſuch offendor or offendors, or ſuch ſaid other perſons, to whom ſuch conveyance ſhall be made by the ſaid Bankrupt, or by his means or procurement.

In what caſe he that doth withdraw himſelf ſhall be proclaimed a Bankrupt.

And for that the practices of Bankrupts of late are ſo ſecret and ſo ſubtil, as that they can very hardly be found out or brought to light; And for that the former ſtatute, giving power to the Commiſſioners to examine others than the Bankrupts, hath not fully or ſufficiently authorized them to examine the ſaid Bankrupt upon oath: For remedy whereof, be it further enacted by the authority of this preſent Parliament, That the ſaid Commiſſioners may call before them, or the greater part of them, the ſaid Bankrupt; and if upon warning left or made in writing at three ſeveral times at the dwelling place or houſe where the ſaid Bankrupt, his wife or family, for the moſt part of his abode, did lodge or remain, within one year next before he, ſhe, or they became Bankrupt, the ſaid Bankrupt ſhall not appear before the ſaid Commiſſioners, or the greater part of them, That then and from thenceforth it ſhall be lawful for the greater number of the ſaid Commiſſioners to appoint to proclaim the ſaid party a Bankrupt, at ſuch publick place or places where the ſaid Commiſſioners or the greater part of them ſhall think meet, warning him, her, or them to appear before them upon the ſaid Commiſſion, at ſome time appointed: And that if upon five ſeveral Proclamations made in ſome publick place, the party offending appear not before the ſaid Commiſſioners, and yield his, her, or their bodies to them, or ſome of them, the ſaid Commiſſioners, or the greater part of them, ſhall or may award a Warrant to ſuch fit perſon or perſons as they think meet, to apprehend the body and bodies of the ſaid offendor and offendors, and to bring him, her, or them ſo offending before the ſaid Commiſſioners, wheresoever the ſaid party or parties offending may be found, in place priviledged or not, to be examined by the ſaid Commiſſioners or the greater part of them.

A Bankrupt apprehended which upon warning refuſeth to appear.

The examination of a Bankrupt.

And that it ſhall be lawful for the ſaid Commiſſioners, or the greater part of them, to examine the ſaid offendor or offendors upon ſuch Interrogatories touching the lands, tenements, goods, chattels, debts, bills, bonds, books of account, and ſuch other things, as may tend to diſcloſe his, her, or their eſtate, or their ſecret grants, conveyances and eloyning of his, her, or their lands, tenements, goods, money and debts, as they ſhall think meet.

A Bankrupt refuſing to anſwer.

And that if therein the offendor or offendors ſhall refuſe to be examined, or to anſwer fully to every Interrogatory to him to be miniſtred by the ſaid Commiſſioners or the greater part of them, it ſhall be lawful for the ſaid Commiſſioners or the greater part of them to commit the ſaid offendor or offendors to ſome ſtrait or cloſe impriſonment, there to remain until he, ſhe, or they ſhall better conform him, or her ſelf.

The puniſhment of a Bankrupt committing perjury.

And that if upon his, her, or their examination it ſhall appear that he, ſhe, or they have committed any wilful or corrupt perjury, tending to the hurt or damage of the creditors of the ſaid Bankrupt, to the value of Ten pounds of lawful money of England or above, the party ſo offending ſhall or may thereof be indicted in any of the Kings Majeſties Courts of Record, and being lawfully convicted thereof ſhall ſtand upon the Pillory in ſome publick place by the ſpace of two houres, and have one of his ears nailed to the Pillory and cut off.

And whereas by the former ſtatute made in the ſaid thirteenth year of the reign of the late Queen Elizabeth, the Commiſſioners for Bankrupts have power given to them to ſend for ſuch perſon or perſons as the creditors ſhall know, ſuppoſe, or ſuſpect to have, detain or keep any part of the money, goods, chattels, or debts of the ſaid offendor or offendors, or to be indebted to the ſaid offendor or offendors, to be examined by the ſaid Commiſſioners, as by the ſame ſtatute appeareth, but have not good means or remedy by impriſonment or other penalty to procure the perſon ſo ſent for by them to appear before them, nor having appeared before them, to make anſwer upon his oath to ſuch Interrogatories as ſhall be miniſtred unto him by the ſaid Commiſſioners, for and upon the ſpecialty, certainty, true declaration and knowledge of ſuch lands, tenements, hereditaments, goods, debts, or other things of any ſuch offendor or offendors, as be, or ſhall be, or which ſhall be ſuſpected to be in his cuſtody, uſe or poſſeſſion, or in the cuſtody, uſe or poſſeſſion of any other to his knowledge, and of all debts owing to or for the benefit of ſuch offendor or offendors, by himſelf or by any other to his knowledge ſo as many times a great part of the offendor or offendors lands, tenements, hereditaments, goods, chattels, or debts which by the true intent of the ſaid ſtatute ſhould be imployed to the ſatisfaction of the creditors of the offendor or offendors, are concealed or detained in the hands of ſuch perſon & perſons as refuſe to come or being come, refuſe to be ſworn before the ſaid Commiſſioners, to be examined in that

Examination of ſuch as have Bankrupts goods, or be indebted unto them.

The puniſhment of ſuch as will not appear, or not ſwear to anſwer to Interrogatories.

behalf, to the great encouragement of all Bankrupts and their wicked confederates and acceſſaries, and to the great hinderance of the juſt remedies of the creditors of the ſaid Bankrupts for their true and juſt debts to them owing: For remedy whereof, be it further enacted by the authority aforeſaid, That if any perſon or perſons being known, ſuppoſed or ſuſpected to have or detain any part of the lands, tenemements, or hereditaments, goods, chattels, or debts of the ſaid Bankrupt, or to be indebted to or for the benefit of the ſaid Bankrupt, ſhall after lawful warning to the ſaid perſon or perſons given to come before the ſaid Commiſſioners, or the greater part of them, to be examined according to the intent of the ſaid ſtatute, refuſe to come, or ſhall not come before the ſaid Commiſſioners at the time appointed, having no lawful impediment (ſuch as ſhall be limited & allowed of by the ſaid Commiſſioners or the more part of them, and which ſhall be then ſignified or made known to the ſaid Commiſſioners at the time of their aſſembly) or that any ſuch perſon or perſons having knowledge or warning of any other aſſembly or meeting of the ſaid Commiſſioners again, ſhall not come and appear before them at ſuch time as he or ſhe lawfully may come, have no ſuch lawful impediment as ſhall be then made known to the ſaid Commiſſioners, and by them admitted and allowed of as aforeſaid, Or being come before them ſhall refuſe to be ſworne and to make anſwer to ſuch interrogatories as ſhall be miniſtred unto him or them, according to the true intent and meaning of the ſaid Statute made in the ſaid thirteenth year of the reign of our ſaid Soveraign Lady Queen Elizabeth or of this preſent act, That then it ſhall be lawful for the ſaid Commiſſioners, or for the greater part of them, to commit to ſuch ward and priſon as to them or to the greater part of them ſhall be thought meet, all ſuch perſon and perſons as ſhal ſo refuſe to be ſworn and make anſwer to ſuch Interrogatories as ſhall be ſo miniſtred as aforeſaid, and alſo to direct their warrants to ſuch perſon or perſons as to them or the greater part of them ſhall be thought meet to apprehend and arreſt ſuch perſon or perſons as ſhall refuſe to appear before them as aforeſaid, and to bring him, her, or them before the ſaid Commiſſioners, or the greater part of them, to be examined as abovesaid, and upon his, her, or their refuſal to come or to be examined before the ſaid Commiſſioners as aforeſaid, to commit the ſaid party ſo refuſing to ſuch priſon as the ſaid Commiſſioners or the greater part of them ſhall think meet, there to remain without bail or mainpriſe, until ſuch time as the ſaid perſon ſo refuſing to come, or to be ſworne to anſwer before the ſaid Commiſſioners, ſhall ſubmit him or her ſelf to the ſaid Commiſſioners, and be by them examined, according to the true intent of the ſaid Statute, and of this preſent act.

Witneſſes allowed their coſts.

The penalty of others beſide the Bankrupt committing perjury.

Provided alwayes, That ſuch witneſſes as ſhall be ſo ſent for, ſhall have ſuch coſts and charges as the Commiſſioners in their diſcretion ſhall think fit; The ſame charges to be rateably borne by the creditors of the ſaid Bankrupt, according to the proportion of each of their ſeveral debts. And if any perſon or perſons, other than the Bankrupt, either by ſubornation, unlawful procurement, ſiniſter perſwaſion, or means of any others, or by his own act, conſent or agreement, ſhall willfully and corruptly commit any manner of wilful perjury by his depoſition to be taken before the ſaid Commiſſioners, or the greater part of them, as aforeſaid, That then the party or parties ſo offending, and all and every perſon and perſons that ſhall unlawfully and corruptly procure any ſuch unlawful, wilful, and corrupt perjury, ſhall or may therefore be indicted in any of the Kings Majeſties Courts of Record, and after his or their conviction thereof, ſhall incur ſuch forfeiture, and receive and ſuffer ſuch pains and puniſhment, as are limited by the Statute made concerning Perjury, in the fifth year of the reign of our late Soveraign Lady Queen Elizabeth.

5 Eliz. 9.

Who ſhall recover the forfeitures, and how they ſhall implor them.

And be it further enacted, That all and every ſum and ſums of money which ſhall be forfeited by force of this preſent act, ſhall be ſued for and recovered by the ſaid creditors only, or any of them that will ſue for the ſame, by action of debt, bill, plaint or information, in any of the Kings Majeſties Courts of Records, and the ſum or ſums of money ſo recovered, the charges of ſuit being deducted, ſhall be diſtributed and divided towards the payment of the ſaid creditors of the bankrupt.

The authority of Commiſſioners touching debts due to a Bankrupt.

The remedy for the creditor to recover a Bankrupts debt aſſigned to him by the Commiſſioners.

And for that the power and authority given to the Commiſſioners of Bankrupts touching the debts due to the ſaid Bankrupt, is not ſo full and perfect, as that the full benefit thereof in due courſe might be imployed to the uſe of the ſaid creditors as was intended: For remedy therefore, be it further enacted by the authority aforeſaid, That the Commiſſioners of Bankrupts, or the greater part of them, ſhall have power to grant and aſſign, or otherwiſe to order or diſpoſe all or any of the debts due, or to be due, to and for the benefit of the ſaid Bankrupt, by what perſon or perſons ſoever, or in what manner and form ſoever, to the uſe of the Creditors of the ſaid Bankrupt, according to the true intent of the ſaid former recited Statute of Bankrupts, and that the ſame grant, aſſignment, or diſpoſition of the ſaid debts, in form aforeſaid to be made by the ſaid Commiſſioners, or the greater part of them, ſhall ſo veſt the property, right and intereſt of the ſaid debt and debts in the perſon or perſons of him, her, or them to whom it ſhall be granted, aſſigned or ordered by the ſaid Commiſſioners, or the greater part of them, as fully to all intents and purpoſes, as if the ſaid Bill, Bond, Bonds, Statutes, Recognizances, Judgement or Contract, whereupon the ſaid debt or debts, deed or deeds ſhall ariſe or grow, had been made to or with, or for the ſaid perſon or perſons to whom the ſame ſhall be ſo granted, aſſigned or diſpoſed by the ſaid Commiſſioners; And that after ſuch grant, aſſignment or diſpoſition made of the ſaid debts, that neither the Bankrupt, nor any other to whom any ſuch debt ſhall be due, ſhall have power to recover the ſame, nor to make any releaſe or diſcharge thereof, neither ſhall the ſame be attached as the debt of the Bankrupt, or ſuch ſaid other perſon or perſons to whom the ſame ſhall be due, by any other perſon or perſons, according to the Cuſtome of the City of London, or otherwiſe, but that the party or parties to whom the ſame debt ſhall be aſſigned, ſhall have like remedy to recover the ſame, as fully and lawfully, in the name or names of the perſon or perſons to whom the ſame ſhall be ſo granted, aſſigned or ordered by the ſaid Commiſſioners, in all reſpects and purpoſes, as the party himſelf might have had, Any law, ſtatute, uſe or cuſtome to the contrary thereof in any wiſe notwithſtanding.

Provided always, That no debtor of the Bankrupt be hereby endangered for the payment of his or their debt, truly and bona fide, to any ſuch Bankrupt, before ſuch time as he ſhall underſtand or know that he is become a Bankrupt.

Commiſſioners ſhall declare to the Bankrupt how they have beſtowed his lands and goods.

Provided alſo, and be it further Enacted, That ſuch of the ſaid Commiſſioners as ſhall put the ſaid Commiſſion in execution, ſhall upon lawful requeſt to them made by the ſaid Bankrupt, not only make a true declaration to the ſaid Bankrupts, of the imploying and beſtowing of his, her, or their ſaid lands, tenements and hereditaments, offices, fees, goods, wares, money, chattels and debts, which ſhall be paid and ſatisfied to their ſaid creditors, as is in like caſe limited and appointed by the ſaid former ſtatute made in the ſaid thirteenth year of the ſaid late Queens Majeſties reign, but alſo make payment of the overplus of the ſame, if any ſuch ſhall be, to the ſaid Bankrupts, their executors, adminiſtrators and aſſigns, And that the ſaid Bankrupts, after the full ſatisfaction of the ſaid creditors, ſhall have full power and authority to recover and receive the reſidue and remainder of the debts to them owing, Any thing in this act contained to the contrary in any wiſe notwithſtanding.

The Commiſſioners plea in an Action brought againſt them.

Be it further enacted, That if any action of treſpaſs, or other ſuit ſhall happen hereafter to be brought againſt any Commiſſioner authorized by the ſtatute made in decimo tertio of our late Soveraign Lady Queen Elizabeth, for Bankrupts, or any other perſon or perſons having authority by vertue or under the Commiſſion authorizing the ſaid Commiſſioner for the doing or executing of any matter, by force of the ſaid Statute, or this preſent ſtatute, That the defendant or defendants in any ſuch action or ſuit, may plead Not guilty, or otherwiſe juſtifie that the act or thing whereof the plaintiff or plaintiffs complained, was done by authority of the ſaid Act made in the thirteenth of Elizabeth, or in this preſent Act reſpectively, without expreſſing or rehearſal of any other matter of circumſtance contained in either of the ſaid Acts, and without enforcing him or them to ſhew forth their Commiſſion authorizing the ſaid act or thing, whereunto the plaintiff ſhall be admitted to reply, That the defendant did the fact ſuppoſed in the declaration of his own wrong without any ſuch cauſe alledged by the ſaid defendant, whereupon the iſſue in ſuch action ſhall be joyned to be tryed by verdict of twelve men, and upon the trial of that iſſue, the whole matter to be given on both parties in evidence, according to the very truth of the ſame; and if verdict upon ſuch iſſue ſhall paſs for the defendant, the defendant to have his coſts.

The Commiſſioners ſhall proceed to execution, though the Bankrupt die.

Provided alwayes, and be it further enacted, That after any Commiſſion of Bankrupts hereafter ſued forth, and dealt in by the Commiſſioners, the offendor happen to die, before the Commiſſioners ſhall diſtribute the goods, lands and debts of the offendors, or any of them, by force of the aforeſaid ſtatute of the thirteenth year of the reign of our late Soveraign Lady Queen Elizabeth, and this ſtatute, or either of them, That then nevertheleſſe the ſaid Commiſſioners ſhall and may in that caſe proceed in execution, in, and upon the ſaid Commiſſion for and concerning the offendors goods, lands, tenements, hereditaments and debts, in ſuch ſort as they might have done if the party offendor were living. Stat. 21 Jac. 19.

CAP. XVI.

What Apprentice or Servant a Wherriman may take. His age.

Several damages enſuing by unskilful Watermen.

FOraſmuch as it hath often happened, that divers and ſundry people paſſing by water upon the River of Thames between Windſor and Graveſend, have been put in great hazard and danger of the loſs of their lives and goods, and many times have periſhed and been drowned in the ſaid River, through the unskilfulneſs or want of knowledg or experience in the Wherrimen or Watermen that did tranſport and carry them and their ſaid goods from place to place upon the ſaid River in Wherries, Tiltboats and Barges. And for that hitherto there hath not been any ſufficient proviſion had or made for remedy herein: Be it now enacted and eſtabliſhed by the Kings moſt Excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from henceforth no Wherriman or Waterman that now is, or that hereafter ſhall be, and ſhall row upon the ſaid River of Thames, and ſhall tranſport or carry any paſſengers or goods in any Wherries, Tiltboats or Barges, (other than Weſtern Barges, Milboats, and all other Veſſels ordinarily ſerving for other uſes than the carrying of paſſengers) ſhall retain or take any ſervant or apprentice to ſerve him as a Waterman upon the ſaid River, unleſſe the ſaid Wherriman or Waterman that ſo ſhall retain, take or have any ſuch ſervant, ſhall have been apprentice to a Wherriman or Waterman by the ſpace of five years before ſuch retaining. And further, That no Wherriman or Waterman that now is, or that hereafter ſhall be upon the ſaid River of Thames, ſhall retain, have, keep, or take any perſon or perſons to ſerve him to row upon the ſaid River as his Apprentice, unleſs the ſaid perſon ſo to be retained or to become an Apprentice, ſhall then be of the age of eighteen years at the leaſt, and ſhall be retained and bound to his Maſter to ſerve upon the ſaid River, for and during the term of ſeven years at the leaſt, Upon pain that every perſon or perſons doing the contrary, ſhall from time to time for every ſuch offence forfeit the ſum of Ten pounds of lawful Engliſh money, the one half whereof ſhall be unto our ſaid Soveraign Lord the King, his Heirs and Succeſſors, and the other half unto any perſon or perſons that will ſue for the ſame in any of the Courts of Record of our ſaid Soveraign Lord the King, his Heirs or Succeſſors, by Action of debt, bill, plaint or information, in which no wager of law, eſſoyn, protection, or other delay ſhall be admitted or allowed.

Which watermen only may retain ſervants or apprentices, and what ſort of perſons they may retain.

Wherrymens ſons except.

Provided alwayes, That this Act nor any thing therein contained, ſhall extend to the ſon or ſons, which now are, or hereafter ſhall be, of any Wherriman or Waterman aboveſaid (being of the age of ſixteen years at the leaſt, and of convenient growth and ſtrength) that formerly hath been, or that hereafter ſhall be trained and brought up in rowing, or have or hath accuſtomed to row upon the ſaid river, & there have uſed or ſhall uſe to tranſport or carry

Paſſengers from place to place, But that all and every ſuch Son or Sons ſhall and may from time to time from henceforth be admitted and allowed to ſerve, and may ſerve upon the ſaid River, and there tranſport or carry Paſſengers from place to place as an Apprentice, as heretofore they have done, Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

The Watermens orders ſhall be read twice in the year.

And be it further enacted and eſtabliſhed by the authority aforeſaid, That the eight Overſeers or Rulers of the Society or Company of Wherrimen or Watermen that now are, and that from time to time hereafter ſhall be, from henceforth twice in every year, that is to ſay, upon the firſt day of September, and upon the firſt day of March, ſhall openly read and publiſh, or cauſe openly to be read and publiſhed in the Hall or place of their common Aſſembly, where they uſually either have, or hereafter ſhall appoint to aſſemble and meet together, all and every the conſtitutions and orders already made by them, or that at any time hereafter ſhall be made by the Overſeers and Rulers for the good or better ordering or government of the ſaid Wherrimen or Watermen, upon pain that every of them ſhall from time to time for every ſuch offence forfeit to our ſaid Soveraign Lord the King, his Heirs and Succeſſors, the ſum of vi. l. xiii. s. and iiii. d. of lawful Engliſh money, the one half whereof ſhall be to our Soveraign Lord the King, his Heirs and Succeſſors, and the other half thereof unto any perſon or perſons that will ſue for the ſame in any of the Kings Courts of Record, by Action of Debt, Suit, Bill, Plaint or Information, wherein no wager of Law, Eſſoine, or other delay ſhall be admitted or allowed, 2 & 3 P. & M. 16.

CAP. XVII.

None ſhall make Felts or Hats but which hath been Apprentice.

A rehearſal of the ſtat. of 8 El. 11. touching ſuch as ſhall make Felts or Hats with forein wooll.

WHereas in the Parliament by prorogation holden at Weſtminſter the laſt day of September, in the eighth year of the Reign of the late Queen Elizabeth, Queen of England, there was made one Statute, entituled, An Act for the true making of Hats and Caps; by one branch whereof it was enacted, That no perſon or perſons by him or her ſelf or any other ſhould after the Feaſt of the Nativity of S. John Baptiſt then next coming, make or work any Felt or Hat, of or with any forein wooll or ſtuff, unleſſe ſuch perſon ſhould firſt have been Apprentice or Covenant-ſervant to ſuch Myſtery of Hat and Felt-making, by the ſpace of ſeven years at the leaſt, upon pain to forfeit all ſuch Hats or Felts as he ſhould make or cauſe to be made, while he worketh contrary to the form of the ſaid Act, and five pounds in money for every moneth that he ſhould ſo continue, as by the ſaid Act (amongſt divers other things therein contained) more plainly may appear: Foraſmuch as by the ſaid Act, no part of the forfeitures or penalties for ſuch as ſet up and do exerciſe the ſaid Art of Hat and Felt-making, and have not been Apprentice or Covenant-ſervant thereunto by the ſpace of ſeven years, nor no penalty nor forfeiture at all for taking of Apprentices or Covenant-ſervants contrary to the tenor of the ſaid Act, is given or appointed to any common perſon that would ſue for the ſame, The execution of the ſaid Act hath been wholly neglected, and the ſame in theſe two branches have been likewiſe tranſgreſſed, and divers perſons that never were Apprentices to the ſaid Art, and ſome that have ſerved but only ſome few years therein, have taken upon them to ſet up and exerciſe the ſaid Art, and retained great number of Apprentices, who daily go away from their Maſters, and before their terms be ended, and being unskilful, do make and put to ſale great quantities of Hats and Felts very falſly and deceitfully made and wrought, to the great damage of his Majeſties moſt loving Subjects.

Who ſhall have the forfeiture accrued by the ſtat. of 8 El. 11. and this ſtat.

For reformation whereof, Be it enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after forty dayes next enſuing the end of this preſent Seſſion of Parliament, the moyety or one half part of all and every the forfeitures and penalties contained in the ſame former Act, that ſhall ariſe or grow due after the end of the ſaid forty dayes next enſuing the end of this Seſſion of Parliament, and alſo the moyety or one half part of all and every the forfeitures and penalties hereafter limited and appointed in and by this preſent Act, ſhall be to our Soveraign Lord the Kings Majeſty, his Heirs and Succeſſors, and the other moyety or half part thereof to ſuch perſon or perſons as will ſue for the ſame, by Action of Debt, Bill, Plaint or Information, to be commenced, or brought, or proſecuted in any Court of Record, wherein no Eſſoine, Protection, or Wager of Law ſhall be admitted or allowed for the Defendant.

Who only may be Felt-makers, and who their ſervants, and how many.

And be it further enacted by the authority aforeſaid, That no perſon or perſons from and after the ſaid forty dayes ſhall make, or cauſe to be made any Felt or Hat of or with any wooll or ſtuff whatſoever, unleſſe he or they ſhall have firſt ſerved as Apprentices in the foreſaid Trade or Art of Felt-making during the ſpace of ſeven years at the leaſt; Neither ſhall they retain and ſet to work in the ſaid Art any other perſon or perſons than Journeymen that have lawfully ſerved in that Art, and Apprentices lawfully bound in the ſaid Trade or Art, Nor above the number of two Apprentices at one time, nor thoſe for any leſſe term than ſeven years, Upon pain to forfeit v. l. for every moneth that he ſhall continue offending contrary to the true meaning of this Act, to be recovered to the uſes and in manner aforeſaid.

No ſtranger ſhall be ſet on work in making of Hats.

And be it further enacted by the authority aforeſaid, That no perſon or perſons from and after the ſaid forty days, ſhall retain or ſet on work in the ſaid Art of Hat or Felt-making, any perſon or perſons born out of his Majeſties Realms and Dominions of England, Scotland and Ireland, upon pain to forfeit v. l. for every moneth wherein ſuch perſon or perſons ſhall ſo offend contrary to the meaning of this Act, to be recovered to the uſes and in manner and form aforeſaid,

Feltmakers ſons.

Provided alwayes, That nothing in this Act, or in the ſaid former Act contained, ſhall extend to charge any perſon or perſons lawfully exerciſing the ſaid Art, with any pain or forfeiture for ſetting or uſing his or their own natural ſon or ſons to the making or working of Hats or Felts, in his or their own houſe or houſes, ſo as every ſuch ſon or ſons be bound by Indenture of Apprenticehood for the term of ſeven years at the leaſt, which term ſhall not be to expire before he ſhall be of the full age of xxii. years, Any thing aboveſaid to the contrary notwithſtanding.

Felt-makers at the time of this ſtat. and their ſervants may ſo continue.

Provided alwayes, and be it enacted by the authority aforeſaid, That every Felt-maker that now is, and by the ſpace of one year laſt paſt before the beginning of this preſent Parliament was a maker or worker of Felts, and being an Houſholder, and all ſuch as now are Apprentices, Covenant-ſervant or Journeyman, in the ſame Art or Myſtery of Felt-making (ſo as the ſame Apprentice ſerve the reſidue of ſeven years at the leaſt) ſhall or may, during ſuch perſons natural life, continue making of Hats and Felts, albeit the ſame perſon were not bound Apprentice to the ſame Art for the ſpace of ſeven years, Any thing in this Act or elſewhere to the contrary notwithſtanding.

CAP. XVIII.

The penalty for bringing into this Realm corrupted Hops, or for brewing with them.

Co. Inſt. 4. par. 263.

Several falſehoods practiſed by ſtrangers in packing of Hops.

FOraſmuch as of late great frauds and deceits are generally practiſed and uſed by Foreiners, Merchants, Strangers, and others in forein parts beyond the Seas, in the falſe packing of all forein Hops brought into this Realm of England from forein parts by way of Merchandiſe here to be uttered and ſold, with leaves, ſtalks, powder, ſand, ſtraw, and with loggets of wood, droſs, and other ſoil in very many ſacks of Hops, for increaſe of the weight thereof, ſelling the ſame together for ſo much money as the Hops are ſold for, to the enriching of themſelves by deceit: By means of which falſe packing of forein Hops, the Subjects of this Realm have been of late years abuſed and deceived unto the value of Twenty thouſand pounds yearly at the leaſt, beſides the danger of the Subjects healths, for that in many ſacks of forein Hops there is not found ſcarce one third part to be good and clean Hops, the reſt being droſs and ſoil.

The penalty for bringing into this Realm corrupt or mixed hops.

For reformation whereof, Be it enacted by our Soveraign Lord the King, and by the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any Foreiner, Stranger, native Engliſhman, Denizen, Merchant, or any other perſon or perſons whatſoever, do at any time or times from or after the Feaſt of S. Michael the Archangel next coming after the end of this preſent Seſſion of Parliament, bring or cauſe to be brought into this Realm of England, out from any other forein Realm or Dominions from beyond the Seas, any Hops being deceitfully or corruptly unclean, corrupt, or mixt with any powder, duſt, droſs, ſand, or any other ſoil whatſoever, that every perſon ſo offending therein contrary to this Act, ſhall forfeit the ſame Hops ſo brought into this Realm.

The forfeitures for brewing Ale or Beer to be ſold, with corrupt or mingled hops.

And for the better avoiding of the danger of ſickneſs by uſing of the falſe packed, unclean and corrupt Hops, Be it therefore further enacted by the authority aforeſaid, That if any Brewer of Beer or Ale, or any other perſon which ſhall buy the ſame Hops ſo brought from beyond the Seas, or growing within this Realm, and ſhall imploy and ſpend the ſame about the making or brewing of Beer or Ale to be ſold, being unclean, corrupt, or mixt with any powder, duſt, droſs, ſand, or any other ſoil whatſoever, Every perſon ſo offending therein contrary to the intent of this Act, ſhall in like ſort forfeit for the ſame offence, the value of thoſe Hops ſo bought, imployed, or ſpent in brewing, The one moyety of all which forfeitures ſhall be to our Soveraign Lord the King, his Heirs and Succeſſors, the other moyety thereof to him or them that will ſeize the ſame, or ſue for the ſame by Bill, Plaint, Information, or Action of Debt in any of the Kings Courts of Record: In which no Eſſoine, Protection, or wager of Law ſhall be allowed, &c.

This Act to continue to the firſt Seſſion of the next Parliament. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament.

CAP. XIX.

The penalty if Spices be not garbled and ſealed: Or be mixed with other things.

The continuance of this Act.

VVHereas heretofore great deceits and abuſes have been committed in uttering, ſelling, and putting to ſale of ſundry ſorts of unclean, corrupt and mingled Spices, Drugs, Wares, and other Merchandiſes garbleable, to the jeopardy of his Majeſties perſon, and of his Subjects uſing the ſame in their meats, drinks, and other needful occaſions, and to the great deceit, loſs, and hinderance of ſuch of his Majeſties Subjects as ſhall buy the ſame: For remedy whereof, Be it Ordained and Enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the laſt day of September next enſuing the end of this Seſſion of Parliament, all Spices, Wares, Drugs, and other Merchandiſes garbleable, that is to ſay, Pepper, Cloves, Mace, Nutmegs, Cynamon, Ginger, Long-pepper, Wormſeeds, Cummin-ſeeds, Anni-ſeeds, Coliander-ſeeds, Bynny-pepper, Almonds, Dates, Galls, Gums of all ſorts and kinds garbleable, Spikenard, Galingal, Turmerick, Setwall, Caſſia Fiſtula, Ginny-Pepper, Seny, Barberies, Rice, Ertus, Stabiſaker, Calamus, Fenucrick, Caſſia lignum, Grains, Carraway-ſeeds, and all other Spices, Drugs, Wares, and other Merchandiſes that have been uſually garbled, or ought to be garbled, cleanſed, ſevered, ſorted or divided in the City of London and the Liberties thereof, ſhall for the Fees uſually allowed in that behalf, be ſufficiently cleanſed, ſevered, garbled and divided, and afterwards ſealed by the Garbler thereunto appointed for the time being, or by his ſufficient Deputy or Deputies, Servant or Servants, before that the ſame or any part thereof ſhall be ſold, upon pain of forfeiture of all and every ſuch Spices, Drugs, Wares, and other Merchandiſes, or the value thereof which ſhall be ſold.

Spices ſhall be garbled and ſealed before they be ſold.

And

Spices mixed after the garbling thereof ſhall be forfeited.

And be it furthermore enacted by authority aforeſaid, That if any the ſaid Spices, Drugs, Wares, and other Merchandiſes ſhall be mixed with any Garbles, matter or thing whatſoever, after ſuch time as the ſame ſhall be firſt garbled, ſeparated and divided by the Garbler thereunto appointed, or by his ſufficient Deputy or Deputies, Servant or Servants, and ſealed as aforeſaid: That then the ſaid Spices, Drugs, Wares, and other Merchandiſes, or the value thereof ſhall be wholly forfeited.

Searching for ſpices to be garbled.

The forfeitures.

And be it further enacted by the authority aforeſaid, That for the better and more true executing of this Act, it ſhall and may be lawful to and for the ſaid Garbler of Spices, Drugs and Merchandiſes within the ſaid City of London, and Liberties thereof for the time being, and to and for his Deputy or Deputies, Aſſignee or Aſſignees, by vertue of this Act, at all and every time and times in the day-time to enter into any Shops, Ware-houſes, or Cellars within the ſaid City or Liberties thereof, wherein any ſuch Drugs, Spices, Wares or Merchandiſes bought or ſold, or mixed contrary to the true meaning hereof, which have been accuſtomed to be garbled, ſhall be, or ſhall be ſuſpected to be, and there to view, ſee and ſearch the ſame; And if he or they ſhall find any ſuch Spices, Drugs, Wares or Merchandiſes there ungarbled, which have been accuſtomed to be garbled, then, and ſo often it ſhall be lawful to and for the ſaid Garbler, and his Deputy or Deputies, Aſſignee or Aſſignees, to garble, or cauſe his or their Servants to garble and make clean the ſame: The one moyety of all forfeitures in this Act mentioned to be to our ſaid Soveraign Lord the Kings Majeſty, his Heirs and Succeſſors, and the other moyety to him or them that will ſue for the ſame by action of Debt, Bill, Plaint or Information, to be proſecuted in any Court or Courts of Record within the Realm of England; in which Suit, no Eſſoine, Protection, Wager of Law, Writ of Priviledge, or Injunction ſhall be allowed.

Spices brought in, and after tranſported ungarbled.

Provided alwayes, and be it enacted by authority of this preſent Parliament, that if any Merchant, or any perſon or perſons (other than Merchants alien, or made or to be made Denizen) ſhall bring any Spices, Drugs, or other Merchandiſes that be garbleable within this Realm, and ſhall not offer the ſame to ſale, or ſell the ſame within this Realm, But ſhall bona fide, and without fraud or covin, reſerve or retain the ſame unſold, to be tranſported again out of the Realm, and ſhall tranſport the ſame within eight moneths, to be accounted from his firſt landing or arrival, with ſuch Spices, Drugs, or other Merchandiſes garbleable, by the proviſion and intention of this act: That ſuch ſpices, drugs and merchandiſes ſo to be tranſported ungarbled, and not ſold within this Realm, no penalty mentioned in this Statute ſhall be forfeited or incurred by any perſon or perſons (other than Merchants alien or Denizen as aforeſaid), Any thing herein before contained to the contrary in any wiſe notwithſtanding.

CAP. XX.

A Plaiſterer ſhall not uſe the Occupation of a Painter in London.

Queen Eliz. did incorporate the Maſter, Wardens, and Commonalty of Painters Stainers within London.

Who only may occupy that myſtery.

WHereas the Art or Myſtery of Painters is an ancient Art and Myſtery, and hath time out of mind been an ancient Company and Fellowſhip within the City of London, And of late upon due conſiderations, the Freemen of the ſaid City of that Faculty, Art or Myſtery (by Letters Patents under the great Seal of England, dated at Weſtminſter the xix. day of July in the xxiii. year of the Reign of Queen Elizabeth) were incorporate by the name of Maſter, Wardens and Commonalty of the Freemen of the Art and Myſtery of Painters, commonly called Painters Stainers within the City of London, and the Suburbs and Liberties of the ſame City: And furthermore, by the ſaid Letters Patents it is prohibited, enjoyned and commanded, that no perſon or perſons, of whatſoever eſtate, degree or condition they were, ſhould uſe, exerciſe or occupy the ſaid Art or Myſtery of Painters, commonly called Painters Stainers, or any work or works, colour or colours, painting or paintings in the ſaid Art or Myſtery occupied, unleſſe ſuch perſon or perſons before that time had been brought up and inſtructed, or ſhould from that time forwards be brought up and inſtructed by and with ſome one perſon of the ſaid Art or Myſtery, as an Apprentice, by the ſpace of ſeven years at the leaſt.

Searching of painting work, and ſeizing the deceitful.

And whereas for the avoiding of deceit to be uſed in the ſaid Art or Myſtery of Painting, the ſaid late Queen by the foreſaid Letters Patents, did Grant unto the ſaid Maſter and Wardens, and to their Succeſſors, That they ſhould have full power and authority for ever to make or cauſe to be made due ſearch of all and ſingular the works, colours, paintings, and other things whatſoever to the ſaid Art or Myſtery of Painting in any wiſe appertaining, or touching or concerning the ſame, aſwell upon the Freemen of the ſaid Myſtery, as upon any perſon or perſons whatſoever, ſelling, making, or working the ſame within the City of London, or the Liberties or Suburbs of the ſame, And the ſaid works, colours and paintings whatſoever ſo deceitfully made, to ſeize and take away, and the Offendors therein to puniſh and correct, as by the ſame Letters Patents more at large it doth and may appear.

Plaiſterers do uſe the art of Painters Stainers.

And whereas the Plaiſterers within the City of London, of old time uſing nothing but lathing, dawbing, plaiſtering and liming, did, and yet do procure thereby for themſelves and their Families a convenient living and maintenance: Yet not ſatisfied with that reaſonable living that they do make of their ſaid proper faculties and trades, wherewith and wherein they have been brought up as Apprentices, Have now of late uſed and practiſed the Art and Myſtery of Painters Stainers, as well with Oyl-colours, as Size-colours, And that ſince the making of the ſaid Letters Patents more uſually then in former times they have uſed or did: Whereby not only many of the ſaid Art and Myſtery of Painters, who have well and honeſtly as Apprentices to the ſame ſerved for the ſpace of ſeven years and upwards, and by their labours and induſtries have attained to the full and perfect ſkill and knowledge thereof, are not only diſabled to get any competent living thereby, for the relief of themſelves, their poor Wives and Children, But alſo for that the ſaid Plaiſterers, not having been trained up in the ſaid Art or Myſtery of Painting, neither can or do make any ſuch good work, or ſuch ſure and perfect colours, as other having been trained up in the ſame Trade, and Apprentices thereunto, And yet utter the ſame for good and perfect colours, and being no Freemen of the ſaid Company of Painters Stainers, eſcape therefore unpuniſhed, to the great abuſe and deceit of his Majeſties moſt loving Subjects, and whereby the ſaid Art or Myſtery of Painting is likely in ſuch ſort in ſhort time to decay, as that there will not be ſufficient Workmen of skill in and about the ſaid City to ſerve in the ſaid Art his Majeſty, or any other his Majeſties Subjects.

No Plaiſterer ſhall uſe the art of a Painter Stainer in London, &c.

For remedy whereof, Be it enacted by the authority of this preſent Parliament, That from and after the xxix. day of September, which ſhall be in the year of our Lord God, 1606. next coming after the end of this preſent Seſſion of Parliament, No manner of perſon or perſons, being or pretending to be a Plaiſterer, or hereafter to become or to be a Plaiſterer, or being, or which ſhall be a ſervant, or ſet on work by any Plaiſterer, ſhall uſe, exerciſe, or ſet up the Art, Myſtery, or manual Occupation of a Painter, commonly called a Painter Stainer, or any part thereof, in the City of London, or the Liberties or Suburbs of the ſame, Or ſhall within the places aforeſaid make any manner of work or works, or lay any manner of colour or colours, painting or paintings whatſoever, in the ſaid Art or Myſtery of Painters Stainers aforeſaid, at any time heretofore occupied or uſed, unleſſe he or they be or ſhall be the ſervant or ſervants, Apprentice or Apprentices of a Painter, otherwiſe called a Painter Stainer, or have ſerved, or ſhall ſerve as an Apprentice, or as Apprentices, by the ſpace of ſeven years at the leaſt, to a Painter Stainer: Upon pain that every ſuch perſon and perſons as ſhall hereafter do or offend, contrary to the true intent and meaning of this preſent Act, ſhall forfeit for every time that he or they ſhall ſo do, or offend, the ſum of five pounds of lawful money of England, The one moyety of all which forfeitures ſhall be to the Kings Majeſty, his Heirs and Succeſſors, and the other moyety to him or them that will ſue for the ſame in any of the Kings Majeſties Courts of Record, by action of Debt, Bill, Plaint or Information: in which ſaid Suit, no Eſſoine, Protection, or Wager of Law ſhall be admitted or allowed for the ſaid Defendant, any Law, Uſage, or Cuſtome heretofore had or uſed to the contrary thereof in any wiſe notwithſtanding.

The forfeiture of an offendor.

What things a Plaiſterer may uſe in his work.

Provided nevertheleſs, That it ſhall and may be lawful to and for any of the Company of Plaiſterers, or their ſervants or apprentices, to lay and uſe whiting, blacking, red lead, red okar, yellow okar, and ruſſet mingled with ſize only, and not with oyl: This preſent Act, or any thing therein contained to the contrary notwithſtanding.

The day wages of a Painter.

Provided alſo, That no Painter or Painters ſervant or apprentice, ſhall have or take above ſixteen pence by the day, for laying of any flat colour whatſoever, mingled or mixed with oyl or ſize, upon any Timber, Stone, Iron or Lead.

CAP. XXI.

Sale of Goods purloyned in London, &c. ſhall not alter the property.

The manner to preſent and allow of Brokers in London.

FOraſmuch as of long and ancient time by divers hundred years there have been uſed within the City of London and Liberties thereof, certain Freemen of the City, to be elected out of the Companies and Myſteries whereof they are free and members, and the ſame perſons to be preſented at leaſt by ſix approved and known honeſt perſons of the ſame Myſtery, to the Lord Mayor of London for the time being, and to the Aldermen his Brethren, and to be recommended by ſuch preſentors to be perſons for their known approved honeſty, integrity and faithfulneſſe, perſons meet for to be Broker or Brokers, and upon ſuch relation made to the Mayor and Aldermen, and partly by their own knowledge and diligent enquiries made of the ſaid perſons, and of their honeſt fame, report, fidelity and skill, have been thereupon admitted, allowed and approved, by the Lord Mayor of the City, and Aldermen in the Court of Aldermen, to be Brokers within the ſaid City and Liberties of the ſame, and have taken their corporal Oaths before the ſaid Mayor and Aldermen, from time to time, as they were ſo preſented and admitted, to uſe and demean themſelves uprightly and faithfully between Merchant Engliſh and Merchant Strangers, and Tradeſmen, in the contriving, making and concluding Bargains and Contracts, to be made between them concerning their Wares and Merchandizes, to be bought and ſold, and contracted for within the City of London, and moneys to be taken up by exchange between ſuch Merchant and Merchants, and Tradeſmen, and theſe kind of perſons ſo preſented, allowed and ſworn to be Brokers, as aforeſaid, have had and born the name of Brokers, and been known, called, and taken for Brokers, and dealing in Brokerage or Brokery: who never of ancient time uſed to buy and ſell Garments, Houſhold-ſtuffe, or to take pawn, and bills of ſale of Garments, and Apparel, and all things that come to hand for money, laid out and lent upon uſury, or to keep open Shops, and to make open Shews, and an open Trade, as now of late years hath, and is uſed by a number of Citizens, aſſuming unto themſelves the name of Brokers and Brokerage, as though the ſame were an honeſt and a lawful Trade, Myſtery or Occupation, terming and naming themſelves Brokers, whereas in truth they are not, abuſing the true and honeſt Trade of Broker and Brokerage.

The differences between the ancient and preſent Brokers.

The abuſe of Brokerage in theſe later years.

And foraſmuch as many Citizens Freemen of the City, being men of Manual Occupations, and Handicraftſmen, and others inhabiting and remaining near the City, and Suburbs of the ſame, have left, and given over, and daily do leave and give over their Handy and Manual Occupations, and have, and do daily ſet up a Trade of buying and ſelling, and taking to pawn of all kind of worn Apparel, whether it be old, or little worſe for wearing, Houſholdſtuff and Goods, of what kind ſoever the ſame be of, finding thereby that the ſame is a more idle and eaſier kind of Trade of living, and that there ariſeth and groweth to them a more ready, more great, more profitable, and ſpeedier advantage and gain, than their former Manual Labours and Trade did or could bring them.

Friperers and no Brokers.

And foraſmuch as the ſaid kind of counterfeit Brokers, and Pawn-takers upon Uſury, or otherwiſe for ready money, are grown of late to many hundreds, within the City of London, and other places next adjoyning to the City and Liberties of the ſame, and are like to encreaſe to far greater multitudes, being Friperers, and no Brokers, nor exerciſing of any honeſt and lawful Trade, and within the memory of many yet living, ſuch kind of perſons Tradeſmen, were very few, and of ſmall number.

By what means upſtart Brokers do come by their Goods.

The inconveniences enſuing by upſtart Brokers.

And foraſmuch as there are not any Garments, Apparel, Houſholdſtuffe, or other goods of any kind whatſoever the ſame be of, either being ſtollen, or robbed from any, or badly, or unlawfully purloyned, or come by, but theſe kind of upſtart Brokers, under colour and pretence they be Freemen of the ſaid City of London, or inhabiting in Weſtminſter, where they pretend to have the like overt Market as the City of London, and thereby preſuming to be lawful for them to uſe and ſet up the ſame idle and needleſſe Trades, being the very means to uphold, maintain and imbolden all kind of lewd and bad perſons, to rob and ſteal, and unlawfully to get, and come by true mens Goods, knowing and finding that no ſooner the ſame Goods can be ſtollen, or unlawfully come by, but that they ſhall, and may preſently utter, vent, ſell and pawn the ſame to ſuch kind of new upſtart Brokers for ready money: for remedy whereof, and for the avoiding of the ſaid miſchiefs and inconveniences, and for repreſſing and aboliſhing of the ſaid idle and needleſſe Trades, and upſtart Brokers, and the avoiding of Thefts, Robberies and Felonies, and bad people, acted for the repreſſing of ſuch kind of Nouriſhers and Aiders of Thieves and bad people, and for the defence of honeſt and true mens Properties and Intereſts in their Goods.

The ſale of goods wrongfully gotten, ſhall not alter the property of them.

Be it enacted and declared by our Soveraign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no Sale, Exchange, Pawn or Mortgage of any Jewel, Plate, Apparel, Houſholdſhuff, or other Goods, of what kind, nature or quality ſoever the ſame ſhall be of, and that ſhall be wrongfully or unjuſtly purloyned, taken, robbed or ſtollen from any perſon or perſons, or Bodies politick, and which at any time hereafter ſhall be ſold, uttered, delivered, exchanged, pawned, or done away within the City of London, or Liberties thereof, Or within the City of Weſtminſter in the County of Middleſex, Or within Southwark in the County of Surrey, Or within two miles of the ſaid City of London, to any Broker or Brokers, or Pawn-takers, by any way or means whatſoever, directly or indirectly, ſhall work or make any change or alteration of the property or intereſt, of, and from any perſon and perſons, or body politick, from whom the ſame Jewels, Plate, Apparel, Houſholdſtuff, or Goods were, or ſhall be wrongfully purloyned, taken, robbed or ſtollen; Any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

And for the better maintaining of true and honeſt dealing, and for the eſchewing and avoiding of falſhood, fraud and deceit, in ſuch kind of Brokers and Pawn-takers:

A Broker upon requeſt ſhall declare what goods be come to his hands.

Be it furthermore enacted and eſtabliſhed by the like authority, That if any perſon or perſons, or bodies politick, from whom any Jewels, Plate, Apparel, Houſholdſtuff, or any kind of goods whatſoever, ſhall be wrongfully purloyned, taken, ſtollen or robbed, ſhall require and demand of any ſuch Broker or Pawn-taker to declare whether any ſuch goods be come to his or their poſſeſſions, and to declare, ſhew and manifeſt the ſame, and how and by what means he had them, or came by the ſame, and how, when, and to whom he hath delivered, conveyed, or beſtowed and imployed the ſame: And that ſuch Broker, upon any ſuch requeſt and demand to be made, ſhall deny and refuſe to diſcloſe, tell, or manifeſt the ſame truly and juſtly, ſhall forfeit unto the true Owner or Owners of ſuch Jewels, Plate, Apparel, Houſholdſtuff, and other goods, from whom the ſame were wrongfully purloyned, taken, ſtollen or robbed, double the value thereof that ſhall be denied and refuſed to be diſcloſed, told and manifeſted as aforeſaid; The ſame double value to be recovered by the true Owner or Owners of ſuch goods, from whom the ſame were wrongfully purloyned, taken, robbed or ſtollen, to be recovered by action of Debt, Bill or Plaint, in any of the Kings Majeſties Courts of Record at Weſtminſter, or within the City of London, in which no Eſſoine, Wager of Law, or Protection ſhall be allowed.

The ancient Trade of Brokers.

Provided alwayes, That this Act, nor any thing therein contained, ſhall not be prejudicial or hurtful to the ancient Trade of Brokers within the City of London, uſing and exerciſing the ancient Trade of Brokers between Merchant and Merchant, or other Traders or Occupiers within the ſaid City and the Liberties of the ſame, being ſetled as aforeſaid.

CAP. XXII.

The duty of Tanners, Curriers, Shoomakers, and of others cutting of Leather.

The cauſes that former ſtatutes made againſt the abuſes of Tanners, Curriers, &c. have not been performed.

Whereas the Laws and Statutes formerly eſtabliſhed and made, for the true and juſt tanning, currying, and working of Leather, have not taken that good effect which was expected, as well for that divers of the ſaid Statutes did not ſufficiently provide for the redreſſe of thoſe deceits and abuſes which have been, and are commonly practiſed by the Tanners, Curriers, and workers of Leather, as for that other of the ſame Statutes have been too ſharp and rigorous, tying and binding the perſons occupying the ſeveral Myſteries or Trades aforeſaid, to divers inconveniences, and ſundry matters and things impoſſible for them to perform; by reaſon of which too much ſtrictneſſe and rigor, the ſame Statutes have not been put in execution, but have been in effect wholly diſpenced withall: To the intent therefore that a reaſonable and indifferent courſe for the true and well tanning, currying, and working of Leather, may be henceforth eſtabliſhed and appointed, and yet the perſons uſing and occupying the ſeveral Crafts and Myſteries aforeſaid, may not be further or more ſtrictly bound, reſtrained or limited, than the neceſſary regard of the Common-wealth, and general commodity of all ſorts of Subjects within this Realm requireth:

Be it enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the feaſt of S. Bartholomew, the Apoſtle next coming, no Butcher by himſelf, or by any other perſon, ſhall gaſh, ſlaughter or cut any hide of any Oxe, Bull, Steer or Cow, in flaying thereof, or otherwiſe, whereby the ſame ſhall be impaired or hurt, upon pain of forfeiture for every hide ſo gaſhed, ſlaughtered and cut, xx. d. And that no Butcher ſhall water any hide, except only in the moneths of June, July and Auguſt, nor ſhall offer or put to ſale any hide being putrified or rotten, upon pain of forfeiture for every hide ſo watered, and for every hide ſo putrified and rotten, and offered or put to ſale, iii. s. and iiii. d.

The penalty for gaſhing or watering of a hide, or ſelling a rotten hide.

And be it further enacted by the authority aforeſaid, That no Butcher, or other perſon or perſons, after the feaſt of S. Bartholomew next coming, ſhall kill any Calf to ſell, being under five weeks old, upon pain to forfeit for every Calf ſo to be killed and ſold, vi. s. and viii. d.

Killing of Calves under five weeks old.

And be it further enacted by the authority aforeſaid, That no perſon or perſons occupying the craft or myſtery of a Butcher, ſhall after the feaſt of S. Bartholomew the Apoſtle next coming, occupy or uſe by himſelf, or any other perſon or perſons, the feat, craft or myſtery of a Tanner, during the time that he ſhall uſe the craft or occupation of a Butcher, upon pain of forfeiture of vi. s. viii. d. for every day that he ſhall ſo uſe the feat, craft or myſtery of a Tanner.

No Butcher ſhall be a Tanner.

And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall from and after the Feaſt of S. Bartholomew next coming, tan any leather, or ſhall uſe, take, or have any profit, gain or commodity, of, or by the ſaid craft or myſtery of tanning of leather, except ſuch perſon or perſons as had a Tan-houſe at the beginning of this preſent Seſſion of Parliament, and did then occupy the myſtery of tanning of leather, And except ſuch as have been, or hereafter ſhall be brought up, inſtructed, or taught as Apprentices, or covenant or hired Servants for that purpoſe, by the ſpace of ſeven years, in the myſtery of tanning of Leather, And except the wife, and ſuch ſon or ſons of a Tanner, as hath been brought up, and hath uſed the myſtery of tanning of Leather by the ſpace of four years, or the ſon or daughter of a Tanner, or ſuch perſon who ſhall marry ſuch wife or daughter, to whom he hath, or ſhall leave a Tan-houſe and Fats, upon pain of forfeiture of all ſuch Leather by him or them ſo tanned, or whereof he or they ſhall receive any profit or commodity by tanning, or the juſt value thereof.

Who may be a Tanner.

Cro. Car. 387.

And be it further enacted by the authority aforeſaid, That no perſon or perſons uſing the myſtery of tanning of leather by himſelf, or by any other perſon or perſons, from and after the ſaid Feaſt of S. Bartholomew, ſhall, during the time that he ſhall uſe the ſaid myſtery, occupy or uſe the craft or myſtery of a Shoomaker, Currier, Butcher, or of any other Artificer, uſing or exerciſing, cutting or working of Leather, upon pain to forfeit and loſe all and every ſuch hide and hides, ſkin and ſkins, ſo by them or any of them wrought or tanned, during the time that he ſhall uſe the myſtery or craft of tanning aforeſaid, or the juſt value thereof.

No Tanner ſhall be a Currier of leather.

And be it further enacted by the authority aforeſaid, That no perſon or perſons after the feaſt of S. Bartholomew next coming, ſhall bargain, buy, make any contract for, or beſpeak any rough hide, or Calve-ſkin in the hair, but only ſuch perſon or perſons as by vertue of this Act may lawfully uſe the craft or myſtery of tanning of Leather, and ſhall tan the ſame, or ſuch perſon or perſons which ſhall tan the ſame, (Except ſalt hides for the neceſſary uſe of Ships) upon pain to forfeit and loſe all and every ſuch hides and ſkins ſo bought, or the juſt value thereof. And that no Tanner, or other perſon or perſons, ſhall foreſtall any hides coming towards any Fair or Market, nor ſhall buy any hide any other where than in open Fair or Market, unleſſe it be of ſuch perſon or perſons as ſhall kill the ſame Beaſt, whereof the ſaid hide ſhall be for the proviſion of his or their own houſe or houſes, Upon pain of forfeiture for every hide ſo foreſtalled or bought, contrary to the true meaning of this preſent Act, vi. s. viii. d.

Who may buy rough hides, or Calves ſkins.

Foreſtalling of Hides.

And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall or may after the feaſt of the Nativity of our Lord next coming, buy, ſell, bargain, beſpeak, or take promiſe to have, exchange, or put away any tanned leather, not wrought, and converted into made wares, but only ſuch perſon and perſons as will and ſhall work, and convert the ſame Leather into made wares, Upon pain of forfeiture of the Leather ſo bought, ſold, exchanged, or put away, or the value thereof.

Who may buy tanned leather not wrought.

Provided alwayes, and be it enacted by the authority aforeſaid, That all and every Artificer, and other perſon or perſons uſing to convert tanned Leather into made wares, as well Strangers born, as others, may lawfully buy all kind of tanned Leather, to make or convert the ſame into made wares, at Leaden-hall in London upon every Munday, the ſame being firſt duly ſearched, ſealed and regiſtred, as is hereafter limited.

Buying leather at Leaden-hall in London.

Provided alſo, That the Sadlers and Girdlers may ſell their necks, ſhreds of tanned leather red, without incurring any pain of forfeiture for the ſame.

Sadlers and Girdlers may ſell their necks, &c.

And be it further enacted by the authority aforeſaid, That after the Feaſt of Saint Bartholomew next coming, No perſon or perſons whatſoever, which ſhall after the ſaid Feaſt occupy or uſe by him or themſelves, or by any other perſon or perſons, the craft or myſtery of tanning of Leather, ſhall ſuffer any hide or ſkin to lie in the limes till the ſame be over-limed, Nor ſhall put any hides or ſkins into any Tan-fats, before the lime be well and perfectly ſokened and wrought out of them, and every of them; Nor ſhall uſe, imploy, occupy, or put by themſelves, or by any other perſon or perſons, any thing or ſtuff in or about the workmanſhip or tanning of leather, but only Aſh-bark, Oak-bark, Tapwort, Malt, Meal, Lime, Culver-dung or Hen-dung: Nor ſhall willingly ſuffer his or their Leather to be laid, or to hang, or to lie wet in any Froſt, untill the ſame be frozen: Nor ſhall dry, or parch the ſaid Leather with the heat of the fire, or of the Summer Sun: Nor ſhall tan, or cauſe to be tanned any hide or ſkin, being putrified or rotten by long lying, either before the putting of it into the Limes, or after in the water or liquor, or by any other means: Nor ſuffer the hides

How hides ſhall be uſed in tanning.

for utter ſole Leather to lie in the Woozes any leſſe time than twelve moneths at the leaſt, Nor the Hides for upper leathers in the like Woozes any leſſe time than nine moneths at the leaſt: Nor ſhall negligently work the Hides in the Woozes, but ſhall renew and make ſtrong their Woozes, as often as ſhall be requiſite: Nor ſhall after the ſaid Feaſt of Saint Bartholomew, put to ſale any tanned Hide or Skin, which ſhall be after the ſaid Feaſt wrought and tanned in any other ſort than by this Statute is limited and appointed, Upon pain of forfeiture of every Oxe-Hide, Bull-hide, Steer-Hide, Cow-Hide, or ſkin tanned or wrought, and offered to be put to ſale, contrary to the true meaning of this preſent Act, or the juſt value thereof.

And foraſmuch as much damage hath redounded to the Common wealth, by reaſon that divers Tanners for their private lucre have uſed to convert to Sole-leather ſuch Hides as are altogether inſufficient for that uſe; which Hides they do raiſe in the workmanſhip by divers mixtures, thereby making the ſame to ſeem very ſtrong and ſubſtantial Leather, whereas the ſame doth in the wearing prove hollow, deceitful, and altogether nnprofitable for the Common-wealth:

Raiſing of hides with mixtures.

Be it enacted by the authority aforeſaid, That no perſon or perſons, uſing, or which hereafter ſhall uſe the craft or myſtery of tanning of Leather, ſhall after the Feaſt of S. Bartholomew next coming, raiſe with any mixtures any Hide, to be imployed and converted to backs, bend leather, clouting leather, or any other ſole-leather, Except the ſame Hides be for largeneſſe, ſtate and growth, fit and ſufficient for that uſe and purpoſe, the ſame to be tried by the Triers hereafter in this preſent Act to be appointed, Upon pain of forfeiture of all ſuch Hides which ſhall be raiſed and converted to ſole-leather, contrary to the true meaning of this preſent proviſion.

Sale of tanned leather red and unwrought.

And be it further enacted by the authority aforeſaid, That from the Feaſt of S. Bartholomew next coming, no perſon or perſons whatſoever, ſhall put, or cauſe to be put to ſale, exchange, or otherwiſe depart with any kind of tanned Leather red, and unwrought, but in open Fair or Market in the places therefore commonly accuſtomed, and therefore prepared, unleſſe the ſame Leather have been before lawfully ſearched and ſealed in ſome open Fair or Market, or other place lawfully appointed, to and for the ſearching and ſealing of Leather; Nor ſhall after the ſaid Feaſt, offer to put to ſale any tanned Leather red and unwrought, before the ſame be ſearched and ſealed according to the Laws and Order of this Statute hereafter mentioned, upon pain of forfeiture for every Hide or piece of Leather ſo ſold, exchanged, or otherwiſe departed with, contrary to the true meaning of this Act, ſix ſhillings eight pence, and for every dozen of Calves-ſkins or Sheep-ſkins, three ſhillings four pence, and the hide or hides, ſkin or ſkins, and Leather in any other wiſe ſold, exchanged or bought, or the value thereof.

Leather not ſufficiently tanned or dyed.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons uſing, or which ſhall uſe the myſtery or faculty of tanning, ſhall at any time or times hereafter, offer or put to ſale any kind of Leather which ſhall be inſufficiently, or not throughly tanned, or which ſhall not then have been after the tanning thereof well and throughly dryed, ſo that the ſame by the Triers of Leather lawfully appointed according to this preſent Act, for the time being, ſhall be found to be inſufficiently, or not throughly tanned, or not throughly dryed, as aforeſaid, That then all and every ſuch perſon and perſons ſo offending, ſhall forfeit and loſe ſo much of his or their ſaid Leather as ſhall be found inſufficiently, and not throughly tanned, or not throughly dryed, as aforeſaid: That is to ſay, the whole hide, back or ſkin, or other piece of Leather, if the whole be inſufficiently or not throughly tanned, or not throughly dryed: And if the whole hide, back, ſkin, or other piece of Leather be not ſufficiently, or not throughly tanned, or not throughly dryed, then only ſo much of the hide, back, ſkin, or other piece of Leather as ſhall be inſufficiently or not throughly tanned, or not throughly dryed, the ſame to be cut out by the overſight, diſcretion and direction of the Triers hereafter in this Act to be appointed, upon the Oaths of the ſaid Triers.

Crafty means to overhaſten the tanning of leather.

And whereas divers Tanners for greedineſſe of gain, do over-much haſten the tanning of their Leather, and for that purpoſe do uſe divers crafty and ſubtile practices, ſometime laying their Leather in their Fats, ſet in their old Tanhills, where it may be tanned in the hot Woozes, taking unkind heat in the ſame hill, and ſometimes by putting of hot Woozes into their Tanfats where the ſame hides of Leather lie, by which and other like fraudulent practices they make their Leather to ſeem both fair and well, and ſufficiently tanned within a very ſhort ſpace:

Leather ſhall not take unkind heats.

For reformation whereof, Be it enacted by the authority aforeſaid, That after the ſaid Feaſt of S. Bartholomew next coming, no perſon or perſons ſhall ſet their Fats in Tanhills, or other places, where the Woozes or Leather that ſhall be put to tan in the ſame, ſhall, or may take any unkind heats, or ſhall put any Leather into any hot or warm Woozes, or ſhall tan any Hide, Calve-ſkin or Sheep-ſkin, with any hot or Warm Woozes whatſoever, upon pain that every perſon ſo offending ſhall forfeit for every ſuch offence ten pounds, and ſhall alſo for every ſuch offence ſtand upon the Pillory three ſeveral Market-days in the Market-Town next to the place where the ſaid offence ſhall be committed.

And foraſmuch as Bark is of late become very dear and ſcarce, which happeneth partly by reaſon that divers perſons do ingroſſe and buy up great quantities thereof, and then do ſell the ſame again at exceſſive and unreaſonable prices, and partly by the unreaſonable felling of Oak out of the Barking time:

There ſhall be no regrating or ingroſſing of Oaken bark.

Be it enacted by the authority aforeſaid, That no perſon or perſons ſhall regrate, ingroſſe, or get into their hands by buying, contracting or promiſe-taking, any Oaken Bark, before it be ſtripped, or after, to the intent to ſell the ſame again, upon pain of forfeiture of all ſuch Barks ſo by him or them regrated, ingroſſed or bought, contrary to the true meaning of this preſent branch, or the full value thereof.

And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall from and after the ſaid Feaſt of S. Bartholomew next coming, tell, or cauſe to be felled any Oaken Trees meet to be barked, where Bark is worth two ſhillings a Cart load, over and above the charges of barking and pilling, (Timber to be imployed to or for the neceſſary and needful building or reparations of Houſes, Ships or Mills, only excepted) but between the firſt day of April, and the laſt day of June, upon pain of forfeiture of every ſuch Oaken Tree ſo felled, or double the value thereof.

At what time Oaken trees to be barked ſhall be felled.

And for the better preſervation of Timber, which by the takers of timber is ſpoiled through the greedy deſire of gain of the lops, tops, or barks of Timber-trees: Be it therefore enacted by the authority aforeſaid, That no taker or takers, purveyor or purveyors of Timber, or his or their deputy or deputies, ſhall fell, or cauſe to be felled for the uſe of the Kings Majeſty, his Heirs or Succeſſors, any Oaken timber tree or trees meet to be barked, but in barking time, (trees to be felled for the needful and neceſſary building or repairing of any his Majeſties houſes or ſhips only excepted) Or ſhall in any wiſe take or receive any manner of profit, gain or commodity by any lops, tops, or bark of any trees, to be taken by them, or any of them, Or ſhall in any wiſe take, carry away, give, ſell, or diſpoſe from the Owner any more of any tree to be taken as is aboveſaid, than only the timber of the ſame tree or trees to be uſed and beſtowed, or imployed only in, upon or about the Kings Majeſties buildings or ſhips, upon pain of forfeiture to the party grieved for every tree, and for the lops, tops, and bark of every tree taken contrary to the meaning of this article, forty ſhilliugs: And that it ſhall be lawful to the party of whom ſuch tree or trees ſhall be taken, or to any other for and in his name, to take, retain, withhold and keep to himſelf all the bark, lop, or top of ſuch tree or trees, Any Commiſſion or other matter whatſoever notwithſtanding.

When Purveyors ſhall fell Timber.

No taking of Lops.

And foraſmuch as no leather can be ſo well tanned, but it may be marred in the currying, Be it therefore enacted by the authority aforeſaid, That from and after the Feaſt of S. Michael the Archangel next coming, no perſon or perſons ſhall curry any kind of leather in the houſe of any Shoomaker, or other perſon, but only in his own houſe, ſituate in a Corporate or Market Town, nor ſhall curry any kind of leather, except it be well and perfectly tanned, nor ſhall after the ſaid Feaſt of S. Bartholomew, curry any hide or ſkin, being not throughly dry, after his wet ſeaſon, In which wet ſeaſon he ſhall not uſe any ſtale, urine, or any other deceitful or ſubtile mixture, thing, way, or means to corrupt or hurt the ſame; Nor ſhall curry any leather meet for utter ſole leather, with any other ſtuff than with hard Tallow, nor of any leſſe of that than the leather will receive; Nor ſhall curry any kind of leather meet for over-leather, and inner ſoles, but with good and ſufficient ſtuff, being freſh and not ſalt, and throughly liquored till it can receive no more; Nor ſhall burn or ſcald any hide or leather in the currying; Nor ſhall ſhave any leather too thin; Nor ſhall gaſh or hurt any leather in the ſhaving, or by any other means, but ſhall work the ſame ſufficiently in all points and reſpects, upon pain of forfeiture for every ſuch offence or acts done contrary to the true meaning of this article (other than in gaſhing or hurting in ſhaving) ſix ſhillings eight pence, and the value of every ſuch ſkin or hide marred by his evil workmanſhip, and for every offence to be done againſt this article in gaſhing or hurting by ſhaving, double ſo much to the party grieved, as the leather ſhall be impaired thereby, by the judgment of the Wardens of the Curriers, and the Warden of the Company whereof the party grieved ſhall be.

Currying of leather.

The Curriers forfeiture for miſuſing of leather.

And be it further enacted, That no Cordwainer, Shoomaker, or other perſon or perſons dwelling or inhabiting within the City of London or the Liberties of the ſame, or dwelling within three miles of the ſaid City, and occupying wet curried leather in his Art or Occupation, ſhall put, or cauſe to be put any leather to be curried, but to ſuch perſon or perſons as be, or ſhall be free of the Company of the Curriers of the City of London, upon pain of forfeiture of all ſuch curried leather, or the value thereof.

Who ſhall curry leather in or near to London.

And be it further enacted, That no perſon or perſons ſhall by any means occupy, or put in any made wares within the City of London, or three miles of the ſame City, any curried leather, before the ſame ſhall be ſearched and allowed by the Wardens of the Curriers of London for the time being, or ſuch perſons as they ſhall thereto aſſign, and be ſealed with a Seal therefore to be prepared, Upon pain that every Shoomaker, and other Artificer, Cutter of leather, offending againſt this Article, ſhall forfeit for every Hide or Skin otherwiſe curried or imployed as is aforeſaid, ſix ſhilling eight pence, and the value of every ſuch Hide or Skin.

Curried leather ſhall be ſearched and ſealed.

And be it further enacted, That no perſon occupying the Feat or Myſtery of a Currier, ſhall uſe or exerciſe the Feat or Myſtery of a Tanner, Cordwainer, Shoomaker, Butcher, or other Artificer, uſing cutting of leather, during the time that he ſhall ſo uſe or occupy the myſtery of a Currier, upon pain of forfeiture of ſix ſhillings and eight pence for every Hide or Skin that he ſhall curry, during the time that he ſhall occupy or uſe any of the myſteries aforeſaid, contrary to the meaning of this article.

A Currier ſhall not be Tanner, Shoomaker, Butcher, &c.

And further be it enacted, That no Currier or Curriers ſhall after the ſaid Feaſt of S. Bartholomew, refuſe to curry any leather to him or them for that purpoſe brought, by any ſuch Artificer as is or ſhall be a Cutter of leather, the ſame Artificer or his ſervant bringing with him or them good and ſufficient ſtuff, as is before mentioned, for the perfect liquoring of the ſame leather, and that the ſaid leather in the preſence of the ſaid Artificers, Cutters of leather, his ſervant or ſervants (if he or they will be preſent) ſhall be liquored and curried in all things and degrees perfectly; And if he or they will not be preſent, it ſhall nevertheleſſe be likewiſe liquored and curried in his or their abſence perfectly, with as convenient ſpeed as may be, not exceeding eight days in Summer, and ſixteen days in Winter, after he ſhall or may take it in hand, upon pain to forfeit to the party grieved, for every hide or piece of leather not in this manner curried, and well and ſpeedily dreſſed, x. s.

Within what time leather ſhall be curried.

Curried leather ſhall be ſearched and ſealed.

And be it further enacted by the authority aforeſaid, That the Wardens of the Curriers for the time being, or ſuch perſons as they ſhall aſſign and appoint, ſhall from time to time ſearch and try all ſuch curried Leather, as ſhall be brought to any of their Company to be curried, and ſhall with a Seal therefore to be prepared, with convenient ſpeed, not exceeding one day after the currying and requeſt made, ſeal ſuch Leather as they ſhall find ſufficiently curried, taking for every Hide ſo ſealed, after the rate of a penny for the Dicker, and for every ſix dozen of Calves-ſkins, one penny, and not above, to be paid by the Currier, upon pain of forfeiture for every Hide which ſhall not be ſearched and ſealed as is aforeſaid, vi. s. viii. d.

The Cordwainers duty in making of boots, ſhoots, buſkins, ſlippers, &c.

And foraſmuch as Leather well tanned and curried, may by the negligence, deceit, or evil workmanſhip of the Cordwainer or Shoomaker, be uſed deceitfully, to the hurt of the Occupier or Wearer thereof, Be it further enacted by the authority aforeſaid, That no perſon or perſons, which after the ſaid Feaſt of S. Bartholomew next coming, ſhall occupy the myſtery or occupation of a Cordwainer or Shoomaker, ſhall make or cauſe to be made any boots, ſhoes, buſkins, ſtartops, ſlippers, or pantofles, or any part of them of Engliſh leather, wet curried, (other than Deer-ſkins, Calve-ſkins or Goat-ſkins, made and dreſſed, or to be made or dreſſed like unto Spaniſh Leather) but of leather well and truly tanned and curried, in manner and form aforeſaid, or of leather well and truly tanned only, and well and ſubſtantially ſewed with good threed, well twiſted and made, and ſufficiently waxed, with wax well roſened, and the ſtitches hard drawn with hand-leathers, as hath been accuſtomed, without mixing or mingling over-leathers, that is to ſay, part of the over-leather being of Neats-leather, part of Calves-leather, Nor ſhall put into any Shooes, Boots, Buſkins, Startops, Slippers or Pantofles, any leather made of a Sheep-ſkin, Bull-hide or Horſe-hide, Nor in the upper leather of any Shooes, Startops, Slippers or Pantofles, or into the neather part of any Boots (the inner part of the ſhooe only excepted) any part of any Hide from which the ſole leather is cut, called the wombs, neck, ſhank, flank, powle or cheek, nor ſhall put in the utter ſole any other leather than the beſt of the Oxe or ſteer-hide, nor into the inner ſole any other leather than the wombs, neck, powle or cheek, nor in the treſwels of the double ſoled ſhooes, other than the flanks of the Hides aforeſaid; Nor ſhall make, or put to ſale in any year, between the laſt of September, and the twentieth of April, any ſhoes, boots, buſkins, ſtartops, ſlippers or pantofles, meet for any perſon to wear exceeding the age of four years, wherein ſhall be any dry Engliſh leather, other than Calve-ſkins, or Goats-ſkins, made or dreſſed, or to be made or dreſſed like unto Spaniſh leather, or any part thereof) Nor ſhall ſhew, to the intent to put to ſale any ſhoes, boots, buſkins, ſtartops, ſlippers or pantofles, upon the Sunday, upon pain of forfeiture for every pair of ſhoes, boots, buſkins, ſtartops, ſlippers and pantofles, made, ſold, ſhewed, or put to ſale, contrary to the true meaning of this Act, three ſhillings and four pence, and the juſt and full value of the ſame.

No ſale, or ſhewing of boots, ſhoes, &c. upon the Sunday.

Wares made of tanned leather in or near London, ſhall be ſearched.

And be it further enacted for the true execution of this Statute, That the Maſter and Wardens of the ſeveral myſteries of Cordwainers, Curriers, Girdlers and Sadlers of the City of London for the time being, by what name or names ſoever they be incorporated or intituled, or the more part of the ſaid Maſter and Wardens of every of the ſaid ſeveral myſteries, upon pain to forfeit forty pounds for every year that they make default, the one half thereof to be to the Kings Majeſty, his Heirs and Succeſſors, and the other half to him or them that will ſue for the ſame, ſhall by vertue of this Act four times in the year at the leaſt, that is to ſay, once every quarter of the year, or oftner if need require, as they ſhall think good, make true ſearch and view of and for all boots, ſhoes, buſkins, and other wares and things whatſoever made of tanned Leather, in all and every houſe and houſes, place and places, priviledged or not priviledged, as well within the City of London and Suburbs thereof, as in every other place within three miles of the ſame City, where any Shoomaker, Sadler, Girdler, Currier, or other Artificer uſing, cutting, working, or dreſſing of Leather, doth or ſhall dwell, or occupy any of the occupations of cutting, working, or dreſſing of Leather, whether the ſame boots, ſhoes, wares, ſtuff, and other things be made of tanned Leather, and be wrought according to the purport, effect, and true meaning of this Statute, or not: And that it ſhall and may be lawful to and for the ſaid ſeveral Maſters and Wardens of the ſaid ſeveral myſteries which ſhall be for the time being, to take, ſeize, and carry away to their ſeveral Common Halls, all ſuch boots, ſhoes, wares, ſtuff, or other things which the ſaid ſeveral Maſters and Wardens ſhall find in their ſeveral ſearches inſufficiently made, curried or wrought.

Wares of leather that be inſufficient, may be ſeized and carried away.

Who may ſearch and be ſearched.

Provided alwayes, That none of the ſaid ſeveral Maſters and Wardens of the ſaid ſeveral Companies of Cordwainers, Curriers, Girdlers or Sadlers, ſhall ſearch any perſon or perſons, but ſuch as uſe and exerciſe the myſtery or occupation of the ſaid Maſter and Wardens, and that the Coachmakers dwelling within the ſaid City of London, or three miles from the ſame, ſhall be under the ſurvey and ſearch of the Maſter and Wardens of the Company of the Sadlers of London.

Sellers of leather ſhall be appointed by the Mayor, &c. o. London, and their authority.

And be it further enacted, That the ſaid Mayor of the City of London, and the Aldermen for the time being, upon like pain of forty pounds likewiſe to be levied and imployed, ſhall likewiſe yearly appoint eight of the moſt ſubſtantial, honeſt, and expert perſons, being freemen of ſome of the Companies of Cordwainers, Curriers, Sadlers or Girdlers within the City of London, whereof one ſhall be a Sealer, and keep a Seal for the ſealing of Leather, to be prepared, who ſhall alſo be ſworn before the ſaid Mayor and Aldermen for the time being, to do their Office truly: Which ſaid Searchers and Sealers ſhall view and ſearch all and every tanned Hide, ſkin or leather, which ſhall be brought as well to the Market of Leaden-hall, as to any other lawful Fair or Market therefore uſually appointed within three miles of the ſaid City, whether the ſame be ſufficiently and throughly tanned, and throughly dryed, according to the purport and true meaning of this Statute, or no: And finding it ſufficiently and throughly tanned, and throughly dried, in ſuch manner and form as by this Statute is appointed, ſhall ſeal the ſame with the ſaid Seal.

And

Searching and ſealing of leather in all other parts of the Realm.

And be it further enacted by the authority aforeſaid, That all Mayors, Bailiffs, and other head-Officers for the time being, in all other Cities, Boroughs, and Market-Towns of this Realm, and all Lords of Liberties, Fairs and Markets out of the circuit or compaſſe of the ſaid three miles, ſhall upon like pain of forty pounds likewiſe to be levied and imployed, every year that they make default therein, appoint and ſwear yearly two, three, or more perſons, of the moſt honeſt and skilful men within their ſeveral Offices or Liberties, by their diſcretion to ſearch and view within the precinct of their ſeveral Offices, Liberties and Authorities, which ſhall, as often as they ſhall think good or need ſhall be, make like ſearch within their limits, and ſhall have a mark or ſeal prepared for that purpoſe: And that the ſaid Searchers, or one of them, ſhall keep the ſame ſeal or mark, and with the ſame ſhall ſeal and mark ſuch Leather as they ſhall find ſufficient, and no other. And if the ſaid Searchers, or any of them do find any Leather ſold, or offered to be ſold, or brought to be ſearched and ſealed, which ſhall be tanned, wrought, converted, or uſed contrary to the true intent and meaning of this Statute, or any Leather inſufficiently curried, or any Boots, Shoes, Bridles, or any other thing made of tanned or curried Leather, inſufficiently tanned, curried or wrought, contrary to any proviſion in this preſent Act, it ſhall be lawful to the ſaid Searchers, or any of them, to ſeize all ſuch Leather, Shoes, or other wares made of Leather, and to retain the ſame in their cuſtody, untill ſuch time as the ſame be tryed by ſuch Tryers, and in ſuch manner and form as is hereafter in this Statute appointed.

Six Tryers of leather ſhall be appointed in London.

And to the end there may be an indifferent and equal courſe eſtabliſhed for the trying of all ſuch Leather, Shoes, and other wares made of Leather, as ſhall be ſeized by vertue of this Act, Be it enacted by the authority aforeſaid, That the Mayor of the City of London for the time being, within ſix dayes after notice to him given of any ſeiſure made of any Leather, red or unwrought, within the juriſdiction of the ſaid City, or three miles diſtant from the ſame, either by the Owner or Owners, or by the Seizers of the ſaid Leather, ſhall elect and appoint ſix honeſt and expert men, whereof there ſhall be of the better ſort of the Company of Cordwainers of London two, of the better ſort of the Curriers of London two, & other two of the better ſort of Tanners uſing Leaden-hall Market, who ſhall be no Kin or of Affinity to the ſaid Owner or Owners, who upon their corporal Oaths to be taken before the ſaid Mayor, ſhall on the ſecond or third Market-day at the fartheſt, to be holden upon the Munday for Leather next after the ſaid ſeizure, in the afternoon of the ſame day (to the intent the Owner or Owners may conveniently be preſent) enquire, ſtraightly examine and try whether the ſaid Leather ſo ſeized ſhall be ſufficient and ſerviceable or not, according to the intent and true meaning of this preſent Act.

Tryers of tanned leather in other places.

And be it further enacted, That every other Mayor, Bailiff, or other head-Officer or Lord of Liberty, or his ſufficient Deputy out of the ſaid compaſſe of the ſaid three miles, within whoſe precincts or liberties any ſuch ſeizure of any kind of tanned leather, red or curried, or of ſhoes, boots, or other wares made of tanned leather, ſhall happen to be, ſhall with all convenient ſpeed after notice unto him given of any ſuch ſeizure, appoint ſix honeſt and expert men to try whether the ſame leather, boots, ſhoes, or other wares ſo ſeized, be ſufficient and according to the true intent of this Statute, or not, the ſame trial to be made openly upon ſome Market-day, and within fifteen dayes at the furtheſt next after ſuch ſeizure made, upon the Oaths of the ſaid Triers.

The forfeiture of chief Officers for not appointing of Tryers.

And be it further enacted by the authority aforeſaid, That if the ſaid Mayor of the City of London for the time being, or any other Mayor, Bailiff, or other head-Officer of any other City, Borough, Corporate or Market-Town, or any Lord of any Liberty, Fair or Market, ſhall make default in the nomination or appointment of any the aforeſaid Triers to be nominated and appointed in ſuch manner and form as is before ordained, That then every ſuch Mayor, Bailiff, or other head-Officer, or Lord of Liberty, Fair or Market, making ſuch default, ſhall forfeit and loſe for every ſuch default five pounds, the one moyety thereof ſhall be to the Kings Majeſty, his Heirs and Succeſſors, and the other half to him or them that will ſue for the ſame in any of the Kings Majeſties Courts of Record, by Bill, Plaint, Information, or otherwiſe. And that the ſaid perſons ſo elected and appointed for the trial of the ſaid leather, ſhoes, boots, or other wares made of tanned leather, ſo to be ſeized as aforeſaid, ſhall proceed and do their Duties therein without delay, according to the true intent and meaning of this preſent Act, upon pain that every of them making default herein, ſhall for every ſuch ſeveral default forfeit and pay five pounds.

The ſearchers and ſealers of leather ſhall be changed yearly in London.

And be it further enacted, That four of the ſaid Searchers and Sealers ſo to be appointed within the ſaid City of London as aforeſaid, ſhall be at the end of every year changed and removed, and ſo many new choſen in their rooms and places: And that no perſon or perſons ſhall remain, continue, or be in the ſaid Office of ſearching or ſealing of leather within the ſaid City of London, above the ſpace of two years together; and he or they which ſhall ſerve or be imployed in the ſaid Office of ſearching and ſealing of leather two years, ſhall not in the ſaid Office be choſen, ſerve or imployed again, untill the end of three years at the leaſt then next following, upon pain that every perſon offending or doing the contrary, ſhall forfeit and loſe for every moneth that he ſhall ſo contrarily uſe and exerciſe the ſaid Office, ten pounds.

The forfeiture of a ſearcher or ſealer omitting his duty, or taking of bribes.

And be it further enacted by the authority aforeſaid, That if any Searcher or Sealer of Leather ſhall refuſe with convenient ſpeed to ſeal any Leather ſufficiently tanned, wrought and uſed, according to the true meaning of this preſent Act, or do allow that which ſhall be inſufficient, That then every Searcher and Sealer ſhall forfeit for every ſuch offence forty ſhillings. And further, That if any Searcher of Leather ſhall receive any Bribe, or exact any other Fee for the execution of his ſaid Office, than is by this preſent Statute limited, for the ſearching, ſealing, and regiſtring of Leather, That then every ſuch Searcher or Sealer ſo offending, ſhall forfeit for every ſuch offence twenty pounds. And that if any perſon or perſons duly elected, according to the true meaning of this preſent act, to and for the execution of the ſaid office of ſearching or ſealing of leather, refuſe to execute the ſaid office, that then the ſaid perſon or perſons ſo refuſing, ſhall forfeit and pay ten pounds.

Leather brought to Leaden-hall to be viewed and regiſtred.

And be it further enacted by the authority aforeſaid, That all red tanned leather which ſhall be brought into the City of London, or within three miles compaſs from the ſame, whether it be to be ſold, or be bought before hand or no, ſhall be brought to Leaden-hall, before it be houſed in his or their own houſes, and there viewed whether it hath been ſearched or ſealed, or no, and ſhall alſo be regiſtred by the ſearchers to be appointed as is aforeſaid, with half ſuch fees to be paid for ſuch of the ſaid tanned leather as ſhall be bought out of the ſaid City of London, or three miles compaſs from the ſame, and ſhall be duly ſearched and ſealed before it be brought within the ſaid City, as is hereafter expreſſed for leather to be ſold in Leaden-hall, upon pain that every perſon houſing, or not bringing his leather to Leaden-hall, as is aforeſaid, ſhall forfeit for every hide or skin, ſix ſhillings eight pence, Provided, that this article ſhall not extend to any leather to be bought in Batholomew Fair, or Southwark Market, being ſearched, ſealed, and regiſtred according to the true meaning of this act.

Leather bought in Bartholomew Fair, or Southwark market.

Searching and ſealing of leather in or near London.

And be it alſo further enacted by the authority aforeſaid, that no tanned leather ſhall be ſold within the City of London, or three miles diſtant from the ſame, before the ſame have been ſearched and ſealed by the ſearchers and ſealers by vertue of this act to be appointed to and for the ſearching and ſealing of leather within the ſaid City, and three miles diſtant from the ſame, upon pain of forfeiture of all ſuch tanned leather otherwiſe ſold, or the full value therof.

The penalty for denying of ſearch or ſeizing of inſufficient wares.

And alſo be it further enacted, That if any perſon will after the ſaid feaſt of S. Bartholomew next coming wilfully withſtand or deny any ſuch ſearch to be made, according to the tenor of this act as is aforeſaid, or will not ſuffer the ſaid ſeveral Maſters & Wardens of the ſeveral Companies of Cordwainers, Curriers, Girdlers, or Sadlers, or other ſearchers ſo appointed, to enter into his or their houſe or houſes, or other place, to view and ſearch at their will and pleaſure, all manner of tanned leather, and all manner of ſhoos, boots, mailes, ſaddles, coach-coverings, and harneſs, and all manner of wares wrought and made, or to be wrought and made of leather, and to ſeize and carry away all ſuch leather, ſhoes, and wares, as they ſhal find inſufficiently, tanned, curried or wrought, or made of ill ſtuff, that then all and every ſuch perſon or perſons ſo denying and withſtanding, and not ſuffering the ſaid Maſters and Wardens and Searchers, or any of them ſo appointed for the time being, to enter and make ſearch, and ſeize as is aforeſaid, ſhall loſe and forfeit for every time ſo denying and withſtanding, five pounds.

Regiſtring of leather ſold and bought, and the fees thereof.

And be it further enacted, That ſuch perſon and perſons as hereafter ſhall be aſſigned and appointed ſearchers and ſealers of tanned leather, by vertue of this act, ſhall within the limits and precincts of every of their ſearches keep one Book or Regiſter, wherein they ſhall enter all ſuch bargains as ſhall be made for leather, hides, or skins, by any perſon or perſons, during and by all the time of the fair or market, being thereunto required by the buyer or the ſeller, and alſo the prices of ſuch leather bought and ſold, with the names and dwelling places of the buyer and ſeller, taking for the ſearching, ſealing and regiſtring of every ten hides, backs or butts of leather, with the necks, wombs and dibbings, or other pieces of offal cut off from the ſaid backs or butts of leather, of the ſeller of every ſuch ten hides, backs or butts of leather ſo entred, two pence, and ſo after the rate, and for every ſix dozen of calves skins or ſheep skins, two pence, and of the buyer after the ſame rate, and no more, greater, or other ſum or ſums of money, to be paid for ſearching, ſealing, or entring of any tanned leather.

The penalty for ſelling of tanned leather not regiſtred. 4 Jac. 6.

And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall after the ſaid feaſt of Saint Bartholomew next coming, ſell, exchange, or put away, or cauſe to be ſold, exchanged, or put away any manner of tanned leather, red and unwrought, except he or they regiſter or cauſe to be regiſtred the ſaid tanned leather, and every part and parcel thereof, and the price thereof, upon pain of forfeiture of the value of the leather ſo ſold, exchanged, or put away, and not regiſtred.

The penalty for buying of leather not ſealed or regiſtred.

And be it further enacted by the authority aforeſaid, That it ſhall not be lawful to or for any perſon or perſons to buy any tanned leather, before the ſame ſhall be ſearched and ſealed, nor to carry or cauſe to be carried out of the Fair or Market, any leather, till it be regiſtred as aforeſaid, upon pain to forfeit the ſaid leather, or the value thereof ſo bought, and not ſearched and ſealed, or carried away and not regiſtred.

The penalty of the Currier or Cordwainer omitting his duty.

And be it further enacted by the authority aforeſaid, That if any Currier within the ſaid City of London, or three miles compaſs of the ſame, after the feaſt of Saint Bartholomew next coming, do curry any leather inſufficiently tanned, or after the ſaid feaſt do not curry ſuch leather as he doth or ſhall curry, ſubſtantially and well, according to the meaning and purport of this act; Or if any Shoomaker, Cordwainer or Cobler, within the City of London, or three miles compaſs of the ſame, after the feaſt of S. Bartholomew next, put any tanned leather into any ſhooes, boots, buskins, ſtartops, ſlippers, pantofles, or other things made of tanned leather, which ſhall not be well and perfectly tanned, according to the purport and true meaning of this act: Or after the ſaid feaſt do put any curried leather into any boots, buskins, ſtartops, ſhooes, ſlippers, pantofles, or other things made of leather, which ſhall not be well and ſufficiently tanned and curried, and alſo ſealed as is aforeſaid: Or do make boots, buskins, ſhooes, ſtartops, ſlippers, pantofles, or other things made of Engliſh tanned leather, in any other manner than is above ſpecified and ordained: Or if any Shoomaker, Sadler, or other Artificer, uſing cutting or working of leather, do make any wares of any tanned leather inſufficiently tanned, or of tanned or curried leather, being not ſufficiently tanned and curried as aforeſaid, or do not make their wares belonging to their ſeveral occupations, ſufficiently and ſubſtantially that then every perſon ſo offending ſhall forfeit for every ſuch ſeveral offence or default, the ſaid wares, and the juſt value thereof.

Provided alwayes, and be it Enacted, That no manner of perſon or perſons ſhall after the ſaid Feaſt of S. Bartholomew utter or ſell, or cauſe to be uttered or ſold within the ſaid City of London, or within three miles compaſs of the ſame, any manner of wares appertaining to the craft or myſtery of an Artificer uſing cutting of Leather, but onely in open ſhop, common Fair or Market, whereby the ſaid Wardens may have the true ſearch of the ſame, upon pain of forfeiture of all ſuch Wares ſo ſold, and ten ſhillings for every time.

No ſelling of wares in London, but in open ſhop, fair or market.

Provided alway, and be it enacted, That all and every perſon and perſons whatſoever, now being, or that hereafter ſhall be free of the ſaid City of London, of what Company ſoever, and all forainers, Engliſh or Aliens and Strangers born, dwelling or inhabiting, or which hereafter ſhall dwell or inhabit within the City of London, or three miles compaſs of the ſame, as well within places priviledged as not priviledged, uſing or exerciſing any Manual occupation of cutting or working of leather into made wares, ſhall be under the ſurvey and ſearch of the Maſters and Wardens of ſuch Companies of the ſaid City of London, as the Artificers commonly uſing the ſame Myſtery or Occupation, being Freemen of the City of London, and of the ſame Company, be, touching or concerning only their Wares and Stuff made of or with leather, in like manner and form as other Freemen of the ſame Company be or ſhall be, And ſhall contribute and pay to the ſaid ſeveral Maſters and Wardens of the ſaid ſeveral Companies for the time being, within the ſaid City, as the Artificers uſing the ſame myſtery, being Freemen of the ſaid City, and of the ſame ſeveral Companies, ſhall contribute and pay: The ſame to be recovered by diſtreſs or Action of debt, in any of the Kings Majeſties Courts of Record, In which no wager of Law for the defendant to be allowed: All which pains, penalties and forfeitures aforeſaid, of ſums of money aforeſaid (except ſuch pains, penalties and forfeitures, as are before or hereafter by this Act ſhall otherwiſe be diſpoſed) ſhall be divided into three equal parts: One part whereof ſhall be to our Soveraign Lord the King, his Heirs and Succeſſors: And another part to him or them that ſhall firſt ſue for the ſame in any of the Courts of Record of the Kings Majeſty, his Heirs and Succeſſors, by Action of debt, bill, plaint, or information or otherwiſe; In which ſuit no wager of Law or Eſſoyn ſhall be admitted or allowed: And the third part thereof ſhall go to the City, Borough, Town, or Lord or Lords of Liberties, where the offence ſhall be committed or done. And all ſuch leather, ſhooes, boots, buskins, ſtartops, ſlippers, pantofles, wares, ſtuff, or other things whatſoever made of tanned leather, or curried leather, which ſhall be ſeized by vertue of this act, and ſhall be found by the Triers, to be appointed as is aforeſaid, or by the Maſters and Wardens of the ſeveral Companies aforeſaid, to be inſufficient, ſhall be forfeited and diſtributed as hereafter followeth: That is to ſay, Such leather or ſtuff ſo ſeiſed within the City of London, or within three miles compaſs of the ſame, to be brought to Guild-hall in London, there to be prized by indifferent perſons, and the value thereof to be divided into three parts, whereof one part to be to the firſt ſeizor or ſeizors of the ſaid unlawful ſtuffe, and another part to the uſe of the Chamber of London, and the other part to be diſtributed to the poor folks, as well being within the new Hoſpital of S. Bartholomews in London, as to ſuch poor houſholders as ſhall be inhabiting within the City of London, or the circuit aforeſaid, at the diſcretions of ſuch perſons, as the Mayor of the ſaid City, and four Aldermen of the ſame for the time being, ſhall appoint for the ſame. And that all ſuch leather, boots, ſaddles, wares, ſtuffe, and things made of or with leather as is aforeſaid, which ſhall be found within any other City, Borough, Town or place within this Realm, out of the ſaid City of London and three miles compaſs, unſufficiently wrought, tanned or curried as is aforeſaid, and ſhall be ſeized and tried to be forfeited, in manner and form aforeſaid, ſhall be brought to the common Hall of every ſuch City, Borough and Town, or to ſome convenient and open place, to be appointed by the Lord of the Liberty or his Deputy, where no common hall is, there to be prized as is aforeſaid: One part of the ſaid value thereof to be diſpoſed unto the poor, and in other deeds of charity in thoſe parts, after the diſcretion of the Mayors, Bayliffs, Head-boroughs, and Lords of Liberties; Another part to be delivered to the Mayors, Bayliffs, and other head Officers of any City, Borough or Town corporate, to the uſe of the Commonalty of ſuch City, Borough or Town corporate, and where no ſuch Officers be, then to the Lord or Lords of the Liberty where any ſuch forfeiture ſhall be committed, or ſeizure had; And the third part to the ſeizor or ſeizors of ſuch leather, ſtuffe, or wares inſufficiently tanned, curried or wrought, as is aforeſaid, for his and their pains.

All cutters of leather in or near London, ſhall be under ſearch.

Who ſhall have the money forfeited by this Statute.

How the wares made of tanned leather forfeited in London ſhall be diſtributed.

How the wares made of tanned leather forfeited in other places ſhall be diſtributed.

Provided alwayes, That no perſon to whom any ſuch unlawful leather or ſtuffe ſhall be given by this act, ſhall give or ſell any ſuch leather or ſtuffe, to any perſon or perſons that ſhall ſell the ſame, upon pain that the buyer ſhall forfeit for every parcel of ſuch unlawful leather or ſtuffe to be ſold, contrary to the true meaning of this laſt clauſe, iii.s. iv.d.

Forfeited ware ſhall not be ſold to him that will ſell it again.

Provided alwayes, That this act, nor any thing therein contained, ſhall not in any wiſe be prejudicial or hurtful to the Chancellors, Vice-chancellors, Proctors, Taxors, and Scholars, their Officers, Miniſters, Aſſigns or Farmors of the Univerſities of Oxford and Cambridge, or any of them, of, for or concerning the authority of ſearch of tanned leather, or any of the forfeitures of the ſame, which they lawfully had or might have had before the making of this preſent act; ſo as they do in all things obſerve ſuch order in, about, or for ſearching, ſealing, and regiſtring of leather, as by this act is preſcribed and appointed, upon the pain therein contained, Any thing therein contained to the contrary notwithſtanding.

The authority of the Officers in Oxford and Cambridge for ſearch of leather reſerved.

And for the avoiding of all ambiguities and doubts, which may and do grow upon the definition and interpretation of this word Leather, It is enacted and declared by theſe preſents, That the hides and skins of Oxe, Steer, Bull, Cow, Calf, Deer red and fallow, Goats and Sheep, being tanned or tawed, and every ſalt Hide, is, ſhall be, and ever hath been reputed and taken Leather.

What ſhall be reputed leather.

And

Which Officers may enquire of, and puniſh the offences aforeſaid.

And for the better execution of this Act, Be it further enacted, That all Juſtices of Aſſize, Juſtices of Gaol-delivery, Juſtices of Peace, and Stewards of Franchiſes, Leets, and Law-dayes, within their ſeveral juriſdictions and liberties, and Mayor of London for the time being within the ſaid City, and within three miles compaſſe of the ſaid City, and all other Mayors, Bayliffs, and other head-Officers of Cities, Boroughs and Towns, within their ſeveral juriſdictions, liberties, precincts, offices and authorities, ſhall enquire of all the premiſſes in their Seſſions, Leet or Law-day, and hear or determine the ſame, and alſo by their diſcretions examine all perſons ſuſpected to offend this Act, or any parcel thereof.

The Stewards authority of a Manor of the Kings.

And be it further enacted, That where any Manor, Liberty or Franchiſe immediately appertaineth to the Kings Majeſty, his Heirs or Succeſſors, the Steward for the time being of every ſuch Manor, Liberty and Franchiſe, ſhall have the like authorities, powers, juriſdictions and advantages, And alſo ſhall bear and pay all the like pains, penalties and forfeitures, as are given, appointed, limited, or laid by this Statute, to or upon the Lords of Liberties and Franchiſes, as in this Statute is expreſſed.

Dry currying and fryzing of leather, and who may uſe it.

And be it further enacted, That all currying and dreſſing of Leather, commonly called Dry currying, and fryzing, ſhall be conſtrued to be dreſſing and currying of the manner of Spaniſh leather, of what colour ſoever it be; And that to all Artificers (other than Shoomakers, yearly between the laſt of September, and the twentieth of April) it ſhall be lawful to uſe all kinds of Leather dreſſed and curried in that manner of dry currying, and fryzing, as they lawfully might before the making of this act, ſo that the ſame leather ſo to be uſed, be well and ſufficiently tanned, according to the form preſcribed in this act, and alſo well and ſubſtantially dreſſed, curried and fryzed, in the manner of dry currying and fryzing aboveſaid.

This Act ſhall extend to Wales.

And be it enacted by the authority aforeſaid, That this act and every part thereof, ſhall be conſtrued and adjudged to extend to Wales, as amply as it doth to this Realm, to all intents, conſtructions and purpoſes.

The forfeiture of Cuſtomers, &c. ſuffering leather to be tranſported, and not to ſeize or diſcloſe it.

And foraſmuch as (notwithſtanding the good Lawes, and great penalties in that behalf provided) great quantities of Leather are daily tranſported out of this Realm, and eſpecially by the negligence and corruption of Comptrollers, Cuſtomers, Searchers, and all their deputies: Be it therefore enacted by the authority aforeſaid, That if any Leather wrought, cut, or unwrought, to the intent to be ſold or bartered, ſhall hereafter unlawfully be tranſported, or purpoſed to be tranſported into the parts beyond the Sea, from and out of any port, haven, or creek of this Realm, or Wales; Every Comptroller, Cuſtomer, Surveyor, Collector of Tonnage and Poundage, and the Searchers, and the deputy of any of them, or any other perſons hearing or knowing by any wayes, of any leather meant to be tranſported from any place within his office, and do not his beſt endeavour to ſeize the ſame, or being tranſported, do not diſcloſe, or cauſe to be diſcloſed the ſame within forty days next after ſuch knowledge, or hearing of the ſame, in ſome Court of Record, ſo as the offendor may be puniſhed according to the Laws in that caſe provided, ſhall for the firſt offence committed againſt this article, forfeit an hundred pounds; and for the ſecond offence ſhall forfeit his Office.

18 Eliz. 8.

And be it further enacted, That every Cuſtomer, Officer or Officers Deputy, that ſhall make any falſe Certificate of the arrival of any Leather in any port, creek, or place of this Realm, ſhall forfeit for every ſuch offence an hundred pounds.

This Act ſhall not extend to Scottiſh Hides brought to Berwick.

Provided alway, That neither this act, nor any article, expoſition, or thing therein contained, ſhall extend to any Scottiſh Hides, to be brought into the Town of Berwick out of the Realm of Scotland, being regiſtred in a Book therefore to be kept, by ſuch perſon or perſons as the Mayor of the ſaid Town for the time being ſhall thereunto name and appoint, with the name and ſirname of the buyer and ſeller, to the intent the Engliſh Hides might be known from the Scottiſh, But that the Inhabitants of the ſaid Town of Berwick may ſend, carry and tranſport ſuch Scottiſh Hides, as they lawfully tranſport before the making of this act.

Licences to diſpence with the offences prohibited by this Act, ſhall be void.

Continued until the end of the next Seſſion of Parliament.

Provided alwayes, and be it Enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time hereafter procure or obtain any Grant, or Letters Patents, purporting to give licence or authority to any perſon or perſons to diſpence with, or tolerate any offence againſt any clauſe, proviſion or article in this preſent act, That then and immediately from and after ſuch Letters Patents or Grant obtained, all and every ſuch clauſes, articles aud proviſions, ſo by the ſaid Letters Patents or Grant authorized or licenced to be diſpenced with, or tolerated as aforeſaid, ſhall be utterly repealed, void and of none effect, Any thing in this preſent act contained to the contrary in any wiſe notwithſtanding. This Act to endure until the end of the next Seſſion of the next Parliament.

A repeal of the Stat. of 5 El. 8. and of all former Statutes repealed by the ſame.

And be it further Enacted by the authority aforeſaid, That as well one ſtatute made in the fifth year of the reign of our late Soveraign Lady Queen Elizabeth, entituled, An Act concerning Tanners, Curriers, and other Artificers occupying cutting of Leather, as all former Statutes, and every part or parts of any former ſtatute or ſtatutes thereby repealed, ſhall from henceforth be utterly repealed for ever. 3. Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XXIII.

Preſervation of Fiſhing in the County of Somerſet, Devon and Cornwal.

To what end Balcors, Condors and Directors did watch upon Hills in Fiſhing time.

VVhereas the Trade of fiſhing for Herrings, Pilchards, and Sea fiſh, within the Counties of Somerſet, Devon and Cornwal, is, and of late time hath been very great and profitable, as well to divers of the Fiſhermen and Inhabitants which dwell near the Sea-coaſts within the ſaid Counties, as in the Cities of London and Exeter, and elſewhere within the Realm of England and the Dominions thereof: And whereas alſo for the neceſſary uſe of the taking of the ſaid Herrings, Pilchards, and other Sean fiſh, divers perſons within the ſaid Counties, called Balcors, Huors, Condors, Directors, or Guidors, at the Fiſhing times for the ſaid Herrings, Pilchards, and other Sean fiſh within the ſaid Counties, time out of mind have uſed to watch and attend upon the high hills and grounds near adjoyning to the Sea-coaſts within the ſaid Counties, for the diſcovery and giving notice to the Fiſhermen and Inhabitants near adjoyning, when the ſaid Herrings, Pilchards, and Sean fiſh come towards or near the Sea-coaſts there, and for the guiding and directing of the Fiſhermen in their Boats upon the Sea-coaſts, for the taking of the ſaid Herrings, Pilchards, and other Sean fiſh.

And whereas alſo now of late divers perſons having lands, tenements and hereditaments near adjoyning to the Sea-coaſts within the ſaid Counties where the ſaid Fiſhing places for the taking of the ſaid Herrings, Pilchards, and other Sean fiſh are, have brought their actions of treſpaſs at the Common Law, as well in the high Courts of Record at Weſtminſter, as in inferiour Courts within the ſaid Counties, not only againſt ſuch Balcors, Huors, Condors, Directors and Guidors, but alſo againſt ſuch Fiſhermen and other perſons, for breaking of their Cloſe, as have attended their Seans or Nets, for the drawing and carrying of the ſaid Fiſh on land or ſhore, and have recovered againſt them coſts and damages, to their great loſs and expences: By reaſon whereof, ſuch Watchmen, Balcors, Huors, Condors, Directors and Guidors, and ſuch other perſons as heretofore have attended the ſaid Seans and Fiſhing, have forborn to enter into or go upon the lands, tenements and hereditaments near adjoyning to ſuch Fiſhing places within the ſaid Counties, for the watching or diſcovery of the ſaid Herrings, Pilchards, and other Sean fiſh, or to balk, hue, cond, or direct, or to attend the Seans or Nets, as heretofore they have done, and will likewiſe forbear the ſame hereafter, if proviſion be not had and made, that they may lawfully enter into and upon ſuch lands, tenements and hereditaments, as do lie near or adjoyning to the ſaid Sea-coſts, and places of Fiſhing as aforeſaid, for their watching, balking, directing and attending of the Seans, as is aforeſaid.

Suits commenced againſt Balcors, Condors and Fiſhers for entring into the grounds of others.

For remedy whereof, and for the maintenance of the ſaid Trade of Fiſhing, which doth ſo greatly tend to the profit of many of the Inhabitants within the ſaid Counties, and others: Be it therefore Enacted by our Soveraign Lord the King, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That it ſhall and may be lawful at all time and times hereafter, to and for every ſuch Watchmen, Balcors, Huors, Condors, Directors and Guidors, and all ſuch Fiſhermen and other perſons as ſhall neceſſarily attend the ſaid Seans or Nets as aforeſaid, At the times of fiſhing for Herrings, Pilchards, and other Sean fiſh within the ſaid Counties, where ſuch Fiſh ſhall hereafter be taken, to enter and go into and upon any lands, tenements and hereditaments, which do lie or adjoyn near unto any ſuch fiſhing places, and fit, convenient and neceſſary to watch and walk in, or to draw and carry the ſaid Fiſh on ſhore, and there to watch for the ſaid Fiſh, and to balk, hue, cond, direct and guide the Fiſhermen which ſhall be upon the ſaid Sea and Sea-coaſts, for the taking of the ſaid Fiſh, and to draw or carry the ſaid Fiſh on land or ſhore: Any Law, Uſage, or Cuſtome to the contrary in any wiſe notwithſtanding.

Balcors, Condors and Fiſhers may enter into the grounds of others, to take or diſcover Fiſh.

And be it further Enacted by the authority aforeſaid, That if any action of treſpaſſe, or other ſuit ſhall at any time hereafter happen to be attempted and brought againſt any perſon or perſons, for entring and going on the Land for watching of the ſaid Fiſh, or for balking, huing, conding, directing or guiding of the ſaid Fiſhermen in their Boats upon Sea or Sea-coaſt for the taking of the ſaid Fiſh, or for the landing of the ſaid Fiſh as aforeſaid, By authority of this preſent act, the defendants or defendant in any ſuch action or ſuit ſhall and may plead Not guilty for any thing doing by vertue of this act: And upon the trial of that Iſſue, the whole matter to be given on both parties in evidence, according to the very truth of the ſame; And after ſuch Iſſue tryed for the defendant or defendants, or nonſuit of the plaintiff or plaintiffs after appearance, the ſame defendant or defendants to recover his or their damages, by reaſon of his or their wrongful vexation in that behalf, with coſts alſo in that behalf ſuſtained, and that to be aſſeſſed by the ſame Jury that ſhall try the ſame Iſſue; Or elſe by Writ to enquire of the damages as the cauſe ſhall require: For which coſts and damages ſuch defendant ſhall and may by vertue of this act, take and ſue forth ſuch execution as the defendant in a Replevin may do.

The Plea for a Condor, Balcor or Fiſher, in an Action of treſpaſs brought againſt him.

CAP. XIV.

Who only ſhall make Mildernix or Powle-Davies.

Whereas the Clothes called Mildernix and Powle-Davies, whereof Sail-clothes and other furniture for the Navy and Shipping are made, were heretofore altogether brought out of France, and other parts beyond the Seas, And the skill and art of making and weaving of the ſaid clothes never known nor uſed in England, until about the xxxii. year of the reign of the late Queen of famous memory Queen Elizabeth, about what time, and not before, the perfect art and skill of making and weaving of the ſaid clothes was attained unto, and ſithence practiſed and continued in this Realm, to the great benefit and commodity thereof.

Mildernix firſt made in France, and after learned and practiſed in England.

And whereas of late many of the Kings Majeſties Subjects, not trained nor brought up in the ſaid Art, nor any wayes ſkilful therein, have notwithſtanding, upon deſire of gain, made and weaved, or cauſed to be made and weaved, many clothes in likeneſſe and ſhew of Mildernix and Powle-Davies, but in truth neither made of ſuch ſtuff as the ſaid Mildernix and Powle-Davies are, and ought to be made of, nor ſo well driven or weaved, nor yet of that length nor breadth as the true clothes called Mildernix and Powle-Davies are and ought to be: Inſomuch that the ſaid clothes do yearly and daily grow worſe and worſe, and are made more thinner, ſleighter and meaner than heretofore they have been, to the great

Mildernix made in England neither of good ſtuff, nor well weaved.

deceit and hurt of all his Highneſs loving Subjects, that are to uſe and imploy the ſame about the ſails and other furniture of their ſhips and ſailing veſſels, and to the great damage of his Highneſs Navy, the chiefeſt ſtrength of this Realm (next unto God and his Highneſs) and within ſhort time like utterly to overthrow the art and trade of making cloth of that kind within this Realm; whereupon his Highneſſe ſaid ſubjects, as well the makers as the uſers of the ſaid clothes, are much hurt and impoveriſhed, through the deceitfulneſſe, unſkilfulneſſe and ignorance of the Weavers and makers of the ſaid clothes.

Who onely ſhall make Mildernix and Powle-Davies.

For remedy and redreſs whereof, Be it Enacted by the Kings moſt Excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon or perſons, reſiant, inhabitant or dwelling within this Realm, ſhall at any time after the firſt day of Auguſt next coming, make, weave, or cauſe to be made and weaved, any ſuch cloth or clothes for ſails or furniture of ſhips, or other ſailing veſſels, called, termed, or known by the name or names of Mildernix and Powle-Davies, or any of them, but ſuch as now do uſe the ſame, or any of their ſervants, or ſuch as ſhall hereafter be apprentices, and trained and brought up in the trade and art of making of the ſaid clothes, by the ſpace of ſeven years together at the leaſt, Nor ſhall ſet any man to work in the making or weaving of any ſuch clothes, being not a workman trained up before the firſt day of Auguſt next coming, in the ſaid art or myſtery: Upon pain that every ſuch perſon offending or doing the contrary, ſhall forfeit and loſe for every default xx. s. for every moneth.

Of what ſtuff, goodneſſe, length and breadth Mildernix and Powle-Davies ſhall be made.

And further, That no perſon or perſons from and after the ſaid firſt day of Auguſt, ſhall make or weave the ſaid clothes of any other ſtuff than of good and ſufficient Hemp, nor of any leſs length than xxxiii. yards, nor any leſs breadth than three quarters of a yard: Nor that the Weaver, or other perſon or perſons, ſhall ſell or offer to ſell any of the ſaid clothes, before the ſtuff be well beaten, ſcowred, bleached, and the cloth well driven with a braſen or iron ſhuttle: Upon pain that every perſon offending or doing the contrary herein, ſhall forfeit and loſe for every ſuch piece of cloth woven, made or ſold contrary to the form of this act, five ſhillings.

Who ſhall have the forfeitures.

And be it further enacted by the authority aforeſaid, That the one moiety of the benefit of all the forfeitures and penalties in this act contained, ſhall come and be unto the Kings moſt excellent Majeſty, his Heirs and Succeſſors, and the other moiety thereof unto ſuch as will ſue for the ſame in any of the Kings Mjeſties Courts, by bill, plaint, action of debt, information, or otherwiſe; in which actions, ſuits, plaints, or informations, no wager of law, eſſoin or protection ſhall be allowed.

CAP. XXV.

A Continuance of ſeveral former Statutes, and Repeal of others.

21 H.8.12. BE it Enacted by authority of this preſent Parliament, That an Act made in the one and twentieth year of the Reign of the late King Henry the eighth, entituled, An Act for the true making of Cables, Halſers and Ropes.

24 H.8.9. And that an act made in the four and twentieth year of the reign of the ſaid King Henry the eighth, entituled, An act againſt the killing of young Beaſts, called Weanlings.

3 & 4 Ed. 6. 19. 3 & 4 Ed. 6. 21. And that two Acts made in the Parliament holden at Weſtminſter by prorogation, the fourth day of November, and continued until the firſt day of February next after, in the third and fourth years of the reign of the late King Edward the ſixth, the one concerning the buying and ſelling of Rother beaſts and cattel: The other entituled, An act for the buying and ſelling of Butter and Cheeſe.

1 Eliz.17. And that one act made in the firſt year of the reign of the ſaid late Queen Elizabeth, entituled, An act for preſervation of Spawn and Fry of Fiſh.

5 Eliz. 7. And that an act made in the fifth year of the reign of the ſaid late Queen Elizabeth, entituled, An act for avoiding divers foreign Wares made by handicraftſmen beyond the Seas.

5 Eliz. 5. And ſo much of one other act made the ſame year, entituled, An act touching certain politick conſtitutions made for the maintenance of the Navy, as is not repealed by any later Statute, nor doth concern the tranſportation of Herring, or other Sea-fiſh, nor freedom of Cuſtome, Subſidy or Tonnage for the ſame, nor tranſportation of Corn, Together with all and every other additions, explanations and alterations made thereunto, or thereof or of any part thereof, by any ſtatute or ſtatutes made ſithence the making of the ſaid laſt mentioned act, and now ſtanding in force.

8 Eliz. 10. And that an act made in the eighth year of the reign of the ſaid late Queen Elizabeth, entituled, An act for Bowyers, and the prices of Bowes.

13 Eliz. 21. 13 Eliz. 10. 13 Eliz. 20. And that three acts made in the thirteenth year of her late Majeſties reign: One entituled, An act, That Purveyors may take Grain, Corn, and Victuals, within five miles of Cambridge and Oxford, in certain caſes: Another, An act againſt frauds, defeating Remedies for Dilapidations: The third, An act touching leaſes of Benefices and other Eccleſiaſtical Livings with Cure, together with all and every explanations, additions, and alterations thereof, or of any of them made by ſeveral ſtatutes of the fourteenth, eighteenth, and three and fortieth year of her ſaid late Majeſties reign.

18 Eliz. 20. And that an act made in the eighteenth year of her ſaid Majeſties reign, entituled, An act for the repairing and amending of Bridges and High-wayes near unto the City of Oxford.

18 Eliz. 3. And ſo much of another act made the ſame eighteenth year, entituled, An act for ſetting the poor on work, and avoiding of idleneſs, as concerneth baſtards begotten out of lawful Matrimony.

27 Eliz. not printed. And that two acts made in the ſeven and twentieth year of her ſaid Majeſties reign: The one entituled, An act for the good government of the City or Borough of Weſtminſter:

The other, An act for reviving of a former Statute for the true making of Mault: Together alſo with an act made in the nine and thirtieth year of her ſaid Majeſties reign, entituled, An act to reſtrain the exceſſive making of Mault: And a third act made in the ſeven and thirtieth year of her ſaid Majeſties reign, entituled, An act for keeping the Sea-banks and Sea-works in the County of Norfolk.

27 Eliz. 14.
3 & 4 Ed. 6. 10.
39 Eliz. 16.
27 Eliz. 24.

And two acts made in the one and thirtieth year of her ſaid Majeſties Reign: The one entituled, An act for the true gawging of Veſſels brought from beyond the Seas, converted by Brewers for the utterance and ſale of Ale and Beer: The other, An act for reviving and enlarging of a Statute made in the three and twentieth year of her ſaid Majeſties Reign, for the relief of the City of Lincoln.

31 El. 8.
31 El. & 23 El. not printed.

And that three acts made in the five and thirtieth year of her ſaid Majeſties Reign, one entituled, An act to retain the Queens Majeſties ſubjects in their due obedience: Another, for reformation of divers abuſes in Clothes, called Devonſhire Kerſies or Dozens, according to a Proclamation of the four and thirtieth year of her ſaid Majeſties reign: The third, An act for the bringing in of Clapboards from the parts of beyond the Seas, and the reſtraining of tranſporting of Wine Cask, for the ſparing and preſerving of Timber within the Realm.

35 Eliz. 1.
35 Eliz. 10.
45 Eliz. 11.

And the ſeveral acts hereafter mentioned, made in the nine and thirtieth year of her ſaid Majeſties reign, that is to ſay, An act entituled, An act againſt the decaying of Towns and houſes of Husbandry.

39 El. 1.

An act entituled, An act for the maintenance of Husbandry and Tillage, Together with ſuch Explanations and Proviſions as thereunto are added by the ſtatute made in the three and fortieth year of her ſaid Majeſties reign.

39 Eliz. 2.
43 El. 9.

An act entituled, An act for the increaſe of Mariners, and for maintenance of the Navigation, Repealing a former act made in the three and twentieth year of her ſaid Majeſties reign, bearing the ſame Title.

39 El. 10.
23 Eliz. 4.

An act entituled, Aa act for Explanation of the Statute made in the fifth year of her ſaid Majeſties reign concerning Labourers.

39 El. 12.
5 Eliz. 4.

An act entituled, An act prohibiting the bringing into this Realm of forein Cards for wooll

39 El. 14.

An act entituled, An act againſt lewd and wandring perſons, pretending to be Soldiers or Mariners.

39 El. 17.

An act entituled, An act for puniſhing of Rogues, Vagabonds, and ſturdy Beggers, with this Proviſion to be annexed thereunto by authority of this preſent Parliament, That the ſaid laſt mentioned act, nor any thing therein contained, ſhall impeach, avoid, prejudice, or reſtrain ſuch Liberty and Inheritance, as John Dutton of Dutton in the County of Cheſter Eſquire, and his anceſtors (whoſe heir he is) have lawfully uſed and exerciſed, in allowing Minſtrels in the County Palatine, and County of the City of Cheſter, and for government of Minſtrels there, and keeping a Court yearly for that purpoſe.

39 Eliz. 4.
1 Car. 4.

And that the ſeveral acts hereafter mentioned, made in the three and fortieth year of the reign of the ſaid late Queen Elizabeth, That is to ſay, An act entituled, An act for the neceſſary relief of Soldiers and Mariners.

43 Eliz. 3.

An act entituled, An act to avoid trifling and frivolous ſuits in law in her Majeſties Courts at Weſtminſter.

43 Eliz. 6.

An act entituled, An act for the relief of the poor: With this addition, viz. Be it enacted, That all perſons to whom the Overſeers of the poor ſhall, according to this act, bind any children Apprentices may take and receive, and keep them as apprentices, Any former ſtatute to the contrary notwithſtanding.

43 Eliz. 2.
21 Jac. 28.

An act entituled, An act for the true making and working of Woollen Clothes.

43 El. 10.

An act entituled, An act to prevent Perjury and Subornation of Perjury, and unneceſſary expences in ſuits in law, ſhall be continued and remain in force until the end of the firſt Seſſion of the next Parliament.

43 El. 5.
All the foreſaid ſtatutes continued until the end of the firſt Seſſion of the next Parliament. Exp.

Provided nevertheleſs, That ſo much of every of the ſaid acts as by any new act made in this Seſſion of Parliament, ſhall be altered or repealed, ſhall ſtand diſcontinued.

Provided alſo, and be it further enacted by the authority of this preſent Parliament, That when the prices of Corn or Grain exceed not the rates hereafter following, at the Times, Havens and Places, where and when the ſame Corn or Grain ſhall be ſhipped or loaded, viz. The Quarter of Wheat at ſix and twenty ſhillings eight pence, The quarter of Rye, Peaſe, and Beans, at fifteen ſhillings, The quarter of Barley or Mault, at fourteen ſhillings of currant Engliſh money, That then it ſhall be lawful for all and every perſon and perſons, being ſubjects of the Kings Majeſty, his heirs or ſucceſſors to tranſport of his own, and to buy and tranſport any of the ſaid Corn and Grain unto any parts beyond the Seas in amity with his Majeſty, to ſell as Merchandize, in Ships, Crayers, or other Veſſels, whereof any Engliſh-born ſubject or ſubjects then ſhall be the owner or owners, Any Law, Uſage, or Statute to the contrary hereof notwithſtanding. And that the Kings Majeſty, his heirs and ſucceſſors ſhall have and receive by the Cuſtomers and Officers of his Ports, for the Cuſtom or Poundage of every Quarter of Wheat, to be tranſported by force of this Statute, two ſhillings, of every Quarter of other Grain ſixteen pence: Which ſaid ſeveral ſummes ſo to be had and taken as Cuſtom or Poundage, to be in full ſatisfaction of all manner of Cuſtom or Poundage, for the ſaid Corn or Grain, by any Conſtitution, Order, Statute, Law, or Cuſtom heretofore made, uſed or taken for tranſporting of any ſuch manner of Corn or Grain.

When Grain may be tranſported.
ALT. 21 Jac. 28, 3 Car. 4.
The Kings Cuſtom and Poundage of Corn tranſported.

Provided always, and be it enacted by the authority of this preſent Parliament, That the Kings Majeſty, his heirs and ſucceſſors may at all times by his and their Writ of Proclamation, to be publiſhed generally in the whole Realm, or in any of the Counties of the Realm,

Stat. 3 Jac. 25.

Realm, where any Port Towns are, command, That no perſon ſhall by vertue of this act tranſport or convey any manner of Grain out of his Highneſs Dominions generally, or out of any ſpecial Ports, to be in the ſame Proclamation particularly named, for ſuch time as ſhall be therein limited and appointed. And it ſhall not be lawful for any perſon to carry out any ſuch Grain, contrary to the tenor of the ſame Proclamation, upon ſuch pains and forfeitures, as by the Laws and Statutes of this Realm are and have been provided and ordained in that behalf. This act or any thing therein contained to the contrary notwithſtanding.

Stat. 3 Jac. 17. Provided alſo, and be it enacted, That no perſon or perſons ſhall incurre any penalty for want of length, breadth, or weight of Welſh Cottons, under the price of fifteen pence the yard, or two ſhillings the goad, ſo as they be not mixt with hair or other deceitful ſtuffe: Nor for any others above that price, except they be mixt as aforeſaid, or ſhall ſhrink above the rate of half a yard in xii. yards of length, or weigh leſs than xiv. ounces the yard, or hold not ful three quarters of a yard broad.

5 Eliz. 9. And alſo be it enacted, That an act made in the fifth year of the reign of the ſaid late Queen Elizabeth, for puniſhment of Perjury, ſhall be revived and continued until the end of the firſt Seſſion of the next Parliament.

14 Eliz. 7. And that one act made in the xiv. year of the reign of the late Queen Elizabeth, entituled, An act againſt the deceit of Under-Collectors of the Tenths and Subſidies of the Clergy.

27 Eliz. 3. 13 Eliz. 4. And one other act made in the ſeven and twentieth year of the reign of the ſaid late Queen, entituled, An act for the Explanation of the Statute made in the thirteenth year of the reign of the ſaid late Queen, entituled, An act to make the Lands, Tenements, Goods and Chattels of Tellers, Receivers, &c. liable to the payment of their debts, Shall from the end of this preſent Seſſion of Parliament be revived and ſtand in force, Any repeal heretofore made thereof, or of any of them, to the contrary notwithſtanding.

14 Eliz. 5. And that ſo much of one act made in the xiv. year of the reign of the ſaid late Q. Elizabeth, entituled, And act for the puniſhment of Vagabonds, and for the relief of the poor and impotent, as concerneth the taxing, levying, receiving and employing of Gaol money, ſhall be revived from henceforth, and ſtand and continue until the end of the firſt Seſſion of the next Parliament.

27 Eliz. not printed. And be it alſo further enacted by the authority aforeſaid, That the Statute made in the ſeven and twentieth year of the ſaid Queen Elizabeth, entituled, An act for the maintenance of the Peer and Cob of Lyme Regis in the County of Dorſet, ſhall be continued and ſtand in force and ſtrength, for and during the ſpace of ten years next inſuing the firſt day of this Parliament, And from thence to the end of the next Seſſion of Parliament.

Stat. 21 Jac. 28. Sanctuaries extinct. And be it alſo enacted by the authority of this preſent Parliament, That ſo much of all ſtatutes as concerneth abjured perſons, and Sanctuaries, or ordering or governing of perſons abjured, or in Sanctuaries, made before the five and thirtieth year of the late Queen Elizabeths reign, ſhall alſo ſtand repealed and be void.

22 Ed. 4. 5. And alſo, that an act made in the two and twentieth year of the reign of King Edward the fourth againſt fulling of Hats, Bonnets, and Caps, in Fulling-Mills.

3 H. 8. 15. And an act made in the third year of King Henry the eighth, entituled, An act concerning the making of Caps and Hats.

21 H. 8. 9. And an act made in the one and twentieth year of King Henry the eighth, entituled, An act limiting the price of Hats and Caps brought from beyond the Seas.

7 Ed. 6. 8. And an act made in the ſeventh year of King Edward the ſixth, entituled, An act for the true Fulling and Thicking of Caps.

1 M. 11. And an act made in the firſt year of Queen Mary, entituled, An act for the ſale of Hats and Caps made beyond the Seas.

4 H. 5. 3. 4 Ed. 4. 9. An act made in the fourth year of King Henry the fourth, That Patten-makers ſhould make no Patens nor Clogs of Timber called Aſpe: Together with an act made in the fourth year of King Edward the fourth, That Patten-makers might make pattens or clogs of ſuch pieces of Timber called Aſpe, as was not convenient or ſufficient for Shafts.

15 R. 2. 11. And an act made in the fifteenth year of King Richard the ſecond, touching Girdlers, garniſhing their Girdles with white Metal.

5 & 6 Ed. 6. 21. And an act made in the fifth year of King Edward the ſixth, entituled, An act againſt Pedlers and Tinkers.

7 Ed. 6. 5. And ſo much of an act made in the vii. year of the reign of the ſaid King Edward the ſixth, entituled, An act made to avoid the great and exceſſive prices of Wines, as doth concern the ſelling of Wine at certain prices, or forbidding or reſtraining the having of wines in mens houſes.

4 Ed. 4. 8. And an act made in the fourth year of King Edward the fourth, That no Stranger or Alien ſhould buy any Engliſh Horns unwrought: And that the Wardens of the Horners ſhould have power to ſearch all manner of Wares pertaining to their myſtery in London, and four and twenty miles on every ſide of it.

24 H. 8. 13. All Statutes that concern Apparel, repealed. And that an act made in the four and twentieth year of the late King Henry the eighth, for Reformation in exceſs of Apparel: Together with another act bearing the ſame Title, made in the firſt and ſecond years of the reign of the late King Philip and Queen Mary, And all other acts heretofore made concerning Apparel.

4 & 5 Ph. & M. 2. And an act made in the fourth and fifth years of the late King Philip and Queen Mary for the having and keeping of Horſe, Armour and Weapon.

5 Eliz. 8. And a Statute made in the fifth year of the reign of our late Soveraign Lady Queen Elizabeth, entituled, And act touching Tanners, Curriers, Shoo-makers, and other Artificers occupying the cutting of leather, ſhall likewiſe from henceforth be repealed and voyd.

And be it further enacted by the authority of this preſent Parliament, That an act made in the firſt year of the reign of Queen Mary, entituled An act for the repeal of certain Statutes made in the time of King Edward the ſixth, ſhall ſtand repealed and void.

1 M. 2. The 15. laſt ſtatutes repealed.

And that an act made in the Seſſion of Parliament, holden upon prorogation at Weſtminſter, the iv. day of November, in the ſecond year of the reign of the late K. Edward the ſixth, and there continued and kept to the xiv. day of March in the third year of the ſaid late Kings reign, entituled, An act to take away all poſitive Laws, made againſt the marriage of Prieſts.

Marriage of Prieſts.

And an act made in the Seſſion of Parliament, holden upon prorogation at Weſtminſter the xxiii. day of January, in the fifth year of the reign of the ſaid K. Edward the ſixth, and there continued and kept until the fifteenth day of April, in the ſixth year of his reign, entituled, An act made for declaration of a Statute made for the marriage of Prieſts, and for the legitimation of their children, ſhall ſtand revived and be in force for ever, the ſaid act of Repeal notwithſtanding. And the children of Eccleſiaſtical perſons, in the ſaid act mentioned, ſhall be and continue legitimate, and inheritable, to all intents and purpoſes in ſuch ſort, as children of Lay perſons do injoy, and may inherit: Any Canon or Conſtitution to the contrary notwithſtanding.

2 & 3 Ed. 6. 21. & 5 & 6 Ed. 6. made perpetual.

The children of Eccleſiaſtical perſons ſhall be legitimate and inheritable.

CAP. XXVI.

A Confirmation of certain Orders before made for the Exchequer.

MOſt humbly pray your excellent Majeſty, your moſt loving and faithful ſubjects the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, That whereas the late Queen Elizabeth, in the thirteenth year of her happy reign, out of her Princelly Grace and meer motion, by her gracious Privy Seal, to the then Lord Treaſurer, Chancellor, and Barons of her Majeſties Exchequer directed, did authorize and command them to ſet down and eſtabliſh certain Orders, touching the awarding of Proceſs, diſcharge without pleading, diſcharge of Iſſues, and the rates of Fees, within the Office of the Lord Treaſurers Remembrancer in the Exchequer: By vertue of which her Royal Commandment, upon grave deliberation, and with the privity and conſent of her Majeſties then learned Councel thereunto called, divers Orders, being moſt honourable and agreeable to juſtice, were conceived and eſtabliſhed, which orders be to this Bill annexed.

The Queens Privy Seal to the Officers of the Exchequer, to ſet down Orders, &c.

May it pleaſe your moſt excellent Majeſty, for the eſtabliſhment, continuance, and furtherance of her ſaid Majeſties then moſt gracious intention, and of your Majeſties moſt abundant Grace and favorable inclination, to the good and eaſe of your Highneſs ſubjects, That it may be enacted, And by the authority of this preſent Parliament, Be it enacted by the Kings moſt excellent Majeſty, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, that all manner of Iſſues loſt and forfeited, or hereafter to be loſt and forfeited, which by the true intent of the ſame late Queens moſt gracious Privy Seal and the ſaid Orders hereunto annexed, ought to be remitted and diſcharged againſt her ſaid Majeſty, be, and at all times for ever hereafter ſhall be accordingly by vertue of this preſent act, clearly diſcharged and acquitted againſt your Majeſty, your heirs and ſucceſſors.

Certain Iſſues forfeited, ſhall be remitted.

And be it further enacted by the authority aforeſaid, That if the Lord Treaſurers Remembrancer for the time being, or any of his Clerks, ſhall from and after the laſt day of this preſent Seſſion of Parliament, award any proceſs, exact any pleading, or take any fees, or otherwiſe in any point demean him or themſelves, contrary to the true meaning of any the ſaid orders, That then for every ſuch offence which the ſaid Lord Treaſurers Remembrancer or his deputy, or any of his or their Clerks ſhall commit, the perſon ſo offending, or in caſe any ſuch perſon ſo offending be unable to ſatisfie, The Lords Treaſurers Remembrancer himſelf ſhall forfeit and loſe the ſum of twenty pounds whereof the one moiety to be to your Majeſty, your heirs and ſucceſſors, and the other moiety to the party grieved, to be ſued for within two years of the offence committed, by action of debt, bill, plaint, or information, in any your Majeſties Courts of Record at Weſtminſter, wherein no eſſoyn, protection, wager of law or priviledge ſhall be allowed.

The forfeiture of him that offends contrary to the ſaid orders.

The Orders ſet down for reſpect of Homage, by the right honourable Sir William Cecil of the honourable order of the Garter Knight, Baron of Burghley, Lord Treaſurer of England, and Maſter of the Court of Wards and Liveries, Sir Walter Mildmay Knight, Chancellor and Vice-Treaſurer of her Highneſs Court of the Exchequer, Sir Edward Saunders Knight, Lord chief Baron of the ſaid Court and other the Barons of the ſame, Calling unto them Gilbert Gerrard Eſquire, her Majeſties Atturney general, and Thomas Bromley Eſquire, her Highneſs Sollicitor general, and made the fifteenth day of June, in the year of our Lord God, one thouſand five hundred threeſcore and thirteen, and in the fifteenth year of the reign of our Soveraign Lady Elizabeth, by the grace of God, Queen of England, France and Ireland, Defender of the Faith, &c. According to her Majeſties Privy Seal to the ſaid Treaſurer and Barons in that behalf directed, and witneſſed under their hands as followeth.

The orders ſet down for reſpect of homage.

Firſt, That no proceſs Ad faciend. Homagium & fidelitatem, or Ad faciend. fidelitatem, or any writ of Scire facias, Capias, or diſtreſs, from the fines eſtreated out of the Court of Common Pleas, ſhall go out of the Treaſurers Remembrancers office, upon any ſuppoſal, upon pain by former laws and ſtatutes limited, and by the orders of the ſaid court in that caſe provided, but upon a good and juſt ground, and the ſame ſhall be vouched in every of the ſaid proceſſes, according to the book, term, year, roll, and record thereof, that it may be certainly found. And yet if by any known record remaining in that office, it may appear the ſame tenure have been traverſed, then the ſaid Proceſſes to be diſcharged by the ſaid traverſe without pleading.

Fines eſtreated out of the common pleas.

2 Upon the Eſtreat of the Original of the Chancery, of the firſt Grants of any lands or tenements holden in Chief, or by Knights ſervice, or Socage in Chief, or of any licence

Proceſs upon the firſt eſtreat of the original.

of Alienation, Pardon of Alienation, Ouſter le maine, general or ſpecial Livery, or Inrolment of any of them, Proceſs ſhall be made only for the ſervice due thereupon, and the parties upon the ſame ſhall be admitted without pleading, as it hath been accuſtomed to make their fine for reſpect of homage, or to do their fealty, forthwith whenſoever they will appear, and pray to be received for the ſame, paying the charges of their ſaid fine, as hereafter is appointed.

Upon a Writ the firſt tenant returned Mort or nihil habet.

3 Where the firſt tenant in any ſuch Writ from the ſaid original, or ſuch Inrolment is returned by the Sheriff, Mort or Nihil habet, then ſhall go out according to the ancient courſe of the ſaid court a Diſtring. tenent. againſt the tenants of the ſaid law Lands, to the Sheriff to do their ſervice due to the King, and to ſhew their entry into the ſame, who returning the name of the tenant of the Lands in the Writ, there ſhall go Proceſs then every Term againſt the ſaid new tenants to do their ſaid ſervice, and alſo to ſhew their entry, and, they to loſe iſſues thereupon, until they come in, and make their fine for reſpect of homage or fealty, or do their fealty upon the ſame, according to the ancient courſe of the Exchequer.

A mean to avoid the charge of pleading in certain caſes.

4 To avoid the charges of Pleading, upon ſhewing of any mans entry, it ſhall be lawful for every perſon, that by force of any Licence of Alienation, doth come to any Lands, or Tenements holden in Chief, aſſured to him in Fee-ſimple, Fee-tayle general or ſpecial, or for term of life, by any manner of conveyance in law from the party in the firſt Original or Inrolment of the ſame to bring the ſame licence and conveyance to the ſaid Treaſurers Remembrancer, and thereupon the ſaid Barons of the Exchequer, or the ſaid Treaſurers Remembrancer, finding the ſaid Licence of Alienation to be good, and agreeable to the aſſurance thereupon made, and likewiſe agreeable to and from the ſaid original, and from and with all the Vouchers of the ſame, the party to whom ſuch licence of Alienation is made, ſhall be received to Inroll the ſaid Licence only, and to make his fine thereupon for reſpect of homage, without any further pleading, or other ſhewing of his title for the ſame. And likewiſe whoſoever ſhall enter into any Lands by Livery general, ſpecial, or Ouſter le maine, bringing the ſame and the ſchedule of his Livery with him, he ſhall be received to like Inrolment, and making of his fine without any pleading.

Inrolling a Livery, or Ouſter le maine.

A Licence of Alienation of lands aſſured by fine.

5 Likewiſe, who ſo that hath a Licence of Alienation of lands and tenements, holden in Chief, which thereby are aſſured unto him by fine, the ſame perſon may alſo bring in his ſaid Licence, and aſſurance thereupon, to be examined as before in the fourth Article is mentioned, And the ſame agreeing together, and alſo agreeing from and with the Original, and from and with the Vouchers of the ſame, then the party to be diſcharged without pleading.

Writ of Reverſion.

6. Where any Writ of Reverſion ſhall be made, upon any Record, for Lands or Tenements wherein the Prince is in Reverſion, if it do appear by any ſufficient matter of Record, within the Court that the Grant or Record whereupon the ſaid Writ of Reverſion is made is clearly avoyded or determined, In ſuch caſe the party upon ſhewing forth of ſuch Record ſhall be diſcharged without pleading.

The Manors of one name in one County.

7 Where there be two manors or mo, or other lands and tenements of one name in one county, and the one holden of the Prince in chief, or by Knights ſervice, and the other not, In ſuch caſes where the matter ſhall ſo appear of record, the party that hath the manors, or lands ſo not holden, ſhall be diſcharged of the Proceſs without pleading, and the Iſſues thereupon loſt, to be ſaved.

Which be the Iſſues loſt that ſhall be diſcharged.

8 The Iſſues loſt by her Majeſties ſubjects, which her Highneſs of her gracious favor and goodneſs, hath appointed by her Majeſties privy ſeal to be diſcharged, be as followeth, viz.

Some returned tenants of lands which they have not.

All Iſſues loſt or to be loſt, upon any that are or ſhall be returned tenants of lands which they have not, ſhall be now diſcharged, though they have other lands within the ſhire, that could not ſo have been before the ſaid Privy Seal was granted.

Iſſues loſt upon an heir or ward within age.

All Iſſues loſt or to be loſt upon any Heirs or Ward being within the age, or in cuſtody, or committed to any, ſhall be now as before diſcharged, that were wont to remain, while the heir come to full age.

The Committees of wards by leaſe.

All Iſſues loſt or to be loſt, upon the Committees of any Wards lands by leaſe, as returned Tenant thereof, ſhall be now diſcharged, that otherwiſe ſhould have been paid by the ſaid Committees, if they had any lands or tenements, goods or chattels within the ſaid county.

Lands in the Queens hands by extent.

All Iſſues loſt or to be loſt upon any lands in the Queens Majeſties hands, by Extent or otherwiſe, ſhall be now diſcharged, that otherwiſe could not have been by the courſe of the Court.

Iſſues loſt by tenants for life, years, or at will.

All Iſſues loſt or to be loſt upon the Farmers and Tenants of any lands for life, years, or at will, ſhall be now diſcharged, that were wont to pay them being returned Tenants thereof by the Sheriffs, if they had any lands or goods within the ſhire.

Lands of tenants in chief.

All Iſſues loſt or to be loſt upon tenants of lands in Chief by Extent, ſhall be now as afore diſcharged, and could not ſo have been before, but were always leviable upon the lands.

Iſſues loſt by the Sheriffs vexation.

All Iſſues loſt or to be loſt by ſundry other vexations, as well by untrue Returns and miſreturns of Sheriffs, and Under-ſheriffs, ſhall or may be diſcharged, moderated, or otherwiſe ordered, as the Court ſhall think meet, that were infinite before, and could not be diſcharged, but the party was driven to take his remedy againſt the Sheriff.

Lands holden in chief, and after by another tenure.

All Iſſues loſt or to be loſt upon any former grant of lands and Tenements in Chief, that are afterward given or not to be holden in Chief, ſhall be now diſcharged by this Privy Seal and could no way have been remitted, until the ſecond Grant hath been laid and pleaded.

Iſſues loſt by Jurors.

All Iſſues loſt or to be loſt by any perſon returned in any Jury in the Exchequer, or in any Attaint or Jury in the Kings Bench, or Common pleas at Weſtminſter, or in any Jury before the Juſtices of Aſſiſe in any Court within the Realm, which at the time of their appearance appointed were beyond Sea in her Majeſties ſervice, or by ſpecial licence in writing, or were or ſhall be in priſon, or in ordinary of her Majeſties Chamber or Houſhold, and bound to their perſonal attendance there, ſhall be now diſcharged clear, that before could by no means be holpen.

Rata finium pro homag. tenent. Dominæ Reginæ per unum annum integrum reſpectuand. cum feod. Rememorat. Theſaur. & pro intrac. finium cum record. inde fact. ac pro feod. Attorn. pro eodem anno integro exhibit. Parliament.

Valor terrarum.	Fines reginæ.	Feod. Rem. Theſ.	Pro. intrac.	Pro feod. Attorn.
Li. Li. A C. ad lx.	s. x:	d. xx.	d. v.	By ſome xi. d.
Li. Li. A lx. ad xxx.	marc. dim.	d. xx.	d. iiii.	By ſome xx. d.
Li. Li. A xxx. ad xx.	s. v.	d. xx.	d. iiii.	By ſome d.
Li. Li. A xx. ad xv.	d. xl.	d. xx.	d. iiii.	By ſome voluntary Annuities for all matters: s. xl. s. xx. s. xiii. d. iiii. s. x. s. vi. d. viii. s. v.
Li. Li. A xv. ad x.	s. ii.	d. xx.	d. iiii.	
Li. marc. A x. ad x.	d. xx.	d. xx.	d. iiii.	
marc. s. A x. ad C.	d. xii.	d. xii.	d. iiii.	
s. s. A C. ad lx.	d. viii.	d. viii.	d. iiii.	Theſe never loſe Iſſues, but have their Fines paid, whether they come or come not.
s. A lx. & infr.	d. iiii:	d. iiii.	d. iiii.	

Item, That the ſaid Fines ſhall be paid after the ſaid Rate exhibited to the Parliament Houſe, and not otherwiſe.

According to the ſaid Treaſurers Remembrancers own offer, for himſelf and the Clerks of his office, It is ordered that he himſelf ſhall pay every Subjects charges, as by the Court of Exchequer ſhall be ſet and ordered, that ſhall be vexed by any Writ upon a ſuppoſal, and not upon a good and juſt ground vouched and ſet down in every Writ, as before is declared. Charges for vexation by a Writ upon a ſuppoſal.

The Clerks of the ſaid Treaſurers Remembrancers Office, ſhall pay all Iſſues, that any of her Majeſties Subjects ſhall loſe, after he hath paid his ordinary Fine for reſpect of Homage to any of them for any lands or tenements, and ſo may be proved by any of their Acquittances, W. Burleigh, Walter Myldemaie, Edward Saunders, George Frevile, John Birche. Ex. per G. Gerrard, Thomas Bromley, Ex per John Osbourne, xvii. November. 1601. Iſſues loſt after the ordinary fine paid for reſpite of homage.

Provided alwayes nevertheleſs, and be it Enacted by the authority aforeſaid, if in caſe it ſhall be thought fit, for the true knowledge and preſervation of the Tenures appertaining to the Crown, and ſo ordered in the open Court of Exchequer, that Proceſs ſhould iſſue out of the ſaid Court againſt any, That in every ſuch caſe, the ſaid Treaſurers Remembrancer, or any his Clerks, may ſend out the ſaid Proceſs, without incurring any the penalties of this act: In which caſe, no ſuch Tenure appearing to the Court, the party ſhall be clearly diſmiſſed, without any manner of pleading, or paying any Fees at all. Proceſs awarded for the preſervation of the Tenures of the Crown.

CAP. XXVII.

Penalties for deſtroying of Pheaſants, Partridges, Pigeons, Hares.

Foraſmuch as there be divers good and neceſſary laws and ſtatutes, which do inflict and impoſe divers great and heavy penalties, puniſhments and forfeitures upon ſuch as ſhould with any guns, nets, croſs-bowes, or other inſtruments or engines, ſpoyl or deſtroy the game of pheaſants, partridges, hearne, mallard, and ſuch like, and upon ſuch as kill or deſtroy hares with hare-pipes, cords, or other engines, or ſhould kill any hare by tracing, and courſing them with dogs in the ſnow; And nevertheleſs of late years, the ſeveral games above mentioned, have been more exceſſively and outragiouſly ſpoyled and deſtroyed, than hath been in former ages, eſpecially by the vulgar ſort, and men of ſmall worth, making a trade and a living of the ſpoyling and deſtroying of the ſaid games, who are not of ſufficiency to pay the ſaid penalties in the ſaid ſtatutes mentioned, nor to anſwer the coſts and charges of any that ſhould inform and proſecute againſt them, in any of his ſaid Majeſties Courts of Record at Weſtminſter, upon any of the ſaid penal Laws and Statutes, by reaſon whereof few Suits have been attempted upon the ſaid Laws, and for the ſaid forfeitures, whereby the good thereby meant and hoped hath not ſucceeded, and thereby great ſcarcity of the ſaid games in all, or in the moſt parts of this Realm hath followed, and preſently is,

11 H.7. 17.
23 El. 10.
32 H. 8. 8.
13 R. 2. 13.
19 H. 7. 11.

and ſo is like to be, if ſome remedy be not in that behalf provided:

The penalties for deſtroying a Hare, or certain fowl, or their eggs.

Be it therefore Enacted by the authority of this preſent Parliament, That all and every perſon and perſons, which from and after the firſt day of Auguſt next following, ſhall ſhoot at, kill, or deſtroy with any gun, croſſe-bow, ſtone-bow, or long-bow, any pheaſant, partridge, houſe-dove, or pigeon, hearne, mallard, duck, teale, widgeon, grouſe, heathcock, moregame, or any ſuch fowl, or any hare; Or after the firſt day of Auguſt, ſhall take, kill or deſtroy any pheaſant, partridge, houſe-dove or pidgeon, with ſetting-dogs and nets, or with any manner of nets, ſnares, engines, or inſtruments whatſoever, or ſhall take the eggs of any pheaſant, partridge, or ſwans out of the neſts, or willingly break, ſpoyl or deſtroy the ſame in the neſt; Or after the ſaid firſt day of Auguſt, ſhall trace or courſe any Hares in the ſnow, or at any time take, or deſtroy any Hares with any hare-pipes, cords, or with any ſuch inſtruments, or other engines; And the ſame offence or offences being proved, by the confeſſion of the party, or by the teſtimony of two ſufficient witneſſes, upon oath before two or more Juſtices of Peace of the ſame County, City, or Town corporate, wherein the offence ſhall be committed, or the party offending apprehended, ſhall be by the ſaid Juſtices of Peace for every ſuch offence committed to the common Gaol of the ſaid County, City, or Town corporate, where the offence ſhall be committed, or the parties apprehended, there to remain for three moneths without bail or mainpriſe, unleſs that the ſaid offendor do, or ſhall forthwith upon the ſaid conviction, pay or cauſe to be paid, to the Church-wardens of the ſaid Pariſh where the ſaid offence ſhall be committed, or the party apprehended, to the uſe of the poor of the ſaid Pariſh, the ſum of xx.s. for every pheaſant, partridge, houſe-dove, pigeon, hearne, mallard, duck, teale, widgeon, grouſe, heathcock, Moregame, or any ſuch fowl, and for every egge of pheaſant, partridge, or ſwans, and for every Hare, which any, and every ſuch perſon and perſons ſo offending, and convicted as aforeſaid, ſhall take, kill or willingly deſtroy, contrary to the true purport, and true meaning of this Statute, or after one moneth after his commitment, together with two ſufficient Sureties, become bound by Recogniſance in the ſum of twenty pounds apiece to the Kings Majeſties uſe, his Heirs and Succeſſors, with condition that he the ſaid party ſo offending, ſhall not at any time hereafter ſhoot at, kill, take or deſtroy any of the ſaid Games before mentioned, by any of the means aforeſaid: Which ſaid Recognizances ſhall be taken by any two or more Juſtices of Peace of the ſaid County, City or Town corporate, where the offendor ſhall be ſo impriſoned, as aforeſaid, and ſhall be returned to the then next quarter-Seſſions, and there to remain of Record, as other Recognizances taken for the Peace.

The penalty for keeping of a Grey-hound, a Setting-Dog, with nets to take Pheaſants, &c.

And for the better preſervation of Deer, Hares, and other the Games aforeſaid, Be it further Enacted by the authority aforeſaid, That all and every perſon and perſons which from or after the ſaid firſt day of Auguſt, ſhall have or keep any Greyhound for courſing of Deer or Hare, or Setting-Dog or Dogs, or net or nets, to take pheaſants or partridges (except ſuch perſon or perſons which ſhall be ſeiſed in their own right, or in the right of their Wives, of Lands, Tenements or Hereditaments, of the clear yearly value of ten pounds by the year, or more over and above all charges and repriſes, of ſome eſtate of inheritance; Or of Lands, Tenements or Hereditaments in his own right, or in the right of his Wife, for term of life or lives, of the yearly value of thirty pounds, over and above all charges and repriſes; Or be poſſeſt of goods or chattels, to the full value of two hundred pounds to his own uſe; Or be the ſon or ſons of any Knight, or of any Baron of Parliament, or of ſome perſon of higher degree, or the ſon and heir apparent of any Eſquire,) and being thereof convicted as aforeſaid, ſhall by the ſaid Juſtices of the Peace be committed and impriſoned, in manner and form as in and by this preſent act before is expreſſed, ſpecified and declared: Except ſuch perſon and perſons ſo offending, and thereof convicted as aforeſaid, do forthwith pay or cauſe to be paid to the Church-wardens of the ſaid Pariſh, where the ſaid offence ſhall be committed, or the party apprehended, to the uſe of the poor of the ſaid Pariſh, the ſum of forty ſhillings of good and lawful money of England.

The penalty for ſelling, or buying to ſell again, Deer, Hare, Partridge or Pheaſant.

And be it further Enacted by the authority aforeſaid, That every perſon and perſons, which at any time after the ſaid firſt day of Auguſt, ſhall ſell, or buy to ſell again, any Deer, Hare, Partridge or Pheaſant, (except Partridge and Pheaſants reared and brought up in houſe or houſes, or brought from beyond the Seas) ſhall forfeit for every Deer ſo bought and ſold, xl. s. for every Hare x. s. and for every Partridge x. s. and for every Pheaſant ſo bought and ſold, xx. s. Of all which forfeitures, the one moiety ſhall be to him that will ſue for the ſame by bill of indictment or information: and the other moiety to the poor of the Pariſh where the ſaid offence or offences ſhall be committed.

No puniſhment by any former law, where it is inflicted by this.

And be it further Enacted by the authority aforeſaid, That no perſon or perſons ſhall or may after the ſaid firſt day of Auguſt, be puniſhed by force of any former ſtatute or law, for any of the ſaid offences, for which by force of this Law, any puniſhment ſhall be inflicted: And that all Juſtices of Aſſiſe in their ſeveral Circuits, and all Juſtices of the Peace in their general quarter-Seſſions, and any two Juſtices of Peace, or more together out of any Seſſions, ſhall and may by force of this preſent act, have full power and authority to examine, hear, puniſh and determine all offences to be committed againſt this preſent ſtatute, and to adminiſter oath as aforeſaid, and perform and execute all and every act and thing, fit or requiſite for the due execution of this preſent act.

Which Officers may hear and determine theſe offences.

Who may take pheaſants and partridges with nets, and when. R'P. 7 Jac. 11.

Provided alwayes, That it ſhall and may be lawful for every perſon or perſons, which have or ſhall have free Warren, and to and for every Lord of a Manor, and to every Freeholder, which is, or ſhall be ſeized in his own right, or in the right of his Wife, of lands, tenements, or hereditaments to the clear yearly value of ten pounds or more by the year, over and above all charges and repriſes of ſome Eſtate of Inheritance, or of lands, tenements, or hereditaments, in his own right, or in the right of his Wife, for term of life or lives, of the yearly value of thirty pounds, over and above all charges and repriſes, or be, or which ſhall be worth in goods or chattels, two hundred pounds, by him or themſelves, or by his or their menial ſervants (ſufficiently authorized from his or their Maſter for that purpoſe) to take pheaſants and partridges in the day time only with nets, in and upon his and their own, or his and their Maſters free Warren, Manor and Freehold, or on any part of them, betwixt the Feaſt of S. Michael the Archangel, and the Feaſt of the Birth of our Lord God yearly, Any thing in this Law to the contrary notwithſtanding.

And be it alſo further Enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every perſon and perſons keeping any hawk or hawks, which at the general quarter Seſſions of the County (where he and they ſhall dwell) ſhall be licenced to ſhoot hailſhot in hand-Guns or birding-Pieces, at crow, chough, pye, rook, ring-dove, jey, or ſmaller birds for hawks-meat only, to ſhoot and kill hawks-meat, according to the ſaid licence only, ſo that ſuch party ſo to be licenced, do at the ſame quarter-Seſſions wherein he ſhall be licenced, become bound to the Kings Majeſty by Recognizance in twenty pounds, not to ſhoot at any the fowl or game, of which ſhooting is prohibited by this law; And ſo that he or they ſhall not ſhoot in any hand-gun or other gun, within ſix hundred paces of any Hernery, nor within one hundred paces of any Pigeon-houſe, nor in any Park, Foreſt, or Chaſe, whereof the party ſo licenced, or his Maſter, is or ſhall not be the owner, keeper or governor, for which licence and recognizance the Clerk of the peace is to take only twelve pence, and no more.

Licences to ſhoot in a gun for hawks-meat.

This Law to continue to the end of the firſt Seſſion of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

Continuance of this ſtatute

CAP. XXVIII.

A Confirmation of the Kings Letters Patents bearing date a Weſtminſter 30. die Aprilis Anno 2. Regis Jacobi, granted to the Mayor, Bayliffs and Burgeſſes of the Borough of Berwick upon Twede. And of the franchiſes, liberties and cuſtoms of the ſaid Borough. PR. Stat. 22 Ed. 4. 8.

CAP. XXIX.

To what ſorts of fleſh, Licences to eat fleſh in Lent ſhall not extend. What ſort of fleſh ſhall not be killed in Lent to be put to ſale. EXP. Stat. 5 El. 5. 35 El. 7.

CAP. XXX.

The Inhabitants of Melcomb Regis, in the County of Dorſet, within the Dioceſs of Briſtol, may at their own coſts build a Church upon the ground where the Chappel now ſtandeth, and the grounds adjoyning convenient to receive the Inhabitants of Radipoll, and incloſe the waſte grounds adjoyning, to make a Church-yard for a place of burial. After which Church is builded, it ſhall be called the Parochial Church of Radipol. And the new Parſon of Radipol, and his Succeſſors, ſhall be Parſons thereof. And the old Pariſh Church of Radipol ſhall be but a Chappel of eaſe. And the Patron of the old Pariſh Church of Radipol ſhall be Patron of the new. A new Manſion Houſe in Melcomb Regis aſſigned to the ſaid Parſon and his Succeſſors for ever. PR.

CAP. XXXI.

Several Proviſions made for thoſe that be infected with the Plague.

FOraſmuch as the Inhabitants of divers Cities, Boroughs, Towns corporate, and of other Pariſhes and places being viſited with the Plague, are found to be unable to relieve the poorer ſort of ſuch people ſo infected, who of neceſſity muſt be by ſome charitable courſe provided for, leſt they ſhould wander abroad, and thereby infect others: And foraſmuch as divers perſons infected with that diſeaſe, and others inhabiting in houſes and places infected, as well poor people and unable to relieve themſelves, that are carefully provided for, as others which of themſelves are of ability, being commanded by the Magiſtrate or Officer, of or within the place where the infection ſhall be, to keep their houſes, or otherwiſe to ſeparate themſelves from company, for the avoiding of further infection, do notwithſtanding very dangerouſly and diſorderly miſ-demean themſelves.

Be it therefore Enacted by the authority of this preſent Parliament, That the Mayor, Bayliffs, head Officers, and Juſtices of Peace of every City, Borough, Town corporate, and places priviledged, where any Mayor, and Bayliffs, head Officers, or Juſtices of peace are or ſhall be, or any two of them, ſhall have power and authority from time to time, to tax and aſſeſs all and every inhabitant, and all houſes of habitation, lands, tenements and hereditaments within the ſaid City, Borough, Town corporate, and places priviledged, or the liberties or precincts thereof, at ſuch reaſonable taxes and payments, as they ſhall think fit for the reaſonable relief of ſuch perſons infected, or inhabiting in houſes and places infected in the ſame Cities, Boroughs and Towns corporate, and places priviledged, and from time to time to levy the ſame taxes of the goods of every perſon refuſing or neglecting to pay the ſaid taxes, by Warrant under the hand and ſeal of the Mayor and Bayliffs, and head Officers aforeſaid, or two ſuch Juſtices of peace, to be directed to any perſon or perſons for the execution thereof.

Taxing the inhabitants for relief of the ſick of the plague.

And if the party to whom ſuch Warrant is or ſhall be directed, ſhall not find any goods to levy the ſame, and the party taxed ſhall refuſe to pay the ſame tax, That then upon return thereof, the ſaid Mayor, Bayliffs, head Officers, or Juſtices of peace, or any two or them, ſhall by like Warrant under their hands and ſeals, cauſe the ſame perſon ſo taxed to be arreſted, and committed to the Gaol, without bail or mainpriſe, until he ſhall ſatisfie the ſame taxation and the arrearages thereof.

The penalty of any party taxed, refuſing to pay and having no goods.

And if the Inhabitants of any ſuch City, Borough, Town corporate, or place priviledged, ſhall find themſelves unable to relieve their ſaid poor infected perſons, and others as aforeſaid, That then upon certificate thereof, by the Mayor, Bayliffs, head Officers, and other the ſaid Juſtices of peace, or any two of them, to the Juſtices of peace of the County of or near to the ſaid City, Borough, Town corporate, or priviledged place ſo infected, or any two

A proviſion if the inhabitants, of the Town infected be not able to relieve the ſick.

of them to be made, the ſaid Juſtices of or near the ſaid County, or any two of them, ſhall or may tax and aſſeſs the Inhabitants of the County within five miles of the ſaid place infected, at ſuch reaſonable weekly taxes and rates as they ſhall think fit to be levied by Warrant from any ſuch two Juſtices of peace of or near the County, by ſale of goods; and in default thereof, by impriſonment of the body of the party taxed, as aforeſaid.

A proviſion if the infection ſhall be where there are no Juſtices of Peace.

And if any ſuch infection ſhall be in any Borough, Town corporate, or priviledged place, where there are or ſhall be no Juſtices of Peace, or in any Village or Hamlet within any County: That then it ſhall and may be lawful for any two Juſtices of Peace of the ſaid County, wherein the ſaid place infected is or ſhall be, to tax and aſſeſs the inhabitants of the ſaid County, within five miles of the ſaid place infected, at ſuch reaſonable weekly taxes and rates as they ſhall think fit for the reaſonable relief of the ſaid places infected, to be levied by Warrant from the ſaid Juſtices of Peace of the ſame County, by ſale of goods; and in default thereof, by impriſonment of the body of the party ſo taxed as aforeſaid: The ſame taxes made by the ſaid Juſtices of Peace of the County, for the relief of ſuch Cities, Boroughs, Towns corporate, and places priviledged, where there are no Juſtices of Peace, to be diſpoſed as they ſhall think fit; And where there are Juſtices of peace, Then in ſuch ſort as to the Mayors, Bayliffs, head Officers, and Juſtices of Peace there, or any two of them ſhall ſeem fit and convenient.

The taxes aſſeſſed ſhall be certified at the next quarter-Seſſions.

All which taxes and rates made within any ſuch City, Borough, Town corporate, or place priviledged, ſhall be certified at the next quarter Seſſions to be holden within the ſaid City, Borough, Town corporate, or place priviledged; And the ſaid taxes and rates made within any part of the ſaid County, ſhall in like ſort be certified at the next quarter Seſſions to be holden in and for the ſaid County: And that if the Juſtices of peace at ſuch quarter-Seſſions reſpectively, or the more part of them ſhall think it fit the ſaid tax or rate ſhould continue, or be enlarged or extended to any other parts of the County, or otherwiſe determined, then the ſame to be ſo enlarged, extended or determined, encreaſed or taxed and levied in manner and form aforeſaid, as to the ſaid Juſtices at the quarter-Seſſions reſpectively ſhall be thought fit and convenient: And every Conſtable, and other Officer that ſhall wilfully make default in levying ſuch money as they ſhall be commanded by the ſaid Warrant or Warrants, ſhall forfeit for every ſuch offence x. s. to be employed on the charitable uſes aforeſaid.

The forfeiture of Officers making default to levy the money aſſeſſed.

An infected perſon commanded to keep his houſe diſobeyeth.

And be it further Enacted, That if any perſon or perſons infected, or being or dwelling in any houſe infected, ſhall be by the Mayor, Bayliffs, Conſtable, or other head-Officer of any City, Borough, Town corporate, priviledged place, or Market Town, or by any Juſtice of peace, Conſtable, Headborough, or other Officer of the County (if any ſuch infection be out of any City, Borough, Town corporate, priviledged place, or Market Town) commanded or appointed as aforeſaid, to keep his or their houſe, for avoiding of further infection, and ſhall notwithſtanding wilfully and contemptuouſly diſobey ſuch direction and appointment, offering and attempting to break out and go abroad, and to reſiſt, or going abroad and reſiſting ſuch keepers or watchmen as ſhall be appointed as aforeſaid, to ſee them kept in, That then it ſhall be lawful for ſuch watchmen, with violence to enforce them to keep their houſes. And if any hurt come by ſuch enforcement to ſuch diſobedient perſons, That then the ſaid keepers, watchmen, and any other their aſſiſtants ſhall not be impeached therefore. And if any infected perſon, as aforeſaid, ſo commanded to keep houſe, ſhall contrary to ſuch commandment wilfully and contemptuouſly go abroad, and ſhall converſe in company, having any infectious ſore upon him uncured, That then ſuch perſon and perſons ſhall be taken, deemed and adjudged as a felon, and to ſuffer pains of death, as in caſe of felony. But if ſuch perſon ſhall not have any ſuch ſore found about him, then for his ſaid offence, to be puniſhed as a Vagabond in all reſpects ſhould or ought to be, by the ſtatute made in the xxxix. year of the reign of our late Soveraign Lady Queen Elizabeth, for the puniſhment of Rogues and Vagabonds, And further, to be bound to his or their good behaviour for one whole year.

Eliz. 2.
Co. Inſt. 3 part, 90.

Provided, That no attainder of Felony by vertue of this Act, ſhall extend to any attainder or corruption of Blood, or forfeiture of any goods, chattels, lands, tenements, or hereditaments.

Attendants ſhall be appointed upon the infected.

And be it further enacted by the authority aforeſaid, That it ſhall be lawful for Juſtices of Peace, Mayors, Bayliffs, and other head Officers aforeſaid, to appoint within their ſeveral limits, ſearchers, watchmen, examiners, keepers and buriers, for the perſons and places reſpectively infected as aforeſaid, and to miniſter unto them Oaths for the performance of their offices of ſearchers, examiners, watchmen, keepers and buriers, and give them other directions, as unto them for the preſent neceſſity ſhall ſeem good in their diſcretions. And this Act to continue no longer than until the end of the firſt Seſſion of the next Parliament.

The continuance of this Act.

The Univerſities, Cathedral Churches, Eaton, Wincheſter Colledge.

Provided alwayes, and be it Enacted by authority of this preſent Parliament, That no Mayors, Bayliffs, head Officers, or any Juſtice of Peace, ſhall by force or pretext of any thing in this act contained, do or execute any thing before mentioned, within either the Univerſities of Cambridge or Oxford, or within any Cathedral Church or the Liberties or Precincts thereof, in this Realm of England, or within the Colledges of Eaton or Wincheſter; But that the Vice-Chancellor of either the Univerſities for the time being, within either of the ſame reſpectively, and the Biſhop and Dean of every ſuch Cathedral Church, or one of them, within ſuch Cathedral Church, and the Provoſt or Warden of either of the ſaid Colledges within the ſame, ſhall have all ſuch power and authority, and ſhall do and execute all and every ſuch act and acts, thing and things in this act before mentioned, within their ſeveral Precincts and Juriſdictions aboveſaid, as wholly, abſolutely, and fully, to all intents and purpoſes, as any Mayor, Bayliffs, head Officers, or Juſtices of Peace, within their ſeveral

Precincts and Juriſdictions may elſewhere by force of this act do and execute. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XXXII.

14 Car. 2. cap. 27.

From the end of this Seſſion of Parliament during 7. years, and no longer, there ſhall be paid by the Maſter or owner of every Ship, Veſſel, or Crayer (ſaving of Lime Regis in the County of Dorſet) whereof any of the Kings ſubjects ſhall be owners, or part owners, of the burden of 20. tuns, or upward, for every Voyage loading or diſcharging within this Realm, or to, or from any foreign Countrey beyond the Seas, and paſſing to or from London, or from, to, or by Dover, or coming into the Harbour there (not having a Coquet teſtifying his payment before) iii. d. for every tun, of the burden of every ſuch Veſſel, &c. Except Veſſels loaden with Sea-coals or Grindſtones: And for every Chaldron of Sea-coals or Grindſtones i. d. ob. which ſhall be paid to the Cuſtomer, Collector of Cuſtoms or Subſidies, or their deputies, &c. EXP.

CAP. XXXIII.

A Subſidy granted to the King of Tonnage, Poundage, Wools, &c.

What Subſidies the Kings of this Realm have had, and for what cauſes.

In their moſt humble wiſe ſhew unto your moſt excellent Majeſty, your loyal and obedient ſubjects and Commons in this your preſent Parliament aſſembled, That where as well your noble great Grandfather of worthy memory, King Henry the ſeventh, the noble King of famous memory, Henry the eighth, the late King of worthy memory, King Edward the ſixth, the late Queen Mary, and the late renowned Soveraign Lady Queen Elizabeth, as other your right noble and famous Progenitors, Kings of this your Realm of England, time out of mind, have had and enjoyed unto them by authority of Parliament for the defence of this your Realm, and the keeping and ſafeguard of the Seas for the entercourſe of merchandize, ſafely to come into and paſſe out of the ſame, certain ſums of money, named Subſidies, of all manner of goods and merchandize, coming in or going out of the ſame your Realm; And foraſmuch as we your ſaid poor Commons, undoubtedly and moſt aſſuredly do truſt, and have ſure confidence in your Majeſties good favour and will towards us your ſaid Commons, in, and for the keeping and ſure defending of the Seas againſt all perſons, intending or that ſhall intend the diſturbance of us your ſaid Commons, in the entercourſe and the invading of this your Realm, to our moleſtation, unquieting and loſs, which at any time cannot be born without the great exceſs and intolerable coſts, charges and expences of your Majeſty, which is not when need ſhall require in ſuch caſes to be lacked at any time, but rather we your ſaid Commons, wiſhing that ſuch furniture of all things may be had in readineſs from time to time, when neceſſity ſhall require for the ſpeedy indelayed proviſion and help, for the ſuppreſſing of ſuch inconveniences, diſturbances and invaſions, humbly deſire your moſt excellent Majeſty, benignly, and favourably to take, accept and receive theſe our poor grants hereafter enſuing, as granted of true hearts and good wills which we bear unto your Highneſſe, towards your ſaid great coſts, charges and expences which may be expended and laid out by your Majeſty for the cauſes aforeſaid, when need ſhall require, as the firſt fruits of our good wills and hearts towards your Highneſſe, although the ſame do, or hereafter ſhall nothing in effect countervail the ſame your great charges, nor yet we your ſaid poor Commons able fully to gratifie your Highneſſe by any means, yet nevertheleſs we your ſaid Commons, by the advice and conſent of the Lords Spiritual and Temporal in this your preſent Parliament aſſembled, and by the authority of the ſame, to the intent aforeſaid, Do give and grant to you our Supream Liege Lord and Soveraign, one Subſidy called Tonnage, that is to ſay, of every Tun of Wine that is or ſhall come into this Realm or any your Majeſties Dominions by way of Merchandize, the ſum of three ſhillings, and ſo after that rate; And of every Tun of ſweet Wines, as well Malmeſey as other, that is or ſhall come into this Realm by any Merchant alien, three ſhillings, and ſo after the rate, over and above the three ſhillings above mentioned; And of very Awm of Reniſh Wine that is or ſhall ſo come in, twelve pence; And alſo one other Subſidy called Poundage, that is to ſay, of all manner of goods or merchandize of every Merchant, Denizen and Alien, carried or to be carried out of this Realm, or any your Majeſties Dominions, or to be brought into the ſame by way of Merchandize, of the value of every twenty ſhillings of the ſame goods and merchandize, twelve pence, and ſo after the rate. And of every twenty ſhillings value of Tin and Pewter veſſel carried out of this Realm by every or any Merchant alien, twelve pence, over and above the twelve pence aforeſaid. Except and foreprized out of this grant of Subſidy of Poundage, all manner of woollen Cloth made or wrought, or which ſhall be made or wrought within this Realm of England, and by every, or any Merchant denizen, and not born alien, carried or to be carried out of this your ſaid Realm, And all manner of Wools, Wool-fels, Hides and Backs of Leather, that is or ſhall be carried out of this your ſaid Realm; And all Wines not before limited to pay Subſidy or Tonnage, And all manner of freſh fiſh and beſtial coming, or that ſhall come into the ſame your Realm.

A Subſidy of Tonnage granted to the King.

A Subſidy of Poundage.

Exceptions out of the Subſidy of Poundage.

A Subſidy of Wool, Fels, and Leather.

And further we your ſaid poor Commons, by the advice, aſſent, and authority aforeſaid, do give and grant unto you our ſaid Liege Lord our Soveraign, for the cauſes aforeſaid, one other Subſidy, that is to ſay, of every Merchant born Denizen, of and for every ſack of wooll thirty three ſhillings four pence; And of and for every two hundred and forty Wool-fels, thirty three ſhillings four pence; And of and for every Laſt of Hides and Backs, three pounds ſix ſhillings eight pence, and ſo after the ſame rate, for every leſſe or greater quantity for any the ſame merchandize more or leſs; And of every Merchant ſtranger not born Denizen, of and for every ſack of wooll, three pound ſix ſhillings eight pence; And of and for every two hundred forty wool-fels, three pound ſix ſhillings eight pence; And for every Laſt of hides and backs, three pound thirteen ſhillings four pence; And ſo of all the ſaid wools, wool-fels, hides and backs, and of every of them after the rate: To have, take, enjoy and perceive the Subſidies aforeſaid, and every of them, and every part and parcel of them, to your Highneſſe, from the 18. day of March laſt paſt, during your life natural.

A Subſidy of the goods of Aliens born.

And

The penalty if the ſaid Subſidy be not paid.

And that it may be further enacted by the authority aforeſaid, That if any Wines, Goods, or other Merchandize, whereof any the Subſidies aforeſaid, are, or ſhall be due, ſhall at any time hereafter be ſhipped, or put into any Boat or other Veſſel, to the intent to be carried into the parts beyond the Seas, or elſe be brought from the parts beyond the Seas, into any Port of this Realm, or other your Majeſties Dominions, by way of Merchandize, and unſhipped to be laid on Land, the Subſidy, Cuſtom, and other Duties due, or to be due for the ſame, not payed or lawfully tendred to the Collector thereof, or his Deputy, with the conſent and agreement of the Comptroller and Surveyor there, or one of them at the leaſt, not agreed with for the ſame in the Cuſtom-houſe, according to the true meaning of this Act: That then from the ſaid eighteenth day of March laſt paſt, all the ſame Wine, Goods and Merchandize whatſoever, ſhall be forfeit to your Highneſſe during the time aforeſaid, the one moyety of the rate thereof to your Highneſſe, and the other moyety to him or them that will ſeize the ſame, or ſue for the ſame. And that it may pleaſe your Highneſſe, that all Merchants, as well Denizens as Strangers, coming into this your Realm, be well and honeſtly intreated and demeaned for ſuch things as Subſidy by this Act is granted for, as they were in the time of your ſaid Noble Progenitors and Predeceſſors, without oppreſſion to them to be done, paying the Subſidies aforeſaid.

Merchants ſtrangers ſhall be well intreated.

A proviſion for them whoſe goods be taken by pirats, or periſhed on the Sea.

And be it further enacted by the authority aforeſaid, That if any Goods or Merchandizes as aforeſaid, of any Merchant being born Denizen, after the ſaid xviii. day of March, during the term of this Grant, hath been, or ſhall be taken by any Enemies or Pirates upon the Sea, or periſhed in any Ship or Ships, that ſhall happen to be taken or periſhed, within the time of the ſaid Grant, whereof the Subſidies, and other Duties aforeſaid, are, or ſhall be duely paid or agreed for, as aforeſaid, and that duly proved before the Treaſurer of England, or Chief Baron of the Exchequer, for the time being, by the examination of the ſame Merchants, if they be alive, or of their Executors or Adminiſtrators, if they be dead, or by two credible witneſſes at the leaſt, ſworn, or other reaſonable witneſſe and proof ſworn, Then the ſame Merchant or Merchants, his or their Executors or Adminiſtrators, ſhall or may newly ſhip in the ſame Port, where the Goods and Merchandize aforeſaid were or ſhall be accuſtomed, ſo much other Merchandize or Goods, as the ſame Goods and Merchandize that are, or ſhall be loſt as aforeſaid, ſhall amount unto, in cuſtom, without paying any thing for the ſame, ſo as the ſame proof be recorded and allowed of in the Court of Exchequer, and certified unto the Collectors of the Cuſtom of the Port, where the ſame wares and merchandizes are to be newly ſhipped without Cuſtom, as aforeſaid. And further, that every Merchant Denizen that ſhall hereafter ſhip any wooll, wooll-fells, hides, or any other Goods and Merchandize, in any Carrick or Gally, ſhall pay to your Majeſty all manner of Cuſtoms, and all the Subſidies aforeſaid, as any Alien born out of the Realm.

The Cuſtom of goods ſhipped in Carricks or Gallies.

Shipping of Herrings.

Provided alwayes, That it ſhall and may be lawful to all and every of the Subjects of our Soveraign Lord the King, at his and their will and pleaſure, to carry and tranſport out of this Realm, in the Ships or other Veſſels of any the Subjects aforeſaid, all and every kind of Herrings, or other Sea-fiſh to be taken upon the Seas, by any the Subjects aforeſaid, from or out of any Port or Harborough of this Realm, to any place out of the Kings Dominions, without paying of any Cuſtom, Subſidy, or Poundage-money for the ſame Herrings and Fiſh ſo carried or tranſported, during this preſent Grant of Subſidy of Tonnage and Poundage, any thing before contained to the contrary notwithſtanding.
EXP.

Anno Reg. JACOBI *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ, viz. Angliæ, Franc. & Hibern. tertio. & Scotiæ triceſimo nono.*

AT the ſecond Seſſion of Parliament begun and holden by prorogation at Weſtminſter, the fifth day of November, in the third year of the Reign of our moſt gracious Soveraign Lord JAMES, by the Grace of God, of England, France, and Ireland, King, Defender of the Faith, &c. and of Scotland the nine and thirtieth: And there continued untill the ſeven and twentieth of May: (And from this ſecond Seſſion of Parliament ending the ſaid ſeven and twentieth of May, the ſaid Parliament was prorogued untill the eighteenth of November next following, 1606. To the high pleaſure of Almighty God, and to the weal publick of this Realm, were enacted as followeth.

CAP. I.

Yearly Prayer ſhall be made for the delivery of the King, &c. from the Gun-powder Treaſon.

The bleſſings of England by the King and his Progeny.

The Gun-powder Treaſon conſpired to have been effected, 5. Nov. Anno Dom. 1605.

FOraſmuch as Almighty God hath in all Ages ſhewed his Power and Mercy, in the miraculous and gracious deliverance of his Church, and in the protection of religious Kings and States, And that no Nation of the Earth hath been bleſſed with greater benefits than this Kingdom now enjoyeth, having the true and free profeſſion of the Goſpel under our moſt gracious Soveraign Lord King JAMES, the moſt great, learned, and religious King that ever Reigned therein, enriched with a moſt hopeful and plentiful Progeny, proceeding out of his Royal Loyns, promiſing continuance of this happineſſe and profeſſion to all poſterity: the which many malignant and deviliſh Papiſts, Jeſuits, and Seminary Prieſts much envying and fearing, conſpired moſt horribly, when the Kings moſt excellent Majeſty, the Queen, the Prince, and all the Lords Spiritual and Temporal, and Commons ſhould have been aſſembled in the upper-Houſe of Parliament upon the Fifth day of November, in the year of our Lord, 1605. ſuddenly to have blown up the ſaid whole Houſe with Gun-powder: An Invention ſo inhumane, barbarous and cruel, as the like was never before heard of, and was (as ſome of the principal Conſpirators thereof confeſſe) purpoſely deviſed and concluded to be done in the ſaid Houſe, that where ſundry neceſſary and religious Laws for preſervation of the Church and State were made, which they falſly and ſlanderouſly term cruel Laws, enacted againſt them and their Religion, both place and perſons ſhould be all deſtroyed and blown up at once, which would have turned to the utter ruine of this whole Kingdom, had it not pleaſed Almighty God, by inſpiring the Kings moſt excellent Majeſty with a Divine Spirit, to interpret ſome dark phraſes of a Letter ſhewed to his Majeſty above and beyond all ordinary conſtruction, thereby miraculouſly diſcovering this hidden Treaſon not many hours before the appointed time for the execution thereof: Therefore the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and all his Majeſties faithful and loving Subjects, do moſt juſtly acknowledge this great and infinite Bleſſing to have proceeded meerly from GOD his great mercy, and to his moſt holy Name do aſcribe all honour, glory and praiſe. And to the end this unfeigned Thankfulneſſe may never be forgotten, but be had in a perpetual remembrance, that all ages to come may yield praiſes to his Divine Majeſty for the ſame, and have in memory THIS JOYFUL DAY OF DELIVERANCE.

How the Treaſon was diſcovered.

Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular Miniſters in every Cathedral and Pariſh Church, or other uſual place for Common Prayer, within this Realm of England and the Dominions of the ſame, ſhall alwayes upon the Fifth day of November ſay morning Prayer, and give unto Almighty God thanks for this moſt happy deliverance: And that all and every perſon and perſons inhabiting within this Realm of England and the Dominions of the ſame, ſhall alwayes upon that day diligently and faithfully reſort to the Pariſh-Church or Chappel accuſtomed, or to ſome uſual Church or Chappel where the ſaid morning-Prayer, Preaching, or other Service of God ſhall be uſed, and then and there to abide orderly and ſoberly during the time of the ſaid Prayers, Preaching, or other Service of God there to be uſed and miniſtred.

Thanks ſhall be given to God in every Church yearly upon the fifth day of November.

And becauſe all and every perſon may be put in mind of his duty, and be then better prepared to the ſaid holy Service, Be it enacted by authority aforeſaid, That every Miniſter ſhall give warning to his Pariſhioners publickly in the Church at morning-Prayer, the Sunday before every ſuch fifth day of November, for the due obſervation of the ſaid day. And that after morning-Prayer, or Preaching upon the ſaid fifth day of November, they read publickly, diſtinctly and plainly this preſent Act.

The Miniſter ſhall give warning of the day the Sunday before.

CAP. II.

Certain perſons attainted of high Treaſon, for conſpiring to blow up with Gun-powder the Parliament Houſe.

IN moſt humble manner beſeechen your moſt excellent Majeſty, your moſt loyal, faithful and true-hearted Subjects, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That whereas Arthur Creſwel Jeſuite, who at the time of his profeſſion to be a Jeſuite, took upon him the name of Joſeph Creſwell, Oſwald Teſmond, Jeſuite, and Thomas Winter late of Huddington in the County of Worceſter, Gentleman, the laſt day of June in the four and fortieth year of the late Queen Elizabeth of famous memory, at Valedolid within the Kingdom of Spain, and at divers other dayes within the ſame four and fortieth year of the ſaid late Queen, at Valedolid aforeſaid, and elſe-where within the ſame Kingdom of Spain, by the means, procurement and privity of Robert Cateſby late of Aſhby in the County of Northampton, Eſquire, Francis Treſham late of Ruſhton in the ſaid County of Northampton, Eſquire, and Henry Garnet Jeſuite, (aſſuming upon him to be Superior of the Jeſuites within this Realm of England) and others, being all natural born Subjects of this Realm, did trayterouſly and againſt the Duty of their Allegiance, move and incite Philip then and yet King of Spain, then being at open enmity and hoſtility with the ſaid late Queen, with force to invade this Kingdom of England, and to joyn with the Papiſts and diſcontented perſons within this Realm of England, to depoſe and overthrow the ſame late Queen, of, and from her Crown, and of, and from all her Royal Eſtate, Title and Dignity, and to ſuppreſſe and aboliſh the true Religion of Almighty God, truly and ſincerely profeſſed within this Kingdom, and to reſtore the ſuperſtitious Romiſh Religion within the ſame, and to bring this ancient, famous, and moſt renowned Kingdom to utter ruine and miſerable captivity under foreign Power: And for that the greateſt impediment unto the ſame Invaſion, would be the want of help of good Horſes, the ſaid Thomas Winter, the rather to encourage the ſame King thereunto, was to offer to the ſame King on the behalf of the Papiſts of England, to give him aſſiſtance preſently upon the landing of his Forces, with one thouſand five hundred, or two thouſand Horſes, And that for their better accompliſhing thereof, he ſhould move the ſame King to furniſh the Papiſts of England with a good ſum of money, partly to be employed to provide and furniſh the Horſes, and partly in Penſions, to be employed upon ſome ſuch as were to be prepared for that Service: All which the ſaid Thomas Winter did relate to the ſaid King of Spain, who (the ſaid Kingdoms of England and Spain then ſtanding in hoſtility) took that offer in very good part, ſaying, That he would reſpect and account of the Catholicks of England (meaning the Papiſts) as of his own Caſtilians, and thereupon agreed that he would make Invaſion, and ſet foot in England about the Spring then next following, and would by way of exchange ſend over unto the Papiſts of England, one hundred thouſand Crowns, to be paid at two dayes agreed upon, all which particulars are extant in the Confeſſion of ſome of the chief Offendors: At which time ſundry Papiſts of England did extraordinarily furniſh themſelves by the trayterous and wicked perſwaſion and means of ſundry Jeſuits both with Horſe and Armour.

Treaſons practiſed in the time of Queen Elizabeth.

To what intent the Treaſons were practiſed.

The King of Spains anſwer to the Traytors motion.

But before theſe things could be effected, Almighty GOD called the ſaid late Queen to his mercy: Immediately after whoſe deceaſe, that is to ſay, in the ſame moneth of March wherein ſhe departed out of this World, Chriſtopher Wright, late of London, Gentleman, was employed by the ſaid Robert Catesby, Francis Treſham, Henry Garnet, and others, into Spain, to negotiate with the ſaid King of Spain, by the means of the ſaid Creſwel the Jeſuite, and others, to proceed in that Invaſion, which the ſaid Thomas Winter had before negotiated with him. And afterward on the two and twentieth day of June, in the firſt year of your Majeſties Reign over this Realm of England, Sir William Stanley Knight, Hugh Owen Eſquire, William Baldwine Jeſuite, and others, did by and with the trayterous procurement, and the conſent of the Offendors aforeſaid, from and out of Flanders in the parts beyond the Seas, under the Government of the Archduke, trayterouſly employ and ſend Guy Fawks, late of London Gentleman, unto the ſaid King of Spain, to negotiate with him on the behalf of the ſaid Papiſts of England, for Invaſion to be had againſt this Realm of England, to the ſame effect as was committed to the ſaid Chriſtopher Wright, as is aforeſaid: And the ſaid Guy Fawks and Chriſtopher Wright, though they had all the furtherance of the ſaid Creſwel the Jeſuite that he could give, yet finding no ſuch entertainment with the ſaid King, who (as by the ſequel appeareth) grew into deteſtation with the ſaid propoſitions and negotiations, as they expected or deſired: But being wholly diſappointed of all their hopes concerning that matter, the ſaid Robert Catesby, and divers other perſons within this Realm, did ſend over the ſaid Thomas Winter into the ſaid Country of Flanders, to procure the ſaid Guy Fawks, a natural born Subject of this Realm, and yet a moſt trayterous, deſperate, and bloody minded perſon, then ſerving as a Souldier in the Low-Countries, to come over unto this Realm, and by, and with the trayterous conſpiracy and conſent of the ſaid Henry Garnet, Oſwald Teſmond, John Garrard, and other Jeſuits, and Thomas Pearcy late of London Eſquire, John Wright late of London Gentleman, the ſaid Chriſtopher Wright, Francis Treſham, Robert Winter, late of Huddington aforeſaid, Eſquire, John Graunt late of Norbrook in the County of Warwick Eſquire, Ambroſe Rookwood, late of Stanningfield in the County of Suffolk Eſquire, Everard Digby late of Gotehurſt in the County of Buckingham Knight, Robert Keyes late of London Gentleman, and Thomas Bates late of London Yeoman, to undertake the execution of the moſt wicked, barbarous, execrable, and abominable Treaſon that ever could enter into the heart of the moſt wicked man, by blowing up with Gun-powder the Houſe of Parliament, at ſuch time as your moſt excellent Majeſty, and your deareſt Conſort the Queen, and the moſt noble Prince Henry, together with the Lords Spiritual and Temporal, the Judges of the Realm, and the Knights, Citizens, and Burgeſſes of Parliament ſhould be in the Parliament-Houſe aſſembled, (for which moſt trayterous and barbarous purpoſe there were ſecretly laid in a Vault or Cellar under the Parliament-Houſe, thirty ſix Barrels of Gun-powder, or thereabouts) to the utter overthrow and ſubverſion of the whole State of this flouriſhing and renowned Kingdom, if God of his infinite mercy had not moſt miraculouſly by your Majeſties bleſſed direction, diſcovered the ſame, in finding out the ſaid Barrels of Gun-powder in the ſaid Vault or Cellar, but few hours before the time appointed for the execution thereof: All which moſt heinous, horrible, and damnable Treaſons are moſt manifeſt and apparent by the voluntary confeſſions and acknowledgments of the Offendors themſelves: Of which moſt barbarous, bloody, and deteſtable Treaſon, for conſpiring and preparing to blow up the ſaid Parliament Houſe with Gun-powder, the ſaid Robert Winter, Thomas Winter, Guy Fawks, Robert Keys, Ambroſe Rookwood, John Graunt, and Thomas Bates, have been lately indicted, and during this preſent Seſſion of Parliament arraigned, convicted by Verdict, and thereupon attainted. And the ſaid Sir Everard Digby Knight, hath likewiſe been indicted, and during this preſent Seſſion of Parliament convicted and attainted by his own confeſſion of Record upon his Arraignment, according to the Laws of this your Majeſties Realm, as by the Records of their ſeveral Indictments and Attainders it doth and may more plainly appear: And for the which offences the ſaid Sir Everard Digby, Robert Winter, Thomas Winter, Guy Fawkes, Ambroſe Rookwood, John Graunt, Robert Keyes, and Thomas Bates, have ſuffered pains of death according to their demerits, And the ſaid Robert Catesby, Thomas Pearcy, John Wright, and Chriſtopher Wright, were lately ſlain in open Rebellion by them and other the ſaid moſt wicked Traytors, moved and ſtirred within divers Parts and Counties of this Realm, ſhortly after the ſaid diſcovery of their ſaid moſt deteſtable and damnable Treaſon, in conſpiring and preparing to blow up the ſaid Parliament-Houſe, as aforeſaid: And the ſaid Hugh Owen doth (of purpoſe, and for fear of condigne puniſhment according to his demerits) reſide and keep himſelf beyond the Seas, by means whereof he cannot in reſpect of ſuch his voluntary abſence be arraigned, and publickly by due tryal of Law, upon apparent teſtimony and proof againſt him, be proceeded withall for his moſt heinous and abominable Treaſons: And the ſaid Francis Treſham, being likewiſe one of the ſaid moſt deteſtable Traytors, and being apprehended and impriſoned in the Tower of London, having by ſundry his examinations confeſſed himſelf a principal Traytor in all the ſaid moſt wicked and abominable Treaſons, died in the ſaid Tower, during the time of his ſaid impriſonment, and before he could be indicted of the ſaid Treaſon.

Practiſers in Flanders of invaſion of this Realm.

The King of Spain deteſted the Treaſon.

The practicers of the Gunpowder Treaſon, and their wicked intent.

Certain of the Traytors put to death.

Certain of the Traytors ſlain in the field.

Hugh Owen.

Francis Treſham.

It may therefore pleaſe your Majeſty, of your bleſſed care and diſpoſition to and for the continuance of Gods true Religion and Service, and for the preſervation and ſafety of your moſt excellent Majeſty, and the gracious Queen, the moſt noble Prince, and the reſt of your Royal Progeny, and for the intire love, favour, and hearty affection that your Majeſty hath alwayes heretofore born, and yet beareth to the Common-wealth, and ſafety of this your Realm of England, (to the end that all others may hereafter fear to enter into any cogitation to attempt the like barbarous and deteſtable Treaſons,) That all and every the Convictions and Attainders of the ſaid Robert Winter, Thomas Winter, Guy Fawkes, Ambroſe

The convictions and attainders of the Traytors confirmed.

Ambroſe Rookwood, John Graunt, Robert Keyes, Thomas Bates, and Sir Everard Digby, may be approved and confirmed: And be the ſame approved and confirmed by the authority of this preſent Parliament: And that it may be further enacted by the authority aforeſaid, That as well the ſaid Robert Winter, Guy Fawkes, Ambroſe Rookwood, John Graunt, Robert Keyes, Thomas Bates, and Sir Everard Digby, as alſo the ſaid Robert Catesby, Thomas Pearcy, John Wright, Chriſtopher Wright, Hugh Owen, and Francis Treſham, and every of them, for the moſt abominable and deteſtable Treaſon, in conſpiring and preparing the blowing up of the ſaid Parliament-Houſe, ſtand and be adjudged, and by authority of this preſent Act convicted and attainted of high Treaſon: And that ſuch and ſo many of the ſaid Offendors, and perſons as are attainted by the courſe of the Common Laws of this Realm as is aforeſaid, ſhall loſe and forfeit to your Majeſty, and to your Heirs and Succeſſors, all and every ſuch their Mannors, Meſſuages, Lands, Tenements, Rents, Reverſions, Remainders, Poſſeſſions, Rights, Conditions, Intereſts, Offices, Fees, Annuities, and all other their Hereditaments, Goods, Chattels, Debts, and other things of whatſoever names, natures, or qualities they be, which they the ſaid Offendors, and perſons already attainted by the courſe of the Common Laws of this Realm, as is aforeſaid, or any of them had, or any other perſon or perſons, to their or any of their uſe or uſes, had the day of the ſaid ſeveral Treaſons ſpecified in the ſeveral Indictments whereupon they have been attainted, by them or any of them committed, perpetrated or done, as is aforeſaid, or at any time ſithence.

The forfeitures of the Offendors.

And that the ſaid Robert Catesby, Thomas Pearcy, John Wright, Chriſtopher Wright, Hugh Owen, and Francis Treſham, ſhall forfeit and loſe to your Majeſty, your Heirs and Succeſſors, all and every ſuch their Manors, Meſſuages, Lands, Tenements, Rents, Reverſions, Remainders, Poſſeſſions, Rights, Conditions, Intereſts, Offices, Fees, Annuities, and all other their Hereditaments, Goods, Chattels, Debts, and other things, of whatſoever names, natures, or qualities they be, which they the ſaid Robert Catesby, Thomas Pearcy, John Wright, Chriſtopher Wright, Hugh Owen, and Francis Treſham, or any of them had, or any other perſon or perſons to their or any of their uſe or uſes had, the dayes and times of their ſaid ſeveral Treaſons, by them and every of them committed, perpetrated and done as is aforeſaid: That is to ſay, the ſaid Robert Catesby, Thomas Pearcy, John VVright, and Chriſtopher Wright, the twentieth day of May, in the ſecond year of your Majeſties Reign of England, France and Ireland, and of Scotland the ſeven and thirtieth, or at any time ſithence, The ſaid Hugh Owen the twentieth day of May laſt paſt, or at any time after, And the ſaid Francis Treſham the fourteenth day of October laſt, or at any time ſince. And that all and ſingular ſuch Manors, Meſſuages, Lands, Tenements, Rents, Reverſions, Remainders, Poſſeſſions, Rights, Conditions, Offices, Fees, Annuities, and all other Hereditaments, Goods, Chattels, Debts, and other the Premiſſes of all and ſingular the Offendors, as by the Laws and Statutes of this Realm, or by force of this Act of Parliament, are or ſhall be forfeited to your Majeſty, ſhall be deemed, veſted, and judged to be in the actual and real poſſeſſion of your Majeſty, without any Office or Inquiſition thereof hereafter to be taken or found. Saving to all and every perſon and perſons, Bodies politick and corporate, and to their Heirs, Succeſſors, and Aſſigns of every of them, other than the ſaid perſons attainted, and other than the ſaid Offendors before by this Act attainted, and their Heirs, and the Heirs of every of them, claiming any thing in the ſaid Manors, Meſſuages, Lands, Tenements, and other the Premiſſes, or any part thereof, only as Heir or Heirs, and all and every other perſon and perſons claiming, or having any thing in the premiſſes, or any part thereof, to their uſes, or to the uſe of any of them, All ſuch Eſtate, Right, Title, Uſe, Poſſeſſion, Intereſt, Reverſion, Remainder, Entry, Condition, Fees, Offices, Rents, Annuities, Leaſes, Commons, Action, Suit, Petition, Execution, and all other Hereditaments, and all actions and means to recover or obtain the ſame whatſoever, which they or any of them had or ought to have in the premiſſes, or any part thereof, at or before the ſaid ſeveral Treaſons by the ſaid ſeveral Offendors reſpectively committed or done, in as large and ample manner to all intents and purpoſes, as if this Act had never been had nor made, Any thing therein contained to the contrary thereof notwithſtanding.

The forfeiture of certain of the Traytors which were not arraigned.

From what days their ſeveral forfeitures ſhall have relation.

All the lands and goods of the Traytors attainted ſhall be in the actual poſſeſſion of the King.

A ſaving the right of others.

And alſo all ſuch Eſtate, Right, Title, Uſe, Poſſeſſion, Intereſt, reverſion, Remainder, Entry, Conditions, Fees, Offices, Rents, Annuities, Commons, and all other Commodities and Hereditaments whatſoever, which they or any of them (except the perſons before excepted) now have, or at any time hereafter ſhall or may have, only by vertue of any lawful Conveyance or Limitation made before the ſame ſeveral Treaſons committed or done, for which the ſaid Offendors have been attainted, or are by this Act attainted, in as large and ample manner to all intents and purpoſes, as if this Act had never been had or made, This Act or any thing therein contained to the contrary thereof notwithſtanding.

Provided alwayes, That this Act, or any thing therein contained, ſhall not extend to give the Kings Highneſſe, his Heirs or Succeſſors, any benefit or commodity of, or to any Goods, Chattels or Debts, that were any of the ſaid perſons, at the Common Law, or by this Act attainted, at the time of the ſeveral Treaſons by them done and committed, and by them or any of them lawfully and juſtly without fraud or covin given, granted, bargained, releaſed, or diſcharged before the fifth day of November laſt paſt, but that all and every ſuch perſon and perſons, to whom any lawful Bargain, Gift, Grant, Releaſe, or Diſcharge hath been made, as is aforeſaid, ſhall and may have, hold, and enjoy the ſame, and be acquitted and diſcharged thereof, in ſuch and like manner and form to all intents and purpoſes, as though this Act had never been had or made.

Goods, Chattels or Debts of the Traytors given, releaſed, or diſcharged before the fifth of November laſt.

CAP.

CAP. III.

The things which are to be done by force of the Statute of 1 Jac. 2. may be performed in any other Seſſion of this Parliament.

A rehearſal of the ſtat. of 1 Jac. and the cauſes why it cannot be perfected at this time.

VVhereas in the Seſſion of Parliament holden at Weſtminſter the nineteenth day of March, in the firſt year of the Reign of our moſt dread Soveraign Lord James, by Grace of God, of England, France and Ireland, King, Defender of the Faith, &c. and of Scotland the ſeven and thirtieth, For the honor of his Majeſty, and the weal & common good of both the ſaid Realms, there was amongſt other things made and ordained one good and profitable Act of Parliament, entituled, An Act authoriſing certain Commiſſioners of the Realm of England to treat with the Commiſſioners of Scotland for the weal of both Kingdoms: And albeit by the long and worthy labours of the Commiſſioners, authoriſed by both Parliaments of the ſaid Realms, all things have in all particulars been fully and effectually purſued and accompliſhed, which by vertue of the ſaid Act were and ought to have been done either before, or at this preſent Seſſion of Parliament, about the execution of the ſaid Commiſſion, or the preſenting of the Inſtruments concerning the ſame; And that of matters of greateſt importance, there ought to be had timely and due conſideration: Yet for that it is known to all, what time hath been juſtly and neceſſarily beſtowed upon divers other important buſineſſes, preſſing preſent reſolution and diſpatch, principally depending upon the proceedings incident to the late moſt barbarous and pernicious Conſpiracy, and in reſpect of the length of this Seſſion, and of the growing charges of all that attend theſe Services, together with the coming on of the Year, the doubt of Sickneſſe, the approaching of the next Term for the publick adminiſtration of Juſtice, the time that the bringing of the ſaid worthy labours of the ſaid Commiſſioners to their due effect and conſummation will require, and the preſent neceſſity that the reſidue of this Seſſion ſhould be ſpent in the view and confirmation of thoſe Bills (many of them of great importance) which have been with good deliberation begun and proceeded withall in this Seſſion of Parliament, and ſhall utterly periſh if the ſame receive not life and perfection at this preſent Seſſion: And for that it is manifeſt by the ſaid Act, That that which is yet to be done and performed by force of the ſaid Act, may as well be done and performed in the next Seſſion of this preſent Parliament, with all convenient expedition, and without any unneceſſary delay, or unſeaſonable deliberation: Be it declared and enacted by the King our Soveraign Lord, by and with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every proceeding and proceedings, matter and matters, thing and things whatſoever, which are yet to be had, made, done or performed, of or concerning the ſaid Act, or in or about the full and final execution of the ſame, ſhall and may in every reſpect be as effectually and fully had, made, performed and done in any other Seſſion of this Parliament, as if the ſame had been had, made, done and performed in this preſent Seſſion.

Every matter which is to be done by force of the ſtat. of 1 Jac. 2. may be done in any other Seſſion of this Parliament.

4 Jac. 1.

CAP. IV.

An Act for the diſcovering and repreſſing of Popiſh Recuſants.

FOraſmuch as it is found by daily experience, that many his Majeſties Subjects, that adhere in their hearts to the Popiſh Religion, by the infection drawn from thence, and by the wicked and deviliſh Counſel of Jeſuits, Seminaries, and other like perſons dangerous to the Church and State, are ſo far perverted in the point of their Loyalties and due Allegiance unto the Kings Majeſty, and the Crown of England, as they are ready to entertain and execute any treaſonable Conſpiracies & Practices, as evidently appears by that more then barbarous and horrible attempt to have blown up with Gun-powder the King, Queen, Prince, Lords and Commons in the Houſe of Parliament aſſembled, tending to the utter ſubverſion of the whole State, lately undertaken by the inſtigation of Jeſuites and Seminaries, and in advancement of their Religion by their Schollars, taught and inſtructed by them to that purpoſe; which attempt by the only goodneſſe of Almighty God was diſcovered and defeated: And where divers perſons popiſhly affected, do nevertheleſſe, the better to cover and hide their falſe hearts, and with the more ſafety to attend the opportunity to execute their miſchievous deſigns, repair ſometimes to Church to eſcape the penalty of the Laws in that behalf provided:

Some popiſhly affected do repair to the Church.

For the better diſcovery therefore of ſuch perſons, and their evil affections to the Kings Majeſty, and the State of this his Realm, to the end that being known, their evil purpoſe may be the better prevented, Be it enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every Popiſh Recuſant convicted, or hereafter to be convicted, which heretofore hath conformed him or her ſelf, or which ſhall hereafter conform him or her ſelf, and repair to the Church, and continue there during the time of Divine-Service, according to the Laws and Statutes in that behalf made and provided, ſhall within the firſt year next after the end of this Seſſion of Parliament (if he or ſhe be conformed as aforeſaid, before the end of this Seſſion of Parliament) or within the firſt year next after that he or ſhe ſhall after this Seſſion of Parliament ſo conform him or her ſelf, and repair to Church, as aforeſaid, and after the ſaid firſt year ſhall once in every year following at the leaſt receive the bleſſed Sacrament of the Lords Supper, in the Church of that Pariſh where he or ſhe ſhall moſt uſually abide, or be within the ſaid year, wherein by the true meaning of this Statute, he or ſhe ought ſo to receive.

And if there be no ſuch Pariſh-Church, then in the Church next adjoyning to the place of his

Cro. Jac. 365.

The forfeiture of a conformed Recuſant, which doth not receive the Sacrament of the Lords Supper yearly.

his or her ſuch moſt uſual abode. And if any Recuſant ſo conformed, ſhall not receive the ſaid Sacrament of the Lords Supper accordingly, he or ſhe ſhall for ſuch not receiving, loſe and forfeit for the firſt year twenty pounds, and for the ſecond year for ſuch not receiving, forty pounds, and for every year after for ſuch not receiving, threeſcore pounds, untill he or ſhe ſhall have received the ſaid Sacrament as is aforeſaid. And if after he or ſhe ſhall have received the ſaid Sacrament as is aforeſaid, and after ſhall eftſoons at any time offend in not receiving the ſaid Sacrament as is aforeſaid, by the ſpace of one whole year, That in every ſuch caſe, the perſon ſo offending, ſhall for every ſuch offence loſe and forfeit threeſcore pounds of lawful Engliſh money, the one moyety to be to our Soveraign Lord the Kings Majeſty, his Heirs and Succeſſors, and the other moyety to him that will ſue for the ſame, And to be recovered in any of the Kings Courts of Record at Weſtminſter, or before Juſtices of Aſſize or general Gaol-delivery, or before Juſtices of the Peace at their general Quarter-Seſſions, by action of Debt, Bill, Plaint or Information, wherein no Eſſoine, Protection, or Wager of Law ſhall be allowed.

Preſenting the monethly abſence from Church of a Recuſant.

A Recuſants children and ſervants.

And be it further enacted by the authority of this preſent Parliament, That the Churchwardens and Conſtables of every Town, Pariſh or Chappel, for the time being, or ſome one of them, or if there be none ſuch, then the chief Conſtables of the Hundred where ſuch Town, Pariſh or Chappel, is or ſhall be, or one of them, as well in places exempt, as not exempt, ſhall once in every year, preſent the monethly abſence from Church of all and all manner of popiſh Recuſants within ſuch Towns and Pariſhes, and ſhall preſent the names of every of the Children of the ſaid Recuſants, being of the age of nine years and upwards, abiding with their ſaid Parents, and as near as they can, the age of every of the ſaid Children, as all the names of the Servants of ſuch Recuſants, at the general or quarter Seſſions of that Shire, Limit, Diviſion or Liberty.

The preſentments recorded.

And be it further enacted by the authority aforeſaid, That all ſuch preſentments ſhall be accepted, entred and recorded in the ſaid Seſſions by the Clerk of the Peace, or Town-Clerk for the time being, or his Deputy, without any fee to be had, asked or taken for the ſame. And in default of ſuch preſentment to be made, the ſaid Churchwardens, Conſtables, or high Conſtables reſpectively, ſhall for every ſuch default forfeit xx. s. And in default of ſuch accepting, entring and recording without fee as aforeſaid, the ſaid Clerk of the Peace, or Town-Clerk, ſhall for every ſuch offence forfeit and loſe xl. s.

The reward of the Churchwardens and Conſtables.

And that upon every preſentment of ſuch monethly abſence, as aforeſaid, whereupon ſuch party ſo preſented, ſhall after happen to be indicted and convicted (not being for the ſame abſence before preſented) Then the ſaid Churchwardens, Conſtables, or high Conſtables reſpectively, ſo making ſuch preſentments, ſhall have a reward of xl. s. to be levied out of the Recuſants Goods and Eſtate, in ſuch manner and form, as by the more part of the ſaid Juſtices ſhall be by Warrant under their Hands and Seals, then and there ordered and appointed.

Which Officers ſhall enquire of Offenders.

The effect of the Proclamation.

And be it further enacted by the authority aforeſaid, That the Juſtices of Aſſiſe and Gaol-delivery at their Aſſiſes, and the ſaid Juſtices of Peace at their ſaid Seſſions, ſhall have power and authority by vertue of this Act, to enquire, hear and determine of all Recuſants and offences, as well for not receiving the Sacrament aforeſaid, according to the true meaning of this Law, as for not repairing to Church, according to the meaning of former Laws, in ſuch manner and form as the ſaid Juſtices of Aſſiſe and Gaol-delivery do, or may now do by former Laws in caſe of Recuſancy for not repairing to Church; and alſo ſhall have power at their Aſſiſes and Gaol-delivery, and at the Seſſions (in which any Indictment againſt any perſon, either for not repairing to Church, according to former Laws, or not receiving the ſaid Sacrament according to this Law, ſhall be taken) to make Proclamation, by which it ſhall be commanded that the body of every ſuch Offendor ſhall be rendered to the Sheriff of the ſame County, or Bailiff or other Keeper of the Gaol of the Liberty, before the next Aſſiſes and general Gaol-delivery, or before the next general or quarter Seſſions reſpectively to be holden for the ſaid Shire, Limit, Diviſion or Liberty. And if at the ſaid next Aſſiſes and general General Gaol-delivery, or Seſſions, the ſame offendor ſo proclaimed ſhall not make appearance of Record, That then upon every ſuch default recorded, the ſame ſhall be as ſufficient a conviction in Law of the ſaid offence whereof the party ſhall ſtand indicted as aforeſaid, as if upon the ſame Indictment a trial by verdict thereupon had proceeded, and been found againſt him or her, and recorded.

Conviction of a Recuſant.

The penalty of a convicted Recuſant.

29 Eliz. 6.

And be it further enacted, That every Offendor in not repairing to Divine-Service, but forbearing the ſame, contrary to the Statutes in that behalf made and provided, that hereafter ſhall fortune to be thereof once convicted, ſhall in ſuch of the Terms of Eaſter and Michaelmas as ſhall be next after ſuch conviction, pay into the receipt of the Exchequer after the rate of xx. li. for every moneth which ſhall be contained in the Indictment, whereupon ſuch conviction ſhall be; And ſhall alſo for every moneth after ſuch conviction, without any other indictment or conviction, forfeit twenty pounds, and pay into the receipt of the Exchequer aforeſaid, at two times in the year, That is to ſay, in every Eaſter and Michaelmas Term, as much as then ſhall remain unpaid after the rate of twenty pounds for every moneth after ſuch conviction, except in ſuch caſes where the King ſhall and may by force of this Act refuſe the ſame, and take two parts of the Lands, Tenements, Hereditaments, Leaſes and Farms of ſuch Offendor, till the ſaid party being indicted for not coming to Church contrary to former Laws, ſhall conform himſelf and come to Church, according to the meaning of the Statute in that behalf made and provided.

Every conviction ſhall be certified into the Exchequer.

And that every conviction recorded for any offence before mentioned, ſhall from the Juſtices before whom the Record of ſuch conviction ſhall be remaining, be certified into the Kings Majeſties Court of Exchequer, before the end of the Term following ſuch conviction, in

29 Eliz. 6.

in ſuch convenient certainty for the time, and other circumſtances, as the Court of Exchequer may thereupon award out Proceſs for the ſeiſure of the Lands and Goods of every ſuch Offendor, as the cauſe ſhall require: And if default ſhall be made in any part of any payment aforeſaid, contrary to the form herein before limited, that then and ſo often, the Kings Majeſty, his Heirs and Succeſſors, ſhall and may by Proceſs out of the ſaid Exchequer, take, ſeize, and enjoy all the Goods, and two parts as well of all the Lands, Tenements, Leaſes and Farms of ſuch Offendor, as of all other the Lands, Tenements and Hereditaments liable to ſuch ſeizure, or to the penalties aforeſaid, by the true meaning of this Act, leaving the third part only of the ſame Lands, Tenements and Hereditaments, Leaſes and Farms, to and for the maintenance and relief of the ſame Offendor, his Wife, Children and Family.

The ſtat. of 23 Eliz. touching a Recuſants monethly forfeiture.

And whereas by an Act made in the Seſſion of Parliament holden by prorogation at Weſtminſter, in the three and twentieth year of the Reign of the late Queen Elizabeth, entituled, An Act to retain the Subjects of the ſaid late Queen in their due obedience, It was amongſt other things enacted by authority of the ſaid Parliament, That every perſon above the age of ſixteen years, which ſhould not repair to ſome Church, Chappel, or uſual place of Common-Prayer, but forbear the ſame contrary to the tenor of a Statute made in the firſt year of the Reign of the ſaid late Queen, for Uniformity of Common-Prayer, and being thereof lawfully convicted, ſhould forfeit to the ſaid Queen, for every moneth after the end of the ſaid Seſſion of Parliament which he or ſhe ſhould forbear, twenty pounds of lawful Engliſh money, as in and by the ſaid Act of Parliament more at large appeareth.

How by the ſtat. of 29 Eliz. 6. the Queen ſhould recover forfeitures due to her by Recuſants.

The King may refuſe xx. li. a moneth, and take two parts of a Recuſants lands.

Saving the right of others

And whereas afterward by another Act of Parliament of the ſaid Queen, It was further enacted by the authority of the ſaid Parliament (amongſt other things) how and when the ſaid payments of the ſaid twenty pounds ſhould be made, and that if default ſhould be made in any part of any payment of the ſaid twenty pounds, contrary to the form in the ſaid laſt ſpecified Statute limited, that then, and ſo often, the ſaid Queen ſhould and might by Proceſs out of her Highneſſe Exchequer, take, ſeize, and enjoy all the Goods, and two parts aſwell of all the Lands, Tenements and Hereditaments, Leaſes and Farms of ſuch Offendor, as of all other the Lands, Tenements and Hereditaments liable to ſuch ſeizure, or to the penalties aforeſaid, by the true meaning of the ſaid Act of Parliament, leaving the third part only of the ſame Lands, Tenements and Hereditaments, Leaſes and Farms, to and for the maintenance and relief of the ſame Offendor, his Wife, Children and Family, as in and by the laſt ſpecified Statute more at large alſo may appear: Now foraſmuch as the ſaid penalty of twenty pounds monethly, is a greater burden unto men of ſmall living, than unto ſuch as are of better ability, and do refuſe to come unto Divine-Service as aforeſaid, who rather than they will have two parts of their Lands to be ſeiſed, will be ready alwayes to pay the ſaid twenty pounds, according to the limitation of the ſaid Statutes, and yet retain the reſidue of their Livings and Inheritance in their own hands, being of great yearly value, which they do for the moſt part imploy (as experience hath taught) to the maintenance of Superſtition and Popiſh Religion, and to the relief of Jeſuites, Seminaries, Popiſh Prieſts, and other dangerous perſons to the State: Therefore to the intent that hereafter the penalty for not repairing to Divine-Service, might be inflicted in better proportion upon men of great ability, Be it enacted by the authority of this preſent Parliament, That the Kings Majeſty, his Heirs and Succeſſors, ſhall from and after the Feaſt of Saint Michael the Archangel next coming after the end of this Seſſion of Parliament, have full power and liberty to refuſe the penalty of twenty pounds a moneth, though it be tendered ready to be paid according to the Law, and thereupon to ſeiſe and take to his own uſe, and the uſes, intents and purpoſes hereafter limited, two parts in three to be divided, as well of all the Lands, Tenements and Hereditaments, Leaſes and Farms, that at the time of ſuch ſeiſure ſhall be, or afterward ſhall come to any the ſaid Offendors, in not coming to Church, or any other to his or her uſe, or in truſt for him or her, or at his or her diſpoſition, or whereby or wherewith, or in conſideration whereof ſuch Offendor or his Family, or any of them ſhall be relieved, maintained or kept, as of all other Lands, Tenements and Hereditaments in any wiſe, or at any time liable to ſuch ſeiſure, or to the penalties aforeſaid, and the ſame to retain to his own, and other uſes, intents and purpoſes hereafter in this Act appointed, till every ſuch Offendor ſhall conform him or her ſelf, reſpectively as aforeſaid, in lieu and full recompence of the twenty pounds monethly, that during his ſuch ſeiſure and retainer ſhall incur, Any thing in the ſaid Statutes, or any of them, or any other Statute to the contrary in any wiſe notwithſtanding. Saving to our Soveraign Lord the Kings Majeſty, his Heirs and Succeſſors, and all and every perſon and perſons, Bodies politick and corporate, their Heirs and Succeſſors, (other than the ſaid Offendor, his or her heirs, and all claiming to his or their uſe, or in truſt for him or them, or at his or their will or diſpoſition) all and all manner of Leaſes, Rents, Conditions, and other Rights and Titles whatſoever had, made and done (Bona fide) and without fraud and covin, before ſuch ſeiſure.

A Recuſants manſion-houſe ſhall be reſerved to him. The Kings two parts ſhall not be demiſed to a Recuſant.

Provided alwayes, and be it enacted by the authority aforeſaid, That the Kings Majeſty, his Heirs and Succeſſors, ſhall not take into his two parts, but leave to ſuch Offendor his chief manſion-houſe, as part of his third part, and ſhall not demiſe, leaſe, nor put over the ſaid two parts, nor any part thereof to any Recuſant, nor to or for the uſe of any Recuſant. And that whoſoever ſhall take the ſame in Leaſe, or otherwiſe of his Majeſty, his Heirs and Succeſſors, ſhall give ſuch ſecurity not to commit, nor ſuffer waſte to be committed in or upon any the ſaid premiſſes, as by the Court of Exchequer ſhall be allowed ſufficient.

And for the better trial how his Majeſties Subjects ſtand affected in point of their loyalty and due obedience, Be it alſo enacted by the authority aforeſaid, That from and after the end of this preſent Seſſion of Parliament, it ſhall be lawful to and for any Biſhop in his Dioceſs, or any two Juſtices of Peace, whereof one of them to be of the Quorum, within the limits of their juriſdiction out of the Seſſions, to require any perſon of the age of eighteen years or above, being, or which ſhall be convict or indicted of or for any Recuſancy, other than Noble men or Noble women, for not repairing to Divine Service, according to the Laws of this Realm, or which ſhall not have received the ſaid Sacrament twice within the year then next paſt, Noble men and Noble women excepted, or any perſon paſſing in or through the Country, Shire or Liberty, and unknown, except as is laſt before excepted, that being examined by them upon Oath ſhall confeſſe, or not deny himſelf or her ſelf to be a Recuſant, or ſhall confeſſe or not deny that he or ſhe had not received the Sacrament twice within the year then laſt paſt, to take the Oath hereafter following upon the holy Evangeliſts: Which ſaid Biſhop, or two Juſtices of the Peace ſhall certifie in writing ſubſcribed with his or their hands at the next General or Quarter-Seſſions for that Shire, Limit, Diviſion or Liberty, within which the ſaid Oath ſhall be ſo taken, the Chriſtian name, Sirname, and place of abode of every perſon, which ſhall ſo take the ſaid Oath, which Certificate ſhall be there recorded by the Clerk of the Peace, or Town-Clerk, and kept amongſt the Records of the ſaid Seſſions.

Who are compellable to the Oath.

Certificate of the name of him which taketh the Oath.

And be it further enacted, That if any ſuch perſon or perſons, other than Noble men, or Noble women, ſhall refuſe to anſwer upon Oath to ſuch Biſhop or Juſtices of Peace examining him or her as aforeſaid, or to take the ſaid Oath ſo duly tendered unto him or her by ſuch Biſhop, or two ſuch Juſtices of Peace out of Seſſions, that then the ſaid Biſhop or Juſtices of Peace ſhall and may commit the ſame perſon to the Common-Gaol, there to remain without bail or mainpriſe, until the next Aſſiſe, or General or Quarter-Seſſions to be holden for the ſaid Shire, Diviſion, Limit or Liberty, where the ſaid Oath ſhall be again in the ſaid open Aſſizes or Seſſions required of ſuch perſon, by the ſaid Juſtices of Aſſize, or Juſtices of Peace then and there preſent, or the greater number of them. And if the ſaid perſon or perſons, or any other perſon whatſoever, other than Noble men, or Noble women, of the age of eighteen years or above, ſhall refuſe to take the ſaid Oath being tendered unto him or her by the Juſtices of Aſſize and Gaol-delivery in their open Aſſizes, or the Juſtices of Peace, or the greater part of them, in their ſaid general Quarter-Seſſions, every perſon ſo refuſing, ſhall incur the danger and penalty of Premunire, mentioned in the Statute of Premunire made in the ſixteenth year of the Reign of King Richard the ſecond, except women covert, who upon refuſal of the ſaid Oath, ſhall be by the ſaid Juſtices of Aſſize in their open Aſſize, or Juſtices of Peace in their General or Quarter-Seſſions, for the ſaid offence, committed only to the Common-Gaol, there to remain without bail or mainpriſe, till they will take the ſaid Oath,

Refuſal of the Oath.

The penalty of Premunire. Co. 11a f. 354. Woman covert.

The form of which Oath hereafter followeth.

The form of the Oath of obedience.

I A. B. do truly and ſincerely acknowledge, profeſſe, teſtifie, and declare in my conſcience before God and the World, That our Soveraign Lord King JAMES is lawful and rightful King of this Realm, and of all other his Majeſties Dominions and Countries; and that the Pope neither of himſelf, nor by any authority of the Church or See of Rome, or by any other means with any other, hath any power or authority to depoſe the King, or to diſpoſe any of his Majeſties Kingdoms or Dominions, or to authoriſe any Forein Prince to invade or annoy him, or his Countries, or to diſcharge any of his Subjects of their Allegiance and Obedience to his Majeſty, or to give licence or leave to any of them to bear Arms, raiſe Tumult, or to offer any violence or hurt to his Majeſties Royal Perſon, State, or Government, or to any of his Majeſties Subjects within his Majeſties Dominions.

Alſo I do ſwear from my heart, That notwithſtanding any Declaration or Sentence of Excommunication, or deprivation made or granted, or to be made or granted by the Pope or his Succeſſors, or by any authority derived, or pretended to be derived from him or his See, againſt the ſaid King, his Heirs or Succeſſors, or any Abſolution of the ſaid Subjects from their Obedience: I will bear Faith and true Allegiance to his Majeſty, his Heirs and Succeſſors, and him and them will defend to the uttermoſt of my Power, againſt all Conſpiracies and Contempts whatſoever, which ſhall be made againſt his or their Perſons, their Crown and Dignity, by reaſon or colour of any ſuch Sentence or Declaration, or otherwiſe, and will do my beſt endeavour to diſcloſe and make known unto his Majeſty, his Heirs and Succeſſors, all Treaſons and trayterous Conſpiracies, which I ſhall know or hear of to be againſt him or any of them.

And I do further ſwear, That I do from my heart abhor, deteſt, and abjure, as impious and heretical, this damnable Doctrine and Poſition, That Princes which be excommunicated or deprived by the Pope, may be depoſed or murthered by their Subjects, or any other whatſoever.

And I do believe, and in my Conſcience am reſolved, That neither the Pope, nor any perſon whatſoever, hath power to abſolve me of this Oath, or any part thereof, which I acknowledge by good and full authority to be lawfully miniſtred unto me, and do renounce all Pardons and Diſpenſations to the contrary. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to theſe expreſſe words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any Equivocation, or mental Evaſion, or ſecret Reſervation whatſoever. And I do make this recognition and acknowledgment heartily, willingly, and truly, upon the true faith of a Chriſtian. So help me God.

Unto which Oath ſo taken, the ſaid perſon ſhall ſubſcribe his or her name or mark.

And be it further enacted by the authority aforeſaid, That no Inditement or Indictments had or found, or hereafter to be had or found againſt any perſon or perſons, for not repairing to ſome Church or Chappel, or uſual place of Common-Prayer, but abſenting him or her ſelf by the ſpace of one moneth, contrary to the Laws and Statutes in that behalf provided, or for not receiving the ſaid Sacrament contrary to this preſent Law; Nor any

No Inditement of a Recuſant ſhall be reverſed for default of form.

Proclamation, Utlawry, or other proceeding thereupon, ſhall at any time hereafter be avoided, diſcharged or reverſed, by reaſon of any default in form, or lack of form, or other defect whatſoever (other than by direct Traverſe to the point of not coming to Church, or not receiving the ſaid Sacrament) whereof ſuch perſon or perſons hath been or ſhall be indicted, but the ſame Indictment ſhall ſtand in force, and be proceeded upon: Any ſuch default of form, or other defect whatſoever notwithſtanding.

Coke 11. fol. 8.

He that conformeth himſelf, may traverſe an Indictment.

Provided alwayes, That if any perſon or perſons ſo indicted, or to be indicted, ſhall at any time hereafter ſubmit and conform him or her ſelf, and become obedient to the Laws of the Church of England, and repair to the Pariſh-Church of his or their moſt abiding; and if there be none ſuch, then to the Church next adjoyning to his or her ſuch dwelling, and there hear Divine Service, according to the true meaning of the Statute in that behalf made and provided, and there publickly receive the ſaid Sacrament, according to the Laws of this Realm of England now eſtabliſhed: That then every ſuch perſon and perſons ſo indicted, ſhall and may from thenceforth be admitted and allowed to avoid, diſcharge, reverſe and undo the ſaid Indictment and Indictments, and all proceedings thereupon in ſuch manner and form, as if this preſent Act had not been had nor made: Any thing herein contained to the contrary in any wiſe notwithſtanding.

And foraſmuch as it is found by late experience, That ſuch as go voluntarily out of this Realm of England, to ſerve forein Princes, States or Potentates, are for the moſt part perverted in their Religion and Loyalty by Jeſuites and Fugitives, with whom they do there converſe: Be it therefore enacted by the authority aforeſaid, That every Subject of this Realm that after the tenth day of June next coming, ſhall go or paſſe out of this Realm to ſerve any forein Prince, State or Potentate, or ſhall after the ſaid tenth day of June paſs over the Seas, and there ſhall voluntarily ſerve any ſuch forein Prince, State or Potentate, not having before his or their going or paſſing as aforeſaid, taken the Oath aforeſaid, before the Officer hereafter appointed, ſhall be a Felon.

He ſhall take the Oath which goeth out of the Realm to ſerve a forein Prince.

A Gentleman, Captain, or Lieutenant ſerving a forein Prince, ſhall be bound to the King, &c.

And that if any Gentleman or perſon of higher degree, or any perſon or perſons which hath borne, or ſhall bear any Office or Place of Captain, Lieutenant, or any other place, charge or office in Camp, Army, or Company of Souldiers, or Conduct of Souldiers, ſhall after go or paſs voluntarily out of this Realm, to ſerve any ſuch forein Prince, State or Potentate, or ſhall voluntarily ſerve any ſuch Prince, State or Potentate, before that he and they ſhall become bound by obligation, with two ſuch Sureties as ſhall be allowed of by the Officers, which are hereafter by this Act limited, to take the ſame Bond unto our Soveraign Lord the Kings Majeſty, his Heirs or Succeſſors, in the ſum of twenty pounds of currant Engliſh money at the leaſt, with Condition to the effect following, ſhall be a Felon.

The tenor of which Condition followeth, viz.

That if the within bounden, &c. ſhall not at any time then after be reconciled to the Pope or See of Rome, nor ſhall enter into, or conſent unto any Practice, Plot, or Conſpiracy whatſoever againſt the Kings Majeſty, his Heirs and Succeſſors, or any his and their Eſtate and Eſtates, Realms or Dominions; but ſhall within convenient time after knowledge thereof had, reveal and diſcloſe to the Kings Majeſty, his Heirs and Succeſſors, or ſome of the Lords of his or their Honorable Privy Council, all ſuch Practices, Plots and Conſpiracies, That then the ſaid Obligation to be void.

Who ſhall take the Obligation, and miniſter the Oath.

Forfeiture for not certificate.

And that for the due execution of this Branch of this preſent Law, it ſhall and may be lawful to and for the Cuſtomer and Controller of every Port, Haven or Creek, or one of them, and their or either of their Deputy or Deputies, and none other, to receive and accept all and every ſuch Bond and Obligation to and for the uſes aforeſaid, and to miniſter and give the Oath aforeſaid, according to the true intent of this Statute, (taking for ſuch Bond ſix pence, and no more, and for the ſaid Oath no Fee at all) Which ſaid Cuſtomer and Controller ſhall regiſter and certifie all and every ſuch Bond and Oath ſo taken, into the Court of Exchequer at Weſtminſter once every year, upon pain of five pounds for every Bond not ſo certified, and twenty ſhillings for every Oath not ſo certified.

Provided alwayes, That this laſt mentioned Branch ſhall not extend to any perſon or perſons which are already gone, or ſhall go beyond the Seas to ſerve any forein Prince, State or Potentate, before the tenth day of June next coming, for his ſaid going or paſſing before the ſaid tenth day of June.

Putting in practice to abſolve or withdraw any from obedience, or to reconcile them to the Pope. Stat. 21 Eliz. 1.

And further be it enacted by the authority aforeſaid, That if any perſon or perſons at any time after the ſaid tenth day of June, ſhall either upon the Seas, or beyond the Seas, or in any other place within the Dominions of the Kings Majeſty, his Heirs or Succeſſors, put in practice to abſolve, perſwade, or withdraw any of the Subjects of the Kings Majeſty, or of his Heirs and Succeſſors of this Realm of England, from their natural obedience to his Majeſty, his Heirs or Succeſſors, or to reconcile them to the Pope or See of Rome, or to move them or any of them to promiſe obedience to any pretended authority to the See of Rome, or to any other Prince, State or Potentate, That then every ſuch perſon, their procurers, counſellors, aiders and maintainers, knowing the ſame, ſhall be to all intents adjudged Traytors, and being thereof lawfully convicted, ſhall have judgment, ſuffer and forfeit as in caſes of high Treaſon.

Being withdrawn, or reconciled.

And if any ſuch perſon as aforeſaid, at any time after the ſaid tenth day of June ſhall be either upon the Seas, or beyond the Seas, or in any other place within the Dominions of the Kings Majeſty, his heirs or ſucceſſors, willingly abſolved or withdrawn, as aforeſaid, or willingly reconciled, or ſhall promiſe obedience to any ſuch pretended authority, Prince, State or Potentate, as aforeſaid, That every ſuch perſon and perſons, their procurers and counſellors, aiders and maintainers, knowing the ſame, ſhall be to all intents adjudged Traytors, and being thereof lawfully convicted, ſhall have judgment, ſuffer and forfeit as in caſes of high Treaſon.

A reconciled perſon taking the Oath.

Provided nevertheleſſe, That the laſt mentioned Clauſe of this Branch, or any thing therein contained, ſhall not extend, or be taken to extend to any perſon or perſons whatſoever, which ſhall hereafter be reconciled to the Pope or See of Rome, as aforeſaid (for and touching the point of ſo being reconciled only) that ſhall return into this Realm, and thereupon within ſix dayes next after ſuch return before the Biſhop of the Dioceſs, or two Juſtices of Peace (joyntly or ſeverally) of the County where he ſhall arrive, ſubmit himſelf to his Majeſty and his Laws, and take the Oath ſet forth by Act in the firſt year of the Reign of the late Queen Elizabeth (commonly called the Oath of Supremacy) as alſo the Oath before ſet down in this preſent Act, which ſaid Oaths the ſaid Biſhop and Juſtices reſpectively ſhall have power and authority by this preſent Act to miniſter to ſuch perſons as aforeſaid. And the ſaid Oaths ſo taken, the ſaid Biſhop and Juſtices before whom the ſaid Oaths ſhall be ſo taken reſpectively, ſhall certifie at the next general or quarter Seſſions of the Peace, to be holden within the ſaid Shire, Limit, Diviſion or Liberty, wherein ſuch perſon as aforeſaid ſhall ſubmit himſelf, and take the ſaid Oaths as aforeſaid, upon pain of every one neglecting to certifie the ſame as aforeſaid, the ſum of forty pounds.

Where the trial ſhall be.

And be it further enacted, That all and every perſon and perſons that ſhall offend contrary to this preſent Branch of this Statute, ſhall be indicted, tryed, and proceeded againſt, by and before the Juſtices of Aſſize and Gaol-delivery of that County for the time being, or before the Juſtices of the Court of Kings Bench, and be there proceeded againſt according to the Laws and Statutes of this Realm againſt Traytors, as if the ſaid offence had been committed in the ſame County where ſuch perſon or perſons ſhall ſo be taken: Any Law, Cuſtom, or Statute to the contrary in any wiſe notwithſtanding.

Peers.

Provided alwayes, That if any Peer of this Realm ſhall happen to be indicted of any offence made Treaſon by this Act, he ſhall have his Trial by his Peers, as in other like caſes of Treaſon is accuſtomed.

The forfeiture for not repairing to Church weekly.

And be it further enacted, That if any Subject of this Realm, at any time after one moneth next after the end of this preſent Seſſion of Parliament, ſhall not reſort or repair every Sunday to ſome Church, Chappel, or ſome other uſual place appointed for Common-Prayer, and there hear Divine Service, according to the Statute made in that behalf, in the firſt year of the Reign of the late Queen Elizabeth, that then it ſhall and may be lawful to and for any one Juſtice of Peace of that Limit, Diviſion or Liberty, wherein the ſaid party ſhall dwell, upon proof unto him made of ſuch default by confeſſion of the party, or oath of witneſſe, to call the ſaid party before him: And if he or ſhe ſhall not make a ſufficient excuſe, and due proof thereof, to the ſatisfaction of the ſaid Juſtice of Peace, That it ſhall be lawfull for the ſaid Juſtice of Peace to give Warrant to the Church-warden of the ſaid Pariſh wherein the ſaid party ſhall dwell, under his hand and ſeal, to levy twelve pence for every ſuch default, by diſtreſſe and ſale of the goods of every ſuch Offendor, rendring to the ſaid Offendor the overplus of the money raiſed of the ſaid goods ſo to be ſold. And that in default of ſuch diſtreſſe, it ſhall and may be lawful for the ſaid Juſtice of Peace, to commit every ſuch Offendor to ſome priſon within the ſaid Shire, Diviſion, Limit or Liberty, wherein ſuch Offendor ſhall be inhabiting, untill payment be made of the ſaid ſum or ſums ſo to be forfeited, which forfeiture ſhall be imployed to and for the uſe of the poor of that Pariſh wherein the Offendor ſhall be reſident or abiding at the time of ſuch offence committed.

Within what time the Offendor ſhall be impeached.

Provided, That no man be impeached upon this Clauſe, except he be called in queſtion for his ſaid default, within one moneth next after the ſaid default made.

But once puniſhed for one offence.

And that no man being puniſhed according to this Branch, ſhall for the ſame offence be puniſhed by the forfeiture of twelve pence, upon the Law made in the firſt year of the late Queen Elizabeth.

A repeal of two branches of the Statute of 35 El.

And becauſe in one Act of Parliament begun and holden at Weſtminſter in the five and thirtieth year of the late Queen Elizabeth, entituled, An Act to retain the Queens Majeſties Subjects in their due obedience, There are two Branches contained, the firſt beginning thus:

(And for that every perſon having houſe or family, is in duty bounden to have eſpecial regard of the good government and ordering of the ſame) and ſo forth to the next clauſe, beginning thus: (Provided nevertheleſſe, that this Act ſhall not in any wiſe extend to puniſh or impeach any perſons for relieving, &c. ending with theſe words, Any thing in this Act contained to the contrary notwithſtanding) which ſaid two Branches or Clauſes are found defective.

Be it therefore enacted, That the ſaid two Branches or Clauſes of the ſaid Act, and no more, ſhall be by authority of this preſent Parliament, utterly repealed and made void.

Relieving or keeping a Recuſant in his houſe.

And in lieu thereof be it enacted, That every perſon and perſons, which after one moneth next after the end of this preſent Seſſion of Parliament, ſhall willingly maintain, retain, relieve, keep, or harbour in his or their houſe, any ſervant, ſojourner or ſtranger, who ſhall not go to, or repair to ſome Church or Chappel, or uſual place of Common-Prayer, to hear Divine Service, but ſhall forbear the ſame by the ſpace of one moneth together, not having a reaſonable excuſe, contrary to the Laws and Statutes of this Realm, ſhall forfeit ten pounds for every moneth that he, ſhe, or they ſhall ſo relieve, maintain, retain, keep, or harbour any ſuch ſervant, ſojourner, eſtranger in his or their houſe, ſo forbearing as aforeſaid.

Retaining a Recuſant in his ſervice, fee, or livery.

And that every perſon which ſhall within the time aforeſaid, retain or keep in his, her, or their ſervice, fee or livery, any perſon or perſons, which ſhall not go to, or repair to ſome Church, Chappel, or uſual place of Common Prayer, to hear Divine Service, but ſhall forbear the ſame by the ſpace of one moneth together, ſhall for every moneth, he, ſhe, or they ſhall ſo retain, keep, or continue in his, her, or their ſervice, fee, or livery, any ſuch perſon or perſons ſo forbearing as aforeſaid, knowing the ſame, ten pounds, the ſame penalties to be recovered and imployed in manner and form hereafter following.

The Father, Mother, ward, &c. perſon committed by authority.

Provided nevertheleſs, That this Act ſhall not in any wiſe extend to puniſh or impeach any perſon or perſons, for maintaining, retaining, relieving, keeping or harbouring his, her or their Father or Mother, wanting, without fraud or covin, other habitation, or ſufficient maintenance, or the Ward of any ſuch perſon, or any perſon that ſhall be committed by authority to the cuſtody of any by whom they ſhall be ſo levied, maintained or kept: Any thing in this act contained to the contrary notwithſtanding.

Breaking a houſe to take a Recuſant excommunicate.

And be it further Enacted by authority of this preſent Parliament, That upon any lawful Writ, Warrant or Proceſs awarded to any Sheriff or other Officer, for the taking or apprehending of any Popiſh Recuſant, ſtanding excommunicated for ſuch recuſancy, it ſhall be lawful for ſuch Sheriff, or other Officer, authorized in that behalf, if need be, to break open any houſe wherein ſuch perſon excommunicate ſhall be, or to raiſe the power of the County, for the apprehending of ſuch perſon, and the better execution of ſuch Warrant, Writ or Proceſs.

In what Courts the offences ſhall be heard and determined.

And be it further Enacted, That all and every offence to be committed or done againſt this preſent Act, ſhall and may be enquired of, heard and determined before the Juſtices of the Kings Bench, Juſtices of Aſſize and Gaol-delivery, in their ſeveral Aſſizes and Gaol-deliveries. And all offences, other than Treaſon, ſhall be enquired, heard and determined before the Juſtices of peace in their general or quarter-Seſſions to be holden within the Shire, Diviſion, Limit or Liberty, wherein ſuch offence ſhal happen.

Attainder of Felony no forfeiture of Dower, or corruption of Blood.

Provided always, and be it Enacted by the authority aforeſaid, That any attainder of Felony made Felony by this Act, as is aforeſaid, ſhall not in any wiſe extend to take away the Dower of the wife of any ſuch perſon attainted, or be any bar for the recovery of the ſame, nor ſhall make or work any corruption of Blood, or Diſheriſon of any the heir or heirs of any ſuch perſon or perſons ſo attainted: This Act, or any thing therein contained, to the contrary in any wiſe notwithſtanding.

The plea to an Action brought for doing any thing by force of this ſtatute.

And be it further Enacted, That if any action or actions ſhall at any time hereafter be commenced or brought againſt any perſon or perſons, doing, committing, or commanding any act or thing, for or concerning the execution of this preſent Statute, or any article or clauſe therein contained, That then every defendant in ſuch action and actions may plead the general iſſue, and be received to maintain the ſame, by any evidence that ſhall prove his doings and proceedings warrantable by this Law.

The authority of the Eccleſiaſtical Court reſerved.

Provided alwaies, That neither this Act, nor any thing therein contained, ſhall extend to take away or abridge the authority or juriſdiction of the Eccleſiaſtical Cenſures, for any cauſe or matter, But that the Commiſſioners of his Majeſty, his Heirs and Succeſſors, in cauſes Eccleſiaſtical for the time being, and the Archbiſhops, Biſhops, and other Eccleſiaſtical Judges may do and proceed, as before the making of this act they lawfully did or might have done: Any thing in this act to the contrary in any wiſe notwithſtanding.

No forfeiture for the wives offence.

Provided alwaies, and be it Enacted, That no perſon ſhall be charged or chargeable with any penalty or forfeiture by force of this act, which ſhall happen for his wives offence in not receiving the ſaid Sacrament during her marriage, nor that any woman ſhall be charged or chargeable with any penalty or forfeiture by force of this act, for any ſuch offence of not receiving, which ſhall happen during her marriage.

Who may take the Oath of a Noble-man or woman. Co. pl. f.434.

Provided alſo, and be it Enacted by authority of this Parliament, That in all cauſes where any Biſhop or Juſtices of the peace may by force of this act require and take of any Subject the Oath above mentioned, That the Lords of the Privy Council for the time being, or any ſix of them, whereof the Lord Chancellor, Lord Treaſurer, or the principal Secretary for the time to be one, ſhall have full power and authority by force of this act, at any time or times, to require and take the ſaid Oaths before mentioned, of any Noble-man or Noble-woman (then being above the age of eighteen years,) And if any ſuch Noble-man or Noble-woman (other then women married, ſhall refuſe to take ſuch Oath or Oaths, That in every ſuch caſe ſuch Noble-man or Noble-woman ſhall incur the pain and danger of a Premunire,

Who ſhall take the Oath in the Cinque-Ports.

Provided alſo, and be it Enacted by authority of this Parliament, That where any perſon or perſons ſhall go or paſſe out of the Cinque-ports, or any member thereof, to any parts beyond the Seas, to ſerve any forein Prince, State or Potentate; That in every ſuch caſe, the Lord Warden of the Cinque-ports for the time being, or any perſon by him in that behalf appointed or to be appointed, ſhall have full power and authority by vertue hereof, to take the Bond, and miniſter the Oath to ſuch Paſſengers, as is above mentioned.

CAP. V.

An Act to prevent and avoid dangers which may grow by Popiſh Recuſants.

VVhereas divers Jeſuits, Seminaries and Popiſh Prieſts daily do withdraw many of his Majeſties Subjects from the true Service of Almighty God, and the Religion eſtabliſhed within this Realm, to the Romiſh Religion, and from their loyal obedience to his Majeſty, and have of late ſecretly perſwaded divers Recuſants and Papiſts, and encouraged and emboldened them to commit moſt damnable Treaſons, tending to the overthrow of Gods true Religion, the deſtruction of his Majeſty and his Royal Iſſue, and the overthrow of the whole State and Commonwealth, if God of his goodneſſe and mercy had not within few hours before the intended time of the execution thereof, revealed and diſcloſed the ſame: Wherefore to diſcover and prevent ſuch ſecret damnable Conſpiracies and Treaſons, as hereafter may be put in ure by ſuch evil diſpoſed perſons, if remedy be not therefore provided, Be it Enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That ſuch perſon as ſhall firſt diſcover to any Juſtice of peace, any Recuſant or other perſon which ſhall entertain or relieve any Jeſuit, Seminary, or Popiſh Prieſt, or ſhall diſcover any Maſs to have been ſaid, and the perſons that were preſent at ſuch Maſs, and the Prieſt that ſaid the ſame, or any of them, within three dayes next after the offence committed, and that by reaſon of ſuch diſcovery any of the ſaid offendors be taken and convicted or attainted, That then the perſon which hath made ſuch diſcovery, ſhall not only be freed from the danger and penalty of any Law for ſuch offence, if he be an offendor therein, but alſo ſhal have the third part of the forfeiture of all ſuch ſums of money, goods, chattels and debts, which ſhall be forfeited by ſuch offence, (ſo as the ſame total forfeiture exceed not the ſum of one hundred and fifty pounds; and if it exceed the ſum of one hundred and fifty pounds, the ſaid perſon ſo diſcovering the ſaid offence, ſhall have the ſum of fifty pounds only for every ſuch diſcovery:) And ſuch perſon ſo diſcovering the ſame, after conviction of the offendor, ſhall have a Certificate from the Judges or Juſtices of peace, before whom ſuch conviction ſhall happen to be directed to the Sheriff or other Officer of the ſame county, limit or place, that ſhall ſeize the goods, or levy the ſaid forfeiture, commanding the ſaid Sheriff or other Officer to pay the ſame accordingly to him that ſo diſcovered the ſame, out of the monies to be levied by vertue of the ſaid forfeitures; which warrant and paiment ſhall be effectual in the Law for that purpoſe, and a ſufficient diſcharge in that behalf for the Sheriff or other Officer upon his accompt.

The reward of him which diſcovereth a Prieſt or Maſs.

And whereas the repair of ſuch evil-affected perſons to the Court or to the City of London may be very dangerous to his Majeſties perſon, and may give them more liberty to meet, conſult and plot their treaſons and practiſes againſt the State, than if they ſhould be reſtrained and confined unto their private houſes in the Country: For remedy hereof, Be it enacted by the authority aforeſaid, That no Popiſh Recuſant convicted, or to be convicted, ſhall come into the Court or Houſe where the Kings Majeſty, or his Heir apparent to the Crown of England ſhall be, unleſs he be commanded ſo to do by the Kings Majeſty, his Heirs and Succeſſors, or by Warrant in writing from the Lords and others of the moſt honourable Privy Council of the Kings Majeſty, his Heirs and Succeſſors, or any of them, upon pain to forfeit for every time ſo offending, one hundred pounds, the one moiety to the Kings Majeſty, his Heirs and Succeſſors, the other moiety to him that will diſcover and ſue for the ſame, by action of debt, bill, plaint, or information, in any of his Majeſties Courts of Recor, wherein no eſſoin, protection or wager of law ſhall be allowed.

A Recuſant ſhall not come to the Court.

And that all Popiſh Recuſants indicted or convicted, and all other perſons which have not repaired to ſome uſual Church or Chappel, and there heard Divine Service, but have forborne the ſame by the ſpace of three moneths laſt paſt, contrary to the Laws and Statutes of this Realm, dwelling, abiding, or remaining within the City of London or the liberties thereof, or within, ten miles of the ſaid City, ſhall within three months next after the end of this Seſſion of Parliament, depart from the ſaid City of London, and ten miles compaſs of the ſame, and alſo ſhall deliver up their names to the Lord Mayor of London, in caſe ſuch Recuſant do dwell or remain within the City of London, or the liberties thereof: And in caſe the ſaid Recuſant ſhall dwell or remain in any other County within ten miles of the ſame City, then the ſaid Recuſant ſhall deliver up his or her name to the next Juſtice of peace within ſuch County where the ſaid Recuſant ſhall ſo dwell or remain, within forty dayes after the end of this Seſſion of Parliament, upon pain that every perſon offending herein, ſhall forfeit to our Soveraign Lord the Kings Majeſty, his heirs and ſucceſſors, the ſum of one hundred pounds, The one moiety whereof ſhall be to the Kings Majeſty, his Heirs and Succeſſors, the other moiety to him or them that will ſue for the ſame by action of debt, bill, plaint or information, in any of the Kings Majeſties Courts of Record, wherein no eſſoin, protection, or wager of law ſhall be admitted or allowed.

Recuſants ſhall depart from London.

And that all Popiſh Recuſants, which ſhall hereafter come, dwell or remain within the ſaid City of London, or the Liberties thereof, or within ten miles of the ſaid City, which now are, or hereafter ſhall be indicted or convicted of ſuch Recuſancie, or which ſhall at any time hereafter not repair unto ſome uſual Church or Chappel, and there hear Divine Service, but ſhall forbear the ſame by the ſpace of three moneths, contrary to the Laws and Statutes of this Realm, ſhall within ten dayes after ſuch Indictment, or Conviction, depart from the ſaid City of London, and ten miles compaſs of the ſame, and alſo ſhall deliver up their names to the Lord Mayor of London for the time being, in caſe ſuch Recuſant ſhall dwell or remain within the ſaid City of London, or the liberties thereof: And in caſe the ſaid Recuſant ſhall dwel or remain in any other County within ten miles of the ſaid City, then the ſaid Recuſant ſhall deliver up his or her name to the next Juſtice of peace within ſuch County where the ſaid Recuſant ſhall ſo dwell or remain, within the ſaid ten dayes next after ſuch indictment or conviction, Upon pain that every perſon offending herein, ſhall likewiſe forfeit to our ſaid Soveraign Lord the Kings Majeſty, his Heirs and Succeſſors, the like ſum of an hundred pounds. The one moiety whereof ſhall be to the Kings Majeſty, his Heirs and Succeſſors, and the other to him or them that will ſue for the ſame by action of debt, bill, plaint or information, in any of the Kings Majeſties Courts of Records, wherein no Eſſoine, Protection, or wager of Law ſhall be admitted or allowed.

Provided alwayes, That ſuch perſon or perſons as now uſe any trade, myſtery, or manual occupation within the ſaid city of London, or within ten miles of the ſame, and ſuch as have or ſhall have their onely dwelling within the ſaid City or ten miles compaſs of the ſame, not having any other dwelling or place of abode elſewhere, ſhall or may remain and continue in ſuch place within the ſaid City, or ten miles of the ſame, as they have dwelled, inhabited, or remained in by the ſpace of three months next before this preſent Seſſion of Parliament, any thing herein contained to the contrary notwithſtanding.

Tradeſmen and Dwellers in London.

And

35 El. 2.

A Recuſant confined.

And whereas by a Statute made at Weſtminſter in the five and thirtieth year of the reign of Queen Elizabeth, entituled, An Act for the reſtraining of Popiſh Recuſants to ſome certain place of abode, it was amongſt other things ordained and enacted, That every Popiſh Recuſant then or after convicted for not repairing to Church, Chappel, or uſual place of Common prayer, having any certain place of dwelling & abode within this Realm, ſhould within the time limited by the ſaid Statute, repair to their place of uſual dwelling and abode, or not having any certain place of dwelling or abode within this Realm, ſhould likewiſe within the time limited by the ſaid Statute, repair to the place where ſuch perſon was born, or where the Father or Mother of ſuch perſon ſhould be dwelling, and not at any time remove or paſſe above five miles from thence, under the pains in the ſaid Statute limited and provided: Which Statute, by reaſon of ſundry Licences given unto ſuch Recuſants, under colour of a Proviſo in the ſaid Statute contained, hath not wrought that good effect in the Commonwealth as was hoped: Be it therefore enacted and ordained by this preſent Parliament, and by the authority of the ſame, That the ſaid Statute made in the ſaid five and thirtieth year of the ſaid Queen Elizabeth, for and concerning the confining of the ſaid Recuſants, under the pains and penalties therein contained, ſhall by this Act, and by the authority of the ſame, be confirmed, and be hereafter put in due execution, according to the tenor, true intent and meaning of the ſaid Statute in that behalf made: And that the ſaid Proviſo in the ſaid Statute contained, giving power to grant Licence or Licences unto the ſaid Recuſants, to go and travel from or out of the compaſs of the ſaid five miles, ſhall be from and after the end of this preſent Seſſion of Parliament, utterly repealed and void; Any thing in the ſaid Statute to the contrary notwithſtanding.

A Repeal of a Proviſo contained in the ſtat. of 35 El. 2. touching licence to Recuſants.

Licence to a Recuſant confined.

Cro. Jac. 352.

The effect of a Licence to be granted by four Juſtices of Peace.

Provided nevertheleſs, and be it further Enacted by this preſent Parliament, and by the authority of the ſame, That it ſhall and may be lawful for the Kings moſt excellent Majeſty, his Heirs and Succeſſors, or for three or more of his Majeſties moſt honourable Privy Council, or for three or more of the Privy Council of his Heirs and Succeſſors, in writing under the hands of the ſaid Privy Councellors, to give Licence to every ſuch Recuſant to go and travel out of the compaſs of the ſaid five miles, for ſuch time as in the ſaid Licence ſhall be contained, for their travelling, attending, and returning, and without any other cauſe to be expreſſed within the ſaid Licence. And if any of the perſons which are ſo confined by vertue of the ſaid Statute, as is aforeſaid, ſhall have neceſſary occaſion or buſineſs to go and travel out of the compaſs of the ſaid five miles, That then, and in every ſuch caſe, upon Licence in writing in that behalf to be gotten, under the hands and ſeals of four of the Juſtices of peace of the ſame County, Limit, Diviſion, or place next adjoyning to the place of abode of ſuch Recuſant, with the privity and aſſent in writing of the Biſhop of the Dioceſſe, or of the Lieutenant, or of any Deputy Lieutenant of the ſame County, reſiding within the ſaid County or Liberty, under their hands and ſeals; In every of which Licence or Licences in writing ſo to be had and made, ſhall be ſpecified and contained both the particular cauſe of the ſaid Licence, and the time how long the ſaid party licenced ſhall be abſent, in travelling, attending, and returning. It ſhall and may thereupon be lawful for every ſuch perſon ſo licenced, to go and travel about ſuch their neceſſary buſineſs, and for ſuch time only for their travelling, attending, and returning, as ſhall be compriſed in the ſaid Licence, the ſaid party ſo licenced firſt taking his corporal Oath before the ſaid four Juſtices of the peace, or any of them (who ſhall have authority by vertue of this Act to miniſter the ſame) that he hath truly informed them of the cauſe of his journey, and that he ſhall not make any cauſeleſs ſtayes: And that all and every licence hereafter to be made in this behalf, contrary to the tenor, effect and true meaning of this Statute, ſhall be utterly void, fruſtrate, and of none effect, any thing in the ſaid former Act, or in this Act to the contrary notwithſtanding. And every perſon ſo confined, which ſhall depart or go above five miles from the place whereunto he is or ſhall be confined, not having ſuch licence, and not having taken ſuch oath as aforeſaid, ſhall incur the pain and penalty, and forfeit as a Recuſant convicted, and paſſing or going above five miles from the ſaid place whereunto he is or ſhall be confined by the ſaid Statute of Triceſimo quinto Elizabethæ, ſhould do.

A Recuſant diſabled to practiſe certain offices and functions.

And be it further Enacted by the authority aforeſaid, That no Recuſant convict ſhall at any time after the end of this Seſſion of Parliament, practiſe the Common Law of this Realm, as a Chancellor, Clerk, Attorney or Sollicitor in the ſame, nor ſhall practiſe the Civil Law as Advocate or Proctor, nor practiſe Phyſick, nor uſe or exerciſe the Trade or Art of an Apothecary, nor ſhall be Judge, Miniſter, Clerk, or Steward, of, or in any Court, or keep any Court, nor ſhall be Regiſter or Town-Clerk, or other Miniſter or Officer in any Court, nor ſhall bear any office or charge, as Captain, Lieutenant, Corporal, Sergeant, Ancient-bearer, or other office in Camp, Troop, Band or Company of Souldiers; nor ſhall be Captain, Maſter, Governour, or bear any office of charge of or in any Ship, Caſtle, or Fortreſs of the Kings Majeſties, his Heirs and Succeſſors, but be utterly diſabled for the ſame: And every perſon offending herein, ſhall alſo forfeit for every ſuch offence, One hundred pounds, The one moiety whereof ſhall be to the Kings Majeſty, his Heirs and Succeſſors, and the other moiety to him that will ſue for the ſame by action of debt, bill, plaint or information, in any of the Kings Majeſties Courts of Record, wherein no Eſſoin, Protection or Wager of Law ſhall be admitted or allowed.

No Recuſant ſhall be a publick Officer.

And be it alſo Enacted by the authority aforeſaid, That no Popiſh Recuſant convict, nor any having a wife being a Popiſh Recuſant convict, ſhall at any time after the end of this Seſſion of Parliament, or any Popiſh Recuſant hereafter to be convict, or having a wife which hereafter ſhall be a Popiſh Recuſant convict, at any time after his or her conviction, ſhall exerciſe any publick Office or Charge in the Commonwealth, but ſhall be utterly diſabled to exerciſe the ſame by himſelf, or by his Deputy, (Except ſuch husband himſelf, and his children which ſhall be above the age of nine years abiding with him, and his ſervants in houſhold, ſhall once every moneth at the leaſt, not having any reaſonable excuſe to the contrary, repair to ſome Church or Chappel, uſual for Divine Service, and there hear Divine Service; And the ſaid husband, and ſuch his children and ſervants as are of meet age, receive the Sacrament of the Lords Supper at ſuch times as are limited by the Lawes of this Realm, and do bring up his ſaid children in true Religion.)

A woman married Recuſant. Stat. 7 Jac. 6.

And be it alſo Enacted by the authority aforeſaid, That every married woman, being, or that ſhall be a Popiſh Recuſant convict (her husband not ſtanding convicted of Popiſh Recuſancy) which ſhall not conform her ſelf, and remain conformed, but ſhall forbear to repair to ſome Church or uſual place of Common Prayer, and there to hear Divine Service and Sermon, if any then be, and within the ſaid year receive the Sacrament of the Lords Supper, according to the Laws of this Realm, by the ſpace of one whole year next before the death of her ſaid husband, ſhall forfeit and loſe to the Kings Majeſty, his Heirs and Succeſſors, the iſſues and profits of two parts of her Joynture, and two parts of her Dower in three parts to be divided during her life, of, or out of any the lands, tenements or hereditaments, which are or were her ſaid husbands, and alſo be diſabled to be Executrix or Adminiſtratrix of her ſaid husband, and to have or demand any part or portion of her ſaid late husbands goods or chattels, by any law, cuſtome, or uſage whatſoever.

A Recuſant ſhall be as excommunicated.

And be it further Enacted by the authority aforeſaid, That every Popiſh Recuſant which is or ſhall be convicted of Popiſh Recuſancy, ſhall ſtand and be reputed to all intents and purpoſes diſabled, as a perſon lawfully and duly excommunicated, and as if he or ſhe had been ſo denounced and excommunicated according to the Laws of this Realm, until he or ſhe ſo diſabled ſhall conform him and her ſelf, and come to Church, and hear Divine Service, and receive the Sacrament of the Lords Supper, according to the laws of this Realm, and alſo take the Oath appointed and preſcribed in one other Act made this preſent Seſſion of Parliament, entituled, An Act for the better diſcovering and repreſſing of Popiſh Recuſants. And that every perſon and perſons ſued or to be ſued by ſuch perſon ſo to be diſabled, ſhall and may plead the ſame in diſabling of ſuch plaintiff, as if he or ſhe were excommunicated by ſentence in the Eccleſiaſtical Court.

What actions a Recuſant may proſecute.

Provided nevertheleſs, That it ſhall and may be lawful for any ſuch perſon ſo diſabled, for and notwithſtanding any thing in this Law contained, to ſue or proſecute any Action or Suit, for or concerning only ſuch of his or her lands, tenements, leaſes, rents, annuities, and hereditaments, or for the iſſues and profits thereof, which are not to be ſeized, or taken into the Kings hands, his Heirs or Succeſſors, by force of any law, for or concerning his or her Recuſancy, or any part thereof.

Recuſants marriages by Prieſts, &c.

And for that Popiſh Recuſants are not uſually married, nor their children chriſtned, nor themſelves buried according to the Law of the Church of England, but the ſame are done ſuperſtitiouſly by Popiſh perſons in ſecret, whereby the dayes of their marriages, births and burials cannot be certainly known: Be it further Enacted by authority of this preſent Parliament, That every man being, or which ſhall be a Popiſh Recuſant convicted, and who ſhall be hereafter married otherwiſe than in ſome open Church or Chappel, and otherwiſe than according to the orders of the Church of England, by a Miniſter lawfully authorized, ſhall be utterly diſabled and excluded to have any Eſtate of Freehold into any the lands, tenements and hereditaments of his Wife as tenant by the Courteſie of England: And that every woman being, or which ſhall be a Popiſh Recuſant convicted, and who ſhall be hereafter married in other form than as aforeſaid, ſhall be utterly excluded and diſabled, not onely to claim any dower of the inheritance of her husband, whereof ſhe may be endowable, or any joynture of the lands and hereditaments of her husband, or any of his Anceſtors, but alſo of her widows eſtate, and Frank-bank in any cuſtomary lands, whereof her husband died ſeiſed, and likewiſe be diſabled and excluded to have or enjoy any part or portion of the goods of her ſaid husband, by vertue of any Cuſtom of any County, City or place, where the ſame ſhall lie or be. And if any ſuch man ſhall be married with any woman contrary to the intent and true meaning of this Act, which woman hath or ſhall have no lands, tenements, or hereditaments, whereof he may be entituled to be Tenant by the Courteſie, then ſuch man ſo marrying as aforeſaid, ſhall forfeit and loſe C. li. the one half thereof to be to the Kings Majeſty, his Heirs and Succeſſors, and the other moiety to ſuch perſon or perſons as ſhall ſue for the ſame by action of debt, bill, plaint, or information in any of the Kings Majeſties Courts of Record, wherein no eſſoin, protection, or wager of Law ſhall be admitted or allowed.

The Baptiſm of Recuſants children.

And that every Popiſh Recuſant, which ſhall hereafter have any child born, ſhall within one moneth next after the birth thereof, cauſe the ſame child to be baptized by a lawful Miniſter, according to the Laws of this Realm, in the open Church of the ſame pariſh where the child ſhall be born, or in ſome other Church near adjoyning, or Chappel where Baptiſm is uſually adminiſtred: Or if by infirmity of the child it cannot be brought to ſuch place, then the ſame ſhall within the time aforeſaid, be baptized by the lawful Miniſter of any of the ſaid pariſhes or places aforeſaid, upon pain that the father of ſuch child, if he be living by the ſpace of one moneth next after the birth of ſuch child, or if he be dead within the ſaid moneth, then the mother of ſuch child ſhall for every ſuch offence forfeit C. li. of lawful money of England, one third part whereof to be to the Kings Majeſty, his Heirs and Succeſſors; one other third part to the Informer, or him that will ſue for the ſame; and the other third part to the poor of the ſaid pariſh, to be recovered by action of debt, bill, plaint, or information, in any of the Kings Majeſties Courts of Record, wherein no eſſoyn, protection, or wager of Law ſhall be admitted or allowed.

And if any Popiſh Recuſant, man or woman, not being excommunicate, ſhall be buried in any place, other then in the Church or Church-yard, or not according to the Eccleſiaſtical Lawes of this Realm, That the Executors or Adminiſtrators of every ſuch perſon ſo buried, The forfeiture for burying Recuſants not excommunicate out of the Church or Church-yard.

ried, knowing the ſame, or the party that cauſeth him to be ſo buried, ſhall forfeit the ſum of xx. li. the one third part whereof ſhall be to our Soveraign Lord the King, the other third part to the Informer, or him or them that will ſue for the ſame; and the other third part to the poor of the pariſh where ſuch perſon dyed, to be recovered by action of debt, bill, plaint, or information in any of the Kings Majeſties courts of record, wherein no eſſoyn, protection or wager of Law ſhall be admitted or allowed.

The forfeiture of children departing the Realm.

And be it further enacted by this preſent Parliament, That if the children of any ſubject within this Realm (the ſaid children not being Souldiers, Mariners, Merchants, or their Apprentices, or Factors) to prevent their good education in England, or for any other cauſe, ſhall hereafter be ſent or go beyond Seas, without Licence of the K. Majeſty, or ſix of his honourable Privy Council (whereof the principal Secretary to be one) under their hands and ſeals, That then all and every ſuch child and children ſo ſent, or which ſhall ſo go beyond the Seas, ſhall take no benefit by any gift, conveyance, deſcent, deviſe, or otherwiſe, of or to any lands, tenements, hereditaments, leaſes, goods or chattels, until he or they being of the age of xviii. years or above, take the Oath mentioned in an act of Parliament made this preſent Seſſion, entituled, An act for the better diſcovering and preſſing of Popiſh recuſants, before ſome Juſtice of peace of the county, liberty, or limit, where ſuch parent of ſuch children, as ſhall be ſo ſent, did or ſhall inhabit and dwell. And that in the mean time the next of his or her kin, which ſhall be no Popiſh recuſant, ſhall have and enjoy the ſaid lands, tenements, hereditaments, leaſes, goods and chattels ſo given, conveyed, deſcended, or deviſed, until ſuch time as the perſon ſo ſent or gone beyond the ſeas, ſhall conform him or her ſelf, and take the aforeſaid Oath, and receive the Sacrament of the Lords Supper. And after ſuch Oath taken, and conforming of himſelf, and receiving the Sacrament of the Suppper of the Lord, he or they which have ſo received the profits of the ſaid land, tenements, hereditaments, goods and chattels, or any of them, ſhall make account of the profits ſo received, and in reaſonable time make payment thereof, and reſtore the value of the ſaid goods to ſuch perſon as ſhall ſo conform him or her ſelf as aforeſaid. And that all ſuch perſons as ſhall ſend the ſaid child or children over ſeas without licence as aforeſaid (unleſs the ſaid child or children be Merchants, or their Aprentices or Factors, Mariners or Souldiers) ſhall forfeit C. li. to be divided, had and recovered in three equal parts, whereof the one third part ſhall be to the King, his heirs and ſucceſſors, the other third part to ſuch as ſhall ſue for the ſame, and the other third part to the poor of ſuch Pariſh where ſuch offendor doth inhabit or remain, by action of debt, bill, plaint, or information in any the Kings Majeſties courts of record, wherein no eſſoin, protection or wager of Law ſhall be admitted or allowed.

The forfeiture of him which ſendeth his child beyond the Sea.
1 Jac. 4.
3 Car. 2.

The forfeiture of the perſons gone beyond Sea.

And for that many ſubjects of this Realm, being neither Merchants, nor their Factors, nor Apprentices, Souldiers, nor Mariners, are of late gone beyond the ſeas without licence, and are not as yet returned, Be it further enacted by the authority of this preſent Parliament, That if any of the ſaid perſons ſo gone beyond the ſeas without licence, which are not yet returned, ſhall not within ſix moneths next after their return into this Realm, then being of the age of xviii. years or more, take the Oath above ſpecified before ſome Juſtice of peace of the County, Liberty, or Limit, where ſuch perſon ſhall inhabit or remain, that then every ſuch offendor ſhall take no benefit by any gift, conveyance, deſcent, deviſe, or otherwiſe, of, or to any lands, tenements, hereditaments, goods or chattels, until he or they being of the ſaid age of xviii. years or above, take the ſaid Oath, and that likewiſe in the mean time the next of kin to the perſon ſo offending, which ſhall be no Popiſh Recuſant, ſhall have and enjoy the ſaid lands, tenements, hereditaments, goods and chattels ſo given, conveyed, deſcended or deviſed, until ſuch time as the perſon ſo offending ſhall conform himſelf, and take the aforeſaid Oath, and receive the ſaid Sacrament of the Lords Supper. And after ſuch conforming, taking of the ſaid Oath, and receiving of the ſaid Sacrament, he or they that ſhall have ſo received the profits of the ſaid lands, tenements, hereditaments, goods and chattels, ſhall make account of the profits ſo received, and in reaſonable time make payment thereof, and of the value of ſuch goods and chattels, to ſuch perſon as ſhall ſo conform him or her ſelf as aforeſaid.

A Recuſant ſhall not preſent to a Benefice, nor grant an advowſon.

And be it further Enacted by the authority of this preſent Parliament, That every perſon or perſons that is or ſhall be a Popiſh Recuſant convict, during the time that he ſhall be or remain a Recuſant, ſhall from and after the end of this preſent Seſſion of Parliament, be utterly diſabled to preſent to any Benefice with cure or without cure, Prebend, or any other Eccleſiaſtical Living, or to collate or nominate to any Free-School, Hoſpital or Donative whatſoever, and from the beginning of this preſent Seſſion of Parliament, ſhall likewiſe be diſabled to grant any avoydance to any Benefice, Prebend, or other Eccleſiaſtical Living.

The Chancellor and Scholars of Oxford ſhall preſent to a Recuſants Benefice.

And that the Chancellor and Scholars of the Univerſity of Oxford, ſo often as any of them ſhall be void, ſhall have the preſentation, nomination, collation and donation of and to every ſuch Benefice, Prebend, or Eccleſiaſtical Living, School, Hoſpital and Donative, ſet, lying, and being in the Counties of Oxford, Kent, Middleſex, Suſſex, Surrey, Hampſhire, Berkſhire, Buckinghamſhire, Glouceſterſhire, Worceſterſhire, Staffordſhire, Warwickſhire, Wiltſhire, Somerſetſhire, Devonſhire, Cornwal, Dorſetſhire, Herefordſhire, Northamptonſhire, Pembrokeſhire, Carmarthenſhire, Brecknockſhire, Monmothſhire, Cardiganſhire, Montgomeryſhire, the City of London, and in every City and Town being a County of it ſelf, lying, and being within any of the limits, or precincts of any of the Counties aforeſaid, or in, or within any of them, as ſhall happen to be void, during ſuch time as the Patron thereof ſhall be and remain a Recuſant convict as aforeſaid.

Coke l.10. f.59.

Coke l.10. f.75.

The Chancellor and Scholars of Cambridge.

And that the Chancellor and Scholars of the Univerſity of Cambridge, ſhall have the preſentation, nomination, collation and donation of and to every ſuch Benefice, Prebend or

Eccleſiaſtical Living, School, Hoſpital and Donative, ſet, lying and being in the Counties of Hartfordſhire, Bedfordſhire, Cambridgſhire, Huntingtonſhire, Suffolk, Norfolk, Lincolnſhire, Rutlandſhire, Leiceſterſhire, Darbyſhire, Nottinghamſhire, Shropſhire, Cheſhire, Lancaſhire, Yorkſhire, the County of Durham, Northamberland, Cumberland, Weſtmerland, Radnorſhire, Denbiſhire, Flintſhire, Carnarvonſhire, Angleſeyſhire, Merionethſhire, Glamorganſhire, and in every City and Town being a County of it ſelf, lying within any of the limits or precincts of any of the Counties laſt before mentioned, or in or within any of them, as ſhall happen to be void during ſuch time as the Patron thereof ſhall be and remain a Recuſant convict as aforeſaid.

Provided, That neither of the ſaid Chancellors nor Scholars of either the ſaid Univerſities, ſhall preſent or nominate to any Benefice with cure, Prebend, or other Eccleſiaſtical Living, any ſuch perſon as ſhall then have any other Benefice with cure of ſouls. And if any ſuch preſentation or nomination ſhall be had or made of any ſuch perſon ſo beneficed, the ſaid preſentation or nomination ſhall be utterly void: Any thing in this Act to the contrary notwithſtanding.

None ſhall be preſented which hath another benefice.

Moreover, becauſe Recuſants convict are not thought meet to be executors or adminiſtrators, to any perſon or perſons whatſoever, nor to have the education of their own children, much leſs of the children of any other of the Kings ſubjects, nor to have the marriage of them: Be it therefore enacted by the authority aforeſaid, That ſuch Recuſants convicted, or which ſhall be convicted at the time of the death of any teſtator, or at the time of the granting of any Adminiſtration, ſhall be diſabled to be Executor or Adminiſtrator by force of any Teſtament hereafter to be made, or letters of Adminiſtration hereafter to be granted, nor ſhall have the cuſtody of any child, as Guardian in Chivalry, Guardian in Socage, or Guardian in Nurture of any lands, tenements, or hereditaments, being Freehold or Copyhold, but ſhall be adjudged diſabled to have any ſuch Wardſhip, or cuſtody of any ſuch child, or of their lands, tenements or hereditaments, being Freehold or Copyhold, as aforeſaid.

A Recuſant ſhall not be executor or adminiſtrator.

A Recuſant ſhall be no guardian.

And that for the better education and preſervation of the ſaid children, and of their eſtates, the next of the kin to ſuch child or children, to whom the ſaid lands, tenements or hereditaments of ſuch child or children cannot lawfully deſcend, who ſhall uſually reſort to ſome Church or Chappel, and there hear Divine Service, and receive the holy Sacrament of the Lords Supper thrice in the year next before, according to the Lawes of this Realm, ſhall have the cuſtody and education of the ſame child, and of his ſaid lands and tenements, being holden in Knights ſervice, until the full age of the ſaid Ward of one and twenty years, And of his ſaid lands, tenements and hereditaments being holden in Socage, as a Guardian in Socage, And of the ſaid lands, tenements and hereditaments holden by Copy of Court-roll of any Manor, ſo long as the cuſtom of the ſaid Manor ſhall permit and allow the ſame, and in every of the ſaid caſes ſhall yield an account of the profits thereof to the ſaid Ward, as the caſe ſhall require.

Who ſhall have the wardſhip.

And that if at any time hereafter, any of the Wards of the Kings Majeſty, or of any other, ſhall be granted or ſold to any Popiſh Recuſant convict, ſuch grant or ſale ſhall be utterly void and of none effect.

The Kings Wards.

And be it further Enacted by the authority of this preſent Parliament, That no perſon or perſons ſhall bring from beyond the Seas, nor ſhall print, ſell, or buy any popiſh Primers, Ladies Pſalters, Manuels, Roſaries, popiſh Catechiſms, Miſſals, Breviaries, Portals, Legends, and Lives of Saints, containing ſuperſtitious matter, printed or written in any language whatſoever, nor any other ſuperſtitious books printed or written in the Engliſh tongue, Upon pain of forfeiture of forty ſhillings for every ſuch book, One third part thereof to be to the Kings Majeſty, his Heirs and Succeſſors; one other third part to him that will ſue for the ſame; and the other third part to the poor of the pariſh where ſuch book or books ſhall be found, to be recovered by action of debt, bill, plaint or information in any of the Kings Majeſties Courts of Record, wherein no eſſoyn, protection or wager of Law ſhall be admitted or allowed, And the ſaid books to be burned.

Popiſh books.

And that it ſhall be lawful for any two Juſtices of peace within the limits of their juriſdiction or authority, and to all Mayors, Bayliffs, and chief Officers of Cities and Towns corporate in their Liberties from time to time, to ſearch the houſes and lodgings of every Popiſh Recuſant convict, or of every perſon, whoſe Wife is or ſhall be a Popiſh Recuſant convict, for popiſh Books and reliques of Popery: And that if any Altar, Pix, Beads, Pictures, or ſuch like popiſh reliques, or any popiſh book or books, ſhall be found in their or any of their cuſtody, as in the opinion of the ſaid Juſtices, Mayor, Bayliff, or chief Officer as aforeſaid, ſhall be thought unmeet for ſuch Recuſant as aforeſaid, to have or uſe the ſame, ſhall be preſently defaced and burnt, if it be meet to be burned: And if it be a Crucifix, or other relique of any price, the ſame to be defaced at the general Quarter-Seſſions of the peace, in the County where the ſame ſhall be found, and the ſame ſo defaced to be reſtored to the owner again.

Juſtices may ſearch for books printed, &c.

A Crucifix defaced.

And be it alſo enacted by the authority aforeſaid, That all ſuch Armour, Gun-powder and Munition, of whatſoever kinds, as any popiſh recuſant convict within this Realm of England, hath or ſhall have in his houſe or houſes, or elſe-where, or in the hands or poſſeſſion of any other at his or their diſpoſition, ſhall be taken from ſuch popiſh recuſants or others, which have or ſhall have the ſame, to the uſe of ſuch popiſh recuſant, by warrant of four Juſtices of peace at their general or quarter Seſſions to be holden in the ſame county where ſuch popiſh recuſant ſhall be reſident (other than ſuch neceſſary weapons, as ſhall be thought fit by the ſaid four Juſtices of peace to remain and be allowed for the defence of the perſon or perſons of ſuch recuſant, or for the defence of his, her or their houſe or houſes) and that the ſaid Armour and Munition ſo taken, ſhall be kept and maintained at the coſts of ſuch recuſants, in ſuch places as the ſaid four Juſtices of peace at their ſaid Seſſions of the peace ſhall ſet down and appoint.

A Recuſants Armour.

And

The forfeiture of a Recuſant not delivering his Armour.

And be it further enacted by the authority aforeſaid, That if any ſuch recuſant having, or which ſhall have any ſuch Armour, Gun-powder and Munition, or any of them, or if any other perſon or perſons, which ſhall have any ſuch Armour, Gun-powder and Munition, or any of them to the uſe of any ſuch recuſant, ſhall refuſe to declare or manifeſt unto the ſaid Juſtices of peace or any of them what Armour, he, ſhe, or they have, or ſhall have, or ſhall let, hinder, or diſturb the delivery thereof, to any of the ſaid Juſtices or to any other perſon or perſons authorized by their warrant to take and ſeize the ſame, then every ſuch perſon ſo offending contrary to this ſtatute in this behalf, ſhall forfeit and loſe to the Kings Majeſty, his heirs and ſucceſſors, his and their ſaid Armour, Gun-powder, and Munition, and ſhall alſo be impriſoned by Warrant of or from any Juſtices of peace of ſuch county, by the ſpace of three months, without bail or mainpriſe.

A Recuſant ſhall maintain his Armour.

And yet nevertheleſs be it enacted by the authority aforeſaid, That notwithſtanding the taking away of ſuch Armour, Gun-powder, and Munition, the ſaid Popiſh recuſant ſhall and may be charged with the maintaining of the ſame, and with the buying, providing, and maintaining of Horſe, and other Armour and Munition, in ſuch ſort, as other his Majeſties ſubjects from time to time ſhall be appointed and commanded, according to their ſeveral abilities and qualities, and that the ſaid Armour and Munition, at the charge of ſuch popiſh recuſant for them and as their own proviſion of Armor and Munition, ſhall be ſhewed at every Muſter, ſhew or uſe of Armour, to be had or made within the ſaid county.

Eccleſiaſtical Cenſures.

Provided always, that neither this act nor any thing therein contained, ſhall extend to take away or abridge the authority or juriſdiction of the Eccleſiaſtical cenſures, for any cauſe or matter, but that the Commiſſioners of his Majeſty, his heirs and ſucceſſors, in cauſes Eccleſiaſtical, for the time being, Archbiſhops, Biſhops, and other Eccleſiaſtical Judges may do, and proceed, as before the making of this act they lawfully did or might have done: Any thing in this act to the contrary in any wiſe notwithſtanding.

CAP. VI.

All Merchants may trade into Spain, Portugal, and France.

The King granted a Charter of Incorporation to certain Merchants to trade into Spain, &c.

Whereas divers Merchants have of late obtained from the Kings moſt excellent Majeſty, under the great ſeal of England, a large Charter of Incorporation for them and their company to trade into the Dominions of Spain and Portugal, and are alſo moſt earneſt ſuitors to obtain the like from his ſaid Majeſty for France, whereby none but themſelves and ſuch as they ſhall think fit, as being meer Merchants, ſhall take benefit of the ſaid Charter, diſabling thereby all others his Majeſties loving ſubjects of this Realm of England and Wales, who during & at all time of her late Majeſties wars, were in divers greatly charged for the defence of their Prince and countrey, and therfore ought indifferently to enjoy all the benefits of this moſt happy peace, And alſo debarring them from that free enlargement of common traffick into thoſe Dominions, which others his Majeſties ſubjects of his Realms of Scotland and Ireland do enjoy, to the manifeſt impoveriſhing of all owners of Ships, Maſters, Mariners, Fiſhermen, Clothiers, Tuckers, Spinſters, and many thouſands of all ſorts of handicraftſmen, beſides the decreaſe of his Majeſties cuſtoms, ſubſidies, and other impoſitions, and the ruine and decay of Navigation, together with the abating of the prices of our Woolls, Cloth, Corn, and ſuch like commodities, ariſing and growing within this his ſaid Majeſties Realm of England, and the inhancing of all French and Spaniſh commodities, by reaſon of the inſufficiency of the Merchants, they being few in number, and not of ability to keep the great number of our Ships and Seafaring men awork, and to vent the great ſtore of commodities which this his Majeſties Dominion of England doth yield, and by means that all owners, and Mariners with divers others (if theſe incorporations ſhould continue) ſhall be cut off from their ordinary means of maintenance, and preſerving their eſtates: and finally, by reaſon that all French and Spaniſh commodities ſhall be in a few mens hands: In reſpect whereof, as alſo for many other manifold inconvenices growing thereby, much hurt and prejudice muſt needs redound to all his Majeſties loving ſubjects of this his Highneſs Realm of England, if reformation for the prevention of ſo great an evil be not had in due time: For remedy whereof, Be it enacted by the Kings moſt excellent Majeſty, the Lords ſpiritual and temporal, and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for all his Majeſties ſubjects of this his Highneſs Realm of England and Wales, from henceforth at all times, to have free liberty to trade into and from the Dominions of Spain, Portugal and France, in ſuch ſort and in as free manner, as was at any time accuſtomed ſithence the beginning of this his Highneſs moſt happy reign in this his Realm of England, and at any time before the ſaid Charter of incorporation was granted, paying to the Kings moſt excellent Majeſty his heirs and ſucceſſors, all ſuch cuſtoms and other duties as by the Lawes and Statutes of this Realm ought to be paid and done for the ſame: The ſaid Charter of incorporation, or any other Charter, grant, act or any thing elſe heretofore made or done, or hereafter to be done, to the contrary in any wiſe notwithſtanding.

The ſeveral inconveniences that would enſue if the ſaid Charter ſhould take effect.

All the Kings ſubjects may trade into, and from Spain, Portugal and France.

None reſtrained by Law may depart the Realm without licence.

Provided always, that this act, or any thing therein contained, ſhal not be in force to enable or give liberty to any perſon or perſons to go over ſea without licence, who by the Laws and Statutes of this Realm, or by any Statute hereafter to be made, ſhall be reſtrained from going beyond the ſeas without licence: any thing to the contrary notwithſtanding. 1 H. 4. 17. 4 Jac. 9.

CAP. VII.

An Act to reform the multitude and miſdemeanours of Atturneys and Solicitors, and to avoid unneceſſary Suits and Charges in Law.

FOr that through the abuſe of ſundry Atturneys and Solicitors by charging their Clients with exceſſive fees and other unneceſſary demands, ſuch as were not, ne ought by them to have been employed or demanded, whereby the ſubjects grow to be overmuch burthened, and the practice of the juſt and honeſt Sergeant and Councellor at Law greatly ſlandered; and for that to work the private gain of ſuch Atturneys and Solicitors, the Client is oftentimes extraordinarily delayed: Be it enacted by the authority of this preſent Parliament, That no Atturney, Solicitor, or ſervant to any, ſhall be allowed from his Client, or Maſter, of or for any fee given to any Sergeant or Councellor at Law, or of or for any ſum or ſums of money given for copies to any clerk or clerks, or Officers in any court or courts of Record at Weſtminſter, unleſs he have a Ticket ſubſcribed with the hand and name of the ſame Sergeant or Councellor, clerk or clerks, or Officers aforeſaid, teſtifying how much he hath received for his fee, or given or paid for copies, and at what time, and how often: And that all Atturneys and Solicitors ſhall give a true bill unto their Maſters or Clients, or their aſſigns, of all other charges concerning the ſuits which they have for them, ſubſcribed with his own hand and name, before ſuch time as they or any of them ſhall charge their Clients with any the ſame fees or charges: And that if the Atturney or Solicitor do or ſhall willingly delay his Clients ſuits to work his own gain, or demand by his bill any other ſums of money, or allowance upon his accompt of any money which he hath not laid out or diſburſed, That in every ſuch caſe, the party grieved ſhall have his action againſt ſuch Atturney or Solicitor, and recover therein coſts and treble damages: And the ſaid Atturney and Solicitor ſhall be diſcharged from thenceforth from being an Atturney or Solicitor any more.

An Atturney ſhall have a Ticket of the money which he giveth for fees, &c.

A bill of charges.

An Atturney delaying his Clients ſuit, or demanding more than is due.

And to avoid the infinite numbers of Solicitors and Atturneys, Be it enacted by the authority of this preſent Parliament, That none ſhall from henceforth be admitted Atturneys in any the Kings Courts of Record aforeſaid, but ſuch as have been brought up in the ſame Courts, or otherwiſe well practiſed in ſoliciting of cauſes, and have been found by their dealings to be ſkilful and of honeſt diſpoſition: and that none be ſuffered to ſolicite any cauſe or cauſes in any the Courts aforeſaid, but only ſuch as are known to be men of ſufficient and honeſt diſpoſition: And that no Atturney ſhall admit any other to follow any ſuit in his name, upon pain that both the Atturney and he that followeth any ſuch ſuit in his name, ſhall each of them forfeit for ſuch offence twenty pound; The one moiety whereof to our Soveraign Lord the King, his heirs and ſucceſſors, and the other moiety to the party grieved, to be recovered in any the ſaid Courts of Record aforeſaid, by original Writ of debt, bill, plaint, or information, wherein no manner of eſſoyn, wager of law, or protection ſhall be allowed. And that the Atturney in ſuch caſe ſhall be excluded from being an Atturney for ever thereafter.

Who only ſhall be Atturneys or Solicitors.

No following of a ſuit in anothers name.

CAP. VIII.

An Act to avoid unneceſſary delayes of Executions.

Cro. Jac. 403.

FOraſmuch as his Highneſs ſubjects are now more commonly with-holden from their juſt debts, and often in danger to loſe the ſame, by means of Writs of Error, which are more commonly ſued than heretofore they have been, Be it therefore enacted by the authority of this preſent Parliament, That from and after the end of this preſent Seſſion of Parliament, no Execution ſhall be ſtayed or delayed upon or by any Writ of Error, or Superſedeas thereupon to be ſued, for the reverſing of any Judgment given, or to be given in any action or bill of debt upon any ſingle bond for debt, or upon any obligation, with condition for the payment of money only, or upon any action or bill of debt for rent, or upon any contract ſued in in any of his Highneſſe Courts of Record at Weſtminſter, or in the Counties Palatine of Cheſter, Lancaſter, or Durham, or in his Highneſſe courts of great Seſſions in any of the twelve Shires of Wales: unleſs ſuch perſon or perſons in whoſe name or names ſuch Writ of Error ſhall be brought, with two ſufficient ſureties, ſuch as the Court (wherein ſuch Judgment is or ſhall be given) ſhall allow of, ſhall firſt before ſuch ſtay made, or Superſedeas awarded, be bound unto the party for whom any ſuch Judgment is or ſhall be given, by recognizance to be acknowledged in the ſame court, in double the ſum adjudged to be recovered by the ſaid former Judgment, to proſecute the ſaid Writ of Error with effect: and alſo to ſatisfie and pay (if the ſaid Judgment be affirmed) all and ſingular the debts, damages and coſts, adjudged or to be adjudged, upon the former Judgment: and all coſts and damages to be alſo awarded for the ſame delaying of Execution.

In what caſes only execution ſhall be ſtayed upon the ſuit of a Writ of Error.

Cro. Car. 39.

This Act to have continuance to the end of the firſt Seſſion of the next Parliament. 3 Car. 4. made perpetual. 16 & 17 Car. 2. cap. 8.

Continuance of this ſtatute.

CAP. IX.

A relief of ſuch as lawfully uſe the Trade and handicraft of Skinners.

WHereas the ſaid Artizan Skinners before the one and twentieth year of the late Queen were at liberty, and uſually did tranſport into the Eaſtland Countries, Coney-skins, and Lamb-skins, called Morkins of the growth of this Kingdom, being in great requeſt in thoſe countries, without contradiction. In which one & twentieth year of her Majeſties reign, the Eaſtland Merchants procured a Charter from her Majeſty, in which is contained a prohibition, that none but they the Merchants of thoſe Countreys might tranſport any merchandizes thither: Sithence which time the ſaid Artizan Skinners have by colour of thoſe Letters Patents been reſtrained from tranſportation, and thereupon did for the maintenance of them and their poor families, apply themſelves to their handy labours, and to pro-

Queen Eliz. Charter to the Eaſtland Merchants, that none but they ſhould tranſport merchandize thither.

vide and buy within this Realm, as well of pety Chapmen as others, the ſaid skins within this Kingdom: and the ſurpluſage over and above ſuch as they wrought into Manufactures, they ſold to the ſaid Merchants that had gotten the ſaid Letters Patents for tranſportation aforeſaid, by reaſon whereof the ſaid Artizan Skinners, with their wives and families lived in good manner, and maintained many thouſands, both Tawers and other Workmen, and very many of them were Subſidy-men, and men that paid many duties in good ſort, until of late time that divers Merchants and others, for their own private gain, do by themſelves, their factors and ſervants, in diſorderly and unmerchantlike manner, buy, foreſtall, ingroſſe and provide the ſaid commodities, and ſo draw the whole Trade into their own hands, and work the ſame in their own houſes, and not contented therewith, do likewiſe ſell and retail the ſaid skins here again unto other Merchant-ſtrangers, whereby they do deprive the ſaid Artizan Skinners both from buying, ſelling and tranſportation, and thereupon the whole trade of Artizan Skinners is utterly impoveriſhed generally throughout England.

By what means the Artizan Skinners lived.

Merchants ſhall not dreſs black Cony-skins, nor tranſport them undreſſed.

Be it therefore Enacted by our Soveraign Lord the Kings Majeſty, by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons after the end of three moneths next enſuing after the end of this preſent Seſſion of Parliament, uſing the trade of merchandize, or any other, ſhall dreſs or cauſe to be dreſſed, in his or their houſe or houſes, or by any workman appointed by them for that purpoſe (thoſe workmen not being Artizan Skinners, and uſing the trade of Artizan Skinners) any of the black Cony-skins of this Kingdom, nor ſhall tranſport or carry beyond the Seas, nor cauſe to be tranſported or carried beyond the Seas, nor ſhall pack, ſhip or lade, to the intent to tranſport or carry beyond the Seas, any black Cony-skins of the breed of this Realm, unleſs the ſame skins ſhall firſt be tawed, and duly and perfectly wrought, dreſſed and packed within this Realm by thoſe that are Artizan Skinners, or Tawers under the ſaid Artizan Skinners, according to the Science, Art and Faculty of the Artizan Skinners, upon pain of forfeiture of ſuch skins ſo packed, ſhipped, laden and tranſported, contrary to this Act, or the juſt and full value thereof.

How many Cony-skins at the leaſt a Merchant muſt buy and ſell at one time.

And be it further enacted by the authority aforeſaid, That no perſon or perſons uſing or exerciſing the Trade of a Merchant, ſhall after the end of the ſaid three moneths next enſuing after the end of this preſent Seſſion of Parliament, buy, bargain or contract for, or cauſe to be bought, bargained or contracted for, any Coney-skins, or Lamb-skins, commonly called Morkins, of the breed of this Realm, or being within this Realm, under the number of one thouſand black Cony-skins, or three thouſand gray Cony-skins, or two thouſand Lamb-skins, called Morkins, at a time, and thoſe not to be bought or contracted for, in or by parcels, but to be contracted for, bargained and delivered at one time intirely together, and not by parcels, (except it be to the Artizan Skinners) nor ſhall utter or ſell the ſame again, nor any part thereof, to any perſon or perſons within this Realm in ſmall parcels: That is to ſay, under the number of one thouſand black Cony-skins, and three thouſand of gray Cony-skins, and two thouſand of Morkins at a time, unleſs it be to the Artizan Skinner, upon pain of forfeiture of the ſaid skins, or the full value of the ſame.

Who only a Skinner may take to be his Apprentice or Journeyman.

And be it further Enacted by the authority aforeſaid, That after the end of the ſaid three moneths next enſuing after the end of this preſent Seſſion of Parliament, no perſon or perſons ſhall take, retain or keep any Servant, Journeyman or Apprentice, to ſerve or work with him therein, except the ſaid perſon ſo uſing or ſetting up the ſaid Trade, Myſtery or Occupation, have ſerved ſeven years at the leaſt as an Apprentice therein, and do uſe the Trade and Handicraft of a Skinner, upon pain of forfeiture of the double value of all ſuch skins or furs as ſhall be dreſſed or wrought by ſuch perſon or perſons, his or their Servants, Journeymen or Apprentices, contrary to the intent of this Act.

Who ſhall recover the forfeiture, and by what means.

And be it enacted by the authority aforeſaid, That all forfeitures and penalties, which by force of this Act ſhall ariſe or grow, ſhall be divided and diſtributed in manner and form following, that is to ſay, the one moiety of the ſaid penalties and forfeitures afore-mentioned ſhall be to our Soveraign Lord the Kings Majeſty, his heirs and ſucceſſors; and the other moiety thereof to ſuch perſon or perſons as ſhall ſeize the ſaid skins or furs ſo forfeited, or ſhall ſue for the ſame penalties and forfeitures, by action of debt, bill, plaint, or information in any Court of Record: In which ſuits no eſſoyn, protection, or wager of law ſhall be allowed.

The continuance of the Statute.

This Act to endure until the end of the firſt Seſſion of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. X.

At whoſe charge an offendor ſhall be conveyed to the Gaol.

An offendor ſhall be conveyed to the Gaol at his own charges.

WHereas his Majeſties honeſt and loving ſubjects are much charged and burthened in conveying felons, and other malefactors and offendors againſt his Majeſties laws and ſtatutes, unto the Gaol, puniſhable by impriſonment there, the ſaid Felons and other malefactors and offendors, having goods and chattels of their own, whereby to defray the ſame charge themſelves, to the great encouragement of ſuch malefactors and offendors in their ſaid wicked and bad courſes, and to the diſcouragement of his Majeſties ſaid honeſt and loving ſubjects in proſecuting the ſaid malefactors and offendors to be puniſhed according to their demerits: Be it Enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every perſon and perſons whatſoever, that from and after the end of this preſent Seſſion of Parliament, ſhall be committed to the common or uſual Gaol, within any County or Liberty within this Realm, by any Juſtice or Juſtices of the peace, for any offence or miſdemeanour, That the ſaid perſon or perſons ſo to be committed as aforeſaid, having means or ability thereunto, ſhall bear their own reaſonable charges for ſo receiving or ſending them to the ſaid Gaol, and the charges alſo of ſuch as ſhall be ap-

pointed

appointed to guard them to ſuch Gaol, and ſhall ſo guard them thither. And if any ſuch perſon or perſons ſo to be committed as aforeſaid, ſhall refuſe at the time of their commitment and ſending to the ſaid Gaol, to defray the ſaid charges, or ſhall not then pay or bear the ſame, That then ſuch Juſtice or Juſtices of the peace ſhall and may by writing under his or their hand and ſeal, or hands and ſeals, give Warrant to the Conſtable or Conſtables of the Hundred, or Conſtable or Tythingman of the Tything or Townſhip, where ſuch perſon or perſons ſhall be dwelling and inhabit, or from whence he or they ſhall be committed as aforeſaid, or where he or they ſhall have any goods within the County or Liberty, to ſell ſuch and ſo much of the goods and chattels of the ſaid perſons ſo to be committed, as by the diſcretion of the ſaid Juſtice or Juſtices of the peace, ſhall ſatisfie and pay the charges of ſuch his or their conveying and ſending to the ſaid Gaol, the appraiſement to be made by four of the honeſt Inhabitants of the Pariſh or Tything where ſuch goods or chattels ſhall remain and be, and the over-plus of the money which ſhall be made thereof, to be delivered to the party to whom the ſaid goods ſhall belong.

How the charges ſhall be levied, if the priſoner refuſe to pay them.

And be it further enacted by the authority aforeſaid, That if the ſaid perſon or perſons ſo to be committed as aforeſaid, ſhall not have, or be known to have any goods or chattels which may be ſold for the purpoſe aforeſaid, within the County or Liberty, That then an indifferent tax or aſſeſment ſhall be made by the Conſtables and Church-wardens, and two or three other the honeſt inhabitants of the Pariſh, Townſhip or Tything, where the ſaid offendor or offendors ſhall be taken or apprehended, the ſaid taxation being allowed under the hand of one or more Juſtice or Juſtices of the peace, if there be ſuch Conſtables or Church-wardens there inhabiting; and in default of them, by four of the principal inhabitants of the ſaid Pariſh, Townſhip or Tything, where ſuch offendors ſhall be taken or apprehended. And if any ſo taxed or aſſeſſed, ſhall refuſe to pay their ſaid taxation, then the Juſtice or Juſtices of peace, by whom the ſaid offendors ſhall be committed to priſon as aforeſaid, or any other Juſtice of peace near adjoyning, ſhall and may give warrant as aforeſaid to the Conſtable, Tythingman, or other Officer, there to diſtrain the goods of any ſo aſſeſſed, which ſhall refuſe to pay the ſame, and to ſell the ſame, and that ſuch perſon or perſons ſo authorized, ſhall have full power and authority ſo to diſtrain, and by appraiſement of four ſubſtantial inhabitants of the ſaid place, to ſell a ſufficient quantity of the goods and chattels of the ſaid perſon ſo refuſing, for the levying of the ſaid taxation. And if any overplus of money come by the ſale thereof, the ſame to be delivered to the perſon or perſons, owner or owners thereof.

If the offendor be not able to bear his charges; the Pariſhioners ſhall do it.

The remedy if any perſon taxed refuſe to pay.

And be it enacted by the authority of this preſent Parliament, That if any action of treſpaſs or other ſuit ſhall happen to be attempted, or brought againſt the perſon or perſons for taking of any diſtreſs, making of any ſale, or any other act by authority of this preſent Act, the defendant or defendants in any ſuch action or ſuit, ſhall and may either plead not guilty, or otherwiſe make avowry, cogniſance or juſtification, for the taking of the ſaid diſtreſſes, making of ſale, or other act by vertue of this Act, alledging in ſuch avowry, cogniſance or juſtification, that the ſaid diſtreſs, ſale, treſpaſſe, or other thing whereof the plaintiff or plaintiffs complained, was done by authority of this Act, and according to the tenour, purport and effect of this Act, without any expreſſing or rehearſal of any other matter of circumſtance contained in this preſent Act. To which avowry, cogniſance or juſtification, the plaintiff ſhall be admitted to reply, That the defendant did take the ſaid diſtreſſe, made the ſaid ſale, or did any other act or treſpaſs ſuppoſed in his declaration of his own wrong, without any ſuch cauſe alledged by the ſaid defendant, whereupon the iſſue in every ſuch action ſhall be joyned to be tryed by verdict of twelve men, and not otherwiſe, accuſtomed in other perſonal actions, and upon the tryal of that iſſue, the whole matter to be given on both parties in evidence, according to the very truth of the ſame. And after ſuch iſſue tryed for the defendant or nonſuit of the plaintiff after appearance, the ſaid defendant to recover treble damages by reaſon of his wrongful vexation in that behalf, with coſts alſo on that part ſuſtained, and that to be aſſeſſed by the ſame Jury or Writ, to enquire of the damages, as the ſame ſhall require. This Act to continue until the end of the firſt Seſſion of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

The defendants plea in an Action brought for any thing done by force of this Act.

The defendant ſhall recover treble damages and coſts of ſuits.

The continuance of this Act.

CAP. XI.

When Beer may be tranſported by any perſon, and to what place.

1 Jac. 25.

Whereas by a ſtatute made in the firſt year of the reign of our now moſt gracious Soveraign Lord King James, it is lawful to tranſport over the Seas Barley or Mault, when the common price thereof ſhall not exceed the prices in the ſaid ſtatute limited, by which ſaid Act it is lawful for every perſon and perſons, being ſubjects of the Kings Majeſty, his heirs and ſucceſſors, to tranſport of his own, and to buy and tranſport unto any Port beyond the ſeas, in amity with his Majeſty, to ſell as merchandize in Ships, Crayers or other Veſſels, whereof any Engliſh born ſubject or ſubjects then ſhall be the owner or owners, any Barley or Mault, when the price of every ſuch quarter of Barley or Mault exceeds not at the times, havens and places, where and when the ſame ſhall be ſhipped or laden, the ſum of fourteen ſhillings currant Engliſh money, paying to the Kings Majeſty, his heirs and ſucceſſors, for the Cuſtome and Poundage of every ſuch quarter of Barley and Mault ſo tranſported, the ſum of ſixteen pence in full ſatisfaction of all manner of Cuſtom and Poundage for the ſame. Now for that by the tranſporting of Beer, the Cuſtom and Poundage that will grow due to the Kings Majeſty for the ſame Beer will be much greater than when the Barley or Mault, whereof the ſaid Beer is made, is tranſported, and alſo that the Navy and Mariners of this Realm will be the more encreaſed, for that one Ship or Boat load of Barley or Mault, will, if the ſame be brewed out into Beer, make four ſeveral Ships or Boats load of the ſame burthen of Beer to be tranſported: the tillage likewiſe of this Realm will be cheriſhed and encreaſed, by reaſon of the more ſpeedy and often vent of the

The ſeveral benefits ariſing by the tranſporting of Beer more than of Mault.

Beer, than of Barley or Mault: And alſo by the brewing of ſuch Mault into Beer within this Realm to be tranſported, divers Port Towns will be greatly comforted and relieved, many of his Majeſties ſubjects thereby employed and ſet on work, and the Trades of Coopers and Brewers will be thereby better enabled to live and maintain themſelves, their wives, children and families:

At what times Beer may be tranſported by any perſon.

Be it therefore Enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That at all times from and after the Feaſt of Pentecoſt which ſhall be in the year of our Lord God, 1607. it ſhall and may be lawful for all and every perſon and perſons to tranſport of his own, or to buy and tranſport, or cauſe to be bought and tranſported, any Beer with the Cask, unto any place or places beyond the Seas, in amity and league with his Majeſty, his heirs or ſucceſſors, to ſell as merchandize or otherwiſe, in Ships, Crayers, or other Veſſels, when the price of every quarter of Mault at the times, havens and places when and where the ſame ſhall be ſhipped and loaden, exceed not the ſum of ſixteen ſhillings currant Engliſh money: Any ordinance, law, or ſtatute to the contrary thereof in any wiſe notwithſtanding.

What Impoſt and Cuſtomes ſhall be paid for Beer tranſported.

And that the Kings Majeſty, his heirs and ſucceſſors, ſhall have and receive by the Cuſtomers, Comptrollers and Officers of his Ports, where ſuch Beer ſhall be ſo ſhipped or loaden to be tranſported, the ſum of eight ſhillings ſix pence, for Impoſt, and eighteen pence for Cuſtom to be paid by every ſubject of the Kings Majeſty, his heirs and ſucceſſors, for every Ton of Beer ſo to be tranſported: And likewiſe the ſum of ten ſhillings for Impoſt, and two and twenty pence half-peny for Cuſtom to be paid by every Stranger, which ſhall be in full ſatiſfaction of all manner of Cuſtom, Poundage, Impoſt, or other duties whatſoever for the ſame Beer: Any conſtitution, order, law, ſtatute or cuſtom heretofore made, uſed or taken for tranſporting of any ſuch Beer, to the contrary in any wiſe notwithſtanding.

35 El. 11.
1 Jac. 25.

Provided nevertheleſs, and be it further enacted and declared, That this Act nor any thing therein contained, ſhall extend to repeal or make void any clauſe, article or proviſion contained in any former law now in force, touching the bringing in of Clapboard, Cask or Shaffoldboard, but that every ſuch branch, article, clauſe or proviſion, ſhall extend as well unto all and every tranſportation or tranſportations, made lawful and warranted by vertue of this Act, as otherwiſe: Any thing contained in this Act to the contrary notwithſtanding.

The continuance of this Act.

This Act to continue but to the end of the firſt Seſſion of the next Parliament. 3 Car. 4.
Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XII.

The forfeiture for ſetting up of a new Weare, or for deſtroying the Spawn or Fry of Fiſh.

Cauſes of the deſtruction of the brood of fiſh.

Foraſmuch as it is certainly known by daily experience, That the brood of Sea-fiſh is ſpawned and lieth in ſtill waters, where it may have reſt to receive nouriſhment, and grow to perfection, and that it is there deſtroyed by Weares, Draw-nets, and Nets with canvas, or like Engines in the middle or boſome of them, in Harbours, Havens and Creeks within this Realm, to the great damage and hurt of Fiſhermen, and hinderance of the Common-wealth, for that every Wear near the main Sea, taketh in twelve hours ſometimes the quantity of five buſhels, ſometimes ten, ſometimes twenty or thirty buſhels of the brood of ſea-fiſh, and alſo thoſe which uſe Draw-nets, Nets with canvas, or engines in the midſt of them, do, every day they fiſh, deſtroy the brood of all the ſorts of fiſh aforeſaid in great multitudes.

The forfeiture for deſtroying the Spawn, fry or brood of Sea-fiſh.

For reformation whereof, Be it enacted by the authority of this preſent Parliament, That every perſon and perſons that from and after the five and twentieth day of July next enſuing this Seſſion of Parliament, ſhall erect or ſet up any new Wear or Wears along the Sea-ſhore, or in any Haven, Harbour or Creek, or within five miles of the mouth of any Haven or Creek, or ſhall willingly take, deſtroy or ſpoyl any ſpawn, fry, or brood of any ſea-fiſh, in any Wear or other Engine or device whatſoever, ſhall forfeit for every time ſo erecting, ſetting up, taking, deſtroying, or ſpoyling contrary to this Act, the ſum of x. li. of good and lawful money of England, the one half to the Kings Majeſty, his heirs or ſucceſſors, and the other half to him that will ſue for the ſame: And that every perſon which after the firſt day of October next enſuing this Seſſion of Parliament, in any Haven, Harbour, Creek, or within five miles of the mouth of any Haven, Harbour or Creek of the Sea, ſhall fiſh with any Draw-net or Drag-net, under three inches meaſh, viz. an inch and an half from knot to knot, except for the taking of Smoulds in Norfolk only, or with any Net with canvas, or other engine or device, whereby the ſpawn, fry, or brood of ſea-fiſh may be deſtroyed, ſhall forfeit ſuch Net, and alſo forfeit for every time ſo doing, x. s. of lawful money of England, the one half to the uſe of the poor people of the City, Town corporate, Borough, Market Town, Pariſh or Liberty where the offence or offences ſhall be committed, and the other half to the perſon that ſhall ſue for the ſame, the ſaid forfeitures to be levied to the uſes aforeſaid, by the Mayor, Bayliff, or other head Officer of every City, Borough or Town corporate, and by Warrant of one or more Juſtices of peace, it ſhall be lawful for the Conſtables and Church-Wardens of every Market Town, Pariſh or Liberty within which any ſuch offences ſhall be done, by way of diſtreſs, and ſale of the offenders goods, rendring to them the ſurpluſage, according to the order of former ſtatutes in ſuch caſes of forfeitures ordained.

The forfeiture for fiſhing with certain Nets and Engines.

Examined by the Parliament Roll.

What ſort of fiſh may be taken with the Nets prohibited.

Provided alwayes, That this Act or any thing therein contained, ſhall not extend to puniſh any perſon or perſons, for uſing any Net or Nets of leſſer meaſh than is by this ſtatute appointed, only for taking of Herring, Pilchards, Sprats or Lavidnian: Any thing in this Act to the contrary in any wiſe notwithſtanding.

Angleſey.

Provided further, That this Act ſhall not extend to the Iſle and County of Angleſey.

CAP. XIII.

The Penalties for unlawful Hunting, or ſtealing of Deer or Conies.

Certain offences for which the Stat. of 5 El. 21. hath not provided puniſhment.

WHereas ſince the making of the Statute of Quinto Reginæ Elizabethæ, cap. 21. there have been divers Grounds incloſed, and uſed and kept for the preſervation and maintenance of Deer and Conies: And whereas there is not by the ſaid ſtatute of Quinto Elizab. neither by any other Act now in force, any ſufficient remedy provided againſt ſuch malefactors and evil diſpoſed perſons, as ſhall chaſe, hunt or kill any the Deer or Conies within ſuch Grounds, ſithence the ſaid ſtatute of Quinto Eliz. incloſed and kept and uſed for the maintenance and preſervation of the ſaid Game, as aforeſaid, or any former Grounds which have been ſithence the making of the ſaid ſtatute, in any part altered: By reaſon whereof, many riots, manſlaughters, miſchiefs, and other inconveniences have been daily committed and done, and like to be committed and done, if circumſpect remedy be not hereunto provided.

The penalty for breaking a Park or Warren, or for hunting of Deer or Conies. ALT. 7 Jac. 13. 13 Car. 2. ca. 10

Be it therefore Enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, after the Feaſt of S. James the Apoſtle next enſuing, ſhall in the night time, or by day, wrongfully or unlawfully break or enter into any Park impaled, or any other ſeveral Grounds encloſed with wall, pale, or hedge, and uſed or kept for the keeping, breeding and cheriſhing of any Deer or Conies, and wrongfully or unlawfully ſhall hunt, drive or chaſe out, or take, kill or ſlay any Deer or Conies within any ſuch impaled park, or cloſed ground with pale, wall or other encloſure as aforeſaid, againſt the will, mind or pleaſure of the owners, occupiers or poſſeſſioners of the ſame, not having lawful title or authority ſo to do, and thereof ſhall be lawfully convicted at the ſuit of our Soveraign Lord the King, his Heirs or Succeſſors, or the party grieved, ſhall ſuffer impriſonment of his or their bodies by the ſpace of three moneths, and alſo ſhall yield and pay to the party grieved his treble damages and coſts, to be aſſeſſed and rated by the Juſtices before whom he or they ſhall be convicted, after the ſaid three moneths expired, and ſhall find ſufficient ſureties for his and their good abearing againſt the King, his heirs and ſucceſſors, and all his liege people for the ſpace of ſeven years after, or elſe ſhall remain and continue ſtill in priſon without bail or mainpriſe, until ſuch time as he or they ſo offending, ſhall find ſufficient ſureties, during the ſaid time and ſpace of ſeven years.

Which Juſtices may hear and determine the offences aforeſaid.

And be it likewiſe Enacted by the authority aforeſaid, That the Juſtices of Oyer and Terminer, Juſtices of Aſſize in their Circuits, and Juſtices of Peace and Gaol-delivery in their Seſſions, ſhall by vertue hereof, have power and authority to enquire, hear and determine all and ſingular the ſaid offences, by examination of the offendors, and to make and award Proceſs thereupon, as well upon Indictments taken before them, as by bill of complaint, information, or any other action: In which ſuit or action, no eſſoyn, wager of Law, or protection ſhall be allowed.

The remedy of the party grieved.

And be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful to the party grieved, to ſue and take his further remedy againſt all and every ſuch offendor or offendors for his loſſe and damages, and to recover the treble value of the ſame in that behalf, as well before the Juſtices of Oyer and Terminer, Juſtices of Aſſize in their Circuits, and Juſtices of the peace and Gaol-delivery in their Seſſions, or elſewhere, in any other the Kings Majeſties Courts of Record at Weſtminſter: And that upon true ſatiſfaction of the ſaid treble damages to the party grieved, or upon the confeſſion or acknowledgment thereof by the ſaid party offending, before the Juſtices in open Seſſions holden for the County, wherein the ſame offence ſhall be committed, it ſhall be at the liberty of the ſaid party grieved, to whom the ſaid offence is committed, to releaſe at his pleaſure the ſuretiſhip of the good behaviour, at any time within the ſaid ſeven years or before: Any thing in this preſent Act before mentioned or declared to the contrary notwithſtanding.

In what caſe the ſuretiſhip of the good behaviour may be releaſed by the party grieved.

The penalty for ſhooting with Gun or Bow, at Deer or Conies, or for keeping of Engines.

And be it alſo further Enacted by the authority aforeſaid, That if any perſon or perſons, not having any manors, lands, tenements or hereditaments, of the clear yearly value of forty pounds, or not worth in goods or chattels, the ſum of two hundred pounds, ſhall uſe any Gun, Bow, or Croſs-bow, to kill any Deer or Conies, or ſhall keep any Buckſtall or Engine, Hayes, Gate-nets, Purſe-nets, Ferrets or Cony-dogs, except ſuch perſon or perſons as ſhall have any Grounds imparked with pale, or encloſed with wall or hedge as aforeſaid, uſed for the keeping, breeding, or cheriſhing of any Deer or Conies, the encreaſing of which ſaid Conies, ſhall amount to the clear yearly value of forty ſhillings to be letten at the leaſt, or Keepers or Warreners in their Parks, Warrens or Grounds belonging to their charge, That then any perſon having lands, tenements or hereditaments of the clear yearly value of one hundred pounds in Fee-ſimple, Fee-tail, or for life, in his own right or in the right of his wife, may take from the perſon or poſſeſſion of ſuch malefactor or malefactors, and to his own uſe for ever keep ſuch Guns, Bows, Croſs-bows, Buckſtalls or engine, Hays, Gate-nets, Purſe-nets, Ferrets and Cony-dogs.

In what caſe the Juſtices may diſcharge the ſuiter of good abearing.

And be it further Enacted by the authority aforeſaid, That if any perſon or perſons at any time hereafter, ſhall fortune to be bound before any the Juſtices before mentioned, to the King, his heirs or ſucceſſors, for his or their good abearing for ſeven years, according to the tenor of this Act, And the ſame party or parties ſo bound, ſhall afterward within the ſaid ſeven years come before the Juſtices of the peace of the ſaid County, where the ſaid offence was committed, or ſome of them, in open Quarter-Seſſions, and there in the ſaid Seſſions confeſs and acknowledg his or their ſaid offence or offences, that he or they is or are ſorry therefore, and ſatisfie the party or parties grieved, according to the tenor of this Act, That then the ſame Juſtices before whom the ſaid confeſſion ſhall be ſo made, ſhall and may have power and authority by vertue of this Act, in the ſame open Seſſions, or in any other Seſſions afterwards to be holden before the ſaid Juſtices in the ſaid county within the ſaid term of ſeven years, if it ſhall ſeem good to their diſcretions, to diſcharge the ſaid Recognizance and Bond ſo taken, and alſo the ſaid party and parties ſo bound: This act or any thing therein contained to the contrary thereof notwithſtanding.

A Park or Warren made without the Kings Licence.

Provided alwayes, That this act or any thing therein contained, do not extend to any park or incloſed ground, hereafter to be made and uſed for Deer or Conies, without the grant or licence of our Soveraign Lord the King, his heirs or ſucceſſors.

Offences committed in the night only. This proviſo for Deer. REP. 7 Jac. 13.

Provided alwayes, and be it further enacted, that this act nor any thing therein contained, ſhall extend to any offence or offences concerning the hunting, chaſing or killing of Deer or Conies, which ſhall be done or committed in the day time but only to ſuch offences as ſhal be hereafter done or committed in the night time only: Any thing in this act contained to the contrary thereof notwithſtanding. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament. 17 Car. 4. ca. 4. Continued.

CAP. XIV.

Water courſes falling into the Thames within two miles of London, ſhall be ſubject to the Commiſſion of Sewers.

St. 23 H. 8. 5.
25 H. 8. 10.
3 Ed. 6. 8.
13 El. 9.

Foraſmuch as the Walls, Ditches, Banks, Gutters, Sewers, Gates, Cauſeys, Bridges, Streams and Water-courſes in and about the City of London, where no paſſage of Boats is uſed, having their courſe and fall into the River of Thames, where it doth uſually ebbe and flow, and is uſed for free paſſage of Boats to the Sea, are already by the Commiſſioners of Sewers appointed to be ſurveyed, reformed and amended, where need ſhall require, and are as needful and meet to be ſurveyed, reformed and amended, from noyance of the ſaid River of Thames, by the Commiſſioners of Sewers, as thoſe Rivers, Streams and Water-Courſes, where the water doth uſually ebbe or flow, and where more uſual paſſage of Boats hath been, and yet are not under the ſurvey, correction and amendment of the Commiſſion of Sewers, nor of the ſtatute made for Sewers in the three and twentieth year of the reign of King Henry the eight, or of any other ſtatute made for Sewers, as the ſame ſhould have been, if the hurts, noyſances and inconveniences now by dayly experience felt and found in thoſe places, had been ſeen and conſidered of.

Water-Courſes falling into Thames near unto London, ſhall be ſubject to the Commiſſion of Sewers.

For reformation whereof be it enacted by our Soveraign Lord the King, and by the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled and by the authority of the ſame, That the Walls, Ditches, Banks, Gutters, Sewers, Gates, Cauſeys, Bridges, Streams and Water-courſes, within the limits of two miles, of, and from the City of London which waters have their courſe, and fall into the River of Thames, ſhall from henceforth be to all intents, conſtructions and purpoſes, as fully ſubject to the Commiſſion of Sewers, and to all the ſtatutes made for Sewers, and to all penalties, in the ſame ſtatutes, and in every of them contained, as if the ſame places near to the ſaid City of London, had been particularly named in the ſaid ſtatute of Sewers, or that therein the water had ebbed flowed, and therein free paſſage with Boats and Barges to the ſea had been heretofore uſed: Any thing in the ſaid ſtatutes or elſewhere to the contrary, in any wiſe notwithſtanding.

CAP. XV.

A remedy for the recovery of ſmall debts, and for the releiving of poor debtors in London.

St. 10 Jac. 14.

Whereas by vertue of divers acts of Common Council made within the City of London, the Lord Mayor and Aldermen of the ſame City for the relief of poor debtors dwelling within the ſaid City, have accuſtomed monthly to aſſign two Aldermen, and twelve diſcreet Commoners to be Commiſſioners and ſit in the court of Requeſts, commonly called the court of Conſcience in the Guildhal of the ſame City there to hear and determine all matters of debt not amounting to the ſumme of xl. s. to be brought before them: And whereas at the Seſſions of Parliament holden at Weſtminſter, the nineteenth day of March, in the firſt year of the reign of our Soveraign Lord the Kings Majeſty that now is for the further relief of ſuch poor debtors, and more perfect eſtabliſhing of the ſaid court, there was made and provided an act, entituled, An act for recovery of ſmall debts, and relieving of poor debtors in London: And whereas ſince the making of the ſaid act, divers perſons, intending to ſubvert the good and charitable intent the ſame and taking hold of ſome doubtful and ambiguous words therein, do wreſt the ſame for their own lucre and gain, to the avoiding the Juriſdiction of the ſaid court, contrary to the godly meaning of the ſaid act.

Cro. Car. 572.

A mean for a Citizen of London to recover of another there a ſmall debt.

For the remedy whereof and to the intent that ſome more full and ample proviſion may be made for the relief of ſuch poor debtors, Be it Enacted by authority of this preſent Parliament, That every Citizen and freeman of the City of London, and every other perſon and perſons inhabiting, or that ſhall inhabit within the ſaid city or the liberties thereof, being a Tradeſman, Victualler, or a labouring man, which now have, or hereafter ſhall have any debt or debts owing unto him or them, not amounting to Forty ſhillings, by any Citizen, or by any other perſon or perſons being a Victualler, Tradeſman, or labouring man, inhabiting, or that ſhall inhabit within the ſaid City or the Liberties thereof, ſhall or may cauſe ſuch debtor or debtors to be warned or ſummoned by the Beadel or officer of the ſaid Court of Requeſts for the time being, by writing, to be left at the dwelling houſe of ſuch debtor or debtors, or by any other reaſonable warning or notice to be given to the ſaid debtor or debtors, to appear before the Commiſſioners of the ſaid Court of Requeſts, holden in the Guild-hall of the ſaid City. And that the ſaid Commiſſioners, or any three of them or more ſhall have power and authority by the vertue of this act, from time to time, to ſet down ſuch order or orders between ſuch party or parties plaintiff, and his or their ſuch debtor or debtors defendants, touching ſuch debts, not amounting to the value of forty ſhillings, in queſtion before them, as they ſhall find to ſtand with equity and good conſcience. All ſuch their order or orders to be regiſtred in a book, as they have been accuſtomed, and aſwell the party plaintiff, as the debtor or defendant, to obſerve, perform and keep the ſame in all points.

And that for the more due proceeding herein it ſhall be lawful for the ſame Commiſſioners or any three or more of them, to miniſter an oath to the plaintiff or defendant, and alſo to ſuch witneſſes as ſhall be produced on each party, if the ſame Commiſſioners, or any three of them or more ſhall ſo think it meet.

The Commiſſioners may miniſter an oath to the plaintiff, defendant or witneſſe.

And be it further enacted by the authority aforeſaid, That if in any action of debt, or action upon the caſe upon any Aſſumpſit for the recovery of any debt, to be ſued or proſecuted againſt any the perſon or perſons aforeſaid, in any of the Kings Courts at Weſtminſter, or elſewhere out of the ſaid Court of Requeſts, it ſhall appear to the Judge or Judges of the Court, where ſuch action ſhall be ſued or proſecuted, that the debt to be recovered by the plaintiff in ſuch action doth not amount to the ſum of xl. s. and the defendant in ſuch action, ſhall duely prove either by ſufficient teſtimony, or by his own oath, to be allowed by any the Judge or Judges of the ſaid Court where ſuch action ſhal depend, that at the time of the commencing of ſuch action, ſuch defendant was inhabiting and reſiant in the City of London or the Liberties thereof, as above: That in ſuch caſe the ſaid Judge or Judges ſhall not allow, to the ſaid plaintiff any coſts of ſuit, but ſhall award that the ſame plaintiff ſhall pay ſo much ordinary coſts to the party defendant, as ſuch defendant ſhall juſtly prove before the ſaid Judge or Judges, it hath truly coſt him in defence of the ſaid ſuit.

A Creditor ſuing in another Court, ſhall pay coſts, and recover none.

And be it further enacted, That if any ſuch plaintiff, or creditor, defendant, or debtor, after warning given to him or them, in manner and form before in this act mentioned, by the ſaid Officer of the ſaid Court of requeſts, ſhal without ſome juſt or reaſonable cauſe of excuſe, refuſe to appear in the ſaid Court before the ſaid Commiſſioners, or ſhall not perform ſuch order as the ſaid Commiſſioners or any three or more of them ſhall ſet down, or concerning ſuch debts as aforeſaid: That then it ſhall be lawful for the ſaid Court, or any other of the Sergeants at Mace of the ſaid City, by order of the ſaid Commiſſioners, or any three or more of them, to commit ſuch party or parties to priſon, into one of the Counters of the ſaid City there to remain until he or they ſhall perform the order of the ſaid Commiſſioners in that behalf.

The penalty for refuſing to appear, or to obey the order made by the Commiſſioners.

Provided always, that this act or any thing therein contained, ſhall not extend to any debt for any rent upon any Leaſe of lands or tenements or any other real contracts, nor to any other debt that ſhall arise by reaſon of any cauſe concerning a Teſtament, or Matrimony, or any thing concerning or properly belonging to the Eccleſiaſtical court, albeit the ſame ſhal be under xl. s. Any thing before contained to the contrary in any wiſe notwithſtanding.

Debts for rent, or by reaſon of a Teſtament or Matrimony.

And be it enacted by the authority aforeſaid, That the ſaid act made in the firſt year of the Kings Majeſties reign, be from the end of this Seſſion of Parliament, for and concerning any order to be made in the ſaid court of Requeſts, after the end of this Seſſion of Parliament utterly repealed.

A repeal of the ſtatute of 1 Jac. 14.

CAP. XVI.

The length and weight of Ordinary and Sorting Kerſies.

WHereas in the Parliament holden at Weſtminſter in the fourteenth year of the reign of our late Soveraign Lady Queen Elizabeth, one act, entituled, An act to reform the exceſſive length of Kerſies, was made, entending thereby to have reſtrained them to the length of eighteen yards or under, immediately upon the making of which act, by reaſon of the ſaid law it hath ſithence fallen out, many clothing Towns, as well within the County of Southampton, as in divers other Counties within this Realm of England, who were then in trade with Merchant-ſtrangers, and others uſing the trade of tranſporting of Kerſies by way of merchandize beyond the ſeas, grew ſuddenly out of Trade, and in great decay, for that the ſaid Merchants would no longer buy of the Cloathiers any of their ſaid Kerſies wanting their old accuſtomed meaſure of four and twenty yards or thereabouts, they the ſaid Merchants being by the like cuſtom and uſage in trade with other Merchants for the ſaid Kerſies of the ſaid meaſure and length, to the great impoveriſhment and ruine of divers ancient Towns, and of thouſands of poor people, who were wont by them to be ſet on work and maintained, and to the great loſs of our ſaid Soveraign Lady Queen Elizabeth, and of the Kings majeſty that now is, in their Cuſtoms and Subſidies, which in and by the ſaid former venting and trading of the ſaid Kerſies did and would continually accrew and grow due for the ſame.

Several inconveniences enſuing upon the ſtatute of 14 El. 10. provided for the length of Kerſies.

Be it therefore enacted by the authority of this preſent Parliament, That the ſaid act of the fourteenth year of the reign of our late Soveraign Lady Queen Elizabeth, entituled, An act to reform the exceſſive lengths of Kerſies, be from henceforth clearly and abſolutely repealed.

A repeal of the ſtat. of 14 Eliz. 10.

Provided always, and be it enacted by authority of this preſent Parliament, That Kerſies called ordinary Kerſies, ſhall not exceed the length of four and twenty yards to be meaſured by the yard and ynch, and that every ordinary Kerſie of the length of four and twenty yards aforeſaid, being well ſcoured, thicked, milled, dreſſed, and fully dyed, ſhall weigh eight and twenty pounds and one half pound at the leaſt. And that Kerſies called Sorting Kerſies, ſhall not exceed the length aforeſaid, and that every Sorting Kerſie of the length of four and twenty ſuch yards as aforeſaid, being well ſcoured, thicked, milled, dreſſed, and fully dyed, ſhall weigh thirty two pounds & one half pound at the leaſt: And that every Kerſie of a ſhorter length than four and twenty ſuch yards as aforeſaid, ſhall weigh proportionably to the aforeſaid weight, that is to ſay, Every ordinary Kerſie after the rate of one pound and three ounces weight for every yard that the ſame ſhall contain in length, and every ſorting Kerſie after the rate of one pound three ounces and one half ounce in weight, for every yard that the ſame ſhall contain in length.

The length and weight of ordinary Kerſies.

Sorting Kerſies.

And

The forfeitures for exceeding in length, or wanting in weight.

And if it happen that any Kerſie or Kerſies hereafter to be made, ſhall either exceed the ſaid length of four and twenty ſuch yards, as aforeſaid, or ſhall not weigh according to the reſpective rates and proportions aforeſaid, then every perſon or perſons that ſhall make, or cauſe the ſame to be made for ſale, ſhall forfeit and loſe for every yard of ſuch Kerſies, exceeding the length of four and twenty ſuch ſaid yards, the ſum of five ſhillings only, and no more: And for every pound weight that ſhall be wanting according to the proportions before reſpectively limited, ſhall forfeit two ſhillings for every pound and no more, Any former Laws or Statutes limiting or appointing any other or greater penalty or forfeiture to the contrary thereof in any wiſe notwithſtanding. The one moyety of the ſaid ſums, penalties, and forfeitures to be to the Kings Majeſty, his Heirs and Succeſſors, and the other moyety to him or them that will ſue for the ſame in any of his Majeſties Courts of Record at Weſtminſter, by Bill, Plaint or Information, wherein no Eſſoine, Protection, or Wager of Law ſhall be allowed or admitted.

The Cuſtom and Subſidy for a piece of Kerſie.

Provided further, and be it enacted by the authority aforeſaid, That every perſon and perſons ſelling or trading in any ſuch Kerſie or Kerſies, ſhall pay unto the Kings Majeſty for every piece of Kerſie containing four and twenty yards, as much in Cuſtom and Subſidy, rateably, as ſuch perſon or perſons ſhould and ought to pay unto his Majeſty for one piece and a third part of a piece containing eighteen yards. Stat. 5 & 6 Ed. 6. 6.

CAP. XVII.

Welſh Cottons ſhall not be ſealed, ſearched or tryed.

1 Jac. 25.

VVhereas in a Statute made at the firſt Seſſion of Parliament holden at Weſtmin- in the firſt year of his Majeſties Reign, amongſt other things it was provided and enacted, That no perſon or perſons ſhould incur any penalty for want of length, bredth or weight of Welſh Cottons, under the price of fifteen pence the yard, and two ſhillings the goad, ſo as they be not mixed with hare, or other deceitful ſtuff, nor for any other above that price, except they be mixt as aforeſaid, or ſhall ſhrink above half a yard in twelve yards of length, or weigh leſſe than fourteen ounces the yard, and hold not full three quarters of a yard broad, as by the ſame Statute appeareth: which Proviſo in the conſtructions of divers perſons doth not preſerve ſuch as make or ſell courſe Welſh Cottons, from the penalty and danger of not adding or affixing a Seal to contain the length, bredth or weight of the ſaid Cottons, which affixion of a Seal is needleſs, when there is no length, bredth or weight preſcribed for them: And moreover, for that in all antecedent Ages the ſaid Cottons, being commonly uſed for Lynings, were never ſeized as forfeited for want of the Seal of the Markers put unto them, nor uſed to be ſearched or tryed by water, but only by the Buyer:

No penalty for want of a ſeal of Welſh Cottons.
be ſearched or Welſh Cottons ſhall not
tryed

Be it therefore enacted by our Soveraign Lord the King, and by the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth no perſon or perſons ſhall incur any penalty for want of any content, Seal to contain the bredth, length or weight of any Weſh Cottons: And that no Welſh Cottons ſhall at any time or times hereafter be ſearched or tryed in the water by any perſon or perſons, other than by the Buyer thereof, upon pain to forfeit for every ſuch offence by the party who ſhall make any ſuch ſearch or tryal contrary to the intent of this Statute, five pounds of lawful money of England, the one moyety thereof to the Kings Majeſty, his Heirs and Succeſſors, the other moyety to the party grieved, to be recovered by action of Debt, Bill, Plaint or Information, wherein no Eſſoine, Protection, or Wager of Law ſhall be allowed. Stat. 21 Jac. 28. 3 Car. 4.

CAP. XXVIII.

A new River of running water may be brought to the North part of the City of London.

FOr that it is found very convenient and neceſſary to have a freſh ſtream of running water to be brought to the North parts of the City of London, from the Springs of Chadwel and Amwel, and other Springs in the County of Hartford not far diſtant from the ſame, which upon view is found very feſible, and like to be profitable to many: It is therefore enacted by the Kings moſt excellent Majeſty, and by the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall be lawful to the Lord Mayor, Commonalty and Citizens of the City of London, and their Succeſſors, at any time or times hereafter to begin and continue the laying out of ſuch convenient limits of ground for the making of the trench for the ſaid River at the bredth of ten foot and not above, as to them and their Deputies and Workmen, with the allowance of the Commiſſioners hereafter mentioned, or any ſeven of them ſhall be ſeen convenient and meet for the ſame, And in that place that they ſhall find to be moſt apt and meet for that purpoſe, to have and take for the purpoſe abovesaid the uſe and liberty of ſuch and ſo much ground, as ſhall contain ten foot in bredth, and not above, during and by all the length, as the ſaid new Channel, Cut, or River ſhall paſſe from the conveying of the ſaid water from the ſaid Springs to the City of London, leaving the Inheritance of the new cut in the Owners thereof.

A new trench may be made to convey the water from Chadwel and Amwel to London.
Jac. 12.

The Mayor, &c. of London may make and maintain the New-Cut.

And that the ſaid Mayor, Commonalty and Citizens of London, and their Succeſſors for ever, for the conſideration hereafter expreſſed, ſhall have liberty to dig the ſame ground to be imployed for the ſaid River or New-Cut, not exceeding ten foot in bredth alongſt all the ſaid whole length of the ſaid River or New-Cut, and from time to time for ever to maintain and preſerve the ſame, and to lay the earth there digged or to be digged on either ſide of the ſame River or New-Cut, in ſuch places as ſhall be thought meet for that purpoſe, and to have free paſſage to and from the ſaid New-Cut or River, with Men, Horſes, Carts and Carriages at all times convenient, and in places convenient for making of the ſame New-Cut or Trench, and for the preſerving of the ſame, and of the Banks thereof from time to time for ever, to the intent that no part of the ſaid ſtream be at any time after the making of the New-Cut, without the conſent of the Mayor, Commonalty and Citizens of London, turned or conveyed out of the ſame New-Cut or Water-courſe.

Satiſfaction ſhall be made to the owners of the grounds where the new Cut is made.

In conſideration whereof, the Mayor, Commonalty and Citizens of London, and their Succeſſors, ſhall make ſuch ſatiſfaction or compoſition to and with the Lords, Owners and Occupiers of the ſame grounds, through which the New-Cut or River ſhall be made, and with all ſuch perſon and perſons as ſhall ſuſtain any damage, loſs or hinderance in their Mills ſtanding upon any of the Rivers or Streams, from which the water ſhall be taken through the ſaid New-Cut or River, as ſhall be to the contentment of the Lords, Owners and Occupiers of the ſaid Grounds and Mills; and in default of their agreement by mutual aſſent, ſuch ſatiſfaction or recompence as ſhall be limited and appointed by the Commiſſioners to be aſſigned for that purpoſe, according to the intent of this Statute, by the Lord Chancellor, or Lord Keeper of the great Seal of England for the time being, by Commiſſion under the great Seal of England, or by any nine of them, whereof four of them to be Citizens of the City of London.

Sixteen Commiſſioners ſhall be appointed, and what their authority ſhall be.

And for the better effecting of the premiſſes, and for the due rating of the value of the things to be compounded for by the true intent of this Statute, (if the parties ſhall not agree) Be it enacted by the authority of this preſent Parliament, That at the requeſt and charges of the Mayor, Commonalty and Citizens of London, Commiſſion or Commiſſions under the great Seal of England, ſhall be granted to ſuch perſons as the Lord Chancellor or Lord Keeper of the great Seal of England for the time being ſhall nominate and appoint, whereof four ſhall be of the County of Middleſex, four of the County of Eſſex, and four of the County of Hartford, and four of the City of London, and every of them having Lands and Tenements of the clear yearly value of forty pounds at the leaſt: Which ſixteen, or any nine of them, whereof two to be of the City of London, ſhall have power to order and ſet down what rate or rates, ſum or ſums of money ſhall be paid by the Mayor, Commonalty and Citizens of London, to the Lords, Owners and Occupiers of the Grounds and Soil, and Mills, for which compoſition is to be made by the intent of this Act, if the parties cannot of themſelves agree, and in what manner the ſame ſhall be paid, and that for the recovery of ſuch money as ſhall be ſo ordered and ſet down by the ſaid Commiſſioners, or any nine of them, whereof two to be of the City of London, the party or parties to whom the ſame money ſhall be due to be paid by the true intent of the ſaid order, ſhall or may recover the ſame againſt the ſaid Mayor and Commonalty of London, by action of Debt in any of his Majeſties Courts at Weſtminſter, wherein no Eſſoine, Protection or Wager of Law ſhall be allowed.

The breaches or inundations in the new-cut ſhall be ſtopped by the Mayor, &c. of London.

Provided alwayes, and be it enacted, That if in the New-Cut there happen any breaches, inundations or hurts, the Mayor, Commonalty and Citizens of London, ſhall from time to time ſtop the breaches at their own charges, and ſufficiently maintain them from time to time, and make ſufficient recompence to the party grieved for the damage ſuſtained by the ſame breaches riſing by their default, to be recovered by action of the Caſe grounded upon this Statute.

Bridges and paſſages over and through the new Cut.

And be it further enacted by the authority aforeſaid, That the Mayor, Commonalty and Citizens of London, and their Succeſſors for ever, ſhall make and maintain at their Coſts and Charges from time to time, convenient Bridges and Wayes for the paſſage of the Kings Subjects, and their Cattel and Carriages, over or through the ſaid New-Cut or River, in places meet and convenient.

Nothing ſhall be done untill the owners of the ground be agreed with.

And further be it enacted, That untill or before a full agreement with the Lords, Owners and Occupiers of the premiſſes be had, or that ſuch order and means be deviſed and agreed upon by the Commiſſioners, by the Lord Chancellor, or Lord Keeper of the great Seal of England to be nominated and appointed, or the more part of them, as ſhall ſeem meet for the due effecting of the premiſſes, and the ſaid Commiſſion returned into the high Court of Chancery, it ſhall not be lawful to the ſaid Lord Mayor, Commonalty and Citizens, to put the ſaid digging, trenching, or new cutting of the ſaid new River from the ſaid Springs in execution, nor to cut or take in any ground for paſſage of water from the ſaid Springs or any of them, by force of this Statute, Any thing in this Act to the contrary notwithſtanding.

The new-cut brought to London, ſhall be ſubject to Commiſſion of Sewers.

And be it further enacted by the authority aforeſaid, That after ſuch time as there ſhall be a New-Cut, Stream, or River brought from the Springs aforeſaid, or any of them, to the City of London, that for the better maintenance and preſervation of the ſaid River or New-Cut, and of all the water therein running, to be brought to the City of London, the ſame ſhall be ſubject to the Commiſſion of Sewers, and to the Laws and Statutes made for Sewers, as fully to all intents and purpoſes, as the ſame River or New-Cut had been expreſly mentioned in the ſaid Statutes of Sewers to be under the ſurvey of the ſaid Commiſſioners.

The cleanſing and conſervation of the new River ſhall be at the coſts of the Mayor, &c.

Provided nevertheleſſe, and be it enacted, That all ſuch things as ſhall be done at any time hereafter, for the ſcouring, cleanſing, amending, and conſervation of the ſaid new River or Cut, ſhall be at the only coſt and charges of the Mayor, Citizens and Commonalty of the City of London: And that all Fines and Amerciaments which ſhall be impoſed by vertue of the ſaid Commiſſion of Sewers, for any wilful annoyances and offences, which ſhall be at any time hereafter committed to the hurt or prejudice of the ſaid new River or Cut, or any thing thereunto appertaining, ſhall be to the only uſe, benefit, and behoof of the ſaid Mayor, Commonalty and Citizens of London, and their Succeſſors for ever. PR. ALT. 4 Jac. 12.

CAP. XIX.

Who ſhall be charged with the repairing and maintaining of the High-way leading from Kingſtone to None-ſuch. PR. EXP. Stat. 21 Jac. 28.

CAP.

CAP. XX.

How paſſage may be made by water from London to Oxford. PR. REP. 21 Jac. 32.

CAP. XXI.

The penalty of Players on Stage, &c. profanely abuſing the Name of God.

The forfeiture of Players uſing profanely the Name of God.

FOr the preventing and avoiding of the great abuſe of the holy Name of God in Stage-plays, Enterludes, May-games, Shews, and ſuch like, Be it enacted by our Soveraign Lord the Kings Majeſty, and by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if at any time or times after the end of this preſent Seſſion of Parliament, any perſon or perſons do or ſhall in any Stage-play, Interlude, Shew, May-game or Pageant, jeſtingly or prophanely ſpeak, or uſe the holy Name of God, or of Chriſt Jeſus, or of the Holy Ghoſt, or of the Trinity, which are not to be ſpoken, but with fear and reverence, ſhall forfeit for every ſuch offence by him or them committed, ten pounds: The one moyety thereof to the Kings Majeſty, his Heirs and Succeſſors, the other moyety thereof to him or them that will ſue for the ſame in any Court of Record at Weſtminſter, wherein no Eſſoine, Protection or Wager of Law ſhall be allowed.

CAP. XXII.

An Act for the paving of S. Giles and Drury-Lane in the County of Middleſex.

Who are to be taxed towards the paving of S. Giles and Drury Lane.

The Juſtices ſhall appoint Surveyors and Collectors, and what their authority ſhall be.

WHereas the Town of Saint Giles in the Fields, and that part thereof which leadeth to Holborne, and the Lane called Drury-Lane, leading from Saint Giles in the Fields towards the Strand, and towards New-Inne, is of late years by occaſion of the continual Rode there, and often carriages, become deep, foul and dangerous to all that paſſe thoſe wayes: Be it enacted by authority of this preſent Parliament, That for amendment, repair, and paving of that part of the Town of S. Giles in the Fields leading to Holborn, and of the ſaid Lane called Drury-Lane, within three years from and after the end of this Seſſion of Parliament, the Juſtices of Peace of the County of Middleſex for the time being, in the Quarter-Seſſions, or out of the ſaid quarter-Seſſions, or any four of them, ſhall and may aſſeſſe and tax, according to their diſcretions, all and every the Occupiers of any Houſes, Gardens, Lands or Tenements, and Owners of the Freehold or Inheritances thereof, adjoyning to the ſaid Lane at either end, or on any ſide thereof, and all and every or any the Inhabitants of the ſeveral Pariſhes of S. Giles, S. Martins in the Fields, S. Clement-Danes, the Savoy, and ſo much of the Pariſh of S. Andrews in Holborn as is within the ſaid County of Middleſex, being the five Pariſhes into which the ſaid Town and Lane doth extend, or the Occupiers of Lands within any of the ſaid Pariſhes, with ſuch ſum and ſums of money towards the amendment, repair, and paving of the ſaid Town of Saint Giles, and the Lane called Drury-Lane, or ſo much thereof as in the diſcretions of the ſaid Juſtices, or any four of them, ſhall be thought meet and convenient: And the ſaid Juſtices, or any four of them, ſhall have power to nominate, conſtitute and appoint of the ſubſtantial Inhabitants of every of the ſaid Pariſhes, one to be Surveyor of the Works, and in every of the ſaid Pariſhes one other to be Collector of the ſaid ſums within the ſaid Pariſhes, which Surveyors and Collectors ſhall take upon them the charge and buſineſſe of the ſaid amendments, repair and paving, And ſhall and may by authority of this Act levy by diſtreſſe and ſale of goods of ſuch perſons as ſhall be aſſeſſed to pay, and do not within their ſeveral limits pay all ſuch ſums as ſhall be behind and unpaid of the taxations and aſſeſſements above mentioned, rendring the overplus of ſuch goods ſold to the Owner of the ſaid Goods.

The Collectors account.

To whom the accomptant ſhall deliver the arrearages.

Who ſhall repair the ſaid Streets after they be paved.

And the ſaid Surveyors and Collectors ſhall alſo from time to time place, ſet on work, and pay workmen, and provide and pay for all manner of ſtuff neceſſary and needful for the aforeſaid amendment, repair and paving: And the ſaid Collectors, their Executors or Adminiſtrators, ſhall at the end of the ſaid three years, or within one moneth after the ſaid three years, or ſooner, and as often within the ſpace of the ſaid three years, as by the ſaid Juſtices of the Peace, or any four of them ſhall be thought meet and appointed, deliver and make a true account of their collection and diſburſments, to the Clerk of the Peace of the ſaid County of Middleſex, at the open Quarter-Seſſions of the ſaid County; which account being delivered in open Seſſions, ſhall be examined by the ſaid Juſtices of the Peace in Seſſions, or the greateſt part of them, or ſuch of them as the Court of Seſſions ſhall aſſign: And the parties that ſo ſhall examine the ſaid account, ſhall and may by their diſcretions allow, or diſallow any the particulars of the ſaid account which they ſhall not find to be juſt and neceſſary, ſuch and ſo much as they ſhall think meet, and ſet down the true arrearages of the ſame account, which arrearages of the ſaid account, every Accomptant, his Executors or Adminiſtrators reſpectively, for his or their part and portions, ſhall ſatisfie and pay into the hands of the Churchwardens of every the ſaid Pariſhes, where the arrearages ſhall be found, within ten dayes after the ſaid arrearages ſet down, upon pain that in default thereof the party offending ſhall be committed to priſon by the ſaid Juſtices ſo aſſigned for the taking the ſaid account, there to remain untill payment thereof made, which arrearages ſhall remain in the hands of the ſaid Churchwardens of every of the ſaid Pariſhes, to be imployed for new repairs or amendment afterwards of the ſaid Lane, as need ſhall require. And that after the ſaid Streets and Lanes ſhall be fully paved and finiſhed, that for ever hereafter all ſuch Houſes, Lands and Tenements, or Hereditaments as are or ſhall be abutting or next adjoyning to the premiſſes, ſhall be yearly chargeable towards the reparation and maintenance of the ſaid Lanes and Streets, at ſuch rates as four of the ſaid Juſtices of Peace ſhall in their diſcretions think fit. PR. EXP.

CAP.

CAP. XXIII.

An Act for the new making and keeping in repair of Chepſtow Bridge.

IN all humble manner ſhewen and inform your moſt excellent Majeſty, the Inhabitants of the greateſt part of South-Wales, That whereas a certain great Bridge of Wood, called Chepſtow-Bridge, was of late ſtanding over the Water or River of Wye, which parteth the Counties of Monmouth and Glouceſter, being the meeteſt and moſt neceſſary paſſage and high-way leading into the parts of South-Wales, and out of the ſame to London, Briſtol, and other parts of England: And whereas alſo at a Parliament holden at Weſtminſter, in the xviii. year of the Reign of the late Queen Elizabeth of famous memory, It was enacted, That the Shire or County of Glouceſter, and the Shire or County of Monmouth ſhould ſtand for evermore chargeable for the maintenance, repairing, amending, and new making of the aforeſaid Bridge, when, and as often as need ſhould require, viz. every of them for ſuch part and moyety as lay to the middle of the ſtream of the aforeſaid water of Wye, on the ſides of the Lordſhip of Chepſtow in the County of Monmouth, and the Lordſhip of Tyddenham in the County of Glouceſter: And that for the aſſeſſement, rating, collection, gathering, and imploying of the Monies thereupon to be ſpent, ſuch form and order ſhould be obſerved, as was appointed by an Act made in the xxii. year of King Henry the the eighth, entituled, An Act concerning repairing and amending of Bridges in high-wayes: And that for the more ſpeedy performance of the premiſſes, It was alſo enacted; That if the Juſtices of Peace of the foreſaid Shires of Glouceſter and Monmouth, or any of them, did make any default in not appointing, executing, and obſerving the order appointed by the ſaid Act, for the aſſeſſement, collection, and imployment of the money ſo to be collected according to the meaning of the ſaid Act, by the ſpace of three moneths next after the ſaid Seſſion of Parliament, holden in the ſaid eighteenth year of the ſaid late Queen Elizabeth, That then they and every of them (being reſident and inhabiting in the ſaid Shires) ſhould forfeit for every ſuch default the ſum of ten pounds a piece, to be recovered before the then Queens Majeſties Council in the Marches of Wales, by information, to be imployed to and for the uſe and reparation of the foreſaid Bridge.

The effect of the ſtat. of 18 Eliz. 17. touching repair of Chepſtow Bridge.

22 H. 8. 5.

Forasmuch as the ſaid Act made in the ſaid xviii. year of the ſaid late Queen, is ſithence found to be ſo defective and inſufficient, as well in the power given thereby to Juſtices of Peace of the ſaid Counties, for the aſſeſſing and rating of the Inhabitants thereof, and for collecting of money towards the ſaid Bridge, as alſo in the means for recovery of the penalties thereby impoſed upon Juſtices of Peace of the ſaid Counties, for the default in taking order in the premiſſes, as that thereby no ſuch remedy, benefit, and order for the maintenance and reparation of the ſaid Bridge could be effected, as was intended to be provided by the ſame: And for that by reaſon thereof, the Juſtices of Peace of either the ſaid Counties, neglecting to take order for the maintenance and reparation of the ſaid Bridge, the ſame is of late broken, fallen down, and quite carried away with the ſtream of the ſaid water, whereby the ſaid paſſage and high-way is utterly taken away, to the great charge, greif, noyance, and hurt of a great multitude of the Kings Majeſties Subjects travelling thoſe parts.

The imperfections of the ſtat. of 18 El. 17.

And for that alſo the ſaid Bridge cannot be new made, erected, or kept in reparation, without ſome other and more effectual Law or Proviſion to be ordained by Parliament in that behalf, Be it therefore enacted by the King our Soveraign Lord, and by the conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Act or Ordinance made in the ſaid xviii. year of the late Queen Elizabeth, for the repairing of the ſaid Bridge, be from henceforth utterly repealed, adnulled, void, and of none effect.

A repeal of the ſtat. of 18 El. 17. made touching Chepſtow Bridge.

And be it further enacted by the authority aforeſaid, That the ſaid Shire or County of Glouceſter, and the Shire or County of Monmouth, ſhall for evermore ſtand chargeable reſpectively and ſeverally, for the erecting, building, new making up, and continual reparation and maintenance of the ſaid Bridge, when, and as often as need ſhall require, viz. The ſaid County of Glouceſter, from the midſt of the ſaid Bridge, or from the place where the midſt of the ſaid Bridge ſtood in the ſaid River, for that part or moyety of the ſaid Bridge, which lieth on that ſide, unto the Lordſhip of Tyddenham; And the ſaid County of Monmouth, from the midſt of the ſaid Bridge, or from the place where the midſt of the ſaid Bridge ſtood in the ſaid River, for that part or moyety thereof which lieth on that ſide, unto the Lordſhip of Chepſtow: And that the Juſtices of Peace, or any four of them in either of the ſaid Counties, whereof one to be of the Quorum, ſeverally and reſpectively, ſhall have power and authority by this Act to tax, aſſeſſe, and rate all and every the Inhabitants of the ſaid ſeveral Counties of Glouceſter and Monmouth, ſeverally and reſpectively, as well within Liberties as without, to ſuch reaſonable ſum and ſums of money, from time to time, as to the ſaid Juſtices, or any four of them, in either of the ſaid Counties ſeverally and reſpectively, whereof one to be of the Quorum, ſhall be thought fit, needful and convenient, for the building, new making up, and erecting of the ſaid Bridge, and for the continual reparation thereof: And after ſuch taxation made, the ſaid Juſtices, or any four of them, in either of the ſaid Counties, whereof one to be of the Quorum, within the limits of their Authorities, Commiſſions and Diviſions, ſhall cauſe the names and ſums of every particular perſon in either of the ſaid Counties ſo by them taxed, to be written in ſeveral Rolls indented, and ſhall alſo have power and authority to appoint Collectors of every Hundred, in either of the ſaid Counties, ſeverally and reſpectively within the limits of their ſaid Authorities, Commiſſions and Diviſions, for the ſeveral collection of all ſums of money by them taxed: Which Collectors in either of the ſaid Counties, receiving ſeveral parts of the ſaid Rolls indented, under the Hands and Seals of the ſaid Juſtices, or any four of them within the limits of their Authorities and Commiſſions, whereof one to be of the Quorum, ſhall have power

Which counties ſhall ſtand charged for the making and repairing of Chepſtow Bridge.

The Juſtices ſhall tax the Inhabitants of the counties of Glouceſter and Monmouth.

Collectors ſhall be appointed in every Hundred of both the counties

The Collectors authority.

power and authority to collect and receive all the particular ſums of money therein contained, and to diſtrain every ſuch Inhabitant as ſhall be taxed, and refuſe to make payment thereof, in his Lands, Goods and Chattels, and to ſell ſuch diſtreſſes, and of the ſale thereof retain and receive all the money taxed, and the reſidue (if the Diſtreſſes be better) to deliver to the Owner thereof: And that the ſame Juſtices, or four of them, in either of the ſaid Counties, whereof one to be of the Quorum, within the limits of their Commiſſions and Authorities, ſhall alſo have power to name and appoint four ſufficient perſons out of the ſaid ſeveral Counties, to be Surveyors from time to time, as need ſhall require, to ſurvey and ſet forward the work for building and repairing of the ſaid Bridge, viz. Two to be Surveyors of the County of Glouceſter, and two to be Surveyors of the County of Monmouth, into whoſe hands the ſaid Collectors of the ſaid Counties, ſeverally and reſpectively, ſhall pay the ſums of money by them levied and collected, to be imployed for the building, erecting and repairing of the ſaid Bridge from time to time, as need ſhall require, and ſhall make Rolls indented, to be ſubſcribed interchangeably between them and the ſaid Surveyors in either County reſpectively, mentioning the times and payment thereof. And that the ſaid Collectors or Surveyors, and every of them, and the Executors and Adminiſtrators of every of them from time to time, when they ſhall be thereunto required, ſhall make true Declarations and Accompts in writing, to the Juſtices of Peace in either of the ſaid Counties wherein they are appointed Collectors or Surveyors, or to any four of them, whereof one to be of the Quorum, of the Receipts, Payments, Imployments and Expences of all the ſums of money by them in that behalf received or beſtowed. And if they, or any of them ſhall refuſe ſo to do, or to pay (without delay to the uſe aforeſaid) ſuch part thereof as ſhall be found to remain in their hands, to ſuch perſon or perſons, as by any four of the ſaid Juſtices of Peace in either County, at their Quarter-Seſſions reſpectively, ſhall be nominated or appointed in that behalf, That then the ſaid Juſtices of Peace, or any four of them, in either of the ſaid Counties, whereof one to be of the Quorum, from time to time by their diſcretions, ſhall have power and authority within the limits of their Commiſſions and Diviſions, to make Proceſſe againſt the ſaid Collectors and Surveyors, and every of them, and the Executors and Adminiſtrators of every of them, by Attachment or Capias under their Seals, for their apprehenſion, returnable at the General Seſſions of Peace in either of the ſaid Counties; and if they appear, then to compel them to accompt and pay as is aforeſaid, or elſe if they or any of them refuſe ſo to do, then to commit ſuch of them as ſhall ſo refuſe, to ward, there to remain without bail or mainpriſe, untill their ſaid Declaration and Accompt be truly made, and untill they make payment of ſuch money as ſhall appear to be by them detained, and not employed. And that the ſaid Juſtices of Peace, or any four of them, in either of the ſaid Counties reſpectively, ſhall take order, that one part of all the ſeveral Rolls, containing all taxations, collections and accompts of every of the ſaid Collectors and Surveyors, from time to time in either of the ſaid Counties (being ſubſcribed as well by the ſaid Juſtices, as alſo by the ſaid Collectors and Surveyors) may remain and be ſafely kept amongſt the Records of the General Seſſions of the Peace in either of the ſaid Counties reſpectively, whereby it may alwayes appear how much money is taxed, collected and imployed from time to time in that behalf.

Surveyors ſhall be appointed, and their authority.

The Collectors and Surveyors ſhall make account to the Juſtices.

The penalty of the Collectors or Surveyors refuſing to account or to pay that which they have received.

The forfeiture of the Juſtices of Peace omitting their duties.

And be it alſo enacted by the authority aforeſaid, That every of the Juſtices of Peace of the ſaid County of Monmouth from time to time (being reſident and inhabiting in the ſaid County) and alſo every of the ſaid Juſtices of Peace of the ſaid County of Glouceſter (being reſident and inhabiting in the ſaid County, or within the County of the City of Glouceſter) omitting or neglecting the due execution of this Statute, according to the power and direction thereby to them given (after requeſt made in that behalf by any two of the Inhabitants in either of the ſaid Counties reſpectively) ſhall forfeit and loſe the ſum of five pounds a piece monethly for every moneth, (after the expiration of eight weeks next enſuing the end of this preſent Seſſion of Parliament) in which no aſſeſſment, collection, imployment of money, or other effectual proceeding towards the building of the ſaid Bridge ſhall be by them done or uſed, or procured to be done or uſed, according to the intent and true meaning of this Act, untill the ſaid Bridge be fully, firmly and ſufficiently made up, built and erected, and afterward ſhall loſe and forfeit forty ſhillings a piece, for every monethly negligence or default by them committed, after like requeſt made in that behalf, in not taking order for reparation thereof from time to time as neceſſity ſhall require, in manner as by this Act is preſcribed and limited.

Asking of benevolence towards the building of the Bridge.

And be it alſo enacted by the authority aforſaid, That it ſhall and may be lawful to and for every ſuch perſon and perſons, as well in the ſaid County of Glouceſter, as alſo in the ſaid County of Monmouth, as by the ſaid Juſtices of Peace, or any four of them, in either of the ſaid Counties reſpectively (whereof one to be of the Quorum, in each County) in their general Seſſions of the Peace ſhall be nominated and appointed in that behalf, to ask, receive, and take of any of the Kings Majeſties Subjects of South-Wales, of the City of Briſtol, or any other perſon or perſons travelling by that way or paſſage where the ſaid Bridge is to be built (any Act or Statute to the contrary in any wiſe notwithſtanding) all ſuch ſum and ſums of money or benevolence, as they or any of them without compulſion, will willingly give towards the building and erecting of the ſaid Bridge, untill the ſame be fully built and erected, and that true Accompts upon Oath ſhall be made and delivered by every of the ſaid perſons monethly of all ſuch ſum or ſums as ſhall be ſo received or collected, and that the money thereupon due, ſhall be by every of them likewiſe monethly paid over unto any two of the Juſtices of Peace reſpectively in either of the ſaid Counties, wherein they were ſo nominated and appointed, whereof one to be of the Quorum, by ſeveral Writings indented, to be ſubſcribed interchangeably between the ſaid Juſtices and the ſaid Accomptants, upon pain that every of the ſaid perſons ſhall forfeit and loſe forty ſhillings for every default by them com-

Allowance of the askers of benevolence, Collectors and Surveyors for their pains.

committed in not making ſuch accompt and payment, and the ſaid money ſo received, to be by the ſaid Juſtices reſpectively diſpoſed and imployed towards the building of the ſaid Bridge; and that ſuch parts of the ſaid writings of accompts and payments as ſhall be from time to time delivered to the ſaid Juſtices in either County, ſhall remain and be kept amongſt the Records of the Seſſions of the Peace in either of the ſaid Counties reſpectively, whereby it may appear how much is given and received towards the ſaid Bridge, and as well the perſons to be appointed in either of the ſaid Counties for receiving the ſaid Gifts and Benevolence, as alſo the Collectors and Surveyors afore-mentioned in either County, ſhall and may have ſuch reaſonable allowance towards their pains and ſervices in the premiſſes, as by the more part of the Juſtices of Peace at their Quarter-Seſſions reſpectively in either of the ſaid Counties, ſhall be ordered and ſet down under their hands in that behalf.

The forfeit of of a Juſtice of Peace retaining any of the money collected.

And moreover, Be it enacted by the authority aforeſaid, That if the ſaid Juſtices of Peace in either of the ſaid Counties, or any of them, or any other to his or their uſe, have, or hath heretofore had, or received any ſum or ſums of money given, rated or collected, or ſhall at any time hereafter take, or receive any money given, rated or collected, towards the erecting and new making of the ſaid Bridge, or the reparation thereof, and ſhall and do detain the ſame, or any part thereof in his or their hands, and do not imploy it towards the building or reparation of the ſaid Bridge with all convenient ſpeed, upon requeſt to him or them in that behalf made, That then every ſuch Juſtice of Peace, or other perſon ſo offending, for every ſuch default or offence, ſhall forfeit and loſe the ſum of forty pounds. And if any of the ſaid Juſtices of Peace, or any other perſon or perſons whatſoever, which hath had or gotten, or hereafter ſhall have or get into his hands any money, given, rated, received or collected, for or towards the building or reparation of the ſaid Bridge, ſhall conceal, detain, or convert the ſame to his or their own uſes, and ſhall refuſe to make payment thereof, to be imployed accordingly upon requeſt made in that behalf, that then it ſhall and may be lawful for any perſon or perſons to ſue the party or parties (detaining ſuch money) in the high Court of Chancery, or any Court of Equity by Engliſh Bill, for recovery thereof, and the ſame being recovered by Decree or Order of that Court, ſhall be imployed towards the building or repairing of the ſaid Bridge by direction of the ſaid Court, and that ſuch allowance or coſts ſhall be ordered by the ſaid Court to be paid to ſuch as ſhall ſo ſue for the ſame, towards his or their charges beſtowed therein, as ſhall be thought meet and convenient.

By what means the forfeiture ſhall be recovered, and how they ſhall be imployed.

And be it likewiſe enacted by the authority aforeſaid, That all and every of the ſaid forfeitures herein before mentioned, ſhall and may be recovered againſt the ſaid Juſtices of Peace, or other perſon ſo offending, and every or any of them, by action of Debt, Bill, Plaint or Information, in any of the Kings Majeſties Courts of Record at Weſtminſter, wherein no Eſſoine, Wager of Law or Protection ſhall be admitted or allowed: And that every of the ſaid forfeitures which ſhall be recovered, being divided into four parts, one part thereof ſhall remain and be to the uſe of ſuch perſon or perſons as ſhall ſue, complain, or inform for the ſame, toward his or their charges therein, and the other three parts thereof after ſuch recovery ſhall be imployed and beſtowed towards the making and repairing of the ſaid Bridge from time to time, by direction and order of the Court, wherein the ſame ſhall be recovered. PR.

CAP. XXIV.

The Bridge over the River of Severn, near adjoyning to the Town of Upton upon Severn in the County of Worceſter, ſhall be wholly made, builded and finiſhed within the ſpace of three years after the end of this Seſſion of Parliament, by the Inhabitants of the County of Worceſter, &c. PR. EXP.

CAP. XXV.

A Confirmation of four Subſidies of four ſhillings in the pound, granted to the King by the Clergy. EXP.

CAP. XXVI.

Three entire Subſidies and ſix Fifteens granted to the King by the Temporalty. EXP.

CAP. XXVII.

A Confirmation of the Kings general and free Pardon, Except, &c. EXP.

Anno Reg. JACOBI *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ, viz. Angliæ, Franc. & Hibern. quarto, & Scotiæ quadrageſimo.*

AT the Parliament begun and holden at Weſtminſter by prorogation the eighteenth day of November, in the fourth year of the Reign of our moſt gracious Soveraign Lord JAMES, by the Grace of God, of England, France, and Ireland, King, Defender of the Faith, &c. and of Scotland the fortieth: And there continued untill the fourth day of July, 1607. And then prorogued untill the ſixteenth day of November next following. To the high pleaſure of Almighty God, and to the weal publick of this Realm, were enacted as followeth.

CAP. I.

A Repeal of Hoſtile Laws, and of Hoſtility between England and Scotland. A Repeal of the Stat. of 5 R. 2. 2. reſtraining paſſage over the Sea.

FOr the honour, weal and good of theſe two mighty, famous, and antient Kingdoms of England and Scotland, and for the furtherance and advancement of the happy Union already begun in his Majeſties Royal perſon, Be it enacted by the Kings moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That one Act made in the fourth

Letters of Mart. 4 H. 5. 7.

fourth year of the Reign of King Henry the fifth, whereby it is enacted, That Letters of Mart or Repriſal be granted againſt the people of Scotland, in caſe where the Subjects of England have been ſpoiled, and have complained, and not received redreſs, ſhall for ſo much thereof as ſo concerneth the people of Scotland, be utterly repealed and made void.

Croſs-bows, Hand-guns. 33 H. 8. 6.

And alſo that one Proviſo contained in an Act made the three and thirtieth year of the Reign of King Henry the eighth, by which Proviſo the Kings Majeſties Subjects inhabiting within twelve miles of the borders of Scotland, are allowed and permitted to uſe Croſs-Bows, Hand-guns, Hackbuts or Demihakes, or to uſe and keep in his or their houſes or elſewhere, any ſuch Croſs-bows, Hand-guns, Hackbuts and Demihakes, for ſo much of the ſaid Proviſo as ſo concerneth ſuch as ſhall inhabit within twelve miles of the ſaid late borders, ſhall be utterly repealed and made void.

Armour, Victual. 7 R. 2. 16.

And be it further enacted by the authority aforeſaid, That theſe the Statutes hereafter following, That is to ſay, one Act made in the ſeventh year of the Reign of Richard the ſecond, whereby it is enacted, That no Armour, Victual, or other refreſhment be carried into Scotland, upon pain of ſeiſure or forfeiture.

March Law. 31 H. 6. 3.

And one other Act made in the one and thirtieth year of the Reign of King Henry the ſixth, whereby it is enacted, That March Law be not uſed out of the Circuit of the Counties of Northumberland, Cumberland and Weſtmerland, or the Town of Newcaſtle.

Scotiſhmen. 7 H. 7. 7.

And one other Statute made in the ſeventh year of the Reign of King Henry the ſeventh, whereby it is enacted, That Scotiſhmen ſhould avoid out of the Realm of England within a time prefixed.

23 H. 8. 16.
Horſes.
1 Eliz. 7.

And one other Statute made in the xxiii. year of the Reign of King Henry the eighth.

And a like Statute made in the firſt year of the Reign of the late Queen Elizabeth, whereby the conveying of Horſes out of England into Scotland is made felony.

Lands let to Scotiſhmen. 2 & 3 P. & M. 1.

And one other Statute made in the ſecond and third years of the Reign of King Philip and Queen Mary.

23 Eliz. 4.
A repeal of the former nine ſtatutes.

And the like Statute made in the xxiii. year of the Reign of the late Queen Elizabeth, whereby it is enacted, That no Lands or Tenements be let to Scotiſhmen upon the borders, ſhall be utterly abrogated, repealed, and made void: And if there had appeared any other Statute of this Realm of England, wherein any thing is ordained, enacted or eſtabliſhed, expreſly and by name againſt Scotiſhmen, as enemies, or Scotland, as an enemy Country to the Kings of this Realm, or the State of the ſame, We ſhould for ſo much of them as had ſo concerned Scotiſhmen, or Scotland, have utterly abrogated and adnulled the ſame, ſeeing all enmity and hoſtility of former times between the two Kingdoms and People is now happily taken away, and under the Government of his Majeſty, as under one Parent and Head, turned into fraternity or brotherly friendſhip.

This repeal ſhall take no effect until other ſtatutes made in Scotland be repealed.
Remaining in England without the Kings licence.

Provided neverthele ſs, and be it enacted by the authority of this preſent Parliament, That none of the articles, branches or clauſes aboveſaid, in this Act before contained and expreſſed, ſhall take effect or be in force, or in any wiſe be deemed and expounded to take effect or to be in force, to any intent, conſtruction or purpoſe, untill theſe Acts of Parliament of the Realm of Scotland hereafter following, That is to ſay, One Act made in the time of James the firſt, King of Scotland, by which it was enacted, That all perſons remaining in England without the Kings Licence, did commit Treaſon.

One other Act made in the time of the ſaid King James the firſt, whereby any aſſurance with Engliſh-men, for taking protection from them for Lands or Goods, is Treaſon.

One other Act in the ſame Kings time, inhibiting all buying and ſelling of Engliſh goods forbidden, under pain of eſcheat.

One other Act made in the time of James the ſecond, King of Scotland, That none ſhould paſs into England in time of War without Licence, under pain of Treaſon.

One other Act made in the Reign of the ſaid King James the ſecond, That no Engliſhman come into Scotland without conduct, and that no Scotiſhman ſit under aſſurance with them.

One other Act of the ſame Kings time, That no Scotiſhman ſupply Barwick and Roxburgh, under pain of Treaſon.

One other Act made in the time of the ſaid King James the ſecond, That all men be ready for defence of the Realm againſt England.

Two Acts made in the time of James the third, King of Scotland, For reſiſting King Edward the fourth.

One other Act made in the time of the ſaid King James the third, Concerning the upholding of Barwick, and Garriſons upon the borders.

One Act made in the Reign of Mary late Queen of Scotland, by which it was enacted, That Scotiſhmen are charged to leave aſſurances with Engliſhmen.

Due other Act made in the time of the ſaid Queen Mary, Concerning aſſured Scotiſhmen aſſiſting the Engliſh Army.

One Act made in the Parliament of Scotland in the time of the moſt happy Reign of our moſt gracious Soveraign Lord the King that now is, containing, That the Scotiſh borderers are diſcharged to marry Engliſh borderers Daughters.

The Parliament of Scotland ſhall repeal all their hoſtile laws.

And laſtly, one other Act made in the time of our Soveraign Lord the King, injoyning the Warden to put in a bill, the names of all Engliſhmen that occupy Land in Scotland, and ſeek redreſs according to the Treaties, ſhall by Act of Parliament of the ſaid Realm of Scotland be utterly repealed, fruſtrate, and made void: And untill alſo the ſaid Parliament of the Realm of Scotland ſhall by their ſaid Act make as full and ample Declaration concerning their clear intention and deſire of repeal of all other hoſtile Laws of their part not before mentioned, if they were known, as on the part of this Realm of England hath been in this preſent Act made and expreſſed.

And be it further enacted by the authority aforeſaid, That one Act made in the fifth year of King Richard the ſecond, concerning the reſtraint of paſſage of his Majeſties Subjects out of this Realm, and every Ordinance, Proviſion, Article or Clauſe therein contained, ſhall be from henceforth utterly repealed.

A repeal of the ſtat. of 5 R. 2. touching the reſtraint of paſſage over the Sea.

And be it further enacted by authority of this preſent Parliament, That no perſon or perſons whatſoever, Subject of either Realm, ſhall be puniſhed, ſued, delivered or demanded, or any way troubled, or called in queſtion for life, member, damage, recompence, reſtitutions, or other ſatisfactions whatſoever, for or by reaſon of any offences, ſpoils, wrongs or treſpaſſes, (before the deceaſe of the ſaid late Queen Elizabeth of famous memory) which were determinable by the Laws or Conſtitutions of the Borders within the Courts and Juriſdictions of the late Wardens, or otherwiſe, which purported actions of hoſtility by Sea or Land by him or them committed, or whereunto he or they were acceſſaries before or after ſuch offence or fact committed, or privy or aiding to the ſame, or for, or in reſpect whereof he or they were, or are pledges, or otherwiſe by any ways or means whatſoever anſwerable or chargeable, or elſe ſtand charged or chargeable with any promiſe, contract, bill, bond, bills filed, ſentence, decree, or other aſſurances given or taken for the ſame only, or for ſo much only of ſuch other aſſurances as was given, or is in force for that and for no other.

None ſhall be troubled for any wrong done before the death of Q. Eliz. by the laws of the Borders.

And foraſmuch as no abolition of hoſtile Laws, or of the memory of hoſtility, or of Suits and Controverſies thereupon depending, can preſently and at once extirpate and reform thoſe inveterate evil cuſtoms and diſorders, as well of fewds and blood, as of theft and ſpoils, wherewith the worſt ſort of Inhabitants, near the limits of both Realms, were infected and inured, although by his Majeſties inceſſant care and Princely policy, thoſe parts be already reduced to a more civil and peaceable eſtate, than could in ſo ſhort time have been expected: And whereas experience teacheth, that the Malefactors of either Realm, having committed their offences in the other Realm, do forthwith fly and eſcape many times into their own Country, thereby to purchaſe their impunity, to the great and manifeſt grievances of the one Realm, and the diſhonor of the other:

Evil cuſtoms [illegible], be not preſently to be extirpate.

And whereas in regard of ſome difference and inequality in the Laws, Trials and Proceedings in caſes of Life, between the Juſtice of the Realm of England, and that of the Realm of Scotland, it appeareth to be moſt convenient for the contentment and ſatisfaction of all his Majeſties Subjects, to proceed with all poſſible ſeverity againſt ſuch Offendors in their own Country, according to the Laws of the ſame whereunto they are born and inheritable, and by and before the natural born Subjects of the ſame Realm, if they ſhall be there apprehended:

The difference of the laws, trials and proceedings in caſe of life between the Juſtice of England and Scotland.

Be it therefore enacted by the authority aforeſaid, That all offences of conjurations, witch-craft, and dealing with evil and wicked ſpirits, murther, manſlaughter, felonious burning of houſes and corn, burglary, robbing of houſes by day, robbery, theft, the deteſtable vice of buggery committed with mankind or beaſt, and rape heretofore done and committed ſince his Majeſties coming to the Crown of England, or hereafter to be done or committed by any his Majeſties natural born Subjects of this Realm of England, or the Dominions of the ſame, within the Realm of Scotland, or the Dominions thereof, and the acceſſaries of and to the ſame, ſhall be from henceforth enquired of, heard and determined before his Majeſties Juſtices of Aſſize, or his Commiſſioners of Oyer and Terminer, or Gaol-delivery, being natural born Subjects within this Realm of England, and none other, by good and lawful men of the Counties of Cumberland, Northumberland, Weſtmerland, or any of the ſaid Counties at the election of the ſaid Juſtices of Aſſiſes, or Commiſſioners, in like manner and form to all intents and purpoſes (the alterations hereafter in this Act expreſſed only excepted) as if ſuch offences had been done and committed within the ſame Shire, where they ſhall be ſo enquired of, heard and determined as is aforeſaid. All which trials, for the better diſcovery of the truth, and for the better information of the conſciences of the Jury and Juſtices, there ſhall be allowed unto the party ſo arraigned, the benefit of ſuch witneſſes only to be examined upon Oath, that can be produced for his better clearing and juſtification, as hereafter in this Act are permitted and allowed.

Trials of felonies committed by Engliſhmen in Scotland.

Witneſs allowed to the party arraigned.

And be it further enacted by the authority aforeſaid, That every Juſtice of Peace of the Counties aforeſaid, unto whom complaint ſhall be made, ſhall have full power and authority by vertue of this Act, to bind over by Recogniſance in a convenient ſum taken to his Majeſties uſe, as well the party proſecuting, as any witneſſes which he ſhall deſire to produce (ſo as the ſaid witneſſes may have their reaſonable charges firſt tendred unto them) to proſecute and give in evidence before ſuch his Majeſties Juſtices as aforeſaid, as the caſe ſhall require.

The proſecutor and witneſſes ſhall be bound to give evidence.

And be it further enacted by the authority aforeſaid, That every Commander, Procurer, Counceller, Abetter, Comforter, Receiver, or other acceſſary of or to any the offendors or offences aforeſaid ſo committed in Scotland, as aforeſaid, offending within the Realms of England or Scotland, ſhall be proceeded withal, indicted, tryed, judged, and executed without delay, notwithſtanding the Principals, or any of them be not convicted or attainted: And that no ſuch Offendor either acceſſary or principal, ſhall be allowed the benefit of his Clergy, nor admitted to his peremptory challenge of above the number of five. And that every indictment of any of the offences aforeſaid ſo committed as aforeſaid, ſhall be judged of as good force in Law, notwithſtanding the words (Contra pacem, coronam & dignitatem noſtras) be omitted, as if the ſaid words had been therein contained.

The acceſſary ſhall be tried, though the principal be not convicted or attainted.

The words contra pacem, &c omitted in an Indictment.

And be it further enacted, That no Sheriff, Underſheriff, or other Miniſter to whom it appertaineth, ſhall return any Juror to inquire of, or try any of the offences aforeſaid, ſo committed as aforeſaid, except every ſuch Juror ſhall have freehold in poſſeſſion to the value of five pounds by the year, in the County where ſuch inquiry and trial ſhall be, upon pain to forfeit for every Juror that ſhall be returned contrary to this Act, the ſum of forty pounds, the one moyety to the Kings Majeſty, his Heirs and Succeſſors, the other to the party that

Of how much freehold every Juror returned to try an offendor ſhall be.

will ſue for the ſame, by action of Debt, Bill, Plaint or Information, in any of his Majeſties Courts at Weſtminſter, wherein no Eſſoine, Protection, or Wager of Law ſhall be allowed: And that the Offendor ſhall and may challenge any Juror that ſhall paſs upon his life, for want of ſuch freehold as aforeſaid.

Challenge for want of free-freehold.

What an Engliſh man committing a felony in Scotland ſhall forfeit, and what not.

Provided alwayes, and be it enacted by the authority aforeſaid, That no natural Subject of his Majeſty of the Realm of England, or of the Dominions of the ſame, ſhall for any the offences aforeſaid committed within the Realm of Scotland, or for being acceſſary to the ſame, forfeit any Lands, Tenements or Hereditaments, either Free, Copy or Cuſtomary hold, neither ſhall the blood of ſuch Offendor be corrupted, nor the Wife loſe her Dower, yet nevertheleſs the ſaid Offendors ſhall forfeit to his Majeſty, his Heirs and Succeſſors, their Goods, Chattels, and credits whatſoever.

A like act ſhall be made in Scotland.

And foraſmuch as it is intended, that an Act like unto this ſhall be ordained in the Realm of Scotland, for the trial and puniſhment of Offendors, being his Majeſties natural born Subjects of the ſame Realm, which ſhall commit any of the offences aforeſaid within the Realm of England or the Dominions thereof, and ſhall after eſcape or return back into Scotland.

Binding of the complainant and witneſſes to give evidence againſt an offendor in Scotland.

Be it therefore enacted by the authority aforeſaid, That upon complaint made by any his Majeſties ſubjects of the Realm of England, to any of the Juſtices of Aſſize, Commiſſioners of Oyer and Terminer, or Gaol-delivery, or Juſtice of the Peace, within the precincts of their ſeveral Commiſſions reſpectively, being natural born Subjects within the Realm of England, concerning any ſuch offence committed by any of his Subjects of the Realm of Scotland within the Realm of England, in caſe where the offendor is returned into the Realm of Scotland as aforeſaid, the ſaid Juſtice or Commiſſioner ſhall have full power and authority to bind over as well the ſaid party complaining or proſecuting, as any witneſſes that he ſhall deſire to produce, (ſo as their reaſonable charges be firſt rendred unto them) by Recogniſance in a convenient ſum to his Majeſties uſe, to proſecute and give in evidence within the Realm of Scotland: wherein if default ſhall be made, and the ſame proved by Certificate or otherwiſe before the Lord Treaſurer, Chancellor, and Barons of the Exchequer, or any of them in the Exchequer-Chamber, and a Decree there made that the ſame Recogniſance ſhall ſtand forfeited, then the Court of Exchequer ſhall thereupon proceed for the levying of the Debt of the ſaid Recogniſance, as if it were adjudged forfeited by the courſe of the Common Law.

Scotiſh men coming into England to give evidence againſt offendors, ſhall be free from arreſts.

And be it further enacted by the authority aforeſaid, That on the other part every of his Majeſties Subjects of the Realm of Scotland, either party grieved, or witneſs, which ſhall proſecute in any the Caſes aforeſaid within the Realm of England, and thereby ſhall have occaſion to make his repair hither, either voluntarily, or by the like Bond as is before expreſſed, on the part of the Realm of England, ſhall have and enjoy Priviledge and Immunity from all manner of Arreſts, concerning all offences, or other cauſes, as well capital as others, committed, done, or occaſioned, before he ſhall ſo come into England as aforeſaid (except Treaſon or wilful Murther) ſo long as he or they ſhall be neceſſarily going, coming, or abiding within the ſaid Realm of England, for the proſecution of the ſaid Offendors.

The offence ſhall be alledged in the Indictment where it is done.

Provided nevertheleſs, That every ſuch offence ſo committed as aforeſaid, ſhall be laid and alledged in the Indictment or other Declaration to be done and committed in the Realm of Scotland, according to the truth of the Fact, and not in the Counties where the trial is limited, to be had and made as aforeſaid; Any thing in this Act formerly contained to the contrary notwithſtanding.

He that is once tried, ſhall not be eftſoons called in queſtion for the ſame offence.

Provided alſo, and be it further enacted, That if any his Majeſties Subjects of the Realm of Scotland, ſhall be proceeded with and tried in the Realm of Scotland, upon the proſecution of any party grieved, and upon evidence in open Court for any offence done or committed within the Realm of England, that no ſuch perſon ſhall be eftſoons called in queſtion, or proceeded with for the ſame Fact within the Realm of England, but that it ſhall be lawful for every ſuch perſon to plead or alledge for himſelf upon his Arraignment, that he was formerly lawfully acquitted, convicted, or attainted of the ſame offence within the Realm of Scotland, and that thereupon all further proceeding ſhall ſtay until the Court have ſufficiently informed themſelves by Certificate from the Realm of Scotland, or by any other good ways and means of the truth of the ſaid allegations, which if they ſhall find true, the ſaid perſon ſhall be forthwith diſcharged of all further impeachment or proceeding.

No Engliſhman ſhall be ſent out of England to receive his trial in Scotland.
ALT. 7 Jac. 1.

And be it further enacted by the authority aforeſaid, That no natural born Subject of the Realm of England, or the Dominions of the ſame, ſhall for any high Treaſon, Miſpriſion, or Concealment of high Treaſon, petty Treaſon, or any other whatſoever offence, or cauſe, committed within Scotland, be ſent out of England, where he is apprehended, to receive his trial, until ſuch time as both Realms ſhall be made one in Laws and Government, which is the thing ſo much deſired, as that wherein the full perfection of the bleſſed Union already begun in his Majeſties Royal perſon conſiſteth. And becauſe there is too great reaſon to fear, that the partiality and corruptions of many that live in thoſe parts, through their long and evil courſe of life, cannot but produce much and frequent perjury at ſuch trials as aforeſaid, if the Jury in their proceeding do not uſe great wiſdom and circumſpection, in which reſpect it is moſt juſt and neceſſary to provide as well that the guilty ſhall not eſcape, as that the innocent ſhall not be condemned:

The Jurors may allow or reject the witneſſes.

Be it therefore provided, and be it enacted by the authority aforeſaid, That in all ſuch trials, the Jurors then and there ſworn, or the greater part of them (who in reſpect of the great truſt and charge which muſt now be laid upon them, are by vertue of this Act as before appeareth, to be perſons of better condition and quality, than the Law required heretofore for Jurors in trials of like offences) ſhall have in their power and election, according to their conſcience and diſcretion upon their Oaths, to receive and admit only ſuch ſufficient, good and lawful witneſſes upon their Oaths, either for, or againſt the party arraigned, as ſhall not appear to them, or the greater part of them to be unfit and unworthy to be witneſſes in that caſe, either in regard of their hatred and malice, or their favour and affection, either to the party proſecuting, or to the party arraigned, or of their former evil life and converſation.

Provided alſo, and be it further enacted, That if the Offendor in any the caſes aforeſaid ſhall be a Peer of the Realm, then his trial therein ſhall be by his Peers, as is uſed in caſes of Felony or Treaſon, and not otherwiſe.

Trial of a Peer by his Peers.

CAP. II.

Of what length, bredth, and weight ſeveral ſorts of Clothes made in divers Counties of this Realm ſhall be. Putting of Flocks or Lambs-wooll in Cloth.

FOr the avoiding of many inconveniences happening to his Highneſſe Subjects, exerciſing the myſtery and Trade of making and working of Woollen-Clothes, of divers names and natures, and that the Buyers of ſuch Clothes may have true and juſt commerce without fraud or deceit, It pleaſeth his moſt excellent Majeſty, with the conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, that it be enacted, and by the authority of the ſame, it is enacted, That from and after fourſcore days next after the end of this Seſſion of Parliament, every long broad Cloth and Clothes, which ſhall be made of dyed woolls, and mingled colours, within any the Shires of Kent, York, or at the Town of Reading, or elſewhere of like making, ſhall contain in length at the water, every piece being throughly wet, between thirty and four and thirty yards, every yard, yard and inch of the Standard and no more, and in bredth ſix quarters and a half of a yard at the leaſt within the liſts, by the whole length of the ſame Cloth: And that every piece of the ſame Cloth being well ſcoured, thicked, milled, and fully dryed, ſhall be in weight eighty ſix pounds at the leaſt.

The length, bredth, and weight of broad clothes dyed.
5 Ed. 6. 6.

And that every white Cloth, which ſhall be made within the Cities of Worceſter, Coventry and Hereford, commonly called long Worceſters, or elſewhere of like making, ſhall contain in length being wet, between thirty and thirty three ſuch ſaid yards and inches as is aforeſaid, and ſhall be in bredth ſeven quarters throughout all the whole Cloth, and being clean ſcowred, thicked, milled, and fully dryed, ſhall weigh ſeventy eight pounds at the leaſt.

The length, bredth, and weight of long Worceſters.
5 Ed. 6. 6.
4 & 5 P. & M. 5.

And that all and every long coloured Clothes, commonly called Plunkets, Azures and Blues, and long white Clothes, which ſhall be made in any of the Shires of Suffolk, Norfolk and Eſſex, or elſewhere of like making, ſhall contain in length being wet, between twenty nine and thirty two ſuch ſaid yards and inches as is aforeſaid, and ſhall be in bredth ſix quarters and one half quarter within the liſts at the leaſt, and being well ſcowred, thicked, milled, and fully dryed, ſhall weigh eighty pounds at the leaſt. And that all and every ſhort Clothes coloured, and ſhort white Clothes, commonly called ſorting Clothes, which ſhall be made in any of the Shires laſt before mentioned, or elſewhere of like ſort and making, ſhall contain being wet, in length between twenty three and twenty ſix ſuch ſaid yards and inches as is aforeſaid, and in bredth throughout the whole piece, ſix quarters within the liſt at the leaſt, and being well ſcowred, thicked, and fully dryed, ſhall weigh ſixty four pounds the Cloth at the leaſt.

Plunkets, Azures, Blues and long white clothes.

The length, bredth, and weight of ſorting Clothes.
5 Ed. 6. 6.
4 & 5 P. & M. 5.

And that all and every ſhort Clothes coloured, and ſhort white Clothes, commonly called fine ſhort Suffolks, which ſhall be made in the Shires laſt before mentioned, or elſewhere of like making, ſhall contain being wet, in length between three and twenty and ſix and twenty ſuch ſaid yards and inches as is aforeſaid, and in bredth throughout the whole piece, ſix quarters and a half within the liſts at the leaſt, and being well ſcowred, thicked, milled, and fully dryed, ſhall weigh ſixty four pounds the Cloth at the leaſt. And that every ſuch ſorting ſhort Cloth ſhall be differenced from the ſaid fine Clothes laſt before mentioned, by a blew ſelvedge or edging on both liſts. And that every white Cloth, which ſhall be made within the ſame mentioned Shires, or elſewhere of like making, commonly called Handywarps, ſhall contain in length between twenty nine and thirty two ſuch ſaid yards and inches as is aforeſaid, and in bredth ſeven quarters, and being well ſcowred, thicked, milled, and fully dryed, ſhall weigh ſeventy ſix pounds at the leaſt. And that all broad Plunkets, Azures, Blews, and other coloured Cloth, which ſhall be made within the Shires of Wiltſhire and Somerſetſhire, or elſewhere of like making, ſhall contain being throughly wet, between twenty ſix and twenty eight ſuch yards and inches as is aforeſaid, and in bredth ſix quarters and a half within the liſts, and being well ſcowred, thicked, milled, and fully dryed, ſhall weigh ſixty eight pounds the Cloth at the leaſt. And that every Cloth commonly called ſhort Clothes, ſhall be made of dyed woolls, and mingled colours, within the County of York, or elſewhere of like making, ſhall contain in length being throughly wet, between twenty three and twenty five ſuch yards and inches as is aforeſaid, and in bredth ſix quarters and an half between the liſts, and being clean ſcowred, thicked, milled, and fully dryed, ſhall weigh ſixty ſix pounds the Clothat the leaſt, and every half piece thereof, commonly called Dozens, to be made and wrought after the ſame rate in every reſpect.

The length, bredth, and weight of fine ſhort Suffolks.

The length, bredth, and weight of Handiwarps.

Coloured cloth made in Wiltſhire and Somerſetſhire.

Short cloth made of dyed woolls in Yorkſhire.
A half piece called Dozens.

And that all broad liſted whites and reds which ſhall be made in any of the Counties of Wiltſhire, Glouceſterſhire, Oxfordſhire, and the Eaſtern limits of Somerſetſhire, or elſewhere of like making, commonly called ſorting pack broad-liſted Clothes, ſhall contain in length being wet, between twenty ſix and twenty eight ſuch ſaid yards and inches as is aforeſaid, and ſhall be in bredth ſix quarters and a half throughout the whole Cloth at the leaſt, and being clean ſcowred, thicked, milled, and fully dryed, ſhall weigh every piece of the ſame Cloth ſixty four pounds the Cloth at the leaſt. And that all narrow-liſted whites and reds which ſhall be made in Wiltſhire, Glouceſterſhire, Oxfordſhire, and the Eaſtern limits of Somerſetſhire, or elſewhere of like making, commonly called ſorting pack clothes, ſhall contain in length being wet, between twenty ſix and twenty eight ſuch yards and inches

The length, bredth, and weight of broad liſted whites and reds.

The length, bredth, and weight of narrow liſted whites and reds.

as is aforeſaid, and ſhall be in breadth within the liſts, ſix quarters and a half throughout the whole cloth at the leaſt, and liſted with narrow liſts, as hath been accuſtomed for ſorting pack-clothes, and being clean ſcoured, thicked, milled, and fully dried, ſhall weigh every piece being white, ſixty one pounds at the leaſt, and being red, ſhall weigh ſixty pounds the piece at the leaſt.

The length, breadth, and weight of fine clothes with plain liſts.

And that every fine cloth with plain liſts made in the counties of Wiltſhire, Glouceſterſhire, Somerſetſhire, and Oxford, or elſewhere of like making, ſhall contain in length between twenty nine and thirty two ſuch yards and inches, as is aforeſaid, and in breadth ſix quarters and a half between the liſts throughout the whole cloth, and being clean ſcoured, thicked, milled, and fully dried, ſhall weigh ſeventy two pounds at the leaſt.

Clothes having ſtopped liſts.

Broad clothes called Tauntons, Bridgewaters, and Dunſters.

Broad and narrow clothes made in Yorkſhire.

And that all and every clothes, having ſtop liſts and not plain liſts, ſhall contain in length between thirty and thirty three of ſuch ſaid yards and inches, as is aforeſaid, and in breadth ſeven quarters within the liſts, throughout the whole cloth, and in weight ſeventy eight pounds at the leaſt, as all Worceſter clothes are limited: And that every broad cloth commonly called Tauntons, Bridgwaters and Dunſters made in the Weſtern parts of Somerſetſhire, or elſewhere of like making, ſhall contain being throughly wet, between twelve and thirteen ſuch ſaid yards and inches as is aforeſaid, and in breadth ſeven quarters of a yard at the leaſt, and being well ſcoured, thicked, milled and fully dried, ſhall weigh thirty pounds the cloth at the leaſt, and every narrow cloth of like ſort and making within the ſaid county of Somerſetſhire, or elſewhere, ſhall contain in length being throughly wet between twenty four and twenty five ſuch yards and inches as is aforeſaid, and in breadth one yard within the liſts at the leaſt, and liſted with a narrow liſt, and well ſcoured, thicked, milled, and fully dried, ſhall weigh thirty pounds apiece at the leaſt, and the half cloth thereof to be of a proportionable length and weight, and of like breadth as aforeſaid: And that all ſuch like broad clothes & narrow clothes laſt before mentioned, made within the county of York, into whites and reds, the broad cloth to hold the ſame lengths, breadth and weight, but the narrow cloth to be allowed by this Statute to contain between ſeventeen and eighteen yards of like meaſure, breadth, and in weight proportionable as aforeſaid.

Devonſhire Kerſies called Dozens.

Check-Kerſies, ſtraights and plain gray Ordinary peniſtones or forreſt whites.

Sorting peniſtones.

And that all Devonſhire Kerſies called Dozens, ſhall contain in length at the water between twelve and thirteen ſuch ſaid yards and inches, as is aforeſaid, and being well ſcoured, thicked, milled, and fully dried, ſhall weigh thirteen pounds the cloth at the leaſt: And all clothes, called check Kerſies, ſtraights, and plain grays, ſhall contain in length at the water, between ſeventeen and eighteen ſuch ſaid yards and inches as is aforeſaid, and in breadth, one yard at the leaſt by all the length, and being well ſcoured, thicked, milled, and fully dried, ſhall weigh twenty four pounds the piece at the leaſt. And all clothes, called ordinary peniſtones, or forreſt whites ſhall contain in the length in the water, between twelve and thirteen ſuch ſaid yards and inches as is aforeſaid, and in breadth five quarters and an half, and being clean ſcoured, thicked, milled, and fully dried, ſhall weigh twenty eight pounds the piece at the leaſt: And that all penyſtones, called ſorting penyſtones, ſhall contain in length in the water, between thirteen and fourteen ſuch yards and inches, and ſhall be in breadth ſix quarters and a half, and being clean ſcoured, thicked, milled, and fully dried, ſhall weigh thirty five pounds the piece at the leaſt.

Cogware, Kendal, and Carpt-meales.

And be it likewiſe enacted by the authority aforeſaid, That all Cog-ware, Kendal, and Carpt meales ſhall from henceforth be made in ſuch ſort as ſhall beſt pleaſe the buyer, and ſhall not be ſearched, or ſealed, or be ſubject to any other penalty, than ſuch as was impoſed thereon before the nine and thirtieth year of our Soveraign Lady Queen Elizabeth, ſo as they ſhrink not above one yard for every twenty yards.

The length and weight of waſhers, or waſh-whites. There ſhall be no rowing, or raiſing of cloth.

There ſhall be no different rowing, raiſing, fulling or ſhearing of the liſts of clothes.

And be it enacted by the authority aforeſaid, That all Kerſies, called Waſhers, or Waſh-whites, made within the counties of York, Lancaſter, or elſewhere of like making, ſhall contain in length at the water, being halt thicked, between ſeventeen and eighteen yards of the meaſure aforeſaid, and being quarter thicked, ſhall contain between eighteen and nineteen ſuch yards and inches as is aforeſaid, and being clean ſcoured, and fully dried, ſhall weigh ſeventeen pounds the piece at the leaſt, and that no Clothworker, Sheerman, or Fuller, ſhall raiſe or row, or cauſe to be raiſed or rowed any kind of Clothes or Kerſies in or with any oils, gooſe-greaſe, ſwines greaſe, or any ſuch like thing of any kind of greaſes or oils, but ſhall ſhear the ſame cloth, Kerſie, plain and ſtraight, without laying on any of the aforeſaid oils, gooſe-greaſe, ſwines-greaſe, or any other liquid or moiſt thing, but only upon the edge of the ſheers with ſemet or oils, upon pain to forfeit for every time ſo doing contrary to the true meaning of this ſtatute, thirteen ſhillings four pence. And that no Clothworker, Sheerman, or Fuller, ſhall raiſe, full, or row or ſhear the liſts and ſides of clothes and kerſies better than the middeſt, but ſhall work all alike, upon pain of forfeiting for every cloth, kerſie, plain and ſtraight, done contrary to the true meaning of this ſtatute, thirteen ſhillings four pence.

There ſhall be no cutting of wooll from the back-ſides of cloth.

And that no Clothworker, or any other perſon or perſons whatſoever, ſhall have or uſe for the cutting or taking away of the wool from the back ſides of any clothe and kerſies, any knife or knives, rubſter or rubſters, pumiſtone, or any other device, whatſoever, but only to ſheer the ſame back-ſide with a pair of ſheers, on pain of forfeiting for every piece wherein or whereupon the ſame ſhall be ſo done, the ſum of xiii. s. iiii. d.

There ſhall be no blowing, ſpouting, or bedewing any cloth on the ſides near the liſts.

And be it further enacted by the authority of this preſent Parliament, That no Cloth-worker, Sheerman, or Fuller, or any other perſon or perſons whatſoever ſhall from and after the Feaſt of Saint John Baptiſt next enſuing the end of this preſent Seſſion of Parliament, blow, ſpout, or bedew any kind of Broad-cloth or Kerſie on the ſides and edges neer the liſts thereof, with any water, or other liquid or moiſt thing whatſoever, whereby the edges or ſides of any cloth or kerſie may make ſhew to be better than it is in the ridge, creſt, or midſt thereof, Upon pain to forfeit for every ſuch offence the ſum of thirteen ſhillings four pence of lawful money of England: And if any perſon or perſons ſhall blow, ſpout, wet, or bedew, or cauſe to be blowed, ſpouted, wet or bedewed with any liquid or moiſt thing any kind of cloth or kerſie of whatſoever countrey, making, or name, for increaſe of weight, thereby to deceive the Buyers or Searchers, ſuch perſon or perſons ſhall forfeit and loſe for every ſuch offence the ſum of forty ſhillings of like lawful money of England.

The forfeiture for blowing, ſpouting, &c. of a cloth for encreaſe of weight.

Agreement for the dying, dreſſing, ſhearing, and rowing of cloth.

And be it further enacted by the authority aforeſaid, That all the ſaid white clothes, and coloured clothes, which by this preſent act are not limited and appointed to be wrought, dreſſed, and ſhorne, ſhall have allowance and abatement for the dying, dreſſing, rowing, and ſheering thereof, for every ſuch ſaid ſhort broad woollen clothes, four pounds in weight and no more, and the long clothes five pounds and no more, and ſo after the rate in all and every the ſame half woollen cloth, kerſie, and other the ſaid woollen cloth.

Into what kind of clothes only flocks, thrums, and lambs wooll may be put. Rep. 21 Jac. 18.

Be it alſo enacted by the authority aforeſaid, that it ſhall and may be lawful to and for any perſon or perſons lawfully exerciſing the trade or art of a Clothier, or making of clothes, to make flocks, thrums, and lambs wooll into cloth of one only kind or making, which ſhall contain in length, being throughly wet, between twelve and thirteen ſuch yards and inches as is aforeſaid, and in breadth one yard at the leaſt within the liſts, and being clean ſcowred, thicked, milled, and fully dried, ſhall weigh fifteen pounds the piece at the leaſt.

The means to know cloth made of flocks, thrums, &c.

And for the better and more eaſie diſtinction and knowledge of every ſuch cloth, from cloth made of perfect wool, every cloth made of flocks, thrums and lambs wooll, ſhall have the one liſt wholly of black yarn, and on the other ſide a ſelvedge only. And that from henceforth no perſon or perſons ſhall put any hair, flocks, thrums, or any yarn made of lambs wooll or other deceiveable thing or things, in or upon any other broad woollen cloth, half cloth, kerſie, frize, dozen, bayes, peniſtone, cotton, Taunton cloth, Bridgewater, Dunſter cotton, or other cloth of what nature, kind, and name ſoever, made to be ſold, and ſold, not being made and liſted with ſuch black liſt and ſelvedge as aforeſaid, upon pain to forfeit every ſuch of the ſaid woollen cloth, half cloth, kerſie, frize, dozen, peniſtone, cotton, and other woollen cloth, of what nature, kind, and name ſoever other than ſuch as ſhall be liſted and made as aforeſaid whereinto or upon which any ſuch hair, flocks thrums, yarn of lambs wooll, or other deceiveable thing ſhall be put or uſed, or the value thereof.

The penalty for putting of any hair, flocks, &c. into any other cloth.

Places where flannel, wadnals and coverlets be made.

Provided alwayes in ſuch towns, places, and counties, where flannel, wadnals, and coverlets, or blankets are uſually made, the ſame may be made in ſuch ſort, as heretofore hath been lawfully uſed and accuſtomed: This ſtatute or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

The forfeiture where the cloth is longer than is appointed.

And if any the ſaid broad woollen clothes, or half cloth, or any other kind of woollen clothes dozens, cottons, or other ſorts of woollen cloth before mentioned in this preſent act, of what nature, kind, or name ſoever they be of, made to be ſold, and ſold, ſhall be more in length than is therefore reſpectively limited and appointed in this preſent act, then every perſon or perſons ſelling the ſame, ſhall forfeit and pay for every yard and inch, exceeding the length ſo appointed, the ſum of ten ſhillings and no more.

The forfeiture where the cloth wanteth weight.

And if any ſuch cloth ſhall not weigh proportionably for every ſuch yard and inch to the ſeveral and reſpective weight to them ſo limited and appointed, then the ſaid perſon and perſons ſelling the ſame, ſhall forfeit and loſe for every pound weight that ſhall be wanting above two pounds, the ſum of ten ſhillings and no more, Any former law or ſtatute to the contrary thereof in any wiſe notwithſtanding.

The forfeiture if the cloth do want breadth.

And if any ſuch cloth before mentioned, not exceeding the ſeveral lengths to them by this Statute limited or appointed, and holding the ſeveral and reſpective weight limited and appointed, do yet fortune to want of the juſt breadth limited or appointed, then the ſaid perſon or perſons ſelling the ſame, ſhall forfeit and loſe for every cloth falling narrow thorow the whole cloth, twenty ſhillings, and throughout half the cloth, ten ſhillings, and under half the cloth, five ſhillings, and no more, Any former Laws or Statutes inflicting other or greater penalty or penalties to the contrary thereof in any wiſe notwithſtanding.

The forfeiture if the cloth be of leſs length than the ſeal doth purport.

And if any cloth or clothes, of any the names, natures, or making aforeſaid, which by this Statute, or any clauſe or article therein, or any other Statute now in force, and not repealed, ſhall upon due and convenient trial, within convenient time after ſale thereof, in preſence of the party that ſold the ſame, or other perſon or perſons by him appointed, if he or they will be preſent at the ſearch and trial thereof, or if he or they will not be preſent, having reaſonable notice, then in his or their abſence be found to be of leſs length than the ſeal or ſeals, thereon fixed at the time of the ſale thereof, do purport: Then the owner, or perſon or perſons ſelling the ſame ſhall forfeit and loſe to the Merchant, Draper, or other perſon or perſons that ſhall have bought the ſame, for ſo much as ſhall be wanting of the length ſpecified in the ſeal or ſeals of the ſaid cloth, after the rate of ſix ſhillings eight pence for every yard, over and beſides the true value of ſo much of the ſaid cloth or clothes, as ſhall be found wanting of the length certified by the ſaid ſeal or ſeals, and no more: Any former Law or Statute, inflicting other or greater penalty, to the contrary thereof in any wiſe notwithſtanding.

A Repeal of all Statutes concerning the length, breadth and weight of clothes or forfeitures.

And be it further enacted by the authority of this preſent Parliament, That all and every branch, clauſe, and ſentence in any former Statute, whereby any other length, breadth, or weight of the clothes before mentioned, or any of them, or any other penalty or forfeiture concerning the length, breadth, or weight of the aforeſaid clothes, or any of them, or any other offence by this act intended to be reformed, is limited, or whereby any penalty or forfeiture for the offences in this bill mentioned or any of them, are given to any other perſon or perſons than in and by this Statute is limited and intended, ſhall be from henceforth utterly repealed and made void.

And be it further enacted by authority of this preſent Parliament, That none of the clothes aforeſaid, which by the Laws and Statutes of this Realm ought to be ſealed, of what

name

Cloth ſearched by Overſeers ſhall not be ſearched, tried, or watered again, but by the buyer thereof. 39 El. 20. 43 El. 10.

Where the Searchers or Overſeers ſhall take ſome benefit by the forfeitures.

name, nature or quality ſoever they be of, being ſealed by the Overſeers, authorized as well by the ſtatute made in the nine and thirtieth year of the reign of our late ſaid Sovereign Lady Queen Elizabeth entituled, An Act againſt the deceitful ſtretching and tentring of Northern cloth, as alſo by a Statute made in the three and fortieth year of her ſaid reign, entituled, An act for the true working and making of woollen cloth, ſhall afterward be ſearched, tryed or watered by any other perſon or perſons whatſoever, but only by the Merchant or Draper, or other perſon to whom the ſame ſhall be ſold. And that if any woollen cloth, upon the ſearch by the Searchers or Overſeers of the cities, counties, towns or places where the cloth is made, ſhall be found either to exceed the length, or to want of the weight by this Statute limited, the ſaid Searchers or Overſeers finding and certifying the ſaid overlength and the weight that ſhall want, or ſuch of them, wherein the offence ſhall happen to have been committed, by his or their ſeal or ſeals, ſhall have the one moiety of all ſuch penalties and forfeitures, as by the Statute are given, limited, and appointed for exceſs of length, or want of weight, and no other perſon or perſons, And ſhall or may ſue for and recover the ſame by action of debt, bill, plaint, or information, in any of his Majeſties courts of record at Weſtminſter, wherein no eſſoyn, protection, or wager of Law ſhall be allowed, and our Sovereign Lord the Kings Majeſty, his heirs and ſucceſſors, ſhall have the other moiety.

The forfeiture where clothes be faulty, and not ſo certified by the Overſeer.

And alſo if any woollen-cloth or clothes, of any the natures, names, or makings aforeſaid, ſhall after ſuch ſearch in the Countrey or other place aforeſaid, be found to be faulty in any thing not certified, and appearing by the ſeal or ſeals of the ſaid Overſeers and Searchers, by the Merchant or Draper, or other perſon or perſons buying the ſame, upon due and convenient tryal within convenient time after the ſale thereof, in preſence of the party that ſold the ſame, or of other perſon or perſons by him or them to be appointed, if he or they will be preſent at the ſearch and trial thereof, or if he or they will not be preſent, having reaſonable notice given: Then in his or their abſence, the ſaid Merchant or Draper, or other perſon that bought the ſame, and no other, ſhall have the one moiety of all the penalties and forfeitures by this Statute impoſed, and incurred, and not become due to the Overſeers and Searchers aforeſaid, to his own only proper uſe and behoof, Any former ſtatute, matter or thing whatſoever to the contrary hereof in any wiſe notwithſtanding: And alſo ſhall or may ſue for and recover the ſame in any of his Majeſties Courts of Record at Weſtminſter, by action of debt, bill, plaint, or information, wherein no eſſoyn, protection, or wager of Law ſhall be allowed; and his Majeſty, his heirs and ſucceſſors ſhall have the other moiety.

Duties and payments for a broad woollen cloth.

And foraſmuch as of late it hath been reputed, That a broad woollen cloth ſhould and ought to conſiſt of four and twenty ſuch yards and inches as aforeſaid, and not above, and payments and other duties have been accordingly demanded, and paid for the ſame: Be it therefore Enacted by the authority aforeſaid, That if any broad-woollen cloth be made longer or ſhorter than four and twenty ſuch ſaid yards and inches, all duties and payments hereafter to be paid for the ſame, ſhall be demanded and made proportionable, according to the rate and proportion of four and twenty ſuch ſaid yards and inches for a whole cloth, and not otherwiſe.

Every Clothier may make any kind of woollen cloth.

The continuance of this Act.

And whereas by this and divers other ſtatutes concerning Drapery and Clothing, it is enacted, That all and every broad cloth and clothes, which ſhall be made in Kent and Suſſex, or at the Town of Readiug, or elſewhere of like making, ſhall be of certain length, breadth, and weight, in this or other the ſaid ſtatutes expreſſed and limited, and in like ſort for woollen clothes moſt uſually made in ſome other Counties or Towns, are firſt, ſpecially and particularly named in this and other the ſaid ſtatutes, And after follow theſe words (or elſewhere of like making) importing, That it ſhould be lawful for any Clothier, of whatſoever Town or County within this Realm, to make cloth of like making, and accordingly the ſame hath heretofore been put in ure: Yet foraſmuch as of late ſome doubt hath thereupon riſen, Be it therefore explained and enacted, That it is and ſhall be lawful for every Clothier, of what town or county ſoever within this Realm, where clothing hath heretofore been uſed, to make, or cauſe to be made, any true woollen-cloth, of what name, nature or manner of making ſoever the ſame be, Albeit the ſame kind of woollen-cloth do bear ſpecially the name of ſome other county, city, or town within this Realm. This Act to continue until the end of the firſt Seſſion of the next Parliament.

The Kings duties and his Officers reſerved.

Cloth once lawfully ſearched and ſealed, ſhall not be ſearched or ſealed again.

Provided always, and be it Enacted by the authority aforeſaid, That neither this Act, nor any thing therein contained, ſhall extend to abridge or diminiſh any cuſtoms or duties appertaining to our Sovereign Lord the Kings Majeſty, his heirs or ſucceſſors, or to any his Officers or Miniſters, for the ſearching, meaſuring or ſealing any the clothes before mentioned, Nor to hurt or prejudice the lawfull fees due or belongnig to his Majeſties Aulneger, or to hurt or prejudice the lawful uſe and exerciſe of the office of Aulneger: So, as after any cloth once lawfully ſearched, and lawfully ſealed, the ſame be not compelled to be further viewed, ſearched, meaſured, or ſealed. St. 21 Jac. 18. & 28. 3 Car. 4.

CAP. III.

Certain Caſes wherein the Defendant ſhall recover Coſts againſt the Plaintiff.

Caſes wherein by the ſtatute made 23 H. 8. 15 the defendant ſhall recover his coſts.

Whereas in the three and twentieth year of King Henry the eighth of famous memory, a good and profitable Law was made, whereby it was enacted, That in caſes where the plaintiff in any action, bill, or plaint of debt, treſpaſs upon the caſe, detinue, account, and in ſome other actions therein eſpecially mentioned, ſhould become nonſuit, or a verdict ſhould be had againſt the ſaid plaintiff; That then in ſuch caſes the defendant ſhould have Judgment to recover his coſts againſt every ſuch plaintiff, as by the ſaid Law appeareth: Which Law hath been found to be very good and beneficial for the Common-wealth, and thereby many have been diſcouraged from bringing frivolous and unjuſt ſuits, becauſe ſuch parties are to make recompence to the parties unjuſtly vexed, for the ſaid unjuſt vexations.

And foraſmuch as actions of treſpaſs, and actions of *Ejectione firmæ*, and many other actions real and perſonal, are within the ſame miſchief, as the ſaid other actions were at the Common-Law, and yet were omitted out of the proviſion of the ſaid Law: For remedy whereof, Be it Enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons at any time after the end of this preſent Seſſion of Parliament ſhall commence or ſue in any Court of Record, or in any other Court, any action, bill, or plaint of Treſpaſs, or *Ejectione firmæ*, or any other action whatſoever, wherein the plaintiff or defendant might have coſts (if in caſe Judgment ſhould be given for him) And the plaintiff or plaintiffs, demandant or demandants, in any ſuch action, bill, or plaint, after appearance of the defendant or defendants, be non-ſuited, or that any [a] verdict happen to paſſe by any lawful tryal againſt the plaintiff or plaintiffs, demandant or demandants, in any ſuch action, bill, or plaint, Then the defendant and defendants, in every ſuch action, bill, or plaint, ſhall have Judgment, to recover his coſts againſt every ſuch plaintiff and plaintiffs, demandant and demandants, to be aſſeſſed, taxed, and levied in manner and form, as coſts in the ſaid actions are to be aſſeſſed, taxed and levied in and by the ſaid Law of the three and twentieth year of King Henry the eighth. Coke pla. fol. 29.

Several caſes wherein the defendant ſhall recover his coſts againſt the plaintiff. St. 8 Eliz. 2.

a Cro. Jac. 229.

CAP. IV.

In what caſe only Ale or Beer may be ſold to an Ale-houſe-keeper having no Licence.

For the better repreſſing of Ale-houſes, whereof the multitudes and abuſes have been and are found intolerable, and ſtill do and are like to encreaſe, Be it Enacted by the Kings moſt excellent Majeſty, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons, by himſelf, or by any other wayes or means, directly or indirectly, ſhall at any time after three moneths next after the end of this preſent Seſſion of Parliament, ſell, utter or deliver, or cauſe to be ſold, uttered or delivered any Beer or Ale, to any perſon or perſons, or into the houſe or cellar of any perſon or perſons, that then ſhall ſell or utter Beer or Ale, as a common Tipler or Ale-houſe-keeper, the ſame perſon not having any Licence then in force to ſell Ale or Beer, other than for the convenient uſe and expence of his, her, or their houſhold only, upon pain to forfeit for every barrel ſold, uttered or delivered contrary to the form and true meaning of this Act, the ſum of ſix ſhillings eight pence, and ſo after that rate for a greater or leſſer quantity.

The abuſes of Ale-houſes intolerable.

None ſhall ſell Ale or Beer to an Ale-houſe-keeper not having licence, but for the expence of his houſhold.

And be it further enacted by the authority aforeſaid, That all offences to be done or committed contrary to the true meaning of this Act, and all penalties aforeſaid, ſhall be enquired of, ſued for, heard and determined in the Seſſions of the peace for the County, City, or Borough, Town or Liberty, or in the Court of Record of the City, Borough, Town or Liberty, wherein ſuch offence ſhall be committed, by action of debt, information, inditement or preſentment, wherein no eſſoyn, protection or wager of law ſhall be allowed to the Defendant: And the one half of all which forfeitures ſhall be to the uſe of the poor people inhabiting within the City, Borough, Hundred, Town or Liberty, where ſuch offence ſhall be committed from time to time; and the other half thereof to him or them that will ſue for the ſame.

In what Courts the offences aforeſaid ſhall be heard and determined.

Who ſhall have the forfeitures.

And to the end that the ſaid one half of the ſaid forfeitures above limited to be to the uſe of the ſaid poor people, may be truly employed and beſtowed upon them, according to the true meaning of this Act, Be it further enacted, That the Sheriff, Bayliff, or other Officer or perſon that ſhall levy or receive any ſum or ſums of money forfeited and recovered according to the true meaning of this act, ſhall and may by vertue of this Act, without further warrant, deliver the one half of the ſame ſum and ſums of money, by him or them ſo levied or received, to ſome one or more of the Church-wardens and Overſees of the poor of the ſame pariſh where the ſame offence ſhall be committed, to be by them, and every of them diſtributed and beſtowed amongſt the ſaid poor people, according to the true meaning of this Act, who ſhall likewiſe have authority by vertue of this Act, to diſtribute and beſtow the ſame accordingly.

The poors half of the forfeitures ſhall be delivered to the Overſeers.

And be it further enacted, That every Sheriff, Bayliff, and other Officer and perſon which ſhall levy or receive any ſuch forfeiture or forfeitures aforeſaid, and ſhall pay over the moiety and one half thereof, according to the true meaning of this act, ſhall be thereof diſcharged againſt the Kings Majeſty, his heirs and ſucceſſors.

The Officer paying the moiety to the Overſeers ſhall be diſcharged thereof.

And be it further enacted, That if any Sheriff, Bayliff, or other Officer or perſon ſhall refuſe to pay over the moiety and one half of the ſaid money by him or them levied or received, or that the ſaid Church-wardens and Overſeers, to whom the ſaid money ſhall be ſo paid, ſhall not from time to time within convenient time truly diſtribute and beſtow the ſame to and amongſt the poor people, according to the true meaning of this act, That then every perſon ſo offending ſhall forfeit double the value thereof, to be recovered and imployed as aforeſaid.

The penalty for not diſtributing the money received to the poor.

CAP. V.

The penalty of a Drunkard, and of him that continueth drinking in an Ale-houſe.

Whereas the loathſome and odious ſin of drunkenneſs is of late grown into common uſe within this Realm, being the root and foundation of many other enormous ſins, as bloodſhed, ſtabbing, murder, ſwearing, fornication, adultery, and ſuch like, to the great diſhonour of God, and of our Nation, the overthrow of many good Arts and manual Trades, the diſabling of divers Work-men, and the general impoveriſhing of many good ſubjects, abuſively waſting the good creatures of God:

Drunkenneſſe the foundation of many other ſins, and the cauſe of ſeveral enormities.

Be it therefore Enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and

Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon or perſons, which after forty dayes next following the end of this preſent Seſſion of Parliament, ſhall be drunk, and of the ſame offence of drunkenneſſe ſhall be lawfully convicted, ſhall for every ſuch offence forfeit and loſe five ſhillings of lawful money of England, to be paid within one week next after his, her, or their conviction thereof, to the hands of the Church-wardens of that Pariſh where the offence ſhall be committed, who ſhall be accomptable therefore to the uſe of the poor of the ſame Pariſh. And if the ſaid perſon or perſons ſo convicted, ſhall refuſe or neglect to pay the ſaid forfeiture as aforeſaid, then the ſame ſhall be from time to time levied of the goods of every ſuch perſon or perſons ſo refuſing or neglecting to pay the ſame, by Warrant or Precept from the ſame Court, Judge or Juſtices, before whom the ſame conviction ſhall be. And if the offendor or offendors be not able to pay the ſaid ſum of five ſhillings, Then the offendor or offendors ſhall be committed to the Stocks, for every offence, there to remain by the ſpace of ſix hours.

The forfeiture of him that is convicted of drunkenneſſe. 7 Jac. 10.

The penalty for refuſing or being not able to pay the forfeiture.

The forfeiture of an inferiour Officer that doth neglect to do his duty.

And be it further Enacted by the authority aforeſaid, That if any Conſtable, or any other inferiour Officer of that pariſh or place where the offence ſhall be committed, to whom that ſhall be given in charge by the precept of any Mayor, Bayliff, other head Officer, or Juſtices of the peace within their ſeveral Limits, do neglect the due correction of the ſaid offendor, or the due levying of the ſaid penalties, where diſtreſs may be had, Then every perſon ſo offending, ſhall forfeit the ſum of ten ſhillings of currant money of England, to the uſe of the poor of the ſame pariſh or place where the offence ſhall be committed, to be levied by way of diſtreſs by any other perſon or perſons having Warrant from any Mayor, Bayliff, or other head-Officer, Juſtices of peace, or Court where any ſuch conviction ſhall be, And to be paid to the Church-wardens as before limited, who are alſo to accompt for the ſame to the uſe aforeſaid.

The penalty for continuing drinking in an Ale houſe, &c. 7 Jac. 10.

1 Jac. 9.

And be it further Enacted by the authority aforeſaid, That if any perſon or perſons within this Realm of England, or the Dominions of Wales, ſhall remain or continue drinking or tipling in any Inne, Victualling-houſe, or Ale-houſe, being in the ſame City, Town, Village or Hamlet, wherein the ſaid perſon or perſons (ſo remaining drinking or tipling) doth dwell and inhabit at the time of ſuch drinking and tipling: And the ſame being viewed and ſeen by any Mayor, or other head-Officer, Juſtice or Juſtices of peace within their ſeveral Limits, or duly proved in ſuch manner and form as is limited in and by one Act of Parliament, made in the firſt Seſſion of this preſent Parliament, entituled, An act to reſtrain the inordinate haunting and tipling in Inns, Ale-houſes, and other Victualling-houſes, unleſſe it be in ſuch caſe or caſes as be tolerated or excepted in the ſaid act, That then every perſon or perſons ſo offending, ſhall forfeit and loſe for every ſuch offence the ſum of three ſhillings and four pence, of currant money of England, to the uſe of the poor of the pariſh where the ſaid offence ſhall be committed, to be levied by way of diſtreſs, in ſuch manner and form as is before appointed by this Act, for the levying of the penalty of five ſhillings for being drunk. And if it happen that any offendor or offendors againſt the true intent of this clauſe or branch, being thereof lawfully convicted, be not able to pay the ſaid forfeiture or forfeitures, Then it ſhall and may be lawful for any Mayor, Bayliff, or other head Officer, Juſtice or Juſtices of peace, or Court, where any ſuch conviction ſhall be, to puniſh the ſaid offendor or offendors by ſetting him, her, or them in the Stocks or every ſuch offence, by the ſpace of four hours.

Which Officers ſhall enquire of and puniſh the offences committed againſt this ſtatute, and the ſtatute of 1 Jac 9.

For the more due execution of this Statute, and for the better and more due proceeding againſt ſuch offendors, all offences of drunkenneſs, and of exceſs and unmeaſurable drinking, Be it further Enacted by the authority of this preſent Parliament, That all the offences in this act, and in the ſaid former act mentioned, ſhall be from time to time diligently enquired of, and preſented before the Juſtices of Aſſiſes in their Circuit, Juſtices of the peace in their quarter or ordinary Seſſions, and before the Mayors, Bayliffs, or other head Officers of every City or Town corporate, who have power to enquire of Treſpaſſes, Riots, Routs, Forces, and ſuch like offences, and in every Court-Leet, and thereupon ſuch due proceeding ſhall be againſt the offendor and offendors, for their due conviction in that behalf, as in ſuch like caſes, upon any indictment or preſentment is uſed by the Laws of the Realm, or Cuſtoms of the City, Town or place where ſuch preſentment or indictment ſhall be enquired of and found.

He that is the ſecond time convicted of drunkenneſs, ſhall be bound to his good behaviour.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons being once lawfully convicted of the ſaid offence of Drunkenneſs, ſhall after that be again lawfully convicted of the like offences of Drunkenneſs, That then every perſon and perſons ſo ſecondly convicted of the ſaid offence of Drunkenneſs, ſhall be bounden with two Sureties to our Soveraign Lord the Kings Majeſty, his heirs and ſucceſſors, in one Recogniſance or Obligation of ten pounds, with condition, to be from thenceforth of good behaviour.

Which Officers ſhall preſent the offences aforeſaid.

Be it further Enacted by the authority aforeſaid, That all Conſtables, Church-wardens, Headboroughs, Tything-men, Alecunners, and Sidemen, ſhall in their ſeveral Oaths, incident to their ſeveral Offices, be charged in like ſort to preſent the offences contrary to this ſtatute.

No reſtraint of Eccleſiaſtical Juriſdictions.

Provided always, That this act, or any thing therein contained, do not in any wiſe abridge or reſtrain the Eccleſiaſtical power or juriſdiction, but that all Ordinaries, and other Eccleſiaſtical Judges and Officers ſhall and may proceed to enquire of, cenſure, and puniſh all ſuch offendors, according to the Eccleſiaſtical Lawes of this Realm, in ſuch manner and form as before they lawfully might do, Any thing in this Act to the contrary notwithſtanding.

There ſhall be but one puniſhment for one offence.

Provided alſo, That when any of the offendors againſt the true intent of this act, or any branch or article thereof, hath been once puniſhed or corrected for his or her offence, by any the ways and means before limited, That then the ſaid offendor ſhall not be eftſoons puniſhed or corrected for the ſame offence by any other ways or means.

Provided always, that this act, or any thing therein contained, ſhall not be prejudicial to either of the two Univerſities of this Land, But that the Chancellor, Maſters and Scholars, and the Succeſſors of them, and either of them, may as fully uſe and enjoy all their juriſdictions, rights, privilledges, and charters, as heretofore they have or might have done: Any thing in this act to the contrary notwithſtanding.

The Liberties of the Univerſities ſhall not be prejudiced.

Provided always, That no perſon or perſons ſhall be puniſhed, impeached, or moleſted for any offence mentioned in this ſtatute, unleſs he ſhall be for the ſame offence preſented, indicted, or convicted within ſix moneths after ſuch offence committed. This act to continue until the end of the firſt Seſſion of the next Parliament. 21. Jac. 7. made perpetual.

Within what time an offendor ſhall be preſented. The continuance of this Act.

CAP. VI.

In what caſes Sheep-skins may be bought and ſold unſearched or unſealed. No leather ſhall be ſold by weight.

Whereas by the ſame ſtatute it plainly appeareth, That the intent and meaning thereof was to make void all former ſtatutes made concerning Tanners, Curriers, Shoomakers, and other Artificers occupying the cutting of leather, and to comprehend in one ſtatute all things mentioned in the ſame former laws needful to be enacted concerning Tanners, Curriers, Shoomakers, and other Artificers, occupying the cutting of leather: And for that in divers branches of the ſaid late ſtatute, touching the ſealing of leather, amongſt many other kinds of tanned leather therein particularly named to be ſealed, a rate is ſet down to be payed for ſealing of Sheep-skins, as if Sheep-ſkins had been by the intent of the former laws uſually ſealed, whereas in truth, Sheep-ſkins are not meet to be ſealed, nor were at any time appointed or limited by any former law to be ſealed, becauſe the ſealing of them is a fruitleſs charge, tending to the great hurt and loſs to many thouſand poor men, and for the good of none, but only for the gain of the Sealer thereof.

The intent of the ſtat. made 1 Jac. 22.

Sheep-skins have not been appointed by any law to be ſealed.

For reformation whereof, Be it enacted by our Soveraign Lord the Kings Majeſty, and by the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons ſhall at any time hereafter incur any penalty, loſs or forfeiture, for houſing, ſelling or buying of any tanned Sheep-ſkins, unſearched or unſealed, ſo as the ſaid Sheep-ſkins unſearched and unſealed, ſhall be wrought and converted into made wares within this Realm of England, Any thing in the ſaid ſtatute to the contrary notwithſtanding.

There ſhall be no penalty for houſing, buying or ſelling ſheeps-skins unſealed.

And where ſince the making of the ſaid ſtatute, his Majeſties ſubjects have been much deceived and abuſed, by ſelling of tanned leather by weight, the ſaid leather being neither ſufficiently tanned, nor throughly dryed as it ought to be, and before time was wont to be: Be it therefore further enacted by the authority aforeſaid, That no perſon or perſons after the end of this preſent Seſſion of Parliament ſhall utter or ſell, or cauſe to be uttered or ſold by weight any kind of tanned leather whatſoever, upon pain of forfeiture of the ſaid leather ſo uttered and ſold: The ſaid leather, or the value thereof, to be recovered in any of the Kings Majeſties Courts of Record, by action of debt, bill, plaint, or information, wherein no wager of Law, eſſoyne, or protection ſhall lie or be allowed, the one moiety of the ſaid forfeiture to be unto the King, our Soveraign Lord his heirs and ſucceſſors, and the other moiety unto ſuch perſon or perſons as ſhall ſue for the ſame.

No tanned Leather ſhall be ſold by weight.

CAP. VII.

An Act for the Incorporating of the Grammar School in Northleech, in the County of Glouceſter.

Humbly beſeech your Majeſty, your Loyal and dutiful ſubjects, the Inhabitants of your Highneſs Town of Northleech in the County of Glouceſter, That whereas Hugh Weſthood, late of Chedworth in the ſaid County of Glouceſter Eſquire deceaſed, was in his life-time ſeized in his Demeſne, as of Fee, of and in the Rectory and Parſonage impropriate of Chedworth aforeſaid, whereunto the advowſon, patronage, and right of preſentation of the Vicarage of Chedworth aforeſaid, then was, and yet is appendent and belonging, and of, and in all manner of Glebe-lands, tenths, tythes, penſions, portions, oblations, obventions, profits, commodities and hereditaments, with the appurtenances, of whatſoever nature, kind, or degree they be in Chedworth aforeſaid, or elſewhere to the ſaid Rectory or Parſonage of Chedworth belonging or appertaining, and of, and in one meſſuage or tenement, and one cloſe and two yards land and a half, with the appurtenances in Chedworth aforeſaid, late in the occupation of one James Griffith: and ſo ſeized as aforeſaid, by his laſt Will and Teſtament in writing made, and bearing date the firſt day of May, in the firſt year of the Reign of our late Soveraign Lady Queen Elizabeth, did amongſt other things, give, will, deviſe and bequeath all and every the ſaid Parſonage and premiſſes, with the appurtenances, unto the Right Honourable Edmund then Lord Chandos, Sir Giles Pool Knight, Sir Thomas Throgmorton Knight, Sir Nicholas Arnolde Knight, William Repe, Walter Baskervile, and Henry Hodgkins Eſquires, Thomas Marſhall, Thomas Watſon, William Partridge Gentlemen, Thomas Aparry and Hugh Ratcliffe Yeomen, and to their heirs and aſſigns for ever, to the only uſe and intent, That the ſaid Deviſees, their heirs and aſſigns, by and with the profits of the premiſſes, ſhould found, erect and maintain one free Grammar School for ever in the ſaid Town of Northleech: By which Will, the nominations of the School-Maſter of the ſaid School was appointed unto the heirs of the ſaid Deviſor. And alſo the determinations of all the doubts and ambiguities that might ariſe touching the ſaid Will, was referred to the Juſtices of Aſſiſe of the ſaid County for the time being, to the end the ſame might be by them

compoſed,

Hugh Weſt, wood was ſeiſed of the Parſonage impropriate of Chedworth, of the Patronage of the Vicarage, &c.

Hugh Weſtwoods Will, Dated 1. Maii, Anno 1 Eliz. The intent of the Will.

The nomination of the School-maſter.

Who ſhall decide the doubts

compoſed, without any controverſie in Law. And ſhortly after the ſaid Deviſor dyed, after whoſe deceaſe the ſaid Deviſees entred, and were of the ſaid premiſſes ſeized by vertue of the ſaid Will: And the Inhabitants of the ſaid Town of Northleech, according to the direction of the ſame Will, purchaſed and procured to be conveyed in Fee to ſome of themſelves, and other Gentlemen of the Country, as Feoffees in truſt for the ſaid School, a convenient Houſe, Garden, Backſide, and little Cloſe, to be the School-houſe and habitation of the School-maſter: After which all the ſaid Deviſees, but the ſaid Thomas Apparry dyed, And he ſurviving all the reſt of the ſaid Deviſees, and being by vertue of Survivor ſolely ſeized of the ſaid Parſonage, and other deviſed premiſſes, ſought to defraud the ſaid truſt in him repoſed, by making a Leaſe of the ſaid Parſonage, and other the premiſſes, to one of his Sons, for a very ſmall Rent, and by conveying the Reverſion and Inheritance thereof to one other of his Sons. And alſo Robert Weſtwood now likewiſe deceaſed, then Couſin and Heir of the ſaid Deviſor, did enter upon the ſaid Parſonage and premiſſes deviſed, challenging the ſame as Heir unto the ſaid Deviſor, and ſeeking to impeach the ſaid Will, which tended to the utter overthrow of the ſaid charitable and godly intent of the ſaid Deviſor: Whereupon, the then School-maſter and the Inhabitants of Northleech aforeſaid, exhibited their Bill of Complaint into the High Court of Chancery: And Sir Chriſtopher Hatton Knight, the then Lord Chancellor of England, being informed of the intent and purport of the ſaid Will, whereby all Controverſies thereupon growing, were referred to the Juſtices of Aſſize of the ſaid County of Glouceſter, directed his Letters to Sir Roger Manwood Knight, Lord Chief Baron of the Exchequer, and Francis Windham, one of the Juſtices of the Common Pleas, then Juſtices of Aſſize of the ſaid County, for the hearing and final ordering of the ſaid cauſe, to the end that what they ſhould think fit, ſhould ſtand and be taken as an order of the ſaid Court in that behalf: Who upon mature and deliberate hearing and conſideration of the ſaid cauſe thought fit, and ſo certified into the ſaid Court, That the School ſhould be incorporated, and that the ſaid Parſonage and premiſſes ſhould be conveyed to the ſaid School-maſter and his Succeſſors: And that the Provoſt and Scholars of the Queens Colledge in the Univerſity of Oxford, ſhould name, order, viſit, and diſplace the School-maſter of the ſaid School, and his Succeſſors, for the time being: And that the reformations of all abuſes, either in the ſaid Colledge or School-maſter, ſhould be referred to the Juſtices of Aſſize of the ſaid County for the time being, or one of them: Which ſaid opinion and direction of the ſaid Juſtices of Aſſize, was accordingly ordered by the ſaid Lord Chancellor, and High Court of Chancery, and after directed to Sir John Pickering Knight, then Lord Keeper of the great Seal, and ſince confirmed by the Right Honourable Sir Thomas Egerton Knight, Lord Elleſmere, now Lord Chancellor of England, then Lord Keeper of the great Seal.

A School-houſe provided by the Inhabitants of Northleech.

Thomas Apparry ſurviving Feoffee, ſought to defraud the truſt by making a Leaſe.

The heir of the Deviſor entred, ſeeking to avoid the Will.

A bill exhibited into the Chancery by the Scool-maſter and Inhabitants.

The Lord Chancellors letter to the Juſtices of Aſſize.

The Juſtices of Aſſize Certificate into the Chancery.

The Juſtices certificate confirmed in the Chancery.

It may therefore pleaſe your Majeſty, that it may be enacted by your Highneſs, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and be it enacted by the authority of the ſame, That the ſaid School of Northleech ſhall from henceforth ſtand and be incorporated, eſtabliſhed, and founded in Name, and in Deed, a body politick and corporate, to have continuance for ever by the name of the School-maſter and Uſher of the free Grammar-School of Hugh Weſtwood Eſquire, in the Town of Northleech, and by that name ſhall have, hold and enjoy all and every the ſaid Parſonage and premiſſes, Yards, Lands; Meſſuages, Tenements and Hereditaments, with the Appurtenances intended by the ſaid Hugh Weſtwood, and by the ſaid Inhabitants to the ſaid School (the Patronage of the Vicarage of Chedworth only excepted) and the Reverſion and Reverſions of the ſame, and that all and every Rent and Rents reſerved in any Demiſe or Demiſes thereof, or thereupon made; the Statute of Mortmain, or any other Law or Statutes to the contrary in any wiſe notwithſtanding: And by the ſame name ſhall have power, ability and capacity, to demiſe, leaſe, and grant their Poſſeſſions and Hereditaments, and to take, acquire and purchaſe, and to ſue, and to be ſued, and to do, perform and execute all and every other lawful act and thing, good, neceſſary or profitable for the ſaid Incorporation in as full and ample manner to all intents, conſtructions and purpoſes, as any other Incorporations or body politick or corporate, fully and perfectly founded and incorporated, may do. And that William Lickebarrow Batchellor of Arts, and now School-maſter of the ſaid School, ſhall be the firſt School-maſter of the ſaid School, and that John Stone Batchellor of Arts, ſhall be the firſt Uſher of the ſaid School: And that they the ſaid William Lickebarrow School-maſter of the ſaid School, and the ſaid John Stone Uſher of the ſaid School, and their Succeſſors for the time being, ſhall have a common Seal for the making of ſuch their Demiſes and Leaſes, and for the doing of all and every other thing aboveſaid, touching the ſaid Incorporation, in which ſhall be ingraven the Arms and Name of the ſaid Hugh Weſtwood.

The School of Northleech incorporated to have continuance for ever. The name of the Corporation.

Authority to demiſe and purchaſe, and to ſue, and be ſued.

The firſt School-maſter and the firſt Uſher. The Corporation ſhall have a common Seal.

And that it may be further enacted, and be it further enacted by the authority aforeſaid, That the ſaid Provoſt and Scholars of the Queens Colledge in the ſaid Univerſity of Oxford, and their Succeſſors for the time being, ſhall have full power and lawful authority to nominate and appoint, and ſhall nominate and appoint from time to time, when and as often as the place of School-maſter of the ſaid School by death, reſignation, deprivation, or otherwiſe, ſhall become void, and within one moneth after ſuch voidance, by writing under their Common and Colledge Seal, one learned and meet man, being a Graduate of the Univerſity of Oxford, to be School-maſter of the ſaid School.

Who ſhall appoint the School-maſter.

And in caſe the ſaid Provoſt and Scholars ſhall not within one moneth after ſuch voidance, make ſuch nomination and appointment as aforeſaid, That then and ſo often the Juſtices of Aſſize of the ſaid County for the time being, within one moneth after ſuch default, ſhall and may by writing under their Hands and Seals, nominate and appoint ſome meet and learned man, being a Graduate, as aforeſaid, to the place of School-maſter of the ſaid School.

In default of the Provoſt, &c the Juſtices of Aſſize ſhall appoint the School-maſter.

And

Nomination of the Uſher.

And that it may be further enacted, and be it further enacted by the authority aforeſaid, That the ſaid Provoſt and Scholars of the ſaid Colledge for the time being, ſhall and may from time to time nominate and appoint ſome learned and meet man, having been trained up in the ſaid Univerſity of Oxford, to be Uſher of the ſaid School, when and as often as the ſame ſhall become void by death, deprivation, reſignation or otherwiſe.

And in caſe the ſaid Provoſt and Scholars ſhall not within one moneth after the voidance of the place of Uſher, nominate and appoint ſome other ſuch fit perſon thereunto, that then the ſaid Juſtices of Aſſize for the time being, ſhall and may nominate and appoint ſome meet man, trained up in the Univerſity, as aforeſaid, to be Uſher of the ſaid School.

Who ſhall ſet down the Orders, Rules and Statutes of the School.

And that it may be further enacted, and be it further enacted by the authority aforeſaid, That the ſaid Provoſt and Scholars for the time being, ſhall have power and authority under their Colledg Seal, to ſet down and preſcribe ſuch Orders, Rules, Statutes and Ordinances for the order, rule, and good government of the ſaid School, and of the School-Maſters, Uſhers and Scholars thereof, as to them the ſaid Provoſt and Scholars, and their Succeſſors ſhall ſeem meet and convenient. And that the ſame Orders, Rules, Statutes and Ordinances ſo by them made and ſet down, ſhall be and ſtand in full force and ſtrength in Law, ſo alwayes that the ſame be not repugnant, nor contrary to the Kings Prerogative Royal, nor to the Laws and Statutes of this Realm of England, nor to any Eccleſiaſtical Canons or Conſtitutions of the Church of England: and that the ſaid Provoſt and Scholars for the time being, ſhall have full power and authority to viſit the ſaid School, and to order, reform and redreſs all diſorders and abuſes, in and touching the government of the ſame, and further to cenſure, ſuſpend and deprive the School-Maſters and Uſhers of the ſaid School for the time being, as to them ſhall ſeem juſt, fit and convenient; So alwayes that no viſitation, act or thing, in, or touching the ſame, be had or done otherwiſe then by the Provoſt himſelf and one of the Fellows, or by two of the Fellows at the leaſt of the ſaid Colledge, thereunto authorized under the ſaid Colledge Seal.

The Viſitors of the School.

And that it may be further enacted, and be it further enacted by the authority aforeſaid, That if any difference, controverſie, or debate touching the premiſſes at any time hereafter ſhall happen to ariſe between the ſaid Provoſt and Scholars of the ſaid Colledge, and the ſaid School-Maſter and Uſher for the time being, or either of them, or if the Inhabitants of the ſaid Town of Northleech ſhall find themſelves grieved, that the intent of the ſaid Deviſor is not obſerved in the free and diligent teaching of their children or otherwiſe, and ſhall not after complaint thereof made to the ſaid Provoſt and Scholars, find and receive in fit time convenient redreſs therein, that then upon the complaint of the ſaid Inhabitants, School-maſter or Uſher, the Juſtices of Aſſize of the ſaid County of Glouceſter for the time being, ſhall have full power to call before them, both the parties grieved, and the parties complained of; and upon hearing of the ſaid diſſentions, controverſies and complaints, to compoſe, decide, order and determine the ſame, as to them in their judgments and wiſedoms ſhall ſeem juſt and fit: and that ſuch order, deciſion, and determination of the ſaid Juſtices of Aſſize ſet down in writing under their hands and ſeals, ſhall ſtand and be obſerved.

Controverſies ſhall be decided by the Juſtices of Aſſiſe.

Who ſhall have the preſentation to the Vicarage of Chedworth.

And that it may be alſo enacted, and be it enacted by the authority aforeſaid, That the ſaid Provoſt and Scholars for the time being, ſhall have, hold and enjoy, to them and their ſucceſſors for ever, the advowſon, patronage, preſentation, and free diſpoſition of the Vicarage and Church of Chedworth aforeſaid, and that they ſhall and may preſent their ſufficient Clerk unto the ſaid Church and Vicarage, when and as often as the ſame ſhall become void by death, deprivation, reſignation, or otherwiſe.

Which leaſes to be made of the ſaid Parſonage, Meſſuage, &c. ſhall be good, and which not.

Provided alwayes, That all leaſes, grants, covenants, conveyances, aſſurances, and eſtates whatſoever, to be had or made of the ſaid Parſonage and premiſſes, with the appurtenances, or of any part thereof, other than leaſes for years, (whereupon ſhall be reſerved to the ſaid School-maſter and Uſher of the ſaid Parſonage, with the appurtenances, ſo much in one entire or ſeveral yearly rent or rents, upon one or more demiſes, as ſhall amount to the ſum of fifty pounds of lawful Engliſh money, or more, and for the ſaid meſſuage and tenement, with the appurtenances, and other lands thereunto belonging, ſhall be reſerved ſo much in one entire or ſeveral yearly rent or rents, upon one or more demiſes as ſhall amount to the ſum of twenty ſix ſhillings and eight pence of lawful Engliſh money at the leaſt, the ſaid ſeveral rents to be payable at the four uſual Feaſts in the year, by equal and even portions, That is to ſay, at the Annunciation of S. Mary the Virgin, the Nativity of S. John the Baptiſt, the Feaſt of S. Michael the Archangel, and the Nativity of our Lord, and whereunto the ſaid Provoſt and Scholars ſhall under their Colledg Seal give their conſent, allowance, or confirmation) ſhall be void, and of none effect in the Law.

The cauſes why leaſes may be made for xxi. years, or three lives.

And that no Leaſes whatſoever hereafter to be made of the ſaid Parſonage, tenement and premiſſes, or any part or parts thereof, other than one entire leaſe, or ſeveral leaſes for the term of one and twenty years, or three lives from the time of the making thereof, once only to be made, before the Feaſt of the Annunciation of the bleſſed Virgin Mary, which ſhall be in the year of our LORD GOD, One thouſand ſix hundred and ten, ſhall be good or effectual any longer than ſuch School-maſter as ſhall make ſuch leaſe, ſhall continue School-maſter there; which ſaid leaſe or ſeveral leaſes for one and twenty years, or three lives, being therefore permitted to be made, that by fine thereupon ſomewhat may be levied towards the ſatisfaction and diſcharge of the ſum of one hundred and threeſcore pounds, agreed to be paid to William Weſtwood Gentleman, ſon and heir of the ſaid Robert Weſtwood, in lieu and recompence of and for the nominations of the ſaid School-maſter, and of and for all pretenced right to the premiſſes, and of other ſums and charges, occaſioned for the perfecting of the ſaid Incorporation, and eſtabliſhment of the premiſſes, ſhall ſtand and be good and effectual in the Law, Any thing in theſe preſents to the contrary thereof in any wiſe notwithſtanding: So alwayes that there be reſerved thereupon ſo much in yearly rent or rents at the leaſt as is

Who ſhall appoint how the rents ſhall be divided.

aforeſaid, and that the Provoſt and Scholars aforeſaid, and their ſucceſſors for the time being, ſhall and may under their Colledg Seal ordain, ſet down, and appoint how the rents and profits of the premiſſes ſhall be proportioned, divided, and diſtributed to, among, and between the School-maſter and Uſher of the ſaid School for the time being, ſo as the whole rent be diſpoſed between them the ſaid School-maſter and Uſher of the ſaid School.

The ſeveral eſtates of ſeveral perſons reſerved. & A ſaving of the right of all others, &c.

Provided alwayes, That this Act, nor any thing therein contained, ſhall extend to defeat, fruſtrate or make void one Leaſe of the ſaid Parſonage and premiſſes, for the term of divers years, made to John Stone and Thomas Hill, by Henry Lord Biſhop of Carliol, John Reynolds, and John Aglionby, Doctors of Divinity, then and yet Feoffees to the behoof of the ſaid School, whereupon is reſerved the yearly rent of fifty pounds: nor to defeat, fruſtrate, or impeach one annuity or yearly rent of thirty pounds by the year, out of the premiſſes, ordered and decreed to Euſtace Aparry, ſon of the ſaid Thomas Aparry, for the term of his natural life, and for two years after his deceaſe, in conſideration of his yielding up of his ſaid leaſe, and conveyance of the ſaid Parſonage and premiſſes to the ſaid Feoffees, by the direction of the right Honourable the now Lord Chancellor of England, but that they the ſaid John Stone and Thomas Hill, and the ſaid Euſtace Aparry, ſhall and may enjoy the ſaid ſeveral intereſts and eſtates, according to the purport and effect of the ſaid Leaſe, Order and Decree, as amply to all intents and purpoſes, as if this Act had never been made: Any thing in the premiſſes contained to the contrary in any wiſe notwithſtanding.

And ſaving to our Soveraign Lord the Kings Majeſty, his Heirs and Succeſſors, and to all and every other perſon and perſons, bodies politick and corporate, their Heirs and Succeſſors, (other than the ſeveral heirs of the ſaid Hugh Weſtwood, and of his ſaid Deviſees, and other than all and every other perſon and perſons, and their Heirs claiming any thing in the premiſſes, or any part thereof, by, from, or under the Heirs of the ſaid Hugh Weſtwood, or from, by, or under the ſaid Deviſees) all ſuch Right, Title, Eſtate, Condition, Claim, Poſſeſſion, Rents, Services, Commons, Demands, Actions, Remedies, Recoveries, Intereſt, Profits, Commodities, Advantages, and Demands whatſoever, which they or any of them ſhall or may have, or of right ought to have, of, in, or to the ſaid Parſonage, or any of the lands, tenements, and hereditaments aforeſaid, or any part or parcel thereof, or iſſuing or going out of the ſame, or any parcel thereof, as if this Act had never been made. PR.

CAP. VIII.

The drowned Mariſhes of Leſnes and Fants in the County of Kent, may be inned from overflowing, by William Burrel.

William Burrel the undertaker to inne the drowned grounds of Leſnes and Fants.

For that the inning and winning of the marſh grounds lying in the drowned Mariſhes of Leſnes and Fants in the County of Kent (which have been of long time paſt ſurrounded with waters flowing and coming from the River of Thames) which being inned, will better the channel of the ſame Thames, and be very commodious for Navigation, and doth for that and the Commodities there, afford much benefit to the Common-wealth, and eſpecially to the City of London, being within ten miles thereof: And for that William Burrel of Ratcliffe in the County of Middleſex Gentleman, hath undertaken, covenanted and agreed with the Lords and Owners of the ſame ſurrounded grounds, by Indentures made between the ſaid Owners and him, dated the ſeven and twentieth day of February, Anno Dom. 1606. for the conſideration in the ſaid Indenture expreſſed, to do his beſt endeavour at his coſt and charges ſufficiently and ſubſtantially to inne, winne, recover and defend from inundation and overflowing of the ſaid waters all the ſaid marſh grounds ſo ſurrounded, before the tenth day of October, which ſhall be in the year of our Lord God, according to the computation of the Church of England, 1609. and hath likewiſe at his own coſts and charges by the ſaid Indenture undertaken to maintain and keep the ſame for one whole year, to be reckoned and accounted from the time of the inning and winning of the ſame ſurrounded grounds, which cannot be duly effected without great charges, labour and skill in the undertaker:

William Burrel and his aſſigns may fence and win from inundation the ſaid drowned grounds of Leſnes and Fants, &c.

May it therefore pleaſe the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, by the authority of the ſame Parliament, that it may be enacted, and be it enacted, That it ſhall be lawful to and for the ſaid William Burrel, his heirs, executors, and aſſigns, and to and for every other his and their Servants, Deputies, Carpenters, Labourers, Skavel-men, Head-men, and Workmen, and his and their Carts and Carriages, and every of them, at the coſts and charges of the ſaid William Burrel, his heirs, executors, or aſſigns, at all and every time and times from thenceforth until the tenth day of October, which ſhall be in the year of our Lord God, according to the Computation of the Church of England, 1609. to inne, fence and win from inundation and overflowing of the ſaid waters, all and ſingular the ſaid grounds and mariſhes lying in the ſaid drowned mariſhes of Leſnes and Fants now ſurrounded as above, according to the purport, intent, and true meaning of the ſaid Indentures, at his or their will and pleaſure, and for to labour, work and travel, and to do and accompliſh things neceſſary and behooveful during the ſaid time or term, in, about, and upon the inning, fencing and winning of the ſaid grounds and mariſhes as aforeſaid, and every or any of them, according to the purport of the ſame Indenture.

The undertaker may take Reed and Earth in the drowned marſh for the inning and continuing of the ground.

And for the inning and fencing of the ſaid grounds, and for the inning, maintaining, and continuing of the inning & fencing of the ſaid grounds to be inned as above, to cut and take ſo much growing Reed and Earth in any of the ſaid drowned marſh, ſo as he or they, or any of them dig not within twenty Rods of any wall already made within that marſh: And that immediately after the ſubſtantial inning, fencing, and winning of the ſaid grounds and marſhes from the ſaid waters and floods as is aforeſaid, the ſaid William Burrel, his heirs and aſſigns ſhall have and enjoy to him, his heirs and aſſigns for ever, the one half of all the ſaid grounds ſo to be inned, according to the purport and true meaning of the ſaid recited Indenture, and the other moiety ſhall be and belong to the owners of the ſaid marſh grounds ſo to be inned, according to the ſeveral proportion of their quantities, eſtates, rights, titles and intereſts which they now have in the ſaid grounds ſo to be inned, according likewiſe to the ſaid Indenture: and that the ſaid moiety ſo limited to be and appertain to the ſaid Will. Burrel, his heirs & aſſigns, by and after partition thereof to be made, ſhall be holden of Edmund Cook Eſquire, his heirs and aſſigns, as of his Manor of Leſnes and Fants in the County of Kent in free ſocage by fealty and one peny rent for every acre, and not in chief, nor by Knights ſervice. And that further in conſideration that the ſaid owners, and their heirs for their parts, and the ſaid William Burrel, and his heirs for his part or moiety, ſhall be put to great charges, ſubſtantially and ſufficiently to maintain and repair the walls and banks of the ſame marſh grounds ſo hereafter to be inned, for ever after the inning and partition thereof, as alſo in conſideration of the great coſts, charges and travel now to be ſuſtained about the inning of the ſame marſh grounds for the benefit of the Common-wealth, the ſaid marſh grounds ſo to be inned and defended from the inundation of the ſame waters, or ſuch part thereof as ſhall be ſo inned and defended, ſhall be diſcharged of all the tythes and tenths whatſoever, for and during the term of ſeven years next after the inning, winning and fencing of the ſame.

The Inner of the grounds ſhall have the one half, and the owners the other.

Of whom, and by what ſervices the undertaker ſhall hold his part inned.

The grounds inned ſhall be diſcharged of tythe during ſeven years.

And be it further by authority of this preſent Parliament enacted, That immediately after the ſubſtantial inning of the ſaid marſh grounds it ſhall and may be lawful for the ſaid William Burrel, his heirs and aſſigns, and the ſaid owners of ſuch grounds as ſhall be inned, their heirs and aſſigns; or in default of the owners, upon requeſt thereof to be made by the ſaid William Burrel, his heirs or aſſigns, to reſort to the Right honourable the Lord Chancellor of England, or Lord Keeper of the Great Seal of England for the time being, and that by the authority of this Act, the ſaid Lord Chancellor or Lord Keeper of the great Seal of England, ſhall and may award forth a Commiſſion to ſuch perſon and perſons, as to him in his wiſedome and diſcretion ſhall be thought meet, to enable them to make partition and diviſion between the ſaid owners and Inner, their heirs, executors, adminiſtrators and aſſigns, and alſo between the ſaid owners, their heirs, executors, adminiſtrators and aſſigns, according to the ſeveral proportions of their quantities, rights, titles and intereſts which they have, or ſhall have in the ſaid marſh grounds ſo to be inned, according to the true intent and meaning of this ſtatute, and the indenture before mentioned.

A Commiſſion ſhall be granted to certain perſons to make partition of the grounds inned.

Provided, and it is further enacted by the authority aforeſaid, That every of the ſaid owners, and the Inner, their heirs, executors, adminiſtrators and aſſigns, that ſhall have any land or ground ſo to be inned, ſhall have fit and convenient wayes for paſſage, drift, and carriage, as need ſhall require, through the ſaid marſh grounds that ſhall be ſo inned, for the uſe of their grounds inned, and ſo to be divided and proportionably allotted.

Every owner and the Inner ſhall have convenient wayes to his ground.

Provided, and be it enacted by the authority aforeſaid, That all ſuch of the ſaid ſurrounded grounds as ſhall be by the ſaid Inner, his heirs, executors, adminiſtrators or aſſigns, or any of them inned, and ſhall be aſſigned to any of the owners for their part or parts, and are now holden of Edmund Cook of Northcray in the County of Kent Eſquire, as of any his Manors within the ſaid County of Kent, called Leſnes and Fants, or of either of them, ſhall be holden of him the ſaid Edmund Cook, his heirs and aſſigns only, as of ſuch of the ſaid Manors, whereof the ſaid marſh lands are now holden in ſuch manner and form, and by ſuch Rents and Services, as the ſame are now holden by fealty, and the yearly rent of one peny an acre, to be paid at the Feaſt of S. Michael the Archangel yearly. 23 El. 13. 27 El. 27.

Of whom the ſaid owners grounds ſhall be holden, and by what Services.

CAP. IX.

A Corporation granted by Queen Elizabeth to certain Merchants of Exceſter, ſhall continue of force, notwithſtanding the Statute of 3 Jac. 6.

Whereas it pleaſed our late Soveraign Lady Queen Elizabeth of famous memory, by her Highneſs Letters Patents under the great Seal of England, bearing date the ſeventeenth day of June, in the ſecond year of her Highneſs reign (in conſideration of the good, true and faithful obedience and ſervice done by the Mayor and principal Citizens of the City of Exceſter, as well in the time of King Henry the ſeventh, as of King Edward the ſixth, againſt divers Treaſons and Rebellions moved and ſtirred in thoſe dayes, as alſo for the taking away, aboliſhing and amoving of many and ſundry abſurdities and inconveniences, which within the ſaid City and County did increaſe, by reaſon of the exceſſive number of Artificers, and other inexpert, ignorant, and unworthy men, which did take upon them to uſe the art, ſcience, and myſtery of Merchandiſe and traffique of Merchant-wares, to the great detriment of the Commonwealth of this Realm of England, and to the manifeſt impoveriſhment of the ſaid City) to incorporate certain Merchants therein named, and their ſucceſſors (being Citizens and Inhabitants of the ſaid City and County) and to give and grant unto them the perpetual name of the Governors, Conſuls, and Society of the Merchants Adventurers of the City and County of Exceſter, traffiquing the Realm of France, and the Dominions of the French King, which ſaid Incorporation or Company of Merchants are found to be of great uſe, honour and ſervice to the State in general, as well in the advancement of his Majeſties Cuſtoms, as alſo for that the ſaid Incorporation for the ſpace of forty and five years have relieved twelve poor men with gowns, money and other neceſſaries to their great comfort, and do ſtill yearly ſo apparel and comfort them, and by their ſaid Charter they are bound to continue and keep the ſame for ever: And likewiſe they have, and do, not only charitably from time to time ſet up ſundry young Merchants with the loan of money at their firſt entrance into the trade, but alſo have raiſed, and alſo do raiſe divers ancient Merchants, who by loſſes at the Sea have been decayed, by means whereof they have proved afterwards profitable both to the King in Cuſtoms and other payments, and good members to the Common-wealth of the ſaid City.

Queen Eliz. by her Letters Patents granted an Incorporation to the Governors of the Merchants of Exceſter.

The ſeveral benefits done by the ſame Society to the King and Commonwealth.

And for that many particular Merchants of the ſaid Corporation, have in the time of dearth and ſcarcity of corn, adventured great ſums of money out of their own private ſtocks, for corn, into foreign Kingdoms, for the relief of the poor, aſwell of the ſaid City as of the County of Devon to whom they have ſold the ſame corn in time of great dearth and neceſſity, ſometimes for two ſhillings ſixpence, three ſhillings, and three ſhillings four pence leſs in every Buſhel, than the prices in the Markets have then been.

The Society comfortable to all, and hurtful to none. The ſtatute of 3 Jac. 6. may be extended to the diſſolving of th: ſaid Company.

The ſtatute of 3 Jac. 6. neither doth nor ſhall impeach the liberties granted by Queen Eliz. Charter.

And further, for that ſundry members of the ſaid Incorporation have by their Wills and Teſtaments given divers ſums of money to the ſaid Company to good uſes, which muſt return to their Executors if this Company be diſſolved, as alſo for that the ſaid Society hath from the beginning thereof been ever found comfortable to all, and offenſive to none: Therefore whereas in the laſt Seſſion of Parliament holden at Weſtminſter in the third year of his Majeſties reign, one general act was made, entituled, An act to enable all his Majeſties loving ſubjects of England and Wales, to trade freely into the Dominions of Spain, Portugal and France, The general words of which act may be objected and urged, to extend to the annihilating and diſſolving of the ſaid particular Charter & Company, contrary to the meaning of this high Court of Parliament, & the intent of the makers of that Law as is conceived by the opinion of ſundry learned in the Laws: May it therefore pleaſe your moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, that it may be enacted, explained, and declared, and be it enacted, explained and declared by the authority of the ſame, That the ſaid general law ſo made as aforeſaid, neither doth, nor ſhall diſſolve, annihilate, or impeach the ſaid Charter, or the ſaid Company in any their priviledges, liberties or immunities granted unto them by the ſaid Charter: Any thing in the foreſaid general act to the contrary thereof in any wiſe notwithſtanding.

CAP. X.

Certain Liberties granted by K. H. 6. to the Mayor &c. of Southampton confirmed.

The Charter of King Hen. 6. to the Town of Southampton, and the reaſons and cauſes thereof.

A reſtraint of all Merchants not being free of Southampton to buy or ſell within the Town.

IN all humbleneſs beſeech your moſt excellent Majeſty, the Mayor and Bailiffs, and Burgeſſes of your Highneſs Town of Southampton, That whereas your moſt noble progenitor King Henry the ſixth of famous memory, in conſideration that the ſaid Town of Southampton is ſituated on the Sea-coaſts, and ſubject to the ſudden aſſault and ſurpriſe of forein enemies, and that the Inhabitants thereof for their defence have a long time at their own coſt and charge upheld and maintained the walls thereof, with many Towers, Turrets, Bulwarks, great Ordnances, Powder, and other defenſive Artillery, and for other conſiderations, did grant to the Mayor, Bailiffs, and burgeſſes of the ſaid Town and their ſucceſſors, a Charter, which hath been ſince confirmed by many other Princes, reſtraining all Merchants, not being free of the Liberties of the ſaid Town, to buy or to ſell any manner of merchandiſe within the ſaid Town, or the Liberties thereof upon pain of forfeiting the ſame merchandiſe to the ſaid Mayor, Bailiffs, Burgeſſes, and their ſucceſſors.

A confirmation of ſo much of the Charter of King Hen. 6. as doth reſtrain ſtrangers to buy or ſell in Southhampton.

And whereas now of late ſundry Merchants which are not free of the Liberties of the ſaid Town, and yet free of other Corporations, who reſpecting only their private gain, without regard either of the ſaid Charter, or how the ſaid Town ſhall be upheld and maintained, have of late intruded on the Liberties thereof, and do both by themſelves, and alſo by their Factors, keep ſhops and warehouſes within the ſaid Town and do ſell their merchandiſe both in groſs and by retail, contrary to the true meaning of the ſaid Grant, and contrary to all reaſon and conſcience tending to theutter undoing of the Merchants and Inhabitants of the ſaid Town, and decay of the ſaid Town: For redreſs whereof, may it pleaſe your moſt excellent Majeſty, that it may be enacted by your Majeſty, the Lords Spiritual and Temporal, and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, And be it enacted and ordained by the authority aforeſaid, That ſo much of the ſaid Charter as doth concern the premiſſes, ſhall from henceforth ſtand and be good, effectual, and ſufficient in the Law to all intents and purpoſes, according to the true meaning of the ſame Charter, and that the ſame be ratified and confirmed by this preſent Parliament.

None not being free of the ſaid town ſhall buy or ſell to another not being free.

And further be it enacted by the authority aforeſaid, That no perſon or perſons not being free of the ſaid Town, ſhall buy any merchandiſe within the ſaid Town or Liberties thereof, (Salt and Sea-fiſh only accepted) of any other not being free of the ſaid Town, nor ſell any merchandiſe (Salt and Sea-fiſh onely excepted) within the ſaid Town or Liberties thereof to any perſon or perſons, not being free of the ſaid Town, upon pain of forfeiture of all ſuch merchandiſe ſo bought or ſold, to the Mayor, Bailiffs, and Burgeſſes of the ſaid Town, and their ſucceſſors.

What commodities, and for what purpoſes may be bought by any perſon.

Provided always, That any perſon or perſons may buy within the ſaid Town or Liberties thereof any proviſion for his or their own houſe or houſes, ſo as the ſame be expended there, and not in any ſort ſold again, as if this act had never been made.

Buying and ſelling in Fairs or on ſhipboard.

Provided, and that it ſhall be lawful to any perſon or perſons to buy or ſell in the time of Fairs there, or aboard any ſhip within the port of Southampton of any perſon whatſoever, as if this act had never been made.

The Barons and Freemen of the Cinque-ports.

Provided alwayes, and be it enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not extend, nor be conſtrued to extend to the Barons or freemen of the Cinque-ports, or of the members to them belonging, nor to any of them, but that they and every of them ſhall and may at all times hereafter freely and lawfully hold, have, and enjoy all ſuch Liberties, Freedoms, Priviledges, Immunities and Franchiſes within the ſaid Town of Southampton, and the Liberties thereof, as have been heretofore granted unto the ſaid Ports, or any of them, or any of the ſaid members, or to the Barons and freemen there, or have been by them or any of them accuſtomed, uſed or enjoyed: Any thing in this act to the contrary notwithſtanding.

CAP. XI.

The Owners and Farmers of lands in certain Manors in the County of Hereford may incloſe ſome part thereof.

FOraſmuch as the ſaid Manors, Lordſhips and Pariſhes of Marden, alias Mawarden, Bodenham, Wellington, Sutton Saint Michael, Sutton Saint Nicholas, Murton upon Lug, and the pariſh of Pipe in the ſaid County of Hereford, do differ in the manner of their Husbandry from many parts of the ſaid County, and other Counties in the Realm of England, and the Inhabitants thereof do make the Tillage of the ſame Manors, Lordſhips and Pariſhes, the more fertile by raiſing of Compoſt, in houſing all their Cattel of all ſorts, eſpecially all their Sheep throughout the whole year, and not by any other means: which cattel, eſpecially their Oxen, Kine and Sheep, without ſufficient meadow and paſture for graſs and hay, are not poſſible to be maintained; And therefore the Farmers, Freeholders, and all other Husbandmen thereof are much diſtreſſed, in that their tillage doth lie mingled with their paſture and meadow grounds yearly, in or near adjoyning to the Corn-fields, as the courſe and turns of husbandry falls out, by occaſion whereof the ſaid fields, meadowes and paſtures being open after Sickle and Sithe, all ſorts of people turn in their cattel, and within very ſhort ſpace eat up all the graſs thereof, that the Oxen and Kine of the Husbandmen are in danger to ſtarve in Summer, and of neceſſity in many places muſt be ſold away for want of wintering meat, for which inconvenience by complaint of the Husbandmen of thoſe places, ſome ſpeedy publick redreſs hath been long and much deſired: Be it therefore Enacted by the authority of this preſent Parliament, That every Owner and Farmer, their heirs, ſucceſſors, and aſſigns, of any Manors, capital Meſſuage, Tenement or Farm, within the ſaid Manors, Lordſhips and Pariſhes, or any of them that have not already ſo much of their land, meadow and paſture, belonging or occupied, to or with their ſeveral Meſſuages, Tenements or Farms incloſed and kept in ſeveral, as doth amount or extend to the clear third part thereof, may at his and their will and pleaſure, ſeverally and reſpectively from time to time, and at all times hereafter incloſe & keep in ſeveral, ſo much of their ſaid lands, meadow, and paſture, now at the firſt day of this preſent Seſſion of Parliament, belonging or occupied to or with the ſaid ſeveral Meſſuages, Tenements or Farms, as together with ſuch thereof as they hold already in ſeveral, ſhall amount unto and make up a clear third part of all the lands, meadow and paſture which they do, or ſhall ſo there hold, belonging or occupied to or with the ſaid ſeveral Meſſuages, Tenements or Farms, to be holden and kept in ſeveral, to the maintenance of tillage of the arable Lands belonging or occupied to or with the ſaid ſeveral Meſſuages, Tenements or Farms reſpectively, according to the Eſtates of them that are ſeverally intereſſed in the ſame, leaving the other two parts thereof, in three parts to be divided, ſeverally and reſpectively to lie and continue, as the ſame have heretofore uſed and accuſtomed to lie.

The different husbandry of the ſaid Manors from other parts of the Realm.

Every Owner and Farmer within the Manors aforeſaid, may incloſe a third part of his lands, &c.

Provided always, That this Act, or any thing therein contained, ſhall not extend to any ancient waſte or common ground that heretofore hath been, or uſed to be as a perpetual common and waſte ground by all the year, but that the ſame may ſo continue and remain ſtill as a perpetual common or waſte ground.

This act ſhall not extend to a waſte or common ground.

Provided likewiſe, That where any perſon or perſons hath or ought to have the hay, or firſt veſture or paſture only of any Land, Meadow or Paſture, and whereof the Inhabitants of the Townſhip or Pariſh where the ſaid Land doth lie, have from the time, to the contrary whereof the memory of man doth not extend, uſed to have the whole later math, later crop, or edgegrowth thereof to themſelves, and the owner of the ſaid hay, firſt veſture or paſture, no part of the ſaid later math, later crop or edge growth: That in every ſuch caſe, this Act ſhall not extend to any ſuch Land hereby to be kept in ſeveral, but that thoſe which have ſo had, and uſed to have the ſaid later math or later crop thereof, may ſtill have and enjoy the ſame, in ſuch manner as formerly they have accuſtomed: This Act or any thing therein contained to the contrary notwithſtanding.

A proviſion where one perſon is owner of the firſt crop, and others of the later math.

Provided alſo, That this act or any thing therein contained, ſhall not extend to any Land which any perſon or perſons, bodies politick or corporate, hath or have unjuſtly or without good right and title taken or with-holden from any other perſon or perſons, bodies politick or corporate, to give any intereſt or title to any ſuch perſon or perſons, bodies politick or corporate, their heirs, ſucceſſors or aſſigns, or any of them, that ſo have or hereafter ſhall have, or do unjuſtly without lawful title with-hold any ſuch Lands, to have, keep or detain the ſame, but that any perſon or perſons, bodies politick and corporate, that hath, or have any right or title to the ſame, their heirs, ſucceſſors and aſſigns, ſhall and may take his and their lawful remedy for the recovery thereof, as if this act had never been had or made: This act or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

The Act doth not give a lawful title to the poſſeſſor of any land where he had none before.

Provided alſo, That no perſon or perſons ſhall be barred, hindered or ſtopped of any highway, common way, husbandry way, or foot-path, by means or reaſon of any ſuch incloſure, but that they and every of them may have and uſe all ſuch wayes, in ſuch manner and form as he, they, or any of them have uſed, accuſtomed, and of right ought to have and uſe the ſame: This act or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

None ſhall be hindred of his lawful way.

Provided alſo, That every perſon and perſons, and their heirs and aſſigns, who ſhall at any time or times hereafter incloſe and keep in ſeveral, any land, meadow or paſture by force or vertue of this preſent act, ſhall be abated and abridged of his and their Common in the common fields and common paſture in places commonable belonging to the Towns, Meſſuages or Farms where ſuch incloſures ſhall be made proportionable, after the rate and quality of the Lands, Meadow and Paſture ſo to be incloſed and kept in ſeveral, but nevertheleſs ſhall and may have his and their Common in places commonable there, ratably for

Every perſon that doth incloſe ſhall be abated of his Common proportionable.

for the reſidue of his or their lands there according to the uſage and cuſtom of the place: This act or any thing therein contained to the contrary thereof notwithſtanding.

They which do incloſe, may be ſtinted of their common by the reſidue of the Commoners.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the Freeholders and Copyholders of the ſaid manors, pariſhes and towns, and of every of them reſpectively, their heirs and aſſigns, or the greater number of them, from time to time hereafter to rate and ſtint every ſuch perſon and perſons, his and their heirs and aſſigns which ſo ſhall incloſe and keep in ſeveral any land, meadow or paſture by vertue of this act, what and how many cattel of all kinds ſuch perſon and perſons, his and their heirs and aſſigns, ſhall have, depaſture and keep upon the Commons of the ſame manor, pariſh or town, where ſuch land, meadow, or paſture ſhall ſo be incloſed, and kept in ſeveral by vertue of this act.

The forfeiture of him which keepeth more cattel then is limited by his ſtint.

And that if any perſon or perſons, his or their heirs or aſſigns, ſhall after he or they ſhall be ſo rated or ſtinted, have, or keep any more or greater number of cattel upon the commons of the ſame manor, pariſh or town, where ſuch land, meadow or paſture ſo to be incloſed and kept in ſeveral, by vertue of this act ſhall lie, then ſuch perſon or perſons, his or their heirs and aſſigns ſhall be ſo rated, or ſtinted at as aforeſaid: That then and ſo often every ſuch perſon or perſons, his and their heirs and aſſigns, ſhall forfeit and loſe for every Beaſt, which he or they ſhall keep over and above ſuch rate or ſtint which he or they ſhall be ſo rated or ſtinted at, the ſumme of twelve pence, for every week that he or they ſhall ſo keep ſuch beaſt or beaſts, over and above ſuch rate or ſtint: The one moiety thereof to be to the poor of the Pariſh where the offence ſhall be committed, and the other moiety thereof to be to the Lord of the manor where ſuch offence ſhall be committed.

The offences of ſurcharge of common ſhall be enquired of and puniſhed in Leets and Barons.

And further be it enacted by the authority aforeſaid, That all and every Lord and Lords of the Manors or Lordſhips aforeſaid, or any of them, where ſuch offence ſhall be committed, and their Stewards within the precinct of the ſaid Manors or Lordſhips, and every of them ſhall have ful power and authority within their ſeveral Leets and Court Barons of the ſaid Manors or Lordſhips reſpectively, to enquire and to take preſentment by the Oaths of Jurors, of all and every offence and offences, in this behalf to be committed, and upon ſuch preſentment had or made, to levy by diſtreſs all ſuch ſums of money as ſo ſhall be forfeited: and that every ſuch Lord and Lords, or their Stewards, which ſo ſhall levy or cauſe to be levied, any ſuch ſum or ſums of money ſo to be forfeited, ſhall within one week next following the levying thereof, pay the one moiety thereof to the hands of the Churchwardens and Overſeers of the poor of ſuch ſaid pariſh or pariſhes, where ſuch offence or offences ſhall be committed, to the uſe of the poor of the ſame pariſh.

A proviſion where land incloſed is diſmembred from the tenements wherewith it was occupied.

Provided alſo, That if any perſon or perſons, bodies politick and corporate, their heirs, ſucceſſors, or aſſigns, ſhall at any time or times hereafter erect, or build any cottage for inhabitation upon any land ſo to be incloſed, and kept in ſeveral by force or vertue of this act, and ſhall lay any of the ſaid lands to any Cottage for habitation, and by means thereof, or any other means diſmember the ſame from the capital meſſuage, tenement or farm, to which the ſame is now belonging or occupied: that then, and in every ſuch caſe it ſhall be lawful by order of the Court of the Manor where ſuch land ſhall lie, to the Lord or his Officers, of the ſame Manor, or any of them for the time being, or the homagers of the ſame Manor, or the more part of them, to caſt and put the ſame land ſo laid to any Cottage, or diſmembred as aforeſaid, open and into Common, at Summer ſeaſons of the year, and in ſuch manner and form as the ſame have been formerly uſed: This act or any thing therein contained to the contrary notwithſtanding.

A proviſion for the continuing of certain grounds incloſed one time of the year as they have been.

Provided nevertheleſs, that where the later math, later crop, or edge groweth of certain meadows and paſtures in the ſaid Pariſhes or Lordſhips of Marden, alias Mawarden, Sutton Saint Michael, Sutton Saint Nicholas, and Bodenham, commonly called or known by the ſeveral names of Smedel Whitterday, Dole-meadow, the Groves, the old Lands, the Wiſtheirs, and the Wirgins, and certain ſmaller meadows & paſtures to them ſeverally adjoyning, have been accuſtomed or uſed moſt commonly to be yearly of moſt ancient time hained and incloſed after Hay harveſt, for the keeping and depaſturing of the Oxen and Kine of ſuch town or pariſh, where ſuch meadows and paſtures do lie, by certain rates thereof in ancient time uſed and accuſtomed, That there and in that caſe the ſame meadows and paſtures ſhall and may be hained, incloſed, kept and uſed yearly for Oxen and Kine, as moſt commonly they have been uſed and accuſtomed to be hained, incloſed, kept and uſed.

The uſage of Lug Meadow ſhall not be altered.

Provided alſo, that this act, or any thing herein contained, ſhall not extend to incloſe or alter the uſage and courſe of the great meadow, in or neer Sutton Saint Michael, and Sutton Saint Nicholas aforeſaid, called Lug Meadow, or any part there, otherwiſe than the ſame hath been uſed before the making of this act: This act or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

The continuance of this Act.

This act to continue until the end of the laſt Seſſion of the next Parliament. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XII.

An act for the bringing of a new River to the North parts of the City of London, according to a former Statute made, 3 Jac. 18.

3 Jac. 18.

WHereas of late in the Parliament holden at Weſtminſter, in the third year of the reign of our Soveraign Lord King James, An act was made for the bringing of a freſh ſtream of running water to the North parts of the city of London, as by the ſame act appeareth. Now for that ſithence the making of that Law, upon view of the grounds through which the waters are to paſs, by men of skill, and upon adviſed conſideration of the premiſſes, it is thought more convenient, and leſs damage to the ground, that the ſame running water be brought and conveyed in and through a trunk or vault of brick or ſtone incloſed, and in ſome places where need is raiſed upon Arches, than in open Trench or Sewer, which manner of conveyance of the ſame water in a trunk or vault of brick or ſtone, is doubtful whether by the words of the former Law it may be lawfully effected by the Lord Mayor and Commonalty, and Citizens of the City of London, albeit they do duly perform, every part, clauſe, matter and thing in the ſaid ſtatute contained, which on their part are by the true intent of that Law to be performed.

For clearing of which doubt, and plain declaration of the true meaning of the ſaid Law, Be it enacted by our Soveraign Lord the King, and by the Lords Spiritual and Temporal, and Commons of this preſent Parliament aſſembled, and by the authority of the ſame, that at any time or times after the laying out of ſuch convenient limits of ground for the making of the Trench, or Conveyance of water to the North parts of the ſaid city of London, at the breadth of ten foot, and not above, as to the Mayor and Commonalty, and Citizens of the City of London, and their deputies and workmen, with the allowance of the Commiſſioners in the ſaid former act mentioned, or any ſeven of them, ſhall be ſeen convenient and meet for the ſame, and in that place that they ſhall find to be moſt apt and meet for that purpoſe, according to the true intent of the ſaid Statute, that the Mayor, and Commonalty, and Citizens of the ſaid city of London, and their ſucceſſors, Deputies and Workmen, for the conſideration in the ſaid former act expreſſed, ſhall have liberty, not only to dig the ſame ground to be imployed in the ſame river or new Cut, as in the ſaid former act is expreſſed, but alſo in the ſame place, where they ſhal think moſt meet for the ſaid new Cut or paſſage of water, to frame, erect and make a trunk or vault of brick or ſtone for the paſſage of the ſaid Water to the North parts of the ſaid city of London, not exceeding ten foot in breadth in ſuch manner and form to be layed in the earth or upon arches, as to the Mayor and Commonalty, and Citizens of London ſhall ſeem meet: And from time to time for ever to maintain and preſerve the ſame Trunk or Vault of Brick or ſtone, and for that purpoſe to have like liberty and free paſſage to and from the ſaid Trunk or Vault of Brick or Stone, for making, erecting, maintaining and preſerving thereof from time to time for ever, as they had or might have had by the intent of the ſaid former act, to and from the ſaid new Cut or River, with men, horſes, carts and carriages, at all times convenient, and in places convenient, for the making of the ſaid new Cut or River, with men, horſes, cart and carriages, at all times convenient, and in places convenient, for the making of the ſaid new Cut or Trench, and for the preſerving of the ſame from time to time for ever: Any thing in the ſaid former Statute, or in any other Law or Statute to the contrary thereof in any wiſe notwithſtanding. PR.

The Mayor, &c. of London may erect a Trunk or Vault in the earth, to convey the water from Chadwell, &c. to London.

The Mayor, &c. of London may from time to time maintain the ſaid Trunk or Vault.

CAP. XIII.

An act for the draining of certain Fens in the Iſle of Ely.

WHereas by the draining of certain Fenns, and low grounds within the Iſle of Ely, ſubject to hurt by ſurrounding, great benefit may come to the Commonwealth, and much profit to the owners of the ſaid grounds, Be it therefore enacted by the Kings Majeſty, the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That Francis Tindal Eſquire, Henry Farre, and John Cooper, Gentlemen, (who have undertaken to do their beſt endeavours to effect the ſame at their own coſts and charges, for the conſiderations hereafter mentioned) their heirs and aſſigns, ſhall have full power and authority by vertue of this act, during the ſpace of ſeven years next enſuing the end of this preſent Seſſion of Parliament, to drain all the Fenns and low grounds ſubject to hurt by ſurrounding in the ſaid Iſle of Ely, that lie and be environed with the banks, beginning at Keeks Mill, and from thence by Tower houſe, to Hobs houſe, and ſo to Tilney Hurne, from thence to Maries Damme, and ſo by Elme Leam to Friday Bridg, and from thence by Redmore Dike, and Begdale, and ſo by Gold Dike to Keeks Mill again: And for the doing thereof to make of new, or to repair in all places needful, ſuch and ſo many Drains, Loads, Dikes, Banks, Sluces, and other works of Sewers, as they ſhall think meet, not being in Marſhland within the old Podike, for conveying to the Sea as well of the Sock and downfall, as of the overflowing of Rivers and Land-floods, ſatisfying the Owners of ſuch ſeverals as they ſhall cut, and ſuch perſons as they ſhall otherwiſe damnifie, ſo much money or other valuable recompence, as by ſix Commiſſioners of Sewers at the leaſt, whereof three inhabiting within the ſaid Iſle, and three within the county of Norfolk, ſhall be ordered and ſet down.

Certain perſons have undertaken to drain the Fens in the Iſle of Ely.

The limits and bounds to be inned.

The perſons damnified ſhall be ſatisfied.

And be it further enacted by the authority aforeſaid, That immediately after the ſaid grounds ſhall be drained, according to the true meaning of this act, the ſaid Undertakers, their heirs and aſſigns, for and in conſideration thereof, and of the perpetual maintaining and preſerving of the ſame draining, as in this act is hereafter mentioned, ſhall have, hold, and enjoy to them, their heirs and aſſigns for ever, in ſeveralty, two full parts in three to be divided of all the ſaid Fens and low grounds, the ſame to be ſet out by Metes and Bounds, before the Feaſt of Saint Michael the Archangel, which ſhall be in the year of our Lord One thouſand ſix hundred and eight, by the ſeveral Owners of the ſaid Fens and low grounds, or in default of any of them, then at any time after by ſix Commiſſioners of Sewers at the leaſt whereof four inhabiting within the ſaid Iſle.

The Undertakers ſhall have for the inning and maintaining of the grounds ſurrounded, two parts thereof.

And be it further enacted by the authority aforeſaid, That the ſaid two full parts ſhall be held of the ſeveral Lords, of whom the ſame are now holden, in free and common Socage, by fealty only for all manner of ſervices, and not in Capite, nor by Knights ſervice. And likewiſe that the ſaid two full parts ſhall be freed from paying any manner of Tythes until the feaſt of Saint Michael, the Archangel next enſuing the end of ſeven years, after the time limited for the draining aforeſaid.

Of whom the two parts ſhall be holden.

The two parts ſhall be diſcharged of Tythes during ſeven years.

Provided

A proviſion for the owners, if the grounds drowned ſhall be again ſurrounded.

Provided nevertheleſs, and be it enacted by the authority aforeſaid, That if it ſhall fall out at any time hereafter, that any of the ſaid Fen or low Grounds, after they be once drained, ſhall be again ſurrounded in default of the ſaid Undertakers, their Heirs or Aſſigns, and ſo do continue at any time between the Feaſt of Saint Michael the Archangel, and the Annunciation of the bleſſed Virgin Mary then next following, by the ſpace of two moneths together, or do ſo continue at any time between the Feaſt of the Annunciation of the bleſſed Virgin Mary, and the Feaſt of Saint Michael the Archangel then next following, by the ſpace of one moneth together, and not in the mean time amended by the ſaid Undertakers, their Heirs or Aſſigns, That then and ſo often it ſhall and may be lawful for every Owner of the Grounds ſo ſurrounded, and not amended, by the view and appointment of ſix Commiſſioners of Sewers at the leaſt, whereof four inhabiting within the ſaid Iſle of Ely, being aſſembled for that purpoſe, to enter into the two full parts which were divided and ſet forth from his Grounds ſo ſurrounded, for the ſaid Undertakers as aforeſaid, and the ſame to have and enjoy according to his former Title, Eſtate and Intereſt, untill the ſame Fens and low Grounds ſo ſurrounded, ſhall be recovered again by new draining or repair at the Coſts and Charges of the ſaid Undertakers, their Heirs or Aſſigns: Any thing herein contained to the contrary notwithſtanding.

The Undertakers ſhall not drain through other grounds otherwiſe than they may do by the Law.

Provided alſo, That the authority given by this Act to the ſaid Undertakers, their Heirs or Aſſigns, for the draining of the ſaid Grounds, ſhall not extend to give any power to cut and drain thorow any other Grounds in any other manner, than by the Laws and Statutes of this Realm heretofore made, they may lawfully do. P R. 15 Car. 2. cap. 17.

Anno Reg. JACOBI *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ*, viz. *Angliæ, Franc. & Hibern. ſeptimo, & Scotiæ quadrageſimo tertio.*

AT the fouvth Seſſion of Parliament begun and holden by prorogation at Weſtminſter the nineteenth day of Februaty, in the ſeventh year of the Reign of our moſt gracious Soveraign Lord JAMES, by the Grace of God, of England, France, and Ireland, King, Defender of the Faith, &c. and of Scotland the three and fortieth: And there continued untill the three and twentieth day of July: (And then prorogued untill the ſixteenth day of October next following, 1610.) To the high pleaſure of Almighty God, and to the weal publick of this Realm, were enacted as followeth.

CAP. I.

Where an Engliſhman ſhall have his Trial, that committeth Felony in Scotland.

WHereas in a Statute made in the third Seſſion of this preſent Parliament, intituled, An Act for the utter abolition of all memory of hoſtility, and the dependances thereof, between England and Scotland, and for the repreſſing of occaſion of diſcords and diſorders in time to come, it was amongſt other things enacted, That no natural born Subject of the Realm of England, or the Dominions of the ſame, ſhould for any high Treaſon, miſpriſion or concealment of high Treaſon, petty Treaſon, or any other whatſoever offence or cauſe committed within Scotland, be ſent out of England where he is apprehended, to receive his trial, untill ſuch time as both Realms ſhould be made one in Laws and Government, which is the thing ſo much deſired, as that wherein the full perfection of the bleſſed Union already begun in his Majeſties Royal perſon conſiſteth.

The inconvenience if an Offendor ſhall not receive his Trial in the Kingdom where he committeth his offence.

Since the making of which Statute, although thoſe parts of the Kingdom of England adjoyning and lying near unto the Realm and Kingdom of Scotland, have been, and are by his Majeſties inceſſant care and Princely policy, reduced to a more civil and peaceable eſtate than could in ſhort time have been expected or hoped for: Yet experience teacheth, that Malefactors of either Realm having committed their offences in the other Realm, do forthwith fly and eſcape into their own Country, thereby to purchaſe their impunity, to the great and manifeſt grievance of the one Realm, and the diſhonor of the other. By means whereof, very many great and hainous offences ſince the making of the ſaid Statute, have been and are ſtill likely to be committed without condign puniſhment; for that ſince the making of the ſaid Statute, there hath not been any one Offendor committing any the offences aforeſaid in Scotland, that hath been proſecuted to his Trial, Judgment or Execution in England, by reaſon or upon any the Branches, Laws, or Ordinances in the ſaid Statute mentioned or contained: Whereby it manifeſtly appeareth, that the ſaid Clauſe in the ſaid Statute contained, and before in this preſent Act expreſly mentioned, concerning the not ſending out of England any natural born Subject of the Realm, or the Dominions of the ſame, for any whatſoever offence committed within the Realm of Scotland, to receive his Trial for any the ſaid offences, hath not brought forth that good effect as was hoped for, and by the ſaid Law intended, to the great prejudice and diſhonor of both Realms.

If an Engliſh man ſhall commit felony in Scotland and then fly into England, the Juſtices may ſend the Offendors into Scotland to be tryed.

For the preventing of which apparent and too manifeſt miſchief and inconvenience, Be it enacted, and by the authority of this preſent Parliament eſtabliſhed, That if any time or times after the end of this preſent Seſſion of Parliament, any perſon or perſons ſhall commit any offence or offences within the Realm of Scotland, which by the Laws of this Realm of England is, are, or ſhall be declared or adjudged to be petty Treaſon, Murder, Manſlaughter, Felonious burning of Houſes and Corn, Burglary, Robbing of Houſes by day, Robbery, Theft or Rape, and do or ſhall fly or eſcape into the Realm of England, and be or ſhall be apprehended within any the Counties of Northumberland, Cumberland, Weſtmerland, or any parts or members of the ſame, or within the parts or places lying on the Northſide of the River of Tine, commonly called or known by the names of Bedlingtonſhire.

ſhire, Northamſhamſhire and Iſlandſhire, the Town and County of Newcaſtle upon Tine, and the Town of Barwick upon Twede, with the Bounds and Liberties thereof, That then it ſhall and may be lawful to and for the Juſtices of Aſſiſe, or any one of them in the abſence of the other, the Juſtices of Gaol-delivery at their Gaol-delivery, or any four of them, or the Juſtices of Peace in their general or quarter Seſſions, or any four of them, upon due and mature examination of the ſaid offence or offences in open Seſſions, and pregnant proofs of the ſame by warrant under their Hands and Seals, to remand and ſend all and every ſuch Offendor and Offendors into the Realm of Scotland, there to receive their trial for any the offences aforeſaid by them there committed: Any thing in the ſaid Statute to the contrary thereof notwithſtanding.

This Law to continue to the end of the firſt Seſſion of the next Parliament.

Continuance of the Stat. A like Act is to be made in Scotland.

Provided nevertheleſs, and be it enacted by the authority aforeſaid, That this Statute nor any clauſe therein contained, ſhall take effect or be in force, or in any wiſe be deemed or expounded to take effect, to any intent, conſtruction or purpoſe, until a Law by Act of Parliament be made and eſtabliſhed within the Realm of Scotland, for the remanding and ſending out of the Realm of Scotland into the Realm of England, all and every perſon and perſons born within the Realm of Scotland, or the Dominions of the ſame, which ſhall at any time hereafter commit any the offences aforeſaid within the Realm of England, to receive his or their trial in the Realm of England, for all and every the ſaid offences by them committed in the Realm of England. 3 Car. Continued untill the end of the firſt Seſſion of the next parliament. 14 Car. 2. cap. 22.

CAP. II.

Such as are to be Naturalized, or Reſtored in Blood, ſhall receive the Sacrament, &c. and the Oath of Allegiance and Supremacy.

What they ſhall be bound unto, who ſhall be Naturalized, or reſtored in Blood.

FOraſmuch as the Naturalizing of Strangers, and reſtoring to Blood perſons attainted, have been ever reputed matters of meer Grace and Favour, which are not fit to be beſtowed upon any others than ſuch as are of the Religion now eſtabliſhed in this Realm: Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That no perſon or perſons, of what quality, condition, or place ſoever, being of the age of eighteen years or above, ſhall be Naturalized, or reſtored in Blood, unleſs the ſaid perſon or perſons have received the Sacrament of the Lords Supper within one moneth before any Bill exhibited for that purpoſe, and alſo ſhall take the Oath of Supremacy, and the Oath of Allegiance, in the Parliament-houſe, before his or her Bill be twice read. And for the better effecting of the premiſſes, Be it further enacted by the authority aforeſaid, That the Lord Chancellor of England, or Lord Keeper of the great Seal for the time being, if the Bill begin in the Upper-houſe, and the Speaker of the Commons Houſe of Parliament for the time being, if the Bill begin there, ſhall have authority at all times during the Seſſion of Parliament to miniſter ſuch Oath and Oaths, and to ſuch perſon and perſons as by the true intent of this Statute is to be miniſtred. This Act to take place from and after the end of this preſent Seſſion of Parliament.

When this Act ſhall take place.

CAP. III.

How money given for the binding of poor Children to Occupations, ſhall be beſtowed.

FOraſmuch as the true labour and exerciſe of Husbandry, and the bringing up of Apprentices of both Sexes in Trades and Manual Occupations, are things very profitable in the Common-wealth, and acceptable and pleaſing unto Almighty God, there being already great ſums of Money freely given, and more in time to come like to be given by divers well diſpoſed perſons unto the Corporations of divers Cities, Boroughs, Towns Corporate, and unto divers perſons in ſundry Towns not Corporate, and Pariſhes within this Realm of England, to be continually imployed in the binding out as Apprentices of a great number of the pooreſt ſort of Children unto needful Trades and Occupations; the experience whereof hath brought forth very great profit and commodity unto thoſe Cities, Towns and Pariſhes where any parts of the ſaid Monies have been ſo given and imployed, and ſo no doubt there will conſequently enſue thereof the exceeding good of the Commonwealth in general. And for that the moſt part of the poorer ſorts of Children, would (as heretofore) without ſuch good care and aſſiſtance be brought up in idleneſs, and diſordered kinds of life, to their utter overthrow, and to the great prejudice of the whole Commonwealth: And for that it is very likely that many other well diſpoſed people will be the better encouraged willingly to follow the like good example in beſtowing all good ſums of Monies to the ſame good and godly purpoſes, if it might be ſo provided, that ſuch Monies as have been already ſo freely given, or as hereafter ſhall be given for the binding out of ſuch poor Children Apprentices, may continually hereafter remain, and be wholly imployed accordingly:

How money given for the binding out of Apprentices of poor children ſhall be imployed, and by whom.

Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all ſums of money, ſo freely given at any time within three years laſt paſt, or hereafter to be given by any perſon or perſons, to be continually imployed for the binding out of Apprentices as aforeſaid, ſhall for ever from henceforth continue, and be from time to time uſed and imployed to ſuch uſes, intents and purpoſes only, and by ſuch perſons, and in ſuch manner and form as ſhall be hereafter by this preſent Act ſpecified and declared, Except the ſame have been, or ſhall be otherwiſe ordered or diſpoſed by the Givers thereof, That is to ſay, That all Corporations of all Cities, Boroughs and Towns Corporate, by what name or names ſoever they ſhall be known or incorporated, and in Towns and Pariſhes not incorporate, the Parſon or Vicar of every ſuch Town or Pariſh, together with

The forfeiture of thoſe which of duty ought, and yet refuſe to employ the money.

the Conſtable or Conſtables, the Churchwarden or Churchwardens, Collectors, and the Overſeers for the poor for the time being, or the moſt part of them, where any ſuch ſum or ſums of money are already given, or ſhall be hereafter given to be ſo imployed, ſhall from time to time within the ſaid ſeveral Cities, Boroughs, Towns and Pariſhes reſpectively, have the nomination and placing of ſuch Apprentices, and the guiding and imployment of all ſuch monies, as have been heretofore ſo given, or which hereafter ſhall be given, to and for the continual binding forth of ſuch and ſo many Apprentices, and in ſuch ſort as is already, or ſhall hereafter be ſo given and appointed, either by the laſt Will and Teſtament, or by any writing or writings under the Hands and Seals of any perſon or perſons which hath already, or hereafter ſhall ſo give any ſum or ſums of monies unto the good and godly purpoſes and intents aforeſaid. And if the Corporation of any ſuch Cities, Boroughs or Towns Corporate, by what name or names ſoever they ſhall be called or incorporated, or any the perſon or perſons in the other Towns and Pariſhes above mentioned, appointed by this Act to have continually the guiding and imployment of ſuch ſums of moneys ſo already given, or hereafter to be given to the intents and purpoſes aforeſaid, ſhall at any time hereafter wilfully forbear or refuſe, according to their Duties in this behalf, to imploy ſuch ſums of money ſo given, or to be given as aforeſaid, for the binding out of ſuch Apprentices, by means of which wilful forbearance or refuſing, the ſaid money ſhall not be imployed accordingly, that they and every of them ſo offending contrary to this Act, ſhall forfeit for every ſuch offence the ſum of three pounds ſix ſhillings and eight pence lawful Engliſh money, the one half thereof to be given to the poor of the Town or Pariſh where ſuch fault or offence ſhall be done or committed, the other moyety to the party that ſhall ſue for the ſame: And that every man that will, may and ſhall be admitted to ſue for the ſame moyety for the uſe and benefit of the ſaid poor, and ſhall be alſo admitted to ſue for the forfeiture of the other moyety in any of the Kings Majeſties Courts of Record, to his own benefit and behoof, by action of Debt, Bill, Plaint or Information, wherein no Protection, Wager of Law, or Eſſoine ſhall be admitted or allowed.

The party which receiveth the money, ſhall be bound with Sureties to repay it.

And for that all monies ſo given may the better continue to and for the purpoſes aforeſaid, Be it enacted by the authority aforeſaid, That the Maſter, Miſtreſs, or Dame of every ſuch Apprentice or Apprentices, that ſhall receive any ſuch ſum or ſums of money as aforeſaid, ſhall become bound with one or two ſufficient Sureties, by Bond or Obligation in double the ſum which they and every of them ſhall ſo receive with ſuch Apprentice or Apprentices as aforeſaid, unto the Corporation of any ſuch City or Town Corporate, by what name or names ſoever they ſhall be called or incorporated, or to ſuch perſon or perſons in the other Towns and Pariſhes not incorporated, appointed by this Act to have continually the guiding and imployment of all ſuch ſums of mony ſo already given, or hereafter to be given, to the intents and purpoſes aforeſaid reſpectively: Upon condition to repay ſuch ſum or ſums of money, as he or ſhe ſhall receive with ſuch Apprentice or Apprentices, at the end of ſeven years next enſuing the Date of the ſaid Obligation, or within three moneths next after the end of the ſaid ſeven years. And if ſuch Apprentice ſhall happen to die within the ſaid ſpace of ſeven years, then within one year after his or her ſaid death: And if the Maſter, Miſtreſs or Dame, to whom any ſuch Apprentice or Apprentices ſhall be bound, ſhall happen to die within the ſaid ſpace of ſeven years, then within one year next after his or her death; So as the ſaid moneys may be again imployed for placing ſuch Apprentice with ſome other perſon of the ſame Trade, to ſerve out the reſidue of the years of his or her former Apprentiſhip, by the diſcretion of the ſaid perſons truſted as aforeſaid.

Within what time the money ſhall be put forth.

And be it further enacted by the authority aforeſaid, That every ſuch ſum or ſums of money ſo given, or to be given in manner and form, and to and for the good uſes and intents aforeſaid, ſhall alwayes be put forth and imployed by the parties aforeſaid, that by this Act ſhall have the diſpoſing and imployment thereof, within three moneths at the furtheſt, after ſuch money ſhall come to the hands of the ſaid parties, that by the intent and true meaning of this Act ought to diſpoſe and imploy the ſame: And if at ſuch times there ſhall not be found fit and apt perſons to be bound out Apprentices as aforeſaid, within the ſaid Cities, Towns and Pariſhes, where ſuch ſums of money are or hereafter ſhall be given to be imployed, as afore is declared; Then ſuch of the pooreſt Children of any of the Pariſhes next adjoyning, ſhall be bound Apprentices in manner as aforeſaid, as by the care and good diſcretions of the parties, which by this Act have the diſpoſing and imployment of the ſaid ſums of money in the Cities, Towns and Pariſhes where it was firſt given to be imployed, ſhall be thought fit and convenient, taking ſuch Bonds and Obligations of the perſons that ſhall receive the ſame ſums of money ſo put forth, and with ſuch Sureties, and upon ſuch Conditions, as is above mentioned and declared.

A proviſion if there be not fit perſons in that Pariſh to be Apprentices.

What ſort of perſons ſhall be Apprentices.

Provided alwayes, and be it enacted by the authority aforeſaid, That choice from time to time be made of the pooreſt ſorts of Children of every ſuch City, Town and Pariſh where ſuch Monies ſhall be ſo given, and whoſe Parents are leaſt able to relieve them. And that no ſuch Apprentice ſhall be above the age of xv. years, when he or ſhe ſhall be ſo firſt bound out an Apprentice.

Accompt ſhall be made of the money imployed.

And for the better execution of this Act, Be it further enacted by the authority aforeſaid, That all and every perſon and perſons appointed by this Act, to have the imploying and diſpoſing of any ſum or ſums of money ſo given or to be given as aforeſaid, within any Town or Pariſh not corporate, ſhall after the end of this preſent Seſſion of Parliament, once every year in the Eaſter week, or within one moneth next after Eaſter-day, make a true and perfect accompt before four, three, or two Juſtices of the Peace, dwelling in or next to every the ſaid Towns or Pariſhes, of all ſuch ſum and ſums of money, as they or any of them have imployed in binding of Apprentices, by vertue of this Act, and of all Bonds & Obligations taken for the payment thereof, And alſo of all ſuch ſums of money as then ſhall happen to be remaining in their hands not imployed. And alſo ſhall at the making and yielding up of the ſaid Accompt, or within ten days then next following, yield and deliver up unto ſuch as ſhall happen next to ſucceed them, or then to be in the ſaid rooms and places, all ſuch Obligations and Bonds, as by them, or any of them have been before that time taken to the uſes aforeſaid: As alſo all ſums of money remaining in their, or any of their hands, to be imployed as aforeſaid, and not imployed at the time of the yielding up of the ſaid Accompt.

A remedy where any party truſted ſhall break the truſt, or commit any offence.

And further be it enacted by the authority aforeſaid, That if any of the parties appointed and truſted by this Act to have the diſpoſing and imployment of any of the ſaid ſums of money ſo given or to be given as aforeſaid, ſhall in any point or degree break the truſt and confidence in them in this behalf repoſed, or ſhal commit any other miſdemeanor, or offence in miſimploying of the ſaid ſums of money, or any part thereof, or in doing any other act or acts, contrary to their duties, and the true intent and meaning of this Act, for which there is not by this Act any penalty given or appointed, Then it ſhall and may be lawful for any perſon or perſons whatſoever in the behalf of the poor of ſuch City, Borough or Pariſh, to exhibit his Petition to the Lord Chancellor, or Lord Keeper of the great Seal of England for the time being, touching the ſame: Which Lord Chancellor or Lord Keeper of the great Seal of England for the time being, ſhall thereupon have full power and authority to award a Commiſſion out of the high Court of Chancery, under the great Seal of England to ſuch and ſo many perſons as his Lordſhip ſhall think meet, to enquire, hear and determine the ſaid offences, and every of them. And if the ſaid Commiſſioners, or the moſt part of them ſhall find, that any ſum or ſums of money ſo given or to be given are loſt, impaired, waſted or diminiſhed, Then they or the moſt part of them ſhall likewiſe have power by vertue of this Act, and of their ſaid Commiſſion, to rate, raiſe and collect the ſaid ſum of money ſo loſt, impaired, waſted or diminiſhed, upon ſuch perſon or perſons in places not incorporate, as by this Act are appointed to have the guiding and ordering of the ſaid Monies, if they or any of them have failed in their ſaid Duties in that behalf, or otherwiſe upon the able Inhabitants of ſuch City, Town or Pariſh where the ſame ſhall ſo happen, as in the diſcretion of the ſaid Commiſſioners, or the greateſt part of them ſhall be thought fitteſt, and to return the ſaid Commiſſion, and the manner of the execution thereof, into the ſaid high Court of Chancery within three moneths next after the execution thereof. And if any perſon or perſons ſhall find himſelf grieved by any thing done by the ſaid Commiſſioners, then upon Complaint made in the high Court of Chancery, the ſaid Lord Chancellor, or Lord Keeper for the time being, ſhall have full power and authority to order and decree the ſame, as to his Lordſhip ſhall be thought moſt fit to ſtand with equity and good conſcience.

A remedy for any party grieved by the Commiſſioners.

CAP. IV.

Houſes of Correction ſhall be provided: And the Government of them.

Co. Inſt. 2. part, 728.

WHereas heretofore divers good and neceſſary Laws and Statutes have been made and provided for the erection of Houſes of Correction, for the ſuppreſſing and puniſhing of Rogues, Vagabonds, or other idle, vagrant, and diſorderly perſons; which Laws have not wrought ſo good effect as was expected, as well for that the ſaid Houſes of Correction have not been built according as was intended, as alſo for that the ſaid Statutes have not been duly and ſeverely put in execution, as by the ſaid Statutes were appointed. For remedy whereof, Be it enacted and eſtabliſhed by our Soveraign Lord the Kings Majeſty, and by the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all Laws and Statutes now in force, made for the erecting and building of Houſes of Correction, and for puniſhing of Rogues, Vagabonds, and other wandring and idle perſons, ſhall be put in due execution.

There ſhall be a houſe of correction provided in every Shire, to ſet idle perſons to work. 39 Eliz. 4.

And be it further enacted and eſtabliſhed by the authority aforeſaid, That before the Feaſt of Saint Michael the Archangel, which ſhall be in the year of our Lord God, One thouſand ſix hundred and eleven, there ſhall be erected, built, or otherwiſe provided, within every County of this Realm of England and Wales, where there is not one Houſe of Correction already built, purchaſed, provided or continued, one or more fit and convenient Houſe or Houſes of Correction, with convenient Backſide thereunto adjoyning, together with Mills, Turns, Cards, and ſuch like neceſſary Implements, to ſet the ſaid Rogues, or ſuch other idle perſons on work: The ſame houſes to be built, erected or provided in ſome convenient Place or Town in every County: Which Houſes ſhall be purchaſed, conveyed, or aſſured unto ſuch perſon or perſons, as by the Juſtices of Peace, or the more part of them, in their Quarter Seſſions of the Peace to be holden within every County of this Realm of England and Wales, upon truſt, To the intent the ſame ſhall be uſed and employed for the keeping, correcting, and ſetting to work of the ſaid Rogues, Vagabonds, or ſturdy Beggars, and other idle and diſorderly perſons.

The forfeiture of every Juſtice of Peace, if the houſe of correction be not provided.

And be it further enacted by the authority aforeſaid, That if the Houſe to be erected, purchaſed or provided, ſhall not be erected, built, or otherwiſe provided, before the Feaſt of Saint Michael the Archangel, which ſhall be in the year, One thouſand ſix hundred and eleven, next enſuing the laſt day of this preſent Seſſion of Parliament, That then every Juſtice of Peace within every County of this Realm of England and Wales, where ſuch Houſe and Backſide ſhall not be erected or provided, ſhall forfeit for his ſaid neglect, five pounds of lawful Engliſh money, the one moyety thereof to be to him or them that will ſue for the ſame by action of Debt, Bill, Plaint or Information, In which Suit, no Protection, Eſſoine, or Wager of Law ſhall be admitted; And the other moyety thereof to be imployed and beſtowed towards the erecting, building, procuring or providing the ſaid Houſe and Backſide, and ſuch neceſſary Implements as aforeſaid.

And

A Governour ſhall be appointed of every houſe of correction, and his authority.

And be it further enacted and eſtabliſhed by the authority aforeſaid, That the Juſtices of Peace of every County within the Realm of England and Wales, at their Quarter Seſſions of the Peace to be holden before their ſeveral Counties (next after the erecting, providing, or building of the ſaid Houſe or Houſes, and ſo from time to time) or the moſt part of them, ſhall elect, nominate and appoint, at their will and pleaſure, one or more honeſt fit perſon or perſons, to be Governor or Maſter of the ſaid Houſe or Houſes ſo to be purchaſed erected, built or provided: Which perſon and perſons ſo choſen by vertue of this preſent Act, ſhall have power and authority to ſet ſuch Rogues, Vagabonds, idle and diſorderly perſons, as ſhall be brought or ſent unto the ſaid Houſe to work and labour (being able) from time to time, for ſuch time as they ſhall continue and be remaining in the ſaid Houſe of Correction, and to puniſh the ſaid Rogues, Vagabonds, idle and diſorderly perſons, by putting Fetters or Gyves upon them, and by moderate whipping of them; and that the ſaid Rogues, Vagabonds, and idle perſons, during ſuch time as they ſhall continue and remain in the ſaid Houſe of Correction, ſhall in no ſort be chargeable to the Country for any allowance, either at their bringing in, or going forth, or during the time of their abode there, but ſhall have ſuch and ſo much allowance, as they ſhall deſerve by their own labour and work.

The Rogues ſhall not be chargeable to the Country.

And be it further enacted by the authority aforeſaid, That the ſaid Juſtices of Peace of every County within every of their ſeveral Diviſions twice in every year at the leaſt, and oftner if there be occaſion, ſhall aſſemble and meet together for the better execution of this Statute; and that ſome four or five dayes before their aſſembly and meeting, the ſaid Juſtices, or the more part of them, ſhall by their Warrant command the Conſtables and Tythingmen of every Hundred, Town, Pariſh, Village and Hamlet within their ſeveral Diviſions, which ſhall be aſſiſted with ſufficient men of the ſame places, to make a general privy ſearch in one night within their ſaid Hundreds, Towns, Villages and Hamlets, for the finding out and apprehending of the ſaid Rogues, Vagabonds, wandring and idle perſons, and that ſuch Rogues, Vagabonds, wandring and idle perſons as they ſhall then find and apprehend in the ſaid ſearch, ſhall by them be brought before the ſaid Juſtices, at the ſaid aſſembly or meeting, there to be examined of their idle and wandring life, there to be puniſhed, or otherwiſe by their Warrant to be ſent or conveyed unto the ſaid Houſe or Houſes of Correction within the ſaid County, or to his Deputy or Aſſignee to be ſet to labour and work: At which dayes and times of aſſembly and meeting, ſo to be held by the ſaid Juſtices of Peace, the Conſtables and Tythingmen of every Hundred, Pariſh, Town, Village and Hamlet, ſhall then appear in every their ſeveral Diviſions, before the ſaid Juſtices of Peace, at the ſaid aſſemblies or meetings, and there ſhall give account and reckoning upon Oath in writing, and under the Hand of the Miniſter of every Pariſh, what Rogues, Vagabonds, and wandring and diſorderly perſons they have apprehended both in the ſame ſearch, and alſo between every ſuch aſſemblies and meetings, and how many have been by them puniſhed, or otherwiſe ſent unto the Houſes of Correction: which if the ſaid Conſtables or Tythingmen ſhall neglect to perform, as alſo to convey ſafely all ſuch Rogues, with all other idle and diſorderly perſons, at the charge of the Hundred, as by the Juſtices of Peace their Warrants ſhall be ſent unto the Houſes of Correction in the ſame County, that then they ſhall forfeit ſuch further Fines, Pains and Penalties, as by the ſaid Juſtices of Peace, or the moſt part of them, ſhall be thought fit and convenient, not exceeding the ſum of xl. s. for every offence.

General privy ſearch ſhall be made in every Hundred, Town, &c.

The Conſtables account of Vagabonds apprehended.

And for that it is convenient, that the Maſters or Governors of the ſaid Houſes of Correction ſhould have ſome fit allowance and maintenance for their travel and care to be had in the ſaid Service, as alſo for the relieving of ſuch as ſhall happen to be weak and ſick in their cuſtody, and that the Subjects of this Realm ſhould in no ſort be over-charged, to raiſe up money for Stocks to ſet ſuch on work as ſhall be committed to their cuſtody: Be it therefore enacted and eſtabliſhed by the authority of this preſent Parliament, That the Maſters or Governors of the ſaid Houſes of Correction, ſhall have ſuch ſums of money yearly, as ſhall be thought meet by the moſt part of the Juſtices of Peace within the ſaid County, at the Quarter-Seſſions of the Peace, the ſame to be paid quarterly beforehand by the Treaſurers appointed by one Act made in the three and fortieth year of the late Queen Elizabeth, entituled, An Act for the relief of the poor, during the time they the ſaid Maſters and Governors ſhall be imployed in the ſaid Service, (the ſaid Maſter or Governor giving ſufficient ſecurity for the continuance and performance of the ſaid Service) which if the ſaid Treaſurer ſhall neglect or refuſe to perform, That then the ſaid Maſter or Governor of the Houſe of Correction, ſhall have authority by this preſent Act to levy the ſame, or ſo much thereof as ſhall be unpaid, upon the ſaid Treaſurers account, in ſuch manner and form as by the ſaid Statute they the ſaid Treaſurers are appointed and authorized to levy the weekly ſum or payment, being to them unpaid.

The Governors allowance for his pains and maintenance.

43 Eliz. 2.

And becauſe great charge ariſeth upon many places within this Realm by reaſon of Baſtardy, beſides the great diſhonor of Almighty God: Be it therefore enacted by the authority aforeſaid, That every lewd woman, which after this preſent Seſſion of Parliament, ſhall have any Baſtard, which may be chargeable to the Pariſh, the Juſtices of Peace ſhall commit ſuch lewd woman to the Houſe of Correction, there to be puniſhed, and ſet on work during the term of one whole year: And if ſhe ſhall eftſoons offend again, That then to be committed to the ſaid Houſe of Correction as aforeſaid, and then to remain untill ſhe can put in good Sureties for her good behaviour, not to offend ſo again.

The puniſhment of lewd women which have Baſtards.
18 Eliz. 3.

And for that many wilful people, finding that they having Children, have ſome hope to have relief from the Pariſh wherein they dwell, and being able to labour, and thereby to relieve themſelves and their Families, do neverthleſſe run away out of their Pariſhes, and leave their Families upon the Pariſh: For remedy whereof, Be it further enacted by this preſent Parliament and the authority of the ſame, That all ſuch perſons ſo running away,

A remedy for them that run away, and leave their Children to the charge of the Pariſh.

ſhall be taken and deemed incorrigible Rogues, and endure the pain of incorrigible Rogues: And if either ſuch man or woman being able to work, and ſhall threaten to run away, and leave their Families as aforeſaid, the ſame being proved by two ſufficient witneſſes upon Oath before two Juſtices of Peace in that Diviſion, That then the ſaid perſons ſo threatning, ſhall by the ſaid Juſtices of Peace be ſent to the houſes of Correction, (unleſſe he or ſhe can put in ſufficient Sureties for the diſcharge of the Pariſh) there to be dealt with and detained as a ſturdy and wandring Rogue, and to be delivered at the ſaid aſſembly or meeting, or at the Quarter Seſſions, and not otherwiſe.

And becauſe there ſhall be the more care taken by all ſuch Maſters of the houſes of Correction, that when the Country hath been at trouble and charge to bring all ſuch diſorderly perſons as aforeſaid to their ſafe keeping, that then they ſhall perform their Duties in that behalf, Be it therefore enacted by the authority aforeſaid, That if they ſhall not every quarter Seſſions yield a true and lawful account unto the Juſtices of Peace, of all ſuch perſons as have been committed to their cuſtody: Or if the ſaid perſons committed to their cuſtody, or any of them, ſhall be troubleſome unto the Country, by going abroad, or otherwiſe ſhall eſcape away from the ſaid houſe of Correction, before they ſhall be from thence lawfully delivered, That then the ſaid Juſtices ſhall ſet down ſuch Fines and Penalties upon the ſaid Maſter and Governors, as the moſt part of them in their Quarter Seſſions ſhall think fit and convenient, and all Fines and Penalties not herein before limited, ſhall be paid unto the Treaſurer, and accounted for by the Treaſurer aforeſaid. This Act to have continuance for the ſpace of ſeven years, and from thence to the end of the next Seſſion of Parliament after the ſaid ſeven years. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament.

The Governors ſhall give account to the Juſtices of all perſons committed to their cuſtody.

The continuance of the Act.

CAP. V.

The Plea of an Officer impleaded for the Execution of his Office.

Cro. Car. 175. 265. 467.

FOr eaſe in pleading againſt many cauſeleſs and contentious Suits, which have been, and daily are commenced and proſecuted againſt Juſtices of Peace, Mayors, or Bailiffs of Cities and Towns corporate, Headboroughs, Port-reves, Conſtables, Tythingmen, Collectors of Subſidies and Fifteens, who for due execution of their Office have been troubled and moleſted, and ſtill are like to be troubled and moleſted by evil diſpoſed contentious perſons, to their great charge, and diſcouragement in doing of their Offices: Be it therefore enacted by our Soveraign Lord the King, and by the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any Action, Bill, Plaint, or Suit upon the Caſe, Treſpaſs, Battery, or falſe Impriſonment ſhall be brought, after forty dayes next after the end of this Seſſion of Parliament, in any of his Majeſties Courts at Weſtminſter, or elſewhere, againſt any Juſtice of Peace, Mayor or Bailiff of City or Town corporate, Headborough, Port-reve, Conſtable, Tythingman, Collector of Subſidy or Fifteens, for or concerning any matter, cauſe or thing, by them or any of them done, by vertue or reaſon of their, or any of their Office or Offices, That it ſhall be lawful to and for every ſuch Juſtice of Peace, Mayor, Bailiff, Conſtable, or other Officer or Officers before named, and all others which in their aid or aſſiſtance, or by their commandment ſhall do any thing touching or concerning his or their Office or Offices, to plead the general iſſue, that he or they are not guilty, and to give ſuch ſpecial matter in evidence to the Jury which ſhall try the ſame, which ſpecial matter being pleaded, had been a good and ſufficient matter in Law to have diſcharged the ſaid Defendant or Defendants of the Treſpaſs, or other matter laid to his or their charge: And that if the Verdict ſhall paſs with the ſaid Defendant or Defendants in any ſuch Action, or the Plaintiff or Plaintiffs therein become Non-ſuit, or ſuffer any diſcontinuance thereof, That in every ſuch caſe the Juſtices or Juſtice, or ſuch other Judge before whom the ſaid matter ſhall be tried, ſhall by force and vertue of this Act allow unto the Defendant or Defendants his or their double coſts, which he or they ſhall have ſuſtained by reaſon of their wrongful vexation in defence of the ſaid Action or Suit: For which the ſaid Defendant or Defendants ſhall have like remedy, as in other caſes where coſts by the Laws of this Realm are given to the Defendants. And this Act to continue for ſeven years, and from thence to the end of the next Parliament after the ſaid ſeven years. Coke Inſt. 283. a.

This Statute is inlarged, and made perpetual, 21 Jac. 12.

Officers troubled for the due execution of their Offices.

An action being brought againſt an officer, he may plead not guilty.

The Defendant allowed double coſts of Suit.

Continuance of this Act.

CAP. VI.

Who ſhall take the Oath of Obedience to the King, and by whom it ſhall be miniſtred, and within what time.

WHereas by a Statute made in the third year of your Majeſties Reign, intituled, An Act for the better diſcovering and repreſſing of Popiſh Recuſants, the form of an Oath to be miniſtred and given to certain perſons in the ſame Act mentioned, is limited and preſcribed, tending only to the declaration of ſuch duty, as every true and well affected Subject, not only by bond of Allegiance, but alſo by the commandment of Almighty God ought to bear to your Majeſty, your Heirs and Succeſſors: Which Oath ſuch as are infected with Popiſh ſuperſtition do oppugne, with many falſe and unſound Arguments, the juſt defence whereof your Majeſty hath heretofore undertaken and worthily performed, to the great contentment of all your loving Subjects, notwithſtanding the gainſayings of contentious Adverſaries.

3 Jac. 4.

And to ſhew how greatly your loyal Subjects do approve the ſaid Oath, they proſtrate themſelves at your Majeſties Feet, beſeeching your Majeſty, That the ſame Oath may be adminiſtred to all your Subjects. To which end we do with all humbleneſſe beſeech your

Every perſon above the age of 18 years herein intended ſhall take the oath of obedience.

Before whom each perſon ſhall take the Oath.

Highneſſe that it may be enacted, And be it enacted by the authority of this preſent Parliament, That all and every perſon and perſons, as well Eccleſiaſtical as Temporal, of what eſtate, dignity, preheminence, ſex, quality, or degree ſoever he, ſhe, or they be, or ſhall be, above the age of eighteen years, being in this Act mentioned and intended, ſhall make, take and receive a corporal Oath upon the Evangeliſts, according to the tenor and effect of the ſaid Oath ſet forth in the forementioned Statute, before ſuch perſon or perſons, as hereafter in this Act is expreſſed: That is to ſay, All and every Archbiſhop and Biſhop that now is, or hereafter ſhall be, before the Lord Chancellor, or Lord Keeper of the Great Seal for the time being.

Archbiſhops and Biſhops Eccleſiaſtical, Judges and Officers.

And all and every Eccleſiaſtical Judge, Officer and Miniſter, of what eſtate, dignity, preheminence or degree ſoever he or they be or ſhall be, before the Archbiſhop of the Province, or Biſhop, or other Ordinary of the Dioceſs for the time being, wherein ſuch Eccleſiaſtical Judge, Officer or Miniſter ought to exerciſe his ſaid Office, Place or Function.

A Baron or Baroneſs, or above that degree, Privy-Counſellers, and Preſidents.

And all and every perſon and perſons of or above the degree of a Baron of Parliament, or Baroneſs of this your Highneſs Realm of England, and all of your Highneſs Privy-Council, reſiding in London or Weſtminſter, or within thirty miles thereof, and the Preſidents of Wales and the North parts, before any four of your Highneſs Privy-Council, whereof the Lord Chancellor, Lord Treaſurer, Lord Privy-Seal, or principal Secretary for the time being, to be one. And if ſuch perſon or perſons live and reſide in the Country, diſtant above thirty miles from London, then before the Lord Biſhop of the Dioceſs, or ſuch other perſon or perſons as the Lord Chancellor or Lord Keeper of the great Seal for the time being, ſhall thereto by Writ of Dedimus poteſtatem authorize.

The ſworn Servants of the King, the Queen, Prince, &c.

And all and every the ſworn Servants ordinary and extraordinary of your Highneſs, the Queens Grace, or of the Houſhold of the Prince of Wales, and of the reſt of your Highneſs Children, before the Lord Steward, the Lord Chamberlains and Vicechamberlains to your Highneſs and the Queen, the Treaſurer and Controller of your Highneſs Houſhold, the Maſter of your Highneſs Horſe, the Dean of the Chappel, and the Knight Marſhal for the time being, the Officers of the Green-cloth, or any three of them.

Judges, Miniſters of Juſtice, and they which receive the Kings fee.

All and every Temporal Judge, Juſtices of Peace, Sheriffs, Eſcheators, Feodaries, and other Officers and Miniſters of Juſtice in this preſent Act not ſpecially mentioned, and every other perſon or perſons that doth or ſhall receive any Fee of your Highneſs, your Heirs and Succeſſors, before the Lord Chancellor, or Lord Keeper of the great Seal, Lord Treaſurer, Lord Admiral, Lord Warden of the five Ports for the time being, or one of them, or before one of the chief Juſtices of either of your Majeſties Bench, or of the Common Pleas, or before Juſtices of Aſſiſe of the ſame County where the parties reſide, or other ſuch perſons as the Lord Chancellor or Keeper of the ſaid great Seal ſhall thereunto authoriſe.

Chief Officers of Cities and Towns corporate.

And all Mayors, Bailiffs, or other chief Officers of Cities and Towns corporate, by what name ſoever they be called or known, before ſuch perſon or perſons as uſually adminiſter the Oath to them at their firſt entrance into their ſaid Offices.

Knights, Citizens, Burgeſſes and Barons of the Parliament. The Maſter of the Ordinance, Lieutenant of the Tower, &c. Officers and Servants in the Tower.

And all and every the Knights, Citizens, Burgeſſes, and Barons of the five Ports of the Commons Houſe of Parliament, at any Parliament or Seſſion of Parliament hereafter to be aſſembled, before he or they ſhall be permitted to enter into the ſaid Houſe, before the Lord Steward for the time being, or his Deputy or Deputies. And the Maſter of the Ordance, Lieutenant of the Tower of London, and Mint-maſter there, the four principal Officers of your Navy under the Lord Admiral, before the Lord Chancellor or Lord Keeper of the great Seal, and the Lord Admiral for the time being, or any of them.

And all the Officers, Miniſters, Servants, and others within your ſaid Tower of London, before the Lieutenant of the Tower.

Officers and Souldiers in Ships.

And all Vice-Admirals, Captains, Maſters, Officers, Miniſters, and Souldiers in your Highneſs Ships, or any of them, before the ſaid four principal Officers of your Navy, or any two of them.

Captain of caſtles, Souldiers.

And all perſons having charge of Caſtles Fortreſſes, Block-houſes or Garriſons, and all Captains who ſhall have charge of Souldiers within this your Highneſs Realm, before the Juſtices of Aſſiſe of the ſame County, or before two Juſtices of the Peace of the ſame County, City or Liberty where the ſame Caſtles, Fortreſſes or Block-houſes ſhall ſtand, or the charge of Souldiers ſhall be.

Doctors, Advocates and Proctors of the civil Law. Suers of Livery.

All Doctors, Advocates, and Proctors of the Civil Law, and their Clerks, before the Biſhop of the Dioceſs, where they ſhall for the moſt part dwell or reſide.

And all and every perſon or perſons Temporal that hereafter ſhall ſue Livery or Ouſter le maine out of the hands of your Highneſſe, your Heirs or Succeſſors, before his or their Ouſter le maine ſued forth and allowed, before the Maſter of the Wards and Liveries, or before the Surveyor and Atturney of your Highneſſe ſaid Court, in open Court.

Sergeants at the Law, and the Judges Servants.

All the Sergeants at Law, Servants to the Judges in your Highneſſe Courts at Weſtminſter, and all other in the Sergeants Inns, before the chief Juſtice of your Majeſties Bench, the chief Juſtice of the Common Pleas, and the chief Baron of your Exchequer, or ſome, or one of them.

Gentlemen of the Inns of Court, and Principals of the Inns of Chancery. All the Inns of Chancery.

All your Highneſſe Subjects in the Inns of Court, or that hereafter ſhall be admitted thereunto, and the Principals and Treaſurers of every Inne of Chancery, before the Readers and Benchers of the ſeveral Houſes whereto they belong, or four of them at the leaſt, in their open Halls.

All other your Majeſties Subjects, as well Ancients as other, not being Principal or Treaſurer, that now are, or hereafter ſhall be admitted into any Inne of Chancery, before the Principal or Treaſurer, and Ancients of the ſeveral Innes of Chancery, or four of them in their open Halls.

All

Prothonotaries, Officers, Attorneys, Clerks, &c.

All Prothonotaries, Philizers, Officers, Miniſters, Attornies and Clerks that now are, or hereafter ſhall be admitted to write or practiſe in any of your Highneſſe Courts at Weſtminſter, or in any other Court of Record, before the Judge or Judges of the ſame Court.

Clerks and Officers of the Chancery.

All Clerks of the Chancery, and all their Under-clerks, and all other Officers of the ſaid Court of Chancery, and their Clerks, before the Maſter of the Rolls for the time being, or before two of the Maſters of the ſaid Court of Chancery.

Parſons, Vicars, Curates, &c. Schoolmaſter, Uſher.

All Parſons, Vicars and Curates, and all other perſons Eccleſiaſtical taking Orders, and all and every Schoolmaſter and Uſher, before the Biſhop of the Dioceſſe, or other Ordinary in the ſame, ſitting in open Court.

The Vicechancellors in the Univerſities, and Principals of Colledges or Halls.

The Vicechancellors of both the Univerſities for the time being, and the Preſidents, Wardens, Provoſts, Maſters of Colledges and Halls, and all other Heads and Principals of Houſes, Proctors, and Beadles of the Univerſities, publickly in the Convocation, before the Senior Maſters there preſent.

Perſons promoted to degree in School.

And all and every other perſons whatſoever, that is or ſhall be promoted to any degree in School, before the Vicechancellor of the ſaid Univerſity for the time being, in the Congregation Houſe.

Fellows and Schollars in Colledges.

All Fellows of Houſes, and all Scholars of Halls or Colledges that now are, or hereafter ſhall be received into the ſame, being under the degree of a Baron, before the Preſident, Maſter, Provoſt, Warden, or other head or chief Governor of that Colledge, Hall, or Houſe whereinto he ſhall be received, and in the open Hall.

Doctors and Practicers of Phyſick.

And all Doctors of Phyſick, and all other who practiſe Phyſick, that now are, or hereafter ſhall be admitted into the Colledge of Phyſitians in London, before the Preſident of the ſame Colledge for the time being.

Aldermen, Sheriffs, and Freemen of Cities and Towns corporate.

And all Aldermen, Sheriffs, or Under-Officers whatſoever, of the Cities and Towns corporate, and all ſuch as hereafter ſhall be made Freemen of the ſaid City or Town corporate, before the Mayor, Bailiffs, or other chief Officer of the ſaid City or Town in the open Hall.

When the perſons aforeſaid ſhall take the ſaid Oath.

And to the intent that due execution may be had of the premiſſes without delay, it is further enacted by the authority aforeſaid, That all the perſons before named, who have any certain time limited or expreſſed when to take the aforeſaid Oath, ſhall at the time therein preſcribed take the ſame, and the reſt within ſix moneths next after the end of this preſent Seſſion of Parliament.

Who may tender the ſaid Oath, and to whom.

And be it further enacted by authority of this preſent Parliament, That it ſhall and may be lawful to and for any of the Privy-Council of your Highneſſe, or of your Heirs and Succeſſors, and to and for every Biſhop in his Dioceſs, to require any Baron or Baroneſſe, of the age of eighteen years or above, to take the ſaid Oath, and to and for any two Juſtices of Peace within any County, City, or Town coporate, whereof one to be of the Quorum, to require any perſon or perſons, of the age of eighteen years, or above, under the degree of a Baron or Baroneſſe, to take the ſaid Oath. And if any perſon or perſons, of or above the ſaid age and degree, now ſtand, or hereafter at any time ſhall ſtand and be preſented, indicted or convicted for not coming to Church, or not receiving the holy Communion or Sacrament of the Lords Supper, according to the Laws and Statutes of this Realm, before the Ordinary, or other having lawful power to take ſuch Preſentment or Indictment, Then three of the Privy Council of your Highneſſe, your Heirs and Succeſſors, whereof the Lord Chancellor, Lord Treaſurer, Lord Privy Seal, or Principal Secretary to be one, upon knowledge thereof, ſhall require ſuch perſon or perſons to take the ſaid Oath. And if any other perſon or perſons whatſoever, of and above the ſaid age, and under the ſaid degree, now ſtand, or at any time hereafter ſhall ſtand, and be preſented, indicted, or convicted for not coming to Church, or receiving the holy Communion or Sacrament of the Lords Supper, according to the Laws and Statutes of this Realm, before the Ordinary, or any other having lawful power to take ſuch preſentment or Indictment; or if the Miniſter, Petty Conſtable and Churchwardens, or any two of them, ſhall at any time hereafter complain to any Juſtice of Peace, near adjoyning to the place where any perſon complained of ſhall dwell, and the ſaid Juſtice ſhall find cauſe of ſuſpition, That then any one Juſtice of Peace, within whoſe Commiſſion or power ſuch perſon or perſons ſhall at any time hereafter be, or to whom complaint ſhall be made as aforeſaid, ſhall upon notice thereof, require ſuch perſon or perſons to take the ſaid Oath: And that if any perſon or perſons, being of the age of eighteen years, or above, ſhall refuſe to take the ſaid Oath, duly tendered to him or her, according to the true intent and meaning of this Statute, That then the perſons authorized by this Law to give the ſaid Oath, ſhall and may commit the ſame Offendor to the common Gaol, there to remain without bail or mainpriſe, untill the next Aſſiſes, or general Quarter-Seſſions to be holden for the ſaid Shire, Diviſion, Limit or Liberty, where the ſaid Oath ſhall be again in the ſaid open Seſſions required of ſuch perſon by the ſaid Juſtices of Aſſiſe, or Juſtices of the Peace then and there preſent, or the greater number of them. And if the ſaid perſon or perſons, of the age of eighteen years, or above, ſhall refuſe to take the ſaid Oath, being tendered to him or her by the ſaid Juſtices of Aſſiſe and Gaol-delivery, in their own Aſſiſes or Gaol-delivery, or the Juſtices of Peace, or the greater part of them, in their General or Quarter Seſſions, Every perſon ſo refuſing, ſhall incur the danger and penalty of Præmunire, mentioned in a Statute made in the ſixteenth year of the Reign of King Richard the ſecond, (Except Women Covert, who ſhall be committed only to priſon, there to remain without bail or mainpriſe, till they will take the ſaid Oath.)

The penalty for refuſing to take the ſaid Oath.

16 R. 2. 2.

Diſabled to execute or practiſe certain Offices or Sciences.

And be it further enacted, That every perſon refuſing to take the ſaid Oath, as above, ſhall be diſabled to all intents and purpoſes, to execute any publick place of Judicature, or bear any other Office (being no Office of Inheritance, or Miniſterial Function) within this your Highneſſe Realm of England: Or to the uſe or practiſe of the Common Law, or the Science of Phyſick or Surgery, or the art of an Apothecary, or any Liberal Science, for his or their gain, within this Realm, untill ſuch time as the ſame perſon ſhall receive the ſame Oath, according to the intent of this Statute.

The penalty of a married woman Recuſant, which ſhall not come to the Church and receive the the Sacrament. Stat. 3 Jac. 5.

And be it further enacted, That if any married Woman (being lawfully convicted as a Popiſh Recuſant, for not coming to Church) ſhall not within three moneths next after ſuch Conviction, conform her ſelf, and repair to the Church, and receive the Sacrament of the Lords Supper, according to the former Laws and Statutes made and provided in that behalf touching Recuſants, That then ſhe ſhall be committed to Priſon by one of the Privy Council of your Highneſſe, your Heirs or Succeſſors, or by the Biſhop of the Dioceſſe, if ſhe be a Baroneſſe, or if ſhe be under that degree, by two Juſtices of the Peace of the ſame County, whereof one to be of the Quorum, there to remain without bail or mainpriſe, untill ſhe ſhall conform her ſelf and come to Church, and receive the Sacrament of the Lords Supper, unleſſe the Husband of ſuch Wife ſhall pay to the Kings Majeſty, his Heirs or Succeſſors, for the offence of the ſaid Wife, for every moneth ten pounds of lawful money of England, or elſe the third part (in three parts to be diviſed) of all his Land and Tenements, at the choice of the Husband, whoſe Wife is ſo convicted as aforeſaid, for and during ſo long time as ſhe remaining a Recuſant convicted, ſhall continue out of Priſon, during which time (and no longer) ſhe may be at liberty.

CAP. VII.

The penalty of a Worker of Wooll or Yarn, that doth imbeſel or detain any part thereof.

Whereas by the Trade of Clothing, making of Bayes, Sayes, and other Clothes and Stuffs made of Wooll, or partly of Wooll, many poor people are ſet on work, and great profit hath grown to the poor and Common-wealth thereby, yet now by the abuſe and deceit of the Sorters, Kembers, Carders and Spinſters of wooll to them delivered, by the perſons uſing the Trades aforeſaid, and Weavers of the yarn made of ſuch Wooll, who are ſet on work by the Clothier, maker of Bayes, Sayes, and other Clothes and Stuffs aforeſaid, by unjuſtly, deceitfully, and falſly purloyning, imbeſelling, ſelling, and detaining of part thereof, to the great damage of the Clothier, and others, uſing the Trades aforeſaid, whereby true Cloth-making is much hindered, and idleneſſe doth daily increaſe: So that many exerciſing the Trades before mentioned, are greatly impoveriſhed, and the parties which commit the offences aforeſaid, being poor and altogether unable to make recompence or ſatisfaction for the Treſpaſſes, Deceits and Abuſes aforeſaid, have much diſcouraged the ſaid Clothier, maker of Bayes, and others of the Trades aforeſaid, to ſet poor people on work, whereby much poverty doth increaſe, and more is like daily to increaſe, to the great damage and hinderance of the Common-wealth:

The puniſhment of a ſorter, carder, &c. of wooll or yarn, that doth detain any part thereof.

For the preventing and reformation whereof, be it enacted by the authority of this preſent Parliament, That all and every ſuch lewd perſon and perſons, who ſhall at any time after twenty dayes next after the end of this Seſſion of Parliament, unjuſtly, falſly, or deceitfully convey away, imbeſel, purloin, ſell, or detain any part of the Wooll or Yarn, delivered by any Clothier, Maker of Bayes, Sayes, or by any other perſon or perſons, making any ſuch Clothes or Stuffs, to any ſuch Sorter, Carder, Kember, Spinſter, or Weaver of wooll or yarn, That in every ſuch caſe and caſes, as well the Sorter, Carder, Kember, Spinſter and Weaver ſo offending, as the Buyer and Buyers, Receiver and Receivers of the ſame, knowing the ſame, being thereof lawfully convicted (by confeſſion of the party or parties ſo offending, or by one ſufficient witneſſe upon Oath before two or more of the Kings Majeſties Juſtices of the Peace of the ſame County or Liberty where the ſame offence or offences ſhall be committed, or if it be within a Town corporate, before the Mayor, Bailiff, or Chief Officer, and one more of the Aldermen, or moſt ſubſtantial perſons of the ſaid Town, who ſhall by force of this Act have full Power and Authority to miniſter the ſame Oath, and finally to hear, end, and determine all and every the offences aforeſaid) ſhall give and make to the party or parties grieved, ſuch recompence and ſatisfaction for ſuch their damage and loſſe, as by the ſaid Juſtices, or Chief Officers ſhall be ordered and appointed. And if the party or parties ſo offending ſhall not be thought, in the diſcretion of the ſaid Juſtices, or Chief Officers, able or ſufficient, or do not make recompence or ſatisfaction for the ſame offence or offences, in ſuch manner and form, as by the ſaid Juſtices, or Chief Officers ſhall be ordered and appointed, as aforeſaid, Then the party or parties offending, for the firſt offence to be apprehended and whipped, or ſet in the Stocks in the place where the offence is committed, or in ſome Market Town in the ſaid County, near unto the place where the offence or offences aforeſaid ſhall be committed, as ſhall be limited and appointed by the ſaid Juſtices of the Peace, or Chief Officers: And for the ſecond offence, to incur the like or ſuch further puniſhment by whipping, or being put in the Stocks, as the ſaid Juſtices of Peace, or Chief Officers, ſhall in their diſcretion think fit and convenient.

The puniſhment of the receiver or buyer of imbezelled yarn.

And be it likewiſe enacted by the authority aforeſaid, That all and every Receiver and Receivers, Buyer and Buyers of any wooll or yarn, imbeſelled or purloyned, contrary to the meaning of this Act, knowing the ſame to be imbeſelled or purloyned, ſhall be ſubject to like puniſhment, as by this Act is inflicted or provided to be inflicted upon any ſuch perſon ſo imbeſelling or purloyning any ſuch wooll or yarn as aforeſaid.

Spinners of wooll in certain Towns in Eſſex.

And be it likewiſe enacted, That all and every Spinner and Spinners of wooll within the County of Eſſex, that ſhall receive any wooll to be ſpun into yarn for any Clothier, or maker of Baves, Sayes, or other Stuffs aforeſaid, dwelling in the Town of Cogſhal, Bocking, Braintree, Halſted, Wittam, or Colcheſter, within the ſaid County, and ſhall deliver back again the yarn made of the ſaid wooll, by any ſhorter reel than hath been there uſual of ancient time, that is to ſay, the ſaid reel containing two yards about, ſhall be ſubject to like puniſhment, as by this Act is inflicted or provided to be inflicted upon any perſon or perſons, imbeſelling and purloyning yarn, as aforeſaid.

CAP. VIII.

To what grounds the Statute of 2 & 3 Phil. & Mar. 3. touching the keeping of Milch-Kine, or breeding of Calves, ſhall extend.

2 & 3 Phil. & Mar. 3.

WHereas in the ſecond and third years of King Philip and Queen Mary, a profitable Act was made for the avoiding of the ſcarcity of Cattel and Victual, intituled, An Act for the keeping of milch Kine, and for the breeding and rearing of Calves; which Act being then made only to continue to the end of the next Seſſion of Parliament, was found ſo neceſſary for the good of the Commonwealth, that after many continuances of it by ſeveral Parliaments, it was at length, in the thirteenth year of the Reign of our late Queen Elizabeth of happy memory, made perpetual: Becauſe the ſaid Act hath not produced ſo good effect as was expected, in reſpect it did and doth extend only to ſuch paſture grounds as were incloſed before the ſaid Act, and wherein no perſon, at the making of the ſaid Act, had Common for any Cattel at any time of the year, and not to ſuch paſture grounds as ſithence have been converted from tillage, and incloſed, or taken out of Commons, and incloſed, whereas in all equity and conſcience, many of the ſaid late Incloſures deſerve no way to be kept and enjoyed with more liberty, than the ſaid former and ancient Incloſures:

13 Eliz. 25.

Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid former Act, and the pains and penalties therein contained, ſhall from and after the Feaſt of Saint Michael the Archangel now next enſuing, be extended and conſtrued, taken, expounded, and adjudged to extend as fully, to all intents, conſtructions and purpoſes, with the ſame Proviloes, and in like manner, to all and every the grounds, apt and meet for milch Kine, ſince the making of the ſaid Act incloſed, or hereafter to be incloſed, and not to be laid open to Common at any time of the year, and to the Occupiers thereof, as to the grounds before the ſaid Act made ſeveral, and wherein none had intereſt of Common at the time of making the ſaid Act, and to the Occupiers thereof, and as if the ſaid Grounds ſo lately incloſed, and hereafter to be incloſed and made ſeveral, had been ſo incloſed and held ſeveral at the time of the making of the ſaid Act, and as if no perſon nor perſons, other than the Owners thereof, then had had intereſt of Common therein: Any word, ſentence, or clauſe in the ſaid former Act to the contrary in any wiſe notwithſtanding.

The Stat. of 2 & 3 Phil & Mar. 3. ſhall be extended to grounds ſithence incloſed, or hereafter to be incloſed.

CAP. IX.

A Colledge ſhall be erected at Chelſey: And a Trench ſhall be made to convey water from the River of Lee to London, to maintain the ſame.

WHereas his Majeſty, of his moſt Royal and Zealous Care for the defence of true Religion, now eſtabliſhed within this Realm of England, and for the refuting of Errors and Hereſies repugnant unto the ſame, hath been graciouſly pleaſed by his Letters-Patents under the great Seal of England, to found a Colledge at Chelſey neer London, and therein to place certain learned Divines, and to incorporate the ſame by the name of the Provoſt and Fellows of the Colledge of King James in Chelſey, near London, of the Foundation of the ſame James King of England, and hath of his moſt gracious bounty and goodneſs not only endowed the ſame with certain Lands, Privileges and Immunities, but hath alſo, for their further maintenance and ſuſtentation, given unto them a capacity and ability to receive and take from his Majeſty, or any of his loving Subjects, any Lands, Tenements, Hereditaments, Gifts, Benefits and Profits whatſoever, not exceeding in the whole the yearly value of three thouſand pounds, as in and by the ſaid Letters Patents doth more at large appear.

The cauſe of the erection of the Kings Colledge in Chelſey.

The name of the Corporation.

Ability to receive lands not exceeding three thouſand pounds by year.

And whereas alſo it is manifeſt and evident, that the bringing in of freſh Streams of running water into the City of London, is very convenient, neceſſary and profitable, as well for the private uſe of ſuch as ſhall rent the ſame, as a help for cleanſing the ſaid City, in the time of Sickneſſe, and preſerving the ſame againſt all ſuddain adventures of Fire:

It is therefore enacted by the Kings moſt excellent Majeſty, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That it ſhall and may be lawful to the ſaid Provoſt and Fellows, their Succeſſors, Deputies and Aſſignes, at all and every ſuch place and places, in the open Fields or Marſhes lying between the Bridge, called Lock-Bridge, in or near the Pariſh of Hackney, in the County of Middleſex, and the Bridge called Bow-Bridge at Stratford-Bow in the Pariſh of Stepney, in the ſaid County, (As by the ſaid Provoſt and Fellows, their Succeſſors, Deputies or Aſſignes, by and with the conſent and allowance of the Occupiers and Owners of the Soyl in the ſaid place or places, and in default of ſuch aſſent or allowance, by ſuch compoſition firſt to be made with the ſaid Occupiers and Owners of the ſaid Soil, as by the Commiſſioners by vertue of this Act to be in this behalf appointed, ſhall be thought fit and convenient) to digge or cut from and out of the main River of Lee, on that ſide or bank of the ſame River, which is next unto the City of London, a Ditch or Trench not exceeding in bredth ten foot, or to ſcowre, cleanſe or inlarge unto the bredth aforeſaid, any old Ditch or Trench there already made. And the ſame Ditch or Trench either old or new, ſo to be made, or to be cleanſed, to convey by or through the ſaid Fields and Marſhes, in all places convenient in ſuch ſort as the ſame may again be returned, and made to open it ſelf into the main River, within ſome

The Provoſt and Fellows may dig a Trench out of the River of Lee, or ſcowre any old already made.

The Provoſt, &c. may erect engines, water-works, &c. and houſes or coverings for the ſame.

ſuch convenient diſtance from the mouth thereof, as to the ſaid Commiſſioners ſhall (for the intents and purpoſes hereafter expreſſed) be thought fit: Upon which Ditch or Trench, or places near adjoyning thereunto, it ſhall and may be lawful to the ſaid Provoſt and Fellows, their Succeſſors, Deputies or Aſſigns, to erect, or cauſe to be erected certain Engines, Water-works or Water-wheels, As alſo houſes or coverings requiſite for the ſame, where by the aſſent of the ſaid Commiſſioners the ſame ſhall be agreed upon, to be no let or hinderance to the ordinary paſſage of Barges, Boats, or ſuch other Veſſels upon the ſaid River of Lee, and by and through the ſaid Ditch or Trench to carry and convey ſo much of the water of the ſaid main River, as by the ſaid Provoſt and Fellows, their Succeſſors, Deputies or Aſſigns, ſhall be thought requiſite and neceſſary to be uſed for the working or motions of the ſaid Engines or Water-wheels, and ſhall alſo by the ſaid Commiſſioners be thought to be no prejudice or hinderance to the ordinary paſſage of Barges, Boats, or ſuch other Veſſels upon the ſame River.

The Provoſt, &c. may dig for opening of Springs of freſh water and convey the ſame by trenches into a Pond.

And that it ſhall and may be lawful to and for the ſaid Provoſt and Fellows, their Succeſſors, Deputies and Aſſigns (in all places apt and convenient, within a convenient diſtance of the ſaid Engines or Water-Works) to dig for the taking and further opening of Springs of freſh water there found, or to be found on the Weſt ſide of the ſaid River, next unto the City of London, and the water of the ſaid Springs to carry and convey by and through certain little Gutters or Trenches, or Pots or Pipes under the ground, into one Pit, Pond, or head of convenient largeneſſe to be made by the ſaid Provoſt and Fellows, their Succeſſors, Deputies or Aſſigns, in ſome place apt for the ſame.

The Provoſt, &c. may convey in pipes under the ground from the water-works unto the City and Suburbs of London, the ſame water.

And that it ſhall and may be lawful to and for the ſaid Provoſt and Fellows, their Succeſſors, Deputies and Aſſignes, having by art and ſleight of Engines and Water-works, or by any other means or device raiſed the water of the ſaid Springs, and ſo much of the water there running in the ſaid Ditch or Trench, as ſhall be thought neceſſary, to ſuch height, and into ſuch place, pond, head or receit (as to them ſhall ſeem in that behalf requiſite) to convey and carry the ſame in cloſe Pipes under ground, from the ſaid Water-works, and the ſaid other places of receit, unto the City of London and the Suburbs thereof, for the perpetual maintenance and ſuſtentation of the ſaid Provoſt and Fellows, and their Succeſſors, by the Rent to be made of the ſaid waters conveyed as aforeſaid.

The Provoſt, &c. may dig and open the ground, for laying of pipes, and making of Conduit-heads.

And that for the conveyance of the ſaid water, it ſhall and may be lawful to and for the ſaid Provoſt and Fellows, their Succeſſors, Deputies and Aſſigns, (in all places convenient between the ſaid Water-works, and the ſaid City of London) to dig, cut, and open the ground, to ſuch depth and bredth as ſhall be convenient for the laying in of the ſaid Pipes or Pots, through which the ſaid water ſhall paſſe, and for making little Conduit-heads for vents unto the ſame, for the better paſſage of the ſaid waters, And the ſame ground ſo opened for the purpoſe aforeſaid, (after the ſaid Pipes or Pots are laid in and placed) the ſaid Provoſt and Fellows, their Succeſſors, Deputies and Aſſigns, ſhall with Turfe, Earth, Gravel, or other materials, again fill up and cover.

The Provoſt, &c. ſhall have free paſſage through any ground, for the making and continual preſervation of the ſame works.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Provoſt and Fellows, their Succeſſors, Deputies and Aſſigns, from time to time, and at all times convenient, with their Men, Horſes, Carts, or other Carriages, to have free entry and paſſage, by, over, or through any ground or land, in places, and at times meet and convenient, for the doing and performing of any thing requiſite, for the making of the ſaid ſeveral paſſages of waters, or for the doing of any other act or thing concerning the ſame, authoriſed by this Act, as alſo for the continual preſervation and reparation of the ſaid works, as often as need ſhall require.

Commiſſioners ſhall be appointed to ſet down the rates of the damages which each perſon ſhall ſuſtain, and the recompence for the ſame.

And be it further enacted by the authority aforeſaid, That the Lord Chancellor or Lord Keeper of the great Seal of England for the time being (by Commiſſion under the great Seal of England, at the requeſts and charges of the ſaid Provoſt and Fellows, their Succeſſors, Subſtitutes and Deputies, or upon the Complaint or Petition of any perſon or perſons, whom it may concern) ſhall nominate, appoint and authoriſe, by Commiſſion or Commiſſions, under the great Seal of England, ſeven diſcreet and ſufficient perſons, whereof two ſhall be Juſtices of Peace of the County of Middleſex, and two of the City of London, and three others, at the choice and appointment of the ſaid Lord Chancellor, or Lord Keeper, every of the ſaid perſons having Lands and Tenements of the clear yearly value of forty pounds at the leaſt: Which ſaid ſeven perſons, or any four or more of them, ſhall have power to order and ſet down what rate or rates, ſum or ſums of money ſhall be payed by the ſaid Provoſt and Fellows (as well for ſatisfaction and recompence of damages, in making the fore-recited works, or any thing belonging to the ſame, as alſo for any manner of damages to be ſuſtained in the mending or reparation thereof, from time to time, or any other coſts or charges ſuſtained by reaſon of the ſame) to the Lords, Owners and Occupiers of the ground and ſoyl, or to others intereſted in the ſaid River or Waters, for which compoſition is to be made by the intent of this Act, if the parties cannot of themſelves agree, and in what manner the ſame ſhall be paid.

The parties remedy to recover the recompence aſſeſſed.

And that for the recovery of ſuch money as ſhall be ſo ordered and ſet down by the ſaid Commiſſioners, or any four or more of them, the party or parties to whom the ſaid money ſhall be due and payable, by the true intent of the ſaid order, ſhall or may recover the ſame, together with the reaſonable coſts and damages for the forbearance thereof, againſt the ſaid Provoſt and Fellows, by action of Debt, Bill or Plaint, in any his Majeſties Courts at Weſtminſter, wherein no Eſſoine or Protection ſhall be allowed.

Certain places exempt through the which the water is not to be conveyed.

Provided alwayes, and it is further enacted by this preſent Parliament, and by the authority of the ſame, That the ſaid water ſhall not be conveyed through the Houſe, Garden or Orchard of any perſon or perſons, or through any part thereof, or through any Corn Fields, while the Corn is growing or ſtanding in the ſame, without the conſent firſt had of the Owners and Occupiers of the ſaid houſes, gardens, orchards, and corn fields.

CAP. X.

The penalty for an offence committed againſt any of the branches of the Statutes 1 Jac. 9. or 4 Jac. 5. touching Ale-houſe-keepers and Drunkards.

The penalty for any offence committed againſt the ſtat. 1 Jac. 9. and 4 Jac. 5.

VVhereas, notwithſtanding all former laws and proviſions already made, the inordinate and extream vice of exceſſive drinking and drunkenneſſe doth more and more abound, to the great offence of Almighty God, and the waſtful deſtruction of Gods good creatures: Be it enacted by the authority of this preſent Parliament, That if any perſon being an Alehouſe-keeper (after ſix weeks next enſuing this preſent Seſſion of Parliament) ſhall be lawfully convicted for any offence or offences committed againſt any of the branches of two former Acts of Parliament, made ſithence the beginning of this preſent Parliament; the one entituled, An Act to reſtrain the inordinate haunting and tipling in Innes, Alehouſes, and other Victualling-houſes: the other entituled, An act againſt the odious and loathſome ſin of drunkenneſſe, That then every perſon or perſons ſo convicted, ſhall for the ſpace of three years next enſuing the ſaid conviction, be utterly diſabled to keep any ſuch Alehouſe.

21 Jac. 7.

CAP. XI.

The penalty for killing of Pheaſants or Partridges at undue times, or by undue means.

1 Jac. 27.

VVhereas in the firſt Seſſion of this preſent Parliament there was a good Law made amongſt other things for the preſervation of the game of Pheaſants and Partridges, which hath not yielded that good ſucceſſe, as was by the ſame law hoped for and intended, through diſorderly and unſeaſonable hawking, whereby great quantity of corn and grain hath been, and is not only uncharitably ſpoiled and deſtroyed, but great numbers of Pheaſants and Partridges thereby killed and ſpoyled, before they be either fit to be hawked at, or to be uſed for food or diet.

For the preventing of both which inconveniences and miſchiefs, Be it enacted by the authority of this preſent Parliament, That all and every perſon or perſons whatſoever, which at any time after the end of this preſent Seſſion of Parliament doth, or ſhall hawk at, deſtroy, or kill any Pheaſant or Pheaſants, Partridge or Partridges, with any kind of Hawk or Hawks, Dog or Dogs, by colour of hawking, between the firſt of July and the laſt day of Auguſt, And the ſame offence or offences being proved by the confeſſion of the party, or by the teſtimony of two ſufficient witneſſes upon oath, before two or more Juſtices of the peace of the ſaid County, City or Town corporate wherein the offence ſhall be committed, or the party offending apprehended, ſhall be by the ſaid Juſtices of the peace for every ſuch offence committed to the common Gaol of the ſaid County, City or Town corporate, where the offence ſhall be committed, or the parties apprehended, there to remain for one whole moneth without bail or mainpriſe, unleſſe that the ſaid offendor do, or ſhall forthwith upon the ſaid conviction pay, or cauſe to be paid to the Church-wardens of the ſaid pariſh, or unto the Overſeers of the poor, or ſome of them, where the ſaid offence ſhall be committed, or the party apprehended, to the uſe of the poor of the ſame pariſh, the ſum of forty ſhillings for every ſuch hawking at any pheaſant or partridge, and twenty ſhillings for every ſuch pheaſant or partridge, which any and every ſuch perſon and perſons ſo offending and convicted (as aforeſaid) by himſelf, his hawk or hawks, dog or dogs, ſhall take, kill or deſtroy, contrary to the true purport, intent and meaning of this preſent ſtatute.

The penalty for killing of any Pheaſant or Partridge by hawking between the firſt day of July and the laſt of Auguſt.

Provided alwaies, and be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall be at any time hereafter convicted and puniſhed by vertue of this law, That then the party ſo puniſhed ſhall not for the ſame offence be eftſoons called in queſtion, and puniſhed by vertue of any other law touching or concerning the like offence.

He that is puniſhed by this law, ſhall be excuſed for any other.

Provided alſo, That no offendors ſhall be impeached or puniſhed by vertue of this act, unleſſe he or they be accuſed as delinquent, before the ſaid Juſtices of peace, within ſix moneths next after the ſaid offence or offences committed or done.

Within what time an offendor ſhall be accuſed.

And whereas by a proviſo in the ſaid ſtatute contained, it is provided, That it ſhall and may be lawful to and for every perſon and perſons, which have or ſhall have free Warren, and to and for every Lord of a manor, and to every Freeholder, which is or ſhall be ſeiſed in his own right, or in the right of his wife, of lands, tenements or hereditaments, to the cleere yeerly value of ten pounds or more by the yeere, over and above all charges and repriſes, of ſome eſtate of inheritance, or of lands, tenements or hereditaments, in his own right, or in the right of his Wife, for terme of life or lives, of the yearly value of thirty pounds over and above all charges and repriſes, or be, or which ſhall be worth in goods or chattels two hundred pounds by him or themſelves, or by his or their menial ſervants (ſufficiently authoriſed from his or their Maſter for that purpoſe) to take pheaſants and partidges (in the day time onely) with nets in and upon his and their own or his or their Maſters free Warren, Manor and Freehold, or on any part of them, betwixt the feaſt of S. Michael the Archangel, and the feaſt of the Birth of our Lord God yearly, Any thing in this ſaid law to the contrary notwithſtanding: By colour of which liberty ſo given by the ſaid proviſo, it is found by experience, that the ſaid games of pheſants and partridges have been, and ſtill are likely to be much ſpoyled and deſtroyed by many mean Tenants and Freeholders, againſt the will of the Lords or owners of Inheritance of the ſaid lands and tenements,

A repeal of a branch of the ſtat. of 1 Jac. 27. allowing certain perſons to take pheaſants and partridges.

Be it therefore enacted by the authority aforeſaid, That the ſaid proviſo, and every clauſe article and thing therein contained, ſhall be from the end of this preſent Seſſion of Parliament utterly repealed, fruſtrate and made void: Any thing in the ſaid proviſo contained to the contrary notwithſtanding.

Who may take pheaſants and partridges, where and when.

And that it ſhall and may be lawful for every perſon or perſons, which have or ſhall have free Warren, and to and for every Lord of a manor, and to and for every freeholder, which is or ſhall be ſeized in his own right, or in the right of his wife, of lands, tenements, and hereditaments, to the clear yearly value of forty pounds, or more, by the year, over and above all charges and repriſes, of ſome eſtate of inheritance, or of lands, tenements, and hereditaments, in his own right, or in the right of his wife, for term of life or lives, of the yearly value of fourſcore pounds over and above all charges and repriſes, or which ſhall be worth in goods or chattels four hundred pounds, by him or themſelves, or by his or their menial and houſhold ſervants (ſufficiently authorized from his or their Maſter for that purpoſe) to take pheſants and partridges (in the day time only) in and upon his and their own, or his and their Maſters free Warren, Manor and Freehold, as aforeſaid, or on any part of them, betwixt the feaſt of S. Michael the Archangel, and the Birth of our Lord God yearly: any thing in the ſaid law before mentioned to the contrary notwithſtanding.

The penalty for taking any pheaſants or partridges with ſetting-dogs, nets, &c.

And whereas the ſaid games of pheſants and partridges are exceſſively ſpoyled and deſtroyed by baſe perſons, of bad and mean condition making a trade and living of the ſpoyling and deſtroying of the ſaid games, who are not of ſufficiency to pay any penalty in any former ſtatute mentioned, nor to anſwer the coſts and charges of any that ſhould inform and proſecute againſt them in any of his Majeſties Courts: By reaſon whereof, and for that the ſaid offendors are hardly diſcovered, and ſeldom or never found offending in the preſence of divers witneſſes, ſo that it is very hard to convict them by the teſtimony of more witneſſes then one, by reaſon that they ſpoyl and deſtroy the ſaid games ſecretly, and for the moſt part in the night time, and do carry ſuch pheaſants and partridges, as they ſo deſtroy likewiſe by night, to Cities and Market Towns to be ſold: Be it therefore further enacted by the authority aforeſaid, That all and every perſon or perſons, which from and after the firſt day of September next, ſhall take, kill, or deſtroy any pheaſant or partridge, with ſetting-dogs and nets, or otherwiſe with any manner of nets, ſnares or engines: And the ſame offence or offences being proved by the confeſſion of the party, or by the teſtimony of one ſufficient witneſſe upon oath, before two or more Juſtices of the peace of the ſame County, City or Town corporate, wherein the offence ſhall be committed, or the party offending apprehended, ſhall be by the ſaid Juſtices of peace, for every ſuch offence committed to the common Gaol of the ſaid County, City or Town corporate where the offence ſhall be committed, or the party apprehended, there to remain three moneths without bail or mainpriſe, unleſſe that the ſaid offendor ſhall forthwith pay, or cauſe to be paid to the Church-wardens or Overſeers of the poor of the ſaid pariſh where the ſaid offence ſhall be committed, the ſum of twenty ſhillings for every pheaſant or partridge, which any and every ſuch perſon or perſons ſo offending, ſhall take, kill or deſtroy as aforeſaid, contrary to the purport and true meaning of this ſtatute, and further to become bound by recogniſance, in the ſum of twenty pounds to his Majeſty, his heirs and ſucceſſors, with condition that he the ſaid party ſo offending, ſhall not at any time thereafter, take, kill or deſtroy any pheaſant or partridge: which ſaid Recogniſance ſhall be taken by any one or more Juſtices of peace of the ſaid County, City or Town corporate, where the ſaid offence ſhall be committed, as aforeſaid, and ſhall be returned to the then next Quarter-Seſſions, and there to remain of record, as other Recogniſances taken for the peace.

Officers may ſearch the houſes of perſons ſuſpected to offend.

And be it further enacted, That every Conſtable and Headborough, in every County, City, Town corporate, and other place where they ſhall be ſworn Officers, ſhall and may by vertue of this preſent Act, (bringing with them to that purpoſe a lawful Warrant under the hands of two Juſtices of the peace of the County, City, Liberties, or Town corporate) have full power and authority to enter into, and ſearch the houſe or houſes of any perſon or perſons (other then ſuch as by this preſent act are allowed to take pheaſants and partridges, with Nets as aforeſaid) being ſuſpected to have any ſetting-dogs or nets, for the taking of pheaſants and partridges, and whereſoever they find any ſuch ſetting-dogs or nets, the ſame to take, carry away, and detain, kill, deſtroy, and cut in pieces, as things prohibited by this Act, and forfeited to ſuch of the ſaid Officers as ſhall find out and take the ſame, as aforeſaid.

Continuance of this Act.

This Law to continue unto the end of the firſt Seſſion of the next Parliament, and no longer. 3 Car. 4 Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XII.

In what caſe a Tradeſmans Shop-book ſhall be no evidence to recover a Debt.

In what caſe a Tradeſmans Shop-book ſhall be no evidence to recover a debt.

Whereas divers men of Trades, and handy-craftſ-men keeping Shop-books, do demand debts of their Cuſtomers upon their Shop-books long time after the ſame hath been due, And when as they have ſuppoſed the particulars and certainty of the wares delivered to be forgotten, then either they themſelves or their ſervants have inſerted into their ſaid Shop-books, divers other wares ſuppoſed to be delivered to the ſame parties, or to their uſe, which in truth never were delivered, and this of purpoſe to increaſe by ſuch undue means the ſaid debt: And whereas divers of the ſaid Tradeſmen and Handy-craftſ-men, having received all the juſt debt due upon their ſaid Shop-books, do oftentimes leave the ſame Books uncroſſed, or any way diſcharged, ſo as the Debtors, their executors or adminiſtrators, are often by ſuit of Law enforced to pay the ſame debts again to the party that truſted the ſaid wares, or to his executors or adminiſtrators, unleſſe he or they can produce ſufficient proof by writing or witneſſes of the ſaid payment, that may countervail the credit of the ſaid Shop-books, which few or none can do in any long time after the ſaid payment: Be it therefore enacted by the authority of this preſent Parliament, That no Tradeſ-man, or Handy-crafts-man keeping a Shop-book, as is aforeſaid, his or their executors or adminiſtrators, ſhall after the Feaſt of Saint Michael the Archangel next coming, be allowed, admitted or received to give his Shop-book in evidence in any action for any money due for wares hereafter to be delivered, or for work hereafter to be done above one year before the ſame action brought, except he or they, their executors or adminiſtrators ſhall have obtained or gotten a Bill of Debt, or Obligation of the Debtor for the ſaid debt, or ſhall have brought or purſued againſt the ſaid Debtor, his executors or adminiſtrators ſome action for the ſaid debt, wares or work done within one year next after the ſame wares delivered, money due for wares delivered, or work done.

Intercourſe of traffique between Merchants.

Provided alwayes, That this Act or any thing therein contained, ſhall not extend to any intercourſe of traffique, merchandizing, buying, ſelling, or other trading, or dealing for wares delivered or to be delivered, money due, or work done, or to be done, between Merchant and Merchant, Merchant and Tradeſ-man, or between Tradeſman and Tradeſman, for any thing directly falling within the circuit or compaſſe of their mutual Trades and Merchandize: But that for ſuch things only, they and every of them ſhall be in caſe as if this Act had never been made, any thing herein contained to the contrary thereof notwithſtanding.

The continuance of this Act.

This Act to continue to the end of the firſt Seſſion of the next Parliament, and no longer. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament. 38 El. 35. 5 El. 6.

CAP. XIII.

The forfeiture for hunting or killing of Deer in a Park, &c.

3 Jac. 13.

WHereas queſtion and doubt hath grown and riſen upon the expoſition of a ſtatute made in the ſecond Seſſion of this preſent Parliament, entituled, An Act againſt unlawful hunting and ſtealing of Deer and Conies, for that in the body of the ſaid Act, all unlawful hunting, driving or chaſing out, or taking, killing or ſlaying any Deer or Conies within any the parks, places or grounds in the ſaid ſtatute mentioned, againſt the will, mind or pleaſure of the owners, occupiers or poſſeſſioners of the ſame (as well by day as by night) is prohibited and made penal in ſuch manner and form, as in and by the ſaid ſtatute it doth and may more plainly appear: and yet by a Proviſo in the ſaid ſtatute contained, it is enacted, That the ſaid Act, nor any thing therein contained, ſhould extend to any offence or offences concerning the hunting, chaſing or killing of Deer or Conies, which ſhould be done or committed in the day time here, but only to ſuch offences as ſhould be then after done or committed in the night time only: any thing in the ſaid Act contained to the contrary notwithſtanding.

A repeal of ſo much of a proviſo contained in the ſtat. of 3 Jac. 13. as concerneth the hunting of Deer.

For the explanation of which doubt and queſtion, and for that it is found by experience, that malefactors of that kinde have been much encouraged to chaſe, hunt, kill, and deſtroy Deere in the day time by colour of the ſaid Proviſo, whereby many Deere, as well in the Parks of our Soveraign Lord the King, as of many his Highneſſe loving ſubjects have been and are ſtill like to be unlawfully and riotouſly chaſed, hunted and deſtroyed by many idle, looſe, and diſorderly perſons: Be it therefore enacted by the authority of this preſent Parliament, That from and after the feaſt of S. James the Apoſtle next enſuing, ſo much of the ſaid Proviſo in the ſaid ſtatute contained, as concerneth the hunting, chaſing out, or killing of Deere only, ſhall be repealed, fruſtrated and made void: Any thing in the ſaid Proviſo of the ſaid act contained to the contrary thereof in any wiſe notwithſtanding.

And whereas it was by the ſaid former ſtatute, amongſt other things enacted, that if any perſon or perſons, did or ſhould wrongfully or unlawfully hunt, chaſe or drive out, or take, kill or ſlay any Deere within any Park, or other place in the ſaid ſtatute mentioned, againſt the will, minde, or pleaſure of the owners, occupiers or poſſeſſioners of the ſame, that then every ſuch perſon ſo offending ſhould ſatisfie and pay unto the party grieved, his treble damages, in ſuch manner and forme as in the ſaid ſtatute is mentioned: By reaſon of the uncertainty whereof, few or no offendors have been diſcouraged in their ſaid huntings, drivings chaſings out, taking, killing or ſlaying of Deere.

The forfeiture for hunting or killing Deer in a park or incloſed ground.

For remedy whereof, Be it further by the authority of this preſent Parliament enacted, That if any perſon or perſons from and after the feaſt of S. James the Apoſtle, next comming after the end of this preſent Seſſion of Parliament, ſhall willingly commit any the offences in the ſaid ſtatute mentioned, concerning the unlawful chaſing out, hunting, driving, taking, killing or ſlaying of Deere in any Park or incloſed ground, which now is or hereafter ſhall be made or uſed for Deere, againſt the will, minde or pleaſure of the owners, occupiers or poſſeſſioners or keepers of the ſame: That then all and every ſuch perſon and perſons ſo offending, ſhall for every ſuch offence pay and ſatisfie unto the party grieved the ſumme of ten pounds of currant money of England, or elſe treble damages and coſts, at the election of the party grieved: The ſame to be recovered in ſuch manner and form, as in and by the ſaid ſtatute is limited and appointed for the recovery, taxing or aſſeſſing of the ſaid treble damages. Any thing in the ſaid ſtatute, or in this preſent act contained to the contrary notwithſtanding.

The continuance of this Act.

This law to continue unto the end of the firſt Seſſion of the next Parliament. 3. Car. 4 continued unto the end of the firſt Seſſion of the next Parliament.

CAP. XIV.

No Stranger ſhall buy Engliſh Hornes unwrought in London, &c.

4 Ed. 4. 8.

IN all humble manner ſhewen and beſeechen your moſt excellent Majeſty, the Wardens and men of occupation of Horners of the Citie of London, that whereas in the Parliament holden at Weſtminſter in the fourth year of the reign of King Edward the fourth, grievous complaint was made by men of the occupation of Horners, being infranchiſed in the Citie of London, how that the people of ſtrange Lands hath come into this Land, and into divers parts thereof, and hath bought by the hands of their Hoſts and Guides, the great and chief ſtuff of Engliſh horns unwrought of Tanners and Butchers, and carry the ſame over the ſea, and there imploy the ſame in divers works to the great damage of this Land, and to the final prejudice of a great number of men, being of the occupation of Horners.

No ſtranger ſhall buy any Engliſh horns unwrought in London, or within 24 miles compaſs thereof.

The Wardens of Horners may ſearch for inſufficient ware.

After Engliſh men have choſen hornes, ſtrangers may buy the reſidue.

1 Jac. 25.

It pleaſed the Kings Majeſty by the advice and aſſent of the Lords Spiritual and Temporall in that Parliament aſſembled, and at the requeſt of the Commons of the ſame, and by the authority of the ſame Parliament, to ordain, eſtabliſh, and enact, That from the feaſt of Eaſter, which then ſhould be in the yeere of our LORD GOD, One thouſand four hundred ſixty five, that no Stranger, nor Alien, by himſelfe or by any other ſhould buy any Engliſh hornes unwrought, of any Tanners, Butchers, or of any other perſons, gathered or growing within the ſaid Citie, or four and twenty miles on every ſide of the ſaid Citie next adjoyning: And that no Engliſh man, nor other perſon, ſhould ſell any Engliſh horns unwrought to any ſtrangers, or cauſe them to be ſent over the ſea, ſo that the ſaid Horners would buy the ſaid hornes at like price, as they were at the time of the making of the ſaid Act, upon pain of forfeiture of all ſuch horns ſo bought, ſold, or ſent: And that the Wardens of the ſaid Myſtery for the time being, by the ſaid authority, ſhould have full power to ſearch all manner of ware pertaining to their Myſtery, wrought or to be wrought, in all places within the ſaid Citie of London, and four aud twenty miles on every ſide next adjoyning to the ſame Citie and within the Fairs of Sturbridge and Ely, in whoſe hands they might be found: And if they by their ſearch finde any ſuch ware or ſtuffe in any place within the the ſaid Citie of London, and four and twenty miles next adjoyning to the ſame Citie, or within the Faires of Sturbridge and Ely, in whoſe hands ſoever they be to ſell, that was defective and inſufficient, it ſhould be lawful to them to take the ſame ware and ſtuffe, and bring it before the Mayor of the ſaid Citie of London, the Mayors or Bayliffs of the aforeſaid Faires, for the time being, and the ſame there being proved defective, to be forfeit, the one halfe thereof to our Soveraign Lord the King, and the other half to the ſaid Wardens to be ordered at their pleaſure. In which ſaid act it is provided, that after that men of the ſaid occupation within this Land have taken out and choſen ſuch and as many hornes as ſhould be needfull to their occupation, That then it ſhould be lawful to them all, and to every of them, and other perſons of this Realm of England, to ſell and deliver all the hornes refuſed, which be not able to be occupied in their Myſtery, to any ſtranger or other perſon, to ſend or carry beyond the Sea, or elſe-where, as ſhould pleaſe them: The which act in the Parliament holden at Weſtminſter in the firſt year of your Highneſſe reign, was wholly repealed and made void.

The complaint that ſtrangers do buy Engliſh hornes unwrought.

Part of the ſtat. of 4 Ed. 4. 8. revived touching horns.

Foraſmuch as ſince the repealing of the ſaid Act, ſtrangers and aliens by the hands of divers of their Factors, Servants, and dealers for them have and do (as before the making of the ſaid ſtatute of Edward the fourth they did, that is) daily buy up, and procure unto themſelves the great and chief ſtuff of Engliſh horns unwrought of Tanners and Butchers, and otherwiſe, and do daily convey and carry them beyond the ſeas, and there make them into divers workes, whereby many Houſe-holders of your Majeſties ſubjects, that lived and maintained their Families, and paid Subſidies, and other Duties to your Highneſſe, by the benefit of their labour in working the ſaid hornes, having no other trade, or means by labour to maintaine and keep themſelves, their wives and children, the company being greatly increaſed, and the ſtuffe altogether in a manner tranſported, occaſioneth ſuch a decreaſe of the ware, as hereby the Company is grown ſo poor and decayed, as in ſhort time, if remedy be not provided, they and theirs be utterly undone: And alſo by the repealing of the ſaid act, the wardens of the ſaid Horners of the ſaid City of London are diſabled to ſearch the wares belonging to their ſaid Craft, as well within the ſaid Citie, as in other places in the ſaid act mentioned, and have loſt their government in their Company, Therefore pleaſeth it your Highneſſe, that it may be enacted by your moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act and every part and point thereof (Except power of ſearch within the Faires of Sturbridge and Ely, and except the limitation of ſuch prices for hornes as they were to be had for, at the making of the ſaid act) ſhall be revived, and be of like force power and vertue from henceforth, as if the ſame had not been repealed.

None ſhall ſell Engliſh horns unwrought to a Stranger.

And be it further enacted by the authority aforeſaid, That no perſon or perſons whatſoever ſhall ſell any Engliſh hornes unwrought to any ſtranger, or ſend any Engliſh horns unwrought over the ſea, contrary to the true meaning of the ſaid act, upon pain of forfeiture of double the value of the hornes ſo by him or them ſo ſold or ſent, The ſame forfeiture to be recovered by him or them that will ſue for the ſame by action of debt, bill, plaint or information, in any of the Kings Majeſties Courts of Record, the one moiety hereof to be to the Kings Majeſties his heirs and ſucceſſors, and the other moiety to him or them that will ſue for the ſame: In which ſuit no protection, priviledge or wager of Law to be admitted for the defendant.

CAP. XV.

What Debts onely may be aſſigned to the King.

What debts only may be aſſined to the King.

VVHereas it is conceived that ſome manor of aſſignment of debts, if they ſhould be made to his Majeſtie, his heirs and ſucceſſors, the ſame would be inconvenient: His Majeſty therefore is well pleaſed, that it be enacted, And be it enacted by authority of this preſent Parliament, That no debt ſhall at any time after the firſt day of July, which ſhall be in the yeere of our LORD GOD, One thouſand ſix hundred and ten, be aſſigned to the Kings Majeſty, his heirs and ſucceſſors, by or from any Debtor or Accomptant to his Majeſty, his heirs or ſucceſſors, other then ſuch debtors as did before grow due originally to the K. debtor or accomptant bona fide. And that all grants and aſſignments of debts to the Kings Majeſty, his heirs or ſucceſſors, which from and after the ſaid firſt day of July ſhall be had or made contrary to the true intent of this act, ſhall be void, and of no force: Any law, cuſtome, priviledge or thing to the contrary in any wiſe notwithſtanding.

CAP. XVI.

Certain courſe Cloth made in the North, which ſhall not be ſearched or ſealed, no Cuſtome or Aulnage paid for them.

The effect of the Stat. of 9 H. 4. touching Kendal Cloth.

WHereas by a Statute made in the ninth year of the late King Henry the fourth it was enacted, That no Cloth called Kendals (whereof the dozen paſſeth not vi. s. viii. d.) ſhould be ſealed with the Kings Seal, nor Aulnage great nor little to be paid for the ſame: And that the owners might freely ſell the ſaid clothes not ſealed, without forfeiting any thing to the King for the ſame, notwithſtanding any Statute or Ordinance to the contrary: Sithence the making of which Statute, the ſaid Kendals, and other courſe things of like nature, and made of the like courſe Wooll, and differing in name only, called Cogware, courſe Cottons, and Carptmeals, have been made in ſuch ſort, as the parties which made the ſame were able, and as beſt might pleaſe the buyer, without being limited to any certain weight, or to any aſſize of length or breadth, and were never ſearched nor ſealed with any Seal, nor ſubject to any penalty for the not ſealing thereof with any Seal, nor any Subſidy nor Aulnage paid for the ſame, until of late that certain evil diſpoſed perſons, contrary to the true meaning of the ſaid law, have by colour of a late Statute made in the nine and thirtieth year of the Reign of the late Queen Elizabeth, entituled, An Act againſt the deceitful ſtretching and tentering of Northern cloth, endeavoured to make the ſaid Cogware, Kendals, Carptmeales, and courſe Cottons, ſubject to ſearch, and have demanded for the ſame divers ſeveral ſums of money for the Seal of the Collector of the Subſidy and Aulnage, to the great vexation and trouble of the ſaid poor people.

39 Eliz. 20.

Certain courſe cloths made in the North parts which ſhall not be ſearched nor ſealed.

Be it therefore enacted by the Kings moſt excellent Majeſty, with the conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That from henceforth all Cogware, Kendals, courſe Cottons and Carptmeales, which are or hereafter ſhall be made within the ſaid Counties of Cumberland and Weſtmerland, or within the ſaid Towns and Pariſhes of Carptmeale, Hawkeſhed and Broughton, in the ſaid County of Lancaſter, whereof the dozen ſhall not exceed the rate and price of xiii. s. iiii. d. ſhall be made in ſuch ſort as may beſt pleaſe the buyer: and ſhall not be ſearched nor ſealed with any of the Kings Seals, nor with any other Seal, nor any Subſidy or Aulnage, great or little paid for the ſame: But that the owners of ſuch Cogwares, Kendals, courſe Cottons, and Carptmeales may freely ſell the ſame not ſealed, as they have been accuſtomed, without forfeiting any thing to the King for the ſame: Any law or ſtatute, or any branch or clauſe of any law or ſtatute heretofore made to the contrary notwithſtanding.

CAP. XVII.

There ſhall be no burning of Ling, Heath, &c. in certain Counties, in Summer. EXP.

CAP. XVIII.

All perſons within Devon and Cornwal may fetch Sea ſand for the manuring of their Land.

Sea ſand is profitable for the bettering of land.

WHereas the Sea ſand by long tryal and experience hath been found to be very profitable for the bettering of land, and eſpecially for the encreaſe of corn and tillage within the Counties of Devon and Cornwal, where the moſt part of the Inhabitants have not commonly uſed any other worth, for the bettering of their arable grounds and paſtures: Notwithſtanding divers having lands adjoyning to the Sea-Coaſts there, have of late interrupted the Bargemen, and ſuch others as have uſed at their free wills and pleaſures to fetch the ſaid Sea ſand, to take the ſame under the full Sea mark, as they have heretofore uſed to do, unleſs they make compoſition with them at ſuch rates as they themſelves ſet down, though they have very ſmall or no damage or loſſe thereby, to the great decay and hinderance of husbandry and tillage within the ſaid Counties: Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for all perſons whatſoever, reſiant and dwelling within the ſaid Counties of Devon and Cornwal, to fetch and take ſea ſand at all places under the full Sea mark, where the ſame is or ſhall be caſt by the Sea, for the bettering of their land, and for the encreaſe of Corn and Tillage, at their wills and pleaſures.

All perſons within Devon and Cornwal may fetch ſea ſand for the bettering of their Land.

Boatmen may fetch ſea ſand, and caſt it out of their Boats where it hath been uſed to be landed, and carry the ſame through uſual wayes.

And that it ſhall and may be alſo lawful to and for all Bargemen and Boatmen, and all other carriers of Sea ſand of the ſaid Counties, that ſhall fetch or take ſand as aforeſaid, at ſuch places as ſand hath at any time within the ſpace of fifty years laſt paſt been uſed by ſuch Bargemen and Boatmen, to be landed and caſt, and alſo to fetch and carry the ſame by and through ſuch wayes as now be, and by the ſpace of twenty years laſt paſt, have been uſed for the carrying and fetching thereof, paying for the taking, caſting out, and landing of every Barge-load, Boat-load, or ſack of the ſaid Sand, upon the grounds of any man, ſuch duties as heretofore within the ſaid time of fifty years, have been uſed and accuſtomed to be paid for the ſame, and for paſſage by and through the ſaid wayes, ſuch duties as have uſually been paid by the ſpace of twenty years, and in ſuch manner and form as the ſame within the ſaid ſeveral times have reſpectively been uſed and accuſtomed to be paid. And in ſuch places where certain uſual duties have not been paid, but certain compoſitions have from time to time been made by agreement with the owners of the ſoyl there, to yield ſuch reaſonable compoſitions, as by agreement with the ſaid owners ſhall from time to time be made.

The continuance of this Act.

This Act to continue until the end of the firſt Seſſion of the next Parliament. 3 Car. 4. continued unto the end of the firſt Seſſion of the next Parliament.

CAP.

CAP. XIX.

An Act for the continuance and repair of a new built Weare upon the River of Exe, near unto the City of Exeter.

There was an ancient Weare of Timber upon the River of Exe called Callibere.

IN moſt humble wiſe ſhewen to your moſt excellent Majeſty, your true and faithful Subjects, the Mayor, Bayliffs, and Commonalty of your City of Exeter, That whereas the ſaid Mayor, Bayliffs, and Commonalty were ſeiſed in their demeſne as of Fee, of and in one ancient Weare made of Timber and of Wood, called or commonly known by the name of Callibere Weare ſtanding upon the River of Exe, and near to the ſaid City: Which Weare conveyed ſufficient water from the ſaid river, as well to all or moſt part of the Grieſt Mills and fulling Mills belonging to the ſaid City, as alſo unto all the Dyers, and unto many Bakers, Brewers, Fullers, Tuckers, Sheermen, and other Artificers dwelling near unto, or upon ſuch ſtreams of Water, as were by means of the ſaid Weare conducted and brought unto them: By reaſon whereof the Inhabitants of your Highneſs ſaid City were very much relieved by the grinding of their corn at the ſaid Mills, and furthered exceedingly in their Arts or Trades of Dying, Baking, Brewing, Fulling, Tucking, and ſuch like.

The old Weare was decayed by the Froſt.

But the ſaid Weare (about the feaſt of the Birth of our Lord God laſt was two years) with an unuſual and extraordinary great Froſt was foundred or decayed in the foundation, and afterwards violently torn, rent, broken into pieces, and carried quite away, to the great hinderance of many hundreds of Artificers and poor people, whoſe whole eſtate and maintenance depended upon the continual uſe of the ſame ſtreams of water, and to the exceeding trouble and hinderance of the Eſtate of all your Majeſties ſaid City, by reaſon that the Inhabitants thereof were inforced not only to grind all their corn, but alſo to tuck and full all their cloth for the ſpace of four moneths at the leaſt at other Mills in the Countrey far from the ſaid City:

A new Weare is built of ſtone overthwart the River of Exe.

For remedy whereof, the ſaid Mayor, Bayliffs, and Commonalty were reſolved to erect and build again a new Weare in the ſame place, but could not poſſibly effect the ſame, for that the ſaid River, (having wholly paſſed with much violence through the ſaid breach) had made ſuch a depth of water there, that a ſound and perfect foundation for a Weare could not poſſibly be laid. Whereupon the ſaid Mayor, Bayliffs, and Commonalty (ſpeedily to prevent the ruine and decay of the Inhabitants of your Majeſties ſaid City) were enforced to make a new Weare of ſtone overthwart the River, about the ſpace of four hundred foot above the place where the former Weare did ſtand, and alſo to cut a new Milleate or Trench, for the conveyance of the ſaid water to the ſaid Mills, through a main and ſtrong rock. For the making of which ſaid Weare and Milleat, the ſaid Mayor, Bayliffs and Commonalty, were to their great charge enforced to beſtow and expend the ſum of Two thouſand marks and more.

A foreſight to prevent damage that might enſue to others.

In doing whereof, the ſaid Mayor, Bayliffs, and Commonalty were very provident and careful by all poſſible means and devices to prevent all hurt and damage which might thereby enſue to any. Nevertheleſs, foraſmuch as ſince the erecting, building and making the ſaid Weare and Milleate, certain perſons (being Landlords, Owners, Farmors or Tenants of certain lands, ſome adjoyning unto, and ſome not far diſtant from the ſaid Weare and Milleate) do pretend that by erecting the ſaid new Weare, their grounds are ſometimes (more then heretofore) overflown, when by reaſon of much rain the ſaid River of Exe doth exceed his ordinary greatneſſe, and do therefore threaten to ſue and implead the ſaid Mayor, Bayliffs, and Commonalty in the Law, for erecting and making the ſaid new Weare where it now ſtandeth, and of the ſaid new Milleate, Or otherwiſe to break it open at thoſe places whereunto the ſaid new Weare is annexed, and where the ſaid new Milleate runneth, which if they they ſhould indeed do, then the whole eſtate of the ſaid Citie would be thereby much decayed, and many now uſing and maintaining themſelves and their Families by the ſaid Arts and Trades, ſhould be brought to extream poverty.

Neceſſity requireth that the new Weare ſhall be maintained, and juſtice that recompence ſhall be made to loſers thereby.

And although as yet there be not, nor in appearance is like to be in future times any great damage or loſſe unto and of the ſaid Landlords, Owners, Farmors or Tenants more then in time paſt was by the ſaid former Weare: Yet becauſe the continuance and maintenance of the ſame new Weare and Milleate is of ſo great moment to the welfare of the ſaid Citie, as without which the ſame cannot well ſubſiſt, And that it ſtandeth with the rule of equity and Juſtice, that thoſe which receive ſo great benefit by the ſame, ſhould yeeld competent and ſufficient recompence to any perſon whomſoever, receiving or ſuſtaining any loſſe or detriment thereby, be the ſame never ſo ſmall, whereunto the ſaid Mayor, Bailiffs, and Commonalty do right humbly, and with all willingneſſe ſubmit themſelves:

The new Weare ſhall ſtand for ever, without diſturbance or ſuit.

May it therefore pleaſe your moſt excellent Majeſty, of your moſt noble and abundant Grace, by and with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority thereof, that it may be enacted, And be it enacted by the authority aforeſaid, that the ſaid Weare and new Milleate, and every part of the ſame, ſhall (alwaies from henceforth) ſtand, bee and remaine, where now they are, without any removing, let or diſturbance, or any ſuit or action to be brought by any perſon or perſons whatſoever. And that it ſhall and may be lawful to and for the ſaid Mayor, Bailiffs, and Commonalty, and their ſucceſſors, from time to time, and at all times for ever hereafter, to have free entry and paſſage, to and from the ſaid new Weare and Milleate, by, in and through all places convenient, for and with their ſervants, workmen, horſes, carts, carriages, and other neceſſaries for the repairing, preſerving and amending the ſame.

A mean to recompence them that be dammified by the new Weare.

And for ſatisfaction and recompence to be given to ſuch perſous, which now are, or hereafter ſhall or may be dammified by the erecting of the ſaid new Weare, or by any occaſion of the reparation thereof, or by making the ſaid Milleate more then in former times they have been by the ſaid ancient Weare: Be it therefore enacted, that in default of agreement and compoſition between the ſaid Mayor, Bailiffs, Commonalty, and the party or parties pretending to be ſo damnified thereby, upon complaint of any ſuch party or parties, unto the Juſtices of Aſſiſe, for the county of Devon for the time being, in that behalfe made, the ſaid Juſtices, or ſuch ſubſtantial and indifferent perſons, as by them in their diſcretions (calling the ſaid parties before them and hearing their exceptions to the perſons to be ſo nominated) ſhall be deputed or aſſigned, may either in the ſaid County and City of Exceter, or in the County of Devon, by oath examine all and every ſuch witneſſe and witneſſes, as either on the part and behalfe of ſuch Landlord, owner, farmor or tenant, or on the part and behalf of the ſaid Mayor, Bailiffs, and Commonalty, ſhall be produced before them, for the proofe of any ſuch loſſe, hindrance or damage, or for the diſproof thereof: And thereupon (from time to time) ſhall or may order and award, to the party or parties ſo grieved (if any ſuch ſhall be) either by the year or otherwiſe, ſuch ſufficient recompence: with neceſſary and reaſonable coſts in that behalfe ſuſtained, to be by the ſaid Mayor, Bailiffs, and Commonalty, and their ſucceſſors payd to him or them in money, as in their wiſdoms and diſcretions ſhal be thought fit and convenient.

Each perſons remedy to recover the money awarded to him.

And likewiſe that by the ſaid authority it may be further enacted, And be it enacted, that for the ſumme or ſummes of money ſo to be awarded to be paid, it may be lawful to and for the ſaid party or parties ſo grieved (upon refuſal of payment) to diſtraine in any of the lands and tenements belonging to the ſaid Mayor, Bailiffs, and Commonalty, or to ſue the ſaid Mayor, Bailiffs and Commonalty, and their ſucceſſors for the ſame by any action or actions of debt, in any of the Courts of Records of your Higeneſſe, your heirs or ſucceſſors: In which no eſſoine ſhall be admitted and allowed.

If the old Weare were raiſed whereby grounds were overflown.

Provided alwaies, and be it enacted by the authority aforeſaid, That if the ſaid old Weare have of late within the ſpace of five years laſt paſt, been raiſed higher then the ſame was in antient times, by means of which heightning or raiſing, the ſaid grounds of ſuch Landlords, owners, Farmors, or tenants, have been within the ſaid ſpace of five yeeres laſt paſt, more overflown then uſually before ſuch raiſing, or heightning of any ſuch Weare they were wont to be, That then the ſaid Juſtices of Aſſiſe, or ſuch as ſhall be by them ſo appointed ſhall by examination of witneſſes by oath, as aforeſaid, further enquire what damage or loſſe did grow by ſuch raiſing or heightning of the ſaid old Weare, unto the ſaid Landlords, owners, farmors or tenants, more then they ſuſtained by the ſaid old Weare before ſuch raiſing thereof: And whether any the like damage do ſtill continue, by the ſaid new erected Weare. And if it ſhall appear or be ſo proved to them, then they ſhall further give and allow ſuch recompence for ſuch loſſe and damage ſo continuing by reaſon of the ſaid new Weare, and in ſuch ſort as is by this Act formerly expreſſed.

CAP. XX.

A meane to recover a great quantity of ground lately ſurrounded in Norfolk and Suffolke by the ſea, and to prevent the like.

The King by his Office and good diſpoſition hath care of this Realme.

VVhereas the Kings moſt excellent Majeſty as well by his Kingly Office, as of his gracious diſpoſition, hath charge and continual care of the good eſtate of his Highneſſe Realme of England, and the preſervation of the ſame, and every part thereof againſt all damages and devaſtation: and whereas there is a part of the ſea ſhore, lying between the Townes of great Yarmouth and Happisborow in the ſaid County of Norfolke, the cliffes and higher grounds whereof, lying between the ſea and the Inlands thereabout, have laine ſo low and flat, and are of earth and ſand, ſo eaſily waſhed and worne away, as they have not been ſufficient to defend and keep out the ſea, but that ſometimes it hath broken in and hath alſo much worne away the ſame cliffes and higher grounds: And now of late ſuch have been the extraordinary force and rage of the ſea upon that part of the ſaid coaſt of Norfolke, that no uſuall diligence or means have been ſufficient to withſtand the violence thereof, but within ſix moneths now laſt paſt, it hath broken down and waſhed away the the cliffs and higher grounds there, ſuch as they were, and lade them flat and level with the ſaid Inlands, and made breaches ſo wide, that the ſea hath broken in at every tide, and with every ſea winde, into the very heart and body as well of the ſaid County of Norffolke, as into ſome parts of the ſaid County of Suffolke, adjoyning, which lie ſubject to the ſaid overflowes, and hath decayed, ſurrounded and drowned up much hard grounds, beſides the greateſt part of the mariſhes and low grounds within the townes and pariſhes hereafter mentioned (the ſame containing many thouſand acres) upon which a great part of the wealth of the ſaid counties doth depend, being grounds of themſelves very rich, and without which the Upland ſpecially of the County of Norfolke, being of themſelves for the moſt part very dry and barren cannot ſo well be husbanded or imployed: And by means alſo of the ſaid overflowes of the ſalt water, the fiſhings of the rivers, creeks, and other places there adjoyning (whereof there was great plenty, and whereby many poor men were maintained, and the markets ſerved with freſh fiſh) are greatly decayed: which ſaid breaches, as they are happened very ſuddenly, and will require a preſent and great charge to repair and make them fenſable againſt the Sea: ſo is it to be feared, that in time to come, further miſchief may follow by other breaches, or inlarging of thoſe preſently made, within the limits aforeſaid, if mature remedy be not provided, and God of his mercy ſtop not the ſame: Which charge is already ſo great, as the parties intereſſed in the ſaid lands and grounds already drowned and ſurrounded, are not able to ſuſtain the burthen thereof.

The ſeverall hurts which the Sea hath done of late by overflowing in the Counties of Norfolk and Suffolk.

The names of the Towns and Pariſhes annoyed or endangered by the Sea.

And whereas all or ſome part of the Mariſhes, low and flat grounds of the townes and pariſhes hereafter named and ſome part of the arable, paſture and upland of the ſame are already by new breaches and waſhing and breaking down of the cliffes and higher grounds, lying between the ſea and the Inlands, within the limits aforeſaid, greatly annoyed, and generally endangered, or like to be endangered, That is to ſay, the Towns and Pariſhes of Waxtoneſham, Palling, Eccles, Hempſted, Ingham, Hickling, Horſey, Potter, Higham,

Catfield, Ludham, Winterton, Eaſt Somerton, Weſt Somerton, Martham, Baſtwicke, Repps, Thurne, Oby, Clippesbey, Bilockby, Wood, Baſtickborung, Ranworth, South walſham, Upton, Fiſhley, Acle, Caſtor S. Edmunds, Caſtor Maltbey, Rimham, Herringby Borough, Stokesby, Burton, Horſtead, Wroxham, Sallowes, Hoſton, Below, Coitſel, Hobbins, Lammas, Netiſhead, Barton, Sutton, Stalham, Tunſtel, Halbergate, Wickhampton, Thorp, Redham, Limpenhow, Cantley, Haſingham, Buckenham Ferry, Strumſel, Brundel, Poſtwick, Thorne juxta Norwich, Curlton, Norton, Hardley, Langley, Carleton, Claxton, Rockland, Surlingham, Bramerton, Wicklingham, Crowſe, Carrow, Haddeſtow, Whiteacre Borough, Whiteacre Abbey, Gellingham, in the ſaid County of Norffolke: And Gorleſton, Gapton, Bradwell, Borough Caſtle, Berkleſſe, Basham, Worlingham, Belton, Fretton, S. Toolies, alias S. Olives, Herringfleet, Somerly Town, Shepton, Owlton, Kirkely, and Barkeley, in the ſaid county of Suffolke.

A commiſſion ſhall be awarded to enquire of, prevent and reform defaults.

For remedy therefore of ſo great and general calamity, May it pleaſe his moſt excellent Majeſty, at the moſt humble petition of a great number of the Inhabitants of the ſaid Counties of Norffolke and Suffolke that it may be enacted, and be it enacted by the Kings moſt excellent Majeſty, by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the Lord Chancellor of England, or Lord keeper of the great Seal of England, for the time being, ſhall from time to time, upon ſuit made unto him in that behalf, award Commiſſions under the great Seal of England, to the L. Biſhop of the Dioceſſe of Norwich for the time being and to any eleven or more Juſtices of the peace of the ſaid county of Norffolke, and ſix or more Juſtices of the peace of the ſaid County of Suffolk, as to him ſhall ſeem good. And if there ſhall then be no Biſhop of the ſaid Dioceſſe, then to ſuch other as aforeſaid only after ſuch tenor and effect as hereafter followeth, that is to ſay.

The form of the Commiſſion.

REX &c. Reverendo in Chriſto Patri, A. Epiſcopo Norwicenſi, necnon A. B. C. D. ſalutem. SCIATIS, quod aſſignavimus vos & quoſlibet ſex, ſive plures veſtrum, ad omnia et ſingula ſupervidenda, perluſtranda, mandanda, facienda, performanda, exequenda, & peragenda, in quodam actu in Parliamento Domini JACOBI, Dei Gratia, Regis Angliæ, &c. nono die Februarii, anno regni ſui Angliæ, Franciæ, & Hiberniæ ſeptimo, & Scotiæ quadrageſimo tertio per diverſas prorogationes, apud Weſtmonaſterium tento, edito, intitulato: An Act for the ſpeedy recovery of many thouſand acres of marſh grounds, and other grounds within the Counties of Norfolk and Suffolk, lately ſurrounded by the Sea in divers parts of the ſaid Counties, and for the prevention of the danger of like ſurrounding hereafter, ſpecificata, ſecundum tenorem, vim, formam, effectum, & veram intentionem ejuſdem actus: In cujus rei teſtimonium, &c. Teſte, &c.

The Commiſſioners authority.

And be it enacted by the authority of this preſent Parliament, That the ſame Commiſſioners to whom ſuch Commiſſion ſhall be directed, or any ſix or more of them by vertue of the ſame Commiſſion, and of this preſent act ſhall have full power and authority to view, ſee and ſurvey the ſaid lands and grounds ſo ſurrounded, decayed and overflown, within the aforeſaid Towns and Pariſhes in the ſaid Counties of Norfolk and Suffolk, or either of them, and the places and breaches between the ſaid towns of great Yarmouth and Happiſborough aforeſaid, where the ſaid overflowings, breaches or decayes are now happened, or ſhall or may hereafter happen, as alſo all other places of danger within the limits aforeſaid, where the like breaches and decayes hereafter ſhall or may happen, and to enquire by the oaths of good and lawful men of the ſaid County or Counties, as well within liberties as without, and by their own view and judgment, as by all other good ways and means, whereby the truth may be diſcerned or known, if any certain perſon or perſons ought to ſuſtain or repair the ſame, and by whoſe default, or by what means the ſaid breaches, decayes and overflowings of the Sea have happened, and who hath or holdeth any Lands, Meadowes, Marſhes or low grounds, common of paſture, profit of fiſhing, or any other benefit or commodity in the Towns and Pariſhes aforeſaid, wherein he or they by the ſaid breaches, decayes and overflowings already made, or by any other breaches, decayes or overflowings hereafter to be made by any manner of means hath already received, or may, or are like at any time hereafter to receive any loſſe, prejudice, hurt or damage.

To enquire by whoſe default the overflowings happened, and who ought to repair them.

To taxe the perſons and lands chargeable.

And all thoſe perſons and every of them, and the ſaid Lands, Meadowes, Marſhes, low grounds, or other the premiſſes lying within any the pariſhes or towns aforeſaid ſubject to overflowings, danger or decay as aforeſaid, to taxe, rate, aſſeſſe and charge with ſuch ſum or ſums of Money, as well for the preſent repair of the ſaid breaches and decayes already made, and hereafter to be made, as for the recovery, defending and draining of the lands, grounds and levels by the ſame now, or hereafter drowned, decayed, ſurrounded or annoyed, or in danger to be drowned, decayed, ſurrounded or annoyed: As alſo for the making and erecting, keeping and maintaining of Peers, Walls, Jetts, Piles, Strengths, Fortifications, Defences, and other things whatſoever, to withſtand and break the rage and violent beating of the Sea, thereby to prevent the like breaches, decayes and overflowings hereafter, or for all or any of the ſaid purpoſes, in ſuch ſort as to them, or any ſix or more of them in their diſcretions ſhall be thought fit and neceſſary, having reſpect in proportioning of the taxing or aſſeſſing as aforeſaid, as well to the then preſent loſſe and danger, as to the future loſſe and danger, that the ſame perſon or perſons, ground or grounds, and other the premiſſes did, ſhall and may ſuſtain and bear, by reaſon of the ſaid breaches, decayes and overflowings.

Appointing of Officers to execute that which ſhall be needful.

And that the ſaid Commiſſioners, or any ſix or more of them, ſhall and may make and appoint diligent and faithful Surveyors, Collectors, Receivers, Treaſurers, Expenditors, Bayliffs, and ſuch other Miniſters and Officers, as they ſhall think fit, to ſurvey the ſaid works, and to levy, receive and lay out the Money to be levied and expended in and about the ſame, and to do and execute whatſoever ſhall be needful and expedient to be done therein, according to the direction and orders to be from time to time preſcribed by the ſaid Commiſſioners, or any ſix or more of them, as aforeſaid. And alſo within the ſaid Counties of Norfolk and Suffolk, or either of them (except in that part of the ſaid County of Norfolk, commonly Marſhland, and the hundred of Frebridge in Marſhland) to take Workmen, Labourers, Carts and Carriages, Timber, Wood, and all other ſtuff and neceſſaries, for the perfecting and performance of the ſaid works, for reaſonable wages and prices to be ſet by the Commiſſioners, or any ſix or more of them, according to their good diſcretions.

To take workmen and ſtuffe for the performance of the ſaid work.

Provided alwayes, That they ſhall not take any Timber or Wood of any Trees growing or being in or about any Orchard or Gardens, or within two furlongs of the ſite of any Manſion or dwelling houſe, whereunto it belongs,

And alſo that it ſhall and may be lawful to the ſaid Commiſſioners, or any ſix or more of them, by warrant under their, or any ſix or more of their hands and ſeals, to commit to the common Gaol of the ſaid County reſpectively, all ſuch workmen and labourers, and owners or poſſeſſors of Carts, Horſes or Carriages, as being commanded or required by warrant from the ſaid Commiſſioners, or any ſix or more of them, to work or ſerve in the ſaid works, having ſuch convenient and reaſonable hire and wages, as ſhall be ſet by the ſaid Commiſſioners, or any ſix or more of them, paid or tendered unto them as aforeſaid. And likewiſe all ſuch as ſhall reſiſt or withſtand the taking of any Timber, Wood, or other ſtuffe or neceſſaries appointed as aforeſaid, to be taken for the effecting and performing of the ſaid works, having ſuch convenient and reaſonable prices as ſhall be ſet by the ſaid Commiſſioners, or any ſix or more of them, paid or tendered to them as aforeſaid, there to remain by the ſpace of two moneths without bail or mainpriſe: And alſo to puniſh the ſaid Workmen and Labourers, owners and poſſeſſors of Carts, Horſes and Carriages, and reſiſters and withſtanders, to take ſtuffe, Wood or Timber for refuſing, or not doing, or withſtanding as aforeſaid, by impoſing upon them or any of them, ſuch reaſonable and competent fines or amerciaments as the ſaid Commiſſioners, or any ſix or more of them ſhall in their wiſdome think fit: Which Fines and Amerciaments ſhall by authority hereof be levied by diſtreſſe and ſale of the goods of ſuch offendor; and for default thereof, he or they to be by warrant under the hands and ſeals of the ſaid Commiſſioners, or any ſix or more of them, committed to the common Gaol of the ſaid County, there to remain untill they ſhall pay the ſame.

And be it likewiſe enacted by the Kings Majeſty, by the aſſent of the Lords Spiritual and Temporal, aand the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That it ſhall and may be lawful for the ſaid Commiſſioners, or any ſix or more of them, as aforeſaid, by Warrant under their hands and ſeals, to give authority to any perſon or perſons, to levy the ſaid ſums of Money by them from time to time to be aſſeſed upon the ſaid perſons, or upon the ſaid Lands, Meadows, Marſhes, low grounds, or other the premiſſes charged or chargeable with the ſame, by diſtreſſe and ſale of the goods of ſuch perſon or perſons that ſhall not pay, or refuſe to pay the ſame, and the overplus of the value ariſing upon ſuch ſale, ſhall reſtore to the ſaid Owner of the ſame. And in default of ſuch diſtreſſe to be taken and ſold, it ſhall and may be lawful to the ſaid Commiſſioners, or any ſix or more of them, as aforeſaid, to commit him or them ſo not paying, or refuſing to pay the ſame, to the common Gaol of the ſaid County, there to remain without bail or mainpriſe, untill they ſhall willingly pay the ſaid ſum or ſums of Money ſo taxed, rated or aſſeſſed by him or them to be paid as aforeſaid.

The Commiſſioners may authorize others to levy the money aſſeſſed.

Impriſonment for default of diſtreſſe.

Provided alſo, and be it enacted by the authority aforeſaid, That if it ſhall happen, that any the ſaid grounds or other things ſo drowned, decayed or indamaged, or in danger to be drowned, decayed or indamaged by the ſaid decayes and breaches paſt or to come, ſhall be in the hands of Leſſees or Farmors under a rent, That then in ſuch caſes, what part ſoever of the charge ſhall be ſet upon the perſons, to whom ſuch rents ſhall be to be paid, or upon the rents ſo held in Farm or Leaſe, if the ſame be levied upon the Occupier, Farmor or Leſſee, he ſhall or may retain ſo much of his ſaid rent in ſatisfaction thereof, as by the ſaid Commiſſioners, or any ſix or more of them in writing under their hands and ſeals, ſhall in their diſcretions be ſet down and declared, having reſpect unto the length or ſhortneſſe of his terme, and the great or ſmall rent that he is to pay for the ſame: which retainer ſhall be a ſufficient diſcharge againſt the ſaid Leſſors, and every of them, their heirs, ſucceſſors and aſſigns, for and concerning the ſame rent that ſhall be ſo retained, and of and for all other pains, penalties and forfeitures, for not payment thereof.

If the Leſſee of the Land charged do pay the ſum taxed, how much thereof he may abate of the Leſſors Rent.

Provided alwayes, That the ſaid Leſſees, Farmors, and every of them, ſhall pay and ſatisfie the reſidue which ſhall not be retained by vertue of this Act, and order of the ſaid Commiſſioners under ſuch pains, penalties, and forfeitures, as they ſhould or ought to have paid the ſame, as if this Act or any ſuch Order had not been had or made.

And be it further enacted by the authority aforeſaid, That the ſaid Commiſſioners, or any ſix or more of them, ſhall have power and authority, by vertue of this preſent Act, from time to time to make, declare, and ſet down Lawes, Ordinances, Decrees, and proviſions, for the ſafeguard, preſervation, and ſafe keeping of the cliffes and high grounds, lying between the Sea and the ſaid Inlands, within the limits aforeſaid, from the rage and violence of the Sea, and from the breaches, decayes, flowings and overflowings thereof, and for the defending, draining and drawing away of the Waters, that ſhall or may overflow or hurt the Lands, Paſtures, or Mariſhes in the Towns and Pariſhes aforeſaid, or any of them: And the ſaid Lawes, Ordinances, Decrees, and Proviſions, from time to time, to repeal, reform, amend, as occaſion ſhall ſerve and require. Which Lawes, Ordinances, Decrees and Proviſions, ſo made and declared (ſo long as they ſhall remain in force) ſhall be well and truly obſerved, performed and kept, by all ſuch whom they ſhall concern, or to whom they ſhall appertain. And that the ſaid Commiſſioners, or any ſix or more of them, ſhall

The Commiſſioners may make Orders for the preſervation of the grounds, and alſo amend the ſame.

and may ſet and impoſe ſuch reaſonable and competent pains, penalties and forfeitures, upon ſuch perſon and perſons, as ſhall willingly or wilfully break, or not obey, obſerve and perform the ſaid Lawes, Ordinances, Decrees and Proviſions, as they ſhall think convenient. And that the ſaid pains, penalties and forfeitures ſo ſet and impoſed, ſhall be levied by diſtreſſe, and ſale of any of the offendors goods, or impriſonment in ſuch ſort as any other ſum or ſums of Money, leviable by this Act, ſhall or may be had or levied, and that the ſurpluſage ariſing of ſuch ſales ſhall be reſtored to the owner.

How the penalties and forfeitures ſhall be imployed.

Allowance to Commiſſioners and other Officers for their pains.

Provided alwayes, That all and ſingular fines, pains, penalties, forfeitures, and ſums of Money to be ſet, impoſed, paid or levied by vertue of this act, ſhall be employed in and about the making, repairing, fortifying and ſtrengthening of the ſaid cliffes and higher grounds, lying between the Sea and the ſaid Inlands, within the limits aforeſaid, and for the draining of the waters which ſhall flow into the ſaid Lands, Paſtures and Mariſhes in the Towns and Pariſhes aforeſaid, and to none other uſe whatſoever. Saving that it ſhall be lawful to the ſaid Commiſſioners, or any ſix or more of them, out of the ſame to allow to every of themſelves, for every day that they ſhall ſit or travel about the execution of the premiſſes, the ſum of four ſhillings apiece: And to the Collectors, Surveyors, Receivers, Treaſurers, Expenditors, Bayliffs, and other Officers and Miniſters, which ſhall be imployed in and about the premiſſes, ſuch reaſonable allowance, as to the ſaid Commiſſioners, or any ſix or more of them, in their diſcretions ſhall be thought neceſſary.

The Commiſſioners may aſſeſs the Kings Farmors of any lands to be contributed.

The Commiſſioners Decrees ſhall bind the King and all other perſons lands.

And it is further ordained and enacted by the authority aforeſaid, That the ſaid Commiſſioners, or any ſix or more of them, ſhall and may Rate, Taxe, and Aſſeſſe all ſuch perſon and perſons, as be Tenants, Farmors, or Occupiers of any Manors, Lands or Tenements, Commons, or other profits or hereditaments of our Soveraign Lord the King, his Heirs or Succeſſors, within the towns and pariſhes aforeſaid, to pay and contribute, for and towards the Jetties, Walls, and other the premiſſes aforeſaid, as far as any other, according to their good diſcretions. And that the ſaid Lawes, Ordinances, Decrees, Orders and Proviſions to be made and ordained by the ſaid Commiſſioners, or any ſix or more of them, in or about any thing, touching or concerning the premiſſes, ſhall bind as well the Lands, Tenements, and Hereditaments of our ſaid Soveraign Lord the King, his Heirs and Succeſſors, and his and their Tenants, Farmors and Leſſees as aforeſaid, as all and every other perſon and perſons, and their heirs, for ſuch their intereſt, as they ſhall fortune to have in any lands, tenements, hereditaments, or other profit, advantage, or commodity whatſoever they ſhall be; whereunto the ſaid Lawes, Ordinances, Decrees, Orders, and Proviſions ſhall in any ſort extend, according to the true purport, meaning and intent thereof.

A remedy where the party taxed hath not ſufficient goods, nor his body can be found within that county.

In what caſe the Commiſſioners may ſell or let to farm the land of the party taxed.

And be it further enacted by the authority aforeſaid, That in caſe where any Warrant or Precept ſhall be made or directed to any Officer or Miniſter, to levy the ſaid ſums of Money, of any the ſaid perſon or perſons aforeſaid, or to take his or their body or bodies, or both of them, as the caſe ſhall require: if ſuch Officer or Miniſter ſhall make return to the ſaid Commiſſioners, or any ſix or more of them, that there are not found goods ſufficient of the perſon or perſons who ſhall be taxed or charged, or whoſe Lands, Meadows, Marſhes, or other the premiſſes, ſhall be rated, taxed, or aſſeſſed with the payment of any ſum of Money as aforeſaid, by diſtreſſe and ſale whereof the ſaid ſums of Money to be taxed, rated and aſſeſſed, may be levied in ſuch of the ſaid Counties of Norfolk or Suffolk, wherein the Grounds, Meadowes, Mariſhes, or other the premiſſes, for or in reſpect whereof ſuch taxe or charge ſhall be made, ſhall lie or be, nor that the body of ſuch perſon or perſons can be found in that County, then the ſaid Commiſſioners, or any ſix or more of them, ſhall and may from time to time make Warrants under their hands and ſeals, unto the Sheriffs of the ſaid Counties of Norfolk or Suffolk, on which the ſaid Lands, Meadowes, Paſtures, or other the premiſſes, for or in reſpect whereof the ſaid taxe or charge was made as aforeſaid, to be directed, thereby commanding the ſaid Sheriff in the next County Court to be holden after the delivery of ſuch Warrant, openly by Proclamation to call ſuch perſon or perſons, and to command him or them to render him or themſelves to the ſaid Sheriff. at or before the next County Court after ſuch Proclamation made to be holden, or at or before the ſaid next Court to deliver unto the ſaid Sheriff ſuch ſum or ſums of Money, as he or they ſhall be charged withal, or ought to pay as aforeſaid: and if the ſaid perſon or perſons ſhall after the ſaid Proclamation, and before the ſaid next County Court, pay the ſaid ſum or ſums of Money unto the ſaid Sheriff, then the ſaid Sheriff ſhall pay over the ſame unto the ſaid Commiſſioners, or any ſix or more of them: And if the ſaid perſon or perſons ſhall render him or themſelves before the next ſaid County Court, then the Sheriff ſhall keep and detain him or them in priſon, in the common Gaol of the ſaid County, in ſuch ſort as is before appointed by vertue of this Act, for not payment of any rate, taxe, or ſum of Money: And if the ſame perſon or perſons ſhall not upon ſuch Proclamation render him or themſelves, or deliver ſuch Sum or Sums of Money as aforeſaid, at or before the ſaid next County Court, That then in every ſuch caſe the ſaid Commiſſioners, or any ſix or more of them, ſhall from henceforth have full power and authority, and ſhall and may by vertue of this Act, ſell, grant, or demiſe, the Lands, Meadowes, Mariſhes, and other the premiſſes ſo rated, charged, taxed, or aſſeſſed with the payment of any ſum or ſums of Money as aforeſaid, or ſuch part thereof, and for ſuch eſtate, as to the ſame Commiſſioners, or any ſix or more of them, ſhall ſeem good, and for the beſt and higheſt prices that they can get for the ſame, to any perſon or perſons that wil buy or take the ſame, and to their heirs, or otherwiſe, by deed indented, to be made between the ſaid Commiſſioners, or any ſix or more of them, and the ſaid Purchaſers, and to be acknowledged and enrolled within the County where the ſaid Lands, Meadowes, Mariſhes, and other the premiſſes ſo to be ſold, granted or demiſed, do lie before two Juſtices of the peace of the ſaid county, whereof one to be of the Quorum, and the Clerk of the peace of the ſame county: Upon which ſaid ſale, grant or demiſe, the ſaid Commiſſioners, or any ſix or more of them, ſhall and may by vertue of this Act, take and retain to the uſes and for the purpoſes aforeſaid, ſo much as ſhall amount to the ſum and ſums that ſhall be rated, taxed, or aſſeſſed, and not paid as aforeſaid: And if there ſhall be any remain upon ſuch ſale, the ſame ſhall be reſtored to the owner and owners of the Lands ſo ſold, granted or demiſed: And that all and every ſuch ſale, grant and demiſe ſo made, ſhall be good and effectual to all and every purchaſer and purchaſers, his and their heirs and aſſigns, according to the purport and effect thereof: And the ſaid purchaſers, their heirs and aſſigns, ſhall and may by vertue thereof, and of this Act, have, hold and enjoy the ſame againſt the ſaid perſon and perſons, for whoſe default, neglect or offence, the ſame were ſold, granted or demiſed, and againſt his heirs, and againſt all and every perſon and perſons, that ſhall ſtand or be ſeiſed or poſſeſſed thereof to the uſe or behoof of ſuch perſon or perſons, or in truſt for them, or to the intent that the ſame ſhall remain, or be at the diſpoſal of the ſaid perſon or perſons.

A relief for the offendor paying the money aſſeſſed, and the penalties impoſed upon him.

Provided alwayes, That if the ſaid perſon or perſons, who ſhall have made ſuch default of payment, or rendring of him or themſelves, ſhall at any time before ſuch ſale made, pay or cauſe to be paid to the ſaid Commiſſioners, or any ſix or more of them, the ſaid ſums of Money, and all pains and penalties before that time, ſet or impoſed upon him or them by force of the ſaid Commiſſion, and of this Act, and then not paid or ſatisfied, That then it ſhall not be lawful for the ſaid Commiſſioners, or any of them, for or in reſpect of ſuch default, to make ſale of any of his or their ſaid lands or premiſſes: Any thing in this act contained to the contrary in any wiſe notwithſtanding. Saving to all other perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, executors and aſſigns, all ſuch right, title, eſtate, intereſt and demand, as they or any of them had, or ſhould or ought to have, of, in, to, or out of any ſuch Lands, Meadows, Mariſhes, and other the premiſſes ſo to be ſold, granted or demiſed, as aforeſaid, as if no ſuch ſale, grant or demiſe had ever been had or made: Any thing in this preſent Act contained to the contrary in any wiſe notwithſtanding.

A Saving of the right of others.

The Sheriffs of Norfolk and Suffolk ſhall return Juries before the Commiſſioners.

And be it further enacted by the authority aforeſaid, That the Sheriffs of the ſaid Counties of Norfolk and Suffolk, and either of them, ſhall cauſe to come before the ſaid Commiſſioners, or any ſix or more of them, at ſuch times and places as the ſaid Commiſſioners, or any ſix or more of them ſhall appoint, ſuch and ſo many good men of their ſeveral Bailiwikes, as well within liberties as without, to whom the truth may be beſt known, to enquire of the premiſſes mentioned in this Act; which men for their ſeveral defaults, ſhall loſe and forfeit ſuch iſſues and ſums of Money, not exceeding the ſum of ten ſhillings of lawful Money of England, for one default, as by the ſaid Commiſſioners, or any ſix or more of them, ſhall be ſet or impoſed upon them, which ſhall and may be levied by diſtreſſe and ſale of goods only, and for refuſing to make enquiry, and for other contempts, ſhall forfeit and loſe ſuch reaſonable fines and ſums of money, as by the ſaid Commiſſioners, or any ſix or more of them, ſhall be impoſed upon them, which ſhall and may be levied by diſtreſſe, ſale of goods and impriſonment, in ſuch manner and form, as by the levying of the ſums of money to be rated, taxed, or aſſeſſed, is before limited and appointed. And that all Sheriffs, Bailiffs, Officers and Miniſters whatſoever, of our ſaid Soveraign Lord the King, his heirs and ſucceſſors, within the Counties aforeſaid, as well within liberties as without, ſhall be from time to time attendant, aiding and aſſiſting to the ſaid Commiſſioners, and every ſix or more of them, for and concerning all ſuch things as ſhall concern their ſeveral Offices and places reſpectively, in or about the execution of all things contained in this Act: Upon pain to forfeit ſuch pains, penalties, fines and ſums of Money, as ſhall be ſet or impoſed upon them, or any of them, by the ſaid Commiſſioners, or any ſix or more of them, for or in reſpect of their or any of their contempts, miſdoings, or negligences in that behalf. Which ſaid pains, penalties, fines and ſums of Money, ſhall and may be levied by diſtreſſe, ſale of goods and impriſonment, as the ſaid ſums before mentioned, to be taxed, rated, or aſſeſſed, are appointed to be levied, and the ſaid iſſues, pains, penalties, fines and ſums of Money, ſet or impoſed upon the ſaid good men, Sheriffs, Bayliffs, Officers and other Miniſters, ſhall be imployed and diſpoſed of, in ſuch manner and form, as the ſaid ſums of Money to be taxed, rated, or aſſeſſed, are before appointed to be employed and diſpoſed of.

Iſſues forfeited by Jurors, and how they ſhall be levied.

All Sheriffs and Officers ſhall attend and aid the Commiſſioners.

How the iſſues and penalties ſhall be employed.

The Commiſſioners may take accompt of inferiour Officers.

And be it further enacted, ordained, and eſtabliſhed by the authority aforeſaid, That the ſaid Commiſſioners, or any ſix or more of them, ſhall have power and authority by force and vertue of this preſent Act, to call before them, or any ſix or more of them, the Collectors, Receivers, Treaſurers, Expenditors, Bayliffs, and other Officers and Miniſters, which ſhall be employed or have dealing in and about the ſaid works, or any other thing concerning this preſent act, or the execution thereof in any ſort, and to require and take of them, and every of them, accompts upon their Oaths, of all their, and every of their receipts, collections, payments, diſburſements, and other doings concerning the ſame. And if the ſaid Collectors, Receivers, Treaſurers, Expenditors, Bayliffs, or any other of the Officers and Miniſters aforeſaid, ſhall happen to be found in arrearages, either in moneys or materials received, or otherwiſe, That then in ſuch caſe they ſhall make payment, and give ſatisfaction in that behalf, according to ſuch order and direction, as by the ſaid Commiſſioners, or any ſix or more of them, in writing under their hands and ſeals ſhall be made and ſet down. And in default of performance thereof, ſuch Officers and Miniſters ſhall be by warrant under the hands and ſeals of the ſaid Commiſſioners, or any ſix or more of them, diſtrained by their goods and chattels, and the ſame to be ſold as aforeſaid; And in default of ſuch diſtreſs to be found, it ſhall be lawful for the ſaid Commiſſioners, or any ſix or more of them, to commit ſuch offendor or offendors to the common Gaol of the ſaid County, there to remain until they have paid all ſuch arrearages and ſums of money, and other things ſo found to be remaining in their hands, according to the order of the ſaid Commiſſioners, or any ſix or more of them, to be made as aforeſaid.

The remedy if any of the Officers do die before his accompt made, or the arrearages paid.

And be it further Enacted by the authority aforeſaid, That if any of the ſaid Collectors, Receivers, Treaſurers, or other Officers or Miniſters which ought to accompt, by the true meaning of this Act, ſhall die before his or their accompt ſhall be made as aforeſaid, that in every ſuch caſe the ſaid Commiſſioners, or any ſix or more of them, may call before them, or any ſix or more of them, the Executors and Adminiſtrators of ſuch Collectors, Receivers, Treaſurers, Expenditors, Bayliffs, and other Officers and Miniſters, and to require and take of them and every of them, accompts of all and every the ſaid receits, collections, payments, diſburſements, and other doings concerning the ſame: And if upon the ſame accounts any thing ſhall be found in arrearages, or if the ſaid Collectors, Receivers, Treaſurers, Bayliffs, or other Officers or Miniſters, having made his or their accompt ſhall die before ſuch time as the arrearages that ſhall be found upon the ſame accompt, ſhall be paid or ſatisfied, then in every ſuch caſe the ſaid arrearages, by warrant of the ſaid Commiſſioners, or any ſix or more of them, ſhall and may be levied by diſtreſs, and ſale of the goods and chattels that were the ſaid Collectors, Receivers, Treaſurers, Expenditors, Bayliffs, or other Officers or Miniſters, at the time of their ſeveral deaths: And if the ſaid Executors or Adminiſtrators, or any of them, ſhall have waſted the goods and chattels that were the ſaid Collectors, Receivers, Treaſurers, Expenditors, Bayliffs or other Officers or Miniſters, then ſo much of the ſaid arrearages, as the ſaid goods and chattels ſo waſted ſhall amount unto, ſhall and may be levied by diſtreſſe and ſale of the proper goods and chattels of the ſaid Executors or Adminiſtrators, as aforeſaid: and if the ſaid Executors or Adminiſtrators ſhall have no goods or chattels of their own in the ſaid Counties of Norfolk and Suffolk, or one of them, whereby the ſame arrearages may be levied as aforeſaid, Then it ſhall and may be lawful for the ſaid Commiſſioners, or any ſix or more of them, by warrant under the hands and ſeals of any ſix or more of them, to commit the ſame Executors or Adminiſtrators to the common Gaol of the ſaid Counties of Norfolk or Suffolk, there to remain without bail or mainpriſe, until they ſhall have paid and ſatisfied ſo much as the ſaid goods and chattels ſo waſted ſhall amount unto, according to the order of the ſaid Commiſſioners.

A remedy if the Executor or Adminiſtrators of an Accomptant have waſted his goods.

The puniſhment of an Accomptant that refuſeth to accompt.

And be it alſo Enacted by the authority aforeſaid, That if the ſaid Collectors, Receivers, Treaſurers, Bayliffs, Miniſters, or other Officers, their Executors, Adminiſtrators, or any of them, being required by the ſaid Commiſſioners, or any ſix or more of them, or by any other being thereunto authoriſed by warrant of the ſaid Commiſſioners, or any ſix or more of them, ſhall refuſe or neglect to render ſuch accompt as aforeſaid, then from time to time it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſix or more of them, under their hands and ſeals, to commit the perſon and perſons ſo refuſing or neglecting, to the common Gaol of the ſaid counties of Norfolk or Suffolk, there to remain without bail or mainpriſe, until he or they ſhall have made ſuch accompt as aforeſaid.

If any accomptant die owing money to theſe uſes, and alſo to other perſons the money received to this uſe ſhall be firſt paid.

And be it likewiſe enacted by the authority aforeſaid, That if the ſaid Collectors, Receivers, Treaſurers, Expenditors, Bayliffs, or other Officers or Miniſters, or any of them, ſhall die having any ſum or ſums of money, or other things in his or their hands, which ought to be employed in or about the works aforeſaid by vertue of this Act, and whereof he or they hath not or have not accompted, or having accompted, was found in arrearages, and any action or ſuit for any debt due by him or them, ſhall be proſecuted againſt the Executors or Adminiſtrators of them or any of them, before ſuch time as ſuch ſums of money and other things ſhall be ſatisfied and paid according to the true meaning of this Act, the ſame Executors or Adminiſtrators may plead, that the party deceaſed, whoſe Executors or Adminiſtrators they are, had in his hands at the time of his death ſuch ſums of money or ſuch things of a certain value, and ſhew how much, which ought to be employed according to this Act; And that the ſame are not accompted for, or are accompted for and not paid or anſwered for; And that over and above thoſe ſums they have no goods or chattels that were the ſaid perſons deceaſed, at the time of his death, or goods and chattels but of a certain value, not amounting to the ſum demanded, which plea ſhall be allowed good in Law, inaſmuch as the deceaſed was but a keeper of thoſe ſums and other things, and therefore the ſame ought not to be liable to his debts: And in caſe ſuch action or ſuit ſhall be commenced after payment and ſatisfaction of the ſaid ſums and other things by the ſaid Executors or Adminiſtrators, then the ſaid Executors or Adminiſtrators may plead that they have fully adminiſtred all the goods and chattels that were the ſaid perſons deceaſed; And that they have no goods or chattels, or no goods or chattels beſides ſuch goods and chattels of a certain value, not amounting to the ſum demanded, as their caſes ſhall reſpectively require, without ſhewing or alledging this Act, or any other particularity or circumſtance in that behalf: upon which pleas iſſue may be joyned, and upon trial of the ſame iſſue, the whole matter ſhall be given in evidence, on both parts, according to the very truth thereof: and if upon the ſame trial it ſhall be found, that the ſaid Executors or Adminiſtrators have paid ſuch ſums as aforeſaid, the ſame ſhall be allowed as a good and lawful adminiſtration: Or if it be found that they have no other goods and chattels than as aforeſaid, thereupon in ſuch caſes the ſaid Executors or Adminiſtrators ſhall have ſuch judgment, as in the like caſes upon trial of the like iſſues is accuſtomed by the ordinary courſe of the common law: Any debts of what kind ſoever that were owing by the ſaid perſons deceaſed notwithſtanding.

And be it further enacted, That if any Action or Treſpaſs, or other Suit, ſhall happen to be attempted, and brought againſt any perſon or perſons, for taking of any Diſtreſſe, making of any ſale, impriſoning of any perſon or perſons, or any other thing doing by authority of this preſent Act, the Defendant or Defendants in any ſuch Action or Suit, ſhall and may either plead not guilty, or otherwiſe make Avowry, Cogniſance or Juſtification, for the taking of the ſaid Diſtreſſes, making of ſale, impriſoning or other thing doing by vertue of this Act, alledging in ſuch Avowry, Cogniſance or Juſtification, that the ſaid diſtreſs, ſale, impriſonment, or other thing whereof the Plaintiff or Plaintiffs ſhall complain, was done by authority of this Act, and according to the tenor, purport, and effect of this Act, without any expreſſing or rehearſal of any other matter of circumſtance contained in this preſent Act, to which Avowry, Cogniſance or Juſtification, the Plaintiffs ſhall be admitted to reply, That the Defendant did take the ſaid diſtreſs, make the ſaid ſale or Impriſonment, or did any other Act ſuppoſed in his Declaration, of his own wrong, without any ſuch cauſe alledged by the ſaid Defendant, whereupon the iſſue in every ſuch Action ſhall be joyned, to be tryed by verdict of twelve men, and not otherwiſe, as is accuſtomed in other perſonal actions: And upon the tryal of that iſſue, the whole matter to be given on both parts in evidence, according to the very truth of the ſame, and after ſuch iſſue tried for the Defendant, or non-ſuit or diſcontinuance of the ſuit of the party Plaintiff after appearance, the ſame Defendant to recover treble damages, by reaſon of his wrongful vexation in that behalf, with his coſts alſo in that part ſuſtained, and that to be aſſeſſed by the ſame Jury, or writ to enquire of the damages, as the ſame ſhall require.

The Defendants plea in any ſuit commenced againſt him for a thing done by force of this Act.

Where the Defendant ſhall recover treble damages.

Provided always, and be it enacted by the authority aforeſaid, that when and as often as any Rate, Tax, Aſſeſſement or Charge, ſhall be made by vertue of the ſaid Commiſſion, and this Act or either of them, wherewith or whereby any Lands, Meadows, Marſhes, or other the premiſſes in the ſaid County of Suffolk, or any perſon or perſons, for or in reſpect of the ſame ſhall or ought to be charged, that in every ſuch caſe, one or more Commiſſioner or Commiſſioners of the ſaid County of Suffolk, ſhall be preſent at the time of the ſame taxing, aſſeſſing or charging, or ſhall have warning given unto him or them, or left for him or them at his or their dwelling-houſe or houſes, of the time and place, when and where the ſaid Commiſſioners ſhall meet and aſſemble, in and about the execution of this Act, or elſe the ſame Rate, Tax, Aſſeſſement and Charge, in, upon, or in reſpect of the ſaid Act, or elſe the ſame Rate, Tax, Aſſeſſement and Charge, in, upon, or in reſpect of the ſaid Lands, Meadows, Marſhes and Premiſſes in the ſaid County of Suffolk, ſhall be void and of none effect.

One Commiſſioner or more of the County of Suffolk ſhall be preſent when any land or perſon of that County ſhall be taxed.

This Act to continue during the term of ſeven years next enſuing the end of this preſent Seſſion of Parliament, and from thence to the end of the firſt Seſſion of the then next Parliament, and no longer: And that nevertheleſs, all things done and executed in the mean time by vertue of this, and of the ſaid Commiſſion, ſhall ſtand and remain in force and effect, and be juſtifiable, as if this Act had ſtill remained in force and continued. 3 Car. 4. Continued untill the end of the next Seſſion of Parliament.

Continuance of this Act.

CAP. XXI.

Certain of the Kings Copiholders Eſtates ſhall be confirmed by Decree.

Where the Kings moſt excellent Majeſty is given to underſtand, that divers of his good and loving Subjects, holding Lands, Tenements and Hereditaments, by copy of Court-Roll, of divers of his Majeſties Manors, are notwithſtanding ſubject to much queſtion and exception, either becauſe the ſaid Lands, Tenements, and Hereditaments were not perhaps originally parcels of the ſaid Manors, nor time out of mind, according to the ſtrict interpretation of Law, have been Copihold Lands or Tenements demiſed, or demiſable, by Copy of Court-Roll of the ſaid Manors: Or becauſe the Fines payable for admittances upon deſcents, ſurrenders, grants and alienations, of or to ſuch their Copihold Lands, Tenements and Hereditaments, and other their Uſages, Cuſtoms, Liberties and Priviledges concerning the ſame, are either uncertain, or not ſo plain, but that both for the preſent, and in future times, much trouble, loſs and diſquiet may ariſe and happen unto ſuch Copihold Tenants, which may alſo be a reaſon to diſcourage them in their endeavours, in improving and husbanding their ſaid Lands, which turns to the damage of the Commonwealth: And where his Majeſty taking knowledge of the premiſſes, and minding to do favour to all his loving Subjects in thoſe caſes, and to ſettle, eſtabliſh, and ſecure their Copihold Eſtates, according to the true meaning, hath been pleaſed, that the Lord high Treaſurer of England, and the Chancellors of his Highneſſe Courts of Excheque and Dutchy reſpectively, ſhould take order upon reaſonable compoſition to be made with his Majeſty, as to their wiſdoms ſhall ſeem fit, by ſuch Tenants to eſtabliſh their ſaid Copihold Eſtates by Decrees of the ſaid ſeveral Courts reſpectively according to true meaning: In performance of which his Majeſties gracious directions, divers Decrees of that nature have been already made, and others are intended from time to time to be made, upon ſuch compoſitions to be had with the Lord Treaſurer of England, and Chancellors of the Exchequer and Dutchy for the time being, for and on his Majeſties behalf as aforeſaid: Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all the Meſſuages, Cottages, Mills, Lands, Tenements and Hereditaments contained or mentioned in any Decree or Decrees, to be made in any the ſaid Courts of Excheque-Chamber or Dutchy, at any time ſince the firſt day of this preſent Seſſion of Parliament, or within three years from thence next enſuing, upon compoſitions made with his Majeſties ſaid Officers, on his Highneſs behalf as aforeſaid, and in and by the ſame decreed to be from thenceforth good and perfect Copihold Lands, ſhall from the time of ſuch Decree

The cauſes of the Kings copihold tenants be ſubject to queſtions.

The validity of Decrees made in the Exchequer-Chamber or Dutchy concerning the Kings copihold Lands.

or Decrees made, be taken and adjudged to be good and perfect Copyhold Lands, Tenements and Hereditaments, according to the true intent and meaning of the ſaid Decrees reſpectively: And that all and every perſon and perſons, ſhall and may have, hold, uſe, and enjoy the ſaid Meſſuages, Cottages, Mills, Lands, Tenements and Hereditaments, to them, their Heirs and Aſſigns for ever, by Copy of Court-Roll, or otherwiſe, according to the Cuſtoms of the ſaid Manors, ſeverally and reſpectively, according to the purport and effect of the ſaid Decrees, for ſuch Fines, Rents, Duties, and by, with, and according to ſuch Cuſtoms, Priviledges, Liberties, Profits and Commodities, and in ſuch manner and form, as in and by the ſaid Decrees, ſhall be limited and appointed.

Decrees made concerning the Kings Copyhold-tenants confirmed by Parliament.

And be it further enacted by the authority aforeſaid, That the ſaid Decrees, and every of them, and every Clauſe, Article, and Sentence in every of them to be contained, ſhall ſtand and be ratified, allowed, approved, and confirmed by the authority of this preſent Parliament: And that the ſame Decrees, and every of them ſhall ſtand and be of force, to bind and conclude, as well the Kings Majeſty, his Heirs and Succeſſors, as alſo all other parties to the ſame, their Heirs and Aſſigns, and all claiming, by, from, or under them, in all things, according to the purport, effect and true meaning of the ſame Decrees, and that every clauſe, article, and ſentence in them, or any of them to be contained for ever, from and after the making of the ſame Decrees, ſhall ſtand, be, and remain, and be adjudged and taken to ſtand and be of ſuch and the ſame force and effect to all intents and purpoſes, as if the ſame Decrees, and every of them, and every clauſe, article, and ſentence in them, and every of them to be contained, were ſpecially and particularly herein expreſſed, and by the authority of this preſent Parliament enacted: Saving nevertheleſſe to all and every perſon and perſons, bodies politick and corporate, their Heirs and Succeſſors (other than the Kings Highneſs, his Heirs and Succeſſors) all ſuch Actions, Eſtates, Poſſeſſions, Rights, Titles, Intereſts, Rents and Demands, Profits, Commodities and Advantages whatſoever, as they or any of them have, ſhall, may, or ought to have, of, in, to, or out of all, or any of the premiſſes, in ſuch and the ſame Eſtate, Decree, Plight, manner and form to all intents and purpoſes, as if this Act had never been had nor made.

A ſaving of the rights and actions of others.

CAP. XXII.

A Confirmation of a Subſidy granted by the Clergy to the King. EXP.

CAP. XXIII.

One Subſidy and one Fifteen granted to the King by the Temporalty. EXP.

CAP. XXIV.

A Confirmation of the Kings general and free Pardon, Except, &c. EXP.

Anno 18. Jacobi Regis.

CAP. I.

Three entire Subſidies granted by the Spiritualty. EXP.

CAP. II.

Two entire Subſidies granted by the Temporalty. EXP.

Anno Reg. JACOBI *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ,* viz. *Angliæ, Franc. & Hibern. viceſimo primo, & Scotiæ quinquageſimo ſeptimo.*

AT the Parliament begun and holden at Weſtminſter the nineteenth day of February, in the one and twentieth year of the Reign of our moſt gracious Soveraign Lord JAMES, by the Grace of God, of England, France, and Ireland, King, Defender of the Faith, &c. And of Scotland the ſeven and fiftieth; And there continued untill the nine and twentieth day of May following: And then prorogued untill the ſecond day of November, 1624. To the high pleaſure of Almighty God, and to the weal publick of this Realm, were enacted as followeth.

CAP. I.

The Statute of 39 Eliz. 5. made perpetual.

Co. Inſt. 1. p. 726.

WHereas in the Parliament held in the nine and thirtieth year of the Reign of the late Queen Elizabeth of happy memory, a good Law was made, intituled, An Act for erecting of Hoſpitals, or abiding and working Houſes for the Poor: but the power, licence, and authority given by the ſaid Statute, to erect, found and eſtabliſh ſuch houſes and abiding places, as are therein mentioned, was confined to the ſpace of twenty years then next enſuing, which ſaid time is now expired.

The ſtatute of 39 Eliz. 5. made perpetual.

Be it therefore enacted by the authority of this preſent Parliament, That the ſaid Act, and all things therein contained, ſhall from henceforth be revived and made perpetual to have continuance for ever.

The erection of all Hoſpitals, &c. ſince the expiration of 39 Eliz. 5. confirmed.

And be it alſo enacted, that all Hoſpitals, Meaſons de Dieu, and abiding places for poor, lame, maimed, and impotent people, or for houſes of Correction, at any time ſince the ſaid twenty years expired, erected, founded or made, or at any time hereafter to be erected, founded or made, according to the purport of the ſaid Statute, ſhall be incorporated, and have perpetual ſucceſſion and capacity, to have, take and enjoy all other priviledges, benefits and immunities, to all intents and purpoſes, according to the proviſions, tenor, purport, and true meaning of the ſaid Act, as if the ſame had been made, founded, or endowed within the ſpace of twenty years next enſuing the ſaid Statute. Stat. 43 Eliz. 4.

CAP.

CAP. II.

Conceale l Lands ſhall not be recovered, unleſs it may be proved that the King had title unto them within 60 years.

The Kings moſt excellent Majeſty, of his bleſſed and gracious diſpoſition, and abundant grace, deſiring that his loving Subjects, and their Heirs and Succeſſors, may quietly have and hold all and ſingular Manors, Lands, Tenements and Hereditaments, which they, their Anceſtors or Predeceſſors, or any other by, from, or under whom they claim, have of long time enjoyed, is graciouſly pleaſed, that it be enacted: And be it enacted by the Kings moſt excellent Majeſty, by, and with the aſſent and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Kings Majeſty, his Heirs and Succeſſors, ſhall not at any time hereafter ſue, impeach, queſtion, or implead any perſon or perſons, bodies politick or corporate, for, or in any wiſe concerning any Mannors, Lands, Tenements, Rents, Tythes or Hereditaments, other than Liberties and Franchiſes, or for, or in any wiſe concerning the Revenues, Iſſues, or Profits thereof, or make any Title, Claim, Challenge or Demand, of, in, or to the ſame, or any of them, by reaſon of any Right or Title accrewed, and grown threeſcore years paſt and more, and now in Eſſe, unleſſe his Majeſty, or ſome of his Progenitors, Predeceſſors or Anceſtors, or ſome other perſon or perſons, bodies politick or corporate, under whom his Majeſty any thing hath, or lawfully claimeth, have been anſwered by force and vertue of any ſuch Right or Title to the ſame, the Rents, Revenues, Iſſues or Profits thereof, within threeſcore years, next before the beginning of this preſent Seſſion of Parliament, or that the ſame have been duly in charge to his Majeſty, or the late Queen Elizabeth, or have ſtood in Super of Record within the ſaid ſpace of threeſcore years; And that every perſon and perſons, bodies politick and corporate, their Heirs and Succeſſors, and all claiming by, from, or under them, or any of them, for, and according to their, and every of their ſeveral Eſtates and Intereſts, which they have, or claim to have in the ſame reſpectively, ſhall hereafter quietly and freely have, hold, and enjoy againſt his Majeſty, his Heirs and Succeſſors, claiming by any title accrued, or grown threeſcore years paſt, or above, and now in Eſſe, all and ſingular Manors, Lands, Tenements, Rents, Tythes and Hereditaments whatſoever, except Liberties and Franchiſes, which he or they, or his or their, or any of their Anceſtors or Predeceſſors, or thoſe from, by, or under under whom they claim, have held or enjoyed, or taken the Rents, Revenues, Iſſues or Profits thereof, by the ſpace of threeſcore years next before the beginning of this preſent Seſſion of Parliament, unleſſe his Majeſty, or ſome of his Progenitors or Anceſtors, or ſome other perſon or perſons, bodies politick or corporate, by, from, or under whom his Majeſty any thing hath, or lawfully claimeth, in the ſaid Manors, Lands, Tenements, Rents, Tythes or Hereditaments, by force of any Right or Title, have been anſwered by vertue of any ſuch Right or Title, the Rents, Revenues, Iſſues, or other profits thereof within threeſcore years next before the beginning of this preſent Seſſion of Parliament, Or that the ſame have been duly in charge, or ſtood in Super of Record, as aforeſaid, within the ſaid ſpace of threeſcore years: And furthermore, that every perſon and perſons, bodies politick and corporate, their Heirs and Succeſſors, and all claiming by, from, or under them, or any of them, for, and according to their, and every of their ſeveral Eſtates and Intereſts, which they have or claim reſpectively, ſhall quietly and freely have, hold, and enjoy all ſuch Manors, Lands, Tenements, Rents, Tythes and Hereditaments, except Liberties and Franchiſes, as they now have, claim or enjoy, (whereof his Majeſty, his Progenitors, Predeceſſors or Anceſtors, or he, or they, by, from, or under whom his Majeſty any thing hath, or lawfully claimeth, or ſome of them, by force of ſome Right or Title to the ſame, have not been anſwered by vertue of ſuch Right or Title, the Rents, Revenues, Iſſues or Profits thereof, within threeſcore years next before the beginning of this preſent Seſſion of Parliament). Nor the ſame have been duly in charge, or ſtood in Super of Record, as aforeſaid, within the ſpace of threeſcore years, againſt all, and every perſon and perſons, their Heirs and Aſſigns, having, claiming, or pretending to have any Eſtate, Right, Title, Intereſt, Claim or Demand whatſoever, of, in, or to the ſame, by force or colour of any Letters Patents, or Grants upon ſuggeſtion of concealment, or wrongful detaining, or not being in charge, or defective titles, of, or for which ſaid Manors, Lands, Tenements, Rents, Tythes and Hereditaments, or any of them, no Verdict, Judgment, Decree, judicial order upon hearing, or ſentences now ſtanding in force, hath been had or given in any Action, Bill, Plaint or Information, in any of his Majeſties Courts at Weſtminſter, for, or in the name of the Kings Majeſty, or of the late Queen Elizabeth, or for any the ſaid Patentees or Grantees, or for their, or any of their Heirs or Aſſigns, within threeſcore years next before the beginning of this preſent Seſſion of Parliament.

The King ſhall recover no concealed lands, &c. unleſſe it may be proved, that he had right, or title thereunto within 60 years before the beginning of this Parliament.

Provided always, That this Act, or any thing therein contained, ſhall not extend to bar, impeach, or hinder his Majeſty, his Heirs or Succeſſors, of, for, or from any Manors, Lands, Tenements, Rents, Tythes or Hereditaments, whereof any Reverſion or Remainder now is in his Majeſty, for, or concerning the ſaid Reverſion or Remainder: Nor of, for, or from any Reverſion or Remainder, or poſſibility of Reverſion or Remainder, in any of his Majeſties Progenitors, or Predeceſſors, or Anceſtors, which by the expiration, end, or other determination of any limited Eſtate of Fee-ſimple, or of any Fee-tail, or other particular eſtate, hath, or ought to have fallen, or become in poſſeſſion within the ſpace of threeſcore years next before the beginning of this preſent Seſſion of Parliament: Nor of, for, or from any Right or Title, firſt accrued or grown to his Majeſty, or any of his Progenitors, Predeceſſors or Anceſtors, or in, or to any Manors, Lands, Tenements, Rents, Tythes or Hereditaments, within the ſpace of threeſcore years next before the beginning of this preſent Seſſion of Parliament, and not before.

This Act ſhall not impeach the Kings title to any reverſion or remainder.

Provided

Providedalſo, and be it enacted by authority of this preſent Parliament, That this Act, or any thing therein contained, ſhall not extend to any Manors, Lands, Tenements, Rents, Tythes or Hereditaments, mentioned to be granted or conveyed by any of his Majeſties Progenitors, Predeceſſors or Anceſtors, or by any other, under whom his Majeſty claimeth, to any perſon or perſons of any limited Eſtate in fee-ſimple, or of any Eſtates in tail, or other particular eſtate, which ſeveral eſtates (if the ſame had been good and effectual in Law) have, or ought to have fallen, or become in poſſeſſion within threeſcore years next before the beginning of this preſent Seſſion of Parliament, nor to any Manors, Lands, Tenements, Rents, Tythes or Hereditaments, mentioned to be granted, or conveyed by any of his Majeſties Progenitors, Predeceſſors or Anceſtors, or by any other, under whom his Majeſty claimeth, to any perſon or perſons, in fee-tail, or other particular eſtate, whereof the Reverſion or Inheritance (if ſuch eſtate tail or other particular eſtate had been good and effectual in Law) ſhould have been continued in his Majeſty, the firſt day of this preſent Seſſion of Parliament.

This Act ſhall not extend to alter the tenures or ſervices of lands.

Provided alſo, and be it enacted by the authority of this preſent Parliament, That all and ſingular the ſaid Manors, Lands, Tenements and Hereditaments, ſhall be holden of his Majeſty, his Heirs and Succeſſors, and of other perſon and perſons, bodies politick and corporate, their Heirs and Succeſſors reſpectively, by the ſame Tenures, Services, Fee-farms, chief Rents, Herriots, and other duties, to all intents and purpoſes, as the ſame ſhould or ought of right to have been holden, if the Eſtates, Rights and Intereſts, eſtabliſhed and made ſure by this preſent Act, had been before the making of this Act, firm, good, and effectual in Law, ſaving to every perſon and perſons, bodies politick and corporate, their Heirs and Succeſſors, (other than his moſt excellent Majeſty, his Heirs and Succeſſors, and other than all Patentees or Grantees of concealments, or defective titles, and all and every perſon or perſons, claiming from, by, or under them, or any of them, for, in reſpect, or by reaſon of any ſuch Patents, or Grants of concealments, or defective titles) all ſuch Rights, Title, Intereſt, Eſtate, Rents, Commons, Cuſtoms, Duties, Profits, and other Claims and Demands whatſoever, in, to, or out of the ſaid Manors, Lands, Tenements, Tythes or Hereditaments, as they or any of them had, or ought to have had before the making of this Act, any thing in this Act to the contrary notwithſtanding.

The right of others ſaved.

It ſhall not extend to annull the cuſtome of two pence paid for ſea-coal at New-caſtle.

Provided alwayes, that this Act, nor any thing therein contained, ſhall extend to debar his Majeſty, his Heirs or Succeſſors, of, or from ſuch claim and demand as his Majeſty hath made, or may rightfully make, unto a certain duty or cuſtome of two pence upon a Chaldron of Sea-coal, to be paid in the Port of the Town of Newcaſtle upon Tyne, with the members thereof, but that the ſame ſhall be, and remain in ſuch ſort and degree, as if this Act had never been had or made.

All rents anſwered within 60 years confirmed.

Provided alſo, and be it enacted, that where any fee-farm Rent, or other Rent or Rents, have been anſwered and paid to the Kings Majeſty, or to any his Predeceſſors, by the more part of threeſcore years laſt paſt, out of any Manors, Lands, Tenements or Hereditaments, of which Manors, Lands, Tenements or Hereditaments, the Eſtates, Rights or Intereſts, being defective, are eſtabliſhed, and made ſure by this preſent Act; That the Kings Majeſty, his Heirs and Succeſſors, ſhall from henceforth for ever, have, hold and enjoy the ſaid Rents and Arrearages thereof, in ſuch manner and form, and as fully and amply as the ſame were enjoyed by the more part of threeſcore years laſt paſt, before the beginning of this Seſſion of Parliament.

The Kings title required by this Act to to be within ſixty years, ought to accrew upon a verdict or demurrer, and not upon a bare putting in charge or ſtanding in ſuper.

Provided alwayes, and be it enacted by the authority of this preſent Parliament, that no putting in charge, nor ſtanding in Super, nor taking or anſwering the Farm-rents, Revenues or Profits of any of the ſaid Lands, Tenements or Hereditaments, by force, colour, or pretext of any Letters Patents, or Grants of concealments, or defective titles, or of Lands, Tenements or Hereditaments, out of charge or by force, colour or pretext of any inquiſitions, preſentments, by, or by reaſon of any Commiſſion, or other authority to find out concealments, defective titles, or Lands, Tenements or Hereditaments out of charge, ſhall be deemed, conſtrued, or taken to be a putting in charge, ſtanding in Super, or taking or anſwering the Farm rents, Revenues or Profits, by, or to his Majeſty, or any of his Progenitors or Predeceſſors, unleſſe thereupon ſuch Lands, Tenements or Hereditaments, have been upon any Information or Suit, on the behalf of his Majeſty, or of any his Progenitors or Predeceſſors, upon a lawful Verdict given, or Demurrer in Law adjudged, or upon a hearing ordered or decreed for his Majeſty, or any of his Progenitors or Predeceſſors, or of any of them within the ſaid ſpace of threeſcore years.

This Act ſhall not extend to land, for which compoſition is, or ſhall be made before the end of this Parliament.

Provided alwayes, and be it enacted, That this Act, or any thing therein contained ſhall not extend, or be prejudicial to his Majeſty, for, or concerning any Manors, Lands, Tenements or Hereditaments, for which any compoſition is, or before the end of this Seſſion of Parliament, ſhall be made with his Majeſties Commiſſioners for defective titles, and the moneys by ſuch compoſitions payable to his Majeſty, not payed before the end of this Seſſion of Parliament, unleſſe the ſaid moneys ſhall be paid, and his Majeſties Letters Patents procured, according to the true intent of ſuch compoſitions, within three moneths after the end of this Seſſion of Parliament.

CAP. III.

All Monopolies and Diſpenſations, with penal Laws, ſhall be void.

Monopolies, &c. contrary to the Laws of the Realm. All Monopolies, &c. ſhall be void.

Foraſmuch as your moſt excellent Majeſty, in your Royal Judgment, and of your bleſſed diſpoſition to the weal and quiet of your Subjects, did in the year of our Lord God, one thouſand ſix hundred and ten, publiſh in print to the whole Realm, and to all Poſterity, That all Grants and Monopolies, and of the benefit of any penal Laws, or of power to diſpence with the Law, or to compound for the forfeiture, are contrary to your Majeſties Laws, which your Majeſties Declaration is truly conſonant and agreeable to the ancient and fundamental Laws of this your Realm: And whereas your Majeſty was further graciouſly pleaſed, expreſly to command, that no Suiter ſhould preſume to move your Majeſty for matters of that nature, yet nevertheleſſe upon miſinformations, and untrue pretences of publick good, many ſuch grants have been unduly obtained, and unlawfully put in execution, to the great grievance and inconvenience of your Majeſties Subjects, contrary to the Laws of this your Realm, and contrary to your Majeſties moſt Royal and bleſſed intention ſo publiſhed, as aforeſaid: for avoiding whereof, and preventing of the like to come, May it pleaſe your excellent Majeſty, at the humble ſuit of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That it may be declared and enacted, and be it declared and enacted by authority of this preſent Parliament, That all Monopolies, and all Commiſſions, Grants, Licences, Charters and Letters Patents heretofore made or granted, or hereafter to be made or granted to any perſon or perſons, bodies politick or corporate whatſoever, of, or for the ſole buying, ſelling, making, working or uſing of any thing within this Realm, or the Dominion of Wales, or of any other Monopolies, or of power, liberty or faculty, to diſpence with any others, or to give licence or toleration to do, uſe, or exerciſe any thing againſt the tenour or purport of any Law or Statute, or to give or make any Warrant for any ſuch diſpenſation, licence or toleration to be had or made, or to agree or compound with any others for any penalty or forfeitures limited by any Statute, or of any grant or promiſe of the benefit, profit or commodity of any forfeiture, penalty or ſum of money, that is, or ſhall be due by any Statute, before Judgment thereupon had, and all Proclamations, Inhibitions, Reſtraints, Warrants of aſſiſtance, and all other matters and things whatſoever, any way tending to the inſtituting, erecting, ſtrengthening, furthering or countenancing of the ſame, or any of them, are altogether contrary to the Laws of this Realm, and ſo are, and ſhall be utterly void and of none effect, and in no wiſe to be put in ure or execution.

And be it further declared and enacted by the authority aforeſaid, That all Monopolies, and all ſuch Commiſſions, Grants, Licences, Charters, Letters Patents, Proclamations, Inhibitions, Reſtraints, Warrants of aſſiſtance, and all other matters and things tending, as aforeſaid, and the force and validity of them, and every of them, ought to be, and ſhall be for ever hereafter examined, heard, tryed and determined by and according to the common Laws of this Realm, and not otherwiſe.

Monopolies, &c. ſhall be tryed by the common laws of this Realm.

And be it further enacted by the authority aforeſaid, That all perſon and perſons, bodies politick and corporate whatſoever, which now are, or hereafter ſhall be, ſhall ſtand and be diſabled, and uncapable to have, uſe, exerciſe, or put in ure any Monopoly, or any ſuch Commiſſion, Grants, Licence, Charter, Letters Patents, Proclamation, Inhibition, Reſtraint, Warrant of aſſiſtance, or other matter or thing tending as aforeſaid, or any liberty, power or faculty grounded, or pretended to be grounded upon them, or any of them.

All perſons diſabled to uſe Monopolies, &c.

And be it further enacted by the authority aforeſaid, That if any perſon or perſons, at any time, after the end of forty dayes next after the end of this preſent Seſſion of Parliament, ſhall be hindered, grieved, diſturbed or diſquieted, or his or their Goods or Chattels any way ſeized, attached, diſtrained, taken, carried away, or detained by occaſion, or pretext of any Monopoly, or of any ſuch Commiſſion, Grant, Licence, Power, Liberty, Faculty, Letters Patents, Proclamation, Inhibition, Reſtraint, Warrant of aſſiſtance, or other matter or thing, tending as aforeſaid, and will ſue to be relieved in, or for any of the premiſſes, That in every ſuch caſe, the ſame perſon and perſons, ſhall and may have his and their remedy for the ſame at the Common Law, by an Action or Actions to be grounded upon this Statute; The ſame Action and Actions to be heard and determined in the Courts of Kings Bench, Common Pleas and Exchequer, or in any of them, againſt him or them by whom he or they ſhall be ſo hindered, grieved, diſturbed or diſquieted, or againſt him or them by whom his or their Goods or Chattels ſhall be ſo ſeized, attached, diſtrained, taken, carried away or detained, wherein all and every ſuch perſon and perſons which ſhall be ſo hindered, grieved, diſturbed or diſquieted, or whoſe Goods or Chattels ſhall be ſo ſeized, attached, diſtrained, taken, carried away or detained, ſhall recover three times ſo much as the damages which he or they ſuſtained, by means or occaſion of being ſo hindered, grieved, diſturbed or diſquieted, or by means of having his or their Goods or Chattels ſeized, attached, diſtrained, taken, carried away or detained, and double coſts; and in ſuch Suits, or for the ſtaying or delaying thereof, no Eſſoine, Protection, Wager of Law, Aide Prayer, Priviledge, Injunction, or order of reſtraint, ſhall be in any wiſe prayed, granted, admitted or allowed, nor any more than one imparlance. And if any perſon or perſons ſhall, after notice given, that the Action depending is grounded upon this Statute, cauſe or procure any Action at the Common Law, grounded upon this Statute, to be ſtayed or delayed before Judgment, by colour or means of any Order, Warrant, Power or Authority, ſave only of the Court wherein ſuch Action, as aforeſaid, ſhall be brought and depending, or after Judgment had upon ſuch Action ſhall cauſe or procure the execution, of or upon any ſuch Judgment, to be ſtayed or delayed by colour or means of any Order, Warrant, Power or Authority, ſave only by Writ of error or attaint: That then the ſaid perſon and perſons ſo offending, ſhall incur and ſuſtain the pains, penalties and forfeitures, ordained and provided by the Statute of proviſion and Præmunire, made in the ſixteenth year of the Reign of King Richard the Second.

The party grieved by pretext of a Monopoly, &c. ſhall recover treble damages and double coſts.

He that delayeth an action grounded upon this Statute incurs a præmunire.

Stat. 16 R. 2. 5.

Provided nevertheleſſe, and be it declared and enacted, That any Declaration before mentioned ſhall not extend to any Letters Patents, and grants of priviledge for the term of one and twenty years, or under, heretofore made of the ſole working or making of any manner of new Manufacture within this Realm, to the firſt and true Inventor or Inventors of ſuch Manufactures, which others at the time of the making of ſuch Letters Patents and

Letters Patents to uſe new Manufactures, ſaved.

and Grants did not uſe, ſo they be not contrary to the Law, nor miſchievous to the State, by raiſing of the prices of Commodities at home, or hurt of Trade, or generally inconvenient, but that the ſame ſhall be of ſuch force as they were, or ſhould be, if this Act had not been made, and of none other: And if the ſame were made for more than one and twenty years, That then the ſame for the term of one and twenty years only, to be accompted from the date of the firſt Letters Patents and Grants thereof made, ſhall be of ſuch force as they were, or ſhould have been, if the ſame had been made but for term of one and twenty years only, and as if this Act had never been had or made, and of none other.

Grants confirmed by Act of Parliament, ſaved.

Provided alſo, and be it declared and enacted, That any Declaration before mentioned ſhall not extend to any Letters Patents and Grants of Priviledge, for the term of fourteen years or under, hereafter to be made, of the ſole working or making of any manner of new Manufactures within this Realm, to the true and firſt Inventor and Inventors of ſuch Manufactures, which others at the time of making ſuch Letters Patents and Grants, ſhall not uſe, ſo as alſo they be not contrary to the Law, nor miſchievous to the State, by raiſing prices of Commodities at home, or hurt of Trade, or generally inconvenient: The ſaid fourteen years to be accompted from the date of the firſt Letters Patents, or grant of ſuch priviledge, hereafter to be made, but that the ſame ſhall be of ſuch force as they ſhould be, if this Act had never been made, and of none other.

Provided alſo, and it is hereby further intended, declared and enacted by authority aforeſaid, that this Act, or any thing therein contained, ſhall not in any wiſe extend, or be prejudicial to any grant or priviledge, power or authority whatſoever heretofore made, granted, allowed or confirmed by any Act of Parliament now in force, ſo long as the ſame ſhall ſo continue in force.

Warrants granted to Juſtices, ſaved.

Provided alſo, that this Act ſhall not extend to any Warrant or privy Seal, made or directed, or to be made or directed by his Majeſty, his Heirs or Succeſſors to the Juſtices of the Courts of the Kings Bench, or Common Pleas, and Barons of the Exchequer, Juſtices of Aſſiſe, Juſtices of Oyer and Terminer, and Gaol-delivery, Juſtices of the Peace, and other Juſtices for the time being, having power to hear and determine Offences done againſt any penal Statute, to compound for the forfeitures of any penal Statute, depending in ſuit and queſtion before them, or any of them reſpectively, after plea pleaded by the party Defendant.

Charters granted to corporations, ſaved.

Provided alſo, and it is hereby further intended, declared and enacted, That this Act or any thing therein contained, ſhall not in any wiſe extend, or be prejudicial unto the City of London, or to any City, Borough or Town corporate within this Realm, for, or concerning any Grants, Charters or Letters Patents to them, or any of them, made or granted, or for, or concerning any Cuſtom or Cuſtoms uſed by or within them, or any of them, or unto any Corporations, Companies or Fellowſhips of any Art, Trade, Occupation or Myſtery, or to any Companies or Societies of Merchants within this Realm, erected for the maintenance, enlargment, or ordering of any Trade of Merchandize: But that the ſame Charters, Cuſtoms, Corporations, Companies, Fellowſhips and Societies, and their liberties, priviledges, powers and immunities ſhall be and continue of ſuch force and effect, as they were before the making of this Act, and of none other: Any thing before in this Act contained to the contrary in any wiſe notwithſtanding.

Letters Patents that concern Printing, Salt peter, Gun powder, great Ordnance, Shot, or Offices, ſaved.

Provided alſo, and be it enacted, That this Act, or any Declaration, Proviſion, Diſablement, Penalty, Forfeiture, or other thing before mentioned, ſhall not extend to any Letters Patents, or Grants of priviledge heretofore made, or hereafter to be made, of, for or concerning printing, Nor to any Commiſſion, Grant or Letters Patents heretofore made, or hereafter to be made, of, for, or concerning the digging, making or compounding of Salt-peter or Gunpowder: Or the caſting or making of Ordnance: or Shot for Ordnance: Nor to any grant or Letters Patents heretofore made, or hereafter to be made, of any Office or Offices heretofore erected, made or ordained, and now in being, and put in execution, other than ſuch Offices as have been decryed by any his Majeſties proclamation or proclamations: but that all and every the ſame Grants, Commiſſions and Letters Patents, and all other matters and things tending to the maintaining, ſtrengthening or furtherance of the ſame, or any of them, ſhall be and remain of the like force and effect, and no other, and as free from the declarations, proviſions, penalties and forfeitures contained in this Act, as if this Act had never been had nor made, and not otherwiſe.

This Act ſhall not extend to Commiſſions for Allume-Mines.

Provided alſo, and be it enacted, That this Act, or any declaration, proviſion, diſablement, penalty, forfeiture, or other thing before mentioned, ſhall not extend to any Commiſſion, Grant, Letters Patents or Priviledge heretofore made, or hereafter to be made, of, for, or concerning the digging, compounding or making of Allume or Allume Mines, but that all and every the ſame Commiſſions, Grants, Letters Patents and Priviledges, ſhall be and remain of the like force and effect, and no other, and as free from the declarations, proviſions, penalties and forfeitures contained in this Act, as if this Act had never been had nor made, and not otherwiſe.

Nor to the Liberties of Newcaſtle upon Tine, nor to Licences of keeping Taverns.

Provided alſo, and be it enacted, That this Act, or any declaration, proviſion, penalty, forfeiture, or other thing before mentioned, ſhall not extend or be prejudicial to any uſe, cuſtom, preſcription, franchiſe, freedom, juriſdiction, immunity, liberty or priviledge heretofore claimed, uſed or enjoyed by the Governors and Stewards, and Brethren of the Fellowſhip of the Hoaſtmen of the Town of Newcaſtle upon Tyne, or by the ancient Fellowſhip, Guild or Fraternity, commonly called Hoaſtmen, or, concerning the ſelling, carrying, lading, diſpoſing, ſhipping, venting or trading of, or for any Sea-coals, Stone-coals or Pit-coals, forth, or out of the Haven and River of Tyne, or to a Grant made by the ſaid Governour and Stewards, and Brethren of the Fellowſhip of the ſaid Hoaſtmen, to the late Queen Elizabeth, of any duty, or ſum of money to be paid, for, or in reſpect of any ſuch Coals as aforeſaid: Nor to any Grants, Letters Patents, or Commiſſion heretofore granted, or hereafter to be granted, of, for, or concerning the licenting of the keeping of any Tavern or Taverns, or ſelling, uttering, or retailing of Wines to be drunk, or ſpent, in the Manſion-houſe or houſes, or other place, in the tenure or occupation of the party or parties ſo ſelling or uttering the ſame: Or for, or concerning the making of any Compoſitions for ſuch licences, ſo as the benefit of ſuch Compoſitions be reſerved and applyed to, and for the uſe of his Majeſty, his Heirs or Succeſſors, and not to the private uſe of any other perſon or perſons.

Nor to Letters Patents granted to Sir Robert Manſell Knight, or to James Maxewell Eſquire.

Cro. Car.

Provided alſo, and be it enacted, That this Act, or any Declaration, Proviſion, Penalty, Forfeiture, or other thing before mentioned, ſhall not extend or be prejudicial to a Grant or Priviledge, for, or concerning the making of Glaſs, by his Majeſties Letters Patents, under the great Seal of England, bearing date the two and twentieth day of May, in the one and twentieth year of his Majeſties Reign of England, made and granted to Sir Robert Manſel Knight, Vice-Admiral of England: Nor to a Grant or Letters Patents bearing date the twelfth day of June, in the thirteenth year of his Majeſties Reign of England, made to James Maxewell Eſquire, concerning the tranſportation of Calves-skins: But that the ſaid ſeveral Letters Patents laſt mentioned, ſhall be and remain of the like force and effect, and as free from the Declarations, Proviſions, Penalties and Forfeitures before mentioned, as if this Act had never been had nor made, and not otherwiſe.

Nor to those granted to Abraham Baker or Edward Lord Dudley.

Provided alſo, and be it declared and enacted, That this Act, or any Declaration, Proviſion, Penalty, Forfeiture, or other thing before mentioned, ſhall not extend or be prejudicial to a Grant or Priviledge, for, or concerning the making of Smalt, by his Majeſties Letters Patents under the great Seal of England, bearing date the ſixteenth day of February, in the ſixteenth year of his Majeſties Reign of England, made or granted to Abraham Baker: Nor to a Grant or Priviledge, for, or concerning the melting of Iron Ewer, and of making the ſame into Caſt-works, or Barres, with Sea-coals, or Pit-coals, by his Majeſties Letters Patents under the great Seal of England, bearing date the twentieth day of February, in the nineteenth year of his Majeſties Reign of England, made or granted to Edward Lord Dudley, but that the ſame ſeveral Letters Patents and Grants ſhall be and remain of the like force and effect, and as free from the Declarations, Proviſions, Penalties and Forfeitures before mentioned, as if this Act had never been had nor made, and not otherwiſe.

CAP. IV.

Informations upon penal Statutes ſhall be proſecuted in the Counties where the Offences were committed.

Co. Inſt. 4. fo. 172.

Informations upon Penal Statutes, ſhall be proſecuted in the Counties where the offences were committed.

Cro. Car. 136. 112.

Whereas the Offences againſt divers and ſundry Penal Laws and Statutes of this Realm may better and with more eaſe, and leſſe charge to the Subject, be commenced, ſued, informed againſt, proſecuted and tryed in the Counties where ſuch offences ſhall be committed: And whereas the poor Commons of this Realm are grievouſly charged, troubled, vexed, moleſted and diſturbed by divers troubleſome perſons, commonly called Relators, Informers and Promoters, by proſecuting and inforcing them to appear in his Majeſties Courts at Weſtminſter, and to anſwer offences ſuppoſed by them to be committed againſt the ſaid Penal Laws and Statutes, or elſe to compound with them for the ſame: For remedy whereof, Be it enacted by the authority of this preſent Parliament, That all Offences hereafter to be committed againſt any penal Statute, for which any common Informer or Promoter may lawfully ground any popular Action, Bill, Plaint, Suit or Information before Juſtices of Aſſiſe, Juſtices of Niſi prius or Gaol-delivery, Juſtices of Oyer and Terminer, or Juſtices of Peace in their general or quarter Seſſions, ſhall after the end of this preſent Seſſion of Parliament, be commenced, ſued, proſecuted, tryed, recovered and determined by way of Action, Plaint, Bill, Information or Indictment before the Juſtices of Aſſiſe, Juſtices of Niſi prius, Juſtices of Oyer and Terminer, and Juſtices of Gaol-delivery, or before the Juſtices of Peace of every County, City, Borough or Town corporate, and Liberty, having power to enquire of, hear and determine the ſame within this Realm of England, or Dominion of Wales, wherein ſuch Offences ſhall be committed, in any of the Courts, places of Judicature, or Liberties aforeſaid, reſpectively, only at the choice of the parties which ſhall or will commence ſuit, or proſecute for the ſame, and not elſewhere, ſave only in the ſaid Counties, or places uſual for thoſe Counties, or any of them: And that the like proceſſe in every popular Action, Bill, Plaint, Information or Suit to be commenced, or ſued, or proſecuted, after the end of this preſent Seſſion of Parliament, by force of, or according to the purport of this Act, be had and awarded, to all intents and purpoſes, as in an action of Treſpaſs, Vi & Armis, at the Common Law; and that all, and all manner of Informations, Actions, Bills, Plaints and Suits whatſoever, hereafter to commenced, ſued, proſecuted or awarded, either by the Attorney-General of his Majeſty, his Heirs or Succeſſors for the time being, or by any Officer or Officers whatſoever for the time being, or by any common Informer, or other perſon whatſoever, in any of his Majeſties Courts at Weſtminſter, for, or concerning any the Offences, Penalties or Forfeitures aforeſaid, ſhall be void and of none effect: Any Law, Cuſtom or Uſage to the contrary thereof notwithſtanding.

Cro. Car. 112.

Upon default of proving, that the offence was committed in the ſame county, the defendant ſhall be found not guilty.

And be it further enacted by the authority aforeſaid, That in all informations to be exhibited, and in all Bills, Counts, Plaints and Declarations, in any Action or Suit to be commenced againſt any perſon or perſons, either by, or on the behalf of the King, or any other, for, or concerning any Offence committed, or to be committed againſt any penal Statute, the Offence ſhall be laid and alledged to have been committed, in the ſaid County where ſuch

Offence was in truth committed, and not elſewhere. And if the Defendant to any ſuch Information, Action or Suit, pleadeth that he oweth nothing, or that he is not guilty, and the Plaintiff or Informer in ſuch Information, Action or Suit, upon evidence to the Jury that ſhall try ſuch Iſſue, ſhall not both prove the Offence laid in the ſaid Information, Action or Suit, and that the ſame Offence was committed in that County, then the Defendant and Defendants ſhall be found not guilty.

The Informer ſhall make oath that the offence was committed in the ſame county where the ſuit is commenced.

Cro. Car. 316.

And be it further enacted by the authority aforeſaid, That no Officer or Miniſter in any Court of Record, ſhall receive, file, or enter of Record any Information, Suit or Plaint, Count or Declaration, grounded upon the ſaid penal Statutes, or any of them, which before by this Act are appointed to be heard and determined in their proper Counties, untill the Informer or Relator hath firſt taken a corporal Oath before ſome of the Judges of that Court, that the offence or offences laid in ſuch Information, Action, Suit or Plaint, was, or were not committed in any other County then where by the ſaid Information, Bill, Plaint, Count or Declaration, the ſame is, or are ſuppoſed to have been committed, and that he believeth in his conſcience, the offence was committed within a year before the information or ſuit, within the ſame County where the ſaid Information or ſuit was commenced, the ſame Oath to be there entred of Record.

The Defendant in an information upon a penal ſtatute, may plead the general iſſue.

And be it alſo enacted by the authority aforeſaid, That if any Information, Suit or Action ſhall be brought or exhibited againſt any perſon or perſons, for any Offence committed or to be committed againſt the form of any penal Law, either by, or on the behalf of the King, or by any other, or on the behalf the King, and any other, it ſhall be lawful for ſuch Defendants to plead the general iſſue, that they are not guilty, or that they owe nothing, and to give ſuch ſpecial matter in evidence to the Jury that ſhall try the ſame; which matter being pleaded, had been a good and ſufficient matter in Law to have diſcharged the ſaid Defendant or Defendants againſt the ſaid Information, Suit or Action, and the ſaid matters ſhall be then as available to him or them, to all intents and purpoſes, as if he or they had ſufficiently pleaded, ſet forth, or alledged the ſame matter in bar, or diſcharge of ſuch Information, Suit or Action.

Certain offences excepted.

Provided always, That this Act, or any Clauſe contained therein, ſhall not extend to any information, ſuit or action grounded upon any Law or Statute made againſt Popiſh Recuſants, or for, or concerning Popiſh Recuſancy, or againſt thoſe that ſhall not frequent the Church, and hear Divine-Service, nor to any information, ſuit or action, for maintenance, Champerty, or buying of Titles, nor to any ſuit or information grounded upon the Statute made in the firſt year of the Reign of our Soveraign Lord the King, of a Subſidy granted to the King, of Tonnage, Poundage, Wooll, &c. Nor for or concerning the concealing or defrauding the King, his Heirs or Succeſſors, of any Cuſtom, Tonnage, Poundage, Subſidy, Impoſt or Priſage, or for tranſporting of Gold, Silver, Ordnance, Powder, Shot, Munition of all ſorts, Wooll, Wool-fells, or Leather, but that ſuch offence may be laid or alledged to be in any County, at the pleaſure of any Informer: Any thing in this Act to the contrary notwithſtanding, *Stat.* 21 *Eliz.* 5.

CAP. V.

A Quietus eſt granted to a Sheriff, ſhall diſcharge him of all Accompts due to the King.

A *Quietus eſt* ſhall be a ſufficient diſcharge for a Sheriff, unleſs he be queſtioned within four years after the grant thereof.

The Officer that vexeth the Sheriff contrary to this Act, ſhall forfeit 40 l.

Foraſmuch as divers Sheriffs of ſeveral Counties within this Realm of England and Dominion of Wales, have been of late much troubled and vexed long time after that they have paſſed their Accompts, and had their *Quietus eſt*, and charged anew with arrearages, debts, and other ſums of money pretended to have been by them levied and received, and not formerly accompted for, to the great diſcouragement of others, to take upon them the ſaid Office: Be it therefore enacted by the Kings moſt excellent Majeſty, and the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That whenſoever any Sheriff or Sheriffs within this Realm of England or Dominion of Wales, upon the paſſing of their Accompts, ſhall have their *Quietus eſt*, That then, and from thenceforth the ſaid Sheriff or Sheriffs, their Heirs, Executors and Adminiſtrators, Lands, Tenements, Goods and Chattels, ſhall be abſolutely diſcharged of all manner of ſum or ſums of money which he or they ſhall have ſo levied or received, and pretended not to be accompted for within the ſaid Accompt, whereupon he or they had their *Quietus eſt*, unleſſe ſuch Sheriff or Sheriffs ſhall be called in queſtion for ſuch ſum or ſums of money pretended to be levied and received, and not accompted for, within the ſpace of four years after the time of their ſaid Accompt and *Quietus eſt*: And that every Officer or Miniſter that ſhall ſend out, or cauſe to be ſent out any Writ or Proceſſe, or by whoſe default any Writ or Proceſſe ſhall be ſent out contrary to this Act, ſhall for every ſuch offence forfeit and pay to the party grieved forty pounds, with his coſt and damages, the ſaid ſum of forty pounds, and the ſaid coſts and damages to be recovered by Action of Debt, Bill, Plaint or Information, to be brought and proſecuted in the Court of the Kings Bench, or the Court of the Common Pleas, at the election of the Plaintiff: Wherein no Priviledge, Protection, Eſſoine or Wager of Law ſhall be allowed to the Defendant.

For the third offence he ſhall be diſabled to continue in any Office.

And further be it enacted, That every ſuch Offendor being three times lawfully convicted of any ſuch offence or offences, upon the tryal of ſuch Action of Debt, Bill, Plaint or Information, ſhall for ſuch offence or offences, contrary to the meaning of this Act, be utterly diſabled to be or continue in any office or imployment in the ſaid Court of Exchequer, or in any other Court of Juſtice whatſoever. 14 *Car.* 2. *cap.* 21.

CAP. VI.

For Felony, where Clergy is allowed to the Man, the Woman ſhall be burned in the Hand.

For Felony where the man may have his Clergy, the woman ſhall be burned in the hand with an hot Iron.

VVHereas by the Laws of this Realm the benefit of Clergy is not allowed to Women convicted of Felony, by reaſon whereof many Women do ſuffer death for ſmall cauſes: Be it enacted by the authority of this preſent Parliament, That any woman being lawfully convicted by her confeſſion, or by the verdict of twelve men, of or for the felonious taking of any Money, Goods or Chattels, above the value of twelve pence, and under the value of ten ſhillings, or as acceſſary to ſuch Offence, the ſaid Offence being no Burglary nor Robbery in or near the High-way, nor the felonious taking of any Money, Goods or Chattels, from the perſon of any man or woman privily, without his or their knowledge, but only ſuch an Offence, as in the like caſe a man might have his Clergy, ſhall for the firſt offence be branded and marked in the hand, upon the brawn of the left thumbe with a hot burning Iron, having a Roman T. upon the ſaid Iron: The ſaid mark to be made by the Jaylor openly in the Court before the Judge, and alſo to be further puniſhed by Impriſonment, whipping, ſtocking, or ſending to the Houſe of Correction, in ſuch ſort, manner and form, and for ſo long time (not exceeding the ſpace of one whole year) as the Judge, Judges or Juſtices before whom ſhe ſhall be ſo convicted, or which ſhall have authority in the cauſe, ſhall in their diſcretion think meet, according to the quality of the Offence, and then to be delivered out of Priſon for that Offence: Any Law, Cuſtome or Uſage to the contrary notwithſtanding: This Act to continue untill the end of the firſt Seſſion of the next Parliament. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament.

CAP. VII.

The Statutes of 1 Jac. 9. and 4 Jac. 5. made perpetual; One witneſſe ſhall be ſufficient to convince a man of Tipling and Drunkenneſſe.

1 Jac. 9. & 4 Jac. 5. made perpetual.

VVHereas one Statute, intituled, An Act to reſtrain the inordinate haunting or tipling in Innes, Alehouſes, and other Victualing-Houſes, made in the firſt year of his Highneſſe happy Reign of England; And another Statute, intituled, An Act to repreſſe the odious and loathful Sin of Drunkenneſſe, made in the fourth year of his Highneſs Reign of England, were made to continue to the end of the firſt Seſſion of the next Parliament, and by experience have been found good and neceſſary Laws: Be it therefore enacted, That the ſaid Statutes with the alterations and additions hereafter expreſſed, ſhall be put in due execution, and continue for ever: And whereas by the ſaid Statutes, proof of two witneſſes is required; Be it enacted, That proof of one witneſſe from henceforth ſhall be allowed and taken for ſufficient in that behalf: And that the voluntary confeſſion (before any ſuch perſons, as by the ſaid Act are authorized to miniſter the Oath) of any perſon offending either of the ſaid Statutes, ſhall ſuffice to convince the perſon ſo offending; after ſuch confeſſion, the Oath of the party ſo offending, ſhall and may be taken, and be a ſufficient proof againſt any other offending at the ſame time.

One witneſs, or the offendors own confeſſion before a Magiſtrate ſhall be ſufficient to convince him.

The oath of him that confeſſeth the offence, ſhall be ſufficient to convince any other.

He that ſtayes tipling in an Inne, &c. ſhall incur the penalty inflicted by 4 Jac. 5.

And be it further enacted, that if any other perſon or perſons, whereſoever his or their habitation or abiding be, ſhall at any time hereafter be found upon view, or his own confeſſion, or proof of one witneſſe, to be tipling in any Inne, Ale-houſe, or Victualling-houſe, ſuch perſon or perſons ſhall be from henceforth adjudged and conſtrued to be within the ſaid Statutes, as if he or they had inhabited and dwelt in the City, Town corporate, Market-Town, Village or Hamlet, where the ſaid Inne, Alehouſe or Victualling-houſe is, or ſhall be, where he or they ſhall be ſo found tipling, and ſhall incur the like penalty, and the ſame to be in ſuch ſort levyed and diſpoſed, as in the ſaid Act is expreſſed, concerning ſuch as there inhabit: and the voluntary confeſſion of ſuch perſon or perſons ſo offending, before ſuch as by the ſaid Statutes are authorized to miniſter the Oath, ſhall ſuffice to convince themſelves, and after ſuch confeſſion, the Oath of ſuch perſon or perſons ſo confeſſing, ſhall and may be taken by ſuch as by the ſaid Act have authority to miniſter an Oath, and ſhall be a ſufficient proof againſt any other offending at that time.

He that is convicted of drunkenneſſe ſhall forfeit v. s.

And be it further enacted, That any Juſtice of Peace in any County, and any Juſtice of Peace or other head-Officer in any City or Town corporate, within their Limits reſpectively, ſhall from henceforth have power and authority, upon his own view, confeſſion of the party, or proof of one witneſs upon Oath before him, which he by vertue of this Act, ſhall have power to adminiſter, to convince any perſon of the offence of Drunkenneſſe, whereby ſuch perſon ſo convict ſhall incur the forfeiture of five ſhillings for every ſuch offence, and the ſame to be levied, or the Offendor otherwiſe puniſhed, as in the ſaid Statute is appointed. And for the ſecond offence, he ſhall become bound to the good behaviour, as if he had been convicted in open Seſſions, Any thing in the ſaid former Statute, made in the fourth year of his Majeſties Reign, to the contrary notwithſtanding.

For the ſecond offence he ſhall be bound to the good behaviour.

And be it further enacted, That if any perſon being an Ale-houſe-keeper, or that ſhall at any time hereafter be an Ale-houſe-keeper, ſhall at any time hereafter be lawfully convict for any Offence againſt any the branches of either of the ſaid two former Statutes, according to the alterations and additions therein contained, or againſt the true meaning of this preſent Statute, That every perſon ſo convict, ſhall for the ſpace of three years next enſuing the ſaid conviction, be utterly diſabled to keep any ſuch Alehouſe.

An Alehouſe-keeper offending, ſhall be diſabled from keeping Alehouſe three years after.

And whereas in the ſaid Statute, made in the fourth year of his ſaid Majeſties Reign, intituled, An Act to repreſſe the odious and loathſome Sin of Drunkenneſſe, Conſtables, Church-wardens, Headboroughs, Tythingmen, Aleconners and Sidemen are appointed in the Oaths incident to their Offices, to be likewiſe charged to preſent the Offences contrary to the ſaid Statute; Be it enacted, That the ſaid Oath ſhall always hereafter be alſo enlarged,

Conſtables, &c. ſhall be charged (in their Oaths) to preſent the offences committed againſt 1 Jac. 9.

and extend to preſent all Offences done, contrary to the Statute made in the firſt Seſſion of Parliament, held in the firſt year of his Highneſs Reign, intituled, An Act to reſtrain the inordinate haunting and tipling in Inns and Alehouſes, and other Victualling-houſes, with the alterations and additions in this Act contained, made in the ſaid fourth year of his ſaid Majeſties Reign, according the alterations and additions of the ſame, in this Act expreſſed.

Stat. 1 Car. 4.

CAP. VIII.

Proceſſe and Superſede of the Peace, or good Behaviour, ſhall not be granted, but upon motion in open Court; Certioraries ſhall not be allowed, unleſſe the Indictee will be bound to pay Coſts.

VVhereas divers turbulent and contentions perſons, ſome out of malice, and others in hope of gain, by way of compoſition do oftentimes, upon their corporal Oaths, peremptorily and corruptly taken, or otherwiſe, upon falſe ſuggeſtions and ſurmiſes, procure proceſſe of the Peace or good Behaviour out of his Majeſties Courts of Chancery and Kings Bench, againſt divers of his Majeſties quiet Subjects, whoſe dwellings and abodes are (for the moſt part) in Counties far diſtant and remote from the ſaid Courts, to their intolerable trouble and vexation, whereas they might, upon good cauſe ſhewed, receive Juſtice at the hands of the Juſtices of the Peace, in the Counties where they dwelt:

Proceſs of the peace, or, &c. ſhall not be granted, but by motion in open Court.

For remedy whereof, Be it enacted by the authority of this preſent Parliament, that all proceſſe of the peace or good behaviour, after the end of this Seſſion of Parliament, to be granted or awarded out of the ſame Courts, or either of them, againſt any perſon or perſons whatſoever, at the ſuit of, or by the proſecution of any perſon or perſons whatſoever, ſhall be void and of none effect, unleſs ſuch proceſſe ſhall be ſo granted or awarded, upon motion firſt made before the Judge or Judges of the ſame Courts reſpectively, (ſitting in open Court, and upon declaration in writing, upon their corporal Oaths, to be then exhibited unto them, by the parties which ſhall deſire ſuch proceſſe) of the cauſes for which ſuch proceſſe ſhall be granted or awarded, by, or out of any the ſaid Courts reſpectively, and unleſs that ſuch motion and declaration be mentioned to be made upon the back of the Writ: The ſaid writings there to be entred and remain of Record: And that if it ſhall afterwards appear unto the ſaid Courts, or either of them reſpectively, that the cauſes expreſſed in ſuch writings, or any of them, be untrue; That then the Judge or Judges of the ſaid Courts, or either of them reſpectively, ſhall and may award ſuch coſts and damages unto the parties grieved, for their, or any of their wrongful vexations in that behalf, as they ſhall think fit: And that the party or parties ſo offending, ſhall and may be committed to priſon by ſuch Judge or Judges, untill he or they pay the ſaid coſts and damages. And whereas divers turbulent and contentious perſons, deſervedly fearing to be bound to the peace, or good behaviour by the Juſtices of Peace of the Counties where they dwell, do oftentimes procure themſelves to be bound to the peace, or good behaviour, in the ſaid Court, or one of them, upon inſufficient Sureties, or upon colourable proſecution of ſome perſon or perſons, who will be ready at all times to releaſe them at their own pleaſure, whereupon his Majeſties Writs of Superſedeas are oftentimes directed to the Juſtices of Peace, and other his Majeſties Officers, requiring them, and every of them, to forbear to arreſt or impriſon the parties aforeſaid, for the cauſes aboveſaid; by means whereof, the ſaid turbulent and contentious perſons miſdemean themſelves amongſt their Neighbours with impunity, to the great offence and diſturbance of their Neighbours, amongſt whom they converſe and live, and to the affront of the Juſtices of Peace, and to the evil example and encouragement of like evil diſpoſed perſons.

All writs of Superſedeas ſhall be void, unleſs the proceſs be granted upon motion in open Court, and be proſecuted bona fide.

Be it therefore enacted by the authority aforeſaid, That all Writs of Superſedeas after the end of this preſent Seſſion of Parliament, to be granted by, or out of either of the Courts aforeſaid, ſhall be void and of none effect, unleſſe ſuch proceſſe be granted likewiſe upon motion in open Court firſt made, as aforeſaid, and upon ſuch ſufficient Sureties, as ſhall appear unto the Judge or Judges of the ſame Court reſpectively upon Oath, to aſſeſſed at five pounds Lands, or ten pounds in Goods in the Subſidy-Book, at the leaſt, which Oathes, and the names of ſuch Sureties, with the places of their aboad, and where they ſtand ſo aſſeſſed in the Subſidy-Books, ſhall be entred and remain of Record in the ſame Courts: And unleſſe it ſhall alſo firſt appear unto the ſaid Judge or Judges, from whom ſuch Superſedeas is deſired, That the proceſſe of the Peace, or good Behaviour, is proſecuted againſt him or them, deſiring ſuch Superſedeas bona fide, by ſome party grieved in that Court, out of which ſuch Superſedeas is deſired to be ſo awarded and directed.

And whereas divers lewd and evil diſpoſed perſons, commonly called common Bailers, or Knights of the Poſt, being baſe and beggarly perſons, do oftentimes procure themſelves to be aſſeſſed at high rates in the Subſidy-Books, and ſometimes do falſly take upon them the names of other men of good ability, of purpoſe to enable themſelves to be accepted for bail, which perſons being of ſmall or no ability or worth, are ready for lucre and gain, to become bound by Recognizance as Sureties for ſuch perſons as ſhall procure themſelves to be bound to the Peace or good Behaviour as aforeſaid, by means whereof the Judge or Judges of the ſaid Courts not knowing them, may be eaſily abuſed, and juſtice deluded.

Falſe ſureties procured for the gaining of writs of Superſedeas ſhall be puniſhed by the Judges.

Be it therefore enacted by the authority aforeſaid, That the Judge or Judges of the Courts aforeſaid, reſpectively, or either of them, upon proof of any the miſdemeanours aforeſaid, to be committed, in the obtaining of the aforeſaid writs of Superſedeas, or procuring ſuch Surety, as aforeſaid, ſhall and may likewiſe puniſh the falſe and inſufficient Sureties and Bailers aforeſaid, and the Procurers thereof, according to their diſcretions, So as ſuch puniſhment extend not to the loſs of life or member.

And whereas divers bills of Indictments, of Riot, Forcible Entry, or of Aſſault and

Battery, being found before the Juſtices of Peace at their Quarter-Seſſions of the Peace, or otherwiſe, are oftentimes removed from the Counties where ſuch Indictments are found by writs of Certiorari, unto them directed, out of the ſaid Courts, by, or by the means of the perſons ſo indicted, who well know, that few or no perſons grieved by ſuch their Outrages and Miſdemeanours, whereof they ſtand ſo indicted, will undergo the travel or charge of proſecution of ſuch Indictment ſo removed, by bringing the parties ſo indicted to tryal; By means whereof, ſuch Offendors, for the moſt part, eſcape unproſecuted or unpuniſhed, and the King loſeth the Fines which ought, and ſhould have been impoſed upon them, if ſuch Indictments had been proſecuted, and not removed:

Be it therefore enacted, That all ſuch writs of Certiorari ſhall from, and after the end of this preſent Seſſion of Parliament, be delivered at ſome Quarter-Seſſions of the Peace in open Court. And that the parties indicted ſhall before the allowance of ſuch Certioraries, become bound unto ſuch perſon or perſons which ſhall proſecute ſuch bills of Indictment againſt them, in the ſum of ten pounds, with ſuch ſufficient Sureties as the Juſtices of Peace at their Quarter-Seſſion of the Peace ſhall think fit, with condition to pay unto the ſaid Proſecutors of ſuch bills of Indictment, within one moneth after the conviction of ſuch parties indicted, ſuch reaſonable coſts and damages, as the ſaid Juſtices of Peace, of ſuch Counties where ſuch bills of Indictment ſhall be found in the ſaid Seſſions of the Peace, ſhall aſſeſſe or allow: And that in default thereof, it ſhall be lawful for the ſaid Juſtices to proceed to tryal of ſuch Indictments, any ſuch writs of Certiorari to remove the ſame Indictments notwithſtanding.

Certioraries ſhall not be allowed, unleſs the Indictee will become bound to pay coſts.

CAP. IX.

The Trade and Traffique of Welſh-Clothes ſhall be free.

WHereas the trade of making Welſh Clothes, Cottons, Frizes, Linings and Plains, within the Principality and Dominion of Wales, is, and hath been of long continuance, in the uſing and exerciſing whereof many thouſand of the poorer ſort of the Inhabitants there, in precedent Ages have been ſet on work in ſpinning, carding, weaving, fulling, cottoning and ſhearing, whereby they (having free liberty to ſell them to whom, and where they would) not only relieved and maintained themſelves and their Families in good ſort, but alſo grew to ſuch wealth and means of living, as they were thereby enabled to pay and diſcharge all Duties, Mizes, Charges, Subſidies and Taxations which were upon them impoſed or rated in their ſeveral Counties, Pariſhes and Places wherein they dwelled, for the relief of the poor, and for the ſervice of the King and the Common wealth: And whereas alſo the Drapers of the Town of Shrewsbury, in the County of Salop, have of late obtained ſome Orders of reſtraint, whereby the Inhabitants of Wales find themſelves much prejudiced in the freedom of their Markets for buying and ſelling of their Clothes, to their great damage, as was verified by the general voice of the Knights and Burgeſſes of the twelve Shires of Wales, and of the County of Monmouth:

The greatneſſe of making Welſh Clothes.

The reſtraint of ſelling Clothes prejudicial to the Inhabitants of Wales.

For remedy whereof, Be it declared and enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful, to and for all and every his Majeſties Subjects, inhabiting or dwelling, or which at any time hereafter ſhall inhabit or dwell within the ſaid Dominion of Wales, or any part thereof, freely to ſell, by way of barter, or otherwiſe, all or any their Welſh Clothes, Cottons, Frizes, Linings or Plaines, at their wills and pleaſures, to any perſon or perſons, who lawfully by the Laws and Statutes of this Realm, may buy the ſame: and that it ſhall and may be lawful for any perſon and perſons, who by the Laws or Statutes of this Realm, may lawfully buy ſuch Clothes, and other the premiſſes, freely to buy the ſame of any perſon or perſons, inhabiting or dwelling, or which hereafter ſhall inhabit or dwell within the ſaid Dominion of Wales, Any Charter, Grant, Act, Order, or any thing elſe heretofore made or done, or hereafter to be made or done to the contrary notwithſtanding.

The Inhabitants of Wales may ſell their Clothes freely.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons uſing, or which ſhall uſe the Trade of Merchandiſe, to tranſport into any the parts beyond the Seas, any of the ſaid Welſh Clothes, Cottons, Frizes, Linings and Plaines out of any Ports or Havens within this Realm of England, or Dominion of Wales, or out of any the members thereof, where his Majeſty, his Heirs or Succeſſors have, or ſhall then have Officers attending to ſearch, view, and control the ſame, and to receive the Kings Majeſties Cuſtoms, and other Duties due and payable for the ſame: So as alwayes the Cuſtoms and other Duties payable for ſuch Clothes, and other the premiſſes, ſo to be tranſported, ſhall be juſtly and duly paid for the ſame: And ſo as alwayes the ſaid Welſh Clothes, Cottons, Frizes, Linings and Plains, before the tranſporting thereof, ſhall be fulled, cottoned and ſheared, as in former times they have uſed to be: And that no perſon ſhall tranſport the ſaid Clothes in other manner, then as aforeſaid, upon pain to forfeit the whole value of ſuch Clothes ſo to be tranſported, contrary to the true meaning of this Act; the one half of all which forfeitures to be to his Majeſty, his Heirs and Succeſſors, and the other half to ſuch perſon or perſons as will ſue for the ſame by Information, Bill, Plaint, Action of Debt, or otherwiſe, in any of his Majeſties Courts of Record, wherein no Eſſoine, Protection, Priviledge, or Ley-gager ſhall be allowed to the Defendant.

Welſh clothes may be tranſported.

This Act to endure and continue for the term of ſeven years from the end of this Seſſion of Parliament, and from thenceforth to the end of the next Seſſion of Parliament enſuing after the end of thoſe ſeven years.

The continuance of this Act.

Foreigners ſhall not ſell Welſh clothes by retail.

Provided alwaies, That this act, or any thing therein contained, ſhall not give power or authority to any Foreigner or Foreigners, to buy and ſell, by way of retail, any the ſaid Welſh clothes, cottons, Frizes, Lining or Plaines, within the town of Shrewſbury, or in any other corporate town or priviledged place, contrary to any lawful Charter, Grant, Cuſtome, Priviledg or Liberty in the ſame town or place now being or uſed.

CAP. X.

The branch of the Statute of 34 H. 8. 26. that concerns the Kings power for altering the Lawes of Wales, repealed.

The loyalty and obedience of the Welſh.

Whereas the ſubjects of the Country and Dominion of Wales have been conſtantly loyal and obedient, and have lived in all dutiful ſubjection to the Crown of England: And whereas by an act of Parliament, made in the four and thirtieth year of the reign of the late King Henry the eight, entituled, An Act for certain Ordinances (in the Kings Majeſties Dominions and Principality of Wales amongſt other things) It is enacted and ordained in theſe words:

By a branch contained in the 34 & 35 H. 8. 26. the King had power to alter the Laws of Wales.

Item, it is further enacted by the authority aforeſaid, That the Kings moſt royal Majeſty ſhall and may at all times hereafter, from time to time change, adde, alter, order, miniſh and reform all manner of things afore rehearſed, as to his moſt excellent wiſdom and diſcretion ſhall be thought convenient, and alſo to make Laws and Ordinances for the Commonwealth, and good quiet of his ſaid Dominion of Wales, and his ſubjects of the ſame, from time to time, at his Majeſties pleaſure: Any thing contained in this act, or in the act made for the Shire-ground of Wales, or any other act or acts, thing or things, to the contrary thereof heretofore made in any wiſe notwithſtanding. And that all ſuch alterations of the premiſes, or any part thereof, and all ſuch lawes and ordinances to be hereafter made, deviſed and publiſhed by authority of this act, by the K. Majeſty in writing under his highneſſe ſeale, ſhall be of as good ſtrength, vertue and effect, as if they had been had and made by authority of Parliament.

And foraſmuch as it is manifeſt by long experience, That the laws and ſtatutes already ordained for the ſaid Country, are in effect and for the moſt part agreeable to the lawes and ſtatutes of this his highneſſe Kingdom of England, and all, and every of the ſame obeyed with great alacrity: And for that after ſo long a quiet among them, any future change or innovation herein would be dangerous and for the abolition of diſtinction and difference between the ſubjects of England and Wales, his moſt excellent Majeſty tendering the common and conſtant good of the ſaid Country and Dominion of Wales, and for their poſterity for ever hereafter, is graciouſly pleaſed, That it may be enacted by his Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled.

A repeal of that branch of 34 & 35H.8.26.

And be it enacted by the authority of the ſame, That the ſaid recited branch of the ſaid act of Parliament, and every article, word and ſentence in that branch contained, be utterly repealed and made void and of none effect, to all intents, conſtructions and purpoſes, as if the ſaid branch had never been made nor contained in the ſaid act: And that the Kings Majeſty, his heirs or ſucceſſors, ſhall not by vertue of the ſaid clauſe or branch in the ſaid Act, at any time hereafter alter, change or reform any lawes, uſage or cuſtome, or make any new laws, for or concerning the ſaid Dominion or Principality of Wales.

The reſidue of that ſtatute confirmed.

Provided alwayes, and be it enacted by the authority aforeſaid, that all and every clauſe, article, and thing contained in the aforeſaid act of Parliament, other then the aforeſaid branch before recited, ſhall ſtand, remain, and be in as full force and effect, to all intents, conſtructions, and purpoſes, as if this act had never been had or made.

CAP. XI.

A Judgment given in Chancery for the revoking and annulling of certain Letters Patents (granted to Henry Heron for the ſole priviledg of ſalting, drying and packing of fiſh within the counties of Devon and Cornwal) confirmed. P R.

CHP. XII,

The ſtat of 7. Jac, cap. 5. enlarged. and made perpetual.

Co. Inſt. 4. part, 174.

Whereas an Act intituled, An Act for eaſe in pleading againſt troubleſom and contentious ſuits, proſecuted againſt Juſtices of the peace, Mayors, Conſtables, and certain other his Majeſties Officers, for the lawful execution of their office, made in the ſeventh year of his Majeſties moſt happy reign of England, was made to continue but for ſeven years, and from thence to the end of the next Parliament, after the ſaid ſeven years which by experience hath ſince been found to be a good and profitable law.

The Stat. of 7 Jac. 5. made perpetual.

Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid act ſhall from and after the end of this preſent Seſſion of Parliament, be perpetual and have continuance for ever.

Church-wardens and Overſeers of the poor ſhal be comprehended within the purview of 7 Jac. 5.

And be it further enacted by the authority aforeſaid, that all Church-wardens, and all perſons called ſworne-men executing of the office of Church-wardens, and all overſeers of the poor, and all others which in their aid and aſſiſtance, or by their commandement, ſhall do any thing touching or concerning his or their office or offices, ſhall hereafter be enabled to receive, and have ſuch benefit and help by vertue of the ſaid act to all intents, conſtructions and purpoſes, as if they had been ſpecially named therein.

And whereas notwithſtanding the ſaid ſtatute, the plaintiffe is at liberty to lay his action which he ſhall bring againſt any Juſtice of Peace, or other Officer in any foreign Country, at his choice, which hath proved very inconvenient unto ſundry of the Officers and perſons aforeſaid, that have been impleaded by ſome contentious and troubleſom perſons in Countries far remote from their place of habitations:

An Action brought againſt an Officer, ſhall be laid in the County where the fact was committed.

Be it therefore enacted by the authority aforeſaid, that if any action, bill, plaint, or ſuit upon the caſe, treſpaſſe, battery, or falſe impriſonment, ſhall be brought after the end of this preſent Seſſion of Parliament, againſt any Juſtice of peace, Mayor or Bailiff of City, or Town corporate, Headborough, Port-reve, Conſtable, Tithingman, Collector of Subſidy, or Fifteens, Church-wardens, and perſons called ſworn-men, executing the office of Church-warden or Overſeer of the poor, and their deputies, or any of them, or any other, which in their aid or aſſiſtance, or by their commandment, ſhall do any thing touching or concerning his or their office or offices for or concerning any matter, cauſe or thing, by them or any of them done, by vertue or reaſon of their, or any of their office or offices, that the ſaid action, bill, plaint or ſuit ſhall be laid within the county where the treſpaſs or fact ſhall be done and committed, and not elſe where, and that it ſhall be lawful to and for all and for every perſon and perſons aforeſaid, to plead thereunto the general iſſue, that he or they are not guilty and to give ſuch ſpecial matter in evidence to the Jury which ſhall try the ſame, as in, or by the ſaid former act is limited or declared. And that if upon the tryal of any ſuch Action, bill, plaint or ſuit, the plaintiff or plaintiffs therein, ſhall not prove to the Jury which ſhall try the ſame, That the treſpaſſe, battery, impriſonment, or other fact or cauſe of his, her, or their ſuch action, bill, plaint or ſuit, was, or were had, made, committed, or done within the county, wherein ſuch Action, bill, plaint or ſuit ſhall be laid, that then in every ſuch caſe the Jury which ſhall try the ſame, ſhall find the defendant and defendants in every ſuch action, bill, plaint or ſuit, not guilty, without having any regard or reſpect to any evidence given by the plaintiff or plaintiffs therein, touching the treſpaſſe, battery, impriſonment, or other cauſe, for which the ſame action, bill, plaint or ſuit, is or ſhall be brought. And if the verdict ſhall paſſe with the defendant or defendants in any ſuch Action, bill, plaint or ſuit, or the plaintiff or plaintiffs therein become non-ſuit, or ſuffer any diſcontinuance thereof, That in every ſuch caſe the defendant or defendants ſhall have ſuch double coſts and all other advantages and remedies, as in and by the ſaid former act is limited, directed or provided.

The defendant ſhall have double coſts.

CAP. XIII.

The defects of the Statutes of 32 H. 8. 30. and 18 El. 14. for reformation of Jeofayles, ſupplied.

32 H. 8. 30.

18 El. 14.

Whereas in the two and thirtieth year of the reign of King Henry the eight of famous Memory, a good and profitable Act, entituled, an Act, concerning miſpleading Jeofayles, and Atturneyes, was made and enacted; And likewiſe another good and profitable law was made in the eighteenth year of the reign of our late Soveraign Lady Queen Elizabeth, intituled, An act for reformation of Jeofayles, by which lawes many delayes of Judgments were prevented, and yet notwithſtanding, many things have, and dayly do fall out, not yet provided for nor remedied by the lawes before mentioned:

Cro. Car. 165, 189, 203, 278, 311, 480.

Divers Jeofayles by ſuits of Law prevented and reformed.

Be it therefore enacted by the authority of this preſent Parliament, That if any verdict of twelvemen or more, ſhall hereafter be given for the plaintiffe or demandant, or for the defendant, or tenant dayly in Aſſiſe, vouchee, pray in aid, or tenant by receit, in any action, ſuit, bill, plaint, or demand in any Court of Record, the Judgement thereupon ſhall not be ſtayed nor reverſed, by reaſon of any variance, in forme only between the original Writ or Bill and the Declaration, Plaint or Demand, or for lack of an averment of any life or lives of any perſon or perſons, ſo as upon examination the ſaid perſon be proved to be in life, or by reaſon that the venire facias, habeas corpora or diſtringas is awarded to a wrong officer, upon any inſufficient ſuggeſtion, or by reaſon the viſne is in ſome part miſawarded or ſued out of more places, or of fewer places then it ought to be, ſo as ſome one place be right named, or by reaſon that any of the Jury which tryed the ſaid iſſue is miſnamed, either in the ſirname or addition in any of the ſaid writs, or in any return upon any of the ſaid writs, ſo as upon examination it be proved to be the ſame man that was meant to be returned, or by reaſon that there is no returne upon any of the ſaid writs, ſo as a pannel of the names of Jurors be returned and annexed to the ſaid writ, or for that the Sheriffs name or other officers name having the return thereof, is not ſet to the returne of any ſuch writ, ſo as upon examination it be proved that the ſaid writ was returned by the Sheriffe or Underſheriff, or any ſuch other Officer, or by reaſon that the plaintiffe in an ejectione firmæ, or in any perſonal action or ſuit, (being an infant under the age of one and twenty years) did appear by Atturney therein, and the verdict paſſe for him, Any law, cuſtome, or uſage to the contrary notwithſtanding.

Certain caſes excepted.

Provided alwaies, and be it further enacted, That this act, or any thing therein contained ſhall not extend to any writ, declaration, or ſuit of appeal of felony, or murther, nor to any indictment or preſentment of felony, murther or treaſon, nor to any proceſſe upon any of them, nor to any writ, bill, action or information upon any popular or penal Statute: Any thing therein contained to the contrary notwithſtanding.

CAP. XIV.

In Informations of Intruſion the Subject is allowed to plead the general iſſue, and to retain poſſeſſion till trial.

In informations of intruſion the ſubject may plead the general iſſue, and retain the poſſeſſion till tryal.

Where the King, out of his prerogative Royal, may enforce the ſubject in informations of intruſion, brought againſt him, to a ſpecial pleading of his Title; The Kings moſt excellent Majeſty, out of his gracious diſpoſition towards his loving Subjects and at their humble ſuit, being willing to remit a part of his ancient and Regal power, is well pleaſed that it be enacted; And be it enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That whenſoever the King, his heirs or ſucceſſors, and ſuch, from or under whom the King claimeth, and all others claimeth, and all others claiming under the ſame title under which the King claimeth, hath been or ſhall be out of poſſeſſion, by the ſpace of twenty years, or hath not, or ſhall not have taken the profits of any lands, tenements or hereditaments, within the ſpace of twenty years, before any information of intruſion brought, or to be brought, to recover the ſame; That in every ſuch caſe, the defendant or defendants may plead the general iſſue, if he or they ſo think fit, and ſhall not be preſſed to plead ſpecially, and that in ſuch caſes the defendant or defendants, ſhall retaine the poſſeſſion he or they had at the time of ſuch information exhibited, until the title be tried, found or adjudged for the King.

And be it further enacted, That where an information of intruſion may fitly and aptly be brought on the Kings behalf; That no *Scire facias* ſhall be brought, whereunto the Subject ſhall be forced to a ſpecial pleading, and be deprived of the grace intended by this act. Stat. 17. Ed. 2. 13.

CAP. XV.

Upon Indictments of Forcible Entries, reſtitution of poſſeſſion ſhall be given in certain caſes not formerly provided for.

Co. Inſt. 4.p. 176.

Reformation of poſſeſſion ſhall be given to avoid entries with force in ſtatute for years, &c.

BE it enacted by the authority of this preſent Parliament, That ſuch Judges, Juſtices, or Juſtice of the Peace, as by reaſon of any Act or Acts of Parliament now in force, are authorized, and enabled upon enquiry, to give reſtitution of poſſeſſion unto Tenants, of any eſtate of Freehold, of their Lands or Tenements, which ſhall be entred upon with force, or from them with-holden by force, ſhall by reaſon of this preſent Act, have the like, and the ſame authority and ability from henceforth (upon Indictment of ſuch forcible entries, or forcible with-holdings before them duly found) to give like reſtitution of poſſeſſion unto tenants for term of years, Tenants by Copy of Court-Roll, Guardians by Knights Service, Tenants by *Elegit*, Statute Merchant, and Staple of Lands or Tenements, by them ſo holden, which ſhall be entred upon by force, or holden from them by force, St. 5. R. 2. 7. 15. R. 2, 2. 8. H. 6. 9. 31. El. 11.

CAP. XVI.

The limitation of certain actions for avoiding of Suits in Law.

Writs of Formedon ſhall be ſued within 20 years.

FOr quieting of mens Eſtates, and avoiding of Suits, Be it enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That all Writs of *Formedon in Deſcender*, *Formedon in Remainder*, and *Formedon in Reverter*, at any time hereafter to be ſued or brought, of, or for any Manors, Lands, Tenements, or Hereditaments, whereunto any perſon or perſons now hath, or have any title, or cauſe to have or purſue any ſuch Writ, ſhall be ſued and taken within twenty years next after the end of this preſent Seſſion of Parliament: And after the ſaid twenty years expired, no perſon or perſons, or any of their heirs, ſhall have or maintain any ſuch Writ, of, or for any of the ſaid Manors, Lands, Tenements, or Hereditaments; and that all writs of *Formedon in Deſcender*, *Formedon in Remainder*, *Formedon in Reverter*, of any Manors, Lands, Tenements, or other Hereditaments whatſoever, at any time hereafter to be ſued or brought by occaſion or means of any title or cauſe hereafter happening, ſhall be ſued and taken within twenty years next after the title and cauſe of action, firſt deſcended or fallen, and at no time after the ſaid twenty years: And that no perſon or perſons that now hath any right or title of entry into any manors, lands, tenements, or hereditaments, now held from him or them, ſhall thereinto enter, but within twenty years next after the end of this preſent Seſſion of Parliament, or within twenty years next after any other title of entry accrued: And that no perſon or perſons ſhall at any time hereafter make any entry into any lands, tenements, or hereditaments, but within twenty years next after his or their right or title, which ſhall hereafter firſt deſcend or accrue to the ſame; and in default thereof, ſuch perſons ſo not entring, and their heirs, ſhall be utterly excluded and diſabled from ſuch entry after to be made: Any former Law or Statute to the contrary notwithſtanding.

Entry into lands, &c. ſhall be made within 20 years.

Infants Femes covert, &c. excepted.

Provided neverthleleſſe, That if any perſon or perſons that is or ſhall be intituled to ſuch writ or writs, or that hath or ſhall have ſuch right or title of entry, be, or ſhall be at the time of the ſaid right or title, firſt deſcended, accrued, come or fallen within the age of one and twenty years *Feme covert*, *non compos mentis*, impriſoned, or beyond the Seas, That then ſuch perſon and perſons, and his and their heir and heirs, ſhall or may, notwithſtanding the ſaid twenty years be expired, bring his action, or make his entry as he might have done before this Act: So as ſuch perſon and perſons, or his, or their heir and heirs, ſhall within ten years next after his and their full age, diſcoverture, coming of ſound mind, enlargement out of priſon, or coming into this Realm, or death, take benefit of, and ſue forth the ſame, and at no time after the ſaid ten years.

The limitation of certain perſonal actions.

Cr. Car. 115 141, 160, 245, 295, 381, 405, 123. 333.

And be it further enacted, That all actions of Treſpaſſe, *Quare clauſum fregit*, all actions of treſpaſſe, detinue, action ſur trover, and replevin for taking away of goods and cattel, all actions of account, and upon the caſe, other then ſuch accounts as concern the trade of Merchandize between Merchant and Merchant, their factors or ſervants, all actions of debt, grounded upon any lending or contract without ſpecialty; all actions of debt for arrearages of Rent, and all actions of aſſault, menace, batter, wounding and impriſonment, or any of them, which ſhall be ſued or brought at any time after the end of this preſent Seſſion of Parliament, ſhall be commenced and ſued within the time and limitation hereafter expreſſed, and not after (That is to ſay) The ſaid Actions upon the Caſe (other then for ſlander) and the ſaid Actions for Account, and the ſaid Actions for Treſpaſſe, Debt, Detinue and Replevin for Goods or Cattel, and the ſaid Action of Treſpaſſe, *Quare clauſum fregit*, within three years next after the end of this preſent Seſſion of Parliament, or within ſix years next after the cauſe of ſuch actions or ſuit, and not after: And the ſaid actions of treſpaſſe, of aſſault, battery, wounding, impriſonment, or any of them, within one year next after the end of this preſent Seſſion of Parliament, or within four years next after the cauſe of ſuch actions or ſuit, and not after: And the ſaid action upon the Caſe for words, within one year after the end of this preſent Seſſion of Parliament, or within two years next after the words ſpoken, and not after.

Their limitation after Judgment or Outlawry reverſed.

And nevertheleſs, be it enacted, That if in any the ſaid actions or ſuits, Judgment be given for the Plaintiff, and the ſame be reverſed by error, or a verdict paſſe for the Plaintiff, and upon matter alledged in arreſt of Judgment, the Judgment be given againſt the Plaintiff, that he take nothing by his plaint, writ or bill; or if any the ſaid actions ſhall be brought by original, and the Defendant therein be outlawed, and ſhall after reverſe the Outlawry, That in all ſuch caſes the party plaintiff, his heirs, executors or adminiſtrators, as the caſe ſhall require, may commence a new action or ſuit, from time to time, within a year after ſuch Judgment reverſed, or ſuch Judgment given againſt the plaintiff, or Outlawry reverſed, and not after.

After Judgement or nonſuit in a Quare clauſum fregit, the plaintiff is barred to renew the ſuit.

Cro. Car. 264.

And be it further Enacted, That in all actions of Treſpaſſe, Quare clauſum fregit, hereafter to be brought, wherein the defendant or defendants ſhall diſclaim, in his or their plea, to make any title or claim to the land in which the treſpaſſe is by the declaration ſuppoſed to be done, and the treſpaſſe be by negligence, or involuntary, the defendant or defendants ſhall be admitted to plead a diſclaimer, and that the treſpaſſe was by negligence, or involuntary, and a tender or offer of ſufficient amends for ſuch treſpaſſe before the action brought, whereupon, or upon ſome of them, the plaintiff or plaintiffs ſhall be enforced to joyn iſſue; and if the ſaid iſſue be found for the defendant or defendants, or the plaintiff or plaintiffs ſhall be nonſuited, the plaintiff or plaintiffs ſhall be clearly barred from the ſaid Action or Actions, and all other ſuit concerning the ſame.

Cro. Car. 163, 307.

In Actions of ſlander the plaintiff ſhall recover no greater coſts then damages.

And be it further enacted by the authority aforeſaid, That in all Actions upon the Caſe for ſlanderous words, to be ſued, or proſecuted by any perſon or perſons in any the Courts of Record at Weſtminſter, or in any Court whatſoever, that hath power to hold plea of the ſame, after the end of this preſent Seſſion of Parliament, if the Jury, upon the trial of the iſſue in ſuch Action, or the Jury that ſhall enquire of the damages, do find or aſſeſſe the damages under forty ſhillings, then the plaintiff or plaintiffs in ſuch Action, ſhall have and recover only ſo much coſts, as the damages ſo given or aſſeſſed amount unto, without any further increaſe of the ſame: Any Law, Statute, Cuſtome or Uſage to the contrary in any wiſe notwithſtanding.

Infants, Femes-covert, &c. excepted.

Provided nevertheleſs, and be it further enacted, That if any perſon or perſons, that is, or ſhall be entituled to any ſuch Action of treſpaſſe, detinue, action ſur trover, replevin, actions of accounts, actions of debts, actions of treſpaſſe for aſſault, menace, battery, wounding, or impriſonment, Actions upon the Caſe for words be, or ſhall be at the time of any ſuch cauſe of action given or accrued, fallen, or come within the age of twenty one years, feme covert, non compos mentis, impriſoned, or beyond the Seas, that then ſuch perſon or perſons ſhall be at liberty to bring the ſame Actions, ſo as they take the ſame within ſuch times as are before limited, after their coming to, or being of full age, diſcovert, of ſane memory, at large, and returned from beyond the Seas, as other perſons, having no ſuch impediment, ſhould be done. Stat. 20 H.3.8. 3 Ed.1.38. 32 H.8.2. 1 M.5.

CAP. XVII.

None ſhall take above the rate of eight pounds for the loan of an hundred pounds for a year.

WHereas at this time there is a very great abatement in the value of land, and other the Merchandizes, wares and commodities of this Kingdom, both at home, and alſo in foreign parts, whither they are tranſported; And whereas divers Subjects of this Kingdom, as well the Gentry as Merchants, Farmors and Tradeſmen, both for their urgent and neceſſary occaſions for the following their Trades, maintenance of their ſtocks and imployments, have borrowed and do borrow divers ſums of money, wares, merchandize and other commodities; but by reaſon of the ſaid general fall and abatement of the value of land, and the prices of the ſaid merchandize, wares and commodities; and intereſt in loan continuing at ſo high a rate, as ten pounds in the hundred pounds for a year, doth not only make men unable to pay their debts, and continue the maintenance of Trade, but their debts daily increaſing, they are enforced to ſell their lands and ſtocks at very low rates, to forſake the uſe of Merchandize and Trade, and to give over their leaſes and farms, and ſo become unprofitable members of the Common-wealth, to the great hurt and hinderance of the ſame.

He that taketh above the rate of 8 l. for the loan of 100 l. for a year, ſhall forfeit treble the value of the money, &c. ſo lent.

Be it therefore Enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That no perſon or perſons whatſoever, from, and after the four and twentieth day of June, which ſhall be in the year of our Lord, One thouſand ſix hundred twenty and five, upon any contract to be made after the ſaid four and twentieth day of June, ſhall take directly or indirectly, for loan of any monies, wares, merchandize, or other commodities whatſoever, above the value of eight pounds for the forbearance of one hundred pounds for a year, and ſo after that rate, for a greater or leſſer ſum, or for a longer or ſhorter time: And that all bonds, contracts, and aſſurances whatſoever, made after the time aforeſaid, for payment of any principal, or money to be lent, or covenanted to be performed, upon or for any Uſury, whereupon, or whereby there ſhall be reſerved, or taken, above the rate of eight pounds in the hundred as aforeſaid, ſhall be utterly void: And that all and every perſon and perſons whatſoever, which ſhall after the time aforeſaid, upon any contract to be made after the ſaid four and twentieth day of June, which ſhall be in the year of our Lord, 1625, take, accept and receive, by

way

Co.lib. 12. 69.

way or means of any corrupt bargain, loan, exchange, cheviſance, ſhift or intereſt of any wares, merchandize, or other thing or things whatſoever, or by any deceitful way or means or by any covin, engine, or deceitful conveyance, for the forbearing, or giving day of payment for one whole year, of, and for their money, or other thing, above the ſumme of eight pounds for the forbearing of one hundred pounds for a year, and ſo after that rate for a leſſer or greater ſumme, or for a longer or ſhorter time, ſhall forfeit and loſe for every ſuch offence the treble value of the monies, wares, merchandize, and other things ſo ſent, bargained, ſold, exchanged or ſhifted.

A Scrivener that takes above the rate of 5. s. for the forbearing of 100 l. for a year, or above 12 d. for the renewing of a Bond, ſhall forfeit 20 l. and impriſonment for half a year.

And be it further enacted by the authority aforeſaid, That all and every Scrivener and Scriveners, Broker and Brokers, Solicitor and Solicitors, Driver and Drivers of bargaines for contracts, who ſhall after the ſaid twenty fourth day of June, which ſhall be in the year of our Lord, 1625, take or receive, directly or indirectly, any ſumme or ſummes of money, or other reward or thing for brocage, ſoliciting, driving, or procuring the loan, or forbearing of any ſum or ſums of Money, over or above the rate or value of five ſhillings for the loan, or forbearing of one hundred pounds for a year, and ſo ratably, or above twelve pence for making or renewing of the Bond or Bill, for the loan or forbearing thereof, or for any counter-Bond or Bill concerning the ſame, ſhall forfeit for every ſuch offence twenty pounds, and have impriſonment for half a year; the one moiety of all which forfeitures to be to the King our Soveraign Lord, his Heirs and Succeſſors; and the other moiety to him or them that will ſue for the ſame, in the ſame County where the ſeveral offences are committed, and not elſewhere, by action of debt, bill, plaint or information, in which no eſſoyn, wager of law, or protection to be allowed.

The continuance of this Act.

This Act to continue for the ſpace of ſeven years, from the ſaid four and twentieth day of June, which ſhall be in the year of our Lord, 1625, and ſo to the end of the firſt Seſſion of Parliament then next following.

The practice of Uſury diſallowed.

Provided, That no words in this Law contained, ſhall be conſtrued or expounded to allow the practice of Uſury, in point of Religion or Conſcience. 3 Car. 4. made perpetual. Stat. 20 H.3. 5. 3 H.7.6. 11 H.7.8. 37 H.8.9. 5 Ed.6.20. 13 El.8.

CAP. XVIII.

The Stat. of 4 Jac. 2. continued, and in part altered.

WHereas in the fourth year of the Reign of our Soveraign Lord, the Kings Majeſty that now is, there was amongſt other, an Act made and entituled, An act for the true making of Woollen Clothes, which in and by the ſaid Act is to continue in force and effect but unto the end of the firſt Seſſion of the then next Parliament: Foraſmuch as the ſaid act is found by experience to be very neceſſary, expedient and beneficial for the common-weale, both in the providing for the ſeveral and reſpective lengths, breadths and weight of the ſeveral ſorts of Woollen-cloths mentioned in the ſaid Statute, as alſo in the avoiding the mixture of Flocks, Thrums, and other deceiveable things in the making of Woollen-clothes, ſaving in thoſe points whereunto the additions and alterations in this preſent act do extend: Be it therefore enacted by the authority of this preſent Parliament, That the ſame act above remembred, and all and every the branches, clauſes, proviſions in the ſame contained, and which are not in this preſent act Altered, Repealed, Diſcontinued or Enlarged, ſhall continue and be from henceforth in full force and effect, until the end of the firſt Seſſion of the next Parliament.

4 Jac. 2. continued.

And whereas in, and by the aforeſaid act, it was amongſt other things enacted and provided, That it ſhould or might be lawful to, and for any perſon and perſons, lawfully exerciſing the Trade or Art of a Clothier, or making of Clothes, to make flocks, thrums, and Lambs wooll into Cloth of one only kind or making, which ſhould contain in length, being throughly wet, between twelve and thirteen ſuch yards and inches, as in the ſaid ſtatute had been mentioned, and in breadth one yard at the leaſt within the liſts, and being clean ſcowred, thicked, milled, and fully dyed, ſhould weigh fifteen pounds the piece at the leaſt: Be it Enacted by the authority of this preſent Parliament, That the ſaid clauſe or proviſion for the making of Flocks, Thrums, and Lambs wooll into cloth, ſhall be from henceforth diſcontinued, or repealed and void: And further, whereas ſince the making of the ſaid act many ill diſpoſed perſons, for their owne private gain and lucre, and in deceit of the buyers of cloth, and to the diſcredit, and diſcrediting of good cloth, have uſed to mixe, and put flocks and thrums, and alſo noyles and hairs, and other deceiveable things, into, within, and upon the broad woollen clothes, mentioned in the ſaid Act; which ſaid broad Woollen clothes be of far greater length, breadth, and eſtimation, then be thoſe clothes whereinto the ſaid flocks, thrums and Lambs wooll in and by the ſaid act have been permitted to be put into: And by the means of the mixing and putting in, or upon ſuch broad clothes, of the ſaid flocks, noyles, thrums, hair and other deceiveable things, into, and within, or upon the ſaid broad woollen cloathes, the ſaid broad woollen Clothes be much abuſed and diſcredited, and the buyers of ſuch broad woollen clothes couzened, deceived and abuſed.

The clauſe of 4 Jac. 2. concerning the making of thrums, &c. into cloth, repealed.

He that puts thrums, &c. into cloth, ſhall forfeit five pounds.

For reformation of which foreſaid wrongs, abuſes and miſdemeanors, Be it Enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth no perſon or perſons ſhall mixe or put any flocks, noyles, thrums, hair, or other deceiveable thing or things, or any yarn made of the ſaid deceiveable thing or things, into, within, or upon any broad woollen cloth or clothes, upon pain to forfeit only five pounds and no more, for every ſuch broad woollen cloth, into, within, or upon which any ſuch flocks, noyles, thrums, hair, or any other deceiveable thing or things ſhall be put into or uſed, the ſaid forfeiture to be to the uſe of the poor of the pariſh where ſuch deceiveable cloth ſhall be made.

And for the better finding out of every ſuch deceiveable thing and things, mixed or put into, or upon, or to be mixed, or put into, or upon any broad woollen cloth or clothes, contrary to the true meaning of this Law; Be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any the Overſeer or Overſeers, Searcher or Searchers of cloth, of, or within the ſeveral pariſh or pariſhes, or Town or City where ſuch deceiveable cloth or clothes ſhall be made, or ſuſpected to be made, from time to time, to enter into any the houſe or houſes, ſhops, mill or mills, chambers, or other rooms of any Clothier, or perſon or perſons ſuſpected to have made any ſuch deceiveable broad woollen cloth, to view, ſearch, and ſee all or any their woollen cloth or clothes, and the mixture of their wools for clothes to be made; And alſo it ſhall be lawful for any two or more Juſtices of the Peace within the County, or within the City, Borough, or Town corporate, where ſuch deceiveable cloth ſhall be made, or ſuſpected to be made, upon information or complaint of any of the ſaid Overſeer or Overſeers, Searcher or Searchers, or any other, of their knowledge or ſuſpition of any ſuch offence, to grant their Warrant, to call before them any perſon or perſons whatſoever, that ſhall be thought in their diſcretions fit to diſcover any ſuch offence, and to examine upon Oath ſuch perſon or perſons for the tryal and better finding out of the offence aforeſaid; And if upon ſuch examinations it ſhall be found by teſtimony of two witneſſes or more, or by the confeſſion of the party or parties offending, that any ſuch offence or offences, have been committed as aforeſaid, then the party or parties that ſhall ſo confeſs his or their ſaid offence or offences, or who ſhall be found to have offended, ſhall remain convicted of ſuch his offence or offences: And that then it ſhall and may be lawful for the ſaid two Juſtices to certifie ſuch offence or offences unto the Church-wardens and Overſeers (for the time being) of the poor of the pariſh or pariſhes where ſuch deceiveable cloth or clothes ſhall be made, under the hands and ſeals of the ſaid Juſtices.

Searchers of cloth may enter into any mans houſe to find deceiveable cloth.

Two or more Juſtices of Peace may grant their Warrant to bring before them any perſon ſuſpected for making deceiveable cloth.

And be it further enacted by the authority aforeſaid, That immediately from and after ſuch certificate ſhall be delivered to any of the Church-wardens and Overſeers of the poor of any pariſh or pariſhes, where ſuch offendor or offendors ſhall dwell, and Warrant by them made to the ſaid Overſeers and Church-wardens, for the levying of the ſaid forfeiture: It ſhall and may be lawful to and for the ſaid Church-Wardens and Overſeers for the time being, or any of them, or for the ſucceſſor or ſucceſſors of them the ſaid Church-Wardens and Overſeers, to levy the ſumme or ſummes of money which by the ſaid Certificate and Warrant, ſhall appear to be forfeited, by way of diſtreſſe and ſale of the offendors goods, rendring to the party ſo offending, the overplus which ſhall ariſe by the ſale of ſuch goods, more then the forfeiture for ſuch offence or offences ſhall amount unto: And in defect of ſuch diſtreſſe, it ſhall be lawfull to and for the ſaid two Juſtices of peace to commit the party or parties ſo certified to have offended, to the common Gaol, there to remain without bail or mainpriſe, until payment ſhall be made of the ſaid ſum or ſums ſo forfeited, to the ſaid Church-wardens and Overſeers, or ſome or one of them, to the uſes aforeſaid, who ſhall yearly be accountable for ſuch ſum or ſums ſo received, and levied at ſuch times, and in ſuch manner, as the ſaid Church-wardens and Overſeers are to account for other monies, which they are to collect to the uſe of the poor, by force of an Act of Parliament made in the three and fortieth year of the reign of the late Queen Elizabeth. And that if any action or actions ſhall at any time or times hereafter happen to be brought or commenced againſt any perſon or perſons, for taking of ſuch diſtreſſe or diſtreſſes, or for, or about any matter or thing concerning the ſame, that then it ſhall and may be lawful to and for every ſuch perſon or perſons, againſt whom ſuch action or actions ſhall be brought or commenced, to plead the general iſſue, and to give in evidence, and to be allowed double coſts, in every reſpect and degree, as in, and by the Statute of the ſeventh year of the Kings Majeſties reign of England that now is, entituled, An act for eaſe in pleading againſt troubleſome and contentious ſuits, proſecuted againſt Juſtices of the peace, Mayors, Conſtables, and certain other his Majeſties Officers, for the lawful execution of their Office, is already provided and enacted.

Upon certificate of the Juſtices, that the party is convicted for making of deceiveable cloth, the Church-wardens, &c. ſhall levy the forfeiture.

In default of diſtreſs the party offending ſhall be committed to the common Gaol.

43 Eliz. 2.

The Officer being ſued, ſhall be allowed to plead the general iſſue, &c. and recover double coſts. Stat. 7 Jac. 5.

And whereas divers clothiers be, and are of late time much troubled and grieved, by and with ſeveral ſearchers, aulnegers, and viewers of clothes, who after that clothes have been ſearched, viewed and ſealed by the ſearchers and overſeers of the ſeveral pariſh and pariſhes, where ſuch cloth and clothes have been made, and alſo by the Kings aulneger of cloth, or by his deputy, do nevertheleſs for their own gain and lucre, review or ſearch again the ſame clothes, to the great trouble, diſturbance and hinderance of the ſaid clothiers, the loſs of their market, and ſale of their cloth, although towards the end or concluſion of the ſaid act of the fourth year of the Kings Majeſties reign of England that now is, aforeſaid, it is mentioned, that after ſuch cloth be once lawfully ſearched, and lawfully ſealed, the ſame be not compelled to be further viewed, ſearched, meaſured or ſealed.

4 Jac. 2.

Be it therefore likewiſe enacted by the authority aforeſaid that the ſaid overſeers and ſearchers authorized by the ſaid laſt mentioned Statute, or by any former act to ſearch, view and weigh any of the ſaid clothes, for the lengths, breadth and weight of the ſaid clothes, ſhall and may certifie the ſame by their ſeales affixed to ſuch clothes, and with the word Faulty thereon ſtamped (if there be cauſe) and that none of the ſaid clothes, being formerly ſearched viewed, weighed and ſealed by the ſaid Overſeers and Searchers of the Pariſh, Town, or place where the ſaid clothes ſhall be made, ſhall afterwards be viewed, ſearched, or weighed by any other perſon or perſons, officer or officers whatſoever, contrary to the ſaid ſtatute made in the ſaid fourth year of his Majeſties reign, upon pain of forfeiture of five pounds to the party grieved, who ſhall and may ſue for, and recover the ſame by bill, plaint, or information, at or in the General quarter Seſſions of the peace to be holden for the County, City, or Town Corporate wherein ſuch offence ſhall be committed, wherein no eſſoine, protection, priviledge, or wager of Law ſhall be allowed.

The Searcher that ſearcheth, &c. cloth already ſearched, &c. ſhall forfeit five pounds.

All Woollen clothes ſhall be ſearched, &c. before they be ſold.

Provided alwayes, and be it further enacted by the authority of this preſent Parliament, That all and all manner woollen clothes, of what nature, kind, or name ſo ever they be, or ſhall be of, to be woven in any City or Town corporate, within the Realm of England or Dominion of Wales, from and after forty dayes, next after the end of this preſent Seſſion of Parliament, ſhall be ſearched, tryed, and ſealed by the ſeveral and reſpective overſeers of cloth, appointed, or to be appointed, of, or for the Cities and townes corporate, or of, or for ſome of the places or pariſhes in them, where the ſame clothes ſhall be woven, before ſuch clothes ſhall be ſold, or offered to be ſold.

The meaſure of Tentors for clothes made in Yorkſhire.

Searchers ſhall make ſearch of tentors in Yorkſhire.

And be it further enacted by the authority of this preſent Parliament, That from and after forty dayes next after the end of this preſent Seſſion of Parliament, no tentor or tentors for broad clothes to be made within the County of York, to be ſold, ſhall have, or ſhall or may be allowed any further chaſe or liberty, for or to be under barr of ſuch tentor or tentors, than only halfe a quarter of a yard at the moſt: And that no tentor or tentors for narrow clothes to be made within the ſaid County of York, to be ſold, ſhall have, or ſhall or may be allowed any further chace or liberty for or to the under barre of ſuch tentor or tentors, than only halfe of a halfe quarter of a yard at the moſt: And that the Overſeers and Searchers of cloth or any of them appointed, or to be appointed within the ſeverall and reſpective pariſhes in the ſaid county of York, ſhall upon the penalties of their Recognizances taken, or to be taken by vertue of the Statute made in the nine and thirtieth year of the reign of the late Queen Elizabeth, or of any other Statute, make due ſearch and view of the tentors to be uſed in the aforeſaid county of York: And if they or any of them ſhall happen to find any tentor or tentors, uſed contrary to the true meaning of this act, that then they ſhall forthwith deface, or cauſe to be defaced ſuch tentor or tentors.

Stat. 39 El. 20. The party offending the ſecond time for having a tentor contrary to this act, ſhall forfeit xl. s.

And be it further enacted, That if any perſon or perſons whoſe tentor or tentors hath been, or ſhall be once defaced, ſhall eftſoons offend, contrary to the true meaning of this act, that then ſuch perſon or perſons ſo offending, ſhall for every his or their offence, contrary to the true meaning of this act, forfeit and loſe the ſumme of forty ſhillings of good and lawful mony of England, to ſuch uſes and behoofes, and to be levied and recovered in ſuch manner and forme, and by ſuch means, to all intents and purpoſes, as before in and by this preſent act it is limited, appointed and enacted, for the ſumme or forfeiture of five pounds, to the uſe of the poor in this act before mentioned.

Every Overſeer of cloth ſhall ſet his name upon the ſeal of cloth.

And be it further enacted by the authority of this preſent Parliament, That every Overſeer of cloth, appointed by any former Law, now in force, to fixe unto any kind of clothes a ſeale of lead, ſhall from and after forty dayes, next after the end of this preſent Parliament upon the penalty of their reſpective Recognizance, taken or to be taken by vertue of the ſaid Statute, made in the nine and thirtieth year of the reign of the ſaid Queen Elizabeth, or of any other Statute, engrave or ſet, or cauſe to be engraved or ſet, in and upon every of their reſpective ſeals of lead, which they ſhall fixe unto any cloth, by them reſpectively to be ſealed, his or their Chriſtian and Sirname; and that no cloth or clothes to be ſealed with any ſeale of lead, which ſhall want ſuch engraving or print, as aforeſaid, ſhall be taken or allowed to be ſufficiently ſealed, within the compaſs of any former Law or Statute: And furthermore whereas of late years divers ſubtil and naughty means and devices have been invented and practiſed for the preſſing of woollen Cloth of all ſorts, by heating of thick boards or planks, and laying the ſame under and above the Cloth, in the cold preſs, and alſo by putting of thin, or ſeeling boards, and paſt-boards, being made very hot, into the cuttles or plates of Clothes, and then preſently putting the ſame into a cold preſs, and by divers other cunning ſleights and inventions, by which deceitful practices and devices, the chapmen or buyers of the woollen cloth of this Kingdom are deceived, and wronged, and the woollen Cloth of this Kingdome it ſelf is diſgraced, and held and reputed very deceitfull, to the great prejudice and ſcandal of the Cloth of this Kingdome: Be it further enacted by the authority of this preſent Parliament, That all and every the preſſing of any kind or ſort of woollen Cloths, by or with ſuch ſubtil and deceitfull means as aforeſaid, or by or with any other the like ſubtil or deceitful means or device, by or with any heat of fire, which ſhall be uſed or practiſed at any time or times after the end of this preſent Seſſion of Parliament, ſhall be taken and ſhall be expounded and adjudged to be preſſing with a hot preſs, and ſhall be puniſhed and puniſhable with the like forfeitures, and in like ſort, to all intents and purpoſes as the preſſing with the hot preſs is puniſhable by any former Law or Statute.

Preſſing of Clothes between hot-planes ſhall be puniſhed with like forfeiture as preſſing them with a hot-preſſe.

Stat. 5 Ed. 6. 6. The penalties for want of length, &c. of Cloth ſhall be diſtributed into three parts. Stat. 5 Ed. 6. 6. 4 & 5 P. & M. 5. 27 El. 17. 35 El. 7. & 9. 43 El. 10. 4 Jac. 2.

And be it further enacted by the authority aforeſaid, That all penalties and forfeitures for want of length, breadth, and weight of Cloth or Clothes, limited by any former act now in force, or by this preſent act, ſhall be diſtributed into three equal parts, whereof one third part ſhall be unto the ſaid Overſeers and Searchers, finding and certifying the ſaid default of length, breadth, and weight, as aforeſaid, to be recovered by them, at or in the general quarter Seſſions of the peace, to be holden for the County, City, or Town corporate, where the offence therein ſhall happen to be done or committed, by action of debt, bill, plaint, or information, wherein no eſſoine, protection, priviledge, or wager of law ſhall be allowed: And the other parts thereof, ſhall be unto the poor of the pariſh where the ſaid Cloth or Clothes ſhall be made, to be levyed by way of diſtreſs, and ſale of the offendors goods in default of ſufficient diſtreſs, rendring to the party the overplus by the Church-wardens and Overſeers of the poor of every ſuch pariſh, from time to time reſpectively, (which ſaid Church-wardens and Overſeers are in ſuch manner to accompt for the ſame, as for any other ſums, which are by them to be collected to the uſe of the poor, by force of the ſaid Statute made in the foreſaid three and fortieth year of the reign of the ſaid late Queen, are by them to be levied and accompted for:) The ſaid former act, or any other act to the contrary in any wiſe notwithſtanding: This act to continue till the end of the firſt Seſſion of the next Parliament. 3 Car. 4.

43 El. 2.

Continued untill the end of the firſt Seſſion of the next Parliament. Stat. 5 Ed. 6. 6. 4 & 5 P. & M. 5. 8 El. 12. 27 El. 17. 35 El. 7. & 9. 43 El. 10. 4 Jac. 2. 14. Car. 2. ca: 32.

CAP. XIX.

A further deſcription of a Bankrupt. The Statutes of 13 El. 7. and 1 Jac. 15. enlarged.

FOraſmuch as daily experience ſheweth, that the number and multitude of Bankrupts do increaſe more and more, and alſo the frauds and deceits invented and practiſed for the avoyding and deluding the penalties of the good Lawes in that behalf already made, and the remedy by them provided: And for that divers defects are daily found in the former Statutes made againſt Bankrupts, both in a deſcription of a Bankrupt, as alſo in the power given to the Commiſſioners for the diſcovery and diſtributing the Bankrupts eſtate, to the great encouragement of evil minded perſons, the hindrance of traffique and commerce, the great decay, overthrow and undoing of many Clothiers, by whom many thouſands of the natural born ſubjects of this Realm be from time to time in all parts of this Kingdome ſet on work: All which do tend to the general hurt of this Realm: For remedy whereof, Be it enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular the aforeſaid Statutes and Lawes heretofore made againſt Bankrupts, and for relief of Creditors, ſhall be in all things largely and beneficially conſtrued and expounded for the aid, help, and relief of the Creditors of ſuch perſon or perſons as already be, or hereafter ſhall become Bankrupt.

Lawes made againſt Bankrupts ſhall be beneficially conſtrued for the Creditors.

And that all and every perſon or perſons uſing, or that ſhall uſe the trade of merchandize, by way of bargaining, exchange, bartering, chevisance, or otherwiſe in groſs, or by retail, or ſeeking his, or her living, by buying and ſelling, or that ſhall uſe the trade or profeſſion of a Scrivener, receiving other mens Moneys or Eſtates into his truſt, or cuſtody, who at any time after the end of this preſent Seſſion of Parliament, ſhall either by himſelf, or others by his procurement, obtain any protection or protections, other than ſuch perſon or perſons as ſhall be lawfully protected by the priviledge of Parliament, or ſhall prefer or exhibit unto his Majeſty, his heirs or ſucceſſors, or unto any of the Kings Courts, any petition or petitions, bill or bills againſt his or her creditor or creditors, or any of them, thereby deſiring or endeavouring to compel or enforce them, or any of them, to accept leſſe than their juſt and principal debts, or to procure time, or longer dayes of payment, than was given at the time of their original contracts, or being indebted to any perſon or perſons in the ſum of one hundred pounds or more, ſhall not pay, or otherwiſe compound for the ſame, within ſix moneths next after the ſame ſhall grow due, & the debtor be arreſted for the ſame, or within ſix moneths after an original Writ ſued out to recover the ſaid debt, and notice thereof given unto him, or left in writing at his, or their dwelling houſe, or laſt place of abode, or being arreſted for debt, ſhall after his or her arreſt, lie in priſon two moneths or more, upon that, or any other arreſt or detention in priſon for debt; or being arreſted for the ſum of one hundred pounds or more, of juſt debt or debts; ſhall at any time after ſuch arreſt eſcape out of priſon, or procure his enlargement, by putting in common or hired bail, ſhall be accounted and adjudged a Bankrupt to all intents and purpoſes; And in the ſaid caſes of arreſt, or lying in priſon far ſuch debt or debts, or getting forth by common or hired bail, from the time of his or her ſaid firſt arreſt.

Who ſhall be deemed a Bankrupt.

And be it further Enacted by the authority of this preſent Parliament, That the like Commiſſions, orders, benefits and remedies, which are and be provided and limited by the ſaid former Acts of Parliaments, made in the thirteenth year of the late Queen Elizabeth, and in the firſt year of the reign of our Soveraign Lord the Kings Majeſty, againſt any Bankrupts, in them, or either of them deſcribed, or for, or concerning his, her, or their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandiſe and debts, or any of them, ſhall and may be had, purſued, taken, and expounded againſt ſuch perſon and perſons as are herein, and hereby declared, deſcribed or expreſſed to be Bankrupts, and againſt his, her, and their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandize and debts, in ſuch manner and form, as the ſame ought, and might have been, if the perſons herein declared, deſcribed, or expreſſed to be Bankrupts, had been by the ſaid Statutes, or either of them, deſcribed to be bankrupts, to all intents and purpoſes whatſoever.

Commiſſions, Orders, &c. provided by 13 El. 7. & 1 Jac. 15. ſhall be purſued againſt him that is deſcribed to be a bankrupt by this act.

And be it further enacted by the authority aforeſaid, That the ſame orders, benefits and remedies, which are, and be provided and limited by this preſent act, againſt any bankrupts, in, or by this act declared, deſcribed or expreſſed to be Bankrupts, or for, or concerning his, her or their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandizes, and debts, or any of them, or the diſcovery of them, or any of them, ſhall from henceforth be had, purſued, taken and expounded againſt ſuch perſon and perſons, as are declared or expreſſed to be Bankrupts, by the ſaid former Acts of Parliament, or either of them, and againſt his, her, and their lands, tenements, hereditaments, fees, annuities, offices, goods, chattels, wares, merchandizes and debts, in ſuch manner and form, as the ſame ought and might have been, if the perſons in the former Statutes, or either of them, deſcribed to be Bankrupts, had been mentioned and deſcribed to be Bankrupts, in, and by this preſent act.

Orders, &c. provided by this act ſhall be purſued againſt him that is deſcribed to be a Bankrupt by 13 El. 7. & 1 Jac. 15.

And whereas by the former Lawes, the Commiſſioners appointed have power to examine the Bankrupt himſelf, and ſuch perſon or perſons as are ſuſpected to have, or detain any of the eſtate, goods or chattels of the Bankrupts, but ſome doubt have been made whether the Commiſſioners have power to examine the Wives of the Bankrupts, touching the ſame, by reaſon whereof the Bankrupts Wives do daily conceal and convey away, and cauſe to be conveyed away much part of their Husbands Moneys, Wares, Goods, Merchandize and other Eſtate, to perſon or perſons unknown to any but ſuch Wives, by reaſon whereof much of the Bankrupts Eſtate is concealed, and detained from the creditors.

The Bankrupts wife may be examined by the Commiſſioners.

For clearing therefore the ſaid doubt, and avoiding the inconveniences aforeſaid, Be it declared and enacted by the authority aforeſaid, That after ſuch time as any perſon ſhall by the ſaid Commiſſioners, executing the ſaid Commiſſion, or the greater part of them, be lawfully adjudged or declared to be a Bankrupt, the ſaid Commiſſioners executing ſuch Commiſſion, ſhall have power and authority to examine upon Oath the wife and wives of all and every ſuch Bankrupt, for the finding out, and diſcovery of the eſtate, and eſtates, goods and chattels of ſuch Bankrupt or Bankrupts, concealed, kept, or diſpoſed of, by ſuch wife or wives, in their own perſons, or by their own act or means, or by any other perſon or perſons. And that ſhe and they, the ſaid wife and wives, ſhall incur ſuch danger and penalty for not coming before the ſaid Commiſſioners, or for refuſing to be ſworn and examined, or for not diſcloſing the truth upon her, or their examination or examinations, as in, and by the ſaid former Lawes, or either of them, is already made and provided againſt any other perſon or perſons in like caſes.

The Bankrupt that fraudulently concealeth his goods, or rendreth not ſome juſt reaſon why he became Bankrupt, ſhall be ſet upon the pillory, and loſe one of his ears.

And be it further enacted by the authority aforeſaid, That if any Bankrupt ſhall upon his, or her examination or examinations, to be taken before the ſaid Commiſſioners, executing the ſaid Commiſſion, be found fraudulently or deceitfully to have conveyed away his, or her goods, chattels, lands, tenements, offices, fees, rents or annuities, or other eſtate, or any part thereof, to the value of twenty pounds or above, to the end and purpoſe to hinder the execution of this Statute, or of any other the aforeſaid Statutes, or thereby to defraud, delay or hinder his or her Creditors of the ſame, and ſhall not upon his or her examination, diſcover unto the ſaid Commiſſioners, and (if it lie in his or her power) deliver unto the ſaid Commiſſioners, all that eſtate, goods and chattels, ſo fraudulently and deceitfully conveyed away, as aforeſaid, or by him or her, his or her means, kept or detained from the ſaid Commiſſioners, or that cannot make it appear unto the ſaid Commiſſioners that he or ſhe hath ſuſtained ſome caſual loſs, whereby he or ſhe is diſabled to pay what he or ſhe then owed, ſhall or may be indicted for ſuch fraud or abuſe at the Aſſiſes or general Seſſions, to be holden before the Judges of Aſſize, or Juſtices of the Peace of the County or place where he or ſhe ſhall become Bankrupt: And if upon ſuch indictment or indictments the Bankrupt be thereof convicted, he or ſhe ſo convicted ſhall be ſet upon the Pillory in ſome publick place, for the ſpace of two hours, and have one of his or her ears nailed to the Pillory, and cut off.

The Commiſſioners may break open the Bankrupts doors, &c.

And for that ſome doubt is conceived, whether the Commiſſioners in caſe of reſiſtance, have power by the former Lawes to break open, or cauſe to be broken open, the houſe or houſes of ſuch Bankrupts, which if they have not, the remedies by the former Lawes given, will be to little effect: Be it therefore enacted, That in execution of the ſaid Commiſſion, it ſhall be lawful, to, and for the ſaid Commiſſioners, or the greater part of them, or any other perſon or perſons, Officer or Officers, by them, or the greater part of them, to be deputed, and appointed by their warrant or warrants, under their hands and ſeals, to break open the houſe or houſes, chambers, ſhops, ware-houſes, doors, trunks or cheſts of the ſaid Bankrupt, where the ſaid Bankrupt, or any of his or her goods or eſtate, ſhall be, or reputed to be, and to ſeize upon, and order the body, goods, chattels, ready money, and other eſtate of ſuch Bankrupt, as by the ſaid former Lawes are limited and appointed, whether it be by impriſonment of his or her body, or otherwiſe, as to the ſaid Commiſſioners, or the greater part of them, ſhall be thought meet.

The Bankrupts goods ſhall be ratably divided notwithſtanding any judgement, recognizance, &c.

And for the better diviſion and diſtribution of the lands, tenements, hereditaments, goods, chattels, and other eſtate of ſuch Bankrupt, to, and amongſt his or her Creditors, Be it enacted, That the Commiſſioners, or the greateſt part of them, ſhall, and may examine upon Oath, or by any other wayes or means, as to them ſhall ſeem meet, any perſon or perſons for the finding out, and diſcovery of the truth and certainty of the ſeveral debts due, and owing, to all ſuch Creditor and Creditors, as ſhall ſeek relief by ſuch courſe of Commiſſion to be ſued forth, as aforeſaid: And that all and every Creditor and Creditors, having ſecurity for his or their ſeveral debts, by Judgment, Statute, Recognizance, ſpecialty with penalty or without penalty, or other ſecurity, or having no ſecurity, or having made attachments in London, or any other place, by vertue of any cuſtome there uſed, of the goods and chattels of any ſuch Bankrupt, whereof there is no execution or extent ſerved and executed upon any the lands, tenements, hereditaments, goods, chattels, and other eſtate of ſuch Bankrupt, before ſuch time as he or ſhe ſhall or do become bankrupt, ſhal not be relieved upon any ſuch Judgment, Statute, Recognizance, Specialty, Attachments, or other ſecurity, for any more then a ratable part of their juſt and due debts, with the other Creditors of the ſaid Bankrupt, without reſpect to any ſuch penalty or greater ſum contained in any ſuch Judgement, Statute, Recognizance, ſpecialty with penalty, Attachment, or other ſecurity.

Cro. Car. 149.

The Commiſſioners may proceed when the Bankrupt by fraud makes himſelf accomptant to the King.

And be it further enacted, That if it ſhall happen, any the lands, tenements, goods, chattels, debts, or other eſtate of any Bankrupt, to be extended, after ſuch time as he, or ſhe is become a Bankrupt, by any perſon or perſons, under colour or pretence of his or their being an Accomptant, or any way indebted unto our Soveraign Lord the Kings Majeſty, his heirs or ſucceſſors, that then it ſhall be lawful, To, and for the ſaid Commiſſioners, to examine upon Oath, whether the ſaid debt were due to ſuch Debtor or Accomptant, upon any bargain or contract originally made, betwixt ſuch Accomptant and the ſaid Bankrupt, the ſaid Debtor and Accomptant, and his, or their ſervants: And if ſuch bargain or contract was originally made, to, and with any perſon or perſons, than the ſaid Debtor or Accomptant, or for the uſe and truſt of any other perſon or perſons, then it ſhall and may be lawful, to and for the ſaid Commiſſioners, or the greater part of them, to order and diſpoſe of all ſuch lands, tenements, hereditaments, goods, chattels, and debts ſo extended as aforeſaid, to and for the uſe of the creditors, which ſhall ſeek relief by the ſaid Commiſſion; And that the order and diſpoſition of the ſaid Commiſſioners, or the greater part of them, ſhall be good and available againſt the ſaid extent, and againſt all perſons claiming from, by, or under the ſaid extent: and that ſuch perſon and perſons, to whom the ſaid Lands, Tenements, Goods and Chattels ſo extended, ſhall be bargained, ſold, granted or aſſigned by the Commiſſioners aforeſaid, or the greater part of them, ſhall have good remedy, to have, demand, and recover the ſame, and againſt ſuch perſon and perſons who ſhall detain the ſame: And for that it often falls out, that many perſons before they become Bankrupts, do convey their goods to other men, upon good conſideration, yet ſtill do keep the ſame, and are reputed the owners thereof, and diſpoſe the ſame as their own:

Goods in the poſſeſſion, &c. of the Bankrupt, are liable to pay his debts, notwithſtanding any former grant, &c.

Be it Enacted, That if at any time hereafter, any perſon or perſons ſhall become Bankrupt, and at ſuch time as they ſhall ſo become Bankrupt, ſhall by the conſent and permiſſion of the true owner and proprietary, have in their poſſeſſion, order and diſpoſition, any goods or chattels, whereof they ſhall be reputed owners, and take upon them the ſale, alteration or diſpoſition, as owners, that in every ſuch caſe, the ſaid Commiſſioners, or the greater part of them, ſhall have power to ſell and diſpoſe the ſame, to, and for the benefit of the Creditors, which ſhall ſeek relief by the ſaid Commiſſion, as fully as any other part of the Eſtate of the Bankrupt. And for the better payment of debts, and diſcouraging men to become Bankrupts:

A grant of the intailed lands of the Bankrupt ſhall be good.

Be it further Enacted, That the ſaid Commiſſioners, or the greater number of them, ſhall have power by vertue of this act, by deed indented and enrolled, within ſix moneths after the making thereof, in ſome of his Majeſties Courts of Record at Weſtminſter, to grant, bargain, ſell and convey any manors, lands, tenements or hereditaments, whereof any Bankrupt is, or ſhall be in any wayes ſeized of any Eſtate in tail, in poſſeſſion, reverſion or remainder, and whereof no reverſion or remainder is, or ſhall be in the Kings Majeſty, his Heirs or Succeſſors, of the gift or proviſion of his Majeſty, his Progenitors, his Heirs or Succeſſors, to any perſon or perſons, for the relief and benefit of the creditors of all ſuch Bankrupts; And that all and every ſuch grants, bargains, ſales and conveyances ſhall be good and available in the Law to ſuch perſon or perſons, and their heirs, againſt the ſaid Bankrupts, and againſt all and every the Iſſues of the body of ſuch Bankrupts, and againſt all and every perſon and perſons, claiming any eſtate, right, title or intereſt, by, from, or under the ſaid Bankrupts, after ſuch time as ſuch perſon ſhall become Bankrupt, and againſt all and every other perſon and perſons whatſoever, whom the ſaid Bankrupt by common recovery, or other wayes or means might cut off, or debar from any remainder, reverſion, rent, profit, title or poſſibility, into or out of any the ſaid manors, lands, tenements or hereditaments.

Conditional Eſtates granted by the Bankrupt, may be redeemed by the Commiſſioners.

And be it further Enacted, That if any perſon that now is, or hereafter ſhall become a Bankrupt, have heretofore granted, conveyed or aſſured, or ſhall at any time hereafter, grant, convey or aſſure any lands, tenements, hereditaments, goods, chattels, or other Eſtate, unto any perſon or perſons, upon condition, or power of redemption at a day to come, by payment of money, or otherwiſe, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or the greater part of them, before the time of the performance of ſuch condition, to aſſign and appoint, under their hand and ſeals, ſuch perſon or perſons as they ſhall think fit, to make tender or payment of money, or other performance, according to the nature of ſuch condition, as fully as the Bankrupt might have done; And that the ſaid Commiſſioners, or the greater part of them, ſhall after ſuch tender, payment or performance, have power to ſell and diſpoſe of ſuch lands, tenements, hereditaments, goods and chattels, and other eſtates ſo granted, conveyed, or aſſured upon condition, to, and for the benefit of the Creditors, as fully as they may ſell or diſpoſe of any the Eſtate of the Bankrupt.

The Commiſſion ſhall be ſued forth within five years.

Provided further, That no purchaſor, for good and valuable conſideration, ſhall be impeached by vertue of this act, or any other act heretofore made againſt Bankrupts, unleſſe the Commiſſion to prove him or her a Bankrupt, be ſued forth againſt ſuch Bankrupt within five years after he or ſhe ſhall become a Bankrupt.

Strangers ſhall take advantage of this, and all other Lawes againſt Bankrupts.

Provided further, and be it enacted by the authority aforeſaid, That this act, and all other acts of Parliament heretofore made againſt Bankrupts, ſhall extend to ſtrangers born, as well aliens as denizens, as effectually, as to the natural born Subjects, both to make them ſubject to the Lawes as Bankrupts, as alſo to make them capable of the benefit or contribution, as creditors by thoſe Lawes. Stat. 34 H.8.4. 13 El.7. 1 Jac.15. 14 Car.2. cap.24.

CAP. XX.

None ſhall prophanely ſwear or curſe.

He that prophanely curſeth or ſweareth, ſhall forfeit xii. d. to the uſe of the poor.

FOraſmuch as all prophane ſwearing and curſing is forbidden by the Word of God, Be it therefore enacted by the authority of this preſent Parliament, That no perſon or perſons ſhall from henceforth prophanely ſwear or curſe: And that, if any perſon or perſons ſhall at any time or times hereafter offend herein, either in the hearing of any Juſtice of peace of the County, or of any Mayor, Juſtice of peace, Bayliff, or head Officer of any City, or Town corporate, where ſuch offence is, or ſhall be committed, or ſhall thereof be convicted by the Oaths of two witneſſes, or by confeſſion of the party, before any ſuch Juſtice of peace of the County, or head Officer, or Juſtice of the peace in the City or Town corporate where ſuch offence is or ſhall be committed; To which end, every Juſtice of peace, and every ſuch head Officer ſhall have power by this act to miniſter the ſame Oath: That then every ſuch offendor ſhall for every time ſo offending, forfeit and pay to the uſe of the poor of that pariſh where the ſame offence is, or ſhall be committed, the ſumme of twelve pence. And it ſhall alſo be lawful for the Conſtable, Church-wardens, and Overſeers of the poor of that pariſh,

The Conſtable, &c. ſhall levy the ſaid forfeiture.

by Warrant from ſuch Juſtice of the peace, or head Officer, to levy the ſame ſum and ſums of money, by diſtreſſe, and ſale of the offenders goods, rendring to the party the overplus. And in defect of ſuch diſtreſſe, the offendor, if he or ſhe be above the age of twelve years, ſhall by warrant from ſuch Juſtice of the peace, or head Officer, be ſet in the ſtocks by three whole hours; but if the offendor be under the age of twelve years, and ſhall not forthwith pay the ſaid ſum of twelve pence, Then he or ſhe, by warrant of ſuch Juſtice of peace, or head Officer, ſhall be whipped by the Conſtable, or by the parent, or maſter in his preſence.

The Officer being ſued, ſhall plead the general iſſue.

And be it further enacted, That if any ſuch offendor ſhall commence any ſuit in Law againſt any Officer or other, for ſuch diſtraining, ſale of goods, whipping, or ſetting in the ſtocks, the defendant or defendants may plead the general iſſue, and give the ſpecial matter in evidence to the Jury at the tryal. And if it be found againſt the plaintiff, or that the plaintiff be non-ſuit, the defendant or defendants ſhall be allowed good coſts, to be taxed by the Court.

This offence ſhall be proſecuted within twenty dayes. This Act ſhall be read in the Church twice every year.

Provided nevertheleſſe, That every offence againſt this Law, ſhall be complained of, and provided, as aboveſaid, within twenty dayes after the offence committed.

And it is alſo enacted, That this act ſhall be read in every pariſh Church by the Miniſter thereof, upon the Sunday after Evening prayer twice in the year.

Provided, That this act ſhall continue until the end of the firſt Seſſion of the next Parliament, and no longer. 3 Car. 4. Continued until the end of the firſt Seſſion of the next Parliament.

CAP. XXI.

Hoſtlers, or Inholders ſhall make no horſe-bread.

37 Ed. 3. 3.
13 Rich. 2. 8.
4 Hen. 4. 25.
32 Hen. 8. 41.

BE it enacted by the authority of this preſent Parliament, That one Statute made in the ſeven and thirtieth year of the Reign of the late King Edward the third, made for the great dearth that then was in many places of the Realm, of poultry, and concerning the prices of poultry: And ſo much of one Statute made in the thirteenth year of the Reign of King Richard the ſecond, as provideth, that no Hoſtler make horſe-bread in his Hoſtrey, nor without, and that the aſſiſe thereof ſhall be kept, and that the weight be reaſonable, after the prices of the Corn, in their Markets, and that the ſame Hoſtlers ſhall ſell Hay and Oats, after a reaſonable price, ſo that they take but one half-peny over the common price in the market: And ſo much of one Statute made in the fourth year of the reign of the late King Henry the fourth, as doth concern the putting in execution of the part of the Statute made in the thirteenth year of the reign of King Richard the ſecond, that is before ſpecified: And one Statute made in the two and thirtieth year of the reign of King Henry the eight, intitled, An act concerning the baking of horſe-bread, be from henceforth repealed, made void, and of none effect.

The foreſaid ſtat. repealed. Hoſtlers, &c. ſhall make no horſe-bread. They ſhall ſell provender according to the Market.

And be it further Enacted, That no Hoſtler or Inholder, ſhall at any time after the end of this preſent Seſſion of Parliament, make horſe-bread in his Hoſtery, nor without, but Bakers ſhall make it, and the aſſiſe ſhall be kept, and that the weight be reaſonable, after the price of the corn and grain in the Markets adjoyning; and the Hoſtlers or Inholders ſhall ſell their horſe-bread and their Hay, Oats, Beans, Peaſe, provender, and alſo all kind of victual, both for man and beaſt, for reaſonable gain, having reſpect to the prices, for which they ſhall be ſold in the Markets adjoyning, without taking any thing for litter.

They may make horſe-bread, when no Baker dwells in the ſame Town.

Provided alwayes, and be it enacted by the authority aforeſaid, That from henceforth it may and ſhall be lawful for every Hoſtler and Inne-keeper, dwelling in any Town or Village, being a through-fare, or a common paſſage within this Realm, and being no City, Town corporate, or Market Town, wherein any common Baker, exerciſing the occupation of baking, and that hath been apprentice at the ſaid occupation by the ſpace of ſeven years, is dwelling, To make within his houſe horſe-bread, ſufficient, lawful, and of due aſſiſe, according as the price of grain and corn now is, and hereafter ſhall be from time to time: Any thing herein contained to the contrary notwithſtanding.

If they make it not of due aſſiſe, they ſhall be puniſhed by the Juſtices, &c.

And be it further Enacted by the authority aforeſaid, That if the horſe-bread which any of the ſaid Hoſtlers or Inne-holders ſhall make, be not ſufficient, lawful, and of due aſſiſe, according to the price of grains and corn, as aboveſaid; Or that if any of them ſhall offend in any thing contrary to this act, then the Juſtices of Aſſize, Juſtices of Oyer and Terminer, Juſtices of the peace in every Shire, Liberty or Franchiſe within this Realm, Sheriffs in their turns, and Stewards in their Leets and Law-dayes, ſhall have full power and authority to enquire, hear and determine the ſaid defaults and offences of the ſaid Hoſtlers and Inneholders, hereafter to be committed againſt the form of this preſent Statute. And the Hoſtler or Inne-holder for the firſt offence, ſhall be fined according to the quantity of the offence; And if being once convicted, he ſhall again offend, for the ſecond offence he ſhall be impriſoned for the ſpace of one moneth, without bail or mainpriſe; And if he ſhall a third time offend, being thereof convicted, he ſhall ſtand upon the Pillory, without being redeemed for money; And if he ſhall offend after the Judgment of the pillory given, he ſhall be fore-judged for keeping any Inne again.

CAP. XXII.

The Statutes of 3 & 4 Ed.6.21. and 5 & 6 Ed.6.14. explained.

3 & 4 Ed.6.21.
5 & 6 Ed.6.14.

WHereas in a Parliament holden at Weſtminſter in the third and fourth years of the reign of the moſt excellent Prince of happy memory, King Edward the ſixth, It was enacted, That no perſon or perſons after the Feaſt of the Annunciation of our Lady then next coming, ſhould buy to ſell again, any butter or cheeſe, unleſs he or they ſold the ſame again by retail in open ſhop, fair or market, and not in groſſe, upon pain of forfeiture of double the value of the ſame butter and cheeſe ſo ſold, contrary to the tenor of the ſaid act.

In and by which Act it is provided and enacted, That the ſaid word of retail mentioned in the ſaid act ſhould be expounded, declared, and taken only where a wey of cheeſe, or a barrel of butter, or a leſſe quantity, and not above, ſhould be ſold at one time to any perſon or perſons in open ſhop, fair or market; and that to be done without fraud or covin:

And whereas alſo by one other act made in a Parliament holden at Weſtminſter, in the fifth year of the Reign of the ſaid late King, it was enacted (amongſt other things) That whatſoever perſon or perſons ſhould ingroſſe or get into his hands any butter or cheeſe within the Realm of England, to the intent to ſell the ſame again, ſhould be accepted, reputed and taken to be an unlawful ingroſſer, and ſhould loſe and forfeit the value of the ſaid goods: In which act there is no proviſo for retailers at all; By occaſion whereof, the traders for butter and cheeſe for the City of London are continually vexed and moleſted by common informers, ſometimes upon the one ſtatute, and ſometimes upon the other, to their great loſs and charge:

Now for that by daily experience it is found, that the Traders of butter and cheeſe for the City of London, which fetch and provide the ſaid butter and cheeſe out of divers Counties, upon their great travel, charge and adventure, for proviſion of the ſaid City, and of others thereunto reſorting, and there ſell the ſame in their ſhops in open market, not only for the general uſe and ſervice of the ſaid City, and the Countries adjoyning, but alſo for any occaſion which may be offered for the better expedition of his Majeſties ſervice; As alſo for victualling of ſhips which daily are victualled from this port of London, which poſſibly cannot be performed by the ſmall quantities aforeſaid, and according to the ſaid ſtatute:

And whereas the common Informers finding that the letter of the ſaid ſtatute extendeth againſt ſuch as do ſell above the quantity of a wey of cheeſe, or of a barrel of butter at one time, though it be in open ſhop, fair or market; and that in the other act no proviſo at all is made, as aforeſaid, for retailers, have of late years much troubled the Traders of butter and cheeſe within the City of London, with many informations, as well upon the one ſtatute as the other, and have gotten ſeveral ſums of money for compoſition of them, albeit they then were and are men that have been apprentices, trained up in the ſaid trade, and have no other living or trade of life, to their great hinderance and impoveriſhment:

For remedy whereof, be it enacted by the authority of this preſent Parliament, That the ſaid Acts, or any of them, or any other Statute, Law, Ordinance or other proviſion whatſoever heretofore, for, or concerning the ſale of butter and cheeſe in open ſhop, fair or market, or the providing or buying of any butter or cheeſe, ſhall not in any wiſe extend to any perſon or perſons, being Cheeſe-mongers, or Tallow-Chandlers, free of the ſaid City, and having been brought up as apprentices by the ſpace of ſeven years, trading in butter and cheeſe, for ſuch butter and cheeſe and either of them, as he and they ſhall utter and ſell within London and the liberties thereof, or within the Borough of Southwark, or the City of Weſtminſter, for the victualling of any of the Shipping of his Majeſty, his heirs or ſucceſſors, or for the Ships of any other his Majeſties Subjects, or to ſuch butter or cheeſe which he or they ſhall ſell by any quantities at one time, and to one perſon, not exceeding four wey of cheeſe, or four barrels of butter, without fraud or covin, ſo as he or they ſell the ſame in open ſhop, fair or market: Any thing in the ſaid Acts and Statutes, or any of them to the contrary notwithſtanding.

The aforeſaid Acts ſhall not extend to London, Weſtminſter or Southwark.

Provided neverthelesse, and be it enacted by the authority aforeſaid, That if the Juſtices of the peace of any of the Counties of this Realm of England, or the Dominion of Wales, at their quarter-Seſſions of any of the ſaid Counties, ſhall declare and publiſh in open Seſſions, that the Traders aforeſaid in butter and cheeſe ſhall forbear to buy any butter or cheeſe, for any time within the ſaid County or Counties, or within any parts or places of the ſame, that then for and during the time of ſuch reſtraint, the ſaid Traders in butter and cheeſe that ſhall buy any ſuch Butter or Cheeſe, and ſell the ſame again by retail, contrary to any the acts aforeſaid, ſhall not be freed of, or from any the penalties of the ſaid acts, but ſhall be ſubject to the ſame, as if this Act had never been made.

The Juſtices of peace may reſtrain the traders in butter and cheeſe to buy thoſe commodities in the Country.

This Act to continue unto the end of the firſt Seſſion of the next Parliament. 3 Car. 4.
Continued until the end of the firſt Seſſion of the next Parliament. Stat. 2 & 3 P. & M. 5. Stat. 19 H. 6. 8.
14 Car. 2. ca. 26.

CAP. XXIII.

Suits commenced in inferiour Courts, ſhall not be removed into ſuperiour Courts, unleſs, &c.

WHereas there now are, and long time have been divers Courts of Record in divers Cities, Liberties, Towns corporate and elſewhere, ſome of them being far remote from Weſtminſter, others from the Court of grand Seſſions in Wales, which were principally ordained for the eaſe and quiet of ſuch as ſhould have occaſion to ſue there for debts, duties and wrongs, ſo that they might with ſmall expences receive juſtice according to the merits of their cauſes, in thoſe inferiour Courts, without being compelled to travel to Weſtminſter, or the Court of the great Seſſions in Wales: But of late divers of his Majeſties loving Subjects, having for juſt and true debts, and other good and lawful cauſes commenced Suits in ſuch inferiour Courts, and proſecuted their actions and ſuits many times ready for tryal, and the ſame cauſes being for the moſt part of ſmall value, have been removed into ſome of his Majeſties Courts at Weſtminſter, or the Court of the great Seſſions in Wales, and being remanded by Procedendo into the ſame inferiour Courts, where the action or ſuit was firſt commenced, the ſame have been again oftentimes removed into the ſame, or other of his Majeſties Courts at Weſtminſter, or Court of the great Seſſions in Wales, to the intolerable delay of Juſtice, and great expences of money, and loſſe and trouble to thoſe which juſtly and honeſtly by ſuch Actions and Suits have ſought only to recover or get ſatisfaction for debts, duties or wrongs, owing, due or done unto them:

No Writ to remove a ſuit commenced in an inferiour Court, ſhall be obeyed, unleſs it be delivered unto the Steward, &c. of the ſame Court before Iſſue or Demurrer joyned.

For remedy whereof, Be it enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no Writ or Writs of habeas corpus, Certiorari, or any other Writ or Writs, Proces or Proceſſes whatſoever, other than Writs of Errour or attaint to be ſued forth after the end of this preſent Seſſion of Parliament, by any perſon or perſons whatſoever, out of, or from any of his Majeſties Courts at weſtminſter, or the Court of the great Seſſions in Wales, or out of any other Court or Courts, having, or pretending to have power to award ſuch Writs or proceſſes to ſtay or remove any action, Bill plaint, Suit, or Cauſe brought, commenced or depending, or hereafter to be brought, commenced or depending in any Court or Courts of Record, within any City, Liberty, Town corporate or elſe-where, which have, or ſhall have Juriſdiction, power or authority to hold Plea in that Action, Bill, Plaint, Suit, or Cauſe: The ſame cauſe of Action, Bill, Plaint or ſuit ariſing or growing within the ſaid City, Liberty, Town corporate, or Juriſdiction, ſhall after the end of this preſent Seſſion of Parliament be received or allowed by the Stewards, Judge or Judges: or Officer or Officers of the Court or Courts, wherein, or to whom any ſuch Writ or Writs ſhall be directed and delivered: but that he and they ſhall and may proceed in the ſaid cauſe or cauſes, as though no ſuch writ or writs were ſued forth or delivered to him or them, except that the ſaid writ or writs be delivered to the Steward or Stewards Judge or Judges. Officer or Officers of the ſaid Court before Iſſue or Demurrer joyned in the ſaid cauſe or cauſes ſo depending, or to be depending in ſuch Court of Record, in any City, Liberty, Town corporate, or elſe-where, having power to hold ſuch Plea, ſo as the ſaid Iſſue or Demurrer be not joyned within ſix weeks next after the arreſt or Appearance of the Defendant or Defendants to ſuch Action or Suit commenced.

A Suit once remanded, ſhall never afterwards be removed.

And be it further enacted by the authority aforeſaid, That if any ſuch Action Bill, Plaint, Suit or Cauſe, which is or ſhall hereafter be brought, commenced, or depending in any ſuch Court of Record, in any City, Liberty, Town corporate, or elſe-where, ſhall after the end of this preſent Seſſion of Parliament be removed or ſtaid by any ſuch Writ or Writs, Proceſs or Proceſſes, to be ſued forth or out of any of his Majeſties Courts at Weſtminſter, for the Court of the great Seſſions in Wales, or any other Court as aforeſaid, that if afterwards the ſame Action, Bill, Plaint, Suit or Cauſe ſhall be remanded or ſent back again by any Writ or Writs of Procedendo, or other writ whatſoever that then the ſame Action, Bill, Plaint, Suit or Cauſe, ſhall never afterwards be removed or ſtaid before Judgement, by any Writ or Writs whatſoever to be ſued forth, or out of any of his Majeſties ſaid Courts at Weſtminſter, or the ſaid Court of great Seſſions in Wales, or any other Court as aforeſaid, any Law, Statute, Cuſtome, Uſage or Reſtraint to the contrary thereof in any wiſe notwithſtanaing.

A Suit when the thing in demand exceeds not five pounds, ſhall not be removed.

And be it further enacted by the authority aforeſaid, That if in any Action, Bill, Plaint, Suit, or Cauſe, not concerning Free-hold or inheritance, or Title of Land, Leaſe or Rent, which ſhall be brought, commenced, or depending in any ſuch Court of Record, or any City, Liberty, Town corporate, or elſewhere, if it ſhall appear, or be ſaid in the Declaration, that the Debt, Damages, or things demanded, doth, or ſhall not amount to, or exceed the ſumme of five pounds, That then ſuch action, Bill, Plaint, Suit or Cauſe ſhall not be ſtayed, nor removed into any of his Majeſties courts at Weſtminſter, or other courts, as aforeſaid, by any Writ or Writs whatſoever, to be ſued or proſecuted forth, or out of his Majeſties ſaid courts at Weſtminſter, or other courts as aforeſaid, other than Writs of Errour or Attaint: Any Law, Statute, uſage, Cuſtome or reſtraint, to the contrary in any wiſe notwithſtanding.

And be it further enacted by the authority aforſaid, That if any Writ or Writs whatſoever ſhall be after the end of this preſent Seſſion of Parliament granted or ſued forth, or out of any of his Majeſties ſaid Courts at Weſtminſtrr, or court of the great Seſſions in Wales, or other court, contrary to the intent and meaning of this preſent act, that then it ſhall and may be lawful, to and for the Judge or Judges, and Officer or Officers, to whom ſuch Writ or Writs ſhall be directed or delivered, to diſallow and refuſe the ſame, and to proceed, as if no ſuch Writ or Writs had been granted or ſued out or forth, as aforeſaid: Any law, ſtatute, uſage, cuſtome, or reſtraint, to the contrary in any wiſe notwithſtanding.

This act ſhall only extend to Courts in Liberties, &c. and when the Steward is an Utter Barriſter.

Provided alwaies that this act ſhall extend only, to ſuch courts of Record, in Cities, Liberties, Townes corporate, and elſewhere, and for ſo long time only, as there is or ſhall be an Utter-Bariſter of three years ſtanding at the barr, of one of the four Innes of Court, that is or ſhall be Stewards, Under-ſteward, or Deputy-Steward, Town-clerk, or Judge, or Recorder of the ſame inferiour Court, or that is, or ſhall be from time to time Aſſiſtant to ſuch Judge or Judges of ſuch inferiour Courts, as ſhall not be Utter-Barriſters of ſuch ſtanding, as is aforeſaid, and there preſent, in which ſuch Actions, Bill, Plaints, Suits or Cauſes, is or ſhall be brought, commenced, or depending, and not of Councel in any Action, Suit or cauſe then depending in the ſame inferiour Court; Any thing in this preſent act, or any law, or other Statute, Uſage, Cuſtome, or Reſtraint, to the contrary in any wiſe notwithſtanding.

Cro. Car. 79.

This Act ſhall not extend to admit any foreign Plea.

Provided that this act, or any thing therein contained, ſhall not extend to any Action, Bill, Plaint, Suit or Cauſe, wherein any ſuch Foreign or other Plea ſhall be pleaded, as could not be tryed or determined within the Juriſdiction of ſuch inferiour courts.

CAP. XXIII.

The lands of him that dyes in execution ſhall be chargeable with the debts.

Foraſmuch as heretofore it hath been much doubted and queſtioned, if any perſon being in Priſon, and charged in Execution, by reaſon of any Judgment given againſt him, ſhould afterwards happen to dye in Execution, whether the party at whoſe Suit, or to whom ſuch perſon ſtood charged in execution at the time of his death, be for ever after concluded and barred to have execution of the Lands and goods of ſuch perſon ſo dying.

And foraſmuch as daily experience doth manifeſt, that divers perſons of ſufficiency in Real and Perſonal Eſtate, minding to deceive others of their juſt debt, for which they ſtood charged in Execution, have obſtinately and wilfully choſen rather to live and die in priſon, than to make any ſatisfaction according to their abilities: To prevent which deceit, and for the avoyding of ſuch doubts and queſtions hereafter, Be it declared, explained and enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the end of this preſent Seſſion of Parliament, the party or parties, and at whoſe Suit, or to whom any perſon ſhall ſtand charged in execution for any Debt or Damage, recovered, his or their Executors or Adminiſtrators may after the death of the ſaid perſon ſo charged, and dying in execution, lawfully ſue forth, and have new Execution againſt the lands and tenements, goods and chattels, or any of them, of the perſon ſo deceaſed, in ſuch manner and form, to all intents and purpoſes, as he or they, or any of them might have had by the Lawes and Statutes of this Realm, if ſuch perſon ſo deceaſed had never been taken, or charged in Execution.

A new execution may be awarded againſt the lands of him that dies in execution.

Provided alwayes, and be it declared and enacted, that this act ſhall not extend to give liberty to any perſon or perſons, their Executors or Adminiſtrators, at whoſe Suit or Suits any ſuch party ſhall be in execution, and die in execution, to have, or take any new Execution againſt any the lands, tenements, or hereditaments of ſuch party dying in Execution, which ſhall at any time after the ſaid Judgment or Judgments be by him ſold *bona fide*, for the payment of any his Creditors, And the mony which ſhall be paid for the lands ſo ſold, either paid or ſecured to be paid to any of his Creditors, with their privity and conſent, in diſcharge of his or their due Debts, or of ſome part thereof: Any thing before in this act to the contrary thereof in any wiſe notwithſtanding.

This act ſhall not extend to lands ſold *bona fide*.

CAP. XXV.

No advantage ſhall be taken againſt the Kings Patentees, or tenants, for non-paymant of rent, &c.

Foraſmuch as the Kings Majeſty, out of his gracious diſpoſition, is and ever hath been averſe from taking any advantage, howſoever lawfull and juſt, againſt any of his Subjects, growing by any forfeiture, breach of condition, or ſtrict interpretation of his Highneſs grants, or Letters Patents, or the Grants or Letters Patents of any of his Royal Predeceſſors, of any manors, Lands, Tenements, or Hereditaments, and yet the Grantees or Patentees deriving their eſtates, by, or from his Majeſty, or his Predeceſſors, have been too apt and ready to exact the advantage of ſuch forfeiture, where his Majeſty himſelf, or his Predeceſſors have not required the ſame, which hath been ever held an unequal and extream courſe, and hath many times been relieved by ſuits in Courts of equity, though with the great charge and trouble of the parties endangered thereby.

For remedy whereof, as well where the King, as any of his Predeceſſors or Succeſſors hath granted, or ſhall grant the ſaid manors, lands, tenements, or hereditaments, or any part thereof or the reverſion of any part therof, to any other, as where the reverſion, remainder, or eſtate thereof, is, or ſhall be in the Kings Majeſty, or his ſucceſſors, in the right of the Crown of England, or Dutchie of Lancaſter, or otherwiſe, his Majeſty of his abundant grace towards his loving Subjects, is graciouſly pleaſed that it be enacted; and be it enacted by the Kings moſt excellent Majeſty, by, and with the aſſent of the Lords Spiritual and Temporall, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, bodies politick or corporate, having, holding, or poſſeſſing, or which hereafter ſhall have, hold, or poſſeſs any manors, lands, tenements, or hereditaments, by vertue, or colour of any original Grant or Leaſe, or aſſignments of the ſame, made by the Kings Majeſty or any of his Predeceſſors, or to be made by any of his ſucceſſors, for any number of years, for life or lives, in Fee-tail, or Fee-ſimple, or other Eſtate, whereupon any rent, ſervice, or other duty hath been, is, or ſhall be reſerved, or payable with or under any condition or limitation of re-entry, Ceſſer, or to be void for default of payment of ſuch rent, or performance of ſuch ſervice or duty, heretofore hath made, or any other by, from or under whom he claimeth, hath made, or any which hereafter ſhall have hold, or poſſeſs, ſhall make any default therein, and yet after ſuch default made, ſuch rent, ſervice, or other duty hath been, or ſhall be anſwered, paid, or done unto his Majeſty, or any of his Predeceſſors or Succeſſors, into his, or their Receit of the Exchequer, or Dutchy of Lancaſter, or court of Wards, or to any other having authority to receive the ſame, as the caſe ſhall require, before any advantage of ſuch forfeiture or cauſe of forfeiture hath been or ſhall be taken, and before any Commiſſion awarded to inquire, or other Proces iſſued touching the ſaid forfeiture, or non-payment of rent: That in all ſuch caſes, no advantage ſhall be taken by his Majeſty, his heirs or ſucceſſors, of, for, or by reaſon of any ſuch forfeiture or cauſe of forfeiture.

No advantage ſhall be taken againſt the Patentees or Tenant of the King for default of payment of rent, &c.

And be it further enacted, That no perſon or perſons claiming, or which afterwards ſhall claim, by, from, or under his Majeſty, or any of his Predeceſſors, or Succeſſors, at any time after ſuch cauſe or title of forfeiture given, ſhall in any wiſe have or take any benefit or advantage, by reaſon, means, or colour of ſuch default made, or to be made; but that every ſuch eſtate forfeited, or forfeitable by means or occaſion of ſuch default of payment of rent, or performance of ſervice, or other duty, ſhall be adjudged to continue and have its being, as if no ſuch default or cauſe of forfeiture had been had or made, any Law, cuſtome, or uſage to the contrary thereof in any wiſe notwithſtanding.

CAP. XXVI.

It is Felony to levy a Fine, ſuffer a Recovery, &c. in anothers name not privy thereto.

WHereas it is of late grown to be a great and general grievance to his Majeſties Subjects within the Realm of England, and the Dominion of Wales, that many lewd perſons of baſe condition, for very little reward or recompence, have of late years uſed, and ſtill do uſe to levy Fines, and ſuffer recoveries of Lands, and other Hereditaments, to acknowledge Statutes, Recognizances, Bayles and Judgments, in the name or names of any other perſon or perſons, not privy or conſenting to the ſame, which hath, and daily doth turn to the great inquietation, charge, trouble, and undoing of many of the good Subjects of this Kingdom: And the rather, for that there is no remedy in Law to reform theſe and the like abuſes.

It ſhall be Felony to levy a Fine, ſuffer a Recovery by covin in anothers name.

For remedy whereof, Be it enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons, which at any time after the end of this preſent Seſſion of Parliament, ſhall acknowledge, or procure to be acknowledged, any Fine or Fines, Recovery or Recoveries, Deed or Deeds inrolled, Statute or Statutes, Recognizance or Recognizances, Bail or Bails, Judgment or Judgments, in the name or names of any other Perſon or Perſons not privy or conſenting to the ſame, and being thereof lawfully convicted or attainted, ſhall be adjudged, eſteemed and taken to be Felons, and ſuffer the pains of death, and incur ſuch forfeitures and penalties as Felons in other caſes convicted or attainted, do by the Laws of England loſe and forfeit, without the benefit or priviledge of Clergy to be allowed to any ſuch Offendor or Offendors. Provided alwayes, That ſuch attainder ſhall not be any corruption of Blood, nor loſſe of Dower to the Wife, but the next Heir ſhall have the Lands, whereof ſuch perſons attainted dyed ſeized, and ſuch Wife her Dower, as if no ſuch attainder had been had.

Cro.El.531.

This Felony ſhall not corrupt the blood, nor take away dower.

An Attorney may do it for another man.

Provided alwayes, and be it likewiſe enacted by the authority aforeſaid, That this Act ſhall not extend to any Judgment or Judgments, acknowledged by any Attorney or Attorneys of Record, for any perſon or perſons, againſt whom any ſuch Judgment or Judgments ſhall be had or given.

CAP. XXVII.

The deſtroying and murthering of Baſtard Children prevented.

WHereas many lewd women that have been delivered of Baſtard Children, to avoid their ſhame, and to eſcape puniſhment, do ſecretly bury or conceal the death of their Children, and after, if the Child be found dead, the ſaid women do alledge, that the ſaid Child was born dead, whereas it falleth out ſometimes (although hardly it is to be proved) that the ſaid Child or Children were murthered by the ſaid women, their lewd Mothers, or by their aſſent or procurement.

It ſhall be murther for a mother to conceal the death of her Baſtard child.

For the preventing therefore of this great miſchief, Be it enacted by the authority of this preſent Parliament, That if any woman after one moneth next enſuing the end of this Seſſion of Parliament, be delivered of any Iſſue of her body, Male or Female, which being born alive, ſhould by the Laws of this Realm be a Baſtard, and that ſhe endeavour privately, either by drowning, or ſecret burying thereof, or any other way, either by her ſelf, or the procuring of others, ſo to conceal the death thereof, as that it may not come to light, whether it were born alive or not, but be concealed; In every ſuch caſe, the ſaid Mother ſo offending ſhall ſuffer death, as in caſe of murther, except ſuch Mother can make proof by one witneſs at the leaſt, that the Child (whoſe death was by her ſo intended to be concealed, was born dead: And this Act to continue untill the end of the firſt Seſſion of the next Parliament.

3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament.

CAP. XXVIII.

Divers Statutes revived and continued, and others repealed: When Corn may be tranſported.

BE it enacted by the authority of this preſent Parliament, that one Act made in the one and
twentieth year of the Reign of the late King Henry the eighth, intituled, An Act for true
21 H. 8, 12. making of Cables, Halſers and Ropes: And an Act made in the four and twentieth year of
24 H. 8. 9. the Reign of the ſaid King Henry the eighth, intituled, An Act againſt killing of young Beaſts
called Weanlings: And two Acts made in the Parliament holden at Weſtminſter by Prorogation
the fourth day of November, and continued until the firſt day of February next
3 & 4 Ed. 6. 19. after, in the third and fourth years of the Reign of the late King Edward the ſixth, the one
intituled, An Act for the buying and ſelling of Rother Beaſts and Cattel; the other intituled,
3 & 4 Ed 6. 21. An Act for the buying and ſelling of Butter and Cheeſe; And one Act made in the firſt
1 Eliz. 17. year of the Reign of the late Queen Elizabeth, intituled, An Act for the preſervation of
5 Eliz. 7. Spawn and Fry of Fiſh: And an Act made in the fifth year of the Reign of the ſaid late
5 Eliz. 5. Queen Elizabeth, intituled, An Act for avoiding divers foreign Wares made by Handicraftsmen
beyond the Seas: And ſo much of one Act made in the ſaid fifth year of the Reign of the
ſaid late Queen Elizabeth, intituled, An Act touching certain politick Conſtitutions, made for
the maintenance of the Navy, as is not repealed by any later Statute, nor doth concern the
tranſportation of Herring, or other Sea-fiſh, nor freedom of Cuſtom, Subſidy or Tonnage
for the ſame, nor tranſportation of Corn, nor the prohibiting the bringing into this Realm
any Codd or Lings in Barrels, or other Casks, together with all and every other additions,
explanations, and alterations made thereunto, or thereof, or of any part thereof, by any Statute
or Statutes made ſithence the making of the ſaid laſt mentioned Act, and in force the
laſt day of the Seſſion of Parliament, that was in the ſeventh year of his Majeſties Reign
of England: And an Act made in the eighth year of the Reign of the ſaid late Queen Elizabeth,

beth, intituled, An Act for Bowyers, and the prices of Bows: And three Acts made in the
thirteenth year of her ſaid Majeſties Reign, one intituled, An Act that Purveyors may take 8 Eliz. 10.
Corn and Victuals within five miles of Cambridge and Oxford, in certain caſes: One other, 13 Eliz. 21.
An Act againſt Frauds, defeating remedies for Dilapidation of Eccleſiaſtical livings, and
for Leaſes to be granted by the Collegiate Churches: Another intituled, An Act touching 13 Eliz. 19.
Leaſes of Benefices, and other Eccleſiaſtical Livings, with Cure, together with all and 13 Eliz. 20.
every explanations, additions and alterations thereof, or of any of them, or to any of them,
made by ſeveral Statutes of the fourteenth, eighteenth, and three and fortieth year of her
ſaid late Majeſties Reign: And ſo much of an Act, made in the fourteenth year of the Reign
of the ſaid late Queen Elizabeth, intituled, An Act for the puniſhing of Vagabonds, and for the 14 Eliz. 5.
relief of the poor and impotent, as concerneth the taxing, rating, levying, receiving & employ-
ing of Gaol-money: And ſo much of an Act, made in the eighteenth year of the Reign of the
ſaid late Queen Elizabeth, intituled, An Act for ſetting the Poor on Work, and avoiding Idle-
neſſe, as concerneth Baſtards begotten out of lawful Matrimony; And an Act made in the 18 Eliz. 3.
ſaid eighteenth year of the Reign of the ſaid late Queen Elizabeth, intituled, An Act for the re-
paring and amending of the Bridges and High-ways near unto the City of Oxford: And 18 Eliz. 20.
two Acts made in the ſeven and twentieth year of the Reign of the ſaid late Queen Elizabeth,
the one intituled, An Act for the maintenance of the Peer and Cob of Lyme Regis, in the
County of Dorſet: and the other intituled, An act for the good Government of the City or
Borough of Weſtminſter: and two other acts made in the ſaid ſeven and twentieth year of 27 Eliz. not printed.
the Reign of the ſaid late Queen Elizabeth, The one intituled, An act for the reviving of a
former Statute, for the true making of Malt; and the other intituled, An act for the keep- 27 Eliz. not printed.
ing the Sea-banks, and Sea-works in the County of Norfolk: And an act made in the one 27 Eliz. 14.
and thirtieth year of her ſaid Majeſties Reign, intituled, An act for the true gawging of Veſ- Stat. 3 & 4 Ed. 6. 10.
ſels brought from beyond the Seas, converted by Brewers, for the utterance and ſale 27 Eliz. 24.
of Ale and Beer: And two acts made in the five and thirtieth year of her ſaid late Majeſties 31 Eliz. 8.
Reign, the one intituled, An act for the reformation of ſundry abuſes in Clothes, called De- 35 Eliz. 10.
vonſhire Kerſies or Dozens, according to a Proclamation of the four and thirtieth year of 35 Eliz. 11.
her ſaid Majeſties Reign; the other intituled, An act for the bringing in of Clapboard from
the parts beyond the Seas, and the reſtraining of the tranſporting of Wine-casks, for the
ſparing and preſerving of Timber within the Realm: And ſo much of one Act made in the
ſaid five and thirtieth year of the Reign of the ſaid late Queen Elizabeth, intituled, An act to 35 Eliz. 1.
retain the Queens Majeſties Subjects in their due obedience, as hath not been ſithence re-
pealed by any other Statute: And the ſeveral acts hereafter mentioned, made in the xxxix.
year of the Reign of the ſaid late Queen Elizabeth, that is to ſay, An act intituled, An act for
the puniſhment of Rogues, Vagabonds, and ſturdy Beggars, with the proviſion annexed 39 Eliz. 4.
thereunto by one act made in the firſt year of the Kings Majeſties Reign that now is, inti- St. 1 Jac. 25.
tuled, An act for the continuing and reviving of divers Statutes, and for repealing of ſome 39 Eliz. 10.
others: An act intituled, an act for the increaſe of Mariners, and for maintenance of Navi- St. 23 Eliz. 7.
gation, repealing a former act made in the xxiii. year of her ſaid Majeſties Reign, bearing 39 Eliz. 12. St. 5 Eliz. 4.
the ſame Title; An act intituled, An act for the explanation of the Statute made in the fifth 39 Eliz. 14.
year of her ſaid Majeſties Reign, concerning Labourers; An act intituled, An act prohibi- 39 Eliz. 16.
ting the bringing into this Realm of foreign Cards for Wooll; An act intituled, An act 39 Eliz. 17.
for exceſſive making of Malt; An act intituled, An act againſt lewd and wandring perſons,
pretending to be Souldiers or Mariners: And the ſeverals acts hereafter mentioned, made
in the three and fortieth year of the Reign of the ſaid late Queen Elizabeth, That is to ſay,
An act intituled, An act for the neceſſary relief of Souldiers and Mariners; An act intituled, 43 Eliz. 3.
An act to avoid trifling and frivolous Suits in Law, in her Majeſties Courts at Weſtmin- 43 Eliz. 6.
ſter; An act intituled, An act for the relief of the Poor, with the addition thereunto made, by 43 Eliz. 2.
an act made in the firſt year of his Majeſties Reign of England, intituled, An act for continu- St. 1 Jac. 25.
ing divers Statutes, and for repeal of ſome others, and with this further addition; And
be it enacted, That all perſons, to whom the Overſeers of the Poor ſhall, according to the The Overſeers of the poor may put out Apprentices.
ſaid act, bind any Children Apprentices, may take and receive, and keep them as Apprenti-
ces, any former Statute to the contrary notwithſtanding: An act intituled, an act for the
true making and working of woollen cloth: An act intituled, an act to prevent Perjury, and
ſubornation of Perjury, and unneceſſary expence in Suits of Law: And the ſeveral acts 43 El. 10.
made in the firſt year of the Reign of our now Soveraign Lord the King, after mentioned: 33 El. 5.
One intituled, an act made for the explanation of the Statute made in the fifth year of the 1 Jac. 6.
late Queen Elizabeths Reign, concerning Labourers: And another intituled, an act for the Stat. 5 El. 4.
continuance and explanation of the Statute made in the nine and thirtieth year of the Reign 1 Jac. 7.
of the late Queen Elizabeth, intituled, an act for puniſhment of Rogues, Vagabonds, and St. 39 El. 4.
ſturdy Beggars: Another, intituled, an act to take away the benefit of Clergy for ſome kind
of Manſlaughter: Another, intituled, an act to reſtrain the inordinate haunting and tipling 1 Jac. 8.
in Innes, Alehouſes, and other Victualling-houſes: Another, intituled an act for avoiding 1 Jac. 9.
deceit in ſelling, buying, or ſpending corrupt and unwholeſome Hops: Another act intituled, 1 Jac. 18
an act concerning Tanners, Curriers, Shoomakers, and other Artificers occupying the
cutting of Leather, ſaving for ſuch part thereof as is repealed by one other act made in the 1 Jac. 22.
fourth year of his Majeſties Reign of England, in that behalf: Another intituled, an act for St. 4 Jac. 6.
the better execution of the intent and meaning of former Statutes, made againſt ſhooting 1 Jac. 27.
in Gunnes, and for the preſervation of game of Pheaſants and Partridges, and againſt the
deſtroying of Hares with Hare-pipes, and tracing Hares in the ſnow: And another intitu-
led, an act for the charitable relief, and ordering of perſons infected with the Plague: And 1 Jac. 31.
the ſeveral acts made in the third year of the Reign of our ſaid Soveraign Lord King James,
after mentioned, The one intituled, an act for avoiding unneceſſary delayes of Executions: 3 Jac. 8.
Another intituled, an act for relief of ſuch as lawfully uſe the Trade and Handy-craft of 3 Jac. 9.
Skinners:

Skinners: Another intituled, an act for the rating and levying of the Charges for conveying
3 Jac. 10. Malefactors and Offenders to the Gaol: Another act intituled, an act for transportation
3 Jac. 11. of Beer over the Seas: And another intituled, an act for repairing of the High-way
3 Jac. 12. from Nonſuch to Calworth, in the Pariſhes of Ewell, and Long Ditton, in the County of
Surrey, leading to Kingſtone upon the Thames, in the County aforeſaid: And that the
ſeveral acts made in the fourth year of the Reign of our now Soveraign Lord King James,
after mentioned; The one intituled, an act for the true making of woollen-clothes: Another
4 Jac. 2. intituled, an act for the repreſſing the odious and loathſome Sin of Drunkenneſſe: And
4 Jac. 5. another intituled, an act for the better proviſion of Meadow and Paſture, for the neceſſary
4 Jac. 11. maintenance of Husbandry and Tillage, in the Manors, Lordſhips, and Pariſhes of Merden,
alias Mawarden, Bodenham, Wellington, Sutton Saint Michael, Sutton Saint Nicholas,
Murton upon Lugge, and the Pariſh of Pype, and every of them, in the County of
Hereford: And the ſeveral acts made in the ſeventh year of the Reign of our ſaid Soveraign
Lord King James, after mentioned; The one intituled, an act for the better execution of
7 Jac. 1. Juſtice, and ſuppreſſing of criminal Offenders in the North parts of the Kingdom of England:
7 Jac. 4. Another intituled, an act for the due execution of divers Laws and Statutes heretofore
made againſt Rogues, Vagabonds, and ſturdy Beggars, and other lewd and idle perſons:
7 Jac. 5. Another intituled, an act for eaſe in pleading, againſt troubleſome and contentious
Suits, proſecuted againſt Juſtices of the Peace, Mayors, Conſtables, and certain other his
7 Jac. 11. Majeſties Officers, for the lawful execution of their Office: Another intituled, an act to
prevent the ſpoil of Corn and Grain by untimely Hawking, and for the better preſervation
of Pheaſants and Partridges: Another intituled, an act to avoid the double payment of
7 Jac. 12. Debts: Another intituled, an act for the explanation of one Statute made in the third year
7 Jac. 13. of the Reign of our now Soveraign Lord King James, intituled, an act againſt unlawful hunting
St. 3 Jac. 13. and ſtealing of Deer and Conies: Another intituled, an act againſt burning of Ling
7 Jac. 17. Heath, and other Moore-burning in the Counties of York, Durham, Northumberland,
7 Jac. 18. Cumberland, Weſtmerland, Lancaſter, Derby, Nottingham and Leiceſter, at unſeaſonable
times in the year: Another intituled, an act for the taking, landing, and carrying of
Sea-ſand, for the bettering of Grounds, and for the increaſe of Corn and Tillage, within the
Counties of Devon and Cornwall: And another intituled, an act for the ſpeedy recovery
7 Jac. 20. of many thouſand acres of Mariſh Ground within the Counties of Norfolk and Suffolk,
lately ſurrounded by the rage of the Sea, in divers parts of the ſaid Counties, and for the
The 58 ſtatutes above mentioned continued untill the next Parliament. prevention of the danger of the like ſurrounding hereafter, ſhall by vertue of this act be adjudged
ever ſince the Seſſion of Parliament, in the ſeventh year of his Majeſties Reign of
England, to have been of ſuch force and effect as the ſame were the laſt day of that Seſſion,
and from thenceforth, untill the end of the firſt Seſſion of the next Parliament.

Provided nevertheleſſe, that ſo much of every of the ſaid acts, as by any new act made in this Seſſion of Parliament ſhall be explained, altered or repealed, ſhall for ſo much thereof, from the end of this Seſſion of Parliament, ſtand, and be in force, as by thoſe other acts ſhall be ordained.

When corn may be tranſported.

A L T. 3 Car. 4.

Provided alſo, and be it further enacted by the authority of this preſent Parliament, That when the prices of Corn or Grain exceed not the rates hereafter following, at the times, havens and places, when and where the ſame Corn or Grain ſhall be bought, ſhipped or loaden, viz. The quarter Wheat at two and thirty ſhillings, The quarter of Rye at twenty ſhillings, The quarter of Peaſe and Beans at ſixteen ſhillings, The quarter of Barley or Malt at xvi. s. of currant Engliſh money: That then it ſhall and may be lawful for all and every perſon and perſons, being Subjects of the Kings Majeſty, his Heirs or Succeſſors, to carry and tranſport of his own, and to buy to ſell again in Markets and out of Markets, and to keep or ſell, or carry and tranſport any of the ſaid Corn and Grain, from the places where they ſhall be of ſuch prices, unto any parts beyond the Seas, in amity with his Majeſty, as Merchandize in Ships, Crayes, or other Veſſels whereof any Engliſh born Subject or Subjects then ſhall be Owner or Owners, or the ſame to carry and ſell in any places within this Realm, or Dominions thereof: Any Law, Uſage, or Statute to the contrary hereof notwithſtanding. And that the Kings Majeſty, his Heirs and Succeſſors, ſhall have and receive by the Cuſtomers and Officers of his Ports, for the Cuſtome or Poundage of every quarter of Wheat to be tranſported by force of this Statute out of this Realm, two ſhillings; Of every quarter of other Grain, ſixteen pence: which ſaid ſeveral ſums ſo to be had and taken, as Cuſtom or Poundage ſhall be in full ſatisfaction of all manner of Cuſtom or Poundage for the ſaid Corn or Grain, by any Conſtitution, Order, Statute, Law or Cuſtom heretofore made, uſed or taken for tranſporting any ſuch manner of Corn and Grain.

The Cuſtome and Poundage of Corn.

The King by Proclamation may reſtrain tranſportation of Corn.

Provided alwayes, and be it enacted by the authority of this preſent Parliament, That the Kings Majeſty, his Heirs and Succeſſors, may at all times by his and their Writ of Proclamation, to be publiſhed generally in the whole Realm, or in any of the Counties of the Realm where any Port-Towns are, Command, that no perſon ſhall by vertue of this Act tranſport or convey any manner of Grain out of his Highneſſe Dominions generally, or out of any ſpecial Ports, to be in the ſame Proclamation particularly named, for ſuch time as ſhall be therein limited and appointed; And it ſhall not be lawful for any perſon to carry out any ſuch Grain, contrary to the tenor of the ſame Proclamation, upon ſuch pains and forfeitures, as by the Laws and Statutes of this Realm are and have been provided and ordained in that behalf, This Act or any thing therein contained to the contrary notwithſtanding.

Welſh Cottons.

Provided alſo, and be it enacted, That no perſon or perſons ſhall incur any penalty for want of length, bredth or weight of welſh Cottons, under the price of fifteen pence the yard, or two ſhillings the goad, ſo as they be mixt with hair or other deceitful ſtuff, nor for any others above that price, except they be mixt as aforeſaid, or ſhall ſhrink above the rate of half a yard in twelve yards of length, or weigh leſs then fourteen ounces the yard, or hold not full three quarters of a yard broad.

And be it further enacted by the authority aforeſaid, That all ſtatutes heretofore made, that take away Sanctuary for any offence, ſhall for ſo much as concerneth the taking away of Sanctuary be revived, and ſhall be and ſtand in force and power: any words of repeal contained in the ſtatute made in the firſt Seſſion of Parliament, held in the firſt year of his Majeſties Reign of England, intituled, an act for continuing and reviving divers ſtatutes, and for repealing of ſome others, any thing in this preſent Act to the contrary notwithſtanding.

All ſtat. that concern the taking away of Sanctuaries revived.
St. 1 Jac. 25.

And be it alſo enacted by the authority of this preſent Parliament, That no Sanctuary or priviledge of Sanctuary ſhall be hereafter admitted or allowed in any caſe.

All Sanctuaries taken away.

And whereas in the Seſſion of Parliament holden in the fifth year of the Reign of the late Queen Elizabeth, one act was made, intituled, an act for the puniſhment of ſuch as ſhall procure or commit perjury: And by one other act made in the Seſſion of Parliament, begun in the eight and twentieth year of the Reign of the ſaid late Queen Elizabeth It was Enacted, That the ſaid act ſhould from thenceforth be, remain and continue in force and effect for ever:

5 El. 9.
St. 29 El. 5.

And yet nevertheleſſe, in the Parliament holden in the firſt year of his Majeſties Reign of England, by one act, intituled, an act for continuing and reviving divers ſtatutes, and for repealing of ſome other, it was amongſt other things enacted, That the ſaid act made in the ſaid fifth year of the ſaid late Queen Elizabeth, for puniſhment of Perjury, ſhould be revived and continued untill the end of the firſt Seſſion of the next Parliament, It is now declared and enacted by authority of this preſent Parliament, That the ſaid act concerning Perjury, made in the ſaid fifth year, and every Clauſe, Branch, Article and Proviſion therein, doth now ſtand, and ſhall from henceforth be, remain and continue in force and effect for ever.

St. 1 Jac. 25.
5 El. 9. made perpetual.

And be it alſo Enacted, That one part of the ſtatute made in the five and twentieth year of the Reign of the late King Henry the eight, intituled, An act for the deſtruction of wilde Fowl, which was repealed by a later act, made in the Parliament holden in the third and fourth years of the Reign of the late King Edward the ſixth, ſhall be revived and ſtand in force until the end of the firſt Seſſion of the next Parliament.

Part of 25 H. 8. 11. continued.
St. 3 & 4 Ed. 6. 7.

And be it alſo Enacted, That one act made in the firſt year year of the Reign of the late Queen Mary, for, and concerning the making, repairing and amendment of the common High way and Cawſey in the Counties of Dorſet and Somerſet, between the Towns of Shaftsbury and Sherborn in the County of Dorſet, be revived and ſtand in force untill the end of the firſt Seſſion of the next Parliament.

1 M. 5. continued.

And be it further enacted by authority of this preſent Parliament, That one ſtatute made in the fourth year of the Reign of the late King Edward the third, reciting, That before that time a Horſe-man was wont to have his paſſage over the Sea, from the Port of Dover, for two ſhillings, and a Foot-man for ſix pence, and ordering concerning paſſage at Dover and other places, as in the ſaid Statute is contained: And one other Statute made in the thirteenth year of the Reign of the late King Richard the ſecond, by which it is enacted, That all Pilgrims, and all other people, except certain perſons in that ſtatute excepted, ſhall paſs at the Port of Dover and Plimouth, and not elſe where, without ſpecial Licenſe of the King himſelf: And one ſtatute made in the fourth year of the Reign of the late King Edward the fourth, concerning paſſage from Dover, and all other Statutes therein recited or mentioned: And one other Statute made in the ſeven and thirtieth year of the Reign of the late King Edward the third, concerning the prices of Poultry: And one Statute made in the fourth and thirtieth year of the Reign of the late King Edward the third, concerning Weights and Meaſures, and beginning, Where it is contained in the great Charter, that one Meaſure ſhall be uſed through the Realm, and by which it is ordained, That certain Articles ſhall be holden and kept, upon the pains contained in a Statute made in the eight and twentieth year of the Reign of the late King Edward the third: And one other Statute made in the ſaid four and thirtieth year of the Reign of the ſaid late King Edward the third, by which it is ordained, That the paſſage of Corn ſhall be defended in all the Ports of England, ſo that none have licenſe or warrant to paſs with ſuch Corn in any wiſe, unleſſe it be to certain places in the ſaid Act ſpecified: And one Statute made in the ſeventeenth year of the Reign of the late King Richard the ſecond, whereby licenſe is granted to all the Kings liege people to ſhip and carry Corn out of the Realm: And one Statute made in the third year of the Reign of the King Edward the fourth, concerning Corn not to be brought into the Realm in certain caſes: And one Statute made in the fourth year of the Reign of the late King Henry the ſeventh, concerning the prices of Hats and Caps. And one other Statute made in the fourteenth year of the late King Richard the ſecond, ordering that the paſſage of Tin out of the Realm ſhall be at the Port of Dartmouth, and no where elſe. And one other Statute made in the fifteenth year of the Reign of the late King Richard the ſecond, concerning carriage of Tin to Calice: And one Statute made in the fourth year of the Reign of the late King Henry the fifth, concerning making of Pattens of Aſp: And one Statute made in the ſix and thirtieth year of the Reign of the late King Edward the third, concerning ſtipend & wages of Prieſts, and Prieſts paſſing from one Dioceſs to another: And one other Statute made in the ſecond year of the Reign of the late King Henry the fifth, concerning wages or ſtipend of Chaplains and Prieſts: and ſo much of one Act made in the fourth year of the Reign of King Henry the ſeventh, as appointeth the rates and prices how broad-clothes of the colour of Scarlet, or other colours, and other clothes ſhall be ſold: And one other ſtatute made in the eleventh year of the Reign of the late King Henry the ſeventh, concerning Vagabonds, unlawful Games and Alehouſes, and every part thereof, together with one ſtatute made in the time of the late King Richard the ſecond therein mentioned: And one ſtatute made

4 Ed. 3. 8.
13 R. 2. 20.
4 Ed. 4. 10.
9 Ed. 3. 8.
11 R. 2. 10.
37 Ed. 3. 3.
34 Ed. 3. 6.
St. 28 Ed. 3. 10.
34 Ed. 3. 20.
17 R. 2. 7.
3 Ed. 4. 3.
3 H. 7. 9.
14 R. 2. 7.
15 R. 2. 8.
4 H. 5. 8.
36 Ed. 3. 8.
2 H. 5. 2.
4 H. 7. 8.
11 H. 7. 2.
7 R. 2. 5.

made in the nineteenth year of the Reign of the late King Henry the ſeventh, concerning Vagabonds,
19 H. 7. 12. Beggars, unlawful Games and Alehouſes, and every part thereof: And one
Statute made in the three and twentieth year of the Reign of the late King Edward the third,
23 Ed. 3. 7. concerning vagrant Beggars: And one other Statute made in the ſeventh year of the Reign
7 R. 2. 5. of the late King Richard the ſecond, concerning Robarts men, Draw-latches, Vagabonds
and Faitors: And ſeven ſeveral Acts and Statutes made in the twelfth year of the Reign of
12 R. 2. 3. the late King Richard the ſecond, whereof the firſt concerneth Artificers, Labourers, Servants,
12 R. 2. 4. Victuallers; The ſecond concerneth wages of Servants; The third concerneth
12 R. 2. 5. labouring at Plough and Cart; The fourth concerneth Servants bearing of Buckler,
12 R. 2. 6. Swords and Daggers, and uſing unlawful Games; The fifth concerneth perſons that go
12 R. 2. 7. a begging; The ſixth concerneth thoſe that feign themſelves men travelling out of the
12 R. 2. 8. Realm, and there to be impriſoned; And the ſeventh concerneth the execution of the Ordinances
12 R. 2. 9. aforeſaid, concerning Servants, Labourers, Beggars and Vagabonds: And one
22 H. 8. 12. Act or Statute made in the two twentieth year of the reign of the late King Henry the eighth,
intituled, An Act, how aged, poor and impotent perſons, compelled to live by Alms, ſhall be
ordered, and how Vagabonds, and mighty ſtrong Beggars ſhall be puniſhed, and every part
3 & 4 Ed. 6. 16. thereof: And one Act or Statute made in the third year of the Reign of the late King Edward
the ſixth, intituled, An Act touching the puniſhment of Vagabonds, and other idle perſons:
11 H. 6. 12. And one Statute made in the eleventh year of the Reign of the late King Henry the ſixth,
concerning Wax-Chandlers, the price of Candles, and other things wrought of Wax:
Stat. de Piſtoribus. and that part of one Statute, commonly called Statutum de Piſtoribus, which ordaineth, That
the Aſſize of Wine ſhall be kept according to the Aſſize of our Soveraign Lord the King, that
is to wit, a Sextern at twelve pence, and that if the Taverners exceed the ſame Aſſize, their
Doors ſhall be ſhut up by the Mayors and Bayliffs, and ſhall not be ſuffered to ſell Wine
untill they have obtained Licenſe of the King: And one Statute made in the four and
24 H. 8. 6. twentieth year of the Reign of the late King Henry the eight, intituled, An Act concerning
the ſale of Wines: And that part of one Statute made in the eighth and twentieth year of
28 H. 8. 12. the Reign of the late King Henry the eighth, by which it is ordained, That no perſon or perſons
ſhall ſell any Gaſcoigne, Guyen or French Wines, above certain prices in that Act mentioned,
under the pain in the ſaid Act ſpecified; and that no Malmſeys, Romneys Sacks, or
other ſweet Wines ſhall be ſold by retail, above the prices therein contained, under the
pains in that Act mentioned: And alſo that part of a Statute made in the five and twentieth
25 H. 8. 18. year of the Reign of the late King Henry the eighth, by which it is enacted, That the Lords
and Owners of the Meaſes, Tenements, or Cottages in the City of Worceſter, and other
Towns and Boroughs in the ſaid Act mentioned, ſhould at no time after that, admit, ſet, or
let any Meaſe, Tenement or Cottage, ſufficiently repaired, within the ſaid City, Borough or
Towns, in that act limited, to any perſon & perſons, that after that ſhould inhabit the ſaid city,
borough or towns, & exerciſing the Myſteries or Craft in that Act mentioned, at any higher
Rent, Impoſition or Charge, then was given to the ſame at any time within twenty years
next before the making of that Act: And one Act made in the fourth year of King Henry the
4 H. 7. 19. ſeventh, concerning Houſes of Husbandry and Tillage: And one Act made in the ſeventh
year of King Henry the eighth, intituled, An Act to avoid letting down of Towns: And one
7 H. 8. 1. Act made in the ſeven and twentieth year of King Henry the eighth, intituled, An Act concerning
27 H. 8. 22. Decay of Houſes and Encloſures: And one Act made in the fifth year of the Reign of
5 & 6 Ed. 6. 5. King Edward the ſixth, intituled, An Act for the maintenance of Tillage, and increaſe of Corn.
5 Eliz. 2. And one Act made in the fifth year of the Reign of Queen Elizabeth, intituled, An Act for
maintenance and increaſe of Tillage: And that part of the ſtatute made in the ſeven and
27 H. 8. 28. twentieth year of the Reign of the late King Henry the eighth, by which it was ordained,
That all and ſingular perſons, Bodies politick and corporate, to whom the Kings Majeſty
after that ſhould give, grant, let, ſet, or demiſe any ſuite or precinct, with the Houſes thereupon
builded, together with the Demeſns of any Monaſtery, Priory, or other Religious
Houſes, that ſhould be diſſolved or given to the King by that Act, ſhall be bound to keep
houſe and houſhold, and occupy Demeſns in plowing, and tilling of Husbandry, as in that
Act is ſpecified, under the pains therein contained: And one ſtatute made in the fourteenth
year of the Reign of the late King Richard the ſecond, againſt buying of Wooll of others then
14 R. 2. 4. of the Owner of the Sheep and Tythe, and every clauſe in the ſame ſtatute: And that part
8 H. 6. 5. of one ſtatute made in the eighth year of the Reign of the late King Henry the ſixth, by which
it is enacted, That no man buy Yarn of Wooll, called Woollen Yarn, unleſſe he will make
Cloth thereof: And one ſtatute made in the fifth and ſixth year of the Reign of the late King
5 & 6 Ed. 6. 7. Edward the ſixth, intituled, An Act limiting the times for buying and ſelling of Wools: And
one ſtatute made in the three and thirtieth year of the Reign of the late King Henry the eighth,
33 H. 8. 5. intituled, An Act concerning keeping of great Horſes. And ſo much of the ſtatute made in
13 Ed. 1. 6. Reign of King Edward the firſt, commonly called the ſtatute of Wincheſter, as concerneth
the having, keeping, and view of Harneſſe and Arms: And that part of the ſtatute commonly
called, Articuli ſuper Chartas, by which it is ordained, That none ſhall make Rings, Croſſes
28 Ed. 1. 20. or Locks: And one ſtatute made in the ſeven and thirtieth year of the Reign of the late
King Edward the third, by which it is ordained, That Makers of white Veſſels ſhall not
37 Ed. 3. 7. gild. And that part of one ſtatute made in the ſecond year of the Reign of King Henry the
2 H. 5. 4. fifth, by which Goldſmiths are prohibited to take more then forty ſhillings and eight pence
for a pound Troy of Silver gilt. And one ſtatute made in the ſecond year of the Reign of
the late King Henry the ſixth, by which it is enacted, That no Silver be bought for more then
2 H. 6. 13. thirty ſhillings the pound of Troy. And one ſtatute made in the ſecond year of the Reign of
the late King Henry the fourth, againſt bringing in of Coyn of Flanders, Scotland, and other
2 H. 4. 6. foreign Coyn. And one ſtatute made in the ſecond year of the Reign of the late King Henry
2 H. 4. 12. the fourth, by which it is enacted, That no Welſhman whoſe born in Wales, and having

Father and Mother born in Wales, ſhall purchaſe Lands and Tenements within the
Town of Cheſter, and other places named in that Act; And that no Welſhman ſhall be choſen
a Citizen or Burgeſs in any City, Borough or Merchant Town; And that Welſhmen
be not put in certain Offices, nor bear Arms, and every clauſe thereof: And one other Statute
made in the ſame year concerning Arreſts made by the Inhabitants of Wales, and 2 H. 4. 16.
driving of Diſtreſſes into Wales: And one other Statute made in the ſame year, concerning
Welſhmen entring into the Counties adjoyning, and in the ſame do kill, burn, raviſh, 2 H. 4. 17.
and commit any other Felony or Treſpaſs: And one other Statute made in the ſame year, 2 H. 4. 18.
by which it is enacted, That the Lords of the Marches of Wales ſhall ordain and ſet ſufficient
ſtuffing and ward in their Caſtles, and Signiories of Wales: And one other Statute 2 H. 4. 2.
made in the ſame year, by which it is eſtabliſhed, That no Welſhmen be received to purchaſe
Lands or Tenements within England, nor within the Boroughs, or Engliſh Towns
of Wales; Nor that no Welſhman ſhould be accepted Burgeſſe; nor to have any other
liberty within the Realm, nor within the Boroughs and Towns aforeſaid, and every clauſe
in every the ſaid Statutes made in the ſaid ſecond year: And one Statnte in the fourth year
of the Reign of the late King Henry the fourth, whereby it is ordained, That no Engliſhman, 4 H. 4. 26.
Liege to the King, be convicted by any Welſhman; Nor that Engliſh Burgeſſes,
which have married welſh women, have Franchiſes with Engliſh Burgeſſes: And one other
Statute made in the ſame year, by which it is ordained, That no Congregations be made 4 H. 4. 28.
or ſuffered to be made by the Welſhmen, but as in the ſaid Statute is appointed: And one
other Statute made in the ſame year, concerning ſending and bringing Merchandize and 4 H. 4. 30.
Armour into Wales: And one other Statute made in the ſame year, concerning Welſhmen 4 H. 4. 31.
not having of Caſtle, Fortreſſe or Houſe of Defence to keep: And one other Statute 4 H. 4. 32.
made in the ſame year, That Welſhmen ſhall not be made Juſtice, Chamberlain, nor have
certain other Offices in the ſaid Statute mentioned: And one other Statute made in the
ſame year, concerning ſtoring of the Caſtles and Towns in Wales with Engliſh: And one 4 H. 4. 33.
other Statute made in the ſame year, That Engliſhmen marrying welſh women ſhall not 4 H. 4. 34.
be put in Offices; And every clauſe of the ſaid Statute made in the ſaid fourth year: And
one Statute made in the ninth year of the Reign of the ſaid late King Henry the fourth, 9 H. 4. 3.
concerning Felonies and Robberies done within any Signiory of South-Wales: And ſo
much of one Statute made in the xxv. year of the Reign of the late King Henry the
ſixth, as concerneth the confirming of Statutes made before that time againſt Welſh men, 25 H. 6. 1.
and making void Grants of Franchiſes made to Welſhmen, and concerning Villains in
Wales: And that part of one Statute made in the thirteenth year of the Reign of King 13 R. 2. 8.
Richard the ſecond, by which it is ordained, That Hoſtlers ſhall ſell Hay and Oats at a reaſonable
price, ſo that they take not but one halfpeny over the common price in the Market;
And that part of one other Statute made in the fourth year of the Reign of King Henry the
fourth, by which it is enacted, That Hoſtlers ſhall incur the quadruple value of that that he
hath taken over one half-peny of every buſhel of Oates above the common price in the Market: 4 H. 4. 25.
And one part of the Statute made in the fourth and fifth year of the Reign of the late
King Philip and Queen Mary, and other Statutes, by which it is enacted, That none ſhall
put to ſale, within the Realm of England, any coloured Cloth, of any colour or colours, 4 & 5 P.& M. 5.
then are in theſe Acts mentioned: And one other part of the ſame Statute of Philip and Mary, 5 & 6 Ed. 6. 6.
by which it is ordained, That after the firſt day of May then next coming, none ſhall uſe 4 & 5 P & M. 5.
or exerciſe the Feat or Myſtery of making, weaving or rowing of woollen Clothes, long or
ſhort, or Kerſies pinned, Whites or Plaines, Straytes, to the intent to put the ſame to
ſale, but only in a Market Town, where Cloth had uſed to be made by the ſpace of ten years
then laſt paſt, or in a City, Borough or Town corporate, upon the pains therein contained: 18 Eliz. 16.
And one Statute made in the eighteenth year of the late Queen Elizabeth, for toleration of The 71. aforeſaid ſtatutes repealed.
certain Clothiers to dwell out of Towns corporate, ſhall be by vertue of this Act repealed.

And be it alſo enacted, That ſo much of the Statute made in the two and thirtieth year of
the Reign of the late King Henry the eighth, intituled an Act concerning the breed of Horſes 32 H. 8. 13. ſhall not extend to the County of Cornwall.
of higher ſtature, as concerneth or inhibiteth the putting of Horſes into certain Grounds,
unleſſe they be of ſtatures in that Act mentioned, under the pains therein contained, and that
giveth authority to kill Mares, Fillies, Foals or Geldings, in certain caſes in that Act mentioned,
ſhall not extend to the County of Cornwall, after the end of this Seſſion of Parliament.

CAP. XXIX.

All Leaſes made or to be made by the moſt excellent Prince Charles of the Dutchy Lands of Cornwall, confirmed.

IN moſt humble wiſe beſeecheth your moſt moſt excellent Majeſty, your humble and obedient Son and Suppliant, Charles Prince of Wales, Duke of Cornwall and of York, and Earl of Cheſter, That whereas your ſaid Suppliant is ſeiſed of the ſaid Dukedom of Cornwall, and the Poſſeſſions thereof, of a ſtate of Inheritance, under a ſpecial form of limitation differing from the ordinary Rules of Inheritance at the Common Law, whereupon ſome queſtions do grow, whether Leaſes made by your ſaid Suppliant, of any Manors, Lands, Tenements or Hereditaments, parcel of the ſaid Dutchy, or annexed to the ſame, ſhould be good and effectual in Law longer then your Suppliants life: for avoiding of which doubt, and to the end ſuch perſons as have taken, or ſhall take Leaſes from your Suppliant, may be ſure to have good Eſtates, and ſo to be encouraged to beſtow charges in the building and maintaining of their Houſes, and good manuring of the Manors, Lands, Tenements or Hereditaments ſo demiſed, or to be demiſed to them.

May it pleaſe your moſt excellent Majeſty, That it may be ordained and enacted by your Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament

All leaſes made by Prince CHARLES of the Dutchy lands of Cornwall ſhall be good.

aſſembled; And be it ordained, eſtabliſhed and enacted by authority of this preſent Parliament, That all Leaſes made, or to be made by your ſaid Suppliant, of any Manors, Lands, Tenements or Hereditaments, parcel of the Poſſeſſions of the ſaid Dutchy of Cornwall, or annexed to the ſame, ſhall be good and effectual in Law, according to the purport and content of the ſaid Leaſes; againſt your Majeſty, your Heirs and Succeſſors, and againſt your ſaid Suppliant and his Heirs, and againſt all and every perſon and perſons that ſhall inherit or ſucceed according to the ſaid limitation, or otherwiſe.

Except they be made for above 31 years, or three lives.

Provided alwayes, That every ſuch Leaſe ſo made, or to be made, of any Manors, Lands, Tenements or Hereditaments in Poſſeſſion, be or ſhall be made, by Deed indented, and but for three lives or fewer, or for one and thirty years or under, or ſome other term of years, determinable upon one, two, or three lives, and not above: And if ſuch Leaſes be made in Reverſion, that then the ſame, together with the Eſtates in poſſeſſion, do not exceed three lives, or the term of one and thirty years, and not in any wiſe diſpuniſhable of waſte; And ſo as upon every ſuch Leaſe, be, or ſhall be reſerved the ancient or moſt uſual Rent, or ſuch Rent as hath been yielded or paid for the greater part of twenty years next before the making of the ſaid Leaſes, and was or ſhall be reſerved, due and payable, by or to him or her that had, or ſhall have the Inheritance, or other Eſtate of the ſaid Manors, Lands, Tenements or Hereditaments: And where no ſuch Rent hath been reſerved, or payable, that that then upon every ſuch Leaſe there be or ſhall be reſerved a reaſonable Rent, not being under the twentieth part of the clear yearly value of the Manors, Lands, Tenements or Hereditaments contained in ſuch Leaſe.

All Covenants, &c. contained in ſuch Leaſes either made or to be made, ſhall be good.

The right of others ſaved.

And be it further Ordained and Enacted by authority of this preſent Parliament, That all Covenants, Conditions and Reſervations, and other Agreements contained in every ſuch Leaſe ſo made, or to be made as aforeſaid, ſhall be good and effectual in Law, according to the words and contents of the ſame, as well for and againſt them to whom the Reverſion of the ſame Manors, Lands, Tenements or Hereditaments ſhall come, as for and againſt them to whom the ſaid Leaſes ſhall come reſpectively, as if your Suppliant at the time of the making of ſuch Covenants, Conditions and Reſervations, and other Agreements, had been ſeiſed of an abſolute Eſtate in Fee-ſimple, in the ſame Manors, Lands, Tenements or Hereditaments. Saving alwayes to all and every perſon and perſons, bodies politick and corporate, their Heirs and Succeſſors, Executors, Adminiſtrators and Aſſigns (other then your Majeſty, your Heirs and Succeſſors, and other then your Suppliant and his Heirs, and all and every perſon and perſons that ſhall inherit or ſucceed, according to the ſaid limitation, or otherwiſe) all ſuch Rights, Titles, Eſtates, Cuſtoms, Intereſts, Terms, Claims and Demands whatſoever, of what kind, nature, or quality whatſoever, of, in, to or out of the ſaid Manors, Lands, Tenements or Hereditaments, or any of them, as they or any of them had or ought to have had before the making of this Act, to all intents and purpoſes, and in as large and ample manner and form, as if this Act had never been had or made, This Act or any thing therein contained to the contrary notwithſtanding. St. 1 Car. 1.

CAP. XXX.

A Meſſuage called York-houſe, and divers other Meſſuages and Tenements, part of the Poſſeſſions of the Archbiſhop of York, ſituate in the Pariſh of St. Martins in the Fields, in the County of Middleſex, aſſured unto the Kings moſt excellent Majeſty his Heirs, Succeſſors and Aſſigns; And the Manors or Lordſhips of Brighton, Santon, Acombe, alias Acom, with Holgate, and the Grange called Beckhey Grange in the County of York, or in the County of the City of York, part of his Majeſties Poſſeſſions, aſſured to Toby, Lord Archbiſhop of York, and his Succeſſors. P R.

CAP. XXXI.

The makers of Knives and other cutlery wares in Hallamſhire in the County of York, made a Corporation. Divers Orders for the better Government of the ſame Corporation. P R.

CAP. XXXII.

The River of Thames ſhall be made navigable for Barges, Boats and Lighters, from the Village of Bercot in the County of Oxon unto the Univerſity and City of Oxon.

The conveniences of having the river of Thames navigable to the City of Oxford.

WHereas the clearing and effecting of a paſſage for Barges, Boats and Lighters, by the River of Thames, to the Univerſity and City of Oxon, will be very convenient for conveyance of free-ſtone, commonly called Oxford ſtone, or Heddington ſtone, from Bullington Quarre, near the ſaid City and River of Thames, by the ſaid paſſage to the City of London, and other parts, and moſt profitable and neceſſary to and for the ſaid Univerſity and City of Oxon, for conveyance thereby of Coals, Fewel, and other neceſſaries to the Univerſity and City, whereof there is now very great ſcarcity and want, and far greater hereafter like to grow, if ſome help therefore be not made and provided: And alſo the ſaid paſſage will be very behovefull for preſerving of the High-ways, leading to and from the ſaid Univerſity and City, and other parts thereabouts, which now by continual carriages by Carts are ſo worn and broken, that in Winter ſeaſon they are for travellers dangerous, and hardly to be amended and continued paſſable, without exceeding charge: And whereas the ſaid River of Thames for many miles beyond the ſaid City of Oxford, weſtward, is already navigable and paſſable for Boats of good burthens and contents, and likewiſe is already navigable for Barges from London to the Village of Bercot in the County of Oxford, being within ſix or ſeven miles of the City of Oxford, whither and from thence, by the carriage of Stone, Iron, and other proviſion by Carts, the High-wayes are ſpoiled, as aforeſaid: And whereas the ſaid River may eaſily be made paſſable and navigable for Barges, Boats or Lighters, between the aforeſaid Univerſity and City of Oxford, and the Village of Bercot aforeſaid, by removing ſome lets and impediments, by which means the ſaid Univerſity and City of Oxford ſhall be greatly relieved and helped: Be it therefore ordained and enacted by the Kings Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Lord Chancellor, or Lord Keeper of the great Seal of England for the time being, at any time after the end of this preſent Seſſion of Parliament, ſhall and may at the requeſt of the Chancellor of the ſaid Univerſity, or his Vice-Chancellor for the time being, appoint and authorize, by Commiſſion under the great Seal of England, eight Commiſſioners, whereof four to be of or for the Univerſity aforeſaid, to be choſen by the ſaid Chancellor of the ſaid Univerſity, or his Vice-Chancellor for the time being, and by them or either of them to be nominated and certified to the aforeſaid Lord Chancellor, or Lord Keeper of the great Seal of England, and four to be of or for the City of Oxon, to be choſen and nominated by the Mayor, Bayliffs and Commonalty of the ſaid City of Oxford for the time being, and to be certified by them as aforeſaid; which ſaid Commiſſioners, or the more part of them, ſhall have full power to cleanſe, ſcowre, open and make navigable the ſaid River of Thames from the ſaid City of Oxon to the Village of Bercot aforeſaid; And for that purpoſe, to dig the Banks of the ſaid River or other Ground, Ditch, Brook or Stream, near thereunto adjoyning, and to cut away all Trees and roots of Trees that may be hurtful or hinderance to the ſaid paſſage, and to open, prepare, or make all Wears and Locks or Turnpikes fit for the ſaid paſſage, and to remove any thing that ſhall be any impediment or ſtop to the clearing and making of the ſaid paſſage; and likewiſe to cut, ſcowre, or open any other Stream or Water-courſe, that ſhall be moſt convenient for making the ſaid paſſage or River navigable; And likewiſe to make and erect any Wharfs, Locks, or Turnpikes, or Pens for water, in or near the ſaid River or Paſſage, that ſhall be fit or neceſſary for the ſame, and to bring, lay, and work all materials requiſite for the making, erecting, and repairing of the ſaid Locks or Turnpikes, upon the banks or ground near the ſaid River or Paſſage.

Eight Commiſſioners ſhall be appointed to make the River of Thames navigable from Oxford to Bercot.

The Commiſſioners ſhall agree with, and ſatisfie all parties that may be damnified by the works.

And for that the doing of the things aforeſaid may be prejudicial to the inheritance and profit of divers perſons, Bodies politick or corporate, that have Land adjoyning to the ſaid River or Paſſage; Be it further enacted by the authority aforeſaid, That the Commiſſioners aforeſaid, or the more part of them, before they do meddle with the Lands, Inheritance or Poſſeſſion of any perſon or perſons, Bodies politick or corporate, ſhall firſt agree with ſuch perſons, or Body politick or corporate, for the loſs and damage that any of them ſhall any way receive by the making of the ſaid Paſſage, or any thing concerning the ſame: And if the ſaid Commiſſioners, or the more part of them, and the Party or Parties, Owner of ſuch Lands, Inheritance or Poſſeſſions, cannot agree touching the value thereof, that then the three next Juſtices of Peace of the County where the Land doth lie, being no parties, nor dwelling within the Univerſity or City of Oxon, nor intereſted in the ſoyl, dwelling neareſt to the ſaid Land or Inheritance, Or in their default, the Juſtices of Aſſiſe of the ſaid County of Oxon ſhall determine, appoint, and ſet down what and how much ſatisfaction every ſuch perſon or perſons, Body politick or corporate, ſhall have for or in reſpect of the ſaid loſſes, ſo by him or them to be ſuſtained: And the ſaid price, or value ſo ſet down by them, ſhall bind all parties; which agreement or order ſo made, ſhall be ſet down in writing under the Hands and Seals of the ſaid Commiſſioners and Parties, upon the Agreement between them made, or of the ſaid Juſtices of the Peace, or Juſtices of Aſſiſe of the ſaid County, which ſhall ſet down the ſaid price for ſatisfaction, within three moneths after the firſt reſort unto them for that cauſe, according to this Act: And the ſame to be kept among the Evidences of the ſaid Univerſity, and to be regiſtred in the Lieger-Book of the ſaid Univerſity, and to be inrolled in the Court of the ſaid City of Oxford: And that then upon payment of ſuch ſum or ſums of money ſo agreed upon or ordered, as aforeſaid, or tender thereof made, with purpoſe to pay the ſame, It ſhall then be lawful to and for the ſaid Commiſſioners, or the more part of them, to dig and make, or cauſe to be digged or made, the ſaid Locks, Wharfs, Paſſage, or do any ſuch other act for which any ſuch Agreement or Order ſhall be made, as aforeſaid.

And for that the ſaid Paſſage cannot be effected and maintained without great charge, and that the principal benefit thereof will redound immediately to the Univerſity and City of Oxford aforeſaid, Be it therefore further enacted by the authority aforeſaid, That the ſaid Commiſſioners, or the more part of them, by this preſent Act ſhall have full power and authority to Tax and Aſſeſſe the Inhabitants within the ſaid Univerſity and City of Oxon, or within either of them, and Suburbs thereof, and Bodies politick and corporate within the ſame, at ſuch reaſonable ſums and payments for the purpoſes aforeſaid, as they in their diſcretion ſhall think meet: the ſaid ſums, and every of them, to be diſpoſed and employed for and towards the bearing of the charge of making and maintaining of the ſaid paſſage.

The Commiſſioners may tax the Univerſity and City of Oxford at reaſonable ſums for the effecting of the ſaid paſſage.

And whereas the ſaid Univerſity and City are the Procurers of the ſaid paſſage, Be it further enacted by the Authority aforeſaid, That the Commiſſioners aforeſaid, or the more part of them, by vertue of this Act, ſhall have power and authority from time to time, with the conſent of the Vice-Chancellor of the ſaid Univerſity, and Mayor of the City of Oxford for the time being, to ordain and make Orders and Conſtitutions for the good and orderly uſage of the ſaid paſſage, and for all Locks, Weares, or Turnpikes thereof, to be made and maintained at the charge of the Univerſity and City of Oxon, aforeſaid: And for all Boats, Boat-men, Paſſengers, Wharfs, Carriages, and rates for Carriages, by, or through the ſaid paſſage, and all things concerning the ſame: And to ſet, lay, and execute ſuch reaſonable pains and puniſhments upon the Breakers thereof, as they ſhall think fit. Nevertheleſs, the Juſtices of Aſſiſe of the ſaid County of Oxford for the time being, upon complaint made to them by any perſon grieved with the ſaid Taxations, Aſſeſſements, Charges, Orders, Conſtitutions, Pains and Puniſhments, or any of them, ſhall and may abridge, moderate or reform the ſame, as they ſhall find juſt cauſe.

They may conſtitute orders for the uſage of the ſaid paſſage.

When any of the Commiſſioners fail, the Lord Chancellor, &c. may appoint others.

The Commiſſioners may appoint Collectors of the Tax.

The Boatmen, &c. may go on land to hale their Boats, &c.

And be it further enacted by the authority aforeſaid, That when any of the ſaid Commiſſioners ſhall happen to die, or become unfit for the Service, that then, and ſo often, it ſhall and may be lawful to and for the Lord Chancellor, or Lord Keeper of the great Seal of England, for the time being, from time to time to ſupply, appoint and authorize one Commiſſioner, or ſo many Commiſſioners to be nominated, choſen and certified as aforeſaid, out of, and for the ſaid Univerſity or City reſpectively, as ſhall make and fill up the full number of eight Commiſſioners: And that the Commiſſioners aforeſaid, or the more part of them, by the authority of this Act, ſhall have full power to chooſe, nominate, and appoint one or more ſuch perſon or perſons, as they ſhall think fit, to collect, gather, and lay out the ſaid ſeveral ſums; and the perſon and perſons ſo appointed, ſhall gather and take up the ſaid ſums aſſeſſed, by diſtreſs and ſale of Goods of every perſon refuſing to pay the Tax or Aſſeſſement impoſed upon him, reſtoring to the perſon whoſe Goods ſhall be ſo diſtrained the overplus (if any be) of the price thereof, being ſold. And for that the ſaid paſſage from Bercot aforeſaid, to the ſaid City of Oxford, is againſt the ſtream, the Barges, Boats, Lighters, or other Veſſels, muſt of neceſſity in ſome places, and at ſome times, be haled up by the ſtrength of Men, Horſes, Winches, Engines, or other means in that behalf convenient; Be it therefore enacted by the authority of this preſent Act, That it ſhall and may be lawful to and for Watermen, Boatmen, Bargemen, and other helpers of them, in convenient places, to have and uſe Winches, Ropes, and other Engines, and with the ſame by ſtrength of Men and Horſes, or either of them, going up the Land or Banks near the ſaid River or Paſſage, through the ſaid paſſage, without the hinderance, trouble, or impeachment of any perſon or perſons, to draw or hale up the Barges, Boats, Lighters, or other Veſſels, doing none other harm, then only by going or treading upon the ſaid Land or Banks near adjoyning, as aforeſaid.

A proviſo for the tax of the Univerſity and City.

Provided always, That no priviledged perſon of the Univerſity of Oxford ſhall be taxed, as aforeſaid, without the conſent of two or more of the Commiſſioners of or for the ſaid Univerſity, nor any Free man inhabiting of or in the ſaid City, or the Suburbs or Liberties thereof, ſhall be taxed as aforeſaid, without the conſent of two or more of the Commiſſioners of or for the ſaid City.

The courſe and channel of Thames ſhall not be diverted.

Provided alſo, That this Act, nor any thing therein contained, ſhall give power and authority to the ſaid Commiſſioners, or enable them to do any act or thing, whereby the ſaid River of Thames ſhall be diverted or turned out of his ancient courſe or channel wherein the ſame now runneth, or to draw more water thence then ſhall conveniently ſerve for the ſaid paſſage.

3 Jac. 20. repealed.

And be it further enacted by the authority of this preſent Parliament, That one Act of Parliament made in the third year of the Kings Majeſties Reign, the twentieth Chapter, (intituled, An Act for clearing the paſſage by water from London to, and beyond the City of Oxon) ſhall be from henceforth utterly repealed, and of none effect.

CAP. XXXIII.

Four entire Subſidies granted by the Spiritualty. EXP.

CAP. XXXIV.

The Temporalty conſidering that the King might be engaged in a preſent War by breaking off the two Treaties with Spain, viz. The one of the Marriage, and the other of the Reſtitution of the Palatine, freely grants unto his Majeſty three entire Subſidies, and three Fifteens and Tenths, whereof 18000 pounds ſhould be employed towards the repair of certain decayed Cities and Towns, and the reſidue was to be expended in the managing of the expected War. Now for the better employment of thoſe moneys, eight Citizens of London were appointed to be Treaſurers, and ten other ſelected perſons to be of his Majeſties Councel for the War; All which ſhould make Oath, viz. the Treaſurers, That none of thoſe moneys ſhould iſſue out of their hands without Warrant from the ſaid Councel of War; And the other, That they ſhould make no Warrants for the payment of any of thoſe moneys, but only for the end above mentioned; And further, ſhould all be accountable for their doings and proceedings in that behalf to the Commons in Parliament, when they or any of them ſhould be thereunto required. EXP.

CAP. XXXV.

A Confirmation of the Kings general and free Pardon, Except, &c. EXP. Cro. Car. 449.

Anno Reg. CAROLI *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ, Primo.*

AT the Parliament begun at Weſtminſter the Eighteenth day of June, Anno Dom. 1625. in the firſt year of the Reign of our moſt gracious Soveraign Lord CHARLES, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. And there continued untill the Eleventh day of July following: And then adjourned untill the firſt day of Auguſt following, unto Oxford; To the high pleaſure of Almighty God, and to the weal publick of this Realm, were enacted as followeth.

CAP. I.

There ſhall be no Aſſemblies for unlawful Paſtimes upon the Lords-Day.

FOraſmuch as there is nothing more acceptable to God than the true and ſincere Service and Worſhip of him according to his holy Will, and that the holy keeping of the Lords-Day is a principal part of the true Service of God, which in very many places of this Realm hath been, and now is prophaned and neglected by a diſorderly ſort of People, in exerciſing and frequenting Bear-baiting, Bull-baiting, Enterludes, common Playes, and other unlawful Exerciſes and Paſtimes upon the Lords-Day: And for that many Quarrels, Bloodſheds, and other great inconveniences have grown by the reſort and concourſe of People going out of their own Pariſhes to ſuch diſordered and unlawful Exerciſes and Paſtimes, neglecting Divine-Service both in their own Pariſhes and elſewhere: Be it enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after forty dayes next after the end of this Seſſion of Parliament, there ſhall be no Meetings, Aſſemblies, or concourſe of People out of their own Pariſhes on the Lords-Day within this Realm of England, or any the Dominions thereof, for any Sports and Paſtimes whatſoever; nor any Bear-baiting, Bull-baiting, Enterludes, common Playes, or other unlawful Exerciſes and Paſtimes uſed by any perſon or perſons within their own Pariſhes, and that every perſon or perſons offending in any the premiſſes, ſhall forfeit for every offence three ſhillings four pence, the ſame to be employed & converted to the uſe of the poor of the Pariſh where ſuch offence ſhall be committed: And that if any one Juſtice of the Peace of the County, or the chief Officer or Officers of any City, Borough, or Town corporate where ſuch offence ſhall be committed, upon his or their view, or confeſſion of the party, or proof of any one or more witneſs by Oath, which the ſaid Juſtice or chief Officer or Officers ſhall by vertue of this Act have authority to miniſter, ſhall find any perſon offending in the premiſſes, the ſaid Juſtice or chief Officer or Officers ſhall give Warrant under his or their Hand and Seal to the Conſtables and Church-wardens of the Pariſh or Pariſhes where ſuch offence ſhall be committed, to levy the ſaid penalty ſo to be aſſeſſed, by way of diſtreſs, and ſale of the Goods of every ſuch Offendor, rendring to the ſaid Offendors the overplus of the money raiſed of the ſaid Goods ſo to be ſold; And in default of ſuch diſtreſs, that the party offending be ſet publickly in the Stocks by the ſpace of three hours; And that if any man be ſued or impeached for execution of this Law, he ſhall and may plead the general Iſſue, and give the ſaid matter of Juſtification in evidence. Provided, That no man be impeached by this Act, except he be called in queſtion within one moneth next after the ſaid offence committed. Provided alſo, That the Eccleſiaſtical Juriſdiction within this Realm, or any the Dominions thereof, by vertue of this Act, or any thing therein contained, ſhall not be abridged, but that the Eccleſiaſtical Court may puniſh the ſaid offences, as if this Act had not been made: This Act to continue untill the end of the firſt Seſſion of the next Parliament, and no longer. 3 Car. 4. Continued untill the end of the firſt Seſſion of the next Parliament. Stat, 3 Car. 1. 17 Car. cap. 4. Continued untill other Order by Parliament.

Unlawful Meetings and Paſtimes on the Lords Day forbidden.

Every perſon uſing any unlawful paſtimes on the Lords-Day, ſhall forfeit 3 s. 4 p. to the poor of the Pariſh.

After conviction by warrant from a Juſtice, &c. the Conſtables, &c. may levy the penalty, &c.

General Iſſue. Limitation of this action.

The Eccleſiaſtical Juriſdiction not abridged.

CAP. II.

All Leaſes to be made within three years by the Kings Majeſty of the Dutchy-Lands of Cornwall confirmed.

VVhereas the King our Soveraign Lord, being in the life-time of his Royal Father of bleſſed memory, ſeized of the ſaid Dukedom of Cornwall, did bargain and contract for Leaſes and Eſtates to be made of divers Meſſuages, Lands, Tenements and Hereditaments, parcel of the ſaid Dukedom of Cornwall, which Leaſes and Eſtates his Majeſty was enabled to have made in his Fathers life-time, by an Act of Parliament made in the laſt Seſſion of Parliament, intituled, An Act to enable the moſt excellent Prince Charles to make Leaſes of Lands, parcel of his Highneſſe Dutchy of Cornwall, or annexed to the ſame. And becauſe his Majeſty having received divers Fines and ſums of Money, according to the ſaid Contracts, and having entred into treaty with divers others for like Eſtates, the finiſhing of which Contracts, and making the ſaid Leaſes, was prevented by his Majeſties acceſs to the Imperial Crown of this Realm, is graciouſly pleaſed for the good of his poor Tenants of the ſaid Dutchy Lands, to proceed to the full accompliſhment of the Contracts, and Leaſes of the premiſſes.

21 Jac. 29.

Be it therefore Enacted by our ſaid Soveraign Lord the King, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of this preſent Parliament, That all Leaſes to be made within the ſpace of three years next enſuing by our ſaid Soveraign Lord the King, by Letters Patents, Indentures, or other Writings under his great Seal of England, or Seal of the Court of Exchequer, of any Manors, Lands, Tenements or Hereditaments, parcel of the poſſeſſions of the ſaid Dutchy of Cornwall, or annexed to the ſame, ſhall be good and effectual in Law, according to the purport and content of the ſaid Leaſes, againſt our ſaid Soveraign Lord the Kings Majeſty, his Heirs and Succeſſors, and againſt all and every perſon or perſons, that ſhall hereafter have, inherit, or enjoy the ſaid Dukedom of Cornwall, by force of any Act of Parliament or other limitation whatſoever.

All Leaſes to be made within three years by the King, of the Dutchy Lands of Cornwall ſhall be good.

Provided alwayes, That every ſuch Leaſe ſo to be made, of any Manors, Lands, Tenements or Hereditaments in poſſeſſion ſhall be made but for three Lives, or fewer, or for one and thirty years or under, or ſome other term of years determinable upon one, two, or three lives, and not above. And if ſuch Leaſes be made in Reverſion, That then the ſame, together with the Eſtates in Poſſeſſion, do not exceed three Lives, or the term of one and thirty years, and not in any wiſe diſpuniſhable of waſte: And ſo as upon every ſuch Leaſe ſhall be reſerved the ancient or moſt uſual Rent, or ſuch Rent as hath been yielded or payed for the greater part of twenty years next before the making of the ſaid Leaſes, and ſhall be reſerved due and payable, by, or to him or her that ſhall have the Inheritance or other Eſtate of the ſaid Manors, Lands, Tenements or Hereditaments. And where no ſuch Rent hath been reſerved or payable, that then upon every ſuch Leaſe, there ſhall be reſerved a reaſonable Rent, not being under the twentieth part of the clear yearly value of the Manors, Lands, Tenements or Hereditaments contained in ſuch Leaſe.

Except they be made for above 3 years or 3 lives, &c.

The ancient Rent to be reſerved, and if none anciently, a reaſonable Rent.

And be it further Ordained and Enacted by Authority of this preſent Parliament, That all Covenants, Conditions and Reſervations, and other Agreements contained in every Leaſe ſo to be made as aforeſaid, ſhall be good and effectual in Law, according to the words

All covenants, &c. contained in ſuch Leaſes ſhall be good.

and contents of the ſame, as well for, and againſt them to whom the reverſion of the ſame Manors, Lands, Tenements or Hereditaments ſhall come, as for and againſt them to whom the ſaid Leaſes ſhall come reſpectively: As if our ſaid Soveraign Lord the Kings Majeſty at the time of the making of ſuch Covenants, Conditions, and Reſervations, and other agreements, were ſeiſed of an abſolute and indefeizible Eſtate in Fee-ſimple, in the ſame Manors, Lands, Tenements or Hereditaments:

The right of others ſaved.

Saving alwaies to all and every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, executors, adminiſtrators and aſſigns, other then our ſaid Soveraign Lord the Kings Majeſty, and his Heirs, and all and every perſon and perſons that ſhall hereafter have, inherit, or enjoy the ſaid Dukedome of Cornwal, by force of any act of Parliament, or other limitation whatſoever) all ſuch rights, titles, eſtates, cuſtoms, intereſts, terms, claims and demands whatſoever, of what kind, nature or quality ſoever, of, in, to, or out of the ſaid Manors, Lands, Tenements, or hereditaments, or any of them, as they or any of them had, or ought to have had before the making of this act, to all intents and purpoſes, and in as large and ample manner and form, as if this Act had never been had or made: This Act or any thing therein contained to the contrary notwithſtanding.

CAP. III.

An Act for the Eaſe in obtaining of Licenſes of Alienation, and in the Pleading of Alienations with Licence, or of Pardons of Alienations without Licence in the Court of Exchequer, or elſewhere, Stat. 12 Car. 2 cap. 24. All Fines, Seizures, and Pardons for Alienations, and all incidents thereunto are taken away and diſcharged.

CAP. IV.

Foreigners, as well as Inhabitants, ſhall not be permitted to tipple in Inns, Ale-houſes, &c.

21 Jac. 5.

1 Jac. 5.

4 Jac. 5.

WHereas in the laſt Parliament it was enacted, That if any perſon or perſons, whatſoever his or their habitation or abiding be, ſhould after be found, upon view, or his own confeſſion, or proof of one witneſs, to be tipling in any Inne, Ale-houſe, or Victualling-houſe; ſuch perſon or perſons ſhould be thenceforth adjudged and conſtrued to be within the Statutes of the firſt and fourth years of the late Kings Majeſties reign, King James of famous memory: The one entituled, An act to reſtrain the inordinate haunting of tipling in Innes, Ale-houſes, and other Victualling-houſes: And the other entituled, An act to repreſs the odious and loathſome ſin of Drunkenneſs, as if he or they had inhabited and dwelled in the City, Town corporate, Market town, Village or Hamlet, where the Inne, Ale-houſe or Victualling-houſe was, or ſhould be, where he or they ſhould be ſo found tipling, ſhould incur the like penalty, and the ſame to be in ſuch ſort levied and diſpoſed, as in the ſaid act is expreſſed, concerning ſuch as there inhabit, but no puniſhment by any or either the ſaid Acts, or by any other Statute, is inflicted upon the Inn-keeper, Alehouſe-keeper, or Victualler, that permits, or ſuffers ſuch perſon or perſons, not there inhabiting, to tipple in his Inne, Alehouſe, or Victualling-houſe:

The Inn-keeper, &c. that permits a foreigner to tipple in his houſe, ſhall incur the penalty provided by 1 Jac. 5.

For remedy whereof, Be it enacted, That every Inn-keeper, Alehouſe-keeper, and other Victualler, that at any time after the end of this Seſſion of Parliament ſhall permit and ſuffer any perſon or perſons, not inhabiting in the City, Town corporate, Market Town, Village or Hamlet, where ſuch Inne, Alehouſe or Victualling-houſe is or ſhall be, to tipple in the ſaid Inne, Alehouſe or Victualling-houſe, contrary to the true intent of any or either of the ſaid former Statutes, the ſaid Inn-keeper, Alehouſe-keeper and Victualler ſo offending, ſhall incur the ſame penalty, and in ſuch manner to be proved, levied and diſpoſed, as in the former Statute of the firſt year of his ſaid late Majeſties reign is appointed for permitting ſuch to tipple as dwell in the ſame City, Town corporate, Market Town, Village or Hamlet.

Vintners and Victuallers to be within this and the other Statutes.

And be it further enacted, That the keepers of Taverns, and ſuch as do ſell Wine in their houſes, and do alſo keep Inns, or Victualling in their houſes, ſhall be taken to be within the ſaid two former Statutes, and alſo within this Statute.

CAP. V.

Three entire Subſidies granted by the Spiritualty, EXP.

CAP. VI.

Two entire Subſidies granted by the Temporalty. EXP.

CAP. VII.

This Seſſion of Parliament (by reaſon of the encreaſe of the Sickneſſe and other inconveniencies of the ſeaſon requiring a ſpeedy Adjournment, neverthelesſ) ſhall not determine by his Majeſties Royal Aſſent to this and ſome other Acts. EXP.

Acts that are to have continuance ſhall remain in force.

AND all Statutes and Acts of Parliament, which are to have continuance unto the end of this preſent Seſſion, ſhall be of full force after the ſaid Adjournment, until this preſent Seſſion be fully ended and determined: And if this Seſſion ſhall determine by diſſolution of this preſent Parliament, then all the Acts aforeſaid ſhall be continued until the end of the firſt Seſſion of the next Parliament:

When the Acts which are now to paſſe ſhall take effect.

And all Statutes and Acts of Parliament, which before the ſaid Adjournment ſhall paſs by his Majeſties royal Aſſent, ſhall be put in execution immediately after forty dayes after the ſaid Adjournment, notwithſtanding that by the words or letter of the ſaid Acts, or any of them, they be limited to take effect, or be put in execution, from, or at any time after the end of this preſent Seſſion.

Anno Reg. CAROLI, *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ, Tertio.*

AT the Parliament begun at Weſtminſter the Seventeenth day of March, Anno Dom. 1627. in the Third year of the Reign of our moſt gracious Soveraign Lord, CHARLES, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c. And there continued until the Twenty ſixth day of June following, and then Prorogued unto the twentieth day of October next enſuing: To the high pleaſure of Almighty God, and to the weal-publick of this Realm, were enacted as followeth.

A Declaration of divers Rights and Liberties of the People to the Kings moſt Excellent Majeſty.

The Petition of Right.

HUmbly ſhew unto our Soveraign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, that whereas it is declared and Enacted by a Statute made in the time of the Reign of King Edward the Firſt, commonly called Statutum de Tallagio non concedendo, That no Tallage or Aid ſhall be laid or levied by the King or his Heirs in this Realm, without the good will and aſſent of the Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other the Freemen of the Commonalty of this Realm; And by Authority of Parliament holden in the five and twentieth year of the reign of King Edward the third, it is declared and Enacted, That from thenceforth no perſon ſhould be compelled to make any Loans to the King againſt his will, becauſe ſuch Loans were againſt reaſon, and the Franchiſe of the Land; And by other Lawes of this Realm it is provided That none ſhould be charged by any Charge or Impoſition called a Benevolence, nor by ſuch like charge: By which the Statutes before mentioned, and other the good Lawes and Statutes of this Realm, your Subjects have inherited this Freedom, That they ſhould not be compelled to contribute to any Tax, Tallage, Aid, or other like charge, not ſet by common conſent in Parliament.

34 Ed. 1.
25 Ed. 3. Rot. Parl.
1 Ed. 3. 6.
11 R. 2. 9.
1 R. 3. 2.

Yet neverthеleſs, of late, divers Commiſſions, directed to ſundry Commiſſioners in ſeveral Counties, with inſtructions, have iſſued; by means whereof your People have been in divers places aſſembled, and required to lend certain ſums of Mony unto your Majeſty, and many of them, upon their refuſal ſo to do, have had an Oath adminiſtred unto them, not warrantable by the laws or ſtatutes of this Realm, and have been conſtrained to become bound to make Appearance and give Attendance before your Privy Council, and in other places; and others of them have been therefore impriſoned, confined, and ſundry other ways moleſted and diſquieted: And divers other Charges have been laid and levied upon your People in ſeveral counties by Lord-Lievtenants, Deputy-Lievtenants, Commiſſioners for Muſters, Juſtices of Peace, and others by command or direction from your Majeſty, or your Privy Council, againſt the laws and free Cuſtoms of this Realm.

And where alſo by the Statute called The great Charter of the Liberties of England, It is declared and Enacted; That no Freeman may be taken or impriſoned, or be diſſeiſed of his Freehold or Liberties, or his free Cuſtoms, or be outlawed or exiled, or in manner deſtroyed, but by the lawful judgement of his Peers, or by the Law of the Land.

9 H. 3. 29.

And in the eight and twentieth year of the reign of King Edward the third, it was declared and Enacted by Authority of Parliament, That no man, of what eſtate or condition that he be, ſhould be put out of his Land or tenements, nor taken, nor impriſoned, nor diſherited, nor put to death, without being brought to anſwer by due proceſs of Law:

28 Ed. 3. 3.

Nevertheleſs, againſt the tenor of the ſaid Statutes, and other the good Laws and Statutes of your Realm to that end provided, divers of your Subjects have of late been impriſoned without any cauſe ſhewed: And when for their deliverance they were brought before Juſtices by your Majeſties Writs of Habeas corpus, there to undergo and receive as the Court ſhould order, and their keepers commanded to certifie the cauſes of their detainer, no cauſe was certified, but that they were detained by your Majeſties ſpecial command, ſignified by the Lords of your Privy Councel and yet were returned back to ſeveral Priſons, without being charged with any thing to which they might make anſwer according to the Law.

St. 37 Ed. 3. 18.
St. 38 Ed. 3. 9.
St. 42 Ed. 3. 3.
St. 17 R. 2. 6.

And whereas of late great Companies of Souldiers and Mariners have been diſperſed into divers Counties of the Realm, and the Inhabitants againſt their wills, have been compelled to receive them into their houſes, and there to ſuffer them to ſojourn, againſt the Laws and Cuſtoms of this Realm, and to the great grievance and vexation of the People:

And whereas alſo by Authority of Parliament, in the five and twentieth year of the reign of King Edward the third, it is declared and Enacted, That no man ſhould be fore-judged of life or limb againſt the form of the Great Charter and Law of the Land; And by the ſaid Great Charter, and other the Lawes and Statutes of this your Realm, no man ought to be adjudged to death but by the Laws eſtabliſhed in this your Realm, either by the Cuſtoms of the ſame Realm, or by Acts of Parliament: And whereas no offendor of what kinde ſoever, is exempted from the proceedings to be uſed, and puniſhments to be inflicted by the Laws and Statutes of this your Realm; Nevertheleſs, of late divers Commiſſions under your Majeſties great Seal have iſſued forth, by which certain perſons have been aſſigned and appointed Commiſſioners, with power and authority to proceed within the Land, according to the Juſtice of Martial Law, againſt ſuch Souldiers and Mariners, or other diſſolute perſons joyning with them, as ſhould commit any Murther, Robbery, Felony, Mutiny, or other outrage or miſdemeanor whatſoever, and by ſuch ſummary courſe and order as is agreeable to Martial Law, and as is uſed in Armies in time of War, to proceed to the trial and condemnation of ſuch Offendors, and them to cauſe to be executed and put to death according to the Law Martial:

25 Ed. 3. 9.
9 H. 3. 28.
25 Ed. 3. 4.
28 Ed. 5. 3.

By pretext whereof ſome of your Majeſties Subjects have been by ſome of the ſaid Commiſſioners put to death, when and where, if by the Lawes and Statutes of the Land they had deſerved death, by the ſame Laws and Statutes alſo they might, and by no other ought to have been judged and executed.

And alſo ſundry grievous Offendors, by colour thereof claiming an exemption, have eſcaped the puniſhments due to them by the Laws and Statutes of this your Realm, by reaſon that divers of your Officers and Miniſters of Juſtice have unjuſtly refuſed or forborn to proceed againſt ſuch offendors according to the ſame Laws and Statutes, upon pretence that the ſaid Offendors were puniſhable only by Martial Law, and by authority of ſuch Commiſſions as aforeſaid; Which Commiſſions, and all other of like nature, are wholly and directly contrary to the ſaid Laws and Statutes of this your Realm:

The Petition. They do therefore humbly pray your moſt excellent Majeſty, That no man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or ſuch like charge, without common conſent by Act of Parliament; And that none be called to make anſwer, or take ſuch Oath, or to give attendance, or be confined, or otherwiſe moleſted or diſquieted concerning the ſame, or for refuſal thereof; And that no Freeman, in any ſuch manner as is before mentioned, be impriſoned or detained; And that your Majeſty would be pleaſed to remove the ſaid Souldiers and Mariners, and that your People may not be ſo burthened in time to come: And that the foreſaid Commiſſions for proceeding by Martial Law, may be revoked and annulled; And that hereafter no Commiſſions of like nature may iſſue forth to any perſon or perſons whatſoever, to be executed as aforeſaid, leſt by colour of them any of your Majeſties Subjects be deſtroyed, or put to death, contrary to the Lawes and Franchiſe of the Land.

All which they moſt humbly pray of your moſt excellent Majeſty, as their Rights and Liberties, according to the Laws and Statutes of this Realm; And that your Majeſty would alſo vouchſafe to declare, That the awards, doings and proceedings, to the prejudice of your People, in any of the premiſſes, ſhall not be drawn hereafter into conſequence or example: And that your Majeſty would be alſo graciouſly pleaſed, for the further comfort and ſafety of your People, to declare your Royal Will and Pleaſure, That in the things aforeſaid, all your Officers and Miniſters ſhall ſerve you according to the Laws and Statutes of this Realm, as they tender the Honour of your Majeſty, and the Proſperity of this Kingdome. Stat. 17 Car. cap. 14.

CAP. I.

A reſtraint of divers abuſes committed on the Lords Day.

Forasmuch as the Lords Day, commonly called Sunday, is much broken and prophaned by Carriers, Waggoners, Carters, Wain-men, Butchers and Drovers of Cattel, to the great diſhonour of God, and reproach of Religion; Be it therefore enacted by the Kings moſt excellent Majeſty, and the Lords Spiritual and Temporal, and by the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no Carrier with any Horſe or Horſes, nor Waggon-men with any Waggon or Waggons, nor Car-men with any Cart or Carts, nor Wain-man with any Wain or Wains, nor Drovers with any Cattel, ſhall after forty dayes next after the end of this preſent Seſſion of Parliament, by themſelves, or any other, travel upon the ſaid Day, upon pain that every perſon and perſons ſo offending ſhall loſe and forfeit twenty ſhillings for every ſuch offence: Or if any Butcher by himſelf, or any other for him, by his privity or conſent, ſhal after the end of the ſaid forty days kill or ſell any Victual upon the ſaid Day; That then every ſuch Butcher ſhall forfeit and loſe for every ſuch offence the ſum of ſix ſhillings and eight pence; The ſaid offences, and every of them, being done in view of any Juſtice of Peace, Mayor, or other head Officer, of any City or Town corporate, within their limits reſpectively, or being proved upon Oath by two or more witneſſes, or by the Confeſſion of the party offending, before any ſuch Juſtice, Mayor, or head Officer, within their ſeveral limits reſpectively, wherein ſuch offence ſhall be committed; To which end every ſuch Juſtice, Mayor, or head Officer, ſhall have power by this act to miniſter an Oath to ſuch witneſs or witneſſes: All which ſums or penalties ſhall or may be levied by any Conſtable, or Church-warden, by Warrant from any ſuch Juſtice or Juſtices of the Peace, Mayor, or other head Officer, as aforeſaid, within their ſeveral limits where ſuch offence ſhall be committed or done, by diſtreſs and ſale of the offendors, goods, rendring to the party the overplus; or ſhall be recovered by any perſon or perſons that will ſue for the ſame, by Bill, plaint, or information, in any of his Majeſties Courts of Record, in any City or town corporate, before his Majeſties Juſtices of the peace in their general Seſſions of the Peace: All which forfeitures ſhall be employed to and for the uſe of the poor of the Pariſhes where the ſaid offences ſhall be committed or done, ſaving only that it ſhall be lawful to and for any ſuch Juſtice, Mayor, or head Officer, out of the ſaid Forfeitures, to reward any ſuch perſon or perſons, that ſhall inform or otherwiſe proſecute any perſon or perſons offending againſt this preſent Act, according to their diſcretions, ſo that ſuch reward exceed not the third part of the Forfeiture: Provided that ſuch Bill, Plaint, or Information ſhall be commenced, ſued and proſecuted in the County, City, or Town corporate, where ſuch offence ſhall be committed and done, and not elſewhere, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed to the Defendant. Provided always, That it ſhall be lawful for any Conſtable or Church-warden, that ſhall have any Suit or Action brought againſt them for any Diſtreſs by them or any of them to be taken by force of this preſent Act, to plead the general Iſſue, and to give the ſpecial matter in Evidence: Provided likewiſe, That no perſon or perſon whatſoever ſhall be impeached by this Act, unleſs he be thereof queſtioned within ſix moneths after the Offence committed. Provided further, That this Act ſhall not in any ſort abridge or take away the Authority of the

A Carrier, &c. that travels upon the Lords Day, ſhall forfeit 20 s.

Butchers that ſell or kill Victual upon that Day, ſhall forfeit 6 s. 8 d.

After conviction, and by warrant from a Juſtice, &c. the Conſtables, &c. may levy the ſaid forfeitures to the uſe of the poor; or they may be recovered by Suit.

Court Eccleſiaſtical. This Act to continue to the end of the firſt Seſſion of the next Parliament. Stat. 3 Car. 1. Continued and made perpetual. 17 Car. cap. 4.

CAP. II.

A reſtraint of paſſage, or ſending any perſon beyond the Seas to be Popiſhly bred.

FOraſmuch as divers ill affected perſons to the true Religion eſtabliſhed within this Realm, have ſent their children into foreign parts to be bred up in Popery, notwithſtanding the reſtraint thereof by the Statute made in the firſt year of the reign of our late Soveraign Lord King James of famous memory: Be it Enacted, That the ſaid Statute ſhall be put in due execution: And be it further Enacted by the Kings moſt excellent Majeſty, and the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That in caſe any perſon or perſons, under the obedience of the King, his heirs and Succeſſors at any time after the end of this Seſſion of Parliament, ſhall paſs or go, or ſhall convey or ſend, or cauſe to be ſent or conveyed, any Childe, or other perſon, out of any of the Kings Dominions, into any the parts beyond the Seas, out of the Kings obedience, to the intent and purpoſe to enter into, or be reſident or trained up in any Priory, Abbey, Nunnery, Popiſh Univerſity, Colledge or School, or Houſe of Jeſuits, Prieſts, or in any private Popiſh Family, and ſhall be there, by any Jeſuit, Seminary Prieſt, Friar, Monk, or other Popiſh perſon, inſtructed, perſwaded or ſtrengthened in the Popiſh Religion, in any ſort to profeſs the ſame, or ſhall convey or ſend, or cauſe to be conveyed or ſent, by the hands or means of any perſon whatſoever, any ſum or ſums of Money, or other thing, for or towards the maintenance of any Childe, or other perſon, already gone or ſent, or to go, or to be ſent, and trained and inſtructed, as is aforeſaid, or under the name or colour of any Charity, Benevolence or Alms, towards the relief of any Priory, Abbey, Nunnery, Colledge, School, or any Religious Houſe whatſoever: Every perſon ſo ſending, conveying, or cauſing to be ſent and conveyed, as well any ſuch Childe or other perſon, as any ſum or ſums of Money, or other thing, and every perſon paſſing or being ſent beyond the Seas, being thereof lawfully convicted, in or upon any Information, preſentment, or Indictment, as is aforeſaid, ſhall be diſabled from thenceforth to ſue or uſe any action, bill, plaint, or information, in courſe of Law, or to proſecute any Suit in any Court of Equity, or to be Committee of any Ward, or Executor or Adminiſtrator to any perſon, or capable of any Legacy or Deed or Gift, or to bear any Office within the Realm, and ſhall loſe and forfeit all his Goods and Chattels, and ſhall forfeit all his Lands, Tenements and Hereditaments, Rents, Annuities, Offices and Eſtates of Freehold, for and during his natural life.

1 Jac. 4. He that goes himſelf, or ſends any other beyond the Seas to be trained up in Popery, &c. ſhall be diſabled to ſue, &c. and ſhall loſe all his goods, and ſhall forfeit all his lands, &c. for life. Stat. 17 El. 2. Stat. 3 Jac. 5.

Provided alwayes, That no perſon ſent or conveyed as aforeſaid, that ſhall within ſix moneths after his return into this Realm, conform himſelf unto the preſent Religion, eſtabliſhed in this Church of England, and receive the Sacrament of the Lords Supper, according to the Statutes made concerning Conformity in other caſes required from Popiſh Recuſants, ſhall incur any the penalties aforeſaid.

A convert ſhall not incur the penalties aforeſaid. Stat. 27 El. 2.

And it is Enacted, That all and every of the Offences againſt this Statute may be enquired, heard and determined before the Juſtices of the Kings Bench, or Juſtices of Aſſize, or Gaol-delivery, or of Oyer and Terminer of ſuch Counties where the Offendors did laſt dwell or abide, or whence they departed out of this Kingdom, or where they were taken.

Provided alſo, That if any perſon or Child, ſo paſſing, or ſent, or now being beyond the Seas, ſhall after his return into this Realm, conform himſelf to the preſent Religion, eſtabliſhed in the Church of England, and receive the Sacrament of the Lords Supper, according to the Statutes made for or concerning Conformity in other caſes required from Popiſh Recuſants, for and during ſuch time as he or ſhe ſhall ſo continue in ſuch Conformity and obedience, according to the true intent and meaning of the ſaid Laws and Statutes, ſhall have his or her Lands reſtored to them again.

CAP. III.

The Forfeiture and Puniſhment of him that keeps an Alehouſe without Licence.

WHereas, by an Act made in the fifth year of the reign of King Edward the ſixth of famous memory, intituled, An Act for keepers of Alehouſes to be bound by Recognizance, amongſt other things, it is enacted, That if any perſon or perſons, other then ſuch as ſhould be from thenceforth admitted and allowed by the Juſtices mentioned in the ſaid Act ſhould after the day in the ſaid Act limited, obſtinately, and upon his own authority, take upon him or them to keep a Common Alehouſe or Tippling-houſe, or ſhould, contrary to the commandment of the ſaid Juſtices, or two of them, uſe commonly ſelling of Ale or Beer, That then the ſaid Juſtices of Peace, or two of them (whereof one to be of the Quorum) ſhould, for every ſuch offence, commit every ſuch perſon or perſons ſo offending to the common Gaol within the ſame Shire, City, Borough, Town corporate, Franchiſe or Liberty, there to remain without bayl or mainpriſe by the ſpace of three dayes: And before his or their deliverance, the ſaid Juſtices ſhall take recognizance of him or them ſo committed, with two ſureties that he or they ſhould not keep any common Alehouſe, Tippling-houſe, or uſe commonly ſelling of Ale and Beer, as by the dicretion of the ſaid Juſtices ſhould ſeem convenient: And the ſaid Juſtices ſhould make Certificate of every ſuch Recognizance and Offence, at the next Quarter Seſſions that ſhould be holden within the ſame Shire, City, Borough, Town corporate, Franchiſe, or Liberty, where the ſame ſhould be committed or done, which Certificate ſhould be a ſufficient Conviction in Law of the ſame offence: And the ſaid Juſtices of Peace, upon the ſaid Certificate made, ſhould in open Seſſions aſſeſs the Fine for every ſuch Offence at twenty ſhillings, as by the ſaid Act may appear: Which Law hath not wrought ſuch Reformation as was intended, for that the ſaid Fine of twenty ſhillings is ſeldom levied, and for that many of the ſaid Offendors, by reaſon of their poverty, are neither

5 & 6 Ed. 6. 25.

able to pay the ſaid Fine of twenty ſhillings, nor yet to bear their own Charges of Conveying them to the Gaol; and moreover, do leave a great charge of Wife and Children upon the Pariſhes wherein they live; In regard whereof, the Conſtables and other Officers are much diſcouraged in preſenting them, and the Offendors become obſtinate and incorrigible.

He that keeps an Alehouſe, &c. without licenſe, ſhall forfeit 20 s.

For remedy whereof, Be it enacted by the authority of this preſent Parliament, That if any perſon or perſons, after forty dayes next enſuing the end of this preſent Seſſion of Parliament, ſhall upon his own authority, not being thereunto lawfully licenced, take upon him or them, to keep a common alehouſe, or Tippling houſe, or uſe commonly ſelling of ale, or Beer, Cyder, or Perry, that then every ſuch Perſon or perſons ſhall for every ſuch offence forfeit and loſe the ſum of twenty ſhillings of currant mony of England, to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, The ſame offence being viewed and ſeen by any Mayor, Bailiff, or Juſtices of Peace or other head Officer, within the ſeveral limits, or confeſſed by the party ſo offending, or proved by the oath of two witneſſes, to be taken before any Major, Bailiffe, or other head Officer, or any one or more Juſtice or Juſtices of the Peace, who by vertue of this act ſhall be authorized to miniſter the ſaid oath to any perſon or perſons that can or will juſtifie the ſame, being within the limits of their ſaid Commiſſion; The ſaid penalty to be levyed by the Conſtables or Church-wardens of the pariſh or pariſhes where the ſaid offence ſhall be committed, Who ſhall be accountable therefore to the uſe of the poor of the ſaid pariſh by way of diſtreſs, to be taken and detained by warrant or precept, from the ſaid Major, Bailiffe, Juſtice or Juſtices, or other head Officer, by whom the ſaid offence ſhall be viewed, or before whom the ſame ſhall be confeſſed, or proved as aforeſaid: and for default of ſatisfaction, within three dayes next enſuing, the ſaid diſtreſs to be by the ſaid Conſtables or Church-wardens appriſed and ſold, and the overplus to be delivered to the party or parties offending, and this to be only for the firſt offence. And if ſuch offendor or offendors ſhall not have ſufficient Goods and Chattels whereby the ſaid twenty ſhillings may be levied by way of diſtreſs, as aforeſaid, or ſhall not pay the ſaid ſum of twenty ſhillings, within ſix dayes after ſuch c conviction as aforeſaid, That then the ſaid Mayor, Bayliffe, Juſtice or Juſtices, or other head Officer, before whom the ſaid Offendor ſhall be convicted as aforeſaid, ſhall commit all and every the ſaid offendor or offendors to ſome Conſtable or Conſtables, or other inferiour Officer or Officers, of the City, Borough, Town, Pariſh or Hamlet, where the offence ſhall be committed, or the party apprehended, to be openly whipped for the ſaid offence, as the ſaid Juſtice or Juſtices ſhall limit or appoint.

The Conſtables or Church wardens ſhall levy the ſaid forfeiture to the uſe of the poor.

The party that is not able to pay the forfeiture ſhall be whipped.

The Officer neglecting to puniſh the offendor ſhall be impriſoned or pay ten ſhillings.

And be it Enacted by the authority aforeſaid, That if any Conſtable or inferiour Officer ſhall neglect to execute the ſaid precept or warrant, or do refuſe, or do not execute by himſelf, or ſome other to be by him appointed, upon the offendor the puniſhment limited by this Statute, that in that caſe it ſhall and may be lawful for the ſaid Mayor, Bayliff, Juſtice or Juſtices of peace, or other head Officer, to commit the Conſtable or other inferiour Officer ſo refuſing, or not executing the ſaid puniſhment by himſelf or ſome other, to the common Gaol of the ſaid County, City, or Town corporate, there to remain, without bail or mainpriſe, until the ſaid Offendor or Offendors ſhall be by the ſaid Conſtable or Conſtables, or other inferiour Officer ſo refuſing, or not executing the ſaid puniſhment, or ſome by his or their procurement, puniſhed and whipped, as is above limited and declared, or untill he or they ſo neglecting or refuſing, ſhall have paid the ſum of forty ſhillings of lawful money of England, unto the uſe of the poor of the pariſh for their ſaid contempt.

For the ſecond and third offence the offendor ſhall be committed to the houſe of correction.

And be it further Enacted, That if the ſaid Offendor or Offendors being an unlicenſed Alehouſe-keeper, ſhall offend in any the premiſſes the ſecond time, and be thereof lawfully convicted in manner and form aforeſaid, That then the ſaid Mayor, Bayliff, Juſtice or Juſtices of the peace, or other head Officer ſhall commit him, her, or them unto the houſe of Correction, there to remain for the ſpace of one moneth, and be dealt withal as idle, lewd and diſorderly perſons. And if ſuch perſon or perſons ſhall again offend, and ſhall be thereof convicted, as aforeſaid, that then the ſaid offendor and offendors, for every ſuch offence, ſhall be committed unto the ſaid houſe of Correction, as aforeſaid, there to remain until by the order of the Juſtices in their general Seſſions for the County, City, Borough or Franchiſe, he, ſhe, or they ſhall be delivered from thence.

The offendor puniſhed by this Act, ſhall not be again puniſhed by 5 & 6 Ed. 6.25. & contra.

Provided alwayes, That ſuch Offendor or Offendors as ſhall be puniſhed by vertue of this act, ſhall not be puniſhed again for the ſame offence by the former act, made in the fifth year of King Edward the ſixth afore-mentioned. And that ſuch offendor or offendors as ſhall be puniſhed by vertue of the before mentioned act, made in the fifth year of King Edward the ſixth, ſhall not be puniſhed again for the ſame offence by vertue of this preſent act, nor any thing therein contained.

Alehouſes kept in the time of Fairs excepted.

Provided alwaies, That in ſuch Towns and places where any Fair or Fairs ſhall be kept, That for the time only of the ſame Fair or Fairs, it ſhall be lawful for every perſon or perſons to uſe common ſelling of Ale or Beer in Booths, or other places there, for the relief of the Kings Subjects that ſhall repair unto the ſame, in ſuch like manner and ſort as hath been uſed and done in times paſt, this act, or any thing therein contained to the contrary notwithſtanding. Stat. 11 H.7. 2. 1 Jac. 9. 4 Jac. 10. 21 Jac. 7. 1 Car. 4.

CAP. IV.

1 El. 17.

Divers Statutes made perpetual, others continued, and ſome others repealed. When Corn may be tranſported, &c.

BE it Enacted by the authority of this preſent Parliament, That one act made in the firſt year of the reign of the late Queen Elizabeth, entituled, An act for the preſervation of Spawn and fry of Fiſh, except the proviſo in the ſaid act mentioned, that the ſame act ſhall not extend to the Rivers of Tweed, nor Waters or Rivers, whereof the Queen was anſwered of any yearly rent or profit, nor to Farmers, Owners or Occupiers of the Rivers of Wye, Uske, and other Rivers in the ſaid proviſo mentioned or contained.

One act made in the thirteenth year of the reign of the ſaid late Queen Elizabeth, entituled, An act touching leaſes of Benefices, and other Eccleſiaſtical Livings with Cure, together with all and every explanations, additions, and alterations thereof, or of any of them, or to any of them, made by ſeveral Statutes, in the fourteenth, eighteenth, and three and fortieth years of her ſaid late Majeſties reign.

13 El. 10.
27 El. not Printed.

And one act made in the ſeven and twentieth year of the reign of the late Queen Elizabeth, intituled, An act for the maintenance of the Peer and Cobb of Lyme Regis in the County of Dorſet.

3 Jac. 8.
The four acts above mentioned, made perpetual.

And one act made in the third year of the reign of the late King James, entituled, An act for the avoiding of unneceſſary delayes of Executions, be by authority of this preſent Parliament made perpetual, and ſhall from henceforth ſtand in full force and effect, and be put in due execution for ever hereafter.

21 Jac. 17. made perpetual.

And be it alſo enacted by the ſame authority, That one Statute made in the one and twentieth year of the reign of the late King James, intituled, An act againſt Uſury, which act was to continue for the ſpace of ſeven years, from the four and twentieth day of June, which then ſhould be in the year of our Lord, One thouſand ſix hundred twenty and five, and ſo to the end of the firſt Seſſion of Parliament then next following, be alſo by authority of this Parliament made perpetual.

And it is further enacted by the authority aforeſaid, That one act made in the one and twentieth year of the reign of the late King Henry the eighth, intituled, An act for the true making of Cables, Halſers and Ropes:

21 H.8. 12.

And that part of one act made in the Parliament holden at Weſtminſter by prorogation the fourth day of November, and continued until the firſt day of February next after, in the third and fourth years of the reign of the late King Edward the ſixth, by which it is ordained and enacted, That no perſon or perſons after the time in the ſaid act mentioned, ſhall ſell again alive Cattel in the ſaid act mentioned, at or in the Market or Fair wherein he bought the ſame, during the time of the ſame Fair or Market, under the pains therein contained:

3 & 4 Ed. 6. 19.

And that no perſon being a Butcher, and uſing the craft or myſtery of Butchery, ſhall at any time after the ſaid Feaſt buy any fat Oxen, Steers, Ronts, Kine, Heifers, Calves or Sheep, and ſell, or cauſe to be ſold the ſame again alive, upon pain of forfeiture of every ſuch Ox, Steer, Ront, Cow, Heifer, Calves or Sheep, bargained or ſold contrary to the form of that act:

One other act made in the ſame Parliament, intituled, An act for the buying and ſelling of Butter and Cheeſe, together with one Statute made in the Parliament holden in the one and twentieth year of the reign of the late King James, intituled, An act for the explanation of the Statutes made in the third, fourth, and fifth years of the reign of the ſaid late King Edward the ſixth, concerning the traders of butter and cheeſe.

3 & 4 Ed. 6. 21.
21 Jac. 22.

And ſo much of an act made in the fifth year of the reign of the late Queen Elizabeth, intituled, An act touching certain politick conſtitutions, made for the maintenance of the Navy, as is not repealed by any later Statute, nor doth concern the eating of fleſh, or uſing of fiſh upon the Wedneſday; Nor the tranſportation of Herring, or other Sea fiſh; Nor freedom of Subſidy, Cuſtome or Tonnage for the ſame: Nor Tranſportation of Corn, nor the prohibiting the bringing into this Realm any Cod or Ling in Barrels or other Casks, together with all and every other additions, explanations and alterations made thereunto, or thereof, or of any part thereof, by any Statute or Statutes made ſithence the making of the ſaid laſt mentioned act, and in force the laſt day of the Seſſion of Parliament that was in the one and twentieth year of King James:

5 El. 5.

And one other act made in the ſaid fifth year, intituled, An act for avoiding divers foreign wares made by handy-crafts-men beyond the Seas:

5 El. 7.

And an act made in the eighth year of the reign of the ſaid late Queen Elizabeth, intituled, An act for Bowyers, and the prices of Bows:

8 El. 10.

And one act made in the thirteenth year of the reign of the late Queen Elizabeth, intituled, An act that Purveyors may take Corn and Victuals within five miles of Cambridge and Oxford in certain caſes:

13 El. 21.

And ſo much of an act made in the fourteenth year of the reign of the ſaid late Queen Elizabeth, intituled, An act for the puniſhment of vagabonds, and the relief of the poor and impotent, as concerneth the taxing, rating, levying and imploying of Gaol-money:

14 El. 5.

And ſo much of an act made in the eighteenth year of the reign of the ſaid late Queen Elizabeth, intituled, An act for the ſetting the poor on work, and avoiding idleneſs, as concerneth Baſtards begotten out of lawful Matrimony, with this, that all Juſtices of the peace within their ſeveral limits and precincts, and in their ſeveral Seſſions, may do and execute all things concerning that part of the ſaid Statute, that by Juſtices of the peace in the ſeveral Counties are by the ſaid ſtatute limited to be done:

18 El. 3.

And an act made in the ſaid eighteenth year of the reign of the ſaid late Queen Elizabeth, intituled, An act for repairing and amending the Bridges and High-wayes near unto the City of Oxford:

18 El. 20.

And one act made the ſeven and twentieth year of the reign of the ſaid late Queen Elizabeth, intituled, An act for the good Government of the City or Borough of Weſtminſter:

27 El. not Printed.

And two other Acts made in the ſaid ſeven and twentieth year of the reign of the ſaid late Queen Elizabeth, the one entituled, An act for reviving of a former Statute, for the true making of Malt, together with the ſtatute by the ſaid act revived: and the other, intituled, An act for the keeping of the Sea-banks, and Sea-works in the County of Norfolk:

27 El. 14.
3 & 4 Ed. 6. 10.
27 El. 28.

And one act made in the one and thirtieth year of the Reign, of the late Queen Elizabeth,
31 El. 8. intituled, an act for the true gawging of Veſſels brought from beyond the Seas, converted
by Brewers for the utterance and ſale of Ale and Beer:

35 El. 10. And two acts made in the five and thirtieth year of her ſaid late Majeſties Reign, the one
intituled, an act for the Reformation of ſundry abuſes in Cloaths, called Devonſhire Kerſies
35 El. 11. or dozens, according to a Proclamation of the four and thirtieth year of her ſaid Majeſties
Reign; the other intituled, an act for the bringing in of Clapboard from the parts beyond
the Seas, and the reſtraining of the tranſporting of wine Casks, for the ſparing and
preſerving of Timber within the Realm:

35 El. 1. And ſo much of one act made in the five and thirtieth year of the Reign of the ſaid late
Queen Elizabeth, intituled, an act to retain the Queens Majeſties Subjects in their due obedience,
as hath not been ſince repealed by any other Statute:

And the ſeveral Acts hereafter mentioned, made in the nine and thirtieth year of the
39 El. 4. Reign of the late Queen Elizabeth, that is to ſay, an act intituled, an Act for the puniſhment
1 Jac. 25. of Rogues, Vagabonds, and ſturdy Beggars, with the proviſion annexed thereunto, by one
39 El. 10. Act made in the firſt year of the reign of the late King James, intituled, an act for continuing
and reviving of divers Statutes, and for repealing of ſome others: An Act intituled, an
St. 23 El. 7. Act for the increaſe of Mariners, and for maintenance of Navigation, repealing a former
39 El. 14. Act made in the three and twentieth year of her ſaid Majeſties reign, bearing the ſame title:
St. 23 El. 7. an Act intituled, an Act prohibiting the bringing into the Realm of foreign Cards for Wool;
39 El. 14. an Act intituled, an Act for reſtraining the exceſſive making of Mault, an Act againſt lewd and
39 El. 16. wandring perſons, pretending to be Souldiers or Mariners: And the ſeveral Acts hereafter
39 El. 17. mentioned, made in the three and fortieth year of the ſaid late Queen Elizabeth, that is to
43 El. 3. ſay, An act intituled, An Act for the neceſſary relief of Souldiers and Mariners; an Act
43 El. 5. intituled, an act to avoid trifling and frivolous Suits in Law in her Majeſties Courts at
43 El. 2. Weſtminſter, an Act intituled, an act for relief of the poor, with the addition thereunto made by
1 Jac. 25. an act made in the firſt year of the reign of the late K. James, intituled, an Act for continuing
of divers Statutes, and for repeal of ſome others and with this further addition: And be it
The Overſeers of the Poor may put out Apprentices. enacted, That all perſons to whom the Overſeers of the poor ſhall according to the ſaid Act
binde any children Apprentices, may take and receive, and keep them as Apprentices: And
alſo that the Churchwardens and Overſeers of the Poor, mentioned in the ſaid Act, made
The Churchwardens, &c. may ſet up any Trade to find the poor work. in the ſaid three and fortieth year, may by, and with the conſent of two or more Juſtices of
the Peace, whereof one to be of the Quorum, within their reſpective limits, wherein ſhall be
more Juſtices than one, and where no more ſhall be than one, with the aſſent of that one Juſtice
43 El. 10. of the Peace, ſet up, uſe, and occupy any Trade, Myſtery, or Occupation, only for the
43 El. 5. ſetting on work, and better relief of the Poor of the Pariſh, Town, or Place, of, or within
1 Jac. 7. which they ſhall be Church-wardens or Overſeers of the Poor, any former Statute to the
St. 39 El. 4. contrary notwithſtanding: An act intituled, an act for the true making and working of
1 Jac. 8. Wollen Cloth; an act intituled, an act to prevent Perjury, and ſubornation of Perjury,
1 Jac. 22. and unneceſſary expence in Suits of Law: And the ſeveral Acts made in the firſt year of the
reign of the late King James, after mentioned: One Act intituled, an Act for continuance
and explanation of the Statute made in the nine and thirtieth year of the reign of the late
Queen Elizabeth, intituled, an Act for puniſhment of Rogues, Vagabonds and ſturdy
Beggars: another intituled, an Act to take away the benefit of Clergy for ſome kind of
Man-ſlaughter: another intituled, an Act concerning Tanners, Curriers, Shoo-makers,
and other Artificers, occupying the cutting of Leather, ſaving for ſuch part thereof as
St. 4 Jac. 6. is repealed by one other Act, made in the fourth year of his ſaid late Majeſties reign of England,
1 Jac. 27. in that behalf: Another intituled, an Act for the better execution of the intent and
meaning of former Statutes made againſt ſhooting in Guns, and for the preſervation of
the ſame Game of Pheſants and Partridges, and againſt the deſtroying of Hares with
1 Jac. 18. Hare pipes and tracking Hares in the Snow; an act intituled, an act for avoiding of Deceit
1 Jac. 6. in Selling, Buying or ſpending corrupt and unwholſome Hops; an act intituled, an
St. 5 El. 4. act for explanation of the Statute made in the fifth year of the late Queen Elizabeths reign,
1 Jac. 31. concerning Labourers: an act for the charitable relief and ordering of perſons infected with
the Plague: And the ſeveral acts made in the third year of the Reign of the late King
3 Jac. 9. James, after mentioned, That is to ſay, one act intituled, an act for relief of ſuch as lawfully
3 Jac. 10. uſe the Trade and Handy-craft of Skinners: Another Act intituled, an Act for rating
3 Jac. 11. and levying of the charges for conveying of Malefactors and Offendors to the Gaol: Another
Act for tranſporting of Beer over the Seas: One other intituled, an act againſt unlawful
3 Jac. 13. hunting and ſtealing of Deer and Conies: And one act made in the fourth year of
4 Jac. 11. the reign of the ſaid late King James, intituled, an act for the better proviſion of Meadow
and paſture, for the neceſſary maintenance of Husbandry and Tillage, in the Mannors,
7 Jac. 1. Lordſhips, and Pariſhes of Merden alias Mawarden, Boddenham, Wellington, Sutton
Saint Michael, Sutton Saint Nicholas, Murton upon Lugge, and the Pariſh of Pipe, and
7 Jac. 4. every of them, in the County of Hereford: And the ſeveral Acts made in the ſeventh year of
7 Jac. 11. the Reign of the late King James after mentioned, the one intituled an act for the better execution
of Juſtice, and ſuppreſſing of criminal offendors in the North parts of the Kingdom of
7 Jac. 12. England: Another intituled, an Act for the due execution of divers Laws and Statutes heretofore
7 Jac. 13. made againſt Rogues, Vagabonds, and ſturdy Beggars, and other lewd and idle
St. 3 Jac. 13. perſons: Another intituled, an act to prevent the ſpoil of Corn and Grain by untimely
7 Jac. 18. hawking, and for the better preſervation of Pheſants and Partridges: One other intituled,
an act to avoid the double payment of Debts: One other Intituled, an act for the explanation
of one Statute made in the ſecond Seſſion of that preſent Parliament, intituled,
an Act againſt unlawful hunting of Deer and Conies: And one other Act intituled, an Act
for the taking, landing, and carrying of Sea-ſand for the bettering of grounds, and for the

increaſe of Corn and Tillage within the Counties of Devon and Cornwall: And that one
part of the Statute made in the five and twentieth year of the reign of the late King Henry 25 H. 8. 11.
the eight, intituled, an Act for the deſtruction of wild fowl, which was repealed by a later Act
in the Parliament holden in the third and fourth years of the reign of the late King Edward St. 2 & 4 Ed.
the ſixth, and revived in the Parliament holden in the one and twentieth year of the reign of 6. 7.
the late King James; and one Act made in the firſt year of the Reign of the late Queen Mary, St. 21 Jac. 8.
for or concerning the making, repairing and amendment of the common high-way and Cau- 1 M. 5.
ſey, in the Counties of Dorſet and Somerſet, between the Towns of Shaftſbury & Sher-
born, in the County of Dorſet, and revived in the ſaid one and twentieth year: And alſo the St. 21 Jac. 28.
ſeveral acts hereafter mentioned, made in the ſaid one and twentieth year of the reign of the 21 Jac. 6.
late King James; That is to ſay, an act intituled, an Act concerning women convicted of ſmall 21 Jac. 18.
felonies; and one Act intituled, an Act for the continuance of a former ſtatute made in the 4 Jac. 2.
fourth year of the Reign of the ſaid late King James, intituled, an Act for the true making of
woollen clothes, and for ſome addition and alterations, in and to the ſame, together with ſo 21 Jac. 20.
much of one Act made in the ſaid fourth year as was in force the laſt day of the Seſſion of 21 Jac. 27.
Parliament, holden in the ſaid one and twentieth year: and one other Act, intituled, an Act to St. 21 Jac 28
prevent and reform prophane ſwearing and curſing: and one Act, intituled, an Act to prevent Theſe Sta-
the deſtroying and murdering of baſtard children, by vertue of this act, ſhal be, and continue tutes above mentioned continued until the end of the firſt Seſſion of the next Parliament.
until the end of the firſt Seſſion of the next Parliament in force and effect as the ſame were
the firſt day of the Seſſion of Parliament, holden in the firſt year of the reign of our Soveraign
Lord the King that now is: And be it alſo enacted, that one ſtatute made in the ſaid firſt year 1 Car. 1.
of his Majeſties reign that now is, intituled, an Act for puniſhing of divers abuſes commit- Continued till ſome other Act be made for continuance or diſcontinuance of the ſaid Act.
ed on the Lords day, ſhall continue in force until the end of the next Seſſion of Parliament.

Provided nevertheleſs, that ſo much of every of the ſaid Acts, as by any new Act made in
this Seſſion of Parliament, are or ſhall be explained, altered or repealed, ſhall for ſo much
thereof from the end of this Seſſion of Parliament ſtand & be in force, as by thoſe other
Acts ſhall be ordained. Stat. 17 Car. cap. 4.

Provided alſo, and be it further Enacted by the authority of this preſent Parliament, When Corn may be tranſported.
That when the priſes of Corn or Grain at the times, Havens and Places, when and where
the ſaid corn or grain ſhall be bought, ſhipped or laden, exceed not the rates hereafter follow- Stat. 21 Jac. 28.
ing, viz. the quarter of Wheat at thirty and two ſhillings the quarter; the quarter of Rye,
at twenty ſhillings; the quarter of Peaſe and Beans, at ſixteen ſhillings: the quarter of
Barly or Mault, at ſixteen ſhillings, of currant Engliſh money, That then it ſhall be lawful
for all and every perſon and perſons, being Subjects of the Kings Majeſty, his Heirs and
Succeſſors, and born within this Realm, to carry and tranſport of his own and to buy to ſell
again, in Markets and out of Markets and to keep, or ſell, or carry and tranſport any of the
ſaid Corns and Grains from the places where they ſhall be of ſuch prices, unto any part
beyond the Seas in amity with his Majeſty, as Merchandize in Ships, Crayers, or other
Veſſels, whereof any Engliſh born Subject or Subjects then ſhall be the owner or owners,
or the ſame to carry and ſell in other places within this Realm or Dominion thereof
Any Law, Statute, or Uſage to the contrary hereof notwithſtanding. And that the Kings The Cuſtome and Poundage of Corn.
Majeſty his Heirs and Succeſſors, ſhall have and receive by the Cuſtomers and Officers of
his Ports, for the Cuſtom or Poundage of every quarter of Wheat to be tranſported, by
force of this Statute, out of this Realm, two ſhillings of every quarter; of other grain,
ſixteen pence; which ſaid Several ſums ſo to be had and taken as Cuſtom or Poundage,
ſhall be in full ſatisfaction of all manner of Cuſtom or Poundage for the ſaid Corn or Grain,
by any Conſtitution, Order, Statute, Law, or Cuſtom heretofore made, uſed, or taken, for
tranſporting of any ſuch manner of Corn or Grain, or made in this preſent Seſſion of Parliament, or hereafter to be made.

Provided alwaies, and be it Enacted by the authority of this preſent Parliament That The Kings Proclamation may reſtrain tranſportation of Corn.
the Kings Majeſty, his Heirs and Succeſſors, may at all times by his and their Writ of
Proclamation to be publiſhed generally in the whole Realm, or in any of the Counties of
this Realm, where any Ports are, command, that no perſon ſhall by vertue of this Act,
tranſport or convey any manner of Grain out his Highneſs Dominions generally, or out
of any ſpecial Ports to be in the ſaid Proclamation, particularly named, for ſuch time as
ſhall be therein limited and appointed: And it ſhall not be lawful for any perſon to carry out
any ſuch Grain contrary to the tenor of the ſaid Proclamation, upon ſuch pains and forfeitures as by the Laws and Statutes of this Realm, are and have been provided and ordained in that behalf, This Act or any thing therein contained to the contrary notwithſtanding. Welch Cottons.

Provided alſo, and be it Enacted, that no perſon or perſons ſhall incur any penalty, for
want of length, breadth, or weight of Welſh Cottons, under the price of 15 d. the yard, or
2 s. the goad, ſo as they be not mixed with hair, or other deceitful ſtuff, nor for any others
above that price, except they ſhall be mixed as aforeſaid, or ſhall ſhrink above the rate of
half a yard in 12 yards of length, or weigh leſs than fourteen ounces the yard, or hold not
full three quarters of a yard broad. 16 E. 2. 2.

And be it alſo enacted by the authority aforeſaid, That that part of one Statute made in
the ſixteenth year of the reign of the late King Richard the ſecond, by which it is ordained,
That no manner of Spicery, after that it be brought into the Realm, ſhall be carried out of
the ſame Realm by Aliens nor by Denizens, upon pain of forfeiture thereof: And one ſtatute 16 R. 2. 4.
made in the ſixteenth year of the reign of the late K. Richard the ſecond concerning Liveries: 20 R. 2. 2.
and one other Statute made in the twentieth year of the reign of the late King Richard the
ſecond, by which it is ordained, That no Varlets, called Yeomen, nor other of leſſer eſtate
than an Eſquire, ſhall uſe or bear any ſign of Livery, called Livery of Company of any Lord
within the Realm: And one Statute made in the firſt year of the reign of the late King Henry 7 H. 4. 7.
the fourth, concerning giving of Liveries: And one Statute made in the ſeventh year of 6 H. 4. 14.
the reign of the late King Henry the fourth, concerning giving of Liveries: And one other

13 H. 4. 3.
8 H. 6. 4.
8 Ed. 4. 2.
3 H. 7. 1.
3 H. 7. 12.
A repeal of the 9 Statutes laſt mentioned.

Statute made in the thirteenth year of the reign of the late King Henry the fourth, concerning giving of Liveries: And one Statute made in the eighth year of the reign of the late King Henry the ſixth, concerning Liveries: And one Statute made in the eighth year of the reign of the late King Edward the fourth, concerning Liveries: And ſo much of one Statute made in the third year of the reign of the late King Henry the ſeventh, concerning the Star-Chamber, as toucheth or concerneth the puniſhment of thoſe that ſhall give or take Liveries: And one other Statute made in the ſaid third year, concerning taking of Liveries by the Kings Officers and Farmors, be from henceforth repealed.

7 Jac. 20. continued until the next Parliament.

And be it alſo enacted by authority of this Parliament, That one Act of Parliament made in the ſeventh year of the reign of the late King James, intituled, An Act for the ſpeedy recovery of many thouſand Acres of marſh grounds, and other grounds, within the Counties of Norfolk and Suffolk, lately ſurrounded by the rage of the Sea, in divers parts of the ſaid Counties, and for the prevention of the danger of the like ſurrounding hereafter, be continued, and ſhall ſtand in force until the end of the next Seſſion of Parliament. 17 Car. 1. cap. 4.

CAP. V.

The Eſtates of the Tenants of Bromfield and Yale, in the County of Denbigh, and of the Tenures, Rents and Services thereupon reſerved, (according to the late compoſition made for the ſame with the Kings moſt Excellent Majeſty, then Prince of Wales) ratified and confirmed. PR.

CAP. VI.

Five Subſidies granted by the Spiritualty. EXP.

CAP. VII.

Five Subſidies granted by the Temporalty, Anno quarto Caroli Regis. EXP.

Anno Reg. Caroli, *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ,* Decimo Sexto.

AT the Parliament begun at Weſtminſter the Third day of November, Anno Dom. 1640. in the Sixteenth year of the Reign of CHARLES the Firſt, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c. To the high pleaſure of Almighty God, and to the weal-publick of this Realm, were Enacted as followeth:

CAP. I.

Parliaments to be called and held every third year. REP. & ALT. 16 Car. 2. cap. 1.

CAP. II.

A Grant of four entire Subſidies for the Relief of His Majeſties Army and the Northern parts of the Kingdome. EXP.

CAP. III.

Some things miſtaken in the laſt Act reformed, and the Acts of the Commiſſioners and other Officers by them appointed, made good. EXP.

Anno decimo ſeptimo Caroli *Regis.*

CAP. IV.

A Grant of two Subſidies for the further Relief of His Majeſties Army, and the Northern parts of the Kingdome. EXP. And divers Statutes continued.

Divers Statutes continued.
3 Car. cap. 4. continued further.

AND be it Enacted by the authority aforeſaid, That the paſſing of this preſent Act, or of any other Act or Acts, or His Majeſties Royal Aſſent to them or any of them in this preſent Seſſion of Parliament, ſhall not be any determination of the ſaid Seſſion, and that all Statutes and Acts of Parliament which have their continuance, or were by an Act of Parliament made in the third year of the reign of his Majeſty that now is, intituled, An Act for the Continuance and Repeal of divers Statutes, continued until the end of the firſt Seſſion of the then next Parliament, ſhall by vertue of this Act be adjudged ever ſince the Seſſion of Parliament in the ſaid third year to have been of ſuch force and effect, as the ſame were the laſt day of that Seſſion, and from thenceforth until ſome other Act of Parliament be made touching the continuance or diſcontinuance of the ſaid Statutes and Acts in the ſaid act of the third year of his Majeſties reign continued as aforeſaid.

CAP. V.

The Lord Admiral and others by his authority may Raiſe and Impreſs Mariners, Sailers, and others, for the preſent guarding of the Seas, and neceſſary Defence of the Realm. EXP.

CAP. VI.

Michaelmas Term abbreviated.

Inconvenience of Michaelmas Term being ſo ſoon after the Feaſt of Saint Michael.

WHereas the Term of S. Michael, commonly called Michaelmas Term, doth begin ſo ſoon after the Feaſt of Saint Michael, that it is generally found to be very inconvenient to His Majeſties ſubjects both Nobles and others, as well for the keeping of the Quarter-Seſſions next after the Feaſt of Saint Michael the Archangel, and the keeping of their Leets, Law-dayes, and Court-Barons, which they can by no means attend, in regard of the neceſſity of their coming to the ſaid Term ſo ſpeedily after the Feaſt of Saint Michael the Arch-Angel, to appear upon Juries, and to follow their cauſes and ſuits in the Law, the ſame time being the chief time of all the year for the ſowing of Land with Winter Corn, and for the diſpoſing and ſetting in order of all their Winter Husbandry and buſineſs, and for the receiving and paying of Rents; And in many parts of this Kingdom Harveſt is ſeldom or never Inned till three weeks after the ſaid Feaſt.

Therefore the Kings moſt Excellent Majeſty, out of the Princely care that he hath of all his loving Subjects, having a ſpecial care to the encreaſe and continuance of their wealth and good Eſtates, by the aſſent of the Lords Spiritual and Temporall, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, Ordaineth, Enacteth and Eſtabliſheth, That in the ſaid Michaelmas Term there ſhall be ſix common dayes of Return only, and not above; that is to ſay, The firſt day of the Return thereof ſhall be, and be called A die Sancti Michaelis in tres Septimanas; The ſecond day of Return of the ſame Term, ſhall be, and be called, A die Sancti Michaelis in unum menſem; The third day of Return of the ſame Term, ſhall be, and be called, In Craſtino animarum; The fourth day of Return of the ſame Term, ſhall be, and be called, In Craſtino Sancti Martini; The fifth day of Return of the ſame Term, ſhall be, and be called, In Octabis Sancti Martini; And the ſixth day of Return of the ſaid Term, ſhall be, and be called, A die Sancti Martini in quindecem dies.

In Michaelmas Term ſhall be ſix common days of Return, only.

And that the ſame dayes of Return ſhall be obſerved in all the High Courts of Record of our Soveraign Lord the King, his Heirs and Succeſſors hereafter to be holden at Weſtminſter, or other place or places at the aſſignment or appointment of our Soveraign Lord the King, his heirs and ſucceſſors; And that from and after the Feaſt of Saint Michael the Arch-Angel next coming, there ſhall not be, nor be called any dayes of Return in Octabis Sancti Michaelis, nor a die Sancti Michaelis in quindecem dies, nor either of them; And that the ſaid Term of Saint Michael yearly for ever, from and after the ſaid Feaſt of Saint Michael the Archangel next coming, begin in and upon the ſaid Tres ſeptimanas Sancti Michaelis, whenſoever it ſhall happen to fall (except it be on the Lords Day, commonly called Sunday, and then on the morrow next after) for the keeping of the Eſſoins, Proffers, Returns, and other Ceremonies heretofore uſed and kept in like manner and form, as hath been uſed to be done in the day of the Return, commonly called, Octabis Sancti Michaelis, and that the full Term of Saint Michael ſhall yearly for ever, from and after the Feaſt of Saint Michael next coming, in all the aforeſaid Courts of Record begin, and take his commencement upon the quarto die of the ſaid tres ſeptimanas Sancti Michaelis, and not before, as formerly it hath been uſed upon the quarto die of Octabis Sancti Michaelis, except it be on the Lords day, commonly called Sunday, and then on the morrow next after.

The Return Dayes to be obſerved.

Two return-Dayes taken away.

When the Term ſhall begin.

And be it further Enacted by the authority aforeſaid, That if after the Feaſt of Saint Michael the Archangel next coming, any Writ in any real Action, other than Writs of Entry for common Recoveries, and Writs of right of Advowſon, and Writs of Dower, Unde nihil habet hereafter mentioned, come in, and be returnable in his Majeſties Court of Common Pleas, in the day of Return of Tres ſeptimanas Sancti Michaelis, then day ſhall be given in Craſtino Purificationis beatæ Mariæ; And if a die Sancti Michaelis in unum menſem, then in Octabis Purificationis beatæ Mariæ; if in Craſtino animarum, then in Quindena Paſchæ; if in Craſtino Sancti Martini, then a die Paſchæ in tres ſeptimanas; if in Octabis Sancti Martini, then a die Paſchæ in unum menſem; if in Quindena Sancti Martini, then in quinque ſeptimanas Paſchæ; if in Octabis Sancti Hillarii, then in Craſtino Aſcenſionis Domini; if in Quindena Sancti Hillarii, then in Craſtino Sancti Trinitatis; if in Craſtino Purificationis beatæ Mariæ, then in Octabis Sanctæ Trinitatis; if in Octabis Purificationis beatæ Mariæ, then in Quindena ſanctæ Trinitatis; if in Quindena Paſchæ, then a die ſanctæ Trinitatis in tres ſeptimanas; if a die Paſchæ in tres ſeptimanas, then a die Sancti Michaelis in tres ſeptimanas; if a die Paſchæ in unum menſem then a die Sancti Michaelis in unum menſem; if a die Paſchæ in quinque ſeptimanas, then in Craſtino animarum; if in Craſtino Aſcenſionis Domini, then in Craſtino Sancti Martini; if in Craſtino ſanctæ Trinit. then in Octabis ſancti Martini; if in Octabis ſanctæ Trinitatis, then in Quindena ſancti Martini; if in Quindena ſanctæ Trinitatis, then in Octabis ſancti Hillarii; if a die ſanctæ Trinitatis in tres ſeptimanas, then in Quindena ſancti Hillarii.

How dayes ſhall be given on Writs in real Actions, other then Writs of Entry, Right, or Advowſon, or Dower.

And for the more ſpeedy proceeding in Writs of Dower, and Writs of Entry for common Recoveries, to be ſued and proſecuted, by Writs of Entry, or Writs of Right of Advowſon: Be it further enacted by the authority aforeſaid, That if after the ſaid Feaſt of Saint Michael the Archangel next coming, any Writ of Dower Unde nihil habet, or any Writ of Entry, whereupon a common Recovery is to be ſued, or Writs of Right of Advowſon be returnable, a die Sancti Michaelis in tres ſeptimanas, then a day ſhall be given in Octabis Sancti Martini; if a die ſancti Michaelis in unum menſem, then in Quindena ſancti Martini; if in Craſtino animarum, then in Octabis ſancti Hillarii; if in Craſtino Sancti Martini, then in Quindena Sancti Hillarii; if in Octabis Sancti Martini, then in Craſtino Purificationis beatæ Mariæ; if in Quindena ſancti Martini, then in Octabis Purificationis beatæ Mariæ; if in Octabis Sancti Hillarii, then in Quindena Paſchæ; if in Quindena Sancti Hillarii, then a die Paſchæ in tres ſeptimanas; if in Craſtino Purificationis beatæ Mariæ, then a die Paſchæ in unum menſem; if in Octabis Purificationis beatæ Mariæ, then a die Paſchæ in quinque ſeptimanas; if in Quindena Paſchæ, then in Craſtino Aſcenſionis Domini; if a die Paſchæ in tres ſeptimanas, then in Craſtino Sanctæ Trinitatis; if in Menſe Paſchæ, then in Octabis Sanctæ Trinitatis; if in Quinque ſeptimanas Paſchæ, then in Quindena Sanctæ Trinitatis; if in Craſtino Aſcenſionis Domini, then a die Sanctæ Trinitatis in tres ſeptimanas; if in Craſtino Sanctæ Trinitatis, then a die Sancti Michaelis in tres ſeptimanas; if in Octabis Sanctæ Trinitatis, then a die Sancti Michaelis in unum menſem; if in Quindena Sanctæ Trinitatis, then in Craſtino Animarum; if a die Sanctæ Trinitatis in tres ſeptimanas, then in Craſtino Sancti Martini.

How dayes ſhall be given in theſe Writs.

Provided nevertheleſs, and be it likewiſe enacted by the authority aforeſaid, That in all Writs of Dower, Unde nihil habet, after iſſue joyned, it ſhall not be needful or requiſite to have above fifteen dayes betwixt the Teſte and Return of the Venire facias, or any other Proceſs to be ſued out for the tryal of the ſaid iſſue, but that the Writ of Venire facias, and other Proceſs after Iſſue joyned, until judgment be given, having only fifteen dayes between the Teſte and Return thereof, ſhall be good and effectual in Law, as is uſed in perſonal Actions: any Law, Statute or Uſage to the contrary heretofore notwithſtanding.

In Writs of Dower after iſſue joyned, fifteen dayes between the Teſte and return ſufficient.

And be it further enacted by the authority aforeſaid, That from and after the Feaſt of Saint Michael the Archangel now next coming, the ſaid day of Return, called Craſtino Aſcen-

Craſtino Aſcenſionis a good return. The Eſſoin dayes.

ſionis Domini, ſhall be a good and perfect Return, to all intents and purpoſes, as any other of the ſaid dayes of Return before mentioned is or hath been uſed, notwithſtanding there be not fifteen dayes between the quarto die of the ſaid Return of Craſtino Aſcenſionis Domini, and the Eſſoin day of the Return of Craſtino Sanctæ Trinitatis.

Writs in perſonal actions, having day from tres Michaelis, till Craſtino Aſcenſionis, good.

And be it further enacted, That all Writs and Proceſs in perſonal Actions hereafter to be made out of any of his Majeſties ſaid Courts at Weſtminſter, and having day from tres Michaelis, until Craſtino Animarum, ſhall be good and effectual in Law, notwithſtanding there be not fifteen dayes betwixt the quarto die of the ſaid tres ſeptimanas Sancti Michaelis, and the dayes of Eſſoin of Craſtino Animarum; Any Law, Statute or Uſage to the contrary heretofore notwithſtanding.

Proviſo for writs returnable 1641. Exp.

Provided alwayes, and be it further enacted by the authority aforeſaid, That all Writs and Proceſs to be made, from and after the Feaſt of Eaſter, in the year of our Lord God 1641. Returnable in Octabis, or Quindena Sancti Michaelis now next enſuing, or having dayes betwixt any of the ſaid Returns, ſhall by force of this Act have day, unto tres ſeptimanas Sancti Michaelis next, and the parties to the ſaid Writs and Proceſs ſhall then appear, and plead, and proceed thereupon, to all intents and purpoſes, as if the ſaid Writs and Proceſs had been made returnable a die Sancti Michaelis in tres ſeptimanas.

Writs of Summons ad Warrantizandum, upon common Recoveries, and writs of Right of Advowſon abridged to five Returns.

And whereas before the making of this Act, all Writs of Summons ad Warrantizand. againſt the Vouchees upon Common Recoveries had in writs of Entry, and writs of Right of Advowſon, were made for nine Returns incluſive; Now for the more ſpeedy perfecting of ſuch Recoveries, Be it enacted by the authority aforeſaid, That from and after the ſaid Feaſt of Saint Michael the Archangel next, all and every ſuch writs of Summons ad Warrantizand. upon the appearance of the Tenant to every ſuch writ of Entry, and writ of Right of Advowſon, ſhall and may be made, and abridged to five Returns, as writs of Summons, ad Warrantizand. in writs of Dower, Unde nihil habet, heretofore have been uſed and accuſtomed.

Common Writs and Proceſs to keep the aforeſaid Returns.

And it is further enacted by the authority aforeſaid, That all common Writs and Proceſs, as well perſonal as mixt, which ſhall fortune to be returnable in the ſaid Michaelmas Term, ſhall have and keep the ſaid Returns of A die Sancti Michaelis in tres ſeptimanas, a die ſancti Michaelis in unum menſem, in Craſtino Animarum, in Craſtino Sancti Martini, in Octabis Sancti Martini, and a die Sancti Martini in Quindecem dies, or any of them.

Special dayes may be appointed as have been uſed.

Provided alwayes, and it is further enacted by the authority aforeſaid, That in ſuch and like caſes, and proceſs, as ſpecial dayes have been uſed to be appointed and aſſigned, and given for the returning of writs and proceſs; It ſhall be lawful to the Juſtices of every of the Kings ſaid Courts of Record, for the time being, in all the proceſs by them awarded, to aſſign & appoint ſpecial days of Returns, as by their diſcretions ſhall be thought convenient.

Dayes in Aſſiſe of Darrein Preſentment, and in plea of Quare Impedit, and in Attaint, not contrary hereto ſhall be firm.

Provided alſo, and be it further enacted by the authority aforeſaid, That the dayes in Aſſiſe of Darrein preſentment, and in Plea of Quare Impedit, limited and appointed by the Statute of Marlebridge, and alſo the dayes to be given in Attaint, limited in the Statute made in the fifth year of the reign of the Noble King Edward the third; And alſo in the Statute made in the three and twentieth year of the reign of the late King Henry the eighth of worthy memory, being not contrary to the Tenors of this Act, ſhall be holden firm and ſtable, and ſhall ſtand in their full force and effect.

CAP. VII.

1 Stat. 12 Car. 2. cap. 1.

This Parliament ſhall not be Diſſolved, Prorogued, or Adjourned, but by Act of Parliament. EXP.

CAP. VIII.

Tunnage and Poundage.

A Subſidy granted to the King of Tunnage, Poundage, and other ſums of Money payable upon Merchandize Exported and Imported, from the 25th of May, 1641, to the 14th of July next. EXP.

CAP. IX.

Proviſion of Money for the ſpeedy Disbanding the Armies, and ſetling the Peace of the two Kingdoms of England and Scotland, by raiſing and charging ſeveral ſums of Money upon Perſons according to their Ranks, Dignities, Offices, Callings, Eſtates, and Qualities therein mentioned, and Commiſſions to iſſue for levying the ſame. EXP.

CAP. X.

For Regulating the Privy Councel, and for taking away the Star-Chamber-Court.

Recital of Magna Charta, and ſeveral Statutes. Mr. 3. li.7.1. 5 E.3. cap.9.

WHereas by the Great Charter many times confirmed in Parliament, It is enacted, That no Freemen ſhall be taken or impriſoned, or diſſeiſed of his Freehold or Liberties or Free Cuſtoms, or be outlawed or exiled, or otherwiſe deſtroyed, and that the King will not paſs upon him, or condemn him but by lawful Judgment of his Peers, or by the Law of the Land; And by another Statute made in the fifth year of the reign of King Edward the third, It is Enacted, That no man ſhall be attached by any accuſation, nor fore-judged of life or limb, nor his Lands, Tenements, Goods nor Chattels ſeiſed into the Kings hands againſt the form of the Great Charter, and the Law of the Land; and by another Statute made in the five and twentieth year of the reign of the ſame King Edward the Third, It is accorded, aſſented, and eſtabliſhed, That none ſhall be taken by petition, or ſuggeſtion made to the King, or to his Councel, unleſs it be by Indictment or Preſentment of good and lawful people of the ſame Neighbourhood where ſuch Deeds be done, in due manner, or by Proceſſe made by Writ Original at the Common Law, and that none be put out of his Franchiſe or Free-hold, unleſs he be duly brought in to anſwer, and fore-judged of the ſame by the courſe of the Law; and if any thing be done againſt the ſame, it ſhall be redreſſed and holden for none. And by another Statute made in the eight and twentieth year of the reign of the ſame King Edward the Third, It is amongſt other things Enacted, That no man of what eſtate or condition ſoever he be, ſhall be put out of his Lands or Tenements, nor taken, nor impriſoned, nor diſ-inherited, without being brought in to anſwer by due proceſs of Law: And by another Statute made in the two and fortieth year of the reign of the ſaid King Edward

25 E.3. cap.4. Stat. 5.

28 E.3. cap.3.

42 E.3. c.3.

ward the Third, It is Enacted, That no man be put to anſwer without preſentment before Juſtices, or matter of Record, or by due proceſs and writ original, according to the Old Law of the Land, and if any thing be done to the contrary, it ſhall be void in Law, and holden for error. And by another Statute made in the ſix and thirtieth year of the ſame King Edward the Third, It is amongſt other things Enacted, That all pleas which ſhall be pleaded in any Courts before any the Kings Juſtices, or in his other places, or before any of his other Miniſters, or in the Courts and places of any other Lords within the Realm, ſhall be entred and enrolled in Latine: And whereas by the Statute made in the third year of King Henry the ſeventh, power is given to the Chancellor, the Lord Treaſurer of England for the time being, and the Keeper of the Kings Privy Seal, or two of them, calling unto them a Biſhop and a Temporal Lord of the Kings moſt Honourable Councel, and the two Chief Juſtices of the Kings-Bench and Common-Pleas, for the time being, or other two Juſtices in their abſence, to proceed as in that Act is expreſſed, for the puniſhment of ſome particular offences therein mentioned. And by the Statute made in the one and twentieth year of King Henry the Eighth, the Preſident of the Councel is aſſociated to joyn with the Lord Chancellor and other Judges in the ſaid Statute of the third of Henry the ſeventh mentioned, But the ſaid Judges have not kept themſelves to the points limited by the ſaid Statute, but have undertaken to puniſh where no Law doth warrant, and to make Decrees for things having no ſuch authority, and to inflict heavier puniſhments than by any Law is warranted:

36 E 3. c. 15.

3 H. 7. cap. 1.

21 H. 8. cap. 2.

All matters examinable in the Star-Chamber may be examinable and redreſſed by the Common Law.

And foraſmuch as all matters examinable or determinable before the ſaid Judges, or in the Court commonly called the Star-Chamber, may have their proper remedy and redreſs, and their due puniſhment, and correction by the Common Law of the Land, and in the ordinary courſe of Juſtice elſewhere; and foraſmuch as the reaſons and motives inducing the erection and continuance of that Court do now ceaſe; and the Proceedings, Cenſures and Decrees of that Court, have by experience been found to be an intolerable burthen to the Subject, and the means to introduce an Arbitrary Power and Government; And foraſmuch as the Councel-Table, hath of late times aſſumed unto it ſelf, a power to intermeddle in Civil cauſes and matters only of private intereſt between party and party, and have adventured to determine of the Eſtates and Liberties of the Subject, contrary to the Law of the Land, and the Rights and Priviledges of the Subject, by which great and manifold miſchiefs and inconveniencies have ariſen and happened, and much incertainty by means of ſuch proceedings hath been conceived concerning mens Rights and Eſtates; For ſetling whereof, and preventing the like in time to come:

Court of Star-chamber and all its powers diſſolved.

Be it Ordained and Enacted by the authority of this preſent Parliament, That the ſaid Court commonly called the Star-Chamber, and all Juriſdiction, Power and Authority belonging unto, or exerciſed in the ſame Court, or by any the Judges, Officers or Miniſters thereof, be from the firſt day of Auguſt, in the year of our Lord God, One thouſand ſix hundred forty and one, clearly and abſolutely diſſolved, taken away, and determined; and that from the ſaid firſt day of Auguſt, neither the Lord Chancellor, or Keeper of the Great Seal of England, the Lord Treaſurer of England, the Keeper of the Kings Privy-Seal, or Preſident of the Councel, nor any Biſhop, Temporal Lord, Privy Councellor, or Judge, or Juſtice whatſoever, ſhall have any power or authority to hear, examine, or determine any matter or thing whatſoever, in the ſaid Court commonly called the Star-Chamber, or to make, pronounce, or deliver any Judgment, Sentence, Order or Decree, or to do any Judicial or Miniſterial Act in the ſaid Court: And that all and every Act and Acts of Parliament, and all and every article, clauſe, and ſentence in them, and every of them, by which any juriſdiction, power or authority is given, limited or appointed unto the ſaid Court commonly called the Star-Chamber, or unto all, or any the Judges, Officers or Miniſters thereof, or for any proceedings to be had, or made in the ſaid Court, or for any matter or thing to be drawn into queſtion, examined or determined there, ſhall for ſo much as concerneth the ſaid Court of Star-Chamber, and the power and authority thereby given unto it, be from the ſaid firſt day of Auguſt repealed, and abſolutely revoked and made void.

Like Juriſdiction in ſeveral other Courts repealed and taken away.

And be it likewiſe enacted, That the like juriſdiction now uſed and exerciſed in the Court before the Preſident and Councel in the Marches of Wales, and alſo in the Court before the Preſident and Councel eſtabliſhed in the Northern parts: And alſo in the Court commonly called, the Court of the Dutchy of Lancaſter, held before the Chancellor, and Councel of that Court: And alſo in the Court of Exchequer of the County Palatine of Cheſter, held before the Chamberlain and Councel of that Court; The like juriſdiction being exerciſed there, ſhall from the ſaid firſt day of Auguſt, One thouſand ſix hundred forty and one, be alſo repealed and abſolutely revoked and made void, any law, preſcription, cuſtom or uſage, Or the ſaid Statute made in the third year of King Henry the ſeventh, Or the Statute made the one and twentieth of Henry the Eighth, Or any Act or Acts of Parliament heretofore had or made, to the contrary thereof in any wiſe notwithſtanding: And that from henceforth no Court, Councel, or place of Judicature ſhall be erected, ordained, conſtituted or appointed within this Realm of England, or Dominion of Wales, which ſhall have, uſe or exerciſe the ſame, or the like juriſdiction, as is, or hath been uſed, practiſed or exerciſed in the ſaid Court of Star-chamber.

No Court or Councel to have the like Juriſdiction.

Be it likewiſe declared, and enacted by authority of this preſent Parliament, That neither his Majeſty, nor his Privy-Councel, have, or ought to have any juriſdiction, power or authority, by Engliſh Bill, Petition, Articles, Libel, or any other Arbitrary way whatſoever, to examine or draw into queſtion, determine or diſpoſe of the lands, tenements, hereditaments, goods or chattels, of any the Subjects of this Kingdome: But that the ſame ought to be tryed and determined in the ordinary Courts of Juſtice, and by the ordinary courſe of the Law.

The King nor his Privy-Councel ſhall have no Juriſdiction over any mans Eſtate.

Penalties upon great Officers and others for the firſt offence.

Second Offence.

Third offence.

And be it further provided and enacted, That if any Lord Chancellor, or Keeper of the great Seal of England, Lord Treaſurer, Keeper of the Kings Privy Seal, Preſident of the Council, Biſhop, Temporal Lord, Privy Councellor, Judge or Juſtice whatſoever, ſhall offend, or do any thing contrary to the purport, true intent and meaning of this Law, Then he, or they, ſhall for ſuch Offence forfeit the ſum of Five hundred pounds of lawful Money of England, unto any party grieved, his Executors or Adminiſtrators, who ſhall really proſecute for the ſame, and firſt obtain Judgment thereupon, to be recovered in any Court of Record at Weſtminſter, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoine, Protection, Wager of Law, Aid-Prayer, Priviledge, Injunction or Order of reſtraint ſhall be in any wiſe prayed, granted or allowed, nor any more then one Imparlance. And if any perſon, againſt whom any ſuch Judgment or Recovery ſhall be had as aforeſaid, ſhall after ſuch Judgment or Recovery, offend again in the ſame, then he, or they, for ſuch Offence, ſhall forfeit the ſum of One thouſand pounds of lawful Money of England, unto any party grieved, his Executors or Adminiſtrators, who ſhall really proſecute for the ſame, and firſt obtain Judgment thereupon, to be recovered in any Court of Record at Weſtminſter, by Action of Debt, Bill, Plaint or Information, in which no Eſſoine, Protection, Wager of Law, Aid-Prayer, Priviledge, Injunction, or Order of Reſtraint, ſhall be in any wiſe prayed, granted or allowed, nor any more then one Imparlance. And if any perſon againſt whom any ſuch ſecond Judgment or Recovery ſhall be had, as aforeſaid, ſhall after ſuch Judgment or Recovery, offend again in the ſame kind, and ſhall be thereof duly convicted, by Indictment, Information, or any other lawful way or means, that ſuch perſon ſo convicted ſhall be from thenceforth diſabled, and become by vertue of this Act incapable, Ipſo facto, to bear his, and their ſaid Office and Offices reſpectively, and ſhall be likewiſe diſabled to make any Gift, Grant, Conveyance, or other diſpoſition of any of his Lands, Tenements, Hereditaments, Goods or Chattels, or to take any benefit of any Gift, Conveyance or Legacy to his own uſe.

Treble damages to the party grieved.

And every perſon ſo offending ſhall likewiſe forfeit and loſe unto the party grieved, by any thing done contrary to the true intent and meaning of this Law, his treble damages, which he ſhall ſuſtain, and be put unto, by means or occaſion of any ſuch act or thing done, the ſame to be recovered in any of his Majeſties Courts of Record at Weſtminſter, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, Wager of Law, Aid-Prayer, Priviledge, Injunction or Order of Reſtraint, ſhall be in any wiſe Prayed, Granted or Allowed, nor any more then one Imparlance.

Every perſon committed contrary to this Act, ſhall have an Habeas Corpus.

Treble damages in default.

And be it alſo provided and enacted, That if any perſon ſhall hereafter be committed, reſtrained of his Liberty, or ſuffer impriſonment by the Order or Decree of any ſuch Court of Star-Chamber, or other Court aforeſaid, now, or at any time hereafter, having, or pretending to have the ſame, or like juriſdiction, power or authority to commit or impriſon as aforeſaid; Or by the Command or Warrant of the Kings Majeſty, his Heirs or Succeſſors in their own Perſon, or by the Command or Warrant of the Councel-board, or of any of the Lords, or others of his Majeſties Privy-Councel, That in every ſuch caſe, every perſon ſo committed, reſtrained of his liberty, or ſuffering impriſonment, upon demand or motion made by his Counſel, or other imployed by him for that purpoſe, unto the Judges of the Court of Kings Bench, or Common Pleas, in open Court, ſhall without delay, upon any pretence whatſoever, for the ordinary Fees uſually paid for the ſame, have forthwith granted unto him a Writ of Habeas Corpus to be directed generally unto all and every Sheriffs, Gaoler, Miniſter, Officer, or other perſon, in whoſe cuſtody the party committed or reſtrained ſhall be, and the ſheriffs, gaoler, miniſter, officer, or other perſon in whoſe cuſtody the party ſo committed or reſtrained ſhall be, ſhall at the return of the ſaid Writ, and according to the command thereof, upon due & convenient notice thereof given unto him, at the charge of the party who requireth or procureth ſuch writ, & upon ſecurity by his own Bond given, to pay the charge of carrying back the priſoner, if he ſhall be remanded by the Court, to which he ſhall be brought, as in like caſes hath been uſed, ſuch charges of bringing up, and carrying back the Priſoner, to be alwayes ordered by the Court, if any difference ſhall ariſe thereabout, bring or cauſe to be brought the body of the ſaid party ſo committed or reſtrained unto and before the Judges or Juſtices of the ſaid Court, from whence the ſame Writ ſhall iſſue in open Court, and ſhall then likewiſe certifie the true cauſe of ſuch his detainer or impriſonment, and thereupon the Court within three Court-dayes after ſuch return made and delivered in open Court, ſhall proceed to examine and determine whether the cauſe of ſuch commitment appearing upon the ſaid return be juſt and legal, or not, and ſhall thereupon do what to Juſtice ſhall appertain, either by delivering, bailing or remanding the Priſoner. And if any thing ſhall be otherwiſe wilfully done or omitted to be done by any Judge, Juſtice, Officer, or other perſon aforementioned, contrary to the direction and true meaning hereof, That then ſuch perſon ſo offending ſhall forfeit to the party grieved, his treble damages, to be recovered by ſuch means, and in ſuch manner, as is formerly in this Act limited and appointed for the like penalty to be ſued for and recovered.

To what Courts this Act ſhall extend.

Provided alwayes, and be it Enacted, That this Act, and the ſeveral clauſes therein contained, ſhall be taken and expounded to extend only to the Court of Star-Chamber, and to the ſaid Courts holden before the Preſident and Councel in the Marches of Wales, and before the Preſident and Councel in the Northern parts; and alſo to the Court commonly called the Court of the Dutchy of Lancaſter holden before the Chancellor and Councel of that Court: And alſo in the Court of Exchequer of the County Palatine of Cheſter, held before the Chamberlain and Councel of that Court; And to all Courts of like Juriſdiction to be hereafter erected, ordained, conſtituted or appointed as aforeſaid; And to the Warrants and directions of the Councel-boards, and to the commitments, reſtraints and impriſonments of any perſon or perſons made, commanded or awarded by the Kings Majeſty, his Heirs or Succeſſors in their own perſon, or by the Lords and others of the Privy-Councel, and every one of them.

And laſtly, provided, and be it Enacted, That no perſon or perſons ſhall be ſued, impleaded, moleſted or troubled for any offence againſt this preſent Act, unleſs the party ſuppoſed to have ſo offended, ſhall be ſued or impleaded for the ſame within two years at the moſt after ſuch time wherein the ſaid Offence ſhall be committed.

Offenders of this Act ſhall be impleaded within two years after any offence.

CAP. XI.

A Repeal of the Branch of a Statute primo Elizabethæ, concerning Commiſſioners for Cauſes Eccleſiaſtical.

VVhereas in the Parliament holden in the firſt year of the Reign of the late Queen Elizabeth late Queen of England, there was an Act made and eſtabliſhed, Intituled, An Act reſtoring to the Crown the ancient Juriſdiction over the State Eccleſiaſtical and Spiritual, and aboliſhing all Foreign Power repugnant to the ſame; In which Act, amongſt other things, there is contained one Clauſe, Branch, Article or Sentence, whereby it was Enacted to this effect; Namely, That the ſaid late Queens Highneſs, her Heirs and Succeſſors, Kings or Queens of this Realm, ſhould have full power and authority by vertue of that Act by Letters Patent under the great Seal of England, to aſſign, name and authorize, when, and as often as her Highneſs, her Heirs or Succeſſors, ſhould think meet and convenient, and for ſuch, and ſo long time as ſhould pleaſe her Highneſs, her Heirs or Succeſſors, ſuch perſon or perſons being natural born Subjects to her Highneſs, her Heirs or Succeſſors, as her Majeſty, her heirs or ſucceſſors ſhould think meet to exerciſe, uſe, occupy and execute under her Highneſs, her heirs and ſucceſſors, all manner of Juriſdictions, Priviledges and Preheminence, in any wiſe touching or concerning any Spiritual or Eccleſiaſtical Juriſdiction within theſe her Realms of England and Ireland, or any other her Highneſs Dominions and Countries, and to viſit, reform, redreſſe, order, correct, and amend all ſuch Errors, Hereſies, Schiſms, Abuſes, Offences, Contempts and Enormities whatſoever, which by any manner Spiritual or Eccleſiaſtical Power, Authority or Juriſdiction, can, or may lawfully be reformed, ordered, redreſſed, corrected, reſtrained or amended, to the pleaſure of Almighty God, the increaſe of vertue, and the conſervation of the Peace and Unity of this Realm. And that ſuch perſon or perſons ſo to be named, aſſigned, authorized and appointed by her Highneſs, her Heirs or Succeſſors, after the ſaid Letters Patents to him or them made and delivered, as aforeſaid, ſhould have full Power and Authority by vertue of that Act, and of the ſaid Letters Patents under her Highneſs, her Heirs or Succeſſors, to exerciſe, uſe, and execute all the Premiſſes, according to the tenor and effect of the ſaid Letters Patents, matter or cauſe to the contrary in any wiſe notwithſtanding.

St. 1 Eliz. 1.

And whereas by colour of ſome words in the aforeſaid Branch of the ſaid Act, whereby Commiſſioners are authorized to execute their Commiſſion according to the tenor and effect of the Kings Letters Patents, and by Letters Patents grounded thereupon, the ſaid Commiſſioners have, to the great and inſufferable Wrong and Oppreſſion of the Kings Subjects, uſed to fine and impriſon them, and to exerciſe other Authority not belonging to Eccleſiaſtical Juriſdiction reſtored by that Act, and divers other great Miſchiefs and Inconveniences have alſo enſued to the Kings Subjects, by occaſion of the ſaid Branch and Commiſſions iſſued thereupon, and the executions thereof: Therefore for the repreſſing and preventing of the foreſaid Abuſes, Miſchiefs and Inconveniences in time to come;

High Commiſſion Court.

Be it Enacted by the Kings moſt Excellent Majeſty, and the Lords and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the foreſaid Branch, Clauſe, Article or Sentence contained in the ſaid Act, and every word, matter and thing contained in that Branch, Clauſe, Article or Sentence, ſhall from henceforth be repealed, annulled, revoked, annihilated, and utterly made void for ever: Any thing in the ſaid Act to the contrary in any wiſe notwithſtandiug. Rep. St. 13 Car. 2. cap. 11.

The ſaid branch of the ſtat. 1 El. c. 2. repealed.

And be it alſo enacted by the Authority aforeſaid, that no Archbiſhop, Biſhop, nor Vicar General, nor any Chancellor, Official, nor Commiſſary of any Archbiſhop, Biſhop or Vicar-General, nor any Ordinary whatſoever, nor any other Spiritual or Eccleſiaſtical Judge, Officer or Miniſter of Juſtice, nor any other perſon or perſons whatſoever, exerciſing Spiritual or Eccleſiaſtical Power, Authority or Juriſdiction, by any Grant, Licenſe, or Commiſſion of the Kings Majeſty, his Heirs or Succeſſors, or by any power or authority derived from the King, his Heirs or Succeſſors, or otherwiſe, ſhall from aud after the firſt day of Auguſt, which ſhall be in the year of our Lord God, One thouſand ſix hundred forty and one, award, impoſe, or inflict any pain, penalty, fine, amerciament, impriſonment, or other corporal puniſhment upon any of the Kings Subjects, for any contempt, miſdemeanor, crime, offence, matter or thing whatſoever, belonging to Spiritual or Eccleſiaſtical Cognizance or Juriſdiction, or ſhall ex Officio, or at the inſtance or promotion of any other perſon whatſoever, urge, enforce, tender, give or miniſter unto any Churchwarden, Sydeman, or other perſon whatſoever, any corporal Oath, whereby he or ſhe ſhall or may be charged or obliged to make any preſentment of any Crime or Offence, or to confeſs or to accuſe himſelf, or her ſelf of any Crime, Offence, Delinquency or Miſdemeanor, or any neglect, matter, or thing whereby, or by reaſon whereof he or ſhe ſhall or may be liable, or expoſed to any cenſure, pain, penalty or puniſhment whatſoever, upon pain and penalty that every perſon, who ſhall offend contrary to this Statute, ſhall forfeit and pay treble Damages to every perſon thereby grieved, and the ſum of One hundred pounds to him or them who ſhall firſt demand and ſue for the ſame, which ſaid Treble Damages, and ſum of One hundred pounds ſhall and may be demanded and recovered by Action of Debt, Bill or Plaint, in any Court of Record, wherein no Priviledge, Eſſoine, Protection, or Wager of Law ſhall be admitted or allowed to the Defendant. And be it further Enacted, That every perſon who ſhall be once convicted of any act or offence prohibited by this Statute, ſhall for ſuch act or offence be from and after ſuch Conviction utterly diſabled to be or continue in any Office or Imployment, in any Court of Juſtice whatſover: or to exerciſe or execute any Power, Authority or Juriſdiction by force of any Commiſſion, or Letters Patents of the King, his Heirs or Succeſſors. And

Power taken away from Archbiſhops, Biſhops and other Eccleſiaſtical perſons and Courts. Exp. St. 13. Car. 2. c. 12.

Oath ex officio. St. 13 Car. 2. cap. 12.

Penalty, treble damages and one hundred pounds.

Offendors convicted, diſabled from any office or imployment by the Kings Letters Patents.

No new court to be erected with the like power.

And be it further Enacted, That from and after the ſaid firſt day of Auguſt, no new Court ſhall be erected, ordained or appointed within this Realm of England, or Dominion of Wales, which ſhall or may have the like Power, Juriſdiction or Authority, as the ſaid High Commiſſion-Court now hath, or pretendeth to have. But that all and every ſuch Letters Patents, Commiſſions and Grants, made, or to be made by his Majeſty, his Heirs or Succeſſors, And all Powers and Authorities granted or pretended, or mentioned to be granted thereby, and all Acts, Sentences and Decrees, to be made by vertue or colour thereof, ſhall be utterly void, and of none effect.

CAP. XII.

Tunnage and Poundage.

A Subſidy granted to the King of Tunnage and Poundage and other ſums of Money payable upon Merchandize Exported and Imported, from the 15th. of July, 1641. to the 10th. of Auguſt next. EXP.

CAP. XIII.

Such Monies ſecured as are or ſhall be due to the Inhabitants of the County of York, and the other adjoyning Counties, for the Billet of the Souldiers and to certain Officers of the Army who forbear part of their pay, according to an Order in that behalf made in the Commons Houſe of Parliament this preſent Seſſion, for ſuch part of their pay as they ſhall ſo forbear. EXP.

CAP. XIV.

The late Proceedings touching Ship-Money declared unlawful, and all Records and Proceſs concerning the ſame made void.

Shipwrits.

Certioraries

Mittimus.

Scire facias againſt John Hampden Eſquire Demurrer.

Extrajudicial Opinion.

Judgment.

WHereas divers Writs of late time, iſſued under the Great Seal of England, commonly called Ship-Writs, for the charging of the Ports, Towns, Cities, Boroughs and Counties of this Realm reſpectively, to provide and furniſh certain Ships for his Majeſties Service: And whereas upon the Execution of the ſame Writs, and Returns of Certioraries thereupon made, and the ſending the ſame by Mittimus into the Court of Exchequer, Proceſſe hath been thence made againſt ſundry perſons pretended to be charged by way of Contribution, for the making up of certain ſums aſſeſſed for the providing of the ſaid Ships, and in eſpecial in Eaſter Term, in the thirteenth year of the Reign of our Soveraign Lord the King that now is, a Writ of Scire facias was awarded out of the Court of Exchequer, to the then Sheriff of Buckingham-Shire, againſt John Hampden Eſquire, to appear and ſhew cauſe, why he ſhould not be charged with a certain ſum ſo aſſeſſed upon him, upon whoſe appearance and demurrer to the proceedings therein, the Barons of the Exchequer adjourned the ſame Caſe into the Exchequer-Chamber, where it was ſolemnly argued divers dayes, and at length it was there agreed by the greater part of all the Juſtices of the Courts of Kings Bench, and Commons Pleas, and of the Barons of the Exchequer, there aſſembled, That the ſaid John Hampden ſhould be charged with the ſaid ſum ſo as aforeſaid aſſeſſed on him; The main Grounds and Reaſons of the ſaid Juſtices and Barons which ſo agreed, being, that when the Good and Safety of the Kingdom in general is concerned, and the whole Kingdome in danger, the King might by Writ under the Great Seal of England command all the Subjects of this His Kingdome at their charge to provide and furniſh ſuch manner of Ships with Men, Victuals and Munition, and for ſuch time as the King ſhould think fit, for the defence and ſafeguard of the Kingdome from ſuch danger and peril; and that by Law the King might compel the doing thereof, in caſe of refuſal, or refractorineſſe, and that the King is the ſole Judge, both of the danger, and when, and how the ſame is to be prevented and avoided; according to which Grounds and Reaſons, all the Juſtices of the ſaid Courts of Kings Bench, and Common Pleas, and the ſaid Barons of the Exchequer, having been formerly conſulted with by his Majeſties command, had ſet their Hands to an extrajudicial Opinion, expreſſed to the ſame purpoſe; which Opinion, with their Names thereunto, was alſo by his Majeſties command inrolled in the Courts of Chancery, Kings Bench, Common Pleas, and Exchequer, and likewiſe entred among the Remembrances of the Court of Star-Chamber, and according to the ſaid Agreement of the ſaid Juſtices and Barons, Judgment was given by the Barons of the Exchequer, That the ſaid John Hampden ſhould be charged with the ſaid ſum ſo aſſeſſed on him; And whereas ſome other Actions and Proceſſe depend, and have depended in the ſaid Court of Exchequer, and in ſome other Courts againſt other perſons, for the like kind of charge, grounded upon the ſaid Writs, commonly called Ship-writs, all which Writs and Proceedings as aforeſaid, were utterly againſt the Law of the Land.

Shipmony and proceedings thereupon contrary to Law.

Be it therefore declared and enacted by the Kings moſt excellent Majeſty, and the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid charge impoſed upon the Subject, for the providing and furniſhing of Ships, commonly called Ship-money, and the ſaid extrajudical Opinion of the ſaid Juſtices and Barons, and the ſaid Writs, and every of them, and the ſaid Agreement or Opinion of the greater part of the ſaid Juſtices and Barons, and the ſaid Judgment given againſt the ſaid John Hampden were, and are contrary to, and againſt the Laws and Statutes of this Realm, the right of property, the liberty of the Subjects, former reſolutions in Parliament, and the Petition of Right made in the third year of the Reign of his Majeſty that now is.

St. 3 Car. 1. Petition of right to be obſerved. Judgments and proceeding touching ſhip-mony and all entries, records and inrolments thereof made void.

And it is further declared and enacted by the Authority aforeſaid, That all and every the particulars prayed or deſired in the ſaid Petition of Right, ſhall from henceforth be put in execution accordingly, and ſhall be firmly and ſtrictly holden and obſerved, as in the ſame Petition they are prayed and expreſſed; and that all and every the Records and Remembrances of all and every the Judgment, Inrolments, Entry and Proceedings, as aforeſaid, and all and every the proceedings whatſoever, upon, or by pretext or colour of any of the ſaid Writs, commonly called Ship-Writs, and all and every the Dependants on any of them, ſhall be Deemed and Adjudged to all intents, conſtructions and purpoſes, to be utterly void and diſannulled; and that all and every the ſaid Judgment, Inrolments, Entries, Proceedings and Dependents of what kind ſoever, ſhall be vacated and cancelled in ſuch manner and form as Records uſe to be that are vacated.

CAP. XV.

Touching Incroachments and Oppreſſions in the Stannary Courts.

WHereas King EDWARD the firſt of famous memory, did for the Amendment of the Stannaries in the County of Devon, grant divers Franchiſes and Liberties to the Tinners there: And whereas in the Parliament in the fiftieth year of King EDWARD the third, upon the Petition of the Commons of the County of Devon, certain Branches and Articles of the ſaid Charter were explained in manner following, That is to ſay, whereas one Article of the ſaid Charter is in theſe words following, viz. Sciatis nos ad emendationem Stannariarum noſtrarum in Com. Devon. ad tranquilitatem & utilitatem Stannatorum noſtrorum prædictorum earundem Conceſſiſſe pro nobis & hæredibus noſtris, Quod omnes Stannatores prædicti operantes in Stannariis illis quæ ſunt Dominica noſtra, dum operantur in eiſdem Stannariis, liberi ſint & quieti de placitis nativorum, & de omnibus placitis & querelis Curiam noſtram & hæredum noſtrorum qualitercunque tangen. Ita quod non reſpondeant coram aliquibus Juſticiariis vel Miniſtris noſtris ſeu hæredum noſtrorum de aliquo placito ſeu querela infra prædictas Stannarias emergen. niſi Coram Cuſtode noſtro Stannariarum noſtrarum prædictarum, qui pro tempore fuit (except. placitis terr', vitæ & membrorum) nec recedant ab operationibus ſuis per ſummonitionem alicujus Miniſtrorum noſtrorum, ſeu hæredum noſtrorum, niſi per ſummonitionem communem dicti Cuſtodis noſtri; Et quod quieti ſint de omnibus tallag' Theolon. ſtallag. auxiliis & aliis cuſtumis quibuſcunque in villis, portubus, feriis, & mercatis infra Com. prædict. de bonis ſuis propriis, &c. Whereupon the ſaid Commons prayed a Declaration, as followeth, Requeſte, Sur quoi pleſe declarer ſi auters perſons q̃ les Eſteymos operantz in les Eſtemeryes averont & enjoyeront la franchiſe grante per la dite chartre du Roy deſicome la dite chartre voet. Quod omnes Stannatores prædicti operantes in Stannariis illis ſint liberi, &c. Et autres perſons q̃ les onerours ceſtaſſavoir leros Maiſtres que les lovent & leros ſervants & autres claymont meſne la Franchiſe. Et auxint pleſe declarer ſi les dite onerous y averont les Franchiſes q̃ in auters temps quant ils averont in meſme Leſtemery deſicome la chre' voet. Dum operantur in eiſdem Stannariis ſint liberi, &c. &c. Upon which Requeſt, Anſwer was made, as followeth: Reſponſ. En droit de les dites paroles operantes in Stannariis illis & dum operantur in eiſdem Stannariis, Soient clerement entenduz de operariis laborantibus duntaxat in Stannariis illis ſine fraude & dolo, & non de aliis, nec alibi laborantibus. And whereas the ſaid Commons prayed a farther Declaration as followeth: Requeſte, Item ſoit declarez, ſi le Gardein de Leſtemery puiſſe tenir plee inter Eſteymo & Forreyn de querele ſourdante aeillos q̃ en les lieux ou ils ſont onſñz deſicome la Chre' voet. Quod Cuſtos noſter prædictus vel ejus Locum-Tenens teneat omnia placita inter Stannatores prædictos emergen. & etiam inter ipſos & alios forinſecos de omnibus tranſgreſſionibus, querelis, & contractibus factis in locis in quibus operantur infra Stannarias prædictas ſimiliter emergen. &c. Quar ill tient plee des tieux quereles ſourdantz in cheſcune parte deins le dit Countee. Upon which, Anſwer was in theſe words, viz. Reſp. Et en droit de ceſte Article, ſe ent extend la Juriſdiction clerement ſolonc les paroles del dit Chre' Ceſtaſſavoir, In locis ubi iidem operarii operantur & nemy aillours ne en autre manere. Which Charter ſo declared, was repeated again; And in the eighth year of the Reign of King Richard the ſecond commanded to be put in execution.

E. 1. Charter.

Explained 50 E. 3.

8 R. 2.

And whereas the ſaid King EDWARD the Firſt made the like Charter to the Tinners in the County of Cornwall, which Charter was in the foreſaid Parliament upon the Requeſt of the Commons of the County of Cornwall declared in the ſame manner and words.

The like Charter to Tinners in Cornwall. Declaration.

And whereas the Tinners of the Counties of Devon and Cornwall have by vertue of the ſaid Charters enjoyed divers and great Liberties, and are quit from all Tolls, Tollages, Aids, and other Cuſtomes in the Villes, Ports, Fairs and Markets, within the ſaid Counties reſpectively: Which great Liberties do of right belong to the working Tinner, working without fraud or deceit in the Stannaries aforeſaid, and not to any other nor elſewhere working, and were granted to the ſaid Tinners for their encouragement in their Works: And whereas of late years ſundry Inhabitants within the ſaid Counties, and others, to entitle themſelves to the ſaid Liberties, have by fraud and covin, for ſmall or no conſiderations, bought and acquired, and do buy and acquire to themſelves decayed Tin-workes, and ſmall and inconſiderable parts in the ſame and other Tin works; which abuſes are done principally to inable the ſaid falſe and fained Tinners, to vex and ſue their Neighbours in the Stannary Courts, where for the moſt part the Defendant is unjuſtly debarred his Coſts, although the cauſe be adjudged with him, and the Juriſdiction of the Stannaries hath, contrary to ancient Right and Uſage, and the ſaid Charters been endeavoured to be extended out of the places where the Tinners do work, through the whole Counties of Devon and Cornwall reſpectively, which is no way for the benefit of his Majeſty, but for the ſingular lucre of ſome private perſons: And whereas by the ſaid abuſes great inconveniences do follow, (That it is to ſay) the Inhabitants of the ſaid Counties are miſerably vexed, oppreſſed and impriſoned, his Majeſty defrauded of his Aids and Cuſtoms, and the Lords and Owners of Fairs, Markets, and other Franchiſes of their Tolls and Duties, and the Government of the Country exceedingly confounded and eluded, the ſaid falſe and fained Tinners claiming when they liſt to be Tinners, and when they liſt to be Foreigners; beſides, that if timely proviſion be not made, the certain decay of his Majeſties profit in the Tin-works will enſue, for that the ſame being divided into ſo many hands and parts cannot conveniently be ſet on work, nor contribution raiſed for the working the ſame.

Abuſe of liberties.

Be

The former declarations confirmed.

In locis ubi operantur, how expounded.

None but Tinners to be ſued, unleſs by working Tinners.

Perſons ſued by others ſhall have their action.

Such action to be brought within two years.

Be it therefore Enacted by his Majeſty, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That the ſaid Declarations be henceforth held and duly obſerved with this, that the words of the ſaid Charters and Declarations, In locis ubi operantur, be expounded of the Ville, Tithing and Hamlet, where ſome Tin-work in work is ſcituate, and not elſewhere, and no longer then the ſame Tin-work is or ſhall be in working. And if any perſon or perſons that ſhall be ſued in the ſaid Stannaries, ſhall ſwear, or tender his or their Oath in the ſaid Court where he or they ſhall be ſued, that he or they are not, nor is, nor at time of the Suit commenced was not, nor were a Tinner or Tinners, then ſuch Defendant or Defendants ſhall be forthwith diſcharged of ſuch Suit, unleſs that the Plaintiff or Plaintiffs do forthwith make Oath that the ſaid Plaintiff or Plaintiffs is or are true and working Tinners, without fraud or deceit: and that the cauſe of his or their Suit aroſe within the ſaid Stannaries, or concerneth Tin or Tin-works. And if any perſon being not re vera, and without fraud, a working and labouring Tinner, in or about ſome Tin-work, ſet on work within one half year next before his Suit, ſhall ſue, proſecute, or implead in any the ſaid Courts, or before the Warden, Vice-warden, or Steward of the ſaid Stannaries, any perſon or perſons that is or are not a Tinner or Tinners at the time of ſuch Suit commenced, Then the Defendant and Defendants in every ſuch caſe, ſhall have his and their Action at the common Law, againſt ſuch perſon ſuing or proſecuting, wherein he ſhall recover ten pounds, and his damages and coſts of Suit; Provided that ſuch Action be brought within two years next after the action or ſuit brought in the ſaid Stannary Courts, or before the ſaid Warden, Vice-warden or Steward.

Coſts in Stannary Courts.

And be it declared and enacted, That in all caſes where the Plaintiff or Defendant, Plaintiffs or Defendants, are to have coſts by the Laws or Statutes of this Realm, there alſo the ſaid Plaintiffs and Defendants ſhall have the like coſts in the Stannary Courts. And in regard that the ſaid Charters were granted for the eaſe and advantage of the Tinners, and not for their diſadvantage or oppreſſion, and yet divers of them who for ſpecial Reaſons have deſired to ſue at the Common Law, have been reſtrained;

Tinner may ſue forfeitures at the common Law.

Be it declared and enacted, That it ſhall be lawful to and for the ſaid Tinners, if they think fit, to ſue any Foreigners at the common Law; the ſaid Charter, or any Uſage to the contrary notwithſtanding.

Abuſes of poor Bailiffs in the Stannaries.

And whereas the Bailiffs of the ſaid Stannary Courts are very numerous, and are perſons of ſmall or no credit, and yet upon their return that any perſon is become Surety for any other upon Arreſt by Proceſſe out of the ſaid Courts, ſuch perſon who ſometimes knows nothing of the matter, is by falſe Returns of the ſaid Bailiffs made liable to the debt or demand, which Bailiffs, by reaſon of their poverty, are often not reſponſible, and ſo the party without remedy:

How ſureties may be ſued.

Be it enacted, That no perſon or perſons be charged or troubled as Surety by any Return of any Bailiff or Bailiffs of the ſaid Stannaries, unleſſe that the perſon or perſons returned Surety or Sureties, ſhall in the preſence of two witneſſes ſubſcribe or ſign a note in writing, that ſuch perſon or perſons is or are become Surety or Sureties, which note ſhall mention the Names of the Plaintiffs and Defendants in the Suit, and the ſum or damages in demand, and the nature of the Action, and ſhall be ſigned or ſubſcribed by the ſaid Witneſſes, and returned and filed in the Court out of which ſuch Proceſſe ſhall iſſue, and no Bailiff or Bailiffs of the ſaid Stannaries ſhall be admitted as Witneſſes to any ſuch note.

And whereas in the ſaid Stannaries it is uſed, that if the Bailiffs return any Perſon arreſted, that if ſuch perſon make default at the day, he ſhall be condemned, and Execution is ſuddenly awarded, when as often the party was not arreſted:

No Defendant ſhall be condemned on a Bailiffs return, unleſs on a note ſubſcribed by the party.

Bail.

Be it further Enacted, That no Defendant ſhall be condemned upon ſuch Return for not appearing, unleſſe alſo a Note under the Hand or Sign of the Party arreſted, and ſubſcribed by two ſuch Witneſſes, as aforeſaid, be returned into the ſaid Court, at or before the day of Appearance; and the ſaid Bailiff or Bailiffs ſhall take but four pence for every ſuch Note as aforeſaid; and it is provided, that none ſhall be bailed upon arreſt there till he give ſuch Note.

Reſcous.

And in caſe any the ſaid Bailiff or Bailiffs ſhall return a Reſcous againſt any Perſon or Perſons, he or they ſhall be admitted to Traverſe the ſaid Return; which Traverſe, if it be found with him or them ſo Traverſing, then he or they ſhall be no further troubled or occaſioned by reaſon of ſuch return.

CAP. XVI.

For the certainty of the Meets, and Bounds of the Forreſts.

St. 1 Ed. 3.

WHereas by Act of Parliament made in the firſt year of the Reign of the late King EDWARD the Third, It is Ordained, That the old Perambulation of the Forreſt in the time of King Edward the Firſt, ſhould be thenceforth holden in like form as it was then ridden and bounded, and in ſuch places where it was not bounded, the King would that it ſhould be bounded by good Men and lawful:

And whereas for many Ages paſt certain Meets, Meers, Limits and Bounds of the Forreſts, have been commonly known and obſerved in the ſeveral Counties wherein the ſaid Forreſts lye:

And whereas of late divers Preſentments have been made, and ſome Judgments given, whereby the Meets, Meers, Limits and Bounds of ſome of the ſaid Forreſts have been variouſly extended, or pretended to extend beyond ſome of the ſaid Meets, Meers, Limits and Bounds ſo commonly known, and formerly obſerved; to the great grievance and vexation of many Perſons having Lands adjoyning to the ſaid Meets, Meers, Limits and Bounds ſo commonly known, and formerly obſerved: And whereas of late time ſome

Endeavours or Pretences have been to ſet on foot Forreſts in ſome parts of this Realm, and the Dominion of Wales, where in truth none have been nor ought to be, or at leaſt have not been uſed of long time: For remedy thereof, may it pleaſe your moſt Excellent Majeſty, That it be Declared and Enacted by Authority of Parliament:

What ſhall be the Meets and Bounds of Forreſts.

And be it Declared and Enacted by the Kings moſt Excellent Majeſty, and the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, that from henceforth the Meets, Meers, Limits and Bounds of all and every the Forreſts reſpectively, ſhall be to all intents and purpoſes, taken, adjudged, and deemed to extend no further reſpectively, then the Meets, Meers, Limits and Bounds which in the ſeveral Counties reſpectively, wherein the ſaid Forreſts do lye, were commonly known, reputed, uſed, or taken to be the Meets, Meers, Limits and Bounds of the ſaid Forreſts reſpectively, in the twentieth year of the Reign of our late Soveraign Lord King JAMES, and not beyond in any wiſe, any Perambulation or Perambulations, Preſentments, Extents, Surveys, Judgments, Records, Decrees, or other matter or thing whatſoever to the contrary notwithſtanding: And that all and every the Preſentments ſince the ſaid twentieth year made, and that all and every other Preſentment and Preſentments, and all and every Judgment and award upon, or by reaſon or pretext of any ſuch Preſentment or Preſentments, and all and every Perambulation and Perambulations, Surveys, Extents, and other Act and Acts, at any time heretofore had or made, by which the Meets, Meers, Limits or Bounds of the ſaid Forreſts, or any of them, are, or are pretended to be further extended then as aforeſaid: And alſo all and every Preſentmentment of any perſon or perſons at any Juſtice ſeat, Swainemote, or Court of Attachments, for, or by reaſon, or by colour of any Act or Acts whatſoever done or committed in any place without, or beyond the ſaid Meets, Meers, Limits or Bounds reſpectively, ſo commonly known, reputed, uſed, or taken as aforeſaid, and all and every Fine and Fines, and Amerciament and Amerciaments, upon, by reaſon or colour of any ſuch Preſentment or Preſentments, ſhall from henceforth be adjudged, deemed, and taken to be utterly void, and of no force or effect, any Law, Statute, Record, or Pretence whatſoever, to the contrary notwithſtanding.

20 Jacob.

Preſentments contrary hereunto ſhall be void.

No place where no Juſtice-ſeat, Swainemote, Court or Attachment, &c. hath been within ſixty years, ſhall be accompted Forreſt.

And be it further Enacted by the Authority aforeſaid, That no place or places within this Realm of England, or Dominion of Wales, where no ſuch Juſtice-ſeat, Swainemote, or Court of Attachment have been held, or kept, or where no Verderers have been choſen, or regard made within the ſpace of ſixty years next before the firſt year of his Majeſties Reign that now is, ſhall be at any time hereafter judged, deemed, or taken to be Forreſt, or within the Bounds or Meets of the Forreſts; But the ſame ſhall be from thenceforth for ever hereafter De-afforreſted, and freed, and exempted from the Forreſt-Laws; Any Juſtice-ſeat, Swainemota, or Court of Attachment held or kept within, or for any ſuch place or places, at any time or times ſince the beginning of His Majeſties ſaid Reign, or any preſentment, enquiry, act or thing heretofore made, or hereafter to be made or done to the contrary notwithſtanding.

For aſcertaining of Meets, &c Commiſſions ſhall be iſſued.

Provided alſo, and be it further Enacted by the Authority aforeſaid, That for the better putting into certainty all and every the Meets, Meers, Bounds and Limits of all and every the Forreſts, as aforeſaid, The Lord Chancellor, or Lord Keeper of the Great Seal of England for the time being, ſhall by vertue of this Act upon requeſt of any of the Peers of this Kingdom, or of the Knights and Burgeſſes of the Parliament, or any of them, grant ſeveral Commiſſions under the Great Seal of England, two Commiſſioners to be nominated reſpectively by the ſaid Peers, Knights and Burgeſſes, or any of them, to enquire of, and find out by Inqueſts of good and lawful men upon Oath, and by the Oaths of Witneſſes to be produced at the ſaid Inqueſts, and by all other lawful means, all, and every the Meers, Meets, Bounds and Limits of the Forreſts reſpectively, which were commonly known to be their Meers, Meets, Bounds and Limits reſpectively, in the ſaid twentieth year of the Reign of our late Soveraign Lord King James: And to return the Inqueſts ſo taken into the Court of Chancery; and that all and every the Sheriffs, and Bailiffs, of, and in every County wherein any ſuch Inqueſts ſhall be ſo taken; And all and every the Verderers, Forreſters, Rangers, and other Officers of the Forreſts reſpectively where any ſuch Officers be, ſhall be aſſiſtant, and attendant to the execution of the ſaid Commiſſions, according as by vertue of the ſaid Commiſſions reſpectively they ſhall be commanded; And where no ſuch Officers are, or where ſuch Officers be, if they, or any of them ſhall refuſe, or neglect ſuch aſſiſtance and attendance as aforeſaid, Then the ſaid Commiſſioners ſhall, and may proceed without them in the execution of the ſaid Commiſſions.

Forreſts ſhall not extend beyond the Meets, &c. ſo returned.

And be it further Enacted by the Authority aforeſaid, That the Forreſts whereof the Meets, Meers, Limits and Bounds be ſo returned, and certified by vertue of any the ſaid Commiſſions as aforeſaid, from thenceforth ſhall not extend, nor be extended, nor be deemed, adjudged, or taken to extend any further in any wiſe then the Meets, Meers, Limits and Bounds that ſhall be ſo returned and certified: And that all the Places and Territories that ſhall be without the Meets, Meers, Limits and Bounds ſo returned and certified, ſhall be, and are hereby declared to be from thenceforth free to all intents and purpoſes, as if the ſame had never been Forreſt, or ſo reputed; Any act or acts, matter or thing whatſoever, to the contrary thereof notwithſtanding.

Grounds Deafforreſted ſhall be excluded.

Provided, and be it further Enacted by the authority aforeſaid, That all and every the Grounds, Territories or Places which have been, or are De-afforreſted, or mentioned to be De-afforreſted, in, or by any Letters Patents, Charters, or otherwiſe, ſince the ſaid twentieth year of the Reign of our ſaid late Soveraign Lord King James, ſhall be excluded, and left out of the Meets, Meers, Limits and Bounds of the Forreſts, which are to be enquired of, returned and certified by vertue of the ſaid Commiſſions, or any of them reſpectively: And ſhall be, and hereby are Declared and Enacted to be utterly De-afforreſted, free, and exempt to all intents and purpoſes, as if the ſame had never been at all Forreſt, or ſo reputed: Any thing in this preſent Act contained, or any other Act, matter or thing whatſoever to the contrary in any wiſe notwithſtanding.

Tenants, Owners &c. of lands excluded ſhall enjoy their ancient Commiſſion, &c.

Provided nevertheleſs, and be it Enacted, That the Tenants, Owners and Occupiers, and every of them, of Lands and Tenements which ſhall be excluded, and left out of the Meets, Meers, Limits or Bounds of the Forreſts to be returned, and certified by vertue of any the ſaid Commiſſions, ſhall, or may uſe, and enjoy ſuch Common, and other profits and eaſements within the Forreſt, as anciently or accuſtomably they have uſed and enjoyed: Any thing in this preſent Act contained, or any Act or Ordinance made in the three and thirtieth year of King Edward the firſt, or any Cuſtome or Law of the Forreſt, or any other matter or thing to the contrary thereof notwithſtanding.

CAP. XVII.

Scotland.

A confirmation of the Treaty of Pacification between England and Scotland, with the Commiſſions and Articles thereupon. EXP.

CAP. XVIII.

Scotland.

For ſecuring by publick Faith the remainder of the friendly Aſſiſtance and Relief promiſed to thoſe of Scotland. EXP.

CAP. XIX.

The Office of Clerk of the Market allowed and regulated, for the reformation of Weights and Meaſures.

Grievances by Clerks of the Market, and inequality in Weights and Meaſures.

FOraſmuch as the undue execution of the Office of Clerk of the Market hath been very grievous unto divers of his Majeſties moſt loving Subjects, who have been much troubled by unneceſſary Summons, and charged with exactions of divers ſums of Money, by colour of the ſaid Office, and in regard the ſaid evils have partly ariſen by means of an inequality of Weights and Meaſures throughout this Kingdome, and by granting and letting to Ferme the ſaid Office of Clerk of the Market, and the Execution thereof in and through all or the moſt of the ſeveral Counties of this Kingdom for great ſums of Money, which the ſaid Fermors or Grantees, by their unjuſt and undue proceedings in the ſaid Office, do extort from his Majeſties Subjects again, to their great impoveriſhment, and yet little or no redreſs at all in their ſaid Weights or Meaſures, or any benefit thereby accruing to his Majeſty: For remedy whereof, and for regulating of all Weights and Meaſures according to the true intent of this Statute, and the other Statutes in that behalf formerly made and provided, and preventing the ſaid inconveniencies.

There ſhall be but one Meaſure, one Weight, and one Yard.
St. 9 H.3.25.
14 E.3.12.
27 E.3.10.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, the Lords and Commons of this preſent Parliament aſſembled, and by the Authority of the ſame, That from henceforth there ſhall be but one Weight, one Meaſure, and one Yard, according to the Standard of the Exchequer throughout all the Realm, as well in places priviledged, as without: Any Uſage or Cuſtome to the contrary notwithſtanding: And that every Meaſure of Corn ſhall be ſtriked without heap: And whoſoever ſhall ſell by, or keep any other Weight, Meaſure or Yard, then as aforeſaid, whereby any Corn, Grain, or other thing is bought or ſold, after ſix moneths after the end of this preſent Seſſion of Parliament, ſhall forfeit for every ſuch offence five ſhillings, being thereof lawfully convicted by the Oath of one ſufficient Witneſs, before any Juſtice of Peace, Mayor, or other head-Officer of the County, City or Town Corporate reſpectively, where the ſaid Offence ſhall be committed: Who by vertue of this Act ſhall have power to adminiſter an Oath in that behalf: Which ſaid ſum or penalty of five ſhillings ſhall be levyed by the Church-wardens and Overſeers of the Poor of the Pariſh, or ſome or one of them where ſuch Offence is or ſhall be committed, to the uſe of the Poor of the ſame Pariſh, of the Goods and Chattels of ſuch Offendors by way of Diſtreſs and Sale of the Offendors Goods, rendring the Overplus to the party ſo offending. And in default of ſuch Diſtreſs, it ſhall be lawful for any Juſtices of Peace, Mayor, or other head Officer of the County, City, or Town corporate reſpectively, to commit the ſaid party to the Priſon or Gaol, there to remain without Bail or Mainpriſe, untill he ſhall pay ſuch ſums of Money forfeited, as aforeſaid.

Forfeiture.

How to be levyed.

Clerk of the Market his limits.

And be it further Enacted by the Authority aforeſaid, That no Clerk of the Market of the Kings Houſe which now is, or hereafter ſhall be, or of the Prince his Highneſſe, his Heirs or Succeſſors, which is or ſhall be Duke of Cornwall, or his or Their Deputy or Deputies, ſhall hereafter execute his or their ſaid Office or Offices reſpectively, in any part of the Kingdom, but only within the Verge of the Kings Court where it ſhall then reſide for the time being. And that it ſhall be alwayes hereafter lawful for any Mayor, or other head-Officer of any City, Burrough or Town Corporate, or for any Lord or Lords of Liberty, Liberties or Franchiſes, his or their Deputy or Deputies, or Agents, according to their ſeveral Liberties and Juriſdictions, to have full power to execute the ſaid Offices reſpectively, as they ought or might have done before the making of this Act; And for the more eaſe of his Majeſties Subjects.

Mayor, head-Officer, and Lords of Liberties have power as Clerks of the Market.

Forfeiture of Clerks of the Market for offences.

Be it further Enacted, That if any Clerk of the Market within his aforeſaid Precincts and Limits of the Verge of the Kings Houſe only, or any Mayor, or other Officer whatſoever, who by vertue of this Act ſhall have power to inquire of any Abuſes in Weights and Meaſures, ſhall ſeal or give allowance unto any other Weight or Meaſure, Weights or Meaſures, other then according to the ſaid Standard of the Exchequer, or ſhall upon reaſonable requeſt and warning, refuſe to ſeal or give allowance unto ſuch Weight or Meaſure, Weights or Meaſures, as are according to the ſaid Standard of the Exchequer, paying only ſuch Fee or Fees for ſuch allowance, as by the Statute or Statutes, or by ancient cuſtom, are in that behalf formerly provided and allowed, and no more; That then the ſaid Clerk of the Market, Mayor, and other Officer or Officers, of ſuch City, Burrough or Town, and the ſaid Lord and Lords of Liberty or Liberties, and his and their Deputy and Deputies and Agents reſpectively, ſhall forfeit for every ſuch Offence, five pounds, to be levyed as aforeſaid, to the uſe of the poor of the Pariſh where ſuch offence is, or ſhall be committed.

Forfeiture for taking unlawful fines or fees.

And be it further Enacted by the Authority aforeſaid, That if the Clerk of the Market, his Deputy or Deputies, or Agents within the Verge aforeſaid, or any Mayor, or any other Officer or Officers of any City or Town, or any Lord or Lords of Liberties, his or their Deputy or Deputies, Agents or Aſſigns reſpectively, ſhall take or receive of any of his Majeſties Subjects, by colour of the ſaid Office, any common Fine or Fines, or any Fees, other then are formerly allowed by the Statute or Statutes, or ancient Cuſtome in that behalf made or uſed, ſhall take any Fee or Fees, or other ſum of money, Reward, or conſideration, for the Making, Signing or Examination of any Weights or Meaſures which have been formerly Marked or Sealed, or ſhall Impoſe or Aſſeſs, or cauſe to be Impoſed or Aſſeſſed any Fine or Amerciament, Fines or Amerciaments without a due and legal tryal of the Offences, for which the ſaid Fine or Fines, Amerciament or Amerciaments are Impoſed or Aſſeſſed, or ſhall otherwiſe miſdemean himſelf in the execution of his ſaid Office, and be thereof lawfully convicted, He ſhall forfeit for the firſt Offence, whereof he ſhall alſo be ſo lawfully convicted, five pounds; And for the ſecond Offence, ten pounds; And for the third Offence, and every other Offence afterwards twenty pounds, to be levyed as aforeſaid, to the uſe of the poor of the Pariſh where ſuch Offence ſhall be committed.

St. 17 R. 2. 4.
Perſons fined by this Act not to be fined upon any former law.

And be it Enacted, That whoſoever ſhall be fined or amerced by vertue of this Act, ſhall not be again fined or amerced for the ſame Offence, by vertue of any former Law or Statute.

Rents of ferms of corn excepted.

Provided alwayes, That this Act or Statute ſhall not extend to the Rents of Ferms or Lands, or any Corn or Grain, due or payable to any Lord or Lords, or any Colleges, Houſes, or other Societies, by vertue of any Leaſe or Leaſes, or other Covenant or Agreement, but that the ſame during the continuation of ſuch Leaſe, Leaſes, or other Agreements, ſhall be payed, delivered, and performed in ſuch meaſure and form as the ſame hath been payed, delivered and performed, before the making of this Act: And that ſuch meaſure, that is commonly called Water-meaſure, in any Ports, Maritime Towns, or other places, ſhall be ſtill uſed and continued as formerly the ſame hath been; Any thing in this Statute contained to the contrary hereof in any wiſe notwithſtanding.

Water-meaſure to be continued.

The general iſſue may be pleaded.

Provided alſo, That no Juſtice or Juſtices of the Peace, Mayor, Bailiff, or other head-Officer, Church-wardens, Overſeers, or any other authorized by this Statute for the due execution thereof in any point, ſhall be ſued, impleaded, or otherwiſe impeached, for doing or executing their ſaid Offices reſpectively: And if any Suit or Suits hereafter ſhall be commenced againſt them, or any of them, their Agents or Aſſiſtants, touching the premiſſes, That then it ſhall and may be lawful for them, and every of them ſo ſued, or troubled in any Court or Courts whereſoever, to plead the general Iſſue, Not Guilty, and to give this Statute in Evidence, or any other ſpecial matter in Evidence.

Treble coſts for unjuſt vexation.

And in caſe by, or upon this Law, they or any of them ſhall be found not guilty, or the Plaintiff be Non-ſuited, the Defendant or Defendants ſhall recover treble Coſts againſt the Plaintiff for his unjuſt vexation.

CAP. XX.

None ſhall be compelled to take the Order of Knighthood.

Writs iſſued for perſons to take the order of Knighthood.

WHereas upon the pretext of an ancient Cuſtom or Uſage of this Realm of England, That Men of full age, being not Knights, and being ſeiſed of Lands or Rents, of the yearly value of forty pounds, or more (eſpecially if their Seiſin had ſo continued by the ſpace of three years next paſt) might be compelled by the Kings Writ, to receive or take upon them the Order or Dignity of Knighthood, or elſe to make Fine or the diſcharge or reſpite of the ſame; Several Writs about the beginning of his Majeſties Reign iſſued out of the Court of Chancery, for Proclamations to be made in every County to that purpoſe, and for certifying the Names of all ſuch perſons, and for ſummoning them perſonally to appear in the Kings preſence before a certain day, to be there ready to receive the ſaid Order or Dignity: Upon return of which Writs, and tranſmitting the ſame with their Returns into the Court of Exchequer, and upon other Writs for further inquiry of the names of ſuch perſons iſſuing out of the Court of Exchequer, Proceſs by Diſtringas was thence made againſt a very great number of perſons, many of which were altogether unfit, in regard either of Eſtate or quality, to receive the ſaid Order or Dignity, and very many were put to grievous Fines, and other vexations for the ſame, although in truth it were not ſufficiently known how, or in what ſort, or where they, or any of them ſhould, or might have addreſſed themſelves for the receiving the ſaid Order or Dignity, and for ſaving themſelves thereby from the ſaid Fines, Proceſſe and Vexations: And whereas it is moſt apparent that all and every ſuch proceedings, in regard of the matter therein pretended, is altogether uſeleſs and unreaſonable; May it therefore pleaſe your moſt Excellent Majeſty, that it be by authority of Parliament declared and Enacted.

Returns.
Diſtringas.
Fines.

No perſon ſhall be compelled to take on him the order of Knighthood, not undergo any fine for that cauſe.

And be it Declared and Enacted by the Kings moſt Excellent Majeſty, and the Lords and Commons in this Parliament aſſembled, and by the Authority of the ſame, That from henceforth no perſon or perſons, of what Condition, Quality, Eſtate or Degree ſoever, ſhall at any time be diſtrained, or otherwayes compelled by any Writ or Proceſs of the Court of Chancery, or Court of Exchequer, or otherwiſe by any means whatſoever, to receive or take upon him or them reſpectively, the Order or Dignity of Knighthood, nor ſhall ſuffer or undergo any Fine, Trouble or Moleſtation whatſoever, by reaſon or colour of his or their having not received, or not taken upon him or them the ſaid Order or Dignity: And that all and every Writ or Proceſſe whatſoever, and all and every proceeding which ſhall hereafter be had or made contrary to the intent of this Act, ſhall be deemed and adjudged to be utterly void: And that all and every proceſs, proceeding, and charge now depending by reaſon or colour of the ſaid pretended Cuſtom or Writs aforeſaid, or of any the Dependants thereof, ſhall from henceforth ceaſe and ſtand, be and remain diſcharged and utterly void; Any former Law or Cuſtom, or any pretence of any former Law or Cuſtome, or any other matter whatſoever to the contrary in any wiſe notwithſtanding. Stat, 1 E. 2.

CAP. XXI.

Liberty for bringing in of Gun-powder and Salt-peter from Foreign parts, and for the free making of Gun-powder in this Realm.

Miſchiefs by prohibiting importing of Gunpowder.

VVhereas the Importation of Gun-powder from foreign parts hath of late times been againſt Law prohibited, and the making thereof within this Realm ingroſſed, whereby the price of Gun-powder hath been exceſſively raiſed, many powder-works decayed, this Kingdom very much weakned and indangered, the Merchants thereof much dammified, many Mariners and others taken Priſoners, and brought into miſerable Captivity and Slavery, many Ships taken by Turkiſh and other Pirates, and many other inconveniences have from thence inſued, and more are likely to enſue, if they be not timely prevented:

Liberty to all to import Gunpowder.

Be it therefore Declared and Enacted by the Kings moſt excellent Majeſty, and the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful, to and for all and ſingular perſons, as well Strangers as natural born Subjects of this Realm, to import and bring into this Kingdom any quantities of Gun-powder whatſoever, paying ſuch Cuſtoms and Duties for the ſame, as by authority of Parliament ſhall be limited and ſet down.

All Subjects may make and ſell Gunpowder, and import Salt-peter.

And be it further declared and enacted by the Authority aforeſaid, That it ſhall and may be lawful, to and for all and ſingular his Majeſties Subjects of this his Realm of England, to make and ſell any quantities of Gun-powder, at his and their will and pleaſure, and alſo to bring into this Kingdom any quantities of Salt-peter, Brimſtone, or any other materials neceſſary or requiſite for the making of Gun-powder.

Penalty for putting in execution Letters Patents, Proclamations, &c. againſt this liberty.

And laſtly, Be it enacted by the authority aforeſaid, That if any perſon or perſons, from and after the tenth day of Auguſt, which ſhall be in the year of our Lord God, One thouſand ſix hundred forty and one, ſhall put in execution any Letters Patents, Proclamation, Edict, Act, Order, Warrant, Reſtraint, or other Inhibition whatſoever, whereby the Importation of Gun-powder, Salt-peter, Brimſtone, or other the materials aforementioned, or any of them, from foreign parts, or the making of Gun-powder within this Realm, ſhall be any way prohibited or reſtrained, That then the ſaid perſon and perſons ſo offending, ſhall incur and ſuſtain the pains, penalties and forfeitures contained and provided in the Statute of proviſion and premunire made in the Sixteenth year of King Richard the Second.

CAP. XXII.

Tunnage, Poundage.

A Subſidy granted to the King of Tunnage Poundage, and other ſums of Money, payable upon Merchandize, Exported and Imported from the 9th, of Auguſt, 1641. to the firſt of December next. EXP.

CAP. XXIII.

Mariners.

An Act for the better raiſing and levying of Mariners, Sailers, and others, for the preſent guarding of the Seas. EXP.

CAP. XXIV.

Captives.

For Relief of Captives, taken by Turkiſh, and other Pyrats, and one per Cent. on Cuſtomable Goods for three years to be paid, and received by the Lord Mayor and Chamberlain of London for that purpoſe. EXP.

CAP. XXV.

Tunnage, Poundage.

A Subſidy granted to the King of Tunnage, Poundage, &c. from the laſt of November, 1641. to the firſt of February next, and the like untill the ſecond of July, 1642. EXP.

CAP. XXVI.

Mariners.

For the better Raiſing and Levying of Mariners, Sailers, and others, for the preſent guarding of the Seas. EXP.

CAP. XXVII.

Perſons in holy Orders.

Perſons in Holy Orders ſhall not exerciſe certain Temporal Powers and Authorities. REP. Stat. 13 Car. 1. cap. 2.

CAP. XXVIII.

Souldiers.

For the better Raiſing and Levying of Souldiers for the preſent Defence of the Kingdoms of England and Ireland. EXP.

CAP. XXIX.

Tunnage, Poundage.

A Subſidy granted to the King of Tunnage and Poundage, and other ſums of Money payable upon Merchandize, Exported and Imported from the laſt of January, 1641. to the 25th. of March next enſuing. EXP.

CAP. XXX.

Contribution.

A Contribution and Loan towards the Relief of Ireland. EXP.

CAP. XXXI.

Tunnage, Poundage.

A Subſidy granted to the King of Tunnage and Poundage, and other ſums of Money payable upon Merchandize exported and imported from the ſecond of May, 1642. to the ſecond of July next following. EXP.

CAP. XXXII.

Ireland.

For the Raiſing and Levying of Moneys for the neceſſary Defence, and great Affairs of the Kingdoms of England and Ireland, and for the payment of Debts undertaken by the Parliament. EXP.

CAP. XXXIII.

☞ An Act for the ſpeedy and effectual reducing the Rebels in Ireland. EXP. See an Act for the ſettlement of Ireland, paſſed in that Kingdom, Anno 14 Car. 2. 1662. by which this and the following Acts concerning Ireland are beſides their expiration of no force.

CAP. XXXIV.

☞ Certain Clauſes explaining another Act for the reducing the Rebels in Ireland. EXP.

CAP. XXXV.

☞ Corporations and Bodies Politick enabled to pattake of the benefit of an Act for reducing the Rebels in Ireland. EXP.

CAP. XXXVI.

A Subſidy granted to the King of Tunnage, Poundage, and other ſums of Money, payable upon Merchandize exported and imported, from the 14th. of March, 1641. to the third of May next enſuing EXP.

Tunnage, Poundage

CAP. XXXVII.

☞ For the further advancement of an effectual and ſpeedy Reduction of the Rebels in Ireland. EXP.

Anno Reg. CAROLI II. *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ, Duodecimo.*

AT the Parliament begun at Weſtminſter the Five and twentieth day of April, Anno Dom. 1660. In the Twelfth Year of the Reign of our moſt gracious Soveraign Lord, CHARLES the Second, by the Grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. And there continued untill the Nine and twentieth day of December then next following, and then Diſſolved by his Majeſty; To the high pleaſure of Almighty God, and to the weal publick of this Realm, were enacted as followeth.

CAP. I.

The Aſſembling and Sitting of this preſent Parliament.

St. 17 Car. 1. cap. 7.
St. 13 Car. 2. cap. 1.
The Parliament begun 3 Nov. 16 Car. declared to be diſſolved.
St. 13 Car. 2. cap 1.
The Lords and Commons now ſitting, declared to be the two Houſes of Parliament.

FOr the preventing all Doubts and Scruples concerning the Aſſembling, Sitting and Proceeding of this preſent Parliament; Be it Declared and Enacted, and it is Declared and Enacted by the King our Soveraign Lord, and by the Lords and Commons in Parliament aſſembled, and by Authority of the ſame, That the Parliament begun and holden at Weſtminſter the third day of November, in the Sixteenth year of the Reign of the late King CHARLES of bleſſed Memory, is fully Diſſolved and Determined; And that the Lords and Commons now ſitting at Weſtminſter, in this preſent Parliament, are the Two Houſes of Parliament, and ſo ſhall be, and are hereby Declared, Enacted and Adjudged, to be to all Intents, Conſtructions and Purpoſes whatſoever, notwithſtanding any want of the Kings Majeſties Writ or Writs of Summons, or any Defect or Alteration of, or in any Writ or Writs of Summons, or any other Defect or Default whatſoever; as if this Parliament had been Summoned by Writ or Writs in his Majeſties Name, according to the uſual Form, and as if his Majeſty had been preſent in Perſon at the Aſſembling and Commencement of this preſent Parliament: Provided alwayes, That this Parliament may be diſſolved by his Majeſty after the uſual manner, as if the ſame had been ſummoned by Writ or Writs in his Majeſties Name: Provided alſo, and it is hereby Enacted, That his Majeſties Royal Aſſent to this Bill ſhall not determine this preſent Seſſion of Parliament.

The Kings aſſent to this Act ſhall not determine this Seſſion.

CAP. II.

An Act for putting in Execution an Ordinance mentioned in the ſaid Act, for an Aſſeſment of 70000 l. per menſem, for three Moneths. EXP.

CAP. III.

Proceſs and Judicial Proceedings Continued.

WHereas the four firſt Returns of Eaſter Term, in the year One thouſand ſix hundred ſixty, of late called, from Eaſter day in fifteen dayes, from Eaſter day in three weeks, from Eaſter day in one moneth, and from Eaſter day in five weeks, or any of them, cannot be conveniently kept or holden: Now for avoiding all manner of Diſcontinuances whatſoever, which by occaſion thereof ſhould or might happen, or be in any matter or cauſe whatſoever, in any the Courts at Weſtminſter: Be it Enacted by the Kings moſt Excellent Majeſty, and the Lords and Commons Aſſembled in Parliament, That no Pleas, Writs, Bills, Actions, Suits, Plaints, Proceſſe, Precepts, or other thing or things whatſoever, Pleaded, Returned or Depending, or having day or dayes in any of the ſaid Courts, in or at the ſaid ſeveral Returns, or any of them, or at any other day or dayes certain after any of the ſaid Returns, ſhall be in any wiſe diſcontinued, or put without day, for or by reaſon of the not keeping or holding of the ſaid Returns, or dayes, or any of them; but that all and ſingular the ſaid Pleas, Writs, Bills, Actions, Suits, Plaints, Proceſs, Precepts, and other the Premiſſes aforeſaid, ſhall ſtand, continue, and be good and effectual in Law, to all Intents and Purpoſes, as if the ſaid Returns and dayes, and every of them, had been actually kept and holden in all and every the ſaid Courts; Any Law, Statute, Cuſtome or Uſage to the contrary thereof in any wiſe notwithſtanding.

Proceſs, Writs, &c. ſhall not be diſcontinued for not holding certain dayes of Return.

And be it further Enacted by the Authority aforeſaid, That all Pleas, Writs, Bills, Actions, Suits, Plaints, Proceſs, Precepts, and other thing or things whatſoever aforeſaid, pleadable, or to be pleaded, Returnable, or to be Returned, or having day in any manner whatſoever at any of the ſaid Returns, or any day or dayes certain after any of the ſaid Returns, Be and are hereby continued and adjourned, unto, (and ſhall and may be Pleaded, Returned, Heard and Determined in the reſpective Courts aforeſaid) at, or on the fifth Return of the ſaid Term, of late called, In the morrow of the Aſcenſion of our Lord; And that all parties in any Pleas, Writs, Bills, Actions, Suits, Plaints, Proceſs, or other thing or things whatſoever, having dayes given them at any of the ſaid four firſt Returns, or at any other

The ſaid Writs, Proceſs, Pleas &c. returnable and pleadable at a certain day.

day or dayes certain, after any of the ſaid Returns in the ſaid Courts, or any of them, by vertue of this preſent Act, have the ſaid Return of late called, In the morrow of the Aſcenſion of our Lord, prefixed them therein; And that all Sheriffs, Officers, and other Miniſters whatſoever, and every of them reſpectively, keep in their hands all Writs, Bills, Proceſs and Precepts, and all other things whatſoever in them directed reſpectively Returnable, or to be Returned in the ſeveral Courts aforeſaid, at the ſaid four firſt Returns, or any of them, in or at any day certain, as aforeſaid, untill the ſaid fifth Return, of late called, The morrow of the Aſcenſion of our Lord, and then Return the ſame into the ſaid ſeveral Courts reſpectively, That ſuch proceedings may be then had thereupon, as ſhould have been had, in caſe the ſaid four firſt Returns had been kept and holden.

Proceſs, Writs, Pleas, &c. under certain titles and names, may be proſecuted and proceeded upon.

And be it further Enacted by the Authority aforeſaid, That no Writs, Proceſs, Plaints, Pleas, Informations, Indictments, or Judicial proceedings, had, commenced, or proſecuted before the fifth day of May, in the ſaid year of our Lord, One thouſand ſix hundred ſixty, in the Name, Stile, Title or Teſt of Cuſtodes Libertatis Angliæ Authoritate Parliamenti; or, in the Name, Stile, Title or Teſt of The Keepers of the Liberty of England by Authority of Parliament; or in the Name, Stile, Title or Teſt of Oliver Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions thereunto belonging; or in the Name, Stile, Title or Teſt of Oliver Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions and Territories thereunto belonging; or in the Name, Stile, Title or Teſt of Richard Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions and Territories thereunto belonging, ſhall be put without day, abated, quaſhed, or diſcontinued by his Majeſties moſt juſt re-aſſumption of the actual Exerciſe of his Kingly Government in this Kingdome; nor ſhall the ſame be cauſe of Errour, Abatement or Diſcontinuance, but that all ſuch Writs, Proceſſe, Plaints, Pleas, Informations, Indictments, and Judicial Proceedings, and all Commiſſions for taking of Anſwers, or Examination of Witneſſes, Commiſſion for taking of Fines and Warrants of Attorney, Guardians, or Prochein-Army, ſhall ſtand and be continued, and ſhall and may be proceeded upon, proſecuted and returned, notwithſtanding the ſame were commenced or proſecuted in Engliſh, and notwithſtanding the preſent happy Change and Reſtitution of his Majeſties Name and Stile in Judicial Proceedings.

Proceſs and proceedings in Engliſh in Courts of Juſtice to continue. EXP.

And be it further Enacted by the authority aforeſaid, That one pretended Act made in the year of our Lord, 1650. entituled, An Act for turning the Books of the Law, and all Proceſſe and Proceedings in Courts of Juſtice, into Engliſh, ſhall ſtand and be in force, as if the ſame had been a good and effectual Act, from the firſt Return of Eaſter Term, in the year of our Lord, 1651. untill the firſt day of Auguſt, in the year of our Lord, 1660. and no longer. And whereas by one other pretended Act, made in the ſaid year of our Lord, 1650. entituled, An Act touching Corn and Meal, It was Enacted, or mentioned to be Enacted, That from and after the twentieth day of November, 1650. It ſhould and might be lawful to and for any perſon or perſons, Defendant or Tenant, for or by reaſon of any matter to be pleaded, ſet forth, or alledged in Bar to any Action Real, Perſonal, or mixt, in any Court of Record, to plead the General Iſſue of Not Guilty, or the like General Iſſue proper to the Nature of the Action or Suit commenced; and for his or their Diſcharge or Acquitting to give any ſuch matter in Evidence to the Jury that ſhall try the ſame; and that the ſaid matter ſhall be as available to ſuch perſon or perſons, Defendant or Tenant, to all intents and purpoſes, as if the ſaid matter had been ſpecially pleaded, ſet forth, or alledged in Bar of ſuch Action.

Pleading the General Iſſue.

EXP.

Be it further Enacted, That the ſaid pretended Act, as touching the pleading of the General Iſſue, ſhall by authority hereof, ſtand and be in full force and effect according to the Tenor thereof, untill the ſaid firſt day of Auguſt, as if the ſame had been a good and effectual Act of Parliament, and no longer.

Provided alwayes, That where the General Iſſue hath been ſince the ſaid twentieth day of November, 1660. pleaded, or ſhall before the ſaid firſt day of Auguſt in the ſaid year of our Lord, 1660. be pleaded in any action, That then upon the Tryal of the ſaid Cauſe, ſuch Evidence ſhall and may be allowed, as if the ſaid pretended Act touching the pleading of the General Iſſue had been and continued a good and effectual Act of Parliament not determined or diſcontinued.

His Majeſties Aſſent to this Bill doth not determine the Seſſion.

Provided alſo, That his Majeſties Royal aſſent to the paſſing of this Bill, ſhall not extend or be conſtrued to extend to the determining of the Seſſion of this preſent Parliament.

All Writs, Patents, Commiſſions, &c to iſſue in the Kings name as formerly.

Provided nevertheleſs, and be it Enacted, That all Writs, Patents and Commiſſions for Conſtituting Juſtices of either Bench, and Barons of the Exchequer, Commiſſions of Oyer and Terminer, and Gaol-Delivery, and Precepts upon Commiſſions of Oyer and Terminer, and Gaol-delivery, and all other Commiſſions hereafter to be made by the Clerk of the Crown in the Chancery, Charters, and Letters Patents under the Great Seal, of Lands, Liberties, Honours or Offices, do or may iſſue in the Kings Majeſties Name, in the ſame manner as was uſual before the making of the ſaid firſt recited pretended Act: Any thing in this preſent Act to the contrary thereof before expreſſed in any wiſe notwithſtanding.

St. 13 Car. 2. cap. 12.

CAP. IV.

A Subſidy granted to the King of Tonnage and Poundage, and other ſums of Money payable upon Merchandize Exported and Imported.

The Cauſes and Truſts upon granting the Subſidies of Tonnage and Poundage.

The Commons aſſembled in Parliament, repoſing Truſt and Confidence in your Majeſty, in and for the Guarding and Defending of the Seas, againſt all perſons, intending, or that ſhall intend the diſturbance of your ſaid Commons, in the intercourſe of Trade, and the invading of this your Realm, For the better defraying the neceſſary Expences thereof, which cannot otherwiſe be effected without great charge to Your Majeſty, Do, by and with the advice and conſent of the Lords in this Your preſent Parliament aſſembled, and by the authority of the ſame, to the intent aforeſaid, Give and Grant unto You our Supream Liege Lord and Soveraign, one Subſidy, called Tonnage, That is to ſay, Of every Ton of Wine of the growth of France, or of any the Dominions of the French King, or Crown of France, that ſhall come into the Port of London, and the Members thereof, by way of Merchandize, by your Natural born Subjects, the ſum of four Pounds and ten ſhillings of currant Engliſh Money, and ſo after that Rate, and by Strangers and Aliens Six pounds of like money; And of every Ton of the like Wine, which ſhall be brought into all, and every the other Ports and Places of this Kingdom, and the Dominions thereof, by way of Merchandize, by Your Natural Born Subjects, the ſum of Three pounds, and by Aliens Four pounds and ten ſhillings; And of every But or Pipe of Muſcadels, Malmſeys, Cuts, Tents, Allicants, Baſtards, Sacks, Canaries, Malligoes, Maderoes, and other Wines whatſoever, commonly called Sweet Wines, of the growth of the Levant, Spain, Portugal, or any of them, or of any the Iſlands or Dominions to them, or any of them belonging, or elſewhere, that ſhall come, or be brought into the Port of London by your Natural born Subjects, the ſum of Forty five ſhillings of currant Engliſh money, and ſo after that Rate, And by Strangers and Aliens Three pounds of like money: And of every Butt and Pipe of the like Wine, which ſhall come, or be brought into all, every, or any the other Ports and Places of this Kingdome, and Dominions thereof, by way of Merchandize, by your Natural Born Subjects, the ſum of Thirty ſhillings, and by Strangers Forty five ſhillings. And of every Awm of Rheniſh Wine, or Wine of the growth of Germany, that ſhall be brought into this your Realm, and the Dominions thereof, by your Natural Born Subjects, The ſum of twenty ſhillings, of currant Engliſh money, and Strangers and Aliens Twenty and five ſhillings, which ſeveral Rates are the ſame which are expreſſed in a certain Book of Rates herein after mentioned and referred unto. And alſo one other Subſidy called Poundage, That is to ſay, of all manner of Goods and Merchandize of every Merchant, Natural Born Subject, Denizen and Alien, to be carried out of this Realm, or any your Majeſties Dominions to the ſame belonging, or to be brought into the ſame by way of Merchandize, of the value of every twenty ſhillings of the ſame Goods and Merchandizes, according to the ſeveral and particular Rates and Values of the ſame Goods and Merchandizes, as the ſame are particularly and reſpectively Rated and Valued in the ſaid Book of Rates herein after mentioned and referred unto, Twelve pence, and ſo after that Rate. And of every Twenty ſhillings value of any the Native Commodities of this Realm, or Manufactures wrought of any ſuch Native Commodities, to be carried out of this Realm, by every, or any Merchant Alien, according to the Value thereof in the ſaid Book expreſſed, Twelve pence over and above the Twelve pence aforeſaid, Except and fore-prized out of this Grant of Subſidy of Poundage, all manner of Woollen Clothes, made or wrought, or to be made or wrought within this Realm of England, commonly called Old Draperies, and all his Wines before limited to pay Subſidy of Tonnage, and all manner of Fiſh, Engliſh taken, and brought by Engliſh Bottoms, into this Realm, and all manner of freſh Fiſh, and Beſtial, that ſhall come into this your Realm; and all other Goods and Merchandizes, which in the ſaid Book of Rates are mentioned to be Cuſtome-free.

Defending the Seas.

A Subſidy of Tonnage granted to the King.

A ſubſidy of Poundage.

And further, We your ſaid Commons, by the Advice, Aſſent and Authority aforeſaid, do give and grant unto You, Our ſaid Liege Lord and Soveraign, for the cauſes aforeſaid, One other Subſidy, That is to ſay, of and for every ſhort woollen Cloth to be exported by your Natural Born Subjects of this your Realm, and the Dominions thereof, called broad-Cloth, not exceeding twenty eight yards in length, and threeſcore and four pounds in weight, the ſum of three ſhillings and four pence of Currant Engliſh money, and for every Cloth of ſhort Cloth of old Drapery of leſſer length and weight, accounting ſo many pieces to a ſhort Cloth, as limited and appointed thereunto by the ſaid Book of Rates, to be likewiſe exported by your ſaid natural Born Subjects, the like ſum of three ſhillings four pence, and ſo after that rate, and by Strangers and Aliens ſix ſhillings and eight pence for every ſhort Cloth accounted as aforeſaid; which ſeveral Rates are accordingly expreſſed in the ſaid Book of Rates herein after mentioned and referred unto, To have, hold, take, enjoy and perceive the Subſidies aforeſaid, and every of them, and every part and parcel of them unto your Majeſty, from the four and twentieth day of June incluſively, in the Twelfth year of your Majeſties Reign, for and during your Majeſties life, which God long preſerve.

Exceptions out of the ſubſidy of poundage.

A ſubſidy of Strangers, Aliens.

The ſaid ſubſidies granted to the King during his life.

And be it further Enacted by the Authority aforeſaid, That if any Wines, Goods, or other Merchandize, whereof the Subſidies aforeſaid are or ſhall be due, ſhall at any time after be ſhipped or put into any Boat or Veſſel, to the intent to be carried into the parts beyond Seas, or elſe be brought from the parts beyond the Seas into any Port, Place or Creek of this Realm, or other your Majeſties Dominions, by way of Merchandize, and unſhipped to be laid on Land, the Subſidy, Cuſtoms, and other Duties due or to be due for the ſame not paid, or lawfully tendred to the Collector thereof, or his Deputy, with the conſent and agreement of the Comptroller and Surveyor there, or one of them at the leaſt, nor agreed with for the ſame in the Cuſtome-houſe, according to the true meaning of this Act, that then, from the ſaid four and twentieth day of June, all the ſame Wines, Goods and Merchandizes whatſoever ſhall be forfeit to your Majeſty, the one moyety of the rate thereof to your Majeſty, and the other moyety to him or them that will ſeize the ſame, or ſue for the ſame; And that it may pleaſe your Majeſty, That all Merchants, aſwell Denizens, as Strangers, coming into this your Realm, be well and honeſtly intreated and demeaned, for ſuch things as Subſidy by this Act is granted, as they were in the time of your Noble Progenitors and Predeceſſors, without Oppreſſion to them to be done, paying the Subſidies aforeſaid.

The penalty for not paying the ſubſidy.

Merchants ſtrangers ſhall be well intreated.

A Proviſo for ſuch whoſe goods be taken by Pyrates, or periſhed on the Sea.

And be it further Enacted by the authority aforeſaid, That if any Goods or Merchandize, as aforeſaid, of any Merchant being born Denizen after the ſaid four and twentieth day of June, hath been, or at any time hereafter during Your Majeſties life, ſhall be taken by any Enemies or Pyrates upon the Sea, or periſhed in any Ship or Ships, that ſhall happen to be taken or periſhed during Your Majeſties Life, whereof the Subſidies, and other Duties aforeſaid, are, or ſhall be duly paid, or agreed for as aforeſaid; and that duly proved before the Treaſurer of England, Commiſſioners of the Treaſury, or Chief Baron of the Exchequer for the time being, by the examination of the ſame Merchants, if they be alive, or of their Executors or Adminiſttators, if they be dead, or by two credible Witneſſes at the leaſt ſworne, or other reaſonable Witneſs and proof ſworne, then the ſame Merchant or Merchants, his, or their Executors or Adminiſtrators, ſhall or may newly ſhip in the ſame Port where the goods and Merchandize aforeſaid were, or ſhall be Cuſtomed, ſo much other Merchandize or Goods, as the ſame goods or Merchandize are, or ſhall be loſt as aforeſaid ſhall amount unto in Cuſtome, without paying of any thing for the ſame, ſo as the ſame Proof be recorded and allowed of in the Court of Exchequer, and certified unto the Collectors of the Cuſtomes of the Port where the ſame Wares or Merchandizes are to be newly ſhipped without Cuſtome, as aforeſaid. And further, That every Merchant Denizen who ſhall herafter Ship any Goods or Merchandize in any Carrack or Gally, ſhall pay to your Majeſty all manner of Cuſtoms, and all the ſubſidies aforeſaid, as any Alien born out of the Realm.

The Cuſtoms of any goods ſhipped in Carracks or Gallies.

Shipping of Herrings.

Provided alwayes, that it ſhall and may be lawfull to all and every Your Subjects: at his and their will and pleaſure, to convey and tranſport out of this Realm, in Ships and other Veſſels of any the Subjects of this Realm, all and every kind of Herrings and other Sea-fiſh, to be taken on the ſea by any the Subjects aforeſaid from or out of any Port or Harbor of this Realm to any place out of your Majeſties Dominions, without paying any Cuſtome Subſidy or Poundage-moneys for the ſame Herrings or other Fiſh ſo carried or tranſported during your Majeſties life, any thing herein contained to the contrary notwithſtanding.

No rates to be impoſed on Merchandize without authority of Parliament.

A Book of rates agreed by the Commons Houſe of Parliament.

And becauſe no rates can be Impoſed upon Merchandize, imported by Subjects or Aliens but by common conſent in Parliament, Be it further Enacted and Declared, by the Authority aforeſaid, that the Rates intended by this preſent Act, ſhall be the rates mentioned and expreſſed in one Book of Rates intituled, The Rates of Merchandize, That is to ſay, the Subſidy of Tonnage, the Subſidy of Poundage, and Subſidy of Wollen cloths, or old Draperies, as they are rated and agreed on by the Commons Houſe of Parliament, ſet down and expreſſed in this Book, to be paid according to the Tenor of the Act of Tonnage and Poundage, from the four and twentieth day of June incluſively, in the twelfth year of his Majeſties Reign, during his Majeſties Life, and ſubſcribed with the hand of Sir Harbottle Grimſton Baronet, Speaker of the Houſe of Commons; Which ſaid Book of Rates compoſed and agreed on by Your Majeſties ſaid Commons, and alſo every Article, rule and clauſe therein contained, ſhall be and remain during Your Majeſties Life, as effectual to all intents and purpoſes, as if the ſame were included particularly in the Body of this preſent Act.

The fees of the Cuſtome Officers.

And it is further Enacted, That during the continuance of this preſent Grant, where the Goods Exported, or Imported, amount to the value of five pounds or more, the Cuſtomers and Collectors, and all other his Majeſties Officers in the ſeveral Ports, ſhall take and receive ſuch Fees, and no other, as were taken in the Fourth year of the late King James, until ſuch time as the ſaid Fees ſhall be otherwiſe ſettled by Authority of Parliament.

A Proviſo for ſuch as paid before the 24. July 1660.

Provided alwaies, That no Perſon or Perſons, who after the Four and twentieth of June, in the year One thouſand ſix hundred and ſixty, and before the Four and twentieth of July in the ſame year, have paid, received, or collected any Duties, or Cuſtomes, according to the Rates uſed in April One thouſand ſix hundred and ſixty, ſhall be moleſted, or any way Impeached, for or concerning the payment or Receipt of the ſaid duties, or any other duties by this Act Impoſed.

And it is hereby further Declared, That no perſon who hath ſhipped any Goods ſince the ſaid four and twentieth of June, and before the ſaid four and twentieth of July, ſhall be liable to the payment of any duties therefore, other then ſuch as were uſed to be paid in the ſaid moneth of April, One thouſand ſix hundred and ſixty.

Goods which may be exported immediately after the paſſing this Act.

Provided alwaies, and be it Enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons, immediately from and after the paſſing of this Act, to tranſport, ſhip, and carry out of this Kingdome, or out of any Port thereof, by way of Merchandize, any of theſe Commodities, Goods, and Merchandizes following; That is to ſay Iron, Armour, Bandeleers, Bridle-Bitts, Halbert Heads and Sharps, Holſters, Muskets, Carbines, Fowling-Pieces, Piſtols, Pike-Heads. Sword or Rapier Blades, Saddles, Snaffles, Styrropes, Calveskins dreſſed or undreſſed, Geldings, Oxen, Sheep-skins dreſſed without the Wooll, and all ſorts of Manufactures made of leather, paying the reſpective Rates appointed by this Act and no other, any Law, Statutes, Prohibitions, and Cuſtomes to the contrary notwithſtanding.

Goods which may be exported being at certain prices.

And be it further Enacted by the authority aforeſaid, That it ſhall and may be lawful, immediately after the paſſing of this Act, for any perſon or perſons to ſhip, carry out, and tranſport by way of Merchandiſe, theſe ſeveral ſorts of Goods following, that is to ſay, Gunpowder, when the ſame doth not exceed the price of five pounds the Barrel. And Wheat, Rye, Peaſe, Beans, Barley, Mault and Oats, Beef, Pork, Bacon, Butter, Cheeſe, Candles, when the ſame do not exceed in price at the Ports from whence they are Laden, and at the time of their Lading theſe prices following: That is to ſay, Wheat the Quarter, forty ſhillings; Rye, Beanes and Peaſe, the Quarter, Twenty four ſhillings; Barley and Mault, the Quarter, twenty ſhillings; Oats the Quarter, Sixteen ſhillings; Beef the

Barrel, Five pounds; Pork the Barrel, Six pounds ten ſhillings, Bacon the pound, Six pence; Butter the Barrel, Four pounds ten Shillings; Cheeſe, the Hundred, One pound ten ſhillings; Candles, the dozen pound, Five ſhillings, paying the reſpective Rates appointed by this Act, and no more: Any former Law, Statute, Prohibition or Cuſtome to the contrary in any wiſe notwithſtanding.

Provided alwaies, That it ſhall be free and lawful for his Majeſty, at any time when he ſhall ſee cauſe ſo to do, and for ſuch time as ſhall be therein expreſſed by Proclamation, to prohibit the Tranſporting of Gun-powder, or any ſort of Arms or Ammunition, into any parts out of this Kingdome: Any thing in this Act contained to the contrary notwithſtanding.

His Majeſty by Proclamation may prohibit tranſporting of Gun-powder, Arms, and Ammunition out of England. 1. Stat. 17 Car. 1. cap. 21.

And be it further Enacted by the authority aforeſaid, That over and above the Rates herein before mentioned, there ſhall be paid unto your Majeſty of every Ton of Wine of the Growth of France, Germany, Portugal, or Madera, brought into the Port of London, or elſewhere, the ſum of three pounds of currant Engliſh money, within the ſpace of Nine moneths after the Importing: And of every Ton of all other Wines brought in as aforeſaid, the ſum of Four pounds of like currant Money, within the ſpace of nine moneths after the Importing thereof: For the payment of which duties accordingly, the Importer ſhall give good Security: And if any of the ſaid Wines for which the additional Duty in this clauſe mentioned, is paid, or ſecured at the Importation, be Exported within twelve moneths after their Importation, then the aforeſaid additional Duty in this clauſe mentioned ſhall be returned, or the ſecurity diſcharged, as to ſo much as ſhall be ſo Exported: And if at the Importation, the Importer ſhall pay for the ſame ready money, he ſhall be allowed after the Rate of Ten per Cent. for a year.

An additional Subſidy upon Wines over and above the forementioned rates.
Security to be given by the Importer.
The ſaid Subſidy to be repaid upon exportation.

And be it further Enacted, That from and after the ſaid Four and twentieth day of July, all manner of Wines whatſoever to be Imported in the Port of London, or elſewhere, ſhall be freed and diſcharged, of and from the Impoſition of Exciſe.

All Wines diſcharged of Exciſe.

Provided, and it is hereby Declared and Enacted, That the priſage of Wines, or priſe-Wines ought not to pay Tonnage nor Cuſtome, and ſhall not be charged with the payment of any Cuſtome, Subſidy, or ſum of money Impoſed upon Wines by this Act, or any thing therein contained. Stat. 13 Car, 2. cap. 7.

Priſage wines not to pay any Cuſtome or Subſidy.

CAP. V.

For continuing the Exciſe until the Twentieth of Auguſt, 1668. EXP. Stat. 13 Car. cap. 7.

CAP. VI.

For the preſent Nominating of Commiſſioners of Sewers, his Majeſty not yet having conſtituted any Treaſurer of England, or Chief Juſtice of either Bench, according to the Stat. of 20 H. 8. EXP. and the ſaid Statute of H. 8. to continue in force.

CAP. VII.

An Act for reſtoring unto James Marqueſs of Ormond, All his Honors, Manors, Lands and Tenements in Ireland, whereof he was in poſſeſſion on the Three and twentieth day of October, One thouſand ſix hundred forty and one, or at any time ſince. PR.

Marqueſs of Ormond.

CAP. VIII.

For continuing the exciſe till the Five and twentieth Day of December, One thouſand, ſix hundred and ſixty EXP. Stat. 13 Car. 2. cap. 7.

CAP. IX.

For the ſpeedy Proviſion of Money, for diſbanding and Paying off the Forces of this Kingdom both by Land and Sea; by a contribution of all perſons according to their ſeveral Ranks and Degrees. EXP.

CAP. X.

Explanations of certain defaults in an act Entituled, An Act for the ſpeedy Proviſion of Money for Disbanding and Paying off the Forces of this Kingdom, both by Land and Sea.

CAP. XI.

The Kings Majeſties moſt Gracious, Free and General Pardon, Indempnity, and Oblivion.

The Kings moſt Excellent Majeſty taking into His Gracious and Serious conſideration the long and great Troubles, Diſcords and Wars, that have for many years paſt been in this Kingdom, and that divers of his Subjects are by occaſion thereof, and otherwiſe, faln into and be obnoxious to great pains and penalties: Out of a hearty and pious Deſire to put an end to all Suits and Controverſies, that by occaſion of the late Diſtractions have ariſen or may ariſe between all his Subjects; And to the intent that no Crime whatſoever committed againſt his Majeſty or his Royal Father, ſhall hereafter riſe in Judgment, or be brought in queſtion againſt any of them to the leaſt endamagement of them, either in their Lives, Liberties, Eſtates, or to the prejudice of their Reputations, by any Reproach or Term of Diſtinction; And to bury all ſeeds of future Diſcords and remembrance of the former, as well in his own Breaſt as in the Breaſts of his ſubjects one towards another: And in performance of his Royal and Gracious Word ſignified by his Letters to the ſeveral Houſes of Parliament now aſſembled, and his Declarations in that behalf publiſhed, Is pleaſed that it may be Enacted, And be it enacted by the Kings moſt Excellent Majeſty, with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, Firſt, That all and all manner of Treaſons, Miſpriſions of Treaſons, Murthers, Felonies, Offences, Crimes, Contempts and Miſdemeanors, Counſelled, Commanded, Acted or done ſince the firſt day of January, in the year of our Lord, One thouſand ſix hundred thirty ſeven, by any perſon or perſons before the twenty fourth day of June, in the year of our Lord, one thouſand ſix hundred and ſixty, other then the perſons hereafter by name excepted, in ſuch manner as they are hereafter excepted, by vertue or colour of any command, power, authority, commiſſion, or Warrant or Inſtructions from his late Majeſty, King Charles, or his Majeſty that now is, or from any other perſon or perſons, deriving or pretending to de-

The Cauſes and Ends of this Pardon and Indempnity.

The General Pardon.

rive authority, mediately or immediately, from both or either of their Majeſties, or by vertue or colour of any authority derived mediately or immediately of or from both Houſes, or either Houſe of Parliament, or of or from any Convention or Aſſembly, called or reputed, or taking the Name of the Keepers of the Liberty of England, by authority of Parliament, Or by vertue or colour of any Writ, Commiſſion, or Letters Patents, Inſtruction or Inſtructions of or from any perſon or perſons, Titled, reputed or taken to be Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Dominions thereunto belonging, or Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Dominions and Territories thereto belonging; or aſſuming the authority, or reputed to be chief Magiſtrate of the Commonwealth, or Commander in chief of the Forces or Armies of this Nation, by Sea or Land, or by any pretence, Warrant or Command whatſoever, from them or any of them, or their or either of their reſpective Councils or Council, or any Member of ſuch Council or Councils, or from any perſon or perſons whatſoever, deriving or pretending to derive authority from them, or any of them, be pardoned, releaſed, indemnified, diſcharged and put in utter Oblivion.

And that all and every the perſon and perſons acting, adviſing, aſſiſting, abetting and counſelling the ſame, they, their Heirs, Executors and Adminiſtrators, except as before is excepted) be and are hereby Pardoned, Releaſed, Acquitted, Indempniſied and Diſcharged from the ſame: And of and from all pains of Death, and other Pains, Judgments, Indictments, Convictions, Attainders, Outlawries, Penalties, Eſcheats and Forfeitures, therefore had or given, or that might accrew for the ſame: And that all ſuch Judgments, Indictments, Convictions, Attainders, Outlawries, Penalties, Eſcheats and Forfeitures, and every of them, and all Grants thereupon made, and all Eſtates derived under the ſame, be and are hereby Declared and Enacted to be from henceforth null and void: And that all mean profits not yet received by ſuch Grantees, ſhall be, and are hereby diſcharged: And that all and every perſon and perſons, Bodies politick and corporate, their and every of their Heirs, Executors, Adminiſtrators and Succeſſors, ſhall be, and are hereby reſtored to all and every their Lands, Tenements and Hereditaments, Goods, Chattels and other things forfeited, which to his Majeſty do or ſhall appertain by reaſon of any offence herein before mentioned, and not hereafter in this preſent Act Excepted and Foreprized.

And be it further enacted, That all Appeals, and all perſonal Actions, Suits, Moleſtations and Proſecutions whatſoever, for or by reaſon of any Act of Hoſtility, Treſpaſs, Aſſault, Impriſonment or breach of the Peace, Adviſed, counſelled, commanded, appointed, happened, acted or done by reaſon of the late Troubles, or the late Wars, in his Majeſties Dominions, or relating thereunto, and Judgments and Executions thereupon had before the firſt day of May, in the year of our Lord, One thouſand ſix hundred fifty eight, ſtand and be from henceforth diſcharged; But not to reſtore to any perſon or perſons any ſums of Mony, mean Profits, or Goods already received or taken upon ſuch Execution, or to give any accompt for the ſame.

And be it likewiſe enacted, That all Appeals and all perſonal Actions and cauſes of ſuch Actions, Suits, Moleſtations and Proſecutions whatſoever, for or by reaſon of any act or thing adviſed, counſelled, commanded, acted or done by vertue or colour of any Authority or Commiſſion granted by his late Majeſty, or his Majeſty that now is, or by vertue or colour of any Order or Ordinance of one or both Houſes of Parliament ſitting at Weſtminſter; Or by any Act or Order made by any perſons aſſuming the name of a Parliament, and ſitting as a Parliament at Weſtminſter, after the death of the late King CAHRLES the Firſt; Or by the authority of the ſaid Keepers of the Liberties of England; Or by any Ordinance by either of the late Protectors and Council; Or by or upon any Commiſſion, Writ, Proceſs or Warrant, by them or any of them, or by authority derived from them or any of them: And all demands of Arrearages of Rents, and mean profits of lands, tenements, or hereditaments heretofore incurred or grown due, which have been paid, received or diſpoſed by vertue or colour of any the Authorities or pretended Authorities aforeſaid, other then ſuch Arrearages or mean profits as are or ſhall be otherwiſe diſpoſed by any Act or Acts of this preſent Seſſion of Parliament, be from henceforth diſcharged.

All Appeals, perſonal Actions and Suits Pardoned.

And it is further by the authority aforeſaid enacted in the ſecond place, That all and every the Subjects of theſe his Majeſties Realms of England and Ireland, the Dominion of Wales, the Iſles of Jerſey and Garnſey, and the Town of Berwick upon Tweed, and other his Majeſties Dominions, the Heirs, Executors and Adminiſtrators of them, and every of them, and all and ſingular Bodies in any manner of wiſe corporated, Cities, Burroughs, Shires, Ridings, Hundreds, Lathes, Rapes, Wapentakes, Towns, Villages, Hamlets and Tythings, and every of them, and the ſucceſſor and ſucceſſors of every of them, ſhall be and are by the authority of this preſent Parliament acquitted, pardoned, releaſed, indempnified and diſcharged againſt the Kings Majeſty, his heirs and ſucceſſors, and every of them, of and from all manner of Treaſons, Miſpriſions of Treaſon, Felonies, Offences, Contempts, Treſpaſſes, Entries, Wrongs, Deceits, Miſdemeanors, Forfeitures, penalties and ſums of money, Intruſions, Mean profits, Wardſhips, Marriages, Reliefs, Liveries, Ouſter le mains, Mean Rates, Reſpits of Homage, Fines and Seiſures for Alienation without Licenſe, arrearages of rents, (other then the arrearages of rents due from the late Farmers, or pretended Farmers of the Exciſe or Cuſtoms reſpectively, other then ſuch arrearages of rents, or mean profits, as are or ſhall be otherwiſe diſpoſed by any Act or Acts of this preſent Parliament) and of and from all arrearages of Tenths and Firſt-Fruits, Fines, poſt-Fines, Iſſues, and Amerciaments, and all Recognizances, Bonds, or other Securities given for payment of them, or any of them, concealment of Cuſtoms and Exciſe, arrearages of purveyance and of compoſitions for the ſame, and of and from all pains of Death, pains corporal and pecuniary, and generally of and from all other Things, Cauſes, Quarrels,

rels, ſuits, judgments and executions, in this preſent Act hereafter not excepted nor foreprized, which may be or can be by his Majeſty in any wiſe, or by any means pardoned, before and unto the twenty fourth day of June, in the year of our Lord, One thouſand ſix hundred and ſixty, to every or any of his ſaid ſubjects, Bodies corporate, Cities, Boroughs, Shires, Ridings, Hundreds, Lathes, Rapes, Wapentakes, Towns, Villages, and Tythings, or any of them.

Wardſhips and Mean Profits unreceived.

And be it further enacted by the authority aforeſaid, That all Grants and Patents ſince the twenty fifth of March, One thouſand ſix hundred forty one, touching the Wardſhip and Cuſtody of the Body and Lands, or touching the marriage of any Heir within age, and all mean profits yet unreceived, and demandable by reaſon thereof, ſhall be, and are hereby from henceforth diſcharged.

All things not excepted ſhall be by the general words of this Act as well as it particularly named.

And alſo the Kings Majeſty is contented, That it be further enacted by authority of this preſent Parliament, and be it enacted by the authority aforeſaid, That this his ſaid Free Pardon, Indempnity and Oblivion, ſhall be as good and effectual in the Law to every of his ſaid ſubjects, Bodies corporate, and others before rehearſed, in, for, and againſt all things which be not hereafter in this preſent Act excepted and foreprized, as the ſame pardon, Indempnity, and Oblivion ſhould have been, if all Offices, Contempt, Forfeitures, Cauſes, Matters, Suits, Quarrels, Judgments Executions, penalties, and all other things, not hereafter in this preſent Act excepted and foreprized, had been particularly, ſingularly, eſpecially and plainly named, rehearſed and ſpecified, and alſo pardoned by proper and expreſſe Words and Names, in their Kinds, Natures and Qualities, by Words and Terms thereunto requiſite to have been put in and expreſſed in this preſent Act of Free Pardon, Indempnity and Oblivion: And that his ſaid Subjects, nor any of them, nor the Heirs, Executors or Adminiſtrators of any of them, nor the ſaid Bodies corporate, and others before named aud rehearſed, nor any of them, be, nor ſhall be ſued, vexed or inquieted, by, or on the behalf of the Kings Majeſty, his Heirs or Succeſſors, in their Bodies, Goods, Chattels, Lands or Tenements for any manner of Matter, Cauſe, Contempt, Miſdemeanor, Forfeiture, Treſpaſſe, Offence, or any other thing ſuffered, done or committed, before the ſaid twenty fourth day of June, One thouſand ſix hundred and ſixty, againſt his late Majeſty King Charles, or his Majeſty that now is, his Crown, Dignity, Prerogative, Laws or Statutes, but only for ſuch Matters, Cauſes and Offences, as be Excepted and Foreprized by this preſent Act out of the ſame, any ſtatute or ſtatutes, Laws, Cuſtoms or Uſages heretofore had, made or uſed, to the contrary in any wiſe notwithſtanding: And that all and every the Kings ſaid ſubjects, and all and ſingular Bodies corporate, and others before rehearſed, may by him or themſelves, or by his or their deputy or deputies, or by his or their Attorney or attorneys, according to the Laws of this Realm, plead and miniſter this preſent Act of Free Pardon, for his or their diſcharge, of or for any thing that is by vertue of this preſent act Pardoned, Diſcharged, Given or Granted, without any Fee, or other thing, paying to any perſon or perſons for writing or entry of the Judgments or other cauſe concerning ſuch plea, writing or entry, but onely ſixteen pence to be paid to the Officer or Clerk that ſhall enter ſuch Plea, Matter or Judgment for the parties diſcharge in that behalf, any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

This Pardon, &c. to be expounded in all Courts moſt beneficial for the Subject.

And furthermore, the Kings Majeſty is contented and pleaſed, that it be enacted, and be it enacted by the authority aforeſaid, That this His ſaid Free Pardon, Indempnity and Oblivion, by the general Words, Clauſes, and Sentences, before rehearſed, ſhall be reputed, deemed, adjudged, expounded, allowed and taken in all manner of Courts of his Highneſs, and elſewhere, beneficial and available to all and ſingular the ſaid Subjects, Bodies corporate, and others before rehearſed, and to every of them, in all things not in this preſent Act excepted or foreprized, without any ambiguity, queſtion, or other delay whatſoever it ſhall be, to be made, pleaded, objected, or alledged by the King our Soveraign Lord, his Heirs or Succeſſors, or by His or any of their general Attorney or Attorneys, or by any perſon or perſons for his Highneſs, or any of his heirs or ſucceſſors.

The penalty of any Officer, &c. that ſhall go about to diſquiet or trouble any perſon pardoned by this Act.

And furthermore, be it enacted by the King our Soveraign Lord, and the authority aforeſaid, That if any Officer or Clerk of any of his Highneſs Courts, commonly called the Chancery, Kings-Bench, and Common-pleas, or of his Exchequer, or any other Officer or Clerk of any other of his Highneſſe Courts within this Realm, at any time after the paſſing of this preſent Act, make out, or write out any manner of writs, proceſs, ſummons, or other precepts, whereby any of the ſaid ſubjects, or of the ſaid Bodies corporate, or others before rehearſed, or any of them, ſhall be in any wiſe arreſted, attached, diſtrained, ſummoned, or otherwiſe vexed, inquieted, or grieved, in his or their Bodies, Lands, Tenements, Goods or Chattels, or in any of them, for, or becauſe of any manner of thing pardoned or diſcharged by vertue of this Act of Free Pardon: Or if any Sheriff or Eſcheator, or any of their deputy or deputies, or any Bayliff or other Officer whatſoever, by colour of his or their Office or otherwiſe, after the paſſing of this preſent Act, do levy, receive, take, or withhold of or from any perſon or perſons, any thing pardoned or diſcharged by this act, That then every ſuch perſon ſo offending, and thereof lawfully convicted or condemned by any ſufficient teſtimony, witneſſe or proof, ſhall yield and pay for recompence thereof to the party ſo grieved or offended thereby, his or their treble damages, beſides all coſts of the Suit; and ſhall alſo forfeit and loſe to the Kings Majeſty for every ſuch default, ten pounds: And nevertheleſſe, all and ſingular ſuch writs, proceſs and precepts ſo to be made for, or upon any manner of thing pardoned or diſcharged by this preſent Act of Free Pardon, Indempnity and Oblivion, ſhall be utterly void and of none effect.

Exceptions out of this Pardon.

Except and alwayes foreprized out of this Free and General Pardon, all Murders done or committed by any perſon or perſons, other then ſuch which are pardoned and diſcharged in the firſt clauſe of pardon above mentioned; And alſo excepted and alwayes foreprized out of this

All Murders not compriſed in the firſt clauſe of this Pardon excepted.

Pyracy excepted.

Buggery.

Rapes and wilful taking away any Maid excepted.

Double Marriages excepted.

Witchcraft excepted.

Accompts of certain Treaſurers and Receivers. St. 13 Car. 2. cap. 3.

this General and Free Pardon, all and every the offences of Pyracy and Robbery upon the Seas, not done in relation to the Differences and Wars aforeſaid, and every procuring or abetting of any ſuch offendors, and the comforting and receiving of them, or any of them, or any goods taken by way of ſuch pyracy or robbery upon the Seas as aforeſaid: And alſo excepted the deteſtable and abominable Vice of Buggery committed with Mankind or Beaſt: And alſo excepted all Rapes and carnal Raviſhments of Women: And alſo excepted all Raviſhments and wilful taking away, or marrying of any Maid, Widow or Damſel againſt her will, or without the aſſent or agreement of her parents, or ſuch as then had her in cuſtody; and alſo all offences of aiding, comforting or procuring and abetting of any ſuch Raviſhment, wilful taking, or marrying, had, committed or done: And alſo excepted all offences made Felony by a certain Act made and ordained, entituled, An Act to reſtrain all perſons from Marriage untill their former Wives and former Husbands be dead: And alſo except all offences of Invocations, Conjurations, Witchcrafts, Sorceries, Inchantments and Charms; and all offences of procuring, abetting or comforting of the ſame; and all perſons now attainted or convicted of any of the ſaid excepted Offences: And alſo excepted all and ſingular the Accompts of all and every perſon and perſons appointed by any of the Authorities, or pretended Authorities aforeſaid, to be Treaſurer, Receiver, Fermor or Collector, (other then the ſub-collectors of the ſeveral Pariſhes, Towns and Hamlets reſpectively, for and concerning their Receipts before the four and twentieth day of June, in the year of our Lord one thouſand ſix hundred fifty nine) who have received or collected any Subſidy, Cuſtom, ſubſidy of Tonnage and Poundage, Prize-Goods, Aſſeſments, Sequeſtration, New Impoſt, or Exciſe, or of any the Rents and Revenues of any lands or hereditaments, of or belonging unto the late King, Queen, or Prince, or King that now is, or belonging unto the late Archbiſhopricks, Biſhopricks, Deans, or Deans and Chapters, Canons, Prebends, and other Officers belonging to any Cathedral or Collegiate Church, or Popiſh Recuſants convict, or of perſons ſequeſtred for their Recuſancy, or other ſequeſtred Eſtates received or collected by, or paid unto them ſince the thirtieth of January, in the year of our Lord, One thouſand ſix hundred forty two; and of all monies and other duties grown due or contracted upon the ſale or diſpoſition of them, or any of them.

Proviſo for the Heirs and Lands of Accomptants excepted.

Provided, That the heirs, executors, adminiſtrators, or Ter-tenants of the Lands of any Accomptant within this Exception now deceaſed, ſhall not be charged with, nor liable unto any accompt for the matters in this exception mentioned: except for ſuch ſum or ſums of money as remain due upon any of their accompts already ſtated and determined, and are not yet paid in, and that no Accomptant as aboveſaid, now living, ſhall be liable to make accompt of any ſum or ſums of Money, paid or disburſed, or otherwiſe allowed or diſcharged, by vertue or colour of any Order or Ordinance of both or either Houſe or Houſes of Parliament, or any Convention or Aſſembly called, or reputed, or taking on them the name of a Parliament, or of Oliver Cromwel, pretended Protector, or of Richard his ſon, while he continued, or was ſtiled, or obeyed as Protector, or by any perſons acting as a Committee appointed by the ſaid two Houſes, or either of them, or by any ſuch Convention or Aſſembly, or any order or direction of ſuch Committee or Committees, or any perſon or perſons acting as a publick Council, though having no legal authority ſo to do, or by their or any their order or orders, or direction.

Fees and Salaries, &c. not to be accompted for.

It being further declared and enacted, and it is enacted by the authority aforeſaid, That no perſon or perſons ſhall be charged for any Moneys by him received for the Fees, Salaries and Wages then allowed, or for Moneys by him disburſed upon any publick uſe, or pretence, though the direction or authority whereby the ſame Money was iſſued, was not, or be not legal and warrantable in Law.

Military payments not to be accompted for.

And be it further provided, That no Military or Commiſſioned Officer of the Armies, or Navies, or Souldier, or Mariner, who before the twenty fifth of March, one thouſand ſix hundred fifty nine, hath received any Moneys for his own pay, or the pay of other Souldiers, or for any other Contingencies of the Souldiers or Garriſons under his command, or by way of reward, ſhall be called to accompt therefore.

No perſon to be called to an accompt after the 24. of June 1662.

And that no perſon whatſoever ſhall be called to accompt for any the matters in this Exception mentioned, after the four and twentieth day of June, which ſhall be in the year of our Lord God, one thouſand ſix hundred ſixty and two next enſuing; And that in caſe any perſon who ſtands accomptable for any Moneys received ſince the firſt of January, one thouſand ſix hundred forty two, and before the thirtieth of January, one thouſand ſix hundred forty eight, have been robb'd or plundered by Souldiers or others, of the Moneys in their hands, or any Notes or Books of Receipt, or Acquittances touching their payments or diſcharge, Then the oath or oaths of ſuch party or parties of the ſame reſpectively, ſhall be a good diſcharge for ſo much of their accompt. And that the oath of every accomptant in or between the years, one thouſand ſix hundred forty two, and one thouſand ſix hundred forty eight, of what they have paid to any publick uſe, by, or according to any publick or pretended order or authority whatſoever, ſhall be a good diſcharge, as to ſo much of the accompt of ſuch perſon or perſons. And except all Firſt-Fruits and Tenths in the hands of any Receiver not having disburſed, as in the laſt exception is expreſſed.

Diſcharges and Quietus eſt given in the Exchequer. Accompts of the Revenues of Churches in Wales. Bribery, Subornation, Forging, Debentures, &c. Witneſſes.

Provided, That all and every Judgment of Diſcharge, or Quietus eſt, had, or given at any time upon any accompt in the publick Exchequer, ſince the year one thouſand ſix hundred forty eight, be allowed, and ſhall not be avoided; except all accompts of the Revenues of Churches and Vicaridges in Wales, and the County of Monmouth, and all Judgments of diſcharge, or Quietus thereupon obtained: And alſo excepted out of this Pardon all offences of Bribery, Perjury, and the Subornation of perjury, or Witneſſes and Offences of Forging or Counterfeiting any Deeds, Debentures, Bills of publick Faith, Eſcripts, Wills, or other Writings whatſoever, or of any Examinations or Teſtimonies of any witneſs or witneſſes, tending to bring any perſon or perſons in danger of his life, liberty or eſtate, and the giving the ſame in evidence, and the compelling or procuring of any ſuch counterfeiting or forging to be had or made:

And alſo excepted all offences in detaining, imbezelling, or purloining any the Goods, Money, Chattels, or Jewels of the late King, Queen, or Prince, or any of the Children of the late King and Queen, other then Shipping, Stores, and Ammunitions of War, and other then ſuch Goods and Chattels as have been ſold or diſpoſed of to any of the Servants or Creditors of his late Majeſty, in or toward ſatisfaction of their debts or wages.

Imbez'lling and purloyning the Kings goods.

And alſo excepted out of this pardon, all Iſſues, Fines and Amerciaments, Rents and other publick duties being levied, received or collected by any Sheriff, Under-Sheriff, Bayliff, Miniſter or other Officer, to, or for the uſe of the late King, the Parliament, or the ſaid Keepers of the Liberty of England, or any other perſon ſtiling himſelf Protector, or for his Majeſty that now is, and not accompted for, and diſcharged.

Iſſues, Fines and Amerciaments received by Sheriffs.

And alſo excepted out of this Pardon, all and every offence and offences committed or done by any Jeſuit, Seminary or Romiſh Prieſt whatſoever, contrary to the tenor or effect of the Statute made in the ſeven and twentieth year of the reign of the late Queen Elizabeth, entitled, An Act againſt Jeſuits, Seminaries, Prieſts, and other diſobedient perſons, or of any part thereof, and all Outlawries, proceedings, Judgments and Executions for the ſame offences, or any of them.

Jeſuits, Seminary and Romiſh Prieſts excepted.

Provided alwayes, and be it Enacted by the authority aforeſaid, That it ſhall and may be lawfull, to, and for all and every Clerk and other Officer of the Courts at Weſtminſter, to award and make Writs of Capias Utlagatum, at the ſuit of the party plaintiff, againſt ſuch perſons outlawed, as be pardoned by this Act, to the intent to compel the Defendant, or Defendants, to make anſwer to the plaintiff or plaintiffs, at whoſe ſuit, he or they were outlawed; And that every perſon ſo outlawed, ſhall ſue a Writ of Scire facias againſt the party or parties at whoſe ſuit he or they were ſo out-lawed, before this pardon in that behalf ſhall be allowed him or them ſo out-lawed.

Writs of Capias utlagat. may be directed againſt any perſon. The party outlawed may ſue out a Scire Facias againſt the Plaintiff.

Provided, and be it enacted by the authority aforeſaid; That this Act of general Pardon ſhall not in any wiſe extend to pardon any Out-lawries upon any Writ of Capias ad Satisfaciendum until ſuch time as the party ſo out-lawed ſhall ſatisfie, or otherwiſe agree with the party at whoſe ſuit the ſame perſon was ſo out-lawed or condemned.

Perſons outlawed upon Capias ad ſatisfaciendum, &c.

And alſo excepted out of this pardon, all informations and other proceedings depending, concerning any common Highwayes or Bridges, and all iſſues returned upon any proceſs, concerning the ſame, ſince the Thirtieth day of January, One thouſand ſix hundred forty eight Except alſo all Recognizances, Obligations, and other ſecurities given or entred into, Since the five and twentieth of March, One thouſand ſix hundred and forty, by any Receiver, Reeve, Bayliff, Collector or other accountant in the Court of the publick Exchequer and their ſureties and their accounts reſpectively.

Informations and proceedings concerning Highwaies, &c. excepted.

Provided alwayes, and be it Enacted; that this Act, or any thing therein Contained, ſhall not extend, or be conſtrued to Pardon, or diſcharge any Recognizance, Obligation or Bond, which is not yet forfeited.

Obligation and recognizance not yet forfeited.

And be it further Enacted by the authority aforeſaid, That all Acts of Hoſtility and Injuries, whether between the late King and the Lords and Commons then in Parliament aſſembled or between any of the People of this Nation, which did ariſe upon any Action, Attempt, Aſſiſtance, Council or Advice, having Relation unto, or falling out by reaſon of the troubles, or in the late Wares, or publick differences between the late King and Parliament, or between His now Majeſty or any of his Subjects, and which are not in this Act excepted; That the ſame and whatſoever hath inſued thereupon, whether trenching upon the Laws and Liberties of this Nation, or upon the Honor of His Majeſty, or upon the Honor or Authority of the Parliament, or to the prejudice of any particular or private Perſon, ſhal in no time, from and after the four and twentieth day of June, in the year of our Lord one thouſand ſix hundred and ſixty, be called in queſtion, whatſoever be the quality of the perſon or of whatſoever kind or Degree, Civil or Criminal, the Injury is ſuppoſed to be; And that no mention be made thereof in time to come, in Judgement, or in Judicial proceeddings,

All acts of hoſtility, injuries, &c. between the King and his Parliament to be put in perpetual oblivion.

And to the intent and purpoſe that all names and terms of Diſtinction may be likewiſe put into utter Oblivion, Be it further Enacted by the Authority aforeſaid; That if any perſon or Perſons, within the ſpace of Three years next enſuing, ſhall preſume maliciouſly to call or alleadge of or object againſt any other perſon or perſons, any Name or Names, or other Words of Reproach, any way tending to revive the Memory of the late Differences, or the Occaſions thereof; That then every ſuch perſon, ſo as aforeſaid Offending, ſhall forfeit and pay unto the party grieved, in caſe ſuch party Offending ſhall be of the Degree of a Gentleman or above, Ten pounds; and if under that Degree, The ſum of forty ſhillings, to be recovered by the party grieved, by Action of Debt, to be therefore brought in any of His Majeſties Courts of Record, wherein no Eſſoin, protection or Wager of Law ſhall be allowed,, or any more then one Imparlance, ſo as the ſame Action be commenced, or proſecuted within ſix moneths next after the Offence Committed: And if the Jury ſworn to try any Iſſue or Iſſues that ſhall be joyned in ſuch Action, ſhall find for the plaintiff, they ſhall likewiſe give to every ſuch Plaintiff Forty ſhillings Damages over and above the penalty aforeſaid.

The penalty upon any perſon that ſhall within 3. years uſe any words of reproach or diſgrace tending to revive the memory of the late differences.

Provided alwayes, that this Act, or any thing therein contained, ſhall not Extend, or give any benefit unto any perſon or perſons, who have had any hand in the Plotting, Contriving, or deſigning, the great and heinous Rebellion in Ireland, mentioned in one Act paſſed in the Parliament begun at Weſtminſter the third day of November, in the ſixteenth year of King Charles, entituled, An Act for the ſpeedy and effectual Reducing of the Rebels in his Majeſties

Perſons plotting or deſigning the Iriſh Rebellion, excepted.

Kingdome

Kingdom of Ireland, to their due obedience to his Majeſty and Crown of England, Or in Aiding, Aſſiſting, or Abbetting the ſame: (Other then ſuch as by another Act intended hereafter to be paſſed, ſhall be therein Named, mentioned, or Expreſſed to be pardoned,) nor to Enure to Reſtore to any perſon or perſons, bodies politick or corporate, (other then the Marqueſs of Ormond Lord Steward of his Majeſties Houſhold, and other the Proteſtants of Ireland,) and their Heirs, and ſuch other perſon and perſons, as in, and by an Act intended hereafter to be paſſed, ſhall be therein Named, Mentioned, or Expreſſed in that behalf, any Eſtate, Liberties, Franchiſes, or Hereditaments in England, or Ireland, ſold or diſpoſed of by both, or either Houſes of Parliament, or any Convention aſſuming the Stile or Name of a Parliament, or any perſon or perſons deriving authority from them, or any of them, or which was approved, or confirmed by them, or any of them, Nor to the Mean Profits, Rents, or Contingencies of advantage of the ſame.

Every perſon pardoned may plead the general Iſſue.

And it is further provided and enacted, That every perſon or perſons, hereby pardoned, may plead the general Iſſue, without ſpecial pleading of this pardon, and give this Act of pardon in evidence for his diſcharge, and that the ſame ſhall be thereupon allowed, and the advantage thereof had as fully to all intents and purpoſes, as if the ſame had been fully and well pleaded; And in ſuch manner, as any Juſtice of the peace, Conſtable, or other officer, queſtioned for matters acted by them as officers, or in execution of their offices, may have advantage of the matter of their Juſtification, upon the General Iſſue by them pleaded, by the Law and Statutes of this Kingdom.

Thefts and Felonies ſince the fourth of March 1659. excepted.

Provided alſo, That this act, nor any thing therein contained, ſhall extend, or be interpreted to extend to pardon any perſon or perſons whatſoever, for any Theft or ſtealing of any Goods or other Felonies, ſince the fourth day of March in the year of our Lord one thouſand ſix hundred fifty and nine, any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

This Act not to extend to Goods to be reſtored upon an Act for Repeal of two Acts for Sequeſtrations.

Provided alſo, That neither this Act nor any thing therein contained, ſhall extend to acquit or diſcharge any perſon or perſons, from making reſtitution of all ſuch Rents, ſums of Money, Horſes, Cattel, or other Goods, which by a certain Act, or pretended Act lately made, intituled, An Act for Repeal of two Act for Sequeſtrations, are required to be reſtored to thoſe from whom they were taken; Nor ſhall this preſent Act be conſtrued to Diſable, or Bar the reſpective owners, or proprietors, of, and from their ſeveral and reſpective Actions or Suits at Law, or in equity, for, or by reaſon of the ſaid, or any other rents, Moneys, Horſes, Cattle, or Goods which ſince the five and twentieth day of July, one thouſand ſix hundred fifty and nine, have been by any perſon or perſons wrongfully received, or taken away, and for which the ſaid Wrong-doers, are not in any wiſe Indempnified by the ſaid, or any other Act of repeal.

Goods, &c. ſequeſtred and actually paid in to any publick Treaſury.

And be it further enacted by the authority aforeſaid, That no perſon or perſons, who by vertue of any order or Warrant, mediately or immediately derived from his late Majeſty, or His Majeſty that now is, or by vertue of any Act ordinance, or order, of any or both Houſes of Parliament, or any of the authorities aforeſaid, or any Committee or Committees, acting under them or any of them, have ſeized, ſequeſtred, levied, advanced, or paid to any publick uſe, or into any publick Treaſury within this Kingdom, any Goods, Chattels, Debts, Rents, ſum or ſums of money belonging to any perſon or perſons whatſoever, ſhal hereafter be ſued, moleſted, or drawn into queſtion for the ſame, but that they and every of them ſhall be diſcharged againſt all perſons, for ſo much and no more of the ſaid Goods chattels, debts, rents, ſum or ſums of money, as their ſeveral and reſpective orders of diſcharge or acquittances extend unto.

Perſons who have received money privately for his Majeſties ſupply to accompt.

Provided alſo, That nothing herein contained ſhall extend to diſcharge any perſon or perſons, who have been by private order or inſtructions imployed and intruſted, or have undertaken the imploymentto receive any ſum or ſums of money for the Kings Majeſties Service or ſupply ſince the year one thouſand ſix hundred forty and eight, from making their accompts for the ſame.

Moneys received upon Decimation not pardoned.

Provided alſo, That this Act ſhall ſhall not extend to pardon or diſcharge from accompts to the Kings Majeſty, any perſon or perſous, for any ſum or ſums of money received for that Illegal Tax of Decimation, or upon the accompt of any Millita ſetled or acted in, ſince one thouſaud ſix hundred forty and eight, and not accompted for or paid over, or diſcharged to, or by any that had authority or pretended authority to diſcharge the reſpective Receivers of the ſame.

Perſons that have had Directions or Inſtruction from his Majeſty and have betrayed their Truſt, or his Majeſties Councels, excepted.

Provided alſo, That if any perſon or perſons, being his Majeſties menial ſervant or ſervants, or having, or pretended to have received particular Inſtructions or directions from his Majeſtie, have, during the time of ſuch his or their relation unto his Majeſty, or whilſt he or they were acting, or pretending to Act for his majeſties Intereſt, in purſuance of the ſaid inſtructions or directions, wilfully, maliciouſly, and trayteronſly held Intelligence with any foreign Prince or Princes, State or States, or with any perſon or perſons, uſurping ſupreme authority in this Kingdom, or other his Majeſties Dominions, or with their or either of their Miniſters or Agents, and without his Maieſties licence, and to the intent to betray his Majeſties perſon or Councels; or have received any ſum or ſums of money, or penſion for ſuch Treachery, that then ſuch perſon or perſons, as to the offence in this proviſo mentioned, ſhall be, and is hereby excepted out of this Act, any thing herein contained to the contrary notwithſtanding; ſo as ſuch perſon or perſons be out-lawed, or otherwiſe legally convicted of ſuch offence or offences, within the ſpace of two years from the five and twentieth day of April, one thouſand ſix hundred and ſixty.

Duties upon Exciſe and from Farmers ther. of excepted.

Provided, That this Act of General Pardon, or any thing therein contained, ſhall not extend to the pardoning or diſcharging of any Debts or Sums of money due to or for the Exciſe of any Goods or merchandize, whereof any Entries haue been made in the Cuſtom-houſe, which have grown due ſince the twenty fifth day of March, one thouſand ſix hundred fifty and eight, or to the pardoning or diſcharging of any debt or ſums of money due to the Farmers, or pretended Farmers of Exciſe, ſince the twenty fifth day of March, one thouſand ſix hundred and fifty ſeven.

Provided alſo, That this Act, nor any thing therein contained, ſhall extend to pardon, diſcharge or give any other benefit whatſoever, unto John Liſle, William Say, Sir Hardreſs Waller, Valentine Wanton, Thomas Harriſon, Edward Whalley, William Heveningham, Iſaac Penington, Henry Martin, John Barkſtead, Gilbert Millington, Edmund Ludlow, Sir Michael Liveſey, Robert Titchbourn, Owen Row, Robert Lilburn, Adrian Scroop, John Okey, John Hewſon, William Goffe, Cornelius Holland, Thomas Challoner. John Carew, John Jones, Miles Corbet, Henry Smith, Gregory Clement, Thomas Wogan, Edmond Harvey, Thomas Scot, William Cawley, John Downs, Nicholas Love, Vincent Potter, Auguſtine Garland, John Dixwel, George Fleetwood, Simon Meyn, James Temple, Peter Temple, Daniel Blagrave, Thomas Wait, John Cook, Andrew Broughton, Edward Dendy, William Hewlet, Hugh Peters, Francis Hacker, Daniel Axtel, nor any of them, nor of thoſe two perſons, or either of them, who being diſguiſed by Frocks and Vizors did appear upon the Scaffold, erected before White-Hall upon the thirtieth of January, one thouſand ſix hundred forty and eight: All which perſons for their execrable Treaſon, in ſentencing to death, or ſigning the Inſtrument for the horrid Murder, or being inſtrumental in taking away the precious Life of our late Soveraign Lord Charles the Firſt of Glorious Memory, are left to be proceeded againſt as Traytors to his late Majeſty, according to the Laws of England, and are out of this preſent Act wholly excepted and forepriſed.

Perſons excepted by name.

But in regard the ſaid Owen Row, Auguſtine Garland, Edmond Harvey, Henry Smith, Henry Martin, Sir Hardreſs Waller, Robert Titchbourn, George Fleetwood, James Temple, Thomas Wait, Simon Meyn, William Heveningham, Iſaac Penington, Peter Temple, Robert Lilburn, Gilbert Millington, Vincent Potter, Thomas Wogan and John Downs, have perſonally appeared and rendred themſelves (according to the Proclamation bearing date the ſixth day of June, one thouſand ſix hundred and ſixty, to Summon the perſons therein named, who gave Judgment and aſſiſted in the ſaid horrid and Deteſtable Murther of our ſaid late Soveraign, to appear and render themſelves) and do pretend thereby to ſome favour, upon ſome conceived doubtful Words in the ſaid Proclamation;

Perſons that appeared and rendred themſelves.

Be it Enacted by this preſent Parliament, and the authority of the ſame (upon the humble deſires of the Lords and Commons in Parliament aſſembled) That if the ſaid Owen Row, Auguſtine Garland, Edmond Harvey, Henry Smith, Henry Martin, Sir Hardreſs Waller, Robert Titchbourn, George Fleetwood, James Temple, Thomas Wait, Simon Meyn, William Heveningham, Iſaac Penington, Peter Temple, Robert Lilburn, Gilbert Millington, Vincent Potter, Thomas Wogan, and John Downs, or any of them, ſhall be legally Attainted for the horrid Treaſon and Murther aforeſaid; That then, nevertheleſſe, the Execution of the ſaid perſon and perſons ſo Attainted ſhall be ſuſpended, until his Majeſty by the Advice and Aſſent of the Lords and Commons in Parliament, ſhall order the execution by Act of Parliament to be paſſed for that purpoſe.

Except alſo out of this preſent Act Oliver Cromwel deceaſed, Henry Ireton deceaſed, John Bradſhaw deceaſed, and Thomas Pride deceaſed.

Provided, That nothing in this Act contained ſhall extend to diſcharge the Lands, Tenements, Goods, Chattels, Rights, Truſts, and other the Hereditaments late of the ſaid Oliver Cromwel, Henry Ireton, John Bradſhaw, and Thomas Pride, or of Iſaac Ewer deceaſed, Sir John Danvers deceaſed, Sir Thomas Maleverer Baronet deceaſed, William Purefoy deceaſed, John Blackiſton deceaſed, Sir William Conſtable Baronet deceaſed, Richard Dean deceaſed, Francis Allen deceaſed, Peregrine Pelham deceaſed, John Moor deceaſed, John Aldred, alias Alured deceaſed, Humphry Edwards deceaſed, Sir Gregory Norton Baronet deceaſed, John Venn deceaſed, Thomas Andrews Alderman deceaſed, Anthony Stapely deceaſed, Thomas Horton deceaſed, John Fry deceaſed, Thomas Hamond deceaſed, Sir John Bourchier deceaſed, of, and from ſuch pains, penalties and forfeitures, as by one other Act of Parliament intended to be hereafter paſſed for that purpoſe, ſhall be expreſſed and declared.

The Lands and Goods of the perſons rendring themſelves not excepted. St. 13 Car. 2. cap. 15.

And alſo excepted out of this preſent Act, William Lord Mounſon, James Challoner, Sir Henry Mildmay, Sir James Harrington, John Phelps, and Robert Wallop; All which perſons did act and ſit in that Trayterous Aſſembly, which in the moneth of January, One thouſand ſix hundred forty eight, acted and proceeded againſt the Life of our late Soveraign, King Charles the Firſt of bleſſed Memory, and are therefore reſerved to ſuch pains, penalties and forfeitures, not extending to Life, as by another Act intended to be paſſed for that purpoſe, ſhall be impoſed on them.

Perſons excepted for other penalties, not extending to life. St. 13 Car. 2. cap. 15.

And alſo except Sir Arthur Heſilrig, for and in reſpect onely of ſuch pains, penalties and forfeitures, not extending to Life, as by one Act intended to be hereafter paſſed for that purpoſe, ſhall be inflicted and impoſed.

Provided alwayes, That John Hutchinſon Eſquire, and Francis Laſſels, ſhall be and are hereby made for ever incapable to execute any Place or Office of Truſt, Civil or Military, within this Kingdom; And that the ſaid Francis Laſſels ſhall pay unto our Soveraign Lord the King, one full years value of his Eſtate, Any thing herein before contained to the contrary notwithſtanding.

Perſons made incapable of any Offices.

Provided alwayes, That this Act, or any thing therein contained, ſhall not extend to the pardoning, or to give any other benefit whatſoever, unto Sir Henry Vane, John Lambert, or either of them, but that they and either of them, are and ſhall be out of this preſent Act wholly excepted and forepriſed.

Sir Henry Vane, John Lambert, excepted.

Provided, That if William Lenthal, William Burton, Oliver Saint-John, John Ireton Alderman, Colonel William Sydenham, Colonel John Desborow, John Blackwel of Moreclack, Christopher Pack

Penalty of certain perſons if they ſhall after the firſt of September 1660. accept any Office.

Alderman, Richard Keeble, Charles Fleetwood, John Pyne, Richard Dean, Major Richard Creed, Philip Nye Clerk, John Goodwyn Clerk, Sir Gilbert Pickering, Colonel Thomas Liſter, and Colonel Ralph Cobbet, ſhall after the firſt day of September, One thouſand ſix hundred and ſixty, accept, or exerciſe any Office, Eccleſiaſtical, Civil, or Military, or any other publique employment within this Kingdome of England, Dominion of VVales, or Town of Berwick upon Tweed, that then ſuch perſon or perſons as do ſo accept, or execute as aforeſaid, ſhall to all intents and purpoſes in Law, ſtand as if he or they had been totally excepted by name in this Act.

Perſons that gave Sentence upon any in the Illegal High Courts of Juſtice.

Provided likewiſe, That all thoſe who ſince the fifth of December, one thouſand ſix hundred forty eight, did give ſentence of death upon any perſon or perſons, in any of the late Illegal and Tyrannical High Courts of Juſtice in England or wales, or Signed the Warrant for execution of any perſon there Condemned except Colonel Richard Ingolsby, and Colonel Mathew Thomlinſon) ſhall be, and are hereby made incapable of bearing Office, Eccleſiaſtical, civil, or military, within the Kingdom of England, or dominion of Wales, or of ſerving as a member in any Parliament after the firſt day of September, one thouſand ſix hundred and ſixty.

Perſons intruſted by Ordinance 1649. about Tithes, ſhall be accomptable.

Provided alſo, and it is enacted, that all and every the perſons appointed truſtees, in a late pretended Act or ordinance made in the year of our lord, one thouſand ſix hundred forty nine, for, and concerning tithes appropriate, oblations, obventions, Penſions, Portions of Tithes appropriate, Offerings, Fee-farm Rents iſſuing out of the Tithes therein mentioned, Firſt-fruits and other things, and Enacted, or mentioned to be enacted to be veſted, ſetled, adjudged, or deemed to be in the actual ſeiſin or poſſeſſion of ſuch perſon and perſons in the ſaid pretended Act or Ordinance mentioned, and their heirs, ſhall accompt for, and be reſponſible for all rents and Profits of the premiſſes which came to their hands, and have not been by the ſaid Truſtees or their order diſburſed, diſpoſed, or imployed for the maintenance of Miniſters, or other uſes, according to the ſaid pretended Act or Ordinance, or ſome other Act, Order, or Ordinance, made in the year of our Lord, one thouſand ſix hundred fifty, one thouſand ſix hundred fifty four, and one thouſand ſix hundred fifty ſix, by any aſſembly, called, or reputed a Parliament, or aſſuming the power of a Parliament, according to the intention of ſuch Act, Acts, or ordinances: And the Agents and Receivers under the order of the ſaid Truſtees, and the occupiers and Tenants of the premiſſes, who have taken the premiſſes or profits thereof into their hands, without agreement to pay Rent therefore and have made no accompt or ſatisfaction to the Truſtees aforeſaid, or to ſome other by their order, and alſo the perſons who have held the ſame, or taken the profits thereof, under any agreement to pay Rent or money for the ſame, and have not paid the ſame, ſhall reſpectively accompt, pay and make ſatisfaction for ſo much of the premiſſes, and profits of the premiſſes, as are unſatisfied or unaccounted for as aforeſaid, and pay ſuch Arrearages of Rents or money, as by ſuch agreement remaineth unpaid by them: all which payments and accompts ſhall be made to ſuch perſons, and in ſuch manner as in Parliament ſhall be directed Nevertheleſs, it is not hereby intended, that any Miniſter, School-maſter, or other perſon, for whoſe benefit and maintenance the ſaid pretended Accs or ordinances were made, ſhall be accomptable or liable to make ſatisfaction for any profits, rents, or ſums of money paid to, or taken by them reſpectively, by vertue or colour of any order or Appointment of the ſaid Truſtees, or any of them, or otherwiſe.

Bonds taken in his Majeſties Name before May 1642. for ſecurities of any his Majeſties Receivers (not pardoned &c.)

Provided alſo, That this Act do not extend to pardon any Bond, taken in his late Majeſties Name, before the month of May, one thouſand ſix hundred forty two, for ſecuring the proper debt of any ſervant or Receiver of the Revenue of his ſaid late Majeſty, that hath not been paid to, or by order of ſome Lawful or pretended authority. And whereas by an order of the Six and twentieth day of May, in the year one thouſand ſix hundred forty one, the then Houſe of Commons in Parliament did accept the ſum of One hundred and fifty thouſand pounds, as a Compoſition from the farmers of ſeveral Cuſtoms voted to be illegally taken, and ſome of the ſaid Farmers did procure and pay the ſaid whole ſum of One hundred and fifty thouſand pounds at the deſire of the ſaid Houſe of Commons, and upon their Declaration, That ſuch of the ſaid Farmers as did not pay their Proportions, ſhould not be pardoned, but proceeded againſt; and out of their Fines ſatisfaction ſhould be made to thoſe who had paid the ſaid One hundred and fifty thouſand pounds, and in purſuance thereof did on the firſt of June then next following Reſolve, That the eſtates of ſuch perſons, living or dead, as have by colour of any Patent received monies from the Subject, under pretence of ſuch Cuſtoms, or have been under-Sharers with the Patentees, ought to be made liable to reſtitution.

Payments upon proportions of 150000 l. upon the Cuſtomes.

It is therefore Provided, That this Act ſhall not extend, nor be conſtrued to extend to Pardon or Indempnifie any perſon or perſons, their Heirs, Executors, Adminiſtrators or Aſſigns, who have not paid their Proportions of the ſaid One hundred and fifty thouſand pounds, or ought to have been contributory thereunto, from, or againſt miſdemeanors or offences relating to the ſaid Cuſtomes, or from payment of their Proportions: But that the Eſtates of the dead, as well as of the living, of ſuch who ought to have been contributory, in whoſe poſſeſſion ſoever (Purchaſers Bona fide, and upon valuable Conſiderations only excepted) ſhall continue and be charged, and chargeable with the payment of their Proportions, to all intents and purpoſes as if this Act had not been made, any thing herein contained to the contrary notwithſtanding.

Arrears of Exciſe upon Beer and Ale.

Provided alſo, that this act, or any thing therein contained, ſhall not extend, to be conſtrued to pardon or diſcharge any ſum or ſums of money, due, and Arrear for Exciſe of Beer Ale, or other Native or Inland Commodity, ſince the twenty fourth day of June, One thouſand ſix hundred fifty and nine.

Provided

Monies due for free quarter.

Provided alſo, That nothing in this Act contained ſhall extend to the pardoning or diſcharging of any ſum or ſums of money due from any Officers or Souldiers, to any of the ſubjects of this Kingdom, for free quarter, ſince the ſecond day of July, one thouſand ſix hundred fifty and nine, or to diſcharge any monies borrowed by any Officers, for preventing of free-quarter.

Purchaſers bona fide of Lands, other then the Kings, &c. to enjoy their purchaſes.

Provided always, and be it enacted by the authority aforeſaid, That no conveyance, aſſurance, grant, bargain, ſale, charge, leaſe, aſſignment of leaſe, grants and ſurrenders by Copy of Court-Roll, eſtate, intereſt, truſt or limitation of any Uſe or Uſes of any manors, lands, tenements or hereditaments, not being the Lands nor Hereditaments of the late King, Queen, Prince, or of any Archbiſhops, Biſhops, Dean, Deans or Chapters, nor being lands or hereditaments, ſold or given, or appointed to be ſold or given, for the delinquency, or pretended delinquency of any perſon or perſons whatſoever, by vertue or pretext of any Act, Order or Ordinance, or reputed act, order or ordinance, ſince the firſt day of January, One thouſand ſix hundred forty and one; Nor any Statute, Judgment, or Recognizance, had, made, acknowledged or ſuffered to any perſon or perſons, Bodies politick or corporate, before the Nine and twentieth day of September, one thouſand ſix hundred fifty and nine, by any of the perſons before in this Act by name excepted, or their heirs, or by any other perſon or perſons claiming, by, from, or under them, or any of them, other then the wife or wives, child, children, heir, and heirs of ſuch perſon and perſons, or any of them, for money bona fide to them, or any of them, paid or lent, nor any conveyance, aſſurance, grant or eſtate, made before the five and twentieth day of April, One thouſand ſix hundred and ſixty, by any perſon or perſons, to any ſuch perſon excepted by name as aforeſaid, in truſt and for the benefit of any other perſon or perſons, Bodies politick or corporate, not excepted by name, as aforeſaid, ſhall be impeached, defeated, made void, or fruſtrated hereby, or by the attainder or conviction of any ſuch excepted perſon or perſons, but that the ſame ſhall be held and enjoyed by the Purchaſers, Grantees, Leſſees, Aſſigns, Ceſtuy que Uſe, Ceſtuy que truſt, and every of them, their heirs, executors, adminiſtrators and aſſigns reſpectively, as if this Act had not been made, and as if the ſaid perſon or perſons had not been excepted, attainted or convicted, Any Law, Statute, Uſage or Cuſtome to the contrary thereof in any wiſe notwithſtanding.

Fabrick Lands; Church Goods and Utenſils.

Provided alwaies, That this Act, nor any thing therein contained, ſhall not extend to indempnifie any perſon or perſons whatſoever, who have entred into any Meſſuage, Lands, Tenements and Hereditaments, called Fabrick Lands, or poſſeſt themſelves of any Rent or Revenues, given for the repair of any Cathedral or other Church, or who have Sacrilegiouſly enriched themſelves by converting the Plate or Utenſils, and Materials, of, or belonging to any ſuch Churches, to their own private uſe and advantage, for or in reſpect of the ſaid Crimes onely. Stat. 13 Car. 2. cap. 7.

CAP. XII.

Which Judicial Proceedings ſhall be good and effectual in Law, and which not.

Which Acts and Proceedings ſhall not be avoided.

Be it enacted, and it is enacted by his Majeſty, and the Lords and Commons in Parliament aſſembled, and by the authority of the ſame, That no Fines, nor final Concords, Chirographs, nor Proclamations of Fines, nor any Recoveries, Verdicts, Judgments, Statutes, Recognizances, nor Inrolments of any Deeds or Wills, or of any ſuch Fines, Proclamations, Recoveries, Verdicts, Judgments, Statutes, or Recognizances, nor any Exemplifications of them, nor any of them, nor any Inquiſitions, Indictments, Preſentments, Informations, Decrees, Sentences, Probats of Wills, nor Letters of Adminiſtration, nor any Writs or Actings on, or Returns of Writs, Orders, or other proceedings in Law or Equity, had made, given, taken or done, or depending in the Courts of Chancery, Kings-Bench, Upper Bench, Common-Pleas, and Court of Excheque, and Court of Exchequer-Chamber, or any of them ſitting at Weſtminſter, or in the Courts of the Great Seſſions in VVales, the Courts of any Counties Palatine, or Dutchy of Lancaſter, or Town of Berwick upon Tweed, or in any other inferiour Courts of Law or Equity; or by any the Judges, Clerks, Officers, Sheriffs, Coroners or Miniſters, or others, acting in obedience to them, or any of them, or by any the Courts of Admiralty, Delegates, Juſtices of Aſſize, Niſi Prius, Oyer and Terminer, Gaol-delivery, Juſtices of the peace, Commiſſioners of Sewers, Bankrupts, or Charitable Uſes; nor any Actings, Proceſs, Proceedings, nor Executions thereupon had, made, given, done, or ſuffered in the Kingdom of England, ſince the Firſt of May, One thouſand ſix hundred forty two, ſhall be avoided for want or defect of any legal power in the ſaid Courts, Judges, Commiſſioners, Juſtices, or any of them; or for, or by reaſon that the premiſſes, or any of them, were commenced, proſecuted, had, made, held or uſed in the Name, Stile, or Title of the late King, or in the Name, Stile, Title, or Teſte of Cuſtodes Libertatis Angliæ Authoritate Parliamenti; or in the Name, Stile, Title, or Teſte of The Keepers of the Liberty of England by Authority of Parliament; Or in the Name, Stile, Title, or Teſte of Oliver Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Dominions thereunto belonging; Or of Oliver Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Dominions and Territories thereunto belonging; Or the Name, Stile, Title or Teſt of Richard Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Dominions and Territories thereunto belonging; or for, or by reaſon of any alteration of the ſaid names, ſtiles or titles; or for that the ſaid Fines, Recoveries, proceſs, pleadings, proceedings, and other things before mentioned; or the entry and enrolment of them, or any of them, were in the Latine or Engliſh; But that all and every ſuch Fines, Recoveries, and other things above mentioned, and the actings, doings and proceedings thereupon, ſhall be of ſuch, and of no other force, effect and vertue, then as if ſuch Courts, Judges, Juſtices, Commiſſioners, Officers and Miniſters, had acted by vertue of a True, Juſt and Legal Authority, and as if the ſame, and the entry and enrolment thereof were in Latine, and as if the ſeverall Acts and Ordinances, or pretended Acts or Ordinances made by both or either Houſes of Parliament, or any Convention aſſembled under the name of a Parliament, or by Oliver Cromwel late ſtiled Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions thereto belonging, and his Council, Warranting or Directing ſuch Proceedings had been Good, True and Effectual Acts of Parliament.

Fines Levied without Entry of Licentia concordandi.

And whereas, ſince the death of the late King, ſeveral Fines have been levied, without any Entry, or due Entring of any ſum paid pro licentia concordandi, commonly called the Kings Silver, and without Entry, or due Entry of any ſum given to the party for the Concord: And alſo whereas in the Term of St. Michael laſt paſt, ſeveral Fines were Levied and Recorded in the Court of Common Pleas, before one Judge only of the ſaid Court:

Be it enacted, That the ſaid Fines and Proclamations thereupon, and every of them, ſhall be good and effectual, notwithſtanding the defects aforeſaid.

Fines and Recoveries of Lands in Com. Palatin. Durham.

And be it alſo further enacted, That all Fines, Proclamations of Fines, Recoveries, and other Judicial proceedings in the Court of Common Pleas at Weſtminſter, ſince the death of His late Majeſty King Charles the Firſt, had, Levied or Suffered, of any Lands lying in the County Palatine of Durham, ſhall be good and effectual, notwithſtanding the ſaid Lands were lying in the ſaid County Palatine.

The Illegal Acts and Proceedings of that High Court of Juſtice not allowed.

Provided, That this Act or any thing therein contained, ſhall not be Conſtrued, Deemed or Adjudged to make good, allow, confirm or countenance any the Proceedings in the late Illegal and Un-warranted High Courts of Juſtice, or ſo called, or any of them. And whereas ſince the firſt day of May, in the year of our Lord, One thouſand ſix hundred forty one, and before the Five and twentieth day of April, in the year of our Lord, One thouſand ſix hundred and ſixty, there there were divers perſons that Adhered to both Houſes of Parliament, who, for, or in reſpect of ſuch Adherence, were Indicted, Charged or Impeached of Treaſon: And whereas ſince the ſaid firſt Day of May, in the year of our Lord, One thouſand ſix hundred forty one, and before the ſaid Five and twentieth day of April, in the year of our Lord, One thouſand ſix hundred and ſixty, divers perſons who adhered to His Majeſty, or to the late King, were for ſuch their adherence, Charged, Impeached, or Indicted of High Treaſon:

Indictments, &c. and all Grants thereupon made void.

Be it further Provided and Enacted, That the ſaid Charges, Impeachments, Indictments and all Exigents, Outlawries, Convictions and Attainders thereupon, and all Letters Patents and Grants thereupon made, of any Manors, Lands, Tenements or Hereditaments, Eſcheated or Forfeited by reaſon of ſuch Attainder, and all Title to any Meſne Profits by reaſon of ſuch Conviction, Outlawry, Attainder or Grant, be from henceforth repealed and diſcharged: And that all Eſcheats, Forfeitures and Confiſcations by reaſon of ſuch Outlawries, Conviction or Attainder, Be and are hereby reſtored unto ſuch perſons ſo Outlawed, Convicted or Attainted, their Heirs, Executors and Adminiſtrators reſpectively, as if no ſuch Attainder had been.

Sales made by Ordinance of Parliament.

Provided Neverthéleſs, And be it Enacted, That this Act, or any thing herein contained, ſhall not extend to avoid or confirm any Sales or Eſtates made by vertue or pretence of any Act, Order or Ordinance, or reputed Act, Order or Ordinance of Parliament, ſince the firſt day of May, in the Year of our Lord, One thouſand ſix hundred forty two, nor any Confirmation thereof made, or to be made thereof in this preſent Parliament, but that ſuch Sales ſtand and be in the ſame plight and condition as they ſhould or might have done, if this Act had not been made.

Recognizances, Obligations, &c. in the names of the late Protector.

And be it further enacted by the authority aforeſaid, That all Recognizances, Obligations or other Securities, made or given to the Keepers of the Liberty of England by authority of Parliament, or to Oliver Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions thereunto belonging, or to Oliver Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions and Territories thereunto belonging; Or to Richard Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions and Territories thereunto belonging, & not pardoned or diſcharged by any Act paſſed or to be paſſed this preſent Parliament, or otherwiſe, other then ſuch Recognizances, Obligations and Securities as have been made and given (to any pretended power or perſons aforeſaid, or to any deriving or pretending to derive authority from them) by any perſon or perſons, for or by reaſon of their adherence to His Majeſty, or His ſaid late Royal Father, or related to, or ariſing only upon or in reſpect of the late Troubles; All which are hereby declared to be void, and to be delivered up to be cancelled, And all Judgments, Extents, Inquiſitions, Executions and Seizures had for the ſaid Keepers or Protectors, or any of them, and not likewiſe pardoned or diſcharged, other then as aforeſaid, ſhall and may be had and proſecuted in the name and to the uſe of his Majeſty, his Heirs or Succeſſors; and alſo excepting all Obligations, Bonds or Recognizances entred into to the ſaid Keepers or Protectors, or any of them, by any perſon or perſons, by Order or Direction of any Council of State, Committee of Safety, Major-Generals, Decimators, or any Officer or other perſon under them, or any other Military Power: all which Obligations, Bonds and Recognizances are hereby diſcharged and declared to be null and void, to all intents and purpoſes.

Juſtices, Serjeants, &c. Commiſſioners of Sewers.

Provided alſo, and be it enacted, That this Act or any thing therein contained, ſhall not extend to continue, after the eighth day of May, in the year of our Lord, One thouſand ſix hundred and ſixty, any Juſtice or Juſtices of one Bench or the other, or Barons of the Exchequer, Serjeants at Law, Commiſſions of Sewers, Commiſſions of Bankrupts, or of Charitable Uſes, made or conſtituted, by or in the Name or Stile of any the late pretended Powers or Authorities.

Provided alwayes, That it ſhall and may be lawful to and for every perſon or perſons, who ſhall find themſelves grieved or damnified by any Judgment, Fine, Recovery, Decree or Sentence given, made, levied, granted or pronounced in any of the ſaid Courts, to proceed in due form of Law, either by Writ of Error, Bill of Review, Appeal, or other lawful remedy, for the reverſing, annulling or revoking of the ſame, in ſuch manner as they might at any time heretofore have done, if the ſaid Courts had been eſtabliſhed by lawful authority, other then for thoſe errors and defects which are remedied or provided for by this Act.

Writs of Error may be brought.

Provided alwayes, And be it further Enacted by the authority aforeſaid, That no Non-claim upon or after any Fine or Fines hereby made good or confirmed, ſhall extend or be conſtrued to bar or prejudice any perſon or perſons, their Heirs or Succeſſors, or their Feoffees or Truſtees (other then the parties to the ſaid Fines and their Heirs general and ſpecial, and his and their Truſtees) as concerning ſuch Right, Claim and Intereſt, as they had in or to any lands, tenements, or other hereditaments, which by colour of any Act, Order or Ordinance of both or either Houſes of Parliament, or any Convention ſitting at Weſtminſter, under the Name or Stile, or aſſuming the Name or Stile of a Parliament, ſince the firſt day of May, in the year of our Lord, one thouſand ſix hundred forty and two, and before the five and twentieth day of April, in the year of our Lord, one thouſand ſix hundred and ſixty, were ſold, conveyed or diſpoſed, as then, or late the Lands, Tenements and Hereditaments of the King, Queen, or Prince, or of Archbiſhops, Biſhops, Deans, Deans and Chapters, or other Eccleſiaſtical perſons, or as the lands, tenements, and hereditaments of any other perſons, for their Adherency to the late King, or his Majeſty that now is, or for any their Actings relating to, or in reſpect of the late Troubles; ſo alwaies that the ſaid perſon or perſons aforeſaid, their heirs or ſucceſſors, purſue their Title, Claim or Intereſt, by way of Action, or lawful Entry, within five years next after the Nine and twentieth day of May, in the year of our Lord, one thouſand ſix hundred and ſixty.

Non-claim upon Fines of lands ſold by Ordinance of Parliament.

And although in this Confirmation of Judicial proceedings, it was neceſſary to mention divers pretenſed Acts and Ordinances, by the Names and Stiles which thoſe perſons then Uſurped, who took upon them to paſs the ſame, namely, ſome by the Stile and Name of the Keepers of the Liberty of England by authority of Parliament; and others by the Name and Stile of Protectors of the Commonwealth of England, Scotland and Ireland, and the Dominions and Territories thereunto belonging; Yet this preſent Parliament doth declare, and it is further enacted by authority of the ſame, That the Names and Stiles aforeſaid, and every of them, are moſt Rebellious, Wicked, Trayterous, and Abominable Uſurpations, deteſted by this preſent Parliament, as oppoſite in the higheſt degree to his Sacred Majeſties moſt Juſt and Undoubted Right, to whom, and to his Heirs and Lawful Succeſſors, the Imperial Crowns of the Realms of England, Scotland, and Ireland, with their, and every of their Dominions and Territories do of Right appertain, and as violating and infringing the Juſt Rights and Priviledges of Parliament, and both Houſes thereof now aſſembled, or that hereafter ſhall be called and aſſembled.

The late Government declared to be uſurped.

Recognition of his Majeſties juſt title.

Provided alwayes, and be it enacted, That all and every pretended Indictment or Indictments, Outlawries, Inquiſitions, and all Proceedings thereon of High Treaſon againſt any perſon or perſons whatſoever, for Levying War againſt the late Tyrant Oliver Cromwell, the pretended keepers of the liberty of England, or any other uſurped power, ſhall be from henceforth void and of none effect in Law. And that all grants, conveyances, leaſes, Devices, Aſſurances, ſtatutes, recognizances, and Judgements for debt, damages heretofore had made, or ſuffered by any perſon, or his heirs, whoſe conviction, utlagary, or Attainder is by this Act diſcharged or made void ſhall be of the ſame force and effect, as if no ſuch Conviction, outlawry, or Attainder had been, Star. 13 Car. 2. cap. 7.

Indictments of Treaſons, &c. for levying wars againſt Oliver Cromwell, &c. made void.

CAP. XIII.

None ſhall take above Six Pounds for the loan of an Hundred Pounds for a Year.

Foraſmuch as the Abatement of Intereſt from Ten in the hundred in former times, hath been found by notable experience Beneficial to the Advancement of Trade, and Improvement of Lands by good Husbandry, with many other conſiderable advantages to this Nation, eſpecially the reducing of it to a nearer Proportion with Forreign States with whom We Traffique. And whereas in freſh memory the like fall from Eight to Six in the Hundred, by a late conſtant practice hath found the like ſucceſſe to the general contentment of this Nation, as is viſible by ſeveral Improvemencs. And whereas it is the endeavour of ſome at preſent to reduce it back again in practice to the allowance of the Statute, ſtill in force, to eight in the hundred, to the great diſcouragement of ingenuity and induſtry in the Husbandry, Trade and Commerce of this Nation.

Abatement of intereſt advantagious to Trade.

Be it for the reaſons aforeſaid, enacted by the Kings moſt excellent Majeſty, and the Lords and Commons in this preſent Parliament aſſembled, That no perſon or perſons whatſoever, from and after the Twenty Ninth day of September, in the year of our Lord, one thouſand ſix hundred and ſixty, upon any Contract, ſhall from and after the ſaid Twenty ninth of September, take directly or indirectly, for loan of any Moneys, Wares, Merchandiſe, or other Commodities whatſoever, above the value of Six pounds for the forbearance of one hundred pounds for a year, and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter time. And that all Bonds, Contracts, and Aſſurances whatſoever, made after the time aforeſaid, for payment of any Principal or money to be lent or covenanted to be performed upon or for any Uſury, whereupon or whereby there ſhall be reſerved or taken above the rate of Six pounds in the Hundred, as aforeſaid, ſhall be utterly void. And that all and every perſon or perſons whatſoever, which ſhall after the time aforeſaid, upon any Contract to be made, after the ſaid Twenty ninth day of September, take, accept and receive, by way or means of any corrupt Bargain, Loan, Exchange, Cheviſaunce, Shift, or Intereſt of any Wares, Merchandiſe, or other thing or things whatſoever, or by any deceitful way

The penalty and forfeiture of taking above ſix in the hundred.

or means, or by any covin, engine, or deceitful conveyance for the forbearing or giving day of payment for one whole year, of and for their money, or other thing, above the ſum of ſix pounds for the forbearing of one hundred pounds for a year, and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter term, ſhall forfeit and loſe for every ſuch offence the treble value of the moneys, wares, merchandiſe, and other things ſo lent, bargained, ſold, exchanged, or ſhifted.

The forfeiture of a Scrivener that ſhall take above five ſhillings for the forbearance of an hundred pounds for a year and above twelve pence for making a Bond.

And be it further enacted by the authority aforeſaid, That all and every Scrivener and Scriveners, Broker and Brokers, Solicitor and Solicitors, Driver and Drivers of Bargains for contracts, who ſhall after the ſaid Twenty ninth day of September, take or receive directly or indirectly, any ſum or ſums of money, or other reward or thing, for brokage, Soliciting, Driving or Procuring the Loan, or forbearing of any ſum or ſums of money, over and above the Rate or Value of five ſhillings for the Loan, or forbearing of one hundred pound for a year and ſo rateably, or above Twelve pence for making or renuing of the bond or bill for Loan, or for forbearing thereof, or for any Counter-bond or bill concerning the ſame, ſhall forfeit for every ſuch offence Twenty pounds, and have Impriſonment for half a year: The one moiety of all which Forfeitures to be to the king our Soveraign Lord, his Heirs and Succeſſors; And the other moiety to him or them that will ſue for the ſame, in the ſame County where the ſeveral offences are committed, and not elſewhere, by Action of Debt, bill, Plaint or Information, in which no Eſſoign, Wager of Law, or Protection to be allowed. Stat, 13 Car. 2, cap 13.

CAP. XIV.

A Perpetual Anniverſary Thankſgiving on the Nine and twentieth day of May, for his Majeſties Happy Reſtauration.

The wonderful Power and Goodneſs of God in the Reſtauration of his Majeſty.

The Unanimous and Cordial Affection of the Lords and Commons in Parliament, and People in general.

The intent of keeping the ſaid Day.

The 29th of May to be annually celebrated.

All perſons to reſort to ſome Church, Chappel, or publique Place of Thankſgiving the ſaid Day.

Forasmuch as Almighty God the King of Kings, and ſole diſpoſer of All Earthly Crowns and Kingdoms, hath by his All-ſwaying Providence and Power miraculouſly demonſtrated in the view of all the World, his Tranſcendent Mercy, Love and Graciouſneſs, towards His moſt excellent Majeſty, CHARLES the Second, by his eſpecial Grace, of England, Scotland, France, and Ireland King Defender of the true Faith, and all his Majeſties Loyal Subjects of this his Kingdom of England, and the Dominions thereunto annexed by his Majeſties late moſt wonderfull, glorious, peaceable and joyful Reſtauration to the actual poſſeſſion and exerciſe of his undoubted hereditary Soveraign and Regal Authority over them (after ſundry years forced extermination into Forreign parts, by the moſt Traiterous Conſpiracies, and Armed Power of Uſurping Tyrants, and execrable perfidious Traytors) and that without the leaſt oppoſition, or effuſion of blood, through the unanimous, cordial, Loyal Votes of the Lords and Commons in this preſent Parliament aſſembled, and paſſionate deſires of all other his Majeſties Subjects; which unexpreſſible bleſſing (by Gods own moſt wonderful Diſpenſation) was compleated on the Twenty Ninth day of May laſt paſt, being the moſt memorable birth-Day, not onely of his Majeſty, both as a man and Prince, but likewiſe as an Actual King, and of this and other his Majeſties Kingdoms, all in a great meaſure new born and raiſed from the dead on this moſt joyful Day, wherein many Thouſands of the Nobility, Gentry, Citizens, and other his Lieges of this Realm, conducted his Majeſty unto his Royal Cities of London and Weſtminſter, with all poſſible Expreſſions of their joy and Loyal Affections in far greater Triumph than any of his moſt Victorious Predeceſſors Kings of England, returned thither from their Forreign Conqueſts; and both his Majeſties Houſes of Parliament, with all Dutiful and Joyful Demonſtrations of their Allegiance publickly received, and cordially congratulated his Majeſties moſt happy Arrival, and Inveſtiture in his Royal Throne, at his Palace at White-hall; Upon all which conſiderations, this being the Day which the Lord himſelf hath made and crowned with ſo many publick Bleſſings and ſignal Deliverances, both of his Majeſty and his People, from all their late moſt deplorable Confuſions, diviſions, Wars, devaſtations, and Oppreſſions, to the end that it may be kept in perpetual Remembrance in all Ages to come and that his Sacred Majeſty will with all his Subjects of this Realm, and the Dominions thereof, and their poſterities after them, might annually celebrate the perpetual memory thereof, by ſacrificing their unfeigned hearty publick Thanks thereon to Almighty God, with one heart and voice, in a moſt devout and Chriſtian manner, for all theſe publick benefits received and conferred on them, upon this moſt joyful day, Be it therefore Enacted by the Kings moſt Excellent Majeſty, the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular Miniſters of Gods Word and Sacraments, in every Church, Chappel, and other uſual place of Divine Service, and publick Prayer, which now are, or hereafter ſhall be within this Realm of England and the reſpective dominions thereof, and their ſucceſſors ſhall in all ſucceeding Ages annually celebrate the Twenty ninth day of May, by rendring their hearty publick Praiſes and Thankſgivings unto Almighty God, for all the forementioned extraordinary Mercies, Bleſſings, and deliverances received, and mighty Acts done thereon, and declare the ſame to all the people there aſſembled, and the Generations yet to come, that ſo they may for ever praiſe the Lord for the ſame, whoſe Name alone is Excellent, and his Glory above the earth and Heavens. And be it further enacted, That all and every perſon and perſons inhabiting within this Kingdom, and the dominions thereunto belonging, ſhall upon the ſaid day annually reſort with diligence and devotion to ſome uſuall Church, Chappel, or Place where ſuch publick Thanksgivings and praiſes to Gods moſt divine Majeſtie ſhall be rendred, and there orderly and devoutly abide during the ſaid publick Thankſgivings, Prayers, Preaching, Singing of Pſalmes, and other Service of god there to be uſed and miniſtred.

And to the end that all perſons may be put in mind of their duty thereon, and be the better prepared to diſcharge the ſame with that piety and devotion as becomes them: Be it further enacted, That every Miniſter ſhall give notice to his Pariſhioners publickly in the Church at morning Prayer the Lords-Day next before every ſuch Twenty Ninth day of May, for the due obſervation of the ſaid day, And ſhall then likewiſe publickly and diſtinctly read this preſent Act to the People. Stat. 13 Car. 2. cap. 11.

Notice of this Act to be given the next Lords Day before.

CAP. XV.

An Act for the ſpeedy Disbanding of the Army, and Garriſons of this Kingdom, with Inſtructions for the ſame. EXP.

CAP. XVI.

Souldiers of the Army Disbanded, may Exerciſe Trades.

Souldiers inſtrumental in his Majeſties Reſtauration.

VVhereas there are divers Officers and Souldiers now in the Kings Majeſties Service, under the Command of his Excellency George Duke of Albemarle, Captain General of His Majeſties Armies, who have been Inſtrumental, by the Bleſſing of Almighty God, to the Happy Reſtitution and Reſtoration of his Sacred Majeſty unto His Kingdomes and People, and to His Juſt Right of Government in the Kingdom of England, and Dominions and Territories thereunto belonging; ſome of which are men that uſed Trades, others that were Apprentices to Trades, who had not ſerved out their Times; and others who are Apt and Fit for Trades, many of which, the Wars being now ended, would willingly Imploy themſelves in thoſe Trades they were formerly accuſtomed unto, or which they are apt and able to follow and make uſe of for the getting of their Living by their Labour and Induſtry; but are, or may be hindred from exerciſing thoſe Trades in certain Cities, Corporations, and other places within this Kingdom, becauſe of certain by-Laws and Cuſtoms of thoſe places, and of a Statute made in the Fifth year of the late Queen Elizabeth, Prohibiting the uſe of certain Trades by any perſon that hath not ſerved as an Apprentice to ſuch Trade by the ſpace of ſeven years; For remedy whereof, And to the end that thoſe perſons who were in Actual Service under the Command of the ſaid Captain General on the Five and twentieth day of April, in the year of our Lord, One thouſand ſix hundred and ſixty, and were Inſtrumental to the Happy Reſtitution of the Kings Majeſty unto His Juſt Right of Government, as aforeſaid, may not be deprived of a Means of Livelyhood; May it pleaſe your Majeſty, that it may be enacted, and be it enacted by the Kings moſt excellent Majeſty, and the Lords and Commons in this preſent Parliament aſſembled, and by the Authority thereof, That all Officers and Souldiers, who were under the Command of the ſaid Captain General on the Five and twentieth day of April, in the ſaid year of our Lord, One thouſand ſix hundred and ſixty, and have not ſince deſerted the Service, or refuſed to take the ſeveral Oaths of Supremacy and Allegiance unto the Kings Majeſty that now is, his Heirs and Succeſſors, and that have heretofore uſed or exerciſed any Trade, though they did not ſerve out the time of their Apprentiſhip, or any other perſon imployed as aforeſaid under the Command of the ſaid Captain General at the time aforeſaid, that is apt and able to practiſe any Trade, may ſet up and exerciſe ſuch ſeveral and reſpective Trades, Myſteries or Occupations, whereunto he or they have been bound Apprentice, and ſerved any part of his or their time, or any Handicraft or other Trade exerciſed about Manufactures, though he was never bound Apprentice to the ſame, in manner following; (that is to ſay) Such of them as have been Apprentices, as aforeſaid, may ſet up and exerciſe ſuch ſeveral and reſpective Trades whereunto he or they have been ſo bound Apprentices, as fully as if they had ſerved out their reſpective terms, or times for which they have been bound; and ſhall have and enjoy the ſame Immunities as they ſhould have had and enjoyed, if they had ſerved out their ſaid terms or times. And all others of the ſaid Officers and Souldiers, may ſet up and exerciſe ſuch Trades as they are apt and able for, in the ſeveral Towus and Places within the ſeveral and reſpective Counties wherein they were born, without any ſuit, let, or moleſtation of any perſon or perſons whatſoever, for or by reaſon of the uſing of ſuch Trade. And if any ſuch Officer or Officers, Souldier or Souldiers, ſhall be ſued, impleaded, or indicted in any Court whatſoever, within this Kingdom, for uſing or exerciſing any ſuch Trades as aforeſaid; then the ſaid Officer or Officers, Souldier or Souldiers, making it appear to the ſame Court where they are ſo ſued, impleaded or indicted, that they have ſerved the Kings Majeſty under the Command of the ſaid Captain General, as aforeſaid; and that they have ſeverally taken the ſaid Oaths of Supremacy and Allegiance, and have not ſince deſerted the ſaid Service, ſhall upon the General Iſſue pleaded, be found Not guilty in any Plaint, Bill, Information or Indictment, exhibited againſt them; and ſuch perſons, who, notwithſtanding this Act, ſhall proſecute their ſaid Suit by Bill, Plaint, Information or Indictment, and ſhall have a Verdict paſſe againſt them, or become Nonſuit therein, or diſcontinue their ſaid Suit, ſuch perſon or perſons ſhall pay unto ſuch Officer or Officers, Souldier and Souldiers, double coſts of Suit to be recovered as any other Coſts at Common Law may be recovered; And all Judges and Jurors, before whom any ſuch Suit, Information or Indictment ſhall be brought, and all other perſons whatſoever, are to take notice of this preſent Act, and ſhall conform themſelves thereunto; Any Statute, Law, Ordinance, Cuſtom or Proviſion to the contrary in any wiſe notwithſtanding.

Such as were in Service under General Monk 25. April, 1660. and inſtrumental in his Majeſties reſtitution may exerciſe Trades.

Such as have deſerted the Service, or refuſe the oath of Allegiance, excepted.

Apprentices to enjoy all Immunities, as if they had ſerved their Time.

The general Iſſue pleaded upon this Act.

Provided, That no Officer or Souldier ſhall have the benefit of this Act, that ſhall not prove his Service as aforeſaid, either by a Certificate under the Hand and Seal of ſome Field Officer, and two Commiſſion-Officers of the Regiment wherein he ſerved, or ſome General Officer of the Army, certifying his knowledge of the Service aforeſaid; and the ſaid Certificate to be proved by one Witneſſe at leaſt, to be a true Certificate; or for default of ſuch Certificate, by the Oaths of two credible Perſons at leaſt.

How any Officer or Souldier may prove his being in Service within this Act.

Provided

Penalty upon falſe Certificates.

Provided alſo, That if any perſon or perſons pretending themſelves to have been Officers or Souldiers within the qualifications aforeſaid, ſhall produce a falſe Certificate to the intent to have the benefit of this Act, and thereof be convicted by Confeſſion, or due proof of Law, ſhall ſuffer Impriſonment not exceeding ſix moneths, and to loſe the benefit of this Act, Any thing therein contained to the contrary in any wiſe notwithſtanding.

Souldiers, Tradeſmen, to ſubmit to all; Offices and Orders in Corporations and Companies of their Manufacture.

Provided alſo, and be it Enacted, That the ſaid Officers and Souldiers in this Act mentioned, and all other perſons exerciſing, or that ſhall exerciſe any Trade or Profeſſion in any City or Corporation, ſhall be liable to bear all Offices in the ſaid reſpective Cities and Corporations, when by the ſaid Cities and Corporations they ſhall be elected thereunto, and ſhall ſubmit to ſuch Orders of Corporations and Companies for ſearch of the well and true making of their Manufacture, as others free of the ſaid Companies or Corporations are ſubject unto; Any Law, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

CAP. XVII.

An Act for the Confirming and Reſtoring of Miniſters.

Preamble.

FOraſmuch as the confirming of ſome Eccleſiaſtical perſons and Miniſters in poſſeſſion, and reſtoring of others who have been ſequeſtred or ejected, and are fit to be reſtored in and to their ſeveral Eccleſiaſtical Benefices, Livings and Promotions, without force or ſuit of Law, will much conduce to the peace and welfare of this Church and Kingdom: Be it enacted by the Kings moſt excellent Majeſty, with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That every Eccleſiaſtical perſon or Miniſter, being Ordained by any Eccleſiaſtical perſons before the five and twentieth day of December laſt paſt, being of the age of four and twenty years, and having not renounced his Ordination, who hath been formerly ſince the firſt day of January, in the year of our Lord, One thouſand ſix hundred forty two, preſented, nominated to, or placed in, and in actual poſſeſſion, and taking the profits of any Eccleſiaſtical Benefice, Rectory, Parſonage, Vicaridge, Church, Chappel, Cure, or other Eccleſiaſtical promotion with cure of Souls, within this Realm of England, Dominion of Wales, or Town of Berwick upon Tweed, which hath been become void, either by death, voluntary reſignation, or ſurrender, or other avoidance, to the Patron, or any perſon other pretending to have title to accept of reſignations, ſince the ſaid firſt day of January, and before the ſaid five and twentieth day of December laſt paſt, and was on the ſaid five and twentieth day of December in poſſeſſion, and received the profits thereof, being in the gift, donation, preſentation, collation, or nomination of the Kings Majeſty that now is, or of his late Royal Father King Charles the Firſt, in right of the Crown, or by reaſon of Wardſhip, or any other title, or of any Archbiſhop, Biſhop, Dean and Chapter, Prebend, Arch-deacon, Body Politique or Corporate, or of any other perſon or perſons whatſoever, other then ſuch as are hereby reſtored, ſhall be, and is hereby declared, adjudged, and enacted to have been, be, and continue the real and lawful Incumbent, Parſon, Rector, Vicar and Poſſeſſor of the ſaid Eccleſiaſtical Benefices, Livings and promotions reſpectively, to all intents and purpoſes whatſoever, as if he or they had been nominated, preſented, collated, admitted, inſtituted and inducted thereunto, or placed therein in due form of Law, and had read and ſubſcribed the Articles according to the Statute in that caſe made and provided, and notwithſtanding any other matter or thing by him or them done or omitted to be done; And that as well againſt the Kings Majeſty, and againſt his Heirs & Succeſſors, as againſt all and every other perſon and perſons, Bodies Politique and Corporate whatſoever, and their reſpective Succeſſors, Heirs, Executors, Adminiſtrators and Aſſigns; Saving to the Patrons and every of them their juſt right of patronage, donation, preſentation, collation, or nomination upon the next avoidance of every ſuch Eccleſiaſtical perſon, Miniſter or Incumbent hereby confirmed as is aforeſaid, in as full and ample manner as if this Act had not been made.

Certain ordained Miniſters having been in actual poſſeſſion, reſtored.

The King bound

The next avoidance to be in the rightful Patrons.

Voluntary reſignations confirmed.

And be it enacted by the Authority aforeſaid, that every voluntary ſurrender or reſignation made by any Incumbent to the Patron of any Benefice, or to any late pretended powers ſince the ſaid firſt day of January, of an Eccleſiaſtical Benefice or Promotion, ſhall be adjudged as an effectual avoidance of ſuch Benefice or Promotion, as if the ſame had been made to the compent Ordinary, and accepted by him.

The former preſentations, &c. ſhall make no uſurpation.

And be it further enacted, That no preſentation, collation, or diſpoſition aforeſaid, nor confirmation by this Act, of any Parſon or Miniſter, in or to any Eccleſiaſtical Benefices, Livings or promotions aforeſaid, ſhall be conſtrued or adjudged to amount to any uſurpation in Law, to the prejudice of any perſon or perſons, Bodies politique or corporate, who have or ſhall have right to preſent thereunto upon the ſaid avoidance.

How the perſons to be reſtored are to be qualified.

And be it further enacted, that every Eccleſiaſtical perſon or Miniſter, formerly ſequeſtred or ejected, diſpoſſeſt and kept out after lawful preſentation and perception of the profits of any of the ſaid Eccleſiaſtical Benefices, Livings or promotions, which hath not ſubſcribed any Petition to bring the late King Charles of bleſſed memory to Tryal, or which hath not by writing, preaching, printing, or any other open Act procured, endeavoured, or juſtified the murther of the ſaid late King; or which hath not by preaching, printing, writing, or conſtant refuſal to Baptize, declared his Judgment to be againſt Infant-baptiſm, ſhall be reſtored to the ſame, and to the poſſeſſion thereof, at or before the Five and twentieth day of December next enſuing: And that every Eccleſiaſtical perſon aforeſaid, who ſhall be removed, ſhall or may enjoy the Tythes, Profits, Duties, Glebes and Houſes thereunto belonging, until the ſaid Five and twentieth day of December next enſuing, and ſhall then upon ſuch removal peaceably leave or yield up the poſſeſſion thereof, and ſhall alſo give his penal Bond to the Parſon or Miniſter ſo to be reſtored, to render to him, his executors, adminiſtrators and aſſigns, the full moyety of the clear profits and Tythes, or the value thereof (to be aſcertained by the Commiſſioners hereafter appointed under their hands) from Michaelmas laſt paſt to

The time how long the preſent Incumbent ſhall ſtay in.

The moyety of the profits of the living to be paid to the reſtored Miniſters.

Michaelmas next enſuing, (all Taxes and other requiſite charges and expences firſt deducted and allowed before the removal of the Goods of the Parſon or Miniſter ſo to be removed) of the Tythes or other profits from the ſame, at or upon the ſaid Five and twentieth day of December; And the ſaid Parſon or Miniſter ſo to be removed upon his quitting the poſſeſſion at the time aforeſaid, ſhall be, and is hereby abſolutely diſcharged and acquitted from all and every arrears thereof other then the moyety of the profits and Tythes ſecured by Bonds aforeſaid, before and untill the ſaid Feaſt of S. Michael next enſuing, againſt the Parſon or Miniſter ſo reſtored, his Executors, Adminiſtrators and Aſſigns, and againſt all other perſon or perſons whatſoever.

No Miniſter to be reſtored to above one Benefice.

Provided alwayes, That every Miniſter, not ſcandalous, ignorant, or inſufficient as aforeſaid, being proved, as aforeſaid, heretofore ſequeſtred or ejected out of two or more Eccleſiaſtical Benefices or Livings with cure of Souls, ſhall be reſtored to one of them and no more at his Election, except where he hath formerly reſigned or ſurrendred any of the ſaid Benefices or Livings, and thereupon the right Patron, or any other in his right, hath preſented, collated, nominated, placed, or put into the ſame any other Incumbent or Miniſter as aforeſaid, in which caſe the ſaid ſequeſtred or ejected Miniſter ſhall not be reſtored to ſuch Benefice or Living ſo reſigned or ſurrendred as aforeſaid.

Provided alſo by the Authority aforeſaid, That every Miniſter who by vertue of this Act is confirmed in any Eccleſiaſtical Benefice or Living, with cure of Souls, which ſhall have more then one Eccleſiaſtical Benefice or Living, with cure of Souls, ſhall hold and enjoy only one of them, and no more at his Election; except where he hath formerly reſigned or ſurrendred any of the ſaid Benefices or Livings, and thereupon the right Patron, or any other in his right hath preſented, collated, nominated, placed, or put into the ſame any other Incumbent or Miniſter as aforeſaid, in which caſe the Miniſter ſo to be confirmed, ſhall and may retain and keep the Benefice or Living which he hath not ſo reſigned or ſurrendred as aforeſaid.

The party to be reſtored may confirm the preſent poſſeſſors right.

Party removed to pay Tenths, and anſwer for Dilapidations.

And pay Fifths.

Bond for them.

Action for them.

And be it likewiſe enacted, That where the Parſon or Miniſter formerly ſequeſtred or ejected, ſhall declare his conſent in writing before the Commiſſioners appointed by this Act, that the preſent Poſſeſſor being not ſcandalons, ignorant, or inſufficient, ſhall be and continue in ſuch ſequeſtred Benefice, Living or Promotion, that in ſuch caſe the preſent Poſſeſſor ſhall be hereby ſetled and confirmed therein, as the ſole and rightful Incumbent and Poſſeſſor thereof to all intents and purpoſes, any former Statute or Law to the contrary notwithſtanding. And that every Parſon or Miniſter who ſhall be removed by this Act, ſhall pay all Tenths not pardoned, and repair, or make ſatiſfaction for all wilful or negligent Dilapidations made or ſuffered by him, of, in, or upon the premiſſes, or any of them ſince the twenty ninth of September laſt; And ſhall likewiſe pay or ſatiſfie all Fifths, or any other ſum in lieu of Fifths which were in arrear or unpaid at the Feaſt of S. Michael the Archangel laſt paſt, due or payable by him, by any Order or Orders not reverſed of any Committees or Commiſſioners formerly appointed and authorized by any pretended authority or authorities whatſoever, to grant or let out the ſame, or otherwiſe pay or ſatiſfie all arrears then due of any ſum or ſums of Money payable by agreement of the parties, and not ſince quitted by like agreement, the ſame to be aſcertained by the ſaid Commiſſioners; For payment whereof, the Miniſter ſo to be removed, before his removal ſhall alſo give his penal Bond or Bonds unto the Miniſter to be reſtored, to pay the ſame before the Five and twentieth of December next, And if he ſhall refuſe to give ſuch Bond or Bonds unto the Miniſter to be reſtored, ſhall be, and is hereby enabled to bring an Action of Debt at the Common Law for the ſaid arrears, and ſhall recover over and above the ſaid Debt the full value in Damages beſides coſts of Suit.

Fifths.

Parſon Honywood.

And it is further enacted by the authority aforeſaid, That every Eccleſiaſtical perſon or Miniſter now in poſſeſſion of any Eccleſiaſtical Benefice, Living or Promotion, which ſhall continue and be ſetled therein by vertue of this Act, ſhall pay all ſuch arrears of Fifths, or other ſums of Money in lieu thereof, due or payable by him by any ſuch Order or Orders or Agreement as aforeſaid: Or to Maſter Honywood Parſon of Kegworth in Leiceſterſhire who hath been beyond Sea ſince the ſaid Firſt of January, One thouſand ſix hundred forty two, who hath heretofore had no Order nor Agreement for his Fifths as have accrewed due or payable out of ſuch Eccleſiaſtical Benefice, Living or Promotion, during ſuch time as he hath been poſſeſſed thereof to ſuch Parſon or Miniſter as hath been formerly ejected or ſequeſtred out of the ſame.

Arrears of Fifths.

And whereas divers Fifths or ſums of Money in lieu thereof are in arrear, and unpaid by ſuch as have been formerly poſſeſſed of Sequeſtred Livings, It is further enacted by authority aforeſaid, That every Eccleſiaſtical perſon or Miniſter now living, or the Executors or Adminiſtrators of every Eccleſiaſtical perſon or Miniſter deceaſed, to whom any Fifths or ſums of money in lieu thereof, are or were due or payable by any ſuch Order and Agreement, or to the ſaid Maſter Honywood as aforeſaid, and are yet in arrear, ſhall have the ſaid Fifths or ſums of money in arrear as aforeſaid paid unto them reſpectively: And they are hereby reſpectively enabled to recover the ſame by Action of Debt at the Common Law, to be brought againſt every ſuch Parſon or Miniſter who ought to have paid the ſame by vertue of any ſuch Order and Agreement, or to the ſaid Maſter Honywood as aforeſaid, during the reſpective poſſeſſion of ſuch Eccleſiaſtical Benefice, Living or Promotion, of or for which the ſaid Fifths or ſums of money in lieu thereof, were or ought to have been or to be paid; in all which Actions, no Eſſoine, Wager of Law, or Protection ſhall be allowed. And that no perſon to whom Fifths have been formerly paid, ſhall be hereafter queſtioned for the ſame.

Arrears of Tithes.

And be it alſo enacted, That every ſuch Eccleſiaſtical Parſon or Miniſter that is or ſhall be by vertue of this Act removed out of, or confirmed in any ſuch Benefice, Living or Promotion,

motion, which now is or hath been poſſeſſed as aforeſaid, his or their Executors, Adminiſtrators and Aſſigns, ſhall be and is reſpectively enabled to have, hold and enjoy all the mean profits already received, and to receive, recover, collect, or compound for, and enjoy all and every the arrear of Tythes, Profits or Duties thereunto belonging, or which ſhall belong thereunto, incurred during ſuch time as he was ſo Poſſeſſor thereof, and before or untill the Feaſt of S. Michael the Archangel now next enſuing, and to ſue for the ſame in any Court of Common Law or Equity, as if he or they had been, and were the true and lawful Incumbent or Poſſeſſor of ſuch aforeſaid Eccleſiaſtical Benefice, Living or Promotion.

Perſons reſtored, how to be qualified.

Provided alſo, and be it enacted by the authority aforeſaid, That if any Miniſter or other ſuch Eccleſiaſtical perſon as aforeſaid, having any Eccleſiaſtical Benefice or Living with Cure of Souls, who is before, in and by this Act declared, adjudged, and enacted to continue the real and lawful Incumbent thereof, which hath petitioned to bring the late King Charles of bleſſed memory to Tryal, or which hath by writing, preaching, printing: or any other open Act procured, endeavoured or juſtified the Murder of the late King, or which hath by preaching, printing, writing, or conſtant refuſal to Baptize, declared his Judgment to be againſt Infant-baptiſm, that then ſuch Miniſter or other Eccleſiaſtical perſon ſhall not remain, continue, and be, or be taken to be the real and lawful Incumbent of the Eccleſiaſtical Benefice or Living, but the ſame ſhall become, and is hereby declared to be void to all intents and purpoſes, as if the ſaid Miniſter or other Eccleſiaſtical Parſon were dead, and that the Patron who hath the next and immediate right to preſent unto the ſame, ſhall and may preſent unto the ſaid Eccleſiaſtical Benefice or Living, as in caſe of vacancy or avoidance by death of the Incumbent, Any thing in this Act contained to the contrary thereof notwithſtanding.

Juſtices of Peace Commiſſioners to execute this Act without further ſuit.

And it is further enacted, That the perſons in Commiſſion of the Peace in the ſeveral Counties of this Realm, the Dominion of Wales, and the Town of Berwick upon Tweed, on the firſt day of September, One thouſand ſix hundred and ſixty, within their reſpective Counties, Limits and Precincts, or any Five or more of them, living or dwelling next to the Church or Living to which any ſuch Parſon or Miniſter is to be reſtored, or from which any ſuch Parſon or Miniſter is to be removed, and who are no wayes Intereſted as Patrons or parties in the Patronage or Tythes of the ſaid Church or Living, or any part thereof, ſhall be and are hereby conſtituted, appointed and authorized to be Commiſſioners to execute all and ſingular the Powers and Authorities hereby granted within their reſpective Counties and Precincts, for and concerning the removing and reſtoring of ſuch Parſons and Miniſters as aforeſaid, and all other the premiſſes. And finally to determine all differences touching the ſame untill the Five and twentieth of December next.

All former Suits made void.

And that all Suits and Actions in Law or Equity, and all proceedings and verdict thereupon had, or to be had, for, touching or concerning the premiſſes, or any of them, ſhall be, and are hereby ſtayed, barred, annulled and avoided.

Certain Leaſes made by Miniſters confirmed.

Provided alwayes, and be it enacted, That all Grants and Leaſes made for a valuable conſideration paid or given of any Copy-hold or Free-hold Lands belonging to any ſequeſtred Living or Rectory (except the Glebe and Tythes) for three Lives, or twenty one years, according to former uſage, wherein the ancient Rent is reſerved, made by any Miniſter or Eccleſiaſtical perſon poſſeſſed of the ſaid Rectory or Living, by any real or pretended Authority, before the Five and twentieth of December, One thouſand ſix hundred fifty nine, ſhall continue as good and effectual in Law to all Intents againſt the ejected and ſequeſtred Incumbent to be reſtored, and all others, as if they had been made by the proper Incumbent.

Miniſters refuſed to be approved by the pretended Approvers ſetled in their Churches.

Provided alwayes, and be it further enacted, That if any rightful Patron hath heretofore preſented his Clerk to any Benefice with Cure of Souls, being then void, unto thoſe perſons who were ſtiled Commiſſioners for approbation of publick Preachers ſitting at Whitehall, or the Committee for plundred Miniſters, who ſate in the year, One thouſand ſix hundred Fifty and Nine, and the ſame Clerk ſo preſented, was refuſed to be admitted without any lawful cauſe, That then ſuch Clerk ſhall be taken, and is hereby enacted to be the perfect Incumbent of ſuch Benefice, to all intents and purpoſes, Any thing in this Act to the contrary notwithſtanding; Unleſs ſuch Patron have ſince preſented another Clerk to ſuch Benefice who now is poſſeſſed thereof, or unleſs ſuch Clerk ſo preſented and refuſed as aforeſaid, be ſince preſented to and ſetled in ſome other Benefice.

None to be reſtored which deſerted their Livings.

Provided that this Act nor any thing therein contained, ſhall not extend or be conſtrued to confirm or continue any perſon in any Benefice or Eccleſiaſtical Living or Preferment, which hath, ſince the ſaid Five and twentieth day of December laſt, voluntarily yielded up and left the poſſeſſion of the ſaid Benefice or Eccleſiaſtical Living or Preferment, and is ſtill out of poſſeſſion thereof, or which by any writing executed under his Hand Seal, hath agreed to yield up and leave the poſſeſſion thereof.

Agreement made for Fifths confirmed.

Provided alſo, and it is hereby declared, That where there hath been any agreement between the perſons concerned in this Act for the acquittal of the Miniſter, who ought to have paid Fifths of and from the ſame, or any part thereof, That in ſuch caſe no Fifths, or ſatisfaction for Fifths, ſhall be claimed or paid contrary to the ſaid agreement.

Payments of Tythes, &c. to the preſent poſſeſſors, is a good diſcharge.

Provided alwayes, and be it enacted, That all and every perſon and perſons who have paid or ſatiſfied by compoſition or otherwiſe, any Tythes, Penſions, Oblations, Obventions, Rents, or other Eccleſiaſtical Duties belonging to any Rectory, Vicaridge, or other Eccleſiaſtical Benefice or Promotion to any perſon or perſons being in poſſeſſion, or receiving the profits thereof by colour or pretence of any Authority, or to their Aſſigns, or any others claiming from, by, or under them, ſhall be, and are hereby diſcharged of, and from the ſame Tythes, Penſions, Oblations, Obventions, Rents, and other Eccleſiaſtical Duties againſt all and every perſon and perſons whatſoever.

Pro-

Theſe Rectories not within this Act
Ewelme Rectory.

Provided alwayes, That neither this Act, nor any thing therein contained, ſhall extend to confirm or eſtabliſh the poſſeſſion of the Rectory of Ewelme in the County of Oxon with Thomas Cole, or any other perſon or perſons, who have lately by vertue of any pretended Title entred into the ſame; But that the ſaid Rectory be reſtored to Robert Saunderſon Doctor in Divinity and Regius Profeſſor in the Univerſity of Oxon, to be injoyed by him and his Succeſſors, according to a Grant made thereof by the late King James unto the Regius Profeſſor of Divinity for the time being, and his Succeſſors for ever.

Somerſham Rectory.

Provided alſo, that nothing therein contained ſhall confirm or eſtabliſh the poſſeſſion of the Rectory of Somerſham in the County of Huntington, with any perſon who hath by vertue of any pretended Title entred into the ſame; But that the ſaid Rectory be reſtored to Doctor Anthony Tuckney the preſent Regius Profeſſor of Divinity in the Univerſity of Cambridge, to be enjoyed by him and his Succeſſors, according to a former Grant thereof made unto the Regius Profeſſor of Divinity for the time being, and his Succeſſors for ever. Any thing herein contained to the contrary notwithſtanding.

Oath to be taken by perſons reſtored.

Provided alſo, that this Act or any thing therein contained, ſhall not extend to confirm or reſtore any Eccleſiaſtical Parſon nor Miniſter in or to any Benefice, Living, or Eccleſiaſtical Promotion, that ſhall refuſe to take the Oaths of Allegiance and Supremacy, being tendred unto ſuch Eccleſiaſtical Parſon or Miniſter, by the ſaid Commiſſioners, or any three of them, which ſaid Commiſſioners, and every three of them, are hereby enabled and enjoyned to Adminiſter the Oaths accordingly.

Preſentations under the Great Seal.

Provided alwayes, and be it enacted, That this Act or any thing herein contained, ſhall not prejudice the Title of any perſon or perſons to any Eccleſiaſtical Living, Benefice or Promotion with Cure of Souls in this Act mentioned, who have been and ſhall be preſented to ſuch Benefice or Promotion by his Majeſty under the Great Seal of England, between the firſt day of May, in the year of our Lord, One thouſand ſix hundred and ſixty, and the Ninth of September, in the ſame year; But that ſuch Preſentees ſo preſented by his Majeſty as aforeſaid, ſhall and may from and after the ſaid Twenty ninth day of September enjoy the ſame Benefices and Promotions reſpectively, as if this Act had not been made.

Nevertheleſs it is Declared and Enacted, That ſuch perſons as upon the Twenty fifth day of December, One thouſand ſix hundred fifty nine, were the poſſeſſors of ſuch Benefices or Promotions, ſhall not be charged by ſuch Preſentees of his Majeſty, with or for any profits by them or any of them received before the ſaid twenty ninth day of September, but ſhall hold and enjoy the profits of ſuch Benefices and Promotions reſpectively, untill the ſaid twenty ninth day of September.

Kidlington Vicaridge.

Provided alſo, that this Act or any thing herein contained ſhall not extend to confirm any perſon in the Vicaridge of Kidlington in the County of Oxford; But that the ſaid Vicaridge ſhall remain as formerly annexed to the Rectorſhip of Exceter Colledge in Oxford, Any thing in this Act to the contrary notwithſtanding.

Garſington Rectory.

Provided alſo, that this Act or any thing herein contained ſhall not extend to confirm any perſon in the Rectory of Garſington in the County of Oxford, but that the ſaid Rectory ſhall remain as formerly annexed to the Preſidentſhip of Trinity Colledge in Oxford, Any thing in this Act to the contrary notwithſtanding.

Caſtor Rectory.

Provided alſo, that this Act, or any thing therein contained ſhall not extend to confirm any perſon in the Rectory of Caſtor, in the County of Northampton, but that the ſaid Rectory ſhall remain as formerly annexed to the Biſhoprick of Peterborough, Any thing in this Act to the contrary notwithſtanding.

Cudſden Vicaridge.

Provided alſo, that this Act, or any thing therein contained, ſhall not extend to confirm any perſon in the Vicaridge of Cudſden, in the County of Oxford, but that the ſaid Vicaridge ſhall remain as formerly, annexed to the Biſhoprick of Oxford, Any thing in this Act to the contrary notwithſtanding.

Perſons preaching againſt the Kings right to the Crown not to be reſtored.

Provided alwayes, that this Act, nor any thing therein contained, ſhall extend to the confirming or ſetling any perſon in a Living, that hath maliciouſly printed any Treatiſe, or preached againſt his Majeſty that now is, his Right or Succeſſion to the Crowns of theſe Realms: ſo as the ſame to be proved by the Oaths of two credible Witneſſes before the Commiſſioners appointed by this Act (who have hereby power to adminiſter the ſame) and ſo adjudged by the ſaid Commiſſioners, before the Five and twentieth day of December, One thouſand ſix hundred and ſixty.

Execution to reſtore the Parſon.

Provided alſo, That if any Miniſter who ſhall by this Act be adjudged to be removed, ſhall not give up the poſſeſſion according to the Order of the ſaid Commiſſioners, then the ſaid Commiſſioners, or any Five of them, ſhall grant their Warrant to the Sheriff of the County, to put ſuch perſon adjudged to be reſtored into poſſeſſion, according to the true intent and meaning of this Act; which ſaid Sheriff ſhall execute the ſame accordingly; and in default of ſuch Warrant, the Sheriff of the County for the time being, ſhall be, and is hereby enabled and required to give poſſeſſion accordingly.

None to be reſtored, who with Arms oppoſed a free Parliament.

Provided, That this Act ſhall not extend to be conſtrued to confirm any Eccleſiaſtical perſon that did appear in Arms, and march in a Troop, in oppoſition to the intended reſtoring of his Majeſty and a free Parliament, ſince the firſt day of Auguſt, in the year of our Lord, One thouſand ſix hundred fifty and nine, ſo as the ſame be proved by the Oaths of two credible Witneſſes, before the Commiſſioners appointed by this Act (who have hereby power to adminiſter the ſame) and ſo adjudged by the ſaid Commiſſioners before the Five and twentieth day of December, One thouſand ſix hundred and ſixty.

Acton Rectory.

Provided alſo, that this Act, or any thing therein contained ſhall not extend to confirm any perſon in the Rectory of Acton, in the County of Middleſex, which Rectory his Majeſty before the Six and twentieth day of Auguſt, hath granted under his Sign Manual to one of his Chaplains.

And

Peers, Patrons Titles ſaved.

And laſtly, It is Declared and Enacted by the authority aforeſaid, that all and every the Peers of this Realm, according to their ſeveral and reſpective Titles and Intereſts, may at any time or times within the ſpace of ſix Kalender moneths, from the Firſt day of September, in this preſent year, One thouſand ſix hundred and ſixty, preſent and nominate their reſpective Clerk or Clerks unto any Eccleſiaſtical Benefices, Livings or Promotions of their reſpective Patronages, or whereunto they had right or title to preſent or nominate at any time ſince the Firſt day of January, One thouſand ſix hundred forty two. And that the ſaid Preſentees ſhall be thereupon admitted, inſtituted and inducted, and after have and enjoy, and ſue for, and recover the poſſeſſion, and from thenceforth take the whole and entire profits of the ſaid Benefices, Livings and Promotions, and ſhall be accounted, and ſhall be full and perfect Incumbents of the ſame, to all intents and purpoſes, as fully and amply, as if they had been preſented and placed therein within ſix moneths next after the firſt Avoidances, notwithſtanding any Lapſe or other Title, by reaſon of Lapſe incurred or devolved to his late Majeſty, or to the Kings Majeſty that now is, or to any other perſon or perſons, Bodies Politique or Corporate, Any thing in this preſent Act, or otherwiſe, to the contrary hereof in any wiſe notwithſtanding.

Provided, that ſuch Preſentees as have been or ſhall be preſented by his Majeſty as aforeſaid, before the ſaid Ninth day of September, in this preſent year, One thouſand ſix hundred and ſixty, by Title of Lapſe, or otherwiſe, as aforeſaid, ſhall or may enjoy the ſame Benefices and Promotions reſpectively, the laſt mentioned Clauſe, or any other thing in this Act contained to the contrary notwithſtanding.

Die Jovis, 13 Septembr. 1660.

WHereas there is an Act of Parliament paſt, Entituled, An Act for Reſtoring and Confirming of Miniſters; which among other things, provideth for the ſetling the Rights and Poſſeſſions of ſeveral Miniſters, as well thoſe which have been Sequeſtred and Ejected, as others, and what profits ſhall reſpectively belong unto them.

It is thereupon Ordered by the Lords in Parliament aſſembled, That the Order of the 23 of June, 1660. concerning the Staying and Securing the Profits of the Livings and Benefices mentioned in the ſaid Order, in the hands of the Churchwardens and Overſeers of the Poor, be Repealed and Vacated; and that they and every of them, do account for what they have reſpectively received, according to the ſaid Order, unto the perſons to whom the ſame ſhall appertain, by vertue of the ſaid Act.

JOHN BROWN,

Cleric. Parliamentorum.

Die Jovis, 13 Septemb. 1660.

ORdered by the Lords in Parliament aſſembled, That this Order be forthwith Printed and Publiſhed.

JOHN BROWN

Cleric. Parliamentorum.

CAP. XVIII.

Shipping and Navigation Encouraged.

No Goods ſhall be imported from Aſia, Africa, or America, but in Engliſh Ships.

Penalty.

For the increaſe of Shipping, and encouragement of the Navigation of this Nation, wherein, under the good Providence and Protection of God, the Wealth, Safety, and Strength of this Kingdom is ſo much concerned; Be it Enacted by the Kings moſt Excellent Majeſty, and by the Lords and Commons in this preſent Parliament aſſembled, and by the Authority thereof, That from and after the Firſt day of December, One thouſand ſix hundred and ſixty, and from thenceforward, no Goods or Commodities whatſoever ſhall be Imported into, or Exported out of any Lands, Iſlands, Plantations, or Territories to His Majeſty belonging, or in his poſſeſſion, or which may hereafter belong unto, or be in the poſſeſſion of His Majeſty, his Heirs and Succeſſors, in Aſia, Africa or America, in any other Ship or Ships, Veſſel or Veſſels whatſoever, but in ſuch Ships or Veſſels as do truly and without fraud belong only to the People of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, or are of the built of, and belonging to any the ſaid Lands, Iſlands, Plantations or Territories, as the Proprietors and Right Owners thereof, and whereof the Maſter and three fourths of the Mariners at leaſt are Engliſh, under the penalty of the Forfeiture and Loſs of all the Goods and Commodities which ſhall be Imported into, or Exported out of any the aforeſaid places in any other Ship or Veſſel, as alſo of the Ship or Veſſel, with all its Guns, Furniture, Tackle, Ammunition and Apparel; one Third part thereof to his Majeſty, his Heirs and Succeſſors; one Third part to the Governour of ſuch Land, Plantation, Iſland or Territory, where ſuch default ſhall be committed, in caſe the ſaid Ship or Goods be there ſeized, or otherwiſe that third part alſo to his Majeſty, his Heirs and Succeſſors; and the other third part to him or them who ſhall Seize, Inform, or Sue for the ſame in any Court of Record, by Bill, Information, Plaint, or other Action, wherein no Eſſoine, Protection, or Wager of Law ſhall be allowed; And all Admirals, and other Commanders at Sea of any the Ships of War, or other Ship, having Commiſſion from his Majeſty, or from his Heirs or Succeſſors, are hereby authorized and ſtrictly required to ſeize and bring in as prize all ſuch Ships or Veſſels as ſhall have offended contrary hereunto, and deliver them to the Court of Admiralty, there to be proceeded againſt; and in caſe of condemnation, one moyety of ſuch Forfeitures ſhall be to the uſe of ſuch Admirals or Commanders and their Companies, to be divided and proportioned amongſt them according to the Rules and Orders of the Sea in caſe of Ships taken prize; and the other moyety to the uſe of his Majeſty, his Heirs and Succeſſors.

And be it enacted, That no Alien or Perſon not born within the Allegiance of our Soveraign Lord the King, his Heirs and Succeſſors, or Naturalized, or made a free Denizen, ſhall from and after the Firſt day of February, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty one, exerciſe the Trade or Occupation of a Merchant or Factor in any the ſaid places, upon pain of the Forfeiture and Loſs of all his Goods and Chattels, or which are in his poſſeſſion, one third to his Majeſty, his Heirs and Succeſſors; one third to the Governor of the Plantation where ſuch perſon ſhall ſo offend, and the other third to him or them that ſhall inform or ſue for the ſame in any of his Majeſties Courts in the Plantation where ſuch Offence ſhall be committed: And all Governors of the ſaid Lands, Iſlands, Plantations or Territories, and every of them, are hereby ſtrictly required and commanded, and all who hereafter ſhall be made Governors of any ſuch Iſlands, Plantations or Territories, by his Majeſty, his Heirs or Succeſſors, ſhall before their entrance into their Government take a ſolemn Oath to do their utmoſt, that every the afore mentioned clauſes, and all the matters and things therein contained, ſhall be punctually and bona fide obſerved, according to the true intent and meaning thereof: And upon complaint and proof made before his Majeſty, his Heirs or Succeſſors, or ſuch as ſhall be by him or them thereunto authorized and appointed, that any the ſaid Governors have been willingly and wittingly negligent in doing their Duty accordingly, that the ſaid Governor ſo offending, ſhall be removed from his Government.

Aliens ſhall not exerciſe the Occupation of Merchants or Factors.

Governors, &c. of Plantations to take an Oath for the obſervance of the aforementioned clauſes.

And it is further enacted by the Authority aforeſaid, That no Goods or Commodities whatſoever of the growth, production or manufacture of Africa, Aſia or America, or any part thereof, or which are deſcribed or laid down in the uſual Maps or Cards of thoſe places, be imported into England, Ireland, or Wales, Iſlands of Guernſey and Jerſey, or Town of Berwick upon Tweed, in any other Ship or Ships, Veſſel or Veſſels whatſoever, but in ſuch as do truly and without fraud belong only to the people of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, or of the Lands, Iſlands, Plantations or Territories in Aſia, Africa or America, to his Majeſty belonging, as the Proprietors and right Owners thereof, and whereof the Maſter and three Fourths at leaſt of the Mariners are Engliſh, under the penalty of the Forfeiture of all ſuch Goods and Commodities, and of the Ship or Veſſel in which they were imported, with all her Guns, Tackle, Furniture, Ammunition and Apparel; one moyety to his Majeſty, his Heirs and Succeſſors; and the other moyety to him or them who ſhall ſeize, inform, or ſue for the ſame in any Court of Record, by Bill, Information, Plaint, or other Action, wherein no Eſſoine, Protection, or Wager of Law ſhall be allowed.

And it is further enacted by the Authority aforeſaid, That of Goods or Commodities that are of foreign growth, Production or Manufacture, and which are brought into England, Ireland, Wales, the Iſlands of Guernſey and Jerſey, or Town of Berwick upon Tweed, in Engliſh built ſhipping, or other ſhipping belonging to ſome of the aforeſaid places, and Navigated by Engliſh Mariners as aforeſaid, ſhall be ſhipped or brought from any other Place or Places, Country or Countries, but only from thoſe of the ſaid growth, production or manufacture, or from thoſe Ports where the ſaid Goods and Commodities can only, or are, or uſually have been firſt ſhipped for tranſportation, and from none other Places or Countries, under the penalty of the Forfeiture of all ſuch of the aforeſaid Goods, as ſhall be imported from any other Place or Country, contrary to the true intent and meaning hereof, as alſo of the Ship in which they were imported, with all her Guns, Furniture, Ammunition, Tackle and Apparel, one moyety to his Majeſty, his Heirs and Succeſſors; and the other moyety to him or them that ſhall ſeize, inform, or ſue for the ſame in any Court of Record, to be recovered as is before expreſt.

No Goods of Foreign growth or manufacture, ſhall be brought into England, &c. in Engliſh Ships, but onely from the places of their ſaid growth &c.

And it is further enacted by the authority aforeſaid, That any ſort of Ling, Stockfiſh, Pilchard, or any other kind of dryed or ſalted Fiſh, uſually fiſhed for and caught by the people of England, Ireland, Wales, Town of Berwick upon Tweed, or any ſort of Codfiſh or Herring, or any Oyl or Blubber made, or that ſhall be made of any kind of fiſh whatſoever, or any Whale-fins or Whale-bones, which ſhall be imported into England, Ireland, Wales, or Town of Berwick upon Tweed, not having been caught in Veſſels truly and properly belonging thereunto as Proprietors and right Owners thereof, and the ſaid Fiſh cured, ſaved and dryed, and the Oyl and Blubber aforeſaid (which ſhall be accompted and pay as Oyl) not made by the people thereof, and ſhall be imported into England, Ireland or Wales, or Town of Berwick upon Tweed, ſhall pay double Aliens Cuſtom.

All Ling, Stockfiſh, &c. Oyl, &c. whale fins, &c. imported, not caught in veſſels by the proprietors themſelves, &c. ſhall pay double Aliens Cuſtom.

And be it further enacted by the authority aforeſaid, That from henceforth it ſhall not be lawful to any perſon or perſons whatſoever, to load or cauſe to be loaden and carried in any Bottom or Bottoms, Ship or Ships, Veſſel or Veſſels whatſoever, whereof any Stranger or Strangers born (unleſs ſuch as be Denizens or Naturalized) be Owners, Part-owners or Maſter, and whereof three fourths of the Mariners at leaſt be not Engliſh, any Fiſh, Victual, Wares, Goods, Commodities, or things of what kind or nature ſoever the ſame ſhall be, from one Port or Creek of England, Ireland, Wales, Iſlands of Guernſey or Jerſey, or Town of Berwick upon Tweed, to another Port or Creek of the ſame, or of any of them, under penalty for every one that ſhall offend contrary to the true meaning of this branch of this preſent Act, to forfeit all ſuch Goods as ſhall be loaden and carried in any ſuch Ship or Veſſel, together with the Ship or Veſſel, and all her Guns, Ammunition, Tackle, Furniture and Apparel, one moyety to his Majeſty, his Heirs and Succeſſors, and the other moyety to him or them that ſhall Inform, Seize, or Sue for the ſame in any Court of Record, to be recovered in manner aforeſaid.

No goods to be laded or carried from one part of England to another in the Veſſel of any Alien not denizend, &c. The penalty.

Eaſe and abatement in the book of rates to extend only where three parts of the Mariners be Engliſh.

And it is further enacted by the authority aforeſaid, That where any Eaſe, Abatement, or Priviledge is given in the Book of Rates to Goods or Commodities imported or exported in Engliſh built ſhipping, that is to ſay, ſhipping built in England, Ireland, Wales, Iſlands of Guernſey or Jerſey, or Town of Berwick upon Tweed, or in any the Lands, Iſlands, Dominions and Territories to His Majeſty in Africa, Aſia or America, belonging or in his poſſeſſion, That it is alwayes to be underſtood, and provided that the Maſter and three Fourths of the Mariners of the ſaid Ships, at leaſt, be alſo Engliſh, And that where it is required that the Maſter and three Fourths of the Mariners be Engliſh, that the true intent and meaning thereof is, that they ſhould be ſuch during the whole Voyage, unleſſe in caſe of Sickneſſe, Death, or being taken Priſoners in the Voyage, to be proved by the Oath of the Maſter, or other chief Officer of ſuch Ships.

Goods of the growth or manufacture of Muſcovy or Ruſſia.

And it is further enacted by the Authority aforeſaid, That no Goods or Commodities of the Growth, Production or Manufacture of Muſcovy, or of any the Countries, Dominions or Territories to the great Duke or Emperor of Muſcovy or Ruſſia, belonging, As alſo that no ſort of Maſts, Timber or Boards, no foreign Salt, Pitch, Tar, Rozin, Hemp or Flax, Raiſins, Figs, Prunes, Olive-Oyls, no ſorts of Corn or Grain, Sugar, Pot-aſhes, Wines, Vinegar, or Spirits called Aquavite or Brandy Wine, ſhall from and after the firſt day of April, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty one, be imported into England, Ireland, Wales, or Town of Berwick upon Tweed, in any Ship or Ships, Veſſel or Veſſels whatſoever, but in ſuch as do truly and without fraud belong to the people thereof, or ſome of them as the true Owners and Proprietors thereof, and whereof the Maſter and three Fourths of the Mariners at leaſt are Engliſh, and that no Currants nor Commodities of the growth, production or manufacture of any the Countries, Iſlands, Dominions or Territories to the Othoman or Turkiſh Empire belonging, ſhall from and after the firſt day of September, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty one, be imported into any the forementioned places in any Ship or Veſſel, but which is of Engliſh built, and Navigated as aforeſaid, and in no other; except only ſuch foreign ſhips and veſſels as are of the built of that Country or place of which the ſaid goods are the growth, production or manufacture reſpectively, or of ſuch Port where the ſaid goods can only be, or moſt uſually are firſt ſhipped for tranſportation, and whereof the Maſter and three Fourths of the Mariners at leaſt are of the ſaid Country or place, under the penalty and forfeiture of ſhip and goods to be diſpoſed and recovered as in the foregoing clauſe.

Othoman or Turkiſh Empire.

Frauds in concealing Aliens goods, how to be prevented.

Provided alwayes, and be it hereby enacted by the Authority aforeſaid, That for the prevention of the great Frauds daily uſed in colouring and concealing of Aliens Goods, all Wines of the growth of France or Germany, which from and after the Twentieth day of October, One thouſand ſix hundred and ſixty, ſhall be Imported into any the Ports or places aforeſaid, in any other Ship or Veſſel then which doth truly and without fraud belong to England, Ireland, Wales, or Town of Berwick upon Tweed, and Navigated with the Mariners thereof, as aforeſaid, ſhall be deemed Aliens Goods, and pay all Strangers Cuſtoms and Duties to His Majeſty, his Heirs and Succeſſors, as alſo to the Town or Port into which they ſhall be Imported; And that all ſorts of Maſts, Timber or Boards, as alſo all foreign Salt, Pitch, Tar, Rozin, Hemp, Flax, Raiſins, Figs, Prunes, Olive-Oyls, all ſorts of Corn or Grain, Sugar, Pot aſhes, Spirits, commonly called Brandy Wine or Aqua-vitæ, Wines of the growth of Spain, the Iſlands of the Canaries or Portugal, Madera or Weſtern Iſlands, and all Goods of the Growth, Production or Manufacture of Muſcovy or Ruſſia, which from and after the firſt day of April, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty one, ſhall be imported into any the aforeſaid places in any other then ſuch ſhipping, and ſo Navigated, and all Currants and Turky Commodities which from and after the firſt day of September, One thouſand ſix hundred ſixty one ſhall be Imported into any the places aforeſaid, in any other then Engliſh built ſhipping, and Navigated as aforeſaid, ſhall be deemed Aliens Goods, and pay accordingly to his Majeſty, his Heirs and Succeſſors, and to the Town or Port into which they ſhall be Imported.

How to prevent Frauds in colouring and buying Foreign ſhips.

And for prevention of all Frauds which may be uſed in colouring or buying of Foreign Ships, Be it enacted by the Authority aforeſaid, and it is hereby enacted, That from and after the firſt day of April, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty one, no Foreign built Ship or Veſſel whatſoever ſhall be deemed or paſſe as a Ship to England, Ireland, Wales, or Town of Berwick, or any of them belonging, or enjoy the benefit or priviledge of ſuch a Ship or Veſſel, until ſuch time that he or they claiming the ſaid Ship or Veſſel to be theirs, ſhall make appear to the chief Officer or Officers of the Cuſtoms in the Port next to the place of his or their abode, that he or they are not Aliens, and ſhall have taken an Oath before ſuch chief Officer or Officers, who are hereby Authorized to Adminiſter the ſame, That ſuch Ship or Veſſel was bona fide and without fraud by him or them bought for a valuable conſideration, expreſſing the ſum, as alſo the time, place, and perſons from whom it was bought, and who are his part-Owners (if he have any) all which part-owners ſhall be liable to take the ſaid Oath before the chief Officer or Officers of the Cuſtom-houſe of the Port next to the place of their abode, and that no Foreigner directly or indirectly hath any part, intereſt, or ſhare therein, and that upon ſuch Oath he or they ſhall receive a Certificate under the hand and ſeal of the ſaid chief Officer or Officers of the Port where ſuch perſon or perſons ſo making Oath do reſide, whereby ſuch Ship or Veſſel may for the future paſſe and be deemed as a Ship belonging to the ſaid Port, and enjoy the priviledge of ſuch a Ship or Veſſel; And the ſaid Officer or Officers ſhall keep a Regiſter of all ſuch Certificates as he or they ſhall ſo give, and return a Duplicate thereof to the chief Officers of the Cuſtoms at London for ſuch as ſhall be granted in England, Wales and Berwick, and to the chief Officers of the Cuſtoms at Dublin for ſuch as ſhall be given in Ireland, together with the Names of the perſon or perſons from whom ſuch Ship was bought, and the ſum of Money which was paid for her, as alſo the Names of all ſuch perſons who are part-owners of her, if any ſuch be.

And be it further Enacted by the Authority aforeſaid, That if any Officer of the Cuſtoms ſhall from and after the ſaid Firſt day of April, allow the priviledge of being a Ship or Veſſel to England, Ireland, Wales, or Town of Berwick, or any of them belonging, to any foreign built Ship or Veſſel, untill ſuch Certificate be before them produced, or ſuch Proof and Oath taken before them; or if any Officer of the Cuſtoms ſhall allow the priviledge of an Engliſh built Ship, or other Ship to any the aforeſaid places belonging, to any Engliſh or Foreign built Ship coming into any Port, and making entry of any Goods, untill Examination, whether the Maſter and three Fourths of the Mariners be Engliſh, or ſhall allow to any Foreign built Ship, bringing in the Commodities of the growth of the Country where it was built, the priviledge by this Act, to ſuch Ship given, untill Examination and Proof whether it be a Ship of the built of that Country, and that the Maſter and three Fourths of the Mariners are of that Country; or if any Perſon who is or ſhall be made Governor of any Lands, Iſlands, Plantations or Territories in Africa, Aſia or America, by his Majeſty, His Heirs or Succeſſors, ſhall ſuffer any Foreign built Ship or Veſſel to load or unload any Goods or Commodities within the Precincts of their Governments, untill ſuch Certificate be produced before them, or ſuch as ſhall be by them appointed to view the ſame, and Examination whether the Maſter and three Fourths of the Mariners at leaſt be Engliſh, that for the firſt offence ſuch Officer of the Cuſtoms and Governors, ſhall be put out of their Places, Offices or Governments.

Officers of the Cuſtoms not to allow any priviledge to any foreign built ſhip untill certificate or Proof, &c.

Provided alwayes, That this Act, or any thing therein contained, extend not, or be meant to reſtrain and prohibite the Importation of any the Commodities of the Streights, or Levant Seas, loaden in Engliſh built ſhipping, and whereof the Maſter and three Fourths of the Mariners at leaſt are Engliſh, from the uſual Ports or Places for lading of them heretofore within the ſaid Streights or Levant Seas, though the ſaid Commodities be not of the very growth of the ſaid places.

Proviſo for goods of the Streights or Levant.

Provided alſo, that this Act, or any thing therein contained, extend not, or be meant to reſtrain the Importing of any Eaſt India Commodities, loaden in Engliſh built ſhipping, and whereof the Maſter and three Fourths of the Mariners at leaſt are Engliſh, from the uſual place or places for lading of them in any part of thoſe Seas, to the South-Ward and Eaſt-Ward of Cabo bona ſperanza, although the Ports be not the very Places of their growth.

Eaſt India Commodities.

Provided alſo, That it ſhall and may be lawful to and for any of the people of England, Ireland, Wales, Iſlands of Guernſey or Jerſey, or Town of Berwick upon Tweed, in Veſſels or Ships to them belonging, and whereof the Maſter and three Fourths of the Mariners at leaſt are Engliſh, to load and bring in from any of the Ports of Spain or Portugal, or Weſtern Iſlands, commonly called Azores, or Madera or Canary Iſlands, all ſorts of Goods or Commodities of the Growth, Production, or Manufacture of the Plantation or Dominions of either of them reſpectively.

Proviſo for goods imported from Spain, Portugal, Azores, Madera, or Canary Iſlands.

Provided, That this Act, or any thing therein contained, extend not to Bullion, nor yet to any Goods taken, or that ſhall be bona fide taken by way of Repriſal by any Ship or Ships belonging to England, Ireland or Wales, Iſlands of Guernſey or Jerſey, or Town of Berwick upon Tweed, and whereof the Maſter and three Fourths of the Mariners at leaſt are Engliſh, having Commiſſion from his Majeſty, his Heirs or Succeſſors.

Proviſo for Bullion, and goods taken by way of Repriſal.

Provided alwayes, That this Act, or any thing therein contained, ſhall not extend, or be conſtrued to extend to lay Aliens Duties upon any Corn of the growth of Scotland, or to any Salt made in Scotland, nor to any Fiſh caught, ſaved and cured by the People of Scotland, and Imported directly from Scotland in Scotch built Ships, and whereof the Maſter and three Fourths of the Mariners are of His Majeſties Subjects, nor to any Seal Oyl of Ruſſia, Imported from thence into England, Ireland, Wales, or Town of Berwick upon Tweed, in ſhipping bona fide to ſome of the ſaid places belonging, and whereof the Maſter and three Fourths of the Mariners at leaſt are Engliſh.

Proviſo concerning goods of Scotland.

Goods of Ruſſia.

Provided alſo, and it is hereby enacted, That every Ship or Veſſel belonging to any the Subjects of the French King, which from and after the Twentieth day of October, in the year of our Lord, One thouſand ſix hundred and ſixty, ſhall come into any Port, Creek, Harbor or Road of England, Ireland, Wales, or Town of Berwick upon Tweed, and ſhall there lade or unlade any Goods or Commodities, or take in or ſet on Shore any Paſſengers, ſhall pay to the Collector of His Majeſties Cuſtoms in ſuch Port, Creek, Harbor or Road, for every Tun of which the ſaid Ship or Veſſel is of burthen, to be computed by ſuch Officer of the Cuſtoms as ſhall be thereunto appointed, the ſum of five ſhillings currant money of England: And that no ſuch Ship or Veſſel be ſuffered to depart out of ſuch Port, Creek, Harbor or Road, untill the ſaid Duty be fully paid: And that this Duty ſhall continue to be Collected, Levied and paid, for ſuch time, as a certain Duty of Fifty Solls per Tun lately impoſed by the French King, or any part thereof, ſhall continue to be Collected upon the ſhipping of England lading in France, and three Months after, and no longer.

The duty payable upon goods in French ſhips.

How long to continue.

And it is further enacted by the Authority aforeſaid, That from and after the Firſt day of April, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty one, no Sugars, Tobacco, Cotton-wooll, Indicoes, Ginger, Fuſtick, or other dying wood, of the Growth, Production or Manufacture of any Engliſh Plantations in America, Aſia or Africa, ſhall be ſhipped, carried, conveyed or tranſported from any the ſaid Engliſh Plantations to any Land, Iſland, Territory, Dominion, Port or Place whatſoever, other then to ſuch Engliſh Plantations as do belong to His Majeſty, His Heirs and Succeſſors, or to the Kingdom of England or Ireland, or Principality of Wales, or Town of Berwick upon Tweed, there to be laid on ſhore, under the penalty of the Forfeiture of the ſaid Goods, or the full value thereof, as alſo of the Ship, with all her Guns, Tackle, Apparel, Ammunition and

Sugars, Tobacco, &c. of the growth of America, Aſia, or Africa.

Furniture, The one moyety to the Kings Majeſty, His Heirs and Succeſſors, and the other moyety to him or them that ſhall ſeize, inform or ſue for the ſame in any Court of Record, by Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed.

Ships of England, Ireland or Wales, Sailing to any Engliſh Plantation of America, Aſia, or Africa, ſhall be bound with ſureties, to bring goods there loaded into England, &c.

Ships coming from other places to any of thoſe plantations.

And be it further Enacted by the Authority aforeſaid, That for every Ship or Veſſel, which from and after the Five and twentieth day of December, in the year of our Lord one thouſand ſix hundred and fifty, ſhall ſet out of or from England, Ireland, Wales, or Town of Berwick upon Tweed, for any Engliſh Plantation in America, Aſia or Africa, ſufficient bond ſhall be given with one ſurety to the chief Officers of the Cuſtom-houſe of ſuch Port or Place from whence the ſaid Ship ſhall ſet ſail, to the value of one thouſand pounds, if the Ship be of leſs burthen then one hundred Tuns, and of the ſum of two thouſand pounds, if the Ship ſhall be of greater burthen, That in caſe the ſaid Ship or Veſſel ſhall load any of the ſaid Commodities at any of the ſaid Engliſh Plantatious, that the ſame Commodities ſhall be by the ſaid Ship brought to ſome Port of England, Ireland, Wales, or to the Port or Town of Berwick upon Tweed, and ſhall there unload and put on ſhore the ſame, the danger of the Seas only excepted: And for all Ships coming from any other Port or Place to any of the aforeſaid Plantations, who by this Act are permitted to trade there, that the Governor of ſuch Engliſh Plantations ſhall before the ſaid Ship or Veſſel be permitted to load on board any of the ſaid Commodities, take Bond in manner, and to the value aforeſaid, for each reſpective Ship or Veſſel, That ſuch Ship ſhall carry all the aforeſaid Goods that be laden on board any of the ſaid Ships to ſome other of His Majeſties Engliſh Plantations, or to England, Ireland, Wales, or Town of Berwick upon Tweed: And that every Ship or Veſſel, which ſhall load or take on boad any of the aforeſaid Goods, untill ſuch Bond given to the ſaid Governor, or Certificate produced from the Officers of any Cuſtom-houſe of England, Ireland, Wales, or of the Town of Berwick, that ſuch bonds have been there duly given, ſhall be forfeited with all her Guns, Tackle, Apparel and Furniture, to be imployed and recovered in the manner as aforeſaid. And the ſaid Governors, and every of them ſhall twice in every year after the Firſt day of January, One thouſand ſix hundred and ſixty, return true Copies of all ſuch Bonds by him ſo taken, to the chief Officers of the Cuſtoms in London, St. 13 Car. 2. cap. 14.

The reſpective Governors to return the bonds taken twice yearly to the chief Officers of the Cuſtom in London.

CAP. XIX.

For preventing Frauds and concealments of Cuſtoms and Subſidies.

Perſons which ſhall convey away any goods, without entry and agreement for the cuſtom.

The penalty.

BE it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, That if any perſon or perſons at any time after the firſt day of September, One thouſand ſix hundred and ſixty, ſhall cauſe any Goods for which Cuſtom, Subſidy, or other Duties are due, or payable by vertue of the Act paſſed this Parliament, (Entituled, A Subſidy Granted to the King of Tunnage and Poundage, and other ſums of Money, payable upon Merchandize Exported and Imported) to be landed or conveyed away without due entry thereof firſt made, and the Cuſtomer or Collector, or his Deputy agreed with, That then, and in ſuch caſe upon Oath thereof made before the Lord Treaſurer, or any of the Barons of the Exchequer, or chief Magiſtrate of the Port or Place where the Offence ſhall be committed, or the place next adjoyning thereunto, it ſhall be lawful to and for the Lord Treaſurer, or any of the Barons aforeſaid, or chief Magiſtrate of the Port or Place where the Offence ſhall be committed, or the Place next adjoyning thereunto, to iſſue out a Warrant to any perſon or perſons, thereby enabling him or them, with the aſſiſtance of a Sheriff, Juſtice of Peace, or Conſtable to enter into any Houſe in the day time where ſuch Goods are ſuſpected to be concealed; and in caſe of Reſiſtance, to break open ſuch Houſes, and to ſeize and ſecure the ſame Goods ſo concealed: And all Officers and Miniſters of Juſtice are hereby required to be aiding and aſſiſting therennto.

No proceeding againſt any upon this Act, unleſs within one month after the offence committed.

Provided alwayes, That no Houſe ſhall be entred by vertue of this Act, unleſs it be within the ſpace of one Moneth after the Offence ſuppoſed to be committed.

The continuance of this Act.

Provided alſo, That this Act ſhall continue in force unto the end of the firſt Seſſion of the next Parliament, and no longer.

Damages and coſts againſt falſe Informers.

Provided alſo, That if the Information whereupon any Houſe ſhall come to be ſearched, ſhall prove to be falſe, that then, and in ſuch caſe, the party injured ſhall recover his full Damages and Coſts againſt the Informer, by Action of Treſpaſſe to be therefore brought againſt ſuch Informer. St. 13 Car. 2. cap. 7.

CAP. XX.

For raiſing Sevenſcore thouſand pounds, for the compleat Diſbanding of the whole Army, and paying off ſome part of the Navy, by a two Moneths Aſſeſment of 70000 l. per menſem, beginning from the firſt of November, 1660. EXP. Stat. 13 Car. 2. cap. 6.

CAP. XXI.

An Act for the ſpeedy raiſing of Seventy thouſand pounds, for the preſent ſupply of His Majeſty. EXP. Stat. 13 Car. 2. cap. 6. & cap. 10.

CAP. XXII.

An Act for the Regulating of the Trade of Bay-Making in the Dutch Bay-Hall in Colcheſter.

Preamble.

WHereas by the ſpecial Favour of Queen Elizabeth, there was a Congregation of Dutch people tolerated to practice the Art and Trade of Bay and Say-making in the Town of Colcheſter, in the County of Eſſex, and for the upholding the Credit of the ſaid Trade, and for the avoiding and puniſhing all Unjuſt and Fraudulent dealing therein, there have been divers Good and Laudable Orders and Conſtitutions made, which were confirmed by Letters Patents under the Great Seal of England, in the tenth year of King James, and by ſeveral Orders made by the late Kings Privy Council; the Strict and Exact Execution of which ſaid Orders and Conſtitutions by the Governors of the Dutch Bay-Hall there, hath brought that kind of Drapery into high Credit, not only at home, but alſo in Foreign parts, and that by reaſon of the ſaid Trade, many thouſands of poor people, both within the ſaid Town of Colcheſter, and places thereabout, are daily Imployed and Set to Work; Notwithſtanding which ſaid Orders, and the care of the Governors of the ſaid Dutch Bay-Hall, many fraudulent and deceitful Commodities, and ſlight and naughty Bays have been, and daily are by the ſecret and crafty practices of ſome men made in the ſaid Town, and are weekly brought and conveyed to London by certain perſons uſing the Trade of buying and ſelling of Colcheſtet Bays, before ſuch time as the ſaid Bays have been viewed, ſearched, meaſured, and ſealed by the ſworn Officers of the ſaid Dutch Bay-Hall, which ſaid Bays ſo deceitfully and fraudulently made, are tranſported beyond the Seas, under the name, and oftentimes with the Seal of Colcheſter Bays, whereby the Bays there made are not of that Credit and Eſteem as formerly: For the preventing which ſaid practiſes and deceits, Be it enacted by the Kings moſt excellent Majeſty, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by Authority of the ſame, That the Governors of the ſaid Dutch Bay-Hall in Colcheſter, and the Dutch people there living, ſhall, and may from henceforth peaceably and quietly uſe and exerciſe the free Trade of making Bays, Says, and other foreign Draperies within the ſaid Town of Colcheſter, and be permitted to govern the ſaid Trade in their Aſſemblies and Congregations, with all ſuch Liberties, Priviledges, Immunities, and in as full and ample manner as they have at any time heretofore enjoyed the ſame by vertue of any Order, Grant or Toleration to them made by Queen Elizabeth, King James, or the late King Charles of bleſſed memory, or any of them.

Grievance.

Confirmation of the Priviledge of the Dutch Bay-Hall.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons whatſoever, from and after the Twentieth day of September, in the year of our Lord, One thouſend ſix hundred and ſixty, ſhall Weave or cauſe to be woven within the ſaid Town of Colcheſter, or the Liberties thereof, any Bay known by the name of Four and fifties, Sixties, Sixty eights, Eighties, and hundred Bays, and ſhall not within two dayes after ſuch weaving, carry, or cauſe ſuch Bay to be carried to the Dutch Bay-Hall called the Raw-Hall, there to be viewed and ſearched, to the intent it may appear whether the ſame Bay be well and ſubſtantially wrought before, as the ſaid Bay ſhall be carried to be ſcoured and thicked; or if any Fuller, or Thicker, or other perſon, uſing the Art or Trade of Fulling or Thicking of Bays, ſhall receive any ſuch Bay to be Fulled and Thicked before ſuch time as the ſaid Bay hath been carried to the ſaid Raw-Hall, and there ſtamped and marked, as by the Orders of the ſaid Hall it ought to be, That every ſuch Weaver that ſhall ſo convey the ſaid Bay, and every ſuch Fuller and Thicker that ſhall receive ſuch Bay before the ſame be ſtamped and marked as aforeſaid, ſhall forfeit for the firſt Offence the ſum of forty ſhillings, to be levied by Diſtreſſe and Sale of the Offendors Goods, returning the overplus, the neceſſary Charges of diſtraining being firſt deducted, and ſuch Forfeitures, in caſe ſuch Bay be made by an Engliſh Maſter-maker, then the ſame to be accounted for to the Mayor and Commonalty of the ſaid Town for the benefit of the poor of the ſaid Town; and in caſe ſuch Bay be the Bay of a Dutch Maſter-maker, then the ſame to be diſpoſed by the Governors of the ſaid Dutch Bay-Hall for the uſe and benefit of the poor of the ſaid Dutch Congregation; and for the ſecond Offence ſhall forfeit the ſum of five pounds, to be levied and diſpoſed in manner abovesaid; and for the third Offence, not to be permitted to work any more within the Town of Colcheſter, or Liberties thereof.

All Bays made at Colcheſter, muſt be carried to the Bay-Hall and ſearched.

No Fuller ſhall work any Bays not ſearched and allowed.

Penalty of Weavers and Fullers offending.

Third offence.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons ſhall buy any of the aforeſaid Bays, or convey or carry, or cauſe ſuch Bay to be conveyed or carried out of the ſaid Town of Colcheſter, before ſuch time as the ſaid Bay hath been viewed, ſearched, ſtamped, ſealed and meaſured, as aforeſaid, by the ſworn Officers of the ſaid Dutch Bay-Hall thereunto appointed, that in ſuch caſe the ſaid Bay ſo brought or carried, or offered to be carried or conveyed away as aforeſaid, ſhall be confiſcated, the one moyety to him or them that ſhall ſeize the ſame, and the other moyety to the poor of the Pariſh where the ſaid Bay ſhall be taken and ſeized.

No Bays to be carried out of the Town until ſearched and allowed.

Penalty.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons whatſoever ſhall from and after the ſaid Twentieth day of September, counterfeit or cauſe to be counterfeited any of the Seals uſed by the Corporation or Congregation of the Dutch Bay-Hall in Colcheſter, or ſhall, not being the Officer thereunto by the ſaid Corporation appointed, and in the place by them thereunto appointed, affix any ſuch Seal or Seals to any Colcheſter Bays, Whether counterfeited or not counterfeited, that every perſon ſo offending, being thereof lawfully convicted, ſhall for his firſt Offence forfeit and pay to the uſe of the ſaid Governors of the ſaid Dutch Bay-Hall the ſum of twenty pounds, to be recovered in any of his Majeſties Courts of Record, or in the Town Court of Colcheſter, by an Action of Debt, Bill, Plaint, Information, or otherwiſe, wherein no Eſſoine, Protection, or Wager of the Law ſhall be allowed: and for the ſecond Offence being convicted as aforeſaid, ſhall ſtand in the Pillory in the Market, or moſt publick place where ſuch Offence ſhall be committed, for the ſpace of one hour: and for the third Offence, being as aforeſaid convicted, ſhall ſuffer as a Felon, and if any Bays ſhall be taken carrying or carried out of Colcheſter without the mark of the Maker, that all ſuch Bays ſhall be forfeit.

Penalty for counterfeiting the Corporation Seal.

Third offence.

And for the better diſcovering, finding out and puniſhing of the frauds and deceits aforeſaid, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the Governors of the ſaid Dutch Bay-Hall, or their Officers, or any of them from time to time in the day time, to ſearch any Cart, Wagon, or Pack wherein they ſhall have notice, or ſuſpect any ſuch deceitful Bays to be; and alſo from time to time with a Conſtable, who are hereby required to be aiding and aſſiſting to them, to make ſearch in any houſe, ſhop, or ware-houſe,

Power to ſearch Carts and Packs.

To ſearch houſes with a Conſtable.

Forfeiture of deceitful Bays.

where they are informed any ſuch deceitful Bays to be, and to ſecure and ſeize the ſame, and carry the ſame to the ſaid Dutch Bay-Hall, and that ſuch Bays ſo ſeized and carried to the ſaid Hall, ſhall be confiſcate and forfeit to be diſpoſed in ſuch manner as the forfeitures herein before mentioned to be paid by the Weavers and Fullers are herein before limited and appointed.

Power to make by-Laws.

And be it further enacted by the authority aforeſaid, That for the better managing and regulating of the ſaid Art or Trade of making the Bays aforeſaid, That it ſhall and may be lawful to, and for the Governors of the ſaid Dutch Bay-Hall, from time to time, to make, conſtitute and appoint ſuch orders, by-laws, and conſtitutions, as to them ſhall ſeem meet and reaſonable.

Who ſhall approve of them.

Provided, That no ſuch Order, by-Law, or Conſtitution to be made, either in diminution of the Kings Prerogative, or the Laws of this Kingdom, be uſed or executed, until the ſame Orders, by-Laws and Conſtitutions have been examined and approved by the Lord Chancellor, Lord Treaſurer of England, or Chief Juſtice of either Bench, or any three of them, or before both the Juſtices of Aſſize in their Circuit or Progreſs in the ſaid County of Eſſex, upon pain of forfeiture of Twenty pounds for every time they ſhall do the contrary: This Act to begin and take effect from the Twentieth day of September, One thouſand ſix hundred and ſixty.

CAP. XXIII.

Certain Impoſitions upon Beer, Ale, and other Liquors, For the Encreaſe of his Majeſties Revenue during His Life.

The rates given to his Majeſty for life.

12 Car. 2. c. 24.

The Commons aſſembled in Parliament, in gratitude, for an humble acknowledgment of your Majeſties great Grace and Favour to us your Commons, beyond Example of any your Royal Progenitors, expreſſed in many publick Acts and Declarations, to the great rejoyeing and general ſatisfaction of all your People, which they deſire to anſwer with returns ſuitable and exceeding the Examples of any of their Anceſtors, for the encreaſing of your Majeſties Revenue during your Majeſties Reign, (which God long continue) Do therefore give and grant unto your moſt excellent Majeſty, the Rates and Duties, Impoſitions, Charges, and ſums of Money herein after following: And do beſeech your Majeſty that it may be enacted, And be it enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords and Commons in Parliament aſſembled, That from and after the twenty fifth day of December, One thouſand ſix hundred and ſixty, there ſhall be throughout your Majeſties Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, raiſed, levied, collected, and paid unto your Majeſty during Your Life, for Beer, Ale, Cider, and other Liquors herein after mentioned, The ſeveral Rates, Impoſitions, Duties and Charges herein after expreſſed, and in manner and form following: That is to ſay,

Beer and Ale above 6 s. the barrel.	For every Barrel of Peer or Ale above ſix ſhillings the barrel, brewed by the Common Brewer, or any other perſon or perſons who doth or ſhall ſell or tap out Beer or Ale publickly or privately, to be paid by the common Brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, One ſhilling three pence.	XV. d.
Beer and Ale of 6 s. the barrel.	For every Barrel of Six ſhillings Beer or Ale, or under, brewed by the common Brewer, or any other perſon or perſons, who doth or ſhall ſell or tap out ſuch Beer or Ale publickly or privately, to be paid by the ſaid common Brewer, or by ſuch other perſon or perſons reſpectively as aforeſaid, and ſo proportionably for a greater or leſſer quantity, three pence.	iij. d.
Sider, Perry.	For all Cider and Perry made and ſold by retail, upon every Hogſhead to be paid by the Retailer thereof, and ſo proportionably for a greater or leſſer meaſure, One ſhilling three pence.	XV. d.
Metheglin, Mead.	For all Metheglin or Mead ſold, whether by Retail or otherwiſe, to be paid by the maker thereof upon every Gallon, One half-penny.	Ob.
Vinegar-beer.	For every Barrel of Beer, commonly called Vinegar-Beer, brewed by any common Brewer, in any common Brew-houſe, ſix pence.	Vi. d.
Strong water.	For every Gallon of Strong-water or Aqua-vitæ, made and ſold, to be paid by the maker thereof, One penny.	i. d.
Beer and Ale. Imported.	For every barrel of Beer or Ale Imported from beyond the Seas, Three ſhillings	iij. s.
Syder & Perry Imported.	For every Tun of Cider or Perry Imported from beyond the Seas, and ſo proportionably for a greater or leſſer quantity, Five ſhillings.	V. s.
Spirits Imported.	For every Gallon of Spirits made of any kind of Wine or Cider Imported, Two pence.	ij. d.
Strong-water Imported.	For every Gallon of Strong-water perfectly made, Imported from beyond the Seas, Four pence.	iiij. d.
Coffee.	For every Gallon of Coffee made and ſold, to be paid by the maker thereof, Four pence.	iiij. d.
Chocolatte.	For every Gallon of Chocolatte, Sherbet and Tea, made and ſold, to be paid by the maker thereof, Eight pence.	Viij. d.

The Exciſe upon foreign Liquors imported, to be paid by the importers in money upon entries made before landing.

And be it further enacted and ordained by the Authority aforeſaid, that the ſeveral Rates, Duties and Charges of Exciſe, or New Impoſt above mentioned, hereby ſet or impoſed upon all and every the ſaid foreign liquors which ſhall be Imported or brought in all, or any the ports of this Kingdom and dominions thereof, aforeſaid, from and after the five and twentieth day of December next, ſhal be from time to time ſatisfied and paid by the merchant or merchants importer or importers of the ſame, in ready money, upon his or their entry or entries made and before the landing thereof.

And be it further enacted by the Authority aforeſaid, That all common brewers of beer and Ale, ſhall once in every Week: And all Inn-keepers, alehouſe keepers, Victuallers, and other Retaylers of beer, Ale, ſyder, perry, metheglin, or ſtrong-water, brewing, making, or retailing the ſame, ſhall once in every moneth make true and particular entries at the office of exciſe, within the limits of which the ſaid commodities and manufactures are made of all beer, ale, perry, ſyder, metheglin, ſtrong-water, or other the liquors aforeſaid, which they, or any of them ſhall brew, make, or retail, in that week and moneth reſpectively as aforeſaid.

Common Brewers to accompt weekly, and other retailers of beer, ale, &c. monethly.

And be it further enacted by the Authority aforeſaid, That all ſuch common brewers, who do not once a Week make due and particular Entries ſhall forfeit five pounds: And that every ſuch Inn-keeper, who doth not make true and particular Entries once a Moneth, ſhal forfeit five pounds. And that every Alehouſe-keeper, Victualler, or other Retailer, who doth not once a moneth make due and particular Entries, ſhall forfeit twenty ſhillings.

The penalty for not accounting as aforeſaid.

And be it further enacted by the Authority aforeſaid, That every common Brewer, who ſhall not pay and clear off within a Week after he made his Entry, or ought to have made his Entry as aforeſaid, ſhall pay double the value of the Duty: And that every Inn-keeper Alehouſe-keeper, Victualler, or other Retailer, who ſhall not pay and clear off within a Moneth after he made his Entry, or ought to have made his entry, as aforeſaid, ſhall pay double the value of the Duty: The ſaid reſpective forfeitures to be levyed upon their Goods and Chattels, in ſuch manner and form, as hereafter in this Act is Ordained and directed.

Provided that no ſuch perſon, as aforeſaid, ſhall by compelled by the Commiſſioners, or Sub-Commiſſioners of exciſe, to travel for the making of the ſaid entries or payment of the ſaid Duties or other cauſe whatſoever, touching or concerning the ſame, if he live in a market-Town, out of the ſaid Town; if he live out of a Market-Town, then to no other place then to the next Market-Town to his habitation in the ſame County, on the Market day.

No perſon to be compelled by the Commiſſioners of Exciſe to go further for making their entries, then the next market Town.

And be it further enacted and Ordained by the Authority aforeſaid, That the Commiſſioners who ſhall be appointed by his Majeſty, for putting this Act in execution, and their Sub-Commiſſioners in their reſpective Circuits, and Diviſion, ſhall hereby have power to conſtitute under their Hands and ſeals, ſuch, and ſo many Gagers as they ſhall find needful: Which Gagers, and every of them, ſhall at all times, as well by night as by day; And if by night, then in preſence of a Conſtable, or other lawful Officer, be permitted upon their requeſt, to enter the houſe, Brew-houſe, Diſtilling-houſe, and all other houſes and places whatſoever belonging to, or uſed by any Brewer, Inn keeper, Victualler, or other retailer of Beer, Brewing, or making the ſame as aforſaid, or by any Diſtiller of Strong-waters, or Retailer of other the Liquors aforeſaid: And to Gage all Coppers, Fats and Veſſels in the ſame, and to take an accompt of Beer, Ale, Worts, Perry, Syder, Strong-waters, Aquavite, Metheglin, or other the Liquors aforeſaid, in the ſaid Houſes, Places, and Veſſels, from time to time, Brewed, or Made, and Diſtilled; and thereof to make return or report in writing to the ſaid Commiſſioners, or Sub-Commiſſioners of exciſe, under whoſe office and Limits, ſuch Brewer, Retailer, Diſtiller, or Makers of the Liquors aforeſaid doth well and inhabit, leaving a true Copy of ſuch return in Writing under his hand with ſuch Brewer, Retailer, diſtiller, or Makers of the Liquors aforeſaid; And ſuch Reports or Returns of the ſaid gagers ſhall be a charge upon the ſaid Brewers, Makers, and Retailers reſpectively; And if any ſuch Common Brewer or Retailer ſhall refuſe to permit any ſuch gager or gagers to enter his Brew-houſe or any other place aforementioned, or to gage or take accompt of his Brewing veſſels, or of any ſuch Beer, Ale, Worts, Perry, Syder, Strong-water, Aquavite, Metheglin, or other place aforeſaid, ſuch Brewer, Retailer, or diſtiller ſhall be forthwith forbidden by the ſaid gager or gagers, to ſell, carry out, or deliver to any of his Cuſtomers, any beer, Ale, Strong-water, Aquavite, or other the Liquors aforeſaid; And if any ſuch Brewer, Retailer, or Diſtiller of any the liquors aforeſaid, after ſuch warning given, ſhall ſell, carry, or deliver out the ſame, or any part thereof, not having, paid and cleared the duty of Exciſe, ſuch perſon and perſons ſhall beſides the forfeiture of double the value, forfeit and loſe the ſum of five pounds, as aforeſaid, for every offence, to be levied and recovered upon his or their goods and chattels in manner and form as hereafter in this Act is provided.

The Commiſſioners for execution of this Act impowred to appoint Gagers. The power of the Gagers.

Returns made by the gagers.

And for the avoiding of all incertainty, and diſpute, touching the returnes made or to be made by the Gagers of any beer or ale ſo brewed as aforeſaid; Be it Enacted and declared by the Authority aforeſaid, That every ſix and thirty gallons of beer taken by the gage according to the Standard of the Ale-quart, four whereof ſhall make the gallon, remaining in the Cuſtody of the Chamberlains of his Majeſties Exchequer, ſhall be reckoned, accompted and returned by the Gager for a barrel of Beer. And every two and thirty gallons of ale, taken by the Gage according to the ſame Standard, ſhall be in like manner reckoned, accompted and returned for a Barrel of ale; and all other the Liquors aforeſaid, according to the Wine-gallon.

What ſhall be reckoned a barrel of beer.

The Barrel of Ale.

Provided alwayes, and be it Enacted and Ordained by the Authority aforeſaid, That no Brewers or Retailers of beer and ale ſhall take any more in the price thereof, upon ſale of the ſame, then according to the uſual rates and prices, Saving that every common brewer ſhall and may take and receive of all and every perſons to whom he ſhall ſell and deliver any Ale or Beer, the Exciſe thereupon due, as aforeſaid, over and above the uſual Rates and Prizes.

And

Abatements and allowance to be made for waſte and leakage.

And be it enacted by the authority aforeſaid, That for the better encouragement of all Common Brewers, and makers of Beer or Ale to make due entry and payment thereof, according as by this act is appointed, the ſaid common Brewer not ſelling the ſame by retail, for and in conſideration of waſte by fillings and leakage of their Beer and Ale, ſhall have and be allowed out of the ſaid Returns made by the Gagers, the ſeveral allowances and abatements hereafter mentioned, (that is to ſay) upon every three and twenty Barrels of Beer, whether ſtrong or ſmall, returned by the ſaid Gagers, three Barrels; And upon every two and twenty barrels of ale, whether ſtrong or ſmall, returned by the Gagers, two barrels; which ſaid allowances and abatements the ſaid Commiſſioners to be appointed as aforeſaid, and their ſub-Commiſſioners, are hereby authorized to allow and make accordingly.

Forfeiture for falſe Entries.

Provided alwaies, That where any common Brewer ſhall wittingly or willingly make a falſe entry, and be convicted for the ſame before the Commiſſioners to be appointed as aforeſaid, or any two of them, or before ſuch other perſon or perſons as are hereafter by this Act appointed, in that caſe ſuch Brewer or Brewers ſhall forfeit and loſe over and beſides the penalties before mentioned, the ſaid allowance ſo to be made for ſix moneths then next enſuing.

No Ale or Beer to be delivered to the retayler before the rate be paid.

And be it enacted and ordained by the authority aforeſaid, That no Beer or Ale ſhall be delivered in by ſuch Brewer or Maker thereof to any Victualler or other Retailer thereof, untill the rate which by ſuch Victualler or Retailer is to be paid over and above the price of the ſaid beer or ale, for or in reſpect of this Duty, be firſt paid and ſatisfied by the ſaid Victualler or Retailer to the Brewer or Maker thereof.

Beer and Ale ſold in Fairs.

Provided alwaies, That if any perſon or perſons ſhall brew and ſell by retail any ſmall quantities of beer or ale in any Fair within this Realm, or Dominions aforeſaid, who is not otherwiſe any common or uſual Brewer or Retailer thereof, and ſhall before any ſuch ſelling and retailing thereof, well and truly pay and ſatisfie the duty due for the ſame to the Commiſſioners or Sub-Commiſſioners within whoſe Limits or Diviſion the ſaid Fair ſhall be held, or to their Officers thereunto appointed; That then ſuch perſon or perſons ſo brewing or retailing the ſame, and for ſo much, and no more, nor otherwiſe, ſhall be freed and diſcharged from all penalties and forfeitures in and by this act before mentioned and impoſed, Any thing therein contained to the contrary notwithſtanding.

The Commiſſioners may compound with any Inn-keeper, Retailer or Victualler.

Provided nevertheleſs, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and Sub-Commiſſioners reſpectively, to compound for this Duty with any Inn-keeper, Victualler, Alehouſe-keeper, or Retailer of Beer, Ale, and other the Liquors aforeſaid within their reſpective Diviſions, from time to time, and in ſuch manner and form as may be moſt for the advantage and improvement of the receipts thereof: Any thing in this act before contained to the contrary notwithſtanding.

Any the rates in this Act may be farmed for three years.

And it is further ordained and enacted by the authority aforeſaid, That the Lord Treaſurer, or Commiſſioners of the Treaſury for the time being, or ſuch other perſon or perſons as his Majeſty ſhall appoint, ſhall have power, and are hereby authorized and impowred from time to time to treat, contract, conclude and agree with any perſon or perſons for or concerning the Farming of all or any the Rates, Duties and Charges in this act mentioned upon Beer, Ale, Perry, Syder, or other the Liquors aforeſaid, in any the reſpective Counties, Cities or places of this Realm or Dominions thereof, as may be for the greateſt benefit and advantage of the ſaid Receipt, ſo as the ſame exceed not the term of Three years.

Perſons contracting that be nominated by the Juſtices of the Peace in every county ſhall have the refuſal of any Farm.

And be it further enacted, That every ſuch contract, bargain and agreement of the Lord Treaſurer, or Commiſſioners of the Treaſury, or other perſons aforeſaid, on behalf of his Majeſty on the one part, and the perſon or perſons farming on the other part, ſhall be good and effectual in Law, to all intents and purpoſes.

Provided alwaies, to the end the aforeſaid duty may be paid with moſt eaſe to the people; It is hereby further enacted, That the Lord Treaſurer, Commiſſioners of the Treaſury, or other perſons aforeſaid, ſhall not within ſix moneths after the Commencement of this act, treat, conclude or agree with any perſon or perſons touching the Farming of this duty upon beer and ale in any the reſpective Counties or places of this Realm, or Dominions thereof, other then with ſuch perſon or perſons as by the Juſtices of Peace of the ſaid Counties or places, or the major part of them, at their publick Quarter-Seſſions ſhall be nominated and appointed in that behalf, which perſon or perſons is to have the firſt refuſal of any ſuch Farm reſpectively, and may take the ſame; Any thing in this Act to the contrary thereof in any wiſe notwithſtanding.

Provided, That the ſaid duty ſhall not be let to any other perſon or perſons, then to the perſon or perſons recommended by the Juſtices, under the rate that it ſhall be tendred to, and refuſed by ſuch perſon or perſons ſo recommended.

Forfeitures and offences within this Act where determined.

And be it further enacted and ordained by the authority aforeſaid, That all forfeitures and offences made, done and committed againſt this Act, or any clauſe or article therein contained, ſhall be heard, adjudged and determined by ſuch perſon or perſons, and in ſuch manner and form as hereafter in and by this Act is directed and appointed; that is to ſay, all ſuch forfeitures and offences made and committed within the immediate limits of the chief Office in London, ſhall be heard, adjudged and determined, by the ſaid chief Commiſſioners and Governors of Exciſe (appointed by His Majeſty,) or the major part of them, or by the Commiſſioners for Appeals, and regulating of this duty, or the major part of them in caſe of Appeal, and not otherwiſe. And all ſuch forfeitures and offences made and committed within all or any other the Counties, Cities, Towns or places within this Kingdom, or Dominions thereof, ſhall be heard and determined by any two or more of the Juſtices of the peace reſiding near to the place where ſuch forfeitures ſhall be made, or offence committed: And in caſe of neglect or refuſal of ſuch Juſtices of the Peace, by the ſpace of 14 dayes next after complaint made, and notice thereof given to the Offendor, then the Sub-Commiſſioners, or the major part of them appointed for any ſuch City, County, Town or Place, ſhall, and are hereby impowered to hear and determine the ſame; And if the party find himſelf aggrieved by the Judgment given by the ſaid Sub-Commiſſioners, he ſhall and may appeal to the Juſtices of the Peace at the next Quarter-Seſſions, who are hereby impowered and authoriſed to hear and determine the ſame, whoſe Judgment therein ſhall be final; which ſaid Commiſſioners for Appeals, and regulating of this duty, and the chief Commiſſioners for Exciſe, and all Juſtices of Peace, and Sub-Commiſſioners aforeſaid reſpectively, are hereby authorized and ſtrictly enjoyned and required upon any Complaint or Information exhibited and brought of any ſuch forfeiture made, or offence committed contrary to this Act, to ſummon the party accuſed, and upon his appearance or contempt to proceed to the examination of the matter of Fact, and upon due proof made thereof, either by the voluntary confeſſion of the party, or by the Oath of one or more credible Witneſſes (which Oath they or any two or more of them have hereby power to adminiſter) to give Judgment or Sentence, according as in and by this Act is before ordained and directed; And to award and iſſue out Warrants under their Hands for the levying of ſuch forfeitures, penalties and fines as by this Act is impoſed, for any ſuch Offence committed, upon the Goods and Chattels of the Offendor, and to cauſe ſale to be made of the ſaid Goods and Chattels, if they ſhall not be redeemed within fourteen days, rendring to the party the overplus, if any be, and for want of ſufficient diſtreſſe, to impriſon the party offending till ſatiſfaction be made.

Appeals by parties grieved.

Provided nevertheleſs, That it ſhall and may be lawful, to and for the ſaid reſpective Juſtices of Peace, Commiſſioners for Exciſe, or any two of them, or their Sub-Commiſſioners reſpectively, from time to time, where they ſhall ſee cauſe to mitigate, compound or leſſen ſuch forfeiture, penalty or fine, as in their diſcretion they ſhall think fit; And that every ſuch mitigation and payment thereupon accordingly made, ſhall be a ſufficient diſcharge of the ſaid penalties and forfeitures to the perſons ſo offending, ſo as by ſuch mitigation the ſame be not made leſs than double the value of the Duty of Exciſe, which ſhould or ought to have been paid, beſides the reaſonable coſts and charges of ſuch Officer or Officers, or others, as were imployed therein, to be to them allowed by the ſaid Juſtices; any thing in this Act to the contrary in any wiſe notwithſtanding. And it is hereby further Enacted and Ordained, That all Fines, Forfeitures and Penalties mentioned in this Act, all neceſſary Charges for the recovery thereof being firſt deducted, ſhall be imployed, three fourth parts thereof to and for the uſe of the Kings Majeſty, and the other fourth part to the Diſcoverer or Informer of the ſame: And for the better managing, collecting, ſecuring, levying and recovering of all and every the ſaid Rates and Charges of Exciſe hereby impoſed, and ſet upon all or any of the Commodities before mentioned, to the end, the ſame may be paid and diſpoſed of according to the intent of this preſent Act: Be it further Enacted and Ordained by the authority aforeſaid, and it is hereby Enacted, That one principal Head-Office ſhall be erected and continued in the City of London, or within ten miles thereof, from time to time, as long as his Majeſty ſhall think fit for this duty, unto which all other Offices for the ſame within England and Wales, and the Town and Port of Berwick, ſhall be ſubordinate and accomptable: Which ſaid Office ſhall be managed by ſuch Officers as ſhall be appointed by the Kings Majeſty as aforeſaid, who, or any two of them, are hereby appointed and conſtituted Commiſſioners and Governors for the management of His Majeſties Receipt of the Exciſe, and to ſit in ſome convenient place in the City of London, or within ten times thereof, from time to time, as long as his Majeſty ſhall think fit.

Fines and forfeitures may be mitigated.

How the fines and forfeitures ſhall be imployed.

Commiſſioners and Governors for managing the Receipts of Exciſe.

And be it Enacted by the Authority aforeſaid, That no perſon or perſons ſhall be capable of intermedling with any Office or Imployment relating to the Exciſe, untill he or they ſhall before two or more Juſtices of Peace in the County where his or their Imployments ſhall be, or before one of the Barons of the Exchequer, take the Oaths of Allegiance and Supremacy, which Oaths they have hereby power to Adminiſter, together with this Oath following, Mutatis Mutandis.

YOU ſhall Swear to execute the Office of truly and faithfully, without Favour or Affection, and ſhall from time to time true Accompt make, and deliver to ſuch perſon and perſons as His Majeſty ſhall appoint to receive the ſame, and ſhall take no Fee or Reward for Execution of the ſaid Office, from any other perſon, than from His Majeſty, or thoſe whom His Majeſty ſhall appoint in that behalf.

The Oath.

And be it further Enacted by the Authority aforeſaid, That every ſuch Juſtice of Peace ſhall certifie the taking of ſuch Oath to the next Quarter-Seſſions, there to be Recorded; And it is further Enacted, That all parts of the Cities of London and Weſtminſter, with the Burrough of Southwark, and the ſeveral Suburbs thereof, and Pariſhes within the weekly Bills of Mortality, ſhall be under the immediate care, inſpection and management of the ſaid Head-Office, and ſuch, and ſo many ſubordinate Commiſſioners and Sub-Commiſſioners, and other Officers and Miniſters for the Execution of the Premiſſes, ſhall be from time to time nominated and appointed by His Majeſty, in all and every other the Counties, Cities, Towns and Places within this Kingdome of England, Dominion of Wales, and Port of Berwick, as from time to time his Majeſty ſhall think fit. And it is hereby further Enacted, That the ſaid Office of Exciſe in all places where it ſhall be appointed, ſhall be kept open from eight of the Clock in the morning, till twelve of the Clock at noon; and from two of the Clock in the Afternoon, till ſix of the Clock in the Afternoon, for the due execution and performance of all and every the matters and things in this Act appointed and required. And it is further hereby Enacted, That the ſaid Chief Commiſſioners of Exciſe, or the major part of them, ſhall from time to time iſſue forth and pay ſuch ſum and ſums of money, as ſhall from time to time be

Certificates at the next quarter ſeſſions.

London, Weſtminſter, Southwark.

Officers to be appointed by his Majeſty.

The Exciſe-Office to be kept open.

The monies collected to be paid into the receipt of the Exchequer.

be received, collected or levied by vertue of this Act, into his Majeſties Receipt of Exchequer.

Perſons ſued may plead the general iſſue.

Provided alwayes, and be it enacted, That if any perſon or perſons ſhall at any time be ſued or proſecuted for any thing by him or them done or executed in purſuance of this Act, he or they ſhall and may plead the general iſſue, and give this Act in evidence for his defence; and if upon the Tryal a verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs be Non-ſuit, then ſuch the Defendant or Defendants ſhall have double coſts to him or them awarded againſt ſuch Plaintiff or Plaintiffs.

Writs of Certiorari ſhall not ſuperſede any proceedings.

Provided alſo, and be it enacted, That no Writ or Writs of Certiorari ſhall ſuperſede Execution or other Proceedings, upon any Order or Orders made by the ſaid Juſtices aforeſaid in purſuance of this Act, but that Execution and other proceedings ſhall and may be had and made thereupon, any ſuch Writ or Writs, or allowance thereof notwithſtanding.

Proviſo for Ed. Backwell for payment of 28450 l.

Provided alwaies, and be it further Enacted, that this Act or any thing therein contained, ſhall not be prejudicial to Edward Backwell Alderman of London, as to the ſum of Twenty eight thouſand, four hundred and fifty pounds (or any part thereof) by him advanced upon the Credit of ſeveral Orders of this preſent Parliament, and by them charged on the receipt of the Grand Exciſe: that is to ſay, the ſum of Five thouſand pounds payable to his Majeſties Surveyor-General for the repair of his Majeſties houſes, charged by vertue of an Order of the ſixth of September, 1660. with Intereſt for the ſame; the ſum of ten thouſand pounds advanced to her Higneſs the Princes Royal, being charged with Intereſt by an order of the 13th of September, 1660. the ſum of ten thouſand pounds payable to her Majeſty the Queen of Bohemia being charged, together with Intereſt, by an Order of the 13th of September, 1660. the ſum of three thouſand four hundred and fifty pounds payable for Proviſions for Dunkirk, by an order of the 26 of November, 1660. which ſum of twenty eight thouſand four hundred and fifty pounds together with the Intereſt for the ſame, according to the tenor of the ſaid Orders, after the rate of ſix per Cent. ſhall be paid to the ſaid Edward Backwell, or his aſſigns, out of the grand Exciſe, and the arrears thereof in courſe, as is by the ſaid Orders appointed; and in caſe the ſame ſhall fall ſhort in payment by the Twenty fifth of December, One thouſand ſix hundred and ſixty, that then the remainder ſhall continue ſecured to him out of the whole Exciſe in courſe as aforeſaid, and that no other payments be made out of the Exciſe, but what is appointed by this preſent Parliament in courſe to precede the ſame until the ſaid debt due to the ſaid Edward Backwell, be ſatiſfied; and that in caſe any part of the monies due to Alderman Backwell, be paid out of that part of the exciſe which ſhall grow due to the Kings Majeſty; that then his Majeſty ſhall be reimburſed the ſame out of the firſt monies that ſhall come in of the Arrears of exciſe that will be due the ſaid twenty fifth of December, Stat. 13 Car. 2 cap. 7.

CAP. XXIV.

The Court of Wards and Liveries, and Tenures in Capite, and by Knights-Service, and Purveyances, taken away, and a Revenue ſetled upon His Majeſty in Lieu thereof.

The reaſons of this Act.

The Court of Wards and Liveries, Primer-Seiſins, &c taken away.

Fines for Alienations, &c. taken away. 1 Car. 1. cap. 3.

Tenures by Knights ſervice, taken away.

WHereas it hath been found by former experience, that the Court of Wards and Liveries, and Tenures by knights-Service, either of the King or others, or by Knights-ſervice in Capite, or Soccage in Capite of the King, and the conſequents upon the ſame have been much more burthenſome, grievous and prejudicial to the Kingdom, then they have been beneficial to the King: And whereas ſince the intermiſſion of the ſaid Court, which hath been from the Four and twentieth day of February, which was in the year of our Lord, One thouſand ſix hundred forty and five, many perſons have by Will and otherwiſe made diſpoſal of their Lands held by Knights-ſervice, whereupon divers Queſtions might poſſibly ariſe, unleſs ſome ſeaſonable remedy be taken to prevent the ſame; Be it therefore enacted by the King our Soveraign Lord, with the aſſent of the Lords and Commons in Parliament aſſembled, and by the Authority of the ſame, and it is hereby enacted, That the Court of Wards & Liveries, and all Wardſhips, Liveries, Primer-Seiſins, and Ouſter-le-mains Values and forfeitures of Marriages, by reaſon of any Tenure of the Kings Majeſty, or any other by Knights-ſervice, and all mean rates, and all other Gifts, Grants, Charges incident or ariſing, for, or by reaſon of Wardſhips, Liveries, Primer-Seiſins, or ouſter-le-mains be taken away and diſcharged, and are hereby enacted to be taken away and diſcharged, from the ſaid twenty fourth day of February, one thouſand ſix hundred forty five, any Law, Statute, Cuſtom, or Uſage, to the contrary hereof in any wiſe notwithſtanding; And that all Fines for Alienations, Seizures and Pardons for Alienations, Tenure by Homage and all Charges incident, ariſing, for or by reaſon of Wardſhip, Livery, Primer-Seiſin, or ouſter le-main, or Tenure by Knights-ſervice, eſcuage, and alſo Aide pur file marrier, & pur faier fitz Chivalier, and all other Charges incident thereunto, be likewiſe taken away and diſcharged, from the ſaid Twenty fourth day of February, one thouſand ſix hundred forty and five, any Law, Statute, Cuſtome, or Uſage to the contrary hereof in any wiſe notwithſtanding: And that all Tenures by Knights-Service of the King, or of any other perſon, and by Knights-Service in Capite, and by Socage in Capite of the King, and the Fruits and conſequents thereof, happened, or which ſhall or may hereafter happen or ariſe thereupon, or thereby, be taken away and diſcharged, Any Law, Statute, Cuſtome or uſage to the contrary hereof in any wiſe notwithſtanding; And all Tenures of any Honors Manors, Lands, Tenements, or Hereditaments, or any eſtate of Inheritance at the Common-Law, held either of the King, or of any other perſon or perſons, Bodies Politick, or Corporate are hereby enacted to be turned into free and common Socage to all intents and purpoſes, from the ſaid Twenty fourth day of February, one thouſand ſix hundred forty five, and ſhall be ſo conſtrued, adjudged and deemed to be from the ſaid Twenty fourth day of February one thouſand ſix hundred forty five, and for ever thereafter turned into free and common Socage, Any Law, Statute, Cuſtome, or uſage to the contrary hereof, in any wiſe notwithſtanding.

And that the ſame ſhall for ever hereafter ſtand and be diſcharged of all Tenure by Homage, Eſcuage, Voyages Royal, and charges for the ſame, Wardſhips incident to Tenure by Knights Service, and values and forfeitures of marriage, and all other charges incident to tenure by Knights-Service, And of and from Aide pur file marrier, and Aide pur faier fitz Chivalier, any law, ſtatute, Uſage, or Cuſtom to the contrary in any wiſe notwithſtanding. And that all Conveyances and Deviſes of any Manors, Lands, Tenements, and Hereditaments, made ſince the ſaid 24th of February, ſhall be expounded to be of ſuch effect; as if the ſame Mannors, Lands, Tenements and Hereditaments, had been then held and continued to be holden in free and common Socage only, any Law, Statute, Cuſtome, or Uſage to the contrary hereof in any wiſe notwithſtanding.

Tenures by homage, eſcuage, &c. diſcharged.

And be it further ordained and enacted by the authority of this preſent Parliament, That one act made in the reign of King Henry the 8th. Entituled, An Act for the eſtabliſhment of the Court of the Kings Wards; And alſo one Act of Parliament made in the 33. year of the reign of the ſaid King Henry the 8th. concerning the Officers of the Court of Wards and Liveries, and every clauſe, Article and matter in the ſaid Acts contained, ſhall from henceforth be repealed, and utterly void.

The Acts of 32 H.8. cap.6. & 33 H.8. c. 22. repealed.

And be it further enacted by the authority aforeſaid, That all tenures hereafter to be created by the Kings Majeſty his heirs or Succeſſors, upon any gifts or grants of any Manors, Lands, tenements, or Hereditaments, of any eſtate of Inheritance at the common law, ſhall be in free and common ſocage, and ſhall be adjudged to be in free and common ſocage onely and not by Knights Service, or in capite, and ſhall be diſcharged of all Wardſhip, value and forfeiture of marriage, Livery, Primer-Seizin, Ouſter le main, Aide pur faier fitz Chivalier, and pur file marrier, any Law, Statute, or reſervation to the contrary thereof in any wiſe notwithſtanding.

All tenures to be created by the King hereafter ſhall be free and common ſoccage.

Provided nevertheleſs, and be it enacted, That this Act, or any thing therein contained, ſhall not take away, nor be conſtrued to take away any rents certain, Herriots, or Suits of Court, belonging or incident to any former Tenure now taken away or altered by vertue of this Act, or others Services incident or belonging to Tenure in Common Socage, due or to grow due to the Kings Majeſty, or mean Lords, or other private perſon, or the fealty and diſtreſſes incident thereunto; And that ſuch relief ſhall be paid in reſpect of ſuch rents as is paid in caſe of the death of a Tenant in common Socage.

Proviſo for rents certain, herriots, &c.

Provided alwaies, and be it enacted, That any thing herein contained ſhall not take away nor be conſtrued to take away any Fines for Alienation due by particular cuſtoms of particular Manors and places, other then fines for alienations of lands or tenements holden immediately of the King in Capite.

Fines for Alienations due by particular cuſtomes of Manors.

Provided alſo, and be it further enacted, That this Act or any thing therein contained ſhall not take away, or be conſtrued to take away Tenures in Frank Almoigne, or to ſubject them to any greater or other ſervices then now are; nor to alter or change any Tenure by Copy of Court Roll, or any ſervices incident thereunto, nor to take away the honorary ſervices of Grand Serjeanty, other then of Wardſhip, Marriage, and value of Forfeiture of Marriage, Eſcuage, Voyages Royal and other charges incident to Tenure by Knights ſervice; and other then Aide pur faier fitz Chivalier, and Aide pur file marrier.

Tenures in Frank-Almoign.

Copy of Court Roll.

Honorary ſervices.

And be it further enacted by the authority aforeſaid, That where any perſon hath, or ſhall have, any Child or Children under the age of 21 years, and not married at the time of his death, That it ſhall and may be lawful to and for the Father of ſuch child or children, whether born at the time of the deceaſe of the Father, or at that time in ventre ſa mere; or whe- ſuch Father be within the age of 21 years, or of full age, by his deed executed in his life time, or by his laſt Will and Teſtament in writing in the preſence of two or more credible witneſſes, in ſuch manner, and from time to time as he ſhall reſpectively think fit to diſpoſe of the cuſtody and tuition of ſuch child or children, for, and during ſuch time as he or they ſhall reſpectively remain under the age of 21 years, or any leſſer time, to any perſon or perſons in poſſeſſion or remainder, other then Popiſh Recuſants: And that ſuch diſpoſition of the cuſtody of ſuch child or children made ſince the 24th. of February, 1645. or hereafter to be made, ſhall be good and effectual againſt all and every perſon or perſons claiming the cuſtody or tuition of ſuch child or children as Guardian in ſocage or otherwiſe: And that ſuch perſon or perſons to whom the cuſtody of ſuch child or children hath been, or ſhall be ſo diſpoſed or deviſed as aforeſaid, ſhall and may maintain an Action of Raviſhment of Ward, or Treſpaſs, againſt any perſon or perſons which ſhall wrongfully take away or detain ſuch child or Children, for the recovery of ſuch Child and Children, and ſhall and may recover damages for the ſame in the ſaid Action, for the uſe and benefit of ſuch Child or Children

Parents may diſpoſe of the cuſtody of children during their minority.

Actions of Raviſhment of Wards.

And be it further enacted, That ſuch perſon or perſons to whom the cuſtody of ſuch Child or Children hath been, or ſhall be ſo diſpoſed or deviſed, ſhall and may take into his or their cuſtody to the uſe of ſuch Child or Children, the profits of all Lands, Tenements, and Hereditaments of ſuch Child or Children; and alſo the cuſtody, tuition and management of the Goods, Chattels, and perſonal eſtate of ſuch Child or Children, till their reſpective Age of 21 years, or any leſſer time according to ſuch diſpoſition aforeſaid; and may bring ſuch action or actions in relation thereunto, as by Law a Guardian in common ſocage might do.

The Lands of children, and the management of their perſonal eſtate by their guardians.

Provided alſo, That this Act, or any thing therein contained, ſhall not extend to alter or prejudice the Cuſtom of the City of London, nor of any other City or Town corporate, or of the Town of Berwick upon Tweed concerning Orphans; nor to diſcharge any Apprentice from his Apprentiſhip.

Provided

Proviſo touching Titles of Honour Feodal.

Provided alſo, That neither this Act, nor any thing therein contained, ſhall infringe or hurt any Title of Honour, Feodal, or other, by which any perſon hath, or may have right to ſit in the Lords Houſe of Parliament, as to his or their Title of Honour, or ſitting in Parliament, and the priviledge belonging to them as Peers; This Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

Purveyances and proviſions for the Kings Houſhold taken away. Alt. St. 13 Car. 2. cap. 7.

And whereas by like experience it hath been found, that though divers good ſtrict and wholeſome Laws have been made in the times of ſundry his Majeſties moſt noble Progenitors, ſome extending ſo far as to life, for redreſs of the grievances and oppreſſions committed by the perſons imployed for making proviſions for the Kings Houſhold, Carriages and other purveyance for his Majeſty, and his occaſions; Yet divers oppreſſions have been ſtill continued, and ſeveral Counties have ſubmitted themſelves to ſundry Rates and Taxes, and Compoſitions, to redeem themſelves from ſuch vexations and oppreſſions: And foraſmuch as the Lords and Commons aſſembled in Parliament do find that the ſaid Remedies are not fully effectual, and that no other remedy will be ſo effectual and juſt, as to take away the occaſion thereof, eſpecially if ſatisfaction and recompence ſhall be therefore made to his Majeſty, his Heirs and Succeſſors, which is hereby provided to his Majeſties good liking and content; His Majeſty is graciouſly pleaſed, That it may be enacted, And be it enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, That from henceforth no ſum or ſums of Money, or other thing ſhall be taken, raiſed, taxed, rated, impoſed, paid, or levied, for or in regard of any proviſion, Carriages, or purveyance for his Majeſty, his Heirs or Succeſſors.

Purveyances for the King, Queen, &c.

Timber, Carts, Carriages, &c. taken away.

And that henceforth no perſon or perſons by any Warrant, Commiſſion, or Authority under the Great Seal, or otherwiſe, by colour of buying or making proviſion or purveyance for his Majeſty, or any Queen of England for the time being, or of any the Children of any King or Queen of England for the time being, or that ſhall be, or for his, their, or any of their Houſhold, ſhall take any Timber, Fewel, Cattel, Corn, Grain, Mault, Hay, Straw, Victual, Cart, Carriage, or other thing whatſoever of any the Subjects of his Majeſty, his Heirs or Succeſſors, without the free and full conſent of the Owner or Owners thereof, had and obtained without menace or enforcement; nor ſhall ſummon, warn, take, uſe or require any the ſaid Subjects to furniſh or find any Horſes, Oxen, or other Cattel, Carts, Ploughs, Wains, or other Carriages, for the uſe of his Majeſty, his Heirs or Succeſſors, or of any Queen of England, or of any Child or Children of any the Kings or Queens of England for the time being, for the carrying the Goods of his Majeſty, his Heirs or Succeſſors, or the ſaid Queens, or Children, or any of them, without ſuch full and free conſent as aforeſaid, any Law, Statute, Cuſtom or Uſage to the contrary notwithſtanding.

No pre-emption to be allowed or claimed in behalf of the King, &c.

The Penalty.

No Action upon this Statute to be ſtayed, but by Order of the Court where ſuch action depends.

Premunire.

Proviſo for the Stannaries, Butlerage, Priſage.

Recompence to his Majeſty for the Court of Wards and Purveyances.

And be it further enacted, That no pre-emption ſhall be allowed or claimed in the behalf of his Majeſty, or of any his Heirs or Succeſſors, or of any the Queens of England, or of any the Children of the Royal Family for the time being, in Market or out of Market; but that it be for ever hereafter free to all and every of the ſubjects of his Majeſty, to ſell, diſpoſe or employ his ſaid Goods to any other perſon or perſons as himſelf liſteth, any pretence of making proviſion or purveyance of Victual, Carriages, or other thing for his Majeſty, his Heirs and Succeſſors, or of the ſaid Queens, or Children, or any pretence of pre-emption in their, or any of their behalfs notwithſtanding. And if any perſon or perſons ſhall make proviſion or purveyance for his Majeſty, his Heirs or Succeſſors, or any the Queens, or Children aforeſaid, or impreſs or take any ſuch Carriages, or other things aforeſaid, on any pretence or colour of any Warrant aforeſaid, under the Great Seal, or otherwiſe, contrary to the intent hereof; it ſhall be lawful for the Juſtices of Peace, or ſuch two or one of them as dwell near, and to the Conſtables of ſuch Pariſh or Village where ſuch occaſion ſhall happen, at the requeſt of the party grieved: And they are hereby enjoyned to commit, or cauſe to be committed the party or parties ſo doing and offending to Gaol, till the next Seſſions, there to be indicted and proceeded againſt for the ſame; and that the Officers and Inhabitants of the Village or Pariſh where ſuch offence ſhall happen, ſhall be aſſiſtant therein; and moreover, the party grieved ſhall have his Action or Actions againſt ſuch offendor or offendors, and therein recover his treble damages and treble coſts: In which Action, no eſſoin, Wager of Law, Aid-prayer, Priviledge, Protection, Imparlance, Injunction, or Order of Reſtraint, ſhall be granted or allowed: And if any perſon or perſons ſhall (after notice given, that the Action depending is grounded upon this Statute) cauſe or procure any Action at the Common Law, grounded on this Statute, to be delayed or ſtayed before Judgment, by colour or means of any Order, Power, Warrant, or Authority, ſave onely of the Court where ſuch Action ſhall be brought and depending, or after Judgment had upon ſuch action, ſhall cauſe or procure execution of ſuch Judgment to be ſtayed or delayed by colour or means of any Order, Warrant, Power or Authority, ſave only by Writ of Errour, or Attaint, or Order of ſuch Court where ſuch Writ of Errour or Attaint ſhall be depending, That then the perſon ſo offending ſhall incur the pains, penalties and forfeitures ordained and provided by the Statute of Proviſion, and Premunire, made in the ſixteenth year of the Reign of King Richard the ſecond; Provided alwayes, That this Act extend not to prejudice any of His Majeſties Rights, Titles, or Duties of, in, or to, or out of any Tinne in the Stannaries of Devon and Cornwall, nor to prejudice the ancient Duties of Butlerage and Prizage of Wines; but that the ſame ſhall be in the ſame plight that the ſame were, before the making of this Act, any thing herein contained to the contrary in any wiſe notwithſtanding: And now to the intent and purpoſe that his Majeſty, his Heirs and Succeſſors, may receive a full and ample Recompence and Satisfaction, as well for the profits of the ſaid Court of Wards, and the Tenures, Wardſhips, Liveries, Primer-Seiſins, Ouſterlemains, and other the premiſſes and perquiſites incident thereunto; and for all Arrears any way due for the ſame, as alſo for all and all manner of purveyance and proviſions herein before mentioned, and intended to be taken away and aboliſhed; and all ſums of money due, or pretended to be due, or payable for, and in reſpect of any compoſitions for the ſame:

Be it therefore enacted by the authority aforeſaid, That there ſhall be paid unto the Kings Majeſty, his Heirs and Succeſſors for ever hereafter, in recompence as aforeſaid, the ſeveral Rates, Impoſitions, Duties and Charges herein after expreſſed, and in manner and form following: That is to ſay,

12 Car. 2. cap. 23.
Rates of the Exciſe.

For every Barrel of Beer or Ale above ſix ſhillings the barrel, brewed by the Common Brewer or any other perſon or perſons who doth or ſhall ſell or tap out Beer or Ale publickly or privately, to be paid by the common Brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, One ſhilling three pence.	XV. d.
For every Barrel of Six ſhillings Beer or Ale, or under, brewed by the common Brewer or any other perſon or perſons, who doth or ſhall ſell or tap out ſuch Beer or Ale publickly or privately to be paid by the ſaid common Brewer, or by ſuch other perſon or perſons reſpectively as aforeſaid, and ſo proportionably for a greater or leſſer quantity, three pence.	iij. d.
For all Cider and Perry made and ſold by retail, upon every Hogſhead to be paid by the Retailer thereof, and ſo proportionably for a greater or leſſer meaſure, One ſhilling three pence.	XV. d.
For all Metheglin or Mead ſold, whether by Retail or otherwiſe, to be paid by the maker thereof upon every Gallon, One half-penny.	Ob.
For every Barrel of Beer, commonly called Vinegar-Beer, brewed by any common Brewer, in any common Brew-houſe, ſix pence.	Vi. d.
For every Gallon of Strong-water or Aqua-vitæ, made and ſold, to be paid by the maker thereof, One penny.	i. d.
For every barrel of Beer or Ale Imported from beyond the Seas, Three ſhillings	iij. s.
For every Tun of Sider or Perry Imported from beyond the Seas, and ſo proportionably for a greater or leſſer quantity, Five ſhillings.	V. s.
For every Gallon of Spirits made of any kind of Wine or Sider Imported, Two pence.	ij d.
For every Gallon of Strong-water perfectly made, Imported from beyond the Seas, Four pence.	iiij. d.
For every Gallon of Coffee made and ſold, to be paid by the maker thereof, Four pence.	iiij. d.
For every Gallon of Chocolatte, Sherbet and Tea, made and ſold, to be paid by the maker thereof, Eight pence.	Viij. d.

And be it further enacted and ordained by the Authority aforeſaid, that the ſeveral Rates, Duties and Charges of Exciſe, or New Impoſt above mentioned, hereby ſet or impoſed upon all and every the ſaid forreign liquors which ſhall be Imported or brought into all, or any the ports of this Kingdom and dominions thereof, aforeſaid, from and after the five and twentieth day of December next, ſhal be from time to time ſatisfied and paid by the merchant or merchants importer or importers of the ſame, in ready money, upon his or their entry or entries made and before the landing thereof.

Rates of Exciſe upon forreign Liquors imported, to be paid in money before landing.

And be it further enacted by the Authority aforeſaid, That all common brewers of beer and Ale, ſhall once in every Week: And all Inn-keepers, alehouſe-keepers, Victuallers, and other Retaylers of beer, Ale, ſyder, perry, metheglin, or ſtrong water, brewing, making, or retailing the ſame, ſhall once in every moneth make true and particular entries at the office of exciſe, within the limits of which the ſaid commodities and manufactures are made of all beer, ale, perry, ſyder, metheglin, ſtrong-water, or other the liquors aforeſaid, which they, or any of them ſhall brew, make, or retail, in that week and moneth reſpectively as aforeſaid.

Entries to be made at the Office of Exciſe by Common Brewers, Inn-keepers, &c.

And be it further enacted by the Authority aforeſaid, That all ſuch common brewers, who do not once a Week make due and particular Entries ſhall forfeit ten pounds: And that every ſuch Inn-keeper, who doth not make true and particular Entries once a Moneth, ſhal forfeit five pounds. And that every Alehouſe-keeper, Victualler, or other Retailer, who doth not once a moneth make due and particular Entries, ſhall forfeit twenty ſhillings.

The penalty for not making Entries.

And be it further enacted by the Authority aforeſaid, That every common Brewer, who ſhall not pay and clear off within a Week after he made his Entry, or ought to have made his Entry as aforeſaid, ſhall pay double the value of the duty: And that every Inn-keeper Alehouſe-keeper, Victualler, or other Retailer, who ſhall not pay and clear off within a Moneth after he made his Entry, or ought to have made his entry, as aforeſaid, ſhall pay double the value of the Duty: The ſaid reſpective forfeitures to be levyed upon their Goods and Chattels, in ſuch manner and form, as hereafter in this Act is Ordained and directed.

The penalty for not paying.

Provided that no ſuch perſon, as aforeſaid, ſhall by compelled by the Commiſſioners, or Sub-Commiſſioners of exciſe, to travel for the making of the ſaid entries or payment of the ſaid Duties or other cauſe whatſoever, touching or concerning the ſame, if he live in a market-Town, out of the ſaid Town; if he live out of a Market-Town, then to no other place then to the next Market-Town to his habitation in the ſame County, on the Market day.

In what places Entries ſhall be made.

And be it further enacted and Ordained by the Authority aforeſaid, That the Commiſſioners who ſhall be appointed by his Majeſty, for putting this Act in execution, and their Sub-

The powers of the Commiſſioners to appoint Gagers.

The powers of the Gagers.

Commiſſioners in their reſpective Circuits, and Diviſions, ſhall hereby have power to conſtitute under their Hands and ſeals, ſuch, and ſo many Gagers as they ſhall find needful: Which Gagers, and every of them, ſhall at all times, as well by night as by day, And if by night, then in the preſence of a Conſtable, or other lawful Officer, be permitted upon their requeſt, to enter the houſe, Brew-houſe, Diſtilling-houſe, and all other houſes and places whatſoever belonging to, or uſed by any Brewer, Inn keeper, Victualler, or other retailer of Beer, Brewing, or making the ſame as aforeſaid, or by any Diſtiller of Strong-waters, or Retailer of other the Liquors aforeſaid: And to Gage all Coppers, Fats and Veſſels in the ſame, and to take an accompt of Beer, Ale, Worts, Perry, Strong-Waters, Aquavite, Metheglin, or other the Liquors aforeſaid, in the ſaid Houſes, Places, and Veſſels, from time to time, Brewed, or Made, and Diſtilled; and thereof to make return or report in writing to the ſaid Commiſſioners, or Sub-Commiſſioners of exciſe, under whoſe office and Limits, ſuch Brewer, Retailer, Diſtiller, or Maker of the Liquors aforeſaid doth dwell and inhabit, leaving a true Copy of ſuch return in Writing under his hand with ſuch Brewer, Retailer, diſtiller, or Makers of the Liquors aforeſaid; And ſuch Reports or Returns of the ſaid gagers ſhall be a charge upon the ſaid Brewers, makers, and retailers reſpectively; And if any ſuch Common Brewer, maker or Retailer ſhall refuſe to permit any ſuch gager or gagers to enter his Brew-houſe or any other places aforementioned, or to gage or take accompt of his Brewing veſſels, or of any ſuch Beer, Ale, Worts, Perry, Syder, Strong-water, Aquavite, Metheglin, or other the Liquors aforeſaid, ſuch Brewer, Retailer, or diſtiller ſhall be forthwith forbidden by the ſaid gager or gagers, to ſell, carry out, or deliver to any of his Cuſtomers, any beer, Ale, Strong-water, Aquavite, or other the Liquors aforeſaid; And if any ſuch Brewer, Retailer, or Diſtiller of any the liquors aforeſaid, after ſuch warning given, ſhall ſell, carry, or deliver out the ſame, or any part thereof, not having, paid and cleared the duty of Exciſe, ſuch perſon and perſons ſhall beſides the forfeiture of double the value, forfeit and loſe the ſum of ten pounds, as aforeſaid, for every offence, to be levied and recovered upon his or their goods and chattels in manner and form as hereafter in this Act is provided.

Penalty for ſelling, &c. not having cleared the Exciſe.

Proportions to be obſerved in returns of Gagers.

And for the avoiding of all incertainty, and diſpute, touching the returnes made or to be made by the Gagers of any beer or ale ſo brewed as aforeſaid; Be it Enacted and declared by the Authority aforeſaid, That every ſix and thirty gallons of beer taken by the gage according to the Standard of the Ale quart, four whereof ſhall make the gallon, remaining in the Cuſtody of the Chamberlains of his Majeſties Exchequer, ſhall be reckoned, accompted and returned by the Gager for a barrel of Beer. And every two and thirty gallons of ale, taken by the Gage according to the ſame Standard, ſhall be in like manner reckoned, accompted and returned for a Barrel of ale; and all other the Liquors aforeſaid, according to the Wine-gallon.

Brewers and Retailers to obſerve the uſual rates and prizes.

Provided alwayes, and be it Enacted and Ordained by the Authority aforeſaid, That no Brewers or Retailers of beer and ale ſhall take any more in the price thereof, upon ſale of the ſame, then according to the uſual rates and prices, Saving that every common brewer ſhall and may take and receive of all and every perſons to whom he ſhall ſell and deliver any Ale or Beer, the Exciſe thereupon due, as aforeſaid, over and above the uſual Rates and Prizes.

Encouragement to Brewers to make true Entries.

And be it enacted by the authority aforeſaid, That for the better encouragement of all Common Brewers, and makers of Beer or Ale to make due entry and payment thereof, according as by this act is appointed, the ſaid common Brewer not ſelling the ſame by retail, for and in conſideration of waſte by fillings and leakage of their Beer and Ale, ſhall have and be allowed out of the ſaid Returns made by the Gagers, the ſeveral allowances and abatements hereafter mentioned, (that is to ſay) upon every three and twenty Barrels of Beer, whether ſtrong or ſmall, returned by the ſaid Gagers, three Barrels; And upon every two and twenty barrels of ale, whether ſtrong or ſmall, returned by the Gagers, two barrels; which ſaid allowances and abatements the ſaid Commiſſioners to be appointed as aforeſaid, and their ſub-Commiſſioners, are hereby authorized to allow and make accordingly.

Allowance for waſte and Leakage.

Forfeiture for making falſe Entries.

Provided alwaies, That where any common Brewer ſhall wittingly or willingly make a falſe entry, and be convicted for the ſame before the Commiſſioners to be appointed as aforeſaid, or any two of them, or before ſuch other perſon or perſons as are hereafter by this Act appointed, in that caſe ſuch Brewer or Brewers ſhall forfeit and loſe over and beſides the penalties before mentioned, the ſaid allowance ſo to be made for ſix moneths then next enſuing.

No Beer, &c. to be delivered by the Brewer, until the Exciſe be paid by the Retayler.

And be it enacted and ordained by the authority aforeſaid, That no Beer or Ale ſhall be delivered in by ſuch Brewer or Maker thereof to any Victualler or any Retailer thereof, untill the rate which by ſuch Victualler or Retailer is to be paid over and above the price of the ſaid beer or ale, for or in reſpect of this Duty, be firſt paid and ſatisfied by the ſaid Victualler or Retailer to the Brewer or Maker thereof.

Proviſo for Beer and Ale ſold in Fairs.

Provided alwaies, That if any perſon or perſons ſhall brew and ſell by retail any ſmall quantities of beer or ale in any Fair within this Realm, or Dominions aforeſaid, who is not otherwiſe any common or uſual Brewer or Retailer thereof, and ſhall before any ſuch ſelling and retailing thereof, well and truly pay and ſatisfie the duty due for the ſame to the Commiſſioners or Sub-Commiſſioners within whoſe Limits or Diviſion the ſaid Fair ſhall be held, or to their Officers thereunto appointed; That then ſuch perſon or perſons ſo brewing or retailing the ſame, and for ſo much, and no more, nor otherwiſe, ſhall be freed and diſcharged from all penalties and forfeitures in and by this act before mentioned and impoſed; Any thing therein contained to the contrary notwithſtanding.

Provided neverthleſs, That it ſhall and may be lawful to and for the ſaid Commiſſioners,

and

The Commiſſioners may compound for the Exciſe in their Diviſions.

and Sub-Commiſſioners reſpectively, to compound for this Duty with any Inn-keeper, Victualler, Alehouſe-keeper, or Retailer of Beer, Ale, and other the Liquors aforeſaid within their reſpective Diviſions, from time to time, and in ſuch manner and form as may be moſt for the advantage and improvement of the receipts thereof: Any thing in this act before contained to the contrary notwithſtanding.

The power of the Lord Treaſurer, &c. to contract for farming any the rates or Duties in this Act.

And it is further ordained and enacted by the authority aforeſaid, That the Lord Treaſurer, or Commiſſioners of the Treaſury for the time being, or ſuch other perſon or perſons as his Majeſty, his heirs & ſucceſſors ſhall appoint, ſhall have power, and are hereby authorized and impowred from time to time to treat, contract, conclude and agree with any perſon or perſons for or concerning the Farming of all or any the Rates, Duties and Charges in this act mentioned upon Beer, Ale, Perry, Syder, or other the Liquors aforeſaid, in any the reſpective Counties, Cities or places of this Realm or Dominions thereof, as may be for the greateſt benefit and advantage of the ſaid Receipt, ſo as the ſame exceed not the term of Three years.

And be it further enacted, That every ſuch contract, bargain and agreement of the Lord Treaſurer, or Commiſſioners of the Treaſury, or other perſons aforeſaid, on behalf of his Majeſty on the one part, and the perſon or perſons farming on the other part, ſhall be good and effectual in Law, to all intents and purpoſes.

Perſons to be approved by the Juſtices of the Peace, &c. within ſix moneths, to have the refuſal of contracting for the Exciſe in their reſpective Counties.

Provided alwaies, to the end the aforeſaid duty may be paid with moſt eaſe to the people; It is hereby further enacted, That the Lord Treaſurer, Commiſſioners of the Treaſury, or other perſons aforeſaid, ſhall not within ſix moneths after the Commencement of this act, treat, conclude or agree with any perſon or perſons touching the Farming of this duty upon beer and ale in any the reſpective Counties or places of this Realm, or Dominions thereof, other then with ſuch perſon or perſons as by the Juſtices of Peace of the ſaid Counties or places, or the major part of them, at their publick Quarter-Seſſions ſhall be nominated and appointed in that behalf, which perſon or perſons is to have the firſt refuſal of any ſuch Farm reſpectively, and may take the ſame; Any thing in this Act to the contrary thereof in any wiſe notwithſtanding.

Provided, That the ſaid duty ſhall not be let to any other perſon or perſons, then to the perſon or perſons recommended by the Juſtices, under the rate that it ſhall be tendred to, and refuſed by ſuch perſon or perſons ſo recommended.

Forfeitures and offences within this Act how to be determined.

London.

Counties, Cities, &c. within this Kingdom.

Neglects of the Juſtices.

Levying the forfeitures.

And be it further enacted and ordained by the authority aforeſaid, That all forfeitures and offences made, done and committed againſt this Act, or any clauſe or article therein contained, ſhall be heard, adjudged and determined by ſuch perſon or perſons, and in ſuch manner and form as hereafter in and by this Act is directed and appointed; that is to ſay, all ſuch forfeitures and offences made and committed within the immediate limits of the chief Office in London, ſhall be heard, adjudged and determined, by the ſaid chief Commiſſioners and Governors of Exciſe (appointed by His Majeſty, or the major part of them, or by the Commiſſioners for Appeals, and regulating of this duty, or the major part of them in caſe of Appeal, and not otherwiſe. And all ſuch forfeitures and offences made and committed within all or any other the Counties, Cities, Towns or places within this Kingdom, or Dominions thereof, ſhall be heard and determined by any two or more of the Juſtices of the peace reſiding near to the place where ſuch forfeitures ſhall be made, or offence committed: And in caſe of neglect or refuſal of ſuch Juſtices of the Peace, by the ſpace of 14 dayes next after complaint made, and notice thereof given to the Offendor, then the Sub-Commiſſioners, or the major part of them appointed for any ſuch City, County, Town or Place, ſhall, and are hereby impowered to hear and determine the ſame; And if the party find himſelf aggrieved by the Judgment given by the ſaid Sub-Commiſſioners, he ſhall and may appeal to the Juſtices of the Peace at the next Quarter-Seſſions, who are hereby impowered and authoriſed to hear and determine the ſame, whoſe Judgment therein ſhall be final; which ſaid Commiſſioners for Appeals, and regulating of this duty, and the chief Commiſſioners for Exciſe, and all Juſtices of Peace, and Sub-Commiſſioners aforeſaid reſpectively, are hereby authorized and ſtrictly enjoyned and required upon any Complaint or Information exhibited and brought of any ſuch forfeiture made, or offence committed contrary to this Act, to ſummon the party accuſed, and upon his appearance or contempt to proceed to the examination of the matter of Fact, and upon due proof made thereof, either by the voluntary confeſſion of the party, or by the Oath of one or more credible Witneſſes (which Oath they or any two or more of them have hereby power to adminiſter) to give Judgment or Sentence, according as in and by this Act is before ordained and directed; And to award and iſſue out Warrants under their Hands for the levying of ſuch forfeitures, penalties and fines as by this Act is impoſed, for any ſuch Offence committed, upon the Goods and Chattels of the Offendor, and to cauſe ſale to be made of the ſaid Goods and Chattels, if they ſhall not be redeemed within fourteen days, rendring to the party the overplus, if any be, and for want of ſufficient diſtreſſe, to impriſon the party offending till ſatisfaction be made.

Power to mitigate the forfeitures.

How the forfeitures ſhall be imployed.

Provided nevertheleſs, That it ſhall and may be lawful, to and for the ſaid reſpective Juſtices of Peace, Commiſſioners for Exciſe, or any two of them, or their Sub-Commiſſioners reſpectively, from time to time, where they ſhall ſee cauſe to mitigate, compound or leſſen ſuch forfeiture, penalty or fine, as in their diſcretion they ſhall think fit; And that every ſuch mitigation and payment thereupon accordingly made, ſhall be a ſufficient diſcharge of the ſaid penalties and forfeitures to the perſons ſo offending, ſo as by ſuch mitigation the ſame be not made leſs than double the value of the Duty of Exciſe, which ſhould or ought to have been paid, beſides the reaſonable coſts and charges of ſuch Officer or Officers, or others, as were imployed therein, to be to them allowed by the ſaid Juſtices; any thing in this Act to the contrary in any wiſe notwithſtanding. And it is hereby further Enacted and

One principal Office of Exciſe erected in London.

Ordained, That all Fines, Forfeitures and Penalties mentioned in this Act, all neceſſary Charges for the recovery thereof being firſt deducted, ſhall be imployed, three fourth parts thereof to and for the uſe of the Kings Majeſty, and the other fourth part to the Diſcoverer or Informer of the ſame: And for the better managing, collecting, ſecuring, levying and recovering of all and every the ſaid Rates and Charges of Exciſe hereby impoſed, and ſet upon all or any of the Commodities before mentioned, to the end, the ſame may be paid and diſpoſed of according to the intent of this preſent Act: Be it further Enacted and Ordained by the authority aforeſaid, and it is hereby Enacted, That one principal Head-Office ſhall be erected and coutinued in the City of London, or within ten miles thereof, from time to time, as long as his Majeſty ſhall think fit for this duty, unto which all other Offices for the ſame within England and Wales, and the Town and Port of Berwick, ſhall be ſubordinate and accomptable: Which ſaid Office ſhall be managed by ſuch Officers as ſhall be appointed by the Kings Majeſty as aforeſaid, who, or any two of them, are hereby appointed and conſtituted Commiſſioners and Governors for the management of His Majeſties Receipt of the Exciſe, and to ſit in ſome convenient place in the City of London, or within ten times thereof, from time to time, as long as his Majeſty ſhall think fit.

And be it Enacted by the Authority aforeſaid, That no perſon or perſons ſhall be capable of intermedling with any Office or Imployment relating to the Exciſe, untill he or they ſhall before two or more Juſtices of Peace in the County where his or their Imployments ſhall be, or before one of the Barons of the Exchequer, take the Oaths of Allegiance and Supremacy, which Oaths they have hereby power to Adminiſter, together with this Oath following, Mutatis Mutandis.

The Oath.

YOU ſhall Swear to execute the Office of   truly and faithfully, without Favour or Affection and ſhall from time to time true Accompt make, and deliver to ſuch perſon and perſons as His Majeſty ſhall appoint to receive the ſame, and ſhall take no Fee or Reward for the Execution of the ſaid Office, from any other perſon, than from His Majeſty, or thoſe whom His Majeſty ſhall appoint in that behalf.

London, Weſtminſter, &c. to be under the management of the chief Office.

All Commiſſioners, &c. to be nominated by his Majeſty.

Times in which the Office ſhall be kept open.

And be it further Enacted by the Authority aforeſaid, That every ſuch Juſtice of Peace ſhall certify the taking of ſuch Oath to the next Quarter-Seſſions, there to be Recorded; And it is further Enacted, That all parts of the Cities of London and Weſtminſter, with the Burrough of Southwark, and the ſeveral Suburbs thereof, and Pariſhes within the weekly Bills of Mortality, ſhall be under the immediate care, inſpection and management of the ſaid Head-Office, and ſuch, and ſo many ſubordinate Commiſſioners and Sub-Commiſſioners, and other Officers and Miniſters for the Execution of the Premiſſes, ſhall be from time to time nominated and appointed by His Majeſty, his Heirs and Succeſſors, in all and every other the Counties, Cities, Towns and Places within this Kingdome of England, Dominion of Wales, and Port of Berwick, as from time to time his Majeſty, his heirs and ſucceſſors, ſhall think fit. And it is hereby further enacted, That the ſaid Office of Exciſe in all places where it ſhall be appointed, ſhall be kept open from eight of the Clock in the morning, till twelve of the Clock at noon; and from two of the Clock in the Afternoon, till five of the Clock in the Afternoon, for the due execution and performance of all and every the matters and things in this Act appointed and required. And it is further hereby Enacted, That the ſaid Chief Commiſſioners of Exciſe, or the major part of them, ſhall from time to time iſſue forth and pay ſuch ſum and ſums of money, as ſhall from time to time be received, collected or levied by vertue of this Act, into his Majeſties Receipt of Exchequer.

The general iſſue pleadable in any action upon this Statute.

Provided alwayes, and be it enacted, That if any perſon or perſons ſhall at any time be ſued or proſecuted for any thing by him or them done or executed in purſuance of this Act, he or they ſhall and may plead the general iſſue, and give this Act in evidence for his defence; and if upon the Tryal a verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs be Non-ſuit, then ſuch the Defendant or Defendants ſhall have double coſts to him or them awarded againſt ſuch Plaintiff or Plaintiffs.

Writs of Certiorari no ſuperſedeas.

Provided alſo, and be it enacted, That no Writ or Writs of Certiorari ſhall ſuperſede Execution or other Proceedings, upon any Order or Orders made by the ſaid Juſtices aforeſaid in purſuance of this Act, but that Execution and other proceedings ſhall and may be had and made thereupon, any ſuch Writ or Writs, or allowance thereof notwithſtanding.

Proviſo as to the Act of General pardon.

Provided, That this Act, or any thing therein contained, ſhall not extend, or be conſtrued to extend in any matter to weaken or invalidate one Act of this preſent Parliament, Entituled, An Act of Free and General Pardon, Indempnity and Oblivion, but that every Clauſe, Article, Matter and thing therein mentioned and compriſed, ſhall notwithſtanding this Act, or any matter or thing therein, remain good and valid, and be of the ſame force, vertue and effect, as if this Act had never been made.

Proviſo concerning Edw. Backwell.

Provided alwaies, and be it further Enacted, that this Act or any thing therein contained, ſhall not be prejudicial to Edward Backwell Alderman of London, as to the ſum of Twenty eight thouſand, four hundred and fifty pounds (or any part thereof) by him advanced upon the Credit of ſeveral Orders of this preſent Parliament, and by them charged on the receipt of the Grand Exciſe: that is to ſay, the ſum of Five thouſand pounds payable to his Majeſties Surveyor-General for the repair of his Majeſties houſes, charged by vertue of an Order of the ſixth of September, 1660. with Intereſt for the ſame; the ſum of ten thouſand pounds advanced to her Highneſs the Princes Royal, being charged with Intereſt by an order of the 13th of September, 1660. the ſum of ten thouſand pounds payable to her Majeſty the Queen of Bohemia being charged, together with Intereſt, by an Order of the 13th of September, 1660. the ſum of three thouſand four hundred and fifty pounds payable for Proviſions for Dunkirk, by an order of the 26 of November, 1660. which ſum of twenty eight thouſand four hundred and fifty pounds together with the Intereſt for the ſame, according to the tenor of the ſaid Orders, after the rate of ſix per Cent. ſhall be paid to the ſaid Edward Backwell, or his aſſigns, out of the grand Exciſe, and the arrears thereof in courſe, as is by the ſaid Orders appointed; and in caſe the ſame ſhall fall ſhort in payment by the Twenty fifth of December, One thouſand ſix hundred and ſixty, that then the remainder ſhall continue ſecured to him out of the whole Exciſe in courſe as aforeſaid, and that no other payments be made out of the Exciſe, but what is appointed by this preſent Parliament in courſe to precede the ſame until the ſaid debt due to the ſaid Edward Backwell, be ſatisfied; and that in caſe any part of the monies due to Alderman Backwell, be paid out of that part of the exciſe which ſhall grow due to the Kings Majeſty, that then his Majeſty ſhall be reimburſed the ſame out of the firſt monies that ſhall come in of the Arrears of exciſe that will be due the ſaid twenty fifth of December, Stat. 13 Car. 2, cap. 7.

CAP. XXV.

The Selling of Wines by retail, and for preventing Abuſes in the Mingling, and Corrupting of Wines, and for ſetting the prices thereof.

FOR the better Ordering of Selling of Wines by Retail in Taverns and other places, and for the preventing of Abuſes therein, Be it enacted by the Kings moſt excellent Majeſty, by and with the conſent of the Lords and Commons in Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons whatſoever, from and after the Five, and twentieth day of March, one thouſand ſix hundred ſixty one, unleſs he or they be authorized and enabled in manner and form as in this preſent Act is preſcribed and appointed, ſhall ſell or utter by retail, that is, by the Pint, Quart, Pottle or Gallon, or by any other greater or leſſer retail meaſure, any kind of wine or wines to be drunk or ſpent within his or their Manſion-houſe, or houſes, or ſuch other place in his or their tenure or occupation, or without ſuch Manſion-houſe or houſes, or ſuch other place in his or their tenure or occupation, by any colour, craft or mean whatſoever, upon pain to forfeit for every ſuch offence the ſum of five pounds; the one moyety of every ſuch penalty to be to our Soveraign Lord the King, the other moyety to him or them that will ſue for the ſame, by Action of Debt, bill, plaint, or Information, in any of the Kings Courts of Record, in which Action or ſuit, no eſſoign, Wager of Law or Protection ſhall be allowed.

The penalty of unlawful uttering wine by retail.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful, to and for his Majeſty, his Heirs and ſucceſſors, from time to time, to iſſue out under His or their Great Seal of England, one or more Commiſſion or Commiſſions directed to two or more perſons, thereby Authorizing them to licence and give Authority to ſuch perſon, or perſons as they ſhall think fit to ſell and utter by retail, all and every, or any kind of Wine or Wines whatſoever, to be drunk and ſpent, as well within the houſe or houſes, or other place in the tenure or occupation of the party ſo licenced, as without, in any city, town or other place within this Kingdom of England, Dominion of VVales, and Town and Port of Berwick upon Tweed; and ſuch perſons as from time to time, or at any time hereafter ſhall be by ſuch Commiſſion or Commiſſions, as aforeſaid in that behalf appointed, ſhall have power and authority, and hereby have power and authority to treat and contract for licence, authority and diſpenſations to be given and granted to any perſon or perſons for the ſelling and uttering of Wines by retail in any City, Town or other place as aforeſaid, according to the rules and directions of this preſent Act, and the true intent and meaning thereof, and not otherwiſe, any Law, Statute, Uſage, or Cuſtome to the contrary in any wiſe notwithſtanding.

His Majeſty may iſſue out Commiſſions to licenſe the uttering wine.

And be it further enacted by the authority aforeſaid, That ſuch perſons as ſhall be Commiſſioned and appointed by his Majeſty, his Heirs or Succeſſors, as aforeſaid, ſhall be, and be called His Majeſties Agents for granting Licences for the ſelling and Uttering of wine by retail; And his Majeſties ſaid Agents are hereby authorized and enabled under their ſeal of office, the ſame to be appointed by his Majeſty, to grant Licence for the ſelling and uttering of Wines by retail to any perſon or perſons, and for any time or term not exceeding 21 years, if ſuch perſon or perſons ſhall ſo long live; And for ſuch yearly rent as they can or ſhall agree, and think fit, ſo as no Fine be taken for the ſame; But that the rent and ſums of money agreed upon and reſerved be paid and anſwered half yearly by equal portions during the whole Term.

His Majeſties Agents for granting wine Licenſes, may grant Licenſes not exceeding 21 years, if the perſon ſo long live. Rent reſerved, but no fine to be taken.

And be it further Enacted by the authority aforeſaid, That ſuch Licence ſhall not be given or granted, but to ſuch who ſhall perſonally uſe the Trade of ſelling or uttering of wines by retail, or to the Landlord and owner of the houſe where the perſon uſing ſuch Trade ſhall ſel and utter Wine by retail; nor ſhall the ſame be aſſignable, nor in any wiſe beneficial or extenſive, to indemnify any perſon againſt the penalties of this preſent Act, except the firſt taker.

Licenſes only to ſuch as perſonally uſe the Trade.

Wine Licenſes not aſſignable.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful, to and for his Majeſty, His Heirs and Succeſſors, to conſtitute and appoint ſuch, and ſo many other Officers and Miniſters as a Receiver, Regiſter, Clerk, Controller, Meſſengers, or the like for the better carrying on of this ſervice, as he and they ſhall think fit, ſo as the Salaries and Wages of all ſuch Officers to be appointed, together with the Salary or wages of his Majeſties ſaid Agents, do not exceed ſix pence in the pound of the revenue that ſhall hence ariſe.

The King may appoint Officers as he ſhall think fit.

Not exceeding ſix pence in the pound for their ſalaries.

And be it further Enacted by authority aforeſaid, That the Rents, Revenues, and ſums of money hence ariſing, except what ſhall be allowed for the Wages and Salaries of ſuch officers and Miniſters, which is not to exceed ſix pence out of every pound thereof, ſhall be duly and conſtantly paid and anſwered into his Majeſties Receipt of Exchequer, and ſhall not be particularly charged or chargeable, either before it be paid into the Exchequer, or after, with any gift, or Penſion. And his Majeſties ſaid Agents are hereby enjoyned and

The Revenue to be paid into the Exchequer, and not to be charged with any gift or Penſion.

The Agents to return into the Exchequer in Michaelmas and Eaſter Term, what Licenſes they have granted.

required to return into the Court of Exchequer, every Michaelmas and Eaſter Terms, upon their Oaths (which Oaths the Barons of the Exchequer, or any one of them, are hereby authorized to adminiſter) a Book fairly written, containing a full and true account of what licences have been granted the preceeding half year, and what Rents and ſums of money are thereupon reſerved, and have been paid, or are in arrear, together with the ſecurities of the perſons ſo in arrear, to the end due and ſpeedy proceſs may be made out according to the courſe of the Exchequer, for the recovery of the ſame.

Proviſo for the two Univerſities and their priviledges.

Provided alwaies, That this Act, nor any thing therein contained, ſhall not in any wiſe be prejudicial to the priviledg of the two Univerſities of this Land, or either of them, nor to the Chancellors or Scholars of the ſame, or their Succeſſors; but that they may uſe and enjoy ſuch priviledges as heretofore they have lawfully uſed and enjoyed, any thing herein to the contrary notwithſtanding.

Proviſo for the Society of the Vintners of London.

Provided alſo, That this Act, or any thing therein contained, ſhall not extend to be prejudicial to the Maſter, Wardens, Freemen and Commonalty of the Myſtery of Vintners of the City of London, or to any other City or Town Corporate, but that they may uſe and enjoy ſuch Liberties and Priviledges as heretofore they have lawfully uſed and enjoyed any thing herein contained to the contrary notwithſtanding.

Proviſo for the Burrough of St. Albans.

Provided alſo, and be it enacted by the Authority aforeſaid, That this Act, or any thing therein contained ſhall not in any wiſe extend to debar or hinder the Mayor and Burgeſſes of the Burrough of St. Albans in the County of Hertford, or their Succeſſors, from enjoying, uſing and exerciſing of all ſuch Liberties, powers, and Authorities to them heretofore granted by ſeveral Letters Patents under the Great Seal of England, by Queen Elizabeth, and King James of famous memories, for the erecting, appointing, and Licencing of three ſeveral Wine-Taverns within the Burrough aforeſaid, for and towards the maintenance of the Free-School there; but that the ſame Liberties, Powers, and Authorities ſhall be, and are hereby eſtabliſhed and confirmed, and ſhall remain and continue in and to the ſaid Mayor and Burgeſſes, and their Succeſſors, to and for the charitable uſe aforeſaid, and according to the tenor of the Letters Patents aforeſaid, as though this Act had never been made, any thing herein contained to the contrary in any wiſe notwithſtanding.

Fees of the Officers.

Provided alſo, That it ſhall not, nor may be lawful to or for any officer or officers to be appointed by his Majeſty for the carrying on of this ſervice, to take, demand, or receive any Fees, Rewards, or ſums of money whatſoever, for in reſpect of this Service, other then five ſhillings for a Licence, four pence for an Acquittance, and ſix pence for a Bond, under the penalty of ten pounds, one moyety thereof to the Kings Majeſty, the other moyety to the perſon or perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, wherein no Wager of Law, Eſſoign, or Protection ſhall be allowed, any thing herein, or any other matter or thing to the contrary notwithſtanding.

There ſhall be no mixture of other wines or things.

And it is hereby further enacted by the authority aforeſaid, That no Merchant, Vintner, Wine-Cooper or other perſon, ſelling or retailing any Wine, ſhall mingle or utter any Spaniſh Wine mingled with any French Wine, or Rheniſh Wine, Syder, Perry, Honey, Sugar, Syrups of Sugar, Molaſſes, or any other Syrups whatſoever, nor put in any Iſinglaſs, Brimſtone, Lime, Raiſins, Juice of Raiſins, Water, nor any other Liquor nor Ingredients nor any Clary, or other herb, nor any ſort of fleſh whatſoever; And that no Merchant, Vintner, Wine-Cooper, or other perſon ſelling or retailing any Wine, ſhall mingle or utter any French Wines mingled with any Rheniſh Wines or Spaniſh Wines, Syder, Perry, Stummed Wine, Vitriol, Honey, Sugar, Syrup of Sugar, Molaſſes, or any Syrups whatſoever, nor put in any Iſinglaſs, Brimſtone, Lime, Raiſins, Juice of Raiſins, water, nor any other Liquor or Ingredients, nor any Clary, or other herb, nor any ſort of fleſh whatſoever; And that no Merchant, Vintner, Wine-Cooper, or other perſon ſelling or retailing any wine, ſhall mingle or utter any Rheniſh-Wine mingled with any French Wines, or Spaniſh Wines, Syder, Perry, Stummed Wine, Vitriol, Honey, Sugar, Syrups of Sugar, Molaſſes, or any other Syrups whatſoever, nor put in any Iſinglaſs, Brimſtone, Lime, Raiſins, Juice of Raiſins, Water, nor any other Liquor or Ingredients nor any Clary or herb, nor any ſort of fleſh whatſoever: And that all and every perſon and perſons committing any of the offences aforeſaid, ſhall incur the pains and penalties herein after mentioned; That is to ſay, every Merchant, Wine-Cooper, or other perſon ſelliug any ſort of Wines in groſs, mingled or abuſed as aforeſaid, ſhall forfeit and loſe for every ſuch offence, one hundred pounds; And that every Vintner or other perſon ſelling any ſorts of Wine by retail, mingled or abuſed as aforeſaid, ſhall forfeit and loſe for every ſuch offence, the ſum of Forty pounds; of which forfeitures one moyety ſhall go unto the Kings Majeſty, his heirs and Succeſſors, the other moyety to the Informer, to be recovered in any Court of Record by Action of Debt, bill, Plaint, or Information, wherein no eſſoin, protection, or Wager of law ſhall be allowed.

The penalties of mingling or abuſing any Wines.

The Prices of Wines.

Provided alwaies: And be it enacted, That from and after the firſt day of September, One thouſand ſix hundred ſixty and one, no Canary-wines, Muſkie or Alegant, or other Spaniſh or ſweet wines, ſhall be ſold or uttered by any perſon or perſons within his Majeſties Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, by retail, for above Eighteen pence the quart; And that no Gaſcoigne or French Wines whatſoever, ſhall be ſold by Retail above eight pence the quart; And that no Rheniſh Wines whatſoever ſhall be ſold by retail, above Twelve pence the quart; (And according to the rates, for a greater and leſſer quantity, all and every the ſaid Wines ſhall and may be ſold) upon pain and penalty that every ſuch perſon or perſons, who ſhall utter or ſell any of the ſaid Wines by retail, that is to ſay, by Pint, Quart, Pottle, or Gallon, or any other greater or leſſer Retail meaſure, at any rate exceeding the Rates hereby limited, do, and ſhall forfeit for every ſuch Pint, Quart, Pottle, Gallon, or other greater or leſſer quantity ſo ſold by retail, the ſum of five

The Penalties.

pounds; the one moyety of which forfeiture ſhall be to our Soveraign Lord the King, his heirs and Succeſſors, and the other moyety to him or them that ſhall ſue for the ſame, to be recovered in manner and form as aforeſaid.

Provided nevertheleſs, That it ſhall and may be lawful to and for the Lord Chancellor of England, Lord Treaſurer, Lord Preſident of the Kings Councel, Lord Privy Seal and the two Chief Juſtices, or Five, Four or Three of them; And they are hereby Authorized yearly, and every year between the twentieth of November, and the laſt day of December, and no other times, to ſet the Priſes of all and every the ſaid Wines to be ſold by retail as aforeſaid at higher or lower rates then are herein contained, ſo that they or any of them cauſe the Priſes by them ſet to be written in Proclamation thereof to be made in the Kings Court of Chancery yearly in the Term time, or elſe in the City, Borough, or Towns Corporate where any ſuch Wine ſhall be ſold; And that all and every the ſaid wines ſhall and may be ſold by retail at ſuch prices as by them, or any Five, four, or three of them ſhall be ſet as aforeſaid, from time to time, for the ſpace of one whole year, to commence from the firſt day of February next after the ſetting thereof and no longer, and no greater priſes under the pains and penalties aforeſaid, to be recovered as aforeſaid, and afterwards: And in default of ſuch ſetting of prices by the ſaid Lord Chancellor of England, Lord Treaſurer, Lord Preſident of the Kings Councel, Lord Privy Seal, and the two Chief Juſtices, or Five, four, or three of them, ſhall be ſet as aforeſaid, at the reſpective rates and prices ſet by this Act, and under the penalties as aforeſaid, to be recovered as aforeſaid. Stat. 13 Car. 2. cap. 7.

The Lord Chancellor, &c. may ſet the Priſes of Wines yearly, or alter the ſame.

CAP. XXVI.

The levying of the Twelve Moneths Aſſeſment commencing the 24th of June, 1659. and the ſix Moneths Aſſeſment, commencing the 25th of December 1659. EXP. Stat. 13 Car. 2. cap. 7.

CAP. XXVII.

Four hundred and twenty thouſand pounds, by an Aſſeſment of Threeſcore and ten thouſand pounds by the Moneth, Granted for ſix Moneths, for Diſbanding the Remainder of the Army, and paying off the Navy, with Rules and Inſtructions for the ſame. EXP. Stat. 13 Car. 2. cap. 7.

CAP. XXVIII.

Further ſupplying and explaining certain defects in an Act, entituled, An Act for the proviſion of money for Diſbanding and paying off the Forces of this Kingdom, both by Land and Sea. EXP. Stat. 13 Car. 2. cap. 7.

CAP. XXIX.

Seventy thouſand pounds to be raiſed for the further ſupply of his Majeſty. EXP. Stat. 13 Car. 2. cap. 7.

CAP. XXX.

The Attainder of ſeveral perſons Guilty of the Horrid Murther of His late Sacred Majeſty King CHARLES the Firſt.

IN all humble manner ſhew unto your moſt excellent Majeſty, your Majeſties moſt Dutiful and Loyal Subjects the Lords and Commons in Parliament Aſſembled, That the horrid and Execrable Murther of your Majeſties Royal Father, our late moſt Gracious Soveraign Charles the Firſt, of ever bleſſed and glorious Memory, hath been committed by a party of wretched men, deſperately wicked, and hardned in their Impiety, who having firſt plotted and contrived the ruine and deſtruction of this excellent Monarchy, and with it, of the true Reformed Proteſtant Religion which had been ſo long protected by it and flouriſhed under it, found it neceſſary in order to the carrying on of their pernicious and traiterous deſigns, to throw down all the Bullwarks and Fences of Law, and to ſubvert the very being and conſtitution of Parliament, that ſo they might at laſt make their way open for any further attempts upon the Sacred Perſon of his Majeſty himſelf; And that for the more eaſie effecting thereof, they did firſt ſeduce ſome part of the then Army into a compliance, and then kept the reſt in ſubjection to them, partly for hopes of preferment, and chiefly for fear of loſing their imployments and arrears; until by theſe, and other more odious arts and devices, they had fully ſtrengthened themſelves both in power and faction; which being done, they did declare againſt all manner of Treaties with the Perſon of the King, even then while a Treaty by Advice of both Houſes of Parliament was in being, Remonſtrate againſt the Houſes of Parliament for ſuch proceedings, ſeize upon his Royal Perſon while the Commiſſioners were returned to the Houſe of Parliament with his Anſwer; and when his Conceſſions had been Voted a ground for peace, ſeize upon the Houſe of Commons, ſeclude and impriſon ſome Members, force out others, and there being left but a ſmall remnant of their own Creatures (not a tenth part of the whole) did ſeek to ſhelter themſelves by this weak pretence, under the name and authority of a Parliament, and in that name laboured to proſecute what was yet behind and unfiniſhed of their long intended Treaſon and Conſpiracy; To this purpoſe they prepared an Ordinance for erecting a prodigious and unheard of Tribunal, which they called An High Court of Juſtice, for Tryal of his Majeſty; and having eaſily procured it to paſs in their Houſe of Commons, as it then ſtood moulded, ventured to ſend it up from thence to the Peers then ſitting, who totally rejected it; whereupon their rage and fury increaſing, they preſume to paſs it alone, as an Act of the Commons, and in the name of the Commons of England; and having gained the pretence of Law, made by a power of their own making, purſue it with all poſſible force and cruelty, until at laſt, upon the thirtieth day of January, One thouſand ſix hundred forty and eight, His Sacred Majeſty was brought unto a Scaffold, and there publickly Murthered before the Gates of his own Royal Palace; And becauſe by this Horrid Action the Proteſtant Religion hath received the greateſt wound and reproach, and the people of England the moſt unſupportable ſhame and infamy that was poſſible for the enemies of God and the King to bring upon us, whilſt the Fanatick Rage of a few Miſcreants (who were as far from being true Proteſtants, as they were from being

The horrid Murther of King Charles the Firſt how firſt contrived and plotted.

true

A yearly Anniverſary of Humiliation on the 30th. of Jan. for ever.

The attainder of the perſons actively inſtrumental in the Murther of his late Majeſty.

The names of the perſons tryed and legally attainted.

The ten perſons executed.

The perſons fled.

The perſons dead before they could be brought to tryal attainted.

The perſons fled attainted.

Their Lands, Tenements, &c. forfeited and veſted in his Majeſty.

Whereof they were ſeiſed, or any for them, 25. March, 1646.

true Subjects, ſtands imputed by our Adverſaries to the whole Nation; We therefore your Majeſties ſaid dutiful and Loyal Subjects, the Lords and Commons in Parliament Aſſembled, do hereby renounce, abominate, and proteſt againſt that Impious Fact, the Execrable Murther, and moſt unparallel'd Treaſon committed againſt the Sacred Perſon and Life of our ſaid late Soveraign, your Majeſties moſt Royal Father, and all proceedings tending thereunto; and do beſeech your moſt Excellent Majeſty that it may be declared, That by the undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together in Parliament, nor the people collectively or repreſentatively, nor any other perſons whatſoever had, have, hath, or ought to have, any Coercive power over the perſons of the Kings of this Realm; And for the better vindication of our ſelves to poſterity, and as a laſting Monument of our otherwiſe inexpreſſible deteſtation and abhorrency of this villanous and abominable Fact, We do further beſeech your moſt Excellent Majeſty, that it may be enacted, And be it hereby enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, That every thirtieth day of January, unleſs it falls out to be upon the Lords day, and then the next day following, ſhall be for ever hereafter ſet apart to be kept and obſerved in all the Churches and Chappels of theſe your Majeſties Kingdoms of England and Ireland, Dominion of Wales, and Town of Berwick upon Tweed, and the Iſles of Jerſey and Guernſey, and all other your Majeſties Dominions, as an Anniverſary day of Faſting and Humiliation, to implore the Mercy of God, that neither the guilt of that Sacred and Innocent Blood, nor thoſe other ſins by which God was provoked to deliver up both us and our King into the hands of cruel and unreaſonable men, may at any time hereafter be viſited upon us or our poſterity. And whereas Oliver Cromwel deceaſed, Henry Ireton deceaſed, John Bradſhaw deceaſed, and Thomas Pride deceaſed, John Liſle, William Say, Sir Hardreſs Waller, Valentine Wauton, Thomas Harriſon, Edward Whalley, William Heveningham, Iſaac Penington, Henry Martin, John Barkſtead, Gilbert Millington, Edmund Ludlow, Sir Michael Liveſey, Robert Titchbourn, Owen Row, Robert Lilburn, Adrian Scroop, John Okey, John Hewſon, William Goffe, Cornelius Holland, Thomas Challoner, John Carew, John Jones, Miles Corbet, Henry Smith, Gregory Clement, Thomas Wogan, Edmond Harvey, Thomas Scot, William Cawley, John Downs, Nicholas Love, Vincent Potter, Auguſtine Garland, John Dixwel, George Fleetwood, Simon Meyn, James Temple, Peter Temple, Daniel Blagrave, Thomas Wayte, John Cook, Andrew Broughton, Edward Dendy, William Hewlet, Hugh Peters, Francis Hacker, Daniel Axtel, are notoriouſly known to have been wicked and active Inſtruments in the proſecution and compaſſing that Trayterous Murther of his late Majeſty; for which the ſaid Sir Hardreſs Waller, Thomas Harriſon, William Heveningham, Iſaac Penington, Henry Martin, Gilbert Millington, Robert Titchbourn, Owen Row, Robert Lilbourn, Adrian Scroop, John Carew, John Jones, Henry Smith, Gregory Clement, Edmond Harvy, Thomas Scot, John Downs, Vincent Potter, Auguſtine Garland, George Fleetwood, Simon Meyne, James Temple, Peter Temple, Thomas Wayte, John Cook, William Hewlet, Hugh Peters, Francis Hacker, and Daniel Axtel, have already received their Tryal at Law, and by Verdict, or their own Confeſſion, have been convicted, and by Judgment of Law thereupon had, do now ſtand duly and legally attainted; of whom, ten perſons, that is to ſay, Thomas Harriſon, Adrian Scroop, John Carew, John Jones, Thomas Scot, Gregory Clement, John Cook, Hugh Peters, Francis Hacker, and Daniel Axtel, have moſt deſervedly ſuffered the pains of death, and been executed according to Law; and the ſaid John Liſle, William Say, Valentine Wauton, Edward Whalley, John Barkſtead, Edmond Ludlow, Sir Michael Liveſey, John Okey, John Hewſon, William Goffe, Cornelius Holland, Thomas Challoner, Miles Corbet, William Cawley, Nicholas Love, John Dixwell, Daniel Blagrave, Andrew Broughton, and Edward Dendy, are fled from Juſtice, not daring to abide a Legal Tryal: May it therefore pleaſe your Majeſty, that it may be Enacted, And be it Enacted by the Authority of this preſent Parliament, That the ſaid Oliver Cromwel deceaſed, Henry Ireton deceaſed, John Bradſhaw deceaſed, and Thomas Pride deceaſed, ſhall by vertue of this Act, be Adjudged to be Convicted and Attainted of High Treaſon, to all intents and purpoſes, as if they, and every of them reſpectively, had been Attainted in their lives: And alſo that John Liſle, William Say, Valentine Wauton, Edward Whalley, John Barkſtead, Edmond Ludlow, Sir Michael Liveſey, John Okey, John Hewſon, William Goffe, Cornelius Holland, Thomas Challoner, William Cawley, Miles Corbet, Nicholas Love, John Dixwell, Daniel Blagrave, Andrew Broughton, Edward Dendy, and every of them, ſtand and be adjudged, and by Authority of this preſent Act Convicted and Attainted of High Treaſon; And that all and every the Manors, Meſſuages, Lands, Tenements, Rents, Reverſions, Remainders, Poſſeſſions, Rights, Conditions, Intereſts, Offices, Fees, Annuities, and all other the Hereditaments, Leaſes for years, Chattels real, and other things of that nature, whatſoever they be, of them the ſaid Oliver Cromwel, Henry Ireton, John Bradſhaw, Thomas Pride, John Liſle, William Say, Valentine Wauton, Edward Whalley, John Barkſtead, Edmond Ludlow, Sir Michael Liveſey, John Okey, John Hewſon, William Goffe, Cornelius Holland, Thomas Challoner, William Cawley, Miles Corber, Nicholas Love, John Dixwell, Daniel Blagrave, Andrew Broughton, Edward Dendy, Thomas Harriſon, Adrian Scroop, John Carew, John Jones, Thomas Scot, Gregory Clement, Hugh Peters, Francis Hacker, John Cook, Daniel Axtel, Sir Hardreſs Waller, William Heveningham, Iſaac Penington, Henry Martin, Gilbert Millington, Robert Titchbourn, Owen Row, Robert Lilbourn, Henry Smith, Edmond Harvy, John Downes, Vincent Potter, Auguſtine Garland, George Fleetwood, Simon Meyne, James Temple, Peter Temple, Thomas Wayte, which they, or any other perſon or perſons, to their or any of their uſes, or in truſt for them, or any of them, had the Five and twentieth day of March, in the year of our Lord, One thouſand ſix hundred forty and ſix, or at any time ſince, ſhall ſtand and be forfeited unto your Majeſty, your Heirs and Succeſſors, and ſhall be deemed, veſted, and adjudged to be in the actual and real poſſeſſion of your Majeſty, without any Office or Inquiſition thereof hereafter to be taken or found: And alſo, That all and every the Goods, Debts, and other the Chattels perſonal whatſoever, of them, the ſaid Oliver Cromwel, Henry Ireton, John Bradſhaw, Thomas Pride, whereof at the time of their reſpective death, they, or any of them, or any other in truſt for them, or any of them, ſtood poſſeſſed in

Law or Equity; and all the Goods, Debts, and other the Chattels perſonal whatſoever of them the ſaid John Liſle, William Say, Valentine Wauton, Edward VVhalley, John Barkſtead, Edmond Ludlow, Sir Michael Liveſey, John Okey, John Hewſon, VVilliam Goffe, Cornelius Holland, Thomas Challoner, VVilliam Cawley, Miles Corbet, Nicholas Love, John Dixwel, Andrew Broughton, Edward Dendy, Thomas Harriſon, Adrian Scroop, John Catew, John Jones, Thomas Scot, Gregory Clement, Hugh Peters, Francis Hacker, John Cook, Daniel Axtel, Sir Hardreſs Waller, William Heveningham, Iſaac Penington, Henry Martin, Gilbert Millington, Robert Titchbourn, Owen Row, Robert Lilburn, Henry Smith, Edmond Harvey, John Downs, Vincent Potter, Auguſtine Garland, George Fleetwood, Simon Meyne, James Temple, Peter Temple, Thomas Wayte, whereof upon the eleventh day of February, One thouſand ſix hundred fifty nine, they or any of them, or any other in truſt for them, or any of them, ſtood poſſeſſed either in Law or Equity, ſhall be deemed and adjudged to be forfeited unto, and are hereby veſted, and put into the actual poſſeſſion of your Majeſty, without any further Office or Inquiſition thereof hereafter to be taken or found.

All their Goods and perſonal Eſtate forfeited and veſted in his Majeſty.

Whereof they were poſſeſt or any for them 11 Feb. 1659.

Provided alwayes, and be it enacted by the authority aforeſaid, That no Conveyance, Aſſurance, Grant, Bargain, Sale, Charge, Leaſe, Aſſignment of Leaſe, Grants and Surrenders by Copy of Court-Roll, Eſtate, Intereſt, Truſt, or limitation of any Uſe or Uſes of or out of any Manors, Lands, Tenements or Hereditaments, not being the Lands nor Hereditaments of the late King, Queen or Prince, or of any Archbiſhops, Biſhops, Deans, Deans and Chapters, nor being Lands or Hereditaments ſold or given for the Delinquency, or pretended Delinquency of any perſon or perſons whatſoever, by vertue or pretext of any Act, Order or Ordinance, or reputed Act, Order or Ordinance ſince the firſt day of January, One thouſand ſix hundred forty one, nor any Statute, Judgment or Recognizance had, made, acknowledged or ſuffered to any perſon or perſons, Bodies politick or corporate, before the twenty ninth day of September, One thouſand ſix hundred fifty nine, by any of the Offendors before in this Act mentioned, or their heirs, or by any other perſon or perſons claiming by, from, or under them or any of them, other then the wife or wives, child or children, heir or heirs of ſuch perſon or perſons, or any of them, for money bona fide, to them or any of them paid or lent, nor any Conveyance, Aſſurance, Grant or eſtate made before the twenty fifth of April, One thouſand ſix hundred and ſixty, by any perſon or perſons to any of the Offendors aforeſaid in Truſt; and for the benefit of any other perſon or perſons not being any of the offendors aforeſaid, or in truſt for any Bodies politick or corporate, ſhall be impeached, defeated, made void or fruſtrated hereby, or by any of the Convictions and Attainders aforeſaid; but that the ſame ſhall be held and enjoyed by the Purchaſers, Grantees, Leſſees, Aſſigns, Ceſtuy que uſe, Ceſtuy que truſt, and every of them, their Heirs, Executors, Adminiſtrators and Aſſigns reſpectively, as if this Act had not been made, and as if the ſaid Offendors had not been by this Act, or by any other courſe or proceeding of Law, convicted or attainted; ſo as the ſaid Conveyances, and all and every the Grants and Aſſurances which by vertue of this Act, are, and ought to be held and enjoyed as aforeſaid, ſhall before the firſt of January, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two, be entred and enrolled of Record in his Majeſties Court of Exchequer, and not otherwiſe; Any thing in this Act herein before contained to the contrary in any wiſe notwithſtanding.

Proviſo for conveyances by any of the offendors.

Statutes, Judgments, &c. before the 9th of Sept. 1659.

For money bona fide lent, &c.

Conveyances in truſt made before the 25. of April 1660. to any the ſaid Offendors.

Such Conveyances to be enrolled in the Court of Exchequer before the firſt of Jan. 1662.

Provided alwaies, and be it enacted by the authority aforeſaid, That all and ſingular the Manors, Lands, Tenements and Hereditaments, which at any time heretofore were the Lands and Poſſeſſions of Henry late Marqueſs of Worceſter, and Edward now Marqueſs of VVorceſter, and Henry Lord Herbert, Son and Heir apparent of the ſaid Edward Marqueſs of VVorceſter, or any of them; whereof or wherein the ſaid Oliver Cromwel, or any other perſon or perſons in truſt for him, or to his uſe, or any other the perſons attainted by this Act, or otherwiſe, or any other perſon or perſons for them, or any of them, had or claimed, or pretended to have any Eſtate, Right, Title, Poſſeſſion or Intereſt, at any time before or ſince the deceaſe of the ſaid Oliver Cromwel, ſhall be, and hereby are veſted and ſetled in, and ſhall be held and enjoyed by the ſaid Marqueſs of Worceſter, and the ſaid Henry Lord Herbert, in ſuch manner and form, and for ſuch eſtate and eſtates, with ſuch powers and priviledges as they formerly had in the ſame reſpectively; Any thing in this preſent Act contained, or any Act, Conveyance or Aſſurance heretofore made or acknowledged by the ſaid Edward Marqueſs of Worceſter, and Henry Lord Herbert, or either of them, unto the ſaid Oliver Cromwell, or any other perſon or perſons in truſt for, or to the uſe of the ſaid Oliver Cromwell, or any Act or Conveyance made or done by the ſaid Oliver Cromwel, or by any in truſt for him, to any perſon whatſoever, to the contrary notwithſtanding. Saving alwaies to all and every perſon and perſons, Bodies politick and others, their reſpective Heirs, Succeſſors, Executors and Adminiſtrators, all ſuch Right, Title and Intereſt in Law and Equity, which they or any of them have or ought to have, of, into, or out of any the premiſſes, not being in truſt for any the ſaid Offendors, nor derived by, from or under the ſaid Offendors, ſince the twenty fifth day of March, which was in the year of our Lord, One thouſand ſix hundred forty ſix; And that they the ſaid perſon and perſons, Bodies politick, and other, their reſpective Heirs, Succeſſors, Executors and Adminiſtrators, and every of them, in all and every ſuch caſe where his and their Entry was lawful, upon ſuch offendor or offendors, or the Heirs or Aſſigns of ſuch offendor or offendors, in or upon the ſaid twenty fifth day of March, One thouſand ſix hundred forty and ſix, or at any time ſince, may without Petition, Monſtrans de Droit, Ouſter le maine, or other Suit to his Majeſty, enter on the premiſſes in his Majeſties poſſeſſion, or in the poſſeſſion of his Succeſſors and Patentees, their Heirs or Aſſigns, in ſuch manner, to all intents, as he or they might have done on the poſſeſſion of the ſaid Offendors, their heirs or aſſigns, in or upon the ſaid twenty fifth day of March, or at any time ſince; Any thing in this Act to the contrary in any wiſe notwithſtanding.

Proviſo for the Marqueſs of Worceſter, &c.

Saving.

Proviſo for ſuch as have received and paid their Rents to the Offendors.

Provided alſo, That all and every perſon and perſons which have received any of the Rents or mean profits, of, in, or out of any the Lands, Tenements and Hereditaments, Chattels real, or poſſeſſions of any of the Offendor or Offendors in this Act mentioned, before the eleventh day of February, One thouſand ſix hundred fifty and nine, and have paid or counted for the ſame before the ſaid eleventh day of February, one thouſand ſix hundred fifty and nine, unto the ſaid offendor or offendors, or their Aſſigns, or to any claiming from or under them, ſhall be clearly and for ever acquitted and diſcharged of and from the ſame, againſt the Kings Majeſty, his Heirs and Succeſſors, any thing herein contained to the contrary notwithſtanding.

Proviſo for Richard Ingoldsy.

Provided alwayes, That it ſhall and may be lawful to and for Richard Ingoldsby to retain and keep, or otherwiſe to ſell and diſpoſe all and ſingular the Goods and Chattels formerly belonging to Sir Hardreſs Waller, in the Kingdom of Ireland, until two thouſand pounds, for which the ſaid Richard Ingoldsby in the year one thouſand ſix hundred fifty eight, ſtood joyntly bound with the ſaid Sir Hardreſs Waller, unto James Brooks of the City of York, Alderman, and was then counter-ſecured by a Judgment upon his Lands, and ſince by a Deed of Bargain and Sale of the ſaid Goods and Chattels in Ireland, be fully paid, together with the Intereſt thereof; he the ſaid Richard Ingoldsby accounting for, and paying the full overplus thereof, if any ſhall be, unto our Soveraign Lord the King; Any thing herein before contained to the contrary notwithſtanding, Stat. 13 Car. 2. cap. 7.

CAP. XXXI.

Leaſes and Grants from Colledges and Hoſpitals Confirmed.

CAP. XXXII.

Exportation of Wooll, Woolfells, Fullers Earth, or any kind of Scouring Earth, Prohibited.

FOR the better preventing and avoiding of ſuch Loſſes and Inconveniencies as have happened, and daily do and may happen to the Kingdom of England, and Dominion of Wales, and to the Kingdom of Ireland, by and through the ſecret and ſubtile exportation and tranſportation, and by and through the ſubtile carrying and conveying away of Wooll, Woolfels, Mortlings, Shorlings, Yarn made of Wooll, Woolflocks, Fullers Earth, and Fulling Clay, out of, and from the Kingdoms and Dominion aforeſaid, and for the better ſetting on work the poor people and Inhabitants of the Kingdoms and Dominion aforeſaid; And to the intent that the full and beſt uſe and benefit of the principal native Commodities of the ſame Kingdoms and Dominion may come, redound, and be unto and amongſt the Subjects and Inhabitants of the ſame, and not unto or amongſt the Subjects and Inhabitants of the Realm of Scotland, or of any Foreign Realms or States, as the ſame now of late in ſome great meaſure hath done, and is further likely to do, if ſome ſeverer puniſhment than heretofore be not ſpeedily inflicted upon ſuch offendors as ſhall be Actors or Aſſiſtants in and to ſuch Exportation and Tranſportation, and in and to ſuch carrying and conveying thereof, as aforeſaid;

No perſon after the 14. of Jan. 1660 ſhall export any Sheep or Wooll, Woolfels, Mortlings, Shorlings, Yarn, Woolflocks, Fullers Earth, Fulling Clay.

Nor carry, load, or board any Sheep, Wooll, &c.

Be it enacted by the Kings moſt excellent Majeſty, the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons whatſoever, from and after the fourteenth day of January, One thouſand ſix hundred and threeſcore, ſhall directly or indirectly Export, Tranſport, carry or convey, or cauſe or procure to be exported, tranſported, carried or conveyed, out of, or from the Kingdom of England, or Dominion of Wales, or Town of Berwick upon Tweed, or out of, or from the Iſles of Jerſey or Guernſey, with Sarke and Alderney, being under the Government of Guernſey aforeſaid, or out of, or from any of them, or out of, or from the Kingdom of Ireland aforeſaid, into any parts or places out of the Kingdoms, Iſles, or Dominions aforeſaid, any Sheep or Wooll whatſoever, of the breed or growth of the Kingdoms of England, or Ireland, or Iſles, or Dominion aforeſaid; Or any Woolfels, Mortlings or Shorlings, or any Yarn made of Wooll, or any Woolflocks, or any Fullers Earth, or any Fulling Clay whatſoever; nor ſhall directly or indirectly pack or load, or cauſe to be packed or loaded upon any Horſe, Cart, or other Carriage, or Load, or lay on board, or cauſe to be loaden or laid on board in any Ship or other Veſſel, in any place or Port within the Kingdoms of England or Ireland, or Town of Berwick, or Iſles, or Dominion aforeſaid, any ſuch Sheep, Wooll, Woolfels, Mortlings, Shorlings, Yarn made of Wooll, Woolflocks, or any Fullers Earth, or Fulling Clay, to the intent or purpoſe to export, tranſport, carry or convey the ſame, or to cauſe the ſame to be exported, tranſported, carried or conveyed out of the Kingdoms of England and Ireland, Town of Berwick, Iſles, or Dominion aforeſaid, or with intent or purpoſe, that any other perſon or perſons ſhould ſo export, tranſport, carry or convey the ſame into any parts or places out of the Kingdoms of England and Ireland, Town of Berwick, Iſles, or Dominion aforeſaid, into the Kingdom of Scotland, or any foreign parts.

No Wooll, Woolfels, &c. after the 14. of Jan. 1660. to be carried into Wales, Ireland, &c. Except.

And be it further enacted by the authority aforeſaid, That no Wooll, Woolfels, Mortlings, Shorlings, Yarn made of Wooll, Woolflocks, or any Fullers Earth, or Fulling Clay, ſhall be from and after the fourteenth day of January, in the year of our Lord, One thouſand ſix hundred and ſixty, exported, tranſported, carried or conveyed out of the Kingdome of England and Dominion of Wales, or Town of Berwick, or Kingdome of Ireland, or out of any Port or place of the ſaid Kingdomes reſpectively unto the Iſles of Jerſey or Guernſey, or to Sarke, or Alderney, except as in this Act ſhall be hereafter limited or appointed.

The Penalties.

And be it further enacted by the authority aforeſaid, That all and every the Offendor and Offendors, offence and offences aforeſaid, ſhall be ſubject and liable to the reſpective pains, penalties and forfeitures hereafter following, That is to ſay, The ſaid Sheep, Woolls, Woolfels, Mortlings, Shorlings, Yarn made of Wooll, Woolflocks, Fullers Earth, and Fulling Clay ſo exported, tranſported, carried, conveyed, packed or loaden, contrary to the true intent of this Act, ſhall be forfeited, and that every Offendor and Offendors therein ſhall forfeit twenty ſhillings for every ſuch Sheep, and three ſhillings for every pound weight of ſuch Wooll, Wool-fells, Mortlings, Shorlings, Yarn made of Wooll, Woollflocks, Fullers-Earth, or Fulling-Clay; And alſo the Owners of the ſaid Ships or Veſſels knowing ſuch Offence, ſhall forfeit all their Intereſt in the ſaid Ships or Veſſels, with all their Apparel and Furniture to them and every of them belonging: And that the Maſter and Mariners thereof, knowing ſuch Offence, and wittingly and willingly aiding and aſſiſting thereunto, ſhall forfeit all their Goods and Chattels, and have Impriſonment for the ſame three moneths without Bail or Mainpriſe; the one moyety of which ſaid penalties and forfeitures ſhall be to the Kings Majeſty, his Heirs and Succeſſors; and the other moyety to him that will ſue for the ſame by Action of Debt, Bill, Plaint or Information in any of his Majeſties Courts of Record, or before the Juſtices of Aſſiſe, or in the General Quarter-Seſſions of the Peace: In which Suit, no Eſſoine, Protection or Wager of Law ſhall be allowed.

The penalty upon any Merchant that ſhall tranſport wools, &c.

And be it further enacted, That if any Merchant, or other perſon or perſons ſhall after the ſaid fourteenth day of January tranſport or cauſe to be tranſported any Sheep, Wooll, Woolfells, Mortlings, Shorlings, Woollen Yarn, Woolflocks, Fullers Earth, or Fulling Clay, contrary to the true intent of this Act, and be thereof lawfully convicted, That then he ſhall be diſabled to require any Debt or Accompt of any Factor or others, for or concerning any Debt or Eſtate properly belong to ſuch Offendor. Proviſo. Provided alwayes, and it is nevertheleſs declared, That this Act, or any thing therein contained, ſhall not be conſtrued to take away any greater pains or penalties inflicted, or to be inflicted for any the Offences aforeſaid, by vertue of any former Act of Parliament now in force.

Offences againſt this Act where to be tryed.

And be it alſo further enacted by the authority aforeſaid, That every offence that ſhall be done or committed contrary to this Act, ſhall and may be inquired of and heard, examined, tryed and determined in the County where ſuch Sheep, Wool-fells, Mortlings, Shorlings, Yarn made of Wooll, Woolflocks, Fullers Earth, or Fulling Clay reſpectively ſhall be ſo packed, loaden, or laid aboard as aforeſaid, contrary to this Act, or elſe in the County where ſuch Offendors ſhall happen to be apprehended, or arreſted for ſuch offence, in ſuch manner and form, and to ſuch effect to all intents and purpoſes, as if the ſame offence had been wholly and altogether done and committed at and in ſuch County.

They to be proſecuted within a year after the offence committed

Provided alwayes, and be it enacted by the Authority aforeſaid, That no perſon or perſons whatſoever ſhall at any time hereafter be impeached for any offence aforeſaid, unleſſe ſuch perſon or perſons ſhall be proſecuted within the ſpace of one year next enſuing ſuch offence committed.

Any perſon may ſeize good contrary to this Act, loaden with intent to be tranſported, and ſhall have the moyety thereof.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons to ſeize, take and challenge to his or their own uſe and behoof, and to the uſe of the King, his Heirs and Succeſſors, all and all manner ſuch Sheep, Wooll, Woolfells, Mortlings, Shorlings, Yarn made of Wooll, Woolflocks, Fullers Earth, and Fulling Clay, as he or they ſhall happen to ſee, find, know or diſcover to be laid aboard in any Ship or other Veſſel or Boat, or to be brought, carried or laid on ſhore, at or near the Sea, or any Navigable River or Water, to the intent or purpoſe to be exported or conveyveyed out of the Kingdoms of England or Ireland, Town of Berwick, Iſles or Dominion aforeſaid, contrary to the true meaning of this Act, or to be packed or loaden upon any Horſe, Cart, or other Carriage, to the intent or purpoſe to be conveyed or carried into the Kingdom of Scotland aforeſaid; and that ſuch perſon or perſons as ſhall happen ſo to ſeize, take or challenge any ſuch Sheep, Wooll, Woolfells, Mortlings, Shorlings, Yarn made of Wooll, Woolflocks, Fullers Earth, or Fulling Clay, as aforeſaid, ſhall have the full moyety thereof to all intents and purpoſes.

Proviſo, ſuch perſon ſhall not be evidence againſt the offendor.

Provided alwayes, That ſuch Perſon or Perſons as ſhall make any ſuch ſeizure or challenge aforeſaid to his or their own uſe, ſhall not be admitted or allowed to give in Evidence upon his or their Oath or Oaths againſt any Perſon or Perſons which ſhall happen to be indicted, accuſed or queſtioned by vertue of this Act, or any thing therein contained.

Forfeiture of the ſhip, if the owner be an Alien, or not Inhabiting in England.

And furthermore, Be it Enacted by the Authority aforeſaid, That all and every Ship, Veſſel, Hulk, Barge or Boat, of what kind ſoever, whereof any Alien born, or whereof any natural born Subjects not inhabiting within the Realm of England, ſhall be Owner or part-Owner, and wherein any Sheep, Wooll, Woolfells, Mortlings, Shorlings, Yarn made of Wooll, Woolflocks, Fullers Earth, or Fulling Clay, ſhall happen to be ſhipped, put, or laid aboard, contrary to the true meaning of this Act, ſhall be forfeited to the Kings Majeſty, His Heirs and Succeſſors.

Provided alwayes, That this Act ſhall not extend to any Lamb-Skin ready dreſt, and prepared fit and uſeful for Lynings.

Proviſo.

Provided alſo, That this Act ſhall not in any wiſe extend to the tranſporting, carrying or conveying away of any ſuch Woolfells or Pelts, with ſuch Wooll upon them, or to any Beds ſtuffed with Flocks, which ſhall be carried or imployed in any Ship or other Veſſel for neceſſary uſe only, of and about the Ordnance or other thing in or concerning ſuch Ship or Veſſel, or only for the neceſſary uſe of any the Perſons in ſuch Ship or Veſſel paſſing or being and which ſhall not be ſold or uttered in any Foreign parts out of the Kingdomes of England or Ireland, or Town of Berwick, Iſles or Dominion aforeſaid; nor to the exporting, carrying or conveying of any Wether-ſheep, or of the Wooll growing upon any ſuch Wether-ſheep, to be carried alive in any Ship or other Veſſel, for and towards the only neceſſary food or diet of or for the Company or Paſſengers, or other Perſons therein, and for and towards none other purpoſe.

Ireland. Berwick.

Proviſo. Southampton. Jerſey. Guernſey.

Provided alwayes, and be it further Enacted, That this Act, or any thing therein contained, ſhall not extend to any ſuch Wooll to be exported or tranſported out, of, or from the Port of Southampton, only unto the aforeſaid Iſles of Jerſey and Guernſey, by, or for

the

Alderney. Sarke.

the only uſe or behoof of any the Inhabitants of the ſaid Iſles of Jerſey and Guernſey, or either of them, or to any ſuch Wooll to be ſhipped or loaden aboard in any Ship or other Veſſel, by, or for the only uſe or behoof of any the Inhabitants of the ſaid Iſles of Jerſey or Guernſey, or either of them, in the Port aforeſaid, to be exported and tranſported into the ſaid Iſles of Jerſey or Guernſey, or either of them; ſo as ſuch perſon and perſons that ſhall ſo ſhip or lay aboard ſuch Wooll into any Ship or other Veſſel, do before the ſhipping or laying aboard ſuch Wooll, deliver unto the Cuſtomer, Comptroller, Surveyor, or Searcher of the Port of Southampton aforeſaid (out of which the ſame Wooll is to be exported) a writing under the Seal or Seals of the reſpective Governors of the ſame Iſles of Jerſey and Guernſey, unto which the ſaid Wooll is to be tranſported, or of his or their Deputy or Deputies reſpectively, the which writing ſhall purport and expreſs that the party named in ſuch writing is authorized and appointed to export, or cauſe to be exported out of the Port aforeſaid ſo much Wooll, expreſſing the number of the Tods, to the ſame Iſle, to be uſed or manufactured in one of the ſame Iſles, or in ſome of the members or parts of the ſame, and that ſuch party ſo authorized and appointed to export, or cauſe to be exported that Wooll, hath before the making and ſealing of that writing, entred into ſufficient Bond to his Majeſties uſe for the landing of the ſaid Wooll in that Iſle. And to the intent that the quantity of Wooll to be exported out of the Port of Southampton aforeſaid into the ſaid Iſles, or either of them, in any one year, accompting the year to begin from the firſt day of January next enſuing, and ſo yearly from the firſt day of January, may not exceed the quantity hereunder ſpecified; that is to ſay, unto the Iſle of Jerſey, Two thouſand Tods and no more of unkeamed Wooll, and unto Guernſey, One thouſand Tods and no more of unkeamed wooll, and unto Alderney, Two hundred Tods and no more of unkeamed wooll; and unto Sarke, One hundred Tods of unkeamed wooll and no more, every Tod not exceeding thirty two pounds.

And be it Enacted by the authority aforeſaid, That the Governor of the ſaid Iſle of Jerſey, or his Deputy, for whom he will anſwer, ſhall not make to any Perſon or Perſons any writing or writings ſuch as is above ſpecified, to authorize and appoint ſuch Perſon or Perſons as aforeſaid, to fetch, export or tranſport out of the Port of Southampton aforeſaid unto the ſaid Iſle of Jerſey, in one year, accompting the year from the firſt day of January, One thouſand ſix hundred and ſixty aforeſaid, any greater quantity of wooll then Two thouſand Tods in any one year; and that the Governor of the ſaid Iſle of Guernſey, or his Deputy, for whom he will anſwer, ſhall not make to any Perſon or Perſons any writing or writings, ſuch as is above ſpecified, to authorize and appoint ſuch perſon or perſons as aforeſaid, to fetch, export or tranſport out of the Port above ſpecified unto the ſaid Iſles of Guernſey, with Alderney and Sarke, in any one year, accompting the year from the firſt day of January, any greater quantity of wooll then one thouſand Tods for Guernſey, Two hundred Tods for Alderney, and One hundred Tods for Sarke, in any one year; and that the Cuſtomer of the Port of Southampton aforeſaid, ſhall keep a true accompt of all the ſaid quantity of woolls ſo by him permitted to be loaden by vertue of this Act, and ſhall not permit any greater quantity of woolls to be loaden then by this Act is preſcribed, in any one year, to either of the ſaid Iſlands reſpectively, under any pretence whatſoever, upon the penalty of the forfeiture of his Place, and the ſum of One hundred pounds in money to him or them that will ſue for the ſame in any Court of Record, wherein no Eſſoine, Protection, or Wager of Law ſhall be allowed. And if any of the Governors aforeſaid, or any of their, or either of their Deputy or Deputies of the ſaid Iſles, or either of them, ſhall give, grant, or make any Licence or Licences for exporting from Southampton aforeſaid, into the ſaid Iſles reſpectively, of any greater quantity of ſuch wooll then is before by the true meaning of this Act limited and appointed in that behalf; That then the reſpective Governor or Governors of ſuch of the ſaid Iſles ſhall forfeit and pay to the Kings Majeſty, His Heirs or Succeſſors, the ſum of Twenty pounds of lawful money of England, for every Tod of wooll which ſhall be ſo licenſed to be exported over and above the rate or proportion of wooll in and by this Act, or the true meaning thereof, limited or appointed.

And be it further Enacted by the authority aforeſaid, That the reſpective Governors aforeſaid, or their reſpective Deputies, or any their Clerks, Officers or Servants, for the granting, making or ſealing of every ſuch writing of Licence as is aforeſaid, and for the entring a Remembrance of the ſame into ſome Book, which they ſhall have and keep for that purpoſe, may have and take the ſum of Twelve pence, and no more, upon pain of forfeiting to the party grieved the ſum of Five ſhillings for every penny which ſhall be taken over and above the ſaid ſum of twelve pence, in and by this Act allowed to be taken, and ſo after that proportion; the ſaid penalty or forfeiture for the taking above Twelve pence as aforeſaid, to be recovered by Bill, Plaint or Information, in any Court of Record at Weſtminſter, or elſewhere, wherein no Injunction, Protection, Priviledge, Eſſoine or Wager of Law ſhall be admitted or allowed, Stat. 13 Car. 2. cap. 13.

CAP. XXXIII.

The Confirmation of Marriages.

[illegible]

Marriages ſince the firſt of May, 1642. confirmed.

WHereas by vertue or colour of certain Ordinances, or certain pretended Acts or Ordinances, divers Marriages ſince the beginning of the late Troubles have been had and ſolemnized in ſome other manner then hath been formerly uſed and accuſtomed: Now for the preventing and avoiding of all Doubts and Queſtions touching the ſame, It is Enacted by the Kings moſt Excellent Majeſty, with the Advice and Aſſent of the Lords and Commons in Parliament Aſſembled, and by Authority of the ſame, That all Marriages had or Solemnized in any of his Majeſties Dominions ſince the firſt day of May, in the year of Our Lord, One thouſand ſix hundred forty and two, before any Juſtice of Peace, or reputed Juſtice of Peace of England or Wales, or other his Majeſties Dominions, and by ſuch Juſtice, or reputed Juſtice, ſo pronounced or declared; And all Marriages within any of His Majeſties Dominions, ſince the ſame firſt day of May, in the year of Our Lord, One thouſand ſix hundred forty two, had or Solemnized according to the direction or true intent of any Act or Ordinance, or reputed Act or Ordinance, of one or both Houſes of Parliament, or of any Convention ſitting at Weſtminſter, under the Name, Stile or Title of a Parliament, or aſſuming that Name, Stile or Title, ſhall be, and ſhall be adjudged, eſteemed, and taken to be, and to have been of the ſame, and no other force and effect, as if ſuch Marriages had been had and ſolemnized according to the Rites and Ceremonies eſtabliſhed, or uſed in the Church or Kingdom of England, any Law, Cuſtom or Uſage to the contrary thereof notwithſtanding.

And be it further Enacted, That where in any Suit commenced, or to be commenced in any of the Courts of the Common Law, any iſſue hath been joyned, and not already tryed or determined, or ſhall be joyned upon the point of Baſtardy, or unlawfulneſs of marriage, for or concerning the marriages had and ſolemnized, as aforeſaid, the ſame iſſues ſhall be tryed by Jury of Twelve men, according to the courſe of Trial of other iſſues tryable by Jury at the Common Law, and not otherwiſe, any Law, Statute or Uſage to the contrary thereof in any wiſe notwithſtanding. Stat. 13 Car. 2. cap. 11.

Iſſues upon lawfulneſs of marriage already joyned, ſhall be tryed by Jury.

Baſtardy.

CAP. XXXIV.

The Planting, Setting, or Sowing of Tobacco in England and Ireland prohibited.

YOur Majeſties Loyal and Obedient Subjects, The Lords and Commons in this preſent Parliament aſſembled, conſidering of how great concern and importance it is, That the Colonies and Plantations of this Kingdom in America, be defended, protected, maintained, and kept up, and that all due and poſſible encouragement be given unto them; and that not only in regard great and conſiderable Dominions and Countries have been thereby gained, and added to the Imperial Crown of this Realm; But for that the ſtrength and welfare of this Kingdom do very much depend upon them, in regard of the employment of a very conſiderable part of its Shipping and Seamen, and of the vent of very great quantities of its Native Commodities and Manufactures; as alſo of its ſupply, with ſeveral Commodities which it was wont formerly to have only from Foreigners, and at far dearer Rates: And foraſmuch as Tobacco is one of the main products of ſeveral of thoſe Plantations, and upon which their Welfare and Subſiſtence, and the Navigation of this Kingdom, and vent of its Commodities thither, do much depend; and in regard it is found by experience, That the Tobaccoes planted in theſe parts are not ſo good and wholſome for the Takers thereof; And that by the planting thereof, your Majeſty is deprived of a conſiderable part of your Revenue ariſing by Cuſtoms upon Imported Tobacco; Do moſt humbly pray, That it may be Enacted by your Majeſty: And it is hereby Enacted by the Kings moſt Excellent Majeſty, and the Lords and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That no perſon or perſons whatſoever ſhall, or do from and after the firſt day of January, in the year of our Lord, One thouſand ſix hundred and ſixty, Set, Plant, improve to grow, make or cure any Tobacco either in Seed, Plant, or otherwiſe, in or upon any Ground, Earth, Field, or place within the Kingdom of England, Dominion of Wales, Iſlands of Guernſey or Jerſey or Town of Berwick upon Tweed, or in the Kingdom of Ireland, under the penalty of the Forfeiture of all ſuch Tobacco, or the value thereof, or of the ſum of forty ſhillings for every Rod or Pole of Ground ſo Planted, ſet or Sowen as aforeſaid; and ſo proportionably for a greater or leſſer quantity of Ground, one moyety thereof to His Majeſty, His Heirs and Succeſſors; And the other moyety to him or them that ſhall Sue for the ſame, to be recovered by Bill, Plaint or Information in any Court of Record, wherein no Eſſoigne, Protection or Wager in Law ſhall be allowed.

Importance of the Plantations of America.

No perſon after the 1. January, 1660. ſhall ſet or plant any Tobacco.

The penalty.

And it is hereby further Enacted, That all Sheriffs, Juſtices of the Peace, Mayors, Bailiffs, Conſtables, and every of them, upon Information or Complaint made unto them, or any of them, by any the Officers of the Cuſtoms, or by any other perſon or perſons whatſoever, That there is any Tobacco ſet, ſowen, planted, or growing within their Juriſdictions or Precincts, contrary to this Act, ſhall within ten dayes after ſuch Information or Complaint, cauſe to be burnt, plucked up, conſumed, or utterly deſtroyed, all ſuch Tobacco ſo ſet, ſowen, planted or growing.

All Sheriffs and other officers may deſtroy any Tobacco planted contrary to this Act.

And it is hereby further Enacted, That in caſe any Perſon or Perſons ſhall reſiſt, or make forcible Oppoſition againſt any perſon or perſons in the due and through Execution of this Act, that every ſuch perſon or perſons, for every ſuch Offence, ſhall forfeit the ſum of five pounds to be divided and recovered in manner aforeſaid. And in caſe any perſon or perſons ſhall not pay the ſums of money by them to be paid, by vertue of this Act, That in every ſuch caſe, Diſtreſs ſhall be made, and Sale thereof, returning the Over-plus to the Owners; And in caſe no Diſtreſs be to be found, That then every ſuch party ſhall be committed to the Common Gaol in the County where ſuch Offence ſhall be committed, there to remain for the ſpace of two moneths, without bail or mainprize.

The penalty of any perſon reſiſting this Act.

Provided alwayes, and it is hereby Enacted, That this Act, nor any thing therein contained, ſhall extend to the hindring of the planting of Tobacco in any Phyſick-Garden of either Univerſity, or in any other private Garden for Phyſick or Chirurgery, only ſo as the quantity ſo planted exceed not one half of one Pole in any one Place or Garden. Stat. 13 Car. 2. cap. 14.

Proviſo, for private Gardens.

CAP. XXXV.

A Poſt-Office erected and eſtabliſhed.

The well ordering of poſtage and letters of great concernment to Trade.

VVHereas for the maintenance of mutual Correſpondencies, and prevention of many Inconveniencies happening by private poſts, ſeveral publick Poſt-Offices have been heretofore erected for carrying and recarrying of Letters by poſts, to, and from all parts and places within England, Scotland and Ireland, and ſeveral parts beyond the Seas; the well Ordering whereof is a matter of general concernment, and of great advantage, as well for preſervation of Trade and Commerce, as otherwiſe: To the end therefore, that the ſame may be managed ſo, that ſpeedy and ſafe diſpatches may be had, which is moſt likely to be effected, by erecting one general Poſt-Office for that purpoſe;

A Letter-office erected in London.

A maſter of the Office to be appointed by the King. Poſt-maſter General.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That there be from henceforth one general Letter-Office erected and eſtabliſhed in ſome convenient place within the City of London, from whence all Letters and pacquets whatſoever may be with ſpeed and expedition ſent unto any part of the Kingdomes of England, Scotland and Ireland, or any other of his Majeſties Dominions, or unto any Kingdom or Country beyond the Seas, at which ſaid Office all Returns and Anſwers may be likewiſe received; And that one Maſter of the ſaid general Letter-Office ſhall be from time to time appointed by the Kings Majeſty, His Heirs and Succeſſors, to be made and conſtituted by Letters Patents under the Great Seal of England, by the Name and Stile of his Majeſties Poſt-Maſter General; which ſaid Maſter of the ſaid Office, and his Deputy and Deputies, by him thereunto ſufficiently authoriſed, and his and their Servants and Agents, and no other perſon or perſons whatſoever, ſhall from time to time have the receiving, taking up, ordering, diſpatching, ſending poſt or with ſpeed, and delivering of all Letters and pacquets whatſoever, which ſhall from time to time be ſent to and from all and every the parts and places of England, Scotland and Ireland, and other his Majeſties Dominions, and to and from all and every the Kingdomes and Countries beyond the Seas, where he ſhall ſettle or cauſe to be ſetled poſts or running Meſſengers for that purpoſe. Except ſuch Letters as ſhall be ſent by Coaches, common known Carriers of Goods by Carts, Waggons or Packhorſes, and ſhall be carried along with their Carts, Waggons and Packhorſes reſpectively; And except Letters of Merchants and Maſters which ſhall be ſent by any Maſters of any Ships, Barques, or other Veſſel of Merchandize, or by any other perſon imployed by them for the carriage of ſuch Letters aforeſaid, according to the reſpective directions; And alſo except Letters to be ſent by any private Friend or Friends in their wayes of Journey or Travel, or by any Meſſenger or Meſſengers ſent on purpoſe, for or concerning the private affairs of any perſon or perſons: And alſo except Meſſengers who carry and recarry Commiſſions, or the Return thereof, Affidavits, Writs, Proceſſe or Proceedings, or the Returns thereof, iſſuing out of any Court.

The Poſt-maſter General and no other to provide Horſes for riding poſt.

And be it further Enacted by the Authority aforeſaid, That ſuch Poſt-Maſter General for the time being, as ſhall from time to time be made and conſtituted by His Majeſty, His Heirs and Succeſſors, and the reſpective Deputies, or Subſtitutes of ſuch Poſt-Maſter General, and no other perſon or perſons whatſoever, ſhall prepare and provide Horſes and Furniture to let to Hire unto all Through poſts, and perſons riding in poſt by Commiſſion, or without, to and from all and every the parts and places of England, Scotland and Ireland, where any poſt-roads are, or ſhall be ſetled and eſtabliſhed.

Rates for carrying Letters.

And be it further Enacted by the authority aforeſaid, That it ſhall and may be lawful to and for ſuch Poſt-Maſter General to be conſtituted and appointed as aforeſaid, and his Deputy and Deputies by him thereunto ſufficiently authorized, to demand, have, receive and take for the portage and conveyance of all ſuch Letters which he ſhall ſo convey, carry or ſend poſt as aforeſaid, and for the providing and furniſhing Horſes for Through-poſts, or perſons riding in poſt as aforeſaid, according to the ſeveral Rates and Sums of Lawful Engliſh money hereafter mentioned, not to exceed the ſame (that is to ſay), For the port of every Letter not exeeding one ſheet, to or from any place not exceeding fourſcore Engliſh miles diſtant from the place where ſuch Letter ſhall be received, Two pence; And for the like port of every Letter not exceeding two ſheets, Four pence; And for the like port of every pacquet of Letters proportionably unto the ſaid Rates; And for the like port of every pacquet of Writs, Deeds, and other things, after the Rate of Eight pence for every ounce weight; and for the port of every Letter not exceeding one ſheet, above the diſtance of fourſcore Engliſh miles from the place where the ſame ſhall be received, Three pence; And for the like port of a Letter, not exceeding two ſheets, Six pence; and proportionably to the ſame Rates, for the like port of all pacquets of Letters, and for the like port of every other pacquet of Writs, Deeds, or other things, after the rate of Twelve pence of Engliſh money for every ounce weight; and for the port of every Letter not exceeding one ſheet, from London unto the Town of Berwick, or from thence to the City of London, Three pence of Engliſh money; And for the like port of every Letter not exceeding two ſheets, Six pence; and proportionably unto the ſame rates, for every pacquet of Letters, and for every other pacquet of greater bulk, One ſhilling and Six pence for every ounce weight; And for the port of ſuch Letters and pacquets as ſhall be conveyed or carried from the Town of Berwick unto any place or places within forty Engliſh miles diſtance from Berwick, or any other place where ſuch Letter ſhall be received, Two pence; and for every Letter not exceeding Two ſheets, Four pence; and proportionably to the ſame rates for every pacquet of Letters, and for every other pacquet or parcel, Eight pence for every ounce weight; and for every Letter not exceeding one ſheet, to be conveyed or carryed a further diſtance then Forty Engliſh miles, Four pence; and for the like port of every pacquet of Letters, Eight pence: and proportionably unto the ſame Rates for the like port of every pacquet of Letters, and for the like port of every other pacquet, One ſhilling for every ounce weight; and for the port of every Letter not exceeding one ſheet from England unto the City of Dublin in Ireland, or from the City of Dublin in Ireland unto England, Six pence of Engliſh money; and for the like port of every Letter not exceeding two ſheets, one ſhilling, and proportionably to the ſame rates for every pacquet of Letters, and for the port of every other pacquet of any kind of greater Bulk, Two ſhillings for every ounce weight; and for the port of ſuch Letters or Pacquets as ſhall be conveyed or carryed from the City of Dublin, unto any other place or places within the Kingdom of Ireland, or from any other place unto the ſaid City, or to, or from any other place within the ſaid Kingdom, according to the rates and ſums of Engliſh money hereafter following, *viz.* For every Letter not exceeding one ſheet, to or from any place within forty Engliſh Miles diſtance from Dublin, or any other place where ſuch Letter ſhall be received, Two pence; And for every Letter not exceeding two ſheets, Four pence; and proportionably to the ſame Rates for every pacquet of Letters, and for every pacquet of greater Bulk, Eight pence for every ounce weight; and for every Letter not exceeding one ſheet, to be carryed or conveyed a further diſtance then forty Engliſh miles, Four pence; and for the like Port of every Letter not exceeding two ſheets, Eight pence; and proportionably unto the ſame Rates for the like Port of every pacquet of Letters, and for the like Port of every pacquet of greater Bulk, One ſhilling for every ounce weight; and for all and every the Letters, Pacquets, and parcels of Goods that ſhall be carried or conveyed to or from any of his Majeſties ſaid Dominions to or from any other parts or places beyond the Seas, according to the ſeveral and reſpective Rates that now are, and have been taken for Letters, Pacquets, and parcels ſo conveyed, being rated either by the Letter, or by the ounce weight, That is to ſay,

		d
Morlaix, Saint Maloes, Caen, Newhaven, and Places of like diſtance, Port paid to Roan is for	Single	vi
	Double	xii
	Treble	xviii
	Ounce	xviii

		d
Hamburgh, Colen, Frankfort, Port paid to Antwerp is	Single	viii
	Double	xvi
	Treble	xxiv
	Ounce	xxiv

		s	d
Venice, Geneva, Legorne, Rome, Naples, Meſſina, and all other parts of Italy by way of Venice, franck pro Mantua	Single	o	ix
	Double	i	vi
	Treble	ii	iii
	Ounce	ii	viii

		s	d
Marcelia, Smirna, Conſtantinople, Aleppo, and all parts of Turky, port paid to Marcelia	Single	i	o
	Double	ii	o
	3 qrs. of an ounce	ii	ix
	Ounce	iii	ix

		s	d
And for Letters brought from the ſaid places to England	Single	o	viii
	Double	i	iv
	Treble	ii	o
	Ounce	ii	o

And for the Port Letters brought into England from

		s	d
Calais, Diepe, Bulloigne, Abbeville, Amiens, Saint Omers, Montrell.	Single	o	iv
	Double	o	viii
	Treble	i	o
	Ounce	i	o

		s	d
Roven.	Single	o	vi
	Double	i	o
	Treble	i	vi
	Ounce	i	vi

		s	d
Genova, Legorne, Rome, and other parts of Italy, by way of Lyons, franck pro Lyons.	Single	i	o
	Double	ii	o
	3 qrs. of an ounce	ii	ix
	Ounce	iii	ix

And of Letters ſent outwards.

		s	d
To Bourdeaux, Rochel, Nantes, Orleans, Byon, Tours, & places of like diſtance, Port paid to Paris.	Single	o	ix
	Double	i	vi
	Treble	ii	iii
	Ounce	ii	o

		s	d
And for Letters brought from the ſame places into England.	Single	i	o
	Double	ii	o
	3 qrs. of an ounce	iii	o
	Ounce	iv	o

Alſo Letters ſent outwards.

		s	d
To Noremborgh, Bremen, Dantſwick, Lubeck, Lipſwick, and other places of like diſtance, Poſt paid to Hamburg.	Single	i	o
	Double	ii	o
	3 qrs. of an ounce	iii	o
	Ounce	iv	o

		s	d
Paris.	Single	o	ix
	Double	i	vi
	Treble	ii	iii
	Ounce	ii	o

		s	d
Dunkirk, Oſtend, Lille, Ipre, Courtrey, Gheandt, Bruxells, Bridges, Antwerp, and all other parts of Flanders.	Single	o	viii
	Double	i	iv
	Treble	ii	o
	Ounce	ii	o

		s	d
Slais, Fluſhing, Middleburgh, Amſterdam, Roterdam, Delph, Hague, and from all other parts of Holland and Zealand.	Single	o	viii
	Double	i	iv
	Treble	ii	o
	Ounce	ii	o

Proviſo for Merchants.

Provided alwayes, That all Merchants Accompts not exceeding one ſheet of paper, and all bills of Exchange, Invoyes, and bills of Lading, are, and ſhall hereby be underſtood to be allowed without Rate in the price of the Letters, and likewiſe the covers of Letters not exceeding one fourth part of a ſheet of paper ſent to Marſeilles, Venice or Legorne, to be ſent forward to Turky, ſhall be underſtood to be allowed to paſſe without rate or payment for the ſame; and according to the ſame rates and proportions for the port of Letters, pacquets and parcels to and from any of the parts or places beyond the Seas, where Poſts have not been heretofore ſetled, and may hereafter be ſetled by the ſaid Poſt-Maſter General for the time being, his Executors or Aſſigns: And it ſhall and may be lawfull to and for ſuch Poſt-Maſter General, and his Deputy and Deputies, to aſk, demand, take and receive of every perſon that he or they ſhall furniſh and provide with Horſes, Furniture and Guide to ride Poſt in any of the Poſt-rodes as aforeſaid, Three pence of Engliſh money for each Horſes hire or Poſtage for every Engliſh mile, and four pence for the Guide for every Stage. And whereas upon the arrival of Ships from parts beyond the Seas into ſeveral Ports within his Majeſties Dominions, many Letters directed to ſeveral Merchants and others, have been detained long to the great damage of the Merchants, in want of that ſpeedy advice and intelligence which they might have had if the ſame had been forthwith diſpatched by the ſetled Poſts; and ſometimes ſuch Letters have been delivered by the Maſters or Paſſengers of ſuch Ships to ignorant and looſe hands, that underſtand not the way and means of ſpeedy conveyance and delivery of Letters, whereby great prejudice hath accrued to the affairs of Merchants and others, as well by the miſcarriage of many Letters ſo brought, as oftentimes by the opening of the ſame to the diſcovery of the Correſpondencies and ſecrets of the Merchant.

Be it further Enacted by the authority aforeſaid, That all Letters and Pacquets that by any Maſter of any Ship or Veſſel, or any of his Company, or any Paſſengers therein, ſhall or may be brought to any Port-Town within his Majeſties Dominions, or any of the Members thereof, other then ſuch Letters as are before excepted, or may be ſent by common known Carriers in manner aforeſaid, or by a Friend as aforeſaid; ſhall by ſuch Maſter, Paſſenger, or other perſon be forthwith delivered unto the Deputy or Deputies only of the ſaid Poſt-Maſter General for the time being, by him appointed for the ſaid Port-Town, and him or them to be ſent poſt unto the ſaid general Poſt-Office, to be delivered according to the ſeveral and reſpective directions of the ſame.

Penalties of offending againſt this Act

And be it further Enacted by the aforeſaid Authority, That no perſon or perſons whatſoever, or Body politick or corporate other then ſuch Poſt-Maſter General as ſhall from time to time be nominated and appointed by his Majeſty, his Heirs or Succeſſors, and conſtituted by Letters Patents under the great Seal of England as aforeſaid, and his Deputy and Deputies or Aſſigns, ſhall preſume to carry, recarry, and deliver Letters for Hire, other then as before excepted, or to ſet up or imploy any Foot-poſt, Horſe-poſt, Coach-poſt, or pacquet-Boat whatſoever for the conveyance, carrying and recarrying of any Letters or pacquets by Sea or Land within his Majeſties Dominions, or ſhall provide and maintain Horſes and Furniture for the horſing of any Thorow-poſts, or perſons riding in poſt with a Guide and Horn, as uſual for Hire, upon pain of Forfeiting the ſum of five pounds of Engliſh money for every ſeveral offence againſt the Tenor of this preſent Act, And alſo for the forfeiture of the ſum of One hundred pounds of like Engliſh money for every weeks time that any Offendor againſt this Act, ſhall imploy, maintain and continue any ſuch Foot-poſt, Horſe-poſt, Coach-poſt or pacquet-Boat as aforeſaid: which ſaid ſeveral and reſpective Forfeitures, ſhall, and may be ſued for, and recovered by Action or Actions of Debt, Plaint or Information in any of his Majeſties Courts of Record, wherein no Eſſoine, Priviledge, Protection or Wager of Law ſhall be admitted, and the ſaid ſeveral and reſpective forfeitures that ſhall happen from time to time to be recovered, ſhall be and remain, the one moyety thereof to his Majeſty, and his Heirs and Succeſſors, and the other moyety thereof to ſuch perſon or perſons who ſhall or will inform againſt the Offendor or Offendors againſt this preſent Act, and ſhall or will ſue for the ſaid forfeitures upon the ſame,

Proviſo where any Poſt-maſter doth not provide.

Provided alwayes, That if any Poſt-Maſter of any reſpective place, doth not, or cannot furniſh any perſon or perſons riding in poſt with ſufficient Horſes within the ſpace of one half hour after demand, That then ſuch perſon or perſons are here underſtood to be left at liberty to provide themſelves, as conveniently as they can; And the perſons who ſhall furniſh ſuch horſes ſhall not therefore be liable unto any penalties or forfeitures contained in this Act.

Proviſo touching Poſt-maſters that do not ſufficiently provide horſes, &c.

Provided always, That if through default or neglect of the Poſt-Maſter General aforeſaid, any perſon or perſons riding in poſt ſhall fail, as aforeſaid, of being furniſhed with a ſufficient Horſe or Horſes, for his or their uſe, after demand as aforeſaid; That in every ſuch caſe, the ſaid Poſt-Maſter General ſhall forfeit the ſum of Five pounds ſterling, the one moyety to his Majeſty, his Heirs and Succeſſors, and the other moyety to him or them who ſhall ſue for the ſame in any Court of Record, to be recovered by Bill, Plaint, or other Information, wherein no Eſſoine, Protection, or other Wager in Law ſhall be admitted.

Proviſo.

Provided alwayes, and be it Enacted, That nothing herein contained ſhall be underſtood to prohibit the carrying or recarrying of any Letters or Pacquets, to or from any Town or place, to or from the next reſpective Poſt-Road, or Stage appointed for that purpoſe; But that every perſon ſhall have free Liberty to ſend and imploy ſuch perſons as they ſhall think fit, for to carry the ſaid Letters or Pacquets as aforeſaid without any forfeiture or penalty therefore, Any thing contained in this Act to the contrary notwithſtanding.

Proviſo againſt carrying any pacquet out of England in any foreign Veſſels.

Provided always, That if the Pacquet or Maile ſhall be carried out of England into any part beyond the Seas in any Ship or Veſſel, which is not of Engliſh built, and Navigated with Engliſh Seamen, That in every ſuch caſe, the ſaid Poſt-Maſter General ſhall forfeit the ſum of one hundred pounds Sterling; The one moyety to his Majeſty, his Heirs and Succeſſors, and the other moyety to him or them who ſhall ſue for the ſame in any Court of Record, to be recovered by Bill, Plaint, or other Information, wherein no Eſſoine, Protection, or other Wager in Law ſhall be allowed.

Oaths of Allegiance and Supremacy.

Provided alſo, and be it Enacted by the Authority aforeſaid, That no perſon or perſons ſhall be capable of having, uſing, or exerciſing the Office of Poſt-Maſter General, or any other Imployment relating to the ſaid Office, unleſs he or they ſhall firſt take the Oaths of Allegiance and Supremacy, before any two Juſtices of the Peace of the reſpective Counties wherein ſuch perſon or perſons are or ſhall be reſident, which ſaid Juſtices are hereby Authorized to adminiſter the ſaid Oaths accordingly.

Proviſo. Truro, Penrin, Kendall, Lancaſter, Penrith, Carliſle, Grimsby.

Provided alſo, and be it Enacted by the Authority aforeſaid, That a Letter or pacquet poſt ſhall twice every week come by the way of Truro and Penrin to the Town of Marketiew alias Marhaſion in the County of Cornwall; and once a week to Kendal by the way of Lancaſter; and to the Town of Penrith in Cumberland by the way of Newcaſtle and Carliſle; and to the City of Lincoln, and the Burrough of Grimsby in the County of Lincoln, Any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

Provided alſo, and be it Enacted by the Authority aforeſaid, That ſuch Poſt maſter General to be from time to time appointed by his Majeſty, His Heirs and Succeſſors as aforeſaid, ſhall continue conſtant Poſts for carriage of Letters to all places, though they lye out of the Poſt-Roads, as hath been uſed for the ſpace of three years laſt paſt, at the Rates herein before mentioned, under pain of forfeiture for every omiſſion Five pounds, to be recovered by Action, Suit or Plaint, in any his Majeſties Courts of Record, the one moyety to the uſe of his Majeſty, the other moyety to the uſe of the Informer. And for the better management of the ſaid Poſt-Office, and that the People of theſe Kingdomes may have their intercourſe of Commerce and Trade the better maintained, and their Letters and Adviſes conveyed, carried and recarried with the greateſt ſpeed, ſecurity, and convenience that may be;

Poſt maſter to continue conſtant poſts. Penalty for every omiſſion.

Be it further Enacted, That the ſaid Poſt-Maſter General ſo nominated, appointed and conſtituted as aforeſaid, and his Deputies, ſhall from time to time obſerve and follow ſuch Orders, Rules, Directions and Inſtructions for and concerning the ſettlement of convenient Poſts and Stages upon the ſeveral Roads in England, Scotland and Ireland, and other his Majeſties Dominions, and the providing and keeping of a ſufficient number of Horſes at the ſaid ſeveral Stages, as well for the carrying and conveying of the ſaid Letters and Pacquets, as for the horſing of all thorow-poſts and perſons riding in poſt by warrant or otherwiſe as aforeſaid, as his Majeſty, his Heirs and Succeſſors, ſhall from time to time in that behalf make and ordain; And that his Majeſty, his Heirs and Succeſſors, may grant the ſaid Office of Poſt maſter General, together with the Powers and Authorities thereunto belonging, and the ſeveral Rates of portage above mentioned, and all Profits, Priviledges, Fees, Perquiſites and Emoluments thereunto belonging, or to belong, either for life or term of years, not exceeding one and twenty years, to ſuch perſon or perſons, and under ſuch Covenants, Conditions and yearly Rents to his ſaid Majeſty, his Heirs and Succeſſors, reſerved, as his ſaid Majeſty, his Heirs and Succeſſors ſhall from time to time think fit for the beſt advantage and benefit of the Kingdom.

The Poſt-maſter, &c. to obſerve ſuch orders as his Majeſty ſhall make.

His Majeſty may grant the ſaid office for life or years, not exceeding 21 years.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That no perſon ſhall have power to take, uſe, or ſeize any Horſes for the Service mentioned in this Act, without the conſent of the Owners thereof; Any Uſage or Pretence, or any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

No horſes to be ſeized without conſent of the owners.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That all Inland Letters ſent by any Pacquet Poſt eſtabliſhed by this Act as aforeſaid, do and ſhall pay the rates and prices before mentioned, at ſuch Stage where they are laſt delivered only, unleſs the party that delivers the Letters deſireth to pay elſewhere; Any thing in this Act to the contrary notwithſtanding. Provided alwayes, That all Letters, and other things, may be ſent or conveyed to or from the Two Univerſities in manner as heretofore hath been uſed; Any thing herein to the contrary notwithſtanding. Stat. 13 Car. 2. cap. 7.

Proviſo for the rates of all Inland Letters.

CAP. XXXVI.

The Maſter of the Rolls for the time being, impowred to make Leaſes for years, in order to new build the old Houſes belonging to the Rolls. Pr. St. 13 Car. 2. cap. 6.

CAP. XXXVII.

An Act for making the Precinct of Covent-Garden Parochial. PR.

Anno Reg. CAROLI II. *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ, Decimo Tertio.*

AT the Parliament begun and holden at Weſtminſter the Eight day of May, Anno Dom. 1661. In the Thirteenth Year of the Reign of Our moſt gracious Soveraign Lord, CHARLES the Second, by the Grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. And there continued untill Tueſday the Thirtieth of July, 1661. and from that day the ſaid Parliament was adjourned unto the Twentieth of November then next following; To the high pleaſure of Almighty God, and to the weal publick of this Realm, were enacted as followeth.

CAP. I.

For Safety of His Majeſties Perſon and Government, againſt Treaſonable and Seditious Practices.

THe Lords and Commons aſſembled in Parliament deeply weighing and conſidering the Miſeries and Calamities of well nigh twenty years, before your Majeſties happy Return, and withall, reflecting upon the cauſes and occaſions of ſo great and deplorable concluſions, do in all humility and thankfulneſs acknowledge Your Majeſties incomparable Grace and Goodneſs to your People, in your Free and General Pardon, Indempnity and Oblivion, by which your Majeſty hath been pleaſed to deliver your Subjects, not only from the puniſhment, but alſo from the reproach of their former miſcarriages, which unexampled Piety and Clemency of Your Majeſty hath enflamed the hearts of us your Subjects with an ardent deſire to expreſs all poſſible Zeal and Duty in the Care and Preſervation of your Majeſties Perſon (in whoſe Honour and Happineſſe conſiſts the good and welfare of your People) and in preventing (as much as may be) all Treaſonable and Seditious Practices and Attempts for the time to come. And becauſe the growth and encreaſe of the late Troubles and Diſorders, did in a very great meaſure proceed from a multitude of Seditious Sermons, Pamphlets and Speeches, daily preached, printed and publiſhed, with a tranſcendent boldneſſe defaming the Perſon and Government of Your Majeſty and Your Royal Father, wherein men were too much encouraged, and (above all)

The grounds and Inducements of this Act.

Seditious Sermons, Pamphlets and Speeches.

13 Eliz. cap. 1.

What ſhall be adjudged Treaſon during the life of the King.

Being declared and proved by two witneſſes.

Convicted by due courſe of Law.

from a wilful miſtake of the Supream and lawful Authority, whilſt men were forward to cry up and maintain thoſe Orders and Ordinances, Oaths and Covenants, to be Acts Legal and Warrantable, which in themſelves had not the leaſt colour of Law or Juſtice to ſupport them; from which kind of diſtempers, as the preſent Age is not yet wholly freed, ſo Poſterity may be apt to relapſe into them, if a timely remedy be not provided. We therefore, the Lords and Commons in Parliament aſſembled, having duly conſidered the premiſſes, and remembring that in the Thirteenth year of the Reign of Queen Elizabeth of ever bleſſed memory, a right good and profitable Law was made for preſervation of her Majeſties Perſon, Do moſt humbly beſeech your moſt Excellent Majeſty, that it may be Enacted, and be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords and Commons in this preſent Parliament aſſembled, and by Authority of the ſame, That if any perſon or perſons whatſoever, after the Four and twentieth day of June, in the year of our Lord, One thouſand ſix hundred ſixty and one, during the natural life of our moſt Gracious Soveraign Lord the King, (whom Almighty God preſerve and bleſs with a long and proſperous Reign) ſhall within the Realm, or without, compaſs, imagine, invent, deviſe, or intend death or deſtruction, or any bodily harm tending to death or deſtruction, maim or wounding, impriſonment, or reſtraint of the perſon of the ſame our Soveraign Lord the King, or to deprive or depoſe him from the Stile, Honour, or Kingly Name of the Imperial Crown of this Realm, or of any other his Majeſties Dominions or Countries, or to levy War againſt his Majeſty within this Realm, or without, or to move, or ſtir any Foreigner or Strangers with Force to invade this Realm, or any other his Majeſtits Dominions or Countries, being under his Majeſties Obeyſance: And ſuch Compaſſings, Imaginations, Inventions, Devices or Intentions, or any of them, ſhall expreſs, utter or declare, by any Printing, Writing, Preaching, or Malicious and adviſed ſpeaking, being legally convicted thereof upon the Oaths of two lawful and credible Witneſſes, upon tryal, or otherwiſe convicted or attainted by due courſe of Law, then every ſuch perſon and perſons ſo as aforeſaid offending, ſhall be deemed, declared and adjudged to be Traytors, and ſhall ſuffer pains of death, and alſo loſe and forfeit as in caſes of High Treaſon.

Offences (during his Majeſties life) which diſable perſons to bear any Office.

Peerage.

Stat. 17 Car. 1. cap. 7. The Parliament begun 3. of No. 1640. not in being. Stat. 13 Car. 2. cap. 1.

No Legiſlative power in either or both Houſes of Parliament without the King.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons at any time after the Four and twentieth day of June, in the year of Our Lord, One thouſand ſix hundred ſixty and one, during his Majeſties Life, ſhall maliciouſly and adviſedly publiſh or affirm the King to be an Heretick or a Papiſt, or that he endeavours to introduce Popery, or ſhall maliciouſly and adviſedly, by Writing, Printing, Preaching, or other ſpeaking, expreſſe, publiſh, utter or declare any Words, Sentences, or other thing or things, to incite or ſtir up the People to hatred or diſlike of the Perſon of his Majeſty, or the eſtabliſhed Government, then every ſuch perſon and perſons, being thereof Legally convicted, ſhall be diſabled to have or enjoy, and is hereby diſabled and made incapable of having, holding, enjoying, or exerciſing any Place, Office, or Promotion Eccleſiaſtical, Civil or Military, or any other Imployment in Church or State, other then that of his Peerage, and ſhall likewiſe be lyable to ſuch further and other puniſhments as by the Common Laws or Statutes of this Realm may be inflicted in ſuch caſes. And to the end, that no man hereafter may be miſled into any ſeditious or unquiet demeanor, out of an Opinion that the Parliament begun and held at Weſtminſter, upon the third day of November, in the year of Our Lord, One thouſand ſix hundred and forty, is yet in being, which is undoubtedly diſſolved and determined, and ſo is hereby declared and adjudged to be fully diſſolved and determined; or out of an Opinion that there lies any Obligation upon him from any Oath, Covenant or Engagement whatſoever, to endeavour a change of Government, either in Church or State; or out of an Opinion, that both Houſes of Parliament, or either of them, have a Legiſlative Power without the King; All which Aſſertions have been ſeditiouſly maintained in ſome Pamphlets lately Printed, and are daily promoted by the active Enemies of our Peace and Happineſs.

Premunire.

The Solemn League and Covenant unlawful, and illegally impoſed.

Certain Orders and Ordinances of both or either Houſes of Parliament declared void.

Be it therefore further Enacted by the Authority aforeſaid, That if any perſon or perſons at any time after the Four and twentieth day of June, in the year of Our Lord, One thouſand ſix hundred ſixty and one, ſhall maliciouſly and adviſedly, by Writing, Printing, Preaching, or other ſpeaking, expreſs, publiſh, utter, declare or affirm, That the Parliament begun at Weſtminſter upon the Third day of November, in the year of Our Lord, One thouſand ſix hundred and forty, is not yet diſſolved, or is not determined, or that it ought to be in being, or hath yet any continuance or exiſtence, or that there lies any Obligation upon him, or any other perſon, from any Oath, Covenant or Engagement whatſoever, to endeavour a Change of Government, either in Church or State, or that both Houſes of Parliament, or either Houſe of Parliament, have, or that hath a Legiſlative Power without the King, or any other words to the ſame effect; That then every ſuch perſon and perſons ſo as aforeſaid offending, ſhall incur the danger and penalty of a Premunire mentioned in a Statute made in the Sixteenth year of the Reign of King Richard the Second. And it is hereby alſo declared, That the Oath uſually called the Solemn League and Covenant, was in it ſelf an unlawful Oath, and impoſed upon the Subjects of this Realm againſt the Fundamental Laws and Liberties of this Kingdom, and that all Orders and Ordinances, or pretended Orders and Ordinances, of both or either Houſes of Parliament, for impoſing of Oaths, Covenants or Engagements, Levying of Taxes, or Raiſing of Forces and Arms, to which the Royal aſſent, either in Perſon or by Commiſſion, was not expreſly had or given, were in the firſt creation and making, and ſtill are, and ſo ſhall be taken to be null and void to all intents and purpoſes whatſoever. Provided neverthelеſſe, That all and every perſon and perſons, Bodies Politick and Corporate, who have been, or ſhall at any time hereafter be queſtioned for any thing acted or done by colour of any the Orders or Ordinances herein before mentioned and declared to be null and void, and are Indempnified by an Act entituled, An Act of Free and General Pardon, Indempnity and Oblivion, made in the Twelfth year of His Majeſties Reign that now is, or ſhall be Indemnified by any Act of Parliament, ſhall and may make ſuch uſe of the ſaid Orders and Ordinances for their Indempnity according to the true intent and meaning of the ſaid Act, and no other, as he or they might have done if this Act had not been made, any thing in this Act contained to the contrary notwithſtanding.

Proviſo, the ſaid Orders, &c. may be made uſe of according to the Act of Indempnity. Stat. 12 Car. 2. cap. 11.

No perſon to be proſecuted for any offences in this Act (other then Treaſon) unleſs by ſpecial order from his Majeſty: And within ſix moneths after the offence committed.

Provided alwayes, That no perſon be proſecuted for any of the Offences in this Act mentioned (other then ſuch as are made and declared to be high Treaſon) unleſs it be by Order of the Kings Majeſty, his Heirs or Succeſſors, under his or their Sign Manual, or by Order of the Council Table of his Majeſty, his Heirs or Succeſſors, directed unto the Attorney-General for the time being, or ſome other of the Council learned to his Majeſty, his Heirs or Succeſſors, for the time being; nor ſhall any perſon or perſons by vertue of this preſent Act incur any of the penalties herein before mentioned, unleſs he or they be proſecuted within ſix moneths next after the Offence committed, and indicted thereupon within three moneths after ſuch proſecution, any thing herein contained to the contrary notwithſtanding.

Treaſons and offences within this Act to be proved by two witneſſes viva voce.

Provided alwayes, and be it Enacted, That no perſon or perſons ſhall be indicted, arraigned, condemned, convicted or attainted for any of the Treaſons or Offences aforeſaid, unleſs the ſame Offendor or Offendors be thereof accuſed by the Teſtimony and depoſition of two lawful and credible Witneſſes upon Oath, which Witneſſes at the time of the ſaid Offendor or Offendors arraignment, ſhall be brought in perſon before him or them face to face, and ſhall openly avow and maintain upon Oath what they have to ſay againſt him or them concerning the Treaſon or Offences contained in the ſaid Indictment, unleſs the party or parties arraigned ſhall willingly without violence confeſs the ſame.

Proviſo, for the Priviledg of Debates in Parliament. For repeal or alteration of Laws, or redreſſing publick Grievances.

Provided likewiſe, and be it Enacted, That this Act, or any thing therein contained, ſhall not extend to deprive either of the Houſes of Parliament, or any of their Members, of their juſt ancient Freedome and Priviledge of debating any matters or buſineſs, which ſhall be propounded or debated in either of the ſaid Houſes, or at any Conferences or Committees of both or either of the ſaid Houſes of Parliament, or touching the repeal or alteration of any old, or preparing any new Laws, or the redreſſing of any publick Grievance; but that the ſaid Members of either of the ſaid Houſes, and the Aſſiſtants of the Houſe of Peers, and every of them, ſhall have the ſame freedom of ſpeech, and all other Priviledges whatſoever, as they had before the making of this Act; Any thing in this Act to the contrary thereof in any wiſe notwithſtanding.

Proviſo, for Peerage and Peers.

Provided alwayes, and be it Ordained and Enacted, That no Peer of this Realm ſhall be tryed for any Offence againſt this Act, but by his Peers; And further, That every Peer who ſhall be convicted of any Offence againſt this Act, after ſuch conviction, be diſabled during his life to ſit in Parliament, unleſs his Majeſty ſhall graciouſly be pleaſed to pardon him. And if his Majeſty ſhall grant his pardon to any Peer of this Realm, or Commoner, convicted of any offence againſt this Act, after ſuch Pardon granted, the Peer or Commoner ſo pardoned, ſhall be reſtored to all intents and purpoſes, as if he had never been convicted; Any thing in this Law to the contrary in any wiſe notwithſtanding.

CAP. II.

An Act of Parliament, Entituled, An Act for diſ-enabling all perſons in Holy Orders to exerciſe any Temporal Juriſdiction or Authority, Repealed.

Stat. 17 Car. 1. cap. 27. Rep.

VVhereas at the Parliament begun at Weſtminſter, the Third day of November, in the Sixteenth year of the Reign of our late Soveraign Lord King Charles of bleſſed memory, ſince deceaſed, An Act of Parliament was made, Entituled, An Act for diſ-enabling all perſons in Holy Orders to exerciſe any Temporal Juriſdiction or Authority; Which Act hath made ſeveral alterations prejudicial to the conſtitution and ancient Rights of Parliament, and contrary to the Laws of this Land, and is by experience found otherwiſe inconvenient; Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act, Entituled, An Act for diſ-enabling all perſons in holy Orders to exerciſe any Temporal Juriſdiction or Authority, and every clauſe, matter and thing therein contained, ſhall be, and is hereby from henceforth repealed, annulled, and made void to all intents and purpoſes whatſoever.

CAP. III.

All ſuch Monies, Goods, and other things which were Received, Levied or Collected in theſe late Times, and are remaining in the Hands or Poſſeſſion of any Treaſurers, Receivers, Collectors, or others not pardoned by the Act of Oblivion, declared to be Veſted and ſetled in His Majeſty.

VVhereas divers Doubts have been made, whether or no the Monies, Goods, Chattels, and other things excepted to be accounted for in the Act of Free and General Pardon, Indempnity and Oblivion, made and paſſed in the Parliament begun at Weſtminſter the Five and twentieth day of April, in the Twelfth year of your Majeſties Reign, do belong unto, and of right are in your Majeſty; for that the ſame were not levied, received, collected or taken by your Majeſties Authority, or to your Majeſties Uſe: For remedy, and clearing whereof, We the Lords and Commons aſſembled in Parliament humbly beſeech your Majeſty, that it may be Enacted, and be it Declared, Enacted and Ordained by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords and Commons aſſembled in Parliament, and by the Authority thereof, That all and every ſum

and

Goods and Monies levied ſince the 30. of Jan. 1642. and not pardoned, are veſted in his Majeſty.

Stat. 12 Car 2. cap. 11.

and ſums of Money, Goods, Plate, Jewels, Horſes, Arms, Ammunition, and other things whatſoever, levied, received, or taken ſithence the Thirtieth of *January*, One thouſand ſix hundred forty two, by any of the late pretended Authorities, or by pretence or colour of any Power or Authority, derived or pretended to be derived from them or any of them, for any publick uſe, which are not pardoned by the ſaid Act, which are not otherwiſe veſted and ſetled in the Kings Majeſty, and all Bonds, Obligations, and other Securities entred into for the ſame, or any part thereof, be and are hereby veſted and ſetled in the Kings Majeſty, his Heirs and Succeſſors; and that his Sacred Majeſty, his Heirs and Succeſſors, may from time to time, and at all times hereafter have, demand, ſue for, and recover the ſame of all, and every perſon and perſons, their Heirs, executors, and Adminiſtrators who are accountable for the ſame, or in whoſe hands or poſſeſſions ſoever the ſame were or are, as if the ſame had been levied, received, collected, or taken in his Majeſties Name by Authority from his Majeſty, or to his Majeſties uſe, any Law, or Statute, Uſage, or Cuſtom to the contrary in any wiſe notwithſtanding.

The Revenues of the Churches in *Wales*.

And be it further Enacted by the Authority aforeſaid, That all and every perſon or perſons which have received any the aforeſaid ſum or ſums of money from any Treaſurer or Receiver for any publick uſe, by way of Impreſt, to be accounted for, which are not pardoned or diſcharged by the aforeſaid Act, ſhall be liable to account, and called to account in ſuch manner and form, as if they had received the ſame out of his Majeſties Exchequer, or any other publick Treaſury; and particularly thoſe perſons that have received or collected the Revenues of any Churches, or Vicarages in *Wales*, or in the County of *Monmouth*, ſince the year of our Lord, One thouſand ſix hundred forty eight; Provided they have all due allowances in their accounts, as all ſuch perſons whoſe accounts are excepted in the Act of Oblivion, have or ought to have.

Commiſſions for diſcovery.

And to the end his Majeſty may be the better enabled to diſcover, and ſue for all ſuch Monies, Goods and other things inveſted in his Majeſty by this Act; it is further ordained and enacted by the Authority aforeſaid, That His Majeſty, His Heirs and Succeſſors, ſhall and may from time to time iſſue forth ſuch, and ſo many Commiſſions, to ſuch and ſo many perſons, as his Majeſty ſhall think fit, either under the great Seal of *England*, or the Seal of his Majeſties exchequer, for the better diſcovering, levying, receiving, and diſcharging the ſame.

Perſons accountable enabled to ſue for and levy all arrears.

Proviſo, none to be queſtioned but upon ſome proſecution begun before the 24 of June 1662.

And be it further enacted by the Authority aforeſaid, That all perſons accountable to his Majeſty by this Act, ſhall have full power and Authority, and are hereby enabled to ſue for, Levy, and recover from the parties from whom the ſame was, and is due, and for which they are hereby accomptable, all ſums of Money and Arrears, in ſuch manner and form as they might have recovered and levyed the ſame when the firſt grew due; Provided this Act or any thing therein contained, ſhall not extend to call any perſon to account, or to queſtion any perſon for Goods or other things remaining in his hands which ſhall not be called to account, or ſome information againſt him either in the exchequer, or Commiſſioners to be appointed as aforeſaid, before the four and twentieth of *June*, which ſhall be in the year of our Lord one thouſand ſix hundred ſixty two; and that the ſaid Information be proſecuted with effect within twelve moneths after the exhibition thereof.

CAP. IV.

An Act for a free and Voluntary preſent to his Majeſty. E X P.

Proviſo, Declaring no commiſſions of this nature but by authority of Parliament.

AND be it hereby Declared, That no Commiſſions or Aids of this nature can be iſſued out or levied, but by Authority of Parliament; And that this Act and ſupply hereby granted, ſhall not be drawn into example for the time to come. 1 R. 3. ca. 2.

CAP. V

For preventing Tumults and Diſorders, upon pretence of preparing or preſenting publick Petitions, or other Addreſſes, to his Majeſty, or the Parliament.

Tumultuous and diſorderly preparing petitions, a great occaſion of the late Wars and Calamities.

WHereas it hath been found by ſad experience, that Tumultuous, and other Diſorderly ſoliciting, and procuring of Hands by private Perſons to Petitions, Complaints, Remonſtrances, and Declarations, and other Addreſſes to the King, or to both, or either Houſes of Parliament, for alteration of matters eſtabliſhed by Law, redreſs of pretended grievances in Church or State, or other publick Concernments, have been made uſe of to ſerve the ends of Factious and Seditious perſons gotten into power, to the violation of the publick Peace, and have been a great means of the late unhappy Wars, Confuſions, and Calamities in this Nation; for preventing the like miſchief for the future;

No perſon after the 1. of Aug. 1661. ſhall ſolicite or procure any petition, &c. for altering any eſtabliſhed law in Church or State.

Be it enacted by the Kings moſt excellent Majeſty, by and with the conſent of the Lords and Commons Aſſembled in Parliament, and by the Authority of the ſame, That no perſon or perſons whatſoever, ſhall from and after the firſt of *Auguſt*, One thouſand ſix hundred ſixty and one, Sollicite, Labour, or procure the getting of Hands, or other Conſent of any perſons above the number of twenty, or more, to any Petition, Complaint, Remonſtrance, Declaration, or other Addreſs to the King, or both, or either Houſes of Parliament, for alteration of matters eſtabliſhed by Law in Church or State, unleſs the matter thereof have been firſt conſented unto, and ordered by three or more Juſtices of the County, or by the major part of the Grand Jury of the County or diviſion of the County where the ſame matter ſhall ariſe at their publick Aſſizes, or General Quarter Seſſions, or if ariſing in London by the Lord Mayor, Aldermen, and Commons in Common Councel aſſembled; And that no perſon or perſons whatſoever ſhall repair to his Majeſty, or both or either of the Houſes of Parliament, upon pretence of preſenting, or delivering any petition, Complaint, Remonſtrance or Declaration, or other Addreſſes accompanied with exceſſive number of People, not at any one time with above the number of Ten perſons, upon pain of incurring a penalty, not exceeding the ſum of one hundred pounds in money, and three moneths Impriſonment without bail or mainprize for every offence, to be proſecuted at the Court of Kings-Bench, or at the Aſſizes, or General Quarter-Seſſions within ſix moneths after the offence committed, and proved by two or more credible witneſſes.

Proviſo.

Provided alwayes, That this Act, or any thing therein contained, ſhall not be conſtrued to extend, to debar or hinder any perſon or perſons, not exceeding the number of Ten aforeſaid, to preſent any publick or private Grievance or Complaint to any Member or Members of Parliament after this Election, and during the continuance of the Parliament, or to the Kings Majeſty, for any Remedy to be thereupon had; nor to extend to any Addreſſe whatſoever to his Majeſtie, by all or any of the Members of both or either Houſes of Parliament, during the ſitting of Parliament, but that they may enjoy their freedom of Acceſs to his Majeſtie, as heretofore hath been uſed.

CAP. VI.

The Militia declared to be in the King; and for the preſent Ordering and Diſpoſing the ſame.

The command of the Militia by Sea and Land, the undoubted right of his Majeſty.

Foraſmuch as within all his Majeſties Realms and Dominions, the ſole Supream Government, Command and Diſpoſition of the Militia, and all Forces by Sea and Land, and of all Forts and places of ſtrength, is, and by the Lawes of England ever was the undoubted Right of his Majeſtie, and his Royal Predeceſſors, Kings and Queens of England; and that both, or either of the Houſes of Parliament cannot, nor ought to pretend to the ſame; nor can, nor lawfully may raiſe, or levy any War Offenſive or Defenſive againſt his Majeſty, his Heirs or lawful Succeſſors; and yet the contrary thereof hath of late years been practiſed almoſt to the Ruine and Deſtruction of this Kingdom; and during the late uſurped Governments, many evil and rebellious principles have been diſtilled into the minds of the people of this Kingdom, which unleſs prevented, may break forth to the diſturbance of the Peace and Quiet thereof.

An Act under conſideration touching the Militia.

And whereas an Act is under conſideration for exerciſing the Militia, with moſt ſafety and eaſe to the King and his People, which Act cannot as yet be perfect; Be it therefore enacted by the Kings moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords and Commons aſſembled in Parliament, That the Militia and Land Forces of this Kingdom, and of the Dominion of Wales, and Town of Berwick upon Tweed, now under the Power of Lieutenants or their Deputies, ſhall be exerciſed, ordered and managed till the Five and twentieth day of March next enſuing, in ſuch manner as the ſame now is actually exerciſed, ordered and managed, according to ſuch Commiſſions and Inſtructions as they formerly have, or from time to time ſhall receive from his Majeſty.

Perſons who have Acted by commiſſion of Lieutenancy.

And whereas ſince the Twenty fourth of June, One thouſand ſix hundred and ſixty, there have been Inſurrections, by occaſion whereof divers of his Majeſties good Subjects have been murthered; and for the ſecuring the Peace of the Nation, and preventing further diſorders, divers perſons ſuſpected to be Fanaticks, Sectaries, or Diſturbers of the Peace, have been Aſſaulted, Arreſted, Detained or Impriſoned, and divers Arms have been ſeiſed, and Houſes ſearched for Arms, or ſuſpected perſons; Be it therefore further enacted by the authority aforeſaid, That all and every perſon and perſons, who have or ſhall have acted, or done any thing in execution of any Commiſſion or Commiſſions of Lieutenancy, iſſued by the Kings Majeſty that now is, or by colour of them, or any of them, touching or concerning the ſame, or any of them, or relating thereunto, ſhall be and are hereby ſaved harmleſs and indempnified in this behalf: And alſo all Magiſtrates, Juſtices of the Peace, Officers and Miniſters of Juſtice, and all perſons that have or ſhall have acted by or under them, or by their or any of their Commands, ſince the ſaid Twenty fourth day of June, One thouſand ſix hundred and ſixty, until the Twentieth day of July, One thouſand ſix hundred ſixty and one, as to any aſſaulting, arreſting, detaining or impriſoning any perſon ſuſpected to be Fanatick, Sectary, or Diſturber of the Peace, or ſeizing of Arms, or ſearching of houſes for Arms, or for ſuſpected perſons, ſhall be, and are hereby ſaved harmleſs, and indempnified in that behalf.

Proviſo.

Provided, That neither this Act, nor any thing therein contained, ſhall after the Five and twentieth of March next, be prejudicial to any County, City or place within this Kingdome, which are over-charged with Men and Arms beyond their ancient proportion.

Provided, That neither this Act, nor any matter or thing therein contained, ſhall be deemed, conſtrued or taken to extend to the giving or declaring of any Power for the tranſporting of any the Subjects of this Realm, or any way compelling them to march out of this Kingdom, otherwiſe then by the Laws of England ought to be done.

No perſon may be Lieutenant or Deputy Lieutenant that hath not taken the Oaths of Allegiance and Supremacy.

Provided, That no perſon whatſoever ſhall be capable of acting as a Lieutenant, or Deputy-Lieutenant, or other Officer or Souldier, by vertue of this Act, who hath not already taken the Oaths of Allegiance and Supremacy, ſince the Return of his Majeſty into England, until he ſhall take the ſame according to the Laws and Statutes of this Kingdome: Which Oaths the Lords of his Privy Council, or any ſix of them, are hereby impowred to adminiſter to any Peer of this Realm, who ſhall be Commiſſionated by vertue of this Act, and the Deputy Lieutenants, or any two of them, in their reſpective Counties, to any Commoner. 14 Car. 2. cap. 3. & 8. 15 Car. 2. cap. 4. Stat. 3.

CAP.

CAP. VII.

Publick Acts Confirmed.

Stat. 12 Car. 2. cap. 11.
Stat. 12 Car. 2. cap. 4.
Stat. 12 Car. 2. cap. 5.
Stat. 12 Car. 2. cap. 8.
Stat. 12 Car. 2. cap. 9.
Stat. 12 Car. 2. cap. 12.
Stat. 12 Car. 2. cap. 15.
Stat. 12 Car. 2. cap. 10.
Stat. 12 Car. 2. cap. 19.
Stat. 12 Car. 2. cap. 20.
Stat. 12 Car. 2. cap. 23.
Stat. 12 Car. 2. cap. 24.
Stat. 12 Car. 2. cap. 25.
Stat. 12 Car. 2. cap. 26.
Stat. 12 Car. 2. cap. 27.
Stat. 12 Car. 2. cap. 28.
Stat. 12 Car. 2. cap. 29.
Stat. 12 Car. 2. cap. 30.
Stat. 12 Car. 2. cap. 35.
Stat. 12 Car. 2. cap. 2.

WHereas during the late Difficulties and Exigencies of Affairs in the abſence of his moſt Excellent Majeſty, and in reference to his Return from beyond the Seas into theſe his Majeſties Dominions, The Lords and Commons being aſſembled at Weſtminſter, the Five and twentieth day of April, in the Twelfth year of his Majeſties Reign, were from thence, and after his Majeſties Return, continued until the Nine and twentieth day of December, then next following, and now laſt paſt, and then Diſſolved by his Majeſty: In which time ſeveral Acts were paſſed by his Majeſty, by and with the Advice and Conſent of the Lords and Commons aſſembled, as aforeſaid, which being being of neceſſary uſe, are fit to be Continued and Confirmed, although the manner of the ſaid Aſſembling enforced by the difficulties and exigencies aforeſaid, which then lay upon the Nation, is not to be drawn into Example; Be it therefore enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular the Acts made, or mentioned to be made by his ſaid Majeſty, by and with the advice and conſent of the Lords and Commons upon or ſince the ſaid Five and twentieth day of April, herein after particularly mentioned and expreſſed, That is to ſay, One Act entituled, An Act of Free and General Pardon, Indempnity and Oblivion: One other Act entituled, A Subſidy granted to the King, of Cunnage and Poundage, and other ſums of Money payable upon Merchandize Exported and Imported: One other Act entituled, An Act for Continuing the Exciſe until the Twentieth of Auguſt, one thouſand ſix hundred and ſixty: One other act entituled, an Act for Continuing the Exciſe till the Five and twentieth day of December, one thouſand ſix hundred and ſixty: One other Act entituled, an Act for the ſpeedy Proviſion of Money, for Disbanding and paying off the Forces of this Kingdom both by Land and Sea: One other Act entituled, an Act for Confirmation of Judicial Proceedings: One other Act entituled, an Act for the ſpeedy Disbanding of the Army and Garriſons of this Kingdom: one other act entituled, an Act for Supplying and Explaining certain Defects in an act entituled, an Act for the ſpeedy proviſion of money for Disbanding and paying off the Forces of this Kingdom both by Land and Sea: One other Act entituled, an Act to prevent Frauds and Concealments of his Majeſties Cuſtoms and Subſidies: One other act entituled, an Act for Raiſing Sevenſcore Thouſand pounds for the compleat Disbanding of the whole Army, and paying off ſome part of the Navy: One other act entituled, A Grant of certain Impoſitions upon Beer, Ale, and other Liquors, for the Increaſe of his Majeſties Revenue during his Life: One other Act entituled, an act for taking away the Court of Wards and Liveries, and Tenures in Capite, and by Knights Service and Purveyance, and for ſetling a Revenue upon his Majeſtie in lieu thereof: One other Act entituled, an act for the better ordering the ſelling of Wines by retail, and for preventing abuſes in the mingling, corrupting and vitiating of wines, and for ſetting and limiting the prices of the ſame: One other act entituled, an Act for the levying of the Arrears of the Twelve moneths Aſſeſment commencing the Four and twentieth day of June, one thouſand ſix hundred fifty & nine: and the Six moneths Aſſeſment commencing the Five and twentieth of December, one thouſand ſix hundred fifty & nine: One other act entituled, An act for Granting unto the Kings Majeſty Four hundred & twenty thouſand pounds, by an Aſſeſment of Threeſcore and ten thouſand pounds by the moneth, for Six moneths, for Disbanding the Remainder of the Army, and paying off the Navy: One other act entituled, an Act for the further ſupplying and explaining certain defects in an Act entituled, an Act for the ſpeedy proviſion of money for disbanding and paying off the Forces of this Kingdom both by Land and Sea: one other act entituled, an Act for the raiſing of Seventy thouſand pounds for the further Supply of his Majeſty: one other act entituled, an Act for the Attainder of ſeveral perſons guilty of the Horrid Murder of his late Sacred Majeſty, King Charles the Firſt: one other act entituled, an Act for Erecting and Eſtabliſhing a Poſt-Office: One other act entituled, an Act for putting in execution an Ordinance mentioned in this Act: and all and every the Clauſes, Sentences, and Articles in them, and every of them contained, ſhall be, and hereby are Ratified, and Confirmed, and Enacted and Declared to have the full Force and Strength of Acts of Parliament according to the tenor or purport thereof, and ſo ſhall be adjudged, deemed and taken to all intents and purpoſes whatſoever, and as if the ſame had been made, declared, and enacted by authority of this preſent Parliament.

CAP. VIII.

Neceſſary Carriages to be provided for His Majeſty in his Royal Progreſs and Removals.

Stat. 12 Car. 2. cap. 24.

WHereas by an Act made in Parliament in the Twelfth year of his Majeſties Reign, entituled, An Act for taking away the Court of Wards, and Liveries, and Tenures in Capite and by Knights Service, and Purveyance, and for ſetling a Revenue upon His Majeſty in lieu thereof: It was (amongſt other Things) enacted for the Reaſons and Recompence therein expreſſed, That from thenceforth no perſon or perſons, by any Warrant, Commiſſion, or Authority under the Great Seal, or otherwiſe, by colour of buying, or making proviſion, or purveyance for his Majeſty, or any Queen of England for the time being, or of any the Children of any King, or Queen of England that ſhall be, or for his, their, or any of their Houſhold, ſhall take any Cart, Carriage, or other thing whatſoever of any of the Subjects of his Majeſty, his Heirs or Succeſſors, without the free and full conſent of the Owner or Owners thereof, had, and obtained without menace or enforcement, nor ſhall ſummon, warn, take, uſe, or require any the ſaid Subjects to furniſh or find any Horſes, Oxen, or other Cattel, Carts, Ploughs, Wayns, or other Carriages, for the uſe of his Majeſty, his Heirs or Succeſſors, or of any Queen of England, or of any Child or Children of any the Kings or Queens of England for the time being, for the Carrying the Goods of his Majeſtie, his Heirs or Succeſſors, or the ſaid Queens, or Children, or any of them, without ſuch full and free conſent, as aforeſaid, any Law, Statute, Cuſtome or Uſage to the contrary notwithſtanding; which Act may prove very prejudicial and inconvenient to the Kings Majeſtie in his Royal Progreſſes upon his neceſſary occaſions to ſeveral parts of this Realm, in caſe any perſon or perſons ſhall obſtinately refuſe voluntarily to provide ſufficient Carriages for Royal Service at ordinary and uſual Rates for ſuch Carriages, as are paid by others of his Subjects in ſuch places, contrary to the true intent and meaning of the ſaid Act.

Clerk or chief Officer of his Majeſties Carriages, by Warrant from the Green-cloth to provide Carts &c. for his Majeſties uſe.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, That the Clark, or chief Officer of his Majeſties Carriages, ſhall three dayes at leaſt before his Majeſties Arrival, by Warrant from the Green Cloth, give notice in writing to two, or more of his Majeſties Juſtices of the peace next adjoyning, to provide ſuch a number of Carts and Carriages from the places next adjacent, as his Majeſty ſhall have preſent uſe of, expreſſing the certainty of that number, as alſo the time and place, when and where the ſaid Carts and Carriages are to attend; which Carriages ſhall conſiſt of four able Horſes, or ſix Oxen, or four Oxen, and two Horſes; for each of which Cart or Carriage, the reſpective Owners ſhall receive ſix pence for each mile they ſhall go laden. And that in caſe any of his Majeſties Subjects of this Realm ſhall refuſe to provide and furniſh his Majeſty that now is, or his Queen that ſhall be, or his or her Houſhold, in their Progreſs or Removals, with ſuch ſufficient and neceſſary Carriages for their Wardrobe, and other neceſſaries, for ready monies tendred to them; or ſhall without juſt and reaſonable cauſe refuſe to make their appearance with ſuch ſufficient Carts and Carriages, as are before expreſt; that then upon due proof and conviction of ſuch neglect and refuſal, by the oath of the Conſtable or other Officer, or two other credible Witneſſes, before the ſaid Juſtices of the peace of the County, or Mayor, or other chief Officer of the City or Corporation, where he or they inhabit, (which Oath they ſhall have power to adminiſter) the party ſo refuſing, ſhall for ſuch his refuſal and neglect forfeit the ſum of Forty ſhillings to the Kings uſe, to be forthwith levied by diſtreſſe and ſale of his Goods and Chattels (rendring to the parties the overplus upon every ſuch ſale, if there ſhall be any) by Warrant from the ſaid Juſtices of the peace, Mayor, or other chief Officer.

Penalty for refuſing to furniſh his Majeſty.

No horſes or carriages to travel above a dayes journey, nor without pay of ready money.

Provided alwayes, That no Horſes, Oxen, Cart or Wain, ſhall be enforced to travel above one dayes journey from the place where they receive their Lading; and that ready payment ſhall be made in hand for the ſaid Carriages at the place of Lading, without delay, according to the aforeſaid Rates. And in caſe any Juſtice of the peace, Mayor, chief Officer, or Conſtable, ſhall take any Gift or Reward to ſpare any perſon or perſons from making ſuch Carriage; or ſhall injuriouſly charge or grieve any perſon through envy, hatred, or evil will, who ought not to make ſuch carriage, or ſhall Impreſs more Carriages then he ſhall be directed from the Green-cloth to do, That then upon due proof and conviction thereof, the party ſo offending ſhall forfeit the ſum of Ten pounds to the party thereby grieved, or any other who ſhall ſue for the ſame, to be recovered by Action of Debt in any of his Majeſties Courts of Record; wherein no eſſoin, protection, or wager of Law ſhall be allowed: And in caſe any perſon or perſons ſhall preſume to take upon him or them to Impreſs any horſes, oxen, cart, wain or carriages for his Majeſties ſervice, other then the perſon ſo impowered, then he or they ſo offending, ſhall, upon due conviction of the ſaid offence, incur and ſuffer the puniſhment contained in the firſt recited Act.

Penalty for wrongful charging any perſon.

Rates for horſe-meat and diet for his Majeſties ſervants.

And whereas of late in his Majeſties Progreſſes, exceſſive Rates and Prices have been exacted from his Majeſties ſervants for lodging, horſe-meat, ſtable-room, and other accommodations; Be it therefore Enacted by the authority aforeſaid, That none of his Majeſties ſaid Servants ſhall be compelled to pay above one ſhilling by the night for every bed that they ſhall uſe for their ſervants: And that in all ſuch houſes where any of his Majeſties ſaid ſervants ſhall pay for their dyet, or for hay and provender for their horſes, convenient lodging ſhall be provided for themſelves and their ſervants, without paying any thing for the ſame.

Rates and prices to be ſet down by two Juſtices of the Peace.

And be it further Enacted by the authority aforeſaid, That any two or more of the Juſtices of the peace near adjoyning to the Road through which his Majeſty is to paſs, ſhall immediately after notice in writing from the ſaid Green-Cloth, and Avenor, under their hands and ſeals ſet down and appoint ſuch reaſonable Rates and Prices to be paid during his Majeſties abode there, both for hay and oats, and other accommodations for horſes, as they in their diſcretion ſhall think meet; which Rates, one day at the leaſt before his Majeſties coming to ſuch place, the ſaid Juſtices ſhall cauſe to be proclaimed in the market-Town next to ſuch place, and in ſuch of the Neighbouring Towns and Villages as to them ſhall ſeem meet, to the end that notice may be taken of ſuch Rates and Prices. And if any perſon ſhall take any other ſum then what is, or ſhall be ſo limited, either for Lodging, Horſe-meat, Stable-room, or other ſuch accommodations, and be thereof convicted by confeſſion of the party, or by the oath of one credible witneſs, before any one Juſtice of the Peace, (which Oath the ſaid Juſtice of the peace is hereby authorized to adminiſter) That then in ſuch caſe every perſon ſo offending, ſhall forfeit and pay to the party grieved, the ſum of Forty ſhillings; the ſame to be levied by diſtreſs by warrant from the ſaid Juſtice of the peace, and ſale thereof, returning the overplus to the party (the charge of the diſtraining being firſt deducted:) This Act to have continuance till the end of the firſt Seſſion of the next Parliament, and no longer.

Penalty for taking more then limited for lodging, &c.

CAP. IX.

Articles and Orders for the regulating and better Government of His Majeſties Navies Ships of War, and Forces by Sea.

Articles to be obſerved.

FOr the regulating and better Government of his Majeſties Navies, Ships of War, and Forces by Sea; wherein under the good Providence and Protection of God, the wealth, Safety and Strength of this Kingdom is ſo much concerned, Be it Enacted by the Kings moſt Excellent Majeſty, with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, and by the Authority thereof, That all and every the Articles and Orders in this Act mentioned, ſhall be duly and reſpectively put in Execution, obſerved, and obeyed in manner hereafter mentioned.

I.

The publick Worſhip of God.

THat all Commanders, Captains, and Officers at Sea ſhall cauſe the publick Worſhip of Almighty God according to the Liturgy of the Church of England, eſtabliſhed by Law, to be ſolemnly, orderly, and reverently performed in their reſpective Ships: And that prayers and preachings by the reſpective Chaplains, in holy Orders, of the reſpective Ships, be performed diligently; and that the Lords Day be obſerved according to Law.

II

Swearing, Drunkenneſs, &c.

Every perſon and perſons in his Majeſties pay, uſing unlawful and raſh oaths, Curſings, Execrations, Drunkenneſs, Uncleaneſs, or other Scandalous Actions in derogation of Gods Honour, and corruption of good manners, ſhall be puniſhed by Fine, Impriſonment, or otherwiſe, as the Court-Martial ſhall think fit.

III.

Holding any foreign Intelligence.

If any officer, Mariner, Souldier, or other perſon in the Fleet, ſhall give, hold, or entertain Intelligence, to, or, with any King, Prince or State, being Enemy to, or any perſons in Rebellion againſt his Majeſty, his Heirs and Succeſſors, without direction or leave from the Kings Majeſty, the Lord High Admiral, Vice-Admiral, or Commander in Chief of any Squadron, every ſuch perſon or perſons ſo offending, ſhall be puniſhed with death.

IV.

Letters or Meſſages from any foreign Prince, &c. Enemy to the King.

If any Letter or Meſſage from any King, Foreign Prince, State, or Potentate, being an Enemy to the Kings Majeſtie, his Heirs and Succeſſors, or on their behalf, be conveyed to any Inferiour officer, Mariner or Souldier, or other in the Fleet, and the ſaid officer, Mariner, Souldier, or other as aforeſaid, do not within twelve hours having opportunity ſo to do) acquaint the Superiour Commander with it; or if a Superiour officer, or Mariner, being acquainted therewith by an Inferiour officer, Mariner, or other, or himſelf in his own perſon, receiving a letter or meſſage from any ſuch Enemy or Rebel, and ſhall not in convenient time reveal the ſame to the Admiral, Vice-Admiral, or the Commander of the Squadron, every ſuch perſon ſhall be puniſhed with death, or ſuch other puniſhment as the Court-Martial ſhall think fit.

V.

Relieving of any Enemy.

No perſon or perſons of the Fleet ſhall relieve an Enemy or Rebel, in time of War, with money, Victuals, Powder, Shot, Arms, Ammunition, or any other Supplies whatſoever, directly or indirectly, upon pain of death, or ſuch other puniſhment as the Court-Martial ſhall think fit to impoſe.

VI.

Papers, Charter Parties, &c. taken in any Ship ſeiſed as prize.

All the Papers, Charter-Parties, Bills of Lading, Paſports, and other Writings whatſoever, that ſhall be taken, ſeized, or found aboard any Ship or Ships which ſhall be ſurpriſed, or ſeiſed as Prize, ſhall be duly preſerved, and not torn, nor made away, but the very Originals ſent up intirely, and without fraud, to the Court of Admiralty, or ſuch other Commiſſioners as ſhall be appointed for that purpoſe; there to be viewed, made uſe of, and proceeeded upon according to Law, upon pain of loſs of all the ſhares of the Takers, and ſuch further puniſhment to be inflicted upon the Offendors therein, as the quality of their Offence and miſdemeanor ſhall be found to deſerve, and the Court-Martial ſhall impoſe.

VII.

Prize, Ships or Goods ſeiſed for prize.

None in his Majeſties pay ſhall take out any Prize, or Ship, or Goods ſeized on for Prize any money, plate, goods, lading or tackle, before Judgment thereof firſt paſt in the Admiralty court, but the full and intire accompt of the whole, without imbeſelmeut, ſhall be brought in, and Judgment paſt intirely upon the whole, without fraud, upon pain of ſuch puniſhment as ſhall be impoſed by a Court-Martial, or the Court of Admiralty; excepting, That it ſhall be lawful for all Captains, Sea-men, Souldiers, and others, ſerving as aforeſaid, to take and to have to themſelves as Pillage, without further or other accompt to be given for the ſame, all ſuch goods and Merchandizes (other then Arms, Ammunition, Tackle, Furniture, or Stores of ſuch Ship) as ſhall be found by them, or any of them in any Ship (they ſhall take in fight or prize) upon or above the Gun-deck of the ſaid Ship, and not otherwiſe.

VIII.

Imbezelling any Cables, Anchors, &c.

None ſhall imbezle, ſteal or take away any Cables, Anchors, Sails, or any of the Ships Furniture, or any of the Powder, or Arms, or Ammunition of the Ship, upon pain of death or other puniſhment, as the quality of the offence ſhall be found by a Court-Martial to deſerve.

IX.

Foreign Ships taken as prize not making reſiſtance.

If any Foreign Ship or Veſſel ſhall be taken as prize, that ſhall not fight or make reſiſtance, that in that caſe, none of the Captains, Maſters or Mariners, being Foreigners, ſhall be ſtripped of their Clothes, or in any ſort pillaged, beaten, or evil entreated, upon pain, That the perſon or perſons ſo offending, ſhall forfeit double damages; but the ſaid Foreign Ships, and all the Goods ſo taken, ſhall be preſerved intire to receive Judgment in the Admiralty Court, according to Right and Juſtice.

X.

Every Captain or Commander, who upon ſignal or order of fight, or view, or ſight of any Ships of the Enemy, Pyrate, or Rebel, or likelihood of Engagement, ſhall not put all things in the Ship in a fit poſture for fight, and ſhall not in his own perſon, and according to his place hearten and encourage the inferiour officers and common men to fight couragiouſly, and not to behave themſelves faintly, ſhall be caſhiered: And if he or they ſhall yield to the enemy, Pyrate, or Rebels, or cry for quarter, he or they ſo doing ſhall ſuffer the pains of death, or ſuch other puniſhment as the offence ſhall deſerve.

The Duty of Captains, &c. upon ſignal of fight.

Not to yield or cry for quarter.

XI.

Every Captain, Commander, and other Officer, Sea-men, or Souldier of any Ship, Frigot or Veſſel of War, ſhall duly obſerve the Commands of the Admiral, or other his Superiour or Commander of any Squadron, as well for the Aſſailing or Setting upon any Fleet, Squadron, or ſhips of the enemy, Pyrate, or Rebels, or joyning Battel with them or making defence againſt them, as all other the Commands of the Admiral, or other his Superiour Commander, upon pain to ſuffer death or other puniſhment as the quality of his neglect or offence ſhall deſerve.

All Officers ſhall obſerve the commands of the Admiral.

XII.

Every Captain, and all other Officers, Mariners, and Souldiers of every Ship, Frigot, or Veſſel of War, that ſhall in time of any fight or engagement, withdraw or keep back or not come into the fight and engage, and do his utmoſt, to take, fire, kill, and endamage the Enemy, Pirate, or Rebels, and aſſiſt, and relieve all and every of his Majeſties Ships ſhall for ſuch offence of cowardize or diſaffection, be tryed and ſuffer pains of death, or other puniſhment, as the circumſtances of the offence ſhall deſerve, and the Court-Martial ſhall judge fit.

Officers that in time of fight ſhall withdraw, or not fight.

XIII.

The Captains, Officers, and Sea-men of All Ships, appointed for Convoy and Guard of Merchant Ships, or any other, ſhall diligently attend upon that Charge, without delay, according to their Inſtructions in that behalf, and whoſoever ſhall be faulty therein, and ſhall not faithfully perform the ſame, and defend the Ships and Goods in their Convoy, without either diverting to other Parts or Occaſions; or refuſing or neglecting to fight in their defence, if they be ſet upon or aſſailed, or running away cowardly, and ſubmitting thoſe in their Convoy to hazard and peril, or ſhall demand and exact any money, or other reward from any merchant or Maſter, for convoying of any ſuch Ships or other Veſſels belonging to his Majeſties Subjects, ſhall be condemned to make reparation of the damage to the Merchants, Owners and others, as the Court of Admiralty ſhall adjudge; and alſo be puniſhed criminally according to the quality of their offences, be it by pains of death or other puniſhment, according as ſhall be adjudged fit by the Court Martial.

Officers and Ships appointed for Convoy, their Duty.

Penalty for non performance.

XIV

Whatſoever Perſon or Perſons, in or belonging to the Fleet, either through cowardize, negligence, or diſaffection, ſhall forbear to purſue the chaſe of any Enemy or Pyrate, or Rebel beaten, or flying, or ſhall not relieve or aſſiſt a known friend in view, to the utmoſt of his power, ſhall be puniſhed with death, or otherwiſe, as a Court-Martial ſhall find fit.

The penalty for not chaſing an Enemy, or not relieving a Friend.

XV.

When at any time, ſervice or action ſhall be commanded, no man, ſhall preſume to ſtop or put backward, or diſcourage the ſaid ſervice and action, by pretence of Arrears of Wages, or upon any pretence of Wages whatſoever, upon pain of death.

Service commanded ſhall not be ſtopped or diſcouraged.

XVI.

All Sea-Captaines, Officers and Sea-men, that ſhall betray their truſt, or turn to the enemy, Pyrate, or Rebels, and either run away with their Ship or any Ordinance, Ammunition, or Proviſion to the weakning of the Service, or yield the ſame up to the enemy, Pyrate, or Rebels, ſhall be puniſhed with death.

None ſhall betray their truſt, nor yield to the Enemy.

XVII.

All Sea-Captains, Officers, or Mariners, that ſhall deſert the Services or their Imployment in the Ships, or ſhall run away, or intice any others ſo to do, ſhall be puniſhed with death.

Deſerting the Service, or running away.

XVIII.

All perſons whatſoever that ſhall come, or be found in the nature of Spies, to bring any ſeducing Letters or Meſſages from any enemy or Rebel or ſhall attempt or endeavor to corrupt any Captain, Officer, Mariner, or other of the Navy or Fleet, to betray his or their Truſt, and yield up any Ship or Ammunition, or turn to the enemy or Rebel, ſhall be puniſhed with death.

Spies.

XIX.

No perſon in or belonging to the Fleet, ſhall utter any words of Sedition or Mutiny, nor make or endeavour to make any Mutinous Aſſemblies upon any pretence whatſoever, upon pain of death.

Sedition, mutiny.

XX.

No perſon in or belonging to the Fleet, ſhall conceal any Trayterous or Mutinous practices, deſigns, or words, or any words ſpoken by any to the prejudice of his Majeſty, or Government, or any words, practices, or deſigns tending to the hindrance of the ſervice, but

Concealers of trayterous or mutinous practices or words.

ſhall forthwith reveal them to his ſuperiour, that a meet proceeding may be had thereupon, upon pain of ſuch puniſhment as a Court-Martial ſhall find to be juſt.

XXI.

Quarrelling or ſtriking a Superiour Officer.

None ſhall preſume to quarrel with his Superiour Officer, upon pain of ſevere puniſhment, nor to ſtrike any ſuch upon pain of death, or otherwiſe, as a Court-Martial ſhall find the matter to deſerve.

XXII.

Unwholſomneſs of Victuals.

If any of the Fleet find cauſe of Complaint of the unwholeſomneſs of his Victuals, or upon other juſt ground, he ſhall quietly make the ſame known to his Superiour, or Captain, or Commander in chief, as the occaſion may deſerve, that ſuch preſent remedy may be had as the matter may require, and the ſaid Superiour or Commander is to cauſe the ſame to be preſently remedied accordingly; but no perſon upon any ſuch or other pretence, ſhall privately attempt to ſtir up any diſturbance, upon pain of ſuch ſevere puniſhment as a Court-Martial ſhall find meet to inflict.

XXIII.

Quarrelling or provoking Speeches.

None ſhall quarrel or fight in the Ship, nor uſe reproachful or provoking Speeches tending to make any quarrel or diſturbance, upon pain of Impriſonment, and ſuch other puniſhment as the offence ſhall deſerve, and the Court-Martial ſhall impoſe.

XXIV.

Waſtful expence of Ammunition.

That there be no waſtful expence of any Powder, Shot, Ammunition, or other Stores in the Fleet, nor any imbezelment thereof, but that the Stores and Proviſions be carefully preſerved, upon ſuch penalties by Fine, Impriſonment, or otherwiſe, upon the Offendors, Abetters, Buyers and Receivers, as ſhall be by a Court-Martial found juſt in that behalf.

XXV.

Care of conducting and ſteering ſhips.

That care be taken in the Conducting and Steering of the Ships, that through wilfulneſs, negligence, or other defaults, none of his Majeſties Ships be ſtranded or run upon any Rocks or Sands, or ſplit, or hazarded, upon pain, that ſuch as ſhall be found guilty therein be puniſhed by Fine, Impriſonment, or otherwiſe, as the offence by a Court-Martial ſhall be adjudged to deſerve.

XXVI.

Burning a Ship.

All perſons that ſhall willingly burn or ſet fire on any Ship, or Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy or Veſſel, or Tackle or Furniture thereto belonging, not appertaining to An Enemy or Rebel, ſhall be puniſhed with death.

XXVII.

Sleeping upon Watch.

No Man, in, or belonging to the Fleet. ſhall ſleep upon his Watch, or negligently perform the Duty impoſed on him, or forſake his ſtation, upon pain of death, or other puniſhment, as the circumſtances of the caſe ſhall require.

XXVIII.

Murthers.

All Murthers and willful Killing of any perſon in the Ship ſhall be puniſhed with death.

XXIX.

Robbery and Theft.

All Robbery and Theft committed by any perſon in or belonging to the fleet, ſhall be puniſhed with death, or otherwiſe, as the Court Martial upon conſideration of Circumſtances ſhall find meet.

XXX.

Provoſt Martial priſoners.

No Provoſt-Martial belonging to the Fleet, ſhall refuſe to receive or keep any Priſoner committed to his charge, nor ſuffer him to eſcape being once in his Cuſtody, nor diſmiſs him without order, upon pain of being lyable to the ſame puniſhment which ſhould have been inflicted upon the party diſmiſſed, or permitted to eſcape, or ſuch other puniſhment as the Court-Martial ſhall think fit.

XXXI.

Apprehending offendors.

All Captains, Officers and Sea-men ſhall do their endeavours to detect, apprehend, and bring to puniſhment all offendors, and ſhall aſſiſt the Officers appointed for that purpoſe therein, upon pain to be proceeded againſt, and puniſhed by the Court Martial at diſcretion.

XXXII.

Sodomy.

If any perſon or perſons, in or belonging to the Fleet, ſhall commit the unnatural and deteſtable ſin of Buggery or Sodomy with man or Beaſt, he ſhall be puniſhed with death without mercy.

XXXIII.

Miſdemeanors, and Diſorders at Sea.

All other Faults, Miſdeameanors, and diſorders commited at ſea, not mentioned in this Act ſhall be puniſhed according to the Laws and Cuſtoms in ſuch caſes uſed at Sea.

XXXIV.

The Lord High Admirals power to grant Commiſſions to call Court-Martials.

And it is hereby further enacted, That the Lord High Admiral for the time being ſhall by vertue of this Act, have full power and authority to grant Commiſſions to inferiour Vice-Admirals, or Commander in chief of any Squadron of Ships, to call and aſſemble Court-Martials, conſiſting of Commanders and Captains; and no Court-Martial where the pains of death ſhall be inflicted, ſhall conſiſt of leſs then five Captains at leaſt, the Admirals Lieutenant to be as to this purpoſe eſteemed as a Captain; and in no caſe wherein ſentence of Death ſhall paſs by vertue of the Articles aforeſaid, or any of them (except in caſe of Mutiny) there ſhall be execution of ſuch ſentence of Death, without the leave of the Lord High Admiral, if the offence be committed within the Narrow-Seas: But in caſe any of the offences aforeſaid be committed in any Voyage beyond the Narrow-Seas, whereupon ſentence of death ſhall be given in purſuance of the aforeſaid Articles, or of any of them; then execution ſhall not be done but by order of the Commander in chief of that Fleet or Squadron wherein ſentence of Death was paſſed.

XXXV.

Judge Advocate of any Fleet to adminiſter an Oath for tryal of offences. Court-Martial.

And be it further enacted and declared, That the Judge-Advocate of any Fleet, for the time being, ſhall have full power and authority to adminiſter an Oath to any perſon or witneſs in order to the Examination or Tryal of any of the offences aforeſaid; and in the abſence a of Judg-Advocate, the Court-Martial ſhall have full power and authority to appoint any perſon to adminiſter an Oath to the purpoſe aforeſaid.

Proviſo touching the powers of the Lord Admiral.

Provided alſo, and be it further enacted by the authority aforeſaid, That this Act, or any thing or things therein contained, ſhall not in any manner of wiſe extend to give unto the Lord Admiral of England for the time being, or to any his Vice-Admirals, Judge or Judges of the Admiralty, his or their Deputy or Deputies, or to any other the Officers or Miniſters of the Admiralty, or to any others having or claiming any Admiral Power, Juriſdiction or Authority within this Realm and Wales, or any other the Kings Dominions, any other power, right, juriſdiction, preheminence, or authority, then he or they, or any of them, lawfully have, hath, or had, or ought to have and enjoy before the making of this Act, other then for ſuch of the offences ſpecified in the ſeveral Articles contained in this Act, as hereafter ſhall be done upon the main Sea, or in Ships or Veſſels being and hovering in the main Stream of great Rivers, onely beneath the Bridges of the ſame Rivers, nigh to the Sea, within the Juriſdiction of the Admiralty, and in none other places whatſoever, and committed only by ſuch perſons as ſhall be in actual Service and Pay in his Majeſties Fleet, or Ships of War.

CAP. X.

For preventing the unlawful Courſing, Hunting, or Killing of Deer.

Unlawful hunting or killing of Deer.

FOr the better preventing of the unlawful Courſing, Hunting, Taking, or Killing of Deer, by many Idle, Looſe, and diſorderly perſons; Be it enacted by the Kings moſt excellent Majeſty, and by the advice and conſent of the Lords and Commons in Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons ſhall from, and after the firſt day of Auguſt next unlawfully courſe, kill, hunt, or take away any Red or Fallow Deer, in any Foreſt, Chaſe, Purleiw, Paddock, Wood, Park, or other Ground where Deer are, or have been uſually kept within the Realm of England, or Dominion of Wales, without the conſent of the Owner, or perſon chiefly intruſted with the cuſtody thereof, or ſhall be aiding or aſſiſting therein, and ſhall be convicted thereof, by the confeſſion of the party, or by the Oath of one or more credible witneſſes, before one or more Juſtices of the Peace, (who are hereby impowred to adminiſter an Oath to that purpoſe) ſuch perſon being proſecuted for ſuch offence within ſix moneths after ſuch offence done; that then every perſon ſo offending, ſhall forfeit for every ſuch offence the ſum of Twenty pounds, to be levied by way of Diſtreſs upon the Goods and Chattels of every ſuch Offendor, by Warrant under the Juſtices hand, before whom ſuch conviction ſhall be made; the one moyety of the ſaid Twenty pounds to be given to the Informer, and the other moyety to the Owner of the Deer; and for want of ſufficient Diſtreſs, the Offendor ſhall be committed to the Houſe of Correction for ſix moneths, and there to be put to hard labour, or to the Common Gaol for one whole year, without Bail or Mainprize, at the Diſcretion of the Juſtices of the Peace before whom ſuch conviction ſhall be (and not to be diſcharged from thence till he or they have given ſufficient Sureties for their Good Behaviour, for one whole year next enſuing after his or their enlargement,) Provided, That where any Offendor ſhall be puniſhed by force of this Act, that he ſhall not be proſecuted nor incur the penalty of any other Law or Statute for the ſame offence. 19 H. 7. c. 11. 3 Jac. c. 13. 7 Jac. c. 13.

The Penalty.

CAP. XI.

The Confirmation of Three Acts therein mentioned.

BE it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſeveral Acts herein after mentioned, made, or mentioned to be made upon or ſince the Twenty fifth day of April, in the Twelfth year of his ſaid Majeſties Reign, by his ſaid Majeſty, by and with the advice or conſent of the Lords and Commons aſſembled at Weſtminſter upon the ſaid Twenty fifth of April, and there continued until the twenty ninth day of December then next following, and then diſſolved; which ſaid Acts are herein after particularly mentioned and expreſſed by the ſeveral and reſpective Titles following, That is to ſay, One Act entituled, An Act for the raiſing of Seventy thouſand pounds for the further Supply of his Majeſtie: And one other Act entituled, An Act for Confirmation of Marriages; And one other Act entituled, An Act for a perpetual Anniverſary Thankſgiving on the Twenty ninth day of May; and all and every the Clauſes, Sentences and Articles in them, and every of them, contained, ſhall be, and hereby are Ratified and Confirmed, and Enacted and Declared, to have the full force and ſtrength of Acts of Parliament, according to the tenor and purport hereof, and ſo ſhall be adjudged, deemed, and taken to all intents and purpoſes whatſoever, and as if the ſame had been made, declared, and enacted by authority of this preſent Parliament.

Stat. 12 Car. 2. cap. 29.
Stat. 12 Car. 2. cap. 33.
Stat. 12 Car. 2. cap. 14.

CAP. XII.

Explanation of a Clauſe contained in an Act of Parliament made in the Seventeenth Year of the late King CHARLES, entituled, An Act for Repeal of a Branch of a Statute Primo Elizabethæ, concerning Commiſſioners for Cauſes Eccleſiaſtical.

Stat. 17 Car. 1. cap. 11.

Whereas in an Act of Parliament made in the Seventeenth of the late King Charles, entituled, An Act for Repeal of a Branch of a Statute Primo Elizabethæ concerning Commiſſioners for Cauſes Eccleſiaſtical, it is (amongſt other things) Enacted, That no Arch-biſhop, Biſhop, nor Vicar-General, nor any Chancellor, nor Commiſſary of any Archbiſhop, Biſhop, or Vicar-General, nor any Ordinary whatſoever, nor any other Spiritual or Eccleſiaſtical Judge, Officer or Miniſter of Juſtice, nor any other perſon or perſons whatſoever, exerciſing Spiritual or Eccleſiaſtical power, authority, or juriſdiction, by any Grant, Licenſe, or Commiſſion of the Kings Majeſty, his Heirs or Succeſſors, or by any power or authority derived from the King, his Heirs or Succeſſors, or otherwiſe, ſhall (from and after the firſt day of Auguſt, which then ſhould be in the year of our Lord God, One thouſand ſix hundred forty one) award, impoſe or inflict any pain, penalty, Fine, amerciament, impriſonment, or other corporal puniſhment upon any of the Kings Subjects, for any contempt, miſdemeanor, crime, offence, matter or thing whatſoever, belonging to Spiritual or Eccleſiaſtical Cognizance or Juriſdiction, whereupon ſome doubt hath been made, that all ordinary power of Coertion and proceedings in cauſes eccleſiaſtical were taken away, whereby the ordinary courſe of Juſtice in Cauſes Eccleſiaſtical hath been obſtructed: Be it therefore declared and enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority thereof, That neither the ſaid Act, nor any thing therein contained, doth, or ſhall take away any ordinary power or authority from any of the ſaid Archbiſhops, Biſhops, or any other perſon or perſons named as aforeſaid, but that they and every of them, exerciſing Eccleſiaſtical Juriſdiction, may proceed, determine, ſentence, execute and exerciſe all manner of Eccleſiaſtical Juriſdiction, and all Cenſures and Coertions appertaining and belonging to the ſame, before the making of the Act before recited, in all cauſes and matters belonging to Eccleſiaſtical Juriſdiction, according to the Kings majeſties Eccleſiaſtical Laws uſed and practiſed in this Realm, in as ample manner and form as they did, and might lawfully have done before the making of the ſaid Act.

The ordinary power of Archbiſhops, &c. not taken away.

May uſe Eccleſiaſtical Juriſdiction.

The Stat. 17 Car. 1. cap. 11. Repealed as to all, except what concerns the High Commiſſion-Court.

And be it further enacted by the authority aforeſaid, That the afore recited Act of Decimo ſeptimo Caroli, and all the Matters and Clauſes therein contained (excepting what concerns the High Commiſſion-Court, or the new erection of ſome ſuch like Court by Commiſſion) ſhall be and is hereby repealed, to all intents and purpoſes whatſoever, Any thing, clauſe or ſentence in the ſaid Act contained to the contrary notwithſtanding.

Proviſo.

Provided alwayes, and it is hereby enacted, That neither this Act, nor any thing herein contained, ſhall extend, or be conſtrued to revive, or give force to the ſaid Branch of the ſaid Statute made in the ſaid firſt year of the Reign of the ſaid late Queen Elizabeth, mentioned in the ſaid Act of Parliament made in the ſaid ſeventeenth year of the Reign of the ſaid King Charles; but that the ſaid Branch of the ſaid Statute made in the ſaid firſt year of the Reign of the ſaid late Queen Elizabeth, ſhall ſtand and be repealed in ſuch ſort as if this Act had never been made.

Proviſo touching the oath Ex Officio.

Provided alſo, and it is hereby further enacted, That it ſhall not be lawful for any Archbiſhop, Biſhop, Vicar-General, Chancellor, Commiſſary, or any other Spiritual or Eccleſiaſtical Judg, Officer, or Miniſter, or any other perſon, having or exerciſing ſpiritual or eccleſiaſtical Juriſdiction, to tender or adminiſter unto any perſon whatſoever, the Oath uſually called the Oath Ex Officio, or any other Oath whereby ſuch perſon to whom the ſame is tendred or adminiſtred, may be charged or compelled to confeſs, or accuſe, or to purge him, or her ſelf of any criminal matter or thing, whereby he or ſhe may be liable to cenſure or puniſhment; Any thing in this Statute, or any other Law, Cuſtome or Uſage heretofore to the contrary hereof in any wiſe notwithſtanding.

Proviſo not to give any other Juriſdiction to any Archbiſhop, &c. than they had by Law before the year, 1639.

The Kings Supremacy in Eccleſiaſtical matters.

Canons Eccleſiaſtical.

Provided alwayes, That this Act or any thing therein contained, ſhall not extend or be conſtrued to extend to give unto any Archbiſhop, Biſhop, or any other Spiritual or Eccleſiaſtical Judge, Officer, or other perſon or perſons aforeſaid, any power or authority to exerciſe, execute, inflict, or determine any Eccleſiaſtical Juriſdiction, Cenſure, or Coertion, which they might not by Law have done before the year of our Lord 1639, nor to abridge or diminiſh the Kings Majeſties Supremacy in Eccleſiaſtical matters and affairs, nor to confirm the Canons made in the year 1640, nor any of them, nor any other Eccleſiaſtical Laws or Canons not formerly confirmed, allowed, or enacted by Parliament, or by the eſtabliſhed Laws of the Land as they ſtood in the year of our Lord 1639.

CAP. XIII.

The Arrears of the Exciſe and New Impoſt veſted in his Majeſty.

All Moneys owing upon Exciſe by any Laws or Ordinances veſted in his Majeſty.

Be it declared and enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords and Commons aſſembled in Parliament, and by the authority thereof, That all and every ſum and ſums of money any wayes due, or owing from, or by any perſon or perſons whatſoever, for or touching the Impoſition or Duty called the Exciſe, heretofore impoſed and made payable upon Beer, Ale, or any other Commodities, by any Laws, or pretended Laws or Ordinances; and all Debts therefore owing, whether by Obligation or upon Accompt from Farmers of Exciſe, or any other perſon or perſons whatſoever, or any of their Securities, and not pardoned by his Majeſties moſt Gracious Act of Pardon and Oblivion, be, and are hereby veſted and ſetled in the Kings Majeſty, his heirs and ſucceſſors, and that his Sacred Majeſty, his Heirs and Succeſſors, may from time to time, and at all times hereafter, have, demand, ſue for, and recover the ſame of all and every perſon and perſons, their Heirs, Executors, and adminiſtrators, having Aſſets, who are any way accomptable for the ſame, or any part thereof, and from his and their reſpective Sureties, and Securities; as if the ſame Duties of Exciſe had been lawfully Aſſeſſed, Impoſed, and collected; and as if the ſeveral pretended Acts, Orders, and Ordinances, Aſſeſſing and Impoſing the ſame, had been good, true, legal and effectual Acts of Parliament, and had in expreſs words given and granted, all and every the ſaid Duties of exciſe or new Impoſt unto his Majeſty and as if the Obligations & Recognizances entred into by the reſpective Sureties and Securities had, at the time of entring into the ſame, been taken in his Majeſties Name, according to the form preſcribed in the ſtatute made in the Three and thirtieth year of the Reign of King Henry the eight.

33 H.8. c.39.

Provided alwayes, That all and every perſon and perſons accomptable by vertue of this Act, ſhall have all ſuch due allowance in his or their accompts, as all ſuch perſons whoſe accompts are accepted in an Act, Intituled, An Act of Free and General Pardon, Indempnity and Oblivion, have, or ought to have.

Proviſo for allowances. St. 12 Car. 2. cap. 11.

Provided alwayes, That no perſon ſhall be queſtioned or moleſted for any of the Duties herein, or hereby veſted in his Majeſty, unleſs he ſhall be ſued or proſecuted with effect before the Five and twentieth day of December, which ſhall be in the year of our Lord, one thouſand ſix hundred ſixty two.

Proviſo no perſon to be queſtioned, unleſs he be ſued before the 25. of December, 1662.

Provided alſo, and be it enacted by the Authority aforeſaid, That all perſons accomptable to his Majeſty by this Act, ſhall have power and authority and are hereby enabled to ſue for, levy, and recover from any perſon and perſons who do ſtand indebted unto them in any ſum of money for the Duty or Impoſt of Exciſe, for which they are hereby accomptable, all ſums of money and Arrears unſatisfied, in as full and ample manner and form as they might have received and levied the ſame when they firſt grow due.

All perſons accomptable ſhall have authority to levy and recover all Arrears.

CAP. XIV.

The Confirmation of an Act Enticuled, An Act for Encouraging and Increaſing of Shipping and Navigation, and ſeveral other Acts both Publick and Private mentioned therein.

WHereas during the late difficulties and exigencies of affairs in the abſence of his moſt excellent Majeſty, and in reference to his return from beyond the Seas into theſe his Majeſties Dominions; The Lords and Commons being aſſembled at Weſtminſter the Five and twentieth day of April, in the twelfth year of his Majeſties Reign, were from thence, and after his Majeſties return, continued until the nine and twentieth day of December then next following, and now laſt paſt, and then diſſolved by his Majeſty; In which time ſeveral Acts were paſſed by his Majeſty, by and with the advice and conſent of the ſaid Lords and Commons aſſembled as aforeſaid, which being of neceſſary uſe, are fit to be continued and confirmed, although the manner of the ſaid aſſembling, enforced by the difficulties and exigences aforeſaid, which then lay upon the Nation, is not to be drawn into example.

Be it therefore enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That all and ſingular the Acts made or mentioned to be made by his ſaid Majeſty, by and with the advice or conſent of the Lord and Commons, upon or ſince the five and twentieth day of April, herein after particularly mentioned and expreſſed (that is to ſay One Act, entituled, An Act for the encouraging and increaſing of Shipping and Navigation; One other Act, entituled An Act for Prohibiting the exportation of Wooll, Wool-fells, Fullers earth, or any kind of Scouring earth. One other Act, entituled, An act Impowring the Maſter of the Rolls for the time being, for to make Leaſes for years, in order to new build the old Houſes belonging to the Rolls. One other Act, entituled, An Act for prohibiting the Planting, Setting, or Sowing of Tobacco in England and Ireland. One other Act, entituled, An Act for reſtraining the taking of exceſſive Uſury. One other Act, entituled, An Act for the preſent nominating of Commiſſioners of Sewers. One other Act, entituled, An Act for the Incorporating of the Maſter and Wardens of the Company of Haberdaſhers, London, to be Governors of the free-School and Alms-houſes in Newport in the County of Salop, of the Foundation of William Adams, and for Setling of Lands and Poſſeſſions on them for maintenance thereof, and other charitable Uſes. And all and every the Clauſes Sentences, and articles, in them and every of them contained, ſhall be, and hereby are Ratified and Confirmed, and enacted and Declared to have the full force and ſtrength of Acts of Parliament, according to the tenor and purport thereof, and ſo ſhall be adjudged, deemed and taken, to all intents and purpoſes whatſoever, and as if the ſame had been Made, Declared and enacted by authority of this preſent Parliament.

St. 12 Car. 2. cap. 18.
St. 12 Car. 2. cap. 32.
St. 12 Car. 2. cap. 36.
St. 12 Car. 2. cap. 34.
St. 12 Car. 2. cap. 13.
St. 12 Car. 2. cap. 6.

CAP. XV.

The Pains, Penalties and Forfeitures Impoſed upon the Eſtates and Perſons of certain notorious Offendors Excepted out of the Act of Free and General Pardon, Indempnity, and Oblivion.

WHereas in a certain Act paſſed in the late Aſſembly held at Weſtminſter, in the Twelfth year of his Majeſties Reign, and confirmed by the Authority of this preſent Parliament, Entituled, An Act of Free and General Pardon, Indempnity, and Oblivion, (amongſt other things) it is provided, That nothing therein contained ſhould extend to diſcharge the lands, Tenements, Goods, Chattels, Rights, Truſts, and other the Hereditaments late of Iſaac Ewer deceaſed, Sir John Danvers deceaſed, Sir Thomas Maleverer Baronet deceaſed, William Purefoy deceaſed, John Blakiſton deceaſed, Sir William Conſtable Baronet deceaſed, Richard Dean deceaſed, Francis Aleyn deceaſed, Peregrine Pelham deceaſed, John Moore deceaſed; John Aldred, alias Alured deceaſed, Humphry Edwards deceaſed, Sir Gregory Norton Baronet deceaſed, John

St. 12 Car. 2. cap. 11. The Lands and Tenements of the perſons deceaſed, not diſcharged by the Act of General Pardon.

Venn deceaſed, Thomas Andrews Alderman deceaſed, Anthony Stapeley deceaſed, Thomas Horton deceaſed, John Fry deceaſed, Thomas Hammond deceaſed, and Sir John Bourchier deceaſed, of and from ſuch pains, penalties and forfeitures, as by one other Act of Parliament intended to be afterwards paſſed for that purpoſe, ſhould be expreſſed and declared: All which perſons before mentioned, were (whilſt they lived) notoriouſly known to have been wicked and active Inſtruments in the proſecution and compaſſing of that Horrid and Execrable Treaſon, the Murther of our late Soveraign Lord King Charles the Firſt, of ever bleſſed memory. And whereas William Lord Mounſon, James Challoner, Sir Henry Mildmay, Sir James Harrington, John Phelps, and Robert Wallop, who in the moneth of January, One thouſand ſix hundred forty eight, did act and ſit in that Trayterous Aſſembly which proceeded againſt the Perſon and Life of our ſaid late Soveraign Lord King Charles the Firſt; and Sir Arthur Haſlerig, who in his life did commit many horrid and Traiterous Crimes againſt the Perſon, Crown and Dignity of his late Majeſty of glorious memory, and his Majeſty that now is, are all of them excepted out of the ſaid Act, and reſerved to future Pains, Penalties and Forfeitures, not extending to life; ſince the paſſing of which Act, ſo as aforeſaid confirmed, Sir Arthur Haſlerig and James Challoner died, and no Act hath yet paſſed for the inflicting of due pains, penalties and forfeitures upon the Perſons and Eſtates of the Offendors aforeſaid.

The Manors, Lands &c of the perſons named.

Of which they were ſeized the 20th of March, 1646. or ſince, forfeited and veſted in his Majeſty.

The Goods, Debts and Chattels, of which the perſons named were poſſeſſed at the time of their death forfeited to his Majeſty.

The Goods, &c. of which William Lord Mounſon, Sir Hen Mildmay, Sir James Harrington, John Phelps, and Robert Wallop, were poſſeſſed, the 11. of Feb. 1659, forfeited and veſted in his Majeſty.

We therefore the Lords and Commons in Parliament aſſembled, do beſeech your Majeſty, That it may be enacted. And be it enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every the Manors, Meſſuages, Lands, Tenements, Rents, Reverſions, Remainders, Poſſeſſions, Rights, Conditions, Intereſts, Offices, Fees, Annuities, and all other the Hereditaments, Leaſes for years, Chattels Real, and other things of what nature ſoever they be of them the ſaid Iſaac Ewer, Sir John Danvers, Sir Thomas Maleverer, William Purefoy, John Blakiſton, Sir William Conſtable, Richard Dean, Francis Aleyn, Peregrin Pelham, John Moore, John Aldred, alias Alured, Humphrey Edwards, Sir Gregory Norton, John Venn, Thomas Andrews, Anthony Stapley, Thomas Horton, John Fry, Thomas Hammond, Sir John Bourchier, William Lord Mounſon, James Challoner, Sir Henry Mildmay, Sir James Harrington, John Phelps, Robert Wallop, and Sir Arthur Haſlerig, which they, or any of them, or any other perſon or perſons to their, or any of their uſes, or in truſt for them, or any of them had the five and twentieth day of March in the year of our Lord, One thouſand ſix hundred forty and ſix, or at any time ſince, ſhall ſtand, and be forfeited unto your Majeſty, your Heirs and Succeſſors; and ſhall be deemed, veſted, and adjudged to be in the actual and real poſſeſſion of your Majeſtie, without any Office or Inquiſition thereof hereafter to be taken or found; And alſo that all and every the Goods, Debts, and other the Chattels perſonal whatſoever of them, the ſaid Iſaac Ewer, Sir John Danvers, Sir Thomas Maleverer, William Purefoy, John Blakiſton, Sir William Conſtable, Richard Dean, Francis Aleyn, Peregrin Pelham, John Moore, John Aldred, alias Alured, Humphrey Edwards, Sir Gregory Norton, John Venn, Thomas Andrews, Anthony Stapley, Thomas Horton, John Fry, Thomas Hammond, Sir John Bourchier, James Challoner, and Sir Arthur Haſlerig, whereof they, or any of them, at the time of their reſpective deaths, or any other in Truſt for them, or any of them ſtood poſſeſſed or intereſſed in Law or Equity, and all the Goods, Debts, and other the Chattels perſonals whatſoever of them the ſaid William Lord Mounſon, Sir Henry Mildmay, Sir James Harrington, John Phelps, Robert Wallop, whereof upon the eleventh day of February, in the year of our Lord, One thouſand ſix hundred fifty and nine, they, or any of them, or any other in truſt for them, or any of them ſtood poſſeſſed either in Law or Equity, ſhall be deemed and adjudged to be forfeited, and are hereby veſted and put into the actuall and reall poſſeſſion of your Majeſty, without any further Office or Inquiſition thereof hereafter to be taken or found.

Proviſo for conveyances and aſſurances, &c. made bona fide before the 29 of September.

Conveyances and aſſurances made before the 25th. of April, 1660.

So as they be enrolled in the Exchequer before the firſt of Jan. 1662.

Provided alwaies, and be it Enacted by the Authority aforeſaid, That no conveyance, Aſſurance, Grant, Bargain, Sale, Charge, Leaſe, Aſſignment of Leaſe, Grants, and Surrenders by Copy of Court-Roll, Eſtate, Intereſt, Truſt or Limitation of any uſe or uſes, of, or out of any Mannors, Lands, Tenements or Hereditaments, not being the Lands nor Hereditaments of the late King, Queen or Prince, or of any Archbiſhops, Biſhops, Deans, Deans and Chapters, nor being Lands or Hereditaments ſold or given for the delinquency, or pretended delinquency of any perſon or perſons whatſoever, by vertue or pretext of ſome Act, Order, Ordinance, or reputed Act, Order or Ordinance ſince the Firſt day of January, one thouſand ſix hundred forty and one, nor any Statute, Judgment or Recognizance, had, made, acknowledged or ſuffered to any perſon or perſons, Bodies politick or Corporate, before the Nine and Twentieth day of September, one thouſand ſix hundred fifty and nine, by any of the Offenders before in this Act mentioned, or their Heirs, or by any other perſon or perſons claiming by, from, or under them, or any of them, other then the Wife or Wives, Child or Children, Heir or Heirs of ſuch perſon or perſons, or any of them for money bona fide to them, or any of them paid, or lent, or other valuable conſideration, nor any conveyance, aſſurance, grant or Eſtate made before the five and twentieth day of April, One thouſand ſix hundred and fifty, by any perſon or perſons to any of the Offenders aforeſaid in truſt, and for the benefit of any other perſon or perſons, not being any of the offenders aforeſaid, or in truſt for any Bodies politick or corporate, ſhall be Impeached, defeated made voide, or fruſtrated hereby, or any of the Convictions and Attainders aforeſaid; But that the ſame ſhall be held and enjoyed by the Purchaſers, Grantees, Leſſees, Aſſigns, Ceſtuy que uſe, Ceſtuy que truſt, and every of them, their Heirs, Executors, Adminiſtrators and Aſſigns reſpectively, as if this Act had not been made, ſo as the ſaid Conveyances, and all and every the Grants and Aſſurances, which by vertue of this Act are, and ought to be held and enjoyed as aforeſaid, ſhall before the firſt day of January, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two, be entred, and enrolled of Record in his Majeſties

jeſties Court of Exchequer, and not otherwiſe, any thing in this Act herein before contained to the contrary in any wiſe notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That William Lord Mounſon, Sir Henry Mildmay, Sir James Harrington, Robert Wallop Eſquire, and John Phelps, and every of them, ſhall be and are hereby degraded from, and made uncapable of, all and every the Titles of Honour, Dignities and Preeminences which they or any of them now have, or which at any time hereafter may deſcend unto them; And that neither they, nor any of them ſhall at any time hereafter have, bear, or uſe the Fame, Stile, Addition or Title of Lord, Baronet, Knight Eſquire, or Gentleman, or any of them, nor ſhall uſe, or have any Coats, Eſcutchions of Arms whatſoever, nor any other legal Title, or addition whatſoever, but ſhall be for ever reputed and are hereby declared to be Perſons of Diſhonor and Infamy.]

William Lord Mounſon, Sir Henry Mildmay, Sir James Harrington, Robert Wallop, and John Phelps Degraded.

And further, That they the ſaid William Mounſon, Henry Mildmay, James Harrington, Robert Wallop, and John Phelps, and every of them, ſhall upon the ſeven and twentieth day of January which ſhall be in the year of our Lord, one thouſand ſix hundred ſixty one, or ſo ſoon after as they ſhall be apprehended, carried to the Tower of London, and from thence drawn upon ſledges with Ropes about their Necks, and according to the manner of perſons executed for High Treaſon quite through the ſtreets of London unto the Gallowes at Tiburn, and from thence in like manner be brought back again to the Tower of London; and there, or in ſuch other priſon as his Majeſty ſhall think fit, continue Priſoners, and ſuffer pains of Impriſonment for and during the Term of their Natural Lives.

William Mounſon, Henry Mildmay, James Harrington, Robert Wallop, and John Phelps ſhall be drawn to Tyburn as perſons executed for treaſon.

Provided alwayes, That no Executor or Adminiſtrator to any of the dead perſons whoſe Eſtate is forfeited by this Act, ſhall at any time hereafter be ſued or moleſted for any Debt or Legacy by them paid as Executor or Adminiſtrator to any perſon or perſons to whom the ſame was due or bequeathed, and was by the ſaid Executor or Adminiſtrator paid bona fide; but the reſpective Legatees who have received any ſuch Legacies from the ſaid Executors, ſhall be accomptable to the Kings Majeſty for all ſuch Legacies as they have reſpectively received, and ſhall pay the ſame to the Kings moſt Excellent Majeſty.

Proviſo for executors of the ſaid perſons and legacies.

Provided alwaies, That nothing in this Act ſhall be conſtrued to forfeit the Term, Eſtate, or Intereſt which Sir William Lewes of Borden in the County of Southampton Baronet, had or hath in the cuſtody of the Park called Eaſt-mean Park in the aforeſaid County, and in the game of Conies therein, for the term of three years to come, from our Lady day laſt being the remaining years of a greater term he the ſaid Sir William being formerly poſſeſſed thereof by an Aſſignment made by John Allen executor of the ſaid Francis Allen, the which ſaid Park and premiſſes being part of the Poſſeſſions of the Biſhop of Wincheſter, the ſaid Sir VVilliam Lewes hath ſurrendred unto the ſaid Biſhop, and hath now taken a new Leaſe thereof for three lives, from the Biſhop of Wincheſter, the which ſaid Leaſe for three lives ſo made by the ſaid Biſhop unto the ſaid Sir William Lewes, ſhall for, and notwithſtanding this Act, or any thing therein contained, remain firm and good unto the ſaid Sir William Lewes, according to the true meaning of his ſaid Leaſe; Saving alwaies to all and every perſon and perſons, Bodies politick and others their reſpective Heirs, Succeſſors, Executors and Adminiſtrators, all ſuch Eſtate, Right and Title, and Intereſt in Law and Equity, which they, or any of them have, or ought to have of, in, to, or out of any the Premiſſes, not being in Truſt for any the ſaid offendors, nor derived by, from, or under the ſaid offences, ſince the five and twentieth day of March, one thouſand ſix hundred forty ſix; ſaving alwayes and reſerving to Cuthbert Collingwood Eſquire, and George Collingwood Gent. his ſon, their, or either of their Heirs and Aſſigns, and the Farmers and Tenants of the ſaid Cuthbert and George Collingwood, or either of them, and of their heirs and aſſigns, all ſuch Right, Title of Entry and Action, Uſe, Intereſt and Poſſeſſion, which they, or any of them, or any in truſt for them, or any of them, have or had, or ought to have, of, in, to, or out of the Manors, Townſhips, Villages, Hamlets and Precincts of Iſlington, Whitingham, Barton, Throunton, Fawden, Keynton, Weſt-Brunton, Eaſt-Brunton, Dunnington, Blakedon, alias Blagdon, and Wetſlade, or any of them in the County of Northumberland, and of, in, to, or out of the Lands, Tenements, Hereditaments, Rights, Members and Appurtenances to them, or any of them belonging or appertaining, as if this Act had never been made.

Proviſo for Sir William Lewes.

Provided alſo, that this Act, nor any thing herein contained, ſhall extend to prejudice the Eſtate and intereſt in Law or Equity of Rachel Powre Widow, of, in, and to one Copyhold Meſſuage and Mill thereunto belonging, with their Appurtenances, Scituate, lying and being in Chepmansford in the county of Southampton, being parcel of the Manor of Huſband Priors, which by order and decree of the High-Court of Chancery of the one and twentieth of June, one thouſand ſix hundred ſixty one, ſhe is to be forthwith reſtored unto, and put into poſſeſſion of, and to quietly hold and enjoy the ſame during her Widowhood, with the mean profits thereof taken by the ſaid Mr. Wallop: But that it ſhall and may be lawful to and for the ſaid Rachel Powre to hold and enjoy the ſame according to the ſaid Decree.

Proviſo for Rachel Powre;

Provided alwaies, and it is hereby further enacted, That it ſhall and may be lawful to and for Barrington Bourchier Eſquire, Son and Heir or Sir John Bourchier, herein before mentioned to hold and enjoy all and ſingular the Lands and Tenements and Hereditaments to him lately granted and conveyed, or mentioned to be granted and Conveyed in and by certain Letters Patents under the Great Seal of England, bearing date the Two and twentieth day of March, in the thirteenth year of his Majeſties Reign, againſt his Majeſty, his Heirs and Succeſſors for ever, according to the full intent and meaning of the ſaid Letters Patents; Any thing in this preſent Act contained to the contrary thereof in any wiſe notwithſtanding.

Proviſo for Barrington Bourchier;

Anno XIII Car. II. Regis.

ACTS made at the ſecond meeting in this preſent Parliament begun at Weſtminſter the 8th day of May, Anno Dom. 1661. And there continued untill the 20th. of December, and from that day adjourned unto the ſeventh of January, next enſuing, as followeth.

CAP. I.

An Act for the well Governing and Regulating of Corporations, impowring the King to iſſue Commiſſions for the removing, placing and reſtoring certain Officers and Members there.

FOr and within the ſeveral Cities Corporations and Burroughs, and Cinque-Ports, and their Members, and other Port-towns within the Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, viz. All Mayors, Aldermen, Recorders, Bailiffs, Town Clerks, Common-Councel-men, and other perſons then Bearing any Office or Offices of Magiſtracy, or Places, or Truſts, or other Imployment relating to, or concerning the Government of the ſaid reſpective Cities, Corporations and Burroughs and Cinque-ports, and their Members, and other Port-Towns, and for tendring to all ſuch the Oaths of Allegiance and Supremacy, and this Oath following.

I A. B. do declare and Believe, That it is not lawful, upon any pretence whatſoever, to take Arms againſt the King; and that I do abhor that Traiterous Poſition of taking Arms by his Authority againſt His Perſon, or againſt thoſe that are Commiſſioned by him: So help me God.

And alſo for ſubſcribing this following Declaration.

I A. B. do declare, That I hold that there lies no Obligation upon me, or any other perſon, from the Oath commonly called, The Solemn League and Covenant; and that the ſame was in it ſelf an unlawful Oath, and impoſed upon the Subjects of this Realm againſt the known Lawes and Liberties of the Kingdom.

None to be choſen any Officer in any Corporation that ſhall not have taken the Sacrament within a year next before. And ſhall take the ſaid three Oaths, and ſubſcribe the ſaid Declaration.

EXP. 25. March, 1663. as to the Power of the ſaid Commiſſion and Commiſſioners. But

Provided alſo, and Enacted by the Authority aforeſaid, That from and after the expiration of the ſaid Commiſſions, no perſon or perſons ſhall for ever hereafter be placed, elected or choſen, in or to any the Offices or Places aforeſaid, that ſhall not have within one year next before ſuch Election, or Choice, taken the Sacraments of the Lord Supper, according to the Rights of the Church of England, and that every ſuch perſon and perſons ſo placed, elected or choſen, ſhall likewiſe take the aforeſaid three Oaths, and ſubſcribe the ſaid Declaration at the ſame time when the Oath for the due execution of the ſaid Places and offices reſpectively ſhall be adminiſtred; And in default hereof, every ſuch placing, election and choice is hereby enacted and Declared to be void.

CAP. II.

Vexations and Oppreſſions by Arreſts, and of Delayes in Suits of Law, prevented.

The ancient fundamental Law in proceeding to arreſts upon Suits, to expreſs the true cauſe of Action in the Proceſſe.

VVHereas by the Ancient and Fundamental Laws of this Realm, in caſe where any perſon is Sued, Impleaded, or Arreſted, by any Writ, Bill or Proceſs, iſſuing out of any of his Majeſties Courts of Record at Weſtminſter, in any common Plea, at the ſuit of any common perſon, the true cauſe of Action ought to be ſet forth and particularly expreſſed in ſuch Writ, Bill, or Proceſs, whereby the Defendant may have certain knowledge of the cauſe of the Suit, and the Officer who ſhall execute ſuch writ, bill, or proceſs, may know how to take ſecurity for the appearance of the Defendant to the ſame, and the ſureties for ſuch appearances may rightly underſtand for what cauſe they become engaged; And whereas there is a great Complaint of the People of this Realm, That for divers years now laſt paſt, very many of his Majeſties good Subjects have been arreſted upon general Writs of Treſpaſs, quare clauſum fregit, Bills of Middleſex, Latitat's, and other like Writs iſſued out of the Courts of Kings Bench and Common Pleas, not expreſſing any particular or certain cauſe of action, and thereupon kept priſoners for a long time for want of Bail; Bonds with Sureties for Appearances having been demanded in ſo great ſums, that few or none have dared to be ſecurity for the Appearances of ſuch perſons ſo arreſted and impriſoned, although in truth there hath been little or no cauſe of action, and oftentimes there are no ſuch perſons who are named Plaintiffs, but thoſe arreſts have been, many times, procured by malicious perſons, to vex and oppreſs the Defendants, or to force from them unreaſonable and unjuſt Compoſitions for obtaining their Liberty; And by ſuch evil practices, many men have been, and are daily undone, and deſtroyed in their eſtates, without poſſibility of having Reparation: The Actors imployed in ſuch practices having been (for the moſt part) poor and lurking perſons, and their Actings ſo ſecret, that it hath been found very difficult to make true diſcoveries or proof thereof.

Perſons arreſted by Proceſs out of the Kings Bench or Common Pleas, not expreſſing the cauſe of action how to be bailed and ſet to liberty upon their own Bonds for appearance.

For remedy and prevention of which ſo great growing evils and miſchiefs, and alſo for diſcouraging all frivolous and unjuſt Suits, and Cauſeleſs Arreſts for the future; Be it enacted by the Kings moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That from and after the twelfth day of February, in the year of our Lord, One thouſand ſix hundred ſixty and one, no perſon or perſons, who ſhall happen to be arreſted by any Sheriff, Under-ſheriff, Coroner, Steward, or Bailiff of any Franchiſe or Liberty, or by any other Officer, Miniſter, Under-bailiff, or other perſon or perſons whatſoever within this Realm, having, or pretending to have Authority or Warrant in that behalf, by force or colour of any Writ, Bill, or Proceſs iſſuing, or to be iſſuing out of His Majeſties ſaid Courts of the Kings Bench and Common

Pleas, or either of them, in which ſaid Writ, Bill or Proceſs, the certainty and true cauſe of Action is not expreſſed particularly, and for which the Defendant or Defendants, in ſuch Writ, Bill, or Proceſſe named, is and are bailable by the Statute in that behalf made in the three and twentieth year of the Reign of the late King Henry the ſixth, ſhall be forced or compelled to give ſecurity, or to enter into Bond with Sureties, for the Appearances of ſuch perſon or perſons ſo arreſted, at the day and place in the ſaid Writ, Bill or Proceſs, ſpecified or contained in any penalty or ſum of money, exceeding the ſum of Forty pounds of lawful money of England, to be conditioned for ſuch Appearances; and that all Sheriffs, and other Officers and Miniſters aforeſaid ſhall let to bail, and deliver out of Priſon, and from their, and every of their Cuſtodies reſpectively, all and every perſon and perſons whatſoever, by them, or any of them, arreſted, upon any ſuch Writ, Bill or Proceſs, wherein the certainty and true cauſe of Action is not particularly expreſſed, upon Security in the ſum of Forty pounds, and no more, given for Appearance of ſuch perſon or perſons ſo arreſted unto the ſaid Sheriff or Officer aforeſaid, according to the ſaid Statute in the ſaid three and twentieth year of the Reign of the ſaid late King Henry the ſixth, in that behalf made and provided.

23 H 6. cap. 9.

And be it further Enacted by the Authority aforeſaid, That upon Appearance to be Entred in the Term, wherein ſuch Writ, Bill or Proceſs, is returnable with the reſpective Officer in that behalf, for the ſaid perſon or perſons, by Attorney or Attorneys in the ſaid reſpective Courts, from whence the ſaid Writ, Bill or Proceſs iſſued, unto ſuch Writ, Bill or Proceſs, the Bond or Bonds ſo given for Appearance thereunto, be and are hereby ſatisfied and diſcharged; And that after ſuch Appearance ſo entred, no Amerciaments be ſet or Eſtreted upon or againſt any Sheriff or other Officer aforeſaid, or any other perſon whatſoever, concerning the want of ſuch Appearance, and unleſſe the Plaintiff or Plaintiffs in any ſuch Writ, Bill or Proceſs named, ſhall put into the Court from whence ſuch Writ, Bill or Proceſs did iſſue, his or their Bill, or Declaration againſt the perſon or perſons ſo Arreſted in ſome perſonal Action, or Ejectione firmæ of Lands or Tenements, before the end of the Term next following after Appearance, That then a Non-ſuit for want of a Declaration, may be Entred againſt the ſaid Plaintiff or Plaintiffs in the ſaid Courts reſpectively; And that every Defendant in every ſuch Writ, Bill or Proceſs named, ſhall or may have Judgment to recover Coſts againſt every ſuch Plaintiff or Plaintiffs, to be Aſſeſſed, Taxed and Levied in ſuch manner, and according as it is provided by the Statute for Coſts, made in the three and twentieth year of the Reign of the late King Henry the Eighth; any former or other Act, Statute, Ordinance, Law, Cuſtome, Order, Courſe or Uſage of either of the ſaid Courts to the contrary thereof heretofore had, made, admitted, or uſed in any wiſe notwithſtanding.

Bonds (given for) diſcharged upon appearance.

Nonſuit for want of a Declaration before the end of the next term after appearance, and judgment and coſts againſt the Plaintiff.

23 H.8. cap. 15.

Provided alwayes, That this Act, nor any Clauſe or thing herein before ſpecified or contained, ſhall not extend, nor be conſtrued or taken to extend unto any Arreſts hereafter to be made, upon or by vertue of any Writ of Capias utlagatum. Attachment upon Reſcous, or Attachment upon any Contempt, or of any Attachment of Priviledge, at the Suit of any priviledged perſon, or of any other Attachment for Contempt whatſoever, iſſuing, or to be iſſuing out of either of the ſaid Courts, although there be no particular certainty of the cauſe of Action expreſſed or contained in the ſaid Writs; But that neverthteleſſe no Sheriff, nor Under-Sheriff, nor any of the Officers or Miniſters aforeſaid, ſhall diſcharge any perſon or perſons, taken upon any Writ of Capias utlagatum out of Cuſtody, without a lawful Superſedeas firſt had and received for the ſame; and that upon the ſaid Writs of Attachment, ſuch lawful courſe be taken for Security for Appearance therein, as hath been heretofore uſed; any thing herein before expreſſed to the contrary thereof in any wiſe notwithſtanding.

Arreſts upon Capias utlagatum, Attachments upon Reſcous, Contempts, and of Priviledge, excepted.

And whereas many perſons out of ill intent, to delay their Creditors from recovering their Juſt Debts, continue Priſoners in the Fleet, who cannot be proceeded againſt in ſuch manner as they might be, if they were at Large: Now for the better enabling all perſons to recover their juſt Debts and Demands againſt ſuch Priſoners: Be it further Enacted by the Authority aforeſaid, That every perſon or perſons whatſoever, who now hath or have, or which at any time hereafter ſhall have cauſe of any perſonal Action againſt any perſon being a Priſoner in the priſon of the Fleet, may Sue forth an Original Writ upon his or their cauſe of Action, And that a Writ of Habeas Corpus be granted to every ſuch perſon or perſons, being Plaintiff or Plaintiffs, deſiring the ſame to be directed to the Warden of the ſame priſon, to have the Body of ſuch Priſoner before the Juſtices of the Common Pleas at ſome certain day in any Term, to anſwer the ſaid Plaintiff or Plaintiffs upon his or their ſaid Cauſe of Action; And that if the ſaid Plaintiff or Plaintiffs at the ſaid day put into the ſaid Court his or their Declaration, according to the ſaid Original Writ againſt the ſaid Priſoner being preſent at the Bar, the ſaid Priſoner ſhall be bound to appear in perſon, or to put in an Attorney to appear for him in the ſaid Action; And unleſs the ſaid Defendant plead upon a Rule given to be out at eight dayes at the leaſt after ſuch Appearance, Judgment by Nihil dicit may be entred againſt ſuch Defendant as appearing in perſon, which ſhall be good and effectual in Law; And ſuch Charge in Court by Declarations, ſignified by Rule unto the ſaid Warden, ſhall be a good cauſe of detention of ſuch Priſoner in his Cuſtody, from which he ſhall not be diſcharged without a lawful Superſedeas or Rule of Court; And if the ſaid Warden ſhall do otherwiſe, he ſhall be Reſponſible to the Court, and to the Party grieved for Damages, by Action upon the caſe to be brought againſt him for diſcharging ſuch Priſoner.

How Perſons having cauſe of action, may proceed againſt Priſoners in the Fleet.

Delayes in Suits, by reaſon of 15 dayes between the Teſte and Return of Writs, remedied in actions perſonal.

And whereas very many Suits Commenced by Original Writs, have been protracted and long delayed from Judgment and Execution, by reaſon of the neceſſity of having fifteen dayes at the leaſt, between the dayes of the Teſte, and the dayes of Return of Writs now

Ejectione firmæ.

Venire facias, Habeas Corpora Jurator. Diſtringas Jurator. Fieri fac. Capias ad ſatisfaciendum. Capias ad ſatisfaciendum, where Exigent lyeth after Judgment, or to make the Bail appear, excepted.

uſed in perſonal Actions, and alſo in Actions of Ejectione Firmæ, for Lands and Tenements; For remedy thereof, and for the more eaſie expediting Trials, and the better and more ſpeedy executing of Judgments for the time to come; Be it further Enacted by the Authority aforeſaid, That in all Actious of Debt, and all other perſonal Actions whatſoever, and alſo in all Actions of Ejectione firmæ, for Lands or Tenements now depending, or which at any time hereafter ſhall be depending by Original Writ, in either of His Majeſties Courts aforeſaid, after any iſſue therein joyned to be tryed by a Jury, and alſo after any Judgment had or obtained, or to be had or obtained in either of the Courts aforeſaid; There ſhall not need to be fifteen dayes between the Teſte day, and the day of Retorn of any Writ or Writs of Venire facias, Habeas Corpora Juratorum, or Diſtringas Juratores, Writs of Fieri facias, or Writs of Capias ad ſatisfaciendum, and that the want of Fifteen dayes between the Teſte day and the day of Retorn of any ſuch Writ ſhall not be, nor ſhall be aſſigned, taken or adjudged to be any matter or Cauſe of Errour; any Law, Cuſtome, Statute, Courſe or Uſage to the contrary thereof in any wiſe notwithſtanding.

Provided nevertheleſſe, That this Act, nor any thing therein contained, ſhall not Extend, or be conſtrued to Extend to any Writ of Capias ad Satisfaciendum, whereon a Writ of Exigent after Judgment is to be awarded, nor to Capias ad Satisfaciendum againſt the Defendant, in Order to make any Bail liable, but that the ſame continue and be as if this Act had never been made.

3 Jac. cap. 8. Touching ſtaying executions by Superſedeas or Writs of Errour, & in what actions it may be ſtayed.

And whereas by an Act of Parliament made in the third year of the Reign of our late Soveraign Lord King James of bleſſed Memory, a very good Law was made for avoiding unneceſſary delayes of Execution; Whereby it is Enacted, That no Execution ſhall be ſtayed or delayed upon or by any Writ of Errour, or Superſedeas thereupon to be ſued for the reverſing of any Judgment to be given in any Action, or Bill of Debt, upon any ſingle Bond for Debt, or upon any Obligation with Condition for payment of money only, or upon Action, or Bill of Debt for Rent, or upon any Contract ſued in any of His Highneſs Courts of Record at Weſtminſter, or in the Counties Palatine of Cheſter, Lancaſter or Durham, or in His Highneſs Courts of Great Seſſions in any of the Twelve Shires of Wales, unleſs ſuch perſon or perſons in whoſe name or names ſuch Writ of Error ſhall be brought, with two ſufficient Sureties, ſuch as the Court wherein ſuch Judgment is or ſhall be given, ſhall allow of, ſhall firſt before ſuch ſtay made, or Superſedeas to be awarded, be bound to the party for whom any ſuch Judgment was or ſhould be given, by Recognizance to be acknowledged in the ſame Court, in double the ſum adjudged to be recovered by the ſaid former Judgment, to proſecute the ſaid Writ of Error with effect, and alſo to ſatisfie and pay (if the ſaid Judgment ſhall be affirmed) all and ſingular the Debts, Damages and Coſts adjudged, or to be adjudged upon the former Judgment; And all Coſts and Damages to be alſo awarded for the ſame delaying of execution, which Law hath been found by experience to be very good and beneficial to the Common-Wealth; And foraſmuch as divers other Caſes within the ſame miſchief, by delayes and ſtaying of execution by Writs of Error and Superſedeas thereupon, are not provided for by the ſaid Statute; For further remedy againſt delayes and ſtaying of executions in the ſeveral Actions hereafter ſpecified.

In what Actions execution may be ſtayed (by Writ of Error) by this Statute.

Be it further Enacted and Ordained by the authority aforeſaid, That from and after the twentieth day of January, in the year of Our Lord, One thouſand ſix hundred ſixty and one, no execution ſhall be ſtayed in any of the Courts aforeſaid, by any Writ or Writs of Error, or Superſedeas thereupon, after any Verdict and Judgment thereupon obtained in any Action of Debt, grounded upon the Statute made in the ſecond year of the Reign of the late King Edward the ſixth, for not ſetting forth of Tythes, nor in any Action upon the Caſe, upon any promiſe for payment of money, Actions for Trover, action of Covenant, Detinue and Treſpaſs, unleſſe ſuch Recognizance, and in ſuch manner as by the ſaid recited former act is directed, ſhall be firſt acknowledged in the ſaid Court where ſuch Judgment is given.

The Defendant to have double Coſts for delayes of his Execution by Writ of Error.

And be it alſo enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid day, ſhall Sue or Proſecute any Writ or Writs of Error, for Reverſal of any Judgment whatſoever given after any Verdict in any of the Courts aforeſaid, and the ſaid Judgment ſhall afterwards be affirmed, then every ſuch perſon or perſons ſhall pay unto the Defendant or Defendants in the ſaid Writ or Writs of Error, his or their double Coſts to be aſſeſſed by the Court where ſuch Writ of Error ſhall be depending, for the delaying of execution.

Popular actions, or upon a penal Law, Indictments, &c. not within this Statute.

Provided nevertheleſſe, that this Act, nor any thing therein contained, ſhall not extend to any action Popular, nor unto any other action, which is, or hereafter ſhall be brought upon any penal Law or Statute (except Debt for not ſetting out Tythes as aforeſaid) nor to any Indictment, Preſentment, Inquiſition, Information or Appeal, any thing herein before expreſſed to the contrary thereof notwithſtanding.

CAP. III.

An Act for Granting unto the Kings Majeſty Twelve hundred and threeſcore thouſand pounds to be Aſſeſſed and Levied by an Aſſeſment of Threeſcore and ten thouſand pounds by the Moneth, for Eighteen Moneths. EXP.

CAP. IV.

For enabling the Kings Majeſty to make Leaſes, Grants, and Copies of Offices, Lands, Tenements and Hereditaments, parcel of his Highneſs Dutchy of Cornwall, or annexed to the ſame; and for Confirmation of Leaſes and Grants already made.

Stat. 21 Jac. cap. 29.

VVhereas a great part of the Lands, part of, and annexed to the Dutchy of Cornwall have been held by ſundry Leaſes thereof made for years, and for one, two, and three Lives, by means whereof, the Tenants who have fixed Eſtates, have been encouraged to improve and manure the ſame, and have improved the ſame, and therein laid out great ſums of Money in Building, and otherwiſe to the great advantage of the Publick; And whereas for Twenty years and more, now laſt paſt, no ſuch Leaſes have been legally made; ſo that it is probable moſt of the Tenants Eſtates will be determined, or near determination ere that there can be any Eſtates well and legally renewed, unleſs remedy therefore be provided; by means whereof, Waſte, Spoil, and Dilapidation are likely to happen, the Lands worn out and decayed, and great diſturbance and impoveriſhment to the Tenants;

And whereas on the like conſideration, King Charles the Firſt was by ſpecial Law enabled to make ſuch Leaſes; Be it enacted by our Soveraign Lord the King, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all Leaſes or Grants already made, or hereafter to be made within the ſpace of three years now next enſuing by our ſaid Soveraign Lord the King, by Letters Patents, Indentures, or other Writings under his Great Seal of England, or Seal of the Court of Exchequer, or by Copy of Court-Roll, according to the Cuſtoms of the reſpective Manors of any Offices, Parks, Lands, Tenements or Hereditaments (other then Honors, Lordſhips or Manors) parcel of the poſſeſſions of the ſaid Dutchy of Cornwall, or annexed to the ſame, ſhall be good and effectual in Law, according to the Purport and Contents of the ſaid Leaſes, Grants and Copies, againſt our ſaid Soveraign Lord the Kings Majeſty, his Heirs and Succeſſors, and againſt all and every perſon or perſons, that ſhall hereafter have, inherit, or enjoy the ſaid Dukedome of Cornwall, by force of any Act of Parliament, or other limitation whatſoever.

Leaſes by the King of Lands &c. of the Dutchy of Cornwall made good.

Provided alwayes, That every ſuch Leaſe ſo to be made of any Parks, Lands, Tenements or Hereditaments in poſſeſſion, ſhall be made but for three Lives or fewer, or for one and thirty years or under, or ſome other term of years determinable upon one, two, or three Lives, and not above; And if ſuch Leaſes be made in Reverſion, That then the ſame, together with the Eſtates in Poſſeſſion, do not exceed three Lives, or the term of one and thirty years, and not in any wiſe diſpuniſhable of Waſte, and ſo, as upon every ſuch Leaſe ſhall be reſerved the ancient or moſt uſual Rent, or more, or ſuch Rent as hath been yielded or paid, for the greater part of twenty years, next before the making of the ſaid Leaſes, and ſhall be reſerved due and payable, by, or to him, or her that ſhall have the Inheritance, or other Eſtate of the ſaid Parks, Lands, Tenements or Hereditaments, and where no ſuch Rent hath been reſerved or payable, That then upon every ſuch Leaſe, there ſhall be reſerved a reaſonable Rent, not being under the fourth part of the clear yearly value of the Parks, Lands, Tenements or Hereditaments, contained in ſuch Leaſe.

Leaſes for above 31 years, or three lives, excepted.

Not to be diſpuniſhable of Waſte.
The ancient rent to be reſerved.

And be it further Ordained and Enacted by Authority of this preſent Parliament, That all Covenants, Conditions and Reſervations, and other Agreements contained in every Leaſe, Grant or Copy heretofore made, or hereafter ſo to be made as aforeſaid, ſhall be good and effectual in Law, according to the words and contents of the ſame, as well for, and againſt them, to whom the Reverſion of the ſame Lands, Tenements or Hereditaments ſhall come, as for and againſt them, to whom the Intereſt of the ſaid Leaſes, Grants or Copies ſhall come reſpectively, as if our Soveraign Lord the Kings Majeſty at the time of the making of ſuch Covenants, Conditions and Reſervations, and other Agreements, were ſeiſed of an abſolute Indefeaſible eſtate in Fee-ſimple in the ſame Lands, Tenements or Hereditaments; Saving alwayes to all and every perſon and perſons, Bodies Politick and Corporate, their Heirs and Succeſſors, Executors, Adminiſtrators and Aſſigns, (other then our ſaid Soveraign Lord the Kings Majeſty, and his Heirs, and all and every perſon and perſons that ſhall hereafter have, inherit, or enjoy the ſaid Dukedom of Cornwall, by force of any Act of Parliament, or other limitation whatſoever) all ſuch Rights, Titles, Eſtates, Cuſtoms, Intereſts, Terms, Claims and Demands whatſoever, of what kind, nature, or quality whatſoever, or in, to, or out of the ſaid Offices, Lands, Tenements or Hereditaments, or any of them, as they or any of them had, or ought to have had before the making of this Act, to all intents and purpoſes, and in as large and ample manner and form, as if this Act had never been had or made; this Act or any thing therein contained, to the contrary notwithſtanding.

Covenants and conditions in ſuch leaſes, grants, &c. ſhall be good.

Saving of others Rights.

ACTS made in the Parliament begun and holden the 8th. of May, Anno 13 Caroli Secundi Regis; And Continued to the 19th. of May, 14 Caroli Regis. And thence Prorogued to the 18th. of February then next following.

CAP. I.

Certain Perſons called Quakers, and others, refuſing to take lawful Oaths.

WHereas of late times certain perſons under the names of Quakers and other Names of Separation, have taken up, and maintained ſundry dangerous Opinions and Tenents, and (amongſt others) that the taking of an Oath in any caſe whatſoever, although before a lawful Magiſtrate, is altogether unlawful and contrary to the Word of God; and the ſaid perſons do daily refuſe to take an Oath, though lawfully tendred, whereby it often happens that the truth is wholly ſuppreſſed, and the Adminiſtration of Juſtice much obſtructed: And whereas the ſaid Perſons under a pretence of Religious Worſhip, do often aſſemble themſelves in great numbers in ſeveral parts of this Realm, to the great endangering of the Publick Peace and Safety, and to the terror of the People, by maintaining a ſecret and ſtrict correſpondence amongſt themſelves, and in the mean time ſeparating and dividing themſelves from the reſt of his Majeſties good and loyal Subjects, and from the Publick Congregations, and uſual places of Divine Worſhip.

Quakers and ſeparatiſts denying to take an Oath.

For the redreſſing therefore, and better preventing the many Miſchiefs and Dangers that do and may ariſe by ſuch dangerous Tenents, and ſuch unlawful Aſſemblies: Be it enacted by the Kings Moſt Excellent Majeſty, by and with the advice and conſent of the Lords

Spiritual

The penalty for refuſing to take a lawful Oath.
1, Car. 2. cap. 4.

Spiritual and Temporal, and Commons aſſembled in Parliament, and by authority of the ſame, That if any perſon or perſons who maintain that the taking of an Oath in any caſe whatſoever (although before a lawful Magiſtrate) is altogether unlawful, and contrary to the Word of God, from and after the four and twentieth day of March, in this preſent year of our Lord, One thouſand ſix hundred ſixty and one, ſhall wilfully and obſtinately refuſe to take an Oath, where, by the Laws of the Realm, he or ſhe is, or ſhall be bound to take the ſame, being lawfully and duly tendred, or ſhall endeavour to perſwade any other perſon, to whom any ſuch Oath ſhall in like manner be duly and lawfully tendred, to refuſe, and forbear the taking of the ſame, or ſhall by Printing, Writing, or otherwiſe, go about to maintain and defend that the taking of an Oath in any caſe whatſoever, is altogether unlawful; And if the ſaid perſons commonly called Quakers, ſhall at any time after the ſaid four and twentieth day of March, depart from the places of their ſeveral Habitations, and aſſemble themſelves to the number of Five, or more, of the age of ſixteen years or upwards, at any one time, in any place, under pretence of joyning in a Religious Worſhip, not authorized by the Laws of this Realm, that then in all and every ſuch caſes, the Party ſo offending being thereof lawfully convict by verdict of twelve men, or by his own confeſſion, or by the notorious evidence of the fact, ſhall loſe and forfeit to the Kings Majeſty, his Heirs and Succeſſors, for the firſt offence, ſuch ſum as ſhall be impoſed upon him or her, not exceeding five pounds; And if any perſon or perſons, being once convicted of any ſuch offence, ſhall again offend therein, and ſhall in form aforeſaid, be thereof lawfully convicted, ſhall for the ſecond offence forfeit to the King our Soveraign Lord, his Heirs and Succeſſors, ſuch ſum as ſhall be impoſed upon him or her, not exceeding ten pounds: The ſaid reſpective penalties to be levyed by Diſtreſſe and Sale of the Parties Goods ſo convicted, by warrant of the parties before whom they ſhall be ſo convicted, rendring the overplus to the Owners, if any be: and for want of ſuch Diſtreſſe, or non-payment of the ſaid penalty, within one week after ſuch conviction, that then the ſaid Parties ſo convicted, ſhall for the firſt offence be committed to the Common Gaol, or Houſe of Correction, for the ſpace of three moneths; and for the ſecond offence, during ſix moneths, without Bail or Mainprize, there to be kept at hard labour: which ſaid Moneys ſo to be levied, ſhall be paid to ſuch perſon or perſons, as ſhall be appointed by thoſe before whom they ſhall be convicted, to be imployed for the increaſe of the Stock of the Houſe of Correction, to which they ſhall be committed, and providing materials to ſet them on work. And if any perſon after he, in form aforeſaid, hath been twice convict of any of the ſaid offences, ſhall offend the third time, and be thereof in form aforeſaid lawfully convict, that then every perſon ſo offending and convict, ſhall for his or her third offence abjure the Realm; or otherwiſe it ſhall and may be lawful to and for his Majeſty, his Heirs and Succeſſors, to give order, and to cauſe him, her, or them, to be tranſported into any Ship or Ships, to any of his Majeſties Plantations beyond the Seas.

The ſecond offence.

The third offence.

Who may hear and determine the offences within this Act.

And it is Ordained and Enacted by the Authority aforeſaid, That all and every Juſtice of Oyer and Terminer, Juſtices of Aſſize and Gaol-delivery, and the Juſtices of the Peace ſhall have full Power and Authority in every of their open and General Seſſions, to enquire, hear and determine all and every the ſaid Offences, within the limits of their Commiſſion, to them directed, and to make Proceſſe for the execution of the ſame, as they may do againſt any perſon being indicted before them of Treſpaſs, or lawfully convicted thereof.

And be it alſo Enacted, That it ſhall and may be lawful to, and for any Juſtice of Peace, Mayor, or other chief Officer of any Corporation, within their ſeveral Juriſdictions, to commit to the Common-Gaol, or bind over with ſufficient Sureties to the Quarter-Seſſions, any perſon or perſons offending in the Premiſſes, in order to his or their conviction aforeſaid.

How perſons ſubmitting may be diſcharged from the penalties.

Provided alwayes, and be it hereby further Enacted, That if any of the ſaid perſons, ſhall after ſuch conviction as aforeſaid, take ſuch Oath or Oaths, for which he or ſhe ſtands committed, and alſo give ſecurity, that he or ſhe ſhall for the time to come, forbear to meet in any ſuch unlawful Aſſembly as aforeſaid, that then, and from thenceforth, ſuch perſon and perſons, ſhall be diſcharged from all the penalties aforeſaid; any thing in this Act to the contrary notwithſtanding.

Lords of the Parliament.

Provided alwayes, and be it Ordained and Enacted by the Authority aforeſaid, That all and ſingular Lords of the Parliament, for every third offence committed againſt the tenor of this Act, ſhall be tryed by their Peers, and not otherwiſe.

CAP. II.

For repairing the High-wayes and Sewers, and paving and keeping clean of the Streets, in and about London and Weſtminſter, and for reforming of Annoyances and Diſorders there; and for the Regulating and Licenſing of Hackney Coaches; and for the enlarging of ſeveral ſtrait and inconvenient Streets and Paſſages.

Foraſmuch as the Common High-wayes leading unto, and from the Cities of London and Weſtminſter, and the Suburbs thereof, and other places within the preſent Weekly Bills of Mortality, by reaſon of the multitude of Houſes lately built, and through the ſtopping and filling up the Ditches and Sewers, and neglect of timely reparations, are at preſent, and for ſome years paſt have been ſo miry and foul, as is not only very noiſome, dangerous and inconvenient to the Inhabitants thereabouts, but to all the Kings Liege People, riding and travelling to and from the ſaid Cities; May it therefore pleaſe Your moſt Excellent Majeſty, that it may be Enacted, And be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That for the Surveying, Ordering, and managing of the ſaid High-wayes, Streets, Allies, and other Paſſages within the ſaid Cities and places aforeſaid, and all things neceſſary for the Repairing, Paving, or keeping clean thereof, there be from henceforward Commiſſioners to be nominated by his Majeſty, under the Great Seal of England, not exceeding the number of one and twenty, beſides ſuch other Commiſſioners as are by this Act nominated and appointed (whereof the Surveyor of his Majeſties Works for the time being to be alwayes one) that ſhall have their place of meeting, at the Office of his Majeſties Works in Scotland-yard, or at ſome one other place, as they or the greater number of them at any meeting ſhall direct from time to time, as there ſhall be occaſion; which ſaid Commiſſioners, or any Five or more of them, at their meeting as aforeſaid, ſhall have full power and authority, to order and direct the making of any new Vaults or Sewers, or to cut into any Drein or Sewer already made, or the altering, enlarging, amending, cleanſing or ſcowring of any old vaults, ſinks, or common-Sewers, or for the making, amending or altering of any new or old Pavements, or taking away of croſs Gutters or Channels, in all or any of the Streets and places aforeſaid, and for the removing of all kinds of Nuſances, or any Encroachment by Sheds, Stalls, Bulks, Stoops, Poſts, or Wall beyond the old Foundations into the Streets, in ſuch places which ſhall be adjudged inconvenient, and to hinder the Paſſage; Provided, that ſuch Encroachments as are aforementioned, which are Nuſances, that have continued above thirty years laſt paſt, ſhall not be removed untill reaſonable ſatiſfaction ſhall be given by the ſaid Commiſſioners, to the party or parties that ſhall ſuffer thereby. And if any perſon or perſons that own the ſaid Encroachments, or ſhall not accept of ſuch reaſonable ſatiſfaction as ſhall be tendred or offered by the ſaid Commiſſioners appointed for the Streets, for the pulling down or removing ſuch Nuſances or Encroachments as have been continued before the time aforeſaid; That then, and in ſuch caſes of Refuſal, the Barons of the Exchequer, upon a Petition preferred to them by the party grieved, ſhall have power, and are required by this Act to adjudge what ſatiſfaction ſhall be fit for the ſaid perſon or perſons to receive for the removing or pulling down any ſuch Nuſances or Encroachment.

Commiſſioners to be named by his Majeſty under the great Seal for Surveying and cleanſing the ſtreets and High ways.

Encroachments that have continued 30 years not to be removed, but upon ſatiſfaction to the parties.

The Barons of the Exchequer to judg of ſatiſfaction, if refuſed upon tender.

And to prevent for the future all manner of Timber, and other irregular Buildings, the ſaid Commiſſioners, or any five or more of them; are hereby impowred to take a view of all ſuch Nuſances or Encroachments, and irregular Buildings, which ſaid View ſhall be a good conviction in Law; and every perſon or perſons having notice of the ſaid view or conviction, and ſhall not remove or take down ſuch Nuſances or Encroachments within one moneth after notice, ſhall forfeit forty ſhillings for every moneth the ſaid Nuſances or Encroachments ſhall afterwards continue.

Conviction for encroachments upon view, and the penalty.

And whereas the common High-wayes, and new built ſtreets hereafter mentioned; are thought fit immediately to be repaired, new-paved, or otherwiſe amended, namely, the ſtreet or way from the end of Petty France to St. James's Houſe, and one ſtreet from St. James's Houſe up to the High-way, and one other in St. James's Fields, commonly called the Pall-mall; and alſo one other ſtreet beginning from the Mews up to Pickadilly, and from thence towards the Stone-Bridge to the furthermoſt Building near the Bull at the corner of Air-Street: Be it therefore Enacted, That all and every perſon and perſons, Owners or Inhabitants of all and every the Houſes built upon, or adjoyning to the ſaid Wayes or Streets, ſo adjudged and thought fit to be paved and repaired, ſhall according to their ſeveral Intereſts and Eſtates, and in ſuch proportions as the ſaid Commiſſioners, or any five of them ſhall think fit, before the firſt day of May, One thouſand ſix hundred ſixty two, pay unto the ſaid Commiſſioners, or any five or more of them, ſo met as aforeſaid, which ſhall be nominated for the paving of the ſaid ways, or to ſuch perſon or perſons as they ſhall appoint, ſuch ſum and ſums of money towards the paving of the ſaid ſtreets or wayes, and for the buying of new ſtones and gravel, as ſhall amount to their ſeveral proportions, after the rate of ſixteen pence for every ſquare yard which the ground ſhall contain, that lies in front before every Dwelling-Houſe, Yard or Gardens belonging to the ſaid Dwelling-houſe: and in the ſame bredth, extending to the middle of the High-way or Street which lies before the ſaid Houſes, Yards or Gardens belonging to the ſaid Dwelling-houſes reſpectively.

Petty-France, St. James-Street, Pall-mall, Air-ſtreet.

And for the better preſerving of the ſaid ſtreets, and for defraying of the reſidue of the charge of the ſaid Pavements. Be it further Enacted, That from and after the firſt day of May, One thouſand ſix hundred ſixty and two, no perſon or perſons ſhall preſume to drive (except Stage-Coaches) or let to hire by the hour or day, or otherwiſe any Hackney-Coach or Coach-Horſes, within the Cities of London and Weſtminſter, or Suburbs of the ſame, or within the Pariſhes compriſed within the Bills of Mortality, without an eſpecial leave or licenſe from ſuch Commiſſioners as his Majeſty ſhall appoint under the Great Seal, for the Licenſing and Regulating of Hackney-Coaches, according to the particular Proviſions and Limitations of this Bill; and that no Horſe, Gelding or Mare, to be uſed with ſuch Coaches, ſhall be under the ſize of fourteen hand high according to the Standard, and that the number to be licenſed, ſhall not exceed Four hundred; and that every Coach ſo licenſed, ſhall have a mark of diſtinction by figure or otherwiſe, as the Commiſſioners ſhall think fit, to the end they may be known, if any complaint ſhall be made of them. And that no perſon ſhall be licenſed to keep more then two Coaches, which Coaches ſhall have every of them ſeveral Figures or Marks of diſtinction in the ſame manner, as if belonging to ſeveral perſons; and that no perſon ſhall preſume to put the ſame Figure or Mark of diſtinction upon his Coach, that is appointed for any other Coach, under the Forfeiture of Five pounds for every ſuch Offence, one moyety whereof ſhall be to the Informer, and the other moyety to be paid to the Commiſſioners that ſhall be appointed for the Paving and Amending the ſtreets.

No Hackney Coaches to be without Licenſe.

And the ſaid Commiſſioners for the licenſing and regulating of Coaches, are to take ſpecial care, not to licenſe any perſon to drive or keep any Hackney-Coach or Coach-horſes, that uſeth any other Trade or Occupation; and in the firſt place to licenſe all ſuch perſons,

Who may be licenſed to keep Hackney Coaches.

as have been ancient Coachmen, or ſuch Coachmen as have ſuffered for their Service and affections to his late Majeſty, or his Majeſty that now is, or the Widow or Widows of any of them that have Coaches of their own.

Hackney Coaches not to exceed 400 in number.

And in caſe the ſaid Commiſſioners ſhall licenſe more then the ſaid number of Four hundred Coaches, every of the ſaid Commiſſioners ſo licenſing, ſhall forfeit the ſum of one hundred pounds, for every ſuch Coach ſo licenſed above the ſaid number, whereof twenty pounds to the Informer, and the reſidue to be for the Repairing and paving the Ways and Streets, to be levied by Diſtreſs, by Warrant under the Hands and Seals of Five or more of the other Commiſſioners, that ſhall be appointed for the paving and mending of the Streets and High-wayes.

The ſeveral rates allowed for Hackney Coaches.

And be it further Enacted by the Authority aforeſaid, That no Hackney Coachmen ſo licenſed, ſhall preſume to take for his Hire in or about the Cities of London and Weſtminſter, above the rate of ten ſhillings for a day, reckoning twelve hours to the day, and by the hour not above eighteen pence for the firſt hour, and twelve pence for every hour after, and that no Gentleman or other perſon, ſhall pay from any of the Inns of Court, or thereabouts, to any part of St. James or City of Weſtminſter, (except beyond Tuttle-ſtreet) above Twelve pence, and the ſame prizes from the ſame places to the Inns of Court, or places thereabouts, and from any of the ſaid Inns of Court, or thereabouts, to the Royal-Exchange, twelve pence, and if to the Tower of London, or to Biſhops-gate-ſtreet, or Aldgate, or thereabouts, eighteen pence, and ſo from the ſame places to the ſaid Inns of Court as aforeſaid, and the like rates from and to any place at the like diſtance with the places before mentioned. And if any Coachman ſhall refuſe to go at, or ſhall exact more for his hire, then the ſeveral rates hereby limited, he ſhall for every ſuch offence forfeit the ſum of ten ſhillings.

The penalty for exacting more.

And be it further Enacted, That every Coach ſo licenſed as aforeſaid, ſhall pay to the Commiſſioners that ſhall be appointed for the regulating and licenſing of Hackney Coaches, the yearly rent of five pounds, and no more, whereof fifty ſhillings ſhall be paid at or before the twenty ſixth day of May, One thouſand ſix hundred ſixty and two, and the ſum of five and twenty ſhillings at or upon the Feaſt day of St. Michael the Archangel next coming, and Twenty five ſhillings at the Feaſt of the Nativity of our Lord Chriſt; and from henceforward to be paid Quarterly at the four moſt uſual Feaſts of the Year, by equal portions (that is to ſay) at the Annunciation of the Bleſſed Virgin, St. John the Baptiſt, St. Michael the Archangel, and the Nativity of our Lord Chriſt; which ſaid ſum and ſums of money, the ſaid Commiſſioners for the Hackney Coaches ſhall from time to time, pay or cauſe to be paid to the Commiſſioners appointed for the paving and amending of the Streets and High-wayes within this Bill contained, or to ſuch Treaſurer or Receiver as they ſhall appoint; and the ſaid Commiſſioners for Hackney Coaches, ſhall likewiſe from time to time, certifie to the Commiſſioners appointed for the paving of the Streets and High-wayes, the names and dwellings of all ſuch perſons, as they ſhall licenſe to drive or keep Hackney Coaches, together with the ſeveral Figures or Marks of diſtinction, which are appointed to belong, and be affixed to the ſeveral Coaches, to the intent that diſcovery may the better be made of any abuſes that ſhall be committed, if any ſhall preſume to affix the Figure or Mark of diſtinction to any Coach, which belong of right to another, and whereby the Commiſſioners for the paving and amending the Streets and High-wayes, ſhall be enabled to call the ſaid Commiſſioners for the Hackney Coaches to a true and due accompt: And in caſe any overplus ſhall be of the Moneys appointed by this Act to be raiſed for the Paving and Mending the Wayes and Streets as aforeſaid, then ſuch overplus ſhall be imployed towards the Enlargement of ſuch Streets or Places as are to be enlarged by vertue of this Act.

Every load of hay and ſtraw rated towards mending the ſtreet.

And be it further Enacted by the Authority aforeſaid, That every Load of Hay, which from the firſt day of May, One thouſand ſix hundred ſixty and two, ſhall be brought and ſtand to be ſold upon any the Wayes hereby in this Act expreſſed, and adjudged fit to be new paved, and ſhall pay ſix pence for every Load; and likewiſe every Cart of Straw to be ſold in the ſaid places, ſhall after the ſaid day, pay two pence, which ſaid ſums ſhall be paid to the Commiſſioners, which ſhall be appointed for the Paving and Amending the High-wayes and Streets, or ſuch as they ſhall appoint, for and towards the Paving of the Streets and High-wayes.

How the penalties upon this Act may be levied.

And be it further Enacted by the Authority aforeſaid, That all Fines, Rents, Forfeitures and Penalties, as ſhall grow due and payable to the ſaid Commiſſioners by this Act, ſhall be levied by Diſtreſs upon the Goods and Chattels of the Offendor or Offendors, by Warrant under the Hands and Seals of the Commiſſioners, or any five or more of them, which ſhall be appointed by his Majeſty, which ſhall be ſold within fourteen dayes, and the overplus returned to the Owner; and in default of Diſtreſs or not payment, the perſon or perſons ſo offending, or neglecting to pay, ſhall lye in Priſon without Bail or Mainprize, till he or they have paid ſuch Rent, Fine, Forfeiture and Penalty as was due from him or them.

The Commiſſioners may appoint a Treaſurer, Clerk, and other Officers for the ſervice.

And may hear and determin all differences about paving and cleanſing the ſtreets.

And the ſaid Commiſſioners for the Streets and Wayes, or any Five or more of them ſo met as aforeſaid, are hereby impowred to appoint a Treaſurer or Collector and Clerk to attend them, or ſuch other Officer or Officers as they ſhall find neceſſary for the carrying on of the ſaid Service, with ſuch moderate Allowances as ſhall be fit: and in caſe any perſon ſhall propoſe to carry away the aſhes, dirt, and other filth, for all or any the places aforeſaid at leſs rates then the yearly Raker or Undertaker can or will perform the ſame, the ſaid Commiſſioners ſhall have power, and are hereby authorized to contract with ſuch perſon, and for ſuch term as they ſhall think fit; and they are alſo to require an Accompt from time to time of all Scavengers within the ſaid places, and all other perſon or perſons that ſhall receive or diſburſe any moneys for the purpoſes in this Bill contained, as often as they, or any Five or more of them, ſo met as aforeſaid, ſhall think fitting and neceſſary, and ſhall hear and determine all Diſputes and Differences concerning the Right and Duty of Paving and keeping clean any of the Streets, Lanes or Allies, or publick Yards within the places aforeſaid.

The power and duties of Scavengers and Rakers.

Provided alwayes, That the reſpective Scavengers, Rakers, or other Undertakers, ſhall have liberty by the approbation of the ſaid Commiſſioners, or any five or more of them, ſo met as aforeſaid, to lodge their Aſhes, Duſt, Dirt, or other Filth, in ſuch vacant publick places, in or near the Streets or High-wayes, as ſhall be thought convenient by the ſaid Commiſſioners, for the accommodation of Country Carts returning empty: And the ſaid Scavengers, Rakers or other Undertakers, ſhall have liberty to paſs through ſuch Wharfs, Docks or Yards, with their Aſhes, Duſt, Dirt, &c. as ſhall be judged by the Commiſſioners to be moſt commodious for the carrying the ſame by Water, they giving ſatisfaction to the Owners or Occupiers of ſuch Wharfs or Yards; and in caſe of unreaſonable Demands, the ſaid Commiſſioners ſhall hear, moderate, and determine the ſame according to Equity and good Conſcience; and in caſe any perſon or perſons ſhall find him or themſelves agrieved, or prejudiced by ſuch Determination of the ſaid Commiſſioners, or by any other the Acts or Proceedings of the ſaid Commiſſioners, wherein he or they ſhall conceive themſelves relievable in Juſtice or Equity; the ſaid party ſo grieved, ſhall and may have recourſe in all caſes to the Lord Treaſurer, Chancellor of the Exchequer, and Barons of the Court of Exchequer, to ſet forth his or their Caſe by Petition, Bill or Plaint: And the ſaid Court is hereby impowred in ſuch caſe of Appeal, to hear and determine all matters to them complained of, concerning the ſame; and thereupon to revoke, make void, alter, or confirm ſuch Acts or Proceedings of the ſaid Commiſſioners, as ſhall be agreeable to Equity and Juſtice.

How perſons grieved may appeal.

The Commiſſioners to be called to accompt in the Exchequer yearly.

And the ſaid Court of of Exchequer is hereby alſo further impowred yearly to call the ſaid Commiſſioners to an Account, for all Rents, Fines, Penalties, Contributions, or any other ſum or ſums of Money payable, or that ſhall come to their or any of their hands for any of the purpoſes in this Act intended.

And the ſaid Commiſſioners are hereby required at or before every Trinity Term, to deliver in a true account before the Barons of the ſaid Court, of all their Receipts and Diſburſements for the Year, ended at Eaſter then paſt; and in default thereof, Proceſſe ſhall of courſe be made forth againſt the ſaid Commiſſioners, by the Clerk of the Extracts of the ſaid Court, at the Dealing-day for the ſaid Trinity-Term, every Year reſpectively.

Weſtminſter.

And be it further Enacted by the Authority aforeſaid, That the Decree made at a Seſſion of Sewers at Weſtminſter-Hall, within the City of Weſtminſter, and County of Middleſex, the eighth day of Auguſt, One thouſand ſix hundred ſixty and one, holden before John Lord Roberts, Lord Privy Seal; James Duke of Ormond in the Kingdom of Ireland, Lord Steward of his Majeſties Houſhold, and Earl of Brecknock, Mountague Earl of Lindſey, Edward Earl of Mancheſter, and others the Commiſſioners of Sewers, then and there aſſembled by Authority of his Majeſties Commiſſion of Sewers, to them and others directed, for the making of two new Sewers, and enlarging and amending the old Sewers near Charing-Croſs, for conveying the Water away from annoying his Majeſties Palace at White-Hall, be, and is hereby ratified and confirmed, and ſhall be put in execution according to the true intent and meaning thereof, with full power to levy all the Arrears, as by a Commiſſion of Sewers can or may be done: And all and every perſon and perſons imployed, or that have acted therein, be, and are hereby indempnified, and ſaved harmleſs from all manner of Suits and Actions that may or ſhall be brought againſt any of them for the ſame.

And whereas great quantities of Sea-coal-aſhes, duſt, dirt, and other filth, of late times have been, and daily are thrown into the Streets, Lanes and Allies of the Cities of London and Weſtminſter, and Borough of Southwark, and other parts adjacent, to the great Annoyance of Your Majeſties good People; Be it therefore Enacted by the Authority aforeſaid, That all and every perſon and perſons inhabiting within the ſaid Cities of London and Weſtminſter, and the Suburbs and Liberties thereof, and the Borough of Southwark, or in any of the ſaid new built Streets, Lanes or Allies, ſhall from the firſt day of May, One thouſand ſix hundred ſixty and two, ſweep and cleanſe, or cauſe to be ſwept and cleanſed, all the Streets, Lanes, Alleys, and publick places before their reſpective Houſes, Buildings and Walls, twice every week, that is to ſay, on every Wedneſday, and every Saturday in the week, and all the ſoil, dirt, and other filth, ſhall cauſe to be taken up into Baskets, Tubs, or other Veſſels ready for the Raker, Scavenger, or other Officer appointed for that purpoſe to carry away, upon pain to forfeit three ſhillings and four pence for every offence or neglect reſpectively.

All ſtreets lanes to be cleanſed every week.

The penalties for neglect thereof.

None to caſt any aſhes or duſt before their houſes. The penalty.

And that no perſon or perſons whatſoever ſhall throw, caſt or lay, or cauſe, permit, or ſuffer to be thrown, caſt or laid, any Sea-coal-aſhes, duſt, dirt, or other filth or annoyance in any open Street, Lane or Alley, within the ſaid Cities or Places aforeſaid, before or againſt his, her, or their own dwelling Houſes, Buildings or Walls, on the Penalty of five ſhillings; and if before the Houſes, Buildings or Walls of any their Neighbours, or other the Inhabitants of the Cities and Places aforeſaid, or before or againſt any Church or Church yard, or any of his Majeſties Houſes, Buildings or Walls, or any other publick Houſes, Buildings or places whatſoever, or ſhall caſt, lay or throw, or cauſe to be caſt, laid or thrown into any common or publick Sink, Vault, Water-courſe, common Sewer or High-way, within the ſaid Cities or places aforeſaid, or any other private vault or ſink of any of his Neighbours, or other Inhabitants, any Aſhes, Duſt, Filth, Ordure, or other noyſome thing whatſoever; but ſhall keep, or cauſe the ſame to be kept in their reſpective Houſes, Back ſides or Yards, until ſuch time as the Raker, Scavenger, or other Officer there to appointed, of the Ward, Pariſh, Street, or place where they dwell, do come by, or near their houſes or doors, with his Cart, Barrow, or other thing or things uſed for cleanſing the ſtreets, and carrying away thereof; and then ſhall carry, or cauſe to be carried the ſaid Aſhes, Duſt, or other Filth and Annoyance aforeſaid, forth of their houſes, and deliver it unto the ſaid Raker, Scavenger or Officer, or otherwiſe put the ſame in his Cart, Barrow, or other thing as aforeſaid, upon pain to forfeit the ſum of twenty ſhillings for every ſuch Offence.

Whitehall, Church yards and houſes of Noblemen.

And be it further Enacted, That the reſpective Church-Wardens, the Houſe-Keepers of Whitehall, and other his Majeſties Houſes; Houſe-keepers, or Porters of Noble-mens houſes; Uſhers, Porters or Keepers of Courts of Juſtice, and all other Publick Houſes and Places reſpectively, ſhall be liable to, and ſhall ſuffer the like Penalties, Forfeitures, and Puniſhments for every the before-mentioned Offences or Neglects, committed, done, or ſuffered to be done before any Church or Church-yard, or before any of his Majeſties Houſes, Buildings or Walls, or before any Noblemens houſes, Buildings or Walls, or before any other publick Houſes, Buildings, or Places whatſoever reſpectively.

No Barrels, Timber, coaches, or other things to be ſet or amended in the ſtreets. The Penalty.

And be it further Enacted by the Authority aforeſaid, That from and after the firſt day of May, One thouſand ſix hundred ſixty and two, no perſon or perſons ſhall Hoop, Waſh, or cleanſe any Pipes, Barrels, or other Casks or Veſſels in any the Streets, Lanes, or open Paſſages aforeſaid, nor ſhall ſet out empty Coaches, to make or mend, or rough Timber, or Stones to be ſawn, or wrought in the Streets, on the penalty of twenty ſhillings for every Offence.

The duty of the Scavengers and Rakers weekly.

And be it further Enacted by the Authority aforeſaid, That the Rakers, Scavengers, or other Officers thereunto appointed, every day in the week (except Sundays and other Holidays) ſhall bring, or cauſe to be brought, Carts, Dung-pots, or other fitting Carriages, into all ſtreets and places within their reſpective Wards, Pariſhes, Charges, and Diviſions where ſuch carts or carriages can paſs; and at or before their approach, by a Bell, Horn, Clapper, or otherwiſe, ſhall make diſtinct and loud noiſe, and give notice to the Inhabitants of their coming, and make the like noiſe, and give the like notice in every Court, Alley or place, into which the ſaid carts cannot paſs, and abide, and ſtay there a convenient time, in ſuch ſort, that all perſons concerned, may bring forth their reſpective Aſhes, Duſt, Dirt, Filth and Soil, to the reſpective Carts or Carriages, ſo ſtaying as aforeſaid; all which, the ſaid Rakers, Scavengers, or other Officers aforeſaid, ſhall daily carry, or cauſe to be carried away, upon pain to forfeit forty ſhillings for every offence or neglect reſpectively.

All open ſtreets to be paved, and ſo kept by the ſeveral Houſeholders.

And be it further Enacted by the authority aforeſaid, That all the open Streets, Lanes and Alleys within the ſaid Cities and Places aforeſaid (excepting only the new paving of ſuch ſtreets and places, for which any of the Inhabitants have contributed and paid their reſpective Proportions to the Commiſſioners before named, according to the rates aforeſaid) ſhall be forthwith ſufficiently repaired or paved, and from time to time hereafter maintained and kept ſufficiently repaired or paved, at the coſts and charges of the Houſholders in the ſame Streets, Lanes and Alleys reſpectively, in manner following (that is to ſay) every of the ſaid Houſholders to repair and pave, and to keep repaired and paved, the Streets, Lanes or Alleys before his houſe, and ſo far as his Houſing, Walls or Building extend, unto the Channel, or middle of the ſame Street, Lane or Alley, upon pain to forfeit Twenty ſhillings for every Perch or Rod, (and after that Rate for a greater or leſſer quantity) for every Default, and of Twenty ſhillings a week for every week after, untill the ſame ſhall be ſufficiently paved aud amended.

The penalty for not paving.

Proviſo for the Borough of Southwark.

Provided alwayes, That ſuch antient Streets, Lanes and Alleys within the ſaid Cities, or either of them, the Suburbs and Liberties thereof, and Borough of Southwark, as by cuſtom and uſage have been repaired and paved in other manner, ſhall be hereafter repaired, paved and maintained in ſuch ſort and manner, and by ſuch perſon and perſons, as have heretofore uſed to repair, pave and maintain the ſame, under the penalties aforeſaid: Any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

Candles or lights to be hung out every night from Michaelmas to Lady day.

And be it further Enacted by the Authority aforeſaid, That every Houſholder within the ſaid Cities, the Suburbs and Liberties thereof, and in all other the places aforeſaid, whoſe Houſe adjoyns unto, and is next the ſtreet from Michaelmas until our Lady-day yearly, ſhall every night ſet or hang out Candles or Lights in Lanthorns, or otherwiſe, in ſome part of his houſe next the ſtreet, to enlighten the ſame for Paſſengers, from ſuch time as it ſhall grow dark, untill nine of the Clock in the Evening, upon pain to forfeit the ſum of one ſhilling for every Default.

Who may convict perſons offending and upon view or otherwiſe levy the penalties by this Act.

And for the more ſpeedy Reformation and puniſhment of all and every the offences aforeſaid; Be it further Enacted by the Authority aforeſaid, That every one of his Majeſties Juſtices of either Bench, and Barons of the Exchequer, and every Juſtice of Peace of the ſaid Cities of London and Weſtminſter, and places aforeſaid (within their ſeveral limits reſpectively) ſhall have power and authority upon his own knowledge or view, confeſſion of the party, or proof of one credible witneſs upon Oath before him (which oath by vertue of this Act, ſuch Juſtice ſhall have power to adminiſter) to convict any perſon or perſons of any the offences aforeſaid, whereby ſuch perſon or perſons ſo convict, ſhall incur the penalties and forfeitures aforeſaid, one moyety whereof ſhall be diſpoſed and imployed for and towards the reparation, paving and cleanſing of the ſtreet or place where the offence ſhall be committed, and as much, or all of the other moyety as the Juſtices ſhall think fit, for him or them that ſhall diſcover and proſecute the ſame, in caſe the ſaid conviction be by ſuch diſcovery and proſecution; and if the conviction be by the view or knowledge of ſuch Juſtices, then the ſaid whole penalty to go and be imployed for and towards the repairing, paving, and cleanſing of the ſaid ſtreets or place, and ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the offendor, by Warrant under the hand and ſeal of any ſuch Juſtice, to be directed to the Conſtable, or any other Officer of the ſame Pariſh, rendring the ſurpluſage to the party, and in default of diſtreſs, or not payment of the ſaid penalties, within ſix dayes after demand thereof, or notice in writing, left at the houſe or dwelling place of the Offendor, by the ſaid Conſtable, or any other Officer, the ſaid Offendor not being a Peer of this Realm, ſhall be committed to the Common Gaol of the ſaid County or City reſpectively, by the Warrant of any ſuch Juſtice under his Hand and Seal, there to remain without Bail or Mainprize untill payment.

And for the better raiſing and levying of moneyes to defray the Charges, and pay the Wages of the ſaid Scavengers, Rakers, or other Officers imployed in cleanſing of the Streets, Lanes, Alleys, and other places aforeſaid, and carrying of the ſaid aſhes, dirt, filth and ſoil; Be it further Enacted by the Authority aforeſaid, That within the City of London and Liberties thereof, the Scavengers, Rakers, and ſuch like Officers, ſhall be elected, and the Rates, Taxes and Aſſeſſements for Scavengers, Rakers, and ſuch like Officers wages, for cleanſing the Streets, ſhall be rated, taxed, aſſeſſed, raiſed and paid by the Pariſhioners and Inhabitants of every Pariſh and Precinct reſpectively, within the ſaid City and Liberties thereof, according to the ancient Cuſtom and Uſage of the ſaid City. And the Receivers of all ſuch moneys ſhall be accomptable as formerly; And all new Meſſuages, Tenements and Houſes, within the limits aforeſaid, ſhall be likewiſe rated, taxed and aſſeſſed, and ſhall pay proportionably with others; And that within the City of Weſtminſter, the ſaid Officers ſhall be choſen, and the Rates made and paid according to the anſient Cuſtom of the ſaid City; And in all other the Pariſhes and places aforeſaid, upon every Tueſday or Wedneſday in Eaſter-Week, the Conſtables, Churchwardens and Overſeers for the Poor, and Surveyors of the High-ways of every of the ſaid Pariſhes and places reſpectively, or the greater number of them, giving notice unto, or calling together ſuch other Inhabitants of their reſpective Pariſhes as have formerly born the like Offices therein, they or the greater number of them ſhall make choice of, and ſhall nominate and appoint two or more able perſons that are Tradeſmen of their Pariſh, to be Scavengers for the Streets, Lanes, and other open Paſſages of each Ward and Diviſion within the ſaid Pariſh, for the year then next following, and untill others be choſen and ſetled in their Places; which perſons ſo choſen, and being approved and confirmed under the Hands of any two Juſtices of Peace within their reſpective Limits and Juriſdictions, ſhall within ſeven dayes after their Election and Confirmation, and notice thereof, take that Office and Duty upon them, upon pain to forfeit Twenty pounds by every refuſer reſpectively. And in caſe of refuſal by any perſon or perſons ſo choſen and confirmed, then other able perſons ſhall be choſen and confirmed in manner aforeſaid, within ſeven dayes after ſuch refuſal, in the place of him or them which ſhall ſo refuſe; and the perſon or perſons ſo choſen and confirmed, and having notice thereof, ſhall undergo the like pain, in caſe of refuſal, or not taking the ſaid Office and Duty upon him or them within ſeven dayes after he or they ſhall be choſen and confirmed, and have notice thereof as aforeſaid, The ſaid Penalties to be diſpoſed and employed for, or towards the mending and repairing of the Streets and Wayes of the ſame Pariſh, Ward or Diviſion, and to be levyed by Diſtreſſe and Sale of the Goods and Chattels of the Offendor, by Warrant under the Hand and Seal of any Juſtice of the Peace of any of the places aforeſaid, to be directed to the Conſtables, or other Officers of the ſame Pariſh, or any two or more of them (rendring the ſurpluſage to the Party) and in default of Diſtreſſe, or not payment within ſix dayes after demand thereof or notice left in Writing, at the Houſe or Dwelling-place of the Offendor, by the ſaid Conſtables or Officers, the ſaid Offendor to be committed to the Gaol of the ſaid County or City reſpectively, by the Warrant of any ſuch Juſtice, under his Hand and Seal, there to remain without Bail or Mainprize, untill payment.

Rates and taxes to be made for defraying the charges and wages of Scavengers and others.

How and when to elect Scavengers.

And be it further Enacted by the Authority aforeſaid, That within twenty dayes after the Election and Confirmation of the ſaid Scavengers as aforeſaid, the Conſtables, Churchwardens and Overſeers for the Poor, and of the High-wayes of the ſaid Pariſhes, and places reſpectively, or the greater number of them, giving notice unto, or calling together ſuch Inhabitants of their reſpective Pariſhes, as have formerly born the like Office therein; They, or the greater number of them then preſent, ſhall make and ſettle a Tax, Rate or Aſſeſſement, according to a Pound-rate, to be impoſed or ſet upon the Inhabitants of the ſaid Pariſh, Ward or Diviſion, for the year following, for the purpoſes aforeſaid; which being allowed and confirmed by any two of the Juſtices of the Peace of the places aforeſaid reſpectively, ſhall be quarterly paid by every reſpective Inhabitant, upon demand made thereof by the Beadle of the Pariſh, or other Officer appointed to gather and collect the ſame: And in caſe of refuſal or neglect, ſhall by Warrant of any two Juſtices of the Peace, under their Hands and Seals, be levied by Diſtreſſe and Sale of the Offendors Goods; and for want of Diſtreſſe, by impriſonment of the Offendor, (he not being a Peer of this Realm) untill payment as aforeſaid.

Taxes and Aſſeſments to be made yearly by a Pound-rate.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That if any Action or Suit ſhall be brought, or proſecuted by any perſon or perſons, againſt any Judge, Commiſſioner, Juſtice of the Peace, Conſtable, or other Officer, or Miniſter aforeſaid, or againſt any perſon or perſons imployed by them, or any of them, or authorized by this Act to do or perform, as by this Act is directed, for any matter, cauſe or thing, by them or any of them done, committed or executed, by vertue or reaſon of this Act, or any Clauſe or Article therein contained; that then in every ſuch caſe, the Action ſhall be laid in the proper County where the Fact was done, and not elſewhere; and the Defendant or Defendants may plead the General Iſſue, and give the ſpecial Matter in Evidence at the Tryal, That the ſame was done in purſuance, and by Authority of this Act: And if upon Examination it ſhall ſo happen to be done, the Jury ſhall find for the Defendant; and in ſuch caſe, or if the Plaintiff ſhall be Nonſuit, or diſcontinue his Action after the Defendant hath appeared, the Defendant ſhall have, and

Actions brought againſt any Commiſſioners or Officer imployed by this Act; the Defendant may plead the General iſſue.

And give the ſpecial matter in Evidence.

recover his or their double Coſts, which he, or they ſhall ſuſtain, or be put unto, by reaſon of his or their wrongful vexation, in defence of the ſaid Action or Suit.

The enlargement of paſſage in narrow and incommodious ſtreets.

The Lord Mayor of London and others, Commiſſioners, may treat with perſons concerned for their Intereſts in houſes obſtructing ſuch paſſage.

And whereas the ſeveral Streets and Paſſages hereafter mentioned (that is to ſay) The Street or Paſſage at or near the Stocks in London; the Street and Paſſage from Fleet-Conduit to St. Pauls Church in London; the Paſſage through the White-Hart-Inn from the Strand into Covent-Garden; the Street and Paſſage by and near Exeter-Houſe and the Savoy, being obſtructed by a Rail, and the unevenneſs of the Ground thereabouts; the Paſſage and Street of St. Martins-Lane out of the Strand; the Paſſage or Street of Field-Lane, commonly called Jack-an-apes-lane, going between Chancery-Lane and Lincolns-Inn-Fields; the Paſſage and Gate-houſe of Cheapſide into St. Pauls Church-yard; the Paſſage againſt St. Dunſtans Church in the Weſt (being obſtructed by a Wall) the Street and Paſſage by and near the Weſt-end of the Poultrey in London, and the Paſſage at Temple-Bar, are ſo narrow that they are incommodious to Coaches, Carts and Paſſengers, and prejudicial to Commerce and Trading; Be it Enacted by the Authority aforeſaid, That the Lord Mayor of the City of London, the Recorder and Aldermen for the time being, together with ſuch other Commiſſioners as his Majeſty ſhall appoint under the Great Seal of England, or any five of them, ſhall have full Power and Authority, to receive all Subſcriptions and Payments of voluntary Contributions of money, or other Endowments towards the Amendment and Enlargement of the Streets and Places before-named, or ſo much of them, or any of them, as the ſaid Commiſſioners, or any five or more of them ſhall judge fit and neceſſary, And are hereby further impowred to Treat and Agree with the Owners and Occupiers of any ſuch Houſes, as they ſhall judge fit to be removed, rebuilt, or pulled down; or any part of them, and upon payment of ſuch ſum or ſums of money ſo agreed upon, are hereby authorized to appoint Workmen to pull the ſaid Houſes down, or cauſe the ſaid Owners or Occupiers to rebuild accordingly, and this Act ſhall be ſufficient to indempnify the ſaid Commiſſioners, and all perſons authorized by them, againſt the Heirs, Executors, Adminiſtrators or Aſſigns of any the ſaid Owners or Occupiers, as if the ſame had been ſold by Deed, Feoffment, Bargain and Sale, or other Aſſurance in the Law, and done by Fine and Recovery, or any other way whatſoever; And if there ſhall be any perſons, Bodies Corporate or Collegiate, that ſhall wilfully refuſe to Treat and Agree, as aforeſaid, or through any diſability by Nonage, Coverture, or a ſpecial Entail, or other Impediment cannot, That in ſuch Caſes the ſaid Commiſſioners are hereby authorized by vertue of this Act, to iſſue out a Warrant or Warrants to the Sheriffs of London, who are hereby required accordingly to impannel and return a Jury before the ſaid Commiſſioners, or any five of them, which Jury upon their Oaths to be adminiſtred by the ſaid Commiſſioners, are to enquire and aſſeſs ſuch damage and recompence as they ſhall judge fit to be awarded to the Owners and Occupiers, or either of them, of any ſuch houſes, or any part thereof, for their reſpective Eſtates and Intereſts in the ſame, as by the ſaid Commiſſioners ſhall be adjudged fit to be pulled down for the purpoſes aforeſaid: and ſuch Verdict of the Jury, and Judgment of the ſaid Commiſſioners thereupon, and the legal payment, or tender of the ſum or ſums of money ſo awarded and adjudged ſhall be binding to all intents and purpoſes againſt the ſaid Parties, their Heirs, Executors, Adminiſtrators and Aſſigns, and others claiming any Title or Intereſt in the ſaid Houſes, or in the ground whereupon they ſtand, or thereunto belonging, and ſhall be a full Authority for the ſaid Commiſſioners, or any five of them, to cauſe the ſame to be executed, and the ſaid Houſes accordingly to be removed and pulled down.

What may be done in caſe of refuſal to compound with the Commiſſioners.

And whereas the Houſes that ſhall remain ſtanding on the other ſide the ſaid Street or Streets, or behind the ſaid houſes that ſhall be ſo pulled down as aforeſaid, will receive much advantage in the value of their Rents, by the liberty of Ayr, and free recourſe for Trade, and other conveniences by ſuch enlargement; It is alſo Enacted by Authority aforeſaid, That in caſe of refuſal, or incapacity, as aforeſaid, of the Owners or Occupiers of the ſaid Houſes, to agree and compound with the Commiſſioners for the ſame, thereupon a Jury ſhall and may be Impanelled in manner and form aforeſaid, to Judge and Aſſeſſe upon the Owners and Occupiers of ſuch houſes, ſuch competent ſum or ſums of money, or Annual Rent, in conſideration of ſuch Improvement and Melioration, as in reaſon and good Conſcience they ſhall judge and think fit; which ſaid ſum and ſums of money, or Rent, ſhall be paid to the Chamberlain of the City of London for the time being, and ſuch other Treaſurer or Treaſurers as ſhall be appointed by the ſaid Commiſſioners, or any five or more of them, who are hereby enabled from to time, to receive and recover the ſame by Action at Law, and whoſe Receipt ſhall be a good diſcharge to the ſaid Owners and Tenants, and who are hereby appointed to receive and pay, and be accomptable for the ſame according to ſuch directions as ſhall from time to time be given them by the ſaid Commiſſioners: and the moneys ſo raiſed, or Rents ſo received, ſhall be expended upon the Purchaſing or Rebuilding houſes on the other ſide the Street, and upon paving and amending of the Wayes and Streets aforeſaid, according to the purport of this Act. And the ſaid Verdict of the Jury, and Judgment of the Commiſſioners in the caſes aforeſaid, ſhall be ſufficient and concluſive in Law to all intents and purpoſes, againſt the ſaid Owners and Occupiers, their Heirs, Executors, Adminiſtrators and Aſſigns.

Every Commiſſioner to take an Oath for the faithful performance of this Act.

Provided alwayes, And be it further Enacted by the Authority aforeſaid, That no perſon ſhall be enabled to act as a Commiſſioner to the intents and purpoſes aforeſaid, until he ſhall firſt have taken his Corporal Oath before the Lord Chancellor, or Lord High Treaſurer of England for the time being, for the due and impartial execution of the Truſts by this Act committed to him.

Lord Mayor and Aldermen to be commiſſioners in London.

Provided alſo, That the Lord Mayor, Recorder, and Aldermen of the City of London for the time being, ſhall be, and are hereby authorized to be Joynt-Commiſſioners, and to exerciſe all the Powers of this Act, to all the ends and purpoſes thereof, which are to be ordered, done, or executed within the ſaid City, or the Liberties thereof: And likewiſe, That the Dean of Weſtminſter, the High-Steward, and his Deputy-Steward, and the two High Burgeſſes of the ſaid City of Weſtminſter for the time being, ſhall be, and are hereby authorized to be Joynt-Commiſſioners, and to exerciſe all the Powers of this Act, to all the ends and purpoſes thereof, which are to be ordered, done, or executed within the ſaid City of Weſtminſter, or the Liberties thereof, Any thing in this Act to the contrary notwithſtanding.

The Dean, High-Steward, Deputy-Stewards, and two High Burgeſſes in Weſtm.

This Act to continue, and be in force untill the end of the firſt Seſſion of the next Parliament.

The Continuance of this Act.

Anno XIV. Caroli *II. Regis.*

CAP. III.

For Ordering the Forces in the ſeveral Counties of this Kingdome.

FOraſmuch as within all his Majeſties Realms and Dominions, the ſole and Supream Power, Government, Command and Diſpoſition of the Militia, and of all Forces by Sea and Land, and of all Forts and places of Strength is, and by the Laws of England ever was the undoubted Right of his Majeſty, and his Royal Predeceſſors, Kings and Queens of England; and that both, or either of the Houſes of Parliament, cannot, nor ought to pretend to the ſame; nor can, nor lawfully may raiſe, or levy any War, Offenſive or Defenſive, againſt his Majeſty, his Heirs, or lawful Succeſſors; and yet the contrary thereof hath of late years been practiſed, almoſt to the ruine and deſtruction of this Kingdom; and during the late uſurped Governments, many evil and rebellious principles have been inſtilled into the minds of the people of this Kingdom, which may break forth, unleſs prevented, to the diſturbance of the peace and quiet thereof.

The ſole and ſupream power and command of the Militia in the Kings Majeſty, his Heirs and Succeſſors. 13 Car. 2. cap. 6.

Be it therefore Declared and Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, and by the authority of the ſame, That the Kings moſt excellent Majeſty, his Heirs and Succeſſors, ſhall and may from time to time, as occaſion ſhall require, iſſue forth ſeveral Commiſſions of Lieutenancy to ſuch perſons as his Majeſty, his Heirs and Succeſſors, ſhall think fit to be his Majeſties Lieutenants for the ſeveral and reſpective Counties, Cities and places of England, and Dominion of Wales, and Town of Berwick upon Tweed; which Lieutenants ſhall have full power and authority to call together all ſuch perſons at ſuch times, and to arm, and array them in ſuch manner as is hereafter expreſſed and declared; and to form them into Companies, Troops and Regiments; and in caſe of Inſurrection, Rebellion, or Invaſion, them to lead, conduct and imploy, or cauſe to be led, conducted and imployed, as well within the ſaid ſeveral Counties, Cities, and places for which they ſhall be Commiſſioned reſpectively, as alſo into any other the Counties and places aforeſaid, for ſuppreſſing of all ſuch Inſurrections & Rebellions, and repelling of Invaſions, as may happen to be, according as they ſhall from time to time receive directions from his Majeſty, his Heirs and Succeſſors; And that the ſaid reſpective Lieutenants ſhall have full power and authority from time to time, to conſtitute, appoint, and give Commiſſions to ſuch perſons as they ſhall think fit to be Colonels, Majors, Captains, and other Commiſſion-Officers of the ſaid perſons ſo to be armed, arrayed and weaponed, and to preſent to his Majeſty, his Heirs and Succeſſors, the names of ſuch perſon and perſons as they ſhall think fit to be Deputy-Lieutenants, and upon his Majeſties approbation of them, ſhall give them Deputations accordingly; alwayes underſtood, That his Majeſty, his Heirs and Succeſſors have power and authority to direct and order otherwiſe, and accordingly at his and their pleaſure, may appoint and commiſſionate, or diſplace ſuch Officers; Any thing in this Act to the contrary notwithſtanding: And that the ſaid Lieutenants reſpectively, and in their abſence, out of the Precincts and Limits of their reſpective Lieutenancies, or otherwiſe by their directions, the ſaid Deputy-Lieutenants, during their ſaid reſpective Deputations, or any two or more of them, ſhall have power from time to time, to train, exerciſe, and put in readineſs; and alſo to lead and conduct the perſons ſo to be armed, arrayed and weaponed, by the directions, and to the intents and purpoſes, as is hereafter expreſſed and declared.

His Majeſty may iſſue out Commiſſions of Lieutenancy to ſuch perſons as he ſhall think fit, for the ſeveral Counties, Cities, &c.

The power of the ſaid Lieutenants. 15 Car. 2. cap. 4. Sc. 3.

The Deputy-Lieutenants to be named to and approved of by his Majeſty.

The power of the Deputy-Lieutenants.

And for the providing Horſe and Arms, and Furniture thereunto belonging, for the Arming and Weaponing the perſons aforeſaid, and alſo for the defraying and paying the neceſſary charges thereunto belonging, in manner as hereafter followeth; Be it further enacted, That the ſaid reſpective Lieutenants within the ſeveral Counties, Cities and Places for which they are nominated reſpectively, and their Deputies, or the major part of ſuch Lieutenants, and Deputy-Lieutenants then preſent; or in the abſence of the Lieutenant or Lieutenants, the major part of the Deputy-Lieutenants then preſent, which major part ſhall be three at the leaſt, have hereby full power and authority to charge any perſon with Horſe, Horſe-man and Arms, or with Foot-Souldier and Arms, in the ſame County, Shire, City, Burrough, or Town corporate, where his, her, or their Eſtates lye, having reſpect unto, and not exceeding the limitations and proportions hereafter mentioned (that is to ſay), No perſon ſhall be charged with finding a Horſe, Horſeman and Arms, unleſs ſuch perſon or perſons have a Revenue of Five hundred pounds by the year in poſſeſſion, or have an Eſtate of Six thouſand pounds in Goods or Money, beſides the Furniture of his or their Houſes, and ſo proportionably for a greater Eſtate in Lands in poſſeſſion, or Goods, as the reſpective Lieutenants, and their Deputies as aforeſaid, in their diſcretions ſhall ſee cauſe, and think reaſonable; And they are not to charge any perſon with finding a Foot-Souldier and Arms, that hath not a yearly Revenue of Fifty pounds in poſſeſſion, or a perſonal Eſtate of Six

The manner of charging and providing Horſe and Arms, &c.

hundred pounds in Goods or Moneys (other then the ſtock upon the ground) and after the aforeſaid rate proportionably for a greater or leſſer Revenue or Eſtate; Nor ſhall they charge any perſon with the finding both of Horſe and Foot in the ſame County.

No perſon charged with or towards an Horſe, may be charged alſo towards Foot-arms.

Provided, That no perſon chargeable by this Act to find an Horſe and Horſe-man with Arms, or to be contributory towards finding an Horſe and Horſeman with Arms, ſhall for the ſame Eſtate be chargeable towards finding a Foot-Souldier with Arms, or contributory thereunto: And it ſhall be lawful to and for the reſpective Lieutenants and Deputies, or any three or more of them as aforeſaid, to impoſe the finding and providing of Horſe, Horſe-man and Arms, as aforeſaid, by joyning two or three, or more perſons together in the charge, as to their Judgment ſhall appear moſt conducible to the ſervice of this Kingdome.

What perſons and Eſtate only chargeable towards finding Horſe-arms.

Lieutenants and Deputies may hear and determine matters relating to this Act.

Provided, That no perſon that hath not One hundred pounds per annum in poſſeſſion in Lands, Tenements, or Hereditaments, Leaſe-hold or Copy-hold, or Twelve hundred pounds perſonal Eſtate, ſhall be compellable to contribute in finding any Horſe and Horſe-man with Arms: And the ſaid reſpective Lieutenants and Deputies, or any three or more of them, ſhall have power to hear Complaints, and examine Witneſſes upon Oath, (which Oath they have hereby power to adminiſter) and to give redreſs according to the merits of the cauſe, in matters relating to the execution of this Act.

Allowance of 2 s. per diem for a Horſe-man, and 1 s. for a Foot-Souldier.

Be it further Enacted, That the ſaid Lieutenants and Deputies, or any three or more of them, in their ſeveral Counties and Places reſpectively, ſhall require and direct all perſons ſo charged as aforeſaid with Horſe, Horſe-men and Arms, to allow two ſhillings by the day to the Troopers that ſerve with their Horſe and Arms, for the maintenance of the Man and Horſe, and twelve pence a day for the Foot-Souldiers, (if they ſerve not in their own perſons) for ſo many dayes as they ſhall be abſent from their Dwellings and Callings, by occaſion of Muſter or Exerciſe.

Rates to be made for furniſhing Ammunition.

Invaſion, Inſurrection, Rebellion.

And for furniſhing Ammunition and other neceſſaries, the ſaid reſpective Lieutenants and Deputies, or any three or more of them, ſhall have power to lay fitting Rates upon the reſpective Counties and Places, not exceeding in the whole in any one year the proportion of a fourth part of one moneths Aſſeſment in each County, after the rate of Seventy thouſand pounds by the moneth, now or late charged by an Act, entituled, An Act for Raiſing of Seventy thouſand pounds for the further Supply of his Majeſty, which Moneys are to be Aſſeſſed, Collected and paid by ſuch perſons, and according to ſuch Directions as ſhall be given from time to time by the ſaid reſpective Lieutenants and Deputies, or any Three or more of them, under the like penalties, and by the like wayes and means as are preſcribed in the ſaid Act for the Seventy thouſand pounds by the moneth; And in caſe of Invaſions, Inſurrections or Rebellions, whereby occaſion ſhall be to draw out ſuch Souldiers into actual Service, the perſons ſo charged as aforeſaid, ſhall provide each their Souldier reſpectively with pay in hand, not exceeding one moneths pay, as ſhall be in that behalf directed by the ſaid reſpective Lieutenants, and in their abſence, as aforeſaid, or otherwiſe by their directions by their Deputies, or any two or more of them. For repayment of which ſaid Moneys, and for ſatisfaction of the Officers for their pay during ſuch time, not exceeding one moneth, as aforeſaid, as they ſhall be with their Souldiers in ſuch ſaid actual ſervice; It is hereby declared, That proviſion ſhall be made for the ſame by his Majeſty, his Heirs and Succeſſors, out of His or Their Publick Treaſury or Revenue. Nevertheleſs, it is hereby further Provided and Enacted, That in caſe a moneths Pay ſhall be provided and advanced as aforeſaid, That no perſon, who ſhall have advanced his proportion thereof, ſhall be charged with any other like moneths payment, until he or they ſhall have been re-imburſed the ſaid moneths Pay, and ſo from time to time the moneths Pay by him or them laſt before provided and advanced, as aforeſaid.

Proviſion by his Majeſty.

None having advanced a moneths pay, ſhall be charged again, until he be re-imburſed the ſame.

How to charge Carts and Horſes for carrying Proviſions, and their allowance per mile.

Souldiers that do not their duties, how puniſhed.

And be it Enacted, That the ſaid Lieutenants and their Deputies, or the chief Officers upon the place in the reſpective Counties and Places, as aforeſaid, may charge Carts, Wagons, Wains, and Horſes, for the carrying of Powder, Match, Bullet, and other Materials, allowing ſix pence a mile outward only, to every ſuch Cart, Wagon and Wayn with five Horſes, or ſix Oxen, and ſo proportionably; And for every Horſe imployed out of Wagon or Cart for uſes aforeſaid, one penny, ſo taken upon the marching of any Regiment, Company or Troop, upon occaſion of Invaſion, Inſurrection or Rebellion; And that the ſaid Lieutenants, or Deputies, or the chief Officers upon the place, ſhall and may Impriſon Mutineers, and ſuch Souldiers as do not their Duties as Souldiers at the day of their Muſters and Training; and ſhall and may inflict for puniſhment for every ſuch offence any Pecuniary Mulct not exceeding five ſhillings, or the penalty of impriſonment without bail or mainpriſe, not exceeding Twenty days.

The penalties upon perſons charged or taxed, refuſing or neglecting.

And be it further Enacted, If any Perſon or Perſons ſo to be aſſeſſed or charged by the ſaid Lieutenants and Deputies, or any three or more of them reſpectively, ſhall refuſe, or neglect by a reaſonable time to be appointed, to provide and furniſh ſuch ſufficient Horſe and Horſe-man, Horſes and Horſe-men, Arms, and other Furniture, or to pay ſuch ſum or ſums of money towards the providing and furniſhing, as aforeſaid; That then it ſhall and may be lawful to and for the reſpective Lieutenants and Deputies, or any three or more of them, for every ſuch offence, from time to time to inflict a Penalty upon ſuch Perſons not exceeding 20 l. And alſo by Warrant under their, or any three or more of their hands and ſeals to levy ſuch ſum or ſums of money, or the value of ſuch Horſe or Horſes, Arms and Furniture, and ſuch Penalty inflicted by diſtreſſe and ſale of the goods of the Perſon or Perſons ſo neglecting or refuſing, rendring the overplus to the Party ſo diſtrained, all neceſſary charge in levying thereof being firſt deducted; And it is declared, That the ſame be imployed to the ſame uſes, in default whereof the ſame was impoſed.

And be it further Enacted, That if any Perſon or Perſons ſo to be armed, arrayed and weaponed, ſhall detain or imbezel his Horſe, Arms or Furniture wherewith he ought to ſerve, or is intruſted, that it ſhall and may be lawful to and for the ſaid reſpective Lieutenants, and in their abſence as aforeſaid, or otherwiſe by their directions, to and for their Deputies, or any two or more of them, to impriſon ſuch perſon and perſons, till he or they have made ſatiſfaction for the Horſe, Arms, or other Furniture ſo by him detained or imbezelled; And alſo, That if any perſon ſo to be armed, horſed or weaponed, as aforeſaid, ſhall not appear, and ſerve compleatly furniſhed with Horſe and Arms, and other Furniture wherewith he is intruſted at the beat of Drum, ſound of Trumpet, or other Summons, that then, and ſo often, it ſhall and may be lawful to and for the ſaid reſpective Lieutenants, and in their abſence, as aforeſaid, or otherwiſe by their directions, to and for their Deputies, or any two or more of them, if the default be in the perſon or perſons ſo intereſted, to impriſon ſuch perſon or perſons for the ſpace of five dayes, without bail or mainprize, or to inflict the penalty, if a Horſeman, not exceeding 20 s. and if a Footman, not exceeding 10 s. to be paid down without delay or forbearance: And if any perſon or perſons ſo aſſeſſed or charged, as aforeſaid, ſhall refuſe or neglect to ſend in, or deliver his Horſe, Arms, or other Furniture, upon ſuch Summons, or other notice, as aforeſaid; That then, and ſo often, it ſhall and may be lawful to and for the ſaid reſpective Lieutenants, and their Deputies, or any three or more of them, to inflict a penalty not exceeding 5 l. to be levied by diſtreſs and ſale of the Goods of ſuch perſon or perſons ſo refuſing, as aforeſaid, rendring the overplus to the Party diſtrained, neceſſary charges for levying being firſt deducted.

Imbezelling of Arms, Horſe, or Furniture, how puniſhed.

And for the better diſcovery of the Ability of the Perſons ſo to be aſſeſſed and charged, and of all Miſdemeanors tending to the hinderance of the ſervice aforeſaid, the ſaid reſpective Lieutenants, and their Deputies, or any three or more of them, are hereby enabled to examine upon Oath ſuch Perſon or Perſons as they ſhall judge neceſſary or convenient, or ſhall be produced by the Party charged or accuſed, other then the Perſons themſelves to be aſſeſſed and accuſed.

Ability of perſons aſſeſſed, how to be diſcovered.

And for the better and more ſpeedy execution of the Premiſſes, Be it further Enacted, That the ſaid reſpective Lieutenants ſhall be, and are hereby required to appoint one or more Treaſurer or Treaſurers, Clerk or Clerks, for receiving and paying ſuch moneys as ſhall be levied by vertue hereof; of all which Receipts and Diſburſements thereof, the ſaid Treaſurer, Clerk and Clerks, are every ſix moneths to give their Accompts in writing, and upon Oath, to the ſaid Lieutenants and their Deputies, or any three or more of them, which Oath they have hereby Power to adminiſter: And the ſaid Accompt ſo to be taken, ſhall be forthwith certified to the Lords of his Majeſties moſt honourable Privy Council, and a Duplicate thereof ſhall be certified to the Juſtices of Peace at the next General Quarter Seſſions.

Treaſurer and Clerks for receiving and paying moneys by this Act.

And be it further enacted, That the Deputy-Lieutenants ſhall obſerve and obey ſuch Orders and Directions as they ſhall from time to time receive from the reſpective Lieutenants, for the putting in execution the Powers given by this Act.

And for the better ſecuring the Peace of the Kingdom, Be it further Enacted and Ordained, That the ſaid reſpective Lieutenants, or any two or more of their Deputies, are hereby enabled and authoriſed from time to time, by warrant under their hands and ſeals, to employ ſuch Perſon or Perſons as they ſhall think fit (of which a Commiſſioned Officer, and the Conſtable, or his deputy, or the Tythingman, or in the abſence of the Conſtable, and his deputy, and Tythingman, ſome other Perſon bearing Office within the Pariſh, where the ſearch ſhall be, ſhall be two) to ſearch for and ſeize all Arms in the cuſtody or poſſeſſion of any perſon or perſons, whom the ſaid Lieutenants, or any two or more of their deputies, ſhall judge dangerous to the Peace of the Kingdom; and to ſecure ſuch Arms for the ſervice aforeſaid, and thereof from time to time to give Accounts to the ſaid reſpective Lieutenants, and in their abſence, as aforeſaid, or otherwiſe by their directions, to their deputies, or any two or more of them: Provided, That no ſuch Search be made in any houſe or houſes between Sun-ſetting and Sun-riſing, other then in Cities and their Suburbs, and Towns corporate, Market-Towns, and houſes within the Bills of Mortality, where it ſhall and may be lawful to Search in the Night-time, by Warrant, as aforeſaid, if the Warrant ſhall ſo direct, and in caſe of reſiſtance to enter by force: And that no dwelling-houſe of any Peer of this Realm be Searched by vertue of this Act, but by immediate Warrant from his Majeſty, under his Sign Manual, or in the preſence of the Lieutenant, or one of the Deputy-Lieutenants of the ſame County or Riding: And that in all places and houſes whatſoever, where Search is to be made as aforeſaid, it ſhall and may be lawful, in caſe of reſiſtance, to enter by force; And that the Arms ſo ſeized, may be reſtored to the Owners again, if the ſaid Lieutenants, or in their abſence as aforeſaid, their deputies, or any two or more of them ſhall ſo think fit.

Who ſhall be appointed to ſearch for and ſeize Arms in the houſes of dangerous perſons.

Houſes of Peers.

And be it Enacted, That all high Conſtables, petty Conſtables, and other Officers and Miniſters within the ſaid Counties, Cities, Pariſhes and places aforeſaid, be, and are hereby required to be aiding and aſſiſting to the ſaid reſpective Lieutenants, and their deputies, or any of them in execution of the premiſſes: And that all and every perſon and perſons who ſhall act, or do any thing in execution thereof, ſhall be hereby ſaved harmleſs and indempniſied: And alſo, that all and every perſon and perſons, who have heretofore acted or done any thing in execution of any Commiſſion or Commiſſions of Lieutenancy iſſued by the Kings Majeſty that now is, or by colour of them, or any of them, or touching or concerning the ſame, or any of them, or relating thereunto ſince the Seventh day of May, One thouſand ſix hundred ſixty and one, until the Twentieth day of May, One thouſand ſix hundred ſixty and two, ſhall be, and are hereby, ſaved harmleſſe and indempniſied in that behalf.

All high Conſtables and Officers to be aiding the reſpective Lieutenants.

And

How perſons are to be charged reſiding in one county, and having lands in another.

Tenants to provide Arms for their Landlords.

And be it further Enacted and Ordained, That where any perſon or perſons ſhall be charged by vertue of this Act to find a horſe and horſe-man, horſes and horſe-men and Arms, or Foot-Souldier and Arms, in ſuch County, City or place where he or they do not reſide, or inhabit, that then, and in ſuch caſes, the reſpective Lieutenants and Deputies, or any three or more of them, ſhall ſend Notice of every ſuch charge, if ſuch perſon have any land in his own occupation, to ſuch perſon as he doth imploy as his Servant in managing the ſame; And in caſe all his lands, or other eſtate be demiſed, and to farm let, then to one or two of the moſt ſufficient Tenant or Tenants, who ſhall have the ſame in their occupation, who are hereby required forthwith with all convenient ſpeed to convey the ſame to their Maſter or Landlord reſpectively; And within ſuch time as ſhall be appointed in that behalf, bring an accompt of their Maſter or Landlords anſwer to the reſpective Lieutenants and Deputies, or any three or more of them: And upon neglect, or refuſal of the Landlord, to provide ſuch horſe and horſe-man, horſes and horſemen and Arms, or Foot-Souldier and Arms, as is duly charged upon him, according to the Rates mentioned in this Act for the yearly Rent, reſerved upon every demiſe or other grant, and not otherwiſe within the time limited for that purpoſe; That then the ſaid Tenant or Tenants ſhall provide and do as the Landlord in that behalf ought to have done. And if the ſaid Tenant or Tenants ſhall refuſe, or neglect to provide ſuch horſe and Horſeman, horſes and Horſemen and Arms, or Foot-Souldier and Arms, as are charged upon his and their Landlords within the time limited; That then and upon every ſuch default, it ſhall and may be lawful to and for the ſaid reſpective Lieutenants, and in their abſence, as aforeſaid, or otherwiſe by their directions, to and for their Deputies, or any two or more of them, by warrant under their hands and ſeals to levy all ſuch penalties as are appointed by this Act, by diſtreſs and ſale of the offendors Goods, rendring the overplus to the Party diſtrained.

And to defalk the charges out of their next Rent.

The Tenants indempnified for ſo doing.

And it is hereby Ordained and Enacted, That it ſhall and may be lawful to and for the ſaid Tenant or Tenants to defalk out of ſuch Rent as ſhall be next due to his or their Landlord, all ſuch Money as the ſaid Tenant or Tenants ſhall neceſſarily lay out or expend in providing ſuch horſe and horſeman, horſes and horſemen and Arms, or Foot-Souldier and Arms, as are charged upon his or their Landlord, or ſhall be levied upon him or them by diſtreſſe for any default in manner as aforeſaid, any condition, reſervation, Covenant or Contract for the payment of his or their Rent, to the contrary in any wiſe notwithſtanding: And for ſo doing, the ſaid Tenant or Tenants ſhall be indempnified by authority of this Act; unleſs the Landlord or Landlords ſhall make it appear within two moneths after ſuch levying ſuch penalties before the reſpective Lieutenants, and in their abſence as aforeſaid, or otherwiſe by their directions before their Deputies, or any two or more of them, that the default and penalty was occaſioned by the wilful neglect of the ſaid Tenant or Tenants:

Peers not to act as Lieutenants or Deputies before they take the Oath of Allegiance, &c.

And this oath.

Provided alſo, That no perſon being a Peer of this Realm, ſhall be capable of acting or ſerving as Lieutenant, or Deputy-Lieutenant, by vertue of this Act, unleſs he or they ſhall firſt before ſix of the Lords of his Majeſties Privy-Council for the time being, or ſuch other Perſons as ſhall be authorized by his Majeſty to adminiſter the ſame, take the Oaths of Allegiance and Supremacy, and alſo this Oath following, I A. B. do declare and believe, That it is not lawful upon any pretence whatſoever to take Arms againſt the King; And that I do abhor that Traiterous Poſition, That Arms may be taken by his Authority againſt His Perſon, or againſt thoſe that are Commiſſioned by him in purſuance of ſuch Military Commiſſions: So help me God. Which Oaths they have hereby power to adminiſter.

Perſons under the degree of a Peer to take the Oath of Allegiance, &c.

And this oath.

And that no Perſon being under the degree of a Peer of this Realm, ſhall be capable of acting as Lieutenant, Deputy-Lieutenant, Officer or Souldier, by vertue of this Act, unleſs he or they ſhall firſt take the Oaths of Allegiance and Supremacy, and this Oath following, I A. B. do declare and believe, That it is not lawful to take Arms againſt the King; And that I do abhor that Traiterous Poſition, That Arms may be taken by his Authority againſt His Perſon, or againſt thoſe that are Commiſſioned by him in purſuance of ſuch Military Commiſſions: So help me God. Which Oaths, any one Juſtice of Peace of the reſpective Counties and places aforeſaid is enabled to adminiſter to ſuch reſpective Lieutenant as is not a Peer of this Realm, and the ſaid Lieutenant, or any one Juſtice of Peace of the reſpective Counties and places aforeſaid, is enabled to adminiſter to the reſpective Deputy-Lieutenants, not being Peers; and the ſaid reſpective Lieutenants, and in their abſence as aforeſaid, or otherwiſe by their directions when they are not abſent, their Deputies, or any two of them ſhall and are hereby enabled to adminiſter the ſaid Oaths to the ſaid Officers and Souldiers.

The Trained Bands to continue till the 25. March, 1663. and no longer.

And to the end there may be ſome convenient time to put in execution the Powers of this Act, and preparing an Eſtabliſhment according to the ſame; Be it hereby enacted, That the Trained Bands and Forces now actually raiſed, and in being, ſhall ſo continue in each reſpective City and County of England and Wales, until the Five and twentieth of March, One thouſand ſix hundred ſixty and three, and no longer, unleſs an Eſtabliſhment according to this Act be no ſooner had, Any thing in this preſent Act to the contrary in any wiſe notwithſtanding.

The times appointed for Training and Muſtering.

And it is hereby Declared and Enacted, That the Ordinary times for training, Exerciſing and Muſtering the Forces to be raiſed by vertue of this Act, ſhall be theſe following, (that is to ſay) the general Muſter and Exerciſe of Regiments, not above once a year; the Training and Exerciſing of ſingle Companies, not above four times a year, unleſs ſpecial Directions be given by his Majeſty, or his Privy-Council; And that ſuch ſingle Companies and Troops ſhall not at any one time be continued in exerciſe above the ſpace of two days; and that at a General Muſter & exerciſe of Regiments, no Officer or Souldier ſhall be conſtrained to ſtay for above four days together from their reſpective habitations; And that at every ſuch Muſter and Exerciſe, every Muſquetier ſhall bring with him half a pound of Powder

What Arms and Proviſions every Man ſhall bring.

at the charge of ſuch perſon or perſons as provide the ſaid Foot-ſouldier and Arms, and every Horſe-man is to bring with him a quarter of a pound of Powder at the charge of ſuch perſon or perſons as provide the ſaid Horſe, Horſe-man and Arms; And the Arms Offenſive and Defenſive, with the furniture for Horſe, are to be as followeth; The Defenſive Arms, a Back, Breaſt and Pott, and the Breaſt and Pott to be Piſtol-proof; The Offenſive Arms, a Sword & a Caſe of Piſtols, the Barrels whereof are not to be under 14 Inches in length; The furniture for the Horſe to be a great Saddle or Padd with Burrs and Trapps to affix the Houlſters unto, a Bitt and Bridle with a Pectorel and Crupper; For the Foot, a Muſquetier is to have a Muſquet, the Barrel whereof is not to be under three Foot in length; And the gage of the Bore to be for 12 Bullets to the pound, a Coller of Bandeliers, with a Sword: Provided, that all Muſter-Maſters ſhall for the preſent admit and allow of any Muſquets already made, which will bear a Bullet of 14 to the pound; But no Muſquets which henceforth ſhall be made, are to be allowed of, but ſuch as are of the Gage for 12 Bullets to the pound; A Pike-man is to be armed with a Pike made of Aſh, not under 16 foot in length, (the head and foot included) with a Back, Breaſt, Head piece and Sword: Provided, that all Muſter-Maſters ſhall for the preſent admit and allow of any Pikes already made that are not under 15 foot in length; But no Pikes which ſhall be hereafter made are to be allowed of, that are under 16 foot in length.

The Militia of the Iſle of Purbeck.

Provided alſo, And be it Enacted by the Authority aforeſaid, That the Militia of the Iſland of Purbeck ſhall remain ſeparate from the County of Dorſet as heretofore hath been uſed; And that his Majeſties Lieutenant of the ſaid Iſland, and his Deputies, or any three or more of them for the time being, ſhall have power for the Levying, Arraying, Muſtering, and conducting of ſuch number of Foot for the defence of the ſaid Iſland, in ſuch manner, and by ſuch ways and means as heretofore hath been uſed; and alſo to uſe and execute within the ſaid Iſland all and every the powers which by the true intent of this Act, any of his Majeſties Lieutenants, or his or their Deputies or any of them, might in any reſpective County uſe or execute.

Power to his Majeſty to raiſe 70000 l. per annum, for three years upon occaſion. EXP.

Provided nevertheleſs, And be it Enacted by the Authority aforeſaid, That in caſe of apparent danger to the preſent Government, it ſhall and may be lawfull for His Majeſty at any time or times that the ſame ſhall ſo happen, during the ſpace of three years, from the five and twentieth day of June, in the year one thouſand ſix hundred ſixty and two, to raiſe ſuch ſum or ſums of money for the defraying of the whole, or ſuch part of the Militia aforeſaid, as his Majeſty ſhall find himſelf obliged to imploy in order to the quiet and ſecurity of this nation, the ſaid ſum not exceeding ſeventy thouſand pounds in one whole year: And the ſame to be raiſed by his Majeſties Lieutenants, or in their abſence, as aforeſaid, by their Deputies in their reſpective Counties, according to the rules and directions in an Act in this preſent Parliament, For the raiſing of Eighteen moneths Aſſeſment after the rate of Seventy thouſand pounds per menſem; as alſo to continue the ſpace of three years from the aforeſaid five and twentieth day of June, and no longer: Any thing in this Act, or any other to the contrary notwithſtanding.

Such as have provided Pariſh Arms before the 24 of June, 1660, how to be re-imburſed. EXP.

Be it alſo Enacted, That all Conſtables, Tything-men, or other Officer or Officers, who ſince the Four and twentieth of June, One thouſand ſix hundred and ſixty, have paid or diſburſed, or before the ſettlement of the Militia to be eſtabliſhed by vertue of this Act, ſhall pay or diſburſe any moneys for buying of Arms, or defraying of Charges of Souldiers, ſet or to be ſet upon their reſpective Pariſhes, ſhall be re-imburſed the ſame by thoſe who have refuſed to pay their proportions thereof; And in caſe he or they ſhall refuſe to pay the ſame, then to be levied by diſtreſs and ſale of Goods, rendring the Overplus to the owner or owners by Warrant under the Hand and Seal of the Lieutenant or Lieutenants, or in his or their abſence, or otherwiſe by their direction, when they are not abſent, of any two of their Deputies directed to the reſpective Conſtables, Tything-men, or other officer or officers aforeſaid, of their reſpective Pariſhes.

No man charged ſhall be forced to ſerve in perſon, but may find a ſufficient man for him.

Provided alwayes, And it is hereby further Enacted and Declared, That no perſon charged with the finding of Horſe or Foot, or with contributing thereunto, as aforeſaid, ſhall be compellable to ſerve in his or their proper perſon, but may according to ſuch proportion as they are or ſhall reſpectively be charged by this act, find one or more fit or ſufficient Man or Men qualified according to this act to be approved by his or their Captain reſpectively ſubject nevertheleſs to be altered upon appeal to the Lieutenant, or in his abſence, as aforeſaid to his Deputy-Lieutenants, or any two of them, as there ſhall be cauſe; And that every perſon or perſons ſo found and provided, ſhall, and hereby are required to ſerve as a Souldier and Souldiers, in ſuch manner, and under ſuch penalties as are before appointed in this Act; And that every perſon or perſons who ſhall ſerve in his or their own perſons (who are alſo to be approved of as aforeſaid) or ſuch perſon or perſons as ſhall be accepted in his or their ſtead, ſhall at the next Muſter of ſuch Troop or Company in which he or they are to ſerve, give in his or their Chriſtian and Sir-names, and places of abode unto ſuch perſon as the Lieutenant, or in his abſence, as aforeſaid, or by his direction when he is not abſent, any two Deputy-Lieutenants ſhall appoint, to the end the ſame may be liſted: And that from thenceforth ſuch perſon ſo liſted ſhall not be exchanged, or deſert the ſaid Service, or be diſcharged thereof, but by the leave and order of the Lieutenant, or two Deputy-Lieutenants or his Captain, upon reaſonable cauſe (ſubject nevertheleſs upon appeal to be determined, as aforeſaid) firſt obtained in writing under his or their hands and ſeals, under pain that ſuch perſon departing from the ſaid ſervice without leave, as aforeſaid, ſhall forfeit the ſum of 20 l. to be levied upon his Goods and Chattels in ſuch manner as is by this Act appointed for the leving of other penalties; and for non-payment or want of diſtreſs, then every ſuch perſon to be committed to the Common Goal of the County for any time not exceeding three moneths, without bail or mainpriſe, any thing in this Act to the Contrary in any wiſe notwithſtanding.

No perſon liſted may deſert the ſervice, or be diſcharged, or altered, but by leave, upon reaſonable cauſe.

The penalty.

Provided

Proviſo for the Tinners of Devon and Cornwal.

Provided always, and be it enacted, That nothing in this Act contained ſhall extend to put any new charge of Arms upon the Tinners in the Counties of Devon and Cornwall, other then the Tax mentioned in the former Proviſo; But that the Lord Warden of the Stannaries for the time being, in purſuance of his Majeſties Commiſſion in that behalf, and ſuch as he ſhall Commiſſionate and Authorize under him, according to the rules and Directions before mentioned in this Act ſhall and may have and uſe the like Powers and Array, aſſeſs, Arm, Muſter, and Exerciſe the ſaid Tinners within the ſaid Counties, and either of them, as hath been heretofore uſed; And according to the antient Priviledges and Cuſtoms of the ſaid Stannaries, obſerving the Rules and Proportions appointed by this Act; Any thing in this Act to the contrary notwithſtanding.

Proviſo for the Militia of London.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That his Majeſties Lieutenants that are, or ſhall be Commiſſionated for the Militia of the City of London, may and ſhall continue to liſt and levy the Trained Bands and Auxiliaries of the ſaid City as to number and quality of the perſons, in ſuch manner as was uſed in forming the preſent Forces now raiſed by his Majeſties Commiſſion, and in regard of the extraordinary duties which the Forces of the ſaid City that now are, and formerly were raiſed in Order to his Majeſties happy Reſtauration, have of late, and may again be put to, for the ſafety of his Majeſties Perſon, and for ſuppreſſing or preventing of Inſurrections, That it ſhall and may be lawful for his Majeſties Lieutenants of the ſaid City, by Warrant from his Majeſty, to impoſe and levy yearly in the ſame ſo much money as they ſhall find needful for defraying the Arrears of thoſe firſt raiſed for his Majeſties happy Reſtauration, and the Arrears and neceſſary charge of thoſe that now are, and ſhall be raiſed, with the Ammunition and other incident expences of their Militia, in ſuch manner as the preſent Aſſeſment is now levied, and not exceeding in one year the proportion of One moneths Tax, which the ſaid City now, pays towards the Tax of Seventy thouſand pounds by the moneth; And ſhall be accomptable for the ſame, as by this Act is ordained; Any thing in this Act to the contrary of this Proviſo in any wiſe notwithſtanding.

Proviſo for the Officers of the Militia of cities and towns corporate.

Provided always, That no Officer, or Souldier of the Militia, or Trained Bands belonging to any City, Borough, or Town corporate, being a county of it ſelf, or to any other corporation, or Port-Town, who have uſed and accuſtomed to be Muſtered only within their own Precincts, ſhall be compellable to appear out of the Precincts, or Liberties of the ſame City, Borough, Town Corporate, and Port-Town, at any Muſter or Exerciſe only; and every of the ſaid Cities, Boroughs, Towns corporate, and Port-Towns, are hereby chargeable to find their uſual Number of Souldiers, unleſs the reſpective Lieutenants find cauſe to leſſen the ſame; Any thing in this act to the contrary notwithſtanding.

Covenants between Landlords and Tenants for providing Arms, not to be avoided by this Act.

Provided, that this Act, or any thing herein contained, ſhall not extend to avoid any Covenant or Agreement which hath been, or ſhall be made between any Landlord and Tenant concerning the finding Horſes or Arms, or the bearing, or paying of any Taxes, Rates or other charges by any Tenant, either by general or ſpecial covenants, but that the ſaid taxes Rates, or other charges, ſhall be born and paid by all reſpective Tenants, according to the ſaid covenants and Agreements; Any thing in this Act, to the contrary thereof in any wiſe notwithſtanding.

Iſle of Wight.

Provided, That this Act, or any thing therein contained ſhall not extend to make any alteration in the Iſle of Wight, as to the Militia in that place, either to raiſe Horſe or Foot within the ſaid Iſland, in any other manner then hath been formerly, and is now uſed and practiſed there.

Militia of the Tower-Diviſion in Middleſex.

Provided alſo, and be it enacted, That whereas the Militia of the Tower-Diviſion in the County of Middleſex, commonly known by the Name of the Tower-Hamlets, are, and alwayes have been under the Command of his Majeſties Conſtable, or Lieutenant of the Tower, for the Service and Preſervation of that his Royal Fort; That it ſhall and may be lawful for his Majeſties Conſtable or Lieutenant of the Tower, for the time being, to continue to levy the Trained Bands of the ſaid Diviſion or Hamlets of the Tower, in ſuch manner and form, as to the number and quality of Perſons, as was obſerved in forming the preſent Forces thereof; Any thing in this Act to the contrary notwithſtanding.

Proviſo touching compelling men to march out of this Kingdome.

Provided, That neither this Act, nor any matter or thing therein contained ſhall be deemed, conſtrued, or taken to extend to the giving or declaring of any power for the tranſporting of any the ſubjects of this Realm, or any way compelling them to march out of this Kingdom, otherwiſe then by the Laws of England ought to be done.

Peers of the Realm, how to be charged.

Provided alwayes, and be it enacted by the Authority aforeſaid, That no Peer of this Realm ſhall be charged with Horſe, Horſe-men and Arms, or Foot-Souldiers and Arms, otherwiſe, or in any other manner then is herein after expreſſed (that is to ſay) that his Majeſty, his Heirs and Suceſſors ſhall and may from time to time iſſue out Commiſſions under the great Seal of England to ſo many Peers (not fewer then twelve) as his Majeſty, his Heirs and Succeſſors ſhall think fit, who, or any five or more of them, ſhall have power from time to time to Aſſeſs all and every, or any the Peers of this Realm, according to the Limitations and Proportions in this Act appointed, for the finding of Horſe, Horſe-men and Arms, or Foot-Soudiers and Arms, and for other the purpoſes in this Act mentioned (except the Monethly Taxes which are to be levied, as is before preſcribed in this Act,) and ſhall have power to put in execution all and every the Powers and Authorities of this Act, as well for laying Aſſeſmeuts, or impoſing of penalties (Impriſonment of the perſon of any Peer of this Realm only excepted) which Aſſeſment, or Charge ſo made, together with ſuch penalties as ſhall be ſo impoſed (impriſonment as aforeſaid only excepted) ſhall be from time to time reſpectively certified to the reſpective Lieutenants of each County, to the intent that the ſaid Charge may be born, and the penalties (not before excepted) levied according to the intent of this Act: And that in caſe there ſhall be any default in performance of any thing to be done or paid by any Peer by vertue of this Act, that then it ſhall be lawful for the reſpective Lieutenants, & Deputy-Lieutenants or any three of them, to cauſe Diſtreſſes to be taken for the ſame in any of the lands of ſuch Defaulter within their ſaid counties or Limits reſpectively: And in caſe ſatisfaction ſhall not be given within the ſpace of one week after ſuch Diſtreſs taken, then ſuch diſtreſſe to be ſold for the performance of the ſaid Service, and the charge incident thereunto, and the Overplus (if any be) to be reſtored to the Owner; And if a Tenant of any Peer of this Realm ſhall be diſtrained for ſuch default as aforeſaid, the Tenant ſo diſtrained, is hereby enabled to deduct the ſum levied out of his next Rent.

CAP. XIV.

There ſhall be Uniformity of Publique Prayers, and Adminiſtration of Sacraments, and other Rites and Ceremonies: And of Ordering and Conſecrating Biſhops, Prieſts, and Deacons in the Church of England.

Whereas in the firſt year of the late Queen Elizabeth, there was one Uniforme Order of Common Service, and Prayer, and of the Adminiſtration of Sacraments, Rites and Ceremonies of the Church of England (agreeable to the Word of God, and uſage of the Primitive Church) compiled by the Reverend Biſhops and Clergy, ſet forth in one Book entituled, The Book of Common Prayer, and Adminiſtration of Sacraments, and other Rites and Ceremonies in the Church of England, and enjoyned to be uſed by Act of Parliament, holden in the ſaid firſt year of the ſaid late Queen, Entituled, An Act for Uniformity of common Prayer, and Service in the Church, and Adminiſtration of the Sacraments, very comfortable to all good people deſirous to live in Chriſtian converſation, and moſt profitable to the eſtate of this Realm, upon the which the Mercy, Favour, and Bleſſing of Almighty God is in no wiſe ſo readily and plentifully poured, as by Common Prayers, due uſing of the Sacraments, and often preaching of the Goſpel, with Devotion of the Hearers: And yet this notwithſtanding, a great number of people in divers parts of this Realm, following their own ſenſuality, and living without knowledge, and due fear of God, do Wilfully & Schiſmatically abſtain, and refuſe to come to their Pariſh-Churches, and other publick places where Common Prayer, Adminiſtration of the Sacraments, and preaching of the Word of God is uſed upon the Sundays, and other days ordained and appointed to be kept and obſerved as Holy-days. And whereas by the great and ſcandalous neglect of Miniſters in uſing the ſaid Order or Liturgy ſo ſet forth, and enjoyned, as aforeſaid great miſchiefs and inconveniences, during the time of the late unhappy Troubles, have ariſen and grown and many people have been led into factions & Shciſms to the great decay and ſcandal of the Reformed Religion of the Church of England, and to the hazard of many ſouls. For prevention whereof in time to come, for ſetling the Peace of the Church, and for allaying the preſent diſtempers which the indiſpoſition of the time hath contracted; The Kings Majeſty (according to his Declaration of the Five and twentieth of October, One thouſand ſix hundred and ſixty granted his Commiſſion under the Great Seal of England, to ſeveral Biſhops, and other Divines, to review the Book of Common Prayer and to prepare ſuch Alterations and Additions; as they thought fit to offer; And afterwards the Convocations of both the Provinces of Canterbury and York, being by his Majeſty called, and aſſembled, (and now ſitting, His Majeſty hath been pleaſed, to Authorize and require the Preſidents of the ſaid Convocation, and other the Biſhops and Clergy of the ſame, to re-view the ſaid Book of Common Prayer, and the Book of the Form and manner of the Making and Conſecrating of Biſhops, Prieſts, and Deacons; And that after mature conſideration, they ſhould make ſuch Additions and Alterations in the ſaid Books reſpectively, as to them ſhould ſeem meet and convenient; And ſhould exhibit and preſent the ſame to his Majeſty in writting for his further allowance, or confirmation; ſince which time, upon full and mature diliberation, they the ſaid Preſidents, Biſhops, and Clergy, of both Provinces, have accordingly re-viewed the ſaid Preſidents, Biſhops, and Clergy of both Provinces, have accordingly re-viewed the ſaid Books, and have made ſome Alterations which they think fit to be inſerted to the ſame; and ſome Additional Prayers to the ſaid Book of Common Prayer, to be uſed upon proper and emergent occaſions; And have exhibited and preſented the ſame unto his Majeſty in writing in one Book, entituled, The Book of Common Prayer, and Adminiſtration of the Sacraments, and other Rites and Ceremonies of the Church, according to the uſe of the Church of England, together with the Pſalter, or Pſalms of David, Pointed as they are to be ſung or ſaid in Churches; and the Form and manner of Making, Ordaining, and conſecrating of Biſhops, Prieſts and Deacons: All which his Majeſty having duly conſidered, hath fully approved and allowed the ſame; and recommended to this preſent Parliament that the ſaid Books of Common Prayer, and of the form of ordination and conſecration of Biſhops, Prieſts and Deacons, with the Alterations and Additions which have been ſo made and preſented to His Majeſty by the ſaid Convocations, be the Book which ſhall be appointed to be uſed by all that Officiate in all Cathedral and Collegiate Churches & Chappels, and in all Chappels or Colledges and Halls in both the Univerſities, and the Colledges of Eaton, and Wincheſter, and in all Pariſh-Churches and Chappels, within the Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, and by all that make or Conſecrate Biſhops, Prieſts or Deacons, in any of the ſaid places, under ſuch Sanctions and Penalties as the Houſes of Parliament ſhall think fit.

1 El. cap. 2.

The Kings Declaration and Commiſſion for reviewing the Book of Common Prayer, and Alterations to be propounded therein.

The Peace and Honour of Religion much advanced by Uniform agreement in the Publique Worſhip of God.

Now in regard that nothing conduceth more to the ſetling of the Peace of this Nation (which is deſired of all good men) nor to the honor of our Religion, and the propagation thereof, then an Univerſal agreement in the publique Worſhip of Almighty God; and to the intent that every perſon within this Realm, may certainly know the rule to which he is to conform in Publique Worſhip, and Adminiſtration of Sacraments, and other Rites and ceremonies of the Church of England, and the manner how, and by whom Biſhops, Prieſts and Deacons are, and ought to be Made, Ordained and conſecrated, Be it enacted by the Kings moſt Excellent Majeſty, by the Advice and with the conſent of the Lords Spiritual and Temporal, and of the commons in this preſent Parliament aſſembled and by the authority of the ſame, That all and ſingular Miniſters in any cathedral, collegiate, or pariſh-Church or Chappel, or other place of publique Worſhip within this Realm of England, Dominion of Wales, and Town of Berwick upon Tweed, ſhall be bound to ſay and uſe the morning Prayer, Evening Prayer, celebration and adminiſtration of both the Sacraments, and all other the publique, and common Prayer, in ſuch order and form as is mentioned in the ſaid Book annexed and joyned to this preſent Act, and Entituled, The Book of Common Prayer and Adminiſtration of the Sacraments, and other Rites and Ceremonies of the Church according to the uſe of the Church of England; together with the Pſalter or Pſalms of David, Pointed as they are to be ſung or ſaid in Churches; and the form or manner of Making, Ordaining, and Conſecrating of Biſhops, Prieſts and deacons: And that the Morning and Evening Prayers therein contained ſhall upon every Lords Day, and upon all other dayes and occaſions, and at the times therein appointed be openly and ſolemnly Read by all and every Miniſter or curate, in every Church, Chappel, or other place of publique Worſhip within this Realm of England, and places aforeſaid.

The Book of Common Prayer ſhall be uſed.

All Parſons, Vicars and Miniſters to read, and declare their aſſent to uſe the ſame.

And to the end that Uniformity in the publique Worſhip of God, (which is ſo much deſired) may be ſpeedily effected, Be it further enacted by the Authority aforeſaid, That every Parſon, Vicar, or other Miniſter whatſoever, who now hath, and enjoyeth any Eccleſiaſticall Benefice, or Promotion, within this Realm of England, or places aforeſaid, ſhall in the Church, Chappel, or place of publique Worſhip belonging to his ſaid Benefice or promotion upon ſome Lords Day before the Feaſt of Saint Bartholomew, which ſhall be in the year of our Lord God, One thouſand ſix hundred ſixty and two, openly, publiquely, and ſolemnly Read the Morning and Evening Prayer appointed to be Read by, and according to the ſaid book of Common Prayer at the times thereby appointed, and after ſuch reading thereof, ſhall openly and publickely before the Congregation there aſſembled, declare his unfeigned aſſent, and conſent, to the uſe of all things in the ſaid Book contained and preſcribed, In theſe words and no other.

I A. B. Do here declare my unfeigned aſſent, and conſent to all, and every thing contained, and preſcribed in, and by the Book entituled, The Book of Common Prayer and Adminiſtration of the Sacramerks, and other Rites and Ceremonies of the Church, according to the uſe of the Church of England, together with the Pſalter, or Pſalms of David, Pointed as they are to be ſung, or ſaid in Churches; and the Form, or manner of Making, Ordaining and Conſecrating of Biſhops, Prieſts, and Deacons.

The Penalty for refuſing.

And that all and every ſuch perſon, who ſhall (without ſome lawful impediment to be allowed and approved of by the Ordinary of the place neglect or refuſe to do the ſame within the time aforeſaid, (or in caſe of ſuch impediment) within one moneth after ſuch impediment removed ſhall ipſo facto be deprived of all his Spiritual Promotions; And that from thenceforth it ſhall be lawful to, and for all Patrons, and Donors of all and ſingular the ſaid Spiritual Promotions; or of any of them, according to their reſpective Rights, and titles to preſent, or collate to the ſame, as though the perſon or perſons, ſo offending or neglecting were dead.

Every perſon hereafter to be promoted to any Eccleſiaſtical Benefice, ſhall read the Common-Prayer, and declare his aſſent thereto.

And be it further enacted by the Authority aforeſaid, That every perſon who ſhall hereafter be preſented, or collated, or put into any Eccleſiaſtical Benefice or promotion within this Realm of England, and places aforeſaid, ſhall in the Church, Chappel, or place of publick worſhip, belonging to his ſaid Benefice or Promotion, within two moneths next after that he ſhall be in the actual poſſeſſion of the ſaid Eccleſiaſtical Benefice or Promotion, upon ſome Lords Day openly, publickly, and ſolemnly, Read the morning and Evening Prayers, appointed to be Read by, and according to the ſaid Book of Common Prayer, at the times thereby appointed, to be appointed, and after ſuch reading thereof, ſhall openly and publickly, before the congregation there aſſembled, declare his unfeigned aſſent, and conſent to the uſe of all things therein contained and preſcribed, according to the form before appointed. And that all and every ſuch perſon, who ſhall (without ſome lawful Impediment to be allowed and approved by the ordinary of the place neglect or refuſe to do the ſame within the time aforeſaid; (or in the caſe of ſuch impediment, within one moneth after ſuch impediment removed) ſhal (ipſo facto) be deprived of all his ſaid Eccleſiaſtical Benefices and Promotions; And that from thenceforth, it ſhall and may be lawful to, and for all Patrons and Donors of all and ſingular the ſaid Eccleſiaſtical Benefices and Promotions, or any of them according to their reſpective Rights and Titles) to preſent or collate to the ſame, as though the perſon or perſons ſo offending, or neglecting, were dead.

The penalty for not ſo doing the ſame.

Incumbents of Livings keeping Curates, ſhall read the ſame once every month.

And be it further Enacted by the authority aforeſaid, That in all places where the proper Incumbent of any Parſonage, or Vicarage, or Benefice with Cure, doth reſide on his Living, and keep a Curate, the Incumbent himſelf in perſon (not having ſome lawful Impediment, to be allowed by the Ordinary of the place) ſhall once (at the leaſt) in every moneth openly and publickly read the Common Prayers and Service, in, and by the ſaid Book preſcribed, and (if there be occaſion) adminiſter each of the Sacraments, and other Rites of the Church, in the Pariſh Church or Chappel, of, or belonging to the ſame Parſonage, Vicarage or Benefice, in ſuch order, manner and form, as in, and by the ſaid Book is appointed, upon pain to forfeit the ſum of Five pounds to the uſe of the poor of the pariſh for every offence, upon conviction by confeſſion, or proof of two credible Witneſſes upon Oath, before two Juſtices of the Peace of the County, City or Town corporate where the offence ſhal be committed, (which Oath the ſaid two Juſtices are hereby impowred to adminiſter) and in default of payment within ten dayes, to be levied by diſtreſs, and ſale of the Goods and chattels

The penalty and manner of conviction for not doing it.

Chattels of the Offendor, by the Warrant of the ſaid Juſtices by the Church-wardens, or Overſeers of the poor of the ſaid pariſh, rendring the ſurpluſage to the party.

Deans, Canons, Prebendaries, &c. ſhall ſubſcribe the Declaration, 15 Car. 2. cap. 6.

And be it further Enacted by the authority aforeſaid, That every Dean, Canon, and Prebendary of every Cathedral or Collegiate Church, and all Maſters, and other Heads, Fellows, Chaplains and Tutors of, or in any Colledge, Hall, Houſe of Learning, or Hoſpital, and every publick Profeſſor and Reader in either of the Univerſities, and in every Colledge elſewhere, and every Parſon, Vicar, Curate, Lecturer, and every other perſon in holy Orders, and every School-maſter keeping any publick or private School, and every perſon Inſtructing or Teaching any Youth in any Houſe or private Family as a Tutor, or School-Maſter, who upon the Firſt day of May, which ſhall be in the year of our Lord God, One thouſand ſix hundred ſixty two, or at any time thereafter ſhall be Incumbent, or have poſſeſſion of any Deanry, Canonry, Prebend, Maſterſhip, Headſhip, Fellowſhip, Profeſſors place, or Readers place, Parſonage, Vicarage, or any other Eccleſiaſtical Dignity or Promotion, or of any Curates place, Lecture or School; or ſhall inſtruct or teach any Youth as Tutor, or School-maſter, ſhall before the Feaſt-day of St. Bartholomew, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty two, or at or before his or their reſpective admiſſion to be Incumbent, or have poſſeſſion aforeſaid, ſubſcribe the Declaration or Acknowledgment following, Scilicet,

The Declaration.

I A. B. do declare, That it is not lawful, upon any pretence whatſoever, to take up Arms againſt the King; and that I do abhor that Traiterous Poſition of taking Arms by his Authority againſt His Perſon, or againſt thoſe that are Commiſſioned by him; And that I will conform to the Liturgy of the Church of England, as it is now by Law eſtabliſhed: And I do declare, That I do hold, there lies no Obligation upon me, or on any other perſon, from the Oath, commonly called, The Solemn League and Covenant, to endeavour any change, or alteration of Government, either in Church or State; And that the ſame was in it ſelf an unlawful Oath, and Impoſed upon the Subjects of this Realm againſt the known Lawes and Liberties of this Kingdome.

Which ſaid Declaration and Acknowledgment ſhall be ſubſcribed by every of the ſaid Maſters, and other Heads, Fellows, Chaplains, and Tutors of, or in any Colledge, Hall, or Houſe of Learning, and by every publick Profeſſor and Reader in either of the Univerſities, before the Vice-Chancellor of the reſpective Univerſities for the time being, or his Deputy; And the ſaid Declaration or Acknowledgment ſhall be ſubſcribed before the reſpective Archbiſhop, Biſhop, or Ordinary of the Dioceſs, by every other perſon hereby enjoyned the ſame, upon pain that all and every of the perſons aforeſaid failing in ſuch Subſcription, ſhall loſe and forfeit ſuch reſpective Deanry, Canonry, Prebend, Maſterſhip, Headſhip, Fellowſhip, Profeſſors place, Readers place, Parſonage, Vicarage, Eccleſiaſtical Dignity or promotion, Curates place, Lecture and School, and ſhall be utterly diſabled, and (ipſo facto) deprived of the ſame; And that every ſuch reſpective Deanry, Canonry, Prebend, Maſterſhip, Headſhip, Fellowſhip, Profeſſors place, Readers place, parſonage, vicarage, Eccleſiaſtical Dignity or promotion, Curates place, Lecture and School ſhall be void, as if ſuch perſon ſo failing were naturally dead.

The penalty for not ſubſcribing.

School-Maſters in private houſes.

And if any School-maſter, or other perſon Inſtructing or Teaching Youth in any private Houſe or Family, as a Tutor, or School-Maſter, ſhall Inſtruct or Teach any Youth as a Tutor or School-Maſter, before Licence obtained from his reſpective Archbiſhop, Biſhop, or Ordinary of the Dioceſs, according to the Laws and Statutes of this Realm, (for which he ſhall pay twelve pence only) and before ſuch Subſcription and Acknowledgment made as aforeſaid; Then every ſuch School-Maſter, and other, Inſtructing and Teaching as aforeſaid, ſhall for the firſt offence ſuffer Three moneths Impriſonment without bail or mainprize; and for every ſecond, and other ſuch offence, ſhall ſuffer three moneths Impriſonment without bail or mainprize, and alſo forfeit to his Majeſty the ſum of Five pounds; And after ſuch Subſcription made, every ſuch Parſon, Vicar, Curate, and Lecturer ſhall procure a Certificate under the hand and ſeal of the reſpective Archbiſhop, Biſhop, or Ordinary of the Dioceſs, (who are hereby enjoyned and required upon demand to make and deliver the ſame) and ſhall publickly and openly Read the ſame, together with the Declaration or Acknowledgment aforeſaid upon ſome Lords Day within three moneths then next following, in his pariſh Church where he is to officiate, in the preſence of the Congregation there aſſembled, in the time of Divine Service; upon pain that every perſon failing therein, ſhall loſe ſuch parſonage, vicarage or Benefice, Curates place, or Lecturers place reſpectively, and ſhall be utterly diſabled, and ipſo facto deprived of the ſame; And that the ſaid parſonage, vicarage, or Benefice, Curates place, or Lecturers place ſhall be void as if he was naturally dead.

What to be omitted in the Declaration after the 25. March, 1682.

Provided alwayes, That from and after the Twenty fifth day of March, which ſhall be in the year of our Lord God, One thouſand ſix hundred eighty two, there ſhall be omitted in the ſaid Declaration or Acknowledgment ſo to be ſubſcribed and read, theſe words following, Scilicet,

And I do declare, That I do hold there lies no Obligation on me, or on any other perſon, from the Oath, commonly called, The Solemn League and Covenant, to endeavour any change or alteration of Government either in Church or State, and that the ſame was in it ſelf an unlawful Oath, and impoſed upon the Subjects of this Realm againſt the known Lawes and Liberties of this Kingdom.

So as none of the perſons aforeſaid, ſhall from thenceforth be at all obliged to Subſcribe or Read that part of the ſaid Declaration or Acknowledgment.

Provided alwayes, and be it enacted, That from and after the Feaſt of St. Bartholomew, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two, no perſon, who now is Incumbent, and in poſſeſſion of any Parſonage, Vicarage or Benefice, and

Perſons not Ordained Prieſts or Deacons according to Epiſcopal Ordination, ſhall not hold any Eccleſiaſtical Promotion

who is not already in Holy Orders by Epiſcopal Ordination, or ſhall not before the ſaid Feaſt-day of St. Bartholomew, be Ordained Prieſt or Deacon, according to the form of Epiſcopal Ordination, ſhall have, hold, or enjoy the ſaid Parſonage, Vicarage, Benefice with Cure, or other Eccleſiaſtical promotion within this Kingdom of England, or the Dominion of Wales, or Town of Berwick upon Tweed; But it ſhall be utterly diſabled, and (ipſo facto) deprived of the ſame; And all his Eccleſiaſtical promotions ſhall be void, as if he was naturally dead.

Nor ſhall conſecrate or adminiſter the Holy Sacrament, if not Ordained according to the Book of Common Prayer. The Penalty.

And be it further enacted by the authority aforeſaid, That no perſon whatſoever, ſhall thenceforth be capable to be admitted to any Parſonage, Vicarage, Benefice, or other Eccleſiaſtical promotion or dignity whatſoever, nor ſhall preſume to conſecrate and adminiſter the Holy Sacrament of the Lords Supper, before ſuch time as he ſhall be ordained Prieſt, according to the form and manner in and by the ſaid Book preſcribed, unleſs he have formerly been made Prieſt by Epiſcopal Ordination, upon pain to forfeit for every offence, the ſum of one hundred pounds; one moyety thereof to the Kings Majeſty, the other moyety thereof to be equally divided between the poor of the pariſh where the offence ſhall be committed, and ſuch perſon or perſons as ſhall ſue for the ſame by Action of Debt, Bill, Plaint or Information in any of his Majeſties Courts of Record, wherein no eſſoin, protection or wager of Law ſhall be allowed; And to be diſabled from taking, or being admitted into the Order of Prieſt, by the ſpace of one whole year then next following.

Provided, That the penalties in this Act ſhall not extend to the Forreiners or Aliens of the Forrein Reformed Churches allowed or to be allowed by the Kings Majeſty, his Heirs and Succeſſors in England.

Provided alwayes, That no title to confer, or preſent by lapſe, ſhall accrue by any avoidance of deprivation (ipſo facto) by vertue of this Statute, but after ſix moneths after notice of ſuch voidance, or deprivation given by the Ordinary to the Patron, or ſuch ſentence of deprivation openly and publickly Read in the Pariſh Church of the Benefice, Parſonage or Vicarage, becoming void, or whereof the Incumbent ſhall be deprived by vertue of this Act.

No other form of Common Prayer to be openly uſed in any Church or publique place.

And be it further Enacted by the authority aforeſaid, That no Form or Order of Common Prayers, Adminiſtration of Sacraments, Rites or Ceremonies, ſhall be openly uſed in any Church, Chappel, or other publick place of, or in any Colledg or Hall in either of the Univerſities, the Colledges of Weſtminſter, Wincheſter, or Eaton, or any of them, other then what is preſcribed, and appointed to be uſed in and by the ſaid Book; And that the preſent Governour, or Head of every Colledge and Hall in the ſaid Univerſities, and of the ſaid Colledges of Weſtminſter, Wincheſter, and Eaton, within one moneth after the Feaſt of St. Bartholomew, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two; And every Governour or Head of any the ſaid Colledges or Halls hereafter to be elected or appointed within one moneth next after his election, or collation, and admiſſion into the ſame Government, or Headſhip, ſhall openly and publickly in the Church, Chappel, or other publick place of the ſame Colledg or Hall, and in the preſence of the Fellows and Scholars of the ſame, or the greater part of them, then reſident, Subſcribe unto the Nine and thirty Articles of Religion, mentioned in the Statute made in the Thirteenth year of the Reign of the late Queen Elizabeth, And unto the ſaid Book, and declare his unfeigned aſſent, and conſent unto, and approbation of the ſaid Articles, and of the ſame Book, and to the uſe of all the Prayers, Rites and Ceremonies, Forms, and Orders in the ſaid Book preſcribed, and contained according to the form aforeſaid; And that all ſuch Governours or Heads of the ſaid Colledges and Halls, or any of them as are, or ſhall be in Holy Orders, ſhall once (at leaſt) in every Quarter of the year, not having a lawful impediment) openly and publickly Read the Morning Prayer and Service in, and by the ſaid Book appointed to be Read in the Church, Chappel, or other publick place of the ſame Colledg or Hall, upon pain to loſe, and be ſuſpended of, and from all the Benefits and Profits belonging to the ſame Government, or Headſhip, by the ſpace of Six moneths by the Viſitor, or Viſitors of the ſame Colledge, or Hall; And if any Governour or Head of any Colledge or Hall, ſuſpended for not ſubſcribing unto the ſaid Articles and Book, or for not Reading of the Morning Prayer and Service as aforeſaid, ſhall not at, or before the end of Six moneths next after ſuch Suſpenſion, ſubſcribe unto the ſaid Articles and Book, and declare his conſent thereunto as aforeſaid, or Read the Morning Prayer and Service as aforeſaid, then ſuch Government or Headſhip ſhall be (ipſo facto) void.

Subſcription to the 39 Articles mentioned in the Stat. 13 Eliz. cap. 12.

Who may uſe the Service in Latine.

Provided alwayes, That it ſhall and may be lawful to uſe the Morning and Evening Prayer, and all other Prayers and Service preſcribed in and by the ſaid Book, in the Chappels or other publick places of the reſpective Colledges and Halls in both the Univerſities, in the Colledges of Weſtminſter, Wincheſter, and Eaton, and in the Convocations of the Clergies of either Province in Latine, Any thing in this preſent Act to the contrary notwithſtanding.

Lecturers.

And be it further enacted by the authority aforeſaid, That no perſon ſhall be, or be received as a Lecturer, or permitted, ſuffered, or allowed to preach as a Lecturer, or to Preach, or Read any Sermon or Lecture in any Church, Chappel, or other place of publick Worſhip, within this Realm of England, or the Dominion of Wales, and Town of Berwick upon Tweed, unleſs he be firſt approved, and thereunto Licenſed by the Archbiſhop of the Province, or Biſhop of the Dioceſs, or (in caſe the See be void) by the Guardian of the Spiritualties, under his Seal, and ſhall in the preſence of the ſame Archbiſhop, or Biſhop, or Guardian, read the Nine and thirty Articles of Religion mentioned in the Statute of the Thirteenth year of the late Queen Elizabeth, with declaration of his unfeigned aſſent to the ſame; And that every perſon and perſons who now is, or hereafter ſhall be Licenſed, Aſſigned and Appointed, ed, or Received as a Lecturer, to Preach upon any day of the week in any Church, Chappel or place of publick Worſhip within this Realm of England, or places aforeſaid) the firſt time he preacheth (before his Sermon) ſhall openly, publickly, and ſolemnly Read the Common Prayers and Service in, and by the ſaid Book appointed to be read for that time of the day, and then, and there publickly and openly declare his aſſent unto, and approbation of the ſaid Book, and to the uſe of all the Prayers, Rites and Ceremonies, Forms and Orders therein contained, and preſcribed, according to the form before appointed in this Act: And alſo ſhall upon the firſt Lecture-day of every moneth afterwards, ſo long as he continues Lecturer or Preacher there, at the place appointed for his ſaid Lecture or Sermon, before his ſaid Lecture or Sermon, openly, publickly and ſolemnly Read the Common Prayers and Service in, and by the ſaid Book appointed to be read for that time of the day, at which the ſaid Lecture or Sermon is to be preached, and after ſuch Reading thereof, ſhall openly and publickly, before the Congregation there aſſembled declare his unfeigned aſſent, and conſent unto, and approbation of the ſaid Book, and to the uſe of all the Prayers, Rites and Ceremonies, Forms and Orders therein contained and preſcribed, according to the form aforeſaid; And that all and every ſuch perſon and perſons who ſhall neglect, or refuſe to do the ſame, ſhall from thenceforth be diſabled to preach the ſaid, or any other Lecture or Sermon in the ſaid, or any other Church, Chappel, or place of publick Worſhip, until ſuch time as he, and they ſhall openly, publickly, and ſolemnly Read the Common Prayers, and Service appointed by the ſaid Book, and conform in all points to the things therein appointed and preſcribed, according to the purport, true intent and meaning of this Act.

Provided alwayes, That if the ſaid Sermon or Lecture be to be Preached or Read in any Cathedral or Collegiate Church or Chappel, it ſhall be ſufficient for the ſaid Lecturer, openly at the time aforeſaid, to declare his aſſent and conſent to all things contained in the ſaid Book according to the form aforeſaid.

Lectures in Cathedral or Collegiate Churches.

And be it further Enacted by the authority aforeſaid, That if any perſon who is by this Act diſabled to preach any Lecture or Sermon, ſhall during the time that he ſhall continue and remain ſo diſabled, preach any Sermon or Lecture; That then for every ſuch offence, the perſon and perſons ſo offending, ſhall ſuffer Three moneths Impriſonment in the Common Gaol without bail or mainpriſe; And that any two Juſtices of the peace of any County of this Kingdom and places aforeſaid, and the Mayor or other chief Magiſtrate of any City or Town corporate, within the ſame, upon Certificate from the Ordinary of the place made to him, or them of the offence committed, ſhall and are hereby required to commit the perſon or perſons ſo offending to the Gaol of the ſame County, City or Town corporate accordingly.

The penalty upon perſons diſabled that Preach. 15 Car. 2. cap. 6. in fine.

Provided alwayes, and be it further Enacted by the authority aforeſaid, That at all and every time and times when any Sermon or Lecture is to be preached, the Common Prayers, and Service, in and by the ſaid Book appointed to be read for that time of the day, ſhall be openly, publickly and ſolemnly read by ſome Prieſt or Deacon, in the Church, Chappel, or place of publick Worſhip, where the ſaid Sermon or Lecture is to be preached, before ſuch Sermon or Lecture be preached; And that the Lecturer then to preach ſhall be preſent at the Reading thereof.

Common Prayer to be read before every Lecture, and the Lecturer to be preſent.

Provided nevertheleſs, That this Act ſhall not extend to the Univerſity Churches, in the Univerſities of this Realm, or either of them, when or at ſuch times as any Sermon or Lecture is preached or read in the ſaid Churches, or any of them, for, or as the publick Univerſity Sermon or Lecture; but that the ſame Sermons and Lectures may be preached or read in ſuch ſort and manner as the ſame have been heretofore preached or read, this Act, or any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Proviſo for Sermons and Lectures in the Univerſities.

And be it further Enacted by the authority aforeſaid, That the ſeveral good Lawes and Statutes of this Realm, which have been formerly made, and are now in force for the Uniformity of Prayer and Adminiſtration of the Sacraments, within this Realm of England, and places aforeſaid, ſhall ſtand in full force and ſtrength to all intents and purpoſes whatſoever, for the eſtabliſhing and confirming of the ſaid Book, entituled, *The Book of Common Prayer and Adminiſtration of the Sacraments, and other Rites and Ceremonies of the Church*, according to the uſe of the Church of *England*, together with the Pſalter or Pſalms of *David*, pointed as they are to be ſaid or ſung in Churches, and the form or manner of Making, Ordaining and Conſecrating of Biſhops, Prieſts and Deacons herein before mentioned to be joyned and annexed to this Act; and ſhall be applied, practiſed and put in ure for the puniſhing of all offences contrary to the ſaid Laws, with relation to the Book aforeſaid, and no other.

The Lawes and Statutes formerly made for Uniformity of Common Prayer confirmed; and to be executed for puniſhing offenders againſt this Law.

Provided alwayes, and be it further enacted by the authority aforeſaid, That in all thoſe Prayers, Letanies and Collects, which do any way relate to the King, Queen, or Royal Progeny, the Names be altered, and changed from time to time, and fitted to the preſent occaſion, according to the direction of lawful Authority.

Letanies and Collects relating to the King, Queen, &c.

Provided alſo, and be it Enacted by the authority aforeſaid, That a true printed Copy of the ſaid Book, entituled, *The Book of Common Prayer and Adminiſtration of the Sacraments, and other Rites and Ceremonies of the Church*, according to the uſe of the Church of England, together with the Pſalter or Pſalms of *David*, pointed as they are to be ſung or ſaid in Churches, and the form and manner of Making, Ordaining and Conſecrating of Biſhops, Prieſts and Deacons, ſhall at the coſts and charges of the Pariſhioners of every Pariſh Church and Chappelry, Cathedral Church, Colledge and Hall, be attained and gotten before the Feaſt-day of St. *Bartholomew*, in the year of our Lord, One thouſand ſix hundred ſixty and two, upon pain of forfeiture of three pounds by the moneth, for ſo long time as they ſhall then after be unprovided thereof, by every Pariſh or Chappelry, Cathedral Church, Colledge and Hall, making default therein.

True printed Copies of the Book of Common Prayer to be provided in all Pariſhes and Churches.

Proviſo for the Biſhops of Hereford, St. Davies, Aſaph, Bangor, Landaff.

Provided alwayes, and be it enacted by the authority aforeſaid, That the Biſhops of Hereford, St. Davies, Aſaph, Bangor, and Landaff, and their Succeſſors, ſhall take ſuch order among themſelves, for the Souls health of the Flocks committed to their charge within Wales, that the Book hereunto annexed be truly and exactly Tranſlated into the Brittiſh or Welſh Tongue, and that the ſame ſo Tranſlated, and being by them, or any three of them at the leaſt viewed, peruſed and allowed, be Imprinted to ſuch number at leaſt, ſo that one of the ſaid Books ſo Tranſlated and Imprinted, may be had for every Cathedral, Collegiate and Pariſh Church, and Chappel of Eaſe, in the ſaid reſpective Dioceſſes and places in Wales, where the Welſh is commonly ſpoken or uſed, before the Firſt day of May, One thouſand ſix hundred ſixty five; And that from and after the Imprinting and publiſhing of the ſaid Book ſo Tranſlated, the whole Divine Service ſhall be uſed and ſaid by the Miniſters and Curates throughout all Wales within the ſaid Dioceſſes where the Welſh Tongue is commonly uſed, in the Brittiſh or Welſh Tongue, in ſuch manner and form as is preſcribed according to the Book hereunto annexed to be uſed in the Engliſh Tongue, differing nothing in any order or form from the ſaid Engliſh Book, for which Book, ſo Tranſlated and Imprinted, the Church-wardens of every the ſaid pariſhes ſhall pay out of the Pariſh-money in their hands for the uſe of the reſpective Churches, and be allowed the ſame on their accompt; And that the ſaid Biſhops and their Succeſſors, or any three of them at the leaſt, ſhall ſet and appoint the price, for which the ſaid Book ſhall be ſold: And one other Book of Common Prayer in the Engliſh Tongue, ſhall be bought and had in every Church throughout Wales, in which the Book of Common Prayer in Welſh is to be had, by force of this Act, before the Firſt day of May, One thouſand ſix hundred ſixty and four, and the ſame Book to remain in ſuch convenient places within the ſaid Churches, that ſuch as underſtand them may reſort at all convenient times, to read & peruſe the ſame, and alſo ſuch as do not underſtand the ſaid Language, may by conferring both Tongues together, the ſooner attain to the knowledge of the Engliſh Tongue, Any thing in this Act to the contrary notwithſtanding, and until printed Copies of the ſaid Book ſo to be Tranſlated, may be had and provided, The Form of Common Prayer eſtabliſhed by Parliament, before the making of this Act, ſhall be uſed as formerly in ſuch parts of Wales, where the Engliſh Tongue is not commonly underſtood.

True and perfect Copies of this Act, and the Book of Common Prayer, by whom, and how to be had and kept.

And to the end that the true and perfect Copies of this Act, and the ſaid Book hereunto annexed may be ſafely kept, and perpetually preſerved, and for the avoiding of all diſputes for the time to come; Be it therefore Enacted by the authority aforeſaid, That the reſpective Deans and Chapters of every Cathedral, or Collegiate Church within England and Wales, ſhall at their proper coſts and charges, before the Twenty fifth day of December, One thouſand ſix hundred ſixty two, obtain under the Great Seal of England a true and printed Copy of this Act, and of the ſaid Book annexed hereunto, to be by the ſaid Deans and Chapters, and their Succeſſors, kept and preſerved in ſafety for ever, and to be alſo produced and ſhewed forth in any Court of Record, as often as they ſhall be thereunto lawfully required; And alſo there ſhall be delivered true and perfect Copies of this Act, and of the ſame Book into the reſpective Courts at Weſtminſter, and into the Tower of London, to be kept and preſerved for ever among the Records of the ſaid Courts, and the Records of the Tower, to be alſo produced, and ſhewed forth in any Court, as need ſhall require; which ſaid Books ſo to be exemplified under the Great Seal of England, ſhall be examined by ſuch perſons as the Kings Majeſty ſhall appoint, under the Great Seal of England for that purpoſe, and ſhall be compared with the Original Book hereunto annexed, and ſhall have power to correct and amend in writing, any Error committed by the Printer in the printing of the ſame Book, or of any thing therein contained, and ſhall certifie in writing under their hands and ſeals, or the hands and ſeals of any three of them at the end of the ſame Book, that they have examined and compared the ſame Book, and find it to be a true and perfect copy; which ſaid Books, and every one of them ſo exemplified under the Great Seal of England as aforeſaid, ſhall be deemed, taken, adjudged and expounded to be good, and available in the Law to all intents and purpoſes whatſoever, and ſhall be accounted as good Records as this Book it ſelf hereunto annexed; Any Law, or Cuſtome to the contrary in any wiſe notwithſtanding.

Proviſo for the Kings Profeſſor of Law in Oxford.

Provided alſo, That this Act, or any thing therein contained, ſhall not be prejudicial or hurtful unto the Kings Profeſſor of the Law within the Univerſity of Oxford, for, or concerning the Prebend of Shipton, within the Cathedral Church of Sarum, united and annexed unto the place of the ſame Kings Profeſſor for the time being, by the late King James of bleſſed memory.

Proviſo concerning the 36th Article agreed in the Convocation, Anno 1562.

Provided alwayes, That whereas the Six and thirtieth Article of the Nine and thirty Articles agreed upon by the Archbiſhops and Biſhops of both Provinces, and the whole Clergy holden at London, in the year of our Lord, One thouſand five hundred ſixty two, for the avoiding of diverſities of Opinions, and for eſtabliſhing of conſent, touching true Religion, is in theſe words following, viz.

“ That the Book of Conſecration of Archbiſhops and Biſhops, and Ordaining of Prieſts and Deacons,
“ lately ſet forth in the time of King Edward the Sixth and confirmed at the ſame time by Authority of Par-
“ liament, doth contain all things neceſſary to ſuch Conſecration and Ordaining, neither hath it any thing
“ that of it ſelf is ſuperſtitious, and ungodly: And therefore whoſoever are Conſecrated or Ordered accord-
“ ing to the Rites of that Book, ſince the ſecond year of the aforenamed King Edward, unto this time, or
“ hereafter ſhall be Conſecrated or Ordered according to the ſame Rites; We decree all ſuch to be rightly,
“ orderly, and lawfully Conſecrated and Ordered;

It be enacted, And be it therefore enacted by the authority aforeſaid, That all Subſcriptions hereafter to be had or made unto the ſaid Articles, by any Deacon, Prieſt, or Eccleſiaſtical perſon, or other perſon whatſoever, who by this Act, or any other Law now in force is required to ſubſcribe unto the ſaid Articles, ſhall be conſtrued, and be taken to extend, and ſhall be applied (for and touching the ſaid Six and thirtieth Article) unto the Book containing the form and manner of Making, Ordaining and Conſecrating of Biſhops, Prieſts and Deacons in this Act mentioned, in ſuch ſort and manner as the ſame did heretofore extend unto the Book ſet forth in the time of King Edward the Sixth, mentioned in the ſaid Six and thirtieth Article, Any thing in the ſaid Article, or in any Statute, Act or Canon heretofore had or made, to the contrary thereof in any wiſe notwithſtanding.

Provided alſo, That the Book of Common Prayer, and Adminiſtration of the Sacraments and other Rites and Ceremonies of this Church of England, together with the form and manner of Ordaining and Conſecrating Biſhops, Prieſts and Deacons heretofore in uſe, and reſpectively eſtabliſhed by Act of Parliament in the Firſt and Eighth years of Queen Elizabeth, ſhall be ſtill uſed and obſerved in the Church of England, until the Feaſt of St. Bartholomew, which ſhall be in the year of our Lord God, One thouſand ſix hundred ſixty and two. EXP. as to this laſt Clauſe.

The Common Prayer uſed by authority of Parliament, 1 Eliz. to be uſed untill Bartholomew Day, 1662. EXP.

CAP. V.

For Regulating the Making of Stuffs in Norfolk and Norwich.

WHereas divers abuſes and deceipts have of late years been had and uſed in the making of Worſteds, and other Stuffs commonly called Norwich Stuffs, and in the Reeling of Yarns, whereof the ſaid Stuffs are either wholly, or in part made, which tends to the debaſing of the ſaid Manufacture, unto the prejudice of the publique, which ſaid Trade of Weaving of Stuffs hath of late times been very much increaſed, and great variety of new ſorts of Stuffs have been invented; ſo that the Power given by the Statute of the Seventh of Edward the Fourth, Chapter the Firſt, is not ſufficient for the Regulating of the ſame; And that the number of the Wardens by the ſame Act appointed, being but eight, are too few for the Governing and Ordering the ſame Trade, by which means the ſame Manufacture will ſoon be loſt, (if not prevented) and carried into Foreign Nations, to the great diminution of his Majeſties Cuſtoms, and turning out of the work many thouſands of poor people.

7 E. 4. cap. 1.

The number of Wardens and Aſſiſtants of Maſter Weavers in Norwich, how and when to be choſen.

For prevention of which abuſes, deceipts and evils, It is Enacted by the Kings moſt Excellent Majeſty, with the advice and conſent of the Lords Spiritual and Temporal, and Commons Aſſembled in Parliament, and by the authority of the ſame, That there ſhall be Twelve Wardens, and Thirty Aſſiſtants, all which are to be Maſter-Weavers within the County of the City of Norwich, and County of Norfolk: ſix of which ſaid Wardens, and fifteen of the ſaid Aſſiſtants ſhall be choſen the firſt Monday after Pentecoſt, in the year of our Lord God, One thouſand ſix hundred ſixty and two, and from thenceforth yearly, and every year on the next Monday after Pentecoſt, at ſome publique place by the Maſter-Weavers, or the greater part of them preſent of the ſaid City and County of Norwich; And the other ſix Wardens, and fifteen Aſſiſtants ſhall be choſen upon the ſame day yearly within the City of Norwich, or County of Norfolk, in ſome publique place by the Maſter-Weavers, or the greater part of them preſent of the County of Norfolk. And the ſaid Wardens reſpectively ſhall within fourteen dayes after they ſhall be ſo choſen or elected, and notice thereof given, take the Oath enſuing, to be adminiſtred by the Mayor of the ſaid City for the time being, or his Deputy, and the Steward of the Dutchy of Lancaſter within the ſaid County for the time being, if it ſhall happen the ſaid Steward ſhall be there preſent, or elſe before the ſaid Mayor, or his Deputy onely; which Oath they and every of them are hereby authorized and required from time to time to Adminiſter accordingly, Viz. I A. B. do ſwear, That I will well, faithfully and honeſtly perform and diſcharge the Office of a Warden of the ſaid Trade of Worſted Weavers, according to the beſt of my skill, power and knowledge. And that the ſaid Aſſiſtants, and every of them, within the time aforeſaid, ſhall take the like Oath before ſuch perſon or perſons before whom the Wardens ſhall be Sworn for the execution of that office of an Aſſiſtant; and that if it ſhall happen that any of the ſaid Wardens, who ſhall be ſo choſen, ſhall refuſe to take the ſaid Oath, or after he be ſworn, ſhall die before the end of the year, That then from time to time, ſo often as need ſhall be, it ſhall and may be lawful to, and for the Maſter-Weavers of the ſaid City, County of the City of Norwich, and County of Norfolk reſpectively, as the cauſe ſhall require, to chuſe other Warden, or Wardens in the place of him, or them ſo dying, or refuſing, who ſhall be ſworn in ſuch manner as aforeſaid.

The Oath to be taken by them.

The powers in this Act for Regulation of Trade to be put in execution.

Power to make By-laws and Orders.

And for the Regulation and good Government of the ſaid Trade and Manufacture, the ſaid Wardens and Aſſiſtants, or any thirteen of them, whereof ſeven to be Wardens, ſhall and may from time to time meet and conſult together for the good and benefit of the ſaid Trade and Manufacture; and for due execution of the Powers and Authorities given by this Act, ſo often as to them ſhall ſeem expedient, or when it ſhall be deſired by eight, or more of the ſaid Aſſiſtants, at the place called Weavers-Hall in the ſaid City, or at ſuch other place as they ſhall think fit: And that any thirteen or more of the ſaid Wardens and Aſſiſtants, whereof ſeven at the leaſt to be Wardens, ſhall have, and hereby have power and authority from time to time, ſo often as need ſhall require, to make and ordain By-Lawes, Rules and Ordinances, for, and concerning the Regulation of the ſaid Worſted-Stuffs, and other Stuffs now made, and which hereafter ſhall be made within the ſaid City and County of the City of Norwich, and County of Norfolk, and in either of them, both in length, breadth and goodneſs, and of ſuch other particulars as ſhall by the ſaid Wardens and Aſſiſtants ſo met, or the greater number of them, from time to time be adjudged requiſite for the better Regulating the ſaid Trade and Manufacture, and the Artificers of the ſame in the due execution of this Act (and to make Seals from time to time for the ſealing of the ſame Stuffs) which By-laws, Rules and Ordinances, being ratified and confirmed by the Mayor, and two Juſtices of the Peace of the ſaid City and County of Norwich for the time being, and three other Juſtices of Peace of the ſaid County of Norfolk (whereof one to be of the Quorum) ſhall be publiſhed four times in the year at the leaſt, at four Publick Aſſemblies for the ſaid Trade and Manufacture, and ſhall be obeyed and kept by the ſeveral perſons within and under the ſaid Regulation.

To be publiſhed at Four Aſſemblies to be held yearly.

The penalty upon offenders againſt ſuch By-laws and Orders.

And the ſaid Wardens and Aſſiſtants ſhall have, and hereby have power to impoſe a fine or penalty upon any perſon or perſons under ſuch Regulation as ſhall not conform to ſuch Rules, Orders and Ordinances ſo made, and to be made and confirmed as aforeſaid.

Provided that the ſaid Fine or Penalty upon any perſon for not conforming as aforeſaid, ſhall not exceed the ſum of Ten ſhillings for any one Offence.

Notice of meeting by the City of Norwich, to be given to the Wardens of the County of Norfolk.

And it is further Enacted, That the Wardens and Aſſiſtants of the ſaid City, and County of the City of Norwich, ſhall from time to time give Perſonal notice unto the Wardens of the ſaid County of Norfolk, or two of them at the leaſt, of the time when they intend to conſider of the making of By-laws, Rules and Ordinances aforeſaid, and ſhall ſet up in writing upon the Door of their Sealing-Hall, fourteen days at the leaſt before they ſhall proceed to the making the ſame; to the end, that ſuch of the ſaid County Weavers as are therein concerned may be there preſent.

Yarns called Worſted Yarns, how to be made.

And for the better Regulation and carrying on the work aforeſaid, and for avoiding of all Frauds and Deceipts therein; Be it further Enacted by the Authority aforeſaid, That all Yarns call Worſted Yarns, and ſuch other Yarns, as are commonly uſed by the Worſted Weavers, ſhall be made without Fraud, and ſhall be Reeled on a Reel of a full Yard about, and every Reel-ſtaff ſhall contain fourteen Leas, and every Lea forty threads, twelve of which Reel-ſtaffs ſhall make a dozen, and twelve of thoſe dozens ſhall make a groſſe: And in caſe any Perſon or Perſons ſhall ſell, or expoſe to ſale, any of the ſaid Yarns made and Reeled, in any other manner than as is aforeſaid, that then every ſuch Perſon or Perſons, ſhall forfeit the moyety of the value of the ſaid yarns to the uſe of the ſaid Trade and Manufactures, after charges of Suit, and of Proſecution, firſt deducted out of the ſame, which forfeiture ſhall be recovered by Action of Debt, Bill, Plaint, Indictment or Information in any of the Kings Majeſties Courts of Record, wherein no Wager of Law, Eſſoine or Protection ſhall be allowed for the Defendant.

View and ſearch to be made of manufactures in Fairs and Markets.

And that it ſhall and may be lawful to, and for the Wardens and Aſſiſtants of the ſaid Trade and Manufactures, or any two of them, from time to time to View and Search in all Fairs and Markets, and other publick places of ſale of yarns, within the ſaid City of Norwich and County of the ſame, and County of Norfolk, and either of them, all yarns which be there expoſed to ſale; and ſuch of the ſaid yarns, as they ſhall find defective, contrary to the Rules herein before ſet, that then it ſhall and may be lawful, to, and for the ſame Wardens and Aſſiſtants, or any two of them, to ſeize the ſame yarns, and bring the ſame within twenty dayes next after the Seiſure thereof to Tryal by a Jury, and to be proceeded in, and fined in ſuch manner and form as in this preſent Act is limited and appointed for defective Stuffs; which ſaid Jury ſhall have, and hereby have power to ſet ſuch fine or fines upon the ſaid yarns, as they ſhall in their diſcretions ſee cauſe, the ſame fines not to exceed the moyety of the yarn ſo found defective, and the ſame fines to go to the Poor of the ſame Trade and Manufacture, as aforeſaid.

Provided alwayes, That no perſon or perſons ſhall be doubly puniſhed for any one offence touching yarns (that is to ſay) by this, and the former clauſe in this Act.

All Woollen Stuffs and Weavers to be under the Government of the ſaid Wardens and Aſſiſtant.

And it is hereby further Enacted, That all ſorts of Stuffs, whether woven of Woollen only, or of Wooll, and other Materials within the City and County of Norwich, and the County of Norfolk, and the Makers and Weavers of the ſame Stuffs, ſhall be under the Power, Government, and Regulation of the ſaid Wardens and Aſſiſtants, in ſuch manner as by this and other Acts of Parliament, and the By-laws made, and to be made by vertue thereof, are or ſhall be eſtabliſhed, (except ſuch Stuffs as are under the Regulation of the Wardens, and Fellowſhip of the myſtery of Ruſſel-Sattens, Sattens Reverſes, and Fuſtians of Norwich making, within the City of Norwich:) And that all Stuffs made and to be made under the Regulation aforeſaid, before the ſame ſhall be offered, or put to ſale, ſhall be brought to Weavers-Hall, for the time being, within the County of the City of Norwich, to be viewed and ſearched by the ſaid Wardens, or any two of them; And if the ſame ſhall be found to be well and ſufficiently made, and wrought according to the Rules and Ordinances of the ſaid Trade, then all ſuch Stuffs ſhall be by the Wardens, or any two of them, ſealed and allowed accordingly, without any ſum of money paid, or to be paid for the ſame; And if upon ſearch and view thereof, any ſuch Stuffs ſhall be found, and appear to be defective, contrary to the Rules and Ordinances of the ſaid Wardens and Aſſiſtants, then all ſuch defective Stuffs ſhall be ſeized by the ſaid Wardens, or any two of them, and tried by a Jury of Twelve Artificers of the ſaid Regulation of Worſted Weavers, Six whereof to be of the City of Norwich, and Six to be of the County of Norfolk, who ſhall be from time to time Impanelled by a Precept under the Hand and Seal of the Mayor of the City of Norwich for the time being, or his Deputy; And if any who ſhall be ſo Impanelled ſhall fail in appearance, the number to be made up either of the Maſter-Weavers of the City of Norwich, or of the County of Norfolk, by a Precept from the ſaid Mayor, which Jury ſo Impanelled or taken, and Sworn before the Mayor of the ſaid City for the time being, ſhall try the ſaid Stuffs, and find whether they be made according to this Act, and the By-laws and Ordinances made by vertue thereof, or of any other Act of Parliament, and ſhall have power to impoſe a moderate fine according to the nature of the Offence, not exceeding the

Good and ſufficient ſhall be Sealed.

Defective Stuffs ſhall be ſeized and tryed by a Jury.

moyety of the value of the defective Stuffs ſo ſeized and tried, the ſame fines to go to the uſe of the Trade and Manufacture; And thoſe Stuffs which ſhall be found defective, to be detained until the fine or fines ſet upon them by the Jury be paid; which if the Owner of the ſame Stuffs ſhall not pay to the ſaid Wardens, or ſome of them, within forty dayes after the Tryal, then the ſame Stuffs to be ſold by any two of the ſaid Wardens, and the overplus of the moneys thereof coming after the fines deducted, to be reſtored to the Owner upon demand.

The penalty for Sealing defective Stuffs.

And it is further Enacted, That if any Warden or Wardens ſhall at any time ſeal, or cauſe to be ſealed, any Stuffs made under the ſaid Regulation, which ſhall afterwards be diſcovered by any perſon to be defective, contrary to this preſent Act, and the By-laws, Rules and Ordinances thereupon made, or hereafter to be made, or any of them, and found ſo to be by a Jury of the twelve Artificers of the ſaid Trade, from time to time to be Impanelled and Sworn before the ſaid Mayor, or his Deputy, and the ſaid Steward of the Dutchy of Lancaſter for the time being, if he be there preſent; And if the ſaid Steward be abſent, then before the ſaid Mayor, or his Deputy only, of which Jury, ſix ſhall be of the ſaid City Weavers, and the other ſix of the ſaid Country-Weavers, who ſhall have, and hereby have power to ſet and impoſe a fine upon the Warden or Wardens of the ſaid Trade offending, for every piece of defective Stuff ſo ſealed, as the ſame Jury in their diſcretions ſhall think fit; the ſame fine not exceeding the ſum of forty ſhillings, which ſhall be to the uſe of the Kings Majeſty; And that the ſame Jury, or any other ſuch like Jury, from time to time to be Impanelled by, and ſworn before the perſons aforeſaid, or any of them, ſhall likewiſe enquire into all, and every other the frauds, abuſes and miſcarriages of the Wardens and Aſſiſtants, and every of them, in the execution of their Offices, and correct and puniſh them and every of them for their ſeveral Offences, in ſuch manner as is herein before mentioned to be done againſt any other Offendors, who are under the ſaid Regulation.

Perſons unjuſtly moleſted to have double damages.

Provided, That if the ſaid Wardens, or any of them, ſhall be unjuſtly moleſted, and that if ſuch Stuffs, upon tryal, ſhall be found by the Jury to be good, and duly made, or that they, or the Aſſiſtants, or any of them, are not guilty of any ſuch frauds, miſcarriages or abuſes, as they are complained of for, the perſon or perſons ſo cauſeleſly moleſting, ſhall pay to the wardens or Aſſiſtants, or any of them, ſo unjuſtly moleſted, double the damages they or any of them, ſhall or may ſuſtain by any ſuch moleſtation.

None may buy Stuffs unſealed.

Saving for the Kings Aulnage.

The penalty for buying unſealed Stuffs.

And be it further Enacted by the Authority aforeſaid, That it ſhall not be lawful for any perſon or perſons to buy any piece or pieces of Stuffs, before the ſame be ſealed by the Wardens of the ſaid Trade, ſaving to the Kings Majeſty, His Heirs and Succeſſors, all ſuch right of Cuſtoms, Subſidies and Aulnage of Norfolk and Norwich-Stuffs or Worſteds, or any of them, as he or they might lawfully have claimed before the making of this Act: And that if any piece or pieces of Stuffs ſhall be found in the poſſeſſion of any perſon or perſons unſealed, (except in the poſſeſſion of the firſt Owner or Maker thereof, the perſon or perſons in whoſe cuſtody the ſame ſhall be found, ſhall be adjudged guilty of deceit, and ſhall forfeit for every ſuch piece of Stuff, which be ſo found in his or their poſſeſſion, unſealed as aforeſaid, the ſum of Four ſhillings; And the Maker and Seller of the ſame, who ſhall deliver the ſame out of his or their poſſeſſion before the ſame be ſealed, ſhall likewiſe forfeit for every ſuch piece, other Four ſhillings, to the uſe of the Poor of the ſaid Trade and Manufacture.

The penalty for counterfeiting any ſeal of the ſaid Trade.

And that if any perſon ſhall counterfeit any Seal of the ſaid Trade, or ſhall ſeal any piece of Stuff under the Regulation with any counterfeit ſeal, or ſhall remove a ſeal off one piece, and ſet it unto another piece which hath not been ſealed by the Wardens, every perſon ſo offending, and being thereof convicted by his own confeſſion, or by the Oath of two, or more Witneſſes, to be taken before the Mayor of the ſaid City, or his Deputy, or any one Juſtice of the Peace of the City of Norwich, or County of Norfolk, who reſpectively have hereby power to adminiſter an Oath for that purpoſe, ſhall forfeit for every ſuch Offence the ſum of twenty pounds of lawful Engliſh money, to the uſe of the Kings Majeſty.

None may uſe the ſaid Trade but ſuch as have been Apprentices ſeven years.

The penalty.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons ſhall uſe or exerciſe the ſame Trade as a Weaver, unleſſe he hath ſerved to the ſame Trade as an Apprentice, by the ſpace of ſeven years, upon pain of forfeiting forty ſhillings for every moneth he ſhall uſe or exerciſe the ſame Trade, not having ſerved thereunto as aforeſaid, the one half thereof to the Kings Majeſty, and the other half thereof to the perſon or perſons who will ſue or proſecute for the ſame by Action of Debt, Bill, Plaint, Indictment or Information, in any of His Majeſties Courts of Record.

Every one ſhall weave his own mark in his Stuff.

And that every perſon under the ſaid Regulation ſhall weave his proper Stuff-Mark into every piece of Stuff which he ſhall weave, or cauſe to be woven, at the head-end of the ſame piece, upon pain of forfeiting three ſhillings for every piece that ſhall be woven without ſuch Mark, to the uſe of the poor of the ſaid Trade and Manufacture.

The Wardens and Aſſiſtants may enter Houſes, Work-houſes and Ware-houſes to ſearch for Stuffs.

And the ſaid Wardens and Aſſiſtants, or any two or more of them, ſhall have, and hereby have power to enter into, and ſearch the Houſes and Work-Houſes of any Artificers within the City of Norwich, and County of Norfolk, under the Regulation of the ſaid Wardens and Aſſiſtants, and the Shops, Houſe, and Ware-houſes of any Merchant, common Buyer, Dealer in, and retailer of any the ſaid Stuffs, and into the Houſe and Work-houſe of any Dyer, Sheer-man, Callender, or other Workmans houſe and place of ſale, and dreſſing of the ſaid Stuffs, at all times of the day, and uſual times of working, and may there ſearch and view the Stuffs there found, whether they be ordered and made according to this preſent Act, and the Laws, Orders and Ordinances of the ſaid Trade; And that if any ſuch Stuff as aforeſaid, ſhall be found faulty or defective, That then they, or any two of them, ſhall ſeize, take, and carry away the ſame to be ordered and brought to Tryal, and proceeded againſt in manner and form, as is before in this preſent Act mentioned and appointed for defective Stuffs.

Faulty and defective Stuffs to be ſeized and tryed.

Proviſo for poor Journeymen.

And for the better providing that poor Journeymen, who have ſerved in the ſaid Trade, and are not able to ſet up for themſelves, may be imployed in work, It is hereby Enacted, That whatſoever perſon under the Regulation of the ſaid Trade, who ſhall Imploy two Apprentices in the ſaid Trade, ſhall likewiſe Imploy and ſet on work two Journeymen in the ſaid Trade, during the time he imploys two Apprentices; And that no Maſter-Weaver under the Regulation of the ſaid Trade, ſhall at any time have, imploy, or ſet on work above two Apprentices, or any Week-boy to weave in a Loom in the ſaid Trade in Worſted-weaving, upon pain that every perſon ſhall forfeit for every moneth ſo offending, as aforeſaid, the ſum of five pounds to the uſe of the Kings Majeſty.

Obedience and conformity to this Act.

Penalty upon ſuch as ſhall refuſe or hinder the Execution.

And be it further Enacted, That all perſons who are or may be concerned in any thing contained in this preſent Act, are hereby ſtrictly enjoyned and required to yield due obedience thereunto, according to the true intent and meaning of this preſent Act; And that if any perſon or perſons ſhall refuſe, hinder, or will not permit the ſaid Wardens or Aſſiſtants, or any two or more of them to execute their Office according to the Tenor of this Act, That then every perſon ſo offending, being thereof Convicted by the Oath of one or more credible Witneſſes before the Mayor of the ſaid City, or his Deputy, or any one Juſtice of Peace of the ſaid City of Norwich, or County of Norfolk reſpectively, who are hereby Authorized to adminiſter ſuch Oath, ſhall forfeit the ſum of Forty ſhillings to the uſe of the Kings Majeſty.

The penalty for not appearing upon a Jury or tryal.

And if any perſon lawfully Summoned to appear upon any Jury or Trial, according to the Tenor of this Act, ſhall refuſe or neglect to appear and proceed upon the ſame, every perſon ſo refuſing or neglecting, ſhall forfeit for every ſuch neglect or refuſal, the ſum of Five ſhillings, to the uſe of the Poor of the ſaid Trade and Manufacture: which ſaid penalties and forfeitures, together with all other Fines and Penalties, which are appointed to go to the Poor of the Trade and Manufacture, or for the uſe thereof mentioned in this Act, the the means of Recovery of which is not already otherwiſe herein provided and ſet forth, ſhall be levied by Diſtreſſe and Sale of the Offendors Goods and Chattels, by warrant to be granted by the ſaid Mayor, or his Deputy for the time being, or any one Juſtice of Peace of the City of Norwich, or County of Norfolk, rendring the Overplus of ſuch Diſtreſſe to the Owner thereof, if any ſhall be, and the ſame ſhall be by him demanded, or otherwiſe to be recovered by Action of Debt, Bill, Plaint, Indictment or Information in any His Majeſties Courts of Record, wherein no Wager of Law, Eſſoine or Protection ſhall be allowed to the Defendant as aforeſaid.

No weaving of Stuffs in time of Harveſt.

And whereas the Cuſtom hath been retained time out of mind, and found expedient, that there ſhould be a ceſſation of weaving every year in the time of Harveſt, in regard the Spinners of Yarn which the ſaid Weavers do uſe, are at that time chiefly imployed in Harveſt-work; Be it Enacted, That no Weaver under the Regulation of the ſaid Trade and Manufacture, ſhall ſet any Loom on work for the weaving of any Stuffs under the ſaid Regulation in the time of Harveſt yearly, from the Fifteenth day of Auguſt in every year, until the Fifteenth day of September then following, upon pain of forfeiting to the Kings Majeſty the ſum of Forty Shillings for every Loom which ſhall be uſed in work within the ſaid time.

True Accompts to be made at the four Aſſemblies of all fines and forfeitures.

And be it further Enacted by the authority aforeſaid, That a true accompt ſhall be made at the four Aſſemblies (to be held quarterly as aforeſaid) by the Wardens before the Mayor of the City of Norwich for the time being, and one of the Juſtices of the Peace of the ſaid City and County of Norwich, and two Juſtices of the Peace of the County of Norfolk, of all ſuch Fines and Forfeitures as ſhall be received and had, belonging to the ſaid Trade and Manufacture, and of the neceſſary Charges and Diſburſements touching the ſame Trade and Manufacture; and that the Over-plus which ſhall remain after the ſaid neceſſary Charges and Diſburſements are deducted, ſhall be divided into two equal parts, the one moyety thereof to be diſpoſed of by the Wardens and Aſſiſtants of the ſaid City of Norwich, or the greater part of them, and the other moyety thereof by the Wardens and Aſſiſtants of the ſaid County of Norfolk, or the greater part of them, for the uſe of the Poor of the ſaid Trade and Manufacture in ſuch manner as the ſaid Mayor and Juſtices aforeſaid reſpectively ſhall order and direct, and no other, any thing in this Act to the contrary thereof in any wiſe notwithſtanding.

All Mayors, Bayliffs, &c. to be ayding and aſſiſting.

In Action, the Defendant may plead the general Iſſue.

Double coſts.

And that all Mayors, Juſtices, Sheriffs, Bayliffs, Conſtables, and all other Officers, ſhall be aiding and aſſiſting to the ſaid Wardens and Aſſiſtants, or any of them, as often as they ſhall be thereunto required; and in all Actions and Suits that ſhall be brought againſt any perſon or perſons, for acting in any thing according to the true intent and meaning of this Act, the perſon or perſons ſo ſued or moleſted, ſhall or may plead the general Iſſue of Not Guilty, and give the ſpecial matter in Evidence, and ſhall recover double Coſts in every ſuch caſe, if the Verdict paſſe for ſuch perſon or perſons, or that the Plaintiff or Plaintiffs be Nonſuit therein.

Proviſo for the Weavers of Great Yarmouth and Lyn.

Provided alwayes, That this Act, nor any thing therein contained, ſhall extend to compel the Weavers of the Towns of Great Yarmouth and Lyn, in the ſaid County of Norfolk, to bring their Wares to Norwich to be Sealed, or be prejudicial to the Weavers of the ſaid Towns, or either of them, to deprive them, or either of them of ſuch Liberties or Priviledges as are granted unto them by an Act of Parliament, made in the Fourteenth Year of King Henry the Eight, or by any other Act of Parliament, or Grant or Charter whatſoever. This Act to begin, and take effect from the Fifteenth day of May, One thouſand ſix hundred ſixty and two.

CAP.

CAP. VI.

For Enlarging and Repairing of Common High-wayes.

VVhereas the former Laws and Statutes for the Mending and Repairing of the Common and publick High-wayes of this Realm have not been found ſo effectual as is deſired; by means whereof, and the extraordinary Burthens carried upon Waggons, and other Carriages, divers of the ſaid High-wayes are become very dangerous, and almoſt unpaſſable:

For remedy whereof, Be it Enacted by the Kings moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Church-wardens and Conſtables, or Tything-men of every Pariſh, Town, Village or Hamlet for the time being, within the Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, ſhall upon Munday or Tueſday in the Eaſter week yearly (whereof notice ſhall be publickly given the Sunday foregoing, in the Church, immediately after the end of Morning-Prayer,) with the advice and conſent of the major part of the Inhabitants which ſhall be then preſent, chooſe Two or more ſufficient and able perſons, reſiding and inhabiting within their Pariſh, Town, Village or Hamlet, to be Surveyors of their High-wayes for the year next enſuing, and give notice thereof in writing to the perſons choſen; and for default of ſuch choice, ſo to be made, as aforeſaid, the Church-wardens, Conſtables or Tything-men, and Inhabitants of every ſuch Pariſh, Town, Village or Hamlet, ſhall forfeit and loſe the ſum of Five pounds.

Surveyors of the High-wayes to be choſen yearly, the Munday or Tueſday in Eaſter-week.

The penalty.

And be it Enacted by the authority aforeſaid, That all and every Surveyor and Surveyors, within twenty dayes next after notice given unto him or them, of his and their Election as aforeſaid, or of the publication of this Act, ſhall upon the penalty of Five pounds, View and Survey all the Common and Publick High-wayes and Bridges within the Pariſh, Town, Village or Hamlet, wherein he or they are reſpective Surveyor or Surveyors, and all Water-courſes, Cauſeys and Pavements therein which are to be Repaired and Amended at a Publick Charge of the ſaid Pariſh, Town, Village or Hamlet, and ſhall conſider what reparations ſhall be needful to be made, and what ſum or ſums of money will be requiſite to be raiſed for the Amending, Repairing and Enlarging of the ſame, over and above what will be done by the other Laws made for the Amending of the ſaid High-wayes, and thereupon ſhall together with two or more ſubſtantial Houſholders of the ſaid Pariſh, Town, Village or Hamlet, called by the Surveyors to their Aſſiſtance within ten dayes after ſuch Survey made, lay one or more Aſſeſſement or Aſſeſſements, upon every Inhabitant rated to the Poor, and upon every Occupier of Lands, Houſes, Tythes Impropriate or Appropriate, Portions of Tythes, Coal-mines, and other Mines ſaleable, Underwoods, Stock, Goods, or other perſonal Eſtate, not being Houſhold-ſtuff, within the ſaid Pariſh, Town, Village or Hamlet, for the Repairing, Amending and Enlarging of the ſaid publick and common High-wayes, as they the ſaid Surveyors, and other the ſubſtantial Houſholders, or the major part of them ſhall think fit, meet and neceſſary; which ſaid Aſſeſſement or Aſſeſſements ſhall not exceed in the whole above the ſum of Six pence in the pound in any one year, according to the real value of the ſame, and Twenty pounds in Money, Goods, Stock, or other perſonal Eſtate, ſhall be rated equally to Twenty ſhillings a year in Lands; And every ſuch Aſſeſſement ſo made, ſhall within Six days after be preſented to ſome Juſtice of the Peace near adjoyning to the Pariſh where it is made, to be ſeen, allowed and ſigned by him; And after ſuch Allowance, every perſon ſo Aſſeſſed or Taxed, that ſhall not within Twenty dayes after demand made by the Surveyors, or one of them, pay ſuch ſum or ſums of Money aſſeſſed on him or her, unto the Surveyors, or one of them, ſhall forfeit and pay double ſo much as he, ſhe, or they are aſſeſſed to pay; unleſſe (upon complaint made to the ſaid Juſtice of wrong done to ſuch perſon by that Aſſeſſement) the ſaid Juſtice ſhall think fit to alter the ſame: And in caſe where common Nuſances are in High-ways, or where Ditches or Water-courſes adjoyning unto High-wayes, are not ſcoured and dreſſed, the ſaid Surveyors ſhall ſee the ſame reformed, and the Offendors puniſhed according to Law, deducting out of the Moneys ſo to be raiſed, his reaſonable Charges for proſecution: And for the more effectual Mending the High-wayes, and Pariſh-Bridges, and Streets, the Surveyors aforementioned ſhall yearly at the moſt convenient and fitting time, between the Firſt day of May, and the laſt of Auguſt, hire Labourers, Work-men, Carts and Carriages, for amending the High-wayes, Streets, Pariſh-Bridges aforeſaid, and Water-courſes, and ſhall cauſe them to be well and ſufficiently mended.

The duty of the Surveyors

How and upon whom to lay aſſeſſment for mending or enlarging the High-wayes.

And for the better effecting thereof, Be it Enacted by the authority aforeſaid, That the ſaid Surveyors, or any of them within their ſeveral Limits and Juriſdictions, may yearly as he ſhall ſee cauſe, and need require, direct and appoint every perſon and perſons, who by the former Laws and Statutes of this Realm are chargeable with Wayn or Cart, to the amending of the High-wayes; and every other perſon and perſons chargeable, to come to labour at the ſaid wayes, to ſend his or her Cart or Wayn and Team ſo furniſhed, as by the Laws is directed, or to come and work for the amending of the High-ways for ſo many dayes as by the Laws are appointed, or for ſo many of them as the ſaid Surveyors ſhall think needful and appoint; for which Teams, work and labour, the ſaid Surveyors ſhall pay unto ſuch Workmen and Owner of ſuch Team, Carts and Wayns, according to the uſual Rate of the Country, for ſuch work as they ſhall do over and above what by the other Laws made for the amending the High-wayes they are appointed to do: And if any queſtion ſhall ariſe about the value or worth of ſuch work or labour, or Man and Teams, ſome Juſtice of the Peace near adjoyning, and not living in the ſaid Pariſh, ſhall determine what is fit to be allowed for ſuch work; And in caſe any perſon ſo charged to ſend his or her Team to work, as aforeſaid, ſhall

The Surveyors may charge Carts and Work men.

2 & 3 Ph. & Mar. cap. 8.
5 El. cap. 13.
18 El. cap. 10.

Penalty upon ſuch as refuſe or neglect.

ſhall refuſe or neglect to do ſo, ſuch perſon ſo refuſing or neglecting, ſhall forfeit ten ſhillings for every day that he or ſhe ſhall make ſuch default, and every Labourer Eighteen pence for ſuch day that he neglects to work as aforeſaid.

Provided, That no perſon or perſons, occupying any Lands, ſhall be Aſſeſſed and Taxed both for the ſaid Lands and the Stock, which he or they ſhall uſe or imploy upon the ſame.

In what caſes High-wayes may be Enlarged out of mens Lands next adjoyning.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful, to and for the ſaid Surveyors of the High-wayes for the time being, of every ſuch Pariſh, Town, Village or Hamlet, within their ſeveral Precincts from time to time, by order from the Quarter-Seſſions, and upon the view, and by the allowance or conſent of two or more Juſtices of the Peace of the County, authorized thereunto by the Seſſions, wherein ſuch Pariſh, Town, Village or Hamlet ſhall lie, under their Hands and Seals in writing, where any common or publick High-way is not of the bredth of eight yards from the ſhoars and brinks of the Ditches on either ſide, or from the banks and hedges where there are no Ditches, to aſſign and lay out ſo much of any mans ſeveral Lands next adjoyning to the ſaid common and publick High-way, where they ſhall think it needful, and it may conveniently be done, as ſhall enlarge the ſaid way to be the full bredth of eight yards, or ſo much broader (towards the bredth of eight yards) then now it is, as conveniently the place will bear from the ſaid Shoars, Ditches, Banks or Hedges, by the conſent of the Owner or Owners of the ſaid Lands, according to his or their reſpective Intereſts therein, or otherwiſe by order of the Juſtices of Peace at their Quarter-Seſſions after a Writ of Ad quod damnum firſt iſſued out, and returned, to aſſign and lay out a more new and commodious way in and over the ſaid Lands next or near adjoyning to the ſaid common and publick High-wayes, the ſaid Surveyors firſt giving ſuch ſatisfaction for the ſaid Ground unto the reſpective Owners of the ſame, according to their ſeveral and reſpective Intereſt in the whole, not exceeding Twenty years purchaſe: Provided alwayes, That if any common or publick High-way or wayes, ſhall be ſo altered and changed, as is aforeſaid, that then, and in ſuch caſe, the ſame new Way or Wayes, as alſo any new way or wayes altered, or to be altered by a Writ of Ad quod damnum, ſhall from time to time be repaired and amended by ſuch Pariſh or Pariſhes, Town, Hamlet or Village, or by ſuch perſon and perſons, and in ſuch manner and form, as the ſaid old and former common or publick High-way or wayes was, or were to be repaired and amended.

Digging for gravel in Waſts and Commons.

And be it further Enacted by the authority aforeſaid, That where there is not ſufficient Gravel, Chalk, Sand, Cinders or Stones, within any Pariſh, Town, Village or Hamlet, to repair their common and publick High-wayes, it ſhall be lawful for the Surveyor or Surveyors, and ſuch perſon and perſons as he or they ſhall appoint, upon the allowance and approbation of any two Juſtices of Peace within the ſaid County, to dig, take, and carry away Gravel, Chalk, Sand, Cinders or Stones, out of the Waſte and Common of any Neighbouring Pariſh, Town, Village or Hamlet, or upon the Sea-coaſt, without paying any thing for the ſame, for the repairing and amending of the High-wayes aforeſaid, ſo as they fill up the place within one moneth next enſuing, if required by the Owner of the Soyl.

In what caſes Gravel, Stones, &c. may be digged in mens ſeveral Grounds.

Provided alwayes, and be it further Enacted by the authority aforeſaid, That where there is not ſufficient Gravel, Chalk, Stones, Cinders and Sand, or other Materials for to repair the High-wayes, within the Common or Waſte grounds of any Pariſh, Townſhip or Hamlet, for to amend and repair the High-wayes therein, it ſhall and may be lawful for the ſaid Surveyor or Surveyors, or ſuch as they ſhall appoint, to enter into the ſeveral ground (not being an Houſe, Orchard, Garden, Court-yard, Park with Deer in it, or Meadow) of any perſon or perſons within the ſaid Pariſh, Townſhip or Hamlet near adjoyning to the High-wayes to be repaired, where any ſuch Materials are or may be found, and to dig, take and carry away from time to time ſuch quantities thereof, as the ſaid Surveyor or Surveyors ſhall judge neceſſary for the ſaid reparations, without paying any thing for the ſaid Materials, (except only where they have formerly been paid for by Cuſtom or Compoſition, and at ſuch rates as heretofore were paid for the ſame) rendring only ſuch damages to the Occupier or Owner thereof, as he ſhall ſuſtain by the digging and carriage thereof, to be aſſeſſed by two Juſtices of Peace near the ſaid Pariſh, in caſes of difference about the ſame: Provided, That the pits and holes ſo digged, be filled up in ſuch manner, and under ſuch penalties as are preſcribed in the Statute made in the Fifth year of Queen Elizabeth, concerning the amending of High-wayes.

What number of Horſes or Oxen may be uſed in Carts and Carriages upon the High-wayes.

And be it further Enacted by the authority aforeſaid, That from and after the Nine and twentieth day of September, which ſhall be in the year of Lord, One thouſand ſix hundred ſixty and two, no travelling Waggon, Wain, Cart or Carriage wherein any Burthens, Goods or Wares are or ſhall be carried or drawn for hire, other then ſuch Carts and Carriages as are imployed in and about husbandry and manuring of Lands, and in the carrying of Hay, Straw, Corn unthreſhed, Coal, Chalk, Timber for Shipping, Materials for Building, Stones of all ſorts, or ſuch Ammunition or Artillery as ſhall be for His Majeſties Service) ſhall at any one time travel, be drawn, or go in any common or publick High-way or Road, with above ſeven Horſe-beaſts, whereof ſix ſhall draw in pairs, and not with above eight Oxen, or ſix Oxen and two Horſe-beaſts; nor ſhall at any time carry above Twenty hundred weight between the firſt day of October, and the firſt of May; nor above Thirty hundred weight between the firſt of May and the firſt of October (except ſuch particulars as aforeſaid) nor above five Quarters of Wheat, Meal, Meſline, Rye, Peaſe, Beans and Tares, nor above eight Quarters of Barley, Malt or Oats, and after that proportion; nor ſhall any Waggon, Wain, Cart or Carriages for the uſes aforeſaid be imployed, the Wheels whereof are leſs in bredth then four Inches in the Tyre, upon pain that every Owner of ſuch Waggon, Wain, Cart, Carriage, Horſe-beaſts, or Oxen, ſhall forfeit for every of the ſaid Offences the ſum of Forty ſhillings, to be divided into three equal parts, One part

And what Weight.

No Wheels to be under four Inches bredth in the Tyre.

The penalty, and how to be diſpoſed.

part thereof to the Surveyors of the High-wayes of the Town, Village or Hamlet, where any of the ſaid Offences ſhall be committed, to be imployed in the Repairs of the ſaid High-wayes; one part to the Overſeers of the poor of the Pariſh where any of the ſaid offences ſhall be committed, for the relief of the poor of the ſaid Pariſh; and the other part thereof to him that ſhall diſcover and proſecute for any of the ſaid offences, the ſaid penalty to be levied by Diſtreſs of all or any of the ſaid Horſe-beaſts or Oxen, and to be diſtributed as aforeſaid by the Conſtable, Surveyor or Surveyors of the ſaid High-wayes, Overſeer or Overſeers of the Poor, or any of them; And in caſe the ſaid penalties ſhall not be paid within three dayes after ſuch Diſtreſs, that then it ſhall be lawful to and for the ſaid perſons ſo diſtraining as aforeſaid, to ſell the ſame, and to reſtore the overplus to the Owner, the charges of keeping and ſelling firſt deducted.

The offences declared common Nuſances.

And be it further Enacted, That all and every the ſaid offences ſhall be, and are hereby declared and adjudged to be common Nuſances.

All Suits upon this Act ſhall be laid in their proper County, and the Defendant may plead the general Iſſue.

And be it further Enacted, That if any Suit ſhall be commenced againſt any perſon, for any thing done in purſuance of this Act, that in every ſuch caſe the Action ſhall be laid in the proper County where the Fact was done, and not elſewhere; and the Defendant may plead the general Iſſue, and give this Act and the ſpecial matter in evidence at the Tryal, and if it ſhall ſo appear to be done, or that it was not done in the County where the ſaid Suit is commenced, that then the Jury ſhall find for the Defendant; and in ſuch caſe, as alſo if the Plaintiff ſhall be Non-ſuit, or diſcontinue his Action after the Defendant hath appeared, or if upon Demurrer, Judgment be given againſt the Plaintiff; or if upon Tryal a Verdict paſs for the Defendant, the Defendant ſhall have his double Coſts, and the like remedy for the ſame as any Defendant hath in any other caſe by Law.

All Moneys raiſed by Aſſeſment, Iſſues forfeited, &c. ſhall be levied and imployed for mending the High ways.

And be it further Enacted by the Authority aforeſaid, That all ſums of money ſo rated and aſſeſſed as aforeſaid, and all charitable Gifts formerly given, or to be given, for the making, amending and keeping in repair of any common and publick High-wayes, Pavements and Cawſeys, (except as hereafter is excepted) and all Fines, Penalties, Forfeitures, and other ſums of Money ariſing by Aſſeſſement, or otherwiſe by this Act, not otherwiſe by this Act diſpoſed of, and all Iſſues to be forfeited for not appearing to any Information or Indictment for not repairing any High-wayes, or removing Nuſances out of the ſame, and all Fines and Amerciaments to be impoſed upon any Pariſh, Town, Village or Hamlet, or upon any private perſon, for not repairing of common and publick High-wayes, which are not otherwiſe diſpoſed by this Act, ſhall be employed and beſtowed by the ſaid Surveyors within the reſpective Pariſhes, Towns, Villages and Hamlets, to which ſuch charitable Gifts are given and beſtowed, and within which ſuch Aſſeſſement, Fines, Penalties, Forfeitures, Iſſues and Amerciaments are impoſed, happened or made, in paying for Materials, Workmens wages, and for ſuch other employments as are hereby appointed to be done and performed, and be levied, collected and gathered by the ſaid Surveyors, or any of them by Warrant under the Hands and Seals of any two Juſtices of Peace within the County, City, Riding, Town Corporate, Liberty or Limit wherein the ſame lieth, by diſtreſs and ſale of the Goods, as is aforeſaid.

Accompts to be given by the Surveyors yearly of all Money raiſed for mending the High-ways.

And be it further Enacted by the Authority aforeſaid, That every perſon ſo Elected, and taking upon him or them the Office of Surveyor or Surveyors, as aforeſaid, ſhall within one moneth next after the expiration of the year wherein he executed the ſaid Office as Surveyor of the High-wayes, make and yield up to the Inhabitants of the Pariſh, Town, Village or Hamlet, at ſome publick Meeting, to be appointed by the ſaid Inhabitants, a perfect Accompt in Writing under his and their Hands, of all the Moneys he or they received or paid within his or their year, for or by reaſon of his or their Office; namely of whom, and what received, and to whom, and what paid, and what Moneys are in arrear and unpaid, either for Aſſeſſements, Fines, Forfeitures, Penalties and charitable Gifts; and if any overplus be in his or their hands, he or they ſhall return and pay the ſame to the next Surveyors, or one of them, for the uſe of the Pariſh, Town, Village or Hamlet, to be diſburſed in and about the High-wayes, in the following year: And if the ſaid Surveyor or Surveyors ſhall not make ſuch an Account and Payment as before, any two Juſtices of the Peace, living near to, or in the ſaid Pariſh, ſhall and may upon complaint unto them made, examine the buſineſs upon Oath, and upon default found in the Surveyor or Surveyors, ſhall and may commit him or them to the Common-Gaol of that County, City, Riding, Town Corporate, Liberty or Limit, there to remain until he hath made a true and perfect Account and Payment, as aforeſaid.

Who may enquire, hear and determine offences againſt this Act.

And be it further Enacted, That all and every Juſtices of Aſſiſe, Oyer and Terminer, and Juſtices of the Peace, ſhall have power and authority, and are hereby enabled and impowred to inquire after, hear and determine all matters concerning charitable Gifts, for the making, amending and keeping in repair any common High-wayes, Pavements, Streets and Cawſeys within the limits of their Commiſſion, and to make Orders therein for the due imployment of ſuch charitable Gifts, according to the true intent and meaning of the Donors thereof; Except gifts to the aforeſaid uſes made to any Colledge, Hall, Free-School or Hoſpital, which have Viſitors of their own, and alſo to hear and determine all offences, defaults and defects in Surveyors or others, concerning the premiſſes.

Appeals allowed to perſons grieved. 43 El. cap. 4.

Provided, That if any perſon be agrieved with ſuch Order, they ſhall have liberty to appeal to the Court of Chancery, as in the caſe of a Decree made upon the Statute of Charitable Uſes.

In what caſes only a Certiorari may be allowed to remove any Indictment, &c. upon this Act.

And be it further Enacted by the Authority aforeſaid, That from and after the Firſt day of May, One thouſand ſix hundred ſixty and two, no Certiorari ſhall be allowed to remove any Information, Indictment, Preſentment, Order, or other proceedings in the Quarter-Seſſions, of, for, or concerning any matter or thing in this Act, unleſs the party or parties againſt whom any ſuch Information, Indictment, Preſentment, Order, or other proceedings ſhall be had by vertue of this Act, ſhall before the allowance of ſuch Certioraries, become bound to the perſon or perſons proſecuting, in the ſum of Forty pounds, with ſuch ſufficient ſureties as the Juſtices of Peace at their ſaid Quarter-Seſſions of the Peace ſhall think fit, with condition to pay unto the ſaid Proſecutors, within one moneth after the conviction of ſuch parties indicted, their full coſts and damages, to be aſcertained upon their Oaths, and that in default thereof, it ſhall be lawful for the ſaid Juſtices to proceed to tryal of ſuch Indictments, any ſuch Writs of Certiorari to remove the ſame Indictments notwithſtanding.

Laycock-Bridge in Com. Wilts.

And whereas at a general Quarter-Seſſions held for the County of Wilts, It was (at the humble Petition of the Petitioners of Laycock, and other Inhabitants of the ſaid County) Ordered, That one ancient Bridge called Foot-Bridge, leading thorow the ſaid Pariſh, between London, Bath and Briſtol, being more commodious for all Paſſengers than one other Bridge in the ſaid Pariſh, called Rey-Bridge, ſhould be repaired and made paſſable for all Carts, Waggons and Carriages (with the Materials of Rey-Bridge) which was thereby Ordered to be taken down, which Order was accordingly put in execution in the ſaid County and Pariſh; Be it therefore Enacted by the Authority aforeſaid, That the ſaid Pariſhioners, and all others imployed by them in the pulling down the ſaid Bridge, called Rey-Bridge, and imploying the Materals thereof, as aforeſaid, ſhall be, and are hereby indemnified from all Suits, Troubles and Moleſtations whatſoever, touching or concerning the ſame; and that the ſaid Pariſhioners of Laycock, and other the aforeſaid Inhabitants, ſhall not hereafter be compelled by Information or Indictment, or any other way be made chargeable with the re-building of the ſaid Bridge, called Rey-Bridge, otherwiſe than for the maintaining the ſaid Bridge ſufficient for Horſe and Pack, as it now ſtands, any Law or Statute to the contrary in any wiſe notwithſtanding.

Wildes of Surrey, Suſſex, Kent.

Provided likewiſe, and be it Enacted, That this Act ſhall not extend to exempt any Owner, Farmer, or Leſſee of any Iron-work, or other perſon within the Wildes of the Counties of Surrey, Suſſex or Kent, for carrying ſo many load of Cinder, Gravel, Stones, and other materials, or contributing ſuch ſums of money towards the amending and repairing of the High-wayes, as they are obliged to by any former Acts.

14 & 15 H. 8. cap. 6.
39 El. cap. 19.

And be it further provided and enacted, That where the Juſtices of the Peace of any County, at their General Quarter-Seſſions, or any two of ſuch Juſtices, near to any Pariſh, Townſhip or Hamlet, ſhall be fully ſatisfied that the High-wayes and Bridges within the ſame, may and will be ſufficiently amended and repaired, according to the former uſage, without the help of this Act, that then, and in ſuch caſes only, there ſhall no Aſſeſſement be made within the ſame, for and towards their reparations, by vertue of this Act.

Stratford-Bridge. Hillingdon. Middleſex.

Provided alwayes, And be it further Enacted by the Authority aforeſaid, That the Juſtices of Peace of the County of Middleſex, in their publick Seſſions of the Peace, ſhall have power and authority to make Orders for erecting or ſetting up a new Bridge of Brick or Stone, fitting for the paſſage of Carts and Carriages, in the room and place of a Bridge now only paſſable for Foot and Horſe, called Stratford-Bridge, in the Pariſh of Hillingdon, in the ſaid County, or in ſome other more convenient place near thereunto, at the preſent charge of the whole County, for the erecting of the ſame; but to be upheld, repaired and maintained, after it be ſo erected, at the charge of the Lord of the Manor wherein the ſaid Bridge now ſtandeth, proportionable to the charge he is now at, for maintaining the Horſe-Bridge, and the reſidue of the charge to be born by the Pariſhioners of the ſaid Pariſh; For which purpoſe, the ſaid Juſtices of the Peace at their ſaid publick Seſſions, are hereby enabled to make reſpective Rates accordingly, ſo as the ſum to be aſſeſſed for the erecting the ſaid Bridge, exceed not the ſum of One hundred pounds; and the ſaid Juſtices are to take care that the ſaid Bridge be finiſhed by or before the Firſt day of Auguſt, in the year of our Lord God, One thouſand ſix hundred ſixty and three.

Bridges to have ſufficient Walls or Poſts and Rails.

And be it Enacted by the Authority aforeſaid, That the ſaid Surveyors do take care that all and every Bridge or Bridges within their reſpective Limits, ſhall before the Feaſt of S. Michael, One thouſand ſix hundred ſixty and two, have ſufficient walls, or poſts and rails of each ſide thereof, four foot high at the leaſt; and that the ſaid walls, or poſts and rails, be from time to time kept in ſufficient repair.

Proviſo for chuſing Surveyors for the year, 1662. EX P.

Provided alwayes, And be it Enacted by the Authority aforeſaid, That the Surveyors of the High-wayes, named for the year One thouſand ſix hundred ſixty and two, ſhall within twenty dayes after the publication of this Act, proceed to do and execute all things in this Act for the ſaid year One thouſand ſix hundred ſixty and two; And where there are no Surveyors of the High-wayes choſen for the ſaid year One thouſand ſix hundred ſixty and two, they ſhall be choſen within twenty dayes after publication of this Act by ſuch perſons as by this Act is appointed; and being ſo choſen, they ſhall hereafter do and execute all things according to the tenor of this Act.

Tenants to bear the charges of Aſſeſſements for High wayes.

Provided alſo, And be it Enacted by the Authority aforeſaid, That where any Lands are let, the Tenant and Occupier thereof ſhall pay the Aſſeſſement, and bear all charges for the mending of the High-wayes, and not the Landlord, except where there is or ſhall be any Agreement between the ſaid Landlord and the Tenant to the contrary.

The continuance of this Act.

Provided alſo, and be it further Enacted, That the power of raiſing and levying money by vertue of this Act, ſhall continue in force for three years only, from the Five and twentieth day of March, One thouſand ſix hundred ſixty and two, and no longer, but that all other powers and clauſes in this Act ſhall continue and ſtand in force untill the end of the firſt Seſſion of the next Parliament, and no longer.

CAP. VII.

Exportation of Leather, and Raw Hides out of the Realm of England, reſtrained.

VVhereas notwithſtanding the many good Laws before this time made, and ſtill in force, prohibiting the Exportation of Leather out of this Realm, and the penalty by thoſe Acts impoſed, by the cunning and ſubtilty of ſome perſons, and the neglect of others, who ought to take care thereof, there are ſuch quantities of Leather daily exported to foreign parts, that the price of Leather is grown to thoſe exceſſive Rates, that many Artificers working Leather, cannot furniſh themſelves with ſufficient ſtore thereof, for the carrying on of their Trades; and the poor ſort of people are not able to buy thoſe things made of Leather, which of neceſſity they muſt make uſe of:

5 Ed. 6 cap. 15.
5 El. cap. 22.
8 El cap. 14.
18 El. cap 9.

For redreſs of which Griefs, Be it Enacted by the Kings moſt Excellent Majeſty, by, and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That from and after the Firſt day of May now next enſuing, no perſon or perſons whatſoever ſhall carry or tranſport, or cauſe to be carried or tranſported out of England into Scotland, Ireland, or into any of the Iſles belonging to this Kingdom, or to any parts beyond the Seas, the Skins or Hides tanned or untanned of any Ox, Steer, Bull, Cow or Calf, otherwiſe, or in any other manner, then is by this preſent Act directed.

What Skins or Hides Tanned may not be tranſported.

And be it further Enacted by the Authority aforeſaid, That none of the Skins or Hides aforeſaid, which ſhall happen to be taken from any of the Beaſts aforeſaid, within any Iſland whatſoever, belonging to the Kingdom of England (except Ireland) ſhall be tranſported out of that Iſland to any other place, but into the Kingdom of England, upon pain of forfeiture for every ſuch offence double the value of Skins or Hides, ſo to be tranſported out of the ſaid Iſland, or any of them, to any other place then into the Kingdom of England; the ſame forfeiture to be ſued for and diſpoſed as hereafter in this Act is directed.

The penalty.

And for the better preventing of ſuch miſchiefs as are intended to be remedied by this Act, Be it Enacted by the Authority aforeſaid, That all Red Tanned Leather made of the Hides or Skins of any of the Beaſts aforeſaid, of what kind or nature ſoever, ſhall be bought only in the open and common Fair or Market uſed for the putting of Leather to ſale, and not in any Houſe, Tanners Yard, Shop, or other place whatſoever, on pain that ſuch perſon or perſons that ſhall not accordingly do the ſame, ſhall for every ſuch offence forfeit the ſame Leather, or the value thereof, and the contract for the ſale thereof ſhall be void, and all ſuch Leather ſhall be ſearched and ſealed by the Searchers and Sealers thereunto appointed, before the ſame be put to ſale, and upon ſuch ſale ſhall be Regiſtred, and a true Entry thereof made both by the Buyer and Seller, who are both to be preſent at ſuch Regiſtring thereof, and both their names and places of abode entred into the Book of the ſaid Regiſter, on pain that every ſuch Buyer or Seller that ſhall not accordingly do the ſame, ſhall for every ſuch offence forfeit the ſame Leather, or the value thereof, and the forfeiture ſhall be recovered and imployed in ſuch manner as hereafter in this Act is directed.

What Leather muſt be bought only in open Fairs or Markets for ſelling Leather.

The penalty.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons ſhall be found guilty of the Tranſportation of any Leather, or raw Hides of any of the Beaſts aforeſaid, (excepting ſuch Calve-skins and Sheep-skins, dreſſed without the Wooll, as by Law may be Tranſported) contrary to the proviſion of this Act, he ſhall from thenceforth be diſabled to Trade, or Deal in Leather for the future, and ſhall for every ſuch offence forfeit the ſum of Five hundred pounds, to be ſued for, and diſpoſed as hereafter in this Act is directed.

Penalty for Tranſportation of any Leather or Raw Hides.

Provided nevertheleſs, That this Act, or any thing therein contained, ſhall not extend to the prohibiting the Tranſportation of any Leather made into Boots, Shooes or Slippers, but that the ſame may be Tranſported, Any thing in this Act contained to the contrary notwithſtanding.

5 E. 6. cap. 15.
1 Mar. cap. 8. Parl. 2.

Quære, If theſe two Statutes be repealed by this Proviſo.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful to, and for the reſpective Maſters and Wardens of the Cordwainers, Sadlers, Girdlers and Curriers of the City of London, and their Deputies, and all Cuſtomers, Comptrollers, Farmers of Cuſtoms, Superviſors, Searchers, and other Officers belonging to the Cuſtoms, and to and for all Juſtices of the Peace, Mayors, and chief Officers of Corporations within this Realm, Dominion of Wales, or Town of Berwick upon Tweed, from time to time, as well by Land as Water, to ſearch for, and ſeize any Leather, or Raw Hides wrought or unwrought, cut or uncut, packed up, or unpacked, intended or purpoſed to be Tranſported by any perſon or perſons into any parts beyond the Seas, or into Scotland, other then Calves-skins and Sheep-skins, as aforeſaid.

Who may ſearch and ſeize Leather or Hides intended to be Tranſported.

And whereas divers Tanners do ſhave, cut and rake their upper-leather Hides all over, and the necks of their backs and butts, to the great impairing thereof, and the extream prejudice of the Kingdom; Be it therefore Enacted by the Authority aforeſaid, That every Tanner, who after the Nine and twentieth day of September, in the year of our Lord, One thouſand ſix hundred ſixty and two, ſhall commit any ſuch offence, as aforeſaid, ſhall forfeit all the ſaid Leather, Backs, Butts or Calve-skins, ſo ſhaved, cut or raked, or the value thereof, and it ſhall be lawful for the Searchers and Sealers of Leather to ſeize the ſame.

Shaving of Leather by Tanners.

The penalty.

And be it further Enacted, That the Market for Leather in Leaden-Hall in London, ſhall be kept on the Tueſday, as now it is, Any Law, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

Leaden-hall, London.

And be it further enacted by the authority aforeſaid, That all the penalties and forfeitures, and every ſum and ſums of money for any offence or offences herein before mentioned, ſhall be recovered by Action of Debt, Bill, Plaint, Information, to be brought for the ſame in any Court or Courts at Weſtminſter, in any Court or Courts of Record in the City, Town, County or Place where the ſaid Offence ſhall be committed, wherein no Wager of Law, Protection or Eſſoine ſhall be admitted, neither ſhall the ſame be removed out of the

How the Penalties ſhall be recovered.

ſaid County, City or Town-Corporate, the one half of the ſaid forfeitures to be to the uſe of the Kings Majeſty, his Heirs and Succeſſors, and the other half thereof to the uſe of the Informer or Informers that ſhall ſue for the ſame.

Tranſportation of Leather declared a common Nuſance.

Provided alſo, and be it Enacted, That all ſuch Exportation, or Tranſportation of any Hides or Leather, contrary to this Act, is hereby adjudged and declared to be a common and publick Nuſance.

Leather for neceſſary uſe of Ships in Voyages.

Provided nevertheleſs, That this Act ſhall not extend, or be conſtrued to prohibit the carrying or conveying of any ſuch Hides or Leather which ſhall be uſed or imployed for the neceſſary uſe, or proviſion of any Ship or Veſſel in any Voyage beyond the Seas, and which ſhall not be ſold in any foreign parts, ſo as the number do not exceed Six Raw Hides, and Three Tanned Hides.

Artificers dealing in cutting of Leather in London, or within three miles thereof.

Provided alwayes nevertheleſſe, And be it further Enacted by the Authority aforeſaid, That all and every Artificer dealing in cutting of Leather, or other perſon or perſons whatſoever, which ſhall hereafter buy any Red Tanned Leather within the City of London, or three miles thereof, ſhall before the next Market-day within the ſaid place for ſale of Leather, give Notice thereof to one or more of the Company of Curriers then exerciſing and uſing the Art and Myſtery of a Currier within the ſaid City of London, and three miles thereof, and within three weeks after ſuch notice ſhall deliver, or cauſe to be delivered the ſaid Leather ſo bought, except ſuch part thereof as ſhall be uſed for Soals without being curried, tallowed or dreſſed, unto the ſaid Currier or Curriers, to whom ſuch notice was given, to the intent that the ſame may be curried, tallowed, or otherwiſe dreſſed, as is directed and appointed by one Act made in the Firſt year of King James, Chapter twenty ſecond, touching the Duty of Tanners, Curriers, Shoo-makers, and others, upon penalty of the forfeiture of ſix ſhillings eight pence for every Back, Butt, Hide, or Calves-skin ſo bought, and not delivered as aforeſaid, for the uſes, and to be recovered as aforeſaid.

1 Jac. cap. 22.

Leather uſed in London, or within three miles, to be ſearched and allowed by the Wardens of the Curriers there.

And whereas it is Enacted amongſt other things, by the ſaid Act made in the Firſt year of King James, That no perſon or perſons ſhall by any means occupy, or put in any Made-wares within the City of London, or three miles of the ſame City, any curried Leather before the ſame ſhall be ſearched and allowed by the Wardens of the Curriers of London for the time being, or ſuch perſons as they ſhall thereto aſſign, and be Sealed with a Seal therefore to be prepared, upon pain that every Shoomaker and other Artificer, Cutter of Leather offending againſt that Article, ſhould forfeit for every Hide or Skin otherwiſe curried or imployed as is aforeſaid, Six ſhillings eight pence, and the value of every ſuch Hide or Skin; Be it therefore further Enacted by the authority aforeſaid, That the Maſter and Wardens of the Company of Curriers for the time being, or ſuch perſons as they ſhall thereto aſſign, ſhall from time to time, and at all ſeaſonable times in the day time, enter into any Ware-houſe, Shop, Celler, or other place within the ſaid City of London, or three miles of the ſame City, belonging unto any of the ſaid Cordwainers, Sadlers, Girdlers, or other perſon or perſons being Artificers, dealing in cutting Leather, and in the preſence of any two or more of them to ſearch for, and ſeize all ſuch Leather intended to be prohibited to be uſed by the ſaid Clauſe, Branch or Article as aforeſaid, as alſo for all Wares made of ſuch Leather; and if any ſuch perſon or perſons, Artificers or Dealers as aforeſaid ſhall oppoſe, or refuſe to permit the ſaid Maſter and Wardens of the Company of Curriers, or ſuch perſons as they ſhall thereto aſſign, to make any ſuch ſearch or ſeiſure as aforeſaid, he or they ſhall forfeit for every ſuch Offence the ſum of Twenty pounds for the Uſes, and to be recovered as aforeſaid; And if any of the ſaid Artificers and Dealers in cutting of Leather, do refuſe to be preſent with the ſaid Searchers, whenſoever the ſame ſhall be deſired by the ſaid Maſter and Wardens of the Company of the Curriers, or ſuch perſons thereto aſſigned by them, as aforeſaid, then for every ſuch default the perſons ſo refuſing ſhall forfeit the ſum of Ten pounds for the uſes, and to be recovered as aforeſaid.

The penalty.

Penalties for oppoſing the Searching.

CAP. VIII.

An Act for Diſtribution of Threeſcore thouſand pounds amongſt the truly Loyal and Indigent Commiſſion-Officers, and for Aſſeſſing of Offices, and Diſtributing Moneys thereby raiſed for their further Supply. EXP.

CAP. IX.

For Relief of Poor and Maimed Officers and Souldiers, who have faithfully ſerved His Majeſty, and His Royal Father in the late Wars.

FOraſmuch as divers of his Majeſties Loyal and Faithful Subjects, who out of the ſenſe of their Duty and Allegiance to his Majeſties Royal Father of ever Bleſſed and Glorious Memory, and to his Majeſty that now is, have during the late Wars, wherein they have been Imployed both by Sea and Land, as Officers, Souldiers and Mariners in the ſaid Service, expoſed themſelves to the utmoſt hazard of their Lives, Loſs of their Limbs, and utter ruine of their Fortunes; and for whoſe Subſiſtence and Relief there is not yet any competent Proviſion made; Nor for the Relief of the Widows and Orphans of ſuch as have died, or been ſlain in the ſaid Service.

The inducement and ground of this Act.

And to the end that ſuch as have been eminent for their Loyalty and Sufferings, in ſo good and juſt a Cauſe, as the Defence of his Majeſties Royal Perſon and Government, may not paſſe without ſome Mark of Favour or Reward to be ſet upon them; And that others may thereby receive all due Encouragement for the time to come, to continue Loyal and Faithful to his Majeſties Service, according to their bounden Duty; Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That from the Firſt day of this preſent Parliament, every Pariſh within this Realm of England, and Dominion of Wales, and Town of Berwick upon Tweed, ſhall be charged weekly to the payment of ſuch ſum of Money, as formerly they have been rated

by

43 El. cap 3.

How Pariſhes may be charged, aſſeſſed and levied.

Treaſurer for maimed Souldiers.

Officers, Souldiers or Mariners maimed or indigent, how to be relieved.

by vertue of a Statute made in the Forty third year of Queen Elizabeth, Chapter the third, concerning the Relief of Mariners and Souldiers, for and to ſuch end and purpoſe; And likewiſe ſuch further ſum of Money (over and beſides the ſame,) as by His Majeſties Juſtices of the Peace in their next Quarter-Seſſions, to be held after the Feaſt of Easter next enſuing, or the major part of them, or at any other Quarter-Seſſions to be hereafter by them held, ſhall be adjudged meet to be Aſſeſſed upon every Pariſh or Chappelry, that hath diſtinct Parochial Officers, ſo as the ſaid additional ſum exceed not the ſum of Two ſhillings and ſix pence, nor be under the ſum of Three pence, each week, for each ſuch Pariſh or Chappelry, the ſame to be levied in manner and form by ſuch perſons, and under ſuch penalties, as by the ſaid Statute of Queen Elizabeth is Enacted and Declared; And to be paid to the Treaſurers for the Maimed Souldiers, appointed by the Juſtices of the County or Liberty, by vertue of this Act, and the Statute of Queen Elizabeth aforeſaid; Which ſaid Treaſurers ſhall be ordered to iſſue out, and account for the ſame in ſuch manner, and under ſuch penalties, as by the ſaid Statute is further Enacted and Declared; And be it further Enacted by the authority aforeſaid, That every Officer, Souldier or Mariner maimed, indigent, aged or diſabled in body for work in the Service of his ſaid late Majeſty, or his Majeſty that now is, during the late Wars, or which are ſo Impoveriſhed by their Sufferings under any of the late Uſurped Powers, as that they are deſtitute of any competent Subſiſtence or Livelihood, and have continued Faithful to his Truſt, and not deſerted the ſame by taking up Arms againſt his ſaid late Majeſty, or his Majeſty that now is, or otherwiſe, ſhall forthwith repair to the place where he was laſt ſetled, before he took up Arms, with a Certificate of his Service, and hurts received, under the hand of his Captain, or other Commiſſionated Officer; And ſhall alſo repair unto the two next Juſtices of the Peace in the County where ſuch his Setling was; And the ſaid two Juſtices, upon the Examination of the Truth of ſuch Certificate (which the ſaid two Juſtices are hereby impowred to take upon Oath of the party, and of ſuch Witneſſes as he ſhall produce) ſhall by Warrant unto the Treaſurer, aſſign him Relief untill the next Quarter-Seſſions to be holden for that County or Liberty, at which time, a yearly Penſion ſhall be by the ſaid Juſtices, or the major part of them granted in Manner and Form, and with Power of Revocation, or Alteration, as by the ſaid Statute is further declared and directed; And in caſe that the Captain or Officer appointed to make ſuch Certificate be dead, the ſaid two Juſtices ſhall have Power, upon Requeſt made to them in behalf of the party maimed or aged, indigent or diſabled, as aforeſaid, by perſons of Credit, to give ſuch Relief, as in caſe of Examination as aforeſaid.

Widows and Orphans of Souldiers.

And as touching the Widows and Orphans of ſuch as have died, or ſuffered death in the ſaid Service; It is hereby further Enacted by the authority aforeſaid, That over and beſides ſuch Relief as they ſhall gain by their Work and Labour, and ſhall be allowed by the Charity and Benevolence of the Pariſh, Town or Hamlet, where they are ſetled, who are hereby required to have them in ſpecial regard) the Treaſurers for the maimed Souldiers for ſuch County, ſhall allow ſuch further Relief from time to time, as ſhall be adjudged meet by the two next Juſtices of the Peace of ſuch County; And the ſaid Relief ſhall be paid out of the Surpluſage of ſuch Stock of Maintenance, as ſhall remain in the hands of the ſaid Treaſurer, after ſuch Penſions, and payment of them made, and of which Surpluſage and Allowance made unto ſuch Widows and Orphans, the ſaid Treaſurers ſhall give account from time to time, and the ſame diſtribute in ſuch manner, as by the Juſtices ſhall be directed, and according to the Statute aforeſaid.

Treaſurers, High-Conſtables, &c. to be called to Accompt for Moneys received.

And be further Enacted by the authority aforeſaid, That the Juſtices of Peace in every County or Liberty, or any two of them, ſhall forthwith call all Treaſurers, High-Conſtables, Petty-Conſtables, or other perſons which have formerly been Intruſted with the Receipt, Collecting or Diſpoſing of any ſuch ſum of Money charged upon any Pariſh by vertue of the Statute aforeſaid, and whereof no account hath been given, and likewiſe the Executors and Adminiſtrators of ſuch perſon and perſons, unto a ſtrict account concerning ſuch Levies and Collections made; And ſuch money as they ſhall find remaining in the cuſtody of ſuch perſons, to order forthwith to be paid for the intents and purpoſes aforeſaid, and no other, to the Treaſurer appointed by vertue of the ſaid Statute, or to be appointed by vertue of this preſent Act, at the next Quarter-Seſſions to be holden for ſuch County or Liberty, under ſuch penalty, as by the ſaid Statute is ſet forth; Which ſaid Treaſurer to be appointed by this Act, ſhall continue by vertue hereof, untill Easter Seſſions following.

The continuance of this Act.

Provided, That no Penſion to be given, or aſſigned by authority hereof, ſhall exceed to any one perſon the ſum of Twenty pounds by the year; This Act to continue to the end of the firſt Seſſion of the next Parliament.

CAP. X.

An Additional Revenue ſetled upon His Majeſty, His Heirs and Succeſſors, for the better ſupport of His and their Crown and Dignity.

The great concernment of proportioning the Publick Revenue, to the Charges and Expences.

FOraſmuch as nothing conduceth more to the Peace and Proſperity of a Nation, and the Protection of every ſingle perſon therein, then that the Publick Revenue thereof may be in ſome meaſure proportioned to the Publick Charges and Expences; We therefore Your Majeſties moſt Loyal and Obedient Subjects, the Commons aſſembled in Parliament, having duly conſidered the Premiſſes, do give and grant unto your moſt Excellent Majeſty, Your Heirs and Succeſſors, the Rates and Duties herein after mentioned, and do moſt humbly beſeech Your Majeſty, that it may be Enacted, And be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in Parliament aſſembled, and by the authority of the ſame, That from and after the Five and twentieth day of March, in the year of our Lord God, One thouſand ſix hundred ſixty and two, every dwelling, and other Houſe & Edifice, and all Lodgings, and Chambers, in the Inns of Court, Inns of Chancery, Colledges, and other Societies that are, or hereafter ſhall be erected within the Kingdom of England, Dominion of Wales and Town of Berwick upon Tweed (other then ſuch as in this Act are hereafter excepted and declared) ſhall be chargeable, and by this preſent Act, be and are charged with the Annual payment to the Kings Majeſty, his heirs and ſucceſſors for every Fire-Hearth, and Stove within every ſuch houſe, Edifice, Chambers, and Lodging, as aforeſaid, the ſum of Two ſhillings by the year to be paid yearly, and every year at the Feaſt of St. Michael the Arch-Angel, and the Feaſt of the Annuntiation of the Bleſſed Virgin St. Mary, by even and equal portions; the Firſt payment thereof to be paid upon the Feaſt-day of Saint Michael the Arch angel, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two.

Every Fire-Hearth and Stove charged with the yearly payment of 2s. to the King, his Heirs and Succeſſors.

How an Accompt ſhall be taken of all Fire-Hearths and Stoves.

And to the intent that a juſt account may be had and taken of all the ſaid Hearths and Stoves by this Act intended to be charged; Be it enacted by the Authority aforeſaid, That every Owner, or Occupier of every ſuch Houſe, Edifice, Lodgings and Chambers, ſhall reſpectively within ſix dayes after notice given unto him or them, by the reſpective Conſtables, Headboroughs, Tything-men, or other ſuch Officers, within whoſe Precinct, the ſaid Houſe, Edifice, Chambers or Lodging ſhall be, or by the reſpective Treaſurers or Officers of Inns of Court, Inns of Chancery, or other Officers of the reſpective Colledges, and other Societies aforeſaid, wherein any ſuch Lodgings and Chambers ſhall be, deliver unto the ſaid Conſtables, Headboroughs, Tything-men, or other ſuch Officers as aforeſaid reſpectively, a true and juſt account in writing under the hands of ſuch Owners or Occupiers as aforeſaid, of all the ſaid Hearths and Stoves which are within their ſeveral and reſpective Houſes, Lodgings and chambers aforeſaid.

How and when the ſame ſhall be delivered in.

And be it Enacted by the Authority aforeſaid, That the reſpective Conſtables, Headboroughs, Tything-men, or other ſuch Officers, within whoſe limits any ſuch Houſe or Edifice charged by this Act as aforeſaid, are and the reſpective Treaſurers, and other Officers of the reſpective Inns of Court, Inns of Chancery, Colledges, and other Societies aforeſaid, ſhall by the laſt day of May, One thouſand ſix hundred ſixty and two, require the ſeveral Occupiers of every ſuch Houſe, Edifice, Lodging & chamber aforeſaid, to deliver in to them reſpectively Accounts in writing as aforeſaid under their ſeveral and reſpective hands, of all ſuch Hearths and Stoves as aforeſaid, as ſhall be within their reſpective Houſes, edifices, Lodgings and Chambers, and upon the receipt of the ſame, or upon default of ſuch Account in writing, or in caſe there be no occupiers, then within ſix days after notice in writing, firt to the door, requiring ſuch Account to be made, the ſaid Conſtables, or other Officers reſpectively, as aforeſaid, ſhall enter into the ſaid reſpective Houſes in the day time, and compare ſuch Acounts, and ſee whether the ſame be truly made, or not. And if no ſuch Account be delivered, then ſhall take information by their own view, of the number of ſuch Hearths and Stoves, upon pain that every Conſtable, Treaſurer, and other Officer aforeſaid, who ſhall neglect to do the ſame, ſhall forfeit and loſe for every week he or they ſhall ſo neglect, the ſum of Five pounds; and for every falſe return wilfully made contrary to this Act, he or they ſhall forfeit and loſe for every Hearth and Stove ſo falſly returned or omitted, the ſum of Forty ſhillings.

And be it further Enacted by the Authority aforeſaid, That the ſeveral Conſtables, and other Officers, who are hereby authorized to take account of the aforeſaid Hearths and Stoves within their particular Limits as aforeſaid, ſhall at the next Quarter-Seſſions after the ſaid laſt day of May, to be holden for their reſpective counties deliver all ſuch Accounts in writing, as they ſhall receive, reform, or take by their own view, unto the Juſtices of Peace in their reſpective Quarter-Seſſions of the ſaid Counties together with a true Note of the names of all ſuch perſons who ſhall refuſe or neglect to give unto them an account under their hands of ſuch Hearths and Stoves within their reſpective Houſes, Edifices, Chambers and Lodgings, as aforeſaid.

How Accompts of Hearths and Stoves ſhall be enrolled, and Duplicates thereof, by the Juſtices of the Peace.

And be it further Enacted, That the ſaid Juſtices of Peace ſhall cauſe all the ſaid Accounts of the ſeveral Hearths and Stoves within the reſpective Counties, to be Inrolled by the Clerk of the Peace of the ſaid reſpective Counties, Ridings in Yorkſhire, and Diviſions in Lincolnſhire, and alſo a Duplicate thereof in Parchment, under the hands and ſeals of three or more of the Juſtices of Peace of the reſpective Counties and places aforeſaid, who are hereby required to ſign the ſame to be returned into his Majeſties Court of Exchequer within one moneth next after ſuch account delivered unto them at their reſpective Quarter-Seſſions aforeſaid, upon pain that the Clerk of the Peace of every ſuch County, Riding or Diviſion reſpectively offending therein, ſhall forfeit to his Majeſty, his Heirs and Succeſſors, the ſum of Two hundred pounds for the firſt moneth; And for the ſecond moneth he ſhall ſo neglect, every ſuch Clerk of the Peace ſhall forfeit and loſe his or their place and office, and the ſame ſhall become void accordingly; which forfeiture and penalty ſhall be recovered and levied as this Act directs.

How the Moneys ariſing ſhall be collected, received and paid into the Exchequer.

And to the intent that the Revenue hereby ariſing to his Majeſty, may from time to time be paid into his Exchequer with as little charge as may be; Be it Enacted by the Authority aforeſaid, That the reſpective Treaſurers and other Officers of the Inns of Court, Inns of Chancery, Colledges, and other Societies aforeſaid, within their reſpective Juriſdictions and the ſeveral Petty-conſtables, Tithing-men, Head-boroughs, and ſuch other Officers within the reſpective Limits, Liberties and Juriſdictions, ſhall every half year, within ſix days after the ſaid duty ſhall grow due, as aforeſaid, collect, gather, and receive the the ſame from the ſeveral Occupiers of the ſaid Hearths and Stoves, and upon payment thereof, ſhall give ſeveral Acquittances (without taking any thing for ſuch Acquitances) unto the ſeveral perſons who ſhall pay the ſame: And that ſuch Acquittances ſhall be a full and perfect diſcharge to every ſuch perſon who ſhall pay the ſame, againſt His Majeſty, His Heirs and Succeſſors; ſo that no perſon who ſhall have ſuch Acquittance, ſhall be moleſted, ſued or vexed, or put to any charge in His Majeſties court of Exchequer or elſewhere.

Diſtreſs and ſale of goods in default of payment.

And be it further Enacted by the Authority aforeſaid, That in caſe any perſon who is hereby charged, or intended to be charged to any ſum or ſums of money as aforeſaid, ſhall refuſe or neglect to pay the ſame, that then every perſon or perſons who is hereby Authorized to collect the ſame, ſhall and may levy the ſame by diſtreſs and ſale of the goods of the perſon and perſons ſo refuſing or neglecting, rendring unto the ſaid perſon and perſons the overplus of ſuch money as ſhall remain in their hands by the ſaid ſale, after the ſaid duty and neceſſary charges of levying the ſame is diſcharged as aforeſaid.

The Duty of Conſtables, Treaſurers, and Officers impowered to collect the ſaid Duties.

And be it further enacted by the Authority aforeſaid, That the aforeſaid Conſtables, Treaſurers, and others Officers, who are hereby Authorized to collect the aforeſaid duties, ſhall within Twenty days next after the aforeſaid times at which the ſaid duties ſhall be due to his Majeſty, as aforeſaid, pay unto the High Conſtables of the ſeveral Hundreds and reſpective Limits, all ſuch money as they ſhall receive for the aforeſaid duties, receiving an Acquittance without paying any thing for the ſame, and deducting Two Pence in the pound for their pains in collecting the ſame; And ſhall alſo then in writing under his hand deliver unto the ſaid High Conſtable, the names of the perſons of whom they receive the ſame, and alſo the names of ſuch perſons who ought to have paid the reſpective duties yearly charged upon them, and have not paid the ſame, where no diſtreſs can be had.

The allowance for Collecting.

Within what time the money ought to be paid to the High Sheriff.

And be it further Enacted, That the High Conſtables of the ſeveral hundreds and reſpective limits, ſhall within ten days next after their ſeveral receipts from the ſaid Conſtables, Headboroughs, Tythingmen, and other Officers, pay unto the High Sheriffs, of every County, all ſuch money as they ſhall ſo receive, deducting a penny in the pound for their pains, and ſhall alſo then deliver or cauſe to be delivered unto the ſaid High Sheriffs, the ſeveral returns which they received from the Conſtables, and other Officers aforeſaid.

And when the High Sheriff ought to pay the ſam into the Exchequer.

And the reſpective Sheriffs ſhall within thirty days after he or they ſhall receive the ſaid moneys from the reſpective Collectors, return the ſame, together with the names of ſuch perſons who are defaulters, and had no diſtreſs to be found, into his Majeſties Court of Exchequer, deducting Four pence out of twenty ſhillings, and ſo after that rate; whereof Three pence to be for the Sheriffs own uſe, As a reward of his pains in receiving and returning the ſame; and One penny to be paid by the Sheriff to the Clerk of the Peace, for his pains, to be recovered by the ſaid Clerk of the Peace by Action of Debt.

London Middleſex.

Surrey. Southwark.

Provided always, and be it Enacted, That the High Sheriff of London and Middleſex, for the time being, for London and ſo much of the county of Middleſex as lies within the Bills of Mortality, other then the Inns of Court and Chancery, and the High Sheriff of Surrey for the time being, for the Burrough of Southwark, and all other Sheriffs of any other City or Town, being a County of it ſelf, for ſuch Cities and Towns reſpectively, ſhall be, and are hereby made Collectors of, and for the ſeveral duties ariſing within their ſeveral and reſpective Limits; For which end and purpoſe, and in thoſe places onely, the Conſtables, Tythingmen, Headboroughs and other Officers ſhal deliver unto the Sheriffs of the Cities and places aforeſaid, Duplicates of the ſame, Accompts of Hearths and Stoves, which the ſaid Conſtables, Headboroughs, Tithingmen, and other Officers are appointed by this Act to take from time to time, and to deliver to the Juſtices of Peace, to be Inrolled as aforeſaid; And the ſaid Sheriffs of the Cities and places laſt before mentioned, are hereby enabled to levy the ſaid duties and required to give Acquitances without any Fees, as fully and amply to all intents and purpoſes as in this Act is appointed to be done by any other collectors; And the ſaid Sheriffs ſhall, from time to time within Forty days after the ſaid duties ſhall be payable by vertue of this Act, make payment of all the monies levied, into His Majeſties Exchequer, with a perfect liſt of the names of ſuch perſons as ſhall make default of payment, where no diſtreſs can be found to be taken; Any thing in this Act to the contrary notwithſtanding. And the ſaid Sheriffs ſhall deduct out of their payments Four pence in the pound; whereof Three pence to be for themſelves, and One penny for the Clerk of the Peace, to be recovered as aforeſaid.

Officers of the Exchequer ſhall diſcharge perſons who pay the duties, without any Fee.

And that His Majeſties Officers in his ſaid Court of Exchequer, ſhall diſcharge all ſuch perſons who paid their reſpective Duties without taking any Fees for the ſame, and ſhall alſo iſſue out proceſs to levy the ſaid duty upon ſuch perſons who ſhall fail in payment thereof, where no diſtreſs can be found, to be taken according to this Act.

The ſaid Revenue ſhall be paid into the Exchequer. And not charged with any Grant or Penſion.

And be it further enacted by the Authority aforeſaid, that the Revenue and Sum of money ariſing by vertue of this Act, (Except what ſhall be allowed to the aforeſaid Officers and Miniſters for Collecting the ſame) ſhall be duly and conſtantly paid and anſwered into his Majeſties Court of Exchequer: And ſhall not be particularly charged or chargeable, either before it be paid into the Exchequer, or after, with any Gift, Grants, or Penſion whatſoever; And that all and every Grants, of any ſuch Penſious, and all and every clauſe of Non obſtante therein contained ſhall be, and is hereby declared to be utterly void, and all and every the perſons to whom ſuch Grants are paſſed, ſhall be, and are hereby made Accomptants unto his Majeſty, his Heirs and Succeſſors, and ſhall pay back all ſums of money received by pretence of ſuch Grant; and the Court of Exchequer ſhall be, and is hereby enjoyned to Iſſue out Proceſs accordingly.

Granters of the ſame ſhall be Accomptants.

Perſons acting upon this Statute being ſued therefore, may plead the general Iſſue.

And be it further Enacted by the Authority aforeſaid, That if any action, Bill, Plaint, Suit, or Information ſhall be Commenced or Proſecuted againſt any perſon or perſons, for what he or they ſhall do in purſuance or execution of this Act, ſuch perſon or perſons ſo ſued ſhall and may plead the general Iſſue, Not guilty; And upon Iſſue joyned may give this Act, and the ſpecial matter in Evidence; and if the plaintiff or Proſecutor ſhall become Nonſuit, or ſuffer diſcontinuance or if a Verdict paſs againſt him, or if upon a Demurrer

Judgement

Treble Coſts to the Defendants.

Judgment paſs againſt him, the Defendant ſhall recover treble coſts, for which there ſhall be like remedy as in any caſe where coſts by Law are given to the Defendants.

Increaſes of Hearths or Stoves which may happen.

Decreaſes how diſcharged.

And be it further enacted by the authority aforeſaid, That where any increaſe or decreaſe of ſuch Hearths or Stoves ſhall hereafter happen, that an account in writing of the ſame ſhall be had and made in like manner as the ſame is directed to be firſt taken, returned and inrolled by this Act; and a Duplicate thereof ſent into the Exchequer in ſuch ſort as is before directed; And from thenceforth the Owner or Occupier of ſuch Houſe, where ſuch decreaſe is, ſhall be diſcharged proportionably without any further pleading in the Exchequer.

Arrearages not to be charged or ſued for, but within 2. years next after they become due.

Provided alwayes, That no perſon or perſons ſhall be charged, proſecuted or brought to account for the Arrearages of any Duty, or Arrearages of Revenue raiſed by this Act, unleſs the ſaid Suit ſhall commence within two years, and be brought to a Judgment within four years, and the Duty levied within five years next after the ſame ſhall grow due.

Poor people exempted.

Provided alwayes, That no perſon who by reaſon of his poverty, or the ſmalneſs of his Eſtate is exempted from the uſual Taxes, Payments and Contributions, towards the Church and Poor, ſhall be charged or chargeable with any the Duties by this Act impoſed, Any thing herein before to the contrary notwithſtanding.

Provided alwayes, and be it hereby enacted, That if the Church wardens and Overſeers of the poor of the pariſh, together with the Miniſter of the ſame, or any two of them (whereof the Miniſter to be one) ſhall in writing under their hands yearly certifie their belief, that the houſe wherein any perſon doth inhabit is not of greater value then of Twenty ſhillings per annum, upon the full improved Rent; And that neither the perſon ſo inhabiting, nor any other uſing the ſame Meſſuage, hath, uſeth or occupieth any Lands or Tenements of their own or others, of the yearly value of Twenty ſhillings per annum, nor hath any Lands, Tenements, Goods or Chattels, of the value of Ten pounds in their own poſſeſſion, or in the poſſeſſion of any other in truſt for them; That then in ſuch caſe, upon ſuch Certificate made to the two next Juſtices of Peace, and allowed (for which Certificate and allowance no Fee ſhall be paid) the perſon on whoſe behalf ſuch certificate is made, ſhall not be returned by the Conſtable, or other Officer; And the ſaid houſe is hereby for that year diſcharged of, and from all the Duties by this Act impoſed, Any thing herein to the contrary notwithſtanding.

Further penalty upon any perſon that ſhall accept or procure any penſion, Gift or Grant for years, &c.

Provided alſo, and be it enacted by the authority aforeſaid, that if any perſon or perſons, bodies politick or corporate, ſhall at any time hereafter procure or accept of or from the Kings Majeſty, his Heirs or Succeſſors, any Penſion, Gift or Grant for years, life, or any other Eſtate, or any ſum or ſums of money out of the Revenue ariſing by vertue of this Act, that then ſuch perſon or body politick or corporate, procuring or accepting the ſame, ſhall forfeit double the value of ſuch Penſion, Gift or Grant; The one moyety of which forfeiture ſhall be to the uſe of the poor of the pariſh or pariſhes, where the ſaid Offendors be, or inhabit, to be recovered by the Church-wardens; the other moyety to him that will ſue for the ſame, by Action of debt, bill, plaint or information.

Blowing houſes.
Stamps,
Furnaces,
Kilns,
Ovens,
Hoſpitals.

Provided, That this Act, or any thing herein contained, ſhall not extend to charge any Blowing-houſe, and Stamp, Furnace, or Kiln, or any private Oven within any of the houſes hereby charged, nor any Hearth or Stove within the ſcite of any Hoſpital or Alms-houſe for the relief of poor people, whoſe Endowment and Revenue doth not exceed in true value the ſum of One hundred pounds by the year.

The payments and duties charged only upon the Occupiers.

Provided, That the payments and duties hereby charged, ſhall be charged onely on the Occupier for the time being of ſuch Hearth or Stove, dwelling in ſuch houſe, whereto ſuch Hearth or Stove ſhall be belonging, his Executors or Adminiſtrators, and not on the Landlord who let or demiſed the ſame, his heirs, executors or aſſighs.

No priviledg to ſue in the Exchequer. Nor aſſign a Debt to the King.

Provided alſo, That no perſon or perſons indebted for any the Duties aforeſaid, ſhall thereby be priviledged as a debtor or debtors to his Majeſty, his Heirs or Succeſſors, to ſue any perſon or perſons in the Court of Exchequer, or to aſſign any debt to his Majeſty, his Heirs or Succeſſors, towards ſatisfaction of the ſame, 15 Car. 2. cap. 13. 16 Car. 2. cap. 3.

CAP. XI.

Frauds and Abuſes in his Majeſties Cuſtoms prevented and Regulated.

12 Car. 2. cap. 19.

FOraſmuch as it appears, that ſeveral unlawful and indirect means and devices are daily put in practiſe, to Export and Import Goods and Merchandizes prohibited by the Laws and Statutes of this Kingdom; as alſo to defraud the Kings moſt Excellent Majeſty of his Dues, Cuſtoms and Subſidies, as well by ſecret and deceitful deſigns, as by open force and violence uſed againſt the Kings Majeſties Officers, imployed in the Affairs of the Cuſtoms;

Ships and Veſſels arriving from beyond the Seas at Graves-End.

For the better preventing of which frauds and violences in time to come, It is enacted and Ordained by the Kings moſt Excellent Majeſty, by, and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in Parliament aſſembled; and be it enacted and ordained by the Authority thereof, That no Ship or Veſſel arriving from the parts beyond the Seas, ſhall be above three days coming from Graves-End to the place of her diſcharge (within the River of Thames) without touching or ſtaying at any Wharf, Key or place adjoyning to either Shoar between Graves-end and Cheſters-Key (unleſs apparently hindred by contrary Winds, Draught of Water, or other juſt impediment to be allowed by ſuch perſon or perſons as are or ſhall be appointed by his Majeſty for managing the Cuſtoms, the Collectors Inwards, or other principal Officers of the Cuſtoms) and then, or before the Maſter or Purſer (for that Voyage) of ſuch Ship or Veſſel, ſhall make a juſt and true Entry upon Oath, of the Burthen, Contents and Lading of every ſuch Ship or Veſſel, with the particular Marks, Numbers, Qualities and Contents of every parcel of Goods therein

True Entries of Lading to be made upon Oath.

Laden, to the beſt of his knowledge; alſo where, and in what Port ſhe took in her Lading; of what Countrey built, how manned, who was Maſter during the Voyage, and who are Owners thereof; and in all Out-Ports or Members, to come directly up to the place of unlading, as the condition of the Port requires, and will admit, and making Entries, as aforeſaid, upon the penalty of the forfeiture of One hundred pounds.

The Penalty.

The Duty of Captains, Maſter and others, taking charge of Ships and Veſſels bound for parts beyond the Seas.

To take in no Engliſh goods till Entry thereof be made at the Cuſtom-houſe.

Ships or Veſſels of War bringing Goods.

And be it further enacted by the authority aforeſaid, That no Captain, Maſter, Purſer, or any other perſon or perſons taking charge of any Ship or Veſſel bound for the parts beyond the Seas, or into the Kingdom of Scotland, whether the ſame Ship or Veſſel ſhall have Commiſſion from, or belong unto the Kings Majeſty that now is, his Heirs or Succeſſors, or ſhall belong to, or have Commiſſion from any forein Prince or State, or otherwiſe, ſhall take in or ſuffer to be taken into, or laden aboard any ſuch ſhip or veſſel, any Engliſh Goods, Wares, or Merchandize, to be Exported into the parts beyond the Seas, or into the Kingdome of Scotland, until ſuch Captain, Maſter, Purſer, or other perſon as aforeſaid, ſhall have entred ſuch ſhip or ſhips in the Book of the Commiſſioners, Cuſtomer or Collector and Comptroller Outwards of ſuch Port where he ſhall load or take in Goods, together with the Name of ſuch Captain or Maſter, the Burden of ſuch ſhip or veſſel, the number of Guns and Ammunition ſhe carries, and to what Port or place ſhe intends to paſs or ſail, and before he or they ſhall depart with his or their ſhip or veſſel out of ſuch Port or place, ſhall bring and deliver unto the ſaid perſon or perſons, which are or ſhall be appointed by his Majeſty for managing the Cuſtoms, the Cuſtomer or Collector and Comptroller of ſuch Port or place, a Content in Writing under his or their hands, of the Names of every Merchant, and other perſon or perſons that ſhall have laden and put on Board any ſuch ſhip or veſſel, any ſuch Goods or Merchandize, together with the Marks and Numbers of ſuch Goods and Merchandize, and ſhall likewiſe publickly in the open Cuſtom-houſe, upon his corporal Oath, to the beſt of his knowledge, have anſwered to ſuch queſtion or queſtions, as ſhall be demanded of him by the ſaid perſon or perſons which are or ſhall be appointed by his Majeſty for the managing the Cuſtoms, the Cuſtomer or Collector and Comptroller, or their Deputies, concerning ſuch Goods and Merchandize as ſhall be aboard ſuch ſhip or veſſel, upon pain of forfeiture of One hundred pounds; And that no ſuch Captain, Maſter, Purſer, or other perſon or perſons, taking charge of any ſhip or Veſſel of War, as aforeſaid, wherein any Goods, Wares or Merchandizes ſhall have been laden or brought from the Ports beyond the Seas, or out of the Realm of Scotland, ſhall unload or put on board any Lighter, Boat or Bottom, or lay on land, or ſuffer to be diſcharged or put into any Lighter, Boat or Bottom, or to be laid on land out of any ſhip or Veſſel as aforeſaid, any Goods, Wares or Merchandize whatſoever, before ſuch Captain, Maſter, Purſer, or other perſon taking charge of the ſhip or Merchants Goods for that Voyage as aforeſaid, ſhall have ſignified and declared in writing under his or their hands, unto the perſon or perſons which are or ſhall be appointed by his Majeſty for managing the Cuſtoms, the Cuſtomer or Collector and Comptroller Inwards of the Port where he arriveth, the Names of every Merchant or Lader of any Goods or Merchandizes aboard the ſaid ſhip or Veſſel, together with the Number and Marks, and the quantity and quality of every Parcel of Goods and Merchandizes to the beſt of his knowledge, and ſhall have anſwered upon his or their corporal Oath, to ſuch Queſtions concerning ſuch Goods and Merchandizes, as ſhall be publickly adminiſtred unto him in the open Cuſtom-houſe by ſuch perſon or perſons which are or ſhall be appointed for managing the Cuſtoms, Cuſtomer or Collector and Comptroller, or their Deputies, and ſhall be liable to all Searches and other Rules which Merchants ſhips are ſubject unto, by the uſage of his Majeſties Cuſtom-houſe (victualling Bills and Entring excepted) upon pain to forfeit One hundred pounds, and upon refuſal to make ſuch Entries as aforeſaid, as well Outwards as Inwards, the ſaid perſon or perſons which are or ſhall be appointed for managing the Cuſtoms, and Officers of his Majeſties Cuſtoms, and their Deputies, ſhall and may freely enter and go on board all and every ſuch Ship or Veſſel of War, and bring from thence on ſhoar into his Majeſties Store-houſe belonging to the Port where ſuch ſhip ſhall be, all Goods and Merchandizes prohibited or uncuſtomed, which ſhall be found aboard any ſuch ſhip as aforeſaid.

The power of Officers for managing the Cuſtoms to enter and ſearch Ships and Veſſels.

And be it hereby alſo enacted, That the ſaid perſon or perſons which are or ſhall be appointed for managing the Cuſtoms, and Officers of his Majeſties Cuſtoms, and their Deputies, are hereby authorized and enabled to go and enter aboard any Ship or Veſſel, as well ſhips of War as Merchant ſhips, and from thence to bring on ſhore all Goods prohibited or uncuſtomed, except Jewels, if they be Outwards bound; and if they be Ships or Veſſels Inwards bound, from thence to bring on ſhore into his Majeſties Store-houſe, as aforeſaid, all ſmall parcels of Fine Goods or other Goods which ſhall be found in Cabbins, Cheſts, Trunks, or other ſmall Package, or in any private or ſecret place, in, or out of the hold of the ſhip or Veſſel, which may occaſion a juſt ſuſpition that they were intended to be fraudulently conveyed away, And all other ſorts of Goods whatſoever, for which the Duties of Tunnage & Poundage were not paid or compounded for within Twenty dayes after the firſt Entry of the Ship, to be put and remain in the ſtore-houſe aforeſaid, until his Majeſties Duties thereupon be juſtly ſatisfied, unleſs the ſaid perſon or perſons which are or ſhall be appointed by his Majeſty for managing the Cuſtoms, and Officers of the Cuſtoms, ſhall ſee juſt cauſe to allow a longer time, and that the ſaid perſon or perſons which are or ſhall be ſo appointed to manage the Cuſtoms, and the Officers of the Cuſtoms, and their Deputies, may freely ſtay and remain aboard until all the Goods are delivered and diſcharged out of the ſaid Ships or Veſſels: And if any Maſter, Purſer, or Boat-ſwain or other, taking charge in any Ship or Veſſel, or any other perſon whatſoever ſhall ſuffer any Truſs, Bale, Pack, Fardel, Cask, or other Package to be opened aboard the ſaid Ship or Veſſel, and the goods therein to be imbezelled, carried away, or put into any other Form or Package, after the

Ship comes into the Port of her diſcharge, in every ſuch caſe the ſaid Maſter, Purſer, Boat-ſwain, or others, ſhall forfeit the ſum of one hundred pounds.

Goods conceal'd in any Ship after clearing.

The Penalty.

And be it further Enacted by the Authority aforeſaid, That in caſe, after the clearing of any Ship or Veſſel, by the perſon or perſons which are or ſhall be appointed by his Majeſty for managing the Cuſtoms, or any their Deputies, and diſcharging the Watchmen or Tideſmen from attendance thereupon, there ſhall be found on board ſuch Ship or Veſſel, any Goods, Wares or Merchandizes, which have been concealed from the knowledge of the ſaid perſon or perſons, which are or ſhall be ſo appointed to manage the Cuſtoms, and for which the Cuſtom, Subſidy, and other Duties due upon the Importation thereof, have not been paid, then the Maſter, Purſer, or other perſon taking charge of ſuch Ship or Veſſel, ſhall forfeit the ſum of One hundred pounds. And it ſhall be lawful to or for any perſon or perſons, authorized by Writ of Aſſiſtance, under the Seal of his Majeſties Court of Exchequer, to take a Conſtable, Headborough, or other publick Officer inhabiting near unto the place, and in the day-time to enter, and go into any Houſe, Shop, Cellar, Ware-houſe or Room, or other place, and in caſe of Reſiſtance, to break open Doors, Cheſts, Trunks, and other Package, there to ſeize, and from thence to bring any kind of Goods or Merchandize whatſoever, prohibited and uncuſtomed, and to put and ſecure the ſame in his Majeſties Store-houſe, in the Port next to the place where ſuch ſeizure ſhall be made.

An accompt to be given of all foreign ſhips in all Ports of England.

12 Car. 2. ca. 18.

Foreign built Ships not to have the priviledge of Ships belonging to England or Ireland.

The puniſhment for beating and abuſing Officers of the Cuſtoms.

And for the better encreaſe of Shipping and Navigation, Be it further Enacted, That the Collectors, and other Officers of his Majeſties Cuſtoms, in all the Ports of England, ſhall forthwith give an account unto the Collectors and Surveyor in the Port of London (appointed by his Majeſty for all Duties and Matters relating to a late Act, Intituled, An Act for encreaſing and encouraging of Shipping and Navigation,) of all Foreign built Ships in their Ports, owned and belonging to the people of England, of what built and burthen they are, for which Certificates have been made according to the ſaid Act, and that the ſaid Collector and Surveyor ſhall make a true and perfect liſt of all ſuch Ships, atteſted under their hands, and tranſmit the ſame into his Majeſties Court of Exchequer, on, or before the moneth of December, in the year, One thouſand ſix hundred ſixty two, there to remain upon Record. And that no Foreign built Ship (that is to ſay) not built in any of his Majeſties Dominions of Aſia, Africa or America, or other than ſuch as ſhall (bona fide) be bought before the firſt of October, 1662. next enſuing, and expreſly named in the ſaid Liſt, ſhall enjoy the priviledge of a Ship belonging to England or Ireland, although owned or manned by Engliſh (except ſuch Ships only as ſhall be taken at Sea by Letters of Mart or Reprizal, and condemnation made in the Court of Admiralty, as lawful Prize) but all ſuch Ships ſhall be deemed as Aliens Ships, and be liable unto all Duties that Aliens Ships are liable unto by vertue of the ſaid Act for encreaſe of Shipping and Navigation. And whereas it is required by the ſaid Act, that in ſundry caſes the Maſter and three fourths of the Mariners are to be Engliſh, it is to be underſtood, that any of his Majeſties Subjects of England, Ireland, and his Plantations, are to be accounted Engliſh, and no others, and that the number of Mariners be accounted according to what they ſhall have been during the whole Voyage. And whereas of late ſome of the perſons appointed by his Majeſty for the managing the Cuſtoms and the Officers of the Cuſtoms and their Deputies, have been hindred, affronted, abuſed, beaten, and wounded, to the hazard of their lives, in the due execution of their ſeveral Truſts and Services in their reſpective places, by armed companies and multitudes of men, and goods prohibited and uncuſtomed have by force and violence, as well by Land as by Water, been forcibly carried and conveyed away; Be it Enacted by the Authority aforeſaid, That where any Officer or Officers ſhall be by any perſon or perſons armed with Club, or any manner of Weapon, forcibly hindred, affronted, abuſed, beaten or wounded, as aforeſaid, either on board any Ship or Veſſel; or upon the Land or Water (in the due execution of their Office, all and every perſon and perſons ſo reſiſting, affronting, abuſing, beating or wounding the ſaid Officer or Officers, or their Deputies, or ſuch as ſhall Act in their aid or aſſiſtance, ſhall by the next Juſtice of Peace, or other Magiſtrate, be committed to Priſon, there to remain till the next Quarter-Seſſions: And the Juſtices of the Peace of the ſaid Quarter-Seſſions, ſhall, and are hereby impowred to puniſh the Offendor by Fine, not exceeding One hundred pounds, and the Offendor is to remain in Priſon till he be diſcharged by Order of the Exchequer, both of the Fine and of the Impriſonment, or diſcover the perſon that ſet him on work, to the end he may be legally proceeded againſt.

No goods to be Water-born landed, but in the preſence of ſome Officer of the Cuſtoms.

1 Eliz. cap. 11.

The Penalty.

And be it further Enacted by the Authority aforeſaid, That if any Wharfinger, or Keeper of any Wharf, Crane, Key, or their ſervants, or any of them, ſhall take up or land, or knowingly ſuffer to be taken up, or landed, or ſhall Ship off, or ſuffer to be Water-born, at or from any of their ſaid Wharfs, Cranes or Keys, any Goods, Wares or Merchandize prohibited, or whereof any Cuſtom, Subſidy, or other Duties are due and payable unto the Kings Majeſty, without the preſence of ſome of the Officers of His Majeſties Cuſtoms thereunto appointed, or at hours and times not appointed by Law (except in the Port of Hull, as in the Statute of the Firſt year of Queen Elizabeth, Chapter the Eleventh, is excepted, and not otherwiſe) or Goods paſſing by Certificates, Waſte-Cockquet, or otherwiſe without the preſence or notice given to one or more of His Majeſties Officers, That in every ſuch caſe all and every ſuch Wharfinger and Keeper of ſuch Wharf, Crane or Key, ſhall forfeit and pay the ſum of One hundred pounds; And if any Goods or Merchandize ſhall be Laden or taken in from the ſhore, into a Bark, Hoy, Lighter, Barge, Wherry or Boat, to be carried aboard any Ship or Veſſel Outwards bound for the parts beyond the Seas, or Laden, or taken in, from or out of any Ship or Veſſel coming in and arriving from foreign parts, without a Warrant, and preſence of one or more Officers of the Cuſtoms, ſuch Bark, Hoy, Lighter, Barge, Boat or Wherry ſhall be forfeited and loſt, and the Maſter, Purſer, Boatſwain, or other Mariner of any Ship Inward bound, knowing and conſenting thereunto, ſhall forfeit the value of the Goods ſo unſhipped: And further, That in caſe any Car-man, Porter, Water-man, or other perſon or perſons whatſoever ſhall aſſiſt in the taking up, landing, ſhipping off, or carrying away any ſuch Goods, Wares or Merchandizes, that then ſuch Car-man, Porter, Water-man, or other perſon or perſons ſo offending being apprehended by Warrant of any Juſtice of the Peace for that County, City or Borough which the ſaid Juſtices, and every of them are hereby authorized to iſſue, and to examine Witneſſes upon Oath concerning ſuch fact, and the ſame being proved by the Oath of two witneſſes, the ſaid Offendors for ſuch firſt Offence ſhall and may by ſuch Juſtice of the Peace be committed to the next Gaol, there to remain till he and they find ſufficient ſurety to be of the good behaviour for ſo long time, until he and they ſhall be thereof diſcharged by the Lord Treaſurer, Chancellor, Under-Treaſurer or Barons of the Exchequer; And in caſe he or they ſo convicted, ſhall afterwards at any time offend in the like kind, then he and they ſhall and may by any Juſtice of the Peace as aforeſaid, be committed to the next Gaol, there to remain for the ſpace of two moneths without Bail or Mainprize, or until he ſhall pay unto the Sheriff of that County the ſum of Five pounds for the uſe of his Majeſty, or until he ſhall by the Lord Treaſurer, Chancellor, Under-Treaſurer or Court of Exchequer be thence diſcharged. Be it further enacted by the authority aforeſaid, That if any Goods, Wares or Merchandizes, ſhall be ſhipped or put on Board to be carried forth to the open Sea from any one Port, Creek or Member in the Kingdome of England, Dominion of Wales, or Port and Town of Berwick, to be landed at any other place of this Realm, without a Sufferance or Warrant firſt had and obtained from the ſaid perſon or perſons, which are or ſhall be appointed for managing the Cuſtoms, and Officers of his Majeſties Cuſtoms, all ſuch Wares and Merchandizes ſhall be forfeited and loſt, and that the Maſter of every Ship or Veſſel that ſhall lade or take in any ſuch Goods, Wares, or Merchandizes, in any Port, Member or Creek within this Kingdom of England, Dominion of Wales, or Town and Port of Berwick, to be landed and diſcharged in ſome other Port, Member or Creek of the ſaid Kingdom of England, Dominion of Wales, or Town and Port of Berwick, ſhall before the Ship or Veſſel be removed or carried out of the Port (where he ſhall take in his lading) take out a Cocquet or Cocquets, and become bound to the Kings Majeſty with good ſecurity, in the value of the Goods, Wares and Merchandizes aforeſaid, for delivery and diſcharge thereof in the Port or place for which the ſame ſhall be entred as aforeſaid, or in ſome other Port or place within the ſaid Kingdom of England, Dominion of Wales, or Port and Town of Berwick, and (the dangers and accidents of the Seas excepted) to return a Certificate within ſix moneths after the date of ſuch Cocquet and Cocquets, under the hands and ſeals of the Kings Majeſties Officers, ſigned alſo by ſome of the ſaid perſon or perſons, which are or ſhall be appointed by his Majeſty for managing the Cuſtoms, or their Deputy or Deputies, in every reſpective Ports, Members, or Creeks where the ſame ſhall be landed and diſcharged, to his Majeſties Officers of the Cuſtoms to whom ſuch ſecurity hath been given as aforeſaid, that ſuch Goods, Wares and Merchandizes were there landed and diſcharged accordingly, upon the penalty of the forfeiture of the Bond and ſecurity aforeſaid.

Goods carried from one Port to another in England or Wales.

And be it hereby further enacted, That if any Officer of any Port, Member or Creek, ſhall make any falſe Certificate of any Goods or Merchandizes which ſhould have been landed out of any Ship or Veſſel, That ſuch Officer ſhall loſe his Imployment, and moreover forfeit the ſum of Fifty pounds, and ſuffer one years Impriſonment without bail or mainprize, and be incapable of ſerving his Majeſty in any place of Truſt concerning his Cuſtoms, and be further liable to ſuch corporal puniſhment as the Court of Exchequer ſhall think fit; And if any perſon whatſoever ſhall counterfeit, raſe, or falſifie any Cocquet, Certificate or Return, Tranſite, Let-paſs, or any other Cuſtom-houſe Warrant, he ſhall forfeit One hundred pounds, and the Cocquet, Certificate or Return ſhall be invalid and of none effect; and if any Goods, Wares or Merchandizes brought or coming into any Port, Haven or Creek within the Kingdom of England, Dominion of Wales, or Port and Town of Berwick, from any other Port, Haven or Creek within the Kingdom of England, or Dominions aforeſaid, by Port, Cockquet, Tranſite, Let-paſs or Certificate, in Ships or Veſſels, ſhall be landed or put on ſhore before ſuch Cocquet, Tranſite, Let-paſs, or Certificate ſhall be delivered to ſuch perſon or perſons, which are or ſhall be appointed by his Majeſty for managing his Cuſtoms, the Cuſtomer or Collector, and Comptroller of the Port or place of their Arrival, or to their Deputy or Deputies, and Warrant or Sufferance made and given from ſuch perſon or perſons, Cuſtomer, or Collector and Comptroller, or their Deputy and Deputies aforeſaid, for the landing and diſcharging thereof.

Officers of any Port making falſe certificate.

The Penalty.

Counterfeiting Cocquets, Certificates, &c.

The penalty.

And be it further enacted by the authority aforeſaid, That if any Goods, Wares, or Merchandizes, for which the Duties of Subſidy or Cuſtom are due and payable to the Kings Majeſty, ſhall be ſecretly conveyed on Board any Ship or Veſſel before the Cuſtome and Subſidy thereof be duly anſwered and paid, and ſhall eſcape the diſcovery thereof by the Officers of the Cuſtoms or others, and be carried into the parts beyond the Seas; in ſuch caſe the Owners or Proprietors of ſuch Goods, Wares or Merchandizes, or other perſon or perſons who ſhall have ſo ſhipped or cauſed the ſame to be ſhipped and tranſported, ſhall forfeit the double value of the Goods, computed according to the Book of Rates, Except for Coal, which ſo ſecretly Exported as aforeſaid, ſhall pay double the Cuſtome and Duty, to be collected and levied in ſuch manner as by the Act of Tunnage and Poundage is directed and appointed.

Goods ſecretly conveyed beyond Sea uncuſtomed, and undiſcovered by the officers.

The penalty.

Be it further enacted by the authority aforeſaid, That for preventing of frauds in colouring of ſtrangers Goods, and otherwiſe, Every Merchant or other, paſſing any Goods, Wares or Merchandizes, Inwards or Outwards, ſhall by himſelf, or his known ſervant, Factor or Agent, ſubſcribe one of his Bills of every Entry, with the mark, number, and contents of every parcel of ſuch Goods as are rated to pay by the piece or meaſure, and

For preventing frauds in colouring ſtrangers goods.

weight of the whole parcel of ſuch Goods as are rated to pay by the weight, without which the officers of the cuſtoms ſhall not ſuffer any entry to paſs; And that no children or aliens under the age of Twenty one years be permitted to be Traders, or any Goods or Merchandizes to be entred in their names.

There ſhall be no party Jury in actions, or ſuits concerning cuſtoms.

Be it alſo hereby enacted, That upon any Actions, Suits and Informations that ſhall be brought, commenced, or entred upon any Law or ſtatute concerning the Kings Majeſties Subſidies of Tunnage and Poundage, or Ships or Goods to be forfeited by reaſon of unlawfull Importation or exportation, there ſhall not be any Party Jury, but ſuch only as are the natural and free-born Subjects of the King his Heirs or Succeſſors.

Allowances for defects and damages in goods, how to be made.

And whereas allowances given to Merchants and others for defects and damages upon Goods, and Five per centum generally upon all Goods Imported, and Twelve per centum upon Wines, every Merchant or others having the aforeſaid allowances inwards, ſhall in perſon upon Oath by himſelf, or by his known Servant or Factor, demand and receive the moneys due upon Debenturs for ſuch Foreign Goods Exported by ſuch Certificate, with ſuch abatements and allowances as were made and given to him upon the Importation; and if he be found fraudulently to ſhip out leſs in quantity or value then is expreſſed in his Certificate, the Goods therein mentioned, or the value thereof ſhall be forfeited; and the Owner or Merchant ſhall loſe the benefit of receiving back any part of the Subſidy for thoſe Goods; and if any Goods ſhipped out by Certificate as aforeſaid, ſhall be landed again in the ſame, or any other Port or place within the Kingdom of England, Dominion of Wales, and Town and Port of Berwick (unleſs in caſe of Diſtreſſe to ſave the goods from periſhing, which ſhall be preſently made known to the perſon or perſons which are or ſhall be appointed by his Majeſty to manage his Cuſtoms, and principal Officers of the port) no allowance ſhal be demanded or made for thoſe Goods, and the ſaid Goods, or value thereof, ſhall be forfeited and loſt.

Goods brought from, or carried into Scotland by land, ſhall paſſe through Berwick or Carlile.

12 Car. 2. cap. 4.

Be it further Enacted by the authority aforeſaid, That all Goods, Wares or Merchandize that ſhall be brought out of, or carried into the Kingdom of Scotland by Land, into, or out of the Kingdom of England, Dominion of Wales, or Port and Town of Berwick, ſhall paſſe and be carried by and through ſome of the Towns and Paſſages hereafter named, (that is to ſay) by and through Berwick or Carlile, and then and there pay the Cuſtom and Subſidy granted and due to the Kings Majeſty, by an Act of this preſent Parliament, entituled, A Subſidy granted to the King of Tunnage and Poundage, and other Sums of Money payable upon Merchandize Exported and Imported; And if any Goods, Wares or Merchandize prohibited or uncuſtomed, coming out of Scotland into England, or going out of England into Scotland, ſhall paſſe by, or beyond the Towns, Ports and places aforenamed without due entry and payments of the Cuſtoms, That then all ſuch Goods, Wares and Merchandize, or the value thereof ſhall be forfeited and loſt.

1 El. cap. 11. When and where Merchandize ſhall be landed and cuſtom paid.

And whereas in and by an Act of Parliament in the Firſt year of Queen Elizabeth, of famous memory, directing when and where Merchandize ſhall be landed, and Cuſtoms paid; it is amongſt divers other things Enacted and Ordained, That no Goods, Wares or Merchandize ſhall be ſhipped or loaden aboard any Ship or Veſſel, or landed or diſcharged out of, or from any Ship or Veſſel, but in or upon ſome ſuch open place, Key or Wharf, places, Keys or Wharfs, (Except the Port of Hull) as her Highneſs, her Heirs and Succeſſors ſhould therefore aſſign or appoint by vertue of her Highneſs Commiſſion or Commiſſions, within the Port of London, and in all Ports, Creeks, Havens or Roads, as in and by the ſaid Act doth and may at large appear. And whereas, notwithſtanding the aforeſaid Act, there are ſome Ports, Creeks and places where Cuſtomers, Collectors, and Comptrollers and Searchers, and their ſervants had then, time out of mind, been reſident, to which no ſuch Commiſſions were ſent, nor places, Keys, nor Wharfs appointed, as by the ſaid Act was directed: And whereas alſo ſince that time, by reaſon of the alteration of Rivers, Streams, Channels and Sands, ſome places then appointed are become unfit and uſeleſs, and others much more convenient and commodious, as well for Traffique and Commerce, as for Landing and Diſcharging, Lading and Shipping of Goods, Wares, and Merchandize; It is Enacted and Ordained, and be it Enacted and Ordained by the authority aforeſaid, That the Kings Majeſty may from time to time by his Highneſs Commiſſion or Commiſſions out of his Court of Exchequer, aſſign and appoint all ſuch further places, Ports, Members and Creeks, (except the Town of Hull) as ſhall be lawful for the landing and diſcharging, lading or ſhipping of any Goods, Wares or Merchandize, within the Kingdom of England, Dominion of Wales, or Port or Town of Berwick upon Tweed, and to what ancient and head-Ports reſpectively ſuch places, Members or Creeks ſhall belong and appertain: And where any ſuch Member, Creek or place ſhall be ſo (as aforeſaid) appointed by vertue of the ſaid Commiſſion or Commiſſions, the Cuſtomer, Collector, Comptroller and Searcher of the head Port, ſhall by themſelves, or their ſufficient deputy or deputies, ſervant or ſervants, reſide and inhabit, for the entring, clearing, and paſſing, ſhipping and diſcharging of Ships, Goods and Merchandize; And by vertue of the aforeſaid Commiſſion or Commiſſions, may likewiſe ſet down and appoint the extents, bounds and limits of every Port, Haven or Creek within his Majeſties Kingdom of England, Dominion of Wales, and Town and Port of Berwick, whereby the extents, limits and priviledges of every Port, Haven and Creek, may be aſcertained and known: And it ſhall not be lawful for any perſon or perſons whatſoever, to lade, or put, or cauſe to be laden or put off, or from any Key, Wharf, or other place on the Land, into any Ship, Veſſel, Lighter, Boat or Bottom, any Goods, Wares or Merchandize whatſoever, (Fiſh taken by his Majeſties Subjects, Sea coal, Stone and Beſtials only excepted) to be tranſported into any place of the parts beyond the Seas; or carried by Land into the Realm of Scotland, or to take up, diſcharge or lay on land, or cauſe, or procure to be taken up, diſcharged and laid on Land out of any Boat, Lighter, Ship, Veſſel or Bottom (being not in Leak or Wreck) any Goods, Wares, Merchandize whatſoever(Fiſh taken by his Majeſties Subjects, Beſtials and Salt only excepted) to be brought from any of the parts beyond the Seas, or by land from the Realm of Scotland, by way of Merchandize, but only upon ſuch open place, Key or Wharf, Places, Keys or Wharfs, as his Majeſty ſhall from time to time aſſign and appoint by vertue of ſuch Commiſſion and Commiſſions as aforeſaid, in his Majeſties Port of London, and the Members and Liberties thereof, in any other Port, place, Member or Creek within his Majeſties Kingdom of England, Dominion of Wales, and Town and Port of Berwick, without ſpecial ſufferance and leave firſt had from the Commiſſioners and Officers of his Majeſties Cuſtoms, upon the penalty of the forfeiture of all ſuch Goods, Wares and Merchandize.

And foraſmuch as it doth appear by daily experience, That there are great Practiſes and Combinations between the Importers and Owners of Goods and Merchandizes, and the Seizers and Informers, with deſign and intent to defraud the force of the Law, and his Majeſty of his Duties and Cuſtoms; Be it enacted by the authority aforeſaid, That no Ship or Ships, Goods, Wares or Merchandize, ſhall be ſeized as forfeited, for or by reaſon of unlawful Importation or Exportation, into, or out of this Kingdom of England, Dominion of Wales, or Port and Town of Berwick, or any the Ports, Members or Creeks thereunto belonging, or for not payment of any Cuſtoms or Subſidies now due, or hereafter to be due and payable to his Majeſty, but by the perſon or perſons who are or ſhall be appointed by his Majeſty to manage his Cuſtoms, or Officers of his Majeſties Cuſtoms for the time being, or ſuch other perſon or perſons as ſhall be deputed and authorized thereunto by Warrant from the Lord Treaſurer, or Under-Treaſurer, or by ſpecial Commiſſion from his Majeſty under the Great or Privy-Seal; And if any ſeizure ſhall hereafter be made by any other perſon or perſons whatſoever for any the cauſes aforeſaid, ſuch ſeizure ſhall be void and of none effect, Any Statute, Law, Act, or Proviſion to the contrary in any wiſe notwithſtanding.

For avoiding Practiſes between Owners of goods and Informers, to avoid payment of cuſtoms. None to ſeize any goods but Officers of the cuſtoms.

And be it further enacted by the authority aforeſaid, That in every Action, Suit, Indictment, Information or Proſecution, wherein or whereby the perſon or perſons which are or ſhall be appointed by his Majeſty for managing his Cuſtoms, or the Officers of his Majeſties Cuſtoms, or any Officer or Officers, Perſon or Perſons authorized by his Majeſty to put in execution the Act of Parliament, For encreaſing and encouraging of Navigation, their Deputies or Servants, or any others acting in aid of them, have been, are, or ſhall be ſued, indicted, proſecuted or moleſted, it ſhall be lawful for all and every the ſaid perſons, their heirs, executors and adminiſtrators, to plead the general Iſſue, and to give this or the aforeſaid Acts of Parliament, relating to the Cuſtoms and Navigation in evidence, in any of his Majeſties Courts of Juſtice, or other Courts where the ſaid matter ſhall be depending; And the Judges of the ſaid Courts are hereby ſtrictly enjoyned and required to admit the ſame, and to acquit and indempniſie them, and every of them, of, and from all ſuch Suits, Indictments, Informations or Proſecutions, for or concerning any matter or thing acted or done in the due and neceſſary performance and execution of their reſpective Truſts and Imployments therein.

In any Suit againſt perſons imployed about the cuſtoms, the Defendant may plead the general Iſſue.
12 Car. 2. ca. 18.

And to give this or other acts relating to cuſtoms or Navigation, in evidence.

Be it hereby alſo enacted for avoiding of fraudulent Compoſitions, That if any Seizer, Informer or Officer as aforeſaid, ſhall not proſecute to effect for the bringing to Tryal and Condemnation the Ships, Goods and Merchandize by them ſeiſed or informed againſt, That then, and in every ſuch caſe, it ſhall be lawful to or for any of the perſon or perſons which are or ſhall be appointed by his Majeſty for managing his Cuſtoms, or the Officers of the Cuſtoms, or other perſon or perſons deputed by them, or thereunto authorized by the Lord Treaſurer, or Under-Treaſurer to make ſeizure of, or inform againſt ſuch Goods and Merchandize, or bring his Action for the ſame by way of Devenerunt, and that they ſhall be eſteemed and adjudged in Law as the true firſt Informers and Seizers, and have the benefit of ſuch Informers or Seizers; Any Law, Statute, Act or Uſage to the contrary in any wiſe notwithſtanding.

For avoiding fraudulent compoſitions by Informers.

And that no Informer or Officer be ſuffered to compound under one Third of the appraiſed value upon loſs of his office;

Be it further Enacted by the authority aforeſaid, That if any of the Kings Majeſties Officers, or other perſons appointed to manage his Majeſties Cuſtoms, Searchers, Waiters, or other perſon or perſons whatſoever deputed and appointed by and under them, or any of them, or any other Authority whatſoever, and imployed in or about the Affairs of the Kings Cuſtoms and Subſidies, ſhall directly or indirectly take or receive any bribe, recompence or reward, in any kind whatſoever, or connive at any falſe Entry of any Goods or Merchandizes, whereby the Kings Majeſty, his Heirs or Succeſſors, ſhall be defrauded or hindred, in, or of his Cuſtoms and Subſidies, or other ſums of Money or Goods prohibited by the Law to be Imported or Exported into or out of the Kingdom of England, Dominion of Wales, Town and Port of Berwick, be ſuffered to paſſe either by way of Importation or Exportation, the perſon or perſons therein offending, ſhall forfeit the ſum of One hundred pounds, and be for ever afterwards incapable of any Office or Imployment under the Kings Majeſty, his Heirs or Succeſſors, or any Authority derived from them, as alſo the Merchant, Mariner, or other perſon or perſons whatſoever, who ſhall give or pay any ſuch Bribe, Recompence or Reward as aforeſaid, ſhall forfeit the ſum of Fifty pounds.

No perſon employed about managing the cuſtoms, may take any bribe or reward to connive at any Entry.

The penalty.

Provided nevertheleſs, That if any perſon or perſons offending as aforeſaid, ſhall reveal and make known ſuch his or their offence in Two moneths time to the Treaſurer of England, the Chancellor, Under-Treaſurer, or Barons of the Exchequer, he ſhall for that offence be clearly acquitted and diſcharged.

Perſons revealing their own offences within Two moneths to be acquitted.

And be it further enacted, That all forreign Goods and Merchandize which by the perſon or perſons which are or ſhall be appointed by his Majeſty for the managing of the Cuſtoms, Forreign goods, where to be landed, and how weighed and numbred.

and the Cuſtomer, Collector and Comptroller, ſhall be permitted to be landed and taken up by Bills at ſight, Bills at view or ſufferance, ſhall be landed at the moſt convenient Keys or Wharfs where the ſaid perſon or perſons ſo to be appointed, Cuſtomer, or Collector or Comptroller, ſhall appoint, and not elſewhere, and there or in his Majeſties Store-houſe of the reſpective Ports, at the Election of the ſaid perſon or perſons ſo to be appointed, and the Officers, ſhall be meaſured, weighed and numbred, by and in the preſence of the Officers, to be thereunto particularly appointed; which ſaid Officers ſo appointed, ſhall perfect the Entry, and thereunto ſhall ſubſcribe their Names, and the next day following ſhall give Accompt, and make report of every reſpective Entry ſo perfected as aforeſaid, to the ſaid perſon or perſons which are or ſhall be appointed to manage his Majeſties Cuſtoms, Cuſtomer, or Collector and Comptroller aforeſaid, without reaſonable cauſe to be allowed by the ſaid perſon or perſons, or Officers aforeſaid, or in default thereof, ſhall forfeit the ſum of One hundred pounds.

Veſſels appointed for carrying Letters, may not Import nor Export Merchandize.

Be it alſo enacted, That no Ship, Veſſel or Boat, appointed and imployed ordinarily for the carriage of Letters and Pacquets ſhall (unleſs it be in ſuch caſes as ſhall be allowed by the ſaid perſon or perſons which are or ſhall be appointed to manage his Majeſties Cuſtoms, or Officers aforeſaid) Import or Export any Goods or Merchandize into or out of the parts beyond the Seas, upon the penalty of the forfeiture of One hundred pounds to be paid by the Maſter of the ſaid Veſſel or Boat, with the loſs of his place; and all goods and Merchandize that ſhall be found on board any ſuch Ship, Veſſel or Boat, ſhall be forfeited and loſt.

An Explanation of 12 Car. 2. cap. 18. of goods prohibited to be brought from Holland.

And whereas ſome Doubts and Diſputes have ariſen concerning the ſaid late Act For encreaſing and encouraging of Shipping and Navigation, about ſome of the Goods therein prohibited to be brought from Holland, and the parts and Ports thereabouts; Be it enacted and declared, That no ſort of Wines (other then Rheniſh) no ſort of Spicery, Grocery, Tobacco, Pot-aſhes, Pitch, Tarr, Salt, Rozen, Deal-boards, Firr, Timber, or Olive-oyl, ſhall be imported into England, Wales, or Berwick, from the Netherlands or Germany, upon any pretence whatſoever in any ſort of Ships or Veſſels whatſoever, upon penalty of the loſs of all the ſaid Goods, as alſo of the Ships and furniture.

12 Car. 2. c. 18. Impoſition of 5 s. per Tun upon French Veſſels.

And whereas alſo by the ſaid Acts For encouraging and encreaſing of Shipping and Navigation, an Impoſition of Five ſhillings per Tun is laid upon all Ships or Veſſels belonging to any Subjects of the French King, which ſhall come into any Port, Harbour, Creek or Road of England, Ireland, Wales, or Town of Berwick upon Tweed, and ſhall there lade or unlade any Goods, or take in or ſet on ſhore any Paſſengers, yet notwithſtanding there is great difficulty in recovering the ſaid Duty, becauſe ſmall Shallops come not into Harbours where Officers are, but either put their Goods and Paſſengers on ſhore, or Boats come out of Harbors, which privately convey them on ſhore, there being no penalty in the Act againſt ſuch offendors; Be it therefore enacted, That any ſuch Ship or Veſſel upon which the above-ſaid Impoſition of five ſhillings per Tun is due and payable, which ſhall either put on ſhore, or put over into any Boat any Goods or Paſſengers without payment of Cuſtom and Impoſition of Tunnage, at any time returning into any Harbour, Port or Creek of England or Ireland, ſhall not only pay the Duties formerly due, but forfeit the ſum of Ten pounds; And whatſoever Pilot, Water-man or Boat-man, which ſhall from any Harbour, Port or Creek go out and bring any Goods from on board ſuch Veſſel, ſhall not only be liable to pay the Duty of Tunnage which the ſaid Veſſel ſhould have paid, but forfeit the ſum of Forty pounds.

How to be recovered, and the penalty.

Tunnage upon Vinegar, Perry, Rape, Cyder and Cyder-eager.

Be it alſo hereby enacted, That Vinegar, Perry, Rape, Cyder, and Cyder-eager, of any ſort or kind whatſoever, Imported from and after the Four and twentieth day of June, One thouſand ſix hundred ſixty and two, from Forreign parts, is hereby Rated to pay to the Kings Majeſty a Subſidy of Tunnage of Four pounds ten ſhillings per Tun Imported by Engliſh, and Six pounds imported by Strangers, according to the Rate already impoſed and ſet upon French Wines, to be collected and levied for ſuch time and in ſuch manner as by the ſaid Act of Tunnage and Poundage is directed and appointed; And the ſame are by vertue of this Act exonerated and diſcharged of all further and other ſums heretofore ſet or charged upon thoſe Commodities, by or under the name of Subſidy or Poundage; And in caſe of exportation, there ſhall be repaid and allowed to the Engliſh-man Exporter, the ſum of Three pounds ten ſhillings per Tun, and to the Alien Four pounds Fifteen ſhillings per Tun, to be repaid according to the Rules of the Book of Rates now eſtabliſhed.

Logwood or Blockwood.

23 El. cap. 9.

39 El. cap. 11.

And whereas the Ingenious Induſtry of theſe times hath taught the Dyers of England the Art of fixing the Colours made of Logwood, alias Blockwood, ſo as that by experience they are found as laſting and ſerviceable as the colours made with any other ſort of Dying-wood whatſoever; And whereas by a Statute made in the Three and twentieth year of the reign of Queen Elizabeth of famous Memory, entituled, Logwood and Blockwood ſhall not be uſed in Dying of Cloth, &c. And by another Statute made in the Nine and thirtieth year of the aforeſaid Queen Elizabeth, (entituled, The Penalty for mixing or uſing of Logwood in Dying Cloth or other Stuff) all Logwood, alias Blockwood, that ſhall be found within this Kingdom ſhall be forfeited, and openly burned, with divers other pains, penalties and forfeitures upon ſuch as ſhall uſe the ſame in Dying Cloth or other Commodities, as by the ſaid ſeveral Acts aforeſaid may and doth appear: Be it further Enacted by the authority aforeſaid, That the aforeſaid Statutes, and either of them, be and are hereby Repealed and made void as to all Clauſes, Articles, Proviſions and penalties in any wiſe relating to the prohibition or uſe of Logwood, alias Blockwood; And that from and after the firſt day of February, One thouſand ſix hundred ſixty and one, It ſhall and may be lawful to and for any perſon or perſons, freely to import into this Kingdom of England, Dominion of Wales, and Town and Port of Berwick upon Tweed, any quantities of Logwood, alias Blockwood, and freely to uſe the ſame in Dying or colouring any ſort of Goods or Manufacture whatſoever, the aforeſaid two Statutes, or any other Law, Statute, Uſage, Cuſtom, Patent of priviledge, Proclamation, or other Reſtraint, Matter or Thing to the contrary thereof in any wiſe notwithſtanding.

Impoſition upon Logwood imported.

12 Car. 2. ca. 18.

12 Car. 2. cap. 4.

Provided, That ſuch Importation be according to the Rules preſcribed and enjoyned in the late Act, entituled, An Act for encouraging and encreaſing of Shipping and Navigation, and paying a Subſidy to the Kings Majeſty, his Heirs and Succeſſors, for every Ton of the ſaid Logwood, alias Blockwood, ſo to be Imported after the rate of Five pounds, and after that rate for any greater or leſſer quantity according to ſuch Rules, and under ſuch penalties as are provided for all other Imported Goods in a late Act, entituled, An Act of Subſidy granted to the King of Tunnage and Poundage, and other Sums of Money payable upon Merchandize Exported and Imported: Excepting onely that for all of the ſaid Commodities Exported according to the Rules of the Book of Rates, there ſhall be repaid to the Exporter the ſum of Four pounds per Tun; the ſaid rate for Logwood, alias Blockwood, to be collected and levied for ſuch time, and in ſuch manner, as by the Act of Tunnage and Poundage is directed and appointed.

Onus Probandi of property of goods claimed to lie upon the Owner or claimer.

And be it further Enacted, That all Actions, Suits and Informations to be had and commenced upon the Act For encouraging and encreaſing of Shipping and Navigation, or any Clauſe or Article therein, may be entred and proſecuted in his Majeſties Court of Exchequer at Weſtminſter, That upon all ſuch Suits and Informations to be brought upon the Act of Tunnage and Poundage, and the Act aforeſaid, or any other Act or Statute concerning the Importation of Goods or Merchandize from the parts beyond the Seas, if the property thereof be claimed by any perſon or perſons as the Importer thereof; in ſuch caſe Onus Probandi ſhall lie upon the Owner or claimer thereof.

Commiſſion and time to examine witneſſes beyond the Sea.

Provided, That in caſe the ſeizure or Information ſhall be made upon any clauſe or thing contained in the late Act, entituled, An Act for the encouraging and encreaſing of Shipping and Navigation, that then the Defendant or Defendants ſhall on his or their requeſt have a Commiſſion out of the High Court of Chancery to examine Witneſſes beyond the Seas, and have a competent time allowed for the return thereof before any tryal ſhall be had upon the caſe, according to the diſtance of place where ſuch Commiſſion or Commiſſions are to be executed; and that the examination of witneſſes ſo returned ſhall be admitted for evidence in Law at the Tryal, as if it had been given Viva voce by the Examinate in Court; Any Law, Statute or Uſage to the contrary in any wiſe notwithſtanding.

In what caſes Writs of Delivery may be granted.

And be it alſo enacted and ordained by the authority aforeſaid, That no Writ of Delivery ſhall be granted out of the Court of Exchequer for Goods ſeized, but upon good ſecurity; and that for goods periſhable onely, or in caſes where the Informer ſhall defer or delay his coming to as ſpeedy a Tryal as the courſe of that Court will permit, and ſhall be thereby Ordered and directed.

And be it further enacted by the authority aforeſaid, That one Moyety of all the Forfeitures before in this Act mentioned and appointed, ſhall be to the Kings Majeſty, his Heirs and Succeſſors, and the other moyety to ſuch perſon or perſons as ſhall ſeize or ſue for the ſame by Bill, Plaint, or Information in his Majeſties Court of Exchequer, or any other his Majeſties Courts of Record, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed.

All Officers and perſons to be aiding the Officers and perſons for managment of the Cuſtoms.

And be it further Enacted and Ordained, That all Officers belonging to the Admiralty, Captains and Commanders of Ships, Forts, Caſtles and Block-houſes, as alſo all Juſtices of the peace, Mayors, Sheriffs, Bailiffs, Conſtables & Headboroughs, and all the Kings Majeſties Officers, Miniſters and Subjects whatſoever whom it may concern, ſhall be aiding and aſſiſting to all and every perſon and perſons which are or ſhall be appointed by his Majeſty to manage his Cuſtoms, and the Officers of his Majeſties Cuſtoms, and their reſpective Deputies in the due execution of all and every Act and Thing in and by this preſent Act required and enjoyned; And all ſuch who ſhall be aiding and aſſiſting unto them in the due execution hereof, ſhall be defended and ſaved harmleſs by vertue of this Act.

Clerks and Servants about the Cuſtoms to be ſworn for their truth and faithfulneſs therein.

And be it hereby alſo enacted, That all Deputies, Clerks and Servants which now have any place or Office in or about the Cuſtoms and Subſidies by and under the Commiſſioners, or other the Kings Officers thereof, ſhall before the Firſt day of June next, take their reſpective corporal Oath and Oaths for the true and faithful execution and diſcharge, to the beſt of their knowledge and power, of their ſeveral Truſts and Imployments committed to their charge and inſpection; And that no perſon or perſons ſhall hereafter be imployed or put in truſt in the buſineſs of the Cuſtoms, until he ſhall firſt have taken his Oath as aforeſaid; And the Commiſſioners and principal Officers in the Port of London, and the principal Officers in all other the out-Ports, or any two of them, are hereby authorized to adminiſter, and give to all and every perſon or perſons ſuch Oath and Oaths as aforeſaid, and to cauſe the ſame to be Entred and Regiſtred in the Cuſtom-houſe of every reſpective Port where the perſon ſo taking the Oath as aforeſaid, ſhall have his reſidence and imployment.

Perſons imployed about the Cuſtoms, ſhall demand nor take any more then the fees due by Law.

Provided alſo, and be it enacted by the Authority aforeſaid, That if any perſon imployed in his Majeſties Cuſtoms, ſhall demand or take any other or greater ſum of money then by Law is now due, or hereafter ſhall become due, or ſhall put any Merchant or other perſon out of his turn without expreſs order before, or immediate approbation after, from the perſon or perſons who are or ſhall be appointed by his Majeſty to manage his Cuſtoms, or the ſuperior Officers for the Cuſtoms, or ſhall illegally detain the goods of any perſon, or ſhall neglect or refuſe to make re-payments and allowances which are or ſhall be due ſince the Four and twentieth day of June, One thouſand ſix hundred and ſixty, or ſhall not after notice given, give out and execute his Warrant, ſhall be liable to double coſts and damages.

And for the better encreaſe of good and ſerviceable ſhipping, and ſecuring the publick

Of what ſize and burden Merchants Ships ſhall be, and what men and ammunition they ſhall carry.

Trade and Commerce; Be it Enacted by the Authority aforeſaid, That all and every Merchant or other perſon that ſhall after the nine and twentieth day of September, One thouſand ſix hundred ſixty and two, Export any Goods or Merchandizes from any Port of this Kingdom, capable of a Ship or Veſſel of two hundred Tun upon an ordinary ful Sea, to any part or place of the Mediterranean Sea beyond the port of Malaga, or Import any Goods or Merchandize from the ports or places aforeſaid, to any port of this ſaid Kingdom, in any Ship or Veſſel that hath not two Decks and do carry leſs then ſixteen pieces of Ordnance mounted together, with two men for each Gun, and other Ammunition proportionable, ſhall pay to our Soveraign Lord the King for all and every the Wares and Merchandizes ſo Exported or imported, One per centum over and above the Rates and Duties of Subſidy of Tonnage and Poundage otherwiſe due and payable for the ſame any thing in this Act before contained to the contrary notwithſtanding.

Proviſo for Ships exporting Fiſh.

Provided always, that it ſhall and may be lawful to export from any of his Majeſties dominions, Fiſh, into any of the Ports of the Mediterranean Sea aforeſaid in any Engliſh Ship or Veſſel whatſoever, Provided that one moyety of her full lading be Fiſh only, and in ſuch caſe to Import any Wares or Merchandize in the ſame Ship for That voyage, without paying any other Rates or Duties of Tonnage or Poundage for the ſame, then were heretofore accuſtomed.

Encouragement for building good and defenſible Ships.

And for the better encouragement of building good and defenſible Ships; Be it Enacted That all and every perſon or perſons that ſhall within the ſpace of Seven years, from and after the Five and twentieth day of March, One thouſand ſix hundred ſixty two, build, or ſauſe to be built within any of his Majeſties Dominions, any Ship or Veſſel of Three decks or Two decks and a half, with a Fore-Caſtle, aud Five foot between each Deck, mounted with thirty pieces of Ordnance at leaſt, and other Ammunition proportionable, ſhall for the firſt two Voyages which the ſaid Ship or Ships make from his Majeſties Dominions to any foreign parts have and receive to his and their own proper uſe and benefit one Tenth part of the Cuſtom that ſhall be paid to His Majeſty for all ſuch Goods or Merchandizes as ſhall be Exported or Imported on the ſaid Ship or Ships, to and from this Kingdome; And the Commiſſioners and Officers of His Majeſties Cuſtoms are hereby impowered and required to pay the ſame to the Owner or Owners of the ſaid Ship or Ships accordingly.

Salt brought out of Scotland to pay one half penny a Gallon.

Provided alwayes, and be it hereby Declared and Enacted, That from and after the four and twentieth day of June, One thouſand ſix hundred ſixty two, All Salt which ſhall be brought out of the Kingdom of Scotland into this Kingdom, the Dominion of Wales, or town of Berwick upon Tweed, ſhall yield and pay, and is hereby made chargeable to yield and pay unto the Kings Majeſty, One half penny upon every Gallon of ſuch Imported Salt of Wincheſter meaſure, at the landing thereof; Any thing in this preſent Act, or any former or other Law, Statute, or Order to the contrary thereof in any wiſe notwithſtanding.

CAP. XII.

For the beter Relief of the Poor of this Kingdom.

The occaſion of encreaſe of Poor.

Poor people going from one Pariſh to another.

How to be ſetled, coming to any Tenement under ten pounds yearly value.

Whereas the neceſſity, number and continual increaſe of the Poor, not only within the Cities of London and Weſtminſter, with the Liberties of each of them, but alſo through the whole Kingdom of England, and Dominion of Wales, is very great, and exceeding burthenſome being occaſioned by reaſon of ſome defects in the Law concerning the ſetling of the Poor, and for want of a due proviſion of the regulations of relief and imployment in ſuch pariſhes or places where they are legally ſetled, which doth enforce many to turn incorrigible Rogues and others to periſh for want, together with the neglect of the faithfull execution of ſuch Laws and Statutes as have formerly been made for the apprehending of Rogues and Vagabonds, aud for the good of the Poor: For remedy whereof, and for the preventing the periſhing of any the Poor, whether young or old, for want of ſuch ſupplies as are neceſſary; May it pleaſe your moſt Excellent Majeſty that it may be Enacted, and be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That whereas by reaſon of ſome defects in the Law, poor people are not reſtrained from going from one Pariſh to another, and therefore do endeavour to ſettle themſelves in thoſe pariſhes where there is the beſt Stock, the largeſt Commons, or Waſtes to build Cottages, and the moſt Woods for them to burn and deſtroy, and when they have conſumed it, then to another Pariſh, and at laſt become Rogues and Vagabonds, to the great diſcouragement of Pariſhes to provide Stocks, where it is liable to be devoured by ſtrangers; Be it therefore Enacted by the Authority aforeſaid, That it ſhall and may be lawful, upon complaint made by the Church-wardens, or overſeers of the poor of any Pariſh to any Juſtice of Peace, within Forty dayes after any ſuch perſon or perſons coming ſo to ſettle as aforeſaid in any tenement under the yearly value of ten pounds, for any two Juſtices of the Peace, whereof one to be of the Quorum of the Diviſion where any perſon or perſons that are likely to be chargeable to the Pariſh ſhall come to inhabit, by their Warrant to remove and convey ſuch perſon or perſons to ſuch pariſh where he or they were laſt legally ſetled either as a Native, Houſholder, Sojourner, Apprentice or Servant, for the ſpace of forty dayes at the leaſt, unleſs he or they give ſufficient ſecurity for the diſcharge of the ſaid Pariſh to be allowed by the ſaid Juſtices.

Perſons grieved, may appeal to the Quarter Seſſions.

Provided alwayes, That all ſuch perſons who think themſelves agrieved by any ſuch Judgment of the ſaid two Juſtices, may appeal to the Juſtices of the peace of the ſaid County at their next Quarter-Seſſions, who are hereby required to do them juſtice according to the merits of their cauſe.

Provided alſo, That (this Act notwithſtanding) it ſhall and may be lawfull for any perſon or perſons to go into any County, Pariſh or place to work in time of Harveſt or at any time to work at any other work, ſo that he or they carry with him or them, a Certificate from the Miniſter of the pariſh, and one of the Church-wardens, and one of the Overſeers for the poor for the ſaid year, that he or they have a dwelling houſe, or place in which he or they inhabit and hath left wife and children, or ſome of them there, (or otherwiſe as the condition of the perſons ſhall require) and is declared and Inhabitant, or Inhabitants there: And in ſuch caſe, if the perſon or perſons ſhall not return to the place aforeſaid, when his or their work is finiſhed, or ſhall fall ſick or Impotent whilſt he or they are in the ſaid work, it ſhall not be accounted a Settlement in the caſes aboveſaid, but that it ſhall and may be lawful for two Juſtices of the Peace to convey the ſaid perſon or perſons to the place of his or their habitation, as aforeſaid, under the pains and penalties in this Act preſcribed: And if ſuch perſon or perſons ſhall refuſe to go, or ſhall not remain in ſuch pariſh where they ought to be ſetled, as aforeſaid, but ſhall return of his own accord to the pariſh from whence he was removed; it ſhall and may be lawfull for any Juſtice of the Peace of the City, County or Town-Corporate where the ſaid Offence ſhall be committed to ſend ſuch perſon or perſons offending to the Houſe of Correction, there to be puniſhed as a Vagabond, or to a publick Work-houſe in this preſent Act hereafter mentioned, there to be imployed in work or labour: And if the Church-wardens and Overſeers of the poor of the pariſh, to which he or they ſhall be removed, refuſe to receive ſuch perſon or perſons, and to provide work for them, as other Inhabitants of the pariſh, any Juſtice of peace of that Diviſion may and ſhall thereupon bind any ſuch Officer or Officers, in whom there ſhall be default, to the Aſſizes or Seſſions, there to be Indicted for his or their contempt in that behalf.

Perſons going to work in Harveſt.

And for the further redreſs of the miſchiefs intended to be hereby remedied, Be it enacted by the authority aforeſaid, That from thenceforth there be, and ſhall be, one or more Corporation or Corporations, Work-houſe or Work-houſes within the Cities of London and Weſtminſter, and within the Burroughs, Towns and places of the County of Middleſex and Surrey, ſcituate, lying and being within the Pariſhes mentioned in the Weekly Bills of Mortality, conſiſting of a Preſident, a Deputy to the Preſident, and a Treaſurer; And that the Lord Mayor of the City of London for the time being be Preſident of the Corporation or Corporations, Work-houſe, or Work-houſes within the ſaid City, and the Aſſiſtants to be the Aldermen of the ſaid City of London for the time being, and Fifty two other Citizens to be choſen by the Common-Council of the ſaid City: And that the ſaid Preſident and Aſſiſtants, or the major part of them, ſhall and may elect a Deputy-Preſident and Treaſurer, and all other neceſſary Officers hereby conſtituted and authorized to execute the powers and offices by this Act appointed: And that upon the vacancy by death or otherwiſe of any Aſſiſtant, the power to elect in their rooms be in the ſaid Common-Council; and the election of the Deputy-Preſident, or Treaſurer, and all other Officers, in the ſaid Preſident and major part of the Aſſiſtants, as aforeſaid: And that a Preſident, a Deputy-Preſident, a Treaſurer and Aſſiſtants be nominated and appointed by the Lord Chancellor, or Lord Keeper of the Great Seal of England for the time being, out of the moſt fit perſons inhabiting in the City of Weſtminſter, or the Liberties thereof, for the Corporation or Corporations, work-houſe or work-houſes within the ſame.

Corporations or Work-houſes in the Cities of London and Weſtminſter, Middleſex, Surrey.

And for the ſaid places within the Weekly Bills of Mortality in the ſaid Counties of Middleſex and Surrey reſpectively, there ſhall be elected and choſen by the major part of the Juſtices of the peace for the ſaid Counties in their reſpective Quarter-Seſſions aſſembled, out of the moſt able and honeſt Inhabitants and Freeholders of every of the ſaid Counties of Middleſex and Surrey reſpectively, a Preſident, a Deputy-Preſident, a Treaſurer and Aſſiſtants for the Corporation or Corporations, Work-houſe or Work-houſes of the places aforeſaid in Middleſex and Surrey; And that upon the vacancy by death, or otherwiſe, of any of the Preſidents, Deputy-Preſidents, Treaſurers or Aſſiſtants in the City of Weſtminſter, and places aforeſaid in Middleſex & Surrey, the power to elect others in their rooms be in the major part of the reſpective Juſtices of peace, who in their general Quarter-Seſſions from time to time ſhall accordingly ſupply ſuch vacant places, And that at every quarter-Seſſions they ſhall require and take an account in writing of all the Receipts, Charges and Diſburſements of the Officers and Treaſurer of ſuch Corporation or Corporations, Work-houſe or Work-houſes, how many poor people have been imployed and ſet to work in the year laſt paſt, and what ſtock there was, and is remaining; which Preſident, Deputy-Preſident, and Treaſurer for the time being reſpectively, ſhall for ever hereafter in name and fact, be Bodies Politick and Corporate in Law, to all intents and purpoſes, and ſhall have a perpetual Succeſſion, and may Sue or Plead, or be Sued and Impleaded by the name of the Preſident and Governours for the Poor of the reſpective places aforementioned, in all Courts and places of Judicature within this Kingdom, and the Dominion of Wales, and the Town of Berwick upon Tweed; and by that Name every of the ſaid Corporations ſhall and may without Licenſe in Mortmain, purchaſe or receive any Lands, Tenements or Hereditaments, not exceeding the yearly value of Three thouſand pounds per annum, of the Gift, Alienation or Deviſe of any perſon or perſons, who are hereby without further Licenſe enabled to give the ſame, and any Goods, Chattels, or ſums of Money whatſoever, to the uſe, intent and purpoſes hereafter limited and appointed; And the each reſpective Corporation, or any Seven of them, ſhall have hereby power and authority from time to time to meet and keep Courts for the ends and purpoſes in this Act expreſſed, at ſuch time and place as ſhall be appointed by the ſaid Preſident, his Deputy, or the Treaſurer, who are hereby required upon the deſire of any Four of the ſaid Corporation, at any time to cauſe a Court to be warned

Preſident, Deputy-Preſident, Treaſurer and Aſſiſtants for Middleſex and Surrey, how to be elected.

City of Weſtminſter.

accordingly; And ſhall have hereby authority from time to time to make and appoint a common-Seal for the uſe of the ſaid Corporation.

The powers of the ſaid Preſident and Governours of the ſaid Corporations.

And it is further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Preſident and Governours of the ſaid Corporations for the time being, or any two of them, or to, or for any perſon authorized and appointed by them or any two of them, from time to time to apprehend, or cauſe to be apprehended, any Rogues, Vagrants, Sturdy beggars, or Idle or diſorderly perſons within the ſaid Cities and Li verties, Places, Diviſions and Precincts, and to cauſe them to be kept and ſet to work in the ſeveral and reſpective Corporation or work-houſes, and it ſhall and may be lawful for the major part of the Juſtices of Peace in their Quarter-Seſſions, to ſignify unto his Majeſties Privy Council, the names of ſuch Rogues, Vagabonds, Idle and Diſorderly perſons and Sturdy Beggars as they ſhall think fit to be Tranſported to the Engliſh Plantations; and upon the approbation of his Majeſties Privy Council to the ſaid Juſtices of peace ſignified, which perſons ſhall be Tranſported, it ſhall and may be lawful for any two or more of the Juſtices of the Peace, them to Tranſport, or cauſe to be Tranſported from time to time, during the ſpace of three years next enſuing the end of this preſent Seſſions of Parliament, to any of the Engliſh Plantations beyond the Seas, there to be diſpoſed in the uſual way of Servants, for a term not exceeding Seven years.

A ſtock for ſupply of the Work, how to be provided in London, Weſtminſter, Middleſex, Surrey.

And be it further enacted by the Authority aforeſaid, That if the Preſident and Governors of any of the ſaid Corporations ſhall certify under their common Seal, their want and defect either of a preſent ſtock for the Foundation of the Work, or for ſupply thereof for the future, and what ſum or ſums of money they ſhall think fit for the ſame, to the Common-Council of the ſaid City of London, and the Burgeſſes & Juſtices of peace in their Quarter-Seſſions of ſaid City of Weſtminſter, and the Liberties thereof, or the Juſtices of the reſpective Counties of Middleſex and Surrey aſſembled in their Quarter-Seſſions, That thereupon the Common-Council of the ſaid City of London, the Burgeſſes of the ſaid City of Weſtminſter, and the Juſtices of Peace of the ſaid Cities and Counties in their Quarter-Seſſions aſſembled, are hereby required from time to time to ſet down and aſcertain ſuch competent ſum and ſums of money for the purpoſes aforeſaid, not exceeding one years rate from time to time uſually ſet upon perſons, for, or towards the relief of the poor, & the ſame to proportion out upon the ſeveral Wards, Precincts, Counties, Diviſions, Hundreds, and Pariſhes, as they ſhall think fit: And thereupon the Aldermen, Deputies, and Common-Council-men of every Ward in the City of London, and Burgeſſes and Juſtices of the Peace of the City of Weſtminſter, and the Liberties thereof, and Juſtices of the Peace of the ſaid Counties of Middleſex and Surrey, ſhall have power and Authority, and are hereby required equally and indifferently, according to the proportions appointed as aforeſaid, for the ſeveral Wards, Precincts, Cities and Pariſhes as aforeſaid, to tax and rate the ſeveral Inhabitants within the ſaid reſpective Wards, Precincts and Pariſhes, as well within Liberties as without; with which Tax, if any perſon or perſons find him or themſelves agrieved, ſuppoſing the ſame to be unequal, he or they ſhall and may make their complaint known to the Juſtices of the Peace at the next open Seſſions, who ſhall take ſuch final order therein, as in like caſes is already by the Law provided.

And it is further Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Alderman of the City of London, or his Deputy, or the Burgeſſes and Juſtices of Peace of the City of Weſtminſter, and the liberties thereof, or any two or more of them, or any two Juſtices of Peace of the reſpective Counties of Middleſex and Surrey, by their Warrant under their Hands and Seals, to authorize the Church-wardens or overſeers for the Poor within the places and Pariſhes aforeſaid, to demand, gather and receive of every perſon and perſons, ſuch ſum and ſums of money as ſhall be Aſſeſſed upon them by vertue of the Taxations and Contributions aforeſaid; And for default of payment within ten dayes after demand thereof made, or notice in writing left at the dwelling-houſe or lodging of every perſon ſo Aſſeſſed to levy the ſame by diſtreſs and ſale of goods of every ſuch perſon, and after ſatisfaction made, to reſtore the ſurpluſage to the party ſo diſtrained.

Stocks formerly in London for relief of the poor how to be paid

And be it Enacted by the authority aforeſaid, That all Stocks raiſed for the relief and imployment of the Poor, in the City of London and Liberties thereof, which was in the hands of a Corporation heretofore appointed in the ſaid City for that ſervice, or in the hands of any other perſon or perſons whatſoever, before the nine and twentieth day of September, which was in the year of our Lord, One thouſand ſix hundred & ſixty, commonly called the Feaſt of St. Michael the Archangel, or at any time ſince, together with all the Arrears of money formerly allotted for that Service, or Legacies, given to the ſame end, ſhall be payable to the Treaſurer of the Corporation or Corporations, Work-houſe or Work-houſes to be eſtabliſhed by this preſent Act, who are hereby authorized and impowred by themſelves, or their Officers thereunto by them deputed, to collect, gather, receive and recover the ſaid money and Legacies, which ſhall be due and in arrear, as aforeſaid, with which ſaid Arrears and every part and parcel thereof, the Corporation or Corporations aforeſaid by this Act made, conſtituted and eſtabliſhed, is, and ſhall be hereby inveſted, and intereſſed for the execution of the ſervice hereby enjoyned them: And all thoſe that have had, or now have any of the ſaid Stock in their or any of their hands, ſhall be accomptable to the ſaid Treaſurer, or to thoſe that ſhall be appointed by the ſaid Corporation or Corporations, or any ſeven or more of them to take the ſaid account.

Provided always, And be it Enacted by the authority aforeſaid, That there ſhall be a full allowance of all juſt and Neceſſary expences which have been laid out by the ſaid former Corporation for the relief of the ſaid poor, and the carrying on of the ſaid Service ſince the time before expreſſed.

And it is further Enacted by the Authority aforeſaid, That the reſpective Preſident and Governors, Governours, or any Seven of them ſhall have power from time to time to make and conſtitute Orders and by-Laws for the better relieving, regulating, and ſetting the poor to work and the apprehending and puniſhing of Rogues, Vagabonds, and Beggars within the Cities, Liberties, and places aforeſaid, that have not wherewith to maintain themſelves, and for other the matters aforeſaid.

Power to make Orders and By-Laws.

Provided the ſaid Orders and By-laws ſhall from time to time be preſented to the Juſtices of Peace in their Quarter-Seſſions aſſembled, to be allowed by the major part of them and confirmed by order of the ſaid Court.

Power to chooſe and entertain officers.

And it is further Enacted by the Authority aforeſaid, That the Preſident and Governors of any of the ſaid Corporation or Corporations, Work-houſe or Work-houſes, or any fourteen or more of them being aſſembled together, ſhall have hereby power to chooſe and entertain all ſuch Officers, and other as ſhall be needful to be imployed in and about the premiſſes; and them, or any of them from time to time to remove as they ſhall ſee cauſe; and upon the death or removal of them, or any of them, to chooſe others in their places for the carrying on of the work, and to make and give ſuch reaſonable allowances unto them, or any of them out of the Stock and Revenue belonging to the ſaid Corporation or Work-houſe, as they ſhall think fit.

All Sheriffs, &c. to be aſſiſting to the ſaid Corporation & their officers.

And it is further enacted by the Authority aforeſaid, That all Sheriffs, Bailiffs, Conſtables, and all other Officers and Miniſters of Juſtice ſhall be aiding and Aſſiſting to the ſaid Corporation or Corporations, and to all ſuch Officers as ſhall be imployed by them, or any of them, in the execution or performance of the ſaid ſervice.

And whereas the Laws and Statutes for the apprehending of Rogues and Vagabonds, have not been duly executed, ſometimes for want of Officers by reaſon Lords of Mannors do not keep Court Leets every year for the making of them; Be it therefore Enacted by the Authority aforeſaid, That in caſe any Conſtable, Headborough, or Tithingmen ſhall dye or go out of the Pariſh, any two Juſtices of the Peace may make and ſwear a new Conſtable, Headborough, or Tithingman, until the ſaid Lord ſhall hold a Court or until next Quarter Seſſions, who ſhall approve of the ſaid Officers ſo made and ſworn as aforeſaid, or appoint others as they ſhall think fit: And if any Officer ſhall continue above a year in his or their Office, That then in ſuch caſe, the Juſtices of Peace in their Quarter-Seſſions may diſcharge ſuch Officers, and may put another fit perſon in his or their place until the Lord of the ſaid Mannor ſhall hold a Court as aforeſaid.

Conſtables how made in default of holding court Leets.

39 El. cap. 17
1 Jac. cap. 7.
Apprehending Rogues and Vagabonds.

And whereas for want of ſome encouragement to ſuch perſon or perſons as ſhall apprehend Rogues, Vagabonds, and ſturdy beggars, the Statutes made in the Nine and thirtieth year of Queen Elizabeth, and firſt year of King James: in which Statutes the Conſtable, Headborough, or Tythingman of every pariſh that ſhall not apprehend ſuch Rogues, Vagabonds, and Sturdy Beggars, which ſhall paſs through, or be found in their ſaid Pariſh unapprehended, ſuch Conſtable, Headborough, or Tythingman ſhall forfeit as in the ſaid Statutes is expreſſed, are not duly executed; Be it therefore Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Juſtice of the Peace to whom any Rogue, Vagabond, or Sturdy Beggars ſo apprehended ſhall be brought, to reward any perſon or perſons that ſhall apprehend any Rogue, Vagabond, or Sturdy Beggar, by granting unto ſuch perſon or perſons an Order or Warrant under his hand and Seal to the Conſtable, Headborough, or Tithingman of ſuch Pariſh where ſuch Rogue, Vagabond, or ſturdy Beggar paſſed through unapprehended, requiring him to pay ſuch perſon or perſons the ſum of two ſhillings for every Rogue, Vagabond, or ſturdy Beggar, which ſhall be ſo apprehended: And if ſuch Conſtable, Headborough, or Tythingmen, refuſe or neglect to pay the two ſhillings as aforeſaid, that then the ſaid Juſtices of Peace, or any other Juſtice or Juſtices of Peace, ſhall proceed againſt any ſuch Conſtable, Headborough or Tithingman, according to the ſaid Statutes; And to compel him to pay ſuch ſum of money as he hath forfeited by the Statute of the firſt year of King James aforeſaid, and to allow out of the ſaid Forfeiture the ſaid two ſhillings, and ſuch reaſonable means and allowance for loſs of time as they ſhall think fit.

How rewarded.

Rogues and Vagabonds apprehended at the confines of any county how to be dealt withal.

And if any perſon or perſons ſhall apprehend any Rogue, Vagabond, or ſturdy Beggar, at the confines of any County, which paſſed through any Pariſh of another County unapprehended, it ſhall be lawful for ſuch perſon or perſons to go to ſome Juſtice of Peace of that County, through which ſuch Rogue, Vagabond or ſturdy Beggar paſſed unapprehended, who is hereby required (upon a Certificate under the hand of ſome Juſtice of peace of the County where ſuch Rogue, Vagabond, or ſturdy Beggar was ſo apprehended to grant his Order, or Warrant, under his hand and Seal, requiring the ſaid Conſtable, Headborough, or Tithingman, to pay unto ſuch perſon or perſons, as aforeſaid, the ſum of two ſhillings, which if he ſhall refuſe, or neglect to do, then ſuch Juſtice is hereby required to proceed againſt ſuch Conſtable, Headborough, or Tithingman, and to cauſe him to pay ten ſhillings, or ſo much thereof for his expenſes and loſs of time, as the ſaid Juſtice of Peace ſhall think fit, to ſuch perſon or perſons, which he hath forfeited by the Statute aforeſaid, made in the nine and thirtieth year of the Queen.

And whereas Conſtables, Headboroughs, or Tythingmen are or may be at great charge in relieving, conveying with Paſſes, and in carrying Rogues, Vagabonds, and ſturdy Beggars to Houſes of correction, or the Work-houſes herein mentioned, and as yet have no power by Law to make Rates to reimburſe themſelves; Be it therefore Enacted by the Authority aforeſaid, That all Conſtables, Headboroughs, and Tythingmen ſo out of purſe, as aforeſaid, together with the Church-wardens and overſeers of the poor, and other Inhabitants of the ſaid Pariſh ſhall hereby have power and Authority to make an indifferent rate and to tax all the Occupiers of Lands, and inhabitants, and all other perſons chargeable by the Statute of the three and fortieth of Elizabeth concerning the Office and duty of Overſeers

Power to make rates.

43 El. cap. 2.

ſeers for the poor within the ſaid Pariſh, which Rate being confirmed under the Hands and Seals of any two Juſtices of Peace, as aforeſaid, the ſaid Conſtable, Headborough or Tythingmen, ſhall have power by Warrant under the Hands and Seals of two Juſtices of Peace, to levy by Diſtreſs and Sale of the Goods of any perſon or perſons refuſing to pay the ſame, rendring the overplus to the Owner, if any ſhall be.

Putative Fathers of Baſtard-children, running away how to be proceeded againſt.

And whereas the putative Fathers and lewd Mothers of Baſtard-Children run away out of the Pariſh, and ſometimes out of the County, and leave the ſaid Baſtard-Children upon the charge of the Pariſh where they are born, although ſuch putative Father and Mother have Eſtates ſufficient to diſcharge ſuch Pariſh; Be it therefore Enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Church-wardens and Overſeers for the poor of ſuch Pariſh, where any Baſtard-Child ſhall be born, to take and ſeiſe ſo much of the Goods and Chattels, and to receive ſo much of the Annual Rents or Profits of the Lands of ſuch putative Father, or lewd Mother, as ſhall be ordered by any two Juſtices of Peace as aforeſaid, for, or towards the diſcharge of the Pariſh, to be confirmed at the Seſſions, for the bringing up and providing for ſuch Baſtard-Child; And thereupon it ſhall be lawful for the Seſſions to make an Order for the Church-wardens or Overſeers for the poor of ſuch Pariſh, to diſpoſe of the Goods by ſale, or otherwiſe, or ſo much of them for the purpoſes aforeſaid, as the Court ſhall think fit, and to receive the Rents and Profits, or ſo much of them, as ſhall be ordered by the Seſſions as aforeſaid, of his, or her Lands.

Perſons ſued for matters in this Act, may plead the General Iſſue.

And if any perſon or perſons ſhall be ſued for any matter or thing which he ſhall do in execution of this Act, he may plead the General Iſſue, and give the ſpecial matter in Evidence; And if the Verdict ſhall paſs for the Defendant, or if the Plaintiff be Nonſuited or Diſcontinue his Suit, the Defendant ſhall recover treble Damages.

Lancaſhire, Cheſhire, Derbyſhire, Yorkſhire, Durham, Cumberland, Weſtmerland. 43 El. cap. 2.

Whereas the Inhabitants of the Counties of Lancaſhire, Cheſhire, Derbyſhire, Yorkſhire, Northumberland, the Biſhoprick of Durham, Cumberland and Weſtmerland, and many other Counties in England and Wales, by reaſon of the largeneſs of the Pariſhes within the ſame, have not, nor cannot reap the benefit of the Act of Parliament, made in the three and fortieth year of the Reign of the late Queen Elizabeth, for relief of the poor; Therefore be it Enacted by the Authority aforeſaid, That all and every the poor, needy, impotent, and lame perſon and perſons within every Townſhip or Village, within the ſeveral Counties aforeſaid, ſhall from and after the paſſing of this Act, be maintained, kept, provided for, and ſet on work within the ſeveral and reſpective Townſhip and Village, wherein he, ſhe, or they ſhall inhabit, or wherein he, ſhe, or they was or were laſt lawfully ſetled, according to the intent and meaning of this Act, and that there ſhall be yearly choſen and appointed, according to the Rules and Directions in the ſaid Act of the three and fortieth year of Queen Elizabeth mentioned, two or more Overſeers of the poor within every of the ſaid Townſhips or Villages, who ſhall from time to time do, perform and execute all and every the Acts, Powers and Authorities for the neceſſary relief of the poor within the ſaid Townſhip or Village, and ſhall loſe, forfeit, and ſuffer all ſuch pains and penalties for non-performance thereof as is limited, mentioned and appointed, in and by the ſaid in-part-recited Act.

And be it further Enacted by the Authority aforeſaid, That the Juſtices of Peace within the ſaid Counties ſhall have and enjoy ſuch and the like powers and authorities, to raiſe and levy moneys, and to do and execute all and every ſuch other Act and thing whatſoever, within every Townſhip or Village within the ſaid County where they are Juſtices, as is given, limited and appointed unto, and for them to do and execute within any Pariſh or Pariſhes in and by the ſaid Act made in the ſaid three and fortieth year of the ſaid late Queen Elizabeth, under ſuch and the like pains and penalties for the non-performance of their Duties, to be levyed and diſpoſed of as is nominated and expreſſed in the ſaid Act.

Power of the Juſtices to tranſport Rogues and Vagabonds.

Provided alwayes, and be it Enacted by the authority aforeſaid, That it ſhall and may be lawful for the Juſtices of Peace in any of the Counties of England and Wales, in their Quarter-Seſſions Aſſembled, or the major part of them to Tranſport, or cauſe to be Tranſported ſuch Rogues, Vagabonds, and ſturdy Beggars, as ſhall be duly convicted, and adjudged to be incorrigible, to any of the Engliſh plantations beyond the Seas.

Proviſo for the Dean and Chapter of Weſtminſter

Provided alſo, That neither this Act, nor any thing therein contained, ſhall extend to be, or be conſtrued, expounded or taken to the prejudice or infringement of any of the Franchiſes, Rights, Liberties or Priviledges heretofore granted by the Kings and Queens of this Realm, his Majeſties Royal Predeceſſors, to the Dean and Chapter of the Collegiate Church of St. Peter in Weſtminſter.

The continuance of divers parts of this Act.

Provided alwayes, That this Act, as to all the matters therein contained (excepting what relates unto the Corporations mentioned and conſtituted thereby) ſhall extend, and be in force untill the nine and twentieth day of May, One thouſand ſix hundred ſixty five, and the end of the firſt Seſſion of the next Parliament then next enſuing, and no longer.

CAP. XIII.

Importation of Foreign Bonelace, Cut-work, Imbroidery, Fringe, Band-ſtrings, Buttons and Needle-work prohibited.

WHereas great numbers of the Inhabitants of this Kingdom are imployed in the making of Bonelace, Band ſtrings, Buttons, Needlework, Fringe and Imbroideries, who by their induſtry and labour have attained and gained ſo great skill and dexterity in the making thereof, that they make as good of all ſorts thereof, as is made in any Foreign parts, by reaſon whereof, they have been heretofore able to relieve their poor Neighbours, and maintained their Families, and alſo enabled to ſet on work many poor Children, and other perſons who have very ſmall means, or maintenance of Living, other then by their labours and endeavours in the ſaid Art: And whereas the perſons ſo imployed in the ſaid

Myſtery have heretofore ſerved moſt parts of this Kingdom with Bonelace, Band-ſtrings, Buttons, Needle-work and Imbroidery: And for the carrying on, and managing of the ſaid Trade, they have procured great quantities of Thread and Silk to be brought into the Kingdom from Foreign parts, whereby his Majeſties Cuſtoms and Revenues have been much advanced, untill of late, that great quantities of Foreign Bonelace, Band-ſtrings, Needle-work, Cut-work, Fringe, Silk, Bonelace, Buttons and Imbroidery were brought into this Kingdom by Foreigners and Inhabitants of this Kingdom, and ſold to Shop-keepers, and others, Dealers in the ſaid Commodity, as well by Whole-ſale as Re-tail, without ever entring of the ſame in any his Majeſties Cuſtom-houſes, or paying any Duty or Cuſtom for the ſame; by means whereof, the ſaid Trade and Calling is of late very much decayed, thoſe imployed in the ſaid Calling very much impoveriſhed, the Manufacture much decreaſed, and great quantities thereof already made, left on their hands that make it, His Majeſty defrauded and deceived in his Cuſtoms, and many thouſand poor people formerly kept on work in the ſaid Art, like to periſh for want of imployment; there being daily great ſums of Money exported out of this Kingdom, for the buying and fetching in of the ſaid Commodity, to the great impoveriſhment of the Nation by the Conſumption of the Bullion and Treaſure thereof, and contrary to ſeveral Statutes made in the firſt of King Richard the Third; in the third of King Edward the fourth; in the nineteenth of King Henry the Seventh, and the fifth of Queen Elizabeth; and to a late Proclamation made by his Majeſty that now is, dated the twentieth day of November laſt, for the putting the ſaid Laws in execution.

1 R. 3. cap. 12.
3 E. 4. cap. 4.
19 H 7. cap. 21
5 Eliz. cap. 7.

For redreſs whereof, and prevention of the like miſchiefs for the future, and the better relief, comfort, and ſubſiſtance of thoſe imployed in the ſaid Art and Manufacture; And for the quickning, reviving, explaining, amending, and more effectual execution of the ſaid Statutes, Be it Enacted by the Kings moſt Excellent Majeſty, by, and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and authority of the ſame, That no perſon or perſons whatſoever ſhall, from and after the Twenty fourth day of June, One thouſand ſix hundred ſixty two, ſell, or cauſe to be ſold, or offer to ſale, within the Kingdom of England, or Dominion of Wales, or export any Foreign Bonelace, Cut-work, Imbroidery, Fringe, Band-ſtrings, Buttons or Needle-work made of Thread, Silk, or any, or either of them in parts beyond the Seas, or import, bring in, ſend or convey, or cauſe to be brought in, ſent or conveyed into the Kingdom of England, or Dominion of Wales, any ſuch Foreign Bone-lace, Cut-work, Fringe, Imbroidery, Band-ſtrings, Buttons or Needle-work made of Thread, Silk, or any, or either of them beyond the Seas, after the firſt day of May, which ſhall be in the ſaid year of our Lord, One thouſand ſix hundred ſixty and two, upon pain, that all and every perſon or perſons, who ſhall ſell, or cauſe to be ſold, or offer to ſale any ſuch Foreign Bonelace, Cut-work, Imbroidery, Fringe, Band-ſtrings, Buttons or Needle-work, ſhall forfeit and loſe for every offence by him committed contrary to this Act, the ſum of Fifty pounds, and the whole Bonelace, Cut-work, Imbroidery, Fringe, Band-ſtrings, Buttons or Needlework ſo ſold, or cauſed to be ſold, or offered to ſale; And upon further pain, That all and every perſon or perſons who ſhall Import, bring in, ſend or convey, or cauſe to be brought in, ſent or conveyed into this Kingdom of England, or Dominion of Wales, any ſuch Bonelace, Cut-work, Imbroidery, Fringe, Band-ſtrings, Buttons or Needle-work, ſhall forfeit and loſe for every offence by him committed contrary to this Act, the ſum of One hundred pounds, and the whole Bonelace, Cut-work, Imbroidery, Fringe, Band-ſtrings, Buttons or Needle-work ſo Imported, brought in, ſent or conveyed, or cauſed to be Imported, brought in, ſent or conveyed contrary to the form and effect of this preſent Act as aforeſaid; The Moyeties of all which Forfeitures to be to the uſe of our Soveraign Lord the Kings Majeſty, his heirs and Succeſſors; and the other Moyety to him or them that ſhall ſue for the ſame in any of the Kings Courts of Record, by Bill, Plaint, Action of Debt, Information, or otherwiſe; wherein no Eſſoine, Protection, or Wager of Law ſhall be allowed, at every time, and as often as any perſon ſhall be found to offend in ſelling, importing, conveying or bringing in as aforeſaid.

Foreign bone-lace, cut-work, imbroidery, fringe, band-ſtrings, prohibited to be ſold, or imported from beyond Sea.

The Penalty.

One moyety to the King, the other to the proſecutor.

And be it further Enacted by the authority aforeſaid, That for the preventing of the Importing of the ſaid Manufactures as aforeſaid, upon complaint and Information given to the Juſtices of the Peace, or any, or either of them within their reſpective Counties, Cities and Towns corporate, at times reaſonable, he or they are hereby authorized and required to iſſue forth his or their Warrants to the Conſtables of their reſpective Counties, Cities and Towns corporate, to enter and ſearch for ſuch Manufactures in the Shops being open, or Ware-houſes, and Dwelling-houſes of ſuch perſon or perſons as ſhall be ſuſpected to have any ſuch Foreign Bonelaces, Imbroideries, Cut-work, Fringe, Bandſtrings, Buttons or Needlework, within their reſpective Counties, Cities and Towns corporate, and to ſeize the ſame; any Act, Statute or Ordinance to the contrary thereof in any-wiſe notwithſtanding.

Every Juſtice of Peace may grant Warrants to ſearch for Manufactures prohibited by this Act.

Provided alwayes, and be it hereby Enacted and Declared, That all Informations, Actions and Suits that ſhall be commenced for any offence committed againſt this Law, ſhall be brought and commenced within twelve Moneths after the diſcovery of ſuch offence; Any former Act or Law to the contrary notwithſtanding.

The time limited for actions upon this Act.

CAP. XIV.

Direction for Proſecution of ſuch as are Accountable for Prize-Goods.

WHereas in the Act of Free and General Pardon, Indempnity and Oblivion, made in the Twelfth Year of your Majeſties Reign, and ſince confirmed by another Act, Intituled, An Act for confirming Publick Acts, made in the thirteenth year of your Majeſties Reign,

12 Car. 2. c. 11.
13 Car. 2. c. 7.

33 Car.2. c.3.

Reign, there is (amongſt other exceptions) excepted all and ſingular the Accounts of all Prize-Goods, and of all Moneys and other Duties grown due, or contracted upon the ſale or diſpoſition of them, or any of them; By vertue whereof, and of another Act made in the ſaid thirteenth year of your Majeſties Reign, Intituled, An Act for the Declaring, Veſting, and Setling of all ſuch Moneys, Goods, and other things in his Majeſty, which were received, levied or collected in theſe late times, and are remaining in the hands or poſſeſſion of any Treaſurers, Receivers, Collectors, or others not Pardoned by the Act of Oblivion, all and ſingular Prizes and Ships, and Goods whatſoever ſeized or taken for prize (ſince the thirtieth of January, in the year, One thouſand ſix hundred forty two) by colour or pretence of any of the late pretended Authorities, or by pretence or colour of any Power or Authority derived, or pretended to be derived from, or under them, or any of them, or otherwiſe for, or upon any pretence of any publick uſe; And all Captures and Seiſures of prizes and Tenths of prizes to, or under pretence of any publick uſe: And all the moneys ariſing, or due, or contracted for, upon the Sales and Diſpoſitions of them, or any of them yet unpaid, or unaccounted for, in whoſe hands ſoever the ſame be, or by whomſoever owing, are rightly veſted in your Majeſty; And all the Buyers and Receivers and Injoyers thereof, not having yet truly accounted for, or paid for the ſame, ſtand chargeable to your Majeſty.

Pretended Act, 1649. The reaſon for ſuing for prize-goods in the Court of Admiralty.

Now for that as well by a pretended Act made in the year, One thouſand ſix hundred forty nine, the Buyers of Ships and Goods taken, or ſeiſed, and ſold for prize, were in caſe of any failer of performing their Contract, to be convented in the Court of Admiralty, and in caſe they were condemned, there to pay the money by them contracted for, then the ſame to be levied by execution of the ſaid Court, all the matters touching Prize and Captures, and Seiſures, and Tenths of prizes, were referred to the ſaid Court of Admiralty, and all the Proceſſes, Exhibits, Writings, Examinations, Depoſitions, Proceedings, Paſſages, Condemnations, Sentences, Decrees and Orders, touching and concerning Prizes and Captures, and Seiſures of Prizes, and Tenths of Prizes, of what ſort ſoever were had, taken, made and done in the ſaid Court of Admiralty, and do all, or moſt of them there remain; So that the ſaid Court of Admiralty being thereof poſſeſſed, and beſt acquainted therewith, and with all the paſſages thereof, It will be the readieſt and quickeſt way for your Majeſty to Sue for the ſame in that Court, which being there Sued for, may probably amount to conſiderable ſums of money.

Rep. 16 & 17 Car. 2. cap. 6.

May it therefore pleaſe your Majeſty, that it may be Enacted; And be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every Collectors and Treaſurers, Sub-Collectors and Under-Treaſurers of Prize-Goods, Commiſſioners & Sub-Commiſſioners of Prize-Goods, and all and every their Caſheers, Officers, Deputies and Receivers, and all and every Admirals, Vice-Admirals, Captains of Ships, Officers and Mariners, and all and every other perſon and perſons whatſoever, to whom ſuch prizes were delivered, or to whoſe hands they came at any time ſince the ſaid thirtieth of January, One thouſand ſix hundred forty and two, and before the nine and twentieth of May, One thouſand ſix hundred and ſixty, or that did ſurprize or receive to or for the publick uſe, or by pretence thereof any Ships, Plate, Jewels, Bullion, Money, Silver, Gold, Arms, Ammunition, Wares, Merchandizes, or any manner of Goods whatſoever ſeiſed, or taken for prize within the times aforeſaid, and that have not yet truly accounted for, and paid in the ſame, or the juſt provenues and values thereof, and all and every perſon and perſons by whom, or to, or for whoſe uſe the ſame or any of them were ſold, or who had and enjoyed the ſame, or any part thereof, and are ſtill behind, and have not paid the Moneys contracted for, and ariſing or due upon ſuch ſales, or any of them; and all Securities by them, or any of them given for their juſt dealing in their Offices or Places, or any thing concerning the ſaid prizes, or any of them, ſhall be chargeable to your Majeſty for the ſaid premiſſes, and all the Dependancies thereof reſpectively in the ſaid Court of Admiralty, and ſhall and may be by your Majeſties Advocate, and by ſuch other of your Majeſties Councel in that Court, as Your Majeſty ſhall pleaſe particularly to nominate, and commit that affair unto, and by ſpecial Warrant under your Sign Manual to appoint to ſue for the ſame in your Majeſties Name, and to and for your Majeſties uſe to be ſued and convened in the ſaid Court of Admiralty, and either called to account or otherwiſe by ſuch ſuit and in ſuch manner as may be moſt available for your Majeſty, be there proceeded againſt, ſued and proſecuted in due courſe according to their reſpective caſes for all and every the ſaid Prizes, Ships, Goods, Moneys and Premiſſes received or had by them and ſtill in arrear, and wherewith they are as aforeſaid chargeable; And the ſaid Court of Admiralty is hereby enabled and authorized to proceed thereupon according to the Laws and courſe of that Court, and to do and miniſter Right and Juſtice therein, with all things thereto requiſite; And to give ſentences and final Decrees and condemnations thereupon as by the Rules of Juſtice ought to be, and that in the moſt ſpeedy manner, and to put in execution, and finally to execute and levy all and every ſum and ſums, and whatſoever ſhall be adjudged, ſentenced or condemned by and according to the Rules and courſe of Executions in the ſaid Court, and that without any manner of Let, Diſturbance, Hinderance, Obſtruction or Impediment whatſoever, that your Majeſty may be for the ſame ſatisfied and paid according to Right and Juſtice.

The Court of Admiralty impowred to proceed upon ſuits for prize-goods taken at any time ſince Jan. 30. 1642. and before 29 May, 1660. and not accounted for.

Proviſo for the ſaving all Rights of the Lord High Admiral.

Provided alwayes, and be it further Enacted and Declared by the Authority aforeſaid, That all ſuch Rights as during the Reign of your Majeſties Royal Father of Bleſſed Memory, or your Majeſties Reign belonged and appertained unto the Lord High Admiral of England, or Lord Warden of the Cinque Ports for the time being, by vertue of the ſaid Office, and have been at any time ſince the year of our Lord, One thouſand ſix hundred forty and eight, uſurped, poſſeſſed or ſeiſed by any perſon or perſons, Bodies politick or corporate, and not having accounted for the ſame to any Authority, or pretended Authority, Uſurping the Government of this Nation, and not pardoned by the Act of Oblivion, That all ſuch perſon or perſons, Bodies politick or corporate, ſhall account and pay the ſame to his Royal Highneſs, James Duke of York, your Majeſties only Brother, Lord High Admiral of England, or Lord Warden of the Cinque Ports, upon ſuit for the ſame in the High Court of Admiralty; Any thing in this Act (the abſence of the Lord High Admiral during theſe late Troubles, or the perſons not having been imployed or authorized by the ſaid Lord High Admiral) to the contrary in any wiſe notwithſtanding.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That in caſe of defect of Juriſdiction in the Court of Admiralty, for the recovering and levying of any ſuch Prizes, Goods, matters and things aforeſaid; That then in ſuch caſe upon Certificate thereof from the ſaid Court of Admiralty made into his Majeſties Court of Exchequer, ſpeedy proceedings ſhall be had in the ſaid Court of Exchequer for the recovering and levying of the Prizes, Goods, matters and things aforeſaid, according to Law and Juſtice.

How in defect of Juriſdiction in the Admiralty, ſuit may be in the Exchequer.

CAP. XV.

The Trade of Silk-throwing regulated.

WHereas the Company of Silk-throwers within the City of London and Liberties, and all their Servants and Apprentices within four Miles thereof were quinto Caroli primi Incorporated and made one Body politick, and are known by the name of the Maſter, Wardens, Aſſiſtants and Commonalty of the Trade, Art or Myſtery of Silk-throwers of the City of London; And whereas the ſaid Trade is of ſingular uſe, and very advantagious to this Commonwealth, by imploying the poor, there being imployed by the ſaid Company in and about the City of London (as is expreſſed in their Petition) above forty thouſand Men, Women and Children, who otherwiſe would unavoidably be burthenſome to the places of their abode; And whereas the preſent Governors of the ſaid Company by their Petition, pray an enlargement of their Charter, whereby they may be the better enabled to avoid the many Deceits and Inconveniencies they daily meet withall by Intruders, who have not been brought up Apprentices to the ſaid Trade, and others who ſettle themſelves beyond the limits of their ſaid Charter, on purpoſe to avoid the Searchers and Superviſion of the ſaid Governors, by which means they are at liberty to make and vend what Wares they pleaſe, to the diſparagement of the ſaid Trade, and diſcouraging of the Petitioners, and all others of the ſaid Trade that have duly ſerved Apprentice thereunto, according to the known Laws of this Nation.

The Silk-throwers of London incorporated by Patent. 5 Car. 1.

For remedy whereof, Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by Authority of the ſame, That from and after the twenty fifth day of December, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two, no perſon or perſons whatſoever, ſhall directly or indirectly uſe, exerciſe, continue or ſet up the ſaid Art or Myſtery of a Silk-thrower within this Realm of England, unleſs ſuch as are or ſhall be Apprentices to the ſaid Trade, or ſhall have ſerved ſeven years Apprentiſhip thereunto at the leaſt, upon pain that every perſon ſo offending contrary to this Act, ſhall pay, forfeit and loſe the ſum of forty ſhillings for every moneth the ſaid perſon ſhall uſe or exerciſe the ſaid Trade, the one moyety thereof to the uſe of his ſaid Majeſty, his Heirs and Succeſſors, and the other moyety thereof to ſuch perſon or perſons as ſhall ſue for the ſame in any of the Courts of Record within this Realm of England, or before any the Juſtices of Oyer and Terminer, or the Juſtices of the Peace at their Quarter-Seſſions of the Peace, by Action of Debt, Bill, Plaint or Information, or by any other lawful wayes or means whatſoever, wherein no Protection, Wager of Law or Eſſoine ſhall be allowed.

None ſhall uſe the trade of a ſilk-thrower, but ſuch as have ſerved as Apprentices ſeven years.

The penalty.

Before whom to be recovered.

And for the better enabling of the ſaid Maſter, Wardens, Aſſiſtants and Commonalty of Silk-throwers and their Succeſſors in their Government; Be it further Enacted by the authority aforeſaid, That all and every perſon and perſons whatſoever, now uſing or exerciſing as Maſters the ſaid Art, Trade or Myſtery, or ſuch as have ſerved as Apprentices to the ſaid Trade by the ſpace of ſeven years at the leaſt, within the ſaid Cities of London and Weſtminſter, and the ſeveral Suburbs thereof, or within twenty miles compaſs of them, or either of them, ſhall before the twenty fifth day of December, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two, be admitted, and are hereby enjoyned to enter themſelves into the ſaid Society or Corporation, and to perform, and be ſubject and obedient to all ſuch Statutes, Laws, Orders, Ordinances and Conſtitutions as are or ſhall be made or ordained for, or concerning the Exerciſe, Regulation or Government of the ſaid Art, Trade or Myſtery, or of any perſon or perſons uſing or exerciſing the ſame, upon pain of forfeiture of the ſum of forty ſhillings for every moneth he or they ſhall uſe or exerciſe the ſaid Trade, after the ſaid twenty fifth day of December, One thouſand ſix hundred ſixty and two; the one moyety thereof to the uſe of his ſaid Majeſty, his Heirs and Succeſſors, and the other moyety thereof to ſuch perſon and perſons as ſhall ſue for the ſame in any the Courts of Record within this Realm of England, or before any the Juſtices of Oyer and Terminer, or the Juſtices of Peace at their Quarter-Seſſions of the Peace, by Action of Debt, Bill, Plaint or Information, or by any other lawful wayes or means whatſoever, wherein no Protection, Wager of Law or Eſſoine ſhall be allowed.

Every perſon uſing the trade in London and Weſtminſter ſhall enter himſelf of the ſaid corporation.

And be ſubject to the Laws and Orders thereof.

The penalty.

Provided, That ſuch Laws, Orders, Ordinances and Conſtitutions ſo made, or which ſhall be made, be not contrary, but agreeable with the Laws and Statutes of this ſaid Realm, and the Cuſtoms of the ſaid City of London.

And be it further Enacted by the Authority aforeſaid, That the ſaid Maſters, Wardens, Aſſiſtants and Commonalty, and their Succeſſors ſhall and may have and enjoy, and that it ſhall and may be lawful to and for them, from time to time, and at all times hereafter,

The power of the Maſters, Wardens and Aſſiſtants.

to do, perform and execute, within the ſaid Cities of London and Weſtminſter, and the ſeveral Suburbs thereof, or within twenty miles compaſs of them, or either of them, all ſuch Grants, Powers, Priviledges and Authorities as by this preſent Act, or in or by the ſaid Letters Patents of Incorporation are given or granted, or mentioned to be given or granted, for or concerning the Regulation, Exerciſe or Government of the ſaid Trade, Art or Myſtery, or any matter or thing relating thereunto, or of ſuch perſon or perſons as do, or ſhall exerciſe the ſame; Any thing in the ſaid Letters Patents, or any Act, Statute, or other matter or thing to the contrary thereof in any wiſe notwithſtanding.

The puniſhment of Silk-winders that imbezel goods delivered to them.

And whereas there is a neceſſity lying upon the Silk-throwers, to deliver their Winders or Doublers, conſiderable quantities of Silk, which being of a good value, is by evil diſpoſed perſons many times unjuſtly, deceitfully and falſly purloined, imbezeled, pawned, ſold and detained, to the great damage, and ſometimes the utter undoing of the Thrower who employs the ſaid perſons: Be it further Enacted by the Authority aforeſaid, That every ſuch Silk-winder and Doubler, who ſhall at any time hereafter, unjuſtly or deceitfully and falſly, purloin, imbezel, pawn, ſell or detain any part of ſilk delivered, or to be delivered by any Silk-thrower, or other perſon, to them or any of them, to wind or double, that in every ſuch caſe and caſes, as well the Winder or Journeyman ſo offending, as the buyer & buyers, Receiver and Receivers of ſuch Silk, being thereof lawfully convicted, by confeſſion of the party or parties ſo offending, or by one witneſſe upon Oath before one or more of the Juſtices of Peace of the County or Liberty where the ſame Offence or Offences ſhall be committed; or if it be within any City or Town-corporate, before the Mayor, Bailiff, or chief Officer of the ſaid City or Town-corporate, who by force of this Act are impowred and authorized to miniſter the ſame Oath, and finally to hear and determine all and every the Offences aforeſaid, and to give and make to the party and parties grieved ſuch Recompence and Satiſfaction for ſuch their Damage and Loſs, and Charges thereabouts, as by the ſaid Juſtice or Juſtices, or chief Officers ſhall be Ordered and Appointed.

Provided that no more damage be given or awarded, then the party grieved ſhall prove he is damnified, and hath expended in looking after the ſame; And if the party or parties ſo offending ſhall not be able or ſufficient to make Recompence or Satiſfaction for the ſaid Offence, nor do make Recompence or Satiſfaction for the ſame Offence or Offences within fourteen dayes next after ſuch conviction in ſuch manner and form, as by the Juſtice or Juſtices, or chief Officers ſhall be Ordered and Appointed as aforeſaid, then the party or parties ſo offending, for the firſt Offence ſhall be apprehended and whipped, or ſet in the Stocks in the place where the Offence is committed, or in ſome Market-Town in the ſaid County near unto the place where the Offence or Offences aforeſaid ſhall be committed, as ſhall be limited and appointed by the ſaid Juſtice or Juſtices of the Peace or chief Officers, and for the ſecond Offence, to incur the like, or ſuch further puniſhment by whipping, or being put in the Stocks, as the ſaid Juſtice or Juſtices of the Peace, or chief Officers ſhall in their diſcretion think fit and convenient.

Perſons receiving ſuch imbezeled goods, how to be puniſhed.

And be it likewiſe Enacted by the Authority aforeſaid, That all and every Receiver and Receivers, Buyer and Buyers of any Silk, or ſuch as take to pawn any Silk imbezled or purloined, contrary to the meaning of this Act (matter of Fact being proved) ſhall make ſatiſfaction within the time aforeſaid, or elſe ſhall be ſubject to like puniſhment as by this Act is inflicted, or provided to be inflicted upon ſuch perſon ſo imbezeling or purloyning any ſuch Silk as aforeſaid.

What perſons may be imployed not having ſerved as Apprentices.

Provided alwayes, that it ſhall and may be lawful to and for any Freeman of the ſaid Company of Silk-throwers, to ſet on work and imploy any perſon or perſons, being native Subjects to his Majeſty, and no others, whether they be Men, Women or Children, to turn the Mill, tye Threads, double Silk, and wind Silk as formerly they have uſed to do, although ſuch perſon or perſons who ſhall be ſo ſet on work, and imployed in the works and ſervices aforeſaid, ſhall not have ſerved or been bred up as Apprentices to the Trade of Silk-throwing by the ſpace of ſeven years, and that all and every the ſaid perſon and perſons who ſhall be ſet on work, and imployed by any Freeman of the ſaid Company in the works and ſervices aforeſaid, or any of them, without any let or moleſtation; Any thing in this Act to the contrary notwithſtanding.

The ſaid Corporation may not ſet rates upon their Workmen.

Provided, and be it Enacted that the ſaid Corporation of Silk-throwers ſhall not by vertue of this Act, nor any thing therein contained, make any Orders, Ordinances or By-laws, to ſet any Rates or Prizes whatſoever upon the Throwing of Silk, to bind or inforce their members to work at; but that their reſpective members ſhall be left at liberty to contract with their reſpective Imployers, and alſo with the perſons that they imploy at ſuch Rates, as they and their Imployers, and the perſons imployed ſhall agree upon; Any thing in this Act to the contrary in any wiſe notwithſtanding.

CAP. XVI.

For the more ſpeedy and effectual bringing thoſe perſons to Account, whoſe Accounts are excepted in the Act of Oblivion.

12 Car. 2. c. 11.
The penalty againſt ſuch perſons as ſhall not within a certain time perfect their Accounts.
33 H. 8. c. 39.

BE it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every perſon and perſons who are accountable to the Kings Majeſty, and their Accounts are not pardoned, but excepted by the late Act of Free and General Pardon, Indemnity and Oblivion, and againſt whom there is any charge now remaining in his Majeſties Exchequer, and ſhall through their default not perfect his or their Account before the end of Trinity Term, in the year of our Lord, One thouſand ſix hundred ſixty and two, That then the charge againſt all and every ſuch perſon or perſons ſhall be taken as a Debt by Writing Obligatory, or Recognizance taken or acknowledged to the Kings Majeſty according to the Statute of the three and thirtieth of King Henry the Eighth, Chapter 39. And that all and every other perſon or perſons whoſe Accounts are excepted in the ſaid Act of Oblivion, & have or ſhall have a charge or Information againſt them in his Majeſties Exchequer before the four and twentieth of June, One thouſand ſix hundred ſixty and two, and have or ſhall have notice thereof by Proceſs out of the Court of Exchequer, or otherwiſe ſerved upon his perſon, or left at his Houſe, or laſt place of Habitation, before the nine and twentieth of September, One thouſand ſix hundred ſixty and two, and ſhall not before the firſt day of Eaſter Term then next enſuing, perfect their Accounts touching the ſaid Charge, that then the Charge againſt all and every ſuch perſon or perſons ſhall be taken as a Debt by Writing Obligatory or Recognizance taken and acknowledged to the Kings Majeſty, according to the Statute aforeſaid; and that in both the ſaid Caſes, Proceſſe ſhall be awarded as is uſed for recovery of Debts due to his Majeſty, according to the Statute as aforeſaid, againſt him or them, and againſt all and every their Sureties not pardoned or diſcharged by the ſaid Act of Oblivion, and his and their reſpective Lands, Tenements, Goods and Chattels, and Debts; and the ſaid charge to continue in force only untill the Accounts ſhall be perfected, and the Accountants diſcharge them thereof in due manner in the ſaid Court of Exchequer, with ſuch allowances as are given by the ſaid Act of Oblivion, and until payment made unto his Majeſty of all ſuch ſums of money as ſhall be found due upon the determination of his or their Accounts.

CAP. XVII.

Relief of Collectors of Publick Moneys, and their Aſſiſtants and Deputies.

BE it Enacted by the Kings moſt Excellent Majeſty, by, and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in Parliament now aſſembled, and by Authority of the ſame, That all Collectors and other Perſons who have levied or collected, or ſhall levy or collect any ſum or ſums of money, or other act done, or ſhall do in order to the ſame, by vertue of any Act of Parliament now in force, or of any other Act, Order or Ordinance allowed to be put in Execution by any ſuch Act of Parliament as aforeſaid; and who is, or ſhall be ſued for, or concerning the ſame, by any other then the Kings Majeſty, his Heirs and Succeſſors, he, and they may plead the General Iſſue, and thereupon give the ſpecial matter in evidence for his excuſe and juſtification: And that all and every perſon or perſons already ſued or impleaded for any the cauſes aforeſaid, may notwithſtanding any Plea or Demurrer already made by any ſuch Defendant, have liberty to change ſuch his Plea, and to plead the General Iſſue, if he ſhall think fit ſo to do.

Collectors and others imployed in levying money by vertue of any Act of Parliament being ſued, may plead the general Iſſue.

Provided alwayes, that neither this Act, nor any thing therein contained, ſhall extend, or be conſtrued to extend to authorize the levying or collecting of any ſum or ſums of money, which are pardoned by the late Act, Entituled, An Act of Free and General Pardon, Indempnity and Oblivion.

12 Car. 2. c. 11.

CAP. XVIII.

Exporting of Sheep, Wool-fells, Mortlings, Shorlings, Yarn made of Wooll, Wool flocks, Fullers-Earth, Fulling-Clay, and Tobacco-pipe-Clay; Prohibited.

VVhereas againſt the Laws of this Kingdom great number of Sheep, and great quantities of Wooll, Wool-fels, Mortlings, Shorlings, Yarn made of Wooll, Wool-flocks, Fullers-Earth, or Fulling-Clay, are ſecretly Exported, Tranſported, carried and conveyed out of the Kingdom of England, Dominion of Wales, the Town of Berwick upon Tweed, and Kingdom of Ireland into the Kingdom of Scotland, and into Foreign parts, to the great decay of the Woollen Manufactures, the ruine of many Families, and the deſtruction of the Navigation and Commerce of the Kingdoms, Town, and Dominion aforeſaid, which is like daily to increaſe if ſome further remedy be not provided, and further penalties impoſed upon the Offendors therein.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any perſon or perſons ſhall from and after the firſt day of Auguſt, One thouſand ſix hundred ſixty and two, directly or indirectly, export, tranſport, carry or convey, or ſhall cauſe to be exported, tranſported, carryed or conveyed out of, or from the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, or after the firſt day of January, One thouſand ſix hundred ſixty and two, out of the Kingdom of Ireland, into any parts or places out of the Kingdoms, or Dominion aforeſaid, or into the Kingdom of Scotland any Sheep or Wooll whatſoever, of the breed or growth of the Kingdoms or Dominion aforeſaid, or any Wool-fels, Mortlings, Shorlings, Yarn made of Wool, Wool-flocks, or any Fullers-Earth, or Fulling-Clay whatſoever, or ſhall directly, or indirectly pack or load, or cauſe to be packed or loaden upon any Horſe, Cart, or other Carriage, or ſhall load or lay on board, or cauſe to be loaden or laid on board in any Ship or other Veſſel, in any place within the Kingdoms of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed aforeſaid, any ſuch Sheep, Wooll, Wool-fels, Mortlings, Shorlings, Yarn made of Wooll, Wool-flocks, Fullers-Earth, or Fulling-Clay, to the intent or purpoſe to Export, Tranſport, Carry or Convey the ſame, or to cauſe the ſame to be Exported, Tranſported, Carryed or Conveyed out of the Kingdoms of England or Ireland, the Dominion of Wales, or Town of Berwick upon Tweed aforeſaid, into the Kingdom of Scotland, or into any Foreign parts, that then every ſuch Offence ſhall be adjudged Felony, and the Offendor or Offendors being duly Convicted, ſhall ſuffer and forfeit as in caſe of Felony.

Exporting or carrying of ſheep, wooll, wool-fels, mortlings, ſhorlings, yarn wool-flocks, Fullers earth, Fulling clay, out of England, Wales or Ireland.

Made Felony.

And be it further Enacted by the Authority aforeſaid, That every Owner of any ſuch Ship or other Veſſel, and every Owner of every Horſe, Cart or Carriage, upon which any Sheep,

Aiders and aſſiſters therein ſhall be adjudged felons.

Wooll, Wool-fels, Mortlings, Shorlings, Yarn made of Wooll, Wool-flocks, Fullers-Earth or Fulling-Clay, ſhall be ſo Exported, Tranſported, carryed or conveyed as aforeſaid, or to any ſuch intent or purpoſe as aforeſaid, knowing thereof, and being wittingly and willingly aiding, aſſiſting or conſenting thereunto, and alſo every Maſter and Mariner of or in ſuch Ship or other Veſſel, wherein any ſuch Sheep, Wooll, Wool-fels, Mortlings, Shorlings, yarn made of Wooll, Wool-flocks, Fullers-Earth or Fulling-Clay, ſhall be ſo exported, tranſported, carryed or conveyed, or loaden or laid on Board as aforeſaid, to any ſuch intent or purpoſe as aforeſaid, knowing thereof and being wittingly and willingly aiding, aſſiſting or conſenting thereunto, and alſo every Factor or Servant, or other perſon whatſoever, and every Cuſtomer, Comptroller, Waiter, Searcher, Surveyor, or other Officer or perſon whatſoever knowing thereof, and being wittingly or willingly aiding, aſſiſting or conſenting thereunto, ſhall be, and ſhall be adjudged and taken to be a felon, and every Offendor and Offendors therein, being duly convicted, ſhall ſuffer and forfeit as in caſe of Felony.

Offences againſt this Act where to be examined and tryed.

And be it further Enacted by the Authority aforeſaid, That every Offence, which ſhall be done or committed contrary to this Act, ſhall and may be enquired of, and heard, examined, tryed and determined in the County where ſuch Sheep, Wooll, Wool-fels, Mortlings, Shorlings, Yarn made of Wool, Wool-flocks, Fullers-Earth or Fulling-Clay reſpectively ſhall be ſo packed, laden, or laid on board as aforeſaid, or elſe in the County where ſuch Offendor ſhall happen to be apprehended or arreſted for ſuch Offence, in ſuch manner and form, and to ſuch effect to all intents and purpoſes, as if the ſame Offence had been wholly done and committed in the ſame County.

Peers.

Provided alſo, that every Baron, and other Peer of this Realm, which ſhall be indicted or accuſed as principal, or acceſſary in or to any Offence made Felony by this Act, ſhall have his, her or their Tryal, by his, her or their Peers, as in caſe of felony at the Common Law.

None to be impeached, unleſs within one year next after the offence committed.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That no perſon or perſons whatſoever ſhall at any time hereafter be impeached for any Offence made felony by this Act, unleſs ſuch perſon or perſons ſhall be thereof indicted within the ſpace of one year next enſuing ſuch Offence committed.

Scrues and unlawful Engines for preſſing together of wooll, not to be uſed.

And foraſmuch as great quantities of Wooll, Woollen yarn, and Wool-flocks are cloſe packed and preſſed together with ſcrues, and other unlawful Engines into Butts, Pipes, Hogſheads, Cheſts and other Cask and Veſſels, and into Sacks, Baggs and other wrappers made of Wooll or Linnen, and under colour of Bales, Sacks, Baggs, Packs and Casks of other Goods, and otherwiſe, great quantities of the ſame are daily loaden on board of Ships or other Veſſels, and ſo are carryed, conveyed, exported and tranſported out of the Kingdoms, Towns of Berwick, and Dominion aforeſaid; and alſo great quantities are daily carryed and laid at, or near the Coaſts of the Sea, or ſome Navigable Rivers, into Store-houſes and Barns, and by night are laid on board of Shallops, and other Veſſels belonging to Aliens, and ſo carryed and exported out of the Kingdoms, Town of Berwick, and Dominion aforeſaid; Be it therefore Enacted by the Authority aforeſaid, That from and after the ſaid firſt day of Auguſt, no perſon or perſons ſhall preſs together with any Scrues, Preſſes or other Engines, into any Sack, Pack, Bag, or other wrapper, or ſhall put, preſs, pack or ſtean any Wool whatſoever, or any yarn made of Wooll, into any Butt, Pipe, Hogſhead, Cheſt, or any other Cask or Veſſel, upon any pretence whatſoever, or ſhall carry or lay, or cauſe to be carried or laid at or near the Shore or Coaſts of the Sea, or of any Navigable River, or into any houſe or place near adjoyning thereunto, any ſuch Wooll, Wool-flocks, or Yarn made of Wooll, with intention to export, tranſport, carry or convey the ſame out of the Kingdoms of England or Ireland, Town of Berwick upon Tweed, or Dominion of Wales, into the Kingdom of Scotland, or unto any Foreign parts, under the penalty of the loſs and forfeiture of all ſuch Wooll, Wool-flocks, and Yarn made of Wooll, as ſhall be ſo packed or preſſed, or put or laid into Cask, or carried and laid near to the Sea-ſhoar, or to any Navigable River as aforeſaid, or the value thereof.

The penalty

Fulling-clay, Tobacco-pipe-clay not to be exported.

And whereas great quantities of Fullers Earth or Fulling Clay, are daily carried and exported under the colour of Tobacco-pipe Clay; Be it therefore enacted by the authority aforeſaid, That no Tobacco-pipe Clay ſhall from and after the firſt day of Auguſt, One thouſand ſix hundred ſixty and two, be exported, tranſported, carryed or conveyed out of or from the Kingdom of England, Town of Berwick upon Tweed, or after the firſt day of January, One thouſand ſix hundred ſixty and two, out of or from the Kingdom of Ireland, or the Dominion of Wales, into the Kingdom of Scotland, or into any Foreign parts, or into any Port or place out of the Kingdom or Dominion aforeſaid, under the penalty of three ſhillings for every pound of Tobacco-pipe Clay which ſhall be exported or tranſported contrary to this Act.

The penalty.

Packs of wooll, Wool-fels &c. ſhall not be carryed but in the day-time.

And be it further Enacted by the Authority aforeſaid, That from and after the firſt day of Auguſt, One thouſand ſix hundred ſixty and two, no Packs, Sacks, Bags, or Cask of any Wooll, Wool-fels, Mortlings, Shorlings, Yarn made of Wooll, Wool-flocks, Fullers Earth, Fulling Clay or Tobacco-pipe Clay, ſhall be laid or loaden on any Horſe, Cart, or other Carriage whatſoever, or ſhall be carried or conveyed by Land to or from any place or places within the Kingdom of England, Town of Berwick, or Dominion aforeſaid, nor after the firſt day of January, One thouſand ſix hundred ſixty two in the Kingdom of Ireland, but in the day time, and at ſeaſonable hours, (that is to ſay) from and after the firſt day of March to the nine and twentieth day of September yearly, between the hours of four of the Clock in the morning, and eight of the Clock in the evening, and from the nine and twentieth day of September, and the firſt day of March yearly, between the hours of ſeven of the Clock in the morning, and five of the Clock in the evening, under the penalty of the loſs and forfeiture of all ſuch goods, or the value thereof; the one moyety of all which forfeitures mentioned in this Act, to be to the uſe of the King, his Heirs and Succeſſors, and the other moyety to him or them that will ſue for the ſame by Action of Debt, Bill,

The penalty.

Plaint or Information, in any Court of Record, in which no Eſſoine, Protection or Wager of Law ſhall be admitted or allowed.

Provided nevertheleſſe, That this Act, or any thing therein contained, ſhall not extend or be conſtrued to extend to repeal, diſannul and make void any the Penalties, Clauſes or Proviſoes mentioned in one Act of this preſent Seſſion of Parliament, made againſt the tranſportation of Wooll, Wooll-fels, Fullers Earth, or any kind of ſcouring Earth, or to the prohibiting of the loading on board of any Ship or Veſſel, of any Weather ſheep, Wooll, Wool-flocks, or other Goods mentioned in this Act, that by the aforeſaid Act is permitted to be loaden on board of any Ship or Veſſel, for the neceſſary uſe or proviſion of ſuch Ship or Veſſel as aforeſaid, Any thing in this Act contained to the contrary in any wiſe not withſtanding.

Proviſo concerning the Act.

12 Car. 2. c. 32.
13 Car. 2. c. 14.

Provided alwayes, That if any Owner of any Ship or Veſſel, or any Maſter or Mariner knowing of ſuch tranſportation of ſuch Sheep, Wooll, Wool-fels, Mortlings, ſhorlings, yarn made of Wooll, Wool-flocks, Fullers earth, Fulling clay, or Tobacco-pipe-clay, ſhall within three moneths next after the knowledge thereof, or after his return into the Kingdom of England or Ireland, or into the ſaid Town of Berwick, or Dominion of Wales aforeſaid, give the firſt information bona fide before any of the Barons of either of the Courts of the Exchequer in England or Ireland for the time being, or before the head Officer of any Port where he ſhall firſt arrive, upon his or their Oath, of the number and quantity of the Goods mentioned in this Act, ſo carryed, conveyed and tranſported, and by whom, where, and in what Ship or Veſſel, and afterwards ſhall be ready upon reaſonable warning by Proceſſe to juſtifie and prove the ſame, that then ſuch Owner and Owners, Maſter, Mariner and Mariners ſhall not be puniſhed for Felony by vertue of this Act, but ſhall nevertheleſs be ſubject to all other Penalties and Forfeitures in this or any other Act contained, for the offence aforeſaid; and all ſuch Exportation, Tranſportation, carrying or conveying of any the Goods, Wares or Commodities in this Act mentioned, is hereby declared and adjudged to be a common and publick Nuſance.

Proviſo for Owners of ſhips that have offended and ſhall firſt diſcover the ſame.

Common nuſance.

And for the better execution of this Act, Be it further Enacted, That all Juſtices of Aſſize, Juſtices of Gaol-delivery, and Juſtices of Peace ſhall enquire of all the premiſſes in their General Quarter-Seſſions, and hear and determine the ſame; and that all Mayors, Bailiffs, and other head Officers of Cities, Boroughs and Towns, not having Juriſdiction to try Felony, ſhall enquire of all and every offence within this Act not made Felony, and hear and determine the ſame.

Who may hear and determine the the ſaid offences.

CAP. XIX.

Importing of Foreign Wool-cards, Card-wire, or Iron wire, prohibited.

VVhereas by the Acts of Parliament made, in the third year of King Edward the fourth, and the nine and thirtieth year of Queen Elizabeth, and ſeveral other Statutes before that time made; It is Enacted (amongſt other things therein contained) that no Cards for Wooll, nor Iron thread (commonly called white wire) ſhall be Imported, ſent or conveyed into this Realm of England, wherein the beſt Iron thread, or wire for making Wool-cards is made, and by the ſaid Manufacture of making and drawing of wire, and wool-cards, very many poor people of this Kingdom and their Families have been imployed and maintained, and the wool-cards made thereof are of great concernment to this Kingdom for the good making of Woollen-Cloth; And whereas contrary to the ſaid Statutes, not only much Foreign Card-wire, but alſo Foreign wooll-cards have been in theſe late times Imported into this Kingdom, and alſo within the ſame many old wool cards are by ill diſpoſed perſons (for their private lucre) bought up, and the old Iron-wire of the ſaid old wool-cards (being very weak, and inſufficient for the well carding of wooll) is put into new leather and new boards, and ſo uttered and ſold to ignorant people for new wool-cards, to their great detriment, and the indamaging of their work, carding of wooll, and the cloth made thereof: By all which, very great inconvenienices have been found by experience of Clothiers in their making of Engliſh Cloth, which is lately much debaſed and decayed, and wherein this Nation is greatly concerned to uphold and encourage the well making thereof in and by all wayes and means in any wiſe conducible thereunto; Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons aſſembled in Parliament; And it is hereby Enacted by the Authority aforeſaid, That no Foreign wool-cards or Foreign card-wire, or iron-wire, for making of wool-wards be Imported into this Kingdom of England, Dominion of Wales, or any parts thereof, nor uſed within the ſame, nor any Card-wire taken out of old Cards be from henceforth put into new Leather and new Card-boards, nor any ſuch wooll-cards made thereof be put to ſale, upon the pains, penalties & forfeitures hereafter following (that is to ſay) Every perſon or perſons who ſhall import, or bring any Foreign wool cards, or Foreign card-wire, or iron-wire, for making of wool-cards into this Kingdom of England, Dominion of Wales, or any parts thereof, or make any wool-cards of any ſuch old card-wire as aforeſaid, or put the ſame to ſale, ſhall forfeit the ſaid wool-cards & card-wire or Iron-wire for making wool-cards, or the value thereof, if the ſame be not ſeiſed, the one half part thereof to the Kings Majeſty, and the other half part thereof to ſuch perſon or perſons who ſhall firſt ſeiſe or ſue for the ſame by Action of Debt, Plaint, Bill, Information or Indictment in any of his Majeſties Courts of Record at Weſtminſter, or within the County, City, Burrough or Town corporate, where ſuch Offence ſhall be committed, wherein no Eſſoine, Protection, Wager of Law or Injunction ſhall be allowed or admitted.

3 E. 4. ca. 4.
39 El. ca. 14.

No Foreign wool-cards, card-wire or Iron wire for wool-cards may be imported.

The Penalty.

Provided always, That this Act ſhall not extend to hinder the Owners of any wool-cards, to cauſe them to be amended for their own uſe, or to tranſport or ſel (for Tranſportation only) any their old overworn wool-cards, in any parts beyond the Seas out of his Majeſties Dominions.

Proviſo for amending of old wool-cards.

CAP. XX.

Proviſion of Carriage by Land, and by Water, for the uſe of His Majeſties Navy and Ordnance.

12 Car. 2. cap. 24.

How carriages ſhall be provided for his Majeſties Navy and Ordnance.

The rates allowed for carriages.

WHereas by an Act, Entituled, An Act for taking away the Court of Wards and Liveries, and Tenures in Capite, and by Knights Service, and Purveyance, and for ſetling a Revenue upon his Majeſty in lieu thereof; It was amongſt other things Enacted, for the Reaſons and Recompence therein expreſſed, That from thenceforth no Perſon or Perſons by any Warrant, Commiſſion or Authority under the Great Seal, or otherwiſe, by colour of buying, or making proviſion or purveyance for his Majeſty, or any Queen of England for the time being, or of any the Children of any King or Queen of England that ſhall be, or for his, their, or any of their Houſhold, ſhall take any Cart, Carriage, or other thing whatſoever of any the Subjects of his Majeſty, his Heirs or Succeſſors, without the free and full conſent of the Owner or Owners thereof, had and obtained, without Menace or Enforcement, nor ſhall ſummon, warn, take, uſe or require any of the ſaid Subjects to furniſh or find any Horſes, Oxen, or other Cattel, Carts, Ploughs, Wains, or other Carriages, for the uſe of his Majeſty, his Heirs or Succeſſors, or of any Queen of England, or of any Child or Children of any of the Kings or Queens of England for the time being, for the carrying the Goods of his Majeſty, his Heirs or Succeſſors, or the ſaid Queens, or Children, or any of them, without ſuch full and free conſent as aforeſaid; Any Law, Statute, Cuſtom or Uſage to the contrary notwithſtanding: Be it notwithſtanding Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Four and twentieth day of June, in the year of our Lord God, One thouſand ſix hundred ſixty and two, as often as the Service of his Majeſties Navy or Ordnance ſhall require any Carriages by Land within the Kingdom of England, and Dominion of Wales, and Town of Berwick upon Tweed, upon notice given in writing by Warrant under the Hand and Seal of the Lord High Admiral of England for the time being, or under the Hands and Seals of two or more of the principal Officers or Commiſſioners of his Majeſties Navy, or under the Hand and Seal of the Maſter of his Majeſties Ordnance for the time being, or under the Hand and Seal of the Lieutenants of his Majeſties Ordnance, for the providing of Carriages for the reſpective Service of the Navy or Ordnance, unto two or more Juſtices of the Peace dwelling near unto the place where the ſaid Juſtices of the Peace may, and ſhall immediately iſſue forth their Warrants to ſuch of the adjacent Pariſhes, Hundreds or Diviſions, as they ſhall judge fit within their reſpective Counties and Diviſions, not being above Twelve miles diſtant from the place of lading, for the ſending to a certain place, and at certain times (to be ſpecified and appointed in the ſaid Warrants) ſuch numbers of Carriages with Horſes or Oxen ſufficient for the ſaid Service, as by the Lord High Admiral for England for the time being, or by the Maſter or Lieutenant of his Majeſties Ordnance for the time being, or by the principal Officers or Commiſſioners of his Majeſties Navy reſpectively as aforeſaid, ſhal be by writing under their Hands and Seals required; the Owners of which Carriages, or their Servants, ſhall receive for every Load of Timber per mile, one ſhilling, for every reputed mile which they ſhall go laden, and for other Proviſions, the ſum of eight pence per mile for every Tun they ſhall carry.

Impreſſing of perſons, ſhips, veſſels for carriages.

And be it further Enacted by the Authority aforeſaid, That it may and ſhall be lawful for the Lord High Admiral of England for the time being, by Warrant under his Hand and Seal, and alſo for the principal Officers and Commiſſioners of his Majeſties Navy, by Warrants under the Hands and Seals of any two or more of them, as alſo for the Maſter of his Majeſties Ordnance for the time being, by Warrant under his Hand and Seal, and alſo for the Lieutenant of his Majeſties Ordnance, by Warrants under the Hands and Seals of either of them, as often as the Service of his Majeſties Navy or Ordnance reſpectively ſhall require any Carriage by Water; to appoint ſuch perſon or perſons as they ſhall judge fitting, to Impreſs and take up ſuch Ships, Hoys, Lighters, Boats, or any other Veſſel whatſoever, as ſhall be neceſſary for the Accommodation of his Majeſties ſaid Service; the Owners of which ſaid Ships, Hoys, Lighters, Boats, or other Water-carriage aforeſaid, or ſuch as they ſhall appoint, ſhall receive for the hire of every ſuch Ship, Hoy, Lighter, Boat, or other Veſſel per Tun, according to the Rates uſually paid by Merchants from time to time; And in caſe his Majeſties Officers, and the Owners of ſuch Ships, Hoys, Lighters, Boats, or other Veſſels, ſhall not agree on the ſaid Rates, then the Rate to be ſetled by the Brotherhood of Trinity-houſe of Deptford-Strand.

Penalty upon ſuch as neglect or refuſe.

And be it further Enacted by the Authority aforeſaid, That in caſe any of his Majeſties Subjects of this Realm ſhall refuſe, or wilfully neglect, after reaſonable notice, to make their appearance with ſuth ſufficient carriages by Land, or to fit, provide and furniſh their Ships, Hoys, Lighters, Boats, or other Veſſels, for the Service of his Majeſties Navy or Ordnance, as is before expreſſed; or ſhall, after they have undertaken ſuch Service, neglect or delay the ſame, that then upon due proof and conviction of ſuch refuſal or neglect by the Oath of the Conſtable or other Officer, or two other credible Witneſſes before the ſaid Juſtices of Peace of the County, or Mayor, or other chief Officer of the City or Corporation, where he or they inhabit (which Oath they ſhall have power to adminiſter) for the Land-Carriages; and for the Water-Carriages, by the Oath of ſuch Perſon as ſhall be appointed by the Lord High Admiral, the principal Officers or Commiſſioners of his Majeſties Navy, the Maſter of his Majeſties Ordnance, or the Lieutenant of his Majeſties Ordnance, as aforeſaid, or other two credible Witneſſes before the principal Officers or Commiſſioners of his Majeſties Navy, or Maſter or Lieutenant of his Majeſties Ordnance reſpectively, (which Oath they ſhall have likewiſe power to adminiſter) the

Party ſo refuſing or neglecting, ſhall for every ſuch refuſal or neglect, forfeit the ſum of Twenty ſhillings for the Land-carriage, and for carriage by Water, treble the freight of ſuch Ship or Veſſel, not exceeding Fifty pounds in the whole, to the Kings Majeſties uſe, to be forthwith levied in default of payment upon demand, by diſtreſs and ſale of his Goods and Chattels by Warrant from the ſaid Juſtices of the Peace, Mayor, or other chief Officer, or from the principal Officers or Commiſſioners of his Majeſties Navy, or Maſter or Lieutenant of his Majeſties Ordnance reſpectively, (rendring to the Parties the overplus) upon every ſuch Sale (if there ſhall be any) the charge of diſtraining being firſt deducted.

Provided alwayes, that no Horſes, Oxen, Cart, Wain, or other Land-carriage ſhall be enforced to Travail more days Journey from the place where they receive their lading, or be compelled to continue longer in the imployment, then ſhall be appointed by the Order of the ſaid Juſtices of the Peace, and that ready payment ſhall be made in hand for the ſaid Carriages at the place of lading without delay, according to the aforeſaid Rates.

The time of continuance in the ſervice.

Preſent payment to be made.

Provided alwayes, That in caſe any Juſtice of Peace, Mayor, chief Officer or Conſtable, or any perſon or perſons, which ſhall be appointed by the Lord High Admiral, the principal Officers, or Commiſſioners of his Majeſties Navy, the Maſter of his Majeſties Ordnance, or the Lieutenant of his Majeſties Ordnance, as aforeſaid, reſpectively, ſhall take any Gift or Reward to ſpare any perſon or perſons, from making ſuch carriage by Land, or by Water, or ſhall injuriouſly charge or grieve any perſon or perſons through envy, hatred, or evil will, who ought not to make ſuch carriage, or ſhall impreſs more carriages then the neceſſity of the ſervice ſhall require, or then he ſhall be commanded to impreſs by his Superiors, That then upon due proof and conviction thereof, the party ſo offending, ſhall forfeit the ſum of Ten pounds to the party thereby grieved, who may ſue for the ſame to be recovered by Action of Debt, in any of his Majeſties Courts of Record, wherein no Eſſoine, Protection, or Wager of Law ſhall be allowed: And in caſe any perſon or perſons ſhall preſume to take upon him or them to impreſs any Horſes, Oxen, Wains or Carriages for Land, or any Ships, Hoys, Lighters, Boats, or other Veſſel, for the ſervice of his Majeſties Navy or Ordnance, other then the Perſons ſo impowred as aforeſaid, then he or they ſo offending, ſhall upon due conviction of the ſaid Offence incur and ſuffer the puniſhment in the firſt recited Act.

No gifts or rewards may be taken by Juſtices of the Peace to ſpare any perſon.

The penalty, and how to be recovered.

None may impreſs other then perſons impowred as aforeſaid

The penalty.

Provided alwayes, and be it Enacted, That no Ship, Hoy, Barque, or any other Veſſel whatſoever, that ſhall be really, and bona fide, fraighted by Charter-Party, if there be other Veſſels in the Port fitting for the Service, nor any Veſſel quarter laden with any Goods, Wares or Merchandizes outward bound, ſhall be liable to be Impreſſed for any the Services aforeſaid; Any thing in this Act to the contrary notwithſtanding.

Ships and veſſels, fraighted by charter-party exempted.

Provided, That this Act, and the Powers therein contained, ſhall continue and be in force, untill the end of the firſt Seſſion of the next Parliament, and no longer; Any thing herein contained to the contrary in any wiſe notwithſtanding.

The continuance of this Act.

Provided neverthleſſe, That in regard of the more then ordinary charge and burden which the Inhabitants of New-Foreſt in the County of Southampton, will be liable unto, by reaſon of the great quantities of Timber uſually felled and carried thence for the uſe of His Majeſties Navy; It ſhall and may be lawful for the Juſtices of the Peace, who ſhall by Warrant ſummon the Carts and Carriages within the Diviſion of the New-Foreſt in the County of Southampton aforeſaid, to have power (as to the Carriage of Timber only) to allow as aforeſaid to the ſeveral Owners of ſuch Carts and Carriages, not exceeding four pence per mile, for ſo many miles as any Cart or Carriage ſo ſummoned ſhall go empty to the place of its lading; Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Inhabitants of the new Foreſt of Southampton.

CAP. XXI.

For preventing the unneceſſary Charge of Sheriffs, and for eaſe in paſſing their Accompts.

WHereas the Office of Sheriff as well by reaſon of the great and unneceſſary Charges in the time of Aſſiſes, and other publick meetings, as by the tedious attendance and charge of Sheriffs in paſſing of their Accompts in the Exchequer, hath of late years been very burthenſome to the Gentry of this Your Realm, who in the late times of Tyranny and Oppreſſion have been great Sufferers, and thereby much Impoveriſhed in their Eſtates and Fortunes; For remedy wherein, Your Majeſties moſt Loyal Subjects, the Knights, Citizens and Burgeſſes aſſembled in Parliament, do moſt humbly beſeech Your moſt Excellent Majeſty, that it may be Declared and Enacted, And be it Declared and Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Perſon or Perſons being duly ſworn into the Office of Sheriff, for any County or Shire within this Your Majeſties Realm, ſhall from and after the Firſt day of February next enſuing, in the time of the Aſſiſes held for the ſaid County or Shire during his or their Sheriffalty, keep or maintain, or cauſe to be kept or maintained one or more Table or Tables, for Receipt or entertainment of any perſon or perſons reſorting to the ſaid Aſſiſes, other then thoſe that ſhall be of his own Family or Retinue; nor ſhall make, or ſend in any Preſent to any Judge or Judges of Aſſiſe for his or their proviſion, nor give any gratuity to his or their Officers or Servants, or any of them; And alſo that no Sheriff ſhall after the ſaid firſt day of February have more then Forty Men-ſervants with Liveries attending upon him in the time of the ſaid Aſſiſes, nor under the number of Twenty Men-ſervants in any County whatſoever within the Kingdom of England, nor under the number of Twelve Men-ſervants in any County within the Dominion of Wales, and upon pain that every Sheriff offending in any of the premiſſes contrary to the true meaning hereof, ſhall forfeit for every default the ſum of two hundred pounds.

Sheriffs at the Aſſiſes may keep no tables for others then of their own Family and Retinue.

Nor make no preſent or gift to any Judge of Aſſiſe.

The number of Servants with Liveries in England. Wales.

Penalty of 200 l.

Proviſo for Sheriffs of London, Middleſex, Weſtmerland, and Cities and Counties.

Provided that nothing before in this Act contained ſhall in any wiſe extend unto, or any ways concern the Sheriffs of the City of London and Middleſex, and the Sheriff of Weſtmerland, or either of them, or any of the Sheriffs of or belonging to any City and County, or Town or County within this Realm; but that the ſame Sheriff or Sheriffs ſhall, or may do as heretofore hath been uſed or accuſtomed within the ſaid County of Middleſex, and Cities of London and Weſtminſter, and ſuch other Cities and Counties, or Towns and Counties aforeſaid; Any thing herein before contained to the contrary in any wiſe notwithſtanding.

How Sheriffs ſhall be eaſed in paſſing their accompts in the Exchequer.

And to the end that Sheriffs may for the time future be eaſed of the great charge and trouble which they heretofore have been put to in paſſing their Accounts in the Exchequer, occaſioned partly in regard that divers ſums of money have ſtood charged upon them in groſs, without expreſſing from what perſons, for what cauſe, or out of what Lands or Tenements the ſame are to be particularly levied, or out of what particulars the ſaid ſums in groſs do ariſe (whereby it cometh to paſs that the ſaid Sheriffs do ſtill ſtand charged in groſs with divers ſums of money, which were heretofore payable by Abbots, Priors, perſons attainted, and ſuch other perſons, whoſe Eſtates have ſince come to the Crown, or are otherwiſe diſcharged or illeviable) and partly by the Accompt of Seizures or Foreign Accompt, and by the exaction of undue Fees of Sheriffs upon their appoſal concerning the ſame.

Seizures of Lands remaining charged Michaelmas, 1660.

Seizures heretofore taken, or returned.

Fees to the Remembrancers.

Sheriffs ſhall not anſwer illeviable ſeizures, Farm, Rents, &c.

For the preventing whereof, and for the future eaſe of Sheriffs in paſſing their Accompts; Be it Enacted and Declared, That from henceforth every Seizure for or concerning any Lands, Tenements and Hereditaments now remaining charged in the Foreign accompt of any Sheriff or Sheriffs within the Kingdom of England for the year ended at Michaelmas, One thouſand ſix hundred and ſixty, ſhall be from the ſaid Foreign accompt charged particularly in the great Roll of the Exchequer; And that the ſeveral Remembrancers of the ſaid Court, or their reſpective Deputies do in their reſpective Offices forthwith, and ſo from time to time for the future write, and make true and perfect Copies of all and every ſuch other Seizure, and Inquiſition as already are, or hereafter ſhall be certified into their reſpective Offices, without certifying the Copy of the Writ, or Commiſſion at large upon which ſuch Seizure or Inquiſition is, or ſhall be ſo taken or returned, mentioning only in brief the Date of the ſaid Writ or Commiſſion, and ſhall deliver the ſaid Copies well and truly examined and atteſted under his or their Hands, to the Engroſſer of the ſaid great Roll; And that all ſuch of the ſaid Seizures and Inquiſitions as now are returned into any of their reſpective Offices ſhall be delivered before the firſt day of February next coming: And that all ſuch ſeizures as ſhall hereafter be returned, or certified into their reſpective Offices ſhall be delivered ſo examined and atteſted as aforeſaid to the ſaid Engroſſer before the firſt day of the next Term, after the ſaid Remembrancers ſhall have received the ſame, ſo as the ſame may be charged in the great Roll; To the end that the Proceſſe of the Court may from thence iſſue for levying the Iſſues and Profits thereof to the uſe of the Crown, unto which ſaid Remembrancers, or their Deputies, ſhall be from time to time paid for every Sheet which they, or their reſpective Clerks ſhall ſo write and deliver, the ſum of eight pence, the ſame to be paid unto them by the aforeſaid reſpective Sheriffs, who ſhall be allowed the ſame by the Barons upon their reſpective Accompts out of the Iſſues and Profits ariſing out of the Premiſſes ſo ſeized; and no Sheriff or Sheriffs for this preſent year, One thouſand ſix hundred ſixty and one, nor any Sheriff or Sheriffs to be hereafter made or appointed within this Kingdom of England, ſhall be charged in accompt to anſwer any illeviable Seizure, Farm, Rent or Debt, or other Seizure, Farm, Rent, Debt, matter or thing whatſoever which was not writ in Proceſſe to him or them to be levied; wherein the perſons of whom, or the Lands or Tenements out of which, together with the cauſe for which the ſame ſhall be ſo levied, ſhall be plainly and particularly expreſſed, but ſhall be thereof wholly diſcharged without Petition, Plea, or other trouble or charge whatſoever.

Seizures before 1 Jac. and divers others to be left out of the Sheriffs accompt.

And it is hereby further Enacted and Declared, That all Seizures heretofore made before the firſt Year of the Reign of the late King James of ever bleſſed memory, now remaining in the Accompts of the Sheriffs, and all Seizures and Debts which are pardoned ſhall be, and are hereby fully diſcharged. And that the ſame and every of them ſhall hereafter be left out of Sheriffs Accompts without further Order, Plea, Petition, or other Charge to any Sheriff or Sheriffs whatſoever; And that no Proceſſe ſhall from henceforth be written forth to any Sheriff for the levying of the ſame, or any of them, nor for any other Rent or Farm, which cannot be explained by ſetting forth the particulars thereof, or which have been unanſwered by the ſpace of forty years laſt paſt; And that all other dead Farms and Seizures, and all deſperate, illeviable, and unintelligible Debts ſhall be removed out of the Annual Roll, and Sheriffs Charge, into the Exannual Roll, there to remain, untill by Commiſſion they ſhall be revived and made anſwerable.

Proceſſe for Debts to be ſent forth in convenient time.

And to the end, That all new Debts ariſing and coming into the Exthequer for the future may be ſent forth in Proceſs within convenient time; Be it alſo Enacted and Declared, That the aforeſaid ſeveral Remembrancers do forthwith inrol and certify to the ſaid Ingroſſer of the great Roll, all ſuch Debts as any Sheriff or Sheriffs of this Realm are, or hereafter ſhall be charged withall, either by vertue of their reſpective Retorns made to the Barons of the ſaid Exchequer upon his Majeſties Writs of Fieri facias, Levari facias, Capias, or other Proceſſe; and alſo of all Fines and Amerciaments which are or ſhall be ſet and impoſed by the Court of Exchequer upon any Sheriff or Sheriffs for his or their contempts or neglects (that is to ſay) That all and every ſuch Debts, Fines and Amerciaments as now are returned, ſet or impoſed in any of the ſaid Offices, ſhall be delivered as aforeſaid, before the Firſt day of February next enſuing: And all ſuch Debts, Fines and Amerciaments as ſhall hereafter be returned, ſet or impoſed in any of the reſpective Offices, ſhall be delivered by the Firſt day of the next Term, after ſuch Retorns made, or ſuch Fines and Amerciaments ſo ſet, or impoſed, that ſo they may be all charged in the Sheriffs Accompts reſpectively, and comprehended within his or their Quietus eſt, upon pain that every officer or officers in the ſaid Exchequer, who ſhall in any thing offend contrary to this preſent Act, ſhall forfeit the ſum of Forty pounds for every ſuch offence, whereof one moyety ſhall be to the King, his Heirs and Succeſſors; and the other moyety to the party or parties who ſhall be thereby agrieved, to be recovered by Action of Debt, Bill, Plaint, or information in any of his Majeſties Courts at Weſtminſter, wherein no eſſoin, Protection, Priviledge or Wager of Law ſhall be allowed or admitted.

The penalty upon Officers for doing any thing againſt th s Act.

And it is hereby further Provided and Ordained, That no perſon ſhall be aſſigned to be Sheriff of any County within this Realm, except ſuch as have Lands within the ſame county ſufficient to anſwer the King and his people.

9 E. 2. St. Lincoln.
4 E. 3. c. 9.
5 E. 3. cap. 4.
21 Jac. cap. 5.

And whereas by an Act made in the one and twentieth year of the Reign of our late Soveraign Lord King James over England; It was provided, That whenſoever any Sheriff upon paſſing his Accompts, ſhould have his Quietus eſt, that he ſhould be thereby abſolutely diſcharged of all ſums of Money by him Levied and Received, and pretended not to be accompted for within the ſaid Accompt, whereupon he had his Quietus eſt, unleſs ſuch Sheriff ſhould be called in queſtion for ſuch ſums of Money ſo pretended to be Levied, and not Accompted for within four years after the time of ſuch Accompt, and Quietus eſt; which Act notwithſtanding, divers Sheriffs and their heirs upon ſuch pretences, have been moleſted and troubled many years after their Accompts and Quietus eſt, and have had Proceſs ſent out againſt them, contrary to the true intent and meaning of the ſaid Act; It is hereby further Provided and Enacted, That when any Sheriff or Sheriffs within the Kingdom of England, or Dominion of Wales, upon paſſing their Accompts, ſhall have their Quietus eſt, that then ſuch Sheriff and Sheriffs, their Heirs, Executors and Adminiſtrators, Lands, Tenements, Goods and Chattels ſhall be thereby abſolutely diſcharged of all manner of ſum or ſums of Money whatſoever by them levied and Received, notwithſtanding any ſuch pretence that the ſame were not accompted for or other pretence whatſoever unleſs ſuch Sheriff or Sheriffs ſhall be called in queſtion, and that Judgment ſhall be given againſt him or them for the ſame, within four years next after ſuch Accompt, or Quietus eſt; and that every Officer or Miniſter by whom, or by whoſe default any Writ or Proceſs coutrary to this Act ſhall be ſent out, ſhall incur the like Forfeitures and Penalties to be recovered and inflicted by ſuch perſons, and in ſuch manner as by the aforeſaid Act is provided.

A Quietus eſt to be a ſufficient diſcharge for a Sheriff, if not queſtioned within four years after grant thereof.

Provided alwayes, That this Act or any thing therein contained, ſhall not extend to the Counties of Cheſter, Lancaſter, Durham, or the Counties of Wales, being County-Palatines, as to their manner of accompting; but that the Sheriffs therein ſhall accompt as formerly before the reſpective Auditors only, and not elſewhere.

Cheſter, Lancaſter, Durham, Wales.

Provided, That this Act or any thing therein contained, ſhall not extend to enjoyn His Majeſties Remembrancer, or the Lord Treaſurers Remembrancer, to tranſcribe and deliver to the Ingroſſer of the great Roll, any Inquiſitions or Seiſures, but ſuch as have been formerly charged in the Foreign Accompts of the Sheriffs; but for all Inquiſitions upon Attainders, or other Forfeitures to the Crown, the ſame ſhall be put in charge as heretofore they have been, according to the conſtant uſage and Decree of the Court of Exchequer; Nor ſhall this Act, or any thing therein contained, extend to exclude His Majeſties ſaid Remembrancer of, or from the writing forth Proceſs for, or upon any His Majeſties Debts, Duties, Outlawries, or other charge whatſoever, or proceſs of Levari facias, at the proſecution of any perſon or perſons, to levy the Iſſues or Profits of any Lands or Tenements ſeiſed, or to be ſeiſed into the Kings hands, or Proceſs of Venditioni exponas for Goods ſeiſed or to be ſeiſed upon any Debt to his Majeſty, His heirs or Succeſſors, or upon any Outlawry, or to alter or change the Pleadings, or other Proceedings heretofore uſed and accuſtomed in the ſaid Office upon any Pleadings, touching the ſaid Debts, Duties and Seiſures or any of them whatſoever; And that no Debt, Duty, Fine, Amerciament or Seiſure whatſoever, which ſhall be charged in the ſaid great Roll of the Pipe upon any perſon whatſoever, by, or from any Record, Proceſs or Proceeding had, made, filed, or recorded in the office of His Majeſties Remembrancer of his Exchequer, nor any proceſs or Proceeding thereupon to be had or made, by vertue of this Act, ſhall be reſpited, ſtayed, mitigated, extenuated, compounded, or otherwiſe diſcharged, but by Order, Warrant or Judgment made, filed or entred in the ſaid Office of his Majeſties Remembrancer, where the original of ſuch Debt, Duty, or Charge, as aforeſaid, is, and remaineth; And that in caſe any Proceſs of Summons of the Pipe have been, or ſhall be awarded for, or upon any ſuch Debt, Duty, Fine, Amerciament, or Seiſure whatſoever, and the ſame Debt, Duty, Fine, Amerciament, or Seiſure ſhall not, upon ſuch Summons of the Pipe, be levied or anſwered unto His Majeſty, That then the Clerk of the Pipe, or Engroſſer of the Great Roll, ſhall the next Term after the return of ſuch Summons, certifie the ſame in a Schedule into the office of his Majeſties Remembrancer aforeſaid, to the end that further Proceſs may be from thence written forth, for the Levying and Anſwering thereof; And that this Act, or any thing therein contained, ſhall not extend unto, nor be conſtrued to be prejudicial to His Majeſties Remembrancer in His Exchequer, in any juſt, ancient and lawful Fees by him claimed, or belonging, or incident to His Office, and uſually had and received by him or his Predeceſſors; Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Proviſo touching the Kings Remembrancer.
Lord Treaſurers Remembrancer.

This Act to continue to the end of the firſt Seſſion of the next Parliament, and no longer.

The Continuance.

CAP. XXII.

For Preventing of Theft and Rapine upon the Northern Borders of England.

VVhereas a great number of Lewd, Diſorderly, and Lawleſs Perſons, being Thieves and Robbers, who are commonly called Moſs-Troopers, have ſucceſſively for many and ſundry years laſt paſt been bred, reſided in and frequented the borders of the two reſpective Counties of Northumberland and Cumberland, and the next adjacent parts of Scotland, and they taking the opportunity of the large waſte Grounds, Heaths and Moſſes, and the many intricate and dangerous Wayes and By-paths in thoſe parts, do uſually, after the moſt notorious Crimes committed by them, eſcape over from the one Kingdom into the other reſpectively, and ſo avoid the hand of Juſtice, in regard the Offences done and perpetrated in the one Kingdom, cannot be puniſhed in the other.

And whereas ſince the time of the late unhappy diſtractions, ſuch Offences and Offendors as aforeſaid, have exceedingly more increaſed and abounded, and the ſeveral Inhabitants of the ſaid reſpective Counties have been for divers years laſt paſt neceſſitated at their own free and voluntary charge to maintain ſeveral Parties of Horſe for the neceſſary defence of their Perſons, Families and Goods, and to the end the aforeſaid evil and pernicious members might be apprehended and brought to Judgment; And whereas the moſt part of the Inhabitants of the ſaid Counties being more remote from the Borders then other parts, and conſequently not ſo much expoſed to imminent dangers as others, are therefore unwilling to contribute their proportionable parts of the aforeſaid Charge, and yet notwithſtanding it cannot probably or poſſibly be avoided, but that thoſe Inhabitants of the reſpective Counties who hold themſelves moſt ſecure, muſt certainly ſuſtain much damage and detriment in their Goods and Eſtates, in caſe the aforeſaid Moſs-Troopers be not timely ſuppreſſed, but ſuffered to grow numerous, ſtrong and potent, which they muſt needs do in caſe there be no reſtraint upon them; Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority thereof, That from and after the Feaſt of St. Michael the Arch-Angel, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two, for, and during the term of Five years next enſuing the date of this preſent Act, it ſhall and may be lawful for the reſpective Juſtices of Peace of the ſaid reſpective Counties, or the major part of them at any General Seſſions of the Peace to be holden for the ſaid Counties reſpectively on the behalf of the ſaid Counties, or either of them from time to time, as they ſhall ſee occaſion, to make an Order in open Court of Seſſions for charging, according to their ſeveral proportions, all, and every the ſeveral Inhabitants of the ſaid reſpective Counties, for the ſafeguard and ſecuring of the ſaid ſeveral Counties and Inhabitants thereof from all injury, violence, ſpoil and rapine of the Moſs-Troopers aforeſaid.

Provided, That the ſaid County of Northumberland be not by force of this Act at any time charged above the ſum of Five hundred pounds in the year; nor the ſaid County of Cumberland charged above the ſum of two hundred pounds in the year: And for this end and purpoſe, the ſaid ſeveral Juſtices of Peace of the reſpective Counties aforeſaid, are hereby impowred and authorized at any their General Quarter-Seſſions aforeſaid to appoint and imploy from time to time, if occaſion require, any perſon or perſons to have the Conduct and Command of a certain number of men, not exceeding the number of Thirty men in the County of Northumberland, and Twelve in the County of Cumberland, whereby the Malefactors aforeſaid may be ſearched out, diſcovered, purſued, apprehended, and brought to tryal of the Law. And all and every the ſaid Juſtices of Peace of the reſpective Counties aforeſaid, or the major part of them at any General Seſſions of the Peace to be holden for the ſaid Counties, or either of them reſpectively, are hereby further impowred and authorized by force of this preſent Act, to make, and iſſue forth their reſpective Warrants under their hands for the levying and collecting any ſum or ſums of money ordered to be paid for and towards the ſafeguard and ſecuring of the ſaid Counties reſpectively as aforeſaid, and to give full power to the ſeveral Conſtables and other Officers, to raiſe, levy and collect the ſaid money, and all and every the Inhabitants of the ſaid ſeveral Counties, according to their reſpective proportionable Eſtates in Lands or Goods, by diſtreſs and ſale of goods, rendring the overplus, if there be any, to the reſpective Owner or Owners: And the ſaid Juſtices of Peace in the ſaid ſeveral Counties, or any one of them reſpectively, are hereby alſo authorized to examine any complaint made againſt the Collectors and Conſtables, or any other Officers or Miniſters of Juſtice whatſoever, or any of them, or any other refractory perſon or perſons whatſoever, that at any time hereafter ſhall refuſe, neglect or fail to give obedience to this Act, or ſhall do any act or acts in diſturbance or obſtruction thereof, and to bind over ſuch perſon or perſons to the next Quarter-Seſſions, according to the known Laws of the Land; to the end ſuch perſon or perſons may be proceeded withal according to Juſtice.

And the ſaid reſpective Juſtices of Peace, as aforeſaid, are hereby further impowred and authorized on behalf of the ſaid ſeveral Counties reſpectively, to appoint a Treaſurer to receive from the ſaid Collectors the Moneys by them collected and to pay over the ſame according to the orders they ſhall receive from the ſaid Juſtices at the General Seſſions of the Peace to be holden for the ſaid reſpective Counties: And the ſaid Juſtices are alſo impowred to agree and article with ſuch perſon or perſons yearly, as they ſhall think fit to imploy in the ſaid ſervice, and to take ſufficient ſecurity of them for the faithful and moſt effectual performance thereof, for the beſt ſafeguard, advantage and benefit of the people, according to the true intent and meaning of this Act.

And in caſe any perſon or perſons ſhall in purſuance of this Act be imployed in the Border-Service, and ſhall at any time hereafter wilfully and corruptly, or for any ſiniſter reſpect whatſoever, neglect or forbear to diſcover or apprehend, or to bring to Tryal any of the ſaid perſons called Moſs-Troopers, as aforeſaid, and ſhall be convicted thereof according to Law, he or they ſhall from thenceforth be diſabled, and made uncapable for ever after to manage or take upon him or them the ſaid Imployment, and to ſuffer ſuch Fine and Impriſonment, according to the quality of his or their offence, as the Juſtices of Peace at their General Seſſions ſhall think fit to inflict.

Provided nevertheleſs, and be it hereby Declared, That it ſhall be lawful for the Juſtices of Peace of either of the ſaid Counties as aforeſaid reſpectively, at any time hereafter, to moderate or leſſen the ſaid charge, if they ſee cauſe.

Provided, That this Act ſhall continue and be in force for five years and no longer.

Provided alwayes, and be it further enacted by the authority aforeſaid, That for better ſuppreſſion and puniſhment of the ſaid Moſs-Troopers flying out of England into Scotland, or out of Scotland into England, the Statutes made in the ſeveral Seſſions of Parliament, in the Fourth and Seventh years of King James, ſhall be revived and put in execution according to their true intent, 18 Car. 2. cap. 3. Continued for ſeven years from the expiration of this Act.

4 Jac. cap 1.
7 Jac. cap. 1.

CAP. XXIII.

An Additional Act concerning matter of Aſſurance uſed amongſt Merchants.

43 El. cap. 12.

Encouragements of Merchants and Trade.

VVhereas by an Act of Parliament made in the Three and fortieth year of the Reign of Queen Elizabeth of happy memory, entituled, An Act concerning matters of Aſſurances uſed amongſt Merchants: The Parliament then taking into conſideration, by all good means to comfort and encourage the Merchants of this Kingdom, thereby to advance and encreaſe the Wealth of this Realm, her Majeſties Cuſtoms, and the ſtrength of Shipping, and for preventing of divers miſchiefs in the ſaid Act mentioned; It was Enacted, That it ſhould and might be lawful for the Lord Chancellor, or Lord Keeper of the Great Seal of England for the time being, to award forth under the Great Seal of England, one general or ſtanding Commiſſion to be renewed yearly at the leaſt, and otherwiſe ſo often, as unto the Lord Chancellor, or Lord Keeper ſhould ſeem meet, for the hearing and determining of Cauſes ariſing on Policies of Aſſurance, ſuch as then were, or then after ſhould be entred within the Office of Aſſurance of the City of London; which Commiſſions ſhould be directed to the Judge of the Admiralty for the time being, the Recorder of London for the time being, Two Doctors of the Civil Law, Two Common Lawyers, and eight grave or diſcreet Merchants, or any five of them, which Commiſſioners, or the greater part of them which ſhould ſit and meet, ſhould have full power and authority to hear, examine, order and decree all and every ſuch cauſe and cauſes, in a brief and ſummary courſe without formalities of pleadings or proceedings, with power to warn Parties to come before them, and to examine upon Oath any Witneſſes that ſhould be produced, and to commit to priſon any perſon that ſhould wilfully diſobey their final orders and decrees: And the Commiſſioners to ſit once weekly upon the Execution of the ſaid Commiſſion, with a liberty in the ſaid Act for any perſon grieved by any ſuch Sentence or Decree, to exhibit his Bill in Chancery for the re-examination of ſuch ſentence or decree, as by the ſaid Act, relation being thereunto had, more at large may appear: But foraſmuch as by the ſaid recited Act, without five Commiſſioners there cannot be a Court, and without there be a Court, they cannot proceed in the execution of their Commiſſion, ſo much as to ſummon Parties or Witneſſes to appear; And in caſe of neglect or refuſal of any Party or Witneſs to appear, they have no power to puniſh the delay or contempt with coſts, or otherwiſe. And it is provided by the ſaid Act, That not any Commiſſioner, other then the Judge of the Admiralty, or the Recorder of London, ſhall proceed in the execution of ſuch Commiſſion, before he hath taken his Oath before the Lord Mayor, and Court of Aldermen, to proceed uprightly and indifferently between party and party, which upon the renewing of the ſaid Commiſſion, often proves a great delay, there being ſo many Commiſſioners to be ſworn, and the Court of Aldermen not ſitting at ſometimes in the year, when the ſaid Commiſſions have happened to be renewed; And although the ſaid Commiſſioners upon their final Sentence have power to commit to priſon any perſon that ſhall wilfully diſobey their ſaid Sentences or Decrees, yet they have no power to make any Order againſt the Ship or Goods, which commonly are the things aſſured, by which Omiſſions, for want of power given by the ſaid Act, the benefits intended by the ſaid Act of Parliament are much retarded, and the miſchiefs by the Act endeavoured to be prevented, much encreaſed.

Three Commiſſioners impowred to act.

For remedy whereof, Be it enacted and Ordained, and it is hereby Enacted and Ordained by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That from and after the Four and Twentieth day of June, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two, it ſhall and may be lawful, to and for the Lord Chancellor, or Lord Keeper of the Great Seal of England for the time being, to Iſſue out yearly (or oftner if need require) one ſtanding Commiſſion under the great Seal of England, thereby impowring and authorizing the ſaid Commiſſioners, or any three of them (whereof a Doctor of the Civil Law, or a Barriſter at law of five years ſtanding at the leaſt, to be always one) to meet and ſit, and make a Court, and Proceed in all things in the execution of the ſaid Commiſſion as before by the ſaid Act any five might have done; And that the ſaid Commiſſioners, or any ſuch three of them as aforeſaid, be and hereby are impowred to ſummon Parties and Witneſſes to appear, and in caſe of contempt or wilful delay in the Witneſſes upon the firſt Summons and tender of reaſonable Charges, and in the parties upon their ſecond Summons, to puniſh the offenders by impriſonment or Coſts for ſuch time, and in ſuch manner, as ſhall be reaſonable, and according to the nature and quality of their

Coſts.

offences; And that it ſhall and may be lawful to and for every ſuch Commiſſioner, to proceed in the execution of the ſaid Commiſſion, having firſt taken an Oath before the Lord Mayor of the City of London for the time being only, to proceed uprightly and indifferently between party and party; And the ſaid Lord Mayor is hereby Authorized to give ſuch Oath Any thing in the ſaid Act to the contrary notwithſtanding; And that no perſon ſhall proceed in Execution of the ſaid Commiſſion, before he be firſt Sworn before the Lord Mayor of London for the time being, to proceed uprightly and indifferently between party and party, as formerly he ſhould have been before the Lord Mayor, and Court of Aldermen.

Lord Mayor of London may adminiſter the Oath.

Commiſſions out of the Admiralty Court to examine Witneſſes beyond Sea.

Be it alſo Enacted by the authority aforeſaid, That in caſe the ſaid Commiſſioners, or any ſuch three of them as aforeſaid, ſhall find cauſe to examine Witneſſes beyond the Seas, or any remote parts of his Majeſties Dominions for the clearing of any doubt or matter before them depending, that in ſuch caſe by direction of the ſaid Commiſſioners, or any ſuch three of them; like Commiſſions or Proceſs ſhall iſſue out of the Court of Admiralty, as have formerly been for the Purpoſes aforeſaid, returnable before the ſaid Commiſſioners; And that the ſaid Commiſſioners, or any ſuch three of them, ſhall have alſo power to give and paſs their final Sentence, Decree and executions, as well againſt the body of the party evicted, or his goods, as alſo againſt the Executors and Adminiſtrators of ſuch party evicted; And to Aſſeſſe Coſts of Suit upon ſuch perſon or perſons, as ſhall be condemned by the Decree of the ſaid Court as to them ſhall ſeem Juſt.

Witneſſes going to ſea how to be examined before.

And foraſmuch as many witneſſes (as Sea-men and others) come and ſpeedily go again to Sea, before a Court can be ſummoned, by which means the Aſſured, and Aſſurers, are many times much damnified; For the preventing of which miſchief, Be it alſo Enacted by the Authority aforeſaid That it ſhall and may be lawful, to and for any one of the ſaid Commiſſioners to Adminiſter an Oath to any Witneſs legally ſummoned to give teſtimony, timely notice being thereof given to the Adverſe party, and ſet up in the Office before ſuch examination) to the end ſuch Witneſs or Witneſſes may be croſs-examined.

Appeal to the Chancery.

Provided always, That the ſaid Commiſſioners ſhall in no caſe proceed both againſt perſon and goods, for one and the ſame debt; And Provided alſo, That any thing in this Act contained ſhall not in any wiſe extend to prejudice the appeal to the High court of Chancery given or allowed in the ſaid former Act of Parliament.

CAP. XXIV.

An Act Declaratory concerning Bankrupts.

WHereas divers Noblemen, Gentlemen, and perſons of quality, no ways bred up to Trade or Merchandize, do oftentimes put in great ſtocks of money into the Eaſt India Company, or Guiney Company, and the Fiſhing Trade, and ſuch other publike Societies and receive the procede of thoſe Stocks ſometimes in ready monies, ſometimes in Commodities which they uſually ſell for money, or exchange again, by which means the Trade of thoſe Companies is much incouraged, Fiſhing, and Navigation increaſed, and the publike good of thoſe Companies is much advanced.

34 H. 8. cap. 4.
13 El. cap 7.
1 Jac. cap. 15.
21 Jac. ca. 19.

Notwithſtanding which great advantage to the publike, there hath been lately ſome opinion conceived that ſuch perſons may, and ought to be made ſubject to the Statutes provided againſt Bankrupts;

For the better declaring and explaining the Law therein, and to the end ſuch perſons may not be diſcouraged in thoſe Honourable endeavours for promoting publick undertakings: Be it declared and enacted by the Kings moſt Excellent Majeſty, with the advice and aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no perſon or perſons whatſoever, who have adventured, or put in, or who hereafter ſhall adventure, or put in any ſum or ſums of money, in the ſaid Eaſt-India Company, or Guiney Company, or into any joynt ſtock or ſtocks of money by them made, or raiſed, or to be made and raiſed, for and towards the maintaining and carrying on the Trade by the ſaid Eaſt-India Company, or Guiney Company, managed, or to be managed, or who have formerly, or ſhall hereafter adventure or put in any ſum or ſums of money into any ſtock or ſtocks of money, for the managing and carrying on of the ſaid Fiſhing Trade, or the Trade now called the Royal Fiſhing Trade, and ſhall receive and take his or their part, or dividend of Fiſh, Goods or Merchandizes in Specie, and ſhall ſell, or exchange the ſame, ſhall for or by reaſon only of ſuch adventure of moneys ſo put into the ſaid Eaſt-India Company, or Guiney Company, or into any Stock or Stocks, for and towards the ſaid Fiſhing Trade, or for, or by reaſon only of the receiving and taking ſuch Fiſh, Goods, and Merchandizes in Specie, or ſelling for money, or exchanging the ſame again, be adjudged, taken, eſteemed or reputed a Merchant or Trader within any Statute or Statutes for Bankrupts, or be liable to the ſame.

No perſons for putting in money to the Eaſt-India or Guiney Company, or the Fiſhing Trade, ſhall be eſteemed a Trader within the Statute of Bankrupts.

Proviſo for other Trading.

Provided always, and it is hereby Declared, That every perſon or perſons who ſhall Trade, Traffique or Merchandize in any other way or manner, then in the ſaid Royal Fiſhing Trade, or the Trade managed by the ſaid Eaſt-India Company, or the Guiney Company as aforeſaid, ſhall for and by reaſon of his and their Trading, Traffiquing, and Merchandizing, be liable to Commiſſion and Commiſſions againſt Bankrupts, as fully to all intents and purpoſes, and not otherwiſe, as if this Act had never been made, Any thing in this Act to the contrary notwithſtanding.

The Judgment concerning Sir John Wolſtenholme, made void.

And be it further enacted, That a Verdict and Judgment in Replevin heretofore had or given in the Term of Eaſter, in the year One thouſand ſix hundred fifty three, in the Kings-Bench, betwixt Phineas Andrews Plaintiff, Richard Woolward, and William Meggs Defendants, whereby Sir John Wolſtenholme Knight, an Adventurer in the ſaid Eaſt-India Company, was adjudged, and found liable to a Commiſſion of Bankrupts only, for and by reaſon of a ſhare he had in the Joynt-Stock of the ſaid Company, and a pretended ſelling for money part of the return which he had in Specie for his ſaid Adventure, ſhall be, and is hereby declared contrary to Law, and is hereby reverſed, and made void and null.

Proviſo for Purchaſers in the Caſe of Sir John Wolſtenholme.

Provided alwayes, and be it enacted, That no Act, Sale or Diſpoſition of any the Lands, Tenements, Hereditaments, Goods, Chattels, Debts or Credits of the ſaid Sir John Wolſtenholme, or any diſtribution of the ſame, or of any money heretofore made or done by the Commiſſioners of Bankrupts, or any claiming under them, or any of them by vertue or colour of any Commiſſion or Commiſſions taken out againſt the ſaid Sir John Wolſtenholme; and whereof any perſon or perſons is by vertue or colour of, or under any ſuch Act, Sale, or Diſpoſition actually ſeiſed or poſſeſſed, ſhall be hereby impeached, or fruſtrated, but that the ſame be enjoyed for and toward ſatisfaction of the debts, for which the ſame have been diſpoſed or diſtributed.

CAP. XXV.

For Reſtoring of all ſuch Advowſons, Rectories, Impropriate Glebe-Lands and Tithes to his Majeſties Loyal Subjects, as were taken from them, and making void certain charges impoſed on them upon their Compoſitions for Delinquency, by the late Uſurped Powers.

WHereas many Loyal Subjects of our late Soveraign Lord King CHARLES the Firſt, and of the Kings Majeſty that now is, were upon pretence of Delinquency, for adhering unto, and faithfully ſerving their ſaid Majeſties according to their Duty and Allegiance, enforced and conſtrained by the pretended Power of the Long Parliament, not only to part with great ſums of money in ſatisfaction of the ſaid ſuppoſed Delinquency, but likewiſe to ſettle all, or part of ſuch Advowſons, Rectories, Glebe-Lands and Tythes, Eſtates and Terms, as they, or any in truſt for them were then ſeiſed or poſſeſſed of, and to make Grants and Aſſurances of Rents and Annuities to and upon ſuch Truſtees as were appointed by the ſaid Long Parliament, as well for the augmentation of certain Vicarages, as for the uſe and maintenance of Preaching Miniſters and Lecturers, without any valuable conſideration given for the ſame, other then ſome abatement of thoſe exceſſive Fines impoſed on them for their pretended Delinquency, and exacted from them by thoſe arbitrary powers, to the impoveriſhing and undoing of many of the Kings moſt Loyal Subjects; Be it therefore enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all Grants, Feoffments, Bargains and Sales, Releaſes, Confirmations, and other Conveyances and Aſſurances in the Law, of any higher or lower nature whatſoever had, or made by any ſuch pretended Delinquents, their Heirs, Executors or Adminiſtrators, or by any perſon having any Eſtate or Intereſt in Law or Equity in Truſt for them, or by any other perſons or perſons, having any Eſtate or Intereſt joyntly, or in common with them, or in Reverſion or Remainder after them, to any perſon or perſons, Bodies politick or corporate of any ſuch Advowſons, Rectories Impropriate, Glebe-Lands, Tithes, Eſtates, Terms, Annuities and Rents, as aforeſaid, to, or for the uſes aforeſaid, as part or in full of their Compoſitions for ſuch pretended Delinquency as aforeſaid, and all Securities touching or concerning the ſame onely, be and are hereby adjudged from henceforth null and void in Law to all intents and purpoſes whatſoever; Saving to all perſons other than the ſaid Truſtees, and their Heirs, and all claiming under them, all right to the ſaid Rectories and Premiſſes as hath accrued unto them before the Nineteenth day of May, One thouſand ſix hundred ſixty and two.

All Eſtates made by pretended Delinquents of Advowſons, Rectories, &c. for Compoſitions, made void.

Saving other Rights.

How Tenants and Leſſees under ſuch Eſtates ſhall pay their Rents.

And be it further enacted by the Authority aforeſaid, That all Tenants, Leſſees and Occupiers of all ſuch Advowſons, Rectories Impropriate, Glebe-Lands, Tythes, and premiſſes ſo granted or ſetled, to or upon ſuch Truſtees as aforeſaid, for the uſes or purpoſes aforeſaid, ſhall pay all ſuch Rents as ſhall hereafter grow due and payable to ſuch perſons onely unto whom the right and intereſt of and in the ſame Advowſons, Rectories, Glebe-Lands, Tythes and premiſſes before the ſaid Conveyances or Aſſurances (intended to be annulled and made void by this preſent Act) did, or ſhould of right belong or appertain.

Rents and ſums appointed for augmentation of certain Vicarages.

And whereas the ſaid Conveyances and Aſſurances in and by this Act intended to be made void, were ſome of them of Eſtates in Fee-ſimple, and ſome of them long Terms for years made to Truſtees, who redemiſed the ſame at and under ſuch yearly Rents and Sums of Money as were then appointed to be the Augmentation of certain Vicarages, or maintenance for preaching Miniſters, ſince which time, many of the Rectories and Lands ſo Conveyed and Leaſed have been abſolutely ſold, and the Redemiſes thereof granted and aſſigned by the Owners thereof, for the benefit of ſuch purchaſers; Be it further Enacted and Ordained by this preſent Parliament, and by the authority of the ſame, That the ſaid Purchaſers, their Heirs and Aſſigns ſhall pay, and the ſaid former Owners of the ſaid Lands and Rectories, their Executors, Adminiſtrators and Aſſigns, ſhall have, hold and enjoy the ſaid Rents and ſums of Money ſo reſerved (for the Augmentation of the ſaid Vicarages, and maintenance for preaching Miniſters) upon the ſaid ſeveral Redemiſes, and ſhall have the ſame, and the like remedies by Diſtreſs, or by Action of Debt for the recovery thereof, as the ſaid Truſtees who Redemiſed the ſame, ſhould or might have had, if this Act had not been made.

CAP. XXVI.

Abuſes committed in the Weight and falſe Packing of Butter, Reformed.

The Contents of a Kilderkin of Butter.

FOraſmuch as Butter is one of the principal Commodities of the product of this Kingdome, and is not only of an univerſal uſe and expence at home, but very great quantities thereof are Tranſported beyond the Seas; And whereas, by Cuſtome time out of mind uſed, every Kilderkin of Butter ought to weigh one hundred thirty and two pounds groſs at the leaſt; that is to ſay, one hundred and twelve pounds of Neat Butter, and the Cask

Twenty

The Firkin.

The Pot.

Twenty pounds: The Firkin of Butter ought to weigh Sixty and four pounds, viz Fifty and ſix pounds of good and Merchantable Butter Neat, and the Cask eight pounds; And the Pot of Butter ought to weigh twenty pounds, viz. Fourteen pounds of good and Merchantable Butter Neat, and the Pot ſix pounds: And whereas great Complaint hath been made by the Traders in Butter and Cheeſe, That by the fraudulent dealing and practice of ſeveral Farmers, Owners and Packers of Butter, and by their irregular manner of weighing with Stones, Iron Wedges, Bricks, and other unwarrantable Weights, the ſame quantities of Butter are not put up into the reſpective Cask and Pots aforeſaid, and the Kilderkin is commonly made to weigh ſix and twenty pounds, and ſometimes eight and twenty pounds, and the Firkin to weigh ten pounds or twelve pounds, and ſometimes thirteen or fourteen pounds weight, and the Pots are made generally to weigh ſeven pounds, and ſome of them eight pounds or nine pounds weight, and much bad and decayed Butter is mixed, and Packed up into Kilderkins, Firkins, and other Cask and Pots, with ſound and good Butter, and immoderate quantities of Salt intermixed to the ſpoil of the ſame, and to the great wrong and abuſe of his Majeſty in the Victualling of his Navy, of Merchants in the Victualling of their Ships, and of all Traders in the ſaid Commodity, and of all Houſholders who buy the ſame for their expence, and to the great diſhonour of the Engliſh Nation, in the parts beyond the Seas, and to the bringing of the ſaid Commodity into great diſrepute abroad, whereby it yields not that price, nor is vented there, in ſuch quantities, as otherwiſe it would.

A Kilderkin of Butter ſhall contain 112 l. beſides the Cask.

The Firkin 56 l.

The Pot 14 l.

No old Butter ſhall be mixed with new.

Nor Whay Butter.

The penalty.

For remedy whereof, Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That from and after the firſt day of June, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two, every Kilderkin of Butter do and ſhall contain one hundred and twelve pounds Neat, or above, every pound containing fifteen ounces beſides the Tare of the Cask, and not leſs, of good and Merchantable Butter: Every Firkin of Butter do and ſhall contain fifty ſix pounds Neat or above, beſides the weight of the Cask, of good and Merchantable Butter; and every Pot of Butter do and ſhall contain fourteen pounds Neat, or above, beſides the weight of the Pot, of good and Merchantable Butter: And that no Butter which is old or corrupt ſhall be mixed or packed up into any Kilderkin, Firkin, or other Cask, Veſſel or Pot whatſoever with any Butter which is new and ſound, nor any Whey-butter ſhall be packed or mixed with any Butter that is made of Cream, but that the ſaid reſpective ſorts of Butter ſhall be packed up ſeverally and apart by themſelves, and ſhall not be mixed one with another, and that every Cask or pot of Butter ſhall be of one ſort and goodneſs throughout ſuch Cask and Pot, and that no butter ſhall be ſalted with any great Salt, but that all Butter ſhall be ſalted and ſaved with ſmall ſalt, nor more ſalt ſhall be intermixed with it, then ſhall be needful for its preſervation, upon pain and penalty that every Owner, Farmer or Packer of butter not putting up in each Kilderkin, Firkin and Pot of Butter to be ſold, or to be expoſed to ſale reſpectively, ſuch quantities as aforeſaid, or offending in falſe packing as aforeſaid, for every ſuch offence ſhall forfeit the value of all the butter ſo falſe packed, and for every offence where any Kilderkin, Firkin or Pot ſhall be found to contain a leſſer quantity of butter, then by this Act is appointed, ſix times the value of every pound of butter, that ſhall be wanting in any ſuch Cask or Pot.

Cheeſe mongers and all ſellers of Butter by the Kilderkin or &c. ſhall deliver the full quantity to the Retailer.

And to the intent that the benefit intended by this Act may be extended with full effect to all perſons who do either cut out butter by retail, or expend it, Be it further enacted by the authority aforeſaid, That every Cheeſe-monger or other perſon whatſoever which ſhall ſell to any perſon or perſons any Kilderkin or Kilderkins, Firkin or Firkins, Pot or Pots, or other Cask of Butter made after the ſaid firſt day of June, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two, ſhall deliver in every ſuch Kilderkin, Firkin, and other Cask and Pot reſpectively the full quantity and due quality appointed by this Act, and not leſs; or in default thereof, ſhall be liable to make ſatisfaction to him or them that buy the ſame for what ſhall be wanting, according to the price for which the ſame was ſold.

None ſhall repack butter.

The penalty.

And be it further enacted by the authority aforeſaid, That from and after the ſaid Firſt day of June, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and two, no Cheeſe-monger or other perſon or perſons whatſoever, ſhall repack for ſale any Butter in any Kilderkin, Firkin, or other Cask or Pot whatſoever, upon pain and penalty that every Cheeſe-monger or other perſon whatſoever which ſhall repack any Butter into any Kilderkin or Kilderkins, Firkin or Firkins, Cask or Casks, Pot or Pots, to ſell the ſame again, ſhall for every Firkin, Cask or Pot ſo packed, forfeit the ſum of double the value of all ſuch butter.

Farmers and other ſellers ſhall ſet their marks of the weight upon good and ſufficient Casks.

And their names.

And for the better diſcovery of all frauds and abuſes which ſhall be committed againſt this Act, Be it further enacted by the authority aforeſaid, That every Farmer and other perſon and perſons, packing up Butter in Kilderkins, Firkins or any other Cask whatſoever for ſale, do from and after the ſaid firſt day of June, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty two, pack up his Butter into good and ſufficient Cask, made of ſound, dry, and well ſeaſoned Timber, and ſhall ſet upon every Firkin and Cask whatſoever, when the ſame is throughly and fully ſeaſoned in water, a continuing viſible mark of the juſt weight of the empty Cask, and do likewiſe ſet upon every Kilderkin, Firkin and Cask, when the ſame is filled with butter, the firſt Letter of his or their Chriſtian name, and his or their Sirname at length, with an Iron brand, upon pain and penalty that every Farmer, or other perſon or perſons whatſoever offending in not putting on the Mark of ſuch weight of Kilderkin, Firkin or other Cask, after ſeaſoning, or not ſetting the firſt Letter of his or their Chriſtian name, and his or their Sirname at length, on every Firkin and Cask as aforeſaid, ſhall for every ſuch offence reſpectively forfeit the ſum of Ten ſhillings for every Hundred weight of Butter, and ſo proportionably for a greater or leſſer quantity that ſhall be in every ſuch Cask.

Potters ſhall ſet their weight of every Pot burnt, and their names.

And be it further enacted by the authority aforeſaid, That every Potter ſhall ſet upon every pot which he ſhall ſell for packing up butter, the juſt weight which ſhall be of every ſuch pot when it is burnt, together with the firſt Letter of his or their Chriſtian name, and his or their Sirname at length, upon pain and penalty that every Potter which ſhall not ſo do, ſhall forfeit and pay for every pot which he ſhall expoſe to ſale for the uſe aforeſaid, whereupon he ſhall not have firſt ſet the juſt weight, and the firſt letter of his Chriſtian name, and his ſirname at length as aforeſaid, the ſum of one ſhilling; and that no Farmer or other perſon whatſoever ſhall expoſe to ſale any Butter packed up in any other pot than ſuch as ſhall be marked by the Potter as aforeſaid, upon penalty of Two ſhillings for every pot of butter which he ſhall expoſe to ſale as is not ſo marked; all and every of which ſaid offences are to be enquired of, ſued for, heard and determined in the Seſſions of Peace for the County, City, Borough, Town or Liberty, or in the Court of Record of the City, Borough, Town or Liberty wherein ſuch offence ſhall be committed, by Action of Debt, Indictment, Information, or Preſentment, wherein no Eſſoyn, Protection or Wager of Law ſhall be allowed to the Defendant; and the one half of all ſuch Forfeitures ſhall be to the uſe of the poor people inhabiting within the Pariſh where ſuch offence ſhall be from time to time committed, to be paid to the Church-wardens and Overſeers of the poor of and in ſuch pariſh, and the other half to him or them that will ſue for the ſame, beſides his double Coſts thereby expended.

How to be Diſpoſed.

Double Coſts.

Within what time ſuit muſt be begun upon this Act.

Provided, That every Suit and Information which ſhall be brought upon this Act, ſhall be commenced within four moneths after the ſale of ſuch butter.

CAP. XXVII.

For Repairing of Dover-Harbour.

VVhereas it is found by long experience, that Dover-Harbour is and hath been of very great uſe and benefit to the Merchants of this Realm, and others paſſing through the Narrow Seas, whereunto they have, and do enter, to avoid imminent dangee of Tempeſts, Pyrats, or the Common Enemy in time of War; And whereas the ſaid Harbour of late by Tempeſts and the violence of the Sea, hath been much broken, ruined and decayed, and in great danger of being loſt, unleſs timely prevented by repairing thereof, which cannot be without great charges and expences, as well in the preſent repair, as in the future maintenance of the ſame: whereof his Majeſty being Informed, and minding the good and ſafety of Merchants and Sea-faring men, hath of late of his Majeſties Goodneſs and Liberality, beſtowed a great ſum of money in, and about the repairing of the ſaid Harbour, which yet is not ſufficient to carry on that work, and to ſecure it for the future.

1 Jac. cap. 32.

Duties payable at and towards the Repair of Dover-Harbour.

And to the end that the ſame may be from time to time maintained and kept in good repair for the uſe and benefit of Merchants, and Sea-faring men; And that ſuch proviſion for the maintenance thereof may now be made, as by an Act of Parliament made in the Firſt year of his Majeſties Grand-father King James of ever bleſſed memory, hath been formerly done and provided for: Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the Four and twentieth day of June next enſuing, during the ſpace of ſeven years thence next following, there ſhall be paid by the Maſter or Owner of every Ship, Veſſel or Crayer, whereof any of his Majeſties Subjects of England ſhall be Owners, or part-Owners, of the burthen of twenty Tuns or upwards, and not exceeding the burthen of Two hundred and fifty Tun, for every Voyage, Loading, or Diſcharging within this Realm, or to, or from any Foreign Country beyond the Seas, and paſſing to, or from London, or for, from, to, or by Dover, or coming into the Harbour there, not having a Cocquet teſtifying his payment before for that Voyage towards the repair of Dover-Harbour, the ſum of Three pence for every Tun of the burthen of every ſuch Ship, Veſſel, or Crayer, (except Veſſels loaden with Sea-Coals, or Grind-ſtones, or Purbeck, or Portland-ſtone) and for every Chauldron of Sea-Coals, or Tun of Grind-ſtones peny half peny, the ſame to be paid to the Cuſtomer, or Collector of Cuſtoms, or Subſidies, or their Deputies within this Realm, in ſuch Port, from whence ſuch Ship, Veſſel or Crayer ſhall ſet forth, or where ſuch Ship, Veſſel, or Crayer ſhall arrive, before they load or unload the Goods therein; The Accompt of the number of the ſaid Tuns to be made according to the Entry of Goods in every Ship, Veſſel or Crayer in the Cuſtom-houſe, and no entry thereof to be allowed in any Office of Cuſtoms or Subſidies, without true information before made by Oath of the Maſter, Owner, or Shipper of ſuch Ship, Veſſel or Crayer concerning the burthen thereof, and payment by him made of the ſums aforeſaid, of which payment the Maſter, Owner, or Shipper paying the ſame, ſhall have allowance of the Merchants, according to the rate of the Goods in the ſame Ship, Veſſel or Crayer, by way of Average; And the Cuſtomer or Collector, or his Deputy receiving the ſums aforeſaid, or any of them, ſhall diſburſe and pay the ſame from time to time to the Treaſurer of the ſaid Harbour for the time being, or ſuch perſon or perſons as he ſhall aſſign to receive the ſame, to be expended in and about the repair of the ſaid Harbour; And every Cuſtomer or Comptroller, or their Deputies, that ſhall make any Entries of Cuſtoms or Subſidies of any Goods in the ſaid Ships, Veſſels or Crayers, before ſuch Information as aforeſaid, concerning the burthen thereof ſhall be made, or before payment made of the ſums before limited to be paid by this Act, or ſhall make any wilful default in not collecting the ſaid ſums, or any of them, or not paying the ſame over from time to time to the Treaſurer of the ſaid Harbour for the time being, or ſuch perſon or perſons as he ſhall aſſign to receive the ſame as aforeſaid, ſhall forfeit to the uſe of the Reparations of the ſaid Harbour, Ten pounds for every ſuch default, to be recovered by Action of Debt in any Court of Record, by the Warden and Aſſiſtants of the ſaid Harbour for the time being; in which ſuit no Eſſoign, Protection, or wager of Law ſhall be allowed.

Who ſhall inſpect and overſee the Repairs.

Provided alwayes, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the Maſter and Wardens of the Trinity-Houſe of London for the time being, to appoint ſuch perſon or perſons as they ſhall think fit to inſpect and overſee the repairs and works to be made for the ſecurity of the ſaid Harbour; And that they may once every year, during the term of ſeven years aforeſaid, require an accompt of the reſpective Collectors of the Duties aforeſaid, and the Treaſurer for the ſaid Harbour for the time being, of the moneys by them reſpectively received by vertue of this Act, and of the diſburſements thereof: And if the ſaid Collectors and Treaſurer ſhall not within ſix weeks next after demand of ſuch Accompt, give in the ſame accordingly; or if thereupon it ſhall appear that the ſaid money ſhall not be duly diſburſed in and about the ſaid Repair and the Works, for the ſecuring and maintenance of the ſaid Harbour, according to the intent of this Act; or if the ſaid Harbour ſhall within the time aforeſaid be ſufficiently repaired and ſecured, That then the ſaid Maſter and Wardens ſhall inform the Lords of his Majeſties Privy Council thereof, who ſhall and may thereupon, and to that purpoſe are hereby impowred to ſuſpend, or cauſe all and every further payments by vertue of this Act to ceaſe and determine, if they ſhall ſee cauſe.

Proviſo for Ships belonging to Weymouth, Melcombe-Regis, Lime-Regis.

Provided always, and be it enacted by the authority aforeſaid, That all Ships and Veſſels belonging to the Ports of Weymouth and Melcombe-Regis, and Lime-Regis in the County of Dorſet, having a Peire and Cob of their own, (which by reaſon of their poverty at preſent they are not able to maintain) ſhall be exempt from contributing or paying any thing to the Harbour of Dover mentioned in this Act; Any thing herein contained to the contrary notwithſtanding; ſo as they ſhall bring Certificate made upon Oath before the Mayor, and under the Common Seal of the ſaid reſpective Corporations, That the ſaid Ships and Veſſels do properly belong thereunto; And that the Inhabitants of the ſaid reſpective Corporations are Owners of the major part of the ſaid Veſſels.

Provided always, and be it hereby enacted, That this Act or any thing herein contained, ſhall not extend to authorize the Collection of more than the ſum of Twenty two thouſand pounds in the whole; And then the ſaid collection to ceaſe.

CAP. XXVIII.

Pilchard Fiſhing in the Counties of Devon and Cornwal, Regulated.

Fiſhery of great concernment to this Nation.

WHereas the publick Honour, Wealth and Safety of this Realm, as well in the maintenance of Trade and ſupport of Navigation, as in many other reſpects, doth in an high degree depend upon the improvement and encouragement of the Fiſhery.

And foraſmuch as of late years there have divers pernitious diſorders and abuſes, by the licentiouſneſs of the times crept in, and yet continue evidently deſtructive to that Trade, For prevention and redreſs whereof there is no Law hitherto particularly provided, in the growing evils occaſioned by Driving-Nets, and other fraudulent and injurious practiſes to the extream damage of the Fiſhery: Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in Parliament aſſembled, and it is enacted by the authority aforeſaid, That from and after the Five and twentieth day of May, One thouſand ſix hundred ſixty and two, no perſon or perſons ſhall in any year from the Firſt day of June, till the laſt of November, preſume to take Fiſh in the high Sea, or in any Bay, Port, Creek, or Coaſt of or belonging to Cornwal or Devon with any Drift-Net, Trammel, or Stream-Net or Nets, or any other Nets of that ſort or kind, unleſs it be at the diſtance of one League and an half at leaſt from the reſpective ſhores, upon the penalty of forfeiture of the ſaid Nets ſo imployed, or the full value thereof, and one moneths Impriſonment without Bail or Mainprize.

Times prohibited to Fiſh in Cornwall and Devon.

Penalty.

Pilchards and Fumathoes to be bought of the Owners and Adventurers in Fiſhing.

And it is hereby enacted by the authority aforeſaid, That if any perſon or perſons being neither Owners, Partners, or Adventurers in the Craft of Fiſhery, and in the Boats and Saynes thereunto belonging, or ſhall preſume from and after the day before limited, to make, or cauſe to be made any Pilchards or Fumathoes in Caſk to be ſold or tranſported, except he or they ſhall openly buy the aforeſaid Fiſh of the reſpective Owners, Partners and Adventurers in the ſaid Pilchard Craft, or with their expreſs allowance, leave and conſent, that they ſhall in ſuch caſe forfeit all and ſingular ſuch Pilchards and Fumathoes ſo made, and every Caſk thereof, or their full value; the one half to the King, and the other half to him or them that ſhall ſo ſue for the ſame by bill, plaint, or other Information, and upon legal proof recover the ſame.

And be it further enacted, That if any Owner, Partner or Company, or any other perſon or perſons whatſoever, ſhall fraudulently purloyn, imbezel, hide, convey, carry away, or diſpoſe by ſale or otherwiſe, or cauſe to be purloyned, imbezelled, hidden, conveyed, carried away, or diſpoſed out of the Nets, Boats, or Cellars, any Pilchard Fiſh, without the expreſs leave, conſent and allowance of the proper Owner, and major part of the Company reſpectively, that then every ſuch perſon and perſons that ſhall offend therein upon legal evidence, ſhall pay treble the value in ſatisfaction to the parties ſo wronged, and be ſent to the Houſe of Correction for three moneths.

And be it further Enacted by the authority aforeſaid, That if any idle or ſuſpicious perſon or perſons ſhall in the night aſſemble and flock together about the Boats, Nets or Cellars belonging to any Pilchard-Craft, upon any the Coaſts of Cornwal or Devon, having no buſineſs there to do, and being warned by the Company or Owner of ſuch Boats or Sellars to be gone, that then upon complaint made unto any one Juſtice of the Peace, every ſuch perſon or perſons refuſing ſo to do, ſhall pay five ſhillings to the poor of the Pariſh where ſuch offence was committed, or ſhall be ſet in the Stocks for the ſpace of five hours.

Idle and ſuſpicious flocking about Pilchard Boats to depart upon warning.

CAP. XXIX.

An Act for the Reverſing of the Earl of Strafford his Attainder.

The Reaſons and Grounds of Repealing the Attainder.

VVhereas Thomas late Earl of Strafford was Impeached of High Treaſon, upon pretence of endeavouring to Subvert the Fundamental Laws, and called to a publick and ſolemn Arraignment and Trial before the Peers in Parliament, where he made a particular Defence to every Article objected againſt him; inſomuch that the Turbulent party then ſeeing no hopes to effect their unjuſt deſigns by any ordinary way and method of proceedings, did at laſt reſolve to attempt the deſtruction and Attainder of the ſaid Earl by an Act of Parliament, to be therefore purpoſely made to condemn him upon accumulative Treaſon, none of the pretended Crimes being Treaſon apart, and ſo could not be in the whole if they had been proved, as they were not, and alſo judged him guilty of conſtructive Treaſon (that is) of levying War againſt the King, though it was onely the commanding an Order of the Council-Board in Ireland, to be executed by a Serjeant at Arms, and Three or four Souldiers, which was the conſtant practice of the Deputies there for a long time; To which end they having firſt preſented a Bill for this intent to the Houſe of Commons, and finding there more oppoſition then they expected, they cauſed a multitude of Tumultuous perſons to come down to Weſtminſter Armed with Swords and Staves, and to fill both the Palace-Yards, and all the Approaches to both Houſes of Parliament with fury and clamour, and to require Juſtice, ſpeedy Juſtice againſt the Earl of Strafford; And having by theſe and other undue practices obtained that Bill to paſſe in the Houſe of Commons, they cauſed the Names of thoſe reſolute Gentlemen, who in a caſe of innocent blood had freely diſcharged their conſciences, being Nine and fifty, to be poſted up in ſeveral places about the Cities of London and Weſtminſter, and ſtiled them Straffordians, and Enemies to their Countrey, hoping thereby to deliver them up to the fury of the people, whom they had endeavoured to incenſe againſt them, and then procured the ſaid Bill to be ſent up to the Houſe of Peers, where it having ſometime reſted under great deliberation, at laſt in a time when a great part of the Peers were abſent by reaſon of the Tumults, aud many of thoſe who were preſent proteſted againſt it, the ſaid Bill paſſed in the Houſe of Peers: And at length his late Majeſty King Charles the Firſt of Glorious memory, granted a Commiſſion for giving his Royal Aſſent thereunto; which nevertheleſs was done by his ſaid Majeſty with exceeding great ſorrow then, and ever remembred by him with unexpreſſible grief of heart, and out of his Majeſties great Piety he did publickly expreſs it when his own Sacred life was taken away by the moſt deteſtable Traitors that ever were.

For all which cauſes, Be it Declared and Enacted by the Kings moſt Excellent Majeſty, by, and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That the Act entituled, An Act for the Attainder of Thomas Earl of Strafford of High Treaſon, and all and every Clauſe, Article and thing therein contained, being obtained as aforeſaid, is now hereby repealed, revoked, and reverſed.

And to the end that right be done to the memory of the deceaſed Earl of Strafford aforeſaid, be it further Enacted, That all Records, and proceedings of Parliament relating to the ſaid Attainder, be wholly cancelled, and taken off the File, or otherwiſe defaced and obliterated, to the intent the ſame may not be viſible in after-ages, or brought into example to the prejudice of any perſon whatſoever;

Provided, That this Act ſhall not extend to the future queſtioning of any perſon or perſons however concerned in this buſineſs, or who had any hand in the Tumults, or diſorderly procuring the Act aforeſaid; Any thing herein contained to the contrary thereof notwithſtanding.

CAP. XXX.

Madder ſhall be Imported pure and unmixed. REP. 15 Car. 2. cap. 16.

CAP. XXXI.

The Inconvenience by Melting the Silver Coyn of this Realm, prevented.

VVhereas by an Act made in the Ninth year of King Edward the Third, it is Enacted, That no ſterling Half-peny or Farthing ſhall be moulten to make Veſſel, or any other thing by Goldſmiths, or any other, upon pain of forfeiture of the Moneys ſo moulten; 9 E. 3. cap. 3.
Whereas by one other Statute made in the Seventeenth year of King Richard the Second, it was further Enacted, That no Groats or half-Groats ſhall be moulten by any man to make Veſſel, or other thing thereof upon the ſame pain; 17 R. 2. cap. 1.
And whereas divers perſons do elude the ſaid Statutes, as well Goldſmiths as others, by melting Silver-Coyns of this Realm, above the value of Groats, to the great diminiſhing of the Silver-Coyn of this Realm, and the hindrance of the Commerce of the ſame: Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon or perſons whatſoever ſhall after the Twentieth day of December, One thouſand ſix hundred ſixty two, wilfully melt, or cauſe to be melted any of the currant Silver-money of this Realm, upon pain not only of forfeiture of the ſame, but alſo of the double value of any ſuch Coyn ſo melted; the one half to his Majeſty, his Heirs and Succeſſors;

None ſhall melt currant Silver Money. The penalty.

Succeſſors, the other half to the Informers, who ſhall ſue for the ſame upon Action of Debt, Bill, Plaint or Information in any of his Majeſties Courts at Weſtminſter, in which no Eſſoyn, Wager of Law, or Protection ſhall be allowed: And moreover, That the ſaid perſon or perſons offending contrary to the tenor of this Act (if he or they be a Freeman, or Freemen, or priviledged perſon or perſons of any City or Corporation within this Kingdom of England) ſhall upon legal conviction for the ſame, be forthwith diſfranchiſed and made uncapable of exerciſing the Trade of a Goldſmith, or any other Myſtery by vertue of the Priviledges of the City or Corporation of which he or they are members: And if the ſaid perſon or perſons offending, and convict as aforeſaid, ſhall not be a Freeman or Freemen, or priviledged perſon or perſons of any City or Corporation as aforeſaid, then he or they ſhall ſuffer impriſonment without Bail or Mainprize for the ſpace of ſix moneths next enſuing his or their conviction as aforeſaid.

CAP. XXXII.

The Manufacture of Broad Woollen Cloth, within the Weſt-Riding of the County of York, Regulated.

Whereas divers abuſes and deceits have of late years been had, and uſed in the Manufacture of Broad Woollen Cloth, made within the Weſt-Riding of the County of York, and the ſpinning and deceitful working thereof, which tends to the great debaſing and undervaluation of the ſaid Manufacture, both at home, and alſo in foreign parts where the ſame is uſually vended.

A Corporation of Clothiers in the Weſt-Riding of Yorkſhire.

For prevention of all which abuſes and deceipts; It is Enacted by the Kings moſt Excellent Majeſty, by the Advice and Conſent of the Lords Spiritual and Temporal, and Commons aſſembled in Parliament, That from and after the next Monday after Eaſter, which ſhall be in the year of our Lord God, One thouſand ſix hundred ſixty and two, there be, and ſhall be, a Corporation to continue for ever within the ſaid Weſt-Riding of the County of York, conſiſting of all the Juſtices of the Peace of the ſaid Weſt-Riding for the time being, Two Maſters, Ten Wardens, Twelve Aſſiſtants, and Commonalty; All which ſaid Maſters, Wardens and Aſſiſtants, are to be of the ableſt and beſt experienced Clothiers within the ſaid Weſt-Riding, and ſuch as have ſerved, and been brought up in the Trade and Myſtery of Clothing, by the ſpace of ſeven years, according to the Laws and Statutes of this Realm; One of which ſaid Maſters, Five of which ſaid Wardens, and Six of which ſaid Aſſiſtants, ſhall be choſen the firſt Monday after Pentecoſt then next following, and from thenceforth to be yearly, and every year choſen upon the next Monday after Pentecoſt, at ſome publique place, by the Free Clothiers of the ſaid Weſt-Riding, inhabiting within the Pariſh of Leeds in the ſaid County of York, the greater part of them preſent at ſuch Election; and the other Maſter, five Wardens, and ſix Aſſiſtants ſhall be choſen upon the ſame dayes at ſome publique place, by the Free Clothiers inhabiting out of the ſaid Town and Pariſh of Leeds, or the greater part of them preſent at the ſaid election, of the parts adjacent within the ſaid Weſt-Riding: And in caſe any of the ſaid Maſters, Wardens and Aſſiſtants, after their ſaid reſpective Elections do happen to die, that then it ſhall and may be lawful, at any Court to be holden next after ſuch Deceaſe, to elect others in their reſpective places; And the ſaid Wardens, Maſters and Aſſiſtants reſpectively, ſhall within eight dayes after their firſt choice and election, take the Oaths of Allegiance and Supremacy, which any two Juſtices of the Peace within the Weſt-Riding, whereof one to be of the Quorum, have hereby power to adminiſter, and alſo the enſuing Oath, (Viz.) I A. B. do ſwear, That I will well, faithfully and honeſtly perform and diſcharge the Office of a Maſter of the Corporation of the Free Clothiers, according to the beſt of my Skill, Power and Knowledge; So help me God. And the like Oath and Oaths, to be adminiſtred to the Wardens and Aſſiſtants reſpectively, *mutatis mutandis*; And for ever after, the ſaid Juſtices of Peace, Maſters, Wardens and Aſſiſtants, and their Succeſſors, or any Thirteen of them, ſhall and have hereby power to adminiſter the like Oath or Oaths to ſuch Officer or Officers, faithfully and honeſtly to perform and diſcharge his and their ſaid Office and Offices, to which he or they are and ſhall be ſo choſen by this Act, at any Court to be by them holden in manner hereafter declared.

The Oath to be taken by the Maſter, Wardens and Aſſiſtants.

Who ſhall be of the ſaid Corporation for ever, and how called.

And it is further enacted by the authority aforeſaid, That the ſaid Juſtices of the Peace, Maſters, Wardens and Aſſiſtants for the time being, together with the ſaid Free Clothiers of the ſaid Weſt-Riding, ſhall for ever hereafter, in name and in fact, be one Body politick and corporate in Law to all intents and purpoſes, and ſhall have a perpetual Succeſſion, and be called by the name of the Superviſors, Maſters, Wardens, Aſſiſtants and Commonalty of the Trade or Myſtery of Clothiers, for the well making of Broad Woollen Cloth, within the Weſt-Riding of the County of York; and that they ſhall be enabled to Plead and Sue, and to be Sued and Impleaded by that name in all Courts and places of Judicature within this Kingdom; And by that name, ſhall and may without Licence in Mortmain, purchaſe, take or receive any Lands, Tenements, or Hereditaments, of the Gift, Alienation or Demiſe of any perſon or perſons, who are hereby without further Licence enabled to transfer the ſame, and any Goods and Chattels whatſoever, for the uſe and benefit of the Corporation aforeſaid (not exceeding the yearly value of Two hundred pounds:) And for the better Regulation of the ſaid Government of the ſaid Trade and Manufacture, the ſaid Juſtices of the Peace, Maſters, Wardens and Aſſiſtants for the time being, or any Thirteen of them, whereof there ſhall be one of the ſaid Juſtices, or one of the ſaid Maſters at the leaſt always preſent, ſhall have, and hereby have power and authority from time to time to meet, and keep Court upon the firſt Saturday in every moneth in every year, for the ends in this Act mentioned within the ſaid Town of Leeds, at the place commonly called or known by the name of the Seſſions-Houſe, or Common-Hall in Leeds aforeſaid; And alſo at ſuch other

Times and places of their meeting.

time and place of the ſaid Weſt-Riding, as ſhall from time to time be appointed, by the ſaid Juſtices, Maſters, Wardens, and Aſſiſtants, or any Thirteen of them, upon eight days notice, or warning to be given of ſuch meeting, and Court to be held: And in caſe that the Maſters, Wardens, and Aſſiſtants, or the major part of them, ſhall refuſe or neglect to appear, ſo as a Court cannot be holden accordingly, as is before directed, That then ſuch Maſter, Warden, or Aſſiſtant ſo refuſing or neglecting ſhal forfeit the ſum of twenty ſhillings the one moyetie to the uſe of the Poor of ſuch reſpective Town where the perſon ſo refuſing or neglecting ſhall live, the other moyetie to the uſe of the Corporation: And the ſaid Juſtices, Maſters, Wardens, and Aſſiſtants, or any Thirteen of them, are hereby impowered to ſummon to appear at the ſaid Courts to be held as aforeſaid, ſo many of the ſaid Clothiers, as they ſhall in their diſcretions think meet for the better ordering the Affairs of the ſaid Trade, who are hereby required to appear upon ſuch Summons, the number of which Perſons ſo Summoned, ſhall not be under Eight and forty; And in caſe of neglect or refuſal, are to forfeit to the uſe of the ſaid Corporation, the ſum of Ten groats, for every default of not appearing, to be levied as is hereafter directed.

Power to appoint a common Seal, and to make Orders and By-laws.

And the ſaid Juſtices, Maſters, Wardens, and Aſſiſtants, or any Thirteen of them (whereof One of the ſaid Juſtices, or One of the ſaid Maſters to be preſent as aforeſaid) ſhall have, and hereby have Power and Authority from time to time, to make and appoint a Common Seal for the uſe of the ſaid Corporation, and to make and ordain By-laws, Rules, and Ordinances, for and concerniug the better Spinning, Working, Making, Fulling and Milling of Woollen Cloth, as in their Judgments and Diſcretions may tend to the good, Credit and Advancement of the ſaid Trade and Manufacture, (the ſame not being contrary to Law) which By-laws, Rules and Ordinances, being Ratified and Confirmed by the juſtices of Aſſize to be holden for the County of York, ſhall be Publiſhed Four times in the year at the leaſt, at Four publique meetings or Courts, (viz) Upon the firſt Saturday in June, the firſt Saturday, in September, the firſt Saturday, in December, and the firſt Saturday in March; and ſhall be obeyed and kept by the ſeveral perſons within and under the ſaid Regulation or Corporation. And the ſaid Courts conſtituted as aforeſaid ſhall have, and hereby have power to impoſe a Fine and Penalty upon any perſon or perſons of the ſaid Corporation or Regulation being a Clothier, that ſhall not conform to ſuch Rules, Orders and Ordinances, ſo made as aforeſaid.

Penalty for not conforming to By-laws.

Provided, That the ſaid Fine or Penalty of any perſon for not conforming as aforeſaid, exceed not the ſum of Twenty ſhillings for one offence; the full moyety, or one half of the ſaid Fines and Penalties to go to the uſe of the ſaid Corporation, and the other half or moyetie to the uſe of the Poor of the Pariſh where ſuch perſon ſo offending may be dwelling and inhabiting.

Power to appoint ſearchers of cloth.

And be it further Enacted by the Authority aforeſaid, That the ſaid Juſtices, Maſters, Wardens, and Aſſiſtants, or any Thirteen of them, ſhall have power to nominate and chooſe Searchers of Cloth in the ſeveral places of the ſaid Weſt-Riding, who ſhall be ſworn before them, or any thirteen of them in manner aforeſaid, for the true ſearching of Cloth, that it be of a due weight, length and breadth, according to the Statute.

The new Drapery moſt in uſe.

And in regard the nature of Cloth is much changed in theſe late years, and that the new Drapery is now moſt in uſe, for which ſort of Cloth there is no certain Standard for length, weight, and breadth, appointed by any Statute; Be it therefore Enacted by the Authority aforeſaid, That the length, weight and breadth of the ſaid new Draperies of broad Woollen Cloth made within the ſaid Weſt-Riding, be, and ſhall be as is hereby limited & appointed (viz.) That every Cloth called by the name of an End, or half Cloth, ſhall be betwixt 15 yards & eighteen yards in length in the water, and not to exceed; and one yard & an half in breadth at the leaſt within the liſts, and every Cloth Commonly called a Short Cloth, between twenty four yards and twenty eight yards in length in the water, and not to exceed; and one yard & a half in breadth at the leaſt within the Liſts. And every Long Cloth ſo called, betwixt thirty yards & thirty ſix yards in length in the water, and not to exceed; and a yard & an half in breadth at the leaſt within the Liſts. And that every yard of ſuch cloth ſhall weigh reſpectively two pounds and a quarter, accounting ſixteen Ounces to the pound, being well thicked, ſcoured, milled and fully dried, And that the ſaid Searcher ſhall according to his Oath duly try and examine by weight or by water all broad Woollen Clothes of what ſort ſoever, made within the ſaid Weſt-Riding, and ſhall affix thereunto a Seal of Lead, Expreſſing the true length and weight thereof, And in caſe any of the ſaid Cloths be found faulty upon trial and examination, the ſaid Juſtices, Maſters, Wardens and Aſſiſtants, or any thirteen of them, ſhall have power to impoſe ſuch Fine and penalty upon the Offenders as by the laws and Statutes of this Realm in that behalf are, or ought to be impoſed upon them for ſuch defaults; the one third part of all ſuch Fines and Penalties to be diſpoſed of to the uſe of ſuch Searcher or Searchers, certifying the ſaid Default of Length, Weight or Breadth and the other two parts to the Poor of the Pariſh where ſuch offence ſhall be committed, to be recovered in ſuch manner as is limited and appointed by the Statute made in the One and twentieth Year of the late King James. Ch. 18. And that all and every ſuch Searcher and Searchers, ſo choſen as aforeſaid, ſhall before he or they enter upon the execution of the ſaid Office, take the Oaths of Allegiance and Supremacy, and Alſo the Oath enſuing, which Oath the Juſtices, Maſters, Wardens and Aſſiſtants, or any thirteen of them as aforeſaid, have power to Adminiſter as followeth; I A. B, do ſwear that I ſhall well and truely execute the office of Searcher of Broad Woollen Cloth within the Weſt-Riding of the County of York, according to the Laws and Statutes of this Realm, and according to the beſt of my Skill and Knowledge; So help me God.

21 Jac. cap. 18.

The Oath to be taken by Searchers.

Penalty upon Searchers.

And be it further Enacted, That if any Searcher ſhall fail in the due Execution of his Office contrary to his Oath, and Law, Statutes in that caſe made and provided, every ſuch Searcher ſhall forfeit and loſe for ſuch Fault, or not ſetting to ſuch Seal of Lead as aforeſaid, Five pounds; And that it ſhall and may be lawful to and for any other Searcher in the Weſt-Riding (taking with him one of the ſaid Wardens of the ſaid Corporation) to reſearch any of the ſaid Clothes, Any thing in any former Statute to the contrary thereof in any wiſe notwithſtanding.

The authority and power of the Searchers.

And it is further Enacted, That it ſhall and may be lawful to and for all and every ſuch Searcher and Searchers from time to time, ſo often as occaſion ſhall require, to enter into any Shop, houſe, Warehouſe, or any other place in the day time, of any Clothiers, Drapers, Cloth-Workers, or of any other perſon or perſons whatſoever, where any of the ſaid Cloths ſhall be within the ſaid Weſt-Riding, to ſearch for all ſuſpected Cloth. And in caſe of reſiſtance, the party ſo reſiſting ſhall forfeit the ſum of Ten pounds, the one half thereof to his Majeſty, the other half to the uſe of the ſaid Corporation: And if upon ſuch Search, any Broad-Cloth ſhall be found made of, or mixed with Flocks, Thrums, Goats hair, or other deceitful Wooll, the ſaid Cloth ſhall be and is hereby Declared, and Enacted to be forfeited: And that it ſhall and may be lawful to and for the ſaid Juſtices, Maſters, Wardens, and Aſſiſtants, or any thirteen of them, at any Court to be by them held as aforeſaid to diſpoſe thereof in ſuch manner as by the Laws and Statutes of this Realm the ſame ought to be diſpoſed.

None may make broad cloth but ſuch as have ſerved as apprentices to Clothiers for 7. years, or have been exerciſed in the Trade for that time.

The penalty.

Houſholders and houſwifes may not make cloth to ſell, not being free of the ſaid Trade.

The penalty.

And be it further Enacted, That no perſon or perſons within the ſaid Weſt-Riding, who hath not ſerved as an Apprentice to the Trade of Clothier for the ſpace of Seven years, or have not been exerciſed therein by the like ſpace of ſeven years before, ſhall make any Broad-Cloth to ſell under the penalty of five pounds for every Moneth that he, ſhe, or they ſhall continue to exerciſe the ſaid Trade, (excepting ſuch perſons, only as now be in the actual uſe and exerciſe of the ſaid Trade(That one moyetie thereof to be paid to the Kings Majeſty, His Heirs and Succeſſors; and the other moyetie to the uſe of the ſaid Corporation; And that no Houſholder or Houſwife within the ſaid Weſt-Riding, or elſewhere within the ſaid County, not being free of the ſaid Trade of Clothiers, or not having been exerciſed therein as aforeſaid, or not being the widow of any ſuch perſon as aforeſaid, ſhall from the Feaſt of Pentecoſt next enſuing, make or cauſe to be made any Woollen Cloth whatſoever unleſs it be to the uſe of themſelves, their Children and Families, but not to ſell, upon pain to forfeit double the value for every Piece of Cloth ſo made, and expoſed to ſale; one moyetie thereof to His Majeſty, the other moyetie to any perſon who ſhall ſue for the ſame in any of His Majeſties Courts of Record, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed.

Power to appoint a Clerk, Regiſter, Treaſurer and other Officers.

And it is further Enacted by the Authority aforeſaid, That the ſaid Juſtices, Maſters, Wardens, and Aſſiſtants, or any thirteen of them, are hereby impowred to nominate and appoint a Clerk, a Regiſter, and Treaſurer, and ſuch other Officer and Officers to ſee the due execution of the ſeveral Powers given by this Act, as they in their Diſcretions ſhall think meet, and to give them an Oath or Oaths for the due execution of their ſeveral places as aforeſaid.

How the fines and forfeitures ſhall be levied.

And it is further enacted by the Authority aforeſaid, That all fines, Forfeitures and Penalties impoſed or to be levied by vertue of this Act (the means and recovery whereof is not otherwiſe herein provided for and ſet forth,) ſhall be levied by diſtreſs and ſale of the offendor or offendors Goods and Chattels by Warrant from the ſaid Juſtices, Maſters, Wardens, and Aſſiſtants, or any thirteen of them, rendring the overplus to the Owner thereof upon demand.

Counterfeiting the Seal of the Corporation.

The penalty.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons whatſoever ſhall counterfeit the Seal of the ſaid Corporation, he or they ſo offending ſhall forfeit the ſum of twenty pounds, as often as ſuch perſon or perſons ſhall upon due proof be found guilty of the ſame; which ſaid forfeiture is to be levyed by diſtreſs and ſale of the Offendors Goods, rendring the overplus to the Owner thereof upon demand; and for want of ſuch diſtreſs, ſuch perſon and perſons to be committed to the Common Gaol of the County, where he or they ſhall be found, by Warrant under the Hand and Seal of any one of the Juſtices of the Peace of the ſaid County, there to remain without Bail or Mainprize for the ſpace of ſix moneths, or until ſuch perſon or perſons ſhall have paid the Fine as aforeſaid.

All clauſes in any other Statute contrary to this Act concerning Clothing, Repealed.

Perſons ſued for executing this Act, may plead the general Iſſue.

And be it Enacted, That all and every Article, Clauſe and Sentence in any Act of Parliament heretofore made touching and concerning the ſaid abuſes of Broad woollen Clothes in this Act mentioned, and being repugnant or contrary to any Article and Sentence in this Act ſhall as touching the ſaid Clothes, only made within the ſaid Weſt-Riding, from and after the Feaſt of St. John Baptiſt, which ſhall be in the year of our Lord God, One thouſand ſix hundred ſixty and two, be utterly void to all intents and purpoſes whatſoever; And in all Actions and Suits that ſhall be brought againſt any perſon or perſons, for Acting in any thing according to the true intent and meaning of this Act, the perſon or perſons ſo ſued or moleſted, ſhall or may plead the general Iſſue of Not guilty, and give the ſpecial matter in evidence, and ſhall recover double Coſts in every ſuch caſe, if the Verdict paſs for ſuch perſon or perſons, or that the Plaintiff or Plaintiffs be Nonſuit therein.

The rights and Duties of Aulnager ſaved.

Provided alwayes, That nothing herein contained, ſhall extend or be conſtrued to extend to take away any of the Rights, Duties or Cuſtoms, of, or belonging to the Office and Place of his Majeſties Aulnager, or his deputy or deputies within the ſaid Weſt-Riding; But that he or they ſhall or may from time to time do and perform all and every matter and thing to him or them belonging, according to the Laws and Statutes of this Realm: And alſo receive all Fees due and accuſtomed, to the ſaid Office belonging, in as large and ample manner, as he or they might or ought to have done, before the making of this preſent Act; Any thing herein contained to the Contrary thereof in any wiſe notwithſtanding.

Provided always, and it is further Enacted by the Authority aforeſaid, That neither the ſaid Superviſers, Maſters, Wardens and Aſſiſtants, nor any of them, nor any other perſon or perſons, free of the ſaid Corporation of Broad Woollen Clothiers, ſhall by any Authority derived from this Act, or by colour thereof, ſet or impoſe any other or leſſer Rates or Wages upon any inferiour Workmen, Servants or Labourers, to be imployed by them or any of them in the ſaid Manufacture, then ſuch as ſhall be from time to time allowed and approved of by the Juſtices of the Peace in their Quarter Seſſions, according to the Laws and Statutes touching Labourers in that caſe made and provided.

Proviſo, that Rates of wages of workmen may not be ſet by colour of this Act.

Provided alſo, That this Act continue to the end of the Firſt Seſſion of the next Parliament, and no longer.

The continuance of this Act.

CAP. XXXIII.

For preventing Abuſes in Printing Seditious, Treaſonable, and Vnlicenſed Books and Pamphlets; and for Regulating of Printing and Printing-Preſſes,

WHereas the well government and Regulating of Printers and Printing-Preſſes, is matter of Publick care, and of great Concernment; eſpecially conſidering, that by the general Licentiouſneſs of the late Times, many evil-diſpoſed perſons have been encouraged to Print and Sell Heretical, Schiſmatical, Blaſphemons, Seditious, and Treaſonable Books, Pamphlets, and Papers, and ſtill do continue ſuch their unlawful and exorbitant practice, to the high diſhonour of Almighty God, the Indangering the peace of theſe Kingdoms, and raiſing a diſaffection to his moſt Excellent Majeſty, and His Government: For prevention whereof, no ſurer means can be adviſed, then by reducing and limiting the number of Printing-Preſſes, and by ordering and ſetling the ſaid Art or Myſtery of Printing, by Act of Parliament in manner as herein after is expreſſed.

Regulating of Printing of great Concernment.

The Kings moſt Excellent Majeſty, by and with the Conſent and Advice of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, doth therefore Ordain and Enact, and be it Ordained and Enacted by the Authority aforeſaid, That no perſon or perſons whatſoever ſhall preſum to Print or cauſe to be Printed, either within this Realm of England, or any other His Majeſties Dominions, or in the parts beyond the Seas, any Heretical, Seditious, Schiſmatical, or offenſive Books or Pamphlets, wherein any Doctrine or Opinion ſhall be aſſerted or maintained which is contrary to Chriſtian Faith, or the Doctrine or Diſcipline of the Church of England, or which ſhall or may tend, or be to the ſcandal of Religion, or the Church, or the Government or Governors of the Church, State, or Common-wealth, or of any Corporation, or particular perſon or perſons whatſoever; nor ſhall Import, Publiſh, Sell or diſpoſe any ſuch Book or Books, or Pamphlets, nor ſhall cauſe or procure any ſuch to be Publiſhed or put to Sale, or to be Bound, Stitched, or Sewed together.

Pamphlets and Books prohibited to be printed, publiſhed or ſold.

And be it further Ordained and enacted by the Authority aforeſaid, That no private perſon or perſons whatſoever ſhall at any time hereafter Print, or cauſe to be Printed any Book, or Pamphlet whatſoever, unleſs the ſame Book and Pamphlet, together with all and every the Titles, Epiſtles, Prefaces, Proems, Preambles, Introductions, Tables, Dedications, and other matters and things thereunto annexed, be firſt Entred in the Book of the Regiſter of the Company of Stationers of London, Except Acts of Parliament, Proclamations, and ſuch other Books and Papers as ſhall be appointed to be printed by vertue of any Warrant under the Kings Majeſties Sign Manual, or under the hand of one or both of his Majeſties Principal Secretaries of State; and unleſs the ſame Book and pamphlet, and alſo all and every the ſaid Titles, Epiſtles, Prefaces, Proems, Preambles, Introductions, Tables, Dedications, and other matters and things whatſoever thereunto annexed, or therewith to be Imprinted, ſhall be firſt lawfully Licenced and Authorized to be Printed by ſuch perſon and perſons only as ſhall be conſtituted and appointed to Licence the ſame, according to the direction and true meaning of this preſent Act herein after expreſſed, and by no other; (that is to ſay) That all Books concerning the Common Laws of this Realm ſhall be Printed by the ſpecial allowance of the Lord Chancellor, or Lord Keeper of the Great Seal of England for the time being, the Lords Chief Juſtices, and Lord Chief Baron for the time being, or one or more of them, or by their, or one or more of their appointments And that all Books of Hiſtory concerning the State of this Realm, or other Books concerning any Affairs of State, ſhall be Licenſed by the Principal Secretaries of State for the time being, or one of them, or by their, or one of their appointments; And that all Books to be Imprinted concerning Heraldry, Titles of Honour, and Armes, or otherwiſe concerning the Office of Earl Marſhal, ſhall be Licenced by the Earl Marſhal for the time being, or by his appointment, or in caſe there ſhall not then be an Earl Marſhal, ſhall be Licenced by the Three Kings of Armes, Garter, Clarencieux, and Norroy, or any two of them, whereof Garter, Principal King of Armes to be one; And that al other Books to be Imprinted or Reprinted, whether of Divinity, Phyſick, Philoſophy, or whatſoever other Science or Art, ſhall be firſt Licenced and allowed by the Lord Archbiſhop of Canterbury, and Lord Biſhop of London for the time being, or one of them, or by their or one of their appointments, or by either one of the Chancellors, or Vice-Chancellors of either of the Univerſities of this Realm for the time being; Provided always, that the ſaid Chancellors, or Vice-Chancellors of either of the ſaid Univerſities ſhall onely Licence ſuch Books as are to be Imprinted or Reprinted within the limits of the ſaid Univerſities reſpectively, but not in London, or elſewhere, not medling either with Books of Common Laws, or matters of State or Government, nor any Book or Books, the right of Printing whereof doth ſolely and properly belong to any particular perſon or perſons, without his or their Conſent firſt obtained in that behalf.

Entry of printed Books with the Regiſter of the Company of Stationers, London.

Who may Licence Books concerning the Common-Laws to be Printed.

Books of Hiſtory, and Affairs of State Concerning Heraldry.

Divinity, Phyſick, Philoſophy, or other Science.

Books belonging to particular perſons.

And

Every Licenſer ſhall have a written copy of the Book licenſed.

And be it Enacted by the Authority aforeſaid, That every perſon and perſons who by vertue of this preſent Act are, or ſhall be appointed, or authorized to Licenſe the Imprinting of Books, or Reprinting thereof with any Additions or Amendments as aforeſaid, ſhall have one written Copy of the ſame Book or Books, which ſhall be ſo Licenſed, to be Imprinted or Reprinted with the Titles, Epiſtles, Prefaces, Tables, Dedications, and all other things whatſoever thereunto annexed, which ſaid Copy ſhall be delivered by ſuch Licenſer or Licenſers to the Printer or Owner for the Imprinting thereof, and ſhall be ſolely and intirely returned by ſuch Printer or Owner after the Imprinting thereof, unto ſuch Licenſer or Licenſers, to be kept in the publick Regiſtries of the ſaid Lord Archbiſhop, or Lord Biſhop of London reſpectively, or in the Office of the Chancellor or Vice-Chancellor of either the ſaid Univerſities, or with the ſaid Lord Chancellor or Lord Keeper of the great Seal for the time being, or Lord chief Juſtices, or chief Baron, or one of them, or the ſaid Principal Secretaries of State, or with the Earl Marſhal, or the ſaid Kings of Arms, or one of them, of all ſuch Books as ſhall be Licenſed by them reſpectively; And if ſuch Book ſo to be Licenſed ſhall be an Engliſh Book, or of the Engliſh Tongue, there ſhall be two Written Copies thereof delivered to the Licenſer or Licenſers (if he or they ſhall ſo require) one Copy whereof ſo Licenſed ſhall be delivered back to the ſaid Printer or Owner, and the other Copy ſhall be reſerved and kept as is aforeſaid, to the end ſuch Licenſer or Licenſers may be ſecured, that the Copy ſo licenſed ſhall not be altered without his or their privity; And upon the ſaid Copy licenſed to be Imprinted, he or they who ſhall ſo Licenſe the ſame, ſhall Teſtifie under his or their Hand or Hands, That there is not any thing in the ſame contained that is contrary to the Chriſtian Faith, or the Doctrine or Diſcipline of the Church of England, or againſt the State or Government of this Realm, or contrary to good life, or good manners, or otherwiſe as the nature and ſubject of the Work ſhall require; Which Licenſe or Approbation ſhall be printed in the beginning of the ſame Book, with the Name or Names of him or them that ſhall Authorize or Licenſe the ſame, for a Teſtimony of the allowance thereof.

How and where the ſaid Copy ſhall be kept.

Engliſh Books, how to be Licenſed.

All Books from beyond Sea ſhall be brought to the Port of London only.

And be it further Enacted by the Authority aforeſaid, That every Merchant of Books, and perſon or perſons whatſoever, who doth, or hereafter ſhall Import or bring any Book or Books into this Realm from any parts beyond the Seas, ſhall Import the ſame in the port of London only, and not elſewhere, without the ſpecial Licenſe of the Archbiſhop of Canterbury, and Biſhop of London for the time being, or one of them, who are hereby authorized to grant Licenſes for that purpoſe, and ſhall before ſuch time as the ſame Book or Books, or any of them be delivered forth, or out of his or their hand or hands, or expoſed to Sale, give and preſent a true Note or Catalogue in writing of all and every ſuch Book or Books, unto the Lord Archbiſhop of Canterbury and Lord Biſhop of London for the time being, or to one of them; and no Merchant or other perſon or perſons whatſoever which ſhall import or bring any Book or Books into the port of London aforeſaid, from any parts beyond the Seas, ſhall preſume to open any Dry-Fats, Bales, Packs, Maunds, or other Fardles of Books, or wherein Books are, nor ſhall any Searcher, Waiter, or other Officer, belonging to the Cuſtom-houſe, upon pain of loſing his or their place or places, ſuffer the ſame to paſs, or to be delivered out of his or their hands or Cuſtody, before ſuch time as the Lord Biſhop of Canterbury, and the Lord Biſhop of London for the time being, or one of them, ſhall have appointed ſome Schollar or learned man, with one or more of the ſaid Company of Stationers, and ſuch others as they ſhall call to their Aſſiſtance, to be preſent at the opening thereof, and to view the ſame; And if there ſhall happen to be found any Heretical, Seditious, Scandalous, Schiſmatical, or other dangerous or offenſive Book or Books, or any part of ſuch Book or Books printed in Engliſh, they ſhall forthwith be brought to the ſaid Lord Archbiſhop of Canterbury, and Lord Biſhop of London for the time being, or to one of them, or to ſome publick place to be aſſigned and choſen by the ſaid Lord Archbiſhop and Lord Biſhop for the time being, to the end the perſon and perſons which Imorteth, or cauſeth the ſaid Offenſive Books to be Imported, may be proceeded againſt as an Offendor againſt this preſent Act; And alſo that ſuch further courſe may be taken concerning the ſame offenſive Book or Books, as by the ſaid Lord Archbiſhop and Biſhop for the time being ſhall be thought fitting for the ſuppreſſing thereof.

And not to be opened or uttered until viewed by the Archbiſhop of Canterbury, Biſhop of London, or ſome other by one of them appointed.

Heretical, Seditious or dangerous Books Imported, how to be proceeded upon.

Copies of Books, forms of blank-bills or Indentures, whereof any have Letters Patents for ſole Printing.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons ſhall within this Kingdom, or elſewhere, Imprint or cauſe to be Imprinted, nor ſhall Import or bring in, or cauſe to be Imported or brought into this Kingdom from or out of any other His Majeſties Dominions, nor from any other parts beyond the Seas, any Copy or Copies, Book or Books, or part of any Book or Books, or Forms of blank-Bills or Indentures for any His Majeſties Iſlands, printed beyond the Seas, or elſewhere, which any perſon or perſons by force or vertue of any Letters Patents granted or aſſigned, or which ſhall hereafter be granted or aſſigned to him or them, or (where the ſame are not granted by any Letters Patents) by force or vertue of any Entry or Entries thereof duly made or to be made in the Regiſter-Book of the ſaid Company of Stationers, or in the Regiſter Book of either of the Univerſities reſpectively, have or ſhall have the Right, Priviledge, Authority or Allowance, ſolely to Print, without the conſent of the Owner or Owners of ſuch Book or Books, Copy or Copies, Form or Forms of ſuch blank-Bills, nor ſhall Binde, Stitch, or put to Sale any ſuch Book or Books, or part of any Book or Books, Form or Forms, without the like conſent, upon pain of loſs and forfeiture of the ſame, and of being proceeded againſt as an Offendor againſt this preſent Act, and upon the further penalty and forfeiture of Six ſhillings eight pence for every ſuch Book or Books, or part of ſuch Book or Books, Copy or Copies, or Form or Forms of any ſuch blank Bills or Indentures ſo Imprinted or Imported, Bound, Stitched, or put to Sale; The Moyety of which ſaid forfeiture and forfeitures ſhall be to the uſe of our Soveraign Lord the King, His Heirs and Succeſſors, and

The penalty.

the other Moyety to the uſe of the Owner or Owners, Proprietors of ſuch Copy or Copies, Book or Books, or Form of ſuch blank Bills or Indentures, if he or they ſhall ſue for the ſame within Six moneths next after ſuch Imprinting, Importing, Binding, Stitching, or putting to Sale; And in default of ſuch Suit by the Owner or Owners, Proprietor or Proprietors, commenced within the ſaid Six moneths, Then the ſame Moyety ſhall be to the uſe and behoof of ſuch other perſon or perſons as within the ſpace of one year next after the ſaid Offence committed, ſhall ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint or Information, in any of his Majeſties Courts of Record held at Weſtminſter, called the Kings Bench, Common Pleas, or Exchequer, wherein no Eſſoine, Wager of Law, or Protection ſhall be allowed to the Defendant or Defendants.

Printers of Books, &c. ſhall put to their Names.

Penalty.

And be it further Enacted and Declared, That every perſon and perſons that ſhall hereafter Print, or cauſe to be Printed any Book, Ballad, Chart, Pourtraiture, or any other thing or things whatſoever, ſhall thereunto, or thereon, Print and ſet his or their own Name or names, and alſo ſhall declare the Name of the Authour thereof, if he be thereunto required by the Licenſer, under whoſe Approbation the Licenſing of the ſaid Book, Ballad, Chart, or Pourtraiture ſhall be Authorized, and by and for whom any ſuch Book or other thing is or ſhall be Printed, upon pain of Forfeiture of all ſuch Books, Ballads, Charts, Pourtraitures, and other thing or things Printed contrary to the Tenor hereof; And the Preſſes, Letters, and other Inſtruments for Printing, wherewith ſuch Book, Ballad, Pourtraiture, or other thing or things ſhall be ſo Imprinted or Set, or prepared for the Printing thereof, to be defaced, and made unſerviceable; And that no perſon or perſons ſhall hereafter Print, or cauſe to be Imprinted, nor ſhall forge, put or counterfeit in or upon any Book or Pamphlet the Name, Title, Mark or Vinnet of any other perſon or perſons which hath or ſhall have lawful Priviledge, Authority or Allowance of ſole Printing the ſame without the free conſent of the perſon and perſons ſo priviledged firſt had and obtained, upon pain that every perſon and perſons ſo Offending, ſhall forfeit and loſe all ſuch Books and Pamphlets upon which ſuch counterfeit Name or Mark ſhall be Imprinted, and ſhall further be proceeded againſt as an Offendor againſt this preſent Act.

Who only may buy, barter and ſell Books in London and Market Towns.

And be it further Enacted by the authority aforeſaid, That no Haberdaſher of Small-wares, Iron-monger, Chandler, Shop-keeper, or other perſon or perſons whatſoever, not being Licenſed in that behalf by the Lord Biſhop of the Dioceſs wherein ſuch Book or Books ſhall be, nor having been Seven years Apprentice to the Trade of Book-ſeller, Printer or Book-binder, nor being a Freeman of the City of London by Patrimonial Right, as Son of a Book-ſeller, Printer or Book-binder, not being a Member of the ſaid Company of Stationers, ſhall within the City or Suburbs of London, or any other Market-Town, or elſewhere, receive, take or buy, to barter, ſell again, change, or do away any Bibles, Teſtaments, Pſalm-books, Common-Prayer-books, Primers, Abcees, Licenſed Almanacks, Grammar, School-books, or other Book or Books whatſoever, upon pain of forfeiture of the ſame.

Printing an Art and Manufacture.

No Engliſh Books may be imprinted, or imported from beyond Sea.

The Penalty.

And for that Printing is, and for many years hath been an Art and Manufacture of this Kingdom, Therefore for the better encouraging thereof, and the prevention of divers Libels, Pamphlets, and Seditious Books printed beyond the Seas in Engliſh, and thence Tranſported into this Realm; Be it further Enacted and Ordained by the Authority aforeſaid, That no Merchant, Book-ſeller, or other perſon or perſons whatſoever, ſhall Imprint, or cauſe to be Imprinted beyond the Seas, nor ſhall Import or bring, nor knowingly aſſiſt or conſent to the Importation or bringing from beyond the Seas into this Realm, any Engliſh Book or Books, or part of any Book which is or ſhall be, or the greater part thereof is or ſhall be Engliſh, or of the Engliſh Tongue, whether the ſame Book, Books, or part of ſuch Book have been here formerly printed or not, upon pain of forfeiture of all ſuch Engliſh Books ſo Imprinted or Imported, contrary to the tenour hereof: And that no Alien or Foreigner whatſoever ſhall hereafter bring in, or be ſuffered to vend here within this Realm, any Book or Books printed beyond the Seas in any Language whatſoever, either by himſelf, or his Factor or Factors, except ſuch only as be Free-Printers or Stationers of London, or ſuch as have been brought up in that Profeſſion, without the ſpecial Licenſe of the Archbiſhop of Canterbury, and Biſhop of London for the time being, or one of them, who are hereby authorized to grant Licenſes for that purpoſe, upon like pain of forfeiture of all ſuch Books as ſhall be ſo Imprinted or Vended, contrary to the purport and true intent hereof.

Preſſes and Printing in and about London not to be ſet up, but upon notice to the Company of Stationers.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons within the City of London, or the Liberties thereof, or elſewhere, ſhall erect or cauſe to be erected any Preſs or Printing-Houſe, nor ſhall knowingly, demiſe or let, or willingly ſuffer to be held or uſed any Houſe, Vault, Cellar, or other Room whatſoever, to or by any perſon or perſons for a Printing-Houſe, or place to Print in, unleſs he or they who erect ſuch Preſs, or ſhall ſo knowingly demiſe or let ſuch Houſe, Cellar, Vault or Room, or willingly ſuffer the ſame to be uſed, ſhall firſt give notice to the Maſter or Wardens of the ſaid Company of Stationers for the time being of the erecting of ſuch Preſs, or of ſuch demiſe or ſuffering to work or Print in ſuch Houſe, Vault, Cellar or Room; And that no Joyner, Carpenter, or other perſon ſhall make any Printing-Preſs, no Smith ſhall forge any Iron-work for a Printing-Preſs, no Founder ſhall caſt any Letters which may be uſed for printing for any perſon or perſons whatſoever; neither ſhall any perſon or perſons bring, or cauſe to be brought in from any parts beyond the Seas, any Letters Founded or Caſt, nor ſhall buy any ſuch Letters for Printing, Printing-Preſſes, or other Materials belonging unto printing, unleſs he or they reſpectively ſhall firſt acquaint the ſaid Maſter and Wardens of the ſaid Company of Stationers for the time being, or ſome or one of them, for whom the ſame Preſſes, Iron-work or Letters are to be made, forged, caſt, brought or imported, upon pain that every perſon who ſhall erect ſuch Printing-preſs, or ſhall demiſe or let any Houſe or Room, or ſuffer the ſame to be held or uſed, and every perſon who ſhall make any Printing-preſs, or any Iron-work for a Printing-preſs, or ſhall make, import, or buy any Letters for printing, without giving notice as aforeſaid, ſhall forfeit for every ſuch Offence the ſum of Five pounds, the one Moyety whereof ſhall be to the uſe of our Soveraign Lord the King, his Heirs and Succeſſors, and the other Moyety to the uſe of ſuch perſon or perſons as ſhall ſue for the ſame.

Who and how many ſhall be Maſter Printers.

And be it further Enacted by the Authority aforeſaid, That for the time to come no man ſhall be admitted to be a Maſter-Printer, until they who are now actually Maſter-Printers ſhall be by death or otherwiſe reduced to the number of Twenty, and from thenceforth the number of Twenty Maſter-Printers ſhall be continued, and no more, beſides the Kings Printers, and the Printers allowed for the Univerſities, to have the uſe and exerciſe of printing of Books at one time, and but four Maſter-Founders of Letters for printing; The which ſaid Maſter-Printers, and Four Maſter-Founders of Letters for printing, ſhall be nominated, appointed and allowed by the Lord Archbiſhop of Canterbury, and Lord Biſhop of London for the time being; And in caſe of Death of any one of the ſaid Four Maſter-Founders of Letters, or of the ſaid Maſter-Printers, or of forfeiture. or avoidance of any of their places and priviledges to print by vertue of this Act, for any Offence contrary to the ſame, or otherwiſe, That then the Lord Archbiſhop of Canterbury, and Lord Biſhop of London for the time being, or one of them, ſhall nominate and appoint ſuch other fit perſon or perſons to ſucceed and ſupply the place of ſuch Maſter-Printer or Founder of Letters as ſhall be void by Death, forfeiture or otherwiſe as aforeſaid; And every perſon and perſons which ſhall hereafter be allowed or permitted to have the uſe of a Printing-preſs or Printing-Houſe, upon or before ſuch his allowance obtained, ſhall become bound with Sureties to his Majeſty in the Court of Kings-Bench, or before ſome one or more of the Juſtices of Aſſize, or the Juſtices of the Peace at their ſeveral Quarter-Seſſions, in the ſum of Three hundred pounds, not to print, or ſuffer to be printed in his houſe or preſs any Book or Books whatſoever, but ſuch as ſhall from time to time be lawfully Licenſed.

Maſter-Founders of letters for Printing.

Who only may keep above two Printing-Preſſes.

And be it further Enacted by the Authority aforeſaid, That none of the ſaid Maſter-Printers ſo to be allowed from time to time as aforeſaid, ſhall keep above Two Printing-preſſes at once, unleſſe he hath been Maſter or Upper-Warden of the Company, who are hereby allowed to keep Three Preſſes and no more, unleſs for ſome great and ſpecial occaſion for the Publique he or they have for a time leave of the ſaid Lord Archbiſhop of Canterbury, or Lord Biſhop of London for the time being, or to have or uſe one or more above the aforeſaid Number, as their Lordſhips, or either of them ſhall think fit.

What number of Apprentices they may retain.

And be it alſo Enacted by the Authority aforeſaid, That no Printer or Printers, (Except the Kings Printers) nor Founder or Founders of Letters for printing, ſhall take or retain any more or greater number of Apprentices, then is herein after limited and appointed, (that is to ſay) Every Maſter-Printer, and Maſter-Founder of Letters for printing, that is or hath been Maſter or Upper-Warden of his Company, may have three Apprentices at one time and no more; And every Maſter-Printer, and Maſter-Founder of Letters for printing, that is of the Livery of his Company, may have two Apprentices at one time and no more; And very Maſter Printer, and Maſter Founder of Letters for printing, of the Yeomanry of his Company, may have one Apprentice at one time and no more, neither by Copartnerſhip, binding at the Scriveners, nor any other way whatſoever; Neither ſhall it be lawful for any Maſter Printer or Maſter Founder of Letters, when any Apprentice or Apprentices ſhall run or be put away, to take another Apprentice or other Apprentices in his or their place or places, unleſſe the name or names of him or them ſo gone away, be raſed out of the Hall-Book, and never admitted again.

Journey-men Printers, and Founders of Letters to be imployed.

And becauſe a great part of the ſecret printing in corners hath been cauſed for want of Orderly Imployment for Journeymen Printers, The ſaid ſeveral Maſter Printers, and Maſter Founders of Letters for printing ſo to be allowed as aforeſaid, are hereby required to take ſpecial Care, That all Journeymen Printers, and Journeymen Founders of Letters for printing, who are lawfully free of the ſaid reſpective Myſteries, be ſet on Work, and Imployed in their reſpective Trades; And if any ſuch Journeyman Printer, and Journeyman Founder of Letters, being of honeſt and good behaviour, and able in his Trade, do want Imployment, he ſhall repair to any of the ſaid Maſter Printers, or Maſter Founders of Letters reſpectively for the time being, who thereupon ſhall receive him or them into Work, If ſuch Maſter Printer, or Maſter Founder of Letters have not a Journeyman already, although ſuch Maſter Printer, or Maſter Founder of Letters reſpectively, with his Apprentice or Apprentices be able without the help of the ſaid Journeyman to diſcharge his own Work, upon pain that every Maſter Printer, and Maſter Founder of Letters reſpectively, refuſing to receive ſuch Journeyman repairing to him as aforeſaid, ſhall forfeit five pounds, to be recovered by Bill, Plaint or Information in any Court of Record, wherein no Eſſoine, Wager at Law, Priviledge or Protection ſhall be admitted; the one Moyety of which forfeiture ſhall go to the Kings Majeſty, his Heirs and Succeſſors, and the other Moyety to the Informer who ſhall ſue for the ſame within ſix moneths next after the ſaid Offence committed; And if any Journeyman, or Journeymen Printers, or Founders of Letters for printing ſhall refuſe Imployment, being offered to him or them by any Maſter Printer, or Maſter Founder of Letters reſpectively, or neglect it when he or they have undertaken it, he or they ſo refuſing or neglecting, ſhall ſuffer Three moneths Impriſonment at the Leaſt, without Bail or Mainprize, upon Conviction of ſuch his ſaid refuſal or neglect by two Witneſſes, before any one or more Juſtice or Juſtices of the Peace, who are hereby impowred to hear and examine the ſaid Offence, and to commit the ſaid Offendor and Offendors to the Common Gaol of the County, where he or they ſhall be apprehended: And no

Maſter Printer, or Maſter Founder of Letters for printing, ſhall from henceforth imploy either to work at the Caſe or Preſs, or otherwiſe about his printing, any perſon or perſons then ſuch only as are Engliſh-men and Freemen, or the Sons of Freemen, or Apprentices to the ſaid Trades or Myſteries of Printing, or Founding of Letters for printing reſpectively.

Who may ſearch Houſes and Shops for ſuſpected Books and Papers.

And for the better diſcovering Printing in Corners without Licenſe, Be it further Enacted by the Authority aforeſaid, That one or more of the Meſſengers of his Majeſties Chamber, by Warrant under his Majeſties Sign Manual, or under the Hand of one or more of his Majeſties principal Secretaries of State, or the Maſter and Wardens of the ſaid Company of Stationers, or any one of them, ſhall have power and authority with a Conſtable to take unto them ſuch aſſiſtance as they ſhall think needful, and at what time they ſhall think fit, to ſearch all Houſes and Shops, where they ſhall know, or upon ſome probable reaſon ſuſpect any Books or Papers to be printed, bound or ſtitched, eſpecially Printing-Houſes, Book-ſellers Shops and Warehouſes, and Book-binders Houſes and Shops, and to view there what is imprinting, binding or ſtitching, and to examine whether the ſame be Licenſed, and to demand a ſight of the ſaid Licenſe; and if the ſaid Book ſo imprinting, binding or ſtitching, ſhall not be Licenſed, then to Seize upon ſo much thereof as ſhall be found imprinted, together with the ſeveral Offendors, and to bring them before one or more Juſtices of the Peace, who are hereby authorized and required to commit ſuch Offendors to priſon, there to remain until they ſhall be tried and acquitted, or convicted and puniſhed for the ſaid Offences. And in caſe the ſaid Searchers ſhall upon their ſaid Search, find any Book or Books, or part of Books unlicenſed, which they ſhall ſuſpect to contain matters therein contrary to the Doctrine or Diſcipline of the Church of England, or againſt the State and Government; Then upon ſuch ſuſpition to ſeiſe upon ſuch Book or Books, or part of Book or Books, and to bring the ſame unto the ſaid Lord Archbiſhop of Canterbury, and Lord Biſhop of London for the time being, or one of them, or to the Secretaries of State, or one of them reſpectively, who ſhall take ſuch further courſe for the ſuppreſſing thereof, as to them or any of them ſhall ſeem fit.

Offendors againſt this Act how to be puniſhed.

And be it Ordained and Enacted by the Authority aforeſaid, That all and every Printer and Printers of Books, Founder and Founders of Letters for printing, and all and every other perſon and perſons working in or for the ſaid Trades, who from and after the Tenth day of June, in the year, One thouſand ſix hundred ſixty and two, ſhall Offend againſt this preſent Act, or any Article, Clauſe or Thing herein contained, and ſhall be thereof convicted by Verdict, Confeſſion, or otherwiſe, ſhall for the firſt Offence be diſabled from exerciſing his reſpective Trade for the ſpace of three years, and for the ſecond Offence ſhall for ever thenceafter be diſabled to uſe or exerciſe the Art or Myſtery of printing, or of founding Letters for printing, and ſhall alſo have and receive ſuch further puniſhment by Fine, Impriſonment, or other Corporal puniſhment, not extending to Life or Limb, as by the Juſtices of the Court of Kings Bench, or Juſtices of Oyer and Terminer, or Juſtices of Aſſize in their ſeveral Circuits, or Juſtices of the Peace in their ſeveral Quarter-Seſſions ſhall be thought fit to be inflicted. The which ſaid Juſtices of the Peace in their ſeveral Quarter Seſſions ſhall have full power and authority to hear and determine all and every Offence and Offences that ſhall be committed againſt this Act, or againſt any branch thereof, upon Indictment or Information by any perſon or perſons to be taken before them in their Seſſions of Peace reſpectively, and ſhall yearly certifie into the Court of Exchequer, as in other like Caſes they are bound to do, the Fines by them impoſed for any of the Offences aforeſaid, and ſhall and may alſo by vertue hereof award proceſſe, and execution for the taking or puniſhing ſuch Offendors as in any other Caſe they lawfully may do by any the Laws and Statutes of this Realm.

Printed Copies to be ſent to his Majeſties Library and the two Univerſities.

And be it further enacted by the Authority aforeſaid, That every Printer ſhall reſerve three printed Copies of the beſt and largeſt paper of every Book new printed, or reprinted by him with Additions; and ſhall before any publick Vending of the ſaid Book bring them to the Maſter of the Company of Stationers, and deliver them to him; one whereof ſhall be delivered to the Keeper of His Majeſties Library, and the other two to be ſent to the Vice-Chancellors of the two Univerſities reſpectively, for the uſe of the publick Libraries of the ſaid Univerſities.

Proviſo for the priviledges of the two Univerſities.

Provided always, That nothing in this Act contained ſhall be conſtrued to extend to the prejudice or infringing of any the juſt Rights and Priviledges of either of the two Univerſities of this Realm, touching and concerning the Licenſing or printing of Books in either of the ſaid Univerſities.

Peers Houſes.

Provided alwayes, That no Search ſhall be at any time made in the Houſe or Houſes of any the Peers of this Realm, or of any other perſon or perſons not being free of, or uſing any of the Trades in this Act before mentioned, but by ſpecial Warrant from the Kings Majeſty, under His Sign Manual, or under the Hand of one or both of His Majeſties principal Secretaries of State, or for any other Books then ſuch as are in printing, or ſhall be printed after the Tenth of June, 1662. Any thing in this Act to the contrary thereof in any wiſe notwithſtanding.

Proviſo for Book ſellers and Stationers London.

Provided alſo, That neither this Act, nor any thing therein contained, ſhall extend to prohibit any Book-ſeller, who hath ſerved ſeven years, and is free of the Company of Stationers London, from importing or bringing into this Realm any Books ready bound not formerly prohibited, which have been printed ten years befors the ſaid Importation; Any thing in this or any other Act to the contrary notwithſtanding.

Perſons ſelling Books in Weſtminſter-Hall.

Provided alſo, and be it further Enacted by the Authority aforeſaid, That neither this Act, nor any thing therein contained, ſhall be conſtrued to prohibit any perſon or perſons to Sell Books or Papers, who have ſold Books and Papers within Weſtminſter-Hall, the Palace of Weſtminſter, or in any Shop or Shops within Twenty yards of the great Gate of Weſtminſter-Hall aforeſaid, before the Twentieth day of November, One thouſand ſix hundred ſixty and one; but they and every of them may ſell Books and Papers, as they have or did before the ſaid Twentieth day of November, One thouſand ſix hundred ſixty one, within the ſaid Hall, Palace, and Twenty yards aforeſaid, but not elſewhere; Any thing in this Act to the contrary in any wiſe notwithſtanding.

Proviſo for the rights and priviledges of printing granted to any perſons by the King.

Provided alſo, That neither this Act, nor any thing therein contained ſhall extend to prejudice the juſt Rights and Priviledges granted by His Majeſty, or any of His Royal Predeceſſors to any perſon or perſons under His Majeſties Great Seal, or otherwiſe, but that ſuch perſon or perſons may exerciſe and uſe ſuch Rights and Priviledges as aforeſaid, according to their reſpective Grants; Any thing in this Act to the contrary notwithſtanding.

Proviſo for John Streater Stationer.

Provided alſo, That neither this Act, nor any thing therein contained ſhall extend to prohibit John Streater Stationer from printing Books and Papers, but that he may ſtill follow the Art and Myſtery of Printing, as if this Act had never been made; Any thing therein to the contrary notwithſtanding.

Proviſo for the City of York.

Provided alſo, That neither this Act, nor any thing therein contained, ſhall extend to reſtrain the keeping and uſing of a Printing-preſs in the City of York; ſo as all Books of Divinity there printed, be firſt Licenſed by the Archbiſhop of York for the time being, or ſuch perſon or perſons whom he ſhall appoint, and all other Books whatſoever there printed, be firſt Licenſed by ſuch perſons reſpectively to whom the Licenſing thereof doth or ſhall appertain by the Rules herein before mentioned, and ſo as no Bibles be there printed, nor any other Book, whereof the Original Copy is or ſhall be belonging to the Company of Stationers in London, or any Member thereof; and ſo as the Archbiſhop or Lord Mayor of York for the time being, do execute within the ſaid City (which they are hereby impowred to do) all the Powers and Rules in this Act concerning Searchers for unlicenſed Books, and impoſe and levy the ſaid penalties in the like caſes; Any thing in this Act to the contrary notwithſtanding.

The continuance of this Act.

Provided, That this Act ſhall continue and be in force for two years, to commence from the Tenth of June, One thouſand ſix hundred ſixty and two, and no longer. Continued 16 Car. 2. cap. 8.

Anno XV. Caroli II. Regis.

CAP. I.

For Repairing the High-Ways within the Counties of Hertford, Cambridge and Huntington.

The High-way from London to York and Scotland, Hertford, Cambridge, Huntington.

Who may appoint Surveyors of the High ways for Hertfordſhire yearly, Cambridgeſhire, Huntingtonſhire.

II. The power of the Juſtices of the Peace in their ſeveral Counties.

WHereas the ancient High-way and Poſt-Road leading from London to York, and ſo into Scotland, and likewiſe from London into Lincolnſhire, lieth for many miles in the Counties of Hertford, Cambridge and Huntington, in many of which places, the Road, by reaſon of the great and many Loads which are weekly drawn in Waggons through the ſaid places, as well by reaſon of the great Trade of Barley and Malt that cometh to Ware, and ſo is conveyed by Water to the City of London, as other Carriages both from the North parts, as alſo from the City of Norwich, Saint Edmunds-bury, and the Town of Cambridge to London, is very ruinous, and become almoſt impaſſable, inſomuch that it is become very dangerous to all His Majeſties Liege people that paſs that way; And for that the ordinary courſe appointed by the Laws and Statutes of this Realm is not ſufficient for the effectual repairing and amending of the ſame, neither are the Inhabitants through which the ſaid Road doth lie, of ability to Repair the ſame, without ſome other proviſion of Moneys to be raiſed towards the putting the ſame into good and ſufficient Repair: For remedy whereof, and to the intent the ſaid High-ways, at or in the Counties aforeſaid, may be forthwith effectually repaired and amended, and from time to time hereafter kept in good repair; May it pleaſe your Majeſty, that it may be Enacted, And be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That for the Surveying, Ordering, Repairing, and Keeping in Repair of the ſaid High-way in the Counties aforeſaid, Four Juſtices of the Peace for each of the ſaid ſeveral and reſpective Counties dwelling next to the ſaid High-ways reſpectively, or any two of them, for the year, One thouſand ſix hundred ſixty three, and until the Quarter-Seſſions then next enſuing; and from thenceforth the Juſtices of Peace at the Seſſions to be holden next after Eaſter every year, for the ſaid reſpective Counties, from time to time ſhall and are hereby impowred to nominate and appoint Nine ſufficient and able perſons reſiding and inhabiting within the ſaid ſeveral and reſpective Counties, to be Surveyors of the ſeveral places in the ſaid High-way for the year from thence next enſuing: The Juſtices of the Peace for the County of Hertford, to appoint Surveyors for the High-way lying in the ſaid ſeveral Towns and Pariſhes of the ſaid County; and the Juſtices of the Peace in the County of Cambridge to appoiut Surveyors for the ſeveral Towns and Pariſhes within their ſaid County of Canbridge; And the Juſtices of Peace for the County of Huntington to appoint Surveyors for the ſeveral Towns and Pariſhes of the ſaid County: And that the ſaid Juſtices or Surveyors aforeſaid ſhall not act or do any thing towards the Repairs of the ſaid High-ways, but in their own ſeveral and reſpective Counties; And that the ſaid Juſtices in their ſeveral Counties ſhall cauſe notice to be given to the ſeveral Surveyors ſo choſen, in writing, of their ſaid choice; which ſaid Surveyors and every of them having no lawful impediment to be allowed by the ſaid Juſtices by whom they ſhall be choſen in manner as aforeſaid, within one week next after ſuch notice to them given of their Election, ſhall, and are hereby required to meet and aſſemble themſelves together, (that is to ſay) the

Surveyors for the County of Hertford, in ſome convenient place within the County of Hertford; And the Surveyors choſen for the County of Cambridge, in ſome convenient place within their County; and the Surveyors choſen for the County of Huntington, in ſome convenient place within their ſaid County, to be appointed by the ſeveral Juſtices of the ſaid Counties, at their ſeveral Quarter-Seſſions, to the intent to view and Survey the ſaid High-way and places aforeſaid, and ſhall conſider what Reparations ſhall be needful for Repairing of the ſeveral High-ways and places aforeſaid; and the ſaid ſeveral Surveyors in their reſpective Counties ſhall provide Stones, Gravel, and other materials and neceſſaries to be uſed for and towards the Repairing and Amending the ſaid High-way at the places aforeſaid; And the ſaid Surveyors, or three, or more of them in their reſpective Counties being ſo met and aſſembled, are hereby authorized to appoint a Receiver or Collector of Toll, and ſuch other Officer and Officers as they ſhall find neceſſary in their reſpective Counties for carrying on the ſaid Work (with ſuch moderate allowance as ſhall be thought fit) to be appoved of by any two or more Juſtices of the Peace for the ſaid reſpective County for which ſuch Officer is ſo choſen, living near to the ſaid High-way or places aforeſaid, or otherwiſe to be removed, and other fit perſon or perſons to be choſen in his or their places by the ſaid Juſtices in the ſaid ſeveral and reſpective Counties. And for the better effecting thereof, Be it Enacted by the Authority aforeſaid, That the ſaid Surveyors, or any three or more of them in their ſeveral Counties, ſhall from time to time, as they ſhall ſee cauſe, appoint and require all and every perſon and perſons inhabiting within three miles of the places aforeſaid, being within their ſeveral and reſpective Counties, who by any Law or Statute of this Realm now in force is or are chargeable to find any Wayn, or Cart for the amending of the High-wayes, and every other perſon and perſons chargeable to labour in the High wayes upon reaſonable notice, to ſend his or their Cart, or Wain, and Team, or to come to labour in the ſaid High-way at any the places aforeſaid within their reſpective Counties, ſo furniſhed as by the Laws and Statutes of this Realm is directed for the amending of other High-wayes, when and ſo often as ths ſaid Surveyors for their ſaid ſeveral Counties, or any three or more of them ſhall think needful and appoint; for which the ſaid Surveyors ſhall pay unto ſuch Labourers, and to the Owners of ſuch Teams, Carts and Wayns, according to the uſual Rate of the Country. And in caſe any perſon ſo charged to ſend his, her or their Team to work as aforeſaid, ſhall refuſe or neglect ſo to do, ſuch perſons ſo refuſing or neglecting, ſhall forfeit Ten ſhillings for every day that he or they ſhall make ſuch default; and every Labourer Eighteen pence for every day he ſhall neglect or refuſe to work as aforeſaid.

Hertford. Cambridge. Huntington.

The power of the Surveyors in the ſaid ſeveral Counties.

To appoint Receivers and Collectors of Toil and other needful Officers.

Charging of Carts and Carriages.

III.

Allowance of Wages to Labourers and Owners.

The Penalty for refuſing.

Provided, That no perſon or perſons by vertue of this Act be compelled or compellable to labour, or to ſend his or their Team, Cart or Waggon for the mending of the ſaid High-way, to any of the ſaid places being above Three miles diſtant from his Dwelling houſe, or not in the ſame County, nor to labour or ſend his or their Team, Cart or Waggon, for amending of the ſaid High-way above Three days in any one week, nor at any time in Seed-time, Hay or Corn-harveſt: And in caſe that any queſtion ſhall happen to ariſe touching the hire to be given by the ſaid Surveyors for ſuch Team, Cart or Waggon, or concerning the wages of ſuch Labourers imployed in mending the ſaid High-ways, That then the ſaid Juſtices of the Peace in the County where ſuch difference ariſeth, or any Two or more of them, ſhall and may determine and ſet down what hire for ſuch Team, Cart or Waggon, and alſo what wages to ſuch Labourer ſhall be paid or allowed by the ſaid Surveyors, and ſuch Order in that behalf to be made ſhall conclude all parties.

How far and often Carts and carriages may be charged.

Who may determine differences about carriages and Labourers Wages.

And be it further Enacted by the Authority aforeſaid, That where there is not ſufficient Gravel, Chalk, Sand or Stones within any Pariſh, Town, Village or Hamlet, wherein the ſaid High-way, or places aforeſaid, or any of them do lie, to repair the ſaid High-way at any of the places aforeſaid, It ſhall and may be lawful for the ſaid Surveyors in their ſeveral and reſpective Counties, or any three or more of them, and ſuch perſon and perſons as they ſhall appoint, to dig, take, and carry away Gravel, Chalk, Sand or Stones out of the Waſte or Common of any neighbouring Pariſh, Town, Village or Hamlet (without paying any thing for the ſame) for the repairing or amending of the ſaid High-way at any the places aforeſaid; or where there is not ſufficient of ſuch materials in any Common or Waſte Ground thereunto near adjoyning, to dig in the ſeveral Grounds of any perſon or perſons, not being an Houſe, Garden, Orchard, Yard or Park ſtored with Deer, being within any Pariſh chargeable towards the repairs of the ſaid High-way and places ſo to be repaired, where any ſuch materials are or may be found: And from time to time to carry away ſuch and ſo much thereof as the ſaid Surveyors, or any three or more of them in their reſpective Counties ſhall adjudge neceſſary for the ſaid Reparations, without paying any thing for ſuch materials, ſaving only ſuch reaſonable ſatisfaction to the Owner or Occupier of the Ground where the ſame ſhall be ſo digged and carried away, as for the Damage he or they ſhall thereby ſuſtain, to be aſſeſſed and adjudged by the ſaid Juſtices of the County where the ſame is digged, at the next, or any other Quarter-Seſſions for the ſaid County, in caſe of difference concerning the ſame; And that the Pits and places where, and from whence ſuch materials ſhall be dugg and carried away for the Reparations aforeſaid, ſhall with all convenient ſpeed (to be adjudged by the ſaid Juſtices of Peace as aforeſaid) be filled up, and levelled with earth, or other materials, or elſe railed about, ſo as that the ſame may not be deemed dangerous or prejudicial to Man or Beaſt. And for the defraying of the charge of ſuch Reparations to be done in the places aforeſaid;

How gravel, Chalk, Stones, &c. may be taken.

IV.

Be it further Enacted, That from and after the choice of the Surveyors aforeſaid, it ſhall and may be lawful to and for the ſaid Surveyors for the time being, with ſuch conſent and approbation as is aforeſaid, of the ſaid Juſtices of the ſeveral Counties, within their

own

Who may appoint the taking of Toll or Cuſtom of all carriages and paſſengers.

Places for taking of Toll in Hertfordſhire, Cambridgeſhire, Huntingtonſhire.

Power to diſtrain for Toll refuſed to be paid.

V.

The Toll received to be accompted for and paid to the Surveyors.

own Counties, and not elſewhere, to chooſe and appoint one or more fit perſon or perſons to receive or take ſuch Sum or Sums of Money in the name of Toll or Cuſtom to be paid for all ſuch Horſes, Carts, Coaches, Waggons, Droves and Gangs of Cattel as in time to come ſhall paſſe, be led, or droven in or through the ſaid way or places aforeſaid, as are hereafter by this Act limited, (that is to ſay) for every Horſe one penny, for every Coach ſix pence, for every Waggon one ſhilling, for every Cart eight pence, for every ſcore of Sheep or Lambs one half-peny, and ſo proportionably for greater numbers: For every ſcore of Oxen, or Neat Cattel five pence, and ſo for every greater or leſſer number proportionably: For every ſcore of Hoggs two pence, and ſo for every greater or leſſer number proportionably, not being under five. And that from and after the paſſing of this Act, all and every perſon or perſons who ſhall travel with Horſe, Coach, Cart or Waggon, or ſhall lead or drive any Oxen, Sheep, Horſes, or other Cattel afore-mentioned, in and through the High-way and places aforeſaid, ſhall and are hereby required to pay unto the reſpective Collectors and Receivers of Toll in the ſeveral Counties aforeſaid in that behalf to be appointed, after the Rates aforeſaid: The places for Collecting the ſaid Toll to be, for the County of Hertford, at Wades-Mill; and for the County of Cambridge, at Caxton within the ſaid County of Cambridge; and for the County of Huntington, at Stilton in the ſaid County of Huntington, and at no other place or places within the ſaid Counties: And in caſe any perſon or perſons upon demand made of Toll aforeſaid by the Collector or Receiver in that behalf to be appointed, ſhall neglect or refuſe to pay the ſame, That then it ſhall and may be lawful to and for the ſaid Collector or Receiver appointed for the Receipt of the ſaid Toll, upon ſuch refuſal, to Diſtrain and detain ſuch Horſe, Cart, Coach, Waggon, Oxen, or other Cattel aforementioned, or any of them, untill the ſaid Toll ſhall be ſatisfied and paid according to the tenor of this preſent Act, together with ſuch damages as the party ſo diſtraining ſhall ſuſtain by keeping of ſuch Diſtreſſe: Of all which Money ſo to be received, the ſaid Collector or Receiver of Toll ſo to be appointed in the ſeveral Counties, ſhall from time to time render true Accounts, and ſhall pay the money ſo by them received, unto the ſaid Surveyors of their ſeveral and reſpective Counties, or to any three or more of them, or unto ſuch Treaſurers as they ſhall appoint, when, and as often as they ſhall be thereunto required by the ſaid Surveyors, or any three or more of them, by them to be laid out and expended for and towards the neceſſary Repairs, and amending of the ſeveral places aforementioned, and not elſewhere within their ſaid ſeveral and reſpective Counties.

To whom the ſaid Surveyors ſhall accompt for moneys received.

And be it further Enacted by the Authority aforeſaid, That the Surveyors, and every of them in their ſeveral and reſpective Counties, at the Quarter-Seſſions of the Peace for the ſaid County, to be holden next after Eaſter in every year, ſhall make and yeild up unto the Juſtices of the Peace there to be aſſembled, a perfect Account in writing under their Hands, of all the money which they or any of them have received from the ſaid Collector or Receiver of Toll in their ſaid County, and likewiſe of all their Disburſements in and about the ſaid High-way, or otherwiſe by reaſon of their Offices; And in caſe of any overplus of money ſo received, remaining in their Hands, ſhall pay the ſame to the Surveyors to be choſen for the year enſuing, or to the Treaſurer or Receiver by them to be appointed, to be disburſed and laid out in the ſeveral places aforeſaid, within ſuch County wherein the overplus doth remain, and not elſewhere, in the year enſuing; which ſaid Juſtices to whom ſuch Account ſhall be given, ſhall out of the benefit of the ſaid Toll, make ſuch allowance unto the ſaid Surveyors, for and in conſideration of their care and pains taken in the execution of their ſaid Offices as to them ſhall ſeem good: And in caſe the Collector or Receiver of the aforeſaid Toll for the reſpective Counties ſo to be paid as aforeſaid, ſhall not upon requeſt duly pay the ſame unto the ſaid Surveyors of the ſaid County for the time being, or the Treaſurer or Receiver by them appointed; or in caſe the ſaid Surveyors, or any of them ſhall not make ſuch Account and Payment as aforeſaid, That then the ſaid Juſtices for the ſeveral and reſpective Counties, at any Quarter-Seſſions of the Peace to be holden for the ſaid County, in caſe of ſuch default of Account or Payment, ſhall and may make enquiry concerning ſuch default, as well by the confeſſion of the parties themſelves, as by teſtimony of two, or more credible Witneſſes upon Oath; and in caſe of ſuch default to be found and adjudged by the ſaid Juſtices, in their ſaid reſpective Counties, either in their ſaid Receiver or Collector of the ſaid Toll, or in their ſaid Surveyors, or any of them; The ſaid Juſtices upon ſuch their Conviction, ſhall commit the party or parties ſo convict, to the common Goal for the ſaid County, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Payment as aforeſaid.

VI.

How the Toll profits may be engaged for advance of Money.

And foraſmuch as the Moneys ſo to be Collected by ſuch receipt of the ſaid Toll, will not at preſent raiſe ſuch a Stock or Sum of Money as may be ſufficient for the ſpeedy Repairing of the Premiſſes in the ſaid ſeveral Counties of Hertford, Cambridge and Huntington, It is hereby further Enacted, and the ſaid Surveyors are hereby enabled by and with the like conſent of the ſaid Juſtices, for their ſeveral and reſpective Counties, without further Licenſe, ſeverally to engage the profits ariſing of their ſaid Toll in their ſeveral Counties, for ſuch ſum or ſums of Money by them to be borrowed for that purpoſe, and by Indenture under the Hands and Seals of the ſaid reſpective Surveyors for the time being, to transfer the ſaid profits of the ſaid Toll, and to grant and convey the ſame for any time or term, not exceeding Nine years, unto any perſon or perſons that ſhall or will upon that Security advance any preſent ſum or ſums of Money for and towards the preſent Repairing and Amending of the ſaid High way in the reſpective places and Counties aforeſaid, for the repayment of ſuch principal ſum or ſums of Money ſo lent with Intereſt for the ſame: Or in caſe ſuch ſum or ſums of Money cannot be borrowed upon the Security aforeſaid, for the Repair of the ſaid Wayes, That then it ſhall and may be lawful to and for the ſaid Juſtices in their ſaid ſeveral and reſpective Counties, at their ſeveral Quarter-Seſſions, when they ſhall ſee cauſe, to make a Rate not to extend to any other County but their own, nor to Repair any other then the places aforeſaid, in that particular County where ſuch Rate is made, whereby they ſhall have power for their ſeveral Counties to raiſe upon the Pariſhes that lie in or near the ſaid Road (and ſo will have a benefit therefrom) ſuch ſum or ſums of Money as they ſhall ſee fit and convenient for the ſpeedy effecting of the ſaid Repairs before mentioned; which ſaid Sum and Sums ſo to be rated as aforeſaid, ſhall be paid to the Surveyors for the reſpective County where ſuch Rate is made, or to their Receiver or Collector, to be imployed for the repairing of the ſaid Wayes and places afore-mentioned, and not otherwiſe: And in caſe any perſon ſhall refuſe to pay ſuch Rate ſo to be made, That it ſhall and may be lawful for the ſaid Surveyors, or their ſaid Receivers and Collectors to diſtrain for ſuch Sum or Sums of Money, and the Diſtreſſe to ſell, rendring the Overplus to the Owners.

In what caſes a Rate may be made upon the ſeveral Pariſhes.

Provided alwayes, and it is Enacted by the Authority aforeſaid, That the ſaid Money ſo advanced by the ſaid ſeveral Towns in the ſaid reſpective Counties, ſhall again be repayed with Intereſt by the ſeveral Surveyors for the ſeveral Counties, as it doth ariſe out of the ſaid Toll, every County paying for what is ſo borrowed within its own County, and no further.

VII. And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons not having any lawful cauſe to be allowed as aforeſaid, ſhall neglect or refuſe to take upon him or them the ſaid Office of Surveyor, being thereunto nominated and choſen according as by this Act is appointed, or to do or perform his or their duty in the due and ſpeedy execution of this preſent Act, the ſaid Juſtices of the Peace for the ſeveral and reſpective Counties where ſuch Surveyor or Surveyors dwell, at their Quarter-Seſſions ſhall and may hereby have power to impoſe on ſuch perſon or perſons ſo refuſing or neglecting, ſuch Fine or Fines (not exceeding Ten pounds upon each perſon ſo refuſing or neglecting) as to them ſhall ſeem meet, and to cauſe the ſame to be levied by Diſtreſſe and Sale of their Goods, rendring to the party ſo diſtrained the Overplus, if any ſhall be.

The Penalty for refuſing to take the Office of Surveyor.

And be it further Enacted by the Authority aforeſaid, That all Fines and Forfeitures to be impoſed or incurred by vertue of this Act, ſhall be paid to the Surveyors for the time being, or any three of them, or the Treaſurers of the ſaid Surveyors for the ſaid reſpective Counties, for and towards the repairing of the ſaid High-wayes, and places aforeſaid: And in caſe of refuſal, or if any perſon or perſons ſo choſen to take upon him or them the ſaid Office, ſhall happen to die, or ſhall for any lawful Impediment be diſcharged from the ſaid Office, that then ſome other fit perſon or perſons within that County ſhall be appointed by two or more Juſtices in the ſaid County, living near the ſaid High-way and places aforeſaid, in the place of him or them that ſhall ſo refuſe, die, or be diſcharged; and the perſon or perſons ſo choſen, ſhall and are hereby required upon notice thereof to him or them given under the Hands and Seals of the ſaid Juſtices by whom he or they ſhall be ſo choſen, to take upon him or them the ſaid Office of Surveyor, and to execute the ſame in ſuch manner, and under ſuch and the like penalties, as if he or they had been choſen by the Juſtices at their Seſſions of the Peace in manner as aforeſaid.

Fines and Forfeitures upon this Act, how to be paid and diſpoſed.

And be it further Enacted by the Authority aforeſaid, That if any Suit ſhall be commenced againſt any perſon for any thing done in purſuance of this preſent Act, That in every ſuch caſe the Action ſhall be laid in the ſaid reſpective Counties where the Cauſe doth ariſe, and not elſewhere; and the Defendant in ſuch Action ſo to be brought, may plead the general Iſſue, and give this Act, and the ſpecial matter in evidence at any Tryal to be had thereupon, and that the ſame was done in purſuance, and by Authority of the ſaid Act: And if it ſhall ſo appear to be done, and that ſuch Action ſhall be brought in any other County, That then the Jury ſhall find for the Defendant, and upon ſuch Verdict, or if the Plaintiff ſhall be non ſuited, or diſcontinue his Action after the Defendant ſhall have appeared, or if upon Demurrer, Judgment ſhall be given againſt the Plaintiff, the Defendant ſhall have and recover his double Coſts, and have the like remedy for the ſame, as any Defendant hath in any other caſe by Law.

Suits upon this Act ſhall be laid in the proper County.

And the Defendant may plead the general Iſſue.

VIII.

Double Coſts.

Provided always, That no perſon or perſons having occaſion to paſſe any place where the Toll is taken, and return the ſame day with the ſame Horſe, Coach, Waggon, or other Carriage, or with Cattel, ſhall be compelled in the ſame day to pay the ſaid Toll a ſecond time; Any thing in this Act to the contrary notwithſtanding.

Toll not to be paid twice in the ſame day.

Provided alſo, That all and every perſon and perſons who by Law are chargeable towards the repairing of the ſaid High-wayes and places aforeſaid, ſhall remain ſo chargeable; Any thing in this Act to the contrary thereof in any wiſe notwithſtanding.

Provided alſo, That neither this Act, nor any thing therein contained, ſhall extend to any further time, or be of force any longer then the term of Eleven years, to be accounted from the paſſing of this Act; Any thing in this Act to the contrary notwithſtanding.

The continuance of this Act for 11. years only.

Provided alwayes, That all and every perſon and perſons paſſing through the reſpective places appointed for the receiving of Toll as aforeſaid, (viz.) at Wades-Mill for the County of at Hertford, at Caxton for the County of Cambridge, and at Stilton for the County of Huntington; and coming immediately and primarily to, and from the ſeveral Pariſhes of Standen, Thundridge, Ware and Bendego, adjacent to Wades Mill in the ſaid County of Hertford and Stowe, great Papworth, little Papworth, Borne and Elſley adjacent to Caxton in the ſaid County of Cambridge and Yaxley, Waſhingley, Glatton, Cunington, Waddon and Stibbington, adjacent to Stilton in the ſaid County of Huntington, ſhall have a liberty to carry any quantity or quantities of Stones, Sand, Lime or Gravel, Dung, Mould, and Compoſt of any nature or kind whatſoever, Brick, Chalk or Wood; And that they, and all Carts with Hay, or Corn in the Straw, at Hay-time or Harveſt, Ploughs, Harrows, and other Implements of Husbandry, and all

Proviſo for exempting certain perſons and things from paying any Toll.

Stones, Gravel, &c. Hay, Corn in Harveſt time. Ploughs and Implements of Husbandry.

other things whatſoever imployed in the Huſbanding, Stocking and Manuring of their ſeveral and reſpective Lands in the ſaid ſeveral and reſpective Pariſhes, ſhall paſs to and fro through the ſaid reſpective places where ſuch Toll is to be received as aforeſaid, without paying any thing for their reſpective paſſing through the ſame; Any thing in this preſent Act to the contrary thereof in any wiſe notwithſtanding.

Proviſo touching money received overplus and remaining at the end of 11. years.

IX. Provided alſo, And be it Enacted, That if it ſhall happen that at the end and expiration of the term of the Eleven years aforeſaid, that the Receiver or Receivers, Collector or Collectors then in being, or any of them, of the aforeſaid Tolls, or any part thereof, in all and every of the ſaid Counties, made and to be made, ſhall upon their or any of their accounts, made and to be made for the ſeveral and reſpective Receipts of the Tolls aforeſaid, have any ſum or ſums of money in their or any of their hands, more then they or any of them have expended as aforeſaid, That then ſuch Receiver and Receivers, Collector and Collectors, and every of them, ſhall bring in all and every ſum and ſums of money ſo remaining in their or any of their hands, unto the Juſtices of the Peace of the ſaid ſeveral and reſpective Counties, where ſuch Receiver or Receivers, Collector or Collectors ſhall live, or have received the ſaid ſeveral ſum or ſums, at the next General Quarter-Seſſions for the Peace which ſhall happen to be after their ſaid ſeveral Accounts ſo to be made as aforeſaid, upon pain of forfeiting double the Sum which ſhall be in their or any of their hands upon the ſaid Account; which ſaid Sum and Penalties ſhall be recovered by diſtreſs and ſale of the Parties Goods ſo refuſing to do the ſame, by Warrant under the Hands and Seals of any two Juſtices of the Peace of the ſaid ſeveral Counties; And that the ſaid Juſtices of the Peace at their ſaid ſeveral Quarter-Seſſions in their ſeveral Counties, are hereby impowred and enabled to diſpoſe of the ſaid ſeveral ſum and ſums of money, and all the ſaid Penalties into the hands of ſuch perſon and perſons, and upon ſuch Securities as they ſhall approve of, to and for a Stock for the repairing of the ſaid ſeveral High-ways, according to the intent and meaning of this Act, and not otherwiſe.

Huntington. Stilton.

Provided alſo, And be it further Enacted by the Authority aforeſaid, That if the Juſtices of the Peace for the County of Huntington, or any four of them dwelling next to the ſaid High Road, ſhall adjudge ſome other place more convenient then Stilton for receiving the Toll for the ſaid County, That then it ſhall and may be lawful for the ſaid Juſtices of Peace as aforeſaid, to appoint ſome other place upon the High Road within their ſaid County, to receive the aforeſaid Toll inſtead of Stilton; Any thing in this Act to the contrary notwithſtanding.

Souldiers in Marching, and Poſts exempted.

And that it ſhall and may be lawful for all and every Souldier and Souldiers upon their March, and all perſons riding Poſt, to paſs through any the places in this Act mentioned, without paying any Toll.

Proviſo, for ceaſing the Toll within the 11 years.

Provided alſo, That if at any time before the expiration of the Eleven years aforeſaid, the ſaid High wayes ſhall be well and ſufficiently amended and repaired, and ſo adjudged by the Juſtices of the Peace at the Quarter-Seſſions for their ſeveral and reſpective Counties aforeſaid, That then from and after ſuch Adjudication made, and Re-payment of ſuch Moneys as ſhall have been borrowed, the aforeſaid Toll in the ſaid County ſhall ceaſe and determine; Any thing aforeſaid to the contrary notwithſtanding. Continued 16 & 17 Car. 2. cap. 10.

CAP. II.

Unlawful Cutting or Stealing, or Spoiling of Wood and Under-woods and Deſtroyers of young Timber-Trees, puniſhed.

43 El. cap. 7.

The puniſhment for cutting and ſpoyling any Woods.

WHereas in one Act of Parliament made in the Three and fortieth year of the Reign of the late Queen Elizabeth, Entituled, An Act to avoid and prevent divers miſdemeanors in idle and lewd perſons, among other things it is Enacted, That all and every ſuch lewd perſon and perſons that ſhall cut or ſpoil any Woods or Under-woods, Poles or Trees ſtanding, and their Procurer or Procurers, Receiver or Receivers knowing the ſame, and being thereof lawfully Convicted by his or their own Confeſſion, or by the Teſtimony of one ſufficient Witneſſe, upon Oath before ſome one Juſtice of Peace, or other Head-Officer of the County or Place where ſuch Offence was committed, ſhall give the party or parties ſatiſfaction for his or their Damages for the firſt fault: And if ſuch Offendor or Offendors ſhall by ſuch Juſtice of Peace or Head-Officer be thought not able or ſufficient, or if ſuch Offendor or Offendors do not make ſuch ſatiſfaction as aforeſaid, That then the ſaid Juſtice of Peace or Head-Officer ſhall commit the ſaid Offendor or Offendors to the Conſtable, or other inferior Officer, to receive the puniſhment of Whipping, as in the ſaid Act more fully doth appear.

And whereas it is found by daily experience, eſpecially in and about London, and other great Towns where a great number of ſuch idle and lewd perſons do ſhelter themſelves, that this Act hath not ſufficiently prevented the ſaid miſchief of cutting and ſpoiling of Woods and Underwoods, as was intended, as well becauſe the ſaid Offences are committed in ſuch a cloſe and clandeſtine manner, that there is none Witneſſes to them, but ſuch as are partakers to the Offence; as alſo becauſe the ſaid puniſhment is too ſmall for ſo great a fault, which is not only prejudicial and hurtful to the Owners of the ſaid Woods, but very miſchievous and damageable to the Common-wealth: Be it therefore Enacted by the Kings moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Four and twentieth day of June next enſuing, every Conſtable, Headborough, or any other perſon in every County, City, Town corporate, or other place where they ſhall be Officers or Inhabitants, ſhall and may by vertue of this preſent Act have full Power and Authority to apprehend, or cauſe to be apprehended all

Who may apprehend Wood-ſtealers.

and

II.

Search in Houſes of ſuſpected perſons.

and every perſon or perſons they ſhall ſuſpect having, or carrying or any wayes conveying any burthen or bundles of any kind of Wood, Under-wood, Poles, or young Trees, or Bark, or Baſt of any Trees, or any Gates, Stiles, Poſts, Pales, Rails or Hedgewood, Broom or Furze; and by Warrant under the Hand and Seal of any one Juſtice of the Peace directed to any Officer, ſuch Officer ſhall have power to enter into, and ſearch the Houſes, Out-houſes, Yards, Gardens, or other places belonging to the Houſes of all and every perſon or perſons they ſhall ſuſpect to have any kind of Wood, Underwoods, Poles, or young Trees or Bark, or Baſt of any Trees, or any Gates, Stiles, Poſts, Pales, Rails, or Hedgewood, Broom or Furze; and wheresoever they find any ſuch, to apprehend, and cauſe to be apprehended all and every perſon and perſons ſuſpected for the cutting and taking of the ſame, and them, and every of them, as well thoſe apprehended carrying, or any ways conveying any kind of Wood, Under-wood, Poles, or young Trees, or Bark, or Baſt of any Trees, or any Gates, Stiles, Poſts, Pales, Rails, or Hedgewood, Broom or Furze; as alſo thoſe in whoſe Houſes or other places belonging to them, any ſuch Wood, Under-wood, Poles, or young Trees, or Bark, or Baſt of any Trees, or any Gates, Stiles, Poſts, Pales, Rails or Hedgwood, Broom or Furze, ſhall be found, to carry before one Juſtice of the Peace of the ſame County, City, or Town-corporate; And if the ſaid perſon and perſons ſo ſuſpected, apprehended, and carried before the ſaid Juſtices, do not then and there give a good account how he and they came by ſuch Wood or Under-wood, Poles or young Trees, or Bark or Baſt of any Trees, or Gates, Stiles, Poſts, Pales, Rails or Hedge-wood, Broom or Furze, by the conſent of the Owner, ſuch as ſhall ſatisfie the ſaid Juſtice, or elſe ſhall not within ſome convenient time to be ſet them by the ſaid Juſtice, produce the party or parties of whom they bought the ſame Wood, Under-wood, Poles, or young Trees, or Bark, or Baſt of Trees, Gates, Stiles, Poſts, Pales, Rails or Hedge-wood, Broom or Furze, or ſome other credible Witneſs to depoſe upon Oath ſuch ſale of the ſaid Wood, Under-wood, Poles or young Trees, or Bark or Baſt of Trees, Gates, Stiles, Poſts, Pales, Rails or Hedge-wood, Broom or Furze, (which Oath the ſaid Juſtice hath hereby power to adminiſter) That then the ſaid perſon or perſons ſo ſuſpected, and not giving ſuch good account, nor producing any ſuch witneſs upon Oath to teſtifie the ſaid Sale as aforeſaid, ſhall be deemed and adjudged as convicted of the ſaid Offence of cutting and ſpoiling of the ſame Woods, Underwoods, Poles, or young Trees, or Bark or Baſt of Trees, Gates, Stiles, Poſts, Pales, Rails or Hedge-wood, Broom or Furze within the meaning of the ſaid Statute of Queen Elizabeth, and ſhall be liable to the puniſhment therein contained, and to ſuch other proceedings and puniſhments as by this preſent Act ſhall be further conſtituted and appointed on that behalf.

43 Eliz cap 7.

III.

The puniſhment for the firſt offence.

And be it therefore Enacted by the authority aforeſaid, That all and every perſon or perſons convicted of the ſaid Offence in manner and form before in this Act mentioned, ſhall for the firſt Offence give the Owner or Owners ſuch Recompence or Satisfaction for his or their Damages, and within ſuch time as the ſaid Juſtice ſhall appoint, and over and above pay down preſently unto the Overſeers, for the uſe of the poor of the Pariſh where the ſaid Offence or Offences were committed, ſuch ſum of money (not exceeding Ten ſhillings) as the ſaid Juſtices ſhall think meet; and if ſuch Offendor or Offendors do not make Recompence or Satisfaction to the ſaid Owner or Owners, and alſo pay the ſaid ſum to the Poor in manner and form aforeſaid, then the ſaid Juſtice ſhall commit the ſaid Offendor or Offendors to the Houſe of Correction for ſuch time as the ſaid Juſtice ſhall think fit, not exceeding one moneth, or to be whipped by the Conſtable, or other Officer, as in his Judgment ſhall ſeem expedient: And if ſuch perſon or perſons ſhall again commit the ſaid Offence, and be thereof convicted as before, that then they and every of them ſo offending the ſecond time, and thereof ſo convicted, ſhall be ſent to the Houſe of Correction for one moneth, and be there kept to hard labour. And if ſuch perſon or perſons ſhall again commit the ſaid Offence, and be thereof convicted as before, That then they and every of them ſo offending the third time, and thereof ſo convicted, ſhall be taken, adjudged and deemed as Incorrigible Rogues.

The ſecond offence.

Buyers of ſtoln Wood, how to be dealt withal.

Provided alwayes, And it is further Enacted by the Authority aforeſaid, That whoſoever ſhall buy any Burthens of Wood, or any Poles or Sticks of Wood, or any other the Premiſſes particularly mentioned in this Bill, which may be juſtly ſuſpected to have been ſtoln, or unlawfully come by, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, Mayors, Bayliffs and Head-Officers, or any one of them within their reſpective Juriſdictions, upon complaint thereof made, to examine the ſaid matter upon Oath, which they and every of them reſpectively are hereby authorized to adminiſter: And if they ſhall find that the ſame was bought of a perſon who might juſtly be ſuſpected to have ſtoln, or unlawfully come by the ſame, and that the ſame was ſtoln, or unlawfully come by, That in ſuch caſe the ſaid Juſtices of Peace, Mayors, Bayliffs, or other Head-Officers, or any one of them reſpectively, ſhall and may award the party who bought the ſame, to pay treble the value of the ſame to the party from whom the ſame was ſtoln, or unlawfully taken; And in default of preſent payment thereof, to iſſue forth their reſpective Warrants to levy the ſame by diſtreſs and ſale of the Offendors Goods, rendring the Overplus to the Party: And in default of ſuch diſtreſs, to commit the Party to the Gaol at his own Charge, there to remain one moneth without Bail.

Within what time offendors muſt be queſtioned within this Act.

Provided always, That no perſon or perſons ſhall be queſtioned for any Offence upon this Law, that hath been puniſhed for the ſame Offence by any former Law, nor ſhall be puniſhed by this Law, unleſs he be queſtioned within Six weeks after the Offence committed.

CAP. III.

An Act to explain and ſupply a former Act for diſtribution of Threeſcore thouſand pounds amongſt the truly Loyal and Indigent Commiſſion-Officers, and for Aſſeſſing of Offices, and diſtributing the Moneys thereby raiſed, for their further ſupply. 14 Car. 2. cap. 8. EXP.

CAP. IV.

An Additional Act for the better Ordering the Forces in the ſeveral Counties of this Kingdom.

14 Car. 2. cap. 3.

Power of the Lieutenants and Deputy-Lieutenants to Train and Exerciſe.

FOr the better Ordering of the Forces in the ſeveral Counties and Places of England, and the Dominion of Wales, and Town of Berwick upon Tweed, and for the ſupplying and explaining the late Act, Entituled, An Act for Ordering the Forces in the ſeveral Counties of this Kingdom, Be it Enacted by the Kings moſt excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſeveral Lieutenants of the ſeveral Counties, Cities and Places nominated by his Majeſty his Heirs and Succeſſors reſpectively, and in their abſence out of the limits of reſpective Lieutenancies, or by their directions when they are not abſent, their Deputy Lieutenants during their reſpective Deputation, or any two or more of them ſhall have power from time to time, to Lead, Train, Exerciſe and put in readineſs, or by Warrant under their hands and ſeals, to cauſe to be Led, Trained, Exerciſed, or put in readineſs, all or any of the perſons Raiſed, Arrayed, or Weaponed, according to the ſaid Act, to the intents and purpoſes, and by the directions of the ſaid Act, and of this preſent Act,

13 Car. 2. cap. 6.
14 Car. 2. cap. 3.
Allowance of pay to Troopers 2 s. 6 d. per diem.
Foot-Souldiers 1 s. per diem.

And be it further Enacted, That all and every perſon or perſons, charged, or to be charged by vertue of either of the ſaid Acts, with Horſe, Horſe-man and Arms, or Foot-Souldier and Arms, ſhall under the penalty of forfeiting five ſhillings, pay and allow upon demand, two ſhillings ſix pence by the day, to each reſpective Trooper that ſerves with ſuch Horſe and Arms, for maintenance of the man and horſe; and ſhall under the penalty of two ſhillings, pay and allow upon demand, one ſhilling by the day to each reſpective Foot-Souldier, for ſo many days as they or any of them ſhall be abſent from their dwellings or callings by occaſion of Muſter or Exerciſe, according to the Rules of the ſaid Acts: which ſaid penalty is to be Levied, as is hereafter expreſſed, unleſs ſome certain agreement be made to the contrary before good witneſs; And the ſaid penalty is to be paid to ſuch Trooper or Foot-Souldier, to whom his ſaid pay was denied; The reſpective penalties to be demanded within ſix weeks after each reſpective default, or at or before the next ſucceeding Muſter, Exerciſe or Training, and not afterwards.

Penalty upon refuſers to find Arms.

And be it further Enacted, That if any perſon or perſons aſſeſſed or charged according to the ſaid Acts, or either of them, ſhall refuſe or neglect by a reaſonable time to be appointed, to provide and furniſh ſuch ſufficient Foot-Souldier and Arms, or Foot-Souldiers and Arms as are accordingly charged upon him or them, That then it ſhall and may be lawful to and for the reſpective Lieutenants and Deputy Lieutenants, or any three or more of them, for every ſuch offence from time to time to inflict a penalty upon ſuch perſon or perſons, not exceeding Five pounds to be levied in manner following, and to be imployed to the ſame uſes in default whereof the ſame was impoſed.

Conſtables required to charge perſons with Foot-Arms.

Be it further Enacted, That it ſhall and may be lawful for the reſpective Lieutenants and Deputy Lieutenants, or any three or more of them, from time to time, to appoint and require the Conſtable or Conſtables of any Pariſh or place within this Kingdom, Dominion of Wales, and Town of Berwick upon Tweed, to provide and furniſh (at a reaſonable time and place to be appointed, upon a penalty to be impoſed, not exceeding Forty ſhillings for every ſuch omiſſion) ſo many ſufficient Foot Arms (with Wages and other incident charges) as the ſaid Lieutenants and Deputy-Lieutenants, or any three or more of them ſhall aſſeſs or charge according to the Rules and Proportions of the ſaid Acts, upon Revenue under Fifty pounds per annum, or upon perſonal Eſtates leſs then Six hundred pounds, lying or being within any ſuch reſpective Pariſh or place.

The penalty for not providing or paying Foot-Arms.

And in order thereunto, if any perſon or perſons of, or belonging to any ſuch Pariſh or place, ſhall upon demand refuſe or neglect to provide a Foot-Souldier or Foot-Souldiers, according to the proportion aforeſaid, or to pay any ſum of money whereat he or they ſhall be taxed or aſſeſſed by a Pound Rate, according to a Liſt Signed by the reſpective-Lieutenants or any three or more of them, for and towards the defraying and ſatisfying the neceſſary Charge and Expence diſburſt in providing and furniſhing ſuch ſufficient Arms as aforeſaid That then it ſhall and may be lawful to and for ſuch Conſtable or Conſtables, by Warrant for that purpoſe, to Levy ſuch Sum ſo Rated or Aſſeſſed by diſtreſs and Sale of the Goods of ſuch perſon or perſons ſo refuſing or neglecting to pay, and ſhall reſtore the overplus, (if any) the charge of Diſtraining being firſt deducted: And the Tenant of any Houſe, Land, or Revenue, Rated or Aſſeſſed as aforeſaid, is hereby authorized and required to make payment of ſuch Sum of money ſo Rated or Aſſeſſed, and to deduct ſo much as ſhall be charged upon the Landlords Rent, out of the next Rent payable to the Landlord, and in default hereof the goods of every ſuch Tenant is alſo liable to be diſtrained and ſold in manner aforeſaid.

What ſhall be paid to the Muſter-Maſters.

And be it further enacted, That once in every year hereafter, each Souldier Liſted or raiſed by vertue of the ſaid Acts, or either of them, ſhall pay to his reſpective Muſter-Maſter ſuch Sum not exceeding one ſhilling for a Horſeman, and ſix pence for a Footman, as the reſpective Lieutenants, and Deputy-Lieutenants, or any three or more of them ſhall under their Hands and Seals direct; who have power hereby to Levy the ſame by diſtreſs and ſale in caſe of default of payment, upon the Goods and Chattels of ſuch perſon or perſons as are charged with the finding of the reſpective Horſe-man or Foot-Souldier, ſo making default, unleſs the default be by the neglect of ſuch Horſeman or Foot-Souldier, who in that caſe are hereby to be accomptable for the ſame, and every ſuch Muſter-Maſter ſhall be an Inhabitant of the reſpective County.

What Proviſion every Muſquetier ſhall bring with him.

And it is hereby further Provided and enacted, That at every Muſter, Training and Exerciſe, every Muſquetier ſhall bring with him half a pound of Powder, and half a pound of Bullets; and every Muſquetier that ſerves with a Match-lock, ſhall bring with him three yards of Match, both which are to be found accordingly at the Charge of ſuch perſon or perſons as provide the ſaid Foot-Souldier and Arms; And every Horſe-man is to bring with him a quarter of a pound of Powder, and a quarter of a pound of Bullets, at the Charge of ſuch perſon or perſons as provide the ſaid Horſeman and Arms, who are hereby required to find and bear the ſame, upon pain of forfeiting Five ſhillings for every omiſſion thereof. And for the better Diſciplining and Inſtructing the ſaid Militia in their Duties, as alſo for eaſing them of often and frequent Meetings at ſeveral times, and for the better ſecurity of the peace of the Kingdom, Be it further Enacted, That it ſhall and may be lawful for the ſaid ſeveral Lieutenants, and in their abſence, or by their Directions, for any two or more of their Deputies within their reſpective Counties and Precincts for which they are Commiſſioned, at any time or times, during the ſpace of three years, from the Twenty fourth day of July, in the year of our Lord, one thouſand ſix hundred ſixty and three, to Summon and Continue together ſo many of the ſaid Trained Forces within their reſpective Counties and Precincts, and ſo long as they ſhall judge convenient, in lieu of certain days appointed for exerciſe and Muſters by the ſaid Act, Entituled, An Act for Ordering the Forces in the ſeveral Counties of this Kingdom.

The penalty.

14 Car. 2. ca. 3.

Provided always, And be it enacted, That any Troop, Company or Souldiers may be ſo kept upon ſuch Duty by vertue hereof fourteen days, and no longer in any one year.

No Troop to be kept upon Duty above 14 days.

Provided always, And be it Enacted, That every Commiſſioned Foot-Officer in the Train-Bands, or Militia of this Kingdom (ſetled according to Act of Parliament) ſhall be and is hereby exempted and excuſed from finding and contributing towards the finding and contributing towards the finding any Horſe, Horſe-man or Arms, or Foot-Souldier and Arms for his whole Eſtate, if at any time it is charged with one Horſe, or a leſs charge, or for ſuch part of his Eſtate as is, or ſhall be charged with one horſe, if his whole Eſtate be charged with a greater charge then one Horſe in the County or Lieutenancy where he ſo ſerves as a Foot-Officer, in reſpect of the expence which the ſaid Imployment doth neceſſarily engage him in; Any thing in the ſaid Acts to the contrary notwithſtanding.

Commiſſioned Foot-Officers diſcharged from finding Arms.

Be it alſo Enacted and Ordained, That each Conſtable, Tything-man, or other Officer of any pariſh or place, under the penalty for every neglect of Forfeiting Forty ſhillings, ſhall and do by vertue of a Warrant directed to him from the reſpective Lieutenants, and Deputy-Lieutenants, or any three or more of them, Levy all arrears and proportions of money unpaid, that were ſet or charged for the Raiſing, Training and Arraying the Trained Bands and Forces, actually raiſed and in being before the paſſing of the ſaid mentioned Act by the Diſtreſs and ſale of the Goods of any perſon or perſons refuſing to pay the ſame, rendring back the overplus (if any) the charge of diſtreſs and Sale being firſt deducted.

The Duty of Conſtables in executing Warrants of the Lieutenants or Deputies.

Be it alſo enacted, That every Trooper or Foot-Souldier at any time raiſed by vertue or according to the directions of this preſent Act, ſhall be ſubject to ſuch exerciſe and Duty, as others charged or raiſed by the ſaid mentioned Act, ſhal accordingly upon like pains & penalties obſerve and keep all the reſpective Orders and Directions of the ſaid Act, and of this preſent Act, and ſhall ſuffer the ſame penalties for committing any of the reſpective crimes and offences expreſt in the ſaid Act; which ſaid pains and penalties are in the like caſes to be impoſed and levied in the ſame manner, and by the ſame ways and means as are ſet down in the ſaid Act.

Troopers and Souldiers ſhall be ſubject to Exerciſe and Duty.

IV.

And whereas the fourth part of one moneths Aſſeſſment in each County, after the rate of Seventy thouſand pounds by the moneth, is by the ſaid Act yearly appointed for furniſhing Munition and other neceſſaries, Be it Enacted and declared by the Authority aforeſaid, That the ſaid reſpective Lieutenants and Deputies or any three or more of them, ſhall from time to time have power to diſpoſe of ſo much of the ſaid fourth part to the inferiour Officers imployed in or about the ſaid reſpective Forces, for their pains and encouragement, as to them the ſaid Lieutenants and Deputies, or any three or more of them ſhall ſeem expedient.

A fourth part of a moneths Aſſeſsment how to be diſpoſed.

Provided always, and be it Enacted, That it ſhall be lawful to every perſon and perſons that ſhall have any Action or Suit brought againſt him or them, for any thing done in execution of this or the ſaid Act, to plead the General Iſſue, and to give the ſpecial matter in Evidence, and if Judgment ſhall be given for the defendant, or if the Plaintiff ſhall become Nonſuit or diſcontinue his Suit, then he ſhall recover double Coſts.

Perſons ſu[illegible] for matters done by this Act may plead the general Iſſue.
Double coſts to the Defendant.

Provided alſo, and be it Enacted, That no Action or Suit ſhall be brought againſt any perſon for any thing done in execution, or by pretence of the execution of this or the ſaid Act, unleſs the ſaid Action or Suit be laid in the proper County, and commenced within ſix moneths next after ſuch cauſe of Action.

Provided, and be it further Enacted by the Authority aforeſaid, That one Clauſe contained in a certain Act, Entituled, (An Act declaring the ſole right of the Militia to be in the King, and for the preſent Ordering and diſpoſing of the ſame;) and made for the Indempnifying of all perſons acting in the Militia, from the four and twentieth of June, One thouſand ſix hundred and ſixty to the twentieth of July, One thouſand ſix hundred ſixty and one, as touching the Aſſaulting, Detaining or Impriſoning any perſon ſuſpected to be a Fanatick, Sectary or diſturber of the Peace, or ſeizing of Arms, or ſearching of houſes for Arms, or for ſuſpected perſons, ſhall be conſtrued to Commence and take effect, and ſhall be good and effectual in Law for the Indempnifying of all perſons whatſoever acting in the militia of this Kingdom for any the matters aforeſaid, betwixt the ſecond day of February, One thouſand ſix hundred fifty nine, and the four and twentieth of June, one thouſand ſix hundred and ſixty incluſive, by vertue or colour of any Authority or Command whatſoever, any thing in the ſaid Act, or in any other Act to the Contrary thereof in any wiſe notwithſtanding.

13 Car. 2. 6.

Fanatick Sectaries.

How the forfeitures and penalties upon this Act may be levied.

And be it further enacted by the authority aforeſaid, That the ſeveral forfeitures, penalties and payments by this preſent Act impoſed, ſet or directed, (not otherwiſe by this preſent Act provided to be levied, ſued for or recovered) ſhall or may, in caſe of default, be levied or recovered by Warrant under the hands and ſeals of the reſpective Lieutenants and Deputy-Lieutenants, or any three or more of them, upon the Goods and Chattels of the Offendor, and by ſale of the ſame, rendring the party the overplus, if any be: And if ſufficient of the Goods and Chattels of ſuch Offendor cannot be found or had, whereof to levy ſuch forfeiture, payment or penalty, then the ſaid reſpective Lieutenants and Deputy-Lieutenants, or any three or more of them ſhall have power, and are hereby authorized by like Warrant under their hands and ſeals to commit ſuch Offendor to Priſon untill he ſhall make ſatiſfaction, according to the ſaid forfeiture, payment or penalty.

V.

And it is further Declared and Enacted, That all and every perſon and perſons which ſince the five and twentieth day of March, One thouſand ſix hundred ſixty and two, have acted or done any thing in the diſmantling of any Cities or Towns, or demoliſhing of Walls and Fortifications thereof or relating thereunto, ſhall be, and are hereby indempnified and ſaved harmleſs. And whereas ſome doubt hath ariſen upon the ſaid Act, what Eſtates ſhall be charged with or toward Foot;

How perſons may be charged with arms, and for what eſtates.

Be it therefore Enacted and Declared by the authority aforeſaid, That no perſon who hath an Eſtate of the yearly value of two hundred pounds, or perſonal Eſtate of the value of two thouſand four hundred pounds, chargeable by the ſaid Act, ſhall be charged with or toward the finding any Foot; and it ſhall be lawful for the reſpective Lieutenants and Deputies, or any three or more of them to charge according to the proportions in the ſaid Act, any perſon who hath an Eſtate of the yearly value of one hundred pounds, and under the yearly value of two hundred pounds, or who hath a perſonal Eſtate of twelve hundred pounds, and under the value of two thouſand four hundred pounds, chargeable by the ſaid Act, with, or towards the finding of Foot, or toward the finding of Horſe, as to their judgment ſhall ſeem moſt expedient for his Majeſties Service. Yet neverthleſs, this ſhall not be conſtrued to extend to make any alterations in the proviſions in the ſaid or this Act, concerning the Forces to be charged or raiſed in Cities, Corporations and Port-Towns.

The Cinque Ports.

Provided alwayes, and be it enacted by the Authority aforeſaid, That the Lord Warden of the Cinque-Ports to antient Towns and their Members, and in his abſence, his Lieutenant or Lieutenants, ſhall and may put in execution within the ſaid Ports, Towns and Members, all the Powers and Authorities given and granted by this and the ſaid former Act, and to execute and perform all and every the things therein contained in the like manner, as the reſpective Lieutenants of the Counties and their Deputies may do, and may keep up and continue the uſual numbers of Souldiers in the ſaid Ports, Towns and Members, unleſs they find cauſe to leſſen the ſame: And that the Inhabitants of the ſaid Ports, Towns and Members, being in regard of their ſcituation on the Sea-coaſts charged with a greater proportion of Arms and armed men, then other parts of the Kingdom, ſhall not be charged with Arms or Armed men in the Counties adjacent for their Eſtates there lying, ſave only for ſuch proportion as they are liable unto, and either are not or ſhall not be charged with, within the ſaid Ports, Towns and Members; Any thing in this Act contained to the contrary in any wiſe notwithſtanding.

St. Martins Pariſh in Stamford Baron in Lincolnſhire.

Provided alwayes, and be it Enacted by the authority aforeſaid, That the Inhabitants and Revenues of, or in the Pariſh of Saint Martin, called Stamford Baron, in the Suburbs of the Borough and Town of Stamford, on the South-ſide of the Waters there called Welland, may be aſſeſſed and charged to find and ſerve in the Trained Bands of the County of Lincoln as formerly, according to the ſaid mentioned Act, and this preſent Act, by the Lieutenant and Deputy-Lieutenants for the County of Lincoln for the time being, in ſuch manner as any perſons or eſtates within the ſaid County of Lincoln may be by them aſſeſſed and charged to the purpoſes aforeſaid: And they of Saint Martin aforeſaid, are hereby declared to be well and legally aſſeſſed and charged by the ſaid Lieutenant and Deputy-Lieutenants reſpectively.

CAP. V.

For Regulating Select Veſtries.

For prevention of the Evils which may ariſe from Veſtry-men, not Conforming to the Government and Diſcipline of the Church of England, as it is now by Law eſtabliſhed.

All Veſtry-men ſhall take and ſubſcribe the Declaration in 14 Car. 2. c. 4.

Be it Enacted by the Kings moſt Excellent Majeſty, by the Advice, and with the Conſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, That all and every perſon who now is a Veſtry-man or member of any Veſtry within any Pariſh in the Cities of London and Weſtminſter, Borough of Southwark and weekly Bills of Mortality, and in all other Cities, Boroughs and Towns corporate, where Select Veſtries are uſed, in the Kingdom of England, on or before the Nine and twentieth day of September next; And all and every perſon, who at any time hereafter ſhal be elected to be a Veſtry-man, or member of any Veſtry within any Pariſh in any the places aforeſaid, within one moneth after ſuch his Election, ſhall before the reſpective Archbiſhop, Biſhop or Ordinary, Vicar-General or Chancellor of the Dioceſs, make and ſubſcribe the Declaration and Acknowledgment enjoyned in the late wholſom good Act, entituled, (An Act for the Uniformity of Publick Prayers, and Adminiſtration of Sacraments, and other Rites and Ceremonies, and for eſtabliſhing the Form of Making Ordaining and Conſecrating Biſhops, Prieſts and Deacons in the Church of England) in theſe words following, I A. B. Do declare, That it is not lawful upon any pretence whatſoever to take up Arms againſt the King; and that I do abhor that Traiterous Poſition, of taking Arms by his Authority againſt his Perſon, or againſt thoſe that are Commiſſionated by him; And that I will conform to the Liturgy of the Church of England, as it is now by Law eſtabliſhed; And I do declare, That I do hold, there lies no Obligation upon me, or on any other perſon, from the Oath, commonly called, The Solemn League and Covenant, to endeavour any change or alteration of Government, either in Church or State; And that the ſame was in it ſelf an unlawful Oath, and Impoſed upon the Subjects of this Realm againſt the known Lawes, and Liberties of this Kingdome.

The penalty.

And that all and every ſuch perſon, who ſhall neglect or refuſe to do the ſame within the reſpective times aforeſaid, ſhall (ipſo facto be deprived of ſuch his place of Veſtry-man, and of being a Member of ſuch Veſtry, to all intents and purpoſes, And ſuch place ſhall be actually void, as if ſuch perſon were naturally dead, Any Uſage or Cuſtom to the contrary notwithſtanding: And that from and after ſuch neglect or refuſal, it ſhall be lawful for all perſons, who ſhall have right of election or nomination of ſuch Veſtry-man, or member of ſuch Veſtry, to proceed to election or nomination of ſome other diſcreet perſon of the reſpective Pariſh, in the room of ſuch perſon ſo neglecting or refuſing as aforeſaid. And if ſuch perſon ſo to be elected in the room of ſuch perſon ſo neglecting or refuſing as aforeſaid, ſhall alſo neglect or refuſe to make and ſubſcribe the ſaid Declaration and Acknowledgment, in manner and time aforeſaid, whereby ſuch place ſhall again become void; or if ſuch perſons who ſhall have right of election or nomination as aforeſaid, ſhall not proceed to election within one moneth after ſuch vacancy, then it ſhall be lawful to and for the reſpective Archbiſhop, Biſhop or Ordinary of the Dioceſs, under his hand and ſeal to elect and nominate a diſcreet perſon of the reſpective Pariſh in ſuch vacant room; which perſon ſo to be elected and nominated, after his making and ſubſcription in manner and time aforeſaid, ſhall be, and ſhall to all intents and purpoſes be reputed, deemed and taken to be a Veſtry-man, or member of ſuch Veſtry in like manner as if he had been choſen by the reſpective Electors; Any Law, Cuſtom or Uſage to the contrary notwithſtanding.

And be it enacted by the authority aforeſaid, That the reſpective Archbiſhop, Biſhop or Ordinary, Vicar-General or the Chancellor of the Dioceſs, ſhall upon requeſt to him made by any Veſtry-man, ſo making and ſubſcribing the ſaid Declaration and Acknowledgment aforeſaid, deliver a Certificate of his ſo doing, for which no Fee ſhall be paid.

Provided alwayes, That nothing in this Act ſhall be conſtrued to give any new power to any Select Veſtry-man, or to confirm any uſurped power heretofore exerciſed by any Select Veſtry man, which before the making of this Act is not Warranted by the Law of the Land.

Provided alſo, That this Act ſhall continue in force to the end of the firſt Seſſion of the next Parliament, and no longer.

The continuance of this Act.

CAP. VI.

An Act for Relief of ſuch Perſons, as by Sickneſs or other Impediment were diſabled from Subſcribing the Declaration in the Act of Uniformity, and Explanation of part of the ſaid Act.

14 Car. 2. c. 4.

WHereas by an Act of this preſent Parliament, entituled, An Act for Uniformity of Publick Prayer and Adminiſtration of the Sacraments, and other Rites and Ceremonies, and for eſtabliſhing the Form of Making, Ordaining and Conſecrating Biſhops, Prieſts and Deacons in the Church of England, It was enacted, That every Dean, Canon and Prebendary of every Cathedral or Collegiate Church, and all Maſters and Fellows of any Colledge, Hall, Houſe of Learning or Hoſpital, and every Parſon, Vicar, Curate, and every other perſon in Holy Orders, who upon the firſt day of May, which ſhould be in the year of our Lord God, One thouſand ſix hundred ſixty and two, or at any time thereafter ſhould be Incumbent or have poſſeſſion of any Deanry, Canonry, Prebendry, Maſterſhip, Fellowſhip, Parſonage, Vicarage or any other Eccleſiaſtical Dignity or Promotion, ſhould before the Feaſt day of Saint Bartholomew, which ſhould be in the year of our Lord, One thouſand ſix hundred ſixty and two, ſubſcribe the Declaration or Acknowledgment in the ſaid Act mentioned and expreſſed, before their reſpective Archbiſhops, Biſhops, Ordinaries or Vice-Chancellors of the reſpective Univerſities; upon pain that all and every of the perſons aforeſaid, failing in ſuch ſubſcription, ſhould loſe and forfeit ſuch reſpective Deanry, Canonry, Prebendry, Maſterſhip, Fellowſhip, Parſonage, Vicarage, Eccleſiaſtical Dignity or Promotion, and ſhould be utterly diſabled, and ipſo facto deprived of the ſame; And that every ſuch reſpective Deanry, Canonry, Prebendry, Maſterſhip, Fellowſhip, Parſonage, Vicarage, Eccleſiaſtical Dignity or Promotion ſhould be void, as if ſuch perſon ſo failing were naturally dead. And that after ſuch ſubſcription made, every ſuch Parſon, Vicar, Curate and Lecturer, ſhould procure a Certificate under the hand and ſeal of the reſpective Archbiſhop, Biſhop or Ordinary of the Dioceſs, and ſhould publickly and openly read the ſame, together with the declaration or acknowledgment aforeſaid, upon ſome Lords-Day within three moneths then next following, in his Pariſh Church where he was to officiate, in the preſence of the Congregation there aſſembled in the time of Divine Service; upon pain that every perſon failing therein, ſhould loſe ſuch Parſonage, Vicarage or Benefice reſpectively, and ſhould be utterly diſabled, and ipſo facto deprived of the ſame; And that the ſaid Parſonage, Vicarage or Benefice ſhould be void, as if he were naturally dead.

And whereas divers perſons of eminent Loyalty to his Majeſty, and of known affection to the Liturgy of the Church of England, who by the ſaid Act were required to ſubſcribe the ſaid Declaration or Acknowledgment, at the time of the paſſing of the ſaid Act were out of this Realm, in Ireland or other parts beyond the Seas upon lawful and juſtifiable occaſions, and had no knowledg or notice thereof until their return into England, being after the ſaid Feaſt of St. Bartholomew; And divers other of the ſaid Loyal and well-affected perſons, by reaſon of ſickneſs, impriſonment, diſability of body or otherwiſe, could not or did not reſort unto their reſpective Archbiſhops, Biſhops or Ordinaries, or Vice-Chancellors of the reſpective Univerſities before whom ſuch ſubſcription was appointed by the ſaid Act to be made: All which ſaid perſons are by force of the ſaid Act utterly diſabled, and *ipſo facto* deprived of their reſpective Deanries, Canonries, Prebendries, Maſterſhips, Fellowſhips, Parſonages, Vicarages or other Eccleſiaſtical Benefices or Promotions, by reaſon of ſuch their omiſſion:

III.

For remedy whereof, and for the relief of ſuch perſons, Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all Deans, Canons, Prebendaries, Maſters and Fellows of any Colledges, Halls or other Houſes of Learning; and all Parſons, Vicars and other Eccleſiaſtical perſons aforeſaid, who at the time of the paſſing of the ſaid Act being in Ireland or any the parts beyond the Seas, did not return into this Kingdom before the ſaid Feaſt of St. Bartholomew, One thouſand ſix hundred ſixty and two, or who being in England, by Impriſonment, Sickneſſe, Diſability of body or otherwiſe, did not reſort unto their reſpective Archbiſhop, Biſhop, Ordinary or Vice-Chancellor of the ſaid reſpective Univerſities, to ſubſcribe the ſaid Declaration and Acknowledgment, before the ſaid Feaſt in the year of our Lord aforeſaid, ſhall be, and are hereby declared to be reſtored unto, and preſerved in their reſpective Deanries, Canonries, Prebendries, Maſterſhips, Fellowſhips, Parſonages, Vicarages, and other Eccleſiaſtical Benefices and Promotions, whereunto no other perſon or perſons before the firſt day of Auguſt in the year of our Lord, One thouſand ſix hundred ſixty and three, were or ſhall be lawfully Inſtituted, Inducted, Collated or placed: And ſhall and may hold and enjoy the ſame according to his and their former right; The aforeſaid Act, or any thing therein contained to the contrary notwithſtanding.

Provided, That every ſuch Dean, Canon, Prebendary, Maſter and Fellow of any Colledg, Hall or Houſe of Learning, and all Parſons, Vicars and Curates, and other Eccleſiaſtical perſons, who are or ſhall by vertue of this Act be reſtored to, or preſerved in their ſaid ſeveral and reſpective Promotions, ſhall before the Feaſt of the Nativity of our Lord next enſuing, if he be in England, or if beyond the Seas, within forty dayes after his return into England, ſubſcribe the ſaid Declaration or Acknowledgment before the reſpective Archbiſhop, Biſhop or Ordinary of the Dioceſs, or Vice-Chancellor aforeſaid reſpectively; And that every ſuch Parſon, Vicar, Curate or Lecturer ſhall procure a Certificate under the hand and ſeal of the reſpective Archbiſhop, Biſhop or Ordinary of the Dioceſs (who are hereby required and enjoyned upon demand, to make and deliver ſuch Certificate,) And ſhall publickly and openly read the ſame, together with the Declaration or Acknowledgment aforeſaid, upon ſome Lords Day within three moneths then next following ſuch Subſcription in his Pariſh Church where he is to Officiate, in the preſence of the Congregation then aſſembled in the time of Divine Service.

And be it further enacted and declared by the authority aforeſaid, That every ſubſcription already made or hereafter to be made before any Vicar-General or Chancellor to any Archbiſhop or Biſhop, or Commiſſary to the Archbiſhop of Canterbury or any other Biſhop, is and ſhall be as effectual and beneficial in Law to all intents and purpoſes to every perſon and perſons which have or ſhall make ſuch ſubſcription as aforeſaid, as if the ſame had been made before the Archbiſhop or Biſhop of the Province or Dioceſs reſpectively, Any thing in the aforeſaid Act to the contrary notwithſtanding.

Provided alſo, That every perſon who ſhall have benefit by this Act, ſhall make ſuch allowance for ſerving the Cure ſince the 24th of Auguſt 1662. as ſhall be judged fit by the Ordinary of the place, and ſhall pay and diſcharge all Tenths, Penſions and other Charges, wherewith the Benefice to which he is by this Act reſtored, hath been or might be legally charged ſince the day aforeſaid.

Perſons prohibited to Preach. 14 Car. 2 c.

And whereas ſome doubt hath ariſen, whether perſons prohibited to preach by the ſaid Act, are in the ſame plight as to puniſhment, with perſons diſabled by the ſaid Act to preach; Be it Declared and Enacted by the authority aforeſaid, That the penalties by the ſaid Act to be inflicted upon any perſon diſabled by the ſaid Act to preach for any offence againſt the ſaid Act, ſhall in like manner be inflicted upon every perſon ſo offending, that is prohibited by the ſaid Act to preach, Any thing, doubt or ambiguity in the ſaid Act to the contrary notwithſtanding.

CAP. VII.

Trade Encouraged.

Tillage.

Foraſmuch as the encouraging of Tillage ought to be in an eſpecial manner regarded and endeavoured; and the ſureſt and effectualleſt means of promoting and advancing any Trade, Occupation or Myſtery, being by rendring it profitable to the Uſers thereof; And great quantities of Land within this Kingdom for the preſent lying in a manner waſte, and yielding little, which might thereby be improved to conſiderable profit and advantage (if ſufficient Encouragement were given for the laying out of coſt and labour on the ſame) and thereby much more Corn produced, greater numbers of people, horſes and cattel imployed, and other Land alſo rendred more valuable.

Be it Enacted by the Kings moſt Excellent Majeſty, with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority thereof; And it is hereby Enacted, That from and after the firſt day of September, in the year of our Lord, 1663. and from thence forward, when the prices of Corn and Grain Wincheſter meaſure, do not exceed the rates hereafter following, at the Havens or places where the ſame ſhall be ſhipped or loaden, (viz.) The Quarter of Wheat, Eight and forty ſhillings; The Quarter of Barley or Malt, Eight and twenty ſhillings: The Quarter of Buck-wheat, eight and twenty ſhillings: The Quarter of Oats, Thirteen ſhillings and four pence: The Quarter of Rye, two and thirty ſhillings: The Quarter of Peaſe or Beans, two and thirty ſhillings currant Engliſh money; That then it ſhall be lawful for all and every perſon and perſons to ſhip, load, carry and tranſport any of the ſaid Corns or Grains from the Havens or places where they ſhall be of ſuch prizes, unto any parts beyond the Seas as Merchandize, Any Law, Statute or Uſage to the contrary notwithſtanding, paying ſuch Rates for the ſame, and none other, as are to be paid when the ſame might have been tranſported by one Act paſſed this preſent Parliament, entituled, A Subſidy granted to the King of Tunnage and Poundage,

Corn not exceeding certain rates, may be tranſported

12 Car. 2. c. 4.

When Corn may be imported, and what cuſtom to be paid.

II.

And it is hereby further enacted by the authority aforeſaid, That when the prizes of the aforeſaid Corns and Grains do not exceed the Rates above mentioned reſpectively Wincheſter-meaſure, at the Haven or place into which any of them ſhall be imported from any part beyond the Seas, there ſhall be paid for the Cuſtom and Poundage of every Quarter of Wheat, five ſhillings and four pence; and for every Quarter of Rye, four ſhillings; and for every Quarter of Barley or Mault, two ſhillings and eight pence; and for every Quarter of Buck-Wheat, two ſhillings; and for every Quarter of Oats, one ſhilling four pence; and for every Quarter of Peaſe or Beans, four ſhillings.

And it is hereby further enacted by the authority aforeſaid, That when the prizes of Corn or Grain Wincheſter-meaſure, do not exceed the Rates following at the Markets, Havens or places where the ſame ſhall be bought, (viz.) the Quarter of Wheat, eight and forty ſhillings: the Quarter of Rye, two and thirty ſhillings: the Quarter of Barley or Mault, eight and twenty ſhillings: the Quarter of Buck-Wheat, eight and twenty ſhillings: the Quarter of Oats, thirteen ſhillings and four pence: the Quarter of Peaſe or Beans, two and thirty ſhillings; That then it ſhall be lawful for all and every perſon and perſons (not Foreſtalling nor Selling the ſame in the ſame Market within three moneths after the buying thereof) to buy in open Market, and to lay up and keep in his or their Granaries or Houſes, and to ſell again ſuch Corn or Grain of the kinds aforeſaid, as without fraud or covin ſhall have been bought at or under the prizes before expreſſed, without incurring any penalty: Any Law, Statute or Uſage to the contrary notwithſtanding.

Plantations beyond the Sea.

And in regard his Majeſties Plantations beyond the Seas are inhabited and peopled by his Subjects of this his Kingdom of England; For the maintaining a greater correſpondence and kindneſſe between them, and keeping them in a firmer dependance upon it, and rendring them yet more beneficial and advantagious unto it in the further employment and encreaſe of Engliſh Shipping and Sea-men, Vent of Engliſh Woollen, and other Manufactures and Commodities, rendring the Navigation to and from the ſame more ſafe and cheap, and making this Kingdom a Staple, not only of the Commodities of thoſe Plantations, but alſo of the Commodities of other Countries and places, for the ſupplying of them; and it being the uſage of other Nations to keep their Plantations Trade to themſelves.

Commodities of the growth and manufacture of Europe, how to be imported in Engliſh built ſhipping.

III.

Be it enacted, and it is hereby enacted, That from and after the Five and twentieth day of March, One thouſand ſix hundred ſixty four, no Commodity of the Growth, Production or Manufacture of Europe, ſhall be Imported into any Land, Iſland, Plantation, Colony, Territory or place to his Majeſty belonging, or which ſhall belong hereafter unto, or be in the poſſeſſion of his Majeſty, his Heirs and Succeſſors, in Aſia, Africa or America, (Tangier onely excepted) but what ſhall be bona fide, and without fraud, Laden and Shipped in England, Wales or the Town of Berwick upon Tweed, and in Engliſh built Shipping, or which were bona fide bought before the firſt day of October, One thouſand ſix hundred ſixty and two, and had ſuch Certificate thereof, as is directed in one Act paſſed the laſt Seſſions of this preſent Parliament, entituled, An Act for preventing Frauds, and Regulating Abuſes in his Majeſties Cuſtoms; and whereof the Maſter & three fourths of the Mariners at leaſt are Engliſh, and which ſhall be carried directly thence to the ſaid Lands, Iſlands, Plantations, Colonies, Territories or Places, and from no other place or places whatſoever; Any Law, Statute or Uſage to the contrary notwithſtanding, under the penalty of the loſs of all ſuch Commodities of the Growth, Production or Manufacture of Europe, as ſhall be imported into any of them from any other place whatſoever, by Land or Water; And if by Water, of the Ship or Veſſel alſo in which they were Imported, with all her Guns, Tackle, Furniture, Ammunition and Apparel, one third part to his Majeſty, his Heirs and Succeſſors; one third part to the Governor of ſuch land, Iſland, Plantation, Colony, Territory or place into which ſuch Goods were imported, if the ſaid ſhip, veſſel or goods be there ſeiſed or informed againſt and ſued for; Or otherwiſe, That third part alſo to his Majeſty, his Heirs and Succeſſors; and the other third part to him or them who ſhall ſeize, inform or ſue for the ſame in any of his Majeſties Courts in ſuch of the ſaid Lands, Iſlands, Colonies, Plantations, Territories or places where the Offence was committed, or in any Court of Record in England, by Bill, Information, Plaint or other Action, wherein no Eſſoyn, Protection or Wager in Law ſhall be allowed.

14 Car. 2. c. 11.

The penalty.

Provided always, and be it hereby enacted by the authority aforeſaid, That it ſhall and may be lawful to ſhip and lade in ſuch Ships, and ſo Navigated as in the foregoing Clauſe is ſet down and expreſſed in any part of Europe, Salt for the Fiſheries of New-England and New-found-Land, and to ſhip and lade in the Madera's, Wines of the growth thereof; and to ſhip and lade in the Weſtern Iſlands or Azores, Wines of the growth of the ſaid Iſlands; and to ſhip and take in Servants or Horſes in Scotland or Ireland, and to ſhip or lade in Scotland all ſorts of Victual of the growth or production of Scotland, and to ſhip or lade in Ireland all ſorts of Victual of the growth or production of Ireland, and the ſame to tranſport into any

Salt for Fiſheries.

IV.

It

of the ſaid Lands, Iſlands, Plantations, Colonies, Territories or places; Any thing in the foregoing clauſe to the contrary in any wiſe notwithſtanding.

Prevention of Frauds.

And for the better prevention of Frauds, Be it enacted, and it is hereby Enacted, That from and after the five and twentieth day of March, One thouſand ſix hundred ſixty and four, every perſon or perſons importing by Land any Goods or Commodities whatſoever, into any the ſaid Lands, Iſlands, Plantations, Colonies, Territories or places, ſhall deliver to the Governour of ſuch Land, Iſland, Plantation, Colony, Territory or place, or to ſuch perſon or Officer as ſhall be by him thereunto authorized and appointed, within four and twenty hours after ſuch Importation, his and their Names and Sirnames, and a true Inventory and particular of all ſuch Goods or Commodities; And no Ship or Veſſel coming to any ſuch Land, Iſland, Plantation, Colony, Territory or place, ſhall lade or unlade any Goods or Commodities whatſoever, until the Maſter or Commander of ſuch Ship or Veſſel ſhall firſt have made known to the Governour of ſuch Land, Iſland, Plantation, Colony, Territory or Place, or ſuch other perſon or Officer as ſhall be by him thereunto authorized and appointed, the arrival of the ſaid Ship or Veſſel, with her Name, and the Name and Sirname of her Maſter or Commander, and have ſhewen to him that ſhe is an Engliſh-built Ship, or made good by producing ſuch Certificate as aboveſaid, that ſhe is a Ship or Veſſel bona fide belonging to England, Wales or the Town of Berwick, and Navigated with an Engliſh Maſter, and three fourth parts of the Mariners at leaſt Engliſh-men, and have delivered to ſuch Governour or other perſon or Officer, a true and perfect Inventory or Invoyce of her Lading, together with the place or places in which the ſaid Goods were laden or taken into the ſaid Ship or Veſſel, under the pain of the loſſe of the Ship or Veſſel, with all her Guns, Ammunition, Tackle, Furniture and Apparel, and of all ſuch Goods of the Growth, Production or Manufacture of Europe as were not bona fide laden and taken in, in V. England, Wales, or the Town of Berwick, to be recovered and divided in manner aforeſaid; And all ſuch as are Governours or Commanders of any the ſaid Lands, Iſlands, Plantations, Colonies, Territories or Places (Tangier only excepted) ſhall before the Five and twentieth day of March, One thouſand ſix hundred ſixty and four, and all ſuch as ſhall hereafter be made Governours or Commanders of any of them, ſhall before their entrance upon the Execution of ſuch truſt or charge, take a ſolemn Oath before ſuch perſon or perſons as ſhall be authorized by his Majeſty, his Heirs and Succeſſors, to adminiſter the ſame, to do their utmoſt within their reſpective Governments or Commands, to cauſe to be well and truly obſerved, what is in this Act Enacted, in relation to the Trade of ſuch Lands, Iſlands, Plantations, Colonies, Territories and Places, under the penalty of being removed out of their reſpective Governments and Commands. And if any of them ſhall be found after the taking of ſuch Oath, to have wittingly and willingly offended contrary to what is by this Act required of them, That they ſhall for ſuch offence be turned out of their Governments, and be incapable of the Government of any other Land, Iſland, Plantation or Colony; and moreover, forfeit the ſum of One thouſand pounds of lawful money of England, the one moyety to his Majeſty, his Heirs and Succeſſors, and the other moyety to him or them that ſhall inform or ſue for the ſame in any of his Majeſties Courts in any of the ſaid Plantations, or in any Court of Record in England, wherein no Eſſoyn, Protection or Wager of Law ſhall be allowed.

Penalty upon Officers of the Cuſtoms.

And it is hereby further enacted, That if any Officer of the Cuſtoms in England, Wales or Town of Berwick upon Tweed, ſhall give any Warrant for, or ſuffer any Sugar, Tobacco, Ginger, Cotton-wooll, Indico, Speckle-wood or Jamaica Wood, Fuſtick or other Dying Wood of the growth of any of the ſaid Lands, Iſlands, Colonies, Plantations, Territories or Places, to be carried into any other Countrey or place whatſoever, until they have been firſt unladen bona fide, and put on ſhore in ſome Port or Haven in England or Wales, or in the Town of Berwick, That every ſuch Officer for ſuch Offence ſhall forfeit his place, and the value of ſuch of the ſaid goods as he ſhall give Warrant for, or ſuffer to paſſe into any other Countrey or place, the one moyety to his Majeſty, his Heirs and Succeſſors, and the other moyety to him or them that ſhall inform or ſue for the ſame in any Court of Record in England or Wales, wherein no Eſſoyn, Protection or Wager in Law ſhall be allowed.

Encouragement of Plantations, and encreaſe of Shipping.

VI.

Sea-coals.

And for the better encouragement of the ſaid Plantations, and the encreaſe of the Shipping and Navigation of this Kingdom, Be it enacted, and it is hereby enacted by the authority aforeſaid, That from and after the Five and twentieth day of March, One thouſand ſix hundred ſixty and four, it ſhall and may be lawful out of any Port of England or Wales, or out of the Town of Berwick, to ſhip and lade Sea-coals for any part of them, paying for the Chalder, Newcaſtle meaſure, one ſhilling eight pence; and for the Chalder, London-meaſure, one ſhilling and no more, in full of all Cuſtom and Poundage for the ſame, Any Law, Statute or Prohibition to the contrary in any wiſe notwithſtanding.

Provided, That ſuch Sea-coals be ſhipped in ſuch ſhipping, and ſo Navigated as aboveſaid; And that good Security be given to the Officers of the Cuſtoms in ſuch Port in which they are ſhipped, for the landing them in the ſaid Plantations, and not elſewhere.

And foraſmuch as ſeveral conſiderable and advantagious Trades cannot be conveniently driven and carried on without the Species of Money or Bullion, and that it is found by experience, that they are carried in greateſt abundance (as to a common Market) to ſuch places as give free liberty for exporting the ſame, and the better to keep in and encreaſe the currant Coins of this Kingdom, Be it Enacted, and it is hereby Enacted, That from and after the firſt day of Auguſt, One thouſand ſix hundred ſixty and three, it ſhall and may be lawful to and for any perſon or perſons whatſoever, to Export out of any Port of England or Wales, in which there is a Cuſtomer or Collector, or out of the Town of Berwick, all ſorts of Foreign Coyn or Bullion of Gold or Silver, firſt making entry thereof in ſuch Cuſtome-

Foreign Coin or Bullion may be Exported.

houſe reſpectively, without paying any Duty, Cuſtom, Poundage or Fee for the ſame, Any Law, Statute or Uſage to the contrary notwithſtanding.

Penalties upon Importation of Foreign cattel at certain times.

VII. And laſtly, Whereas a very great part of the richeſt and beſt Land of this Kingdom, is, and cannot ſo well be otherwiſe imployed and made uſe of as in the Feeding and Fattening of Cattel; And that by the coming in of late of vaſt numbers of Cattel already fatted, ſuch Lands are in many places much fallen, and like daily to fall more in their Rents and Values, and in conſequence other Lands alſo, to the great prejudice, detriment and impoveriſhment of this Kingdom; Be it further enacted by the authority aforeſaid, and it is hereby enacted, That for every head of great Cattel (except ſuch as are of the breed of Scotland) that ſhall be imported or brought into England, Wales, or the Town of Berwick upon Tweed, after the firſt day of July, and before the twentieth day of December in any year; And for every head of great Cattel of the breed of Scotland that ſhall be imported or brought into England, Wales, or the Town of Berwick, after the Four and twentieth day of Auguſt, and before the twentieth day of December in any year, there ſhall be paid to his Majeſty, his Heirs and Succeſſors, the ſum of Twenty ſhillings; And the ſum of Ten ſhillings to him or them that ſhall inform or ſeiſe the ſame; And the ſum of Ten ſhillings to the Poor of the Pariſh where ſuch Seiſure or Information ſhall be made, to be recovered and levied by bill, plaint, or other action, wherein no Eſſoyn, Protection or Wager in Law ſhall be allowed.

And moreover, That there ſhall be paid to his Majeſty, his Heirs and Succeſſors, for every Sheep which ſhall be Imported into England, Wales, or the Town of Berwick aforeſaid, after the firſt day of Auguſt, and before the twentieth day of December in any year, the ſum of Ten ſhillings of lawful money of England, to be recovered and levied in manner aforeſaid.

The continuance of this Act as to Importation of cattel.

Provided alwayes, That this Act, in ſo far as it relates to great Cattel or Sheep, ſhall not take place til the firſt day of July, One thouſand ſix hundred ſixty and four, nor continue longer then the end of the firſt Seſſion of the next Parliament.

Encouragement of Herring Fiſheries.

VIII. And for the encouragement of the Herring and North-Sea, Iſland, and Weſtmony Fiſheries, Be it enacted, and it is hereby enacted by the authority aforeſaid, That from and after the firſt day of Auguſt, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and four, no Freſh Herring, Freſh Codd or Haddock, Coal-fiſh or Gull-fiſh, ſhall be Imported into England, Wales, or the Town of Berwick, but in Engliſh-built Ships or Veſſels, or in Ships or Veſſels bona fide belonging to England, Wales, or the Town of Berwick, and having ſuch Certificate thereof as is abovesaid, and whereof the Maſter and three Fourths at the leaſt of the Mariners are Engliſh, and which hath been fiſhed, caught and taken in ſuch Ships or Veſſels, and ſo Navigated, and not being bought or had of any ſtrangers born, or out of any ſtrangers Bottoms, under the pain of the forfeiture of all ſuch Herring, Codd, Haddock, Coal-fiſh or Gull-fiſh imported, contrary to the true intent and meaning hereof, and of the Ship or Veſſel in which it was Imported; One moyety of which forfeitures ſhall be to his Majeſty, his Heirs and Succeſſors, and the other moyety to him or them that ſhall inform, ſeize, or ſue for the ſame, to be recovered by Bill, Plaint, or other Action, wherein no Eſſoyn, Protection or Wager in Law ſhall be allowed.

Duties to be paid upon Importation of ſalted or dried Fiſh.

And be it further Enacted, and it is hereby enacted by the authority aforeſaid, That for the following ſorts or kinds of ſalted or dried Fiſh, which from and after the ſaid Firſt day of Auguſt ſhall be imported into England, Wales, or the Town of Berwick, in any other Ship or Veſſel then what is Engliſh-built, or belonging to England, Wales, or Town of Berwick, and having ſuch Certificate thereof as aboveſaid, and whereof the Maſter and three Fourths of the Mariners at leaſt are Engliſh, and not having been fiſhed and caught in ſuch Ships or Veſſels, and ſo Navigated, there ſhall be paid by way of Cuſtom and Impoſt the ſeveral ſums of money herein after particularly mentioned, (that is to ſay) for Cod-fiſh the Barrel Five ſhillings; for Cod-fiſh the Laſt containing twelve Barrels, three pounds; for Cod fiſh, the Hundred containing ſixſcore, ten ſhillings; for Coal fiſh, the Hundred containing ſixſcore, Five ſhillings; for Lings, the Hundred containing ſixſcore, One pound; for White Herrings, the Laſt containing twelve barrels, One pound ſixteen ſhillings; for Haddocks, the barrel, two ſhillings; for Gull-fiſh, the barrel, two ſhillings.

12 Car. 2. ca. 34. The further penalty for planting Tobacco in England.

IX. And foraſmuch as planting and making Tobacco within the Kingdome of England doth continue and encreaſe, to the apparent loſs of his ſaid Majeſty in his Cuſtoms, the diſcouragement of the Engliſh Plantations in the parts beyond the Seas, and prejudice of this Kingdom in general, notwithſtanding an Act of Parliament made in the Twelfth year of his ſaid Majeſties Reign for prevention thereof, entituled, An Act for prohibiting the Planting, Setting or Sowing of Tobacco in England and Ireland. And foraſmuch as it is found by experience, that the reaſon why the ſaid planting and making of Tobacco doth continue, is, That the penalties preſcribed and appointed by that Law are ſo little, as have neither power or effect over the tranſgreſſors thereof: For remedy therefore of ſo great an Evil, Be it enacted by the authority aforeſaid, That all and every the perſon or perſons whatſoever, that do, or ſhall at any time hereafter Set, Plant or Sow any Tobacco in Seed, Plant, or otherwiſe, in or upon any ground, field, earth or place within the Kingdom of England, Dominion of Wales, Iſlands of Guernſey and Jerſey, or Town of Berwick upon Tweed or Kingdom of Ireland, ſhall over and above the penalty of the ſaid Act for that purpoſe ordained, for every ſuch offence forfeit and pay the ſum of Ten pounds for every Rod or Pole of ground that he or they ſhall ſo Plant, Set or Sow with Tobacco, and ſo proportionably for a greater or leſſer quantity of ground; one third part thereof to the Kings Majeſty, one other third part thereof to the uſe of the poor of ſuch reſpective Pariſh or Pariſhes wherein ſuch Tobacco ſhall be ſo Planted, Set or Sowed; and the other third part thereof to him or them that ſhall ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint or Information in any of his ſaid Majeſties Courts of Record at Weſtminſter, wherein no Eſſoign, Protection or Wager of Law ſhall be allowed.

And it is hereby further enacted, That in caſe any perſon or perſons ſhall reſiſt or make forceable oppoſition againſt any perſon or perſons in the due and through execution of the ſaid Act of the Twelfth of his ſaid Majeſties Reign, that he, ſhe, or they ſo reſiſting and making forceable oppoſition, ſhall over and above the penalties therein mentioned for ſuch Offences, be committed to the common Gaol of the County where ſuch offence ſhall be committed, there to remain without bail or mainprize, until he, ſhe, or they have entred into a Recognizance to his Majeſty, his Heirs and Succeſſors, with two ſufficient Sureties of Ten pounds penalty, not to do or commit the like offence again.

Proviſo for Tobacco planted in Phyſick Gardens.

Provided alwayes, That this Act nor any thing therein contained, ſhall not extend to the hindrance or prejudice of planting Tobacco in any Phyſick-Garden of either of the Univerſities, or any other private Garden for Chirurgery, ſo as the quantity ſo planted exceed not the half of one Pole in any one place or Garden.

Cattel imported from the Iſle of Man.

Provided alſo, and be it enacted, That it ſhall and may be lawful to import Cattel of the breed of the Iſle of Man, not exceeding ſix hundred in any one year; And Corn of the growth of that Iſland, out of that Iſland into England; ſo as the ſaid Cattel be landed at Cheſter, Liverpool or Wire-water; Any thing in this Act to the contrary thereof in any wiſe notwithſtanding.

CAP. VIII.

Butchers may not ſell live fat Cattel.

3 & 4 E. 6. cap. 19.

WHereas by an Act made in the Third and Fourth years of the Reign of King Edward the Sixth, It is enacted, That no perſon uſing the Craft or Myſtery of a Butcher, ſhould buy any fat Oxen, Steers, Runts, Kine, Heifers, Calves, or Sheep, and ſell the ſame again alive, upon pain of forfeiture of the Cattel ſo ſold; which Law hath not wrought ſuch effectual Reformation as was intended, by reaſon of the difficulty in the proof of ſuch buying and ſelling, being for the moſt part at places far diſtant, if not in ſeveral Counties, by means whereof the parties ſo offending have eſcaped unpuniſhed.

Penalty upon Butchers for ſelling live fat Cattel.

Be it therefore enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That no perſon uſing the Trade of a Butcher ſhall at any time from and after the Feaſt of Saint Michael the Arch-Angel next enſuing, ſell, offer or expoſe to ſale in any Market, or elſewhere, either by himſelf, or any Servant or Agent whatſoever, any fat Oxen, Steers, Runts, Kine, Heifers, Calves, Sheep, or Lambs alive, upon pain to forfeit the double Value of the Cattel ſo ſold or offered, or expoſed to ſale as aforeſaid; The one moyety of which forfeiture ſhall be to the Kings Majeſty, his Heirs and Succeſſors, and the other moyety to him or them that will ſue for the ſame in any of his Majeſties Courts of Record, by Bill, Plaint, Action of Debt or Information, wherein no Eſſoign, Protection or Wager of Law ſhall be allowed.

CAP. IX.

Four entire Subſidies granted to his Majeſty by the Temporalty. EXP.

CAP. X.

An Act for Confirming of Four Subſidies, granted by the Clergy. EXP.

CAP. XI.

An Additional Act for the better Ordering and Collecting the Duty of Exciſe, and preventing the Abuſes therein.

12 Car. 2. c. 24.

Notice to be given of all Brewing Veſſels.

The penalty.

FOr the preventing of the Frauds and Deceits of Brewers, and other perſons who make Beer and Ale, and other Exciſeable Liquors to ſell, and of the abuſes committed by the Officers, Collectors, and Managers of the Exciſe, to the great decay of his Majeſties Revenue of Exciſe, and obſtruction of the due and orderly Collecting of the ſame, and for ſupply and amendment of certain defects in the Laws and Statutes relating to the Duty of Exciſe, as well for the ſupport and advance of the ſaid Revenue, as for the eaſe of the People: Be it enacted by the Kings moſt Excellent Majeſty, by and with the Conſent of the Lords Spiritual and Temporal, and of the Commons in this Parliament aſſembled, and by authority of the ſame, That no common Brewer, Inn-keeper, Victualler, or other Retailer of Beer or Ale, ſhall at any time after the firſt day of September, One thouſand ſix hundred ſixty three, without giving notice thereof at the next Office of Exciſe, or to the Commiſſioners, Farmers, or Sub-Commiſſioners of Exciſe, or one of them, within the Limits and Juriſdiction of whoſe Office he or they do or ſhall inhabit, erect, ſet up, alter or enlarge any Tun, Fat, Back, Cooler or Copper, and ſhall make uſe of any of them for the brewing or making any Beer or Ale, or Worts, or ſhall make uſe of, or keep any private and concealed Store-houſe, Cellar, or other place for the laying of any Beer or Ale, or Worts in Cask, other then ſuch as are already openly ſet up, erected and made uſe of in his common and uſual Brew-houſe, and now openly diſcovered and known, upon pain to forfeit the ſum of Fifty pounds for every Tun, Fat, Back, Copper and Cooler ſet up and made uſe of without ſuch notice given as aforeſaid, and contrary to the true intent and meaning hereof; And that all and every other perſon or perſons, in whoſe occupation any Houſe, Meſſuage, Out-houſe, or other place whatſoever is or ſhall be, where any ſuch private and concealed Tun, Back, Cooler or Store-houſe ſhall be found and diſcovered, ſhall alſo forfeit and loſe the ſum of Fifty pounds, to be levied and recovered in manner and form as in and by this preſent Act is hereafter directed and ordained. And moreover, every ſuch private and concealed Tun, Fat, Back, Copper or Cooler ſo diſcovered and found as aforeſaid, or altered or enlarged, together with all Beer, Ale or Worts therein being, ſhall and may be taken up, ſeized, carried away, and delivered to the Overſeers for the poor, to be ſold for the uſe of the poor, or diſtributed amongſt them.

Commiſſioners for regulating may not Farm the Exciſe.

12 Car. 2. c. 23.

II.

12 Car. 2. c. 24.

And be it further enacted by the authority aforeſaid, That from and after the Eighth day of November, in the year of our Lord, One thouſand ſix hundred ſixty and five, no perſon or perſons whatſoever nominated by his Majeſty to be in Commiſſion for the Regulating of his Majeſties Revenue of Exciſe, or for the exerciſe of any the Powers or Authorities mentioned in an Act, entituled, A Grant of certain Impoſitions upon Beer, Ale, and other Liquors, for the encreaſe of his Majeſties Revenue during his Life: Or one other Act, entituled, An Act for taking away the Courts of Wards and Liveries, and Tenures in Capite by Knights Service and Purveyance, and for ſetling a Revenue upon his Majeſty in lieu thereof, or in this preſent Act, ſhall preſume to Farm the ſaid Revenue of his Majeſty, either directly or indirectly, by obtaining Letters Patents to him or themſelves thereof, or any perſon or perſons whatſoever intruſted for him or them, or to or for his or their uſe, benefit or behoof; Nor that any perſon or perſons whatſoever, being a Farmer of the ſaid Revenue, ſhall be any way capable to be nominated a Commiſſioner for the Regulating his Majeſties ſaid Revenue of Exciſe, or exerciſing any Powers or authorities concerning the ſame: But if any perſon or perſons who ſtands thus diſabled as aforeſaid to be nominated a Commiſſioner, ſhall become a Farmer, and ſhall in either of the ſaid caſes nevertheleſs preſume directly or indirectly to act as a Commiſſioner, Farmer, or Sub-Commiſſioner, to execute the Powers and Authorities aforeſaid, either alone, or joyntly with other perſons that are Farmers, or elſe with any other who are not Farmers, ſhall from and after ſuch his acting, loſe the benefit of his ſaid Farm, and be thenceforth totally for ever diſabled to be either Farmer of the ſaid Revenue, or Commiſſioner for the Regulating thereof, and exerciſing the Powers aforeſaid; And that all and every act and acts done by any Commiſſioner or Commiſſioners, or Sub-Commiſſioners, being Farmer or Farmers, by him or themſelves, or joynly with others who are not Farmers, ſhall be void in Law, and of none effect; And that all and every perſon or perſons any way moleſted or troubled by the command and authority of ſuch Commiſſioner or Commiſſioners acting by him or themſelves, or together with others who are not Farmers or Commiſſioners, may bring his Action at Law for the ſame in any of his Majeſties Courts at Weſtminſter, and thereby recover his Damages againſt any ſuch Commiſſioner or Commiſſioners, Any Law or Statute to the contrary notwithſtanding.

The penalty

And that all and every Letters Patents to be made from and after the Tenth day of April, in the year of our Lord, One thouſand ſix hundred ſixty and three, enabling any Farmer or Farmers of the Exciſe to be Commiſſioner or Commiſſioners, or Sub-Commiſſioners, ſhall be utterly void and of none effect; Any thing in any of the ſaid Acts to the contrary notwithſtanding.

And that if any Commiſſioner or Sub-Commiſſioner, Commiſſioners or Sub-Commiſſioners, who by colour or vertue of any Letters Patents are now both Commiſſioners or Sub-Commiſſioners for Regulating the ſaid Revenue, and likewiſe Farmers of the ſaid Revenue, ſhall give any falſe and corrupt Judgment in advancement of the benefit of his or their ſaid Farm, to the Brewers damage, contrary to Law, he or they ſhall forfeit for every ſuch Judgment ſo falſly and corruptly given, double coſts to the party ſo injured by the ſaid corrupt and falſe Judgment: And in caſe any perſon ſhall unjuſtly complain of any Judgment of the Commiſſioners or Sub-Commiſſioners as aforeſaid, and ſo ſhall be found upon his Appeal, the ſaid party ſhall forfeit double coſts to the ſaid Commiſſioners, for ſuch unjuſt vexations, to be recovered by Information, Bill or Plaint, in any Court of Record.

The penalty for giving any falſe and corrupt Judgment to the Brewers Damage.

III.

IV.

The duty of Gagers in making Entries.

And be it further Enacted by the authority aforeſaid, That from and after the firſt day of September, in the year of our Lord, One thouſand ſix hundred ſixty and three, all and every Gager or Gagers of the Exciſe, who ſhall take an accompt of any Beer or Ale brewed or made by any common Brewer, ſhall weekly after ſuch common Brewer hath made, or ought to have made his Entry at the Office of Exciſe, and not otherwiſe, make and deliver to ſuch common Brewer at his houſe, or to ſome of his ſervants in his behalf, a true Copy under his or their hand, of ſuch Return or Report as he or they have made thereof to the Commiſſioners or Sub-Commiſſioners of Exciſe reſpectively, upon pain to forfeit for every neglect or refuſal the ſum of Forty ſhillings.

Provided nevertheleſs, That no ſuch common Brewer or Brewers ſhall be ſued or proſecuted for any penalty or forfeiture by him or them incurred, for or by reaſon of any miſ-entry or ſhort entry, if he or they ſhall within the ſpace of one week after the delivery of ſuch Copy as aforeſaid, certifie his or their Entry according to the ſaid Return, or otherwiſe diſcharge himſelf.

Be it enacted, That from and after the ſaid Firſt day of September, One thouſand ſix hundred ſixty three, and as often as there ſhall be occaſion, Two able Artiſts ſhall be appointed, one of them by his Majeſties Commiſſioners, Farmers or Sub-Commiſſioners for Exciſe, and the other by the Brewers of any City or place; which ſaid Artiſts ſhall take an Oath, which Oath any one Juſtice hath hereby power to adminiſter, to take and compute the juſt Contents and Gage of all Coppers, Fats, Tuns, Backs and Coolers, and all other Brewing-Veſſels of that nature, belonging to all or any Brewer or Brewers of Beer or Ale to ſell, and to deliver, and give under their hands, one Copy of the particular Contents of all ſuch Veſſels to the aforeſaid Commiſſioners, Farmers and Sub-Commiſſioners, and another true Copy thereof to each and every ſuch reſpective Brewer; which computation by the Artiſts aforeſaid, ſhall anſwer and be according to the meaſures and proportions expreſt in the ſaid former Acts for Exciſe.

Skilful Gagers to be made, and to take an Oath.

And be it further enacted, That no Commiſſioner, Farmer or Sub-Commiſſioner for the Exciſe, or common Brewer of Ale or Beer to ſell, or Inn-keeper whatſoever, ſhall from and after the ſaid Firſt day of September, have power to act in, or execute as a Juſtice of the Peace, any of the Powers, Clauſes or things contained in any of the Laws made for and concerning the Exciſe, or in this preſent Act; And if any of the ſaid perſons ſhall preſume to

Commiſſioners or Farmers not to act as Juſtices of the peace in matters touching the Exciſe.

act or execute any thing contrary hereunto, It is hereby further Declared, That all ſuch things ſo acted or executed by any of them, are and ſhall be utterly void and null to all intents and purpoſes.

Market Towns.

V.

And whereas by the ſaid recited Acts it is enacted, That no perſon ſhall be compelled by the Commiſſioners or Sub-Commiſſioners of Exciſe, to Travel for the making of his Entries, or payment of the Duties of Exciſe, or other clauſe whatſoever touching or concerning the ſame, if he live in a Market-Town, out of the ſaid Town; and if he live out of a Market-Town, then to no other place then to the next Market-Town to his habitation in the ſame County on the Market-day; And nevertheleſs the Commiſſioners and Sub-Commiſſioners, or their Officers, have not accordingly kept Officers in the Market Towns in many Counties within England and Wales, whereby ſuch entries and payments for the Duties of Exciſe might be had and made, and yet do take and levy the penalties and forfeitures in the ſaid Act mentioned, for non-entry and payment of the Duty, and do otherwiſe thereupon grieve and vex his Majeſties Subjects, contrary to the true intent and meaning of the ſaid Acts:

Officers to attend in Market Towns touching Receits and Duties of Exciſe.

Be it therefore enacted by the authority aforeſaid, That from and after the ſaid Firſt day of September, in the year of our Lord, One thouſand ſix hundred ſixty and three, the Commiſſioners, Farmers, or Sub-Commiſſioners in each County within England and Wales, ſhall conſtitute and appoint, or depute under their hands and ſeals, ſuch perſon or perſons as they ſhall think needful in each reſpective Market Town, to be there upon every Market-day, in ſome known and publick place, for the receiving of the ſaid Entries and Duties of Exciſe, and for performing all other matters and things touching the ſaid Duty, according to the ſaid Acts, and this preſent Act: which ſaid perſon and perſons ſo conſtituted or deputed (and the place where they intend to hold or keep ſuch Office, being on the next Market-day after ſuch conſtitution or deputation publiſhed in full and open Market) ſhall attend ſuch Office on every Market-day, in ſuch Market Town, and ſhall keep the ſaid Office open from Nine of the clock in the morning, until Twelve of the clock at Noon; and from Two of the clock in the Afternoon, until Five of the clock in the Afternoon. And in caſe ſuch Office ſhall not be ſo kept and attended in each Market Town reſpectively, the Commiſſioners, Farmers, Sub-Commiſſioners, or other perſon or perſons ſo neglecting or refuſing to do the ſame, ſhall for every Market-day forfeit Ten pounds, the one half to the Kings Majeſty, his Heirs and Succeſſors, and the other half to him or them that will Inform and ſue for the ſame in any of his Majeſties Courts of Record, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoign, Protection or Wager of Law ſhall be admitted or allowed; And ſuch perſon as ſhall come to ſuch Market Town to make ſuch entry or payment of the Duties, and ſhall tender the ſame according to the ſaid Acts, and be able to prove ſuch Tender by the Oath of one or more ſufficient Witneſſes, ſhall not be liable to any penalty or forfeiture impoſed by the ſaid Acts, for ſuch weekly or monethly entries or payments as ſhould have been made or paid on ſuch Market-day; Any Article, clauſe or thing in any or either of the ſaid Acts, or this preſent Act to the contrary notwithſtanding.

The penalty.

VI.

At what times only Brewers may carry out their Beer.

And be it further enacted by the authority aforeſaid, That from after the firſt day of September, No common Brewer of Beer or Ale, ſhall ſell, deliver or carry out any Beer or Ale to any his Cuſtomers, either in whole Caſk or by the Gallon, in any City, Town corporate or Market Town, before notice given to an Officer of Exciſe, but between the hours of the day hereafter mentioned (That is to ſay) from the Twenty fifth day of March to the Twenty ninth day of September yearly, between the hours of Three of the clock in the morning, and Nine of the clock in the evening; and from the Nine and twentieth day of September, to the Five and twentieth day of March yearly, between the hours of Five of the clock in the morning, and Seven of the clock in the evening, upon pain that every Brewer doing contrary hereunto, ſhall for every ſuch Offence forfeit and loſe the ſum of Twenty ſhillings for every Barrel of Beer or Ale that ſhall be ſo carried out contrary to the true meaning of this Act, to be levied and recovered as in and by this preſent Act is hereafter enacted and appointed.

Mingling of ſtrong and ſmall Worts.

And be it further enacted by the authority aforeſaid, That if any common Brewer, Innkeeper, Victualler, or other Retailer of Beer or Ale, ſhall at any time after the firſt day of September, after an accompt hath been taken by the ſaid Gager or Gagers, of the quantity and quality of the Beer, Ale or Worts found in his Tun, and other brewing Veſſels, convert any part of his ſmall Beer or ſmall Worts ſo taken accompt of, into ſtrong Beer or Ale, by mingling, letting down, or ſtriking over any ſuch ſtrong Ale, or ſtrong Worts, into which, or amongſt any ſuch ſmall Beer, or ſmall Worts, and ſhall ſell, deliver out, or retail the ſame, or any part thereof, without giving notice to the ſame Gager or Gagers of the quality ſo mingled and converted as aforeſaid; or if any ſuch Brewer or Retailer as aforeſaid, ſhall after the ſaid time, hide, conceal, or convey any Beer, Ale or Worts not Gaged, from the ſight or view of the Gager or Gagers appointed to take accompt of the ſame, whereby the Kings Majeſty, or his Commiſſioners or Farmers ſhall or may be defrauded in any manner of wiſe, of the Duties due for the ſame, or any part thereof, every ſuch common Brewer, Victualler and Retailer, for every Barrel of Beer or Ale by him or them ſo mingled, converted, ſold, delivered, hid, concealed or conveyed away, contrary to the true intent and meaning hereof, ſhall forfeit and loſe the ſum of Twenty ſhillings, to be levied and recovered in manner and form as in and by this preſent Act is hereafter Ordained and appointed.

Brewing Veſſels and Utenſils ſubject to the Debts and penalties of Exciſe.

And be it further declared and enacted, That all and every the Brewing Veſſels, and Utenſils for Brewing, into whoſe hands ſoever the ſame ſhall come, and by what conveyance or Title ſoever the ſame be claimed, ſhall be liable and ſubject unto, and are hereby charged with all and ſingular the Debts and Duties of Exciſe in arrear, and owing by any perſon or perſons for any Beer or Ale made within the ſaid Brew-houſe, and ſhall alſo be ſubject to all Penalties and Forfeitures incurred by ſuch perſon or perſons in uſing the ſaid Brew-houſe for any offence againſt the Laws and Statutes for Exciſe; And that it ſhall be lawful in all caſes to Levy Debts and Penalties, and uſe ſuch proceedings againſt the Utenſils therein contained, as it may be lawful to do in caſe the Debtor or offender uſing the ſaid Utenſils had been truly and really Owner and Proprietor of the ſame; VII.

Brewers that brew for other Brewers.

And be it further enacted by Authority aforeſaid, That after the firſt day of September, no common Brewer of Beer or Ale, nor any other perſon whatſoever, who hath or ſhall compound for the Duties of Exciſe for Beer or Ale by him brewed, or to be brewed, ſhall during the term of ſuch Compoſition, Brew, or make, or ſuffer, or permit any Beer or Ale to be brewed or made within his Brew-houſe, for any other common Brewer whatſoever, without firſt giving notice, as well of every particular brewing as of the quantity and quality of the Beer and Ale at every ſuch Brewing intended to be brewed and made, unto the reſpective Commiſſioners, Farmers or Sub-Commiſſioners of Exciſe, within the Diſtricts of whoſe Office ſuch common Brewer doth or ſhall inhabit, and forthwith paying down unto the ſaid reſpective Commiſſioners, Farmers or Sub-Commiſſioners the full Exciſe of all the ſaid Beer and Ale, upon pain that as well the Brewer who ſhall brew the ſame, as the Brewer for whom the ſaid Beer or Ale ſhall be brewed, ſhall forfeit and loſe for every Barrel the ſum of Five pounds, the one moyety to the Kings Majeſty, and the other moyety to the Informer that ſhall ſue for the ſame in any Court of Record.

Coffee, Chocolate, Sherbet, &c.

And be it further enacted by the Authority aforeſaid, That from and after the ſaid firſt day of September, no perſon or perſons ſhall be permitted to ſell or retail any Coffee, Chocolate, Sherbet or Tea, without Licence firſt obtained and had by order of the General Seſſions of the Peace in the ſeveral and reſpective Counties, Certificate being firſt ſhewed that they have given good Security for the due payment of their dues to the King, or the chief Magiſtrate of the place in whoſe Juriſdiction he or they do or ſhall inhabit or dwell, for the Selling or Retailing of the ſame; Nor ſhall any Licence be granted to any Retailer, until Security firſt given by Recognizance or otherwiſe: For which Licence, Recognizance and Security, Twelve pence ſhall be given, and no more, for the payment of the exciſe. And every perſon or perſons Selling or Retailing any of the ſaid Liquors without Licenſe had, and Security given as aforeſaid, ſhall forfeit and loſe the ſum of Five pounds for every moneth he or they ſhall continue Selling or Retailing the ſame.

Gagers may take no bribes nor rewards, to make falſe returns.

And be it further enacted by the Authority aforeſaid, That from and after the ſaid firſt day of September, no Brewer or other perſon whatſoever ſhall Bribe or Corrupt, or give any Money, Fee, or other Reward whatſoever to any Gager or Gagers, or other Officer whatſoever to make any falſe Return or Report into the Office of Exciſe, of any Beer, Ale or other Liquors Exciſable, made or brewed, or to be made or brewed, within his or their Charge, Diviſion or Walk, or to forbear or omit the doing or executing of his or their places or Imployments, upon penalty of Ten pounds for every ſuch Offence; And that no Sworn Gager or Gagers, or other Officer whatſoever, ſhall directly or indirectly take and receive any Bribe, Money, Fee, Gift, or other Reward of any Brewer or other perſon whatſoever, for any cauſe or matter relating to the Exciſe, upon Penalty that every ſuch Sworn Gager or other Officer ſo offending, ſhall for every ſuch offence forfeit and loſe the ſum of ten pounds: All and every of which ſaid reſpective offences ſhall be proved by the Oaths of Two lawful and credible Witneſſes before two Juſtices of the Peace or chief Magiſtrate of the place where ſuch offence ſhall be committed; which ſaid Juſtices or Magiſtrates reſpectively have hereby power to adminiſter the ſaid Oaths, and alſo to Examine, Adjudge and determine the ſame, and to cauſe ſuch Penalties by Warrant under their hands and ſeals, to be levied by Diſtreſs, and Sale of the offenders Goods, rendring to the Party the overplus; and for want of ſuch Diſtreſs, to commit every ſuch offender to the Common Gaol of ſuch County or Place, there to remain by the ſpace of Three moneths without bail or Mainpriſe. VIII.

Foreign Liquors imported to be duly entred.

And for the better Levying and Collecting the Duties of exciſe upon all Forreign or Imported Liquors; Be it enacted by Authority aforeſaid, That no ſuch Foreign or Imported Liquors ſhall be landed or put on ſhore out of any Ship or Veſſel from beyond the Seas, before due Entry be firſt made thereof, with the Officer and Collector appointed for the Exciſe, in the Port or Place where the ſame ſhall be Imported, or before the Duty of Exciſe due and payable for the ſame be fully ſatisfied and paid; And that every Warrant for the landing or delivering of any ſuch Forreign Liquors ſhall be Signed by the hand of the ſaid Officer or Collector of the Exciſe, in the ſaid Port or Place reſpectively; upon pain that all ſuch Foreign Liquors as ſhall be landed, put on ſhore or delivered, contrary to the true intent and meaning hereof, or without the preſence of an Officer or Waiter for the Exciſe, or the value thereof, ſhall be forfeited and loſt, the one moyety to the Kings Majeſty, and the other moyety to him or them who ſhall or will Seiſe, Inform or ſue for the ſame, to be recovered of the Importer or Proprietor thereof.

And that no perſon or perſons whatſoever bringing any Exciſable Liquors (except Beer, Ale, Sider, Perry and Metheglin) into any part or place of this Realm, by Coaſt, Cocquet, Tranſire or Certificate, nor any perſon or perſons to whom the ſame or any of them ſhall be conſigned, ſhall land, or cauſe Exciſeable Liquors (except before excepted) to be landed or put on ſhore, without making or cauſing due Entry to be made of the ſame, with the Officer or Officers of the Exciſe for the time being appointed to receive and take ſuch Entries within the Port or Place where the ſame ſhall be landed, upon pain in every ſuch caſe as aforeſaid, to forfeit double the value of the ſaid Liquors landed or put on ſhore contrary to the true intent and meaning hereof.

Appeals in cauſes of Exciſe.

Provided alſo, and be it further enacted and Ordained by Authority aforeſaid, That no Appeal in any Cauſe of Exciſe whatſoever ſhall be admitted, until the party Appellant ſhall have firſt Depoſited and laid down the ſingle Duty of Exciſe in the hands of the Commiſſioners, Farmers or Sub-Commiſſioners of Exciſe within whoſe Juriſdiction or Diviſion the ſaid Cauſe was originally heard and determined, and have given Security to the commiſſioners of Appeal, or Juſtice of the peace reſpectively where ſuch Cauſe is to be finally Adjudged, for all ſuch Fine, Forfeiture and Penalty, as upon ſuch hearing and determining was Adjudged againſt him; And that if upon the hearing and determining of any ſuch Appeal, the ſaid Original Judgment ſhall happen to be reverſed and made null, then, and in every ſuch caſe, the ſaid Commiſſioners, Farmers, or Sub-Commiſſioners of Exciſe in whoſe hands the ſaid ſingle duty of Exciſe was depoſited, ſhall reſtore and deliver back the ſame, or as much thereof as ſhall be adjudged by the Commiſſioners of Appeals, or Juſtices of the peace reſpectively to the ſaid Appellant, and the party originally proſecuted, ſhall pay him the double Coſts. But in caſe the firſt Judgment ſhall be affirmed, the party Appealing ſhall pay the like Coſts unto the Commiſſioner or Commiſſioners complained of; Any thing in this Act, or any other Act or Statute whatſoever to the contrary thereof contained in any wiſe notwithſtanding.

Exciſe upon Vinegar-beer.

And be it further Enacted by Authority aforeſaid, That all and every perſon or perſons whatſoever, Brewing or Making any Beer, whether in a common Brew-houſe, or otherwiſe for ſale, or to convert into Vinegar for ſale, ſhall pay for every Barrel of ſuch Vinegar Beer ſo made and brewed the ſeveral and reſpective ſums already impoſed and ſet by any Acts of Exciſe above mentioned, Upon Vinegar-Beer brewed by any common Brewer in any common Brew-houſe; Any thing in the ſaid Acts, or either of them, to the contrary notwithſtanding.

Colledges and Halls in the Univerſities.

And it is hereby further Declared, That every Colledge and Hall in either of the Univerſities, which before the Duty of Exciſe was impoſed, did brew their own Beer and Ale within their own Precincts, and ſeize it out to their reſpective Members within their own Precincts only, are not liable to the payment of any Duty of Exciſe for the ſame, either by this or any the forementioned Acts.

IX.

Complaints to be determined in the proper counties.

Provided alſo, and be it Enacted, That all Differences, Appeals and Complaints that ſhall happen and ariſe betwen party and party, in order to the payment of the Duty of Exciſe, ſhall be heard and determined in the proper County, or in the ſeveral Ridings and Diviſions of Yorkſhire and Lincolnſhire, where they ſhall ariſe, and not elſewhere.

Commiſſioners or Farmers may take no Fees.

And be it further enacted by the Authority aforeſaid, That no Farmer, Commiſſioner, Sub-Commiſſioner, or other officer of Exciſe, ſhall directly or indirectly take or receive any Mony, Fee or Reward, for or concerning the taking of any Bond, or giving any Receipt or Note in Writing, relating to the Exciſe, to or from any perſon or perſons whatſoever, upon pain that every ſuch perſon ſo offending ſhall for every ſuch offence forfeit the ſum of ten ſhillings.

Who may hear and determine matters upon this Act.

And be it further Enacted by the Authority aforeſaid, That the Juſtices of the Peace, or any two or more of them, or Chief Magiſtrates in the ſeveral Counties, Cities, Diviſions and Places within England and Wales reſpectively, ſhall meet once in every moneth in their reſpective Diviſions, or oftner if there ſhall be occaſion, to hear, determine, and to adjudge all matters and offences againſt this or the aforeſaid Acts.

How the penalties upon this Act ſhall be diſpoſed and recovered.

And be it further Enacted by the Authority aforeſaid, That one third part of all Fines, Penalties and Forfeitures not herein otherwiſe diſpoſed, ſhall be to the Kings Majeſty, His Heirs and Succeſſors, & one other third part to the poor of the Pariſh where the Offence ſhall be committed, & the other third part to him that ſhall inform and ſue for the ſame; And that all Fines, Penalties and Forfeitures for which no remedy is Ordained for recovery thereof by this Act, ſhall be recovered by Action of Debt, Bill, Plaint or Information in any Court of Record within ſuch County, City or Corporation where the Offence ſhall be committed, or by ſuch other ways and means, and in ſuch manner as by the ſaid former Act is directed and appointed:

X.

Appeals for matters in London, and the limits thereof.

Provided alwayes, That after the ſaid Third day of September, no Appeal in any matter or Cauſe of Exciſe within the immediate Limits of the Chief Office of London, nor within the Limits of the preſent Farm of London, during the continuance of ſuch Farm, ſhall be admitted, unleſs the ſame be brought within two Moneths next after the firſt Judgment, and notice thereof given or left at the Dwelling-houſe of the party or parties concerned therein; nor ſhall any Appeal in any Matter or Cauſe of Exciſe in any other County, City, Town or Place, be admitted, unleſs the ſame be brought within Four Moneths after the firſt Judgment, and notice given as aforeſaid; Any thing in this Act to the contrary notwithſtanding.

No Commiſſioner or other may act untill he have taken the Oath in the Act of 12 Car.2.ca.23.

Provided nevertheleſs, And it is hereby Enacted, That no Commiſſioner, Farmer, Sub-Commiſſioner or other perſon imployed, or to be imployed in the Farming, Collecting or taking Accompts for the duty of Exciſe, do after the Firſt day of September next take upon him or them any ſuch Office, or proceed in execution of any ſuch Imployment, until he or they have firſt taken the Oaths appointed to be taken by the Act of Parliament, Entituled, A Grant of certain Impoſitions on Beer, Ale and other Liquors, for the increaſe of His Majeſties Revenue during his life, before the reſpective perſons appointed in the ſaid Act of Parliament, and have entred his Certificate for takng the ſaid Oaths, with the Auditor for Exciſe, under the penalty of Fifty pounds for every moneth he or they ſhall ſo neglect to take the ſame.

CAP. XII.

An Explanatory Act, for Recovery of the Arrears of Exciſe.

In what caſes Sureties for Exciſe ſhall be anſwerable for the arrears 12 Car. 2. cap. 11.

BE it Declared and Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That where any Commiſſioner, Sub-Commiſſioner, Treaſurer, and all other Officers which were heretofore imployed in the Receipt of the Exciſe, Farmer or Collector of Exciſe, which are and ſtandeth charged with, or accomptable for any Duties of Exciſe by him or them received, farmed or detained, or any ways due from the perſons before named, or any of them, and not pardoned by the late Act, entituled, An Act of free and General Pardon, Indempnity and Oblivion; That there, and in ſuch caſe, all and every Sureties of ſuch perſon and perſons charged or chargeable as aforeſaid, ſhall be deemed and taken to be liable and Anſwerable according to the nature of their reſpective Securities; Any doubt or queſtion made touching the Conſtruction of the ſaid late Act of Free and General Pardon to the contrary notwithſtanding.

And be it further Declared and enacted by the Authority aforeſaid, That where the Commiſſioners of Exciſe for the time being, or the major part of them have Iſſued out any ſummons or Warning, which hath been left at the houſe, or uſual place of reſidence, or with the Wife, Child, or menial Servant of any the aforeſaid perſon or perſons chargeable as aforeſaid, The ſame ſhall be deemed and adjudged a good and ſufficient Summons, and as legal and effectual a notice as if the ſame had been actually delivered to the proper hands of ſuch perſon or perſons to whom the ſame was directed; Any doubt or queſtion thereof made to the contrary notwithſtanding.

CAP. XIII.

An Additional Act for the better Ordering and Collecting the Revenue ariſing by Hearth-Money

14 Car. 2. cap. 10.

WHereas the Revenue Setled on His Majeſty, His Heirs and Succeſſors, by a late Act entituled (An Act for eſtabliſhing an Additional Revenue upon his Majeſty, his Heirs and Succeſſors, for the better ſupport of his and their Crown and Dignity) hath been much obſtructed for want of true and juſt Accompts under the hands of the reſpective Occupiers of Houſes, edifices, Lodgings and Chambers, as by the ſaid Act is required, and by the negligence of Conſtables and other Officers intruſted with the Taking and Reforming ſuch Accompts: Be it therefore enacted by the Kings moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, aad Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Juſtices of Peace of the reſpective Counties, Corporations, Places and Limits within their reſpective Juriſdictions, at the next Seſſions to be held after the Feaſt of Saint Michael the Archangel next enſuing, or the major part of them then preſent, ſhall iſſue out Warrants under their Hands and Seals to the reſpective High Conſtables, or other like next Officer, who ſhall iſſue the like Warrants unto the petty Conſtables, Head-boroughs and Tything-men, requiring them on the next Sunday after Morning Service ended, to give publick notice in the Church or Chappel generally to all the Inhabitants, and alſo to give notice publickly in the Church, and particularly as aforeſaid to every Inhabitant within their reſpective Precincts, that ſhall then be Occupier of any Houſe, edifice, Lodging or Chamber, That within Ten days next after ſuch notice, he give a true and juſt account in writing under his hand, of all Hearths and Stoves in ſuch reſpective Houſe, edifice, Lodging and Chamber, unto ſuch reſpective Conſtable, Head-borough and Tythingman; who upon receipt of ſuch Accompt, ſhall with Two other ſubſtantial Inhabitants of the ſaid reſpective Precinct, whom they are hereby Authorized to Charge for that purpoſe in the day-time enter into the reſpective Houſe, edifice, Lodging and Chamber, and upon his own view compare ſuch Accompt, and ſee whether the ſame be truly made or not, and endorſe the ſame Accompt accordingly to what he finds upon his view; which accompt ſo received and endorſed, ſhall be by him tranſmitted within twenty dayes after ſuch Receipt to the reſpective High Conſtable or other like Officer as aforeſaid, together with a Book or Roll fairly written, wherein ſhall be Two Columns, The one containing the Names of the perſons, and number of Hearths and Stoves in their reſpective Poſſeſſions, that are chargeable by the ſaid Act; and the other the Names of the perſons, and number of Hearths and Stoves in their reſpective poſſeſſions, which are not chargeable by the ſaid Act: Which being ſo received by ſuch reſpective High Conſtable, or other like Officer as aforeſaid, and compared together, ſhall within ſix days after ſuch Receipt be tranſmitted to the two next reſpective Juſtices of the peace who are hereby impowred to examine the ſaid reſpective High-Conſtable, or other like Officer as aforeſaid, Petty Conſtable, Headborough or Tythingman, upon Oath concerning the truth and faithfulneſs of their actings in the premiſes; which being done, the ſaid Juſtices ſhall within ten days after ſuch examination, ſign and tranſmit the ſaid Book and Roll, together with the ſaid Original Accounts ſo endorſed as aforeſaid, and filed together unto the reſpective Clerk of the Peace, who ſhall within Twenty days after receipt thereof Engroſs the ſaid Book or Roll in Parchment, to be ſtill kept in the reſpective County and Places aforeſaid; and ſhall alſo within Two Moneths Engroſs in Parchment a true Duplicate of the ſaid Book or Roll, which being Signed by him and by two Juſtices of the Peace at leaſt of the reſpective County and Places aforeſaid, ſhall be tranſmitted within one month after ſuch engroſſement into His Majeſties Court of Exchequer.

How the Juſtices of the Peace ſhall cauſe Accounts to be taken of the number of Hearths.

Provided always, and be it Enacted by the Authority aforeſaid, That if any Occupier of any Houſe, Edifice, Lodging or Chamber, ſhall not make or cauſe to be made an Account, or ſhall omit in his Account required to be made by this Act, any Hearth or Stove; he ſhall for every ſuch Hearth or Stove he ſhall ſo omit, forfeit the ſum of Forty ſhillings.

Penalty for omitting any Hearth.

Provided

Penalty upon Conſtables for neglect.

Provided alſo, That if any Petty-Conſtable, Headborough or Tythingman to whom ſuch Accounts as aforeſaid ſhall come, ſhall neglect to tranſmit the ſame, together with a Book or Roll in manner and time aforeſaid, to the reſpective High-Conſtable, or other like Officer as aforeſaid, or ſhall make default in giving ſuch notice as aforeſaid, or in comparing the Account with two ſubſtantial Inhabitants as aforeſaid, ſhall forfeit for every ſuch Offence, the ſum of Five pounds.

High-Conſtables.

Provided alſo, That if any High-Conſtable, or other like Officer as aforeſaid, ſhall neglect to compare the ſaid Original Accompts and the ſaid Book or Roll, or to tranſmit the ſame in manner and time aforeſaid, he ſhall for every ſuch Offence forfeit the ſum of Ten pounds. All which before mentioned Forfeitures and Penalties ſhall be recovered by Action of Debt, Bill, Plaint or Information, in any of his Majeſties Courts of Record, the one half to the uſe of his Majeſty, the other half to the uſe of him or them that ſhall ſue for the ſame.

Prejudice by change of annual Officers remedied.

III.

And whereas his Majeſties ſaid Revenue ſetled by the aforeſaid Act, hath been much prejudiced by Annual changing of Petty-Conſtables, Headboroughs, Tythingmen, High-Conſtables and Sheriffs, to whom the Collecting and Receipt of his Majeſties ſaid Revenue is thereby intruſted; Be it therefore Enacted by the Authority aforeſaid, That the changing of ſuch Annual Officers, or leaving of their ſaid Offices, ſhall not excuſe or diſable any perſon who ſhall be Conſtable, Headborough, Tythingman, High-Conſtable or Sheriff at the time that any Revenue or Duty ſhall grow due or payable by the ſaid Act, from Collecting, Diſtraining and Receiving reſpectively ſuch Revenue or Duty ſo grown due; but that every perſon in ſuch caſe is hereby enabled and required to do all things reſpectively, as to ſuch Revenue or Duty ſo growing due, as if he had continued Conſtable, Headborough, Tythingman, High-Conſtable or Sheriff; Any thing in the ſaid Act to the contrary notwithſtanding.

Penalty for neglecting to diſtrain, receive, or pay over the ſaid Duty.

Provided alſo, and be it Enacted by the Authority aforeſaid, That if any perſon who by the ſaid, or this Act, ought to Collect, Diſtrain for, Receive or Pay over any the ſaid Revenue, ſhall neglect or refuſe to do his duty therein, for every week he ſhall neglect or refuſe, he ſhall forfeit the Sum of Twenty ſhillings, to be recovered in manner, and by ſuch perſon or perſons as the aforeſaid Forfeitures by this Act are to be recovered.

All perſons may be called in aid to Diſtrain.

Provided alſo, and be it Declared and Enacted by the Authority aforeſaid, That in all caſes which by this or the aforeſaid Act, any Petty-Conſtable, Headborough or Tythingman may enter into the houſe of any perſon, or he may diſtrain the Goods of any perſon, he may call to his aid any two ſufficient Inhabitants of the reſpective Townſhips or Precincts, who are hereby enjoyned to aſſiſt him therein.

Sheriffs appointed Collectors, may make their Deputies.

Provided alſo, and be it Enacted and Declared by the Authority aforeſaid, That where any Sheriff is by the aforeſaid Act appointed to be Collector of any part of the ſaid Revenue, that ſuch Sheriff may execute the ſaid place of Collector, or by ſuch Deputy or Deputies as to him ſhall ſeem meet, being thereunto appointed under the Great Seal of his Office, or under his own Hand and Seal; Any thing in the ſaid Act to the contrary notwithſtanding.

Treaſurers and Officers of the Inns of Court, Chancery, Colledges, &c.

Provided alſo, and be it enacted by the Authority aforeſaid, That the reſpective Treaſurers, and other Officers of the reſpective Inns of Court, Inns of Chancery, Colledges, and other Societies chargeable by the aforeſaid Act for their Hearths and Stoves, ſhall do all things as the reſpective Conſtables by this Act are enjoyned to do, under the like Penalties, though without any Warrant from the reſpective Juſtices of the Peace; And that every Occupier of any Houſe, Edifice, Lodging or Chamber within any the reſpective Inns of Court, Inns of Chancery, Colledges and Societies aforeſaid, ſhall do all things, and under the like Penalties as are required by this Act of any Occupier of any Houſe, Edifice, Lodging or Chamber elſewhere.

Weſtminſter.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That the High-Bayliff of Weſtminſter for the time being, or his or their Deputy or Deputies, may within the City and Liberties of Weſtminſter, from and after the Eight and twentieth day of September next, collect and levy the ſaid Duty, and put in execution all the Powers of the ſaid former Act, and this preſent Act, as amply as any Sheriffs who by the ſaid former Act are made Collectors, may do within their reſpective Limits and Juriſdictions appointed to them by the ſaid Act: And the ſaid Bayliff for the time being ſhall be ſubject to the ſame Penalties and Duties as the ſaid Sheriffs are, and ſhall receive the ſame Reward; and the Sheriff of Middleſex for the time being is diſcharged from putting in execution the Truſt aforeſaid in the ſaid City and Liberty of Weſtminſter, from the ſaid Eight and twentieth day of September, ſaving only for the Collecting of ſuch arrears as then ſhall happen to be: And the Conſtables and Headboroughs, and other Officers within the ſaid City and Liberty of Weſtminſter, ſhall deliver unto the ſaid Bailiff, Duplicates of all Accounts of Hearths and Stoves, and do all other things in ſuch manner as by the ſaid Act they ought to have done unto the ſaid Sheriffs; Any thing in the ſaid, or this Act to the contrary notwithſtanding.

IV.

Southwark.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That the Bailiff of the Burrough of Southwark for the time being, his Deputy or Deputies, may within the ſaid Burrough, and other Liberties of Southwark, from and after the Eight and twentieth day of September next, Collect and Levy the ſaid Duty, and put in execution all the Powers of the ſaid former Act, and this preſent Act, as amply as any Sheriffs who by the ſaid former Act are made Collectors, may do within their reſpective Limits and Juriſdictions appointed to them by the ſaid Act; and the ſaid Bailiff for the time being ſhall be ſubject to the ſame Penalties and Duties, as the ſaid Sheriffs are, and ſhall receive the ſame Reward; and the Sheriff of Surrey for the time being is diſcharged from putting in execution the Truſt aforeſaid in the ſaid Burrough and Liberties of Southwark, from the ſaid Eight and twentieth day of September; And the Conſtables and other Officers within the ſaid Burrough and Liberties, ſhall deliver unto the ſaid Bailiff, Duplicates of all Accompts of Hearths and Stoves, and do all other things in ſuch manner as by the ſaid Acts they ought to have done unto the ſaid Sheriffs; Any thing in the ſaid former or this Act to the contrary notwithſtanding.

Allowance to Clerks of the Peace of the ſeveral Counties.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Lord High Treaſurer of England, and the Chancellor of his Majeſties Court of Exchequer, or either of them, to give and make ſuch further allowance unto the Clerks of the Peace of the reſpective Counties of this Kingdom (for their labour and pains in and about the Writing, Engroſſing and Returning into his Majeſties Court of Exchequer, the Duplicates and Returns of the ſeveral Conſtables, in Parchment, over and beſides what is allowed by the ſaid firſt recited Act) as the ſaid Lord High Treaſurer and Chancellor, or either of them ſhall think meet and convenient, the ſame allowance not exceeding One peny in the pound by the year; Any thing in the ſaid former, or in this Act to the contrary notwithſtanding.

CAP. XIV.

The Profits of the Poſt-Office, and Power of Granting Wine-Licenſes ſetled on His Royal Highneſs the Duke of York, and the Heirs males of his Body.

WHereas the Lords and Commons being aſſembled at Weſtminſter the Five and twentieth day of April, Anno Domini, One thouſand ſix hundred and ſixty, in the Twelfth Year of the Reign of our moſt Gracious Soveraign Lord Charles the Second, by the Grace of God of England, Scotland, France, and Ireland King, Defendor of the Faith, &c. were there continued untill the Nine and twentieth day of December next following, and then Diſſolved; In which time a certain Act was made, Entituled, An Act for the better Ordering the ſelling of Wines by Retail and for preventing Abuſes in the mingling, corrupting and vitiating of Wines, and for ſetling and limiting the prices of the ſame: Whereby it was Enacted, That no perſon or perſons whatſoever, from and after the Five and twentieth day of March, in the year of our Lord, One thouſand ſix hundred ſixty and one, unleſſe he or they ſhould be authorized and enabled in manner and form as by the ſaid Act is appointed, ſhall ſell or utter by Retail any kind of Wine or Wines to be ſpent in his or their Manſion-houſe or Houſes, or other place by any means whatſoever, upon pain of forfeiting for every ſuch Offence, the Sum of Five pounds, the one moyety thereof to the King, and the other moyety to him or them that will ſue for the ſame.

12 Car. 2. cap. 25.

II.

And it was further thereby Enacted, That it ſhould be lawful for his Majeſty, his Heirs and Succeſſors, from time to time to iſſue out under his or their Great Seal of England, One or more Commiſſion or Commiſſions directed to two or more perſons, thereby authorizing them to licenſe, and give authority to ſuch perſon or perſons as they ſhould think fit, to ſell and utter by Retail, all and every, or any kind of Wine or Wines to be drunk and ſpent, as well within the houſe or houſes, or other place in the Tenure or Occupation of the party ſo Licenſed, as without, in any City, Town or other place within the Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed; and ſuch Commiſſioners are to Contract for ſelling and uttering of Wines by Retail in any City or other place, as aforeſaid, in ſuch manner and form, and under ſuch Proviſoes as in the ſaid Act is mentioned. And it is further provided by the ſaid Act, That the Rents, Revenues, and Sums of Money ariſing by the ſaid Act ſhould be duly and conſtantly paid, and anſwered into his Majeſties Receipt of Exchequer, and not be charged or chargeable, either before it be paid into the Exchequer, or after, with any Gift or Penſion; as by the ſaid Act, amongſt divers other Proviſoes and Clauſes may more at large appear.

12 Car. 2. cap. 34.

The Office of Poſt-Maſter General.

III.

And alſo one other Act was at the ſame time made, Entituled, An Act for Erecting and Eſtabliſhing a Poſt-Office: Whereby it is Enacted, That from thenceforth there ſhould be one general Letter-Office erected and eſtabliſhed in ſome convenient place within the City of London, from whence all Letters and Pacquets may be ſent into any part of the Kingdome of England, Scotland and Ireland, or other of his Majeſties Dominions, or unto any Kingdome or Countrey beyond the Seas: And that one Maſter of the ſaid General Letter-Office, ſhall be from time to time appointed by the Kings Majeſty, his Heirs and Succeſſors, by his or their Letters Patents, under the Great Seal of England, by the name and ſtile of his Majeſties Poſt-Maſter General; which ſaid Poſt-Maſter and his Deputy and Deputies, by him thereunto ſufficiently authorized, and his and their Servants and Agents, and no other perſon ſhall have the receiving, ordering or ſending Poſt of all Letters and Pacquets whatſoever, to be ſent to and from the places aforeſaid (except as therein and thereby is excepted). And it was thereby provided, That ſuch Poſt Maſter General, and his Deputy and Deputies may demand, have, receive and take for the Portage of all ſuch Letters which he ſhall convey, as aforeſaid, and for the providing and furniſhing Horſes for through-Poſts, according to the Rates therein mentioned; And that his Majeſty, his Heirs and Succeſſors may Grant the ſaid Office of Poſt-Maſter General, with the Powers and Authorities thereunto belonging, and the ſeveral Rates of Portage therein mentioned, and all Profits, Priviledges, Fees, Perquiſites and Emoluments thereunto belonging, either for life or term of years, not exceeding One and twenty years, to ſuch perſon and perſons, and under ſuch Covenants, Conditions, and yearly Rents to his ſaid Majeſty, his Heirs and Succeſſors reſerved, as he or they ſhall from time to time think fit; As by the ſaid Act, amongſt divers other Clauſes and Proviſoes therein contained may more at large appear; Both which Acts have been confirmed by this preſent Parliament.

Now foraſmuch as the Kings moſt Excellent Majeſty is graciouſly pleaſed out of his Princely care, and great love and affection to his moſt entirely beloved Brother James Duke of York, for and towards the Maintenance and Support of the ſaid Duke his State and Dignity, to Grant and Aſſign all and every the Power and Powers, Authorities of giving Licenſe to any perſon or perſons to Sell or Utter by Retail, all and every, or any kind of Wine or Wines whatſoever, with all Rents, Sum or Sums of Money, Revenues, Profits and Emoluments whatſoever, that ſhall or may ariſe from, or out, or by reaſon of ſuch power of Licenſing the Retailing of Wines, or Forfeitures for Retailing of Wines without ſuch Licenſes, unto the ſaid James Duke of York, and to the Heirs-males of his Body begotten, or to be begotten: And alſo all the Rents, Sum and Sums of Money, and Revenues that ſhall ariſe, grow, and become due of, or from the ſaid General Letter-Office, or Poſt-Office, or Office of Poſt-Maſter-General, unto the ſaid James Duke of York, and the Heirs-males of his Body begotten, or to be begotten.

IV.

The Powers of granting Wine Licenſes entailed upon the Duke of York.

Be it therefore Enacted and Declared by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid James Duke of York, and the Heirs-males of his Body begotten, or to be begotten, ſhall have all and every the Powers and Authorities aforeſaid, to give and grant Licenſes to ſuch perſon or perſons as he or they ſhall think fit, to Sell and Utter by Retail, all and every, or any kind of Wine or Wines whatſoever to be drunk and ſpent, as well within the houſe and houſes, or other place in the Tenure or Occupation of the party ſo Licenſed, as without in any City, Town, or other place whatſoever within the Kingdom of England, Dominion of Wales, and Town and Port of Berwick upon Tweed, Together with all Benefices and Profits thereof. And alſo that the ſaid Duke, and the Heirs-males of his Body begotten, or to be begotten, ſhall have that moyety of the Forfeitures and Penalties, which by the ſaid recited Act is given to his Majeſty, his Heirs and Succeſſors.

And it is hereby further Declared, That all and every other perſon or perſons, which from time to time, or at any times hereafter ſhall be by the ſaid James Duke of York, and the Heirs-males of his Body begotten, or to be begotten, appointed, authorized or deputed Agent or Agents, Commiſſioner or Commiſſioners to Treat and Contract for giving Licenſes and Diſpenſations to any perſon or perſons for the Selling and Uttering Wines by Retail in any City or Town, or other place, as aforeſaid, ſhall have the full and ſole power and authority to Treat and Contract for giving Licenſes to any perſon or perſons for the Selling and Uttering Wines by Retail in any City, Town, or other place, as aforeſaid, any Law, Statute, Grant, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding, in as full and ample manner as the Kings Agents or Commiſſioners might do by vertue of the ſaid recited Act.

V. And be it further Enacted by the Authority aforeſaid, That ſuch perſon or perſons as ſhall be appointed by the ſaid James Duke of York, or the Heirs-males of his body begotten, or to be begotten, under his or their Hand or Seal, for granting Licenſes for Selling and Uttering Wines by Retail, are hereby enabled under ſuch Seal as the ſaid Duke, or the Heirs-males of his Body begotten, or to be begotten, ſhall appoint, to grant Licenſes for the Selling and Uttering Wines by Retail to any perſon or perſons, for any time or times, not exceeding One and Twenty years, if ſuch perſons ſhall ſo long live, and for ſuch yearly Rents, and under ſuch Conditions as they ſhall think fit, ſo as no Fine be taken for the ſame, but that the Rents or Sums of Money ſo agreed for and reſerved, ſhall be duly paid at the times and places agreed for the payment thereof; for which Rents ſo reſerved, in caſe the ſame ſhall not be paid, the ſaid Duke, and the Heirs-males of his Body begotten, or to be begotten, ſhall and may have power by this Act to ſue for the ſame by Bill, Plaint, or Action of Debt in any of his Majeſties Courts of Record at Weſtminſter, or elſewhere, in his own Name; or to ſue for the ſame in his Majeſties Name in the Court of the Exchequer, at the Election of the ſaid Duke, and the Heirs-males of his Body begotten, or to be begotten: And that the diſcharge of the ſaid James Duke of York, and of the Heirs-males of his Body begotten, or to be begotten, or of his or their Receiver-General for the time being, ſhall be a full and effectual diſcharge to all intents and purpoſes, for all ſuch moneys as have, or ſhall be received by vertue of the Act for Wine-Licenſes.

Provided alwayes, That the Kings Majeſty, his Heirs and Succeſſors, ſhall not during the continuance of the ſaid Eſtate Tail, by himſelf or Agents, grant any Commiſſion or Commiſſions, Licenſe or Licenſes, for the Selling or Uttering of any Wines by Retail.

VI. And alſo Provided, That nothing in this Act contained, ſhall make void any Contracts, Leaſes or Agreements that have been made by his Majeſties Agents, for granting Licenſes for Selling and Uttering Wines by Retail, in purſuance of the ſaid Act; but the ſame Contracts, Leaſes and Agreements ſhall remain in ſuch force as they were before the making of this Act, and that the Rents thereupon reſerved, and all Arrears thereof ſhall be paid unto the ſaid Duke, and to the Heirs-males of his Body begotten, or to be begotten.

Rents and profits ariſing by the Letter-Office.

And be it further Enacted by the Authority aforeſaid, That all the yearly Rents, Sum or Sums of Money, Revenues, Iſſues and Profits whatſoever that ſhall grow due, accrew, or be payable unto his Majeſty, his Heirs and Succeſſors, for or by reaſon of the ſaid general Letter-Office or Poſt-Office, or Office of Poſt-Maſter General, or annexed, incident or belonging to the ſaid Poſt-Office, or general Letter-Office, or Office of Poſt-Maſter General, or Iſſuing out of the ſame, or accrewing or growing due for, or by reaſon of the ſame, ſhall be, and hereby are veſted and ſetled by vertue of this Act upon the ſaid James Duke of York, and the Heirs males of his Body begotten, or to be begotten, with full and ſole power from time to time for the ſaid Duke, and the Heirs males of his Body begotten, or to be begotten, his and their Receivers General to receive all and every the ſaid Rents, Iſſues and Profits accrewing for, or iſſuing out of the ſaid Office; and from time to time to give Diſcharges for the money ſo received.

Not to be paid into the Exchequer.

How to be recovered.

Provided always, And be it enacted by the Authority aforeſaid, That none of the ſaid yearly Rents, Iſſues and Profits ariſing, growing due, accrewing or iſſuing out of the ſaid general Letter-Office, or Poſt-Office, or Office of Poſt-Maſter General, ſhall for, and during the ſaid Eſtate Tail, be paid into the Exchequer, but only to the ſaid Duke, and to the Heirs males of his Body begotten, or to begotten, his or their Receiver-General for the time being: And alſo, that it ſhall and may be lawful to and for the ſaid Duke, and for the Heirs males of his Body begotten, or to be begotten, in the name of his Majeſty, his Heirs or Succeſſors, or in his or their own name to ſue for the ſame, by Bill, Plaint, Information, Action of Debt, or otherwiſe, in any Court or Courts of Law or Equity, wherein no Protection, Wager of Law or Eſſoine ſhall lie.

VII.

Proviſo for Danie. Oneale, Eſquire, &c.

Provided alſo, That nothing herein contained ſhall make void the Grant made by his Majeſty to Daniel Oneale Eſquire, of the Office of Poſt-Maſter General, or general Letter-Office, or Poſt-Office, for four years, and one quarter of a year, from the ſaid Five and twentieth day of March, in the year of our Lord, One thouſand ſix hundred ſixty and three, under the yearly Rent of One and twenty thouſand five hundred pounds for all the ſaid Term (except the laſt Quarter, which is paid aforehand) ſo as the ſaid Rents be paid unto his ſaid Highneſs James Duke of York, and to the Heirs males of his Body begotten, or to be begotten.

Provided alſo, and it is hereby further enacted and declared, That it ſhall and may be lawful for the Kings Majeſty, his Heirs and Succeſſors, at any time or times, during the ſaid Eſtate Tail, by Warrant under his Privy-Seal to charge any Sum, or ſeveral Sums of Money, not exceeding in the whole the Sum of Five thouſand three hundred fourſcore and two pounds ten ſhillings, to be paid out of the profits of the Office of Poſt Maſter General; to the which ſaid Sum of Five thouſand three hundred fourſcore and two pounds ten ſhillings, the ſeveral Sums and Payments now already charged thereupon, do in the whole amount, (the Grant of which Sums are not to be avoided by this Act) And which ſaid Sums of Money, not exceeding the ſaid Sum of Five thouſand three hundred fourſcore and two pounds ten ſhillings, to be granted by his Majeſty as aforeſaid, are and ſhall be by authority of this Act confirmed and made in full force.

His Majeſty may nominate the Poſt Maſter-General.

Provided further, That the Kings moſt excellent Majeſty, his Heirs and Succeſſors ſhall have the nomination of the Poſt-Maſter General of the ſaid Poſt-Office, and ſhall from time to time nominate and appoint ſuch perſon and perſons as he or they ſhall pleaſe, to be Poſt Maſter General of the ſaid Office, and may grant the ſame Office with the power and authority thereunto belonging, and the ſaid Rates of Poſtage in the ſaid Act mentioned, either for life, or term of years, not exceeding One and Twenty years to ſuch perſon or perſons, as he or they ſhall think fit, under the moſt improved yearly Rent that can be reaſonably had or gotten for the ſame by the ſaid Duke, or the Heirs males of his Body begotten, or to be begotten, without Fines; the ſaid yearly Rent to be reſerved and payable to the ſaid Duke, and to the Heirs males of his Body begotten, or to be begotten, and alſo under ſuch Covenants, Conditions and Agreements, as the ſaid Duke, or the Heirs males of his Body begotten, or to be begotten, ſhall think fitting; Any thing in this preſent Act contained to the contrary notwithſtanding.

VIII.

The Duke may joynture any wife in a third part of the Profits.

Provided alwayes, and it is hereby Declared, That it ſhall and may be lawful, to, and for the ſaid James Duke of York, and the Heirs males of his Body begotten, or to be begotten, to ſettle any part of the ſaid Premiſſes, not exceeding a Third part of the clear yearly value, over and above all Charges and Repriſes, for a Joynture for his or their Wife or Wives; and alſo to Leaſe any other part of the ſaid Premiſſes for any number of years, not exceeding One and Twenty years, and not exceeding one other third part of the clear yearly value of the Premiſſes, over and above all other Charges and Repriſes, in order to raiſe Portions for his or their younger Children.

Proviſo for the Univerſities.

Provided alſo, That this Act, or any thing therein contained, ſhall not in any wiſe be prejudicial to the Priviledge of the two Univerſities of this Land, or either of them, or to the Chancellor or Scholars of the ſame, or their Succeſſors, but that they may uſe and enjoy ſuch Priviledges as heretofore they have lawfully uſed and enjoyed; Any thing herein to the contrary notwithſtanding.

Proviſo for the company of Vintners of London.

Provided alſo, That this Act, or any thing therein contained, ſhall not extend, or be prejudicial to the Maſter, Wardens, and Freemen and Commonalty of the Myſtery of Vintners of the City of London, or to any other City or Town corporate, but that they may uſe and enjoy ſuch Liberties and Priviledges, as heretofore they have lawfully uſed and enjoyed; any thing herein contained to the contrary in any wiſe notwithſtanding.

Proviſo for the Borough of St. Albans.

Provided alſo, and be it enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not in any wiſe extend to debar or hinder the Mayor and Burgeſſes of the Borough of Saint Albans in the County of Hertford, or their Succeſſors, from enjoying, uſing and exerciſing of all ſuch Liberties, Powers and Authorities to them heretofore granted by ſeveral Letters Patents, under the Great Seal of England by Queen Elizabeth and King James, of famous Memories, for the erecting, appointing and licenſing of Three ſeveral Wine-Taverns within the Borough aforeſaid, for and towards the maintenance of the Free-School there; but that the ſame Liberties, Powers and Authorities ſhall be, and are hereby eſtabliſhed and confirmed, and ſhall remain, and continue in, and to the ſaid Mayor and Burgeſſes, and their Succeſſors, to and for the Charitable uſe aforeſaid, and according to the tenour of the Letters Patents aforeſaid, as though this Act had never been made; any thing herein contained to the contrary in any wiſe notwithſtanding.

Proviſo for the Univerſity Letters.

Provided alwayes, That all Letters and other things may be ſent or conveyed to or from the two Univerſities, in manner as heretofore hath been uſed; Any thing herein to the contrary notwithſtanding.

CAP. XV.

The Manufactures of making Linnen Cloth and Tapiſtry encouraged.

The inconvenience by importing Foreign materials of Linnen and Tapiſtry Hangings.

WHereas vaſt quantities of Linnen Cloth, and other Manufactures of Hemp and Flax, and of Tapiſtry Hangings are daily Imported into this Kingdom from Foreign parts, to the great Detriment and Impoveriſhment thereof, the Moneys and Quick-ſtock of this Kingdom being thereby daily exhauſted and diminiſhed, and the poor thereof imployed, while the Materials for the making of ſuch Hangings are here more plentiful, and better and cheaper then in thoſe places from whence they are Imported; And Flax and Hemp might be had here in great abundance, and very good, if by ſetting up the Manufactures of ſuch Commodities as are made thereof, it would be taken off the hands of ſuch as ſow and plant the ſame.

Encouragement of Engliſh Manufactures.

In the occupation of dreſſing and uſing of Hemp and Flax.

Making of tapeſtry hangings.

For the Encouragement therefore of thoſe Manufactures, Be it enacted, and it is hereby enacted by the Kings moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority thereof, That from and after the firſt day of October next enſuing, It ſhall and may be lawful for any perſon or perſons whatſoever, Native or Foreigner, freely and without paying any Acknowledgement, Fee, or other Gratuity for the ſame in any place of England and Wales, priviledged or unpriviledged, Corporate or not Corporate, to ſet up and exerciſe the Trade, Occupation or Myſtery of breaking, hickling or dreſſing of Hemp or Flax; as alſo for making and whitening of Thread; as alſo of Spinning, Weaving, Making, Whitening or Bleching of any ſort of Cloth whatſoever made of Hemp or Flax only: As alſo the Trade, Occupation or Myſtery of making of Twine or Nets for Fiſhery, or of Stoving of Cordage: As alſo the Trade, Occupation or Myſtery of making any ſort of Tapiſtry-Hangings; Any Law, Statute or Uſage to the contrary in any wiſe notwithſtanding.

Foreigners may uſe thoſe trades and enjoy all priviledges as natural born Subjects. Oath of Allegiance and Supremacy.

And all Foreigners that ſhall really, and bona fide ſet up and uſe any of the Trades and Manufactures aforeſaid, by the ſpace of three years in this Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, ſhall from thenceforth, taking the Oaths of Allegiance and Supremacy before two Juſtices of the Peace near unto their dwellings, who are hereby authorized to adminiſter the ſame, enjoy all Priviledges whatſoever as the Natural born Subjects of this Kingdom.

And it is hereby enacted and declared, That ſuch Foreigners as ſhall exerciſe any of the Trades aforeſaid by vertue of this Act ſhall not at any time be lyable to any other or greater Taxes, Payments or Impoſitions then ſuch as are or ſhall be paid by his Majeſties Natural born Subjects, unleſs in caſe they ſhall uſe and exerciſe Merchandize into, and from Foreign parts, in which caſe they ſhall de lyable to pay ſuch Cuſtoms as have uſually been paid by Aliens during the ſpace of Five years next enſuing, and no longer.

CAP. XVI.

Herring and other Fiſheries Regulated; And a Repeal of the Act concerning Madder.

How herrings ſhall be packed

Able Packers to be appointed and ſworn.

Penalty for not appointing and ſwearing Packers.

Weſtmony-Iſland.

FOr the preventing of abuſes in the packing and ordering of Herrings, and bringing that Commodity into Credit in Foreign parts beyond the Seas; Be it enacted, and it is enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of Auguſt, One thouſand ſix hundred ſixty four, No white or red Herrings of Engliſh catching, ſhall be put to ſale in England, Wales, or in the Town of Berwick upon Tweed, but what ſhall be packed in lawful Barrels or Veſſels, and which ſhall be well, truly and juſtly laid and packed; And ſhall be of one time of Taking, Salting, Saving or Drying, and equally well packed in the midſt, and every part of the Barrel or Veſſel, and by a ſworn Packer; And the Veſſel or Barrel marked or branded by ſuch ſworn Packer, with a mark or brand denoting the gage of the Barrel or Veſſel, and the quantity, quality and condition of the Herrings packed therein, and the Town or place where they were packed; And the Bailiffs of Great Yarmouth for the time being, and the Mayor, Bailiffs, or other Head-Officer for the time being of every Port, Haven or Creek out of which any Veſſels or Ships do proceed to fiſh for Herrings, are hereby authorized and required before the firſt day of July, in the year, One thouſand ſix hundred ſixty four, and before the firſt day of July in every year after, to appoint for their reſpective Haven, Port or Creek, a competent number of able and experienced Packers, to view and pack all ſuch white or red Herrings of Engliſh catching, as ſhall be brought into their Port, Haven or Creek, and well and truly to mark and brand the Barrels or Veſſels into which they ſhall be packed, with ſuch mark or brand, as is above directed, and to adminiſter to them yearly an Oath, (which Oath they are hereby authorized and appointed to give to them) for the well and true doing thereof according to this Act. And in caſe the ſaid Bailiffs of Great Yarmouth, or the Mayor, Bailiffs, or other Head-Officer for the time being of any ſuch Port, Haven or Creek, ſhall not appoint and ſwear ſuch Packers before ſuch time in every year as is by this Act required, they ſhall for every default forfeit the ſum of One hundred pounds of lawful money of England; one moyety to his Majeſty, his Heirs and Succeſſors, and the other moyety to him or them that ſhall inform or ſue for the ſame in any Court of Record, by Bill, Plaint, or other Action, wherein no Eſſoine, Protection or Wager in Law ſhall be allowed: And for the better regulating of the Iſland, and Weſtmony Fiſheries, and Preſervation of the Spawn of Fiſh there, Be it Enacted, and it is hereby Enacted by the Authority aforeſaid, That from and after the five and twentieth day of December, One thouſand ſix hundred ſixty three, no Ship or Veſſel ſhall proceed upon a Fiſhing-Voyage for Iſland or Weſtmony out of any Port, Haven or Creek in England or Wales, or out of the Port of Berwick upon Tweed, untill the tenth day of March in any year, upon the pain of the forfeiture of every ſuch Ship or Veſſel, with all her Furniture, Tackle and Apparel, and of all the fiſh caught in ſuch Ship or Veſſel. And it is hereby further Enacted by the Authority aforeſaid, That no perſon or perſons whatſoever, do collect, levy or take, or cauſe to be collected, levyed or taken in New-found-land any Toll, or other duty of or for any Cod or Poor John, or other fiſh of Engliſh catching, under pain of the loſs of double the value of what ſhall be by them levied, collected or taken, or cauſed to be collected, levied or taken: And that no Planter, or other perſon or perſons whatſoever do caſt or lay any Seme or other Net, in or near any Harbour in New-found-land, whereby to take the ſpawn or young Fry of the Poor John, or for any other uſe or uſes, except for the taking of Bait only, upon pain of the loſs of all ſuch Semes or Nets, and of the fiſh taken in them, or of the value thereof, to be recovered in any of his Majeſties Courts in New-found-land, or in any Court of Record in England or Wales, by Bill, Plaint, or other Action; wherein no Eſſoine, Protection or Wager in Law ſhall be allowed.

New-found-land.

And it is hereby further Enacted by the authority aforeſaid, That no Planter, or other perſon or perſons whatſoever, ſhall burn, deſtroy or ſteal any Boat, Caſk, Salt, Nets, or other Utenſils for Fiſhing or making of Oyl, or other Goods or Merchandize left in any Harbour in New-found-land, or Greenland by Engliſh; or burn, pull down or deſtroy any Houſe built by Engliſh in New-found-land or Greenland, to live during the Fiſhing ſeaſon, or Stage built by them in either of the ſaid places for the ſalting or ordering of Fiſh, or making of Oyl, upon pain of the loſs of double the value of what ſhall be by them ſtoln, burnt or deſtroyed, to be recovered in any of his Majeſties Courts in New-found-land or Greenland reſpectively, or in any Court of Record in England, by Bill, Plaint, or other Action, wherein no Eſſoine, Protection or Wager in Law ſhall be allowed.

None may deſtroy houſes or ſpoil nets, &c. for fiſhing in New-found-land.

The penalty.

And whereas upon the humble Petition and complaint of the Merchants and Salters of the City of London, it doth appear, That ſome ſorts of Madder very uſeful for Dying cannot be Imported ſo pure and clean, as by one Act paſſed the laſt Seſſion of this preſent Parliament, (Intituled, An Act for the Importation of Madder Pure and unmixed) is directed and appointed; Be it Enacted, and it is hereby enacted by the authority aforeſaid, That the ſaid Act, and every Clauſe and Thing therein contained be from henceforth utterly void and repealed to all intents, purpoſes and conſtructions whatſoever.

A repeal of the Statute concerning Madder. 14 Car. 2. c. 30.

CAP. XVII.

An Act for ſetling the Draining of the Great Level of the Fens called Bedford Level.

VVHereas certain Moors, Marſhes, Fenny and Low ſurrounded Grounds within the Counties of Northampton, Norfolk, Suffolk, Lincoln, Cambridge and Huntington, and the Iſle of Ely, were called the Great Level of the Fens; And after ſeveral fruitleſs undertakings for Draining the ſame, were upon the Deſires of many perſons of Worth, and Intereſſed in the ſame, declared to be a Great and Noble Work, and of much Concernment to the whole Country, and at their earneſt deſire undertaken to be Drained by Francis late Earl of Bedford, according to a Law of Sewers made at Kings Lynne in the ſixth year of the Reign of the late King Charles of glorious memory; which ſaid Level is bounded as followeth, (viz.) Eaſtward from the Bridge and Cawſey of Stoake, unto Brandon-Bridge upon the Uplands of Northold, Methold, Feltwell, Hockwold and Wilton in the County of Norfolk; and from Brandon-Bridge unto the end of Worlington-Load upon Mildenhall River, upon the Uplands of Brandon, the Low grounds of Wainsford excluding the ſame; the Uplands of Sakingheath, the Low grounds of Earſewell excluding the ſame: And the Uplands of Mildenhall in the County of Suffolk, Southward from Worlington Load, unto Burwell Block upon the Uplands of Freckingham, Iſlham, Fordham Soham and Wickin in the County of Cambridge, and excluding the Low grounds of Burwell, Landward, and other places lying Eaſtward from Burwell Block aforeſaid, from thence unto the Mill near Angliſey Abby upon the Uplands of Burwell Reach, Shaffham Pryor, Shaffham Bulbeck, and Botſham in the County of Cambridge; and from thence unto the Ferry place of Clayhith upon the Uplands called Quyhall, the Low grounds called Low Fenne, and the Uplands of Hormingſey and Claybith in the ſaid County, excluding the Low grounds called Low Fenne and Offenne; and from the ſaid Ferry-place unto Over-Load upon the Uplands of, Water-Beach, Cottenham, Rampton, Winelingham and Over in the ſaid County of Cambridge, and upon the Low grounds of Swacy in the ſaid County, excluding the ſame Weſtward from Erith, unto the Dam lately made upon the River Neane near Standground, upon the Uplands of Somerſham and the Soake thereof, Warbois, Wiſtow Berry, Ramſey, Upwood, Raveley, Wood-walton, Sawtrey, Connington, Glatton and Holme Caldecott, Denton, Stilton, Yaxley, Faſſet and Standground in the County of Huntington, excluding the Low grounds lying on the North ſide of the River of Owſe above Frith; and from the ſaid Dam unto Peterborough Bridge upon the ſaid River of Neane; and from thence unto the Ferry-place near Waldron Hall upon the Uplands of Peterborough, and the Soake thereof in the County of Northampton; and Northward from the ſaid Ferry-place near Waldron Hall unto Crowland Bridge upon the River of Welland; and from thence to Dowſedale upon the Bank of Great Porſand; and from thence unto Guyhurne upon the Southea Bank; and from thence unto Tilneburne upon the Bank of the Fenne Ground called Walderſea; and from thence unto Elme Leame at Grangers Houſe upon the Bank of the Fenne Ground called Coldham; and from thence unto the River of Neane near Thurlings in Upwell upon the Bank of Needham called Biſhops Dike; and from thence unto Well Creek, at the North-weſt corner of Waſſingham Fenne upon the Bank of the Grounds in Upwell and Outwell called Playfield and Churchfield, excluding the aforeſaid Fennes and Grounds called Wal-

The great level of the fens, how bounded.

Ib.

decſea, Coldham, Needham, Playfield and Churchfield; and from thence unto Salters-Load upon the New Podyke Bank, and from thence unto the mouth of the River Wiſſey upon the River Owſe, and from thence unto Helgey Bridge upon the River Wiſſey, and from thence unto the III. Uplands at the end of the Bank of the Grounds late of Edmond Skipwith Eſquire deceaſed, upon the ſaid Bank, and from thence unto Stoake Bridge upon the Uplands of Roxham, Deerham, Weereham, Wretton and Stoake in the ſaid County of Norfolk; Except the imbanked Grounds late of Edmond Skipwith Eſquire, lying on the North ſide of the River of Owſe; And whereas the ſaid Francis late Earl of Bedford was to have for his recompence of effecting that difficult work, onely Ninety five thouſand Acres of the ſaid Grounds, with convenient Highwayes and Paſſages to the ſame; And the New River, Cutts and Dreynes to be made by the ſaid Earl and his Aſſigns, and the Banks of the ſame, and the Forelands in the inſide of the ſaid Banks not to exceed Sixty foot in breadth: Which was a Work of ſo Great and Publick Concernment, that his ſaid late Majeſty gave great Encouragement to the ſaid Francis late Earl of Bedford and others, whom he had taken in to be Adventurers and Participants with him therein, upon the Covenants, Conditions and Agreements contained and ſpecified in and by a certain Indenture of Fourteen parts, bearing date the Seven and twentieth day of February, in the Seventh year of the Reign of his ſaid late Majeſty, and his Royal Aſſurance to further it by his Concurrence to an Act of Parliament for eſtabliſhing thereof, and did by Letters Patents under the Great Seal of England Incorporate the ſaid late Earl, his Adventurers and Participants, to have Succeſſion for ever; and in order to the effecting thereof, the ſaid late Earl and his Adventurers and Participants beſtowed great ſums of money for perfecting the ſame, and after his death and ſome interruptions, William now Earl of Bedford, ſon and heir to the ſaid Earl Francis, with divers of his Adventurers and Participants, by colour of a pretended Act of Parliament of the Nine and twentieth day of May, in the year of our Lord, One thouſand ſix hundred forty and nine, proceeded in the compleating and finiſhing the ſaid Works; And the Commiſſioners appointed by that pretended Act, did adjudge the ſame Dreyned, but the ſame cannot be preſerved without a perpetual conſtant care, great charge and orderly Government, which being repreſented to the Kings moſt Excellent Majeſty that now is, He hath been gratiouſly pleaſed to declare more then an ordinary willingneſs to promote and countenance a Work of ſo publick Concernment, and many wayes advantagious to this his Kingdom. To the end therefore that a work of this Nature may receive a publick Support and Encouragement.

Be it Enacted by the Kings moſt Excellent Majeſty, with the Advice and Aſſent of the IV. The Earl of Bedford and Adventurers made a Corporation for the Fens. Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid William Earl of Bedford, ſon and heir of the ſaid Francis Earl of Bedford, and the Adventurers and Participants of the ſaid Earl Francis and Earl William, or either of them, their Heirs and Aſſigns, in ſuch manner as is herein contained, ſhall be a Body Politick and Corporate in Deed and Name, and have Succeſſion for ever, by the Name of the Governor, Bayliffs and Commonalty of the Company of Conſervators of the Great Level of the Fens; which Corporation ſhall conſiſt of one Governor, ſix Bayliffs, twenty Conſervators and Commonalty, and ſhall have and uſe a Common Seal to be appointed by themſelves, and aſſemble and meet together, when, where, and as oft as they pleaſe, and appoint a Regiſter, Receiver, one or more Sergeants at Mace and other Officers, and allow them Salaries, and remove them, and make new at their pleaſure. And the ſaid VVilliam Earl of Bedford is to be the firſt Governor; The Earl of Bedford Governor. Richard Lord Gorges, Sir Richard Onſlow Knight, Sir William Terringham Knight of the Bath, Samuel Sandys, Thomas Chichely, and The Bailiffs. Samuel Fortrey, Eſquires, the ſix firſt Bayliffs: Sir Gilbert Gerhard junior, Knight, VVilliam Denton, William Crane, Edmond Berry-Godfrey, Arthur Evelin, Samuel Smith, Roger Jenings, Robert Caſtle, Robert Hampſon, Joſeph Ayloffe, Eſquires; Thomas Lord Culpepper, Sir John Hewett Baronet, Arthur Onſlow, Robert Phillips, Anthony St. John, Eſquires, Sir Oliver St. John, Sir Charles Harbord, Conſervators. Knights: Francis Hoblyn, Samuel Sandys junior, and Robert Terringham, Eſquires, the firſt Conſervators. And the ſaid Governor, Bayliffs and Conſervators to continue until Wedneſday in Whitſun-week, in the year of our Lord, One thouſand ſix hundred ſixty and four, and from thenceforth until new elections by the ſaid Corporation, or the major part which ſhall Their power and authority. V. be then preſent; And ſhall be capable to ſue and be ſued, and without Licenſe of Mortmain to purchaſe Manors, Lands, Tenements and Hereditaments, not exceeding two hundred pounds per annum, and Goods and Chattels, and to diſpoſe thereof in the name, and to the uſe of the ſaid Corporation, and the ſaid Governor, Bayliffs and Conſervators, or any five or more of them, whereof the ſaid Governor or Bayliffs, or any of them, to be two, ſhall and may lay Taxes from time to time upon all the ſaid Ninety five thouſand Acres onely for ſupport, maintenance and preſervation of the ſaid Great Level, and levy the ſame with penalties for non-payment, not exceeding a third part of the Tax, and all other things do in order to the ſupport, maintenance and preſervation of the ſaid Great Level, and Works made and to be made.

And whereas by the ſaid Law of Sewers, twelve thouſand Acres, parcel of the ſaid Ninety five thouſand Acres, was deſigned and intended to his ſaid late Majeſty, and were ſet forth and allotted by bounds in ſeveralty, and his ſaid late Majeſty was in poſſeſſion thereof, and granted, aſſigned, allotted and ſet out by bounds two thouſand Acres, parcel of the ſaid Earl of Portland 1000 Acres. Twelve thouſand Acres, by Letters Patents unto Jerome Earl of Portland, his Heirs and Aſſigns, of which ſaid two thouſand acres, the ſaid Earl of Portland hath ſold away about One thouſand five hundred acres in ſeveral parcels to ſeveral perſons, their Heirs and Aſſigns, for valuable conſiderations, and the reſidue thereof being about five hundred acres, hath granted and conveyed unto his Brother Benjamin VVeſton Eſquire and his Heirs, upon ſeveral Truſts, agreed upon between the ſaid Earl of Portland and Benjamin VVeſton by writing for that purpoſe:

Be it therefore Enacted by the authority aforeſaid, That the ſaid two thouſand Acres, or ſuch other Lands of equal value as ſhall be ſet forth in Exchange of the ſame, in caſe the aforementioned two thouſand Acres, or any part thereof, ſhall afterward be adjudged to have been unduly ſet out, ſhall be, and hereby are veſted, ſetled and eſtabliſhed in the ſaid ſeveral and reſpective perſons, (to whom the ſaid Earl of Portland hath ſo conveyed or mentioned to convey the ſame) their Heirs and Aſſigns reſpectively, to each perſon his Heirs and Aſſigns, his and their ſeveral and reſpective Share and Shares that was ſo reſpectively to each of them conveyed, or mentioned to be conveyed by the ſaid Earl of Portland, to be VI. held and enjoyed by them and each of them, his Heirs and Aſſigns, his and their own Share and Part only in ſeveralty, according to the intent of the ſaid Conveyances thereof to them reſpectively made by the ſaid Earl of Portland, upon the ſame Truſts nevertheleſſe for and concerning the ſaid five hundred Acres granted or mentioned to be granted to the ſaid Benjamin Weſton, which the ſaid Earl of Portland and Benjamin Weſton had declared and agreed upon between them as aforeſaid; Which ſaid two thouſand Acres ſhall be holden of the Kings Majeſty, his Heirs and Succeſſors of the Manor of Eaſt Greenwich by Fealty only in Free and Common Soccage, and not otherwiſe, and ſubject nevertheleſſe with the reſidue of the Ninety five thouſand Acres in equal proportion to all Taxes and VII. Charges neceſſary and conducing to the preſervation of the ſaid Great Level from Drowning.

The 83000 Acres ſetled and veſted in the Governor, &c.

The Truſt.

The 10000 Acres belonging to the King.

And be it further enacted by the authority aforeſaid, That the Eighty three thouſand Acres remainder of the ſaid Ninety five thouſand Acres, with the ſaid Ways, Paſſages, new Rivers, Cutts, Dreins, Banks and Forelands, over and above the ſaid ten thouſand Acres reſidue of the ſaid twelve thouſand Acres which were allotted in ſeveralty, and of which his ſaid late Majeſty was in poſſeſſion as aforeſaid, are hereby veſted and ſetled in the ſaid Governour, Bailiffs and Commonalty of the Company of Conſervators of the ſaid Great Level of the Fens, and their Succeſſors: In truſt nevertheleſs for the ſaid William Earl of Bedford, and the Adventurers and Participants of the ſaid Earl Francis and Earl William, or either of them, their Heirs and Aſſigns, in ſuch manner and wiſe as is hereinafter more particularly and eſpecially limited and provided, and according to ſuch parts and proportions as they reſpectively now hold and enjoy, or by vertue and proviſion of this Act ought to hold and enjoy, ſubject and liable likewiſe to the payment of all Taxes and Charges as aforeſaid, to be holden of the Kings Majeſty, his Heirs and Succeſſors, of the Manor of Eaſt Greenwich, by Fealty onely in Free and Common Soccage, and not otherwiſe: And the ſaid ten thouſand Acres, reſidue of the ſaid twelve thouſand Acres (whereof his ſaid late Majeſty was in poſſeſſion as aforeſaid) are hereby veſted and ſetled in his Majeſty that now is, and his Aſſigns, ſubject and lyable with the reſidue of the ſaid Ninety five thouſand Acres to the ſame Taxes and Charges before ſpecified. And becauſe the ſaid Great Level of the Fens extends unto the ſaid Six Counties beſides the Iſle of Ely; and foraſmuch as Commiſſioners of Sewers cannot legally proceed in Execution of their Commiſſion, but by a ſeveral Jury of every County to enquire of the matters within their Commiſſion in that County, which hath heretofore inforced the ſaid Earl, his Participants and Adventurers, Commiſſioners and Counties, to very great trouble, loſs and expence both of money and time: For avoiding which Inconveniencies, It is hereby further enacted by the authority aforeſaid, That the ſaid Governour, Bayliffs and Conſervators of the ſaid Corporation for the time being, or any five or more of them, whereof the ſaid Governor or Bayliffs for the time being, or their Succeſſors, or any of them to be two, for maintenance and preſervation of the ſaid Great Level by convenient Outfalls to the Sea, ſhall for ever VIII. hereafter be, and are hereby made and conſtituted Commiſſioners of Sewers for and of the ſaid Great Level of the Fens: And the ſaid Governor, Bayliffs and Conſervators, or any five or more of them, whereof the ſaid Governour or Bayliffs, and their Succeſſors, or any of them, to be two, are hereby enabled and impowred from henceforth to uſe and exerciſe the power and authority of Commiſſioners of Sewers within the ſaid Great Level of the Fens, and of the Works made or to be made without the ſaid Great Level for conveying of the Waters of the ſaid Great Level by convenient Outfalls to the Sea, touching all matters and things whatſoever happening to be executed or done within the ſaid Great Level, or the ſaid Works without the ſaid Great Level, enquirable, puniſhable, or to be done by Commiſſioners of Sewers, and therein to act and proceed by one or more Juries of good and lawful men, inhabiting within any part or place within the Boundaries of the ſaid Great Level of the Fens, though in ſeveral Counties, as if the ſaid Great Level of the Fens lay within one of the ſaid Counties only, and ſhall have power to imploy the ſaid Sergeants, or any of them for the time being, by Warrant or Precept from the ſaid Governor, Bailiffs and Conſervators, and their Succeſſors, or any five or more of them, whereof the ſaid Governor or Bailiffs, or any of them, to be two, under the Common Seal of the ſaid Corporation, to Summon and Return Juries within the Boundaries of any part of the ſaid Great Level, and execute all Precepts and Proceſſe from them, from time to time, and all other things do, as fully as any Sheriff within his reſpective County may or can do by Warrant or Precept from Commiſſioners of Sewers; which Juries are to appear at the times and places ſet or appointed for them to appear before the ſaid Governor, Bailiffs and Conſervators, and their Succeſſors, or any five or more of them; whereof the ſaid Governor and Bailiffs, and their Succeſſors, or any of them to be two; And are hereby Impowred to Inquire of, Preſent and Try all Matters within the ſaid Great Level, and of and concerning the ſaid Works made or to be made without the ſaid Great Level, for conveying of the Waters of the ſaid Great Level by convenient Out-falls to the Sea, within the power of Commiſſioners of Sewers, as if the ſame lay within any one of the ſaid Counties, or as if the ſaid Great Level were one diſtinct County of it IX.

The Authority of the ſaid Corporation as Commiſſioners of Sewers.

ſelf: And the ſaid Governour, Bailiffs and Conſervators, or any five or more of them, whereof the ſaid Governour or Bailiffs, or any of them to be two, ſhall have further power, as well for the maintenance of the ſaid Great Level, as for laying and levying of Taxes upon the ſaid Ninety five thouſand Acres, to uſe and exerciſe within the ſaid Great Level ſuch and the like Laws and Cuſtoms, and Conſtitute and Appoint ſuch and the like Officers from time to time, as are or lawfully may be uſed in Rumney Marſh in the County of Kent; they who exerciſe the ſaid Power of Commiſſioners of Sewers, firſt taking the Oath which Commiſſioners of Sewers are by the Law to take; the which Oath the ſaid Governour and Bailiffs, or any of them, are hereby Impowred to Adminiſter from time to time, without any further Commiſſion.

The metes and boundaries of grounds.

And becauſe the Metes and Boundaries of the ſaid Grounds within the ſaid Great Level, as to the Counties and Pariſhes, are very uncertain and hard to be diſtinguiſhed, Be it therefore further Enacted, That every Writ, Bill, Plaint, Count, Declaration, Information, Preſentment and Indictment, of, for or concerning the ſaid Grounds within the ſaid Great Level of the Fens, or any part or parcel of the ſame, or any Treſpaſs, Offence or Wrong done, acted or committed within the ſaid Great Level, and proceedings thereupon, ſhall be good and ſufficient in Law, though the County, Pariſh, Town or Place, or any of them, in ſuch Writ, Bill, Plaint, Count, Declaration, Information, Preſentment or Indictment be not rightly named, ſo as there be ſuch other certainty or deſcription of the place whereby the ſame is or may be commonly known.

No other Commiſſioners of Sewers to meddle in the ſaid Level.

And be it further Enacted, That no other Commiſſioners of Sewers ſhall intermeddle within the ſaid Great Level, or with any the Works made or to be made for Support, Maintenance or Preſervation of the ſaid Great Level, within or without the ſaid Great Level as aforeſaid, otherwiſe then hereafter in this Act ſhall be provided.

Conveyances by Indenture entred with the Regiſter.

X.

And be it further Enacted, That all Conveyances by Indenture of the ſaid Ninety five thouſand Acres, or any part thereof, entred with the ſaid Regiſter, in a Book to be kept for that purpoſe, ſhall be of equal force to convey the Freehold and Inheritance of the ſaid Ninety five thouſand Acres, or any part thereof, as if the ſame Conveyances by Indenture were for valuable conſiderations of money, enrolled within Six moneths, in one of the Kings Courts of Record at Weſtminſter; And no Leaſe, Grant or Conveyance of, or charge out of, or upon the ſaid Ninety five thouſand Acres, or any part thereof, except Leaſes for ſeven years or under in poſſeſſion, ſhall be of force, but from the time it ſhall be entred with the ſaid Regiſter as aforeſaid; the Entry whereof being endorſed by the ſaid Regiſter upon ſuch Leaſe, Grant, Conveyance or Charge, ſhall be as good and effectual in Law, as if the Original Book of Entries were produced at any Tryal at Law, or otherwiſe.

And be it further Enacted, That the ſaid Governour, Bayliffs and Commonalty ſhall execute Eſtates according to the aforeſaid Truſt under their Common Seal, the Taxes and Penalties then in Arrear being firſt paid, which for non-payment, are by vertue of this Act to be levied by Sale of the Lands.

Levying of Taxes and Penalties.

And be it further Enacted, That for the Levying ſuch Taxes and Penalties as are now in Arrear, or at any time ſince the Thirtieth day of September, in the year of our Lord, One thouſand ſix hundred fifty and eight (other then ſuch as are hereby otherwiſe directed to be Levied) or which ſhall be ſet and impoſed upon the ſaid Ninety five thouſand Acres by vertue of this Act, and ſhall be in Arrear upon the reſpective parts and porportions of the ſaid Ninety five thouſand Acres, the ſaid Governor, Bailiffs and Conſervators of the ſaid Corporation, and their Succeſſors for the time being, or any five or more of them, whereof the ſaid Governor and Bayliffs for the time being, and their Succeſſors, or any of them to be two, for levying ſuch Taxes and Penalties, which now are, or ſhall be ſo in arrear, upon the reſpective parts & proportions of the ſaid Ninety five thouſand Acres, ſhall on Wedneſday and Thurſday in Whitſun-week, or either of them every year at the Shire-Houſe in Ely aforeſaid in the ſaid Iſle of Ely, have power only to ſell ſo much of ſuch parts and proportions of the ſaid Ninety five thouſand Acres, upon which any Tax ſhall be in arrear, or penalties in ſuch proportion as the ſaid Governor, Bailiffs & Conſervators of the ſaid Corporation, or their Succeſſors, or any five or more of them, whereof the ſaid Governor and Bailiffs, or any of them to be two, ſhall judge to be ſufficient to raiſe ſuch Taxes and Penalties, by any writing under the Seal of the ſaid Corporation; and the perſon or perſons to whom ſuch Sales ſhall be made, ſhall be a lawful Purchaſer and Aſſignee of ſo much as ſhall be ſold, to all intents and purpoſes whatſoever.

XI.

Proviſo for Tenants at will or by Leaſe.

Provided, That by any colour of any ſale for non-payment of Taxes, any Tenant or Tenants at will, or by Leaſe, Indented upon improved Rent of any part of the ſaid Ninety five thouſand Acres, ſhall not be removed from his or their poſſeſſion, until he or they ſhall have taken his or their Crop from off the Premiſſes ſo ſold, paying reaſonable Rent proportionable to the time that ſuch poſſeſſion ſhall from and after ſuch Sales be continued; And ſuch Tenant or Tenants as ſhall hold any part of the ſaid Ninety five Thouſand Acres by Leaſe as aforeſaid, ſhall and may, if he or they ſhall think meet, continue out their reſpective terms, paying their Rent to ſuch Purchaſer in proportion, to the quantity of Acres ſo purchaſed; Any thing herein contained to the contrary in any wiſe notwithſtanding: Provided, That the ſaid Corporation, nor their Succeſſors, ſhall not ſell any part or proportion of the ſaid Ninety five thouſand Acres for any Tax or Penalty in arrear, which Tax or Penalties ſhall not be in arrear by the ſpace of four moneths next before the Sale, nor any more Lands then only for the raiſing of ſuch Taxes and Penalties.

Publick notice to be given of lands charged with arrears of taxes or penalties.

Provided alſo, That the ſaid Corporation ſhall give publick notice from time to time of the parts and proportions of the ſaid Ninety five thouſand Acres, for which any Tax or Penalties is or ſhall be in arrear, by affixing openly at the Shire-Houſe or Market-place in Ely aforeſaid, a Schedule in Parchment under the Seal of the ſaid Corporation, containing ſuch parts and proportions of the ſaid Ninety five thouſand Acres, for which any Tax or Penalty is or ſhall be in arrear, with the name and names of the reſpective Owner or Owners, entred upon the Tax-Roll, with the ſaid Corporation of the ſaid parts and proportions of the ſaid Ninety five thouſand Acres ſo in arrear.

XII.
New works may be made.

The penalty for throwing down any works.

And be it further enacted, That the ſaid Corporation ſhall and may from time to time erect any new works within the ſaid great Level, or without the ſaid great Level, for conveying the Waters of the ſaid great Level by convenient Out falls to the Sea; ſo alwayes, that if they cut any ſeveral grounds, they give full recompence and ſatisfaction for the ſame, in ſuch manner as ſhall be hereafter in this Act provided. And if any perſon or perſons ſhall cut, throw down or deſtroy any of the ſaid Works, made or to be made as aforeſaid, the parties offending ſhall anſwer treble damages to the ſaid Corporation, and Coſts of Suit to be recovered in an Action of Treſpaſs, to be brought by the ſaid Corporation, in any of his Majeſties Courts of Record; And if ſuch cutting, throwing down or deſtroying, ſhall be malitiouſly done, the ſame ſhall be puniſhed, as for the cutting the Powdyke in Marſh-Land.

The oath to be taken by the Governour, Bailiffs, and Conſervators.

And be it further enacted, That the ſaid William Earl of Bedford, nominated to be Governor, and every other from time to time into that Office choſen, ſhall (before he take upon him or them, the exerciſe of that Office) take an Oath, That he will well and truly execute that Office in all things; the which Oath ſhall and may be adminiſtred by the ſaid Bailiffs, or any one of them: And the ſaid Bailiffs, Conſervators, Regiſter, Receiver, or other Officer nominated as aforeſaid, and every other from time to time, into any of the reſpective Offices to be choſen, ſhall (before he or they take upon him or them the exerciſe of the ſaid reſpective Offices) take the like Oath for the true executing their reſpective Offices; the which Oath ſhall be adminiſtred by the ſaid Governour, Bayliffs and Conſervators, or any two or more of them, without any Commiſſion or further warrant.

The Governor, Bailiffs and Conſervators to be elected yearly.

XIII.

Accounts to be made by all Officers and Agents imployed.

In Suits againſt any imployed by this Act, the defendant may plead the general iſſue.

And for the continuance of the ſaid Corporation in Succeſſion for ever, Be it further enacted, That the ſaid Governour, Bayliffs, Conſervators and Commonalty upon Wedneſday in Whitſun week yearly, ſhall at a publick meeting to be holden for the ſaid Corporation, by the greater number then preſent, (whereof the ſaid Governour, or one of the Bailiffs to be one) elect a new Governour, Bayliffs and Conſervators reſpectively: Provided, That none be capable to be, or continue Governour or Bayliffs, That hath not four hundred Acres or more of the ſaid Ninety five thouſand Acres, nor to be a Conſervator that hath not two hundred Acres or more of the ſaid Ninety five thouſand Acres, nor any of the Commonalty to have a voice in Elections, that hath not one hundred Acres or more of the ſaid Ninety five thouſand Acres. And that the ſaid Governour, Bailiffs and Conſervators, or any of them, ſhall and may be removed by the ſaid Governour, Bailiffs and Conſervators and Commonalty, or the greater number of them preſent at their publick meetings, whereof the ſaid Governour, or one of the Bailiffs to be one, and new choſen in the place of him or them ſo dead or removed: And the ſaid Governour, Bayliffs and Commonalty alſo ſhall have further power to have, demand and receive an Account from all and every the Officers, Agents and Servants, their Executors and Adminiſtrators heretofore imployed, or hereafter to be imployed for the receiving and paying of money, for or in relation to the carrying on of the Works of the Dreining of the ſaid great Level, and ſhall and may ſue for and recover the ſame; and that all Arrears of Rent already incurred upon or out of any part of the ſaid Ninety five thouſand Acres upon any Contract or Leaſe of the ſaid Premiſſes, or any part or parcel thereof, ſhall be received and recovered, as if the ſaid pretended Act had been a good and effectual Act: And if any Suit be commenced againſt the ſaid Corporation, or any perſon for any matter or thing done in purſuance of this Act, then he or they ſhall or may plead the General Iſſue, and give the ſpecial matter in Evidence upon any Tryal to be had touching the ſame, which ſhall be as good and effectual in Law, as if the ſame had been ſpecially pleaded, and the Jury upon the Tryal to give a Verdict accordingly.

Lands of perſons attainted, and titles under them, veſted in the King.

XIV.

Provided alwayes, and be it further enacted by the authority aforeſaid, That as touching and concerning ſuch part and parcel of the ſaid Eighty three thouſand Acres, whereof any perſon or perſons attainted, or that ſhall be attainted, was or were in poſſeſſion, at any time ſince the Nine and twentieth day of May, in the year of our Lord, One thouſand ſix hundred forty and nine, under pretended Sales thereof reſpectively made by colour of the ſaid pretended Act, or under any other Title or pretended title whatſoever, The Kings moſt Excellent Majeſty, his Heirs, Succeſſors and Aſſigns ſhall have the ſame, and like benefit, advantage and intereſt in all and every the ſaid parts and parcels of the ſaid Eighty three thouſand Acres, and no other then as the ſaid perſons ſo attainted, or which ſhall be attainted, could or ought to have by vertue of this Act, in caſe they had not been ſo attainted, or ſhall not be attainted. And whereas the Shares, Lots, Parts and Proportions of and in the ſaid Ninety five thouſand Acres, which in purſuance of the ſaid Indenture of Fourteen parts, and by vertue or intention of the ſaid Act and Law of Sewers made at Lyn, do belong and appertain to the ſaid Samuel Sandys the elder, or his Truſtees, Sir William Terringham, Sir Richard Onſlow, and other the Aſſignees and Truſtees of Henry late Earl of Arundel and Surrey deceaſed, Arthur Earl of Angleſey, Thomas Lord Culpeper, Robert Philips Robert Scawen, and to divers other perſons the Participants of the ſaid Earl Francis, and Parties of the ſaid Indenture, or their reſpective Heirs, Executors, Adminiſtrators or Aſſigns, are now poſſeſſed and enjoyed by divers perſons, who took, contracted for, or accepted of, or by ſuch who claim and derive their intereſt and title from and under ſuch perſons, as did take, contract for or accept of pretended Eſtates or Conveyances of the ſame, made or pretended to be made by certain perſons mentioned in and by the ſaid pretended Act of the Nine and Tentieth day of May, One thouſand ſix hundred forty nine, to have Authority to ſell the Shares, Lots, Parts and Proportions of ſuch of the Adventurers and Participants of the ſaid Earl Francis, and of their reſpective Heirs and Aſſigns, as ſhould refuſe or make default or payment of ſuch Taxes, as ſhould by colour and in purſuance of the ſaid pretended Act be impoſed upon them reſpectively, in reſpect of their Shares and Lots, in or out of the ſaid Ninety five thouſand Acres;

Be it therefore Enacted by the Authority aforeſaid, That the ſaid Governour, Bayliffs and Commonalty of the ſaid Company of Conſervators of the ſaid Great Level of the Fenns, and their Succeſſors, ſhall actually ſtand ſeiſed and poſſeſſed of all and every the Shares, Lots, Parts and Proportions laſt mentioned, in truſt nevertheleſs to and for the XV. uſe and behoof of the ſaid Samuel Sandys the Elder, or his Truſtees, in truſt for him, Sir William Terringham, Sir Richard Onſlow, and others the ſaid Aſſignees and Truſtees of Henry late Earl of Arundel and Surry deceaſed, Arthur Earl of Angleſey, Thomas Lord Culpepper, Robert Philips, Robert Scawen, and of their reſpective Heirs and Aſſigns, and to and for the reſpective uſes and behoofs of the ſaid other perſons, the Participants of the ſaid Earl Francis, and Parties to the ſaid Indenture of Fourteen parts, and of their reſpective Heirs and Aſſigns now out of poſſeſſion of their reſpective Shares, Lots, Parts and Proportions of the ſaid Ninety five thouſand acres, as heretofore in or about the Moneth of October, in the thirteenth year of the reign of the late King Charles of ever bleſſed memory, were reſpectively allotted, ſevered, ſet forth or divided for or as the reſpective Shares, Lots, Parts and Proportions of ſuch of the Adventurers, the Participants of the ſaid Earl Francis, and Parties to the ſaid Indenture of Fourteen parts, their reſpective Heirs, Executors, Adminiſtrators and Aſſigns, from and under whom the ſaid Samuel Sandys, the elder or his Truſtees, Sir William Terringham, Sir Richard Onſlow, and others the Aſſignees and Truſtees of Henry late Earl of Arundel and Surry deceaſed, Arthur Earl of Angleſey, Thomas Lord Culpepper, Robert Phillips, Robert Scawen, and the ſaid other perſons the Participants of the ſaid Earl Francis and their reſpective Heirs, Executors, Adminiſtrators and Aſſigns, now out of poſſeſſion of their reſpective Shares, Lots, Parts and Proportions, do reſpectively claim and derive their ſaid Shares, Lots, and Parts and Proportions; And the ſaid Governour, Bayliffs and XVI. Commonalty of the Company of Conſervators are hereby authorized and required to execute reſpective eſtates, of the ſaid Shares, Lots, Parts and Proportions accordingly, ſubject and lyable nevertheleſs with the reſidue of the ſaid Ninety five thouſand acres, in equal proportion to all taxes and charges to be laid and impoſed by vertue of this Act for preſervation of the ſaid Great Level from drowning. And whereas the perſons now in poſſeſſion of the ſaid laſt mentioned Shares, Lots, Parts and Proportions of the ſaid Ninety five thouſand acres, whereof Pretended eſtates and Conveyances were taken, contracted for, or accepted of, as aforeſaid, do pretend that they or thoſe under whom they do reſpectively claim and derive their right, title or pretenſions to the ſaid Shares, Lots, Parts and Proportions reſpectively, have laid out and diſburſed for Taxes for and towards the maintenance, preſervation and repair of the works of the ſaid Great Level heretofore Erected by the Earl Francis and his Participants, and for and towards their erection of new and neceſſary works for the better and more effectual Dreyning of the ſaid Great Level, and for building upon the ſaid Shares, Lots, Parts and Proportions, more moneys then the cleer rents, iſſues and profits of the ſaid Shares, Lots, Parts and Proportions have amounted to ſince the ſaid reſpective pretended Eſtates and Conveyances were firſt taken, contracted for, and accepted as aforeſaid.

The Chief Juſtice of the Kings Bench, and others made a Judicature to hear and determine differences.

Be it therefore enacted by the Authority aforeſaid, And it is hereby enacted, That the Chief Juſtice of the Court of Kings Bench, the Chief Juſtice of the Court of Common Pleas, the Chief Baron of the Court of Exchequer, and Juſtices of the ſaid Court of common-Pleas for the time being, or any two or more of them, are hereby conſtituted, appointed, and erected a Judicature, or Commiſſioners to hear, Order, Judge, Decree and Determine upon Bills and Anſwers, to be exhibited, or otherwiſe as they ſhall think fit, between the ſaid perſons now in the Poſſeſſion of the ſaid reſpective Shares, Lots, Parts and Proportions, and the reſpective Heirs and Aſſigns of the ſaid perſons now in poſſeſſion as XVII. aforeſaid; And the ſaid Sir Richard Onſlow, and other the ſaid Aſſignees and Truſtees of the ſaid Henry late Earl of Arundel and Surry deceaſed, Arthur Earl of Angleſey, Thomas Lord Culpepper, the ſaid Samuel Sandys the elder, or his Truſtees, Sir William Terringham, Robert Phillips, Robert Scawen, and the ſaid other perſons Participants of the ſaid Earl Francis, and their reſpective Heirs and Aſſigns, who are now out of the poſſeſſion of the ſaid Shares, Lots, Parts and proportions reſpectively, and to whom reſpective eſtates are by vertue of this Act to be executed of the ſame as aforeſaid. And the ſaid Judicature or Commiſſioners, or any two or more of them are hereby authorized out of the ſaid Shares, Lots, Parts and Proportions, to Order, Adjudge, Decree, and Determine to either of the ſaid Parties reſpectively, ſuch recompence and allowance as they the ſaid Judicature or Commiſſioners, or two or more of them ſhall ſee cauſe: And for the better enabling the ſaid Judicature or Commiſſioners to proceed to the hearing, ordering, adjudging, decreeing and determining, and for putting in due and ſpeedy execution ſuch Order, Judgment, Decree, and Determination, as they or any two or more of them ſhall make between the ſaid parties.

The power and authority of the ſaid Judicature.

It is hereby further enacted by the authority aforeſaid, that they the ſaid Judicature or commiſſioners, or any two or more of them, ſhall have ſuch and the like power and authority, as the High Court of Chancery hath in caſes before the ſaid Court depending, and for putting in execution the Decrees of the ſaid Court and to the end that the ſaid Judicature may be the better enabled to Judge of the Rights and Pretenſions of either party.

XVIII.

Directions to their decrees and proceedings.

Be it further enacted by the authority aforeſaid, That in every Decree or Determination which they ſhall make by vertue and in purſuance of this Act, they ſhall have regard to the ſum and ſums of money actually diſburſed, and expended by either party in the work of Dreyning the ſaid Great Level, and in the preſervation and reparation of the ſame; and alſo to the reſpective Times of ſuch Diſburſements and expence, defalking thereout ſuch ſum and ſums of money, as have been received by either party, their Tenants and Aſſigns, for the Rents, Iſſues and Profits of the ſame, and abating out of the Intereſt of the Money disburſed by either party ſo much as the Intereſt of the Money received by ſuch party, for the Rents, Iſſues and Profits of the ſame doth amount unto. And to the intent that the perſons who by the true intent and meaning of this Act are to be put into poſſeſſion of any part of the ſaid Eighty three thouſand acres, may not by undue delayes, or by any other means or pretenſions be kept out of the poſſeſſion of the ſame.

Be it further Enacted by the Authority aforeſaid, That at any time or times after the expiration of Six moneths after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Samuel Sandys the elder, and his Truſtees for him, Sir Richard Onſlow and others the Aſſignees and Truſtees of Henry late Earl of Arundel and Surrey deceaſed, Arthur Earl of Angleſey, Thomas Lord Culpepper, Sir William Terringham, Robert Phillips, Robert Scawen, their and every of their reſpective Heirs and Aſſigns, and to and for the Participants of the ſaid Earl Francis, Parties to the ſaid Indenture of Fourteen parts, their and every of their reſpective heirs and aſſigns, whoſe Lands, Shares, Lots, Parts and Proportions of and in the ſaid Ninety five thouſand acres, were ſold, or pretended to be ſold, for non-payment of Taxes, by vertue of the ſaid pretended act of the Nine and twentieth day of May, in the year of our Lord, One thouſand ſix hundred forty and nine, to bring their reſpective action or actions of Treſpaſs, or Treſpaſs and Ejectment in His Majeſties Court of Kings Bench, or Court of Common-Pleas at Weſtminſter, againſt any perſon or perſons whatſoever, poſſeſſing, withholding, or occupying the ſame, although the ſaid Governour, Bayliffs and Conſervators, or ſo many and ſuch of them as are thereunto authorized by this preſent Act, have not, or ſhall not execute eſtates purſuant to this preſent Act, to ſuch perſon or perſons hereby enabled to bring ſuch Action or Actions; and ſuch perſon or perſons ſhall recover ſuch lands, Shares, Lots, Parts and Proportions of the ſaid Ninety five thouſand acres, as they reſpectively ſhall make and derive title and claim unto, as Participants of the ſaid Francis Earl of Bedford, parties to the ſaid Indenture of Fourteen parts, or as the reſpective Heirs or Aſſigns of the ſaid reſpective Participants parties to the ſaid Indenture of Fourteen parts, as if the ſaid Governour, Bayliffs and Conſervators had duely executed reſpective Eſtates of ſuch reſpective lands, Shares, Lots, parts and proportions of the ſaid Ninety five thouſand acres, according to the true intent and meaning of this Act: And ſuch perſon or perſons, his and their reſpective Heirs and Aſſigns ſhall have and hold the ſame Lands, Shares, Lots, parts and proportions, as fully and effectually as if the ſaid Governour, Bayliffs and Conſervators had executed reſpective Eſtates thereof, ſubject nevertheleſs to ſuch Decree as the ſaid Judicature or Commiſſioners before nominated and appointed ſhal make touching or concerning the Premiſes and alſo ſubject to the payment of all Taxes, to be laid and impoſed by vertue of this Act, and no other; And whereas there are ſeveral ſums of money amounting to Four thouſand pounds or thereabouts, in arrear for Taxes, laid and impoſed ſince the nine and twentieth day of September, in the yeare of our Lord, One thouſand ſix hundred fifty and eight, upon ſeveral parts of the ſaid ninety five thouſand acres, ſubjected by this Act to the Judicature aforeſaid, and for Penalties incurred for non-payment of the ſame, by vertue or colour of ſome Act or Authority, or pretended Act or Authority.

XIX.

4000 l. in arrear for Taxes upon whom to be laid.

Be it therefore Enacted by the Authority aforeſaid, That the ſaid Commiſſioners or Judicatory, or any two of them aforeſaid, ſhall have Power and Authority, and are hereby required in ſuch adjudication as they ſhall make, touching the Lands ſubjected to their Judicature as aforeſaid, to Direct, Order and Decree, upon what Perſons or Lands, the ſaid Sums of Money ſo in Arrear for Taxes and penalties as aforeſaid ſhall be charged, and the ſaid Taxes and Penalties ſhall be accordingly levied upon ſuch perſons or Lands, and in ſuch manner, and by ſuch ways and means, as ſhall be Directed, Ordered and Decreed by the Judicature aforeſaid, or any two of them. And as if ſuch Direction, Order and Decree had been particulary hereby Enacted.

XX.

Complaints by particular perſons and Pariſhes.

And whereas particular perſons and Pariſhes do conceive and alledge, That the Dreining of one place hath Drowned and made worſe the Lands in other places: And whereas divers perſons likewiſe do alledge and complain, That the ſaid Ninety five thouſand acres in many places are not indifferently ſet out, or allotted, according to the Law made at Lyn, in the Sixth year of the late King Charles, nor according to Agreement made with the Countrey; But in many places greater quantities have been taken from the Owners, Commoners, and Townſhips then ought to have been: And that ſome Lands have been taken, as belonging to one pariſh and County, which in truth did belong to another. And in many places the allotments have been taken very inconvenient for the Townſhips, which ought to have been by the ſaid Agreement. And whereas the Dreining aforeſaid, and future maintenance of the ſaid Great Level ought to be without prejudice to Navigation: And becauſe all Complaints which have been made, and all prejudices which have been or ſhall be done to particular Perſons, Pariſhes and Places, cannot by this Act be ſufficiently provided for and remedied;

Commiſſioners hearing the ſaid Complaints and Differences.

Be it further Enacted by the Authority aforeſaid, That Sir John Tracy Knight, Sir Charles Mordant, Sir Nicholas L'Strange, Baronets, Sir William Hovel Knight, Edward Pepis, Humphrey Beddingfield, Nicholas Stileman, Eſquires, for the County of Norſolk.

Sir Nicholas Bacon, Knight of the Bath, Sir Lionel Tolimach Baronet, Sir John Duncombe Knight. Sir Edmond Pooley Knight, Sir George Reve Knight and Baronet, Sir George Weneve Knight, Thomas Waldegrave Eſquire, for the County of Suffolk.

Sir Dudley North, Sir Thomas Wendy, Knights of the Bath, Levinus Bennet Eſq; Roger King, John Pepis, Doctors of the Law, Thomas Crouch, Francis North, Eſquires for the County of Cambridge.

Sir Thomas Sclater Baronet, L'Strange Colthrop, John Millecent, Thomas Hall, John Sotheby, Eſquires; John Bing Eſquire, and William Wrean Eſquire, for the Iſle of Ely.

Sir Francis Compton Knight, Robert Appreece, Sutton Aſhfield, Eſquires; Anthony South Doctor of the Law, Robert Payne, Richard Nayler, Ferrers of Gedding, Eſquires, for the County of Huntington.

Sir William Dudley Knight and Baronet, Maurice Treſham, Francis Kirkham, Lewis Palmer, Chriſtopher Thursby, Francis Lane, George Treſham, Eſquires, for the County of Northampton.

Sir Charles Huſſey, Sir John Newton, Baronets; Sir Thomas Meeres, Sir Anthony Irby, Knights, Sir Anthony Oldfield Baronet, Richard Brownlow, Daniel Rhodes, Eſquires for the XXI. County of Lincoln, ſhall be and are hereby made and conſtituted the preſent Commiſſioners for the purpoſe herein mentioned.

The power and authority of the ſaid Commiſſioners.

And for the ſupplying the number of the Commiſſioners of the ſaid reſpective Counties, in caſe of death or other avoidance, or incapacity: Be it alſo enacted, That within Three moneths after ſuch death, or Notice of ſuch avoidance or incapacity of the remaining Commiſſioners of each reſpective County, of which ſuch Commiſſioners who died, or became incapable were, or the major part of them ſhall from time to time nominate and appoint by Deed under their hands and ſeals to be enrolled in Chancery ſome other perſon or perſons reſiding within the ſaid County, of which the ſaid Commiſſioners who died, or became incapable, were, to be Commiſſioners in the place and ſtead of him or them ſo dying, or becomming incapable, which ſaid Commiſſioners hereby conſtituted, or hereafter to be conſtituted in manner aforeſaid, or any ſeven or more of them be, are and ſhall be hereby authorized and impowred from time to time to hear and determine ſuch Complaints, Controverſies, Differences and Grievances as are in this Act expreſſed (relating to, or concerning, or occaſioned by the dreining and maintaining the ſaid Great Level) of any Pariſh or Townſhip, or of any perſon or perſons, as well within or without the ſaid Level, in ſuch manner as is herein after expreſſed: And that the ſaid Commiſſioners hereby conſtituted, or hereafter to be conſtituted in manner aforeſaid, or any ſeven or more of them, ſhall from time to time have power & authority, and are hereby required, at or before the Eight and twentieth day of September, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and ſix, to give or make ſatisfaction out of the ſaid Ninety five thouſand Acres to ſuch Pariſh or Townſhip, perſon or perſons, whoſe Lands or intereſt therein, either within, or without the ſaid Level, ſhall after the firſt day of May, One thouſand ſix hundred ſixty & three, be made worſe in quality or condition by the aforeſaid Dreining or Works, then they were before the undertaking the Dreining of the ſaid Level in the Sixth year of the Reign of our late King Charles of bleſſed memory, and proportionable to the Loſſes the Owners of or perſons intereſſed in ſuch Lands ſhall hereafter receive by reaſon of their Lands being made worſe in Quality or Condition by any ſuch XXII. Works and Dreining as aforeſaid, and ſhall alſo have power at any time within Four years, from the Four and twentieth day of June, in the year of our Lord, One thouſand ſix hundred ſixty and three, to alter, change and reſtore ſuch parts and parcels of the ſaid Ninety five thouſand Acres, as ſhall upon complaint be found and adjudged by the ſaid Commiſſioners, or any Seven or more of them, to be unequally, unduly or inconveniently ſet forth, by reaſon of any allotting, either of greater quantities, or as belonging to other Countries, Pariſhes or Manors, or in more inconvenient places then they were formerly allotted and ſet out by a Law of Sewers made at Saint Ives the Twelfth day of October, in the Thirteenth year of King Charles the Firſt, notwithſtanding any veſting of the ſaid Ninety five thouſand Acres or any part thereof in the Kings Majeſty, or in the ſaid Governour, Bayliffs and Commonalty, or in any other perſons before mentioned, or any Eſtates executed by them, or any of them.

Ravely, Upwood, Sothery, Wicken, Cowfenn, Beezling.

Provided, and be it enacted, That Ninety three Acres in Ravely and Upwood, Seventy ſix Acres in Sothery, Forty four Acres and one Rood in Wicken, Eighty eight Acres in Cowfenn, Two hundred eighty two Acres in Beezling, and Thirty ſeven Acres in Upwell, ſet out to be enjoyed as part of the ſaid Ninety five thouſand Acres ſince the making of the ſaid Law of St. Ives, in lieu of like Proportions altered and reſtored to the Countrey, ſhall be held and enjoyed by the ſaid Corporation, ſubject nevertheleſs to the truſt in and by this Act declared, as to the ſaid Eighty three thouſand acres reſidue of the ſaid Ninety five thouſand acres; and ſhall be ſet forth to the ſaid Corporation in truſt for the Participants or Adventurers, whoſe proportion ſhall be ſo altered or exchanged, in lieu of ſuch part as ſhall be ſo altered, exchanged or reſtored, ſuch other proportions in ſuch other places within the ſaid Level, as to the ſaid Commiſſioners, or any ſeven or more of them, that any of the proportions of the XXIII. ſaid Ninety five thouſand acres heretofore ſet forth to Francis Earl of Bedford, his then Participants and Aſſigns, do fall ſhort in the quantity of Acres, for which the ſame were ſet forth and allotted, according to the ſaid Laws of Lynne and St. Ives, the ſaid Commiſſioners, or any Seven or more of them, ſhall within the ſaid Term of Four years aforeſaid, appoint the ſame to be ſupplied and made up, out of the grounds where the ſame was ſo allotted to be ſet forth, to make up the ſaid proportion of Ninety five thouſand acres. And in caſe the ſaid Earl of Bedford and his Participants, or the ſaid Corporation, ſhall through or by reaſon of their undertaking or Dreining aforeſaid, in the Sixth year of his late Majeſties Reign of ever bleſſed Memory, have done, or hereafter ſhall do any act or acts to the prejudice of Navigation, and whereby Navigation in the ſaid Rivers of Owſe and Grant, and all other Rivers now Navigable paſſing through the ſaid Level, and the River of Weſtwater, being a branch of the River of Owſe, if it be conſiſtent with the Dreining, or in any of them, or ſuch Drove-wayes or Bridges within and without the ſaid Level, as have been made or cauſed to be made by the Adventurers, and have been by them maintained, unleſs there be ſome agreement to the contrary, be or hereafter ſhall be interrupted, obſtructed and made worſe, that then the ſaid Commiſſioners, or any ſeven or more of them, whereof the Vice-Chancellor for the Univerſity of Cambridge, the Mayor of the Town of Cambridge, and the Mayor of the Town of Kings Lynne, for the time being, to be three; if they upon notice left at their reſpective habitations ſhall think fit to be preſent, from time to time, ſhall and may decree the ſame to be made good and amended, at the proper Coſts and Charges of the ſaid Corporation, within a convenient time, as to their Judgments ſhall ſeem meet: And in caſe it ſhall hap- XXIV. pen and ſo fall out, that the ſaid Corporation ſhall neglect or refuſe to repair and make good the ſame, according to the Order and Decree of the ſaid Commiſſioners, and within the time limited by them, that then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, by Warrant under their hands and ſeals atteſted, to tax the ſaid Ninety five thouſand Acres in ſuch ſum and ſums of money as in their Judgments ſhall ſeem meet for the making, preſerving and keeping the Navigation in any of the aforeſaid Rivers, as the ſame was in the ſaid Sixth year of the ſaid King Charles the Firſt; which ſaid ſum or ſums of Money ſo to be Aſſeſſed or Taxed by the Commiſſioners aforeſaid, ſhall within Twenty dayes next after notice thereof given to the Governour or Treaſurer of the ſaid Corporation, be paid unto ſuch perſon and perſons as the ſaid Commiſſioners ſhall nominate and appoint to receive the ſame. And in caſe the ſaid Governour or Treaſurer of the ſaid Corporation, after notice ſo given as aforeſaid, ſhall refuſe or neglect to pay the ſaid Sum or Sums as aforeſaid, That then the ſaid Commiſſioners, or any ſeven or more of them, ſhall have full power and authority to impower the ſaid perſon or perſons to levy the ſaid Sum or Sums of Money by Diſtreſs or Diſtreſſes to be taken upon the ſaid Ninety five thouſand Acres, or any part thereof, and make ſale of the ſaid Diſtreſs or Diſtreſſes ſo taken, and ſell the ſame, and render the overplus unto the ſaid Governour or Treaſurer, deducting the reaſonable charges for their labour and pains therein: All which ſaid ſum or ſums of Money ſo to be taxed and levied by the authority aforeſaid, ſhall be expended and laid out in preſerving and keeping the ſaid Navigation as aforeſaid, and maintaining the ſame according to the true intent and meaning of this Statute, and not otherwiſe. And the ſaid Commiſſioners, or any Seven or more of them, are alſo hereby impowred and authorized within the ſpace of Four years, from the Four and twentieth day of June, in the year of our Lord, One thouſand ſix hundred ſixty and three, to aſcertain and divide the Precincts and Boundaries of ſuch parts of the ſaid reſpective Counties, Lordſhips, Manors and Pariſhes within the ſaid Level, as have been by and ſince the undertaking, defaced and made obſcure, or by ſome other means remain uncertain and hard to be found out, and ſhall ſet down ſuch Bounds and Diviſions in writing, by ſuch Marks, Boundaries and Deſcriptions as to them ſhall ſeem meet, and ſhall certifie the ſame under their hands and ſeals, in the high Court of Chancery, according to which Diviſion of the ſaid Commiſſioners, or any Seven or more of them, the extent of the ſaid reſpective Counties, Lordſhips, Manors XXV. and Pariſhes in ſuch places ſo bounded and divided, ſhall for ever after the ſaid Certificate, be deemed to be, and none other: And in caſe the quantity of Eight thouſand Acres lying together, or near together, or any greater quantity of Ground lying together, or near together, within the ſaid Level, ſhall become drowned, and ſo continue for the ſpace of Twelve moneths together, That then it ſhall be lawful for the ſaid Commiſſioners for the time being, or any Seven or more of them, from time to time, and at all times, to Aſſeſſe Taxes or Sums of Money upon the ſaid Ninety five thouſand Acres, for the raiſing money for Draining the ſame again, in ſuch proportion as they, or any Seven or more of them ſhall think fit, together with a penalty for not paying the ſaid Taxes, the ſaid penalty not exceeding a third part of ſuch Tax.

How lands may be ſold for non payment of Taxes or penalties.

And for default of payment of the ſaid Taxes or Sums of money and penalties, Be it enacted, That the Lot and Share of ſuch Participant or Adventurer of and within the ſaid Ninety five thouſand Acres, as ſhall be in arrear for the ſaid Tax, ſum of money, or penalty, and unpaid by the ſpace of two moneths next after the day appointed for payment by the ſaid Commiſſioners, or any Seven or more of them, or ſo much thereof as they ſhall think fit, ſhall be Sequeſtred by the ſaid Commiſſioners, or any Seven or more of them, for or towards the payment of ſuch Tax, ſum of money, or penalty ſo in arrear, reſtoring the overplus of the money for which ſuch Lot or Share, or any part thereof ſhall be Sequeſtred, if any be: Which Sequeſtration ſhall be made in writing under the hands and ſeals of the ſaid Commiſſioners for the time being, or any ſeven or more of them.

Provided alwayes, and be it enacted by the authority aforeſaid, That in caſe the ſaid Governour, Bayliffs and Corporation conſtituted by this Act, ſhall neglect or refuſe to pay ſuch Tax or Taxes and penalties, Sum or Sums of money as ſhall from time to time hereafter be taxed and impoſed by the ſaid Commiſſioners before named, or to be named by vertue of XXVI. this Act, or any ſeven or more of them, purſuant to the Powers given them by this Act; whereupon the Goods and Chattels of any perſon or perſons, his or their Tenant or Tenants of and in the ſaid Ninety five thouſand acres, or any part thereof, ſhall be diſtrained or ſold, or his or their Lands Sequeſtred for the payment thereof, or that ſuch perſon or perſons, his or their Tenant or Tenants, ſhall thereupon pay the ſaid Tax and Taxes, and penalties ſo Aſſeſſed and impoſed as aforeſaid, That then the ſaid Governour, Bayliffs, and Corporation, immediately from and after notice to him or them given thereof ſhall Aſſeſs and Tax the whole Ninety five thouſand Acres for the ſatisfaction and payment of the Tax, Taxes, and penalties, ſum and ſums of money, and all damages that ſuch perſon or perſons, his or their Tenant or Tenants hath or have paid, born or ſuſtained, as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That if the ſaid Governour, Bayliffs and Corporation ſhall not within ſix moneths next after demand made by ſuch perſon or perſons his and their Heirs, Executors and adminiſtrators whoſe, own, or Tenant or

Tenants, Goods and Chattels ſhall be diſtrained or ſold, or Lands ſequeſtred as aforeſaid, pay and ſatisfie unto him or them ſuch ſum and ſums of money, and damages, as he or they, and his and their reſpective Tenant or Tenants have reſpectively paid, born and ſuſtained, That then, and from thenceforth ſuch perſon and perſons, his and their Heirs and Aſſigns, ſhall and may bring his and their Action or Actions of Debt in any of the Kings Majeſties Courts at Weſtminſter, againſt the ſaid Governour, Bayliffs and Corporation, for the recovery thereof, and by vertue of this Act ſhall recover the ſame, and be allowed Coſts of Suit expended therein.

XXVII. And be it further Enacted by the Authority aforeſaid, That the Commiſſioners ſo conſtituted or to be hereafter conſtituted as aforeſaid, or any ſeven or more of them, for the better execution of the Powers hereby given, ſhall and may inform themſelves by examining Witneſſes upon Oath, which hereby they or ſeven or more of them ſhall have power to adminiſter due execution of all, every or any the Powers or Authorities hereby given them, and for the doing Juſtice therein accordingly.

The Commiſſioners to take an Oath.

Provided always, That the ſaid Commiſſioners and every of them, before he or they take upon him or them the execution of any the Powers or Authorities hereby given them other then the adminiſtring the Oath following to one another, which they ſhall have authority by this preſent Act to adminiſter to one another, ſhall take the Oath following, (viz.)

I A. B. ſhall and will without favour or affection, hatred or malice, truly and impartially, according to the beſt of my skill and knowledg, execute and perform all and every the powers and Authorities eſtabliſhed by this Act of Parliament.

Which Oath any one of the ſaid Commiſſioners are hereby authorized to adminiſter.

And be it further Enacted by the Authority aforeſaid, That all Judgments, Orders, Decrees, Determinations, Alterations, Changes, Reſtaurations, and other Acts done by the ſaid Commiſſioners hereby conſtituted or hereafter to be conſtituted as aforeſaid, or of any ſeven or more of them reſpectively, purſuant to the powers and Authorities by this Act given ſhall be final; And that the firſt time and place of their Meeting ſhall be at or before the Two and twentieth day of September, in the year of our Lord, One thouſand ſix hundred ſixty and three, at Ely.

The places where the Commiſſioners ſhall ſit.

And that afterwards the uſual places where the ſaid Commiſſioners ſhall ſit to hear, order, and Determine the Matters to them referred by this Act, ſhall from the 29th of September, to the 26th day of March in every year, be at the Town of Huntington; and from the 25th day of March, till the 30th day of September in every year, be at Ely, unleſs the ſaid Commiſſioners hereby conſtituted, or hereafter to be conſtituted as aforeſaid, or any ſeven or more of them ſhall appoint ſome other place or places, being any Market Town or Towns; And the ſaid Commiſſioners, or any ſeven or more of them ſhall by Warrant under their hands and ſeals declare the places and times of their after meeting, which Warrant ſhall be publiſhed in the open Market of ſuch reſpective places where they laſt ſate, between the hours of Twelve and Two upon ſome Market day, one moneth at the leaſt before the ſaid time or times of meeting, To the end all perſons concerned may have ſufficient time and notice to make their appearance before them upon any cauſe of complaint, or other occaſion; XXVIII. And ſhall have power and Authority by Warrant under the hands and ſeals of any ſeven or more of them to ſummon Parties and Witneſſes to appear before them.

Provided, That none of the ſaid Commiſſioners hereby conſtituted, or hereafter to be conſtituted as aforeſaid, ſhall Vote or give his Judgment or Determination in any matter or thing which concerns the Diviſions and Bounds of the County, of or for which he is appointed Commiſſioner.

Provided alſo, That no perſon who hath any Part, Share, or Intereſt in Poſſeſſion or Reverſion of or in any Mannors or Lands within the ſaid Level, ſhall be a Commiſſioner.

And in caſe of Deſcent, Gift, Deviſe, or Purchaſe of any ſuch Part, Share or Intereſt to, or by any the ſaid Commiſſioners, It is hereby Declared and Enacted, That immediately after ſuch Deſcent, Gift, Deviſe or purchaſe to or by any ſuch Commiſſioner, The ſaid Deſcent, Gift, Deviſe or purchaſe ſhall be an avoidance of his being a Commiſſioner; and ſhall make him be incapable of being again nominated, or appointed a Commiſſioner whilſt his Intereſt doth remain.

Provided alſo, and the ſaid Commiſſioners for the time being, or any ſeven or more of them ſhall from time to time, and at all times have power and authority to give and make ſatisfaction out of the Ninety five thouſand Acres; to ſuch perſon or perſons whoſe Lands or Intereſt therein (by any New Works, hereafter to be made by the ſaid Corporation without the ſaid Level for conveying of the Waters of the ſaid Level by convenient Outfals to the Sea) ſhall be made worſe in quality condition or value, then they were before the ſaid undertaking in the ſaid Sixth year of the ſaid late King Charles, proportionable to the loſs and damage the Parties ſhall receive thereby.

Owners of Waſtes and Commons may improve.

And to the end that the Owners of the Commons and Waſtes in the ſaid Level and other Towns, Pariſhes and places, unto which the Works aforeſaid, or any of them do extend, may improve the ſame by making Diviſions and Incloſures, Be it Provided and Enacted by the Authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons, Body Politique or Corporate whatſoever, their Heirs and Succeſſors, that are or ſhall be Lords of manors, or have or ſhall have right of Common in the ſaid Waſtes, to Improve, Set out, Incloſe, Divide and Sever ſuch Proportion or Proportions, as to them ſhall or may ſeverally or reſpectively belong or appertain, or be adjudged and allotted out of the ſaid Commons and Waſtes within the ſaid Level, or within any Town, Pariſh or place into which the Works aforeſaid, or any of them do extend. And to hold ſuch proportion in ſeveralty at all times of the year; and all differences that ſhall ariſe concerning the Boundaries of the Waſtes, Rights of Common, Aprovements, Allotments, Diviſions and Incloſures, ſhall from time to time, and at all times be determined, Adjudged, and finally ended by the ſaid Commiſſioners for the time being, or any ſeven or more of them upon their View or Examination of Witneſſes upon Oath, which they are hereby Authorized to Adminiſter, or upon both, and hearing of the parties concerned by their Adjudication under their Hands and Seals in Writing, which Determination and Judgment being Certified into XXIX. the Petty-bag, there to be Filed and kept on Record, ſhall be final and concluſive unto all parties: And the Allotments, Diviſions and Propoſitons ſo Adjudged or Decreed to be held by the ſaid reſpective perſons, to whom they are ſo Set out, ſhall be held by him or them, and his and their Heirs, Executors and Aſſigns reſpectively, according to his or their Tenure or Tenures, Eſtate, Title or Intereſt they had in the Mannors, Tenements, and Lands, for which they Claimed the ſaid Proportions of Common as aboveſaid; paying ſuch Fines and Rents, and doing ſuch Services in proportion for the ſame, as by Cuſtom or otherways they are to pay or do, and do for the Mannors, Tenements and Lands, for which they Claim the ſame proportion, having ſuch reſpect to the yearly values of the one and the other, as ſhall (if need ſo require) be limited by ſeven or more of the Commiſſioners.

XXX. Sutton, Meadland.

Provided alſo, and be it Enacted, That it ſhall and may be lawful to and for ſuch perſon and perſons (as were heretofore Owners of the One hundred ſeventy five Acres in Sutton, North and South Meadland in the ſaid Iſle of Ely, ſet out by the ſaid Law of St. Ives as a recompence for Dreining the whole North and South Meadlands, containing about One thouſand Acres, their Heirs or Aſſigns to ſue and implead before the ſaid Commiſſioners, or any ſeven or more of them, the Owners and Occupiers of the ſaid North and South Meadland or elſewhere within the ſaid Great Level, to draw them into Contribution for their ſeveral and reſpective Proportions of the ſaid North and South Meadlands, towards the ſaid One hundred ſeventy five Acres. And the ſaid Commiſſioners, or any ſeven or more of them, ſhall thereupon Adjudge and Decree unto the ſaid Owners of the ſaid One hundred ſeventy five Acres, or ſuch of them as they ſhall think fit, and to their Heirs and Aſſigns, ſuch recompence and ſatisfaction, either in ready Money, yearly Rent, or Land, out of the reſidue of the ſaid North and South Meadlands, as to the ſaid Commiſſioners, or any ſeven or more of them ſhall ſeem meet, to be held and enjoyed by the ſaid Owners of the ſaid One hundred ſeventy five Acres, their heirs and Aſſigns.

Londoners Fenn.

Provided always, and be it Enacted, That it ſhall and may be lawful to and for Sir John Watts, Knight, and others, who derive any Intereſt under the Dreyners of that Fenn called Londoners Fenn, his and their Heirs and Aſſigns, to ſue and implead all and every perſon and perſons, their Executors and Adminiſtrators, that have taken and received the rents and profits of his or their ſhare and proportion of Londoners Fenn, remaining from the ſhare and proportion allotted and ſet out by the ſaid Law of St. Ives ſince the ſaid Level was adjudged Dreined, and to ſue for and recover the ſame in any of his Majeſties Courts at Weſtminſter; and alſo that it ſhall and may be lawful to and for the ſaid Sir John Watts and the Participants aforeſaid, his and their Heirs and Aſſigns heretofore Owners of the ſeveral proportions in Londoners Fenn, ſet out by St. Ives Law for the Adventurers recompence for Dreyning the low Grounds in Upwell, Outwell, Welney, to purſue and proſecute before the ſaid Commiſſioners, or any ſeven or more of them, their claim, and ſue for relief againſt the owners or occupiers of the Fenny and low ſurrounded Grounds lying in Upwell, Outwell, and Welney, aforeſaid, whoſe Grounds did not all contribute, or not in equal proportion to the ſaid Ninety five thouſand Acres, to draw them into Contribution, in eaſe of the ſaid Sir John VVatts and the Participants aforeſaid, and thereupon the ſaid Commiſſioners, or any ſeven or more of them, are hereby impowred (to adjudge and decree unto the ſaid Sir John VVatts, and the participants aforeſaid, his and their Heirs and aſſigns, ſuch proportion out of the ſaid Grounds, which have not equally contributed as aforeſaid, as to the ſaid Commiſſioners, or any ſeven or more of them ſhall ſeem meet.

Upwell, Outwell, Welney.

XXXI. Douſedale Bank.

Provided always, and be it enacted, That it ſhall and may be lawful for the Kings Majeſty and the Queens Majeſty, their Heirs, Succeſſors and Aſſigns, to continue in the poſſeſſion, uſage and diſpoſal of the Bank, called Douſedale Bank, being on the South ſide of his Majeſties Demean Lands, called Port ſand, belonging to their Mannor of Crowland, being part thereof, and to have ſuch ancient Paſſages and Currents as of right have been uſed and accuſtomed, for the avoidance of water through the ſame into the River South Eae, as if this Act had never been made.

How and for what time Archbiſhops, Biſhops &c. may make Leaſes.

Provided alwayes, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every Archbiſhop, Biſhop, Dean and Chapter, and all Colledges and Halls in either Univerſity, and all Bodies Politique and Corporate, who are or ſhall be Lords of Manors, or have, or ſhall have right of Soil or Common in the Waſtes within this ſaid Level, or within ſuch other Towns, Pariſhes and places into which the Works of the Dreining aforeſaid do or ſhall extend, and who are by this Act impowred to improve, ſet out, incloſe, divide and ſever ſuch proportion or proportions as to them ſhall or may reſpectively belong or appertain, out of the ſaid Commons and Waſtes within the ſaid Level, to demiſe by Indenture all and every the ſaid ſuch proportion or proportions as to them ſhall or may reſpectively belong or appertain, out of the ſaid Commons or Waſtes within the ſaid Level which have not by expreſs words, and under any particular Rent been at any time formerly demiſed for any Term or Number of years, not exceeding One and twenty years, ſo as upon every ſuch Demiſe or Leaſe be reſerved the fourth part of the true yearly value to be aſcertained by the Commiſſioners aforeſaid, or any ſeven of them, due and payable yearly during the ſaid Term, to him or them, and his and their Succeſſors.

XXXII.

Provided alwayes, and be it declared by and with the conſent of all Parties concerned, That neither this Act, nor any thing therein contained, ſhall extend or be conſtrued to extend to alter the poſſeſſion of Thomas Chicheley Eſquire, of or from Six hundred ſeventy one

Acres, parcel of the Lot now claimed to belong to the ſaid Truſtees of Henry late Earl of Arundel and Surrey, and Two hundred thirty one acres, parcel of the Lot now claimed to belong to the ſaid Sir William Terringham, or from any part thereof, by him the ſaid Thomas Chicheley now enjoyed under Purchaſers by Sales for non-payment of Taxes upon the diſpute between the old and new Adventurers; But that the ſaid Corporation ſhall execute Conveyances of the ſaid reſpective proportions unto the ſaid Thomas Chicheley, his Heirs and Aſſigns, Any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Provided always, and be it enacted, That all ſuch Right or Rights as any Lord or Lords of any Manor or Manors, Liberties, Hundred or half hundred, have heretofore had within their reſpective Manor or Manors, Liberties, Hundred or half hundred within or without the ſaid Level, to Waifes, Strayes, Felons Goods, Priviledges of Arreſts, Eſcheats, and all other Royalties not prejudicial to the Draining, be hereby ſaved to them, their Heirs, Succeſſors and Aſſigns ſeverally and reſpectively; Any thing in this Act to the contrary thereof notwithſtanding.

4 Jac. cap. 13.

Provided always, That this Act, or any thing therein contained, ſhall not be interpreted to infringe, or any way to weaken an Act made the Fourth year of the Reign of King James, entituled, An Act for the Draining of certain Fenns and Low Grounds within the Iſle of Ely, ſubject to hurt by Surrounding, containing about Six thouſand Acres, compaſſed about with certain Banks, commonly called and named, The Ring of Walterſea and Coldham; but the ſaid Act ſhall ſtand in full force and vertue; Any thing in this preſent Act to the contrary notwithſtanding.

XXXIII. Provided alſo, That whereas divers Lands in and near adjoyning unto the ſaid Great Level, have been cut through for the better conveying of the Waters from the ſame, and for upholding or repairing the Banks and Works there, without ſatisfaction to the reſpective Owners of the ſaid Lands, for the damage they have ſuſtained by ſuch cutting, Be it further enacted, That the ſaid Commiſſioners for the time being, or any ſeven or more of them, upon complaint to them made of ſuch damage ſuſtained as aforeſaid, without recompence for the ſame, ſhall be, and are hereby impowred to award and decree ſuch recompence and ſatisfaction to the party and parties grieved, according to their reſpective damages ſuſtained by ſuch cutting, as to the ſaid Commiſſioners for the time being, or any ſeven or more of them ſhall be adjudged reaſonable, the ſaid recompence and ſatisfaction to be made and given by the ſaid Corporation, within ſix moneths next after ſuch Award or Decree made; and in default thereof, the ſaid Commiſſioners, or any ſeven or more of them, ſhall and may, and are hereby impowered to Rate and Tax the ſaid Ninety five thouſand Acres, and to Diſtrain thereupon for the payment of ſuch Rate or Tax, and the Diſtreſs taken thereupon to ſell or diſpoſe as they ſhall think fit, (rendring the overplus, if any be, to the Owners) for the payment and ſatisfaction of ſuch moneys, and damages as ſhall be ſo Awarded; Any thing in this Act to the contrary thereof notwithſtanding.

The Barons of the Exchequer impowred to hear and determine differences between parties.

Provided nevertheleſs, That in caſe the Judicature hereby eſtabliſhed, ſhall not within Twelve moneths from the Firſt day of Auguſt next, hear and determine all the matters by this Act to them referred, concerning the ſaid Ninety five thouſand Acres, all and every ſuch perſon and perſons whoſe Complaint ſhall be then undetermined, may make their applications to the Barons of his Majeſties Court of Exchequer, who are hereby eſtabliſhed a Court of Judicature, and ſufficiently authorized to hear and determine all ſuch controverſies and differences between the ſaid parties, in as large and ample manner, to all intents and purpoſes, as the Judicature hereby eſtabliſhed might have done, and ſuch Judgement, Order or Decree of the ſaid Court of Exchequer, ſhall be in all things obſerved, and be effectual as if the ſaid Barons had been made the only Judicature by this Act.

Leſſees of the King.

Provided alwayes, and be it enacted by the authority aforeſaid, That the Leſſees of the Kings Majeſty, his Heirs and Succeſſors of the ſaid Ten thouſand Acres, or of any part thereof, and the Aſſigns of ſuch Leſſees, and every or any of them, ſhall be capable to be elected and choſen into the Office or Place, Offices or Places of Governor, Bayliffs and Conſervators aforeſaid, and to vote in ſuch elections and choice, and all other matters, as fully to all intents and purpoſes as any other Members of the Corporation, Owners of any part of the ſaid Ninety five thouſand acres, may be elected and choſen, vote in ſuch election and choice, or in any other matter, ſo as ſuch Leſſees and their Aſſignees reſpectively have and be Leſſees or Owners of double the quantity or number of acres, parcel of the ſaid Ten thouſand acres, as by vertue of this Act is required, to qualifie any perſon to be elected and choſen into the Office or Place of Governour, Bayliff or Conſervator reſpectively, and to Vote in ſuch elections and choice, or in any other matter touching the ſaid Level, and ſo as ſuch Leaſes or Aſſignments they claim by, be entred with the Regiſter; any thing before in this Act to the contrary notwithſtanding.

XXXIV. Provided alwayes, and be it enacted by the authority aforeſaid, That this act ſhall not extend to Impeach or make void any Obligation given to David Offley Gentleman, conditioned for his quiet enjoyment of a certain parcel of Land purchaſed by him in the ſaid Level, but that the ſaid David Offley may ſue and proſecute his ſeveral action or actions upon the ſaid Obligation, as if he had been evicted or removed from his Eſtate therein by due courſe of Law.

How Breaches ſhall be made good.

And be it further enacted by the authority aforeſaid, That if any Breaches happen in any of the Banks, Saſſes, Sluces, Tunnels, or other Works within the ſaid Great Level, or in any the Works made without the ſaid Great Level, for carrying the Waters of the ſaid Great Level to their Out-fall at Sea, by reaſon of ſome inevitable accidents, the ſame ſhall be repaired and made good in convenient time, by and at the Charges of the ſaid Corporation and their Succeſſors; but no other Charge ſhall be laid upon the Corporation or their

Succeſſors, for or in reſpect of ſuch Breaches, nor for or in reſpect of any Breaches that have happened heretofore in any of the ſaid Banks, Saſſes, Sluces or other Works; nor ſhall the ſaid Corporation be inforced to give to any other perſon any recompence for any loſs or damage which hath or ſhall happen, by reaſon of their making neceſſary and ſufficient Banks for the defending of the ſaid Level from being overflown, and for the leading of the waters of the ſaid Level in their Channels as now they run, unto their Out-fall at Sea.

Proviſo for perſons that have exchanged their Lands.

Provided nevertheleſs, and be it enacted, That where any Participant under Francis Earl of Bedford, or the Heirs or Aſſigns of any ſuch Participant, hath exchanged his or their Share or Lot of the ſaid Ninety five thouſand Acres, or any part thereof, for any other Lands, parcel of the ſaid Ninety five thouſand Acres, which were claimed and held under ſuch pretended Sales, for non-payment of Taxes, ſince One thouſand ſix hundred forty and nine, It ſhall and may be lawful to and for ſuch Participant and Participants, and his and their Heirs and Aſſigns, to enter again upon the ſame Lands ſo given in exchange, and to have and retain the ſame in his and their poſſeſſion, Any thing in this Act to the contrary notwithſtanding: Subject nevertheleſs in all things to ſuch Judgment and Determination as the Judicature hereby conſtrued ſhall make concerning the ſame.

XXXV.

Provided always, That no aſcertaining or dividing of the ſaid Dreyned or new improved Lands by the ſaid Commiſſioners as aforeſaid, ſhall conclude the Kings Majeſty, his heirs Succeſſors or Aſſigns, or any other perſon or perſons as to the bounds of Pariſhes, to any other intent or purpoſe, then ſubjecting the ſame to Taxes and Contributions, and Epiſcopal Juriſdictions, and not as to the Right of Tythes, or any other purpoſe whatſoever, nor ſhall be, or be uſed in evidence concerning the ſame.

Commons and Waſts in Bedford Level incloſed.

Provided alſo, and be it further Enacted by the Authority aforeſaid, That if any perſon or perſons having right of Common in any of the Mannors, Waſtes, Common or Lands within the ſaid Great Level of the Fenns, called Bedford Level, or any other perſon or perſon whatſoever, at any time after ſuch Diviſion or Incloſure made, or ſet out as aforeſaid, ſhall break, throw down, diſturb, obſtruct, or by any means hinder, or lay open the ſaid Improvements and Incloſures, at, in or after the making thereof, or the Hedges, Ditches or Fences of the ſame, or any part thereof convicted by credible Witneſſes upon Oath before two Juſtices of the Peace of the County where ſuch Diſturbance or Deſtruction ſhall be made: Every ſuch perſon or perſons ſo convicted as aforeſaid, ſhall forfeit for every ſuch offence the ſum of twenty pounds, to be levied by Diſtreſs upon the Goods and Chattels of every ſuch offender or offenders, by warrant under the hands and ſeals of the ſaid Juſtices of the Peace before whom ſuch conviction ſhall be made, the one moyety to the Informer, and the other moyety to ſuch perſon or perſons againſt whom the ſaid Offence is or ſhall be committed; or for want of ſuch ſufficient diſtreſs, the Offender ſhall be committed to the houſe of Correction or Common Goal for three Months without bail or mainpriſe, at the ſaid Juſtices Diſcretion.

XXXVI.

After the year 1668. Tax ſhall not exceed 2 s. in the pound.

Provided alwayes, and it is hereby Enacted and Declared by the Authority aforeſaid, That from and after the firſt day of Auguſt, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and eight, no Tax or Taxes exceeding Two ſhillings the Acre in any one year ſhall be aſſeſſed, laid or levied upon the ſaid Ten thouſand Acres by this Act veſted in the Kings Majeſty, his Heirs, Succeſſors and Aſſigns, or upon any part thereof, or upon the two thouſand Acres hereby veſted in the Aſſigns of the ſaid Earl of Portland; but in caſe the Taxes to be Aſſeſſed upon the ſaid Eighty three thouſand Acres hereby veſted in the ſaid Corporation, ſhall not amount unto ſo much in proportion as Two ſhillings an Acre, according to the proportion for each acre; Then a proportionable abatement ſhall be made out of the ſaid Two ſhillings per Acre, which ſhall be charged yearly by an equal rate upon every acre of the ſaid Ten thouſand acres, and the ſaid Two thouſand acres, according to the Rate impoſed upon every acre of the ſaid Eighty three thouſand acres, whether the ſame ſhall be aſſeſſed by an Acre-Tax, or a Pound-rate or by any other way; Any thing herein contained to the contrary notwithſtanding.

And it is further Declared, That the Aſſeſſing, Laying and Levying of Taxes upon the ſaid Ten thouſand acres, or upon the ſaid Two thouſand acres, or any part thereof, after the ſaid Firſt day of Auguſt, which ſhall be in the ſaid year of our Lord, One thouſand ſix hundred ſixty and eight, by the way of an Acre-taxe, ſhall not extend nor be interpreted or conſtrued to extend to compel or conclude the ſaid Corporation, to Aſſeſs, Lay or Levy any Tax or Taxes upon the ſaid Eighty three thouſand acres, hereby veſted in the ſaid Corporation or upon any part thereof by the way of an Acre-Tax.

Anno XVI. Caroli *II. Regis.*

CAP. I.

Parliaments ſhall be held once in Three years at the leaſt; And an Act for the preventing of Inconveniences happening by the long Intermiſſion of Parliaments, Repealed.

16 Car. 1. cap. 1.

Whereas the Act made in the Parliament begun at Weſtminſter the Third day of November in the Sixteenth year of the Reign of our late Soveraign Lord King Charles of bleſſed memory, entituled, An Act for preventing of Inconveniences happening by the long Intermiſſion of Parliaments, is in derogation of his Majeſties juſt Rights, and Prerogative inherent to the Imperial Crown of this Realm, for the Calling and Aſſembling of Parliaments; And may be an occaſion of manifold miſchiefs and inconveniences, and much endanger the Peace and Safety of his Majeſty, and all his Liege People of this Realm.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled and by the Authority of the ſame, That the ſaid Act, entituled, An Act for the preventing of Inconveniences happening by the long Intermiſſion of Parliaments, And all and every

A Repeal of the ſaid Act.

the Articles, Clauſes and Things therein contained, is, ſhall be, and are hereby wholly Repealed, Annulled, and utterly made Void, And are hereby declared to be Null and Void to all intents and purpoſes whatſoever, as if the ſaid Act had never been had, or made; Any thing in the ſaid Act contained to the contrary in any wiſe notwithſtanding.

4 E. 3. cap 14
36 E. 3. cap. 10.

And becauſe by the Ancient Laws and Statutes of this Realm, made in the reign of King Edward the Third, Parliaments are to be held very often, Your Majeſties humble and loyal Subjects the Lords Spiritual and temporal, and the Commons in this preſent Parliament aſſembled, moſt humbly do beſeech Your moſt Excellent Majeſty, That it may be declared and Enacted, And be it Declared and Enacted by the Authority aforeſaid, That hereafter the ſitting and holding of Parliaments ſhall not be intermitted or diſcontinued above Three years at the moſt; but that within Three years from and after the determination of this preſent Parliament, and ſo from time to time within Three years after the determination of any other Parliament or Parliaments, or if there be occaſion, more oftner, Your Majeſty, Your Heirs and Succeſſors do iſſue out Your Writs for calling, aſſembling and holding of another Parliament, to the end there may be a frequent calling, aſſembling and holding of Parliaments once in Three years at the leaſt.

CAP. II.

An Act for preventing of Abatement of Writs of Error upon Judgments in the Exchequer.

31 El. cap. 1.
31 E. 3. cap. 12.

WHereas by a Statute in the One and thirtieth year of the Reign of the late Queen Elizabeth, It is Enacted, That the not coming of the Lord Chancellor, and Lord Treaſurer, or either of them, at the day of Adjournment, in any Suit of Error depending, by vertue of the Statute of the one and thirtieth year of the Reign of King Edward the Third, therein mentioned, concerning Error made in the Exchequer, ſhall not be any Diſcontinuance of any ſuch Writ of Error: But if both the Chief Juſtices of either Bench, or any one of the ſaid great Officers, the Lord Chancellor, or Lord Treaſurer ſhall come to the Exchequer-Chamber, and there be preſent at the day of Adjournment in ſuch Suit of Error, It ſhall be no Diſcontinuance, but the Suit ſhall proceed in Law to all intents and purpoſes, as if both the Lord Chancellor and Lord Treaſurer had come, and been preſent at the day and place of Adjournment. Which Statute doth not provide a Remedy, in caſe the ſaid Lord Chancellor and Lord Treaſurer, or either of them ſhall not be preſent at the days and times of the Returns of ſuch Writs of Error, although it be within the ſame miſchief, Juſtice being delayed: And the parties in ſuch caſes being put to begin new Suits, to their great Charges and prejudice, by reaſon of the abſence and not coming of the ſaid great Officers.

The not comming of the Lord Chancellor or Lord Treaſurer.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this Parliament Aſſembled, and by authority of the ſame, That the not coming of the Lord Chancellor and Lord Treaſurer or either of them, at the day of Return of any Writ of Error, to be ſued forth by vertue of the ſaid ſtatute made in the ſaid One and thirtieth year of the reign of the ſaid King Edward the Third, ſhall not cauſe any Any abatement or Diſcontinuance of any ſuch Writ of Error. But if both the Chief Juſtices of either Bench, or either of them, or any one of the ſaid great officers the Lord Chancellor or Lord Treaſurer, ſhall come to the Exchequer-Chamber, and there be preſent at the day of Return of any ſuch Writ of Error, it ſhall be no Abatement or Diſcontinuance; But the Suit ſhall proceed in Law to all intents and purpoſes, as if both the Lord Chancellor and Lord Treaſurer had come, and been preſent at the day and place of Return of ſuch Writ.

Provided always, That no Judgment ſhall be given in any ſuch Suit, or Writ of Error, unleſs both the Lord Chancellor and Lord Treaſurer ſhall be preſent thereat.

CAP. III.

For Collecting the Duty ariſing by Hearth-Money, by Officers to be appointed by his Majeſty,

13 Car. 2. c. 10.
15 Car. 2. ca. 14.

WHereas by an Act made in the Parliament begun at Weſtminſter the Eight day of May in the Thirteenth year of his Majeſties Reign that now is, Entituled, An Act for Eſtabliſhing an Additional Revenue upon His Majeſty, his Heirs and Succeſſors, for the better Support of His and their Crown and Dignity; And by another Act made in the ſecond Seſſion of the ſaid Parliament, in the Fifteenth year of the Reign of his ſaid Majeſty, Entituled, An Additional Act for the better Ordering and Collecting the Revenue ariſing by Hearth-money, It was enacted and Ordained, That from and after the five and twentieth day of March, in the year of our Lord, One thouſand ſix hundred ſixty and two, every Dwelling, and other Houſe and Edifice, and all Lodgings in Inns of Court, Inns of Chancery, Colledges, and other Societies that are, or hereafter ſhall be erected within the Kingdom of England Dominion of Wales, and Town of Berwick upon Tweed (other then ſuch as are therein excepted) ſhall be, and are charged with the Annual payment to the Kings Majeſty, his heirs and Succeſſors, for every Fire-Hearth and Stove within every ſuch Houſe, Edifice, Chambers and Lodgings, the ſum of two ſhillings by the year, to be paid yearly at the Feaſts of Saint Michael the Arch-Angel, and of the Annuntiation of the bleſſed Virgin Mary, by even and equal portions; an exact and juſt Account of the numbers of all which Fire-Hearths and Stoves is thereby Enacted to be taken and returned into his Majeſties Court of Exchequer; And the Moneys and Revenues due and payable for the ſame, to be collected, levied and paid to his Majeſty, by ſuch perſons and Officers, in manner and form as by the ſaid Acts is preſcribed.

Nevertheleſs, by reaſon of ſome defects in the ſaid Act, and great negligence of the ſaid Officers and other perſons, in not returning the exact numbers of the ſaid Fire-Hearths and Stoves, and not duly Collecting, Levying and paying into his Majeſties Exchequer, the Revenue due for the numbers returned at the times appointed, and by ſundry fraudulent practiſes to elude the ſaid Acts, the ſaid revenue is much diminiſhed, and not duly anſwered.

For remedy thereof, and for the better aſcertaining & collecting the ſaid Revenue for the future, Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That it ſhall and may be lawful to and for the Kings Majeſty, his heirs and Succeſſors, from and after the Four and twentieth day of June, One thouſand ſix hundred ſixty four, from time to time, by, and with the Advice of the Lord High Treaſurer, Chancellour, Under-Treaſurer, and Barons of the Court of Exchequer for the time being, or any three of them, whereof the Lord High Treaſurer, or Chancellor of the Exchequer to be one, to conſtitute and appoint ſuch perſon or perſons as his Majeſty, his Heirs and Succeſſors ſhall think meet to be the Officer or Officers for the receiving and collecting, and anſwering the duty ariſing by the ſaid Fire-Hearths and Stoves by vertue of the ſaid ſeveral Acts, and for viewing and numbring of the ſeveral Chimney-hearths and Stoves mentioned in the ſaid Acts; and for the inſpecting and examining the ſeveral Rolls, Certificates and Returns thereof made, and to be made from time to time into his Majeſties Court of Exchequer, in purſuance of the ſaid Acts, or any other thing belonging to the ſame: Which officers, or any of them ſhall have full power to examine and ſuperviſe the Rolls and Numbers of Fire-Hearths and Stoves already returned into the ſaid Court of Exchequer; And being accompanied with the Conſtable, or the Tithing-man, Treaſurer, Under-Treaſurer, or other publick or proper officer of the place, (who are hereby required to attend and aſſiſt upon this occaſion) and in all Pariſhes and places where there are no Conſtables, Tithingmen, or other publick officer as aforeſaid, there, without any ſuch Aſſiſtance to enter in the day time into any dwelling or other Houſe, Edifice, Lodgings and Chambers aforeſaid, And to ſearch and examine whether there be any more Fire-hearths and Stoves in the ſame then were formerly returned or certified, and what Fire-hearths or Stoves are increaſed, or decreaſed ſince the former Certificate. After which ſearch and examination, the ſaid Officer, with a Conſtable, or Tythingman, or Officers as aforeſaid, ſhall have liberty to make the like ſearch and examination once every year: And if they ſhall find any variance in the number returned, both the Officer or Officers appointed by his Majeſty, and the Conſtable or Tythingman, or other officer as aforeſaid, to certifie the ſame under his and their hands to the Clerk of the Peace, which Certificate they are hereby enjoyned to make: And after approbation thereof by the Juſtices of the Peace at their Seſſions, the ſame to be certified to his Majeſties Remembrancer in the Exchequer and the officer and officers ſo appointed by his Majeſty unto the ſame, ſhall from and after the ſaid Four and twentieth day of June, One thouſand ſix hundred ſixty four, have power to collect and levy the Revenue and Duties ſo given to his Majeſty as aforeſaid, and all arrears of the ſame.

And be it further Enacted, That the ſaid Duty ſhall from time to time be paid after the Feaſt days of Saint Michael the Arch-Angel, and the Annuntiation of the Virgin Mary yearly, unto ſuch officer as ſhall be appointed by vertue of this preſent Act to receive the ſame upon demand thereof made by ſuch officer, or his Deputy at the Houſe, Chamber, or place where the ſame Duty ſhall ariſe or grow due: And that in caſe of refuſal, or default of ſuch payment thereof, by the ſpace of one hour after ſuch demand, the ſaid officer or his Deputy may at any time, with the aſſiſtance of a conſtable, Tythingman, or other officer, as aforeſaid in the day time, levy the ſaid Duty, and all the Arrearages thereof, by diſtreſs and ſale of the goods of the party or parties ſo refuſing, or making default; reſtoring to the party or parties the over-plus of the value of ſuch goods, over and above the Duty and Arrearages thereof then behind, and over and above the neceſſary charges of taking ſuch Diſtreſs, which charges ſhall in no caſe exceed the one moyety of the Duty and Arrearages thereof ſo levied.

Provided always, and be it Enacted, That no owners, Proprietors, or occupiers of the ſaid Fire-hearths or Stoves, ſhall be charged, diſtrained, or moleſted for the ſaid Duty, or any Arrearages thereof, at any time after the ſpace of two years next after the Duty hereafter ſhall become due to his Majeſty, his Heirs or Succeſſors; Nor for any arrearages of the ſaid Duty already incurred, after the ſpace of two years, from the Four and twentieth day of June, one thouſand ſix hundred ſixty and four. And in caſe of violent oppoſition, or injury done by any perſon or perſons to any ſuch officer or his Deputy, in the due execution of this Act; and the ſame proved by oath before any one Juſtice of the Peace, or Chief Magiſtrate or Magiſtrates of the City, Town, or place dwelling near unto the place, who are hereby authorized to adminiſter the ſaid oath; It ſhall and may be lawful to, and for ſuch Juſtice of the Peace, Magiſtrate or Magiſtrates to puniſh ſuch offendor or offendors, if he ſhall find cauſe, by Impriſonment in the Common Goal, for any time not exceeding the ſpace of one moneth. And from and after the ſaid Four and twentieth day of June, One thouſand ſix hundred ſixty four, all officers formerly appointed to collect the ſaid Duty, ſhall be diſcharged from the future collecting and levying the ſame, otherwiſe then as they are directed by this Act: And the ſaid officer and officers ſo appointed by his Majeſty to collect this duty, ſhall pay the ſame into his Majeſties Exchequer, to the ends in the ſaid former Acts mentioned.

Provided, That no perſon or perſons ſhall be employed as aforeſaid, unleſs he and they ſhall firſt give in ſufficient Security to his Majeſty, his heirs and Succeſſors, for the due collecting, levying and paying in of the ſaid Revenue, or ſuch part thereof as ſhall be committed to their reſpective Truſts, and ſhall likewiſe take a corporal Oath before one or more of the Barons of the Exchequer, or before ſuch perſons as ſhall be authoriſed to take ſuch Security and Oath by Commiſſion from the ſaid Court of Exchequer, for the due and faithful execution thereof, according to the Laws enacted to that purpoſe: And that they ſhall not exact or demand any Fee or ſum of money for execution thereof, from any Subject, but only from the Kings Majeſty, under pain of being diſabled to execute the ſaid Office or Imployment; And upon legal Conviction of any ſuch Crime, to render treble damage to the party grieved: And ſhall ſign and deliver Acquittances for moneys by them received, without any fee or reward whatſoever; and every ſuch Acquittance ſhall be a final Diſcharge, as in the ſaid firſt Act is provided.

And be it further Enacted by the Authority aforeſaid, That if any perſon occupying any Hearth or Stove chargeable to his Majeſty, ſhall leave or relinquiſh any Houſe, Edifice, Lodging or Chamber, before any of the half-yearly Feaſts whereon the ſame is appointed to be paid to his Majeſty, his Heirs and Succeſſors; In every ſuch caſe, the next Occupier thereof ſhall be chargeable with the ſame for the ſaid half year: And if any perſon ſhall fraudulently ſtop up, deface, cover or conceal any Chimney-Hearth or Stove chargeable by the ſaid Act, and the ſame be proved, either by confeſſion of the party, or upon Oath before one Juſtice of Peace, or chief Magiſtrate, or by their view, he ſhall for ſuch offence pay double the value of the Duty for tye ſame, to be levied as aforeſaid.

And be it likewiſe enacted, That if any perſon within one year laſt paſt hath, or hereafter ſhall let the Lands, Gardens, Orchards or Out-houſes formerly belonging to any Dwelling-Houſe or Cottage apart from the ſame, or ſhall divide any houſe into ſeveral dwellings, or let out the ſame to any ſuch perſons, who by reaſon of their poverty may pretend to be exempted from payment of the ſaid Duty, by any Clauſe or Clauſes in the former Acts, That in every ſuch caſe, ſuch perſon ſhall pay the ſaid duty in as ample manner as they ought to have done before that time. And that no perſon or perſons inhabiting any Dwelling-houſe (not being an Alms-houſe exempted by the former Act) within any City, Burrough, Corporation, Market-Town or Pariſh which hath, or ſhall have in it more than two Chimneys, Fire-Hearths or Stoves, ſhall be exempted from payment of the Duties thereon impoſed, by colour of any exemption or pretext whatſoever.

And if any queſtion or difference ſhall ariſe about the taking any Diſtreſs, or levying any money by vertue of this Act, the ſame ſhall be heard and finally determined by one or more of the Juſtices of the Peace near adjoyning, or chief Magiſtrate of the place reſpectively, upon complaint in that behalf.

And be it further enacted, That every Collector who ſhall be authoriſed and appointed by vertue of this Act to receive any of the ſaid Duties, ſhall truly anſwer and pay all ſuch moneys as he ſhall receive for the ſaid Duties, into his Majeſties Receipt of Exchequer, half-yearly, within Three moneths after the Feaſt of Saint Michael the Arch-Angel, or the Annuntiation of the bleſſed Virgin Mary, happening next after the time the ſame moneys grew due to his Majeſtie by vertue of the ſaid Acts, and under the penalty of the loſs of his Office: And the Juſtices of peace, and chief Magiſtrates, Conſtables, and other his Majeſties Officers within their ſeveral Limits and Juriſdictions, are hereby authoriſed and required to give aſſiſtance from time to time, to ſuch Officers as ſhall be appointed by his Majeſty, his Heirs and Succeſſors, for the collecting of the ſaid Duty according to the true meaning of the ſaid former Acts, and this preſent Act.

Provided, That no perſon or perſons ſhall be queſtioned for any arrears due on or before our Lady day, One thouſand ſix hundred ſixty four, who ſhall produce to the Collector a Certificate approved or to be approved of by the two next Juſtices of Peace, for their exemption from the ſaid Duty for that time, according to the Rules preſcribed in the ſaid firſt recited Act; nor any perſon who hath truly paid the ſaid Duty, and ſhall, if it be required, make proof thereof before any one Juſtice of Peace, or other chief Magiſtrate of the place; Any thing therein contained, or any Return made into his Majeſties Exchequer to the contrary thereof in any wiſe notwithſtanding.

Provided alſo, and be it Enacted by the authority aforeſaid, That all and every ſuch Officer or Officers as ſhall be at any time appointed by his Majeſty, his Heirs and Succeſſors, for the collecting, gathering and receiving of the ſeveral ſums of money now or hereafter to grow due unto his Majeſty, his Heirs and Succeſſors, for or in reſpect of the ſaid Duty ariſing upon the Fire-Hearths and Stoves, ſhall ſatisfie and pay unto the reſpective Petty-Conſtables and Clerks of the Peace of this Kingdom, all ſuch allowances as are by any former Act or Acts given and allowed unto them, as well for their pains and labour heretofore, as hereafter to be taken by them, as in and by the former Acts concerning Fire-hearths and Stoves are limited and appointed; Any thing in this Act to the contaary notwithſtanding.

CAP. IV.

Seditious Conventicles ſuppreſſed.

35 El. cap. 1. Declared to be in force.

Whereas an Act made in the Five and thirtieth year of the Reign of our late Soveraign Lady Queen Elizabeth, entituled, An Act to retain the Queens Majeſties Subjects in their due Obedience, hath not been put in due Execution, by reaſon of ſome doubt of late made, Whether the ſaid Act be ſtill in force; although it be very clear and evident, And it is hereby Declared, That the ſaid Act is ſtill in force, and ought to be put in due execution.

Further remedy againſt Seditious Sectaries.

For providing therefore of further and more ſpeedy remedies againſt the growing and dangerous practiſes of Seditious Sectaries, and other diſloyal perſons, who under pretence of Tender Conſciences, do at their Meetings contrive Inſurrections, as late Experience hath ſhewed.

Unlawful Conventicles and Meetings under pretence of exerciſe of Religion forbidden.

Be it Enacted by the Kings moſt excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any perſon of the age of Sixteen years or upwards, being a Subject of this Realm, at any time after the firſt day of July, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and four, ſhall be preſent at any Aſſembly, Conventicle or Meeting, under colour or pretence of any exerciſe of Religion, in other manner then is allowed by the Liturgy or practice of the Church of England, in any place within the Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed; At which Conventicle, Meeting, or Aſſembly, there ſhall be five perſons or more aſſembled together, over and above thoſe of the ſame Houſhold; Then it ſhall and may be lawful to, and for any two Juſtices of the Peace of the County, Limit, Diviſion or Liberty

wherein

The puniſhment and manner of proceeding againſt them for the firſt offence.

wherein the Offence aforeſaid ſhall be committed, or for the Chief Magiſtrate of the place where ſuch offence aforeſaid ſhall be committed, (if it be within a Corporation where there are not two Juſtices of the Peace) And they are hereby required and enjoyned upon proof to them or him reſpectively made of ſuch offence, either by confeſſion of the party, or oath of Witneſſe, or notorious evidence of the Fact: (which Oath the ſaid Juſtices of the Peace, and Chief Magiſtrate reſpectively, are hereby impowred and required to adminiſter) to make a Record of every ſuch offence and offences under their hands and ſeals reſpectively; which Record ſo made as aforeſaid, ſhall to all intents and purpoſes be in Law taken and adjudged to be a full and perfect Conviction of every ſuch Offendor for ſuch offence: And thereupon the ſaid Juſtices and Chief Magiſtrate reſpectively, ſhall commit every ſuch Offendor ſo convicted as aforeſaid to the Gaol, or houſe of Correction, there to remain without Bail or Mainpriſe, for any time not exceeding the ſpace of three moneths, unleſs ſuch Offendor ſhall pay down to the ſaid Juſtices, or Chief Magiſtrate ſuch ſum of money not exceeding five pounds, as the ſaid Juſtices or Chief Magiſtrate (who are hereby thereunto authorized and required) ſhall Fine the ſaid Offendor at, for his or her ſaid offence; which money ſhall be paid to the Church-wardens for the relief of the poor of the Pariſh where ſuch Offendor did laſt inhabit.

The ſecond offence.

And be it further Enacted by the authority aforeſaid, That if ſuch Offendor ſo convicted as aforeſaid, ſhall at any time again commit the like offence contrary to this Act, and be thereof in manner aforeſaid convicted, Then ſuch Offendor ſo convict of ſuch ſecond offence, ſhall incur the penalty of Impriſonment in the Gaol, or Houſe of Correction, for any time not exceeding ſix moneths, without bail or mainpriſe, unleſſe ſuch offendor ſhall pay down to the ſaid Juſtices or Chief Magiſtrate ſuch ſum of money, not exceeding Ten pounds, as the ſaid Juſtices or Chief Magiſtrate (who are thereunto authorized and required as aforeſaid) ſhall Fine the ſaid offendor at, for his or her ſaid ſecond offence, the ſaid Fine to be diſpoſed in manner aforeſaid.

The third offence.

And be it further enacted by the authority aforeſaid, That if any ſuch Offendor ſo convict of a ſecond offence, contrary to this Act in manner aforeſaid, ſhall at any time again commit the like offence contrary to this Act, Then any two Juſtices of the Peace, and chief Magiſtrate as aforeſaid reſpectively, ſhall commit every ſuch Offendor to the Gaol, or Houſe of Correction, there to remain without bail or mainpriſe until the next General Quarter Seſſions, Aſſizes, Gaol-Delivery, great Seſſions, or ſitting of any Commiſſion of Oyer and Terminer in the reſpective County, Limit, Diviſion or Liberty which ſhall firſt happen; when, and where every ſuch Offendor ſhall be proceeded againſt by Indictment for ſuch offence, and ſhall forthwith be arraigned upon ſuch Indictment, and ſhall then plead the General Iſſue of not guilty, and give any ſpecial matter in Evidence, or confeſſe the Indictment. And if ſuch Offendor proceeded againſt, ſhall be lawfully convict of ſuch offence, either by Confeſſion or Verdict, or if ſuch Offendor ſhall refuſe to plead the General Iſſue, or to confeſſe the Indictment, then the reſpective Juſtices of the Peace at their General Quarter-Seſſions, Judges of Aſſize and Gaol-delivery at the Aſſizes and Gaol delivery, Juſtices of the great Seſſions at the great Seſſions, and Commiſſioners of Oyer and Terminer, at their ſitting, are hereby enabled and required to cauſe Judgment to be entred againſt ſuch Offendor, That ſuch Offendor ſhall be Tranſported beyond the Seas to any of his Majeſties Foreign Plantations (Virginia and New-England onely excepted there to remain Seven years; And ſhall forthwith under their Hands and Seals make out Warrants to the Sheriff or Sheriffs of the ſame County where ſuch conviction or refuſal to plead or to confeſſe as aforeſaid, ſhall be, ſafely to convey ſuch Offendor to ſome Port or Haven neareſt or moſt commodious to be appointed by them reſpectively; And from thence to Embarque ſuch Offendor to be ſafely Tranſported to any of his Majeſties Plantations beyond the Seas, as ſhall be alſo by them reſpectively appointed (Virginia and New-England onely excepted:) Whereupon the ſaid Sheriff ſhall ſafely Convey and Embarque, or cauſe to be conveyed or embarqued ſuch Offendor, to be Tranſported as aforeſaid, under pain of forfeiting for default of ſo Tranſporting every ſuch Offendor, the ſum of Forty pounds of lawful money, the one moyety thereof to the King, and the other moyety to him or them that ſhall ſue for the ſame in any of the Kings Courts of Record, by Bill, Plaint, Action of Debt, or Information; In any of which, no Wager of Law, Eſſoign or Protection ſhall be admitted. And the ſaid reſpective Court ſhall then alſo make out Warrants to the ſeveral Conſtables, Headboroughs or Tythingmen of the reſpective places where the Eſtate real or perſonal of ſuch Offendor ſo to be Tranſported ſhall happen to be, commanding them thereby to Sequeſter into their hands the profits of the Lands, and to diſtrain and ſell the Goods of the Offendor ſo to be Tranſported, for the re-imburſing of the ſaid Sheriff all ſuch reaſonable charges as he ſhall be at, and ſhall be allowed him by the ſaid reſpective Court for ſuch Conveying and Embarquing of ſuch Offendor ſo to be Tranſported, rendring to the party, or his or her Aſſigns, the overplus of the ſame, if any be; unleſſe ſuch Offendor, or ſome other on the behalf of ſuch offendor ſo to be Tranſported, ſhall give the Sheriff ſuch Security as he ſhall approve of for the paying all the ſaid charges unto him.

How Seditious Sectaries convicted may be tranſported.

And be it further Enacted by the authority aforeſaid, That in default of defraying ſuch charges by the parties to be Tranſported, or ſome other in their behalf; or in default of Security given to the Sheriff as aforeſaid, It ſhall and may be lawful for every ſuch Sheriff to contract with any Maſter of a Ship, Merchant, or other perſon, for the Tranſporting of ſuch offendor at the beſt rate he can. And that in every ſuch caſe it ſhall and may be lawful for ſuch perſons ſo contracting with any Sheriff for Tranſporting ſuch offendor as aforeſaid, to detain and employ every ſuch offendor ſo by them Tranſported, as a Labourer to them or their Aſſigns, for the ſpace of Five years, to all intents and purpoſes, as if he or ſhe were bound by Indentures to ſuch perſon for that purpoſe: And that the reſpective Sheriffs ſhall be allowed or paid from the King, upon their reſpective Accompts in the Exchequer, all ſuch charges by them expended, for Conveying, Embarquing and Tranſporting of ſuch perſons which ſhall be allowed by the ſaid reſpective Courts from whence they received their reſpective Warrants, and which ſhall not have been by any of the ways aforementioned paid, ſecured, or reimburſed unto them as aforeſaid.

How the offendor may be diſcharged upon payment of 100 l.

Provided always, and be it further enacted, That in caſe the offendor ſo Indicted and Convicted for the ſaid Third offence, ſhall pay into the hands of the Regiſter or Clerk of the Court or Seſſions where he ſhall be Convicted (before the ſaid Court or Seſſions ſhall be ended) the ſum of one hundred pounds, That then the ſaid offender ſhall be diſcharged from Impriſonment and Tranſportation, and the Judgement for the ſame.

Puniſhment of offendors after the third offence.

How the ſaid penalty of 100 l. ſhall be diſpoſed.

Perſons ſued for executing this Act may plead the General Iſſue and recover treble Coſts.

And be it further Enacted, That the like Impriſonment, Indictment, Arraignment and Proceedings ſhall be againſt every ſuch offendor, as often as he ſhall again offend after ſuch Third offence; Neverthleſs is diſchargeable and diſcharged by the payment of the like ſum as was paid by ſuch offendor for his or her ſaid offence next before committed, together with the additional and increaſed ſum of One hundred pounds more upon every new offence committed; the ſaid reſpective ſums to be paid as aforeſaid, and to be diſpoſed of as followeth, (viz) The one Moyety for the Repair of the Pariſh Church or Churches, Chappel or Chappels of ſuch Pariſh within which ſuch Conventicle, Aſſembly or Meeting ſhall be held; and the other Moyety to the Repair of the High-ways of the ſaid Pariſh or Pariſhes (if need require) or otherwiſe for the amendment of ſuch High-ways as the Juſtices of the Peace at their reſpective Quarter-Seſſions ſhall direct and appoint. And if any Conſtable, Headborough or Tythingman ſhall neglect to execute any the ſaid Warrants made unto them for Sequeſtring, Diſtraining and Selling any of the Goods and Chattels of any offendor againſt this Act, for the Levying ſuch ſums of money as ſhall be impoſed for the firſt or ſecond offence, he ſhall forfeit for every ſuch neglect the ſum of Five pounds of lawful money of England, the one moyety thereof to the King, and the other moyety to him that will ſue for the ſame in any of the Kings Courts of Record, as is aforeſaid. And if any perſon be at any time Sued for putting in Execution any of the powers contained in this Act, ſuch perſon ſhall and may plead the general Iſſue, and give the ſpecial matter in evidence. And if the Plaintiff be Non-ſuit, or a Verdict paſs for the defendant thereupon, or if the Plaintiff diſcontinue his Action, or if upon Demurrer, Judgment be given for the Defendant, every ſuch Defendant ſhall have his or their treble Coſts.

Felony to eſcape after conviction, or to return after Tranſportation.

And be it further enacted, That if any perſon againſt whom Judgment of Tranſportation ſhall be given in manner aforeſaid, ſhall make eſcape before Tranſportation; or being Tranſported, as aforeſaid ſhall return unto this Realm of England, Dominion of Wales, and Town of Berwick upon Tweed, without the ſpecial Licence of His Majeſty, his heirs and ſucceſſors, in that behalf firſt had and obtained: That the party ſo eſcaping or returning ſhall be adjudged a Felon, and ſhall ſuffer death as in caſe of Felony, without benefit of Clergy; and ſhall forfeit and loſe to His Majeſty all his or her Goods and Chattels for ever; and ſhall further loſe to his Majeſty all his or her Lands, Tenements and Hereditaments for and during the life only of ſuch offendor and no longer. And that the wife of any ſuch offendor by force of this Act ſhall not loſe her Dower, nor ſhall any Corruption of blood grow, or be by reaſon of any ſuch offence mentioned in this Act: But that the heir of every ſuch offendor by force of this Act, ſhall and may after the death of ſuch offendor have and enjoy the Lands, Tenements and Hereditaments of ſuch offendors, as if this Act had not been made.

Seditious and Tumultuous Meetings, and Conventicles.

And for better preventing of the miſchiefs which may grow by ſuch Seditious and Tumultuous Meetings under pretence of Religious Worſhip, Be it further enacted by the authority aforeſaid, That the Lieutenants or Deputy-Lieutenants, or any Commiſſioned officers of the Militia, or any other of His Majeſties Forces, with ſuch Troops or Companies of Horſe or Foot; And alſo the Sheriffs and Juſtices of Peace and other Magiſtrates and Miniſters of Juſtice, or any of them jointly or ſeverally within any of the Counties or Places within this Kingdom of England, Dominion of Wales or Town of Berwick upon Tweed with ſuch other aſſiſtance as they ſhall think meet or can get in readineſs with the ſooneſt, on Certificate made to them reſpectively under the hand and ſeal of any one Juſtice of the peace or Chief Magiſtrate, as aforeſaid, of his particular Information or knowledge of ſuch unlawful Meetings or Conventicles held or to be held in their reſpective Counties or places, And that he (with ſuch aſſiſtance as he can get together is not able to ſuppreſs or diſſolve the ſame) ſhall and may, and are hereby required and enjoyned to repair unto the place where they are ſo held, or to be held, and by the beſt means they can to diſſolve and diſſipate or prevent all ſuch unlawful Meetings, and take into their cuſtody ſuch of thoſe perſons ſo unlawfully aſſembled as they ſhall judge to be the Leaders and Seducers of the reſt, and ſuch others as they ſhall think fit to be proceeded againſt according to Law for ſuch their offences.

The penalty of ſuffering Conventicles in private houſes.

And be it Enacted by the Authority aforeſaid, That every perſon who ſhall wittingly and willingly ſuffer any ſuch Conventicle, unlawful Aſſembly or Meeting aforeſaid, to be held in his or her Houſe, out-houſe, Barn or Room, Yard, or Backſide, Woods or Grounds, ſhall incurr the ſame penalties and forfeitures as any other Offender againſt this Act ought to incur, and be proceeded againſt in all points, in ſuch manner as any other offendor againſt this Act ought to be proceeded againſt.

Gaolers may not let priſoners committed upon this Act to go at large.

The Penalty.

Provided alſo, And be it Enacted by the authority aforeſaid, That if any Keeper of any Gaol or Houſe of Correction ſhall ſuffer any perſon committed to his cuſtody for any offence againſt this Act, to go at large, contrary to the Warrant of his Commitment according to this Act, or ſhall permit any perſon who is at large to joyn with any perſon committed to his Cuſtody by vertue of this Act, in the exerciſe of Religion, differing from the Rites of the Church of England; then every ſuch keeper of a Gaol or Houſe of Correction ſhall for every ſuch offence forfeit the ſum of Ten pounds, to be Levied, Raiſed and Diſpoſed by ſuch perſons and in ſuch manner as the penalties for the firſt and ſecond offences againſt this Act are to be Levied, Raiſed and Diſpoſed.

Within what time offenders muſt be proſecuted.

Provided alwayes, That no perſon ſhall be puniſhed for any offence againſt this Act, unleſs ſuch Offendor be proſecuted for the ſame within Three moneths after the offence committed: And that no perſon who ſhall be puniſhed for any offence by vertue of this Act, ſhall be puniſhed for the ſame offence by vertue of any other Act or Law whatſoever.

Married women how to be puniſhed.

Provided alſo, and be it Enacted, That Judgment of Tranſportation ſhall not be given againſt any Feme-Covert, unleſs her husband be at the ſame time under the like Judgment and not diſcharged by the payment of money as aforeſaid; but that inſtead thereof ſhe ſhall by the reſpective Court be committed to the Gaol or Houſe of Correction, there to remain without bail or mainpriſe, for any time not exceeding Twelve moneths, unleſs her Husband ſhall pay down ſuch ſum, not exceeding Forty pounds, to redeem her from Impriſonment, as ſhall be impoſed by the ſaid Court, the ſaid ſum to be diſpoſed by ſuch perſons, and in ſuch manner as the Penalties for the firſt and ſecond offence againſt this Act are to be diſpoſed.

How Juſtices of the Peace may enter into houſes ſuſpected for Conventicles.

Provided alſo, and be it Enacted by the Authority aforeſaid, That the Juſtices of the Peace, and chief Magiſtrate reſpectively Impowered as aforeſaid to put this Act in execution, ſhall and may, with what aid, force and aſſiſtance they ſhall think fit, for the better execution of this Act, after refuſal or denial, Enter into any Houſe, or other place where they ſhall be informed and ſuch Conventicle as aforeſaid, is or ſhall be held.

The houſes of Peers.

Provided, That no Dwelling-houſe of any Peer of this Realm, whilſt he or his Wife ſhal be there reſident, ſhall be ſearched by vertue of this Act, but by immediate Warrant from His Majeſty under His Sign Manual, or in the preſence of the Lieutenant, or one of the Deputy-Lieutenants, or two Juſtices of the Peace, whereof one to be of the Quorum of the ſame County or Riding. Nor ſhall any other Dwelling-houſe of any Peer or other perſon whatſoever be entred into with force by vertue of this Act, but in the preſence of one Juſtice of the Peace, or chief Magiſtrate reſpectively, except within the City of London, where it ſhall be lawful for any ſuch other Dwelling-houſe to be entred into as aforeſaid, in the preſence of one Juſtice of the Peace, Alderman, Deputy Alderman, or any one Commiſſioner of the Lieutenancy for the City of London.

What perſons may not be committed to the houſe of Correction.

Provided alſo, and be it Enacted by the Authority aforeſaid, That no perſon ſhall by vertue of this Act be committed to the Houſe of Correction, that ſhall ſatisfie the ſaid Juſtices of the Peace, or Chief Magiſtrate reſpectively, That he or ſhe (and in caſe of a Feme-Covert, that her Husband) hath an Eſtate of Free-hold, or Copy-hold to the value of Five pounds per Annum, or perſonal eſtate to the value of Fifty pounds; Any thing in this Act to the contrary notwithſtanding.

Perſons ſerved with Proceſs refuſing to take an Oath.
14 Car. 2. cap. 1.

And in regard a certain Sect called Quakers, and other Sectaries, are found not only to offend in the matters provided againſt by this Act, but alſo obſtruct the proceeding of Juſtice by their obſtinate refuſal to take Oaths Lawfully tendered unto them in the ordinary courſe of Law, Therefore be it further Enacted by the Authority aforeſaid, That if any perſon or perſons being duly and legally ſerved with Proceſs or other Summons to appear in any Court of Record, except Court-Leets, as a Witneſſe, or returned to ſerve of any Jury or ordered to be examined upon Interrogatories, or being preſent in Court ſhall refuſe to take any Judicial Oath legally tendered to him by the Judge or Judges of the ſame Court, having no legal Plea to juſtifie or excuſe the refuſal of the ſame Oath; or if any perſon or perſons being duly ſerved with Proceſs, to anſwer any Bill exhibited againſt him or them in any Court of Equity, or any Suit in any Court Eccleſiaſtical, ſhall refuſe to anſwer ſuch Bill or Suit upon his or their Corporal Oath, in caſes where the Law requires ſuch anſwer to be put in upon Oath; or being ſummoned to be a Witneſs in any ſuch Court, or ordered to be examined upon Interrogatories, for any cauſe or reaſon, not allowed by Law, refuſe to take ſuch Oath, as in ſuch caſes is required by Law; That then, and in ſuch caſe, the ſeveral and reſpective Courts wherein ſuch refuſal ſhall be made, ſhall be, and are hereby enabled to Record, Enter, or Regiſter ſuch refuſal, which Record, or Entry ſhall be, and is hereby made a Conviction of ſuch offence. And all and every perſon and perſons ſo as aforeſaid offending, ſhall for every ſuch offence incur the Judgement and puniſhment of Tranſportation in ſuch manner as is appointed by this Act for other offences.

The penalty.

How ſuch perſons may be acquitted.

Provided always, That if any the perſon or perſons aforeſaid ſhall come into ſuch court, and take his or their Oath in theſe words;

I do ſwear, that I do not hold the taking of an Oath to be unlawful, nor refuſe to take an Oath on that account.

Which Oath the reſpective Court and Courts aforeſaid are hereby authorized and required forthwith to tender, adminiſter, and regiſter before the Entry of the Conviction aforeſaid, or ſhall take ſuch Oath before ſome Juſtice of the Peace, who is hereby authorized and required to adminiſter the ſame, to be returned into ſuch Court; ſuch Oath ſo made ſhall acquit him or them from ſuch puniſhment; Any thing herein to the contrary notwithſtanding.

Provided always, That every perſon convicted as aforeſaid in any Courts aforeſaid (other then His Majeſties Court of Kings Bench, or before the Juſtices of Aſſize, or General Gaol-Delivery) ſhall by Warrant conteining a Certificate of ſuch Conviction under the hand and ſeal of the reſpective Judge or Judges before whom ſuch Conviction ſhall be had, be ſent to ſame one of His Majeſties Gaols in the ſame County where ſuch Conviction was had, there to remain without Bail or Mainpriſe until the next Aſſizes, or General Gaol-Delivery; where, if ſuch perſon ſo convicted ſhall refuſe to take the Oath aforeſaid, being tendered unto him by the Juſtice or Juſtices of Aſſize or Gaol-Delivery; then ſuch Juſtice or Juſtices ſhall cauſe Judgement of Tranſportation to be executed in ſuch manner as Judgement of Tranſportation by this Act is to be executed. But in caſe ſuch perſon ſhall take the ſaid Oath, then he ſhall thereupon be diſcharged.

Provided

Peers offending, how to be proceeded againſt.

Provided always, and be it Enacted by the Authority aforeſaid, That if any Peer of this Realm ſhall offend againſt this Act he ſhall pay Ten pounds for the firſt offence, and twenty pounds for the ſecond offence, to be levied upon his Goods and Chattels by Warrant from any two Juſtices of the Peace, or Chief Magiſtrate of the Place or Diviſion where ſuch Peer ſhall dwell; and that every Peer for the third, and every further offence againſt the tenour of this Act, ſhall be tried by his Peers, and not otherwiſe.

The continuance of this Act.

Provided alſo, and be it further Enacted by the Authority aforeſaid, That this Act ſhall continue in force for Three years after the end of this preſent Seſſion of Parliament; and from thenceforward, to the end of the next Seſſion of Parliament after the ſaid Three years, and no longer.

CAP. V.

Againſt Diſturbances of Sea-men and others, and to preſerve the Stores belonging to His Majeſties Navy Royal.

VVhereas divers fightings, quarrellings and diſturbances do often happen in and about His Majeſties Offices, Yards and Stores for His Majeſties Royal Navy, and frequent difference and diſorders are occaſioned in the office of his Majeſties Treaſury of the Navy on Pay-dayes, in London, Portſmouth, and other places of meeting for the ſervice of the ſaid Navy; and that by the unreaſonable turbulency of Sea-men and others, attending on, or relating to that Service, or their Creditors, or by the rudeneſſe of the Officers intruſted with his Majeſties Stores on Land, or in his Royal Ships, when they are queſtioned by the principal Officers and Commiſſioners of the ſaid Navy either for neglect or imbezelment of his Majeſties Proviſions, Ammunitions, or other Equipage of the Navy under their charge; And that not only to the diſturbance of the Peace, but ſometimes to the danger and hindrance of his Majeſties Service, both in point of Husbanding his Majeſties Revenue, and alſo in diſpatch of the Ships, on which the honour and ſafety of his Majeſty and Kingdom ſo much depends: which Inconveniences require a ſpeedier Remedy then the ordinary attendance on the Seſſions of the Peace can give, the parties accuſed or offending being many times bound to Sea; And the principal Officers and Commiſſioners for want of authority to ſuppreſs ſuch Inſolencies, and determine ſuch Caſes, being neceſſitated to paſſe by many offences, in which his Majeſty might be righted, if their neceſſary attendance on that Important Service would permit the proſecution of the Offendors before other ordinary Judicatures.

Who may puniſh Diſturbances by Sea-men and others relating to the Navy Office.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, with the advice and conſent of the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, and by authority of the ſame, That the Treaſurer, Comptroller, Surveyor, Clerk of the Acts, and the Commiſſioners of the Navy for the time being, or any two or more of them, have power and authority to examine and puniſh all ſuch perſon and perſons, whom they upon their enquiry, examination, or on view in their preſence ſhall find hereafter to make, or have made any diſturbance, fighting, or quarrelling in the Yards, Stores, or Offices aforeſaid at Pay-daies, or on other occaſions relating to the Naval Services, in ſuch manner as followeth, that is to ſay, That they or any two or more of them may puniſh any the ſaid offences by Fine, Impriſonment, or either of them; the Fine not exceeding twenty ſhillings, and the Impriſonment not exceeding one week; and have power in ſuch caſes to commit ſuch perſons to the next Gaol, or to the cuſtody of the Meſſenger or Meſſengers for the time being attendant on them, who reſpectively are to receive & detain ſuch perſon ſo offending.

And that the ſaid principal Officers and Commiſſioners, or the greater number of them then preſent, have power to diſcharge ſuch Fine or Impriſonment, if they ſo think fit: And for non-payment of the Fine ſo impoſed, and not remitted, to impriſon the party offending until payment thereof; which ſaid Fines ſhall be paid to the Clerk of the Cheſt, for the uſe of the maimed Sea-men; and that the examination of witneſſes be upon Oath before them, which they, or any two or more of them are accordingly impowred to adminiſter.

And it is further by the authority aforeſaid Enacted, That the ſaid Officers and Commiſſioners, or any two or more of them (in Caſes where greater example or puniſhment is needful) may alſo bind the perſon and perſons offending to their good behaviour, with, or without Securities, as occaſion ſhall be.

Imbezelling of Stores and Ammunition.

And whereas divers of his Majeſties Stores and Ammunition pertaining to his Navy and Shipping, or Service thereof, are Imbezelled and Filched away;

It is by like authority Enacted, That the ſaid principal Officers and Commiſſioners, or any two or more of them, by Warrant under their Hands and Seals have power in like manner to enquire and ſearch for the ſame in all places, as Juſtices of the Peace may do in caſe of Felony, and puniſh the Offendors by ſuch Fine and Impriſonment as aforeſaid, and cauſe the Goods to be brought in again. And if the offence be of ſuch nature as doth require a higher and ſeverer puniſhment, Then that they, or any two or more of them may commit ſuch offendors to the next Gaol, or to the cuſtody of their Meſſenger or Meſſengers aforeſaid, till he or they ſo offending enter into Recognizance with Surety or Sureties according to the nature of the offence, to appear and anſwer to the ſame, in his Majeſties Court of Exchequer, or other Court where his Majeſty ſhall queſtion him or them for the ſame within one year following, on proceſs duly ſerved for that purpoſe on ſuch offendor or offendors.

The continuance of this Act 19 Car. 2. cap. 7.

And it is Declared and Enacted by the authority aforeſaid, That they the ſaid principal Officers and Commiſſioners, or any two or more of them may put in uſe the ſaid powers on the Offendors, as aforeſaid, in all places where they hold an Office for his Majeſty, as well within Liberties as without, Any Law, Statute, Ordinance, Charter, or Priviledge to the contrary notwithſtanding. This Act to continue for two years, from the Firſt day of June, One thouſand ſix hundred ſixty and four: And from thence to the end of the next Seſſion of Parliament.

CAP. VI.

To prevent the delivering up of Merchants Ships.

WHereas it often happeneth that Maſters and Commanders of Merchants Ships do ſuffer their Ships to be boarded, and the goods to be taken out by Pyrats and Sea-Rovers, notwithſtanding they have ſufficient force to defend themſelves, whereby not only the Merchants are much prejudiced, but the honour of the Engliſh Navigation is thereby much diminiſhed, and Merchants diſcouraged from lading their goods on board Engliſh Ships, to the decay of Shipping; In the preſervation whereof, the wealth, honour and ſafety of this Nation is ſo much concerned: To which the ſaid Maſters are encouraged by a practice uſed towards them by the Turks and others, who after they have taken out the goods, as an encouragement to Maſters of Ships to yield, do not only reſtore the Ship with ſuch goods, as are are claimed by the Maſters or Sea-men, but many times pay unto Maſters all, or ſome part of the Freight, which hath many times cauſed ſuſpition of treachery in the ſaid Maſters, to the great diſhonour of the Engliſh Nation.

For the prevention thereof for the future, and for the better encouragement to Merchants as well Forreigners as Engliſh, to Freight and uſe Engliſh Ships, Be it Enacted by the Kings moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons Aſſembled in Parliament, and by Authority of the ſame That where any Goods or Merchandizes ſhall be laden on board any Engliſh Ship, which Ship ſhall be of the burthen of two hundred Tuns or upwards, and mounted with ſixteen Guns or more; if the Maſter or Commander ſhall yield up the ſaid Goods to any Turkiſh Ships or Veſſels, or to any Pyrates or Sea-Rovers whatſoever without fighting, That then and in ſuch caſe the Maſter ſhall (upon proof thereof made in the high Court of Admiralty) be from thenceforth incapable of taking charge of any Engliſh Ship or Veſſel as Maſter or Commander thereof. And if he ſhall at any time thereafter preſume to take upon him to Command any Engliſh Ship or Veſſel, he ſhall ſuffer Impriſonment by Warrant from the ſaid Court, during the ſpace of ſix moneths for every offence: And in caſe the perſons ſo taking the ſaid Goods, ſhall releaſe, give back, or let paſs the Ship, or ſhall pay unto the ſaid Maſter any ſum or ſums of money, or any goods in lieu of money for freight or other reward or gift, That in all or any ſuch caſes the ſaid goods or money ſo given, or the value thereof, as alſo the Maſters part of ſuch Ship, her Tackle, Apparel and Furniture ſo releaſed, given back, or let paſs, out of which the ſaid goods were taken, ſhall be lyable to repair the perſons whoſe Goods were ſo delivered or taken, by Action in the high Court of Admiralty; And in caſe the Commanders or Maſters part of the Ship, Tackle, Apparel and Furniture, together with ſuch money and goods given as aforeſaid, ſhall not be ſufficient to repair all the damages ſuſtained, then the Reparations to be recovered on the Maſters or Commanders part of the Ship to be divided pro Rata amongſt the perſons proſecuting and proving their damages; and the perſons damaged to have their Action againſt the Maſter for the remainder.

Engliſh Ships not to be yielded up to Turks or Pyrats.

The penalty.

And be it further Enacted by the Authority aforeſaid, That no Maſter of any ſuch Engliſh Ship as aforeſaid, being at Sea, and having diſcovered any Ship to be a Turkiſh Ship, Pyrat, or Sea-Rover, ſhall depart out of his Ship upon any pretence whatſoever, leſt by his detention on board any ſuch Ship, the ſafety of his own Ship be hazarded.

Maſters of Ships.

And be it further enacted, That if the Maſter of any Engliſh Ship or Veſſel, though not of the Burthen of Two hundred Tuns, or mounted with Sixteen Guns as aforeſaid, ſhall yield his ſaid Ship unto any Turkiſh Ship, Pyrat, or Sea-Rover (not having at the leaſt double his number of Guns) without fighting; Every ſuch Maſter ſhall be liable to all and every the penalties in this Act contained.

Proceſs out of the Court of Admiralty.

And be it further Enacted by the Authority aforeſaid, That upon Proceſs made out of the High Court of Admiralty, It ſhall and may be lawfull to and for all Commanders of his Majeſties Ships of War, or the Commanders of any other Engliſh Ships, to ſeize ſuch Ships or Maſters ſo offending, according to the ſaid Proceſs in ſuch caſe to be iſſued, and the ſame to bring or ſend in cuſtody into any Ports of his Majeſties Dominions, there to be proceeded againſt according to the intent and meaning of this Act.

Provided, That none be hereby encouraged to violate the Rights of the Ports of any Foreign Prince or State in amity with the Kings Majeſty.

And be it further Enacted by the Authority aforeſaid, That if the Mariners or inferiour Officers of any Engliſh Ship laden with Goods aud Merchandizes as aforeſaid, ſhall decline or refuſe to fight and defend the Ship, when they ſhall be thereunto commanded by the maſter or Commander thereof, or ſhall utter any words to diſcourage the other Mariners from defending the Ship; That every Mariner, who ſhall be found guilty of declining or refuſing as aforeſaid, ſhall loſe all his wages due to him, together with ſuch goods as he hath in the Ship, and ſuffer Impriſonment, not exceeding the ſpace of Six moneths, and ſhall during ſuch time be kept to hard labour for his or their maintenance,

Mariners or inferiour Officers declining to fight.

The penalty.

Provided alwayes, That if any Ship ſhall have been yielded as aforeſaid, contrary to the will and endeavour of the Maſter or Commander, by the diſobedience of his Mariners, teſtified by their having laid violent hands on him, That in ſuch caſe the Maſter or Commander ſhall not be liable to the ſentence of Incapacity as aforeſaid, nor to any Action for the loſſes ſuſtained by the Merchants, unleſs he ſhall have received back from the takers thereof, his Ship, or ſome recompenſe, gift or reward as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That every Mariner who ſhall have laid violent hands on his Commander whereby to hinder him from fighting in defence of his Ship and Goods committed to his truſt, ſhall ſuffer death as a Felon.

And

Encouragement to Captains and Sea-men to defend their Ships.

And for the better encouragement to Captains, Maſters, Officers and Sea-men to defend their Ships, Be it enacted by the authority aforeſaid, That when any Engliſh Ship ſhall have been defended by fight, and brought to her deſigned Port, in which fight any of the Officers or Sea-men ſhall have been wounded, it ſhall and may be lawful to and for the Judge of his Majeſties High Court of Admiralty, or his Surrogate, or the Judge of the Vice-Admiralty within which the Ship ſhall arrive at her return, upon Petition of the Maſter or Sea-men of ſuch Ship ſo defended as aforeſaid, to call unto him ſuch and ſo many as he ſhall be informed to be Adventurers or Owners of the Ship and Goods ſo defended, and by advice with them, to raiſe and levy upon the reſpective Owners and Adventurers, by Proceſs out of the ſaid Court, ſuch ſum or ſums of money as himſelf, with the major part of the Adventurers or Owners then preſent ſhall judge reaſonable, not exceeding the value of Two per cent. of the Ship and Goods ſo defended, according to the firſt coſt of the Goods, to be made appear by the Envoyce (which the Owner or his Factor, or Correſpondent, is hereby required to produce) or by the Oath of the ſaid Owner, Factor or Correſpondent, if thereunto required; which money ſo raiſed, ſhall be paid unto the Regiſter of the ſaid Court, who ſhall receive for the ſame Three pence in each pound and no more, thence to be diſtributed amongſt the Captain, Maſter, Officers and Sea-men of the ſaid Ship, or Widows and Children of the ſlain, according to the direction of the Judge of the ſaid Court, with the approbation of Three or more of the Owners or Adventurers aforeſaid, who ſhall proportion the ſame according to their beſt Judgments unto the Ships Company, as aforeſaid, having eſpecial regard unto the Widows and Children of ſuch as ſhall have been ſlain in that Service, and to ſuch as ſhall have been wounded or maimed.

Ships which ſhall be taken by the Engliſh.

And in caſe the Company belonging to any Engliſh Merchant-ſhip, ſhall happen to take any Ship, which Ship ſhall firſt have aſſaulted them, the reſpective Officers and Mariners belonging to the ſame, ſhall after Condemnation of ſuch Ship and Goods, have and receive to their own proper uſe and benefit, ſuch part and ſhare thereof as is uſually practiſed in Private Men of War.

Botomary.

And whereas it often happeneth, That Maſters and Mariners of Ships having inſured or taken upon Botomary greater ſums of money then the value of their Adventure, do wilfully caſt away, burn, or otherwiſe deſtroy the Ships under their charge, to Merchants and Owners great loſs: For the prevention thereof for the future, Be it enacted by the authority aforeſaid, That if any Captain, Maſter, Mariner, or other Officer belonging to any Ship, ſhall wilfully caſt away, burn, or otherwiſe deſtroy the Ship unto which he belongeth, or procure the ſame to be done, he ſhall ſuffer death as a Felon.

The continuance of this Act.

Provided, That this Act ſhall continue for Three years, and from thence to the end of the next Seſſion of Parliament, and no longer.

CAP. VII.

Deceitful, diſorderly, and exceſſive Gaming prevented.

The inconvenience of immoderate and unlawful uſe of gaming.

WHereas all Lawful Games and Exerciſes ſhould not be otherwiſe uſed, then as Innocent and Moderate Recreations, and not as conſtant Trades or Callings to gain a Living, or make unlawful Advantage thereby; And whereas by the immoderate uſe of them, many miſchiefs and inconveniences do ariſe, and are daily found, to the maintaining and encouraging of ſundry idle, looſe and diſorderly perſons in their diſhoneſt, lewd, and diſſolute courſe of life, and to the circumventing, deceiving, couſening and debauching of many of the younger ſort, both of the Nobility and Gentry, and others, to the loſs of their precious time, and the utter ruine of their Eſtates and Fortunes, and withdrawing them from Noble and Laudable Imployments and Exerciſes:

Deceits and Coſenages in Gaming.

Be it therefore enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons of any degree or quality whatſoever, at any time or times after the Nine and twentieth day of September, which ſhall be in the year of our Lord God, One thouſand ſix hundred ſixty and four, do, or ſhall by any fraud, ſhift, couſenage, circumvention, deceit, or unlawful device, or ill practice whatſoever, in playing at or with Cards, Dice, Tables, Tennis, Bowls, Kittles, Shovelboard; or in or by Cock-fightings, Horſe-races, Dog-matches, or Foot-races, or other Paſtimes, Game or Games whatſoever, or in, or by bearing a ſhare, or part in the Stakes, Wagers, or Adventures, or in, or by betting on the Sides or Hands of ſuch as do, or ſhall Play, Act, Ride or Run as aforeſaid, win, obtain, or acquire to him or themſelves, or to any other or others any ſum or ſums of money, or other valuable thing or things whatſoever, That then every perſon and perſons ſo offending as aforeſaid, ſhall ipſo facto forfeit and loſe treble the ſum or value of money, or other thing or things ſo won, gained, obtained or acquired; The one moyety thereof to our Soveraign Lord the King, his Heirs and Succeſſors, and the other moyety thereof unto the perſon or perſons grieved, or who ſhall loſe the money, or other thing or things ſo gained; ſo as every ſuch loſer and perſon grieved in that behalf, do, or ſhall proſecute and ſue for the ſame within ſix Kalender moneths next after ſuch Play. And in default of ſuch proſecution, the ſame other moyety to ſuch perſon or perſons as ſhall or will proſecute or ſue for the ſame within one year next after the ſaid ſix moneths expired: And that the ſaid Forfeitures ſhall, or may be ſued for, or recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majeſties Courts at Weſtminſter, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed. And that all and every ſuch Plaintiff or Plaintiffs, Informer or Informers, ſhall in every ſuch Suit and Proſecution have and recover his and their treble Coſts againſt the perſon offending and forfeiting as aforeſaid; Any Law, Statute, Cuſtom, or Uſage to the contrary in any wiſe notwithſtanding.

The penalty.

How to be ſued for and recovered.

And

Prevention of exceſſive and immoderate gaming.

And for the better avoiding and preventing of all exceſſive and immoderate Playing and Gaming for the time to come, Be it further Ordained and Enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time or times after the Nine and twentieth day of September aforeſaid, play at any of the ſaid Games, or any other Paſtime, Game or Games whatſoever (other then with and for ready money) or ſhall Bett on the Sides or Hands of ſuch as do, or ſhall play thereat, and ſhall loſe any ſum or ſums of money, or other thing or things ſo plaid for, exceeding the ſum of One hundred pounds at any one time or meeting, upon Ticket or Credit or otherwiſe, and ſhall not pay down the ſame at the time when he or they ſhall ſo loſe the ſame, The party and parties who loſeth or ſhall loſe the ſaid moneys, or other thing or things ſo played or to be played for, above the ſaid ſum of One hundred pounds, ſhall not in that caſe be bound, or compellable to pay or make good the ſame; but the Contract and Contracts for the ſame, and for every part thereof, and all and ſingular Judgments, Statutes, Recognizances, Mortgages, Conveyances, Aſſurances, Bonds, Bills, Specialties, Promiſes, Covenants, Agreements and other Acts, Deeds and Securities whatſoever, which ſhall be obtained, made, given, acknowledged or entred into for ſecurity or ſatisfaction, of, or for the ſame, or any part thereof, ſhall be utterly void and of none effect: And that the perſon or perſons ſo winning the ſaid moneys, or other things, ſhall forfeit and loſe treble the value of all ſuch ſum and ſums of money, or other thing and things which he ſhall ſo win, gain, obtain or acquire, above the ſaid Sum of One hundred pounds, the one moyety thereof to our ſaid Soveraign Lord the King, his Heirs and Succeſſors; and the other moyety thereof to ſuch perſon or perſons as ſhall proſecute or ſue for the ſame within one year next after the time of ſuch offence committed; And to be ſued for by Action of Debt, Bill, Plaint, or Information in any of his Majeſties Courts of Record at Weſtminſter, wherein no Eſſoign, Protection or Wager of Law ſhall be allowed. And that every ſuch Plaintiff or Plaintiffs, Informer or Informers ſhall, in every ſuch Suit and proſecution, have and receive his treble Coſts againſt the perſon and perſons offending and forfeiting as aforeſaid; Any Law, Cuſtom or Uſage to the contrary notwithſtanding.

The Penalty.

CAP. VIII.

A former Act for Regulating the Preſs, Continued.

14 Car. 2. ca. 3.

BE it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That an Act made in the Fourteenth year of the Reign of our Soveraign Lord the King that now is, entituled, An Act for preventing the frequent abuſes in Printing Seditious, Treaſonable, and unlicenſed Books and Pamphlets, and for Regulating of Printing, and Printing-Preſſes, ſhall be Continued and remain in force until the end of the next Seſſion of Parliament. 16 & 17 Car. 2. cap. 7.

Anno *XVI.* & *XVII.* *Caroli II.* *Regis.*

CAP. I.

A Royal Aid unto the Kings Majeſty, of Twenty four hundred threeſcore and ſeventeen thouſand and five hundred pounds to be Raiſed, Levied and Paid in the ſpace of Three years. EXP.

CAP. II.

The Meaſures and Prices of Coals Regulated.

Deceits and exactions in ſelling of Coals.

Sea-coal meaſure.

Coals from Scotland.

FOr avoiding the manifold deceits, exactions and abuſes uſed in the Meaſures and Sales of Coals, and for preventing the like, and the better regulation thereof for the time to come; Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the ſixth day of March, in the year of our Lord, One thouſand ſix hundred ſixty four, all ſorts of Coal, commonly called Sea-coals, brought into the River of Thames, and ſold, ſhall be ſold by the Chaldron, containing Thirty ſix Buſhels heap'd up, and according to the Buſhel Seal'd for that purpoſe at Guild-Hall in London, and ſo for a greater or leſſer quantity; And that all other ſorts of Coals coming from Scotland and other places, commonly ſold by Weight, and not by Meaſure, ſhall be ſold by Weight after the proportion of a hundred and twelve pound to the hundred of Avoir du pois weight, without any fallacy or deceit, upon pain of forfeiture of all the Coals which ſhall be otherwiſe ſold or expoſed to ſale by any Woodmonger or Retailer of Coals, and the double value thereof to be recovered by any perſon or perſons that will proſecute for the ſame in any Court of Record, or by way of complaint made unto the Lord Mayor of London for the time being, and Juſtices of Peace within the City of London and Liberties thereof, or to any two of them, or to the Juſtices of Peace of the ſeveral and reſpective Counties and Places where ſuch Coals ſhall be expoſed to ſale, or any of them; who are hereby Impowred and Required to call the Parties before them, and to hear and examine ſuch Complaint upon Oath, which by vertue of this Act is to be adminiſtred by them, or any Two of them, and upon due proof thereof made to their ſatisfaction, to convict the Offendors, and to give Warrant under their hands and Seals for levying the Forfeitures accordingly, the one half thereof to be to and for the uſe of the perſon or perſons ſo proſecuting or complaining, and the other half to and for the uſe of the Poor, or repairing of the High-wayes within the ſame Pariſh, or any other adjoyning Pariſh or Pariſhes, to be appointed and apportioned by the direction of the ſaid Lord Mayor and Juſtices, by ſuch their Warrant as aforeſaid. And the ſaid Lord Mayor of London, and the Court of Alder-

men

Who may ſet Rates upon Coals in London.

men for the time being, and the Juſtices of Peace of the ſeveral Counties reſpectively, or any three or more of them, whereof one to be of the Quorum, are hereby impowred to ſet the rates and prices of all ſuch Coals as ſhall be ſold by Retail, as they from time to time ſhall judge reaſonable, allowing a competent profit to the ſaid Retailer, beyond the price paid by him to the Importer, and the ordinary charges thereupon accrewing.

Ingroſſers or Retailers refuſing to ſell at the ſaid Rates.

And that if any Ingroſſer or Retailer of ſuch Coals ſhall refuſe to ſell as aforeſaid, That then the ſaid Lord Mayor and Aldermen, and Juſtices of Peace reſpectively, are hereby authorized to appoint and impower ſuch Officer or Officers, or other perſons as they ſhall think fit, to enter into any Wharf, or other place where ſuch Coals are ſtored up: And in caſe of refuſal, taking a Conſtable to force entrance, and the ſaid Coals to ſell, or cauſe to be ſold at ſuch Rates as the ſaid Lord Mayor and Aldermen and Juſtices reſpectively ſhall judge reaſonable, rendring to ſuch Ingroſſer or Retailer the money for which the ſaid Coals ſhall be ſo ſold, neceſſary charges being deducted.

The continuance of this Act.

Provided, That this Act ſhall continue for three years next enſuing, and thenceforth to the end of the next Seſſion of Parliament, and no longer.

Perſons ſued upon this Act may plead the general Iſſue.

Provided alſo, That no perſon or perſons that ſhall be ſued by vertue of this Act for not obſerving thereof, ſhall be ſued upon any other Act or Law now in force for the ſame offence: And if any Action ſhall be commenced againſt any Juſtice of Peace, Conſtable, or other Officer or Perſon for any thing done by colour of this Act, the Defendant in every ſuch Action may plead the general Iſſue, and give the ſpecial matter in Evidence: And if the Verdict be found for him, or the Plaintiff become Non-ſuited, ſhall recover and have his Damages and double Coſts of Suit for his unjuſt Vexation in that behalf.

Who may not act in ſetting Rates upon Coals.

Provided always, That no perſon having any Intereſt in any Wharf uſed for the receiving or uttering of Coals, or that doth, or ſhall Trade by himſelf or others, in his own, or any other name, in the ſale of any Coals, or the engroſſing the ſame, in order to ſell the ſame, and not for his own private uſe onely, ſhall act or otherwiſe intermeddle in the ſetting the Price of Coals; Any thing in this Act to the contrary in any wiſe notwithſtanding.

CAP. III.

For the Returning of able and ſufficient Jurors.

For the returning of more able and ſufficient Jurors for Trials hereafter to be had between party and party, and for reformation of abuſes in Sheriffs and other Miniſters, who for reward do oftentimes ſpare the ableſt and ſufficienteſt, and return the poorer and ſimpler Free-holders, leſs able to diſcern the Cauſes in queſtion, and to bear the charges of appearance and attendance thereon.

Jurors for Trials of Iſſues ſhall have 20 l. per annum Free-hold.

Iſſues of Jurors upon default.

The Ven' fac.

Wales.

II.

Penalty upon the Sheriff. 5 l.

Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all Jurors (other then Strangers, upon Tryals per medietatem linguæ) who are to be returned for the Tryals of Iſſues, joyned in any of the Kings Majeſties Courts of Kings Bench, Common-Pleas, or the Exchequer, or before Juſtices of Aſſize, or Niſi Prius, Oyer and Terminer, Gaol-Delivery, or General or Quarter-Seſſions of the Peace, from and after the Twentieth day of April, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty five, in any County of this Realm of England, ſhall every of them then have in their own name, or in truſt for them within the ſame County, twenty pounds by the year at leaſt above repriſes, in their own, or their wives right, of Free-hold Lands, or of ancient Demeſne, or of Rents in Fee, Fee-tail, or for life. And that in every County within the Dominion of Wales, every ſuch Juror ſhall then have within the ſame eight pounds by the year, at the leaſt above repriſes in manner aforeſaid. All which perſons, having ſuch Eſtate as aforeſaid, are hereby enabled and made lyable to be returned, and to ſerve as Jurors for the Tryal of Iſſues before the Juſtices aforeſaid, Any Law or Statute to the contrary in any wiſe notwithſtanding. And if any of a leſſer eſtate and value ſhall be reſpectively returned upon any ſuch Jury, or Tales, in default of ſuch Jurors, it ſhall be a good cauſe of Challenge, and the party returned ſhall be diſcharged upon the ſaid Challenge, or his own Allegation and Oath thereof. And that no Jury-mans Iſſues making default ſhall be ſaved, but by ſpecial Order of the Judge or Judges before whom the Iſſue is to be tryed, for ſome juſt and reaſonable cauſe proved upon Oath before the ſame Judge or Judges. And all ſuch Iſſues ſhall be duly eſtreated and levied: And that the Writ of Venire facias which from and after the aforeſaid time ſhall be awarded and directed for the impannelling of Juries in caſes aforeſaid within any County of England, ſhall be in this form: Rex, &c. Præcipimus &c. quod venire fac. coram, &c. duodecem liberos & legales homines de vicineto de A. Quorum quilibet habeat viginti libras terræ, tenementorum vel reddit' per annum ad minus, per quos, &c. & qui nec, &c. And the reſidue of the ſaid Writ ſhall be after the ancient manner. And that thoſe Writs which ſhall be awarded and directed for Returning of Juries within the Dominion of Wales ſhall be made in the ſame manner, altering only the word Viginti into Octo. And that upon every ſuch Writ and Writs of Venire facias, the Sheriff, Coroner, or other Miniſters of each reſpective County in England and VVales, unto whom the making of the Pannel ſhall appertain, ſhall not return in any ſuch Pannel any perſon, unleſs he ſhall then have Twenty pounds, or Eight pounds reſpectively by the year at leaſt as aforeſaid in the ſame County where the Iſſue is to be tryed, upon pain to forfeit for every perſon being returned in any ſuch Pannel that ſhall not then have Twenty pounds or Eight pounds reſpectively, as is aforeſaid, the ſum of Five pounds to his Majeſty, his Heirs and Succeſſors. And for the better enabling the Sheriff of every County to know the value of the Eſtates of ſuch perſons as are by the true intent and meaning of this Act to be returned for Jurymen;

Be it further Enacted, That every Sheriff ſhall on the firſt day of every General Quarter-Seſſions yearly held next after the Feaſt of Eaſter, deliver, or cauſe to be delivered unto the Juſtices of Peace ſitting at the ſame Seſſions the names of all perſons of ſuch Eſtates as are by the true meaning of this Act to be returned for Jury-men, to the end the Eſtates of ſuch perſons may be enquired after, and ſuch perſons approved of by the ſaid Juſtices of Peace, or the greater number of them then preſent, to be perſons of ſuch Eſtates to be returnable for Jury-men for the year then next enſuing. And the ſaid Juſtices ſhall have power to add ſuch perſons having Eſtates of the reſpective values before mentioned, as they ſhall find to be omitted by the Sheriff amongſt the names by him delivered; and ſuch competent number, and no more of ſuch perſons as aforeſaid ſhall be returnable to ſerve of Juries for the year next enſuing, as the ſaid Juſtices, or the greater number of them as aforeſaid ſhall think fit. And that no Sheriff ſhall incur the penalty aforeſaid for returning any of the perſons ſo approved or added by the Juſtices, in caſe his Eſtate fall out to be of leſs value then aforeſaid.

How the Sheriff ſhall find out perſons fit to be returned for Jury-men.

And it is further Enacted, That no Sheriff or Bailiff of any Liberty or Franchiſe, or any of their, or either of their Miniſters ſhall return any ſuch perſon or perſons as aforeſaid, to have been ſummoned by them, or any of them, unleſs ſuch perſon or perſons ſhall have been duly ſummoned by the ſpace of ſix days at the leaſt before the day on which they ought to make their appearance; And have left with or for ſuch perſons in writing the names of all the parties in thoſe cauſes wherein they are to ſerve as Jurors; Nor ſhall directly or indirectly take any money or other reward to excuſe the appearance of any Juror by them, or any of them to be ſummoned or returned, upon pain to forfeit for every ſuch offence the ſum of Ten pounds: Saving to all Cities and Towns Corporate their ancient Uſage of returning Jurors of ſuch Eſtate, and in ſuch manner as heretofore hath been uſed and accuſtomed.

What time ſummons ought to be before appearance.

Nothing may be taken to excuſe appearance.

The penalty.

III.

County Palatine of Lancaſter.

And be it further Enacted by the Authority aforeſaid, That from thenceforth upon Writs of Venire Facias iſſued out and returned within the County-Palatine of Lancaſter, as of the ſame Aſſizes wherein the Iſſues are ſaid to be joyned, writs of Habeas Corpora or Diſtringas ſhal be ſued out, like as is uſed in all other Counties within this Kingdom returnable at the then next Aſſizes. And the Sheriff thereupon to return ſuch Iſſues as is or ought to be done by the ſaid Sheriffs of the ſaid other Counties, and thoſe Iſſues to be duly eſtreated as above is provided.

And the better to cauſe and bring Jurors to appear upon Trials at Aſſizes within the ſaid County-Palatine of Lancaſter, Be it further Enacted by the Authority aforeſaid, That the Sheriff of the ſame County-Palatine of Lancaſter for the time being, ſhall from henceforth cauſe twelve good and lawful men ſo qualified, as before in this Act is appointed, out of every of the ſix hundreds within the ſaid County-Palatine, to be duly ſummoned or warned ten days at the leaſt before the beginning of every Aſſizes, to be and appear the firſt day of the then next Aſſizes, and there to attend during the ſame Aſſizes to perform their duty and ſervice to the Court as Jurors or Jury men in ſuch Cauſes between party and party; wherein they ſhall be reſpectively returned and impannelled, upon pain that every of them that ſhall make default to appear and attend at, and during the ſaid Aſſizes, to forfeit Ten pounds to the uſe and behoof of the Poor of the Town where ſuch perſon or perſons ſo making default doth inhabit and live; the ſame to be levied, recovered and had, in ſuch manner and ways as other Iſſues of Jurors uſe to be levied.

Provided, That this Act ſhall continue and ſtand in force for the ſpace of Three years, and from thence to the end of the next Seſſion of Parliament, and no longer.

The continuance of this Act.

CAP. IV.

An Additional Act for the better Ordering and Collecting the Duty of EXCISE.

For the better Ordering and Collecting the Duty of Exciſe, Be it Enacted and Declared by the Kings moſt Exceltent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled and by the Authority of the ſame, That from and after the eight day of November, which ſhal be in the year of our Lord, One thouſand ſix hundred ſixty and five, all Farmers of Exciſe, or any of them, within the ſeveral Circuits and Diviſions of their reſpective Farms, ſhall and are enabled hereby to exerciſe and put in execution all ſuch Powers and Authorities which the Commiſſioners or Sub-Commiſſioners of Exciſe are enabled to do and execute by the ſeveral Acts and Statutes of Exciſe, for the levying, raiſing, receiving and managing of the ſaid Revenue of Exciſe; Except the Judicial part of hearing and determining all breaches and offences againſt the Laws of Exciſe, and of impoſing, mitigating or compounding of Fines or Penalties.

Powers given to Farmers of Exciſe.

12 Car. 2. ca. 24.
15 Car. 2 ca. 11.
& cap. 12.

CAP. V.

Delays in extending Statutes, Judgments and Recognizances prevented.

Whereas the Security by Statute-Merchant and of the Staple is now become of little uſe and benefit by the fraud of the Conuſors thereof in ſundry Caſes, who, to prevent the payment of their Debts, ſecretly aſſign ſmall parts of their Lands to ſeveral and unknown perſons: And it having been uſed, that if the Creditor take Execution on ſuch Statute; yet if the Lands of any one or more perſon or perſons, to whom ſuch alienation was made and liable to ſuch Execution be omitted out of ſuch extent; The ſame execution hath been avoided by Audita Querela, and the party extending loſt his Coſts, and was delayed of his juſt Debt; and ſo again upon any new extent toties quoties: And if any one Acre or Parcel of Land happened to deſcend to an Infant, the whole execution was deferred till full age of ſuch Infant; And if afterwards other part of the Lands or Tenements liable to

Security by Statute-Merchant, and of the Staple.

Executions avoided by Audita Querela.

ſuch Debt deſcended to another Infant, then alſo farther delay happened during that Infancy alſo.

For what cauſes Extents upon Judgements or Statutes ſhall nct be avoided or delayd.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this Preſent Parliament aſſembled, and by the Authority of the ſame, That when any Judgment, Statute or Recognizance ſhall be extended, the ſame ſhall not be avoided or delayed by occaſion that any part of the Lands or Tenements extendible are or ſhall be omitted out of ſuch extent; ſaving alwayes to the Party and Parties whoſe Lands ſhall be extended, his and their Heirs, Executors and Aſſigns, his and their remedy for contribution againſt ſuch perſon and perſons, whoſe Lands are or ſhall be omitted out of ſuch extent from time to time.

Proviſo for Heirs within age.

Provided always, that this Act, or any thing therein contained, ſhall not be conſtrued to give any Extent or Contribution againſt any Heir within the age of one and twenty years, during ſuch Minority of ſuch Heir, for or in reſpect of any Lands to ſuch Heir deſcended, farther or otherwiſe then might have been before the making of this Act.

To what Statutes and Extents only this Act ſhall extend.

Provided that this Act extend only to ſuch Statutes as are or ſhall be for payment of moneys; And to ſuch extent as ſhall be within twenty years, after the Statute, Recognizance or Judgment had and obtained.

The continuance of this Act.

Provided that this Act ſhall continue for the ſpace of three years, and from thence to the end of the next Seſſion of Parliament, and no longer.

CAP. VI.

Part of an Act of Parliament, Entituled, An Act directing the proſecution of ſuch as are accomptable for Priſe-goods repealed.

14 Car. 2. c. 14. Directions for recovery of Prize-goods not accompted for.

WHereas by an Act made in this preſent Parliament, entituled, An Act directing the proſecution of ſuch as are accomptable for Prize-goods; It is amongſt other things Enacted, That all and every Admirals, Vice-Admirals, Captains of Ships, Officers, and Mariners that did ſurpriſe, or receive to, or for the publique uſe, or by pretence thereof, any Ship, Plate, Jewels, Bullion, Money, Silver, Gold, Arms, Ammunition, Wares, Merchandizes, or any manner of Goods whatſoever, ſeized or taken for Priſe, betwixt the thirtieth of January, One thouſand ſix hundred fourty two, and the Nine and twentieth day of May, One thouſand ſix hundred ſixty; And that had not at the making of the ſaid Act truly Accomted for and paid in the ſame, or the juſt Provenues thereof, ſhould be chargeable to his Majeſty for the ſaid premiſſes, and convened and ſued for in His Majeſties Court of Admiralty, and called to accompt, or otherwiſe by ſuch Suit, and in ſuch manner as ſhould be moſt available to His Majeſty, And in caſe of defect of Juriſdiction in the ſaid Court of Admiralty then upon Certificate thereof from the ſaid Court of Admiralty made into his Majeſties Court of Exchequer, ſpeedy proceedings were to be had in the ſaid Court of Exchequer, for the recovering and levying of the Priſes, Goods, matters and things, as by the ſaid Act, relation being thereunto had more plainly, fully, and at large appears: Whereupon divers Captains and officers of His Majeſties Fleets, and ſeveral others the Commanders, officers and Mariners, imployed in the Sea-ſervice, have been ſued, or may poſſible be ſued concerning the ſeveral Prizes and Prize-goods by them heretofore ſeized and taken at Sea or in Ports, ſince the Moneth of January, One thouſand ſix hundred forty two, and before the twenty ninth of May, One thouſand ſix hundred ſixty, contrary to the grace and favour extended towards them, not onely in and by His Majeſties moſt gracious Act of Free and general Pardon, Indempnity and Oblivion, but alſo by a Proclamation ſince made by his Majeſty, bearing Date the Fourteenth day of July, One thouſand ſix hundred ſixty two, in the Fourteenth year of his Majeſties Reign, Declaring His Majeſties grace and Favour towards all Commanders and Seamen, in relation to Prizes or Prize-goods, ſeized and taken, ſince the moneth of January, One thouſand ſix hundred forty two, untill the nine and twentieth day of May, One thouſand ſix hundred ſixty: His Majeſty thereupon willing, that his Grace and Favour towards all Admirals, Vice-Admirals, Commanders, Seamen and Mariners ſhould take its full effect; And being fully ſatisfied of their dutiful affections unto his Majeſties Royal Perſon and Government; and for their future incouragement to perſevere loyally in His Majeſties Service, is moſt graciouſly pleaſed that it may be Enacted.

14 Car. 2. cap 4. Repealed as to all Admirals, Officers, Mariners and Souldiers at Sea.

And be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled and by the Authority of the ſame, That the ſaid Act, entituled, An Act for directing the proſecution of ſuch as are accomptable for Prize-Goods and all and every Branches, Clauſes, powers and Articles, and every matter and thing therein contained, for ſo much onely, and as for and concerning all and every Admirals, Vice-Admirals, Captains of Ships, Officers of Ships or Veſſels, Sea men and Mariners, and every of them, ſhall be and is hereby from henceforth repealed, annulled, and made void, and of no effect, to all intents and purpoſes whatſoever: And that all and ſingular Proceſs and proceedings whatſoever, which before this time have been, now are, or may be at any time hereafter had, ſued forth and proſecuted in any of His Majeſties Courts at Weſtminſter, or in the High Court of Admiralty of England, or elſewhere, within any His Majeſties Dominions, againſt any Admirals, Vice-Admirals, Captains of Ships, Officers of Ships or Veſſels, Seamen and Mariners or any of them by force and vertue of the ſaid Act, or any Article or Clauſe therein contained be forthwith and for ever hereafter ſuperſeded, ſurceaſed, ſtayed and diſcharged; And that none of the ſaid Admirals, Vice-Admirals, Captains or Officers of Ships or Veſſels, Seamen or Mariners, ſhall from henceforth by vertue, force or colour of any Proceſs, or proceedings whatſoever in any of His Majeſties ſaid Courts, or elſewhere, be in any wiſe Arreſted,

III.

reſted, diſquieted, queſtioned or troubled, either in their Perſons, Lands or Goods, for or by reaſon of the ſaid Act, or any thing therein contained; But that all and every the ſaid Admirals, Vice-Admirals, Captains and Officers of Ships or Veſſels, and all Sea-men and Mariners, and every of them, ſhall by vertue of this Act ſtand and be for ever diſcharged and acquitted in all Courts and places, and of and from all Suits and proceedings whatſoever ſued or begun, or to be ſued or begun againſt them, or any of them, for any manner of Prizes, Ships or Goods whatſoever by them, or any of them ſeiſed, ſurprized, or any ways taken, betwixt the ſaid Thirtieth of January, One thouſand ſix hundred forty two, and the Nine and twentieth of May, One thouſand ſix hundred ſixty; and of and from all Accompts, Troubles, Articles and Suits whatſoever concerning the ſame: And that this Act ſhall be taken and expounded in the moſt large & beneficial manner for the ſaid Admirals, Vice-Admirals, Commanders, Captains and Officers of Ships and Veſſels, and Seamen and Mariners, and every of them, and for their beſt advantage for the final, free and abſolute acquitting and diſcharging of them, and every of them, of and from all the ſaid Prizes, and every part thereof, and all Ships and Veſſels and Goods whatſoever, or of what nature or kind ſoever, by them, or any of them ſeized, ſurpriſed, or in any ſort taken, betwixt the ſaid Thirtieth of January, One thouſand ſix hundred forty two, and the ſaid Nine and twentieth of May, One thouſand ſix hundred ſixty.

Provided alwayes, and be it Enacted, That this Act, or any thing therein contained, ſhall not extend or be conſtrued to extend to diſcharge any other perſons whatſoever, but onely the ſaid Admirals, Vice-Admirals, Commanders, Captains of Ships, and Officers of Ships or Veſſels, and Sea-men and Mariners; but that all and every Collectors and Treaſurers, Sub-Collectors and Under-Treaſurers of Prize-Goods, Commiſſioners, and Sub-Commiſſioners of Prize-Goods, and all and every their Caſheers, Deputies, Officers and Receivers, other then ſuch perſon or perſons who are diſcharged by the Act of Free and General Pardon, Indempnity and Oblivion, that have not yet truly accompted or paid in the Provenues of the Prizes, or Moneys ariſing thereout, ſeized or taken betwixt the ſaid Thirtieth of January, One thouſand ſix hundred forty two, and the ſaid Nine and twentieth of May, One thouſand ſix hundred ſixty, and all and every other perſon and perſons, by whom, or to whom, or to, or for whoſe uſe any Prizes or Prize-Ships, Plate, Jewels, Arms, Ammunition, Wares, Merchandizes, or any manner of Goods whatſoever, ſeized or taken for Prize, betwixt the ſaid Thirtieth of January, One thouſand ſix hundred forty two, and the ſaid Nine and twentieth of May, One thouſand ſix hundred ſixty, were diſpoſed or ſold, or to whoſe hands they came, and who had and enjoyed the ſame, or any part thereof, and are ſtill behind, and have not paid in the moneys contracted for, and ariſing, or due upon ſuch Sales or Diſpoſitions, or any of them; and all ſecurities by them and every of them given for, or touching the premiſſes, or any thing concerning the ſaid Prizes, or any of them, ſhall be chargeable to your Majeſty for the ſaid premiſſes, and all the dependencies thereof reſpectively, in the ſaid Court of Admiralty or Exchequer, and ſhall be proceeded upon in the ſaid Court of Admiralty or Exchequer in your Majeſties Name, and to and for your Majeſties uſe according to the ſaid Act, directing the proſecution of ſuch as are accomptable for Prize-Goods, and as fully and entirely, as if this Act had never been; Any thing in this preſent Act notwithſtanding.

The ſaid Act not repealed as to any Collectors, Treaſurers, &c. of ſuch Prize-Goods.

CAP. VII.

A former Act for Regulating Printing, Continued.

BE it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That an Act made in the Fourteenth year of the Reign of our Soveraign Lord the King that now is, entituled, An Act for preventing Abuſes in Printing Seditious, Treaſonable, and Unlicenſed Books and Pamphlets, and for Regulating of Printing, and Printing-Preſſes, ſhall be continued, and remain in force until the end of the next Seſſion of Parliament. Continued 17 Car. 2. cap. 4.

CAP. VIII.

Arreſts of Judgment, and ſuperſeding Executions prevented.

WHereas great delay, trouble and vexation hath been, and ſtill is occaſioned to the people of this Realm, as well by arreſting and reverſing of Judgments, as by ſtaying Executions by Writs of Error and Superſedeas; For remedy thereof, Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual, and Temporal and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Verdict of Twelve men ſhall be given in any Action, Suit, Bill or Demand to be commenced from and after the Five and twentieth day of March, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty and five, in any of his Majeſties Courts of Record at Weſtminſter, or in the Courts of Record in the Counties Palatine of Cheſter, Lancaſter or Durham, or in his Majeſties Courts of the Great Seſſions in any of the twelve Shires of Wales, Judgment thereupon ſhall not be ſtayed or reverſed, for default in form, or lack of form, or by reaſon that there are not Pledges, or but one Pledge to proſecute returned upon the Original Writ, or becauſe the Name of the Sheriff is not returned upon ſuch Original Writ, or for default of entring Pledges upon any Bill or Declaration; or for default of alledging the bringing into Court of any Bond, Bill, Indenture, or other Deed whatſoever mentioned in the Declaration, or other Pleading; or for default of Allegation of bringing into Court of Letters Teſtamentary, or Letters of Admi-

In what Court and caſes Judgement after verdict ſhall not be ſtayed for default of form in pleading.

niſtration; or by reaſon of the omiſſion of Vi & armis, or Contra pacem; or for or by reaſon of the miſtaking of the Chriſtian Name or Sirname of the Plaintiff or Defendant, Demandant or Tenant, ſum or ſums of Money, Day, Moneth or Year, by the Clerk in any Bill, Declaration or Pleading, where the right Name, Sirname, Sum, Day, Moneth or Year, in any Writ, Plaint, Roll, or Record preceding, or in the ſame Roll or Record where the Miſtake is committed, is or are once truly and rightly alledged, whereunto the Plaintiff might have demurred and ſhewn the ſame for Cauſe; nor for want of the Averment of Hoc paratus eſt verificare, or Hoc paratus eſt verificare per Recordum; or for not alledging Prout patet per Recordum; or for that there is no right Venue, ſo as the Cauſe were tryed by a Jury of the proper County or Place where the Action is laid: Nor any Judgment after Verdict, Confeſſion by Cognovit Actionem, or Relicta verificatione, ſhall be reverſed for want of Miſericordia, or Capiatur; or by reaſon that a Capiatur is entred for a Miſericordia; or a Miſericordia is entred, where a Capiatur ought to have been entred: Nor for that Ideo conceſſum eſt per Curiam is entred for Ideo conſideratum eſt per Curiam; Nor for that the encreaſe of Coſts after a Verdict in an Action, or upon a Nonſuit in Replevin are not entred to be at the requeſt of the party for whom the Judgment is given; Nor by reaſon that the Coſts in any Judgement whatſoever are not entred to be by conſent of the Plaintiff: but that all ſuch Omiſſions, Variances, Defects, and all other matters of like nature, not being againſt the right of the matter of the Suit, nor whereby the Iſſue or Trial are altered, ſhall be amended by the Juſtices or other Judges of the Courts where ſuch Judgements are or ſhall be given, or whereunto the Record is or ſhall be removed by Writ of Error.

Proviſo for Appeals, Indictments, Actions upon penal Lawes, other then for Cuſtoms and Subſidies.

Provided alwayes, and be it further Enacted by the authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend to any Writ, Declaration, or Suit of Appeal of Felony or Murder, nor to any Indictment or Preſentment of Felony, Murder, Treaſon, or other matter, nor to any Proceſs upon any of them, nor to any Writ, Bill, Action or Information upon any penal Statute, other then concerning Cuſtoms and Subſidies of Tunnage and Poundage; Any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

III. In what caſes execution ſhall not be ſtayed by Writ of Error, but upon Recognizance entred according to 3 Jac. cap. 8.

And be it further Enacted by the Authority aforeſaid, That from and after the Twentieth day of March, in the Year of our Lord One thouſand ſix hundred ſixty and four, No Execution ſhall be ſtayed in any of the aforeſaid Courts by Writ of Error or Superſedeas thereupon, after Verdict and Judgment thereupon, in any Action perſonal whatſoever, unleſs a Recognizance with Condition according to the Statute made in the Third year of the Reign of our late Soveraign Lord King James ſhall be firſt acknowledged in the Court where ſuch Judgment ſhall be given. And further, That in Writs of Error to be brought upon any Judgment after Verdict in any Writ of Dower, or in any Action of Ejectione Firmæ, no execution ſhall be thereupon or thereby ſtayed, unleſs the Plaintiff or Plaintiffs in ſuch writ of Error ſhall be bound unto the Plaintiff in ſuch Writ of Dower or Action of Ejectione firmæ in ſuch reaſonable ſum as the Court to which ſuch Writ of Error ſhall be directed ſhall think fit, with Condition, that if the Judgment ſhall be affirmed in the ſaid Writ of Error, or that the ſaid Writ of Eror be diſcontinued in default of the Plaintiff or Plaintiffs therein, or that the ſaid Plaintiff or Plaintiffs be nonſuit in ſuch Writs of Error, that then the ſaid Plaintiff or Plaintiffs ſhall pay ſuch Coſts, Damages, and ſum and ſums of Money as ſhall be awarded upon or after ſuch Judgment affirmed, Diſcontinuance or Nonſuit had.

Proviſo touching Judgement in Dower and Ejectione firmæ.

And to the end that the ſame ſum and ſums, and damages may be aſcertained; It is further Enacted, That the Court wherein ſuch Execution ought to be granted, upon ſuch Affirmation, Diſcontinuance or Nonſuit, ſhall iſſue a Writ to enquire as well of the mean profits as of the damages by any Waſte committed after the firſt Judgment in Dower or in Ejectione firmæ; And upon the Return thereof, Judgment ſhall be given, and Execution awarded for ſuch Meſne-profits, and damages, and alſo for Coſts of Suit.

To what actions this Act ſhall not extend.

Provided, That this Act nor any thing therein contained, ſhall not extend to any Writ of Error to be brought by any Executor or Adminiſtrator, nor unto any Action Popular nor unto any other Action which is or hereafter ſhall be brought upon any Penal Law or Statute (except Action of Debt for not ſetting forth of Tythes) nor to any Indictment, Preſentment, Inquiſition, Information or Appeal; Any thing herein before expreſſed to the contrary in any wiſe notwithſtanding.

The continuance of this Act.

Provided always, That this Act ſhall continue in force for three years, and to the end of the next Seſſion of Parliament after the expiration of the ſaid three years, and no longer.

CAP. IX.

The Chancellor of the Dutchy impowred to grant Commiſſions for taking Affidavits within the Dutchy Liberties.

FOr the greater eaſe and benefit of the Inhabitants within the County Palatine of Lancaſter, and other places within ſeveral other Counties of this Kingdom within the Survey of the Court of Dutchy-Chamber at Weſtminſter, in the taking of Affidavits in the County to be made uſe of, and read in Cauſes depending and to be depending within the ſaid Court, Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Chancellor of the ſaid Dutchy and County Palatine of Lancaſter for the time being, ſhall and may by one or more Commiſſion or Commiſſions from time to time, as need ſhall require, impower what, and as many perſons as he ſhall think fit and neceſſary within the ſaid County Palatine and other Dutchy Liberties, to take and receive all & every ſuch Affidavit or Affidavits as any perſon or perſons ſhall be willing and deſirous to make before any of the perſons ſo impowred, in or concerning any cauſe, matter or thing depending, or hereafter to be depending in the ſaid Court of Dutchy-Chamber as Maſters of Chancery in extraordinary do uſe to do, which ſaid Affidavits ſhall be filed in the Office of the Clerk of the Court of the Dutchy, and then be read and made uſe of in the ſaid Court to all intents and purpoſes, as other Affidavits taken in the ſaid Court now are.

Provided, That for the taking of every ſuch Affidavit, the perſon or perſons ſo impowred and taking the ſame, ſhall for ſo doing, receive only the Sum or Fee of Twelve pence, and no more.

CAP. X.

An Act for repairing the High-ways within the County of Hertford continued.

15 Car. 2. c. 1.

London. York. Lincolnſhire.

VVhereas by a late Act of Parliament Intituled, An Act for repairing the High-ways within the Counties of Hertford, Cambridg and Huntington, It was Enacted That for the Repairing of the ancient High-way and Poſt-road leading from London to York, and from London into Lincolnſhire, there ſhould be a Toll paid at a certain place in every of the ſaid ſeveral and reſpective Counties, and for Hertfordſhire at Wades-Mill in the ſaid County: which ſaid Toll ſo ſet, is by the ſaid Act to continue the ſpace of eleven years and no longer, with this proviſion, That if the Juſtices of the Peace at their Quarter Seſſions in the reſpective Counties ſhall before the expiration of eleven years, adjudg the ſaid Repairs to be ſufficiently done, that from thenceforth it ſhould ceaſe. And whereas divers Gentlemen within the County of Hertford have heartily ſet themſelves to take care for the repairing of the ſaid ways within their County; And in order thereunto finding that money could no be advanced by the Toll in ſo ſpeedy a manner as to repair thoſe ruinous ways; And that none would lend their money on that Security, did, upon their own credits, borrow thirteen hundred pounds on Intereſt, to effect the work intended by the ſaid Act, which ſum accordingly is laid out, together with ſuch money as hath proceeded from the Toll before mentioned, in the repair of the ſaid High-way, by which means they have ſo amended the ſaid Road lying in that County, leading from London to York, that they have made the ſame from a Road impaſſable, to be to the ſatisfaction of all that travel that way very paſſable and convenient: but by reaſon of the great ſum expended and laid out, ſo borrowed as aforeſaid, the Toll will not be ſufficient to repay the ſame within the years mentioned in the former Act with Intereſt for the ſame, and to finiſh the ſaid work.

Hertford. Cambridge. Norfolk. New-Market. Puckeridge. Barley.

And whereas there is a Road in the ſaid County of Hertford that leads from London to Cambridg, and ſo into Norfolk, and likewiſe to New-Market, and ſo into Suffolk add other parts, which goes out of the forementioned Road at the end of the Town of Puckeridge, and ſo leadeth to Barly in the ſaid County of Hertford, which is very ruinous, and requires as much the help of the Toll in many places, as the forementioned Road did.

May it therefore pleaſe Your Majeſty that it be Enacted, and be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That the Toll aforementioned to be taken at VVades-Mill for the County of Hertford, that by the former Act was to continue for eleven years and no longer, ſhall continue for the ſaid County of Hertford for the ſpace of One and twenty years, and no longer, the ſaid Term to commence from the time mentioned in the Act before mentioned, and the mony ariſing therefrom to be imployed for the payment of the Debt aforeſaid with Intereſt, and alſo for further Repair of the High-way.

II. The Toll taken at Wades-Mill, continued.

It is further Enacted and Declared by the authority aforeſaid, That the perſons impowred in the forementioned Act for the repair of the High-ways within the County of Hertford, ſhall have the ſame power to repair the ſaid Highways leading from Puckeridg to Barley in the ſaid County, as they have to repair the High-way in the ſaid County leading from London to York; And that they ſhall and may apply ſuch part of the Toll thereunto, (having an equal care of both High-ways) as they in their Judgments ſhall find needful; Any thing in the ſaid former Act to the contrary notwithſtanding.

For repairing the High-way from Puckeridg to Barley.

And whereas by the former recited Act, a Toll was erected and ſet to be taken at the town of Caxton in the County of Cambridge for and towards the repairing the High-ways in the ſaid County, the ſaid Toll doth prove uſeleſs, and will not anſwer the end for which the ſame was intended, by reaſon of the Inconveniency of the place where the ſame was ſet.

Caxton.

Be it therefore Enacted by the Authority aforeſaid, That the ſaid Toll be and is hereby removed from the ſaid Town of Caxton unto Arrington-Bridg, or the Town of Arrington as ſhall ſeem moſt convenient by the Juſtices of the peace of the ſaid County at their next Eaſter General Quarter-Seſſions of the Peace in the County aforeſaid; And that the ſame Toll ſhall be taken and received at Arrington-Bridg, or Arrington-Town aforeſaid, according to the Rates, and by the ſame ways and means as in the former Act was appointed and declared and, to be imployed to the uſes, purpoſes and intents therein alſo declared, any thing therein to the contrary in any wiſe notwithſtanding.

Arrington-bridge.

Provided always, That all and every perſon and perſons who by Law are chargeable towards the repairing of the ſaid High-ways and Places aforeſaid, ſhall ſtill remain ſo chargeable, and pay ſix pence in the pound yearly, according to the true value of their Eſtate, for and towards the repair of the ſaid High-ways during the time of the continuance of this Toll, any thing in this act to the contrary thereof in any wiſe notwithſtanding.

A charge of ſix pence in the pound for repairing the ſaid High-ways.

And be it further Enacted by the Authority aforeſaid, That the Collector of this Toll ſhall weekly account to the receiver-General for the whole money received by vertue of this or the ſaid former Act; And the next Juſtice of the Peace for the ſaid County ſhall hereby have power to give an Oath to the ſaid Collectors for the making of a true and perfect account of the money ſo received, which ſaid account ſo made ſhall be returned into the next

III. The collector of the toll, how to account weekly.

General Quarter-Seſſions to be held for the ſaid County by the Juſtice of Peace before whom ſuch Oath was taken.

Proviſo touching the continuance or determining the ſaid Toll.

Provided alſo, That if at any time before the expiration of the ſaid term of One and twenty years, the ſaid High-ways ſhall be well and ſufficiently amended and repaired, and ſo adjudged at the publick Quarter-Seſſions for the County of Hertford; and that ſuch Sum or Sums of money as is already borrowed and laid out, or ſhall be borrowed and laid out for the uſe aforeſaid, be repaid with intereſt for the ſame: That from and after ſuch Adjudication made, and repayment of ſuch money ſo borrowed and laid out as aforeſaid; the aforeſaid Toll in the ſaid County ſhall ceaſe and determine.

Proviſo for adjudication of the amendment of the ſaid High-wayes.

And be it further Enacted by the authority aforeſaid, That in caſe the High-ways within the ſaid County of Hertford ſhall be ſufficiently amended, and that the Juſtices of the Peace at their Quarter-Seſſions ſhall fail to make an Adjudication thereof, That then in ſuch default of the ſaid Juſtices of the Peace, it ſhall and may be lawful to and for the Juſtices of Aſſize for the ſaid County of Hertford to make ſuch Adjudication, which being entred with the Clerk of the Aſſizes, ſhall be eſteemed a good Adjucation of the amendment of the ſaid High-ways: And that then and from thenceforth, the ſaid Debt being fully ſatisfied to ſuch as ſhall have advanced any moneys thereupon, the ſaid Toll ſhall ceaſe and determine, any thing in this Act to the contrary thereof in any wiſe notwithſtanding.

And whereas in this preſent Act it is provided, That all and every perſon and perſons who by Law are chargeable towards the repairing of the ſaid High-ways and places aforeſaid, ſhall ſtill remain ſo chargeable, and pay ſix pence in the pound yearly, according to the true value of their Eſtates, for and towards the repair of the ſaid High-ways, during the time of the continuance of the ſaid Toll;

How the ſaid ſix pence in the pound ſhall be paid and levied.

Be it therefore Provided and Enacted by the authority aforeſaid, That the aforeſaid ſum of ſix pence in the pound ſhall be paid unto the Treaſurer appointed to receive the aforeſaid Toll, in like manner as the ſaid Toll is appointed to be paid by the aforeſaid Act: And for default of payment of the ſaid Rate of ſix pence in the pound, in manner as aforeſaid, by the ſpace of ſix dayes after demand made, That it ſhall and may be lawful for the Surveyors of the High-wayes for the time being, and they are hereby impowred to levy the ſame by Diſtreſs and Sale of the Goods of the party refuſing to pay the ſame accordingly, reſtoring the overplus (if any be) to the Owner.

CAP. XI.

For Draining of the Fenn, called Deeping-Fenn, and other Fenns therein mentioned.

Deeping, Pinchbeck, Thurlby, Bourn and Croyland Fens.

WHereas at a Seſſion of Sewers, holden at Bourne in the County of Lincoln, the twentieth day of Auguſt, in the one and fortieth year of the Reign of Queen Elizabeth, for the recovery and Draining of certain Fenns in Holland and Keſtiven in the County of Lincoln, called or known by the names of Deeping-Fenn, Pinchbeck and Spalding, South-Fenn, Thurlby-Fenn, Bourn-South-Fenn and Croyland-Fenn, alias Gogguſhland; It was by the Commiſſioners then and there aſſembled, Ordered and Decreed, That the ſum of Twelve thouſand pounds ſhould be levied and gathered upon the Lords and Inhabitants of certain Towns in Keſtiven and Holland, Commoners in the ſaid Fenns, for Draining the ſame, and ſhould be paid in to certain perſons therein nominated to receive the ſame, at or before the tenth day of September then next enſuing; which ſaid ſum being neglected to be paid, the ſaid Fens by reaſon thereof could not be Drained, according to the Form by the ſaid Law intended: The ſaid Commiſſioners therefore well tendring the great profit that would ariſe to all perſons concerned, and to the Commonwealth in general, if the ſame might be Drained, at ſeveral Seſſions of Sewers held at Market-Deeping the twentieth day of September, in the ſaid one and fortieth year of Queen Elizabeth, and at Market-Deeping aforeſaid the twentieth day of Auguſt, in the two and fortieth year of the Reign of the ſaid Queen, did Ordain and Decree, That the ſaid Fens and Marſh-Grounds ſhould be forthwith taken in hand to be drained, and that Thomas Lovell Eſquire (a man ſkilful in works of that nature) ſhould be admitted to undertake the ſame under the Covenants therein mentioned: And in purſuance thereof, the ſaid Thomas Lovell did undertake the ſaid Works, and made ſome progreſs therein; and afterwards one third part of the ſaid ſeveral Fens were by the ſaid Commiſſioners of Sewers ſet out by Metes and Bounds, and allotted to the ſaid Thomas Lovell in recompence of his coſts, charges and endeavours, applied and expended therein; And after, the ſaid third part was by the ſaid Commiſſioners of Sewers decreed to the ſaid Thomas Lovell, and his heirs, in recompence of his ſaid work of Draining, and of his charges and expences therein, to have and to hold to the ſaid Thomas Lovell, his heirs and aſſigns for ever.

A third part aſſigned and ſet out to Thomas Lovell.

And whereas by an Act of Parliament made at Weſtminſter in the firſt year of King James, entituled, An Act for relief of Thomas Lovel Eſquire, the above receited Decrees of Sewers were Ratified and Confirmed; And the ſaid third part of the ſaid Fens and Marſh-grounds, as they were allotted and ſet out by the ſaid Commiſſioners, were by the ſaid Act Ordained, Enacted and Eſtabliſhed to be held by the ſaid Thomas Lovel, his Heirs and Aſſigns for ever, under the Proviſoes, Conditions and Appointments in the ſaid Decrees, and Act of Parliament mentioned and expreſſed: as by the ſaid Act of Parliament and Decrees of Sewers more fully appear. And whereas the ſaid Thomas Lovel immediately after the making the ſaid Act of Parliament entred into the ſaid Lands ſet out and Aſſigned as a third part of the ſaid ſeveral Fens, and by vertue of the ſaid Decrees and Acts of Parliament became ſeiſed thereof, and he and his heirs and Aſſigns have ever ſince, till of late years, held and enjoyed the ſame, until (by ſome neglect in the Aſſigns of the ſaid Thomas Lovel, and failer in the Maintaining, Scowring and Cleanſing the ſaid Banks, Rivers, Sewers and other Works neceſſary thereunto) occaſioned by ſome differences ariſing between the ſaid Aſſigns of the ſaid Thomas Lovel, and the Lords Owners and Commoners of the ſaid Fens, about the enjoyment of ſome additional recompence allotted to the ſaid Aſſigns of the ſaid Thomas Lovel, by a ſubſequent Law of Sewers (made at Spalding) not onely the ſaid Fens and Marſh-grounds are returned into their antient condition of being hurtfully ſurrounded and annoyed with waters; but a great and conſiderable part of ſome adjacent Towns of Holland have been overflowed & laid deſolate, and many habitations and families who formerly lived comfortably there, utterly ruined and deſtroyed thereby, and yet continue in manifeſt danger in all ſeaſons of wet weather and floods, to fall into the ſaid calamities; which great miſchief is by long and indubitable experience found to ariſe principally from ſeveral imperfections in the ſaid Decrees and Acts of Parliament.

To the end therefore that the ſaid Countrey, being in its own nature very rich and fertile, and wherein the King, and Queens Majeſty his Mother, have large Poſſeſſions, (and many ancient Families and Inhabitants their whole ſubſiſtence) may not longer remain in ſuch manifeſt danger of being utterly loſt, nor the Commonwealth continue longer deprived of thoſe advantages which would ariſe from the performance of the ſaid Works:

A certain Acts and Decrees made for the ſaid Thomas Lovel repealed.

Be it Enacted by the Kings moſt Excellent Majeſty, by and with the conſent of the lords Spiritual and Temporal and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Decrees, and Acts of Parliament above mentioned, and every Clauſe, Article and Thing therein contained, other then ſuch as are herein after mentioned, Enacted, Ratified and confirmed, ſhall be and are hereby repealed and made void to all intents and purpoſes whatſoever.

And inaſmuch as the Right Honourable Thomas Earl of Berkſhire and the Lady Elizabeth his Wife, and Charles Lord Howard of Charlton, commonly called the Lord Viscount Andover, their Eldeſt ſon and heir apparent; The Right Honourable Robert Lord Bruce Baron of Wharlton in the Kingdom of England, and Earl of Elgin in the Kingdom of Scotland, and the Lady Diana his wife; The Right Honourable Anne Counteſs of Stamford, and Thomas Lord Grey of Groby, have formerly held and derived to themſelves, with remainders over to ſeveral other perſons, by ſeveral Conveyances from or under the Right Honourable William late Earl of Exeter, and Elizabeth late Counteſs of Exeter, or one of them, ſeveral intereſts in the ſaid third part of the ſaid Lands, allotted to the ſaid Lovel, his heirs and aſſigns; and to other proportions by ſubſequent Decrees of Sewers, and towards the Dreyning and maintaining thereof; they, the ſaid Right Honourable William late Earl of Exeter, and Elizabeth late Counteſs Dowager of Exeter, under whom, or one of whom they claim, and Thomas late Earl of Exeter, from whom the ſaid William late Earl, and Elizabeth late Counteſs Dowager of Exeter derived their title, have expended ſeveral great ſums of money, but have not ſo fully effected the ſaid works, nor introduced thoſe benefits and advantages which where expected: And for reaſon do alledg, that the third part, and ſubſequent allotments are not Recompence ſufficient to anſwer the charge of a more perfect performance of the ſaid work; but offer to proceed and perfectly to effect the ſame, if they may have a ſufficient recompence and compenſation for their Hazard, Charge and Pains therein: Be it Enacted by the Authority aforeſaid, That Edward Earl of Mancheſter Lord Chamberlain of his Majeſties Houſhold; William Earl of Devonſhire; John Lord Berkley of Stratton; Anchatil Grey Eſquire, Henry Grey Eſquire, and their Heirs and Aſſigns, and the Survivor of them, ſhall be, and are hereby declared to be the Undertakers for the Dreining of the ſaid Fens, and every of them, in truſt to and for ſuch perſon or perſons, and to ſuch intents and purpoſes as are herein after mentioned. And that within the ſpace of ſeven years next enſuing, they, their heirs and Aſſigns ſhall and will at their proper coſts and Charges recover and make dry the ſaid Fens, and every of them, and make the ſame firm and depaſturable for Cattel at all times of the year, except two or three hundred Acres or thereabouts in the ſaid Fens called Deeping-Fen and Gogguſhland, and forty Acres or thereabouts in the ſaid Fens called Thursby-Fen and Bourn-South-Fen, which are to be left for Lakes and Dykes for the receipt of Waters within the ſame; And alſo, except ſuch Drains and Sewers as now be, or hereafter ſhall be made within the ſaid Fens, or any of them for the Dreyning thereof, and ſo much of the grounds adjoyning to the Rivers, Dreyns and Sewers within the ſaid Fens, as lye, or ſhall lye between the ſaid Rivers, Dreyns or Sewers, and the Banks made or to be made for keeping the Waters lying in the ſaid Rivers, Dreyns or Sewers, from overflowing the reſt of the ſaid Fens. And alſo ſhall for ever hereafter at their own coſts and charges, not only repair, exalt, maintain and keep, as need ſhall require, the Banks environing and encompaſſing the ſaid Fens and every of them, but alſo the Bank on the Eaſt-ſide of the River of Welland, from a place in Crowland called Brother-houſe to Spalding high-bridg. And alſo the Bank on the North-ſide of the River Glean, from Gutheram Coat to a place called Dovehurn in Pinchbeck; and thereof, and of all and every the ſaid Banks above-named, ſhall for ever hereafter exonerate, acquit, diſcharge and ſave harmleſs as well the Kings Majeſty, his Heirs and Suceſſors, as the Queen Dowager, her Tenants, and under-Tenants, and all other perſon and perſons, their Heirs and Aſſigns of and for their repairing and amending of their ſeveral parts and allotments of the ſame; but alſo that they the ſaid Heirs and Aſſigns, and the Survivor of them at their own proper Coſts and Charges, ſhall for ever maintain and keep the Rivers of Glean and Welland with ſufficient Dyking, Roading, Scowring and Banking, (viz.) the River of Welland from the Outgang at the Eaſt end of Eaſt-Dieping leading into the ſaid Fens, unto the Out-fal thereof into the Sea; and to preſerve and maintain the Navigation thereof without Impoſition or paying any thing whatſoever for the ſame, but with liberty to alter and divert the Courſe and Channel of the ſame into any other part or parts of the ſaid Fens before it cometh to the ſaid Corner of Dieping-Fen abutting upon Hawthorne Bank, from whence through the ſaid Town of Spalding as it now paſſeth to the Sea, it ſhall not be lawful to divert the Courſe thereof: And with like liberty to divert the ſaid River of Glean before it cometh to the

Truſtees and undertakers made for Dreining the ſaid Fens.

Glean and Welland Rivers.

place called Pinchbeck-Bars or Dovehurne in Pinchbeck; from which place called Dovehurne through the ſaid Town and the Town of Surflet as it now paſſeth to the Sea, it ſhall not be lawful to divert the ſame, or prejudice the Navigation thereof. And all manner of Dreins, Sewers and Paſſages for Waters and other Water-works whatſoever, which now are or hereafter ſhall be made within or without the ſaid Fens for the draining of the ſaid Fens or any of them which ſhall be neceſſary to be made or continued in order to the preſerving the ſaid Fens from Surrounder. Aud thereof, and of all and every the ſaid Rivers do diſcharge, exonerate, acquit and ſave harmleſs, as well the Kings and the ſaid Queens Majeſties, his heirs and Succeſſors, their Tenants and Under-tenants, as all other perſon and perſons, their Heirs and Aſſigns, of and for the repairing and amending of their ſeveral parts and allotments in them and every of them.

Sufficient Gates and Bridges to be made.

Be it further Enacted by the authority aforeſaid, That the ſaid Truſtees, their heirs and aſſigns, or the Survivor of them ſhall at their own proper Coſts and Charges make, ſet down and maintain ſuch reaſonable and convenieut Bridges, with Gates unto the ſame, in wideneſs not exceeding twelve foot, being well and ſufficiently raiſed or walled againſt the ſides, as well over any Drain or Ditch now made or hereafter to be made, whereby paſſage may be had into the Fens in ſuch and ſo many fit and convenient places as ſhall be thought fit, and ordered by any ſix Commiſſioners of Sewers for the ſaid County of Lincoln, in their publick and open Seſſions, and the ſame ſhall for ever keep and maintain for convenient and ready paſſage with Carts and Carriages, and all ſorts of Cattel, into and forth of the ſaid Fens and every of them.

The powers of the ſaid Truſtees and Undertakers.

And it is further Enacted by the Authority aforeſaid, That the ſaid Truſtees, their heirs and Aſſigns, or the ſurvivor of them, for the better Dreyning and keeping dry of the aforeſaid Fens, ſhall and may at their wills and pleaſures deſert, or maintain and continue all ſuch Dreyns as now are in the ſaid Fens, or any of them, at the old or accuſtomable wideneſs and breadth, or otherwiſe enlarge the ſame at their will and pleaſure within the ſaid Fens: And likewiſe may at their will and pleaſure make any new Dreyns, Ditches and Sewers within the ſaid Fens or any of them, or without towards the Sea, of what quantity, depth or wideneſs they ſhall think beſt; which Dreyns, and every of them ſhall have liberty to run above the ſoyl, ſo as the waters of the ſame be kept within the banks of the ſeveral and reſpective Dreyns now made or hereafter to be made, except ſo much of the ſaid waters as unavoydably ſhall ſoak through the Banks, for which alſo ſatisfaction is to be made to any perſon or perſons ſuffering damage thereby, as ſhall be awarded by the ſaid Commiſſioners of Sewers, or any ſix of them in the open Seſſions, ſo as the Inhabitants of Spalding and Pinchbeck may have a liberty to ſet down and ſtop ſuch Sluces, Tunnels and Gages of water and Locks as are or ſhall be made upon any the ſaid Rivers and Dreyns (except the ſaid Rivers of Welland, Glean and the Weſtlode) at ſuch time or times as two Commiſſioners of Sewers for the parts of Holland ſhall judg ſeaſonable and neceſſary for the Dreyning of their In-grounds: Provided the ſame exceed not two moneths in the year. And if at any time or times hereafter for ever, any of the bank or banks of the Dreyn or Dreyns, now or hereafter to be made for the Dreyning of the ſaid Fens, or preſervation of the ſaid Country happen to break or to be overflown, whereby the waters have iſſued and fall into any the ſeveral Lands of the Towns of the Wapentake of Elloe, That immediately upon ſuch breach or overflowing, it ſhall or may be lawful for all, or any the Dyke-reeves, Officers or other inhabitants of any the Towns in Elloe aforeſaid, to ſet down the Clowe of ſuch Dreyn or Dreyns, or otherwiſe to ſtop the ſame, till the banks thereof ſo breaking or overflowed, from time to time be ſufficiently repaired, ſtrengthened and heightened.

Glean, Welland, Weſtlode.

And be it further Enacted by the Authority aforeſaid, That the Currents or Channels of the River of Glean and Welland, and the Weſtlode, ſhall not be diverted or turned into any other Tract or Courſe whatſoever (that is to ſay) from a place called Dovehurn in Pinchbeck to the Outfall, and from a Bank in Spalding, called Hawthorne-bank to the Outfall, but ſhall be kept Navigable, as formerly they were, down to the Sea.

What ſhall be done in caſe of Gooles or Breaches, or Overflowings.

And be it further Enacted by the Authority aforeſaid, That if any Gool or Gools, Breach or Breaches, Overflowiug or Overflowings of waters ſhall happen at any time hereafter to be in, over, or through any of the ſaid Banks made or to be made within the ſaid Fens, for the defence and preſervation of the ſame, other then the Bank called the Dozens, and the Bank called Hawthorne-bank, to the ſurrounding or annoyance of the ſaid Fens or any part of them within their charge as aforeſaid, and the ſame be not amended by the ſaid Truſtees, their heirs and Aſſigns, or the Survivor of them, within ten days after ſuch Breach, Goole or Overflowing, That then it ſhall and may be lawful to and for any of the ſaid Dike-reeves or Surveyors of Sewers in Spalding or Pinchbeck, or any of the other Towns in the Wapentake of Neſſe or Elloe in the ſaid County of Lincoln, where the ſaid Breach or Breaches, Gool or Gooles, Overflowing or Overflowings of water ſhall happen to be, forthwith and immediately after the ſaid ten days, to repair the ſame at the only Coſts and Charges of them the ſaid Truſtees, their Heirs and Aſſigns, or the Survivor of them. All which ſaid ſum or ſums of mouey ſo by the ſaid Dike-reeves and Surveyors of Sewers, or any of them, expended in and about the Taking, Repairing and Amending of any ſuch Breach or Breaches, Goole or Gooles, Overflowing or Overflowings of waters, in or over the ſaid Bank or Banks reſpectively, They the ſaid Truſtees, their Heirs and Aſſigns or the Survivor of them, ſhall pay or cauſe to be paid to the ſaid Dike-reeve or Dike-reeves, Surveyor or Surveyors ſo expending the ſame, upon a note delivered in writing to the ſaid Truſtees, their Heirs or Aſſigns, or the Survivor of them, their Tenants or Under-tenants, Servants or Agents, or any of them, by the ſaid Dike-reeve or Dike-reeves, Surveyor or Surveyors, teſtified under the hands of two Commiſſioners of Sewers, one being of the Quorum, containing as well the names of the Labourers that repaired the ſaid Breach or Breaches, Goole or Gooles, Overflowing or Overflowings, as the Wages paid to them, and the rates and prices of all other neceſſary charges imployed and beſtowed in and about the ſame, with their convenient Salary and Wages for their pains in that behalf, at the diſcretion of two ſuch Commiſſioners as aforeſaid: The which, if the ſaid Truſtees, their Heirs or Aſſigns, or the Survivor of them, or their Tenants or Under-Tenants, Agents or Servants, ſhall refuſe or neglect to do, That then it ſhall and may be lawful to and for the ſaid Officers or perſons, or any of them that ſhall make up any ſuch Breach or Breaches, Goole or Gooles, Overflowing or Overflowings, or ſuſtain ſuch damages as aforeſaid, to enter into the ſaid third part of the ſaid Fens, or into the Five thouſand Acres additional recompence herein after given by this preſent Act, or into any part thereof, and to diſtrain and impound the Horſes, Beaſts, Sheep or Goods and Chattels of them the ſaid Truſtees, their Heirs and Aſſigns, or the Survivor of them, or any Tenant or Tenants, Farmer or Farmers, occupier or occupiers of all or any part of the ſaid third part, and of the ſaid five thouſand Acres; And from and after the fourth day of the ſaid diſtreſs and impoundment (in caſe the ſaid ſum or ſums ſo expended and demanded be not then paid) ſale thereof to make, without allowance of Replevin; and with the money thereupon ariſing, to pay and ſatisfie all ſums of money for the ſaid Works expended, and to be allowed as abovesaid, rendring the overplus to the Owner, if any overplus be, over and above the charges aforeſaid, and charges of keeping.

Dozens, Hawthorn-bank East-bank.

Provided always, and be it further Enacted, That if any breach, goole, hole or holes, or flowing of Waters ſhall happen to be in, over or through the ſaid Bank called the Dozens, the ſaid Bank called Hawthorn-Bank, the ſaid Bank called the Eaſt-bank, the ſaid Bank on the North-ſide of the River Glean, or any other Bank made or to be made without the ſaid Fens by the ſaid Truſtees, their Heirs or Aſſigns, or the Survivors of them, for, or in order to the draining of the ſaid Fens, That then, and in every ſuch caſe, it ſhall and may be lawful for the Dyke-reeves and Surveyors of Sewers in Pinchbeck and Spalding, or any of the Towns in the Wapentake of Neſſe or Elloe aforeſaid, where the ſaid breach, goole or flowing ſhall be, forthwith and immediately to repair the ſame at the coſts and charges of the ſaid Truſtees, their heirs and aſſigns, or the Survivor of them, to be had and levied in manner and form as is before expreſſed and declared, for or concerning the ſaid Banks, environing, or made or to be made for the dreining or preſervation of the ſaid Fens.

Satisfaction for damage to particular perſons how to be made.

And be it further Enacted by the authority aforeſaid, That if it fortune that at any time hereafter, by the negligence of the ſaid Truſtees, their heirs and aſſigns, or the ſurvivor of them, in not ſufficiently maintaining, ſcowring, dyking or cleanſing of any Rivers, Banks, Sewers or Dreyns whatſoever, which now are, or hereafter ſhall be made for dreyning of the ſaid Fens, and ſecuring of the Countrey; or that by any inconvenient placing, ſetting, cutting or making of any Dreyn, Gate or Sluce upon the ſame, that the Countrey or any private or particular perſon receive loſs or harm thereby; That the ſaid Truſtees, their heirs and aſſigns, or the ſurvivor of them, or ſome of them, ſhall make ſuch recompence and ſatisfaction for the ſame to every perſon and perſons ſuſtaining any damage thereby, as ſix Commiſſioners of Sewers for the ſaid third part of Holland, whereof three to be of the Quorum, ſhall award and appoint under their hands and ſeals (if the ſaid Lords Adventurers, their heirs and aſſigns ſhall not have otherwiſe ſatisfied the ſame) which if they the ſaid Lords Adventurers, their heirs and aſſigns ſhall neglect to pay and ſatisfie to the perſon and perſons ſuſtaining the ſame, their Executors or Aſſigns, by the ſpace of twenty dayes after demand made thereof to them the ſaid Truſtees, their heirs and aſſigns, or the ſurvivor of them, or the Agents, Tenants or under-Tenants of them; That then and from thenceforth, it ſhall and may be lawful to and for every ſuch perſon and perſons ſuſtaining the ſame damage, their heirs, executors, adminiſtrators and aſſigns, and every of them reſpectively, to enter into the ſame third part, and into the ſaid five thouſand Acres, and every or any part thereof, and to levy the ſame damages ſo as aforeſaid awarded and appointed, by diſtreſſe and ſale of the Goods and Chattels of them the ſaid Truſtees, their heirs and aſſigns, or the ſurvivor of them, or any Tenant or Tenants, Farmer or Farmers, Occupier or Occupiers, of all or any part of the ſaid third part of the ſaid Fens, or the ſaid five thouſand Acres, and preſent ſale thereof to make after the fourth day of impoundment (and payment of ſuch money then not made) without allowance of Replevin, rendring the overplus to the Owner (if any overplus there be): And if the ſaid Truſtees, their heirs or aſſigns, or the ſurvivor of them or any of them, ſhall think it neceſſary for the enlargement of any old Dreyn, River or Bank, out of the ſaid Fens, above that which formerly they were, or for making any new Dreyn, River or Bank, to cut or cover the ſeveral ſoyl of any perſon or perſons, That then the ſaid Truſtees, their heirs and aſſigns, or the ſurvivor of them, ſhall compound and agree with the Owner or Owners thereof (if they can agree) And if they cannot agree, that the value of the damage ſhall be ſet down by ſix of the Commiſſioners of Sewers, whereof three to be of the Quorum, and the money ſhall be paid or tendred before ſuch time as the ſaid ſoyl ſhall be cut or covered, and upon payment or tender of the ſaid money, it ſhall be lawful for them to cut or cover the ſaid ſoyl, for making the ſaid Dreyns, Rivers or Banks.

Power to pull up Bridges, Drains, &c.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, their heirs and aſſigns, or the ſurvivor of them, to pull up any Cart-bridges of Wood or Stone, or any Foot or Horſe-bridges, Clowes or Water bridges that now lye over the ſaid two Rivers of Glean and Welland, the Rivers of Weſtload and Starfengraft, Vernatts, or any of them, or any other Dreyns that be too ſtrait or narrow, or otherwiſe may hinder the courſe and paſſage of the Waters in the ſaid Rivers or of any Dreyn to be deviſed by the ſaid Truſtees, their heirs or aſſigns, or the ſurvivor of them; and alſo to pull

The ſaid bridges, tunnels, &c. how to be repaired.

Spalding-Bridge.

pull up all Wears and Purpreſtures in the ſaid Rivers and Dreyns that hinder the paſſage of the water. Provided that they ſhall forthwith ſufficiently build and make again at their own proper coſts and charges the great Bridge over Spalding-River (commonly called the High-Bridge) of lime and ſtone, and all ſuch other Cart-Bridges, Horſe-bridges, Clowes or Water-bridges of lime, ſtone or timber reſpectively, as the former were, which have been or ſhall be ſo pulled down, to be enlarged or made wider. And that all and every the ancient Bridges and Tunnels under and over any of the Rivers and Dreyns, and every of them, be repaired and for ever maintained at the charges of them the ſaid Truſtees, their Heirs or Aſſigns, or the Survivor of them. And if it ſhall happen the ſaid Bridges or any of them, ſhall not be made or repaired by the ſaid Truſtees, their Heirs or Aſſigns, or the Survivor of them, in convenient time according to the true intent or meaning of this Act, That then it ſhall and may be lawful to and for the Commiſſioners of Sewers in their publick Seſſions from time to time to Order and Decree how much or what ſum or ſums of money ſhall or may be neceſſary or fitting to be raiſed for effecting the ſame. And if after notice of the ſaid Determinations of the ſaid Commiſſioners by a note in writing under the hand of the Clerk of the Sewers, given to the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, they ſhall not pay or cauſe the ſame, ſo adjudged, to be paid within thirty dayes after ſuch notice, That then it ſhall and may be lawful to and for the ſaid Commiſſioners of Sewers by their Warrants to levy the ſame by diſtreſs and ſale of the Goods and Cattel levant and couchant upon any of the Lands within the ſaid Fens, hereby veſted and ſetled in the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them. And if it ſhall fall out that the ſaid High Bridge over Spadling River be not finiſhed before the five and twentieth of March, One thouſand ſix hundred and ſeventy, That then the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them, ſhall forfeit the full and juſt ſum of one hundred and fifty pounds to Peircy Church Eſquire, his Executors or Aſſigns, which ſhall and may be raiſed by the Commiſſioners of Sewers for the time being at the publick Seſſions, by ſale of part of the ſaid third part of the ſaid Fens, or of the ſaid three thouſand five hundred Acres therein mentioned, and be by them accordingly paid over to the ſaid Peirey Church, his Executors or Aſſigns, and the perſon and perſons, and their Heirs to whom ſuch ſale ſhall be made, ſhall and may for ever then after hold and enjoy the ſame by vertue of ſuch ſale, and of this preſent Act; any thing herein to the contrary notwithſtanding.

Preſervation of the Banks.

And be it further Enacted by the authority aforeſaid, That for the better preſervation of the ſaid Banks environing the ſaid Fens or made within the ſaid Fens for the defence of the ſame, it ſhall and may be lawful to and for the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them, to cut the ground lying between the outring-Banks and the ſaid Rivers, or either of them, to take Earth, Manure and Litter for repairing the ſaid Banks ſo often as need ſhall require, or to them ſhall ſeem meet and convenient, ſo that ſuch cutting be not extended or made above ſix ſcore foot diſtant from the ſaid Banks, and to erect, make and keep ſuch and ſo many ſufficient Bars and Slakers, and in ſuch places as ſhall ſeem moſt fit and convenient to the ſaid Truſtees, their Heirs and Aſſigns, and the ſurvivor of them; The Slakers to take off the ſurpluſage of Waters, and the Bars to hinder the paſſage of Horſemen and drifts of Cattel over the ſame Banks in the times hereafter prohibited. And to the end that the Banks ſhould not be impaired by Horſemen, drifts of Sheep, Horſes, Beaſts and other Cattel; It is hereby Enacted by the authority aforeſaid, That no perſon or perſons whatſoever (except as hereafter is excepted) ſhall at any time or times hereafter in any year between Michaelmas-day, and the firſt day of May, drive or cauſe to be driven any Horſes, Oxen, Sheep, or any other kind of Cattel over or upon any of the ſaid Banks, without firſt paying to them the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them, after the Rate of four pence for every ſcore of Sheep, and for every other Beaſt the ſum of four pence; which they, their Heirs and Aſſigns are hereby authorized to demand and receive.

Proviſo for Owners and Commoners.

Provided nevertheleſſe, and be it Enacted, That all and every the Lords, Owners and Commoners of or in all, or any part of the ſaid Fens, ſhall have free liberty at all times of the year, for them, their Horſes, Servants and Cattel to paſſe and repaſſe upon any Bank or Banks, Drove or Droves, in or compaſſing the ſaid Fens, without paying any thing for ſo doing, if ſuch perſon or perſons claiming ſuch freedom do not uſually buy Sheep or Cattel, and Trade that way to London with ſuch Cattel or Sheep as are not of their own feeding for a Moneth before.

Horſemen and cattel landing upon the banks.

And be it enacted by the authority aforeſaid, That no perſon or perſons whatſoever keeping a Horſe-boat, either at Croyland, Cloote, Deeping, Baſton, Eaſtcoate, Pinchbeck, Spalding or Cowbet, ſhall land any Horſemen with their Horſes and Cattel upon any the ſaid Banks, at any time hereafter between Michaelmas day and the firſt day of May, but at Waldrome-Hall, Baſton, Spoute, Dovehurne, Cloote or Croyland, without licence firſt thereunto had and obtained from the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them, upon pain and forfeiture to be made and paid, for every Horſe and neat Beaſt, ſix pence, and for every ſcore of Sheep, four pence to the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them: And that no manner of perſon or perſons ſhall draw any Boat on, or over any the Banks in, or compaſſing the ſaid Fens, but in ſuch places only as are or ſhall be appointed for that purpoſe.

Swine.

And it is further enacted by the authority aforeſaid, That no Swine of what ſort ſoever, ringed or unringed, be put upon the ſaid Fens, or any of them, between the ſaid Banks and the Wear-ditches, but that they ſhall be put into the Fens at uſual places where other Cattel are put in; And that the Swine ſo put, ſhall be ringed, upon pain of every Hog ſo found unringed, to forfeit to them the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, the ſum of two pence for every time ſo found, to be levied by diſtreſs and impounding of ſuch Hog or Hogs.

And it is further Enacted by the Authority aforeſaid, That the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them, their or any of their Tenants, Farmers or Ground-holders of any part of the ſaid third part, or of the ſaid Fen, or of the ſaid five thouſand Acres, ſhall not have any time hereafter, uſe or claim any Common of Paſture, or other Commonage of Paſturing in any part of the Remainder of the ſaid Fens, nor any of them, nor in the North Fen of Pinchbeck and Spalding, nor any part thereof, by vertue or pretence of his or their Reſidence there: But all and every the Inhabitants that may hereafter be upon any part of the ſaid third part, or upon any part of the ſaid five thouſand Acres, and are not able to maintain themſelves, ſhall be maintained and kept by the ſaid Truſtees, their Heirs and Aſſigns, and the ſurvivor of them, and never become chargeable in any kind, to all or any the reſpective Pariſhes wherein ſuch Inhabitant or Inhabitants ſhall reſide or dwell; any Statute or Law to the contrary hereof in any wiſe notwithſtanding.

Poor Inhabitants.

Water ſhall not be let out of the rivers of Glean and Welland.

And be it further Enacted by the authority aforeſaid, That no water ſhall be let or taken out of the Rivers of Gleane or Welland, or any other the ſaid Dreyn or Dreyns, by any Sluce, Cut or Tunnel without the licence of the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, or by Order of ſix Commiſſioners of Sewers, who likewiſe are to take order that ſuch Cut or Cuts made for the taking thereof, ſhall be made up again at the charge of the perſon or perſons for whoſe benefit the ſame were made, but for neceſſary houſhold uſes, by ſuch as now lye by ſome Law of Sewers already ſetled: And in caſe any abuſe of the ſaid Tunnels happen to be, that then the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, their Servants or Agents ſhall have power immediately to ſtop the ſame.

Pinchbeck, Spalding, Blewgate-ſluce.

And it is further Enacted by the authority aforeſaid, That the Inhabitants of Pinchbeck and Spalding ſhall for ever hereafter have the uſe of a certain Gote or Sluce called Blewgate, and the Dreyn leading thereto, ſo as the ſaid Truſtees, their Heirs or Aſſigns, ſhall not be put to any charge for the repairing or maintaining of the ſame.

The Dreyn from Boſton-bank to Winſoever.

And be it further Enacted by the authority aforeſaid, That the Loads or Dreyn under the Dozens, from Boſton-bank to Winſoever, be Ditched two hundred foot more inward into the ſaid Fens then now it is, and the earth laid on that ſide the Bank next the Town of Pinchbeck.

The propoſition ſtated upon the truſtees and undertakers.

And be it further Enacted by the authority aforeſaid, That for and in conſideration of all the moneys already expended in and about the Dreyning of the ſaid Fens, and in conſideration of the doing and performing of the Works aforeſaid hereafter to be done, and of all and every of them abont the Recovering, Inning and Dreyning of the ſaid Fens, and every of them, that they the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them, ſhall from henceforth have, hold, peaceably occupy and enjoy to them, their Heirs and Aſſigns in Fee-ſimple for ever, the ſaid third part of the ſaid Fens and Marſhes formerly aſſigned to the ſaid Thomas Lovel, his Heirs and Aſſigns, as alſo three thouſand five hundred Acres added and allotted by a Deceee of Sewers made at Spalding in the ſaid Fens, and one thouſand Acres out of that part of the ſaid Fens, formerly taken in for the Queens improvement, and five hundred Acres more to be taken proportionably out of the reſidue of the ſaid Fens in Keſtiven and Holland, next adjoyning to the ſaid three thouſand five hundred Acres; which three thouſand five hundred Acres and one thouſand acres, aed five thouſand acres laſt mentioned, are to be demeaſured by Statute-meaſure by two Artiſts, and ſet out by them at the charge of the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, one to be choſen by the Commiſſioners of Sewers of Keſtiven and Holland, and one other by the ſaid Undertakers; but upon the Truſts hereafter mentioned: That is to ſay, as touching and concerning eight thouſand thirty ſix acres thereof mentioned in a Schedule annexed to an Indenture of Fifteen parts, dated the ſecond of Auguſt, 1650. made between Elizabeth Counteſs Dowager of Exeter and others therein named, and two thouſand acres more to be indifferently ſet out within ſix moneths after the paſſing of this Act, amounting in the whole to ten thouſand thirty ſix acres; in Truſt, That the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them, ſhall grant and convey the ſame to ſuch perſon or perſons, or for ſuch Eſtates in Fee-ſimple or otherwiſe, in ſuch manner as the ſaid Thomas Earl of Berks, the ſaid Lord Andover, Lord Bruce and John Lord Berkley of Stratton ſhall appoint. And as for, touching and concerning the reſidue of the ſaid Fens, by this Act allotted for Recompence for the ſaid Dreyning moreover and above the ſaid eight thouſand thirty ſix acres, and two thouſand acres in Truſt for the ſaid Earl of Berkſhire and the Lady Elizabeth his Wife, the ſaid Lord Andover, the ſaid Earl of Elgin, Counteſs of Stamford and Lord Grey, and ſuch other perſon and perſons to whom the Remainder upon their Eſtates are limited, according to their ſeveral and reſpective Intereſts and Eſtates as aforeſaid, made or derived from, by or under the ſaid William late Earl of Exeter, and Elizabeth late Counteſs of Exeter, or either of them, their, or either of their Heirs or Aſſigns: And in caſe the ſaid Commiſſioners ſhall not nominate a Surveyor within three moneths after nomination by the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, and both to be ſworn by the ſaid Commiſſioners, and notice thereof to be given to the ſaid Commiſſioners, That then the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, ſhall proceed as aforeſaid by their own Artiſt.

The truſtees ſhall fence and incloſe the third part, &c.

Provided alſo, and be it Enacted by the authority aforeſaid, That the ſaid Truſtees, their Heirs and Aſſigns, and the ſurvivor of them, ſhall at all times hereafter ſufficiently fence and incloſe the ſaid third part, and all other the Lands by this Act to them granted on all parts, againſt the Lords and Commoners of and in the reſidue of the ſaid Fens: And if any of their Cattel ſhall enter or break into the ſaid third part, and other Lands ſo granted or any part thereof, in default of the Incloſure thereof; It ſhall not be lawful for the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, to Diſtrain or Impound the ſame;

ſame, or to maintain any Action for any ſuch Entry, Depaſturing, or other Treſpaſſe happening in ſuch default: And if any ſuch Action be brought, it ſhall be lawful for the Defendant or Defendants therein to plead the General Iſſue, and to give this Act in Evidence. And that the two Drove-ways in the ſaid Fens, called the North-drove and South-drove, leading from the parts of Keſtiven into the parts of Holland, be continued open and common through the ſaid third part, and Lands to them granted for the uſe and benefit of the Lords and Commoners for a Drift-way for them and the ſaid Undertakers: And alſo that the Banks or Dreyns (by vertue of this Act) to be continued or made, ſhall not ſtop or hinder the Land-waters falling from the parts of Keſtiven into the ſaid Fen, but ſhall and may receive and carry the ſame away.

Provided alwayes, That this Act, or any Clauſe, Article, Sentence or Penalty therein contained, mentioned or expreſſed, ſhall not extend to charge the perſons of the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, or any the Eſtate or Eſtates real or perſonal of them the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, other then their Eſtate and Eſtates of and in the ſaid Fens.

The penalty upon neglect to Dreyn the ſaid Fens within ſeven years, and ſo after to keep and maintain them.

Provided alſo, and upon condition, That if the ſaid Truſtees, their Heirs or Aſſigns, or the Survivor of them, ſhall neglect the Inning and Dreyning of the ſaid Fens, and every or any of them, and ſhall not fully and perfectly finiſh the Dreyning of the ſame before the end and expiration of the ſaid ſeven years as aforeſaid, according to the intent and purport of this Act, or ſhall not after the Inning or Dreyning thereof, keep and maintain the ſaid Fens and every of them after the end and term of the ſaid ſeven years, dry, firm and depaſturable ground for Cattel at all times in the year (except ſuch Lakes, Dreyns, Sewers, Portions and Quantities of the ſaid Fens as are before excepted) but ſhall wilfully and negligently ſuffer the ſaid Fens and Waſtes or the moſt part of the ſame to be again drowned and overflowed by the ſpace of five years at any time after the expiration of the ſaid ſeven years, and the ſame be found and adjudged hurtfully ſurrounded in default of the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them (contrary to this Act) by twelve Commiſſioners of Sewers, or the greater number of them, whereof ſix to be of the parts of Holland, and ſix of Keſtiven, of which twelve Commiſſioners, three of either of the ſaid parts to be of the Quorum, upon their view or inquiſition or preſentment of Jury that the ſame hath ſo long continued drowned, and that Judgment be certified of Record into the High Court of Chancery under their Hands and Seals, or the greater number of them; That then and from thenceforth the truſt of the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them, of, in and to the ſaid third part, and the ſaid other parts and proportions added and allotted for a further Recompence as aforeſaid, for the ſaid Earl and Counteſs of Berkſhire, Lord Howard of Charlton, Lord Bruce, Counteſs of Stamford, Lord Grey, and other perſons in Remainder as aforeſaid, and all and every eſtate and eſtates whatſoever by them granted, conveyed, or in any manner executed, of all or any the ſaid third part or other proportions added and allotted for further recompence to any perſon or perſons whomſoever, in execution, purſuance or diſcharge of their ſaid Truſt, or otherwiſe ſhall ceaſe, determine, and be utterly void to all intents and purpoſes whatſoever, and not to be helped, altered or relieved in any Court or by any courſe of Law or Equity, and that then and from thenceforth the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them, ſhall ſtand and be ſeiſed of all the ſaid third part, and the additional allotments in truſt, to permit and ſuffer the ſaid Commiſſioners of Sewers of Keſtiven and Holland, to take, perceive and receive the whole Rents, Iſſues and Profits, to the end the ſame may be laid out and expended for the regaining of the ſaid Fens, and to defray the charge which the Country ſhall or may be put unto to preſerve themſelves and their other Lands from being ſurrounded or damnified by the ſaid waters, in default of maintaining of the ſaid Banks and doing other the ſaid works which ought to have been made and repaired by the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them: And upon further truſt likewiſe, That the ſaid Truſtees, their Heirs and Aſſigns, or the ſurvivor of them, ſhall and will from time to time, and at all times, make and execute ſuch eſtate and eſtates as twelve Commiſſioners of Sewers of the parts of Holland and Keſtiven, whereof three of each part to be of the Quorum, ſhall by writing under their Hands and Seals direct and appoint.

And be it Enacted and Declared, That all ſuch eſtate and eſtates ſo by them made, ſhall be, and be, and be deemed and taken to be good and effectual in Law to all intents and purpoſes, as if the ſame were in this preſent Act particularly and by proper names mentioned and expreſſed.

And be it further Enacted by the authority aforeſaid, That if the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, ſhall not, or do not, at or before the ſaid term of ſeven years, well and truly pay or cauſe to be paid the full and juſt ſum of one hundred pounds of lawful money of England into the hands of ſuch perſon or perſons as the ſaid Commiſſioners of Sewers in their publick Seſſions from time to time ſhall appoint to receive the ſame, That then and in ſuch caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners of Sewers by an Order in writing under their Hands and Seals, to authorize ſuch perſon or perſons as they ſhall think fit, to enter into any the ſaid Lands, part of the ſaid third part allotted to the ſaid Thomas Lovel, out of any the Fens by him formerly undertaken to be Dreyned, and the ſaid Additional Lands, and out of the Rents, Iſſues and Profits thereof to raiſe the ſame ſum of one hundred pounds, to the end the ſame ſhall and may be by them imployed and laid out, in and about the neceſſary maintenance and reparation of the Banks above mentioned, called the South Dozens, and Hawthorne Bank, and ſo from time to time, and at all times, as the ſaid one hundred pounds, or any part thereof ſhall be as abovesaid expended in and about the ſaid Banks as aforeſaid, if the ſame be not again ſupplied by the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them within ſix moneths then next

South-Dozens And Hawthorne bank.

following, then it ſhall be in the power of the ſaid Commiſſioners of Sewers, out of the Rents, Iſſues and profits aforeſaid to raiſe the ſame or ſo much thereof as ſhall not be ſupplyed as aboveſaid, from time to time and at all times, as occaſion ſhall require.

How meetings and by-laws may be made for management of the Dreyning.

Provided alwayes, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for ſuch perſon and perſons, their Heirs and Aſſigns, or any three or more of them, to whom the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, ſhall make or execute any eſtate or eſtates of the ſaid ten thouſand thirty ſix Acres before mentioned, or any part thereof, as Adventurers under the ſaid Truſtees, their Heirs or Aſſigns, or the ſurvivor of them, in Dreyning the ſaid Fens at all times, and from time to time, from and immediately after execution of the ſaid eſtate and eſtates, to ſummon, call and hold Meetings of themſelves, their Agents and Workmen, at ſuch place and places, by warrant under three or more of their Hands and Seals, or under the Hand and Seal of their common Clerk for the time being, for the making, altering or confirming, and with power and authority hereby granted unto them, their Heirs, Executors, Adminiſtrators and Aſſigns, for making, and to make By-laws for the better Government and more orderly management of the ſaid work of Dreyning the ſaid Fens within themſelves reſpectively.

By whom rates and taxes may be made for the ſaid work.

And alſo be it further enacted by the Authority aforeſaid, That at all and every meeting and meetings as aforeſaid to be held, It ſhall and may be lawful, and they are hereby thereunto impowred, for any three or more of the ſaid Undertakers, their Heirs, Executors, Adminiſtrators and Aſſigns, to aſſeſs, rate, tax and charge all and every the reſpective Owner or Owners, their Heirs, Executors, Adminiſtrators and Aſſigns, and every of them, of all and every the ſaid ten thouſand and thirty ſix Acres aforeſaid, by an equal and proportionable Acre-tax, with any ſum or ſums of Money as they ſhall adjudge neceſſary for the carrying on and effecting the ſaid work, and to limit and appoint ſuch certain dayes and places for the reſpective payments thereof to their Treaſurer or Treaſurers for the time being, as they the ſaid Undertakers, their Heirs, Executors, Adminiſtrators or Aſſigns, or any three or more of them under their hands and ſeals ſhall appoint, ſo as every of the ſaid Undertakers, who ſhall at any time or times hereafter, aſſeſs, rate, tax and charge the ſaid ſums of Money, be really then Owner of two hundred and fifty Acres of Land or more, within the ſaid Fen.

How the ſame may be levied.

And be it further enacted, upon default made by any perſon or perſons ſo aſſeſſed, rated, taxed and charged as aforeſaid, in his or their reſpective payments to be limited and appointed as aforeſaid, by the ſpace of three moneths after the time limited for payment thereof, That it ſhall and may be lawful to and for any three or more of the ſaid Adventurers, their Heirs, Executors, Adminiſtrators or Aſſigns, to bargain, ſell, convey and aſſure all, or ſo much of the ſaid Defaulter or Defaulters Lands reſpectively within the ſaid Fen, for raiſing the Sum or Sums of Money ſo aſſeſſed, rated or charged as aforeſaid, to any other perſon or perſons, their Heirs and Aſſigns, for ſuch eſtate or eſtates as the ſaid defaulter or defaulters had in him or them reſpectively at the time of the ſaid default or defaults made as aforeſaid, as to them or any three or more of them the ſaid Adventurers, their Heirs, Executors, Adminiſtrators or Aſſigns ſhall ſeem meet, ſubject nevertheleſs to the conditions and forfeitures in this Act contained and expreſt: And all and every Conveyance thereof is, and ſhall be adjudged good and available in Law and equity, againſt all and every ſuch Defaulter and Defaulters reſpectively, and againſt his or their reſpective Heirs, Executors, Adminiſtrators and Aſſigns, ſo as the ſame be inrolled in the High Court of Chancery within ſix moneths after the making thereof.

How owners and commoners may improve and incloſe their ſhares.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons, Bodies politick or corporate, their Heirs and Succeſſors, Owner or Owners of the Soil of the ſaid Fens or Waſtes, or who may or ought to have Common in any of the ſame, to improve, ſet out, incloſe, divide and ſever ſuch quantity or quantities of the ſaid Fens or Waſtes (other then ſuch of the ſame as by the tenurs of this Act are appointed or allotted to the ſaid Undertakers as aforeſaid) as ſhall be proportionable to his or their reſpective Intereſt, or to his or their Lands and Tenements whereunto, or in reſpect whereof, the ſaid Common or Waſte may or ought to be had or enjoyed, and ſuch quantity or quantities to have and to hold in ſeveralty, by and according to ſuch Tenures, Eſtate, Right, Title and Intereſt as ſuch perſon or perſons have or ſhall have in ſuch Manors, Lands and Tenements, ſubject nevertheleſs to all the Powers and Liberties given by this Act to the ſaid Truſtees, their Heirs and Aſſigns, and the ſurvivor of them, for Dreyning the ſaid Fens, as if the ſaid Lands had remained common and uninclosed, leaving and allowing convenient paſſages and wayes in and to the ſaid Undertakers ground in the ſaid Fen.

Who may determine of boundaries, improvements and incloſures.

And it is further enacted, That the Boundaries of the ſaid Waſts ſo to be incloſed, Approvements and Incloſures ſhall from time to time, and at all times, upon requeſt of any perſon or perſons concerned, be determined and adjudged, and finally ended by the perſons hereafter named, (that is to ſay) Thomas Lord Beaumont of Cole-Orton, Sir George Villiers of Bruxby Baronet, Sir William Hartopp of Rotherby Knight, William Hartopp of Little Da by Eſq; Sir Henry Hudſon of Melton-Mowbray Baronet, Sir Edward Smith of Edmundthorpe Knight, Richard Liſter of Thorpe Eſquire, John Hacket of Ketleby Eſquire, William G lbert of Melton-Mowbray Eſquire, all of the County of Leiceſter; Baptiſt Lord Viſcount Campden, Sir Edward Heath of Cotteſmore Knight of the Bath, William Palmes of Aſhwel Eſquire, Abel Barker of Hambleton Eſq; Samuel Browne of Stockins Eſquire, Robert Mackeworth of Empingham Eſquire, Phil p Sherard Eſquire, Alexander Noel of Whitwel Eſquire, Chriſtopher Browne of Towlthorpe Eſquire, Edward Falkener of Uppingham Eſquire, Sir Thomas Mackeworth of Normanton Baronet, Henry Noel Eſquire of Exton, Andrew Noel Eſquire of Whitwel, Charles Halford Eſquire of Weſton, Thomas Pilkington Eſquire of Belton, Beaumont Bodenham Eſquire of Ryhall and Henry Mackeworth Eſq;

of Normanton, all of the County of Rutland; Mildmay Earl of Weſtmerland, Obrian Lord Cockaine, William Stafford Eſquire of Blatherwicke, Lewis Palmer Eſquire of Carlton, Edward Palmer Eſq; of Stoake, Walter Kirkham of Finſhead Eſq; Chriſt. Thursby Eſq; Humphrey Orme Eſq; Sir Henry Yelverton Baronet, Tho. Dove of Upton Eſq; William Mountague Eſq; Francis Quarles Eſq; George Quarles junior of Ufford Eſq; Francis Kirkham Eſq; of Finſhead, John Lynn Eſq; of Southwick, all of the County of Northampton; Robert Lord VVilloughby of Eriſby eldeſt Son to Mountague Earl of Lindſey Lord Great Chamberlain of England, Sir Thomas Meres Knight, Sir John Newton Baronet, Sir Anthony Irby Knight, Peregrine Bartue Eſq; Anthony Thorold of Marſton Eſq; VVilliam Blythe of Straſton Eſqure, Philip Dallow of Bitchfield Eſqure, Thomas Harrington of Boothby Eſqure, Charles Bawdes of Somerby Eſq; Sir Edward Barkham Baronet, all of the County of Lincoln, or by any ſeven or more of them. Which ſaid perſons, or any ſeven or more of them, are hereby conſtituted and appointed Commiſſioners for that purpoſe, upon their view or examination of Witneſſes upon Oath, (which Oath they are hereby authoriſed to adminiſter) or both, or other good and ſufficient proof by matter of Record, Writings or Evidences, and hearing the parties concerned, if they be preſent and deſire it; which determination and Judgment being certified in writing under the Hands and Seals of the ſaid Judicature, or any ſeven or more of them, into the Petty-bag, there to be filed and kept on Record, ſhall be final and concluſive unto all parties. Provided alwayes, That in caſe any perſon or perſons, Bodies politick or corporate, ſhall find him or themſelves agrieved with ſuch Judgment and determination of the ſaid Judicature, and ſhall thereof within ſix moneths next after the ſame, appeal to any thirteen or more, other perſons of the ſaid Judicature, Then ſuch determination as the ſaid thirteen more ſhall make, being certified by writing under the Hands and Seals of the ſaid thirteen or more, into the Petty-bag aforeſaid, there to be filed and kept on Record as aforeſaid, ſhall be final and concluſive to all parties, the ſaid former Judgment or Determination notwithſtanding. And the Incloſures and Proportions ſo adjudged or decreed as aforeſaid to ſuch perſon or perſons, Bodies politick and corporate, ſhall be held by him or them, and his and their Heirs and Succeſſors reſpectively, by and according to his and their Tenures, Eſtate, Title and Intereſt, which he or they had in the Manors Lands or Tenements, for or in reſpect of which, he or they claimed, or incloſed the ſaid quantity or quantities of the ſaid Waſts as aboveſaid. Provided alwayes, and be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, and every of them, before he or they take upon him or them the execution of any the powers or authorities hereby given them, (other then the adminiſtring the Oath following to one another, which they have Authority by this preſent Act to adminiſter to one another) ſhall take the Oath following, viz.

Appeals in caſes of adjudication.

I A. B. am not intereſſed in Poſſeſſion, Reverſion or Remainder, of, in or to the ſaid Fens, or any part thereof; And ſhall and will without Favour or Affection, hatred or malice, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform all and every the Powers and Authorities in me eſtabliſhed by this Act of Parliament,

The oath to be taken by Commiſſioners.

Which Oath any one of the ſaid Commiſſioners are hereby authorized to adminiſter: And that the places where the ſaid Commiſſioners ſhall ſit to hear, order and determine the matters refered to them by this Act, ſhall be at the Towns of Stamford, Market-Deeping or Spalding in the ſaid County of Lincoln. And the ſaid Commiſſioners, or any ſeven or more of them, are hereby directed by Warrant under their Hands and Seals to declare the places and times of their Meeting; The ſame Warrant to be publiſhed in open Market, in the ſaid Towns of Stamford, Market-Deeping and Spalding, between the hours of Twelve and Two upon ſome Market-day, one and twenty dayes at leaſt before the ſaid time or times of Meeting, to the end all perſons concerned may have ſufficient time and notice to attend; And ſhall have power and authority by Warrant under the Hands and Seals of any three or more of them, to ſummon parties and witneſſes to appear before them; And in caſe any controverſie or difference ſhall happen to ariſe between or amongſt the ſaid Commiſſioners, before any Judgment or Determination given by them in the premiſſes, touching or concerning the expoſition of the words of this Act, or the powers or authorities thereby to them given; Then the Lord chief Juſtice of the Kings Bench, the Lord chief Juſtice of the Common-Pleas, and the Lord chief Baron of his Majeſties Court of Exchequer for the time being, are hereby conſtituted and eſtabliſhed a Judicature, and they or any two of them, are hereby authorized to hear, adjudge and determine ſuch controverſies and differences: And their Judgment or determination thereof, certified under their Hands and Seals, ſhall be obſerved, and ſhall be likewiſe certified, together with the Judgments and determinations of the ſaid Commiſſioners, into the Petty-bag, there to be kept on Record as aforeſaid.

The places of the Commiſſioners ſitting

Their power and manner of proceeding.

CAP. XII.

The River Avon to be made Navigable from Chriſt-Church to the City of New-Sarum.

VVhereas the making Navigable and paſſable with Barges, Boats, Lighters and other Veſſels, the River of Avon in the Counties of Wilts and Southampton, from the Town of Chriſt-Church in the ſaid County of Southampton to the City of New Sarum in the ſaid County of Wilts; And (if need require) the making of a new Haven, may with Gods bleſſing be of great advantage and benefit not only to the ſaid Counties, but alſo to the Publick, by import and export of Commodities, and increaſe of Commerce and Trade, and of able Seamen and Watermen, and moſt profitable and neceſſary for the ſaid City of New Sarum, for the conveyance thereby of Fewel and other neceſſaries to the ſaid City, whereof there is now great ſcarcity, and far greater is like to grow, if ſome help therefore be not provided, beſides the extraordinary preſervation of the High-wayes in and near the ſaid City and County.

Commiſſioners, how to be appointed for making the River Avon Navigable.

Be it therefore enacted by the Kings Majeſty by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Lord Chancellor or Lord Keeper of the Great Seal of England for the time being, at any time after the end of this preſent Seſſion of Parliament, ſhall and may nominate, appoint and authorize by Commiſſion under the Great Seal of England, ſuch perſon or perſons, Bodies Politick and Corporate, as to him ſhall ſeem fit, and are willing to undertake the making Navigable the ſaid River of Avon from the ſaid Town of Chriſt-Church to the ſaid City of New-Sarum; And to make a new Haven (if need require) for Ships and Veſſels near the ſaid Town of Chriſt-Church. Which ſaid Undertakers ſo nominated and appointed as aforeſaid, are hereby authorized and ſhall have full power and authority by this preſent Act to make Navigable or paſſable by Barges, Boats, Lighters or other Veſſels, the ſaid River of Avon, from the ſaid Town of Chriſt-Church to the City of New-Sarum aforeſaid; And for that purpoſe to cleanſe, ſcour and open the ſame, and to cut or dig the Banks of the ſame, and to take away or remove all Wears or other Impediments that may hinder Navigation, either in ſailing or haling of Boats with Horſes, Men or otherwiſe to amend or alter ſuch Bridges and High-wayes as may hinder the ſaid Paſſages and Navigation, and to open, prepare and make all Wears, Saſſes, Locks and Turn-pikes fit for the ſaid Paſſage; And likewiſe to cleanſe, ſcour, open or cut and dig the Banks of any other Stream, Brook, Ditch or Water-courſe that ſhall to them ſeem convenient for the better making the ſaid River Navigable and paſſable for Boats, Barges, Lighters and other Veſſels; And likewiſe to make and erect any Wharfs, Saſſes, Locks, Turnpikes or pens for Water in or near the ſaid River or Paſſage, that ſhall be fit or neceſſary for the ſame, and to bring, lay and work all Materials requiſite for the making, erecting and repairing of the ſaid Locks or Turnpikes upon the ſaid River or Paſſage, and to cut ſuch and ſo many new Channels and Trenches as to them ſhall ſeem convenient for altering the courſe of the ſaid River of Avon in bringing the ſame to the City of New-Sarum as aforeſaid, as alſo for the bringing in any other River or Water-courſe into the ſaid River, and to do all other things neceſſary and convenient for the ſaid River and Paſſages, new Channels, Wharfs, Saſſes, Locks, Wears, Turnpikes, Pens for Water, and the ſaid Bridges, Wayes and Paſſages, and for the altering, repairing, keeping, uſing and amending of the ſame or any of them, or any part of it, from time to time hereafter as oft as need ſhall require, and alſo (if need require) to make a commodious Haven and Port near the ſaid Town of Chriſt-Church for the Entry, Road, ſafety and preſervation of Ships that may reſort thither, as well in peril of Storms as otherwiſe, to lade or unlade their Goods, and to alter, repair and amend the ſame, or any part of it, from time to time as oft as need ſhall require. And to the end that the making the ſaid River Navigable and paſſable for Barges, Boats, Lighters and other Veſſels, and the erecting and making the ſaid Haven, Channels, Saſſes, Locks, Wears, Turnpikes, Penns for Water, Wharfs, Bridges, Wayes and Paſſages as aforeſaid, or other things, may not be any way prejudicial to the Inheritance, Poſſeſſion or Profit of any perſon or perſons, Bodies Politick or Corporate whatſoever, that have any Lands, Tenements, Wears or Hereditaments adjoyning unto the ſaid River or Streams, Brooks, new Channels and Paſſages as aforeſaid, or any of them, or through which the ſame ſhall be made or cut as aforeſaid.

Satisfaction to parties endamaged in any of their Lands.

Be it therefore Enacted by the Authority aforeſaid, That the ſaid Undertakers, before they do meddle with the Lands, Inheritance, Poſſeſſion or Profit of any perſon or perſons, Bodies Politick or Corporate, ſhall firſt agree with ſuch perſons, Bodies Politick or Corporate, for the loſs or damage that any of them ſhall or may any way receive by the making or altering the ſaid Haven, Channels, Wharfs, Saſſes, Wears and Paſſages, or procure ſome Order therein to be made by the Commiſſioners, to be aſſigned for that purpoſe as hereafter in this preſent Act is expreſſed. And for the better effecting of the premiſſes, and the due rating of the value of the things to be compounded for, by the true intent of this Statute, if the parties ſhall not agree;

Commiſſioners for compounding with perſons ſo damnified.

Be it enacted by the authority aforeſaid, That at the requeſt and charges of the ſaid Undertakers, One or more Commiſſion or Commiſſions under the Great Seal of England ſhall be granted to Edward Earl of Clarendon Lord Chancellor of England, Thomas Earl of Southampton Lord High Treaſurer of England, Philip Earl of Pembroke and Mountgomery, William Lord Herbert of Cardiffe, Henry Lord Viſcount of Cornbury, George Lord Biſhop of Wincheſter, and the Biſhop of Wincheſter for the time being, John Lord Biſhop of Sarum, and the Biſhop of Sarum for the time being, William Lord Sands, Robert Lord Brook, Anthony Lord Aſhly Chancellor of the Exchequer, Sir Edward Nicholas Knight One of His Majeſties moſt Honourable Privy-Council, Sir Robert Hide Knight Lord Chief Juſtice of the Kings Bench, Sir Wadham Windham Knight, one of the Juſtices of the Kings Bench, Sir George Grubham How Knight, Sir Joſeph Aſh Baronet, Sir John Nicholas Knight of the Bath, Sir John Low Knight, Sir Robert Maſon Knight, Sir Thomas Mompeſſon Knight, Sir John Clobery Knight, Stephen Fox Eſquire Clerk of the Green-Cloth, and one of the Citizens for the City of New-Sarum, John Joyce Mayor of the City of New-Sarum, and the Mayor of the City for the time being, Richard Coleman Eſquire Recorder of the City of New Sarum, and the Recorder of the ſame City for the time being, Francis Roll Eſquire High Sheriff of the County of Southampton, Lawrence Hyde Eſquire, Humphrey Weld Eſquire, Edward Hyde of Hatch Eſquire, Richard How Eſquire, John Holt the elder of the cloſe of the City of New-Sarum, Eſquire, George Vennerd of the City of New-Sarum Eſquire, Edward Manning Eſquire, Richard Compton Eſquire, Thomas Knowles Eſquire, Philip Lee Eſquire, Walter Bockland Eſquire, William Swanton Eſquire, Roger Gallop Eſquire, Edward Hopper of Huncourt Eſquire, William Tulſe Eſquire, John Hobby Eſquire, Henry Tulſe Eſquire, Henry Whitehead Eſquire, the Mayor of Wilton for the time

The power of the ſaid Commiſſioners.

being, and the Mayor of Chriſt-Church for the time being, Samuel Percival Eſquire, William Liſle Eſquire, and Philip Percival Gentleman. Which ſaid Commiſſioners, or any ſeven or more of them (not being Parties concerned) ſhall have full power and authority, and are hereby impowred and authorized by examination of Witneſſes upon Oath (which Oath they, or any ſeven, or more of them, have hereby power to adminiſter) or by any other lawful wayes or means to examine, here and determine all and all manner of Controverſies, Debates and Queſtions which ſhall happen and ariſe between any perſons whatſoever, touching or concerning any matter or thing relating to the aforeſaid Premiſſes, or any part thereof; And to appoint, determine and decree what and how much ſatisfaction every ſuch perſon or perſons, Body politick or corporate, ſhall have for or in reſpect of the loſs to be by him, her or them ſuſtained, notice being firſt given of their Meeting by Papers publickly affixed to the Church-doors, or ſet up in the Market-places of the City of New-Sarum and the Towns of Chriſt-Church and Ringwood, Ten dayes at the leaſt before their Meeting, declaring the the time and place of their Meeting: And alſo notice in writing being firſt left at the Dwelling-houſe of every Party concerned, or at their uſual place of abode, or with ſome Tenant or Occupier of ſome Houſe, Land or Tenement of ſuch party within fifteen Miles of the ſaid River: Which ſaid Determination, Sentence and Decree ſet down, declared and pronounced by the ſaid Commiſſioners, or any ſeven or more of them, and the price and recompence by them limited, ſhall bind all parties therein concerned in Poſſeſſion, Reverſion or Remainder, or otherwiſe, and as well Infants, Feme Coverts, as others, and their Heirs in Fee-Simple or in Tail, and their Executors, Adminiſtrators and Aſſigns, and all claiming by, from or under him, her or them, or any of them; which Order, Sentence and Decree ſhall be ſet down in writing under the Hands and Seals of the ſaid Commiſſioners, or any ſeven or more of them, within ſix weeks after the firſt Reſort to them for that cauſe according to this Act, the ſame to be kept among the Records of the Seſſions of the Peace for the City of New-Sarum, by the Clerk of the Peace for the time being of the ſaid City; Tranſcripts whereof ſhall be delivered to the ſeveral Clerks of the Peace of the reſpective Counties of Wilts and Southampton, to be by them kept upon Record amongſt the Records of the Seſſions of the ſaid reſpective Counties; All which ſhall be taken, adjudged and deemed good and ſufficient Evidence, and proof in any Court of Record whatſoever. And that upon payment of ſuch ſum or ſums ſo ordered or agreed upon (to the ſaid perſons concerned, or tender thereof made) at his or their Dwelling-houſe, or the houſe of his or their Tenant of ſome Tenement, Houſe or Land of theirs within fifteen miles of the ſaid River; and if they have no ſuch Dwelling-houſe, Land or Tenement, or if upon ſuch tender at their ſaid Dwelling-houſe, or the Houſe, Land or Tenement of ſuch Tenant as aforeſaid, they refuſe, or are not ready to receive the ſame; That upon payment of the ſaid ſum to the Mayor and Commonalty of the City of New-Sarum in the Council-Chamber of the ſaid City, for the uſe of ſuch perſons, It ſhall then, and not before be lawful to and for the ſaid Undertakers, and their Work-men and Servants, to dig and make, or cauſe to be digged and made the ſaid Haven, Channels, Wharfs, Saſſes, Locks and Paſſages, or do any other Act for which any ſuch Agreement or Order ſhall be made as aforeſaid.

How Commiſſioners dying or renouncing, may be ſupplyed.

And be it further enacted, That when any of the ſaid Commiſſioners ſhall happen to dye, or become unfit for, or renounce the Service; That then and ſo often it ſhall be lawful to and for the ſaid Lord Chancellor or Lord Keeper of the Great Seal of England for the time being, from time to time to ſupply, appoint and authorize One, or ſo many Commiſſioners of the Counties of Wilts, Southampton or Dorſet, of the Nobility, or Knights and principal Gentlemen of the ſaid Counties, dwelling or having Eſtates within fifteen miles of the ſaid River, as ſhall make and fill up the before mentioned number of Commiſſioners; which ſaid Commiſſioners ſo ſupplyed, appointed and authorized as aforeſaid; not exceeding the number before mentioned, nor being under the number of One and thirty, or any ſeven or more of them, ſhall from thenceforth have like power and authority in all things, as thoſe Commiſſioners which are expreſly named in this Act; And that the Commiſſioners, and ſuch as from time to time for the future ſhall be ſupplyed as aforeſaid, or any ſeven or more of them have like power and authority to Survey the ſaid Haven and River, and all Wharfs, Saſſes, Locks, Wears, Turnpikes, Penns for water, and all Ditches, Sewers and Streams running into the ſaid River; and the Mills, Mill-dams, Floodgates, Walls, Banks and Bridges now made, or hereafter to be made and built upon the ſame, and all Impediments, Decays, Loſs and Annoyances in the ſame, and make like Proceſs to inquire thereof, and to ſet ſuch Fines, Penalties, and to make ſuch Orders and Decrees for altering, amending or removing the ſame, as any Commiſſioners of Sewers by any Law, Statute, or Commiſſion of Sewers are enabled to do in other Rivers and Places; Any Law or Statute to the contrary notwithſtanding.

The powers to make orders and conſtitutions.

To impoſe penalties upon the breakers.

And be it further enacted by the authority aforeſaid, That the ſaid Undertakers authorized as aforeſaid for the making the ſaid Haven and Paſſages, from time to time ſhall have full power and authority by and with the conſent of the ſaid Commiſſioners, or any ſeven or more of them, to make Orders and Conſtitutions for the good and orderly uſage of the ſaid Haven and Paſſages; and for all Wharfs, Saſſes, Locks, Wears and Turnpikes, and for all Ships and Veſſels, Barges, Lighters, Boats, Boat-men, Paſſengers, Carriages and Rates for Carriages, by or through the ſaid Haven or Paſſages, and all things concerning the ſame; and to ſet, lay and execute ſuch reaſonable pains and puniſhments upon the Breakers thereof, as to them in diſcretion ſhall ſeem meet and reaſonable: which ſaid Orders and Conſtitutions being put in Writing under the Hands and Seals of the ſaid Undertakers, and being allowed by the ſaid Commiſſioners, or any ſeven or more of them, under their ſeveral Hands and Seals, and by the Juſtices of Aſſize of the ſaid ſeveral

Counties of Wilts and Southampton, which ſhall be at the time of the Signing, Sealing and Publiſhing of the ſaid Orders as aforeſaid, ſhall be binding to all perſons whatſoever; any Law or Uſage to the contrary notwithſtanding. The ſaid Orders and Conſtitutions to be kept amongſt the Records of the Seſſions of the Peace for the City of New-Sarum by the Clerk of the Peace for the time being of the ſaid City, Tranſcripts whereof ſhall be delivered to the ſeveral Clerks of the Peace of the reſpective Counties of Wilts and Southampton, to be by them kept upon Record amongſt the Records of the Seſſions of the ſaid reſpective Counties. All which ſhall be taken, adjudged and deemed good and ſufficient Evidence and proof in any Court of Record whatſoever. Nevertheleſſe the Juſtices of Aſſize for the Counties of Wilts and Southampton, upon complaint to them made by any perſons grieved with the ſaid Taxations, Aſſeſſements, Charges, Orders, Conſtitutions, Pains and Penalties, or any of them, ſhall and may abridge, moderate, alter or reform the ſame as they ſhall find juſt cauſe; ſuch Orders to be under the Hands and Seals of the ſaid Juſtices, and to be kept among the Records of the Seſſions as aforeſaid. And the reſpective Commiſſioners and Judges of Aſſize as aforeſaid, are from time to time to take ſpecial care in the manner of the laying and aſſeſſing of the ſaid Rates, and ordering and diſpoſing of the ſaid Haven, Paſſages and Wharf, that all opportunity for the Undertakers, or any other to engroſſe the Commodities of the ſaid Country, or impoſe upon the Markets, may be prevented.

Perſons grieved may appeal to the Juſtices of Aſſize.

And be it Enacted by the authority aforeſaid, That the ſaid Undertakers authorized as aforeſaid for the making the ſaid Haven and Paſſages reſpectively, and their ſeveral and reſpective Heirs and Aſſigns for ever, having firſt given ſatisfaction as aforeſaid, ſhall have, [illegible]ld, peaceably and quietly receive, demand, take and enjoy all and every the ſaid Rates, Profits and Advantages whatſoever which ſhall or may from time to time, and at all times hereafter be made, ariſe, grow or become due or payable for the Carriages of Wood, Coals, Corn, Salt, or any other Merchandiſes, Commodities or Carriages whatſoever, by any Ship or Veſſel, Barge, Boat, Lighter, or otherwiſe, up or down the ſaid Haven, River, new Channels, or the ſaid Saſſes, Locks, Wears, Turn-pikes, Pens for water, Cranes, Wharfs, or any of them; and alſo ſhall have and receive as aforeſaid all Penalties impoſed by the ſaid Orders as aforeſaid, and in caſe of Refuſal or Denial of Payment, ſhall and may ſue for the ſame by Action of Debt in any Court of Record; in which Action, no Wager of Law, Eſſoine or Protection ſhall be allowed; or may diſtrain or make ſtoppage of the ſaid Goods or Veſſels till they ſhall be ſatisfied for the ſame; And that all Fines and Amerciaments which ſhall be impoſed as aforeſaid, for any Annoyances and Offences which ſhall be at any time hereafter committed to the hurt or prejudice of the ſaid River, or any thing thereunto appertaining, ſhall be to the only uſe, benefit and behoof of the ſaid reſpective Undertakers, their ſeveral and reſpective Heirs, Succeſſors and Aſſigns for ever. And for that the Barges, Boats, Lighters, or other Veſſels muſt of neceſſity in ſome places, and at ſome times, be haled up by ſtrength of Men, Horſes, Winches, Engines, or other means in that behalf convenient;

The Undertakers to have the Taxes upon Carts, Carriages, &c.

Penalties, and how to recover the ſame.

Be it therefore Enacted by authority of this preſent Act, That it ſhall and may be lawful to and for Watermen, Boatmen, Bargemen, and other helpers of them, in convenient places, to have and uſe Winches, Ropes, and other Engines, and with the ſame, by ſtrength of Men, Horſes or other Beaſts, or any of them, going upon the Land or Banks near the ſaid River or Paſſages in convenient manner, without the hindrance, trouble or impeachment of any perſon or perſons, to Draw or Hale up the Barges, Boats, Lighters, or other Veſſels.

Drawing and haling of Barges, &c. upon the Banks.

Provided alwayes, That neither the ſaid Undertakers, nor Commiſſioners do make, or cauſe to be made any landing Place, Wharf or Key within the City of New Sarum, or the bounds or liberties thereof, or within one mile of the ſame, from Harnam-Bridge down the ſtream towards Chriſt-Church, without the conſent of the Lord Biſhop of Sarum, the Mayor and Recorder of the ſaid City for the time being, and the three antienteſt Aldermen of the ſaid City, or three of them, firſt had and obtained.

New-Sarum.

And be it further Enacted by the authority aforeſaid, That the ſaid Haven, River, Channels, Trenches, and all Wears, Wharfs, Raſſes, Locks, Turnpikes, Penns for water, and all other things whatſoever made and erected in order to making the ſaid Haven, and making Navigable the ſaid River and Channel as aforeſaid, ſhall from henceforth be in the ſole Rule, Order and Survey of the ſaid Undertakers and Commiſſioners as aforeſaid, and not under the Survey or Order of any Commiſſioners of Sewers, nor ſubject to a Commiſſion of Sewers, or any Laws or Statutes made for Sewers; any Law or Statute to the contrary hereof in any wiſe notwithſtanding.

The River, Havens, &c to be under the Survey of the Undertakers and Commiſſioners.

And be it further Enacted by the authority aforeſaid, That if any Action, Bill, Plaint or Suit be brought in any of His Majeſties Courts at Weſtminſter, or elſewhere againſt any perſon or perſons, for or concerning any matter or thing, by him, them, or any of them, done, adviſed or commanded to be done by vertue of this Act, That it ſhall and may be lawful for every ſuch perſon and perſons, and for all that act in their aid and aſſiſtance, or by their commandment to plead the General Iſſue that he or they are not Guilty: And to give this Act, or any clauſe, matter or thing therein contained in Evidence to the Jury that ſhall try the ſame, for their juſtification, without ſpecial Pleading of the ſame, and ſhall thereupon take advantage of this Act as fully to all intents and purpoſes, as if the ſame had been by them fully and well pleaded.

Perſons ſued for acting upon this Act, may plead the general Iſſue.

Provided alſo, and be it Enacted by the authority aforeſaid, That Philip Earl of Pembroke and Montgomery ſhall and may have power, authority, and liberty (if he ſhall ſee cauſe, and find it to be neceſſary and convenient to the publick good) to enlarge and make Navigable the River of Wiley from Harnam-Bridge aforeſaid, ſo far as Wilton in the County of Wilts,

Wiley-River

and in order thereunto, to put in execution the ſeveral Powers of this Act in relation to the ſaid River of Wiley, in the ſame and as ample manner as the ſaid River of Avon may be made Navigable by this Act, and under the ſame Proviſoes, Reſtrictions and Limitations.

Anno *XVII. Caroli II. Regis.*

CAP. I.

Twelve hundred and fifty thouſand pounds granted to the Kings Majeſty, for his preſent further Supply, to be paid in Two years, as an Addition to the Royal Ayd, to commence Decemb. 25. 1665. EXP.

CAP. II.

Non-Conformiſts reſtrained from Inhabiting in Corporations.

14 Car. 2. cap. 4.

WHereas divers Parſons, Vicars, Curates, Lecturers, and other perſons in Holy Orders, have not declared their unfeigned aſſent and conſent to the uſe of all things contained and preſcribed in the Book of Common Prayer, and Adminiſtration of the Sacraments, and other Rites and Ceremonies of the Church, according to the uſe of the Church of England, or have not ſubſcribed the Declaration or Acknowledgment contained in a certain Act of Parliament made in the Fourteenth year of his Majeſties Reign, and entituled, An Act for the Uniformity of Publick Prayers and Adminiſtration of Sacraments, and other Rites and Ceremonies, and for the Eſtabliſhing the Form of Making, Ordaining and Conſecrating of Biſhops, Prieſts and Deacons in the Church of England, according to the ſaid Act, or any other ſubſequent Act. And whereas they or ſome of them, and divers other perſon and perſons not Ordained according to the Form of the Church of England, and as have ſince the Act of Oblivion taken upon them to Preach in unlawful Aſſemblies, Conventicles or Meetings, under colour or pretence of Exerciſe of Religion, contrary to the Laws and Statutes of this Kingdom, have ſetled themſelves in divers Corporations in England, ſometimes Three or more of them in a place, thereby taking an opportunity to diſtill the poyſonous Principles of Schiſm and Rebellion into the hearts of his Majeſties Subjects, to the great danger of the Church and Kingdom:

Perſons reſtrained from Inhabiting in Corporations.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Parſons, Vicars, Curates, Lecturers and other perſons in Holy Orders, or pretended holy Orders, or pretending to holy Orders, and all Stipendaries, and other perſons who have been poſſeſſed of any Eccleſiaſtical or Spiritual Promotion, and every of them, who have not declared their unfeigned aſſent and conſent as aforeſaid, and ſubſcribed the Declaration aforeſaid, and ſhall not take and ſubſcribe the Oath following;

The Oath.

I A. B. Do Swear, That it is not lawful upon any pretence whatſoever, to take Arms againſt the King; and that I do abhor that Traiterous Poſition of taking Arms by His Authority againſt His Perſon, or againſt thoſe that are Commiſſioned by him, in purſuance of ſuch Commiſſions; And that I will not at any time endeavour any Alteration of Government, either in Church or State.

And all ſuch perſon and perſons as ſhall take upon them to Preach in any unlawful Aſſembly, Conventicle or Meeting, under colour or pretence of any Exerciſe of Religion, contrary to the Laws and Statutes of this Kingdom, ſhall not at any time from and after the Four and twentieth day of March, which ſhall be in this preſent year of our Lord God, One thouſand ſix hundred ſixty and five, unleſs onely in paſſing upon the Road, come or be within Five miles of any City or Town Corporate, or Burrough that ſends Burgeſſes to the Parliament within his Majeſties Kingdom of England, Principality of Wales, or of the Town of Berwick upon Tweed, or within Five miles of any Pariſh, Town or place, wherein he or they have ſince the Act of Oblivion been Parſon, Vicar, Curate, Stipendary or Lecturer, or taken upon them to preach in any unlawful Aſſembly, Conventicle or Meeting, under colour or pretence of any Exerciſe of Religion, contrary to the Laws and Statutes of this Kingdom, before he or they have taken and ſubſcribed the Oath aforeſaid, before the Juſtices of the Peace at their Quarter Seſſions to be holden for the County, Riding, or Diviſion next unto the ſaid Corporation, City, or Burrough, Pariſh, place or Town, in open Court, (which ſaid Oath the ſaid Juſtices are hereby Impowered there to adminiſter) upon forfeiture for every ſuch offence the ſum of Forty pounds of lawful Engliſh money; the one Third part thereof to his Majeſty and his Succeſſors; the other third part to the uſe of the poor of the Pariſh where the offence ſhall be committed; and the other third part thereof to ſuch perſon or perſons as ſhall or will ſue for the ſame by Action of Debt, Plaint, Bill, or Information in any Court of Record at Weſtminſter, or before any Juſtices of Aſſize, Oyer and Terminer, or Gaol-Delivery, or before any Juſtices of the Counties Palatine of Cheſter, Lancaſter, or Durham, or the Juſtices of the Great Seſſions in Wales, or before any Juſtices of Peace in their Quarter-Seſſions, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed.

The penalty.

Provided always, and be it further enacted by the authority aforeſaid, That it ſhall not be lawful for any perſon or perſons reſtrained from coming to any City, Town corporate, Burrough, Pariſh, Town or place, as aforeſaid, or for any other perſon or perſons as ſhall not firſt take and ſubſcribe the ſaid Oath, and as ſhall not frequent Divine Service eſtabliſhed by the Laws of this Kingdom, and carry him or her ſelf reverently, decently and orderly there, to Teach any publique or private School, or take any Boarders or Tablers that are Taught or Inſtructed by him or her ſelf, or any other, upon pain for every ſuch offence to forfeit the ſum of Forty pounds, to be recovered and diſtributed as aforeſaid.

Provided alſo, and be it further enacted by the authority aforeſaid, That it ſhall be lawful for any two Juſtices of the peace of the reſpective County, upon oath to them of any offence againſt this Act, which Oath they are hereby Impowred to adminiſter, to commit the offendor for Six moneths without Bail or Mainpriſe, unleſs upon or before ſuch Commitment, he ſhall before the ſaid Juſtices of the peace, ſwear and ſubſcribe the aforeſaid Oath and Declaration.

Provided always, That if any perſon intended to be Reſtrained by vertue of this Act, ſhall without fraud or covin be Served with any Writ, Subpœna, Warrant, or other Proceſs whereby his perſonal appearance is required, his obedience to ſuch Writ, Subpœna or Proceſs, ſhall not be conſtrued an offence againſt this Act.

CAP. III.

For Uniting Churches in Cities and Towns Corporate.

Foraſmuch as the ſetled Proviſion for Miniſters in moſt Cities and Towns Corporate within this Realm, is not ſufficient for the Maintenance of able Miniſters fit for ſuch places, whereby Mean and Stipendary Preachers are entertained to ſerve the Cures there, who wholly depending for their Maintenance upon the good will and liking of their Auditors, have been, and are hereby under temptation of too much complying, and ſuiting their Doctrine and Teaching to the humour rather then good of their Auditors, which hath been a great occaſion of Faction and Schiſme, and of the contempt of the Miniſtry: The Lords and Commons in Parliament Aſſembled, being deeply ſenſible of the ill conſequence thereof, and piouſly deſiring able Miniſters in ſuch places: and a competent ſetled Maintenance for them by the Union of Churches; which is alſo become neceſſary, by reaſon of the great Ruine of many Churches and Pariſhes in the late ill times, and otherwiſe; Do therefore moſt humbly beſeech Your moſt Excellent Majeſty, That it may be Enacted, and be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled; and by the Authority of the ſame, That in every City or Town Corporate and their Liberties within the Kingdom of England, and Dominion of Wales, which have a Mayor and Aldermen, and particular Juſtices of the Peace by Charter or Commiſſion, or Bayliff or Bailiffs, or other Chief Officer or Officers, and other Aſſiſtants by like Charter; and where two or more Churches or Chappels, or a Church and a Chappel, and the Pariſhes thereunto belonging do lie within the ſaid Corporation, or Liberties thereof, convenient to be united: In ſuch caſes the Biſhop of the Dioceſs where ſuch Pariſh and Pariſhes are, with the conſent of the Mayor, Aldermen, and Juſtices of the Peace, Bayliff or Bayliffs, or other Chief Officer or Officers, or the major part of them, and of the Patron or Patrons of ſuch Church or Churches, Chappel or Chappels, ſhall or may according to due form of Law unite the ſaid Churches or Chappels, or Church and Chappel, or any of them, and ſhall appoint at which Church or Chappel, Churches or Chappels the ſaid Pariſhioners and Inhabitants of the ſaid Pariſhes or places to which the ſaid Churches or Chappels, or Church and Chappel do belong, ſhall uſually meet for the worſhip of God, and which of the ſaid Churches or Chappels, or Church or Chappel ſhall be united and annexed unto the other, which ſhall be the Church Preſentative, unto which all Preſentations ſhall thereafter be only made, and unto which the Pariſhioners ſhall reſort as their proper Church. And after ſuch Order made, the ſaid Churches or Chappels, or Church and Chappel ſhall accordingly for ever ſtand united: And the Pariſhioners, Landholders, and Inhabitants of the ſaid pariſhes and Places belonging to ſuch Churches or Chappels, or Church and Chappel ſo united and annexed, ſhall as they, or any of them become void, and from thenceforward pay all ſuch Tythes and other Duties as belong, or did belong to the Incumbent of any of the ſaid Churches or Chappels, or Church and Chappel ſo united and annexed, unto the Incumbent of the ſaid Preſentative Church or Chappel, unto which the ſaid other Churches or Chappels, or Church or Chappel ſhall be ſo united and annexed.

In what Cities and Towns, and how Churches and Chappels may be united.

And it is hereby alſo Enacted, That notwithſtanding any ſuch Union to be made by vertue hereof, each of the Pariſhes ſo united, ſhall continue diſtinct, as to all rates, Taxes, Parochial Rites, Charges and Duties, and all other Priviledges, Liberties and reſpects whatſoever, other then what is herein before mentioned and ſpecified; And Churchwardens ſhall be elected and appointed for each Pariſh, as they were before ſuch union made.

Pariſhes ſhall remain diſtinct notwithſtanding ſuch Union of Churches.

And it is further Enacted and Provided, That where one or more of the ſaid Churches or Chappels, or Church and Chappel ſo united and annexed ſhall be full at the time of making ſuch Union, That the ſaid Union ſhall take effect for every ſuch Church or Chappel, upon the firſt Avoidance after ſuch Union made: And that the ſeveral Patrons of the ſaid Churches and Chappels ſo United, ſhall and may preſent by turns to that Church onely which ſhall remain and be preſentative from time to time, in ſuch order as the ſaid Biſhop with the conſent of the ſaid Mayor, Aldermen, and Juſtices of Peace, Bayliff or Bayliffs, or other chief Officer or Officers within ſuch Pariſhes, or the major part of them, and of the Patron or Patrons of ſuch Church or Churches, Chappel or Chappels, ſhall determine and decree for the preſervation of their reſpective Rights therein, reſpect being therein had to the differences of the values of the yearly Maintenance belonging to ſuch Churches or Chappels, or any of them: Saving unto the Kings Majeſty, His Heirs and Succeſſors, all the Tenths and Firſt-Fruits of all ſuch Churches and Chappels ſo to be United, according to the rates and valuations at which the ſaid Churches and Chappels are Rated and Valued in the Office of Firſt-Fruits and Tenths, in his Majeſties Court of Exchequer: And alſo reſerving all Procurations and Penſions to all perſons to whom they are now,

How and when ſuch Uniting ſhall take effect.

And how ſeveral Patrons ſhall preſent.

and have been formerly, or ſhall be hereafter due and payable; Any thing herein contained notwithſtanding.

How Unions muſt be regiſtred,

Provided always, That no Union of Pariſhes or places to be made by vertue of this Act ſhall commence or be effectual in Law, untill it be Regiſtred in the Regiſter Book of the Biſhop of the Dioceſs, which the Regiſter is hereby required to do.

Pariſhes having 100 l. maintenance may not be United.

Provided always, That no Union made by vertue hereof, ſhall be good and effectual where the ſetled Maintenance belonging to the Parſons, Vicars and Incumbents of the Church or Chappel, or Churches or Chappels ſo United, ſhall exceed the ſum of One hundred pounds *per annum* cleer, and above all Charges and Repriſes, unleſs the reſpective Pariſhioners, or the major part of them, under their hands deſire otherwiſe.

Incumbents of ſuch United Pariſhes muſt be graduates of the Univerſity.

Provided always, And be it Enacted, That every Miniſter ſetled as aforeſaid, the Incumbent of any Church or Chappel, or Churches and Chappels united according to this Act, ſhall be the ful and lawful Incumbent thereof to all intents and purpoſes, ſo as ſuch Miniſter be a Graduate in one of the Univerſities of this Kingdom.

Owners of Impropriations may beſtow and annex maintenance to the Churches where they lie.

And be it further Enacted by the Authority aforeſaid, That every Owner or Proprietor, Owners or Proprietors of any Impropriation, Tythes, or Portion of Tythes, in any Pariſh or Chappelry within the Kingdom of England, or Dominion of Wales, is, are, and ſhall be by vertue of this Act, inabled and impowred to give or beſtow, unite and annex the ſame, or any part thereof, unto the Parſonage or Vicarage, of the ſaid Pariſh Church or Chappel where the ſame do lie, or ariſe, or ſettle the ſame in Truſt for the benefit of the ſaid Parſonage or Vicarage, or of the Curate and Curates there ſucceſſively, where the Parſonage is Impropriate, and no Vicar indowed according to his or their reſpective Eſtates, without any Licence of Mortmain; Any Law or Statute to the contrary notwithſtanding.

Without licenſe of Mortmain.

Parſons and Vicars not having ſetled means of 100 l. per annum, may purchaſe and annex lands or rents.

And be it further Enacted, That if the ſetled Maintenance of ſuch Parſonage, Vicarages, Churches and Chappels ſo united, or of any other Parſonage or Vicarage with Cure in the Kingdom of England, or Dominion of Wales, ſhall not amount to the full ſum of One hundred pounds *per annum*, clear and above all charges and repriſes, That then it ſhall be lawful for the Parſon, Vicar, and Incumbent of the ſame, and his ſucceſſors, to take, receive, and purchaſe to him and his ſucceſſors Lands, Tenements, Rents, Tythes or other Hereditaments, without any Licenſe of Mortmain; Any Law or Statute to the contrary notwithſtanding.

Without licenſe in Mortmain.

CAP. IV.

A Former Act for Regulating the Preſs Continued.

14 Car. 2. cap. 2.

Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That an Act made in the Fourteenth year of the Reign of our Soveraign Lord the King that now is Entituled, An Act for preventing Abuſes in Printing Seditious, Treaſonable, and Unlicenſed Books and Pamphlets, and for Regulating of Printing, and Printing Preſſes, ſhall be continued with the Alterations and Additions made in and by this Act, and ſhall remain in force untill the end of the Firſt Seſſion of the next Parliament.

Three printed Copies of every Book in London, how to be diſpoſed.

And be it further Enacted, That from and after the Six and twentieth day of December, One thouſand ſix hundred ſixty five, Every Printer within the City of London, or in any other place, except the Two Univerſities, ſhall reſerve Three Printed Copies of the beſt and largeſt Paper of every Book new Printed, or reprinted by him with Additions; and ſhall before any publick Vending of the ſaid Book, bring them to the Maſter of the Company of Stationers, and deliver them to him; One whereof ſhall by the ſaid Maſter of the ſaid Company of Stationers, within Ten days after he hath ſo received the ſame, be delivered to the Keeper of His Majeſties Library, and the other two, within the ſaid ten days, to be ſent to the Vice-Chancellour of the two Univerſities reſpectively, for the uſe of the publick Libraries of the ſaid Univerſities.

Books printed in the Univerſities.

And it is further enacted, That the Printers in the ſaid Univerſities, and every of them reſpectively from and after the ſaid Six and twentieth day of December, ſhall deliver one ſuch Printed Copy as aforeſaid, of every Book ſo new Printed, or reprinted in the ſaid Univerſities or in either of them, to the Keeper of his Majeſties Library as aforeſaid; as alſo to the Vice Chancellour of either of the ſaid Univerſities for the time being, two other ſuch Printed Copies for the uſe of the publick Libraries of the ſaid Univerſities reſpectively. And if any of the printers aforeſaid, or the ſaid Maſter of the Company of Stationers ſhall not obſerve the direction of this Act therein, That then he and they ſo making default, in not delivering the ſaid printed Copies as aforeſaid, ſhall ſeverally forfeit beſides the value of the ſaid Printed Copies, the ſum of Five pounds for every Copy not ſo delivered, as as alſo the value of the ſaid printed Copies not ſo delivered: The ſame to be recovered by His Majeſty, His Heirs and Succeſſors, and by the Chancellour, Maſters and Scholars of either of the ſaid Univerſities reſpectively, by Action of Debt, Bill, Plaint or Information in any of His Majeſties Courts of Record at Weſtminſter wherein no Eſſoyn, Protection, or Wager of Law ſhall be allowed.

CAP. V.

Thomas Doleman, Joſeph Bampfield, and Thomas Scot attainted of High Treaſon, if they render not themſelves by a Day.

In all humble manner ſhew unto Your moſt Excellent Majeſty, Your Majeſties moſt dutiful and Loyal Subjects the Lords Spiritual & Temporal, and Commons Aſſembled in Parliament, That whereas it is notoriouſly known, that Thomas Dolman, Joſeph Bampfield alias Stepner, and Thomas Scot ſon of Thomas Scot lately Executed as a moſt execrable Traitor, and one of the horrid & bloody murderers of his late Royal Majeſty King Charles the Firſt of ever bleſſed memory, contrary to the duty of their Allegiance, have moſt traiterouſly and wickedly adhered, and ſtill do adhere to Your Majeſties enemies beyond the Seas where they as yet remain and commit divers Treaſonable acts, without any ſence of loyalty to your Majeſty, or of natural affection to their native Country:

May it therefore pleaſe Your moſt Excellent Majeſty, That it may be Enacted, And be it Enacted by the Kings moſt Excellent Majeſty, by and with the conſent and Advice of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, That if the ſaid Thomas Dolman, Joſeph Bampfeild alias Stepner, and Thomas Scot, ſhall not return into the Realm of England, and render themſelves to ſome or one of His Majeſties Juſtices of the Peace for the County wherein he or they ſhall firſt arrive, at, or before the firſt day of February next enſuing, and alſo abide their Legal Trial for ſuch their Treaſons; Then every of them the ſaid Thomas Dolman, Joſeph Bampfeild alias Stepner, and Thomas Scot, not rendering himſelf as aforeſaid, or not abiding his Trial aforeſaid, ſhall from and after the ſaid Firſt day of February ſtand and be adjudged attainted of High Treaſon, to all intents and purpoſes whatſoever, and ſhall ſuffer and forfeit as a perſon attaint of High Treaſon by the Laws of the Land ought to ſuffer and forfeit.

Thomas Dolman, Joſeph Bampfeild, Thomas Scot.

And be it further Enacted by the Authority aforeſaid, That all and every perſon and perſons who now are, or hereafter ſhall be beyond the Seas, and whom His Majeſty by any of His Royal Proclamations to be iſſued under the Great Seal of England, during the continuance of this War with the States of the United Provinces, ſhall name and require to return into England, and render themſelves by a certain day therein to be mentioned to ſome or one of His Majeſties Juſtices of the Peace for the County wherein he or they ſhall firſt arrive, and ſhall not return and render themſelves accordingly, and abide their legal Trial ſhall from and after the day to them to be prefixed by ſuch Proclamation, ſtand and be attainted of High Treaſon to all intents and purpoſes, and ſhall ſuffer ſuch pains and penalties, and undergo all ſuch forfeiture as perſons attainted of High Treaſon ought to do.

Perſons beyond Sea, by Proclamation are required to return into England.

Provided, That the time to be prefixed by ſuch Proclamation for the perſons therein to be named to render themſelves, be not leſs then the time and term of three calender moneths, from and after the Date of ſuch Proclamation.

The time by ſuch Proclamation Three moneths at leaſt.

And be it further Declared and Enacted by the Authority aforeſaid, That all and every His Majeſties Subjects, who from and after the Firſt day of February next enſuing, ſhall at any time during the continuance of the ſaid War, ſerve the States of the United Provinces, either by Land or Sea, as a Souldier or Seaman on this ſide the Straights; Or from and after the Firſt day of May in the year of our Lord One thouſand ſix hundred ſixty and ſix, within the Straights; Or from and after the Firſt day of Auguſt in the ſaid year, One thouſand ſix hundred ſixty ſix, in Africa or America, or any where beyond the Straights; on this ſide the Equinoctial; Or from and after the Firſt of February, in the ſaid year One thouſand ſix hundred ſixty ſix, in the Eaſt-Indies, or any part beyond the Equinoctial, ſhall be and are hereby Attainted of High Treaſon, and ſhall ſuffer and forfeit to all intents and purpoſes, as perſons Attainted of High Treaſon ought to do.

Perſons ſerving the States of the United Provinces during the War.

CAP. VI.

Damage Cleere taken away.

Whereas the moneys which are taken by Prothonotaries of your Majeſties Court of Kings-Bench and Common-Pleas, and by the Clerk of your Majeſties Court of Exchequer at Weſtminſter, and the Prothonotaries of your Majeſties Court of Common-Pleas at Lancaſter, and the Prothonotaries and Clerks of other your Majeſties Courts within the Realm of England, and Dominion of Wales, in the name of Damna Clericorum, or Damage Cleere, are an unneceſſary charge and burden to all your Majeſties Subjects, who have good cauſe, and are put to Sue for Damages in Actions where Damages are recoverable.

Damna Clericorum.

For avoiding of which inconveniences for the future, and that your Majeſties Subjects may have an eaſier means for the recovery of their damages, and juſt rights, which are unjuſtly detained from them: May it pleaſe your moſt Excellent Majeſty that it may be enacted; And the Kings moſt Excellent Majeſty being willing upon all occaſions to eaſe his Subjects of all unneceſſary charges and burdens, is graciouſly pleaſed, That it be enacted, And be it enacted by the Kings moſt Excellent Majeſty, with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That immediately from and after the Twenty ninth day of September, which ſhall be in the year of our Lord, One thouſand ſix hundred ſeventy two, no Damage Cleere ſhall by any Title or Precept whatſoever, be due, payable, taken or received from any perſon or perſons in any Action whatſoever, ſued or proſecuted in any of His Majeſties Courts at Weſtminſter, or elſewhere within the Kingdom of England, or Dominion of Wales, by any Prothonotary, Clerk or Clerks, or other Officer or Officers of the ſaid Courts reſpectively: And that from and after the day and year aforeſaid, the ſaid Fee of Damna Clericorum, or Damage Cleere, ſhall wholly ceaſe, and be for ever aboliſhed in the ſaid Courts; And that if any Prothonotary, Clerk or Clerks, or other Officer in any of the ſaid Courts, ſhall take or exact any ſum or ſums of money in the name of Damna Clericorum, or Damage Cleere, or any thing in lieu thereof, after the day and year above mentioned: Or if any of the ſaid Prothonotaries, Clerk or Clerks or their Deputies, at any time before the ſaid Twenty ninth day of September in the year aforeſaid, ſhall exact or take any Damage Cleere, or ſum of money, Bond or Security in lieu thereof, from any Plaintiff or Plaintiffs, Demandant or Demandants, in any Action where damages have been, or hereafter ſhall

Shall determine and not be taken after the 29 day of September 1672.

The penalty.

ſhall be recovered in any of the ſaid Courts, or ſhall refuſe or delay to Sign any Judgment, untill Damage Cleere be firſt paid by the Plaintiff or Demandant (which are not to be paid, unleſſe forth of the moneys levied from, or paid by the Defendants, as is herein after provided and mentioned) He or they ſo offending, ſhall forfeit treble the ſum ſo taken, exacted or demanded, to the party or parties grieved, to be recovered by Bill, Plaint or Information in any of the ſaid Courts, wherein no Eſſoyn, Protection or Wager of Law ſhall be allowed.

In what caſes only they may be taken untill the 29 September, 1672.

Provided, and be it further Enacted, That untill the Nine and twentieth day of September, which ſhall be in the year of our Lord God, One thouſand ſix hundred ſeventy and two, and no longer, the Damage Cleere ſhall be paid, anſwered, and allowed out of ſuch ſum and ſums of money onely as ſhall be actually levied, or otherwiſe paid by or from the Defendants; and onely for the proportion of the ſum and ſums of money which ſhall be ſo levied or otherwiſe paid as aforeſaid, and no more or otherwiſe.

CAP. VII.

For a more ſpeedy and effectual proceeding upon Diſtreſſes and Avowries for Rents.

FOraſmuch as the ordinary remedy for Arrearages of Rents, is by Diſtreſs upon the lands chargeable therewith; And yet nevertheleſs by reaſon of the intricate and dilatory proceedings upon Replevins, That Remedy is become ineffectual:

Plaintiff in Replevin being non-ſuit before Iſſue joyned.

How the Defendant may Avow.

The Plaintiff nonſuit after Avowry made, &c.

For remedy thereof, It is Enacted by the Kings moſt Excellent Majeſty, with the Advice and Aſſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That whenſoever any Plaintiff in Replevin, ſhall be Non-ſuit before Iſſue joyned in any Suit of Replevin, by Plaint or Writ lawfully returned, removed, or depending in any of the Kings Courts at VVeſtminſter, That the Defendant making a Suggeſtion in nature of an Avowry or Cognizance for ſuch Rent, to aſcertain the Court of the cauſe of Diſtreſs; The Court upon his Prayer ſhall awarde a Writ to the Sheriff of the County where the Diſtreſs was taken, to enquire by the Oaths of Twelve good and lawful men of his Bayliwick, touching the Sum in Arrear at the time of ſuch Diſtreſs taken, and the value of the Goods or Cattel diſtrained; And thereupon notice of Fifteen days ſhall be given to the Plaintiff or his Attorney in Court, of the ſitting of ſuch Enquiry; and thereupon the Sheriff ſhall enquire of the truth of the matters contained in ſuch Writ, by the Oaths of Twelve good and lawful men of his County: And upon the return of ſuch Inquiſition, the Defendant ſhall have Judgement to recover againſt the Plaintiff the Arrearages of ſuch Rent, in caſe the Goods or Cattel diſtrained ſhall amount unto that value: And in caſe they ſhall not amount to that value, then ſo much as the value of the ſaid Goods and Cattel ſo diſtrained ſhall amount unto, together with his full Coſts of ſuit, and ſhall have Execution thereupon by Fieri facias, or Elegit, or otherwiſe as the Law ſhall require. And in caſe ſuch Plaintiff ſhall be nonſuit after Cogniſance or Avowry made, and Iſſue joyned, or if the Verdict ſhall be given againſt ſuch Plaintiff; then the Jurors that are Impannelled or Returned to inquire of ſuch Iſſue, ſhall at the prayer of the Defendant inquire concerning the Sum of the Arrears, and the value of the Goods or Cattel diſtrained: And thereupon the Avowant, or he that makes Cogniſance ſhall have Judgment for ſuch Arrearages, or ſo much thereof as the Goods or Cattel diſtrained amount unto, together with his full Coſts, and ſhall have Execution for the ſame by Fieri facias or Elegit, or otherwiſe, as the Law ſhall require.

Judgement upon Demurrer for the Avowant.

And be it Further Enacted by the Authority aforeſaid, That if Judgement in any of the Courts aforeſaid be given upon Demurrer for the Avowant, or him that maketh Cogniſance for any Rent, the Court ſhall at the prayer of the Defendant award a Writ to inquire of the value of ſuch Diſtreſs; and upon the return thereof Judgement ſhall be given for the Avowant, or him that makes Cogniſance as aforeſaid, for the Arrears alledged to be behind in ſuch Avowry or Cogniſance, if the Goods or Cattel ſo diſtrained ſhall amount to that value: And in caſe they ſhall not amount to that value then for ſo much as the ſaid Goods or Cattel ſo diſtrained amount unto, together with his full Coſts of Suit, and ſhall have like Execution as aforeſaid.

Provided always, And be it Enacted, That in all Caſes aforeſaid, where the value of the Cattel diſtrained as aforeſaid, ſhall not be found to be to the full value of the Arrears diſtrained for, that the party to whom ſuch Arrears were due, his Executors or Adminiſtrators may from time to time diſtrain again for the Reſidue of the ſaid Arrears. 19 Car. 2. c. 5.
This Act made to extend to VVales and Counties Palatine.

CAP. VIII.

An Act for avoiding unneceſſary Suits and Delayes.

Death of either party between the Verdict and Judgment.

FOr the avoiding of unneceſſary Suits and Delayes, Be it enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That in all Actions perſonal and real, or mixt, the death of either party between the Verdict and the Judgment, ſhall not hereafter be alledged for Error; ſo as ſuch Judgment be entred within two Terms after ſuch Verdict.

Judgment obtained by an Executor.

And be it further enacted by the authority aforeſaid, where any Judgment after a verdict ſhall be had, by or in the name of any Executor or Adminiſtrator; In ſuch caſe an Adminiſtrator de bonis non may ſue forth a Scire facias, and take Execution upon ſuch Judgment.

The continuance of this Act.

This Act to continue for the ſpace of Five years; and from thence to the end of the next Seſſion of Parliament.

CAP. IX.

An Act for granting One Moneths Aſſeſment to His Majeſty, to be beſtowed on His Highneſſe the Duke of York, as a grateful remembrance of ſervice againſt the Dutch Fleet; the payment thereof to commence Decemb, 26. 1667. and end. Jan. 26. following. EXP.

Anno XVIII. Caroli II. Regis.

CAP. I.

Moneys raiſed by a Poll, and otherwiſe, towards the Maintenance of the preſent War. EXP.

CAP. II.

Cattel may not be Imported from Ireland and other parts beyond the Seas; nor Fiſh taken by Foreigners.

Whereas by an Act of this preſent Parliament, entituled, An Act for the Encouragement of Trade, amongſt other things, ſome proviſion was made for the preventing of coming in of vaſt Numbers of Cattel, whereby the Rents and Values of the Land of this Kingdome were much fallen, and like daily to fall more, to the great prejudice, detriment and impoveriſhment of this Kingdom; which neverthele ſs hath by experience been found to be ineffectual; and the continuance of any Importation, either of the Lean or Fat Cattel, dead or alive, herein after ſpecified, not onely unneceſſary, but very deſtructive to the welfare of this Kingdome: Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That ſuch Importation from and after the ſecond day of February, in this preſent year, One thouſand ſix hundred ſixty and ſix, is a publick and common Nuſance, and ſhall be ſo adjudged, deemed and taken to be to all intents and purpoſes whatſoever. And that if any great Cattel, Sheep or Swine, or any Beef, Pork or Bacon (except for the neceſſary proviſion of the reſpective Ships or Veſſels in which the ſame ſhall be brought, not expoſing the ſame, or any part thereof to Sale) ſhall from and after the ſaid ſecond day of February, by any wiſe whatſoever, be Imported or brought from beyond Seas into this Kingdom of England, Dominion of VVales, or Town of Berwick upon Tweed; That then it ſhall and may be lawful for any Conſtable, Tything-man, Headborough, Church-wardens or Overſeers of the poor, or any of them, within their reſpective Liberties, pariſhes or places, to take and ſeize the ſame, and keep the ſame during the ſpace of Eight and forty hours, in ſome publick or convenient place where ſuch Seizure ſhall be made; within which time, if the Owner or Owners, or any for them or him, ſhall make it appear unto ſome Juſtice of the peace of the ſame County, where the ſame ſhall be ſo ſeized, by the Oath of two credible Witneſſes; which Oath the ſaid Juſtice of peace is hereby impowred and required to adminiſter, That the ſame were not Imported from Ireland, or from any other place beyond the Seas, not herein after excepted, after the ſaid ſecond day of February; Then the ſame upon the Warrant of ſuch Juſtice of peace, ſhall be delivered without delay: But in default of ſuch proof and Warrant, then the ſame to be forfeited: One half thereof to be diſpoſed to the uſe of the poor of the pariſh where the ſame ſhall be ſo found or ſeized: the other half to be to his or their own uſe that ſhall ſo ſeize the ſame.

15 Car. 2. cap. 5. Stat. 3.

Importation of Cattel a common Nuſance.

The penalty.

And for the better encouragement of the Fiſhery of this Kingdom, Be it further enacted by the authority aforeſaid, That if any Ling, Herring, Cod or Pilchard, freſh or ſalted, dryed or bloated, or any Salmons, Eels or Congers taken by any Foreigners, Aliens to this Kingdom, ſhall be imported, uttered, ſold, or expoſed to ſale in this Kingdom: That then it ſhall and may be lawful for any perſon or perſons to take and ſeize the ſame: The one half thereof to be diſpoſed of to the uſe of the poor of the pariſh where the ſame ſhall be ſo found or ſeized; the other half to his or their own uſe, which ſhall ſo ſeize the ſame.

Encouragement of Fiſhery.

Provided always, That nothing in this Act ſhall be conſtrued to hinder the Importation of Cattel from the Iſle of Man in this Kingdom of England, ſo as the number of the ſaid Cattel do not exceed Six hundred Head yearly: And that they be not of any other Breed then of the Breed of the Iſle of Man; And that they be landed at the Port of Cheſter, or ſome of the Members thereof, and not elſewhere.

Iſle of Man.

This Act to continue until the end of Seven years, and from thence to the end of the Firſt Seſſion of the next Parliament.

CAP. III.

A former Act for preventing of Theft and Rapine upon the Northern Borders of England, Continued.

VVhereas an Act was made in the Fourteenth year of the Reign of our Soveraign Lord the King that now is, entituled, An Act for preventing of Theft and Rapine upon the Northern Borders of England; which Act is very near expiring, and hath been found very neceſſary for the preſervation of thoſe places from that great number of Lewd, Diſorderly, and Lawleſs perſons, that uſually frequented thereabouts: Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That the ſaid Act, and every Clauſe and Clauſes therein contained, and all and every the Powers and Authorities thereby given, be, continue, and remain in force untill the end of Seven years from the expiration or determination of the fore-mentioned Act.

14 Car. 2. cap. 22.

And

Clergy taken away from notorious Thieves in Northumberland, Cumberland.

And be it further enacted by the authority aforeſaid, That the benefit of Clergy ſhall be taken away from great, known and notorious Thieves and Spoil-takers in the ſaid Counties of Northumberland, Cumberland, or either of them, during the continuance of this preſent Act, who ſhall be duly convicted for Theft done or committed within the ſaid Counties, or either of them: Or otherwiſe, That it ſhall and may be lawful to and for the Juſtices of the Aſſize, and Commiſſioners of Oyer and Terminer, or Gaol-delivery, before whom ſuch Offendors ſhall be convicted within the ſaid Counties, or either of them, to Tranſport, or cauſe to be Tranſported the ſaid Offendors, and every of them, into any of his Majeſties Dominions in America, there to remain, and not to return; Any former Law, Statute or Uſage to the contrary in any wiſe notwithſtanding.

CAP. IV.

For Burying in Woollen onely.

Woollen Manufactures incouraged.

FOr the Encouragement of the Woollen Manufactures of this Kingdom, and prevention of the Exportation of the Moneys thereof, for the Buying and Importing of Linnen; Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority thereof, That from and after the Five and twentieth day of March, in the year of our Lord, One thouſand ſix hundred ſixty ſeven, No perſon or perſons whatſoever ſhall be buried in any Shirt, Shift or Sheet made of, or mingled with Flax, Hemp, Silk, Hair, Gold or Silver, or other then what ſhall be made of Wooll onely, or be put into any Coffin lined or faced with any thing made of, or mingled with Flax, Hemp, Silk or Hair; upon pain of the forfeiture of the ſum of Five pounds, to be imployed to the uſe of the poor of the Pariſh where ſuch perſon ſhall be buried, for and towards the providing a Stock or Work-houſe for the ſetting them at Work, to be levied by the Church-wardens and Overſeers of the poor of ſuch Pariſh, or one of them, by Warrant from any Juſtice of the Peace, or Mayor, Alderman, or Head-Officer of ſuch City, Town or place Corporate, reſpectively within their ſeveral Limits, by Diſtreſs and Sale of the Goods of the party Interred contrary to this Act, rendring the overplus; or in default thereof, by diſtreſs and ſale of the Goods of any that had a hand in the putting ſuch perſon into ſuch Shift, Shirt, Sheet or Coffin, contrary to this Act, or did order or diſpoſe the doing thereof, to be levied and imployed as aboveſaid.

None ſhall be buried but in Woollen.

Penalty.

Proviſo for perſons dying of the Plague.

Provided, That no penalty appointed by this Act, ſhall be incurred for, or by the reaſon of any perſon that ſhall die of the Plague, though ſuch perſon be buried in Linnen.

CAP. V.

For Encouraging of Coynage.

Encouragement for bringing Gold and Silver into the Realm.

WHereas it is obvious, That the plenty of Current Coyns of Gold and Silver of this Kingdom, is of great advantage to Trade and Commerce: For the encreaſe whereof, your Majeſty in your Princely Wiſdom and Care, hath been graciouſly pleaſed to bear out of your Revenue, half the charge of the Coynage of Silver-money: For the preventing of which Charge to your Majeſty, and the Encouragement of the bringing of Gold and Silver into the Realm, to be converted into the Current Money of this your Majeſties Kingdom, We your Majeſties Dutiful and Loyal Subjects, do Give and Grant unto your Majeſty, the Rates, Duties or Impoſitions following; And do beſeech your Majeſty that it may be Enacted, And be it enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That whatſoever perſon or perſons, Native or Foreigner, Alien or Stranger, ſhall from and after the Twentieth day of December, One thouſand ſix hundred ſixty and ſix, bring any Foreign Coyn, Plate or Bullion of Gold or Silver, in Maſs, Molten, or Allayed, or any ſort of Manufacture of Gold or Silver into his Majeſties Mint or Mints within the Kingdom of England, to be there Melted down and Coyned into the current Coyns of this Kingdom, ſhall have the ſame there Aſſayed, Melted down and Coyned with all convenient ſpeed, without any defalcation, diminution or charge for the Aſſaying, Coynage or Waſt in Coynage: So as that for every pound Troy of Crown or Standard-Gold that ſhall be brought in and delivered by him or them to be Aſſayed, Melted down, & Coyned as aforeſaid, there ſhall be delivered out to him or them reſpectively, a pound Troy of the current Coyns of this Kingdom, of Crown or Standard-Gold: And for every pound Troy of Sterling, or Standard-Silver that ſhall be brought in and delivered by him or them to be Aſſayed, Melted down and Coyned as aforeſaid, there ſhall be delivered out to him or them reſpectively a pound Troy of the current Coyns of this Kingdom, of Sterling, or Standard-Silver, and ſo proportionably for a greater or leſſer weight; And for every pound Troy of Gold or Silver that ſhall be brought in, and delivered to be Aſſayed, Melted down, and coyned as aforeſaid, that ſhall be finer upon Aſſay then Crown-Gold, or Standard-Silver, there ſhall be delivered for the ſame ſo much more then a pound Troy, as the ſame doth in proportion amount unto in fineneſs and value: And for every pound Troy of Gold or Silver that ſhall be brought in, and delivered to be Aſſayed, Melted down, and Coyned as aforeſaid, that ſhall be courſer or baſer upon Aſſay, or worſe in value then Crown-Gold, or Standard-Silver, there ſhall be delivered for the ſame ſo much leſs then a pound Troy, as the ſame doth fall ſhort in fineneſs or value, and ſo for a greater or leſſer quantity.

Silver or Gold brought in to be Coyned.

There ſhall be no under preference but money Coyned ſhall be delivered out in order.

And it is hereby further Enacted by the authority aforeſaid, That there ſhall be no preference in point of Aſſaying or Coynage; but that all Gold and Silver brought in, and delivered into the Mint, to be Aſſayed and Coyned, ſhall be Aſſayed, Coyned, and delivered out to the reſpective Importers according to the order and times of bringing in and delivering the ſame into the Mint or Mints, and not otherwiſe: So as he that ſhall firſt bring in, and deliver any Gold or Silver to be Coyned, ſhall be taken and accounted the firſt perſon to have the ſame aſſayed, coyned and delivered; And he or they that ſhall bring in and deliver any Gold or Silver next, to be accounted the ſecond perſon to have the ſame Aſſayed, Coyned, and Delivered, and ſo ſucceſſively in courſe. And that the Gold and Silver brought in and Coyned as aforeſaid, ſhall be in the ſame order delivered to the reſpective bringers in thereof, their Executors, Adminiſtrators or Aſſigns ſucceſſively without preference of one before the other, and not otherwiſe: And if any undue preference be made in entring of any Gold or Silver, or delivering out of any money coyned, contrary to the true intent and meaning of this Act, by any Officer or Officers of the Mint or Mints; then the party or parties offending, ſhall be liable by Action of debt, or on the Caſe, to pay the value of the Gold or Silver brought in, and not entred and delivered according to the true intent, and meaning and direction of this Act as aforeſaid, with damages and coſts to the party or parties grieved, and ſhall be fore-judged from his or their Place or Office: And if ſuch preference be unduly made by any of his or their Deputy or Deputies, Clerk or Clerks, without direction or privity of his or their Maſter or Maſters, then ſuch Deputy or Deputies, Clerk or Clerks onely ſhall be liable to ſuch Action, Damage and Coſts as aforeſaid, and be for ever after uncapable of ſerving or bearing Office in any Mint in the Kingdome of England.

[illegible]

Penalty.

Provided always, That it ſhall not be interpreted any undue preference to incur any penalty in point of delivery of moneys coyned, if the Officer or Officers, or their Deputies or Clerks ſhall deliver out or pay any moneys coyned, to any perſon or perſons that do come and demand the ſame upon ſubſequent Entries, before others that did not come to demand their moneys in their order and courſe, ſo as there be ſo much money reſerved as will ſatisfie them; which ſhall not be otherwiſe diſpoſed of, but kept for them.

What ſhall not be an undue preference.

And for the more orderly and clear performance thereof, Be it enacted, And it is hereby enacted by the authority aforeſaid, That the Maſter-worker of his Majeſties Mint or Mints for the time being, ſhall at the time of the delivery and entry of any Gold or Silver in the ſaid Mint or Mints, give unto the bringer or bringers in thereof to be coyned, a Bill under his hand, denoting the Weight, Fineneſs and value thereof, together with the day and order of its delivery into the ſaid Mint or Mints.

And for the further encouragement and aſſurance of ſuch as ſhall bring any Gold or Silver into his Majeſties ſaid Mint or Mints to be coyned; Be it enacted, And it is hereby enacted by the authority aforeſaid, That no Confiſcation, Forfeiture, Seizure, Attachment, Stop or Reſtraint whatſoever ſhall be made in the ſaid Mint or Mints, of any Gold or Silver brought in to be coyned, for or by reaſon of any Imbargo, breach of the Peace, Letters of Mart or Repriſal, or War with any Foreign Nation, or upon any other accompt or pretence whatſoever; But that all Gold and Silver brought into any of his Majeſties Mint or Mints within the Kingdom of England to be coyned, ſhall truly, and with all convenient ſpeed be coyned and delivered out to the reſpective bringer or bringers in thereof, their Executors, Adminiſtrators or Aſſigns, according to the Rules and Directions of this Act.

There ſhall be no ſeizure, or forfeiture, &c. of any Gold or Silver brought in to be coyned.

And whereas it cannot be reaſonably expected, that the Expence, Waſte and Charge in Aſſaying, Melting down and Coynage be born by your Majeſty, And for the further encouragement of Coynage, Be it Enacted, And it is hereby Enacted by the authority aforeſaid, That for every Tun of Wines, Vinegar, Sider or Beer that ſhall be Imported or brought into the Port of London, or into any other Port, Creek or place within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, from any parts beyond the Seas, or Scotland, from and after the Twentieth day of December, in the year of our Lord, One thouſand ſix hundred ſixty and ſix, there ſhall be Levied, Collected and paid the ſum of Ten ſhillings; And for every Tun of Brandy-Wines, or Strong-Waters that ſhall be imported as abovesaid, the ſum of Twenty ſhillings, and ſo proportionably for a greater or leſſer quantity, to be levied, collected and paid at the reſpective Cuſtom-Houſes to the Collectors and other Officers of the Cuſtoms for the time being, at the Importation of the ſaid Commodities, over and above all other Duties charged, leviable and payable upon the ſaid Commodities, and to be by them diſtinguiſhed and kept apart from all other moneys by them collected and levied upon the ſame Commodities, or upon any other Commodities or Merchandizes whatſoever, and to be by the ſaid Collector or Collectors reſpectively ſo anſwered and paid Quarterly into the Receipt of the Exchequer of your Majeſty, your Heirs and Succeſſors, there alſo to be kept diſtinct and apart from all other moneys ariſing by the Cuſtoms, or by any other way or Revenue whatſoever; which ſaid Duty they are hereby enjoyned to receive and pay according to the ſeveral Directions of this Act, without any Salary or Fee.

An Impoſition ſet upon Wines, Vinegar, Sider, or Beer Imported.

Brandy-wines, Strong-Water.

And be it further Enacted and Declared by the authority aforeſaid, That all manner of Wines, Vinegar, Sider, Beer, Brandy-wines, and Strong-Waters Imported as aforeſaid, ſhall pay their ſeveral and reſpective Duties impoſed by this Act; And upon non-payment thereof, ſhall be liable to ſuch, and the ſame pains, penalties and forfeitures, as in and by the late Acts for Tunnage and Poundage, and for Frauds are enacted and appointed, upon non-payment of the Duties by the ſaid Acts impoſed upon Goods and Merchandiſes of the ſame nature with thoſe mentioned in this Act.

Provided always, and it is hereby enacted, That for what of the aforeſaid Commodities ſhall be Tranſported into any parts beyond the Seas, within the term and ſpace of one year after the Importation thereof, That the Duty paid by this Act for the ſame, ſhall be repaid by the reſpective Collectors of the Cuſtoms for the time being.

Moneys leviable upon this Act ſhall be imployed onely to the uſe of the Mint.

And it is hereby further enacted, That no moneys leviable and payable by this Act, ſhall be applied or converted to any uſe or uſes whatſoever, other then to the defraying the charge or expence of the Mint or Mints, and of the Aſſaying, Melting down, Waſte and Coynage of Gold and Silver, and the encouragement of the bringing in of Gold and Silver into the ſaid Mint or Mints, there to be Coyned into the current Coyns of this Kingdom; Nor ſhall any of the ſaid Moneys be iſſued out of the Exchequer, but by Order or Warrant of the Lord Treaſurer and Under-Treaſurer, or Commiſſioners of the Treaſury for the time being, to the Maſter and Worker, or Maſters and Workers of your Majeſties Mint or Mints for the time being, and mentioning, That they are for the uſe and ſervice aforeſaid, to be kept in his Majeſties Office of Receipt in the ſaid Mint or Mints, under the uſual Keys of the Warden, Maſter and Worker, and Comptroller for the time being, and iſſued out thence from time to time, according to the manner and courſe of the ſaid Mint or Mints reſpectively.

And it is hereby further enacted, That there ſhall not be iſſued out of the Exchequer of the ſaid moneys, in any one year, for the Fees and Salaries of the Officers of the Mint or Mints, and towards the providing, maintaining and repairing of the Houſes, Offices and Buildings, and other neceſſaries for Aſſaying, Melting down, and Coyning, above the ſum of Three thouſand pounds Sterling; And the overplus of the ſaid moneys ſo kept, or to be kept as aforeſaid, ſhall be imployed for and towards the expence, waſte and charge of aſſaying, melting down and coynage, and buying of Gold and Silver to Coyn, and not otherwiſe.

The continuance of this Act.

And laſtly, Be it enacted, And it is hereby enacted by the authority aforeſaid, That this Act ſhall continue and be in force until the Twentieth day of December, which ſhall be in the year of our Lord, One thouſand ſix hundred ſeventy one, and untill the end of the firſt Seſſion of Parliament then next following, and no longer.

Proviſo.

Dame Barbara Villiers.

Provided always, and be it further enacted, That where his Majeſty in and by his Letters Patents under his Great Seal, dated at Weſtminſter the Twentieth day of Auguſt, in the Twelfth year of his Reign, did for divers good cauſes and conſiderations him moving, give and grant to Dame Barbara Villiers Widow, the ſum of Two pence by tale out of every pound weight Troy of Silver moneys which from thenceforth ſhould be Coyned by vertue of any Warrant or Indenture made and to be made by his Majeſty, his Heirs and Succeſſors, To have, hold, receive, perceive and take the ſame unto the ſaid Dame Barbara Villiers, her Executors, Adminiſtrators and Aſſigns, from the Ninth day of the then inſtant Auguſt weekly, as the ſaid moneys ſhould be Coyned, for and during the term of One and twenty years, as by the ſame doth appear: That his Majeſty may out of the moneys leviable by this Act, appoint and cauſe reaſonable ſatisfaction to be made yearly to the ſaid Dame Barbara Villiers, her Executors and Adminiſtrators, for her Intereſt in the Premiſſes, not exceeding the ſum of Six hundred pounds in any one year.

Anno Regni CAROLI II. *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ,* Decimo Nono.

AT the Parliament begun at Weſtminſter the Eighth day of May, Anno Dom. 1661. In the Thirteenth Year of the Reign of our moſt Gracious Soveraign Lord CHARLES, by the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. And there continued by ſeverall Prorogations, to the Eighteenth day of September, 1666. And then continued to the Eighth of February following. And thence Prorogued to the Tenth of October, 1667. were Enacted as followeth.

CAP. I.

An Act Explanatory of the Act for Raiſing Moneys by a Poll, and otherwiſe, towards the Maintenance of this preſent War, charging all perſons of what degree, condition, age or ſex ſoever, except ſuch as receive Alms from the Pariſh, and pay nothing to the Church or Poor by reaſon of their Poverty, to pay Twelve pence, &c. EXP.

11 Car. 2. cap. 1.

CAP. II.

A Judicature erected for Determination of Differences touching Houſes Burned or Demoliſhed by reaſon of the late Fire which happened in London.

WHereas the greateſt part of the Houſes in the City of London, and ſome in the Suburbs thereof, have been burnt by the dreadful and diſmal Fire which happened in September laſt; Many of the Tenants, Under-tenants, or late Occupiers whereof are liable unto Suits and Actions to compel them to repair and rebuild the ſame, and to pay their Rents, as if the ſame had not been burned, and are not relieveable therein in any ordinary courſe of Law, and great Differences are like to ariſe concerning the ſaid Repairs and new Building of the ſaid Houſes, and payments of Rents; which if they ſhould not be determined with all ſpeed, and with out charge, would much obſtruct the rebuilding of the ſaid City.

And for that it is juſt, that every one concerned ſhould bear a proportionable ſhare of the loſs, according to their ſeveral Intereſts, wherein in reſpect of the multitude of caſes, varying in their circumſtances, no certain general rule can be preſcribed; Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and of the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the Juſtices of the Courts of Kings Bench and Common Pleas, and the Barons of the Coif of the Exchequer for the time being, or any three

Juſtices appointed to hear and determine differences between Landlords and Tenants, &c.

or more of them, ſitting, at the ſame time and place, and not otherwiſe, ſhall, and are hereby Authorized from time to time to hear and to determine all Differences and demands whatſoever, which have ariſen, or may any wiſe ariſe between Landlords, Proprietors, Tenants, Leſſees, under tenants, or late occupiers of any the ſaid Houſes or Buildings, with their appurtenances, or the Courts or yards, grounds and wharfs, or any perſon or perſons having or claiming any eſtate, right, title, intereſt in Law or equity or truſt, charge, or incumbrance of or in the ſame, or their or any of their Heirs, Executors, Adminiſtrators, Succeſſors or Aſſigns, or any other perſons, for, touching or concerning the repairing, building or re-building of the ſaid Houſes or Buildings, Yards, Courts, grounds and wharfs, or any other grounds, lying within that part of the City and Suburbs thereof lately burnt, puſled down or otherwiſe demoliſhed, defaced, or otherwiſe ruined by reaſon of the ſaid Fire; or for or concerning the payment, defalcation, apportioning, or abatement of any Rent or Rents, other then Arrears of rent only due before the Firſt day of September, one thouſand ſix hundred ſixty and ſix; or for, or touching any Covenant, Condition or penalty relating thereunto; or for, touching or concerning the prefixing or limiting of any time for ſuch Repairs or new Building, or any Rate or Contribution to be born or paid thereunto by any perſon or perſons, Bodies Politick or Corporate intereſſed in the premiſſes, and all incidents relating thereunto. And that they, or any three or more of them, from time to time, and at ſuch place or places as they or any three or more of them ſhall think fit from time, with, or without any Adjournment, ſummarily, and ſine forma & figura Judicii, and without the formalities or proceedings in Courts of Law or Equity, ſhall and may, upon the Verdict or Inquiſition of Jurors, teſtimony of witneſſes upon Oath, Examination of parties intereſſed, or by all or any of the ſaid ways, or otherwiſe, according to their Diſcretions, proceed to the hearing and determining of the Demands or Differences between the ſaid parties concerning the premiſſes; and that the definitive Order of the ſaid Juſtices and Barons, or any three, or more of them as aforeſaid, ſhall be final as between the ſaid parties, their Heirs, Executors, Adminiſtrators, Succeſſors, and Aſſigns, and all claiming by, from or under them, as touching the matters contained in ſuch Orders; from which there ſhall be no Appeal or Review, otherwiſe then as is hereafter mentioned; Nor ſhall any Writ of Error or Certiorari lye for the removal and reverſal of the ſame.

The Powers of the ſaid Juſtices.

And be it further Enacted by the authority aforeſaid, That the ſaid Juſtices and Barons, or any three or more of them as aforeſaid, ſhall have authority, and are hereby impowred, where they ſhall think it convenient, to Order the Surrendring, Increaſing, Abridging, Ceaſing, Determining or Charging of any eſtates in the premiſſes; or to order new or longer Leaſes, or Eſtates not exceeding Forty years, to be made of any of the premiſſes, by the proprietors or Owners thereof, or other perſons intereſſed therein, to any Tenant or Sub-Tenant, or late Occupiers of the ſame, their Executors, Adminiſtrators, Succeſſors or Aſſigns, at ſuch Rents and Fines, or without any Rent or Fine, as they ſhall think fit, unleſs in ſuch Caſes where the Laws of this Realm do Forbid the Diminiſhing of ancient and accuſtomable Rent. All which Orders according to the Tenors thereof, ſhall be obeyed by all perſons concerned therein reſpectively, and ſhall conclude and bind them, their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns reſpectively, notwithſtanding any diſability in reſpect of Coverture, Infancy, Non-ſanity of Memory, Eſtate Tail, or in Right of the Church, or otherwiſe: And that Infants, Femes Covert, Ideots, perſons of Non ſane Memory, or beyond the Seas, Tenants in tail, Biſhops, Deans & Chapters, and other Eccleſiaſtical perſons, and their Succeſſors, Corporations, and all other perſon or perſons, Bodies Natural and Politick, their Heirs and Succeſſors, and their reſpective Intereſts, ſhall be bound and concluded by ſuch reſpective Order or Orders, according to the Tenor or Purport thereof; Any Law, Statute or Cuſtom, or other matter or thing to the contrary notwithſtanding.

How to proceed upon Complaints.

And for the better Enabling the ſaid Juſtices and Barons to proceed with effect in the ſaid Cauſes, Be it alſo Enacted by the Authority aforeſaid, That the ſaid Juſtices and Barons or any three or more of them as aforeſaid, upon the complaint or requeſt of any perſon or perſons concerned in any of the ſaid Houſes or Buildings, and other the premiſſes, ſhall iſſue out Notes or Warrants under their hands or the hands of any ſuch three of them, thereby warning the perſon or perſons, Bodies Politick and Corporate therein named and concerned in the ſaid late Houſes or Buildings, and other the premiſſes in ſuch Complaint mentioned, to appear before them at ſuch time and place as in ſuch Note or Notes ſhall in that behalf be ſpecified: And upon appearance of the ſaid perſon or perſons ſummoned, or upon default of appearance, and Oath made of due notice given to him or them, (which Oath, and all other Oaths neceſſary to the Execution of the Powers given by this Act, the ſaid Juſtices and Barons, or any three of them are hereby enabled to adminiſter) the ſaid Juſtices and Barons, or any three of them, may proceed to make ſuch final and definitive Orders as aforeſaid; And that ſuch ſervice of the ſaid Note or Notes as is uſually allowed to be a good ſervice in caſes of Subpœna, ſhall be accounted to be a good ſervice in the caſes aforeſaid.

The ſaid Judicature ſhall be a Court of Record.

And be it Enacted by the Authority aforeſaid, That the ſaid Juſtices and Barons, or any three of them, for the matters and according to the powers herein before mentioned, ſhall be, and ſhall be taken to be a Court of Record: And that the Judgments and Determinations that ſhall be made betwixt party and party, by Authority of this Act, ſhall be Recorded in a Book or Books of Parchment to be provided for that purpoſe; And that every ſuch Judgements and Determination ſhall be Signed by three or more of the ſaid Juſtices or Barons. Which ſaid Book or Books of Record ſhall be placed and intruſted in the cuſtody of the Lord Mayor and Aldermen of the City of London for the time being, to be kept with the Records of the ſaid City and to remain as a perpetual ſtanding Record; unto which all perſons concerned, or which ſhall be concerned, ſhall or may repair to view the ſame, and thereout to take Copies of all ſuch Judgments and Determinations as ſhall relate to him, her and them; And that none of the ſaid Juſtices and Barons ſhall take any fee or reward whatſoever, directly and indirectly for any thing to be done by them, by vertue or colour of this preſent Act.

Officers. A Table of Fees.

And be it Enacted by the Authority aforeſaid, That for a reward of the Officers to be imployed herein, the ſaid Juſtices and Barons, or any three or more of them as aforeſaid, are hereby enabled to order and direct a Table of ſuch reaſonable Fees to be made, as may carry on and effect the purport and intent of this Act. This Act to continue till the laſt day of December, which ſhall be in the year of our Lord One thouſand ſix hundred ſixty and eight, and no longer.

The continuance of this Act.

Proviſo touching the renewing and reverſing Orders or Decrees.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That where any ſuch Order or Decree as aforeſaid, ſhall be made by a leſſer number of Juſtices and Barons then Seven, it ſhall be lawful for any perſon agrieved by ſuch Order or Decree, to preſent his Exceptions to the ſame in writing, within ſeven days next after ſuch Order or Decree made, to the Chief Juſtices and Chief Baron for the time being, or any two of them, who ſhall forthwith communicate the ſame to the reſt of the ſaid Juſtices and Barons, who are hereby required to hear the Parties, and examine and conſider the ſaid Exceptions: And if any ſeven or more of them ſhall ſubſcribe thereunto, that they find probable cauſe of complaint, That it ſhall and may be lawful to, and for any Seven or more of the ſaid Juſtices & Barons within Twenty days next following ſuch Exceptions delivered, to review the ſaid former Order or Decree; And thereupon to reverſe, Confirm, Enlarge, Diminiſh, or otherwiſe alter any ſuch Order or Decree, as in their wiſdoms they ſhall think fit; Any thing herein contained notwithſtanding.

CAP. III.

For Rebuilding the City of London,

Foraſmuch as the City of London, being the Imperial Seat of His Majeſties Kingdoms and renowned for Trade and Commerce throughout the World: by reaſon of a moſt dreadful Fire lately happening therein, was for the moſt part thereof burnt down and deſtroyed within the compaſs of a few days, and now Lies buried in its own Ruines: For the ſpeedy Reſtauration whereof, and for the better Regulation, Uniformity, and Gracefulneſs of ſuch new Buildings as ſhall be erected for Habitations in order thereunto; And to the end that great and outragious Fires (through the bleſſing of Almighty God, ſo far forth as humane Providence (with ſubmiſſion to Divine pleaſure) can foreſee, may be reaſonably prevented or obviated for the time to come, both by the matter and form of ſuch Building: And further, to the intent that all Incouragement and Expedition may be given unto, and all impediments and obſtructions that may retard or protract the undertaking or carrying on a work ſo neceſſary, and of ſo great Honour and Importance to his Majeſty and this Kingdom and to the reſt of his Majeſties Kingdoms and Dominions, may be removed;

Be it therefore enacted by the Kings moſt Excellent Majeſty by and with the Advice and Conſent of the Lord Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, aud by the Authority of the ſame, That the Rules and Directions hereafter in this Act preſcribed, be duely obſerved by all perſons therein concerned.

Rules and Directions to be obſerved in building.

And firſt, That no building or Houſe for Habitation whatſoever, be hereafter erected within the limits of the ſaid City and Liberties thereof, but ſuch as ſhall be purſuant to ſuch Rules and Orders of Building, and with ſuch materials as are herein after particularly appointed, and according to ſuch Scantlings as are ſet down and preſcribed in a Table in this preſent Act hereafter ſpecified. And if any perſon or perſons ſhall preſume to Build contrary thereunto, and be convicted of the ſame by the Oaths of two or more credible witneſſes, to be taken before the Lord Mayor for the time being, or any two or more of the Juſtices of the Peace for the ſaid City, who are hereby impowred to adminiſter the ſame Oaths, that then and in ſuch caſe, the ſaid Houſe ſo irregularly built as aforeſaid, ſhall be deemed as a common Nuſance; and the Builder and Levier thereof ſhall enter into a Recognizance in ſuch ſum as the ſaid Mayor and Juſtices reſpectively in their diſcretions ſhall appoint, for abatement and demoliſhing the ſame in convenient time, or otherwiſe to amend the ſame according to ſuch Rules and orders as aforeſaid; and in default of entring into ſuch Recognizance, the offender ſhall be committed to the common Goal of the ſaid City there to remain without Bail or Mainpriſe, till he ſhall have abated or demoliſhed, or otherwiſe amended the ſame; or elſe ſuch irregular Houſe ſhall or may be demoliſhed or abated by Order of the Court of Aldermen.

Penalty.

Prevention of irregular Buildings.

And that the ſaid irregular Buildings may be the better prevented, or more effectually diſcovered, Be it further Enacted by the Authority aforeſaid, That the Lord Mayor, Aldermen and Common Council of the ſaid City, ſhall and may at their will and pleaſure, elect, nominate and appoint one or more diſcreet, and intelligent perſon or perſons in the Art of Building, to be the Surveyors or Superviſors to ſee the ſaid Rules and Scantlings well and truly obſerved. And that it ſhall be lawful for the ſaid Mayor, Aldermen and Common Council or for the Mayor and Aldermen in their Court of Aldermen, to adminiſter to all the ſaid Surveyors or Superviſors, an Oath upon the holy Evangeliſts, for the true and impartial execution of their Office in that behalf, and to appoint the ſeveral Precincts which ſhall lie under their ſeverals Surveys.

There ſhall be four ſorts of Buildings only.

And to the end that all Builders may the better know how to provide and fit their materials for their ſeveral Buildings: Be it Enacted, That there ſhall be onely Four ſorts of Buildings and no more; and that all manner of Houſes ſo to be erected, ſhall be of one of thoſe four ſorts of Buildings, and no other, (that is to ſay) The Firſt and leaſt ſort of Houſes fronting By-Lanes; the Second ſort of Houſes fronting Streets and Lanes of note; the Third ſort of Houſes fronting high and principal Streets; the Fourth and largeſt ſort of Manſion-houſes, for Citizens, or other perſons of extraordinary quality, not fronting either of the three former ways: And the Roofs of each of the firſt three ſorts of Houſes reſpectively ſhall be Uniform.

Powers of the Lord Mayor, Aldermen and Common Council to declare Streets, Lanes, &c.

And for avoiding any uncertainty to the Builders or others herein; Be it further Enacted, That the Lord Mayor, Aldermen, and Common Council of the ſaid City for the time being, ſhall on or before the firſt day of April next enſuing, declare which, and how many ſhall hereafter be accounted and taken to be By-lanes; which, and how many ſhall hereafter be deemed Streets, or Lanes of note, and high and principal Streets, by Act of Common Council to be paſſed for that purpoſe: which Declaration being made as aforeſaid, all and ſingular the ſaid Streets and Lanes (hereby intended to be rebuilt) ſhall by order of the ſaid Lord Mayor, Aldermen, and Common Council, or ſuch perſons as they under the Common Seal of the City ſhall order and appoint, be Marked or Staked out, and diſtinguiſhed to the end the Breadth, Length and Extent thereof may be the better known and obſerved: And if any perſon or perſons whatſoever ſhall wittingly, without good Authority, pluck up, or remove any of the ſaid Stakes, or Mark-ſtones, thereby to obſcure or confound the bounds of ſuch Streets, or Lanes, or any of them, and ſhall be thereof legally convicted by the Oath of one Witneſs (other then of the Informer) to be taken before any one or more Juſtices of the Peace of the ſaid City, That then the ſaid Juſtice or Juſtices ſhall or may ſend ſuch Offender to the Common-Gaol of the ſaid City, there to remain by the ſpace of three moneths without Bail or Mainpriſe, unleſs he ſhall pay or cauſe to be paid to the uſe of the Mayor, Commonalty, and Citizens of the ſaid City, the ſum of Ten pounds, to be imployed in and towards the repairing of the publick Buildings of the ſaid City. Provided always, That where any ſuch Offence ſhall be committed by any perſon or perſons of low and mean condition, whom the ſaid Juſtice or Juſtices of the Peace ſhall in his conſcience believe to be unable to ſatisfie the ſaid Penalties, That then and in ſuch caſe, the ſaid Juſtice or Juſtices of the Peace ſhall and may, by Order and Warrant under his or their Hands and Seal cauſe ſuch Offender to be openly whipped near unto the place where the Offence ſhall be committed, till his body be bloudy: And that it ſhall and may be lawful for the ſaid Juſtice or Juſtices of Peace to reward the ſaid Informer out of the Pecuniary Penalty to be incurred, according to his diſcretion, not exceeding a Third part of the ſaid Penalty.

Building with Brick, Stone, &c.

And in regard the building with Brick is not onely more comely and durable, but alſo more ſafe againſt future perils of Fire; Be it further Enacted by and with the Authority aforeſaid, That all the outſides of all Buildings in and about the ſaid City be henceforth made of Brick or Stone, or of Brick and Stone together except Door-caſes and Window-frames, the Breſt, Summers and other parts of the firſt Story to the Front, between the Peers, which are to be left to the diſcretion of the Builder, to uſe ſubſtantial Oaken Timber in ſtead of Brick or Stone, for conveniency of Shops; And that the ſaid Doors, Breſt, Summers, and Window-frames be ſufficiently diſcharged of the burthen of the Fabrick by Arch-work of Brick or Stone, either ſtraight or circular.

The duty of the Surveyors and Superviſors.

And be it Enacted, That the ſaid Surveyors, or Superviſors ſo to be appointed as aforeſaid, and every of them, within their ſeveral Precincts, ſhall take care, That in building of all Houſes within the ſaid City and Liberties thereof, there be, And it is hereby Enacted by the Authority aforeſaid, That there ſhall be Party-walls, and Party-peers ſet out equally on each Builders ground, to be built up by the firſt beginner of ſuch Building; And that convenient Toothing be left in the front-wall by the ſaid firſt builder, for the better joyning of the next Houſe that ſhall be built to the ſame: And that no man be permitted by the ſaid Surveyors, to build on the ſaid Party-wall, or on his own contiguous ground, until he hath fully reimburſed the ſaid firſt Builder the full moyety of the charges of the ſaid Party-wall and Peers, together with Intereſt for the ſame, after the rate of Six pounds per Cent per Annum for forbearance thereof to be accounted from the beginning of the ſaid firſt building.

Who may determine Differences between firſt and later builders.

And in caſe any difference ſhall ariſe between the firſt and later Builders, concerning the true value of the ſaid Charge, That then the ſame be referred to the Alderman of that Ward where ſuch Building ſhall be, and to his Deputy, to mediate an agreement of ſuch difference: And where the ſaid Alderman and his Deputy, or one of them ſhall be parties, or where they cannot compoſe ſuch difference as aforeſaid, That the matter be referred to the Examination of the Lord Mayor and Court of Aldermen, who ſhall hear, and finally determine the ſame, without any Appeal to be had.

Houſes of the firſt and laſt ſort of building.

And be it further Enacted, That the ſaid Houſes of the firſt and laſt ſort of Building, fronting By-ſtreets or Lanes as aforeſaid, ſhall be of two Stories high, beſides Cellars and Garrets; That the Cellars thereof be ſix foot and a half high, if the ſprings of water hinder not; That the firſt ſtory be nine foot high from the Floor to the Cieling; and the ſecond Story nine foot high from the Floor to the Cieling; That all Walls in front and reer, as high as the firſt Story, be of the full thickneſs of the length of two Bricks, and thence upwards to the Garrets of the thickneſs of one Brick and an half; and that the thickneſs of the Garret-Walls on the back-part be left to the diſcretion of the Builder, ſo that the ſame be not leſs then the length of one Brick: And alſo that the thickneſs of the Party-walls between the Houſes of the firſt and leſſer ſort of Building, be one Brick and an half, as high as the Garrets; and that the thickneſs of the Party-wall in the Garrets, be of the thickneſs of one Brick in length at the leaſt; And that the Scantlings of Timber and Stone to be uſed about the building thereof, be as in the ſaid Table are ſet down and preſcribed.

Houſes of the ſecond ſort of building.

And be it further enacted, That the houſes of the ſecond ſort of building, fronting Streets and Lanes of note, and the River of Thames, ſhall conſiſt of three Stories high, beſides

Cellars and Garrets as aforeſaid; That the Cellars thereof be ſix foot and an half high (if the ſprings of water hinder not) That the firſt Story contain full ten foot in height from the Floor to the Ceiling; the ſecond, full ten foot; the third, nine foot; That all the ſaid Walls in front and reer, as high as the firſt Story, be of the full thickneſs of the length of two Bricks and an half, and from thence upwards to the Garret-floor of the thickneſs of one Brick and half; and that the thickneſs of the Garret-walls on the back-part be left to the diſcretion of the builder, ſo that the ſame be not leſs then the length of one Brick and alſo that the thickneſs of the Party-walls between every Houſe of this ſecond and larger ſort of Building, be two Brick leugths as high as the firſt Story, and thence upwards to the Garrets of the thickneſs of one Brick and half; the Scantlings of Timber and ſtone to be as in the ſaid Table are preſcribed.

Houſes of the third ſort of building.

Alſo that the Houſes of the third ſort of Buildings, fronting the high and principal Streets ſhall conſiſt of four Stories high beſides Cellars and Garrets as aforeſaid: That the firſt Story contain full ten foot in height from the Floor to the Cieling; the ſecond, ten foot and an half; the third, nine foot; the fourth, eight foot and an half. That all the ſaid walls in front and reer, as high as the firſt ſtory, be of the full thickneſs of the length of two bricks and an half, and from thence upwards to the Garret-floor of the thickneſs of one Brick and an half: That the thickneſs of the Garret-walls on the Back part be left to the diſcretion of the Builder, ſo as the ſame be not leſs then the length of one Brick; and alſo that the thickneſs of the Party-walls between every houſe of this third and larger ſort of Building be two Bricks lengths as high as the firſt Story, and then upwards to the Garrets of the thickneſs of one Brick and half, the ſcantlings of Timber and Stone to be as in the ſaid Table are preſcribed.

Houſes of the fourth ſort of building.

And be it further Enacted, That all Houſes of the fourth ſort of Building being Manſion-houſes, and of the greateſt bigneſs not fronting upon any of the Streets or Lanes as aforeſaid, ſhall bear the ſame Scantlings as in the Table are ſet down for the ſame; and that the number of Stories, and the height thereof be left to the diſcretion of the Builder, ſo as he exceed not four Stories.

Fronts of Houſes in High-ſtreets, Belconies.

And be it further Enacted, That in the Front of all houſes hereafter to be erected in any ſuch Streets as by Act of Common Council ſhall be declared to be High-Streets, Belconies four foot broad, with Rails and Bars of Iron, of equal diſtance from the ground, ſhall be placed; every of which Belconies ſhall contain in length two parts of the Front of the houſe on which it ſhall be placed, in three parts to be divided, and the remaining vacancy of the Front ſhall be ſupplyed with a pent houſe of the breadth of the Belcony, to be covered with Lead, Slate, or Tile, and to be Cieled with Plaiſtering underneath, and that the water falling as well from the tops of the ſaid Houſes, as from the ſaid Belconies and Pent-houſes, be conveyed into the Channels by Party-pipes on the ſides or fronts of the ſaid Houſes; and that Pavements under every of the ſaid Belconies and Pent-houſes be made of good and ſufficient broad flat Stone, at the charge of the Builder.

How Houſes fronting on High-Streets ſhall be built.

And be it further Enacted that no Builder of any of the Houſes fronting any of the ſaid Highſtreets, Streets or Lanes of note, be permitted to lay his firſt Floor over the Cellar more then Eighteen Inches above the ſaid Streets, or leſs then Six with one Circular ſtep to lead up thereunto, to be placed without the Building: And that no Trap-doors or open Grates be in any wiſe ſuffered to be made into any ſuch Cellar or Ware-houſe without the foundations of the Front, but that all Lights to be made into any of them, be henceforth made upright, and not otherwiſe; and that no Bulks, Jetties, Windows, Poſts, Seats, or any thing of like ſort ſhall be made or erected in any Streets, Lanes or By-Lanes, to extend beyond the antient foundation of Houſes; nor that any Houſe be ſet further into the Street then the ancient foundation; Saving onely that in the high and principal Streets, it ſhall be lawful for the Inhabitants to ſuffer their Stall-boards (when the Shop-windows are ſet open to turn over, and extend eleven inches and no more, from the Foundation of their Houſes into the Streets, for the better conveniency of their Shop-windows.

Within what time all perſons are to rebuild their houſes.

And be it further Enacted, That if any perſon or perſons, Bodies Politick or Corporate being Seiſed, Poſſeſſed, or Intereſſed, of, or in any Ground which was formerly builded upon, and the Houſes thereupon being now burned or pulled down at the time of the late Fire ſhall not within three years next enſuing build up the ſame, That then the Mayor, Aldermen and Common Council of the City of London, by Act of Common Council may cauſe Proclamation to be publickly made between the hours of Twelve and two of the clock in the afternoon, as well at or upon the ſaid Ground, as alſo at or upon the publick Exchange of the ſaid City thereby to give notice to all perſons that ſhall be, or may be therein concerned, to cauſe the ſame to be rebuilded according to the direction of this preſent Act, within the ſpace of Nine moneths then next following: And in caſe the Owners thereof, or other perſon or perſons having Intereſt therein, ſhall refuſe or neglect to rebuild the ſame, in manner and within ſuch time as aforeſaid, That then in ſuch caſe the ſaid Mayor and Court of Aldermen of the ſaid City are hereby Authorized to Iſſue out Warrants to the Sheriffs of London for the time being, requiring them to impannel and return before them a Jury of good and lawful men of the ſaid City, which the ſaid Sheriffs are hereby Authorized and required to do accordingly; which Jury ſo returned ſhall upon their Oaths to be Adminiſtred to them by the ſaid Mayor and Court of Aldermen (who are likewiſe hereby authorized to adminiſter the ſame) Enquire, Eſtimate and Aſſeſs the true and juſt Value of ſuch void Ground, according to their Judgments; And that from and after ſuch Inquiry and Valuation thereof made as aforeſaid (by Inqueſt of the ſaid Jury it ſhall and may be lawful to and for the ſaid Mayor, Aldermen and Common Council of the ſaid City, to make Sale of the Fee or Inheritance thereof, by Conveyance under their Common Seal to any perſon or perſons that will purchaſe the ſame at ſuch price at which the ſame

Penalty.

ſhall have been ſo as aforeſaid Eſtimated and Valued by the ſaid Jury; and the moneys thereupon to be received of the Purchaſers thereof, ſhall be paid into the Chamber of London, and from thence to be iſſued out and paid by the Chamberlain of London for the time being, unto ſuch perſon or perſons who ſhall have any Eſtate or Intereſt into, or out of the ſame, according to his or their reſpective Eſtate or Eſtates, Title or Intereſt: which Sale ſo made and Inrolled of Record, according to the Cuſtom or Uſage of the ſaid City for Inrolment of Bargains and Sales, ſhall be final and concluſive to all other perſons whatſoever, and ſhall bar them, their Heirs and Aſſigns, to claim any Eſtate, Right, Title or Intereſt of, in, or out of the Grounds ſo ſold, precedent to the ſaid Sale; And the Purchaſor or Purchaſors thereof, his and their Heirs and Aſſigns, ſhall and may by vertue of this Act, have, hold and enjoy the ſame againſt all perſons claiming any Eſtate, Right, Title or Intereſt into, or out of the ſame, his and their Heirs, Executors, Adminiſtrators and Aſſigns, freed and diſcharged of and from Incumbrances in Eſtate, Title, Charge or otherwiſe, precedent to the ſaid Sale.

And to the end the ſaid Builders may receive due encouragement, by having the materials for building at reaſonable Prices, and getting of Workmen for moderate wages; Be it further Enacted, That in caſe of Combination, or unreaſonable Exaction by Brick-makers, Tile-makers, and Lime-burners, It ſhall and may be lawful for the Juſtices of the Court of Kings Bench, or any two or more of them, upon the complaint of the ſaid Mayor and Court of Aldermen, to call before them ſuch a number of Brick-makers, Tile-makers, and Lime-burners, making or burning Brick, Tile or Lime, at any place within Five miles diſtance of the River of Thames, as they ſhall think fit; and upon conference with them had concerning the premiſſes, if they will be preſent, or otherwiſe in their abſence, to Aſſeſſe ſuch reaſonable Prizes from time to time upon every Thouſand of the ſaid Bricks and Tiles, and upon every hundred of the ſaid Lime, and every greater or leſſer quantity, to be delivered at the ſeveral Kilns: And alſo of all Carriages of the ſame Materials from the ſaid Kilns to the ſaid City, whether by Land or by Water, as may equally reſpect the honeſt profit of the ſaid Brick-makers, Tile-makers, Lime-burners and Carriers, and the neceſſity and convenience of the Builder.

Who may (in caſe of unreaſonable exactions) ſet rates upon Materials and Workmen.

And to the intent no Brick-maker, Tile-maker, Lime-burner, Carpenter, Bricklayer, Maſon, Plaiſterer, Joyner, Plumber, or other Artificer, Workman or Labourer, may make the common calamity a pretence to extort unreaſonable or exceſſive Wages; Be it likewiſe Enacted, That in caſe combination or exaction of unreaſonable Wages by the ſaid Artificers, Workmen or Labourers, or any of them, the ſaid Juſtices of the Court of Kings Bench, or any two or more of them, upon the like complaint of the ſaid Lord Mayor and Court of Aldermen, ſhall and may from time to time, limit, rate and appoint the Wages of the ſaid Artificers, Workmen and Labourers, by the day, week, or otherwiſe, and what wages every of the ſaid Workmen ſhall have by the great, by the Foot, Yard, Rod or Perch, or for any greater Quantity: which ſaid Rates, together with the Prices of the ſaid Materials and Carriages ſo aſſeſſed, being ſet down in a Table, and Proclamation thereof made by the Lord Mayor for the time being accordingly, the ſame ſhall effectually bind all perſons therein concerned. And if any of the ſaid Artificers refuſe to ſell the ſaid Materials for the Prices ſo aſſeſſed, or any of the ſaid Carpenters, Bricklayers, Maſons, Plaiſterers, Joyners, Plumbers, or other Workmen or Labourers, ſhall either refuſe to work for the Wages ſo aſſeſſed, or ſhall depart from his ſaid work after he hath undertaken to do the ſame, without Licenſe of ſuch perſon or perſons as imployed him, and before it be finiſhed, unleſs it be for non-payment of his hire, or other juſt cauſe to be allowed before one Juſtice of the Peace of ſuch place where the Offence ſhall be committed; or if any perſon or perſons whatſoever ſhall by any ſecret ways or means give, covenant, article or agree to give directly or indirectly, by himſelf, or any other for him, any other or greater Wages, Prizes, or other Commodity then ſhall be ſo aſſeſſed: the ſaid Offendor and Offendors being thereof legally convict by the Oaths of one or more witneſſes, which Oath the ſaid Juſtice is hereby impowred to adminiſter, ſhall be by the ſaid Juſtice of the Peace forthwith committed to the Common Gaol, there to remain by the ſpace of one Moneth without Bail or Mainprize, unleſſe he ſhall pay, or cauſe to be paid for every ſuch Offence to the ſaid Juſtice of the Peace, ſuch Fine as by the diſcretion of the ſaid Juſtice ſhall be ſet upon any ſuch Offendor, not exceeding Ten pounds; Out of which Fine the ſaid Juſtice ſhall and may award and pay unto the Party injured ſuch ſatisfaction as he ſhall judge reaſonable, and the reſidue thereof ſhall pay unto the Chamberlain of London for the time being, to be imployed for and towards the re-edifying of the Publick Buildings of the City aforeſaid.

Labourers Wages.

And be it further Enacted, That all Carpenters, Bricklayers, Maſons, Plaiſterers, Joyners, and other Artificers, Workmen and Labourers, to be imployed in the ſaid Buildings, who are not Freemen of the ſaid City, ſhall for the ſpace of Seven years next enſuing, and for ſo long after as untill the ſaid Buildings ſhall be fully finiſhed, have and enjoy ſuch and the ſame liberty of working, and being ſet to work in the ſaid Building, as the Freemen of the City of the ſame Trades and Profeſſions have and ought to enjoy; Any Uſage or Cuſtom of the City to the contrary notwithſtanding. And that ſuch Artificers as aforeſaid, which for the ſpace of Seven years ſhall have wrought in the rebuilding of the City in their reſpective Arts, ſhall from and after the ſaid Seven years, have and enjoy the ſame Liberty to work as Freemen of the ſaid City, for and during their natural lives. Provided always, That ſuch Artificers claiming ſuch Priviledges, ſhall be liable to undergo all ſuch Offices, and to pay and perform ſuch Duties in reference to the Service and Government of the City, as Freemen of the City of their reſpective Arts and Trades are liable to undergo, pay and perform.

Foreigners may as Freemen, work in London.

Who may determine differences between Builders, about ſtopping Lights, &c.

And to remove all Obſtacles which otherwiſe may hinder ſo good and profitable a work, Be it further enacted by the Authority aforeſaid, That all differences ariſing between the ſaid Builders or any others concerning placing and ſtopping up of Lights, Windows, Water-courſes or Gutters, which may hinder or retard the ſaid Building, ſhall and may be heard, mediated and determined (if it may be) by the Alderman of the Ward where the cauſe of any ſuch difference ſhall ariſe, and his Deputy; and if either the ſaid Alderman or his Deputy be concerned as parties in the controverſie, or that they cannot determine the ſaid Differences, that then, and in every ſuch caſe the ſame be certified by the ſaid Alderman or his Deputy unconcerned therein, to the ſaid Mayor and Court-of Aldermen, who upon deliberate hearing of all Parties, ſhall finally determine the ſame without further or other Appeal.

Common Sewers, Drains and Vaults, &c.

And be it further Enacted by the Authority aforeſaid, That the numbers and places for all common Sewers, Drains and Vaults, and the order and manner of paving and pitching the Streets and Lanes within the ſaid City and Liberties thereof, ſhall be deſigned and ſet out by ſuch and ſo many perſons as the ſaid Mayor, Aldermen and Commonalty in Common Council aſſembled, ſhall from time to time authorize and appoint under their Common Seal, or the more part of them; which ſaid perſons ſo authorized and appointed, or any ſeven or more of them, together with the ſaid Surveyors, or ſome or one of them, within his or their Precinct reſpectively, ſhall at their Meeting have power and authority to order and direct the making of any new Vaults, Drains and Sewers, or to cut into any Drain or Sewer already made, and for the altering, inlarging, amending, cleanſing and ſcouring of any old Vaults, Sinks or Common Sewers. For the better effecting whereof, it ſhall and may be lawful to and for the ſaid perſons ſo authorized and appointed as aforeſaid, or any ſeven or more of them, at their ſaid meeting, to impoſe any reaſonable Tax upon all Houſes within the ſaid City and Liberties thereof, in proportion to the benefit they ſhall receive thereby, for and towards the new making, cutting, altering, inlarging, amending, cleanſing and ſcouring all and ſingular the ſaid Vaults, Drains, Sewers, Pavements and Pitching aforeſaid: And in default of payment of the ſaid ſums ſo to be charged, it ſhall and may be lawful to and for the ſaid perſons ſo authorized as aforeſaid, or any ſeven or more of them, by Order and Warrant under their Hands and Seals, to levy the ſaid ſum and ſums of Money ſo aſſeſſed, by Diſtreſſe and Sale of the Goods of the party chargeable therewith, and refuſing or neglecting to pay the ſame, rendring the overplus (if any be.) And that all other Commiſſioners whatſoever be altogether ſuſpended to intermeddle in the premiſſes within the ſaid City and Liberties thereof, for the ſpace of ſeven years next, and for ſo long after untill the ſaid intended Buildings ſhall be fully finiſhed; Any Law or Statute to the contrary in any wiſe notwithſtanding.

Noyſome Trades prohibited in the high Streets.

And be it further Enacted, That it ſhall and may be lawful to and for the Lord Mayor, Aldermen and Common Council of the ſaid City, from time to time, to prohibit ſuch Trades and Occupations as they ſhall judge noiſom, or perilous in reſpect of Fire, to be uſed or exerciſed in the high or principal Streets of the ſaid City.

Removing of Conduits in high Streets.

And foraſmuch as the freedom of openneſſe of the Street conduceth much to the advancement of Trade, and Ornament of the City; Be it further enacted, That it ſhall and may be lawful to and for the ſaid Mayor, Aldermen and Commonalty, by Order of Common Council in that behalf to be made, from time to time, and at their will and pleaſure, to remove out of any of the high Streets all or any of the Conduits now ſtanding, or hereafter to be erected, and to ſet up and to erect the ſame in ſuch other publick places within the ſaid City as they ſhall think fit, or to contract the ſame into any ſmaller or leſſer compaſſe in the places where they now ſtand, or hereafter ſhall be erected as aforeſaid, according to their diſcretions.

What Streets may be opened and enlarged.

And whereas many antient Streets and Paſſages within the ſaid City and Liberties thereof, and amongſt others, thoſe which are hereafter mentioned, were narrow and incommodious for Carriages and Paſſengers, and prejudicial to the Trade and Health of the Inhabitants, and are neceſſary to be inlarged, as well for the Convenience, as Ornament of the City; Be it enacted by the Authority aforeſaid, That the Mayor, Aldermen and Commons of the ſaid City for the time being, in Common Council aſſembled, ſhall and may, and are hereby impowred and required to inlarge all and every the Streets and Places hereafter mentioned, where, and in ſuch manner, as there ſhall be cauſe, by and with the Approbation of His Majeſty, and not otherwiſe: That is to ſay, The Street called Fleet-ſtreet, from the place where the Greyhound-Tavern ſtood, to Ludgate, and from thence to Saint Paul's Church-yard; The Street leading from the Eaſt end of Saint Pauls Church into Cheapſide; The Street and Paſſage at the Eaſt end of Cheapſide, leading into the Poultry; The Street and Paſſage out of the Poultry, leading into the Weſt end of Cornhill, at or near the place late called the Stocks; The Street called Blow bladder Street, leading from the Weſt end of Cheap-ſide towards Newgate Market; And to inlarge the Street and Paſſage from thence towards Newgate-Market, by laying the Ground where the Middle-Row in the Shambles there lately ſtood, into the ſaid Street; and in like manner to inlarge the Paſſage from Newgate-Market towards Newgate, by laying the Ground of the late four Houſes between Warwike-Lane end in Newgate-Market, and the late Bell-Inne there, into the Street: And in like manner to inlarge, as there ſhall be cauſe, the Lane called Ave-Maria-Lane, leading from Pater-Noſter-Row to Ludgate Street; And the Street or Paſſage at the end of Saint Martins le Grand towards Blow-bladder Street aforeſaid; And alſo the Paſſage from Saint Magnus Church to the Conduit in Gracious Street, and the North end of Gracious-Street; and alſo Thames-Street, from the Weſt-corner of Saint Magnus Church aforeſaid, to the Tower Dock; and to inlarge Old Fiſh-Street, by laying the Middle-Row there into the Street.

And the ſaid Mayor, Aldermen and Common-Council alſo ſhall and may by vertue of this preſent Act inlarge and make wider any other ſuch ſtrait and narrow paſſages within the ſaid City, as are leſs then fourteen foot in bredth: So as notice be given to the Owners or Parties intereſſed in the Ground to be ſo taken for the inlarging thereof, on or before the Firſt day of May next enſuing. And are and ſhall be alſo further enabled by vertue of this Act, to make or cauſe to be made a new Street leading and extending from the Guild-Hall of the ſaid City into Cheapſide; the ſame to be of ſuch bredth and wideneſs, as they ſhall judge meet and convenient.

Satisfaction to be made for Ground.

And to the end that reaſonable ſatisfaction may be given for all ſuch Ground as ſhall be taken and imployed for the uſes aforeſaid; The Mayor, Aldermen and Common-Council ſhall and may treat and agree with the Owners and others intereſſed therein: And if there ſhall be any Perſons, Bodies Corporate or Collegiate, that ſhall wilfully refuſe to treat and agree as aforeſaid, or through any diſability by Nonage, Coverture, or eſpecial Entail, or other impediment, cannot; That in ſuch caſes, the ſaid Lord Mayor and Court of Aldermen are hereby authorized by vertue of this Act, to iſſue out a Warrant or Warrants to the Sheriffs of London, who are hereby required accordingly to Impannel and return a Jury before the ſaid Lord Mayor and Court of Aldermen; Which Jury upon their Oath to be adminiſtred by the ſaid Lord Mayor and Court of Aldermen, are to Inquire and Aſſeſs ſuch Damage and Recompence as they ſhall judge fit to be awarded to the Owners, and others intereſted, according to their ſeveral and reſpective Intereſts and Eſtates of, and in any ſuch Houſes or Ground, or any part thereof, for their reſpective Intereſts and Eſtates in the ſame, as by the ſaid Lord Mayor, Aldermen and Commons in Common-Council aſſembled, ſhall be adjudged fit to be converted for the purpoſes aforeſaid: And ſuch Verdict of the Jury, and Judgment of the ſaid Lord Mayor and Court of Aldermen thereupon, and the payment of the ſum or ſums of money ſo awarded or adjudged to the Owners, and others having Eſtate or Intereſt, or Tender and refuſal thereof, ſhall be binding to all intents and purpoſes againſt the ſaid Parties, their Heirs, Executors, Adminiſtrators and Aſſigns, and others claiming any Title or Intereſt in the ſaid Houſes or Ground, and ſhall be a full Authority for the ſaid Lord Mayor, Aldermen and Commons, to cauſe the ſame to be converted and uſed for the purpoſes aforeſaid.

Houſes which ſhall be better'd in value.

And foraſmuch as the Houſes now remaining, and to be rebuilt, will receive more or leſs advantage in the value of their Rents, by the liberty of Air, and free Recourſe for Trade, and other Conveniencies by ſuch Regulation and Inlargement; It is alſo enacted by the Authority aforeſaid, That in caſe of refuſal, or incapacity as aforeſaid of the Owners, or others intereſſed of, or in the ſaid Houſes, to agree and compound with the ſaid Lord Mayor, Aldermen and Commons for the ſame, Thereupon a Jury ſhall and may be Impannelled in manner and form aforeſaid, to Judge and Aſſeſs upon the Owners, and others intereſſed of, and in ſuch Houſes, ſuch competent ſum and ſums of Money, with reſpect to their ſeveral Intereſts, in conſideration of ſuch improvement and melioration, as in reaſon and good conſcience they ſhall think fit: And all ſums of Money that ſhall be ſo Aſſeſſed and Raiſed as aforeſaid, ſhall be paid to the Chamberlain of the City of London for the time being; who is hereby enabled from time to time to receive and recover the ſame by Action at Law, and whoſe Receipt ſhall be a good Diſcharge to ſuch Owners, or others intereſſed; And who is hereby appointed to receive and pay, and be accomptable for the ſame, according to ſuch Directions as ſhall from time to time be given him by the ſaid Lord Mayor, Aldermen and Commons; And the Money ſo raiſed, ſhall be wholly imployed towards payment and ſatisfaction of ſuch Houſes and Ground as ſhall be converted into Streets, Paſſages, Markets, and other publick places aforeſaid; And ſuch ſatisfaction ſo given or tendered, and refuſed as aforeſaid, ſhall deveſt the Propriety, Eſtate and Intereſt of the reſpective Owners, and others having Intereſt of and in ſuch parcels of Ground, ſo to be taken and imployed for the uſes aforeſaid, by vertue of this Act: Which ſhall be, and are hereby actually ſetled and inveſted in the ſaid Lord Mayor, Commonalty and Citizens of the City of London; and their Succeſſors, in like manner as other the Common-ſtreets and High-wayes within the ſaid City.

Who may hear and determine Differences of ſeveral claims of Eſtates.

And in caſe any Controverſies or Differences ſhall happen to ariſe between ſeveral perſons that ſhall claim ſeveral Eſtates or Intereſts into, or out of any Grounds to be ſold by the ſaid Mayor, Aldermen and Common Council, or by them to be taken and diſpoſed of by vertue, and in purſuance of this Act, to and for the uſes aforeſaid; That then the Juſtices of the Courts of Kings Bench and Common Pleas, and Barons of the Coif of the Exchequer for the time being, or any three or more of them, ſhall be, and are hereby authorized to hear, and finally to order and determine the ſame in a ſummary way of proceeding, and without the formalities or ordinary courſe of proceedings uſed in any the ſaid Courts, to order and award ſuch Diſtribution to be made of the money thereby ariſing, for the ſatisfying of ſuch ſeveral Intereſts and Claims, as to them ſhall ſeem juſt and reaſonable, according to the reſpective Eſtate or Eſtates, Title or Intereſts of the perſon or perſons making Claim thereunto; According to which order and diſtribution to be made and appointed by the ſaid Juſtices and Barons, or any three or more of them, the ſaid Purchaſe-money ſhall be ſatisfied and paid by the ſaid Chamberlain, to the ſaid ſeveral perſons reſpectively.

The ſecond of September appointed a day of Humiliation in the City yearly for ever.

And that the ſaid Citizens and their Succeſſors for all the time to come, may retain the Memorial of ſo ſad a Deſolation, and reflect ſeriouſly upon their manifold Iniquities, which are the unhappy cauſes of ſuch Judgments; Be it further Enacted, That the Second day of September (unleſs the ſame happen to be Sunday, and if ſo, then the next day following) be yearly for ever hereafter obſerved as a day of Publick Faſting and Humiliation within the ſaid City and Liberties thereof, to Implore the Mercies of Almighty God upon the ſaid City, to make devout Prayer and Supplication unto Him; to divert the like Calamity for the time to come.

A Pillar to be ſet in memory of the Fire.

And the better to preſerve the memory of this Dreadful Viſitation, Be it further Enacted, That a Column or Pillar of Braſs or Stone be erected on, or as near unto the place where the ſaid Fire ſo unhappily began, as conveniently may be, in perpetual Remembrance thereof with ſuch Inſcription thereon, as hereafter by the Mayor and Court of Aldermen in that behalf be directed.

Tender of money at the Aſſurance-Office, or the Royal Exchange

And be it Enacted, and it is hereby Enacted by the authority aforeſaid, That all Tenders of Money, or Payment thereof, which by any Bonds, Covenants, or other Obligations or Aſſurance whatſoever ought to be made in the late Aſſurance-Office, or in any other place on the late Royal Exchange, London, ſhall or may be made at, or in the preſent Aſſurance-Office in Greſham-Houſe; And ſhall be as valid and legal to all intents and purpoſes, and diſcharge the Obligor as fully and amply, as if they had been made in the firſt intended place on the ſaid Royal Exchange.

Pariſh Churches to be rebuilded.

And it is hereby further Enacted, That the Pariſh-Churches to be Rebuilded within the ſaid City of London, in lieu of thoſe which were Demoliſhed by the late Fire, ſhall not exceed the number of Thirty nine; Which ſhall be ſet out and appointed by, and with the advice and conſent of the Lord Archbiſhop of Canterbury, and the Biſhop of London for the time being.

Scites and Materials of Churches to be ſold, and how imployed.

Provided alſo, and be it Enacted by the authority aforeſaid, That the Scites and Materials of ſuch Churches as by this Bill are not intended to be Rebuilt, together with the Church-yards belonging to ſuch Churches, ſhall be, and are hereby veſted in the Lord Mayor and Aldermen of the City of London for the time being; to the end ſo much of the ſaid Ground as ſhall not upon the Rebuilding of the ſaid City, be laid into the Streets, be ſold and diſpoſed of by the ſaid Lord Mayor and Aldermen, or the major part of them for the time being, with the conſent of the Archbiſhop of Canterbury, and Biſhop of London for the time being; and the Money raiſed by ſuch Sale, ſhall be by the ſaid Mayor and Aldermen, or the major part of them, with the conſent of the ſaid Archbiſhop and Biſhop, diſpoſed of, and imployed for and towards the Rebuilding of ſuch Pariſh-Churches as by this Act are intended to be Rebuilt; and for no other uſe or purpoſe whatſoever.

St. Pauls, St. Faiths, St. Gregories Churches.

Provided alwayes, That any thing in this Act contained, ſhall not extend or be taken to veſt or ſettle the Church of Saint Paul, and Saint Faiths, or any part thereof, or the Church of Saint Gregories by Saint Pauls, or any of them, or the Church-yards to any of them belonging or appertaining, in the Mayor, Aldermen and Commons of the City of London, or any of them; Any thing in this Act notwithſtanding.

Thames-ſtreet.

And be it Enacted, That for the preventing Inundations, and for eaſineſs of Aſcent, the Street called Thames-ſtreet, and all the Ground between the ſaid Street and the River of Thames, ſhall be raiſed and made higher by three foot at the leaſt above the ſurface of the Ground as now it lieth.

Provided alſo, and it is hereby further Enacted by the authority aforeſaid, That no Houſe, Out-houſe or other Buildings whatſoever (Cranes and Sheds for preſent uſe only excepted) ſhall be built or erected within the diſtance of Forty foot of ſuch part of any Wall, Key or Wharf, as bounds the River of Thames, from Tower-Wharf to London-Bridge, and from London-Bridge to the Temple-Stairs: Nor any Houſe, Out-houſe or other Building (Cranes only excepted) be Built or Erected within the diſtance of Threeſcore and ten Foot of the middle of any part of the Common Sewers, commonly called or known by the names of Bridewell-Dock, Fleet-Ditch, and Turnmil-Brook, from the River of Thames to Clerkenwell, upon either ſide of them, before the Four and twentieth day of March, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty eight.

An Impoſition upon Coals.

And for the further enabling of the ſaid Mayor and Commonalty, and Citizens of the ſaid City of London, and their Succeſſors, to perform and accompliſh the works in this Act mentioned; Be it Enacted by the authority aforeſaid, That for all ſorts of Coals, which from and after the four and twentieth day of June, One thouſand ſix hundred ſixty ſeven, and before the Four and twentieth day of June, One thouſand ſix hundred ſeventy ſeven, ſhall be imported and brought into the Port of the City of London, or the River of Thames, within the liberty of the ſaid City of London, upon the ſame River to be ſold by the Chaldron or Tun, there ſhall be paid by way of Impoſition thereupon, (over and beſides all other Impoſitions and Duties due and payable for any ſort of the ſaid Coals, by vertue of any Law or Statute now in force) according to the Rates hereafter mentioned; That is to ſay, for ſuch ſorts of Coals as are uſually ſold by the Chaldron, for every Chaldron thereof containing Thirty ſix buſhels Wincheſter meaſure, the ſum of Twelve pence; and for all ſuch ſorts of Coals as are ſold by the Tun, for every Tun thereof containing Twenty hundred weight, the like ſum of Twelve pence; which ſaid Impoſition of Twelve pence for every Chaldron or Tun of Coals, ſhall from time to time during the term aforeſaid, be anſwered and paid unto the ſaid Mayor, Commonalty and Citizens, and their Succeſſors, or to their Deputy or Deputies, Officer or Aſſigns, by the Maſter, Owner or Owners, or other perſon or perſons taking charge of any Ship or Veſſel whereupon the ſame ſhall be laden, before they ſhall break Bulk, or have a Meter aſſigned for the meaſuring or weighing of any Coals aforeſaid, to be delivered from on board any ſuch Ship or Veſſel; the ſame to be paid at ſuch place or places, as by the ſaid Mayor and Court of Aldermen ſhall from time to time be appointed for the receipt thereof; Upon receipt whereof, the party appointed to receive the ſame, ſhall without delay, fee or reward, deliver a Receipt to the perſon or perſons who ſhall pay the ſaid Duty; which Receipt ſhall for ſo much be a ſufficient diſcharge.

Coal-meters Duty for Levying the ſame.

And to the end that the ſaid Impoſition may be duly anſwered and paid without fraud or covin, and for the better Levying and Collecting thereof, and for diſcovery of the juſt quantities of all ſorts of Coals to be Imported as aforeſaid; Be it further Enacted by authority aforeſaid, That the Coal-meters for the City of London, appointed, or to be appointed, and every of them, and their reſpective Deputies in their turn and courſe of attendance reſpectively,

ſpectively, ſo ſoon as any Ship or Veſſel freight with Coals ſhall be unladen, ſhall forthwith deliver a true Certificate in writing, unto the Deputy or Deputies, Officers or Aſſigns of the ſaid Mayor and Commonalty, and Citizens, who ſhall be appointed to receive the ſaid Impoſition, of the ſorts, quantities and number of Chaldrons or Tuns of Coals reſpectively which ſhall be meaſured, or weighed and delivered from on Board any ſuch Ship or Veſſel, on pain for his or their default therein, to be ſuſpended from the execution and benefit of his or their Office or Imployment for one whole year from thence next following: And in caſe it ſhall appear by ſuch Certificate or otherwiſe, That there was on Board any ſuch Ship or Veſſel, a greater nomber of Chaldrons or Tuns of Coals, then for which the ſaid Impoſition ſhall have been anſwered and paid as aforeſaid; That then in ſuch caſe there ſhall be paid to the ſaid Mayor and Commonalty, and Citizens, and their Succeſſors, for every Chaldron or Tun of Coals ſo concealed, over and above the Impoſition aforeſaid, the ſum of Five ſhillings; for which (in caſe of refuſal to pay the ſame) ſuch Ship or Veſſel, or any the Tackle, Furniture or Apparel thereof, may be attached and detained by Warrant from the Mayor of the ſaid City for the time being, until payment thereof.

Provided neverthelesſe, That if the Importer, upon ſuch Certificate delivered in by the Coal-meter, ſhall within four and twenty hours, give in his Poſt-entry, and ſatisfie and pay the whole Duty for the ſurpluſage of Coals appearing upon the unlading of ſuch Ship or Veſſel, That then upon ſuch payment, the penalty aforeſaid ſhall be diſcharged.

How the ſaid Impoſition ſhall be diſpoſed.

And it is further Enacted, That all and every ſuch ſum and ſums of Money which ſhall be raiſed upon the Receipt of the ſaid Impoſition of Twelve pence for every Chaldron or Tun of Coals, or by ſuch additional Duty, in caſe of concealment as aforeſaid, ſhall in the firſt place be applied and diſpoſed unto, and for the ſatisfaction of ſuch perſons whoſe Grounds ſhall by vertue, and in purſuance of this Act, be taken and imployed for the inlarging of the Streets, and narrow Paſſages within the ſaid City; And after ſatisfaction given for the ſame, the reſidue of the ſaid Moneys ſhall be applied and diſpoſed unto, and for the ſatisfaction of ſuch perſons whoſe Grounds ſhall be imployed for the making of Wharfs or Keys on the North-ſide of the River of Thames, and upon each ſide of the Sewer called by the name or Names of Bridewell-Dock, Fleet-Ditch and Turnmill-Brook; and alſo for the building and making ſuch Priſons within the ſaid City, as ſhall be neceſſary for the ſafe Cuſtody and Impriſonment of Felons, and other Malefactors.

And the Accompts of Receits and Diſburſements thereof kept.

And to the end the Moneys to be raiſed upon the Impoſition aforeſaid, may be duly applied to the uſes for which the ſame is by this Act appointed, Be it further Enacted, That there ſhall from time to time be provided, and kept in the Chamber of London, one or more Book or Books of Vellam or Parchment, in which all moneys thereupon to be received, ſhall from time to time be entred and ſet down: And alſo other like Book or Books, wherein the Accompts of all Payments and Diſburſements out of the ſame ſhall be likewiſe entred; expreſſing the time when, the occaſion for which, and the name of the perſon or perſons to whom the ſame were ſo paid or diſburſed. And that it ſhall and may be lawful to and for all and every perſon or perſons that ſhall or may be in any wiſe concerned ſo to do, to have free acceſſe unto, and view the ſaid reſpective Books of Receipts and Diſburſements at all times, when the Chamberlains Office is open, without any Fee or Reward to be taken, or demanded for the view or inſpection thereof: And that the Chamberlain of London for the time being, before the end of Michaelmas Term in every year, ſhall tranſmit, and upon his Oath deliver into the Receipt of the Exchequer, a true Copy or Duplicate of the aforeſaid Books of Accompts, containing the Receipts and Diſburſements of all moneys which ſhall be raiſed and paid by or out of the ſaid Impoſition upon Coals, in the year preceding, and ending upon the Four and twentieth day of June next before; there to be received gratis by the proper Officer, and kept amongſt the Records of the ſaid Court; where it ſhall alſo be lawful for any perſon or perſons, who ſhall be in any wiſe concerned ſo to do, to have acceſs thereunto, and to view and peruſe the ſaid Books of Accompts, without any Fee or Reward to be taken or received for the ſame.

Provided alwayes, That it ſhall and may be lawful for the Water-houſe, called Mr. Thomas Morris his Water-houſe, formerly adjoyning to London-Bridge, to be rebuilt upon the place it formerly ſtood, with Timber, for the ſupplying the South-ſide of the City with water, as it for almoſt this hundred years hath done; Any thing in this Act to the contrary in any wiſe notwithſtanding.

Thomas Morris his Water-houſe.

Provided alſo, And it is hereby further Enacted by the authority aforeſaid, That the Lord Mayor and Aldermen of London, may and ſhall open and inlarge a Street or Paſſage called Water-Lane, leading from Fleet-ſtreet to White-Friers-Dock by the River of Thames; as alſo open and inlarge a Street or Paſſage to the ſaid River from Cheapſide through Soper-Lane to Thames-Street, and from the Three-Cranes to the Thames; And open and inlarge one other Street or Paſſage through Mincing-Lane, by St. Dunſtans in the Eaſt, to Thames-Street near the Cuſtom-Houſe: And to make the ſaid Streets or Paſſages twenty four foot in bredth, for the conveniency of Trade, and better paſſage of Carts, and other Carriages to and from the ſaid River; giving notice of what they ſhall herein reſolve, to the Proprietors and Perſons concerned, before the laſt day of May, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty ſeven; and giving them ſatisfaction for their Ground, according to the Rules and Directions of this Act for the inlarging of other Streets and Places.

Water-Lane Street.

Mincing-Lane.

A Scheme

A Scheme of Proportions and Scantlings for Stories, Walls, and Timbers for the Building of leſſer and larger Houſes within the City of LONDON.

Brick.	Diviſion of Story.		Height of Story.		Thickneſs of Walls.			Bricks.
			Foot			Bricks.		
Firſt ſort, being the leaſt Houſes fronting by-ſtreets and Lanes.	Cellars		6½		To the firſt floor.	2		1½
	1 Story		9		2d	1½		1½
	2 Story		9		3d	1½		1½
	Garrets					1		1
		Where the Springs prevent not.						
Second ſort, Houſes fronting all Streets, Lanes of note, and River of *Thames.*	Cellars		6½		To the firſt Floor.	2½		2
	1 Story		10		2d	2		1½
	2 Story		10	Thickneſs of Walls in Front and Reer from the Foundation.	3d	2	Thickneſs of Walls between Houſe and Houſe.	1½
	3 Story	Not leſſe in height clear then	9		4th	1½		1½
	Garrets					1		1
Third ſort, Houſes fronting all High-Streets and and Lanes of note.	1 Story		10		1st	2½		2
	2 Story		10½		2d	1½		1½
	3 Story		9		3d	1½		1½
	4 Story		8½		4th	1½		1½
	Garrets					1		1

Scantlings of Timber for the firſt ſort of Houſes.

		Foot.	Inches.		Inches.	
For the Floors	Summers under	15	12	and	8	
	Wall-plates		7	and	5	
For the Roof	Principal Rafters under	Foot. 15	at foot		8	6 Inches.
			at top		5	
	Single Rafters	4	and 3 Inches.			

	Length. Foot.	Thickneſs.		Depth.	
Joyſts to	10	3	&	7	Inches.
Garrets-floors		3		6	

Scantlings of Timber for the other two ſorts of Houſes.

For the Floors	Length Foot	Foot	Breadth Inches	Depth Inches		Thickneſs Inches	Depth Inches
Summers or Girders which bear in length from	10	to 15	11 and	8	Joyſts which bear 10 Foot	3	6
	15	18	13	9		3	7
	18	21	14	10		3	7
	21	24	16	12		3	8
	24	26	17	14		3	8

	Inches	Inches
Principal Diſcharges upon Peers	13 and	12
In the firſt Story in the Fronts	15	13

	Thickneſs Inches	
Binding Joyſts with their Trimming Joyſts	5	depth equal to their own Floors.

	Inches	Inches
Wall-plates, or raiſing Pieces and Beams	10 and	6
	8	6
	7	5
Lintils of Oak in the 1ſt & 2d ſtory	8 &	6
Lintils of Oak in the 3d ſtory	5	4

For the Roof	Length Foot	Foot		Inches	Thickneſs Inches
Principal Rafters from	15	to 18	at foot	9	7
			at top	7	
	18	21	at foot	10	8
			at top	8	
	21	24	at foot	12	8 ½
			at top	9	
	24	26	at foot	13	9
			at top	9	

	Length Foot	Foot	Inches	Inches
Purlines from	15	to 18	9	8
	18	21	12	9

		Foot	Inches	Inches
Single Rafters	not exceeding in length	9	5	4
	not exceeding in length	6	4	3 ½

Scantlings for Sawed Timber and Laths, uſually brought out of the Weſt-Countrey, not leſs then

	Foot	Breadth Inches	Thickneſs Inch.
Single Quarters in length	8	3 ½	1 ¼
Double Quarters in length	8	4	3 ½
Sawed Joyſts in length	8	6	4
Laths in length	5 4	1 ½	1 quarter & ¼ of Inch.

Stone. Where Stone is uſed, to keep to theſe Scantlings.			
			Inches.
First ſort of Houſes	Corner Peers		18 ſquare
	Middle or ſingle Peers		14 and 12
	Double Peers between Houſe & Houſe		14 and 18
	Door-jams and Heads		12 and 8
		Foot.	Inches.
2d & 3d ſorts	Corner Peers	2	6 ſquare
	Middle or ſingle Peers		18 ſquare
	Double Peers between Houſe & Houſe		24 and 18
	Doors-jams and Heads		14 and 10

	Foot.		Thickneſs.	
Scantlings for Sewers	3 wide	Side-walls	1 brick ½	Bottom paved plain, and then
	5 high	Arch	1 brick on end	1 brick an edge circular.

Kkkkkk General

General Rules.

IN every Foundation within the Ground, add one Brick in thickneſs to the thickneſs of the Wall, (as in the Scheme) next above the Foundation, to be ſet off in Three Courſes equally on both ſides.

That no Timber be laid within Twelve Inches of the Foreſide of the Chimney-Jambs; And that all Joyſts on the Back of any Chimney, be laid with a Trimmer at Six Inches diſtance from the Back.

That no Timber be laid within the Tunnel of any Chimney, upon penalty to the Workman for every default, Ten ſhillings: and Ten ſhillings every Week it continues unreformed.

That no Joyſts or Rafters be laid at greater diſtances from one to the other, then Twelve Inches; and no Quarters at greater diſtance then Fourteen Inches.

That no Joyſts bear at longer length then Ten foot; and no ſingle Rafters at more in length then Nine Foot.

That all Roofs, Window-frames and Cellar-floors be made of Oak.

The Tile-pins of Oak.

No Summers or Girders to ſit over the Head of Doors and Windows.

No Summer or Girder to lie leſs then Ten Inches into the Wall; no Joyſts then Eight Inches, and to be laid in Loame.

CAP. IV.

For Relief of poor Priſoners, and ſetting of them on Work.

How Stocks may be provided for ſetting the poor on work.

WHereas there is not yet any ſufficient Proviſion made for the Relief and ſetting on work of poor and needy perſons committed to the Common Gaol for Felony and other miſdemeanors, who many times periſh before their Trial; and the Poor there living idly and unimployed, become debauched, and come forth inſtructed in the practice of Thievery and lewdneſs: For remedy whereof, Be it Enacted by the Kings moſt Excellent Majeſty, with advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by Authority of the ſame, That the Juſtices of the Peace of the reſpective Counties, at any their General Seſſions, or the major part of them then there aſſembled, if they ſhall find it needful ſo to do, may provide a Stock of ſuch Materials as they find convenient for the ſetting poor Priſoners on work, in ſuch manner, and by ſuch wayes as other County-charges by the Laws and Statutes of the Realm are and may be levied and raiſed; And to pay and provide fit perſons to overſee and ſet ſuch Priſoners on work; and make ſuch Orders for Accompts of and concerning the premiſſes as ſhall by them be thought needful, and for puniſhment of neglects and other abuſes, and for beſtowing of the Profit ariſing by the labour of the Priſoners ſo ſet on work for their Relief, which ſhall be duly obſerved; And may alter, revoke, or amend ſuch their Orders from time to time. Provided that no Pariſh be rated above Six pence by the week towards the premiſſes, having reſpect to the reſpective values of the ſeveral Pariſhes.

Sickneſs and Diſeaſes happening among Priſoners.

And whereas ſometimes by occaſion of the Plague, and other whiles by the great number of Priſoners, great and infectious Diſeaſes have happened among the Priſoners, whereby it hath come to paſs ſometimes that the Judges, Juſtices and Jurors have, upon occaſion of their Attendance at the Trial of Priſoners, been infected, and many of them died thereof, and ſometime ſuch Infection hath ſpread in the Country: For ſome Remedy therein, Be it by the ſame Authority Enacted, That any Sheriff of the reſpective Counties, having the Cuſtody of the Gaol, or ſuch perſons who have the Cuſtody of the Gaol, with the advice and conſent of three or more Juſtices of the Peace, whereof one to be of the Quorum, may, if they ſhall on inquiry or information find it needful, upon emergent occaſions in the reſpective Counties, provide other ſafe places, for the removal of ſick, or other perſons, from and out of the ordinary and uſual Gaols, the ſame places to be uſed and imployed for the reception and cuſtody of the Priſoners, to be by or according to their Order or Orders kept, ordered, diſpoſed and conveyed to the places appointed for the Gaol-delivery, in ſuch and like manner as ſuch Priſoners ought to be kept, ordered, diſpoſed and conveyed in and from the Common Gaols by the Laws and Statutes of the Land. Provided no ſuch place be made uſe of for the purpoſes aforeſaid, againſt the good and free will of the Owners thereof.

Removing of Priſoners.

Provided alſo, and be it Enacted by the Authority aforeſaid, That the Mayor, Bayliff, and other Head-Officer, or any other perſon and perſons, who have and hath the Cuſtody of the Common Gaol within any Corporation of this Kingdom and Dominion of Wales, ſhall by and with the advice of three or more Juſtices of Peace within the ſaid Corporation, whereof one of them to be of the Quorum; in time of Infection, have the like power and authority for removing his and their Priſoners into ſome other convenient place within their Juriſdiction, as to them ſhall ſeem fit, during the time of Infection; And alſo to raiſe a Stock after the ſame rates and proportions, as is herein before allowed to and for the ſeveral Counties within this Kingdom.

Exon City.

Devon.

Provided alſo, and be it further Enacted by the Authority aforeſaid, as followeth, (viz.) That whereas there is already provided a ſtrong and ſufficient Meſſuage in the Pariſh of St. Thomas the Apoſtle near the City of Exon for the purpoſe aforeſaid, and One thouſand pounds more by certain Truſtees upon Propoſals and Agreements made by them with certain Gentlemen, Juſtices of the Peace for the County of Devon, who have alſo provided One thouſand pounds more in order to purchaſe Lands of Inheritance for the good purpoſes hereafter mentioned: Be it Enacted by the Authority aforeſaid, That the ſaid Two thouſand

ſand pounds be laid out in purchaſe of Lands of Inheritance, by Order of the General Seſſions of the Peace hereafter at any time to be held, in the name of ſuch perſons as by ſuch Order ſhall be appointed. Item, That the ſaid Houſe, with the Grounds therewith incloſed, be had and uſed as a Common Gaol and Work-houſe for the ſaid County, in manner as is after expreſſed. Item, That an Overſeer be therein placed by like Order, and by like Order be removeable from time to time; which Overſeer ſhall have the charge, cuſtody and government of the Priſoners to him committed according to this Act, and ſhall have Fifty pounds per annum during the execution of his Office, and Ten pounds per annum for his Deputy; but ſhall therefore take no Fees for receiving, delivering or doing any other ſervice relating to the Priſoners, from or of any the ſaid Priſoners. Item, That the ſaid Juſtices by like Order from time to time ſhall and may, by approbation of the Ordinary, provide and appoint ſome meet and diſcreet Miniſter to read Divine-Service according to the Orders of the Church of England unto the Priſoners, at leaſt four dayes in the week, That is to ſay, on the Lords-day, each Wedneſday, and each Friday and Saturday, and oftner, if the ſaid Juſtices ſhall appoint, and to take pains in inſtructing them each Lords-day at the leaſt, for which they may allow him Thirty pounds per annum, or after that rate, the reſt of the Profits to be for Repairing the Houſe, and towards finding a Stock for to ſet the Priſoners on work. Item, That any perſon charged with ſuch offence only for which Clergy is allowable, if ſo be he be needy and indigent, and not likely to maintain himſelf in Gaol, may by Warrant of the Juſtice or Juſtices of the Peace to whom Juriſdiction in that behalf appertaineth, be committed to the ſaid Work-houſe in order to his Trial; and if any perſon ſhall be committed to the ordinary Gaol, who ſhall be or become ſo indigent, he may by Warrant of three Juſtices of Peace, whereof one to be of the Quorum, be removed from the ordinary Common Gaol to the ſaid Houſe; All which Priſoners ſo committed or removed, ſhall be in the cuſtody of the Overſeer, and be ordered and demeaned in the ſaid Houſe, and conveyed to the Seſſions, or to the Gaol-delivery, by like Warrant, way and means, as the Priſoners in other Gaols by the Laws and Statutes of this Realm are to be ordered and demeaned.

And becauſe the ſaid Workhouſe is diſtant from the ordinary Common Gaol, the Priſoners by Order from the Seſſions or Gaol-delivery may, in order to their Trials, be removed to the Common Gaol, to be the more ready for their Trials. Item, That the ſaid Overſeer ſhall give Security for the Stock, and be liable to ſuch Regulations and Orders for Accompts and otherwiſe, as the Seſſions ſhall from time to time make for ſetting the poor Priſoners on work there, which ſhall be obeyed and obſerved. That a convenient Stock be from time to time raiſed at the Charge of the County. Item, That the ſaid Juſtices of the County in Devon may put in ure all the powers in this Act, as other Juſtices may in any other County by vertue thereof.

Saving to the Kings Majeſty, his Heirs and Succeſſors, and to every other perſon and perſons, and their Heirs, Succeſſors, Executors and Adminiſtrators, all Rights, Titles, Claims and Demands whatſoever, into or out of the ſaid Meſſuages and Premiſſes, as if this Act had never been made.

CAP. V.

A former Act concerning Replevins and Avowries, to extend to the Principality of Wales and the County Palatines.

Whereas by an Act of Parliament, Entituled, An Act for the more ſpeedy and effectual proceeding upon Diſtreſſes and Avowries for Rents, Proviſion is made where any Plaintiff ſhall be Nonſuit before Iſſue joyned in any Suit or Replevin, by Plaint or Writ lawfully returned, removed or depending in any of the Kings Courts at Weſtminſter: Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That the ſaid Act, and all the powers and proviſions thereby made for cauſes of Replevins depending in his Majeſties Courts of Weſtminſter, ſhall be extended, and be of the ſame force and efficacy in all cauſes of Replevin, which are or ſhall be depending in his Majeſties Court of Common Pleas for the County Palatine of Lancaſter, the Court of the Great Seſſions of his Majeſties Principality of Wales, the Court of the Great Seſſions or Aſſizes for the County Palatine of Cheſter, and the Court of Common Pleas for the County Palatine of Durham, as fully and as amply for and during the continuance of the ſaid Act, as if the ſaid Courts had been mentioned therein.

17 Car. 2. cap. 7.

Lancaſter, Wales, Cheſter.

CAP. VI.

A Redreſs of Inconveniencies by want of Proof of the Deceaſes of Perſons beyond the Seas, or abſenting themſelves, upon whoſe Lives Eſtates do depend.

Whereas divers Lords of Manors and others have uſed to grant Eſtates by Copy of Court-Roll for one, two, or more life or lives, according to the Cuſtome of their ſeveral Manors; and have alſo granted Eſtates by Leaſe for one or more life or lives, or elſe for years determinable upon one or more life or lives; And it hath often happened, that ſuch perſon or perſons for whoſe life or lives ſuch Eſtates have been granted, have gone beyond the Seas, or ſo abſented themſelves for many years, that the Leſſors and Reverſioners cannot find out whether ſuch perſon or perſons be alive or dead, by reaſon whereof ſuch Leſſors and Reverſioners have been held out of poſſeſſion of their Tenements for many years, after all the lives upon which ſuch Eſtates depend, are dead; in regard that the Leſſors and Reverſioners when they have brought Actions for the recovery of their Tenements, have been put upon it to prove the death of their Tenants, when it is almoſt impoſſible for them to diſcover the ſame:

For remedy of which miſchief ſo frequently happening to ſuch Leſſors or Reverſioners, Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual & Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if ſuch perſon or perſons for whoſe life or lives ſuch Eſtates have been, or ſhall be granted as aforeſaid, ſhall remain beyond the Seas, or elſewhere abſent themſelves in this Realm by the ſpace of Seven years together, and no ſufficient and evident proof be made of the lives of ſuch perſon or perſons reſpectively, in any Action commenced for recovery of ſuch Tenements by the Leſſors or Reverſioners, in every ſuch caſe the perſon or perſons upon whoſe life or lives ſuch Eſtate depended, ſhall be accounted as naturally dead; And in every Action brought for the recovery of the ſaid Tenements by the Leſſors or Reverſioners, their Heirs or Aſſigns, The Judges before whom ſuch Action ſhall be brought, ſhall direct the Jury to give their Verdict, as if the perſon ſo remaining beyond the Seas, or otherwiſe abſenting himſelf, were dead.

Perſons beyond the Seas, or abſenting themſelves for ſeven years.

And be it further Enacted, That in any ſuch Action wherein the life or death of any ſuch perſon or perſons ſhall come in queſtion between the Leſſor or Reverſioner, and the Tenant in poſſeſſion, it ſhall and may be lawful for the Leſſor or Reverſioner to take exception to any of the Jurors returned for the trial of that cauſe, that the greateſt part of the real Eſtate of any of ſuch Jurors is held by Leaſe or Copy for lives, who upon proof thereof ſhall be ſet aſide as in caſe of other legal Challenges.

What ſhall be a good challenge to Jurors upon trial of Lives in being.

Provided alwayes, and be it Enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend to any Lands held by the life or lives of any perſon or perſons attainted of Treaſon for the horrid murder of his late Majeſty of bleſſed Memory, who now conceal or hide themſelves, which Lands are or have been veſted in his Majeſty, and are now granted to his Royal Highneſs the Duke of York, but that the courſe of Evidence heretofore uſed in ſuch caſes ſhall be had and uſed; Any thing to the contrary in this Act notwithſtanding.

Proviſo for Lands held by lives of certain Traytors attainted.

Provided alwayes, and be it Enacted, That if any perſon or perſons ſhall be evicted out of any Lands or Tenements by vertue of this Act, and afterwards if ſuch perſon or perſons upon whoſe life or lives ſuch Eſtate or Eſtates depend, ſhall return again from beyond the Seas, or ſhall on proof in any Action to be brought for recovery of the ſame, be made appear to be living, or to have been living at the time of the Eviction, That then, and from thenceforth the Tenant or Leſſee, who was outed of the ſame, his or their Executors, Adminiſtrators or Aſſigns, ſhall or may re-enter, re-poſſeſs, have, hold and enjoy the ſaid Lands or Tenements in his or their former Eſtate, for and during the life or lives, or ſo long term as the ſaid perſon or perſons, upon whoſe life or lives the ſaid Eſtate or Eſtates depend, ſhall be living; and alſo ſhall upon Action or Actions to be brought by him or them againſt the Leſſors, Reverſioners or Tenants in poſſeſſion, or other perſons reſpectively, which ſince the time of the ſaid Eviction received the Profits of the ſaid Lands or Tenements, recover for damages the full Profits of the ſaid Lands or Tenements reſpectively, with lawful Intereſt for and from the time that he or they were outed of the ſaid Lands or Tenements, and kept and held out of the ſame by the ſaid Leſſors, Reverſioners, Tenants, or other perſons, who after the ſaid Eviction received the Profits of the ſaid Lands or Tenements, or any of them reſpectively, aſwell in the caſe when the ſaid perſon or perſons, upon whoſe life or lives ſuch Eſtate or Eſtates did depend, are or ſhall be dead at the time of bringing of the ſaid Action or Actions, as if the ſaid perſon or perſons were then living.

Proviſo for perſons evicted by this not being in truth dead.

CAP. VII.

Diſturbances of Seamen and others prevented, and to preſerve the Stores belonging to His Majeſties Navy Royal.

16 Car. 2. cap. 5.

Turbulency of Seamen.

WHereas divers Fightings, Quarrellings and Diſturbances do often happen in and about His Majeſties Offices, Yards and Stores for His Majeſties Royal Navy, and frequent Differences and Diſorders are occaſioned in the Office of His Majeſties Treaſury of the Navy on Pay-days, in London, Portſmouth, and other places of meeting for the Service of the ſaid Navy; And that either by the unreaſonable Turbulency of Seamen and others, attending on, or relating to that Service, or their Creditors, or by the rudeneſs of the Officers intruſted with His Majeſties Stores on Land, or in His Royal Ships, when they are queſtioned by the Principal Officers and Commiſſioners of the ſaid Navy, either for neglect or Imbezelment of His Majeſties Proviſions, Ammunition, or other Equipage of the Navy under their Charge; and that not only to the diſturbance of the Peace, but ſometimes to the danger and hindrance of His Majeſties Service, both in point of huſbanding His Majeſties Revenue, and alſo on the diſpatch of the Ships, on which the Honour and Safety of His Majeſty and Kingdom ſo much depends; Which inconveniencies require a ſpeedier remedy then the ordinary attendance on the Seſſions of Peace can give; the Parties Accuſed or Offending, being many times bound to Sea, and the principal Officers and Commiſſioners for want of Authority to ſuppreſs ſuch Inſolencies, and determine ſuch Caſes, being neceſſitated to paſſe by many Offences, in which His Majeſty might be righted, if their neceſſary attendance on that important Service would permit the proſecution of the Offendors before other ordinary Judicatures.

Who may examine and puniſh offences and diſturbances committed by Seamen relating to the Navy.

Be therefore Enacted by the Kings moſt Excellent Majeſty, with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, and by the Authority of the ſame, That the Treaſurer, Comptroller, Surveyor, Clerk of the Acts, and the Commiſſioners of the Navy for the time being, or any one or more of them, have power and Authority to examine and puniſh all ſuch perſon and perſons whom they upon their enquiry, examination, or on view in their preſence, ſhall find hereafter to make, or have made any Diſturbance, Fighting or Quarrelling in the Yards, Stores or Offices aforeſaid, at Pay-dayes, or on other occaſions relating to the Naval Services, in ſuch manner as followeth, (That is to ſay) That they, or any one or more of them, may puniſh any the ſaid Offences, by Fine, Impriſonment, or either of them, the Fine not exceeding Twenty ſhillings, and Impriſonment not exceeding one week; And have power in ſuch caſes to commit ſuch perſons to the next Gaol, or to the cuſtody of the Meſſenger or Meſſengers for the time being attendant on them, who reſpectively are to receive and detain ſuch perſon ſo offending: And that the ſaid principal Officers and Commiſſioners, or the greater number of them preſent, have power to diſcharge ſuch Fine or Impriſonment, if they think fit; And for non-payment of the Fine ſo impoſed and not remitted, to Impriſon the Party offending, untill payment thereof; which ſaid Fines ſhall be paid to the Clerk of the Cheſt, for the uſe of the maimed Seamen; And that the examination of Witneſſes be upon Oath before him or them, which they, any one or more of them are accordingly impowred to Adminiſter.

And it is further by Authority aforeſaid Enacted, That the ſaid Officers and Commiſſioners, or any one or more of them (in caſes where greater example or puniſhment is needful) may alſo bind the perſon or perſons ſo offending, to their good behaviour, with or without Securities, as occaſion ſhall be.

Imbezeling of Stores and Ammunition of the Navy.

And whereas divers of His Majeſties Stores and Ammunition pertaining to his Navy and Shipping, or Service thereof, are imbezelled or filched away, It is by the like authority Enacted, That the ſaid Principal Officers and Commiſſioners, or any one or more of them, by Warrant under their Hands and Seals, have power in like manner to inqure and ſearch for the ſame in all places, as Juſtices of Peace may do in caſe of Felony, and puniſh the Offendors by ſuch Fine and Impriſonment as aforeſaid, and cauſe the Goods to be brought in again: And if the Offence be of ſuch nature as doth require an higher and ſeverer puniſhment, Then that they, any one or more of them may commit ſuch Offendor to the next Gaol, or to the cuſtody of their Meſſenger or Meſſengers aforeſaid, till he or they offending enter into Recognizance, with Surety or Sureties, according to the nature of the Offence, to appear and anſwer to the ſame in His Majeſties Court of Exchequer, or other Court where His Majeſty ſhall queſtion him or them for the ſame, within one year following, on Proceſs duly ſerved for that purpoſe on ſuch Offendor or Offendors.

And it is Declared and Enacted by the Authority aforeſaid, That they the ſaid Principal Officers and Commiſſioners, or any one or more of them, may put in uſe the ſaid Powers on the Offendors as aforeſaid, in all places where they hold an Office for His Majeſty, as well within Liberties as without; Any Law, Statute, Ordinance, Charter or Priviledge to the contrary notwithſtanding.

Encouragement of Mariners and Souldiers serving in the Fleet.

And for the better encouraging of ſuch Mariners and Souldiers as now do, or ſhall ſerve His Majeſty in His Fleet or Ships during this War, Be it further Enacted by the Authority aforeſaid, That no Ordinary, Regiſter or other Officer belonging to any Eccleſiaſtical Court, or Court of Orphans, or any Jurisdiction whatſoever within the Kingdom of England, or Dominion of Wales, or Town of Berwick, ſhall take or receive of the Executor or Adminiſtrator, Executors or Adminiſtrators of any Mariner or Souldier dying in the pay of His Majeſties Navy during this preſent War, above the ſum of Twelve pence for the Probate of any Will, Regiſtring the ſame, granting Letters of Adminiſtration, exhibiting any Inventory, or for any other matter or thing relating thereunto; And for every default herein by wilful delay in the doing, granting, or executing the Premiſſes, the perſon or perſons ſo offending, ſhall forfeit to the party grieved the ſum of Ten pounds, to be recovered by Action of Debt, Bill, Plaint or Information in any of His Majeſties Courts of Record at Weſtminſter, or elſewhere, wherein no Eſſoine, Priviledge, Protection or Wager of Law ſhall be allowed; Any Law or Statute, or Uſage to the contrary notwithſtanding.

The Continuance of this Act.

This Act to continue for Two years, from the Firſt day of February, One thouſand ſix hundred ſixty and ſix; and from thence to the end of the next Seſſion of Parliament.

CAP. VIII.

Twelve hundred fifty ſix thouſand three hundred forty ſeven pounds thirteen ſhillings granted to the Kings Majeſty, towards the Maintenance of the preſent War, to commence January the 26th. 1667, and to be paid in eleven Moneths, at 114213 li. 8 s. 5 d. ob. the Moneth. EXP.

CAP. IX.

Accompts of ſeveral Sums of Money, how to be taken.

VVhereas many and great Aides and Proviſions have been Given, Raiſed, and Aſſigned for the neceſſary Defence of your Majeſty and your Kingdoms, in the late great and important Wars; To the end that both your Majeſty and this whole Kingdom may be ſatisfied, and truly informed, whether all the ſame Moneys and Proviſions have been faithfully iſſued out and expended in and about the Preparing and Setting forth of your Royal Navy, and other the Management and carrying on the ſaid War, and with ſuch Care, Fidelity, and good Huſbandry, as the nature of ſuch Services would admit of, according to your Majeſties own Gracious and Princely deſires, and the earneſt expectation of your moſt Loyal Subjects, then which, nothing can encourage them more chearfully to undergo the like burthens in time to come, for the neceſſary Defence of your Majeſty and your Realms.

Commiſſioners for taking the accompts of 2400000, &c.

May it therefore pleaſe your moſt Excellent Majeſty, That it may be Enacted; And be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the authority thereof, That William Lord Brereton Baron of Laughtyn in the Kingdom of Ireland, William Peirepoint Eſquire, Sir George Savile Baronet, Giles Dunſter Eſquire, Sir

James Langham Knight, Henry Osborn Eſquire, Sir William Turner Alderman of the City of London, George Tomſon Eſquire, and John Gregory Eſquire, or any Five or more of them, ſhall be Commiſſioners for the taking of the Accompts of the ſum of Twenty four hundred threeſcore and ſeventeen thouſand and five hundred pounds, granted by a late Act of this preſent Parliament, intituled, An Act for granting of a Royal Aid to the Kings Majeſty, of Twenty four hundred threeſcore and ſeventeen thouſand and five hundred pounds, to be raiſed, levied and paid in the ſpace of Three years; and of Twelve hundred and fifty thouſand pounds granted by another late Act of this preſent Parliament, intituled, An Act for granting the ſum of Twelve hundred and fifty thouſand pounds to the Kings Majeſty for his preſent further Supply; And of Two hundred and ten thouſand pounds granted for Three Moneths, at the rate of Threeſcore and ten thouſand pounds per menſem, by another Act, intituled, An Act for Ordering the Forces in the ſeveral Counties of this Kingdom. And alſo for taking the Accompts of all ſuch Moneys as have been raiſed or charged by a late Act of this preſent Parliament, intituled, An Act for raiſing Moneys by a Poll and otherwiſe, towards the maintenance of the preſent War: And by another Act of this preſent Parliament, intituled, An Explanatory Act for raiſing Moneys by a Poll and otherwiſe, towards the maintenance of the preſent War: And of the ſum of Twelve hundred fifty ſix thouſand three hundred forty ſeven pounds thirteen ſhillings, granted by another late Act of this preſent Parliament, intituled, An Act for granting the ſum of Twelve hundred fifty ſix thouſand three hundred forty ſeven pounds thirteen ſhillings to the Kings Majeſty, towards the maintenance of the preſent War: And of all ſuch Moneys as have ariſen by the Cuſtoms granted to his Majeſty, by an Act of this preſent Parliament, and have been applied to the ſervice of the War; and of ſuch Prizes as have been taken during the ſaid late War, for his Majeſties uſe; and of all other Moneys, Proviſions, and things whatſoever, which have been raiſed or aſſigned for or towards the fitting, furniſhing, or ſetting out to Sea any of the Navies or Ships imployed in the ſaid late War, or for or touching the Management or Maintenance thereof. And to that end, the ſaid Commiſſioners, or any Five or more of them, are hereby authorized and required to call before them all Treaſurers, Receivers, Pay-maſters, Principal Officers and Commiſſioners of the Navy and Ordnance reſpectively, Victuallers, Purſers, Muſter-maſters and Clerks of the Cheque, Accomptants, and all Officers and Keepers of his Majeſties Stores and Proviſions for War, as well for Land as Sea, and all other perſons whatſoever imployed in the Management of the ſaid War, or requiſite for the Diſcovery of any Frauds relating thereunto, To make perfect and true Accompts of all ſuch of the Moneys as have come to any of their hands reſpectively; and to bring in and deliver the ſame to the ſaid Commiſſioners, or any Five or more of them without delay: And alſo, to bring in their ſeveral Books of accompts, Vouchers and Acquittances, Contracts, Muſter-Rolls, Cheque-rolls, Cheque-books, and all other Books and Writings whatſoever, touching or concerning the premiſſes, to be peruſed, tryed and examined by the ſaid Commiſſioners, whereby it may appear what Moneys have been received, and how the ſame have been diſburſed; and what Ammunition, Proviſions and Stores of any kind which were in his Majeſties Store-houſes, or Yards, or elſewhere, have been Imployed in the ſaid War, after the Firſt day of September, One thouſand ſix hundred ſixty four; and what Ships and other Veſſels his Majeſty then had for the Service of the War, together with their ſeveral Equipages and Furniture; and what Moneys or other Proviſions or Materials have been paid or delivered to the hands of the ſaid Treaſurers, Receivers, Pay-maſters, Victuallers, Purſers, or other Accomptants, or any of the ſaid Officers or Keepers of his Majeſties Stores; and when the ſame was ſo paid or delivered, and how and at what time or times the ſame have been diſpoſed of, and to whom and for what uſe or uſes; and to examine the Rates and Prices ſet upon any Proviſions, Wares or Materials bought or provided for the Service of the ſaid War, and what the ſame were then truly worth, and what was really paid for the ſame, and by whom, and to whom, and when the ſame was ſo bought and paid for, and how the ſame Proviſions, Wares and Materials have been imployed or diſpoſed of, and by what Warrant; and to examine all ſuch Merchants and Tradeſmen, and their Books, Receipts and Acquittances, and all ſuch Sea men and others as ſhall be thought fit to be heard touching any Frauds, Oppreſſions or Exactions practiſed or uſed by any perſon or perſons intruſted or imployed in or about the payment or receipt of any of the ſaid Moneys, or the buying or providing of any of the ſaid Proviſions, Wares or Materials, or the cuſtody, ordering or diſpoſing of the ſame, and to what Value, and what Gain or Advantage was made thereby, and by whom and where, and about what time the ſame was done; and to enquire and find out whether any, and which of the Sea-men and others have been defrauded of any of their Præmiums or Rewards, Victuals, Clothes, Pillage or other allowances or benefits aſſigned, promiſed, or appointed to any of them, for or in reſpect of their Service in the ſaid War, and by whom and to what value; And to enquire and find out what Moneys have been, or ought to have been ſet apart for the Cheſt, from the Four and twentieth day of June, One thouſand ſix hundred and ſixty, and how the ſame have been paid and diſpoſed of, and whether any part thereof hath been defalked or detained from the perſons to whom it was due and payable, and how much much, when, and by whom, and upon what pretence the ſame was done; And whether any ſums of Money, and how much ariſing by the Cuſtoms and Subſidy of Tonnage and Poundage, ever ſince the Firſt of September, One thouſand ſix hundred ſixty four, hath been iſſued and allowed for and towards the maintenance of the ſaid War; and alſo to enquire and find out the numbers and values of all the Prize-ſhips and Goods which have been taken for his Majeſties uſe during the ſaid War, and their ſeveral Bills of Lading, and how the ſame Ships and Goods, or any of them have been appriſed, valued, ſold, imbezelled, or otherwiſe diſpoſed of; and how the prices or moneys thereof ariſing, have been accompted for to his Majeſty; and what frauds or abuſes have been committed therein, and by whom, and for what value: And to

enquire

16 & 17 Car. 2. cap. 1.

17 Car. 2. cap 1.

14 Car. 2. cap. 3 relating to 15 Car. 2. cap. 4.

18 Car. 2. cap. 1.

19 Car. 2. cap. 6.

19 Car. 2. cap. 13.

The power of the Commiſſioners to that purpoſe.

Who are to account, and for what, and within what time.

Frauds herein, how to be examined.

Sea-mens rewards to be enquired of, if given to them.

And what moneys ought to have been ſet out to the Cheſt ſince 24 June 1660.

Tunnage and Poundage.

Prize-Ships and other Goods taken for the King.

enquire whether any, and how much of the ſaid moneys given for the maintenance of the ſaid War, by Act of Parliament as aforeſaid, hath been beſtowed or diſpoſed of to, or for any other uſe or purpoſe, and to what other uſes or perſons the ſame are, or any part thereof was ſo beſtowed or diſpoſed: And alſo to enquire by whoſe means, counſel, or procurement it came to paſs, That the Ships, Sea-men, Mariners and others were generally diſcharged by Tickets, and not paid with Money by the Cheque-Roll of the reſpective Ships or Veſſels wherein they ſerved, as formerly; and how any of the Land-Forces came to be ſo paid, and what loſs or diſadvantage his Majeſty, or any of the Sea-men, or Land-ſouldiers have ſuſtained thereby; and what advantage or benefit hath been made by any perſon or perſons by means of ſuch payment, or by buying, ſelling or aſſigning of any ſuch Tickets, and by whom particularly, and to what value; and how much of the Wages due to any of the ſaid Sea-men or Land-ſouldiers is yet remaining unpaid, and to whom particularly the ſame is due or payable. And further, to ſearch into, examine, and find out all other Frauds, Exactions, Negligences, and Defaults and Abuſes which have been practiſed or committed by any perſon or perſons whatſoever, touching the premiſſes; and when, and by whom the ſame were ſo practiſed or committed, and what damage hath been ſuſtained thereby, and to what value: And for that end and purpoſe alſo to inſpect and examine all ſuch former Accompts as they ſhall think neceſſary; And to ſend for Sea-men, and cauſe to appear before the ſaid Commiſſioners, or any Five or more of them, all or any of the ſaid Accomptants, and other Officers and Keepers of Stores, And all ſuch Merchants, Tradeſmen, Sea-men, Souldiers, and other perſons as they ſhall think meet, and to examine them ſeverally upon their corporal Oaths (which the ſaid Commiſſioners, or any Five or more of them, ſhall and may adminiſter by vertue of this Act) and alſo to ſend for, and peruſe all ſuch Records, Books, Vouchers, Acquittances, and other Writings, as they ſhall think fit to be produced, for the better diſcovery of any the ſaid Frauds, Exactions, Negligences and Defaults, or Abuſes, and to do, execute and perform all ſuch other Act and Acts as they the ſaid Commiſſioners, or any five or more of them in their Judgment ſhall find requiſite, whereby all ſuch perſon and perſons as ſhall appear guilty of any of the ſaid Frauds, Exactions, Negligences, Defaults or Abuſes, may be brought to condign puniſhment in Parliament, or otherwiſe, for the better prevention of the like crimes and miſdemeanors, and the encouragement of the Sea-men for the time to come. And to the end that all and every the ſaid accompts may be made the more plain and intelligible, The ſaid Commiſſioners, or any Five or more of them are hereby authorized to direct, reform and amend the manner and method of the ſame, ſo as it may clearly appear how the ſaid Moneys, and every part thereof have been imployed and diſpoſed of for the Service of his Majeſty, and the Publique Safety and Defence, or otherwiſe, as the caſe ſhall require. And in caſe any of the ſaid Treaſurers, Receivers, Pay-maſters, Principal Officers, and Commiſſioners of the Navy and Ordnance, Victuallers, Purſers, Muſter-maſters, Clerks of the Cheque, Accomptants, Officers, Keepers of Stores, or other perſon or perſons ſummoned to appear before the ſaid Commiſſioners, ſhall refuſe or neglect to appear, or to produce any of their Books, Vouchers, Acquittances, or other Writings, or to be examined upon his, her, or their corporal Oaths, touching the premiſes as aforeſaid, or ſhall refuſe or neglect to do ſuch other thing or things as the ſaid Commiſſioners, or any Five or more of them, may or ſhall require of them to be done by vertue of this Act, That then the ſaid Commiſſioners, or any Five or more of them, are hereby authorized by Warrants under their hands and ſeals, to commit ſuch perſon or perſons ſo refuſing or neglecting, unto any of his Majeſties Priſons, there to remain under ſafe cuſtody without Bail or Mainprize, until he, ſhe or they ſhall yield obedience to that which ſhall be ſo required of them.

Tickets to Sea-men to be enquired of.

To inſpect former accompts.

Examine upon Oath.

Reform the manner of accounts.

Perſons refuſing to appear, to be committed to priſon without bayl till obedience.

And be it further Enacted, That the ſaid Commiſſioners or any Five or more of them or any Five or more of ſuch other perſons as they ſhall think fit, from time to time, by Warrant under their Hands and Seals, to conſtitute and appoint in that behalf, ſhall have full power and authority, by vertue of this Act, to enquire, aſwell by the Oaths of good and lawful men of any County, City, Port, Corporation, or Liberty within this Realm, aſwel within Liberties as without, and by depoſitions of credible witneſſes to be examined before them, as by all other good and lawful ways and meanes, of all and ſingular the premiſſes, when, and as often as they ſhall think fit and expedient; And for that purpoſe to award their Precept or Precepts to all Sheriffs, Bailiffs, and other Officers within the ſaid Counties, Cities, Ports, Corporations, and Liberties, who are hereby required to return and cauſe to appear before them the ſaid Commiſſioners, or any five or more of them, or before ſuch other Perſons ſo by them conſtituted as aforeſaid, ſuch and ſo many good and lawful men, inhabiting within their reſpective Counties, Cities, Ports, Corporations, and Liberties, at ſuch time and place, times and places, as ſhall be required by ſuch Precept or Precepts, and under ſuch Penalties as ſhall be therein contained to make ſuch Enquiry, and to find out the truth of the premiſſes, without any Fee or reward to be taken or demanded for the ſame: And that the ſaid Commiſſioners, or any five or more of them, or any five or more of ſuch other perſons ſo conſtituted as aforeſaid, ſhall have full power and Authority by vertue of this Act, to take Inqueſts, and to examine and take the depoſitions of Witneſſes upon oath, in or touching any of the premiſſes before mentioned, for the information of the ſaid Commiſſioners, and to certifie the ſame in writing under their hands and ſeals: And to that end the ſaid Commiſſioners, or any five or more of them, or the ſaid perſons ſo deputed, ſhall and may by authority of this Act adminiſter ſuch Oaths, as are uſualy adminiſtred in cauſes of Suit between Party and Party depending in his Majeſties Court of Exchequer.

Commiſſioners may ſend Precepts to the Sheriffs to ſummon Juries.

May take Inqueſts to examine witneſſes upon Oath.

And for the better execution of this preſent Act, the ſaid Commiſſioners, or any five or

more

To appoint places of ſitting, and Officers.

Clerks to be ſworn.

To make returns to the King, and alſo to the Parliament if ſitting.

Their Judgements muſt be certified into the Exchequer.

more of them, are hereby authorized to meet and ſit from time to time, with or without Adjournment, and in ſuch place and places as they ſhall think convenient, and to call to their aſſiſtance, appoint and imploy ſuch Clerks and Officers as they ſhall think meet, and to give to every of the ſaid Clerks and Officers an Oath for his true and faithful demeanour in all things committed to his truſt and performance by the ſaid Commiſſioners, and in all other things touching the premiſſes: which Clerks and Officers are hereby required faithfully to execute and perform the truſt in them repoſed ſeverally and reſpectively, without taking any thing for ſuch their Service, other ſuch Salary or Reward as the ſaid Commiſſioners, or any five or more of them ſhall think fit to direct in that behalf, under pain of forfeiting their reſpective Officers, Places, and Salaries. And the ſaid Commiſſioners are hereby required from time to time, as they ſhall ſee cauſe, and at the determination of their Examinations and Proceedings by vertue of this Act, to give an Accompt thereof in Writing under any five or more of their Hands and Seals, to the Kings Majeſty, and to both Houſes of Parliament, if then ſitting, that ſo His Majeſty may receive a full and true accompt how the ſaid Moneys and other things have been diſburſed or diſpoſed of for his Service or otherwiſe; and that ſuch puniſhment may be inflicted upon the Offenders, and ſuch further Order taken in the premiſſes, as to Juſtice ſhall Appertain: And the ſaid Commiſſioners, or any five or more of them, may and are hereby Authoriſed, upon conſideration of the depoſitions and proofs before them to hear the Parties concerned and their Councel, and finally to adjudge and determine of all the ſaid accompts, Frauds, Exactions Negligences, Defaults, and Abuſes, and to allow of ſuch of the ſaid accompts, and diſcharge ſuch Accomptants, as to them in their judgements ſhall ſeem juſt and meet, and to certifie ſuch their Judgment, Order and Determination by Writing in Parchment under their Hands and Seals into His Majeſties Court of Exchequer, which Court is hereby authorized and required thereupon to iſſue and make out his Majeſties Proceſs of that Court, for the levying of all ſuch Debts and Moneys, as ſhall be due or payable to His Majeſty by means of ſuch Judgment, Order or Determination, as ſpeedily and effectually to all intents and purpoſes, as if the ſame had accrued or grown due to his Majeſty by the immediate Judgment, Order or Decree of that Court.

Diſcoverers to be rewarded.

And be it further Enacted, That the ſaid Commiſſioners, or any Five or more of them, by Warrant under their Hands and Seals, ſhall and may, and are hereby directed to aſſign and allow ſuch part and proportion of all ſuch Moneys and Goods, as ſhall be diſcovered and ſufficiently proved before them by any perſon or perſons, to have been unjuſtly gotten or detained from his Majeſty by means of any the Frauds, Exactions or Abuſes mentioned in this Act, as they the ſaid Commiſſioners in their diſcretion ſhall think a fit reward for ſuch diſcovery, not exceeding one Third, nor being leſs then one Tenth part of the Money or Goods ſo diſcovered; the ſame to be had and taken by the perſon and perſons making ſuch diſcovery from time to time, in ſuch manner, and in ſuch proportions, as the ſaid Commiſſioners ſhall appoint by ſuch their Warrant as aforeſaid, out of ſuch Receipt into which the ſame Money ſhall at any time be paid, without any further or other Warrant or Allowance in that behalf.

Commiſſioners to take an Oath.

And be it further enacted, That every of the ſaid Commiſſioners, before he enter upon the Execution of this Act, ſhall take an Oath before the Lord Chancellor or Lord Keeper of the Great Seal of England, or Maſter of the Rolls for the time being, which they and every of them are hereby authorized and required to adminiſter, the tenour whereof ſhall be as followeth, Viz.

I A. B. do ſwear, That according to the beſt of my skill and knowledge, I ſhall faithfully, impartially, and truly demean my ſelf in examining and taking the Accompts of all ſuch as ſhall make any Accompt before me, in execution of one Act, entituled, An Act for taking the Accompts of the ſeveral Sums of Money therein mentioned, according to the tenour of the ſaid Act, and in determining the ſaid Accompts, and Execution of the ſaid Act.

Allowance to the Commiſſioners:

And be it further enacted, That the Lord High Treaſurer of England, or Commiſſioners of the Treaſury for the time being, are hereby authorized and required to iſſue and cauſe to be paid, One thouſand pounds by the year, for the Diet of the Commiſſioners, and alſo ſuch ſum or ſums of Money, not exceeding Two thouſand pounds by the year, to ſuch perſon or perſons as the ſaid Commiſſioners, or any Five or more of them by Writing under their Hands ſhall deſire or direct, out of any part of his Majeſties Treaſure or Revenue, to be imployed in or for the payment of Houſe-rent, Clerks, Meſſengers and other Officers, and in defraying all other neceſſary charges in and about the Execution of the Powers of this Act, and in ſuch manner, and in ſuch proportions, as ſhall be appointed by any Five or more of the ſaid Commiſſioners, by Writing under their Hands in that behalf; the ſame to be accounted for by the perſon or perſons to whom the ſaid Money ſhall be ſo iſſued or paid, according to the courſe of his Majeſties Exchequer, without any Fee or other Charge, to be taken or demanded for the iſſuing or payment of the ſame Money, or the paſſing of ſuch Accompt, other then ſuch ſum as the ſaid Commiſſioners ſhall appoint: And if any Queſtion or Suit in Law ſhall ariſe touching any of the Powers or Matters contained in this Act, or the Execution thereof, the ſame ſhall be heard and determined by the ſaid Commiſſioners, or any Five or more of them, and not by any other courſe of Judicature whatſoever out of Parliament.

The continuance.

This Act, as to the powers of taking and Examining of Accompts, and adminiſtring of Oaths to endure for the ſpace of Three years, from the end of this preſent Seſſion of Parliament next enſuing, and no longer.

Provided always, And be it enacted by the authority aforeſaid, Whereas ſeveral Sea men after Service done to his Majeſty, expected to receive their Wages, and in ſtead thereof had Tickets delivered them, for their Money due to them for their Service, or otherwiſe, upon pretence that there was a want of Money to pay them, to the great diſcouragement of the ſaid Sea-men: And whereas, for a preſent ſupply of themſelves and their families, they have been neceſſitated to ſell the ſaid Tickets for leſs then the ſum of Money mentioned in them, which Tickets have been ſold from man to man: Be it therefore, And it is hereby Enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall be, and are hereby impowred to compel each Buyer of ſuch Tickets, or ſuch who Purchaſed from them, to reſtore to the ſeveral perſon from whom they Purchaſed them, all, or as much of the ſaid Money as they ſhall think fit (upon the computation of Intereſt or any other conſideration) which remains, to make up the full Accompt or ſum contained in, and which was due upon the ſaid Tickets; and ſuch perſon or perſons that have ſo bought Tickets, and ſhall refuſe, by Order of the ſaid Commiſſioners to repay to any perſon or perſons ſuch ſum or ſums of Money as they ſhall adjudge him to pay preſerving to each party the full Principal and Intereſt at leaſt; then in ſuch a caſe, and upon all ſuch refuſals, It ſhall and may be lawful, and the ſaid Commiſſioners are hereby impowred to ſend to any Goal or Goals, all ſuch perſons ſo refuſing, until they ſhall obey the Order or Orders of the ſaid Commiſſioners.

Buyers of Sea-mens Tickets at under rates, to make up to the ſellers the whole ſum.

Penalty for refuſing.

Provided alſo, And be it Enacted by the authorized aforeſaid, That if any perſon or perſons who by the Authority of this Act, ſhall be examined upon Oath before the ſaid Commiſſioners or any of them, ſhall wilfully and falſely forſwear himſelf or her ſelf, ſuch wilful and falſe forſwearing, ſhall be taken and adjudged to be wilful Perjury; and ſuch perſon or perſons ſhall and may be proceeded againſt in ſuch manner to all intents and purpoſes, as by the Laws and Statutes of this Realm, in caſes of Perjury is provided and appointed, and ſhall ſuffer and incur upon Conviction, like pains and penalties as by the ſaid Laws and Statutes are appointed to be inflicted and impoſed.

Perjury.

CAP. X.

An Act for Baniſhing and Diſenabling the Earl of Clarendon.

WHereas Edward Earl of Clarendon having been Impeached by the Commons aſſembled in Parliament, of Treaſon, and other Miſdemeanors, hath knowingly withdrawn himſelf, and is fled, whereby Juſtice cannot be done upon him according to his demerit: Be it enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, and by authority of the ſame, That the ſaid Edward Earl of Clarendon ſhall and do ſuffer perpetual Exile, and be for ever Baniſhed this Realm, and all other his Majeſties Dominions, and ſhall be for ever diſabled from having, holding or enjoying any Office or Place of Publique Truſt, or any other Imployment whatſoever.

Earl of Clarendon baniſhed for ever, and diſabled.

And be it further enacted by the authority aforeſaid, That it ſhall be, and be taken to be Treaſon, for the ſaid Earl at any time to return into, or be found in England, or any other his Majeſties Dominions, after the Firſt day of February, according to the Accompt of England, One thouſand ſix hundred ſixty ſeven; And that in caſe the ſaid Earl ſhall at any time return into, or be found in England, or any other his Majeſties Dominions, after the ſaid Firſt day of February, That the ſaid Earl ſhall ſuffer the Pains and Penalties of Treaſon, and be made incapable of any Pardon from the Kings Majeſty, his Heirs and Succeſſors, but by Act of Parliament: And that all Correſpondency with the ſaid Earl, except it be of his Children, or ſuch perſons as ſhall be Licenſed by the King in Council, concerning his Eſtate and Domeſtick Affairs onely, after the ſaid Firſt day of February, ſhall be, and be taken to be of the ſame nature as Correſpondency with a Traytor; and the Offender therein ſhall ſuffer ſuch Pains and Penalties, as by the Laws of this Realm are to be inflicted upon ſuch perſons as keep correſpondence with Traitors. And that all Letters ſent to the ſaid Earl, be ſhewed to one of the Principal Secretaries of State before they be ſent: And that all Letters which ſhall be received from the ſaid Earl, be likewiſe ſhewed to one of the Principal Secretaries within Ten dayes next after ſuch receipt, under the Penalties aforeſaid.

Treaſon for him to return.

Correſpondence with him forbidden.

Letters to him to be ſhewed to the Secretary of State.

Provided always, That if the ſaid Earl of Clarendon ſhall on or before the ſaid Firſt day of February next, render himſelf unto one of his Majeſties Principal Secretaries of State, or to the Lieutenant of the Tower of London for the time being, in order to his Tryal, which ſhall be in Parliament; That then, and in ſuch caſe, all and every the Penalties and Diſabilities by this Act Impoſed upon the ſaid Earl of Clarendon, ſhall be utterly void and of no effect; Any thing herein before contained to the contrary notwithſtanding.

The penalties void if he had rendred himſelf before the Firſt of February.

CAP. XI.

Prize Ships made free for Trade.

WHereas by ſeveral Acts of Parliament heretofore and of late paſt, It appears how great encouragement hath been given unto Trade, and Care taken that the Manufacture of Shipping be preſerved and increaſed throughout Your Majeſties whole Kingdoms, Dominions and Territories, both conducing ſo much to the Wealth, Increaſe of Mariners, and Strength of Your Dominions, By reaſon of ſome of which Acts at this time, and after this late War, when Your Majeſties Subjects in Your ſeveral Ports have loſt ſome of their own Engliſh built Ships, and taken many Dutch, Dane, and French, they cannot make uſe in Trade of thoſe Veſſels taken as Prizes in the late War, though lawfully condemned in Your Admiralties of England and Ireland, or in the Admiralties of Your Foreign Plantations, and in the poſſeſſion of your ſaid Subjects:

Be

Foreign built Ships belonging to Engliſh men, &c. taken in the late Wars and condemned by the Admiralties, may enjoy the benefit of Engliſh built Ships.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That all Foreign built Ships which really, and bona fide do or ſhall onely belong to his Majeſties Subjects of the Kingdom of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, and which have during the late War in the Places where now the Peace hath concluded it, or ſhall be taken in the places yet in hoſtility as Prizes, within the ſeveral times preſcribed, in the ſeveral places mentioned in the late Articles of Peace with the French King, and the King of Denmark and the States General of the United Netherlands, and have or ſhall be adjudged Prizes within the reſpective Admiralties of his Majeſties Kingdoms of England or Ireland, or in any of the Admiralties in His Majeſties Territories or Plantations abroad, ſhall be deemed, adjudged and taken to be, and ſhall from time to time enjoy the benefit of free Ships belonging to the Kingdoms of England and Ireland, Dominion of VVales, and Town of Berwick upon Tweed reſpectively, and ſhall Export and Import Goods, Wares, and Merchandiſe, as freely, and to all intents and purpoſes, as Foreign built Ships that did belong to the Kingdom of England before the Firſt day of April, One thouſand ſix hundred ſixty and one, might then have done, and not in any other manner; Any Law, Statute, or Uſage to the contrary notwithſtanding.

Owners muſt take an Oath that no Foreigner hath intereſt therein.

Provided nevertheleſs, That the Owner or Owners, and Proprietors of the ſaid Ships ſhall take an Oath, at or before the firſt day of Auguſt next enſuing, or within three moneths after ſuch Ship ſhall be taken and Adjudged Prize, before the Officers of his Majeſties cuſtoms of the Port next to the place of their abode, (which Oath the ſaid Officers have hereby power to adminiſter) That they are the true and lawful Owners and Proprietors of the ſaid Foreign built Ships reſpectively: And that no Foreigner or Alien, directly or indirectly, have any part, ſhare or Intereſt therein; And that he or they produce the Adjudication and Condemnation of the ſaid Ship as taken and made Prize during the late War as aforeſaid, by one of the before mentioned Admiralties.

Certificates thereof.

And be it further Enacted, That all ſuch Officers of the Cuſtoms, before whom ſuch oath ſhall be ſo made, ſhall from time to time give Certificates under their reſpective Hands and Seals, belonging to their reſpective Officers, to ſuch perſon or perſons as ſhall demand the the ſame, of all ſuch Foreign built Ships, and ſhall keep a Regiſter of the ſaid Ships, and ſhall within two Moneths next after ſuch Oath ſo made, return a Duplicate thereof to the chief Officers of the Cuſtoms at London, for all ſuch Ships as do ſo belong to any Port or place within the Kingdom of England, Dominion of VVales, and Town of Berwick upon Tweed; and to the chief Officers at the Port of Dublin for all ſuch Ships as ſhall belong to the Kingdom of Ireland; and to the chief Officers in the chief Ports of any of His Majeſties Plantations, for all ſuch Ships as ſhall belong to any of the ſaid Plantations abroad; the ſaid chief Officers at the Port of Dublin, and in the ſeveral Ports of the ſeveral Plantations, being within two Moneths next after ſuch Oath ſo made, to return Certificates thereof unto the chief Officers of the Cuſtoms at London, together alſo with the names of all ſuch perſons as are the Owners of ſuch reſpective Ships, to the end ſuch Certificates or Duplicates may and ſhall be returned into His Majeſties Court of Exchequer in England, there to remain upon Record.

Wales.
Berwick.
Dublin.
Ireland.

Boſton.

Provided nevertheleſs, and be it Enacted by the Authority aforeſaid, That the Ship or Galliot Hoy (Flemiſh built) called the Margaret, and the Ship or Barque called by the name of John and Francis, Flemiſh built, both belonging to the Port of Boſton, being Veſſels bought and brought into the ſaid Port before the Concluſion of the late Peace, or His Majeſties Proclamation for Peace, are hereby made free Ships and Veſſels, and are to be ſo deemed, taken, and adjudged, and ſhall have liberty to Trade as the Ships mentioned in this Act taken and adjudged Prize in His Majeſties ſeveral Admiralties as Engliſh built Ships, Any thing in this Act or any other to the contrary notwithſtanding.

CAP. XII.

Orders in the Exchequer may be aſſigned without Revocation.

VVhereas it hath been found by experience upon the late Act for Twelve hundred and fifty thouſand pounds, made at Oxford, and other Acts of Parliament ſince that time, That the power of Aſſigning of Orders in the Exchequer upon thoſe Acts, without Revocation, hath been of great uſe and advantage to the perſons concerned in them, and to the Trade of this Kingdom, and given great Credit to his Majeſties Exchequer: Be it enacted, And it is hereby enacted by the Kings moſt Excellent Majeſty, by and with the Advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, That every perſon or perſons, Native or Foreigner, Bodies Politick or Corporate, to whom any Moneys ſhall be due in your Majeſties Exchequer, and ſhall have any Order Regiſtred in the Office of the Auditor of the Receipt, for the payment thereof out of any branch of your Majeſties Revenue; That ſuch perſon or perſons, Native or Foreigner, Bodies Politique or Corporate, their Succeſſors, Executors, Adminiſtrators or Aſſigns reſpectively, by endorſement of their Order, may aſſign and transfer their Right, Title, Intereſt and Benefit of ſuch Order or any part thereof, to any other; which being notified in the Office of the Auditor of the Receipt aforeſaid, and an Entry and Memorial thereof alſo made in the Book of Regiſtry aforeſaid for ſuch Orders (which the Officers ſhall on requeſt accordingly make) ſhall entitle ſuch Aſſignee, his Executors, Adminiſtrators and Aſſigns, or Succeſſors reſpectively, to the benefit thereof, and payment thereon; And ſuch Aſſignee may in like manner aſſign again, and ſo Toties quoties; And afterwards it ſhall not be in the power of ſuch perſon or perſons who have made ſuch Aſſignments, to make void, releaſe or diſcharge the ſame, or any the Moneys thereby due, or any part thereof.

Orders Regiſtred in the Auditors Office of the Receipt, may be aſſigned.

The Aſſignor may not revoke his aſſignment.

And it is hereby further enacted by the authority aforeſaid, That in caſe any Aſſignment ſhall be for any ſum not exceeding One hundred pounds ſterling, That the Auditor of the Receipt ſhall not take or receive, by way of Fee or Reward for himſelf and his Clerks, above the ſum of Six pence for making an Entry or Memorial thereof; And in caſe any Aſſignment ſhall be for any Sum exceeding One hundred pound ſterling, That the Auditor of the Receipt ſhall not take or receive for himſelf and his Clerks, by way of Fee or Reward, above Twelve pence for making an Entry or Memorial thereof.

Auditors Fee.

And it is hereby further enacted, That this Act ſhall continue and be in full force until the Tenth day of September, which ſhall be in the year of our Lord God, One thouſand ſix hundred ſeventy four, and unto the end of the Seſſion of Parliament then next enſuing, and no longer.

The continuance of this Act.

CAP. XIII.

Freedom and Intercourſe of Trade between England and Scotland, Setled.

Whereas your moſt Excellent Majeſty was pleaſed on the firſt day of this Seſſions of Parliament, to recommend to your Two Houſes of Parliament, the due Setling of the Trade between your Subjects of Scotland, your ſaid Two Houſes having taken the ſame into their ſerious conſideration, Do for the better Intercourſe and Freedom of Trade between your ſaid Kingdoms, moſt humbly beſeech your moſt Excellent Majeſty, That it may be enacted; And be it enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That Twelve perſons to be nominated by your Majeſty, be Commiſſioners for this Kingdom, who, or any Five or more of them, ſhall by force of this Act, from and after the Tenth day of January, One thouſand ſix hundred ſixty ſeven, have full power, Commiſſion and Authority at any time or times before the Twenty fifth day of March, One thouſand ſix hundred ſixty eight, and ſo from time to time, to aſſemble and meet at any place by the Kings Majeſty to be appointed within the Kingdom of England, and thereupon to Treat and Conſult, as alſo to conclude and determine with certain ſelected Commiſſioners to be nominated, and ſufficiently authorized of and for the Realm of Scotland, of and concerning the Freedom and Liberty of Trade between the Kingdome of England, and the Kingdome of Scotland, by ſuſpending all or any of the Duties and Impoſitions, or any part of them, or of any of them, which have at any time ſince the Five and twentieth day of March, in the Twelfth year of his Majeſties Reign, been charged, ſetled, laid, or impoſed upon all, or any the Commodities of the Growth, Production, or Manufacture of either of the ſaid Kingdoms, or upon any Commodities of any of the Plantations or Dominions belonging to the Kingdom of England, or any other Foreign Commodities Exported out of the ſaid Kingdom into the Kingdom of Scotland; And likewiſe by Suſpending any penalties or Forfeitures, or any part of them, for not due payment of the ſaid Duties and Impoſitions: And what ſhall be concluded and determined by and between the ſaid Commiſſioners for the Realm of England, or any Five of them, which the ſaid Commiſſioners for the Realm of Scotland, according to the tenour or purport of their authority or Commiſſion in that behalf; the ſame being reduced in writing under the hands and ſeals of the ſaid Commiſſioners of both Kingdoms, and being alſo approved of, Ratified and Confirmed by the Kings moſt Excellent Majeſty, ſhall be in full force and effect for the term of one whole year, to be accounted from the Date of ſuch Ratification and Confirmation by the Kings moſt Excellent Majeſty, or until the end of the next Seſſion of Parliament which ſhall firſt happen, and no longer; Any Law or Statute to the contrary notwithſtanding.

Twelve Engliſh Commiſſioners to meet ſome from Scotland to Treat with concerning Liberty and Freedome of Trade.

Who may ſuſpend Penalties.

The agreement between them drawn into writing ſhall be of force.

Anno Regni CAROLI II. *Regis Angliæ, Scotiæ, Franciæ, & Hiberniæ,* Viceſimo.

AT the Parliament begun at Weſtminſter the Eighth day of May, Anno Dom. 1661. In the Thirteenth Year of the Reign of our moſt Gracious Soveraign Lord CHARLES, by the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. And there continued by ſeverall Prorogations, to the Tenth day of October, 1667. From whence it is continued by Adjournment made the Ninth day of May, 1668. to the Eleventh day of Auguſt next following.

CAP. I.

An Act for Raiſing Three hundred and ten thouſand pounds, by an Impoſition on Wines and other Liquors.

The Commons aſſembled in Parliament, for the Supply of Your Majeſties preſent occaſions, have given and granted, and by theſe preſents do give and grant unto Your moſt Excellent Majeſty, the ſum of Three hundred and ten thouſand pounds, to be Raiſed and Levied upon the Vending and Retailing of Wines, and other the Liquors hereafter mentioned, in manner following: And do moſt humbly beſeech your Majeſty, That it may be Enacted; And be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and conſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That all Vintners, Taverners, Wine-Coopers, Merchants, or any other perſon or perſons who do or ſhall utter or ſell by way of Retail, any French Wines, Spaniſh Wines, or other Wines whatſoever, between the Four and twentieth day of June, One thouſand ſix hundred ſixty eight and the Four and twentieth day of June, which ſhall be in the year of our Lord, One thouſand ſix hundred and ſeventy: And alſo all and every the Strong-water-men, Diſtillers, and all

Impoſition upon Wines.

Brandies and Spirit, and Strong-Waters.

and every other perſon and perſons which do or ſhall utter or ſell by way of Retail, any Imported Brandies, or other Spirits, and alſo Strong-waters, either or any of them, and alſo all Brandies or other Spirits, and alſo Strong-waters, any or either of them, made of Wine, or Lees of Wine, or any other Materials Imported, between the Four and twentieth day of June, in the year of our Lord, One thouſand ſix hundred ſixty eight, and the Four and twentieth day of June which ſhall be in the year of our Lord, One thouſand ſix hundred and ſeventy, ſhall yield and pay unto your Majeſty, the Rates and Duties herein after following: That is to ſay, All and every the Retailers of Wine ſhall yeild and pay for every Quart of any French Wine by the them Retailed within the time aforeſaid, the ſum of Four pence by the Quart, and ſo after that Rate for any greater or leſſer quantity; And alſo, for every Quart of any Spaniſh Wines, or of any other Wines whatſoever by them Retailed within the time aforeſaid, the ſum of Six pence by the Quart, and ſo after that Rate for any greater or leſſer quantity. And all and every the Strong-water-men, Diſtillers, and other Retailers or firſt buyers of all Brandy and other Spirits, and alſo all ſtrong waters Imported, ſhall yeild and pay for every Quart of any the Liquors aforeſaid, by them Retailed within the time aforeſaid, the ſum of Twelve pence, and ſo after that Rate for a greater or leſſer quantity; And alſo all and every the Diſtillers of Spirits made of Wine or Lees of Wine, or other materials Imported, ſhall yeild and pay for every Quart of the firſt Extraction ſo Diſtilled and made, and by them Retailed within the time aforeſaid, the ſum of Twelve pence per Quart, and ſo after that Rate for a greater or leſſer quantity.

What ſhall be taken for Strong-water or Brandy Imported.

And for the better prevention of frauds; Be it further Enacted, That all ſorts of ſtrong-waters of the firſt, or any other Extraction, made in England of Engliſh materials, which ſhall be mingled with Brandy, or other Spirits, or with any Strong-waters Imported, or Spirits made in England of Wine Lees of Wine Imported, ſhall be deemed and taken for Strong-water or Brandy Imported, and ſhall pay after the rate of twelve pence per Quart as aforeſaid.

Merchants not to ſell Wine, &c. to any but Retaylers.

The penalty.

Who ſhall be a Retayler within this Act.

And be it further Enacted by the Authority aforeſaid, That no Merchant Importer of Wine, do or ſhall at any time between the ſaid Four and twentieth day of June, One thouſand ſix hundred ſixty eight, and the Four and twentieth day of June, One thouſand ſix hundred and ſeventy, utter or ſell any Wine in greater or leſſer quantities, to any perſon or perſons, other then ſuch as ſell Wine by way of Retail, unleſs ſuch Merchant or Importer, before the delivery of the Wine, do or ſhall pay unto the Commiſſioners for execution of this Act, ſo much money for His Majeſties uſe, as the duties of the Wine ſold or delivered would have amounted unto, in caſe the ſame had been uttered or ſold by way of Retail, upon pain of forfeiture of double the value of the Wine ſo ſold and delivered, one moiety to his Majeſty, the other moiety thereof to ſuch perſon or perſons as do or ſhall ſue for the ſame: And all Wine delivered by the Merchant Importer within the time aforeſaid, to any but Retailers, ſhall and may lawfully be ſeized as aforeſaid, unleſs ſuch Merchant before the delivery thereof ſhall obtain a Certificate under the hands and Seals of the Commiſſioners for Execution of this Act, or any two of them, that the duty hath been paid and ſatisfied as aforeſaid. And it is hereby declared, That all and every perſon and perſons other then the Merchant Importer, who ſhall utter or ſell any manner of Wine, ſhall be adjudged a Retailer, within the meaning of this Act.

The prices of Wine ſold by retail.

And for the better enabling the ſeveral and reſpective Retailers aforeſaid, to pay the duties hereby impoſed; It ſhall and may be lawful to and for every Retailer of Wine during the time aforeſaid, to ask, demand, and receive of all and every their Cuſtomers, to whom they ſhall utter or ſell by way of Retail or otherwiſe any French Wines, Spaniſh Wines, or other Wines, the ſum of Four pence for every Quart of French Wine by them Retailed, uttered or ſold, over and above the price at which the ſaid Wine ought to have been ſold, if this Act had not been made, and ſo after that rate for a greater or leſſer quantity; and alſo the ſum of ſix pence for every Quart of Spaniſh Wines, or any other Wines whatſoever ſo Retailed, uttered or ſold, over and above the price at which the ſaid Wine ought to have been ſold, if this Act had not been made; and ſo after that rate for a greater or leſſer quantity; Provided, that no French Wines ſhall be ſold above the rate of Twelve pence the Quart nor any Spaniſh Wines above the rate of Two ſhillings the Quart, the additional duty being included.

Retailers to give an account to the Commiſſioners of their Store.

And be it further Enacted by the Authority aforeſaid, That from and after the Four and twentieth day of June, One thouſand ſix hundred ſixty eight, all and every the Retailers of Wines, or other the Liquors chargeable as aforeſaid, during the continuance of this Act, being thereunto required by the Commiſſioners Authoriſed to Execute this Act, ſhall forthwith deliver unto the ſaid Commiſſioners within ſuch place or precinct where ſuch Retailer ſhall dwell, a true account of what Wines, or other the Liquors chargeable as a-aforeſaid, he, or any perſon in truſt for him, have in ſtore and ſhall not at any time afterward during the time aforeſaid, receive, take in, or make any new or other ſtore, of any the wines or Liquors aforeſaid, without firſt giving a particular account thereof in writing under his hand to the ſaid Commiſſioners; nor ſhall vend, utter or ſell any French, Spaniſh or other Wines, or any the Liquors aforeſaid, before he ſhall have paid or given ſecurity by his own Bond for the payment of the reſpective duties impoſed by this Act, for all ſuch Wines, or other the Liquors aforeſaid, which ſhall be then in his cuſtody, the ſame to be paid within Twelve moneths next enſuing the date of ſuch Bond, by Four equal quarterly payments; upon pain of forfeiture of double the value of all ſuch Wines, and other the Liquors aforeſaid, as ſhall be found in his cuſtody, which ſhall not be ſo certified, or whereof the duty ſhall not be ſecured as aforeſaid.

Commiſſioners may give power to ſearch.

And be it further enacted by the authority aforeſaid, That the Commiſſioners to be appointed for execution of this Act, or ſo many of them as ſhall be appointed of the Quorum, ſhall have power to appoint any one or more perſons, as to them ſhall ſeem meet, by Warrant under their hands and ſeals, to enter into the Cellars, Vaults, Store-houſes, Ware-houſes, Store-Cellars, Shops, Rooms, or other places belonging to every or any ſuch Retailer, to ſearch, ſee, and take an account of what quantity of Wines or other the Liquors chargeable as aforeſaid, every or any ſuch perſon hath in his hands, or any other perſon to his uſe; And all and every ſuch Retailers in whoſe Cellars, Vaults, Store-cellars, Ware-houſes, or other Rooms or Places, any the Wines or Liquors aforeſaid of any ſuch Retailer are or ſhall be lodged, are hereby required and enjoyned, quietly to permit and ſuffer the ſaid Officers to enter into their ſeveral and reſpective Cellars, Vaults, Store-cellars, Ware-houſes, Shops, Rooms, and other places, and there to ſearch, ſee and take account of as aforeſaid. Provided, That no Search be made or required to be made without the Conſent of the Owner, but betwixt Sun-riſing and Sun-ſetting: And in caſe any ſuch Retailer ſhall refuſe, oppoſe, or reſiſt the perſons appointed to ſearch as aforeſaid, or ſhall not diſcover, declare, or ſhew to them all ſuch Cellars, Vaults, Store-cellars, Ware-houſes, Shops, Rooms, or other places wherein he or they have any Wines, or other the Liquors aforeſaid lying or remaining for their uſe, That then upon Oath thereof made before the Mayor or other chief Magiſtrate of any City, Borough, or Town Corporate, or any Juſtice of the Peace of the County, City, or place where ſuch offence ſhall be committed, (which Oath they are hereby authorized and required to adminiſter) it ſhall and may be lawful to and for any ſuch chief Magiſtrate or Juſtice of the Peace, and they are hereby required to iſſue out a Warrant to the perſon or perſons ſo complaining, thereby to enable him or them with the aſſiſtance of a Conſtable, or other like Officer of the place where ſuch offence ſhall be committed, to enter in the day-time into the houſe or houſes of any ſuch Retailer, or into any other Room, Cellar, or place which at any time during the continuance of this Act ſhall be in ſuch Retailers Occupation for the laying in of Wines or other the Liquors aforeſaid; And in caſe of reſiſtance, to break open any doors, and to ſearch for any Wines or the Liquors aforeſaid ſo concealed or not diſcovered, and to ſeize and ſecure the ſame; And all Conſtables and other Officers aforeſaid are hereby authorized and required to be aiding and aſſiſting thereunto.

Search when to be made.

Doors to be broke open upon refuſal

And to the end no perſon whatſoever may defraud his Majeſty of the duty intended by this Act, by concealing the Wines or other Liquors thereby charged, belonging to any perſon by this Act declared a Retailer, Be it further enacted, That if any perſon or perſons ſhall knowingly have or take into any Ware-houſe, Cellar, or other place in his or their poſſeſſion, any of the Wines or other Liquors chargeable by this Act, belonging to any Retailer, without giving notice thereof, under his or their hands reſpectively, within two days after the ſame ſhall be in his or their cuſtody, as well of the place where the ſaid Wines or other Liquors aforeſaid are lodged, as of the quantity and kind of wines or other Liquors, to the beſt of his or their knowledg, ſo in his or their cuſtody, unto the Commiſſioners appointed to execute this Act, ſome or one of them; In every ſuch caſe, the perſon or perſons ſo offending ſhall forfeit and loſe the full value of the wines that he or they ſhall ſo conceal, without giving notice as aforeſaid. And all & every perſon and perſons appointed to view and ſearch as aforeſaid, ſhall make their returns in writing under their hands unto the Commiſſioners for execution of this Act; And ſhall firſt deliver a Duplicate thereof to the perſon or perſons concerned, containing the names of the perſons viewed and ſearched, and the quantity of the reſpective Liquors aforeſaid, by him found & diſcovered to them belonging, at ſuch time and place, as in and by the warrant or warrants to him or them directed ſhall be limited and appointed, on pain of forfeiture for every ſuch neglect of double the value of the Wines or other Liquors aforeſaid, by him not returned as aforeſaid, and of being made uncapable of executing the ſame, or any other Office of truſt whatſoever.

Retailer to give notice what Wines be taken in.

The Penalty.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners for execution of this preſent Act, or ſo many of them as ſhall be of the Quorum within the place or Precinct where ſuch Retailer ſhall dwell, by Warrant under their hands and ſeals to ſend for, and ſummon ſuch perſon and perſons as they in their diſcretions ſhall think fit, other then the party himſelf, and the perſons ſo ſummoned to examine upon his or their corporal Oaths touching the matters and things contained in this Act relating to the Retailers or Merchant Importers aforeſaid. And if any perſon or perſons ſo as aforeſaid ſummoned ſhall refuſe to appear, or appearing ſhall refuſe to be examined, That then and in ſuch caſe all and every perſon and perſons ſo as aforeſaid refuſing to appear or to be examined, ſhall for every ſuch refuſal forfeit ſuch ſum as ſhall be impoſed upon him or them, not exceeding Five pounds, by the ſaid Commiſſioners.

The Commiſſioners may examine upon Oath.

Penalty upon refuſers.

And be it further enacted, That the Commiſſioners appointed by vertue of this Act ſhall and may appoint under their hands and ſeals, ſuch and ſo many Collectors, of whom they ſhall take good ſecurity, in every County, City and place, as they ſhall think fit, to receive the Moneys ariſing by this Act; and all and every the ſums of money ſo as aforeſaid collected or levied, ſhall be paid into his Majeſties Receipt of Exchequer, or unto ſuch perſon or perſons as his Majeſty ſhall appoint, within thirty dayes after the receipt thereof. And the Commiſſioners for execution of this Act, ſhall cauſe Duplicates to be made of all Entries made in purſuance of this Act, and of all moneys paid or payable thereupon, and the ſame to be returned to the Lord Treaſurer or Commiſſioners of the Treaſury for the time being, once every Quarter, to the end that by the view and examination of ſuch Returns it may appear when the ſum of Three hundred and ten thouſand pounds, together with ſuch Intereſt as ſhall grow due for moneys lent and advanced upon the Credit of this Act at the rate of Six pounds per cent. for one year, will be ſatisfied and diſcharged; and that from and after the Four and twentieth day of June, One thouſand ſix hundred and ſeventy, all power of

Collectors.

The Duty when to ceaſe.

Proviſo for arrears.

requiring any new Entries, or charging any Retailer or others by vertue of this Act, ſhall ceaſe and determine: Saving nevertheleſs to his Majeſty, his Heirs and Succeſſors, the power of levying any arrearages of the Rates, Duties, Fines or Forfeitures, before that time grown due or impoſed by vertue of this Act.

Proviſo for Retailers.

Provided always, and be it further enacted by the authority aforeſaid, That no Retailer chargeable by this Act, nor any other perſon or perſons, who ſhall be ſummoned by the Commiſſioners for the execution of this Act in manner aforeſaid, and for any the ends or purpoſes aforeſaid, ſhall be obliged to travel beyond ten miles from his common and uſual place of abode.

Repayment of the Impoſition upon Exportation.

Provided alſo, That if any Retailer of any Strong-waters Imported, Brandy, or other Spirits herein before charged, ſhall Export into Foreign parts any ſuch Strong-Waters, Brandy, or other Spirits, ſo as aforeſaid charged, and ſhall before the Shipping out, or Lading on board of ſuch Strong-waters, Brandy, or other Spirits, make Oath before the Commiſſioners for execution of this Act, or ſo many of them as ſhall be of the Quorum, That the ſaid Strong-waters, Brandy, or other Spirits ſo intended to be exported, are ſuch for which the rate of Twelve pence a Quart hath been formerly paid, and unmingled with any Waters made of Engliſh materials; which Oath the ſaid Commiſſioners, or ſo many as be of the Quorum, have hereby power to adminiſter; That then, and in ſuch caſe, there ſhall be repaid unto every ſuch Retailer at the time of ſuch Exportation, the whole Duty of Twelve pence per Quart by him formerly paid; Any thing herein before contained to the contrary notwithſtanding.

Penalty of the Merchant-Importer for ſelling contrary to this Act.

And to the end that all and every the Retailers of Wine may be the better enabled to carry on their Trade, and to pay and ſatiſfie all and every the duties impoſed, Be it further enacted, That if any Merchant-Importer from and after the ſaid Four and twentieth day of June, during the continuance of this Act, ſhall utter or ſell any Wine to any Retailer or other perſon (other then ſuch perſon who ſhall export the ſame) and ſhall directly or indirectly aſk, demand, or receive of, or from ſuch perſon, any ſum of money, gift, or other reward, exceeding the price at which the ſame ought by Law to be ſold; That then, and in ſuch caſe, every Merchant-Importer, ſhall forfeit and loſe for every Tun of Wine ſo unduly ſold and uttered as aforeſaid, the ſum of Twenty pounds; and ſo after that rate for a greater or leſſer quantity.

The penalties how they ſhall be recovered and divided.

And be it further Enacted, That one moyety of all and every the penalties and ſums of Money herein before appointed to be forfeited, ſhall be forfeited unto the Kings Majeſty, and the other moyety unto ſuch perſon or perſons as ſhall or will ſue for the ſame, and ſhall and may be ſued for in any Court of Record, and recovered by Action of Debt, Bill, Plaint or Information, wherein no Eſſoyn, Protection or Wager of Law ſhall be allowed, nor any more then one Imparlance.

Commiſſioners to take an Oath.

And be it further enacted by the authority aforeſaid, That all and every the Commiſſioners to be appointed for execution of this Act, ſhall before they intermeddle with the execution of this Act, or any other part of their Commiſſion, take an Oath before Two or more of his Majeſties Juſtices of the Peace, in the County where ſuch Commiſſion is to be executed, or before one of the Barons of the Exchequer; which Oath he or they have power to adminiſter in theſe words:

YOu ſhall ſwear, well and truly to execute the place of a Commiſſioner for execution of an Act, Intituled, An Act for Raiſing of Three hundred and ten thouſand pounds by an Impoſition on Wines and other Liquors; and therein you ſhall ſpare no perſon for favour or affection, nor any perſon grieve for hatred or ill-will. So help you God.

And the Officers alſo.

And all and every perſon and perſons to be imployed by the Commiſſioners for execution of this Act, ſhall before they execute ſuch their Imployments, take an Oath before the Commiſſioners for execution of this Act, or any two of them; which Oath they have hereby power to adminiſter in theſe words:

You ſhall ſwear, well and truly to demean your ſelf in the Execution of the Warrants to you directed, in purſuance of an Act, Entituled, An Act for Raiſing Three hundred and ten thouſand Pounds by an Impoſition on Wines and other Liquors: You ſhall ſpare no perſon for favour or affection, nor any perſon grieve for hatred or ill will. So help you God.

Commiſſioners to be appointed by the King under the Great Seal.

And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for his Majeſty from time to time, during the continuance of this preſent Act, by Commiſſions to be therefore iſſued under his Majeſties Great Seal of England, to nominate and appoint ſuch perſons as his Majeſty ſhall think fit to be Commiſſioners for putting in execution this preſent Act, and all and every the powers and authorities to ſuch Commiſſioners reſpectively limited and appointed; and alſo to appoint ſuch or ſo many of them to be a Quorum, as his Majeſty ſhall think fit.

The Duties ſhall not be twice charged and how the ſame ſhall be prevented.

And to the end that no ſorts of Wines or Strong-waters mentioned in this Act ſhall be twice charged with the Duties impoſed by this Act, or any part thereof, (though it may happen to paſs through the hands of ſeveral Retailers) Be it further Enacted, That whereſoever any Retailer ſhall ſell any the Liquors aforeſaid to any other perſon retailing the ſame, every ſuch Retailer ſhall before the delivery thereof pay or ſecure the Duty due for the ſame by virtue of this Act, or make Oath the ſame hath been formerly paid or ſecured, and take a Certificate under the Hands and Seals of the Commiſſioners, or any two of them, of the payment or ſecuring thereof: Which Oath and Certificate the Commiſſioners, or any two of them, are hereby authoriſed and required to adminiſter and give without Fee or Reward; which ſaid Certificate ſhall be a ſufficient Diſcharge to the Buyer for Retailing the ſame.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons to whom by Authority of this Act an Oath ſhall be adminiſtred, ſhall wilfully and falſly forſwear him or her ſelf, ſuch wilful and falſe forſwearing ſhall be taken and adjudged for wilful Perjury; And ſuch perſon or perſons ſhall and may be proceeded againſt in ſuch manner to all intents and purpoſes, as by the Laws and Statutes of this Realm in caſes of Perjury is provided and appointed, and ſhall ſuffer and incur (upon Conviction) like Pains and Penalties, as by the ſaid Laws and Statutes are appointed to be inflicted and impoſed.

The puniſhment of ſuch as ſhall forſwear themſelves.
5 El. 29 El. 5.
23 H. 8. 3.
11 H. 7. 24.

And whereas the ſeveral ſorts of Veſſels or Cask wherein Wines are imported, are of different and uncertain Gage and content; and that the Retailers of Wine, by reaſon of Lees, Leakage, Spillage, Bottoms and Decayes of Wine and other Waſte, cannot be preſumed to ſell or retail ſo many Quarts of Wine as they muſt neceſſarily enter or be returned at as aforeſaid; Be it provided and enacted by the authority aforeſaid, That the Entries from time to time of all and every the Retailers of Wines, and the Returns of ſuch perſon or perſons as ſhall be ſo as aforeſaid appointed to view, ſearch, and take accompt of Wines, ſhall be according to the true and juſt quantities of Wines and Lees contained in all and every Veſſels and Cask aforeſaid; And that all and every the Retailers of Wine having accordingly made true and juſt Entries of the Quantities of their Wines and Lees in ſuch Veſſels or Cask contained, ſhall for and in reſpect of Lees, Leakage, Spillage, Bottoms, and Decays of Wine and other waſte whatſoever, have the allowance or abatement of one tenth part; Any thing herein contained to the contrary notwithſtanding.

Entries, how to be made, and a tenth part to be abated for Lees, Leakage, &c.

And be it further Enacted, That the Commiſſioners to be appointed by virtue of this Act, or ſuch other perſon or perſons as ſhall be appointed by His Majeſty to collect the Moneys ariſing thereupon, ſhall once every Quarter deliver in a true account in writing under his or their Hands upon their corporal Oaths, unto William Lord Brereton Baron of Laughrin in the Kingdom of Ireland, William Pierpoint Eſquire, Sir George Savil Baronet, Giles Dunſter Eſq; Sir James Langham Knight, Henry Osborne Eſquire, Sir William Turner Alderman of the City of London, George Thompſon Eſquire, and John Gregory Eſquire, or the major part of them, Commiſſioners appointed by an Act of this preſent Parliament, Entituled, An Act for taking the Accompts of ſeveral Sums of Money therein mentioned, (which Oath the ſaid Commiſſioners, or the major part of them have hereby power to adminiſter) of all the Moneys received or ſecured by vertue of this Act, as well for Duty as Penalty, with the perſons Names who have ſo paid or ſecured the ſame; As likewiſe to examine the ſaid Accompts, and all perſons concerned in paying or collecting the ſame, as effectually to all intents and purpoſes, and in ſuch manner as the ſaid Commiſſioners before named have power to do by vertue of the Act of Parliament aforeſaid, in reference to the accompts in the ſaid Act mentioned, to the intent it may appear when the aforeſaid ſum of Three hundred and ten thouſand pounds, with Intereſt for the ſame (after the rate of ſix pounds per centum, which Intereſt is to be accounted only from ſuch time as ſuch money ſhall be lent and paid to His Majeſty upon the credit of this Act) is fully raiſed, or ſecured to be raiſed as this Act directs. And in caſe the aforeſaid Sum, upon examination of the ſaid Commiſſioners before particularly named, or the major part of them, ſhall be found not to be fully raiſed, or ſecured to be raiſed by vertue of this Act, by or before the Four and twentieth of June, which ſhall be in the Year of our Lord, One thouſand ſix hundred and ſeventy; Then the ſaid Commiſſioners before particularly named, or the major part of them, that ſhall be then living, are hereby authoriſed and required to declare under their Hands and Seals unto the Kings Majeſty, and alſo to both Houſes of Parliament (if then ſitting) what part of the aforeſaid Sum intended to be raiſed by this Act, ſhall not appear to be paid, or ſecured to be paid, by or on the ſaid Four and twentieth of June, One thouſand ſix hundred and ſeventy. Then to the end a good and viſible Security may appear to all perſons who ſhall advance any money as aforeſaid on Security of this Act, Be it further Enacted, That it ſhall and may be lawful for His Majeſty, His Heirs and Succeſſors, for ſuch time only not exceeding one year, as may raiſe the money ſo declared to be behind, unpaid or unſecured, to be accompted from the ſaid Four and twentieth day of June, which ſhall be in the year of our Lord, One thouſand ſix hundred and ſeventy, to receive and take by way of additional duty at the Cuſtom-Houſe, upon all kind of Wines and other Liquors chargeable by this Act, the Sum of Four pounds for every Tun that ſhall be Imported within that year, (repaying the whole duty hereby impoſed, for ſo much thereof as ſhall be exported before the duty hereby granted ſhall ceaſe) out of ſuch collection of the duty hereby granted, as ſhall afterwards be made, over and above all Charges, Rates and Duties impoſed upon them, or any of them, before this Act was made, to be Raiſed and Levied, according to ſuch Rules and Powers, and with ſuch Allowances as are now appointed by vertue of an Act of this preſent Parliament, Intituled, A Subſidy granted to the King of Tonnage and Poundage, and other Sums payable upon Merchandiſe, Exported and Imported; Or of any other Act of this preſent Parliament, for the Levying and Collecting the Duty upon Wines ariſing by Cuſtoms.

Commiſſioners to take account once a quarter.

19 Car. 2. cap. 8.

If the Duty fall ſhort of the ſum granted to be made up by an additional Duty at the Cuſtom-houſe.

12 Car. 2. cap. 4.
13 Car. 2. cap. 7.

Provided alwayes, And be it further Enacted; That the Commiſſioners, Cuſtomers, or ſuch perſons as ſhall be appointed by His Majeſty to receive the ſaid additional duty of Four pounds per Tun, ſhall once every moneth give in a true Accompt under their Hands and Seals, upon their corporal Oaths, unto the Commiſſioners particularly before named, or the major part of them that ſhall be then living, of all the Moneys ſo received, or ſecured to be received upon the laſt mentioned additional duty of Four pounds a Tun, hereby charged upon all ſorts of Wines and other Liquors aforeſaid; which Oath the ſaid Commiſſioners particularly named, or the major part of them, have hereby power to adminiſter; To the end that if the aforeſaid Sum ſo declared to be unpaid, or unſecured, on the Four and twentieth of June, which ſhall be in the year of our Lord, One thouſand ſix hundred and

The additional duty to be accounted for once a month.

ſeventy, ſhall be raiſed, or ſecured to be raiſed, upon the aforeſaid additional duty of Four pounds per Tun, in leſs time then One year, Then and from thenceforth the ſaid additional duty is to ceaſe, and no further to be collected or demanded, or any part thereof, by any perſon or perſons whatſoever, other then what ſhall be then ſecured and unpaid.

When this Act ſhall determine and expire.

And that the Determination and Expiration of this Act, and the matters and things therein contained, may clearly appear to all perſons concerned; The Commiſſioners in this Act, or the major part of them that ſhall be then living, are hereby authoriſed and required to take ſpecial care, that at what time ſoever they ſhall find the Moneys mentioned and intended by this Act for His Majeſties Supply, to be fully raiſed, That then they ſignifie the ſame under their Hands and Seals to the Kings Majeſty, and alſo to both Houſes of Parliament (if then ſitting) and to the Lord Treaſurer, or Lords Commiſſioners of the Treaſury for the time being; which ſaid Treaſurer, or Lords Commiſſioners of the Treaſury, are hereby authoriſed and required to iſſue out Orders within Ten dayes after ſuch notice and Declaration, to the Officers imployed and appointed by His Majeſty, for collecting the aforeſaid additional duty of Four pounds per Tun upon all Wines, and other Liquors chargeable by this Act, to the intent that no perſon may preſume further to collect, or demand the ſame, or any part thereof; But that this Act, and every clauſe, matter and thing therein contained, from the expiration of the ſaid Ten days ſhall ceaſe and determine, as if the ſame had never been made.

How the money raiſed by this Act ſhall be imployed.

And it is hereby further Enacted, That the whole ſum of Three hundred and ten thouſand pounds granted by this preſent Act, ſhall be imployed, and iſſued out of Your Majeſties Exchequer, for defraying the Charge and Expence of ſetting out an Extraordinary Fleet to Sea, for the year One thouſand ſix hundred ſixty eight, and for the Pay of ſuch Officers, Mariners, Seamen, and others as ſhall ſerve Aboard the ſaid Fleet, for the time they ſhall ſerve in the ſame; and ſhall not be imployed, or iſſued for any other uſe, ſervice or purpoſe whatſoever, charge of collection and bringing in of the ſaid Moneys only excepted, which in the whole is not to exceed Ten thouſand pounds; And that to this end all the Money ariſing by this Act, and paid into the Receipt of the Exchequer, ſhall be there kept apart, and diſtinct from all other Moneys paid or payable to Your Majeſty, or to your Heirs or Succeſſors, upon any other Branch of your Majeſties Revenue, or upon any other accompt whatſoever.

A diſtinct Regiſtry to be kept in the Exchequer.

And to the intent that all moneys to be lent to your Majeſty upon the Credit of this Act, by any perſon or perſons, Native or Foreigner, Bodies politique or corporate, may be well and ſufficiently ſecured out of the moneys ariſing and payable thereby; Be it further Enacted by the Authority aforeſaid, That there ſhall be kept in your Majeſties Exchequer, to wit, in the Office of the Auditor of the Receipt, a Book of Regiſtry of all Orders, to be made and ſigned by the Lord Treaſurer, and Under-Treaſurer, or by the Commiſſioners of the Treaſury for the time being, for payment of all ſuch ſums of money as ſhall be lent and furniſhed to your Majeſty upon the Credit of this preſent Act, together with the Intereſt thereof, after the Rate of Six per cent. for a year; as likewiſe for all other Orders made and ſigned as aforeſaid, for the payment or iſſuing of the ſaid Three hundred and ten thouſand pounds, and every part thereof to any perſon or perſons whatſoever, to the uſes and purpoſes herein before mentioned and intended. And that no money ariſing by this Act, or furniſhed upon the Credit thereof be iſſued out of the Exchequer, but by ſuch Order mentioning that the moneys payable by the ſame, are for the charge and expence of the ſaid Fleet, or for the payment of the Officers, Mariners, Seamen, and others imployed therein as aforeſaid, or for the charge of collection and bringing in of the moneys ariſing by this Act;

Orders to be Regiſtred in courſe, and ſo paid.

And that all the Orders before mentioned ſhall be Regiſtred in courſe according to the reſpective dates; ſo as that the perſon, his Executors, Adminiſtrators or Aſſigns, who ſhall have his Order or Orders firſt Entred in the ſaid Book of Regiſtry, ſhall be taken & accounted as the firſt perſon to be paid out of the moneys to come in by vertue of this Act; and he or they who ſhall have his or their Order or Orders next Entred, ſhall be taken and accounted the ſecond perſon to be paid, and ſo ſucceſſively and in courſe; and that the moneys to come in by this Act ſhall be in the ſame Order liable to the ſatisfaction of the ſaid reſpective parties, their Executors, Adminiſtrators or Aſſigns, Native or Foreigner, Bodies politique or corporate ſucceſſively, without preference of one before another, and not otherwiſe, and not be divertible to any other uſe, intent or purpoſe, upon any account or reaſon whatſoever.

And be it further Enacted by the Authority aforeſaid, That all moneys lent upon the Credit of this Act, ſhall be imployed and iſſued for the uſes above mentioned, and no other: and that no Fee, Reward or Gratuity, directly or indirectly be demanded or taken of any of Your Majeſties Subjects for providing or making of ſuch Regiſter or Entries, or for payment of any money lent, or the intereſt thereof: And that all moneys ariſing by this Act, or lent upon the Credit thereof, which ſhall be paid and iſſued out of the Exchequer to the Treaſurer or Victualler of your Majeſties Navy, or to the Lieutenant of the Ordnance, ſhall be by them reſpectively wholly imployed to the uſes aforeſaid, and not otherwiſe.

Without Fee.

Treaſurer of the Navy, and Lieutenant or Treaſurer of the Ordnance their allowance.

And be it further Enacted by the Authority aforeſaid, That the Treaſurer of His Majeſties Navy, for himſelf, his Deputies and Clerks, ſhall receive and retain only the ſum of One peny in the pound, and no more; and the Lieutenant or Treaſurer of His Majeſties Ordnance, for himſelf and his Clerk, ſhall likewiſe receive and retain onely One peny in the pound, and no more, out of all the moneys raiſed, borrowed and paid unto, and iſſued out by either of them to any perſon or perſons, by vertue and in purſuance of this Act, to be allowed in their reſpective Accompts thereof.

CAP.

CAP. II.

Payment of Moneys Received for the Uſe of the Crown, Rectified.

Abuſes by Receivers, Bayliffs, &c.

FOr ſome remedy of the great Abuſes by Receivers, Reeves, Bailiffs, Collectors, and other Officers and perſons not making due payment of Moneys and Duties received for His Majeſties Uſe, and in detaining the ſame in their own hands, for their private lucre and advantage; Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That all the ſaid Officers and Miniſters aforeſaid, do uſe all diligence to receive and gather the Moneys due to His Majeſty, within their ſeveral and reſpective Receipts and Collections; And after the receipt thereof, to anſwer and pay the ſame according to their reſpective Duties: And that all and every the perſon and perſons aforeſaid, who having received the ſaid moneys, have not duely accompted, and thereupon paid ſo much as by ſuch Accompt reſted due to His Majeſty, into the Receipt of the Exchequer, or to ſuch perſon or perſons, and in ſuch manner as the ſame ought to be paid, and ſhall not pay the ſame as aforeſaid, before the Firſt day of July, which ſhall be in the year of our Lord God, One thouſand ſix hundred ſixty eight, ſhall from henceforth anſwer and pay to His Majeſty, Damages after the rate of Twelve pounds per Cent. by the year, until the principal Moneys be fully accompted for and paid in, together with Damages as aforeſaid, which ſhall be charged upon them in their Accompt, whereof they ſhall not be diſcharged until payment made, as well of the ſaid Damages, as principal Moneys, according to the true meaning of this Act.

Moneys received for the Kings uſe to be paid into the Exchequer.

The penalty for neglect.

And further, That all and every perſon and perſons, Bodies Politique and Corporate, who having received any Moneys or Duties due to the Kings Majeſty, ſhall not duly accompt for, and pay the ſame according to the courſe of the Exchequer, into the Receipt there, or to ſuch perſon or perſons to whom the ſame ought to be paid according to Law, within Two moneths next after the ſame ſhall have been ſo received, ſhall from thenceforth anſwer and pay to the Kings Majeſty, His Heirs and Succeſſors, Damages for all ſuch moneyes and Duties, after the rate of Twelve pounds per Cent. by the year, for ſo long time as the ſame ſhall be detained, or not paid, by the judgment and direction of the Court of Exchequer, without any power of abatement or inſtalment to be made or allowed for the ſame, or any part thereof; And that the Proceſs of the ſaid Court ſhall be forthwith awarded againſt all the ſaid perſons, Bodies Politique and Corporate, their Heirs, Executors and Adminiſtrators, chargeable with any of the ſaid moneys, for the ſpeedy and effectual Levying thereof, with damages for the ſame as aforeſaid, according to the true meaning of this Act; Any other Law, Statute, Uſage, Priviledge or pretence whatſoever to the contrary in any wiſe notwithſtanding.

Proceſs to be awarded.

Proviſo for Sheriffs accounts.

Provided alwayes, That no thing herein contained ſhall extend to alter the time or way of Accompting of any Sheriff within this Kingdom, for any part of His Majeſties ancient Revenue, or other profits anciently collected or accompted for by the Sheriffs, or to make them liable to any new penalty for the ſame.

CAP. III.

The Increaſe and Preſervation of Timber within the Forreſt of Dean, provided for.

Scarcity of Timber.

FOraſmuch as the Wood and Timber of the Crown, which of late years was of very great quantity and value within the Forreſt or late Forreſt of Dean in the County of Glouceſter, is become totally deſtroyed, excepting what is ſtanding within the Woodwardſhip of the Lea-Baily; whereby there is an apparent Scarcity of Timber there, as in all other parts of this Kingdom; ſo that ſome courſe is neceſſary to be ſpeedily taken to reſtore and preſerve the Growth of Timber, for the future ſupply of His Majeſties Royal Navy, and the maintenance of Shipping for the Trade of this Nation:

Ten thouſand acres in the Forreſt of Dean to be incloſed.

Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That Ten thouſand Acres, part of the Waſte-Lands of the ſaid late Forreſt of Dean, ſhall be incloſed and kept in ſeveralty, for the Growth and Preſervation of Timber; And that it ſhall and may be lawful to and for His Majeſty, His Heirs and Succeſſors, forthwith to incloſe, ſever, and improve within and out of the parts or places of the Waſte-Lands of the ſaid Forreſt or late Forreſt of Dean, the whole containing by eſtimation about Twenty three thouſand Acres, the full quantity of Ten thouſand Acres of Statute-meaſure, at ſixteen Foot and half to the Perch, whereof the ſaid Woodwardſhip of the Lea-Baily containing about Eleven hundred Acres to be part; And alſo the Grounds called by the ſeveral names of Cannop, Feller, Buckholt, Beachinhurſt, and Moyry-Stock (containing about one thouſand Acres, heretofore granted to John Gibbon, John Manſil, and Ambroſe Bavin, ſome or one of them, and now belonging unto or claimed by Baniſtree Mainard Eſquire, which added to the Ten thouſand Acres, ſhall make up the full quantity of Eleven thouſand acres to be incloſed as aforeſaid) to be part, the ſaid Eleven thouſand acres to be ſet out by vertue of His Majeſties Commiſſion to be directed to ſix or more ſuch perſons as His Majeſty ſhall think fit (whereof two which ſhall execute ſuch Commiſſion to be Juſtices of the Peace for the ſaid County, inhabiting near the parts and places of the ſaid Forreſt) out of ſuch part and places of the ſaid Waſte as ſhall be found or eſteemed by the ſaid Commiſſioners, or any three of them, to be moſt convenient to be incloſed, and to be moſt apt and meet to produce Wood and Timber for the future benefit of the Kingdom, and may be beſt ſpared from the uſe of the Commoners, and High-wayes of the County; which ſaid Incloſures ſhall be forthwith admeaſured by a ſworn Surveyor, and ſet out and incloſed, butted and bounded, and the Quantities, Butts, and Boundaries thereof returned into His Majeſties

And one thouſand acres.

Court of Exchequer, there to remain of Record for ever; And the ſaid Incloſures ſo made and ſet out as aforeſaid, to remain in ſeveralty in the actual poſſeſſion of the Crown for ever, freed and diſcharged of, and from all manner of Right, Title and Pretence whatſoever, (excepting of Fee-Deer) according to the purport and intent of this preſent Act, and ſhall be made and reputed a Nurſery for Wood and Timber onely.

Commiſſioners may ſell decayed Trees to make and maintain the ſaid Incloſures.

And for defraying the Charge of the ſaid Incloſures to be made as aforeſaid, Be it further Enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſo to be authorized as aforeſaid, or any ſix of them, (whereof ſome Juſtices of the Peace for the ſaid County, inhabiting near the parts of the ſaid Foreſt, to be two) ſhall by Sale of the decayed Trees of Beech, Birch, Hawthorn, Haſle, and Holley, and other ſuch like Trees not being Timber, or that can ever prove Timber, now ſtanding or growing in or upon the Waſtes within the ſaid Foreſt or late Foreſt, raiſe moneys for defraying the charge of making and maintaining the ſaid Incloſures; And alſo for the ſatisfaction of the Claim or Intereſt of Baniſtree Mainard in the Lands aforeſaid, which are to be made part of the ſaid quantity of Eleven thouſand Acres as aforeſaid, in full ſatisfaction and recompence for the ſame.

And it is hereby Declared and Enacted, That the ſaid Lands ſo ſet forth as aforeſaid, ſhall be fully and perfectly incloſed with ſufficient Mounds and Fences, according to the true intent and purport of this Act, within two years after the Feaſt of St. George now next enſuing.

When and how much ſhall be laid open, and by what authority.

As much ſhall be incloſed anew as hath been ſo opened.

Wood fit to be felled, muſt be viewed and marked by the Juſtices.

The penalty for cutting wood contrary to this act.

And it is hereby further Enacted and Declared, That at all times hereafter, whenſoever the Lord Treaſurer of England, or Commiſſioners of the Treaſury, or Chancellor of the Exchequer for the time being, ſhall at any time or times hereafter be ſatisfied, and ſhall determine that the Woods and Trees, which ſhall be growing on the ſaid Eleven thouſand Acres, or any part thereof, ſo to be incloſed as aforeſaid, are become paſt danger of the browſing of Deer, Cattle, or other prejudice, and ſhall think fit to lay the ſame, or any part thereof, conſiſting of Five hundred Acres or more, open and in Common, ſhall cauſe the ſame to be ſo done; That then and ſo often it ſhall and may be lawful to and for the Kings Majeſty, His Heirs and Succeſſors, from time to time to Incloſe in lieu of ſo much as ſhall be ſo laid Open out of the ſaid Eleven thouſand Acres, the like quantity out of any other part of the reſidue of the ſaid Waſtes, to be ſet out by like Commiſſion and Admeaſurement as aforeſaid; And to be holden Incloſed, Freed and Diſcharged of and from all manner of Common, Eſtovers, Herbage or Pannage, and other Rights, excepting Fee-Deer as aforeſaid, for ſo long time as the ſame ſhall remain and continue Incloſed, according to the purport, direction, and intent of this preſent Act, to be a Nurſery for Timber as aforeſaid, inſtead of ſo much as ſhall be laid Open according to the direction aforeſaid: And whenſoever any Wood or Timber ſhall at any time or times hereafter be directed to be fallen in any part of the Waſtes of the ſaid late Foreſt Incloſed or not Incloſed, the ſame ſhall be firſt viewed and allowed to be fallen, by two or more of the Juſtices of the Peace for the ſaid County, unconcerned in the premiſſes, and ſhall not be cut or fallen untill the ſame be viewed, and allowed by ſuch two or more Juſtices, as fit and convenient to be cut and fallen, and that the ſaid Juſtices ſhall have Marked with a broad Arrow and Crown, that it may remain to been (as they are hereby required and impowred to do) ſo many and ſuch Trees as are moſt fit to be preſerved for Growth for Timber, upon every Acre intended to be fallen; And alſo ſhall have certified (as they are likewiſe hereby required to do) unto the Lord Treaſurer, or Lords Commiſſioners of the Treaſury for the time being, the names of the places, and number of Trees ſo viewed and allowed to be fallen, and ſo Marked to be preſerved as aforeſaid: And if any perſon or perſons ſhall at any time or times hereafter, either fell or cut down any Wood or Trees, upon the Premiſſes, or any part thereof, before ſuch View, Allowance, and Certificate made thereof as aforeſaid, contrary to the true meaning of this preſent Act, or ſhall after cut down any of the ſaid Marked Trees without like allowance, the perſon or perſons ſo offending ſhall forfeit for every Tree ſo fallen, the ſum of Twenty pounds, to him or them who ſhall Inform, or Sue for the ſame in any of His Majeſties Courts of Record, wherein no Eſſoine, Wager of Law, or Protection ſhall be allowed to the Defendant. And for further preſervation of the ſaid Timber, growing and to grow upon the Premiſſes; No Officer, or other perſon or perſons whatſoever, ſhall at any time hereafter have or claim any Fee-Trees out of the ſaid late Foreſt, upon any pretence whatſoever; but ſhall have and enjoy their uſual Fees in the Game of Deer of all parts of the ſaid Waſtes Incloſed or not Incloſed, as formerly they have had; Any thing in this Act to the contrary notwithſtanding.

Foreſt Laws to be put in execution.

The incloſed Lands all reafforeſted.

And foraſmuch as by former experience it hath been found, That no thing did more conduce to the raiſing, increaſe and preſervation of Timber and Wood within the ſaid waſtes, then the execution of the Foreſt-laws whilſt the ſaid waſtes were afforeſted and kept under the regard of the Foreſt: Be it therefore further Enacted and Declared by the Authority aforeſaid, That aſwell the ſaid Eleven thouſand acres ſo to be incloſed, as all other the waſte lands aforeſaid, ſhall be & are hereby reafforeſted, and ſhall from henceforth be governed by Foreſt-law, and put under the regard of the Foreſt, to the ſame effect, and in the ſame manner to all intents and purpoſes, as the ſame were in the Tenth year of the reign of the late King Charles of bleſſed memory; And that all Articles or Agreements, and all Grants and Charters made ſince the Tenth year of the Reign of the late King Charles, for or concerning the diſafforeſting the Three and twenty thouſand Acres aforeſaid or any part thereof, and all the matters, clauſes and things therein contained, relating to ſuch diſafforeſtation, ſhall be henceforth void, ſo that the ſaid waſtes and premiſſes ſhall be for ever henceforth deemed and Adjudged to be Foreſt; and to that end, that new Elections ſhall be made forth, and from time to time continued of all Verderors, Regarders, and other officers of and for the governing of the ſaid Foreſt, according to the Foreſt-law in that behalf.

And to the end the ſaid Forreſt and premiſſes may be perpetually preſerved and eſtated in the Crown for Publick uſe as aforeſaid, and may not be granted or diſpoſed to any private uſe or benefit; Be it further Enacted, That in caſe any perſon or perſons whatſoever, ſhall preſume to take, or ſhall obtain any Gift, Grant, Eſtate or Intereſt, of or in the ſaid Incloſures or Waſtes, or any Wood or Trees growing thereon, or of or in any of the Mines or Quarries of or within the ſaid Incloſures or any part thereof, Every ſuch Gift Grant, Eſtate and Intereſt, ſhall *ipſo facto* be nul and void, and the perſon or perſons ſo taking or obtaining the ſame, ſhall be, and is hereby made and declared utterly diſable and uncapable to have hold or enjoy any ſuch Gift, Grant, eſtate or Intereſt.

All Eſtates made out of it to any perſon whatever, to be null and void.

Provided always nevertheleſs, That for preventing the deſtruction of young Wood, by overcharging the ſaid Forreſt with Deer, It is declared and enacted by the Authority aforeſaid, That in caſe His Majeſty, his heirs and Succeſſors ſhall think fit at any time hereafter to reſtore a Game of Deer within the ſaid Forreſt or waſtes, the ſame ſhall not exceed the number of eight hundred Deer of all ſorts at any one time, there to be kept for his Majeſties Game within the ſaid Forreſt.

The King may reſtore a Game of Deer, but not above Eight hundred.

And to the end ſome recompence may be made to the perſons, whoſe right of Common and of Herbage within the ſaid intended Incloſures is hereby taken from them, for the neceſſary preſervation of the ſaid Timber as aforeſaid; Be it further Enacted and Declared by the Authority aforeſaid, That it ſhall and may be lawful to and for all and every the Owners, Tenants and Occupiers of any the ſeveral Lands (lying within the metes, limits and boundaries of the ſaid Forreſt, not being part of the ſaid waſte-ground or Incloſures) their heirs, Executors and Adminiſtrators reſpectively, from time to time and at any time or times hereafter, to cut down and diſpoſe of any the Timber, Trees, Woods or Underwoods growing, or which ſhall hereafter grow or be in or upon their ſeveral and reſpective Lands (lying within the boundaries aforeſaid, not being part of the ſaid waſte-ground as aforeſaid) at their own wills and pleaſures, without the licences of any Juſtice in Eyre or his Deputy, and without the licence and view of any Officer of the ſaid Forreſt whatſoever, and alſo without incurring any Offence againſt the Forreſt-law, or any Forfeiture or Penalty touching the ſame; and alſo to manure and improve the ſaid ſeveral lands and Tenements by Plowing, Aſſarting, Digging, Incloſing, Fencing or Building upon the ſame at their will and pleaſures,, and to keep any ſort of Dogs imexpeditated, and to Hunt and kill any Beaſt of Chaſe or other Game, in or upon the ſaid ſeverall Lands, as if the ſame were not lying within the bounds of any Forreſt.

Proviſo for Owners, Tenants and Occupiers.

And it is enacted by the authority aforeſaid, That all Offences whatſoever heretofore committed or done by any perſon or perſons whatſoever, upon the ſaid Lands lying within the ſaid boundaries aforeſaid, not within the waſtes of the ſaid Forreſt as aforeſaid, againſt any of the laws of the Forreſt whatſoever, ſhall be and are hereby wholly remitted and diſcharged.

Former offences remitted.

Provided always, and it is hereby Enacted and Declared, That all and every perſon and perſons, having any right of Common of Paſture, or of Pannage, or any other Rights, Fees, Liberties or Priviledges within the ſaid Forreſt or any part thereof, ſhall hold and enjoy the ſame in manner following (that is to ſay) Their ſaid Right of Pannage from and after the feaſt of Saint Michael the Archangel, which ſhall be in the year of our Lord Chriſt, One thouſand ſix hundred eighty ſeven, and not before; And their ſaid Right of Common of Paſture and all other their ſaid Fees, Liberties and Priviledges in and through ſuch of the ſaid waſte Ground, and at ſuch time and times as the ſame ſhall not be Incloſed as aforeſaid, the time of the Fence moneth (that is to ſay) for fifteen days before, and fifteen days after the feaſt of Saint John the Baptiſt yearly, and the time of the Winter-heyning (that is to ſay) from the Eleventh day of November to the three and twentieth day of April yearly, excepted, under and ſubject to the Forreſt-law, is as ample manner as he or they, or thoſe under whom they or any them might lawfully claim, might have held or enjoyed the ſame in the Tenth year of the Reign of the late King Charles; This Act or any other thing to the contrary notwithſtanding.

Pannage ſhall be re-enjoyed after Mich. 1637.

And when and in what manner all other Priviledges.

Saving alſo unto the Inhabitants of and in the Pariſh of St. Brerills for the time being, lying within the boundaries of the ſaid Forreſt, their lawful Rights and Priviledges for the taking, cutting and enjoying the Wood growing in a certain place within the ſaid Forreſt called Hudnals as fully and amply as if this Act had not been had or made; And alſo ſaving unto the Miners, and perſons uſing the Trade of digging for Iron-Oar, Coal, and Oker in the ſaid Forreſt, their lawful Rights and Priviledges in all Lands and Grounds lying within the Perambulation and Regard of the ſaid Forreſt, other then the ſaid Incloſures for the time they ſhall continue Incloſed as fully and abſolutely as if this Act had not been had or made.

Proviſo for the Inhabitants of St. Brerills to enjoy the Wood growing upon a place called Hudnalls.

Miners rights ſaved.

Provided nevertheleſs, That this Act nor any thing therein contained ſhall make void or null certain Leters-Patents granted by the Kings Majeſty unto Sir John Wintour knight Francis Finch and Robert Cleyton Eſquires, in or about the Thirtieth of July in the fourteenth year of his now Majeſties Reign of certain Woods and Iron workes in the Forreſt of Dean: for a certain Term of years yet unexpired.

Letters Patents for certain Woods and Iron-works ſaved.

Provided alwayes, That nothing in this Act contained, ſhall be deemed or conſtrued to make void or prejudice a certain Leaſe for years yet unexpired, granted to Thomas Preſton Eſquire, by Letters-Patents under the Great Seal, of certain Lands in the ſaid Forreſt of Dean, called, Great and Little Bradleys, Pigſlade, Buckholt-moor and Stony grove, now belonging to, or claimed by Dame Mary Stanhop, Relict of Charles Stanhop Eſq.

Proviſo for Thomas Preſton and Dame Mary Stanhop.

Provided always, And it is hereby declared, That the Lands called or known by the name of Mayly Scot, and other Lands heretofore granted unto Sir Edward Villiers Knight deceaſed,

Mayly-Scot and other Lands of Sir Edward Villiers excepted.

and his Heirs, by Letters-Patents under the Great Seal of England, bearing date the Eight and twentieth day of May, in the firſt year of the Reign of our late Soveraign Lord King Charles the Firſt, ſhall not be accounted or eſteemed any part of the Three and twenty thouſand Acres which are to be Incloſed, or lie Waſte to the Commoners.

Salvo for Baniſtree Maynard.

Provided always, and be it further Enacted by the Authority aforeſaid, That if the full and juſt Sum of one thouſand five hundred Pounds ſhall not be paid unto the ſaid Baniſtree Mainard, his heirs or Aſſigns, by the ſaid mentioned Commiſſioners, or ſome other perſon or perſons by their appointment, for and in lieu of his Eſtate in the Lands called Cannop, Fellet, Buckholt, Beechinhurſt, and Moyry-Stock, on or before the Four and twentieth day of June, in the year of our Lord one thouſand ſix hundred ſixty nine; That then the ſaid Baniſtree Mainard, his Heirs and Aſſigns, ſhall and may have, hold and enjoy all and every the ſaid mentioned Lands, in as full and ample manner as any of thoſe perſons from whom he claims, did ever enjoy the ſame, or might have enjoyed the ſame by vertue of any Grant under the Great Seal of England made unto them of the Premiſſes; Any thing in this preſent Act to the contrary in any wiſe notwithſtanding.

How far the metes and bounds of the Forreſt ſhall extend.

Provided, And be it further Enacted by the authority aforeſaid, That the Metes and boundaries of the ſaid Forreſt, ſhall be for ever hereafter taken to extend to ſuch Pariſhes and Places onely as were commonly uſed, eſteemed, and taken to be within the Perambulation and Regard of the ſaid Forreſt, in the twentith year of the Reign of the late King James and not to any other Pariſhes or places whatſoever; Any Judgment, ordinance, uſage or pretence whatſoever to the contrary notwithſtanding.

Grindſtones, Coal-Mines and Quarries.

Provided always, And be it further Enacted by the Authority aforeſaid, That any Leaſe or Leaſes made or to be made by his Majeſty, his heirs, or Succeſſors, to any perſon or perſons whatſoever, for any term or terms of years, not exceeding the term of One and thirty years, in poſſeſſion of the Coal-mines and Quarries of Grindeſton in the ſaid Forreſt or any part thereof, ſhall be of like force, as if this Act had never been made, Except of ſuch Coal-mines as are or ſhall be in any part of the Eleven thouſand Acres allotted for his Majeſties Incloſure, and as ſhall continue Incloſed.

CAP. IV.

An Act for Proceeding to Judgment on Writs of Error brought in the Exchequer.

16 Car. 2. cap. 2.

31 E. 3. cap. 12.

Whereas by a Statute made in the Sixteenth year of the Kings moſt Excellent Majeſty, It was enacted, That the not coming of the Lord Chancellor and Lord Treaſurer, or either of them, at the day of the Return of any Writ of Error to be ſued forth by vertue of the Statute made in the One and thirtieth year of the Reign of King Edward the Third, ſhall not cauſe any abatement or diſcontinuance of any ſuch Writ of Error; But if both the Chief Juſtices of either Bench, or either of them, or any one of the ſaid great Officers, the Lord Chancellor, or Lord Treaſurer ſhall come to the Exchequer-Chamber, and there be preſent at the day of the Return of any ſuch Writ of Error, it ſhall be no abatement or diſcontinuance, but the Suit ſhall proceed in Law to all intents and purpoſes, as if both the Lord Chancellor and Lord Treaſurer had come and been preſent at the day and place of the return of any ſuch Writ; In which ſaid Statute it is provided, That no Judgment ſhall be given in ſuch Suit or Writ of Error, unleſs both the Lord Chancellour and Lord Treaſurer be preſent thereat. And whereas at this preſent time there is no Lord Treaſurer, and therefore by reaſon of the ſaid Proviſo, no Judgment can be had in any Writ or Writs of Error, brought and yet depending, or to be brought, to the great charges and prejudice of his Majeſties Subjects, and delay of Juſtice: For remedy wherein, Be it therefore enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in Parliament aſſembled, That Judgment ſhall, or may be given in any Suit, or Writ or Writs of Error now depending, or hereafter to be brought in the Exchequer, in the preſence of the Lord Keeper of the Great Seal of England, notwithſtanding the vacancy of a Lord Treaſurer, in ſuch manner as hath been accuſtomed, when there was preſent the ſaid two great Officers; The ſaid Proviſo in the ſaid Statute, or any thing elſe therein contained to the contrary in any wiſe notwithſtanding.

Judgment may be given in Writs of Error, in preſence of the Lord Keeper, notwithſtanding the abſence of the Lord Chancellor or Lord Treaſurer.

CAP. V.

Liberty given to Buy and Export Leather, and Skins Tanned or Dreſſed.

Whereas it is found by experience, ſince the late ſtrict Prohibition of the Exporting of Leather, That the Prices thereof, and conſequently of Raw Hides, are very much abated, to the great diſcouragement of the Breed and Feeding of Cattel, and Fall of the Rents and Value of Land; and yet that the Makers of Boots and Shoes, and other workers in Leather, have ſtill, during this time, ſold their Wares and Commodities very dear:

After the 25th of March 1668. all ſorts of Leather may be Exported.

Be it enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the Twenty fifth day of March, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty eight, It ſhall and may be lawful for any perſon or perſons, Native or Foreigner, to Buy in open Fair or Market, and to Export and Tranſport into Scotland or Ireland, or any Foreign parts beyond the Seas, all ſorts of Leather, Sheep-skins, or Calve-skins, Tanned, Tawed, or Dreſſed; Any Law, Statute or Uſage to the contrary, in any wiſe notwithſtanding; Paying for each Hundred weight of all ſorts of Leather, Sheep-skins and Calve-skins, containing One hundred and twelve pounds, and ſo proportionably for a greater or leſſer quantity, the ſum of Twelve pence, and no more.

It is hereby further enacted by the authority hereof, That this Act ſhall continue and be in force until the Five and twentieth day of March, One thouſand ſix hundred ſeventy five, and until the end of the firſt Seſſion of Parliament then next enſuing, and no longer.

The continuance of this Act.

CAP. VI.

The Trade of Silk-Throwing, Regulated.

VVhereas the Art of Working and Throwing of Silk, for many years paſt (giving Imployment to the Poor of the Kingdom) hath of late been obſtructed, by reaſon that the preſent Maſter and Wardens, and part of the Aſſiſtants and Commonalty of the Trade, Art or Myſtery of Silk-Throwers of the City of London, have endeavoured to put in execution a certain By-law, by them made near forty years ſince, reſtraining and ſtinting the Freemen of the ſaid Company, that they ſhall not work with above the Number of One hundred and ſixty Spindles at one time, and the Aſſiſtants of the ſaid Company with above the Number of Two hundred and forty Spindles: which is an hindrance to the Growth and Improvement of the ſaid Art, and a reſtraint to the Working of Silks in this Kingdom, which is of late much improved, and to the Subſiſtence and Livelyhood of many thouſand poor Families, and puts the Traders in that Commodity upon a neceſſity of uſing Foreign Thrown-Silk:

Silk-Throwing obſtructed by a By-Law.

Be it therefore enacted by the Kings moſt Excellent Majeſty, with the advice and conſent of the Lords Spiritual and Temporal, and Commons aſſembled in Parliament, That the ſaid By-Law is hereby Void and Null, and the ſaid Company are hereby diſabled from making any By-law for the future, which ſhall reſtrain or limit the Number of Mills, Spindles, or other Utenſils to be imployed by any of the Freemen of the ſaid Company, in or about the ſaid Art or Myſtery.

The ſame By-Law made void, and the Company diſabled to make any ſuch reſtraint.

And be it enacted by the authority aforeſaid, That if any Silk-Winder or Doubler ſhall hereafter be found faulty in unjuſtly, deceitfully, or falſly purloyning, imbezelling, pawning, ſelling, or detaining any Silk committed to his or their Truſt, That then any Juſtice of Peace, Mayor, Bayliff, or chief Officer of any County, Liberty, or Corporation, ſhall immediately upon conviction by confeſſion of the party, or upon the Oath of one Witneſs before any of the ſaid Juſtice or Juſtices of the Peace, or other Officer, commit to Priſon or to the Houſe of Correction the Offender, till ſatisfaction be given to the Party wronged, or puniſhment inflicted, as by an Act of Parliament, Intituled, An Act for Regulating the Trade of Silk-Throwing, made this preſent Parliament, is directed and appointed; Any thing in the ſaid Act contained to the contrary hereof in any wiſe notwithſtanding.

Silk-winders or doublers offending, to be committed to priſon.

14 Car. 2. cap. 15.

And be it further enacted, That no By-Law already made, or hereafter to be made by the ſaid Company, ſhall or may limit or confine any Freeman of the ſaid Company to take a leſs number then three Apprentices at any time.

Apprentices.

CAP. VII.

An Additional Act againſt the Importation of Foreign Cattel.

VVhereas by an Act of this preſent Parliament, Intituled, An Act againſt Importing Cattel from Ireland, and other parts beyond the Seas, and Fiſh taken by Foreigners; amongſt other things, Proviſion was made againſt Importation of Cattel from Parts beyond the Seas: And it was thereby enacted, That ſuch Importation from and after the ſecond day of February, which was in the year One thouſand ſix hundred ſixty ſix, was a publick Nuſance, and ſhould be ſo adjudged, deemed and taken to all intents and purpoſes; And that if any Cattel, Sheep or Swine, or any Beef, Pork, or Bacon (except for the neceſſary Proviſion of the reſpective Ships or Veſſels in which the ſame ſhould be brought, not expoſing the ſame to ſale) ſhould from and after the ſaid ſecond day of February, by any wiſe whatſoever, be Imported or brought from beyond the Seas into this Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, That then it ſhould and might be lawful for any Conſtable, Tythingman, Headborough, Church-warden, or Overſeers of the Poor, or any of them within their reſpective Liberties, Pariſhes, or Places, to take and ſeize the ſame, and keep the ſame, during the ſpace of eight and forty hours, in ſome publick or convenient place where ſuch ſeizure ſhould be made; within which time, if the Owner or Owners, or any for them or him, ſhould make it appear unto ſome Juſtice of the Peace of the ſame County where the ſame ſhould be ſo ſeized, by the Oath of two credible Witneſſes, that the ſame were not Imported from Ireland, or from any other place beyond the Seas not therein after excepted, after the ſaid ſecond day of February, Then the ſame, upon the Warrant of ſuch Juſtice of Peace, ſhould be delivered without delay; but in default of ſuch Proof and Warrant, then the ſame to be forfeited; one half thereof to be diſpoſed to the uſe of the Poor of the Pariſh where the ſame ſhall be ſo found or ſeized, the other to be to his or their own uſe that ſhould ſo ſeize the ſame.

18 Car. 2 cap. 2

Importation of Cattel from beyond Sea a Nuſance.

Notwithſtanding which Act, and the good Proviſion thereby, great number of Cattel, Sheep and Swine, and great quantities of Beef, Pork and Bacon, have ſince the time limited by the ſaid Act been Imported from Ireland, and other places beyond the Seas, as well in Foreign as Engliſh Ships and Veſſels, contrary to the good intent of the ſaid Act, and in continuance of the ſaid Nuſance, and in high contempt of the authority of Parliament: And divers Church-wardens, Conſtables, Tithing-men and Overſeers of the poor, living near the Sea, for their own private Lucre, having combined with the Owners of ſuch Cattel, Sheep, Swine, Beef, Pork, and Bacon, Imported as aforeſaid, or with their Agents, have colourably ſeized, and afterwards privately and fraudulently ſold the ſame at very low and inconſiderable Rates, to the ſaid Owners or their Agents: And other of the ſaid Officers, who have diſcharged their Duties in the due execution of the ſaid Act, have been moleſted therefore, and ſeveral Actions, Suits, Plaints and Informations, have

been

All Officers who have ſeized any Imported Cattel, ſaved harmleſs.

been brought and preſented againſt ſome of them in Counties and Places far diſtant from their Habitations, to their great charge and diſcouragement. For the Vindication therefore of the authority of Parliament from ſuch bold Affronts, and the Indempnifying as well of ſuch Officers, who have faithfully endeavoured the execution of the ſaid Act (although they have not ſtrictly purſued the ſame in every Circumſtance) as of ſuch other perſon and perſons who have acted in their aid and aſſiſtance, And for the better and further ſuppreſſion of the ſaid Nuſance; Be it enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every Conſtable, Tithing-man, Headborough, Church-Warden, and Overſeer of the Poor, and every other perſon or perſons who have acted in, or concerning the ſeizure, keeping, detaining or diſpoſing of any Cattel, Sheep, Swine, Beef, Pork, or Bacon, Imported contrary to the ſaid Act, after the ſaid ſecond day of February, ſhall be, and are hereby ſaved harmleſs, and Indempnified in that behalf, againſt the Owner or Owners thereof at the time of ſuch Importation, their Executors and Adminiſtrators, and every other perſon and perſons claiming from, by, or under their Gift, Grant, or other Diſpoſition; and againſt all and every perſon and perſons, to whom any fraudulent Sale hath been made after ſuch Importation as aforeſaid, and their and every of their Executors and Adminiſtrators.

Any perſon may ſeize Imported Cattel, and deliver them to the Officers.

And it is Provided, and further Enacted, That not onely the Conſtables and Officers above named, but every or any other Inhabitant or Inhabitants of or within the Liberties, Pariſhes, and Places where ſuch Importation ſhall be made, ſhall and may take and ſeize the Cattel and Goods ſo Imported, and after ſuch Seizure ſhall forthwith deliver or cauſe them to be delivered to the Conſtable, Tithing-man, Headborough, Churchwarden, or Overſeers of the Poor, or any of them within the reſpective Liberties, Pariſhes and Places aforeſaid, to be kept, ordered, and diſpoſed in the Manner and to the Uſes and Purpoſes in this Act, and in the ſaid recited Act, or either of them mentioned and directed.

The forfeiture of ſuch as neglect to ſeize.

And it is further Enacted, That if no Seizure at all ſhall be made by the Officers or Inhabitants nor any of them, within the Liberty, Pariſh, or Place where ſuch Cattel or Goods as aforeſaid ſhall be firſt Imported, Then ſuch Liberty, Pariſh, and Place, and the Inhabitants thereof, neglecting to make ſuch Seizure, for every Default ſhall forfeit the ſum of One hundred pounds which ſhall be imployed for the Uſe of the Houſe of Correction within the County or Liberty where ſuch Default of Seiſure ſhall be; and the Moneys ſo to be forfeited, and other the Penalties and Forfeitures which are to accrue to the Poor by vertue of this Act, and the ſaid recited Act, or either of them, ſhall be accounted for to ſuch perſons, at ſuch Times, and in ſuch Manner, as the Overſeers of the Poor are appointed to accompt by the Statute made in the three and fortieth year of the Reign of Queen Elizabeth, Chapter the Second.

Ships bringing Cattel, &c. from beyond Sea ſhall be forfeited, ſeized and ſold.

And be it further Enacted by the Authority aforeſaid, That every Ship or Veſſel, with all her Tackle and Apparel, in which any great Cattel, Swine, Sheep, Beef, Pork, or Bacon from and after the Four and twentieth day of march in the year of our Lord One thouſand ſix hundred ſixty and ſeven, ſhall be Imported from Ireland, or any other Parts beyond the the Seas, into the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed And out of which they or any of them ſhall be put on Shore there ſhall be forfeited: And that it ſhall and may be lawful to and for any perſon or perſons, within the ſpace of One year after ſuch Importation, to take and ſeize the ſame Ship or Veſſel, with all her tackle and Apparel, and to make Sale thereof to the beſt advantage; and that one half of the Moneys to be raiſed by ſuch Sale, ſhall be diſpoſed of to the Uſe of the Poor of the Pariſh where the ſame ſhall be ſo ſeized, the other half to be to his or their Uſe that ſhall ſo ſeize the ſame: And alſo that it ſhall and may be lawful to and for any Juſtice of Peace of the County, or Chief Officer of the Port-Town, in or near the place where ſuch Importation ſhall be made or where any of the Cattel, Sheep, Swine, Beef, Pork or Bacon ſo Imported ſhall be driven or brought, by Warrant under the hand & Seal of ſuch Juſtice of Peace, or chief Officer to cauſe to be apprehended all and every the Maſters, Mariners, and Seamen, having Charge of, or belonging to ſuch Ship or Veſſel; in which ſuch Importation ſhall be made; and all and every other perſon and perſons acting or imployed in the Landing, driving, attending on or taking care or charge of the ſaid Cattel, Sheep, Swine, Beef, Pork, or Bacon Imported as aforeſaid and them to commit to the Common-Goal of the ſaid County, there to remain without Bail or Mainpriſe, for the ſpace of Three Moneths.

The money raiſed thereby, one half to the poor, the other to the Informer or Seizer.

The Seamen to be apprehended and all others concerned, and ſent to the Common Goal.

If any Officer neglect to ſeize, another may take them and have the one half, giving the other to the poor.

And be it further Enacted and Declared by the authority aforeſaid, That whenſoever, and as often as it ſhall happen, either through any fraudulent Agreement, or unfaithful Connivance of any Conſtable, Headborough, Tythingman, Churchwarden, or Overſeer of the Poor, or that it ſhall happen any otherwiſe howſoever, that any great Cattel, Sheep, Swine, Beef, Pork or Bacon, after the firſt Seizure of them, or any of them, by vertue of the aforeſaid Act, ſhall be driven, brought, carried into, or found in any other Pariſh or Place, then where the ſame ſhall be firſt ſeized as aforeſaid; That then, and ſo often, and from time to time, it ſhall and may be lawful to and for the Conſtable, Tythingman, Headborough, Churchwarden, or Overſeer of the Poor of every or any ſuch other Pariſh or Place, where ſuch great Cattel, Sheep, Swine, Beef, Pork or Bacon, ſhall be brought, driven, or carried into, or found as aforeſaid, to ſeize, take, and diſpoſe the ſame, and every or any of them as forfeited, The one Moyety thereof to the Uſe of the Poor of ſuch other Pariſh or Place where ſuch Seizure ſhall be made, the other to the Uſe of ſuch Officer or Officers who ſhall ſeize the ſame as aforeſaid; Any other or former Seizure or Seizures, in any other Pariſh or Pariſhes, Place or Places, notwithſtanding.

And be it further Enacted by the authority aforeſaid, That if any Action, Bill, Plaint, Suit or Information, is, or ſhall be Commenced, or Proſecuted againſt any perſon or perſons

ſons, for any Seizure or other thing made or done, or to be made or done, by vertue or colour of this, or the aforeſaid Act; And upon the Trial of ſuch Action, Bill, Plaint, Suit or Information, it ſhall not be proved to the Jury that ſhall Try the ſame, that the Cauſe of ſuch Action, Bill, Plaint, Suit or Information, did ariſe within ſuch County, where ſuch Action, Plaint, Suit or Information is laid and Tried, the Defendant and Defendants ſhall be found Not-guilty, without having regard to any Evidence given by, or for the Plaintiff, Informer or Proſecutor.

Tryal in the County where the cauſe of Action.

And be it further Enacted by the authority aforeſaid, That if any Action, Bill, Plaint, Suit, or Information hath been, or ſhall be Commenced or Proſecuted againſt any perſon or perſons, for any Seizure or other thing done or made, in Purſuance or Execution of this or the aforeſaid Act; ſuch perſon or perſons ſo Sued in any Court whatſoever, may plead the General Iſſue, and give this and the aforeſaid Act, and the ſpecial matter in Evidence for their Excuſe or Juſtification: And if the Plaintiff or Proſecutor ſhall become Nonſuit, or forbear Proſecution, or ſuffer Diſcontinuance, or if a Verdict paſſe againſt him in any ſuch Action, Bill, Plaint, Suit or Information as aforeſaid, the Defendants ſhall have treble Coſts, for which they ſhall have the like Remedy, as in any Caſe where Coſts by the Law are given to the Defendant.

General Iſſue.

Defendant to have treble Coſts.

Provided alwayes, That nothing in this Act ſhall be conſtrued to hinder the Importation of Cattel from the Iſle of Man into this Kingdom of England, ſo as the Number of the ſaid Cattel do not exceed Six hundred Head Yearly, and that they be not of any other Breed then of the Breed of the Iſle of Man, and that they be Landed at the Port of Cheſter, or ſome of the Members thereof, and not elſewhere.

Proviſo to import Cattel from the Iſle of Man.

And it is laſtly Enacted, That if any perſon or perſons ſhall wilfully and fraudulently conſpire, confederate, or agree together, to avoid or evade the Seizures or Forfeitures upon Importation of Cattel or Goods in this preſent Act particularly ſpecified, and the ſame ſhall put in execution; Then every ſuch perſon and perſons, being thereof lawfully Indicted or Preſented within one year next after ſuch Offence by him or them committed, and being thereof lawfully Convicted or Attainted at any time after, according to the Laws of this Realm, ſhall incur the Dangers, Penalties, Pains and Forfeitures contained and provided in and by the Statute of Proviſion and Premunire, made in the Sixteenth year of the Reign of King Richard the Second.

Confederacy to elude this Act incurs a Premunire.

CAP. VIII.

An Act for the Taxing and Aſſeſſing of the Lands of the Adventurers within the Great Level of the FENS.

15 Car. 2. cap. 17.

Whereas by an Act made in this preſent Parliament, Entituled, An Act for ſetling the Drayning the Great Level of the Fens, called Bedford Level, It is amongſt other things Enacted, That the Governor, Bayliffs, and Conſervators of the Corporation in the ſaid Act mentioned, and by vertue of the ſame from time to time being, or any Five or more of them (whereof the Governor and Bayliffs for the time being, or any of them to be two) ſhould and might from thenceforth uſe the Power and Authority of the Commiſſioners of Sewers within the ſaid Great Level, and from time to time Lay and Impoſe Taxes upon the Ninety five thouſand Acres within the ſaid Level in the ſaid Act mentioned, for the maintenance and preſervation of the ſame, as by the ſaid Act appeareth; And whereas ſince the making of the ſaid Act, the Governor, Bayliffs, and Conſervators of the ſaid Corporation, in Execution of the Power and Authority hereby to them given, have Laid and Impoſed Taxes upon the ſaid Ninety five thouſand Acres, for the Purpoſes by the ſaid Act ſpecified and appointed, wherein they have proceeded by way of an Acre-Tax, at a certain Rate by the Acre, and have inforced the payment of the ſame after that manner, to the great damage of divers of the Adventurers and Participants, for that the ſaid Ninety five thouſand Acres are not only much different in the natural Richneſs and Barrenneſs of their Soyl, but likewiſe ſome parts of the ſaid Lands are by frequent Inundations and otherwiſe, exceedingly pejorated and made worſe, and the Corn, Hay, Seed, or Graſs thereupon often deſtroyed; yet the ſame Lands are equally Taxed with the beſt and moſt ſecure Lands in the ſaid Level as aforeſaid; The which ſaid way of Raiſing, Draining-Taxes upon the ſaid Ninety five thouſand Acres, by an equal Acre-Rate, hath been found to be inconvenient; And for removing the ſaid Inconvenience, the ſaid Governor, Bayliffs and Conſervators, have of late proceeded to a more indifferent way of Taxing of the ſaid Ninety five thouſand Acres (that is to ſay) by a gradual Acre-Tax of Five ſorts, upon Eighty three thouſand Acres, part of the ſaid Ninety five thouſand Acres, and by a Medium of the Twelve thouſand Acres, Reſidue of the ſaid Ninety five thouſand Acres: And to the intent that encouragement may be given for the better Improving of the ſaid Ninety five thouſand Acres, and that a conſtant and certain way of Taxing may be continued and eſtabliſhed for the future:

The Preamble of this Act.

Taxes impoſed at a certain Rate per Acre.

Unequal and inconvenient.

Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and aſſent of the Lords Spiritual and Temporal, and Commons in this Parliament aſſembled, and by the authority of the ſame; That all Taxes hereafter to be ſet and impoſed for the maintenance and preſervation of the ſaid Great Level, are hereby appointed and declared to be from time to time Aſſeſſed and Taxed by the ſaid Governor, Bayliffs and Conſervators, or their Succeſſors, or any Five or more of them, whereof the ſaid Governor and Bayliffs for the time being, or any of them to be Two, upon the ſaid Eighty three thouſand Acres, part and parcel of the ſaid Ninety five thouſand acres, by a gradual Acre-Tax of different ſorts and values of Lands; the which ſaid gradual Acre-Tax ſet as aforeſaid, and all future gradual Acre-Taxes to be ſet, ſhall be Received, Paid and Levied, with like Penalties in the ſaid received Act provided for Non payment of Taxes, by ſuch and the like wayes and means, as by the ſaid recited Act are provided for to be Paid and Levied; And the ſaid

Taxes hereafter to be aſſeſſed by the Governor, &c. by a gradual Acre-Tax.

Eighty three thouſand Acres, for raiſing of Taxes for ſupport and maintenance of the Great Level, are not be Rated or Aſſeſſed otherwiſe, or in any other manner then according to a gradual Acre-Tax of different ſorts and degrees, and according to the reſpective values and rates thereby ſet and rated, and to be ſet and rated as is hereafter appointed, upon the ſaid Eighty three thouſand Acres; any Law, Statute, or other thing to the contrary thereof in any wiſe notwithſtanding.

Fifteen pence per acre.

And whereas the ſaid Twelve thouſand acres, reſidue of the ſaid Ninety five thouſand acres, are by the ſaid gradual acre Taxed towards the raiſing of the ſum of Six thouſand one hundred and ten pounds ſeven ſhillings one peny half-peny, are Rated & Taxed at One ſhilling three pence per acre, being a medium as if the whole Ninety five thouſand acres had been Rated, Taxed, and Aſſeſſed at Fifteen pence per acre; Be it further Enacted by the authority aforeſaid, That when and ſo often as a Tax of the ſaid ſum of Six thouſand one hundred and ten pounds ſeven ſhillings one peny half peny, ſhall be taxed and aſſeſſed upon the ſaid Ninety five thouſand acres, That then the ſaid Twelve thouſand acres ſhall be rated, taxed, and aſſeſſed by the ſaid Governor, Bayliffs and Conſervators, and their Succeſſors, or any Five or more of them, whereof the ſaid Governor and Bayliffs, or any of them to be Two, at Fifteen pence the acre, and according to the proportion, for the raiſing of any greater or leſſer ſum then Six thouſand one hundred and ten pounds ſeven ſhillings and one peny half-peny, to be Received, Paid and Levied, together with Penalties in ſuch and the like manner, as the Taxes ſet and impoſed upon the ſaid Eighty three thouſand acres, are by this Act provided for to be Received, Paid and Levied. And be it further Enacted and Declared by the authority aforeſaid, That no Taxes to be ſet by vertue of this Act, ſhall be ſet or impoſed upon the ſaid Ninety five thouſand acres by the ſaid Governor, Bayliffs and Conſervators, or their Succeſſors, or any Five or more of them, but upon Wedneſday, Thurſday, and Friday next after the Firſt Sunday in April, or ſome or one of them Three dayes yearly for ever, and not at any other time; any Law, Cuſtom or Uſage to the contrary hereof notwithſtanding.

Wedneſday, Thurſday, and Friday after the firſt Sunday in April.

And whereas by the ſaid recited Act, It is amongſt other things provided, That Sales, for Non-payment of Taxes, ſhall be made at Ely upon Wedneſday and Thurſday in Whitſon-week yearly, the which Seaſon is found to be inconvenient: For remedy whereof, Be it further Enacted by the Authority aforeſaid, That from and after Whitſon-week, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty eight, thoſe dayes for Sales ſhall be altered and changed unto the ſaid Wedneſday, Thurſday and Friday, after the ſaid Firſt Sunday in April, in every year, and all other matters and things concerning or relating to Sales for Non-payment of Taxes, by the ſaid recited Act provided, are to ſtand in force, and to be obſerved, with this; That the Sergeant at Mace of the ſaid Great Level, ſhall from time to time by Precept under the Seal of the Corporation of the ſaid Great Level, in nature of a Writ of Habere fac' poſſeſſionem, at Common Law, deliver poſſeſſion unto ſuch perſon or perſons as ſhall purchaſe any part of the ſaid Ninety five thouſand Acres, for Non-payment of Taxes; And the ſaid Governor, Bayliffs and Conſervators, are hereby required and authorized to affix the Seal of the ſaid Corporation, from time to time, to the Precept or Precepts, at the charge of the parties requiring the ſame; any Law, Statute, Uſage or Cuſtome to the contrary thereof in any wiſe notwithſtanding.

Sergeant at Mace to deliver poſſeſſion.

And to the end that the ſaid Eighty three thouſand Acres, may be more equally Taxed by a gradual Acre-Tax, not under the number of Seven ſorts; Be it further Enacted by the authority aforeſaid, That Edward Partheridge Eſquire, Samuel Fortrey Eſquire, Richard Mariot Eſquire, John Mingay, Jonas Moore, Peter Diamond, Eſquires, Anthony Hamon Eſquire, Mark le Pla Gent. and John Bridgman junior Gent. or any Three or more of them, are hereby conſtituted and appointed to be Surveyors and Valuers of the ſaid Eighty three thouſand acres, and are within Twelve Moneths next after the Paſſing of this Act, to digeſt the ſaid Eighty three thouſand Acres into ſuch number of ſorts or degrees of Land, not under the number of Seven ſorts and degrees; And to Rate and Tax ſuch degrees, and digeſt the ſame into Schedules in writing, and make Returns thereof upon their Oaths into the Fen-Office; The form of which ſaid Oath ſhall be, (Viz.)

Names of the Surveyors who are to digeſt the land into ſeven ſorts.

Their Oath.

I A. B. do Swear, That according to the beſt of my Skill and Knowledge, I will faithfully diſcharge the Truſt of Surveying, Sorting, Dividing and Rating of Eighty three thouſand Acres, Parcel of the Ninety five thouſand Acres within the Great Level of the Fens, known by the name of Bedford Level, according to Seven degrees or more, as I upon my Oath ſhall think moſt equal.

The which ſaid Oath the ſaid Governor, Bayliffs, and Conſervators, or any three or more of them, are hereby authorized to adminiſter, and alſo to allow unto the ſaid Surveyours, or Valuers ſuch reaſonable charges for their travel and pains therein as they ſhall think fit; And after the ſame are returned into the ſaid Fen-Office, and there publickly ſet up which ſaid Return is hereby Enacted to be made within One moneth after the Survey taken, and the ſeveral Valuations by the parties to that purpoſe by this Act appointed and agreed upon, and all parties agrieved may take their Exceptions within Thirty days next after the ſame are ſet up; And within Forty days next after ſuch Exceptions taken, may appeal for Relief unto the ſaid Governor, Bayliffs, and Conſervators, or any Five or more of them, for altering the ſaid Schedules in the Rates and Value complained of, ſo as the parties appealing ſhall proſecute the ſaid Appeal within the ſaid Forty-dayes, and not at any time after: And in caſe the ſaid Governor, Bayliffs, and Conſervators ſhall not within the ſaid Forty days relieve the ſaid parties grieved, or if the ſaid parties ſhall not be ſatisfied with the determination of the ſaid Governor, Bayliffs, and Conſervators, That then the ſaid parties may appeal unto Sir Henry North Baronet, Sir Levinus Bennet Baronet, Sir

Returns where to be made and ſet up publickly in the Fen-Office.

Parties grieved may appeal to Commiſſioners.

Sir Robert Brook of Yoxford Knight, Sir Emond Pooley Knight, Henry Williams, Robert Appreece, Richard Nayler, Humphrey Orme, Morris Treſham, Laurence Oxborough, Henry Farrer junior, Edward Barber, Matthew Wren, Thomas Marſh, Henry Fitch Doctor of Laws, Thomas Steward, Anthony Fiſher, Matthias Tayler, John Towers, Eſquires, and Burrage Martin Gent. or any Three or more of them who are hereby conſtituted and appointed Commiſſioners of Appeal to hear and determine ſuch Complaints and to give relief therein as they ſhall ſee cauſe, and to award Coſts to either parties as they ſhall ſee cauſe, the which ſaid Coſts may be recovered by Action of debt in any of His Majeſties Courts of Record at Weſtminſter, wherein no Eſſoign or Wager of Law ſhall be allowed: which ſaid appeals to the Commiſſioners ſhall be duely proſecuted by the ſaid parties grieved, within two Moneths next after the expiration of the Forty days, and not at any time after; The which ſaid Schedules with the alterations if any ſhall be made by the ſaid Corporation wherewith the parties ſhall reſt ſatisfied, or by the determination of the ſaid Commiſſioners of Appeal, are hereby confirmed, and ſhall be a conſtant rule and foundation for the Rating and Taxing of the ſaid Eighty three thouſand acres for the future, for maintenance and preſervation of the works, made and to be made within or without the ſaid Great Level of the ſaid Fens; And that the ſaid Governor, Bayliffs, and Conſervators, nor their Succeſſors, nor any of them, ſhall Tax, or Aſſeſs the ſaid eighty three thouſand Acres otherwiſe then by and according to the ſaid Schedules, to be returned or confirmed as aforeſaid; And it is declared, that the ſaid Twelve thouſand Acres reſidue of the ſaid Ninety five thouſand Acres, ſhall be Rated, and Taxed by a Medium towards all Taxes hereafter to be laid, as by the ſaid Tax made the ſaid Twentieth day of June is provided, and not otherwiſe.

Their power;

And it is hereby further Enacted, That a Tax of the ſaid ſum of Six thouſand one hundred and ten pounds ſeven ſhillings one peny half peny, ſhall and may be ſet by the ſaid governor, Bayliffs, and Conſervators, or any Five or more of them, in Whitſon-week next upon the ſaid Eighty three thouſand Acres, according to the ſaid gradual Acre-Tax of Five degrees, upon the ſaid Twelve thouſand Acres, at Fifteen pence per Acre; and for Nonpayment ſhall and may be Levied by Sales on Wedneſday, Thurſday, or Friday after the ſaid Firſt Sunday in April then next following; And that from thenceforth all future Taxes ſhall be laid and impoſed upon the ſaid Eighty three thouſand Acres by a gradual Acre-Tax, not under ſeven degrees, and Twelve thouſand Acres, in ſuch manner and form as by this Act is provided, and not otherwiſe. And whereas Sir Miles Sandys the Elder, and Sir Miles Sandys the younger, were Adventurers and Participants with Francis late Earl of Bedford in the ſaid Level, and had an Intereſt in ſeveral Shares, Lots, and Proportions, in the ſaid Great Level; The Right, Title, and Intereſt in great part of which ſaid Shares and Lots, were, as appears by Indenture bearing date the Twelfth day of June, in the Firſt year of his now Majeſties Reign, made between Sir Miles Sandys the yonger of the one part, and Thomas Sandys Eſq; and Robert Sandys Clerk, Humberſtone Marſh Eſq; Samuel Spalding, Gent. William Wolſon Clerk, and John Kirk of the ſecond part, and Samuel Sandys of Omberſley Eſq; on the third part; Setled in ſeveral Truſtees therein named, in Truſt for the payment of all ſuch Taxes as ſhould be due for or in reſpect of the ſaid Lands mentioned in the ſaid Indenture, and after in truſt for the ſecuring of the ſaid Samuel Sandys Eſq; from all ſuch debt as he the ſaid Samuel Sandys ſtood ingaged for, the proper debts of the ſaid Sir Miles Sandys the Elder, and Sir Miles Sandys the younger: ſince which Indenture ſo had and made, the ſaid Samuel Sandys the Elder has paid great ſums of mony, for and towards the ſatisfaction of the ſaid debts of Sir Miles Sandys the Elder, and Sir Miles Sandys the younger, and yet hath reaped no benefit by vertue of the ſaid Deed of Truſt ſo as aforeſaid made for his Security, although by an Act made by this preſent Parliament, Entituled, An Act for Setling the Draining of the Great Level of the Fens, called Bedford Level, the ſaid Samuel Sandys ought to have had a Conveyance of the Shares and Lots mentioned in the ſaid Indenture: But in regard the ſaid Samuel Sandys Eſq; nor any in truſt for him could procure any Conveyance, which hath proved very prejudicial to the ſaid Samuel Sandys the Elder.

Sales for non payment when to be made.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame; That all the ſaid Lots and Shares in the ſaid Indenture mentioned (Except onely ſuch Lands of the ſaid half Share as were really ſold by Sir Miles Sandys the Elder, or Sir Miles Sandys the younger, for full and valuable Conſiderations, and ſuch of the ſaid Two Shares which have been ſold for the payment of Taxes or Debts, in purſuance of the ſaid Indenture, by the ſaid Sir Miles Sandys and the Truſtees parties to the ſaid Indenture) are hereby veſted and ſetled in Samuel Sandys the younger Eſq; and Edwin Sandys Gent. Sons of the ſaid Samuel Sandys the Elder, their heirs and Aſſigns, Freed and Diſcharged from all manner of Taxes whatſoever to the time of the Paſſing this Act: And by the Authority aforeſaid, the Free-hold and Inheritance of the ſaid Lots and Shares aforeſaid, Except before Excepted, ſhall be deemed and adjudged to be in the ſaid Samuel Sandys the younger, and Edwin Sandys, their Heirs and Aſſigns for ever; Nevertheleſs, the ſaid Shares, and Lots hereby veſted ſhall be liable to the payment of the Debts aforeſaid, and to all Powers and Juriſdictions, together with the reſidue of the ſaid Ninety five thouſand Acres, as the ſame are ſubject and liable by the ſaid recited Act for the future, and of all ſuch Taxes and Penalties as ſhall be hereafter Aſſeſſed or laid for the preſervation of the ſaid Great Level, in ſuch ſort and manner as the Eighty three thouſand Acres, Parcel of the Ninety five thouſand Acres, ſhall be Aſſeſſed and Taxed; Any Law, Statute, or thing to the contrary in any wiſe notwithſtanding.

Lands ſetled upon Samuel Sandys, and Edwin Sandys free from Taxes.

Provided alſo, And it is hereby further Declared and Enacted by the Authority aforeſaid That all and every of the Sale or Sales made, agreed or contracted for, for Non payment of Taxes of any of the Lands of the ſaid Sir Miles Sandys the Elder, or Sir Miles Sandys the

Sales for non-payment of Taxes in thoſe Lands void.

younger, or the ſaid Samuel Sandys the Elder Eſq; by the Governors, Bayliffs, and Conſervators, conſtituted and elected by Authority of an Act of this preſent Parliament, Entituled, An Act for ſetling the Draining of the Great Level of the Fens called Bedford Level, to any perſon or perſons whatſoever by vertue or colour of the ſaid Act, is, are, and ſhall be null and void; And that the ſaid Lands ſold by the ſaid Governors, Bailiffs and Conſervators, (Except before Excepted) are and ſhall be veſted and Setled by this preſent Act, in the ſaid Samuel Sandys the younger, and Edwin Sandys, their heirs and aſſigns, freed and diſcharged of and from all Taxes, laid by the ſaid Governors, Bayliffs, and Conſervators, Any thing in the ſaid recited Act to the contrary notwithſtanding.

Sergeant at Mace to remove occupants not paying Taxes.

And to the end the ſaid Samuel Sandys, and Edwin Sandys may have the effect and benefit hereby intended them; And that the Occupiers and poſſeſſors of the ſaid Shares and Lots veſted in them the ſaid Samuel Sandys, and Edwin Sandys as aforeſaid, may not by their continuing in poſſeſſion, and neglect of paying the Taxes hereafter to be impoſed on the ſaid Shares and Lots, or any part of them, cauſe the ſame to be forfeited and ſold for non-payment of the reſpective Taxes, that ſhall be become due for the ſame; Be it therefore hereby further enacted by the authority aforeſaid, That in caſe any Occupier or Poſſeſſor of any the ſaid Shares or Lots, in the ſaid Deed of Truſt mentioned as aforeſaid, or of any part of them, pretending to claim under the ſaid Deed of Truſt or otherwiſe, that ſhall refuſe to deliver or yield up the poſſeſſion of ſuch part of the ſaid Shares or Lots, to them the ſaid Samuel Sandys, and Edwin Sandys, or their aſſigns, and ſhall not duly pay the Taxes hereafter to be impoſed on the ſame, before our Lady-Day, One thouſand ſix hundred ſeventy one, That then the Serjeant at Mace for the time being, attending the ſaid Corporation, is hereby authorized and impowered by Precept under the Seal of the Corporation of the ſaid Great Level (who are hereby required to grant and iſſue out the ſame) in the nature of a Writ of Habere facias poſſeſſionem at the Common Law, to deliver unto, and put them the ſaid Samuel Sandys and Edwin Sandys, their Heirs or Aſſigns, in the quiet and peaceable poſſeſſion of ſuch Shares and Lots, or any part of them; And all and every ſuch Occupier or Occupiers, poſſeſſor or poſſeſſors thereof, of and from the ſame to eject, expel and amove; They the ſaid Samuel Sandys, and Edwin Sandys, upon reaſonable notice, firſt paying or tendring ſuch Taxes as ſhall become due for the ſame, from the time of the paſſing this Act, One Moneth before the next Day of Sale for Non-payment of ſuch Taxes hereafter to be impoſed; which ſaid Samuel Sandys, and Edwin Sandys, and their Heirs, are thereupon hereby actually veſted in the ſame.

And whereas the ſaid ſeveral Shares and Lots of the ſaid Ninety five thouſand Acres, herein before veſted and ſetled in the ſaid Samuel Sandys the younger, and Edwin Sandys, and their heirs as aforeſaid, ought to have been conveyed unto the ſaid Samuel Sandys the Elder, or his Truſtees, by the ſaid Governor, Bayliffs and Conſervators of the ſaid Corporation, by vertue of the ſaid beforementioned Act, as in and by the ſame they were required and directed, which they refuſe to do, whereby the Rents, Iſſues, and Profits thereof, have not been paid to, nor could be received by the ſaid Samuel Sandys the Elder, or his Truſtees, or by any other by, to or for his or their uſe; Be it thereby further enacted by the authority aforeſaid, That the ſaid Samuel Sandys, and Edwin Sandys, ſhall and are hereby entituled to the ſaid Rents, Iſſues, and Profits of the ſaid Shares and Lots, ſince the Paſſing of the ſaid recited Act, which have not really been paid to the ſaid Corporation for Taxes, or to the ſaid Samuel Sandys the elder, And the Occupiers and Poſſeſſors thereof are hereby appointed to pay the ſame accordingly; And in default of payment thereof, or of any part thereof, they the ſaid Samuel Sandys, and Edwin Sandys, are hereby authorized and impowered to ſue for, and by vertue of this Act ſhall recover the ſame, wherein no Eſſoyn, Protection, or Wager of Law ſhall be allowed, and ſhall likewiſe have their Coſts of Suit expended therein; Any thing herein to the contrary thereof in any wiſe notwithſtanding.

Provided always, And be it enacted, That after the ſaid Edwin and Samuel Sandys ſhall have recovered and received ſatiſfaction for the mean profits, or any part of them; That then they, their heirs, and aſſigns, ſhall pay ſo much of the ſaid Arrears of the ſaid gradual Acre-Tax, impoſed upon the ſaid reſpective Lands, proportionably to what they ſhall receive, and no more.

Proviſo for Thomas Lord Culpeper.

Provided always, And be it enacted by the authority aforeſaid, That whereas ſeveral parcels of the ſaid Ninety five thouſand Acres, ought to have been conveyed to Thomas Lord Culpeper or his Truſtees, by the ſaid Governor, Bayliffs, and Conſervators of the ſaid Corporation, by vertue of the ſaid before recited Act, as in and by the ſame they were required and directed, which they delayed to do, whereby the Rents, Iſſues and Profits thereof have not been paid to, nor could be received by the ſaid Thomas Lord Culpeper or his Truſtees, That the ſaid Thomas Lord Culpeper and his Truſtees ſhall, and are hereby Intituled to the ſaid Rents, Iſſues and Profits of the ſaid parcels, ſince the paſſing of the ſaid recited Act, which have not been really paid to the Corporation for Taxes, or to him or them, And the Occupiers and Poſſeſſors thereof are hereby required to pay the ſame accordingly; And in default of payment thereof or any part thereof, he the ſaid Thomas Lord Culpeper and his Truſtees, are hereby authorized and impowered to Sue for, and by vertue of this Act ſhall recover the ſame, wherein no Eſſoyn, Protection, or Wager of Law ſhall be allowed, and ſhall likewiſe have their Coſts of Suit expended herein, Any thing to the contrary hereof in any wiſe notwithſtanding.

Anno Regni Caroli II. Regis *Angliæ, Scotiæ, Franciæ, & Hiberniæ*, Viceſimo Secundo.

At the Parliament begun at Weſtminſter the Eight day of May. Anno Dom. 1661. In the Thirteenth Year of the Reign of our moſt Gracious Soveraign Lord CHARLES, by the grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c And there continued by ſeveral Prorogations to the 14th day of February 16$\frac{69}{70}$. From whence it is continued by Adjourment made the 11th of April, 1670. to the 24th day of October following.

Chap 1.

Seditious Conventicles Prevented and Suppreſſed.

For Providing further and more ſpeedy Remedies againſt the growing and dangerous Practices of Seditious Sectaries, and other Diſloyal Perſons, who under Pretence of tender Conſciences, have or may at their Meetings Contrive Inſurrections (as late Experience hath ſhewen) Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by authority of the ſame, That if any Perſon of theage of Sixteen years or upwards, being a Subject of this Realm, at anytime after the Tenth day of May next, ſhall be preſent at any Aſſembly, Conventicle or Meeting, under Colour or Pretence of any Exerciſe of Religion, in other manner then according to the Liturgy and practice of the Church of England, in any place within the Kingdom of England, Dominion of Wales or Town of Berwick upon Tweed, at which Conventicle, Meeting, or Aſſembly, there ſhall be Five Perſons or more, aſſembled together, over and beſides thoſe of the ſame Houſhold; if it be in a Houſe where there is Family Inhabiting, or if it be in a Houſe, Field, or place where there is no Family Inhabiting: Then where any Five Perſons or more, are ſo Aſſembled as aforeſaid, It ſhall and may be lawful to and for any one or more Juſtices of the Peace of the County, Limit, Diviſion, Corporation or Liberty, wherein the offence aforeſaid ſhall be committed, or for the Chief Magiſtrate of the Place where the Offence aforeſaid ſhall be committed; And he and they are hereby Required and enjoyned upon Proof to him or them reſpectively made of ſuch offence either by Confeſſion of the Party, or Oath of Two Witneſſes (which Oath the ſaid Juſtice and Juſtices of the Peace, and Chief Magiſtrate reſpectively, are hereby Impowred and Required to adminiſter) or by notorious Evidence and Circumſtance of the Fact, to make a Record of every ſuch Offence under his or their Hands and Seals reſpectively: which Record ſo made as aforeſaid, ſhall to all intents and purpoſes be in Law taken and adjudged to be a full and perfect Conviction of every ſuch Offender for ſuch Offence; and thereupon the ſaid Juſtice, Juſtices and chief Magiſtrate reſpectively, ſhall impoſe on every ſuch Offender ſo convict as aforeſaid, a Fine of Five ſhillings for ſuch firſt offence, which Record and Conviction ſhall be certified by the ſaid Juſtice, Juſtices or Chief Magiſtrate at the next Quarter-Seſſions of the Peace, for the County or place where the Offence was committed.

The preamble.

Conventicles &c. forbidden after the 10th of May. 1670.

How the offenders muſt be convicted.

The penalty for the firſt offence.

The record & conviction to be returned to the next Quarter Seſſions.

And be it further Enacted by the Authority aforeſaid, That if ſuch Offender ſo Convicted, as aforeſaid, ſhall at any time again commit the like offence or offences, contrary to this Act and be thereof in manner aforeſaid convicted; Then ſuch Offender ſo convict of ſuch like offence or offences, ſhall for every ſuch Offence incur the Penalty of Ten ſhillings which Fine and Fines, for the firſt and every other Offence ſhall be levied by Diſtreſs and ſale of the offenders Goods and Chattels; or in caſe of the poverty of ſuch Offender, upon the Goods and Chattels of any other perſon or perſons, who ſhall be then convicted in manner aforeſaid of the like Offence at the ſame Conventicle, at the diſcretion of the ſaid Juſtice, Juſtices or chief Magiſtrate reſpectively, ſo as the Sum to be levied on any one perſon in caſe of the poverty of other Offenders amount not in the whole to above the Sum of Ten pounds, upon occaſion of any one meeting as aforeſaid. And every Conſtable, Head-borough, Tithing-man, Church-wardens, and Overſeers of the Poor reſpectively, are hereby Authorized and required to levy the ſame accordingly, having firſt received a Warrant under the hands and ſeals of the ſaid Juſtice, Juſtices or chief Magiſtrate reſpectively ſo to do; the ſaid moneys ſo to be levied, to be forthwith delivered to the ſame Juſtice, Juſtices or chief Magiſtrate and by him or them to be diſtributed; The one third part thereof to the uſe of the Kings Majeſty, his Heirs and Succeſſors, to be paid to the High Sheriff of the County for the time being in manner following; that is to ſay, the Juſtice or Juſtices of Peace ſhall pay the ſame into the Court of the reſpective Quarter Seſſions, which ſaid Court ſhall deliver the ſame to the Sheriff, and make a Memorial on Record of the payment and delivery thereof, which ſaid Memorial ſhall be a ſufficient and final Diſcharge to the ſaid Juſtice and Juſtices, and a Charge to the Sheriff, which ſaid Diſcharge and Charge, ſhall be certified into the Exchequer together, and not one without the other: And no Juſtice ſhall or may be queſtioned or accountable for the ſame in the Exchequer or elſewhere, then in Quarter-Seſſions; And other third part thereof to and for the uſe of the Poor of the Pariſh where ſuch Offence ſhall be committed; And the other third part thereof to the Informer and Informers, and to ſuch perſon and perſons as the ſaid Juſtice, Juſtices or chief Magiſtrate reſpectively ſhall appoint, having regard to their diligence and induſtry in the diſcovery, diſperſing, and puniſhing of the ſaid Conventicles.

The penalty for the ſecond Offence.

The penalties how to be levied.

Conſtables &c. to levy the ſame & pay it to the Juſtice immediately.

How the penalties are to be divided.

Certificate into the Exchequer.

And be it further Enacted by the Authority aforeſaid, That every perſon who ſhall take upon him to Preach or Teach in any ſuch Meeting, Aſſembly, or Conventicle, and ſhall thereof be Convicted as aforeſaid, ſhall forfeit for every ſuch firſt Offence, the Sum of Twenty pounds, to be levied in manner aforeſaid upon his Goods and Chattels; and if the ſaid Preacher or Teacher ſo Convicted, be a Stranger, and his Name and Habitation not

The penalty of ſuch as preach or teach in a Conventicle. How to be levyed and diſpoſed.

known, or is fled, and cannot be found, or in the Judgment of the Juſtice, Juſtices, or chief Magiſtrate before whom he ſhall be Convicted, ſhall be thought unable to pay the ſame, the ſaid Juſtice, Juſtices, or chief Magiſtrate reſpectively, are hereby Impowred and Required to levy the ſame by Warrant, as aforeſaid, upon the Goods and Chattels of any ſuch perſons who ſhall be preſent at the ſame Conventicle; Any thing in this or any other Act, Law or Statute to the contrary notwithſtanding. And the Money ſo levied, to be diſpoſed of in manner aforeſaid: And if ſuch Offendor ſo convicted as aforeſaid, ſhall at any time again commit the like offence or offences contrary to this Act, and be thereof convicted in manner aforeſaid, then ſuch Offendor ſo convicted of ſuch like offence or offences, ſhall for every ſuch offence, incur the penaly of forty pounds, to be levied and diſpoſed as aforeſaid.

The forfeiture of ſuch as ſuffer Conventicles in their houſes.

And be it further Enacted by the Authority aforeſaid, That every perſon who ſhall wittingly and willingly ſuffer any ſuch Conventicle, Meeting, or Unlawful Aſſembly aforeſaid, to be held in his or her Houſe, Out-houſe, Barn, Yard or Backſide, and be convicted thereof in manner aforeſaid, ſhall forfeit the ſum of Twenty pounds, to be levied in manner aforeſaid, upon his or her Goods and Chattels; or in caſe of his or her poverty or inability as aforeſaid, upon the Goods and Chattels of ſuch perſons who ſhall be convicted in manner aforeſaid, of being preſent at the ſame Conventicle; and the Money ſo levied, to be diſpoſed of in manner aforeſaid.

Proviſo.

Provided alwayes, and be it Enacted by the authority aforeſaid, That no perſon ſhall by any Clauſe of this Act, be liable to pay above Ten pounds for any one Meeting, in regard of the poverty of any other perſon or perſons.

Appeals may be, and to whom, and in what caſes.

Provided alſo, and be it further Enacted, That in all caſes of this Act, where the penalty or ſum charged upon any Offendor, exceeds the ſum of Ten ſhillings, and ſuch Offendor ſhall find himſelf Agrieved, it ſhall and may be lawful for him within one Week, after the ſaid penalty or money charged ſhall be paid or levied, to appeal in writing from the perſon or perſons convicted, to the Judgment of the Juſtices of the Peace in their next Quarter-Seſſions; to whom the Juſtice or Juſtices of Peace, chief Magiſtrate, or Alderman, that firſt convicted ſuch Offendor, ſhall return the money levied upon the Appellant, and ſhall certifie under his and their Hands and Seals, the Evidence upon which the conviction paſt, with the whole Record thereof, and the ſaid appeal: Whereupon ſuch Offendor may plead and make defence, and have his Tryal by a Jury thereupon. And in caſe ſuch Appellant ſhall not proſecute with effect, or if upon ſuch Tryal he ſhall not be acquitted, or Judgment paſſe not for him upon his ſaid appeal, the ſaid Juſtices at the Seſſions ſhall give treble Coſts againſt ſuch Offendor for his unjuſt appeal: And no other Court whatſoever ſhall intermeddle with any Cauſe or Cauſes of appeal upon this Act, but they ſhall be finally determined in the Quarter-Seſſions only.

Appellant to enter into a Recognizance.

Provided alwayes, and be it further Enacted, That upon the delivery of ſuch appeal as aforeſaid, the perſon or perſons appellant ſhall enter before the perſon or perſons convicting into a Recognizance, to proſecute the ſaid appeal with effect: Which ſaid Recognizance the perſon or perſons convicting is hereby impowered to take, and required to certifie the ſame to the next Quarter-Seſſions. And in caſe no ſuch Recognizance be entred into, the ſaid appeal to be null and void.

Provided alwayes, That every ſuch appeal ſhall be left with the perſon or perſons ſo convicting as aforeſaid, at the time of the making thereof.

Juſtices of Peace, Conſtables, &c. upon refuſal, may break open doors.

And be it further enacted by the authority aforeſaid, That the Juſtice, Juſtices of the Peace and chief Magiſtrate reſpectively, or the reſpective Conſtables, Head-boroughs, and Tything-men, by Warrant from the ſaid Juſtice, Juſtices or chief Magiſtrate reſpectively, ſhall and may with what aid, force, and aſſiſtance they ſhall think fit, for the better execution of this Act, after refuſal or denial, to enter, break open, and enter into any houſe or other place, where they ſhall be informed any ſuch Conventicle as aforeſaid, is or ſhall be held, as well within Liberties as without; and take into their Cuſtody the perſons there unlawfully aſſembled, to the intent they may be proceeded againſt according to this Act: And that the Lieutenants, or Deputy-Lieutenants, or any Commiſſionated Officer of the Militia, or other of His Majeſties Forces, with ſuch Troops or Companies of Horſe and Foot; and alſo the Sheriffs, and other Magiſtrates and Miniſters of Juſtice, or any of them, joyntly or ſeverally, within any the Counties or places within this Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, with ſuch other aſſiſtance as they ſhall think meet, or can get in readineſſe with the ſooneſt, on Certificate made to them reſpectively under the Hand and Seal of any one Juſtice of the Peace or chief Magiſtrate, of his particular Information or Knowledge of ſuch unlawful Meeting or Conventicle held, or to be held in their reſpective Counties or places, and that he with ſuch aſſiſtance as he can get together, is not able to ſuppreſſe and diſſolve the ſame, ſhall and may, and are hereby required and enjoyned to repair unto the place where they are ſo held, or to be held, and by the beſt means they can to diſſolve, diſſipate, or prevent all ſuch unlawful Meetings, and take into their cuſtody ſuch and ſo many of the ſaid perſons ſo unlawfully aſſembled as they ſhall think fit, to the intent they may be proceeded againſt according to this Act.

Lieutenants, Deputy-Lieutenants, and Commiſſionated Officers of the Militia muſt diſperſe Conventicles either with Horſe or Foot.

Proviſo for Peers of the Realm.

Provided alwayes, That no Dwelling-houſe of any Peer of this Realm, where he or his wife ſhall be then reſident, ſhall be ſearched by vertue of this Act, but by immediate Warrant from his Majeſty, under His Sign Manual; or in the preſence of the Lieutenant, or one Deputy-Lieutenant, or two Juſtices of the Peace, whereof one to be of the Quorum, of the ſame County or Riding.

And be it further enacted by the authority aforeſaid, That if any Conſtable, Head-borough, Tythingman, Church-warden, or Overſeer of the Poor, who ſhall know, or be credibly informed of any ſuch Meetings or Conventicles held within his Precincts, Pariſh or Limits,

and

The penalty of all Juſtices of Peace, Conſtables, and other Officers civil and military that omit their Duty in performing this Act.

and ſhall not give Information thereof to ſome Juſtice of the Peace, or the chief Magiſtrate, and endeavour the conviction of the Parties according to his duty; but ſuch Conſtable, Head-borough, Tything-man, Church-warden, Overſeers of the Poor, or any perſon lawfully called in aid of the Conſtable, Head-borough or Tything-man, ſhall wilfully and wittingly omit the performance of his duty, in the Execution of this Act, and be thereof convicted in manner aforeſaid, he ſhall forfeit for every ſuch offence, the ſum of Five pounds, to be levied upon his Goods and Chattels, and diſpoſed in manner aforeſaid: And that if any Juſtice of the Peace, or chief Magiſtrate, ſhall wilfully and wittingly omit the performance of his duty in the Execution of this Act, he ſhall forfeit the ſum of One hundred pounds, the one moyety to the uſe of the Informer, to be recovered by Action, Suit, Bill or Plaint, in any of His Majeſties Courts at Weſtminſter, wherein no Eſſoine, Protection, or Wager of Law ſhall lie.

All perſons indemnified that put this Act in execution.

And be it further Enacted by the authority aforeſaid, that if any perſon be at any time ſued for putting in Execution any of the Powers contained in this Act, otherwiſe then upon appeal allowed by this Act, ſuch perſon ſhall and may plead the General Iſſue, and give the ſpecial Matter in Evidence; and if the Plaintiff be Non-ſuit, or a Verdict paſs for the Defendant, or if the Plaintiff diſcontinue his Action, or if upon Demurrer, Judgment be given for the Defendant, every ſuch Defendant ſhall have his full treble Coſts.

This Act to be interpreted moſt beneficially for the ſuppreſſing Conventicles.

And be it further Enacted by the authority aforeſaid, That this Act, and all Clauſes therein contained, ſhall be conſtrued moſt largely and beneficially for the Suppreſſing of Conventicles, and for the Juſtification and Encouragement of all perſons to be imployed in the Execution thereof; And that no Record, Warrant, or Mittimus to be made by vertue of this Act, or any proceedings thereupon, ſhall be reverſed, avoided, or any way impeached by reaſon of any Default in form. And in caſe any perſon offending againſt this Act, ſhall be an Inhabitant in any other County or Corporation, or flie into any other County or Corporation, after the offence committed, the Juſtice of Peace, or chief Magiſtrate, before whom he ſhall be convicted as aforeſaid, ſhall certifie the ſame under his Hand and Seal, to any Juſtice of Peace, or chief Magiſtrate of ſuch other County or Corporation wherein the ſaid perſon or perſons are Inhabitants, or are fled into; which ſaid Juſtice or chief Magiſtrate reſpectively, is hereby authorized and required to levy the penalty or penalties in this Act mentioned, upon the Goods and Chattels of ſuch perſon or perſons, as fully as the ſaid other Juſtice of Peace might have done, in caſe he or they had been Inhabitants in the place where the offence was committed.

Offendors to be proſecuted within three moneths after the offence.

Provided alſo, that no perſon ſhall be puniſhed for any offence againſt this Act, unleſſe ſuch Offendor be proſecuted for the ſame within Three moneths after the offence committed. And that no perſon who ſhall be puniſhed for any offence by vertue of this Act, ſhall be puniſhed for the ſame offence by vertue of any other Act or Law whatſoever.

Aldermen within London have the ſame power there as Juſtices of Peace elſewhere.

Provided, and be it further Enacted by the authority aforeſaid, That every Alderman of London for the time being, within the City of London, and the Liberties thereof, ſhall have (and they and every of them are hereby impowred and required to Execute) the ſame power and authority within London, and the Liberties thereof, for the examining, convicting and puniſhing of all offences within this Act committed within London, and the Liberties thereof, which any Juſtice of Peace hath by this Act in any County of England, and ſhall be ſubject to the ſame penalties and puniſhments, for not doing that which by this Act is directed to be done by any Juſtice of Peace in any County of England.

Feme Covert.

Provided, and be it enacted by the authority aforeſaid, That if the perſon offending, and convicted as aforeſaid, be a Feme-Covert, cohabiting with her Husband, the penalties of Five ſhillings, and Ten ſhillings, ſo as aforeſaid incurred, ſhall be levied by warrant, as aforeſaid, upon the Goods and Chattels of the Husband of ſuch Feme-Covert.

Peers of the Realm.

Provided alſo, That no Peer of this Realm ſhall be attached or impriſoned by vertue or force of this Act; Any thing, Matter or Clauſe therein to the contrary notwithſtanding.

Proviſo for the Kings Supremacy.

Provided alſo, That neither this Act, nor any thing therein contained, ſhall extend to invalidate or avoid His Majeſties Supremacy in Eccleſiaſtical affairs; But that his Majeſty, and his Heirs and Succeſſors may from time to time, and at all times hereafter, exerciſe and enjoy all powers and authority in Eccleſiaſtical affairs, as fully and as amply as himſelf or any of his Predeceſſors have or might have done the ſame: Any thing in this Act notwithſtanding.

CAP. II.

An Act for Repairing the Haven and Peers of Great Yarmouth.

Yarmouth an ancient Borough, and of great importance.

VVhereas the Borough of great Yarmouth in the County of Norfolk, is an ancient Borough bordering upon the Sea, and of great ſtrength to reſiſt the Enemy in time of War, and at all times of great neceſſity and importance, as well for his Majeſties Service: As alſo, for the general good and benefit of the whole Kingdom, eſpecially in reſpect of the preſervation of the Fiſhery, and the breeding and imploying many thouſand of skilful Mariners and Sea-men: The truth whereof by long Experience hath been ſufficiently evinced; And whereas the Inhabitants of the ſaid Borough have waſted the Revenues in and about the defraying the daily great, unſupportable and unavoidable Charge of Repairing and Maintaining the Haven belonging to the ſaid Borough and the Peers thereof, and of themſelves are in no wiſe able to Repair and Maintain the ſame as formerly they have done, being much impoveriſhed by the late War and Plague, by the great decay of all Trading, eſpecially the Fiſhery; ſo that the great benefit accrewing by the ſaid Haven muſt of neceſſity be loſt (unleſs timely prevented) to the ruine of the Inhabitants of the ſaid Borough and the great prejudice of the whole Kingdom.

The intent of this Act.

For the prevention whereof, and to the end the ſaid Haven and Peers may with all convenient ſpeed be Repaired, and at all times hereafter maintained, preſerved and kept in good Reparations, and Timber and other Materials for that end and purpoſe provided and furniſhed from time to time as occaſion ſhall require.

A Rate impoſed upon Sea-Coals, Wheat, Rye, Barley, Mault &c. for Ten years towards the Repair of Yarmouth Haven and Peer.

Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for Ten years from and after the Four and twentieth day of June now next enſuing, there ſhall be paid by the Maſter or other perſon having the Rule and Command of any Ship or Veſſel unlading within the ſaid Haven of Great Yarmouth, at the time of the unlading thereof; for the Goods hereafter mentioned (that is to ſay) for every Chaulder of Coals (Wincheſter Meaſure) Laſt of Wheat, Rye, Barley, Mault, or other Grain, and for every Weigh of Salt, and every Tun of any other Goods and Merchandiſes whatſoever, Cod-fiſh, Ling, Herrings, and other Fiſh onely excepted, which ſhall be Imported and Unladen in the ſaid Haven, ſuch ſum or ſums of money not exceeding the ſum of Twelve pence for every Chaulder of Coals (Wincheſter Meaſure) Laſt of Wheat, Rye, Barley, Mault, or other Grain, and for every Weigh of Salt, and every Tun of any other Goods and Merchandiſes whatſoever, (except before excepted) as the Bayliffs, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of Great Yarmouth in Common Council aſſembled, ſhall from time to time order or appoint.

Bayliffs, Aldermen & Burgeſſes there may appoint Collectors of the ſaid Rate.

And to the intent that the ſums of money to be paid as aforeſaid, may be duly collected and levied for the uſe and purpoſe aforeſaid; Be it further Enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Bayliffs, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough in Common Council aſſembled from time to time, and at all times hereafter for and during the ſaid term of Ten years, to nominate and chooſe ſuch perſon or perſons to be Collector or Collectors, Receiver or Receivers of every ſuch ſum and ſums of money, as ſhall be ordered or appointed to be paid, as aforeſaid, as they ſhall think fit: All which Sums of Money, the ſaid Collector or Collectors, Receiver or Receivers, ſhall from time to time pay, or cauſe to be paid into the hands of the Chamberlains of the ſaid Borough for the time being, for the uſe of the ſaid Bayliffs, Aldermen, Burgeſſes, and Commonalty, for the intent and purpoſe aforeſaid, and to none other intent or purpoſe whatſoever.

Commiſſioners appointed to have Inſpection of the Receits and Diſburſements of all ſuch Moneys.

When and by whom to be appointed.

And to the intent that all and every the Sum and Sums of Money which ſhall be collected and levied by vertue of this Act, may be imployed for and towards the repairing the ſaid Haven aad Peers; Be it enacted by the Authority aforeſaid, That there ſhall be eight Commiſſioners from time to time nominated and appointed to have the Inſpection, and to take accompt of the Receipts and Diſburſements of all ſuch Moneys as ſhall be ſo collected and levied during the term aforeſaid: Two of which ſaid Commiſſioners ſhall be yearly, and every year from time to time nominated and appointed by the ſaid Bayliffs, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough in Common Council aſſembled; and other two of the ſaid Eight Commiſſioners to be in like manner nominated and appointed by the Mayor, Aldermen, and Commons of the City of Norwich, in Common Council aſſembled; and other two of them to be in like manner nominated and appointed by the Juſtices of the Peace for the ſaid County of Norfolk; and other two of them to be in like manner nominated and appointed by the Juſtices of the Peace for the County of Suffolk at the reſpective Seſſions of the Peace for to be holden for the ſaid Counties of Norfolk and Suffolk reſpectively: Which ſaid Commiſſioners, or any five, or more of them, ſhall and may from time to time during the ſaid Term, call before them the Collectors, Receivers, or others who ſhall be intruſted with the Collection, Receipt, or Employment of the Moneys to be collected and received in purſuance of this act, who ſhall, and are by vertue of this Act required to render unto the Commiſſioners, or any five, or more of them, a true Accompt thereof, and of all and every Sum and Sums of Money, which ſhall reſt due upon ſuch Accompt; And the ſaid Commiſſioners, or any five or more of them, ſhall and may order and appoint all ſuch Moneys which ſhall reſt due upon ſuch Accompt to be laid out and expended for and towards the Uſes and Purpoſes aforeſaid, as there ſhall be cauſe, and the Bailiffs of the ſaid Borough for the time being, or one of them, are hereby enabled and required to adminiſter an Oath to every ſuch Collector or Collectors, Receiver or Receivers as ſhall be nominated and choſen, as aforeſaid, for the true and faithful executing his or their Office in and about the premiſes, according to the true intent and meaning of this preſent Act.

The Commiſſioners power.

Allowance to the Collectors, Receivers, &c.

Provided, That the ſaid Collector and Collectors, Receiver and Receivers, to be nominated & choſen, as aforeſaid, and every of them ſhall from time to time be allowed for their pains, in Executing the ſaid Office, out of the Sums of Money by them received, ſo much as the ſaid Bayliffs, Aldermen, Burgeſſes, and commonalty in Common-Councel aſſembled, ſhall think fit, not exceeding Two pence in the pound.

Collectors may at ſeaſonable times enter Ships to ſee what Goods are there.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful, to and for the ſaid Collector and Collectors, Receiver and Receivers for the time being and every or any of them, from time to time, and at all convenient and ſeaſonable times, to enter into any Ship or Veſſel being within the ſaid Haven, there to ſee and inform themſelves what Goods ſhall be in the ſame, unladen out thereof.

And for non-payment of the Rate diſtrain upon the ſaid Ship, &c.

And in caſe the ſaid Sum or Sums of Money, ſo ordered or appointed to be paid, as aforeſaid, ſhall not be paid by the Maſter, or other perſon or perſons having the rule and command of any Ship or Veſſel unlading within the ſaid Haven, as aforeſaid, according to the true intent and meaning of this Act; That then, and ſo often it ſhall and may be lawful, to and for the ſaid Collector and Collectors, Receiver and Receivers, and every, or any of them, by Warrant obtained from the Bayliffs of the ſaid Borough of Great Yarmouth for the time being, or one of them, under, their, or one of their Hands and Seals, to take and Diſtrain every ſuch Ship or Veſſel, and all Tackle, Apparel, and Furniture thereunto belonging, or any part thereof; and the ſame to detain and keep until he or they be ſatiſfied and paid the ſaid Sums of Money, and every of them.

Diſtreſſes to be ſold.

And in caſe of neglect or delay. of or in the Payment of the ſaid Sum or Sums of Money, or any of them, within ten days after any Diſtreſs or Diſtreſſes, ſo taken as aforeſaid, That then it ſhall and may be lawful to and for the ſaid Collector and Collectors, Receiver and Receivers, and every, or any of them, to ſell the ſaid Diſtreſs or Diſtreſſes ſo taken, and therewith to ſatisfie him or themſelves, as well for and concerning the Duty ſo neglected or delayed to be paid, and for which a Diſtreſs ſhall be ſo taken, as aforeſaid: As alſo for his and their reaſonable Charge in the taking or keeping of ſuch Diſtreſs, rendring to the Maſter, or other perſon having the Rule and Command of the Ship or Veſſel, in or from which ſuch Diſtreſs ſhall be ſo taken, the Overplus, if any there ſhall be.

What is exempted from payment of the ſaid Duty.

Provided alwayes, and be it further Enacted by the Authority aforeſaid, That ſuch oyls and Fiſh-Livers as ſhall be obtained in and upon any Fiſhing-Voyage or Voyages, and ſuch remainder of Salt, Bread, Beer and other Proviſion, as ſhall be taken into any Ship or Veſſel, for the accompliſhing any Fiſhing-Voyage or Voyages, or into any Ship or Veſſel for the maintenance of the Maſter and Mariners ſerving therein, upon any other Voyage or Voyages to be made with ſuch Ship or Veſſel, and not ſpent therein, ſhall be exemted from the Payment of the ſaid Duty; Any thing herein contained to the contrary notwithſtanding.

Ten perſons to be choſen to contract with Workmen for the Repair of the Haven.

And to the end the Haven and Peer aforeſaid may be Repaired and Maintained with as much Thrift and good Huſbandry as may conſiſt with the effectual and ſubſtantial performance thereof, and that all Parties who are by this Act made Contributary to the ſame, may be ſatiſfied therein, Be it further enacted by the authority aforeſaid, That at the next Quarter-Seſſions, which ſhall be after the Firſt day of May next holden at the Caſtle of Norwich, there ſhall be three perſons choſen by the Juſtices of the Peace at the ſaid Quarter Seſſions for the County of Norfolk, and the like number ſhall be choſen at the aforeſaid Quarter-Seſſions to be holden at Beckles for the County of Suffolk; as alſo, two perſons ſhall be choſen by the City of Norwich, and two by the Town of Great Yarmouth aforeſaid, in ſuch manner as is in this Act before directed, who are hereby authorized and required to meet at Great Yarmouth on or before the Twenty ninth day of September next, and to Adjourn to ſuch further time or times, place or places, as occaſion ſhall require: which ten perſons choſen as aforeſaid, or any Five or more of them meeting as aforeſaid, upon Conſideration and Examination upon Oath (which Oath they or any Five of them have hereby power to adminiſter) to be had of the preſent ſtate of the Haven and Peer aforeſaid, and of the Repair neceſſary to the ſame, are hereby authorized and impowred to Treat and contract with any perſon or perſons (whom they ſhall think fitly qualified for the undertaking the Repair aforeſaid, and capable ſufficiently to ſecure the performance thereof) concerning the preſent Repair of the ſaid Haven and Peer, and maintaining the ſame in good Repair for the ſpace of ſeven years, and to be obliged at the determination thereof to leave the ſame in good and ſufficient Repair, in ſuch manner and under ſuch Covenants and Conditions as they ſhall think fit: And if the ſaid perſons aforeſaid, or any Five or more of them ſhall find it convenient to make any ſuch Contract as aforeſaid, before the Five and twentieth day of December next enſuing, Then the Impoſition authorized by this Act to be Levied as aforeſaid, upon Goods Unladen in the Port of Great Yarmouth, ſhall be continued no longer then till the Sum neceſſary for performance of ſuch Contract, together with the neceſſary Charges for levying the ſame, to be accounted and allowed as aforeſaid, ſhall be raiſed and paid: But if the ſaid ten perſons, or any Five or more of them as aforeſaid, thereunto appointed by this Act, ſhall not make and conclude a Contract for the Repairing and maintaining the ſaid Haven and Peer, as is hereby directed, before the Five and twentieth day of December next enſuing, Then the ſame ſhall be Repaired by the Direction and Care of the Bayliffs, Aldermen, Burgeſſes, and Commonalty of the ſaid Town of Great Yarmouth in Common-Councel aſſembled for the time being, and the money raiſed and levied by vertue of this Act ſhall be accounted for, as in the former part of this Act is directed, and as if no mention had been made of any Bargain or Contract to be made for the performance thereof.

In default of ſuch contract, who ſhall take care of the ſaid Reparations.

Provided, That if by the Annual Impoſition hereby impoſed, the Peer ſhall be Repaired within leſſe then Ten years; That then the ſaid Impoſition ſhall ceaſe, when the Sum ſo imployed in Repair of the Peer ſhall have been raiſed thereby.

The continuance of this Act.

CAP. III.

An Impoſition upon all Wines and Vineger Imported between the Four and twentieth day of June One thouſand ſix hundred ſeventy, and the Four and twentieth day of June, One thouſand ſix hundred ſeventy Eight, granted to his Majeſty.

WE your Majeſties moſt Dutiful and Loyal Subjects the Commons aſſembled in Parliament, for a Supply of your Majeſties Weighty and Important Occaſions, and with an humble and thankful acknowledgment of your Majeſties favourable and tender regard of us your Commons, have chearfully and unanimouſly given and granted unto your Majeſty, an Aid and Aſſiſtance to be Raiſed and Levied upon all Wines and Vineger to be Imported into this your Majeſties Kingdom, according to ſuch Rates, and during ſuch time, and in ſuch manner and form as herein after followeth.

And we do humbly beſeech your Majeſty, that it may be Enacted; And be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for all French Wines, Spaniſh Wines, or other Wines whatſo-

An impoſition upon French Wine, Spaniſh Wine, and all other Wines and Vineger, from the 24th of June 1670. to the 24th of June, 1678.

whatſoever. As alſo, for all Vineger which at any time after the Four and twentieth day of June, in the year of our Lord One thouſand ſix hundred and ſeventy, and before the Four and twentieth day of June in the year of our Lord, One thouſand ſix hundred ſeventy eight, ſhall be Imported into England or Wales, or the Town and Port of Berwick upon Tweed, there ſhall be duly anſwered and paid to his Majeſty the further Rates and Duties hereafter mentioned: (that is to ſay) For every Tun of French Wine, and of Vineger, which ſhall be Imported within the time aforeſaid, the ſum of Eight pounds by the Tun, and ſo after that rate, for any greater or leſſer quantity: And alſo, for every Tun of Spaniſh Wines, or of any other Wines which ſhall be Imported within the time aforeſaid, the Sum of Twelve pounds by the Tun, and ſo after that Rate for any greater or leſſer quantity.

Importers before landing to pay the Impoſition, and in what manner.

And for the better and more ſure collecting and receiving of all and ſingular the Duties hereby impoſed; Be it further enacted by the authority aforeſaid, That if any perſon or perſons within the time aforeſaid ſhall Import or cauſe to be Imported by way of Merchandiſe, any of the Liquors aforeſaid; ſuch Importer ſhall upon the Entry made of ſuch Liquors, and before the Landing thereof, pay down the Duties hereby Impoſed, in ready Money, deducting the Allowance hereafter mentioned, or otherwiſe become bound unto his Majeſty with two or more ſufficient Sureties, or procure three other perſons to become bound to his Majeſty to anſwer and pay unto his Majeſty the whole Rates and Duties hereby impoſed by three ſeveral and equal payments: The firſt payment thereof to be made within three Moneths after the date of the ſaid Obligation: The ſecond payment to be made within ſix Moneths after the date of the ſaid Obligation: And the third and laſt payment to be made within nine Moneths after the date of the ſaid Obligation; the taking which Bonds, and the Approbation of the Sureties therein to be named, is hereby left to the diſcretion of ſuch Farmers, or other Commiſſioners for the time being, as ſhall be intruſted with the Receipt and Management of his Majeſties Cuſtoms and Subſidies of Tunnage & Poundage, or their Deputy Collectors in the ſeveral Ports, or ſuch other perſon or perſons, as his Majeſty ſhall authorize and appoint to collect the Duties ariſing by this Act. And if any perſon or perſons ſhall import any of the Liquors aforeſaid within the time aforeſaid, not by way of Merchandiſe, nor with intent to ſell the ſame again, but for his own private uſe or occaſions; ſuch perſon ſo Importing the ſame, ſhall upon Entry thereof made, immediately and before Landing thereof, pay down the whole Duties by this Act impoſed in ready Money, without any further time given, or any Security to be accepted for the ſame, or any Abatement or Diſcount to be therefore made upon any pretence whatſoever.

Abatement upon paying ready mony.

Provided always, and it is hereby Declared and Enacted, That all and every perſon and perſons Importing any of the Liquors aforeſaid, within the time aforeſaid, by way of Merchandiſe, who ſhall pay the Duties which by this Act are due and payable in ready moneys, ſhall be allowed and abated out of the ſaid Duties, after the Rate of Ten pounds per Cent, for a year, in conſideration of ſuch ready Money ſo paid down and advanced.

Penalties for non-payment of the Rates and Duties impoſed by this Act.

And be it further Enacted by the authority aforeſaid, That if any of the ſaid Liquors ſhall be Imported within the time aforeſaid, and landed without preſent payment made of the rates and duties by this Act impoſed, in caſes where this Act requires preſent payment to be made, or without ſecurity given for payment thereof in caſes where this Act admits of ſecurity to be taken, That then and in every ſuch caſe, all and every the Liquors ſo Imported and landed, or the value thereof ſhall be forfeited: One Moiety thereof to his Majeſty, and the other Moiety to him or them that ſhall or will ſue for the ſame. And ſhall and may be recovered in any Court of Record by Action of Debt, Bill, Plaint or Information, wherein no Eſſoyn, Protection or Wager of Law ſhall be allowed; nor any more then one Imparlance: And yet nevertheleſs the perſon ſo Importing and landing any of the ſaid Liquors, ſhall notwithſtanding ſuch forfeiture ſo as aforeſaid incurred, remain and continue lyable unto, and ſhall anſwer and pay unto his Majeſty, the Rates and Duties for ſuch Liquors which by this Act are due and payable.

12 Car. 2. cap. 4.

And whereas by the Act for Tunnage and Poundage, and the Inſtructions and Rules for collecting his Majeſties Duties ariſing thereby, it is directed, that certain Allowances, be made upon Importation of Wines and other liquors.

Allowances.

Be it further Enacted that no Importer there ſhall be chargeable by vertue of this act to pay the duty hereby required for any greater proportion of Wines or other Liquors duely entred at the Cuſtom Houſe then what ſhall remain Neat after all ſuch Allowances and Abatement.

Importers not Retailers ſhall have abatements.

And whereas this preſent Act gives no Abatement to any perſon upon Exportation of any the Liquors aforeſaid, Be it further Enacted and Declared, that all Importers not being Vintners or Retailers, (who are hereby declared, ſhall pay ready money for the whole duty) who ſhall import any of the aforeſaid Liquors within the time aforeſaid, and ſhall make Oath that the ſame are Imported by way of Merchandize and with intent to ſell again (which Oath the Farmers or Commiſſioners of his Majeſties Cuſtomes for the time being, or in their abſence, the Collector of his Majeſties Cuſtomes, in each ſeveral reſpective Port, or ſuch other perſon or perſons as his Majeſty ſhall Authorize and Appoint to Collect the Duties ariſing by this Act, have hereby power to adminiſter) That then and in every ſuch caſe for and in conſideration of any defect, or Damage that may happen by any of the aforeſaid Liquors, lying longer on the ſaid Importers hands then heretofore, or by reaſon of any other Accident there ſhall be allowed and Abated to every ſuch Importer, the further allowance of Eight pounds per Cent. and no more.

Prizage wine.

Provided, that no Merchant ſhall be charged with any Duty Impoſed by this Act for the Prizage-wine, which he Imports in any Ship or Veſſel. Nor ſhall any ſecurity be by him given for the ſame, but that it be received and taken from the perſon who hath or enjoyeth the Benefit of the ſaid Prizage-wine, who is hereby appointed to pay the ſame.

Provided alwayes, And it is hereby Declared and Enacted, That if any of the ſaid Imported Liquors, for which any of the Rates and Duties by this Act impoſed, ſhall be paid down and advanced, or otherwiſe ſecured as aforeſaid, ſhall at any time after ſuch Importation be again Exported into parts beyond the Seas, That then and in every ſuch caſe the perſon or perſons ſo Exporting the ſame, ſhall be wholly barred and excluded from having or receiving back the Duties of this Act ſo paid down and advanced, or any part thereof: Nor ſhall the Security formerly given by ſuch perſon Exporting, for the true payment of the Duties by this Act impoſed, be any ways Raiſed, Leſſened, or Diſcharged by reaſon of ſuch Exportation, but the ſame Securities ſhall remain and continue in force, until the Duties thereby ſecured, be fully and wholly ſatisfied and paid: Any ſuch Exportation to the contrary notwithſtanding.

None ſhall receive back any Duties impoſed by this Act.

And for the better prevention of all ſuch Frauds, which at any time hereafter may be committed to the prejudice of His Majeſty, in the due Collecting and Receiving of the Duties hereby impoſed upon ſuch Liquors to be Imported as aforeſaid: Be it further Enacted by the authority aforeſaid, That the Officers of his Majeſties Cuſtoms, or ſuch other perſon or perſons as His Majeſty ſhall authorize and appoint to Collect the Duties ariſing by this Act, ſhall have like Power and Authority, to enter on Board Ships and Veſſels, and make Searches, and to do all other matters and things which may tend to ſecure the true payment of the Duties by this Act impoſed, and the due and orderly Collection thereof, which any Cuſtomers, Collectors, or other Officers, of any His Majeſties Ports, can or may do touching or ſecuring His Majeſties Cuſtoms of Tunnage and Poundage, and all the ſaid Liquors to be Imported within the time aforeſaid, and Landed without doing and performing what by this Act is required to be done and performed before the Landing thereof.

Power given to the Officers of the Cuſtomes to ſearch, &c.

And all Officers of His Majeſties Cuſtoms, and all perſons Importing any of the ſaid Liquors, and all others imployed by His Majeſty in the Collection of the Duties ariſing by this Act, who ſhall be found guilty of any act or neglect, tending to defraud His Majeſty of any the Duties hereby Impoſed, ſhall be ſubject and liable to the ſame Seizures, Penalties and Forfeitures, which by vertue of any Former Act, can or may be inflicted in ſuch caſes, where His Majeſty is defrauded or endeavoured to be defrauded of any His Cuſtoms and Subſidies as fully and amply as if the ſame Clauſes of Seizures, Penalties, and forfeitures, and the ſame diſtribution of ſuch Forfeitures, and the ſame remedy for recovery thereof, had been again in this Act particularly repeated, applied, and enacted.

The Penalties of ſuch as ſhall be found to defraud his Majeſty of the ſaid Duties.

And if any Liquors ſeized for any offence committed againſt this Act, ſhall be claimed by any perſon as the Importer thereof, the proof whether the Duties thereof be duly paid or ſecured, ſhall lye upon ſuch Claimer, and ſhall not be incumbent on his Majeſty, or any Proſecutor or Informer on behalf of His Majeſty, and himſelf.

And it is hereby further Declared and Enacted, That until the whole Moneys intended to be raiſed by an Act entituled, *An Act for raiſing Three hundred and ten thouſand Pound, by an Impoſition upon Wines and other Liquors*, be fully raiſed and ſatisfied, all entries, Obligations and Securities made or entred into by any Retailer before the Four and twentieth day of June, One thouſand ſix hundred and ſeventy, for payment of any the Duties by the ſaid Act impoſ*ed*, ſhall remain and continue in full force, although the Liquors, the Duties whereof are ſo ſecured, ſhall be uttered by Retail after the ſaid Four and twentieth day of June, One thouſand ſix hundred and ſeventy: And alſo that His Majeſty, and all others, claiming by from and under His Majeſty, ſhall have the ſame Power, and Authority for levying all Arrearages of the Rates, Duties, Fines, or Forfeitures which already are or hereafter ſhall grow due by vertue of the ſaid former Act, as fully and amply as he or they might have had, if this preſent Act had never been had nor made.

20 Car. 2. cap.

Obligations and Securities given by any Retailers, before June 24. 1670. to continue in force.

And whereas ſeveral perſons have advanced great Sums of Money for His Majeſties Service, at the Rate of Six pounds per Cent, upon the Security of the former Act, and in order to the ſatisfaction of their Debts, are Regiſtred in courſe in His Majeſties Court of Exchequer, as by the ſaid act was required. To the end therefore, that all and every the Rates and Impoſitions by the ſaid former act made due and payable, may be fully anſwered during ſuch time as the ſaid act is to continue in force, and the ſaid Security made effectual, by a Diſcovery of ſuch Wines, and other Liquors aforeſaid chargeable by the ſaid act, which have been, or before the Four and twentieth day of June, One thouſand ſix hundred and ſeventy, ſhall be delivered out to any Retailer without due Payment made, or Security given for the Duties by the ſaid Act impoſed.

Be it further enacted, That the Authority given to the preſent Commiſſioners for the Execution of the ſaid former Act, ſhall continue in force until the Firſt day of October next enſuing, and ſhall be transferred to and put in Execution by ſuch other perſons, as the Kings Majeſty ſhall for that purpoſe appoint: And ſuch other perſons ſo to be appointed, ſhall have Power to inform themſelves by the Entries at the Cuſtom-Houſe, or otherwiſe, what Quantities of Wines have been Imported ſince the Firſt day of October laſt paſt, and what Quantity of other Liquors have been Imported ſince the Firſt day of February, One thouſand ſix hundred ſixty and nine, and to examine each Importer upon Oath, to what Retailer the ſame were Sold or delivered: And all Importers refuſing to be ſo examined, ſhall be, and are hereby charged with the Payment of ſo much Money, as the ſaid Wines, or other Liquors entred by ſuch Importer at the Cuſtom Houſe, would have amounted to, in caſe the ſame had been ſould to any Retailer: And the Oath of every Importer ſhall be, and is hereby declared a ſufficient Conviction of every Retailer touching the Quantities of Wines, or other Liquors, to him Sold or delivered to Retail. And all and every Retailer ſhall be, and is hereby charged with ſo much Money as the Duties of ſuch Liquors ſo ſworn to be delivered,

The Commiſſioners authority to continue in force to the firſt of October, 1670. and to what purpoſes.

Importers examined upon Oath.

red, do amount unto by the ſaid former Act: And his Majeſty ſhall and may cauſe the ſame to be levied accordingly.

Retailers to pay for all Wines by them imported from the firſt day of October, 1668.

And foraſmuch as great Quantities of Wine have been imported ſince the firſt day of October, One thouſand ſix hundred ſixty and eight, by perſons being Retailers of Wines; which Wines, or a great part thereof, have not paid the Duty, as by the ſaid Act ought to have been done, Be it therefore Enacted by the authority aforeſaid, That all and every ſuch Retailer ſhall pay the duty for all ſuch Wine as was by him ſo imported, and the Cuſtom-Houſe Book, and his Entry thereof ſhall be a charge upon ſuch Retailer: And the ſaid Retailer ſhall pay for all ſuch Wines ſo entred, as he ſhall not diſcharge himſelf either by his own corporal Oath, or by the Oath of two other credible Witneſſes, that he hath already paid the ſaid duty, or ſecured the ſame, or hath ſold ſuch Wine to ſuch other Retailer.

Provided, That no perſon be compellable to travel out of the County where he dwelleth to take the ſaid Oath.

All Liquors remaining in Cellars, Store-houſes, &c. the 24th. of June, 1670. lyable to the duty impoſed by this Act.

And be it further Enacted, That all Liquors aforeſaid, which upon the Four and twentieth day of June, One thouſand ſix hundred and ſeventy, ſhall remain in the Cellars or Store-houſes of any Merchant, Importer, Wine-Cooper, or other Trading Perſon or Retailer (unleſs the ſaid Retailer hath paid or ſecured the Duty) ſhall be liable unto, and charged with the duty impoſed by this Act, and ſhall pay or ſecure to his Majeſty the duty due for the ſame, having allowance of the ſame abatements and defalcations to all intents and purpoſes, as if the ſaid Wine had been imported within the time limited by this preſent Act.

Account.

Wines removed or diſpoſed, before the duty paid ſhall be forfeited.

And to the end that there may be an accompt taken of all ſuch Wines ſo remaining; Be it further Enacted, That it ſhall and may be lawful for his Majeſty to appoint one or more perſons to ſearch for the ſame, and take an accompt thereof. And if any Importer, or other perſon aforeſaid, ſhall ſell, remove, or otherwiſe diſpoſe any ſuch Wines before the Security given, or Money paid, as in this Act is directed in caſe of Importation, all ſuch Wines ſo ſold, removed or diſpoſed, or the value thereof, ſhall be forfeited and loſt, together with the value of the duty which ought to have been paid his Majeſty for the ſame; One half to his Majeſty, and the other half to him or them that ſhall ſue for the ſame in any Court of Record, to be recovered by Action of Debt, Bill, Plaint or Information. And all Moneys to be received or recovered by vertue of this Clauſe, ſhall in the firſt place be applied, for and towards the ſatisfaction of ſuch Creditors as have advanced Money upon the credit of the ſaid former Act, in ſuch order and courſe as they now ſtand Regiſtred in his Majeſties Court of Excheque r.

CAP. IV.

An Act for the ſetling the Impoſition on Brandy.

12 Car.2.cap.23.
12 Car.2.cap.24.

Whereas by two Acts made in the twelfth year of his Majeſties Reign, and confirmed by this preſent Parliament, there was laid upon every Gallon of Spirits, made of any kind of Wine or Sider Imported; the rate and duty of Four pence, namely, by each of the ſaid Acts Two pence: And upon every Gallon of Strong-water perfectly made, Imported from beyond the Seas, the rate and duty of Eight pence. And whereas ſome doubts have been made and raiſed concerning a certain Liquor imported from beyond the Seas, called Brandy, whether the ſame ſhould pay the rate and duty laid by the ſaid Acts upon Spirits made of any kind of Wine or Syder imported, or the rate and duty thereby laid upon Strong-water perfectly made, imported from beyond the Seas.

Brandy a Strong-water chargeable by the ſaid two Acts.

Be it therefore declared by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, that the ſaid Liquor called Brandy, was at the time of making and confirming the ſaid Acts, and is a Strong-water perfectly made, and being imported from beyond the Seas, was and is charged and chargeable in and by the ſaid Acts, with the rate and duty of Eight pence per Gallon, ſet and impoſed in and by both the ſaid Acts upon Strong-water, perfectly made and imported from beyond the Seas, and was not, nor is not chargeable with the rate and duty of Four pence only per Gallon by the ſaid Acts ſet and impoſed upon Spirits made of Wine or Syder imported.

Eight d. per gallon not demanded before the firſt of November, 1666. No perſon before that chargeable for more then four pence.

Provided always, and it is hereby Enacted, That in regard it doth not appear, that the rate or duty of eight pence per Gallon was by his Majeſties Commiſſioners, Farmers, or other Officers, in that behalf claimed or demanded by vertue of the ſaid Acts before the firſt day of November, in the year of our Lord, One thouſand ſix hundred ſixty and ſix, That no perſon or perſons who have imported any Brandies before that time ſhall be charged or chargeable with any more then the rate and duty of Four pence per Gallon, for any of the ſaid Liquor called Brandy, imported from beyond the Seas, before the ſaid firſt day of November, in the year of our Lord, One thouſand ſix hundred ſixty and ſix; Any thing in the ſaid Acts, or in this preſent Act to the contrary notwithſtanding.

Penalties, how and when to be levy.d.

Provided alwayes, and be it further enacted, That no penalty inflicted by the two aforeſaid, or any other Act or Acts of Parliaments for non-payment of the ſaid duties ſince the firſt day of November, One thouſand ſix hundred ſixty and ſix, ſhall be levied upon any perſon now in arrear, until the ſaid perſon ſo in arrear, ſhall upon demand to be made after the paſſing of this Act, refuſe to pay the ſaid Duties, or to ſecure the ſame to be paid within three Moneths after ſuch demand; and upon ſuch payment or ſecurity given, all former Bonds or Obligations given for the payment of the four pences formerly in controverſie, ſhall be delivered up by the ſeveral perſon or perſons in whoſe cuſtody the ſame or any of them are; and that no Jury ſhall be ſubject to any attaint by reaſon of any Verdict heretofore by them given concerning any matter relating to this or any of the aforeſaid Acts.

CAP. V.

The benefit of Clergy taken away from ſuch as Steal Cloth from the Rack, and from ſuch as ſhall Steal or Imbezil His Majeſties Ammunition and Stores.

WHereas many evil diſpoſed perſons have of late more frequently then in former times, uſed and practiſed the cutting of Cloth and other woollen Manufactures in the night-time, off from the Racks or Tenters, where the ſaid Cloth is put for the drying thereof, and Feloniouſly Steal and carry away the ſame, to the utter undoing and impoveriſhing of many Clothiers, and the great hinderance of the Trade of Clothing.

And whereas, by an Act made in the One and thirtieth year of the Reign of the late Queen Elizabeth; It is amongſt other things enacted, That if any perſon having the charge or cuſtody, of any Armour, Ordnance, Munition, Shot, Powder, or Habiliments of War, of the ſaid Queens, her Heirs or Succeſſors, or of any Victuals provided for the Victualling of any Souldiers, Gunners, Mariners or Pioners, ſhall for any lucre or gain, or willingly, adviſedly, and of purpoſe, to hinder or impeach her Majeſties Service, Imbezil, Purloyn, or convey away any the ſame Armour, Ordnance, Munition, Shot or Powder, Habiliments of war, or Victuals, to the value of Twenty ſhillings, at one or ſeveral times, That then every ſuch offence ſhall be adjudged Felony, and the Offendor therein to be proceeded on and ſuffer as in caſe of Felony; unto the committing of which ſeveral Offences many perſons are the more emboldened, in reſpect that in thoſe caſes the benefit of Clergy is allowed by Law.

31 Eliz. cap.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and the authority thereof, That no perſon or perſons who ſhall from and after the Five and twentieth day of May, in the year of our Lord, One thouſand ſix hundred and ſeventy, be indicted for felonious cutting and taking, ſtealing and carrying away, of any Cloth or other woollen Manufactures, from the Rack or Tenter in the night-time; Or for any offence committed againſt the ſaid Recited Act, made in the ſaid One and thirtieth year of Queen Elizabeth; Or ſhall feloniouſly ſteal or imbezil any of his Majeſties Sailes, Cordage, or any other his Majeſties Naval Stores, to the value of twenty ſhillings, and thereupon found guilty by Verdict of Twelve men; Or ſhall confeſs the ſame upon his or their Arraignment, or will not anſwer directly to the ſame according to the Laws of this Realm, or ſhall ſtand wilfully, or of malice, and obſtinately Mute; Or challenge peremptorily above the number of Twenty; Or ſhall be upon ſuch Indictment Outlawed, ſhall from and after the ſaid Five and twentieth day of May, be admitted to have the benefit of his or their Clergy, but utterly be excluded thereof, and ſhall ſuffer Death in ſuch manner and form as they ſhould if they were no Clerks.

Perſons ſtealing cloth from the Rack or embezilling his Majeſties Stores to the value of 20 s. and thereof found guilty, ſhall be excluded from the benefit of Clergy.

Provided alwayes, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the Judges or Juſtices of the Court, before whom ſuch Offendor ſhall be arraigned and condemned, at their diſcretion to grant a Repreve for the ſtaying of execution of ſuch Offendor, and to cauſe ſuch Offendor to be tranſported to any of his Majeſties Plantations beyond the Seas, there to remain for the ſpace of ſeven years, to be accounted from the time of ſuch Tranſportation, and during all that time there to be kept to Labour: And if ſuch Offendor ſhall refuſe to be ſo tranſported, or after ſuch Tranſportation ſhall return, or come again into this Kingdom of England, or the Dominion of Wales, or Town of Berwick upon Tweed, within the time aforeſaid, That then, and in every ſuch caſe the perſon ſo returning, ſhall be put to execution upon the Judgment ſo given, and pronounced againſt him.

Judges may repreve and tranſport them.

Penalty for refuſing to be tranſported, or afterwards to return.

CAP. VI.

An Act for advancing the Sale of Fee-Farm Rents, and other Rents.

WHereas his Majeſty is ſeiſed of ſeveral Fee-Farm Rents, and other Rents in right of his Crown, ſome whereof are parcel of his Highneſs Dutchy of Cornwall, and is alſo ſeiſed of ſeveral Fee-Farm Rents, and other Rents in right of his Dutchy of Lancaſter.

And whereas it is convenient that ſome ſpecial priviledges and advantages ſhould be granted unto the Purchaſers, which cannot well be transferred unto them without authority of Parliament: And whereas the better to enable his Majeſty to pay ſuch Debts owing at Intereſt, whereof his Majeſty ſhall find reaſon to haſten the Diſcharge, his Majeſty is minded to grant and convey to certain perſons, and their Heirs and Aſſigns for ever, as Truſtees for Sale thereof, divers Fee-Farm Rents, Rents-Service, Rents-ſeck, or Dry-Rents, Chauntry-Rents, Rents reſerved, Guild-Rents, Penſions, Vicontiel-Rents, Aſſart-Rents, Rents for Purpreſtures arented, Rents certain, or divers other Rents of what nature or kind ſoever they be, due and payable to his Majeſty, his Heirs and Succeſſors, as his Majeſty ſhall think fit to mention and expreſs in the ſaid Letters Patents, whether the ſame be due to his Majeſty in right of his Crown of England, or in right of his Dutchy of Lancaſter, or be parcel of, or annexed unto the Dutchy of Cornwall; except always reſerved and foreprized out of ſuch Letters Patents, all Quit-Rents and Copyhold-Rents ſtanding in charge as parcel of, or belonging to any Manor, or reputed Manor; and alſo all Tenths, and Firſt-Fruits, and Rents reſerved *nomine Decimæ*, due and payable by any Archbiſhop, Biſhop, Dean and Chapter, Archdeacon, Prebendary, Parſon, Vicar, or any other Spiritual or Eccleſiaſtical Corporation.

Fee-Farm Rents, Rents-ſervice, Chauntry-Rents, &c.

Except Quit-Rents, Copyhold-Rents, Tenths, Firſt-Fruits, &c.

And alſo all Rents reſerved upon any Leaſes or Eſtates, whereof the Reverſion is now in his Majeſty, and which are incident to ſuch Reverſion: And alſo all Rents reſerved upon any Leaſe or Farm made or granted, or to be made or granted of his Majeſties Cuſtomes

of

or Exciſe: And alſo except all Rents or Sums of money due and payable to his Majeſty, his Heirs and Succeſſors, for or in reſpect of any Fire-hearths or Stoves.

Letters Patents granted by the King of certain Rents before the 24th. of June, 1672. Confirmed.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, with the advice and aſſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every Letters Patents to be granted by his Majeſty before the Four and twentieth day of June, in the Year of our Lord, One thouſand ſix hundred ſeventy two, under his Great Seal, or under the Seal of his Dutchy of Lancaſter, or under the Seal of the County Palatine of Lancaſter, of all or any of the Rents aforeſaid (except before excepted) ſhall be, and are hereby declared and enacted to be good, ſufficient, and effectual in the Law, for the granting and aſſuring the ſeveral Rents aforeſaid, or any of them (except before excepted) and for veſting the ſame in ſuch perſons and their Heirs, as ſhall be therein nominated as Truſtees for the Sale thereof, againſt his Majeſty, his Heirs and Succeſſors, and againſt the Dukes of Cornwall for the time being, and againſt all perſon and perſons that ſhall have, or inherit or enjoy the Dukedom of Cornwall by force of any Act of Parliament, or other limitation whatſoever, according to the tenour and effect of the ſaid Letters Patents; and the ſame ſhall be expounded, conſtrued, deemed and adjudged moſt beneficially for the Patentees and Grantees of the ſame, and their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns, according to the words and purport of the ſaid Letters Patents, without any Confirmation, Licence or Toleration of his Majeſty, his Heirs or Succeſſors; any miſ-naming, miſ-recital, or non-recital of any the Honours, Manors, Caſtles, Lands, Tenements or Hereditaments ſubject and liable to, or charged with the payment of ſuch Rents, or any miſ-recital, or non-recital of any Eſtate-tail formerly made, or of the Reverſion thereupon expectant, or any miſ-naming, or not true naming of the Towns, Hamlets, Pariſhes or Counties where the ſame Honours, Manors, Lands, Tenements or Hereditaments, charged or chargeable with the ſaid Rents do lie, or any lack of the true naming of the Corporation, or any lack of Attornment, or any miſ-naming, or not naming of any of the Tenants or Farmers of the Lands charged or chargeable with ſuch Rents, or any part thereof to the contrary notwithſtanding.

And notwithſtanding any other defect or imperfection which ſhall happen therein, of what nature or kind ſoever it ſhall be. And the ſaid Rents ſo to be granted, ſhall be afterwards conveyed and diſpoſed by the ſaid Patentees, and Truſtees according to the Directions and Inſtructions herein after mentioned.

The Patentees and Truſtees may ſell the ſame Rents to any Purchaſer by Indenture of bargain and ſale inrolled.

And be it further Enacted by the authority aforeſaid, That the ſaid Patentees and Truſtees, and the Survivor and Survivors of them ſhall make and execute to all and every perſon and perſons, Bodies politick and corporate, their Heirs, Succeſſors and Aſſigns, who ſhall become Purchaſer or Purchaſers of the ſaid Rents, or of any part thereof, an Indenture of Bargain and Sale which ſhall be inrolled in any of the four Courts at Weſtminſter, within Six moneths after the date thereof, and ſhall contain a conveyance and aſſurance of the Rents ſo purchaſed, and ſhall transfer the ſame by words of Bargain and Sale, or by words of Grant, Releaſe or Confirmation, or by ſuch other apt words and clauſes, as by the ſaid Purchaler or Purchaſers, their Heirs, Succeſſors or Aſſigns, ſhall be reaſonably deviſed or required, and ſhall be thought moſt ſuitable and convenient to and for the ſeveral Caſes and Titles of ſuch Purchaſer or Purchaſers reſpectively, and ſuch conveyance or aſſurance ſhall alſo recite the conſideration in money paid or given, and thereof, and of every part and parcel thereof, ſhall exonerate, acquit and diſcharge the ſaid Purchaſer or Purchaſers, his and their Heirs, Succeſſors, Executors and Aſſigns.

Purchaſers by vertue of ſuch Deed peaceably to enjoy againſt all Claims.

And be it further Declared and Enacted by the authority aforeſaid, That all and every perſon and perſons, Bodies politick and corporate, his and their Heirs, Succeſſors and Aſſigns, having and taking any ſuch conveyance and aſſurance as aforeſaid, and cauſing the ſame to be inrolled as aforeſaid, within the ſpace of Six moneths next after the date thereof, ſhall be, and is hereby adjudged an actual Seiſin and Poſſeſſion of the Rents ſo purchaſed and conveyed, and ſhall hold and enjoy the ſame in perfect peace, freed and diſcharged of and from all Claimes and Demands which can or may be made by his Majeſty, his Heirs or Succeſſors, either in right of his Crown, or any the Dutchies aforeſaid, or otherwiſe howſoever, or by any Dukes of Cornwall for the time being, or by any perſon or perſons that ſhall have, Inherit or Enjoy the Dukedome of Cornwall, by force of any Act of Parliament, or other limitation whatſoever, and alſo freed and diſcharged of and from any breach of Truſt, which can or may be pretended to be committed by the ſaid Truſtees, in not ſtrictly purſuing the powers given by this Act, or the Inſtructions herein after mentioned, or any other Inſtructions whatſoever, or the Orders to them directed at the time of the making and executing ſuch conveyance; And ſhall alſo hold and enjoy all and every the Rents ſo purchaſed, as fully, freely and amply, as his Majeſty at the time of the paſſing of this Act, did or might have held or enjoyed the ſame.

And to ſue for and recover the ſame as his Majeſty might have done.

And be it further Enacted, That all and every perſon and perſons, Bodies politick and corporate, who ſhall purchaſe any of the ſaid Rents, and their and every of their Heirs, Succeſſors and Aſſigns reſpectively, ſhall be, and are hereby enabled to have, ſue for, and recover the ſame, by ſuch and the like lawful wayes and means, as his Majeſty or any of his Royal Progenitors could or might have recovered the ſame; Be it by diſtraining in all or any of the Lands of the Tenant or Tenants for the time being, that ſhall hold any Lands charged with the ſaid Rent, or by having power to detain or ſell all ſuch Diſtreſſes after the ſpace of fifteen dayes after ſuch Diſtreſſe taken, in caſe the ſaid Rent ſhall not be then or before paid, returning the Overplus of what ſhall be ſo ſold to the party diſtrained; or by having the full benefit and advantage of all Sums of Money reſerved nomine Pœnæ, or as a penalty for Non-payment of the ſaid Rent, or by uſing the like Action or Suit as his Majeſty might have uſed for the recovery of the ſame before ſuch Patent granted, ſo as the ſame extend

tend not to any ſuch Proceſs of Extent, or other Prerogative Proceſſe out of the Court of Exchequer, as his Majeſty might have had before ſuch Patent granted. And foraſmuch as upon divers Commiſſions of defective Titles, Inquiſitions, or Suggeſtions of Concealments, divers Patents have formerly paſſed the Great Seal of England, or under the Seal of the Dutchy of Lancaſter, or under the Seal of the County Palatine of Lancaſter, of divers Manors, Lands, Tenements and Hereditaments, whereupon divers Fee Farm Rents, or other Rents have been reſerved, and ſometimes put in charge, where in truth nothing hath paſſed by the ſaid Letters Patents: Nor have the Manors, Lands and Tenements, Liberties or Hereditaments mentioned to have been granted, been enjoyed or held under the ſaid Letters Patents, but under other Titles, or by vertue of other Letters Patents whereupon other Rents are reſerved.

Fee-Farm and other Rents not pa[illegible] 12 years [illegible] not to [illegible] ſerted in Patents.

Be it therefore Enacted, That ſuch Fee-Farm Rents, or other Rents which have not been uſually paid by the Owners or Occupiers of the Manors, Lands or Tenements charged, or mentioned to be charged therewith, by the greater ſpace of Forty years now laſt paſt, ſhall not be inſerted or mentioned in any ſuch Letters Patents to be hereafter granted to Truſtees as aforeſaid: And farther, that where any perſon or perſons, Bodies politick or corporate, have held any Manors, Lands, Tenements, or Hereditaments ſubject to the payment of any Fee-Farm Rent, or other Rent which hath been uſually paid or anſwered by the Owners or Occupiers of ſuch Lands ſo charged; and that by colour or pretence of ſome Patent of Concealment, or by pretence of Commiſſioners for defective Titles paſſed of the ſame Lands, ſome other or greater Rent hath been reſerved or put in charge, but the ſame hath not been uſually anſwered or paid by the Owners or Occupiers of the ſaid Lands, by the greater ſpace of forty years beforementioned, That then and in ſuch caſe the Tenant of the Lands ſhall hold the ſame diſcharged of the ſaid Rent ſo reſerved, by vertue of the ſaid Patent of Concealment, or by Commiſſion of defective Titles, and alſo diſcharged of all Seiſures and Diſtreſſes for the ſame, until the ſame ſhall have been recovered by due courſe and proceedings of Law. And if any Letters Patents of any Manors, Lands, Tenements or Hereditaments, have been heretofore granted, whereupon any Fee-Farm Rents, or other Rents, have been reſerved, which at any time after the paſſing of this Act, ſhall be ſold to any Purchaſer or Purchaſers, if ſuch Letters Patents whereupon ſuch Rents ſo ſold have been reſerved, ſhall at any time hereafter be adnulled, defeated, repealed, cancelled, avoided or otherwiſe determined, whereby the Lands ſhall return to his Majeſty, his Heirs or Succeſſors; then, and in every ſuch caſe, all and every the Purchaſer and Purchaſers of ſuch Rents, their Heirs, Succeſſors and Aſſigns, ſhall have and receive out of the ſame Lands, Tenements and Hereditaments, the like Rent, and for the like Eſtate therein, with that which was by them ſo purchaſed, and ſhall enjoy ſuch like Rent during ſuch Eſtate againſt his Majeſty, his Heirs and Succeſſors, and againſt all perſons, Bodies politick and corporate, claiming by, from, or under his Majeſty, his Heirs and Succeſſors, by any Grant or Conveyance made or granted by his Majeſty, his Heirs or Succeſſors, ſubſequent to ſuch Purchaſe made; and ſhall have like remedy for recovery thereof, (any ſuch adnulling, defeating, repeal, cancelling, avoidance, or other determination of ſuch Letters Patents to the contrary notwithſtanding.) And whereas by certain Covenants or Agreements on the Kings part contained in the Original Reſervation of ſome of the ſaid Fee-Farm Rents, or by the true intent thereof, or by ſome Decrees in the Court of Augmentation, or Exchequer made before the Three and twentieth day of October, in the year of our Lord, One thouſand ſix hundred forty and two, or ſince the Nine and twentieth day of May, in the year of our Lord, One thouſand ſix hundred and ſixty, divers Fee-Farmers were to be diſcharged, and allowances to be made of divers Penſions, Portions, Rents reſolute, or other things of the like nature, and the charge thereof hath been allowed by his Majeſty out of the ſaid Fee-Farm Rents, upon the Accompts of Bayliffs, Miniſters and Receivers; It is hereby provided and declared, that this Act, or any thing therein contained, ſhall not be conſtrued to annull or avoid any ſuch Covenants or Decrees, but that the ſame ſhall be allowed againſt the ſaid Purchaſer or Purchaſers, as it ſhould have been againſt his Majeſty, his Heirs and Succeſſors, if the Letters Patents, or Grants of ſuch Fee-Farm Rents hereby intended to be confirmed, had not been made, ſaving unto the Queens Majeſty, and to all and every other perſon and perſons, Bodies politick and corporate, their Heirs and Succeſſors, and every of them (other then the Kings Majeſty, his Heirs and Succeſſors, and other then the Dukes of Cornwall for the time being, and other then ſuch perſon as ſhall have, inherit, or enjoy the ſaid Dukedom of Cornwall by force of any Act of Parliament, or other Limitation whatſoever) all ſuch Right, Title and Intereſt, Poſſeſſion, Leaſes or Eſtates, as they, or any of them had or ſhould, or might have, or of right ought to have had, in or to the ſaid Rents, or any of them, or any of the Lands charged, or chargeable with them, or any of them, as fully and amply as they ſhould or might have had before the Letters Patents thereof made, as if this Act had never been had or made; Any thing herein before contained to the contrary notwithſtanding.

Letters Patents of Manors, Lands, &c. heretofore granted.

Fee-Farmers before the 23. of Octob. 1640. and ſince the 29. of May 1660. their diſcharges confirmed.

And be it further Enacted, That it ſhall and may be lawful to and for any perſon or perſons, Bodies politick or Corporate, to Purchaſe any the Fee-Farm Rents, or other Rents ſo to be Conveyed as aforeſaid, and the ſame Rents ſo purchaſed, to retain and keep to them and their Succeſſors; Any Statutes of Mortmain to the contrary notwithſtanding.

Purchaſers may buy and enjoy the ſame Rents notwithſtanding the ſtat. of Mortmaine.

Provided alwayes, That neither this Act, nor any thing therein contained, ſhall extend, or be conſtrued to extend to the Sale of any the Fee-Farm Rents, Tenths, Chauntry-Rents, Rents-Seck, or any dry or other Rents whatſoever, due or payable to his Majeſty, or the Prince of Wales for the time being, iſſuing or ariſing within the Principality or Dominion of Wales; This Act, or any thing therein contained to the contrary in any wiſe notwithſtanding.

Principality of Wales.

Inſtructions Enacted to be obſerved in the Sale of Fee-Farm Rents; yet ſo as the breach or non-purſuance of theſe Inſtructions, ſhall not invalidate or weaken the Title of any Purchaſer.

Contracts to be ſigned by the Lord Treaſurer.

1. All Contracts touching the Sale of any Fee-Farm Rents, or other Rents before mentioned, ſhall be ſigned by the Lord Treaſurer, or Lords Commiſſioners of the Treaſury for the time being, or any two of them.

2. The Truſtees ſhall convey to ſuch perſons as by Order from the Lord Treaſurer, or Lords Commiſſioners of the Treaſury, or any two of them, they ſhall be directed.

Purchaſe-money how to be paid.

3. Every Contracter ſhall at or before the time of the ſealing of his Conveyance, pay down one Moyety at leaſt of his Purchaſe-Money into the Exchequer, and ſhall alſo before he ſhall receive his Deed of Conveyance, give Security, ſuch as the Lord Treaſurer, or Lords Commiſſioners of the Treaſury ſhall approve, for the payment of the ſecond moyety at the time appointed.

Allowance.

4. Such Contractors as will pay down their whole Purchaſe-money, ſhall receive ſuch Allowance for their preſent payment of their ſecond Moyety, as ſhall be thought fit, ſo as the ſame exceed not the rate of Ten per Cent.

Tenants to be preferred in point of purchaſe.

Within what time Contracts to be perfected.

5. The immediate Tenant liable to the payment of any Rent, ſhall be preferred in the purchaſe of it before any other, ſo as ſuch immediate Tenant tender himſelf to the Lord Treaſurer, or Lords Commiſſioners of the Treaſury, to Contract within Six Moneths after the paſſing of the ſaid Patent, and notice thereof publiſhed by his Majeſties Proclamation, and perfect his Contract, and pay or ſecure his Money, as aforeſaid, within ſix moneths after, at ſuch rate as ſhall be agreed, not exceeding Twenty years purchaſe.

6. If the immediate Tenant, or ſome on his behalf, do not tender and perfect his contract, as in the laſt precedent Article, all benefit of preference, or preemption is to be loſt.

7. The Purchaſer may have his Conveyance in the names of any perſon or perſons he ſhall deſire.

Incumbrance.

8. If any Fee-Farm Rent, or other Rent be ſubject to, or charged with any payment, or other Incumbrance, conſideration ſhall be had of it at the time of the Contract, and a Reprize allowed for it accordingly; And where ſuch Reprize is allowed, the Purchaſer is to covenant to take upon him ſuch Incumbrance ſo Reprized.

9. The Truſtees are to hold the Rents conveyed to them for the benefit of his Majeſty, his Heirs and Succeſſors, until Sale.

Covenant.

10. The Truſtees in all Conveyances to be made by them, ſhall Covenant with the Purchaſers in uſual form, to free the premiſes, and ſave the Purchaſer harmleſs from any Act done or ſuffered by them, which may any way incumber the premiſes.

Fee-Farmers of Mills.

Provided alwayes, And be it further Enacted by the Authority aforeſaid, That all Fee-Farmers of any Mills formerly belonging to the Crown, or parcel of his Majeſties Dutchy of Lancaſter, ſhall have the protection and priviledge of his Majeſties Courts of Exchequer, and Dutchy of Lancaſter, and all Suits to Mill, and Aids of the ſaid Courts, and enjoy all other former Priviledges and Advantages, notwithſtanding the Sale of the ſaid Fee-Farm Rents iſſuing out of the ſaid Mills, to all intents and purpoſes, and in as large and beneficial manner, as when the ſaid Fee-Farm Rents, or any of them were payable to his Majeſty, his Heirs and Succeſſors.

All ſums of Money, Rents &c. to be allowed to maintain a School, &c. to remain as heretofore.

Provided always, and be it Enacted by the Authority aforeſaid, That ſuch, and ſo much of the ſaid Fee-Farm Rents and Premiſſes, and ſuch Sums of Money, Rents, Reſolute Penſions, Stipends, Salaries, Annuities, Alms, Carodies, Profits and Allowances as are due and payable, or which are chargeable upon, have been, or ought to be paid or allowed to or for the Maintenance of any Grammar-School, or Schollars, or for or towards the Reparation of any Church, Chappel, High-way, Cauſey, Bridges, Schools, Alms-houſes, Caſtles, or any other uſes, upon, out of, or for the premiſes, or any of them, to be ſetled upon Truſtees according to this Act, as aforeſaid, ſhall be, and continue to be paid and allowed as they were and have been heretofore. And the ſaid Truſtees are hereby authoriſed and required to ſet out, convey, and aſſure unto ſuch perſon and perſons, and their Heirs, Bodies-politick and corporate, and their Succeſſors and Aſſigns, as they the ſaid Truſtees ſhall think fit in Truſt, for the performance of the uſes aforeſaid, or any of them, ſuch of the ſaid Fee-Farm Rents, Duties, or Sums of Money payable as aforeſaid, as ſhall amount to any of the Sums ſo charged, limited or allowed, to or for the uſes or purpoſes aforeſaid; Any thing in this Act or Inſtructions to the contrary notwithſtanding. And after ſuch Conveyance, the Purchaſers of the reſidue of the ſaid Fee-Farm Rents ſhall be diſcharged of the ſaid Duties and Payments.

CAP. VII.

An Act to enable the Kings Majeſty to make Leaſes, Grants and Copies of Offices, Lands, Tenements, and Hereditaments, Parcel of his Highneſs Dutchy of Cornwall, or annexed to the ſame.

The Reaſons of this Act.

Whereas many of the Lands belonging to the Dutchy of Cornwall, have been granted by Leaſe to the Tenants, ſome for the term of one, two, or three Lives, and ſome for divers years determinable upon one, two, or three Lives, and others for thirty one years, or under; Which Leaſes are deſired to be renewed by many of the ſaid Tenants. And whereas of late years divers increaſed Rents have been reſerved as well upon the ſaid Leaſed Lands, as upon many Copyhold Eſtates of the ſaid Dutchy, for the Improvement of that Revenue; whereof the Tenants have complained to the Kings Majeſty, who is graciouſly pleaſed, that they may compound with his Officers for the Diſcharge of the ſaid increaſed Rents, and be reſtored to the old Rents formerly paid for their reſpective Tenements and Lands: Now to the end the ſame may be according effected, and the ſaid Tenants may be encouraged to renew their Leaſes and

Eſtates, and thereby the better enabled to repair their Houſes, and provide for their Families, and to improve their Lands holden of the ſaid Dutchy;

All Leaſes, Grants, &c. of Lands, &c. in the Dutchy of Cornwall made or to be made within three years, confirmed.

Be it Enacted by the Kings moſt Excellent Majeſties, by and with the Advice and Conſent of the Lords Spiritual and Temporal and the Commons in this preſent Parliament, Aſſembled and by the Authority of the ſame, That all grants made or to be made by Copy of Court-roll, according to the Cuſtom of the reſpective Manour or Manours of the ſaid Dutchy, or thereunto annexed or belonging; and all Leaſes and Grants made or to be made within three years next enſuing, by our ſaid Soveraign Lord the King, by Letters Patents or Indentures under the Great Seal of England, or the Seal of the Court of Exchequer, or any Offices, Parks, Lands, Tenements, or Hereditaments, other then Honours, Lordſhips, or Manours parcels of the Poſſeſſion of, or annexed or belonging to the ſaid Dutchy of Cornwall, ſhall be good and effectual in Law, according to the Purport and Contents of the ſame Copies, Leaſes and Grants againſt our ſaid Sovereign Lord the King, his heirs and Succeſſors, and againſt all and every other perſon and perſons that ſhall at any time hereafter have, inherit or enjoy the ſaid Dutchy by force of any Act of Parliament, or by any other Limitation whatſoever.

The term for ſuch Leaſes and Grants.

Provided always, That every ſuch Leaſe or Grant ſo made, or to be made for more then one, two, or three Lives, or for thirty one Years, or under, or for ſome term of Years determinable upon one, two or three Lives, and not above: And if ſuch Leaſes or Grants be made in Reverſion or Expectancy, that then the ſame, together with the Eſtates in Poſſeſſion, do not exceed three Lives, or the term of thirty one Years, and not in any wiſe diſpuniſhable of Waſte; and ſo, as upon every ſuch Leaſe ſhall be reſerved the ancient or moſt uſuall Rent, or more, or ſuch Rent as hath been reſerved, yielded, or paid for the ſame Lands, for the greater part of Twenty Years next before the Year of our Lord, One thouſand ſix hundred and ſixty, and ſhall be reſerved due or payable to him, or her that ſhall have the Inheritance, or other eſtate of the ſaid Dutchy. And where no ſuch Rent hath been reſerved or payable, that then upon every ſuch Leaſe there ſhall be reſerved a reaſonable Rent, not being under the twentieth part of the clear yearly Value of the Parks, Lands Tenements, or hereditaments contained in ſuch Leaſe; and all Leaſes and grants otherwiſe made, or to be made ſhall be null and void.

Rents to be reſerved.

Covenants, Conditions and Reſervations.

And be it further Ordained and Enacted by the authority aforeſaid, That all Covenants, Conditions, Reſervations, and other Agreements contained in every Leaſe, Grant, or Copy of Court-roll, made or to be made, as aforeſaid, ſhall be good and effectual in Law, according to the words and contents of the ſame, as well for and againſt them to whom the Reverſion of the ſame Lands, Tenements or Hereditaments ſhall come, as for and againſt them to whom the Intereſt of the ſaid Leaſes, Grants or Copies ſhall come reſpectively, as if our Soveraign Lord the Kings Majeſty, at the time of the making of ſuch Covenants, Conditions and Reſervations, and other Agreements, were ſeized of an abſolute Eſtate in Fee-ſimple in the ſame Lands, Tenements, or Hereditaments: Saving always to all and every perſon and perſons, Bodies Politick and Corporate, their Heirs and Succeſſors, Executors, Adminiſtrators and Aſſigns, other then to our ſaid Soveraign Lord the King and his Heirs, and the Duke and Dukes of Cornwall for the time being, and his and their Heirs, and all and every perſon and perſons that ſhall hereafter have, inherit or enjoy the ſaid Dukedom of Cornwall, by force of any Act of Parliament, or other Limitation whatſoever; All ſuch Rights, Titles, Eſtates, Cuſtoms, Intereſts, Tenures, Claims and Demands whatſoever, of what nature, kind or quality ſoever, of, in, to, or out of the ſaid Offices, Lands, Tenements or Hereditaments, or any of them, as they, or any of them had, or ought to have had, before the making of this Act, to all intents and purpoſes, and in as large and ample manner and form, as if this Act had never been had or made; This Act, or any thing herein contained to the contrary notwithſtanding.

Proviſo.

And be it further enacted by the authority aforeſaid, That in caſe any of the Copyhold Tenants of the ſaid Dutchy, ſhall at any time within Three years next enſuing, Compound or agree with the Lord High-Treaſurer of England, or the Commiſſioners of the Treaſury for the time being, or with the Chancellor, or Under-Treaſurer of the Exchequer, or with any ſuch perſon or perſons as the Lord High-Treaſurer, or Chancellor and Under-Treaſurer of the Exchequer for the time being, ſhall authorize, nominate and appoint for the taking off, and diſcharging of any increaſed Rent reſerved as aforeſaid, according to ſuch Rules and Directions as in that behalf ſhall be given in writing under the hands of the ſaid Lord Treaſurer, or Commiſſioners of the Treaſury, or Chancellor and Under-Treaſurer of the Exchequer, for the time being; Then upon ſuch Compoſition ſo made, and the Money thereby ariſing duly paid to the Receiver-General of the ſaid Dutchy, according to the tenor and contents of ſuch Compoſition and Agreement, and accordingly enrolled before the Auditor of the Premiſſes; And from thenceforth ſuch encreaſed Rents ſhall ceaſe and become void, and the old Rent onely, or ſuch other Rent as in purſuance of this Act ſhall be directed, in or by ſuch Compoſition or Agreement ſhall be charged upon all and every ſuch Tenements, Lands, and other Hereditaments, for which ſuch Compoſition, Agreement, Payment and Inrolment ſhall be ſo made, and none other; Any Reſervation, Condition, or other matter whatſoever to the contrary notwithſtanding.

Compoſition for increaſed Rents.

CAP. VIII.

The Meaſures of Corn and Salt aſcertained.

WHereas there is a great variety of Buſhels and other Meaſures of different contents and gauges uſed in ſeveral Counties, Cities, Boroughs, Ports, and other places of this Realm, for the Meaſuring, Buying and Selling of all ſorts of Grain, Salt, and other Commodities uſually bought and ſold by the Buſhel, to the great defrauding and oppreſſing of the people, contrary to the Great Charter, and ſundry of the good Laws for-

Stat. 9 H. 3. 25.
14 E. 3. 12.
27 H. 3. 10.
17 Car. 1. 19.

merly made and enacted, That there ſhall be but one Meaſure to be uſed throughout all the Realm.

17 Car. 1. 19. a clauſe therein repealed.

Wincheſter Meaſure only to be uſed.

Forfeiture for offending againſt this Act.

For future Redreſs whereof, Be it enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That this enſuing Clauſe contained in a Statute made in the Seventeenth year of King Charles the Firſt, Intituled, An Act for the better Ordering and Regulating of the Office of Clerk of the Market, Allowed and Confirmed by this Statute, and for the Reformation of Falſe Weights and Meaſures (by way of Proviſo, viz.) That ſuch Meaſure as is commonly called Water-meaſure, in any Ports, Maritine Towns, or other places, ſhall be ſtill uſed and continued as formerly the ſame hath been) Any thing in this Statute contained to the contrary hereof in any wiſe notwithſtanding, ſhall from and after the Nine and twentieth day of September, One thouſand ſix hundred and ſeventy, be and ſtand Nulled and Repealed, as to the Meaſuring, Selling, or Buying of any ſort of Corn, Grain, ground or unground, or Salt within the Kingdom of England Dominion of Wales, or Town of Berwick upon Tweed: And that if any perſon or perſons after the time aforeſaid, ſhall ſell any ſort of Corn or Grain, ground or unground, or any kind of Salt, uſually ſold by the Buſhel, either in open Market, or any other place, by any other Buſhel or Meaſure, then that which is agreeable to the Standard, marked in his Majeſties Exchequer, commonly called the Wincheſter Meaſure, containing Eight Gallons to the Buſhel, and no more or leſſe; And the ſaid Buſhel ſtrucken even by the Wood or Brim of the ſame by the Seller, and ſealed, as this Act directs, he or they ſhall forfeit for every ſuch Offence the ſum of Forty ſhillings, to be levied in ſuch manner, and ſuch other Penalties for want of Diſtreſs to be inflicted, as in and by the ſaid former Act is directed, by the Warrant or Order of any one or more of his Majeſties Juſtices of the Peace within the County, City, or place where ſuch Offence ſhall be committed; which ſaid Juſtices reſpectively are hereby required and enabled to ſee this Statute duly executed.

The penalty of Mayors and all other Officers permitting the uſe of any other Meaſure.

And be it likewiſe further enacted by authority aforeſaid, That if any Mayor, or other Head-Officer of any City, Borough, or Corporation, or Liberty within this Kingdom of England, Dominion of Wales or Town of Berwick upon Tweed, ſhall knowingly and wilfully permit or ſuffer any perſon or perſons within their reſpective Limits or Juriſdictions, to ſell or buy any ſort of Corn or Grain ground or unground, or Salt, by any other Buſhell or Meaſure, or ſtrucken in any other manner than is hereby preſcribed, or ſhall ſuffer within their reſpective Limits or Juriſdictions any other Meaſure to be uſed, then is of the Contents aforeſaid, and ſealed as this Act directs; or if upon complaint of the breach of this Statute, he or they ſhall not duly puniſh and reform the ſame according to the purport thereof, then he or they ſo offending, for every ſuch Offence upon due proof and conviction thereof by Preſentment or Indictment before the Juſtices of the Peace of the County where ſuch Offence ſhall be committed, at the General Seſſions of the Peace held for the ſame, ſhall forfeit the ſum of Five pounds; the one moyety thereof to the Informer or Proſecutor, the other moyety to the uſe of the poor of the pariſh where ſuch Offence ſhall be committed, to be levied by diſtreſs and ſale of the Offendors Goods and Chattels: And for default of ſuch Diſtreſs, by impriſonment of the perſon or perſons ſo offending, till payment thereof made by Warrant of the ſaid Juſtices.

Clerk of the Market, &c. refuſing to ſeal or mark any Meaſure, his forfeiture.

Exacting fees how puniſhable.

And be it further enacted, That if the Clerk of the Market of his Majeſties Houſe within the Verge, or the Mayor, or other Head-Officer, Lord of the Liberty, or other perſon authorized by the Laws of the Realm, to Mark or Seal Meaſures within their reſpective Juriſdictions, ſhall neglect or refuſe, being required, to Seal or Mark any Buſhel, half Buſhel, or Peck duly Gauged, as is hereby before directed and appointed, ſhall forfeit for the firſt Offence Five pounds, and for every other Offence Ten pounds, to be levied as aforeſaid; or if the Clerk of the Market of his Majeſties Houſe within the Verge, ſhall take more then the lawful and accuſtomed Fees; or if any other perſon or perſons ſhall exact or take from any perſon more then one peny for the Sealing or Marking of a Buſhel, or more then one half-peny for the Sealing or Marking of a half-Buſhel or Peck, or more then one Farthing for the Sealing or Marking of any Meaſure containing one Gallon, Pottle, Quart, Pint, or half-Pint, he or they ſhall for every ſuch Offence upon due proof and conviction thereof, incur the penalties mentioned and contained in the afore-named Statute for the ſaid Offence, made in the Seventeenth year of King Charles the Firſt.

A Meaſure of Braſs to be chained in every publick Market-place.

And to the end that there may be a juſt and certain Meaſure (to determine all Controverſies) Gauged, as this Act directs; Be it further enacted, That at the charge of ſuch perſon or perſons reſpectively, who ſhall have the Toll or Profit of the Market, where Toll is not taken, within any City, Corporation or Market-Town, within this Realm in their reſpective Juriſdictions, there ſhall be before the ſaid Nine and twentieth day of September, One Meaſure of Braſs provided, and chained in the publick Market-place, upon pain to forfeit and loſe for every perſon ſo neglecting reſpectively, the Sum of Five pounds to be recovered and levied as is by this Act directed; One moyety to the poor of the pariſh where ſuch Offence ſhall be committed; the other moyety to him or them that ſhall ſue for the ſame.

Conſtables to ſearch if any perſons uſe other Meaſures.

And be it further Enacted by the authority aforeſaid, That all and every Conſtable or Conſtables within this Realm of England, in their reſpective Precincts, are hereby impowred and required to ſearch and examine if any perſon or perſons uſe any other Meaſure then according to the Proportions aforeſaid, or ſhall ſtrike the ſame in any other manner then this Act directs, or ſell or buy by a Meaſure unſealed: And in caſe he or they ſhall find any ſuch unſealed Meaſure, to ſeize and break the ſame; and for that and every other Offence againſt this Act, ſhall preſent ſuch Offender at the next Private or Quarterly-Seſſions to be held for ſuch County or place where ſuch Offence ſhall be committed.

Provided, alwayes, and be it enacted, That no perſon or perſons puniſhed for any offence by vertue of this Act, ſhall be again queſtioned or puniſhed for the ſame offence, by vertue or colour of any other Act.

Once puniſhed.

Provided alwayes, and be it further Enacted and Declared, That no perſon or perſons whatſoever ſhall take any Toll or any thing in lieu thereof, but reſpectively according to ſuch proportion as the Meaſures in this act limited and appointed bear unto the Meaſures, whereby the ſame have been heretofore uſually taken; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

Toll.

CAP. 9.

An Act Authorizing certain Commiſſioners of the Realm of England, to Treat with Commiſſioners of Scotland, for the Weal of both Kingnome.

WHereas the Kings moſt excellent Majeſty, out of His Princely Zeal, and Fatherly care for the Welfare and Happineſs of his Subjects, perſiſting in the ſame Pious and Prudent Reſolution of His Royal Grandfather King James, of ever Bleſſed Memory, to endeavour a nearer and more compleat Union between His two Kingdoms of England and Scotland, hath recommended it to the Parliaments of both Kingdoms, that Commiſſioners might be nominated to Treat and Conſult concerning this Union: To the end that His Majeſties Royal and Gracious Purpoſes therein may be accompliſhed, and ſuch a farther Union may be treated and Agreed upon, as may Compleat and Confirm for ever a conſtant mutual Love and Friendſhip between the Subjects of both Realms:

The Proeme of this Act.

Be it enacted by the Kings moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and of the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſuch perſons to be Nominated by his Majeſty under His great Seal of England, and ſuch and ſo many of them as ſhall in that behalf be appointed by His Majeſty to be of the Quorum, ſhall by force of this Act have full Power, Commiſſion, and Authority at ſuch time and times, and in ſuch place or places as His Majeſty ſhall pleaſe to appoint to aſſemble and meet; and thereupon to Treat and Conſult according to the Tenour or purport of their Authority or Commiſſion in that behalf, with certain Commiſſioners to be Authoriſed by Authority of the Parliament of Scotland of, and concerning ſuch an Union of the ſaid Realms of England and Scotland. and of and concerning ſuch other Matters, Clauſes, and things whatſoever, as upon mature Deliberation and Conſideration of the greateſt part of the ſaid Commiſſioners aſſembled as aforeſaid, and the Commiſſioners Authorized, or to be Authorized by the Parliament of Scotland, according to the Tenor or Purport of their Commiſſion in that behalf, ſhall in their Wisdoms think convenient and neceſſary for the Honour of His Majeſty, and the Weal and Common Good of both the ſaid Kingdoms, during His Majeſtes Life, (which Almighty God long preſerve) and of His Heirs and lawful Succeſſors for ever: Which Commiſſioners of both the ſaid Realms ſhall according to the tenor or Purport of their ſaid Authorities or Commiſſions in that behalf, reduce their Doings and Proceedings therein into Writings or Inſtruments Tripartite, every part to be Subſcribed and Sealed by them; to the end that one part thereof may in all humbleneſs be preſented to the Kings moſt Excellent Majeſty; another part thereof to be offered to the Conſideration of the Parliament for the Realm of England; and another to be offered to the Conſideration of the Parliament for the Realm of Scotland at their next Seſſions, which ſhall be held in each Kingdom reſpectively, after ſuch Writings or Inſtruments ſhall be ſubſcribed and Sealed by the ſaid Commiſſioners; That thereupon ſuch further Proceedings may be had as by his Majeſty, and both the ſaid Parliaments ſhall be thought fit and neceſſary for the Weal and Common Good of both the ſaid Kingdoms, to whom the intire Conſideration of the whole, and the allowing or diſallowing thereof, or any part thereof, as they ſhall think fit, is wholly reſerved.

His Majeſty may name Commiſſioners to treat with Commiſſioners of Scotland concerning a Union between both Realms.

Their proceedings to be reduced into Writings tripartite; one for the King, one for the Parliament of England, and the other for the Parliament of Scotland.

Provided alſo, and be it Enacted and Declared, That no matter or thing to be Treated of, Agreed, or propoſed by the ſaid Commiſſioners by vertue of this Act, ſhall have any force or effect, or be put in Execution until it be Confirmed and Eſtabliſhed by Act of the Parliament of England.

CAP. X.

Part of the Eſtate of Sir John Prittiman to be ſold for Satisfaction of a Debt by him due to the Kings Majeſty.

WHereas Sir John Prittiman of Loddington in the County of Leiceſter, Baronet, late Receiver to Your moſt Excellent Majeſty of Your Majeſties Firſt-Fruits and Tenths, hath before the Barons of Your Majeſties Exchequer been found by Inquiſition, and other due Proceſs of Law, indebted to Your Majeſty upon his Accompt of the laſt of December, One thouſand ſix hundred ſixty and three, in the Sum of Nineteen thouſand eight hundred ſixty four pounds nine ſhillings and nine pence, by him received of your Majeſties ſaid Revenue, and ſtill remains indebted to your Majeſty in the Sum of Sixteen thouſand ſix hundred pounds more then he hath anſwered to the Receipt of your Majeſties Exchequer, in great Diminution of your Highneſſes Revenue: And whereas upon Proceſſe of Extent iſſued out of your Majeſties ſaid Exchequer, the ſaid Sir John Prittiman hath been by Inquiſition duly executed and returned the Nineteenth of June, One thouſand ſix hundred ſixty and eight, found ſeiſed in his Demeſne, as of Fee, of and in the Manor of Loddington in the County of Leiceſter, with the Rights, Members, and Appurtenances of the clear yearly value of Seven hundred eighty eight pounds nineteen ſhillings and eight pence, which will not ſatisfie your Majeſties ſaid Debt by perception of the Profits thereof at the ſaid extended Value in a long time.

Wherefore to the end your Majeſty may be more ſpeedily ſatisfied your ſaid Debt, may it

The Manor at Loddington in the County of Leiceſter, to be ſold, and to that end ſetled in Truſtees.

How the mony ariſing by the Sale ſhall be diſpoſed.

pleaſe your moſt Excellent Majeſty, That it may be Enacted; And be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in Parliament aſſembled, That the ſaid Manor, or reputed Manor of Loddington, with the Meſſuages, Lands, Tenements and Hereditaments, parcel or reputed parcel thereof, with their and every of their Appurtenances in the ſaid County of Leiceſter, be and is hereby Veſted and Setled in Henry Coventry and Edward Progers, Eſquires, Grooms of your Majeſties Bed-Chamber, Sir Allan Apſley, and Sir Winſton Churchill, Knights, and their Heirs, upon Truſt, that the ſaid Sir Henry Coventry, Edward Progers, Sir Allan Apſley, and Sir Winſton Churchill, and the Survivor of them, and the Heirs of the ſaid Survivor, ſhall forthwith ſell the ſaid Manor, and every part and parcel thereof, with the Appurtenances, and out of the proceed of ſuch Sale, and of the mean Profits by them to be received, until ſuch Sale or Sales made, ſatisfie and reimburſe themſelves all ſuch Charges and Expences, which they ſhall any wayes ſuſtain, in or by reaſon of ſuch Sales of the Truſt hereby in them repoſed: And out of the reſidue of ſuch purchaſe-money, ſhall pay or cauſe to be paid into His Majeſties Receipt of Exchequer, the full ſum of Sixteen thouſand pounds with Intereſt for the ſame, only at the rate of Six pounds per Cent. from the ſaid laſt day of December, One thouſand ſix hundred ſixty and three, in Diſcharge of the ſaid Debt of the ſaid Sir John Prittiman; the reſidue of the moneys to be raiſed by ſuch Sale, to be paid into the hands of John Morris, and Robert Clayton of London, Gentlemen, to be diſpoſed and employed as followeth, (videlicet) In the firſt place to reimburſe Sir Edward Hungerford, and Sir Thomas Doleman, and either of them, ſuch moneys as they, or either of them have paid for the proper Debts of Sir John Prittiman; in the next place for the payment of ſuch Debts of the ſaid Sir John Prittiman, as they or either of them are obliged to pay; In the next place, for the payments unto William Prittiman Brother of Sir John, moneys as he hath paid for the proper Debt of Sir John, upon any Obligation, wherein the ſaid Sir Edward Hungerford, Sir Thomas Doleman, Sir George Prittiman, and the ſaid William Prittiman, or any two of them ſtood or ſtand joyntly bound; In the next place for the payment of all the Debts of ths ſaid Sir John Prittiman, where any of them the ſaid Sir George Prittiman, Sir Edw. Hungerford, and Sir Thomas Doleman ſtand bound; In the next place, for the payment unto Sir Edward Hungerford, and Sir Thomas Doleman, and either of them all ſuch moneys as they or either of them have paid, or are obliged to pay for the proper Debts of the ſaid Sir George Prittiman, as far as the ſame will extend; the reſidue (if any) to be divided between Sir John Prittiman and Sir George Prittiman, as Francis Winington and James Hayes, Eſquires, and the ſaid John Morris and Robert Clayton, or the ſurvivor or ſurvivors of them ſhall think fit.

Saving to other then Sir John and Sir George Prittiman all right, &c.

And further be it enacted, That from and after the ſaid ſum of ſixteen thouſand pounds ſo paid to his Majeſty as aforeſaid, as well the ſaid Sir John Prittiman, his Heirs, Executors, Adminiſtrators and Aſſigns, as all his manors, lands, tenements and hereditaments whatſoever; and alſo all and every perſon and perſons, their Heirs, Executors, Lands, Tenements, and Hereditaments who were ſecurity for the ſaid Sir John Prittiman, for or concerning any matter or thing relating to the ſaid Firſt-Fruits, or his the ſaid Sir John Prittimans Office of Receiver thereof, ſhall be by vertue hereof acquitted for ever, releaſed and indempnified, ſaving to all and every perſon and perſons, Bodies politick and corporate, other then the ſaid Sir John Prittiman, and Sir George Prittiman, and his and their Heirs, all ſuch Eſtate, Right, Title, Intereſt, Truſt, Uſe, and Demand which he or they have or claim of, in, to, or out of the ſaid Manor of Loddington, or any part thereof, in ſuch ſort and manner, and no other, as if this Act had never been made; Any thing herein to the contrary notwithſtanding.

So as the ſame be entred in the Exchequer before March, 1670.

Provided, That ſuch perſon or perſons, their Heirs, Executors and Adminiſtrators, and ſuch Bodies politick and corporate, do by themſelves, or their reſpective lawful Attorney or Guardian, produce and cauſe to be entred and enrolled in the Office of the Kings Remembrancer in the Exchequer, a ſufficient and certain particular of his and their ſaid Title, Claim or Incumbrance, before the Firſt day of March, which ſhall be in the year, One thouſand ſix hundred and ſeventy.

The Truſtees may mortgage the ſaid Manor till it can be ſold.

And be it further enacted by the Authority aforeſaid, That for the ſpeedy raiſing of moneys for and towards ſatisfaction of your Majeſty, and performance of the Truſts aforeſaid, it ſhall and may be lawful to and for the ſaid Henry Coventry, Edward Progers, Sir Allan Apſley, and Sir Winſton Churchill, and the ſurvivor and ſurvivors of them, and his Heirs, to mortgage the ſaid Manor and Premiſes, or any part thereof, for any eſtate or eſtates ſubject nevertheleſſe to a further ſale of the Reverſion, or equity of Redemption thereof to be made according to this Act for the purpoſes aforeſaid.

All extents for the King, and all his claim to the ſaid Manor ſhall be aſſigned to the Purchaſers.

And it is hereby declared, and further enacted by the authority aforeſaid, for the encouragement of ſuch perſon or perſons as ſhall be willing to purchaſe the ſaid Manor and Premiſes, or any part or parts thereof, That all extents already had, or to be had, and rſturned of the ſaid Manor and Premiſes, for ſatisfaction of the ſaid Debt of ſixteen thouſand pounds, and eſtate and intereſt of your Majeſty, of and in the ſaid Manor and Premiſes by vertue thereof, upon payment or ſatisfaction of the ſaid Debt of ſixteen thouſand pounds, and intereſt as aforeſaid, to your Majeſty, your Heirs and Succeſſors, your or their Aſſignee or Aſſignees, ſhall and may be aſſigned to ſuch perſon or perſons as ſhall purchaſe the ſaid Manor and Premiſes, or any part or parcel thereof, or to any other perſon or perſons which he or they ſhall propoſe, nominate or appoint, and ſhall remain, continue, and be in force and vertue for the protecting the ſaid Premiſes againſt all Incumbrances and Charges of Sir John Prittiman, and Sir George Prittiman his ſon, in ſuch ſort and manner as the ſame would have done, if this Act had never been made, until ſuch Purchaſer or Purchaſers ſhall out of the Rents, Iſſues, and Profits of the ſaid premiſes, have received the ſaid ſum of ſixteen thouſand pounds, with Intereſt for the ſame, after the rate of ſix pounds per Cent. per Annum, from the ſaid laſt day of December, One thouſand ſix hundred ſixty three. Saving nevertheleſs to the Wife of the ſaid Sir John Prittiman (if he hath any) all ſuch Right and Title of Dower, as ſhe might have claimed, or may claim in the premiſes, if this Act had never been made: And alſo ſaving unto Sir John Heath Knight, and Dame Margaret his Wife, and their Aſſigns, all ſuch Eſtate, Right of Entry, Right, Title, Intereſt, Uſe, Truſt, Claim or Demand whatſoever in Law or Equity, of and into any of the Meſſuages, Lands, Tenements and Hereditaments aforeſaid, parcel or reputed parcel of the ſaid Manor of Loddington, as if this Act had never been made; Any thing in the ſame to the contrary notwithſtanding.

Proviſo for the Lady Prittiman, and Sir John Heath and his Lady.

CAP. XI.

An Additional Act for the Rebuilding of the City of London, Uniting of Pariſhes, and Rebuilding of the Cathedral and Parochial Churches within the ſaid City.

VVhereas by vertue, and in purſuance of an Act of this preſent Parliament, Entituled, An Act for Rebuilding the City of London, ſeveral Streets in the ſaid Act particularly mentioned and deſcribed, have been inlarged and made wider, by the Mayor, Aldermen, and Commons of the ſaid City, by and with the approbation of the Kings moſt Excellent Majeſty. And forasmuch as certain other Streets within the ſaid City, not particularly mentioned in the aforeſaid Act, did alſo require ſome regulation and enlargement (that is to ſay) the ſtreet called Paternoſter-Row, the Lane called Warwick-lane at the Northſide thereof, Watling-ſtreet, Candlewike-ſtreet, Eaſtcheap, Saint Swithins-lane, Little Wood-ſtreet, Milk-ſtreet, Tower-ſtreet, Water-lane, ſcituate on the eaſtſide of London-Bridge near the Cuſtom-houſe, Rood-lane, Saint Mary Hill, Thames-ſtreet from London-Bridge to Puddle-Dock, Pye-corner next to Smithfield, and Threed-needle-ſtreet. And to that end and purpoſe the ſame by Order and Direction of the Mayor, Aldermen and Commons of the ſaid City in Common-councel aſſembled, by and with his ſaid Majeſties approbation have been ſurveyed and are found neceſſary to be enlarged.

19 Car. 2. 8.

Streets requiring inlargement and regulation.

Be it enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame; That the ſaid Streets and Lanes, in this Act before nominated and appointed to be inlarged, and every of them ſhall be inlarged and regulated in ſuch parts and places thereof, and in ſuch manner and according as the ſame are marked and ſtaked out for that purpoſe, and not otherwiſe. And to the end that fit and commodious places within the ſaid City and Liberties thereof, may be ſet out and appointed for the Rebuilding and keeping of Markets with more convenience then heretofore they were, ſo as the principal Streets may not be peſtered and obſtructed thereby as heretofore hath been accuſtomed: And that the Royal-Exchange, Guild-Hall, the Seſſions-Houſe in the Old-Bayly, and the Common Gaols and Priſons within the ſaid City, may be enlarged and made more commodious for the publick Uſe, and Ornament of the City, and better ſecured from the danger and caſualty of Fire: And that ſome convenient diſtance, interval and circuit of ground may be left between the Royal Exchange and other Houſes to be built within the ſaid City.

They ſhall be enlarged as they are now ſtaked out.

Royal-Exchange, Guild-Hall, Seſſions-Houſe in the Old-Bayly.

Be it further enacted by the authority aforeſaid, That the Mayor, Aldermen and Commons of the ſaid City in Common-Council aſſembled ſhall and may, and are hereby impowred to imploy ſuch places and portions of ground within the ſaid City and Liberties thereof, as by and with his ſaid Majeſties approbation now are, or before the tenth day of March, One thouſand ſix hundred ſixty nine, ſhall be ſet out and adjudged neceſſary and convenient, as well for the publick Market places there, as alſo for the Ornament, enlargement and convenience of the ſaid Royal-Exchange, and other places aforementioned, and every or any of them reſpectively.

Ground to be aſſigned for publick Market places.

And to the intent that reaſonable ſatisfaction may be given to the Owners and others, having any Eſtate or Intereſt in the grounds and places which have been or ſhall be ſet out to be taken and imployed for publick Market places, or for the Ornament and convenience of the Royal-Exchange, Guild-Hall, and other places in this Act mentioned, or any of them, or for inlarging the ſaid ſtreets, or any part thereof, called Pater-noſter-Row, Warwick lane, Watling-ſtreet, Candlewike ſtreet, Eaſtcheap, Saint Swithins-lane, Little Woodſtreet, Milk-ſtreet, Tower ſtreet, Water-lane, Rood-lane, St. Mary Hill Thames-ſtreet, Pye corner near unto Smithfield and Threedneedle-ſtreet before mentioned; the ſaid Mayor, Aldermen and Commons ſhall and may (by themſelves or others in that behalf to be appointed and authorized) treat and agree with the Owners, and others intereſſed therein: And in caſe of wilful refuſal, or any ſuch diſability or impediment as in the aforeſaid Act are mentioned, or other incapacity whatſoever, in the Owners thereof, or others intereſſed therein to treat and agree: the ſaid Mayor and Court of Aldermen ſhall and are hereby authorized and required to cauſe a Jury to be Impannelled in ſuch manner and form, as by the aforeſaid Act is directed and appointed: So as no two of the ſaid Jurors ſo to be Impannelled ſhall come out of one and the ſame Ward to adjudge and aſſeſſe what recompence and ſatiſfaction in every of the caſes aforeſaid ought to be awarded, and given to the reſpective Owners, and others intereſſed in the grounds and places ſo ſet out, to be taken and imployed for any the uſes, or purpoſes aforeſaid: In purſuance of this Act according to ſuch their reſpective Eſtates and Intereſts; And the verdict of ſuch Jury in that behalf to be taken and the judgment of the ſaid Mayor, and Court of Aldermen thereupon; And the payment of the money ſo awarded or adjudged, at or in the Office of the ſaid Chamberlain of the ſaid City of London for the time being to the ſaid Chamberlain, there to remain by the ſpace of ſix moneths, for the Owners or others intereſſed therein as aforeſaid, and after that time to be paid unto them by the ſaid Chamberlain upon demand, (if that within that time there ſhall not ariſe controverſie touching the payment thereof, by reaſon of different claims made thereunto as hereafter is expreſſed) ſhall be binding and concluſive, to and againſt the Owners; and all others having, or claiming, or to claim any Eſtate, Right, Title or Intereſt of, in, to or out of the ſame, their Heirs, Executors

Satiſfaction to Owners for ground taken away.

The Mayor, Aldermen and Commons to treat and agree with Owners, and in caſe of wilful refuſal to impannel a Jury whoſe Verdict and the Judgment of the Mayor and Court of Aldermen thereupon with payment of the money ſo awarded into the Chamberlains Office ſhall be binding and concluſive.

Controverſies to be decided by the Judges, and in what manner.

cutors, Adminiſtrators, Succeſſors and Aſſigns, and every of them; And ſhall be a full authority for the ſaid Mayor, Aldermen and Commons, to cauſe the ſame to be converted and uſed, to and for the reſpective uſes and purpoſes aforeſaid: And in caſe any Controverſie ſhall ariſe between any perſon or perſons, Bodies politique or corporate, or his or their Aſſigns, or under-Tenants, or other perſons claiming any Eſtate, Right, Title, or Intereſt in Law or Equity, Truſt, Charge or Incumbrance, of or in the ſaid ground ſo to be purchaſed or converted as aforeſaid, who ſhall find him or themſelves agrieved, for or by reaſon that the ſaid moneys ſo given in ſatisfaction for the ſaid ground, is not or ſhall not be equally or indifferently apportioned, according to the true value of his or their Intereſts in the ſaid grounds, that then the Juſtices of the Courts of Kings-Bench, and Common-Pleas and Barons of the Coife of the Court of the Exchequer for the time being, or any three or more of them ſitting together at the ſame time and place upon the petition of the ſaid Party or Parties grieved to be preferred to any one of them within ſix moneths after the ſaid Verdict ſo had and given, and not after; are hereby authorized to hear and finally determine the ſame, and to order and award ſuch diſtribution of the moneys ſo paid unto the Chamberlain as aforeſaid, to the ſaid perſon or perſons, Bodies politique or corporate reſpectively, according to his and their ſeveral and reſpective Intereſts in the ſame, in ſuch manner and form as the ſaid Juſtices and Barons, or any three of them, may determine any Differences or Demands which have ariſen, or ſhall ariſe between any Landlord or Tenant, touching Repairing or Rebuilding any of the Houſes burnt down, or demoliſhed by the late Fire by vertue of an Act of this preſent Parliament, Entituled, An Act for erecting a Judicature for determination of Differences, touching Houſes burnt down or demoliſhed by the late Fire which happened in London; According to which Order and Diſtribution the ſaid ſum and ſums ſhall be paid by the ſaid Chamberlain to the ſaid ſeveral perſons reſpectively.

19 Car. 2. cap. 7.

Where ſeveral perſons having ſeveral eſtates in one houſe or ground, and ſome delay to build, to the prejudice of others, the reſt may rebuild the whole, if they will, and enjoy it to their own uſe, till re-imburſed.

And be it further enacted by the authority aforeſaid, that in caſe it ſhall happen that where there were two or more Copartners, Joynt-Tenants, or Tenants in Common, of any houſe or houſes burned or demoliſhed by the ſaid late Fire, or that two or more perſons, Bodies politique or corporate, had ſeveral Eſtates or Intereſts in ſeveral Rooms, Stories, or parts of any ſuch Houſe or Houſes burned or demoliſhed, and that ſome or one of them is deſirous and willing to build the ſame, or ſuch Part, Room or Story of or in the ſame, as to him or them doth or may appertain, according to his or their Eſtate or Intereſt as aforeſaid: and that any other of the Copartners, Joynt-Tenants, or Tenants in common, or others, having ſuch Eſtate or Intereſt as aforeſaid in any of the Rooms, Stories or parts thereof ſhall delay or refuſe to joyn in Rebuilding of the ſame, or to contribute his and their reaſonable part and proportion towards the charge thereof; That then it ſhall and may be lawful to or for any one or more of ſuch Co-partners, Joynt-Tenants, Tenants in Common, or others having Eſtate or Intereſt in any the Rooms, Stories, or parts thereof as aforeſaid, that will rebuild the ſaid Houſe or Houſes, to cauſe ſuch Houſe or Houſes to be wholly rebuilt in ſuch ſort and manner as the ſame was, or were before the ſaid late Fire, or as near thereunto as conveniently may be (the preſent Model of Building conſidered) and reſpect being had to the different Intereſts of the Parties concerned as aforeſaid, and the ſame Houſe or Houſes ſo rebuilt, to hold and enjoy to his and their own proper uſe and benefit, untill that he or they ſhall be fully ſatisfied and re-imburſed all ſuch, and ſo much of the charge of ſuch Building as in a due proportion ought to have been contributed or allowed towards the Building thereof, by ſuch Copartners, Joynt-Tenants, Tenants in Common, or others, having ſuch eſtate or Intereſt as aforeſaid, according to his or their eſtate or Intereſt therein as aforeſaid, together with Damages for the ſame, after the rate of ſix pound per Cent. per Ann. for the forbearance thereof to be accompted from the covering of the ſaid Building. And in caſe of neglect or refuſal, to ſatisfie and pay ſuch proportion of the charge of rebuilding thereof, by the ſpace of Two years to be accompted from the covering as aforeſaid, that then it ſhall and may be lawful, to and for the Rebuilders from and after the end and expiration of the ſaid Two years, to be accounted as aforeſaid, paying to ſuch Copartners, Joynt-Tenants, Tenants in Common, or others, having ſuch eſtate or Intereſt as aforeſaid therein, ſo much as ſuch their eſtate or Intereſt ſhall be reaſonably worth; or upon Tender and refuſal thereof, to hold and enjoy ſuch Houſe or Houſes ſo rebuilt as aforeſaid, wholly and intirely againſt the Parties ſo refuſing, their Heirs, Executors, Adminiſtrators, Succeſſors and Aſſigns, for and during the continuance of ſuch joynt, or other eſtate or Intereſt aforeſaid, as the Party and Parties by whom ſuch Houſe or Houſes ſhall be ſo rebuilt, had in the ſame or in any Room, Story, or other part thereof: And in caſe any Difference ſhall happen between ſuch Builders, and any the Parties refuſing to Build as aforeſaid, concerning the charge of rebuilding the ſame, or concerning the Value of the Eſtate or Intereſt of the Parties ſo refuſing to build as aforeſaid, and what money ought to be paid or given for the ſame, by ſuch Re-builder after ſuch time and in manner as aforeſaid; that then the ſame ſhall be referred to the Surveyors to be appointed for the ſaid City for the time being, who, or any Two of them, ſhall and may upon their View, Adjudge, Eſtimate, and Determine the ſame Reſpectively: And in caſe the ſaid Parties, or either of them ſhall refuſe to ſubmit to ſuch the Judgment and Determination of the ſaid Surveyors, that then the ſaid Matters ſhall be referred to the Examination of the ſaid Mayor and Court of Aldermen, who ſhall hear and finally determine the ſame without further Appeal.

Difference about charge of building to be determined by the City Surveyors.

Party-walls.

And be it further Enacted and Declared, That where there were ſeveral Owners or others Intereſſed of, or in ſeveral Rooms, Stories, or other parts of any Houſe or Houſes, which ſhall or may obſtruct or hinder the making of the Party-Walls intire and upright, and that the Parties therein concerned, cannot, or will not come to an Agreement touching the ſame; that then it ſhall be referred to the ſaid Surveyors for the time being, or any two of them to decide the difference thereby ariſing (if they can) who ſhall and may order and appoint an indifferent exchange to be made betwixt the ſaid parties, dividing their Ground, Rooms, or Stories, or otherwiſe, as to them ſhall ſeem moſt meet and reaſonable, for accommodating of their ſeveral Intereſts or otherwiſe, ſhall and may award ſatisfaction to be given in Money to ſuch of the ſaid parties as there ſhall be cauſe, to the intent the Walls may be made upright according to the direction of the aforeſaid Act for Rebuilding; And in caſe the parties therein concerned, or either or any of them ſhall refuſe to ſubmit to ſuch the Order and Determination of the ſaid Surveyors, That then the ſaid matter ſhall be referred to the ſaid Mayor and Court of Aldermen, to hear and finally determine the ſame without further Appeal.

Holborn-bridge paſſage to be Enlarged.

And whereas the way or paſſage of Holbourn-bridge, is now too ſtraight and Incommodious for the many Carriages and Paſſengers daily uſing and frequenting the ſame, and is therefore neceſſary to be Enlarged; Be it therefore likewiſe enacted, That it ſhall and may be lawful for the ſaid Mayor, Aldermen, and Commons, ſo to Enlarge and make Wider the ſame, as that the ſaid Way and Paſſage may run in a Bevil Line, from a certain Timber-Houſe on the North-ſide thereof, commonly called or known by the Name or Sign of the Cock, unto the Front of the Buildings of a certain Inne called the Swan Inne, ſcituate on the North-ſide of Holbourn Hill as aforeſaid.

The dimenſion of Corner Peers.

And to prevent any Doubts that may hereafter ariſe, concerning Corner-Peers, and with what Materials the ſame ought to be made; Be it Enacted and Declared by the Authority aforeſaid, That all Corner-Peers of Stone or Brick hereafter to be erected, ſhall be of the Dimenſions of the Peers of Stone mentioned in the ſaid Act.

And that it be left to the Liberty of all and every the Builders of Corner-Houſes, to uſe a Subſtantial Poſt of Oak-Timber, to prevent the danger that may happen by Carts and Carriages, inſtead of the Corner-Peer of Brick or Stone, of ſuch Dimenſions and Scantlings as the Surveyours of the ſaid City ſhall direct or appoint; The ſaid Act or any thing therein contained to the contrary notwithſtanding.

Water from the tops of the Houſes to be carried down by the ſides in pipes.

And be it Enacted, That the water from the tops of all Houſes already built ſince the late Fire, and hereafter to be built and Fronting, or that ſhall Front upon any the Streets, Lanes, or Paſſages within the ſaid City and Liberties, ſhall be Carried and Conveyed into the Channels by Pipes and Party-pipes (as the caſe ſhall require) to be brought down on the ſides or Fronts of the ſaid Houſes.

Thames-ſtreet to be raiſed three foot at leaſt.

And whereas by the ſaid Act for the Rebuilding of the ſaid City of London, It is alſo enacted for the preventing of Inundations, and for eaſineſs of aſcent, That the Street called Thames-ſtreet, and all the Ground between the ſaid Street and the River of Thames ſhould be raiſed and made higher by three foot at the leaſt, above the ſurface of the Ground as then it lay; And alſo, that the Lord Mayor and Aldermen of London, ſhould and might open and enlarge a Street or Paſſage to the River of Thames from Cheapſide through Soaper Lane, and thence to Thames ſtreet, and thenceforth to the River of Thames, And from Three Cranes to the Thames aforeſaid, and to make the ſame Streets and Paſſages, Four and twenty Foot in Breadth. Now for prevention of any doubt that may ariſe touching the manner of Cutting the ſaid Streets and ordering the ſame; And to the end the ſaid Street called Thames-Street, and the Ground between the ſame and the River of Thames, may be raiſed according to the intent of the ſaid Act, and that other Streets and Paſſages leading to and from the ſame, may be anſwerable to their Levels thereunto, and that the ſteepneſs and difficulty of the riſing and aſſent from the ſaid River may with the more eaſe be abated; Be it enacted by the Authority aforeſaid, That the ſaid Streets or Paſſages from Cheapſide through Soaper lane to Thames-ſtreet, and thenceforth to the River of Thames, and alſo from the Three Cranes to the ſaid River, ſhall be and remain in ſuch manner and form as now they are; Any matter or thing to the contrary in any wiſe notwithſtanding.

The Enlarged paſſage from Cheapſide to the Thames, confirmed.

And all Owners, Occupiers, and all other perſon and perſons, any way intereſſed of or in any Grounds ſo ſtaked and ſet out for the cutting, opening, and enlarging, of the ſaid ſtreets, Lanes, or Paſſages, or any of them are hereby required to take notice thereof and to conform thereunto accordingly; And alſo, that the Levels and Marks for raiſing or ſinking, as well of the ſaid Street called Thames ſtreet, and the ground between the ſame and the River of Thames, as all other Streets in and about the ſaid city and Liberties thereof, in ſuch manner as the ſame are or ſhall be appointed to be done before the Twenty ninth day of September, One thouſand ſix hundred ſeventy one, by the commiſſioners of Sewers and pavements, appointed by act of Parliament, be henceforth obſerved, in all places within the ſame.

Provided neverthleſs, That where any Houſe or Houſes, for habitation have been built or were in Building within the ſaid city and Liberties thereof, on or before the Fourteenth day of May, in the year of our Lord, One thouſand ſix hundred ſixty and eight; at which time the ſaid Rules and Levels, for raiſing or ſinking of the ſaid Streets, were either not publiſhed, or not generally known; that it ſhall and may be lawful for the ſaid ſurveyors (who are hereby authorized and required ſo to do) with as little variation from the ſaid Rule as conveniently may be, ſo to alter the ſaid Levels or Marks or any of them, as that the ſaid Buildings ſo erected, may receive as little damage thereby as may be; And if the ſaid ſurveyors or either of them, upon requeſt and due notice to be given by the Owner or Occupier of ſuch Houſe, ſhall refuſe to do his and their duty herein, or the ſaid Owner or Occupier ſhall have any juſt exceptions to their Determination in the premiſes, That then and in ſuch caſe, it ſhall and may be lawful for the ſaid Owner or Occupier of ſuch Houſe, (ſo thereby grieved to appeal by his Petition in writing to the Lord Major and Court of Aldermen, who upon deliberate hearing of both ſides, ſhall Finally Determine ſuch Controverſie without further or other Appeal.

And whereas in and by the ſaid Act for Rebuilding of the ſaid City, It is further provided, That the Surveyors, by vertue of the ſaid Act appointed, and every of them within their ſeveral Precincts, ſhall take care for the equal ſetting out of all Party-Walls and Party-Peeres, and that they permit no perſon to Build either on the ſaid Party-Walls, or on his own contiguous Ground till the ſame be performed accordingly.

Now to the Intent that all Exaction in taking the ſaid Surveys, and that all Differences which may hereafter ariſe between any the ſaid Builders may be prevented; Be it Enacted, That no Builders be permitted by the ſaid Surveyors to lay his or their Foundations until the ſaid Surveyors or one of them according to the true intent of the ſaid Act have firſt beiwed the ſame, and ſeen the ſaid Party-Walls and peers equally ſet out accordingly, for the defraying whereof and all incident Charges of Meaſuring, Staking out, taking the level, and Surveying the ſaid Streets and Grounds.

Builders muſt pay to the Chamberlain of London 6 s. 8 d. before they lay their foundation.

Be it further enacted, That all and every the ſaid Builders before his or their Foundation ſhall be Laid, or ſuch Survey taken, ſhall repair to the Chamberlain of London, and there enter his Name, together with the Place where his ſaid Building is ſo to be ſet out, and pay down to the ſaid Chamberlain the ſum of Six ſhillings and eight pence for every Foundation ſo to be Built reſpectively, upon receipt whereof the ſaid Chamberlain ſhall give his Acquittance, which ſaid Acquittance being produced to the ſaid Surveyors or any of them, they and every of them are hereby Required within three days next after ſuch requeſt to Survey and ſet out all and every the ſaid foundations accordingly.

And be it further Enacted, That all and every the ſaid Builders who have at any time ſince the making of the ſaid Act for Rebuilding the ſaid City laid any Foundations to be Built upon, ſhall forthwith pay unto the Chamberlain aforeſaid for every the Foundations ſeverally erected to be inhabited the ſum of Six ſhillings and eight pence, unleſs the ſame hath been formerly paid; And in default thereof it ſhall and may be lawful, to and for the ſaid Chamberlain for the time being, by action of Debt to be Commenced in the Name of the ſaid Chamberlain, in the Kings Majeſties Court to be holden in the Chamber of the Guildhall of the ſaid City, before the Lord Mayor and Aldermen of the ſame City to recover the ſame, in which Action no Eſſoyn or Wager of Law ſhall be allowed.

Difference about the true Value of Party-Walls to be decided by the Alderman of the Ward, or elſe upon appeal by the Lord Mayor and Court of Aldermen.

And whereas it is provided in and by the ſaid Act, That all differences ariſing between any the Buiders within the ſaid City or Liberties thereof Concerning the Value of the Party-walls, and all Differences ariſing between the ſaid Builders, or any others concerning the placing or ſtopping up of any Lights, Windowes, Water-courſes or Gutters, which may hinder or Retard the ſaid Buildings ſhall and may be Heard, Mediated and Determined (if it may be) by the Alderman of the Ward, where the Cauſe of any ſuch Difference ſhall ariſe and His Deputy; and where the ſaid Alderman and his Deputy, or any of them be concerned as Parties in the Controverſies, or that they cannot Determine the ſaid Differences, That then and in every ſuch caſe the ſame be certified by the ſaid Alderman or his deputy concerned therein to the ſaid Mayor and Court of Aldermen, who upon deliberate hearing of all Parties ſhall finally Determine the ſame without other Appeal. Nevertheleſs in the ſaid Act there is no certain penalty provided for ſuch as ſhall obſtinately refuſe to obey the ſaid Determination.

Penalties for Irregular Buildings.

Now to the end there may be a due Obedience yielded to ſuch Determinations, as have been or ſhall be made in any of the caſes laſt mentioned, and in all other caſes hereby left to the Final Determination of the ſaid Mayor and Court of Aldermen; Be it enacted by the Authority aforeſaid, That all and every Party and Parties any way concerned, to give obedience to any ſuch Determinrtion as aforeſaid ſhall Obey and Perform the ſame, under ſuch pains and penalties as by the ſaid Act are or may be inflicted upon the Builder or Levyer of any Irregular built-houſe, contrary to the meaning of the ſame late Act.

And be it further enacted, That all Differences which ſhall or may ariſe concerning the miſplacing, ſtraightning, or ſtopping up, or any wayes obſtructing any common or private Entries, Allyes, Wayes, Stairs, Landing-places, or Paſſages, Houſes of Office, Tunnels, Draughts and other Eaſements heretsfore uſed, and enjoyed within the ſaid City of London, or the Liberties thereof, ſhall and may by vertue of this Act be heard, mediated and determined (if it may be) by the Alderman of the Ward where the Cauſe of any ſuch Difference ſhall Ariſe, and his Deputy. And where the ſaid Alderman and his Deputy, or one of them be concerned as Parties in the ſaid Controverſie, or that they cannot Determine the ſame Differences, That theu upon complaint of the party or parties concerned, to the ſaid Mayor and Court of Aldermen, they ſhall hear and finally determine the ſame in ſuch manner as by the aforeſaid Act for the Rebuilding of the ſaid City of London, is appointed in caſe of differences concerning placing and ſtopping of Lights, Windows, and Watercourſes; And all parties concerned are hereby required to obey and ſubmit to ſuch their Determination, under ſuch and the like Penalties as by the aforeſaid Act, are or may be inflicted upon ſuch irregular Builders as aforeſaid: And that all ſuch Obſtructions, as well where any Lights, Windows, Watercourſes, or Gutters are, or ſhall be hindred and ſtopped up, as whereby any common or private Allyes, Entryes, Wayes, Stairs, Landing places, or paſſages, are or ſhall be ſtopped up, ſtraightned or miſplaced as aforeſaid, ſhall and may by order of the ſaid Mayor and Court of Aldermen be abated and removed by vertue of this Act.

Rates for Wharfage and Cranage to be aſſeſſed by his Majeſty and Privy-Council.

And foraſmuch as great Exactions have been and are exerciſed by Wharfingers and others imployed about the Wharfage and Cranage of Goods Landed or Shipped off, at or from the ſaid City of London: For remedy thereof, Be it enacted, That ſuch Rates and no other ſhall from time to time be taken for Wharfage and Cranage, as well of Timber and other Materials for Building, as of Coles and other Goods and Merchandizes, as by his ſaid Majeſty with the Advice of his Privy-Council, ſhall for that purpoſe be aſſeſſed and allowed ts be taken, a Table of which Rates ſhall be hanged up at every of the ſaid Wharfs reſpectively,

reſpectively; And if any Wharfinger or other ſhall exact or demand, directly or indirectly, take or receive for Wharfage or Cranage, or by colour thereof, more then according to the Rates which ſhall be ſo aſſeſſed, or ſhall refuſe to ſuffer any Goods or Merchandize to be Landed or Shipped at, or from any Wharf or Wharfs within the ſaid City or the Liberties thereof at the Rates aforeſaid, ſuch Offender ſhall forfeit for every ſuch Offence the ſum of Ten pounds to the Party or Parties thereby grieved, to be recovered with full coſts of Suit, by Action of Debt, Bill, Plaint or Information, in any of his Majeſties Courts of Record at Weſtminſter, or within the ſaid City of London, as the cauſe ſhall ariſe, wherein no Eſſoyn, Protection, or Wager of Law ſhall be allowed, nor any more then one Imparlance.

19 Car. 2. 7. revived, with an additional authority to the Judges.

And whereas the aforeſaid Act for Erecting a Judicature for determination of Differences touching Houſes Burned or Demoliſhed by the reaſon of the late Fire which happened in London, is expired; And for that there were many Cauſes brought before the ſaid Judicature, which are yet undetermined, and divers other Cauſes proper to receive a determination before the ſaid Juſtices and Barons, which they found not to be within the Authority given them by the aforeſaid Act; And that many more differences do and may ariſe, which could not be heard and determined within the time Limited by the ſaid Act: And for a further and additional Authority to the ſaid Juſtices and Barons, to hear and determine all the aforeſaid differences, and for a more eaſie Execution of the ſaid Authority, It is hereby further enacted and declared, That the ſame Act, and the Judicature thereby Erected, and all and every the Powers and Authorities thereby given to the Juſtices of the Court of Kings Bench, and Common Pleas, and Barons of the Coif of the Exchequer for the time being, or any three or more of them, and all other matters and things therein contained, ſhall from henceforth ſtand and be revived, and remain in full force until the Twenty ninth day of September, One thouſand ſix hundred ſeventy one; Any clauſe, matter or thing in the ſaid Act contained to the contrary notwithſtanding.

No term to exceed ſixty years.

Provided always, and be it Enacted, That the term of forty years ſhall not be added to any Eſtate for life, or term of years in being, ſo as thereby to make the whole term exceed the number of ſixty years by any Decree hereafter to be made, by vertue of this or the ſaid former Act.

Complaints to be exhibited before the 29. of Sept. 1670.

Provided alwayes, And it is hereby declared, That the ſaid Judges and Barons of the reſpective Courts aforeſaid, or any of them, ſhall not take Cognizance of, nor proceed to hear or determine any differences or demands, which have ariſen or may in any wiſe ariſe between any Land-Lords, proprietors, Tenants, Leſſees, Under-Tenants, or late Occupiers of any the ſaid Houſes, or Buildings, or any other matter or things, by the aforeſaid Act in that behalf made, referred to the determination of the ſaid Judicature, upon any Complaint or requeſt, unleſs the ſame ſhall be exhibited or depending before the ſaid Judicature, at or before the Twenty ninth day of September, One thouſand ſix hundred and ſeventy: And that in all ſuch caſes, where no complaint or requeſt ſhall before that time be exhibited or depending before the ſaid Judges and Barons, it ſhall and may be lawful to and for all Land-Lords and proprietors, from and after the ſaid Twenty ninth day of September, One thouſand ſix hundred & ſeventy, to re-enter upon the Ground or Soyl to be Rebuilt upon, and to avoid the Intereſt and Term as well of the Tenants in poſſeſſion, as of all other Mean-Tenants, and to Rebuild thereupon, whereby to preſerve his or their Eſtate or Intereſt therein from being Sold by the ſaid Mayor, Aldermen, and Common-Councel by vertue of the ſaid late Act for Rebuilding the City of London.

Leſſees omitting to build loſe their term.

And whereas, divers Leſſees for years having Terms to come, at the time of the ſaid fire have omitted to rebuild; And their Land-Lords for ſaving their Inheritances from forfeiture, have Rebuilt or begun to Rebuild Houſes thereupon, and many of them have let the ſame to other Tenants, who with their Trades and Families are ſetled therein: To the end the ſaid Rebuilders and their Aſſigns, may not be diſquieted in their poſſeſſions; Be it Enacted, That where any Termer for years to come at the time of the ſaid Fire hath ſo omitted to Rebuild, and the Landlord or his Aſſignee or Aſſignees hath Rebuilt, or begun to Rebuild, that the Leaſes of ſuch Termors who have ommitted to rebuild, be from henceforth abſolutely void; Nevertheleſs the ſaid Judges are hereby authorized to Award ſuch Contribution or Recompence to the ſaid Termors as they ſhall think fit.

Decrees ſigned by two Judges, effectual in ſome caſes.

And be it further Enacted by the Authority aforeſaid, That if after any Order, Judgment or Decree hath been or hereafter ſhall be pronounced by any three or more of the ſaid Juſtices or Barons, any one or more of the ſaid Juſtices or Barons ſo pronouncing the ſame, are already dead, or ſhall die before ſuch order, Judgment or Decree ſhall be Signed according to the ſaid recited act, the Signing thereof by the Survivor or Survivors of the ſaid Juſtices and Barons, ſhall be as good and effectual to all intents and purpoſes, as if the ſame were Signed by three or more of the ſaid Juſtices and Barons; any thing in the ſaid recited act contained to the contrary thereof nowithſtanding.

Abſent perſons or beyond Sea.

And be it enacted by the Authority aforeſaid, That where any perſon or perſons concerned in any of the demoliſhed premiſſes is or ſhall be beyond the Seas, or cannot be found or ſummoned to appear in the ſaid Court, that upon the complaint or petition of the party agrieved, Filed in the ſaid Court for the ſpace of three moneths or more, and Oath in writing made of the endeavour to ſummon ſuch abſent perſon or perſons, That then the ſaid Court ſhall or may after the end of the ſaid three Moneths proceed to hear and determine the ſaid cauſe: And that ſuch Order, Judgment or Decree as the ſaid Juſtices and Barons, or any three or more of them ſhall make in ſuch caſe, ſhall be binding to ſuch abſent perſon or perſons, their Heirs, Executors, Adminiſtrators and Aſſigns, as if he or they were actually ſummoned, and preſent at the making ſuch Decree.

And alſo be it enacted by the authority aforeſaid, That for the avoiding difficulties in the

recovering

Leaſes to be made according to Decree of the ſaid Judicature, good.

recovering of Rents, and for the aſcertaining of Covenants, Terms and Conditions, ordered to be Ordered or Decreed according to this, or the ſaid recited Act; All and every perſon and perſons, Bodies Politique and Corporate reſpectively bound by ſuch Order or Decree, their reſpective Heirs, Succeſſors and Aſſignes, ſhall and may execute Leaſes and Counterparts thereof, according to the tenor of the ſaid Orders and Decrees, and they are thereunto required by vertue of this preſent Act: All which Leaſes ſhall be binding and good in Law; any Law, Statute or Inability whatſoever to the contrary notwithſtanding. And that where Leaſes in Reverſion or additional terms are or ſhall be Ordered or Decreed by force of this, or the ſaid recited Act, the reſpective Parties concerned ſhall or may at their pleaſure unite and joyn together, both the preſent and additional terms into one Leaſe, which ſhall be good and effectual againſt the Leſſors, their Heirs, Executors, Succeſſors and Aſſigns; any Law, Statute, Uſage or Cuſtom whatſoever to the contrary thereof notwithſtanding.

Juſtices and Barons may appoint a ſeal.

And be it Enacted by the authority aforeſaid, That the ſaid Juſtices and Barons, or the greater number of them, ſhall or may appoint a Seal to be and remain with the Regiſter of the ſaid Court for the ſealing of all Warrants, and that all ſuch Warrants which ſhall be ſealed with the ſaid Seal, and ſigned by the ſaid Regiſter for the ſummoning or warning any perſons Bodies politique and corporate, concerned in the late demoliſhed Houſes and Premiſſes, or witneſſes, ſhall oblige them to appear according to the tenour of ſuch Warrants; any thing in the ſaid former Act to the contrary thereof notwithſtanding.

Infants, how Decrees may be made againſt them.

And be it Enacted by the authority aforeſaid, That where the Inheritance or other Eſtate, of or in any of the ſaid Houſes or Premiſes, are or ſhall be in any Infant or Infants under the age of One and twenty years, or in any Truſtees for them, or any of them; It ſhall be in the Power of the ſaid Juſtices and Barons, or any Three or more of them, upon the Petition of the Father, Mother, or next of kin, or other friend to ſuch Infant or Infants, to Order or Decree a Leaſe or Leaſes againſt ſuch Infant or Infants, and their Truſtees, for any term or terms of years, not exceeding Fifty one years in the whole, to ſuch Father, Mother, or other perſon that ſhall or will undertake the rebuilding of ſuch Houſes, at and under ſuch Rent or Rents, and under ſuch Covenants, Conditions and Agreements, as they the ſaid Juſtices and Barons, or any Three or more of them ſhall think fit and adjudge; Which ſaid Leaſes and Terms ſo decreed, ſhall and may be held and enjoyed accordingly, by vertue of this preſent Act; And that ſuch Infant or Infants, upon requeſt, after they ſhall attain to their reſpective ages of one and twenty years; And in caſe of the death of ſuch Infant or Infants, his and their Heirs, Executors or Adminiſtrators, ſhall, and are hereby required to execute ſuch Leaſes accordingly, and the reſpective Tenants the Counter-parts thereof.

For encouragement of Builders termes ordered by Decrees of the Judges ſhall be accordingly enjoyed.

And be it Enacted by the authority aforeſaid, That for the encouragement of Builders, and ſecuring their Eſtates, every Order, Judgment and Decree that hath been, or ſhall hereafter be made by the ſaid Juſtices and Barons, or any Three or more of them, by force of this, or the ſaid recited Act, touching the Intereſts and Eſtates of Tenants in Tail, ſhall conclude and bind as well Tenants in Tail and their Iſſues, as alſo the eſtates in Remainder and Reverſion, according to the tenour of ſuch Order, Judgment or Decree.

And for better ſecuring the eſtates of the ſaid Builders, Be it further enacted by the authority aforeſaid, That all and every perſon and perſons, and their Executors, Adminiſtrators and Aſſigns, who are or ſhall be Decreed by the ſaid Judicature, to build any Meſſuages or Tenements, or any the ſaid demoliſhed Premiſes, upon any term or eſtates, rendring an annual Rent, have, or ſhall build the ſame accordingly, ſhall hold and enjoy ſuch their ſeveral and reſpective terms and eſtates, under the Rents and Covenants Decreed, notwithſtanding any other Eſtate, Right, Title, Intereſt in Law or Equity, Truſt, Charge, or other Incumbrance whatſoever.

Actions may be brought to enforce the performance of the Judges Decrees.

And for the better obliging of all perſons to the performance of the Orders and Decrees made or to be made by the ſaid Judicature; Be it enacted by the authority aforeſaid, That where any perſon or perſons are or ſhall be ordered or decreed to pay any Rate, Contribution, Sum or Sums of Money, in purſuance of this, or the ſaid recited Act, for erecting the ſaid Judicature, It ſhall be lawful for the parties concerned, upon non-payment thereof, to ſue for and recover the ſame by Action of Debt, or upon the Caſe, in any of his Majeſties Courts of Record at Weſtminſter, or within the City of London, and to give ſuch Order or Decree in Evidence to prove the ſame; In which Action, no Eſſoine, Protection, or Wager of Law ſhall be allowed. And where any perſon or perſons are or ſhall be ordered, adjudged or decreed to build, ſeal a Leaſe, give ſecurity, or do any other Act in purſuance of this or the aforeſaid Act, It ſhall and may be lawful for the party or parties concerned, in default of performance thereof by action upon his Caſe, to be brought in any of his ſaid Majeſties Courts of Record aforeſaid, to recover Damages for ſuch Non-performance, or to have or bring his Bill in any Court of equity, to inforce the actual performance of the ſame.

Adminiſter Oaths.

And be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid Juſtices and Barons, or any of them, out of Court to adminiſter Oaths, and take Affidavits in writing, concerning any matter relating to the proceedings in the ſaid Judicature, which Affidavits ſhall or may be made uſe of in Court, as the ſaid Juſtices and Barons, or any Three or more of them ſhall think fit.

And whereas ſome Orders and Decrees in the late Court of Judicature, erected by the late Act of Parliament, touching the Houſes burnt in London, were made the ſame week that the Power of the ſaid Court of Judicature determined, whereby the parties concerned, had not the ſame time and liberty of exception and appeal as others had; Be it therefore provided & enacted by this preſent Parliament, and the authority thereof, That where any ſuch Order or Decree was made by a leſſer number of Juſtices and Barons then Seven, if the ſaid Order or Decree were made ſince the One and twentieth day of December, in the year of our Lord, One thouſand ſix hundred ſixty and eight, It ſhall be lawful for any perſons agrieved by ſuch Order or Decree, to preſent their exceptions to the ſame in writing, within Seven dayes next after the firſt ſitting of the ſaid Juſtices and Barons, by vertue of this preſent Act: And that the ſame Examination, Proceedings, Review and Determination, ſhall be thereupon had and made, and as effectually to all intents, as if the ſaid exceptions had been preſented within the due time limited and appointed by the ſaid late Act of Parliament; any thing in this or the ſaid late Act of Parliament to the contrary in any wiſe notwithſtanding.

Appeals allowed, and in what caſes.

And whereas there were ſeveral Houſes in the City of London conſumed by Fire within three years next before the ſaid late dreadful Fire, which by reaſon of ſome Differences and Doubts ariſing in point of Title, the ſame were not, nor are likely to be rebuilt, unleſs ſome courſe be taken for the deciding of ſuch Differences: For remedy whereof, Be it further enacted by the authority aforeſaid, That the ſaid Judges and Barons, or any three or more of them, be and are hereby authorized and impowred, to hear and determine all ſuch Caſes for all ſuch Houſes and Tenements as fully and amply, and in like manner to all Intents and Purpoſes, as they can or may hear and determine any other matter herein mentioned: And all Decrees and Orders in ſuch Caſes to be made ſhall bind, and be obeyed by all Parties therein concerned, and ſhall be of like effect, as if the ſame were made for any other matter or thing herein mentioned.

Further power given to the Judges.

And whereas by reaſon of inlarging ſeveral Streets, and of making the new Streets called Kings-ſtreet, leading from Guild-Hall into Cheapſide, and Queen-ſtreet leading from Soaper-lane, to the River of Thames, there are diverſe ſlips and ſmall parcels of ground, remaining altogether uſeleſs to the Owners thereof, in regard the ſame are not capable of any Houſe being built thereupon: It is therefore hereby further provided and enacted, That for the making the ſaid Streets and Buildings conformable, and for the better determining of all Controverſies, concerning the ſame, that the ſaid Judges and Barons or any three or more of them be and are hereby authoriſed and impowred to hear and determine all Controverſies and Differences ariſing by reaſon or occaſion thereof, in like manner as they can or may hear or determine any other Matter or Cauſe referred to their Judgment, by vertue of this or the aforeſaid Act for erecting the ſaid Judicature, and may make ſuch Orders and Decrees, either for transferring the propriety of ſuch parcels of Ground left next the ſaid Streets to the Owners of the backward ground, or by transferring the propriety of a proportion of the backward ground to the Owners of any the ſaid ſmall parcels of Ground, or by annexing it to the next adjoyning and contiguous Ground, in order to the regular Building thereupon; And for all ſuch parcels of Ground, the propriety whereof ſhall be ſo transferred by ſuch Order or Decree of the ſaid Juſtices and Barons, or any three or more of them, as aforeſaid, and for all Charges and Damages concerning the ſame, ſuch recompence and ſatisfaction ſhall be given by the Builders to the reſpective Proprietors and others intereſſed therein, as ſhall be awarded by a Jury for that purpoſe, to be impannelled by the Lord Mayor and Court of Aldermen in like manner, as by the aforeſaid Act for rebuilding the ſaid City of London is appointed in caſe of ſatisfaction to be given for grounds taken & imployed for the uſes in that Act mentioned, in caſe the Parties concerned will not, or by reaſon of Infancy, or other impediment cannot come to agreement touching the ſame; Which Orders and Decrees in that behalf to be made, ſhall bind all Parties therein concerned, their Heirs, Executors, Adminiſtrators, Succeſſors & Aſſigns, and ſhall be of like effect as other Decrees made by the ſaid Juſtices and Barons, or any three or more of them, by vertue of this or the aforeſaid Act, to the intent that the building thereupon may extend to the ſaid Streets, in a right line with other Houſes there built, and the Owners and others intereſſed of and in the ſaid adjacent and contiguous Grounds, paying to the Owners and others intereſſed, of and in the ſaid ſmall ſlips and parcels of Ground ſatisfaction as ſhall be ordered and awarded by the ſaid Juſtices and Barons, or any three or more of them, upon hearing of the Parties concerned (who are hereby authorized and impowred to hear and determine the ſame, and therein to make ſuch Orders and Decrees as in other Cauſes referred to their Judgment and Determination by this or the aforeſaid Act) ſhall and may for ever hold and enjoy the ſame by vertue of this preſent Act.

A Jury.

And whereas, for the further enabling of the ſaid Mayor and Commonalty, and Citizens of the ſaid City of London, and their Succeſſors, to perform and accompliſh the Works in the ſaid Act, for rebuilding the ſaid City mentioned; It was thereby Enacted, That for all ſorts of Coles, which from and after the Twenty fourth day of June, One thouſand ſix hundred ſixty ſeven, and before the Twenty fourth day of June, One thouſand ſix hundred ſeventy ſeven, ſhould be brought into the Port of London, or River of Thames, within the Liberties of the ſaid City, upon the ſame River to be ſold, there ſhould be paid by way of Importation thereupon for every Chaldron or Tun of Coles, the ſum of Twelve pence, to be anſwered to the ſaid Mayor and Commonalty, Citizens, and their Deputies and Aſſigns, and to be applied and diſpoſed unto and for the ſatisfaction of ſuch perſons, whoſe Grounds ſhould, by vertue and in purſuance of the ſaid Act, be taken and imployed for the inlarging of the Streets and narrow Paſſages within the ſaid City, and other uſes and purpoſes in the ſaid Act mentioned: But foraſmuch as it doth and will require far greater ſums of Money to give ſatisfaction for the Ground to be taken and imployed for the enlarging of the Streets, by this and the aforeſaid Act appointed to be enlarged, and for publick Market-places, and other the publick uſes and purpoſes in this Act mentioned, then at the time of the paſſing of the ſaid Act, was or could be foreſeen; Therefore for the further enabling of the ſaid Mayor, Commonalty, and Citizens of the ſaid City, and their Succeſſors, to perform the Works in this and the ſaid Act for rebuilding, mentioned: And alſo for the rebuilding of the reſpective Pariſh-Churches by this Act appointed to be rebuilt; Be it Enacted by the authority aforeſaid, That for all ſorts of Coles which (from and after the Firſt day of May, One thou-

An Impoſition on Sea-coles and all other Coles to be received by the Mayor, &c. and imployed for inlarging the Streets, and other publick Works from the firſt of May, 1670. to 29. Sep. 1687.

ſand ſix hundred and ſeventy, and before the Twenty ninth day of September, which ſhall be in the year of our Lord, One thouſand ſix hundred eighty ſeven) ſhall be Imported and brought into the ſaid Port of the City of London, or the River of Thames, within the Liberties of the ſaid City, upon the ſame River, there ſhall be paid, by way of Impoſition thereupon, according to the Rates hereafter mentioned, (that is to ſay) for all ſuch Coles as ſhall be there Imported and brought in, from and after the ſaid Firſt day of May, One thouſand ſix hundred and ſeventy, and before the Twenty fourth day of June, One thouſand ſix hundred ſeventy ſeven, there ſhall be paid for every Chaldron or Tun thereof, Two ſhillings, over and beſide the aforeſaid Impoſition of Twelve pence the Chaldron or Tun, by the ſaid Act for the rebuilding the City of London, appointed to be paid; And for all ſuch Coles which ſhall be there Imported and brought in from and after the ſaid four and Twentieth day of June, One thouſand ſix hundred ſeventy ſeven, and before the ſaid Twenty ninth day of September, One thouſand ſix hundred eighty ſeven, there ſhall be paid for every Chaldron or Tun thereof, Three ſhillings, and the ſame ſhall by vertue of this Act, be collected, levyed and paid in ſuch ſort and manner, in all and every reſpect, as in and by the ſaid Act is limited and appointed for the collecting and levying the Duty of Twelve pence the Chaldron or Tun of Coles, impoſed by the ſaid Act, and all and every the Powers, Authorities, Directions and Proviſions, in or by the ſaid Act mentioned or provided, for the levying and collecting thereof, or for the ordering or regulating the Payments of the ſaid Cole-meters, or others in the diſcharge of their reſpective Offices and Duties, or for the preventing of Fraud and Covin, and diſcovery of the juſt Quantities of all ſorts of Coles to be imported, as aforeſaid, and all other things relating thereunto, ſhall remain and be in force, and by vertue of this preſent Act, ſhall and may be exerciſed and put in Ure, for the collecting and levying the ſeveral duties aforeſaid, and of either of them reſpectively, according to the Purport and Effect of the aforeſaid Act in all and every reſpect: And that for and during all the time by this Act limited and appointed for the payment of the ſaid Impoſitions, or either of them reſpectively, as if the ſame were expreſly mentioned in this preſent Act, with reference to the ſaid Impoſitions thereby impoſed; All which Moneys ſo to be received upon accompt of the ſaid reſpective Impoſitions, or either of them, ſhall from time to time be paid into the Receipt of the Chamber of the City of London, and from thence ſhall be iſſued and paid according to the direction and appointment of this preſent Act, and not otherwiſe. And the ſaid Chamber of the City of London ſhall ſtand and be charged with all the reſidue of the ſaid Mones there paid in, which ſhall not be iſſued out and paid accordingly.

Rules and Authorities for collecting the ſaid Impoſitions.

How the money received by means of the ſeveral impoſitions ſhall be diſpoſed.

And be it further Enacted, That all and every Sum and Sums of Money which ſhall be raiſed upon the Receipt of the ſeveral and reſpective Impoſitions aforeſaid, or by ſuch additional Duty, in caſe of concealment thereof, as by the aforeſaid Act is appointed, ſhall be imployed and diſpoſed in manner and form following, (that is to ſay) Three fourth parts of all the Moneys which from and after the ſaid Firſt day of May, One thouſand ſix hundred ſeventy, and before the ſaid Twenty fourth day of June, One thouſand ſix hundred ſeventy and ſeven, ſhall be raiſed or payable upon the Receipt of the aforeſaid Impoſition of Two ſhillings for every Chaldron or Tun of Coles, or in caſe of concealment thereof as aforeſaid, ſhall be imployed and diſpoſed for and towards the rebuilding, erecting or repairing of the ſaid Pariſh Churches reſpectively, accordingly to ſuch order and direction as by the Lord Archbiſhop of Canterbury, the Lord Biſhop, and Lord Mayor of London for the time being, or any two of them, ſhall be given in that behalf, and the ſame ſhall from time to time be iſſued out and paid accordingly, unto ſuch Perſon and Perſons, as they, or any two of them, ſhall by Warrant under their Hands and Seals for that purpoſe, Direct and Appoint: And the other fourth part, reſidue thereof, ſhall be imployed for and towards the giving ſatisfaction for Grounds ſet out and imployed for inlargeing of the Streets, making of Wharfs, Keys, Publique-Market-places, and other Publique Uſes, in this and the aforeſaid Act mentioned and appointed: And that one Moyety of all the Moneys which from and after the ſaid Twenty fourth day of June, One thouſand ſix hundred ſeventy and ſeven, ſhall be raiſed, or payable upon the aforeſaid Impoſition of Three ſhillings the Chaldron or Tun of Coles, or in caſe of concealment thereof as aforeſaid, ſhall be imployed and diſpoſed for and towards the Rebuilding, Erecting and repairing of the ſaid reſpective Pariſh-Churches, by ſuch Order and Direction, and to be iſſued and paid by ſuch Warrant of the ſaid Lord Arch-Biſhop of Canterbury, Lord Biſhop and Lord Mayor of London for the time being as aforeſaid: and the other Moyety thereof ſhall from time to time be imployed and diſpoſed for the giving of ſatisfaction for Ground ſet out and imployed as aforeſaid, and ſuch other publique Uſes and Purpoſes as in this and aforeſaid Act are mentioned and appointed.

Ten ſhillings out of every hundred pounds to be defaulked for the Mayor, &c.

And be it further Enacted and Declared by the authority aforeſaid, That for all Moneys ariſing upon the Receipt of the ſeveral Impoſitions aforeſaid, or either of them reſpectively, which in purſuance of this Act ſhall be paid into the Chamber of the City of London; It ſhall and may be lawful for the Chamberlain, or ſuch other perſon or perſons, who ſhall be appointed to iſſue out and pay the ſame, thereout to defaulk and retain for the uſe of the ſaid Mayor and Commonalty and Citizens of the ſaid City, and their Succeſſors, the ſum of Ten ſhillings for every hundred pounds, and ſo after that rate for any greater or leſſer ſum thereof in lieu of the trouble, hazard, and incident Charges attending the Receipt and payment thereof.

One fourth part of the whole may be imployed in the repair of St. Pauls Church.

Provided alwayes, and be it Enacted, That it ſhall and may be lawful for the Lord Arch-Biſhop of Canterbury, the Lord Biſhop of London and Lord Mayor of London, for time being, or any two of them as aforeſaid, to imploy or diſpoſe, for and towards the building repairing the Cathedral Church of Saint Paul, One fourth part of the Money by this Act given and appointed for the building, erecting or repairing the Pariſh-Churches aforeſaid.

And foraſmuch as the Moneys to be raiſed by ſuch Receipt of the Impoſitions aforeſaid, for every Chaldron or Tun of Coles, by vertue of this and the aforeſaid Act, will not at preſent raiſe ſuch a Stock or Sum of Money as may be ſufficient for the effecting the ends and purpoſes in this and the aforeſaid Act mentioned and intended.

It is hereby further Enacted and Declared, That the Lord Archbiſhop of Canterbury, the Lord Biſhop of London, and Lord Mayor of London, for the time being, ſhall be and are hereby impowred by Indenture under their Hands and Seals, to Engage the Profits ariſing of the reſpective Impoſitions, by this Act impoſed, and thereby appointed to be imployed for and towards the Rebuilding, and Erecting, or Repairing, of the Cathedral and Pariſh-Churches within the ſaid City reſpectively, or any part or parts thereof, as a Security for any Sum or Sums of Money by them to be borrowed for that purpoſe, to any perſon or perſons that ſhall or will advance any Sums of Money upon that Security; All which Moneys ſo to be borrowed, ſhall be imployed for and towards the Rebuilding and Erecting or Repairing of the ſaid Cathedral and Pariſh-Churches reſpectively according to the true intent and meaning of this Act. And in like manner alſo, are hereby further impowred to aſſign ſuch proportion or proportions of the Moneys to be paid in courſe, out of the ſaid Impoſitions to the Pariſhioners of any of the reſpective Pariſh-Churches, or any other perſon or perſons, who ſhall and will ſecure the advancement of preſent Moneys, for the Rebuilding of their reſpective Pariſh-Churches, and ſhall be willing to accept of ſuch Aſſignments for his or their ſatisfaction of the Moneys to be diſburſed and laid out in the Rebuilding thereof; And that the ſaid Mayor, Commonalty, and Citizens of the City of London, and their Succeſſors, ſhall be and are hereby enabled to engage the reſidue of the profits ariſing of the ſaid Importation, either by vertue of this or the aforeſaid Act reſpectively, as a Security for any Sum or Sums of Money by them to be borrowed and taken up for that purpoſe by Indenture under their Common-Seal, to any perſon or perſons that ſhall or will upon that Security, advance any preſent Sum or Sums of Money; All which ſum or ſums of money ſo to be borrowed, ſhall be imployed for and towards the making of ſuch ſatisfaction, and other the uſes, intents and purpoſes whereunto the ſaid reſpective Impoſitions are by this and the aforeſaid Act appointed to be converted and imployed, and not otherwiſe: And alſo in like manner ſhall and may aſſign any Sum or Sums of Money to be paid in courſe out of the ſaid Impoſition, to any perſon or perſons whoſe Grounds ſhall be taken as aforeſaid, who are or ſhall be willing to accept thereof for his or their ſatisfaction.

The Profits ariſing from the impoſitions may be engaged to raiſe a preſent ſtock of money.

And be it further Enacted by the authority aforeſaid, That for the better benefit and accommodation of Trade, and for other great Conveniences, there ſhall be left a continued Tract of Ground, all along from London-Bridge to the Temple, of the breadth of Fourty Foot of Aſſize, from the North-ſide of the River of Thames to be converted to a Key, or publick and open Wharf; and that in order thereunto, all Buildings, Sheds, Pales, Walls, Incloſures; and other obſtructions and impediments whatſoever, now ſtanding or being within Forty Foot Northward of the ſaid River of Thames, between the places aforeſaid, (Cranes, Stairs and Docks only excepted) ſhall within Eight Moneths now next enſuing, be taken down and removed, and the ſaid Ground Cleared and Levelled, and that from henceforth there ſhall be no Building or Erection whatſoever (except onely Cranes, Stairs and Docks, as aforeſaid) placed or ſet within, or upon the ſaid Fourty Foot of Ground, or any part thereof, between the places aforeſaid. And that all Buildings that ſhall hereafter immediately border upon any part of the ſaid Ground, upon the North-ſide thereof, ſhall Front and be placed in the Line that ſhall be ſet out for the Bounds of the Breadth of the ſaid Forty foot of Ground Northward. And that the ſame Building ſhall be of the Second or Third Sort or Rate of Buildings mentioned in a former Act of this preſent Parliament, Entituled, An Act for the Rebuilding of the City of London, at the Election of the Rebuilder thereof; wherein ſuch Regularity of Building ſhall be obſerved, and under ſuch Penalties as are contained in the ſaid Act in that behalf, and wherein ſuch Uniformity ſhall be had, as in other Streets of the ſaid City, except Common-Halls for Companies; and other Buildings, which ſhall be otherwiſe allowed of by his Majeſty.

A new Key or Wharf to be made from London-Bridge to the Temple Forty Foot broad.

19 Car. 2. cap. 8.

And be it further Enacted, That all the ſaid Tract of Ground of the ſaid breadth of Forty Foot from the ſaid River, ſhall be open and at large, without any Diviſion or Separation, and that the Bounds of each Proprietors Ground therein, ſhall be diſtinguiſhed onely by Denter-ſtones to be placed in the Pavement thereof; And that the Line of the whole Key or Wharf, between the places aforeſaid, and alſo the ſeveral Cranes and Stairs within the ſame places, ſhall be aſcertained by the Direction of the Lord Mayor and Court of Aldermen, and ſet out by their Surveyor accordingly, with his Majeſties Approbation, on or before the Four and twentieth day of June, One thouſand ſix hundred and ſeventy; And further, That no Lighter, Boats, or other Veſſels ſhall lie before any the ſaid Wharfs or Keys between the places aforeſaid, on the North-ſide of the ſaid River, longer then ſhall be neceſſary for the Lading or Unlading of Goods, without the conſent and permiſſion of the Wharfingers or Proprietors thereof.

And be it further Enacted and Declared, That it ſhall and may be lawful for any perſon or perſons to Lade or Unlade any Goods or Merchandiſes at any of the ſaid Wharfs or Keys for Wharfage and Craneage, whereof every Proprietor, Wharfinger, or other perſon concerned, ſhall and may demand and receive ſuch Rates, and no other, for the ſame, as ſhall from time to time be ſet out and appointed by his Majeſty, with the Advice of his Privy Council.

And be it further Enacted by the authority aforeſaid, That for the further convenience of Trade, the Channel of Bridewell-dock, from the Channel of the River of Thames to Holbourn-ridge, ſhall be ſunk to a ſufficient Level, whereby to make it Navigable; and that the

The Channel of Bridewell-Dock from the Thames to Holborn-Bridge to be made Navigable.

Ground to be ſet out for the breadth of the ſaid Channel, and of the Wharfs on each ſide thereof, ſhall not be leſs in Breadth then One hundred foot; nor ſhall exceed One hundred and twenty foot in breadth: And that the Line of the ſaid Channel and Wharfs and Levels thereof, together with the Cranes and Stairs to be placed thereon, ſhall be aſcertained by the ſaid Lord Mayor and Court of Aldermen, with his Majeſties approbation, and ſet out by the Surveyors accordingly, at or before the Firſt day of May next enſuing; And that all the ſaid Wharf-ground on each ſide of the ſaid intended River ſhall lie open and at large (Cranes and Stairs only excepted) without any Diviſion or Separation, and each perſons propriety therein to be diſtinguiſhed onely by Denter-ſtones in the Pavement thereof; And that all Buildings that ſhall hereafter immediately border upon each ſide of the ſaid Wharfs ſhall Front and be placed in the Line that ſhall be ſet out for the Bounds of the Breadth of the Wharfs from the Channel; And that the ſaid Buildings ſhall be of the ſecond rate of Buildings mentioned in the ſaid Act for Rebuilding, wherein ſuch Regularity of Building ſhall be obſerved, and under ſuch penalties as are contained in the ſaid Act; And that no Lighter, Boat or Veſſel ſhall lie before any the ſaid laſt mentioned Wharfs or Keys, longer then ſhall be neceſſary for the Lading or Unlading of Goods, without the conſent or permiſſion of the Wharfingers or Proprietors thereof, and that it ſhall and may be lawful for any perſon or perſons to land any Goods or Merchandizes at any of the ſaid Wharfs or Keys within the intended Channel or Cut, ſo to be made for Wharfage or Cranage; whereof every Proprietor, Wharfinger, or other perſon concerned ſhall demand and receive ſuch Rates, and no other for the ſame as ſhall from time to time be ſet and appointed by his ſaid Majeſty, with the Advice of his Privy-Councel as aforeſaid. And that certain reaſonable Rates for Tolls and other Profits ariſing by the Navigation of the ſaid Channel or Cut, ſhall be ſet and appointed by the Lord Mayor and Court of Aldermen, with approbation of the Barons of the Exchequer, or two, or more of them, and the ſame Tolls or Profits veſted in the Mayor, Commonalty and Citizens of the City of London, for preſervation of the ſaid Navigation-Sluces and other incident charges thereof.

How the charge ſhall be defrayed.

Provided always, and be it further Enacted and Declared, That the ſinking and making of the ſaid intended Channel of Bridewell-Dock, and Fleet-Ditch, from the Channel of the Thames to Holbourn-Bridge, and the Saſſes and Sluces for the better Navigation thereon, and the raiſing and ſinking other Wharfs or Keys, on each ſide of the ſaid Bridewell-Dock, and Fleet-Ditch, (whereby to bring the ſame to a Level) ſhall be born and firſt defrayed by the Mayor and Commonalty and Citizens of the ſaid City of London, out of the ſaid fourth part of the Impoſition to be raiſed upon Coles, by vertue of this Act; And that the ſaid Mayor and Commonalty and Citizens, ſhall cauſe the ſaid Channels to be ſunk, and Wharfs or Keys, to be reduced to ſuch a Level as may be proper for the Proprietors of the Ground, immediately bordering upon the ſaid Wharfs or Keys, to Build upon with convenient acceſs thereto, before the Firſt of Auguſt, One thouſand ſix hundred and ſeventy; And in the next place after the charge before mentioned, ſhall be born out of the ſaid fourth part, ſatiſfaction ſhall be made out of the ſame fourth part to the Proprietors, whoſe Ground hath been or ſhall be laid open, or from whom any Ground hath been or ſhall be taken for the ſaid publick uſe.

And whereas, ſome part of the ſaid Ground ſo as aforeſaid deſigned for publick Wharfs on the North-ſide of the ſaid River of Thames, and on each ſide of the ſaid Channel or Cut will be much improved, and ſome other parts thereof will be much Impaired in value, by reaſon of converting the ſame to the uſes aforeſaid, To the end therefore, that an equal and reaſonable courſe may be held and uſed on each hand, without wrong to any party therein concerned; Be it Enacted by the authority aforeſaid, That as well for the giving ſatiſfaction to ſuch perſons, whoſe Ground ſhall be imployed as aforeſaid, or thereby impaired or leſſened in value; As alſo, for the Aſſeſſing and Raiſing of Moneys upon thoſe that ſhall by the means aforeſaid, make improvement or melioration of any of the ſaid Ground ſo imployed; The ſame Powers, Authorities, form and courſe of proceedings, ſhall in all things be uſed, exerciſed, put in practice, and obſerved, as are by the ſaid recited Act (made for the Rebuilding of London) ordained, provided and appointed for ſatiſfaction to be made for ground imployed for the enlargement of Streets and Paſſages, and for Aſſeſments to be made in conſideration of Improvements and Melioration of Houſes and Ground, and that the Return of the Key about White-Fryers-Dock, ſhall not exceed the breadth of Twenty Foot.

White-Fryers Dock.

Proviſion for ſuch as ſhall rebuild againſt ſecret charges and incumbrances.

And for the Security and Encouragement of ſuch as have or ſhall Rebuild upon the Scite of any Houſe or Houſes burned or demoliſhed by reaſon of the ſaid late Fire; againſt ſecret Charges and Incumbrances, wherewith, or whereunto the ſame ſhall or may be charged or liable; Be it further Enacted by the authority aforeſaid, That no ſuch Houſe or Houſes already built, or to be rebuilt within the ſaid City of London, or Liberties thereof, nor the Owners, or others intereſſed therein, ſhall after the Rebuilding thereof, be further liable to the Satiſfaction of any charge or charges, incumbrance or incumbrances, wherewith, or whereunto the ſame are or may be liable, by any matter or thing before the ſaid late Fire, then the value of the Ground or Soyl, in caſe the ſame had not been rebuilt upon, might or would extend to ſatiſfie, unleſs ſuch charges or Incumbrances as were contracted thereupon by the now Owners, or others Intereſſed therein, who ſhall themſelves be and remain Liable to ſatiſfie the ſame, as if this preſent Act had never been had or made.

One and twenty years poſſeſſion or more ſhall enable the owner to make Leaſes.

And whereas many Deeds, Evidences and other Writings, were in the ſaid Fire Loſt, Burnt or Imbezelled, by which misfortune, many perſons who have Land in the ſaid City are rendred unable to make their Right and Title ſo apparent, as can ſatiſfie ſuch as would take Leaſes of their ſaid Lands, and build upon them; Be it enacted, That if any perſon or perſons, who have been lawful Poſſeſſors, and eſteemed Owners of any Ground within the ſaid City, for the ſpace of One and twenty years or more, ſhall Grant a Leaſe to any perſon or perſons upon a valuable Ground-Rent, ſo to be eſteemed by the ſaid Mayor and Aldermen, or any three of them, if the ſaid Lands ſhall afterward be recovered from the ſaid perſon ſo granting, That the Leaſe ſhall be good and Valid, the Builders onely paying the aforeſaid Ground-Rent, to the perſon unto whom the Ground ſhall rightly belong, ſhall be freed from all charge and trouble; Any Law or Cuſtom to the contrary notwithſtanding.

Water-houſe at Broken-Wharf.

And whereas, the Water-Houſe at or near Broken-Wharf, was wholly burnt down and conſumed in the time of the late dreadful Fire, which being found impoſſible to be Rebuilt with Brick, the Owners thereof have at their very great Charge lately rebuilded the ſaid Houſe with Timber, and made the ſame uſeful for ſerving the Inhabitants of the City with Water; Be it therefore Enacted and Declared by the authority aforeſaid, That the ſaid Owners and their Aſſigns, are hereby and ſhall for ever hereafter be ſaved harmleſs and indemnified from all trouble or penalties, for or by reaſon of their building the ſaid Houſe with Timber as aforeſaid; Any thing in this Act or in the former Act for Rebuilding the City of London, to the contrary thereof in any wiſe notwithſtanding.

Provided, That no continuance of the ſaid reſtraint from Building, ſhall extend to the Water-Houſe at London-Bridge; but that the ſame may be built according as in the former Act is provided.

Provided always, That it may be lawful for any perſon or perſons, Bodies-politick or Corporate, Owners and Proprietors, of any ſuch Ground, meant or contained within this Act, to leave any old Foundations of his or theirs Unbuilt, to make any new Street or Paſſage, or to enlarge any old ones, the ſaid Owners or Proprietors, taking care within convenient time after their Building, ſufficiently to Pave and Amend all ſuch Street and Paſſages; Any thing in this Act, or one other Act Entituled, An Act for Rebuilding the City of London, to the contrary notwithſtanding.

A Street to open 14 Foot wide from Thread-Needle-ſtreet to Loathbury.

Provided alſo, and be it Enacted, That the Lord Mayor and Court of Aldermen ſhall be hereby Impowred to cauſe a Street to be opened Fourteen Foot wide, if they ſhall ſo think fit, from the Weſt-end of Thread Needle-ſtreet, down to Loathbury, in caſe the Proprietors do not voluntarily ſo open it before the Four and twentieth day of June next, making ſuch Allowance to the Owners and others Intereſſed, as by the former Act for opening of Streets, is directed; Which Street ſhall be and continue an Open Street for ever.

Bury-ſtreet in Beavis-Marks.

Provided alwayes, and be it Enacted, That the remainder of Bury-ſtreet in Beavis-Marks, which is not yet New Built, may be built after the Pattern and Model of the other New Building in the ſaid Street; any thing in this or the ſaid former Act to the contrary notwithſtanding.

And whereas many Builders of Houſes within the ſaid City, and the Liberties thereof, have (for the more Regularity of Building, and making many of the Streets and Lanes more Straight and Beautiful then otherwiſe they would have been) by and with the appointment and approbation of the ſaid Surveyors, advanced their Foundations in many places further into the Streets and Lanes thereof, upon the Soyl of the ſaid Streets and Lanes, then the ſame formerly ſtood, whereby ſome difference may hereafter poſſibly ariſe, either between our Sovereign Lord the King, his Heirs and Succeſſors, or between the Mayor, Commonalty, and Citizens of the ſaid City, or other Proprietors of the Ground ſo built upon, and the ſaid Builders, or ſuch perſon or perſons, Bodies-politick and Corporate, to whom the Inheritance of the ſaid Houſes ſo to be Built, now doth or hereafter ſhall belong: For prevention whereof, Be it further Enacted, That all Ground and Soyle ſo taken, or which hereafter ſhall or may be ſo taken out of the ſaid Streets or Lanes, or any of them, ſhall from henceforth for ever, be United and Annexed to the ſaid Houſes: And that all and every perſon and perſons whatſoever, Bodies-politick and Corporate, giving ſuch ſatisfaction to His Majeſty, or to the ſaid Mayor, Commonalty, and Citizens of the ſaid City, or other the reſpective Owners or Proprietors of the Ground ſo Built upon, and according to ſuch Rates as are, or ought to be given and allowed for Ground taken and imployed for the Enlarging of Streets, by Vertue of the aforeſaid Act for Rebuilding of the ſaid City, ſhall and may hold and enjoy the ſaid reſpective Parcels of Ground or Soyle ſo built upon, United and annexed to ſuch Buildings, for and during ſuch Terms and Eſtates as he and they reſpectively have, or hereafter ſhall have, of and in the ſaid Houſes and Buildings; Any matter or thing to the contrary in any wiſe notwithſtanding.

Proviſo to ſave harmleſs Builders.

Pauls School new built by the Company of Mercers upon part of Saint Pauls Church-yard, and confirmed to them.

And whereas, the Wardens and Commonalty of the Myſtery of the Mercers of the City of London are now building purſuant to a Deſign approved of by his Majeſty, a new School-houſe, with Houſes thereto adjoyning for the Accommodation of the Maſter, Sub-maſter and Chaplain thereof, partly upon the Scites and Tofts of the late School called Saint Pauls-School, and the former Houſe of the ſaid Maſters and Chaplain, and partly upon ſome Ground next adjoyning, being part of the Church-yard belonging to the Cathedral Church of Saint Pauls London; And whereas, other parts of the former Scite of the ſaid late School, and of other Houſes adjoyning, have been alſo by his Majeſties directions cut off & laid into the ſaid Church yard, for the inlargement and accommodation of the Paſſage at the Eaſt-end of the ſaid Cathedral; Be it therefore Enacted, That ſo much of the ſaid Ground adjoyning to the Scite of the ſaid late School, and former Houſes, as is compriſed within the Foundation of the ſaid new School and Houſes, now Building for the ſaid Maſters & Chaplain, be and are hereby veſted and ſetled on the ſaid Wardens and Commonalty and their Succeſſors for ever, as the ſaid late School and former Houſes were before the ſaid Fire; And that the ſaid other parts of the former Scite of the ſaid late School and other Houſes adjoyning, laid unto the ſaid Church-yard as aforeſaid, for the Enlargement of the late Paſſage, ſhall continue a Paſſage for ever, and be and are hereby veſted and ſetled on the Dean and Chapter of the Cathedral Church of Saint Pauls aforeſaid, and their Succeſſors for ever, as the Reſidue of the ſaid Church-yard is and was heretofore; Any thing in this Act to the contrary notwithſtanding.

Proviſo for the Churches of St. Faith, and St. Paul, and St. Gregory.

Provided always, That nothing in this Act contained, ſhall extend or be taken to veſt or ſetle the Church of Saint Paul, and Saint Faith, or any part thereof, or the Church of Saint Gregory, by Saint Pauls, or any of them, or the Church-yards to any of them belonging, or appertaining, or any part of any of them, in the Mayor, Aldermen, and Commons, of the City of London, or any of them, or in any other perſon or perſons, Bodies politick or corporate, other then the Ground whereupon Saint Pauls School and Houſes thereunto belonging, are by this Act appointed to be rebuilt; any thing in this Act notwithſtanding.

Whites-alley in Coleman-ſtreet.

Provided always, and be it enacted by the authority aforeſaid, That whereas the Alley called Whites-Alley in Coleman-ſtreet, London, was not wholly burnt down in the ſaid late Fire, but the one half part thereof, or near thereabouts is yet ſtanding, neither was the ſaid Alley ever any thorough Paſſage, nor will the enlarging thereof be any Ornament or advantage to the ſaid City, Therefore it ſhall and may be lawful to and for the ſeveral Proprietors, of and in the ſaid Alley, to rebuild their ſeveral Houſes, on both ſides thereof, which were burnt or demoliſhed by reaſon of the ſaid late Fire, upon their old Foundations reſpectively: This preſent or the ſaid former Act for rebuilding the City of London, or any thing therein contained, or any other matter or thing to the contrary notwithſtanding.

Market place within Newgate to be granted to the City by Leaſe or otherwiſe.

And further be it Enacted by the authority aforeſaid, That for ever hereafter the ſaid Mayor and Commonalty, and Citizens of London, may and ſhall have a Market to be kept Three or four days in the Week, as to them ſhall ſeem convenient, upon the Ground now ſet out by the aſſent of the Dean and Chapter of the Cathedral Church of Saint Paul London, for a Market-place within Newgate: And that the ſaid Dean and Chapter ſhall make and give one or more Leaſe or Leaſes of the ſaid Ground, to the ſaid Mayor, Commonalty and Citizens, and alſo of the Wall of the ſaid Church-yard, abutting ſeverally upon Pater-Noſter-Row and the Old Change, for the Term of Forty years, reſerving the yearly Rent of Four pounds for the Ground of the ſaid Market-place, and Two pence for every Superficial foot of the Ground or Soyl of the ſaid Wall, as it is now ſet out by the Surveyors of the City, and of the ſaid Dean and Chapter; And ſo from forty years to forty years for ever, at the like yearly Rent, and one years Rent after the Rates aforeſaid, to be paid by way of Fine, for each of the ſaid Grounds reſpectively, upon the making every New Leaſe thereof; Which ſaid leaſe and leaſes ſhall be good and effectual in the Law, as againſt the ſaid Dean and Chapter, and their Succeſſors, and all perſons claiming by, from, or under them: and that no Houſe, Shed, or other Building ſhall ſtand, or hereafter be erected and fixed upon the ſaid Market-place, other then the Market-houſe already Built, without the conſent of the ſaid Dean and Chapter; any thing in this or any other Act to the contrary notwithſtanding.

19 Car. 2. 8.

And whereas by a late Act of this preſent Parliament, Entituled, An Act for Rebuilding the City of London, It was enacted, That the Pariſhes to be rebuilded within the ſaid City of London, in lieu of thoſe which were demoliſhed by the late Dreadful Fire, ſhould not exceed the number of Thirty nine; But foraſmuch as upon an Exact Survey taken of the number of Houſes to be rebuilded, and of the Extent of the reſpective Pariſhes neceſſary to be ſetled and continued within the ſaid City, It doth appear that the Pariſhes to be ſetled and continued, and the Pariſh-Churches to be rebuilded within the ſaid City of London, in lieu of thoſe demoliſhed or conſumed by the ſaid late Fire, cannot conveniently by Union, or otherwiſe, be reduced to a leſs number then Fifty one; Be it further Enacted by the authority aforeſaid, that the number of Pariſhes to be ſetled, and of Pariſh-Churches to be rebuilded within the ſaid City of London, ſhall be Fifty one; The aforeſaid Act, or any thing therein contained to the contrary notwithſtanding.

Fifty one Pariſhes to be within the City of London.

The Names of the Fifty one Pariſhes.

And that the Fifty one Pariſhes ſo to be continued, as hereafter followeth, That is to ſay, Alhallowes Lumber-ſtreet, Saint Bartholomew-Exchange, Saint Bridges, alias Brides, Saint Bennets-Finck, Saint Michaels Crooked-lane, Saint Chriſtophers, Saint Dioneſſe-Back Church, Saint Dunſtons in the Eaſt, St. James Garlike-hithe, St. Michael Cornhill, St. Baſiſhaw, St. Margaret Loathbury, St. Mary Aldermanbury, St. Martin Ludgate, St. Peters Cornhill, St. Stephens Coleman-ſtreet, and St. Sepulchres, ſhall remain and continue as heretofore they were: And that the reſpective Pariſh-Churches to each of the ſaid Pariſhes belonging ſhall be rebuilded and continued for the uſe of the ſaid Pariſhes, and that the ſeveral pariſhes hereafter mentioned ſhall be reſpectively United into one Pariſh, in manner hereafter following, that is to ſay, the pariſhes of Alhallowes Breed-ſtreet, and Saint John Evangeliſt, ſhall be united into one pariſh, and the Church heretofore belonging to the ſaid pariſh of Alhallowes Bread-ſtreet ſhall be rebuilded, and ſhall be the pariſh Church of the ſaid pariſhes ſo United: The pariſhes of Alhallowes the Great, and Alhallowes the Leſs ſhall be United into one pariſh, and the Church heretofore belonging to the ſaid Pariſh of Alhallowes the Great, ſhall be the Pariſh-Church of the ſaid pariſhes ſo united; The pariſhes of Saint Albans Wood-ſtreet, and Saint Olaves Silver-ſtreet, ſhall be united into one Pariſh, and the Church heretofore belonging to the ſaid Pariſh of Saint Albanes Wood-ſtreet ſhall be the Pariſh-Church of the ſaid pariſhes ſo united: the pariſhes of Saint Anne and Agnes, and Saint John Zacharie ſhall be united into one pariſh, and the Church heretofore belonging to the ſaid pariſh of Saint Anne and Agnes ſhall be the pariſh Church of the ſaid pariſhes ſo united: The pariſhes of Saint Auſtins and Saint Faiths ſhall be united into one pariſh, and the Church heretofore belonging to the ſaid pariſh of Saint Auſtins ſhall be the pariſh Church of the ſaid pariſhes ſo united: The pariſhes of Saint Andrew-Wardrobe and Saint Anne Black-Friers ſhall be united one pariſh, and the Church heretofore belonging to the ſaid Pariſh of Saint Andrew-Wardrobe ſhall be the pariſh Church of the ſaid pariſhes ſo united: The pariſhes of Saint Antholins and Saint John Baptiſt ſhall be united into one pariſh, and the Church heretofore belonging to the ſaid pariſh of Saint Antholins ſhall be the pariſh Church of the ſaid pariſhes ſo united: The pariſhes of Saint Bennet Grace-Church and Saint Leonard Eaſtcheap ſhall be united into one pariſh, and the

Pariſhes united and joyned, and which ſhall be Pariſh-Church:

Church heretofore belonging to the ſaid pariſh of Saint Bennet Grace-Church ſhall be the pariſh Church of the ſaid pariſhes ſo United: The pariſhes of Saint Bennet Pauls-Wharf and Saint Peter Pauls-Wharf ſhall be United into one pariſh, and the Church heretofore belonging to the ſaid pariſh of Saint Bennet Pauls-Wharf ſhall be the pariſh Church of the ſaid pariſhes ſo united. The pariſhes of Chriſt Church and Saint Leonard Foſter lane ſhall be United into one pariſh, and the Church heretofore belonging to the ſaid pariſh of Chriſt Church, ſhall be the pariſh Church of the ſaid pariſhes ſo United. The pariſhes of Saint Edmond the King and Saint Nicholas Acons, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Edmond the King ſhall be the pariſh Church of the ſaid pariſhes ſo united. The pariſhes of Saint George Buttolph lane and Saint Buttolph Billinſgate shall be United into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint George Buttolph lane shall be the pariſh Church of the ſaid pariſhes ſo united. The pariſhes of Saint Lawrence Jury and Saint Magdalens Milk-ſtreet shall be United into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Lawrence Jury shall be the pariſh Church of the ſaid pariſhes ſo United. The pariſhes of Saint Magnus and Saint Margaret New Fiſh ſtreet ſhall be United into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Staint Magnus shall be the pariſh Church of the ſaid pariſhes ſo United. The pariſhes of Saint Michael Royal and Saint Martins Vintry, ſhall be United into one pariſh, and the Church heretofore belonging to the ſaid pariſh of St. Michael Royal ſhall be the pariſh Church of the ſaid pariſhes ſo United. The pariſhes of Saint Matthew Friday ſtreet and Saint Peters Cheap ſhall be United into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Matthews Friday-ſtreet ſhall be the pariſh Church of the ſaid pariſhes ſo united. The pariſhes of Saint Margaret Pattens and Saint Gabriel Fen-Church ſhall be United into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Margaret Pattens ſhall be the pariſh Church of the ſaid pariſhes ſo United. The pariſhes of Saint Mary Att ill and Saint Andrew Hubbord ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Mary Atthill ſhall be the pariſh Church of the ſaid pariſhes ſo united. The pariſhes of Saint Mary Wolnoth, and Saint Mary Wool-Church ſhall be United into one pariſh; and the Church heretofore belonging to the ſaid Pariſh of Saint Mary Wolnoth ſhall be the pariſh Church of the ſaid Pariſhes ſo United. The pariſhes of Saint Clement Eaſtcheap and Saint Martins Orgars ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Clement Eaſtcheap ſhall be the pariſh Church of the ſaid pariſhes ſo United. The pariſhes of Saint Mary Ab-church, and Saint Lawrence Pountney ſhall be United into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Mary Ab-church ſhall be the pariſh Church of the ſaid pariſhes ſo United. The pariſhes of Saint Mary Aldermary and Saint Thomas Apoſtles shall be United into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Mary Aldermary shall be the pariſh Church of the ſaid pariſhes ſo united. The pariſhes of Saint Mary le Bow, Saint Pancras Soaper lane and Allhallows Honey-Lane ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Mary le Bow ſhall be the Pariſh-Church of the ſaid pariſhes ſo united. The pariſhes of St. Mildreds Poultrey and St. Mary Cole-Church ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Mildreds Poultrey ſhall be the Pariſh-Church of the ſaid pariſhes ſo united. The pariſhes of St. Michael Wood-ſtreet and St. Mary Staining ſhall be united into one Pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Michael Wood-ſtreet ſhall be the Pariſh-Church of the ſaid pariſhes ſo united. The pariſhes of St. Mildred Bread-ſtreet and St. Margaret Moſes ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Mildred Bread-ſtreet ſhall be the Pariſh-Church of the pariſhes ſo united. The pariſhes of St. Michael Queen-Hith and Trinity ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Michael Queen-Hith ſhall be the Pariſh-Church of the ſaid pariſhes ſo united. The pariſhes of Saint Mary Magdalens Old Fiſh-ſtreet and St. Gregories ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Mary Magdalen Old Fiſh-ſtreet ſhall be the Pariſh-Church of the pariſhes ſo united. The pariſhes of Saint Mary Somerſet and St. Mary Munthaw ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Mary Somerſet ſhall be the Pariſh-Church of the pariſhes ſo united. The pariſhes of St. Nicholas Cole Abby and St. Nicholas Olaves ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Nicholas Cole Abby ſhall be the Pariſh-Church of the ſaid pariſhes ſo united. The Pariſhes of St. Olaves Jury and St. Martins Pomroy, alias Ironmonger Lane, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Olaves Jury ſhall be the Pariſh-Church of the ſaid pariſhes ſo united. The Pariſhes of St. Stephen Walbrook and St. Bennet Sherhogg ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid Pariſh of St. Stephen Walbrook ſhall be the Pariſh-Church of the ſaid pariſhes ſo united. The Pariſhes of St. Swithin and St. Mary Bothaw, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Swithin ſhall be the Pariſh-Church of the ſaid pariſhes ſo united. The Pariſhes of St. Vedoſt alias St. Foſters, and St. Michael Quern, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid Pariſh of Saint Vedoſt, alias St. Foſters, shall be the Pariſh-Church of the ſaid Pariſhes ſo united.

The ſame Pariſh-Churches ſhall be rebuilt according to Models appointed by the Archbiſhop of Canterbury, Biſhop of London, and Lord Mayor of London, with the Kings Approbation.

And it is hereby further Enacted and Declared, That the ſaid reſpective Churches to be Rebuilded within the ſaid City of London and Liberties thereof, ſhall be built and erected according to ſuch Models, and of ſuch Dimenſions, and in ſuch Manner and Form in all reſpects, as by the ſaid Lord Archbishop of Canterbury, Lord Biſhop of London, and Lord Mayor of London for the time being, (with his Majeſties Approbation thereof) shall direct and appoint: And the ſaid reſpective Pariſhes herein before mentioned and appointed to be

United as aforeſaid, ſhall for ever hereafter remain and continue ſo United and Conſolidated and Annexed unto the ſeveral and reſpective pariſh-Churches by this Act appointed to be Rebuilded as aforeſaid; And the reſpective Pariſhioners, and the Inhabitants of the ſaid ſeveral Pariſhes ſo to be united as aforeſaid, by force of the preſent Act, ſhall hereafter Reſort to the ſaid Churches reſpectively, as to their proper Pariſh-Church. And all Tythes and other Duties heretofore due and payable to the reſpective Incumbents of the ſaid Pariſh-Churches reſpectively, ſhall hereafter be paid and payable to the Incumbent of that Church onely, which by this Act is appointed to be Rebuilded and Eſtabliſhed for the Pariſh-Church of the Pariſhes ſo united as aforeſaid.

Plate and Goods belonging to Churches not to be rebuilt, ſhall be enjoyed by the Church-wardens, &c. of thoſe Rebuilded.

And be it further Enacted, That any Plate and Goods heretofore belonging to any of the Church-wardens of any the Pariſhes of thoſe Pariſhes Burnt down, which are not now to be Rebuilded for the uſe of the ſaid Churches, ſhall be Enjoyed by the reſpective Church-wardens and their Succeſſors of the reſpective Pariſhes of ſuch Churches to be Rebuilded reſpectively, whereunto the ſaid other Churches Burnt down are united by this Act, to the uſe of the ſaid Churches and Pariſhes reſpectively.

Church-yards to be encloſed with Walls to make Burial-places.

Provided alwayes, That the Scites of the Churches to be Demoliſhed, and the Church-yards belonging to the ſame, ſhall be incloſed with Brick or Stone-Walls for Burial for the Pariſhes formerly belonging to the ſame, and the Pariſhes to which they are reſpectively United as aforeſaid, and not Uſed or Employed for any other purpoſe whatſoever; Excepting ſuch of the Scites and Church-yards, or parts of Scites and Church-yards of the ſaid Pariſh-Churches ſo Demoliſhed as aforeſaid, as are already laid into the Streets and Market-places ſo ſet out for that purpoſe, or ſuch other as ſhall within Two years now next following be thought fit by the Mayor and Aldermen of the ſaid City, with the conſent of the Lord Archbiſhop of Canterbury, and Lord Biſhop of London, and by his Majeſties Approbation, to be laid into the Streets and Markets for Enlargement and Accommodation thereof, or for Publique Store-places.

Provided alwayes, That where any part of the Churches or Church-yards of any of the ſaid Pariſh-Churches hereby appointed to be Rebuilt and Continued, have been thought fit by the Mayor and Court of Aldermen of the ſaid City, to be laid into any of the Streets within the ſaid Enlargement thereof; and by Order of the ſaid Mayor and Court of Aldermen ſhall have been before the Five and twentieth day of March, One thouſand ſix hundred and ſeventy, ſtaked and ſet out accordingly: It is hereby further Enacted and Declared, That the Grounds ſo ſtaked out ſhall be made uſe of for the Enlarging of the ſaid Streets, according as the ſame were for that purpoſe ſtaked and ſet out as aforeſaid; This preſent Act or any thing therein contained to the contrary notwithſtanding.

Notwithſtanding the Union, the Pariſhes to all Rates, Charges and Priviledges to remain diſtinct.

Provided always, and it is hereby Enacted and Declared, That notwithſtanding ſuch Union as aforeſaid, each and every of the Pariſhes ſo United, as to all Rates, Taxes, Parochial Rites, Charges and Duties, and all other Priviledges, Liberties and Reſpects whatſoever, other then what are herein before mentioned and ſpecified, ſhall continue and remain diſtinct, and as heretofore they were, before the making of this preſent Act: And that the ſeveral and reſpective Patrons of the ſaid Churches ſo United, ſhall and may preſent by turns to that Church only which by this Act is appointed to be Rebuilded and Eſtabliſhed for the Pariſh-Church of the Pariſhes ſo United as aforeſaid: The firſt Preſentment to be made by the Patron of ſuch of the ſaid Churches, the Endowments whereof are of the greateſt yearly value.

Proviſo for the preſent Incumbents of Churches not to be Rebuilded.

Provided always, and it is hereby Declared, That this Act, or any thing therein contained, ſhall not extend or be conſtrued to deprive the preſent Incumbents, which at the time of the ſaid late Fire, were or now are in poſſeſſion of any of the ſaid Pariſh-Churches not to be Rebuilded, or any of them, of the Tythes or other profits heretofore belonging to their reſpective Churches, ſo long as they ſhall aſſiſt in ſerving the Cure, and other Offices belonging to their Duty in the Pariſh-Church whereunto their reſpective Pariſhes ſhall be United and Annexed by vertue of this Act according to the direction of the Ordinary; Any thing in this preſent Act to the contrary notwithſtanding: Saving to the Kings Majeſty, his Heirs and Succeſſors, the Tenths and Firſt-fruits of all ſuch Pariſh-Churches as by force of this preſent Act ſhall be united and conſolidated as aforeſaid, according to ſuch rates and valuations as the ſame do reſpectively ſtand rated and valued at, in his Majeſties Court of Firſt-fruits and Tenths; Any thing in this preſent Act notwithſtanding. Saving alſo to all other perſon and perſons, Bodies politick and Corporate, Eccleſiaſtical and Civil, their Heirs and Succeſſors, all Penſions, Annuities and Payments whatſoever, heretofore due from, and payable by any Rectors, Vicars and Curates of any of the ſaid Churches united or conſolidated as aforeſaid; Any thing in this preſent Act notwithſtanding.

Provided alwayes, That it ſhall and may be lawful to and for the Warden, and Minor Canons of St. Pauls Church London Parſon and Proprietors of the Rectory of the pariſh of St. Gregories aforeſaid, to receive and enjoy all Tythes, Oblations and Duties ariſing or growing due within the ſaid Pariſh, in as large and beneficial manner as formerly they have, or lawfully might have done; Any thing herein to the contrary notwithſtanding.

St. Mary Cole-Church.

A Free-School.

And whereas the Wardens and Commonalty of the Myſtery of the Mercers of the City of London, at the time of the ſaid Fire, were ſeiſed in Fee of the Rectory and pariſh-Church Impropriate of St. Mary Cole-Church, (the ſaid Church being an upper Room about Ten Foot higher then the Street, and lying over certain Rooms and Arched Vaults or Cellars of the ſaid Wardens and Commonalty) upon the Scite of which Church they have deſigned to Build a Free-ſchool, and other Buildings conformable to the Rules of the ſaid former Act, and to remove the dead bodies and bones of ſuch as have been buried upon the Arches, and to cauſe them to be decently repoſed within the body of their Chapel,

pel commonly called Mercers Chappel; Be it therefore hereby Enacted, That the ſcite of the ſaid Pariſh-Church, and the Materials thereof remaining upon the ſaid Scite, be and are hereby ſetled upon the ſaid Wardens and Commonalty, and their Succeſſors for ever: And that the ſaid Wardens and Commonalty ſhall pay to the Lord Mayor and Aldermen of the City of London for the ſame, ſuch Sum of Money towards the Rebuilding of the Church whereunto the ſame is by this Act appointed to be United, as ſhall be agreed upon between the ſaid Lord Mayor and Aldermen, and the ſaid Wardens and Commonalty, or be aſſeſſed by a Jury Impannelled and Sworn, as by the ſaid former Act is directed in any other caſe; Any thing in this Act to the contrary notwithſtanding.

Proviſion that Parſons may not be ſued for Dilapidations.

And whereas ſeveral Pariſh-Churches, Chancels, Parſonage and Vicarage-houſes were conſumed in the late diſmal Fire; To the end therefore the Incumbents, Parſons and Vicars may not be liable to the Rebuilding of their Chancels, Parſonage and Vicarage-houſes, be ſued for Dilapidations; Be it Enacted by the authority aforeſaid, That the Incumbents, Parſons and Vicars of the aforeſaid Churches, their Executors and Adminiſtrators, ſhall be, and are hereby Indemnified, as to the Rebuilding of their reſpective Chancels, Parſonage and Vicarage-houſes, and ſhall not be liable to any ſuits, troubles or moleſtations that may ariſe for Dilapidations aforeſaid; And that no Proceſs ſhall be Iſſued out of any Court whatſoever, againſt the perſons aforeſaid, for their not Rebuilding their reſpective Chancels and Parſonage and Vicarage-houſes; Any Law or Statute to the contrary in any wiſe notwithſtanding.

Parſons and Vicars exempted from Firſt-fruits, Tenths and Penſions.

And whereas Firſt-Fruits, Tenths, and ſeveral Penſions are from the ſaid Parſons and Vicars to be yearly paid to his Majeſty, and ſeveral Duties to the Ordinary and Arch-Deacon, That his Majeſty will be Graciouſly pleaſed, That it may be Enacted; And be it further Enacted by the authority aforeſaid, That the ſaid Parſons and Vicars be Indemnified, and are hereby indemnified from the payment of all Firſt Fruits, Tenths and Penſions due, and which ſhall be due to his Majeſty; And from all dues to the Ordinary and Arch-Deacon, and all other dues whatſoever chargeable upon them reſpectively, until ſuch time as they ſhall receive the profits ariſing from the ſame as formerly: And that no Proceſs ſhall be iſſued out of any Court whatſoever, againſt the perſons aforeſaid, for their Non-payment of Firſt-Fruits, Tenths, Penſions, or any other the Dues aforeſaid; Any Law or Statute to the contrary in any wiſe notwithſtanding.

Indemnified for not Reading the 39. Articles.

And whereas, divers Miniſters have been already ſince the Fire, and may be from time to time preſented and inſtituted; And being ſo, are liable to the *Forfeitures* of their ſeveral Livings for not Reading the Thirty nine Articles, and for not doing other things *enjoyned* by Law in their ſeveral *Pariſh-Churches*; Be it Enacted by the authority aforeſaid, That all ſuch Miniſters as have been or ſhall be from time to time preſented and inſtituted ſince the ſaid Fire, be and are here indemnified from the ſeveral penalties and forfeitures incurred, and to be incurred by or for not Reading of the Thirty nine Articles, or not doing other things enjoyned by Law as aforeſaid, until ſuch time as the ſaid ſeveral Churches be re-edified or made fit for publick-worſhip.

Impowred to let Leaſes of their Glebe-Lands.

And whereas, the ſaid Parſons and Vicars, or ſome of them are intereſſed in ſeveral Glebe-Lands or Grounds, the which they cannot Rebuild themſelves; Nor let ſuch Leaſe or Leaſes as may be an Encouragement for others to Rebuild the ſame; Be it Enacted by the authority aforeſaid, That the ſaid Parſons and Vicars and every of them reſpectively, be impowred and are hereby impowred to let ſuch Leaſe or Leaſes, of their ſaid Glebe-Lands or Grounds, with the conſent and approbation of the Patron or Patrons and Ordinary, for any term not exceeding Fourty years, and at ſuch yearly Rents without Fine, as can be obtained for the ſame: And that no Lapſes incurred upon any Non-preſentation, in due time of any of the Patrons of the ſaid Livings ſince the ſaid Fire, ſhall any wayes prejudice or make void the Preſentations that the ſaid Patrons have ſince made, whereupon any Incumbent is ſince Inſtituted and Inducted; Any Law or Statute to the contrary in any wiſe notwithſtanding.

Provided alwayes, And it is hereby Declared and Enacted, That if the Mayor and Commonalty and Citizens of the ſaid City of London, ſhall be concerned in Eſtate or Title in any controverſie or difference whereof the Determination is by this or the aforeſaid Act referred to the Hearing and Judgment of the ſaid Mayor and Court of Aldermen; That then and in every ſuch caſe the Juſtices of the Courts of Kings-Bench and Common-pleas, and the Barons of the Coif of the Exchequer for the time being, or any Three or more of them, upon complaint to them made, ſhall be and are hereby Authoriſed to Hear and finally Order and Determine the ſame; Any thing in this or the aforeſaid Act to the contrary notwithſtanding.

Two Poſterns at Ludgate, and the Gate to be inlarged.

Provided alwayes, and be it Enacted, That the Lord Mayor and Court of Aldermen are hereby Authoriſed and Required to cauſe to be made two Poſterns, one on either ſide of the Gate commonly called Ludgate, for the better eaſe and convenience of Foot Paſſengers, and in order hereunto are alſo Impowred to Inlarge the ſaid Gate as they ſhall find cauſe.

Salvo for not Rebuilding.

And whereas by the ſaid Act for the Rebuilding the City of London, It was Enacted, That where any Ground formerly Builded upon (the Houſes whereupon Built were Demoliſhed at the time of the ſaid late *Fire*) ſhould not within Three years then next enſuing be Rebuilded upon, Then after Proclamation publickly made, and Inquiry and Valuation made and taken of the Ground whereupon ſuch Houſes were Scituate by Inqueſt of a Jury, in ſuch ſort and manner as in and by the ſaid Act is mentioned and appointed the ſaid Mayor and Aldermen and Common Councel might make Sale thereof: It is hereby Declared and Enacted, That the ſaid Mayor, Aldermen and Common Councel ſhall not by vertue of the ſaid Act, proceed to the Sale of any ſuch Ground or Soyl, whereupon any ſuch Houſes were ſcituate for not Rebuilding thereupon, before the Four and twentieth day of March, which ſhall be in the year of our Lord, One thouſand ſix hundred ſeventy and one; Nor ſhall any Ground be ſold by vertue of this or the aforeſaid Act in caſe any perſon for the making of any Court, Yard, Garden or other Eaſement ſhall leave ſome part of the ancient Foundation unbuilt upon backwards.

Tenant in tail, &c. may demiſe their ground at the moſt improved Rent.

And be it further Enacted and Declared, That all perſons ſeiſed or intereſted of any Houſe or Houſes burned or demoliſhed by reaſon of the ſaid late Fire, in Tail for Life or Lives, or Years determinable upon Life, with remainder to their Heirs or Iſſue Male or Female, or to their firſt or other Son or Sons, Daughter or Daughters in tail, or other like Eſtate; That it ſhall and may be lawful to and for ſuch Tenant in Tail for Life or Years with ſuch Remainder as aforeſaid, by Indenture under their reſpective hands and ſeals to demiſe the ground or ſoyl of ſuch burned or demoliſhed Houſes without any Fine or Fines; and all the moſt improved Annual Rent to any perſon or perſons that ſhall or will rebuild thereupon for any Term of Years, not exceeding Fifty years: Which Leaſes ſo made ſhall bind and conclude, as well all and every the heirs and Iſſue of ſuch Tenant in Tail, as the firſt and every other Son and Sons, Daughter or Daughters, or other Iſſue of ſuch Tenant for Life or Years, as thoſe in Reverſion or Remainder; and the Houſes thereupon built ſhall be held and enjoyed by the reſpective Leſſees thereof, and their Aſſigns, (paying the ſaid Rent to the perſons in Reverſion or Remainder during the term, and according to the purport of ſuch Leaſes) by vertue of this preſent Act.

Sergeants-Inne in Fleet-ſtreet.

Provided alwayes, and be it further Enacted by the Authority aforeſaid, That as to the Houſe called Sergeants-Inne in Fleetſtreet, of which the Society of Judges and Sergeants at Law were Tenants at the time of the late Fire, and many years before; That the Kings moſt Excellent Majeſty, his Heirs and Succeſſors, and his or their Privy Council, ſhall be and are hereby impowred to hear and determine all Differences and Demands whatſoever touching the ſaid Houſe with the Appurtenances, and all things alſo to do relating to the rebuilding thereof; and to make Orders and Decrees concerning the ſame, as fully to all intents and purpoſes, as the Judges of the Court of Kings-Bench and Common-Pleas, and Barons of the Exchequer might, could, or may do concerning any other Houſes burnt down by the late Fire, by vertue of this and the ſaid former Act, or either of them. And his ſaid Majeſty and Council are hereby alſo Impowred to Order and decree ſuch ſatisfaction and recompence unto Robert Melliſh of the Inner Temple Eſquire, as to them ſhall ſeem juſt and reaſonabe; And to Order and decree one Leaſe of the Premiſſes whereof the Inheritance belongeth to the Dean and Chapter of York, not exceeding in the whole ſixty years, for the uſe of the ſaid Society, and the ſaid Dean and Chapter, and their Succeſſors are hereby enabled and enjoyned to make accordingly. And what ſhall be ſo ordered or decreed by his ſaid Majeſty and Council as aforeſaid, ſhall be good and effectual in Law to all intents and purpoſes by vertue of this Act. And the ſaid Judges and Barons of the Exchequer are hereby excluded from making any Order or decree touching the ſaid Houſe with the Appurtenances.

The Houſes pulled down near Tower-Ditch, never to be Rebuilt.

Differences about the ſame referred to the Judges.

And whereas a great number of Houſes heretofore erected and built upon or very near to the Tower-Ditch of the City of London, were at, or a little time after the ſaid late great Fire pulled or blown down for ſafeguard of the ſaid Tower, and are not thought fit to be rebuilt there. And whereas ſome Houſes are yet ſtanding which were in Leaſe for ſeveral years yet to come, with other Houſes pulled down, at and for certain intire yearly Rents; which ſaid Rents are wholly now claimed by divers Landlords, as if the ſaid Houſes were yet ſtanding; And divers Suits in Law are and will be daily brought againſt Tenants for breach of Covenants of the ſaid Leaſes incurred ſince that time; Be it therefore enacted by the authority aforeſaid, That the ſaid Juſtices and Barons, or any three or more of them ſhall have full power and Authority to hear and determine all differences that may ariſe between the ſaid Landlords and Tenants, as if the ſaid Houſes had periſhed by the late dreadful Fire.

Shops in Smithfield, Moore-Fields, and other void places to be taken down and removed before the 29. of Sept. 1674.

And whereas ſeveral Sheds, Shops and other Buildings have been Erected (ſince the late Dreadful Fire) in Smithfield, Moore-Fields, and other void places within the ſaid City and Liberties thereof, by Licence of the Lord Mayor, Aldermen and Common Council of the ſaid City, for the accommodation of ſuch Inhabitants whoſe Houſes were then Burnt or Demoliſhed, for the better carrying on of their reſpective Trades; which if they ſhould be ſuffered to have longer continuance then the preſent Exigence of the Occupiers thereof doth require, would be an occaſion to divert the Trade of the City, and to diſcourage ſuch as have Rebuilt Houſes within the ſaid City: Be it therefore Enacted by the authority aforeſaid, That the Lord Mayor and Court of Aldermen for the time being, ſhall be, and are hereby Impowred and Required to cauſe all and every the ſaid Sheds, Shops and other Buildings aforeſaid, to be taken down and removed, at or before the Nine and twentieth day of September, which ſhall be in the year of our Lord, One thouſand ſix hundred ſeventy four.

In any Action brought for putting this Act in execution, the General Iſſue may be pleaded, and this Act &c. given in Evidence.

Provided always, and be it Enacted by the Authority aforeſaid, That if any Action or ſuit ſhall be brought or proſecuted againſt any perſon or perſons, for any matter or thing done, committed or executed by vertue of this or the aforeſaid Act for Rebuilding the ſaid City of London, or of any Clauſe or Article in this or the aforeſaid Act contained: That then, and in every ſuch caſe, the Defendant or Defendants may plead the General Iſſue, (not guilty) and give this Act and the ſpecial matter in Evidence at any Tryal thereupon to be had; and if a Verdict ſhall paſs for the Defendant, or the Plaintiff ſhall be Non-ſuit or diſcontinue his Action after the Defendant hath appeared, the Defendant ſhall Recover double Coſts, to be awarded for his or their wrongful vexation in that behalf.

Provided alwayes, That this Act, or any thing therein contained, ſhall not Extend, or be conſtrued to alter or make void any matter or thing done, or to be done by vertue of any Commiſſion, or Commiſſions given or granted, or to be given or granted by his Majeſty, his Heirs or Succeſſors in purſuance of two Acts of Parliament; viz. One in the firſt year of Queen Elizabeth, And another in the fourteenth year of his now Majeſties Reign, or of either of them, or of any other Law or Right, whereby his Majeſty, his Heirs and Succeſſors, may or ought to appoint ſuch and ſo many open places to be Keys and Wharfs within the City of London, and may alſo declare the Bounds, Limits, Extents and Priviledges of the Port of London, and all other Ports of England, with ſeveral other Powers and Priviledges for the preſervation of his Majeſties Revenue of the Cuſtoms collected there; Any thing in this Act contained to the contrary notwithſtanding.

1 Eliz.
14 Car. 2.

CAP. XII.

An Additional Act for the better Repairing of High-wayes and Bridges.

For the better repairing and amending of the High-ways, now generally ſpoiled by the extraordinary and unreaſonable Lading of Waggons and other Carriages, and the neglect of repairing and preſerving the ſame; Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame; That all Conſtables and Surveyors of the High-wayes, from time to time during their continuance in ſuch their Office or Offices, ſhall cauſe the ſeveral Acts of Parliament heretofore made, and yet in force, for or touching the repairing, amending or enlarging of High-ways not hereby in any part altered or repealed, to be put in Execution within the Limits of their reſpective pariſhes and places, and the penalties thereby impoſed, to be levied and diſpoſed of, as by the ſaid ſeveral Acts is directed: And every Conſtable or Surveyor of the High-ways, refuſing or neglecting to put the ſaid Acts in Execution, or wilfully ſuffering any Waggons or Carts to paſs through his reſpective Limits, with any more Horſes or other Cattel, or in other manner then by this Act is allowed, ſhall upon complaint thereof made to any Juſtice of the Peace of the place or diviſion where ſuch neglect ſhall be proved to be done, by the Oath of any one credible witneſs (which Oath ſuch Juſtice is hereby impowred to Adminiſter) or upon view of the Juſtice himſelf be thereof convicted, and ſhall incur ſuch Fine as the ſame Juſtice ſhall think fit to impoſe on ſuch Officer, not exceeding the ſum of forty ſhillings for any one Offence; The ſame Fine to be levied by the High-Conſtable of ſuch place or diviſion, or any other Officer, by Warrant under the Hand and Seal of ſuch Juſtice of the Peace, upon the Goods and Chattels of the perſon ſo offending (rendring the overplus to the Owner thereof, all neceſſary charge in levying the ſame being firſt deducted) to be imployed for the amending of the High-ways of the pariſh or place where ſuch neglect ſhall be found, as the ſaid Juſtice or Juſtices ſhall appoint for the doing thereof.

All the ſeveral Acts of Parliament for repairing the High-wayes to be put in execution.

Penalty for neglect.

And be it further Enacted, That where any Lands have been or ſhall be given for the maintenance of Cauſeys, Pavements, High-wayes and Bridges, all ſuch perſons that are or ſhall be Enfeoffed or Truſted with any ſuch Lands, ſhall let them to Farm at the moſt improved yearly value without Fine; And that the Juſtices of the Peace in their open Seſſions, ſhall and may enquire by ſuch wayes and means as they think fitting, into the value of all ſuch Lands ſo given, or to be given, and order the improvement and imployment of the Rents and Profits thereof, according to the Will and Direction of the Donor of ſuch Lands, if they find that the perſons ſo intruſted have been negligent or faulty in the performance of their Truſt (except ſuch Lands have been given to the Uſes aforeſaid, to any Colledge or Hall in either of the Univerſities of this Kingdom, which have Viſitors of their own) Any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

Lands given for the maintenance of Cawſeys, High-ways, Bridges, &c. to be farmed the moſt improved yearly value.

And it is hereby Enacted, That one clauſe contained in the Act of their preſent Parliament, Entituled, An Act for enlarging of High-wayes, concerning the breadth of the Tyre of all Waggon and Cart-wheels, is and ſhall hereby ſtand repealed and be void; And it is further Enacted, That in caſe any perſon or perſons ſhall reſiſt, or make Forceable oppoſition againſt any perſon or perſons imployed in the due Execution of this Act, or any the Acts before mentioned, or ſhall have any Reſcue of any Cattel or other Goods deſtrained by vertue of this or any of the ſaid Acts, That every ſuch perſon being convicted thereof in manner aforeſaid, ſhall for every ſuch Offence forfeit the ſum of forty ſhillings: And in caſe he do not pay the ſaid ſum within Seven dayes after notice of ſuch Conviction, Then it ſhall and may be lawful for any Juſtice of the Peace, reſiding near the place where ſuch Oppoſition or Reſcue ſhall be made, to commit ſuch perſon or perſons to the Common-Gaol of the County, where ſuch Offence ſhall be committed, there to remain until the ſaid Forfeiture ſhall be paid to the Surveyor or Surveyors of the High-ways for that Pariſh where the Offence was committed, to be imployed for the amendment of the High-wayes of the ſame Pariſh; And if any Action or Suit ſhall be brought againſt any perſon or perſons, for or by reaſon of any matter or thing done by means of this Act, the ſame ſhall be laid in the proper County where the Fact was done, and not elſewhere; And the Defendants may plead the general Iſſue, and give the ſpecial matter in Evidence; And if it appear at the Tryal, that the Fact was done by Authority of this Act, and the Jury ſhall find for the Defendant, he thereupon (as alſo in caſe the Plaintiff be Non-ſuit, or diſcontinue his Action) ſhall recover his Treble coſts ſuſtained by reaſon of ſuch Action or Suit; Provided that in ſuch places where the High-wayes cannot be ſufficiently repaired before the Feaſt of the Nativity of Saint John Baptiſt yearly, the ſame may, and ſhall be ſufficiently repaired before the Feaſt of Saint Luke yearly, without incurring any penalty for the not doing thereof before the ſaid Feaſt of the Nativity of Saint John Baptiſt, according to the ſaid former Act.

14 Car. 2. repealed.

Forfeiture for perſons reſiſting the Officers,

Treble coſts.

Times for repairing the High-wayes.

And

Defects to be preſented where the places defective lye.

And be it further Enacted by the authority aforeſaid, That all Defects of Repairs of Cawſeys, Pavements, High-ways or Bridges, shall be preſented in the County only where ſuch Cawſeys, Pavements, High-ways or Bridges do lye, and not elſewhere; and that no ſuch Preſentment or Indictment shall be removed by Certiorarie, or otherwiſe, out of the ſaid County, till ſuch Indictment or Preſentment be traverſed, and Judgment thereupon given.

Lands, Houſes, &c. in the Suburbs of London, Southwark and Weſtminſter, made lyable to Aſſeſſments for the Scavengers.

14 Car. 2. cap. 2.

Provided alwayes, and be it Enacted, That the ſeveral Occupiers and Inhabitants, or where there are no Inhabitants or Occupiers, the reſpective Owners of all and ſingular the Lands, Houſes, Out-houſes, Walls and Buildings, Fronting and Adjoyning to any of the High-ways, Streets or Lanes within the Suburbs of London and the Liberties thereof, and the Burrough of Southwark, and the City and Liberty of Weſtminſter, or Precincts thereof, which are or shall be paved, shall and are hereby lyable to all Rates, Aſſeſſements, Penalties and Diſtreſſes which are or shall be made towards the Scavengers Rates for the places aforeſaid, in ſuch manner as by an Act of this preſent Parliament, made and Enacted in the fourteenth year of his Majeſties Reign, for the Repairing of the High-wayes and Sewers is directed and appointed: And that where any Ground shall lye at the end of any of the ſaid Streets or Lanes, or any other place of which there may be a diſpute who ought to pave or amend the ſame, that in ſuch caſe the Juſtices of Peace for the ſaid places reſpectively shall have hereby full power and authority in their Quarter-Seſſions to Order and Determine the ſame; which Order shall be binding to all perſons whatſoever therein concerned; any Law or Statute to the contrary in any wiſe notwithſtanding.

Travelling Waggons, Wayns, &c. carrying goods, &c. ſhall be drawn but with five Horſe Beaſts.

And be it further Enacted by the Authority aforeſaid, That from and after the Four and twentieth day of June next enſuing, no Travelling Waggon, Wayn, Cart or Carriage, wherein any Burthens, Goods or Wares are or shall be carryed (other then ſuch Carts and Carriages as are imployed in and about Husbandry and Manuring of Lands, and in the carrying of Hay, Straw, Corn unthreſht, Coal, Chalk, Timber for Shipping, Materials for Building, ſtones of all ſorts, or ſuch Ammunition or Artillery, as shall be for his Majeſties ſervice) shall at any one time travel, or be drawn, or go in any common or publique High-way or Road with above Five Horſe Beaſts at length; and if any shall Draw with a greater number of Horſes or Oxen, they shall all Draw in pairs, that is to ſay, two a breaſt for ſuch number as they shall uſe, except one Horſe; Any Law, Statute or Uſage to the contrary notwithſtanding.

The forfeiture for offending this Act.

And be it further Enacted, That every Owner of any Waggon, Cart, Carriage, Horſe, Beaſts or Oxen offending contrary to this Act, shall forfeit for every of the ſaid Offences the ſum of Forty shillings; One Third part thereof to the Surveyors of the High-wayes of the Town, Village or Hamlet where any the ſaid Offences ſhall be committed, to be imployed in the Repairs of the ſaid High-wayes; One other Third part to the Overſeers of the Poor of the Pariſh where any of the ſaid Offences ſhall be committed, to the uſe of the Poor of the ſaid Pariſh; And the other third part to him that ſhall diſcover the ſame, to be levied in ſuch manner as the Penalties in this Act impoſed on every Conſtable or Surveyor of the High-wayes, for refuſing or neglecting to put in Execution the ſeveral Acts of Parliament yet in force, for or touching the repairing, amending or enlarging of ſuch High-wayes, are directed and appointed.

Mending the High-ways.

And it is further Enacted and Ordained by the authority aforeſaid, That in ſuch places where there is no uſe of Carts and Teems for the amendment of High-wayes, but the Uſage and Practice is to carry Stones, Gravel, Earth, or other Materials for ſuch amendment, upon the backs of Horſes, or by any other kinds of Carriages: That in all ſuch places the Inhabitants uſing any ſuch horſes or other carriages, ſhall ſend in ſuch their horſes as are accuſtomed to that kind of labour, and ſuch their other Carriages with able perſons to work with the ſame, in like manner, and under the like Directions, Forfeitures and Penalties, as by any former Statute for Reparing of High-wayes, is appointed for Carts and Teems.

Defaulters therein, their Puniſhment.

Provided alſo, and it is further Enacted by the authority aforeſaid, That if any perſon or perſons ſhall fail or make default to make their reſpective Days Labour in every year for and towards the Repairing of the High-wayes, or neglect to ſend their reſpective Carriages, Horſes and Carts, according as or by Law they are reſpectively required, It ſhall and may be lawful for the Surveyor or Surveyors of every Pariſh, and they are hereby required to make Complaint thereof to the next Juſtices of the Peace, who are hereby authorized and required upon proof of any ſuch Default or Neglect made before them, by the Oath of one credible Witneſs, (which Oath they are hereby impowred to Adminiſter) to levy by Diſtreſſe and Sale of the Goods of every perſon failing or neglecting, as aforeſaid, (and not having a reaſonable Excuſe to be allowed by the ſaid Juſtices) the ſeveral penalties hereafter mentioned (rendring the Overplus, reaſonable Charges of diſtraining being firſt deducted) that is to ſay, For every Day-Labourer failing or neglecting, as is aforeſaid, One ſhilling and ſix pence; And for every Man and Horſe that ſhall make Default, Three ſhillings: And for every Cart with two men, Ten ſhillings, for every reſpective day wherein they ſhall make default; which reſpective Penalties ſo levied, ſhall be imployed for and towards the Repairing of the High-ways in every reſpective place and Pariſh.

Aſſeſment, when to be made for repairing the High-ways.

And be it further enacted by the authority aforeſaid, that where the Juſtices of the Peace of any County, City, or other place, or the major part of them at their General quarter-Seſſions ſhall be fully ſatisfied, that the Common High-ways, Cawſeys, or Bridges within any pariſh, townſhip or hamlet within their reſpective Juriſdiction, may not or will not be ſufficiently amended, repaired, & ſupported by means of the Laws now in force, without the help of this preſent Act; in all ſuch Caſes one or more Aſſeſment or Aſſeſments upon all and every the Inhabitants, Owners, and Occupiers of lands, Houſes, Tenements and Hereditaments, or any perſonal Eſtate uſually rateable to the Poor, within any ſuch Pariſh, Townſhip, or Hamlet ſhall be made, levied, collected, and allowed by ſuch perſon and perſons, and in ſuch manner as the ſaid Juſtices by their Order at ſuch their Seſſions ſhall direct and appoint in that behalf: And the Money thereby raiſed ſhall be imployed and accompted for according to the order and directions of the ſaid Juſtices, for and towards the amending, repairing, and ſupporting ſuch High-wayes, Cawſeys and Bridges, from time to time, as need ſhall require: And the ſaid Aſſeſſements ſhall be levied by Diſtreſſe and Sale of the Goods of every perſon ſo aſſeſſed (not paying the ſame within ten dayes after demand) rendring the Overplus of the value of the Goods ſo diſtrained to the Owner and Owners thereof, (the neceſſary charges of making and ſelling ſuch Diſtreſſe being firſt deducted.)

Six pence in the pound.

Provided nevertheleſs, and be it Enacted, That no ſuch Aſſeſſement or Aſſeſſements to be made in any one year, ſhall exceed the Rate of Six pence in the pound, of the yearly value of any Lands, Houſes, Tenements and Hereditaments ſo aſſeſſed; nor the Rate of Six pence for Twenty pounds in perſonal Eſtate; and that no ſuch Aſſeſſement be made or levied, from and after the Five and twentieth day of March, in the year, One thouſand ſix hundred ſeventy and three.

Surveyors of the High-ways when to be choſen.

1 & 2 P. & M. c.

And be it further Enacted by the authority aforeſaid, That from and after the Nine and twentieth day of September next, in every Pariſh within this Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, the Surveyors and Orderers of the Work for amendment of the High-wayes within their reſpective Pariſhes, ſhall be yearly choſen and nominated by ſuch perſons as by an Act made in the Second and Third years of King Philip and Queen Mary, is appointed upon ſome day in the ſame week that the Feaſt of the Birth of our Lord, commonly called Chriſtmas-Day, ſhall be: Which perſons ſo nominated and choſen, ſhall take upon them the ſaid Office, and ſhall appoint Six dayes for the providing Stones, Gravel, and other Materials for the Amendment of, and for Working in the High-wayes, having reſpect to the Seaſon of the Year, and the Weather, and giving Notice publickly ſome convenient time before the ſeveral dayes; At which dayes all perſons liable to the ſaid Work, ſhall attend and Work accordingly: And the ſaid Surveyors and Orderers ſhall make Return of the Defaulters and every of them, within one Moneth after every Default made, to ſome Neighbouring Juſtice of the Peace of the ſame County; And the ſaid Juſtice ſhall preſent the ſame at the Quarter-Seſſions of the Peace held next after ſuch Return made unto him: And the Offenders againſt this Act, in all caſes not particularly directed in this Act, ſhall reſpectively incur the ſame Forfeiture, Pains and Penalties inflicted and appointed by the Lawes and Statutes of this Kingdom now in force, for the Amending of the High-wayes, as fully as if they had been particularly Mentioned and Impoſed in and by this Act.

Bridges to be built in Cheſhire and Lancaſhire within ten years.

And whereas in the Counties of Cheſter and Lancaſter, there are many and ſundry great and deep Rivers, which run croſs and through the Common and Publick High-ways and Roads within the ſaid Counties, which many times cannot be paſſed over without hazard and loſs of the Lives and Goods of the Inhabitants and Travellers within the ſaid Counties, for want of convenient good and ſufficient Bridges in the ſaid High-ways and Roads; To Build and erect which, there is no Law in force: Therefore be it further Enacted by the Authority aforeſaid, That for ten years next following, and no longer, the reſpective Juſtices of Peace within the ſaid reſpective Counties, ſhall upon the Preſentment of the Grand Jury, at their reſpective and General Quarter-Seſſions, have power and Authority by Order or Warrant under the Hands and Seals of all, or the Major part of the ſaid Juſtices, being Six at leaſt then preſent, to cauſe to be erected and Builded, any new Bridge or Bridges, in ſuch place or places in any of the ſaid High-ways, over any of the ſaid Rivers within their reſpective Juriſdictions, as they ſhall judge fit and neceſſary, and ſo declare by ſuch Order as aforeſaid, and likewiſe to Repair or Rebuild ſuch other Bridges as were demoliſhed in the late War; And by their ſaid Order to Charge either their whole reſpective Counties, or any Hundred or Hundreds within their ſaid reſpective Counties, with the Erecting and Building any ſuch Bridge or Bridges, and from time to time (as need ſhall require) with the Repairing and Amending of all or any the ſaid Bridges, which ſhall be aſſeſſed, Levied and Gathered in ſuch ſort, manner and form, as the Moneys for Repairing of Bridges now in being, are uſed to be Aſſeſſed, Levied and Gathered by vertue of the late Statute in the Two and twentieth year of the Reign of the late King Henry the Eighth, in that caſe made and provided.

Monmouth.

Uſk and Baſalegg Bridges.

Provided always, and be it Enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Six or more Juſtices of Peace of the County of Monmouth, whereof Two to be of the Quorum, at their General Seſſions of the Peace to be held for that County, at any time hereafter, during Ten years, and no longer, to Impoſe and Levy any Sum or Sums of Money upon the ſaid County, for the Repairing and Amending of Uske and Baſalegg Bridges, which are Scituated upon great Rivers, and lie on very Publick Roads of that County, ſo as the Sum ſo Impoſed as aforeſaid, exceed not in the whole in any one year, the Sum of forty pounds: which Impoſition ſo laid, ſhall be levied and Accompted for by the ſame way and manner as the other Rates raiſed for Bridges, formerly Setled by Act of Parliament for that County, are Made and Provided.

CAP. XIII.

An Act for Improvement of Tillage and the Breed of Cattel.

Corn and Grain may be tranſported at certain times. 15 Car. 2. c. 7.

12 Car. 2. ca. 4. 13 Car. 2. ca. 7.

FOr the further Incouragement of Tillage for the common good and welfare of this Kingdom, Be it Enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame; That from and after the Twenty fourth day of June, which ſhall be in the year of our Lord, One thouſand ſix hundred and ſeventy: And from thence forward, it ſhall be lawful for all and every Perſon or Perſons Native or Forreign at any time or times to Ship, Lade, Carry and Tranſport as Merchandiſe, all ſorts of Corn and Grain, although the Priſes thereof ſhall exceed the Rates ſet down in one act of this preſent Parliament made in the fifteenth year of his Majeſties Reign, Entituled, An Act for the Encouragement of Trade, The ſaid act or any other Law, Statute, Uſage, or other Prohibition to the contrary thereof in any wiſe notwithſtanding, paying for the ſame ſuch Rates as are to be paid when the ſame might have been Tranſported by one Act of this preſent Parliament, Entituled, A Subſidie granted to the King of Tonnage and Poundage, and none other. And it is hereby further Enacted by the Authority aforeſaid, That when the Priſes, of Corn and Grain at the Times Havens and Places, when and where the ſaid Corn or Grain ſhall be Imported into this Kingdom, exceed not the Rates hereafter following, there ſhall be Anſwered and paid for the Cuſtom and Poundage thereof theſe rates; That is to ſay, for every Quarter of Wheat, when the ſame ſhall not exceed the Price of Three and Fifty ſhillings and four pence the Quarter, there ſhall be paid for the Cuſtom and Poundage thereof, the ſum of Sixteen ſhillings: And when the ſame ſhall exceed the ſum of Three and fifty ſhillings and four pence the Quarter, and yet not above Four pounds the Quarter, That then there ſhall be anſwered and paid for the Cuſtom and Poundage of every Quarter of Wheat the ſum of Eight ſhillings, for every Quarter of Rye when the ſame doth not exceed the price of Fourty ſhillings the Quarter, there ſhall be anſwered and paid for the Cuſtom and Poundage thereof the ſum of Sixteen ſhillings the Quarter, for every Quarter of Barley or Mault, when the ſame doth not exceed the price of Two and thirty ſhillings the Quarter, there ſhall be anſwered and paid for the Cuſtom and Poundage thereof, the ſum of Sixteen ſhillings the Quarter; for every Quarter of Buck-wheat when the ſame doth not exceed the price of Two and thirty ſhillings the Quarter, there ſhall be anſwered and paid for the Cuſtom and Poundage thereof the ſum of Sixteen ſhillings the Quarter; for every Quarter of Oates, when the ſame doth not exceed the ſum of Sixteen ſhillings the Quarter, there ſhall be anſwered and paid for the Cuſtom and Poundage thereof, the ſum of Five ſhillings and four pence the Quarter; for every Quarter, of Peaſe or Beans, when the ſame doth not exceed the ſum of fourty ſhillings the Quarter, there ſhal be anſwered and paid for the Cuſtom and Poundage thereof, the ſum of Sixteen ſhillings the Quarter, each Quarter to contain Eight Buſhels, and each Buſhell to contain Eight Gallons and no more.

But when the priſes of the ſeveral ſorts of Corn or Grain above mentioned, ſhall exceed the reſpective Rates aboveſaid, at the times and places of Importation; That then and in every ſuch caſe there be anſwered and paid for the ſame, the Duties payable in ſuch caſe before the making of this Act.

French or Pearl Barley.

And for the further Encouragement of French or Pearl Barley in this Kingdom, That there ſhall be paid for the cuſtom of every hundred weight of French or Pearl Barley, the ſum of Five ſhillings.

Encouragement for breeding and feeding of Cattel.

12 Car. 2. ca 4. 13 Car. 2. ca. 7.

And for the further Encouragement of Breeding and Feeding of Cattel of all ſorts; Be it Enacted by the Authority aforeſaid, That from and after the Twenty fourth day of June, which ſhall be in the year of our Lord God, one thouſand ſix hundred and ſeventy, and from thence forward, It ſhall be lawful for every perſon or perſons, Native or Forreigner, at any time or times to Ship, Lade, and Tranſport, by way of Merchandize, theſe ſorts of Goods following, That is to ſay, Beef, Pork, Bacon, Butter, Cheeſe, and Candles, though the ſame do exceed in price at the Ports from whence they are Laden; and at the time of their Lading the prices ſet down and limited in the aforeſaid Act of this preſent Parliament, Entituled, A Subſidy granted to the King of Tonnage and Poundage, The ſaid Act or any other, Law, Statute, Uſage, or other Prohibition to the contrary thereof in any wiſe notwithſtanding; Paying for the ſame the reſpective Rates appointed by the ſaid Act, and no more.

Butter and Cheeſe.

Except, and always provided, That for the Cuſtome and Poundage of every Barrel of Butter, there ſhall be paid One ſhilling, and for every hundred Weight of Cheeſe, Four pence, and no more; The aforeſaid Act of Tonnage and Poundage, or any other Law or Statute to the contrary notwithſtanding.

Ox or Steer.

And it is hereby further enacted by the authority aforeſaid, That from and after the Twenty fourth day of June, which ſhall be in the year of our Lord, One thouſand ſix hundred ſeventy and one, there ſhall be paid for every Ox or Steer, that ſhall be Tranſported into the parts beyond the Seas by any perſon or perſons, Native or Forreigner, the Sum of Twelve pence, and no more; The aforeſaid Act of Tonnage and Poundage, or any other Law, Statute, Uſage, or other Prohibition to the contrary hereof in any wiſe notwithſtanding.

Cows or Heyfers.

And it is hereby further enacted by the authority aforeſaid, That from and after the ſaid Twenty fourth day of June in the Year aforeſaid, it ſhall be lawful for any perſon or perſons, Native or Forreigner, to Ship, Lade, or Tranſport Cows or Heifers, paying for each Cow or Heifer the ſum of Twelve pence, and no more: And alſo to Ship, Lade, or Tranſport all ſorts of Swine, or Hogs, paying for each Swine or Hog Two pence, and no more; Any Statute, Law, Uſage, or other Prohibition to the contrary thereof in any wiſe notwithſtanding.

Swine or Hogs.

Horſes and Mares may be tranſported.

And for the further Encouragement of the Breed of Horſes, Be it Enacted by the Authority aforeſaid, That from and after the Twenty fourth day of June, in the Year of our Lord, One thouſand ſix hundred and ſeventy, and from thence forward, it ſhall be lawful for any perſon or perſons, Native or Foreign, at any time or times to Ship, Lade, and Tranſport by way of Merchandiſe, Horſes or Mares into any parts beyond the Seas in Amity with his Majeſty, paying for each Horſe or Mare the Sum of Five ſhillings, and for each Gelding the Sum of Five ſhillings, and no more; the aforeſaid Act of Tonnage and Poundage, or any other Law Statute, Uſage, or any other Prohibition to the contrary hereof in any wiſe notwithſtanding.

FINIS.

A Table of the general Titles compriſed in the enſuing Calender.

ABility, Non-ability. See Diſablement.
Abbey.
Abridgement of Plaints.
Abjuration, Sanctuary.
Actions, popular Informations.
Actions upon the Caſe.
Accomptants and debtors to the King.
Accompt and Accomptant.
Accuſation, Petition, Suggeſtion.
Additions.
Adjournment.
Admeaſurement of Dower and Paſture.
Adminiſtrators.
Admiral and Admiralty.
Ad quod dammum.
Age and Non-age.
Aide to make the Son Knight, to marry the Daughter.
Aid of the King.
Aid and Aid prayer.
Ale-houſes, Tipling-houſes.
Alienation of Lands holden of the K. without licence.
Aliens, Strangers, and Denizens.
Amerciaments and Fines.
Ambidexter.
Anniverſary Thankſgiving.
Apparance.
Appeals and Provocations.
Appeals of Felonies.
Approvers.
Appropriation.
Approvements.
Archery.
Armour, armed-men, Army.
Arrow-heads.
Arreſts and arreſtings.
Artificers.
Aſſiſe, Diſſeiſor, Diſſeiſin.
Attaint.
Atturney.
Auditor and Receiver.
Aulnage, Aulnager.
Avowry.
Avowſon.

B

BAyliffs.
Badger, Lader, Carrier, Drover.
Battail.
Bankrupts.
Bark.
Baſtards, Baſtardy.
Bell-metal.
Benevolence.
Biſhops, Archbiſhops, and Biſhopricks.
Bail.
Blood-drawing in the Kings Palace.
Bigamy.
Books.
Boatmen, Watermen, &c.
Bowes, Bowſtaves.
Braſſe, Latten, Copper.
Bridges.
Brokers.
Brewers.
Buggery.
Burglary.
Burning.
Butchers.
Butler to the King.
Butter and Cheeſe.
Buts.
Buying of Titles.

C

CAbles, Halſers, Ropes.
Captains, Souldiers, Muſters.
Cards for Wooll.
Caſtles, Fortreſſes, Bulwarks.
Caps.
Carrier.
Cattel.
Certificates.
Chaſes.
Certiorari, Habeas Corpus.
Citation.
Clapboard, Caske.
Clergy.
Ceſſavit.
Challenge.
Charitable uſes. S. Hoſpitals.
Chantries.
Champerty, S. Maintenance.
Cheeſe.
Cheſter, Cheſhire.
Chirographer & Cuſtos Brevium.
Cloth, Clothing.
Clerk of the Market.
Clerks of the Aſſiſe.
Clerks of the Signet and Privy Seal.
Clerks of the Chancery.
Clerk of the Crown.
Clerk of the Peace.
Clerk of the Statutes.
Collectors.
Colledges.
Commiſſion, Commiſſioners.
Common, Commoners.
Condition, Covenant.
Conduits.
Conjuration, Inchantment, Witchcraft.
Conſpiracy.
Contra formam Collationis.
Convocations, and Aſſemblies for Religion.
Copyhold, Copyholders.
Copper.
Cordwayners, Curriers, Tanners.
Controllers of Cuſtoms.
Coſts of ſuit.
Conſultation.
Corn and Grain.
Corpus cum cauſa, *Certiorari*, *Habeas Corpus*, Remover.
Corporations, Mayors, Bayliffs, head Officers.
Coroners.
Coſſenage.
Cottages and Inmates.
Coverlets.
Counterfeit letters and tokens.
Coopers.
County or Shire Court.
Counterplea of *Voucher*.
Courts.
Crowes, Rooks, &c.
Crown, King, Queen.
Croſſe-bowes.
Currier.
Curſing.
Cuſtos Brevium.
Cuſtoms, Subſidies, Cuſtomers, Controllers, and Searchers.

D

DAmages and Coſts of ſuit.
Dayes in Bank.
Darrain Preſentment.
Debts, Debtors.
Debtors to the King.
Demurrer.
Dilapidations.
Diſceits.
Diſablement.
Denizens.
Diſſeiſor, Diſſeiſin.
Diſcontinuance of Proceſſe.
Diſpenſations, licences, faculties, &c.
Diſtreſſes.
Dower, *Quarrentine*, Joynture, Drapery, Clothes, Clothing.
Drunkenneſſe.
Dying, Dyers.

E

EAres.
Eccleſiaſtical perſons Livings and Juriſdictions.
Egyptians.
Enqueſts.
Embracery. See Maintenance.
Enchantment.
Entry.
Errour.
Eſcape.
Eſcheators.
Eſſoynes.
Eſtreats.
Exchequer.
Excommunication.
Exception.
Execution.
Executors.
Exemplification.
Exigent and Outlawries.
Extortion, Exaction, Oppreſſion.

F

FAires and Markets.
Faculties.
Falſifying of Recoveries.
Falſe Judgments.
Farms.
Faſting dayes.
Fees and Duties.
Felony.
Feaſants, Partridges, Hares.
Fealty.
Fighting and quarrelling.
Fifteens and Taxes.
Fines levied of Lands.
Fines for miſdemeanors.
Fiſh, Fiſhers, and Fiſhing.
Fiſh-dayes.
Flax.
Force and forcible Entries.
Forreſts, Chaſes, Parks, Warrens.
Forfeitures.
Forging of Deeds and Writings.
Foreſtallers, Ingroſſers, Regrators.
Fortreſſes.
Franchiſes and Liberties.
Fraudulent aſſurances.
Freehold.
Fuell.
Fuſtians.

G

GAol, Gaolers.
Games.
Gold, Silver, and Goldſmiths.
Guns.
Gunpowder and Salt-Peter.

H

HAts and Caps.
Habeas Corpus.
Halſors.
Hares.
Hawks and Hawkings.
Havens and Rivers.
Hemp and Flax.
Herings.
Hexham and Hexhamſhire.
High-wayes.
Holy-dayes and faſting-dayes.
Homage and Fealty.
Honey.
Hops.
Horns and Horners.
Horſes, Mares, &c.
Hoſpitals and charitable uſes.
Hoſtlers.
Huy and Cry.
Hunters and Hunting.
Husbandry and Tillage.

I

IDeots, natural fools.
Jeofailes.
Jeſuits, Prieſts, Seminaries.
Joynture of a woman.
Images.
Incontinency.
Indicavit.
Incumbent.
Ingroſſers.
Incloſures.
Inmates.
Indictments.
Informations.
Inquiſitions.
Intruſion.
Inventories.
Inholders, Hoſtlers.
Juris Utrum.
Inrolments.
Joynt-Tenancy and Joynt-Tenants.
Iron.
Ireland.
Iſſues.
Jurors Juries and Enqueſts.
Juſtices of both Benches, of

THE TABLE.

Aſſiſe, Gaol-delivery and *Niſi Prius.*
Juſtices of Peace.

L

LAbourers, Artificers, Servants and Apprentices.
Lader.
Lapſe.
Latten.
Leaſes.
Leets, Liberties and Stewards thereof.
Leather, Tanner, Currier, and Shoomaker.
Limitation of preſcription.
Liberties.
Licences.
Linnen cloth.
Livery and *Ouſter le maine.*
Liveries and Retainers.
Lunatick.

M

MAinpriſe and Bail.
Maintenance, Champerty, Embracery, and buying of Titles.
Merchant and Merchandizes.
Markets.
Mariners and Souldiers.
Marriages.
Martial and Marſhalſie.
Mayors, Bayliffs, chief Officers, &c.
Maſons.
Matrimony.
Malt and Malt-makers.
Meaſures.
Meſne.
Mildernix and Powledavy.
Monaſteries and Abbies.
Money.
Monopolies.
Mortdaunceſter.
Mortmaine.
Mortuaries.
Multiplication.
Muſters.
Murder and Manſlaughter.

N

NEwes.
Niſi Prius.
Nonability.
Non-age.
Non-claim.
Non-ſuit.
Non-tenure.
Nuſance.
Nuper Obiit.

O

OBlations.
Odio & Atia.
Offices, Inquiſitions.
Offices, Officers.
Oyle.
Ordinary.
Oatmeal.
Oath.
Outlawry.
Ouſter le maine.

P

PAinters.
Pardons.
Parliament.
Parks.
Partridges.
Partition, Parceners.
Patents.
Perjury.
Petitions to the King, or in the Chancery.
Pewter, Braſſe, Pewterers.
Phyſicians.
Piracy.
Plague.
Playes and Games.
Pleading and Pleaders.
Poor people.
Poſt diſſeiſin.
Poſtage and Letters.
Powledavie.
Prerogative, Preheminence.
Preſcription.
Preachers, Preacher and preaching.
Præmunire, Proviſion.
Prieſts.
Priſon, Priſoners, Gaol and Gaolers.
Privy Councel.
Probat of Teſtaments and Adminiſtrations.
Proceſs.
Proclamations.
Prohibition, Conſultation.
Prophecies.
Protection.
Purveyors and Takers.

Q

QVare Impedit, and Aſſiſe of *darraine preſentment.*
Quare clauſum fregit.
Quarrelling.
Quarrentine.
Quod permittat.
Quod ei deforceat.

R

RApe, Raviſhment.
Receits.
Receiver.
Records.
Recognizances.
Recoveries, and falſifying of Recoveries.
Recuſants.
Rediſſeiſin & poſt diſſeiſin.
Regrators.
Relief.
Rents.
Removing of priſoners or Records.
Replevin.
Reſtitution.
Return of Sheriffs.
Right.
Riots, Routs, unlawful aſſemblies.
Rivers.
Robbery.
Rogues.
Rome.
Ropes.

S

SAcraments and Service Divine.
Safe Conducts.
Sanctuaries.
Second deliverance.
Seminaries.
Sewers.
Sheep.
Ships and Shipping.
Sheriffs.
Searchers of Cuſtome.
Servants.
Shoomakers.
Silk.
Souldiers.
Sope Veſſels.
Spices.
Spiritual perſons and Livings.
Statutes and Recognizances.
Steele.
Stewards of Courts.
Stealing.
Strangers.
Subſidies.
Sureties.
Suggeſtions.
Surgeons.
Suit of Court.
Superſedeas.
Swans.
Swearing.

T

TAile, and Tenant in Taile.
Takers.
Tame Beaſts.
Tanner.
Taxes.
Tenths.
Tenures.
Teſtaments.
Thrums.
Tillage.
Tinn and Tinners.
Tole.
Tobacco.
Tongue and Eyes.
Towns.
Traverſe.
Treaſons.
Treſpaſs.
Trial.
Tumults.
Turn of Sheriff.
Tyles.
Tythes, Oblations, &c.

V

VAgabonds.
Verdict.
View.
Villains and Villainage.
Victual and Victuallers.
Unlawful aſſemblies.
Voucher, and Counter-plea of Voucher.
Upholſters.
Uſes.
Uſury.

W

WAger of Law.
Wales.
Wards, Wardſhips and Marriages.
Warranty.
Warrener.
Warre.
Waſte.
Watch and Wards.
Watermen.
Wax and Honey.
Weights and Meaſures.
Weares.
White Aſhes.
Wild Fowl.
Wills and Teſtaments.
Wines.
Witchcraft.
Witneſſes.
Woods.
Woolls and Woollfells.
Women.
Worſteds.
Wreck of the Sea.
Writs and abatements of Writs.

Y

YArn and Thrums.

A
KALENDER Or TABLE, Expreſſing in Titles, the effect of the moſt material Branches of thoſe Statutes which be general, in force and uſe, and relating to the Commentary or Book precedent, wherein they be at large ſet down.

Ability, Non-ability, Diſablement.

Kings Children.

THe Kings Children enabled to inherit in *England*, whereſoever they be born. 25 Ed. 3. Stat. 2. 1.

Born beyond the Sea.

2 Children enabled to inherit in *England*, where their Mothers paſs the Sea by the licence of their husbands. 25 Ed. 3. ibidem.

3 Children born beyond the Sea within the Kings Dominions enabled to inherit in *England.* 42 Ed. 3. 10.

Welſhmen.

4 Welſhmen enabled to inherit in *England*. 27 H. 8. 26.

Religious perſons.

5 Religious perſons profeſſed. 31 H. 8. And ſuch as were tranſlated from one Corporation to another. 33 H. 8. 29. And the Prior and Confreers of the Hoſpital of Saint *Iohn* of *Ieruſalem* in *England* and *Ireland*. 32 H. 8. 24. enabled to inherit, purchaſe, ſue and to be ſued.

Religious perſons.

6 No Religious perſon ſhall be enabled to inherit as heir to any perſon by any former right, before his deraignment. 31 H. 8. 6. 5 Ed. 6. 13.

Eccleſiaſtical perſon.

7 The examination of the ability of a Parſon preſented to a Benefice, doth pertain to an Eccleſiaſtical Judge. *Articuli Cleri*, 13. 9 El. 2.

Diſablement by corruption.

8 Diſablement of him to continue or enjoy his place, that takes a reward for his voice in electing a fellow, Scholler, &c. And of him that giveth money to another to reſign his place. And of him that is preſented or collated, or admitted to a benefice with cure for reward. And of him that giveth reward for being made Miniſter, or obtaining licence to preach. 31 El. 6.

Diſablement by acceptance of a Benefice.

9 If any Parſon having a Benefice with cure of Soul, of the yearly value of viii. pounds or above, doth accept another with cure of Soul, he ſhall be diſabled of the firſt. 21 H. 8. 13.

1 *Abbies*. See *Monaſteries*, &c.

Abridgement of Plaints.

1 THe Plaintiff in Aſſiſe may abridge his Plaint. 21 H. 8. 3.

Abjuration, Sanctuary.

A Recuſant.

1 THe penalty of a Recuſant that cometh not to the Church, who refuſeth to abjure the Realm being lawfully commanded, or that returneth without the Kings licence. 35 El. 1. & 2.

Abjuration extinct.

2 So much of all Statutes as concern the abjured perſons and ſanctuaries, or ordering or governing of perſons abjured, or in ſanctuary, made before the 35 year of the late Queen *Elizabeth*'s Reign, ſhall ſtand repealed and be void. 1 Jac. 25.

Sanctuaries extinct.

3 All Sanctuaries are taken away, 21 Jac. 28.

Actions popular, Informations.

Action ſued by colluſion.

1 IN an Action popular ſued by colluſion, he that ſueth after with good faith, may aver the covin, and recover. 4 H. 7. 20.

The time of the ſuit.

2 Within what time an Action popular ſhall be ſued, after the offence committed. 31 Eliz. 5. Informers reſtrained by order of Court. 31 El. 5.

The County named.

3 The County ſhall be alledged, where by the information, the offence is ſuppoſed to be committed. But there be certain offences whereupon information may be given in any County. 31 El. 5.

Courts of puniſhment.

4 Certain offences puniſhable at the Aſſiſes, Quarter-Seſſions, and Leet only. 31 El. 5.

The duty of the Informer.

5 Every Informer ſhall exhibit his ſuit in proper perſon, and by Information or original action, and ſhall have no deputy. And ſhall not compound with the defendant, but by conſent of the Court. 18 El. 5.

Name of the Information.

6 A note ſhall be made of the day, moneth, and year of the exhibiting of the Information. 18 El. 5.

7 In what manner the Proceſs upon an information ſhall be endorſed. 18 El. 5.

The Informers puniſhment.

8 What coſts and damages an Informer ſhall pay, and what other puniſhment he offending ſhall ſuſtain. 18 El. 5.

Where Informations ſhall be ſued.

9 Informations upon penal Statutes, ſhall be proſecuted in the Counties where the offences were committed. 21 Jac. 4.

The Defendant not guilty.

10 Upon default of proving, that the offence was committed in the ſame County, the Defendant ſhall be found not guilty. 21 Jac. 4.

The Informers Oath.

11 The Informer ſhall make Oath that the offence was committed in the ſame County where the Suit is commenced. 21 Jac. 4.

General Iſſue.

12 The Defendant in an Information upon a penal Statute, may plead the general Iſſue. 21 Jac. 4.

Action upon the Caſe.

For want of remedy.

1 WHere any party grieved hath no remedy by the Common Law, he may ſue an Action upon his caſe. 13 Ed. 1. 49.

Proceſs.

2 Like Proceſs ſhall be awarded in Actions upon the Caſe, as in Actions of Treſpaſs, or Debt. 19 H. 7. 9.

Admirals Court.

3 An Action upon the Caſe ſhall be maintained againſt him that doth ſue in the Admiral's Court. 2 H. 4. 11.

Accomptants and Debtors to the King.

The Kings Specialties.

1 THe form of Obligation and Specialties made to the King. 33 H. 8. 39.

The force of the Kings Bonds.

2 An Obligation made to the King, is in the nature of a Statute-Staple. 33 H. 8. 39.

Who ſhall have the Kings debts.

3 Who ſhall have the Kings Debts after his death. 33 H. 8. 39.

The King ſhall have coſts.

4 In all Suits to be taken by the King upon any Specialty, he ſhall recover coſts, &c. 33 H. 8. 39.

Declaration for the Kings debts.

5 The form of the declaration where any debt is due to the King by Attainder, Forfeiture, Utlary, or Gift. 33 H. 8. 39.

The Kings preferment in ſuit and payment.

6 The Kings ſuits ſhall be preferred, and his debt firſt paid. 33 H. 8. 39. *Magna Charta*. 18.

Entayled lands.

7 Lands entailed ſhall be chargeable to the payment of the Kings debts. But the King may recover his debt againſt the Executors of his debtor. 33 H. 8. 39.

Specialties to the King.

8 Specialties made to the King without this word, *Heir*. 33 H. 8. 39.

The Kings debtor diſcharged.

9 Upon ſufficient matter proved, the Court may diſcharge the Kings ſuppoſed debt. 33 H. 8. 39.

The Kings debts levied of ſeveral perſons.

10 How the Kings debt ſhall be levied, when his debtors Lands ſhall come to ſeveral hands. 33 H. 8. 39.

Officers bound with ſureties.

11 Certain Officers accomptant to the King, ſhall be bound with ſureties for their true accompt and payment. 7 Ed. 6. 1.

Receivers precepts.

12 Receivers precepts to the K. Officers accomptant to pay ſuch money as ſhall be due to the King at Eaſter. 7 Ed. 6. 1.

Auditors precepts.

13 Auditors precepts to accomptants to pay money due to the King at *Michaelmas*. 7 Ed. 6. 1.

Concealment of duties.

14 The forfeiture of any Officer accomptant of the K. ſhall conceal any duty. 7 Ed. 6. 1.

Diſtreſs for the Kings Rent.

15 The K. Collector and Bayliff may diſtrain for any Rent due. 7 Ed. 6. 1.

Accompt of Receivers.

16 When the Receivers of the K. Lands ſhall enter into accompt, and when make payment. 7 *Ed*. 6. 1.

Accomptants ſhall make payment.

17 Certain of the K. accomptants ſhall upon notice declare what money they have, and upon commandment make payment of the ſame: and at what time they ſhall make their accompt. 7 Ed. 6. 1.

An Auditor omitting his duty.

18 The forfeiture of an Auditor which delayeth or refuſeth to take the accompts of any that he ought to do. 7 Ed. 6. 1.

The Copy of the Accompt.

19 An Auditor ſhall deliver to an accomptant a copy of his accompt. 7 Ed. 6. 1.

Accomptants exempt.

20 Certain accomptants to the King which ſhall not be charged by the Statute of 7 Ed. 6. 1.

A Collectors forfeiture.

21 The forfeiture of a high Collector of any fifteen, Subſidy, or other Tax or Loan, that doth not pay the money by him received to the Kings uſe, to ſuch perſon, and at ſuch time as he ſhall be appointed. 34 H. 8. 2.

The charge of Collectors.

22 How far the foreſaid Collectors heir, and how his Executors ſhall be charged. 34 H. 8. 2.

The heirs remedy.

23 The heir being charged, ſhall have remedy againſt his Fathers Executors. 34 H. 8. 2.

Which Collectors not chargeable.

24 To which Collectors the Stat. of 34 H. 8. 2. doth not extend.

Accomptants Lands liable.

25 Certain Accomptants to the King, whoſe lands be liable to him for the payment of their debts. 13 Eliz. 4.

Sale of the Accomptants lands.

26 In which caſes the King may ſell his Accomptants Lands, and againſt whom the ſame ſale ſhall be good. 13 Eliz. 4.

Lands purchaſed in other mens names.

27 How the King may uſe the Lands of his Accomptant indebted, which he hath purchaſed in the names of other perſons. 13 El. 4.

Sureties diſcharged.

28 If the King do ſell his Accomptants Lands, his ſureties ſhall be diſcharged of ſo much as ſhall be levied of them. 13 Eliz. 4.

Accomptants not chargeable.

29 To which Accomptants the Stat. 13 El. 4. doth not extend.

A remedy by traverſe.

30 The party grieved by any office found (and intituling the King by fraudulent aſſurance) may have his traverſe to the ſame. 13 El. 4.

Under Collectors of Tenths, &c.

31 The Stat. of 13 El. 4. ſhall extend to Under-Collectors of tenths and ſubſidies of the Clergy, to make their Lands, Goods, &c. liable for ſatisfying of ſuch money as they have collected. 14 El. 7.

Under-collectors accompt.

32 Every ſuch Under-Collector, ſhall accompt in the Exchequer for his receipt, as other receivers do. 14 El. 7.

Sale of accomptants lands after his death.

33 The foreſaid Stat. of 13 El. 4. made to extend to the ſale of the Accomptants Lands within eight years after his death. But firſt Proceſs muſt be awarded againſt the Accomptants heir. 27 El. 3.

Who may buy Accomptants Lands.

34 The ſale of an Accomptants Land good to him which is not conſenting to the fraud. 27 El. 3.

To which Accompt. the St of 27 E. extendeth.

35 To which Accomptants only the Stat. 27 El. 3. doth extend.

No ſale during the minority.

36 There ſhall be no ſale of the Land of the Accomptants heir during his minority. But it may be made within eight years after. 27 El. 3.

No ſale where is a *Quietus eſt*.

37 No ſale of the heirs Land where the Accomptant had a *Quietus eſt*. 27 El. 3.

Accomptants for Diſmes.

38 Accomptants for Diſmes ſhall not be chargeable in the Exchequer for other ſuits, 1 R. 3. 14.

Wrongful confeſſion of a debt to the King.

39 What ſhall be done with him that doth confeſs a debt to the King where he is no debtor, to avoid others execution. 1 R. 2. 12.

Where the ſureties is not chargeable.

40 Sureties ſhall not be charged to pay to the King his debt, ſo long as the principal debtor is ſufficient. 9 H. 3. 8.

Diſtreſſes for the King ſhall be reaſonable.

41 Too great a diſtreſs ſhall not be taken for the Kings debt, nor driven too far. 28 Ed. 1. 12.

Sureties ſhall be taken of the Debtor.

42 The Sheriff having Proceſs to levy the Kings debt, muſt take ſurety of the party to anſwer it at a day. 28 Ed. 1. 12.

The Kings debt being paid, the debtor ſhall be diſcharged.

43 The Sheriff having levied the Kings debt, ſhall diſcharge the debtor. 51 H. 3.

Commiſſions to enquire of Accomptants.

44 Commiſſions ſhall be awarded into Counties to enquire of the receipts and payments of ſeveral Officers of the King accomptable in the ſame Counties, 6 H. 4. 3.

Aſſignment of debts to the King.

45 What debts onely may be aſſigned to the King. 7 Jac. 15.

46 All money, goods, and other thing recieved by any the late Receivers or Treaſurers, and not pardoned, ſhall be accompted for, and veſted in the King. 13 Car. 2. 3.

Accompt and Accomptants.

Proceſs againſt Accomptants.

1 WHat Proceſs ſhall be awarded againſt Accomptants withdrawing themſelves. 52 H. 3. 23.

Accomptants impriſoned.

2 In what caſes Auditors may commit Accomptants to Priſon. 13 Ed. 1. 11.

Accomptants relieved.

3 By what means an Accomptant ſhall be relieved, if he be wrongfully charged. 13 Ed. 1. 11.

Accomptants eſcaping.

4 An Action of debt maintainable againſt a Sheriff or Gaoler that letteth an Accomptant eſcape, which is committed to his guard, 13 Ed. 1. 11.

A Writ of Accompts for Executors.

5 Executors ſhall have a Writ of Accompt. 13 Ed. 1. 23.

The def. plea in Accompt.

6 In debt upon the arrerages of Accompt, the Defendant may wage his law, or plead to an enqueſt. 5 H. 4. 8.

Accomptants for repair of High-Wayes.

7 In what caſes Bayliffs, Conſtables, Church-Wardens, and others who have charge of the repair of High-Wayes, ſhall accompt, and to whom. 2 & 3 P. & M. 8. 5 El. 13. 29 El. 5.

Overſeers of the Accompts for the poor.

8 To whom the Overſeers of the Poor ſhall make their Accompt, and the penalty if they do not. 43 El. 2.

Collectors of bridges, &c. accompts.

9 Collectors and Surveyors for the repair of bridges, ſhall accompt. 22 H. 8. 5.

10 All perſons accomptable, ſhall have authority to levy and recover all arrears. 13 Car. 2. 13.

11 All moneys, and goods for which any perſons are Accomptable, not pardoned by the Act of Oblivion are veſted in the King. 13 Car. 2. 3.

12 Accompts of Sheriffs. 14 Car. 2. 21.

13 Several ſumms of money given to the King for maintenance of the Dutch-War to be Accompted. 19 Car. 2. Cap. 9.

Accuſation, Petition, Suggeſtion.

Falſe Accuſations.

1 THe penalty of thoſe that make falſe accuſations, Petitions, or Suggeſtions to the King himſelf, or by *Subpena* in the Chancery to others. 5 Ed. 3. 9. 37 Ed. 3. 18. 38 Ed. 3. 9. 42 Ed. 3. 3. 17 R. 2. 6. 15 H. 6. 4.

Additions.

Additions where an exigent.

1 ADditions ſhall be put in Actions perſonals, Appeals, and indictments, where an Exigent ſhall be awarded. 1 H. 5. 5.

Addition *in excommunicato capiendo*.

2 An offender in a Writ of *Excommunicato Capiendo* ſhall have a ſufficient Addition. 5 Ed. 23.

Adjornment.

Adjornment ſuits.

1 THe Juſtices of the Common-Bench, upon the removing of the ſame Bench, ſhall adjorn the parties to any ſuit. 2 Ed. 3. 11.

Adjornment ſhall not hinder ſuits.

2 Fines ſhall be effectual, though Proclamations be not made by reaſon of Adjornment of any Term. 1 *Mar.* 7.

Adjornment by Inſt. of Aſſiſe, &c.

3 In what caſes the Juſtices of *Niſi Prius* may adjorn Aſſiſes, or other Iſſues. 13 Ed. 1. 30. 4 Ed. 3. 11.

Admeaſurement of Dower and Paſture.

Who may have a Writ of Admeaſurement.

1 THe guardian may have a Writ of Admeaſurement of Dower, and ſo may the heir. 13 Ed. 1. 7.

Secunda ſuper oneratione paſturæ.

2 In what caſe he that is grieved by ſecond over-charge of Paſture, ſhall have a Writ of *ſecunda ſuper oneratione paſturæ*, and out of what Court. 13 Ed. 1. 8.

Enrolment of Writs of *Secunda ſuper, &c.*

3 All the Writs of *Secunda ſuper oneratione paſturæ* and Rediſſeiſin ſhall be inrolled in the Chancery, and the tranſcript of them ſent into the Exchequer. 13 Ed. 1. 8.

Adminiſtrators.

Granting of Adminiſtration.

1 THe Ordinary hath authority to depute Adminiſtrators of the goods of an inteſtate, and what their benefit and charge ſhall be. 31 Ed. 3. 11.

Naming of the Adminiſtration.

2 To whom an Ordinary ſhall commit the adminiſtration of the goods of an inteſtate. 21 H. 8. 5.

Fees for Adminiſtration.

3 How much an Ordinary ſhall take for granting of an Adminiſtration, 21 H. 8. 5.

The Ordinaries charge as Adminiſtrator.

4 How far the Ordinary ſhall be charged, who hath goods of an inteſtate in his hands. 13 Ed. 1. 19.

Fraudulent Adminiſtration.

5 How far he ſhall be charged, who getteth a fraudulent adminiſtration of an inteſtate's goods. 43 El. 8.

Adminiſtrators remedy for Rent.

6 Certain caſes wherein Adminiſtrators may have an Action of Debt for Rent due to the inteſtate. 32 H. 8. 37.

7 Adminiſtrators *de bonis non, &c.* may ſue executions upon judgment obtained by the Teſtator. 17 Car. 2. 8.

8 Adminiſtrators and executors of Seamen ſhall pay but twelve pence for their adminiſtration. 19 Car. 2. 7.

Admiral and Admiralty.

The Admirals authority.

1 WIth what things onely the Admiral and his Deputy ſhall meddle. 13 R. 2. 5.

The Admiral meddling where he ought not.

2 The forfeiture of the Admiral or his Deputy, if he meddle where he ought not. 2 H. 4. 11.

The Admirals juriſdiction.

3 Of what things the Admiral hath Cogniſance, and how far his Juriſdiction extendeth. 15 R. 2. 3.

Conſervator of Truce.

4 A Conſervator of the Truce hath like power to the Admiral, ſaving in certain caſes. 2 H. 5. 6.

Ad quod damnum.

In what caſe *Ad quod damnum* doth lye.

1 IN what caſes, and for what cauſes, a Writ of *Ad quod damnum* is to be purchaſed. 27 Ed. 1. *De Libertatibus perquirendis.*

Aſſurances to certain uſes, without *Ad quod damnum.*

2 Lands may be given to the maintenance of Houſes of Correction, or of poor mens Stocks, without an *Ad quod damnum.* 18 El. 3. 35 El. 7.

Age and Non-age.

In what caſe Non-age ſhall neither help nor hurt.

1 NOnage ſhall not help the heir of the Diſſeiſor, nor delay the heir of the Diſſeiſee. 3 Ed. 1. 46.

Staying of Enqueſts.

2 The non-age of the Demandant ſhall not ſtay an Enqueſt. 6 Ed. 1. 2.

Nonage ſuffered by Procheine amye.

3 In what caſes the next friends of them which be within age, ſhall be admitted to ſue for them. 3 Ed. 1. 47. 13 Ed. 1. 15.

No delay by the heirs Nonage.

4 A woman ſuit, or her heirs, ſhall not be deferred by the non-age of an heir, who ought to warrant the Land. 13 Ed. 1. 40.

An Apprentice within age.

5 An Apprentice bound within age, ſhall ſerve as if he were of full age. 5 Eliz. 4.

A remedy for him which by office is wronged in his age.

6 The remedy where an Heir is by an Office found for the King to be within age, whereas in truth he is of full age. 2 Ed. 6. 8.

Aid to make the ſon Knight, and to marry the daughter.

The Lords duty of his freehold Tenants.

1 WHat ſhall be taken by the Lord of his Tenant, to make his ſon Knight, or to marry his daughter, and when that ſhall be paid. 3 Ed. 1. 35.

The Kings Aid.

2 The King ſhall have the like aid to make his eldeſt

ſon Knight, or to marry his daughter. 25 Ed. 3. 11.

Aid of the King.

In what caſe Aid is grantable.

1 IN what caſe Aid ſhall be granted of the King, in what not. 4 Ed. 1. 1, 2, 3. Stat. *de Bigamis.* 1 H. 4. 8.

Four Writs of Search.

2 There ſhall be but four Writs of ſearch for the King, when Lands in the Kings hands be demanded by Petition. 14 Ed. 3. 14.

Two Writs of Search upon a Traverſe.

3 Upon a Traverſe to an Office, there ſhall be but two Writs of ſearch granted. 2 Ed 6. 8.

Where no Aid for the Kings Patentee.

4 Where in an Aſſiſe brought againſt the Kings Patentee, he ſhall not have aid of the King. 1 H. 4. 8.

Aid and Aid-prayer.

1 THe Plaintiff and Defendant in a Replevin or ſecond Deliverance, may have aid. 21 H. 8. 19.

2 Joynt-Tenants and Tenants in Common after partition, ſhall have aid one of the other. 31 H. 8. 1.

Ale-houſes.

Diſcharging of Ale-houſes.

1 IUſtices of Peace may diſcharge common Ale-houſes where they think meet. 11 H. 7. 2. 5 & 6 Ed. 6. 25.

Who ſhall keep Alehouſes.

2 Who only ſhall be admitted to keep any Common Ale-houſe, and what bond and ſurety ſhall be taken of them. 5 & 6 Ed. 6. 25.

Keeping Ale-houſe without licence.

3 The penalty for keeping of an Ale-houſe without licence. 5 & 6 Ed. 6. 25. 3 Car. 3.

An Alehouſe-keeper not obſerving good order.

4 The penalty of an Ale-houſe-keeper, permitting any to continue drinking in his houſe, certain perſons except. 1 Jac. 9. 21 Jac. 7. 1 Car. 4.

The price of Ale and Beer.

5 The prices of a quart of Ale and Beer, and the penalty of him that doth ſell dearer. 1 Jac. 9.

Officers neglecting their duty.

6 The penalty of Conſtables or Church-Wardens neglecting their duty in levying of the penalties forfeited. 1 Jac. 9. or in puniſhing the offendor. 3 Car. 3.

Selling Beer, &c. to an Ale-houſe-keeper, having no licence.

7 The forfeiture of him that ſelleth Beer or Ale to an Ale-houſe-keeper, not having licence. 4 Jac. 4.

Penalty for Offences.

8 The penalty for offences committed againſt the Statutes of 1 Jac. 9. 4 Jac. 4. 7 Jac. 10. 21 Jac. 7.

Vintners.

9 Vintners are taken to be within this and the Stat. 1 Jac. 9. and 4 Jac. 5. 1 Car. 4.

Alienation.

Licences.

1 LIcences of Alienation ſhall be general. 1 Car. 3.

Without Licence.

2 Alienation without the Kings Licence. See *Prerogative* 7.

Lands holden of the King.

3 Fines for alienation of Lands holden of the King. See *Wills*, &c. 9. 19.

Pleading.

4 The Officers fee for pleading a licence or pardon of Alienation. 1 Car. 1. 3.

Aliens, Strangers, and Denizens.

Aliens ſhall make no Cloth.

1 NO Alien ſhall make any Cloth, or put Wooll to make Cloth. Nor ſhall ſell any Wares, but only in groſſe, and not by retail. 1 R. 3. 9.

Denizens duties.

2 Denizens ſhall pay ſuch duties as they did before. 22 H. 8. 8.

Aliens under ſearch.

3 All Aliens within *London*, and two miles compaſſe thereof, ſhall be under the ſearch and reformation of the Wardens and Fellowſhip of the Handy-crafts that they do occupy. 14 H. 8. 2.

Aliens ſhall have Marks.

4 Every Alien ſhall have a Mark to ſet upon his ware. 14 H. 8. 2.

The work of Aliens ſearched.

5 Aliens works ſhall be ſearched by the Wardens of the Myſtery, and ſuch as be deceitful ſhall be forfeited. 14 H. 8. 2.

Making of ſearch.

6 The penalty of an Alien Artificer, refuſing to go with the Wardens to make ſearch. 14 H. 8. 2.

A remedy for abuſes.

7 The remedy if Aliens be wrongfully intreated. 14 H. 8. 2.

Contribution to Taxes, &c.

8 Aliens made Denizens, ſhall be contributary to Subſidies, Taxes, &c. 21 H. 8. 16.

Obedience to the King and Lawes.

9 An Alien Artificer being a houſe-holder, ſhall take an Oath of obedience to the King and his Laws. 21 H. 8. 16.

Keeping of a houſe or ſhop.

10 No Alien Artificer not being Denizen, ſhall keep any houſe, Shop, or Chamber. 1 R. 3. 9. 21 H. 8. 16.

No Aſſemblies.

11 Aliens ſhall not aſſemble in any company, but in the Common-Halls of their Crafts. 2 R. 3. 2. 21 H. 8. 16.

Aliens in protection.

12 All Aliens Victuallers ſhall be in the Kings protection. 6 R. 2. 10.

Diſturbance of an Alien.

13 The forfeiture of him that diſturbeth an Alien to ſell his Victual. 14 H. 6. 6.

A Handy-craftsman.

14 No Alien, being a common Baker, Brewer, Surgeon or Scrivener, ſhall be interpreted a handycrafts-man. 22 H. 8. 13.

Leaſes of houſes.

15 All Leaſes of any dwelling houſe or ſhop, made to any Alien, not being Denizen, ſhall be void. 32 H. 8. 16.

Denizens ſhall be obedient to the Laws.

16 All Aliens ſhall be bound unto the Laws and Statutes of this Realm, and to that effect, a Proviſo ſhall be in every Letters Patents granted for the making of a Denizen. 32 H. 8. 16. 1 R. 3. 9. 14 H. 8. 2. 21 H. 8. 16.

Trial *per medietatem linguæ.*

17 In what caſe an Enqueſt ſhall be *De medietate linguæ*, where an Alien is party, and in what not. 27 Ed. 3. 8. 28 Ed. 3. 13. 2 H. 5. 3. 8 H. 6. 29. 22 H. 8. 10. 1 & 2 Ph. & Ma. 4. 5 El. 20.

Pewter.

18 No Alien ſhall work any Veſſel made of Tinne or Pewter. 25 H. 8. 9.

None ſhall be beneficed.

19 No Alien ſhall take a Benefice, nor any ſhall occupy it to his uſe, without the Kings Licence. 3 R. 2. 3. 7 R. 2. 12.

Buying of Wooll.

20 At what time of the year only an Alien may buy Wooll. 5 Ed. 6. 7.

Forcing, &c. of Woolls.

21 No Alien ſhall force, clack, or beard wooll. 5 H. 6. 22.

Herrings.

22 What ſort of Herrings may be bought of Aliens, what not. 5 El. 5.

Cuſtom for Fiſh.

23 What Cuſtoms Aliens ſhall pay for ſalted fiſh and Herrings brought into this Realm. 39 El. 10.

Uſing their money.

24 Aliens ſhall imploy their money here received upon the Commodities of this Realm. 4 H. 4. 15. 17 Ed. 4. 1. 3 H. 7. 8.

Tranſporting of money.

25 Aliens ſhall find ſurety in the Chancery, that none ſhall carry Gold or Silver out of the Realm. 2 H. 6. 6.

They ſhall have no gold, &c.

26 No Gold, in Coyn, Plate, or Bullion, ſhall be delivered to an Alien. 4 H. 7. 23.

Working of Worſteds, Sayes, &c.

27 No Alien ſhall weave or make any Worſteds, Sayes, or Stamyns, in *Lynne*, or great *Yarmouth.* 14 H. 8. 3.

Shooting.

28 No Aliens ſhall uſe ſhooting, or convey any Bows or Arrows out of the Realm. 33 H. 8. 9.

Safe Conduct.

29 A remedy for an Alien having a ſafe Conduct that is robbed upon the Sea. 31 H. 6. 4.

An Alien inheritable.

30 In what caſe one that is born an Alien, may be inheritable in England. 25 Ed. 3. Stat. *de natis ultra mare.* 42 Ed. 3. 10.

Bankrupts.

31 Aliens and Denizens ſhall take advantage of all Laws made againſt Bankrupts. 21 Jac. 19.

Amerciaments and Fines.

Amerciaments of all perſons.

1 IN what ſort Cities, Boroughs, Towns, and particular perſons ſhall be amerced, and by whom. 9 H. 3. 14. 3 Ed. 1. 6.

Earls, Barons, &c.

2 Amerciaments of Earls, Barons, and ſpiritual perſons. 9 H. 3. 14.

Common ſummons.

3 Who have authority to amerce for default of common Summons. 52 H. 3. 18.

Townſhips.

4 Cauſes to amerce Townſhips for not appearing upon Inquiſitions. 52 H. 3. 24.

Common approved.

5 He that doth approve Common, and doth not leave ſufficient paſture egreſſe and regreſſe to the Commoners, ſhall be amerced. 20 H. 3. 4. 13 Ed. 1. 46.

Arreſting without warrant.

6 He ſhall be amerced, that arreſteth any perſon within his Liberty, that holdeth not of him. 3 Ed. 1. 34.

Amerciament for a wrongful ſuit.

7 If an Aſſiſe, or &c. be brought againſt the Lord of ancient demeſne, or the Maior, &c. of a franchiſe of Lands within the ſame, where they be neither Diſſeiſors, or Tenants, the Plaintiff ſhall be amerced. 9 H. 4. 5.

Wrongful diſtreſſe.

8 A chief Lord ſhall be amerced for diſtraining his Tenant for a ſervice not due. 52 H. 3. 3.

Deforcing of a Dower.

9 He that ſo deforceth a Widow of her Dower, that ſhe cannot have it without ſuit, ſhall be amerced. 20 H. 3. 1.

Wronging a Widow of her Dower.

10 An heir ſhall be amerced, that doth unlawfully endeavour to avoid a Widow of her Dower. 13 Ed. 1. 4.

Return of Writs

11 Amerciaments for inſufficient return of Writs, or execution of them, made by Stewards or Bayliffs of Lyberties, ſhall be ſet upon their heads, and not upon the Sheriffs. 27 H. 8. 24.

Concealment of offences.

12 Amerciament of an Enqueſt for concealment of Offences, whereof complaint ſhall be made unto them. 3 H. 7. 1.

Murder eſcaping.

13 Amerciament of a Townſhip, for ſuffering a Murderer to eſcape in the day. 3 H. 7. 1.

Summoned to the Parliament.

14 Amerciament of a man ſummoned to come to the Parliament, that doth abſent himſelf. 5 R. 2. 4.

Not returning of Writs.

15 Amerciament of a Sheriff, for miſreturning or not returning of a Writ, directed to him out of the Kings Court. 7 Ed. 6. 1.

Rediſſeiſon.

16 For what offence the Plaintiff in a Writ of Rediſſeiſon ſhall be amerced. 20 H. 3. 3.

Delaying of ſuit

17 The Amerciament of the Defendant, who endeavoureth by colluſion to delay the ſuit of the Demandant. 20 Ed. 1. *de defenſione juris.*

Not obſerving of Aſſiſe.

18 Bakers and Brewers ſhall be amerced for not obſerving the Aſſiſe of Bread and Ale. 51 H. 3. Stat. *Panis & Cerviſia.*

Unlawful meaſures.

19 He that buyeth or ſelleth by meaſures not ſigned and tryed by the Maior, &c. ſhall be amerced. 51 H. 3.

A wrongful ſuit.

20 If the Sheriff be named a diſſeiſor in an Aſſiſe, that he ſhall not ſerve the Writ, the Plaintiff ſhall be amerced. 11 H. 6. 2.

Default for defeating of liberties.

21 If the default be made by a Defendant, to put the Lord of ancient demeſne, or a Maior, Bailiff, &c. from their Franchiſe or Juriſdiction, the Defendant ſhall be amereed. 8 H. 6. 26.

Too great a Diſtreſs.

22 He that taketh too great and unreaſonable a Di-

Too great a diſtreſſe.

ſtreſs, ſhall be grievouſly amerced. 52 H. 3. 4.

Ambitextor. S. Jurors, 7.

Anniverſary Thanksgiving.

The Kings reſtauration.

1 FOr the wonderful Reſtauration of the King. 12. Car. 2. 14.

Humiliation.

2 Of humiliation of the 30. Jan. for ever, for the Kings Murder. 12 Car. 2. 30.

Apparance.

Falſe Entry.

1. THe penalty of an Officer, who maketh a falſe entry, that the plaintiff-doth appear in perſon where he doth not. 10 H. 6. 4 18 H. 6. 9.

Appeals and Provocations.

From the Archdeacon.

1 APpeals may be made from the Archdeacon or his Official, to the Biſhop Dioceſan of the ſame. See 24 H. 8. 12. 1 Eliz. 1.

From the Biſhop.

2 Appeals from the Biſhop or his Commiſſary, to the Archbiſhop of that Province. 24 H. 8. 12.

To the Arches.

3 Appeals from the Archdeacon of an Archbiſhop or his Commiſſary, to the Arches or Audience of the ſame Archbiſhop. 24 H. 8. 12.

No appeal out of the Realm.

4 All Cauſes commenced before an Archbiſhop, ſhall be definitively determined there, without any further Appeal out of the Realm. 24 H. 8. 12.

Into the Chancery.

5 In what caſes an Appeal may be from the Archbiſhops Court into the Chancery. 25 H. 8, 19. 1 El. 1.

Touching the King.

6 Appeals touching the King, ſhall be to the Lords of the Upper-Houſe, aſſembled in the Convocation. 24 H. 8. 12.

Penalty in the offender.

7 The penalty of any perſon that doth Appeal contrary to the ſaid Stat. of 24 H. 8. & 25 H. 8. 19.

Appealing to Rome.

8 The penalty if any perſon doth ſue any Appeal to Rome, or do execute any ſuch. 25 H. 8. 19. 13 El. 2.

In civil and marine cauſes,

9 Appeals in Civil or Marine cauſes. 8 El. 5.

Coſts awarded upon Appeal.

10 An Eccleſiaſtical Judge ſhall award coſts to the other party, upon Appeal made in any ſuit for ſubtraction of Tythes or Offerings. 32 H. 8. 7.

Appeals of Felony.

Where tryals ſhall be of Appeals.

1 IN what places Appeals ſhall be tryed and determined of things commited within the Realm, and before whom, of things committed out of the Realm. 1 H. 4. 14.

Appeal of Murder.

2 The form of Declaration in an Appeal of Murder. 6 Ed. 1. 9.

Within what time an Appeal ſhall be commenced.

3 It is ſufficient freſh ſuit, when one doth ſue Appeal within the year and day after the deed. 6 Ed. 1. 9.

Appeal of an Acceſſarie,

4 None ſhall be Outlawed upon an Appeal as acceſſary, until the principal be attainted. 3 Ed. 1. 14.

A Womans Appeal.

5 A woman ſhall ſue no Appeal for the death of any, but of her husband. 9 H. 3. 34.

Puniſhment of the Abbettors.

6 If the Appellor be acquitted, the appellant and abettors ſhall be puniſhed. 13 Ed. 1. 12. 8 H. 6. 10.

Appeal of Murder.

7 Within what time, and before whom an Appeal of Murder ſhall be commenced. 3 H. 7. 1.

Of Murder in another County.

8 An Appeal of Murder may be commenced in one County of the death of any other perſon ſtricken or poyſoned in another County. 2 Ed. 6. 24.

Appeal againſt one arraigned.

9 In what caſe an Appeal of Murder may be commenced againſt him that is arraigned at the Kings ſuit. 3 H. 7. 1.

Appeal of Maihem.

10 How the Defendant in an Appeal of Maihem ſhall be uſed. 4 Ed. 1. *Officium Coronatoris.*

Proceſs in a forrein County.

11 What Proceſs ſhall be awarded upon an Appeal or Indictment of any perſon dwelling in a forrein County. 8 H. 6. 10.

Addition.

12 In an Appeal, additions ſhall be made of the Appellees degree, myſtery, and of the County, Town, or place, where he dwelleth. 1 H. 5. 5.

No'Amendment in appeal.

13 The Judges ſhall not amend Errors in Appeals or Indictments of Treaſon or Felony, and the Outlawries of the ſame. 8 H. 6. 12.

Approver.

14 He that is appealed by an Approver, ſhall be taken and committed to the Priſon where the Approver is. 28 Ed. 1. *De Appellatis.*

Eſſoin.

15 In an Appeal of the death of a man, no Eſſoin ſhall lie for the Appellant. 13 Ed. 1. 12.

Rape.

16 Upon an Appeal of Rape, the Defendant ſhall be attached by pledges. *Officium Coronatoris*, 4 Ed. 1.

Proper perſon.

17 An Appeal muſt be commenced by the appellant in proper perſon, and may be after proſecuted by Attorney. 3 H. 7. 1.

Before whom.

18 Before what perſon Appeals may be commenced. 3 H. 7. 1.

Approvers, S. Appeals 14.

A Felon an Approver.

1 IT is Felony for a Gaoler to cauſe a Felon to become an Approver. 14 Ed. 3. 10.

Appropriation.

A proviſion for the Vicar, and poor.

1 VPon the Appropriation of any Pariſh-Church, a convenient proviſion ſhall be made for a Vicar and the poor. 15 R. 2. 6. 4 H. 4. 12.

Approvements, Incloſures.

Approvements of Lords againſt their Tenants.

1 THe Lords of Waſtes, Woods, and Paſtures, may approve of the ſame, leaving their Tenants ſufficient Paſture, and free ingreſſe and regreſſe. 20 H. 3. 4.

Approvement againſt their neighbours.

2 The Lords of Waſtes, Woods, and Paſtures, may approve of the ſame, leaving their neighbours ſufficient paſture, egreſſe and regreſſe. 13 Ed. 1. 46.

What may be approved.

3 What things, and for what cauſes, a Lord may approve. 13 Ed. 1. 46.

Damages upon Approvement.

4 He that bringeth an Aſſiſe upon any branch of the aforeſaid Statutes, ſhall recover treble damages. 3 Edw. 6. 3.

Lawful approvement ſhall be maintained.

5 Who ſhall repair a Hedg or Ditch of Ground, thrown down, which by either of the foreſaid Statutes is allowed to be approved, 13 Ed. 1. 46.

Places excepted out of the foreſaid Statutes.

6 To what Houſes or Grounds the foreſaid Statutes of 20 H. 3. & 13 Ed. 1 ſhall not extend. 3 Ed. 6. 3.

Grounds drained and approved.

7 Certain Waſtes and Marſh Grounds in ſeveral Counties may be drained and approved, by the agreement and conſent of the Lords, owners and undertakers. 43 Eliz. 11. 4 Jac. 8. 13.

1. *Apprentices. S. Labourers.*

Archery.

Shooting in Long Bowes.

1 EVery man of the Kings Subjects (certain perſons except) ſhall exerciſe Shooting in Long Bowes, and continually have a Bow & Arrows in his houſe. 33 H. 8. 9.

The age of young Archers,

2 The penalty for ſuffering one in his houſe, being between ſeven years of age and ſeventeen, to be without Bow and Arrows by the ſpace of a moneth. 33 H. 8. 9.

The age of elder Archers.

3 The penalty of a ſervant, between ſeventeen years of age and threeſcore, to lack a bow and four Arrows by the ſpace of a moneth. 33 H. 8. 9.

Shooting at Rovers.

4 Who ſhall ſhoot at Rovers, or with roving ſhafts. 33 H. 8. 9.

Fletchers ſhall dwell where they are appointed.

5 Bowyers, Fletchers, Stringers, and Arrow-head makers of *London*, ſhall upon Commandment dwell elſewhere. 33 H. 8. 9. *S. Aliens*, 28.

Armour, Armed-men.

None ſhall go armed.

1 NO man ſhall come armed before the Juſtices, nor go or ride armed. 2 Ed. 3. 3. 7 Rich. 2. 13. 20 R. 2. 1.

Imbeſelling the Kings Armour.

2 It ſhall be felony for any perſon to imbeſel the Kings Ordnance, Armour, Munition, or other habilements of War committed to his charge, being of the value of twenty ſhillings. 31 El. 4.

A Souldiers Armour.

3 The puniſhment of a Souldier that doth make away his Horſe or Armour. 2 Ed. 6. 2. 4 & 5 Ph. & Ma. 3.

No Armour worn in Wales.

4 No perſon in Wales ſhall come armed to any Seſſions, Church, Fair, or Market. 4 H. 4. 29. 26 H. 8. 6.

The Armour of a Recuſant.

5 The Armour and Munition of a Popiſh Recuſant convict, ſhall be taken from him. 3 Jac. 5.

Army to be diſbanded.

6 The neceſſity of raiſing money for diſbanding the Army. 12 Car. 2. 9, 10, 15.

Arrow-heads.

1 ARrow-heads ſhall be marked, and well boyled, braſed, and hardened. 7 H. 4. 7.

Arreſts and Arreſting.

Arreſting of a Clerk.

1 THe puniſhment for arreſting of a Prieſt, Clerk, or other, doing Divine Service. 50 Ed. 3. 5. 1 R. 2. 15.

Arreſting without authority.

2 The penalty for arreſting one within a Liberty, which holdeth not of them. 3 Ed. 1. 34.

Puniſhments for unlawful arreſts.

3 In which caſes the Plaintiff ſhall pay coſts and damages for unlawful arreſts. 8 El. 2.

Arreſting of Felons.

4 All men ſhall be ready to purſue and arreſt Felons. 3 Ed. 1. 9.

5 Perſons arreſted by Proceſs out of the Kings-bench or Common-pleas, not expreſſing the cauſe of action, ſhall be bayled and ſet at liberty upon their own bond for appearance, 13 Car. 2. 2. St. 2.

6 Bonds given upon Arreſts, ſhall be diſcharged upon appearance. *ibid.*

7 Arreſt upon Cap. Utlagat, Attachments upon reſcous, contempt and Priviledge excepted, *ibid.*

Night-walkers.

8 All men ſhall be ready to arreſt Night-walkers. 13 Ed. 1. *Wincheſter.*

Artificers.

Conſpiration by Victuallers and Labourers.

1 THe penalty of Victuallers conſpiring for the ſelling of the Victuals, and of Labourers conſpiring for the order of their work. 2 Ed. 6. 15.

Handicraftsmen.

2 What ſort of Artificers ſhall not be accounted Handy-crafts-men. 22 H. 8. 13.

1 *Artificers. See Aliens, Labourers.*

Aſſiſe, Diſſeiſor, Diſſeiſin.

Where Aſſiſe lyeth.

1 SEveral caſes wherein an Aſſiſe doth lye, more then it did by the Common-Law. 13 Ed. 1. 25.

Guardian and Tenant for years.
2 In what caſes an Aſſiſe is maintenable againſt a Guardian or Tenant for term of years, or their Alienees. 13 Ed. 1. 15.

Aſſiſe againſt the Guardian.
3 An heir may have an Aſſiſe againſt his Guardian, that doth alien his Land, and againſt the Tenant. 3 Ed. 1. 47.

Tenant by *Elegit*.
4 Aſſiſe maintenable by Tenant by *Elegit*. 13 Ed. 1. 18.

Tenant by Stat. Merchant.
5 Aſſiſe maintenable by Tenant by Statute Merchant. 13 Ed. 1. *de Mercatoribus*.

Tenant by Stat. Staple.
6 Aſſiſe maintenable by Tenant by Statute Staple. 27 Ed. 3. 9.

Tenant by Recognizance.
7 Aſſiſe maintenable by Tenant by Recogniſance in the nature of a Statute Staple. 23 H. 8. 6.

Of ſpiritual Livings.
8 Aſſiſe is maintenable of a Parſonage, Vicarage, Portion, Tythes, &c. 32 H. 8. 7.

A Parſon Aſſiſe of Common.
9 The Parſon of a Church may have an Aſſiſe of Common of Paſture. 13 Ed. 1. 24.

The Kings Officer.
10 An Aſſiſe is maintenable againſt an Officer of the Kings, that diſſeiſeth any man of his freehold without ſpecial warrant. 3 Ed. 1. 24.

Kings Patentee.
11 Aſſiſe is maintenable againſt the Kings Patentee of Lands granted without any title found for the King by Inquiſition, &c. 1 H. 4. 8.

Diſſeiſor with force.
12 A ſpecial Aſſiſe is maintenable againſt a Diſſeiſor by force. 4 H. 4. 8.

The Sheriff named a Diſſeiſor.
13 The Plaintiffs puniſhment, if a Sheriff be named a Diſſeiſor in Aſſiſe, to the intent he ſhall not ſerve the Writ. 11 H. 6. 2.

An Officer named Diſſeiſor.
14 The Plaintiffs puniſhment if the Lord of ancient demeſne, or any Mayor or Bailiff or franchiſe be named a diſſeiſor, to take away their liberty. 9 H. 4. 5.

Fayling of a Record.
15 In what caſe a man ſhall be adjudged a diſſeiſor in an Aſſie brought againſt him by failing of a Record pleaded. 13 Ed. 1. 25.

Attachment.
16 Who in an Aſſiſe the Sheriff ſhall attach, and by what thing, and of what value. 13 Ed. 1. 25.

Where Aſſiſes ſhall be holden.
17 At what times Aſſiſes ſhall be taken, and where. 9 H. 3. 12. 13. 3 Ed. 1. 48.

Aſſiſes of Rent.
18 Where an Aſſiſe of a Rent going forth of ſeveral Counties ſhall be tryed. 7 R. 2. 10.

Copies of Panels.
19 When the copies of Panels of ſpecial Aſſiſe ſhall be delivered to the parties. 42 Ed. 3. 11. 6 H. 6. 2.

Abridgment of Plaint.
20 In what caſe the Plaintiff in an Aſſiſe may abridg his Plaint. 21 H. 8. 3.

Either the parties to the Aſſiſe dieth.
21 The remedy where the diſſeiſor or diſſeiſee dieth immediately after the diſſeiſin, or depending the ſuit by Aſſiſe. 3 Ed. 1. 46.

Attorney.
22 The Tenants in Aſſiſe may take an Attourney if they will. Stat. *Ebor.* 12 Ed. 2. 1.

Verdict at large.
23 The Jurors in an Aſſiſe may give their Verdict at large, and are not compellable to ſay preciſely, that it is a diſſeiſin. 13 Ed. 1. 30.

Joynt-Tenancy.
24 The peril for pleading Joynt-Tenancy in an Aſſiſe, and not proving of it. 34 Ed. 1. *De conjunctim feoffatis.*

Aſſiſe of Common.
25 In what caſe an Aſſiſe of Common is maintenable, and againſt whom. 13 Ed. 1. 46. 3 Ed. 6. 3.

Damages.
26 In what caſe damages ſhall be recovered in an Aſſiſe, and againſt whom, 6 Ed. 1. 1.

Eſſoined.
27 In Aſſiſe the Tenant nor demandant after apparance ſhall be eſſoined. 3 Ed. 1. 41. 13 Ed. 1. 28.

Attainder.

1 THe Attainder of ſeveral perſons for the murther of his ſacred Majeſty King Charles the firſt. 12 Car. 2. 30.

2 The Attainder of the Earl of *Strafford* reverſed. 14 Car. 2. 29.

3 *Thomas Dolman*, *Joſeph Bampfield* and *Thomas Scot*, attainted of Treaſon if they render not themſelves by a day. 17 Car. 2. 5.

Attaint.

For the value of fourty pounds.
1 Attaint where the thing in demand extendeth to the value of fourty pounds, and concerneth not the life of man. 18 H. 6. 2. 23 H. 8. 3.

No abatement by death.
2 The ſaid Attaint ſhall not abate by the death of the Tenant, nor of any of the petit Jury. 23 H. 8. 3.

The ſufficiency of the jurors.
3 What Lands each Juror muſt have that ſhall paſs in the ſame Attaint. 23 H. 8. 3.

Proceſs.
4 The Proceſs in the ſame Attaint. 23 H. 8. 3.

Taken by default.
5 The grand Jury taken by default of the Defendant or petit Jury. 23 H. 8. 3.

Pleas.
6 What Pleas the petit Jury, and what the Defendant in Attaint may plead. 23 H. 8. 3.

Puniſhment of the offender.
7 The puniſhment of the petit Jury attainted. 23 H. 8. 3.

Judgment.
8 Judgment for the Plaintiff in Attaints, if the Defendants plea be found againſt him. 11 H. 6. 4. 23 H. 8. 3.

Puniſhment.
9 The puniſhment of the petit Jury attainted of any thing perſonal under the value of fourty pounds. 23 H. 8. 3.

Tales into another County.
10 A *Tales* ſhall be awarded in an Attaint into another County for default of ſufficient Jurors within the ſame Shire. 23 H. 8. 3.

Nonſuit or diſcontinue.
11 Judgment for the Defendant in an Attaint, where the Plaintiff is Nonſuit, or doth diſcontinue his ſuit. 23 H. 8. 3.

Where taken.
12 Attaints ſhall be taken in the Kings-Bench, or Common Place only. 23 H. 8. 3.

Niſi Prius.
13 *Niſi Prius* is grantable in Attaint. 23 H. 8. 3.

Attorney.
14 Every of the petit Jury may appear and anſwer by Attorney in Attaint. 23 H. 3.

The Nonſuit of one of the Plaintiffs.
15 The Nonſuit or Releaſe of one Plaintiff or Demandant in Attaint ſhall not be prejudicial to the others. 23 H. 8. 3.

Of Freehold.
16 An Attaint is maintenable in like ſort of any inheritance of freehold. 15 H. 6. 5. 23 H. 8. 3.

For him in reverſion.
17 In what caſe he in the reverſion may have an Attaint of a falſe Verdict given againſt his particular tenant. 9 R. 2. 3.

In plea of Land.
18 Attaint ſhall be granted as well in plea of Land, as in plea perſonal. 3 Ed. 1. 37. 34 Ed. 3. 7.

Upon the principal.
19 An Attaint ſhall be granted as well upon the principal, as upon the damages in any action of Treſpaſs. 1 Ed. 3. 6.

Without regard of the quantity.
20 An Attaint ſhall be granted in pleas of treſpaſſe purſued as well by Bill as by Writ, without regarding the quantity of the Treſpaſs. 5 Ed. 3. 7. 28 Ed. 3. 8.

No Eſſoin or Protection.
21 *Niſi Prius* ſhall be granted in Attaint, but neither Eſſoin of the Kings ſervice, not protection. 5 Ed. 3. 6.

Preſcription.
22 The party grieved by any falſe verdict given in any ſuit made according to the Statute of preſcription, may have an Attaint. 32 H. 8. 2.

In the Huſtings.
23 An Attaint may be ſued by bill in the Huſtings in *London* upon a falſe verdict given in any Court there. And what Jurors ſhall be returned upon the ſame, and by whom, 11 H. 7. 21.

Jurors in London.
24 Who be ſufficient of eſtate to paſs upon an Attaint in *London*. 37 H. 8. 5.

Triall in London.
25 All Pleas pleaded in an Attaint commenced in *London*, ſhall be tryed in the ſame City. 37 H. 8. 5.

Judgment in London.
26 The Judgment where the petit Jury in *London* is attainted. 11 H. 7. 21.

The Verdict affirmed.
27 The Judgment where the firſt verdict in *London* is affirmed. 11 H. 7. 21.

Remedy for money recovered.
28 The Plaintiffs remedy in an Attaint for debts and damages recovered againſt him in the firſt action. 11 H. 7. 21.

The Plaintiffs puniſhment.
29 The Plaintiffs puniſhments if he be Nonſuit, or the firſt verdict affirmed. 11 H. 7. 21.

The death of one ſhall not prejudice another.
30 The death or Nonſuit of one of the Plaintiffs in Attaint in *London*, ſhall not abate the ſuit. 11 H. 7. 21.

Trial *per medietatem linguæ*.
31 In an Attaint commenced in *London* upon any Record wherein the tryal was by half tongue, the one half of that Jury ſhall be of ſtrangers. 11 H. 7. 21.

The Plaintiffs choice.
32 Every perſon ſhall be at liberty, whether he will ſue an Attaint in *London* according to the Stat. of 23 H. 8. Or 11 H. 7. 25 H. 8. 3.

Challenge.
33 What challenges in an Attaint ſued in *London*, be allowable, what not. 7 H. 7. 5. 11 H. 7. 21. 22 H. 8. 3. 37 H. 8. 5.

Iſſues.
34 What Iſſues every Juror returned in Attaint in *London*, that appeareth not, ſhall forfeit. 11 H. 7. 21.

For the heirs.
35 In what caſe an Heir within age ſhall have an Attaint upon a falſe verdict found againſt him. 3 Ed. 1. 46.

Dayes.
36 What dayes ſhall be given in Attaint. 32 H. 8. 21. 5 Ed. 3. 6.

S. for Attaint in the City of Lincoln. 13 R. 2. 18. 3 H. 5. 5.

Attorney.

In what Courts and places.
1 WHo may make Attorneys, and in what Counties and places. 20 H. 3. 10. 13 Ed. 1. 10. 7 R. 2. 14.

Who may receive them.
2 Who may receive Attorneys, and by what authority. *Ordinatio de libertatibus perquirendis.* 37 Ed. 1. 7 H. 4. 13.

Tenants in Aſſiſe.
3 The Tenant in Aſſiſe may make Attorneys. 12 Ed. 2. 1. Stat' *Ebor'*.

Petit Jury.
4 Every of the petit Jury in Attaint may appear and anſwer by Attorney. 23 H. 8. 3.

Appellant.
5 In what caſe the Appellant in appeal of murder or death, may make an Attorney. 3 H. 7. 1.

In any caſe ſaving in an Appeal.
6 The Defendants may make their Attorney in ſuch ſuits wherein appeal doth not lye. 6 Ed. 1. 8.

Who ſhall be Attorneys.
7 What ſort of perſons are to be allowed Attorneys, and who not. 4 H. 4. 19. 1 H. 5. 4. 3 Jac. 7.

By whom only they are to be received.
8 None ſhall receive Attorneys but in ſuits depending before them. 15 Ed. 2. Stat. *Carliel.*

Offenders puniſhment.
9 The puniſhment of an Attorney openly found in default. 4 H. 4. 18.

No ſuit in a forrein County.
10 Every Attorney ſhall be ſworn to deal truly in his Office, and to make no ſuit in a forrein County. 4 H. 4. 18.

Entring of a Warrant.
11 When the Attorney ſhall enter his Warrant of Record. 18 H. 6. 9. 32 H. 8. 30. 2 Ed. 6. 32. 18 El. 14.

Upon penal Statutes.
12 The Defendants in ſuits upon penal Statutes being natural Subjects born, may appear and plead by Attorneys. 29 El. 5. 31 El. 10.

A ticket of his fees.

13 Every Attorney ſhall have a ticket of ſuch fees as he giveth unto his Clients Councel, or for copies to any Clerks or Officers, And ſhall make to his Client a Bill of Charges, 3 Jac. 7.

Wronging his Client.

14 The penalty of an Attorney delaying his Clients ſuit, or demanding more then is due to him. 3 Jac. 7.

Suing in anothers name.

15 No Attorney ſhall admit another to follow a ſuit in his name. 3 Jac. 7.

Examination of an Attorney.

16 The Judges may examine the Plaintiffs Attorney in an action of debt upon the arrerages of Account. 5 H. 4. 8.

Auditor, Receiver.

Proclamation of the Audite.

1 EVery of the Kings Auditors ſhall proclaim in Market-Towns twenty dayes before the Audite, when and where he will keep his Audite. 33 H. 8. 39.

Extortion.

2 The penalty of an Auditor of the King that taketh greater fees for inrolments then be due unto him. 33 H. 8. 39.

Extortion.

3 The penalty of any of the Kings Receivers that doth take or deduct more fees then be due unto him. 33 H. 8. 39. 7 Ed. 6. 1.

Sureties.

4 The Kings Receivers ſhall enter into bond with ſureties to account, and when they ſhall account, and when make payment. 7 Ed. 6. 1.

Aulnage, Aulnager. S. Drapery, 72, &c.

Avowry.

Upon the Land.

1 A Lord diſtraining his Tenant for Rents, Cuſtomes, or Services, ſhall avow upon the Land, and not upon any perſon. 21 H. 8. 19.

Coſts and damages.

2 The Avowant ſhall recover coſts and damages againſt the Plaintiff, if the avowry, cogniſance, or juſtification be found for him, or the Plaintiff be nonſuit, or barred. 21 H. 8. 19.

Advantages.

3 The Plaintiffs and Defendants ſhall have like Pleas and aid prayer, and joyning in aid, and like advantages (ſaving diſclaimer) as they might have had by the Common-Law. 21 H. 8. 19.

For Rent.

4 Avowry for Rents after the eſtate in the ſame Rents be determined. 32 H. 8. 37.

When to be made.

5 Within what time Avowry may be made for Rent, ſuit or ſervice. 32 H. 8. 2.

Recoverers.

6 In what caſe Recoverers may make Avowry for rents. 7 H. 8. 4.

Avowſon.

Uſurpation during particular Eſtate.

1 THe remedy for him in the Reverſion or Remainder, or others that have right, where there is an uſurpation of an Avowſon during any particular Eſtate. 13 Ed. 1. 5.

How Judgments ſhall be avoided.

2 Judgments given in the K. Court, touching avowſons, ſhall be avoided by lawful means, and not by ſurmiſes. 13 Ed. 1. 5.

Remedy for him in Reverſion.

3 What action ſhall be maintained by him in the Reverſion, being diſturbed to preſent after a particular eſtate ended. 13 Ed. 1. 5.

Compoſition for preſentation.

4 If a compoſition ſhall be made by ſeveral perſons touching a Preſentation, how he that is diſturbed of his turn to preſent, ſhall have his remedy. 13 Ed. 1. 5.

Uſurpation by Coparceners.

5 A remedy where there is an uſurpation by one Coparcener upon another. 13 Ed. 1. 5.

His own preſentation.

6 The Defendant in a *Quare Impedit*, or, &c. pleadeth plenarty of his own preſentation. 13 Ed. 1. 5.

A Mannor recovered.

7 He that doth recover a Mannor whereunto an Avowſon is appendant, being diſturbed to preſent, ſhall have a *Quare Impedit*, 7 H. 8. 4.

Recuſants Avowſons.

8 Every Recuſants Avowſon ſhall be in the diſpoſition of the Univerſities of *Oxford* and *Cambridge*. 3 Jac. 5.

The Kings Avowſons.

9 Avowſons ſhall not paſſe from the King but by ſpecial words. 17 Ed. 2. 15.

In ſuit.

10 None ſhall purchaſe an Avowſon when it is in ſuit. 13 Ed. 1. 49.

View.

11 In a Writ of an Avowſon of a Church, View ſhall not be granted. Stat. *de viſu terræ, &c.*

Bailiffs.

Exception in an Aſſiſe.

1 THe Juſtices ſhall not allow an exception alledged by a Bailiff in an Aſſiſe. S. 34 Ed. 1. *de conjunctim Feoffatis.* 13 Ed. 1. 25.

Diſſeiſin without Warrant.

2 The penalty if any Bailiff or other Officer of the Kings do diſſeiſe any man of his Freehold without ſpecial warrant. 3 Ed. 1. 24.

Badger, Lader, Carrier, Drover.

Licence.

1 WHere the licence of Badger &c. ſhall be made, by whom, and who is capable thereof. 5 El. 12.

Special licence.

2 There muſt be a ſpecial licence to a Badger to buy corn out of a market to ſell the ſame again. 5 El. 12.

Corporations.

3 Cities and Towns Corporate, may have Purveyors for their proviſion.

Baniſhment.

1 THe Earle of *Clarendon* baniſhed and diſabled. 19. Car. 2. Cap. 2.

Battel.

Champions Oath.

1 THe Oath of the Champion that is to wage Battel in a Writ of Right, for the tryal of Title of Land. 3 Ed. 1. 40.

Appeal of Rape.

2 The defendant in an appeal of rape ſhall not be received to wage battel. 6 R. 2. 6.

Bankrupts.

Who is a Bankrupt.

1 WHo ſhall be adjudged a Bankrupt. 13 El. 7. 1 Jac. 15. 21 Jac. 19.

Commiſſioners.

2 Commiſſioners ſhall take order for Bankrupts bodies, lands, and goods. 13 El. 7.

Copyhold lands.

3 The Vendees of Bankrupts Copyhold lands ſhall compound with the Lords of the Mannors. 13 El. 7.

A Bankrupt ſhall know what is done with his eſtate.

4 Commiſſioners ſhall declare to the Bankrupts how they have beſtowed their lands and goods. 13 El. 7. 1 Jac. 15.

Examination of Debtors, &c.

5 The Commiſſioners may examine thoſe that are ſuſpected to have any Bankrupts goods, or to be indebted to him. 13 El. 7. 1 Jac. 15.

Fraudulent poſſeſſing.

6 The forfeiture for fraudulent poſſeſſing or claiming of a Bankrupts goods. 13 El. 7.

Overplus.

7 How the overplus of the forfeitures of a Bankrupt, and others, ſhall be imployed after the Creditors payed. 13 El. 7.

Proclamation.

8 The Bankrupt that departeth from his houſe, ſhall be commanded by Proclamation to yield himſelf to the Commiſſioners. 13 El. 7. 1 Jac. 15.

His penalty.

9 The penalty of a Bankrupt not yielding himſelf, and of him that hideth him. 13 El. 7.

Not fully ſatisfied.

10 A remedy for the Creditors which be not fully ſatisfied by force of the commiſſion of Bankrupts. 13 El. 7.

Lands after purchaſed or deſcended.

11 Lands or goods after purchaſed or deſcended to a Bankrupt, may be extended by the Commiſſioners. 13 El. 7.

Aſſurances made *Bona fide.*

12 Lands conveyed away *bona fide* before he became Bankrupt, ſhall not be extended. 13 El. 7.

New Creditors and old.

13 The new Creditors of a Bankrupt may be partakers with the old. 1 Jac. 15.

Transferment to others.

14 A remedy where a Bankrupts lands, goods, or debts ſhall be transferred to others. 1 Jac. 15.

Examination.

15 A Bankrupt may be examined upon Interrogatories: The penalty if he refuſe to anſwer, or do commit perjury. 1 Jac. 15.

Aſſignment of Debts.

16 The Commiſſioners may aſſign to the Creditors the debts due to the Bankrupt. And by what means they may recover them. 1 Jac. 15.

Execution though the [illegible]krupt die.

17 The Commiſſioners may proceed in execution, though the Bankrupt die. 1 Jac. 15.

Conſtruction of Law.

18 Laws made againſt Bankrupts, ſhall be beneficially conſtrued for the Creditor. 21 Jac. 19.

Commiſſions.

19 Commiſſions, Orders, &c. provided by 13 El. 7. and 1 Jac. 15. ſhall be purſued againſt him that is deſcribed to be a Bankrupt by this Act. 21 Jac. 19.

Orders.

20 Orders, &c. provided by this act, ſhall be purſued againſt him that is deſcribed to be a Bankrupt by 13 El. 6. and 1 Jac. 15.

Bankrupts wife.

21 The Bankrupts wife may be examined by the Commiſſioners. 21 Jac. 19.

The Bankrupts penalty.

22 The penalty of a Bankrupt that fraudulently concealeth his goods, or rendreth not ſome juſt cauſe, why he became Bankrupt. 21 Jac. 19.

Doors.

23 The Commiſſioners may break open the Bankrupts doors. 21 Jac. 19.

Rateable diviſion.

24 The Bankrupts goods ſhall be rateably divided, notwithſtanding any judgment, Recogniſance, &c. 21 Jac. 19.

Accomptant to the King.

25 The Commiſſioners may proceed, when the Bankrupt by fraud makes himſelf accomptant to the King. 21 Jac. 19.

Former grant.

26 Goods in the poſſeſſion of the Bankrupt, are liable to ſatisfie his debts, notwithſtanding any former Grant. 21 Jac. 19.

Entayled Lands.

27 A grant of the entailed lands of the Bankrupt ſhall be good. 10 Jac. 19.

Conditional Eſtates.

28 Conditional eſtates granted by the Bankrupt, may be redeemed by the Commiſſioners. 21 Jac. 19.

The Commiſſion ſued.

29 The Commiſſion of Bankrupts ſhall be ſued forth within five years. 21 Jac. 19.

Aliens and Denizens.

30 Aliens and Denizens ſhall take advantage of this, and all other Laws made againſt Bankrupts. 21 Jac. 19.

31 A farther Declaration who ſhall be returned Bankrupts. 14 Car. 2. 24.

32 Perſons for putting money into the Eaſt-India ſtock. *ibid.*

Bark.

Fruit trees.

1 THe penalty for unlawful Barking of any fruit trees. 37 H. 8. 6.

Regrating or ingroſſing.

2 The penalty of regrating and ingroſſing of Oaken Bark. 1 Jac. 22.

Not out of ſeaſon.

3 At what time Oaken Trees meet to be Barked, ſhall be felled. 1 Jac. 22.

Timber felled in barking time.

4 The Kings Purveyors ſhall not fell Timber, but in barking time. 1 Jac. 22.

Barges, Bargemen. See *Boatmen.*

Baſtards. Baſtardy.

Keeping of the Baſtard.

1 JUſtices of Peace ſhall take order for the keeping of a Baſtard child, and for the puniſhment of his parents. 18 El. 3.

Who is a Baſtard.

2 He is a baſtard that is born before marriage. 20 H. 3. 9.

Certifying of Baſtardy.

3 What Proclamations ſhall be made before a Writ be directed to the Biſhop to certifie Baſtardy. 9 Hen. 6. 11.

Tryal for one born beyond the Seas.

4 By what means Baſtardy ſhall be tryed when it is pleaded againſt one born beyond the Sea. 25 Ed. 3. *De natis ultra Mare.*

Puniſhment for offenders.

5 The puniſhment of lewd women which have baſtards. 7 Jac. 4.

6 It ſhall be murder for a mother to conceal the death of her baſtard child. 21 Jac. 27.

Bell-metal. See *Braſs.*

Benevolences.

Benevolence.

1 THe ſubjects of this Realm ſhall not be charged with benevolences, or like charges. 1 R. 3. 2.

Royal Preſent.

2 Commiſſions may iſſue out for a free and voluntary ſupply of His Majeſty. 13 Car. 2. 4. 13 Car. 2. 14.

Biſhops, and Archbiſhops, and Biſhopricks.

Election.

1 THe manner of electing Archbiſhops, or Biſhops. And to whom the nomination of them ſhall be made 25 H. 8. 20.

Inveſting and Conſecration.

2 The manner of inveſting and conſecrating of an Archbiſhop or Biſhop. 25 H. 8. 20.

The penalty for not electing or conſecrating.

3 The penalty for not electing, or not conſecrating an Archbiſhop or Biſhop, according to this Statute. 25 Hen. 8. 28.

Collation.

4 None but the King ſhall collate to a Biſhoprick. 1 Ed. 6. 2.

Proceſſes.

5 All Proceſs Eccleſiaſtical ſhall be in the Kings name. *Teſte* the Biſhop. 1 Ed. 6. 2.

Seal of a Biſhop.

6 A Biſhops ſeal ſhall have the Kings Arms engraven upon it. 1 Ed. 6. 2.

The Biſhop of Canterbury.

7 The Biſhop of Canterbury may uſe his own ſeal. 1 Ed. 6. 2.

Other Biſhops.

8 In what caſes other Biſhops may uſe their own ſeals. 1 Ed. 6. 2.

Certificates.

9 Certificates into a Court of Record ſhall be in the Kings name, *Teſte* the Biſhop. 1 Ed. 6. 2.

Conſecrations confirmed.

10 All conſecrations of Archbiſhops and Biſhops, and making of Miniſters, which have been done ſithence the beginning of Queen Elizabeths Reign, ſhall be good and perfect. 8 El. 1.

Refuſing the Oath of Supremacy.

11 None ſhall be impeached by a Certificate made by any ſuch Archbiſhop, or, &c. touching the refuſal of the Oath of Supremacy, made *Anno* 1 El. 1. 8 El. 1.

Deprivations of old Biſhops ſhall be good.

12 All deprivations of Biſhops, &c. and Deans pronounced between the beginning of the Queens Reign, and the tenth day of November, in the fourth year of the ſame ſhall be good. 39 El. 8.

A confirmation of Biſhops made by Queen Elizabeth.

13 All ſuch Biſhops, or, &c. Deans as were made by the authority of the Queen from the beginning of her Reign, until the tenth day of November, in the fourth year of her Reign, ſhall be adjudged lawful. 39 El. 8.

Temporalties ſeiſed.

14 A Biſhops Temporalties ſhall not be ſeiſed into the Kings hands without good cauſe. 14 Ed. 3. 3.

No ſeiſer of Temporalties for a contempt.

15 A Biſhops Temporalties ſhall not be ſeiſed for a contempt, but he ſhall make a fine. 25 Ed. 3. 6. *pro Clero.*

Uſing of Temporalties.

16 How Biſhops Temporalties ſhall be uſed during the vacation. 14 Ed. 4. 3. 4. & 5.

Leaſes.

17 What leaſes or other aſſurances made by Biſhops of their lands, ſhall be good, what not. 1 Jac. 3.

Certifying of Baſtardy.

18 What is requiſite to be done before a Writ ſhall be awarded to a Biſhop to certifie Baſtardy. 9 H. 6. 11.

Viſitation of Hoſpitals.

19 A Biſhop may viſit Hoſpitals within his Dioceſs, which be of the Kings foundation. 2 H. 5. 1.

A confirmation of Grants made by Biſhops.

20 A confirmation of all Grants made by Biſhops, and other Spiritual perſons, of lands to King H. 8. and King Ed. 7. 1 Ed. 6. 14.

Coventry.

21 By what Chapter the Biſhop of Coventries aſſurances ſhall be confirmed. 33 H. 8. 30.

Man and Cheſter.

22 In what Province the Biſhop of Man and Cheſter ſhall be. 33 H. 8. 31.

Bathe and Wells.

23 By what Chapter the Biſhop of Bathe and Wells aſſurances ſhall be confirmed. 34 H. 8. 15.

Tenths of certain Biſhops.

24 Where, and in what ſort the tenths of the Biſhopricks of Cheſter, Glouceſter, Peterborough, Briſtol and Oxford ſhall be payed. 34 H. 8. 17.

Norwich.

25 A confirmation of an aſſurance of certain lands made to the Biſhop of Norwich. 39 El. 22.

Archbiſhops citation.

26 An Archbiſhop may cite for hereſie any perſon in another Biſhops Dioceſs. 23 H. 8. 9.

Biſhops oath of Supremacy.

27 Biſhops ſhall take the Oath of Supremacy. 1 El. 1.

Tender of the oath of Supremacy.

28 Biſhops may tender the Oath of Supremacy to any Eccleſiaſtical perſons within their Dioceſs. 5 El. 1.

Puniſhments for incontinencies.

29 Biſhops may puniſh Prieſts for incontinency 1 H. 7. 4.

Chaplains.

30 How many Chaplains every Archbiſhop and Biſhop may keep. 21 H. 8. 13.

No Purveyance of a Biſhops goods.

31 No Purveyor ſhall take a Biſhops goods without his conſent. 14 Ed. 3. 1.

Aſſociation of the Juſtices.

32 Biſhops may aſſociate themſelves with the Juſtices of Aſſiſe in cauſes of the Church. 1 El. 2.

The forfeiture of the Biſhops Tenant.

33 The King ſhall have thoſe lands which a Biſhops Tenant doth forfeit in the time of vacation. 17 Ed. 2. 14.

Temporal Authority.

34 Archbiſhops, Biſhops, nor other perſons in holy Orders, may not exerciſe any Temporal Authority. 17 Car. 1. 27.

Temporal Authority.

35 Archbiſhops, &c. reſtored to their power to uſe Temporal Authority. 13 Car. 2. 12.

Juriſdiction.

36 Archbiſhops, Biſhops, and Ordinaries, may exerciſe their ancient Juriſdiction. 17 Car. 1. 11. 13 Car. 2. 12.

1 *Bail,* See *Mainpriſe.*
1 *Buying of Titles, See Maintenance,* 7. 8.
1 *Blood-drawing in the Kings Palace,* See *Fighting.*

Bigamy.

His Clergy.

1 BIgamus ſhall be allowed his Clergy, though he hath been twice married. 1 Ed. 6. 12.

Spiritual Court.

2 Bigamy ſhall not be certified by the Temporal, but by the Spiritual Court. 18 Ed. 3. 2. *pro Clero.*

Books.

Printed beyond the Sea.

1 THe penalty for buying any Printed Books bound beyond the Sea, to ſell again in England. 25 H. 8. 15.

Sold in groſs, and not by retail.

2 Printed books brought from beyond the Sea, ſhall be ſold in groſs, and not by retail. 25 H. 8. 15.

Aſſeſſing the prices.

3 The Kings great Officers ſhall ſet the prices of Books enhanced. 25 H. 8. 15.

Popiſh Books.

4 Popiſh books containing ſuperſtitious matter, ſhall not be brought from beyond the Sea, printed, or ſold, but ſhall be burned. 3 Jac. 5. 3. & 4 Ed. 6. 10.

Of Common Prayer.

5 Books of Common Prayer ſhall be provided at the charge of the Pariſh. 1 El. 2.

Tranſlation into Welſh.

6 The Bible and Book of Common Prayer ſhall be Tranſlated into the Welſh Tongue; and the ſame Books ſhall be in Engliſh in every Pariſh-Church in Wales. 5 El. 28.

7 The manner of licenſing all manner of books, and penalty for printing unlicenſed books, and ſeditious pamphlets. 14 Car. 2. 33. 16 Car. 2. 7. 16 & 17 Car. 2. 7. 17 Car. 2. 4.

Boatmen, Watermen, Barges, Boats, &c.

Eight Overſeers.

1 THere ſhall be eight appointed Overſeers of Watermen rowing upon Thames, between Graveſend and Windſor. 2 & 3 P. & M. 16.

The Overſeers duty.

2 The Overſeers ſhall order Watermen, regiſter their names, and ſee their boats. 2 & 3 P. & M. 16.

Allowance by the Overſeers.

3 Two Watermen ſhall not row, but where one of them is allowed by the Overſeers. 2 & 3 P. & M. 16.

None but which hath been in ſervice.

4 No ſingle man ſhall be a Waterman there, but which hath been in ſervice. 2 & 3 P. & M. 16.

Goodneſs of Boats.

5 The length, breadth, and goodneſs of boats there. 2 & 3 P. & M. 16.

Their puniſhment.

6 The puniſhment of Watermen which hide themſelves in time of Preſſing. 2 & 3 P. & M. 16.

Their fare and duty.

7 What fare Watermen may take that do row from place to place between Graveſend and Windſor. 2 & 3. P. & M. 16.

Severn.

8 The penalty for hindering Watermen paſſing upon the banks of Severn. 9 H. 6. 5. 23 H. 8. 12.

Hinderance in Severn.

9 The penalty for laying any impoſition, or for hindering of boats paſſing upon the River of Severn. 19 H. 7. 18. 23 H. 8. 12.

Tranſporting of offenders.

10 The penalty of a Waterman tranſporting of Offenders into, or forth of Wales, at unlawful times. 26 H. 9. 5.

Retaining of ſervants.

11 What Waterman may retain a ſervant, or apprentice, and who may be retained. 1 Jac. 16.

Carrying of Corn.

12 The forfeiture of a Waterman for carrying of Corn to a ſhip to be tranſported. 1 & 2 P. & M. 5.

Bows, Bowſtaves.

Bringing into this Realm.

1 FOur Bowſtaves ſhall be brought into this Realm for every tun of Merchandiſe. 12 Ed. 4. 2. 13 El. 14.

In reſpect of Malmeſey or Tyre.

2 Ten Bowſtaves ſhall be brought into this Realm for every Butt or Tyre of Malmeſey, and they ſhall be garbled. 1 R. 3. 11.

Of Yew.

3 Who be reſtrained to ſhoot in Bows of Yew. 33 H. 8, 9.

The number of Bowes.

4 How many Bows every Bowyer dwelling within London, Weſtminſter, or Southwark, muſt have in his houſe together. 33 H. 8. 9. 8 El. 10.

Prices of Bowes.

5 The ſevral prices of ſeveral ſorts of Bows. 8 El. 10.

Searched and marked.

6 Bowſtaves brought into this Realm ſhall be ſearched and marked. 12 Ed. 4. 1. 13 El. 13.

Braſs, Latten, Copper- and Bell-metal.

Tranſporting.

1 NO perſon ſhall carry beyond the ſea any Braſs, Latten, &c. 33 H.8.7. 2 Ed. 6.37.

Diſcharging within the Realm.

2 He ſhall be bound which carrieth any of the ſaid metals, to diſcharge the ſame within this Realm, unleſs it be drowned by tempeſt, or ſpoiling by enemies. 33 H. 8. 7.

Where there is a Cuſtomer.

3 None of the ſaid metals ſhall be laden, but where there is a Cuſtomer. 2 Ed. 6. 37.

Their goodneſs and weight.

4 Where veſſels of Braſs ſhall be ſold, of what goodneſs they ſhall be, and what weights ſhall be uſed thereof. 19 H. 7. 6. 4 H. 8. 7. 25 H. 8. 9.

Bridges.

Not knowing by whom they are to be repaired.

1 A Remedy, where it is not known who ought to repair any Bridge. 22 H. 1. 5.

Who ſhall make them.

2 No Village or Free-man ſhall be diſtrained to make any Bridges, but ſuch as are wont to do it. 9 H. 3. 15.

Eden and Preſtbeck.

3 Who ſhall maintain Eden and Preſbecke Bridges in the County of Cumberland. 43 El. 16.

Newport and Carlion.

4 Who ſhall maintain Newport and Carlion Bridges in the County of Monmouth. 39 El. 23.

Wilton.

5 How Wilton Bridge in the County of Hereford ſhall be maintained. 39 El. 24.

Rocheſter.

6 How Rocheſter Bridge in the County of Kent ſhall be maintained. 9 H. 5. 12. 18 El. 17. 27 El. 25.

Burford and Culhamford.

7 Who ſhall repair the Bridges of Burford and Culhamford in the County of Oxon. 8 H. 6. 28.

Chepſtow.

8 Who ſhall maintain Chepſtow Bridge in the Counties of Glouceſter and Monmouth. 18 Eliz. 17. 3 Jac. 23.

Cardiff.

9 Who ſhall maintain Cardiff Bridge in the County of Glamorgan. 23 El. 11.

Severn.

10 Who ſhall make the Bridge of Upton upon Severn, in the County of Worceſter. 3 Jac. 24.

Stayns.

11 How Stayns Bridge in the County of Middleſex ſhall be maintained. 1 H. 8. 9.

Lee.

12 Who ſhall maintain Bridges over the River of Lee. 12 El. 18.

Brokers.

Where no alteration of property of goods ſtoln.

1 THe ſale of goods ſtoln, or wrongfully gotten, to a Broker in London, Weſtminſter, Southwark, &c. ſhall make no alteration of property. 1 Jac. 21.

He ſhall not conceal goods ſtoln.

2 A Broker upon demand ſhall declare what ſtoln goods be come to his hands. 1 Jac. 22.

The puniſhment for uſurious bargains.

3 The puniſhment of Brokers of Uſurious Bargains. 13 El. 8. 39 El. 18.

Buying of wools

4 The puniſhment of Brokers and Merchants in buying of Wooll by the words of good packing. 13 R. 2. 9.

Bromfield and Yale.

1 A Confirmation of divers Eſtates there in the County of Denbigh. 3 Car. 1. 5.

Brewers.

No Cooper.

1 NO Brewer may be a Cooper, but he may keep a Cooper in his houſe. 23 H. 8. 4.

Aſſeſment of Veſſels.

2 The forfeiture of a Brewer that doth ſell his veſſels of Ale or Beer for more then they ſhall be aſſeſſed at. 23 H, 8. 4.

Handy-craftſmen.

3 Brewers ſhall not be accounted handycrafts-men. 22 H. 8. 13.

Aſſiſe of Ale and Beer.

4 How Brewers ſhall be puniſhed that do not obſerve the Aſſize of Ale, &c. 51 H. 3. *Stat. of Pillory, &c.*

Buggery.

Felony.

1 BUggery ſhall be accounted Felony; And no offendor therein ſhall have his Clergy. 25 H. 8. 6. 5 El. 17.

Burglary.

Huy and Cry.

1 HUy and Cry ſhall be made after committers of Burglary, 4 Ed. 1. See *de Officio Coronatoris.*

Clergy.

2 Clergy ſhall not be allowed to him that committeth Burglary. 25 H. 8. 3. 1 Ed. 6.12. 5 Ed. 6. 9. 8 Eliz. 7.

Killing of an Offendor.

3 No man ſhall loſe any thing for killing of him that doth commit Burglary. 24 H. 8. 5.

Burials.

1 ALL dead perſons ſhall be buried in woollen onely. 18 Car. 2. cap. 4.

Burning.

Woods or Goods of others.

1 THe penalty for burning of another mans goods or wood. 37 H. 8. 6.

Ling or Heath.

2 There ſhall be no burning of Ling or Heath in certain Counties. 7 Jac. 17.

Not mainpernable.

3 He that feloniouſly doth burn a houſe, is not mainpernable. 3 Ed. 1. 15.

A commander to burn, ſhall have no Clergy.

4 He that doth command, counſel, or hire any perſon to burn a houſe or barn with corn, ſhall not have his Clergy. 4 & 5 P. & M. 4.

Butchers.

No buying and ſelling alive.

1 A Butcher ſhall not buy Cattel, and ſell them alive. 3 & 4 Ed. 6. 19.

Walled Towns.

2 Butchers ſhall not kill any Cattel within any walled Town, or Cambridge. 4 H. 7. 3.

No ſale of Murrain Fleſh.

3 A Butcher ſhall not ſell meſled or murrain fleſh. 5 H. 3. *Statute of the Pillory. &c.*

Gaſhing of Hides.

4 Butchers ſhall not gaſh any Hides. 1 Jac. 22.

Conſpiracies.

5 Butchers ſhall not conſpire to ſell their victuals at certain prices. 2 Ed. 6. 15.

Killing of Calves.

6 A Butcher ſhall not kill a calf under five weeks old. 1 Jac. 22.

No Tanner.

7 A Butcher ſhall not be a Tanner. 1 Jac. 22.

8 A Butcher ſhall not ſell live fat cattel. 15 Car. 2. 8.

Butler to the King.

How much wine

1 THe Kings Butler ſhall take no more Wine then ſhall be appointed him. 25 Ed. 3. 21. 43 Ed. 3. 3.

No Deputy.

2 The Lieutenant of the Kings Butler ſhall make no Deputies. 4 H. 4. 20.

Butter and Cheeſe.

Only Retail.

1 NO perſon ſhall buy Butter or Cheeſe to ſell again, but by retail. 3 & 4 Ed. 6. 21.

Tranſporting.

2 No Butter or Cheeſe ſhall be tranſported without the Kings licence. 1 & 2 P. & M. 5.

Weigh of Cheeſe.

3 What is the weight of a Weigh of Cheeſe. 9 H. 6. 8.

London, Weſtminſter, and Southwark.

4 The Statutes of 3 & 4 Ed. 6. 21. and 5 & 6 Ed. 6. 14. ſhall not extend to London, Weſtminſter, or Southwark. 21 Jac. 22.

Traders in the Countrey.

5 The Juſtices of Peace may reſtrain the Traders in Butter and Cheeſe, from buying thoſe commodities in the Countrey. 21 Jac. 22.

6 How Butter ſhall be packed, and the contents of a firkin of Butter. 14 Car, 2. 26.

Butter.

Making of Butts

1 THe penalty of the Inhabitants of a Town, that do not make their Butts. 33 H. 8. 9.

Bulwarks. See *Caſtles.*

Cables, Halſers, Ropes.

Burport.

1 HEmp growing within five miles of Burport in the County of Dorſet, ſhall be ſold in the Market of Burport. 21 H. 8. 12.

Where to be made.

2 Cables, and Tackles of Hemp, ſhall be made in Burport onely. 21 H. 8. 12.

Of what ſtuff.

3 Of what Stuff Cables, Halſers, or other Cordage ſhall be made, and the puniſhment of the offenders. 35 El. 8.

Captains, Souldiers, Muſters.

A Souldier offending.

1 THe puniſhment of a Souldier that maketh away his horſe or harneſs. 2 Ed. 6. 2. 4 & 5 P. & M. 2.

Departing without licence.

2 The penalty of a Souldier, Mariner, or Gunner, departing from his Captain without licence. 18 H. 6. 19. 2 Ed. 6. 2. 4 & 5 P. & M. 2. 5 El. 5.

Not payment of wages.

3 The penalty of a Captain licenſing a Souldier to depart, without the aſſent in writing of the Lieutenant: Or that doth not pay his Souldiers their wages. 2 Ed. 6. 2. 4 & 5 P. & M. 3.

Diſcharging of a Souldier.

4 The penalty of a Captain or Commiſſioner that doth diſcharge one appointed to ſerve. 2 Ed. 6. 2.

Demanding more then is due.

5 The penalty of a Captain, &c. demanding wages for more ſouldiers then is due. 2 Ed. 6. 2.

Detaining of wages.

6 Which be ſufficient cauſes for the captain to detain a Souldiers wages. 2 Ed. 6. 2.

The Informers reward.

7 The reward of him that giveth to the Lieutenant information of any offence aforeſaid. 2 Ed. 6. 2.

Abſenting from Muſters.

8 The penalty of him which being commanded, doth abſent himſelf from the Muſters, or doth not bring his beſt furniture. 4 & 5 P. & M. 3.

Muſtering in corporate Towns.

9 Dwellers in Cities, Towns-corporate, &c. ſhall be muſtered onely within the ſame. 4 & 5 P. & M. 3.

Taking reward to diſcharge.

10 The penalty of a Muſter-maſter taking reward to diſcharge any perſon of ſervice. 4 & 5 P. & M. 3.

Relief of maimed Souldiers.

11 Every Pariſh ſhall be charged with a weekly ſum towards the relief of ſick and maimed Souldiers. 43 Eliz. 3.

Refuſing to pay Taxed money.

12 The penalty of any perſon taxed to pay towards the relief of Souldiers, that doth refuſe to do it. 43 Eliz. 3.

Officers duties.

13 The Church-wardens, petit Conſtables, high Conſtables, and Treaſurers, ſeveral duties in levying, paying, and accounting for the money received towards the relief of Souldiers. 43 El. 3.

Aſſignment of relief to Souldiers.

14 The ſeveral reliefs which Treaſurers or Juſtices of Peace may aſſign to ſuch Souldiers. 43 El. 3.

A book of computation.

15 Every Treaſurer ſhall keep a book of computation, and a Regiſter, and enter every Certificate for the Warrant of his Diſburſment. 43 El. 3.

16 The

The puniſhment of a counterfeiter.

16 The puniſhment of a Souldier or Mariner begging, or counterfeiting a Certificate. 43 El. 3.

Abridgement of Souldiers of their wages.

17 The penalties of a Captain abridging his prefixed number of Souldiers, or for detaining of their wages, and of a Souldier having taken Preſt-money, to depart without licence. 18 Hen. 6. 19. 7 Hen. 7. 1. 3 Hen. 8. 5. 2 Ed. 6. 2.

Lieutenant, Deputy Lieutenant.

18 No perſon may be Lieutenant, or Deputy Lieutenant, that hath not taken the Oaths of Allegiance and Supremacy. 13 Car. 2. 6.

Souldiers may uſe Trades.

19 Souldiers inſtrumental in his Majeſties Reſtauration 25 April, 1660. may exerciſe Trades. 12 Car. 2. 16.

Caſtles, Fortreſſes, Bulwarks.

Caſtle-Ward.

1 WHo ſhall be bound to Caſtle-ward, and by what mean, and for what time he may be diſcharged thereof. 9 H. 3. 20.

Purveyance.

2 What purveyance, and in what manner ſhall be made to victual a Caſtle. 9 H. 3. 19. 3 Ed. 1. 7.

The Tenants of Dover-Caſtle.

3 The Tenants of the Caſtle of Dover that hold by Caſtle-ward, ſhall pay their rents at the Exchequer yearly. 32 H. 8. 48.

Erecting and maintenance of Caſtles, &c.

4 What ſhall be done, and by whom, for the erecting, maintenance, and uſing of ſeveral Caſtles, Fortreſſes, and Bulwarks. 4 H. 8. 1. 2 Ed. 6. 16. 2 & 3 P. & M. 1. 28 Ed. 1. 7. 4 H. 4. 31. 33. 13 R. 2. 15. 21 Jac. 28.

1 *Caps*, See *Hats.*

1 *Carriers*, See *Badger.*

Cards for Wool.

None brought into this Realm to be ſold.

1 NO Cards for Wool ſhall be brought into this Realm to be ſold. 39 El. 14.

2 The importing forreign Wool-Cards, Card-wire and Iron-wire, prohibited. 14 Car. 2. 19.

Cattel.

Within what time to be bought and ſold.

1 NOne ſhall buy Cattel, and ſell them again within five weeks. 5 and 6 Ed. 6. 14.

Where to be bought and ſold.

2 No Cattel ſhall be bought, but in a Fair or Market, ſaving in certain caſes. 3 & 4 Edw. 6. 19.

Keeping of Kine, and rearing of Calves.

3 What ſort of milch-kine ſhall be kept, and what Calves reared, when other Cattel be kept or fed 2 and 3 P. and M. 3. 7. Jac. 8.

Spiritual perſons

4 Spiritual perſons ſhall not buy Cattel to ſell again, but in ſome caſes. 21 H. 8. 18.

Drivers licenced

5 Drivers of Cattel ſhall not be licenſed but in the open Seſſions. 5 El. 12.

6 The penalty for importing forreign Cattel at certain times of the yeer. 15 Car. 2. 7.

7 Proviſo for importing Cattel from the Iſle of Man. *ib.*

8 Cattel may not be imported from *Ireland*, or other parts beyond the Seas, nor fiſh taken by forreigners. 18 Car. 2. 2. 20 Car. 2. 7.

Certificates.

Outlawries and convictions.

1 A Certificate ſhall be made into the Kings Bench of every Outlawry, Attainder, and Conviction. 34 H. 8. 14.

Perſons attainted.

2 The Clerk of the Crown ſhall certifie to the Juſtices of Goal-delivery, the names of Perſons attainted. 34 H. 8. 14.

Of an Aſſiſe.

3 In what caſe a Certificate of Aſſiſe doth lye. 13 Ed. 1. 25.

Of Bigamie.

4 A Certificate of Bigamie ſhall be made by the Ordinary. 18 Ed. 3. 2.

Of Braſs, &c. ſhipped.

5 In what caſe a Certificate ſhall be made for the Shipping, and diſcharge of Braſs, Latten, &c. 33 H. 8. 7. 3 Ed. 6. 37.

1 *Chaſes*, See *Forreſts.*

Certiorari, Habeas Corpus.

Removing of priſoners and Records.

1 CErtiorari, or *Habeas Corpus* ſhall not be granted to remove any Priſoner or Recogniſance, except it be ſigned with the hand of the Chief Juſtice. 1 and 2 Ph. and M. 13. *S. Corpus cum cauſa.*

Removing of Indictments.

2 No *Certiorari* to remove an Indictment ſhall be allowed, unleſs the Indictee will become bound to pay coſts. 21 Jac. 8.

Ceſſavit.

Tenant in Fee-farm.

1 IN what caſe a *Ceſſavit* is maintainable againſt tenants in Fee-farm. 6 Ed. 1. 4.

Againſt the freehold Tenant.

2 In what caſe a Lord may have a *Ceſſavit* againſt his Tenant, and the form of the Writ. 13 Ed. 1. 21.

Lands given in frankalmoigne.

3 A *Ceſſavit* to recover lands altered which were given in Almes. 13 Ed. 1. 41.

Challenge.

Attaint in London.

1 WHat ſhall be no Challenge in a Bill of Attaint ſued for lack of ſufficient lands or goods. 11 H. 7. 21.

Inſufficiency of freehold.

2 What ſhall be no Challenge for inſufficiency of Freehold in a Writ of Attaint ſued in Lond. 37 H. 8. 5.

Where the thing is worth 40l. marks.

3 Challenge in London for lack of ſufficient Lands or goods where the thing in demand is worth forty marks 11 H. 7. 21.

Rien deins le gard.

4 *Riens deins le gard* ſhall be no Challenge in London. 7 H. 7. 5.

For the King.

5 Where a Jury or Juror is challenged for the King, cauſe ſhall be ſhewed. 33 Ed. 1. *Ordinance for Enqueſts.*

Of an Inditor.

6 An Inditor may be challenged upon the delivery of the party Indicted. 25 Ed. 3. 3.

Forty marks value.

7 Challenge where the thing in demand is worth forty marks, 2 H. 5. 3. 23 H. 8. 13.

An alian partie.

8 Challenge of a Jury, where an Alien is party to the tryal. 28 Ed. 3. 13. 23 H. 8. 13.

Arraigned of murder.

9 What Challenge he may have that is arraigned of murder by ſpecial Commiſſion. 33 H. 8. 23.

Piracy.

10 What Challenge is not allowed to him that is arraigned of piracy. 28 H. 8. 15.

Treaſon, murder, &c.

11 What only Challenge he may have that is arraigned of treaſon, murder, or man-ſlaughter committed within the verge. 33 H. 8. 12.

Conſpiracy by the Kings ſervant

12 No Challenge by the Kings ſervant which is arraigned for conſpiring the death of any Lord, &c. but for malice. 3 H. 7. 14.

Peremptory.

13 Peremptory Challenge ſhall not be allowed in any caſe of high treaſon, or miſpriſion of treaſon. 33 H. 8. 23.

Peremptory above twenty.

14 No perſon arraigned for petit treaſon, murder, or felony, ſhall be admitted to any peremptory Challenge above the number of twenty. 22 H. 8. 14. 32 H. 8. 3.

Colluſion.

15 Challenge upon an inquiſition of colluſion. 13 Ed. 1. 32.

For the hundred

16 In what caſe the tryal of an iſſue in a perſonal action, no Challenge for the hundred ſhall be allowed. 35 H. 8. 6. 27 El. 6.

1 *Charitable uſes.* See *Hoſpitals, &c.*

1 *Chauntries.* See *Monaſteries.*

1 *Champerties.* See *Maintenance, &c.*

1 *Cheeſe.* See *Butter.*

Cheſter. Cheſhire.

Seſſions.

1 WHere the Seſſion ſhall be kept for the County of Cheſter, and how often in the yeer. 32 H. 8. 43. 33 H. 8. 13.

Knights of the Parliament.

2 There ſhall be two Knights for the County of Cheſter, and two Burgeſſes of the Parliament for the City of Cheſter. 34 H. 8. 13.

Offences in forreign Counties.

3 What Proceſs ſhall be awarded where an inhabitant of the County of Cheſter doth commit felony or murder in another County. 1 H. 4. 18. 9 H. 5. 2.

Protection.

4 No protection ſhall be granted to any perſon within the County of Cheſter, without the Kings Warrant, 34 H. 8. 13.

Proclamations upon exigents.

5 How Proclamations ſhall be made upon Exigents awarded againſt any perſon dwelling in the County of Cheſter, or the City of Cheſter. 1 Ed. 6. 10.

Deputies in Court.

6 Every Sheriff of the County and the City of Cheſter, ſhall have a deputy in the Kings Bench, and Common place. 1 Ed. 6. 10. 23 H. 6. 10.

Fines.

7 Fines may be levied before the high Juſtice of Cheſter, &c. of lands within the County of Cheſter. 2 Ed. 6. 28.

Fines and recoveries.

8 Fines and recoveries of Lands in the County Palatine of Cheſter may be inrolled. 27 El. 9.

Tales.

9 In what caſes a *Tales de circumſtantibus* is grantable in the County of Cheſter. 5 El. 25. 14 El. 9.

Sewers.

10 In what ſort, and by whom Commiſſioners of Sewers ſhall be directed within the fees of the County of Cheſter. 23 H. 8. 5.

Recogniſance.

11 Recogniſances of Statute Merchant and Action Burnel may be acknowledged before the Mayor of Cheſter. 2 Ed. 6. 31.

Offices.

12 Offices found in the County of Cheſter, ſhall be received, and returned into the Court of Wards. 18 El. 12.

Coroners.

13 Two Coroners ſhall be for the County of Cheſter, and their authority. 33 H. 8. 13.

Inrolment of bargains and ſales.

14 Bargains and Sales of Lands lying in the County of Cheſter may be inrolled there. 5 El. 26.

Shire Court.

15 Where the Sheriff of the County of Cheſter ſhall keep his Shire-Court. 33 H. 8. 13.

Chirographer and Cuſtos Brevium.

Fee upon a Fine.

1 THe Chirographers fee upon every fine. 2 H. 4. 8. 13 Ed. 1. 44.

Inrolment of Fines.

2 Writs whereupon Fines ſhall be levied, ſhall be inrolled in the Common place by the Chirographer. 5 H. 4. 14.

A Table of fines.

3 The Chirographer ſhall make a Table containing the content of every fine, and ſhall have four pence for the ſame. 23 El. 3.

Citation.

His own Dioceſs

1 NO perſon ſhall be cited to appear out of the Dioceſs where he dwelleth, except it be in certain caſes. 23 H. 8. 9. 1 El. 1.

The fees of a Citation.

2 What be the fees for the Seal of a Citation, and the

penalty if more be taken. 23 H. 8. 9. 1 El. 1.

Clapboard, Cask.

Bringing in of Clapboard.

1 FOr Beer tranſported, or Fiſh, Clapboard or Cask ſhall be brought in 35 El. 11.

Tranſporting of Wine.

2 In which caſes only it ſhall be lawful to tranſport any wine Cask, and to ſell the ſame. 35 El. 11.

Clergie.

Taking goods from the perſon of another.

1 HE ſhall not have his Clergie which is indicted or appealed for felonies, taking any money or goods from the perſon of another privily. 8 El. 4.

Stabbing.

2 Nor he that ſhall ſtab any perſon, having not a weapon drawn, or firſt ſtricken. 1 Jac. 8.

A Recuſant.

3 Nor a Recuſant reſtrained to a certain place of abode, being commanded, refuſeth to abjure the Realm, or ſhall not go, or ſhall return without licence. 35 El. 1. &. 2.

Conjuration.

4 Nor he which doth practiſe conjuration, or invocation of wicked ſpirits. 1 Jac. 12.

Buggery.

5 Nor he which doth commit Buggery with mankind or beaſt. 25 H. 8. 6. 5 El. 17.

Counſelling to commit Felony.

6 Nor he which doth command, counſel, or hire any perſon to commit petit Treaſon, Murder, Robbery, &c. or to burn any houſe, or barn with corn. 4. and 5. *Ph.* and *Mar.* 4.

Forgery.

7 Nor he who being once convicted of forgery, doth commit again the ſame offence. 5 El. 14.

A Souldier or Mariner.

8 Nor a Souldier or Mariner that departeth without the licence of his Captain. 2 Ed. 6. 2. 5 Eliz. 5. Nor a wandring Souldier or Mariner that offendeth contrary to the Statute in that caſe provided. 39 Eliz. 17.

Burglary or Rape.

9 Nor he that is attainted of Burglary, or Rape, or the carnal knowledg of a woman-child under the age of ten years. 18 El. 7.

Egyptians.

10 Nor any above the age of fourteen years calling himſelf an Egyptian. 1 & 2 *Phil.* & *Mar.* 4. 5 El. 23.

Taking a woman againſt her will.

11 Nor he which doth take away a maid, widow, or wife againſt her will, having Lands, &c. 39 El. 9.

Murder, Robbery, &c.

12 Nor he which doth commit murder, poyſoning, robbery, ſtealing of horſes, robbing of any Church, break any houſe, or tent, or booth: Nor he which is acceſſary to ſuch felony before the felony done. 23 H. 8. 1. 32 H. 8. 3. 1 Ed. 6. 12. 5 Ed. 6. 9. 39 Eliz. 15.

Relieving a Jeſuit.

13 Nor he which doth willingly receive, or relieve a Jeſuit, or Prieſt. 27 El. 2.

Clergy in other caſes.

14 Clergy ſhall be allowed in all other caſes ſaving ſuch as are before mentioned. 1 Ed. 6. 12.

But once.

15 Clergy ſhall be allowed but once. 4 H. 7. 13.

Marked.

16 He that hath his Clergie ſhall be marked openly before the Judge. 4 H. 7. 13.

For holy Orders no benefit.

17 Such as be within holy orders ſhall receive no other benefit of Clergie then others do. 28 H. 8. 1. 32 H. 8. 3. 4 H. 4. 3.

Bigamus.

18 Bigamus ſhall be allowed his Clergie. 1 Ed. 6. 12.

Former offences.

19 He that is allowed his Clergie, ſhall anſwer to former offences. 8 El. 4. 18 El. 7.

A Lord of the Parliament.

20 In what caſe a Lord of the Parliament may have the benefit of Clergie for his firſt offence. 2 Ed. 6. 12.

No delivery to the Ordinary.

21 Every perſon allowed his Clergie ſhall be enlarged, without being delivered to the Ordinary. 18 Eliz. 7.

Clerk of the Market.

Within the Verge.

1 THe Clerk of the Market of the King's houſe ſhall uſe his Office within the verge where the King is in perſon, and none other. 27 H. 8. 24.

No common Fine.

2 The Clerk of the Market ſhall take no common fine, but every offender ſhall be puniſhed according to his deſerts. 13 R. 2. 4.

How he ſhall ride attended.

3 With how many horſes the Clerk of the Market may ride, and how long he may tarry in the Town. 13 R. 2. 4.

Weights and Meaſures ſigned.

4 The Clerk of the Market ſhall have all his weights and meaſures ſigned according to the ſtandard of the Exchequer with him, and ſhall uſe none other. 16 R. 2. 3.

Weights and Meaſures.

5 Grievances by Clerks of the Market, and inequality in Weights and Meaſures. 17 Car. 1. 19.

Limits.

6 The limits of the Clerks of the Market. 17 Car. 1. 19.

7 Grievances by Clerks of the Market, and inequality of Weights and Meaſures, *ibid.*

8 Water Meaſure in maritine Towns and others ſhall be continued as formerly, *ibid.*

Clerks of Aſſiſe.

Not of Counſel.

1 NO Clerk of Aſſiſe ſhall be of Counſel with any perſon within his Circuit. 33 H. 8. 24.

Where he may do his Office.

2 A Clerk of Aſſiſe may execute his office in the County where he was born, or doth dwell. 33 H. 8. 24.

Clerks of the Signet and Privy Seal.

To whom the Kings Grants ſhall be brought.

1 ALL the Kings grants ſhall be firſt brought to the Kings principal Secretary, or to one of the Clerks of the Signet. 27 H. 8. 11.

Making of Warrants.

2 One of the Clerks of the Signet ſhall make a Warrant to the Keeper of the Privy Seal.

A Warrant to the Great Seal.

3 One of the Clerks of the Privy Seal ſhall make a Warrant to the Great Seal.

Their Fees.

4 The fees for writings which paſs by immediate Warrant.

Dutchy Lands and Offices.

5 By what Seals Leaſes of Dutchy Lands may paſs. And by whom a ſmall Office in the Dutchy may paſs.

The Clerks Fees.

6 The Fees of the Clerks of the Signet, and Privy Seal.

Things paſt without Fees.

7 The Lord Chancellor may paſs things without paying any Fees.

The Kings private affairs.

8 The ſealing, writing, and delivering of things touching the affairs of the Realm, or the Kings private affairs.

Small Farms.

9 The Grant or Leaſe of a Farm, the yearly Rent whereof exceedeth not the ſum of 6 l. 13 s. 4 d. ſhall not be prejudiced by this Act. 27 H. 8. 11.

Clecks of the Chancery.

They may marry.

1 THe ſix Clerks of the Chancery may take Wives, marry, and enjoy their Offices. 14 H. 8. 8.

Clerk of the Crown.

His Fee.

1 THe Fee of the Clerk of the Crown of him that is indicted of Felony or Treſpaſs. 2 H. 4. 10.

Certificates of Attaint, &c.

2 The Clerk of the Crown ſhall receive and certifie the names of ſuch as be indicted, attainted, outlawed, 34 H. 8. 14.

Clerk of the Peace.

Who ſhall appoint him.

1 THe *Cuſtos Rotulorum* ſhall appoint the Clerk of the Peace, which Clerk may occupy the ſame Office by a Deputy. 37 H. 8. 1.

Inrolment of ſale of Lands.

2 The Fee and duty of the Clerk of the Peace, for the inrolment of a bargain and ſale of Land. 27 H. 8. 16.

Licences for Badgers, Drovers, &c.

3 The Fees of the Clerk of the Peace, for a Recogniſance, and licence granted to a Badger, Lader, Drover, 5 El. 12. 13 El. 25.

His duty.

4 The duty of the Clerk of the Peace in ſeveral caſes. 2 Ed. 6. 14. 5 El. 4.

Clerk of Statutes.

He ſhall be reſident.

1 A Clerk of the Statutes ſhall have ſufficient, and be reſident upon his Office. 14 Ed. 3. 11. 23 H. 8. 6.

His Fee for Recogniſances.

2 The Fee of the Clerk of recogniſances in the nature of a Statute-ſtaple, for writing, making, inrolling, and certifying of a Recogniſance. 23 H. 8. 6.

1 *Cloth, Clothing.* See *Drapery.*

Coaches.

1 THe Order and regulating the number and prices of Hackney-Coaches, and who only may be permitted to keep them about *London.* 14 Car. 2. 2.

Coales.

1 THe Regulation of the Meaſures and Prices of Coals and how the ſame ſhall be ſet. 17 Car. 2. 2.

Collectors.

Collector of Tenths.

1 NO Biſhops Collector of Tenths ſhall abide in his office any longer, then the Granter ſhall remain Biſhop of the ſame See. 7 Ed. 6. 4. 1 El. 4.

Not chargeable to others.

2 How Collectors of Diſmes accounting in the Exchequer may be charged to anſwer to other. 1 Rich. 3. 14.

Under-collectors chargeable.

3 Under-Collectors of Tenths and Subſidies ſhall account in the Exchequer, and their Lands and goods ſhall be chargeable for their receipts. 14 El. 7.

Bridges.

4 The receipt, charge, and accompt of Collectors for the repairing of Bridges. 22 H. 8. 5.

Poor.

5 The duty, receipt, charge, and accompt of Collectors and Overſeers for the poor. 43 Eliz. 2.

6 What Collectors be accomptant to the King. 13 Car. 2. 3.

7 All perſons imployed in collecting or gathering publike moneys by vertue of any Act of Parliament, being ſued may plead the Gen. Iſſue. 14 Car. 2. 17.

1 *Colledges.* See *Monaſteries, &c.*

Common.

Uſurpation.

1 USurpation of Common during the lives of particular Tenants, ſhall not prejudice them in the Reverſion. 13 Ed. 1. 46.

Approvement of Commons.

2 In what caſes Lords may approve Common, notwithſtanding the contradiction of their Tenants or Neighbours. 20 H. 3. 4. 13 Ed. 1. 46. 3 Ed. 6. 3.

Approvement of Woods.

3 In what caſe one may fell and incloſe Woods wherein others have Common. 35 H. 8. 17. 13 El. 25.

Horſes.

4 Of what height horſes ſhall be that may feed upon the Common. 32 H. 8. 13. 8 El. 8.

Commiſſions, Commiſſioners.

Of enquiry.

1 TO what ſort of people Commiſſions of enquiry ſhall be awarded. 42 Ed. 3. 4.

Commiſſioners wronged.

2 A remedy to diſcharge Commiſſioners diſtrained to return a Commiſſion which never came to their hands. 4 H. 4. 9. 7 H. 4. 11.

Bankrupts.

3 The power of Commiſſioners authorized to enquire of Bankrupts, and what they may do in every reſpect. 13 El. 7. 1 *Jac.* 15.

Sewers.

4 The Commiſſion of Sewers, and the Commiſſioners orders, authority, and duty. 23 H. 8. 5. 3 Ed. 6. 8. 1 *Ph.* & *Mar.* 2. 11. 13 Eliz. 9. 3 Jac. 14. 7 Jac. 20.

Purveyors.

5 Commiſſions ſhall be directed to certain perſons to inquire of the behaviour of Purveyors. 36 Ed. 3. 4.

A *Superſedeas.*

6 In what caſe one Commiſſion of the Peace ſhall not be a *Superſedeas* to another. 2 & 3 *P.* and *M.* 18.

Offences upon the Sea.

7 A Commiſſion may be granted to enquire of offences done upon the Sea, and the Commiſſioners authority. 28 H. 8. 15.

Purveyors Commiſſion.

8 The ſubſtance, form, and continuance of Commiſſions granted to Purveyors. 2 & 3 *P.* and *M.* 6.

Shewing of commiſſion.

9 Purveyors ſhall ſhew their Commiſſion to them of whom they take any thing. 28 Ed. 1. 2.

To enquire of others defaults.

10 In what caſe a Commiſſion ſhall be granted to enquire of Juſtices of Peace and Sheriffs defaults for not enquiring of Riots. 2 H. 5. 8.

Trial of Treaſon.

11 In what caſes Treaſons may be tryed in any County by ſpecial Commiſſion. 33 H. 8. 23.

Villanies.

12 In what caſe a Commiſſion ſhall be granted to enquire of the miſdemeanour of villains. 1 R. 2. 6.

Appeal.

13 In what caſe a Commiſſion ſhall be granted upon an Appeal out of an Archbiſhops Court. 25 H. 8. 19. 1 Eliz. 1.

Diſcontinuance.

14 No ſuit before certain Juſtices and Commiſſioners ſhall be diſcontinued by a new Commiſſion. 11 Hen. 6. 6. 1 Ed. 6. 7.

In Marine cauſes.

15 The force of a Judgment given by Commiſſioners or Delegates upon Appeals in Civil or Marine cauſes. 8 El. 5.

Spiritual juriſdiction.

16 A Commiſſion may be granted for executing ſpiritual Juriſdiction, and the Commiſſioners authority. 1 Eliz. 1.

Houſes of Correction, &c.

17 Commiſſions may be granted to enquire of money gathered for houſes of Correction, or Stocks for the poor. 39 Eliz. 4.

Miſ-imployment of money given to charitable uſes.

18 Commiſſions may be granted to enquire of the miſemployment of Lands or Goods given to godly uſes, and the Commiſſioners authority, and duty. 43 El. 4.

Granting diſpenſations, &c.

19 In what caſe a Commiſſion may be granted to two ſpiritual perſons to grant Licenſes, Faculties, and Diſpenſations. 25 H. 8. 21.

Judges of the Church.

20 No Commiſſion ſhall be granted to enquire of the behaviour of the Judges of the Church. 18 Ed. 3. 6.

Voluntary ſupply.

21 Commiſſions may be iſſued by his Majeſty for a voluntary ſupply. 13 Car. 2. 4.

Diſcovery.

22 Commiſsions for diſcovery of goods concealed from his Majeſty. 13 Car. 2. 3.

Condition, Covenant.

Grantees of Reverſions.

1 GRantees of Reverſions may take advantage againſt Leſſees, in reſpect of any Condition or Covenant made to their Grantors. 32 H. 8. 34.

Leſſees advantage.

2 Leſſees may take advantage againſt Grantees of Reverſions of any Condition or Covenant made by the Grantee. 32 H. 8. 34.

Condition of Revocation.

3 The force of a conveyance of Land, Leaſe, or Rent, with condition of revocation, or alteration. 27 Eliz. 4.

Conduit.

Cutting out the head.

1 THe penalty for wilful cutting out the head or pipe of any Conduit. 37 H. 8. 6.

2 Conduits in *London*. 35 H. 8. 10. in *Glouceſter*. 33 H. 8. 35.

Conjuration, Enchantment, Witchcraft.

The penalty for killing, &c.

1 THe penalty of Conjuration, Enchantment, &c. whereby any perſon is killed or lamed. 1 Jac. 12.

Declaring where things be hidden, &c.

2 The penalty for declaring by enchantment, &c. where things be hidden, or procuring unlawful love. 1 Jac. 12.

Conſpiracy.

Who be.

1 WHo be Conſpirators. 33 Ed. 1.

Their puniſhment.

2 The puniſhment of Conſpirators. And which Juſtices may enquire of them. 28 Ed. 1. 10.

Upon Indictment of felony.

3 A Writ of Conſpiracy upon an Indictment or Appeal of felony, ſuppoſed to be committed in a place, where there is none ſuch, 18 H. 6. 12.

The Kings ſervants.

4 The penalty of any of the Kings ſervants, which ſhall conſpire to deſtroy the King, or any Lord, Privy Counſellor, great Officer, &c. 3 H. 7. 14.

Artificers.

5 The puniſhment of Conſpiracies or Agreements made by Artificers, or Victuallers, touching doing their Works, or ſelling their Victuals. 2 Ed. 6. 15.

Contra formam Collationis.

Lands given in Alms.

1 A *Contra formam collationis*, to recover Lands aliened, which were given in Alms. 13 Ed. 1. 41.

Conventicles.

1 HOw ſeditious Conventicles ſhall be ſuppreſt. 16 Car. 2. 4.

Convocations and Aſſemblies for Religion.

Their Liberties.

1 THe Liberties of the Clergy called to the Convocation, and of their ſervants. 8 H. 6. 1.

The Kings aſſent.

2 The Clergy ſhall enact nothing in their Convocations, unleſs they have the Kings Royal Aſſent, and Licence. 25 H. 8. 19. 1 El. 1.

None ſhall go out of the Realm.

3 No perſon ſhall depart out of the Realm to any Convocation, or Aſſembly, for Religion. 25 H. 8. 21. 1 El. 1.

Copyhold, Copyholders.

The Kings Copyholders.

1 THe Eſtates of the Kings Copyholders confirmed by Decree in the Exchequer or Dutchy Chamber, ſhall be good, according to the ſame Decree. 7 Jac. 21.

A confirmation of their Eſtates.

2 Copyholders ſhall enjoy their Eſtates, where the King is intituled by office, though they be not found by inquiſition. 2 Ed. 6. 8.

Compounding with their Lords.

3 The Creditors of Bankrupts, ſatisfied with Copyhold Land, ſhall compound with the Lords. 13 Eliz. 7.

Chauntries.

4 The Statute of Chauntries doth give no Copyhold Land to the King. 1 Ed. 6. 14.

The diſpoſing of them.

5 The diſpoſing of Copyhold Lands in ſeveral places. See 2 Ed. 6. 12. 35 H. 8. 13. 37 H. 8. 2.

Popiſh Recuſants.

6 A Popiſh Recuſant ſhall forfeit all his Copyhold Lands. 35 Eliz. 2.

1 *Copper.* See *Braſs.*
1 *Cordwainers, Curriers, Tanners.* See *Leather.*
1 *Controllers of Cuſtome.* See *Cuſtomes.*
1 *Coſts of ſuit.* See *Damages.*
1 *Conſultation.* See *Prohibition, &c.*

Corn and Grain.

Tranſporting.

1 COrn ſhall not be tranſported without licence, 1 & 2 Phil. & Mar. 5.

Licence.

2 The forfeiture of him that tranſporteth more Corn then he hath licence. 1 & 2 Ph. and M. 5.

Lading in one place.

3 He that hath licence to tranſport Corn, ſhall lade it in one place. 1 & 2 P. and M. 5.

Tranſporting.

4 Corn of certain prices may be tranſported, 1 and 2 Ph. and Mar. 5. 13 Eliz. 13. 21 Jac. 28. 3 Car. 1. 4.

Reſtraint.

5 The King may reſtrain the tranſportation of Corn by Proclamation. 13 El. 13. 21 Jac. 28. 3 Car. 1. 4.

Bringing in of Corn.

6 In what caſes it ſhall not be lawful to bring Corn into this Realm. 3 Ed. 4. 2.

Change of Seed.

7 He that buyeth Corn for the change of his Seed, muſt bring in as much to the ſame Market. 5 Ed. 6. 14. 13 El. 25.

Cuſtome.

8 What Cuſtome ſhall be paid for Corn tranſported. 13 El. 13. 35 El. 7. 21 Jac. 28. 3 Car. 1. 4.

Licence to buy and ſell.

9 None ſhall buy Corn to ſell again without licence. 5 El. 12.

Of ſmall price.

10 Corn may be ingroſſed and kept in Grainers, when it is of ſmall price. 5 Ed. 6. 14. 13 Eliz 25.

Purveyors.

11 Purveyors ſhall take Corn by Meaſure ſtriked, and not without the owners conſent. 4 Ed. 3. 3. 25 Ed. 3. 1. 36 Ed. 3. 2. 11 H. 7. 4. 14 Ed. 3. 19.

12 The Duty and Cuſtomes payable upon Corn, when Corn may be tranſported. 3 Car. 1. 4.

13 The King by Proclamation may reſtrain tranſportation of Corn. 3 Car. 1. 4.

14 How and when Corn may be exported and imported and what Cuſtome to be paid for the ſame. 15 Car. 2. 7.

Corpus cum cauſa, Certiorari, Habeas Corpus.
Remover.

A man in Execution.

1 A *Corpus cum cauſa*, or *Certiorari*, to remove into the Chancery one that is in execution at another mans ſuit. 2 H. 5. 2.

Finding ſureties.

2 He that ſueth to defeat an Execution upon a Statute, to be removed by a *Corpus cum cauſa*, ſhall find ſurety to ſatisfie both the King and the party. 11 H. 6. 10.

Signed by a Juſtice.

3 A *Habeas Corpus*, or *Certiorari*, to remove a Priſoner or Record, ſhall be ſigned with the hand of the Chief Juſtice. 1 & 2 P. and M. 1. 3.

Removing of Priſoners.

4 The Juſtices of the Kings-Bench may remove Priſoners into the Countrey, to be tryed. 6 H. 8. 6.

A Suit in a Town Corporate.

5 At what time a Writ to remove a Suit depending in the Court of a Town Corporate, ſhall be delivered to the Judge or Officer of the ſame Court. 43 El. 5. 1 Jac. 25.

Privy Councel.

6 *Habeas Corpus* in caſes of Commitment by the Privy Council. 17 Car. 1. ca. 10.

Corporations, Mayors, Bailiffs, and Head-Officers.

New Ordinances.

1 NO new Ordinances ſhall be made by a Corporation, without the conſent of the Lord Chancellor, or Juſtices. 19 H. 7. 7.

Suit in the Kings Court.

2 No Ordinance ſhall be made by a Corporation, to reſtrain ſuit in the Kings Court. 19 H. 7. 7.

Keeping a ſhop.
3 No Corporation ſhall reſtrain any man to keep Shop. 28 H. 8. 5.

Fees for entring an Apprentice.
4 The Fees of a Corporation, for entry of an Apprentice, or a Freeman. 22 H. 8. 4. 28 H. 8. 5.

A negative voyce.
5 In Corporations, none ſhall have a negative voyce. 33 H. 8. 27.

Tables of duties.
6 Officers of Corporations ſhall ſet up Tables of all Duties. 22 H 8. 8.

Compacts.
7 The penalty of compacts made by certain Corporations. 2 Ed. 6. 15.

Arrow-heads.
8 The chief Officers of Coporations have power to enquire of, and puniſh falſe makers of Arrow-heads and Quarrel. 7 H. 4. 7.

Victuallers, Artificers, &c.
9 And to enquire of, and determine all offences committed by Victuallers, Artificers, &c. 2 Ed. 6. 15.

Aſſeſſing the price of Veſſels of Ale and Beer, Aſſeſſment of the prices of Casks.
10 And to Aſſeſs the prices of every Barrel, Kilderkin, and Firkin of Ale and Beer. 23 H. 8. 4.

11 And to tax the prices of all Barrels, Kilderkins, and Firkins, &c. to be ſold for Ale, Beer, or Sope. 8 El. 9.

Gauging and marking of Veſſels.
12 And to ſearch and guage all Barrels, Kilderkins, &c. and to mark them. 23 H. 8. 4.

Veſſels of Salmon, Herring, and Eels.
13 And to name and chuſe expert perſons to ſearch and gauge all Veſſels of Salmon, Herring, and Eles. 22 Ed. 4. 2. 11 H. 7. 23.

A Souldiar departing.
14 And to arreſt and keep a Souldier, departing from his Captain without Licence, until further enquiry be made of his offence. 18 H. 6. 19.

Malt.
15 And to proceed to the execution of the Statute made to reſtrain the exceſsive making of Malt. 39 Eliz. 16.

Tanners.
16 And to enquire, hear, and determine all offences committed contrary to the Statute provided touching Tanners, &c. 1 Jac. 22.

Liveries.
17 And to receive information of any perſons which ſhall give any Livery or Badge, or retain any other then his menial ſervants, &c. And of any perſon which ſhall be ſo retained. 8 Ed. 4. 2.

Preachers.
18 And to enquire of all offenders againſt Preachers, &c. And to hear and determine the ſame. 1 *Mar.* 3.

Unlawful games and Artillery.
19 And to cauſe the Statute provided againſt unlawful games, and for the maintenance of Artillery to be proclaimed. 33 H. 8. 9.

Conſtitutions for the Navy.
20 And to enquire, hear, and determine all offences done to the Land, or within any Haven or Peer, contrary to the Statute made touching politique Conſtitutions for the maintenance of the Navy. 5 E. 2. 5.

Uſury.
21 And to hear and determine all offences committed contrary to the Statute of 37 H. 8. cap. 9. Provided againſt Uſury. *& decimo tertio.* Eliz. 8.

Wines.
22 And to examine, hear, and determine the defaults of ſuch as ſhall attempt to ſell Wine contrary to the Statute in that caſe provided. 28 H. 8. 14.

Bowſtaves.
23 And to ſearch and ſurvey the Bow-ſtaves brought into this Realm by Merchant Strangers. 12 Ed. 4. 2. 13 Eliz. 14.

Riding armed.
24 And to make execution of the Statute of *Northampton*, provided againſt thoſe which ſhall go or ride armed. 2 Ed. 3. 3. 20 R. 2. 1.

Free Election.
25 None ſhall by ſtrength or threats hinder a Corporation to make free election. 3 Ed. 1. 5. 9 Ed. 2. 14.

Relief of the poor.
26 Head Officers of corporate Towns have authority as Juſtices of Peace, to do and execute every thing for the relief of the poor. 43 El. 2.

Vagabonds.
27 The head Officers of corporate Towns ſhall execute the Statute provided againſt Vagabonds, in ſuch ſort as Juſtices of Peace may do. 39 El. 4.

Unlawful games.
28 Head Officers of corporate Towns may ſearch for and repreſs unlawful games. 33 H. 8. 9.

Purchaſing of Lands.
20 It is Mortmain for the chief Officer of a corporate Town to purchaſe any Lands to the uſe of the Corporation. 15 R. 2. 5.

Sealing of Leather.
30 Chief Officers of corporate Towns ſhall appoint men to ſearch and ſeal Leather. 1 Jac. 22.

Sealing of cloth.
31 Chief Officers of corporate Towns ſhall appoint certain expert men to ſearch and ſeal Cloth. 5 Ed. 6. 6.

Faulty cloth.
32 How the chief Officers of a corporate Town ſhall uſe faulty Cloth preſented unto them. 5 Ed. 6. 6. 25 Ed. 3. 1.

Shooting in Guns.
33 How the head Officers of a corporate Town ſhall uſe thoſe that ſhoot in Guns. 2 Ed. 6. 14.

Phyſicians.
34 The Phyſicians of *London* made a Body corporate; what Priviledges they have, and what they may do. 14 H. 8. 5. 32 H. 8. 40. 1 *Mar.* 9.

Searching of Fuſtian and cloth.
35 The Mayor and Wardens of the Shear-men of *London* may ſearch the workmanſhip of Fuſtian and Cloth. 11 H. 7. 27.

Searching of Oyles.
36 The chief Officers of a corporate Town may ſearch all Oyls brought thither. 3 H. 8. 14.

Pewter and Braſs.
37 The head Officers of a corporate Town may appoint expert men to ſearch Veſſels of Pewter and Braſs. 19 H. 7. 6. 4 H. 8. 7. 25 H. 8. 9. 33 H. 8. 4.

An Officer no Cuſtomer.
38 A common Officer of a corporate Town ſhall be no Cuſtomer. 4 H. 7. 7.

Arreſting of Cators.
39 The chief Officers of a corporate Town ſhall arreſt the Cators of Noble men, and others which take any thing againſt the owner's good will. 23 H. 6. 14.

Common Prayer.
40 Chief Officers of corporate Towns may enquire of the Offences prohibited by the Statute provided for the Uniformity of Common Prayer. 1 Eliz. 2.

Riots, Routs.
41 Riots, Routs, and unlawful aſſemblies, made in corporate Towns, ſhall be enquired of, and repreſſed by the chief Officers there. 2 H. 5. 8.

Victuullers.
42 Chief Officers of corporate Towns may order, reform, and puniſh Victuallers. 31 Ed. 3. 10. 7 R. 2. 11. 23 Ed. 3. 6. 25 H. 8. 2.

Meaſures and Weights.
43 Head Officers of corporate Towns may keep, mark, and examine Meaſures and Weights. 11 H. 7. 4. 12 H. 7. 5. 8 H. 6. 5. 9 H. 6. 6.

Selling of Wine.
44 Officers of a corporate Town may enter into a Merchants houſe, which denieth to ſell Wine at the price aſſeſſed, and ſell and deliver the ſame. 24 H. 8. 6.

Who ſhall ſell Wine.
45 None ſhall ſell Wine in a corporate Town, but by the appointment of the head Officers. 7 Ed. 6. 5.

Aſſaying of Wines.
46 Head Officers of corporate Towns have authority to aſſay Wines, and to pour out the corrupt. 4 Ed. 3. 12.

Muſters.
47 Where and before whom, Inhabitants in corporate Towns ſhall be charged to appear at Muſters. 4 & 5 P. and M. 3.

Union of Churches.
48 There ſhall be no union of a Church in a corporate Town, without the aſſent of the chief Officers there. 37 H. 8. 21. 1 El. 4.

Taking of Shewage.
49 No head Officer of a corporate Town ſhall take Scavage or Shewage of a Merchant for Merchandizes cuſtomed. 19 H. 7. 8.

Burgeſſes of Parliament.
50 The duty of head Officers of corporate Towns about electing and returning the Burgeſſes of Parliament. 23 H. 6. 15.

Inrolments of Deeds.
51 The force of Recoveries, Deeds enrolled, and Releaſes made and acknowledged in certain corporate Towns. 34 H. 8. 22.

Ordinances for ſelling of fiſh.
52 Ordinances of Corporations made for the reſtraint of any perſon to take, buy, or ſell fiſh, ſhall be void. 39 El. 10. 43 El. 9.

Souldiers and Mariners.
53 Officers of corporate Towns may execute the Statute provided for Souldiers and Mariners. 43 El. 3.

Pleas in Wales.
54 Head Officers of corporate Towns in Wales may hold Pleas, and determine actions, as in England. 34 H. 8. 26.

55 Who only may be choſen Officers in Corporations. 13 Car. 2. 1.

56 Non-conformiſts reſtrained from inhabiting Corporations. 17 Car. 2. 2.

57 How Churches and Chappels in Corporations may be united. 17 Car. 2. 2.

Corroners.

Who ſhall be.
1 WHo ſhall be Coroners, and by whom, and where they ſhall be choſen. 3 Ed. 1. 10. 28 Ed. 3. 6.

Sufficient freehold.
2 A Coroner ſhall have ſufficient Land in fee in the ſame County. 14 Ed. 3. 8.

Of what he ſhall enquire.
3 Of what things Coroners ſhall enquire, and by whom. 4 Ed. 1. Stat. *De officio Coronatoris.*

Certificate of what is found.
4 Coroners ſhall make inquiſition of murther and man-ſlaughter, to certifie what is found at the next Gaol-delivery. 3 H. 7. 1.

Eſcape of a murtherer.
5 A Coroner ſhall enquire of the eſcape of a murtherer. 3 H. 7. 1.

Recording of Evidences.
6 A Coroner ſhall record evidences given unto him upon an Inquiſition, and bind the parties to give it at the next Gaol-delivery. 1 & 2 Phil. & Mar. 13.

Where a Fee, and where not.
7 In what caſe a Coroner ſhall have a Fee, and in what not. 13 Ed. 1. 10. 1 H. 8. 7. 3 H. 7. 1.

Counter-rolls.
8 The Sheriff ſhall have counter-rolls with the Coroner. 3 Ed. 1. 10.

Apparance upon Inquiſition.
9 Who ought to appear before the Coroner upon an inquiſition of the death of a man. 52 H. 3. 24.

Inquiry of death within the Verge.
10 Which Coroners ſhall enquire of the death of a man that doth chance within the Verge, or where the King's houſe is, and by what perſons. 28 Ed. 1. 3. 35 H. 8. 12.

Cheſhire.
11 Two head Coroners ſhall be choſen for the Shire of Cheſhire, and what their duty is. 33 H. 8. 13.

Wages of Knights of the Parliament.
12 What every Coroner ſhall forfeit, which ſhall be abſent from the aſſeſsing of the wages of the Knights of the Shire for the Parliament. 23 H. 6. 11.

Concealment of Felons.
13 What Coroners ſhall forfeit, if they do conceal, and will not arreſt Felons when they may. 3 Ed. 1. 9.

Impannelling a Jury.
14 In what caſes Coroners ſhall immpannel a Jury, of what ſufficiency the Jurors ſhall be, and what iſſues they ſhall return upon them. 2 H. 5. 8.

Coroners in Wales.
15 There ſhall be two Coroners in every of the twelve Shires in Wales: their Offices, Duties, and Fees. 34 H. 8. 26.

Couſenage.

The Tenants anſwer.
1 THe Tenants anſwer in Writ of Couſenage. 13 Ed. 1. 20.

1 *Croſs bows*, See *Gunns*.

Cottages and Inmates.

Not without four Acres of Land.

1 NO new Cottage ſhall be erected without four acres of land thereunto. 31 El. 7.

No Inmates.

2 There ſhall not be any Inmate, or more Families then one dwelling in any one Cottage. 31 El. 7.

Covent Garden.

1 THe precincts thereof made Parochial. 12 Car. 2. 37.

Coverlets.

Coverlets made in York.

1 NO perſon dwelling in Yorkſhire ſhall make any Coverlets to ſell, unleſs he be inhabiting within the City of York. 34 H. 8. 10.

Where they may be ſold.

2 Where Coverlet-makers in York, &c. may ſell their Coverlets. 34 H. 8. 10.

Their Aſſiſe.

3 The Aſſiſe of Coverlets made within the City of York, &c. and the forfeiture of the Owner if they lack. 34 H. 8. 10.

In Norwich and Norfolk.

4 Who may weave or make Coverlets, Dornix, Felts or Thrummed Hats, within Norwich, or the County of, Norfolk. 5 & 6 Ed. 6. 24.

Onely made in Market Towns.

5 Coverlets, Dornix, &c. ſhall be made in a corporate or market Town only, Pulham only excepted. 5 & 6 Ed. 6. 24.

Counterfeit Letters and Tokens.

Made in another mans name.

1 THe penalty of him that getteth into his hands any Goods, &c. of any other perſons, by colour of a privy Token or Counterfeit Letter, made in another mans name. 33 H. 8. 1.

Coopers.

Aſſeſſing the prices of Veſſels.

1 JUſtices and head Officers of corporate Towns ſhall ſet the prices of Veſſels for Ale, Beer, or Soap. 8 El. 9.

The contents of Veſſels.

2 The contents of Veſſels made for Ale and Beer. 23 H. 8. 4.

Diminiſhing of Veſſels.

3 The penalty of him that doth diminiſh any Barrel, Kilderkin, or Firkin. 23 H. 8. 4.

Gauging.

4 Veſſels brought from beyond Seas for Beer or Ale, ſhall be gauged, and what ſhall be taken for the gauging of them. 31 El. 8.

County or Shire Court.

When to be kept.

1 EVery County Court ſhall be kept monthly. 9 H. 3. 35. 2 Ed. 6. 25.

Northumberland.

2 Where the County Court of the Shire of Northumberland ſhall be kept. 2 Ed. 6. 25.

Suſſex.

3 Where the County Court for the Shire of Suſſex ſhall be kept. 19 H. 7. 24.

Cheſter.

4 Where the Shire Court for the County of Cheſter ſhall be kept. 33 H. 8. 13.

Wales, &c.

5 Where the Shire Courts in Wales of *Brecknock*, of *Radnor*, of *Montgomery*, of *Denbigh*, and of *Monmouth*, ſhall be kept. 25 H. 8. 26.

Sheriffs of Wales.

6 The Sheriffs of Wales ſhall keep their County Courts monthly, as they do in *England*. 34 H. 8. 26.

1 *Counter-plea or Voucher*. See *Voucher*, &c.

Courts.

Suits for the Kings debts.

1 SUits for the Kings debts, ſhall be in the courts of the Exchequer, Dutchy, or of Wards, where they ſhall be due. 33 H. 8. 39.

Authority of ſeveral Courts.

2 The Authority of the Courts of the Exchequer, Dutchy and Wards. 33 H. 8. 39.

Star-Chamber.

3 Who ſhall be the Judges of the Court of Star-Chamber, and what offences they may enquire of, and puniſh. 3 H. 7. 1.

Common-Pleas.

4 The Court of Common-Pleas ſhall be holden in a place certain. 9 H. 3. 11. No Common-Pleas ſhall be holden in the Exchequer. 28 Ed. 1. 4.

No man ſhall loſe his Court.

5 No *Precipe in Capite* ſhall be granted, whereby any Freeman may loſe his Court. 9 H. 3. 24.

Star-Chamber.

6 Star-Chamber Court taken away. 17 Car. 1. 10.

Common-Law.

7 Matters examinable in the Star Chamber, may be redreſſed by the Common-Law. 17 Car. 1. 10.

Juriſdiction.

8 No Court nor Councel to have like Juriſdiction as the Star-Chamber. 17 Car. 1. 10.

High-Commiſſion.

9 High-Commiſſion Court taken away. 17 Car. 1. 11. 13 Car. 2. 12.

New Court.

10 No new Court to be erected with like power as the High-Commiſſion. 17 Car. 1. 11.

Coinage of Money.

1 ENcouragement for bringing Gold and Silver into the Mint to be coined. 18 Car. 2. 5.

Crows, Rooks, and Choughes.

1 EVery man ſhall do his beſt to deſtroy them. 24 H. 8. 10.

2 The Taker ſhall have 2 d. a dozen. *ib.*

Crown, King, Queen.

1 THe Regal Office of this Realm, and all dignities, &c. annexed to the ſame, be inveſted as well in a Queen, as in a King. 1 *M*. 2. *Parl. Cap.* 1.

Regality annexed to a Queen.

2 No forrein Prince, Parſon, Prelate, &c. ſhall exerciſe any ſpiritual authority within this Realm. 1 Eliz. 1.

No forrein authority.

3 Eccleſiaſtical Juriſdiction ſhall be annexed to the Crown. 1 Eliz. 1.

4 Commiſſions ſhall be awarded to certain perſons to execute all priviledges concerning Spiritual Juriſdictions: And to reform all errors, abuſes, &c. which by any Eccleſiaſtical power may be corrected. 1 El. 1.

The High-Commiſſioners juriſdiction.

5 What may be adjudged hereſie, and what not. 1 Eliz. 1.

Hereſie.

6 The form of the Oath of Supremacy, and which perſons are bound to take it. 1 El. 1. 5 *El.* 1.

Oath of Supremacy.

7 The ſeveral puniſhments for the refuſal of the Oath upon the firſt tender, and ſecond tender. 5 El. 1.

The penalty for refuſing the Oath.

8 Who only ſhall be compelled to take the ſame Oath upon the ſecond tender. 5 *El.* 1.

The ſecond tender.

9 They ſhall be bound to take the ſame Oath which be naturalized, or reſtored in blood. 7 Jac. 2.

Naturalized or reſtored in blood.

10 Several aſſurances, limitations, and recognitions of the Title to the Crown of *England*, made in ſeveral Parliaments: *viz.* 7 H. 4. 2. 25 H. 8. 22. 28 H. 8. 7. 35 H. 8. 1. 1 El. 3. 1 Jac. 1.

Aſſurances of the Crown.

11 The Prerogatives and preheminences of the Crown, King, and Queen, given or acknowledged to them by Parliament. 17 Ed. 2. 1. See *Prerogative* 1. &c.

The Kings Prerogatives.

12 The form and force of all Bonds made to the King, and how he ſhall be anſwered all his debts, duties, and accompts. 33 H. 8. 39. See *Accomptants to the King*. 1. &c.

The force of bonds.

13 The Commiſſioners of Sewers decree ſhall bind the Kings Lands. 23 H. 8. 5. 3 Ed. 6. 8.

Sewers.

14 The force of a Fine levied by Tenant in tail of Lands, whereof the Reverſion or Remainder is in the King. 32 H. 8. 36.

Fines levied of Lands.

15 The force of a Recovery of Lands entailed, whereof the Reverſion or Remainder is in the King. 34 H. 8. 20.

Recoveries of Lands.

16 No coſts ſhall be recovered in a ſuit purſued to the Kings uſe, though the Verdict paſs againſt the Plaintiff. 24 H. 8. 8.

Suits to the Kings uſe.

17 The Kings Children born beyond the Sea, are heritable in *England*. 25 Edw. 3. Stat. *De natis ultra mare.*

The Kings Children.

18 The validity of Writings made in the Reign of any other then of the lawful Queen. 1 *Mar.* 4. Seſſ. 2. cap. 4.

Writings made in the raign of an unlawful King.

19 Jurors upon Enqueſts ſhall not be challenged for the King, without ſpecial caſe ſhewed. 33 Ed. 1. Ordinance for Enqueſts.

Challenges.

20 Who ſhall have the Jewels of the Crown after the Kings death. 1 H. 6 5.

The Kings Jewels.

21 There ſhall be no forfeiture of life, Lands, goods, &c. for doing true ſervice to the King in *Eſſe*. 11 H. 7. 1.

The King in poſſeſſion.

22 How and in what ſort only the Kings Wife may be accuſed. 33 H. 8. 21.

The Kings Wife accuſed.

23 What time the King ſhall have to recover forfeitures upon penal Statutes. 7 H. 8. 6.

Forfeitures.

24 The form of the Oath of Obedience made to the King: By whom it ſhall be tendred, to whom, and the penalty for refuſing it. 3 Jac. 4.

The Oath of Obedience.

25 The King ſhall be alwayes reputed to be of full age. 7 Ed. 6. 3.

26 Offences which during his Majeſtie's life, diſable perſons to bear any Office. 13 Car. 2. 1.

Offences againſt the King.

27 No Legiſlative power in both or either Houſes of Parliament without the King. 13 Car. 2. 1.

Legiſlative power.

28 What offences ſhall be a *Præmunire* during the life of the King. 13 Car. 2. 1.

Premunire.

29 Goods and monies levied ſince Jan. 30. 1642. not pardoned, veſted in the King. 13 Car. 2. 3.

Goods, Money.

30 The command of the Militia by Sea and Land, the undoubted Right of the King. 13 Car. 2. 6.

Militia.

31 The Kings Supremacy in Eccleſiaſtical matters. 13 Car. 2. 12.

Supremacy.

32 Seditious Pamphlets, Speeches, and Sermons againſt the King how puniſhed. 13 Car. 2. 1.

Seditious ſpeeches.

1 *Currier*. See *Leather*, &c.
1 *Cuſtos Brevium*. See *Chirographer*.
1 *Curſing*. See *Swearing*.

Cuſtos Rotulorum.

1 THe Lord Chancellor ſhall appoint the *Cuſtos Rotulorum* in evere Shire, ſaving where others are accuſtomed to do it. 3 Ed. 6. 1.

The L. Chancellor ſhall appoint him.

Cuſtoms, Subſidies, Cuſtomers, Controllers, and Searchers.

1 A Subſidy of Tonnage and Poundage was granted to King *James* during his life. 1 Jac. 33.

Tonnage and Poundage.

2 The

The penalty for not payment.
2 The penalty if the Cuſtom be not paid. 1 Jac. 33.

Loſt by Piracy.
3 A remedy where goods Cuſtomed ſhall be taken by enemies, or periſhed by ſea. 1 Jac. 33.

Shipping in a Carrick.
4 What Cuſtome a Merchant Denizen ſhall pay, that doth ſhip any goods in a Carrick or Galley. 1 Jac. 33.

Sweet Wines.
5 What Cuſtomes ſhall be paid for ſweet Wines, which come through the Straits of Maroke. 1 El. 11.

Grain tranſported.
6 The Cuſtome of ſeveral ſorts of Grain tranſported beyond the Seas. 13 El. 13.

Sea-fiſh.
7 In what caſe Sea-fiſh may be tranſported without Cuſtome. 5 El. 5. 1 Jac. 25.

Leather, &c. tranſported.
8 The ſeveral Subſidies of Leather, Tallow, and Calves skins tranſported. 18 El. 8.

Unlawful concealing.
9 The penalty of a Cuſtomer, Controller, &c. which doth ſuffer Leather to be tranſported, without ſeizing or diſcloſing the ſame. 1 Jac. 22.

Wooll.
10 The Cuſtome of a ſack of Wool. 14 Ed. 3. 21.

Small things.
11 There ſhall be no Cuſtome paid for Canvas, or Corners, with which Wools be packed. 34 Ed. 3. 19.

Small things.
12 No ſhip ſhall be forfeited for a ſmall thing therein not cuſtomed. 38 Ed. 3. 8.

Silks ſurveyed.
13 Cloth of Gold, Silver, Velvet, and other Silks, ſhall be ſurveyed and meaſured by the Cuſtomer. 12 Ed. 5. 3.

Unlawful exaction.
14 The forfeiture of a Cuſtomer, which ſhall take any reward for ſealing the ſaid Silks, or delay the Merchant. 4 H. 8. 6.

Denizens.
15 Aliens made Denizens, ſhall pay ſuch cuſtomes as they did before. 1 H. 7. 2. 11 H. 7. 14. 22 H. 8. 8.

An Engliſhman becometh a forreiner.
16 An Engliſhman, ſworn ſubject to a forrein Prince, ſhall pay ſuch Cuſtomes as other Strangers do. 14 H. 8. 4.

Goods removed from Port to Port.
17 Where Cuſtom ſhall be paid, when goods be brought into one Port, and then removed into another. 3 H. 7. 7.

Wollen cloth.
18 To the Cuſtomer of which Port, the cuſtome and Subſidie of all Woollen Clothes to be carried over the Sea, ſhall be paid. 11 H. 7. 6.

Diſcharging of him that hath done his duty.
19 The forfeiture of a Cuſtomer which will not by warrant diſcharge a Merchant, paying his due Cuſtome. 11 H. 6. 15.

Another mans name.
20 No perſon ſhall enter into a Cuſtomers book, goods in another mans name. 1 El. 11. 1 H. 8. 5. 14 Ed. 3. 21.

Cocketting in a wrong name.
21 The penalty for cocketting of Wools in a Cuſtomers book, in the name of any other then thoſe but whoſe the Wools be. 13 R. 2. 9.

The King loſing his duty.
22 The penalty of him that doth cuſtome other mens goods, whereby the King loſeth his duty. 3 H. 7. 7. 1 H. 8. 5. 2 Ed. 6. 22.

Of thoſe that be not free.
23 The penalty for cuſtoming of Wines of any other perſons being not free of Priſage or Butlerage of Wines. 1 H. 8. 5. 2 Ed. 6. 22.

Braſs, &c.
24 The penalty of a Cuſtomer ſuffering Braſs, Latten, &c. to be ſhipped, contrary to the Act in that caſe provided. 33 H. 8. 7. 2 Ed. 6. 37.

Officers.
25 A common Officer of a Town ſhall be no Officer in the Cuſtome there. 3 H. 7. 7.

A Cuſtomer no Marchant, &c.
26 No Officer of the Cuſtome ſhall have a ſhip of his own, ſhall buy or ſell by way of Merchandize, ſhall occupie any Wharf, Key, Inne, or Tavern, or ſhall be Factor or Hoſt to any Merchant Stranger. 14 R. 2. 13. 11 H. 4. 2. 20 H. 6. 5.

Concealing.
27 The penalty of any Officer of the Cuſtome, that doth conceal the Kings Cuſtoms, duly paid. 3 H. 6. 5.

An oath to yeild the King all profits.
28 Every Cuſtomer, upon the yielding of his accompt, ſhall be ſworn to yeild the King all profits. 4 H. 4. 20.

Abiding upon their Offices.
29 Which Cuſtomers and Controllers muſt abide upon their Offices in proper perſon, and which may make Deputies. 1 H. 4. 13. 4 H. 4. 20. 13 H. 4. 5. 1 El. 11.

Attendance.
30 Officers of the Cuſtome ſhall be attendant at the hours, times, and places appointed, for laying on Lands Merchandizes, without concealment of any thing which may be to the Kings damage. 1 El. 11.

Braſs, &c.
31 No Braſs metal, &c. ſhall be ſhipped out of any Port, but where there is a Cuſtomer. 33 H. 8. 7. 2 Ed. 6. 37.

Removing of Braſs. &c.
32 What Bonds, and upon what pain, a Cuſtomer ſhall take for the carrying of Braſs, &c. from one Port to another. 33 H. 8. 7. 2 Ed. 6. 37.

Signification of paſſages.
33 Maſters of Ships ſhall declare unto the Cuſtomers when they go forth, and when they return. 1 El. 11.

Salted Fiſh.
34 What Cuſtoms Aliens ſhall pay for ſalted fiſh brought into this Realm. 39 El. 10.

Beef.
35 What Cuſtome and Impoſt the King ſhall have for Beer tranſported. 3 Jac. 11.

Defrauding.
36 The forfeiture of a Cuſtomer which ſealeth a blank Scroll, to defraud the King of his Cuſtoms. 11 Hen. 6. 16.

Wronging of others.
37 The penalty of a Cuſtomer, Searcher, &c. wrongfully diſtraining any perſons goods. 28 H. 6. 5.

Tonnage, Poundage.
38 Tonnage and Poundage, upon what cauſes and truſts granted to the King. 12 Car. 2. 4.

Seas.
39 Granted for defence of the Seas. 12 Car. 2. 4.

Arrears of Exciſe.
40 The arrears of Exciſe and New Impoſt veſted in the King. 13 Car. 2. 13.

Rates upon Ale and Beer, &c.
41 Certain Impoſitions and Rates upon Ale, Beer, and other Liquors, given to the King for life. 12 Car. 2. 23. The like to his Majeſty, and his Heirs, and Succeſſors. 12 Car. 2. 24.

Fraud in not Entry.
42 Perſons which ſhall convey any goods without Entry and agreement for the Cuſtoms, puniſhed. 12 Car. 2. 19.

43 Frauds and Abuſes in his Majeſties Cuſtoms prevented. 14 Car. 2. 11.

44 The penalty for braving or abuſing Officers of the Cuſtoms. *ibid.*

Damages, Coſts of Suit.

The Defendant.
1 IN what cauſes the Defendant ſhall recover damages, where the plaintiff doth delay his ſuit, doth diſcontinue it, or is nonſuit. 8 El. 2.

Arreſting without conſent.
2 He ſhall pay Coſts and Damages, that doth arreſt any perſon at another mans ſuit without his conſent, 8 El. 2.

The Plaintiff in a Writ of Error.
3 In what caſes the Plaintiff in a Writ of Error, ſhall recover his coſts and damages for his wrongful vexation. 3 H. 7. 10.

Perſonal actions.
4 The defendant ſhall recover his coſts in certain Actions, if the plaintiff be nonſuit, or the Verdict paſs againſt him. 23 H. 8. 15. 4 Jac. 3.

Poor.
5 He that is allowed to ſue in *forma pauperis*, ſhall not pay Coſts. 23 H. 8. 15.

Avowant.
6 In what caſe an Avowant in *Replegiare*, &c. ſhall recover coſts and damages againſt the plaintiff. 7 H. 8. 4. 21 H. 8. 19.

The Kings ſuit.
7 In an Action, Suit, &c. commenced to the uſe of the King, the defendant ſhall not recover any coſts, 24 H. 8. 8.

Informer.
8 Several caſes wherein an Informer ſhall pay unto the defendant his Coſts and Damages. 18 El. 5. 26 El. 10.

Diſſeiſor.
9 In what caſe a Diſſeiſor, or his Alienee, ſhall be charged with damages. 6 Ed. 1. 1.

Mortdaunceſter, &c.
10 Damages recovered in an aſſiſe of *Mortdaunceſter*, *Coſenage Aiel*, and *Beſael*. 6 Ed. 1. 1.

Coſts ſhall go with damages.
11 In all caſes where the demandant ſhall recover damages, he ſhall alſo recover coſts. 6 Ed. 1. 1.

His own Intruſion.
12 Every one ſhall be compelled to render damages where recovery is had againſt him upon his own intruſion. 6 Ed. 1. 1.

Where the King ſhall have damages.
13 The King in all ſuits to be taken upon any Specialty, ſhall recover his coſts and damages. 33 H. 8. 39.

Debts of ſmall value.
14 In an Action brought for debt, or damages, not exceeding forty ſhillings, the plaintiff ſhall not recover coſts. 43 El. 6. 1 Jac. 25.

Dower.
15 A woman ſhall recover damages in a Writ of Dower, from the death of her huſband, 20 H. 3. 1.

Aſſiſe of Common.
16 Where treble damages ſhall be recovered upon an Aſſiſe of Common. 3 Ed. 6. 3.

Eſſoyned.
17 In what caſe the defendant eſſoined of the kings ſervice, ſhall render damages to the plaintiff. 6 Ed. 1. 8

Waſte.
18 In what caſe, and againſt what perſons, treble damages ſhall be recovered in an Action of Waſte. 6 Ed. 1. 5.

Citation.
19 Double damages ſhall be awarded unto him which is cited or ſummoned to appear out of his own proper Dioceſs (ſaving in certain caſes.) 23 H. 8. 9. 1 El. 1.

Wrongfully impleaded.
20 Damages and coſts awarded to feoffees of land which are wrongfully impleaded. 52 H. 3. 6.

Arreſts.
21 Double damages awarded to him that is wrongfully arreſted. 3 Ed. 1. 34.

Aſſault in Parliament.
22 Double damages awarded to any of the Parliament, or their ſervants, which ſhall be aſſaulted during the ſame time. 5 H. 4. 6. 1 H. 6. 11.

Extortion.
23 Double damages awarded againſt a Sheriff, and other Officers, which commit extortion. 3 Ed. 1. 26.

Diſſeiſors.
24 In what caſes double damages ſhall be awarded againſt diſſeiſors. 1 R. 2. 9.

Warden of a Foreſt.
25 For what offence treble damages ſhall be recovered againſt a Warden of a Foreſt. 1 Ed. 3. 8.

Unlawful ſeiſure.
26 Double damages ſhall be recovered againſt Sheriffs and Eſcheators, which do unlawfully ſeiſe other mens lands or goods. 37 Ed. 3. 2.

Sheriff.
27 In what caſe double damages ſhall be awarded againſt a Sheriff, for making of a falſe Return. 12 Ed. 2. 5.

Tythes.
28 In what caſe double damages ſhall be awarded for wrongful withholding of Tythes. 2 Ed. 6. 13.

Rediſſeiſin.
29 Double damages ſhall be awarded unto the Plaintiff, in a Writ of Rediſſeiſin. 13 Ed. 1. 26.

Forcible Entry.
30 Treble damages ſhall be awarded againſt them which enter into other mens lands, and hold them with force. 8 H. 6. 9.

Eſcheators.
31 Treble damages ſhall be awarded againſt Eſcheators, for committing waſte in Wards lands. 36 Ed. 3. 13.

Sheriffs.
32 Treble damages ſhall be awarded againſt a Sheriff which hath received the Kings debt, and not acquitted the debtor. 3 Ed. 1. 19.

Shewing Eſtreats.
33 Treble damages ſhall be awarded againſt a Sheriff that doth demand the Kings debt, and will not ſhew the Eſtreats ſealed to the debtor. 42 Ed. 3. 9.

Marſhal.

34 Where the Marſhal of the Kings houſe ſhall pay treble damages for exacting more fees then is due unto him. 2 H. 4. 23.

Tenant againſt his Lord.

35 In what caſe a Tenant ſhall recover damages againſt his Lord for wrongful vexation. 52 H. 3. 3.

Diſturbance of Preſentation.

36 In what caſe he that is diſturbed of his preſentation to a Benefice, ſhall recover the ſame with his damages. 13 Edw. 1. 5.

Forging falſe deeds.

37 He that is attainted for forging of a falſe deed, ſhall pay double damages and coſts. 5 El. 14.

Attaint.

38 In what caſe an attaint ſhall be brought for damages not payed. And in what caſes damages ſhall be recovered in an attaint. And what damages ſhall be paid in an attaint. 1 Ed. 3. 6. 23 H. 8. 3. 11 H. 6. 4.

No ſworn Bayliff.

39 Damages ſhall be recovered againſt him which taketh a diſtreſs, being not a Bailiff known and ſworn. 13 Ed. 1. 37.

Inſufficient Jurors.

40 In what caſe the Sheriff ſhall pay double dammages for returning of inſufficient Jurors, 28 Ed. 1. 9.

Joynt-tenancy.

41 Double damages ſhall be recovered againſt him which in an Aſſiſe doth falſly plead Joynt-tenancy. 34 Ed. 1. Stat. *De conjunctim Feoffatis.*

Quare Impedit, &c.

42 In what caſe dammages ſhall be awarded in *Quare Impedit*, and Aſſiſe of *Darreine Preſentment.* 13 Ed. 1. 5.

Admiralty.

43 He that doth wrongfully ſue in the Admirals Court, ſhall be charged with double dammages. 2 H. 4. 11.

Officer of Juſtice.

44 In a ſuit againſt a Juſtice of Peace, or any other Officer of Juſtice for the lawful execution of his Office, the Defendant (upon verdict given for him) ſhall recover double coſts. 21 Jac. 1. 2. & 18.

Slander.

45 In actions of ſlander, the Plaintiff ſhall recover no greater coſts then damages. 21 Jac. 16.

46 Damage clear ſhall not be taken after *Sept.* 29. 1672. 17 *Car.* 2. 6.

Days in Bank.

Trinity Term.

1 DAys of return in Trinity Term, and the beginning of the ſame Term. 32 H. 8. 21.

Real Actions.

2 Days given in Real Actions. 51 H. 3. 32. 31 H. 8. 21.

Dower.

3 Days given in a writ of Dower. 52 H. 3. 12. 51 H. 3. 32 H. 8. 21.

Special days.

4 Special days aſſigned in ſeveral Actions for returning of Writs. 52 H. 3. 12. 32 H. 8. 21. 28 Ed. 1. 15.

Leap year.

5 The day of the Leap-year, and the day before, ſhall be counted for one day. 21 H. 3. St. *De Ann. Biſſextil.*

Quare Impedit, &c.

6 Days given in *Quare impedit*, and Aſſiſe of *Darreine preſentment.* 52 H. 3. 12.

Attaint.

7 Days given in a Writ of Attaint. 5 Ed. 3. 7. 23 H. 8. 3.

Communi custodia.

8 Days given in a Writ of *Communi Cuſtodia.* 13 Ed. 1. 35.

Waſte.

9 Days given in an Action of Waſte. 13 Ed. 1. 14.

Admeaſurement.

10 Days given in a Writ of Admeaſurement of Paſture, or Dower. 13 Ed. 1. 7.

To him that is received.

11 Days of grace given to him in reverſion, which prayeth to be received. 13 R. 2. 17.

Term.

12 Michaelmas Term abbreviated. 17 Car. 1. 6.

Return days.

13 There ſhall be ſix common Return days in Michaelmas Term. 17 Car. 1. 6.

14 Two returns taken away. 17 Car. 1. 6.

1 *Darreine Preſentment.* See *Quare Impedit.*

Death.

1 THe death of Plaintiff or Defendant after Verdict, ſhall not be error in, nor ſtay of Judgment. 17 Car. 2. 8.

2 See *Burials.*

Debt, Debtors.

A Forreigner.

1 A Forreiner ſhall not be diſtrained in a priviledged place for a debt that he doth not owe, or is not ſurety for. 3 Ed. 1. 23.

Small debts in London.

2 A mean to recover ſmall debts in London. 3 Jac. 15.

Coſts for ſuing.

3 In what caſe a Plaintiff ſuing for a debt not amounting to fourty ſhillings, ſhall pay coſts to the Defendant. 3 Jac. 15.

A Shop-book.

4 In what caſe a Trades-man or Handicrafts-mans Shop-book ſhall be no evidence to recover a debt. 7 Jac. 12.

1 *Debtors to the King.* See *Accomptants to the King.*

Demurrer.

After Demurrer Judgment.

1 AFter Demurrer joyned and entred, the Judges ſhall give Judgment. 27 El. 5.

Amendment of form.

2 After Demurrer joyned and entred, the Court may amend the imperfections of form. 27 El. 5.

Dilapidations.

Fraudulent deeds.

1 FRaudulent deeds to defeat the ſucceſſors of their remedy for Dilapidations, ſhall be void. 13 El. 10.

Employment in reparations.

2 Money recovered for Dilapidations, ſhall be imployed in reparations. 14 El. 11. 1 Jac. 25.

Deceits.

Deceit of a Pleader.

1 THe penalty of a Sergeant, Pleader, or other, that doth any thing in the deceit of the Kings Court. 3 Ed. 1. 29.

Deceit in Plea of land.

2 In what caſe a Writ of deceit holdeth place in a Plea of lands. 2 Ed. 3. 17.

Fine, Recovery, &c.

3 It ſhall be felony to levy a fine, ſuffer a recovery, &c. in anothers name, not privy thereto. 21 Jac. 26.

Delays.

1 DElays in ſuits, by not giving declarations before the the end of the next Term after appearance. 13 Car. 2. 1.

2 Delays by reaſon of the *Teſte* or return of the Writ remedied. *Ibid.*

3 Delays occaſioned by ſtaying execution by *Superſedeas* in Writs of error remedied. *Ibid.*

4 Delays by arreſt of Judgment for Jeofail and ſuperceding executions remedied. 17 Car. 2. 8.

5 Delay in not proceeding to Judgment on Writs of Error brought in the Exchequer. 20 Car. 2. 4.

1 *Diſablement.* See *Ability.*

1 *Denizens.* See *Aliens.*

1 *Diſſeiſor, Diſſeiſon.* See *Aſſiſe.*

Diſcontinuance of Proceſs.

The death of the King.

1 THe death of the King ſhall not diſcontinue any ſuit. 1 Ed. 6. 7.

New Commiſſion.

2 The death, new Commiſſion, aſſociation, or not coming of the Juſtices of Aſſiſe, ſhall not diſcontinue any ſuit. 1 Ed. 6. 7.

Place of dignity.

3 Preferment of the Plaintiff to any place of dignity, ſhall not diſcontinue any ſuit. 1 Ed. 6. 7.

Preferment of dignity.

4 One ſhall remain Juſtice or Commiſſioner, though he be preferred to dignity. 1 Ed. 6. 7.

Judgment by new Juſtices.

5 New Juſtices may give Judgment upon a Priſoner found guilty, and reprieved. 1 Ed. 6. 7.

New Commiſſion.

6 No ſuit before Juſtices or Commiſſioners ſhall be diſcontinued by a new Commiſſion. 11 H. 8. 6. 1 Ed. 6. 7.

Diſpenſations, Licences, Faculties, &c.

None to the Biſhop of Rome.

1 THere ſhall be no Impoſitions hereafter paid to the Biſhop, or the See of Rome. Neither ſhall there be any Diſpenſations, or other Inſtruments obtained from thence. 25 H. 8. 21.

To the King.

2 The Archbiſhop of Canterbury may grant Diſpenſations, Licences, &c. to the King. 25 H. 8. 21.

To any ſubject.

3 The Archbiſhop of Canterbury may upon cauſe, grant Diſpenſations, Licences, &c. to any of the Kings ſubjects. 25 H. 8. 21.

Unwonted cauſes.

4 The King or his Councel muſt be advertiſed, and determine, before the Archbiſhop can grant Diſpenſation or Licenſe in a cauſe not accuſtomed to be had. 25 H. 8. 21.

Confirmation by the Great Seal.

5 What Diſpenſation granted by the Archbiſhop, muſt be confirmed by the Kings Great Seal. 25 H. 8. 21.

Without confirmation.

6 In which caſes Diſpenſations may be granted, without confirmation. 25 H. 8. 21.

Two Clerks.

7 Two ſeveral Clerks ſhall be appointed, the one for regiſtring the Biſhops Diſpenſations, Licences, &c. and the other, for enrolling the confirmations of the ſame. 25 H. 8. 21.

Two Books of Taxes.

8 Two Books ſhall be made of one tenor, containing the Taxes of all cuſtomable Diſpenſations, Licences, &c. 25 H. 8. 21.

The Fees.

9 The fees of all Diſpenſations, Licences, &c. And the penalty of an Officer exacting more. 25 H. 8. 21.

Diviſion of Taxes.

10 How all the Taxes ſhall be divided. 25 H. 8. 21.

By others.

11 In what caſes Diſpenſations may be granted by other Prelates beſides the Biſhop of Canterbury. 25 H. 8. 21.

The Guardian of Spiritualties.

12 If the See of the Biſhop of Canterbury be void, the Guardian of Spiritualties ſhall grant Diſpenſations. 25 H. 8. 21.

Other Commiſſioners.

13 If the Archbiſhop of Canterbury deny to grant a Diſpenſation, others by force of the Kings Commiſſion may do it. 25 H. 8. 21.

The Catholick Faith.

14 The Catholick Faith ſhall be continued in England notwithſtanding this Statute. 25 H. 8. 21. 1 El. 1.

Diſtreſſes.

In the Hundred.

1 NO Diſtreſs ſhall be driven out of the Hundred where it is taken, but in certain caſes, nor impounded in ſeveral places. 1 & 2 P. & M. 12.

The County.

2 No Diſtreſs ſhall be driven forth of the County

where it is taken. 52 H. 3. 4.

Poundage. 3 What ſhall be taken for poundage money. 1 & 2 P. & M. 12.

The place. 4 In what places diſtreſſes ought to be taken. 52 H. 3. 15. 3 Ed. 1. 16. 9 Ed. 2. 9.

A Caſtle. 5 The remedy where a diſtreſs is impounded in a Caſtle or Fortreſs. 3 Ed. 1. 17. 52 H. 33.

Wrongful. 6 What damages ſhall be paid for a wrongful diſtreſs. 52 H. 3. 1.

Suit of Court. 7 None but ſuitors ſhall be diſtrained to come to a Court. 52 H. 3. 2.

Freehold. 8 No man ſhall diſtrain his Freeholder to anſwer for his Freehold. 52 H. 3. 22.

A Lord diſtraining. 9 The Lord ſhall not make fine for wrongful diſtraining his Tenant, but be amerced and pay damages. 52 H. 3. 3.

Not exceſſive. 10 Diſtreſſes ſhall be reaſonable, and not exceſſive. 51 H. 3. 52 H. 3. 4. 28 Ed. 1. 12.

Known Officers. 11 Diſtreſſes ſhall be taken by Bailiffs known and ſworn. 13 Ed. 1. 37.

Feeding of a Diſtreſs. 12 The owner of cattel diſtrained, may feed them being impounded. 51 H. 3. *De diſtrictione Scaccarii.*

Plough, cattel, and ſheep. 13 In what caſes Plough, Cattel, and Sheep ſhall not be diſtrained. 51 H. 3. 28 Ed. 1. 12.

Selling a Diſtreſs. 14 In what caſe a diſtreſs may be ſold, in what time, and in what not. 51 H. 3. 22 H. 8. 5. 7 Ed. 6. 1. 27 Eliz. 13.

Making of Replevies. 15 Every Sheriff ſhall appoint four Deputies to make Replevies, and deliver Diſtreſſes. 1 & 2 P. & M. 12.

Out of his Fee. 16 In what caſes a man may diſtrain out of his fee for arrereages of Rent. 32 H. 8. 37.

17 A more ſpeedy and effectual proceeding upon diſtreſſes and avowries for rents. 19 Car. 2. 5.

Dower, Quarentine, Joynture.

Quarentine. A Woman ſhall have her Quarentine, and what that is. 9 H. 3. 7.

Dying ſeiſed. 2 A woman ſhall recover her Dower of lands, where her husband died ſeiſed, with damages. 20 H. 3. 1.

Elopement. 3 If a woman do elope with an Advouterer, ſhe ſhall forfeit her dower. 13 Ed. 3. 4.

Attainder. 4 In what caſe a woman ſhall be endowed, though her husband be attainted of Eelony or Treaſon, and in what not. 1 Ed. 6. 12. 5 Ed. 6. 11. 5 El. 11. 18 El. 1. 5 El. 1. 8 El. 3. 1 Jac. 31. 1 Jac. 11. 1 Jac. 12.

Not both Joynture and Dower. 5 A woman ſhall not have both Joynture and Dower of her husbands lands. 27 H. 8. 10.

Eviction. 6 If a womans Joynture be evicted, ſhe ſhall be endowed with as much. 27 H. 8. 10.

Choiſe. 7 A woman may chuſe whether ſhe will take her Dower or a Joynture aſſured after marriage. 27 H. 8. 10.

Unde nihil habet. 8 What ſhall be the Tenants onely plea in a Writ of Dower, *Unde nihil habet*. 3 Ed. 1. 48.

Lands recovered. 9 In what caſe a woman may be endowable of land recovered againſt her husband. 13 Ed. 1. 4.

Avoidance of Dower. 10 In what caſe an heir may avoid a womans Dower which ſhe hath recovered by courſe of Law. 13 Ed. 1. 4.

Gavelkind. 11 In what caſe a woman ſhall be endowed according to the cuſtom of Gavelkind, and what cauſe there is of forfeiture thereof. 17 Ed. 2. 16.

The Kings reverſion. 12 The King ſhall have the Reverſion if Tenant in Dower die during the minority of his Ward. 32 H. 8. 1.

Admeaſurement. 13 In what caſe an admeaſurement is to be made of Dower by the Guardian or Heir. 13 Ed. 1. 7.

Intruſions. 14 Where the Kings Tenant in chief doth intrude and die, his wife ſhall not be endowed. 17 Ed. 2. 13.

Aid of the King. 15 The Grantee or Committee of a Ward ſhall not have aid of the King in a Writ of Dower. 4 Ed. 1. 3.

Unlawful Alienation. 16 In what caſe a woman aliening her Dower, or other particular eſtate, he in the reverſion may enter, or have his Action. 11 H. 7. 20. 6 Ed. 1. 7.

Preſentation to a Church. 17 Preſentation to a Church by an Uſurper during the ſtate of Tenant in Dower, ſhall not prejudice him in reverſion. 13 Ed. 1. 5.

Conſenting to a rape. 18 A woman conſenting to a rape, ſhall forfeit her Dower. 6 R. 2. 6.

View. 19 In what caſe view ſhall not be granted in a Writ of Dower. 13 Ed. 1. 48.

Days. 20 What day ſhall be given in a Writ of Dower. 52 H. 3. 12. 51 H. 3. 32 H. 8. 21.

The third part. 21 The third part of her husbands lands ſhall be aſſigned to a widow for her Dower. 9 H. 3. 7.

Drapery, Cloth, Clothing, &c.

Ray. 1 The length and breadth of cloth of Ray being watered and rowed. 2 Ed. 3. 14. 47 Ed. 3. 8. 7 H. 4. 10. 13 H. 4. 4.

Straights. 2 The weight, length and breadth of plain white ſtraights and pinned white ſtraights, made in Devon and Cornwal. 27 El. 18. 4 Jac. 2.

Lancaſter Cotton. 3 The weight, length and breadth of Lancaſhire Cotton. 8 El. 12.

Lancaſter Frizes. 4 The weight, length and breadth of Lancaſhire frizes or rugs. 8 El. 12.

Made in Kent, &c. 5 The length and breadth of cloth made in Kent, Suſſex, or Reading. 5 Ed. 6. 6. 4 & 5 P. & M. 5. 4 Jac. 2.

Long Worſteds. 6 The length, breadth and weight of long Worceſters, made in Worceſter and Coventry. 5 Ed. 6. 6. 4 & 5 P. & M. 5. 4 Jac. 2.

Coloured cloth made in Worceſter. 7 The length, breadth and weight of coloured cloth made in Coventry and Worceſter, or, &c. 5 Ed. 6. 6. 4 Jac. 2.

Short Worceſters. 8 The length, breadth and weight of ſhort Worceſters, 5 Ed. 6. 6. 4 Jac. 2.

Coloured cloth made in Eſſex, &c. 9 The length, breadth and weight of coloured long cloth made in Suffolk, Norfolk, Eſſex, &c. 5 Ed. 6. 6. 4 Jac. 2.

Coloured cloth made in Suffolk, &c. 10 The length, breadth and weight of coloured ſhort cloth made in Suffolk, Norfolk, Eſſex, &c. 5 Ed. 6. 6. 43 El. 10. 4 Jac. 2.

Coloured white cloth made in Suffolk, &c. 11 The breadth and weight of coloured clothes, and white clothes, made in Suffolk, Norfolk, Eſſex, or, &c. being handy werps. 5 Ed. 6. 6. 4 & 5 P. & M. 5. 4 Jac. 2.

Whites and reds made in Wiltſhire, &c. 12 The length, breadth and weight of all whites and reds made in Wiltſhire, Glouceſterſhire and Somerſetſhire, or, &c. 5 Ed. 6. 6. 4 & 5 P. & M. 5. 4 Jac. 2.

Plunkets, Azures, &c. 13 The length, breadth and weight of Plunkets, Azures, Blews, &c. 5 Ed. 6. 6. 4 & 5 P. & M. 5. 35 El. 9. 4 Jac. 2.

Ordinary and ſorting kerſies. 14 The length and weight of ordinary kerſies, and ſorting kerſies, & the Kings cuſtome and ſubſidy for ſuch kerſies. 5 Ed. 6. 6. 4 & 5 P. & M. 5. 35 El. 10. 3 Jac. 16.

Taunton, Bridgwater, &c. 15 The length, breadth and weight of Broad cloth, made in Taunton, Bridgwater and Dunſters. 5 Ed. 6. 43 El. 10. 4 Jac. 2.

Taunton, Bridgwater, &c. 16 The length, breadth and weight of narrow cloth made in Taunton, Bridgwater and Dunſters. 5 Ed. 6. 6. 43 El. 10. 4 Jac. 2.

Thick and ſtraight kerſies. 17 The length, breadth and weight of thick kerſies, ſtraights, and plain grays. 5 Ed. 6. 6. 4 Jac. 2.

Welſh linings. 18 The breadth and weight of a Goad of Welſh lining, and of a yard of Cotton. 4 & 5 P. & M. 5.

A content Seal. 19 No perſon ſhall incur any penalty for want of a content Seal: Neither ſhall they be ſearched or tried but by the buyer. 3 Jac. 17.

Welſh frizes. 20 The length, breadth and weight of all Welſh frizes made within the Shires of Cardigan, Caermarthen and Pembroke. 5 Ed. 6. 6.

Dozens. 21 The length, breadth and weight of every Northern cloth, and every half piece called dozens. 5 Ed. 6. 6. 43 El. 10.

Penniſtones. 22 The length, breadth and weight of Penniſtons, or Forreſt-whites. 5 Ed. 6. 6. 4 Jac. 2.

Mancheſter and Cheſhire Cottons. 23 The length, breadth and weight of Mancheſter and Cheſhire Cottons. 5 Ed. 6. 6.

Mancheſter Rugs, &c. 24 The length, breadth and weight of Mancheſter Ruggs or Frizes. 5 Ed. 6. 6. Which Cottons, Ruggs, or Frizes may be divided into two half pieces. 4 & 5 P. & M. 5.

The lengths muſt be obſerved. 25 The forfeiture for ſelling any woollen broad cloth, half cloth, or other woollen cloth, exceeding the ſeveral lengths reſpectively aforeſaid. 43 El. 10. 4 Jac. 2.

The want of overplus of the length. 26 The penalty where any of the Clothes before ſpecified, or hereafter mentioned, do want the weight or meaſure to them reſpectively limited, or where they have more. 43 El. 10. 5 Ed. 6. 6. 4 & 5 P. & M. 5. 35 El. 9. 4 Jac. 2. 27 El. 16. 35 El. 7.

Trial of the weight. 27 The Draper ſhall try the weight and meaſure of every cloth, and preſent the faulty to head Officers. 25 Ed. 3. 1. 5 Ed. 6. 6.

Repaiment for wrong done. 28 The Clothier which ſhall ſell any faulty cloth, ſhall repay the money received for it. 5 Ed. 6. 6. 4 Jac. 2.

Searchers. 29 The chief Officers of Corporate Towns ſhall appoint expert perſons to view and ſearch all cloth made within the precinct of the ſame, and to ſeize ſuch as are defective. 5 Ed. 6. 6.

Sealing. 30 The chief Officers of Corporate Towns ſhall provide a ſeal of lead to ſeal cloth that is without fault. 5 Ed. 6. 6. 39 El. 20.

Faulty cloth. 31 How faulty cloth ſhall be ſealed. 5 Ed. 6. 6. 4 & 5 P. & M. 5.

No ſearch after ſealing. 32 Cloth ſealed in one Corporate Town, ſhall not be ſearched in another. 3 El. 20. 4 & 5 P. & M. 5.

Refuſing to be a Searcher. 33 The forfeiture of him which being appointed, refuſeth to be a ſearcher of cloth. 5 Ed. 6. 6.

The authority of Searchers and Sealers. 34 The ſearchers or ſealers may enter into any mans houſe to ſearch and ſeal faulty cloth. 4 & 5 P. & M. 5.

Withſtanding of Searchers. 35 The forfeiture of him which doth deny or withſtand the ſealers or ſearchers to enter into his houſe, &c. 4 & 5 P. & M. 5.

No new ſearch. 36 No cloth that is ſealed ſhall be ſearched in any market. 4 & 5 P. & M. 5. 4 Jac. 2.

Counterfeiting a Seal. 37 The penalty of him that doth counterfeit or take away a ſeal from any cloth. 5 Ed. 6. 6. 4 & 5 P. & M. 5.

No retailer but after ſealing. 38 No cloth ſhall be retailed but what is ſealed. 5 Ed. 6. 6.

Bridgwater, &c. 39 When Bridgwater, Taunton, and Chard-clothes made in the County of Somerſet ſhall be ſearched and ſealed. 2 & 3 P. & M. 12.

Where to be ſealed.

40 Where clothes made elſe-where ſhall be brought to a Corporate Town to be ſealed, 4 & 5 P. & M. 5.

Faulty cloth ſealed.

41 The penalty for ſealing of cloth which wanteth length, breadth, or weight. 4 & 5 P. & M. 5.

Not ſufficiently dried, &c.

42 The penalty for ſealing of cloth which ſhall not be ſufficiently dried, preſſed and wrought. 5 Ed. 6. 6.

Overſeers.

43 In what caſe the Juſtices of Peace and head Officers of corporate Towns ſhall appoint overſeers of cloth. 3 Ed. 6. 2.

The penalty and amthority of Overſeers.

44 The authority of the ſame Overſeers, and the penalty of thoſe which do refuſe to be Overſeers, or to make ſearch. 3 Ed. 6. 2. 39 El. 20.

Denying of ſearch.

45 The forſeiture of thoſe which will not ſuffer the Overſeers to make ſearch. 3 Ed. 6. 2.

Weaving a mark.

46 A Clothier ſhall weave his mark, and ſet his ſeal to his cloth to be ſold, and what ſhall be contrived in the ſame ſeal. 27 H. 8. 12.

One ſhall not uſe anothers mark.

47 No perſon ſhall uſe any ſuch mark on his cloth as another doth. 5 H. 8. 2. 6 H. 8. 8.

Weight of wool delivered and received.

48 What weight of Wooll ſhall be delivered by the Clothier to the breakers, kembers, carders and ſpinners, and what weight ſhall be redelivered again by them. 6 H. 8. 9.

Ready money.

49 Occupiers of Welſh cloth and linings in Shrewſbury ſhall pay to the Shearmen ready money. 8 El. 7. 14 El. 12.

A retailer ſhall not work it.

50 No retailer of Welſh linings or cottons ſhall work the ſame, but ſhall put the ſame to be wrought. 4 & 5 P.& M. 5. 8 El. 7. 14 El. 12.

Hair and lambs wooll.

51 In what caſe hair, locks, or lambs wool may be put into any cloth, kerſie, frize or cotton, and in what not: and how the ſame ſhall be known. 27 El. 18. 43 El. 10. 4 Jac. 2. *Vid. infr.* 123.

What clothes may be ſtrained, and how.

52 In what caſe any Tenter, Rope or Wrench may be uſed to ſtrain or ſtretch clothes. And what ſort of clothes may be ſtretched and ſtrained, and how much. 5 Ed. 6. 6. 43 El. 10. 39 El. 20.

Preſſing.

53 Cloth ſhall not be preſſed with the hot preſs, but with the cold. 5 Ed. 6. *Vid. infr.* 136.

Boyling of wooll.

54 With what things Wooll may not be boiled which are to be converted into cloth. 5 Ed. 6. 6.

Liſts.

55 How liſts to be added into cloth ſhall be ſpun. 4 & 5 P. & M. 5.

Woolls in Yorkſhire.

56 How the woolls in broad clothes in the Weſt-riding in Yorkſhire ſhall be dyed, liſted and coloured. 4 & 5 P. & M. 5.

Welſh cloth folded.

57 How Welſh clothes made in North-Wales, or Orceſter Hundred, ſhall be folded. 33 H. 8. 3.

What coloured cloth may be ſold.

58 Clothes of what onely colour may be put to ſale. 4 & 5 P. & M. 6. 5 & 6 E. 6. 6.

Dyed.

59 In what ſort, and with what ſtuff, clothes ſhall be dyed. And in what ſort wooll to be converted into cloth, hats or caps. 3 Ed. 6. 2.

Iron Cards and Gig-mills.

60 No Iron Cards, or Picknards or Gig-mills ſhall be occupied in woollen cloth. 3 E. 6. 2. 5 E. 6. 22.

The meaſure.

61 The meaſure of cloth to be ſold. 6 H. 8. 9. 3 E. 6. 2.

Where to be bought.

62 Coloured wooll or coloured woollen yarn, ſhall not be bought of a Carder, Spinner, or Weaver, but in open market. 6 H. 8. 9.

How many looms.

63 No Clothier dwelling out of a City, or a corporate Town, ſhall have above one Loom at any time. 2 & 3 P.& M. 11.

Where but two looms.

64 No woollen Weaver, dwelling out of a corporate Town, ſhall have above two Looms. 2 & 3 P. & M. 11.

A Weaver no Fuller.

65 No Weaver ſhall be a Fuller, Tucker or Dyer. 2 & 3 P. & M. 11.

Who may not keep a loom.

66 No Tucker or Fuller ſhall keep a Loom. 2 & 3 P.& M. 11.

Who may not be a Weaver.

67 None ſhall be a Weaver, unleſs he hath been ſeven years an apprentice, except, &c. 2 & 3 P. & M. 11. 4 & 5 P. & M. 5.

A Weavers duty.

68 A Weaver ſhall put into the cloth all the yarn received, or reſtore it. 6 H. 8. 9.

Onely where it hath been uſed.

69 None ſhall occupy Clothing, but where it hath been uſed (certain Towns and places except) 4 & 5 P. & M. 5. 25 H. 8. 18. 1 El. 14. 27 El. 23. 18 El. 16.

How much land.

70 How much land a Clothier may keep in his occupation. 18 El. 16.

The rents of houſes in Worceſter.

71 The rent of a Clothiers houſe in Worceſter ſhall not be raiſed higher. 25 H. 8. 18.

The Kings Aulneger.

72 The Kings Aulneger ſhall be ſworn to do his Office truly: and his penalty if he be found in default. 25 Ed. 3. 1.

The Aulneger expert and of ability.

73 The Aulneger ſhall be expert in making of cloth, and worth one hundred pounds. 1 R. 3. 8.

Letting of Aulnage.

74 The Treaſurer of England may let to farm the Subſidies and Aulnage of Clothes. 17 Ed. 4. 5.

When to be ſold.

75 No cloth ſhall be ſold before the Aulnegers fee be paid. 5 Ed. 6. 6.

Folding or tacking.

76 The penalty of folding or tacking cloth together before the Aulneger hath ſearched the ſame. 11 H. 4. 6. 13 R. 2. 11.

Not of aſſiſe.

77 The penalty if the Aulneger ſeal any cloth that is not of aſſiſe. 11 H. 4. 6.

The penalty for ſealing.

78 The penalty of an Aulneger or Sealer of cloth that doth ſeal any cloth but ſuch as ſhall be onely made within the County Town, &c. where ſhall be an Aulneger. 1 R. 3. 8

Sale after making and ſealing.

79 No cloth ſhall be ſold before the Aulneger and Owner have ſet their mark and ſeal. 27 H. 8. 12. 25 H. 8. 18.

Tacked cloth not ſealed.

80 There ſhall be no ſealing of cloth having the pieces tacked and ſowed together with threeds. 3 R. 2. 2.

Faulty cloth ſealed.

81 What ſort of faulty cloth ſhall be ſealed by the Aulneger. 5 Ed. 6. 6.

The Aulnegers fee.

82 What fee the Aulneger ſhall take for ſealing every cloth of aſſiſe, and half cloth that is to be ſold. 27 Ed. 3. 4.

The Aulnegers Commiſſion ſhewed.

83 The Aulneger ſhall ſhew his Commiſſion to any perſon that deſireth it. 4 Ed. 4. 1.

Aulneger in Wales.

84 An Aulneger in Wales ſhall do, anſwer and ſuffer in all caſes as an Aulneger in England. 34 H. 8. 26.

Sealing and marking in Lancaſhire.

85 The Owners mark, and the Aulnegers ſeal, ſhall be ſet to clothes ſold in Lancaſhire. 8 El. 12.

Aulnegers deputies in Lancaſhire.

86 In what Towns in Lancaſhire the Aulneger ſhall have his Deputies. 8 El. 12.

No tranſporting without ſeal or mark.

87 No cloth ſhall be tranſported beyond the Seas, unleſs the Aulneger his ſeal, and the Owner his mark be ſet thereunto. 5 Ed. 6. 6.

What may be tranſported.

88 Of what value at the leaſt cloth may be carried over the Seas, which is not barbed, rowed, and within this Realm. 7 Ed. 4. 3. 3 H. 7. 11. 27 H. 8. 13. 33 H. 8. 19.

No tranſporting of unfulled cloth.

89 No woollen yarn or cloth not fulled, ſhall be carried beyond the Sea. 7 Ed. 4. 3.

No tranſporting of unwatered cloth.

90 No woollen cloth ſhall be carried beyond the Sea, unleſs it be fully watered. 1 R. 3. 8.

No bringing in of forreign cloth.

91 No clothes wrought beyond the Sea, ſhall be brought into England. 11 Ed. 3. 3. 4 Ed. 4. 1.

Wrought clothes tranſported for licenced.

92 For every nine clothes unwrought to be carried beyond Seas by force or licence, one wrought cloth within this Realm ſhall be carried. 8 Eliz. 6.

What ſort ſhall not be tranſported.

93 Kentiſh and Suffolk cloth ſhall not be tranſported unwrought beyond Seas by any licence. 8 El. 6.

Devonſhire Kerſies.

94 The length and weight of Devonſhire Kerſies raw: Rugge waſh Kerſies made of perfect ſtuff. 35 Eliz. 10. 4 Jac. 2.

Weavers penalty.

95 The penalty of the Weaver that ſhall make any of the foreſaid Kerſies of leſs weight or meaſure then is aforeſaid. 35 El. 10.

A Weavers ſhop-mark.

96 A Weaver ſhall weave his ſhop-mark of ſome coloured yarn at the end of the ſame Kerſie. 35 El. 10.

Dozens.

97 No dozens ſhall be put to ſale, before the ſame be viewed, weighed, and marked in ſome market Town, &c, 35 El. 10.

Searchers of Devonſhire Kerſies.

98 Searchers ſhall be appointed of Devonſhire Kerſies, and their authority, and their penalty, for not attendance in their office. 35 Eliz. 10.

Trial of Devonſhire Kerſies.

99 No Devonſhire Kerſies ſhall be brought or dreſſed before the ſame be tried. 35 El. 10.

Diminiſhing of Devonſhire Kerſies.

100 The penalty for diminiſhing the length of a Devonſhire Kerſie. 35 El. 10.

Sealing of Northern cloth.

101 Every perſon ſelling Northern cloth ſhall ſet a ſeal of Lead containing the length and breadth thereof. 39 El. 20.

Overſeers of Northern cloth.

102 The Juſtices of Peace, and head Officers of Corporate Towns, ſhall appoint Overſeers of Northern clothes: and the duty of the ſaid Overſeers. 39 El. 20.

Seal of Lead.

103 The Overſeers ſhall fix a ſeal of Lead to the Northern cloth, with the word *Searched*. 39 El. 20.

Courſe Northern cloth.

104 Certain courſe Northern cloth which ſhall not be ſearched nor ſealed. 7 Jac. 16.

Sealing or taking without warrant.

105 The penalty for ſetting ſeals to Northern clothes, or taking them away without warrant. 13 El. 20.

Searching for tentors.

106 Authority given to certain Officers to ſearch for Tentors, Ropes, Wrenches, &c. And the penalty of the offendors. 39 El. 20.

Northern cloth to be ſearched in Blackwell-hall.

107 Northern clothes brought to London to be ſold, ſhall be brought to *Blackwell-Hall* to be ſearched. 39 El. 20.

A Clothiers hand to a Merchants Book.

108 The effect of a Clothiers hand ſet to a Merchants Book for the recovery of defects in cloth. 43 El. 10.

The like Laws in other places as in the North.

109 The Statute made 39 El. 20. for Northern clothes made beyond Trent, ſhall extend in ſome reſpects to all other clothes made in England. 43 El. 10.

Cogware, Kendal, &c.

110 Cogware, Kendal and Carptmeals ſhall be made as may beſt pleaſe the buyer, and ſhall not be ſearched or ſealed. 4 Jac. 2.

Waſhwhites, &c.

111 The length and weight of Waſhers or Waſh-whites made in Yorkſhire or Lancaſhire. 4 Jac. 2.

Rowing or ſhearing the liſt, &c.

112 The penalty for rowing or raiſing of Cloth, or for ſhearing the liſts and ſides thereof. 4 Jac. 2.

Blowing, ſpowting, &c.

113 The penalty for cutting of Wooll from the backſides of cloth, and for blowing, ſpowting or bedewing thereof. 4 Jac. 2.

Abatement for dying, &c.

114 What ſhall be abated for the dying, dreſſing, and

Abatement for dying, &c.

and ſhearing of cloth. 4 Jac. 2.

Leſſe length then the ſeal purporteth.

115 The forfeiture of the ſeller, if the cloth be of leſs length then the ſeal doth purport. 4 Jac. 2.

The duties and paiments.

116 The duties and paiments for a broad woollen cloth. 4 Jac. 2.

Any may make cloth.

117 Every Clothier may make any kind of woollen cloth. 4 Jac. 2.

Detaining of wooll or yarn.

118 The puniſhment of a Sorter, Carder, Spinſter, Kember or Weaver of wooll or yarn, that doth detain any part thereof. 7 Jac. 7.

Imbezeling of wooll or yarn.

119 The puniſhment of the receiver or buyer of imbezelled wooll or yarn. 7 Jac. 7.

Offendors in Eſſex.

120 Spinners of wooll in certain Towns in Eſſex offending, ſhall be ſubject to the like puniſhment. 7 Jac. 7.

Aliens.

121 Aliens not being denizens, ſhall make no cloth, nor put any wooll to make cloth. 1 R. 3. 9.

Welſh clothes.

122 The trade of Welſh clothes ſhall be free. 21 Jac. 9. None ſhall incur any penalty for the want of length of Welſh Cottons. 21 Jac. 28. 3 Car. 4.

Thrums.

123 The clauſe in 3 Jac. 2. concerning making Thrums, &c. into cloth, is repealed. 21 Jac. 18.

Thrums.

124 He that puts Thrums into cloth ſhall forfeit five pounds. 21 Jac. 18.

Deceivable cloth.

125 Searchers of cloth may enter into any mans houſe to find deceivable cloth. 21 Jac. 18.

Deceivable cloth.

126 Two or more Juſtices of Peace may grant their warrant, to bring before them any perſon ſuſpected for making deceivable cloth. 21 Jac. 18.

Certificate.

127 Upon certificate of the Juſtices, that the party is convicted for making deceivable cloth, the Church-wardens, &c. ſhall levy the forfeiture. 21 Jac. 18.

Common Gaol.

128 In default of diſtreſs, the party offending ſhall be committed to the common Gaol. 21 Jac. 18.

Double coſts.

129 The Officer being ſued, ſhall be allowed to plead the general iſſue, &c. and ſhall recover double coſts. 21 Jac. 18.

Searchers.

130 The Searcher that ſearcheth cloth already ſearched, ſhall forfeit five pounds. 21 Jac. 18.

Search.

131 All woollen clothes ſhall be ſearched before they be ſold. 21 Jac. 18.

Tentors.

132 The meaſure of Tentors for clothes made in *Yorkſhire*. 21 Jac. 18.

Tentors.

133 Searchers ſhall make ſearch of Tentors in *Yorkſhire*. 21 Jac. 18.

Forfeit 40 s.

134 The party offending the ſecond time, for having a Tentor contrary to this Act, ſhall forfeit fourty ſhillings. 21 Jac. 18.

Overſeer.

135 Every Overſeer of cloth ſhall ſet his name upon the ſeal of cloth. 21 Jac. 18.

Preſſing of cloth.

136 Preſſing of cloth betwixt hot planks, ſhall be puniſhed with like forfeitures as preſſing them with the hot preſs. 21 Jac. 18.

Penalties in three parts.

137 The penalty for want of length, &c. ſhall be divided into three parts, whereof, &c. 21 Jac. 18.

138 Bays making in *Colcheſter* regulated. 12 Car. 2. 22.

139 A Corporation erected, and how woollen cloth ſhall be made in the Weſt-Riding in *Yorkeſhire*. 14 Car. 2. 32.

Drunkenneſs.

Forfeiture.

1 THe forfeiture of a Drunkard, and of him that refuſeth to pay the forfeiture. 4 Jac. 5. 21 Jac. 7.

A Conſtable.

2 The penalty of a Conſtable omitting his duty in puniſhing a Drunkard. 4 Jac. 5. 3 Car. 3.

Drinking in an Alehouſe.

3 The penalty for unlawful contjnuance of drinkingin an Ale-houſe. 4 Jac. 5. 21 Jac. 7.

An Alehouſe-keeper.

4 The penalty of an Ale-houſe-keeper permitting any to continue drinking in his houſe (certain perſons excepted) 1 Jac. 9. 21 Jac. 7.

Dutchy.

1 HOw Jury-men ſhall be ſummoned in the Dutchy of Lancaſter. 16 & 17 Car. 2. 3.

2 The Chancellor of the Dutchy of Lancaſter impowered to grant Commiſſions for taking *Affidavits* within the Dutchy Liberty. 16 & 17 Car. 2. 9.

3 Dutchy of Cornwal. *See Leaſes.*

Dying, Dyers.

Logwood prohibited.

1 NO perſon ſhall dye any Clothes, Kerſies, or any other thing with Logwood, *alias* Blockwood, but the ſame ſhall be burned. 23 Eliz. 9.

Mixture with Woad.

2 The penalty for mixing of Logwood, with Woad or other ſtuff in dying of cloth. 39 Eliz. 11.

Maddering.

3 No cloth ſhall be maddered for black, except it be firſt grounded with Woad. 23 Eliz. 9.

A Seal.

4 A Dyer ſhall fix a ſeal of lead to his cloth. 23 Eliz. 9.

Wooll.

5 In what manner woollen cloth and woolls ſhall be uſed in the dying, and with what ſtuff they ſhall be dyed. 3 Ed. 6. 2.

Seyes, Worſteds, &c.

6 No perſon that dyeth Worſteds, Stammins, or Seyes, ſhall kallender them. 25 H. 8. 5.

Ears.

Cutting.

THe penalty for cutting off, or cauſing to be cut off the Ears of any of the Kings ſubjects. 37 H. 8. 6.

Eccleſiaſtical perſons, Livings and Juriſdictions.

Maintenance of irreligious doctrine.

1 THe penalty of an Eccleſiaſtical perſon which ſhall maintain any Doctrine contrary to any of the Articles made touching true Religion. 13 El. 12.

A man beneficed with cure.

2 Of what age and degree he ſhall be that is to be admitted to a Benefice with Cure: and he ſhall read, and ſubſcribe to the Articles touching Religion. 13 El. 12.

What is required of a Preacher.

3 Of what age a Miniſter or Preacher ſhall be: and he muſt have a Teſtimonial of his life and doctrine: and firſt ſubſcribe to the Articles. 13 El. 12.

Examination.

4 The examination of the ability of a ſpiritual perſon doth belong to an Eccleſiaſtical Judge. 9 Ed. 2. 13.

A Benefice of 30 l.

5 What perſon is capable of a Benefice of the yearly value of 30 pounds. 13 El. 12.

Notice of Lapſe.

6 No title to confer or preſent by Lapſe, ſhall accrue upon any deprivation, but after ſix moneths notice. 13 El. 12.

Voidance of Benefices.

7 Conuſance of the voidance of Benefices appertaining to Eccleſiaſtical Judges. 25 Ed. 3. 8.

Biſhops aſſurances.

8 What Leaſes and other aſſurances may be made of Biſhops Lands, and what not. 1 Jac. 3.

Aſſurances of ſpiritual perſons.

9 What Leaſes and other aſſurances may be made by Colledges, Cathedral Churches, Parſons, Vicars. 13 El. 10. 14 El. 11. 18 El. 11.

Alienation of Lands.

10 Colledges may not alien their lands, except they have ſufficient and preſent recompence. 14 El. 11. 1 Jac. 25.

Leaſes of Benefices.

11 What Leaſes may be made of Benefices with cure, and what not. 13 El. 20. 18 El. 11.

Aſſurances collateral of Leaſes.

12 Of what ſort Bonds, Contracts, or Judgments made or given for the enjoying of ſuch Leaſes, ſhall be. 14 El. 11. 43 El. 9.

A Leaſe to a Curate.

13 What perſon may demiſe his Benefice to a Curate, and how long that Leaſe ſhall endure. 13 El. 20. 1 Jac. 15.

Charging with Penſions.

14 All chargings of Benefices with cure with any penſion or profit, ſhall be void. 13 El. 20.

Taking of Farms.

15 What things a ſpiritual perſon may take in farm, and what not. 21 H. 8. 13.

Buying and ſelling.

16 In what caſes, and for what cauſes a ſpiritual perſon may buy or ſell Corn, or other things, and in what not. 21 H. 8. 13.

No Farmer.

17 The forfeiture of a ſpiritual perſon beneficed with cure, which doth occupy a Parſonage or Vicarage in farm. 21 H. 8. 13.

Tan-houſe or Brew-houſe.

18 The forfeiture of a ſpiritual perſon which ſhall keep either Tan-houſe or Brew-houſe. 21 H. 8. 13.

Pluralities.

19 Spiritual perſons ſhall not have plurality of Benefices with cure of Soul, without diſpenſation. 21 H. 8. 13.

Livings without cure of ſoul.

20 Which Offices or Livings ſhall not be ſaid Benefices with cure of Soul. 21 H. 8. 13.

Pluralities excepted.

21 Certain perſons which may have Pluralities by ſervice. 21 H. 8. 13.

Pluralities by birth or degree.

22 Certain other perſons which may have Pluralities by birth or degree. 21 H. 8. 13. 26 H. 8. 14. 1 El. 1.

Reſidence.

23 The forfeiture of a ſpiritural perſon, who having an Eccleſiaſtical Benefice, ſhall not be reſident upon the ſame. 21 H. 8. 13.

Diſcharge of Reſidence.

24 Who may be diſcharged of Reſidence, and by what means. 21 H. 8. 13. 25 H. 8. 16. 26 H. 8. 14. 28 H. 8. 13. 33 H. 8. 28.

Reſort to their Cure.

25 Certain Chaplains which being diſcharged of their reſidence, muſt yet ſometime reſort to their Cure. 33 H. 8. 28. 9 Ed. 2. 8.

Firſt-fruits.

26 Every perſon preſented to a Spiritual living, ſhall pay to the King the Firſt-fruits thereof (certain perſons excepted) 26 H. 8. 3. 1 El. 4. 28 H. 8. 11.

Tenths deducted.

27 The Tenth of every Spiritual Living ſhall be deducted out of the Firſt-fruits thereof. 27 H. 8. 8.

The ſucceſſors relief.

28 How the ſucceſſor ſhall be relieved who paieth Tenth to the King for his predeceſſor. 27 H. 8. 8.

Diſcharge of Firſt-fruits.

29 The rate how by death or eviction, the Incumbent ſhall be diſcharged of the Firſt-fruits or part thereof. 1 El. 4.

Tenths.

30 Every Spiritual perſon ſhall pay to the King one yearly rent or penſion of the Tenth part of his Spiritual Living. 26 H. 8. 3. 1 El. 4.

Collector of Tenths.

31 Every Archbiſhop or Biſhop ſhall be Collector of the ſame Tenth in his proper Dioceſs. 34 H. 8. 17. 32 H. 8. 47.

Who diſcharged of Tenths.

32 No Hoſpital, or School, or the poſſeſſions thereof, ſhall be charged with the paiment of any Tenths or Firſt-fruits. 26 H. 8. 3. 1 El. 4.

The penalty for default.

33 The penalty for default of paiment of the Tenths. 26 H. 8. 3. 2 Ed. 6. 20. 7 Ed. 6. 4. 32 H. 8. 22.

Fruits in the vacation.

34 The fruits of a Benefice taken in the vacation, ſhall be reſtored to the next Incumbent. 28. H. 8. 11.

The vacation.

35 An Incumbents Benefice and Charge ſhall begin during the vacation. 28 H. 8. 11.

Union.

36 What is requiſite to be done, and whoſe aſſent is to

be had, where there is an union to be made of two Churches into one. 37 H. 8. 21. 1 El. 4. 1 Ed. 6. 9.

Appropriation.

37 What ſhall be expreſſed in a Licence granted to appropriate a Pariſh Church. 15 R. 2. 6. 4 H. 4. 12.

Trees in Church-yards.

38 In what caſes Trees may be cut down growing in Church-yards, and by whom. 35 Ed. 1.

Aſſurances of Spiritual Livings.

39 There may be a recovery ſuffered, and conveyance made of a Spiritual Living in a Temporal Court. 32 H. 8. 7.

Elections in a Church.

40 The penalty for taking a reward for a voice to elect a Fellow or Schollar in a Church, &c. 31 El. 6.

Reſigning a place.

41 The penalty for giving or taking of money for reſigning of a place in a Church, Colledge, &c. 31 El. 6.

Preſenting to a Benefice.

42 The penalty for preſenting or collating to a Benefice with cure of Souls for reward. 31 El. 6.

Admitting to a Benefice.

43 The penalty for admitting to a Benefice with cure of Souls for reward. 31 El. 6.

Reſigning or Exchanging.

44 The penalty for corrupt reſigning or exchanging of a Benefice with cure of Souls. 31 El. 6.

Making and Licencing Miniſters.

45 The penalty for taking a reward for making Miniſters, or giving Licence to preach. 31 El. 6.

Doctors of the Civil Law.

46 Doctors of the Civil Law executing Eccleſiaſtical Juriſdiction, may marry. 37 H. 8. 17. 1 El. 1.

The ſucceſſors remedy for wrongs done.

47 A remedy for the ſucceſſors, where wrongs be done to Prelates their predeceſſors, or in the time of vacation. 52 H. 3. 28.

Juris utrum.

48 In what caſe Parſons, Vicars, &c. ſhall have the Writs of *Juris utrum*. 14 Ed. 3. 17.

No Indictment for Tythes.

49 Eccleſiaſtical Judges ſhall not be indicted or impriſoned for ſuits in any Spiritual Courts for Tythes, or other duties. 1 R. 2. 13.

Preachers.

50 Eccleſiaſtical perſons ſhall not be moleſted which are in preaching or doing Divine Service. 50 Ed. 3. 5. 1 R. 2. 15. 1 M. 3.

A Parſons Will.

51 A Spiritual perſon may declare his Will of Corn ſown in his Glebe Land. 28 H. 8. 11.

Forfeiture for omitting Prayer, &c.

52 What Eccleſiaſtical perſons ſhall forfeit which do not ſay Common Prayer, or Miniſter the Sacraments as they ought. 1 El. 2. 23 El. 1.

The Oath of Supremacy.

53 Which Eccleſiaſtical perſon ſhall take the oath for the Kings Supreme Government. 1 El. 1. 5 El. 1.

No Purveyors.

54 The goods of an Eccleſiaſtical perſon ſhall not be taken by any Purveyors. 3 Ed. 1. 1. 14 Ed. 3. 1. 18 Ed. 3. 4. 1 R. 2. 3.

Aliens.

55 None ſhall take a Benefice in *England* of an Alien, without the Kings Licence, 3 R. 2. 3. 7 R. 2. 12.

Incontinency.

56 Eccleſiaſtical perſons may be puniſhed for incontinency by their Ordinary. 1 H. 7. 4.

Eccleſiaſtical Conſtitutions.

57 The Clergy ſhall make no Conſtitutions without the Kings aſſent. 25 H. 8. 19.

Eating of Fleſh.

58 What an Eccleſiaſtical perſon ſhall forfeit that giveth Licence to him to eat fleſh that hath no need. 5 El. 5.

Horſes.

59 How many horſes every Eccleſiaſtical perſon is chargeable to keep. 33 H. 8. 5.

Sheep.

60 How many ſheep ſpiritual perſons may keep upon their lands. 25 H. 8. 13.

Forcible Entry.

61 The penalty for forcible entry into, or forcible detaining of Benefices or Offices of the Church. 15 R. 2. 2. 8 H. 6. 9.

Dilapidations.

62 The remedy for dilapidations made by any Eccleſiaſtical perſons of their houſes, &c. 13 El. 10. 14 El. 11.

Diſtreſſes.

63 In what Fees of the Church diſtreſſes may be taken; and in what not. 9 Ed. 2. 9.

Writ of Entry.

64 A ſuit may be made by Prelates after diſſeiſin to them done, by a Writ of Entry. 3 Ed. 1. 46.

Mortmains.

65 It is Mortmain for a Spiritual perſon to enter into land, and make a Church-yard or burial place thereof, without licence. 15 R. 2. 5.

Aſſurance of Lands.

66 What aſſurance of lands may be made to Churches, Chappels, Church-wardens, &c. In what ſort, and for how long time. 23 H. 8. 10.

Mortuaries.

67 How much Eccleſiaſtical perſons ſhall take for Mortuaries, and of whom. 21 H. 8. 6.

Preſentation by a diſturber.

68 The remedy where the diſturber preſenteth to a Church during particular eſtates, or a vacation. 13 Ed. 1. 5.

The remedy for wrong done.

69 What remedy a Parſon of a Church ſhall have to recover Land or Common, whereof he or his Predeceſſor was deforced. 13 Ed. 1. 24.

Confirmation of Eccleſiaſtical Livings.

70 A confirmation of Eccleſiaſtical Livings aſſured to King *Henry* the Eighth, and King *Edward* the Sixth. 1 Ed. 6. 14. 1 & 2 P. & M. 8. 1 El. 1.

71 The High Commiſſion Court taken away, and a branch of the Stat. 1 *Eliz*. concerning the ſame repealed. 17 Car. 1. 11.

72 Certain Miniſters confirmed, and others reſtored. 12 Car. 2. 17.

73 Perſons in holy Orders enabled to exerciſe Temporal Juriſdiction. 13 Car. 2. 2.

74 None may ſollicit or procure any petition, &c. for altering any eſtabliſhed Law either in Church or State. 13 Car. 2. 5.

75 The ordinary power of Archbiſhops and Biſhops in matters Eccleſiaſtical. 13 Car. 2. 12.

76 Uniformity of Common Prayer, Adminiſtration of Sacraments, &c. eſtabliſhed. 14 Car. 2. 4.

Egyptians.

Bringing of Egyptians into the Realm.

1 THe penalty for bringing of Egyptians into this Realm, or for ſuing for Licence for their continuance here. 1 & 2 P. & M. 4.

Their continuance in England.

2 It is felony for Egyptians to continue within this Realm by the ſpace of a moneth. 5 El. 20.

No Clergy.

3 No perſon being or counterfeiting himſelf an Egyptian, ſhall have the benefit of his Clergy. 5 El. 20.

Trial of Egyptians.

4 The Enqueſt ſhall be wholly of Engliſh-men where any trial of felony ſhall be of ſuch as call themſelves Egyptians. 22 H. 8. 10. 1 & 2 P. & M. 4. 5 El. 20.

England and Scotland.

THere ſhall be a freedom of Trade between *England* and *Scotland*. 19 Car. 2.

1 *Enqueſt*. See *Jurors*.
1 *Embracery*. See *Maintenance*.
1 *Enchantment*. See *Conjuration*.

Entry.

Entry in the Poſt.

1 IN what caſe a Writ of *Entry ſur diſſeiſin* in the Poſt doth lie. 52 H. 3. 29.

In what caſe maintainable.

2 In what caſe a Writ of Entry is maintainable for the diſſeiſee, or his heir. 3 Ed. 1. 46.

Dying ſeiſed.

3 A diſſeiſor dying ſeiſed, taketh away no title of Entry of the diſſeiſee, or his heir, but in a certain caſe. 32 H. 8. 33.

Errour.

For him in reverſion, &c.

1 HE in reverſion may have a Writ of Error or Attaint upon a Judgment given againſt his particular Tenant. 9 R. 2. 3.

Examination in the Exchequer.

2 The Lord Chancellor and Treaſurer ſhall examine complaints of erroneous Judgments given in the Exchequer. 31 Ed. 3. 12. 31 El. 1.

Judgments in the Kings-Bench.

3 Judgments given in certain caſes in the Kings Bench, may upon a Writ of Error ſued, be examined and reverſed, or affirmed by other Juſtices, &c. 27 El. 8.

Examination in Parliament.

4 Erroneous Judgments given in the Kings Bench, may be examined in Parliament. 27 El. 8. 31 El. 1.

How many ſhall be parties.

5 How many Juſtices may receive Writs, and award Proceſs, and by how many Judgment in a Writ of Errour ſhall be given. 31 El. 1.

Judgments ſhall continue, &c.

6 A Judgment in the Kings Court ſhall continue until it be reverſed by Writ of Errour or Attaint. 4 H. 4. 23.

Marſhalſey.

7 A Writ of Errour ſhall be ſued in the Kings Bench, of an erroneous Judgment given in the Marſhalſey. 5 Ed. 3. 2. 10 Ed. 3. 3.

Coſts for the Defendants.

8 In what caſe in a Writ of Errour the Plaintiff ſhall recover his coſts and damages. 3 H. 7. 10. 19 H. 7. 29.

Judgments after Demurrer.

9 Judgment given after Demurrer, ſhall not be reverſed by Writ of Errour for any imperfection in Writ, Pleading, but in certain caſes. 27 El. 5.

Fine and Recovery.

10 In what caſes, and for what cauſes, a Fine or Recovery may be reverſed by Writ of Errour, 23 El. 3. 27 El. 9.

Wales.

11 What erroneous Judgments given before the Juſtices of the twelve Shires in Wales, ſhall be redreſſed. 34 H. 8. 26.

Execution ſtayed.

12 In what caſe onely Execution ſhall be ſtayed by Writ of Errour. 3 Jac. 8. 13 Car. 2. 2. St. 2.

Anſwer in a new Action.

13 The defendant before allowance of any Writ of Errour, or reverſing of any outlawry, ſhall be bound to anſwer the Plaintiff in a new Action, And to ſatisfie the condemnation. 31 El. 3.

14 Abatement of Writs of Errour in the Exchequer-Chamber remedied. 16 Car. 2. 2.

15 Where Execution ſhall not be ſuperceded but upon entring bail. 16 & 17 Car. 2. 8.

Eſcape.

An Accomptant.

1 THe penalty of a Sheriff or Gaoler, that doth ſuffer an Accomptant committed to his cuſtody, to eſcape.

Levying of a Felons eſcape.

2 The penalty for levying of the eſcape of a felon, before it be adjudged. 13 Ed. 1. 4. 13 Ed. 3. 14.

Eſcaping of a perſon condemned.

3 The penalty of a Gaoler that ſuffereth a priſoner to go by bayl or baſton. 1 R. 2. 12. 7 H. 4. 4.

Amerciament where a murderer eſcapeth.

4 If a Murtherer eſcape untaken, the Town where the murder is done ſhall be amerced. 3 H. 7. 1.

Diſturbing of a Preacher.

5 How an eſcape of him that diſturbeth a Preacher in his Sermon, ſhall be enquired of. 1 M. 3.

Juſtices authority.

6 Juſtices of Peace have authority to enquire of eſcapes of felons. 1 R. 3. 3.

Coroners authority.

7 A Coroner ſhall enquire of the eſcape of a murtherer. 3 H. 7. 1.

Eſcheators.

Eſcheators.

Accepting the Office.

1 WIthin what time one named an Eſcheator, ſhall take or refuſe the Office. 33 H. 8. 22.

What Offices he may find.

2 An Eſcheator ſhall find no Office of lands to the yearly value of five pounds, without the Kings will directed to him. 33 H. 8. 22.

His Fees.

3 An Eſcheators fees, when the Land found by office doth not exceed the yearly value of five pounds. 33 H. 8. 22.

An Office not found or ſealed.

4 The forfeiture of an Eſcheator that doth return an Office not found or not ſealed by the Jury. 1 H. 8. 8. 3 H. 8. 2.

His ſufficiency of Freehold.

5 Of what ſufficiency of Freehold an Eſcheator ought to be. 1 H. 8. 8. 3 H. 8. 2.

Evidence.

6 An Eſcheator ſhall deny no perſon to give evidence to an enqueſt taken before him. 1 H. 8. 8. 3 H. 8. 2.

Receiving an Office.

7 An Eſcheator ſhall receive an Office found by an enqueſt, and deliver the counterpane. 1 H. 8. 8. 3 H. 8. 2.

But one year.

8 An Eſcheator ſhall exerciſe his Office but one year, or be made Eſcheator again within three years after. 14 Ed. 3. 8. 1 H. 8. 8. 3 H. 8. 2.

Within what time his Enqueſt.

9 Within what time after the delivery of a Writ, and where an Eſcheator ſhall take his enqueſt. 23 H. 6. 17. 34 Ed. 3. 13. 36 Ed. 3. 13. 3 H. 8. 2.

His Fee for one Writ.

10 The Eſcheators fee for executing one Writ in one County. 23 H. 6. 17.

Returning an Office.

11 Within what time an Eſcheator ſhall return an Office found before him. 8 H. 6. 16. 18 H. 6. 7. 18 El. 13.

Clerk of the petit Bagge.

12 The penalty of the Clerk of the petit Baggage, that will not receive an Office offered unto him. 1 H. 8. 8. 3 H. 8. 2.

Jurors returned.

13 An Eſcheator ſhall take no enqueſt but of ſuch perſons as be returned by the Sheriff. 8 H. 6. 16. 18 H. 6. 7.

His Deputy or Farmer.

14 Who may be an Eſcheators Deputy or Farmer, and his name ſhall be certified into the Exchequer. 12 Ed. 4. 9.

Wines.

15 An Eſcheator may enquire of offences done contrary to the Statute provided to avoid the exceſs of Wines. 7 Ed. 6. 5.

Diſſeiſin.

16 An Aſſiſe lieth againſt an Eſcheator, which by colour of his Office diſſeiſeth any perſon. 3 Ed. 1. 24.

No Waſte.

17 An Eſcheator ſhall have no fee, nor commit waſte in the Lands of Wards. 28 E. 1. 18. 36 Ed. 3. 13.

Counterfeiting of weights.

18 Eſcheators may enquire of the counterfeiters of weights, and puniſh them. 9 H. 5. 8.

In Lancaſter, Cheſter, &c.

19 The duty of Eſcheators within the Counties Palatine of Lancaſter, Cheſter and Dureſm. 18 El. 13.

Sufficiency of Jurors.

20 Of what ſufficiency Jurors returned before an Eſcheator, or Commiſſioners ought to be. 1 H. 8. 8. 3 H. 8. 2.

Wales.

21 Who ſhall be Eſcheators in the twelve Shires in Wales, who ſhall name them, and their office, and duty. 34 H. 8. 26.

A Patent of Lands ſeiſed.

22 Within what time a Patent may be granted of lands ſeiſed upon an enqueſt taken before an Eſcheator. 36 Ed. 3. 13. 8 H. 6. 16. 18 H. 6. 6. 1 H. 8. 10.

Eſſoines.

Sworn to a warrant.

1 IN Counties, &c. or in other Courts none ſhall be ſworn to warrant his Eſſoin. 52 H. 3. 19.

Fourcher.

2 There ſhall be no fourcher by Eſſoin by Coparceners, or Tenants in Common. 3 Ed. 1. 42.

Fourcher by the husband and wife.

3 There ſhall be no fourcher by Eſſoin, by a man and his wife being impleaded. 6 Ed. 1. 10.

After apparance.

4 There ſhall be no eſſoin for the Tenant after apparance in certain actions. 3 Ed. 1. 41.

After apparance.

5 There ſhall be no eſſoin for the demandant after apparance in Aſſiſe. 13 Ed. 1. 28.

One Eſſoin.

6 There ſhall be but one eſſoin after iſſue joyned in Writs where Attachments do lie, Neither any eſſoin after day given by *Prece partium*. 52 H. 3. 12. 13. 13 Ed. 1. 27.

Ultra mare.

7 In what caſe eſſoin *ultra mare* ſhall not be allowed. 3 Ed. 1. 43.

De malo lecti.

8 In what caſe eſſoin *De malo lecti* is not allowable. 13 Ed. 1. 17.

Kings ſervice.

9 In what actions an eſſoin of the Kings ſervice doth lye. Stat. *De viſu terræ, & Eſſonio de ſervitio Domini Regis.*

Rendring of damages.

10 In what caſe the Defendant eſſoined of the Kings ſervice, ſhall render damages to the Plaintiff. 6 Ed. 1. 8.

In an Appeal.

11 In an appeal of the death of a man, no eſſoin ſhall lie for the Appellor. 13 Ed. 1. 12.

No Eſſoin in ſeveral caſes.

12 Several caſes where eſſoins may be challenged, and do not lie. 12 Ed. 2. Stat. *de Eſſoniis.*

Several Actions.

13 Several Actions, Bills, Plaints and Informations, wherein no Eſſoin do lie. 5 Ed. 3. 6. 30 H. 8. 3.

Eſtates.

1 HOw ſuch as claim Eſtates for others lives, muſt prove the lives in being. 19 Car. 2. 6.

Eſtreats.

Shewed and totted.

1 THe Eſtreats ſealed, ſhall be ſhewed to the Kings debtor, and ſhall be totted, and by the ſame the Sheriff ſhall accompt. 42 Ed. 3. 9.

Certain.

2 The Rolls of Eſtreats of Iſſues and Amerciaments forfeited, ſhall be made certain. 7 H. 4. 3.

Charging of others.

3 A Man or Town may diſcharge themſelves of the Eſtreats of the Juſtices, for felons goods, by charging of another. 31 Ed. 3. 3.

Juſtices allowance.

4 Sheriffs ſhall make none Eſtreats, until two Juſtices of Peace have had the view of them. 1 Ed. 4. 2. 11 H. 7. 15.

The Jurors addition.

5 To every Eſtreat of Iſſues againſt a Juror, his Addition ſhall be put. 27 Eliz. 7. 39 El. 18.

Sewers.

6 The Commiſſioners of Sewers Eſtreats ſhall be yearly delivered into the Exchequer. 13 Eliz. 9.

Second ſurcharging.

7 The Eſtreats of *Secunda ſuperoneratione paſturæ* ſhall be put into the Exchequer. 13 Ed. 1. 8.

Juſtices.

8 Juſtices ſhall take out the Eſtreats of their Records, and Proceſſes, before they ſend them into the Exchequer. 9 Ed. 3. 5.

Iſſues.

9 Sheriffs ſhall not be charged with iſſues until they be eſtreated out of the Exchequer. 27 Ed. 1. Stat. *De finibus.*

Weights.

10 Amerciaments for falſe weights ſhall be eſtreated into the Exchequer. 14 Ed. 3. 12.

Exchequer.

Clerk of the Remembrance.

1 A Clerk of the Remembrance of the Exchequer ſhall be aſſigned to ſit with the Clerk of the Pipe. 37 Ed. 3. 4.

Making wrongful Proceſs.

2 The penalty of a Clerk of the Exchequer, which maketh out proceſs, to prove that a debt of new, which hath been paid. 1 R. 2. 5.

Pleading in his diſcharge.

3 Every perſon which is impleaded in the Exchequer, ſhall be received by himſelf or any other, to plead in his diſcharge. 5 R. 2. 9.

Covenants of ſervice.

4 The covenants of thoſe which ſhall be retained to ſerve the King in his Wars or Embaſſies, ſhall be ſent into the Exchequer. 5 R. 2. 10.

The Clerk of the parcels.

5 Two Clerks ſhall be aſſigned to make parcels of accompt in the Exchequer. 5 R. 2. 12.

Accompts of *Nihil.*

6 Accompts of *Nihil* ſhall be put out in the Exchequer: And he that will ſwear that he oweth nothing to the King, ſhall be diſcharged. 5 R. 2. 13.

The Clerks Oath.

7 The Clerk of the Pipe, and the two Remembrancers ſhall be ſworn for the entry of Writs every Term: And to make Schedules and Certificates, &c. 1 R. 2. 14.

Bonds of the double.

8 There ſhall be no Bonds or Recogniſances of the (double) in the Exchequer, for the Kings debts. 13 R. 2. 14.

Collectors of Tenths.

9 There ſhall be nothing taken in the Exchequer of him that paieth the tenth of ſpiritual promotions. 26 H. 8. 3.

Iſſues.

10 Iſſues forfeited to Queen *Elizabeth*, and by her diſcharged, ſhall not again be demanded in the Exchequer. 1 Jac. 26.

Forfeiture for miſdemeanor.

11 The forfeiture of a Clerk of the Exchequer, who ſhall in any point miſdemean himſelf contrary to certain orders made 15 *Junii*, *Anno* 15 *Eliz*. for the Exchequer. 1 Jac. 26.

Orders.

12 Orders to be ſet down in the Exchequer, for reſpite of homage, fines ſtreated out of the common place, to avoid the charge of pleading, to diſcharge Iſſues loſt, *cum multis aliis*. 1 Jac. 26.

Authority of the Court.

13 The authority of the Court of Exchequer, and what things the chief Officers there may hear, examine, determine and execute. 33 H. 8. 39.

Erroneous Judgment.

14 The manner of reforming of erroneous Judgments ſuppoſed to be given into the Exchequer. 31 Ed. 3. 12. 31 El. 1.

Proceſs.

15 Proceſs ſhall be allowed out of the Exchequer, for the recovery of the Kings Right. 2 & 3 Ed. 6, 4.

Barons.

16 The oath and duty of the Barons of the Exchequer. 20 Ed. 3. 2.

17 Orders in the Exchequer may be aſſigned without revocation. 19 Car. 2. cap.

Excommunication.

Awarding of the Writ.

1 WHat things be requiſite to be obſerved in the awarding and returning of the Writ *De Excommunicato capiendo*. 5 El. 23.

The body of the excommunicated.

2 What ſhall be done with the body of the excommunicated. 5 El. 23.

Non eſt inventus.

3 What Proceſs ſhall be awarded, and what the excommunicated ſhall forfeit, if the Sheriff return *Non eſt inventus*. 5 El. 23.

The Biſhops authority.

4 The Biſhops authority, to receive the ſubmiſſion and ſatisfaction of the perſon excommunicated. 5 El. 23.

Proceſs where the Kings Writ runneth not.

5 To whom Proceſs ſhall be awarded againſt an excommunicate, dwelling in a place where the Kings Writ runneth not. 5 El. 23.

Diſcharge.

6 What perſons may be diſcharged of the penalties

impoſed by this Statute, and for what cauſes. 5 El. 23.

The cauſes of *Significavit*.

7 Which be the onely cauſes of awarding of a Writ of *Significavit*, or *Excommunicato capiendo*. 5 El. 23.

Addition with a *Nuper*.

8 Into what County a Writ of Proclamation ſhall be awarded, when the Defendants addition ſhall be with a *Nuper* of the place. 5 El. 23.

Abſolving an Excommunicate.

9 The Kings Letters ſhall not be ſent to an Ordinary, to abſolve an Excommunicate, but where the Kings liberty is prejudiced. 9 Ed. 2. 7.

For contumacy.

10 A Writ of *Excommunicato capiendo* may be awarded to take a Clerk excommunicate for contumacy, after xl. days. 9 Ed. 2. 12.

For abuſe in a church, &c.

11 Excommunication for ſtriking, or laying of violent hands upon any perſon, in a Church or Church-yard. 5 & 6 Ed. 6. 4.

For diſobedience.

12 Excommunication for diſobeying the ſentence of an Eccleſiaſtical Judge in cauſes of Tythe. 2 Ed. 6. 13.

In Attaint.

13 Excommunication in the plaintiff or demandant in an Attaint, is a void plea. 23 H. 8. 3.

A Recuſant.

14 The Sheriff may apprehend a Popiſh Recuſant ſtanding excommunicate. 3 Jac. 4.

A Recuſant.

15 A Popiſh Recuſant convicted, ſhall ſtand as a perſon excommunicate. 3 Jac. 5.

Malnpriſe.

16 He that is excommunicate, ſhall not be let to mainpriſe. 3 Ed. 1. 15.

Exception.

A Bill.

1 A Bill of exception to a plea, upon the defendants requeſt, ſhall be ſealed by the Juſtices, or one of them: 13 Ed. 1. 31.

Falſe.

2 The penalty of him which ſhall alledge a falſe exception in an Aſſiſe. 13 Ed. 1. 25.

A Fine.

3 An exception ſhall not be admitted contrary to a fine. 27 Ed. 1.

A Fine.

4 What exception ſhall not be admitted againſt a fine. 27 Ed. 1. 1.

Exciſe.

1 Certain impoſitions upon Beer and Ale, and other liquors granted to the King for the increaſe of his Revenue during his life. 12 Car. 2. 13.

2 *See Wards and Wardſhips.*

3 All money owing upon Exciſe and new Impoſt veſted in the King. 13 Car. 2. 13.

4 The manner, ordering and collecting the duty of Exciſe, and prevention of abuſes therein. 15 Car. 2. 9.

5 In what caſes Sureties ſhall be anſwerable for the duty of Exciſe. 15 Car. 2. 12.

6 Additional powers given to Farmers for collecting the Exciſe. 16 & 17 Car. 2. 4.

Execution.

Choice.

1 He that recovereth a debt, or damages, may have execution by *Fieri facias*, or *Elegit*. 13 Ed. 1. 18.

Things recorded.

2 What execution, and in what manner, ſhall be made of things recorded in a longer or ſhorter time. 13 Ed. 1. 45.

Lands recovered.

3 A remedy for the cogniſee, where lands delivered in execution be recovered from him. 32 H. 8. 5.

A new Execution.

4 A new execution ſhall be awarded againſt him which is priviledged by his ſervice in Parliament. 1 Jac. 13.

Staid by Error.

5 In what caſe onely execution of a Judgment ſhall be ſtayed by a Writ of error. 3 Jac. 8.

Serving an Execution.

6 How much a Sheriff, or his Officers, may take for ſerving of an execution. 29 El. 4.

Executors of Executors.

7 Executors of Executors ſhall have execution of Statutes and Recogniſances, knowledge to the firſt Teſtator. 25 Ed. 3. 5.

Againſt the firſt Executors.

8 Execution ſhall be had againſt thoſe Executors, that firſt appear upon the great diſtreſs. 9 Ed. 3. 3.

Execution ſtaid but not ſuit.

9 By the Kings protection, a common perſons execution ſhall ſtay, (but not his ſuit) until agreement be made with the King for his debt. 25 Ed. 3. 19.

Dying in Execution.

10 A new execution ſhall be awarded againſt the lands of him that dieth in execution. 21 Jac. 24.

11 Delays in extending Statutes, and in executions of Judgments and Recognizances remedied. 16 & 17 Car. 2. 5.

12 *See Delays.*

Executors.

Accompt.

1 Executors ſhall have a Writ of Accompt, and like proceſs, as their Teſtator ſhould have had. 13 Ed. 1. 23.

Treſpaſs.

2 Executors ſhall have an action of Treſpaſs, for a treſpaſs done to their Teſtator. 4 Ed. 3. 7.

Executors of Executors.

3 What benefit Executors of Executors ſhall take by the firſt Teſtator, and how far they ſhall be charged for him. 25 Ed. 3. 5.

Sale of land.

4 In what caſe ſome of the Executors may ſell the land deviſed by their Teſtator to be ſold. 21 H. 8. 4.

Fourchers.

5 In a Writ of debt brought againſt Executors, they ſhall not fourch by eſſoin. 9 Ed. 3. 3.

Appearance at the grand diſtreſs.

6 The Executor or Executors which do firſt appear at the grand diſtreſs, ſhall anſwer the plaintiff. 9 Ed. 3. 3.

Remedy againſt ſervants.

7 What remedy Executors ſhall have againſt thoſe ſervants which do imbezil their Teſtators goods after his death. 33 H. 6. 1.

Rents due to the Teſtator.

8 In what caſe Executors or Adminiſtrators ſhall have remedy by action of debt or diſtreſs, to recover rents due to their Teſtator. 32 H. 8. 37.

Aid-money.

9 The fathers Executors be bound to ſatisfie the daughter for aid received to her marriage. 3 Ed. 1. 35. 25 Ed. 3. 11.

Indemptitate nominis.

10 Executors may maintain a Writ *De idemptitate nominis* in the behalf of their Teſtator, wrongfully outlawed. 9 H. 6. 4.

Ordinary.

11 Ordinaries ſhall anſwer as Executors, ſo far as the goods extend. 13 Ed. 1. 19.

Lands ſold.

12 The money or profit of lands deviſed to be ſold ſhall not be taken as any of the goods of the Teſtator. 21 H. 8. 5.

Fees for probate.

13 How much the Executors, or any other, ſhall pay for the probate of a Teſtament to the Ordinary. 21 H. 8. 5.

Executors chargeable to the heir.

14 In what caſe the heir being charged, ſhall have remedy againſt his anceſtors Executors for the ſame. 34 H. 8. 2.

The Kings Executor.

15 Where the Executors of the King or Queen of this Realm, and where the heir ſhall have the ſpecialties not paid. 33 H. 8. 39.

The Kings Debtor.

16 The King is at liberty to charge the heir or Executors of his debtors. 33 H. 8. 39.

A Recuſant.

17 A Recuſant ſhall not be Executor or Adminiſtrator to any. 3 Jac. 5.

Chargeable for coſts, &c.

18 In what caſe Executors or Adminiſtrators ſhall be charged for coſts and damages recovered againſt their Teſtators. 8 El. 2.

See Adminiſtrators.

Exemplifications.

The force thereof.

1 Exemplifications, or Conſtat, of the Kings letters patents under the great Seal, ſhall be of the ſame force, as the ſaid letters patents be. 3 Ed. 6. 4. 13 El. 6.

No amendment.

2 No fines or recoveries ſhall be amended after the exemplification thereof. 23 El. 3. 27 El. 9.

Wales.

3 With what ſeal an exemplification of a Record before any Juſtices in *Wales* ſhall be ſealed. 34 H. 8. 26.

Judgment.

4 A judgment ſhall not be reverſed, for razure of records, after the exemplification inrolled. 8 H. 6. 12.

Exigent and Outlawry.

The Proceſs in Debt.

1 The Proceſs in a Writ of Debt, Detinue, and *Replevin*, ſhall be by *Capias*, and Proceſs of *Exigent*. 25 Ed. 3. 17.

Treſpaſs againſt the peace.

2 No *Exigent* ſhall be awarded, where one is indicted of Treſpaſs, except it be againſt the Peace. 18 Ed. 3. 5.

Outlawry upon a judgment.

3 No perſon ſhall be pardoned of Outlawry upon a judgment without agreement with the Plaintiff. 5 Ed. 3. 12.

Outlawry by Proceſs.

4 No perſon outlawed by Proceſs, before he doth appear, ſhall be pardoned before he yieldeth himſelf unto priſon. 5 Ed. 3. 12.

By impriſonment defeated.

5 He that will defeat an Outlawry, by reaſon of impriſonment, muſt yield himſelf to priſon. 5 Ed. 3. 13.

Sued in another County.

6 Proclamation ſhall be awarded, to give notice unto him, that dwelling in one County, is ſued to an *Exigent* in another. 6 H. 8. 4.

Inhabitants in *Wales*, &c.

7 A Proclamation ſhall be awarded upon an *Exigent*, againſt any perſon dwelling in *Wales*, or in *Lancaſhire*, *Cheſhire*, or *Cheſter*. 1 Ed. 6. 10. 5 Ed. 6. 26.

Proceſs againſt an Outlawry in *Wales*.

8 What Proceſs ſhall be granted againſt any perſon outlawed, dwelling in any of the Counties of *Wales*. 1 Ed. 6. 10.

Outlawed in *Lancaſhire*.

9 To whom any Proceſs ſhall be directed, againſt any perſon outlawed, dwelling in the County Palatine of *Lancaſter*. 5 Ed. 6. 26.

Liveries of *Lancaſhire*, &c.

10 No Exigent ſhall be awarded within the Counties of *Lancaſter*, *Cheſter* or *Durham*, againſt any perſon, upon any ſuit to be made by force of the Statute provided againſt the giving of Liveries. 8 Ed. 4. 2.

Proclamations.

11 Three Proclamations ſhall be made in every action perſonal, wherein any Writ of Exigent ſhall be awarded. 31 El. 3.

Anſwer in a new Action.

12 The Defendant, before allowance of any Writ of Error, or reverſing of any outlawry, ſhall be bound to anſwer the Plaintiff in a new action, and to ſatisfie the condemnation. 31 El. 3.

Proclamation in *Durham*.

13 A Writ of Proclamation upon an *Exigent* awarded againſt any perſon dwelling in the Biſhoprick of *Durham*. 31 El. 9.

Returning a Proclamation.

14 The penalty if the Biſhop of *Durham*, or his Chancellor do not return the ſame Proclamation. 31 El. 9.

Writs directed into *Durham*.

15 To whom Writs of Outlawry ſhall be directed againſt any perſon dwelling in the Biſhoprick of *Durham*. 31 El. 9.

The Fee.

16 The fee of a Biſhop, Chancellor and Sheriff, for the execution of the ſaid Proclamation and *Mandat*. 31 El. 9.

Acceſſory.

17 No *Exigent* ſhall be awarded againſt the acceſſory, until the principal be attainted. 3 Ed. 1 14.

Addition.

18 Where an *Exigent* is to be awarded, there ſhall be addition to the defendants name. 1 H. 5. 5.

Out of the Realm.

19 Proceſs of Outlawry awarded againſt offendors in treaſon, being out of the Realm, ſhall be good. 26 H. 8. 13. 5 Ed. 6. 11.

Diſcharged by bond.

20 Where one that is ſurmiſed to be outlawed, may avoid the ſeiſure of his goods and lands, by entring into bond to the Sheriff. 37 Ed. 3. 2.

An Inditers forfeiture.

21 A perſon indicted ſhall forfeit his goods upon an *Exigent* awarded againſt him. 25 Ed. 3. 14.

Accomptant.

22 In what caſe an *Exigent* ſhall be awarded againſt an accomptant. 13 Ed. 1. 11.

Attaint.

23 Outlawry of the plaintiff, in a perſonal action, is a void plea in an Attaint. 23 H. 8. 3.

Extortion, Exaction, Oppreſſion.

The Kings Officer.

1 THe forfeiture of an Officer of the Kings, which taketh more to do his Office then is allowed. 3 Ed. 1. 26.

For ſuit.

2 The penalty of a Sergeant, Cryer or Marſhal, wrongfully taking money of him which doth ſue. 3 Ed. 1. 29.

In a Sheriff for a miſdemeanor.

3 Extortion in a Sheriff, or his Bailiffs, for arreſting, for letting to bail, making of pannels, or granting of copies. 23 H. 6. 10.

Auditors.

4 The penalty for extortion in Auditors and their Clerks. 33 H. 8. 39.

Receivers.

5 The penalty for extortion in Receivers of the Exchequer, Dutchy of *Lancaſter*, and Court of Wards, &c. 33 H. 8. 39. 7 Ed. 6. 1.

Diſpenſations.

6 The forfeiture of him which ſhall exact for any diſpenſation, faculty, or licence, more then is contained in the books of Taxes. 25 H. 8. 21.

Citations.

7 What ſhall be ſaid to be extortion in thoſe who have ſpiritual juriſdiction, or in any ſubſtitute or miniſter of theirs, for Citations. 23 H. 8. 9. 1 El. 1.

Clerk of the Signet, &c.

8 What ſhall be deemed extortion in the Clerk of the Signet, or privy Seal. 27 H. 8. 11.

Corporations.

9 Extortion in Maſters, Wardens, &c. upon an Apprentice, or other, whoſe apprentiſhip is expired. 22 H. 8. 4. 28 H. 8. 5.

Coroner.

10 What fee a Coroner may take, and what ſhall be ſaid to be extortion in him. 3 Ed. 1. 10. 1 H. 8. 7. 3 H. 7. 1.

Levying of Muſters.

11 What ſhall be ſaid to be extortion in thoſe which have Commiſſion to levy muſters, or take men to ſerve in the wars. 4 & 5 P. & M. 3.

Clerks of the Exchequer.

12 Extortion by Clerks of the Exchequer, of any Biſhop, or other, who have the receipt of Tenths. 26 H. 8. 3.

Commoth.

13 Exaction by gathering of any Commoth, or other collection, without the conſent of the Commiſſioners of the Marches. 26 H. 8. 6.

Forreſts in Wales.

14 The penalty of thoſe which take exaction of them who travel through Forreſts in *Wales*. 27 H. 8. 7.

Eſcheator.

15 What fees be due to Eſcheators, and what ſhall be ſaid to be extortion in them. 33 H. 8. 22. 23 H. 6. 17.

A Sheriff.

16 If any Sheriff do commit extortion, he ſhall be puniſhed at the Kings will. 1 H. 4. 11.

Chief Clerk of the Common place.

17 The fees of the chief Clerk of the Common place, and what ſhall be adjudged extortion in him. 2 H. 4. 8. 13 Ed. 1. 44.

Admiralty.

18 Extortion in an Officer of the Admiralty for taking a reward of a Merchant or Fiſherman for a licence to paſs this Realm to get fiſh. 2 Ed. 6. 6.

Wards.

19 The fees of the Officers of the Court of Wards, &c. and what ſhall be accounted extortion in them. 32 H. 8. 46.

Report.

20 Extortion in ſuch as take any thing for the report of any cauſe referred to them. 1 Jac. 10.

Marſhal.

21 The fees of the Marſhal and his Officers, what ſhall be judged extortion in them. 2 H. 4. 23. 9 R. 2. 5.

For ſcavage.

22 Extortion by chief Officers of Cities, &c. of Merchants for ſcavage and ſhewage. 19 H. 7. 8.

Ordinaries.

23 In what ſort Ordinaries ſhall be indicted of extortion or oppreſſion. 25 Ed. 3. 9.

Proving of Wills.

24 Extortion by Ordinaries for proving of Wills, or granting of Adminiſtrations. 21 H. 8. 5.

Norwich.

25 Extortion in the chief Officers of *Norwich*, for admitting any perſon to occupy the Arts of making of Hats, Coverlets, or Dornicks. 3 Ed. 6. 24.

Juſtices and Clerks of the Statutes.

26 The fees of the Juſtices and Clerk of the Statutes for every Recogniſance taken or certified, and what ſhall be adjudged extortion in them. 23 H. 8. 6.

Clerk of the Market.

27 What ſhall be adjudged extortion or oppreſſion in the Clerk of the Market, and the forfeiture therefore. 13 R. 2. 4.

Firſt-fruits.

28 Extortion by taking more money then is due for obligations or acquittances for Firſt-fruits. 26 H. 8. 3.

See Fees and Duties, 1. &c.

Fairs and Markets.

Proclamation.

1 THe continuance of a Fair ſhall be proclaimed at the beginning, And no man ſhall keep a Fair longer then he ought. 2 Ed. 3. 15. 5 Ed. 3. 5.

What days not to be kept.

2 Certain Feſtival days, wherein Fairs and Markets ought not to be kept. 27 H. 6. 5.

The plaintiffs oath.

3 In a Court of Piepouders the plaintiff ſhall be ſworn, that the contract or fact was made or committed within the time and juriſdiction of the Fair. 17 Ed. 4. 2. 1 R. 3. 6.

A place for the ſale of horſes.

4 The Governour of a Fair or Market ſhall appoint an open place where horſes ſhall be ſold, and a ſufficient perſon to take toll. 2 & 3 P. & M. 7.

Toll for horſes.

5 When, where, and of whom, toll for horſes ſhall be taken in a Fair or Market. 2 & 3 P. & M. 7.

A ſtoln horſe.

6 How a ſtoln horſe muſt be uſed in a Fair or Market, to take away the owners property. 2 & 3 P. & M. 7.

A note of horſes ſold.

7 A note ſhall be taken by the chief Governour of a Fair or Market, of all horſes ſold there. 2 & 3 P. & M. 7.

The ſeller or a voucher known.

8 The ſeller of the horſe muſt be known to the toll-taker of a Fair or Market, or elſe a credible perſon avouching the knowledge of the ſaid ſeller. 31 El. 12.

A note of the ſellers name.

9 The toll-taker of a Fair or Market ſhall deliver to the buyer of a horſe, a note in writing, of the names of the ſeller, voucher, &c. requiring and paying two pence for the ſame. 31 El. 12.

Redeeming a ſtoln horſe.

10 The owner may redeem his ſtoln horſe within ſix months, paying the price for which it was ſold in a Fair or Market. 31 El. 12.

A Seal for a Fair.

11 The King ſhall provide a Seal for every Fair. 13 Ed. 1. Stat. *de Mercatoribus*.

Church-yards.

12 Fairs and Markets ſhall not be kept in Church-yards, for the honour of the Church. 13 Ed. 1. 6. Stat. *Wincheſter*.

Londoners wares.

13 Londoners may carry their wares to any Fair or Market. 3 H. 7. 9.

Buying of cattel.

14 Who onely may buy cattel in open Fairs or Markets, and who elſewhere. 3 Ed. 6. 19.

Searchers of leather.

15 Lords of Fairs and Markets ſhall appoint ſearchers and ſealers of leather there. 1 Jac. 22.

Stoln cattel in Wales.

16 The ſale of any ſtoln cattel in any Fair or Market in *Wales*, ſhall not alter the property. 34 H. 8. 26.

1 *Faculties*. See *Diſpenſations*.
1 *Falſifying of Recoveries*. See *Recoveries, &c.*

Falſe Judgment.

None but the King.

1 NOne but the King ſhall hold plea in his Court of falſe Judgment. 52 H. 3. 20.

Trial of an avertment.

2 How a trial ſhall be made of avertment in a Writ of falſe Judgment. 1 Ed. 3. 4.

Farms.

The Iſle of Wight.

1 HOw many Farms one may take in the Iſle of Wight: and of what yearly value. 4 H. 7. 16.

Two Farms.

2 The penalty of taking two Farms, whereunto Lands do belong. 25 H. 8. 13.

Lands ſeiſed upon an Enqueſt.

3 When lands ſeiſed into the Kings hands upon an enqueſt taken before an Eſcheator, may be let to farm: and to whom. 30 Ed. 3. 13. 8 H. 6. 16. 18 H. 6. 6. 1 H. 8. 10.

The Sheriff.

4 The Sheriff ſhall not let to farm his County, Bailiwicks, Hundreds, and Wapentakes. 4 H. 4. 5. 13 H. 10.

Eccleſiaſtical perſons.

5 Eccleſiaſtical perſons, beneficed with cure, ſhall not take any Farms. 21 H. 8. 13.

1 *Faſting days*. See *Holy days and Faſting days*.
1 *Fees*.

Fees and Duties.

Ale-houſe.

1 THe Fee for accepting a Recogniſance of him that ſhall be allowed to keep a common Ale-houſe or tipling-houſe. 5 & 6 Ed. 6. 25.

Atturnies duties.

2 What is requiſite to be done by an Atturney, Sollicitor, or Servant, to have his Fee allowed unto him by his Client. 3 Jac. 7.

Auditors fees for enrolment, &c.

3 The Fees of the Kings Auditors and their Clerks for inrolling of, &c. and the penalty if they take more. 33 H. 8. 39.

Receivers.

4 The penalty of any of the Kings Receivers, that ſhall take more then his Fee for the paiment of any annuity, penſion or rent. 33 H. 8. 39. 7 Ed. 6. 1.

5 The

Licences for Drovers. 5 The Fees for Licences granted, and Recogniſances taken of Badgers, Laders, Kidders, Carriers and Drovers. 5 El. 12. 13 El. 25.

Watermen. 6 The duty and fare of a Waterman tranſporting any perſon from one place to another upon the River of Thames, betwixt Graveſend and Windſor, and the penalty if they take more. 2 & 3 P. & M. 16.

Chirographers. 7 The Chirographer of the Common place, his Fee for a Fine levied in the ſame Court, and the penalty if he take more. 2 H.4.8. 13 Ed.1.44.

Enrollment of Writs. 8 The Fee for inrolling of Writs in the Common place, whereupon Fines be levied. 5 H. 4. 14.

Citation. 9 The Fee for any perſon having ſpiritual juriſdiction for the ſale of a Citation, and the penalty if he do take any more. 23 H. 8.9.

Clerks of the Signet and Privy Seal. 10 The ſeveral Fees of the Clerks of the Privy Signet, and Privy Seal, for writing ſuch things as come to them by warrant, and the penalty if they take more. 27 H. 8. 11.

Corporations. 11 The Fees that the Maſters and Wardens of Fellowſhips ſhall take of Apprentices and Free-men which enter into their ſociety, and the penalty if they take more. 22 H. 8. 4. 28 H. 6.5.

Coroner. 12 In what caſe a Coroner ſhall have a Fee upon the inquiry and view of any perſon ſlain, or dead, by miſadventure, and what not. 3 Ed.1.10. 1 H.8.7. 3 H.7.1.

Gauging. 13 What Fees ſhall be taken for the gauging of veſſels brought from beyond the Seas, wherein Ale or Beer ſhall be put. 31 El.8.

Diſpenſations, faculties. 14 The ſeveral Fees of diſpenſations, faculties, licences, &c. granted in ſeveral caſes, and the penalty of him which doth exact more of the ſuitor. 25 H. 8. 21. 1 El. 1.

Aulnager. 15 The Aulnagers Fee for ſealing of cloth. 27 Ed.3. 4. 8 El. 12.

Firſt-fruits. 16 The Fee for any writing obligatory for the payment of firſt-fruits, and for any acquittance for the receit thereof. 26 H.8.3.

17 An Eſcheators Fee upon finding of an Office where the land exceedeth not above five pounds by year. 33 H. 8. 22.

Eſcheators. 18 An Eſcheator ſhall have no Fee, nor commit any Waſtes in any Wards lands. 28 Ed. 1. 18. 36 Ed.3.13.

The Biſhop of Durhams Fee. 19 Upon a Writ of Proclamation awarded againſt any perſon dwelling within the Biſhoprick of Durham, and the mandate thereupon to be made, and the execution thereof, there ſhall be but one only Fee taken. 31 El. 9.

Licence to ſhoot in a gun. 20 The Fee of the Clerk of the Peace for a Licence and Recogniſance taken for ſhooting in a gun for Hawksmeat. 1 Jac. 27.

Inrollment of fines. 21 The Fees for the inrollments of fines and recoveries, and for the exemplifications thereof, and for the ſearch and copy thereof. 23 El. 3.

Chirographer. 22 The Chirographers Fee for a table containing the content of every fine. 23 El. 3.

Exemplifications in Wales. 23 Fees for the inrollments and exemplifications, &c. of Fines and Recoveries in the twelve Shires of Wales, Haverfordweſt, and the Counties Palatine. 27 El. 9.

Licence to eat fleſh. 24 A Curates Fee for entring of a Licence for any perſon to eat fleſh upon days prohibited. 5 El.5.

Inrollments of bargains and ſales. 25 The Fees of Juſtices of Peace, and the Clerk of the Peace, for taking acknowledgment of an inrollment of a bargain and ſale of lands. 27 H. 8. 16.

The Fees of the Juſtices and Clerks of the Peace. 26 The Fees and Wages which every Juſtice of Peace and Clerk of the Peace ſhall take by day during the time of their Seſſions. 12 R.2.10. 14 R.2.11.

The Juſtices Fee for Labourers. 27 The Fees which every Juſtice of Peace, Mayor, head Officer, &c. ſhall take for every day that he ſhall ſit in or about the execution of the Statute of Labourers. 5 El.4.

A teſtimonial for a ſervant. 28 The Fee of a Parſon, Vicar, or Curate, which doth write a Certificate or Teſtimonial of a Servant which doth lawfully depart from his Maſter. 5 El.4.

Searchers of leather. 29 The Fees which ſearchers and ſealers of tanned leather may take for the ſearching, ſealing, and regiſtring of the ſame. 1 Jac. 22.

Livery. 30 The Fees of a general Livery, as the lands be more or leſs in value. 33 H.8 22.

Curriers. 31 The Fee of the Warden of the Curriers for the ſearching and ſealing of curried leather, and the penalty if they do not ſearch and ſeal. 1 Jac. 22.

Marſhal. 32 The Fees of the Marſhal of the Kings houſe, and a Servitor of Bills in ſeveral cauſes, and for ſeveral reſpects. 2 H. 4. 23. 9 R. 2. 5.

Mortuaries. 33 The Fees and Duties of a Parſon, Vicar, Curate, &c. for Mortuaries of ſeveral perſons in ſeveral caſes. 21 H. 8.6.

Probate of Teſtaments. 34 The ſeveral Fees of the Ordinary and his Officers for the Probate of Teſtaments, and for the Commmiſſion of Adminiſtration in ſeveral caſes, and for the granting of copies thereof. 21 H. 8. 5.

Sewers. 35 The Fees for writing and ſealing of the Commiſſions of Sewers, and for the Writs of *Dedimus poteſtatem* to be ſued out for the ſame. 23 H.8.5. 3 Ed.6.8.

Sheriffs and their Officers. 36 The Sheriffs, Bayliffs, and Gaolers Fees for Arreſts, and for making a copy of a Pannel, and for the making of an Obligation, Warrant or Precept. 23 H. 6. 10.

Serving of an execution. 37 The Fees which any Sheriff may take for ſerving an execution, and the penalty if he take more. 29 El. 4.

Recogniſance of the nature of a ſtatute. 38 The Fees which the Juſtices and Clerk of the ſtatutes ſhall take for the acknowledgment, writing, and certifying of every Recogniſance taken in the nature of a ſtatute ſtaple, and the penalty if they take more. 23 H. 8. 6.

Search of a ſtatute merchant, or of the ſtaple. 39 The Fees which the Clerk of Recogniſances ſhall take for the ſearch of any ſtatute merchant, or of the ſtaple, and the penalty if he take more. 27 El. 4. 39 El.18.

Tyles. 40 The Fee which the ſearchers of Tyle ſhall have of every thouſand and hundred of Tyle ſearched; and the penalty if they omit their duty. 17 Ed. 4.4.

Writs in Wales. 41 The Fees for writing and ſealing of original Writs and Bills in Wales. 34 H.8.26.

Proceſs in Wales. 42 What Fees ſhall be paid for the ſealing of Proceſs and Exemplifications ſealed with the judicial ſeals in Wales. 34 H. 8. 26.

Pronotories in Wales. 43 The Fees which the four Pronotories of the twelve Shires in Wales ſhall take for the entring, writing and ingroſſing of ſeveral ſorts of Records. 34 H.8.29.

Warrants for the Peace in Wales. 44 The Fees which the Juſtice of Peace, and Clerk of the Peace, ſhall take in Wales, for the writing of any Warrant of the Peace, or good abearing, and for the entring of pledges, &c. 34 H. 8. 26.

Sheriffs in Wales. 45 The Sheriffs Fees in Wales upon ſeveral cauſes, and in ſeveral reſpects. 34 H.8. 26.

Officers in Wales. 46 All Officers Fees in the 12. Shires in Wales ſhall be rated by the Preſident, Councel, and Juſtices in Wales, which be not made certain by ſtatute. 34 H.8.26.

Officers of Wards and Liveries. 47 What Fees the Maſter and Officers of the Court of Wards and Liveries ſhall take for Proceſs, Commiſſions, and recording of Appearance. 32 H. 8. 46. 33 H.8.22.

Weights and meaſures. 48 The Fees which Officers of Corporate Towns ſhall take for the ſigning and printing of weights and meaſures: and the penalty of the offendor. 11 H.7.4. 12 H. 7.5. 8 H. 6.5.

Felony.

Concealing a Felon. 1 THe penalty of any perſon which doth not purſue, nor attach, or conceal a Felon. 3 Ed. 1. 9.

Suſpected perſons. 2 How perſons ſuſpected for Felony ſhall be uſed by Officers. 3 Ed.1.9.

Notorious Felons. 3 The puniſhment of notorious Felons, which do refuſe lawful trial. 3 Ed. 1. 12.

A Foreſter. 4 The keeper of a Foreſt, Park, or Warren, may kill him which cometh into his charge to do hurt, and will not yield. 21 Ed.1.

Killing a Felon. 5 He that killeth a Felon that attempteth to rob him, ſhall forfeit nothing. 24 H.8.5.

Reſtitution. 6 The Juſtices may award a Writ of Reſtitution of ſtoln goods, upon the attainder of the Felon. 21 H. 8. 11.

Felons goods. 7 The King ſhall have the goods of Felons, & *Annum diem & vaſtum*, in their lands. 9 H. 3. 22. 17 Ed. 2.16.

Remanding of a Felon. 8 The Juſtices of the Kings Bench may remand any Felon, and his Indictment to be tryed in the Countrey. 6 H. 8.6.

No ſeiſure until attainder. 9 The goods of him that is impriſoned for Felony, ſhall not be ſeiſed until he be attainted. 1 R.3.3.

Indicted in another County. 10 What means may be uſed for the apprehenſion of Felons in one County, which be indicted in another. 5 Ed. 3.11. 8 H. 6.10.

A Souldier. 11 Felony in a Souldier, which going to ſerve a foreign Prince, doth not take the oath of obedience, or enter into bond according to the ſtatute. 3 Jac.4.

Sheep. 12 Felony in him, who the ſecond time doth ſend or receive ſheep alive into a ſhip, to be conveyed out of the Realm. 8 El. 3.

Plague. 13 Felony for any perſon, having an infectious plague ſore upon him, to go abroad, being commanded to the contrary. 1 Jac.31.

Second marriage. 14 Felony to marry a ſecond husband or wife, the firſt being alive. 1 Jac. 31.

Recuſant. 15 Felony in a Recuſant, who (being commanded) doth refuſe to abjure the Realm, doth not depart, or return without licence. 35 El. 1 & 2.

Conjuration. 16 Felony in practiſing conjuration, witchcraft, inchantment, charm, or ſorcery. 1 Jac. 12.

A Servant. 17 Felony in a Servant who doth imbezel his maſters goods after his death, and doth not appear to anſwer it, when he ſhall be demanded. 33 H. 6. 1.

Egyptian. 18 Felony in one calling himſelf an Egyptian, to continue in England or Wales a moneth. 1 & 2 P. & M. 4. 5 El. 20.

The Kings ſervants. 19 Felony in any of the Kings ſervants ſworn, to conſpire to deſtroy the King, any Lord, or other of the Councel. 3 H.7.14.

Rape. 20 Felony to raviſh any woman, and carnally to know any woman child under the age of ten years. 13 Ed. 1. 34. 18 El. 7.

Breaking of priſon. 21 Felony for any perſon to break priſon, being therein for felony. 1 Ed. 2.

A Gaoler. 22 Felony for a Gaoler to make a priſoner in his Ward to become an approver. 14 Ed. 3. 10.

Forcible taking of a woman. 23 Felony to take away any maid, widow, or wife, having lands, or goods, againſt her will. And to receive any ſo taken. 3 H. 7. 2.

Imbezilling of a Record. 24 Felony for a Clerk, or any other perſon, to ſteal or take away any Record, &c. whereby a judgment ſhall be reverſed. 8 H. 6. 12.

A Hawk. 25 Felony to take up an Hawk, and not to bring it to the Sheriff. 34 Ed. 3. 22. 37 Ed. 3. 19.

Souldier or Mariner. 26 Felony for him, who is entred of record a Souldier, Mariner, or Gunner, not to come unto, or to depart from his Captain. 18 H. 6. 19. 2 *Ed.* 2. 4 and 5 P. and M. 3. 5 *El.* 5.

Hunting. 27 Felony to hunt in any Foreſt, Park, or Warren, or with painted faces, and being examined, to conceal the offence or offenders. 1 H. 7. 7.

Maſons: 28 Felony in Maſons to make congregations or aſſemblies. 3 H. 6 1.

Tongues, eyes. 29 Felony in cutting out the tongues, or putting out the eyes of any of the Kings people maliciouſly. 5 H. 4. 5.

Multiplication. 30 Felony to practiſe multiplying of gold or ſilver. 5 H. 4. 4.

Forging. 31 Felony in forgiving of evidences, being once convicted thereof before. 5 *El.* 14.

A Jeſuite. 32 Felony in receiving, relieving, or comforting any Jeſuit, Prieſt, &c. born within this Realm. 27 *El.* 2.

Impriſonment. 33 Felony to take any perſon out of Cumberland, Weſtmerland, Northumberland, Durham, &c. to impriſon him, or carry him elſewhere. 43 *El.* 13.

Ordnance. 34 Felony for imbezilling the Kings ordnance, armour, or victuals to the value of 20. s. 31 *El.* 4.

A Rogue. 35 Felony in a rogue being baniſhed by the Juſtices of Peace, to return again without licence. 39 *El.* 4. 1 Jac. 7.

Wandring ſouldier. 36 Felony in a wandring ſouldier, or mariner, abuſing himſelf contrary to the ſtatute in that caſe provided. 39 El. 17.

Poyſoning. 37 Felony by poyſoning of any perſon. 1 Ed. 6. 12.

Buggery. 38 Felony in committing buggery with mankind, or beaſt. 25 H. 8. 6. 5 El. 17.

A ſervant. 39 Felony in a ſervant to go away with any of his maſters goods, to the value of 40. s. to the intent to ſteal it. 21 H. 8. 7. 5 El. 10.

Powdike. 40 Felony in any perſon to cut down any part of Powdike in Marſhland. 22 H. 8. 11. 2 & 3 P. & M. 19.

Robbery. 41 Felony by taking of beaſts in a Park, by manner of robbery. 3 Ed. 1. 20.

Purveyors. 42 Several caſes wherein a Purveyor for the Kings houſe may commit Felony. 28 Ed. 1. 2. 20 R. 2. 5. 25 Ed. 3. 15. 5 Ed. 3. 2. 10 Ed. 3. 1. 27 Ed. 3. 2. 36 Ed. 3. 2.

Fens.

1 THe great Level of the Fens, called Bedford Level, how to be bounded and drained, and the ſeveral officers, intereſts and concernments there. 15 Car. 2. 17.

2 The draining of the Fens called Deeping Fens, and other Fens. 16 & 17 Car. 2. 11.

3 The Lands of the Adventurers within the great Level of the Fens, how to be taxed and aſſeſſed. 20 Car. 2. 8.

Feſants, Partridges, Hares.

Taking by ſnares. 1 THe penalty for taking of Feſants, or Partridges by ſnares upon another mans ground without his conſent. 11 H. 7. 17.

Taking in the night. 2 The penalty for taking or deſtroying any Feſants or Partridges, with any device in the night. 23 El. 10.

A Lords licence. 3 A proviſion where the Lord doth diſpenſe with the forfeiture, or give licence to offend. 23 El. 10.

Amongſt codded corn. 4 The penalty for hawking or hunting with ſpaniels in the ground of another, wherein eared or codded corn doth grow. 23 El. 10.

Deſtroying of game. 5 The penalty for taking or deſtroying of any Feſant, Partridge, and divers other fowls, or any Hare, or the taking of any the eggs of them, or for the tracing, or courſing of any Hare in the ſnow, or with Hare-pipes. 1 Jac. 27.

Keeping of dogs 6 The penalty for keeping of any greyhounds for courſing of Deer, or Hare, ſetting-dogs, or nets, to take Feſants or Partridges. 1 Jac. 27.

Buying or ſelling of game. 7 The penalty for ſelling, or buying to ſell again, any Deer, Hare, Partridge, or Feſant. 1 Jac. 27.

Times of hawking. 8 The penalty for killing any Feſant or Partridge by hawking, between the firſt day of *July*, and the laſt of *Auguſt*. 7 Jac. 11.

Who be diſpenſed with. 9 Who may take Feſants and Partridges, where, and when. 7 Jac. 11.

Setting-dogs, nets, or ſnares. 10 A further penalty for taking any Feſants, or Partridges with any ſetting-doggs, nets, or ſnares. 7 Jac. 11.

Searching of ſuſpected perſons. 11 Certain officers may ſearch the houſes of ſuch perſons as be ſuſpected to offend in taking of Feſants or Partridges. 7 Jac. 11.

Fealty. See *Homage and Fealty.*

Fighting and Quarrelling.

The Kings Palace. 1 THe penalty of him which draweth blood within the Kings Palace. 33 H. 8. 12.

Church. 2 The penalty for chiding in a Church, or Church-yard. 5 Ed. 6. 4.

Smiting in a Church. 3 The penalty for ſmiting in a Church, or Church-yard. 5 Ed. 6. 4.

Drawing a weapon. 4 The penalty for drawing a weapon, or ſmiting therewith in a Church or Church-yard. 5 Ed. 6. 4.

Aſſaulting a Parliament man. 5 The forfeiture for making an aſſault upon any that cometh to the Parliament, or the Kings Councel, or any ſervant of theirs. 11 H. 6. 11. 5 H. 4. 6. 8 H. 6. 1..

Fifteens and Taxes.

Forreiners goods. THe goods of forreiners ſhall be chargeable to the payment of the Fifteen, where they be at the time of the grant thereof. 9 H. 4. 7. 1 Ed. 3. 6.

Fines levied of Lands.

Perſonal appearance. 1 THe Cogniſer in a fine ſhall come perſonally before the Juſtices. 15 Ed. 2. Carliel.

Dedimus poteſtatem. 2 A fine may be taken by *Dedimus poteſtatem.* 15 Ed. 2. Carliel.

An original Writ. 3 A fine cannot be levied without an original Writ. 18 Ed. 1. Stat. *de finibus.*

A woman covert. 4 If a fine be levied by a woman covert, ſhe ſhall be examined by the Juſtices. 18 Ed. 1.

Proclamation. 5 A fine ſhall be proclaimed in the term wherein it is levied, and three terms following. 1 R. 3. 7. 4 H. 7. 24. 31 El. 2.

Concluſion. 6 Who ſhall be concluded by the ſaid fine and proclamations, and who not. 1 R. 3. 7. 4 H. 7. 24.

A ſtrangers tide. 7 Every ſtrangers right ſaved, which he preſently hath, ſo that he purſue it within five years. 1 R. 3. 7. 4 H. 7. 24..

A future right. 8 In what ſort the right of ſtrangers is ſaved, which ſhall come to them after. 1 R. 3. 7. 4 H. 7. 24.

Imperfections ſaved. 9 The right of infants, women covert, perſons impriſoned, out of this land, and not of whole mind, ſaved, ſo that they purſue it within five years. 1 R. 3. 7. 4 H. 7. 24.

Nothing in the land. 10 An exception to a fine, that the parties to the ſame had nothing in the land. 4 H. 7. 24.

At the common Law. 11 Fines at the common law ſhall be of the ſame force the were before. 4 H. 7. 24. 1 R. 3. 7.

Adjournmentss. 12 Fines ſhall be of force, though Proclamations be not made by the adjournment of any term. 1 M. 7.

Lancaſter. 13 The force of fines levied and proclaimed before the Juſtices of Aſſiſe at Lancaſter, of lands in the County Palatine of Lancaſter. 37 H. 8. 19.

Durham. 14 The force of fines levied before the Juſtices of Aſſiſe at Durham, of lands lying within the County Palatine of Durham. 5 El. 27.

Cheſter. 15 The force of fines levied before the high Juſtice of Cheſter, of lands in Cheſhire. 2 Ed. 6. 28.

The City of Cheſter. 16 The force of fines levied within the County of the City of Cheſter. 43 El. 15.

Dedimus poteſtatem, in Cheſter. 17 The Mayor of the City of Cheſter may award a *Dedimus poteſtatem* to receive in fine of lands in the ſame City. 43 El. 15.

Errour in Cheſter. 18 A fine levied erroneouſly, of lands in Cheſter, may be reverſed before the high Juſtice of Cheſter. 43 El. 15.

Tenant in tail. 19 A fine levied by tenant in tail, ſhall be a bar to the heirs of his body. 32 H. 8. 36.

A womans fine. 20 Fines levied by the wife or her deceaſed husbands lands, ſhall not bar the heir of his entry or title. 32 H. 8. 36.

Parliament. 21 The force of a fine levied by him that is reſtrained by Parliament. 32 H. 8. 36.

The King in reverſion. 22 The force of a fine levied of lands, whereof the King is in reverſion. 32 H. 8. 36.

The demandant ſeiſed. 23 There ſhall be no exception to a fine by the parties to the ſame, that the demandants were always ſeiſed of the land, &c. 27 Ed. 1. 1.

Inrollment. 24 Fines and recoveries may be inrolled, and every Writ whereupon they be grounded. 27 El. 9.

Errour. 25 For what errours fines and recoveries are not reverſible. 23 El. 3.

26 What perſons may have writs of errour to reverſe fines or recoveries, and in what caſes. 23 El. 3.

The heirs remedy. 27 A remedy for the heir where the anceſtor ſueth a

Writ of errour to reverſe a fine or recovery, and dieth hanging the ſuit. 23 El. 3.

The day and year of the acknowledgement.

28 The day and year of the knowledge of a fine, or warrant of Atturney ſhall be certified by thoſe that take them. 23 El. 3.

Atturnment.

29 Upon an Atturnment the party muſt appear in Court, in perſon, or by Atturney warranted by the hands of a Juſtice, &c. 23 Ed. 3.

The office of inrollments.

30 There ſhall be an Officer of inrollments, and the fees for inrollment, and examination of fines and recoveries, and of exemplifications, returns, ſearches, and copies of them. 23 *El.* 3.

A table of fines.

31 A table containing the content of every fine, ſhall be ſet up in the common place, and at the general Aſſiſes of the County where the land doth lie. 23 *El.* 3. 1 *R.* 3.7.

Earl of Kent.

32 The Statute of 23 *El.* 3. ſhall not extend to take away any Writ of Errour that *George* Earl of Kent may purſue.

Amendment.

33 There ſhall be no amendment of fines or recoveries exemplified. 23 *El.* 3.

Inrollment in Wales, &c.

34 There may be inrollment of fines and recoveries acknowledged and ſuffered in the twelve Shires of Wales, Haverfordweſt, Cheſter, Lancaſter and Dureſme, and of every Writ whereupon they be grounded. 27 *El.* 9.

Errour in Wales

35 For what errours fines and recoveries levied or ſuffered of lands in Wales, &c. are not reverſible. 27 *El.* 9.

Reverſal in Wales.

36 What perſons may have Writs of errour to reverſe fines or recoveries of lands in Wales, &c. and in what caſes. 27 *El.* 9.

The heirs remedy in Wales.

37 A remedy for the heir where the Anceſtor ſueth a Writ of errour to reverſe a fine or recovery of lands in Wales, &c. and dyeth hanging the ſuit. 27 *El.* 19.

Day and year certified.

38 The day and year of the knowledge of a fine or warrant of Atturney of lands in Wales, &c. ſhall be certified by thoſe that take them. 27 *El.* 9.

Atturnment in Wales.

39 Upon an atturnment in Wales, &c. the party muſt appear in Court, or by Atturney warranted by the hands of a Juſtice. 27 *El.* 9.

Office of inrollment in Wales, &c.

40 There ſhall be an office of inrollments in every of the twelve Shires in Wales, &c. Haverfordweſt, and Counties Palatine: The fees of inrollments, examinations, exemplifications, &c. 27 *El.* 9.

Exemplification in Wales, &c.

41 The exemplification of any fine or recovery in Wales, &c. under the Judicial ſeal, ſhall be of as good force as the original record. 27 *El.* 9.

No amendment in Wales, &c.

42 There ſhall be no amendment of a fine or recovery levied, or ſuffered in Wales, &c. after the exemplification thereof. 27 *El.* 9.

L. *Powes* Earl of Kent.

43 The Statute of 27 *El.* 9. ſhall not prejudice the heirs of the L. *Powes*, the Earl of Kent, &c.

Eccleſiaſtical profit.

44 Writs of Covenant, and all other Writs may be ſued for fines to be levied, of any Eccleſiaſtical profit. 32 H. 8.7.

The fee.

45 The fee of the Chirographer of the common place for a fine levied. 2 H.4.8. 13 *Ed.* 1.44.

Fee for a table.

46 The Chirographers fee, for a table, containing the content of every fine. 23 *El.* 3.

Inrollment of Writs.

47 Writs ſhall be inrolled in the common place: thereupon fines ſhall be levied. 5 H.4.14.

Fines in Wales.

48 Fines ſhall be levied, proclamations made, and the Kings ſilver paid, in Wales, in ſuch ſort as is uſed in the common place in England. 34 H.8.26.

49 Fines, recoveries, &c. confirmed. 12 Car. 2. 12.

Fines for miſdemeanours. See *Amerciaments.*

Fiſh, Fiſhers, and Fiſhing.

Deſtroying.

1 THe penalty for taking, or deſtroying of Salmons, Lampreys, or any other fiſh at unſeaſonable times. 13 *Ed.* 1.47. 13 R. 2.19.

Conſervators of the Statutes.

2 The Juſtices of Peace ſhall be conſervators of the foreſaid two Statutes, and the Mayor of London, in the River of Thames and Medway. 17 R.2.9.

Travelling for fiſh.

3 The forfeiture of an Officer of the Admiralty, which ſhall exact any thing of them which travel for fiſh. 2 Ed. 6.6.

Unſeaſonable.

4 The forfeiture for taking the ſpawn of fiſh, or for taking of Salmons, or Trouts, not ſeaſonable. 1 *El.* 17.

The maſh of nets.

5 The length of fiſh which may be taken. And of what maſh each net ought to be. 1 *El.* 17.

Fiſhing in others waters.

6 The penalty for deſtroying another mans pond or pool, or for fiſhing therein. 5 *El.* 21.

Salmon.

7 How Salmons ſhall be packed, and the contents of the veſſels. 22 *Ed.* 4.2. 11 H. 7.23.

Herrings.

8 How herring ſhall be packed, and the contents of the veſſels. 22 *Ed.* 4.2. 11 H. 7.23. 13 *El.* 11.

Eeles.

9 How Eeles ſhall be packed, and the contents of the veſſels. 22 *Ed.* 4.2.

Barrelled fiſh.

10 How barrelled fiſh ſhall be packed, and how otherwiſe it ſhall be uſed. 4.2. 11 H.7.23.

Fees for ſearching and packing.

11 What every gauger and packer ſhall take, for ſearching and packing of fiſh. 11 H.7.23.

Herrings.

12 What Herrings may be bought of ſtrangers, or out of ſtrangers bottoms. 5 El. 1 Jac. 25.

Cod and Ling.

13 Cod and Ling ſhall be brought into the Realm, looſe, and not in casks. 5 El. 5.

Drying.

14 Fiſh brought in by ſtrangers ſhall not be dryed in England, to be ſold. 13 El. 11.

Herri

15 Where Herrings may be bought and ſold upon the ſea: and at what time of the day. 31 Ed. 3.1.

Tranſporting.

16 Which of the kings ſubjects may tranſport fiſh, and in what veſſels, and upon what conditions. 39 El. 10.

Aliens cuſtoms.

17 What cuſtoms aliens ſhall pay for fiſh brought into this Realm. 39 El. 10.

Unwholſom.

18 The penalty for bringing into this Realm unwholeſom fiſh to be ſold. 39 El. 10.

Ordinances.

19 No ordinance made or to be made ſhall extend to reſtrain the ſelling of ſalted fiſh that is wholſom. 39 El. 10. 43 *El.* 9. 1 *Jac.* 25.

Watching for fiſh.

20 Watchmen, Balkers, Huers, &c. in the Counties of Somerſet, Cornwall, and Devon, may go into any perſons lands adjoyning to fiſhing places, to watch for fiſh, and carry it on ſhore. 1 Jac. 23.

Wears and unlawful fiſhing.

21 The forfeiture of ſuch perſons as ſhall ſet up any new weare along the Sea-ſhore, or within five miles thereof, or ſhall deſtroy the frie of fiſh, or ſhall fiſh with any draw-net under three inches maſh. 3 Jac. 12.

Tranſportation without licence.

22 In what caſe herring, or other ſea-fiſh, may be tranſported without licence or cuſtom. 1 & 2 P. & M. 5. 5 El. 5. 13 El. 11.

Prices.

23 No price ſhall be ſet, or toll taken of fiſh taken by Engliſhmens ſhips. 33 H.8.33. 5 El. 5.

Ankering.

24 No fiſherman ſhall anker upon the main ſea in the time of common fiſhing. 13 El. 11.

Purveyance.

25 No purveyor ſhall take any fiſh from him that taketh in any Engliſhmans ſhip. 5 El. 5. 1 Jac. 25.

Buying of Engines.

26 Who onely may buy engines to fiſh in Norfolk. 31 Ed. 3.2.

27 How and what times fiſhing for Pilchards and Fumathoes in Cornwall and Devon. 14 Car. 2.28.

28 Encouragement of Fiſheries. 15 Car. 2.7.

29 Certain duties to be paid upon ſalted and dried fiſh. 15 Car. 2.7.

30 The regulation of Herring, and other fiſheries. 15 Car. 2.16.

Fiſh-days.

Eating fleſh.

1 THe forfeitures of him that eateth fleſh upon fiſh-days, and of him in whoſe houſe it is eaten. 5 El. 5. 35 El. 7.

Licence.

2 Who may give licence, aud who may have licence to eat fleſh upon fiſh-days, and for what cauſe. 5 El. 5.

Licence of no value.

3 Certain meats which no licence ſhall extend to the eating of. 5 El. 5.

One diſh of fiſh.

4 Such as have licence to eat fleſh upon fiſh-days, muſt have one diſh of ſea-fiſh. 5 *El.* 5. 1 Jac. 25.

Flax. See *Hemp and Flax.*

Force and forcible entries.

The puniſhment for force.

1 THe puniſhment of him that maketh any forcible entry. 5 R.2.7.

Unlawful entry, or detaining.

2 The penalty for forcible entry into lands, or for forcible detaining of them. 15 R.2.2. 8 H.6.9.

Maintenance.

3 An alienation of lands holden by force to have maintenance, ſhall be void. 8 H.6.9. 1 R.2.9.

Three years poſſeſſion.

4 In what caſes they that have had three years poſſeſſion of any lands, may hold them with force. 8 H. 6. 9. 31 *El.* 11.

Removing of force.

5 Every perſon ſhall be aſſiſtant to remove force. 15 R. 2.2.

Diſſeiſor with force.

6 In what caſes a ſpecial Aſſiſe is maintainable againſt a diſſeiſor with force. 4 H. 4.8.

Jurors ſufficiency.

7 Of what ſufficiency thoſe Jurors muſt be which ſhall be returned to enquire of forcible entries. 8 H. 6.9.

Deſcent ſhall not prejudice.

8 No deſcent after a forcible diſſeiſon, ſhall take away any mans entry. 32 H.8. 33.

Where no force ſhall be.

9 In what caſes, in what places, and by what perſons, force and arms may not be uſed. 2 *Ed.* 3.3. 7 *Ed.* 2.13. 12 *R.* 2.6. 20 *R.* 2.1.

Proceſs.

10 What proceſs ſhall be had in an action upon the Statute of forcible entry. 5 *R.* 2.7.

Eſtates for years, &c.

11 Reſtitution of poſſeſſion ſhall be given upon forcible entries in eſtates for years, &c. 21 Jac. 15.

Forreſts, Chaſes, Parks, Warrens.

Killing of Deer. 1 THe puniſhment of him which killeth the Kings, or any other mans Deer. 9 H. 3. 10. 1 H. 7. 7.

Preſentment. 2 By whom, and in what ſort, any treſpaſs done within the Kings Foreſt of Vert or Veniſon, ſhall be preſented. 9 H. 3. 16. 1 Ed. 3. 8. 7 R. 2. 4.

Swanimotes. 3 How many Swanimotes ſhall be holden in a Foreſt, and who ſhall be preſent thereat. 9 H. 3. 8.

Treſpaſs in Parks, &c. 4 The puniſhment of them who commit treſpaſſes in Parks or Ponds. 3 Ed. 1. 20.

An offenders puniſhment. 5 In what caſes a Foreſter, Parker or Warrenner may kill him that he findeth offending within his Bailiwick. 21 Ed. 1.

A Nobleman. 6 In what caſe a Nobleman may hunt and kill the Kings Deer. 9 H. 3. 11.

Lawing of Dogs. 7 In what caſe Dogs ſhall be lawed in or near a Foreſt, and how dogs ſhall be uſed in the lawing. 9 H. 3. 6.

Range. 8 Rangers ſhall make their Range in Foreſts as hath been accuſtomed. 9 H. 3. 5.

A Juries verdict. 9 The Juries in a Foreſt ſhall give their verdict where they received their charges. 7 R. 2. 3.

Strangers. 10 In what caſes onely they that remain without the Foreſt, ſhall come before the Juſtices of the Foreſt by common Summons. 9 H. 3. 2.

Juſtices of the Foreſt. 11 Every Juſtice of the Foreſt may make Deputies. 32 H. 8. 35.

Unlawful hunting. 12 The puniſhment for unlawful breaking a Park, or Warren, or for hunting Deer or Conies. 3 Jac. 13. 7 Jac. 13.

Shooting at, or hunting Deer. 13 Who may ſhoot with Gun or Bow at Deer or Conies, and who may keep Hays, Purſenets, or Ferrets, and who not. 3 Jac. 13.

Woods. 14 How each perſon may uſe his Woods, Grounds, and other things which he hath within the Foreſt. 1 Ed. 3. 2. 9 H. 3. 4, 9, 12, 13. 22 Ed. 4. 7.

Officers. 15 Officers of Foreſts ſhall not be ſworn in Enqueſts taken out of the Foreſts. 34 Ed. 1. 3.

Buckſtails. 16 A man having no Park of his own, ſhall not keep any Buckſtalls or Deer Hays, nor uſe ſtalking. 19 H. 7. 11.

Preſerving of Woods. 17 How long Woods felled in a Park or Ground encloſed for Deer ſhall be preſerved from cattel. 35 H. 8. 17.

Horſes. 18 He that hath a Park and Deer therein, ſhall be charged to keep certain horſes. 27 H. 8. 6.

Drifts of Foreſts. 19 Where drifts ſhall be made of Foreſts and Chaſes, when, and by whom. 32 H. 8 13.

High ways. 20 In what caſe a high way in or by a Foreſt or Chaſe ſhall be enlarged. 1 Ed. 1. 5.

Metes and Bounds. 21 What ſhall be the Metes and Bounds of Foreſts. 17 Car. 1. 16.

Juſtice ſeat, Swanimote. 22 No place where no Juſtice ſeat, Swanimote, Court or Attachment, &c. hath been within 60 years ſhall be accompted Foreſt. 17 Car. 1. 16.

Grounds deafforeſted. 23 Grounds deafforeſted ſhall be excluded. 17 Car. 1. 16.

Forfeitures.

A robber or murderer. 1 THere ſhall be no forfeiture for killing of him which attempteth to rob or murther in the High-way, or a dwelling houſe. 24 H. 8. 5.

Service done to the King. 2 No perſon ſhall forfeit any thing for ſervice done to the King *in eſſe*. 11 H. 7. 1.

Dead perſons not attainted. 3 There ſhall be no forfeitures for treaſons of dead perſons not attainted nor adjudged in their lives, by their heirs or land tenants. 34 Ed. 3. 12.

For Treaſon. 4 An offendor convicted of high treaſon ſhall forfeit all ſuch lands which he hath of inheritance. 5 Ed. 6. 11.

Wife or heir not prejudiced. 5 In what caſes the wife ſhall not forfeit her Dower, neither ſhall there be any corruption of bloud to the heir, though the husband be convicted of treaſon or felony. 5 El. 1. 5 El. 11. 18 El. 1. 5 El. 14.

Unlawful contract. 6 In what caſe a woman ſhall forfeit her land for making an unlawful contract of Matrimony. 4 & 5 P. & M. 8.

Rape. 7 In what caſes there ſhall be forfeiture of land of the man or womans part for committing or conſenting to Rape. 6 R. 2. 6.

Who ſhall have forfeitures. 8 Who ſhall have the forfeitures of all felons goods and lands condemned. 17 Ed. 2. 16. 9 H. 3. 22.

Biſhops tenant. 9 The King ſhall have the forfeiture of a Biſhops Tenant attainted during the vacation. 17 Ed. 2. 14.

None before conviction. 10 No perſon arreſted and impriſoned ſhall forfeit his goods before he be convicted. 1 R. 3. 3.

Forging of Deeds and Writings.

Troubling of freehold. 1 THe penalty for forging of any Deed, whereby anothers freehold ſhall be troubled. 5 El. 14.

A Leaſe or Annuity claimed. 2 The penalty for forging a Deed, whereby a Leaſe or Annuity may be claimed. 5 El. 14.

Obligation, Acquittance, &c. 3 The penalty for forging an Obligation, Acquittance, Releaſe, &c. and for giving in evidence a forged Deed. 5 El. 14.

Felony. 4 The puniſhment for the ſecond offence of forgery, ſhall be felony. 5 El. 14.

Before the Statute. 5 The penalty for forging a Deed, or pleading a forged Deed made before the Statute. 5 El. 14.

Offendors, and yet not chargeable. 6 What perſons, for what facts ſhall not be chargeable by force of this Statute. 5 El. 14.

Forged Teſtimonial. 7 A ſervant taken with a forged Teſtimonial ſhall be whipped as a vagabond. 5 El. 4.

Tokens or Letters. 8 The penalty for getting other mens goods by a counterfeit or forged token or letters. 33 H. 8. 1.

Foreſtallers, Ingroſſers, Regraters.

Puniſhment of offenders. 1 WHo ſhall be adjudged a Foreſtaller, Regrater, or Ingroſſer, and what ſhall be the puniſhment of them. 5 Ed. 6. 14.

Victuals brought in. 2 Certain victuals brought from beyond the Seas, to the which this Statute ſhall not extend. 13 El. 25. 5 El. 5. 1 Jac. 25.

Lawful regrating. 3 Divers things which certain perſons for certain cauſes may regrate or ingroſs. 5 Ed. 6. 14. 13 El. 25.

Butter and Cheeſe. 4 Who may regrate Butter and Cheeſe, and who not. 3 & 4 Ed. 6. 21.

Fat cattel. 5 The penalty for a Butcher to regrate any fat cattel alive. 3 & 4 Ed. 6. 19.

Buying and ſelling of cattel. 6 Who may buy cattel and ſell the ſame again alive, and within what time. 5 Ed. 6. 14.

Change of ſeed. 7 He which buyeth corn for the change of his ſeed, ſhall bring ſo much the ſame day to the market. 5 Ed. 6. 14.

Tanned Leather. 8 Who may ingroſs tanned Leather unwrought, and ſell the ſame again, and who not. 1 Jac. 22.

Fortreſſes. See *Caſtles*.

Franchiſes and Liberties.

Bailiffs. 1 EVery Statute provided for Sheriffs ſhall extend to Bailiffs of Liberties. 27 H. 8. 24.

The Kings Court. 2 Where the King cometh in perſon, his Courts for Juſtices ſhall be kept as well within Franchiſes as without. 27 H. 8. 24.

Returns of Writs. 3 Amerciaments for inſufficient returns of Writs ſhall be ſet upon the Bailiffs of Liberties. 27 H. 8. 24.

Purveyors. 4 The Kings Purveyor may provide any victuals as well within Franchiſes as without. 27 H. 8. 24. Saving in certain caſes. 5 El. 5.

Pardoning of felons, or appointing of Juſtices. 5 No perſon hath franchiſe or liberty to pardon felons, or appoint Juſtices, but the King onely. 27 H. 8. 24.

Forfeitures of Bailiffs. 6 The King ſhall have the Fines and Amerciaments, forfeited by Bailiffs and Stewards of Franchiſes. 27 H. 8. 24.

Searching of Leather. 7 Lords of Liberties ſhall appoint expert men to ſearch and ſeal Leather. 1 Jac. 22.

Default for arreſting of felons. 8 The King may ſeiſe a Franchiſe for default of purſuit or arreſting of felons. 3 Ed. 1. 9.

Days prohibited to ſell again. 9 The Lords of a Franchiſe where goods be ſhewed upon days prohibited, ſhall have the ſame. 27 H. 6. 5.

The Teſte of Writs. 10 In whoſe name all Writs, Indictments, and Proceſs, made within any liberty, and in whoſe name the Teſte of the ſame ſhall be awarded. 27 H. 8. 24.

Execution of Writs. 11 How Writs in Franchiſes ſhall be executed and returned. 13 Ed. 1. 39. 12 Ed. 2. 5. 1 Ed. 3. 5.

Enquiry of riots. 12 What perſons, and of what ſufficiency, ſhall be returned by Bailiffs of Franchiſes to enquire of riots. 2 H. 5. 8.

Arraying of Aſſiſes. 13 Within what time Bailiffs of Franchiſes ſhall array Aſſiſes, and deliver the Copies. 6 H. 6. 2. 42 Ed. 3. 11.

Delivery of cattel. 14 In what caſe the Sheriff ſhall make his Precept to a Bailiff of a Franchiſe to deliver cattel impounded, and in what he ſhall do it himſelf. 52 H. 3. 21. 3 Ed. 1. 17.

Fraudulent Aſſurances, Deeds, &c.

Avoiding of others duties. 1 FRaudulent Deeds to avoid other mens duties againſt them, ſhall be void. 2 R. 2. 3. 3 H. 7. 4. 13 El. 5.

Parties to fraud. 2 The forfeiture of parties to fraudulent Deeds which do juſtifie the ſame. 13 El. 5.

To defeat purchaſers. 3 Fraudulent conveyance to defraud Purchaſers againſt them ſhall be void. 27 El. 4.

Avowing of fraud. 4 The forfeiture of parties to fraudulent conveyances to avoid purchaſers, which do avow the ſame. 27 El. 4.

Condition of revocation. 5 Conveyances of land with condition of revocation, or alteration, ſhall againſt the purchaſers of the ſame land be void. 27 El. 4.

Aſſurance made *bona fide*. 6 The effect of conveyances made upon good conſideration, and *bona fide*, and of Mortgage. 27 El. 4.

7 Fraudulent Deeds made by an Eccleſiaſtical perſon

To avoid Dilapidation.

to defeat his Succeſſors of the remedy for Dilapidation ſhall be void. 13 El. 10.

Defrauding of Wardſhip, &c.

8 Fraudulent Conveyances to defeat the Lord of his Ward, Marriage, or Relief, ſhall be void. 52 H. 3. 6. 7. 34 H. 8. 5.

Abbey lands, &c.

9 Which ſhall be ſaid fraudulent Conveyances of the lands of an Abbey, Chauntry, Colledg, or free Chappel. 27 H. 8. 28. 31 H. 8. 13. 1 Ed. 6. 14.

Aſſurances to Corporations.

10 Collateral and fraudulent Aſſurances made to the uſe of any Church, Chappel, &c. ſhall be void. 23 H. 8. 10.

Recuſants.

11 Fraudulent Conveyances to defeat any perſon of any benefit that may riſe unto them by the Statute of Recuſants, ſhall be void. 13 El. 1.

Recording of Statutes.

12 Statutes Merchant and of the Staple ſhall be entred of Record, to detect fraud in them, if any be intended. 27 El. 4.

Freehold.

None compelled to anſwer.

1 NO man ſhall be compelled to anſwer for his Freehold before the Councel of any Lord, &c. 15 R. 2. 12. 16 R. 2. 2. 52 H. 3. 22.

No more ſervice then is due.

2 None ſhall be conſtrained to do more ſervice for a Knights fee, or his Freehold, then is due. 9 H. 3. 10.

Swearing a freeholder.

3 No man ſhall cauſe his Freeholder to ſwear againſt his will. 52 H. 3. 22.

Fuel.

The Aſſiſe of Wood.

1 THe Aſſiſe of Tall wood, Billet, Faggot, and Coales, to be made and put to ſale in London, or, &c. 7 Ed. 6. 7. 43 El. 14.

Forfeiture of offendors.

2 The penalty for ſelling of Tall wood, &c. Not of lawful Aſſiſe. 43 El. 14.

Who ſhall buy.

3 None ſhall buy Fuel but ſuch as will burn or retail the ſame. 7 Ed. 6. 7.

Making of Iron.

4 What Woods ſhall not be converted to Fuel for the making of Iron. 1 El. 15. 23 El. 5. 27 El. 19.

1 *Fullers, Earth.* See *Wooll, &c.*

Fuſtians.

Unlawful ſleights.

1 THe penalty for uſing of untrue ſleights upon Fuſtians. 11 H. 7. 27.

Searching.

2 Who may enter into the houſes of Fuſtian-makers, and make ſearch of their wares. 39 El. 13.

Of Naples.

3 Fuſtians of Naples, Ruſſel Sattins, &c. ſhall be made in Norwich. 1 and 2 P. and M. 14.

G

Gaoles, Gaolers, See *Priſons, Priſoners.*

Games. See *Playes and Games.*

Gardians.

PArents may appoint Gardians to their Children by their laſt Will and Teſtament. 12 Car. 2. 14.

Gold, Silver, and Goldſmiths.

Fineneſs.

1 OF what fineneſs ſilver ſhall be, being parted and fined. 4 H. 7. 2.

Allaying, or ſelling.

2 The forfeiture of him which doth allay Gold or Silver, or ſell it in other manner then it ought to be. 4 H. 7. 2.

Melting, or allaying.

3 For what onely purpoſes Silver may be melted or allayed. 4 H. 7. 2.

Harneis touched.

4 Harneis of Silver put to ſale, ſhall be touched and marked. 2 H. 6. 14. 18 El. 15.

Touching of unlawful ware.

5 The forfeiture of him which doth touch any Harneis of Silver with the Leopards Head, which is not as fine in allay as the Sterling. 2 H. 6. 14.

Gilding.

6 What things may be gilded, and what not. 2 H. 5. 4. 8 H. 5. 3. 5 H. 4. 13.

Execution of two Offices.

7 None ſhall make both white Veſſel, and gild. 37 Ed. 3. 7.

Aſſaying.

8 Veſſels of gold and ſilver ſhall be aſſayed by the Wardens, and touched with the Leopards head. 28 Ed. 1. 20.

Setting of Stones.

9 The penalty of him which ſetteth any ſtone in gold, except it be natural. 28 Ed. 1. 20.

Fineneſs of Gold.

10 Of what fineneſs Goldſmiths wares of gold put to ſale ſhall be. 18 El. 15.

Working of Gold.

11 How much the Goldſmiths ſhall take for working of Gold, beſides the faſhioning. 18 El. 15.

Reward for working.

12 The fineneſs of Goldſmiths wares in ſilver, and how much he ſhall take for working the ſame, beſides the faſhioning. 18 El. 15.

Marking of deceitful work.

13 The penalty where Wardens do allow and mark that for good work of gold or Silver, wherein there is found deceit. 18 El. 15.

No more given then is currant.

14 There ſhall be no more given for coined Gold or Silver, then it is currant by Proclamation. 25 Ed. 3. 12. 5 Ed. 6. 19.

No tranſporting.

15 No man ſhall pay any Gold to a Merchant Alien, neither ſhall any man tranſport Gold or Silver without the Kings licence, ſaving in certain caſes. 4 H. 7. 23. 2 H. 4. 5. 9 Ed. 3. 1. 5 R. 2. 2. 2 H. 6. 6.

Guns, and Croſs-bows.

Who may keep or ſhoot in them.

1 WHo onely may keep in his houſe, or ſhoot in any Croſs-bow, Hand-gun, Hagbut, or Demy hake. 33 H. 8. 6.

The length.

2 The length of a Hand-gun, Hagbut, or Demy-hake, which a man may keep in his houſe, or ſhoot in. 33 H. 8. 6.

Taking from an Offendor.

3 Who may take a Gun or Croſs-bow from an offendor. 33 H. 8. 6.

Carrying bent, or charged.

4 The penalty for carrying a Croſs-bow bent, or Gun charged. 33 H. 8. 6.

Shooting.

5 The penalty for ſhooting in a Gun, in a City or Market Town, at a thing at large. 33 H. 8. 6. 2 Ed. 6. 14.

Commanding to ſhoot.

6 The penalty of a Maſter commanding his ſervant to ſhoot in a Gun, Croſs-bow, &c. 33 H. 8. 6.

Arreſting an Offendor.

7 Every perſon may arreſt an offender, and bring him to the next Juſtice of Peace. 33 H. 8. 6.

Who may keep them.

8 Who may keep in his houſe, or ſhoot in any Croſs-bow or Gun, and what Gun he may keep. 33 H. 8. 6.

Plackard.

9 What ſhall be contained in every Plackard, granted by the King to ſhoot in Guns or Croſs-bows. 33 H. 8. 6.

Hail-ſhot.

10 The forfeiture for ſhooting Hail-ſhot, or moe pellets then one in any place. 2 Ed. 6. 14.

The names of thoſe that do ſhoot.

11 The names of thoſe which ſhoot in Guns, ſhall be preſented to the next Juſtice. 2 Ed. 6. 14.

An Apprentice.

12 When, in what caſe, and in what manner it ſhall be lawful for a Gunner to take an Apprentice. 5 El. 5. 1 Jac. 25.

Puniſhment of a Gunner.

13 The puniſhment of a Gunner which taketh preſt wages to ſerve the King, and departeth from his Captain. 18 H. 6. 19. 5 El. 5.

Licence to kill Hawks meat.

14 In what caſes licence may be granted to one for ſhooting in a Gun to kill Hawks meat. 1 Jac. 27.

Gunpowder, and Saltpeter.

May be imported.

1 LIberty to all perſons to import Gunpowder. 17 Car. 1. 21.

All perſons may make it.

2 All perſons may make Gun-powder. 17 Car. 1. 21.

Saltpeter.

3 All perſons may make, ſell, and import Salt-peter. 17 Car. 1. 21.

Tranſportation of Arms, &c.

4 His Majeſty may prohibit tranſporting Gun-powder, Arms or Ammunition out of England. 12 Car. 2. 4.

Hats and Caps.

Forreign Wooll.

1 NOne ſhall work Hats with forreign wooll, but which hath been an Apprentice. 8 El. 11.

Thrummed Hats.

2 Who onely may make Thrummed Hats or Felts, in the City of Norwich and County of Norfolk. 5 Ed. 6. 24.

Dying and thickning.

3 The dying, thickning, or fulling of Caps of Felt, or of woollen cloth not knit. 8 El. 1.

Apprentices.

4 How many Apprentices a maker of Hats may take, and for how long time. 8 El. 11.

Felt-makers.

5 Who may be Felt-makers, and who their ſervants, how many, and for what time. 1 Jac. 17.

Strangers.

6 No ſtranger ſhall be ſet on work in making of Hats. 1 Jac. 17.

Middle Uſſe Yarn.

7 Hat-makers dwelling in Norwich may buy Middle Uſſe Yarn to make Hats. 33 H. 8. 16. 1 Ed. 6. 6. 5 Ed. 6. 7.

Habeas Corpus. See *Certiorari.*
Halſers. See *Cables.*
Hares. See *Feſants.*

Hawks and Hawkings.

Out of anothers grounds.

1 THe penalty for taking Hawks, or Hawks eggs out of anothers grounds. 5 El. 21.

Another mans Hawk.

2 How each man ſhall uſe another mans Hawk which he taketh up. 34 Ed. 3. 22. 37 Ed. 3. 19.

Eggs of Hawks or Swans.

3 The penalty for taking the eggs of Hawks or Swans out of their neſts. 11 H. 7. 17.

Killing or fearing them.

4 The penalty for taking, killing and fearing of Hawks. 11 H. 7. 17.

ed in England.

5 The penalty for bearing any Hawk of the breed of England, called a Goſhawk, Tarſel, &c. 11 H. 7. 17.

Eyries within a Foreſt.

6 Each man may have Eyries of Hawks within his own woods which be within a Foreſt. 9 H. 3. 13.

Hawking in unfit place.

7 No perſon ſhall Hawke where any eared or codded corn ſhall be ſtanding, ſaving in his own ground. 23 El. 10.

Havens and Rivers.

Rubbiſh.
1 THe penalty for caſting or unloading out of any veſſel, of any rubbiſh, into any Haven or River 34 H. 8. 9.

Faſtening nets.
2 The penalty for faſtning nets overthwart any River. 2 H. 6. 15.

Orford Haven.
3 Of what maſh every net to be ſet in Orford Haven in Suffolk ſhall be. 27 El. 21.

Havens in Cornwal and Devon.
4 A mean to preſerve and keep whole certain Havens in the counties of Devon, and Cornwal from deſtruction, and impairment. 23 H. 8. 8. 27 H. 8. 23.

Ouſe and Humber.
5 Fiſh-garthes, piles, and others Engines, ſet in the River of Ouſe and Humber, ſhall be pulled down: There ſhall be no unlawful fiſhing in the ſaid Rivers. 23 H. 8. 18.

The new River brought to London.
6 A new River ſhall be brought out of the county of Hartford to London. 3 Jac. 18.

Thames.
7 By whom, and by what means the river of Thames ſhall be preſerved and augmented. 4 H. 7. 15. 27 H. 8. 18. 3 Jac. 20.

Lee.
8 How the River of Lee running from Ware to Thames may be preſerved, augmented, and continued. 3 H. 6. 5. 9 H. 6. 9. 13 El. 18.

Canterbury.
9 By whom, and by what means the River of Canterbury may be deepned, enlarged, and cleanſed. 6 H. 8. 17.

Ex.
10 By what means the River of Ex by Exeter may be preſerved. 31 H. 8. 4.

Mew.
11 By what means the River of Mew may be conveyed to the town of Plimouth in the County of Devon. 27 El. 20.

Chicheſter.
12 By what means a Channel may be made from the Haven of the City of Chicheſter unto the Suburbs thereof. 27 El. 22.

Severne.
13 All men ſhall have free paſſage upon the Bank of the River of Severn, without any toll. 9 H. 6. 5. 19 H. 7. 18. 3 H. 8. 12.

Dover Haven.
14 How money ſhall be raiſed by ſeveral means for the repair of Dover Haven. 23 El. 6. 31 El. 13. 35 El. 7. 43 El. 9. 1 Jac. 32. 14 Car. 2. 27.

Southhampton.
15 Every man may pull down the Weares in Southhampton Haven, and no man ſhall repair them. 11 H. 7. 5. 14 H. 8. 13.

New-caſtle.
16 The Maior, Burgeſſes, &c. of Newcaſtle may pluck down all Weares and Engines which ſhall be made in the Haven there. 21 H. 8. 18.

Briſtol.
7 The penalty for unloading any ballaſt or rubbal in the Haven neer unto Briſtol. 34 H. 8. 9.

Rye and Winchelſey.
18 A mean to preſerve the Haven of Rye and Winchelſey in the County of Suſſex. 2 Ed. 6. 30.

Hearth, Money.

1 EVery Fire-hearth and Stove charged with the yearly pay of 2 s. for ever. 14 Car. 2. 10.

2 Additional powers for better ordering and collecting the ſame. 15 Car. 2. 13.

3 Hearth-Money to be Collected by Officers appointed by the King. 16 Car. 2. 3.

Hemp, Flax.

Watered.
1 HEmp or Flax ſhall not be watered in any running ſtream, but on the ground. 33 *H*: 8. 17.

Burport.
2 Where hemp growing within five miles of Burport ſhall be ſold. And how much hemp ſhall be accounted a ſtone. 21 *H*. 8. 12.

Herons.

Killing them.
1 THe penalty for killing or taking of any old Herons, ſaving by hawking, or long bow. 19 *H*. 7. 11.

Young Herons.
2 The penalty for taking young Herons out of their neſts, without the licence of the owner of the ground. 19 *H*. 7. 11.

Hexham, and Hexham ſhire.

In Northumberland.
THe territory and franchiſe of Hexham and Hexham ſhire with the liberties of the ſame, ſhall be taken to be within, and part of the county of Northumberland. 14 El. 13.

High-wayes.

Surveyors.
1 SUrveyors ſhall be appointed yearly, for the mending of High-wayes in every pariſh. 2 & 3 P. & M. 8. 9 El. 5.

Dayes of amending them.
2 Six dayes in the year ſhall be appointed for the amending of High-wayes, and every mans charge therein for a plough land. 2. & 3. P. & M. 8. 5 El. 13. 29 El. 5.

A Cottager.
3 How a Cottager, or he that hath no ploughs ſhall be charged towards the amending of High-wayes. 2 & 3 P. & M. 8. 29 El. 5.

Sea-works in Norfolk.
4 Repairing of Sea-works in Norfolk certain dayes, inſtead of amending the High wayes. 27 El. 24. 1 Jac. 25.

The rubbiſh of others taken.
5 Where it is lawful to take other mens rubbiſh, ſtones, or gravel for the amending the High-wayes. 5 El. 13. 29 El. 5.

Water courſe.
6 A water courſe may be turned into any mans grounds, for the mending of the High-way. 5 El. 13. 29 El. 5.

High-wayes enlarged.
7 Fences, ditches, and hedges adjoyning to the High-way ſhall be ſcoured, and trees and buſhes cut down near the High-way. 5 El. 13. 18 El. 10.

Each mans charge.
8 The charge of each perſon in reſpect of his land, goods, or manurance towards the amending of High-wayes. 18 El. 10.

Impairing of them.
9 The penalty for caſting ſoil into the High-way, to the annoyance thereof. 18 El. 10.

Market-wayes.
10 Of what breadth High-ways ſhall be that do lead from one market town to another. 13 Ed. 1. 5. *Wincheſter*.

Suſſex, Surrey, and Kent.
11 A mean to keep in repair the High-wayes in the Weilds in Suſſex, Surrey, and Kent. 39 El. 19.

Ends of Bridges.
12 By what means Highwayes ſhall be repaired at the ends of Bridges. 22 *H*. 8. 5.

Juſtices of peace.
13 Juſtices of peace may enquire of, hear, and determine every offence concerning the High-wayes. 2 & 3 P. & M. 8. 5 El. 13. 18 El. 10.

Weild of Kent.
14 How high-wayes in the Weild of Kent may be altered. 14 *H*. 8. 6.

Suſſex wayes.
15 How high-wayes in the county of Suſſex may be altered. 26 *H*. 8. 7.

Huntington Lane by Cheſter.
16 By what means Huntington Lane neer the City of Cheſter ſhall be repaired. 37 *H*. 8. 3.

Shaftsbury and Sherburn.
17 How and by whom the high-way between Shaftsbury and Sherburne ſhall be repaired. 1 M. 5.

Briſtol and Glocester.
18 How, and by whom the high-way between Briſtol and Glocester ſhall be repaired. 1 M. 6.

Oxford.
19 By whom the high-wayes neer unto the City of Oxford ſhall be repaired. 18 El. 20. 35 El. 7.

Kings Ferry.
20 By whom Kings Ferry in Kent, and the high-way leading to the ſame, ſhall be repaired. 18 El. 10.

21 How the high-wayes, ſtreets, paving and ſewers about London and Weſtminſter ſhall be repaired and kept and ſeveral ſtreets. 14 Car. 2. 2.

22 The repairing and enlarging high-wayes throughout the Kingdom. 14 Car. 2. 6.

23 How the highwayes in the Counties of Hartford, Cambridge and Huntington ſhall be repaired. 15 Car. 2. 1. 16 & 17 Car. 2. 10.

Holy-dayes, and Faſting-dayes.

Which ſhall be Holy-dayes.
1 WHich dayes only and none other ſhall be kept, and commanded to be kept Holy-dayes. 5 & 6 *Ed*. 6. 3.

Which faſting dayes.
2 Which dayes onely ſhall be kept and commanded to be kept Faſting-dayes. 5 & 6 *Ed*. 6. 3. 2 & 3 *Ed*. 6. 19.

Holy-day and Faſting-day.
3 When Munday, ſhall be kept Holy-day, Saturday ſhall be kept Faſting-day. 5 & 6 *Ed*. 6. 3.

Working on Holy-dayes.
4 In what caſes, and for what cauſes, men may work upon any of the foreſaid Holy-dayes. 5 & 6 *Ed*. 6. 3. 1 *Jac*. 25.

The 5. of November.
5 Morning-Prayer ſhall be ſaid yearly upon the fifth day of November, for the Kings delivery. 3 *Jac*. 8.

The Lords day.
6 The penalty of him, or them, that uſe unlawful paſtimes upon the Lords day. 1 *Car*. 1. 1.

Abuſes of that day.
7 A reſtraint of the abuſes committed on the Lords day. 3 *Car*. 1. 1.

Homage and Fealty.

Reſpeit of Homage.
1 WHat ſhall be paid to the King for reſpeit of Homage of Lands not exceeding the yearly value of 5 *li*. 33 *H*. 8. 22.

A free-mans Homage.
2 The form of a free-mans Homage. 17 *Ed*. 2.

Fealty of a Freeman.
3 The form of a free-mans Fealty 17 *Ed*. 2.

A Villaines.
4 The form of a villaines Fealty. 17 *Ed*. 2.

When to be taken.
5 The Lord ſhall not have his Tenants Wardſhip, until he hath taken his Homage. 9 *H*. 3. 3.

Tenant by the courteſie.
6 A tenant in the right of his wife ſhall not do Homage.

7 In what caſe divers heires ſhall do Homage for one inheritance, and in what not. 14 *H*. 3. St. *Hibern*. 17. *Ed*. 2. 5.

Honey. See *Wax*, &c.

Hops.

Corrupt Hops.
1 THe forſeiture for bringing into this Realm any Hops that be deceitful, corrupt, or mingled. 1 *Jac*. 18.

Brewing with corrupt hops.
2 The forſeiture of him that doth brew any Ale or Beer to be ſold with deceitful, corrupt, or mingled hops. 1 *Jac*. 18.

Horns

Horns and Horners.

Engliſhmen ſhall firſt chooſe.

1 STrangers ſhall buy no Engliſh Horns unwrought within London, or four and twenty miles, until Engliſhmen have firſt made their choice. 4 Ed. 4. 8. 7. Jac. 14.

Search.

2 The wardens of Horners in London, &c. may ſearch for inſufficient ware. 4 *Ed.* 4. 8. 7 *Jac.* 14.

Horſes, Mares.

Owners, &c. of Parks.

1 OWners and Farmers of Parkes ſhall be charged to keep Mares able to bear Foles. 27 H. 8. 6.

Covering of Mares.

2 A Mare ſhall not be covered with a horſe of a ſmall ſtature or value. 27 H. 8. 6.

The ſtatute of ſtoned Horſes.

3 Of what height ſtoned Horſes of this Realm ſhall be. 32 H. 8. 13. 8 El. 8.

Height of horſes

4 Of what height ſtoned Horſes feeding upon the Commons in all other Shires of the Realm ſhall be. 32 H. 8. 13.

Meaſuring and ſeiſing a Horſe.

5 Any man may ſeiſe and meaſure a Horſe not of lawful height, and retain him as his own. 32 H. 8. 13.

Unlikely Tits killed.

6 Deifts ſhall be made yearly by the Lords or Poſſeſſors of Foreſts, or Chaſes, Commons, Moores, Waſt grounds, &c. and unlikely Tits ſhall be killed. 32 H. 8. 13.

Infected with the ſcab, &c.

7 The penalty for putting into paſture upon any waſt grounds, or common Fields, any Horſe, Gelding, or Mare infected with ſcab or mange. 32 H. 8. 13.

Tranſporting.

8 The penalty for tranſporting of any Horſes, Geldings, or Mares into a forreign region without the Kings licence. 1 *Ed.* 6. 5. 5 El. 19. 11 H. 7. 13.

Selling.

9 Obſervations for the ſelling of Horſes, appointing a place where they ſhall be ſold, paying toll for them, and avouching the knowledge of the ſeller in a Fair or Market. 2 & 3 *P.* & *M.* 7. 31. *El.* 12.

No Clergy for ſtealing.

10 Neither the Horſe-ſtealer nor the Acceſſary ſhall have his Clergy. 2 Ed. 6. 33. 31 El. 12.

Cornwal.

11 The Statute of 31 H. 8. 13. ſhall not extend to the County of Cornwal. 21 Jac. 28.

Hoſpitals, and Charitable uſes.

Ordinaries.

1 ORdinaries ſhall inquire of the governance of Hoſpitals of the Kings foundation, or any others 2 H. 5. 1.

Who may erect.

2 It ſhall be lawful for any man to erect an Hoſpital or Houſe of Correction: what land may be aſſured thereunto, and who ſhall order and direct it. 39 El. 5. 21 Jac. 1.

Miſimployment.

3 Commiſſions ſhall be awarded to inquire of the gifts of lands and goods to Charitable uſes miſimployed. 43 El. 4. 31. El. 6.

Binding apprentiſes.

4 How money given for the binding out of Apprentices of poor children ſhall be imployed, and by whom. 7 Jac. 3.

Diſceit of truſt.

5 A remedy where any party truſted ſhall break the truſt, or commit any offence. 7 Jac. 3.

Grieved by Commiſſioners.

6 A remedy for any party grieved by the Commiſſioners. 7 Jac. 3.

Aſſurance of lands.

7 What aſſurances or eſtates may be made by the maſter or Guardian of any Hoſpital of their lands. 13 El. 10. 18 El. 11.

S. Leonards.

8 A remedy for the Maſter and brethren of Saint Leonard in York to recover their duty. 2 H. 6. 2.

Hoſtlers. See *Inholders.*

Huy and Cry.

After offendors.

1 HUy and Cry, and Freſh ſuit ſhall be made after murders, burglaries, or other felonies committed and who ſhall follow the ſame. 4 Ed. 1. *Officium Coronatoris.* 13 Ed. 1. St. *Winch.* cap. 1.

The country charged.

2 The country ſhall anſwer if the robbers be not taken. 13 Ed. 1. 2. 28 Ed. 3. 11. 28 Ed. 1. 17.

Freſh ſuit ceaſing.

3 The inhabitants of a hundred ſhall be chargable with the moity, where a Freſh ſuit ſhall ceaſe. 27 El. 13.

Clerk of the peace.

4 The Clerk of the peace ſhall proſecute the ſuit. 27 El. 13.

Contribution.

5 A remedy for thoſe againſt whom execution is had, to have contribution of the reſidue of the hundred. 27 El. 13.

An offendor apprehended.

6 There ſhall be no penalty when any of the offenders be apprehended. 27 El. 13.

Within what time to be commenced.

7 The ſuit ſhall be commenced within a year after the robbery. 27 El. 13.

How to be purſued.

8 The purſuit by Huy and Cry muſt be by Horſemen and Footmen. 27 El. 13.

Notice of the Robbery.

9 The party robbed muſt give notice of the robbery to ſome dwelling near the place where it was done. 27 El. 13.

Examination & proſecution.

10 The party robbed muſt be examined before a Juſtice of Peace, and become bound to proſecute the offendors. 27 El. 13.

Benhurſt.

11 In what caſes the Inhabitants of Benhurſt in the County of Berkſhire, ſhall have remedy and recovery. 39 El. 25.

Obeying the Watch.

12 Huy and Cry ſhall be levied and purſued againſt him which will not obey the watch in the night. 13 Ed. 1. 1 Stat. *Wincheſter.*

Hunters, Hunting.

Forfeiture.

1 THe forfeiture of him which ſhall hunt not having ſufficient living. 13 R. 2. 13.

Deer hayes, &c.

2 The forfeiture of him which doth keep any Deer hayes, or buckſtals, having no Park, Chaſe, or Foreſt of his own. 19 H. 7. 11.

Stalking.

3 The forfeiture of him which doth ſtalk, or cauſe any other to ſtalk with any buſh or beaſt to a Deer. 19 H. 7. 11.

Diſguiſing, &c.

4 The penalty for hunting in the night, or with diſguiſing, and being examined to conceal the offence, or any offendor. 3 H. 7. 7.

Eared corn.

5 No perſon ſhall hunt where any eared or codded corn ſhall be ſtanding, ſaving in his own ground. 23 El. 10.

Killing of Deer.

6 Unlawful hunting, courſing, and killing of Deer puniſhed. 13 Car. 2. 10.

Husbandry, and Tillage.

Sea ſand in Cornwal, &c.

1 SEa-ſand may be fetched in Devonſhire and Cornwal to manure their land. 7 Jac. 18.

Apprentice.

2 In what caſe a Husbandman may take an apprentice. 5 El. 4. 12 R. 2. 5.

Idiots, and natural Fools.

Traverſe.

1 HE that is untruly found by Office to be an Idiot or natural Fool, may traverſe the ſame Office. 2 Ed. 6. 8.

2 The King ſhall have the cuſtody of Idiots lands, and they ſhall be in the ſurvey of the Court of Wards. 17 Ed. 2. 10. 32 H. 8. 46.

Wills.

3 Wills made by Idiots ſhall be void. 34 H. 8. 5.

Jeofailes.

After Iſſue.

1 AFter Iſſue tried there ſhall be judgment, notwithſtanding any Jeofails, &c. 32 H. 8. 30. 2 Ed. 6. 32.

After Verdict given.

2 There ſhall be no ſtay of judgment after verdict given for want of form, neither ſhall any judgment be reverſed. 18 El. 14.

Jeofails prevented.

3 Divers Jeofails in ſuits of Law prevented and reformed. 21 Jac. 13.

See Delays.

Jeſuits, Prieſts, Seminaries.

Departing the Realm.

1 ALl Jeſuits and Prieſts made out of the Realm, ſhall depart the Realm within fourty days. 27 El. 2.

None ſhall come in.

2 No Jeſuit or Prieſt ſhall come into or remain within this Realm. 27 El. 2.

None ſhall receive them.

3 It ſhall be felony to receive or relieve a Jeſuit or Prieſt, knowing him to be ſo. 27 El. 2.

Returning and taking the Oath.

4 They which be in Seminaries beyond the Sea, ſhall after Proclamation return, and take the Oath made *An.* 1 El. 1. 27 El. 2. 3 Car. 1. 2.

Sending relief.

5 The penalty for ſending relief to any Jeſuit, Prieſt perſon abiding in Seminaries. 27 El. 2.

Favour to them.

6 What favour may be ſhewed to Jeſuits and Seminary Prieſts, upon their ſubmiſſion. 27 El. 2.

Concealment of knowledge.

7 The penalty of a Juſtice of Peace, or other, which concealeth his knowledge of a Jeſuit or Prieſt. 27 El. 2.

Not come to the Court.

8 He which doth ſubmit himſelf ſhall be reſtrained from coming within ten miles of the Court without licenſe. 27 El. 2.

Refuſing to anſwer.

9 The penalty of a ſuſpected Jeſuite or Prieſt, being examined, to refuſe to anſwer whether he be a Jeſuite, &c. 35 El. 2.

Sending or going to a Seminary.

10 The penalty of him that ſhall go or ſend any others to any Seminary beyond the Sea. 1 Jac. 4. 3 Jac. 5. 3 Car. 1. 2.

Not returning.

11 The penalty of him which is in a Seminary, that returneth not. 1 Jac. 4. 3 Jac. 5.

No woman or child ſhall paſs the Seas.

12 No woman or child under one and twenty years of age (certain excepted) ſhall paſs beyond the Seas. 1 Jac. 4.

Images.

Images.

SUperſtitious images ſhall be deſtroyed. 3 & 4 Ed. 6. 10.

Jointure of a woman. See *Dower.*

Incontinency.

Spiritual perſons

SPiritual perſons may be puniſhed by their Ordinaries for Incontinency. 1 H. 7. 4.

Inditavit.

Indicavit.

1 IN what caſe and when a Writ of *Indicavit* ſhall be granted. 34 Ed. 1. St. *de conjunctim Feoffatis.*

2 Where, upon a diſturbance by Writ of *Indicavit*, the Patron ſhall have a Writ to demand the advowſon of the Tithe. 13 Ed. 1. 5.

Incumbent.

Tenths.
1 AN Incumbent ſhall loſe his Benefice for default of payment of his Tenths to the King in due time. 26 H. 8. 3. 2 Ed. 6. 20.

Examination of the Kings title.
2 When the King maketh preſentation or collation to a Benefice in anothers right, his title ſhall be examined. 25 Ed. 3. 3. St. *for the Clergy.*

Mean profits.
3 The Profits ariſing of a Benefice in the time of vacation ſhall be reſtored to the next Incumbent. 28 H. 8. 11.

A Benefice full of an Incumbent.
4 The King ſhall not preſent unto a Benefice full of an Incumbent, until he hath recovered it by proceſs of Law. 13 R. 2. 1. 4 H. 4. 22.

1 *Ingroſſers.* See *Forſtallers.*
1 *Incloſures.* See *Approvements.*
1 *Inmates.* See *Cottages.*

Indictments.

Words not to be put in.
1 THe words *Cum baculis, cultellis, arcubus & ſagittis*, or ſuch like, ſhall not of neceſſity be put in an Indictment. 37 H. 8. 8.

Indictees remaining in another County.
2 The Juſtices aſſigned, &c. may direct proceſs againſt thoſe that be indicted, remaining in another County. 5 Ed. 3. 11.

Proceſs againſt Indictees.
3 Upon Indictments or Appeals of perſons dwelling in forreign Counties, what proceſs ſhall be awarded againſt them. 8 H. 6. 10.

Proceſs upon an Indictment removed.
4 What proceſs ſhall be awarded upon an Indictment removed into the Kings Bench. 10 H. 6. 6.

Indicted of Felony.
5 What proceſs ſhall be awarded againſt him that is Indicted of Felony. 25 Ed. 3. 14.

Indictment of an Ordinary.
6 In what ſort or form an Ordinary, or any Miniſter of his, ſhall be Indicted of Extortion or Oppreſſion. 25 Ed. 3. 9.

Enqueſt upon a party indicted.
7 No Indictor ſhall be put in Enqueſts upon the delivery of the party indicted. 25 Ed. 3. 3.

One Enqueſt indicting another.
8 In what caſes Juſtices of Peace may charge one Enqueſt to indict another. 3 H. 7. 1. 35 H. 8. 6.

In *Lancaſhire* of Forreiners.
9 By whom Indictments ſhall be taken in the County of *Lancaſter* of any perſon dwelling in another ſhire. 33 H. 6. 2.

A *Lancaſhire* man in another Shire.
10 By what ſort of perſons a *Lancaſhire* man may be Indicted in another Shire. 33 H. 6. 2.

By whom to be made.
11 By what ſort of perſons, and by whom impanelled, all indictments ſhall be made. 11 H. 4. 9.

Additions.
12 Additions ſhall be made in Proceſs upon Indictments. 1 H. 5. 5.

Amendment.
13 Miſpriſions of Clerks ſhall not be amended in an Indictment of Treaſon, of Felony, &c. 8 H. 6. 15.

Eccleſiaſtical perſons.
14 The puniſhment of thoſe which procure falſe Indictments againſt Eccleſiaſtical perſons. 1 R. 2. 13.

Killing.
15 Perſons Indicted for the killing of certain Felons ſhall not loſe their goods, &c. 24 H. 8. 5.

Remanding.
16 The Juſtices of the Kings Bench may ſend down the body of any perſon indicted, together with the Indictment, to be tryed in the County where the offence was done. 6 H. 8. 6.

Delivered to the Juſtices.
17 Indictments taken in the Tourns of Sheriffs ſhall be delivered to the Juſtices of Peace of the ſame Shire. 1 Ed. 4. 2.

Sued in a ſpiritual court.
18 Indictors being ſued in ſpiritual Courts ſhall have a Prohibition. 1 Ed. 3. 11.

Indicted in a Sheriffs Tourn.
19 Juſtices of Peace may award Proceſs againſt them which be indicted in the Sheriffs Tourn. 1 Ed. 4. 2.

Sheriffs Tourn.
20 The order and form of taking Indictments in the Sheriffs Tourn. 1 Ed. 4. 2.

1 *Informations.* See *Actions popular, &c.*
1 *Inquiſitions.* See *Offices.*
1 *Inventories.* See *Probate of Teſtament.* 7. 9.
1 *Inn-holders.* See *Hoſtlers.*

Horſe-bread.
1 HOſtlers ſhall make no horſebread, except in a town where no Baker dwels. 21 Jac. 21.

Due Aſſiſe.
2 If they make it not of due aſſiſe they ſhall be puniſhed by the Juſtices. 21 Jac. 21.

Provender.
3 They ſhall ſell provender according to the market. 21 Jac. 21.

Juris Utrum.

Whoſe *Frankalmoigne.*
1 A *Juris Utrum* to inquire whether the land in demand be the *Frankalmoigne* of one Church or of another. 13 Ed. 1. 24.

Jointenancy.
2 The penalty if the tenant do falſly plead Jointenancy in *Juris Utrum*, or *Mortdauncester*. 34 Ed. 1. St. *de conjunctim Feoffatis.*

Frankalmoigne.
3 Parſons, Vicars, &c. ſhall have a *Juris Utrum* of lands given in a *Frankalmoigne*, 14 Ed. 3. 17.

Eſſoined.
4 The tenant after appearance ſhall be no more Eſſoined in a *Juris Utrum*. 3 Ed. 1. 41.

Diſcontinuance.
5 A *Juris Utrum* ſhall not be diſcontinued by reaſon of death, new Commiſſion, &c. 1 Ed. 6. 7.

Inrollments.

Of ſale of land.
1 WHere, before whom, and within what time, Inrollments of bargains or ſales of land ſhall be made, whereby any eſtate of Inheritance or freehold doth paſs. 27 H. 8. 16.

The Fees.
2 The fees for Inrollments of bargains and ſales within the County. 27 H. 8. 16.

Corporate Towns.
3 Lands lying in corporate Towns, wherein the chief Officers have uſed to inrol Writings. 34 H. 8. 22. 5 El. 26.

Lancaſter, Cheſter and *Dureſm.*
4 Where, before whom, and within what time, Inrollments of bargains or ſale of lands, lying within the Counties of *Lancaſter*, *Cheſter*, and *Durham*, ſhall be made. 5 El. 26.

Safe-conduct.
5 In what caſes it is neceſſary that a Safe conduct ſhall be inrolled. 20 H. 6. 1. 18 H. 6. 8. 15 H. 6. 3.

Fines and Recoveries.
6 Such things which concern Fines and Recoveries, may be inrolled. 23 El. 3. 27 El. 9.

Rediſſeiſin, &c.
7 Writs of Rediſſeiſin and *ſecunda ſuperoneratione paſturæ* ſhall be inrolled. 13 Ed. 1. 8.

Court of augmentations.
8 In what caſes Leaſes made by Governours of Religious houſes, and inrolled in the Court of Augmentations, ſhall be good. 31 H. 8. 13.

Intruſion.

Intruſion.
IN Informations of Intruſion the ſubject may plead the general iſſue, and retain poſſeſſion till trial. 21 Jac. 14.

Joyntenancy and Joyntenants.

Falſe pleading in an Aſſiſe.
1 THe penalty for falſe pleading of Jointenancy in an aſſiſe. 34 Ed. 1. 8. *de conjunctim Feoffatis.*

Not by Baily.
2 Joyntenancy is not pleadable by baily. 34 Ed. 1.

Falſe pleading.
3 The penalty for falſe pleading of Joyntenancy in *Mortdauncester, Juris Utrum*, or any precipe. 34 Ed. 1.

Partition.
4 In what caſes, and by what means, Joyntenants are compellable to make partition. 31 H. 1. 32 H. 8. 32.

Ireland.

Rebels Lands.
1 MAny millions of Rebels lands in *Ireland* confiſcate. 17 Car. 1. 33. 34.

Adventurers.
2 Two millions of Rebels lands allotted to Adventurers. 17 Car. 1. 33.

Forfeitures of Rebels.
3 Forfeitures of perſons in Rebellion. 17 Car. 1. 33.

Subſcription.
4 The time for ſubſcription by Adventurers. 17 Car. 1. 33. 34. 37.

Corporations.
5 Corporations inabled to have the benefit of the Act for reducing the Rebels of *Ireland*. 17 Car. 1. 35.

Engliſh, Scottiſh, Dutch, &c.
6 All perſons, Engliſh, Scottiſh, Iriſh and Dutch Nations, being Proteſtants, may ſubſcribe. 17 Car. 1. 37.

Iron.

Where Wood not to be converted.
1 WHat Wood growing in what places, ſhall not be converted to the making of Iron. 1 El. 15.

Woods neer *London.*
2 Woods ſhall not be converted into Coal for the making of Iron growing within certain miles from the City of *London*. 23 El. 5.

New Iron-works.
3 No new Iron-works ſhall be erected within certain miles of the City of *London*. 23 El. 5.

New Iron-mills.
4 No new Iron mills ſhall be ſet up in *Eſſex*, *Surrey*, or *Kent*, Nor good Timber conſumed for the the making of Iron. 27 *El.* 19.

No tranſportation.
5 Iron made in *England*, or brought into *England*, ſhall not be carried out of *England*. 28 *Ed.* 3. 5.

Bilbo Iron.
6 None ſhall make or put to ſale Bilbo Iron like the faſhion of gads of ſteel. 2 *Ed.* 6. 27.

Iſſues.

Eſtreats.
1 SHeriffs ſhall not be charged with Iſſues, until they be delivered out of the Exchequer, by Eſtreats. 27 *Ed.* 1. Stat. *de Finibus*, cap. 2.

Attaint.
2 What Iſſues ſhall be returned in ſeveral caſes upon the Jurors in an Attaint, 15 H. 6. 5. 11 H. 7. 21. 23 H. 8 3.

Default of appearance.
3 Forfeiture of Iſſues by the tenant or defendant for default of appearance. 3 *Ed.* 1. 44.

Jurors.
4 Thoſe Jurors which are returned, and do appear, ſhall not loſe any Iſſues. 8 *Ed.* 4. 3.

Lands holden of the King in chief.
5 The King ſhall have the Iſſues of lands holden of him in chief, until inquiſition be made. 17 *Ed.* 2. 3.

Chattels.
6 What Chattels are contained within the name of Iſſues. 13 *Ed.* 1. 39.

Appearance.
7 What Iſſues witneſſes ſhall forfeit for default of appearance. 12 *Ed.* 2. 2.

8 What

Riots.

8 What Iſſues Coroners ſhall return upon perſons impanelled to inquire of Riots, 2 H. 5. 8.

Riots.

9 What Iſſues ſhall be returned by Sheriffs upon Jurors impanelled to inquire of Riots, 19 H.7.13. 8 H.6.9.

Default of appearance &c.

10 Iſſues forfeited for default of appearance by perſons impanelled, and by thoſe which do impanel them, and not lawfully ſummon them, 35 H. 8. 6. 2. Ed. 6. 32.

Judiciall Proceedings.

1 Which Proceſs and judiciall proceedings in the late times be made good and which not, 12 Car. 23. 12 *Car.* 2. 12.

Jurors, Juries, and Enqueſts,

What people returned.

What ſort of people ſhall be returned upon every Jury, 28 Ed. 1. 9. 34 Ed. 3,4. 42 Ed.3.11

Exemption.

2 Who ſhall be exempted from juries, and by what means, 13 Ed. 1. 18. 52. H. 3. 14.

Nor in an Enqueſt upon the Indictee.

3 No Indicter ſhall be put in Enqueſts upon the deliverance of the Indictees, 25 Ed. 3.3.

Officers of Foreſts.

4 No officer of the Forreſt ſhall be put in any Aſſizes or Enqueſt to be taken out of the ſame Forreſt, 34 Ed. 1 3.

Taking reward.

5 The penalty of a Iuror taking a reward of the plaintiff or defendant, to give his verdict, 34 Ed.3 8.38.Ed. 3. 12.

Imbraceours.

6 The penalty of ſuch which be Imbraceors to procure Enqueſts to make a profit thereof, 34 Ed. 3.8. 33 Ed. 3 12.

Ambidexter.

7 The penalty of a Juror which taketh reward of the one part and of the other, to give his verdict, 5 Ed 3. 10.

Jurors in Indictments.

8 Who ſhall be accounted ſufficient perſons to be Iurors in Indictments, and who not, 11 H 4. 9.

Panels reformed.

9 All Panels returned which be not at the ſuit of any party ſhall be reformed by the Juſtices, 3 *H.*8.12. 11 H.7. 24.

Concealment of an Enqueſt.

10 In what caſe the Enqueſt may be taken to inquire of the concealment of another Enqueſt, 3 H. 7.1.

Out of their Counties.

11 Of what ſufficiency a Iuror ſhall be that ſhall be put in any Aſſizes, Iuries, Enqueſts, or attaints that ſhall Paſs out of their proper Countie, 21 Ed. 1.

Certain perſons not to be put in Enqueſts.

12 The Bailiffs, Officers, or Servants of any Sheriff, Underſheriff, Coroner, Steward of Franchiſe, Bailiff, or Warden of perſons, ſhall not be put in any Enqueſts, 23 *H.* 6.10.

Tryal of the life of man, &c.

13 Of what eſtate thoſe Iurors muſt be which are to paſs in any Enqueſt touching the life of man, plea real, or forty marks damage, 2 *H.* 6. 3. 28 Ed. 3, 13. 8 *H.* 6. 29.

Forcible Entrys.

14 Of what ſufficiency thoſe Jurors muſt be which are impanelled to inquire of forcible entry, 8 *H.* 6. 9.

Enquiry of Lands.

15 Of what ſufficiency thoſe Jurors muſt be which are returned before Eſcheators or Commiſſioners to inquire of lands, &c. 1 *H.* 8. 3. 3 *H* 8. 2.

The Sheriffs tourn.

16 Of what ſufficiency and credit thoſe Iurors muſt be which are to make inquiry before the Sheriff in his Tourne, 1. R 3. 4.

Felonies in Corporate Towns.

17 What ſufficiency is required in Iuries to inquire of Felonies committed in corporate Towns, 23. H. 8. 13.

In *London.*

18 Of what ſufficiency Iurors impannelled in the city of London in ſeveral caſes, and for ſeveral purpoſes, muſt be, and what Iſſues ſhall be returned upon them, 11 H. 7. 21. 4. H. 8. 3. 5. H. 8. 5.

Indictment in *Lancaſhire.*

19 Of what ſufficiency thoſe Iurors muſt be in the County of Lancaſter, which ſhall indict a Forreigner dwelling in another Shire, *Et e converſo*, 33 H. 6. 2.

Diſpending 40 l. free-hold.

20 The forme of Venire facias where each Iuror muſt diſpend four pounds of freehold, and where not, 35 H. 8. 6. 2. Ed 6. 32 17. El. 6.

Hundredors.

21 How many Hundredors ſhall be returned in every panel, 35 H. 8. 6. 2. Ed. 6. 32. 27 El. 6.

Iſſues.

22 What iſſues ſhall be returned upon Jurors, 35 H. 8. 6. 27 El. 6.

Not ſummoned.

23 The penalty of the Sheriff which returneth any Juror that is not ſummoned, 35 H 8. 6. 27 El. 6.

Lawfully ſummoned,

24 The Juſtices ſhall not put in Aſſiſes or Juries any others then were ſummoned to the ſame at the firſt, 13 Ed 1. 30.

Reward for not returning.

25 The Penalty of a Sheriff, &c. for receiving a reward for not returning any Juror, 27. El. 6.

A *Tales* at the Plaintiffs requeſt.

26 In what caſe a *Tales de circumſtantibus* ſhall be granted at the plaintiffs requeſt, 35 H. 8. 6. 2. Ed. 6. 32.

Not appearance upon a *Tales.*

27 What fine a Juror ſhall pay, who being returned upon a *Tales* doth not appear, 35 H. 8. 6. 2 Ed. 6. 32.

Loſing of Iſſues.

28 The Jurors that were firſt returned by the Sheriff, making default, ſhall loſe Iſſues, 35 H. 8. 6. 2 Ed. 6. 32.

A *Tales* in *Lancaſhire* and *Wales*, &c.

29 A *Tales de circumſtantibus* may be granted in *Wales*, *Cheſter*, *Lancaſter* and *Durham*, at the requeſt of the plaintiff, *&c.* 5 El. 25.

A *Tales* upon a penal Statute.

30 A *Tales* may be granted at the plaintiffs requeſt in a ſuit upon a penal Statute, 4 and 5 P. and M. 7.

A *Tales* for the defendant.

31 A *Tales* may be granted for the defendant in all caſes where the plaintiff may have it, 14 El. 9.

Popular actions.

32 A *Tales* may be granted for the defendant in all popular Actions, 14 El. 9.

The grand Juries Iſſues.

33 What iſſues the grand jury in Attaint not appearing in London or elſewhere, ſhall forfeit, 11 H. 7. 21. 23 H. 8. 3. 13 El. 25.

Diſcharged of Iſſues.

34 Upon what cauſes Jurors may be diſcharged of their iſſues forfeited, 35 *H.* 8. 6. 2 *Ed.* 6. 32. 5 *El.* 25.

De medietate linguæ.

35 In what caſes an Enqueſt ſhall be *de Medietate linguæ* where an Alien is party, and where not, 27 *Ed.*3 8. 28 *Ed.*3.13. *H.*8 6.29. 22 *H.*8. 10. 1 & 2 P. & *M.*4. 5 *El.*10.

No appearance at *Weſtminſter.*

36 In what caſe a Jury ſhall not be compelled to appear at *Weſtminſter* for the tryal of an iſſue, 18 *El.* 5. 27 *El.* 20.

Verdict at large.

37 The Jurors, if they will, may give their verdict at large 13 *Ed.* 1 30.

Addition.

38 No Juror ſhall be returned without addition of his dwelling place, 27 *El.* 7. 39 *El.* 18.

Addition in extracts.

39 In every extract of Iſſues againſt a Juror his addition ſhall be put, 27 *El.* 7. 39 *El.* 18.

Trial in Middleſex.

40 In actions triable in any Court at Weſtminſter by Jurors of *Middleſex*, at the fourth day after the return the Jurors ſhall be called, 4 *Ed.* 4. 3.

Jurors in the Marſhalſey.

41 Juries taken by the Marſhal of the Kings houſe ſhall be of the County thereabout, 5 *Ed* 3. 2. 10 *Ed.* 3. 2.

A verdict given where the charge is received.

42 A Jury charged to inquire of treſpaſs committed within a Foreſt ſhall give their verdict where they received their charge, 7 *R.* 2. 3.

Inquiry of Riots, &c.

43 Of what ſufficiency Jurors returned to inquire of Riots, Routs, and unlawful aſſemblies, ſhall be, 2 H. 5. 8.

Attaint.

44 Of what ſufficiency Jurors returned in attaint ought to be, 18 H 6. 2. 23 H. 8. 3. 11 H. 7. 21 37 H. 8. 3.

Inquiry in another County.

45 In what caſes Jurors may be impannelled in one County to inquire of any thing in another, 23 H. 8. 3.

Imbezelling a Record.

46 What Jurors ſhall be impannelled for the tryal of him which feloniouſly imbezilleth a Record, 8 H. 6. 12.

For an Infant.

47 In what caſe a Juror ſhall be taken for an Infant, as though he were of full age, 3 *Ed.* 1 46.

The time of arraying of Panels.

48 Within what time panels of Aſſiſe ſhall be arrayed, and copies delivered to the parties, 42 *Ed.* 2 11. 6 *H.* 6. 2.

Jurors in *Wales.*

49 The puniſhment of thoſe Jurors in *Wales* which ſhall acquit any felon or murderers or give any untrue verdict, or otherwiſe miſdemean themſelves. 26 H. 8. 4.

50 Of What ability in Freehold lands Jurors for tryal of Iſſues ſhall be, 16 & 17 Car. 2. 3.

51 No party Jurors in tryalls for cuſtoms due upon merchandiſe, 14 Car. 2. 11.

52 Iſſues loſt by Jurors ſhall not be ſaved but by order of the Judges, 16 & 17 Car. 2. 3.

Juſtice and Right.

No ſale or delay of Juſtice.

1 Juſtice ſhall be ſold, deferred, or denyed, to no man, neither ſhall any man be condemned but by lawful trial, 9 H. 3. 29.

Each perſon ſhall have the Law.

2 No man ſhall be attached or fore-judged of life, lands, or goods, againſt the law of the Realm. 5 Ed. 3. 9.

No hindrances to proceed in Juſtice.

3 No Judge of any Court ſhall let to do or execute the Common Law for any commandment which ſhall come unto them by the great or privy Seal, 2 Ed. 3. 8. 5 Ed. 3. 9.

No fee for reports.

4 No man to whom any order ſhall be committed by any Judge or Court, ſhall take any thing for his report, 1. *Jac.* 10.

Juſtices of both Benches, of Aſſiſe, Gaol-delivery, and of Niſi prius.

Their Oath.

1 The form of the oath of the Juſtices of both Benches, 18 *Ed.* 3.

The duty of Juſtices.

2 The Juſtices of both Benches, Aſſiſe, &c. ſhall do right to all men without regard of letters, Writs, or commandments, ſhall take no fee of any but of the King, nor give councel where the King is party, 20 *Ed.* 3 1.

Barons of the Exchequer.

3 The Barons of the exchequer ſhall do right to all men without delay, 20 *Ed.* 3. 2.

No man ſhall ſit with them.

4 No man ſhal ſit with the Juſtices of Aſſiſe upon the bench in their Seſſions, 20 *R.* 2. 3.

Not in his own County.

5 No man ſhall be Juſtice of Aſſiſe in the County where he was borne or doth dwell, 8 *R.* 2. 2. 33 H. 8. 28.

Keeping of Seſſions.

6 In what towns the Juſtices of Aſſiſe, and Goal-delivery ſhall keep their Seſſions, 6 *R.* 2 5. 11 *R.* 2 11. 14 H. 6 3.

Judgment of the attainted.

7 Juſtices of *Niſi prius* may give Judgment as well where one is attainted of treaſon or felony, as where he is acquitted, 14 *H.* 6. 1.

Where no diſcontinuance of ſuit.

8 What ſuits commenced before Juſtices of Aſſiſe ſhall not be diſcontinued by death, new commiſſion, aſſociation, or not coming of the Juſtices, 1 *Ed.* 6. 7. 11 *H.* 6.6.

New Juſtices.

9 New Juſtices of Goal-delivery have authority to give Judgement againſt a priſoner found guilty and reprived, 2 *Ed.* 6. 7.

Juſtices of peace.

Who ſhall be, and their authority.

1 What ſort of men ſhall be Juſtices of peace, and what their authority ſhall be, 1 *Ed.*3.16. 18 *Ed.*3. 2. 34 *Ed.* 3 1. 13 *R.* 2.7. 17 *R.* 2.10. 2 H. 5. 1. 27. H. 8.26.

Who ſhall be reſident.

2 Which Juſtices of Peace ought to be reſident within the ſame ſhires where they be Juſtices, & which need not, 2 H. 5. 4.

Of what livings.

3 Of what livings Juſtice of Peace muſt be, 18 H. 6. 11.

Their oaths.

4 Several oaths which Juſtices of Peace are bound to take, 13 R. 2. 7. 1 El. 1.

Seſſions of peace.

5 At what times of the year, how often, and how long the Juſtices of Peace ſhall hold their Seſſions, 2 H. 5. 4. 12 R. 2. 10. 14 H. 6. 4.

Their Wages.

6 What wages Juſtices of Peace ſhall take every day that they hold their Seſſions, and which Juſtices ſhall take no wages. 12. R. 2. 10. 14. R. 2. 11.

Their eſtreats.

7 The Juſtices eſtreats ſhall be double, and one part delivered to the Sheriff, and they ſhall ſet their names to them. 14. R. 2. 11.

Speaking againſt the Sacrament.

8 Juſtices of Peace ſhall inquire of, hear and determine the offences of thoſe which ſhall ſpeak unreverently of the Sacrament of the body and blood of Chriſt, and the receiving thereof under both kinds, 1 Ed. *6*. 1. 1 El. 1.

Biſhop of Rome.

9 Juſtices of Peace ſhall inquire of, and certifie into the Kings Bench, thoſe which do maintain the Authority of the Biſhop of *Rome*, or his Sea, 5 El. 1.

Recuſants.

10 Juſtices of Peace ſhall inquire of ſuch as refuſe to come to the Church, and of ſuch other offences as be prohibited by the Statutes of *anno* 1 El. 1. 5 El. 1. and of 13 El. 2. 23. El. 1.

Preachers.

11 Juſtices of Peace may hear and determine all offences committed againſt preachers, and other miniſters of the church 1 M. 3.

Buggery.

12 Juſtices of Peace have Authority to hear and determine the offences of Buggery, 25 H. 8. *6*. 5. El. 17.

Tiplers.

13 Juſtices of Peace may enquire of and determine all offences of thoſe that ſell ale and beer to an Ale-houſe-keeper not having licence, 4 *Jac*. 4.

Souldiers.

14 Juſtices of Peace may inquire of, hear, and determine the offences of Souldiers which depart from their Captain without licence, 18 H, *6*. 1*9*.

Tranſporting of Sheep.

15 Juſtices of Peace may hear and determine the offences of thoſe which do carry over the Sea ſheep alive, 8. El. 3.

Hunting with vizards.

16 Juſtices of Peace may examine thoſe which do hunt in any Foreſt, Park, or Warren, by night, or with painted faces, 1 H. 7. 7.

Powdike.

17 Juſtices of peace in the Counties of *Norfolk* and *Cambridge*, have authority to enquire of, and puniſh ſuch as ſhall break up, or caſt down, new Powdike in Marſhland, or Old field dike by Marſhland, 22 H. 8. 11. 2. & 3. P. & M. 19.

Felons and Treſpaſſers.

18 Juſtices of Peace may hear and determine all felonies and treſpaſſes committed againſt the peace, reſtrain and puniſh offenders, 2 Ed. 3. *6*. 18. Ed. 3. 2, 34 Ed. 3. 1.

Eſcapes.

19 Juſtices of peace may inquire of all eſcapes of every perſon arreſted and impriſoned for felony or murder, 1 R. 3. 3. 3 *H*. 7. 1.

Several offences.

20 Juſtices of peace have authority to hear and determine the offences of Retainers, Maintenance, Imbracery, Bowſtaves, unlawful Games, Archery, Regrators, Victuallers and Inholders, 33 H. 8. 10. 37 H 8. 7.

Falſe newes.

21 Juſtices of Peace have power to hear, determine and examine the offences of contriving or telling falſe newes, 23 Ed. 1 33. 2 R. 1. 5. 12. R. 2. 11. 1. *&* 2. P. *& M*. 3.

Mault makers.

22 Juſtices of Peace in their Seſſions may reſtrain the ſuperfluous number of Maultmakers, 39 *El*. 16.

Wilful perjury.

23 Juſtices of Peace have authority to hear and determine the offences of thoſe which ſhall procure or commit wilful perjury, 4 El. 9, 29. El. 5.

Prophecies.

24 Juſtices of Peace may inquire, hear and determine the offences of thoſe which do publiſh any falſe and fantaſtical prophecies, 5 El. 15.

Dying with Logwood,

25 Juſtices of peace have authority to indict and try thoſe which ſhall dye with logge wood, alias block-wood, & to ſet the the offenders upon the Pillory, 39 El. 11.

Muſters.

26 Juſtices of Peace ſhall inquire of Captaines and Souldiers that do abuſe themſelves at Muſter, 4 & 5. P. *& M*. 3.

Tranſporting of Victuals.

27 Juſtices of Peace may hear and determine the offences of carrying Corne, beer, Butter, Cheeſe, Herring, and Wood beyond the Sea, 1 *&* 2. *P. & M*. 5: 13 *El* 5.

Milch Kine and Calves.

28 Juſtices of Peace have power to hear and determine offences committed contrary to the Statute provided for the keeping of milch kine, and the breeding of calves, 2 *&* 3. *P. & M*. 3 13. *El*. 25.

Weanlings.

29 Juſtices of Peace have authority to hear and determine the offences of thoſe which kill or cauſe to be killed wainlings under the age of two years to be ſold, 24 H 8. *9*. 1 *Jac*. 25.

Making of Mault.

30 Juſtices of Peace have authority to hear and determine the offences committed contrary to the Statute provided for the true making of mault, 2 *Ed*, *6*. 10. 1 *Jac*. 25.

Foreſtallers, Regrators, &c.

31 Juſtices of Peace have authority to inquire, hear and determine all offences committed contrary to the Statute provided againſt Foreſtallers, Regrators, and Ingroſſers, 5 *Ed*. *6*. 14. 13 El 25.

Recogniſances of Drovers.

32 Juſtices of Peace may take bond and ſurety of a common Drover, Badger, Carrier, &c. not to foreſtal, ingroſſe, &c. 5 El. 12.

Badgers, &c. Licencing of Badgers, &c.

33 Juſtices of Peace have authority to inquire, hear and determine all offences committed contrary to the Statute provided for licencing of Badgers and Drovers, 5 El. 12.

Unlawful hunting, and ſtealing of fiſh, conies, &c.

34 Juſtices of Peace have authority to inquire, hear, and determine all offences committed contrary to the Statute provided againſt unlawful hunting, and ſtealing of Deer, Conies, Fiſh, Hawkes Egges, &c. 5 El. 21. 3 *Jac*. 13.

Buckſtals, and ſtalking.

35 Juſtices of Peace have authority to Inquire of them which keep any Deer haies, or buck-ſtals, or which ſtalk with any buſh or breaſt, or take any young herons out of their neſts, 19 H. 7. 11.

Poor men hunters.

36 Juſtices of peace have authority to inquire of them which keep any dogs to hunt, or doe uſe Ferrets, haies or nets, 13 R. 2. 13.

Eating Fleſh in Lent.

37 Juſtices of Peace ſhall have authority in Lent to enter into all Victuallers houſes where Beef, Mutton, &c. ſhall be ſuſpected to be killed, or dreſſed, 1 *Jac*. 29.

Taking Feſants or Partridges.

38 Juſtices of Peace ſhall have authority to inquire, hear, and determine the offences of thoſe which do take any Feſant. or Partridges with nett, or other engines, and to examine all the ſuſpected offendors, 11 H. 7. 17. 23 Eliz. 10. 1 *Jac*. 27.

Hawks & Swans egges.

39 Juſtices of Peace have authority to hear and determine the offences of them which ſhall take the egges of any Hawke or Swan out of their neſts, or ſhall drive any Hawkes out of their Coverts accuſtomed to breed in, 1 *H*. 7. 17.

Deſtroying of Fiſh.

40 Juſtices of peace have authority to enquire, hear and determine all offences in taking or deſtroying of Fiſh, Frie, and Spawn, which be not preſented at the Leet, &c. 1 El. 17.

Conſervators of Salmons.

41 Juſtices of peace ſhall be Conſervators of the Statutes provided, 13 Ed. 1. and of 13 R. 2. for the preſervation of Salmons in the Counties where they be Juſtices, and the duties of the ſaid Juſtices in the execution of the ſame Statutes, 17 R. 2. *9*.

Wax Chandlers.

42 Juſtices of peace have authority to inquire, hear and determine all things done againſt the Statute ordained for Waxchandlers, 11 H. *6*. 12.

Hoſpitality.

43 Juſtices of peace ſhall inquire, hear and determine all offences committed contrary to the Statute provided for the maintenance of Hoſpitality, in thoſe houſes that were before religious houſes, 27. H 8. 28.

Husbandry and Tillage.

44 Juſtices of peace have power to inquire, hear and determine all offences committed contrary to the Statute provided for the maintenance of Husbandry and Tillage, 39 El. 2.

Croſs-bowes and Guns.

45 Juſtices of peace have authority to inquire, hear and determine every offence committed contrary to the Statute made conserning Croſſe-bowes and hand-guns, And the power of every particular Juſtice of peace therein, 33 H. 8. *6*.

Gilding.

46 Juſtices of peace have authority to inquire, hear, and determine the offences committed contrary to the Statute provided concerning Gilding, 8 H. 5. 3.

Breeding of horſes.

47 Juſtices of Peace have authority to inquire of all offences committed contrary to the Statute provided concerning the breeding of horſes of higher Stature, 32 H. 8. 13.

Keeping of great horſes.

48 Juſtices of Peace have power to hear and determine all offences committed contrary to the Statute provided concerning the keeping of great horſes, 33 H. 8. 5.

Tranſporting of horſes.

49 Juſtices of Peace may inquire of all offences committed contrary to the Act prohibiting that no horſes ſhall be conveyed out of this Realm, 1 *Ed*. *6*. 5.

Horſe-bread.

50 Juſtices of peace have authority to inquire, hear, and determine: the offences of Hoſtlers, and Inholders baking Horſe-bread which is not lawful. 32 *H*. 8. 41.

Leather.

51 Juſtices of peace have authority to inquire, hear and determine all offences committed contrary to the Statute provided touching Tanners, Curriers, Shoomakers, &c. 1 *Jac*. 22.

Wages of Knights of the Parliament.

52 Juſtices of Peace have authority to inquire, hear and determine all offences committed by any perſon contrary to the Statute provided for the levying and paying of the wages of the Knights of the Parliament, 23 H. *6*. 11.

Stollen horſes.

53 Juſtices of Peace have authority to inquire, hear and determine all offences committed contrary to the Statute provided againſt the buying of ſtolne horſes, 2 *&* 3 *Phil. & Mar*. 7.

Counterfeit letters.

54 How Juſtices of Peace may uſe thoſe which be ſuſpected to get into their hands by any falſe letters or token any other mans goods, 33 *H*. 8. 1.

Arrow-heads.

55 Juſtices of Peace may inquire of, and puniſh falſe makers of Arrow-heads and quarrels, 7 *H*. 4. 8.

Artificers, Labourers, &c.

56 Juſtices of peace may inquire of, hear, and determine all offences committed by Artificers, workmen, labourers, and Victuallers, and puniſh them, 2 *Ed*. *6*. 15.

Informers.

57 Juſtices of peace ſhall have authority to hear, and determine all offences committed contrary to the Satute provided to redreſſe diſorders in common Informers, 18 *El*. 5. 25 *El*. 10.

Purveyors not paying.

58 Juſtices of Peace have power to inquire, hear, and determine all offences committed contrary to the Statute provided againſt Purveyors not paying for that they take, and ſuch as doe not reſiſt them, 20 *H*. *6*. 8.

Purveyance by unlawful meaſures.

59 Juſtices of peace have power to enquire of Purveyors, which do take corne by any other meaſure but by the ſtriked buſhel, or which do take carriage, and do not preſently pay for it, 1 *H*. 5. 10.

Purveyance near Cambridge and Oxford.

60 Two Juſtices of Peace of the Counties of Cambridg or Oxford, with the Chancellor or &c. there, have power to inquire of the offences committed contrary to the Statutes ordained for purveyance within five miles of Cambridg or Oxford, 2 *&* 3 *P. & M*. 15 13 El. 21.

61 Juſtices of Peace may enquire, hear and determine the offences of thoſe which do uſe any deceitful art with linnen Cloth whereby the ſame is made worſe for the uſe, 1 El. 12.

Pewter, Braſſe.
62 Juſtices of Peace ſhall appoint two perſons having experience in pewter and braſs to make ſearch thereof, 19 *H.* 7. 6. 4 *H.* 8. 7.

Artillery, Buts.
63 Juſtices of peace have authority to enquire of every branch of the Statute provided for the maintenance of Artillery, of buts or bowes, and againſt unlawful games, 33 *H.* 8. 9.

Horſe-ſtealing.
64 Juſtices of Peace have authority to enquire, hear and determine all offences committed contrary to the Statute provided to avoid horſe-ſtealing, 31 *Eliz.* 12.

The wages of Labourers, Workmen, &c.
65 The authority and duty of Juſtices of peace touching the rating or altering the wages of Artificers, Husbandmen, Labourers, Workmen, &c. And to enquire of the execution of the Statutes and Proclamations in that caſe provided, 5 *Eliz.* 4. 39 *El.* 12. 1 Jac. 6.

High-wayes.
66 Juſtices of Peace may enquire, hear, and determine the offences committed contrary to the Statutes provided for the amending of High-wayes, 2 & 3 P. & *M.* 8. 5 *El.* 13. 18 *El.* 10.

Bridges.
67 Juſtices of Peace may enquire, hear and determine all annoyances of bridges broken in the high-wayes, and annoyances of high-wayes adjoyning to the ſame, 22 *H.* 8. 5.

Ale-houſes.
68 Juſtices of Peace have authority to diſcharge common ſelling of Ale and Beer in common Ale-houſes, 5 & 6 *Ed.* 6. 25.

Stretching of Cloth.
69 The Juſtices of Peace on the North ſide of Trent ſhall inquire, hear, and determine every offence done againſt the deceitful ſtretching of Northern cloth, 39 *El.* 10.

Houſes of Correction.
70 Juſtices of Peace may ſet down order, or erect one or more houſes of Correction in their ſeveral Counties, 29 *El.* 4.

Queſtion upon Rogues.
71 Juſtices of Peace have power to hear and determine all cauſes that ſhall come in queſtion by reaſon of the Statute provided for the puniſhment of Rogues, &c. 39 *El.* 4.

The poor, and priſoners.
72 Juſtices of peace ſhall appoint overſeers of the poor in every pariſh, and ſhall rate every pariſh to a weekly ſum to be ſent to the priſoners in the Kings Bench, Marſhalſie, and to the Alms-houſes of the ſame County, 43 *El.* 3.

Treaſurers.
73 Juſtices of peace ſhall have authority yearly to elect Treaſurers for the collection of the relief of Souldiers and Mariners, 43 *El.* 3.

Prices of Veſſels for Ale and Beer.
74 Juſtices of peace have power to tax the prices of every Barrel, Kilderkin or Firkin of Beer and Ale, 23 H 8. 4.

Aſſiſing of Veſſels for Beer and Ale.
75 The prices of all Barrels, Kilderkins, Firkins, &c. to be ſold for Ale, Beer or Sope, ſhall be taxed by the Juſtices of peace, 8 *El.* 9.

Overſeers of cloth.
76 Juſtices of peace ſhall yearly appoint certain perſons to be overſeers for one year, for the true making of woollen cloth, and the cloth preſented to be faulty ſhall be cut in pieces by the Juſtices of peace, 3 *Ed.* 6. 2. 5 *Ed.* 6. 6.

Souldiers.
77 A Juſtice of Peace may commit to priſon a Souldier that hath put away any horſe or harneſs wherewith he was ſet forth, until he hath ſatisfied the owner therefore, 2 *Ed.* 6. 2.

Number of cloth.
78 Juſtices of peace have authority to enquire of the offendors of the Statute limiting what number of ſheep men may keep and have at any time, 25 *H.* 8. 13.

Coroners.
79. Juſtices of peace have power to enquire of the default of a Coroner which upon requeſt doth not his office, or taketh any thing therefore, 1 *H.* 8 7.

Eſcheators.
80 Juſtices of Peace have power to enquire, hear and determine all forfeitures committed by Eſcheators in ſelling or letting to farm their offices, or making any deputies, but ſuch for whom they will anſwer, 12 *Ed.* 4 9.

Defaults of Sheriffs.
81 Juſtices of Peace have power to hold plea of a Suit commenced againſt the Sheriff, or any of his Miniſters which do levy the Kings debt, and do not Tot that which is payed, 42 *Ed.* 3 9.

Other defaults of Sheriffs.
82 Juſtices of Peace have power to hear and determine the defaults of Sheriffs, and Bayliffs, which do not duly execute Precepts to them directed for the returning of ſufficient perſons to enquire of forcible Entries, 8 *H.* 6. 9.

Extortion of Sheriffs.
83 Juſtices of Peace have power to enquire, hear and determine all the extortions, and other offences committed by Sheriffs, Under-Sheriffs, Coroners, &c. contrary to the Statute in that caſe provided, 23 *H.* 6. 10.

Uſury.
84 Juſtices of Peace have authority to enquire, hear and determine all the offences committed contrary to the Statute provided againſt Uſury, 37 *H.* 8 9. 13 *El.* 8.

Weights and Meaſures.
85 Juſtices of Peace have authority to enquire of falſe weights and meaſures, and of the falſifiers and counterfeiters of them, and of thoſe that do buy or ſell with them, 9 H. 5. 8. 11 H. 7. 4.

The eggs of Wild fowl.
86 Juſtices of Peace have authority to enquire, hear, and determine the offences of thoſe which ſhall deſtroy the Eggs of any wild fowl, 25 *H.* 8. 11. 3 *Ed.* 6. 7.

Sale of Wines.
87 Juſtices of Peace have authority to examine, enquire, hear and determine the defaults of ſuch as ſhall ſell any wine contrary the Statutes made, 28 *H.* 8. 14. & 7 *Ed.* 6. 5.

Maintenance of the Navy.
88 Juſtices of Peace have authority to enquire, hear and determine all offences done in the land, or within any haven or port, contrary to the ſtatute in that caſe provided, 5. *El.* 5. 1 *Jac.* 25.

Tyle-maker.
89 Juſtices of Peace have authority to enquire, hear and determine the offences committed contrary to the Statute provided for the true making of Tiles, 17 *Ed.* 4. 4.

Regrating of wools.
90 Juſtices of Peace have power to enquire of ſuch as ſhall buy or ſell wooll at *Hallifax*, contrary to the Statute in that caſe provided, 2 & 3 *P.* & *M.* 13.

Levying of Jurors Iſſues, &c.
91 Juſtices of Peace have authority to enquire, hear and determine every offence committed contrary to the Statute provided for the levying of Iſſues loſt by Jurors, 27 El. 7. 39 El. 18.

Swearing of Under-Sheriffs.
92 Juſtices of Peace have power to hear and determine the offences done contrary to the Statute provided for the ſwearing of Under-Sheriffs and other Officers, 27 El. 12.

Cottages and Inmates.
93 Juſtices of peace have authority to enquire, hear and determine all offences committed contrary to the Statute provided againſt the erecting of Cottages and Inmates, 31 El. 7.

Baſtards.
94 Two Juſtices of Peace ſhall take order for the puniſhment of the Mother and reputed Father of a Baſtard Child, for the eaſing of the Pariſh, and for the keeping of every ſuch Baſtard child, 18 El. 3. 1 Jac. 25.

Agnus Dei, Croſſes, &c.
95 The forfeiture of a Juſtice of Peace to whom any *Agnus Dei*, Croſſes, Pictures or Beads ſhall be offered, that doth not declare the ſame to one of the Kings Privy Council within fourteen days, 13 El. 2.

Tythes.
96 Two Juſtices of peace have authority to commit to priſon any perſon which obſtinately refuſeth to pay his Tythes, or ſuch ſum of money wherein he was condemned for the ſame, 27 *H.* 8. 20.

Certificate of Recogniſance.
97 Every Juſtice of Peace that ſhall take any recogniſance for the keeping of the Peace, ſhall certifie the ſame at the next Seſſions, that the party ſo bound may be called, 3 *H.* 7. 1.

Bailement of offenders.
98 The office of the Juſtices of Peace, in bailment of any perſon arreſted for manſlaughter or felony, or ſuſpition thereof, 1 & 2. P. & *M.* 13.

Impriſonment of offenders.
99 The office and duty of Juſtices of Peace, which ſhall commit to priſon any perſons brought before them for manſlaughter or felony, or ſuſpition thereof, 2 & 3. *P.* & *M.* 10.

Watermen upon Thames.
100 The Juſtices of Peace within the Shires adjoyning to the river of Thames, have authority upon complaint made unto them, to hear, and determine all offences committed contrary to the Statute provided for Watermen upon the ſaid River, 2 & 3. *P.* & *M.* 16.

A Commiſſion no Superſedeas.
101 One Commiſſion of the Peace or Goal delivery ſhall not be a *Superſedeas* to another, 2 & 3. *P.* & *M.* 18.

No Sheriff ſhall be Juſtice.
102 No Sheriff ſhall be Juſtice of Peace in the County, where, and when he is Sheriff, 1 *Mar.* 8.

Indictments in turns.
103 Sheriffs ſhall deliver all Indictments and preſentments taken before them at their tournes to the Juſtices of Peace, And the Juſtices ſhall make Proceſſe againſt, arraign, and deliver the offendors, 1 Ed. 4 2.

Examination of Sheriffs.
104 Two Juſtices of Peace may examine Sheriffs, &c. of entring plaints before them, and execution of Proceſs, 11 *H.* 7. 15.

The Sheriffs eſtreats.
105 The Sheriff ſhall make no eſtreats to levy amerciaments until two Juſtices of Peace have had the overſight thereof. 11 *H.* 7. 15.

Swearing of Bayliffs.
106 Juſtices of Peace may ſwear the Sheriffs Bailiffs to gather but their duty, 11 *H.* 7. 15.

Precept into another County.
107 In what caſes Juſtices of Peace may direct their Precepts to be executed out of the limits of their Commiſſion, 4 *El.* 3. 10. 5 *Ed.* 3. 11. 8 *H.* 6. 10. 5 *El.* 4. 22 *H.* 8. 5.

Where they ſhall impriſon.
108 To what Gaol Juſtices of Peace ſhall commit offendors, 5 *H.* 4. 10.

Recording of Gunners.
109 Juſtices of Peace ſhall receive the names of thoſe which ſhoot in Gunnes, and cauſe them to be recorded, 2 *Ed.* 6. 24.

Infected with the Plague.
110 The authority of Juſtices of Peace for taxing of others for the relief of ſuch as be infected with the plague, 1 *Jac.* 31.

Reforming of Pannels.
111 Juſtices of Peace may reform pannels returned before them to inquire for the King, 3 *H.* 8. 12.

Concealment of Enqueſts.
112 Juſtices of Peace may take inqueſts to inquire of the concealment of other inqueſts, 3 *H.* 7. 1.

Mariners.
113 How far the authority of Juſtices of Peace doth extend in taking Mariners to ſerve the King on the Sea, 5 *El.* 3. 1 *Jac.* 25.

Phyſitians.
114 Juſtices of Peace within London ſhall aſſiſt the Colledg of Phyſitians, 1 *M.* 9.

Who ſhall make a Juſtice of Peace.
115 None have authority to make Juſtices of Peace, but the King, 27 *H.* 8. 25.

Riots, Routs, &c.
116 Juſtices of Peace ſhall arreſt thoſe which commit Riots, Routs, &c. Inquire of Riots, and certifie the ſame, 13 *H.* 4 7.

Inquiry of Riots.
117 Commiſſions ſhall be awarded to examine the defaults of Juſtices of Peace touching enquiry of Riots, 2 *H.* 5. 8.

Maintainers of Riots.
118 The forfeiture of Juſtices of Peace which do not certifie the names of maintainers or imbraceours, by whoſe means any Riot is not found, 19 *H.* 7. 13.

Dockets.
119 Juſtices of Peace ſhall receive dockets of the High Conſtable, and deliver them over to the Lord Steward or Treaſurer, &c. 2 & 3 *P.* & *M.* 6.

Sewers.
120 In what caſe Juſtices of Peace ſhall execute the Commiſſion of Sewers, 13 *El.* 9.

Victuallers.
121 Juſtices of Peace ſhall limit the gain of Victuallers, and puniſh them which take exceſſively, 13 *R.* 2. 8.

A Vintner.

122 Juſtices of Peace may enter into a Merchants houſe which denies to ſell Wines at the price aſſeſſed and ſell the ſame Wine, 24 *H.* 6. 5. 37 *H.* 8. 23. 5 Ed. 6. 17.

Sale of Wines.

123 None ſhall ſell Wines in Towns not Corporate but by the aſſignment of the Juſtices of peace. 7. Ed. 6. 5.

Dividing of common woods.

124 In what caſe Juſtices of Peace ſhall divide a wood if the owner and Commiſſioners thereupon cannot agree, 35 *H.* 8. 7.

Puniſhing the armed.

125 The authority of Juſtices of Peace to puniſh thoſe which goe or ride armed, 2 Ed. 3. 3. 7. *R.* 2. 13. 20. *R.* 2 1.

Their authority in Wales.

126 There ſhall be Juſtices of Peace and quorum in every of the twelve ſhires in Wales, what ſort of perſons they ſhall be and their authority and duty, 34 *H.* 8. 26.

Watchmen upon the ſea-coaſts.

127 Juſtices of Peace ſhall inquire of the defaults of watchmen upon the Sea coaſts, and puniſh them, 5 *H* 4. 3.

Huy and Cry.

128 The authority of Juſtices of Peace touching the execution of the ſtatute of Huy and cry, 27 El. 13.

Recuſants.

129 The office, duty and authority of Juſtices of Peace concerning the enquiry of, or putting in execution of any the Statutes made *anno.* 1 *El.* 2. *anno.* 23 *El.* 1. *anno* 29 *El.* 6. *anno* 35 *El.* 1. *anno* 35 *El.* 2. *anno,* 1 *Jac.* 4. *anno* 3 *Jac.* 4. *anno.* 3 *Jac.* 5. 7 *Jac.* 6. touching recuſants to come to the church or to receive the Sacrament, or &c.

King.

1 What Rates Inne-keepers ſhall take for proviſions for the Kings Retinue in his progreſs, 13 Car. 2. 8.

2 See Carriages.

Knight.

Order of Knighthood.

1 None ſhall be compelled to take the order of Knighthood, 17 *Car.* 2. 20.

Labourers, Artificers, Servants, Apprentices.

Servants for a whole year.

Certain Sciences, Crafts and Occupaions wherein none ſhall be retained to ſerve under a whole year, 5 Eliz. 4.

Servants in Handicrafts.

2 Certain perſons which are compellable to ſerve in Handicrafts, 5 El. 4.

Service in huſbandry.

3 Certain perſons which ſhall be compellable to ſerve in huſbandry by the year with any perſon that keepeth huſbandry, 5 El. 4.

Wages aſſeſſed.

4 The penalty for retaining, or giving, or taking of wages contrary to the wages aſſeſſed by proclamation made for that purpoſe, 5 El. 4.

Unlawful putting away a ſervant.

5 The penalty of a maſter for putting away a ſervant before the end of his term, or for putting away a ſervant without a quarters warning, 5 El. 4.

Refuſing to ſerve.

6 The penalty of a ſervant refuſing to ſerve for the wages aſſeſſed by proclamation, or departing within his term, or without warning, 5 El. 4.

No departure without a Teſtimonial.

7 A ſervant ſhall not depart out of one Country into another without a Teſtimonial.

Shewing a Teſtimonial.

8 The penalty of a ſervant which ſhall be retained without ſhewing of his Teſtimonial, and of him that doth retain him, 5 El. 4.

Continuance at Labour.

9 How long Artificers and Labourers being hired for wages by the day or week, ſhall continue at their labour, 5 El. 4.

None ſhall depart until his work be finiſhed.

10 None ſhall depart from his work which he hath undertaken before it be finiſhed, but for reaſonable cauſe, 5 Eliz. 4.

Harveſt-work.

11. What ſort of perſons may go into other Shires for harveſt-work, 5 El. 4.

Aſſaulting his maſter.

12 The puniſhment of a ſervant or workman making aſſault or affray upon his maſter, or ſuch as have the overſight of his work, 5 El. 4.

Serving in harveſt.

13 The penalty of Artificers which being requeſted by the owners, and appointed by Officers, ſhall refuſe to work in hay or corn harveſt, 5 El. 4.

Women.

14 Some ſort of Women being appointed by head officers are compellable, to ſerve, 5 El. 4.

Apprentices in huſbandry.

15 What ſort of Huſbandmen may take apprentices to ſerve in huſbandry and of what age, 5 El. 4. 12. *R,* 2. 5.

Apprentices in Towns corporate.

16 Who may be Apprentices in Cities or Towns corporate and what ſort of men may take them into ſervice, 5 El. 4.

Apprentices of ability.

17 Certain men of ſome trades muſt not take ſervants or Apprentices, but whoſe parents may diſpend ſome lands, 5 El. 4.

Apprentices in market towns.

18 What ſort of Apprentices Inhabitant in Market Towns not being incorporate (and of Godalming in the County of Surrey) may take, 5 *Eliz,* 4,

Apprentices of ſmall ability.

19 Men of certain occupations may take Apprentices whoſe parents may diſpend no Land, 5 El. 4.

None ſhall occupy but which hath ſerved ſeven years.

20 None (but certain perſons) ſhall occupie any craft but ſuch as he hath been an apprentice unto ſeven years, 5 El. 4.

Weavers of Woollen

21 What ſort of Apprentices weavers of Wollen cloth to be ſold, may take, 5 El. 4.

How many Journeymen.

22 Certain occupations wherein he that hath above three Apprentices ſhall keep, for ever Apprentiſo one Journey man, 5 El. 4.

Apprentices within age.

23 Apprentices bound within the age of one and twenty years muſt ſerve for the years in their Indenture contained, 5 El. 4.

Refuſing to ſerve as an Apprentice.

24 The remedy where one required to be bound Apprentice doth refuſe to ſerve, 5 El. 4.

Abuſed by his Maſter.

25 A remedy for an Apprentice which is abuſed by his maſter, 5 El. 5.

Taking contrary to the Statute.

26 All taking of Apprentices contrary to the Statute ſhall be void, and the forſeiture of him which doth take any contrary &c. 5 El. 4.

London and Norwich.

27 A proviſion for the liberties, cuſtomes, &c. of London and Norwich for the taking of Apprentices 5 El 4. 11 H. 7. 1.

Departing into another ſhire.

28 A remedy to puniſh ſuch a ſervant or Apprentice which unlawfully doth depart into another Shire, 5 El. 4.

Statute-Seſſions.

29 The High Conſtables of Hundreds may keep Statute-Seſſions within the limits of their authorities, 5 El. 4.

Shipmens, &c.

30 Owners of Ships, Gunners, Ship-wrights, may take Apprentices, 5 El. 5. 1 Jac. 25.

Apprentices.

31 What Apprentices the Inhabitants of *Lynne* and *Yarmouth* in the County of *Norfolk* may take, and for what term, 14 *H.* 8. 3. 26 *H.* 8. 16. 5 *El.* 4.

Lin and Yarmouth.

Victuallers and Labourers.

32 The puniſhment of certain Victuallers and other Artificers and Labourers for making conſpiracies touching the ſelling of their victuals, or doing their works, 2 Ed. 6. 15.

Workers with forein Wooll.

33 None ſhall work Hats with forrein wooll but ſuch as have been Apprentices, 8 El. 11.

Hat-makers.

34 How many Apprentices a Hat-maker may take, and for what time, 1 *Jac.* 17.

Weavers.

35 None ſhall be a Weaver but which hath been Apprentice, 2 & 3 P. & *M.* 11. 4 & 5 P. & *Mar.* 5.

Fees for entry of Apprentices.

36 The Fees which Fellowſhips of Crafts ſhall take for entry of an Apprentice, and for the entry of a Freeman, 22 *H.* 8. 4. 28 *H.* 8. 5.

Poor children.

37 In what caſes Overſeers of the poor may bind poor children Apprentices, 43 El. 2. 1 Jac. 25.

A Skinner.

38 Who onely a Skinner may take to be his Apprentice, Journeyman or Servant, 3 *Jac.* 9.

Lader. See *Badger.*
Latten. See *Braſſe.*

Lapſe.

Counter-pleading the Kings Title.

1 The Ordinary may counterplead the Kings Title for a benefice fallen by Lapſe, 25 Ed. 3 7.

Notice of deprivation.

2 In what caſe a Title to confer or preſent by Lapſe ſhall not accrue upon deprivation but after ſix moneths after notice given to the Patron. 13. El. 15.

No prejudice to the King.

3 In what caſe Lapſe of ſix Moneths ſhall not prejudice the King, 17 Ed. 2. 8.

Leaſes.

Tenants in Tail, &c.

What things are ſpecially to obſerved in Leaſes to be made, by a Tenant in taile, or by a man ſeiſed of lands in the right of his wife, or Church, 33 *H.* 8. 28.

The Wives lands.

2 The wife ſhall be partie to every leaſe made of her land, 32 *H.* 8. 28;

Colledg land,

3 Upon Leaſes made by Colledges, the third part of the rent ſhall be reſerved in Corne, 18. El. 6.

Abbey lands, &c.

4 The force and ſtrength of all Leaſes made by Abbots, priors, Nuns, Maſters of Colledges, Chaunteries, &c. before their ſeveral diſſolutions, 27 H. 8. 31 H. 8. 13. 1 Ed. 6. 14.

Biſhops lands;

5 What Leaſes or other Aſſurances made by Biſhops of their land, ſhall be good, what not, 1 El. 19. 1 Jac. 3.

Spiritual perſons.

6 What Leaſes or other Aſſurances may be made by any Maſter and Fellows, Dean and Chapiter, by Parſon, Vicar, or other having ſpiritual Livings, 13 El. 10. 18 El. 11. 14 El. 11. 1 Jac. 25.

Of Benefices with cure.

7 How long Leaſes of Benefices with Cure ſhall endure, 13 El. 20. 10 El. 10. 14 El. 11. 43 El. 1. 1 Jac. 25,

Spiritual perſons taking livings.

8 In what caſes any ſpiritual perſons may take any land, Parſonage, or Vicarage by Leaſe, and in what not, 31 *H.* 8. 13.

The reverſion in the King.

9 What Leaſe a Tenant in Tail of lands whereof the reverſion is in the King, may make, and what not, 34 *H.* 8. 20.

Recoverers remedy.

10 What remedy the Recoverers have againſt the Leſſee for years, of lands recovered for Rent due, or Waſte committed, 21 *H.* 8. 15.

The Leſſees remedy againſt the Grantees.

11 Leſſees for years or life ſhall have the ſame advantage againſt Grantees in reverſion, that they might have had againſt the Grantors. *Et è converſo,* 32 *H.* 8. 34.

Partition.

12 In what caſes Leſſees for life or years are compellable to make partition of their land. 32 *H.* 8. 32.

Aliens.

13 No ſtranger Artificer not being Denizen, may take a leaſe of any houſe or ſhop, 32 *H.* 8. 16.

North and South Tindal.

14 What Leaſes may be made of lands in North and South Tindal in *Northumberland,* and upon what conditions, 11 *H.* 7. 9.

Falſifie a Recovery.

15 A Leſſee for years may falſifie a recovery had againſt him in the reverſion, 6 *Ed.* 1. 11. 21 *H.* 8. 15.

Not found by office.

16 Leſſees for years of Wards lands ſhall enjoy their Leaſes though they be not found by office. 2. Ed. 6. 8.

To defraud.

17 Leaſes made to defraud Creditors ſhall be void 13. El. 5.

The Kings Tenant,

18 If he that hath a leaſe of the Kings lands be retained in ſervice with any other perſon, his Leaſe ſhall be void. 3. *H.* 7. 12.

19 What Leaſes to be made by the King of the Dutchy lands in *Cornwall*, ſhall be good and confirmed, 1 *Car*. 1. 2.

20 Leaſes and Grants from Colledges and Hoſpitals confirmed, 12 *Car*. 2 31.

21 Leaſes made by the Maſter of the Rolls, ſhall be good, 12 *Car*. 2. 36.

22 Leaſes by the King of Lands and Tenements of the Dutchy of *Cornwall* confirmed and made good, 13 *Car*. 2. 4. Stat. 2.

Leets, Liberties, Law-daies, and Stewards thereof.

When holden.

1 AT what time of the year a Leet ſhall be holden. 9 *H*. 3. 35. And who ſhall be bound to appear thereat, and who not, 52 *H*. 3. 10.

Tanners.

2 Stewards of Leets and Liberties ſhall enquire, hear and determine all offences committed contrary to the Statute provided touching Tanners, &c. 1 *Jac*. 22.

Attachments in the Marches.

3 Stewards of Leets may enquire of all Attachments made by Officers of the Eaſt Marches or Weſt Marches out of Weſtmerland, &c. 31 *H*. 6. 3. *Vide* 4 *Jac*. 1.

Preſervation of fiſh.

4 The Lord of every Leet may enquire of all offences committed contrary to the Statute provided for the preſervation of the Spawn or Fry of Fiſh, 1 El. 17. 1 *Jac*. 25.

Malt-making.

5 The Steward of every Leet may enquire, hear and determine all offences committed contrary to the Statute provided for the true making of Mault, 2 Ed. 6. 10.

Artillery, Buts, &c.

6 And of all offences committed contrary to the Statute provided for the maintenance of Artillery, of Buts, and of the making and ſelling of Bowes, 33 *H*. 8 9.

Victuallers, Artificers, &c.

7 And of all offences committed contrary to the Statute provided for Victuallers, Artificers, Workmen and Labourers, 2 Ed. 6. 15.

Muſters.

8 And of all offences committed contrary to the Statute provided for the taking of Muſters, 4 & 5 P. & *M*. 3.

Shooting in Croſs-bows, &c.

9 And of all offences committed contrary to the Statute made concerning ſhooting in Croſs-bows, and Hand-guns, 33 H. 8. 6.

High-wayes.

10 And of all offences committed againſt every Article of the Statutes provided for the amendment of high-wayes, 2 & 3 P. & *M*. 8. 5 El. 13. 18 El. 10.

Breed of horſes.

11 And of all offences, defaults, contempts, and omiſſions committed contrary to the effect of Statutes provided for the breed of horſes of higher ſtature, 32 *H*. 8. 13.

Hoſtelers horſe-bread.

12 And of all offences committed by Hoſtlers making horſe-bread not ſufficient and of due aſſiſe, 32 H. 8. 41.

Exceſſive prices of Wines.

13 And of all offences committed contrary to the ſtatute provided to avoid the great prices and exceſſe of Wines, 7 Ed. 6. 5.

Feſants and Partridges.

14 And of all offences committed contrary to the ſtatute made for the preſervation of Feſants and Partridges, 23 El. 10.

Hares.

15 And of thoſe that do uſe the tracing and killing of Hares, 14 H. 8. 10.

Cottages and Inmates.

16 And of all offences committed contrary to the ſtatute made againſt the erecting and maintaining of cottages and Inmates, 31 El. 7.

Several offences.

17 And Stewards in their Leets ſhall inquire by the oaths of the Jurors of divers and ſeveral articles which are to be enquired of in a Leet by force of the ſtatute of 18 Ed. 2. *De viſu Franciplegii*.

Farming of the profits of the Court.

18 No Steward, Under-ſteward, or deputy of any Court-Leet or Court-Baron, ſhall take in farme the profits of the ſame Court, 1 *Jac*. 5.

Leather, Tanner, Currier and Shoomaker.

Gaſhing, &c. of Hides.

1 THe forfeiture of a Butcher for gaſhing or cutting any Hide, or for watring any Hide, ſaving in certain moneths, or for putting to ſale any rotten Hide, 1 *Jac*. 22.

Butcher no Tanner.

2 The penalty of a Butcher that doth occupy the craft of a Tanner, 1 *Jac*. 22.

Who Tanners.

3 What ſort of perſons only may be Tanners, 1 *Jac*. 21.

No Tanner a Cutter of leather.

4 No Tanner ſhall be a Cutter of Leather, 1 *Jac*. 22.

Rough Hides.

5 What perſons only may buy rough hides, or calves skins in the hair, 1 *Jac*. 22.

Foreſtalling of Hides.

6 The penalty for foreſtalling of hides, or for buying them any other where then in open fair or market, 1 *Jac*. 22.

Who may buy tanned leather.

7 Who only may buy or ſell any tanned leather not wrought, and convert it into made wares, 1 *Jac*. 22.

Hides uſed in tanning.

8 In what ſort hides ſhall be uſed in Tanning, 1 *Jac*. 22.

Raiſing.

9 No perſon ſhall raiſe with mixture any hide to be converted to certain uſes (except in certain caſes) 1 *Jac*. 22.

Unwrought tanned leather.

10 Where, when, and in what caſes only tanned Leather and unwrought may be put to ſale, 1 *Jac*. 22.

Not ſufficiently tanned.

11 The penalty for offering or putting to ſale any Leather not ſufficiently tanned or dried, 1 *Jac*. 22.

Unkind heats.

12 The penalty of him which cauſeth his Leather to take unkind heats, 1 *Jac*. 22.

A Curriers duty.

13 In what place a Currier ſhall curry Leather; what kind of Leather he may curry, and with what ſtuff, and his duty in each reſpect, and his penalty omitting the ſame, 1 *Jac*. 22.

A Shoomakers duty.

14 Of what ſtuff a Shoomaker ſhall make any Boots or Shoos, Buskins, Slippers, &c. and his duty in each reſpect, and his penalty for omitting the ſame, 1 *Jac*. 22.

Searchers and tryers, and their duty.

15 There ſhall be ſearchers, ſealers, and tryers of Leather, and of wares made of Leather, and their office, authority and duty. And they ſhall keep a Book of Regiſter of all bargains made for Leather, &c. 1 *Jac*. 22.

Selling not ſealed or regiſtred.

16 The penalty for buying or ſelling of Leather not ſealed or regiſtred, 1 *Jac*. 22.

Sale in open ſhop, &c.

17 There ſhall be no wares ſold within *London*, or, &c. appertaining to the myſtery of cutting of Leather, but only in open ſhop, fair or market, 1 *Jac*. 22.

Under ſearch.

18 All cutters of Leather in or near *London* ſhall be under the ſearch of the Maſters and Wardens of ſuch Companies, 1 *Jac*. 22.

Who ſhall have the forfeitures.

19 Who ſhall have the benefit of ſuch ſums of money as ſhall be forfeited by this Statute, 1 *Jac*. 22.

Sale of forfeited wares.

10 Forfeited wares ſhall not be ſold to him that will ſell it again, 1 *Jac*. 22.

Leather.

21 What ſhall be reputed Leather, 1 *Jac*. 22.

Drying, currying, &c.

22 Who may dry, curry, and friſe Leather, 1 *Jac*. 22.

Diſpenſing with offences.

23 All Licenſes granted to diſpenſe with any offences prohibited by this Statute ſhall be void, 1 *Jac*. 22.

Uſing of pelts.

24 How any perſon may uſe thoſe pelts which he doth make, and the penalty if he do uſe them otherwiſe, 5 El. 2. 8 El. 14.

Tranſporting.

25 The penalty for tranſporting Leather, Tallow, or raw Hides, 18 *El*. 9.

Licenſe to tranſport.

26 Where he muſt buy his Leather that hath licenſe to tranſport it, 5 *Ed*. 6. 15.

Tranſporting of ſhoos, boots, &c.

27 The penalty for tranſporting of any ſhoos, boots, buskins, &c. 5 *Ed*. 6. 15. 1 *M*. *Parl*. 2. *cap*. 8.

Buying of tanned leather.

28 Who only may buy or engroſs any tanned Leather, 5 *Ed*. 6. 15.

None ſold by weight.

29 No tanned Leather ſhall be ſold by weight, 4 *Jac*. 6.

Cuſtom for leather.

30 What ſubſidy or cuſtom ſhall be paid for leather tranſported, 18 *El*. 9.

Sheep-skins, or Buck or Stag tranſported.

31 The penalty for tranſporting of ſheep-skins, &c. or the skins of any Stag, Hind, Buck, or the pelts of any of them, 8 *El*. 14. 5 *El*. 22.

Curriers of London.

32 The Curriers of *London* ſhall uſe their own ſtuff, 1 *M*. *Parl*. 2. c. 8.

Leather curried.

33 How leather ſhall be ordered that the Currier ſhall dreſs, 1 *M*. 8.

The time.

34 Within what time Leather ſhall be curried, 1 *M*. 8.

35 The exportation of Leather and raw Hides out of *England* reſtrained, 14 *Car*. 2. 7.

36 Liberty to buy and export Leather and Skins tanned and dreſſed, 20 *Car*. 2. 5.

Limitation of Actions.

A writ of Right.

1 LImitation of preſcription in a Writ of Right, 32 H. 8 2.

Actions poſſeſſory.

2 Limitation of preſcription in Actions poſſeſſory, *viz Aſſiſe*, *Mortdaunceſtor*, *Coſinage*, *Aiel*, &c. 32 H. 8. 2.

Of his own poſſeſſion.

3 Limitation of preſcription of his own ſeiſin or poſſeſſion, 32 H. 8. 2.

Avowry.

4. Limitation of preſcription in an Avowry, or cogniſance for Rent, Suit or Service, 32 *H*. 8. 2.

Formedons. *Scire facias.*

5 Limitation of preſcription in *Formedons* in remainder, and *Scire facias* upon Fines, 32 H. 8, 2.

Not ſeiſed within limitation.

6 The Demandant or Avowant ſhall be barred for want of ſeiſin within the time of limitation, 32 H. 8. 2.

Writs exempt.

7 Certain Writs and Acts whereunto the Statute of limitation made 32 H. 8. ſhall not extend, 1 *M*. 5.

Limitation of concealments.

8 No recovery of concealed lands unleſs the Kings Title may be proved to have been within ſixty years, 21 *Jac*. 2.

Writs of *Formedon*.

9 Writs of *Formedon* ſhall be ſued within twenty years, 21 *Jac*. 16.

Entry.

10 Entry into lands ſhall be made within twenty years, 21 *Jac*. 16.

Perſonal Actions.

11 The limitation of certain perſonal actions, 21 *Jac*. 16.

12 Their limitation after Judgment or Outlawry reverſed, 21 *Jac*. 16.

1 *Liberties*. *See Franchiſes*.

1 *Licences*. *See Diſpenſations*.

Linnen Cloth.

Dowles and Lockerham.

1 THe contents of linnen Cloth called Dowles or Lockerham, to be ſold, ſhall be put upon every piece thereof, 28 H. 8. 4.

Stretching or impairing.

2 The penalty for ſtretching or impairing of linnen Cloth, whereby the ſame ſhall be worſe, 1 *El*. 12.

Livery and Ouſter le malne.

Primer ſeiſin.

1 THe King ſhall have primer ſeiſin after the death of his tenant which holdeth of him in chief, of all his Lands, &c. 17 *Ed*. 2. 3. 52 *H*. 3. 16.

No entry without livery.

2 An heir coming into lands holden of the King in chief without livery, gaineth no freehold, 17 *Ed*. 2. 13.

Wrongfully found within age.

3 A remedy for the heir of the Kings tenant, which being of full age is found within age, 2 *Ed*. 6. 8.

4. All

The Court of Wards, &c.

4 All liveries to be ſued out of the Kings hand ſhall be in the order of the Court of Wards and Liveries, 33 *H.* 8.22.

No livery before Office found.

5 No livery ſhall be ſued of lands to the yearly value of five pounds before Office found thereof by Writ or Commiſſion, 33 *H.* 8. 22.

A warrant to find an Office.

6 Who ſhall make Warrants for Writs or Commiſſions to find Offices, 33 *H.*8.22.

A general livery

7 A general livery may be ſued of lands not exceeding the yearly value of five pounds, without Inquiſition, 33 *H.*8.22.

A general livery

8 A general livery may be ſued after Office found of lands not exceeding the yearly value of twenty pounds, (except in certain caſes, &c.) 33 *H.* 8.22.

The fees.

9 The fees of a general livery, 33 *H.*8.22.

Within what time ſued.

10 Within what time a livery ſhall be ſued forth, 33 *H.*8.22.

Enrolment of a livery.

11 Every livery ſhall be enrolled by the Auditors of the Courts of Wards, &c. And the fees for the inrolment thereof, 32 *H.*8.46.

Livery with the Iſſues.

12 In what caſe the owner ſhall have his lands which be ſeiſed into the Kings hands by the Eſcheators, with the iſſues thereof. And in what caſe the King may reſeize them, 28 *Ed.*1 19. 29 *Ed.* 1. *Stat. de Eſcheatoribus.*

Mean rates.

13 How the King ſhall be anſwered the mean rates of thoſe lands which were taken into his hands by the death of his tenant, after livery made thereof, 28 *E* 3.4.

Liveries and Retainers.

Giving for maintenance.

1 THe penalty for giving of Liveries for maintenance of Quarrels, 1 *R.* 2.7. 8 *Ed.* 4. 2.

London.

1 Lights ſhall be hanged forth by the Inhabitants in the ſtreets in Winter, 14 *Car.* 2.2.

2 A judicature erected for hearing and determining all differences touching houſes burned and demoliſhed in the fire there, 19 *Car.* 2. 2.

3 Rules ſetting forth the order and form to be obſerved in the ſtreets, and re-building of the City of *London*, 19 *Car.*2.3.

Lunaticks.

Traverſe.

1 SUch as by office are untruly found Lunaticks may have their traverſe to the ſame, 2 *E* 6.8.

Their lands.

2 The King ſhall have the cuſtody of Lunaticks lands. And they ſhall be in the direction of the Maſter and Court of Wards and Liveries, 17 *Ed.*2.10. 32 *H.* 8.46.

A Fine.

3 A Fine ſhall not be levied by a Lunatick, 1 *R.*3.7. 4 *H.* 7. 24.

A Will.

4 A Lunatick ſhall not be enabled to make a Will of his lands, 14 *H.*8.5.

Madder.

1 THe Statute for importing Madder pure and unmixed, repealed, 15 *Car.*2.16.

Mainpriſe and Bayl.

Not by the common laws.

1 WHat perſons, for what cauſes, are not mainpernable by the common Law, 3 *Ed.* 1.15.

Not by Statute.

2 Which perſons for which offences, are not mainpernable by Statute, 3 *Ed.*1.15.

Allowed to offendors.

3 In what caſe Mainpriſe is allowable to ſome offendors, 3 *Ed.* 1.15.

The puniſhment for unlawful bayl.

4 The puniſhment of a Sheriff, Under-Sheriff, Conſtable or Bayliff, which letteth to mainpriſe one that is not baylable, 3 *Ed.*1.15. 27 *Ed.*1.3.

Juſt.of P.bailing

5 The puniſhment of a Juſtice of Peace which doth bayl one which is not baylable, 1 & 2 *P.* & *M.* 13.

Marſhals bailing

6 The puniſhment of the Marſhal of the Kings Bench, which doth bayl any Felon, or doth ſuffer him to go wandring out of priſon, 5 *Ed.*3.8.

Denying of lawful bayl.

7 The penalty of him which doth with-hold a priſoner baylable, that doth offer ſufficient ſurety, or doth take reward for the deliverance of him, 3 *Ed.* 1.15.

Bayling by Juſtices.

8 Juſtices of Peace, and Coroners, which do bayl priſoners, ſhall take and certifie their examinations, and bind other to give evidence againſt him, 1 & 2 *P.* & *M.* 13.

Bayling by Sheriffs.

9 Who may be led to bayl or mainpriſe by any Sheriff, Under-ſheriff, &c. and who not, 23 *H.* 6 10.

Indicted at the Kings ſuit.

10 In what caſe he ſhall be let to Mainpriſe which is indicted of murther at the Kings ſuit, and acquitted, 3 *H.*7.1.

Common mainpriſe in Wales.

11 Every Sheriff in *Wales* may put ſuſpected perſons under common mainpriſe, and what he ſhall take for the ſame, 27 *H.* 8.26. 34 *H* 8.26.

Rediſſeiſor.

12 They which be taken for Rediſſeiſin be not replevisable by a common Writ, 52 *H.* 3. 8. 13 *Ed.* 1. 26.

Sheep.

13 No perſon ſhall be let to bayl or mainpriſe which is committed to priſon for delivering, ſending, receiving or taking, or procuring to be brought, ſent, &c. into any Ship any ſheep being alive, to be conveyed out of any of the Kings dominions, 8 *El.* 3.

Hatters.

14 Nor any worker or maker of hats, which is committed to priſon for taking above two Apprentices at one time, or for taking any of thoſe for any leſs time then ſeven years, 8 *El.*11.

Accountant.

15 Nor any ſervant, bailiff, chamberlain, or receiver accountable, which upon his account before Auditors is found in arrerages, and committed to the Gaol, 13 *Ed.* 1. 11.

Servant.

16 Nor any ſervant committed to priſon for departing from his Maſter before the end of his term, or for departing at the end of his term without one quarters warning, or for refuſing to ſerve for the wages rated according to the Statute, being thereunto requeſted, or for not ſerving where he promiſed or covenanted to ſerve, 5 *El.* 4.

Artificer, Laborer.

17 Nor any Artificer or Labourer, which is impriſoned for departing from any piece of work which he hath taken in great, in task, or in groſs, to finiſh, before he hath ended the ſame, 5 *El.*4.

Givers or receivers of wages not allowed.

18 Nor he which is impriſoned for giving or receiving more wages then is aſſeſſed in a Proclamation made for that purpoſe in that County, city, borough, &c. where he dwelleth, 5 *El.* 4.

Forging of deeds

19 Nor he which is committed to priſon for falſe forging, wittingly aſſenting, or cauſing to be forged or made any falſe deed, charter, or writing ſealed, court-roll, or the Will of any perſon, or writing, to the intent, &c. or any obligation, bill obligatory, acquittance, releaſe, or other diſcharge of any debt, account, or other thing perſonal, or for that he did publiſh or give in evidence any ſuch falſe and forged charter, &c. as true, knowing the ſame to be falſe and forged, 5 *El.* 14.

Arreſtment at an unknown mans ſuit.

20 Nor he which doth maliciouſly, or for vexation procure any other perſon to be arreſted or attached to anſwer in any Court where any liberty is to hold plea in any action perſonal, at the ſuit or in the name of any perſon where there is no ſuch perſon known, or without the aſſent of ſuch perſon at whoſe ſuit or in whoſe name, &c. and is thereof convict, or lawfully accuſed, &c. and committed to priſon for ſix moneths, &c. 8 El. 2.

Alehouſe.

21 Nor he which is committed to priſon for three dayes for keeping an Alehouſe being not allowed, or being forbidden by two Juſtices of Peace, 5 Edw. 6. 25.

Aliens.

22 Nor he which is committed to priſon, for that he being an Alien born, and not Denizen, conveyed into any parts beyond the Sea any long bows, arrows, or ſhafts without licenſe, until he hath made fine by the diſcretion of the Juſtices of Peace in their Seſſions, 33 *H.*8.9.

Attaint.

23 Nor any of a petit Jury in *London*, which is attainted by the verdict of a grand Jury, and therefore committed to priſon, or which hath received any money, reward or promiſe thereof, of the defendant in the attaint, for the intent of giving his verdict, whereupon the attaint is grounded: Nor the defendant in the attaint, for the intent of giving his verdict, whereupon the attaint is grounded: Nor the defendant in the ſaid attaint, which doth give or promiſe the ſaid money or reward, and is therefore committed to priſon, 11 *H.* 7.21,

Collectors, Surveyors of bridges.

24 Nor any Collector or Surveyor of any decayed bridge, which is committed to priſon for refuſing to accompt to the Juſtices of Peace of the receipts and payment of money by him received toward the repair of the ſaid bridge, until he hath truly accounted, 22 *H.* 8. 5.

Father or Mother or a baſtard.

25 Nor the Mother or reputed Father of any Baſtard begotten and born out of lawful matrimony, committed to priſon for not performing an Order made by two Juſtices of Peace for the keeping of ſuch baſtard child, 10 *El.* 3.

Souldier.

26 Nor any ſouldier committed to priſon for making away any horſe or harneſs wherewith he ſhall be ſet forth, until he hath ſatisfied the owner thereof, 2 Ed.6.2.

Propheſies.

27 Nor any perſon which is committed to priſon for any offence by him committed contrary to the Statute provided againſt fond and fantaſtical propheſies, 5 El. 15.

Muſters.

28 Nor he which is committed to priſon for being convicted of any offence by him committed contrary to the Statutes made for the taking of Muſters, until he hath paid the forfeiture in the ſaid Statute ſpecified, 4 & 5 P. & *M.* 3.

Tranſporting of corn, victuals.

29 Nor any perſon or mariner of any Ship, which is committed to priſon for tranſporting beyond the Sea, or into *Scotland*, any Corn, Malt, Beer, Butter, Cheeſe, Herring or Wood, without lawful authority. Or for conveying by boat, &c. any of the foreſaid things to any Ship on the Seas, or within any Haven, to be tranſported, &c. Nor any man which having licenſe to tranſport the foreſaid things doth tranſport more then is contained in his Licenſe, 1 & 2 P. & *M.* 4.

Tranſporting of leather, tallow, and raw hides.

30 Nor the Maſter or Mariner of any Ship, committed to priſon for ſhipping or carrying in any ſhip, or otherwiſe, any Leather, Tallow, or raw Hides, of intent to tranſport the ſame beyond the Sea, or into *Scotland*, 18 El.9.

Tythes.

31 Nor he which is committed to priſon by two Juſtices of Peace for refuſing to pay his tythes or duties, or any ſum of money wherein he is condemned for the ſame, after definitive judgment given againſt him by the Ordinary, 27 H. 8. 20. 32 H. 8. 7.

Excommunicat.

32 Nor he which ſhall yield his body to the Sheriff or other Officer, upon any Writ of *Capias* awarded according to the Stat. provided for the due execution of the Writ *de excommunicato capiendo*, 5 El. 23.

Fiſh, deer, Hawks

33 Nor he which is committed to priſon for committing any offence prohibited by the Stat. provided, 5 El. for the puniſhment of unlawful taking of Fiſh, Deer and Hawks, 5 El. 21.

Eating of fleſh.

34 Nor he which is committed to three moneths impriſonment for eating of fleſh upon any day uſually obſerved as a fiſh

day, or upon any *Wedneſday*, newly limited to be obſerved as fiſh day, 5 *El.* 5.

Collectors and Surveyors for Gaols.

35 Nor any Collector or Surveyor appointed for making of Gaols in certain ſhires, committed to priſon for refuſing to make accompt, or to pay ſuch money as ſhall come to their hands 23 H. 8. 2. 5 El. 24. 13 El. 25.

News.

36 Nor he which is committed to priſon for vehement ſuſpition of any of the offences prohibited by the Statute provided againſt ſeditious words and rumors: Nor he which is committed to perpetual impriſonment for his ſecond offence, being once convicted of any of the offences prohibited by the foreſaid Statute, 1 *&* 2 *P. & M.* 3. 1 *El.* 8.

Knights for the Parliament.

37 Nor the Sheriff of any County committed to priſon for doing any thing contrary to any Statute made in or before 23 *H.* 6. concerning the electing of Knights, Citizens and Burgeſſes, to come to the Parliament, 23 H. 6. 15.

Perjury.

38 Nor he which is committed to priſon for committing wilful perjury, nor he which doth procure any witneſſes to commit wilful perjury, 5 El. 9. 14 El. 11.

Phyſitians in *London.*

39 Nor he which is committed to priſon by the Preſident of the Colledge of the faculty of Phyſick in *London*, or by ſuch as the ſaid Preſident and Colledge ſhall authorize to ſearch and puniſh offendors, for any offence or diſobedience by him committed contrary to the Stat. in that caſe provided, 1 M. 9.

Plays and games.

40 Nor he which is committed to priſon for keeping any houſe, alley, or place of unlawful games, or for reſorting and playing there, 33 H. 8. 9.

Collection for the Poor.

41 Nor any Collector for the relief of the poor, which ſhall refuſe to make his account, or ſhall neglect the ſame, and ſhall be therefore committed to priſon, 14 El. 15.

Cenſors and Collectors of houſes of correction.

42 Nor any Collector or Governour of the poor, or Cenſor, Warden or Collector for any of the houſes of Correction, committed to priſon for refuſing to make accompt of ſuch money as he hath received to the uſes aforeſaid, Or for not paying within one week after his accompt the whole arrearages which he ſhall be found in, 18 El. 3.

Diſturbers of Preachers.

43 Nor he which is committed to priſon for diſturbing or miſuſing any Preacher in the time of his Sermon, or for arreſting, &c. 1 *M.* 3.

Chaters.

44 Nor the Chator or other Officer of any Noble man or other committed to priſon for taking any Victuals, or other things of any perſons againſt their wills, 23 *H.* 6. 14.

Breaking Parks, and killing Deer, Conies, &c.

45 Nor he which is committed to priſon for breaking of a Park or Warren, killing of Deer or Conies, Feaſants or Partridges, or for committing any other offences prohibited by the Statutes in that caſe provided, until he hath ſatisfied the penalties in the ſame Statutes limited, 23 El. 10. 1 Jac. 27. 3 Jac. 13. 7 Jac. 13.

Fraudulent conveyances.

46 Nor he which is committed to priſon for being party to a fraudulent Conveyance, doth avow and juſtifie the ſame (having knowledge thereof,) 27 El. 4.

Wax and Honey.

47 Nor he which is committed to priſon for counterfeiting of marks, or marking with anothers mark any Veſſel of Wax or Honey, 23 El. 8.

Purveying within five miles of *Cambridge* or *Oxford.*

48 Nor any Purveyor, Taker, Badger, or other miniſter of the Kings, nor any other common Poulterer, committed to three moneths Impriſonment for taking or bargaining for any Victual or Grain in either of the Markets or Towns of *Cambridge* or *Oxford*, or within five miles thereof, without the licenſe of either of the Chancellors or Vice-Chancellors of the ſaid Univerſities where, &c. 2 & 3 Phil. & Mar. 15. 13 El. 21.

Sacraments.

49 Nor any perſons impriſoned for committing any of the offences prohibited by the Statute provided 1 El. for the uniformity of Common Prayer and Service in the Church, and the adminiſtration of the Sacraments, 1 E. 2.

Vagabonds.

50 Nor any Vagabond committed to priſon until the next Seſſions of the Peace, or general Gaol-delivery, 14 El. 5.

Counterfeiting of weights.

51 Nor he which is committed to priſon for falſifying or counterfeing any falſe weights, until he hath made fine according to the diſcretion of the Juſtices of Peace, 9 H. 5. 8.

Taking away of Maids.

52 Nor any perſon above the age of fourteen years, committed to two years impriſonment for conveying or cauſing to be conveyed any Maid or Woman child unmarried, within the age of ſixteen years, out of the poſſeſſion and againſt the will of the Father or Mother, or ſuch perſon as ſhall have the governance of ſuch Maid, &c. 4 & 5 P. & M. 8.

Deflowring or contracting Matrimony with a Maid.

53 Nor any perſon above the age of fourteen years, committed to five years impriſonment, for taking away and deflouring, or for contracting matrimony with any maid or woman child unmarried, under the age of ſixteen years, againſt the will, or unknowing of the father, mother, or ſuch as ſhall have the governance of her, 4 *&* 5 *P. & M.* 8.

Condemnation.

54 Nor he which is condemned in any of the Kings Courts, and by vertue thereof is committed to priſon, there to remain until he hath agreed with the Plaintiff, 1 *R.* 2. 12. 2 *H.* 5. 2.

Gauger, Parker, Searcher.

55 Nor any Gauger, Packer or Searcher of Fiſh, which is committed to priſon for that he taketh more for gauging, packing, or ſearching then he ought to do, 11 *H.* 7. 23.

Fraudulent deed.

56 Nor he which is committed to priſon for being party to any fained or fraudulent Gift, Bond, Suit, &c. or knowing thereof ſhall willingly put in ure or defend the ſame as true and ſimple, or ſhall aſſign the lands, leaſes, or goods to him conveyed, 13 El. 5. 14 El. 11.

Foreſtaller, Regrator, Engroſſer.

57 Nor any Foreſtaller, Regrator or Engroſſer, being convict or attainted by the Law of any of the offences aforeſaid, 5 Ed. 6. 14. 13 El. 25.

Riots.

58 Nor he which is committed to priſon for one year at the leaſt, for any great and heinous Riot by him and others done, 2 *H.* 5. 8.

Liveries.

59 Nor he which is impriſoned for buying or wearing any Clothes or Hats, called Liveries, of the ſort or ſuit of any Lord, Knight, Eſquire, or other perſon, to have maintenance in any quarrel, or in any quarrel, or in any other manner, 8 H. 6. 4.

Maintenance, Champerty, Embracery, and buying of Titles.

The Kings Officers.

1 The penalty of the Kings Officers which do maintain any quarrel, 1 Ed. 3. 14. 1 R. 2. 4.

By Clerks.

2 The penalty of Clerks taking preſentments of a Church which is in plea, or for taking part in any matter in ſuit, or for working any fraud to the delay of Right, 3 Ed. 1. 28.

Conſealing of Riots.

3 The penalty for embracery or maintenance of the Jurors, whereby any Riots, Rout, &c. is not found, 19 H. 7. 13.

Maintenance of ſuits.

4 The penalty for maintaining any ſuit depending in any of the Kings Courts, or for unlawful retaining any perſon, or imbracing any Free-holder or Juror, or for ſuborning any witneſſes, 22 H. 8. 9.

Maintenance to have part.

5 No perſon ſhall maintain any matter depending in ſuit, to have part of the thing in plea, or other profit, Neither ſhall any upon ſuch conſideration depart from his right to another, 3 Ed. 1. 25. 13 Ed. 1. 49. 21 Ed. 1. 11. 33 Ed. 1.

Champertors or Embraceors:

6 Who be Champertors, and who be Embraceors, 33 Ed. 1. 34 Ed. 3. 8. 38 Ed. 3. 12.

Buying or ſelling a pretended Title.

7 The forfeiture for buying, or taking promiſe to buy a pretenſed Title, And likewiſe for ſelling of the ſame, 32 H. 8. 9.

Releaſe of a pretended title.

8 He that is in poſſeſſion of any lands may purchaſe a pretenſed Title of the ſame, 32 H. 8. 9.

Feoffment.

9 Feoffments made for maintenance ſhall be void, 8 H. 6. 9.

Liveries.

10 The puniſhment for giving or taking of Liveries for Maintenance, 1 R. 2. 7. 7 H. 4. 14. 13 H. 4. 3. 8 H. 6. 4. 8 Ed. 4. 2.

Who may ſue.

11 Who may ſue any Actions, or purſue upon the Statutes provided againſt Maintenance, Champerty, &c. 18 El. 5.

Forcible Entry.

12 The puniſhment for making any forcible Entry into another mans land by way of Maintenance, 4 H. 4. 8.

Who ſhall inquire and determine.

13 The Juſtices of both Benches, Aſſiſe, and *Niſi prius*, ſhall hear and determine Maintenance, Champerty, &c. 4 Ed. 3. 11. 20 Ed. 3. 6.

Juſt. of Peace, their authority.

14 Juſtices of Peace have authority to inquire, hear, and determine all offences touching Maintenance, Embracery, *&c.* 33 H. 8. 10. 37 H. 8. 7.

Manufactures.

1 Importing foreign Bone-lace, Cut-work, Imbroidery, Fringe, Band-ſtrings, Buttons and Needle-work, prohibited, 14 *Car.* 2. 13.

2 The Silk-throwers, *London*, incorporated by Patent, and the making of the Manufacture regulated, 14 *Car.* 2. 5.

3 A further regulation of the Trade of Silk-throwing, 20 *Car.* 2. 6.

4 The manufacture of making linnen Cloth and Tapiſtry encouraged, 15 *Car.* 2. 5.

Merchants, Merchandiſes.

A Strangers ſafe conduct.

1 Merchants ſtrangers ſhall have ſafe conducts to come into the Realm, to tarry in the Realm, and to depart the Realm at their pleaſures, 9 H. 3. 30.

Buying and ſelling within the Realm.

2 What Commodities Merchants ſtrangers may buy and ſell within this Realm without interruption, and what not: But one ſtranger may not Merchandiſe with another, 9 Ed. 3. 1. 25 Ed. 3. 2. 2 R. 2. 1. 11 R. 2. 7. 16 R. 2. 1.

Shewage of Merchants.

3 The penalty of an Officer taking Cuſtom called Scavage or Shewage of any Merchant, for any Merchandiſe before truly accuſtomed, 19 H. 7. 8.

Not lawful to be brought in.

4 Certain Merchandiſes not lawful to be brought into this Realm from beyond the Sea to be ſold, 5 El. 7. 1 Jac. 25.

Not to be tranſported.

5 Certain Merchandiſes which it is not lawful to convey into any Ship to tranſport beyond the Sea, 5 El. 22.

Loading and unloading.

6 At what time and place Merchandiſes brought into this Realm, or to be carried forth of this Realm, ſhall be loaden or unloaden, 1 El. 11. 4 H. 4. 20.

Receiving or diſcharging loading.

7 At what time and place the Maſter of a Ship ſhall receive or diſcharge his loading, 1 El. 11.

Notice of departure.

8 The Maſter of a Ship ſhall give notice to the Cuſtomer of his departure, and into what place he intendeth to paſs, 1 El. 11.

Advertiſement of things brought in.

9 The Cuſtomer of the Port ſhall be advertiſed by the Maſter of a Ship of all Merchandiſe brought in, 1 El. 11.

Employment of money.

10 Every Merchant Alien, and Victualler, and Merchant of *Ireland*, *&c.* ſhall imploy the money received into this Realm upon the Commodities thereof, 4 H. 4. 15. 17 Ed. 4. 1. 3 H. 7. 8.

No tranſporting of gold and ſilver

11 Every Company of Merchant Aliens ſhall find ſurety that none ſhall carry gold or ſilver out of this Realm, 2 H. 6. 6.

12 None

Dwellers in the county.

12 None dwelling in the County ſhall ſell Merchant wares by retail in a market Town, 1 & 2 P. & M. 7.

Selling by retail in a market town

13 When a Country-man is come to dwell in a market Town, he may ſell merchant wares by retail, 1 & 2 P. & M. 7.

Policies of Aſſurance.

14 A Commiſſion may be granted to certain perſons to hear and determine policies of aſſurance amongſt Merchants; who ſhall be Commiſſioners, and their authority, 43 El. 12.

A remedy for the party grieved.

15 A remedy for the party which is grieved by the ſame aſſurance, 43 El. 12.

Trading into *Spain*.

16 All Merchants may trade into *Spain*, 3 Jac. 6. But that ſhall not prejudice a Charter granted to the City of *Exceter*, 4 Jac. 9.

Tranſporting of Cony skins.

17 There ſhall be no dreſſing or tranſporting of black Cony skins but by certain perſons, 3 Jac. 9.

Buying of Cony skins.

18 What perſons may buy or ſell Cony-skins, or Lamb-skins, 3 Jac. 9.

A Skinners Apprentice.

19 Who only a Skinner may take to be his Apprentice, Journeyman, or Servant, 3 Jac. 9.

Payment of tithes.

20 In what ſort Merchants and Handicrafts-men ſhall pay their tythes, 2 Ed. 6. 13.

Meaſured and ſealed.

21 Certain merchandiſes ſhall not be put to ſale until they be meaſured and ſealed, 12 Ed. 4 3.

Markets. See Fairs. 1.

Mariners and Souldiers.

Departing from his Captain.

1 THe penalty of a Mariner or Souldier departing from his Captain within his term, 18 H. 6. 19. 5 El. 5.

Not ſerve as a Souldier.

2 A Mariner or Fiſherman ſhall not ſerve as a Souldier, but in certain caſes, 5 El. 5.

Fiſhermen.

3 By what Commiſſion Fiſhermen ſhall be taken to ſerve as Mariners, 5 El. 5. 1 Jac. 25.

Wanderers.

4 The penalty of wandring Souldiers and Mariners which do ſettle themſelves to work, 39 El. 17.

Wandering without a Teſtimonial.

5 The penalty for a Mariner or Souldier that ſhall wander without a teſtimonial, ſhall not obſerve the time limited to him thereby, or ſhall forge a Teſtimonial, 39 El. 17.

A proviſion for him that cannot get work.

6 A proviſion for the wandring Mariner or Souldier which is taken into ſervice, that falleth ſick, or cannot get work, 39 El. 17.

Asking Relief.

7 In what caſe a Mariner or Souldier licenſed may ask and take relief, 39 El. 17.

Tranſporting of corn, &c.

8 The forfeitures of Mariners which do tranſport beyond the Sea any Corn, Beer, Butter, Cheeſe, &c. without authority, 1 & 2 P. & M. 5. 5 El. 5. 1 Jac. 25.

Tranſporting of leather, &c.

9 The penalty of Mariners that do tranſport Leather, Tallow, or raw Hides, knowing of the offence, 18 El. 9.

Relief of them.

10 A proviſion for the relief of Mariners and Souldiers, 43 El. 3.

Boatmen.

11 The puniſhment of Boatmen which do hide themſelves in the time of preſſing, 2 & 3 P. & M. 16.

Sea marks erected.

12 Sea marks may be erected at the coſts of the Maſter, Wardens and Aſſiſtants of the Trinity-houſe of *Deptford*, &c. 8 El. 13.

See Ships and Shipping.

Marriages. Vid. *Matrimony.*

Marſhal, Marſhalſie.

Holding of plea.

1 OF what things the Marſhal of the Kings houſe ſhall hold plea, and of what not, 28 Ed. 1. 3.

Not of the Kings houſe.

2 The defendant ſhall not be eſtopped by the Plaintiffs declaration, to plead, that either of them is not of the Kings houſe, 15 H. 6. 1.

The Kings Marſhals Court.

3 In all places where the King ſhall make his abode, his Marſhal and other Officers may keep their Courts within the vierge, 27 H. 8. 25. 13 R. 2. 3.

Enqueſts.

4 Of what ſort of men Enqueſts in the Marſhals Court ſhall be taken, 5 Ed. 3. 2. 10 Ed. 3. 2.

Error.

5 Error in the Marſhals Court ſhall be reverſed in the Kings Bench, 5 Ed. 3. 2. 10 Ed. 3. 3.

The Marſhals fee

6 The ſeveral fees which the Marſhal of the Marſhalſie of the Kings houſe, and a Servitor of Bills there ſhall take, 2 H. 4. 23. 9 R. 2. 5.

Aſſignment of the Steward.

7 Who ſhall aſſign the Steward of the Marſhalſie from time to time, 33 H. 8. 12.

Damages.

8 In what caſes the Plaintiff ſhall anſwer damages in the Marſhalſie, 8 El. 2.

Mayors, Bayliffs, Head-Officers. See Corporations.

Maſons.

Unlawful aſſembly.

1 THe penalty for cauſing Chapters and Congregations of Maſons to be holden, 3 H. 6. 1.

Matrimony.

Who may marry

1 ALL perſons be lawful to contract Marriage that be not prohibited by Gods Law, 32 H. 8. 38. 2 Ed. 6. 23. 1 El. 1.

2 All Marriages ſince *May* 1. 1642. confirmed, 12 Car. 2. 33.

3 A repeal of all Laws made againſt the marriage of Prieſts, And the marriage of Prieſts ſhall be lawful; They ſhall be Tenants by the curteſie, aud their wives endowable, and their children legitimate, 2 & 3 Ed. 6. 21. 5 & 6 Ed. 6. 12. 1 Jac. 25.

Marriage of Prieſts.

4 There ſhall be no marriage of a man or woman until the former Husband or former Wife be dead (ſaving in certain caſes) 1 Jac. 11.

A ſecond marriage.

5 Doctors of the Civil Law being married, may exerciſe Eccleſiaſtical Juriſdiction, 37 H. 8. 17. 1 El. 1.

Doctors of the Civil law.

6 The confirmation of divers marriages, and how iſſues upon ſuch marriages ſhall be joyned and tryed, 12 Car. 2. 33.

Malt, and Malt-makers.

1 HOw long Malt ſhall be in the fat, floor, ſteeping, and drying, 2 Ed. 6. 10.

In what time it ſhall be made.

2 Malt ſhall be made well, troden, rubbed and fanned, 2 Ed. 6. 10. 17 R. 2. 4.

How it ſhall be uſed.

3 The penalty for mingling and putting together good Malt with evil, 2 Ed. 6. 10.

Mingling.

4 Juſtices of Peace and Head-Officers of Cities and corporate Towns may reſtrain the number of Malſters, 39 El. 16.

Reſtraining of Malſters.

1. *Meaſures.* See *Weights and Meaſures.*

Merchants and Merchandiſe.

1 MErchants ſtrangers ſhall be well intreated, 12 *Car.* 2. 4.

2 No Tax may be impoſed upon Merchandiſe, but by Authority of Parliament, *ibid.*

3 Aliens may not exerciſe the trade of Merchants or Factors in *Aſia, Africa* or *America*, 12 *Car.* 2. 8.

4 Encouragement of Merchants and Trade, 14 *Car.* 2. 23.

5 Additional matters concerning Policies of Aſſurance among Merchants, 14 *Car.* 2. 23.

6 Aliens Infants may not be Merchants, 14 *Car.* 2. 11.

Meſne.

1 IN what caſe the Meſne ſhall be forejudged of his Meſnalty, 3 *Ed.* 1. 9.

Forejudgment.

2 A remedy for the tenant holding by leſs ſervice then the Meſne doth, 13 *Ed.* 1. 9.

Holding by leſs ſervice.

3 The tenant may take his remedy againſt the Meſne given him by the Common Law, 13 *Ed.* 1. 9.

The tenants remedy.

4 For which Meſne this Statute is provided, 13 *Ed.* 1. 9.

For which meſne

Mildernex and Poledavy.

1 WHo only ſhall make, or cauſe to be made any Clothes for ſayles called Mildernex or Poledavies, 1 Jac. 24.

Who ſhall make them.

2 Of what ſtuffe the ſaid Clothes ſhall be made, of what length and bredth, and how they ſhall be uſed before they be put to ſale, 1 Jac. 24.

Of what ſtuffe and bigneſs.

Monaſteries, Abbeys, Colledges, Free-Chappels, Chaunteries.

1 ALL Monaſteries given to the King, which have not in Lands above 200 li. by the year, and all their lands and goods, 27 *H.* 8. 28.

Which had no lands above 200 li. by the year.

2 A Confirmation of the Kings Letters Patents of the ſaid Abbey-lands made, and to be made, 27 *H.* 8. 28.

A confirmation of Letters Patents.

3 All fraudulent eſtates made by the chief Governours of the ſaid Religious Houſes within one year before this Act ſhall be void, 27 *H.* 8. 28.

Fraudulent eſtates.

4. This Act ſhall not be prejudicial to Cels of Houſes under the obedience of others, 27 *H.* 8. 28.

Houſes under obedience.

5 All Religious Houſes which before were or after ſhould be diſſolved, given to the King, 31 *H.* 8. 13.

All given to the King.

6 Leaſes of land not uſually let, leaſes in reverſion, leaſes not reſerving the old rent, ſales of wood, aſſurances of land of the Kings gift made or to be made by any Abbots, &c. of any religious Houſes within one year before the diſſolution ſhall be void, 31 *H.* 8. 13.

Leaſes and woodſales void.

7 The force of Leaſes made, or copies granted to the old Leſſees within a year before the diſſolution, 31 *H.* 8. 13.

Leaſes made to the old leſſees.

8 Leaſes and other Aſſurances made within the year before the diſſolution allowed and inrolled in the Court of Augmentations ſhall be good, 31 *H.* 8. 13.

Leaſes inrolled good.

9 All Aſſurances made or to be made to others by any Abbots, Priors, &c. of any lands by the Kings licence or aſſent, under the Great Seal, ſhall be good, 31 H. 8. 13.

Aſſurance made by the Kings aſſent.

10 All Colledges, Chaunteries, Free Chappels, &c. ſhall be in the actual and real poſſeſſion of the King, and all their Lands and Hereditaments, 37 *H.* 8. 4.

Colledges given to the King.

11 All Colledges, Free Chappels, and Chaunteries, &c. and all Lands, Rents, and Profits given to the finding of a Prieſt, to continue for ever, ſhall be in the actual poſſeſſion of the King, and of his heirs and ſucceſſors for ever, 1 *Ed.* 6. 14.

Finding of a Prieſt.

12 Lands given to the finding of a Prieſt for certain years ſhall be in the King for the ſame years, 1 *Ed.* 6. 14.

Finding of a Prieſt for certain years.

13 The King ſhall have the common Goods of every ſuch Colledge, Chauntery, And the Debts of the ſaid Colledge, Chauntery, Free Chappel, &c. ſhall be paid to the Kings Treaſurer, 1 *Ed.* 6. 14.

The goods of Colledges, &c.

14 The

Anniverſaries, Obits, &c.

14 The King ſhall have all lands given for the maintenance of any Anniverſaries, Obits, Lamps, Lights, &c. 1 Ed. *6.* 14.

Sums of Money.

15 The King ſhall have ſuch ſums of money, and part of the iſſues of lands which were given to the finding of any Anniverſaries, Obits, Lights, Lamps, &c. 1 Ed. 6. 14.

Money given by a Corporation.

16 The King ſhall have ſuch ſums of money, profits, &c. which have been given by a Corporation for the finding of a Prieſt, Obit, Lamp or Light, 1 Ed. *6.* 14.

Fraternities.

17 The King ſhall have all Fraternities, Brotherhoods and Guilds, and all land belonging to any of them. (Except certain Colledges, Chaunteries, Chappels of eaſe, Cathedral Churches, &c. Corporations of Cities, Boroughs, &c.) 1 Ed. 6. 14.

To what lands this Statute extendeth not.

18 This Act ſhall not extend to lands whereof the governours were ſeiſed to their own uſes, nor to any lands or rents given by the King for the terme of life only, nor to any Copihold lands, 1 *Ed.* 6. 14.

The Patrons right reſerved.

19 All rents, yearly profits, due to any Patron, Donor and Founder of any of the ſaid Chaunteries, Colledges, &c. and the right of others, (except the Governours of Houſes, &c.) ſhall be ſaved to them, 1 *Ed.* 6. 14.

Leaſes.

20 Leaſes made for life or years ſithence, 23. *Novembris, Anno* 37 *H.* 8. of any of the lands of the ſaid Colledges, &c. not reſerving the old rent and ſervices, ſhall be void, 1 Ed. *6.* 14.

Tenths due.

21 All rents and other duties payable out of the premiſſes in the Exchequer, ſhall continue and be yearly paid, 1 Ed. *6.* 14.

Aſſurances made by the King.

22 All Aſſurances made by King *H.* 8. or *Ed 6.* or by the licence of them under the great Seal, to any perſons of any of the ſaid Colledges, &c. ſhall be good, 1 Ed. *6.* 14.

A confirmation of ſeveral livings.

23 A confirmation of all Grants made to King H. 8. or to King Ed. *6.* by any ſpiritual perſons of their ſpiritual livings, 1 Ed. *6.* 14.

A confirmation of Letters Patents made by the King.

24 A confirmation of all Letters Patents made by King *H.* 8. and King *Ed. 6*: to any ſpiritual perſon of any Colledge, Chappel or Chauntery, of any lands appertaining to them, 1 *Ed. 6.* 14.

S. *Johns* of *Hieruſalem.*

25 The lands of the Corporation of the Religion of S. *Johns* of *Hieruſalem* in *England* and *Ireland* given to the King, 32 *H.* 8. 24.

A confirmation of Queen *Mary.*

26 A confirmation of all Abbeys, Chaunteries, religious houſes, &c. and of their lands to the Queen and other perſons, And the penalty of them who ſhall moleſt any perſon for any of the ſaid land, 1 *&* 2 *P. & M.* 8. 1 *El.* 1.

Penſions.

27 A remedy for Biſhops or other Eccleſiaſtical perſons, to recover ſuch penſions portions, or other profits which were due unto them out of any of the late diſſolved Monaſteries, 34 *H.* 8. 19.

The Kings Grantee.

28 A remedy for the Kings Grantees, who having any covenant or promiſe of the King, to be diſcharged of ſuch penſion or profit, to diſcharge themſelves againſt the ſaid Biſhop, 35 *H.* 8. 19.

Enabled to inherit, ſue, and be ſued.

29 Religious perſons profeſſed and after ſet at liberty, ſhall be enabled to inherit, ſue, and to be ſued, 31 H. 8. *6.* 32 H. 8. 24. 33 H. 8. 19. 5 Ed. *6.* 13.

Diſcharged of Tythes.

30 Thoſe Abbey-lands which were diſcharged of Tythes, ſhall ſo continue, 31 *H.* 8. 13.

Viſitation of the Ordinary.

31 All Religious houſes ſhall be within the Viſitation of the Ordinary in whoſe Dioceſs they are ſcituate, 31 *H.* 8. 13.

Tenths.

32 Tenths ſhall be reſerved upon Abbey lands granted to others, and the remedy to recover them, 27 *H.* 8. 27. 33 *H.* 8. 39. 7 *Ed.* 6 3.

Tenures.

33 What tenures ſhall be reſerved upon Abbey lands granted by the King to others, 27 H. 8. 27. 35 H. 8. 14. 37 H. 8. 20. 7 Ed *6.* 3.

Rent.

34 Upon leaſes made by Colledges, the third part of the Rent ſhall be reſerved in Corn, 18 *El. 6.*

Mony.

More then is currant.

1 THe penalty for giving or receiving for money more then it is currant, 25 *Ed.* 3. 12. 5 *Ed. 6.* 19.

No gold to a Merchant alien.

2 The penalty for paying of any Gold coyned or unwrought to a Merchant Alien, 4 H. 7. 23.

Tranſporting of gold or ſilver.

3 The penalty for tranſporting of Gold or Silver in Money, Plate or Veſſel, without the Kings licence, (except in certain caſes,) 9 *Ed.* 3. 1. 5 *R.* 2. 2. 2 *H.* 4. 4. 5. 2 *H.* 6. 6.

No tranſporting or bringing in of Iriſh money.

4 The penalties for carrying Engliſh money into *Ireland*, or bringing Iriſh money into *England*, 19 *H.* 7. 5.

No refuſal of ſmall money.

5 He that in buying or ſelling will refuſe a half-penny or farthing, being of lawful metal, form and faſhion, ſhall be ſet upon the Pillory, and thruſt into priſon. Statute *De dimiſſione Denariorum.*

Melting.

6 The penalty for melting of any money, to make veſſel, or other thing thereof, 9 *Ed.* 3. 3. 17 *R.* 2. 1.

Received and returned by weight.

7 Plate of Gold and Silver ſhall be received into the Kings Mint by weight, and ſo ſhall the money be returned, and not by number, 25 Ed. 3. 20.

Bringing in of corrupt money.

8 The ſeveral penalties for the forging, clipping, waſhing, ſcaling, or bringing in of any forged or counterfeit money, 25 *Ed.* 3. 2. 1 *M.* 6. 1 *&* 2 *P. & M.* 11. 5 *El.* 11. 18 *El.* 1. 14 *El.* 3.

Exchange.

9 None but ſuch as the King ſhall appoint, ſhall make exchange or rechange of money, 3 H. 7. 6.

10 The penalty for exchanging Gold and Silver, 25 Ed. 3. 12. 5 *&* 6 Ed. *6.* 19.

11 The penalty for melting currant Silver Monies, 14 *Car.* 2. 31.

12 How foreign Coyn and Bullion may be exported, 15 *Car.* 2. 7.

13 Silver plate or Gold brought to the Mint may be coyned *gratis*. *See Coynage.*

Mortdaunceſtor.

Several heirs.

1 IN what caſe ſeveral heirs ſhall have their recovery by a Writ of *Mortdaunceſtor*, 6 Ed. 1. *6.*

Damages.

2 Damages ſhall be awarded, where a man recovereth by an aſſiſe of *Mortdaunceſtor, &c.* 6 Ed. 1. 1.

For the heirs. Damages.

For the heir againſt his Lord.

3 An Aſſiſe of *Mortdaunceſtor* maintainable for the heir, that is wrongfully kept or put out of his Inheritance by his chief Lord, 52 *H.* 3. 16.

Eſſoines.

4 Eſſoines do not lie upon a reſummons in an Aſſiſe of *Mortdaunceſtor*, 12 *Ed.* 2. *de Eſſoniis.*

Limitation.

5 What limitation of years or time is preſcribed in an Aſſiſe of *Mortdaunceſtor*, 20 *H.* 3. 8. 3 *Ed.* 1. 38. 32 *H.* 8 2.

Before whom taken.

6 Aſſiſes of *Mortdaunceſtor* ſhall be taken before Juſtices of Aſſiſe, 13 *Ed.* 1. 30.

The tenants plea.

7 What anſwer the tenant may plead in an Aſſiſe of *Mortdaunceſtor*, 13 *Ed.* 1. 20.

Rediſſeiſin.

8 The remedy for him that hath recovered in an Aſſiſe of *Mortdaunceſtor*, and is rediſſeiſed, 20 H. 3. 3.

Barre.

9 What ſhall be a barre in an aſſiſe of *Mortdaunceſtor* brought by the heir of the mother to recover lands of his mothers aliened by his father, 6 Ed. 1. 3.

Monopolies.

Monopolies void

ALL Monopolies, &c. ſhall be void, 1 Jac. 3.

Trial of Monopolies.

2 Monopolies ſhall be tryed by the Common Laws of this Realm, 21 Jac. 3.

None ſhall uſe them.

3 All perſons diſabled to uſe Monopolies, &c. 21 Jac. 3.

Damages and coſts.

4 The party grieved by pretext of a Monopoly, &c. ſhall recover treble damages, and double coſts, 21 Jac. 3.

Præmunire.

5 He that delayeth an Action, grounded upon this Statute, incurs a premunire, 21 Jac. 3.

Exceptions.

6 Certain grants of the King are excepted, 21 Jac. 3.

Henry Heron.

7 A Judgment given againſt *Henry Heron* (for annulling a Monopoly of the ſole ordering of fiſh) confirmed, 21 Jac. 11.

Mortmaine.

Purchaſing in Mortmain.

1 IF any religious perſon, or other, do purchaſe any lands in Mortmain, he ſhall forfeit the ſame, 9 H. 3. 36. 7 Ed. 1.

To a ſpiritual perſons uſe.

2 It is Mortmain, if a ſpiritual perſon do take the profit of land, whereof another is ſeiſed to his uſe, 15 *R.* 2. 5.

Church-yard, Guild, &c.

3 It is Mortmain, if lands be imployed to a Church-yard, or to a Guild, or Fraternity, 15 *R.* 2. 5.

Corporation.

4 It is Mortmain, if lands be purchaſed to a Corporation, or perpetual Commonalty, or to another, and they take the uſe thereof, 15 *R.* 2 5.

Recovery by default.

5 It is Mortmain, where a Religious perſon doth recover land by default, whereunto before he had no lawful title, 13 Ed. 1. 32.

The Lords entry for Mortmain.

6 The chief Lord may enter for an alienation in Mortmain upon lands holden of him; And ſo may the King in default of him, 7 Ed. 1.

Aſſurances by devotion.

7 Aſſurances of Lands to Churches, Fraternities, &c. made of devotion, or by aſſent, without any corporation, to have continuance for ever, or for 60 or 80 years, ſhall be void, 23 *H.* 8. 10.

Aſſurances for a terme.

8 Aſſurances of Lands to Churches, Corporations, &c. for 20 years, ſhall be good, 23 *H.* 8. 10.

Collateral aſſurances.

9 All collateral Aſſurances made in defrauding of this Statute, ſhall be void, 23 *H.* 8. 10.

Cuſtome to deviſe in Mortmain

10 Cuſtoms in Cities and Towns corporate to deviſe in Mortmain, ſhall continue, 23 *H.* 8. 10.

Houſes of correction, for the poor.

11 What lands may be given in Mortmain for the maintenance of houſes of Correction, or of poor peoples Stocks, 18 El. 3. 35 El. 7.

Erecting of Croſſes.

12 In what caſe it is Mortmain for tenants to erect Croſſes in their Lands, to the prejudice of their Lords, 13 Ed. 1 33.

How diſcharged

13 By the Kings licence, and a Writ of *Ad quod damnum* ſued, Religious people, which have purchaſed land in Mortmain, ſhall be diſcharged, 18 Ed. 3. 3.

Mortuaries.

But one.

1 THere ſhall be but one Mortuary payed for any perſon, and that but in ſuch places where Mortuaries have been accuſtomed to be payed, 21 *H.* 8. *6.*

In what caſe none.

2 There ſhall be no Mortuary taken, where the goods of the deceaſed be under ten Mark, 21 *H.* 8. *6.*

The duty for ſeveral abilities.

3 The duty of every ſpiritual perſon, for the Mortuaries of ſeveral perſons dying of ſeveral abilities, 21 H. 8. *6.*

None payed.

4 Certain perſons after whoſe death no Mortuary ſhall be paid, 21 H. 8. *6.*

Wales and *Berwick.*

5 In what places in *Wales* and *Berwick*, and the marches of the ſame, Mortuaries ſhall be paid, and in what not, and how much, 21 *H.* 8. *6.*

The forfeiture for extortion.

6 The forfeiture of a ſpiritual perſon demanding more for his Mortuary then is due, 21 *H.* 8. 6.

No prohibition.

7 Where Mortuaries be demanded in a Spiritual Court, the Kings prohibition doth not lie, 9 *Ed.* 2. 1.

Fraudulent deeds

8 Fraudulent Deeds to defeat others of their Mortuaries, ſhall be void, 13 *Ed.* 5.

Moſſe-troopers.

1 THe prevention and puniſhment of Thefts and Rapines upon the Borders of *England* and *Scotland*, 14 *Car.* 2. 22.

Multiplication.

Of gold or ſilver.

1 IT ſhall be Felony to multiply gold or ſilver, or to uſe the Craft of Multiplication, 5 H. 4. 4

1 *Muſters.* See *Captains.*

Murder, Manſlaughter.

Eſcape.

1 IF any perſon be ſlain in the day, and the Murderer eſcape untaken, the Townſhip where the deed is done ſhall be amerced, 3 H. 7. 1.

Arraignment at the Kings ſuit.

2 A Murderer ſhall be arraigned at the Kings ſuit at any time, and not tarry a year and a day for an Appeal, 3 *H.* 7. 1.

A perſon acquitted arraigned.

3 He may be arraigned upon an Appeal of Murder which is acquitted thereof at the Kings Suit, 3 *H.* 7. 1.

An appeal.

4 Within what time, and before whom, an Appeal of Murder ſhall be commenced, 3 *H.* 7. 1.

Poyſoning.

5 All wilful killing by poyſoning of any perſon, is wilful murder, of malice prepenſed, 1 *Ed.* 6. 12.

Misfortune.

6 It is no Murder where an Act is done by misfortune, but Murder ſhall be intended of them which be feloniouſly ſlain, 52 *H.* 3. 25.

Stabbing.

7 In what caſe ſtabbing, or thruſting any perſon to death, is wilful Murder, in what not, 1 *Jac.* 8.

Murdered in another County.

8 In what caſe an Appeal of murder may be commenced in one County of the death of any perſon ſtricken or poyſoned in another, 2 Ed. 6. 24.

The declaration.

9 The declaration in an Appeal of Murder, and within what time it ſhall be ſued, 6 Ed. 1. 9.

Tryal by Commiſſion.

10 In what caſe Murder ſhall be tryed by ſpecial Commiſſion, 33 *H.* 8. 23.

Where it ſhall be Treaſon.

11 The murdering of the Chancellor, Treaſurer, or any Judge, &c. ſitting in his place, is high Treaſon, 25 *Ed.* 3. 2.

Attainted in Præmunire.

12 It is not lawful to ſlay any perſon attainted in *Præmunire*, 5 El. 1.

Atturney.

13 The Appellant in an Appeal of murder, where Battel lieth not, may make an Atturney, 3 *H.* 7. 1.

Coroner.

14 In what ſort Coroners ſhall enquire of Murders, and attach the Offendors, 3 Ed. 1. 10. *Officium Coronatoris*, 1 E. 1.

An offendor in a Foreſt.

15 In what caſe a Keeper of a Foreſt, Park, or Warren, may ſlay an Offendor therein, in what not, 21 *Ed.* 1.

Clergy.

16 No perſon that committeth wilful Murder ſhall have the benefit of his Clergy, 23 *H* 8. 1. 26 H. 8. 12. 1 *Ed.* 6. 12.

In the Kings houſe.

17 Where, and before whom, a Murder or Manſlaughter committed in the Kings houſe, ſhall be tryed and determined, 33 H. 8. 12.

18 No Charter of pardon ſhall be allowed for him that doth commit murder, 13 *R.* 2. 1. 16 *R.* 2. 6.

Newes.

News of great perſons.

1 THe penalty for telling of falſe News, whereupon diſcord ~~may~~ ariſe between the King and his people. Or for telling falſe News of the Peers, or great Officers of the Realm, 3 Ed. 1. 33. 2 *R.* 2. 11. 1 & 2 P. & M. 3.

Touching eating of Fiſh.

2 The puniſhment of him that ſpreadeth falſe News, concerning the eating of Fiſh, or forbearing of Fleſh, 5 *El.* 5. 1. Jac. 25.

Niſi prius.

The forme of the Writ.

1 JUſtices of *Niſi prius* ſhall be appointed, and their authority, and the form of the Writ of *Niſi prius*, 13 El. 1. 30. 12 Ed. 2. 4.

Clerks to enrol.

2 Juſtices ſhall have in their Circuits Clerks to enrol pleas pleaded before them, 13 Ed. 1. 30.

The Juſtices diſcretion.

3 Grant of a *Niſi prius* ſhall be in the Juſtices diſcretion: and before which Juſtices *Niſi prius* ſhall be taken, 27 Ed. 1. 4. 12 Ed. 2. 3. 2 *Ed.* 3. 16. 14 *Ed.* 3. 16.

Nonſuites recorded.

4 Juſtices of *Niſi prius* have authority to record Nonſuits and Defaults in the Country, whereupon Judgment ſhall be given, 12 *Ed.* 2. 4.

Iſſues joyned.

5 Iſſues joyned in the Chancery, Kings Bench, Common Pleas, or, &c. ſhall or may be tryed by *Niſi prius* in Weſtminſter-Hall, 18 El. 12.

Attaint.

6 *Niſi prius* may be granted in an Attaint, 5 Ed. 3. 7.

1 *Nonability.* *See Ability.*

1 *Nonage.* *See Age.*

Nonclaime.

Barre.

1 NOnclaim ſhall not be holden for any Barre, 34 *Ed.* 3. 16.

Nonſuit.

No nonſuit after Verdict.

1 IN any Action, if the Verdict paſs againſt the plaintiff, he ſhall not be Nonſuited, 2 H. 4. 7.

The penalty for being nonſuited. Informer.

2 The penalty of the plaintiff, if in certain Actions or Caſes he be Nonſuited, 8 Eliz. 2. 23 H. 8. 15. 4 *Jac.* 3.

3 The puniſhment of an Informer, if he be Nonſuit without conſent of the Court, 18 El. 5.

Nontenure.

Of parcel.

1 BY exception of Nontenure of parcels, no Writ ſhall be abated, but for the quantity alledged, 25 Ed. 3. 16.

Exception to a Fine.

2 Exceptions to a Fine, that the parties to the ſame Fine had nothing in the Land, 4 H. 7. 24.

Norwich Stuffs.

1 THe making Stuffs in *Norfolk* and *Norwich* regulated, 14 *Car.* 2. 5.

Nuſance.

For whom, and againſt whom it lyeth.

1 IN what caſe an Aſſiſe of other Writs of Nuſance doth lie, and againſt whom, and for what cauſe it is maintainable, 13 Ed. 1. 24. 6 R. 2. 3.

2 Nuſances in high-wayes to be removed, 14 *Car.* 2. 6.

3 Tranſporting leather and raw hides declared a common Nuſance, 18 *Car.* 2. 1.

4 Importation of Cattel out of *Ireland* declared a common Nuſance, 14 *Car.* 2. 7.

Nuper Obiit.

Preſcription.

1 THe limitation of preſcription in a *Nuper obiit*, 32 *H.* 8. 2.

View.

2 View ſhall not be granted in a *Nuper obiit*, *Stat. de viſu terræ.*

Offices, Inquiſitions.

Other mens right.

1 OTher mens Rights ſhall be ſaved, though they be not found by an Office that doth intitle the King to any land, 2 Ed. 6. 8.

The Counterpains.

2 The Counterpain of an Office ſhall remain with the firſt man of the Jury, 1 H. 8. 8. 3 H. 8. 2.

The fees of Commiſſions.

3 The Fees of Writs, or Commiſſions touching lands whereof any Inquiſition is to be had, 33 *H.* 8. 22.

Receiving an Office tendred.

4 The penalty of an Officer of a Court of Record, that doth not receive an Inquiſition offered unto him, 1 *H.* 8. 8. 33 *H.* 8. 22.

Tranſcript of Office.

5 The Clerks of the petite Bag ſhall certifie the tranſcript of all Offices found and returned into the Chancery into the Exchequer, and alſo into the Court of Wards and Liveries, 1 H. 8. 8. 33 *H.* 8. 22.

Lancaſter, Cheſter, &c.

6 All Offices found before an Eſcheator, or &c. within the Counties of Lancaſter, Cheſter and Durham, ſhall be returned into ſuch Offices as heretofore they have been, And then the tranſcript thereof ſhall be certified into the Court of Wards and Liveries, 18 El. 13.

Melius Inquirendum.

7 Where a *Melius Inquirendum* ſhall be awarded upon an Office uncertainly found, 2 Ed. 6. 8.

Returned.

8 How, by whom, and in what ſort, and within what time, Offices ſhall be found and returned, 1 *H.* 8. 8. 33 *H.* 8. 22. 23 *H.* 6. 17. 34 Ed. 3. 13. 36 Ed. 3. 13. 8 H. 6. 16. 18 H. 6. 7.

Traverſe.

9 Where, and in what caſe, and for what cauſe, any perſon may be allowed to traverſe an Office, 34 Ed. 3. 14. 2 Ed. 6. 8.

Attainted of Treaſon.

10 The lands and goods of any perſon attainted of Treaſon, ſhall be in the King, without any Office found thereof, 33 H. 8. 20.

1 *Oblations.* *See Tythes, &c.*

Odio & Atia.

1 IN what caſe the Writ of *Odio & Atia* doth lie, or another Writ to that effect, 9 H. 26. 3 Ed. 1. 11. 13 Ed. 1. 29.

Offices, Officers.

No ſuit or reward.

NOne ſhall obtain certain Offices by ſuit or reward, 13 R. 2. 2.

Sufficient perſons.

2 Great Officers of the Kings Courts ſhall appoint ſuch Clerks and under Officers which be ſufficient, faithful, and for whom they will anſwer, 2 H. 6. 10.

No eſtate.

3 Certain Officers of the Cuſtome-houſe, and elſe-where, which ſhall have no eſtate in their Offices for term of life, or years, 14 R. 2. 10. 17 R. 2. 5. 1 H. 4. 13. 31 H. 6. 5.

Buying and ſelling.

4 The penalty for buying of any Office, or deputation of Office, or ſelling of the ſame, 5 Ed. 6. 16.

Acts done by Officers removeable.

5 All Acts done by an Officer removeable by force of this Statute, ſhall be good, 5 Ed. 6. 16.

Concealing rents and profits.

6 The penalty of Officers of the Court of Wards and Liveries, that do conceal, or withdraw any of the Kings Rents, or any Record or profit that may come to the King by the ſame, 32 H. 8. 46. 33 H. 8 22.

Information.

7 In what caſes Officers, by reaſon of their Offices, may exhibit Informations, 18 El. 5. 27 El. 10. 31 El. 5.

Diſſeiſe.

8 In what ſort an Officer of the Kings ſhall be puniſhed, which by colour of his Office doth diſſeiſe any perſon, 3 Ed. 1. 24.

Falſe entries.

9 The forfeitures of the Officers of the Kings Bench, or Common-Pleas, for falſe Entries in certain caſes, 10 *H.* 6. 4. 18 *H.* 6. 9.

Inquiry of Officers.

10 In what caſe Commiſſions ſhall be awarded to inquire of concealment of Officers accomptable in the Exchequer, 6 H. 4. 3.

No retainer.

11 The Kings Officers ſhall not be unlawfully retained by any other, nor ſuffer any of his tenants to be retained, 3 *H.* 7. 12.

Enqueſt.

12 No Sheriff ſhall return upon an Enqueſt any Officer, or any ſervant of his, 23 H. 6. 10.

Officers ſued for executing their offices.

13 Juſtices of Peace, and other his Majeſties Officers being troubled for the lawful execution of their Offices, may plead the general Iſſue, and yet give ſpecial matter in evidence, 7 *Jac.* 5.

Where the action ſhall be laid.

14 An Action brought againſt ſuch an Officer, ſhall be laid in the County where the fact was committed, 21 *Jac.* 12.

Churchwardens, &c.

15 Churchwardens and Overſeers of the poor, ſhall be comprehended within the purview of 7 *Jac.* 5. 21 *Jac.* 12.

Oyl.

Search.

1 WHo may ſearch for Oyl brought into *London*, and who elſewhere, and in what ſort they may puniſh offendors, 3 *H.* 8. 14.

Ordinary.

The goods of an Inteſtate.

1 HOw far an Ordinary ſhall be charged to whoſe hands the goods of an Inteſtate doth come, 15 Ed. 1. 19.

Indicted of extortion.

2 No Ordinary or any Miniſter of his, ſhall be indicted of extortion or oppreſſion generally, but it muſt be put in certain of what thing, and in what manner the offence was done, 25 Ed. 3. 9.

Viſitation.

3 Religious houſes that were ſuppreſſed, ſhall be within the viſitation of the Ordinary, 31 H. 8. 13.

Tithes.

4 The Ordinaries authority and duty, when any queſtion for Tythes ſhall come before him, 32 H. 8. 7. 27 *H.* 8. 20. 2 Ed. 6. 13.

Chiding in a Church.

5 The Ordinary may ſuſpend him which chideth in a Church or Church-yard, 5 Ed. 6. 4.

Incontinency.

6 The Ordinaries authority in puniſhing the incontinency of Eccleſiaſtical perſons, 1 *H.* 7. 4.

Notice of Lapſe.

7 In what caſe the Ordinary muſt give the Patron notice of deprivation ſix moneths before Lapſe, 13 El. 12.

Viſitation of Hoſpitals.

8 An Ordinary may viſit Hoſpitals within his Dioceſs, 2 *H.* 5. 1.

Proving of Teſtaments, &c.

9 The Ordinaries duty in proving of Teſtaments, and granting of Adminiſtration, 21 *H.* 5.

Counterpleading.

10 The Ordinary for a Benefice fallen to him by Lapſe, may counterplead the Kings Title, 25 Ed. 3. 7.

A School-maſter.

11 In what caſe a man ſhall not keep a School-maſter in his houſe, unleſs the ſame School-maſter be allowed by the Ordinary of the Dioceſs, 23 El. 1. 1 *Jac.* 4.

Tranſcript of an Indictment.

12 In what caſe a tranſcript of an Indictment ſhall be delivered to the Ordinary, 34 *H.* 8. 14.

Baſtardy.

13 Ordinaries ſhall certifie Baſtardy, and the manner how it ſhall be done, 9 H. 6. 11.

Erronious opinions.

14 Such Eccleſiaſtical perſons as maintain and perſiſt in erronious opinions of Religion, ſhall be puniſhed by their Ordinaries, 13 El. 12.

Oatmeal.

Corrupt.

1 THe puniſhment of him which ſelleth corrupt Oatmeal, the firſt, ſecond, third or fourth time, *Stat. de venditione farinæ.*

Oath.

Ex officio.

1 THe Oath *Ex officio* taken away, 17 *Car.* 1. 11. 13 *Car.* 2. 12.

Lieutenant, Deputy Lieutenant.

2 No perſon may be Lieutenant or Deputy-Lieutenant, that hath not taken the Oaths of Allegiance and Supremacy, 12 *Car.* 2. 6.

3 Certain penalties upon perſons refuſing to take a lawful Oath, 13 *Car.* 2. 1. *Stat.* 3.

See Quakers.

1 *Outlawry. S. Exigent.*

1 *Ouſter le maine. S. Livery.*

Painters.

No Plaiſterer a Painter.

1 NO Plaiſterer ſhall be a Painter-ſtainer in *London*, or the Liberties thereof, or ſhall make any work of painting but in certain caſes, 1 *Jac.* 20.

His wages.

2 How much a Painter or Painters ſervant may take by the day for work, 1 *Jac.* 20.

Pardon.

The Kings oath ſaved.

1 NO pardon of Felony, Robbery, or Homicide ſhall be granted, but where the King may do it ſaving his oath, 6 Ed. 1. 9. 2 Ed. 3. 2. 4 Ed. 3. 13. 10 Ed 3. 2. 14 Ed. 3. 15.

An untrue ſuggeſtion.

2 If a pardon of Felony be granted at another mans ſuggeſtion, and that be found untrue, the Pardon ſhall be diſallowed, 27 Ed. 3. 2.

The offence ſpecified.

3 In a Pardon of Murder, Treaſon, Rape, &c. the offence committed ſhall be ſpecified, 13 *R.* 2. 1.

Suit for an Approver.

4 If any perſon do ſue for the Pardon of an Approver, the name of him which maketh the ſuit ſhall be put in the Charter, 5 H 4. 2.

Sureties for good abearing.

5 He that hath a Pardon of Felony ſhall find Sureties in the Chancery for his good abearing, 10 Ed. 3. 3.

Outlawries upon proceſſe or judgment.

6 What things be requiſite to be done, before Pardons of Outlawry upon Proceſs or Judgment ſhall be allowed, 5 Ed. 3. 12.

None may pardon but the King.

7 None have authority to pardon Felons, &c. but the King, 27 H. 8. 25.

No barre.

8 In what caſe the Kings Pardon ſhall be no Bar againſt the party that ſhall ſue an action, 3 H. 8. 12.

Alienation.

9 A pardon of Alienation muſt be ſued by thoſe to whom lands holden in *Capite* be deviſed, 34 H. 8. 5.

Sheriffwick.

10 A pardon for the occupying of a Sheriffwick above one year, 23 H. 6. 8.

Pardon general.

11 The cauſes and ends of the pardon and Indempnity, 12 *Car.* 2. 11.

Penalties upon perſons excepted.

12 The pains and penalties upon the eſtates and perſons of certain Offendors excepted from pardon, 13 *Car.* 2. 15.

13 Penalties upon Accountants to the King not pardoned by the Act of Oblivion, unleſs, &c. 14 *Car.* 2. 16.

Parliament.

Each man upon ſummons ſhall appear.

1 EVery perſon ſhall upon ſummons come unto the Parliament, except he hath a reaſonable excuſe, 5 *R.* 2. 2.

Departure without licence.

2 The forfeiture of him which ſhall depart from the Parliament without licence, 6 H. 8. 16.

Not returning of Cities or Boroughs.

3 The forfeiture of a Sheriff which doth leave out any Cities or Boroughs bound to come to the Parliament in his return of Writs of the Parliament, 5 *R.* 2. 4.

Election of Knights.

4 The manner, time and place of the election of Knights for the Parliament, who ſhall be the chuſers, and the Sheriffs forfeiture omiting his duty, 7 H. 4 15. 11 H. 4. 1. 1 H. 5. 1. 8 H. 6. 7. 10 H. 6. 2. 23 H. 6. 15. 6 H. 6. 4.

Election of Citizens and Burgeſſes.

5 The manner of election of Citizens and Burgeſſes for the Parliament, And the forfeiture of every Sheriff that maketh return contrary to the Statute, 23 H. 6. 15.

Puniſhment for unlawful returning.

6 The puniſhment where a Knight or Burgeſſes being choſen, is put out, and another put in his place, 23 H. 6. 15.

Who ſhall be Knights and Burgeſſes.

7 What ſort of men ſhall be choſen Knights of the Shires, and Citizens and Burgeſſes of Cities and Boroughs, 23 H. 6. 15. 1 H. 5. 1.

The Kings confirmation.

8 The Kings aſſent by his Letters Patents under his great Seal, and aſſigned with his hand, ſhall be of as good force, as if he were perſonally in Parliament, 33 H. 8. 21.

Lands contributory.

9 Lands that have been contributory to the wages of the Knights of the Shire, ſhall ſo continue, though any Lord do purchaſe them, 12 *R.* 2. 12.

Knights wages.

10 The order of levying the wages of Knights of the Shire after a Parliament ended, 23 H. 6. 11.

Delays of judgment.

11 Delays of Judgment in other Courts ſhall be redreſſed in Parliament, 14 Ed. 3. 5.

Aſſaults.

12 How they ſhall be puniſhed which do aſſault any Lord, Knight, or Burgeſſe of the Parliament, or any of their ſervants, 11 H. 6. 11. 5 H. 4. 6.

The oath of Supremacy.

13 How he ſhall be uſed which entreth into the Parliament houſe without taking the oath of Supremacy, 5 El. 1.

Wales.

14 Knights and Burgeſſes of Parliament ſhall be choſen in every City, Borough, and Town corporate in Wales, 27 H. 8. 26. 35 H. 8. 11. 34 H. 8. 26.

Cheſter.

15 There ſhall be two Knights for the County, and two Citizens for the City of Cheſter, for every Parliament, 34 H. 8. 13.

Liberties of Convocation.

16 They which come to the Convocation ſhall have ſuch liberty as they which come to the Parliament, 8 H. 6. 1.

No Appeal free.

17 No Appeal ſhall be ſued in the Parliament, 1 H. 4. 14.

Free ſpeech.

18 None ſhall be troubled for free ſpeeches in the Parliament, 4 *H.* 8. 8.

Wages in the County of *Cambridge*.

19 The wages of the Knights of the Parliament in the County of Cambridge, 34 H. 8. 24.

The Lords places in Parliament.

20 An order how all the Lords ſhall be placed in the Parliament-houſe, and other Aſſemblies of Councels, 31 H. 8. 10.

Impoſitions of woolls, &c.

21 No impoſition or charge ſhall be ſet upon woolls, fells, or leather, without aſſent of Parliament, 45 Ed. 3. 4.

New treaſons.

22 Treaſon newly called in queſtion, ſhall be firſt adjudged in Parliament, 25 Ed. 3. 2. St. of ſurveyors.

Every year.

23 Parliament ought to be had once every year, 16 Car. 1. 1.

Calling Parliaments.

24 Laws and Statutes concerning calling of Parliaments ſhall be duly obſerved, 16 Car. 1. 1.

Parliaments every third year.

25 How Parliaments ſhall be called and held every third year, 16 Car. 1. 1.

3 Novemb. 1640.

26 The Parliament begun the third of *November*, 1640. not in being, 13 Car. 2. 1.

Orders, Ordinances.

27 Orders and Ordinances of both houſes of Parliament without the Kings conſent declared void, 13 *Car.* 2. 1.

28 Priviledges of debate in Parliament for repeal or alteration of Laws, or redreſs of publick Grievances, 13 *Car.* 2. 1.

29 Parliaments ſhall be held once in three years at the leaſt, 16 *Car.* 2. 1.

1 *Parks.* S. *Foreſt.*
1 *Partridges.* S. *Feaſants.*

Partition. Parceners.

How lands holden in Capite.

1 HOw Partition ſhall be made between Coparceners of Lands holden of the King *in capite*, 17 *Ed.* 2. 5. 14 *H.* 3. Stat. *Hiberniæ.*

Joyntenants and tenants in common.

2 All Joyntenants and tenants in common of any eſtate of inheritance may be compelled to make partition between them, 31 *H.* 8. 1.

Joyntenants, &c. for life or years.

3 All joyntenants and tenants in common which hold joyntly, or in common, for terme of life or years, may be compelled to make partition, 32 *H.* 8. 32.

Uſurpation.

4 How much the uſurpation of a Coparcener upon his Coheire ſhall prejudice him in his preſentation, 13 *Ed.* 1. 5.

Gavelkind.

5 In what manner, and by whom Partition of Lands ſhall be made in Gavelkind in Kent, 17 *Ed.* 2. 16.

Fourch.

6 Parceners ſhall not fourch by Eſſoine, 2 *Ed.* 1. 42.

Patents.

The date.

1 THe Kings Letters Patents ſhall bear date the day of the delivery of the warrant into the Chancery, 28 *H.* 6. 1.

Granted formerly during the Kings pleaſure.

2 What ſhall be expreſſed in a bill of petition exhibited to the King for any Land, Office, or other things before granted to ſome other during the Kings pleaſure, 6 *H.* 8. 15.

A confirmation of King Henry 8.

3 A confirmation of the Patents and other writings of King *Henry* 8 made ſince 4. *February*, *an.* 27. of his reign, and to be made ſeven years after, notwithſtanding any miſnaming, &c. And alſo a confirmation of all aſſurances made to the ſaid King, during the ſaid term, 34 *H.* 8. 21.

A confirmation of King Edward the 6.

4 A confirmation of all Letters patents, &c. made to any perſon by King *Ed.* 6. ſithence 28. *Ian. an.* 1. of his reign, and to be made during the ſaid Kings life, notwithſtanding, &c. 1 *Ed.* 6. 8.

Confirmation of King Henry 8. and King Edward the 6.

5 A confirmation of all Letters patents, made by King *H.* 8. ſithence 4. *February*, *an.* 27. of his reign, and by King *Ed.* 6. ſithence 28. *Ian. an.* 1. of his reign, or to be made during his life, of bargains and ſales, gifts, exchanges, &c. Notwithſtanding, &c. 7 *El.* 6. 3.

A confirmation of King Philip and Queen Mary.

6 A confirmation of all Letters patents, &c. made by King *Philip* and Queen *Mary* ſithence 7. *Iulii*, *an.* 1. of her reign, until 8. *Mart. An. Dom.* 1557. and to be made during ſeven years after, 4 & 5 P. & *M.* 1.

A confirmation of Queen Eliz. firſt Letters patents.

7 A confirmation of all Letters patents, &c. made by Queen *Eliz.* ſithence 18. *Novemb. an.* of her reign, Any miſnaming, &c. Notwithſtanding, or to be made ſeven years after, and alſo a confirmation of all aſſurances, made, or to be made to the ſaid Queen, during the ſaid term, 18 *El.* 2.

Overplus.

8 How the Queen ſhall be anſwered for the overplus of the value of the lands granted by her Letters patents, 18 *El.* 2.

Grants to which this Statute extendeth not.

9 Several Patents or Grants whereunto this Statute of 18 *El.* doth not extend, 18 *El.* 2.

A ſecond confirmation made by Queen Eliz.

10 A confirmation of all Letters patents, &c. made by Queen *Eliz.* ſithence 8. *Feb. an.* 25. of her reign, and to be made within one year then next enſuing: Any maintaining, &c. Notwithſtanding. And alſo a confirmation of all Aſſurances made or to be made to the ſaid Queen during the ſaid terme, 43 *El.* 1.

Overplus.

11 How the Queen ſhall be anſwered for the overplus of the value of lands granted by her Letters patents, 43 *El.* 1.

Grants to which this Statute extendeth not.

12 Several Letters patents or Grants, whereunto this Statute of 43 *El.* doth not extend, 43 *El.* 1.

Abbey lands put in charge.

13 A confirmation of the Grant of all Abbey lands which came to the poſſeſſion of King *H.* 8. or were put in charge in any Court, or by any Officer for him, or were granted by him to any perſon, &c. 35 *El.* 3.

Dean and Chapter.

14 A confirmation of all Letters patents made by King *H.* 8. for the foundation of any Dean and Chapter, or Colledge, 35 E. 3.

Of a Ward.

15 Within what time a patent ſhall be ſued forth of a Wardſhip granted by the King, 32 *H.* 8. 46.

Of a Livery.

16 Within what time a patent ſhall be ſued forth of a Livery granted by the King, 33 H. 8. 22.

Enqueſt before an Eſcheator.

17 Within what time a patent may be granted of lands ſeiſed into the Kings hands upon an Enqueſt taken before an Eſcheator, 36 Ed. 3. 13. 8 H. 6. 16. 18 H. 6. 6. 1 H. 8. 10.

Aſſiſe.

18 In what caſe an Aſſiſe doth lie againſt the Kings Patentee, 1 H. 4. 8.

Patents made to Sheriffs, &c.

19 A patent granted of the Office of a Sheriff or Underſheriff in fee, for life, or years, ſhall be void, 14 Ed. 3. 7. 42 Ed. 3. 9. 1 R. 2. 11. 23 H. 6. 8.

Not without ſpecial words.

20 Knights Fees, Advowſons, and Dowers, do not paſs by the Kings patent without ſpecial words, 17 Ed. 2. 15.

Eſcheator.

21 How long a patent made to an Eſcheator for that Office ſhall endure, 14 Ed. 3. 8. 1 *H.* 8. 8.

Officer removeable.

22 Of what offices there ſhall be no eſtate granted by patent, but the Officer ſhall be removeable, 14 R. 2. 10. 17 *R.* 2. 5. 1 *H.* 4. 13. 31 *H.* 6. 5.

Victualler to be no purveyor.

23 A patent made to a Victualler to be Purveyor for the Kings Carriage, ſhall be void, 28 H. 6. 2.

A Denizen.

24 What things ſhall be put in every patent granted to make an Alien Denizen, 32 H. 8. 16.

An exemplification.

25 An exemplification of a patent granted to make an Alien Denizen, 32 H. 8. 16.

Retainer.

25 Where a patent may be made void by being retained, wearing a Livery, or doing ſervice to another, 3 *H.* 7. 12.

Earldome of March.

27 All patents and grants made by the King of any parcels of the Earldom of March, ſhall be under the great Seal, 4 *H.* 7. 14.

Non payment of Rent.

28 No advantage ſhall be taken againſt the Kings Patentees for non payment of rent, &c. 21 Jac. 25,

Dutchy of Cornwall.

29 A confirmation of all Leaſes made by the King when he was Prince, of the Dutchy lands of Cornwal, 21 Jac. 29. 1 *Car.* 1.

Perjury.

Procurement.

1 THe puniſhment of which doth procure wilſful Perjury, 5 El. 9. 29 El. 5. 32 H. 8. 9.

Committing.

2 The penalty of him which doth commit wilful perjury, 5 El. 9: 29 El. 5.

Determining of offences.

3 What Courts or Offices have authority to inquire of, hear, and determine the offences of wilful Perjury, 5 El. 9. 29 El. 5.

Attaint.

4 Where, in what places, and in what manner Perjury ſhall be puniſhed by Attaint, 23 H. 8. 3. 11 H. 7. 21.

Petition:

1 PEtitions to the King, or in the Chancery: *S: Accuſation.*

2 The Petition of Right, 3 *Car.* 1.

3. None may make unlawful Aſſemblies upon pretence of petitioning the King or Parliament to alter the Law, 13 *Car.* 2. 5.

Pewter, Braſs, Pewterers:

Where ſale ſhall be.

1 NOne ſhall ſell Pewter, or Braſs, but in open Fairs or Markets, or in their own houſes, 19 *H.* 7. 6. 4 H. 8. 7. 25 H. 8. 9.

The goodneſs.

2 Of what goodneſs Pewter and Braſs ought to be, 19 *H.* 7. 6. 4 H. 8. 9.

The aſſiſe and marks.

3 Of what aſſiſe hollow ware of Pewter ſhall be, and the Makers of ſuch wares ſhall mark them with their own ſeveral marks, 19 H. 7. 6. 4 H. 8. 25 H. 8. 9.

Falſe weights.

4 The penalty for occupying of falſe beams or weights in the buying or ſelling of Braſs or Pewter, 19 H. 7. 6. 4 H. 8. 7.

Searchers.

5 Searchers ſhall be appointed of Pewter and Braſs, and what they may do by their authority, 4 H. 8. 7. 25 H. 8. 9. 33 H. 8. 4.

Made out of the Realm.

6 The penalty if any perſon buy, or take by exchange any wares made out of this Realm, of Tin or Pewter, 25 H. 8. 9. 33 H. 8. 4.

Stranger.

7 No ſtranger born ſhall work any Veſſel, or other ware made of Tin or Pewter, within this Realm, 25 H. 8. 9. 33 H. 8. 4.

A foreign Country.

8 No Pewterer ſhall teach or uſe his Trade in a foreign Country, 25 H. 8. 9. 33 H. 8. 4.

Phyſitians:

A body corporate.

1 KIng *Henry* 8. by his Letters Patents made the Phyſitians in *London* a Colledge or body Corporate, enabled them yearly to chooſe a Preſident, to have a Common Seal, to purchaſe lands, to ſue and to be ſued, and to make Ordinances, &c. which Letters Patents were confirmed by the Statutes of 14 *H.* 8. 5. 1 *Mar.* 9.

Eight Elects and a Preſident.

2 There ſhall be eight Elects of the ſaid Commonalty, whereof one of them yearly ſhall be choſen Preſident, 14 *H.* 8. 5.

A Priſoner.

3 Every perſon committed to priſon for any offence by the Preſident of the ſaid Colledg ſhall be received, and ſafely kept until he be thereof diſcharged. 1 *M.* 9.

They ſhall not be in certain offices.

4 Phyſitians in *London* ſhall be diſcharged to bear certain Offices there, 32 *H.* 8. 40.

Allowed by a Biſhop.

5 Every Phyſician ſhall be allowed by the Biſhop of the ſame Dioceſs, 33 *H.* 8. 11.

By whom allowed.

6 Every Phyſitian thorow *England* (ſaving Graduates in *Oxford* or *Cambridge*) ſhall be examined, and approved by the ſaid Preſident, and three Elects, 14 *H.* 8. 5.

Searchers of Apothecaries wares.

7 Four Phyſitians in *London* ſhall be appointed to ſearch Apothecaries wares, and the penalty of thoſe that refuſe to be Searchers, or to be ſearched, 32 *H.* 8. 40. 1 *M.* 9.

Aſſiſtance.

8 Other Magiſtrates ſhall aſſiſt the Phyſitians of *London* to ſearch, 1 *M.* 9.

Practiſing Surgery.

9 In what ſort the Phyſitians of *London* may practice Surgery, 3 H. 8. 40.

Piracy.

Tryal.

1 BEfore whom and in what place trial of offences done by Pyracy, and within the Admirals Juriſdiction, ſhall be made, 28 *H.* 8. 15.

Neceſſity.

2 A proviſion for things taken upon the Sea for neceſſity, and preſently paid for, 28 *H.*8. 15.

Plague.

Taxing for relief

1 THe chief Officers of Cities and corporate Towns ſhall tax the Inhabitants thereof, and all lands within the precinct thereof, for the relief of ſuch as ſhall be ſick of the Plague there, 1 *Jac.* 31.

A proviſion where Inhabitants want ability.

2 A proviſion for the relief of the ſick of the plague, where the Inhabitants of the City or Town are not able to maintain them, 1 *Jac.* 31.

Where no Juſtices of Peace be.

3 A proviſion for the relief of the ſick of the plague in ſuch places where there be no Juſtices of Peace, 1 *Jac.* 31.

A puniſhment for the infected diſobedient.

4 A mean to reſtrain or puniſh any perſon infected with the plague, commanded to keep his houſe and diſobeying, 1 *Jac.* 31.

Attendance.

5 Attendants ſhall be appointed upon thoſe which ſhall be infected with the plague, 1 *Jac.* 31.

The authority of others.

6 The Univerſities, Cathedral Churches, and other places excepted, which ſhall have ſuch authority as other chief Officers have, 1 *Jac.* 31.

Playes and Games.

Houſes of unlawful games.

1 THe penalty for maintenance of houſes of unlawful games, and for thoſe that play thereat, 33 *H.*8.9.

The contents of a placard.

2 What ſhall be contained in every placard granted by the King to have common gaming in his houſe, 33 *H.* 8. 9. 2 & 3 *P. & M.* 9.

Who may play, and who not.

3 What ſort of perſons be prohibited to play at unlawful games, and who may play by licenſe, 33 *H.* 8. 9.

Searching for Offendors.

4 Magiſtrates ſhall make often ſearch in the houſes where unlawful games be uſed, and repreſs and puniſh the offendors, 33 *H.* 8. 9.

Abuſing Gods name.

5 The forfeitures of Players which in any Interlude, &c. do abuſe the Name of God, 3 *Jac.* 21.

6 The penalty for deceitful and diſorderly games, 16 *Car.* 2. 7.

Pleading, Pleaders.

In what language.

1 ALL Pleas which are to be pleaded in any Court, ſhall be pleaded in the Engliſh Tongue, and ſhall be entred and enrolled in Latine, 36 *Ed.* 3. 15.

Officers plea.

2 If a ſuit ſhall be brought againſt any of the Kings Officers for doing of a thing concerning his Office, the Defendant may plead the general Iſſue, Not Guilty, and give the ſpecial matter in evidence, 7 *Jac.* 5. 21 *Jac.* 12.

A pleader deceiving.

3 The penalty of Pleaders which do deceive the Court or the party, 3 *Ed.* 1. 20.

General iſſue.

4 The general Iſſue pleadable for a certain time, 12 *Car.* 2. 3.

Poll-Money.

1 POll-Money according to ſeveral dignities and degrees granted to his Majeſty, 18 *Car.* 2. 1. 19 *Car.* 2. 6.

Poor people.

Helping them in their Suits.

1 A Mean to help and ſpeed poor people in their Suits, 11 *H.* 7. 12.

Overſeers.

2 Who ſhall be Overſeers of the poor of a Pariſh, and what their duty is; and before whom they ſhall account, 43 *Eliz.* 2.

Not able to relieve.

3 A proviſion where the Inhabitants are not able to relieve the poor of their Pariſh, 43 *El.* 2.

Levying of Aſſeſsment.

4 A remedy for the levying money aſſeſſed toward the relief of the poor, 43 *El.* 2.

Refuſing to work

5 The Juſtices of Peace may ſend to the houſe of Correction or common Gaol ſuch poor perſons as being appointed to work, refuſe, 43 *El.* 2.

Trade.

6 The overſeers may ſet up any trade to find the poor work, 3 *Car.* 4.

Binding Apprentices.

7 The Overſeers of the poor may bind the Children of poor perſons Apprentices, 43 *El.* 2. 1 *Jac.* 25. 21 *Jac.* 28. 3 *Car.* 4.

Building of houſes.

8 The Overſeers may build houſes for poor people to inhabit, upon Waſts and Commons, by the conſent of the Lord of the Manor, 31 *El.* 7. 43 *El.* 2.

A remedy for the party grieved.

9 A remedy for them which find themſelves grieved for any taxation for the poor, 43 *El.* 2.

Relieved by parents or children

10 Poor perſons not able to work, ſhall be relieved by their Parents, or their Children of ability, 43 *El.* 2.

Officers of corporate towns.

11 Head Officers of corporate Towns have ſuch authority within their limits as Juſtices of Peace, 43 *El.* 2.

A Pariſh within two Counties.

12 Who ſhall deal in the execution of this Statute, if a Pariſh do lye within two Counties, 43 *El.* 2.

Not naming Overſeers.

13 The forfeiture of Juſtices of Peace and head-Officers of corporate Towns for not naming Overſeers, 43 El. 2.

The Priſoners in the Kings Bench, &c.

14 The Juſtices of Peace ſhall rate every Pariſh to a weekly ſum for the relief of the priſoners in the Kings Bench, the Marſhalſey, and the Hoſpitals in that County, 43 El. 2.

Who ſhall pay the mony taxed, and to whom.

15 The Churchwardens of every Pariſh ſhall collect and pay the ſaid ſums ſo aſſeſſed to the high Conſtables, and they to the Treaſurers, and they to the chief Juſtice of *England*, and Knight Marſhal, 43 El. 2.

Surpluſage.

16 How the ſurpluſage of money which ſhall be remaining of the ſtock of any County, ſhall be imployed, 43 El. 2.

The Treaſurers penalty.

17 The penalty of him which refuſeth to be Treaſurer, or to give relief as he ſhall be appointed, or to account, 43 El. 2.

The Iſle of *Foulnes.*

18 A proviſion for the relief of the poor people inhabited in the Iſle of *Foulneſs* in the County of *Eſſex*, 43 El. 2.

Houſes of Correction.

19 Any perſon may give lands holden in ſocage for the maintenance of houſes of Correction, 18 El. 3. 35 El. 7.

20 The occaſion of the encreaſe of poor, and for their better relief, 14 *Car.* 2. 12. 20.

21 A Workhouſe at *Exeter* for relief of the poor there, 19 *Car.* 2. 19.

22 Poor Officers and Souldiers relieved, 14 *Car.* 2. 9.

Poſtage and Letters.

Trade.

1 THe well ordering of Poſtage, and Letters of great concernment to Trade, 12 *Car.* 2. 35.

Letter-Office.

2 A Letter-Office erected in the City of *London*, 12 *Car.* 2. 35.

3 The profits of the Poſt-Office ſetled upon his Royal Highneſs the Duke of *York*, *ibid.*

1 *Poſt-diſſeiſin. See Rediſſeiſin.*

1 *Powle davie. See Mildernex, &c.*

Prerogative Preheminence.

Wardſhip.

1 THe King ſhall have the wardſhip of all their lands which hold of him in chief by Knight-ſervice, whereof the Tenants were ſeized in fee the day of their death, Except, &c. 17 Ed. 2. 1.

Marriage.

2 The King ſhall have the marriage of an heir being within age, and in his cuſtody, 17 Ed. 2. 2.

Primer ſeiſin.

3 The King ſhall have primer ſeiſin after the death of thoſe which hold of him in chief, of all their lands whereof they were ſeiſed in fee, 17 Ed. 2. 3. 52 *H.* 3. 16.

Aſſignment of Dower.

4 The King ſhall aſſign to Widows, after the death of their Husbands, the Dower that to them belongeth, 17 Ed. 2. 4. 9 *H.* 3. 7. 32 *H.* 8. 46.

A woman not marriageable.

5 How a Woman ſhall be uſed that is married before the death of her Anceſtor, before ſhe be marriageable, that holdeth of the King in chief, 17 Ed. 2. 6.

Several coparceners.

6 How an Inheritance ſhall be divided that is holden of the King in chief, which doth deſcend to ſeveral Coparceners, 17 Ed. 2. 5.

Alienation without Licenſe.

7 Lands holden of the King in chief by Knight-ſervice, may not be aliened without his licenſe, 17 Ed. 2. 7. 9 *H.* 332.

Serjeanty.

8 He that holdeth his lands of the King by Serjeanty, and alieneth himſelf without licenſe, ſhall pay a fine, but the lands ſhall not be forfeited, 17 Ed. 2. 7. 9 *H.* 3. 31. 1 Ed. 3. 12. & 13. 1 Ed. 6. 4.

Lapſe.

9 Lapſe of ſix moneths ſhall not prejudice the Kings preſentation to a Church, 17 Ed. 2. 8.

Natural fools.

10 The King ſhall have the cuſtody of lands of natural fools, and take the profit thereof without waſte, 17 *Ed.* 2. 9. 32 *H.* 8. 46.

Lunaticks.

11 The King ſhall have the preſervation of the lands of Lunaticks, 17 Ed. 2. 10.

Wreck of the Sea.

12 The King ſhall have the wreck of the Sea through the Realm, and Whales, and Sturgeons, 17 Ed. 2. 11.

Intruders.

13 The King ſhall enjoy the lands of his tenant that doth intrude upon his poſſeſſion before Homage done, and ſeiſin delivered, 17 Ed. 2. 13.

Purpreſtures.

14 If any ſhall make a purpreſture or uſurpation upon the Kings land, the King ſhall reſeize the land, 4 *Ed.* 1. 4. *De Bigamis.*

Biſhops freeholders.

15 The King ſhall have the eſcheat of Biſhops free-holders, attainted of felony during the vacation, 17 Ed. 2. 14.

No paſs without ſpecial words.

16 Knights fees, Advowſons, and Dowers ſhall not paſs by the Kings Grant without ſpecial words, 17 *Ed.* 2. 15.

The lands and goods of felons.

17 The King ſhall have the goods of all felons attainted, & *annum, diem & vaſtum*, in the lands, ſaving in certain places, 17 *Ed.* 2. 16. 9 *H.* 3. 22.

Pardons and making of Juſtices.

18 No perſon ſhall have authority to pardon Treaſons and Felonies, or to make Juſtices, but only the King, 27 *H.* 8. 24.

In the Kings Name.

19 All Writs and Indictments, and all Proceſs to be made upon the ſame within any liberty, ſhall be made only in the name of the King, and the offence ſhall be ſuppoſed to be done againſt the Kings peace, 27 *H.* 8. 24.

Forfeitures.

20 The King ſhall have all fines and forfeitures of all Officers of Liberties, for any miſdemeanour concerning their Offices, 27 H. 8. 24.

The Kings children inheritable.
21 The Kings prerogative, that his children born beyond the Sea ſhall be inheritable in England, 25 *Ed.* 3.

Preferment of ſuits, and recovery of debts.
22 The Kings perogative in the preferment of his Suits, and recovery of his Debts, 33 H.8.39. 9 *H*.3.18.

No coſts.
23 The Kings prerogative, in that the defendant ſhall not recover any coſts againſt any ſuch plaintiff as ſhall ſue to his uſe, 24 *H.* 8. 8.

A fine no bar.
24 The Kings Prerogative, and a Fine ſhall not bar the heir of a Tenant in tail of lands, whereof he is in reverſion, 32 H. 8 36,

No bar to the heir in tail.
25 The Kings Prerogative, that a fained recovery ſhall not bar the heir of a tenant in tail of lands whereof he is in reverſion, 34 *H.* 8. 20.

1 *Preſcription. See Limitation of preſcription.*

Preacher and Preaching.

Diſturbance.
1 THe puniſhment of him which doth diſturb a Preacher in the time of his Sermon, and of him that doth reſcue the offender, or hinder the apprehenſion of him, 1 M. 3.

The eſcape of a diſturber.
2 The puniſhment of the town where he that doth diſturb a Preacher in the time of Sermon doth eſcape, 1 M. 3.

Præmunire, Proviſion.

Suit in a forrein Realm, and impeachment of Judgment.
1 PRæmunire by reaſon of a ſuit in a Forreign Realm or by impeachment of a Judgment given in the Kings Court, 27 Ed. 3. 1.

Taking a Benefice.
2 *Præmunire* by taking of a Benefice within the Realm of an Alien without the Kings Licence, or for conveying of money or other Commodities to an alien, 3 *R.* 2. 3. 7 *R.* 2. 12.

And making.
3 If any Alien ſhall take a Benefice within the Realm without the Kings Licence, he ſhall be within the danger of *Præmunire*, 7. *R.* 2. 12.

Buls from Rome.
4 *Præmunire* for purchaſing Bulls or other Inſtruments from *Rome*, which do touch the King, or be againſt him, his Crown or Realm, 16 R. 2. 5.

No killing of one attainted,
5 No man ſhall ſlay him which is attainted in a *Præmunire* 5 El. 1.

The Oath of Supremacy.
6 *Premunire* for refuſing to take the Oath for the Queens ſupream Government over all Eſtates, 5 El. 1.

The authority of the Biſhop of Rome.
7 *Præmunire* for ſetting forth or maintaining the authority of the Biſhop or See of *Rome*, 5 El. 1.

Maintainers of the ſame authority.
8 *Præmunire* by aiding or maintaining any offender after the offence, to the intent to ſet forth the power of the Biſhop or See of *Rome*, 13 El. 2.

Agnus Dei, &c.
9 *Præmunire* by delivering or receiving any *Agnus Dei*, Croſſes, or Pictures, &c. 13 El. 2.

Not admitting a Biſhop.
10 *Præmunire* for not electing, not certiſying, or not admiting any Biſhop preſented, 24 *H.* 8. 20. 1 El. 1.

Not certiſying the name of the bringer of an Agnus Dei.
11 *Premunire* in a Juſtice of Peace for not certiſying, the name of him which bringeth any *Agnus Dei*, Croſſes or Pictures, 13 El 2.

Richmond.
12 *Premunire* in ſpiritual perſons with in the Archdeaconry of *Richmond*, taking more for Probate of Teſtaments then is lawful, 26 *H.* 8. 15.

For Appeals.
13 *Præmunire* for ſuing of appeals, or for refuſing to obey al things compriſed in the Statute provided for ſuing of them, 24 *H.* 8. 12. 25 *H.* 8. 19. 1 El. 1.

Brokers in Uſury.
14 Brokers of Bargains contrary to the Stat. of 27 *H.* 8. provided againſt uſury, ſhall be puniſhed as counſellors, attourneys, or advocates, in caſe of *Præmunire*, 13 El. 8. 39. El. 18.

For troubling of Abbey lands.
15 *Præmunire* for moleſting any perſon for any lands of any Abbey, Priory, Colledge, Chantry &c. 1 *&*. 2 P. *&*. M. 8. 1 El. 1.

Sending relief to Seminaries.
16 *Præmunire* for delivering or ſending any relief to any Jeſuite, Prieſt, or other remaining in any Colledg of Jeſuits, 27 El. 2.

17 What offences ſhall be a *Præmunire* during the life of the King, 12 Car. 2. 1.

1 *Prieſts. See Jeſuites.*

Priſon, Priſoners, Gaol, Goalers.

The Sheriff ſhall have the keeping.
1 IN what Goal every offendor ſhall be impriſoned, and the Sheriff ſhall have the cuſtody and keeping of every of the Kings common Gaols, and the Priſoners of the ſame, 5 H. 4. 10. 14 Ed. 3. 10. 19 *H.*7. 10.

To become an Approver.
2 It ſhall be felony for the keeper of a priſon to cauſe a Priſoner by dureſs to become an approver 14 Ed. 3.10.

Certifying the names of Priſoners.
3 The Sheriffs ſhall certifie at the next Gaol delivery the names of every priſoner in his keeping, 3 H. 7. 3.

Relief of priſoners.
4 The Juſtices of Peace ſhall tax every pariſh within the Shire at reaſonable ſums of money, toward the relief of the priſoners within the common Gaols of the ſame ſhires, 14 El. 5. 1 *Jac.* 25.

Breaking of priſon.
5 In what caſe it ſhall be felony in a priſoner to break priſon, 1 Ed. 2.

Receiving of priſoners.
6 Sheriffs and Gaolers ſhall receive priſoners brought unto them without taking any thing therefore, 4 Ed. 3. 10.

At whoſe charge conveyed to priſon.
7 In what caſe an offendor ſhall be conveyed to the Gaol at his own charge, and in what at the charge of the pariſh, 3 *Jac* 10.

Removing.
8 No *Habeas Corpus* ſhal be granted to remove any priſoner out of a Gaol, or to remove any recogniſance except it be ſigned with a Juſtices hand of the ſame Court, 1 & 2. P. & M. 13.

Remanding of priſoners.
9 The Juſtices of the Kings Bench may ſend down Priſoners, and their Indictments, to be tryed in the Countrey, 6 H. 8. 6.

Seiſure of a priſoners goods.
10 A priſoners goods ſhall not be ſeiſed, until he be attainted, 1 R. 3. 3.

Examination.
11 A Juſt. of Peace ſhall examine the offendor, and put his examination in writing before he commit him to priſon, 2 & 3. P. &. M 10.

Not receiving or eſcaping.
12 In what caſe the keeper of a priſon ſhall be charged for not receiving or letting go a priſoner offered or committed to his cuſtody, 13. Ed. 1. 12. 13 Ed. 1. de Mercatoribus.

13 How ſtockes ſhall be provided for relief and ſetting Priſoners on work, 19 Car. 2. 4.

14 How to be removed in time of plague. 19 Car 2. 9.

Privy Councill.

Councell regulated.
1 THe Privy Council regulated, 17. Car 1. 10.

Juriſdiction over Eſtates.
2 The Council ſhall have no Juriſdiction over any mans Eſtate, 17 Car 1. 10.

Prize goods and Ships.

1 Direction for proſecution of ſuch as are accountable for Priſe goods, 14 Car. 2. 14. 16 & 17 Car. 2. 6.

2 Priſe-ſhips made free for trade. 19. Car. 2. cap. 6

Probate of Teſtaments, and Adminiſtration.

Goods of ſmall value.
1 NOthing ſhall be taken for the probate of the Teſtament or Commiſſion of Adminiſtration where the goods exceed not 100 s. 21 H.8.5.

The goods not exceeding 40 l.
2 What ſhall be taken for the probate of a Teſtament where they goods exceed not 40 l. 21 H. 8. 5.

Exceeding 40 l.
3 What ſhall be taken for the probate of a Teſtament where the do exceed 40 l. 21. H. 8. 5.

Adminiſtration.
4 To whom the Ordinary ſhall grant Adminiſtration of the goods of one dying inteſtate, or if the Executors named refuſe to prove the Teſtament, 21 H. 8. 5.

Adminiſtration at the Ordinaries will.
5 In what caſe it ſhall be in the Ordinaries liberty, to what perſons he will grant the adminiſtration of the goods of the Inteſtate, 21. H. 8. 5.

The Ordinaries fees.
6 How much an Ordinary ſhall take for granting of an Adminiſtration, 21 H. 8. 5.

An Inventory.
7 An Inventory intended ſhall be made of the goods of the deceaſed; And by whom the ſame Inventory ſhall be made, and who ſhall have the keeping thereof, 21 H. 8. 5.

Lands deviſed to be ſold.
8 If any perſon deviſe any lands to be ſold, the money thereof comming ſhall not be accounted any the goods of the deceaſed, 21 *H.* 8. 5.

The fees for a copy of a Teſtament, &c.
9 What ſhall be payed to the Ordinary or his Miniſter, for a Copy of a Teſtament, or Inventory. And the forfeiture of him that taketh more then is due unto him by this Statute, 21 *H.* 8 5.

Proving the Will.
10 Executors may be convented before the Ordinary to prove the Will of the Deceaſed, or to bring in his Inventory 21 *H.* 8. 5.

Richmond.
11 What ſhall be due to any Spiritual perſon after the deceaſe of any party dying within the Arch-deanonry of *Richmond* in *Yorkſhire*, 26 *H.* 8. 15.

Proceſs.

Where the contract was made.
1 WRits of debt, account, and all other ſuch actions ſhall be brought in the Countries where the Contracts were made. 6 R 2. 2.

Action of Caſe.
2 There ſhall be like proceſs in an action upon the caſe, as in Actions of treſpaſs or debt, 19 H. 7. 9.

The Stat. 5 R. 2.
3 What proceſs ſhall be awarded in an action of treſpaſs upon the Statute of 5 R. 2. 7. in a Writ of Annuity and Covenant, 23 H. 8. 14.

Procurer of an Indictment.
4 Proceſs in an action upon the caſe brought againſt the procurer of an Indictment or appeal. 8 H. 6. 10.

In Attaint.
5 What proceſs ſhall be awarded in an attaint againſt the petit Jury, the party, and the grand Jury, 23 *H.* 8. 3.

Debt, Detinue.
6 What proceſs ſhall be awarded in an action of debt and detinue of Chattels, 25 Ed. 3. 17.

Forgery.
7 What Proceſs may be awarded in an action of forgery of falſe deeds, 5 El. 14.

Communi Cuſtodia.
8 What proceſs ſhall be awarded in a Writ of *Communi Cuſtodia*, 52 H. 3. 7.

Indicted of Felony.
9 What proceſs ſhall be awarded againſt a perſon indicted of felony, 25 Ed. 3. 14.

The Seal.
10 No writ that concerneth the common Law ſhall be awarded under any of the petit ſeals, 28 Ed. 1. 6.

Apprehenſion of a Felon.
11 The Juſtices of Goal delivery may direct proceſs into any County of England, to take any perſon remaining in one County, and indicted of Felony in another, 5 Ed. 3. 11.

The Kings name.
12 All Proceſs ſhall be made in the name of the King and none other, 27 H. 8. 24.

Dayes.
13 What days ſhall be given for the return of Proceſs, 32 H. 8. 21.

14 All

Continuance.
14 All proceſs and proceedings by Juſtices of the peace in their Seſſions ſhall be continued from Seſſions to Seſſions, 33 H. 8. 10. 37 H. 8. 7.

Miſpriſion.
15 Proceſs ſhall not be diſcontinued by miſpriſion of clerks, 14 Ed. 3. 6.

Amendment.
16 The Juſt. before whom any record is, may amend erroneous proceſs, 4 H. 6. 3. 8 H. 6. 12. 8 H. 6. 15.

17 What proceſs, writs, pleas and other Judicial proceedings ſhall be continued &c. 12 Car. 2. 3.

18 What procedings in law ſhall not be awarded for defects, faults, or alterations of ſtiles or Formes, 12 Car. 2. 12.

See *Judicial Proceedings*;

Proclamation.

Summons in real Actions.
1 WHen and where Proclamations of Summons in real actions ſhall be made, 31 El. 3.

Exigent pronounced.
2 Into what places and in what caſes Proclamations ſhall be made before any *Exigent* or outlawry pronounced, 6 H. 8. 4. 1 Ed. 6. 10. 5 Ed. 6. 26. 31 El. 3 13. El. 9.

Fines.
3 Several Proclamations ſhall be made upon Fines levied, 1 R. 3. 7, 4 H. 7. 24. 31 El. 2. 1 M. 1.

Recuſants.
4 A Proclamation ſhall be made that a Recuſant indicted ſhall yield his body to the Sheriff, 29. El, 6. 3. 3. *Jac.* 4.

Admeaſurement.
5 In what caſe a proclamation ſhall be made in a writ of admeaſurement of paſture, or dower. 13 Ed. 1. 7.

Auditors.
6 The Kings Auditors ſhall make Proclamation in market towns of the times and places of keeping their Audits, 33 H, 8. 39.

Diſtreſs in Attaint.
7 A Proclamation ſhall be made upon diſtreſs delivered of Record in an Attaint, 23 H. 8. 3.

Bankrupt.
8 Proclamation ſhall be made that a Bankrupt ſhall yield his body to the Commiſſioners, 13 El. 7. 1. Jac. 15.

Certifying Baſtardy.
9 A Proclamation ſhall be made when a Writ ſhall be directed to the Biſhop to certifie Barſtardy, 9 H. 6. 11.

Communi Cuſtodia.
10 Three Proclamations ſhall be made in a Writ of *Communi cuſtodia*, 13 Ed. 1. 35.

Riots.
11 In what caſe Proclamation ſhall be awarded againſt them that do commit any Riots &c. And the penalty if they do not appear, 13 H. 4. 7.

Aſſault.
12 A proclamation againſt ſuch as ſhall aſſault any Lord of the Parliament. 5 H. 4. 6. 11 H. 5. 11.

Excommunicate.
13 In what caſe a Proclamation ſhall be made upon the Writ of *Excommunicato capiendo*, 5 El. 23.

Fairs.
14 A Proclamation ſhall be made how long a Fair ſhall laſt 2 Ed. 3. 15. 5. Ed. 3. 5.

Writs.
15 A Proclamation for the delivery of Writs, 13 *Ed.* 1. 10.

Maintenance.
16 Proclamations ſhall be made of the Statute provided againſt Maintenance, Champerty, Embracery, &c, 32. H. 8. 9.

Servants wages.
17 Proclamations ſhall be made of the rates of Servants and labourers wages, as they ſhall be aſſeſſed by the Juſtices of peace, 5 El. 4.

Parliament.
18 Proclamations ſhall be made in the full County of the day and place of the Parliament, and that all intereſſed ſhall attend to the election of the Knights, &c 7 H. 4. 5.

Knights wages.
19 Proclamation ſhall be made for the aſſeſſing of the wages of the Knights of the Parliament 23 *H. 6.* 11.

Perjury.
20 The Juſtices of Aſſiſe in their circuits ſhall cauſe the Statute provided againſt Perjury to be proclaimed 5 El. 9.

Games.
21 Proclamations ſhall be made quarterly of the St. provided againſt unlawful games, and for the maintenance of Artillery, 33 *H.* 8. 9.

Riotors.
22 A Proclamation ſhall be made that riotous perſons ſhall yield their bodies in the Kings bench, 13 *H.* 4. 7.

Indictors.
23 Proclamations ſhall be made that ſuch perſons as be indicted or Appealed of certain offences, ſhall yield themſelves to be juſtified by the Law, 3 R. 2. 3. 8 H. 6. 10.

Purveyors.
24 The Statutes made for Purveyors ſhall be proclaimed in all the Counties of this Realm, 23 *H. 6.* 2.

Prohibition, Conſultation.

Tithes, Mortuaries.
1 A Prohibition ſhall not be granted where Tithes &c. or Mortuaries be demanded, but where money for them, 9 *E*d. 2. 1.

Indicavit.
2 A Prohibition will lye, *viz.* by a Writ of *Indicavit* upon a debate of right of tythes exceeding the fourth part, 9. Ed. 2. 2.

Penance pecuniary,
3 In what caſe a Prohibition will lye, if an Ordinary do enioyn penance pecuniary or corporal, 6 Ed. 2. 2.

Violent hands.
4 No prohibition will lye where penance is enjoyned for laying of violent hands upon a Clerk, 6. Ed. 2. 4.

Defamation.
5 Prelate, may correct for penance corporal, or for defamation, notwithſtanding the Kings prohibition, 9. Ed. 2. 3.

A Mill.
6 No prohibition ſhall be granted where Tithe is demanded of a new Mill, 9 Ed. 2. 5.

Indicavit.
7 What is required to be done before a Writ of *Indicavit* ſhall be granted, 34 Ed. 1. *Stat. de conjunctim feoffatis.*

The Kings Cogniſance.
8 No prohibition ſhall be granted but where the King ought to have cogniſance of the Plea, 18 Ed. 3. 5.

Silva Cadua.
9 A prohibition ſhall be granted where a ſuit is commenced in a ſpiritual Court for *Silva Cædua*, 45 Ed. 3. 3.

Indictors.
10 A Prohibition will lie againſt them who in the ſpiritu- Court do ſue their Indictors, 1 Ed. 3. 11.

Conſultation grantable.
11 In what caſes a conſultation is grantable, 24 Ed. 1.

Not after a conſultation.
12 No Prohibition ſhall be allowed after a conſultation duly granted, 2 Ed. 3. 4.

Copy of the libel.
13 A copy of the libel ſhall be delivered to the Judg, before Prohibition granted. 2 Ed. 6. 13.

Suggeſtion.
14 A conſultation ſhall be granted for default of proving the Suggeſtion. 2 Ed. 6. 13.

Suit in both Courts.
15 In what caſe a ſuit may be commenced both in the Spiritual and Tempotal Court, for one offence, 9 Ed. 2. 6.

Prophecies.

To make inſurrection.
1 THe penalty for publiſhing any falſe Prophecie upon Arms, Fields, Badges, &c. to the intent to make Inſurrection, Diſſention, &c. 5 El. 15.

Protections.

No ſuit hindered.
BY the Kings Protection another mans ſuits ſhall not be hindred, but his execution, 25 Ed. 3. 19.

Volumus.
2 In what caſe a Protection with the clauſe *Volumus* ſhall not be allowed, 1 R. 2 8.

Quia Profecturus.
3 In what caſe a Protection with the clauſe *Quia Profecturus* ſhall be allowed, and in what not, And in what caſe the Protection *Quia moratur*, 12 R. 1. 16.

Repeal.
4 Cauſes of repealing a Protection, 13 R. 2. 16. 33. Ed. 1. *Stat de Protectionibus.*

In the County of *Cheſter.*
5 No Writ of Courſe in the nature of a Protection ſhall be granted within the County of Cheſter without a ſpecial warrant from the King containing ſuch Protection, 34 H. 8. 13.

Purveyors, Takers,

Subjects Chator.
1 THe penalty, if any ſubjects Chator ſhall take any thing againſt the owner will. 13 *H. 6.* 14 16 Ed 3. 6. 7 R. 2. 8.

The goods of Spiritual perſons.
2 No ſpiritual perſons goods ſhall be taken by any Officers of the Kings, neither ſhall they be charged to receive any horſes, Dogs or Hawks of the Kings, or any other, 3. Ed. 1. 1. 14 Ed. 3 1. 1. R. 2. 3.

Fees of the Church.
3 In all Commiſſions to be made for the proviſion of the Kings houſe, the Fees of the Church ſhall be excepted, 18 Ed. 3. 4.

Agreement.
4 Purveyors ſhall agree with the owners for things taken for the Kings houſe, 28 Ed 1. 2.

A Commiſſion ſealed.
5 Purveyors ſhall have their Commiſſions with them, ſealed with the Kings great Seal containing their authority, the which they ſhall ſhew to them of whom they ſhall make their prices, 36 Ed. 3. 2. 28 Ed. 1. 2. *Stat de priſis.*

Felony.
6 If any make prices without warrant and doe carry them away againſt the owners will, he ſhall be puniſhed as a felon, 28 Ed. 1. 2. 20 R. 2. 5.

The owners good will.
7 Purveyance for the Kings houſe ſhall be made by the owners good will. And if any ſhall make purveyance otherwiſe, none ſhall be bound to obey him. 14 Ed. 3. 19.

Victualling a Caſtle.
8 Of whom purveyance ſhall be made to Victual a Caſtle, and within what time it ſhall be payed for, 9 H. 3. 19. 3 Ed. 1. 7.

Defrauding of Creditors.
9 The penalty of purveyors who having received the Kings money for prices, doe withhold it from their Creditors, 3 Ed. 1 31.

Timber.
10 The penalty of a purveyor which ſhall fell timber to the Kings uſe about a mans houſe, 23. Ed. 3. 6. 9 H. 3. 21.

Sheep.
11 The penalty of a purveyor which taketh more ſheep in the VVool for the Kings houſe than be needful or which doth ſhear the ſame ſheep to his own uſe, 25 Ed. 15.

The Kings horſes and dogs.
12 Who ſhall make purveyance for the Kings horſes and the Kings dogs, 14 *Ed.* 3. 19, 10 *Ed.* 3. 4.

Wardrobe.
13 In what ſort by whom, and before whom purveyance ſhall be made for the Kings Wardrobe, 28 Ed. 1. 2.

The Kings carriages.
14 No Commiſſion ſhall be granted to any Hoſtlers or victuallers to take horſes or carts for the Kings carriage, 28 H. 6. 1.

Carriages.
15 The penalty for taking of any horſes or cart without the delivery of the owner and of ſome Officer, or for taking money to ſpare any mans horſe or cart, 3 Ed. 1 31. 28 *H. 6.* 2.

Demeſne carts.
16 No demeſne cart of any ſpiritual perſon, Knight, or other Lord, ſhall be taken by the Kings Bailiffs, 9 H. 3. 12.

Taking reward.
17 The penalty of a purveyor which ſhall take reward to ſpare one and to charge another. 36 Ed. 3. 3.

The warres.
18 By whom purveyance for the Kings warres, and to victual his Caſtles ſhall be made, 14 Ed. 3. 19.

Meaſure.
19 The penalty if any Purveyor ſhall take corne or other victualls or goods but by meaſure ſtriked, or ſhall take exceſſive meaſures, or ſhall not make preſent payment for the carriage thereof, 4 Ed. 3. 3. 25 Ed. 3. 1. 36 Ed. 3. 2. 11 H. 7 4. 1 H. 5. 10. 11 H. 6. 8.

Praiſement.
20 Thing purveyed for the Kings houſe ſhall be praiſed by the Conſtables and four men of the ſame Town 5 E. 3. 2 10 E. 3. 1. 25 Ed. 3. 1. 36 E. 3. 2.

Inquire of Purveyors.
21 Commiſſions ſhall be awarded into every countie to enquire of Purveyors behaviour, 36. E. 3. 4.

Felony. 22 If any taker doth purvey, or take any carriage in other manner than is compriſed in his Commiſſion, it is felony, 36 Ed. 3. 1.

His Oath, and how he may be reſiſted. 23 Every purveyor before he hath his Commiſſion, ſhall be ſworn to take nothing contrary to the Statute of 36 Ed. 3. 2. And Purveyors attempting to take otherwiſe ſhall be reſiſted 23 H. *6*. 1. 2.

A remedy for the party grieved. 24 What Action, and againſt whom he that is grieved contrary to the Statute of 36 Ed. 3. 2. ſhall have, 23 *H. 6*. 2.

Ready payment. 25 In what caſe a Purveyor for the Kings houſe ſhall make ready payment for things taken, 2 H. 4. 14. 20. H. *6*. 8.

Within & without liberties. 26 Purveyors aſſigned by the Kings Commiſſion may take all victuals and other things, as well within Liberties as without, 27. H. 8. 24.

Sea-fiſh. 27 No purveyor ſhall take any Sea fiſh from any of the Kings Subjects, that ſhall take the ſame in the ſhips of the ſaid Subjects, 5 El. 5. 1 *Jac*. 25.

Continuance of Commiſſions. 28 Commiſſion for the taking of victuals ſhall not endure above ſix moneths at the furtheſt, 2 & 3 P. & *Mar. 6*.

The County and quantity. 29 In every Commiſſion granted to Purveyors, the County where and the quantity of the things to be taken ſhall be expreſſed, 2 & 3 P. & *M. 6*.

Blanks. 30 Blanks ſhall be annexed to every Commiſſion granted to Purveyors, whereunto the Conſtables hand ſhall be ſet, 2. & 3. P. & *M. 6*.

Dockets. 31 Every Purveyor ſhall make and deliver a docket to the high conſtable of ſuch things as he ſhall take which docket ſhall be delivered to the Juſtices of peace. 2 & 3 *P. & M. 6*.

Deputies. 32 Statutes provided for Purveyors ſhall extend to their deputies, 2 & 3 *P. & M. 6*.

Engliſh tongue. 33 Every Commiſſion that ſhall be granted to Purveyors, ſhall be written in the Engliſh Tongue, 2 & 3. *P. & M. 6*.

In or near the Univerſities. 34 No purveyor ſhall take any thing in Cambridg or Oxford, or within five miles thereof, without the conſent of the Chancellors or Vice-Chancellors, 2 & 3 *P. & M*. 1. 13. *El*. 21.

An exception. 35 Purveyors may take of them which refuſe to ſerve the Univerſities of Cambridg or Oxford, 13 *Eliz*. 21.

The King near the Univerſities. 36 The Act of 14 *El*. 21. ſuſpended during the continuance of the King within ſeven miles of either of the ſaid Univerſities, 13 *El*. 21.

Timber. 37 No purveyor of Timber ſhall fell any Timber for the Kings uſe but only in barking time, 1 *Jac*. 22.

Wood. 38 The Statute provided for the preſervation of woods ſhall not extend to woods purveyed by the Kings Commiſſion, 35 El. 8. 17.

Cities & Towns corporate. 39 Purveyors may be aſſigned by Cities and Towns Corporate, for the proviſion of the ſame, 5 *Eliz*. 12. 13. *Eliz*. 25.

Former Statutes. 40 All former Statutes provided for purveyors ſhall be obſerved, 2 & 3 *P. & M. 6*.

Kings houſhold. 41 All purveyances and taking up of proviſion for the Kings houſhold diſcharged and taken away, 12. *Car*. 2 24.

Carts and Carriages for the King. 42 Carts and cariages ſhall be provided for his Majeſtie & the Queen in their Royal Progreſſes 13 *Car* 2. 8.

Quakers.

1 THe penalty upon certain perſons called Quakers refuſing to take a lawful oath, 13 Car. 2. & 1.

Quare impedit, and Aſſiſe of Darrein preſentment.

Proces. 1 VVHat Proces ſhall be awarded in a Quare *impedit*, or aſſiſe of *Darrein preſentment*, and what in Attachments and diſtreſſes, 52. *H*. 3 12.

Plenarty. 2 Plenarty of the defendants party is no Plea in a *Quare impedit*, or Aſſiſe of *Darrein preſentment*, 13. Ed. 1. 5.

Damages. 3 In what caſe damages ſhall be awarded in a *Quare impedit*, and Aſſiſe of *Darrein preſentment*, 13. Ed. 1. 5.

When taken. 4 At what times an Aſſiſe of *Novel diſſeiſin, Mortdanceſtor*, or *Darrein preſentment* may be taken, 3 Ed. 1. 48.

Dayes given. 5 What dayes may be given in an Aſſiſe of *Qu. impedit*, and *Darrein preſentment*, 52 H. 3. 12.

Eſſoine. 6 An eſſoin of the Kings ſervice doth lie in a writ of *Darrein preſentment*, Stat. *de viſu terræ & Eſſon, &c*. 12. Ed. 2.

Judgment. 7 What Juſtice ſhall give judgment upon an Aſſiſe of *Darrein preſentment, Qu. impedit, &c*, 14 Ed. 3. 16.

Advowſon recovered. 8 Recoverers may have a *Quare impedit* for an advowſon appendant to land recovered, 7 H. 8. 4.

Preſcription. 9 The Statute of limitation of preſcription made 32 H. 8. 2. ſhall not extend to any Writ of right of Advowſon, *Quare impedit*, Aſſiſe of *Darrein preſentment, &c*, 1 *M*. 5.

Trial. 10 Aſſiſes of *Darrein preſentment*, and inquiſitions of *Q. impedit* ſhall be in their own Counties, 13 *Ed*. 1. 30.

Quare clauſum fregit.

Judgment, or nonſuit. AFter Judgment or non-ſuit in a *quare clauſum fregit*, the Plaintiff is barred to renew the ſuit. 21. *Jac*. 16.

1 *Quarrelling*. S. *Fighting*.

2 *Quarentine*. *S. Dower*.

Quod permittas.

Parſon of a Church. BY what a Writ a Parſon of a Church, or his ſucceſſors, may recover his Common, and where a Writ of *Juris utrum* is triable, 13 Ed. 1. 24.

Quod ei deforceat.

A remedy upon a recovery by default. 1 A Woman ſhall be endowed of Lands recovered againſt her husband by colluſion or default, A remedy for particular tenants which loſe their land by default, is by the writ of *Quod ei deforceat*, 13 E. 1. 4.

Rape, Raviſhment.

Felony. Elopement. 1 IT is Felony if a man do raviſh a Woman, whether ſhe do conſent or not. The forfeiture if a woman do elope with an advouterer. The forfeiture of him that carrieth a Nunne from her houſe, 13 Ed. 1 34.

Under the age of ten years. 2 It is felony carinally to know and abuſe any Woman child under the age of ten years, 18 El. 7.

Conſent. 3 The forfeiture of a woman raviſhed which doth conſent to the *Raviſher*, 6 R. 2. 6.

Attachment. 4 How the defendant in an appeal of Rape ſhall be attached 4 Ed. 1 *Officium Coronatoris*.

Receit.

The wife. 1 IN what caſe the wife ſhal be received upon her husbands default, 13 Ed. 1. 3.

He in reverſion. 2 In what caſe he in reverſion ſhall be received upon default of his particular Tenant, 13 Ed. 1 3.

Not party to the ſuit. 3 In what caſe one ſhall be received, which is not party to the ſuit, finding ſurety to ſatisfie the demandant, 20. Ed. 1 *de Defenſione Juris*,

He in reverſion. 4 In what caſe he in reverſion ſhall be received upon a ſuit commenced againſt his particular tenant, 23. R. 2. 17.

1 *Receivers. S. Auditor.*

Receivers, Bayliffs.

1 REceivers, Reves, Bayliffs, to pay all money by them received for the uſe of the Crown into the exchequer by a day, 20 Car. 2. 2.

Records.

Amendment. 1 IN what caſes the Kings Juſtices may amend Records depending before them, in what not, 14 Ed. 3. *6*. 9 H. 5. 4. 4 *H. 6*. 3. 8 H. *6*. 15.

Error. 2 For error aſſigned in any Record, &c. no Judgment ſhall be reverſed. The Juſtices may amend ſuch Records, and perform variance between a Record, and a Certificate, 8 *H. 6*. 12.

Imbezelling, or raſing. 3 The penalty of imbeſilling or razing a *R*ecord by reaſon whereof any Judgment is reverſed, 6 H. *6*. 12.

Amendment by the judges. 4 The Judges may amend Records or Proceſs which be razed or interlined, 8 H. *6*. 12.

Variance. 5 In what caſe the party may alledge variance between a Record and a Certificate, 8 H. *6*. 12.

Exemplification. 6 There ſhall be no Judgment of a Record reverſed, where the ſaid Record is exemplified under the great Seal, 8 H. *6*. 12.

Falſe entry. 7 The penalty of a Judg or Clerk, that doth make a falſe entry of a Plea, raze a Roll, or change a Verdict, whereby any perſon is diſinherited, 8 R. 2. 4.

Remover. 8 No *Certiorari* ſhall be granted to remove a Record except it be ſigned with a Juſtices hand, 1 & 2 P. & *M*. 13.

After demurrer. 9 What imperfections the Court may amend in Records after demurrer joyned, and what not, 27 El. 5.

1 *Recogniſances, S. Statute, &c.*

Recoveries, and falſifying of Recoveries.

Diſtreſs and Q. Impedit. 1 THe Recoverers may diſtrain the tenants of the land recovered for Rents, and alſo have a *Quare impedit* or an advowſon appendant, 7 H. 8. 4.

The King in reverſion. 2 No fained recovery of land, intailed, whereof the reverſion is in the King, ſhall bind the heir, 34 *H*. 8. 20.

No recompence in value. 3 The heir in tail, againſt whom any ſuch fained recovery ſhall be had, ſhall take no advantage for any recompence in value, 34 *H*. 8. 20.

The King in reverſion. 4 Which Leaſes made by tenant in tail of Lands, whereof the reverſion is in the King ſhall be good, 34 H. 8. 20.

Tenant for term of life. 5 A recovery had by the Aſſent of the parties againſt tenant for term of life, ſhall be voyd, unleſſe it be by agreement of him in reverſion or remainder, 14. *Eliz*. 8.

Falſifying. 6 Tenant for years may falſifie a recoverio had againſt him in reverſion, 21 H. 8. 15. *6*. Ed. 1. 11.

Statute. Recogniſance. 7 No Statute or recogniſance ſhall be avoided by any fained recovery, 21 H. 8. 15.

Fines for alienation. 8 What fines for Alienation, upon Writs of Entry ſhall be payed to the King upon common recoveries, 32 *H*. 8. 1.

A recovery againſt a woman.

9 In what caſe a Woman ſhall forfeit her eſtate, for ſuffering a fained recoverie of lands which ſhe holdeth in dower, for life, or in taile, 11 H. 7. 20.

Corporate Towns.

10 The force of Recoveries or deeds enrolled in corporate Towns, 34 H. 8. 22.

Fines.

11 What parts of every fine and Recovery ſhall be enrolled and for what Errors they are not reverſable, 23 El. 3.

Recoveries. Wales.

12 Before whom fines & recoveries in Wales may be taken and what ſhall be payed for the ſame, 34 H. 8. 26

13 Common Recoveries confirmed, 12 Car. 2. 12.

Recuſants.

Not reſorting to Church.

1 The penalty for any perſon not reſorting to the Church upon every Sunday & Holiday, unleſs he have reaſonable excuſe to be abſent, and within what time the offence ſhall be preſented, 1 El. 2. 23 El. 1. 3. *Jac.* 4.

A Schoolmaſter.

2 The penalty of a Schoolmaſter which doth not repair to the Church of him which keepeth ſuch a Schoolmaſter in his houſe 23 El. 1. 1. *Jac.* 4.

Service in his houſe.

3 An exception for him that ſhall have ſervice in his houſe, and four times in the year reſort unto his Pariſh church. 23 El. 1.

Forfeitures.

4 By whom, and to what uſe, money that ſhall be forfeited by the Statutes of Recuſants ſhall be recovered and imployed, 23 El. 1. 29 El. 6. 35 El. 1.

Covenous conveyances.

5 All covenous conveyances made to defraud the forfeiture of this Statute ſhall be void, 23 El. 1.

Conforming.

6 A remedy for a guilty perſon that doth conforme himſelf, 23 El. 1. 29 El. 6.

Eccleſiaſtical Cenſures.

7 Eccleſiaſtical Cenſures ſhall not be taken away by this act, or by the acts enſuing, but biſhops, &c, may proceed as they did before, 23 El. 1. 3 *Jac.* 4. 3 *Jac.* 5.

Aſſurances void.

8 Certain aſſurances made by Recuſants ſhall be void againſt the Queen, 29 El. 6.

Conviction.

9 Every conviction of a Recuſant ſhall be in the Kings Bench, or at the Aſſiſes, or general Goale delivery, or before the Juſtices of Peace of the Shire, 29 El. 6. 3 *Jac.* 4.

Money forfeited.

10 At which ſeveral times the money forfeited by a Recuſant ſhall be payed into the Exchequer, 29 El. 6. 3 *Jac.* 4.

Twenty pound a moneth.

11 Every Recuſant ſhall pay twenty pound a moneth to the Queen after his Conviction, or in default thereof all his goods and two parts of his Lands and Leaſes, 29 El. 6. 3 *Jac.* 4.

Indictment.

12 The indictment of a Recuſant ſhall be good, though it doth not mention, that the party is inhabiting within the Realm, 29 El. 6.

A Proclamation.

13 After the indictment of a Recuſant, a proclamation ſhall be made, that he ſhall yield his body to the Sheriff 29 El. 6. 3 *Jac.* 4.

Aſſurances not impeachable.

14 Certain Aſſurances made by a Recuſant bona fide ſhall not be impeached 29 El. 6.

How long lands ſhall be forfeited.

15 Lands wherein a Recuſant had an eſtate but for life, or his wives life, ſhall be forfeited for no longer time, 29 El. 6.

Perſwading.

16 The penalty of a recuſant which ſhall perſwade others to inpugne the Queens Eccleſiaſtical Laws, 35 El. 1.

Abjuration.

17 Such a Recuſant not conforming himſelf ſhall abjure the Realm, 35 El. 1.

Felony.

18 It ſhall be felony to refuſe to abjure the Realm, not to depart, or to return without the Queens licence 35, El. 1.

Open ſubmiſſion.

19 In what caſe, and doing what act ſuch a recuſant doing open ſubmiſſion, ſhall be diſcharged, and the form of the ſame ſubmiſſion, 35 El. 1.

Relapſe.

20 The penalty of ſuch a recuſant ſubmitting, and after falling into relapſe, 35 El. 1.

Confined.

21 A convicted popiſh recuſant ſhall repair to his houſe and not remove above five miles, upon pain of forfeiture of all his goods, and his lands, during his life, 35 El. 2.

Confined within five miles.

22 To what place a popiſh recuſant not having any place of certain abode, ſhall reſort, and ſhall not depart from thence above five miles, 35. El. 2.

Copyhold lands.

23 A Popiſh recuſant ſhall forfeit all his Copyhold land, 35 El. 2.

Of ſmall ability.

24 In what caſe a recuſant of ſmall ability not repairing to the place appointed, ſhall abjure the realm, 35 El. 2.

Not abjuring, &c.

25 It ſhall be felony for ſuch a recuſant not to abjure, or not to depart the realm, or to return without the Queens licence, 35 El, 2.

Urged to appear.

26 A proviſion for ſuch recuſants reſtrained, as ſhall be urged by proceſſe to appear in any of the Queens Courts, or ſhall be commanded to appear before the Privy Councel, or before four Commiſſioners, 35 El. 2.

Yielding to the Sheriff.

27 A reſtrained perſon bound may yield his body to the Sheriff 35 El. 2.

Submiſſion and Relapſe.

28 In what caſe, and doing what act, ſuch a recuſant making open ſubmiſſion ſhall be diſcharged, and the forme of the ſame ſubmiſſion and the penalty of ſuch a recuſant after ſubmiſſion falling into relapſe, 35 El. 2.

Women married.

29 All women married ſhall be bound to every article of this Statute, other than abjuration, 35 El. 2.

A conformer diſcharged.

30 Every recuſant conforming himſelf to the Law, ſhall be diſcharged of ſuch penalties which otherwiſe he was ſubject unto, 1 *Jac.* 4.

The heir chargeable.

31 In what caſe a Recuſants heir ſhall be charged for the forfeitures of his Anceſtor, in what not, 1 *Jac.* 4.

The third part of his living.

32 A third part of a Recuſants living ſhall remain clear unto him, 1 *Jac.* 4.

Receiving the Sacrament.

33 The forfeiture of a recuſant conforming, which ſhall not receive the ſacrament of the Lords Supper in his own Pariſh Church, 3 *Jad.* 4.

Preſenting of offendors.

34 The Churchwardens and Conſtables of every Pariſh ſhall preſent the names of all recuſants, their children and ſervants, at the general or quarter Seſſions of that Shire, and the preſenters reward, 1 *Jac.* 4.

The penalty in the Kings Choice.

35 The King may refuſe the penalty of xx. li. a moneth forfeited by a recuſant, and take two parts of his lands, 3 *Jac.* 4.

The Oath of Obedience.

36 The forme of the oath of obedience, who may tender it, and to whom, and the penalty for refuſing it, 3 *Jac.* 4.

No reverſal for want of form.

37 No indictment of a Recuſant, or of him that refuſeth to receive the Sacrament, ſhall be reverſed for want of forme, but upon conformity, 3 *Jac.* 4.

One departing the Realm.

38 Every perſon departing the Realm to ſerve a foreign Prince ſhall take the ſaid oath, and be bound in xx. li, with two ſureties not to be reconciled to the Pope &c. And who may receive the ſaid oath and obligation, 3 *Jac.* 4.

Reconciling to the Pope.

39 The penalty for any perſon reconciling, or being reconciled to the Pope, and a remedy for him that doth ſubmit himſelfe to the Laws, 3 Jac. 4.

Receiving or relieving.

40 The penalty for keeping a Recuſant in his houſe, or for retaining a Recuſant into his ſervice, fee or livery, 3 *Jac.* 4.

Breaking a houſe to apprehend one.

41 The Sheriff may break open the houſe and take any popiſh recuſant excommunicate, 3 *Jac.* 4.

None charged for his wife.

42 No perſon ſhall be charged with any forfeiture for his wives offence in not receiving the Sacrament during her marriage nor any woman for the ſame offence, 3 *Jac.* 4.

A noble mans oath.

43 Who may take the foreſaid oath of obedience of a Nobleman, and what is the penalty if he refuſe it, 3 *Jac.* 4.

The oath of him that departeth the Realm.

44 He that paſſeth out of the Cinque Ports, to ſerve any forreign Prince, ſhall take the oath of obedience before the Lord Warden there, or his Aſſignes, 3 *Jac* 4,

Who ſhall take and tender the oath

45 What perſons ſhall take the oath of obedience, within what time, and who ſhall tender the ſame, and the penalty of him that doth refuſe it, 7 Jac. 6.

A married wife.

46 The penalty of a married woman recuſant which refuſeth to come to the Church, and receive the Sacrament. 7. Jac. 6.

Diſcovery of offendors.

47 The reward of him that doth diſcover to a Juſtice of Peace, any recuſant which ſhall relieve any Jeſuite, &c. any Maſſe, or thoſe that were preſent, 3 Jac.

Not come to Court.

48 No Popiſh recuſant convicted ſhall come into the Court or the houſe were the King or his heir apparent is, 3 Jac. 5.

Not come to London.

49 Popiſh recuſants ſhall depart from London and ten miles compaſſe thereof, (certain perſons excepted,) 3. Jac.

Licence to travel.

50 Who may give licence to a confined Recuſant to travel and for what cauſe, 3 Jac. 5. 35. El. 2.

Diſablement of offices.

51 A recuſant convicted diſabled of Certain functions and offices. 3 Jac. 5.

No publike offices.

52 No popiſh recuſant convict, or having a wife a Popiſh recuſant, ſhal exerciſe any publick office or charge in the common,wealth, 3 Jac. 5.

A Widowes forfeiture.

53 A married woman being a Popiſh recuſant convict, ſhal after the death of her husband forfeit, 2. parts of her joynture and dower, and be diſabled to be executrix or adminiſtratrix to her husband, or to have any part of his goods, 3 Jac. 5.

Excommunicated.

54 Every popiſh Recuſant ſhall be as an excommunicated perſon, and what ſuits he may proſecute, and what not, 3 Jac. 5.

Unlawfully married.

55 The penalty of a man or woman recuſant which ſhall be married otherwiſe then according to the orders of the Church of England by a Miniſter lawfully authorized, 3 Jac. 5.

Baptizing.

56 The penalty if the child of a Popiſh Recuſant ſhall not be baptized by a lawful Miniſter in the open Church, 3 Jac. 5

Burials.

57 The penalty if a popiſh recuſant man or woman not being excommunicate, ſhall be buried in any other ſort then in the Church or Church-yard, 3 Jac. 5.

Departing the Realm.

58 The penalty if any children (certain except) ſhall be ſent, or go beyond the ſea without licence of the King or ſix of his privy Council, 3 Ia. 5. 1 Ja. 4. 3 Car. 2.

59 The penalty of thoſe which being beyond the Sea, without licence, ſhall not return within ſix moneths, and take the oath of obedience, 3 Jac. 5.

Preſenting to a Benefice, &c.

60 No recuſant ſhall preſent to a Benefice, nor grant an advowſon, but the Univerſities of Oxford and Cambridg ſhall have the preſentation of them, 3 Jac. 5.

Executor, Adminiſtrators, Gardein, &c.

61 No recuſant convicted ſhall be executor or adminiſtrator to any, nor ſhall have the cuſtody of any child as gardein &c. And if any of the Kings wards ſhall be granted to any Popiſh Recuſant, ſuch grant ſhall be void, 3 Jac. 5.

Books.

62 The penalty for bringing from beyond the Sea, printing, buying, and ſelling Popiſh books, and the ſaid books ſhall be burned, 3 Jac. 5.

Searching for Books, &c.

63 Two Juſtices of Peace, and the chief Officers of every town corporate, may ſearch the houſes and lodgings of every Popiſh Recuſant or of him whoſe wife is a Recuſant, for popiſh books or reliques, 3 Jac. 5.

Armour.

64 All ſuch armour, gunpowder, or munition, as any popiſh Recuſant ſhall have, ſhall be taken from him, 3 *Jac.* 5.

Tenths.

65 The penalty of ſuch Recuſants as do refuſe to pay their firſt Fruits or tenths at the days when the ſame ſhall be due, 26 H. 8. 3. 2 Ed. 6. 20.

Rediſſeiſin, Poſtdiſſeiſin.

1 WHo ſhall maintain a writ of Rediſſeiſin, & for what cauſe, & in what manner it ſhall be ſued, and who a Writ of Poſtdiſſeiſin, 20 H. 3. 3. 13. Ed. 1. 26. 13 Ed. 1., 18. 13 Ed. 1 *de Mercatoribus*.

2 The puniſhment of them which be taken for rediſſeiſin, 52. H. 3. 8. 13 Ed. 1 26.

3 Writs of Redeſſeiſin ſhall be inrolled, and ſent yearly into the Exchequer, 13 Ed. 1. 8.

1 *Regraters. S. Foreſtallers.*

Releiſe.

Earl, Baron, &c.

1 WHat Relief the heir of an Earl, of a Baron, or any other which holdeth of the King in *Capite* by Knights ſervice, being of full age, ſhall pay after the death of his anceſtor, 9 *H.* 3. 2.

The heir in ward.

2 An heir which hath been in ward ſhall have his inheritance without paying relief, 9 H. 3. 3.

The heir of full age.

3 An heir of full age at the death of his Anceſtor ſhall onely pay Releiſe to his Lord, 52 *H.* 3. 16.

Socage tenure.

4 Relief reſerved to the King for Socage tenure in chief, 32 H. 8. 1.

Rent.

A remedy for the Executors.

1 A Remedy for the Executors or Adminiſtrators to recover a rent due to the Teſtator or Inteſtate, 32 H. 8. 37

Due in the life of his wife.

2 A remedy for the husband to recover a rent due in the life of his deceaſed wife, 32 H. 8. 37.

Depending upon a dead mans life.

3 A remedy to recover a rent, the eſtate whereof depended upon anothers life being dead, 20. H. 8. 37.

In ſeverall Counties.

4 Aſſiſe of rent iſſuing forth of land in ſeveral Counties ſhall be holden in the border of the ſame Counties, 7 *R.* 2. 10

During minority.

5 How mean Lords ſhall be anſwered their Chieſe Rents during the minority of the Kings Ward, 2 Ed. *6.* 8.

Ceſtuy que uſe.

6 *Ceſtuy que uſe* ſhall be adjudged in poſſeſſion of a rent conveyed to this uſe, 27 *H.* 8. 10.

Removing of Priſoners or Records.

The Juſtices hand.

1 WHat thing is requiſite to be obtained to remove any Priſoner or recogniſance by *Habeas corpus* or *Certiorari* 1 & 2 P. *M.* 13.

Remanding into the Countrey.

2 The Juſtices of the Kings Bench may remand Priſoners with their Indictments out of the Kings Bench into the Countrey to be tried. *6 H.* 8 *6.*

A ſuit removed.

3 What is requiſite to be done when a Writ of *Habeas corpus* is ſued forth to remove a ſuit out of a Corporate Town to any Court of Record at Weſtminſter, 43 El. 5.

Remanded to prison.

4 In what caſe the body of one in execution being removed by *Corpus cum cauſa*, or *Certiorari* ſhall be remanded, 2 H. 5. 2.

By a Recordari.

5 A *Replegiari* may be removed out of the County court by a *Recordari* into the Kings Court of Record, 13 Ed. 1. 2.

Iſſue or demurrer joyned.

6 No Writ to remove a ſuit commenced in an Inferiour Court, ſhall be obeyed unleſſe it be delivered unto the Steward, before iſſue or demurrer joyned, 21. *Jac.* 23.

A Suit remanded.

7 A ſuit once remanded ſhall never afterwards be removed, 21 *Jac.* 23.

Suit not exceeding v. li.

8 A ſuit when the thing in demand exceeds not five pounds ſhall not be removed, 21 *Jac* 23.

The extent of this Act.

9 This act ſhall only exceed to courts in Liberties, and when the Steward is an Utter-barreſter, 21 Jac. 23.

Forrein Plea.

10 This act ſhall not extend to admit any forrein plea, 21. Jac. 23.

Replevin.

A wrongful diſtreſs.

1 WHo may Replevy a diſtreſſe wrongfully taken, 52. H 3. 21.

Recordari.

2 In what caſe a *Recordari* ſhall be granted to remove a Replevin out of the County into the Kings Court of Record. 13 Ed. 1. 2.

Finding of pledges.

3 He that doth diſtrain ſhall find pledges to proſecute the ſuit, and to make return of the diſtreſſe, if return be awarded, 13 Ed. 1. 2.

Procurement.

4 The puniſhment of him which taketh a diſtreſſe upon a ſuit commenced by the procurement of others, 13 Ed. 1 65.

Deputies.

5 How many Deputies every Sheriff ſhall ordain to make Replevins, 1 &. 2 P. & *M.* 12.

Precept to Bayliff.

6 In what caſe a Sheriff ſhall direct his Precept to a Bayliff of a Liberty, and in what caſe himſelfe ſhall Replevy a diſtreſſe, 52 *H.* 3. 21 3. Ed, 1. 17.

S. Diſtreſſe, &c.

Reſtitution.

Stolne goods.

1 THere ſhall be Reſtitution awarded of ſtoln goods after the attainder of the felon, 21 H. 8. 11.

Return of Sheriffs.

Execution of Writs.

1 THe mannner how writs may be delivered to be executed by Sheriffs 13 Ed. 1 39 28 Ed. 1. 16. 2 Ed. 3. 5.

No liberty.

2 The penalty of a Sheriff that retourneth that he commanded the Bailiffe of a Liberty where there is no ſuch Liberty in the County 13 E. 1. 49.

Non omittas.

3 If the Sheriff return that he directed his precept to a bailiff of a liberty which did nothing therein, the Sheriff ſhall be commanded to execute the Writ himſelf, 13 Ed. 1 39.

Iſſues.

4 What ſhall be done when the Sheriff ſhall Return no iſſues, or ſmall iſſues where he may return greater, and what ſhall be called iſſues, 13 Ed. 1. 39.

Reſiſtancy.

5 What ſhall be done when the Sheriff ſhall find reſiſtance, in executing the Kings Writ, 13 Ed. 1. 39.

An Indenture between the Sheriff and the Bayliff.

6 There ſhall be an Indenture made between the Sheriff, and the Bailiff of a Franchiſe of every Writ returned by the Bailiff, whereunto they both ſhall put their names 12 Ed. 2. 5.

Averment.

7 Averment may be made as well againſt returnes of Bailiffs of Franchiſes, as againſt the Sheriffs returnes, 1 Ed. 3. 5

Excommunicato capiendo.

8 The penalty of any Sheriff that doth make an untrue Return upon a *Capias* in a Writ of *Excommunicato capiend.* 5 *El.* 23.

Liveries.

9 What iſſues the Sheriffs ſhall return upon the defendant, upon an Information exhibited againſt him for giving of Liveries, and upon what penalty, 8 Ed. 4. 2.

Amercement.

10 The Kings Officers of his Courts of revenue may amerce Sheriffs for unſufficient Returnes, 7 Ed. 6. 1.

Jurors.

11 What Jurors, and of what ſufficiencie, the Sheriff in ſeveral caſes ſhall return, and upon what paine, 8 *H.* 6. 9. 1 *H.* 8. 8. 1 R. 3. 4. 4 H. 8. 3. 5 *H.* 8. 5. 33. H. 6. 2. 35 H. 8. 6. 2 Ed. 6. 32. 27 El. 6.

Proclamation in Wales.

12 The Sheriffs forfeiture for not returning a Proclamation ſent unto him out of any of the twelve Shires in Wales, or Counties of Lancaſter or Cheſter, 1 Ed. 6. 10. 5 Ed. 6. 26.

Return of Writs.

13 Old Sheriffs may return VVrits, in Michaelmas and Eaſter Terms after their Term of one year expired, unleſſe they have in the mean time a VVrit of diſcharge, 23. *H.* 6. 8. 17. E. 4 6.

1 *Right, S. Juſtice, Maintenance.*

Riots, Routs, unlawful Aſſemblies.

Arreſting of Rioters.

1 THe Juſtices of Peace and Sheriff ſhall arreſt thoſe which commit Riots, and record that which they find done in their preſence againſt the law 17 R. 28. 13 H. 4. 7.

Inquiry of Riots.

2 The Juſtice and Sheriff ſhall inquire of a Riot and hear and determine the ſame, 13 *H.* 4. 7.

Certifying and traverſe.

3 In what caſe the Juſtices may certifie a Riot to the king and his Councel, and the ſame certificate may be traverſed in the Kings Bench, 13. H. 4. 7.

Proces.

4 What proceſs may be awarded againſt thoſe which commit any Riot, or &c. And the penalty if they doe not appear, 13 H. 4. 7.

The forfeiture in omitting to execute.

5 The forfeiture of the Juſtices which doe not execute this Statute. 13 H. 4. 7.

Inquiry of defaults.

6 Commiſſions ſhall be awarded to inquire of the Juſtices and Sheriffs default in not executing the foreſaid Statute, 2 H 5. 8.

The Coroners return.

7 Upon the commiſſion the Coroner ſhall return the Jury (ſaving in certain caſes) What perſons they ſhall return and upon what iſſues, 2 H. 5. 8.

Inquiry of Riots.

8 The Lord Chancellor ſhall ſend a Writ to the Juſtices and Sheriff to enquire of Riots, 2 *H.* 5. 8.

At the Kings coſts.

9 A Riot ſhall be repreſſed and inquired of at the Kings coſts 2 H. 5. 8.

Puniſhment of Riots.

10 The ſeveral puniſhments of thoſe which commit great and hainous Riots, and of thoſe which commit petit Riots, 2 H. 5. 8.

Repreſſing of Riots.

11 Each man that is able ſhall help to repreſſe riots, upon pain of impriſonment, and to make fine to the King, 2 *H.* 5. 8.

Town enfranchiſed.

12 Like ordinances and pains ſhall hold place in cities and towns enfranchiſed which have Juſtices of Peace within them, 2 *H.* 5. 8.

The Jurors ſufficiency.

13 Of what ſufficiencie Jurors ſhall be impannelled to inquire of Riots, and what iſſues ſhall be returned upon every of them, 19 *H.* 7. 13.

Maintainers.

14 The puniſhment of thoſe which be maintainers and imbracers, whereby a Riot is not found, 19 *H.* 7. 1.

Rivers. S. Havens and Rivers.

1 THe River of Avon to be made navigable from Chriſt-Church to the city of New Sarum, 16 &. 17 Car. 2 12.

Robberies.

Wrong done in Cumberland, &c.

1 THe puniſhment of him which doth take away or detain any perſon againſt his Will, in Cumberland, Northumberland, Weſtmerland, and Durham, or which do aſſiſt unto them, or doth give or receive black mail, or doth burn any barn or ſtacks of corn. 43 El. 13.

Outlaws.

2 The names of Outlaws within thoſe Counties ſhall be delivered to the Sheriff, and he ſhall make Proclamation of them 43 El. 13.

3 The

Relieving of Out-laws.

3 The penalties of any perſon inhabiting within any of the ſaid Counties, that ſhall relieve or confer with any of thoſe Outlaws, 43 El. 13.

In the high-way

4 He that doth rob in or near any High-way, ſhall not have his Clergy, 23 H.8.1. 32 H.8.3. 1 Ed.6.12. 5 Ed.6.9.

Kil'ing of a Robber.

5 He ſhall forfeit nothing that killeth any perſon that attempeth to kill or rob him in or near any High-way, or in his Manſion-houſe, or to break his dwelling-houſe, 24 H.8.5.

1 *Rogue.* See *Vagabonds, &c.*

Rome.

Maintenance rf the authority.

1 THe penalty for maintaining the authority of the Biſhop or See of *Rome*, heretofore uſed within this Realm, 5 *El.* 5.

Giving. &c. of Abſolution.

2 The penalty for giving or taking abſolution by any Bulls from *Rome*, or for obtaining Bulls from *Rome* for any cauſe whatſoever, 13 El. 2.

Concealing.

3 The penalty for concealing Abſolution, or Bull offered, that is obtained from the Biſhop of *Rome*, or his See, 13 El. 2.

Agnus Dei, Croſſes, &c.

4 The penalty for bringing any *Agnus Dei*, Croſſes, Pictures, Beads, &c. from the Biſhop or See of *Rome*, 13 El. 2.

Revealing the Offendor.

5 He ſhall eſcape the penalty of this Statute, which doth apprehend the Offendor, or diſcloſe his name, 13 El.2.

Perſwading to Religion.

6 The penalty for withdrawing the Subjects of this Realm from their obedience to the Queen to the Roman Religion, and for reconciling, or being reconciled to the ſame Religion, 23 *El.* 1. 3 *Jac.* 4.

Bulls from *Rome*.

7 All Bulls, Briefs, Faculties, and Diſpenſations obtained of the Biſhop of *Rome* to any Subject of this Realm, ſhall be void, 28 H.8.16.

Ropes. See *Cables.*

Sabbath.

1 ASſemblies and unlawful Paſtimes upon the Lords day forbidden, 1 *Car.* 1. 1.

2 Carriers, Waggoners, Brewers, ſhall not travel upon the Lords-day called Sunday, 3 *Car.* 1. 1.

3 Butchers ſhall not ſell or kill meat upon that day, 3 *Car.* 1. 1.

4 A reſtraint of divers other Abuſes on that day, 3 *Car.* 1. 1.

Sacraments, and Service Divine.

Unreverent ſpeaking.

1 THe penalty for the unreverent ſpeaking of the Sacrament of the Body and Blood of Chriſt, or for the ſpeaking againſt the receiving thereof under both kinds, 1 Ed.6.1.

Other prayer.

2 The penalty for uſing any other Common Prayer, and Adminiſtration of Sacraments, then is ſet forth by Parliament, *An.* 2 & 3 *Ed.* 6. 1. 5 *Ed.* 6. 1. 1 El. 2.

Depraving.

3 The penalty for depraving by Enterludes, Songs, or open words, the Book of Common Prayer, or for procuring any to uſe other Prayer than in the ſaid Book is ſet forth, 1 *El.* 2.

Not repairing to the Church.

4 The penalty for any perſon that doth not reſort to the Church every Sunday and Holyday, 1 *El.* 2.

Puniſhment of Offendors.

5 Who may enquire of, and puniſh the aforeſaid offences, and within what time after the offence committed, 1 *El.* 2.

Ornaments of the Church.

6 What Ornaments of the Church, and of the Miniſters thereof, ſhall be retained, and in uſe in the Church of *England*, 1 *El.* 2.

Maſs.

7 The penalty for ſaying and hearing of Maſs, 23 *El.* 1.

Arreſting a Prieſt.

8 The penalty for arreſting a Prieſt who is in doing of Divine Service in a place dedicate to God, 50 Ed. 3. 5. 1 R. 2. 15.

Bibles in *Wales*.

9 There ſhall be a Bible, and a Book of Common Prayer in every Pariſh Church in *wales*, in the Welſh Tongue, and another in Engliſh, 5 El. 28.

The Catholique Faith.

10 The Catholick Faith ſhall be continued, 2 H. 8. 21 1 El. 1.

Safe Conducts.

Effectual.

1 WHat things be requiſite to be done to make Safe Conducts effectual, 15 H. 6. 3. 18 H. 6. 8. 20 H. 6. 1.

Reſtitution.

2 A proviſion for them that have taken the Ships of thoſe which have Safe Conducts, and be ready to reſtore them, 20 *H.* 6.1. 31 H.6.4. 14 E.4.4.

Aliens.

3 All Aliens being in amity with the King, which bring Victuals and other things vendible into the Realm, ſhall be under the Kings Safe Conduct, and the penalty of him which doth diſturb them, 9 H.3.30. 9 Ed.3.1. 25 Ed. 3.2. 2 R.2.1. 11 R. 2. 7. 16 R. 2. 1. 6 R. 2. 10. 1 H.4 17. 14 H.6.6.

Sanctuaries. See *Abjuration.*

Second Deliverance.

When awarded.

1 IN what caſe a Writ of ſecond deliverance ſhall be awarded, 13 Ed. 1. 2.

Damages.

2 In what caſe the Avowant in the ſecond deliverance ſhall recover damages and coſts, 21 H. 8. 19.

Upon the land.

3 Avowry, Juſtification, or Cogniſance may be made upon the Land, in every Writ ſued of ſecond deliverance, without naming any perſon certain, 21 H. 8. 19.

1 *Seminaries.* See *Jeſuites.*

Sewers.

Commiſſions.

1 COmmiſſions of Sewers ſhall be directed into all the parts of this Realm, where, and when need ſhall require, 23 *H.*8.5.

The form of the Commiſſion.

2 The form of the Commiſſion of Sewers, and what things the Commiſſioners are authoriſed thereby to enquire of, and reform, 23 *H.*8.5.

Taking an oath.

3 Every of the Commiſſioners of Sewers ſhall receive an Oath, before he take upon him the execution of the ſame Commiſſion. And the form of the Commiſſioners Oath, 23 H. 8. 5.

Making decrees.

4 The Commiſſioners have authority to make Laws, Ordinances and Decrees, and the ſame to reform, repeal and amend, as neceſſary occaſions ſhall require, 31 H.8 5.

The continuance of a Decree.

5 How long the Commiſſioners of Sewers Decree ſhall continue, 13 El. 9.

Glamorgan.

6 The authority of the Commiſſioners of Sewers for the County of *Glamorgan*. And what they may do by force thereof, 1 M. 11.

Binding of lands

7 The Commiſſioners Decrees ſhall bind the land of thoſe which being taxed to any lot or charge, do not pay the ſame, 13 H. 8. 5.

The Kings lands

8 The Commiſſioners Decrees ſhall bind the lands of the King, and of all other perſons, 23 H.8.5. 3 Ed. 6 8. 7 Jac.20.

Dwelling in the County.

9 A Commiſſioner of Sewers ſhall be dwelling within the ſame County, whereof he ſhall be aſſigned Commiſſioner, 25 H. 8. 10.

Refuſing the Oath.

10 The forfeiture of him which refuſeth to take the ſaid Oath of Commiſſioner of Sewers, 25 *H.*8.10.

None ſhall ſit but thoſe which are ſworn.

11 None ſhall ſit by vertue of the Commiſſion of Sewers, not being before ſworn, 23 *H.*8 5.

Their degree.

12 Of what living or degree every Commiſſioner of Sewers ought to be, 23 H. 8. 5.

A Farmer no Commiſſioner.

13 A Farmer for term of years of lands chargeable by any Ordinances, &c. ſhall not be Commiſſioner within the ſame precinct, 13 El. 9.

Avowry of a Diſtreſs.

14 In what ſort an Avowry or Juſtification may be made of a Diſtreſs taken by reaſon of the Commiſſioners of Sewers, 23 H. 8. 5.

Their wages.

15 The wages of the Commiſſioners of Sewers, and their Clerks. And how the ſame ſhall be levied, 23 H.8.5.

No Certificate but Eſtreat.

16 There ſhall no Certificate be made of the Commiſſion of Sewers Ordinance, or doings: But their Eſtreats ſhall be yearly delivered into the Exchequer, 13 El. 9.

The continuance

17 How long every Commiſſion of Sewers ſhall continue in force, 23 *H.* 8. 5.

Juſtice of Peace.

18 Juſtices of Peace in ſome caſes ſhall execute the Commiſſion of Sewers, 13 El. 9.

Wales, Cheſter, Lancaſter, &c.

19 What is requiſite to be done when a Commiſſion of Sewers ſhall be directed into the Dutchy of *Lancaſter*, the Principality of *Wales*, the County Palatine of *Cheſter*, or any other County Palatine, 23 H.8.5.

The fees for the Commiſſion.

20 What fees ſhall be paid for the ſealing, writing, and enrolling of the Commiſſion of Sewers, 23 H. 8.5. 3 Ed.6.8.

Water-courſes about *London*.

21 The Walls, Ditches, Water-courſes, &c. within two miles of the City of *London*, falling into the River of Thames, ſhall be ſubject unto Commiſſion of Sewers, 3 Jac. 14.

Norfolk and *Suffolk*.

22 A Commiſſion may be awarded into the Counties of *Norfolk* and *Suffolk*, to enquire of, prevent and reform defaults in ſeveral Towns and Places there, 7 Jac. 20.

Puniſhment of the diſobedient.

23 The puniſhment of ſuch as be diſobedient to their labour, carriages, or for the taking of their Timber, 7 Jac 20.

Levying the money aſſeſſed.

24 The Commiſſioners may authoriſe others to levy the money aſſeſſed, by diſtreſs, or ſale of goods, or they may impriſon the Offendor, 7 Jac. 20.

Abatement by the Leſſee.

25 If the *Leſſee* of the land charged, do pay the ſum taxed, how much thereof he may abate of the Leſſors Rent, 7 Jac. 20.

Preſervation of grounds.

26 The Commiſſioners may make Orders for the preſervation of grounds in danger, and alſo may amend the ſame Orders, 7 Jac. 20.

Penalties.

27 The Commiſſioners may impoſe penalties upon ſuch as ſhall break their Orders, 7 Jac. 20.

Imployment of penalties.

28 How the penalties and ſums of money forfeited by this Statute, ſhall be imployed, 7 Jac. 20.

Allowance of wages.

29 What allowance ſhall be made for their pains unto the Commiſſioners, and other Officers, which ſhall be imployed about the premiſſes, 7 Jac. 20.

Not ſufficient.

30 A remedy, where the party taxed hath not ſufficient goods, nor his body is to be found within that County, 7 Jac. 20.

Selling the lands of others.

31 In what caſe the Commiſſioners may ſell or let to farm the lands of the party taxed, 7 Jac. 20.

32 A relief for the Offendor paying the money aſſeſſed, and the penalties impoſed upon him, 7 Jac. 20.

The Offendors relief.

33 The Sheriffs of Norfolk and Suffolk ſhall return Jurors before the Commiſſioners; and they, and all other Officers ſhall attend and aid them, 7 Jac. 20.

Jurors in *Norfolk* and *Suffolk*.

34 The Commiſſioners may take accompt of inferiour Officers, 7 Jac. 20.

Accompt.

35 A remedy, if any of the Officers do die before his accompt made, or his Arrearages payed, 7 Jac. 20.

A remedy againſt Accomptants.

36 A remedy, if the Executors or Adminiſtrators of an Accomptant have waſted his goods, 7 Jac. 20.

Waſting the Accomptants goods

37 The puniſhment of an Accomptant that refuſeth to accompt, 7 Jac. 20.

Refuſing to Accompt.

38 A proviſion, if an Accomptant die, owing money to theſe uſes, and alſo to other perſons, 7 Jac. 20.

An Accomptant dying.

39 What plea the Defendant ſhall plead in a ſuit commenced againſt him for a thing done by force of this act, and what damages he ſhall recover, 7 Jac. 20.

The Defendants Plea.

40 When any land of the County of Suffolk ſhall be charged, one Commiſſioner at the leaſt of the ſame County ſhall be preſent, 7 Jac. 20.

Lands charged in *Suffolk*.

41 After a new River ſhall be brought from Springs out of the County of Hertford to London, the ſame ſhall be ſubject to the Commiſſion of Sewers, 3 Jac. 18.

The River from *Hertford* to *London*.

42 Commiſſioners of Sewers to be made by the Lord Chancellor, or others, 12 *Car.* 2. 6.

Lord Chancellor.

Sheep.

1 THe penalty for any perſon that ſhall ſend, receive or take, or procure to be ſent or received into any Ship, any kind of Sheep, being alive, to be conveyed out of the Realm, 8 *El.* 3.

Tranſporting.

2 The forfeiture of that perſon which ſhall keep above two thouſand Sheep at one time, beſides thoſe which he keepeth for the maintenance of his houſe, unleſs they come unto him by Executorſhip, or Marriage, or be given by Will to a Child within age, 25 *H.* 8. 13.

Above two thouſand.

3 Every perſon may keep upon his Inheritance or Freehold as many Sheep as he will, 25 *H.* 8. 13.

Upon his Freehold.

4 He that keepeth two thouſand Sheep upon his Inheritance, ſhall not keep any upon a Farm; but if his Inheritance cannot keep two thouſand, then he may ſupply the number upon a Farm, 25 *H.* 8. 13.

None upon a Farm.

5 How many Sheep ſpiritual perſons may keep upon their own lands, 25 *H.* 8. 13.

Spiritual perſons

6 How the Lords and Farmers of Fould-courſes for Sheep in Norfolk and Suffolk, may uſe Quillets of Land lying within the ſaid Fold-courſe which they take in farm, 25 *H.* 8. 13.

Fold-courſes.

7 In what ſort, at what time, and how many ſheep any Purveyor may take at one time, 25 Ed. 3. 15.

Purveyance.

Ships and Shipping.

1 FIſh taken upon the Sea by any of the Queens Subjects, may be tranſported over the Sea in Ships with croſs Sails, 5 *El.* 5. 13 *El.* 11.

With croſs Sayls

2 No price ſhall be ſet, or toll received, for fiſh taken in Engliſh mens Ships, 33 *H.* 8. 33.

Engliſhmens ſhips.

3 The penalty for conveying any goods in ſtrangers Ships from one Port of this Realm to another, 5 *El.* 5.

Strangers ſhips.

4 No French Wine, or Tholouſe Woad, ſhall be brought into this Realm in Strangers Ships, ſaving into ſome certain ſpecial places, 5 *El.* 5. 1 *Jac.* 25.

French Wine, & Thoulouſe Woad

5 The penalty of anchoring upon the Sea Coaſts of Norfolk and Suffolk in the time of common fiſhing, at certain times and hours, 13 *El.* 11.

Anchoring.

6 A Denizen which ſhippeth any goods in a Carrick, or Galley, ſhall pay all Cuſtoms and Subſidies as an Alien doth, 1 Jac. 33.

In a Carrick or Galley.

7 In what caſe, and in what manner, it ſhall be lawful for the Owner of a Ship, or a Ship-wright, to take an Apprentice, 5 *El.* 5. 1 *Jac.* 25.

Apprentice.

8 At what time and place the Maſter of a Ship ſhall receive and diſcharge his Loading, 4 *H.* 4. 20. 1 *El.* 11.

Receive and diſcharge loading.

9 The Maſter of a Ship ſhall not permit any Braſs, Mettal, or &c. to be tranſported, but ſhall diſcloſe the ſame, 33 *H.* 8. 7. 2 Ed. 6. 37.

Braſs, &c.

10 In what caſe a Ship ſhall be forfeited, wherein is tranſported Corn, Beer, or &c. without licence, 1 & 2 P. & M. 5. 5 *El.* 5. 1 *Jac.* 25.

Tranſporting without licence.

11 In what caſe a Ship ſhall be forfeited, wherein is tranſported any Leather, Tallow, or raw Hides, 18 *El.* 9.

Leather, Tallow, &c.

12 All Judgments, Records, and Proceſs touching Ship-money made void, 17 *Car.* 1. 14.

Ship-money.

13 Articles to be obſerved for government of his Majeſties Navy and Ships, 13 *Car.* 2. 9.

Navy Government.

14 No goods ſhall be Imported from *Aſia*, *Africa*, or *America*, but in Engliſh Ships, 12 *Car.* 2. 18.

Aſia, *Africa*, *&c.*

15 No goods of Foreign growth or Manufacture, ſhall be brought into *England*, *&c.* in Engliſh Ships, but only from the place of their growth, 12 Car. 2. 18.

Engliſh ſhips.

Sheriffs.

1 NO man ſhall be Sheriff in any County, except he have lands ſufficient in the ſame County, to anſwer the King and his People, 9 Ed. 2. *Lincoln*, 4 Ed. 3. 9. 5 Ed. 3. 4.

Sufficient of Freehold.

2 No Bayliff of any great Lord ſhall be Sheriff, but ſuch which may wholly attend to ſerve the King and his people, 9 Ed. 2. *Lincoln.*

Who no Sheriff.

3 Every Sheriff ſhall abide in his proper perſon within his Bayliwike, for the time he ſhall be Officer, and ſhall not ſet his County or Bayliwike to farm, 4 *H.* 4. 5.

Abiding in the County.

4 None ſhall be Sheriff, or Under-Sheriff above one year, nor ſhall be Sheriff of that County within the ſpace of three years after, ſaving in certain caſes, 14 Ed. 3. 7. 42 Ed. 3. 9. 1 R. 2. 11. 6 H. 8. 18. 23 *H.* 6. 8. 12 *Ed.* 4. 1. 17 *Ed.* 4. 6.

But one year.

5 The Sheriffs and his Bayliffs fees for Arreſts, and making Copies of a Panel, 23 H. 6. 10.

Their fees.

6 The Sheriffs duty in bayling of perſons Arreſted, and in taking Obligations for their Appearance, 23 H. 6. 10.

Their duty in certain caſes.

7 Every Sheriff ſhall make a Deputy of Record in the Chancery, Kings Bench, Common Pleas, and the Exchequer, 23 H. 6. 10.

Deputies.

8 Every Sheriff of the twelve Counties in *Wales*, and the Counties of *Lancaſter*, *Cheſter*, and of the City of *Cheſter*, ſhall have a Deputy in the Kings Bench and Common Pleas, 1 Ed. 6. 10. 5 Ed. 6. 26.

Wales, *Lancaſter*, *&c.*

9 The forfeiture of every Sheriff, Under-Sheriff, or other Miniſter, which doth any thing contrary to the foreſaid Statute of 23 *H.* 6. 10.

Their forfeiture.

10 What is requiſite to be done in thoſe Indictments that ſhall be taken in the Sheriffs Turns; And the puniſhment of the Sheriff which doth impriſon any indicted in other ſort, 1 Ed. 3. 17. 13 *Ed.* 1. 13.

Their Turns.

11 Indictments taken in the Sheriffs Turns, ſhall be delivered to the Juſtices of Peace, who ſhall make Proceſs againſt the Offendors, and deliver their Eſtates to the Sheriff, 1 Ed. 4. 2.

Indictment.

12 To which Sheriffs, or other perſons, the foreſaid Statute of 1 Ed. 4. doth not extend, 1 *Ed.* 4. 2.

To which it doth not extend.

13 The penalty of a Sheriff, Under-Sheriff, &c. that ſhall enter any plaint in his Book in any mans name, unleſs the Plaintiff be in proper perſon preſent in the Court, or by a ſufficient Attorney or Deputy, 11 H. 7. 15.

Entry of wrongful plaints.

14 Every Sheriff, &c. ſhall make a Precept to the Bayliffs of the Hundred, to attach and warn the Defendants to appear and anſwer to the ſaid plaints: And the penalties of the Bayliffs making default in execution of their Offices, 11 H. 7. 15.

Precept to Bayliffs.

15 The Juſtices to be named at a general Seſſions, ſhall view the Sheriffs Eſtreats; And the ſaid Eſtreats ſhall be indented and ſealed, 11 *H.* 7. 15.

Viewing his Eſtreats.

16 Bayliffs and other Officers ſhall be ſworn to gather no more but what is forfeited, and contained in the ſaid Eſtreats, 11 H. 7. 15.

Gathering no more then is due

17 Every Sheriff ſhall execute his Warrant, and no more, 27 *Ed.* 1. *Stat. de finibus levatis*, cap. 2.

He ſhall do no more then he is Warranted.

18 No Sheriff ſhall be Juſtice of Peace in the ſame County, when, and where he is Sheriff, 1 M. 8.

No Juſtice of Peace.

19 Every Sheriff ſhall make four Deputies in his County at the leaſt, to make Replevins, 1 & 2 P. & M. 12.

Deputies to make Replevins.

20 The remedy, if a Sheriff do wrongfully ſeiſe one mans goods, being of the ſame name of another that is outlawed, 37 Ed. 3. 2. 9 H. 6. 4.

Wrongful ſeiſure.

21 The Sheriff ſhall not ſeiſe the goods of any perſon Arreſted and Impriſoned, until he be Attainted, 1 R. 3. 3.

No ſeiſure before Attainder.

22 In what caſe Bayliffs of Hundred, and in what caſe other perſons ſhall make execution of thoſe Writs which come to the Sheriff, 9 *Ed.* 2. *Lincoln*, 2 Ed. 3. 5.

Execution of Writs.

23 Sheriffs ſhall appoint ſuch Bayliffs for whom they will anſwer: Which Bayliffs ſhall not be in any ſuch Office by the ſpace of three years after, 14 Ed. 3. 9. 1 H. 5. 4.

Bayliffs.

24 The Sheriff ſhall have counter Rolls with the Coroner, of ſuch things which belong to the Coroners Office, 3 Ed. 1. 10.

Counter Rolls with Coroners.

25 No Sheriff, or any other Bayliff of the Kings, ſhall hold Pleas of the Crown, 9 H. 3. 17.

Plea of the Crown.

26 In what caſe the Sheriff ſhall make replevin of Diſtreſſes that be taken and with-holden: And in what caſe the Bayliff of a Franchiſe, 52 H. 3. 21. 3 Ed. 1. 17.

Replevin of a Diſtreſs.

27 For every of the Counties of *Eſſex* and *Hertford*, *Somerſet* and *Dorſet*, *Warwick* and *Leiceſter*, *Nottingham* and *Derby*, *Oxon* and *Berk*, there ſhall be one able perſon to be Sheriff, who ſhall pay in any Court of Record, but half the charges and fees, &c. 8 El. 16. 13 El. 22.

Several Sheriffs in ſeveral Counties.

28 Every Sheriff ſhall in proper perſon make proclamation four times in the year, of the Statute of *Wincheſter*, provided againſt Homicides, &c. 7 *R.* 2. 6.

Proclamations of Statutes.

29 Every Under-Sheriff, Bayliff of Franchiſe, Sheriffs, Clerks and Deputies, ſhall take two ſeveral Oaths. And the forfeiture of the Offendors thereof, 27 El. 12.

Their oaths.

30 How much every Sheriff or his Officers may take for the ſerving of an execution, 29 El. 4.

An Execution.

Without Warrant.

31 The penalty of a Sheriff, Under-Sheriff, &c. that doth cauſe any perſon to be ſummoned or arreſted without Warrant, 43 El. *6.* 1 Jac. 25.

Allowances.

32 What allowances Sheriffs upon their Account ſhall have, and for what cauſes, 4 H. 4. 2. 2 & 3 Ed. *6.* 4.

Account of money levied.

33 Every Sheriff ſhall be ſworn to deliver into the Exchequer Rolls of Parchment of all ſuch ſums of money which he hath or might have levyed, making mention of what perſon, of what lands, and for what cauſe every of the ſaid ſums be levied, 2 & 3 Ed. *6.* 4.

Northumberland.

34 The Sheriff of *Northumberland* ſhall put in ſufficient ſureties in the Exchequer, and enter into Recogniſance in ſuch ſum, and upon ſuch conditions, as all other Sheriffs of this Realm do, 2 & 3 Ed. *6.* 34.

Bayliffs of Liberties.

35 Every Statute provided for Sheriffs, ſhall extend to Bayliffs of Liberties, 27 H. 8. 24.

Rediſſeiſin.

36 The Sheriffs duty in executing the Writ of Rediſſeiſin, 22 *H.* 3. 3.

Replevin of a a Diſtreſs.

37 The Sheriffs duty in the Replevin of a Diſtreſs, and taking Bond for proſecuting the ſuit, and making return, 52 *H.* 3. 21. 13 *Ed.* 1. 2.

Riots.

38 The Sheriffs duty in recording and certifying of Riots, 13 H. 4. 7.

Toting of eſtreat.

39 The Sheriff muſt ſhew to the party indebted the Eſtreats ſealed, and upon payment for the ſame, 42 Ed. 3. 9.

Amerciaments.

40 Amerciaments for inſufficient Returns by Stewards, or Bayliffs of Liberties, ſhall be ſet upon their heads, and not upon the Sheriffs, 27 H. 8. 24.

None an Attorney.

41 No Under-Sheriff, Sheriffs Clerk, Receiver, or Bayliff ſhall be Attorney, 1 *H.* 5. 4.

Counterfeiters of Weights.

42 Sheriffs may enquire of Counterfeiters of falſe weights, and puniſh them, 9 *H.* 5. 8.

Execution of a Womans Writ.

43 The Sheriffs forfeiture that will not execute a Writ to him directed, at the ſuit of a woman that is wrongfully enforced to be bound in an Obligation or Statute, 31 *H.* 6. 9.

Diſcharging of Diſtreſs.

44 The Sheriff ſhall diſcharge his diſtreſs that can find ſurety to agree for the thing in demand, and ſhall acquit the Kings debtor of that which he he hath received, 28 Ed. 1. 12. 51 H. 3. 3 Ed. 1. 19.

Diſſeiſin.

45 How the Sheriff ſhall be puniſhed, that by colour of his Office doth diſſeiſe any man of his Freehold, 3 Ed. 1. 24.

Arraying of Aſſizes.

46 In what time a Sheriff ſhall array Aſſiſes, and deliver the Copies thereof to the Parties, 42 Ed. 3. 11. *6 H. 6.* 2.

Eſcape.

47 What the Sheriff ſhall forfeit which ſhall ſuffer an Eſcape, or doth take any thing for an Eſcape, 13 Ed. 1. 13. 3 Ed. 1. 3.

A Hawk.

48 How the Sheriff ſhall uſe a Hawk which is found, taken up, and brought unto him, 34 Ed. 3. 22. 37 Ed. 3. 19.

Unlawful Bailing.

49 The puniſhment of a Sheriff which letteth an Offendor go at liberty, which is not replevisſable, 3 Ed. 1. 15.

Knights, &c. for the Parliament.

50 The Sheriffs duty about the Electing and Returning the Knights of the Shire for the Parliament, Burgeſſes of the Parliament, and levying of their wages, 7 H. 4. 15. 11 H. 4. 1. 1 H. 5. 1. 8 *H.* 6. 7. 10 *H.* 6. 2. 23 H. 6. 15. 6 H. 6. 4. 23 H. 6. 11.

Waſte.

51 In what caſe and manner the Sheriff upon Precepts ſhall go to enquire of waſte, 13 Ed. 1. 14.

Forcible Entry.

52 The Sheriff ſhall attend upon a Juſtice of Peace, to Arreſt thoſe which make any Forcible Entries, 15 R. 2. 2.

Returning of Juries.

53 What Jurors, and of what ſufficiency, the Sheriff in ſeveral caſes ſhall return, and upon what pain, 8 H. 6. 9. 1 H. 8. 8. 1 R. 3. 4. 4 H. 8. 3. 35 H. 8. 6. 2 Ed. 6. 32. 27 *El.* 6.

Purveyance for the Kings horſes and dogs.

54 In what manner the Sheriff ſhall make purveyance for the Kings horſes and dogs within his County, 14 Ed. 3. 19. 10 Ed. 3. 4.

Sheriffs in *Wales.*

55 By whom the Sheriff in *Wales* ſhall be appointed, their Authority, Accompt, Courts, Fees, &c. 34 *H.* 8. 26. 37 H. 8. 26.

Inſufficient Returns.

56 Amerciaments of Sheriffs for inſufficient Returns, 6 Ed. 6. 1.

Bridges.

57 Sheriffs ſhall execute ſuch Proceſs which come to them from Juſtices of Peace, touching annoyance of Bridges, 22 H. 8. 5.

A *Quietus eſt* diſcharged.

58 A *Quietus eſt* ſhall diſcharge a Sheriff of his Accompt, unleſs he be queſtioned within four years next after the Grant thereof, 21 Jac. 5.

The Officers puniſhment.

59 The Officer that vexeth the Sheriff contrary to this Act, ſhall forfeit 40 l. 21 Jac. 5.

The third offence.

60 For the third Offence the Officer ſhall be diſabled to continue in any Office, 21 Jac. 5.

61 Sheriffs may not keep Tables at the Aſſizes for others then their own Families and Retinue, nor make any preſent or gift to any Judges of Aſſize, 14 *Car.* 2. 21.

62 How Sheriffs ſhall be eaſed in paſſing their Accounts in the *Exchequer,* 14 *Car.* 2. 21.

Ships and Shippings.

1 FRom what foreign parts Goods may be imported onely in Engliſh ſhips, 12 *Car.* 2. 18.

2 Encouragement of the ſhipping and trading by the Engliſh into their Plantations of *Aſia, Africa,* and *America,* 12 *Car.* 2. 18. 15 *Car.* 2. 7.

3 Articles and Orders for better government of his Majeſties Navies, &c. 13 *Car.* 2. 9.

4 How proviſion of carriage by land and water ſhall be made for the uſe of the Navy and Ordnance, 14 Car. 2. 20.

5 The penalty for emboſelling Stores and Ammunition belonging to his Majeſties Navy-Royal, 16 Car. 2. 5. 19 Car. 2. 7.

6 The penalty for delivering up Engliſh Merchants Ships to Turks and Pirates, 16 Car. 2. *6.*

7 Builders of new Ships encouraged, 14 Car. 2. 11.

Ship-Money.

1 CErtain proceedings touching Ship-Money declared illegal, and the Records thereof made void, 17 Car. 1. 4.

1 *Starchers of Custom.* See *Cuſtome, &c.*
1 *Servants.* See *Labourers.*
1 *Shoomaker.* See *Leather.*

Silk. See *Manufactures.*

Not to be brought into the Realm.

1 CErtain things wrought of Silk, which no perſon may bring into this Realm of *England,* 19 H. 7. 21.

Souldiers and Seamen.

1 SUch Souldiers and Seamen as were inſtrumental in his Majeſties Reſtauration, may exerciſe Trades, 12 Car. 2. *16.*

2 The Militia by Sea and Land declared to be only in the King, 13 Car. 2. *6.* 14 Car. 2. 3. 15 Car. 2. 4.

3 Relief of poor and maimed Souldiers who faithfully ſerved his Majeſty and his Royal Father in the late Wars, 14 Car. 2. 9.

Souldiers. *See Captains.*

Sope Veſſels.

The contents.

1 WHat every Veſſel of Sope ſhall contain and weigh, and the penalty of him that doth put any other to ſale, 23 H. 8. 4.

Spices, Spicery.

Garbled.

1 ALL Spices, Wares, Drugs, and other Merchandiſes garbleable, ſhall be cleanſed, garbled, and ſealed, before they be ſold, and the penalty if they be not garbled, or after garbling they be mingled, 1 Jac. 19.

1 *Spiritual Perſons and Livings.* See *Eccleſiaſtical.*
1 *Suggeſtions to the King, or in the Chancery.* See *Accuſations.*

Statutes and Recogniſances.

Before whom, and by whom acknowledged.

1 BEfore whom, and in what form a Statute ſhall be acknowledged, ſealed, and inrolled to a Merchant for the ſecurity of his debts, and in what caſe the debtors body, lands, and goods ſhall be put in execution, and in what caſe the Statute ſhall be certified into the Chancery, 11 E. 1. *Acton Burnel,* 13 *Ed.* 1. *de Mercatoribus.*

Clerk of the Statutes.

2 A Clerk of the Statutes ſhall have ſufficient, and dwell upon his Office, 14 *Ed.* 3. 11. 23 H. 8. *6.*

Shewed in Court.

3 Execution may be awarded upon a Stat. Merchant once ſhewed in Court, 5 H. 4. 12.

Mayor of *Cheſter.*

4 All Recogniſances of Statute Merchant, and *Acton Burnel,* acknowledged before the Mayor of *Cheſter,* ſhall be good in Law, 2 *Ed. 6.* 31.

Statute Staple.

5 The form and effect of a Recogniſance of the Statute Staple, for the recovery of debts acknowledged before the Mayor and Conſtables of the Staple, 27 *Ed.* 3. 9. 15 *R.* 2. *9.*

In the nature of Statutes.

6 The form of a Recogniſance in the nature of a Statute Staple, provided for the payment of debts, and by whom it ſhall be ſealed, 23 H. 8. *6.*

The Clerk of Recogniſance.

7 A Clerk ſhall Write and Inrol the ſaid Recogniſances, who ſhall dwell in *London,* and at the requeſt of the Creditors ſhall certifie the ſame into the Chancery, 23 H 8. *6.*

Execution.

8 What execution ſhall be had upon the ſame Recogniſance, if the debt be not payed at the time prefixed, 23 *H.* 8. *6.*

The remedy for the party grieved.

9 What remedy any perſon ſhall have, who ſhall be grieved by ſuch Recogniſance, 23 H. 8. *6.*

The Kings duty.

10 What the King ſhall have for execution to be had, by reaſon of any ſuch Recogniſance, 23 H. 8. *6.*

Tenant by Recogniſance.

11 The remedy for Tenant by Recogniſance, being diſſeiſed after execution, 23 H. 8. *6.*

Fees.

12 The Juſtices and Clerks fee upon every Recogniſance, 23 H. 8. *6.*

Mayor, &c. of the Staple.

13 In what caſes the Mayor and Conſtable of the Staple may take Recogniſances of the Statute Staple, and in what not, 23 H. 8. *6.*

Entry.

14 The content of a Statute Merchant, and Statutes of the Staple, ſhall be entred in the Office of the Clerk of Recogniſances, 27 El. 4.

Void againſt the Purchaſor.

15 That Statute which ſhall not be entred, ſhall be void againſt the Purchaſor of the lands lyable to the ſame, 27 El. 4.

The Clerks penalty.

16 The penalty of the Clerk of the Recogniſance, not entring a Statute brought unto him, 27 El. 4.

17 The

Fees for ſearch.

17 The fee of the Clerk of the Recogniſance for ſearch, and the penalty if he take more, 27 El. 4. 39 El. 18.

Execution in *Wales*.

18 In what manner execution ſhall be made in *Wales* upon a Statute or Recogniſance, 34 H. 8. 26.

A fained recovery.

19 No Statute or Recogniſance ſhall be avoided by a fained recovery, 21 *H.* 8. 15.

Finding Surety.

20 He which ſueth to defeat execution upon a Statute, ſhall find ſurety both to the King, and to the party, 11 *H.* 6. 10.

The Court of Wards.

21 Obligations taken in the Court of Wards, ſhall be of the ſame ſtrength of a Statute Staple, 33 *H.* 8. 39.

Obligations to the King.

22 Obligations made to the King, ſhall be of the ſame ſtrength as a Statute Staple, 33 H. 8. 39.

Firſt Fruits.

23 Obligations taken of ſpiritual perſons, for their firſt fruits, ſhall be of the ſame ſtrength as a Statute Staple, 26 *H.* 8. 3.

Lands in execution recovered.

24 A remedy for the Cogniſee in a Statute where lands taken by him in execution be recovered, 32 H. 8. 5.

The lands of Accomptants.

25 The lands of certain Accomptants to the King, ſhall be liable to the payment of their Arrarages, and put in execution, as if they were bound in Statute Staple, 13 El. 4.

Steel.

Bilbow Iron.

1 THe forfeiture for forging or making any gadds of Iron called Bilbow Iron, like to the faſhion of gadds of Steel, 2 Ed. *6.* 27.

1 *Stewards of Courts.* See *Leets, Liberties, &c.*

Stealing.

Servants.

1 IT ſhall be Felony if any ſervant (other then an Apprentiſe) being of the age of 14 years, go away with any money or goods of his Maſter, to the value of 40 s. or above, 21 H. 8. *6.* 5 El. 10.

Subſidy.

1 A Subſidy and Royal Aid granted to his Majeſty by a monethly aſſeſſement, leviable in three years, 16 & 17 *Car.* 2. 1.

2 A further ſupply, 17 *Car.* 2. 1.

3 One moneths aſſeſsment granted to the King for the Duke of *York*, 17 *Car.* 2. 9.

4 See Exciſe, Tunnage and Poundage, Hearth-money, Poll-money, Benevolence.

5 A further ſupply by a monethly aſſeſsment, 19 *Car.* 2. 8.

Strangers. See *Aliens.*
Subſidies. See *Cuſtomes.*

Sureties.

The K. widows.

1 THe Kings Widows ſhall find Surety that they ſhall not marry without his conſent, 9 H. 3. 7.

Sheriffs.

2 Sheriffs ſhall let out of priſon all perſons baylable by them arreſted upon Sureties, 23 H. *6.* 10.

Adminiſtration.

3 Ordinaries ſhall take Sureties of Adminiſtrators, for the true adminiſtration of the goods of the Inteſtate, 21 H. 8. 5.

Not repleviſable

4 The penalty of a Sheriff that doth let any Priſoner go at large upon ſureties, that is not repleviſable, 3 Ed. 1. 15.

Good behaviour.

5 Juſtices of Peace ſhall take Sureties of thoſe which be of evil name, for their good behaviour, 34 Ed. 3. 1.

Treſpaſſers.

6 Treſpaſſors in Parks and Ponds ſhall find ſureties for their good behaviour, 3 Ed. 1. 20. 5 El. 21. 3 Jac. 13.

The K. debts.

7 Sureties ſhall not be diſtrained for the Kings debt, if the Principal have ſufficient, 9 H. 3. 8.

The debtors lands.

8 If Sureties do pay to the King his debts for whom they are bound, they ſhall have his lands until they be ſatisfied, 9 H. 3. 8.

Diſcharged.

9 Sureties for Accomptants to the King, ſhall be diſcharged, the King being ſatisfied, 13 El. 4.

Alehouſe-keepers.

10 Keepers of Alehouſes ſhall put in Sureties for their good behaviour, 11 H. 7. 2. 19 *H.* 7. 12.

Firſt fruits.

11 A ſpiritual perſon that doth compound to pay to the King the firſt fruits of the Benefice, ſhall put in ſureties for the ſame, 26 H. 8. 3. 1 El. 4.

Suggeſtion.

Not proving.

1 THe manner of making a Suggeſtion to the King, or in the Chancery, and the penalty of him that doth not prove it, 37 Ed. 3. 18. 38 Ed. 3. 9. 17 R. 2.

Prohibiting.

2 He that ſueth for a Prohibition, ſhall make a Suggeſtion, and prove it, 2 Ed *6.* 13.

Surgeons.

Admitted by the Biſhop of *London*.

1 SUrgeons in *London*, and within ſeven miles, ſhall be admitted by the Biſhop of *London*, 3 *H.* 8. 11.

Admitted by the Biſhops of Dioceſs.

2 Surgeons out of *London*, *&c.* ſhall be examined and approved by the Biſhop of the Dioceſs: But expert perſons may help outward ſores, 3 *H.* 8. 11. 34 *H.* 8. 8.

Of *London*.

3 The Phyſitians in *London* may practiſe Surgery, 32 *H.* 8. 40.

One Company.

4 Surgeons and Barbers of *London* made one Company, and certain Liberties granted unto them, 38 *H.* 8. 42.

Exempt from charges, Anatomies.

5 Surgeons in *London* ſhall be exempt from bearing Armour, Watches and Enqueſts, and ſhall have yearly four Anatomies, 32 H. 8. 42.

Governours.

6 There ſhall be four Governours of the ſame Corporation, whereof two Surgeons, and two Barbers, 32 *H.* 8. 42.

No Barbar a Surgeon, &c.

7 No Barber in *London* ſhall uſe Surgery, nor Surgeons ſhall uſe the Craft of Barbing, 32 *H.* 8. 42.

A Sign at his door.

8 Every Surgeon in *London*, the Suburbs, &c. ſhall have a ſigne at his door, 32 *H.* 8. 42.

No Barber but a Freeman.

9 None ſhall be a Barber in *London* but a Freeman, but each man may keep a Surgeon or Barber for his ſervant, 32 H. 8. 42.

A handy-craftsman.

10 No ſtranger being a common Surgeon, ſhall be interpreted a Handy-crafts-man, 22 H. 8. 13.

Suit of Court.

The Tenants and Coparceners.

1 IN what caſes Tenants ſhall be bound to do Suit to their Lords Court, and in what manner Coparceners ſhall do their Suit, 52 *H.* 3. 9.

Superſedeas.

Superſedeas void.

1 EVery Superſedeas of the Peace, or good behaviour, ſhall be void, unleſs the Proceſs thereof be granted upon motion in open Court, and likewiſe be proſecuted *Bona fide*, 21 Jac. 8.

Falſe ſureties puniſhed.

2 Falſe Sureties procured for the gaining of Writs of Superſedeas, ſhall be puniſhed by the Judges, 21 Jac. 8.

Swanes.

Five mark Land.

1 IT is lawful for any man that hath five marks land of eſtate of Freehold, to take a game of Swans from the poſſeſſion of any other that hath not five mark land, 22 Ed 4. *6.*

Their eggs.

2 It is not lawful to take Swans eggs out of their neſts, and the penalty of him that doth it, 11 H. 7. 17.

Swearing and Curſing.

Forfeit.

1 HE that prophanely curſeth or ſweareth, ſhall forfeit 12 pence to the uſe of the poor, 21 Jac. 20.

Forfeiture levied.

2 The Conſtable, &c. ſhall levy the ſaid forfeiture, 21 Jac. 20.

General Iſſue.

3 The Officer to be ſued may plead the general Iſſue, &c. 21 Jac. 20.

Sued within 20 dayes.

4 This offence muſt be proſecuted within 20 days, 21 Jac. 20.

The Act read.

5 This Act ſhall be read in the Church twice every year, 21 Jac. 20.

Tayl, Tenant in Tayl.

The Donors Will.

1 IN gifts in Tail the Donors Will ſhall be obſerved, and the form of a gift in Tail, 13 Ed. 1. 1.

Reverſion in the King.

2 A fained Recovery had againſt a Tenant in tayl of lands, whereof the Reverſion or Remainder is in the King, ſhall not conclude the heir, 34 H. 8. 20.

A bar to the heir of his body.

3 A Fine levied by Tenant in tail, ſhall be a bar to the heir of his body, 32 *H.* 8. 36.

The Kings debts

4 Lands intailed ſhall be charged with the payment of the debt which the Anceſtor owed to the King, 33 *H.* 8. 39.

Forfeiture by Attainder.

5 In what caſe lands in tail ſhall be forfeited by Attainder of high Treaſon; and in what not, 5 Ed. *6.* 11. 5 *El.* 1. 5. 5 *El.* 11. 18 *El.* 1.

Leaſes.

6 What leaſe, for what term, and in what ſort made by Tenant in tail, ſhall bind his heirs, 32 H. 8. 28.

Preſentation to a Church.

7 A Preſentation to a Church by an Uſurper during the eſtate of Tenant in tail, ſhall not prejudice him in the Reverſion, 13 *Ed.* 1. 5.

8 A Fine levied by Tenant in Tayl of Land, whereof the Reverſion is in the King, ſhall not bind, 32 H. 8. 36.

Tame Beaſts.

Cutting out the Tongue.

1 THe penalty for cutting out the Tongue of any living Tame Beaſt of another perſonss, 37 H. 8. 6.

Beaſt in a Park.

2 The penalty of him that is attainted for taking of a Tame Beaſt in a Park by manner of robbery, 3 Ed. 1. 20.

1 *Tanner.* See *Leather, &c.*
1 *Taxes.* See *Fifteenths.*
1 *Takers.* See *Purveyors.*

Tenths.

Abbey Lands.

1 UPon all Letters Patents made of any Lands belonging to the Monaſteries that were ſuppreſſed by the Statute of 27 *H.* 8. there ſhall be reſerved to the King, &c. a yearly Rent of the tenth part, 27 H. 8. 27.

A remedy to recover them.

2 A remedy for the King to recover the ſame Tenths, if they be detained, 33 *H.* 8. 39.

The Tenths not reſerved.

3 A confirmation of all Letters Patents made by King H. 8. and King Ed. *6.* of all lands though the Tenth be not reſerved, 7 Ed. *6.* 3.

Eccleſiaſtical perſons.

4 Which Eccleſiaſtical perſons ſhall pay Tenths out of their ſpiritual Livings to the King, in what places, and upon what pains, 26 H. 8. 3. 1 *El.* 4. 34 H. 8. 17.

5 Tenths

Colledges, Chaunteries, &c.

5 Tenths ſhall be paid out of the Lands of Colledges, Chauntries, free Chappels, &c. 1 *Ed. 6.* 14.

The ſucceſſors remedy.

6 The ſucceſſors remedy which payeth a Tenth out of his Spiritual Living due by his Predeceſſor, 27 *H.* 8. 8.

Tenure.

None in *Capite* by Attainder, Outlawry, &c.

1 NO Tenure in *Capite* ſhall be due to the King by reaſon of Lands coming to his hands by Attainder, Outlawry, Diſſolution, Surrender, &c. 1 Ed. *6.* 4. 9 *H.* 3. 31.

Of the King as of his perſon.

2 Tenure of the King in chief, as of his perſon, or of his ancient poſſeſſions, 1 *Ed.* 6. 4.

Concluſion by record.

3 Concluſion of Tenure of the King by matter of Record, 1 Ed. 6. 8.

Uncertainly found.

4 What ſhall be done when a Tenure is uncertainly found by Office, 2 *Ed.* 6 8.

Of the chief Lord.

5 The Feoffee ſhall hold of the chief Lord, and not of the Feoffor, according to the quantity purchaſed, 18 Ed. 1. *Quia emptores terrarum.*

In *Capite* upon Abbey Lands.

6 In what caſe a Tenure in *Capite* ſhall be reſerved upon Abby lands ſold by King *Hen.* 8. and King *Ed.* 6. and in what not, 27 H. 8. 27. 31 H. 8. 14. 37 H. 8. 20. 7 Ed. 6. 3.

Wardſhip.

7 What Tenure of the King doth draw to him Wardſhip, and what not, 17 *Ed.* 2. 1. 9 H. 3. 17.

Coparceners.

8 Each Coparceners of Lands holden of the King in *Capite*, ſhall have part of the ſame Lands, and hold by the ſame Tenure, 17 Ed. 2. 5. 14 H. 3. 8.

Reviving of Tenure.

9 When Lands holden of a common perſon coming to the Kings hands, ſhall be granted over to another, the tenure ſhall be revived, 7 *Ed.* 4. 5.

1 *Teſtaments.* See *Wills and Teſtaments.*
1 *Thrums.* See *Yarn and Thrums.*

Timber.

1 THe King may incloſe lands within the Forreſt of *Dean* for planting Timber, and to be a Nurſery for the ſame, 20 *Car.* 2. *cap.* 3.

Tinne and Tinners.

Charters and Priviledges.

1 A Confirmation of ſeveral Charters and Priviledges to the Tinners in *Cornwall*, 17 *Car.* 1. 15.

To be ſued in the Stannaries only.

2 Tinners to be ſued only in the Stannary Courts, 17 *Car.* 1. 15.

Forfeiture.

3 Tinners may ſet forfeitures at the Common Law, 17 *Car.* 1. 15.

Tyles.

1 IN what ſort, and at what times of the year, earth ſhall be provided for the making of Tyles, 17 Ed. 4. 4.

Digging of earth.

The quantity.

2 Of what length, bredth and thickneſs, Tyle ſhall be; and the forfeiture of him that maketh it otherwiſe to ſell, 17 *Ed.* 4. 4.

Searching.

3 Juſtices of Peace ſhall hear and determine the offences of Tyle-making, and ſhall appoint certain perſons to ſearch and examine how Tile is made, and the Searchers reward, 17 Ed. 4. 4.

1 *Tillage.* See *Husbandry.*

Tythes, Oblations, &c.

A Decree for Tythes in *London.*

1 THe Decree enſuing, made by certain Lords for the payment of Tythes in *London*, and the liberties thereof, ſhall be as an Act of Parliament, and ſhall bind as well Citizens there, &c. as all Parſons, Vicars there, &c. 37 H. 8. 12.

Ten ſhillings, xvi. d. ob.

2 A houſe rented at ten ſhillings, ſhall pay xvi. d. ob. for Tythe.

Leſſe Rent than accuſtomed.

3 A proviſion, where Leaſes be let of houſes, reſerving no Rent, or leſs then hath been accuſtomed: Or, where the Inheritor doth dwell in his own houſe.

Taking ſeveral things.

4 What ſhall be payed, and by whom, when one man taketh ſeveral things by Leaſe, and letteth out part thereof.

Aſſignment of houſes.

5 What ſhall be paid, and by whom, when the Tenant of ſeveral houſes aſſigned all the ſame.

The duty upon alteration of houſes.

6 What ſhall be payed, when a dwelling-houſe is made a Ware-houſe, or Store-houſe, or *è converſo.*

A houſe with a Stock.

7 What ſhall be payed, when a Dye-houſe or Brew-houſe with a Stock is let forth.

A houſe with a Key or Crane.

8 What ſhall be payed, when a houſe with a Key or Wharf, having any Crane or Gibbit, or having none, ſhall be let forth.

A houſe and other things ſevered.

9 What ſhall be payed for a houſe with other things occupied together, and after ſevered.

Quarterly to be payed.

10 Citizens and Inhabitants in *London* ſhall pay their Tythes Quarterly.

Four Offerings.

11 Who ſhall pay the four Offering days, and who not, and how much.

A houſe divided.

12 What ſhall be payed for a houſe of ten ſhillings Rent, divided into ſmall parcels.

Gardens.

13 In what caſe Tythes ſhall be payed for Gardens, and in what not, and how much.

Noblemens houſes, and Halls of Companies.

14 This Decree ſhall not extend to the houſes of Noblemen, kept in their own hands, nor to the houſes of any Halls of Companies kept unletten.

Sheds, Stables, &c.

15 This Decree ſhall not charge any Sheddes, Stables, Cellars, Timber-yards, Tenter-yards, not parcel of any houſe, &c.

Leſs, by cuſtom.

16 Where leſs hath been payed by cuſtome then xvi. d. ob. for 10 s. Rent, there leſs ſhall be payed.

Tenements decayed.

17 A proviſion where Tenements have been letten for ſmall rent by reaſon of decay.

Ending of Contentions.

18 A mean to end contentions that may ariſe upon demanding of Tythes.

Denying to pay Tythes.

19 What puniſhment ſhall be inflicted upon him that doth deny to pay his Tythes and Oblations, and by whom, 37 H. 8. 12.

Cuſtom of the Pariſh.

20 Tythes ſhall be payed according to the cuſtom of the Pariſh where they be due, and the penalty of the Offendor, which doth with-hold them, 27 H. 8. 20. 32 *H.* 8. 7.

Appealing from the Ordinary.

21 If any do appeal from the Ordinaries ſentence, then he ſhall pay coſts of Suit to the other party, upon ſureties to repay the ſame, if the Appeal be adjudged for him, 32 H. 8. 7.

Impriſoning the Offendor.

22 In what caſe he that refuſeth to pay his Tythes, or Money, by the Ordinary adjudged for them, may be committed to Priſon by two Juſtices of Peace, or one of the Kings Councel, 27 H. 8. 20. 32 *H.* 8. 7.

Aſſurance of Tythes.

23 A Recovery and Conveyance may be had and made in a Temporal Court of a Parſonage, Vicarage, Tythes, &c. by him that hath Inheritance, Freehold or Term therein, 32 H. 8. 7.

Where recovered.

24 Tythes and Offerings ſhall be only recovered in the Spiritual Court, 32 *H.* 8. 7. 2 Ed. 6. 13.

Predial Tythes in their Kinds.

25 Every one ſhall ſet forth, or pay his predial Tythes in their proper kinds as they ariſe, as of right and cuſtome they ought to be payed, and the penalty if he do not, 2 Ed. 6. 13.

An unknown Pariſh.

26 To whom the Tythe of Cattel, feeding in any waſte ground, whereof the Pariſh is not known, ſhall be payed, 2 Ed. 6. 13.

Barren ground.

27 When the Tythe of barren heath, and waſte ground ſhall be payed, and when not, 2 Ed. 6 13.

Merchants and Handicrafts-men.

28 Merchants and Handicrafts-men ſhall pay the tenth part of their gains, 2 Ed. 6. 13.

Examination.

29 The Ordinary may examine him which refuſeth to pay his perſonal Tythes, 2 Ed. 6. 13.

Four Offerings.

30 Every perſon that ought to pay any Offering, ſhall pay the ſame at ſuch four dayes as hath been accuſtomed, 2 Ed. 6. 13.

Pariſhes upon the Sea-Coaſt.

31 In what ſort Pariſhes that ſtand upon the Sea-Coaſt, ſhall pay their Tythes for Fiſhing, 2 Ed 6. 13.

Diſobedience.

32 How Tythes ſhall be recovered, and the penalty of the Offendor diſobeying the Judges ſentence, 2 Ed. 6. 13.

Not hold Plea.

33 Of what things the Eccleſiaſtical Judge ſhall not hold plea by force of theſe Statutes, 27 *H.* 8. 20. 32 *H.* 8. 7. 2 Ed. 6. 13.

A new Mill.

34 If any perſon do erect a new Mill in his ground, he ſhall pay Tythe for the ſame, 9 Ed. 2. 5.

Silva cædua.

35 If men do ſell great Wood of the age of 20 years, or above, called *Silva Cædua*, no Tythe ſhall be paid therefore, 45 *Ed.* 3. 3.

Abbey-lands.

36 Such lands of Abbeys as were diſcharged of Tythes before the diſſolution thereof, ſhall ſo continue, 31 *H.* 8. 13.

Marriage goods in *Wales.*

37 No Tythes of Marriage goods ſhall be required of any perſons within *Wales*, or the Marches thereof, 2 Ed.

Diſcharged by Law, &c.

38 None ſhall be compelled to pay Tythes for any lands which by Law, Preſcription, or Compoſition real, be diſcharged, 2 Ed. 6. 13.

No general averment.

39 If in an Action of goods taken away, the Defendant maketh Title for Tythes due to his Church, the Plaintiff ſhall not have a general averment, 1 R. 2. 14.

Where no Prohibition.

40 Where Money is demanded for Tythes in a Spiritual Court, the Kings Prohibition doth not lye, 9 Ed. 2. 1.

Indicavit.

41 If a Parſon be diſturbed of his Tythes, the Patron ſhall have a Writ to demand the Advowſon of the Tythes by *Indicavit*, 13 *Ed.* 1. 5.

Prohibition, Conſultation.

42 Where, upon ſuit for Tythes in a Spiritual Court, a Prohibition is grantable, and where a Conſultation, 2 Ed. 6. 13.

Sold.

43 Tythes ſold by a Clerk, do become Temporal goods, and are turned into Church. *Articuli Cleri*, 9 Ed. 2. 1.

Tobacco.

Sowing, Planting Tobacco.

1 NO perſon after the firſt of *January*, 1660. ſhall Sow or Plant Tobacco, 12 *Car.* 2. 34.

Toll.

Exceſſive.

1 THe penalty for taking exceſſive Toll in a Market-Town, 3 Ed. 1. 30.

At a Mill.

2 What Toll ſhall be taken at a Mill, and by what meaſure, *Stat. de Victulariis, prope finem*, *E.* 2. *cap.* 4.

Horſes.

3 When, where, and of whom, Toll ſhall be taken for Horſes, in a Fair or Market, 2 & 3 P. & M. 7.

Fiſh.

4 In what caſes it is not lawful to take Toll of Fiſh brought into this Realm, 33 *H.* 8. 33. 5 *Eli.* 5.

Aliens.

5 Aliens made Denizens, ſhall pay ſuch Toll as they did before, 22 *H.* 8. 8.

Tongues, Eyes.

Cutting out, &c.

1 IT ſhall be Felony, of malice prepenſed, to cut out the Tongues, or put out the Eyes of any the Kings people, 5 H.4.5.

Towns.

Repair.

1 A Proviſion for the repair of houſes in certain Cities and great Towns, 27 H.8.1. 23 H.8.18. 33 *H.* 8.36. 35 H.8.4. 26 H.8 8. & 9.

By whom and where no ſale of wares by retail.

2 He that dwelleth in the Country, ſhall not ſell Wares in Corporate or Market Towns, by Retail, 1 & 2 P. & M.7.

Cloth wrought in Market-Towns

3 Cloth to be put to ſale in certain Counties, ſhall not be wrought but in Market Towns, 4 & 5 P. & M. 5. 18 *El.*16.

Traverſe.

Tryed in the Kings Bench.

1 TRaverſes of Offices found before Eſcheators upon alienation, or death of the Kings Tenant, ſhall be tryed in the Kings Bench, 34 *Ed.*3.14.

Several traverſes

2 Several caſes wherein Traverſe may be taken to an Office found after the death of the Kings tenant, to the prejudice of another, 2 *Ed.*6.8.

Intitling the King by Treaſon, &c.

3 Traverſe to an Office, entitling the King to land by the attainder of another of Felony, Treaſon or Præmunire, 2 Ed. 6. 8.

Where there is no Tenure.

4 Traverſe to an Office, where the King is intitled to a Tenure, where none is, 2 *Ed.* 6. 8.

A *Scire facias.*

5 Upon a Traverſe tendered, a *Scire facias* ſhall be awarded againſt the Kings Patentees, 2 *Ed.*6.8.

Two Writs of Search.

6 Upon a Traverſe tendered, two Writs of Search ſhall be granted, 2 Ed. 6. 8.

The Kings right reſerved.

7 After a Traverſe tendered, the Kings former Right ſhall be reſerved, 2 *Ed* 6.8.

Indicted or appealed of Treaſon.

8 In what caſe he that is Indicted or appealed of Treaſon, ſhall be received to traverſe the ſame, 26 H.8.13. 5 Ed.6.11.

Fraudulent conveyance.

9 Traverſe to an Office, whereby lands ſhall be found to be fraudulently conveyed by any of the Queens Accomptants, 13 *El.* 4.

Letten to farm.

10 In what caſe lands ſhall be letten to farm to him that tendereth a Traverſe, and within what time, 36 *Ed.*3.13. 8 *H.* 6.16. 18 *H.*6.6. 1 *H.*8.10.

Of a Riot.

11 The tryal of a Traverſe certified of a Riot, ſhall be in the Kings Bench, 13 *H.*4.7.

Treaſons.

Several.

1 IT ſhall be high Treaſon to compaſs the death of the King, the Queen, or their eldeſt Son; Or to deflower the Kings Wife, the Kings eldeſt Daughter unmarried, or the Kings eldeſt Son and Heirs Wife; Or to be adherent to his Enemies; Or to counterfeit the King's great Seal, Privy-Seal, or Money: Or to bring falſe Money into this Realm: Or to ſlea the Kings Chancellor, Treaſurer, Juſtice of the one Bench or the other, or any Juſtice aſſigned to hear and determine, being in his Place, doing his Office, 25 *Ed.* 3. 2.

Petite Treaſons.

2 It is petite Treaſon for a ſervant to kill his Maſter, a woman her Husband, a ſecular or religious man his Prelate, 25 *Ed.*3.2.

Other Offences.

3 If any other caſe then is before ſpecified, ſhall be ſuppoſed to be Treaſon, it ſhall be firſt decided in Parliament, before any Juſtice ſhall proceed to Judgment, 25 *Ed.*3.2.

Forging of the Signet, &c.

4 Treaſon to forge the Queens ſign Manual, Privy Signet, or Privy Seal, or the money of other Realms currant in this, 1 M. 6.

Counterfeit money.

5 Treaſon to bring into this Realm counterfeit Money, like the Coin of other Realms, currant in payment in this, knowing it to be counterfeit, 1 & 2 Ph. & M. 11.

Forging of money not currant.

6 Miſpriſion of Treaſon for forging of Money, which neither is the Money, nor currant in this Realm, 14 *El.*3.

Clipping, &c. of money.

7 It is high treaſon to clip, waſh, round, or file money for gain, 5 *El* 3.

Scaling, &c. of money.

8 It is high treaſon to diminiſh, ſcale, or lighten Money for gain, 18 *El.* 1.

Miſpriſion, and puniſhment thereof.

9 What is miſpriſion of treaſon, and the puniſhment thereof, 5 *Ed.*6.11. 1 & 2 P. & M.3. 1 *El.*6.

Trial by ſpecial Commiſſion.

10 Trial of Treaſons and Murders ſhall be in ſuch places where the King ſhall aſſign by ſpecial Commiſſion, 33 *H.*8 23.

Out of the Realm.

11 Where trial ſhall be made of treaſons committed out of the Realm, 26 *H.*8.13. 35 *H.*8.2. 5 *Ed* 6 11.

A remedy for him which is out of the Realm

12 A remedy for him, which being outlawed of Treaſon, ſhall be then out of the Realm, 26 H.8.2. 5 Ed.6.11.

Where the Kings Writ runneth not.

13 Before whom, and in what place, Trials ſhall be made of Treaſons committed, where the Kings Writ runneth not, 32 *H.*8 4.

According to the Common Law.

14 Trials for any Treaſon ſhall be had and uſed only according to the due courſe of the Common Law, 1 & 2 P. & M. 10.

Attainder by the Common Law.

15 Attainder of Treaſon by the Common Law, ſhall be of as great ſtrength, as by Parliament, 33 *H.*8.20.

No Record of Attainder reverſed

16 No Record of Attainder of Treaſon ſhall be reverſed, where the party attainted is executed for the ſame, ſaving in certain caſes, 29 *El.*2.

Refuſing the oath

17 Treaſon for the ſecond refuſal of the Oath, for the Queens ſupream Government, 5 *El.* 1.

The authority of the B. of *Rome.*

18 Treaſon in maintaining or extolling the Authority of the Biſhop, or See of *Rome*, 5 *El.* 1.

Bulls from *Rome.*

19 Treaſon in obtaining any Bulls or Inſtruments from *Rome*, 13 *El.* 2.

Reconciling, or being reconciled

20 Treaſon for perſwading, or reconciling, or for being reconciled to the Roman Religion, 23 El.1. 3 Jac. 4.

A Jeſuit or Prieſt

21 Treaſon for a Jeſuite, or Prieſt, to come into, or remain in any of the Queens Dominions, 27 El. 2.

Remaining in a Seminary.

22 Treaſon by remaining in a Seminary, and not returning after Proclamation, 27 *El.* 2.

Recording of Aſſurances.

23 Aſſurances made by Traytors, ſhall be recorded in the Exchequer by a time prefixed, 18 *El.* 4. 29 El. 3.

Concealing Bulls, &c. from *Rome.*

24 Miſpriſion of high Treaſon, in concealing of a Bull or other Inſtrument from *Rome*, or Abſolution offered, 13 El.2.

Peremptory Challenge.

25 Peremptory challenge ſhall not be allowable in caſes of high Treaſon, or miſpriſion of Treaſon, 33 H.8.23.

Forfeiture.

26 What the Offenders ſhall forfeit in caſes of high Treaſon, 5 Ed.6.11. 5 *El.*1. 5 El.11. 18 El.1.

Treaſon during the Kings life.

27 What ſhall be adjudged Treaſon during the life of the King, 13 Car. 2. 1.

Penalty upon certain Traytors

28 The pains and penalties upon certain Traytors excepted from pardon, 13 *Car.*2 15.

Murder of King *Charles* the Firſt.

29 The Attainder of ſeveral perſons for the horrid Murders of King *Charles* the Firſt, 12 *Car.*2.30.

Treſpaſſe.

Small offences.

1 THe puniſhment for ſmall Treſpaſſes, and of thoſe inferiour Officers, which refuſe to puniſh Offendors, 43 El. 7.

The value of 40 s.

2 Writs of Treſpaſſe ſhall not be brought before Juſtices, unleſs the goods taken away, were worth forty ſhillings, 6 Ed. 1. 8.

Trials.

The offences in two Counties.

1 IN what County the trial ſhall be, when the ſtriking or poyſoning is in one County, and death enſuing in another, 2 Ed 6.24.

An Acceſſory.

2 Where the trial of an Acceſſory in one County ſhall be to an offence done in another, 2 Ed.6.24.

Foreign Pleas.

3 Before what Juſtices, trial of foreign Pleas ſhall be pleaded, and by what Jurors tryed, 22 *H.*8.14.

Offences done in the Kings houſe

4 What perſons ſhall enquire of, hear and determine Treaſons, Manſlaughters, malicious ſtriking, done in the Kings houſe, where he in perſon is, and who ſhall be the Triers of the foreſaid Offendors, and their puniſhment, 33 H 8.12.

Peers of the Realm, &c.

5 Who ſhall be the Triers of the Peers of this Realm, and of Dutcheſſes, Counteſſes or Baroneſſes, indicted of any treaſon or felony, 5 El. 1. 5 El. 11. 18 El. 1. 13 El. 1. 23 El. 1. 27 El. 2. 20 H. 6. 9. 4 Jac. 1.

Where the Kings Writ runneth not.

6 In what County trial ſhall be made of a Deed dated within a Franchiſe, where the Kings Writ runneth not, 9 Ed.3.4.

Of Felony committed in *Scotland.*

7 In what place trial ſhall be made of Felony committed by an Engliſhman in *Scotland*, 4 Jac.1. 7 Jac.1.

Trial of the Acceſſory.

8 The Acceſſory may be tryed in the caſe aforeſaid, notwithſtanding the principal be not convicted or attainted, 4 Jac.1.

The Jurors ſufficiency.

9 Every Juror returned to make trial of any the offences aforeſaid, ſhall have five pounds Land of Freehold, 4 Jac.1.

Not twice charged.

10 He that ſhall be once tryed, ſhall not be eftſoons called in queſtion, 4 Jac. 1.

Not ſent into *Scotland.*

11 No natural born Subject of the Realm of *England* ſhall be ſent into *Scotland*, to receive his trial of any Felony committed in *Scotland*, 4 Jac. 1.

Witneſſes.

12 The Jurors upon the trial of any perſon indicted of Felony, &c. may allow of or reject the witneſſes, 4 Jac. 1.

No arreſt of Scottiſh-men.

13 Scottiſhmen repairing into *England* to give evidence againſt any Offendor upon his trial, ſhall be free from arreſting for former offences, 4 Jac. 1.

Special Commiſſion.

14 In what caſe trial of Treaſons, miſpriſions of Treaſons, Murders and Pyracies ſhall be by ſpecial Commiſſion, 28 H. 8. 15. 33 *H.* 8 23.

Out of the Realm.

15 Before whom, trial of Treaſons committed out of the Realm, ſhall be made, 35 *H.*8.2. 5 Ed.6.11.

In *Wales, &c.*

16 Before whom Treaſons committed in *Wales*, or where the Kings Writ runneth not, ſhall be made, 32 H. 8.4.

According to the Common Law.

17 Trial of Treaſons ſhall be according to the courſe of the Common Law, and not otherwiſe, 1 & 2 *P. & M.* 10.

Corporate Towns

18 Who ſhall be admitted to paſs in tryal of Felonies in corporate Towns, 23 H. 8. 13.

Medietate linguæ

19 In what caſe trial ſhall be made *de medietate linguæ* where an Alien is party; and in what not, 27 Ed.3.8. 28 Ed. 3.13. 8 H. 6. 29. 22 *H.* 8. 10. 1 & 2 P. & M 4. 5 El. 20. 11 *H.* 7. 21.

Imbeceling of Records.

20 Before what Judges, and by what Jurors, he ſhall be tryed, that is indicted for ſtealing or taking away a Record, whereby any Judgment ſhall be reverſed, 8 *H.*6.12.

Baſtardy.

21 Before whom Baſtardy, alledged in him that is born beyond the Sea, ſhall be tryed, 25 Ed. 3. *Stat. de Natis ultra Mare.*

Refuſal of trial.

22 What puniſhment ſhall be inflicted upon him that refuſeth lawful trial by his Country, 3 *Ed.*1.12.

Offences upon the Sea.

23 By whom, and in what ſort, offences done upon the main Sea, ſhall be tryed, 28 *H.*8.15.

24 By

Wales.

24 By whom, and in what manner, trial ſhall be made before Sheriffs, in Court-Barons, and in corporate Towns in Wales, 34 *H.*8.26.

Braſs, &c.

25 By what means trial ſhall be made of the arrival, diſcharging, and delivering of Braſs and other Metal into any parts beyond the Sea, 33 H.8.7. 2 *Ed.*6.37.

Tumults.

Tumultuous Petitioning.

1 TUmultuous preparing Petitions, a great occaſion of the late Wars, 13 *Car.*2.5.

Altering Laws.

2 No perſon after the firſt of *January*, 1661. ſhall ſollicite any Petition for altering any eſtabliſhed Law in Church or State, 13 *Car.* 2. 6.

Tunnage and Poundage.

1 THe cauſes and truſts upon granting Tunnage and Poundage for the defending the Seas with the method of payment of fees and exceptions, 12 *Car.*2.4.

2 Frauds and Abuſes therein, and Cuſtoms how puniſhed, 14 *Car.*2.11.

Turns and Sheriffs.

At what time holden.

1 AT what times of the year the Sheriff ſhall hold his Turns, and at what time of the year a Leet ſhall be kept, 9 H.3.35. 31 *Ed.*3.15.

Perſons exempt:

2 What perſons be exempted, and need not come to the Sheriffs Turns, 52 *H.*3.10.

Ho[illegible]-braed.

3 Sheriffs in their Turns may enquire of, and determine every offence of Hoſtelers, not making lawful Horſe-bread, 32 *H.*8.41.

Attachments in the Marches, &c.

4 Sheriffs in their Turns may enquire of Attachments made by the Officers of the Courts of the Eaſt Marches, or Weſt Marches, out of any of the Counties of Weſtmerland, Cumberland, Northumberland, or Newcaſtle, &c. 31 *H.* 6. 3.

Exceſs of Wines

5 Sheriffs in their Turns may enquire of all offences committed contrary to the Statute, provided to avoid the prices and exceſs of Wines, 7 Ed.6.5.

Jurors ſufficiency.

6 Of what ſufficiency thoſe Jurors muſt be, which ſhall be returned upon any Inquiſitions in the Sheriffs Turn, 1 R. 3. 4.

An Indictor Prohibition.

7 An Indictor in the Sheriffs Turn, which is ſued in the Spiritual Court, ſhall have a Prohibition, 1 Ed.3.11.

In *Wales.*

8 At what times Sheriffs in Wales ſhall keep their Turns, who ſhall have the Fines, Iſſues, and Amerciaments there forfeited, and who ſhall afferre them, 34 *H.*8.26.

Vagabonds, Rogues, &c.

Houſes of Correction.

1 THe Juſtices of Peace ſhall ſet down Orders for the erection and maintenance of houſes of Correction for the puniſhment of Offendors, 39 *El.* 4.

Who adjudged Vagabonds.

2 Who ſhall be adjudged Rogues, Vagabonds, and ſturdy Beggars, 39 *El.* 4.

Their puniſhment.

3 The puniſhment of ſuch Rogues, Vagabonds, and ſturdy Beggars, 39 *El.* 4.

Dangerous Rogues.

4 The puniſhment of ſuch Rogues which be dangerous, or will not be reformed, 39 *El.* 4.

Apprehenſion of them.

5 Every perſon ſhall apprehend a Rogue, and the penalty of him that doth not. And of him that doth not perform, or diſturb the execution of the Statute, 39 El. 4.

Bringing in of Foreigners.

6 The penalty of him that bringeth into this Realm any Iriſh, Scottiſh, or Maniske Vagabonds, or Beggars, 39 *El.* 4.

Reſorting to Bath, &c

7 A proviſion for poor perſons which do reſort to Bath or Buckſton, 39 *El.* 4.

Corporate Towns.

8 The Juſtices of Peace within Towns corporate ſhall only intermeddle with this Statute, 39 El. 4.

Sir *Thomas* Hoſpital in *Southwark.*

9 The Mayor and Citizens of *London* ſhall have the rule of S. *Thomas* Hoſpital in *Southwaak*, 39 El. 4.

John Dutton.

10 A reſervation of the Juriſdiction of *John Dutton* of *Dutton* in the County of *Cheſter*, 36 *El.*4. 1 Jac.15.

Commiſſions of enquiry.

11 Commiſſions ſhall be awarded to enquire for money gathered, or to be gathered for houſes of Correction, or Stocks for the Poor, 39 El. 4.

Sea-faring men.

12 A proviſion for the relief of poor Sea-faring-men ſuffering Shipwrack, 39 El. 4.

Houſes of Correction in every Shire.

13 There ſhall be a houſe of Correction in every Shire, to ſet idle perſons to work, and the forfeiture of the Juſtices of Peace, if they do not provide them, 7 *Jac.* 4.

A Governour, and his authority.

14 A Governour ſhall be appointed of every houſe of Correction, and his authority, 7 *Jac.* 4.

Where no charge to the Country.

15 Rogues ſhall not be chargeable to the Country, ſo long as they remain in the houſe of Correction, 7 *Jac.* 4.

Privy ſearchers.

16 General privy ſearches ſhall be made in every hundred and Town, for the finding out and apprehending of Rogues and idle perſons, 7 *Jac.* 4.

Account of apprehenſion of them.

17 The Conſtables of every Town and Pariſh, &c. ſhall give account, upon Oath in writing, to the Juſtices, of all Vagabonds by them apprehended, and the penalty if they do not, 7 *Jac.* 4.

The Governours allowance.

18 The Governours allowance for his pains and maintenance, and for the relieving of ſuch as be ſick in his cuſtody, 7 *Jac.* 4.

The Governours accounts.

19 The Governour ſhall give account to the Juſtices of, all perſons committed to his charge, 7 *Jac.* 4.

Baſtards.

20 The puniſhment of lewd women which have Baſtards, 7 *Jac.* 4.

Running away.

21 A remedy to prevent them, who threaten to run away, and leave their Children to the charge of the Pariſh, 7 *Jac.*4.

A ſervant.

22 What Act done or omitted by any ſervant, ſhall procure him to be puniſhed as a Vagabond, 5 *El.* 4.

A Souldier or Mariner.

23 A Souldier or Mariner taken begging, forging or counterfeiting a Certificate, ſhall be adjudged a Vagabond, 43 El. 3.

Verdict.

At large.

1 THe Jurors in Aſſiſe may give their verdict at large, and are not compellable to ſay preciſely, that it is a diſſeiſin, 13 E. 1. 30.

A Jury in a Foreſt.

2 The Jury in a Foreſt ſhall give their Verdict where they received their charge, 7 R.2.3.

No Nonſuit after verdict.

3 In an Action, if the Verdict paſs againſt the Plaintiff, he ſhall not be non-ſuited, 2 *H.*4 7.

After verdict given.

4 There ſhall be no ſtay of Judgment after Verdict given for want of form, neither ſhall any judgment be reverſed, 18 El. 14.

To the Kings uſe.

5 Where a Verdict paſſeth againſt him which ſueth to the Kings uſe, the Defendant ſhall not recover coſts, 24 *H.*8.8.

Coſts.

6 Certain caſes, wherein if a Verdict be found againſt the Plaintiff, judgment ſhall be given for coſts, 23 *H.*8.15.

Veſtry.

1 HOw Veſtry-men, ſhall be elected, and the Oath they are to take, 15 *Car.*2.5.

View.

Where grantable.

1 IN what caſes View is grantable, and in what not, 13 Ed. 1. 48.

Villenage, Villeines.

Libertate probanda.

1 VIllenage may be pleaded, and a Villain may be ſeiſed by his Lord, although the Villain hath a Writ of *Liberate probanda* hanging, 25 Ed.3 18.

Inquiry of them.

2 Upon the Lords requeſt, a ſpecial Commiſſion ſhall be granted, to enquire of Villeins which will not be juſtified by their Lords, 1 R. 2. 9.

No bar by ſuit.

3 Although a Villein do fly into a place infranchiſed, and ſue his Lord, yet the Lord ſhall not be barred of his Villein, 9 R. 2. 2.

Exception.

4 In what caſe a Writ ſhall not be abated by exception of Cogniſance of Villenage, 37 Ed.3 10. 7 R.3.17.

Victuals, Victuallers.

Free ſale in *London.*

1 EVery man that bringeth Victuals to the City of *London*, may freely ſell them, without the interruption of any, 31 Ed.3.10. 7 R.2.11.

Aliens.

2 Aliens bringing Victuals into the Realm, may ſell them in groſs, or by retail, without the contradiction of any. And the forfeiture of him that doth diſturb them, 6 R.2.10. 1 *H.* 4.17. 7 R.2.11.

Aſſeſſement of prices.

3 The prices of Victuals, and the gains of Victuallers ſhall be aſſeſſed by the Juſtices of Peace, and chief Officers of corporate Towns. And the penalty of ſuch Victuallers as do not ſell Victuals, at a reaſonable price, having reſpect to ſuch prices as Victual be ſold for in places adjoyning, 13 R. 2. 8. 23 *Ed.*3.6. 12 *Ed.*4.8.

Aſſeſſement by the Kings Councel.

4 Upon complaint made of inhauncing of prices of Victuals, the prices thereof ſhall be aſſeſſed by the Kings Counſellors and Officers, and they which have Victuals to ſell, ſhall ſell them at the ſame prices, 25 *H.* 8. 2.

Tranſporting.

5 The penalty for carrying or cauſing to be carried any Victuals beyond the Sea, without the Kings Licence, (ſaving in certain caſes) 5 *El.*5. 1 & 2 P.& M.5. 1 *Jac.*25. 13 *El.*13.

Conſpiracies.

6 The puniſhment for Conſpiracies made by Victuallers touching ſelling of Victuals, 2 *Ed.*6.15.

No taker for the Kings Carriage.

7 No Victualler ſhall be a taker for the Kings Carriage, 28 *H.* 6. 2.

Victuals for Souldiers.

8 It ſhall be felony to convey away any victuals provided for the victualling of the Queens Souldiers, 31 El.4.

Retailing.

9 Victuallers may retail Butter, Cheeſe, as excepted out of the Statute of 3 *Ed.*6.21. 21 *Jac.* 22.

Univerſities.

10 Purveyors ſhall not take victuals within five miles of Oxford or Cambridge, but in ſome caſes, 2 & P. & M. 15. 13 *El.* 21.

Commiſſions.

11 The Kings Commiſſions to take victuals, ſhall not continue above ſix moneths, 2 & 3 P. & M. 6.

1 *Unlawful Aſſemblies.* See *Riots, &c.*

Voucher, and Counterplea of Vouchee.

The penalty for denying of the truth.

1 THe penalty if it be found and tryed againſt a tenant impleaded that voucheth, or the Vouchee that denieth his Warranty, 13 *Ed.*1.6.

An enquiry at the Demandants ſuit.

2 If an Enqueſt be depending between a Tenant and the Vouchee, and the Demandant doth deſire a Writ to cauſe the Jury to appear, it ſhall be granted him, 13 Ed. 1. *6.*

That the tenant had nothing in the land.

3 If in a Writ brought againſt him, the Tenant will Vouch to warranty, and the demandant counterpleadeth that the Tenant nor his Anceſtors had ever any thing in the land, 3 Ed. 1. 39. *Stat. de vocat ad Warrant.* 20 E. 1.

No Voucher out of the line.

4 In Writs of Entry which makes mention of degrees, none ſhall Vouch out of the line, 3 *Ed.* 1. 39.

Writs of Entry.

5 In what caſes only writs of entry where no mention is made of degrees, ſhall be maintained, 3 Ed. 1. 39.

Warrantia Chartæ.

6 In what caſe a Tenant who hath a Deed that compriſeth warranty, ſhall have his recovery by a writ of *Warrantia Chartæ*, 3 Ed. 1. 39.

Voucher of Forreign.

7 If the Tenant do Vouch to warranty a dead man, the demandant may aver that he is dead, 14 E. 1. 18.

What Proceſs ſhall be awarded

8 What Proceſs ſhall be awarded, and before whom returnable, when one impleaded in London doth Vouch a Foreigner to warranty, *6* Ed. 1. 12. *6* Ed. 1. *Articuli Stat. Glouceſtr.*

What day given.

9 What day ſhall be given him to appear, that is Vouched to warranty, 52 *H.* 3. 26.

In what caſe, &c.

10 In what caſe the Feoffor ſhall be bound to warranty in reſpect of thoſe words in his Deed, *Dedi & Conceſſi*, and for how long time, 4 Ed. 1. *Stat. de Bigamis.*

Upholſters.

Feather-beds, Boulſters, &c.

1 WHat ſtuff ſhall be put in Feather-beds, Boulſters, or Pillows made, or offered to be ſold, 11 *H.* 7. 19. 5 Ed. *6.* 23.

Quilts, Matreſſes, &c.

2 What ſtuff ſhall be put in Quilts, Matreſſes, or Cuſhions made, or offered to be ſold, 11 H. 7. 19. 5 Ed. *6.* 23.

Uſes.

The poſſeſſion joyned to the uſe.

1 SUch perſons ſhall be in lawful poſſeſſion and ſeiſin of lands, which have the uſe thereof, and of ſuch eſtate as they have in the uſe, 27 H. 8 10,

Rents.

2 If lands ſhall be aſſured to certain perſons, to the uſe that Rent ſhall be paid out of the ſaid lands to other perſons, the Rent ſhall go according to the uſe, 27 H. 8. 10.

Againſt the feoffees in truſt.

3 All Acts made by or againſt *Ceſtuy que uſe*, ſhall be good againſt him, his heirs and feoffees in truſt, 1 R. 3. 1.

The heir of *Ceſtuy que uſe.*

4 The charges and benefits of the heir of *Ceſtuy que uſe*, 4 *H.* 7. 17.

The lands of *Ceſtuy que uſe.*

5 The lands of *Ceſtuy que uſe*, ſhall be put in execution for his debt, and ſhall ſatisfie the chief Lord for his relief, heriot, &c. 19 H. 7. 15.

Advantages.

6 *Ceſtuy que uſe* ſhall have ſuch advantages, as he might have had, if he had been Tenant of the land, 19 *H.* 7. 15.

A Bondman.

7 The lands of *Ceſtuy que uſe* being a bondman, may be ſeiſed by his Lord, 19 H. 7. 15.

A *Formedon.*

8 A *Formedon* ſhall be maintainable againſt the pernor of the profits of lands, or him or them that hath the uſe of them, and all recoveries had againſt him ſhall be good, 1 *H.* 7. 1.

Uſury.

Buying or ſelling the ſame wares.

1 THe penalty for ſelling of wares, and buying them again within three moneths upon a leſſer price, knowing them to be the ſame, 37 *H.* 8. 9.

Taking above 10 or 8 in the hundred.

2 The penalty of him that ſhall take above ten pounds for the forbearance of 100 l. for one year, 37 *H.* 8. 9. or above 8 l. *per cent.* 21 Jac. 17.

Unlawful aſſurances.

3 All Aſſurances whereby above ten pound for the forbearance of one hundred pound for one year ſhall be reſerved, ſhall be void, 13 *El.* 8. 39 El. 18. And now all aſſurances, whereby above 8 l. &c. is reſerved, ſhall be likewiſe void, 21 Jac. 17.

Not bound by this Statute.

4 Certain Bonds and Aſſurances whereunto this Statute doth not extend, 37 *H.* 8. 9.

Uſurious Bargains.

5 The penalty of Brokers, Soliciters, and drivers of uſurious Bargains, 13 El. 8. 39 El. 18. 21 Jac. 17.

Taking leſs then 10 in the 100.

6 He that taketh 10 l. or leſs, for the forbearance of 100 l. for one year, ſhall forfeit the intereſt only, 13 *El.* 8. 39 *El.* 18.

Orphans.

7 The Statute doth not extend unto any allowances for the finding of Orphans, according to the ancient cuſtom of certain Cities, 13 El 8. 39 El. 18.

Eccleſiaſtical Laws.

8 Any perſon that ſhall offend contrary to the Statute of 37 H 8. ſhall alſo be puniſhed according to the Eccleſiaſtical Laws. 13 *El.* 8. 39 El. 18.

Abatement of Uſury.

9 Abatement of Uſury advantagious to Trade, 12 *Car.* 2. 13.

Wager of Law.

Others to ſwear.

1 HE that wageth his Law, muſt bring others to ſwear with him, 9 H. 3. 28.

A Londoners papers.

2 A man may Wage his Law againſt a Londoners papers, 38 Ed. 3. 5. 7 Jac. 12.

Where allowance of Wager.

3 In what caſes the Judges may allow the Defendant to wage his Law in an action of debt brought upon arrearages of accompt, 5 *H.* 4. 8.

Wales.

United to England.

1 THe Kings Dominion of Wales ſhall ſtand for ever United and Incorporated unto the Kingdom of England. And all perſons born, or to be born in Wales, ſhall enjoy the Laws of this Realm, and the *Laws* of this Realm, and none other, ſhall be uſed in Wales, 27 *H.* 8. 26.

Divided into Shires.

3 The Kings Principality of Wales ſhall be divided into twelve Shires, beſides the Shire of Monmouth, and the Town of Haverford weſt, which is a County in it ſelf, 27 H. 8. *26.* 34 H. 8 26.

A Preſident and Council.

3 There ſhall be a Preſident, and a Councel in the Principality of Wales, and the Marches thereof, and all Officers, Clerks, and Incidents to the ſame, and their authority, 34 *H.* 8. *26.*

Seſſions.

4 There ſhall be Seſſions twice in the year kept in every of the ſaid Shires, and the ſeveral fees of the Juſtices there, 34 H. 8. 26.

Aſſociation.

5 The Queen may appoint two Juſtices for every Circuit, or grant aſſociation, 18 El. 7.

Of what the Juſt. may hold plea.

6 Of what things the ſaid Juſtices or their Aſſociates may hold plea, 18 *El.* 7.

Continuance of the Seſſions.

7 How long every of the ſaid Seſſions ſhall be kept and continued, and Proclamation ſhall be made thereof before, 34 *H.* 8. 26.

Dayes.

8 Dayes ſhall be given in all Pleas, &c. from day to day, and Seſſions to Seſſions, by the diſcretion of the ſaid Juſtices, 34 H. 8. 26.

Tryal of Iſſues.

9 Iſſues taken before the ſaid Juſtices in pleas perſonal, may be tryed at a petit Seſſions before the Juſtices there, 34 *H.* 8. 26.

Forfeitures.

10 The King ſhall have all Fines, Iſſues, and Amerciaments forfeited before any of the ſaid Juſtices in the Seſſions aforeſaid, which ſhall be eſtreated into the Exchequer appointed for their limit, 34 *H.* 8. 26.

Four Judicial Seals.

11 There ſhall be four Original Seals in the twelve Shires of Wales, *videlicet*, in every of the three Shires one, who ſhall have the cuſtody of the ſame Seals, and what Writs and Proceſs ſhall be ſealed with them, 34 H. 8 26.

Four Original Seals.

12 There ſhall be four Judicial Seals in the ſaid twelve Counties of Wales in whoſe ſeveral cuſtodies they ſhall remain, and what Writs or Proceſs ſhall be ſealed with them, & who ſhall anſwer the King for the profits of them, 34 H. 8 26.

The *Teſte.*

13 Under whoſe name the *teſte* of every Bill, and Judicial Proceſs ſhall be awarded, 34 H 8. 26.

The fees for ſealing, &c. of writs, &c.

14 What fees ſhall be payed for the Sealing and writing of Original writs and Bills, 34 H. 8. 26.

The fees for Judicial Proceſs.

15 What fees ſhall be payed for Proceſs ſealed with the Judicial Seal, and for the exemplification of a Record. And who ſhall have the ſaid Fees, 34 H. 8. 26.

Fines and Recoveries.

16 Recoveries and Fines, Concords and Warrants of Attorney, may be taken before every of the Juſtices of Wales, of lands within his authority. And the force of Fines levied before any of the ſaid Juſtices, 34 H. 8. 26.

Fines for Writs.

17 What fines ſhall be payed for a writ of entry for any Recovery to be had, or for a writ of Covenant for any fine to be levied in Wales. And how much ſhall be payed for the Kings Silver upon every fine to be levied, and to whom, 34 *H.* 8. 26.

Redreſſing of errors.

18 By whom all erronious Judgments, in pleas real, or mixt, or Pleas perſonal, given before any of the Juſtices in VVales, ſhall be redreſſed, 34 H. 8. 26.

Falſe judgment.

19 No execution of any Judgment to be given in any baſe Court in VVales, ſhall be ſtayed by reaſon of any writ of falſe Judgment, 34 H. 8 26.

Weighty cauſes.

20 All Proceſs for weighty cauſes ſhall be directed into VVales, by the commandment of the Chancellor of England, 34 H. 8. 26.

Four Prothonotaries.

21 There ſhall be four Prothonotaries in the twelve Shires in VVales, *viz.* in every three Shires one. And who ſhall appoint them. And what their fees ſhall be for writing pleas, proceſs, and ingroſſing them, 34 *H.* 8. 26.

A Marſhal and Cryer.

22 There ſhall be a Marſhal and a Cryer allotted to every of the ſaid Juſtices in *Wales*, to attend upon them in their Circuits. And what the ſeveral Fees of the ſaid Marſhal and Cryer ſhall be, 34 H. 8. 26.

Juſtice of Peace, Cuſtos Rotulorum.

23 There ſhall be Juſtices of Peace, and *Quorum*, and a *Cuſtos Rotulorum* in every of the ſaid twelve Shires of *Wales*. VVhat ſort of perſons may be Juſtices of Peace, and who ſhall aſſign them, 34 H. 8. 26.

Quarter Seſſions.

24 How often in the year the Juſtices in *Wales* may keep their Quarter-Seſſions, and what authority and fees they ſhall have, 34 *H.* 8. 26.

Fees for a warrant of the Peace, &c.

25 VVhat fees the Juſtices of the Peace, their Clerks, and the Clerk of the Peace, ſhall take for any warrant of the Peace, or good abearing, and for entring of pledges, &c. 34 H. 8. 26.

Certifying of Recogniſances.

26 Juſtices of Peace ſhall certifie all Recogniſances, taken by them, before the Juſtices in the great Seſſions, 34 H. 8. 26.

Afferring and eſtreating of fines.

27 How fines and amerciaments loſt before the Juſtices of Peace, ſhall be taxed and afferred. And by whom, and into what place, they and all other forfeitures ſhall be eſtreated, 34 H. 8. 26.

A Sheriff.

28 There ſhall be in every of the ſaid Shires of *Wales* one Sheriff nominated, their Patents, Oaths, acknowledgment of Recogniſances, and what things every of them hath authority to do. And their Accompts before the Kings Auditors, 34 H 8. 26.

A common Gaol.

29 Every of the ſaid Sheriffs ſhall have a Gaol for priſoners in ſome convenient place of the ſaid Shires, 34 H. 8. 26.

30 The

County and hundred Courts.

30 The Sheriffs in *Wales* ſhall keep their County Courts monethly, and their Hundred Courts, for pleas under forty ſhillings, as uſual in *England*. And in what Towns they ſhall keep their County Courts, 34 *H.* 8. *26*. 27 *H*.8.*26*.

Tryal before the Sheriff, &c.

31 All Tryals before Sheriffs in their Courts, or before any Steward in a Court Baron, ſhall be by wager of Law, or verdict of ſix men, 34 *H*.8.*26*.

Turn of Sheriffs.

32 Sheriffs ſhall keep their turns yearly after Eaſter and Michaelmas, and the King ſhall have all forfeitures in the Sheriffs Turns, Courts and Hundreds. And the ſtreats thereof ſhall be afferred by the Juſtices of Aſſiſe of that Circuit, 34 *H*.8.*26*.

A Sheriffs Execution.

33 What Proceſs of execution ſhlll be awarded by a Sheriff upon a Judgment given in his County, or Hundred Court, 34 *H*.8.*26*.

The Sheriffs fees

34 What fees every Sheriff in *Wales* ſhall take for the ſerving execution, or return of every ſeveral ſort of Proceſs, 34 *H*. 8. *26*.

Common mainpriſe.

35 Every Sheriff may put ſuch perſons under common Mainpriſe, as he hath reaſonable cauſe of ſuſpect, and bind him with two ſufficient ſureties to appear before the Juſtices. And the parties fee for his Mainpriſe, 34 H.8.*26*. 27 *H*.8.*26*.

36 Every Sheriff of the ſaid twelve Counties in *Wales*, ſhall have one ſufficient Deputy at the leaſt, in every of the Courts of the Kings Bench and Common Pleas, 1 Ed.*6*.10.

Deputies in Courts.

Bayliffs of Hundreds.

37 Every Sheriff in *Wales* ſhall make Bayliffs of hundreds, who ſhall attend upon the Juſtices in their Courts and Seſſious, 34 H. 8. *26*.

Eſcheators.

38 Eſcheators ſhall be appointed in every of the ſaid twelve Shires in *Wales*, who ſhall nominate them, of what eſtate they muſt be: Their oath, duty and accompt, 34 H.8.*26*.

Coroners.

39 There ſhall be two Coroners elected in every of the ſaid 12 Shires. Their authority, duty, and fees, 34 *H*.8.*26*.

Conſtables of the hundred.

40 The Juſtice of Peace ſhall appoint in every hundred in Wales, two Conſtables of the hundred: And their authority and duty, 34 H. 8. *26*.

Stewards of Leets, &c.

41 The authority and duty of Stewards of Leets, Law-days, and Court-Barons in Wales, and of what things they may hold plea, 34 *H*.8.*26*.

Officers in Corporate Towns.

42 Of what things Mayors, Bayliffs, and head-Officers of Corporate Towns in Wales may hold Pleas, try Iſſues, and determine Actions, 34 H.8.*26*.

Aulneger.

43 The office and duty of every Aulneger in Wales, 34 H. 8. *26*.

In the Engliſh Tongue.

44 All Officers of the Law, ſhall proclaim and keep Seſſions, and all other Courts in Wales, in the Engliſh Tongue. And all Oaths and Verdicts, and Wagers of Law, ſhall be in the Engliſh Tongue, 27 H. 8. *26*.

No uſe of the welſh language.

45 No perſon that uſeth the Welſh language, ſhall enjoy any Office or Fees within England or Wales, 27 H.8.*26*.

Uncertain fees aſſeſſed.

46 Such fees for Writs Original, or Judicial, or other Proceſs, and of Sheriffs, Eſcheators, Coroners, and other Officers, which be not aſſeſſed by this Statute, ſhall be rated by the Preſident and Council, 34 *H*. 8. *26*.

Obedience to Officers.

47 All Officers, and other the Kings Subjects, ſhall be obedient to the Preſident and Council, and to the Juſtices of Peace, Sheriffs and Eſcheators, and ſhall obey all Proceſs directed from them, 34 H.8.*26*.

No fine for offences.

48 No perſon in Wales for Murther or Felony ſhall be put to his Fine, but ſuffer according to the Laws, 34 H.8.*26*.

No agreement but by conſent of authority.

49 No man ſhall agree with him that hath committed Murder or Felony, unleſs he firſt make the Preſident and Council, or one of the Juſtices privy thereto, 34 *H*.8.*26*.

Rumours, Tumults, &c.

50 There ſhall be no rumors, tumults, unlawful Aſſemblies, or Out-cries in Wales, except it be for the apprehenſion or purſuing of Felons, 34 H. 8. *26*. 4 H.4.27.

Foreign plea and Voucher.

51 In what ſort tryal ſhall be made of any foreign plea or voucher, in any other Shire in England or Wales, than where the plea is pleaded, or voucher made, 34 H.8.*26*.

Engliſh Tenure.

52 All Lands in Wales, and in the County of Monmouth, ſhall be Engliſh tenure, and not be partable amongſt heirs males, according to the cuſtome of Gavelkind, 34 H. 8. *26*. 27 H. 8. *26*.

Mortgage of lands

53 No Mortgage of lands within any of the Shires in Wales, ſhall be allowed otherwiſe then according to the Laws in England, 24 *H*. 8. *26*.

Alienation of lands.

54 All perſons may alien their lands within Wales, the County of Monmouth, and other places annexed to the Shires in England, according to the Laws of the Realm of England, 34 *H*.8.*26*.

Proceſs for debt.

55 What Proceſs ſhall be awarded againſt any having lands in Wales, that is bound by Statute or Recogniſance in England, and doth not pay the debt, 34 *H*.8.*26*.

What Writs, Bill, Proceſs, &c. ſhall be before Juſtices.

56 What Writs, Bills, Plaints, Pleas, Proceſs, Challenges, and Tryals ſhall be uſed in Wales, before the Juſtices in their Seſſions, 34 *H*. 8. *26*.

Five years poſſeſſion.

57 He that hath been five years in poſſeſſion of any lands in Wales, ſhall hold the ſame until they be recovered by order of Law or Decree, 24 *H*.8.*26*.

The ſufficiency of Jurors.

58 What living the Jurors returned to make tryals in Wales muſt be able to diſpend, 34 H 8.*26*.

A Tales.

59 In what caſe the Demandants and Plaintiffs, Tenant and Defendants in Wales may have a *Tales de circumſtantibus*, 34 H. 8 *26*. 5 *El*. 25. 14 *El*. *9*.

Stollen goods.

60 No ſale of ſtollen goods in any Fair or Market within Wales, ſhall change the property thereof from the Owners of the ſame, 34 *H*.8.*26*.

No buying out of a Fair or Market.

61 The penalty of him which ſhall buy any Cattel out of a Fair or Market in Wales, unleſs he can bring forth witneſſes of the name of the ſeller, 34 H.8.*26*.

Purſuit after felons.

62 What purſuit, and in what manner, ſhall be made after any ſtollen goods in any of the Shires in Wales, 34 *H*.8.*26*.

Felons goods, waifs, ſtrays, &c.

63 The King ſhall have the goods of all Felons, and Outlaws, and all waifs, ſtrayes, and other forfeitures and eſcheats, in Wales, 24 *H*.8.*26*.

All mens inheritance ſaved in Wales & Dutchy of Lancaſter.

64 Every perſons Inheritance in Wales, ſhall be ſaved unto him: And ſo alſo ſhall be the liberties of the Dutchy of Lancaſter, 34 H.8.*26*.

Monmouth.

65 In what Courts Actions ſhall be ſued in the County of Monmouth, and before whom they ſhall be tryed. And the authority, office, and duty of the Sheriffs, Coroners and Eſcheators there. And before whom they ſhall make their accompts, 27 H.8.*26*.

Knights and Burgeſſes for Monmouth.

66 Two Knights ſhall be choſen to the Parliament for the Shire of Monmouth, and one Burgeſs for the Borough of Monmouth, 27 H 8.*26*.

Juſtices of Haverford-weſt.

67 The high Juſtice of the County of Pembroke, ſhall be high Juſtice of the County and Town of Haverfordweſt: And what his Authority ſhall be: And who is bound to execute the ſame. And what ſeal ſhall be uſed in the County and Town, 34 *H*.8.*26*.

Lordſhips Marchers divided.

68 Certain Lordſhips, Townſhips, Pariſhes, Commoats, and Cantrides, being Lordſhips Marchers, and ſometime lying between the Shires of England and Wales; and all lands within the compaſs of the ſame, ſhall be guildable, and taken as part and member of the ſeveral Shires of Monmouth, Radnor, Breknock, Mountgomery, Denbigh, Salop, Hereford, Glouceſter, Glamorgan, Carmarthen, Pembroke, Cardigan, Flint, Merioneth, and Worceſter, 27 H.8.*26*. 34 *H* 8.*26*.

Appearing at Seſſions.

69 Every perſon dwelling in Wales, or the Lordſhips Marchers, ſhall upon warning given, appear at or in every Seſſions and Courts there, and perform ſuch ſervices as ſhall be appointed him by the chief Officers there, *26* H.8.*6*.

Wrongful impriſonment.

70 A remedy for the party grieved, if any Officer do impriſon him upon an untrue ſurmiſe, *26* *H*.8 *6*.

No Weapons.

71 No perſon dwelling within Wales, or the Lordſhips Marchers, ſhall bring any weapon to any Seſſions, or Courts, or to any Church, Fair or Market there, *26* *H*.8.*6*. 4 H.4.27.

Commorths, caſting Arthels.

72 The penalty for gathering of Commorths, or other exactions, or procuring of any games in Wales. Or for caſting in any Court any Arthel, by reaſon whereof the Court may be diſturbed, *26* H.8.*6*.

Where Seſſions ſhall be kept.

73 In what places all Seſſions and Courts in Wales, or the Lordſhips Marchers of the ſame ſhall be kept, *26* *H*. 8.*6*.

Inquiry of offences.

74 The Juſtices in the Counties next adjoyning, ſhall enquire of the offences committed in the Lordſhips Marcher, *26* *H*.8.*6*.

Proceſs into Lordſhips Marchers.

75 What proceſs the Juſtices ſhall award againſt any perſons Indicted abiding in a *Lordſhip* Marcher, and to whom the ſame proceſs ſhall be directed, and what may be done by force thereof, *26* *H*.8 *6*.

The liberties of Lords Marchers.

76 No liberty of any *Lord* Marcher ſhall be abridged, *26* *H*. 8. *6*.

Tryal in Monmouth.

77 Before whom all Murders, Robberies, and Felonies committed within the Shire of Merioneth in Wales, ſhall be enquired of, heard, and determined, *26* H.8 *6*. 34 H.8.*26*.

An offendor flying into another County.

78 Where, and to whom any Offendor ſhall be committed, that doth any felony in one place in Wales, and fleeth to another, *26* *H*.8.*6*.

Unreaſonable exactions.

79 All unlawful cuſtomes for the taking of unreaſonable exactions in Forreſts in Wales, ſhall be determined, and the penalty of thoſe that do take them, 27 *H*.8.*7*.

Strays, and thief-ſtollen goods.

80 If any ſtrays, or thief-ſtollen goods ſhall come into any of the Foreſts in Wales, and be demanded within a year and a day by the owner thereof, ſhall be delivered unto him, 27 *H* 8.*7*.

The puniſhment of a perjury in a Juror.

81 An Officer ſhall be appointed for the keeping of a Jury in Wales. And the penalty of the Jurors there, which upon tryal commit perjury, *26* H.8.4.

A Burgeſs for Haverford-weſt.

82 The Town of Haverford-weſt, ſhall find one Burgeſs for the ſaid Town at every Parliament, 34 H.8.*6*.

Knights and Burgeſſes for the Parliament.

83 Knights and Burgeſſes ſhall be choſen in every Shire in Wales, and for every Borough being a Shire Town, to come to the Parliament of England. By whom they ſhall be choſen, and who ſhall rate, and who ſhall pay their wages, 27 *H*.8.*26*. 35 *H*.8.11.

Forfeitures in Lordſhips Marchers.

84 *Lords* Marchers in Wales ſhall have the moyety of the forfeiture of their Tenants, and ſhall retain their former priviledges, 1 & 2 P. & M. 15.

Tallage.

85 The Tenants and Reſiants in Wales ſhall pay their tallage at the charge of their *Lords*, in ſuch places and form as hath been accuſtomed, 34 *H*. 8.*26*.

Charges.

86 All Reſiants in Wales ſhall be chargeable to all ſubſidies, and other charges, granted by any Parliament, and ſhall pay all other Rents and duties as they have been accuſtomed, 34 H. 8. *26*.

Bible, &c.

87 The Bible and Book of Common Prayer, ſhall be tranſlated into the Welſh Tongue, and the ſame ſhall be in Engliſh in every Church in *Wales*, 5 El. 28.

Proclamation upon Exigent.

88 In what caſe Proclamations upon Exigents, and other Proceſs againſt any perſon dwelling in *Wales*, ſhall be awarded, 1 Ed. 6. 10. 5 Ed. 6. 26.

The Statute of Tanners, &c.

89 The Act provided for Tanners, Currriers, Shoo-makers, &c. ſhall be conſtrued to extend to *Wales*, 1 Jac. 22.

Tryal of offences in the Marſhes.

90 Where the tryal of Treaſons, miſpriſions of Treaſons committed in the Marches of *Wales* ſhall be made, 32 H. 8 4.

Redemption.

91 Redemption by money in *Wales* which the Inhabitants have uſed to pay to their Lords in diſcharge of all duties and forfeitures ſhall be reſerved, 32 H. 8. 37.

Sewers in *Glamorgan*.

92 The authority of the Commiſſioners of Sewers in the County of *Glamorgan* in *Wales*, 1 Mar. 11. *Parl.* 2.

Inrolment of fines, &c.

93 Fines levied, and Recoveries ſuffered of land in *Wales*, *&c.* may be inrolled, 27 *El.* 9.

Revenues of the Churches in *Wales*.

94 The Revenues of the Churches in *Wales* to be accompted for, 13 *Car.* 2 3.

95 Jury-men in *Wales* muſt be worth 8 li. *per annum*, 16 *&* 17 *Car.* 2. 3.

96 The Statute concerning Replevins and Avowries upon Diſtreſſes ſhall extend to *Wales*, 19 *Car.* 2. 5.

Wards, Wardſhips, Marriage.

Fraudulent Conveyance.

1 IF a Tenant doth infeoff his heir within age, or maketh any other Conveyance to defeat the King, or any other Lord of his Wardſhip, the ſame ſhall be void, 52 H. 3. 6. 7. 34 H. 8. 5.

Communi cuſtodia

2 What Proceſs ſhall be awarded in a plea of *Communi Cuſtodia*, and the penalty of the Defendant, if he do not appear, 52 H. 3, 7.

Ward by reaſon of ward.

3 Where a Guardian doth claim a Ward by reaſon of Ward, the Ward ſhall receive no prejudice by the Guardians negligence, 52 H. 3. 7.

Taking a Wards homage.

4 If a Tenant die, his heir within age, his Lord ſhall not have the Ward of him before he hath taken of him homage, 9 H. 3. 3.

A Ward come to full age.

5 After an heir hath been in Ward, when he is come to full age of 21 years, he ſhall have his Inheritance without relief and fine, 9 *H.* 3. 3.

The heir within age made Knight

6 If any heir being within age, be made Knight, yet his lands ſhall remain in the Lords cuſtody, until the heir come to the age of 21 years, 9 H. 3. 3.

Marriage under fourteen years.

7 The penalty of that perſon which doth with force withhold or marry any heir under the age of 14 years, 3 Ed. 1. 22.

Raviſhment of a Ward.

8 The penalty of him that doth wrongfully take away any man or woman child, whoſe marriage belongeth to another. A proviſion, if the heir die before he be reſtored, or if the Plaintiff, or the defendant, die before the ſuit be determined, or the heir reſtored, 13 Ed. 1. 35.

Reſummons in *Communi Cuſtodia*

9 What Proceſs ſhall be awarded upon a reſummons in a Writ *de Communi cuſtodia*, if death do prevent the heir, or Executors of the Plaintiff or Defendant, before the ſuit be determined, 13 *Ed.* 1. 35.

An heir within age marrying without licence.

10 The penalty of an heir being above 14 years of age, and under 21, which doth marry without the licence of his *Lord*, 20 H. 3. 6. 3 *Ed.* 1. 22.

Refuſing to marry with conſent.

11 The recompence which an heir ſhall make that holdeth his land by Knights-ſervice of his Lord, refuſing to marry by his Lords conſent, 20 H. 3. 7.

The heirs remedy for diſſeiſin.

12 A remedy which an heir within age, and in Ward, ſhall have againſt his Guardian that maketh a feoffment of his lands, and againſt the Tenant of the ſame land, 3 *Ed.* 1. 47.

Suit by prochein amy.

13 If an Infant be carried away or diſturbed, by reaſon whereof he cannot ſue, one of his next Friends ſhall ſue for him, 3 Ed. 1. 37.

The heirs remedy againſt his Lord.

14 A remedy for the heir of full age to recover his land out of the hands of his Lord, if he will not otherwiſe deliver it him, 52 H. 3. 16.

Where only relief due to the Lord.

15 The heir of full age at the death of his Anceſtor, ſhall only pay relief to his Lord, 52 H. 3. 16.

No waſte of Wards lands.

16 The Guardian in Chivalry of an heir within age, ſhall make no waſte of his heirs lands, 9 H. 3. 5. And the penalty if he commit waſte, 6 Ed. 1. 5.

Guardians in ſoccage.

17 The Guardians in ſoccage of an heir within age, ſhall make no waſte in the ſame Inheritance, neither may they give or ſell the Wardſhip of the ſame heir, but only to his profit, 52 H. 3. 16.

An heir female.

18 At what age an heir female ſhall be out of Ward, 2 *Ed.* 1. 22. 39 *H.* 6. 2.

The marriage of an heir female.

19 The penalty if an heir female will not be married by her chief Lord where ſhe ſhall not be diſparaged, 3 Ed. 1. 22.

Priority of Feoffment.

20 Priority of feoffment giveth Title of Wardſhip, without reſpect to the ſex or quantity of the land, 13 Ed. 1. 16. 28 Ed. 1. *Statute of Wards.*

Diſparagement.

21 The penalty of the Lords which do marry thoſe that they have in Ward, where they are diſparaged, 9 *H.* 3. 6. 20 H. 3. 6.

Tenure by Knights-ſervice, petit ſerjeanty.

22 Which ſhall be ſaid a tenure by Knights-ſervice, and which by petit ſerjeanty, and to whom the Wardſhip of the heir of either of them doth belong, 28 Ed. 2. *de Wardis & Releviis.*

Three Writs of Ward.

23 There be three Writs to recover Wards: And in what caſes every of them doth lie, 28 Ed. *de Wardis, &c.*

The K. Prerogative in Wards.

24 In what caſe the King ſhall have the Wardſhip of all their lands which hold of him by Knight-ſervice in chief, 17 Ed. 2. 1.

The mean Lords Rents.

25 How the mean Lords ſhall be anſwered their chief rents during the minority of the Kings Ward, 2 *Ed.* 6 8.

Where no Wardſhip to the King.

26 Tenure of the King by Fee farm, in ſoccage, or petit ſerjeanty, draweth to him no wardſhip of his heir, 9 H. 3. 27.

The K. prerogative in marriage.

27 The King ſhall have the marriage of an heir within age, and in his cuſtody, without reſpect of priority of Feoffment, although the heir hold of others, 17 *Ed.* 2. 2.

The K. woman-tenants.

28 A proviſion where the Kings woman-tenant ſhall be married in the life of her Anceſtor, before ſhe be marriageble, 17 *Ed.* 2. 6.

Waſte in heirs lands.

29 The penalty if the Kings Grantee, or Committee of the land of any heir in his cuſtody, do make waſte in the lands of the ſaid heir, 9 *H.* 3. 4.

The Eſcheator ſhall make no waſte, nor have a Fee.

30 An Eſcheator ſhall have no fee, nor commit waſte in wards lands, 28 Ed. 1. 18. 36 *Ed.* 3. 13.

The Wardſhips, &c of the heirs of him in reverſion.

31 If two do hold land of the King by Knights-ſervice to them, and to the heirs of them, and he that hath the Inheritance dieth, his heir within age, the King ſhall have the ward and marriage of the Body of ſuch heir, 32 H. 8. 1.

The order of the Court of Wards, &c.

32 All the Kings wards, and their lands, and all liveries to be ſued out of the Kings hand, ſhall be in the order of the Courts of Wards and Liveries, 32 H. 8. 46. 33 *H.* 8. 22.

The authority of the Officers of the Court of Wards, &c.

33 The authority of the chief Officers of the Court of wards and liveries, touching granting of wards, making woodſales, reparations of houſes, making of Leaſes, concluding with the Kings widows, Government of Ideots, puniſhing of Intruders, taking Bonds of Accomptants, aſſeſſing of Fines upon Offendors, appointment of Inferiour Officers, allowance of charges, taking of Recogniſances for appearance, moderating of Recogniſances forfeited, committing to priſon, and delivering from thence, and cancelling of Bonds, 32 H. 8. 46. 33 H. 8. 22. 33 H. 8. 39.

The fees of the Officers of the Court of Wards, &c.

34 The fees of the Officers of the Court of wards and liveries, for all Proceſſes, Commiſſions, and Recording of appearance, 32 H. 8. 40.

A patent of a Wardſhip.

35 Within what time a Patent of a wardſhip ſhall be ſued forth after the granting thereof, 32 H. 8. 46.

Withdrawing the Kings Rents.

36 The forfeiture of the Officers of the Court of wards and liveries, which ſhall withdraw any of the Kings Tenants and profits, 32 *H.* 8. 46. 33 H. 8. 22.

Liveries.

37 Liveries ſhall be in the order, ſurvey, and governance of the Court of wards and liveries, 33 *H.* 8. 22.

Court of Wards.

38 The Court of wards, liveries, primer Seiſin, &c. taken away, 12 *Car.* 2. 24.

Warranty.

Dedi & Conceſſi.

1 IN what caſe a man and his heir ſhall be bound to Warranty, and in what caſe himſelf only during his life, by force of theſe words, *Dedi & Conceſſi, &c.* 4 Ed. 1. 6. *Stat. de Bigamis.*

The husbands warranty.

2 In what caſe if the husband do alien the lands of his wife with Warranty, the heir ſhall be bound thereby, and in what not, 6 *Ed.* 1. 3.

The Kings warranty.

3 In what caſe, and for what cauſe the King ſhall be bound to Warranty, and in what not, and what ſhall be done when he ſhall grant to diſcharge or ſave harmleſs any perſon, 4 *Ed.* 1. 1. & 2. 34 *H.* 8. 19.

The minority of the heir which ſhould warrant.

4 In what caſe a womans ſuit, or her heirs, ſhall not be deferred by the minority of the heir which ſhould warrant the lands, 13 Ed. 1. 40.

Warrantia Charta.

5 In what caſe a man that is impleaded of land, ſhall have a *Warrantia Charta*, 3 *Ed.* 1. 39.

Warrens.

Concealing Hunters.

1 THe penalty for hunting in the night, or with painted faces, or other diſguiſings, in any Warren, Forreſt, or Park, and being examined, to conceal the ſame, 1 *H.* 7. 7.

Killing of an Offendor.

2 In what caſes the killing of Offendors in Warrens, Foreſts or Parks, is juſtifiable, and in what not, 21 Ed. 1. *Stat. de malefactoribus in Parcis.*

The penalty for hunting.

3 The penalty for breaking a Park or Warren, or for hunting the Deer or Conies of another perſon, 3 Jac. 13.

War.

Wages to ſerving in War.

1 WAges ſhall be given by the King, and not by the Commons, to Preparers, Conveyers, and Souldiers making ready for ſervice in War, 1 Ed. 3. 7.

How long the King ſhall pay wages.

2 Men of War ſhall be at the Kings wages from the day that they depart out of their Counties where they were choſen, until their coming again, 18 Ed. 3. 7.

Waſte.

Farmer.

1 NO Farmer ſhall make waſte of houſes, woods, or men which he hath in farm, without ſpecial grant in writing, 52 H. 3. 23.

Againſt whom the action maintainable.

2 An Action of Waſte is maintainable againſt Tenant by the curteſie, Tenant in dower, Tenant for term of years, and the penalty for him that committeth waſte, 6 Ed.1.13.

None depending a ſuit.

3 No Waſte or Eſtrepement ſhall be done hanging any ſuit, 6 Ed.1.13.

Proceſs.

4 What Proceſs ſhall be awarded in an Action of waſt, and in what caſe a Writ to enquire of waſte, 13 Ed. 1.14.

Againſt him that alieneth and taketh the profits.

5 An Action of waſte maintainable againſt Tenant for life or years, that granteth over his eſtate, taketh the profits, and committeth waſte, 11 H. 6. 5.

Tenant in common.

6 In what caſe an Action of Waſte may be brought by one Tenant in common againſt another, 13 Ed. 1.22.

Wards lands.

7 What remedy ſhall be taken, and by whom, when waſte is committed in any wards lands, 9 H.3.4. & 5. 52 *H.* 3. 17. 6 Ed.1.5. 28 Ed.1.18. 36 Ed.3.13.

Ideots.

8 The King ſhall have the profit of Ideots lands, without doing waſte, 17 Ed.2.9.

Recoverers.

9 Recoverers may have an Action of waſte againſt Tenant for years, for a waſte done after the recovery, 21 H.8.15.

Aſſigns.

10 Aſſignees of lands, and their Executors, &c. may have advantage againſt Tenants for years for waſte done, 32 H. 8. 34.

Watch and Ward.

Night watch.

1 WHen the night Watch ſhall begin and end, and night walkers taken therein ſhall be arreſted, 13 *Ed.* 1. *Winchester.*

Great Towns.

2 In great Towns walled, the gates ſhall be ſhut from the Sun ſetting, till the Sun riſing, and no man ſhall lodge in the Suburbs, unleſs his Hoſt will anſwer for him, 13 Ed. 1. 4. 5 *H.*4.3.

Watermen. See **Boatmen.**

Wax, Honey.

Deceit by mixtures.

1 THe penalty for uſing deceit by mixtures with Roſin, &c. in melting of wax, 23 *El.* 8.

A mark.

2 Every melter of Wax ſhall have his mark, ſaving for the wax of his own Bees, and the penalty of him that ſelleth any Wares wrought of wax unmarked, or corrupt wares made of wax. Or doth counterfeit any mark, 23 El. 8.

The content of every Veſſel, and the mark.

3 Veſſels of Honey ſhall be marked with two letters, the content of every Veſſel of Honey to be ſold, and the penalty for corrupting of Honey, 23 El. 8.

Weavers.

1 LInnen Weavers may ſet up the Trade in any places where they pleaſe, 15 *Car.* 2. 15.

Weights and Meaſures.

One weight and one meaſure.

1 ONe weight and one meaſure ſhall be through the Realm, 9 *H.*3.25. 14 Ed.3.12. 27 Ed.3.10. 17 *Car.* 2. 19.

Meaſure ſhall be ſtriked.

2 Every meaſure of Corn ſhall be ſtriked without heap, ſaving the rents and farms of Lords, 25 Ed.3.10.

Several contents of ſeveral Meaſures.

3 How much a Buſhel ſhall contain, how much a quarter, how much a ſtone and ſack of woolls 31 Ed. 1. 11 H. 7. 4. 12 *H.*7.5. 1 *H.*5.10. 15 R.2.4. 34 Ed.3.6. 13 R.2.9.

Acre of ground.

4 How much ſhall be ſaid to make an Acre of ground, 33 Ed. 1. Ordinances for meaſuring land.

A weigh of Cheeſe.

5 How much the weight of a weigh of Cheeſe muſt contain, 9 *H.* 6. 8.

Weights delivered to Cities, &c.

6 There ſhall be carried into ſeveral Cities, Boroughs, and Market-Towns one of every weight and meaſure made of Braſſe, according to the ſtandard of the Exchequer, there to remain for ever in the keeping of the head-Officer of the ſame City, &c. 11 H. 7. 4. 12 *H.* 7. 5.

Signing of meaſures, &c.

7 Every head-Officer of any of the ſaid Cities, Towns, &c. may ſign like weight and meaſures to every man that will, 11 *H.*7.4. 12 H.7.5.

Buying and ſelling by weights ſigned.

8 None ſhall buy or ſell but with weights and meaſures ſigned and printed (ſaving by water meaſure, and weights for cunage of Tynne) 11 H.7.4. 12 *H.*7.5.

Viewed and examined.

9 Weights and Meaſures ſhall be viewed and examined twice in the year by the head-Officers of every City, &c. And the defective ſhall be broken and burned, 7 H.7.4. 11 H.7.4. 12 H. 7. 5.

A common Ballance for Cities, &c.

10 Every City, Borough, and Market Town ſhall have a common Ballance and weights. And every perſon may weigh thereat, 8 *H.* 6.5. 11 H.7.4.

Falſifiers.

11 The penalty for thoſe which be counterfeiters and falſifiers of weights, 9 H. 5. 8.

Equal Ballances.

12 Woolls and all manner of *Aver de poys* ſhall be weighed by equal ballance, and by lawful weights ſealed according to the Standard of the Exchequer. And the penalty of the offender, 25 Ed.3.9. 27 Ed. 3. 10. 13 R. 2. 9. 8 H.6.5.

The weight and meaſure of Bread and Ale.

13 How waſtal-bread, Simnial, Cocket-bread, and houſhold-bread ſhall be ſold by the weight: and how Ale ſhall be ſold by the gallon; And the puniſhment of the offendors. See *Stat. Aſſiſa Panis & Cerviſiæ, Stat. Panis & Cerviſiæ, Judicium colliſtrigii, Stat. de Piſtoribus, &c.* made *Anno* 51 H. 3. *& temp.* Ed. 1.

The Meaſure taken by Purveyors.

14 By what meaſure Purveyors ſhall take Corn and other Victual, 4 Ed.3.3. 25 Ed.3.1. 36 Ed.3.2. 11 H.7.4. 1 H. 5.10. 11 H.6 8.

Cloth.

15 For the length, bredth, and weight of all manner of Cloth, And the ſeveral penalties for default thereof, 5 Ed.6.6. 4 & 5 P. & M. 5. 6 *H.* 8. 9. 35 El. 9. 4 Jac. 2.

Coverlets.

16 The aſſiſe, length, and bredth of Coverlets made in *York ſhire*, 34 *H.* 8. 10.

Wine and Oyl.

17 The content of each Veſſel of Wine, Honey and Oyl, 2 *H.*6.11. 18 H.6.17. 1 R.3.13. 28 H.8.14. 13 *El.* 8.

Salmon, Herrings and Eeles.

18 The content of a Butt, Barrel, half Barrel, and other Veſſel of Salmon, Herrings and Eeles, 22 *Ed.* 4. 2. 11 *H.* 7. 23. 13 *El.* 11.

Sope.

19 The content and weight of Barrels and Firkins of Sope, 23 *H.* 8. 4.

Ale and Beer.

20 The content of every Veſſel made for Ale and Beer to be ſold, 23 H. 8. 4.

Pewter and Braſs.

21 The puniſhment of him which occupying, buying and ſelling of Pewter and Braſs, doth uſe any deceitful beams and weights, 19 *H.*7.6. 4 H.8.7.

Woollen Cloth.

22 All woollen Cloth ſhall be ſold after the true content thereof, to be meaſured by the yard and inch of the Rule, 6 H.8 9. 3 Ed.6.2.

Millers Toll.

23 By what meaſures Millers ſhall take their Toll, *Stat. de Victulariis prope finem*, Ed. 2. cap. 4.

A ſtone of Hemp.

24 The weight of Hemp, and how much ſhall be accounted a Stone, 21 *H.* 8. 12.

Weares.

Pulled down.

1 WEares ſhall be pulled down thorowout all *England*, ſaving by the Sea-Coaſts, 9 H.3.23.

New weares.

2 New Weares made in the time of King *Edward* the firſt, and after, whereby Ships and Boats be diſturbed, that they cannot paſs, ſhall be pulled down. And the forfeiture of him that doth ſet up the ſame again, 25 *Ed.* 3. 4. 45 *Ed.*3.2.

Inhaunceing or ſtraitning of Weares.

3 Commiſſions ſhall be awarded to ſurvey the defaults of Weares, inhaunced or ſtraitned. And the penalty of him which doth ſet them up again, inhaunce, or ſtraiten them, 1 *H.*4.12. 4 *H.*4.11.

Repairing of offences.

4 The forfeiture of him which doth not repair an offence done in a Wear levied, &c. according to the award of Commiſſioners aſſigned by the Stat. of 1 H. 4. 12.

A ſtranger offending.

5 The penalty of a ſtranger, which doth occupy or continue any Wears, againſt whom ſuch award is made, 12 *Ed.*4.7.

White Aſhes.

Tranſporting.

1 THe forfeiture of him which doth carry or convey any white Aſhes towards the parts beyond the Sea, 2 Ed. 6. 26.

Wilde Fowle.

Deſtroying them or their eggs.

1 THe penalty of him which ſhall take, or deſtroy, or take the eggs of any Wilde-fowl from the Neſt where they ſhall be layed, from the firſt day of March, until the laſt day of June, 25 *H.*8.11. 3 Ed.6.7.

Wills and Teſtaments.

Lands holden in Soccage, and none in chief.

1 HOw he may diſpoſe thereof by his Will, or otherwiſe, which hath Lands holden in Soccage, and none in chief, or by Knights-Service, 32 *H.* 8. 1.

Holden in Soccage in chief.

2 How he may diſpoſe thereof by his Will, or otherwiſe, which hath Lands holden in Soccage in chief, and none holden by Knights-Service, 32 H.8.1.

Holden in chief.

3 How he may diſpoſe thereof by his Will, or otherwiſe, which hath Lands holden of the King in chief by Knights-ſervice, 32 *H.*8.1.

Some in chief, and ſome by Knights-ſervice.

4 How he may diſpoſe thereof by his Will, or otherwiſe, which hath ſome Lands holden of the King in chief, and other Lands holden of the King, or any other perſon, by Knights-ſervice, 32 *H.*8.1.

Some in Knights-ſervice, and ſome in Soccage.

5 How he may diſpoſe thereof by his Will, or otherwiſe, which hath certain Lands holden only of common perſons by Knights-ſervice, and other Lands holden of common perſons in Soccage, 32 *H.*8.1.

By Knights-ſervice and Soccage.

6 How he may diſpoſe thereof by his Will, or otherwiſe, which hath certain Lands holden of the King, and certain of other Lords by Knights-ſervice, and other lands holden of other perſons in Soccage, 32 *H.*8.1.

Taking the third part.

7 The King or other Lord, may take ſo much of their Tenants Land, as will make up their full third part, if the ſame be not at the firſt bequeathed or left unto them, 32 *H.* 8. 1.

Suing Livery, Relief and Heriot.

8 Every perſon ſhall ſue his Livery, and pay Reliefs and Heriots, as they ought to have done before, 32 *H.*8.1.

Fines for alienation.

9 What fines for alienation, upon common recovery, ſhall be paid in the Chancery for Lands holden of the King in chief, 32 *H.*8.1.

The wives title in the two parts.

10 The Wives Title of Dower ſhall be ſaved unto her in the two parts, and the Reverſion thereof after her death, to the King, 32 *H.*8.1.

Fee-ſimple only.

11 The foreſaid Statute of 32 *H.* 8. which giveth liberty and authority to every perſon to will and deviſe his lands by his laſt Will and Teſtament in writing, or otherwiſe, ſhall be taken, and adjudged of eſtate in Fee-ſimple only, 34 *H.*8.5.

What Eſtate the Deviſor muſt have.

12 How he may diſpoſe thereof, or of any Rents, Commons, or Profits thereof, by his Will, or otherwiſe, which is ſole Tenant, or Tenant in Common, or Tenant in Coparcenary in Fee-ſimple of Lands in Poſſeſſion, in Reverſion or Remainder, 34 H.8.5.

Joynt-Tenants, and Tenants in Common.

13 How he may diſpoſe thereof by his Will, or otherwiſe, who is ſolely ſeiſed in Fee-ſimple, or in coparcenary, or in common, of Lands holden of the King by Knights-ſervice, *in Capite*, and other lands holden of other perſons, 34 H 8 5.

Good for two parts.

14 A Will made, ſhall be good for two parts of the lands, although it be made of the whole, 34 *H*.8.5.

Diviſion of the parts.

15 How, and by what means, the Kings third part ſhall be divided from the other two parts, 34 *H*.8.5.

Holden of the King, and not in Chief.

16 How he may diſpoſe thereof by his Will, or otherwiſe, who is ſolely ſeiſed in fee-ſimple, or in coparcenary, or in common, of lands holden of the King by Knights-ſervice, and not in chief, or holden of other perſons by Knights-ſervice, 34 *H*. 8. 5.

The third part not left.

17 A remedy for the King, or other Lords, where a third part ſhall be due unto them after the death of their Tenant, and not wholly ſo much left unto them, or where the ſaid third part, or any parcel thereof, ſhall be evicted, 34 *H*.8.5.

An Expoſition of the Savings, &c.

18 An expoſition of the Savings, reſervings, and proviſions made in theſe two Acts of 32 H.8.1. & 34 *H*.8.5.

A pardon of Alienation.

19 A Pardon of Alienation muſt be ſued by thoſe to whom lands holden *in Capite* be deviſed, 34 H. 8. 5.

A Contribution.

20 A contribution ſhall be made in the Chancery, for any lands taken away by the King, or other *Lords*, to make up his or their full third part, 34 H 8.5.

Who not able to deviſe Lands.

21 Wills or Teſtaments made of any lands, &c. by any woman covert, perſon within the age of 21 years, Ideot, or by any perſon *de non ſanæ memoriæ*, ſhall not be good in the *Law*, 34 H. 8. 5.

Widows Crop.

22 Widows may bequeath the crop of their grounds, as well of their Dowers, as of their other lands, 20 *H*.3.2.

An Incumbents Crop.

23 An Incumbent may bequeath the crop of his glebe lands, ſown at his charge, 28 *H*.8.11.

Fraudulent Wills.

24 Fraudulent Wills to defeat the *Lord* of Wardſhip, or other Advantages, ſhall be void, 34 H.8.5.

Proving of Wills.

25 What is payable for the proving of Wills and Teſtaments, committing of Adminiſtration, the fees of the Ordinary and his Miniſters, and their duties thereof, 21 H.8.5.

Wines.

Aſſeſſing the prices.

1 THe prices of the Butt, Tunne, Pipe, Hogſhead, &c. of all kinds of Wines, when it ſhall be ſold in groſs, ſhall be ſet by certain of the Kings great Officers, and at what time of the year they ſhall ſet the ſame prices, 28 *H*. 8. 14. 37 H.8.23. 5 Ed. *6*. 17.

Denying to ſell at the prices aſſeſſed.

2 The forfeiture of them that ſell Wines in groſs, or deny to ſell Wines according to the prices aſſeſſed, 28 H.8.14.

Selling of other mens Wines.

3 In what caſe Juſtices of Peace, or other Officers, may enter into the houſes, and ſell the Wines of other perſons, 37 H.8.23.

Who need not ſell in groſs.

4 He that keepeth Wine to ſpend in his houſe, or to retail the ſame, ſhall not be enforced to ſell it in groſs, 24 *H*.8 *6*.

Where Retailed.

5 None ſhall retail Wines, but in Cities, Market Towns, &c. 7 Ed.*6*.5.

Who ſhall aſſign the Vintners.

6 Vintners that do ſell VVine by retail in Corporate Towns, ſhall be aſſigned by the head-Officers thereof, and in other Towns, by the Juſtices of Peace, 7 Ed.*6*.5.

How many Taverns.

7 How many Taverns may be appointed in every City, Borough, or Town corporate, &c. to ſell VVine by retail, 7 Ed. *6*. 5.

Retailing.

8 No man ſhall retail VVine to be ſpent in his houſe, 7 E*d*. *6*. 5.

Aſſayed.

9 VVines ſhall be aſſayed twice in the year at the leaſt by the chief Officers of the Towns, 4 Ed. 3.12.

The contents and gauging.

10 The content of each Veſſel of VVine, and no Veſſel of VVine ſhall be ſold, until it be gauged, 2 H *6*.11. 18 H.*6*.17. 1 R.3.13. 28 H. 8. 14.

Lack of due content.

11 What the Gaugeor ſhall forfeit to the Buyer, if a Veſſel of Wine or Oyl do lack his due content, 28 H. 8.14. 1 R. 3.13. 18 H.*6*.17. 27 Ed.3.8. 23 H.*6*.16.

Lacking meaſure

12 How he ſhall be recompenced, which lacketh of his meaſure of a Veſſel of Wine or Oyl marked, 28 H 8.14.

No tranſportation.

13 Merchant Aliens ſhall carry no Veſſels of Wine out of the Realm, but ſhall ſell them here in groſs, 9 Ed.3.1. 25 *Ed*. 3.2. 11 R.2.7.

French Wine.

14 In what Veſſels any French Wines may be brought into this Realm, 4 *H*.7.10. 5 *El*.5.

Sweet Wines.

15 What Cuſtome or Subſidy ſhall be payed for ſweet Wines brought into this Realm, 1 *El*.11.

Retail.

16 The penalty for unlawful uttering Wines by retail, 12 *Car*.2.25.

Wine Licences.

17 Commiſſions may be iſſued by his Majeſty for granting Wine *Licenſes*, 12 *Car*.2.25.

18 How and by whom the prices of VVines ſhall be ſet, 12 *Car*.2.25.

19 The power of Granting VVine *Licenſes* ſetled upon the Duke of *York* in tail, 15 *Car*.2.14.

20 An Impoſition upon VVines and other *Liquors*, 20 *Car*. 2. 1.

Witchcraft. See *Conjuration.*

Witneſs.

Making default.

1 WHat forfeiture that Witneſs ſhall make upon whom Proceſs ſhall be ſerved to appear, and maketh default, 5 El. 9. 29 *El*. 5.

Of a Deed denyed.

2 What Proceſs ſhall be awarded againſt a witneſs of a Deed denied. And what Iſſues he ſhall forfeit if he do not appear, 12 *Ed*. 2. 2.

Procuring or committing perjury.

3 The penalty for procuring any Witneſs to commit wilful perjury, or being a witneſs to commit wilful perjury, 5 *El* 9.

Woods.

Standels at fourteen years growth.

1 THere ſhall be twelve Standels left in an acre of Wood at the felling thereof, being of fourteen years growth, 35 H.8.17. 13 *El*.25.

How long unfelled.

2 How long the ſame Standels ſhall remain unfelled, 35 H.8.17. 13 El. 25.

From deſtruction of Cattel.

3 Woods felled at, or under 14 years growth, ſhall be preſerved ſix years from deſtruction by Cattel, 35 *H*.8.17. 13 El. 25.

Others preſerved for a longer time

4 Woods felled above 14 years growth, and under four and twenty, ſhall be preſerved eight years, 35 *H*.8.17.13 El.25.

No converſion.

5 No Woods ſhall be converted into Tillage or Paſture, 35 H. 8. 17. 13 El. 15.

Four and twenty years growth.

6 At the felling of Wood at four and twenty years growth, there ſhall be twelve Trees left in an acre, 35 *H*.8.17. 13 El. 25.

Preſerved from deſtruction nine years.

7 Woods felled at four and twenty years growth, ſhall be preſerved nine years from deſtruction by Cattel, 35 H.8.17. 13 *El*. 25.

Felling of Standels.

8 In what caſes, and for what cauſes, one may fell Standels, 35 H. 8. 17.

Others having common.

9 What is requiſite to be done when Woods are to be felled wherein others have Common of Paſture, 35 H. 8. 17.

Standels in common Woods.

10 How many Standels ſhall be left ſtanding in common Woods incloſed and felled, 35 *H* 8.27. 13 *El*. 25.

Encloſure of common woods.

11 How long common Woods incloſed ſhall be kept in ſeveral, and from Cattel, 35 *H*. 8.17.

Waſte grounds.

12 The penalty for cutting down any Trees or under-woods in waſte grounds, 35 H. 8. 17.

Excluded of Common.

13 The Lord of a Wood that incloſeth the fourth part, ſhall be excluded of his Common in the reſidue during that time, 35 H. 8. 17.

Encloſed before this Statute.

14 Woods uſed to be incloſed before this Statute, ſhall be ſo continued, 35 H. 8. 17.

Continuance of Common.

15 The Commoners ſhall enjoy their Common ſo long as the Wood incloſed is unfelled, 35 H. 8. 17.

To what this Statute extendeth not.

16 To what Woods this Statute extendeth not, 35 *H*.8.17.

Breaking of Fences.

17 The penalty of him that doth break or deſtroy any ſeveral fences or hedges, made for the ſaving of wood, 35 *H*.8.17.

Swine unringed.

18 The penalty of him that doth ſuffer his Swine to go in a Wood unringed, 35 *H*.8. 17.

A Park.

19 How long a wood ſhall be fenced in a Park, wherein Deer is kept, 35 *H*.8. 17.

A ſtranger offending.

20 Where a ſtranger is cauſe of the Offence, he only ſhall be puniſhed, 35 H. 8. 17. 13 El. 25.

Coppice.

21 VVithin what time Cattel may be put into Coppice-woods, 13 El. 25.

In the Foreſt.

22 How every man may uſe his wood which is within the Foreſt, 1 Ed. 3. 2. 9 *H*.3.9.12,13.

Purpreſtures.

23 The puniſhment of them which do make Purpreſtures, VVaſte, or Aſſert in their woods that they have in Foreſts, without the Kings licence, 9 *H* 3.4.

Incloſure in a Foreſt.

24 How long VVoods felled in a Foreſt, may be incloſed and kept in ſeveral, 22 *Ed*. 4. 7.

Burning of a heap of wood.

25 The forfeiture for burning of any heap of wood felled for the making of Coals, Billet or Tallwood, 37 *H*.8.*6*.

Felling of Oaks.

26 At what time Oak-Trees meet to be barked, ſhall be felled, 1 Jac. 22.

Purveyance for the King.

27 No Purveyor ſhall fell any Timber to the King's uſe, but only in barking time; or ſhall take any more but only the Timber Tree, 1 Jac.22.

None ſhall buy, but that do burn or retail.

28 None ſhall buy wood, but thoſe which will burn or retail the ſame, 7 Ed.*6*.7.

For making of Iron.

29 What woods may be felled, and in what places, for the making of Iron; and what not, 1 *El*.15. 23 *El*.5. 27 *El*.19.

Licence to tranſport.

30 How every licence for tranſporting of wood ſhall be uſed, 1 & 2 Ph. & M. 5.

In, or near High-wayes.

31 In what caſe wood ſhall be felled in or near high-ways, 13 *El*.1.5. *Winchester*.

32 The penalty for unlawful cutting and ſpoyling of Wood, Under-wood, young Timber Trees, Poles, &c. 15 *Car*. 2. 2.

Woolls and Woollſels.

Buying.

1 WHo only may buy VVoolls, and the penalty of the Offendor, 5 Ed. *6*.7.

Norfolk wooll.

2 In what ſort Norfolk wooll may be bought and ſold again, in what place, and to what perſons, 1 Ed.*6* *6*.

Hallifax.

3 The Inhabitants of Hallifax may buy wooll, and ſell the ſame there again, 2 & 3 P. & M. 13.

4 The

Winding.

4 The penalty for winding any wool, being not ſufficiently waſhed, or for winding therein any deceitful thing, 8 H. 6 22. 23 H. 8. 17. 15 El. 25.

Due packing.

5 The penalty of a Wooll-packer, that doth make any other but good and due packing, and of him that doth force, clack, or beard any wool, 8 H. 6. 22.

Cott, Gare, and Villane.

6 None ſhall make any refuſe of Wooll but of Cott, Gare and Villane, 13 R. 2. 9. 31 Ed. 3 8.

The content of a Stone and Sack.

7 What ſhall be accounted the contents of a ſtone and ſack of Wooll, 13 R. 2 9.

The cuſtoms.

8 What ſhal be payed for the cuſtome of a ſack of Wooll, 14 Ed. 3 21.

Boyling.

9 With what things Wooll, to be converted into cloth, ſhal not be boyled. 5 Ed. 6. 6.

Exportation prohibited.

10 The exportation of Woolls, Woollfels and Fullers Earth prohibited, 12 Car. 2 32.

11 Exporting of ſheep, wooll, Wooll-fells, Mortlings, ſhorlings, yarne of wool, Woolls-flockes, Fullers-Earth, Fulling-clay, Tobaccopipe-clay prohibited upon certain penalties, 14 Car. 2. 18.

12 Importing of forreign wooll cards, card wire and Iron wire prohibited, 14 Car. 2. 19.

Women.

Unlawful alienation.

1 AN alienation made by a Widow of the Lands of her late deceaſed husband, ſhall be void 11 *H.* 7. 20. *6.* Ed. 1. 7.

Avoiding of her alienation.

2 Upon the alienation or recovery, &c. made or ſuffered by a woman of her late deceaſed husbands Lands he in the reverſion may enter, 11 H. 7. 20.

Only during her husbands life.

3 A woman covert ſhall be bound by ſuch alienation or recovery, but during her husband life, 11 H. 7. 20.

Diſcontinuing with conſent.

4 A woman doth diſcontinue or ſuffer Recovery with the conſent of him in reverſion, 11 *H.* 7. 20.

Gifts during her life.

5 A woman being ſole or married, may give Land that was her late husbands during her own life, 11 H. 7. 20.

No prejudice by the husband only.

6 The husbands only Act of the wives own Land, ſhall not prejudice her or her heirs after his death, ſaving for Leaſes made by the husband and the wife of the Inheritance of the Wife, 32 H. 8. 28.

A recovery enrolled.

7 Wife or her heirs ſhall not avoid a Recovery enrolled in a Corporate Town, having power to receive the ſame, 34 H. 8. 22.

A Cui in vita.

8 If the husband do loſe by default any Land which he hath in his wives right, the wife after his death may recover the ſame by a *Cui in vita,* 13 Ed. 1. 3.

Conveying a woman under xvi. years.

9 The penalty for conveying away a woman child unmarried under the age of ſixteen years, from the poſſeſſion of him which hath the governance of her, 4 & 5 P. & M. 8.

Contracting Matrimony with one under xvi. years.

10 The penalty for taking away and deflowring or contracting Matrimony with a woman child under ſixteen years of age without the conſent of him that hath the governance of her, 4 & 5 P. & *M.* 8.

Conſenting to unlawful Contract.

11 The forfeiture of a woman between twelve and ſixteen years of age, conſenting to ſuch an unlawful contract of Matrimony, 4 & 5 *P.* & *M.* 8.

Taking againſt her Will.

12 It ſhall be felony without benefit of Clergy, to take away a woman againſt her will unlawfully, that hath any Lands or goods, which is inforced to be bound by Obligation or Statute, 31 H. *6.* 9.

Enforced to be bound.

13 A remedy for a woman being ſole, and having Lands or Goods, or is Heir apparant to her Anceſtour. 3 H. 7. 2. 39 El. 9.

Her ſuit not deferred by the heirs minority.

14 The ſuit of a woman, or her heirs, for Land, ſhall not be deferred by the minority of the heir, which ought to warrant it, 13 *Ed.* 1. 40.

Rape, or conſenting.

15 What puniſhment doth enſue the Rape of a Woman, or conſenting to Rape, 13 Ed. 1. 34. *6* R. 2. *6.* 18 El. 7.

Forfeiture of Joynture, or Dower, &c.

16 Where a Woman ſhall have her Quarentine, where her Joynture, where her Dower, and what cauſes there be of concluſion or forfeiture thereof, *9 H.* 3. 7. 20 H. 3. 1. 13 Ed. 1. 4 & 34. 1 Ed. *6.* 12. 5 *Ed. 6.* 11.

Appeal.

17 In what only caſe a woman may have an Appeal of death, 9 H. 3. 34.

Compellable to ſerve.

18 In what caſe a woman above the age of twelve years, is compellable to ſerve by the year, by the week, or day, 5 *El.* 4.

Leaſes.

19 What Leaſes made of a Womans Land during her coverture, ſhall bind her, and what not, 32 *H.* 8. 28.

A Widow holding in Chief.

20 How widowes, or other women, which hold of the king in chief, ſhall be uſed, 17 Ed. 2. 4-5. *6* 32 *H.* 8. 46.

Receit.

21 In what caſe a woman covert ſhall be received to defend her right of Lands demanded againſt her husband and her, 13 Ed. 1. 3.

Her Will not effectual.

22 A Will made by a woman covert of Lands, is not effectual in Law, 34 H. 8. 5.

A Widowes crop.

23 A Will made by a Widow of the crop of her ground, is good in Law, 20 H. 3. 2.

Recuſants abode

24 How far a woman ſhall be bound by the Statute provided to reſtrain Recuſants to certain places of abode. 35 El. 20.

Married Recuſants.

25 *How* far a married woman ſhall be bound by the Statute provided to reſtrain popiſh recuſants to certain places of abode, 45 El. 2.

A Recuſants during her husbands life.

26 A woman or her husband ſhall not be charged with any forfeiture for any offence of not receiving the Sacrament, which ſhall happen during her marriage, 3 Jac. 4.

Not coming to the Church, &c.

27 The penalty of a married woman Recuſants which ſhall not come to the Church, and receive the Sacrament, 7 Jac. *6.*

Forfeiture after her husbands death.

28 The ſeveral penalties and forfeitures which a married woman Recuſant ſhall ſuſtain after the death of her husband 3 Jac 5.

Not lawfully married.

29 The penalty of a woman that is a popiſh Recuſant that ſhall be married otherwiſe then according to the Orders of the Church of England, by a Lawful Miniſter, 3 Jac. 5.

Levying of a Fine.

30 A woman covert ſhall be examined, before a Fine ſhall be levied by her, Stat. 18 Ed. 1.

No mortuary.

31 No mortuary ſhall be payd for a woman covert, 21 H. 8. 5.

Counteſſes Chaplains.

32 Dutcheſſes, Counteſſes, Baroneſſes, being Widows, may have two Chaplains, 21 *H.* 8. 13.

Tryal of Ladies.

33 By what perſons, Dutcheſſes, Counteſſes, and women of great Eſtate, indicted of Treaſon or Felony, ſhall be tryed, 20 H. *6.* 9.

Married within age.

34 A woman married within age, may refuſe her husband and marry another, 17 Ed. 2. *6.*

Burned in the hand.

35 For Felony, where a man may have his clergy, a woman ſhal be burned in the hand, 21 Jac. *6.*

Worſteds.

Wardens in Norwich and Norfolk.

1 THere ſhall be four Wardens of Worſted Weavers yearly choſen within the City of Norwich, and four within the County of Norfolk; Their Oath, Office, and authority, 7 Ed. 4. 1.

Wardens in Yarmouth and Lynne.

2 Worſted Weavers of great Yarmouth and Lynne, in the County of Norfolk may yearly chooſe one houſholder of either of the ſaid Towns, to be Warden of the ſaid Craft within the ſaid Towns for the year following. The ſaid Wardens Oath, Office, and authority, 14 *H.* 8. 4. 27 H. 8. 16.

Dry Kallender.

3 The forfeiture of him which doth dry Kallender Worſteds, 5 *H.* 8. 4. 25 *H.* 8. 5.

Wet Kallender.

4 Who ſhall wet Kallender Worſteds, and the forfeiture of him that doth the contrary, 5. H. 8. 4. 25 H. 8. 5.

A Dyer ſhall not Kallender.

5 No perſon that dieth Worſteds, Stamins, or Sayes, ſhall Kallender them, 25 *H.* 8. 5.

When it ſhall be tranſported.

6 No VVorſteds ſhall be tranſported beyond the Sea, before the ſame be ſhorn, coloured, and kallendred, 14 H. 8. 3.

What tranſported, &c.

7 What ſort of Worſteds may be tranſported, and what not 17 R. 2. 3.

Worſted Weavers.

8 What ſort of perſons only ſhall be weavers of Worſteds Sayes, or Stamins in great Yarmouth and Lynne, 14 *H.* 8. 3. *26* H. 8. 1*6.*

Made in Lynne and Yarmouth.

9 The Worſteds made at Lynne and Yarmouth ſhall be dyed, ſhorn, and Kallendred at Norwich, 14 *H.* 8. 3 *26* H. 8 1*6.*

Their length, bredth.

10 Of what length and breadth, Worſteds and Motleyes, and Channon Clothes of ſeveral Aſſiſes, ſhall be. 7 Ed. 4. 1.

Marking of them.

11 No worſted Weaver of Norwich, or Norfolk, ſhall make any Worſted, unleſſe he put his proper mark fixed or woven upon the ſame, ordained by the Wardens of the ſaid myſtery, 7 Ed. 4. 1.

Buying of Yarn.

12 Who only may buy Worſted Yarn ſpun in Norwich, or in the County of Norfolk, 33 H. 8. 16. 1 Ed. *6. 6.* 5 Ed. *6* 7.

No Tranſportation.

13 Worſted, Yarn ſpun in England, ſhall not be tranſported beyond the Sea. 33 H. 8. 1*6.* 1 Edw. *6. 6.* 5. Ed. *6.* 7.

Apprentices.

14 What apprentices, Worſted makers, dwelling in Lynne and great Yarmouth, may take, 14 H. 8. 3. *26* H. 8. 16. 5 El. 4.

VVreck of the Sea.

Which ſhall be, and how uſed.

1 WHich ſhall be ſaid Wreck of the Sea, and which not. And how wreck of the Sea ſhall be uſed, 3 Ed. 1. 4.

A Coroners inquiry.

2 A Coroner ſhall enquire of the Wreck of the Sea, and the price thereof, and deliver it to the Towns to anſwer, 4 Ed. 1. *Officium Coronatoris.*

The King ſhall have it.

3 The King by his Prerogative ſhall have the Wreck of the Sea thorow the Realm, 17 Ed. 2. 11.

Trial thereof.

4 VVreck of the Sea ſhall be tryed by the Common Law, and not by the Admiral, 15 R. 2. 3.

Goods not Wrecked.

5 Goods broken upon the Sea, which cannot be ſaid wreck, ſhall be delivered to the Owners, 27 Ed. 3. 13.

VVrits, and abatement of VVrits and Proceſs.

Addition.

1 IF in an Original VVrit where an *Exigent* ſhall be awarded, the addition of the name, myſtery, and degree of the

Defendant ſhall not be put, the Writ ſhall abate, 1 H. 5. 5.

Not brought in the Right County.

2 If a VVrit be brought in any other County, than where the Contract was made, it ſhall be void, 6 R. 2. 2.

Joynt-Tenancy.

3 If in an Aſſiſe of *Mortdanceſtor* or *Juris utrum*, the defendant do plead Joynt-Tenancy with any other, and that be found by Verdict, The VVrit ſhall abate, 34 Ed. 1. *de Conjunctim feoffatis.*

Aſſiſe without cauſe.

4 If an Aſſiſe be brought wrongfully againſt the Sheriff of a County, to the intent the ſame may be directed to the Coroner, the VVrit ſhall abate.

County Palatine.

5 Certain VVrits, which ſhall be ſealed with the Seal of the County Palatine of Lancaſter, 5 Ed. *6.* 26.

In the Kings-Name.

6 All VVrits, Indictments, and Proceſs ſhall be made in the name of the King, and none other, 27 *H.* 8. 24.

The goods worth forty ſhillings.

7 Writs of Treſpaſſe ſhall not be brought before Juſtices unleſs the goods taken away were worth forty ſhillings, 6 Ed. 1. 8.

Writs Return dayes.

8 Writs and Proceſſe ſhall not be diſcontinued for not holding certain dayes of Return, 12 Car. 2. 3.

Names and Titles.

9 Under what names and Titles they may be proceeded upon, 12 Car. 2. 3.

English.

10 To continue in Engliſh for a certain time, 12 Car. 2. 3.

Kings name.

11 All writs, Patents, &c. ſhall iſſue in the Kings Name 12 Car. 2. 3.

Judicial proceedings allowed.

12 What acts and proceedings ſhall not be avoided, 12 Car. 2. 3.

Yarn and Thrums.

Who onely may buy it.

1 WHo only may buy Worſted Yarn ſpun in Norfolk, or in the City of Norwich, or Middle Uſſe Yarn. 33 *H.* 8. 16. 1 Ed. *6.6.* 5. Ed. *6.7.*

Tranſportatin.

2 The forfeiture of him which doth tranſport any worſted Yarn beyond the Sea, 33 H. 8. *16.* 1 Ed. *6. 6.* 5 Ed. *6. 7.*

Tranſportation of Woollen Yarn.

3 The forfeiture of him that doth tranſport any Thrums or VVoollen Yarn, under the colour of Thrums, 8 *H. 6.* 23.

None ſhall buy but to make into Cloth.

4 The penalty of him which doth buy Yarn, or Wooll, if he will not make Cloth thereof, 8 H. *6.* 5.

Woollen Yarn tranſported.

5 No VVoollen Yarn ſhall be tranſported, but which is wrought within the Realm, 7 Ed, 4. 3,

Open Market.

6 None ſhall buy coloured VVoollen Yarn but in open Market, 6 H. 8. 9.

All the Yarn ſhall be weaved or reſtored.

7 The VVeaver ſhall put all the Yarn into the Cloth or elſe reſtore it, 6 H. 8. 9.

A

A VIEW and DIGEST of the ſeveral Seſſions of Parliament, holden from the beginning of *Magna Charta*, until this preſent time, according to the Order of Statutes printed in Engliſh, and mentioned in this Book:

Tempore Henrici tertii.

M*Agna Charta*, made 10. *die Februarii, Anno* 9 H. 3. *& anno Domini*, 1224. containing Acts and Chapters 37.

Charta Foreſtæ, made at Weſtminſt. *eiſdem die & anno*, and confirmed *an.* 28 *Ed.* 1: *& anno Dom.* 1299. containing Chap. 16.

Statutum Hiberniæ, made at Weſtminſter 9. *die Februarii, Anno* 14 *H.* 3. *& anno Domini* 1229.

Statutes made at Merton 23. *die Januarii anno* 20 *H.* 3. *& anno Dom.* 1235. containing Chap. 11.

The Statute *de anno Biſſextili*, made at Weſtm. *anno* 21 *H.* 3. *& anno Domini*, 1236.

The Statutes intituled *Aſſiſa Panis & Cerviſiæ*, made *anno* 51 *H.* 3. *& anno Dom.* 1266.

The Statute concerning general dayes in Bank in Real Actions, made *Anno* 15 *H.* 3: *& anno Domini*, 1266.

The Statute made *an.* 51 *H.* 3. *an. Dom.* 1266; concerning general Dayes in a Writ of Dower.

The Statute *de Diſtrictione Scaccarii*, made *anno* 41 *H13. & anno Dom.* 1266.

Statatum de Scaccario, made *anno* 51 *H.* 3. *anno Dom.* 1266.

A Statute of the Pillory and Tumbrell, and of the Aſſiſe of Bread and Ale, made *anno* 51 *H.* 3. *& anno Domini*, 1266.

Statutes made at Marlebridge 18 *Novemb. anno* 52 *H.* 3. *& anno Domini*, 1267. containing Chapters 29.

An Award made between the King and his Commons at Kenelworth, *anno* 51 *H.* 3.

A Sentence of Excommunication againſt the Breakers of the great Chatter, &c.

Tempore Edwardi primi.

THe Statute of Weſtminſter the firſt, made at Weſtm. 25. *die April an.* 3 *Ed.* 1. *& an. Dom:* 1275. containing Chap. 48.

A Statute intituled *Extenta Manerii*, made *anno* 4 *Ed.* 1. *& an. Dom.* 1276. expreſſing a Survey of the Buildings, Lands, Commons, Parks, Woods, Tenants, &c.

A Statute *de Officio Coronatoris*, made *an.* 4 *Ed.* 1. *& anno Dom.* 1276.

The Stat. of *Bigamy*, made 4. *Octobris, anno* 6 *Ed.* 1. *& an. Dom.* 1278. containing Chap. 6.

Statutes made at Glouceſter 4. *Octobris, anno* 6 *Ed.* 1. *& an. Dom.* 1278. containing Chap. 15.

An Expoſition of the ſaid Stat. of Glouceſt. made *eodem anno.*

A Stat. made 30. *die Octobris, anno* 7 *Ed.* 1: *& anno Domini*, 1279, *De defenſ. portand. Arma.*

The Stat. of *Mortmaine*, made 14 *Novemb. anno* 7 *Ed.* 1. *& anno Dom.* 1279.

A Statute made 2. *Maii, anno* 9 *Ed.* 1. *anno Dom.* 1281. correcting the twelfth Chapter of the Stat. of Glouceſter, touching calling a Foreign to warranty in London.

A new Stat. of the Exchequer, called the Stat. of *Rutland*, made 14. *Maii, anno* 10 *Ed.* 1. *& anno Domini*, 1282. touching the Recovery of the Kings Debts.

The Stat. of *Acton Burnel*, made *anno* 13 *Ed.* 1. *& anno Domini*, 1285.

The Statutes of Weſtminſter 2. made *anno* 13 *Ed.* 1. *& anno Domini*, 1285. containing Chapters 49.

The Statute of *Wincheſter* made at Weſtminſter 8. *die Octobris, anno* 13 *Ed.* 1. *& an Dom.* 1285. containing Chapters 6.

The Stat. of Merchants, made at Weſtminſter, *anno* 13 *Ed.* 1. *& anno Dom.* 1285.

The Stat. of *Circumſpecte agatis*, made *anno* 17 *Ed.* 1. *& anno Dom.* 1285.

Ordinatio pro ſtatu Hiberniæ, made *anno* 17 *Ed.* 1. *& anno Domini*, 1288. containing Chapters 8.

The Statute of Weſtminſter the third, *viz.* of *Quia Emptores terrarum*, made *Anno* 18 *Ed.* 1. *& anno Dom.* 1290.

The Statute of *Quo Warranto*, made *anno* 18 *Ed.* 1. *& anno Dom.* 1290.

Another new Statute of *Quo Warranto*, made the ſame year.

The Statutes of Fines, made the ſame year.

The Statute of Vouchers, made the twentieth year, *anno Dom.* 1292.

A Statute of Waſte made *anno* 20 *Ed.* 1. *& anno Dom.* 1292.

The Statute *De defenſ. Juris*, made the ſame year.

Statut. de hiis qui ponendi ſunt in Aſſiſis, made *anno* 21 *Ed.* 1. *& anno Dom.* 1293.

Statut. de Malefactoribus in Parcis, made the ſame year.

The Statute of Conſultation, made *anno* 24 *Ed.* 1. *& anno Dom.* 1296.

Statutes made at London 10. *Octobris anno* 25 *Ed.* 1. *& anno Dom.* 1297. containing Chap. 7.

Defendant ſhall not be put, the Writ ſhall abate, 1 *H.* 5. 5.

Not brought in the Right County.

2 If a VVrit be brought in any other County, than where the Contract was made, it ſhall be void, 6 R. 2. 2.

Joynt-Tenancy.

3 If in an Aſſiſe of *Mortdanceſtor* or *Juris utrum*, the defendant do plead Joynt-Tenancy with any other, and that be found by Verdict, The VVrit ſhall abate, 34 Ed. 1. *de Conjunctim feoffatis.*

Aſſiſe without cauſe.

4 If an Aſſiſe be brought wrongfully againſt the Sheriff of a County, to the intent the ſame may be directed to the Coroner, the VVrit ſhall abate.

County Palatine.

5 Certain VVrits, which ſhall be ſealed with the Seal of the County Palatine of Lancaſter, 5 Ed. *6.* *26.*

In the Kings-Name.

6 All VVrits, Indictments, and Proceſs ſhall be made in the name of the King, and none other, 27 *H.* 8. 24.

The goods worth forty ſhillings.

7 Writs of Treſpaſſe ſhall not be brought before Juſtices unleſs the goods taken away were worth forty ſhillings, 6 Ed. 1. 8.

Writs Return dayes.

8 Writs and Proceſſe ſhall not be diſcontinued for not holding certain dayes of Return, 12 Car. 2. 3.

Names and Titles.

9 Under what names and Titles they may be proceeded upon, 12 Car. 2. 3.

English. Kings name.

10 To continue in Engliſh for a certain time, 12 Car. 2 3.

11 All writs, Patents, &c. ſhall iſſue in the Kings Name 12 Car. 2. 3.

Iudicial proceedings allowed.

12 What acts and proceedings ſhall not be avoided, 12 Car. 2. 3.

Yarn and Thrums.

Who onely may buy it.

1 WHo only may buy Worſted Yarn ſpun in Norfolk, or in the City of Norwich, or Middle Uſſe Yarn. 33 *H.* 8. 16. 1 Ed. *6.* *6.* 5. Ed. *6.* *7.*

Tranſportatin.

2 The forfeiture of him which doth tranſport any worſted Yarn beyond the Sea, 33 H. 8. *16.* 1 Ed. *6.* *6.* 5 Ed. *6.* *7.*

Tranſportation of Woollen Yarn.

3 The forfeiture of him that doth tranſport any Thrums or VVoollen Yarn, under the colour of Thrums, 8 *H.* *6.* 23.

None ſhall buy but to make into Cloth.

4 The penalty of him which doth buy Yarn, or Wooll, if he will not make Cloth thereof, 8 H. *6.* 5.

Woollen Yarn tranſported.

5 No VVoollen Yarn ſhall be tranſported, but which is wrought within the Realm, 7 Ed, 4. 3,

Open Market.

6 None ſhall buy coloured VVoollen Yarn but in open Market, 6 H. 8. 9.

All the Yarn ſhall be weaved or reſtored.

7 The VVeaver ſhall put all the Yarn into the Cloth or elſe reſtore it, 6 H. 8. 9.

A

A VIEW and DIGEST of the ſeveral Seſſions of Parliament, holden from the beginning of *Magna Charta*, until this preſent time, according to the Order of Statutes printed in Engliſh, and mentioned in this Book:

Tempore Henrici tertii.

M*Agna Charta*, made 10. *die Februarii, Anno* 9 H. 3. *& anno Domini*, 1224. containing Acts and Chapters 37.

Charta Foreſtæ, made at Weſtminſt. *eiſdem die & anno*, and confirmed *an.* 28 *Ed.* 1. *& anno Dom.* 1299. containing Chap. 16.

Statutum Hiberniæ, made at Weſtminſter 9. *die Februarii, Anno* 14 *H.* 3. *& anno Domini* 1229.

Statutes made at Merton 23. *die Januarii anno* 20 *H.* 3. *& anno Dom.* 1235. containing Chap. 11.

The Statute *de anno Biſſextili*, made at Weſtm. *anno* 21 *H.* 3. *& anno Domini*, 1236.

The Statutes intituled *Aſſiſa Panis & Cerviſiæ*, made *anno* 51 *H.* 3. *& anno Dom.* 1266.

The Statute concerning general dayes in Bank in Real Actions, made *Anno* 15 *H.* 3. *& anno Domini*, 1266.

The Statute made *an.* 51 *H.* 3. *an. Dom.* 1266. concerning general Dayes in a Writ of Dower.

The Statute *de Diſtrictione Scaccarii*, made *anno* 41 *H.* 3. *& anno Dom.* 1266.

Statutum de Scaccario, made *anno* 51 *H.* 3. *anno Dom.* 1266.

A Statute of the Pillory and Tumbrell, and of the Aſſiſe of Bread and Ale, made *anno* 51 *H.* 3. *& anno Domini*, 1266.

Statutes made at Marlebridge 18 *Novemb. anno* 52 *H.* 3. *& anno Domini*, 1267. containing Chapters 29.

An Award made between the King and his Commons at Kenelworth, *anno* 51 *H.* 3.

A Sentence of Excommunication againſt the Breakers of the great Charter, &c.

Tempore Edwardi primi.

THe Statute of Weſtminſter the firſt, made at Weſtm. 25. *die April an.* 3 *Ed.* 1. *& an. Dom.* 1275. containing Chap. 48.

A Statute intituled *Extenta Manerii*, made *anno* 4 *Ed.* 1. *& an. Dom.* 1276. expreſſing a Survey of the Buildings, Lands, Commons, Parks, Woods, Tenants, &c.

A Statute *de Officio Coronatoris*, made *an.* 4 *Ed.* 1. *& anno Dom.* 1276.

The Stat. of *Bigamy*, made 4. *Octobris, anno* 6 *Ed.* 1. *& an. Dom.* 1278. containing Chap. 6.

Statutes made at Glouceſter 4. *Octobris, anno* 6 *Ed.* 1. *& an. Dom.* 1278. containing Chap. 15.

An Expoſition of the ſaid Stat. of Glouceſt. made *eodem anno*.

A Stat. made 30. *die Octobris, anno* 7 *Ed.* 1. *& anno Domini*, 1279, *De defenſ. portand. Arma.*

The Stat. of *Mortmaine*, made 14 *Novemb. anno* 7 *Ed.* 1. *& anno Dom.* 1279.

A Statute made 2. *Maii, anno* 9 *Ed.* 1. *anno Dom.* 1281. correcting the twelfth Chapter of the Stat. of Glouceſter, touching calling a Foreign to warranty in London.

A new Stat. of the Exchequer, called the Stat. of *Rutland*, made 14. *Maii, anno* 10 *Ed.* 1. *& anno Domini*, 1282. touching the Recovery of the Kings Debts.

The Stat. of *Acton Burnel*, made *anno* 13 *Ed.* 1. *& anno Domini*, 1285.

The Statutes of Weſtminſter 2. made *anno* 13 *Ed.* 1. *& anno Domini*, 1285. containing Chapters 49.

The Statute of *Wincheſter* made at Weſtminſter 8. *die Octobris, anno* 13 *Ed.* 1. *& an Dom.* 1285. containing Chapters 6.

The Stat. of Merchants, made at Weſtminſter, *anno* 13 *Ed.* 1. *& anno Dom.* 1285.

The Stat. of *Circumſpecte agatis*, made *anno* 17 *Ed.* 1. *& anno Dom.* 1285.

Ordinatio pro ſtatu Hiberniæ, made *anno* 17 *Ed.* 1. *& anno Domini*, 1288. containing Chapters 8.

The Statute of Weſtminſter the third, *viz.* of *Quia Emptores terrarum*, made *Anno* 18 *Ed.* 1. *& anno Dom.* 1290.

The Statute of *Quo Warranto*, made *anno* 18 *Ed.* 1. *& anno Dom.* 1290.

Another new Statute of *Quo Warranto*, made the ſame year.

The Statutes of Fines, made the ſame year.

The Statute of Vouchers, made the twentieth year, *anno Dom.* 1292.

A Statute of Waſte made *anno* 20 *Ed.* 1. *& anno Dom.* 1292.

The Statute *De defenſ. Juris*, made the ſame year.

Statut. de hiis qui ponendi ſunt in Aſſiſis, made *anno* 21 *Ed.* 1. *& anno Dom.* 1293.

Statut. de Malefactoribus in Parcis, made the ſame year.

The Statute of Conſultation, made *anno* 24 *Ed.* 1. *& anno Dom.* 1296.

Statutes made at London 10. *Octobris anno* 25 *Ed.* 1. *& anno Dom.* 1297. containing Chap. 7.

The Sentence of the Clergy given againſt the Breakers of the foreſaid Articles.

Statut. de Finibus levatis, made *anno* 27 *Ed.* 1. *anno Domini*, 1299. containing Chapters 4.

Ordinatio de Libertatibus perquirendis, made the ſame year.

The Statute of Wards and Relief, made *anno* 28 *Ed.* 1. *& anno Dom.* 1300.

A Statute for perſons appealed, made the ſame year.

Articuli ſuper Chartas, made at Weſtminſter *anno* 28 *Ed.* 1. containing Chapters 20.

Statut. de Eſcaetoribus, made at Lincoln *Octabis Hillarii*, *Anno* 29 *Ed.* 1. *& anno Dom.* 1301.

A new Statute of *Quo Warranto*, made at Glouceſter, *anno* 30 *Ed.* 1. *& anno Domini*, 1301.

An Ordinance for meaſures, *Anno* 31 *Ed.* 1. *& anno Domini*, 1302.

Statut. de Protectionibus, made at Weſtminſter 18. *Novembris*, *anno* 33 *Ed.* 1. *& anno Domini*, 1305.

A Definition of Conſpirators, made the ſame year.

The Statute of Champerty, made 18. *Sept.* the ſame year.

An Ordinance for Enqueſts, made the ſame day and year.

Ordinatio Foreſtæ, made the ſame year.

An Ordinance for meaſuring of Land, made *anno* 34 *Ed.* 1. *& anno Domini*, 1306.

The Statute of *Conjunctim feoffatis* made 27. *die Maii*, the ſame year.

Articles of Inquiſition upon the Statute of Wincheſter.

Stat. of Amortizing Lands.

Stat. whereby the King granteth Liberties, &c. intituled, *de Tallagio non Concedendo*, containing Chapters 6.

Ordinatio Foreſtæ, made *anno* 34 *Ed.* 1. *& anno Dom.* 1306. containing Chapters 6.

Statut. de Aſportatis Religioſorum, made *anno* 35 *Ed.* 1. *& anno Dom.* 1307. containing Chapters 4.

Ne Rector proſternat arbores in Cœmiterio, made the ſame year.

Tempore Edwardi ſecundi.

A Statute for Knights, made *anno* 1 *Ed.* 2. *& anno Domini*, 1307.

Statut. de frangentibus Priſonam, made the ſame year.

Articuli Cleri, made at Lincoln, *anno* 9 *Ed.* 2. *& anno Domini*, 1315. containing Chapters 16.

The Statute for Sheriffs made there the ſame year.

The Statute of Gavelet, made at London, *anno* 10 *Ed.* 2. *& anno Dom.* 1316.

The Statute of York, made 20 *Octobris*, *Anno* 12 *Ed.* 2. *& anno Domini*, 1318. containing Chapters *6*.

The Statute of Eſſoines, made the ſame year.

The Statute of Carlile, made *anno* 15 *Ed.* 2. *& anno Domini*, 1322.

Prerogativa Regis, made *anno* 17 *Ed.* 2. *& anno Domini*, 1324. containing Chapters 27.

The manner of doing Homage, made the ſame year.

Statut. de terris Templariorum, made *anno* 17 *Ed.* 2. *& anno Domini*, 1324.

Stat. de viſu Franciplegii, made *anno* 18 *Ed.* 2. *& anno Domini*, 1325.

Statute of Prices, made *anno* 28 *Ed.* 1. and confirmed by King *Ed.* 2.

Statutes made during the Reigns of King *Henry* the Third, King *Edward* the Firſt, or King *Edward* the Second, but uncertain, when, or in which of their times, *viz.*

Articles againſt the Kings Prohibition.

An Ordinance for Bakers, Brewers and other Victuallers, and for Elnes, Buſhels and Foreſtallers, containing Chapters eleven.

Tempore Edwardi tertii.

Statutes made at Weſtminſter, 7 *Martii*, *anno* 1 *Ed.* 3. *& anno Domini*, 1327. containing Chapters 8.

Other Statutes made at Weſtminſter the ſame year, containing Chapters 17.

Stat. made at Northampton, *tribus Septimanis Paſchæ*, *anno* 2 *Ed.* 3. 2. *& anno Domini*, 1328. containing Chapters 17.

Statutes made at Weſtm. 27. *Novemb. anno* 4 *Ed.* 3. *& anno Domini*, 1330. containing Chap. 15.

Statutes made at Weſtminſter *Craſtino Michaelis*, *Anno* 5 *Ed.* 3. *& Anno Domini*, 1331. containing Chapters 14.

Stat. made at York *Craſtino Aſcenſionis*, *an.* 9 *Ed.* 3. *& anno Domini*, 1335. containing Chap. 5.

Stat. of Money made there the ſame year, containing Chapters 11.

Stat. made at Weſtm. *anno* 10 *Ed.* 3. *& anno Dom.* 1336. containing Chapters 3.

Stat. of Purveyors made at Weſtminſter the ſame year, containing Chapters 5.

Statutes made at Weſtminſter 27. *Sep. anno* 11 *Ed.* 3. *& anno Domini*, 1337. containing Chapters 5.

Statutes made at Weſtminſter *Mercurii poſt medium Quadrageſimæ*, *anno* 14 *Ed.* 3. *& anno Domini*, 1340. containing Chapters 21.

Other Statutes made there the ſame day and year, containing Chapters 2.

Another *Stat. de Clero*, made there the ſame time, containing Chapters 5.

Stat. de Corona Angliæ, made there the ſame time.

Statutes made at Weſtminſter *Quindena Paſchæ*, *anno* 15 *Ed.* 3. *& anno Domini*, 1341. containing Chapters 6.

A Repeal of the former Statutes of *Quindena Paſchæ*, made at Weſtminſter 1. *Octobris* the ſame year.

A third Statute the ſame year.

Stat. made 18 *E.* 3. *anno* 1344. of awarding Exigents.

Stat. made *anno* 18 *Ed.* 3. *& anno Domini*, 1344. containing Chapters 7.

A Stat. of the Clergy made the ſame year, containing Chapters 7.

The Oath of Juſtices, made the ſame year.

The Oath of the Clerks of the Chancery, and of Courſe, made the ſame year.

Stat. made at Weſtm. 7. *Maii*, *anno* 20 *Ed.* 3. containing Chapters 6.

Stat. of Labourers, made *anno* 23 *Ed.* 3. & *anno Domini*, 1340. containing Chapters 8.

Stat. of Labourers, made *anno* 25 *Ed.* 3. & *anno Domini*, 1350. containing Chapters 8.

A Statute made the ſame year of thoſe which be born beyond Sea.

A Stat. for the Clergy, made the ſame year, containing Chapters 9.

A Stat. for Clothes, made the ſame year, containing Chapters 4.

A Stat. for Purveyors, made the ſame year, containing Chapters 23.

The Statute of Proviſors of Benefices, the ſame year.

The Statute of levying the Fifteen, made the ſame year.

The Statute of Adnullers of Judgments, given in the Kings Court, otherwiſe called the Statute of Proviſors, made *anno* 27 *Ed.* & *anno Domini*, 1353. containing Chapters 8.

Stat. of the Staple, made the ſame year, containing Chapters 28.

Another for the Officers Fees there, made the ſame year.

Statutes made *anno* 28 *Ed.* 3. & *anno Domini*, 1354. containing Chapters 15.

Stat. made at Weſtminſter *anno* 31 *Ed.* 3. & *anno Domini*, 1357. containing Chapters 15.

The Statute of Herrings, made the ſame year, containing Chapters 3.

Another for Fiſh, made the ſame year, containing Chapters 2.

Statutes made at Weſtminſter *anno* 34 *Ed.* 3. & *anno Domini*, 1360. containing Chapters 22.

An Ordinance of Herrings, made *anno* 35 *Ed.* 3. & *anno Domini*, 1361.

Statutes made at Weſtminſter, *anno* 36 *Ed.* 3. & *anno Domini*, 1362. containing Chapters 16.

Statutes made at Weſtminſter *anno* 37 *Ed.* 3. & *anno Domini*, 1363. containing Chapters 19.

Statutes made at Weſtminſter *anno* 38 Ed. 3. & *Anno Domini*, 1364. containing Chapters 12.

Statutes made the ſame year for Proviſors, containing Chapters 4.

Statutes made at Weſtminſter *anno* 42 *Ed.* 3. & *Anno Domini*, 1368. containing Chapters 11.

Statutes made *anno* 43 *Ed.* 3. & *anno Domini*, 1369. containing Chapters 4.

Statutes made at Weſtminſter *anno* 45 *Ed.* 3. & *anno Domini*, 1371. containing Chapters 4.

Statutes made *anno* 47 *Ed.* 3. & *anno Domini*, 1375. containing Chapters 2.

Statutes made at Weſtminſter *Anno* 50 *Ed.* 3. & *Anno Domini*, 1378. containing Chapters 8.

Tempore Richardi Secundi:

Statutes made at Weſtminſter *anno* 1 *R.* 2. & *anno Domini*, 1378. containing Chapters 15.

Statutes made at Glouceſter *anno* 2 *R.* 2. & *anno Domini*, 1379. containing Chapters 8.

Other Statutes made at Weſtminſter the ſame year, containing Chapters 3.

Statutes made at Weſtminſter, *anno* 3 *R.* 2. & *anno Domini*, 1379. containing Chapters 3.

Statute made at Northampton, *anno* 4 *R.* 2. & *anno Domini*, 1380. containing Chapters 2.

Statute made at Weſtminſter, *anno* 5 *R.* 2. & *anno Domini*, 1381. containing Chapters 16.

Other Statutes made at Weſtminſter the ſame year, containing Chapters 5.

Statutes made at Weſtminſter, *anno* 6 *R.* 2. & *anno Domini*, 1382. containing Chapters 13.

Other Statutes made at Weſtminſter the ſame year, containing Chapters 3.

Statute made at Weſtminſter, *anno* 7 *R.* 2. & *anno Domini*, 1383. containing Chapters 17.

Statute made at Weſtminſter, *anno* 8 *R.* 2. & *anno Domini*, 1384. containing Chapters 5.

Statute made at Weſtminſter, *anno* 9 *R.* 2. & *anno Domini*, 1385. containing Chapters 5.

Stat. made *Anno* 10 *R.* 2. & *anno Domini*, 1386.

Statutes made at Weſtminſter, *anno* 11 *R.* 2. & *anno Dom.* 1387. containing Chapters 11.

Statutes made at Cambridge, *anno* 12 *R.* 2. & *anno Domini*, 1388. containing Chapters 16.

Statute made at Weſtminſter, *anno* 13 *R.* 2. & *anno Domini*, 1389. containing Chapters 20.

Other Statutes made there the ſame year, containing Chapters 3.

Statutes made at Weſtminſter, *anno* 14 *R.* 2. & *anno Domini*, 1390. containing Chapters 12.

Statutes made at Weſtminſter, *anno* 15 *R.* 2. & *anno Domini*, 1391. containing Chapters 12.

Statute made at Weſtminſter, *anno* 16 *R.* 2. & *anno Domini*, 1392. containing Chapters 6.

Statute made at Weſtminſter, *anno* 17 *R.* 2. & *anno Domini*, 1393. containing Chapters 10.

Statutes made at Weſtminſter, *anno* 20 *R.* 2. & *anno Domini*, 1396. containing Chapters 6.

Statutes made at Weſtminſter, *Anno* 21 *R.* 2. & *anno Domini*, 1397. containing Chapters 20.

Tempore Henrici quarti.

Statutes made at Weſtminſter, *Anno* 1 *H.* 4. & *anno Domini*, 1399. containing Chapters 20.

Statutes made at Weſtminſter, *anno* 2 *H.* 4. & *anno Domini*, 1400. containing Chapters 24.

Statutes made at Weſtminſter *anno* 4 *H.* 4. & *anno Domini*, 1402. containing Chapters 35.

Statutes made at Weſtm. *anno* 5 *H.* 4. & *anno Domini*, 1403. containing Chapters 15.

Statutes made at Coventry, *Anno* 6 *H.* 4. & *anno Domini*, 1404. containing Chapters 4.

Statute made at Weſtm. *anno* 7 *H.* 4. & *anno Domini*, 1405. containing Chapters 18.

Statutes made at Glouceſter *anno* 9 *H.* 4. & *anno Domini*, 1407. containing Chapters 6.

Stat. made at Weſtm. *anno* 11 *H.* 4. & *anno Dom.* 1409. containing Chapters 9.

Statute made at Weſtm. *anno* 13 *H.* 4. & *anno Domini*, 1411. containing Chapters 7.

Tempore Henrici quinti.

Statutes made at Weſtminſter, *Anno* 1 *H.* 5. & *anno Domini*, 1413. containing Chapters 10.

Statutes made at Leiceſter *anno* 2 *H.* 5. & *anno Domini*, 1414. containing Chapters 9.

Other Statutes made at Weſtminſter the ſame year, containing Chapters 6.

A Statute made *anno* 3 *H.* 5. & *an. Dom.* 1415. forbidding Gally half pence, &c.

Other Statutes made at Weſtm. the ſame year, containing Chap. 8.

Statutes made at Weſtminſter *anno* 4 *H.* 5. & *anno Domini*, 1416, containing Chapters 8.

A Statute made at Weſtm. *anno* 5 *H.* 5. & *anno Domini*, 1417.

A Statute made at Weſtminſter, *Anno* 7 *H.* 5. & *an. Dom.* 1419.

A Statute made at Weſtminſter, *Anno* 8 *H.* 5. & *Anno Domini*, 1420. containing Chapters 3.

Statutes made at VVeſtm. *anno* 9 *H.* 5. & *anno Domini*, 1421. containing Chapters 12.

Other Statutes made there the ſame year, containing Chapters 10.

Tempore Henrici Sexti.

Statutes made at Weſtminſter, *anno primo H.*6. & *anno Domini*, 1422. containing Chapters 5.

Statutes made at Weſtm. *anno* 2 *H.* 6. & *an. Domini*, 1423. containing Chapters 15.

Stat. made at Weſtm. *anno* 3 *H.*6. & *anno Dom.* 1424. containing Chapters 5.

Stat. made at Leiceſter, *anno* 4 *H.*6 & *anno Dom.* 1425. containing Chapters 5.

Statutes made at Weſtm. *anno* 6 *H.* 6. & *anno Domini*, 1427. containing Chapters 6.

Statutes made at Weſtminſter, *anno* 8 *H.* 6. & *an. Dom.* 1429. containing Chap. 29.

Stat. made at Weſtm. *anno* 9 *H.* 6. & *anno Dom.* 1430. containing Chap. 11.

Statutes made at Weſtm. *an.* 10 *H.* 6. & *an. Dom.* 1432. containing Chap. 7.

Statutes made at Weſtm. *an.* 11 *H.*6. & *an. Dom.* 1433. containing Chapters 16.

Statutes made at Weſtm. *anno* 14 *H.*6. & *anno Domini* 1435. containing Chapters 8.

Statutes made at Weſtminſter *anno* 15 *H.*6. & *an. Domini*, 1436. containing Chapters 8.

Statutes made at Weſtminſter *anno* 18 *H.* 6. & *anno Domini*, 1439. containing Chapters 19.

Statutes made at Weſtm. *anno* 20 *H.*6. & *an. Dom.* 1442. containing Chapters 12.

Statutes made at Weſtm. *an.* 23 *H.*6. & *an. Dom.* 1444. containing Chapters 18.

Stat. made at St. Edmonds Bury, *anno* 25 *H.* 6. & *an. Dom.* 1447.

Statutes made at Weſtm. *an.* 27 *H.*6. & *an. Dom.* 1448. containing Chap. 6.

Statutes made at VVeſtm. *an.* 28 *H.*6. & *an. Dom.* 1449. containing Chap. 5.

Statutes made at VVeſtm. *anno* 29 *H.* 6. & *anno Dom.* 1450. containing Chap. 3.

Statutes made at Reading, *anno* 31 *H.*6. & *anno Domini* 1452. containing Chapters 9.

Statutes made at VVeſtm. *anno* 33 *H.* 6. & *anno Dom.* 1455. containing Chap. 7.

Statutes made at Weſtminſter *anno* 39 *H.*6. & *anno Dom.* 1460. containing Chap. 2.

Tempore Edvvardi quarti,

Statutes made at Weſtminſter *Anno* 1 *Ed.*4. & *an. Domini* 1461. containing Chapters 2.

Stat. made at VVeſtm. *anno* 3 *Ed.*4. & *anno Domini*, 1463. containing Chapters 5.

Statutes made at Weſtm. *anno* 4 *Ed.* 4. & *anno Domini*, 1464. containing Chap. 10.

Statutes made at Weſtminſter *Anno* 7 *Ed.* 5. & *Anno Domini*, 1467. containing Chapters 5.

Stat. made at VVeſtminſter *anno* 8 *Ed.* 4. & *anno Domini* 1468. containing Chapters 4.

Statutes made at Weſtminſter *anno* 12 *Ed.*4. & *anno Domini*, 1472. containing Chapters 9.

Stat. made at VVeſtm. *an.* 14 *Ed.*4. & *an. Dom.* 1474. containing Chap. 4.

Stat. made at Weſtm. *anno* 17 *Ed.*4. & *anno Dom.* 1477. containing Chapters 7.

Stat. made at Weſtminſter *anno* 22 *Ed.*4. & *anno Dom.* 1482. containing Chapters 8.

Tempore Richardi tertii:

Statutes made at Weſtminſter, *Anno* 1 *Rich.* 3. & *Anno Domini*, 1483. containing Chapters 15.

Tempore Regis Henrici ſeptimi.

Statutes made at Weſtminſter, *anno* 1 *H.*7. & *anno Domini*, 1485. containing Chapters 10.

Statutes made at Weſtminſter, *anno* 3 *H.*7. & *anno Domini*, 1487. containing Chapters 14.

Statutes made at Weſtminſter, *anno* 4 *H.* 7. & *anno Domini*, 1488. containing Chapters 24.

Statutes made at Weſtminſter, *Anno* 7 *H.* 7. & *anno Domini*, 1492. containing Chapters 8.

Statutes made at Weſtminſter, *anno* 11 *H.*7. & *anno Domini*, 1495. containing Chapters 27.

Statutes made at Weſtminſter *anno* 12 *H.*7. & *an. Domini*, 1496. containing Chapters 7.

Stat. made at VVeſtm. *anno* 19 *H.*7. & *anno Domini*, 1503. containing Chapters 24.

A Digeſt of Parliaments.

Tempore Henrici octavi.

Statutes made at Weſtminſter *anno primo H.*8. *& Anno Domini*, 1509. containing Chapters 15.

Statutes made at VVeſtm. *anno* 3 *H.* 8. *& anno Domini*, 1511. containing Chapters 15.

Statutes made at Weſtminſter, *anno* 4 *H*.8.*& anno Domini*, 1512. containing Chapters 8.

Statutes made at Weſtminſter, *anno* 5 *H*.8.*& anno Domini*, 1513. containing Chapters 8.

Statutes made at Weſtminſter, *anno* 5 *H*.8.*& anno Domini*, 1514. containing Chapters 18.

Statutes made at Weſtminſter *anno* 7 *H*. 8. *& an. Dom.* 1515. containing Chapters 6.

Statutes made at London, *anno* 14 *&* 15 *H*.8. *& anno Domini*, 1523. containing Chapters 14.

Statutes made at London, *anno* 21 *H*.8. *& anno Dom.*1529. containing Chapters 21.

Statutes made at Weſtminſter, *anno* 22 *H*.8.*& an. Domini*, 1530. containing Chapters 16.

Statutes made at Weſtminſter, *anno* 23 *H*. 8. *& anno Domini*, 1531. containing Chapters 19.

Statutes made at Weſtminſter, *anno* 24 *H*. 8. *& anno Domini*, 1532. containing Chapters 13.

Stat. made at Weſtm. *Anno* 25 *H*. 8. *& anno Domini*, 1533. containing Chapters 22.

Statutes made at Weſtminſter, *anno* 26 *H*. 8. *& anno Dom.* 1534. containing Chapters 18.

Statutes made at Weſtminſter, *anno* 27 *H*. 8. *& anno Domini*, 1535. containing Chapters 28.

Statutes made at Weſtm. *anno* 28 *H*. 8. *& anno Domini*, 1536. containing Chapters 18.

Statutes made at Weſtminſter, *anno* 31 *H*. 8. *& anno Domini*, 1539. containing Chapters 14.

Statutes made at Weſtminſter *anno* 32 *H*. 8. *& anno Domini*, 1540. containing Chapters 39.

Statutes made at Weſtminſter *anno* 33 *H*. 8. *& Anno Domini*, 1541. containing Chapters 49.

Statutes made at VVeſtm. *anno* 34 *H*.8. *& anno Dom.*1542. containing Chapters 26.

Statutes made at Weſtminſter *anno* 35 *H*. 8. *& Anno Domini*, 1543. containing Chapters 18.

Statutes made at Weſtm. *anno* 37 *H*. 8. *& anno Domini*, 1545. containing Chapters 24.

Tempore Edwardi ſexti

Statutes made at Weſtminſter *anno* 1 *Ed*. 6. *& anno Domini*, 1547. containing Chapters 15.

Statutes made at Weſtm. *anno* 2 *Ed*. 6. *& anno Domini*, 1548. containing Chapters 39.

Statutes made at VVeſtm. *anno* 3 *Ed*.6. *& anno Domini*, 1549. containing Chapters 24.

Statutes made at Weſtminſter *anno* 5 *Ed*. 6. *& anno Domini*, 1551. containing Chapters 26.

Statutes made at VVeſtm. *anno* 7 *Ed*. 6. *& anno Domini*, 1552. containing Chapters 14.

Tempore Mariæ Reginæ.

Statutes made at Weſtminſter the firſt Seſſion of Parliament, *Anno* 1 *M*. *& Anno Domini* 1553.

Statutes made the ſecond Seſſion of Parliament at VVeſtminſter the ſame year, containing Chapters 18.

Statutes made at VVeſtm. the ſame year, *anno Domini*, 1554. containing Chapters 12.

Statutes made at VVeſtminſter, *Anno* 1 & 2 *Ph.* & *Mar. & anno Domini* 1555. conaining Chapters 17.

Statutes made at VVeſtminſter, *anno* 2 & 3 *Ph.* & *Mar. & anno Domini* 1555. containing Chapters 23.

Statutes made at Weſtm. *anno* 4 & 5 *Ph*. & *M*. *& anno Domini* 1557. containing Chapters 11.

Tempore Elizabethæ Reginæ.

Statutes made at VVeſtminſter *anno* 1 *Eliz. & anno Domini* 1558. containing Chapters 21.

Stat. made at Weſtm. *anno* 5 *Eliz. & anno Dom.* 1562. containing Chapters 31.

Statutes made at Weſtm. *anno* 8 *Eliz.& anno Domini* 1566. containing Chapters 19.

Statutes made at Weſtminſter, *Anno* 13 *Eliz. & anno Domini*, 1571. containing Chapters 28.

Statutes made at Weſtminſter, *anno* 14 *Eliz. & anno Domini*, 1572. containing Chapters 13.

Statutes made at Weſtminſter *anno* 18 *Eliz.& an. Domini*, 1575. containing Chapters 25.

Stat. made at VVeſtm. *anno* 23 *Eliz. & anno Domini*, 1581. containing Chapters 16.

Statutes made at Weſtminſter, *anno* 27 *Eliz.& anno Domini*, 1585. containing Chapters 30.

Statutes made at Weſtminſter, *anno* 28 *El. & anno Domini*, 1587. And according to the printed Book *anno* 29 *El*. containing Chapters 9.

Statutes made at Weſtminſter, *anno* 31 *El.& anno Domini*, 1589. containing Chapters 16.

Stat. made at VVeſtm. *anno* 35 *El. & anno Dom.* 1593. containing Chapters 14.

Statutes made at Weſtm. *anno* 39 *El. & anno Domini*, 1597. containing Chap. 28.

Statutes made at Weſtminſter *Anno* 43 *Eliz. & anno Domini*, 1601. containing Chapters 19.

Tempore Jacobi Regis

Statutes made at Weſtminſter *Anno* 1 *Jacobi, & Anno Domini*, 1683. containing Chapters 33.

Stat. made at VVeſtminſter *anno* 3 *Jacobi, & anno Domini* 1605. containing Chapters 27.

Statutes made at Weſtminſter *anno* 4 *Jacobi, & anno*

anno Domini, 1606. containing Chapters 13.

Stat. made at VVeſtm. *an.* 7 *Jacobi*, & *an. Dom.* 1609. containing Chapters 24.

Stat. made at Weſtm. *anno* 18 *Jacobi*, & *an. Dom.* 1621. containing Chapters 2.

Stat. made at Weſtminſter *anno* 21 *Jacobi*, & *anno Dom.* 1624. containing Chapters 35.

Tempore Caroli primi Regis.

Statutes made at Weſtminſter *Anno* 1 *Caroli* 1. & *anno Domini* 1625. containing Chapters 6.

Statutes made at VVeſtm. *an.* 3 *Car.* 1. & *anno Domini*, 1628. containing Chap. 7.

Statutes made at VVeſtm. *anno* 16 & 17 *Car.* 1. & *anno Dom.* 1640. containing Chap. 37.

Tempore Caroli Secundi Regis.

Statutes made at Weſtminſter, *Anno* 12 *Car.* 2. & *anno Domini*, 1660. containing Chapters 36.

Statutes made at VVeſtm. *anno* 13 *Car.* 2. & *anno Dom.* 1661. containing Chap. 15.

Statutes made at Weſtminſter the ſame year, containing Chapters 4.

Statutes made at Weſtminſter in his 14th year, *anno Domini* 1662. containing Chapters 33.

Statutes made at Weſtm. *anno* 15 *Car.* 2. *Regis*, & *anno Dom.* 1663. containing Chapters 17.

Statutes made at Weſtminſter in his Sixteenth year, & *anno Domini* 1664. containing Chapters 8.

Statutes made at Weſtminſter *anno* 16 & 17 *Car.* 2. *Regis*, & *anno Domini* 1664. & 1665. containing Chap. 11.

Statutes made at Oxford, *anno* 17 *Car.* 2. *Regis*, & *anno Domini*, 1665. containing Chapters 9.

Statutes made at Weſtminſter in his Eighteenth and Nineteenth years, being 1665. & 1666. containing Chap. 13.

Stat. made at Weſtminſter in his Twentieth year, being 1667. containing Chap. 8.

Statutes made at Weſtm. *anno* 22 *Car.* 2. *Regis*, & *anno Dom.* 1669. & 1670. containing Chapters 13.

MVSEVM
BRITAN
NICVM

A Catalogue of certain Ordinances, which amongſt other old Statutes in *Magna Charta*, are extant in the Latine and French Language, but not as yet Tranſlated and Printed in Engliſh, entituled, *viz.*

Compoſitio Menſurarum, An Ordinance for Meaſures.

Gonſuetudines Kantiæ, Cuſtomes of *Kent.*

Capitula Itineris, Articles of the Eire.

De Homagio Capiendo, Of receiving Homage.

Contra Vicecomites & Clericos, Againſt Sheriffs, and Clerks.

Capitula Eſcaetriæ, Articles of Eſcheatorſhip.

Juramentum Regis, la Serement del Roy.

Juramentum Epiſcoporum, The Oath of Biſhops.

Juramentum Conciliariorum Regis, The Oath of the Kings Councellors.

Juramentum Eſcaetorum, The Oath of Eſcheators.

Juramentum Vicecomitem, The Oath of Sheriffs.

Juramentum Majorum & Ballivorum, The Oath of Mayor and Bayliffs.

De dimiſsione denariorum, For changing of Money.

De Venditione Farina, For ſelling of Meal or Flower.

Abjuratio & Juramentum Latronum, The Abjurement and Oath of Theeves.

Statutum Walliæ, The Statute of *Wales.*

Statutum Exoniæ, de inquiſitione faciend. ſuper Coronatoribus, The Statute of Exeter, for making Enqueſt touching Coroners.

Articuli ſuper Statut. Exoniæ, Articles or Points upon the Statute of *Exeter.*

Statutum de Piſtoribus & Braſiatoribus, A Statute for Bakers and Brewers.

Statutum quod Vocatur Ragman de Juſtitiariis, &c. A Statute called, *Ragman touchant les Juſtices.*

Conſuetudines & Aſsiſa Foreſtæ, Cuſtoms, and the Aſſiſe of Foreſt.

Compoſitio de Ponderibus, Compoſition of Weights.

Statutum Armorum, A Statute of Arms.

Statutum de viſu Terræ, & Eſſon. de ſervitio Domini Regis, A Statute for view of Land, and eſſoine of the Kings Service.

Statutum Weſtmonaſterium le 4. *de Vicecomitibus*, A Statute of VVeſtminſter the fourth, touching Sheriffs.

Statuta de Moneta magnum, The great Statute of Money.

Statutum de Moneta parvum, The petit Statute of Money.

Articuli de Moneta, Articles concerning Money.

Ne quis occaſionetur pro reddit u Petri de Gaveſton, That none ſhould be moleſted for the return of *Pierce Gaveſton.*

Ne quis occaſionetur pro morte Petri de Gaveſton, That none ſhould be impeached for the death of *Pierce Gaveſton.*

Statutum Panis & Cerviſiæ, A Statute of Bread and Ale.

Statutum de Juſticiariis aſsignatis, A Statute of Juſtices aſſigned.

Compoſitio Ulnarum & Perticarum, A proportion of Elnes and Perches.

Litera Patens ſuper Priſis bonorum Cleri, Letters Patents touching the Prices of the goods of Clergymen.

Statutum de forma mittendi Extractas Scaccarii, A Statute for the manner of ſending forth the Eſtreats of the Exchequer.

Expoſitio vocabulorum, An Expoſition of words.

Exilium Hugonis Spencer, The baniſhment of *Hugh Spencer.*

Statutum de terris & tenementis non Amortizandis, A Statute againſt putting Lands and Tenements to *Mortmain.*

Aſſiſa Cerviſiæ, An Aſſiſe of Ale.

De Brevi de Inquiſitionibus concedendis de terris ad manum mortuam ponend. Of a Writ of Enqueſts granted, touching Lands put to *Mortmain.*

Statutum Regis Edw. 1. *de Judaiſmo*, A Statute of King *Edward* the firſt, touching Judaiſm.

De Catallis Felonum, concerning the goods of Felons.

Statutum de Tenentibus per legem Angliæ, A Statute touching the Tenants by the Courteſie of England.

Prohibitio formata de Statuto Articulorum Cleri, A Prohibition framed upon the Statute of the Articles of the Clergy.

Articuli & Sacramenta miniſtrorum Regis in Itinere Juſticiar. Articles and Oaths of the Kings Officers, Juſtices in Eyre.

FINIS.